


MEMORANDUM

October 4, 2016

TO: Transportation, Infrastructure, Energy & Environment Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

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

Category Change Requests

#	Applicant	Request	County Executive (CE)	Planning	Council	CE Staff Report	
			Recommendation	Board	Staff	Report	Maps
1	St. John Neumann Catholic Parish, 15-GWC-01A	PIF Request: Requesting public sewer in order to build support buildings on two properties near the existing church	Approve Sewer Request (S-1)	Concur with the County Executive	Defer (pending receipt of a concept plan from the applicant)	©10-11	©11-12
2	Ahmad Akbari, 16-OLN-02A	Requesting public water and sewer to build a new single family home	Approve Water Request (W-1). Maintain S-6 with future sewer approval (S-3) conditioned upon successful septic testing and the feasibility of providing sewer service without a main extension	Deny Sewer Request. Approve W-1 conditioned upon subdivision of a buildable lot	Defer (pending the outcome of septic testing on the site and an analysis of the environmental impacts of building on septic versus sewer)	©13-20	©18-19
3	Roxanne and Ted Smart, 09A-TRV-02	Glen Hills: Requesting public sewer to build a new single family home	Deny Sewer Request (Maintain S-6)	Defer, pending further review by WSSC and DEP of a potential non-abutting connection	Concur with the Planning Board (Defer)	©22-23	©24
4	Fiona Lau, 15-TRV-01A	Glen Hills: Requesting public sewer to build a new single family home	Deny Sewer Request (Maintain S-6)	Concur with the County Executive	Concur with the County Executive	©25-26	©27-28
5	Daniel & Leslie Geringer, 15-TRV-04A	Glen Hills: Requesting public sewer to serve the existing house	Approve Sewer Request (S-1; single-hookup only, per abutting mains policy)	Concur with the County Executive	Concur with the County Executive	©29-30	©31

On July 22, 2016, the Council received a package of five Water and Sewer Category Change requests from the County Executive (transmittal memorandum and Executive Staff report are attached beginning on ©C). A draft resolution was introduced on August 2 (attached on ©A-B) and a public hearing was held on September 27. Written testimony is attached on ©41-80.

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

List of Attachments

Council Resolution (introduced August 2, 2016)	©A-B
County Executive's Transmittal Letter (dated July 22, 2016)	©C-E
CE Staff Report	©F-31
• Water and Sewer Service Area Categories Table (description of each category)	©4
• Private Institutional Facilities (PIF) Policy	©5-6
• Glen Hills Study Area Water and Sewer Plan Amendment (March 8, 2016)	©7-9
Ten Year Water and Sewer Plan Excerpt – Abutting Mains Policy	©32-33
Planning Board Letter of June 23, 2015	©34-36
Planning Department Staff Report	©37-40
Public Hearing Testimony and Correspondence	©41-80

Category Change Process Overview

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

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

Planning Board Review

The Planning Board discussed these amendments on September 22, 2016 and concurred with the County Executive's recommendations with the exception of the Akbari and Smart requests. Its recommendations are summarized in the chart and described in the attached letter (©34-36).

For the Akbari request, the Board recommends denial (rather than conditional approval). For the Smart request, the Planning Board recommends the Council defer the request pending further review by DEP and WSSC of a possible non-abutting connection to serve the property.

The Planning Department Staff Report is attached (©37-40).¹

¹ The Planning Department concurred with the County Executive on the three Glen Hills requests (Deny Smart, Deny Lau, Approve Geringer) but differed on the St. John Neumann PIF request (recommending denial) and the Akbari request (also recommending denial).

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 (CE) Recommendation	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
1	St. John Neumann Catholic Parish, 15-GWC-01A	PIF Request: Requesting public sewer in order to build support buildings on two properties near the existing church	Approve Sewer Request (S-1)	Concur with the County Executive	Defer (pending receipt of a concept plan from the applicant)	©10-11	©11-12

This request involves two adjacent RE-2 zoned properties totaling 3.99 acres located on the northwest corner of the intersection of Warfield Road and Goshen Road. The applicant is seeking public sewer service in order to build a rectory, offices, religious education facilities, and parking for the St. John Neumann Catholic Church. The main church facility is located directly across Warfield Road from these properties. Public hearing testimony regarding this request is attached on ©78-80.

To serve the property, WSSC has noted that an on-site grinder pump and an estimated 900 foot long pressure sewer are needed. The system would be built as a dedicated system and could only provide service to the applicant. The pressure sewer would connect to an existing gravity main just south of the Warfield/Goshen Road intersection. The sewer extension would not abut any properties not already approved for sewer.

Public sewer service in the RE-2 zone is not consistent with general water and sewer service policies or master plan recommendations (Functional Master Plan for the Preservation of Agriculture and Rural Open Space (1980)). However, this request is consistent with the Private Institutional Facilities Policy (see ©5-6), which provides for consideration of sewer service to otherwise ineligible properties (such as RE-2 zoned properties) for non-profit organizations if the necessary water/sewer extensions would not open up service to other ineligible properties.² Two other places of worship on the east side of the Warfield/Goshen Road intersection previously received approvals via the PIF Policy.

In many prior PIF cases, the applicant has provided a concept plan as part of the request submitted to DEP. The Council has then included language in the approval resolution such as, "the preliminary plan to be considered by the Planning Board will conform substantially to the concept plan submitted by the applicant." However, in this case, DEP has noted that the applicant

² The County Executive is expected to transmit a comprehensive update to the Water and Sewer Plan this fall for Council review. The PIF Policy is likely to be one of a number of policy areas to be discussed.

did not submit a concept plan and that no subdivision process is likely required (since the two subject properties have already gone through subdivision).

Council Staff suggests that the Committee ask the applicant to provide a concept plan for review by the Council. This will better allow the Council to consider whether there are any site-related issues of concern. This approach would treat this PIF applicant similar to prior PIF applicants and would provide more information as to the likely scope of the build-out.

Both the County Executive and the Planning Board recommend approval of S-1 per the Private Institutional Facilities Policy. Council Staff recommends deferral pending receipt of a concept plan from the applicant.

#	Applicant	Request	County Executive (CE) Recommendation	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
2	Ahmad Akbari, 16-OLN-02A	Requesting public water and sewer to build a new single family home	Approve Water Request (W-1). Maintain S-6 with future sewer approval (S-3) conditioned upon successful septic testing and the feasibility of providing sewer service without a main extension	Deny Sewer Request. Approve W-1 conditioned upon subdivision of a buildable lot	Defer (pending the outcome of septic testing on the site and an analysis of the environmental impacts of building on septic versus sewer)	©13-20	©18-19

This 2.0 acre RE-2 zoned unimproved property is located on the south side of Old Baltimore Road near Covered Wagon Way in Olney. The applicant is seeking public water and sewer to build a new single-family home on the property. Public hearing testimony is attached on ©72-76.

The Executive Staff report notes the complicated back story for this property (see ©20). The property was originally part of a 4 acre parcel (combined with the property immediately to the north fronting Old Baltimore Road (see map on ©21). In 1984, this original parcel received a category change for a single hookup per the “abutting mains” policy. In 2000, the property was deeded into two 2-acre parcels.³ However, the property never went through a formal subdivision process, which is required for it to become a buildable lot. Another consequence of the lack of formal subdivision is that neither the Olney Master Plan nor the Water and Sewer Plan correctly reflected this “subdivision by deed” at the time the applicant purchased the parcel in May 2014. The deeding of property does not involve DEP or Park and Planning and there is currently no formal mechanism for these actions to trigger mapping updates in the Water and Sewer Plan.

When the applicant began the subdivision process (see preliminary plan on ©17), DEP staff became aware that the unimproved parcel (P631) was incorrectly identified as being in categories W-1 and S-3. DEP staff corrected the Water and Sewer Plan categories for this parcel in November 2015 (putting them back to W-6 and S-6). **Going forward, Council Staff recommends that DEP and Planning Department staff consider strategies to address this**

³ Planning Department staff use the term “illegal subdivision” in its Staff report to describe this process.

type of situation in the future (in which “subdivision by deed” or perhaps other property changes result in incorrect water/sewer categories reflected for certain properties).

Public water abuts the property along Old Baltimore Road. WSSC and DEP have identified three alternatives for providing sewer service to the property (see ©14).

Providing public water service to this property would be consistent with Water and Sewer Plan policies for providing water to “large lot areas.” Public sewer service in the RE-2 zone is not consistent with general water and sewer service policies or master plan recommendations (Olney Master Plan (2005)).

County Executive Recommendation: Approve W-1. With regard to public sewer, given the history of this property and the fact that the applicant reasonably assumed the property was already approved for public water and sewer (given its designation in the Master Plan and Water and Sewer Plan), the County Executive recommends conditional approval pending successful septic testing, and confirmation to DEP from WSSC and the Planning Department that public sewer service can be provided via a non-abutting sewer connection to the existing main located at 17141 Old Baltimore Road.

There is no specific policy in the Water and Sewer Plan that provides for the approval of public sewer to a property (which is otherwise ineligible for sewer) in situations where an applicant could build on septic. However, this approach has been utilized in the past on a case-by-case basis by the Council where there was found to be an environmental benefit to building on sewer rather than septic. In this particular case, neither the septic suitability nor the environmental comparison of septic versus sewer for the site is known at this time.

The Planning Board recommends denial of the sewer request, noting that neither the Olney Master Plan nor Water and Sewer Plan policies support providing sewer to the property. Water service is recommended for approval conditioned upon successful subdivision of the property into a buildable lot.

Council Staff recommends deferral of the request pending the outcome of septic testing on the site and (assuming building on septic is possible on the site) an analysis by DEP, WSSC, and Planning Department staff of the environmental impacts of building on septic versus sewer.

Glen Hills Requests

The following three requests involve properties in the Glen Hills Study Area. Per the Council’s earlier action this year on an amendment to the Water and Sewer Plan with regard to the Glen Hills Study Area (see ©7-9), RE-1 zoned properties in Glen Hills (as in the rest of the County) are presumed to be served by septic. Approvals for public sewer are limited to: abutting mains cases (see abutting mains policy on ©32-33), documented septic system failures, and public health problem areas identified by DEP.

#	Applicant	Request	County Executive (CE) Recommendation	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
3	Roxanne and Ted Smart, 09A-TRV-02	Glen Hills: Requesting public sewer to build a new single family home	Deny Sewer Request (Maintain S-6)	Defer, pending further review by WSSC and DEP of a potential non-abutting connection	Concur with the Planning Board (Defer)	©22-23	©24

This unimproved 1.61 acre RE-1 zoned property is located on Valley Drive at the intersection with Cleveland Drive in the Glen Hills area of Potomac. The applicant is seeking public sewer to build a single-family home. The property is already approved for public water. Public hearing testimony is attached on ©41-71.

Executive Recommendation: On ©22, Executive staff note that none of the conditions for sewer approval apply to this property and the Executive recommends denial of the request.

NOTE: Subsequent to the Executive recommendation, the applicant suggested the potential for a non-abutting connection to an existing main on Cleveland Road. DEP Staff have offered to work with the applicant to see if a non-abutting main connection acceptable to DEP (i.e., consistent with the abutting mains policy) and to WSSC is feasible.

The Planning Board recommended deferral of the request pending review of the potential for an acceptable non-abutting main connection.

Council Staff concurs with the Planning Board recommendation for deferral.

#	Applicant	Request	County Executive (CE) Recommendation	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
4	Fiona Lau, 15-TRV-01A	Glen Hills: Requesting public sewer to build a new single family home	Deny Sewer Request (Maintain S-6)	Concur with the County Executive	Concur with the County Executive	©25-26	©27-28
5	Daniel & Leslie Geringer, 15-TRV-04A	Glen Hills: Requesting public sewer to serve the existing house	Approve Sewer Request (S-1; single-hookup only, per abutting mains policy)	Concur with the County Executive	Concur with the County Executive	©29-30	©31

For these two cases (both involving vacant RE-1 zoned properties in Glen Hills), the County Executive, Planning Board, and Council Staff all concur:

- **Lau Request: Deny the sewer request as the subject property does not meet any of the conditions noted earlier for consideration for public sewer.**
- **Geringer Request: Approve a single hookup only, consistent with the abutting mains policy.**

Public hearing testimony related to these requests is attached on ©41-42.

Attachments

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by 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 July 22, 2016, the County Council received recommendations from the County Executive regarding five 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 September 27, 2016.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on October 6, 2016 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




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

July 22, 2016

TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, 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 five 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 five amendments are requests for individual water/sewer service area category changes.

The majority of the recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that these five cases have the potential to generate public testimony and worksession discussions.

Glen Hills Area Cases – WSCCRs 09A-TRV-02, 15-TRV-01A, and 15-TRV-04A

The County Council approved a new sewer service policy for the Glen Hills area under Resolution No. 18-423 on March 8, 2016. The County may now consider applications for sewer service area category change requests within the study area under the new policy. Three of the five requests included in this packet concern sewer category change applications for properties the Glen Hills Study area.

Two of these requests, WSCCRs 09A-TRV-02 (previously deferred) and 15-TRV-01A, both for new residential development on unimproved properties, present cases that do not allow for public sewer service under the new service policy. No existing or approved sewer mains abut either of these properties. As unimproved land, the owners cannot claim a public health problem from an existing, failed septic system. Neither property is part of a current Department of Environmental Protection (DEP) septic survey area. As such, both requests are recommended for denial. If conditions change in the future, the owners may file new requests.

The third Glen Hills area request, WSCCR 15-TRV-04A, does satisfy the abutting mains requirement for public sewer service under the new service policy. The Washington Suburban Sanitary Commission has verified that this property abuts an existing sewer main on Foxden Drive. This request is recommended for approval of sewer category S-1. Consistent with the Water and Sewer Plan's policies, sewer service will be restricted to a single sewer hookup only. A single-family house currently occupies this lot. Future Glen Hills cases involving the abutting mains policy will be recommended for consideration through the DEP's administrative delegation process.

**Private Institutional Facility (PIF) Case St. John Neumann Catholic Parish –
WSCCR 15-GWC-01A**

St. John Neumann Catholic Parish proposes to build a Rectory and office and classroom space on properties located across Warfield Road from the existing sanctuary. Although the sanctuary is located within the planned public sewer envelope, these properties—north of Warfield Road—are outside that envelope. The request, however, does satisfy the provisions of the Water and Sewer Plan's PIF service policy for not-for-profit institutions. In particular, and as required for a new facility under this policy, the planned sewer extension will only abut properties already approved for public sewer service. The request is recommended for approval of category S-3 restricted to a PIF use only. DEP will track the development process for this site to verify continued conformance with the PIF policy.

Property Created Without Subdivision Approval Case – WSCCR 16-OLN-02A

This category change application involves a property deeded off, not subdivided, from an existing parcel. The existing parcel is designated as categories W-1 and S-1, with service restricted to single service connections under the abutting main policy. Water and Sewer Plan category mapping incorrectly carried the existing, restricted W-1 and S-1 categories over to the newly deeded parcel. However, DEP has corrected that error, restoring the new parcel to categories W-6 and S-6. The water and sewer service connections allowed under the abutting mains policy approval were used for a house on the original parcel; another set of connections for a second property was neither anticipated nor allowed. Water and Sewer Plan policies do not allow for additional service connections for properties subdivided from properties with existing service connection restrictions.

The owner of the new parcel has requested category change approvals for public water and sewer service to build a new single-family house. The owner has also initiated a subdivision process to create a building lot from the deeded parcel, zoned RE-2. Public water service is now consistent with the Water and Sewer Plan's general service policies for large lot development and is recommended for approval. Public sewer service at this location is not consistent with Water and Sewer Plan service policies. However, it may be reasonable to allow public sewer service in this unique case if the proposed development could otherwise occur using an onsite septic system and if an existing, nearby sewer main can provide sewer service to the site without the need for a new main extension. The request for category S-1 is recommended for conditional approval pending the results

Nancy Floreen, President, County Council
July 22, 2016
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of septic system testing and pending the feasibility of providing a non-abutting sewer connection to allow service to the property.

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

DEP's schedule for the update of the *Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* is to bring the Executive Draft Plan to the Council for consideration in October 2016. DEP will coordinate the update with Council staff as this work proceeds.

IL:as

Attachment

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

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

County Executive's June 2016 Amendment Transmittal to the County Council

- **Five Water/Sewer Service Area Category Change Requests
(Including One Previously Deferred Request)**

**Prepared by
The Department of Environmental Protection**

Lisa Feldt, Director

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

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

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

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

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Private Institutional Facilities (PIF) Policy.....	Pgs. 5-6
CR 18-423 Excerpt – CPTA 16-CH1-01T: Glen Hills Sewer Service Policy	Pgs. 7-9

Executive Summary: Proposed Amendments and Recommendation

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Executive Recommendation & Policy Summary	Packet Page No.
WSCCR 15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington (for St. John Neumann Catholic Parish) <ul style="list-style-type: none"> 20710 Goshen Rd. & 9001 Warfield Rd., Gaithersburg Goshen - Woodfield - Cedar Grove P.A. Agriculture & Rural Open Space Pres. MP RE-2 Zone; 3.99 ac. (total) Planned Use: support buildings for a place of worship – Rectory, offices, religious education 	W-1 (No change) S-6 to S-3	Approve S-3, restricted to use by a private institutional facility (PIF) only. Properties zoned RE-2 are generally considered as ineligible for public sewer service. However, this site can be considered for sewer service under the Water and Sewer Plan's PIF policy. The user qualifies as a PIF use. The sewer extension needed to provide service will not abut any other properties not otherwise eligible for public sewer service.	Report: Pgs. 10-11 Maps: Pgs. 11-12
16-OLN-02A: Ahmad Akbari <ul style="list-style-type: none"> 17131 Old Baltimore Rd., Olney Olney P.A. Olney MP RE-2 Zone; 2.00 ac. Planned Use: one new single-family house 	W-6* to W-1 S-6* to S-1 *Ineligible to use the abutting mains policy	Approve W-1. Maintain S-6, with approval for S-3 conditioned on successful septic system testing and the feasibility of providing sewer service without the need for a new sewer main extension. (Refer to the detailed recommendation on page 13.) Public water service is consistent with large-lot service policies. Public sewer service in the RE-2 Zone is not consistent with either Water and Sewer Plan policies or with master plan recommendations. However, if the proposed development can proceed using an onsite septic system, and if public sewer service can be provided by a non-abutting connection to an existing sewer main, it may be reasonable to allow public sewer service.	Report: Pgs. 13-15 Plans: Pgs. 16-17 Maps: Pgs. 18-19 Background Information: Pgs. 20-21
WSCCR 09A-TRV-02: Roxanne and Ted Smart <ul style="list-style-type: none"> 13101 Valley Dr., Rockville Travilah P.A. Potomac Subregion MP RE-1 Zone; 1.61 acres Planned use: one new single-family house 	W-1 (no change) S-6 to S-3	Deny S-3, maintaining S-6. The study is completed and the Council has acted on sewer service policy changes. None of the sewer service policy changes, recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.	Report: Pgs. 22-23 Map: Pg. 24

***PREVIOUSLY DEFERRED REQUEST: County Council Action (CR 17-217, 7/19/11)**

Defer action on the request for category S-3 pending the results of DEP's work on the Glen Hills sanitary study.

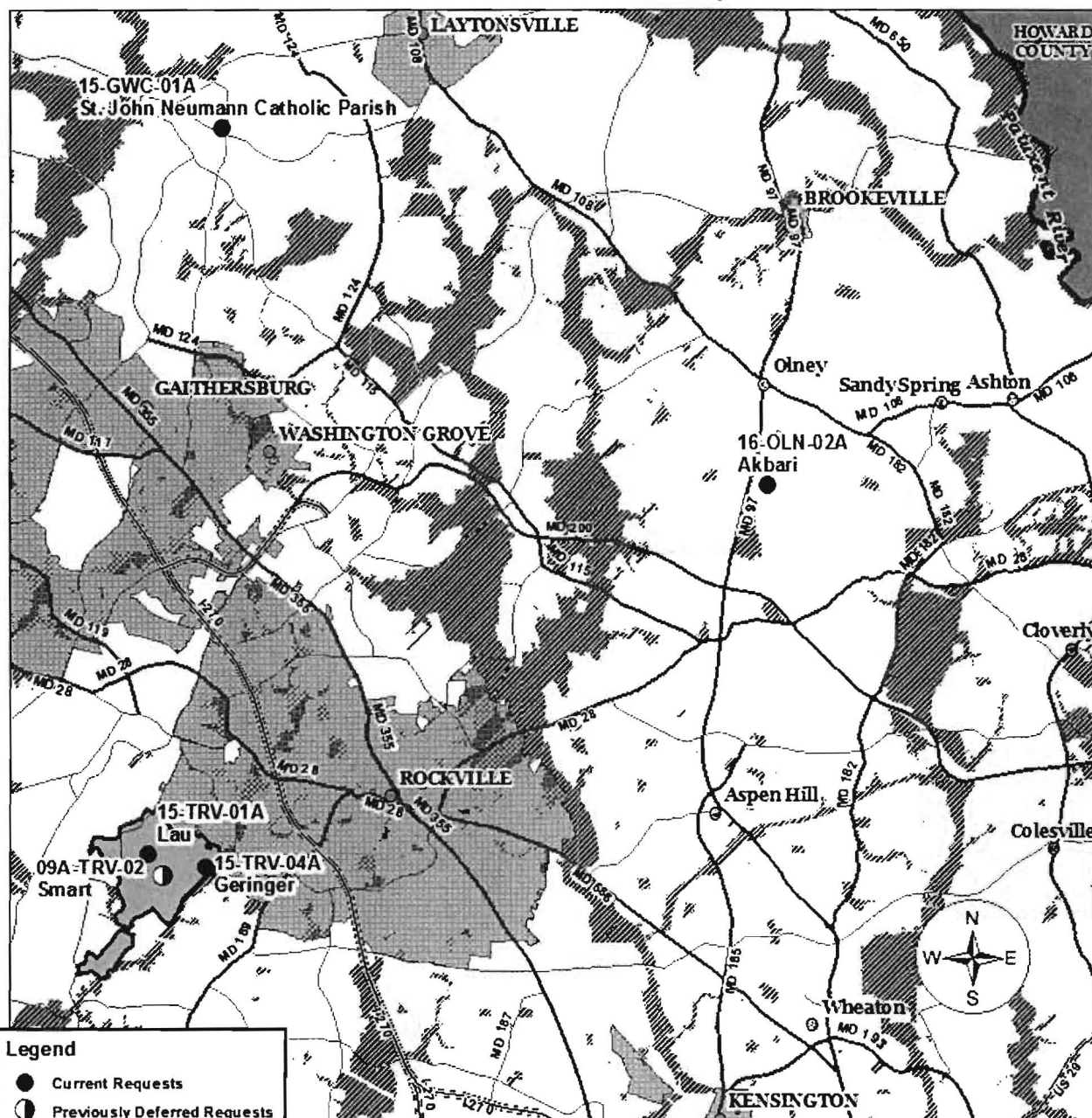
COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

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Executive Summary: Proposed Amendments and Recommendation

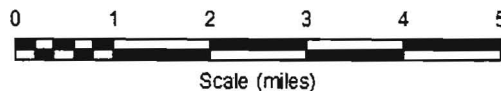
Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Executive Recommendation & Policy Summary	Packet Page No.
WSSCR 15-TRV-01A: Fiona Lau <ul style="list-style-type: none"> • 9708 Sunset Dr., Rockville • Travilah P.A. Potomac Subregion MP • RE-1 Zone; 0.99 ac. • Planned Use: one new single-family house 	W-1 (no change) S-6 to S-3	Deny S-3, maintaining S-6. None of the sewer service policy changes, recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.	Report: Pgs. 25-26 Maps: Pgs. 27-28
WSSCR 15-TRV-04A: Daniel & Leslie Geringer <ul style="list-style-type: none"> • 13005 Foxden Dr., Rockville • Travilah P.A. Potomac Subregion MP • RE-1 Zone; 1.47 ac. • Planned use: sewer service for the existing house 	W-3 (No change) S-6 to S-1	Approve S-1, restricted to a single sewer hookup only (abutting mains policy). The sewer service policy changes, recently approved by the County Council for the Glen Hills study area affects the change the availability of sewer service for this property. The lot abuts an existing sewer main and qualifies for a single sewer hookup only under the "abutting mains" policy.	Report: Pgs. 29-303 Map: Page 31

County Council Packet Transmittal: Category Change Amendments Locator Water and Sewer Plan Map



Legend

- Current Requests
- Previously Deferred Requests
- Localities
- Major Roads & Highways
- County Roads
- State Roads & Highways
- US Highways & Interstates
- Glen Hills Study Area
- Municipalities
- Parks



Montgomery County, Maryland
 2016 Comprehensive Water Supply
 and Sewerage Systems Plan



WATER & WASTEWATER POLICY GROUP

5/24/16

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

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

Water and Sewer Service Area Categories Table

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

Private Institutional Facilities Policy (Chapter 1, Section II.E.4.)
2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Excerpt

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

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

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

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

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

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

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

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

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

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

of community service is a more reasonable alternative to a replacement of the failed on-site system, either by 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.

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Council Resolution No. 18-423 (March 8, 2016) – Attachment A: Pg. 1/3

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment**

Introduction

On March 30, 2015, the County Executive transmitted recommendations to the County Council for sewer service policies for the Glen Hills Study Area. The service recommendations were based on the results of the Glen Hills Area Sanitary Study, which was undertaken by the Department of Environmental Protection as recommended in the 2002 Potomac Subregion Master Plan.

The Executive subsequently transmitted a Water and Sewer Plan text amendment to the Council on June 2, 2015. The proposed text amendment converted the March 2015 sewer service policy recommendations into the format of policy language for the Water and Sewer Plan text. It revises existing language addressing the Glen Hills Neighborhoods found in Chapter 1, Section II.E.1., Table 1-T3: Special Master Plan Water and Sewer Service Recommendations.

Introductory language for the text amendment begins below. Table 1-T3 is shown starting at the bottom of page 1/3 through page 3/3; only that part of the table addressing the Glen Hills area is included in the amendment. A reference map of the study area is provided on Attachment B.

CPTA 15-CH1-01T

CHAPTER 1: Objective and Policies

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.

1. Master Plan Recommended Exceptions – The preceding sections discussing general water and sewer service policies noted that local area master plans may recommend exceptions to those general service policies. In order to implement specific development and land use strategies, a master plan may recommend policies for community water and/or sewer service which can be either less restrictive or more restrictive than this Plan's general service policies. When a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general policies. DEP staff coordinate closely with M-NCPPC staff with regard to the water and sewer service recommendations developed in local area master plans.

These exceptional recommendations are, of necessity, scattered throughout the County's various local area master plans. The following table is intended to consolidate and summarize these recommendations into convenient format and to make them part of this Plan. For additional information concerning these issues, please refer to the master plans cited below.

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
Potomac Subregion Master Plan (2002)	
Glen Hills Study Area [Neighborhoods (as defined in the 2002 master plan.)]	[The master plan recommends that only documented public health problems shall be justification for the approval of sewer service area category changes within this area, pending the completion of an area-wide sanitary survey by DPS and DEP.] <u>The 2002 Potomac Subregion Master Plan recommended new community sewer service be limited only to documented public health problems pending the completion of an area-wide sanitary survey by DPS and DEP.</u> <u>With the master plan-requested study completed in 2014, the following service policies apply to the Glen Hills Study Area:</u>

Amendment Mark Up Legend: [Bracketed Text]: Deletions from existing plan text
Underscored Text: Additions to existing plan text
Double Underscored Text: Additions to recommended amendment

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Council Resolution No. 18-423 (March 8, 2016) – Attachment A: Pg. 2/3

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
 Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
	<ul style="list-style-type: none"> Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone. Community sewer service can be considered only under the following conditions for: <ul style="list-style-type: none"> Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.B.5.b. and II.E.2.). Properties included within a specifically designated public health problem area (Sections II.B.5.a. and II.E.2.). The sanitary survey process used to establish these areas is outlined below. Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.E.3.a.) Properties within the study area and within the Piney Branch subwatershed that satisfy the requirements for community sewer service under the Piney Branch restricted sewer service policy (Section II.E.12.b.). <p>Applicants shall not use the provision for a single sewer hook-up to support subdivision or resubdivision of these properties into more than one lot.</p> <p><u>Glen Hills Sanitary Surveys Overview</u></p> <p><u>A property owner or a group of owners that have septic system concerns notifies DEP of their interest in having a sanitary survey conducted. Valid concerns for studying a potential health problem area include, but are not limited to¹:</u></p> <ul style="list-style-type: none"> <u>A failed septic system that cannot be addressed by DPS using a conventional replacement system (deep trench, shallow trench, or sand mound).</u> <u>An existing septic system permitted before 1975 and/or installed using septic technology no longer allowed under State and County regulations (seepage pit, dry well, etc.).</u> <u>A known limitation affecting future septic system use, as verified by DPS. For example, properties where DPS has acknowledged that either only one or no future replacement systems are feasible.</u> <p>¹ <u>Unimproved properties, individually, having no septic system suitability do not have sufficient justification to initiate a sanitary survey. However, septic suitability conditions affecting unimproved properties may be considered if they are included in a survey area.</u></p> <p><u>The following criteria apply to the prioritization of Glen Hills area sanitary surveys by DEP:</u></p> <ul style="list-style-type: none"> Higher priority: Properties within or adjacent to

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Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
 Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
	<p><u>established Review Areas (RA) from the Glen Hills Study reports, and other properties with documented septic problems.</u></p> <ul style="list-style-type: none"> • <u>Lower priority: Properties outside the RAs, except as noted above.</u> <p><u>Because the 2014 Glen Hills Area Sanitary Study has already generated substantial background information on existing conditions in these neighborhoods, only a brief review of DPS permit records, soil conditions, and regulatory constraints will be needed. This will help to put Glen Hills area sanitary surveys on a faster track than could be accomplished in other areas of the county that lack this existing background information. DEP estimates that sanitary surveys for "higher priority" areas of Glen Hills will take approximately 90 days.</u></p> <p><u>DEP, working with DPS and study applicants, will establish the extent of the sanitary survey area.</u></p> <p><u>With an established survey area, DPS will conduct property surveys and WSSC will consider main extension needs. DEP will consider the survey results and prepare a recommendation for the County Executive's consideration. A review by the Executive is typically accomplished within two (2) weeks, once he receives DEP's recommendations. The Executive's recommendations will then be transmitted to the County Council. The goal for "higher priority" areas is to complete this process, from an established study area to the CE's transmittal, within three (3) months. (Lower priority area surveys may take longer to complete.)</u></p> <p><u>An action to designate a health problem area and approve sewer category S-3 is an amendment to the County's CWSP. Council consideration and action on a Plan amendment typically takes between 2-1/2 and 3 months. Accordingly, this process is expected to take six (6) months from establishing a study area to a final action by the County Council.</u></p> <p><u>Owners of properties approved for public sewer service (sewer category S-3) under this process can then apply to WSSC to start the sewer design and construction process. Any owner whose property is included in the Council's designated health problem area may apply to WSSC for public sewer service.</u></p>

End of CPTA 15-CH1-01T-revised

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Request #1

WSSCR 15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington
(for St. John Neumann Catholic Parish)

County Executive's Recommendation: Approve S-3, restricted to use by a private institutional facility only.

Anticipated Action Path: County Council							
Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> 20710 Goshen Rd. & 9001 Warfield Rd., Gaithersburg Lots 19 & 20, Block A, Goshen Estates (acct. nos. 00012598 & 00012587) Map tile: WSSC – 228NW09; MD – FU563 Northeast corner, intersection of Goshen Rd. and Warfield Rd. RE-2 Zone; 3.99 ac. (total) Goshen – Woodfield – Cedar Grove Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980) Upper Great Seneca Creek Watershed (MDE Use I) <u>Existing use</u>: two existing single-family houses (Lot 20 built 1963) <u>Proposed use</u>: place of worship – Rectory, church offices & religious education facilities 	<table border="1"> <thead> <tr> <th>Existing –</th><th>Requested – Service Area Categories</th></tr> </thead> <tbody> <tr> <td>W-1</td><td>W-1 (No Change)</td></tr> <tr> <td>S-6</td><td>S-1</td></tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"Saint John Neumann Church has a worship facility located to the south of the subject properties, at 9000 Warfield Road, they have acquired the subject properties and are planning to redevelop these lots under the land use 'Religious Assembly'. The redevelopment of the property will be done in phases, improvements will include new buildings for a Rectory, Church Offices, Religious Education as well as parking facilities."</p>	Existing –	Requested – Service Area Categories	W-1	W-1 (No Change)	S-6	S-1
Existing –	Requested – Service Area Categories						
W-1	W-1 (No Change)						
S-6	S-1						

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to provide public sewer service for auxiliary buildings (rectory, offices, etc.) for the St. John Neumann Catholic Parish. The site, consisting of two existing lots, is located across Warfield Rd. from the existing church sanctuary. This site is also located outside of the planned public sewer service envelope on land zoned RE-2. M-NCPPC has noted that public sewer service is not recommended in the relevant master plan. Although public sewer service is neither planned nor recommended here, such service can be considered under the "Private Institutional Facilities" (PIF) policy. The church qualifies as a non-profit, PIF use. Two other places of worship located nearby outside the planned sewer service envelope, Gaithersburg Church of the Nazarene and Potomac Charismatic Community, have been approved for public service under the provisions of the PIF policy.

The PIF policy requires that any needed sewer main extensions cannot abut properties not otherwise entitled to public service. The only other properties that would abut the needed main extension are already designated as sewer category S-1. (See the map on page 12.) The site confronts the sewer envelope across Warfield Rd. (see page 11). WSSC has advised that sewer service will require a dedicated low-pressure main extension of up to 900 feet to an existing gravity sewer main at the back (south side) of the church's property, south of Warfield Rd. WSSC policies will require that this main extension be dedicated to the church's use only; no other user will be allowed. Public sewer service will require the use of an on-site grinder pump.

Agency Review Comments

DPS: No comments.

M-NCPPC – Planning Dept.: The 1980 *Master Plan for Preservation of Agricultural and Rural Open Space* does not support public sewer for this area. Recommendation: Deny S-1

M-NCPPC – Parks Planning: No park impacts.

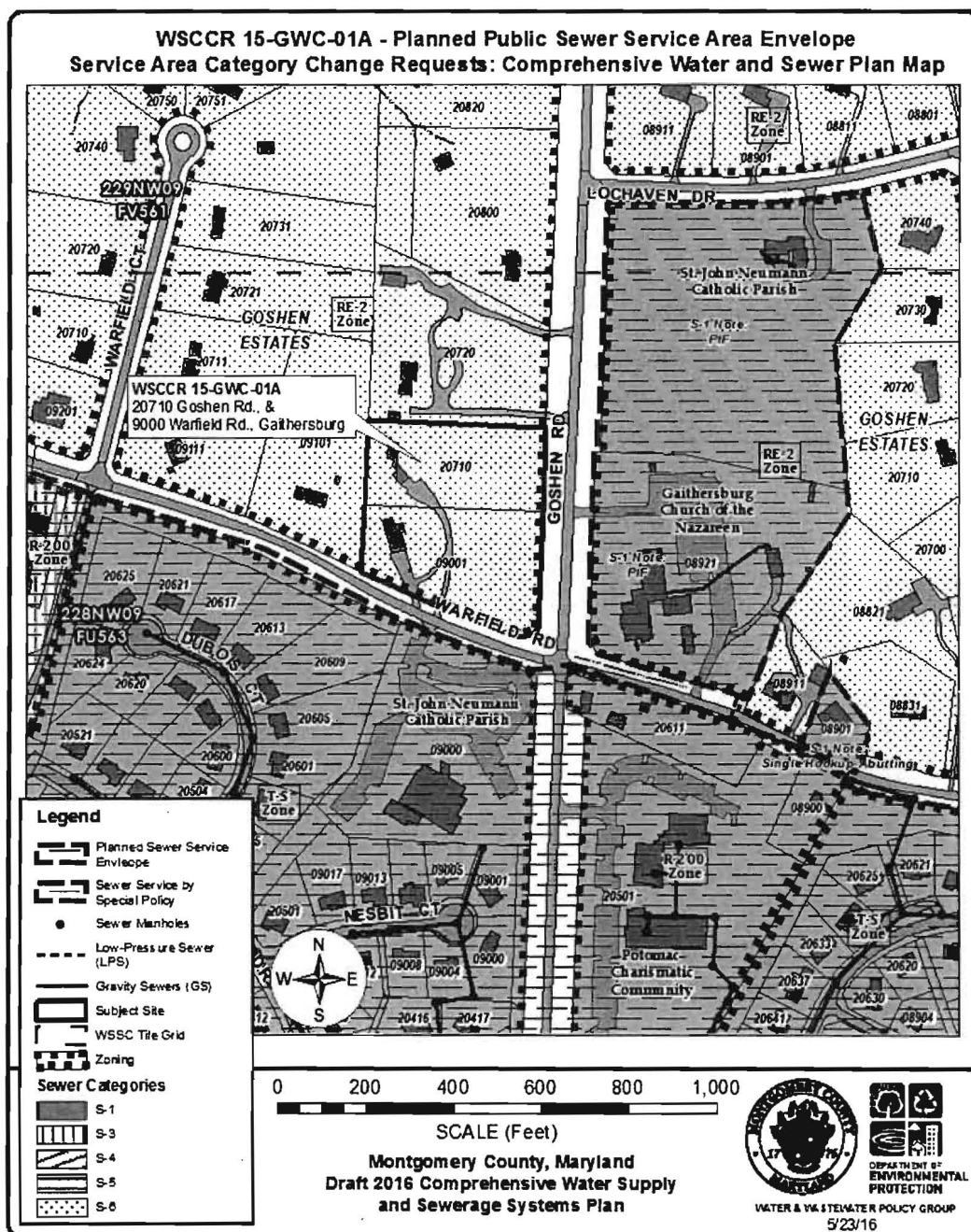
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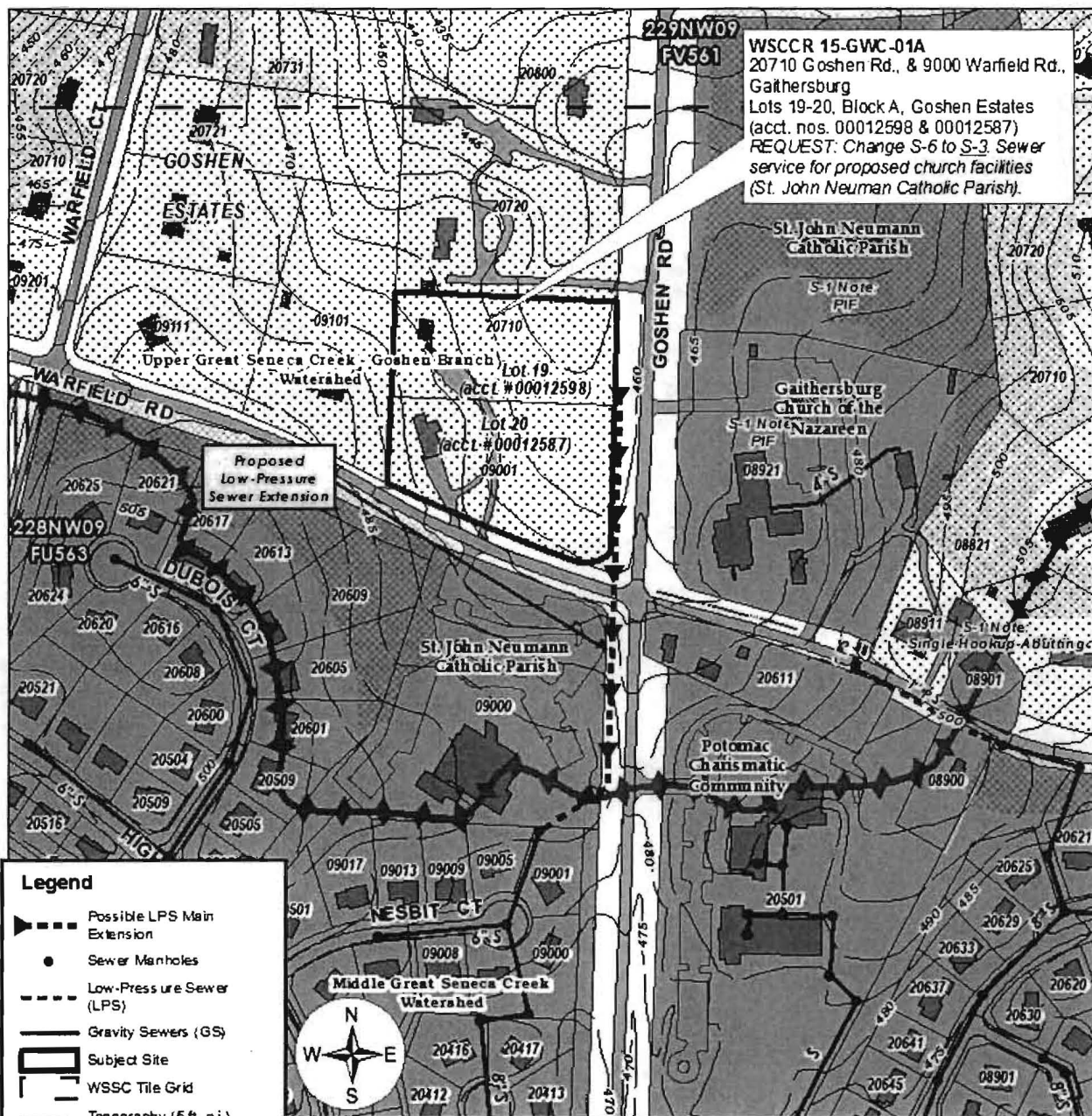
WSSC - Water: (Not requested)

WSSC - Sewer: Basin: Seneca Creek. An "on-site" wastewater pumping facility and 900-foot-long pressure sewer is required to serve the property. The system would need to be built as a dedicated system, and could only provide service to the Applicant. The pressure-sewer would connect to an existing gravity sewer (contract 78-3901B) just south of the St John Neumann property located on the southwest corner of the Goshen and Warfield RD intersection. An easement may be required, depending on property ownership. Construction of the pressure sewer line may involve the removal of trees. Because of the limited information provided with respect to the size of the proposed eldercare-assisted-living facility and other facilities, more information cannot be provided at this time concerning the size and scope of the "on-site" wastewater pumping facility & pressure-sewer extension. Average wastewater flow from the proposed development: 2,000 GPD (approximate). Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.



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**WSSCR 15-GWC-01A (Cardinal Donald Wuerl for St. John Neumann Catholic Parish)
 Service Area Category Change Requests: Comprehensive Water and Sewer Plan Map**



WSSCR 16-OLN-02A: Ahmad Akbari

County Executive's Recommendation: Approve W-1. Maintain S-6, with a final approval action for S-3 conditioned on the following:

- Confirmation to DEP from DPS that septic system testing results for the property will allow for construction of the applicant's proposed single-family house.
- Confirmation to DEP from WSSC and M-NCPPC that public sewer service can be provided via a non-abutting sewer connection to the existing main located at 17141 Old Baltimore Rd.

The applicant's inability to satisfy these requirements will result in a final action that denies this request.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> • 17131 Old Baltimore Rd., Olney • Parcel P361, Charles & Benjamin (acct. no. 03316277) • Map tile: WSSC – 223NW03; MD – HT51 • South side of Old Baltimore Rd., east of and opposite Menden Farm Dr. • RE-2 Zone; (2.00 acres) • Olney Planning Area Olney Master Plan (2005) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use:</u> vacant, wooded <u>Proposed use:</u> one new single-family house; plan no. 120150210 "Akbari Residence" 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6* W-1 S-6* S-1</p> <p><i>*Ineligible for service under the abutting mains policy.</i></p> <p><u>Applicant's Explanation</u></p> <p>"I thought I had public water and sewer connections but found out from DEP that I don't. We are going through subdivision process and we went far in that route, really need this category change."</p>

Executive Staff Report

The applicants have requested a change from water and sewer categories W-6 and S-6 to W-1 and S-1 for the purpose of constructing a single-family house. This existing property, Parcel P631, also needs to be established as a building lot through the subdivision process. The subdivision plan (see page 17), currently based on the use of public water and sewer service, cannot proceed to the Planning Board until the service area category change issues are addressed. The designation of this property as categories W-6 and S-6 has a complicated background owing to category change actions dating back to 1984. A background summary starts on page 20.

Approval of category W-1 for the use of public water service for this property is recommended. Category W-1 is consistent with Water and Sewer Plan policies for service to large-lot areas, such as this, zoned RE-2. An existing 12"-diameter water main abuts the property along Old Baltimore Rd. However, it is not clear whether the approval of category W-1 for public water service, without the provision of public sewer service, will allow the construction of the proposed single-family house.

Public sewer service for an RE-2-zoned property is not consistent with the County's general sewer service policies. Neither does any special service policy (abutting mains, health problem, etc.) apply in this case. Under the existing S-6 sewer category, this project would need to have the proposed house served by an onsite septic system. However, the ability of this property to support a septic system for a single-family house is not known at this time since the property has not been tested and therefore is not approved for development.

Despite the existing service policies, it may be reasonable to consider the approval of public sewer service for this property under the following conditions:

- The proposed development can otherwise occur using a septic system.
- Public sewer service can be provided without the need for a new sewer main extension by providing a non-abutting sewer connection to the existing main at 17141 Old Baltimore Rd. This will require the

concurrence of DEP, WSSC (non-abutting connection approval), and M-NCPPC (preliminary plan review).

The applicant's earliest opportunity to start the septic testing process will be in late winter or early spring of 2017 with the next cycle of water table testing conducted by DPS. Successful water table testing results will allow the applicant to then conduct percolation testing. Avoiding new sewer main construction in this RE-2-zoned area reduces the possibility of additional development density. WSSC will need to approve the use of a non-abutting sewer connection for this project. M-NCPPC will need to concur with the feasibility of an offsite sewer hookup across 17133 Old Baltimore Rd. through the subdivision process for the proposed building lot. If septic testing is successful, and if a non-abutting sewer connection can be provided, then approval of sewer category S-1 should move forward. If the testing is not successful, or if the non-abutting sewer connection is not feasible, then the request for S-1 should be denied since sewer service approval would promote development that otherwise could not occur.

M-NCPPC Planning staff oppose the provision of public sewer service, arguing that:

- It is not consistent with the master plan or the RE-2 zoning.
- The creation of two parcels by deed does not create a legal subdivision because the purpose was to create a property intended for development, not agricultural uses.
- The master plan's failure to recognize the creation of the second parcel outside the legal subdivision process does not justify allowing public service.

WSSC and DEP identified three alternatives for providing sewer service to the property. WSSC has not expressed a preference for any of these alternatives.

- The applicant has proposed to use an existing sewer hookup easement crossing the adjacent property at 17141 Old Baltimore Rd. to reach an existing sewer main, WSSC's second alternative. (The recorded easement is shown on page 16.) This type of arrangement was used previously to provide sewer service to 17133 Old Baltimore Rd. The Water and Sewer Plan's "abutting mains" policy no longer allows the use of an easement to reach an existing main. M-NCPPC staff oppose this option due to the potential impact of sewer construction high priority forest and the 125-foot buffer of a headwater stream.
- WSSC's sewer extension alternative involves a new 900-foot sewer main east along Old Baltimore Rd. and Covered Wagon Way to connect with an existing 8-inch sewer in Covered Wagon Way (contract no. 82-5352A). The extension would abut as many as four additional properties, all designated a sewer category S-1. On-site pumping would be required on the applicant's property to reach the proposed gravity sewer in Old Baltimore Rd.

Agency Review Comments

DPS: To date no septic testing has been undertaken for this property.

M-NCPPC – Area 3 Planning:

This RE-2-zoned, forested property is located in the Southeast Quadrant of the Olney Master Plan area and within the headwaters of Northwest Branch. As a single 4.0-acre un-platted property in the 1980's this parcel had a single-family house on it that was granted a single sewer hookup under the abutting mains policy. The property owner subsequently divided the property by deed into two separate 2.0 acre parcels: one with the existing home, the other unimproved. The new owner of the unimproved parcel now seeks preliminary plan approval to create a buildable lot from the unimproved 2.0-acre parcel. Under the category change process, the owner seeks a sewer service connection across a neighboring property via an easement that passes through high priority forest and the 125-foot stream buffer of a headwater stream.

Under strict interpretation of the Ten-Year Water Supply and Sewerage Systems Plan this property is not eligible for sewer service due to the low density RE-2 zone and the fact that there is no sewer main abutting this parcel. The 2005 Olney Master Plan directed that "community sewer service in the planning area generally [be extended] in conformance with Water and Sewer Plan service policies. This generally will exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of existing sewer mains." The plan further elaborates that, "In lower density wedge areas, sewer is generally provided only

where cluster zoning categories or affordable housing are specifically recommended in the master plan and the developer proposes cluster development."

The original 4.0-acre parcel was shown to be within the sewer service envelope of the Master Plan because a single sewer hookup had already been extended to the parcel and the home that was built on the parcel. The division of that 4.0-acre parcel into two smaller properties was not recognized by the 2006 Olney Master Plan which continued to show the entire 4.0 acres within the recommended envelope with the existing single hookup. The failure of the Master Plan to recognize the illegal subdivision of the property by deed should not be used to justify an additional extension of sewer service to the vacant parcel.

Clarifying, follow up commentary from M-NCPPC Area 3 Planning:

The phrase "illegal subdivision" is a term used by the Planning Department that could be more accurately described as: *a division, by deed only, of land not intended to remain exclusively in agricultural use (See exceptions to platting 50-9(a)(1)).* The division of land by deed for any other purpose than to reconfigure land that will remain in agricultural use is in conflict with Section 50-7 and 50-8 of the Subdivision Regulations.

It is Planning Staffs' opinion that the division of the original 4.0-acre parcel into two, \pm 2.0 acre parcels was done so that the resulting parcels were configured in such a way that they would meet zoning and subdivision requirements. Subsequent to this division by deed, the vacant parcel was sold, or is the subject of a sale to a Mr. Akbari, and that Mr. Akbari now seeks to develop the vacant 2.0-acre parcel. Mr. Akbari understands that he must record a plat for the parcel through the subdivision process prior to issuance of a building permit. Planning Staff is currently reviewing said subdivision application and, aside from the water and sewer discussion, there are other issues with the ability of the subject property to meet all zoning and subdivision requirements, notwithstanding the best intentions and efforts of the former property owner who divided the property by deed. The property must also have adequate water supply and sanitary facilities, hence the application for category change.

So to conclude ... the division of the 4.0-acre parcel *by deed alone* was not a legal subdivision of land for purposes of development. It does not appear to have been done for the express reason of dividing agricultural land, rather, it is reasonable to conclude that it was an attempt to create a vacant parcel with the intent to sell and develop it in the future.

M-NCPPC – Parks Planning: No park impacts.

WSSC-Water: Water pressure zone: *(not provided)*. A 12-inch water line in Old Baltimore Rd. abuts the property (contract no. 82-5352A). Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

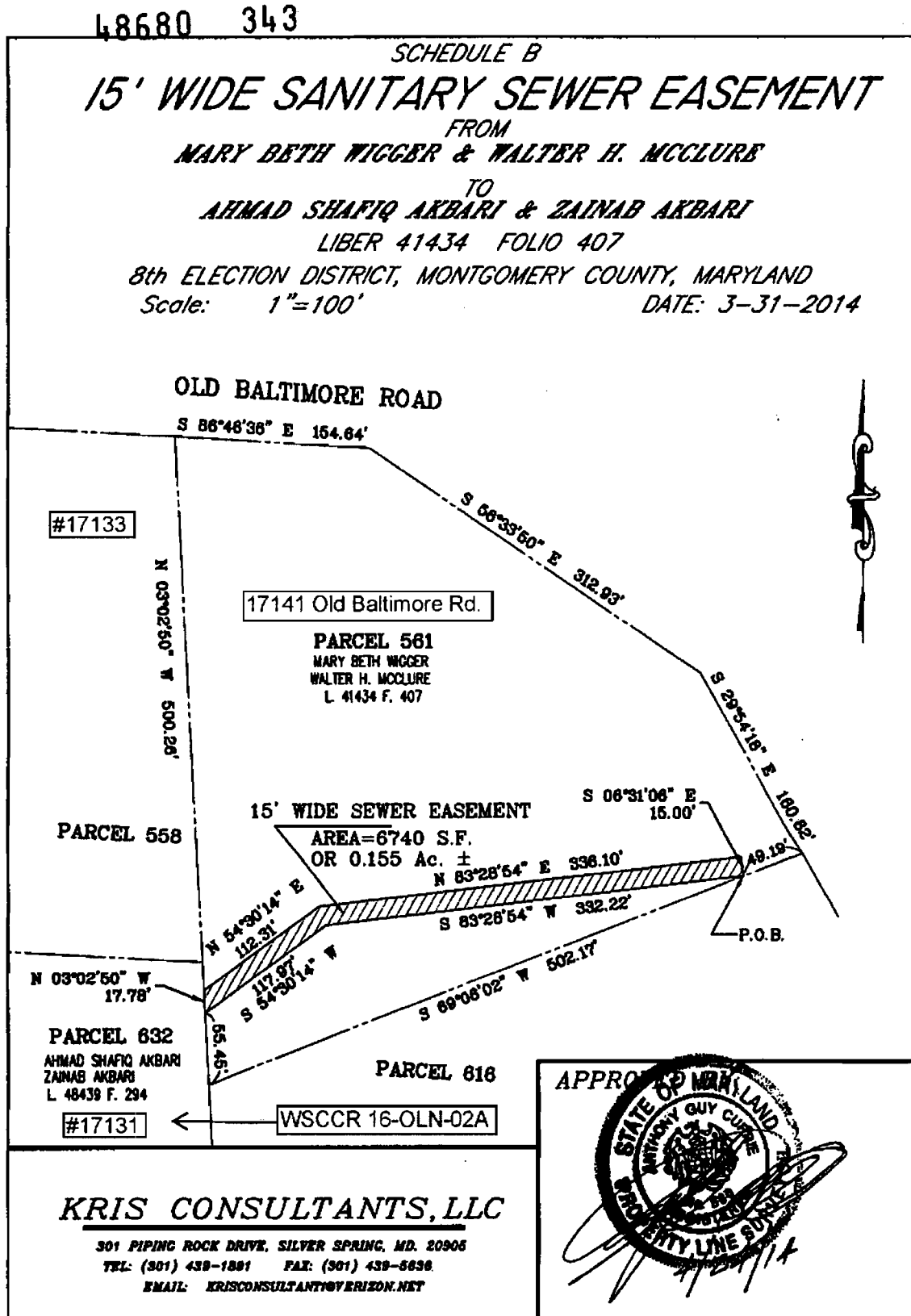
WSSC-Sewer: There are 2 alternatives that could potentially be employed to extend sewer service to the Applicant's property.**

- For the 1st alternative, a 900-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would connect to an existing 8-inch sewer in Covered Wagon Way (contract no. 82-5352A) and extend to the west along Covered Wagon Way and Old Baltimore Rd. The extension would abut approximately 4 properties in addition to the applicant's. On-site pumping would be required from the Applicant's property up to the proposed gravity sewer in Old Baltimore Rd.
- For the 2nd alternative, as proposed by the Applicant, and subject to approval by Montgomery County, a non-abutting sewer house connection could possibly be used for service to the subject property. The sewer house connection would extend from the Applicant's property through an easement across 17141 Old Baltimore Rd. and connect to the existing sewer built under contract 84-6278A. In the event that a gravity sewer connection cannot be employed, then the Applicant would be required to use an on-site wastewater pumping system. The Applicant would be required to apply to WSSC for a non-abutting sewer house connection. Because of the county sewer service policy currently in effect, the Applicant would need to obtain approval from Montgomery County in order to receive service via this alignment.

****Only if this category change request application is approved.**

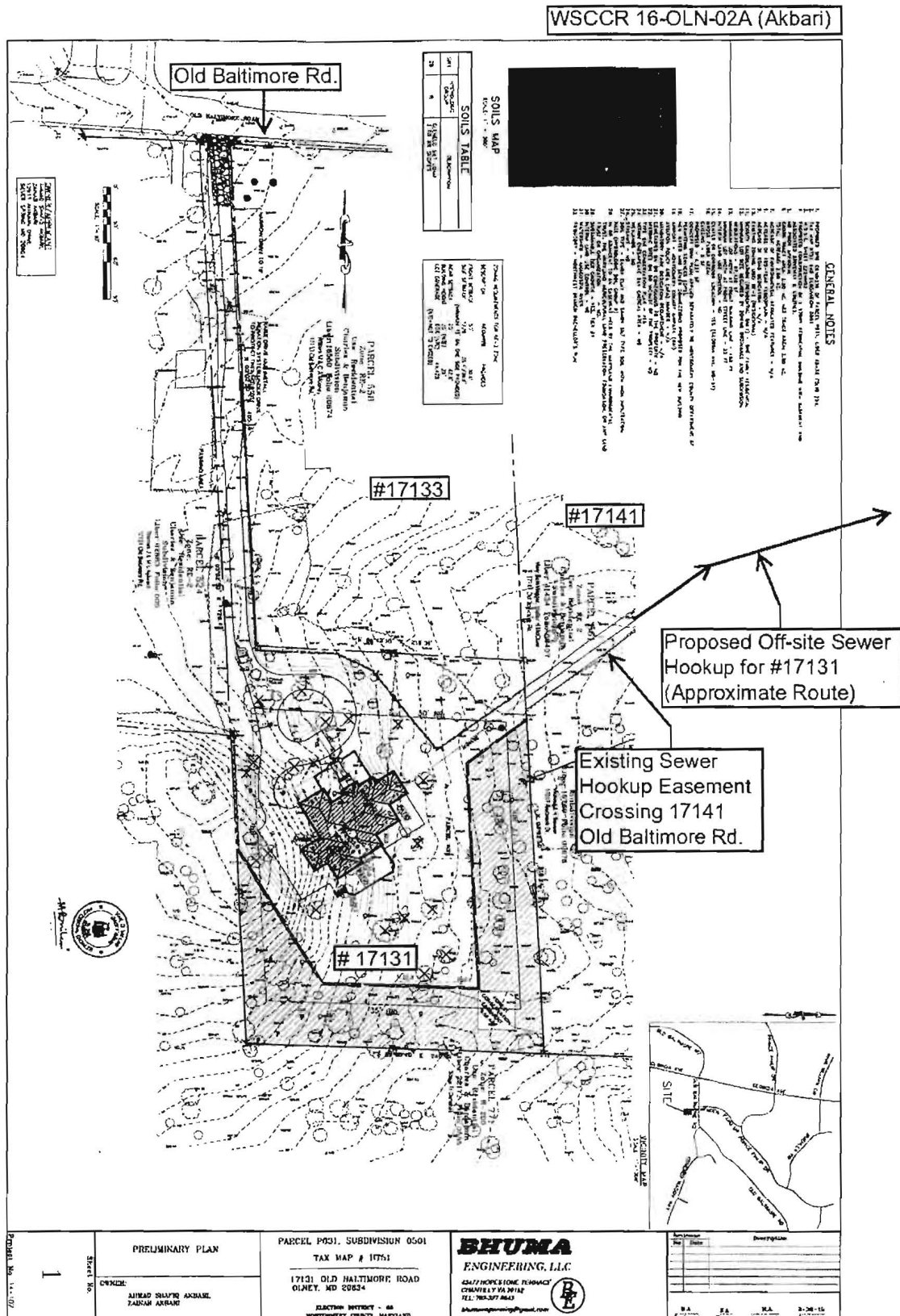
For both alternatives: Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

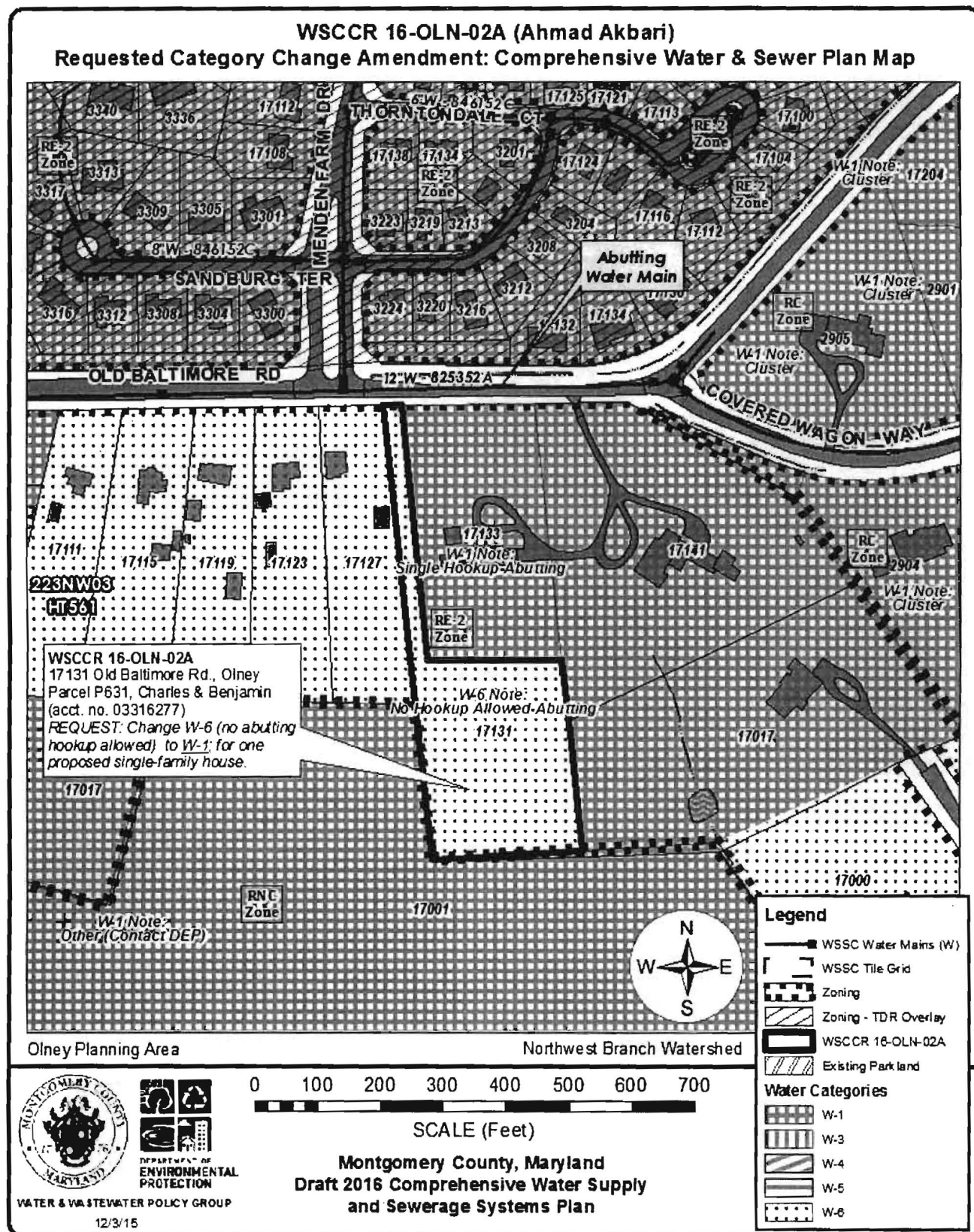
Recorded Sewer Hookup Easement for 17131 Old Baltimore Rd. Across 17141 Old Baltimore Rd.

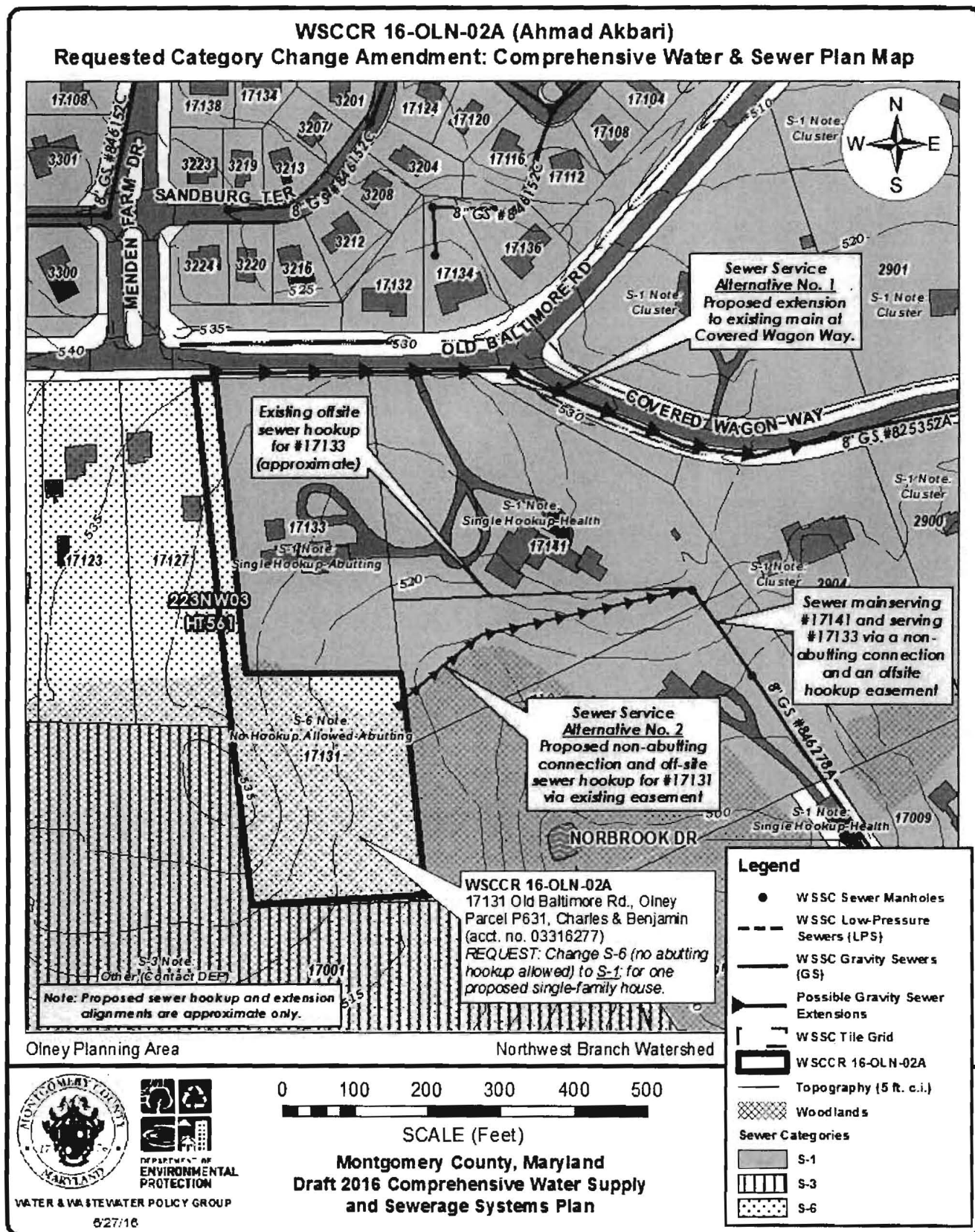


MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 48680, p. 0343, MSA_CE63_48637, Date available 05/28/2014, Printed 02/23/2016.

Applicant's Preliminary Plan: 120150210 "Akbari Residence"







Property and Water/Sewer Category Background

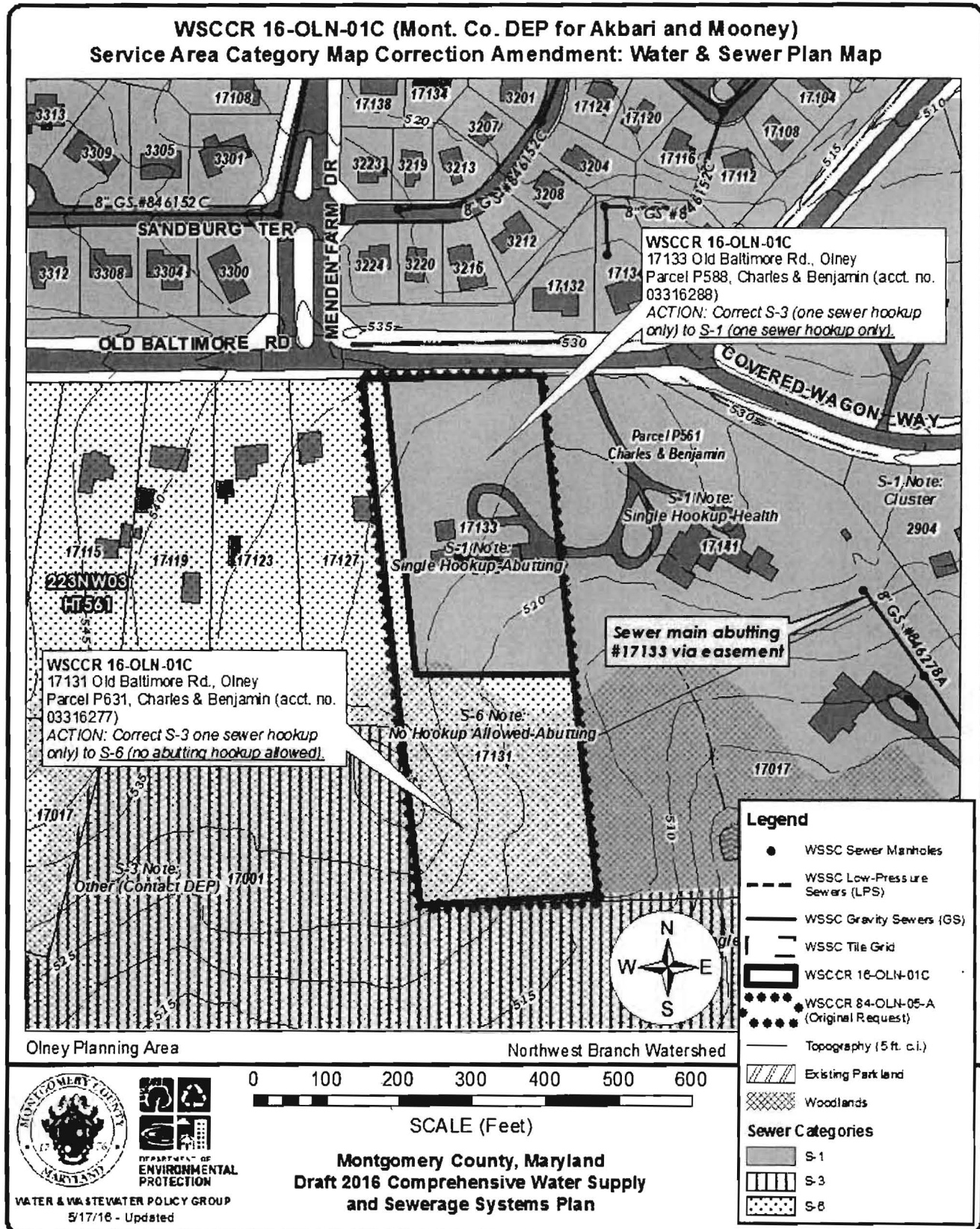
The following provides background context for this water and sewer category change request and why it is now before the County Council. (Refer to the map provided on page 21.)

- The subject property at 17131 Old Baltimore Rd. and the adjacent parcel at 17133 Old Baltimore Rd. existed as a single, 4-acre parcel (P612) designated as service area categories W-1/W-6 and S-6 in 1984.
- The then-owner of Parcel P612 sought a category change request (WSSCR 84-OLN-05-A) for categories W-1 and S-3; for which DEP granted a restricted approval for W-3 and S-3 on July 6, 1984. The administrative approval action was taken citing the "abutting mains" policy. Approval under the abutting mains policy required that the approved W-3 and S-3 categories be restricted to single water and sewer hookups only. (Note that in 1984 the abutting mains policy allowed for hookups to water and sewer mains via an established easement across an intervening property; this is not allowed under the current policy.)
- The owner subsequently built a house on the original parcel in 1987 at 17133 Old Baltimore Rd. A 12" water main (WSSC no. 825352A) fronted that property along Old Baltimore Rd. A sewer hookup was built through an easement across 17141 Old Baltimore Rd, where an 8" sewer main (WSSC #846276A) had been extended to relieve a failed septic system.
- In 2000, original Parcel P612 was deeded into two 2-acre parcels:
 - Improved Parcel P558 at 17133 Old Baltimore Rd, with the existing house built in 1987 connected to public water and sewer service.
 - Unimproved Parcel P631 at 17131 Old Baltimore Rd.

Because the two parcels were established by deed, the resulting two properties were neither evaluated nor established as building lots through the County's subdivision process.

- The applicant purchased Parcel P631 in March 2014 with the intent of building a single-family residence. In May 2014, the owner of 17141 Old Baltimore Rd. granted a sewer hookup easement to the applicant, allowing access to the existing 8" sewer main (WSSC #846276A) on the property.
- The construction of a house on Parcel P631 requires formal subdivision and recordation of the property as a building lot. The applicant filed a preliminary subdivision plan with M-NCPPC in June 2015, no. 120150210 "Akbari Residence". That preliminary plan proposed the use of public water and sewer service for the new house. However, the Parcel P631 had no approved hookup rights for water or sewer service, as they were used for Parcel P558 to serve the existing house.
- At that time, DEP was not aware that Parcels P558 and P631 had been deeded from Parcel P612. A category mapping error showed Parcel P631 as water and sewer categories W-1 and S-3 leftover from the approval granted for Parcel P612.
- DEP's October 2015 review of preliminary plan no. 120150210 for the Development Review Committee revealed the category mapping error cited above. On November 3, 2015, DEP issued a correction action that placed Parcel P631 in categories W-6 and S-6. Both categories carry a note that service hookups are not allowed under the abutting mains policy. Anticipating DEP's correction action, the applicant filed this category change request seeking approval for categories W-1 and S-1 in October 2015.

Sewer Category Corrections Approved by DEP (November 3, 2015)



PREVIOUSLY DEFERRED CATEGORY CHANGE REQUEST*

WSSCR 09A-TRV-02: Ted and Roxanne Smart

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

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> 13101 Valley Dr., Rockville Parcel P592, Discover & Younger Brothers; acct no. 00047883 Map tile – MD: FR51; WSSC: 217NW09 Southeast corner, 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 acres <u>Existing use:</u> unimproved, wooded <u>Proposed use:</u> one new single-family house the existing parcel. 	<p><u>Existing - Requested Service Area Categories</u></p> <table> <tr> <td>W-1</td><td>W-1 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <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> <p>*County Council Action (CR 17-217, 7/19/11)</p> <p>Defer action on the request for category S-3 pending the results of DEP's work on the Glen Hills sanitary study.</p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Executive Staff Report – Deferral Update (May 2016)

The applicant has requested a sewer category change from S-6 to S-3 for an unimproved parcel in the vicinity of North Glen Hills. The applicant wants to use public sewer service to build a single-family house on the property. According to DPS, the property is not suited for an onsite septic system due to failed percolation testing.

Changes in sewer service policy adopted by the County Council for the Glen Hills Study Area, in March 2016 under resolution no. 18-423 (see page 7), do not provide an immediate opportunity for the consideration of public sewer service for this lot, as:

- No house currently occupies the property, so service cannot be provided because of a failing septic system. (The absence of satisfactory septic testing on an unimproved lot does not constitute a public health problem.)
- No existing or planned sewer main currently abuts or will abut this property, so service cannot be provided under the "abutting mains" policy.
- The property is unimproved. The owner cannot initiate a request for a septic system survey for this and nearby properties. (However, DEP could include this property—if appropriate—in a future survey request filed by a qualifying owner.)

The approved sewer service policies for the Glen Hills area currently do not support the provision of public sewer service to this property. It is appropriate to deny this request.

Agency Review Comments (From original 2010 review process for WSSCRs 09A-TRV-02 & -03)

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

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.

****DEP note:** M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

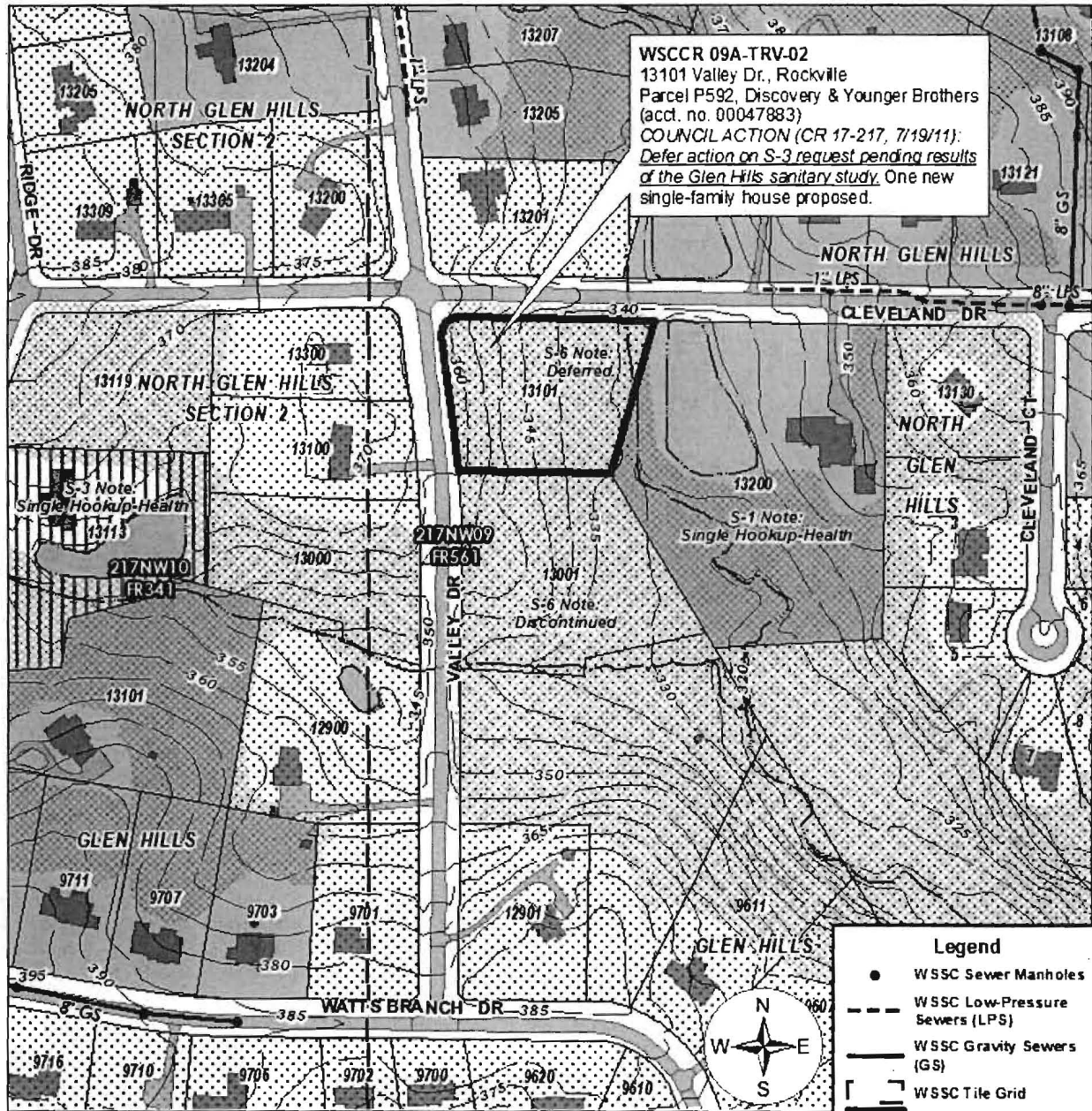
Page 23

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 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.***

****Deferral update (May 2016) – A gravity sewer extension, as previously proposed by WSSC, would not be an environmentally acceptable means for providing public sewer service.*

WSSCR 09A-TRV-02 (Roxanne and Ted Smart) -- Deferred
Requested Service Area Category Map Amendment: Water & Sewer Plan Map



Travilah Planning Area RE-1 Zone Watts Branch Watershed



WATER & WASTEWATER POLICY GROUP
 5/23/16



SCALE (Feet)

Montgomery County, Maryland
Draft 2016 Comprehensive Water Supply
and Sewerage Systems Plan

- Legend**
- WSSC Sewer Manholes
 - WSSC Low-Pressure Sewers (LPS)
 - WSSC Gravity Sewers (GS)
 - [] WSSC Tile Grid
 - [] WSSCR 09A-TRV-02
 - Topography (5 ft. c.i.)
 - [] Existing Parkland
 - [] Woodlands
- Sewer Categories**
- [] S-1
 - [] S-3
 - [] S-6

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

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Request #4

WSSCR 15-TRV-01A: Fiona Lau

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

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> 9708 Sunset Dr. - Rockville Lot 1, Block 9, North Glen Hills Section 2 (acct. no. 00077300) Map tile: WSSC – 217NW10; MD – FR41 Southeast corner, intersection of Sunset Dr. and Ridge Dr. RE-1 Zone; 43,108 sq.ft. (0.99 acres) Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use:</u> vacant, wooded <u>Proposed use:</u> sewer service for a new single-family house 	<p><u>Existing – Requested – Service Area Categories</u></p> <table> <tr> <td>W-1</td><td>W-1 (No Change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p><u>Applicant's Explanation</u></p> <p>"I intend to build a single family house on this land as my primary residence. Per Glen Hills Area Study Report, this land is covered in the study area, and is technically feasible to be connected to main sewer system."</p>	W-1	W-1 (No Change)	S-6	S-3
W-1	W-1 (No Change)				
S-6	S-3				

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 for an existing, unimproved lot in North Glen Hills. The applicant wants to build a single-family house on the property using public sewer service. According to DPS, repeated testing has proven the lot as unsuited for an onsite septic system. The applicant's statement above, that the lot "... is technically feasible to be connected to [the] main sewer system." is not accurate. WSSC has advised that no existing sewer mains are available to serve this property; a hydraulic planning analysis would be needed for extending public sewer service.

Changes in sewer service policy adopted by the County Council for the Glen Hills Study Area, in March 2016 under resolution no. 18-423 (see page 7), do not provide an immediate opportunity for the consideration of public sewer service for this lot, as:

- No house currently occupies the property, so service cannot be provided because of a failing septic system. (The absence of satisfactory septic testing on an unimproved lot does not constitute a public health problem.)
- No existing or planned sewer main currently abuts or will abut this property, so service cannot be provided under the "abutting mains" policy.
- The property is unimproved. The owner cannot initiate a request for a septic system survey for this and nearby properties. (However, DEP could include this property—if appropriate—in a future survey request filed by a qualifying owner.)

The approved sewer service policies for the Glen Hills area currently do not support the provision of public sewer service to this property. It is appropriate to deny this request.

Agency Review Comments

DPS: Soils testing completed in 1959, 2004 & 2006 has precluded all options for an onsite sewage disposal system to serve this property. DPS currently considers this lot unbuildable until the time of a public sewer connection.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
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FY 2015 and FY 2016 Category Change Requests

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M-NCPPC – Planning Dept.*: This proposal is not consistent with sewer service recommendations of the Potomac Subregion Master Plan (2002) as follows:

‘... 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.’ ([master plan] page 24)

Water and Sewer Category Recommendation: Deny until completion of Glen Hills study as per Master Plan unless public health problem is documented.

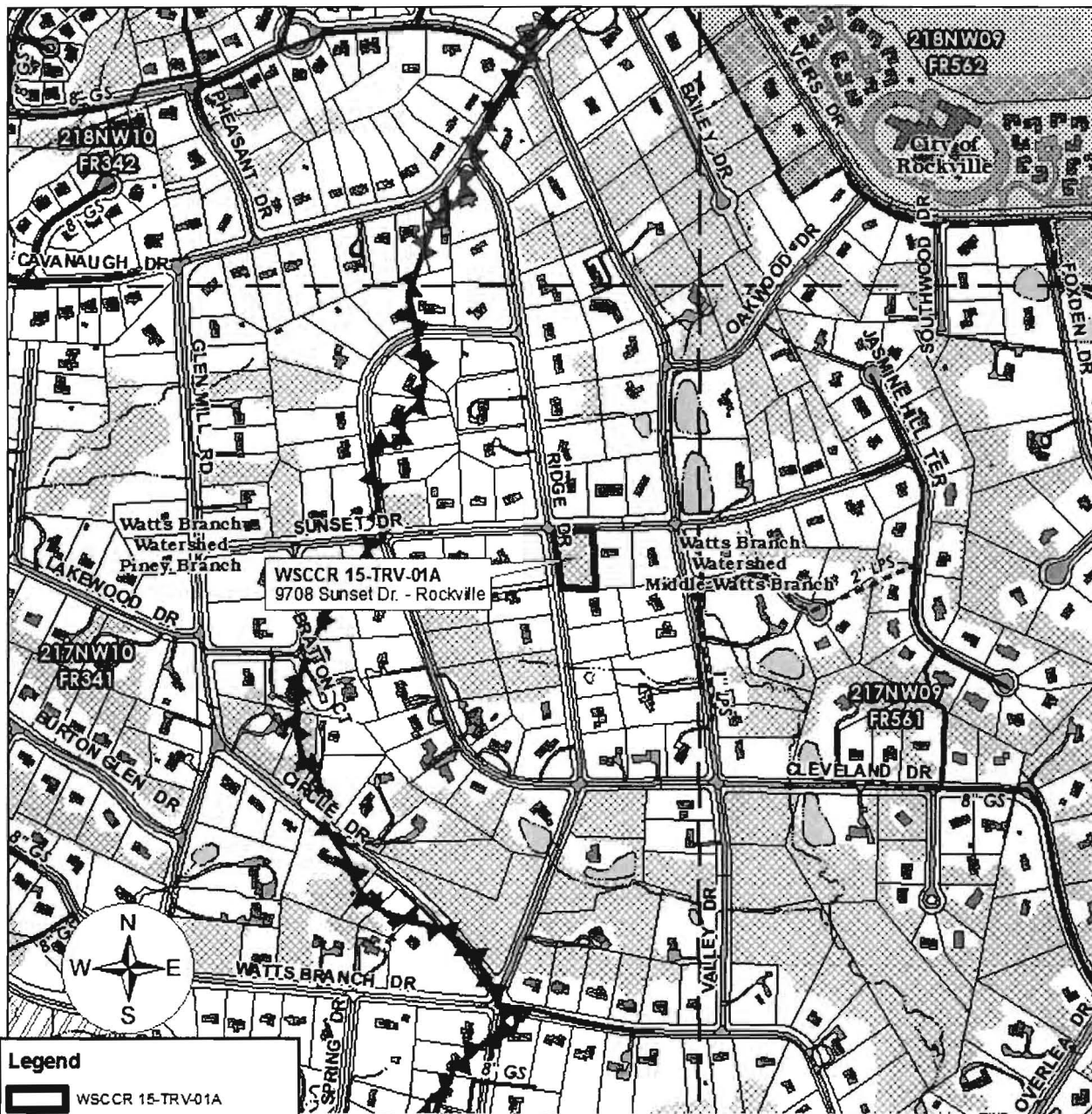
**DEP note: M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.*

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

WSSC - Water: *(Not requested)*

WSSC - Sewer: Basin: Watts Branch (16). No gravity sewer is available to serve this property. Be advised that this property is in the Glen Hills Sewer Planning area. WSSC currently does not have facilities in the immediate vicinity to serve this site. An alignment for a mainline extension has not been evaluated by WSSC for service to this site. Should the service category change, a hydraulic planning study would be required to determine how to provide service. Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 15-TRV-01A (Fiona Lau) - Area-Wide View
Sewer Category Change Request: Comprehensive Water and Sewer Plan Map



Legend

- WSSCR 15-TRV-01A
- WSSC Low-Pressure Sewers (LPS)
- WSSC Gravity Sewers (GS)
- City of Rockville
- WSSC Tile Grid
- Watersheds
- Existing Park land
- Woodlands

Travilah Planning Area

Watts Branch Watershed

0 500 1,000 1,500 2,000

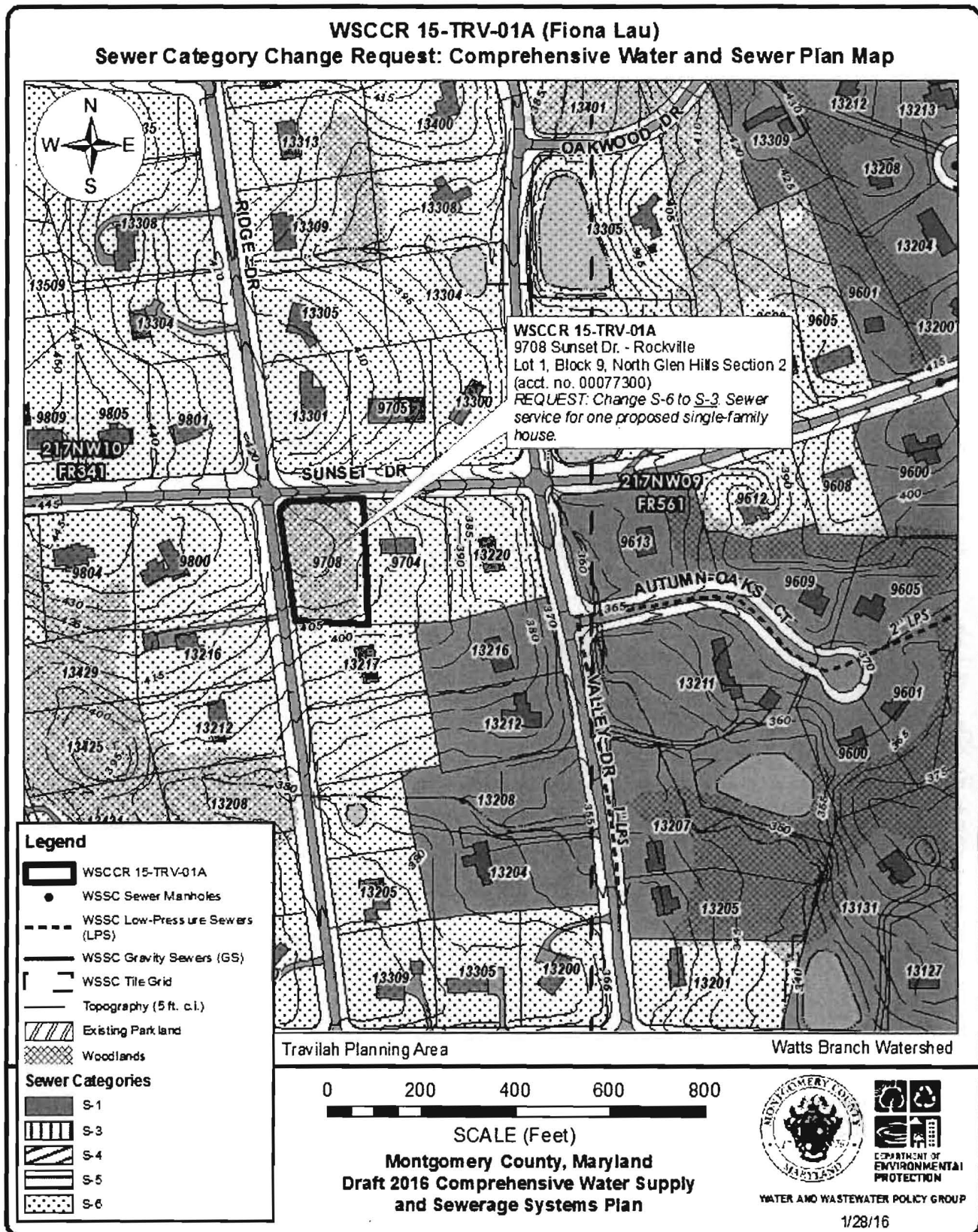
SCALE (Feet)

Montgomery County, Maryland
 Draft 2016 Comprehensive Water Supply
 and Sewerage Systems Plan



WATER AND WASTEWATER POLICY GROUP

1/13/16



COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

Page 29
Request #5

WSSCR 15-TRV-04A: Daniel and Leslie Geringer

County Executive's Recommendation: Approve category S-1, restricted to a single sewer hookup only, under the "abutting mains" policy.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification									
<ul style="list-style-type: none">• 13005 Foxden Dr. - Rockville• Lot 14, Block C, Potomac Highlands (acct. no. 00088347)• Map tile: WSSC – 217NW09; MD – FR51• North side of Foxden Dr. at cul-de-sac east of Overlea Dr.• RE-1 Zone; 64,033 sq. ft. (1.47 acres)• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• Existing use: one single-family house (built 1960) <p><u>Proposed use:</u> sewer service for the existing house</p>	<table><tr><th>Existing –</th><th>Requested –</th><th>Service Area Categories</th></tr><tr><td>W-3</td><td>W-3 (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>"We purchased our home in July 2014. The home was listed as septic approved for 4 bedrooms. We called DPS Well and Septic and were told by Heidi Scott that the original home was built in 1960, and septic approved for 3 bedrooms, not 4 (see attached document 1).</p> <p>"After further investigation, Heidi said if the 4th bedroom was added prior to 2013, a one-bedroom addition exception is grandfathered without a septic upgrade. The 4th bedroom was added in 1986 (see attached document 2). Document 2 was provided to us by the sellers when we closed in July 2014.</p> <p>"Prior to settlement, we had the septic system emptied and inspected, which it passed. The prior owners only had two occupants. Since we are a family of five (two adults and three children), we knew we were going to stress the 60-year-old septic much more than the previous owners. On August 5, 2014, we were granted a conditional approval from WSSC for the connection (see attached document 3); conditionally based on a S6 to S1 category change.</p> <p>"This past winter was our first winter in our new home. During the coldest days, we noticed an awful sewage odor in our basement. During periods of very cold weather, a possible cause could be frozen leach fields. We called Heidi Scott from DPS Well and Septic. Heidi said our system is 60 years old, originally meant for a 3-bedroom house (not 4), and as a family of 5, we're putting a much greater strain on the system than the prior owners. Heidi also thought it could be an early sign of a failing system, and recommended a sewer connection if possible. We are submitting this application for a sewer category change from S6 to S1 to meet the requirement for a sewer connection specified in WSSC's conditional approval letter (attached document 3)."</p>	Existing –	Requested –	Service Area Categories	W-3	W-3 (No Change)		S-6	S-1	
Existing –	Requested –	Service Area Categories								
W-3	W-3 (No Change)									
S-6	S-1									

Executive Staff Report

The applicants have requested a sewer category change from S-6 to S-1 to provide public sewer service to their existing house. They have raised concerns about the condition of the 60-year-old septic system currently serving the property. WSSC's review of this request confirms the feasibility of providing public service from the abutting gravity sewer in the Foxden Dr. cul-de-sac without the need for a main extension.

The County Council's recent action for the Glen Hills Study Area, under resolution no. 18-423 (see page 7), allows the use of the Water and Sewer Plan's "abutting mains" policy for qualifying properties in the study area. The applicant's property was established by plat no. 2952 on Nov. 5, 1951; permit records show that the house was built in 1960. With the abutting sewer main (WSSC no. 672840A) installed in 1968, this lot qualifies for a single sewer hookup under this policy.

Agency Review Comments

DPS: Given the age of the septic; and the proximity of the sewer system- DPS supports this change.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

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M-NCPPC – Planning Dept.*: This proposal is not consistent with sewer service recommendations of the Potomac Subregion Master Plan (2002) as follows:

‘... 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.’ ([master plan] page 24)

Water and Sewer Category Recommendation: Deny until completion of Glen Hills study as per Master Plan unless public health problem is documented.

**DEP note: M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.*

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

WSSC - Water: (Not requested)

WSSC - Sewer: Basin: Watts Branch. An 8-inch sewer line abuts the property in the Foxden Drive cul-de-sac (contract no.67-2840A). Be advised that this property is in the Glen Hills Sewer Planning area. Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.



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.

b. Single Hookups for Residual Properties -- The allowed single-hookup may be assigned to an existing or proposed remainder or residual of a property provided that the following conditions are satisfied:

i. the original property would have qualified for a single hookup under Section II.E.3.a. above, and the residual site still abuts the existing main; and

ii. that the allowed hookup has not been used elsewhere on the property; community service provided elsewhere on the subject property consistent with both Water and Sewer Plan policies and master plan recommendations shall not be considered to have used this one allowed hookup.

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) provided that:

- all of the residual properties involved are still under common ownership, or
- none of the other residual properties from the original abutting property could qualify under this policy for the allowed hookup because they do not abut the subject water or sewer main.

In cases where the property receiving water and/or sewer hookup is part of a pending subdivision plan, DEP will condition the final category change approval on approval of the subdivision plan which specifies the lot receiving the allowed water and/or sewer hookup. DEP shall refer cases where the residual qualifying properties are under different ownership to the County Council. DEP shall make every reasonable attempt to notify the owners of those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

c. Single Hookups for Combined Properties – A single allowed water and/or sewer service hookup for a qualifying property may be also applied to additional contiguous, commonly-owned properties if those properties are subdivided into a single qualifying property. Only one single water and/or sewer hookup for the entirety of the combined properties shall be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. DEP will condition the final category change approval on approval of the subdivision plan combining the properties. 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).

d. Multiple Sewer Hookups -- In order to protect and preserve sensitive environmental features on the site (e.g. stands of trees/forest, wetlands, etc.) that would be potentially harmed by the installation of septic systems, while also limiting the effects of sewer-supported development, community sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- I. The site would qualify for a single sewer hookup under section 3.a. above;
- II. The site contains sensitive environmental features that DEP, in consultation with M-NCPPC, determines would be preserved to a greater extent by the provision of community sewer service rather than the construction of septic systems;
- III. The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- IV. That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.2.). 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.

e. Abutting Mains Land Use Policy Issues – M-NCPPC staff and the Planning Board have raised concerns about the land use implications of the abutting mains policy, which can allow for the development of a property which would not have otherwise occurred without the provision of community service, especially community sewer service. Of particular concern are commercial and institutional uses which may have substantially more imperviousness than a single residential use. In this regard, the Board has recommended restrictions for this policy, including wastewater flow restrictions, with the intent that they function within this Plan as controls over commercial and institutional land uses. However, this is at odds with efforts initiated by DEP over the past decade, and approved by the County Council, to remove land use control functions from the abutting mains policy, preferring to allow that control to occur more appropriately in the County's zoning and subdivision regulations.

Water and Sewer Plan Recommendation

The Council recommends that M-NCPPC and County agency staff pursue appropriate land use restrictions, such as imperviousness limits, in the zoning ordinance and/or subdivision regulations, rather than use wastewater flow or other restrictions in the abutting mains policy as a means of controlling land use.

4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision



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

OFFICE OF THE CHAIR

September 23, 2016

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

The Honorable Nancy Floreen
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*: Sewer
Category Change Requests –June 2016 Amendment Cycle

Dear Mr. Leggett and Ms. Floreen:

At its regular meeting on Thursday, September 22, 2016, the Montgomery County Planning Board considered the June 2016 Amendment Cycle of sewer category change requests. On behalf of the Planning Board, I am pleased to transmit to the County Council and County Executive the Planning Board's recommendations.

**1. 15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington
for St. John Neumann Catholic Parish**

The Planning Board unanimously agreed to recommend approval for sewer service for a private institutional facility-only on this property. The Board concluded that providing sewer service to this property is consistent with the Ten Year Water and Sewer Plan's Private Institutional Facility (PIF) policy. Although the property is located outside the sewer envelope, it confronts other property owned by the church. In addition, this sewer connection will not encourage further requests for sewer service in this area.

2. 16-OLN-02A Ahmad Akbari

The Board unanimously recommended that the Sewer Service remain S-6. The Ten-Year Water Supply and Sewerage Systems Plan policies make this property ineligible for sewer service because it is outside the sewer envelope, zoned low density RE-2 zone and there is no sewer main abutting this parcel. The 2005 Olney Master Plan directed that "community sewer service in the planning area generally [be extended] in conformance with Water and Sewer Plan service policies. This generally will exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of existing sewer mains." The plan further elaborates that, *"In lower density wedge areas, sewer is generally provided only where cluster zoning categories or affordable housing are specifically recommended in the master plan and the developer proposes cluster development."*

3. 09A-TRV-02&03: Ted and Roxanne Smart

The Board unanimously agreed to recommend deferral of this category change request pending further technical analysis by Department of Environmental Protection and the Washington Suburban Sanitary Commission. These agencies will have to determine whether or not this property can be served under current policies, specifically the applicability of the "non-abutting abutting main" policy under Ten Year Water and Sewer plan and the Glen Hills Sewer Study policies.

4. 15-TRV-01A: Fiona Lau

The Board unanimously agreed with the staff and Executive recommendations to deny sewer service. The Board recommends that the sewer category remain S-6. The Glen Hills Sewer Service Policy, approved by the Council in March of 2016, sets out specific conditions for considering public sewer service in this community. Under the policy, individual unimproved lots are not eligible for evaluation, but may be included if a group of qualifying landowners seeks evaluation for service. Although the policy currently does not support sewer service to this property, the owner should work together with other eligible property owners to extend service to the area.

5. 15-TRV-04A: Geringer

The Board unanimously agreed with the staff and Executive recommendations to approve sewer service to this property and to approve the category change from S-6 to S-1. According to the recently adopted sewer service policy for the Glen Hills area, this property, formerly limited by the 2004 Potomac Subregion Master Plan, is now eligible for sewer service under the abutting mains policy.

County Executive Leggett
Council President Floreen
September 23, 2016
Page 3

We thank you for the opportunity to provide recommendations on these cases. If you have any questions, please do not hesitate to contact Katherine Nelson at (301) 495-4622 or Katherine.Nelson@montgomeryplanning.org.

Sincerely,



Casey Anderson
Chair

CA:KN:rb

Enclosure

Cc: Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC Area 3 Planning
Clara Moise, M-NCPPC Chair's Office



Proposed Category Map Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Five Water/Sewer Service Category Change Requests – Council Cases

KAN

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

fb

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

KRR

Kipling R. Reynolds, AICP, Chief, Area 3, Kipling.Reynolds@montgomeryplanning.org (301) 495-4575

Completed: 9/15/16

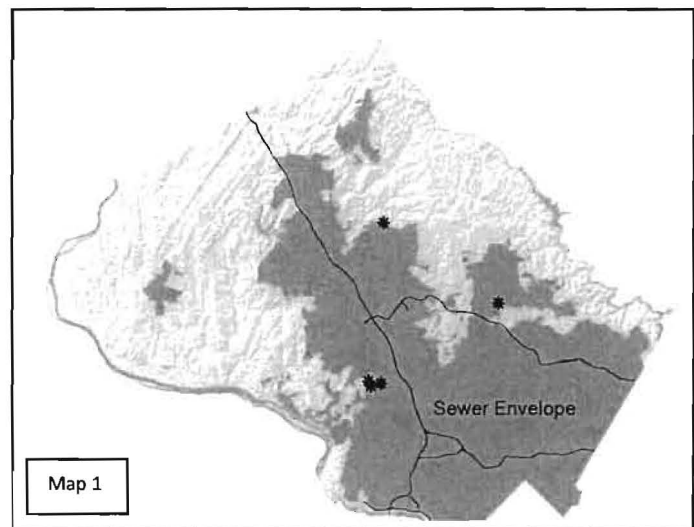
Description

Proposed Amendments:

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Five Water/Sewer Category Change Requests

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

Staff Recommendation: *Transmit Recommendations to County Council*



Summary

The Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSSCR). Map 1 shows the existing sewer service envelope. The properties requesting sewer service are shown as an asterisk.

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

STAFF RECOMMENDATION

Transmit recommendations to County Council.

Three of the five recommendations are in agreement with the County Executive's recommendations.

Water and Sewer Category Change Requests—2016-July Council Amendments

15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington for St. John Neumann Catholic Parish page 10 of Attachment 1

This request seeks a sewer category change from S-6 to S-3. The subject properties are two house lots in the RE-2 zone equaling approximately 4 acres. Sewer service for the subject properties will allow the Church Parish to develop a rectory, church offices, and education facilities. The proposed 900-foot sewer line will extend south of the properties along Goshen Road to access the gravity sewer manhole that the existing church building uses, south of Warfield Road. (See map on page 12 of Attachment 1.)



These properties are part of the Goshen-Woodfield-Cedar Grove Planning Area and are covered by the 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space. That Plan recognizes that parts of the planning area—including the subject properties—had been subdivided prior to the Plan's approval. The Plan designated the RE-2 Zone for these areas, while encouraging agriculture in the rest of the planning area. The properties are in the RE-2 Zone.

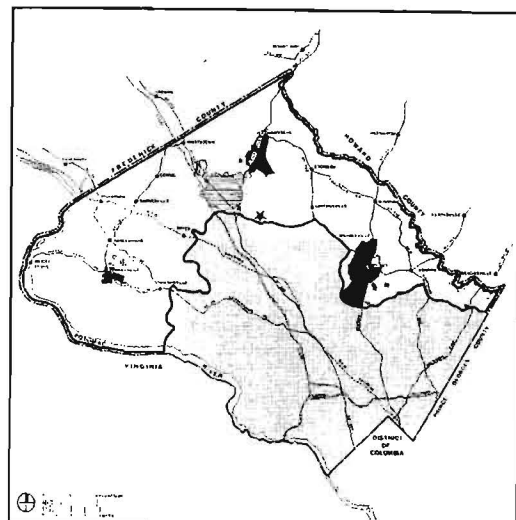
The Church, directly south across Warfield Road from the subject properties, is part of the Gaithersburg and Vicinity Planning Area and is included in that Plan's sewer service envelope. Department of Environmental Protection staff indicates that two church properties in this area have used the Private Institutional Facility (PIF) policy of the Ten Year Water and Sewer Plan to extend service beyond the planned envelope in this area.

The 1980 Master Plan for Presentation of Agricultural and Rural Open Space does not support public sewer for this area. The rural residential character at this gateway to the Agriculture Reserve may be compromised with the addition of institutional buildings and significant areas of parking. As these are platted lots, no site plan process will be required to help ensure rural character compatibility. Planning Staff recognizes the applicability of the Private Institutional Facility policy, but recommends denial of this request for sewer service to be consistent with the applicable master plan.

EXISTING PUBLIC RESOURCES SEWER SYSTEM

Legend:

- Montgomery County Boundary
- State P-13 Boundary
- S-112 Excess capacity in manhole
- S-12 Excess capacity in main
- S-13 Excess capacity in main 1-10 years
- S-14 Excess capacity in main 11-20 years
- S-15 Excess capacity in main 21-30 years
- S-16 Excess capacity in main 31-40 years
- S-17 Excess capacity in main 41-50 years
- S-18 Excess capacity in main 51-60 years
- S-19 Excess capacity in main 61-70 years
- S-20 Excess capacity in main 71-80 years
- S-21 Excess capacity in main 81-90 years
- S-22 Excess capacity in main 91-100 years
- S-23 Excess capacity in main 101-110 years
- S-24 Excess capacity in main 111-120 years
- S-25 Excess capacity in main 121-130 years
- S-26 Excess capacity in main 131-140 years
- S-27 Excess capacity in main 141-150 years
- S-28 Excess capacity in main 151-160 years
- S-29 Excess capacity in main 161-170 years
- S-30 Excess capacity in main 171-180 years
- S-31 Excess capacity in main 181-190 years
- S-32 Excess capacity in main 191-200 years
- S-33 Excess capacity in main 201-210 years
- S-34 Excess capacity in main 211-220 years
- S-35 Excess capacity in main 221-230 years
- S-36 Excess capacity in main 231-240 years
- S-37 Excess capacity in main 241-250 years
- S-38 Excess capacity in main 251-260 years
- S-39 Excess capacity in main 261-270 years
- S-40 Excess capacity in main 271-280 years
- S-41 Excess capacity in main 281-290 years
- S-42 Excess capacity in main 291-300 years
- S-43 Excess capacity in main 301-310 years
- S-44 Excess capacity in main 311-320 years
- S-45 Excess capacity in main 321-330 years
- S-46 Excess capacity in main 331-340 years
- S-47 Excess capacity in main 341-350 years
- S-48 Excess capacity in main 351-360 years
- S-49 Excess capacity in main 361-370 years
- S-50 Excess capacity in main 371-380 years
- S-51 Excess capacity in main 381-390 years
- S-52 Excess capacity in main 391-400 years
- S-53 Excess capacity in main 401-410 years
- S-54 Excess capacity in main 411-420 years
- S-55 Excess capacity in main 421-430 years
- S-56 Excess capacity in main 431-440 years
- S-57 Excess capacity in main 441-450 years
- S-58 Excess capacity in main 451-460 years
- S-59 Excess capacity in main 461-470 years
- S-60 Excess capacity in main 471-480 years
- S-61 Excess capacity in main 481-490 years
- S-62 Excess capacity in main 491-500 years
- S-63 Excess capacity in main 501-510 years
- S-64 Excess capacity in main 511-520 years
- S-65 Excess capacity in main 521-530 years
- S-66 Excess capacity in main 531-540 years
- S-67 Excess capacity in main 541-550 years
- S-68 Excess capacity in main 551-560 years
- S-69 Excess capacity in main 561-570 years
- S-70 Excess capacity in main 571-580 years
- S-71 Excess capacity in main 581-590 years
- S-72 Excess capacity in main 591-600 years
- S-73 Excess capacity in main 601-610 years
- S-74 Excess capacity in main 611-620 years
- S-75 Excess capacity in main 621-630 years
- S-76 Excess capacity in main 631-640 years
- S-77 Excess capacity in main 641-650 years
- S-78 Excess capacity in main 651-660 years
- S-79 Excess capacity in main 661-670 years
- S-80 Excess capacity in main 671-680 years
- S-81 Excess capacity in main 681-690 years
- S-82 Excess capacity in main 691-700 years
- S-83 Excess capacity in main 701-710 years
- S-84 Excess capacity in main 711-720 years
- S-85 Excess capacity in main 721-730 years
- S-86 Excess capacity in main 731-740 years
- S-87 Excess capacity in main 741-750 years
- S-88 Excess capacity in main 751-760 years
- S-89 Excess capacity in main 761-770 years
- S-90 Excess capacity in main 771-780 years
- S-91 Excess capacity in main 781-790 years
- S-92 Excess capacity in main 791-800 years
- S-93 Excess capacity in main 801-810 years
- S-94 Excess capacity in main 811-820 years
- S-95 Excess capacity in main 821-830 years
- S-96 Excess capacity in main 831-840 years
- S-97 Excess capacity in main 841-850 years
- S-98 Excess capacity in main 851-860 years
- S-99 Excess capacity in main 861-870 years
- S-100 Excess capacity in main 871-880 years
- S-101 Excess capacity in main 881-890 years
- S-102 Excess capacity in main 891-900 years
- S-103 Excess capacity in main 901-910 years
- S-104 Excess capacity in main 911-920 years
- S-105 Excess capacity in main 921-930 years
- S-106 Excess capacity in main 931-940 years
- S-107 Excess capacity in main 941-950 years
- S-108 Excess capacity in main 951-960 years
- S-109 Excess capacity in main 961-970 years
- S-110 Excess capacity in main 971-980 years
- S-111 Excess capacity in main 981-990 years
- S-112 Excess capacity in main 991-1000 years



FUNCTIONAL MASTER PLAN FOR THE PRESERVATION
OF AGRICULTURE AND RURAL OPEN SPACE

Staff Recommendation: Deny S-1. Approve W-3 conditioned on the subdivision of a buildable lot.

County Executive Recommendation: Approve S-3, restricted to use by a private institutional facility (PIF) only.

16-OLN-02A Akbari page 13 of Attachment 1

This request seeks water and sewer category changes from W-6, S-6 to W-1, S-1. This RE-2-zoned, forested property is located in the Southeast Quadrant of the Olney Master Plan area and within the headwaters of Northwest Branch. As a single four-acre un-platted property in the 1980's, this parcel had a single-family house on it that was granted a single sewer hookup under the abutting mains policy. The property owner subsequently divided the property by deed into two separate two-acre parcels: one with the existing home, the other unimproved. The new owner of the unimproved parcel now seeks preliminary plan (120150210) approval to create a buildable lot from the unimproved two-acre parcel. Under the category change process, the owner seeks a sewer service connection across a neighboring property via an easement that passes through high priority forest and the 125-foot stream buffer of a headwater stream.

Under strict interpretation of the Ten-Year Water Supply and Sewerage Systems Plan this property is not eligible for sewer service because it is in the low density RE-2 zone and because there is no sewer main abutting this parcel. The 2005 Olney Master Plan directed that "community sewer service in the planning area generally [be extended] in conformance with Water and Sewer Plan service policies. This generally will exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of existing sewer mains." The plan further elaborates that, "In lower density wedge areas, sewer is generally provided only where cluster zoning categories or affordable housing are specifically recommended in the master plan and the developer proposes cluster development."

The original four-acre parcel was shown to be in the sewer service envelope of the Master Plan because a single sewer hookup had already been extended to the parcel and the home that was built on the parcel. The inappropriate (for the purpose of additional residential development using public sewer service) subdivision of the property by deed should not be used to justify an additional extension of sewer service to the vacant parcel. The Department of Environmental Protection, now recognizing the new property lines has made a correction to the sewer category of this property, thus excluding it from the existing sewer envelope.

The County Executive has suggested that sewer service be granted conditioned on a successful subdivision. For the applicant to be eligible for the subdivision process prior to the granting of sewer service, a successful septic test would be required. Then, the questions of whether or not this parcel can be made buildable for the purpose of residential use and whether or not it would be environmentally beneficial to serve this non-abutting property with public sewer, can be answered more appropriately within the subdivision process.

Although the Executive branch's compromise position allows further analysis of a potential subdivision, approval of a subdivision is uncertain. Further, no policies in the Ten Year Water and Sewer Plan, or within the Olney Master Plan currently allow sewer service to this property. If it is later determined that a home may be built on this parcel, a septic system should be utilized.

The property is eligible for water service under the current policy for service to large lot areas. A water line abuts the property.

Staff Recommendation: Deny S-1. Approve W-3 conditioned on the subdivision of a buildable lot.

County Executive Recommendation: Approve W-1, Maintain S-6, with approval for S-3 conditioned on successful septic system testing and the feasibility of providing sewer service without the need for a new sewer main extension.

09A-TRV-02&03: Ted and Roxanne Smart page 22 of Attachment 1

15-TRV-01A: Fiona Lau page 25 of Attachment 1

These requests seek sewer category changes from S-6 to S-3. These two unimproved lots are located in the Glen Hills neighborhood of Potomac. Both properties are zoned RE-1 and are less than two acres in size.

The Glen Hills Sewer Service Policy, approved by the Council last March, sets out specific conditions for considering public sewer service in this community. Under the policy, individual unimproved lots are not eligible for evaluation, but may be included if a group of qualifying landowners seeks evaluation for service. (Page 22 of Attachment 1). Although the policy currently does not support sewer service to these properties, their owners should work together with other eligible property owners to extend service to their area.

Staff Recommendation: Deny S-3

County Executive Recommendation: Deny S-3

15-TRV-04A: Geringer page 29 of Attachment 1

The request seeks a sewer category change from S-6 to S-1. This 1.47-acre, RE-1 zoned property is located within the Glen Hills sanitary study area. According to the recently adopted sewer service policy for this area, this property, formerly limited by the 2004 Potomac Subregion Master Plan, is now eligible for sewer service under the abutting mains policy.

Staff Recommendation: Approve S-1, restricted to a single sewer hookup only.

County Executive Recommendation: Approve S-1, restricted to a single sewer hookup only (abutting mains policy).

NEXT STEPS

The Planning Board's recommendations will be transmitted to the County Council. The County Council will hold a public hearing for these category change requests on September 27, 2016.

Attachment:

1. County Executive Notice of Public Hearing and attached package.

Montgomery County Council Public Hearing on Amendments to Ten-Year Comprehensive Water
Supply and Sewerage Systems Plan: Water and Sewer Category Changes

September 27, 2016

Testimony of Susanne Lee

West Montgomery County Citizens Association

My name is Susanne Lee and I am representing the West Montgomery County Citizens Association. I have been a property owner in Glen Hills for 38 years.

We applaud the County Council for having adopted a sewer policy for Glen Hills that, with one exception, is reasonable, environmentally responsible, and consistent with the policy applied to homeowners throughout the County.

We also applaud the DEP staff, the County Executive, and the Planning Board for their recommendations with regard to the 3 Glen Hills sewer category change requests that are the subject of this hearing. In each instance, we believe they have properly applied the Glen Hills sewer policy and urge the Council to do the same.

With regard to 09A-TRV-02, the Smart property, 13101 Valley Drive, and 15-TRV-01A, the Lau property, 9708 Sunset, both should be denied because they do not meet any of the three requirements for a category change contained in the Glen Hills Sewer Policy. Both are vacant lots that do not abut an existing line and obviously neither have a failed septic or a septic system problem that might trigger a sanitary survey.

With regard to 15-TRV-04A, the Geringer property at 13005 Foxden Drive, WSSC has confirmed that the property abuts the existing gravity sewer line in the Foxden Drive cul-de-sac and thus is eligible for a category change and hook up under the abutting mains policy within the Glen Hills Sewer policy.

While we support these recommendations, we note our concern regarding another potentially related request- No. 16-TRV-04A, Willis property, 13113 Ridge Dr. If granted, this request has the potential to undermine the Glen Hills policy, and the county-wide abutting mains policy, by extending sewer lines to otherwise undevelopable lots such as the Smart property that might be considered abutting the new lines and thus potentially eligible for a category change.

As best can be gleaned from the documents provided, the Willis property was granted a category change 15 years ago in 2001 based on what they said was a septic system public health problem existing

since at least 1994. However, Willis never built the approved sewer line with the approved alignment to the main at Ridge and Watts Branch.

They are now requesting a different alignment that is 80 % longer and more expensive but that will abut more lots, including the Smart property and other vacant lots, and which they say may be more financially feasible. We assume that means that because developers such as Mr. Smart and others next to the line will be abutting they then may be able to hook up. Because the details of the proposal, its impact on the application of the abutting mains policy, and the County's method for dealing with the request are unclear, we request clarification from the County Executive and the County Council as to what are the next steps to be taken with regard to the Willis request.

Submitted by Susanne Lee

West Montgomery County Citizens Association

September 25, 2016

September 27, 2016

Ted N. Smart

Montgomery County Council Hearing Testimony

Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

In Support of a further Deferral of WSCCR 09A-TRV-02

Good afternoon Councilmembers, my name is Ted Smart, I live at 13200 Cleveland Drive, Rockville MD 20850. As one of the applicants of 09A-TRV-02. I am here requesting a further deferral of this category change application.

- This category change is 9 years old and was deferred pending the completion of the Glen Hills Study. Together, my wife and I, staff this Council & area residents, have been working on this for well over 8 years. The Study, but for the recommended "limited master plan amendment" was completed and new "Special Master Plan Water and Sewer Service Recommendations" were adopted March 8, 2016, 14 years after being required in the area master plan.
- I could go through much of this 14 year plus history, facts, points of contention and items of confusion that still exist to this day with the new text that was painstaking written again and again over years and countless hours by residents, staff and this Council. I could also bring you up to speed with many of the forthcoming category change applications and the groups of in process "Sanitary Surveys", but I won't. You can read the book later.
- I would, however, like to go over a short history of the last 30 days or so with respect to this Category Change.
 - On July 7, 2016 - Because the Study was completed, I e-mailed Mr. Alan Soukup of DEP requesting a meeting regarding getting the subject deferred WSCCR back on the schedule. (See attachment A). I never received a reply, but I know Mr. Soukup is quite busy.
 - On September 6, 2016 - With no advance notice and 3 weeks prior to today, I received notice that our application was on Park & Planning and Council's agenda with a recommendation for denial.
 - On September 14, 2016 - When our schedules allowed, Mr. Soukup and I met where I presented detailed information on an "abutting main" and a "non-abutting connection". (See attachment B, pages 1-18). Mr. Soukup suggested the possibility of approval of a non-abutting connection, stating he saw "no justification not to approve" it. He recommended I contact WSSC and Katherine Nelson at Park and Planning. (See attachment C, pages 1-3).

- On September 22, 2016 – The Planning Board held its hearing and my Counsel and I got a few minutes at the mic with neither the Board or Staff having much time to review any of our material submitted via e-mail less than 48hrs earlier. **(See attachment D, pages 1-2).** Staff, *and no offense intended*, presented this cockamamie idea that somehow the abutting mains policy doesn't apply to vacant lots in Glen Hills unless under certain condition when the goal, as was mentioned dozens of time over the last few years, was to bring the Glen Hills sewer policy up to par with other similar areas in the County. Mr. presented Soukup presented a sketch he had just received that morning from WSSC. I have requested a copy of this sketch twice and at this date have still not received anything.
- On September 23, 2016 – I received a letter from WSSC approving a non-abutting sewer connection to the subject property. **(See attachment E, pages 1-2).**
- Now to today. The Planning Board has recommended defer, pending further review. We have no idea TODAY what staff's position is on the matter or what they will tell you. You know by experience that under the current situation Glen Hills is not a simple matter. We'd like to meet with WSSC on technical and engineering issues, meet further with staff to understand their position fully, have the opportunity to educate the Planning Board, Council and, most importantly, Glen Hills residents as to the complexities, past mis-steps and future planning opportunities the current Sewer policy presents in Glen Hills, just to get this one application that has already been deferred for over 8 years right.

Therefore, I respectfully request that either the T&E Committee Meeting, with respect to this application, that is tentatively scheduled for October 6th be deferred for a minimum 30 days OR that this application be deferred until the next packet of category changes you are to receive. We're happy to go back to the Planning Board if necessary at a later date so as to come to you with a recommendation for approval and a clear understanding of all that that entails under the current policy.

I'm not a glutton for punishment, but it's been over 9 years for me and I can go another few months. I thank you for your consideration on this matter. I'd be happy to answer any questions you may have.

Exhibit A

Ted Smart

From: Ted Smart
Sent: Thursday, July 07, 2016 6:54 PM
To: Alan Soukup
Subject: WSCCR 09A-TRV-02 2011 deferral

Alan,

The referenced for 13101 Valley Drive was deferred by CR 17-217 on 7/19/11 pending the results of the Glen Hills Study. But for a Potomac Sub-region Limited Master Amendment, the results are complete.

Do you have 30 minutes sometime the week of the 25th or first available after that to meet with me? I'd like to go over my thoughts and understand the process to get back in front of the T&E committee and council if necessary. We can meet in your conference room again at a convenient time for you and I'll be brief.

Let me know.

Thanks,

Ted M. Smart
Principal

MDC Services LLC
(301)-840-5854
(301)-642-6018 Cell
PO Box 7278
Gaithersburg, Md. 20898

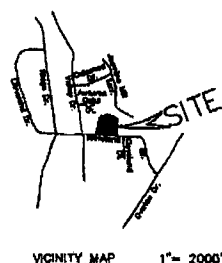
PLAT No
20349

PLAT No.

SURVEYOR'S CERTIFICATE

We hereby certify that the plat shown herein is correct; that it is a subdivision of all of the land conveyed by David E. Stapp, et ux, to Marvel R. Freund and Jane D. Freund, his wife, by deed dated March 6, 1958 and recorded among the Land Records of Montgomery County, Maryland, in Liber 2438 of Folio 184. We hereby certify that the Route of the 100-year Road shown on this record plat is an accurate reflection of the road shown on the record plat as shown hereon in accordance with the provisions of 30-24(c) of the Montgomery County Code. There is no street dedication by this plat. The total area included in this plat is 217,576 square feet or 4.99486 acres.

Dec. 11, 1996
Date
Professional Land Surveyor
Md. Reg. No. 10712



OWNER'S DEDICATION

We, Marvel R. Freund and Jane D. Freund, husband and wife, owners of the property shown herein, hereby adopt this plat of subdivision and Public Utility Easement (P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 2634 of Folio 467 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations of all federal, state, and local agencies. We hereby grant Conservation Easements as shown hereon to the parties named in documents entitled: (i) "Conservation Easement Agreement, Category I" as recorded in Liber 13178 of Folio 418 and (ii) "Conservation Easement Agreement, Category II" as recorded in Liber 13178 of Folio 421 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations of all federal, state, and local agencies. As owners of this subdivision, we, our successors and assigns, will make all property corner markers, and any other monuments, to be set by a registered Maryland Land Surveyor, in accordance with Section 30-24(c) of the Montgomery County Code prior to occupancy of any new building.

There are no suits, liens, leases, mortgages, or claims affecting the property included in this plat of subdivision.

11/8/96 Marvel R. Freund
11/8/96 Jane D. Freund

Notes:

- 1) The approval of this plat is predicated on the availability of public water and sewer prior to the construction of homes.
- 2) The Flood Fish shown hereon was for 10-100PPC on Glen Hill Branch watershed, per sheet 21C Ultimate Land Use, dated September 1978, and is subject to a 25' Building Restriction Line.
- 3) The coordinates shown hereon are based on the Maryland State 1983/81 datum as projected by NAD83. The station used are No. 17130, with coordinates of North 912,396.60 feet and East 1,255,081.56 feet, and No. 17131, with coordinates of North 910,052.12 feet and East 1,255,011.12 feet. The combined scale factor for this plat is 0.999943058.
- 4) The lots shown hereon are subject to the forest conservation law of 1992, including a forest conservation plan to be approved before issuance of a sediment control permit.
- 5) All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan, or other plan showing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recording of this plat, unless expressly contemplated by the plan or approved. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.
- 6) The property on this plat is zoned RE-1.

PLAT OF SUBDIVISION
LOTS 45, 46 & 47, BLOCK '2'
NORTH GLEN HILLS
ELECTION DISTRICT No. 4
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50' AUGUST, 1996

MACRIS, HENDRICKS & GLASCOCK, P.A.
ENGINEERS • PLANNERS • SURVEYORS
9220 WIGHTMAN ROAD, SUITE 120
GAITHERSBURG, MARYLAND 20879
(301) 870-0840

PLAT TABULATION:

Number of Lots = 3
Area of Lots = 217,576 square feet
Area of Street Dedication = 0
Total Area of Plat = 217,576 square feet or 4.99486 acres

FILED
MAR 4 1997

DATE:
Plat Book:
Plat No.:

D. Avramovic, et ux
L. 2009 F. 163
13101 Valley Dr
WSCCR-09A
TRV-02

D. Avramovic, et ux
L. 2009 F. 446
(Parcel One)

NORTH GLEN HILLS
P.B. 67 Plat No. 6150

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED: AUGUST 8, 1996
CHAIRMAN: Mimi W. Fennell
ASST. SECRETARY-TREASURER: [Signature]

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
APPROVED: FEBRUARY 19, 1997
for DIRECTOR: [Signature]

MONTGOMERY COUNTY, MARYLAND
DEPT. OF ENVIRONMENTAL PROTECTION
APPROVED: FEBRUARY 14, 1997
for DIRECTOR: [Signature]

M.N.C.P. & P.C. RECORD FILE No. 609-42 29705

95-421

MSA 800 1249-7144 603-42

Exhibit B 1 of 18

97 JUN -5 P 3:538

D FEE-W.S.S.C

FILED
MOLLY O. RUMEL
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

LF 14922.545

Exhibit B 2018

CONTRACT NO. 97AW/AS1849A

THIS RIGHT OF WAY

Made this 5TH day of July, 1997,
In the year one thousand nine hundred and ninety Seven, by and between

MARVEL R. FREUND AND JANE D. FREUND, HIS WIFE, OWNERS

of the County of MONTGOMERY in the State of MARYLAND, parties of the first part, and the
WASHINGTON SUBURBAN SANITARY COMMISSION, a public corporation of the State of Maryland,
organized and existing under the laws of said State, party of the second part.

Witnesseth: That in consideration of the sum of One Dollar (\$1.00) to them in hand paid by the party
of the second part, the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant
and convey unto the said party of the second part, its successors and assigns, the easement and right of way
hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and
inspection of a sanitary sewer and appurtenances thereto within said easement and right of way, together with
the right of ingress and egress along and over said right of way, for any and all of such purposes; the said right
of way and easement being described as follows:

SEE ATTACHED SCHEDULE "A"

To have and to hold said easement and right of way for a sanitary sewer and appurtenances thereto
above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges,
appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and
 behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

And the parties of the first part, for their heirs and assigns, covenant and agree with the party of the
second part, its successors and assigns, as follows: **FIRST:** that they will obtain the written consent of the
Commission before they erect or permit to be erected any building or structure, or before they fill or excavate
within the above described easement and right of way. **SECOND:** that the party of the second part, its successors
and assigns, shall at all times have right of ingress and egress over said easement and right of way for the
purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the sanitary
sewer and appurtenances thereto within said easement and right of way, said ingress and egress to be along the
line herein designated and along such other lines as the parties of the first part may designate. **THIRD:** that they
will warrant specially the easement and right of way and will execute such further assurances thereof as may be

LF 14922.456

Ex 4:61 + B
3 of 18

regular. FURTHER that they have the right to grant the easement and right of way.

Witness HAND and SEAL the day and year first hereinafore written.

Witness:

Hilke Lee

Marcel R. Freund
BY: MARCEL R. FREUND, OWNER

John D. Freund

John D. Freund
BY: JANE D. FREUND, OWNER

BY: _____ (SEAL)

LF 14922.557

Exh-6-18
4 of 18

STATE OF Maryland :
COUNTY OF Montgomery :

On this the 5TH day of MAY, 1971, before me,
the undersigned Notary Public, personally appeared MARCEL D FREED known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that
the purposes therein contained executed the same for

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires 4-1-2001

STATE OF Maryland :
COUNTY OF Montgomery :

On this the 5TH day of MAY, 1971, before me,
the undersigned Notary Public, personally appeared JOE D FREED known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that
the purposes therein contained executed the same for

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires 4-1-2001


JOE D. FREED
Notary Public

Exhibit B
5 of 18

SCHEDULE "A"

DESCRIPTION FOR A RIGHT-OF-WAY FOR A SANITARY SEWER

MARVEL R. FREUND AND JANE D. FREUND, HIS WIFE, OWNERS

13131 CLEVELAND DRIVE

ROCKVILLE, MARYLAND 20850

TO

WASHINGTON SUBURBAN SANITARY COMMISSION

14501 SWEITZER LANE

LAUREL, MARYLAND 20707

Being a strip or parcel of land ten (10) feet wide hereinafter described in, through, over, and across the property that the party of the first part hereto, obtained from Darrel E. Peugh, et ux, by deed dated March 6, 1958 and recorded among the Land Records of Montgomery County, Maryland, in Liber 2438 at Folio 184, said property also being Lots 45, 46, and 47, Block 2 as shown on a plat of subdivision entitled "NORTH GLEN HILLS" and recorded among the aforesaid Land Records in Plat Book 183 at Plat No. 20349

The said ten (10) foot wide strip or parcel of land lying northerly of and adjacent, contiguous, and parallel to the North 88°56'00" West, 506.28 foot line as shown on the aforesaid plat and extending from the South 04°30'24" West, 407.98 foot line as shown on said plat, said line also being the northerly right-of-way line of Cleveland Drive (60'R/W) as shown on the aforesaid plat, westerly to the North 14°55'38" East, 452.13 foot line as shown on the aforesaid plat; containing 5,063 square feet or 0.11623 of an acre as shown on W.S.S.C. Sketch No. A-21577.

Exhibit B
6 of 8

Record Legal Desc.: Liber 2438, Folio 184
Part of Lots 45, 46, and 47, Block 2
North Glen Hills - Plat Book 183, Plat 20349

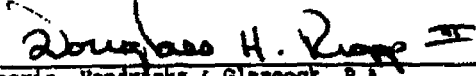
Parcel I.D. No.: Lot 45 - 04-6-3186467
Lot 46 - 04-6-3186478
Lot 47 - 04-6-3186480

Grantor: Marvel R. & J.D. Freund
13131 Cleveland Drive
Rockville, MD 20850

Grantee: Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707

Sketch No.: A-21577

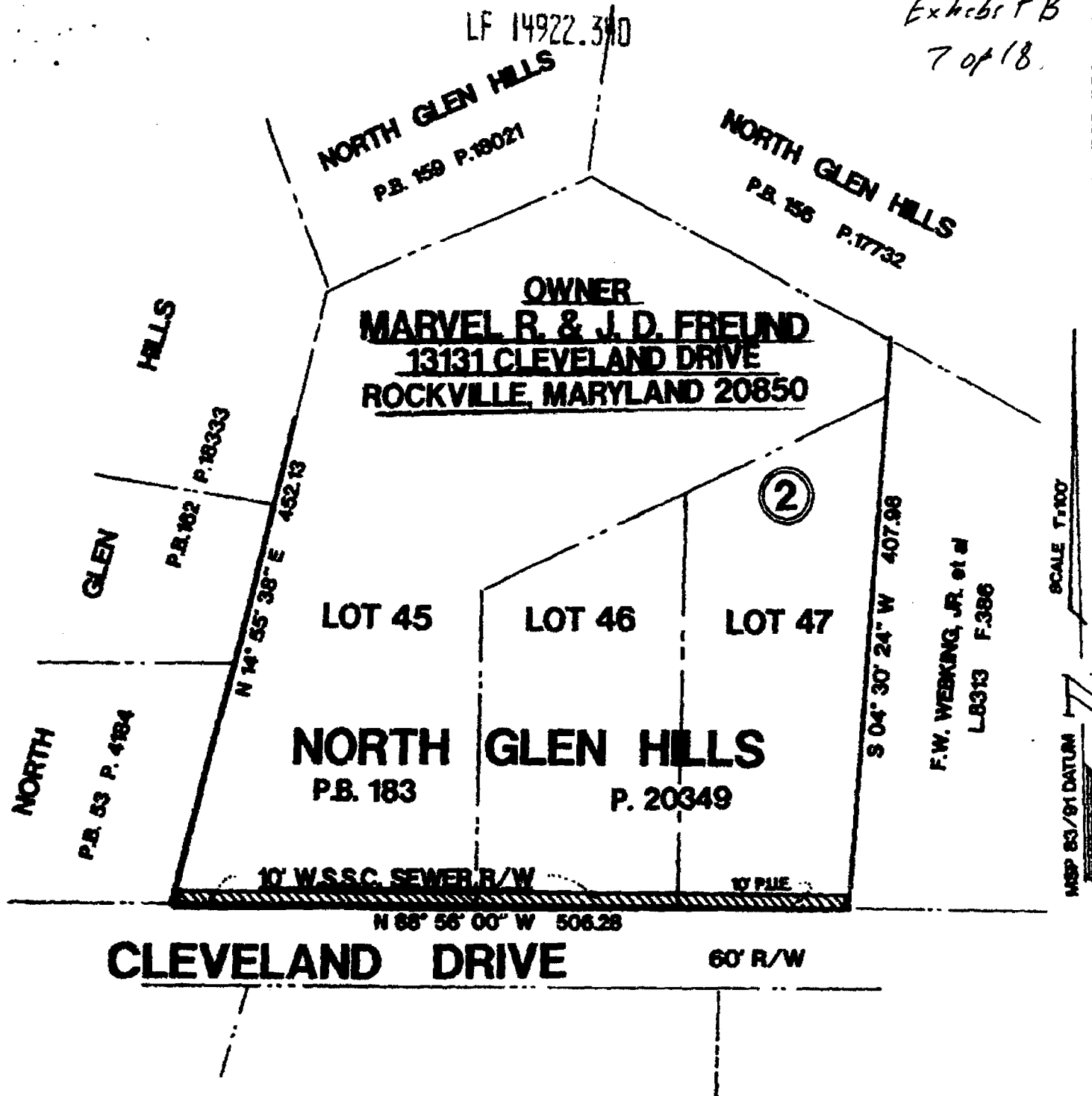
Certified correct to the best of our professional knowledge, information and belief. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.


Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs III, Professional Land Surveyor
MD Registration No. 10712



4884425.DWG
70-422
6/21/97

Exhibit B
7 of 18



CERTIFIED CORRECT TO THE BEST
OF MY PROFESSIONAL KNOWLEDGE,
INFORMATION AND BELIEF

Douglas H. Riggs



SKETCH NO.
A - 21577

CONTRACT NO. 97AW/AS1849A

SKETCH NO(S). A-21577

LOCALITY ROCKVILLE

RIGHT OF WAY

FROM

MARVEL R. FREUND AND JANE D.
FREUND, HIS WIFE, OWNERS

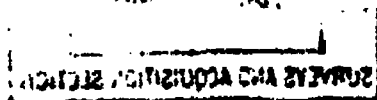
TO
WASHINGTON SUBURBAN
SANITARY COMMISSION

Across Lots 45, 46 & 47 - Block 2 -
North Glen Hills Plat Book 183 -
Plat No. 20349

Return to

WASHINGTON SUBURBAN
SANITARY COMMISSION
SURVEYS & ACQUISITION SECTION
14501 Sweitzer Lane, Laurel, MD 20707

NO COMMITMENT
COMMITMENTS

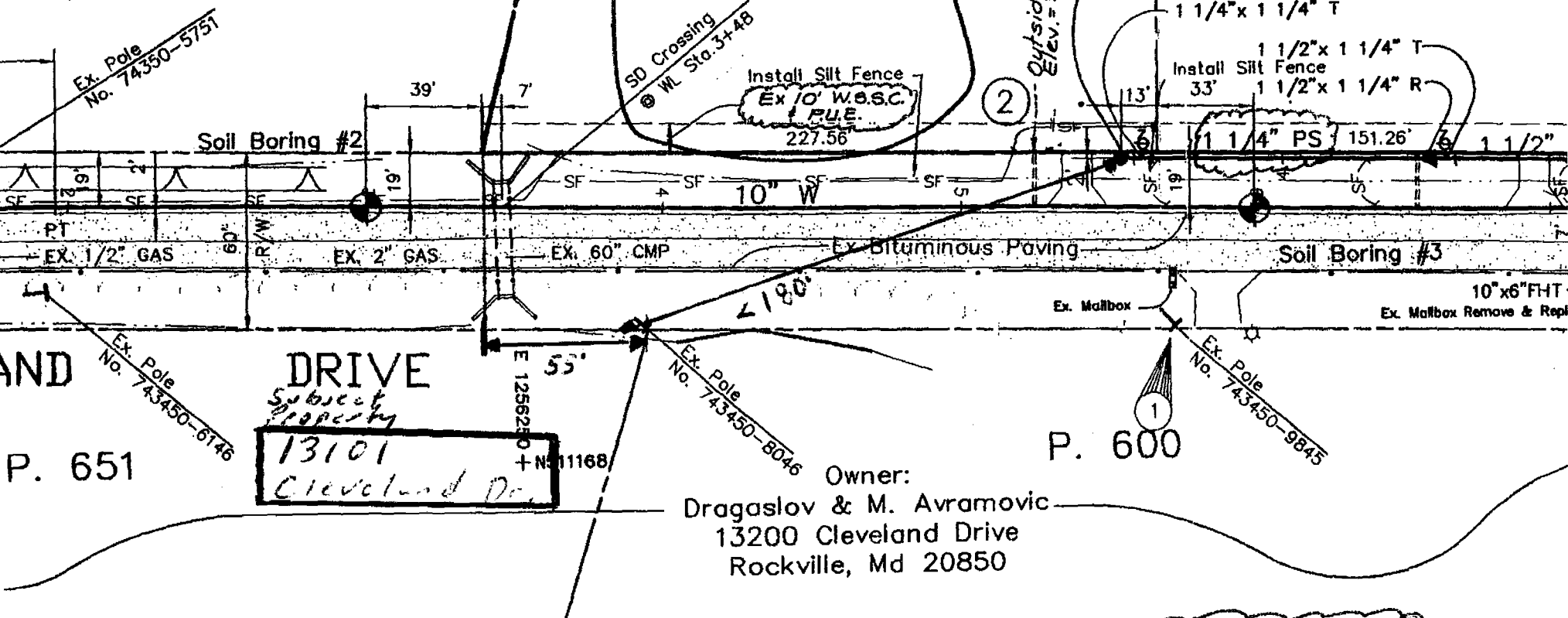


14922.541

Exh. 6.4 B
8/18

North Glen Hills
P. 53 P. 4184

Owner:
John B. O'Donovan
201 Valley Drive
Rockville, Md 20850



AND
P. 651

DRIVE
Subject Property
13101
Cleveland Dr.

Owner:
Dragaslov & M. Avramovic
13200 Cleveland Drive
Rockville, Md 20850

P. 600

PLAN

Scale: 1"=50'

Completed WJSC Contract
97-AW/AS 1849 A

APPL

it store or park equipment
backpile materials under the tree driplines.

Mr. Marvel I
c/o Becraft
405 S. Frec
Gaithersburg
(301) 948-

Exhibit B
a - 12

(54)

WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC)

2016 DEVELOPMENT SERVICES CODE

(Formerly known as Development Services Process Manual)

Effective Date: April 15, 2016

CERTIFICATION OF AUTHORITY

The General Counsel certifies that the statutory authority for the adoption of this Code is:

Annotated Code of Maryland:

Maryland Public Utilities Article:

§§ 17-403, 17-406, 21-101, 23-101, 23-102, 23-104, 23-201, 23-202, 23-203,
24-101, 24-102, 24-103, 24-104, 24-105, 25-101, 25-301, 25-302, 25-303, 25-304,
25-401, 25-402, 25-403, 25-405, 27-107

This code supersedes all of the following:

PD 99-01 Procedure for Implementing an MOU for Construction of WSSC
Systems/Facilities by Others (specifically repealed by the adoption of the Procurement Regulations on
August 1, 2012)

ENG 04-10 (Grinder Systems)

DSP Manual (SEP Projects Section)

2013 Plumbing and Fuel Gas Code:

Chapter 1: Administration, part of Section 111, Connection to the Commission's Systems
Chapter 7: Site Utility Systems

CHAPTER 11

SERVICE CONNECTIONS

SECTION 1101

STANDARD CONNECTIONS ABUTTING

1101.1 Standard Service Connection. In general, a standard connection is a lateral service pipe that is constructed by the WSSC or its designee, from a WSSC water and/or sewer main (at a 90° angle) to a property line or to the edge of a WSSC easement. Pursuant to the Public Utilities Article, Division II of the Annotated Code of Maryland, WSSC may not grant water or sewer *service connections*, hookups or authorizations for service or otherwise extend water and sewer service to any new development within the WSSD unless the development is in conformance with adopted and approved plans, programs, and policies of the applicable County's comprehensive water and sewerage plan, amendment, or revision. (Figure 11.1)

1101.2 Hook-up. A connection pipe is needed to hook-up the on-site plumbing system(s). Work done to install and hook-up lines from the property line (connection) to a building or home is the responsibility of the property owner. Such work must be done by a registered master plumber and not the WSSC.

1101.3 Abutting property. A WSSC main will be located either in a 'Dedicated WSSC Easement' or a 'Public Right-of-Way' and is considered to abut a property when:

a) The main:

- 1) extends to a property's boundary line or;
- 2) lies within a property's boundary line or;

* 3) is located in a public right-of-way which is parallel or adjacent to any of the property's boundary lines. (Figures 11.1 and 11.2)

- b) The main terminates at or near a roadway intersection and the property(ies) directly ahead of the main located at the top of the intersection is considered abutting regardless of whether FFBC have been assessed or not. Note: If the main were to be extended to the property line(s) and it falls between two lots or parcels, both properties will be considered abutting. (Figures 11.3 and 11.4)

- * c) The WSSC easement line(s) coincides with the property line or is located within the private property. (Figure 11.5)

(see alternate Figure 11.5)

1101.4 Service Connections May Be Allowed.

- a) 24-inch and smaller ductile iron or cast iron water mains;
- b) 12-inch and smaller gravity sewer mains;
- * c) Connections into existing Low Pressure Sewer Mains of any size if capacity is available.

1101.5 Special Conditions.

- a) **Large/Busy Roadways.** A standard connection does not apply when a main is abutting a property however it is located on the opposite side of a large or busy roadway. A connection will only be granted if there is just one property remaining to be served. If two or more properties are located on the road opposite the main, a mainline extension across the road will be required to get service on the correct side. From there, the main can be extended up and down as needed to serve properties on that side of the large/busy roadway. (Figure 11.6)
- b) **Non-abutting Flag Lots.** Flag lots that do not have front footage abutting the public roadway and are located behind lots completely separating them from the public roadway must be served by an extension built into a dedicated easement to serve them. Because the 'shared ingress/egress easement' they use to get to their lots (shared driveway) is not wide enough to house individual water and/or sewer connections for each property, a mainline extension may be built in the shared ingress/egress easement (shared driveway) to serve them all. (Figure 11.7)

SECTION 1102

NON-ABUTTING SERVICE CONNECTIONS

1102.1 General. Non-abutting service connections are generally not allowed except under the below specified conditions. In addition, pursuant to the Public Utilities Article, Division II of the Annotated Code of Maryland, WSSC may not grant water or sewer *service connections*, hookups or authorizations for service or otherwise extend water and sewer service to any new development within the WSSD unless the development is in conformance with adopted and approved plans, programs, and policies of the applicable County's comprehensive water and sewerage plan, amendment, or revision.

1102.1.1 Qualifying Factors for Non-abutting Service Connections.

- a) A maximum of two non-abutting properties (including flag-lots) are left to be served. In the event there are additional properties beyond the Applicants' that will require service in the future, a mainline extension is required. (Figure 11.8)

*

b) The distance (footage) from the main to the property line does not exceed 200 feet and/-. (Figure 11.8) The distance criteria is based on:

- 1) Limiting ~~WSSC~~ construction costs, maintenance and clean-out to 200-feet;
- 2) Multiple connections tying into the line closely and/or loss of water;
- 3) Maintenance considerations - specifically leakage resulting from multiple pipe sections and construction or alignment of connections;
- 4) Other considerations are hydraulic and mainline sizing factors.

c) It is WSSC's determination a non-abutting connection is the most practical and efficient way of providing service to the property.

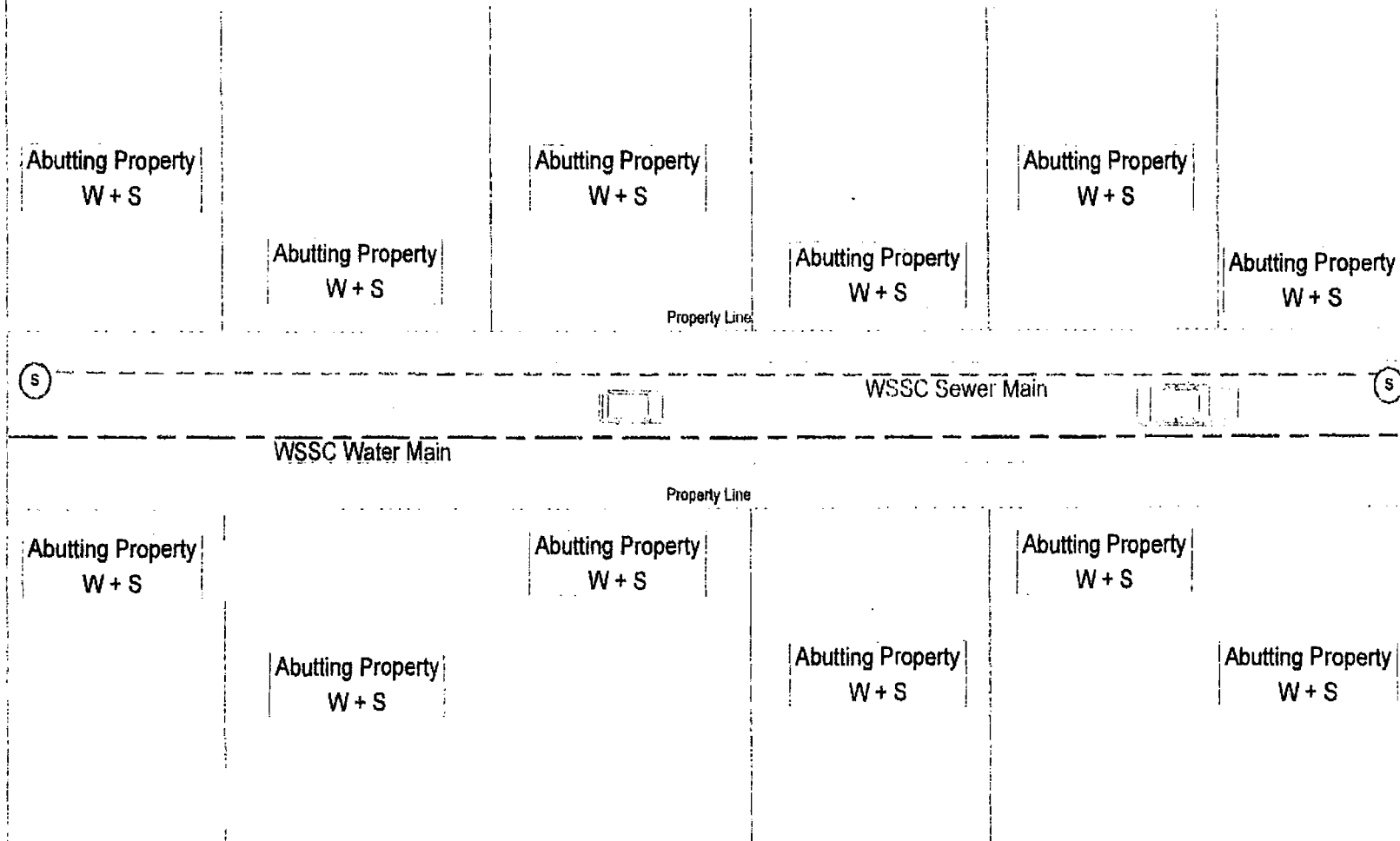
- 1) Acceptable Condition: if the property to be served is located only one property away from existing WSSC pipes and appurtenances that could possibly serve it and the Applicant is successful in obtaining a private easement from the adjacent property's owner, then WSSC will allow the non-abutting connection.
(Figure 11.10)

1102.2 WSSC will allow non-abutting connections for the following special conditions.

- a) **Grinder Pump or Low Pressure Sewer Service.** Whenever a non-abutting connection can provide gravity sewer service to a property in lieu of a grinder pump service from a gravity main or extension of a pressure sewer main, the gravity non-abutting connection will be recommended if available.
(Figure 11.11)
- b) **Front Foot Benefit Charge (FFBC) was previously assessed.** The mainline does not abut the property however the property's county tax account was assessed a front foot benefit charge due to an administrative error. A non-abutting connection may be built as long as the distance does not exceed 200-feet in length. (Figure 11.12)
- c) **Extensions 15-feet or less.** If the estimated length of a main to be extended is 15-feet or less to reach the Applicant's property, a non-abutting connection will be granted. Reason: For any project, fifteen feet is the minimum material length for a segment/section of pipe and manhole. (Figure 11.13)

Figure 11.1

All twelve properties along the street abut both the water and sewer mains and can connect to them for service.



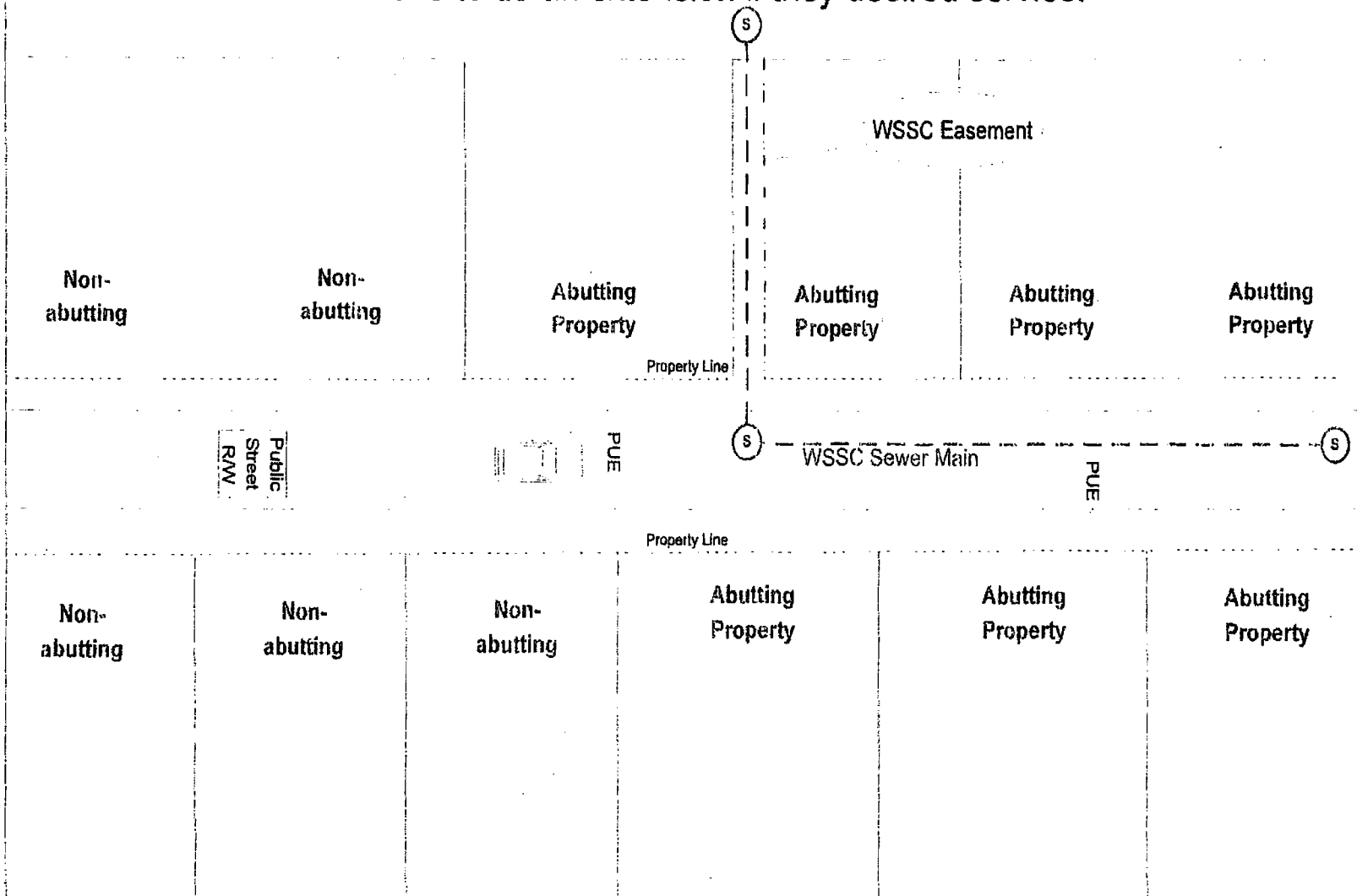
SERVICE CONNECTIONS

Exhibit

14 of 18

Figure 11.2

Four properties on the north side of the street and three properties on the south side abut the sewer main and can connect. The other five properties do not abut the sewer and would have to do an extension if they desired service.

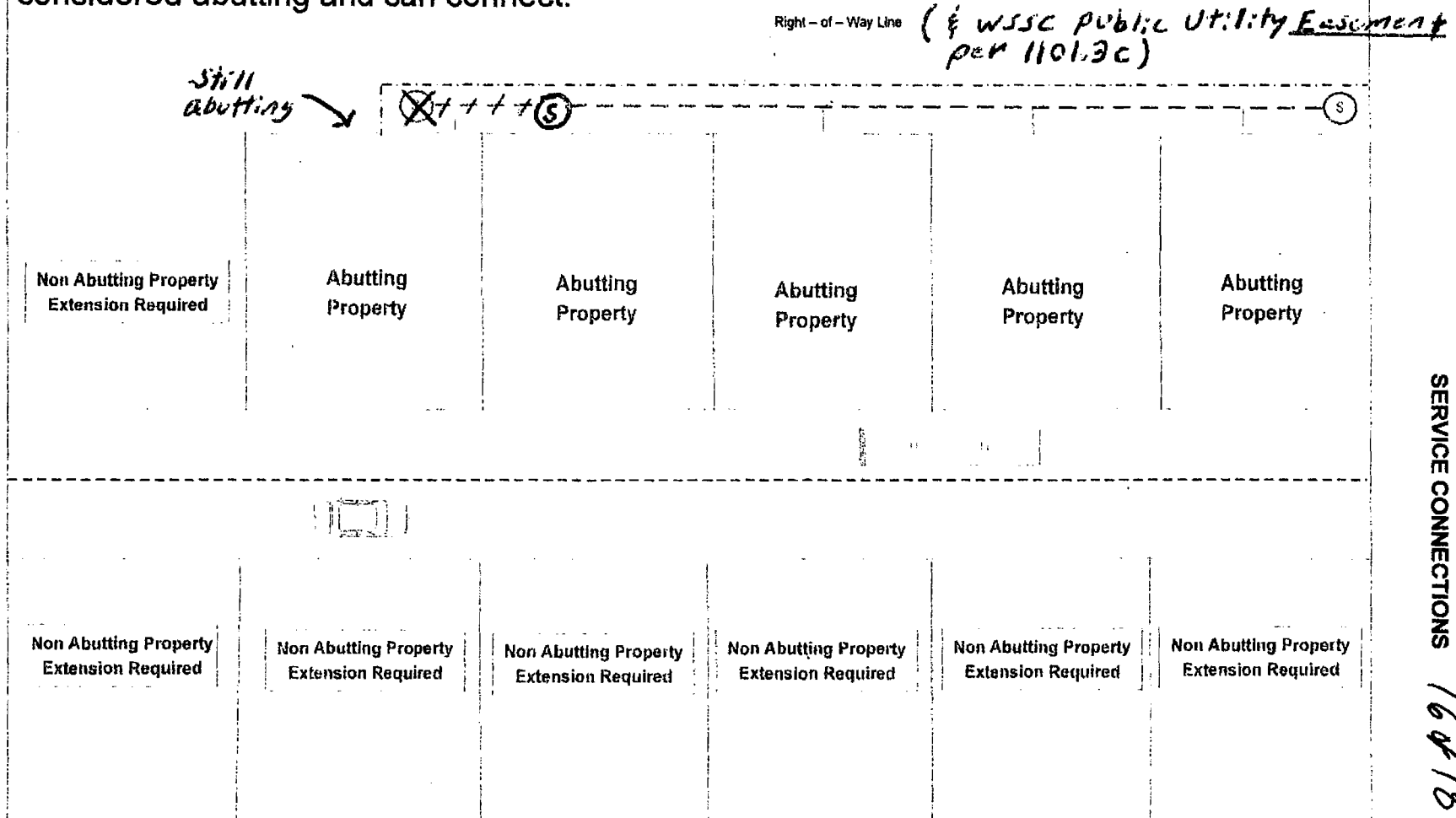


SERVICE CONNECTIONS

Exhibit B
15 of 18

Figure 11.5

Only the five properties where the sewer main is located behind them in an easement are considered abutting and can connect.



SERVICE CONNECTIONS

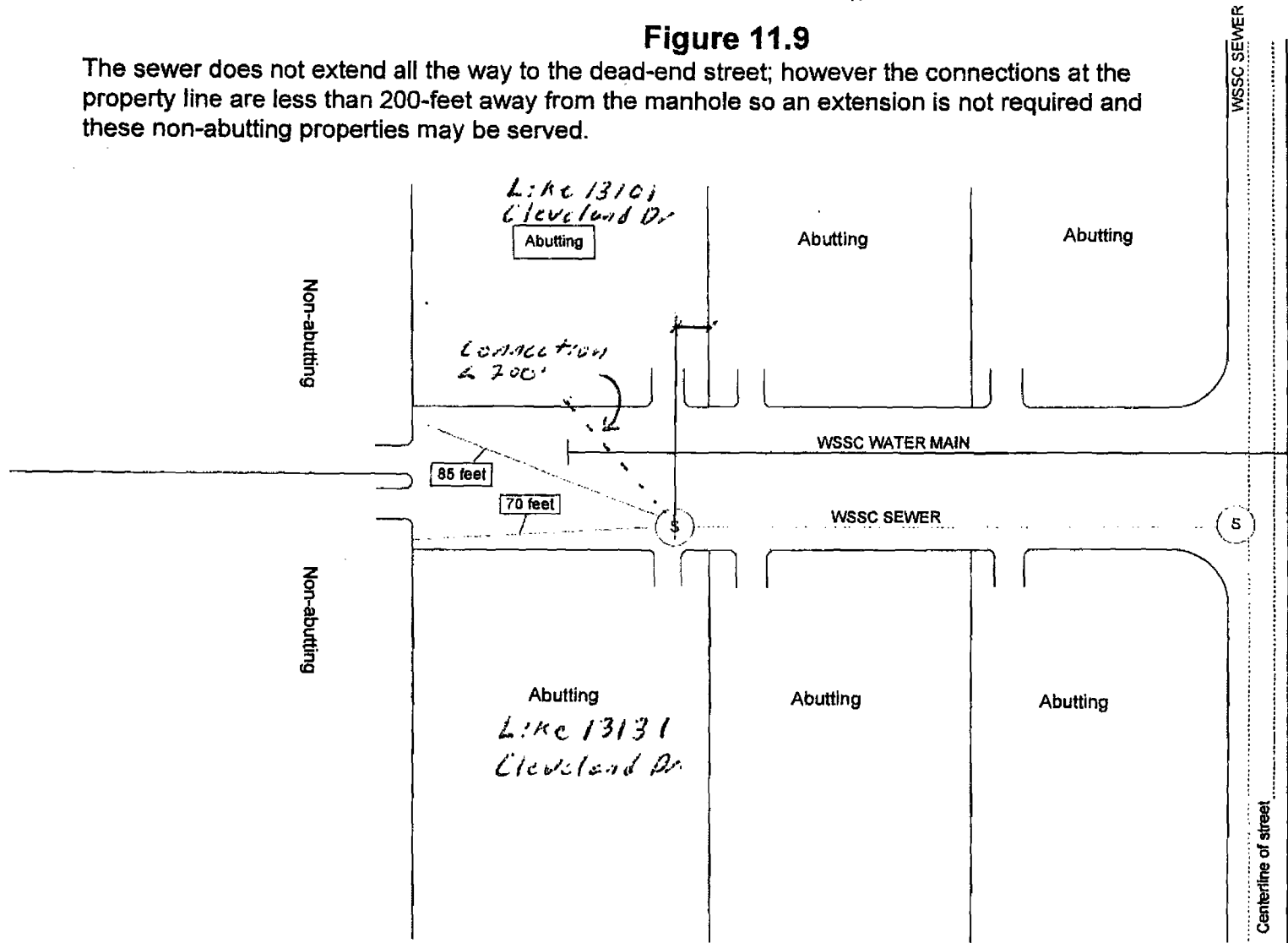
16418

Exhibit

* Good example

Figure 11.9

The sewer does not extend all the way to the dead-end street; however the connections at the property line are less than 200-feet away from the manhole so an extension is not required and these non-abutting properties may be served.



SERVICE CONNECTIONS 17 of 18

Exhibit 8

Glen Hills Area Sanitary Study: Phase 2 Report

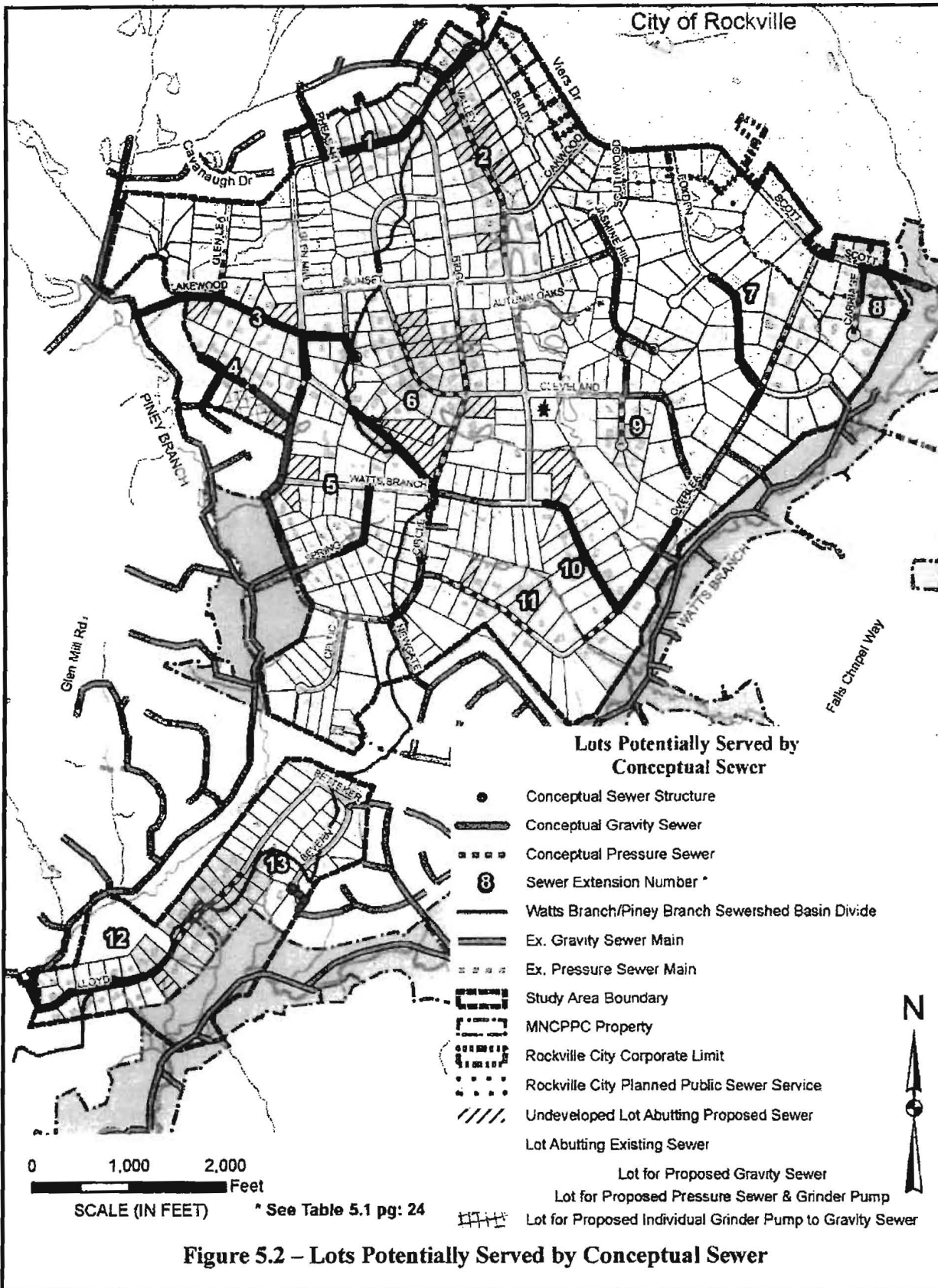


Exhibit C
1 of 3

9/14/16

- Check on tax return
- Grady House
- Car Charger
- Lin

Monica, Board 2nd

^{the}
non-stopping connection
no justification to not
approve

- Katherine Nelson

Depend to meet w/ Willie
in problems & counsel

Exhibit C
2 of 3

Ted Smart

From: Soukup, Alan <Alan.Soukup@montgomerycountymd.gov>
Sent: Wednesday, September 14, 2016 11:42 PM
To: Luis.Tapia@wsscwater.com
Cc: Katherine Nelson; Ted Smart; April Snyder; Lisa Sine; Sharon Spruill
Subject: Re: WSCCR 09A-TRV-02

9/14/16

Hello Luis -

I would appreciate you taking a look at this case for a possible non-abutting connection for Ted Smart's property. This category change request had been deferred by the Council several years ago pending the study we conducted for the Glen Hills area. Having Permit Service's advice on service from the existing low-pressure main to the east along Cleveland Dr. would be very helpful.

If you have any questions about this, please do not hesitate to contact me.

Thanks - Alan

Alan Soukup, Sr. Planner
Water and Wastewater Policy Group
Dept. of Environmental Protection
255 Rockville Pk., Suite 120
Rockville, MD 20850-4166
240-777-7716; fax: 240-777-7715
alan.soukup@montgomerycountymd.gov
www.montgomerycountymd.gov/waterworks

From: Ted Smart <TSmart@mddevco.com>
Sent: Wednesday, September 14, 2016 5:55 PM
To: Luis.Tapia@wsscwater.com
Cc: Soukup, Alan
Subject: WSCCR 09A-TRV-02

Mr. Tapia,

The referenced is scheduled for Council in 2 weeks on 9/27 with a recommendation for denial, but I had a positive meeting with Alan Soukup this morning. I and my counsel believe its an abutting main based on the attached.

- 1) Record plat of abutting property with PUE which is also a WSSC ROW
- 2) Recorded WSSC permanent ROW, see page 6
- 3) Detailed sketch of the existing condition and future connection
- 4) Excerpts and highlights on abutting mains and non-abutting connections from WSSC recently adopted 2016 Development Services Code.

Alan Soukup thinks there is a possibility that a single "non-abutting connection" may be warranted under the abutting mains policy due the lot and sewer line configurations in the area. Alan needs you to weigh in on the matter. I'm hopeful

Exhibit C 3 of 3

you will confirm Alan's thinking and I'd appreciate being able to meet with you at your earliest convenience to provide further information. Specifically, I'd like to look at other non-abutting sewer connections in the area, the more recent Ron & Carolyn Willis WSCCR 16-TRV-04A ,which is related and trailing behind in the next package to council, and conceptual sewer alignments from the Glen Hills Study as well as a little history of the area planning.

Time is of the essence as this WSCCR is on Park and Planning's agenda next Thursday the 22nd. I am available to meet with you anytime this Friday or next Monday Tuesday or Wednesday.

Let me know what's good for you.

As always, I appreciate the consideration.

Thanks,

Ted N. Smart
Principal

MDC Services LLC
(301)-840-5854
(301)-642-6018 Cell
PO Box 7278
Gaithersburg, Md. 20898

Exhibit D
page 1 of 2

September 20, 2016

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20850

Attn: Mr. Casey Anderson, Chair, Montgomery County Planning Board

Via: E-mail

Re: Planning Board Meeting Thursday, September 22, 2016
Agenda Item #9, Proposed Sewer and Water Map Amendments
09A-TRV-02&03: Ted and Roxanne Smart

Dear Chairman Anderson,

I & my wife, Roxanne, first heard about the referenced, our deferred WSSCR from 2009 pending the completing of the Glen Hills Area Sanitary Study, being scheduled for a Council hearing with a recommendation for denial on September 6th, only 3 weeks from the Council hearing and just 16 days from this Thursday's Planning Board Meeting. After receiving the notice, I contacted Mr. Alan Soukup of MC DEP Water & Wastewater Policy Group to meet. I had a positive meeting with Mr. Soukup on 9/13 who thinks a single "non-abutting connection" may be warranted under the abutting mains policy due to the lot and sewer line configurations in the area as well as future conceptual sewer extensions. Our counsel, Mr Stephen J. Orens of McMillan Metro, P.C. my wife and I agree.

To begin with, on page 4 of the staff report, under our WSSCR and Ms. Lau's, staff states, "Under the policy, individual unimproved lots are not eligible for evaluation, but may be included if a group of qualifying landowners seeks evaluation for service." This is simply not true and misleading if anything. In Glen Hills, as in every other area of the County, the applied abutting mains policy allows a single connection to both vacant and built upon lots. Staff re-states this misnomer on page 22 of attachment 1, 3rd bullet and I challenge staff to point out where individual unimproved lots can't be found to have an abutting main in the Glen Hills Policy or any other policy area.

Further, the 2nd bullet on page 22 of attachment 1, "No existing or planned sewer main currently abuts or will abut...." is partly the reason a "non-abutting connection" "less than 200'" is warranted. At the end of a sewer extension, according to WSSC's 2016 Development Services Code section 1102.1, a non-abutting connection is allowed if "a maximum of two non-abutting properties are left to be served", the non abutting connection "does not exceed 200'" and WSSC determines it's "the most practical and efficient way of providing service". See figure 11.9 as well. There is only one property to be served, it doesn't exceed 200' and it's the most practical and efficient service, taking into account the existing sewer mains, the Glen Hills Study conceptual sewer extensions and the natural creek barrier. Because there is no overall County policy, that we know of, or Glen Hills Area policy, we're sure, that dictates non-abutting connection standards, they fall under the abutting mains policy and are warranted if they meet the WSSC standards. 09A-TRV-02's meets those standards.

Secondly, and as more of a point of clarification and interest, 09A-TRV-03's subject property was found to "perk", has an approved septic system, possesses an occupied home and is no longer the subject of a WSSCR. However, this property P561, 13001 Valley Drive, is a buildable parcel and is exempt from the subdivision regulations. As a result, it was only required to have 1 septic reserve area which is now a "valid concern" under the Glen Hills Area Water and Sewer Special Policy Area which states, "Valid concerns for studying a potential health problem area include, but are not limited to;A know limitation affecting future septic system use, as verified by DPS. For example, properties where DPS has acknowledged that either only one or no future replacement systems are feasible" How did we get from deferred request for sewer service to home on septic that now has a valid concern?

With regard to the remaining 09A-TRV-02, the subject at hand, a review of the existing conditions of the area, including an abutting WSSC ROW, existing sewer mains and future "conceptual" sewer extensions from the Glen Hills Study, as well as WSSC's 2016 Development Services Code shows that under the abutting mains policy a non-abutting connection is warranted. Attached for your use and review is:

- 1) Record plat of abutting property with PUE which is also a WSSC ROW
- 2) Recorded WSSC permanent ROW, see page 6
- 3) Detailed sketch of the existing condition and future connection
- 4) Excerpts and highlights on abutting mains and non-abutting connections from WSSC recently adopted 2016 Development Services Code.
- 5) Fig 5.2 - Existing & Conceptual Sewer Lines, GHASS Phase 2, June 2013

At this time and by Mr. Soukup's direction, we are in contact with Mr. Luis Tapia at WSSC to get concurrence from him on the circumstances of what I and my counsel believe is an abutting main in Glen Hills. Many of these "non-abutting connections" currently exist all over Glen Hills and the Potomac Area. Mr. Tapia has said a review normally takes 4 to 6 weeks but he will try to expedite it and has already assigned it to a project manager. I believe it's only the Hydraulic Planning Analysis (HPA) that's in question. In other words, can the existing 1 1/4" pressure main accommodate one additional home? I'm hopeful Mr. Tapia will confirm this even though my engineer, counsel and I believe it's pretty clear a sewer connection is warranted.

In closing, I respectfully request the Planning Board support a change from S-6 to S-3 for 09A-TRV-02 subject to conditions to be provided by WSSC so that we may proceed to Council with your support.

Thank you.

Sincerely,



Ted N. Smart
13200 Cleveland Drive
Rockville, Md 20850

Cc: file – Katherine Nelson – Fred Boyd – Stephen Orens – Alan Soukup

Exhibit E
page 1 of 2



14501 Sweitzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS

Chris Lawson, Vice Chair
Fausto Bayonet
Omar M. Boulware
Howard A. Denis
Mary Hopkins-Navies

GENERAL MANAGER
Carla A. Reid

September 22, 2016

Mr. Ted Smart
13200 Valley Drive
Rockville, MD 20850

Re: S.C. #600
13101 Valley Drive, Rockville, MD 20850

Greetings:

The Washington Suburban Sanitary Commission (WSSC) is pleased to inform you, the request for a non-abutting sewer connection to serve the above referenced property has been approved. Please note the following condition(s) of approval:

- Your property is currently deemed a sewer category S-6. You must obtain a category change or waiver from Montgomery County. Please contact Alan Soukup at 240-777-7716.
- The non-abutting connection for this property will need to be constructed 90° (perpendicular) off of the pressure main to the adjacent property (13200 Valley Drive), and then run private sewer across that property within a private easement. Because the proposed connection will cross over or into private property, a private easement (Declaration of Covenant) will need to be acquired from 13200 Cleveland Drive. This is necessary to protect the connection and allow future maintenance. If you cannot obtain an easement, a main line extension is required.
- Grinder pump service may be required to serve your property. You will be responsible for all on-site installation (materials, electrical equipment, grinder pump unit and plumbing hook-up) which must be installed by a registered plumber. Please note, grinder pump units must be approved by WSSC. In addition, you will be responsible for all on-site maintenance and cost of the grinder pump system.

Washington Suburban Sanitary Commission

Mr. Smart
S.C. # 600 - 13101 Valley Drive
Page 2

Upon recordation of the required easement, you may visit WSSC's Permit Services Unit to complete the connection application process. They are located in Laurel at 14501 Sweitzer Lane.
Be sure to bring the following information with you:

- 1. Special Connection approval letter**
- 2. Service Connection/Plumbing and Gasfitting Application**
- 3. Location Sketch**
- 4. Connection Fees (payable by check, cash or money order)**
- 5. Recorded Private Easement**

Your patience during our review was appreciated. If you need additional assistance, please contact Permit Services at (301) 206-8640.

Sincerely,

Chrystal J. Jones

Chrystal J. Jones
Permit Specialist
Development Services Group

cc: Permit Services Unit
Montgomery County - Alan Soukup

**Amendments to Ten Year Comprehensive Water Supply and Sewerage Systems Plan:
water and sewer category changes**

September 27, 2016

Testimony of Kenneth Bawer

My name is Kenneth Bawer. I live at 8 Cleveland Court, and have been a resident of Glen Hills for 18 years.

With regard to the 3 Glen Hills sewer category change requests for the Smart, Lau, and Geringer properties, I urge the Council to accept the recommendations of the County Planning Board as stated in the September 2, 2016 Public Hearing Notice from DEP's Alan Soukup.

Thank you for your consideration.

a

Thank you for allowing the time for me to speak in reference to the property at 17131 Old Baltimore Road in Olney (Case #WSCCR16-OLN-02A)

My wife and I own the adjoining 3.7 acres at 17017 Norbrook Drive. As land owners, we have many concerns involving the request to allow sewer service to the property at 17131 Old Baltimore Road. They are as follows:

1. In allowing sewer service to 17131 Old Baltimore Road, the original intent of the sewer service envelope of the Master Plan in preserving the wooded areas will not be maintained.
2. The proposed sewer line would cross the headwaters of the Northwest Branch jeopardizing the natural flow of the stream which goes through our property. There is also a small pond on our property that the stream flows into and this, too, would be in jeopardy.
3. The water to our home connects from Old Baltimore Road. The water meter for our home is located on Old Baltimore Road. The proposed sewer line would cross our water line to our property on Norbrook Drive. There is a very strong likelihood that our water line will be compromised if the proposed sewer line is allowed. If this should happen, who would have to pay for repairs and the costs we may have to incur if we cannot live in our home until water service is restored?
4. With the topography of the land surrounding our home and allowing the proposed sewer line will cause damage to existing trees. (From the proposed sewer line to our home is a natural slope) With the loss of the trees and the slope going towards our home, there will no longer be a natural buffer to control the runoff of rain and/or snow. Losing the trees could cause damage to the foundation of our home and to our property. If this should take place, who do we hold responsible, the county or the owner of the property who asks for the sewer line?

Please review EXHIBIT A – This shows how the existing water line, the existing sewer line, the existing stream bed and the proposed sewer line will intersect. I have colored coded the lines for your convenience.

In EXHIBIT B – This picture shows the wooded areas that the proposed sewer line will transverse.

As stated prior to my testimony, "Under strict interpretation of the ten-year water supply and sewerage systems plan, this property is not eligible for sewer service because it is in the low density RE-2 zone and because there is no sewer main abutting this parcel of land."

Thank you for your time and due diligence in making the only proper decision and that is to deny the sewer category changes to the property at 17131 Old Baltimore Road. If you should have further questions, please feel free to ask them at this time. If you would like to visit our property so you may see what is in question, please feel free to do so.

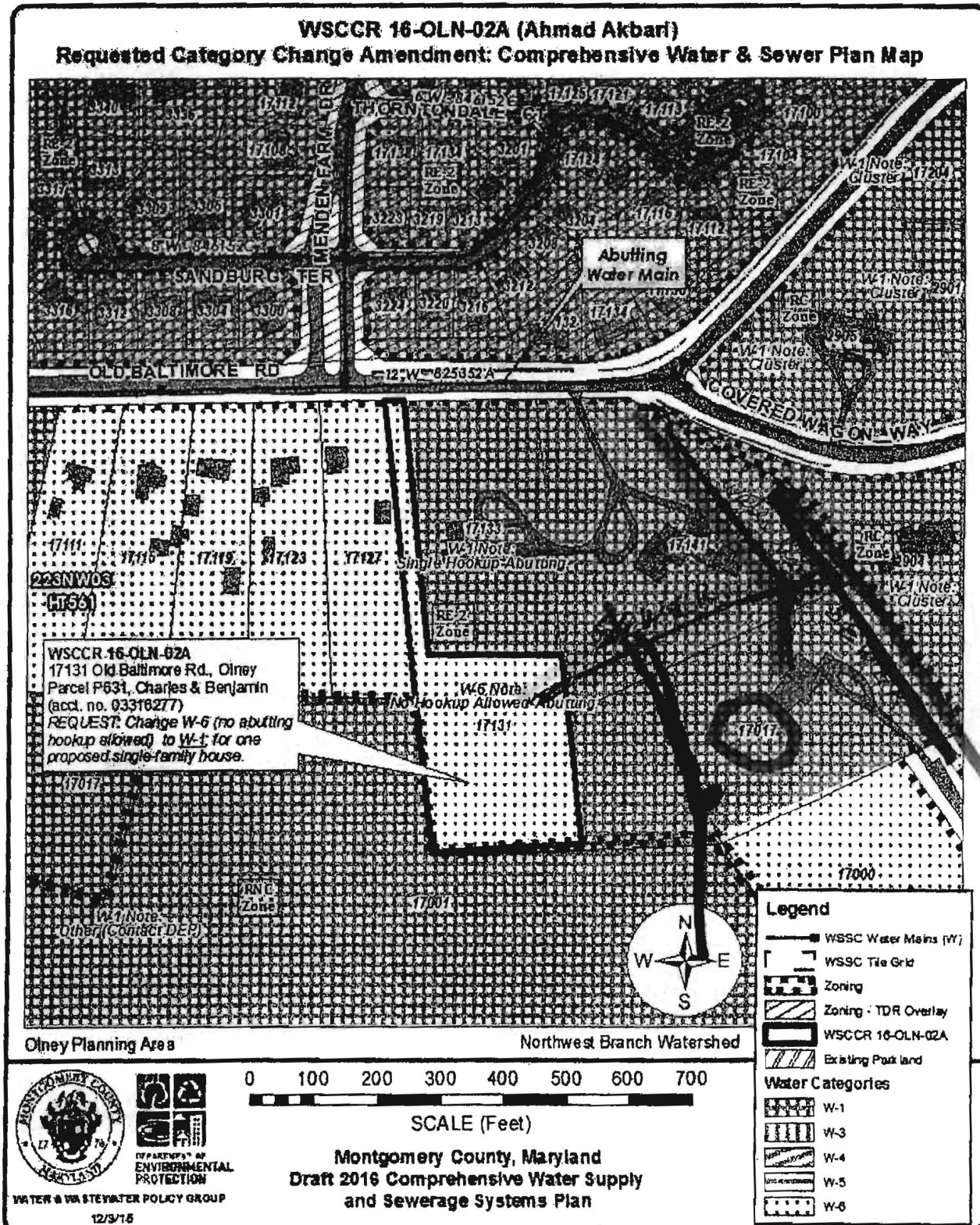


Mgyagt Michael H. Bowser USMC Ret
17017 Norbrook Dr.
Olney, MD 20832

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COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2016 Transmittal Packet
FY 2015 and FY 2016 Category Change Requests

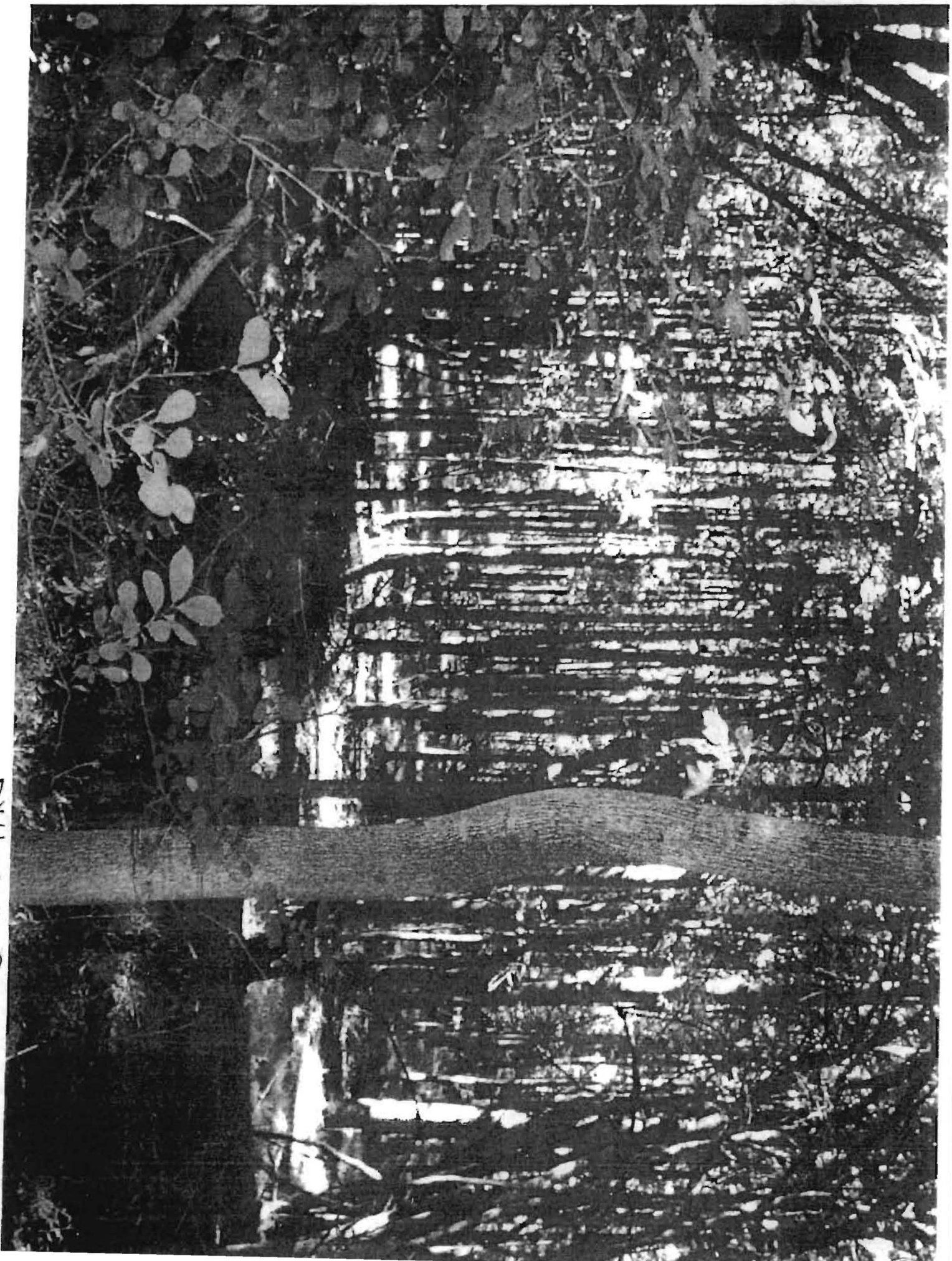
Page 18



- PINK - WATER LINE
- Yellow - Proposed Sewer
- ORANGE - EXISTING Sewer
- Blue - N.W. Branch beginning

EXHIBIT A
(73)

EXHIBIT B



Testimony for Category change request for:

Tuesday, September 27, 2016

Ahmad Akbari
17131 Old Baltimore Road
Olney, MD 20832
16-OLN-02A

Dear Council Members,

I would like to testify before you and clarify the points below hoping to have your support to grant me a non-abutting sewer connection to the existing public sewer at a property next door at 17141 Old Baltimore Road.

1. Before I purchased this land I did some research and found out that I am able to connect to public sewer and water. After purchasing I had to go through the subdivision process which you know is very time consuming and expensive. After a yearlong process we had a note from DEP that there was a mistake showing that we were allowed to have a public sewer but actually were not because the DEP system was not updated. As a result, I purchased this property based on available records to me which were not accurate.
2. In the council meeting packet page 13, it states that we have the option of going through the septic system which as a result will lengthen the process and also make it financially difficult for us including paying \$3500 property tax and all those other fees that we will encounter. It has already been two and a half years since we purchased this property and trying to build our first home.
3. We are going through a subdivision process with M-NCPPC and are about 80 percent into the process. If we don't get this non-abutting sewer connection, we will have to reverse almost our entire process.
4. As you see on page 17 in the council meeting packet, we already have the design of the house and a forest conservation area. In order to go back to the septic route, we will need at least a quarter of an acre of clear land to be designated for that which will be another challenge.
5. We have many large beautiful trees that we would like to keep and again going through the septic route we will have to clear them.
6. The non-abutting sewer connection that we would like to have is to a main located at our neighbors which we already have a recorded easement for (please see page 16 in the council meeting packet).
7. We don't only have that easement through our neighbor's property but we will have a nice gravity sewer if connected.
8. As you see on page 19 in the council meeting packet, we are given two alternatives. Alternative number one will be very costly for us since we are only building one single family home. Alternative number two is the best solution for us.

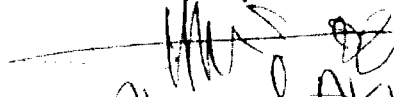
9. As you see on page 19 in the council meeting packet, we see that almost all the properties surrounding us have public sewer connections. From north 17133, 17141 Old Baltimore Road. From East 17017 Norbrook Drive, and from South and West 17001 Georgia Avenue (new development). Therefore, we should also have a public sewer connection.
10. Attached is a letter from my neighbor Ms. Mary Beth which granted us the sewer easement. She is very supportive of us having a house there and having a public sewer connection.
11. In our meetings with our neighbors while going through the subdivision process, we mostly felt welcome and supported.


In conclusion, dear Council Members with your kindness we hope that you grant us our request to have a public sewer connection. After working for 19 long years, me, my wife, and four children will have our first house and our dream come true. We pay about \$3500 tax each year for this land and hope that we will have a house there soon.
God Bless you and your family.

Thank you.

Sincerely,

The Akbari Family


Ahmad Akbari


Zarnab Akbari

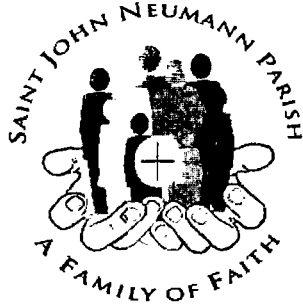
0123/16

County Council
Montgomery County Dept. of Environmental
Protection;

I write this letter in support of
Mr. Ahmad Akbari and family who are
working through the process for building a
home at 17131 Old Baltimore Rd, Silver Spring.
I am excited and pleased the Akbari's
will become part of the County community.

I encourage you to support their request
for public water & sewer. Both of
these options are the best choice.
I have granted access to my property
should it be necessary.

Thank you
Mary Beth Wilgus
17141 OLD BALTIMORE RD
SILVER SPRING MD 20910 (77)
301.254.2200



St. John Neumann Catholic Parish

Mailing address: 8900 Lochaven Drive • Gaithersburg, MD 20882

Phone: 301-977-5492 • Fax: 301-977-3559

E-mail: info@saintjohnneumann.org

"Totus Tuus ego sum et omnia mea Tua sunt, O Maria!"

Madame President, Mr. Vice President, Honorable Members of the Montgomery County Council:

On behalf of the more than 4,000 members of St. John Neumann Catholic Parish, please allow me to thank you for your time and for your service to our community. I would also like to thank the County Executive and County Planning Board for their support of our sewer designation application as a Private Institutional Facility (PIF). As a family of faith, every Sunday we celebrate four English Masses, one Spanish Mass, and one bi-lingual "Youth" Mass, keeping our doors open for all people every day. At the heart of our parish, we maintain a 24-hour chapel where church members and members of other churches in the surrounding area keep vigil every hour of the day, seven days a week, 365 days a year for our community and its protection.

To borrow an image from the Holy Torah of the Hebrew Scriptures, our parish resembles Joseph's "coat of many colors" (Gen 37:3), a garment woven together by faith and love and the common hope to build a life that endures for our children and their children here, with an eye to eternity. Our parishioners hail from diverse socio-economic and ethnic backgrounds representing the cultural and ethnic traditions of Africa, Asia, the Indian subcontinent, Latin America, Central and Eastern Europe, the Middle East, and our beloved United States. Unified by our Catholic faith we seek to live the Gospel in prayer, conversion, and community following Jesus of Nazareth (cf. Acts 22:8) and his teachings. We embrace the path of missionary discipleship and service (cf. Pope Francis, *Evangelii Gaudium*, 24-28) that Pope Francis so simply and brightly embodies.

Through our St. Vincent de Paul Society we assist lower income families not only with material help but spiritual and moral support. This past year over 50 local households received assistance, often involving hours of personal accompaniment while providing food, clothes, and furniture for infants and parents. We are committed to helping new immigrants integrate into our society and actively assist mothers in need of pre- and post-natal care (i.e., Project Gabriel). We educate and offer human formation to over 300 children each year through Religious Education, most of whom are first generation immigrants or the children of first generation immigrants. We have a thriving men's ministry which seeks to equip fathers with the human and spiritual values to remain faithful to their spouses and to raise their children with love. We have an active seniors group, extensive outreach to the infirm and homebound, a blossoming Family Night Program, and collaborate regularly with the Red Cross and Special Olympics. We have a thriving Knights of Columbus Council and growing Special Needs Ministry for families with children with developmental differences. I would say most importantly we have an active, growing, multi-cultural, bi-lingual Youth Ministry that keeps our young people from area high schools off the streets and far from the gangs that recruit them. We are not a huge church, but we desire to be leaven and light in our community, which we love and care for very much. Please allow me to close using another image, that of the Good Samaritan, quoting from St. John Paul II: "Following the parable of the Gospel, we could say that suffering, which is present under so many different forms in our human world, is also present in order to *unleash love in the human person*, that

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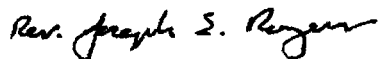
unselfish gift of [oneself] on behalf of others, especially those who suffer. The world of human suffering unceasingly calls for another world: the world of human love; and in a certain sense man owes to suffering that unselfish love that stirs his heart and actions" (St. John Paul II, *Salvifici Doloris*, 29). Permission to extend sewer to the subject properties will benefit our parish, the County, and especially those who suffer. Ultimately, we do not ask for ourselves but for them. For their sake I hope you will support our request.

Thank you.

[I append to my oral testimony for your review the following practical observations:

- First, the Private Intuitional Facilities (PIF) policy was created specifically to address the project type and facilities like our own;
- Second, our request is not a major incursion into the Agricultural Reserve as the subject properties are located on Warfield Road, where the reserve begins. As the staff mentions, already three out of four corners at this intersection are S-1 church affiliated institutions;
- Third, in terms of aesthetic appearance our suggested facilities would be consistent or perhaps even less imposing then facilities on the other properties at the intersection, not to mention the County's intention to install a five-lane intersection and storm water system on our property;
- Fourth, in regard to sewer encroachment in the AR, our site requires a pumping system for sewer. Thus, it would be difficult to achieve sewer connections to adjacent properties.]

Respectfully submitted,



Rev. Joseph E. Rogers

Pastor

Grace Rivera-Oven
21210 Blunt Rd
Germantown MD 20876

Good afternoon Council president Nancy Floreen and Council Members;

My name is Grace Rivera-Oven and I am a parishioner at St. John Neumann Catholic Church located on 9000 Warfield Rd. in Gaithersburg MD.

I am here to ask for your support on our property across the street from our church to be given access to public sewage. Because of our rapid growth in our church we are bursting at the seams and nothing can make us happier to have such an issue.

We have a vibrant community that's amazing in its diversity and we also have a growth in our children's programs and our youth.

Father Joseph Roberts our pastor will be given you more details I am truly here representing the 4000 thousand members of our church in support of us getting public sewage in order to support are mission to keep on serving our neighbors and also to support our parishioners needs.

Thank you so much for taking my testimony and in advance I want to thank you for your support.

Grace Rivera-Oven