



Committee: T&E
Committee Review: Completed
Staff: Keith Levchenko, Senior Legislative Analyst
Purpose: To make preliminary decisions – straw vote expected
Keywords: #WaterandSewerPlan and Category Changes

AGENDA ITEM #14
 February 23, 2021
Worksession

SUBJECT

Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

DESCRIPTION/ISSUE

- On December 4, 2020, the County Council received a package of six Water and Sewer Category Change requests from the County Executive.
- The Planning Board reviewed these category changes on January 7, 2021. A public hearing was held on January 12, 2021. A Transportation and Environment Committee worksession was held on February 1.

Category Change Requests and Recommendations

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	T&E Committee	CE Staff Report*	
							Text	Maps
1	WSSCR 20-PAX-01: Michael Smith	Requesting public water (W-6 to W-1) to create a 6 lot residential subdivision	Defer pending applicant's coordination with M-NCPPC on the related preliminary plan.	Concur with CE	Concur with CE	Concur with CE	©20-22	©25
2	WSSCR 20-TRV-03A: Ashwani & Janak Arora	Requesting public sewer (S-6 S-1) to serve the existing single family home	Approve S-1, restricted to a single sewer hookup only from the abutting sewer main.	Concur with CE	Concur with CE	Approve S-1 per CE. Defer request for a sewer extension	©26-27	©28-29
3	WSSCR 20-TRV-05A: Ravinder & Ritu Kapoor	Requesting public sewer (S-6 to S-3) to serve the existing single family home	Deny the request for S-3; maintain S-6.	Concur with CE	Concur with CE	Defer pending consideration of the abutting mains policy	©30-31	©33-34
4	WSSCR 20-TRV-09A: Sami and Siham Ainane	Requesting public sewer (S-6 to S-1) to convert an existing outlot to building lot for one single-family house	Deny the request for S-1; maintain S-6.	Defer pending applicants' submittal & DRC positive review of a concept plan for the outlot.	Concur with CE	Defer pending consideration of the abutting mains policy	©35-36	©38-41
5	WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi	Requesting public sewer (S-6 to S-1) to provide improvements to the existing property and single-family house.	Deny the request for S-3; maintain S-6.	Concur with CE	Concur with CE	Concur with CE	©42-44	©45-46
6	WSSCR 20-TRV-11A: Meenu Bawa & Anand Verma	Requesting public sewer (S-6 to S-1) build a 4-bedroom house on the existing lot.	Deny the request for S-3; maintain S-6.	Concur with CE	Concur with CE	Concur with CE	©47-49	©50-52

*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

This report contains:

Council Staff Report

Page 1 - ©93

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Worksession

M E M O R A N D U M

February 18, 2021

TO: County Council

FROM: Keith Levchenko, Senior Legislative Analyst

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

PURPOSE: To discuss and take straw votes on each of the six category change requests¹

Category Change Requests and Recommendations

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	T&E Committee	CE Staff Report*	
							Text	Maps
1	WSSCR 20-PAX-01: Michael Smith	Requesting public water (W-6 to W-1) to create a 6 lot residential subdivision	Defer pending applicant's coordination with M-NCPPC on the related preliminary plan.	Concur with CE	Concur with CE	Concur with CE	©20-22	©25
2	WSSCR 20-TRV-03A: Ashwani & Janak Arora	Requesting public sewer (S-6 to S-1) to serve the existing single family home	Approve S-1, restricted to a single sewer hookup only from the abutting sewer main.	Concur with CE	Concur with CE	Approve S-1 per CE. Defer request for a sewer extension	©26-27	©28-29
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4	WSSCR 20-TRV-09A: Sami and Siham Ainane	Requesting public sewer (S-6 to S-1) to convert an existing outlot to building lot for one single-family house	Deny the request for S-1; maintain S-6.	Defer pending applicants' submittal & DRC positive review of a concept plan for the outlot.	Concur with CE	Defer pending consideration of the abutting mains policy	©35-36	©38-41
5	WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi	Requesting public sewer (S-6 to S-1) to provide improvements to the existing property and single-family house	Deny the request for S-3; maintain S-6.	Concur with CE	Concur with CE	Concur with CE	©42-44	©45-46
6	WSSCR 20-TRV-11A: Meenu Bawa & Anand Verma	Requesting public sewer (S-6 to S-1) build a 4-bedroom house on the existing lot.	Deny the request for S-3; maintain S-6.	Concur with CE	Concur with CE	Concur with CE	©47-49	©50-52

*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

• On December 4, 2020, the County Council received a package of six Water and Sewer Category Change requests from the County Executive. The requests and Executive recommendations are summarized above and in the Executive Summary of the Executive Staff Report (see ©15-16)

¹ #WaterandSewerPlan and Category Changes

The Planning Board's review of these category changes occurred on January 7, 2021. The Council held a public hearing on January 12. Public hearing testimony and correspondence was received from several of the applicants as well as from the West Montgomery County Citizens Association and is attached on ©62-93.

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

List of Attachments

	<u>Page</u>
Council Resolution	©1-2
• Attachment A (T&E Committee recommended approval language for each request)	©2A-2E
Planning Board Letter	©3-6
Planning Department Staff Report	©7-11
County Executive's Transmittal Letter (dated December 4, 2020)	©12-13
County Executive Department of Environmental Protection Staff Report	©14-61
• Executive Summary: Proposed Amendments and Recommendations	©15-18
• Water and Sewer Service Area Categories Table (description of each category)	©19
Ten Year Water and Sewer Plan Excerpts	
• Abutting Mains Policy	©53-56
• Glen Hills Sewer Service Policy	©56-57
• Piney Branch Restricted Sewer Service Policy	©58-59
• Potomac Subregion Master Plan Peripheral Sewer Policy	©59-61
Public Hearing Testimony/Correspondence	©62-93
• Mr. and Mrs. Ashwant & Janak Arora	©62-63
• Ravinder Kapoor	©64-75
• Amir Poustinchi	©76-84
• Meenu Bawa and Anand Verma	©85-90
• West Montgomery County Citizens Association - Kenneth Bawer	©91-93

Category Change Process Overview

The County's Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing category change amendments. DEP coordinates with staff from the Planning Department, WSSCWater, and Department of Permitting Services (DPS) and includes comments from those departments/agencies in its Executive Staff Report.

Amendments that are determined by DEP to be consistent with specific Water and Sewer Plan policies (and for which no concerns are raised by the Planning Department, WSSCWater staff, or County Councilmembers) can be approved by the DEP Director through DEP's administrative delegation process. However, DEP does not administratively deny requests so all requests which are not recommended for approval by DEP go through the Council review process.

Councilmembers should keep in mind that all the requests in the current amendment package involve properties outside the planned water/sewer envelopes and which are either recommended for denial or which have some specific issues raised by the various reviewing agencies.

In reviewing these requests, the Council can decide whether to approve, conditionally approval, defer, or deny. Like the Executive, Council Staff has relied heavily on relevant Water and Sewer Plan policies and interpreting whether these amendments fit or do not fit within the letter or intent of these policies.

With regard to the specific Water and Sewer Plan policies, which drive much of this discussion, the Council can review and modify these policies through consideration of text amendments to the Water and Sewer Plan. These amendments can be done at any time or as part of a comprehensive update process. Per State law, comprehensive updates are required to be done every three years. DEP Staff have noted that they are working on a Comprehensive Update and expect it to be transmitted to the Council later this year. ***NOTE: The T&E Committee is recommending deferral of two requests (Kapoor and Ainane) and deferral of the main extension requested in the Arora request, pending a review of the abutting mains policy as part of the Council's review of the Comprehensive Update.***

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.

Planning Board Review

The Planning Board reviews all Water and Sewer Plan amendments and transmits formal recommendations to the Council. The Planning Board discussed the current amendment package on January 7, 2021 and concurred with the Executive's recommendations on five of the six amendments (with the Planning Board supporting deferral for the Ainane request (rather than denial as recommended by the County Executive). The Planning Board's letter to the Council is attached on ©3-6. The Planning Department Staff Report is attached on ©7-11.

Discussion

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
1	WSSCR 20-PAX-01: Michael Smith	Requesting public water (W-6 to W-1) to create a 6 lot residential subdivision	Defer pending applicant's coordination with M-NCPPC on the related preliminary plan.	Concur with the CE	©20-22	©25

This request involves a 32.9-acre RC zoned property located on Ednor Road in Cloverly. The property is currently a horse stable and riding school. The applicant is seeking public water to support a six-lot residential subdivision. A 10-inch water main abuts the property along Ednor Road and can serve the property.

The applicant has submitted a preliminary plan to the Planning Department. Planning Department staff have raised concerns (see ©8) that the plan does not meet various conditions in the Master Plan and the cluster requirements in the Water and Sewer Plan for the provision of public water service in the RC zone.

The Executive recommends deferral of the request to allow more time for the applicant and

Planning Department staff to resolve issues with the preliminary plan. The Planning Board concurs with the Executive recommendation as does Council Staff. The T&E Committee concurs as well.

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
2	WSSCR 20-TRV-03A: Ashwani & Janak Arora	Requesting public sewer (S-6-S-1) to serve the existing single family home	Approve S-1, restricted to a single sewer hookup only from the abutting sewer main.	Concur with the CE	©26-27	©28-29

This request involves a 3.7-acre RE-2 zoned property located on Boswell Lane in Potomac. The applicant is seeking public sewer service to serve the existing single-family home.

A low-pressure sewer main abuts the property and WSSCWater has noted that serving the applicant's property by connecting to the existing sewer main is feasible. The property is eligible for a single connection under the Water and Sewer Plan's abutting mains policy (see policy text on ©53-56).

Typically, requests like this would go through DEP's administrative delegation process. However, the applicant, in coordination with a neighboring property owner (Mr. Kapoor, who also has an amendment request in this same package), is requesting a 140-foot extension with a shorter on-site extension from a connection more directly in front of the of property. This extension would abut Mr. Kapoor's property and thus make his property eligible under the abutting mains policy.

Testimony from Mr. and Mrs. Arora is attached on ©62-63.

The Executive Staff Report notes that the abutting mains policy is intended to provide service to properties outside the planned water/sewer envelope in limited cases where direct connections are feasible and is not intended to open-up service to other properties. If the policy were to be interpreted to allow a main extension as requested in this case, this could greatly expand the applicability of the abutting mains policy to properties outside the planned water/sewer envelope.

The Executive recommends approval of S-1 (single-hookup) for the Arora property but opposes the 140-foot extension requested by Arora. The Planning Board concurs with the Executive's recommendation to approve the Arora request without the main extension. Council Staff concurs. The T&E Committee recommends approval of S-1 (single-hookup) per the CE, but recommends deferral of the main extension request pending review of the abutting mains policy in the Comprehensive Update to the Water and Sewer Plan.

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
3	WSSCR 20-TRV-05A: Ravinder & Ritu Kapoor	Requesting public sewer (S-6 to S-3) to serve the existing single family home	Deny the request for S-3; maintain S-6.	Concur with the CE	©30-31	©33-34

This request involves a 2.0-acre RE-1 zoned property located on Boswell Lane in Potomac. The applicant is seeking public sewer service to serve an existing single-family home and potentially allow for subdivision of the property. A low-pressure sewer main abuts the neighboring property (Arora) and an extension (as discussed in the preceding case) would be required to serve the Kapoor property.

The applicant has noted several unique aspects to this request (see ©30-31) including that his would be the only remaining property that could be served by the main extension and that the property is

the only remaining property on Boswell Lane between Piney Meetinghouse Road and Glen Mill Road that does not qualify for sewer service. The Executive Staff Report (see ©31) provides some good history of the Council approval in 2002 that ultimately brought sewer along Boswell Lane closer to the Kapoor property. However, that approval was itself an exception to established Water and Sewer Plan policies, did not extend the “planned” sewer envelope, and was not intended to set a precedent for additional main extensions.

Testimony and additional correspondence received from Mr. Kapoor is attached on ©64-75.

The Executive Staff Report notes that the property is outside the planned sewer envelope and within the Piney Branch Restricted Access Policy area (see policy text on ©58-59). The property does not meet any of the six conditions in that policy. *NOTE: If sewer were approved, subdivision of the property into two lots (with one or both on sewer) would run counter to the Piney Branch Restricted Access Policy.*

The Executive and Planning Board recommend denial of the request. Council Staff concurs. The T&E Committee recommends deferral of the request pending review of the abutting mains policy in the Comprehensive Update to the Water and Sewer Plan.

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
4	WSSCR 20-TRV-09A: Sami and Siham Ainane	Requesting public sewer (S-6 to S-1) to convert an existing outlot to building lot for one single-family house	Deny the request for S-1; maintain S-6.	Defer pending the applicants' submittal and DRC positive review of a concept plan for the outlot.	©35-36	©38-41

This request involves a 2.51-acre RE-2 zoned outlot² located on the west side of Piney Meetinghouse Road, south of the intersection with Greenbriar Preserve Lane in the Potomac Subregion Master Plan area. The applicant is seeking public sewer service to convert the outlot to a building lot for one single-family home. This request came before the prior Council and was denied as part of [Resolution 18-1272](#) in October 2018.

The applicant owns Lot 2 (12000), immediately south of Lot 1 (12020) and Outlot A. Lot 2 is eligible for a single connection through the abutting mains policy. However, the current single-family house on the property is served by septic and, during the Council’s review in 2018, the applicant noted that they had no plans to connect to sewer or subdivide Lot 2. Assuming that is still the case today, the applicant is effectively seeking to transfer the abutting main approval from Lot 2 to Outlot A.

The abutting mains policy is an exceptional policy that allows qualifying properties which are outside the sewer envelope to get a single connection to public sewer. The outlot was originally part of Parcel 143 (see map on ©38). In 2004, Parcel 143 was subdivided into Lot 1 (12020) and Outlot A. Lot 1 was approved for a single sewer connection through the abutting mains policy (see policy text on ©53-56) and a single-family house was later built on the property and is served by this connection.

Since the sewer main predates the subdivision (the main was constructed in 1991), the abutting mains policy only allows one subdivided lot from Parcel 143 to receive a connection. Therefore, Outlot A is not eligible for sewer service under this policy (or any other Water and Sewer Plan policies).

² As defined in Chapter 50 of the County Code, an outlot is “An area of land shown on a record plat on which the construction of a building or other structure requiring a building permit is prohibited.”

Planning Board Review

In its 2018 review of this request, the Planning Board “found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south could be transferred to Outlot A if a Concept Plan analyzing the development issues on the property was reviewed by the Development Review Committee.”

In its more recent review, the Planning Board recommends deferral of the request pending the applicants’ submittal and the Development Review Committee’s positive review of a concept plan for the outlot. The concept plan would need to address environmental constraints on the property especially regarding the location of a proposed house. If a concept plan is found to be acceptable to all agencies, then the Planning Board is supportive of transferring the abutting mains eligibility for a single hookup from Lot 2 to Outlot A.

Executive Recommendation

As the Executive Staff Report notes on ©35, the abutting mains policy does not include a provision explicitly allowing for the transfer of a sewer connection right from one property to another (even when commonly owned), except in cases where the two properties were originally part of the same parcel prior to subdivision. **The Executive recommends denial of the category change request.**

The Executive Staff transmittal memorandum and Staff Report note that if Lot 2 and Outlot A were to go through a re subdivision process and a portion of Lot 1 were to be subsumed into Outlot A, then the abutting mains policy could be interpreted to allow a single connection to either one of the properties. *NOTE: The applicant has indicated that they are not supportive of re-subdivision of Lot 2 and Outlot A because of the complexity and cost of preparing a new preliminary plan for the properties.*

Council Staff Recommendation

Council Staff does not support the re-subdivision solution, given the cost and complexity of going through a new preliminary plan process for minimal change to the properties’ boundaries.

As the applicant noted in her oral testimony before the Council, this is an unusual case and Council Staff suggests the Council focus on whether it is comfortable with the concept in this case of the applicant transferring a right to a single connection via the abutting mains policy from a currently developed property on septic to an adjacent property with no septic suitability. If so, Council Staff would work to tailor a limited approval to avoid unintended consequences in other cases. However, without a broader look at this issue, Council Staff does not know what the implications would be for future cases.

Council Staff believes that the applicant’s request, if approved, would represent an expansion in the intent of the abutting mains policy by opening up a currently ineligible property to sewer service that will mean more development and impervious area than would otherwise occur under this policy.

If the applicant were seeking to transfer a sewer right between two equivalent properties, Council Staff would be more supportive. For instance, if both properties could develop (or had already developed) on septic or if neither property had septic suitability), then the transfer would be a more neutral action that Council Staff suggests could be interpreted as consistent with the intent of the abutting mains policy. **Council Staff recommends denial of the request.**

The T&E Committee recommends deferral of the request pending review of the abutting mains policy in the Comprehensive Update to the Water and Sewer Plan.

NOTE: Under a deferral, the applicant could still develop a concept plan for review by the Development Review Committee (DRC). If the concept plan was determined to be acceptable to all agencies, the applicant would still need to get approval of the category change request to move forward.

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
5	WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi	Requesting public sewer (S-6 to S-1) to provide improvements to the existing property and single-family house	Deny the request for S-3; maintain S-6.	Concur with the CE	©42-44	©45-46

This request involves a 1.01-acre RE-1 zoned property located Watts Branch Drive in the Glen Hills area at the northwest corner of the intersection with Valley Drive in the Travilah planning area. The applicant is seeking public sewer service to serve an existing single-family home.

According to WSSCWater, a 2,400-foot gravity extension along Watts Branch and Overlea Drive would be needed to serve the property. The extension would abut as many as 20 properties. The applicants had suggested a shorter extension from a nearby gravity main to the west of Watts Branch Drive. However, WSSC studied this option and found it not feasible (see ©43-44).

The property is subject to the Glen Hills Sewer Service Policy (©56-57) but does not qualify under any of the criteria noted (see ©42). As the Executive Staff Report notes:

There is no reported failure of the existing septic system, neither is the property part of a designated special sewer service area. No existing or approved sewer main abuts the property. The property neither abuts nor confronts the planned public sewer envelope, requirements for consideration under the Potomac peripheral sewer service policy.

In testimony (attached beginning on ©76) the applicant contends that their property abuts the planned sewer envelope. However, DEP staff have affirmed that while the neighboring property to the west of the applicant's property is served by sewer, that neighboring property (which does abut the planned sewer envelope) was approved for service in 2002 as an exception and is not within the planned sewer envelope.

The Executive and Planning Board recommend denial of the request. Council Staff concurs. The T&E Committee concurs as well.

#	Applicant	Request	County Executive Recommendation	Planning Board	Executive Staff Report*	
					Text	Maps
6	WSSCR 20-TRV-11A: Meenu Bawa & Anand Verma	Requesting public sewer (S-6 to S-1) build a 4-bedroom house on the existing lot.	Deny the request for S-3; maintain S-6.	Concur with the CE	©47-49	©50-52

This request involves a .92-acre RE-1 zoned property located on Glen Mill Road in the Glen Hills area in the Travilah planning area. The applicant is seeking public sewer service to build a new single-family home and has provided written testimony beginning on ©85.

WSSC Water has identified an 800-foot gravity sewer main extension needed to serve the property. The extension would run west on Glen Mill Rd., then turn north along Pheasant Dr. to an existing gravity main along that street

The property is subject to both the Glen Hills Sewer Service Policy (see ©56-57) and the Piney Branch Restricted Sewer Service Policy (see ©58-59). The property does not qualify for service under these policies as the Executive Staff Report notes on ©47:

“There can be no reported failure of an existing septic system, neither is the property part of a designated special sewer service area. No existing or approved sewer main abuts the property. While the property confronts the planned public sewer envelope across Glen Mill Rd., properties in the Piney Branch subwatershed are excluded from consideration under the Potomac peripheral sewer service policy.”

The Executive and Planning Board recommend denial of the request. Council Staff concurs. The T&E Committee concurs as well.

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 60 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 45 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 December 4, 2020, the County Council received recommendations from the County Executive regarding six 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 January 12, 2021
8. The County Council's Transportation and Environment Committee held a worksession on these amendments on February 1, 2021.

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.

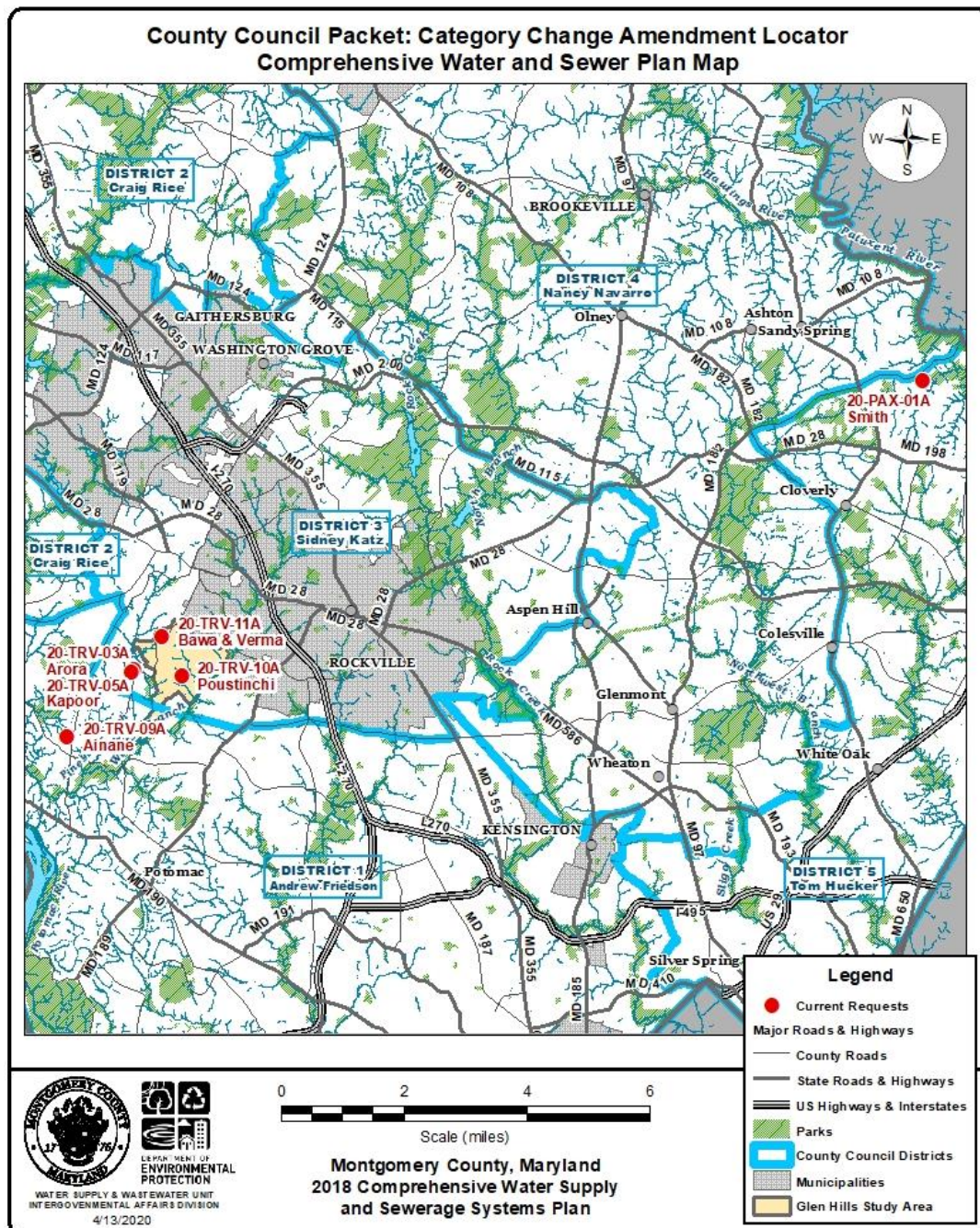
This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan **October 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use onsite systems, usually wells and/or septic systems. Categories W-1 and S-1 identify properties approved for public service and that have access to public system mains. Categories W-3 and S-3 identify properties approved for public service but need new main extensions in order to receive public service. Categories W-4 and S-4, and W-4 and S-5 identify properties that currently should use onsite systems but are proposed for public service in the future. Categories W-6 and S-6 identify properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 5 for additional information.)

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration on December 4, 2020.



- Applicants receiving a denial under this resolution may not apply again until March 1, 2022, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
October 2020 Amendment Transmittal: Water/Sewer Category Map Amendments

Request [1] **WSSCR 20A-PAX-01: Michael Smith**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 1701 Ednor Rd., Parcel P480, Snowdens Manor (acct. no. 02416304) Map tile: WSSC – 223NE02; MD –KT21 South side of Ednor Rd. east of Gamewell Rd. RC Zone; 32.87 acres Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997) Lower Patuxent River Watershed (MDE Use I) Existing use: horse stable & pasture Proposed use: six lot single-family residential subdivision; preliminary plan no. 120190010, "Reddemead Farm" 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-5 W-1</p> <p>S-6 S-6 (no change)</p> <p>T&E Committee Recommendation</p> <p>Defer action pending revisions to the preliminary plan that bring it into conformance with the cluster development option and with master plan recommendations.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

Request [2] **WSSCR 20-TRV-03A: Ashwani & Janak Arora**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 10400 Boswell Ln., Potomac Parcel P741, Wickham & Pottinger (acct. no. 00046148) Map tile: WSSC – 217NW10; MD –FR31 Southwest corner, intersection of Glen Mill Rd. & Boswell Ln. RE-2 Zone; 3.70 acres Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA) Existing use: Single-family house (not residence), built 1996 Proposed use: No Change 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p>Approve S-1, for one sewer hookup only. Under the Piney Branch restricted sewer access policy, the approval of public sewer service for this property may not be used to support the subdivision of this parcel into more than one building lot. Sewer service is to be provided from the existing sewer main only.</p> <p>Defer action on the applicants' request for a sewer main extension along Boswell Lane pending consideration of the "abutting mains" policy under the 2021 update of the Water and Sewer Plan.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

(2B)

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
October 2020 Amendment Transmittal: Water/Sewer Category Map Amendments

Request [3] **WSSCR 20-TRV-05A: Ravinder & Ritu Kapoor**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> 10401 Boswell Ln, Potomac Parcel P666, Wickham & Pottinger Piney Level (acct. no. 00053133) Map tile: WSSC – 217NW10; MD –FR31 Northwest corner, intersection of Glen Mill Rd. & Boswell Ln. RE-1 Zone; 2.00 ac Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA) <u>Existing use</u>: Single-family house, built 2006 <u>Proposed use</u>: No Change 	<p><u>Existing –</u> <u>Requested –</u> <u>Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-3</p> <p>T&E Committee Recommendation</p> <p>Defer action on the applicants' request for a sewer category change to S-3 pending consideration of the "abutting mains" policy under the 2021 update of the Water and Sewer Plan.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

Request [4] **WSSCR 20-TRV-09A: Sami and Siham Ainane**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> 12000 block of Piney Meetinghouse Rd., Potomac Outlot A, Block D, Piney Glen Farms (acct. no. 03464464) Map tile: WSSC – 215NW11; MD –FQ12 West side of Piney Meetinghouse Rd., south of the intersection of Greenbriar Preserve Ln. RE-2 Zone; 2.51 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Outlot A existing use</u>: Vacant <u>Outlot A proposed use</u>: convert to building lot for one single-family house 	<p><u>Existing –</u> <u>Requested –</u> <u>Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p>Defer action on the applicants' request for a sewer category change to S-1 pending consideration of the "abutting mains" policy under the 2021 update of the Water and Sewer Plan.</p> <p><i>(Note: The applicants are encouraged to prepare a concept plan for submission to and evaluation by the Development Review Committee (DRC) as recommended by the Planning Board. The concept plan is intended to address issues related to establishing Outlot A as a building lot. The findings of the DRC will be transmitted to the Council for further consideration of this request.)</i></p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
October 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Request [5] **WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> • 9701 Watts Branch Dr., Rockville • Pt. Lot 39, Block 3, Glen Hills (acct. no. 00079172) • Map tile: WSSC – 2178NW10; MD –FR41 • Northwest corner, intersection of Watts Branch Dr. and Valley Dr. • RE-1 Zone; 1.01 acres (43,995 sq. ft.) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Existing single-family house • <u>Proposed use</u>: Improvements to the existing property and single-family house 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p>Deny the request for category S-1;I maintain category S-6.</p>

Request [6] **WSSCR 20-TRV-11A: Meenu Bawa & Anand Verma**

Property Information and Location Property Development	Applicant's Request County Council Action
<p>13517 Glen Mill Rd., Rockville</p> <ul style="list-style-type: none"> ▪ Lot 9, Block 5, North Glen Hills Section 1 (acct no. 00078188) ▪ Map tile – MD: FR42; WSSC: 218NW10 ▪ South side of Glen Mill Rd. east of and opposite Pheasant Dr. ▪ Travilah Planning Area Potomac Subregion Master Plan (2002) ▪ Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA) ▪ RE-1 Zone; 0.92 acre (40,187 sq.ft.) ▪ <u>Existing use</u>: unimproved ▪ <u>Proposed use</u>: build a 4-bedroom house on the existing lot. 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-3</p> <p>T&E Committee Recommendation</p> <p>Deny the request for category S-3;I maintain category S-6.</p>

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
October 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Water & Sewer Service Area Categories Summary

Category Definition and General Description	Category Definition and General Description
<p>W-1 and S-1</p> <p>Properties approved for and generally with existing access to community (public) service. This may include properties which have not yet connected to existing community service.</p>	<p>W-5 and S-5</p> <p>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis. • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p>W-3 and S-3</p> <p>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service. • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p>W-6 and S-6</p> <p>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.</p>
<p>W-4 and S-4</p> <p>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim. • Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B</p>	<p>Note: Although the majority of properties in the county have the same water category as sewer category (i.e. W-3 and S-3, or W-5 and S-5), this is not always the case. The County does not always assign water and sewer categories in tandem, due to differences in service policies or to actual service availability. For example, a particular property could have service area categories W-1 and S-6. Therefore, it is important to know both the water <i>and</i> sewer service area categories for a property. Montgomery County does not use categories W-2 and S-2 in its Plan.</p>

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- Applicants receiving a denial under this resolution may not apply again until March , 2022, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.



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

January 25, 2021

The Honorable Tom Hucker
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*: Sewer Category Change Request–October 2020 Amendment Cycle

Dear Mr. Hucker:

At its regular meeting of January 7, 2021, the Planning Board reviewed six requests from the County Executive for sewer category changes. I am pleased to transmit to the Council the Planning Board's recommendations for these requests.

WSSCR 20-PAX-01A: Michael Smith
Planning Board Recommendation: Defer Action

The applicant is requesting a water category change from W-5, S-6 to W-1, S-6. The 32-acre parcel is zoned RC and located within the Agricultural Wedge of the 1997 Cloverly Master Plan Area. It is also located in the Patuxent River watershed and a half mile from the Rocky Gorge Reservoir. The Cloverly Master Plan states that water service in the RC Zone should not be extended to residential properties unless certain Master Plan recommendations are met and that the cluster option is used. Master Plan recommendations for the area and this property include:

- Acquire the Thompson/Lethbridge Soapstone Quarry as an archaeological site. The Thompson/Lethbridge Soapstone Quarry is located on Ednor Road near the crossing of the Pepco power transmission lines. Artifacts from the site indicate that it was most heavily used from about 2500 to 500 BC. The site was originally documented by pioneering Smithsonian archeologist William Henry Holmes in 1897. It is one of the few steatite (soapstone) quarries in Maryland that has not been destroyed by commercial quarrying. Public protection of the site is critical because a portion of the site has recently been damaged by private activities. (p. 66)
- Preserve the stream valleys of the Patuxent River Watershed for the protection of the drinking water reservoir by clustering of low-density development and applying the Primary Management Area as recommended in the 1993 Functional Master Plan for the Patuxent River Watershed, and as outlined in the Environmental Guidelines for Development. This generally includes the protection and reforestation of stream valleys and a 10% imperviousness limit. (p. 17, 20, 81, 89)
- Encourage clustering of development to provide open space that protects natural resources, provides recreation, and contributes to the rural and residential atmosphere. Cluster subdivisions should be configured to protect environmentally sensitive areas, provide forested

stream buffers and forested open space along arterial and major highways, provide access and views of parkland and open space and provide a transition to similar lot sizes of adjacent subdivisions. (p.31)

The Comprehensive Water Supply and Sewerage System Plan further recommends that for sites within the RC Zone, the provision of community water service shall generally require the approval of a subdivision plan which uses the cluster-option for the development. The Cloverly Plan also states, "The decision to extend or restrict water service should focus on conformance with master plan land-use and development recommendations, rather than on generalized water service areas."

The preliminary plan for Reddemeade Farm 120190010 provided as part of this category change request has not met Master Plan guidance recommending the cluster option be used in the RC Zone to adequately meet the goals specified above. Also, the requirement in the Comprehensive Water Supply and Sewerage System Plan that the provision of water service is used to facilitate the use of the cluster option in the RC Zone has not been met. The entire site has been subdivided into lots with no open space parcel, and the proposed septic fields are at times hundreds of feet away from the proposed houses. Deferring action on this request will allow the applicant time to work with Planning staff to bring the draft plan into conformance with the RC Zone cluster development requirements and with the Cloverly Master Plan recommendations.

WSSCR 20-TRV-03A: Ashwani & Janak Arora

Planning Board Recommendation: Approve S-1, restricted to a single sewer hookup only from the abutting sewer main.

This request is to change sewer categories from W-1, S-6 to W-1, S-1. This 3.7-acre, RE-1 zoned property is located in the Travilah Planning Area, of the Potomac Subregion (Attachment A, pg 14-15). It is also located in the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. One such condition allows single connections for properties that abut existing sewer mains. This provision was recommended in the 2002 Potomac Subregion Master Plan. There is an existing line in Boswell Lane that abuts the northwest corner of the Arora property. It is therefore eligible for a single hookup under Water and Sewer Plan policies for the Piney Branch Restricted Community Sewer Service Area. The Arora property may not be subdivided under this policy.

WSSC 20-TRV-05A: Kapoor

Planning Board Recommendation: Deny the request for S-3, maintain S-6

This request is to change sewer categories from W-1, S-6 to W-1, S-3. This two-acre property is in the RE-1 Zone and is located in the Travilah Planning Area, of the Potomac Subregion, and within the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. It is adjacent to a property that is currently served, but that sewer line does not abut any part of the Kapoor property. The

provision of sewer service is not consistent with the requirements of the Piney Branch Sewer restricted sewer access policy.

WSSCR 20-TRV-09A: Sami and Siham Ainane

Planning Board Recommendation: Defer Action

The Planning Board recommendation allows time for the applicant to develop a Concept Plan that addresses the development challenges of creating a buildable lot from Outlot A. The applicant must have a plan that is supported by the agencies prior to receiving the requested category change.

The applicant had requested a sewer category change from S-6 to S-1 for Outlot A, Block D, a 2.51-acre RE-2 zoned property. Outlot A and Lot 1 were created with the approval of Preliminary Plan 120040010. The subdivision had been granted a single sewer hookup for the parent parcel. This hookup was assigned to Lot 1, leaving Outlot A in sewer category S-6 and ineligible for sewer service under the abutting mains policy. The applicant proposes to transfer an allowable abutting mains hookup from a parcel adjacent to Outlot A, which they also own.

The Potomac Master Plan excludes areas zoned for low-density development not already approved for service from further extensions. The Potomac peripheral service policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, areas that include this property. Following a discussion that included the applicant, Planning staff, and Executive Branch staff, the Planning Board found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south could be transferred to Outlot A if a Concept Plan analyzing development issues on the property is favorably reviewed by the Development Review Committee.

WSSCR 20-TRV-10A: Amir, Ahmad, and Rosa Poustinchi

Planning Board Recommendation: Deny S-3, Maintain S-6

This one-acre part of a lot (Pt. Lot 39) is in the RE-1 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Glen Hills Sewer Policy of the Water and Sewer Plan and shown on pages 43 and 43 of the County Executive's October 2020 Package of Water and Sewer Plan Amendments. It is adjacent to a property that is currently served, but that sewer line does not abut any part of this property.

The Honorable Tom Hucker

January 25, 2021

Page 4

WSCCR 20-TRV-11A: Meenu Bawa and Anand Verma

Planning Board Recommendation: Deny S-3, Maintain S-6

The request is a sewer category change from W-1, S-6 to W-1, S-3. Shown on page 36 of Attachment A, this 40,187 square foot lot is zoned RE-1 and located in the Travilah Planning Area, part of the Potomac Subregion, within the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Glen Hills Sewer Policy of the Water and Sewer Plan and shown on pages 43 and 43 of the County Executive's October 2020 Package of Water and Sewer Plan Amendments. There is no justification in the existing policy for this category change request.

The Planning Board appreciates the opportunity to review and provide recommendations for this request. Should you have further questions, you may contact Katherine Nelson of the Upcounty Planning Team at 301 495-4622 or katherine.nelson@montgomeryplanning.org.

Sincerely,






Casey Anderson
Chair

cc: Keith Levchenko, Montgomery County Council
Alan Soukup, Department of Environmental Protection



Proposed Category Map Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – October 2020 - Six County Council Cases and 2021-1 - Three Administrative Cases

-  Katherine E. Nelson, Planner Coordinator, Upcounty Planning, Katherine.Nelson@montgomeryplanning.org (301) 495-4622
-  Ben Berbert, Acting Master Planner, Upcounty Planning, Benjamin.Berbert@montgomeryplanning.org (301) 495-4644
-  Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org (301) 495-4561

Completed: 12/30/2020

Description

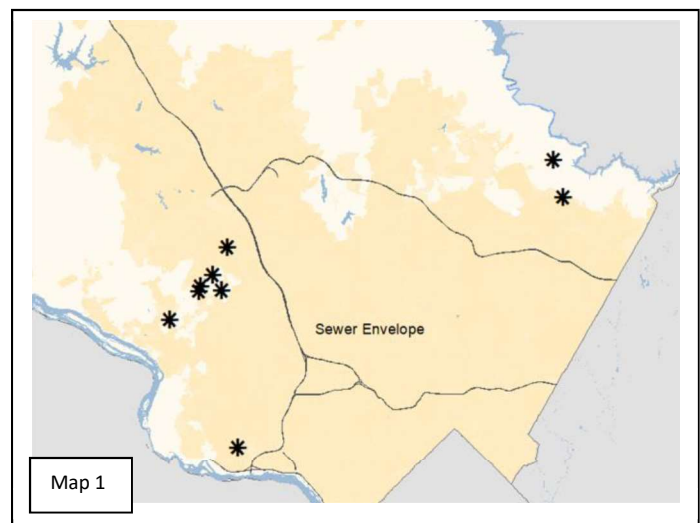
Proposed Amendments:

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

- a. Six change requests, County Council – October 2020
- b. Three change requests – AD 2021-01

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

Staff Recommendation: *Transmit Recommendations to County Council and the County Executive*



Summary

The Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSCCR). Map 1 shows the location of properties requesting water and sewer service with an asterisk.

The Planning Board's recommendations will be transmitted to the County Council and the County Executive for final action. Information and maps of zoning, existing and proposed uses and recommendations from other agencies are shown in the attached packets from the County Council (Attachment A) and County Executive (Attachment B). The recommendations made by Staff on all but one of the applications agree with the County Executive's recommendations. For application WSCCR 20-TRV-09A, a previous Planning Board recommendation differs slightly from the Executive's Recommendation.

STAFF RECOMMENDATION

Transmit the Planning Board's comments and recommendations to the County Council and the County Executive.

A - October 2020 County Council Amendments

WSCCR 20-PAX-01A: Michael Smith

The applicant is requesting a water category change from W-5, S-6 to W-1, S-6. The 32-acre parcel is zoned RC and located within the Agricultural Wedge of the 1997 Cloverly Master Plan Area. It is also located in the Patuxent River watershed and a half mile from the Rocky Gorge Reservoir. The Cloverly Master Plan states that water service in the RC Zone should not be extended to residential properties unless certain Master Plan recommendations are met and that the cluster option is used. Master Plan recommendations for the area and this property include:

- Acquire the Thompson/Lethbridge Soapstone Quarry as an archaeological site. The Thompson/Lethbridge Soapstone Quarry is located on Ednor Road near the crossing of the Pepco power transmission lines. Artifacts from the site indicate that it was most heavily used from about 2500 to 500 BC. The site was originally documented by pioneering Smithsonian archeologist William Henry Holmes in 1897. It is one of the few steatite (soapstone) quarries in Maryland that has not been destroyed by commercial quarrying. Public protection of the site is critical because a portion of the site has recently damaged by private activities. (p. 66)
- Preserve the stream valleys of the Patuxent River Watershed for the protection of the drinking water reservoir by clustering of low-density development and applying the Primary Management Area and as recommended in the 1993 Functional Master Plan for the Patuxent River Watershed and as outlined in the Environmental Guidelines for Development. This generally includes the protection and reforestation of stream valleys and a 10% imperviousness limit. (p. 17, 20, 81, 89)
- Encourage clustering of development to provide open space that protects natural resources, provides recreation, and contributes to the rural and residential atmosphere. Cluster subdivisions should be configured to protect environmentally sensitive areas, provide forested stream buffers and forested open space along arterial and major highways, provide access and views of parkland and open space and provide a transition to similar lot sizes of adjacent subdivisions. (p.31)

The Comprehensive Water Supply and Sewerage System Plan further recommends that for sites within the RC Zone, the provision of community water service shall generally require approval of a subdivision plan which uses the cluster-option for the development. It is also quoted in the Cloverly Plan, "The decision to extend or restrict water service should focus on conformance with master plan land-use and development recommendations, rather than on generalized water service areas."

The preliminary plan for Reddemeade Farm provided as part of this category change request (Attachment A, pg 9-10) has not met Master Plan guidance that the cluster option be used in the RC Zone to adequately meet the goals specified above. Also, the requirement in the Comprehensive Water Supply and Sewerage System Plan that the provision of water service be used to facilitate use the cluster option in the RC Zone has not been met. The entire site has been subdivided into lots with no open space parcel, and the proposed septic fields are at times hundreds of feet away from the proposed houses. Staff agrees with the Executive's recommendation to defer action on this request to allow the applicant time to work with Planning Staff to bring the draft plan into conformance with the RC Zone cluster development requirements and with the Cloverly Master Plan recommendations.

Staff Recommendation: Defer Action

County Executive Recommendation: Defer Action

WSSCR 20-TRV-03A: Ashwani & Janak Arora

This request is to change sewer categories from W-1, S-6 to W-1, S-1. This 3.7-acre, RE-1 zoned property is located in the Travilah Planning Area, of the Potomac Subregion (Attachment A, pg 14-15). It is also located in the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. One such condition allows single connections for properties that abut existing sewer mains. This provision was recommended in the 2002 Potomac Subregion Master Plan. There is an existing line in Boswell Lane that abuts the northwest corner of the Arora property. It is therefore eligible for a single hookup under Water and Sewer Plan policies for the Piney Branch Restricted Community Sewer Service Area. The Arora property may not be subdivided under this policy.

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

County Executive Recommendation: Approve S-1, restricted to a single sewer hookup only from the abutting sewer main.

WSSC 20-TRV-05A: Kapoor

This request is to change sewer categories from W-1, S-6 to W-1, S-3. This two-acre property is in the RE-1 Zone and is located in the Travilah Planning Area, of the Potomac Subregion, and within the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. It is adjacent to a property that is currently served, but that sewer line does not abut any part of the Kapoor property. The Arora property, across Boswell Lane, is the subject of a category change request based on the abutting mains policy, but it is not clear whether connecting the Arora property would create a main abutting the Kapoor property. The relationship of this property to the others in this request is shown in Attachment A, page 19. Planning staff agrees with executive staff that the provision of sewer service is not consistent with the requirements of the Piney Branch Sewer restricted sewer access policy.

Staff Recommendation: Deny the request for S-3, maintain S-6

County Executive Recommendation: Deny the request for S-3, maintain S-6

WSSCR 20-TRV-09A: Sami and Siham Ainane

Planning Board Recommendation (October 11, 2018): Conditionally Approve S-1 if a Concept Plan that addresses the development challenges of Outlot A is brought to the Planning Department Development Review Committee and all agencies comment favorably on the proposal. Map of the properties and the proposed lot line adjustments to Outlot A are attached (Attachment A, pg 24-27). Lot two will remain S-6 with no future abutting main hookup.

The applicant had requested a sewer category change from S-6 to S-1 for Outlot A, Block D, a 2.51-acre RE-2 zoned property. Outlot A and Lot 1 were created with the approval of Preliminary Plan 120040010. The subdivision had been granted a single sewer hookup for the parent parcel. This hookup was assigned to Lot 1, leaving Outlot A in sewer category S-6 and ineligible for sewer service under the

abutting mains policy. The applicant proposes to transfer an allowable abutting mains hookup from a parcel adjacent to Outlot A, which they also own.

The Potomac Master Plan excludes areas zoned for low-density development not already approved for service from further extensions. The Potomac peripheral service policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, areas that include this property. Following a discussion that included the applicant, planning staff and executive branch staff, the Planning Board found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south could be transferred to Outlot A if a Concept Plan analyzing development issues on the property is favorably reviewed by the Development Review Committee.

Planning Board Recommendation: Conditionally Approve S-1 if a Concept Plan that addresses the development challenges of Outlot A is brought to the Planning Department Development Review Committee and all agencies comment favorably on the proposal.

County Executive Recommendation: Deny the request for S-1, maintain S-6

WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi

The request is to change the sewer categories from W-1, S-6 to W-1, S-3. This one-acre part of a lot is zoned RE-1 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion, and is within the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. It is adjacent to a property that is currently served, but that sewer line does not abut any part of this property. Planning staff agrees with County Executive staff that there is no policy justification for this category change request.

Staff Recommendation: Deny S-3, Maintain S-6

County Executive Recommendation: Deny S-3, Maintain S-6

WSSCR 20-TRV-11A: Meenu Bawa and Anand Verma

The request is a sewer category change from W-1, S-6 to W-1, S-3. Shown in page 36 of Attachment A, this 40,187 square foot lot is zoned RE-1 and located in the Travilah Planning Area, part of the Potomac Subregion, within the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. Staff agrees with County Executive staff that there is no justification in existing policy for this category change request.

Staff Recommendation: Deny S-3, Maintain S-6

County Executive Recommendation: Deny S-3, Maintain S-6

B - 2021-1 Administrative Amendments

WSSCR 21-PAX-01A: William and Karen Daniels

The applicants are requesting a water and sewer category change from W-6, S-6 to W-1, S-1. The change from W-6 to W-1 is actually a correction in the map, as the property has had public water service since 1959. This 0.5-acre parcel is zoned RE-1 and located in the Paint Branch Special Protection area of the Cloverly Master Plan. The property has a failing septic system and abuts an existing sewer main; therefore, it is eligible for a single sewer hookup. A map of the property can be found in Attachment B on pages 5 and 6.

Staff Recommendation: Approve S-1

County Executive Recommendation: Approve S-1

WSSCR 21-POT-01A: Kathryn and Timothy Raab

The request is to change sewer categories from W-1, S-6 to W-1, S-1. This 2.02-acre lot is zoned RE-2 and is within the approved sewer envelope of the Potomac Subregion Master Plan.

Staff Recommendation: Approve S-1 (single hook-up)

County Executive Recommendation: Approve S-1 (single hook-up)

WSSCR 21-TRV-01A: Helen Ra

This request is to change sewer categories from W-3, S-6 to W-3, S-1. This 1.27-acre lot is zoned R-200 and is within the approved sewer envelope of the Potomac Subregion Master Plan.

Staff Recommendation: Approve S-1

County Executive Recommendation: Approve S-1

NEXT STEPS

The Planning Board's recommendations will be transmitted to the County Council and Executive. Final action by the County Council and Executive will follow.

Attachment:

- A. County Council Notice of Public Hearing and Attached Package.
- B. County Executive Notice of Public Hearing and Attached Package.




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

December 4, 2020

TO: Tom Hucker, President
Montgomery County Council

FROM: Marc Elrich, 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 Environment 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 six 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 six amendments are requests for individual water/sewer service area category changes.

My 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 three of the category change cases have the potential to generate public testimony and worksession discussions. They are summarized as follows:

Abutting Mains Cases – WSCCRs 20-TRV-03A (Arora) & 20-TRV-05A (Kapoor)

The applicants have proposed the provision of public sewer service for two parcels along Boswell Lane, each with an existing single-family house. The properties are within the Piney Branch watershed and are subject to the restricted sewer access policy there. The Aroras' request could use a connection to an abutting sewer main under the county's "abutting mains" policy. The existing sewer main does not abut the Kapoor's property. However, the Aroras have proposed to construct a sewer extension from the existing main to a point directly in line with their house. The construction of this new main would then make the Kapoors' property also eligible for a sewer connection under the abutting mains policy.

The construction of additional sewer main is neither specifically allowed nor disallowed under the abutting mains policy. Executive staff cannot recall a case where additional main construction

was needed for a property approved for public service under the abutting mains policy. The concern in this case is that the construction of a sewer extension would open up sewer service for an additional property that at present does not qualify for sewer service. I have recommended a restricted approval for the Aroras' request for category S-1, with the provision that construction of a new main extension is not allowed. The sewer connection must be made from the existing, abutting sewer main. This is consistent with the Piney Branch sewer policy. I have recommended denial of the Kapoor's' request for category S-3 as not consistent with the both abutting mains policy and the Piney Branch restricted sewer access policy.

Abutting Mains Case: - WSCCR 20-TRV-09A (Ainane)

The applicants have requested approval for category S-1 for existing Outlot A t in the Piney Glen Farms subdivision along Piney Meetinghouse Road. Their intent is to record the outlot as a building lot and construct a single-family house there. The outlot abuts an existing sewer main by way of a flagstem but is currently ineligible to use the abutting mains policy. The adjacent building lot (Lot 1) was granted the service connection allowed for the original parcel from which these two properties were subdivided. The applicants own both the outlot and the adjacent Lot 2.

The County Council denied a previous category change request for S-1 for this property under Resolution No. 18-1272 on October 30, 2018 (WSCCR 17-TRV-01A). As part of that prior request, the applicants offered to transfer the allowed, unused service connection available for Lot 2 to Outlot A. That offer is not a specific part of this current request. In its consideration of WSCCR 17-TRV-01A, the Planning Board recommended approval of category S-1 for Outlot A, with the condition that a concept plan for the new building lot address the development challenges for the property.

Executive and M-NCPPC staff presented to the applicants a possible resubdivision concept for Lot 2 and Outlot A that could have allowed a revised Outlot A to qualify for an abutting mains sewer connection. The applicants declined to accept that resubdivision concept in part due to the complexity and cost of preparing a new preliminary plan for the properties. I continue to recommend denial of category S-1 for this request as it is not consistent with the abutting mains service policy.

Staff from the Department of Environmental Protection, Intergovernmental Affairs Division, will be available for and participate in upcoming committee and full Council work sessions.

ME:as

Attachment

- c: Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment
- Robert McCord, Secretary, Maryland Department of Planning
- Casey Anderson, Chair, Montgomery County Planning Board
- Carla Reid, General Manager, Washington Suburban Sanitary Commission
- Adam Ortiz, Director, Department of Environmental Protection
- Mitra Pedoeem, Director, Department of Permitting Services

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

**County Executive's
October 2020 Amendment Transmittal
to the County Council**

Six Service Area Category Change Requests

**Prepared by
The Department of Environmental Protection
Adam Ortiz, Director
Steve Shofar, Chief, Intergovernmental Affairs Division
Alan Soukup, Senior Planner, Water Supply and Wastewater Unit
George Dizelos, Planner III, Water Supply and Wastewater Unit**

**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**

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Piney Branch Restricted Sewer Service Policy	Pgs. 44-45
Potomac Peripheral Sewer Service Policy	Pgs. 45-47

Executive Summary: Proposed Amendments and Recommendation

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
[1] WSCCR 20-PAX-01: Michael Smith			
<ul style="list-style-type: none"> 1701 Ednor Rd., Cloverly RC Zone; 32.87 acres Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997) <u>Proposed use</u>: 6-lot residential subdivision. Preliminary plan pending. 	W-6 to W-1 S-6 (no change)	Defer pending applicant's coordination with M-NCPPC on the related preliminary plan. Public water service in the RC Zone is intended for clustered development. M-NCPPC has determined that the current preliminary plan does not satisfy that requirement. Deferral is proposed to allow the applicant and M-NCPPC time to modify the plan to satisfy this requirement and to conform with other master plan recommendations cited by M-NCPPC.	Report: Pgs. 6-8 Preliminary Plan: Pgs. 9-10 Map: Pg 11
[2] WSCCR 20-TRV-03A: Ashwani & Janak Arora			
<ul style="list-style-type: none"> 10400 Boswell Ln., Potomac RE-2 Zone; 3.70 acres Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: Sewer service for the existing single-family house 	W-1 (No change) S-6 to S-1	Approve S-1, restricted to a single sewer hookup only from the abutting sewer main. The property satisfies the requirements for a single sewer hookup under the abutting mains provisions of the Piney Branch sewer restricted access policy. A proposed sewer extension that could serve 10401 Boswell Ln. is neither needed nor acceptable.	Report: Pgs. 12-13 Maps: Pgs. 14-15
[3] WSCCR 20-TRV-05A: Ravinder & Ritu Kapoor			
<ul style="list-style-type: none"> 10401 Boswell Ln, Potomac RE-1 Zone; 2.00 ac Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: Sewer service for the existing single-family house 	W-1 (No change) S-6 to S-3	Deny the request for S-3; maintain S-6. The provision of public sewer service is not consistent with the requirements of the Piney Branch sewer restricted sewer access policy.	Report: Pgs. 16-18 Maps: Pgs. 19-20
[4] WSCCR 20-TRV-09A: Sami and Siham Ainane			
<ul style="list-style-type: none"> 12000 block of Piney Meetinghouse Rd., Potomac RE-2 Zone; 2.51 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: convert existing outlot to building lot for one single-family house 	W-1 (no change) S-6 to S-1	Deny the request for S-1; maintain S-6. The provision of public sewer service is not consistent with the requirements of the abutting mains service policy.	Report: Pgs. 21-22 Subdivision Plat: Pg. 23 Maps: Pgs. 24-27.

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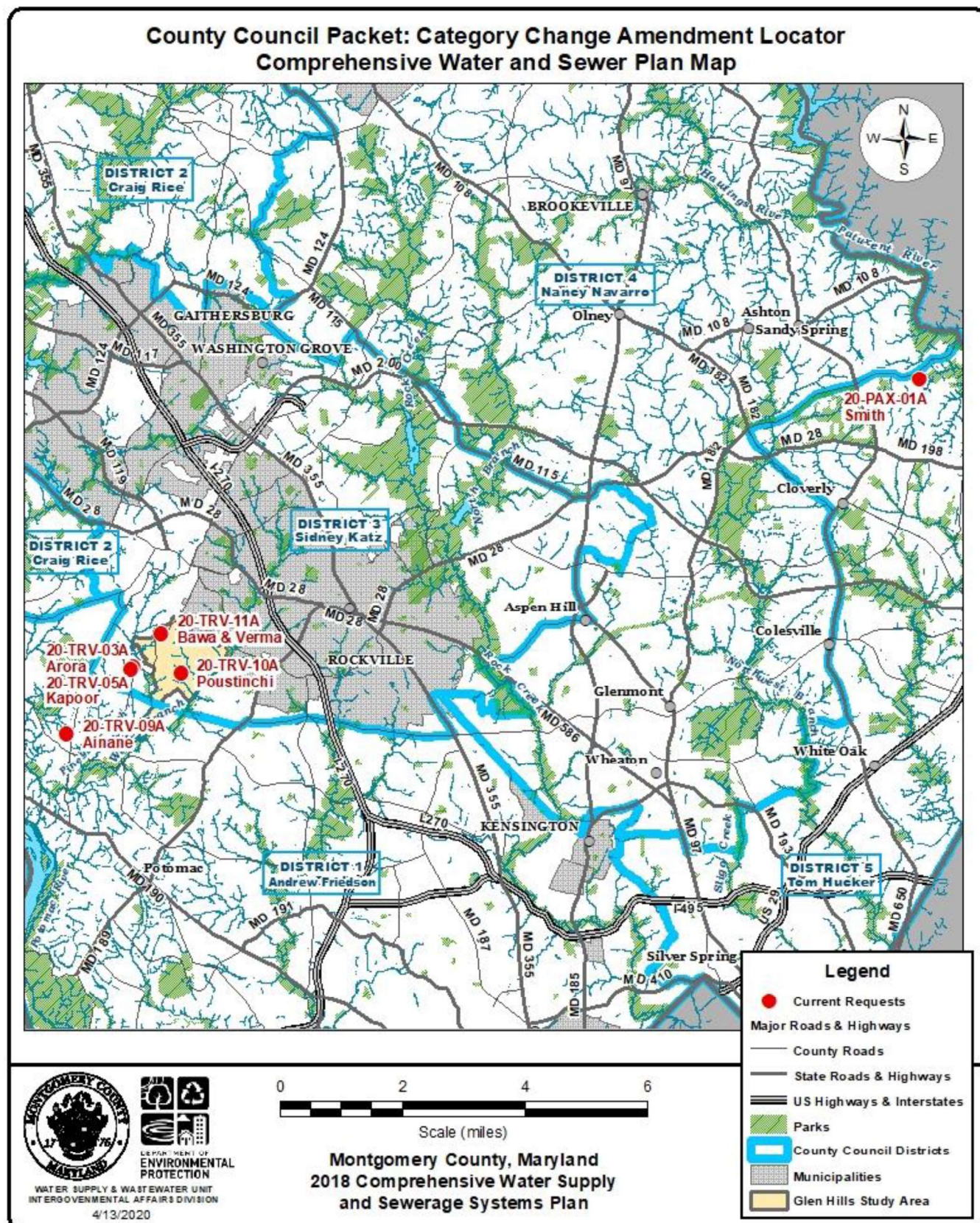
FY 2020 Category Change Requests

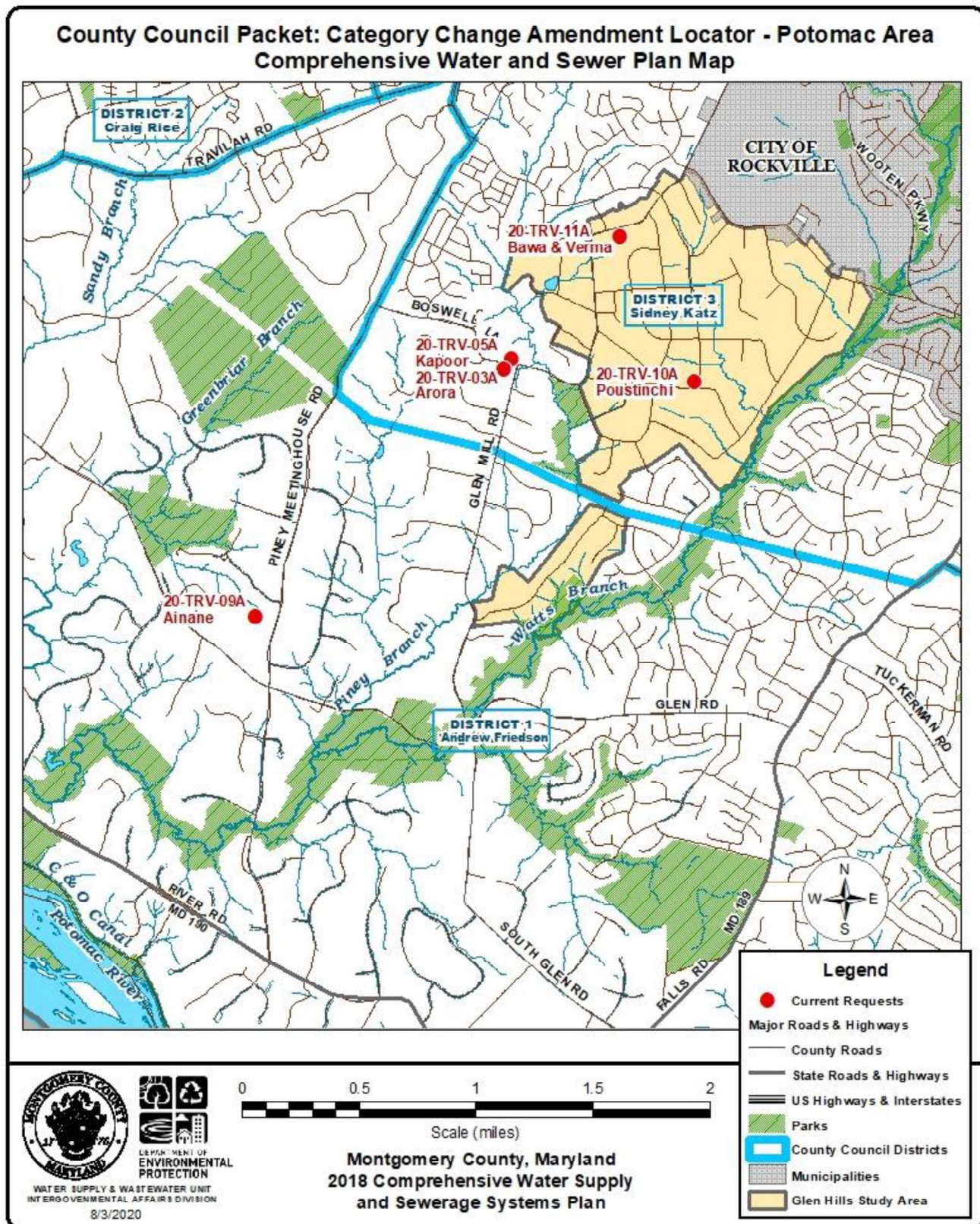
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Executive Summary: Proposed Amendments and Recommendation

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
[5] WSCCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi			
<ul style="list-style-type: none"> 9701 Watts Branch Dr., Rockville RE-1 Zone; 1.01 acres (43,995 sq. ft.) Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Proposed use:</u> Improvements to the existing property and single-family house 	<ul style="list-style-type: none"> W-1 (No change) S-6 to S-3 	<p>Deny the request for S-3; maintain S-6.</p> <p>The provision of public sewer service is not consistent with the Glen Hills sewer service policy.</p>	<p>Report: Pgs. 28-30</p> <p>Maps: Pgs. 31-32</p>
[6] WSCCR 20-TRV-11A: Meenu Bawa & Anand Verma			
<ul style="list-style-type: none"> 13517 Glen Mill Rd., Rockville RE-1 Zone; 0.92 acre (40,187 sq.ft.)) Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use:</u> build a 4-bedroom house on the existing lot. 	<ul style="list-style-type: none"> W-1 (No change) S-6 to S-3 	<p>Deny the request for S-3; maintain S-6.</p> <p>The provision of public sewer service is not consistent with the requirements of the Piney Branch sewer restricted sewer access policy or with the Glen Hills sewer service policy.</p>	<p>Report: Pgs. 33-35</p> <p>Maps: Pgs. 36-38</p>

See Executive Staff Reports for complete recommendation and policy discussion for each requested amendment.





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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 Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	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.

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Request [1]

WSSCR 20A-PAX-01: Michael Smith

County Executive's Recommendation: **Defer action pending revisions to the preliminary plan that bring it into conformance with the cluster development option and with master plan recommendations.**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> 1701 Ednor Rd., Parcel P480, Snowdens Manor (acct. no. 02416304) Map tile: WSSC – 223NE02; MD –KT21 South side of Ednor Rd. east of Gamewell Rd. RC Zone; 32.87 acres Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997) Lower Patuxent River Watershed (MDE Use I) Existing use: horse stable & pasture Proposed use: six lot single-family residential subdivision; preliminary plan no. 120190010, "Reddemead Farm" 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-5 W-1</p> <p>S-6 S-6 (no change)</p> <p><u>Applicant's Explanation</u></p> <p>"This property is currently used as a horse stable and horse-riding school. The owner has decided to subdivide this horse stable and school land into a six-lot subdivision. Each proposed lot is to have five acres or use five acres that are associated with the subdivision. The septic systems have been approved for each lot with the lot lines being adjusted so that all septic systems are on each proposed lot. No easements would be allowed on adjacent lots for a septic system of the proposed lot. M-NCPPC has dictated that a parcel (Outlot) of land along Ednor Road must be dedicated to MC Parks due to the historic Indian Soap Stone on this property. MC Parks also dictated that one lot must be setup to connect to the M-NCPPC park property on the East side of the PEPCO power parcel. M-NCPPC has dictated that this property and lots must be accessed by a public street and all lots must have frontage on this public street. Access to Gamewell Road would not be permitted. M-NCPPC also dictated that the new public road had to access Ednor Road to the West of the proposed MC Parks Outlot. Currently a water main is in the right of way of Ednor Road and thus all of the proposed lots are required to have WSSC water service. Water wells would not be permitted for any of these proposed lots in this subdivision. Due to M-NCPPC requirements a new WSSC water line must be installed in the new public road that services these lots. Also with the new water line fire service is available as is required by the Fire Department."</p>

Executive Staff Report

Executive staff recommend deferral of this request to allow the applicant time to work with M-NCPPC on the draft preliminary plan. The intent is to bring the plan into conformance with RC Zone cluster development requirements and with Cloverly Master Plan recommendations. (Note that deferral actions are intended to be resolved within approximately one year.)

The applicant seeks approval for a water category change from W-6 to W-1 to support the development of a six-lot, single-family residential subdivision. An existing 10"-diameter water main abuts the site along Ednor Rd. and can provide public water service. An onsite water main extension along the proposed cul-de-sac will be needed. The applicant has submitted a preliminary plan to M-NCPPC for the proposed subdivision (see pages 9-10). The site, which totals 32.87 acres, is zoned Rural Cluster (RC) where public water service is intended for properties that develop using the RC Zone cluster option.

M-NCPPC staff have raised several concerns regarding the proposed preliminary plan (see below), chiefly that it does not satisfy master plan cluster development recommendations for the provision of public water service within the RC Zone. Only two proposed lots have sizes smaller than 5 acres, the remaining four lots exceed 5 acres in size. The only proposed, dedicated open space preservation is for the historic quarry site, totaling slightly more than one acre. M-NCPPC Parks staff are seeking at least 3 acres of dedication for this historic site.

Note that statements in the applicant's explanation (above) citing a requirement to use public water service for this project appear to be based solely on proposed use of public water by the submitted preliminary plan. The site

is currently designated as water category W-6 and therefore eligible to use onsite wells. The preliminary plan, as currently configured, would require revisions to accommodate onsite wells and septic systems. Further, M-NCPPC's determination that the preliminary plan does not satisfy the cluster option requirements indicates that those proposed lots now larger than 5 acres will also need changes.

Agency Review Comments**DPS – Well & Septic**

A septic plan was approved for this project on April 30, 2018. The plan approves the six lots using public water and septic reserve areas for dwellings with up to 6 bedrooms.

M-NCPPC – Planning Dept.

This 32-acre parcel is in the RC Zone and is located in the Agricultural Wedge of the 1997 Cloverly Master Plan Area. It is also located in the Patuxent River watershed and a half mile from the Rocky Gorge Reservoir. The Cloverly Master Plan states that water service in the RC zone should not be extended to residential properties unless Master Plan recommendations are met and that the cluster option is used. Master Plan recommendations for this property and for this area of the Plan are the following:

- Acquire the Thompson/Lethbridge Soapstone Quarry as an archaeological site. The Thompson/Lethbridge Soapstone Quarry is located on Ednor Road near the crossing of the Pepco power transmission lines. Artifacts from the site indicate that it was most heavily used from about 2500 to 500 BC. The site was originally documented by pioneering Smithsonian archeologist William Henry Holmes in 1897. It is one of the few steatite (soapstone) quarries in Maryland that has not been destroyed by commercial quarrying. Public protection of the site is critical because a portion of the site has recently damaged by private activities. (p. 66)
- Preserve the stream valleys of the Patuxent River Watershed for the protection of the drinking water reservoir by clustering of low-density development and applying the Primary Management Area and as recommended in the 1993 Functional Master Plan for the Patuxent River Watershed and as outlined in the Environmental Guidelines for Development. This generally includes the protection and reforestation of stream valleys and a 10% imperviousness limit. (p. 17, 20, 81, 89)
- Encourage clustering of development to provide open space that protects natural resources, provides recreation, and contributes to the rural and residential atmosphere. Cluster subdivisions should be configured to protect environmentally sensitive areas, provide forested stream buffers and forested open space along arterial and major highways, provide access and views of parkland and open space and provide a transition to similar lot sizes of adjacent subdivisions. (p.31)

The Comprehensive Water Supply and Sewerage System Plan further recommends that for sites within the RC zone, the provision of community water service shall generally require approval of a subdivision plan which uses the cluster-option for the development. It is also quoted in the Cloverly Plan, "The decision to extend or restrict water service should focus on conformance with master plan land-use and development recommendations, rather than on generalized water service areas."

Staff does not support the request for water service for the purpose of subdivision. The preliminary plan for Reddemeade Farm provided as part of this category change request has not met Master Plan guidance that the cluster option be used in the RC zone to adequately meet the goals specified above. Also, the requirement in the Comprehensive Water Supply and Sewerage System Plan that the provision of water service be used to facilitate use the cluster option in the RC zone has not been met.

M-NCPPC – Parks Planning

The Department of Parks supports a water category change to W1 but will only support a preliminary plan layout that preserves the Ednor Soapstone Quarry, identified for public protection as an archaeological site in the 1997 Cloverly Master Plan. The site dates to the Late Archaic Period, 3700 BC to 1200 BC, and retains soapstone used by Native Americans to make bowls and other functional objects. With approximately 3-5 acres surrounding the quarry core, the site has the potential to become a small interpretive park focusing on Native

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American culture during the Woodland and Archaic Periods.

Additionally, via the cluster option requiring 60 percent open space, Parks intends to seek dedication of environmentally sensitive area along the southern edge of the property as an extension of the Patuxent River Watershed Conservation Park.

WSSC – Water:

Water pressure zone: 660A. A 10-inch water line in Ednor Road abuts the property (contract no. 1966-2307A). Because of the Applicant's intention to subdivide this property into a multiple-lot subdivision, a 660-foot-long non-CIP-sized water extension is required to serve the property. The extension would connect to the existing 10" man that abuts the property (contract no. 1966-2307A). Easements or public right-of-way would be required. Construction of this extension may involve the removal of trees and other site features. Local service adequacy will be evaluated at [the] Hydraulic Planning Analysis (HPA) phase.

WSSC – Sewer: *(not requested)*

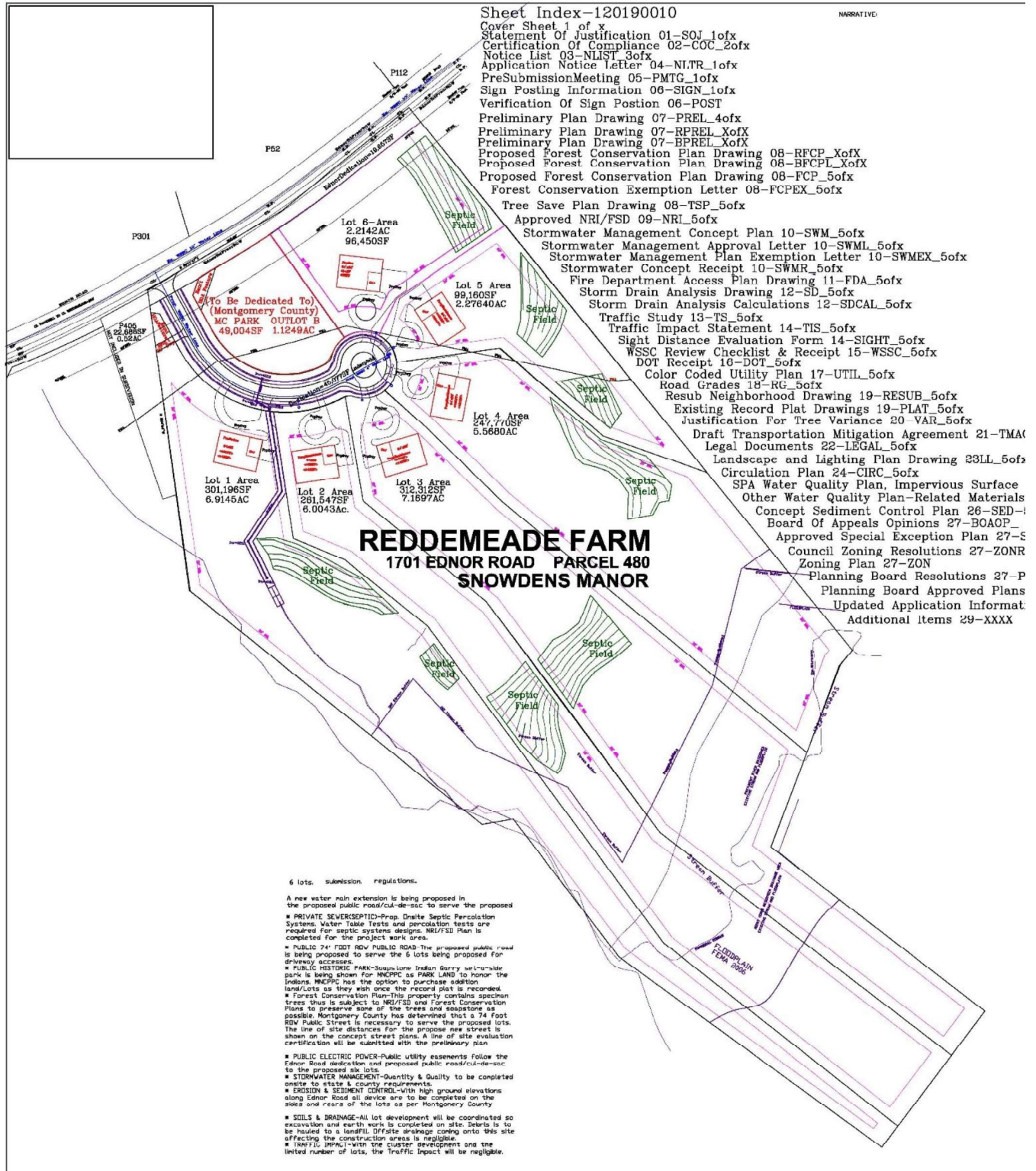
Maps, Plans, Etc.: Draft Preliminary Plan 120190010, Reddemead..... Pages-9-10

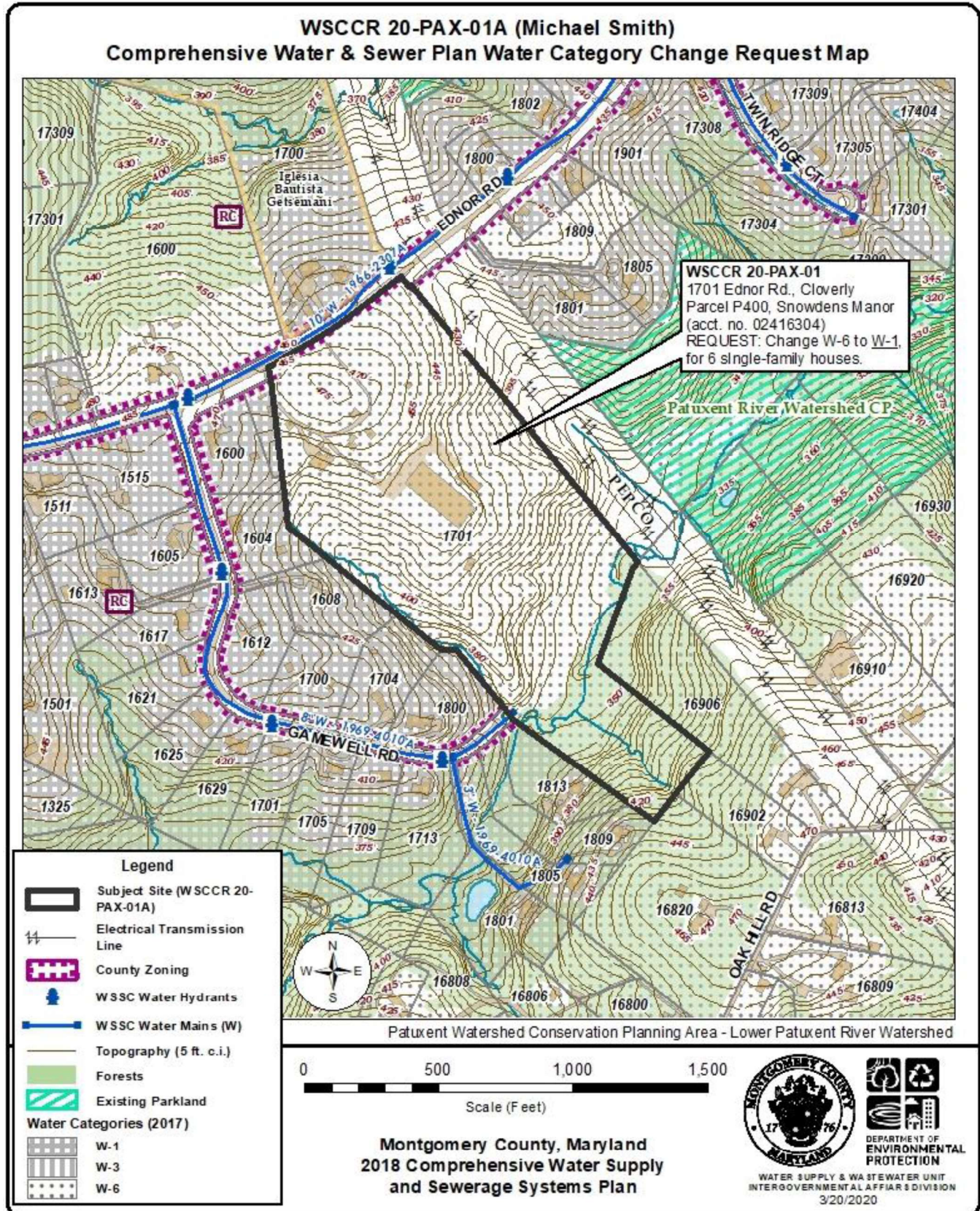
Requested Water Category Map Amendment..... Page 11

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Part of Preliminary Plan no. 120190010 – Reddemead Farm (Enlarged & Rotated)
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Request [2]

WSSCR 20-TRV-03A: Ashwani & Janak Arora

County Executive's Recommendation: Approve S-1, for one sewer hookup only. Under the Piney Branch restricted sewer access policy, the approval of public sewer service for this property may not be used to support the subdivision of this parcel into more than one building lot. Sewer service is to be provided from the existing sewer main only.

Property Information and Location Property Development	Applicant's Request County Council Action						
<ul style="list-style-type: none">• 10400 Boswell Ln., Potomac• Parcel P741, Wickham & Pottinger (acct. no. 00046148)• Map tile: WSSC – 217NW10; MD –FR31• Southwest corner, intersection of Glen Mill Rd. & Boswell Ln.• RE-2 Zone; 3.70 acres• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA)• <u>Existing use</u>: Single-family house (not residence), built 1996• <u>Proposed use</u>: No Change	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-1</td><td>W-1 (no change)</td></tr><tr><td>S-6</td><td>S-1</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>"A public sewer abuts the Subject property at the north-west corner along Boswell Lane. Hence, the Subject Property is eligible for a sewer service category change that would allow for a single connection to the public sewerage system pursuant to the abutting mains policy, Chapter 1, (Objectives and Policies), Section II.E.3.a of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. A standard, appropriate sewer main connection to the existing home is requested."</p>	<u>Existing – Requested – Service Area Categories</u>		W-1	W-1 (no change)	S-6	S-1
<u>Existing – Requested – Service Area Categories</u>							
W-1	W-1 (no change)						
S-6	S-1						

Executive Staff Report

Executive staff recommend approval of category S-1 for a single sewer hookup only. However, staff also recommend against allowing a sewer extension for 10400 Boswell Ln. that would also serve 10401 Boswell Ln. Staff also recommend against revising the abutting mains policy to allow making such service possible.

The applicants seek approval of a sewer category change from S-6 to S-1 to provide public sewer service to an existing single-family house. The property is a deeded parcel totaling 3.7 acres in size and zoned RE-2. Given zoning requirements the parcel cannot be subdivided into more than one building lot.

The site is within the Piney Branch subwatershed where the provision of public sewer service is controlled by a limited sewer access policy in the Water and Sewer Plan. (See pages 44-45.) An existing low-pressure sewer abuts the northwestern corner of the property along Boswell Ln. (see the map on page 14). The parcel existed at the time the abutting sewer main was constructed in 2016. WSSC has confirmed that a sewer connection and hookup from this existing main can provide sewer service to the existing house. Under the restricted sewer access policy and the Water and Sewer Plan's abutting mains policy (see pages 39-42), the existing parcel is eligible for sewer category S-1 with public sewer service limited to a single sewer hookup only.

Low-Pressure Sewer Extension and Abutting Mains Policy: The applicants, in coordination with the applicants for WSSCR 20-TRV-05A (following), have expressed an interest in constructing a 140-foot low-pressure sewer extension along Boswell Ln. abutting their parcel (see the map on page 15). This would bring the low-pressure main directly in line with the applicants' house, reducing the length of the onsite sewer hookup from approximately 210 feet to 130 feet. WSSC has indicated to DEP that the low-pressure extension is likely feasible and that either sewer hookup—from the existing main or from the proposed extension—could serve the existing house.

Further, the 140-foot main extension proposed would abut not only the applicants' property, but also the confronting property across the street at 10400 Boswell Lane. This property is also the subject of a sewer category change request included in this packet, WSSCR 20-TRV-05A (see pages 16-20). Once approved and without any service restrictions, the proposed extension would allow for a single sewer service hookup for 10400

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Boswell Ln. That approval would also be consistent with the abutting mains policy and the Piney Branch restricted sewer access policy. Note that without the proposed sewer extension, 1040 Boswell Ln. does not qualify for public sewer service under the Piney Branch restricted service sewer policy.

This is an unusual proposal in that virtually all approved abutting mains cases end up with the property connecting to the existing water or sewer main, without the use of a new extension. Constructing a new water or sewer main is time-consuming and expensive, something that most people would likely avoid if possible. Constructing a somewhat longer onsite service hookup will in most situations be cheaper than constructing an extension just to achieve a shorter service hookup.

Two issues potentially involved here are not currently addressed by the Water and Sewer Plan's abutting mains policy:

- Whether main extensions for properties approved under the abutting mains policy are allowed.
- Whether such an extension, if approved, may make public service available for another property.

The abutting mains policy was made part of the Water and Sewer Plan to allow owners of a limited number of properties to take advantage of water and sewer mains that happened to be available to those properties. Several limitations were built into the policy to ensure that it would not result in uncontrolled and unintended public service in areas using onsite systems. This proposal runs counter to that intention, setting up situations where main extensions could leapfrog from one property to the next opening unintended public service for additional properties.

If WSSC had advised that an extension was needed in order to allow service to the existing house, perhaps to avoid the having hookup cross a sensitive environmental feature such as a stream, then that issue could be addressed on an individual basis. A limited allowance could be made in the policy to address such situations. Or the Plan's policy could acknowledge that not all abutting mains cases can be implemented, despite a property meeting baseline requirements,. The following statement is included in the General Requirements subsection (II.G.3.a.) of the abutting mains policy: "The provision of community service under this policy also requires that service from the abutting main must be technically feasible." (Chapter 1, 2018 Water and Sewer Plan)

Agency Review Comments

DPS – Well & Septic

The property has permitted septic system for 6 bedrooms and an approved septic reserve area.

M-NCPPC – Planning Dept.

[This property is] in the [RE-2] Zone and [is] located in the Travilah Planning Area, part of the Potomac Subregion. The Arora property totals 3.7 acres. [This property is] located in the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. One such condition allows single connections for properties that abut existing sewer mains. This provision was recommended in the 2002 Potomac Subregion Master Plan. There is an existing line in Boswell Lane that abuts the northwest corner of the Arora property. [This property is] therefore eligible for service under Water and Sewer Plan policies for the Piney Branch Restricted Community Sewer Service Area. [The property is] eligible for a single hookup; the Arora property may not be subdivided under this policy.

M-NCPPC – Parks Planning

No park impacts.

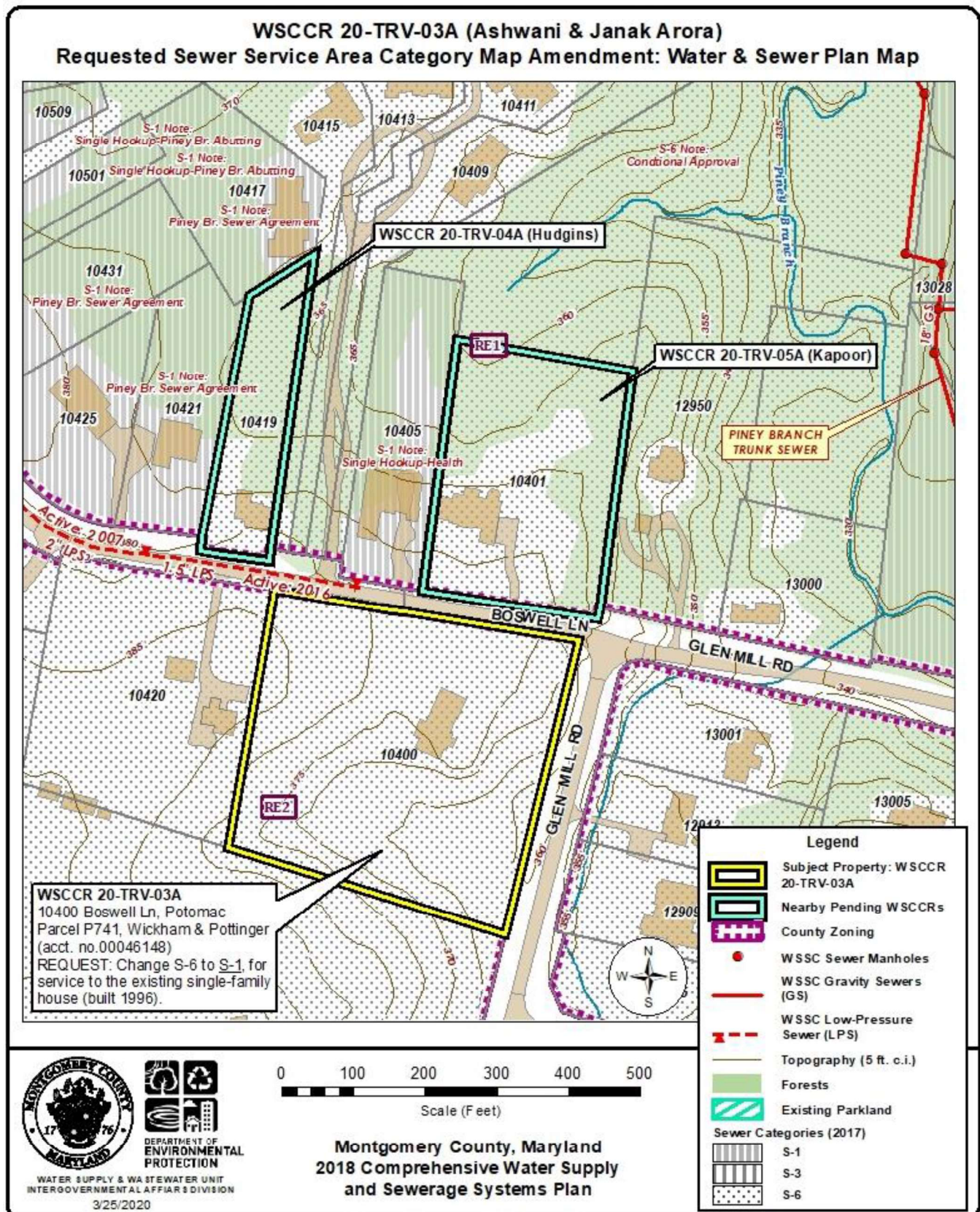
WSSC – Water *(not requested)*

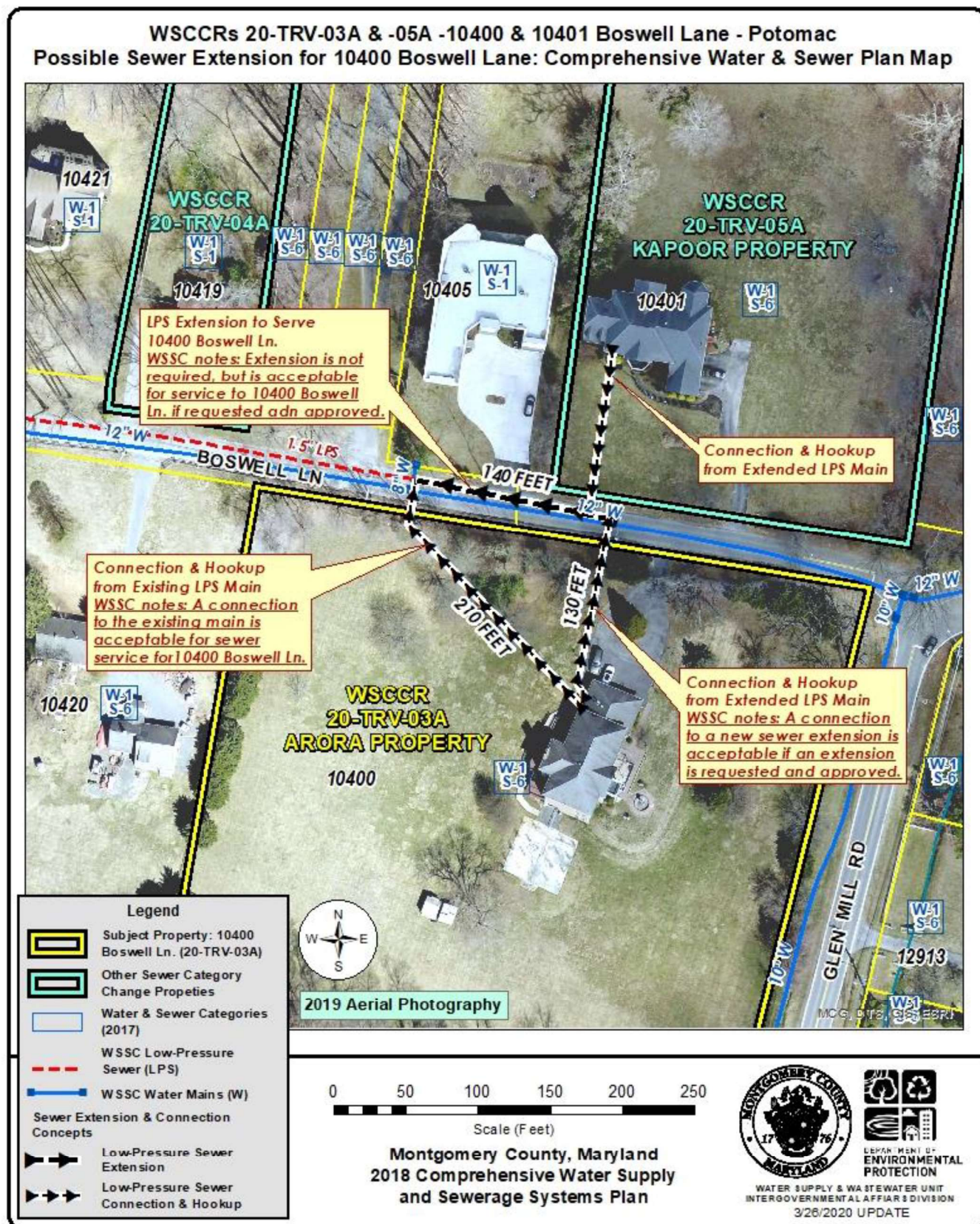
WSSC – Sewer

Basin: Watts Branch. The existing low pressure sewer system may require modifications to support the additional flow. Average wastewater flow from the proposed development: 280 gpd. Interceptor capacity is adequate. [Blue Plains] Treatment capacity is adequate.

Maps, Plans, Etc.: Requested Sewer Category Map Amendment Page 14

Sewer Main Extension Concept and Related Service Hookups... Page 15





Request [3]

WSSCR 20-TRV-05A: Ravinder & Ritu Kapoor

County Executive's Recommendation: Deny the request for sewer category S-3; maintain S-6.					
Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> 10401 Boswell Ln, Potomac Parcel P666, Wickham & Pottinger Piney Level (acct. no. 00053133) Map tile: WSSC – 217NW10; MD –FR31 Northwest corner, intersection of Glen Mill Rd. & Boswell Ln. RE-1 Zone; 2.00 ac Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA) <u>Existing use</u>: Single-family house, built 2006 <u>Proposed use</u>: No Change 	<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>"Public Sewer currently serves adjacent properties and extension of that service is requested facilitate the environmentally appropriate development of the property, consistent with the development along Boswell Lane."</p> <p><i>DEP Note: The Council previously considered and denied requests for sewer category S-3 for WSSCR 11A-TRV-08 (Kapoor) under CR 15-504 (7/24/12), and WSSCR 945B-TRV-02 (Riordan) under CR 13-830 (3/25/97) for this property.</i></p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Executive Staff Report

Executive staff recommend against the approval of sewer category S-3 for this request, consistent with the provisions of the Piney Branch restricted sewer access policy and consistent with the executive staff recommendation for WSSCR 20-TRV-03A (page 13).

The applicants seek a sewer category change from S-6 to S-3 to provide public sewer service to an existing single-family house. The parcel is zoned RE-1 and is of 2 acres in size. Given this, the parcel is theoretically large enough for a two-lot residential subdivision. The property is located within the Piney Branch watershed and special protection area (SPA). As such, the provision of public sewer service is governed by the Water and Sewer Plan's Piney Branch restricted sewer service policy (see pages 44-45). At present, the parcel does not satisfy any of the six conditions in that policy that would allow for approval of sewer category S-3.

The applicants have proposed that this property could be served by a low-pressure sewer (LPS) extension from an existing main located to the west along Boswell Ln. This is the sewer main that abuts the parcel at 10400 Boswell Ln., discussed further with respect to the preceding WSSCR 20-TRV-03A for that property. (See the staff report at pages 12-13 and the maps at pages 14-15.) Such an extension would allow this parcel at 10401 Boswell Ln. to satisfy the "abutting mains" condition of the Piney Branch restricted sewer access policy. Such an extension is not supported by the current abutting mains service policy in the Water and Sewer Plan. WSSC has reported that the existing LPS main can provide public sewer service to the parcel at 10400 Boswell Ln. without the need for a main extension.

The applicants contend that this property has unique circumstances that would justify the provision of public sewer service in the Piney Branch sewer policy area:

- 10401 Boswell Ln. is the only property along Boswell Ln., between Piney Meetinghouse Rd. and Glen Mill Rd., that does not currently qualify for public sewer service. This is likely true. An existing gravity sewer (GS) main or an existing LPS main abuts the other properties located along this street (see page 20).
- The only additional property that the LPS extension proposed for 10400 Boswell Ln. would abut would be the applicants' property; no other property could receive sewer service from this sewer main extension. This is also true. The effect on the abutting mains provision of the restricted sewer access policy of the proposed LPS extension would be limited to the applicants' parcel, as illustrated by the map on page 15.

While creating a potentially unique set of conditions for the subject property, these circumstances do not, of themselves, justify the approval of sewer category S-3.

The applicants further contend that four other properties along the north side of Boswell Ln. received approval for public sewer service while also failing to satisfy the requirements of the Piney Branch restricted sewer service policy. This request, WSCCR 00A-TRV-03 (R.A.M. Investing) shown on the map on page 20, received approval from the Council under CR 14-1516A on Nov. 26, 2002. That resolution (see page 18) noted that, while not specifically consistent with the restricted sewer access policy, the Council granted conditional approval of category S-3 due to special circumstances. MDE initially disallowed this resolution as inconsistent with the local master plan. However, the state subsequently allowed the action by default because MDE's initial denial action did not occur until after the response period required by state law,

In discussion with DEP staff, the applicants have also indicated a desire to eventually subdivide this parcel into two building lots to allow the construction of a second single-family house for family members. DPS Well and Septic staff have advised DEP that the construction of a second house on the property likely cannot occur using an onsite septic system. Testing for an additional septic system, a sand mound system, was not successful. The creation of two building lots from this parcel raises additional concerns with regards to the restricted sewer access policy. Properties approved for public sewer service under the abutting mains provision of the restricted sewer access policy are not intended to allow the single sewer hookup to support subdivision of the property into more than one building lot. The concept of creating two building lots from this parcel runs counter to the provision of the restricted sewer access policy, regardless of whether one or both lots receive public sewer service. Only three other sites located along or near Boswell Ln. have the potential for subdivision into more than one building lot (see the map on page 20).

Agency Review Comments

DPS – Well & Septic Section

This property has a permitted septic system for 6 bedrooms and an approved septic reserve area. Additional testing was conducted over a span of 5 years to establish another septic reserve area for a second dwelling but was ultimately unsuccessful in obtaining the required number of passing sand mound tests. Based on existing test data, topography and lot size it is not likely that further sand mound testing will result in approval of a secondary septic reserve area.

M-NCPPC – Planning Dept.

This two-acre property is in the RE-1 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. It also is located in the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. It is adjacent to a property that is currently served, but that sewer line does not abut any part of the Kapoor property. The Arora property, across Boswell Lane, is the subject of a category change request based on the abutting mains policy, but it is not clear whether connecting the Arora property would create a main abutting the Kapoor property.

M-NCPPC – Parks Planning

No park impacts.

WSSC - Water *(not requested)*

WSSC – Sewer

Basin: Watts Branch. There is an existing 1.5 inch low pressure sewer in Boswell Ln. (contract 200704595Z) that requires a public extension in order to abut this lot. The extension for the 1.5 inch low pressure sewer for 10401 Boswell Ln. to connect appears to be able to take the additional flow from this lot. Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer main are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate.

Maps, Plans, Etc.: Conceptual Sewer Connection and Hookup (19-TRV-03A)	Page 15
Excerpt from CR 14-1516A for WSCCR 00A-TRV-03	Page 18
Requested Sewer Category Map Amendment	Page 19
Boswell Lane Area Sewer Category Change Requests	Page 20

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County Council Resolution No. 14 – 1516A (Nov. 26, 2002) – Attachment A: Page 1 of 1
July 2002 Water and Sewer Plan Amendment Transmittal

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

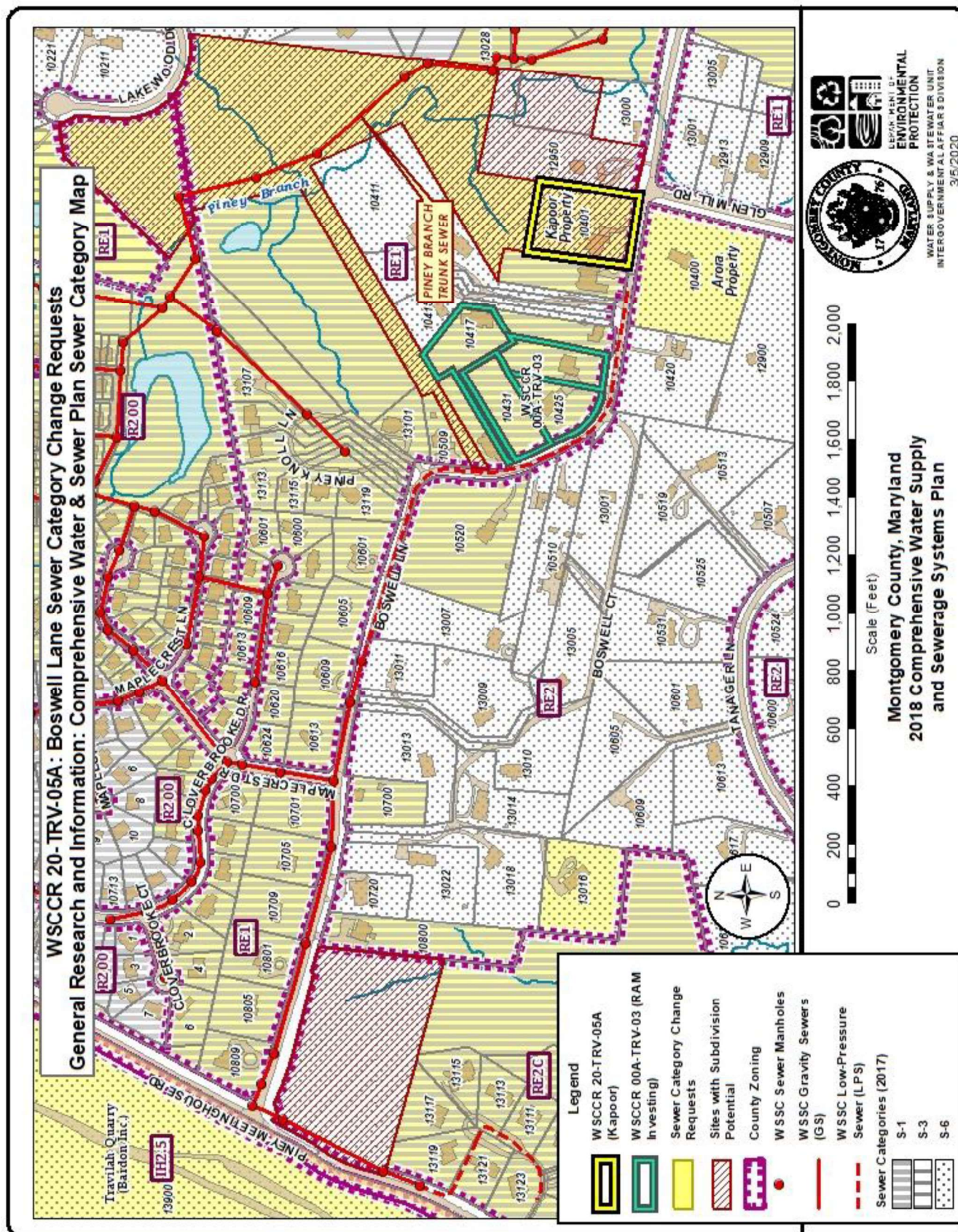
Amendment No. Applicant (Owner) Description & Location	Master Plan & Watershed Zoning & Acreage Site Development	Service Area Categories Existing Requested	County Council Action (See Attachment B for mapping of this amendment.)
WSSCR 00A-TRV-03 • R.A.M. Investing, Ltd. (and for Boswell Lane Limited Partnership) • Parcels P606 & P636, Wickham and Pottinger; and Lot 1, Block C, Glen Mill Knolls – 10417, 10421 & 10425 Boswell Ln. • Tax map FR341; WSSC grid 217NW10 • Northeast side of Boswell Lane, 800' west of Glen Mill Rd.	• Potomac Subregion Master Plan (2002) • Watts Branch watershed – Piney Branch subwatershed (MDE Use I; Mont. Co. SPA) • RE-1 Zone: 3.6 acres • Existing use: 2 single- family houses • Proposed use: 4-lot subdivision	W-1 No Change S-6 S-3 <i>Previously deferred under CR 14-819, Mar. 2001, for completion of the Potomac Subregion Master Plan; and under CR 14-1481, Oct. 2002, for WSSC's evaluation the potential environ- mental impacts of sewer main extensions.</i>	Maintain S-6, with advancement to S-3 conditioned on the applicant providing DEP with a copy of a recorded covenant for the subject site which includes the Piney Branch Sewer Agreement Recommendations. <i>(Continues below)</i>

County Council Action (continued):

The Council grants this approval with the following conditions and understandings:

- That in order to implement this approval action, the applicant must extend public sewer service to this site only from the existing 8-inch-dia. sewer main at the intersection of Boswell Lane and Maplecrest Drive (WSSC #898066E).
- That in order for this project to proceed under the Council's action, WSSC must find the preceding sewer extension alignment acceptable.
- That while inconsistent with the specific requirements of the Water and Sewer Plan's Piney Branch Sewer Restricted Access Policy, this amendment is approved because of the special circumstances noted below:
 - Results in only a minimal increase in development density within the watershed;
 - Minimizes potential environmental impacts to Piney Branch by avoiding sewer main construction near streams or within stream buffers.
- That this approval represents an exception to the Piney Branch Sewer Restricted Access Policy and is not a precedent for possible future exception requests.





COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

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Request [4]

WSCCR 20-TRV-09A: Sami and Siham Ainane

County Executive's Recommendation: Deny the request for category S-1, maintaining category S-6 with no allowed abutting mains sewer hookup.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 12000 block of Piney Meetinghouse Rd., Potomac• Outlot A, Block D, Piney Glen Farms (acct. no. 03464464)• Map tile: WSSC – 215NW11; MD –FQ12• West side of Piney Meetinghouse Rd., south of the intersection of Greenbriar Preserve Ln.• RE-2 Zone; 2.51 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Outlot A existing use</u>: Vacant• <u>Outlot A proposed use</u>: convert to building lot for one single-family house	<table><tr><th colspan="2">Existing – Requested – Service Area Categories</th></tr><tr><td>W-1</td><td>W-1 (no change)</td></tr><tr><td>S-6</td><td>S-1</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>“Convert to building lot for one single-family home.”</p> <p><i>DEP Note: The Council previously considered and denied a request for sewer category S-1 for WSCCR 17-TRV-10A (Ainane) under CR 18-1272 (10/30/18) for this property.</i></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

Executive staff cannot find a policy justification for this category change request for sewer category S-1, and therefore recommend denial, maintaining category S-6 for the property.

The applicants have requested a sewer category change from S-6 to S-1 for existing Outlot A, Block D, in the Piney Glen Farms subdivision. This outlot was created along with Lot 1, Block D, following the approval of category S-1 for the original "parent" parcel under the abutting mains policy. The allowed sewer connection was assigned to the building lot, Lot 1, leaving the remainder of the original parcel, Outlot A, as sewer category S-6 and ineligible for sewer service under the abutting mains policy. (See the subdivision plat on page 23 and the map on page 24.) The applicants seek an exception to allow for a second sewer hookup for the existing outlot.

Under the prior request for this property (WSCCR 17-TRV-10A), the applicants had requested that the allowed sewer connection for the property at 12000 Piney Meetinghouse Rd. (existing Lot 2) be transferred to Outlot A. The County's abutting mains policy (see pgs. 39-42) does not include a provision to allow the transfer of an allowed service hookup from one property to another, including those under common ownership. As such, the County Council denied the applicants' prior request.

For Outlot A to qualify for a sewer hookup under the existing abutting mains policy, it would need to include a part of original Parcel P243. A residual of the original property (Parcel P243) can receive the allowed service connection from the original property. The other remainder cannot use the allowed connection. Executive staff have developed a resubdivision proposal for Lot 2 and Outlot A that would incorporate a small part of Parcel P243 into Outlot A, satisfying the abutting mains policy requirement for the residual of the original property (see page 27). Executive staff presented this resubdivision proposal to the applicants. Because this proposal would require a new preliminary plan, the applicants decided against pursuing it due to the cost involved for preparing and filing the new plan.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

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Agency Review Comments

DPS – Well & Septic Section

Outlot A - Water table testing was performed in 2017 and was unsuccessful. Soil conditions are not favorable for a conventional onsite system and the [out]lot is not eligible for an innovative or alternative septic system. DPS does not object to a category change for this parcel.

Lot 2 - Water table and percolation testing was also completed in 2017 for the existing house at 12000 Piney Meetinghouse Rd. Testing was successful; a potential septic reserve area was identified. The existing septic system was installed under permit in 1960 and was not found to be failing at the time of testing.

M-NCPPC – Planning Dept.

Planning Board recommendation (October 11, 2018): Conditionally approve S-1 if a Concept Plan that addresses the development challenges of Outlot A and brought to the Planning department Development Review Committee. Lot 2 will remain S-6 with no future abutting main hookup.

The applicant had requested a sewer category change from S-6 to S-1 for Outlot A, Block D, a 2.51-acre RE-2 zoned property. The outlot and Lot 1, Block D were created with the approval of subdivision 120040010. The subdivision had been granted a single sewer hookup for the parent parcel. This hookup was assigned to the buildable Lot 1, leaving Outlot A in sewer category S-6 and ineligible for sewer service under the abutting mains policy. The applicant proposes to transfer an allowable abutting main hookup from a parcel adjacent to Outlot A, which they also own.

The Potomac Master Plan excludes areas zone for low-density development not already approved for service from further extensions. The Potomac peripheral service policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, areas that include this property. Following a discussion the included the applicant, planning staff and executive branch staff, the Planning Board found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south [Lot 1] could be transferred to Outlot A if a Concept Plan analyzing development issue on the property is reviewed by the Development Review Committee.

M-NCPPC – Parks Planning

No park impacts.

WSSC - Water *(Not requested)*

WSSC – Sewer

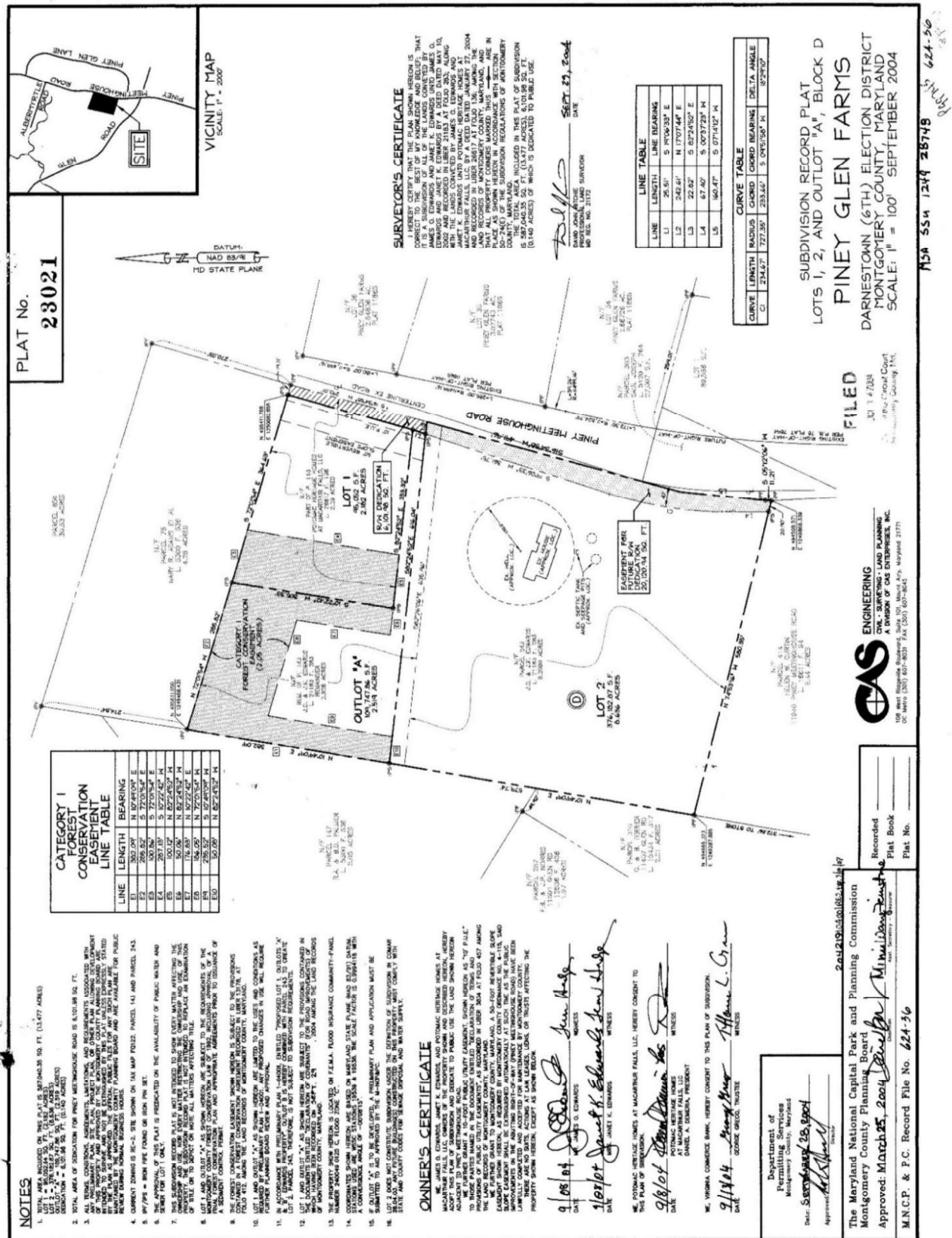
Basin: Watts Branch. A 10-inch sewer on Pine Meetinghouse Road abuts the property (contract no. 1990-8410A). On-site sewage grinder pumping system may be required. In order to pump wastewater to the sewer main. Flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate.

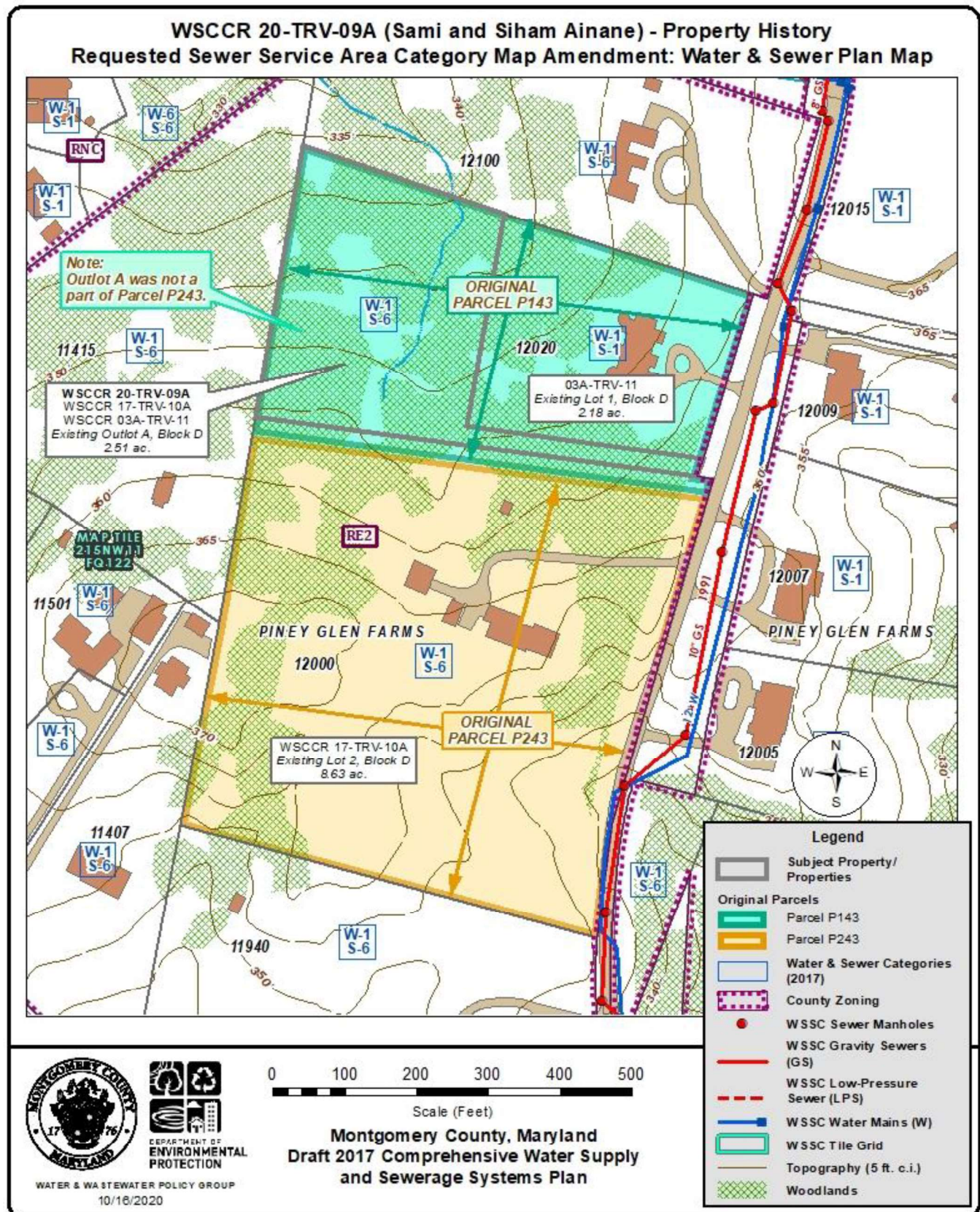
Maps, Plans, Etc.: Subdivision Plat for Piney Glen Farms, Lots 1-2, Outlot A, Block D	Page 23
Property History	Page 24
Requested Sewer Category Map Amendment	Page 25
Planned Sewer Service Envelope	Page 26
Proposed Resubdivision Concept Plan	Page 27

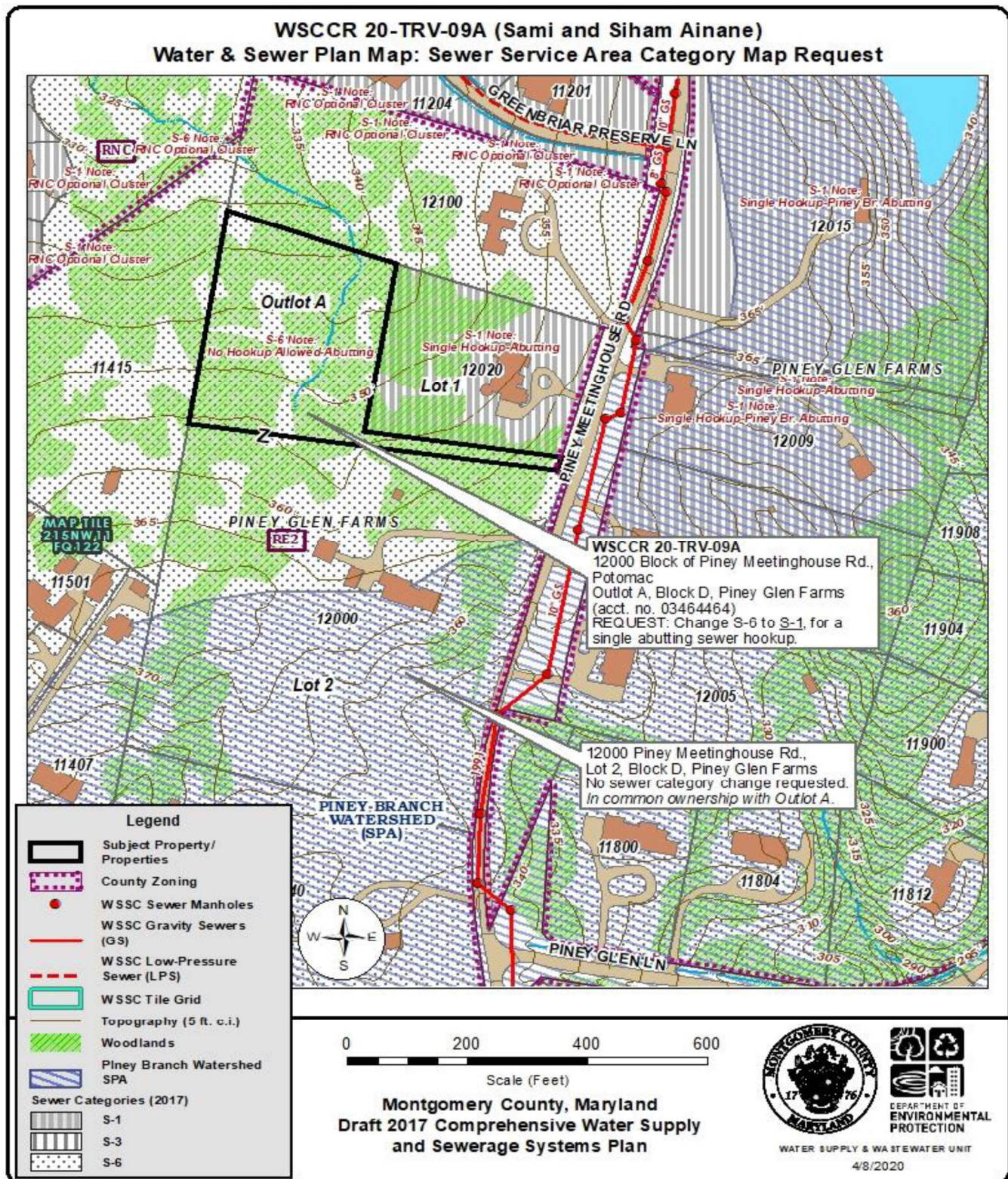
FY 2020 Category Change Requests

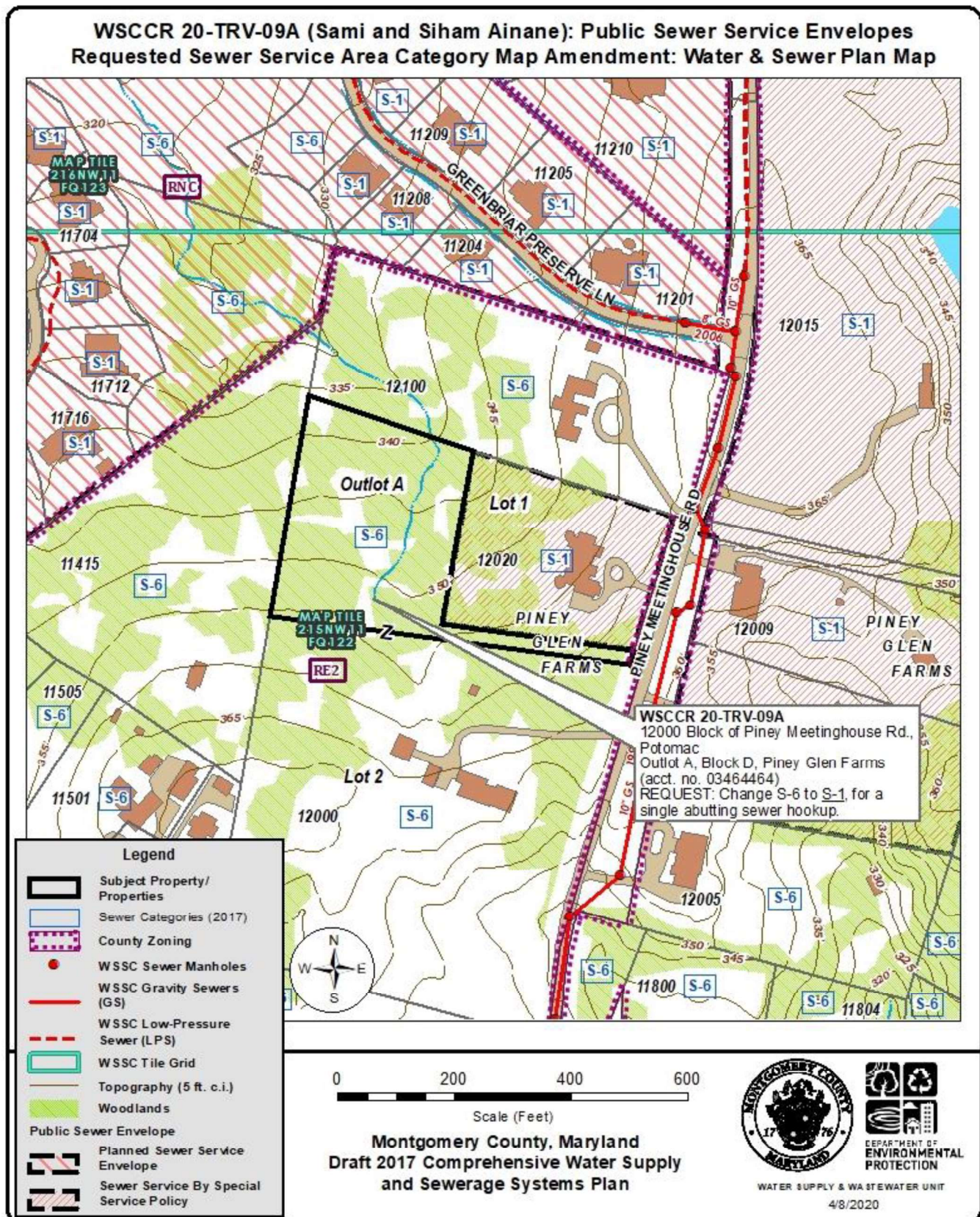
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Subdivision Plat for Piney Glen Farms, Lots 1 and 2, and Outlot A, Block D (10/14/04)

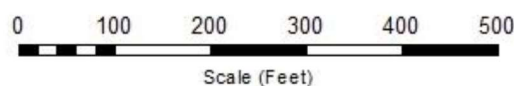
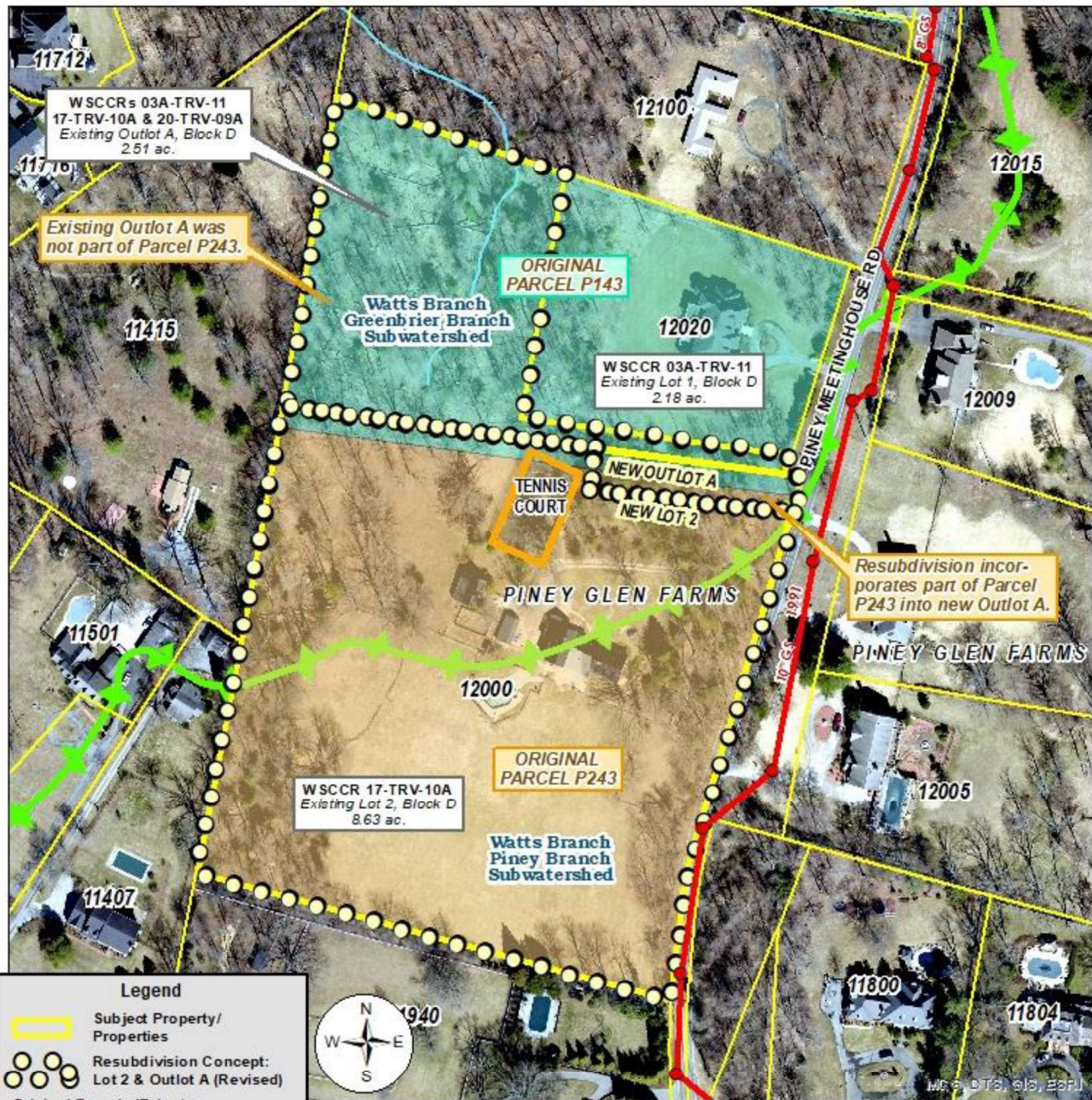








**WSSCR 20-TRV-09A (Sami and Siham Ainane) - Property History & Resub Concept #2
 Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map**



Montgomery County, Maryland
 2018 Comprehensive Water Supply
 and Sewerage Systems Plan



WATER & WASTEWATER POLICY GROUP
 7/28/2020

Request [5]

WSSCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi

County Executive's Recommendation: **Deny the request for sewer category S-3; maintain S-6.**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">9701 Watts Branch Dr., RockvillePt. Lot 39, Block 3, Glen Hills (acct. no. 00079172)Map tile: WSSC – 2178NW10; MD –FR41Northwest corner, intersection of Watts Branch Dr. and Valley Dr.RE-1 Zone; 1.01 acres (43,995 sq. ft.)Travilah Planning Area Potomac Subregion Master Plan (2002)Watts Branch Watershed (MDE Use I)<u>Existing use</u>: Existing single-family house <u>Proposed use</u>: Improvements to the existing property and single-family house	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-1</td><td>W-1 (no change)</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p>Applicant's Explanation: "The property owners is trying to make improvements to the property which would require establishment of a new septic reserve area and installation of a new septic system. There is limited space available to set aside for the septic reserve. Since public sewer is nearby in Watts Branch Drive and other properties are being served by public sewer, the owner would like to extend the public sewer system to the lot so the property can be served by the WSSC system."</p>	<u>Existing – Requested – Service Area Categories</u>		W-1	W-1 (no change)	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-1	W-1 (no change)						
S-6	S-3						

Executive Staff Report:

Executive staff cannot find a policy justification for this category change request for sewer category S-3, and therefore recommend denial, maintaining category S-6 for the property.

The applicants have requested approval for sewer category S-3 for an existing lot in the Glen Hills subdivision in support of improvements to the lot and the existing house. The site consists of 1.01 acres zoned RE-1 in the Watts Branch watershed. The provision of public sewer service in this area is addressed by the Glen Hills sewer service policy (see pages 42-43). Given current conditions, the property does not qualify for public sewer service under this policy. There is no reported failure of the existing septic system, neither is the property part of a designated special sewer service area. No existing or approved sewer main abuts the property. The property neither abuts nor confronts the planned public sewer envelope, requirements for consideration under the Potomac peripheral sewer service policy (see pages 45 -47). Although DPS does not have complete records for the existing septic system, no evidence of a septic system failure has been provided.

WSSC's sewer extension proposal for the property would require an approximately 2,400-foot gravity extension first running southeast along Watts Branch Dr., then running northeast along Overlea Dr. to an existing manhole in front of 9419 Overlea Dr. (see page 32). Much of the sewer extension was included in a conceptual main extension from the Glen Hills Area Sanitary Study. The extension would abut as many as 20 additional properties, 17 of which are currently designated as sewer category S-6. Although the main extension was included in the Glen Hills study, its actual need has not been established by a septic system survey for this part of Watts Branch Dr. DEP's experience with main extensions indicates that an extension of this length is not financially manageable for a single property owner.

The applicants have proposed an alternate means of providing sewer service to this lot: extending sewer service to the property from a nearby gravity sewer main to the west along Watts Branch Dr. At DEP's request, WSSC evaluated this sewer extension option. WSSC staff found that this sewer extension is not feasible. See the DEP note with the WSSC sewer service report starting on the following page for additional information.

The applicants have drawn attention to certain comparisons between this request and the adjacent property at 9703 Watts Branch Dr., WSSCR 01A-TRV-10 for Eberhard Klein (see the map on page 31.). In granting an approval for the Klein request under CR 14-1481 (10/22/02), the County Council cited five circumstances that

were found to create a reasonably unique situation that would result in only a minimal precedent for future actions. These included:

“Approve S-3 for one sewer hookup only. In granting this sewer category approval in the Glen Hills area, the Council recognizes the following special circumstances and thereby sets only a very limited precedent:

- **“That this recorded lot is the only vacant, undeveloped property out of the twelve lots along this block of Watts Branch Drive;**
- **“That providing public sewer service requires only a relatively short main extension along the existing street, which will not spur any additional development within the subdivision;**
- **“That constructing the sewer main has only minimal environmental impact on the neighborhood and does not affect streams or stream buffers;**
- **“That the lot has demonstrated through testing no suitability for an on-site septic system;**
- **“That the provision of public sewer service will not promote any resubdivision of this lot; at 1.03 acres in size, the lot has no potential for resubdivision under the existing RE-1 zoning.”**

While these two cases share some similarities, three issues separate them:

- The sewer extension involved with WSSCR 20-TRV-11A will need to extend some 2,400 feet, while the extension for the Klein property ran only about 150 feet.
- At the time the Council granted approval of category S-3 for WSSCR 01A-TRV-10, the subject property was the only unimproved lot along this block of Watts Branch Dr. This property, 9701 Watts Branch Dr., is improved; the applicants seek to improve the existing house.
- The current Glen Hills sewer policy would allow for consideration of sewer service for the Klein property under the Potomac peripheral sewer service policy; that does not apply to this request.

Agency Review Comments

DPS

DPS only has record of a septic system being installed under permit but no details on the specifications of the system. DPS has not conducted any soils testing on the property.

M-NCPPC – Planning Dept.

This one-acre part of a lot is in the RE-1 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. It is adjacent to a property that is currently served, but that sewer line does not abut any part of this property. Sewer Service is inconsistent with the Glen Hills Sewer Policy.

M-NCPPC – Parks Planning

No park impacts.

WSSC - Water (not requested)

WSSC – Sewer

This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated Special Sewer Service area. Basin: Watts Branch. A 2,400-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to MH 149-N located in Overlea Dr. (contract no.83AS5793A) and would abut approximately 20 properties in addition to the applicant's. This extension would follow the conceptual gravity sewer alignment No 10 from the Glen Hills Area Sanitary Study: Phase 2 Report. Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate.

DEP Note: DEP requested that WSSC review the applicant's proposal to connect an extension to the sewer manhole to the west along Watts Branch Dr. (see page 31). The gravity sewer main along this part of the street “bucks the grade,” meaning that while the sewer main slopes upward from west to east, the ground slopes downward from west to east. The invert (bottom) of the nearby manhole is very shallow, only about 3-1/2 feet

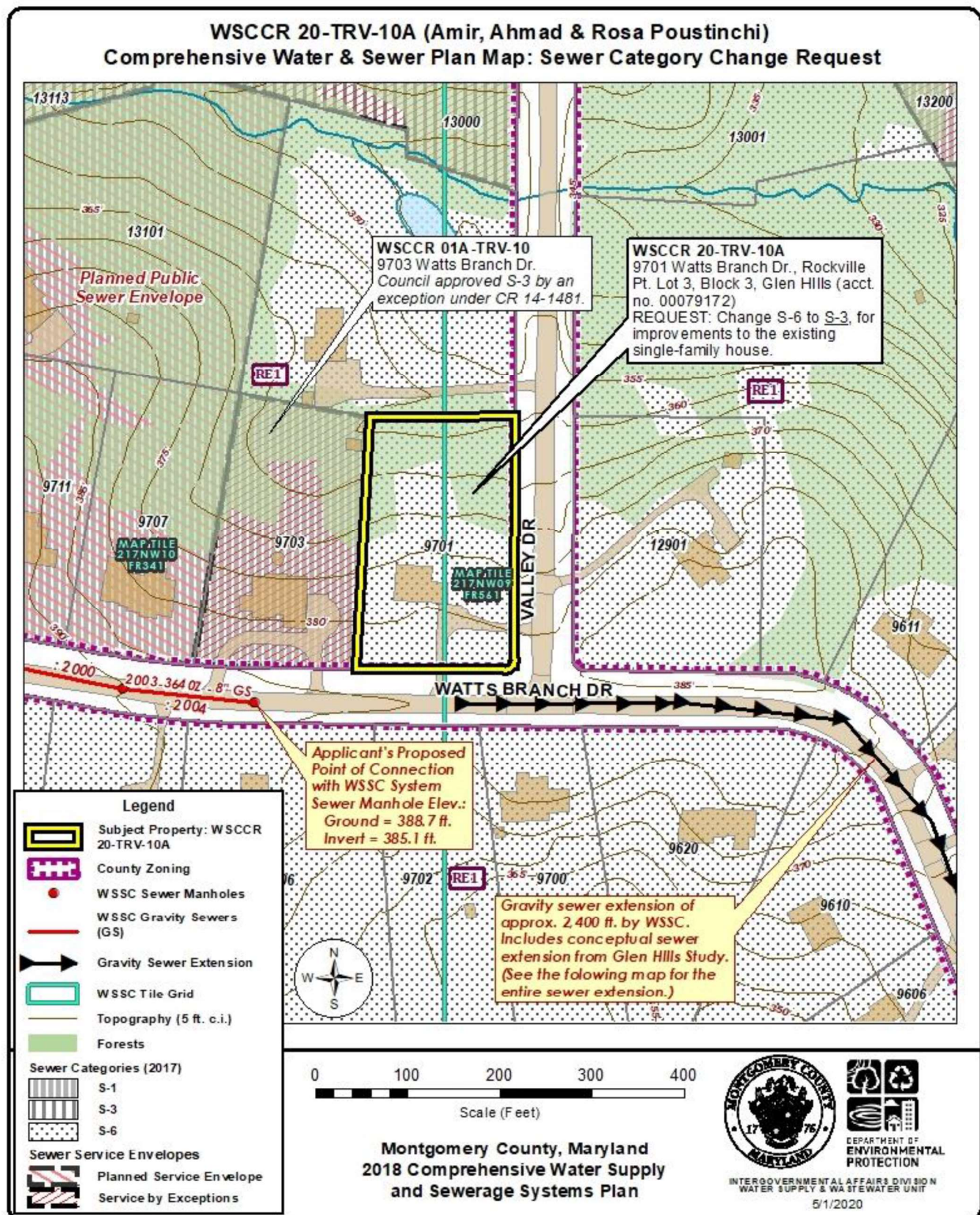
COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
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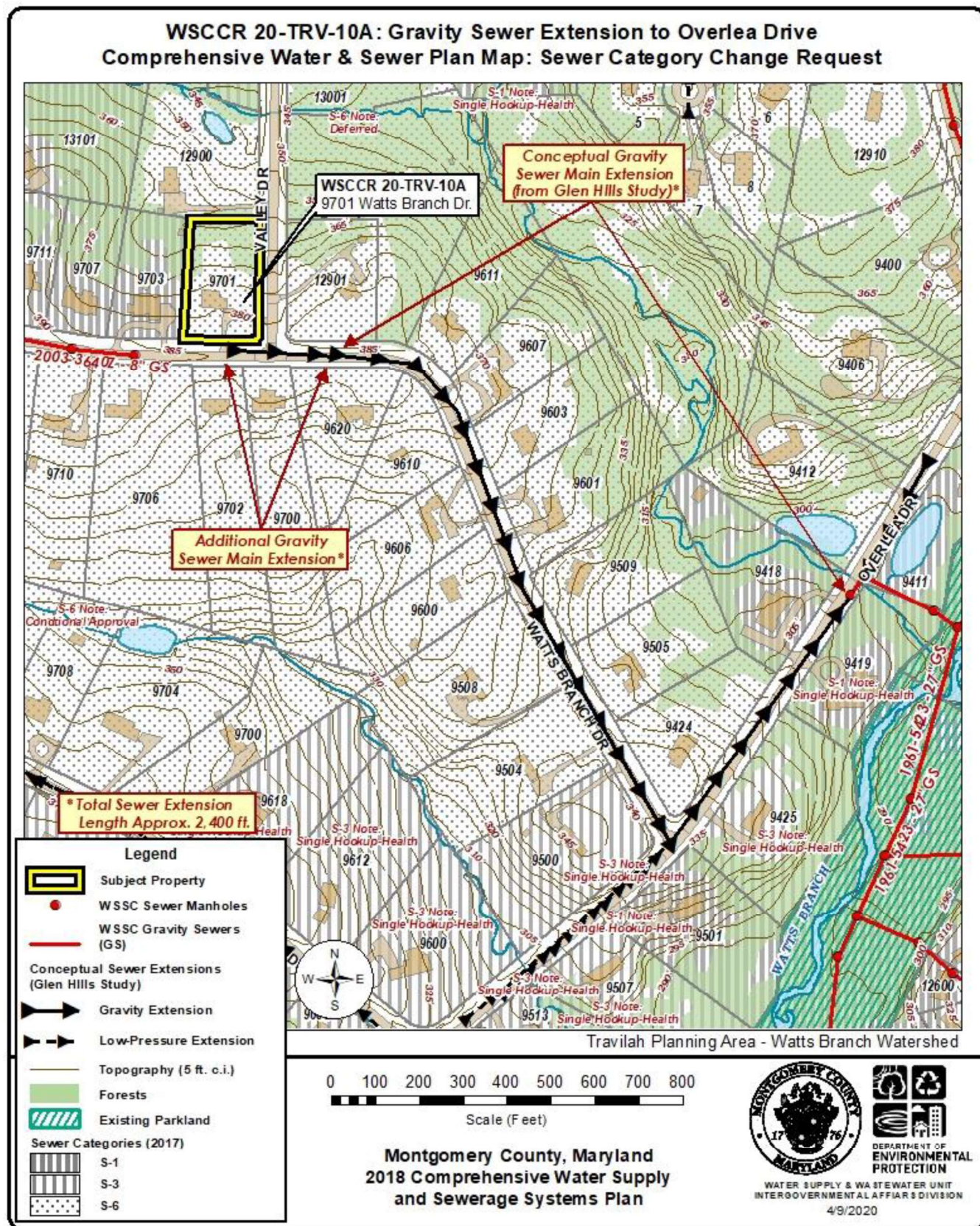
FY 2020 Category Change Requests

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below elevation of the street. As a result, an LPS extension, or a nonabutting sewer connection, to this manhole will have to cross over top of an existing water service connection. This arrangement is contrary to WSSC's design specifications.

Maps, Plans, Etc.: Requested Sewer Category Map Amendment Page 31
Conceptual Sewer Main Extension Page 32





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Request [6]

WSCCR 20-TRV-11A: Meenu Bawa & Anand Verma

County Executive's Recommendation: Deny the request for sewer category S-3; maintaining S-6.

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> 13517 Glen Mill Rd., Rockville Lot 9, Block 5, North Glen Hills Section 1 (acct no. 00078188) Map tile – MD: FR42; WSSC: 218NW10 South side of Glen Mill Rd. east of and opposite Pheasant Dr. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA) RE-1 Zone; 0.92 acre (40,187 sq.ft.) <u>Existing use:</u> unimproved <u>Proposed use:</u> build a 4-bedroom house on the existing lot. 	<p>Existing - Requested Service Area Categories</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>"This lot has failed trench system septic tests in April, June and July 2010 and sand mound septic test on June 12, 2012. Consequently, public sewer connection remains the only alternative to improving it.</p> <p>"Zoned as RE-1, this lot (size 40,187 sf) is not further subdividable.</p> <p>"This is the only undeveloped lot on both sides of 13500 block of Glen Mill Road with fully built homes."</p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				
<p><u>Applicants' subsequent explanation (9/14/20):</u></p> <p>"Last year, the County Council determined that Potomac peripheral sewer service policy properly applied within the Piney Branch subwatershed when it approved an S-3 single sewer hook-up for an unimproved lot at 13101 Valley Drive (District 4, Glen Hills Subdivision). Accordingly, the County Council should apply the same peripheral sewer service policy within the Piney Branch subwatershed in approving an S-3 for our unimproved lot at 13517 Glen Mill Road (District 4, Glen Hills Subdivision). Our lot will have a non-abutting sewer connection from Cavanaugh Drive without necessitating any public right-of-way easement.</p> <p>"Please note that our lot at 13517 Glen Mill Road, if approved S-3, cannot potentially establish a precedent for public sewer hookup inasmuch as with the exception of one unimproved lot at 14212 Glen Mill Road (already has an approved public sewer connection) <i>there is no other unimproved lot between 13500 and 14300 Glen Mill Road with 54 built-up homes</i> on both side of the street, which could possibly use our approval as precedent for a sewer hook up."</p>					

Executive Staff Report

Executive staff cannot find a justification in existing policies for this category change request for sewer category S-3, and therefore recommend denial, maintaining category S-6 for the property.

The applicants have requested a sewer category change from S-6 to S-3 to allow for the construction of one new single-family house on an existing, vacant lot in North Glen Hills. The 0.92-acre lot is zoned RE-1, located in the Piney Branch subwatershed of the Watts Branch watershed. The provision of public sewer service in this area is addressed by both the Glen Hills sewer service policy (see pages 42-43) and the Piney Branch restricted sewer service policy (see pages 44-45). Given current conditions, the property does not qualify for public sewer service under either of these policies. There can be no reported failure of an existing septic system, neither is the property part of a designated special sewer service area. No existing or approved sewer main abuts the property. While the property confronts the planned public sewer envelope across Glen Mill Rd., properties in the Piney Branch subwatershed are excluded from consideration under the Potomac peripheral sewer service policy (see the additional discussion on pages 34-35 and the policy on pages 45-47). M-NCPPC staff concur with these findings.

Sewer Main Extension: WSSC had identified an 800-foot gravity sewer main extension needed to serve the property. The extension would run west on Glen Mill Rd., then turn north along Pheasant Dr. to an existing

gravity main along that street (see page 36). This is part of a conceptual main extension identified in the Glen Hills Area Sanitary Study. Although the main extension was included in the Glen Hills study, its actual need has not been established by a septic system survey for this part of Glen Mill Rd. The property across the street at 15308 Glen Mill Rd. is designated as sewer category S-3 due to the identification of a septic system failure.

WSSC has noted several difficulties with this extension alignment. Primarily, that the extension would cross four natural gas pipelines at Pheasant Dr. Further, it would run parallel to and cross the 24-inch diameter water transmission main for the City of Rockville at Glen Mill Rd. WSSC subsequently noted that the Rockville transmission main is constructed of precast circular concrete pipe (PCCP), which WSSC has found to be susceptible to breakage and leaks. It is likely that a detailed engineering study would be needed to fully assess these issues.

DEP requested that WSSC evaluate an alternative extension alignment that would run west along Glen Mill Rd., then follow Cavanaugh dr. west to an existing gravity sewer (see page 36). WSSC has indicated that this alternative alignment may be feasible even though it would have less fall than WSSC's proposed alignment. The terminal manhole at this location is approximately 11.3 feet shallower than the Pheasant Dr. manhole. This main would also need to cross one natural gas transmission main and run parallel to and cross the Rockville water transmission main. Again, a detailed engineering study would be needed to fully assess these issues.

Specific Conditions Related to This Request -

- Lack of Septic System Suitability: In their explanation for this request (see the previous page), the applicants contend that the property cannot support a conventional onsite septic system. DPS has confirmed this assertion, indicating that the Well and Septic Section has identified the lot as not suitable for an onsite system.
- Lack of Subdivision Potential: The applicants further contend that the lot cannot be resubdivided for additional building lots. This is correct; under the RE-1 Zone standards, minimum lot size is 40,000 square feet. This lot totals 40,187 square feet; only one building lot is possible.
- Uniquely Unimproved Property: The applicants have stated that their lot is the only unimproved building lot along the length of Glen Mill Rd. from the 13500 block to the 14300 block. This is essentially correct, with the possible exception of 12928 Valley Dr. with frontage on Glen Mill Rd., as shown on the map on page 37.

However, none of the three preceding conditions serves as justification for the approval a change from S-6 to S-3 under either the Glen Hills sewer service policy or the Piney Branch restricted sewer service policy.

Comparison to WSCCR 01A-TRV-10 at 9703 Watts Branch Dr.: Certain comparisons can be drawn between this request and WSCCR 01A-TRV-10 (Eberhard Klein), also in the Glen Hills area (see the map on page 31). In granting an approval for the Klein request under CR 14-1481 (10/22/02), the County Council cited a number of circumstances that were found to create a reasonably unique situation that would create only a minimal precedent for future actions. These included:

"Approve S-3 for one sewer hookup only. In granting this sewer category approval in the Glen Hills area, the Council recognizes the following special circumstances and thereby sets only a very limited precedent:

- "That this recorded lot is the only vacant, undeveloped property out of the twelve lots along this block of Watts Branch Drive;
- "That providing public sewer service requires only a relatively short main extension along the existing street, which will not spur any additional development within the subdivision;
- "That constructing the sewer main has only minimal environmental impact on the neighborhood and does not affect streams or stream buffers;
- "That the lot has demonstrated through testing no suitability for an on-site septic system;
- "That the provision of public sewer service will not promote any resubdivision of this lot; at 1.03 acres in size, the lot has no potential for resubdivision under the existing RE-1 zoning."

While these two cases share some similarities, two issues separate them:

- The sewer extension involved with WSCCR 20-TRV-11A will need to extend some 800 feet, while the

extension for the Klein property ran only about 150 feet and did not have natural gas pipeline and water transmission main complications,

- While both cases are found within the Glen Hills Study Area, WSCCR 20-TRV-11A is also within the Piney Branch subwatershed and special protection area. The Klein property is not within Piney Branch and was not subject to the restricted sewer access policy.

Potomac Peripheral Sewer Service Policy: The applicants also contend that their property satisfies the conditions for sewer service using the Potomac peripheral sewer service policy. In this assertion, the applicants cite another case in the Glen Hills area at 13101 Valley Dr. (WSCCR 09A-TRV-02) which was approved for S-3 under that policy. The difference between these two cases involves a prohibition in the policy against its use for properties within the Piney Branch subwatershed. (See the map on page 38.; the policy is provided starting on page 45.) The applicants state that the Council's action to approve the prior request established the use of the peripheral sewer service policy in the Piney Branch subwatershed. However, the property at 13101 Valley Dr. is outside the Piney Branch subwatershed and therefore not affected by this restriction in the peripheral service policy. Neither did its approval for category S-3 change the use of the peripheral sewer service policy allowing for its use within Piney Branch. The subject Bawa/Verma property, however, is within the Piney Branch subwatershed. Although the property confronts the planned public sewer envelope across Glen Mill Rd., it cannot make use of the peripheral sewer service policy to justify a change to sewer category S-3.

Agency Review Comments

DPS – Well & Septic

Percolation tests were conducted in 1959 and 2010 and sand mound testing was conducted in 2012. All testing failed. The property was formally identified as being unsuitable for an onsite system per correspondence in 1991, 2011 and 2016. DPS has no objection to the category change.

M-NCPPC Area 3 Planning Team

This 40,187 square foot lot is in the RE-1 Zone and located in the Travilah Planning Area, part of the Potomac Subregion. It also is located in the Piney Branch Restricted Community Sewer Service Area. The Water and Sewer Plan limits public service in this area and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan. Therefore, staff does not support sewer service to this property.

M-NCPPC Parks Planning

No park impacts.

WSSC - Water *(No change requested)*

WSSC - Sewer

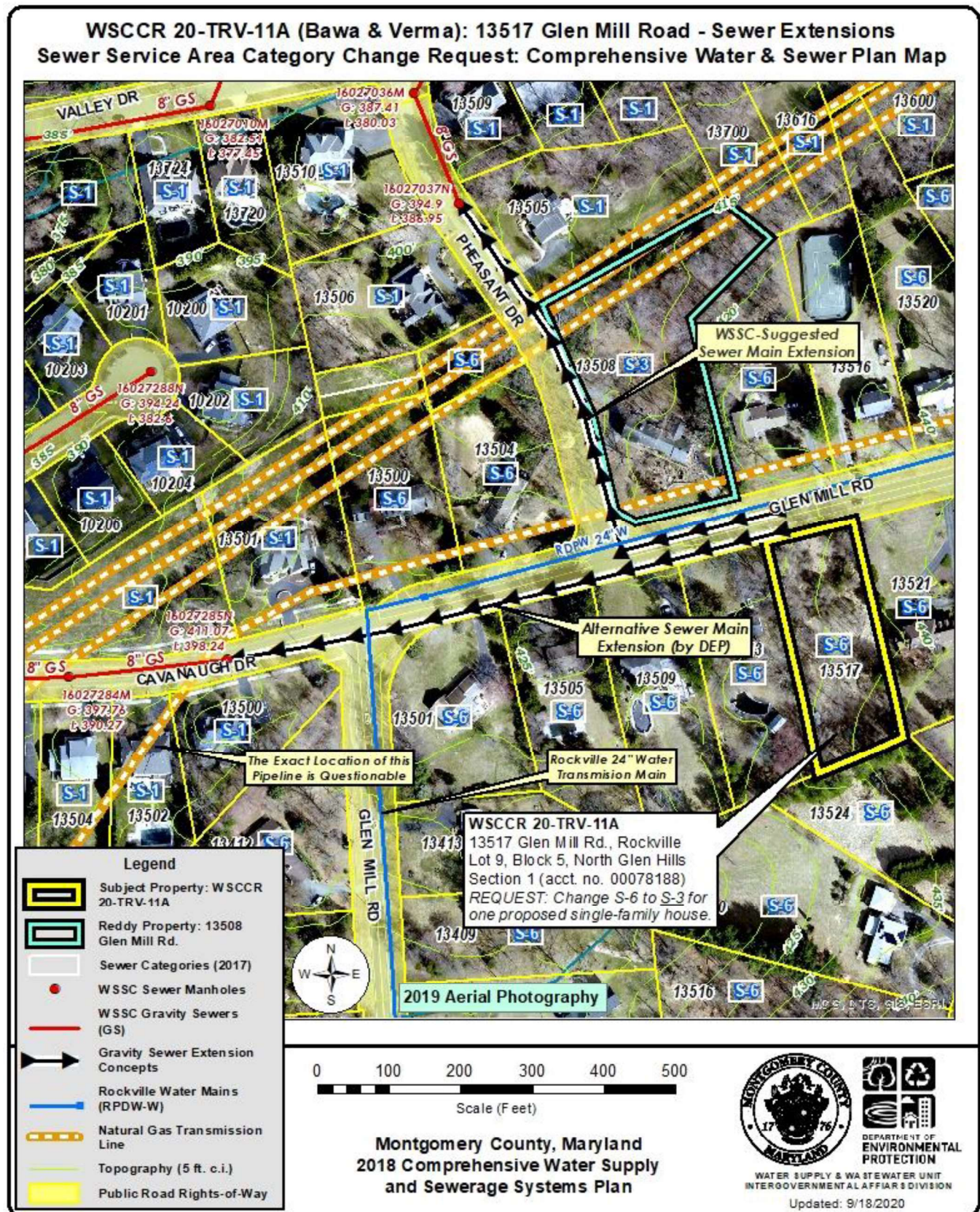
This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated Special Sewer Service area. Basin: Watts Branch. An 800-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to MH 37-N located in Pheasant Dr. (contract no.91-9198A) and would abut approximately 6 properties in addition to the applicant's. This extension would follow the conceptual gravity sewer alignment No 1 from the Glen Hills Area Sanitary Study: Phase 2 Report. This alignment would require a crossing of (3) Williams Gas Pipeline - Transco Natural Gas Mains. This alignment will also run parallel to a 24" Water main feeding the City of Rockville. Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate.

Maps, Plans, Etc.: Requested Sewer Category Map Amendment & Conceptual

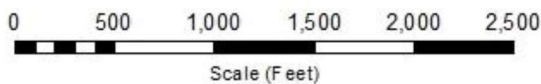
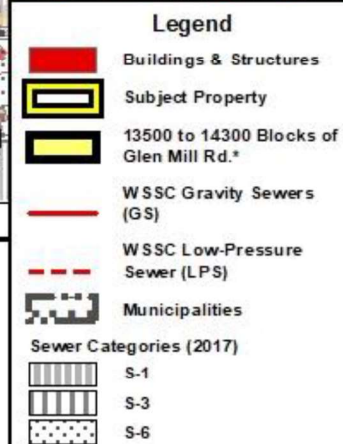
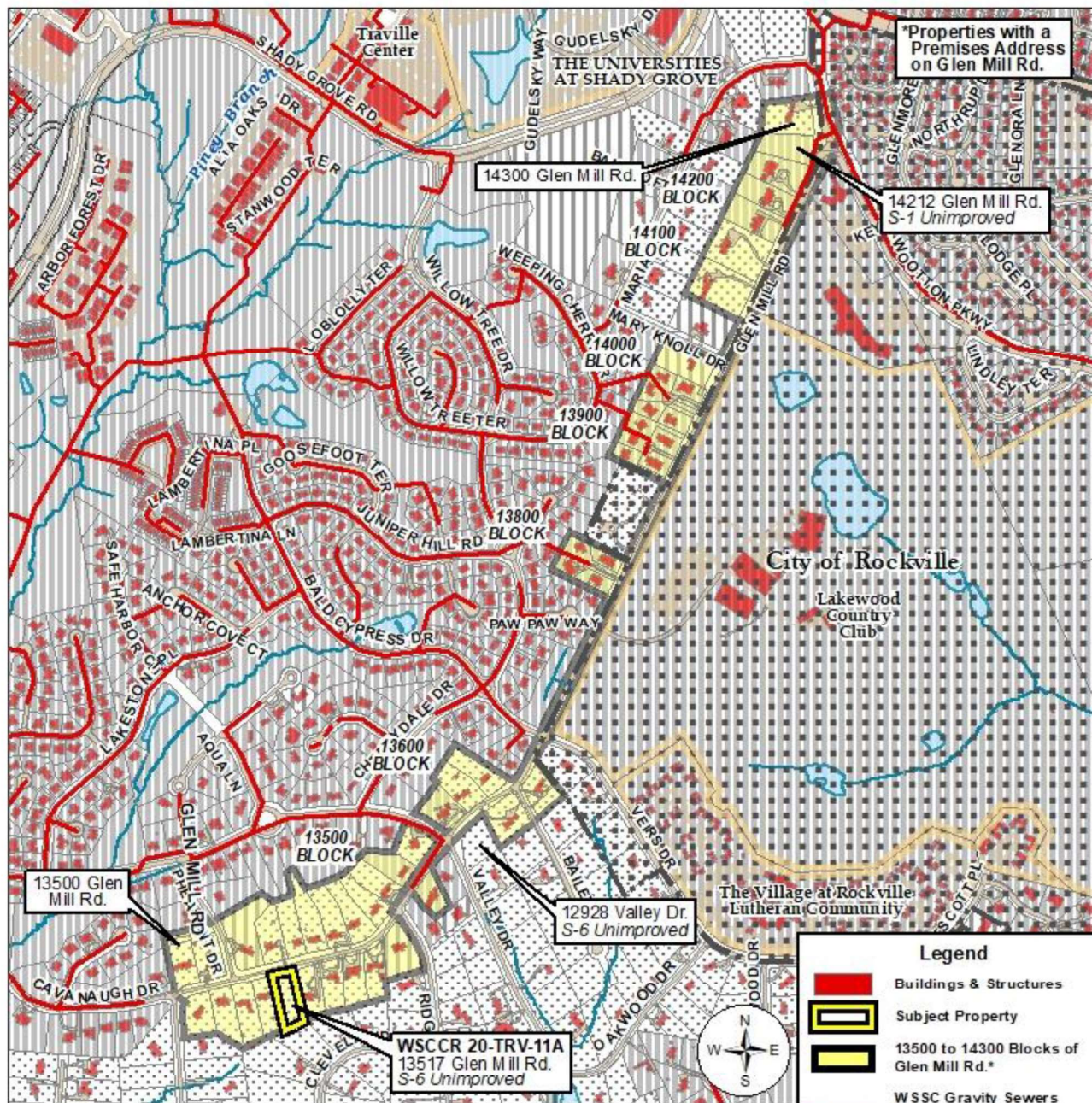
Sewer Main Extensions Page 36

Development Along 13500 to 14300 Blocks of Glen Mill Road Page 37

09A-TRV-02 & 20A-TRV-11 vs. Piney Branch Subwatershed Page 38

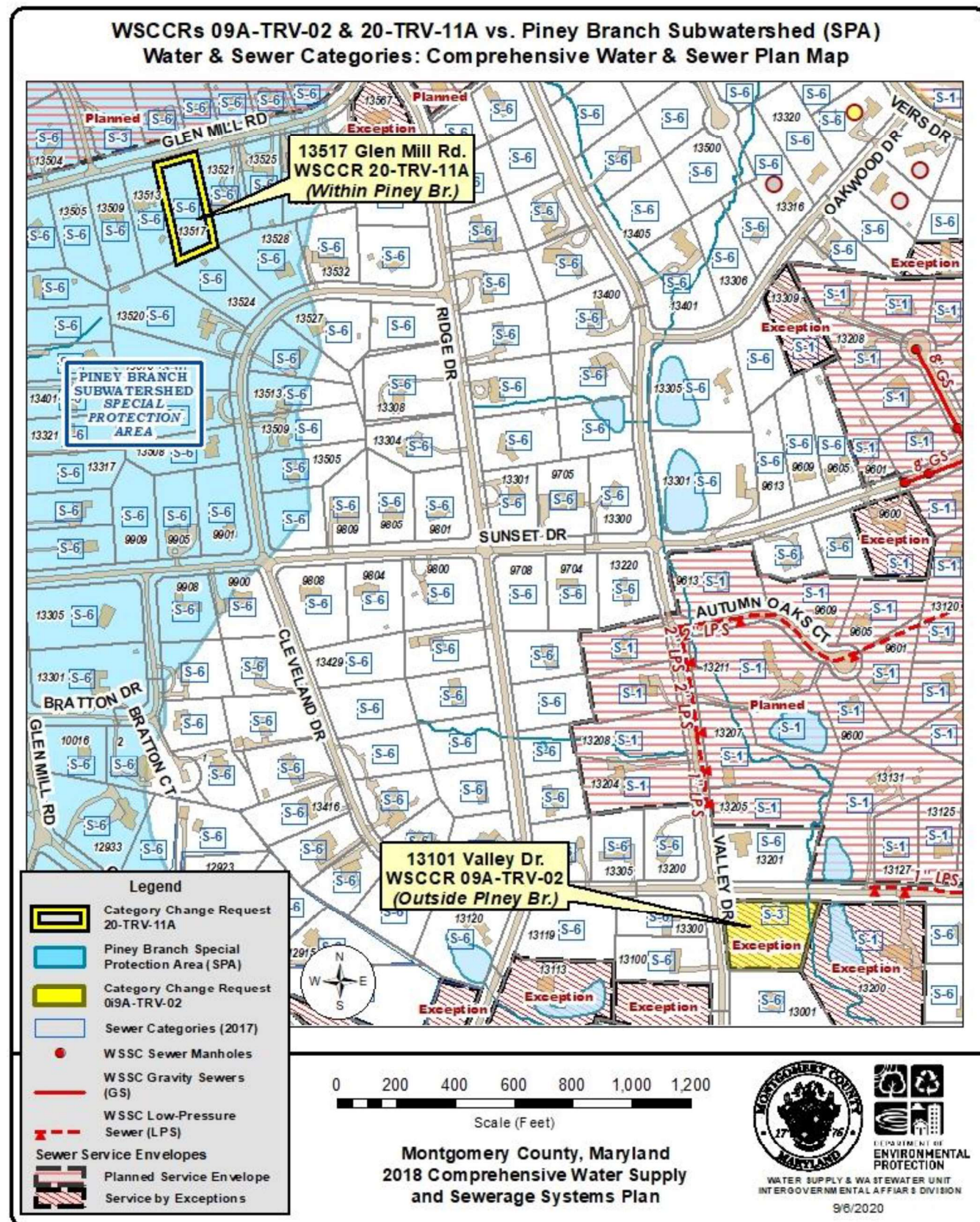


**WSSCR 20-TRV-11A (Meenu Bawa & Anand Verma): 13500 to 14300 Blocks of Glen Mill Road*
 Comprehensive Water & Sewer Plan Map: Sewer Category Map Amendment Request**



Montgomery County, Maryland
 2018 Comprehensive Water Supply
 and Sewerage Systems Plan

9/18/2020



Packet Appendix: Related 2018 Water and Sewer Plan Service Policies

Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains

County Council Actions: Adopted October 2, 2018 (CR 15-396)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

II.G. Special Policies for Water and Sewer Service

The Plan's general service policies address water and/or sewer service issues for the majority of development recommendations found in local area master plans. However, a master plan's general recommendations and this Plan's general service policies cannot anticipate every possible service situation. Many of the following special service policies were developed from specific cases where the County Council, in addressing an exceptional situation, found sufficient cause to establish its action as a precedent for other similar situations that follow. The Council adopted these policies in order to provide consistent policy guidance, rather than relying on case-by-case interpretations.

II.G.3.: Community Service for Properties Abutting Community System Mains

Under specific and limited circumstances, community water and/or sewer service may be provided to properties that abut an existing or approved water and/or sewer main. Except in cases where this policy specifically requires the County Council's consideration and action, DEP may grant approval for abutting service hookups through the administrative delegation process, under the "Community Service for Properties Abutting Community System Mains" policy, Section V.D.2.a.

II.G.3.a.: General Requirements

The provision of community service under this policy requires that the property, or a structure on the property, must have been established prior to the extension of the abutting water or sewer main. Residential, institutional, and commercial uses qualify as existing structures; barns, garages, or other types of outbuildings do not qualify. Satisfaction of this requirement qualifies the property for a single public service hookup. Neither the construction of a building on an unimproved property, nor the addition to or replacement of an existing structure, invalidates the application of this policy. 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.

Technical Feasibility of Service Connections

The provision of community service under this policy also requires that service from the abutting main must be technically feasible. 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. Service from low-pressure, small-diameter sewer mains may also be restricted, depending on the type or number of users proposed. WSSC's current pump/pressure system policies do not permit both residential and non-residential (commercial/institutional) uses to connect to the same low-pressure main, requiring instead separate, dedicated mains for each separate non-residential use.

Planned Community Service Mains

The implementation of this policy applies to both existing and planned service mains. Where a category change approval is based on new mains planned and approved by WSSC, actual service depends on the construction of that main by the applicant for that main. The owner of a property with a restricted abutting mains approval based on construction of a new main cannot independently initiate the construction of all or part of that new main.

Non-Abutting Service Connections

A non-abutting water or sewer connection may allow for the provision of community service under this policy. A non-abutting connection is typically located within either a public road right-of-way or a WSSC main easement. The associated service hookup must be located on *only* the customer's property receiving community service. The use of an offsite service hookup in an easement crossing another intervening property is not allowed. Non-abutting service connections require specific approval from WSSC.

Policies for the use of non-abutting service connections differ between this Plan's policies and WSSC's. In this Plan, the preceding policy concerning non-abutting service connections will determine whether a property

Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains

qualifies for community service under this abutting mains policy. Most often, such a property is located outside the planned community service envelope and is considered for community service only because it satisfies this special service policy. WSSC's policy for non-abutting service connections addresses cases involving access to a community system main where the County has already approved the property for community service. Typically, the property is within the planned community service envelope. In summary:

- The Water and Sewer Plan's policy concerning non-abutting service connections affects decisions about which properties may receive community service.
- WSSC's non-abutting connection policy affect decisions about the best way to serve a property once the Plan has established that property for community service.

Abutting Mains Policy Exclusions

This policy will not apply in the following circumstances:

- *Private Institutional Facilities* - The application of this policy does **not** include the provision of community service for private institutional facilities (PIFs) located outside planned community service envelopes. These cases must be addressed separately through the PIF policy (see Section II.G.4.).
- *Limited Access Service Mains* - 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.1.).

II.G.3.b.: Single Hookups for Only One Property

A single water and/or sewer hookup only is allowed for an individual property or for a structure that satisfies the policy requirements under Section 3.a. preceding. The application of the policy is most often for a single property in the same geographic configuration that existed at the time an abutting main was approved or constructed. However, the policy does allow for exceptions, as follows:

Allowed Property Changes

A change in the property configuration due to the following circumstances does not invalidate this allowed single hookup:

- Dedication of land for a public use such as a road right-of-way or park land.
- An exchange of land between a *qualifying* property and an adjacent property, qualifying or not, provided the overall number of qualifying lots—and therefore the allowed number of hookups—remains the same. Under this provision, *at least one* property must have qualified for a single hookup under this policy *before* the lot line adjustment occurred. A lot line adjustment to acquire frontage along a main does not justify an abutting mains approval.
- The inclusion of additional contiguous, commonly-owned properties, if those properties are combined through subdivision with the qualifying property into a single property. Only one single water and/or sewer hookup for the entirety of the combined properties will be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. Final approval of a category change will require the Planning Board's approval of the subdivision plan or plat assembling the properties.

Remainders of Qualifying Properties

The allowed single hookup may also be assigned to an existing property that is the remainder of a property that would have originally qualified for a single hookup under Section II.G.3.a. above. For approval of single service hookups, these properties must satisfy both of the following conditions:

- The residual property proposed for community service abuts the existing or approved main; and
- The allowed service hookup has not been used elsewhere on the property that originally qualified for the single service hookup. Community service provided elsewhere on the original

Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains

property where consistent with both Water and Sewer Plan general service policies and with 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 process included in this chapter, as noted previously in Section II.G.3., provided that either:

- 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.

However, DEP shall refer to the County Council any cases where two or more residual properties that could qualify for the single service hookup are under different ownership. DEP will 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.

Single Community Service Hookups in Proposed Subdivisions

Some properties that qualify for a single community service hookup under this policy will also be proposed for new subdivisions. In these cases, this policy may allow for a new lot using community service in addition to those lots approved using individual, onsite systems. Qualifying projects will need to satisfy the following conditions:

- The original property had to satisfy the general policy requirements for a single community service hookup under Section II.G.3.a, preceding.
- The property in the subdivision receiving the single community service hookup must receive service by either a direct connection or non-abutting connection to the water or sewer main. The conditions for the use of a non-abutting connection apply as explained in Section II.G.3.a., preceding.
- Final approval of a category change under this condition will require the Planning Board's approval of a preliminary plan that specifies the lot receiving the allowed community water and/or sewer hookup.

Properties located within the Piney Branch Restricted Sewer Access Area and the Glen Hills Study Area do not qualify for this provision of the abutting mains policy with regard to sewer hookups. The policy is not intended to promote the creation of additional subdivision lots in these areas. A single sewer hookup may be provided in a subdivision to one qualifying lot that could be served by an individual septic system.

II.G.3.c.: 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:

- The site would qualify for a single sewer hookup under section 3.a. above;
- 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;
- 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;

Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains

- 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.

II.G.3.d.: DEP Advance Approval of Single Abutting Hookups in Categories 4, 5, and 6

DEP may direct WSSC to provide an allowed single water and/or sewer hookup for a residential use on a property not currently designated for community service (categories 4, 5, or 6) upon confirmation of the following:

- DEP staff confirmation that the property qualifies for service under this policy, and does not require consideration and action by the County Council for approval; and
- DEP receipt of a valid category change request application for the property.

Only in such cases may DEP approve service for a residential use 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.

Appendix C, Section II.E: Glen Hills Study Area

Sewer Service Policy Area: Established by Council Resolution No. 18-423 (3/8/16)

Subject Area: Residential development zoned RE-1 as identified in the Glen Hills Area Sanitary Study.

Service Recommendation & Comments: In March 2016, the County Council adopted Resolution No. 18-423 that established sewer service policies for the Glen Hills area, as shown below (see Figure C-F4). These service policies resulted from a study of general septic system suitability in the area conducted by DEP. This study had been recommended by the 2002 Potomac Subregion Master Plan. Pending the Council's consideration of the study's results, the provision of new community sewer service in the Glen Hills area was limited to properties with septic system failures documented by DPS

The Council's 2016 resolution established the following sewer service policies for the study area:

- 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:
 - Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.G.2.a.).
 - Properties included within a specifically designated special sewer service area (Section II.G.2.b.). The septic system survey process used to establish these areas is outlined in the Council's resolution and in Chapter 1, Section II.G.2.b: Area-Wide Onsite Systems Concerns, *et seq.* The research conducted for the Glen Hills Area Sanitary Study will allow DEP to streamline the survey process for properties in these neighborhoods. Once DEP has established a survey area, an Executive recommendation for the Council concerning that area is expected within approximately three (3) months. A decision by the Council is generally expected within three months after that.

DEP will give a higher priority for surveys that include properties located within Review Areas (RAs) established in the Glen Hills Study and those with documented septic system problems. DEP will give a lower priority to survey areas outside of RAs or where DPS has not identified existing septic problems.

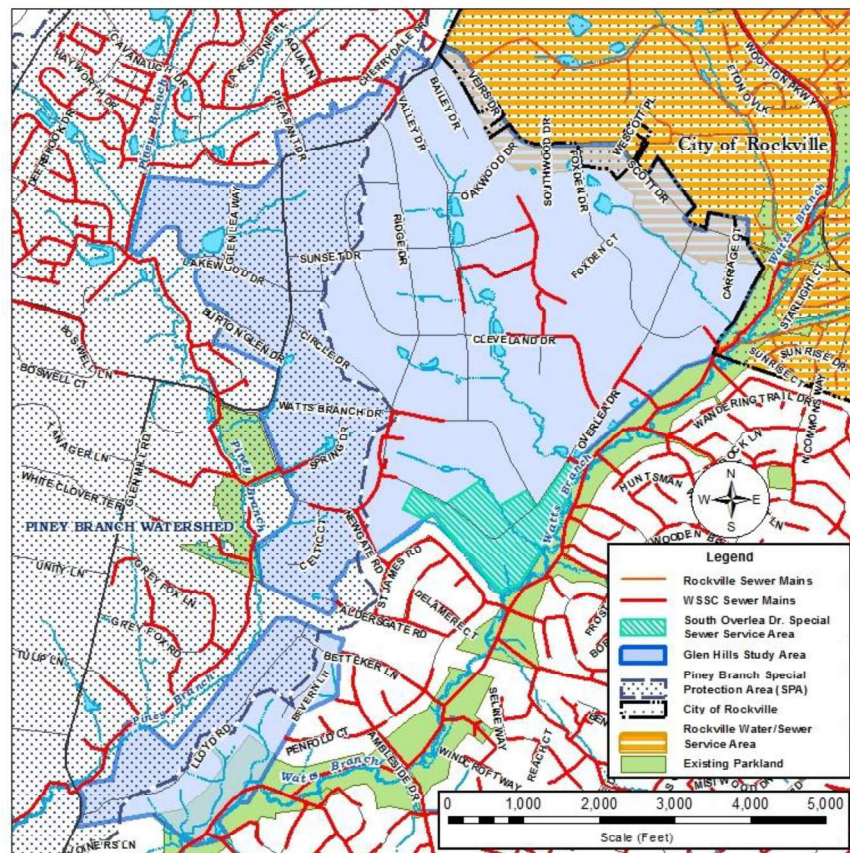
The County has approved one special sewer service area in Glen Hills for part of the South Overlea Drive Septic Survey Area. The County Council under CR 18-888 (July 25, 2017) acted to include 16 of 24 properties surveyed by DEP and DPS within a special sewer service area.

The County Council's 2018 action to approve this Plan update changed the County's approach to the consideration of area-wide health problems where located outside the planned community service envelope. Establishing a septic system survey requires the inclusion of at least one property that has a DPS-documented septic system failure (see Chapter 1, Sections II.G.2.b. – d.).

- Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.G.3.)
- Properties at the edge of the Potomac Master Plan planned public sewer envelope, that abut and/or confront properties within the envelope, consistent with the Potomac area peripheral sewer service policy. (Consistent with this policy however, properties at the periphery of the planned sewer envelope within the Piney Branch watershed are excluded.) *Note that this service condition was subsequently added to the Glen Hills study area in 2018 by the County Council's action to approve this update of the Plan.*
- 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.G.11.b.).

Property owners shall not use the provision for a single sewer hook-up under any of the four Glen Hills area sewer policy provisions cited above to support subdivision or resubdivision of existing properties into more than one lot.

Figure C-F4: Glen Hills Sewer Service Policy Area



Appendix C, Section II.L: Piney Branch Watershed

Adopted by the County Council October 2, 2018 (CR 18-1257); MDE Approved 311/19

Restricted Community Sewer Service Area: Current version established by Council Resolution No. 15-396 (11/18/03) and recommended by the 2002 Potomac Subregion Master Plan.

Subject Area: Natural drainage area of Piney Branch, a tributary of Watts Branch.

Service Recommendation & Comments: The provision of community sewer service within this watershed is regulated by the Piney Branch Restricted Sewer Access. This policy was amended in 2002 in accordance with the recommendations in the updated 2002 master plan. (See Figure C-F11.)

In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as **Limited Access** mains (see Section III.A.1.).

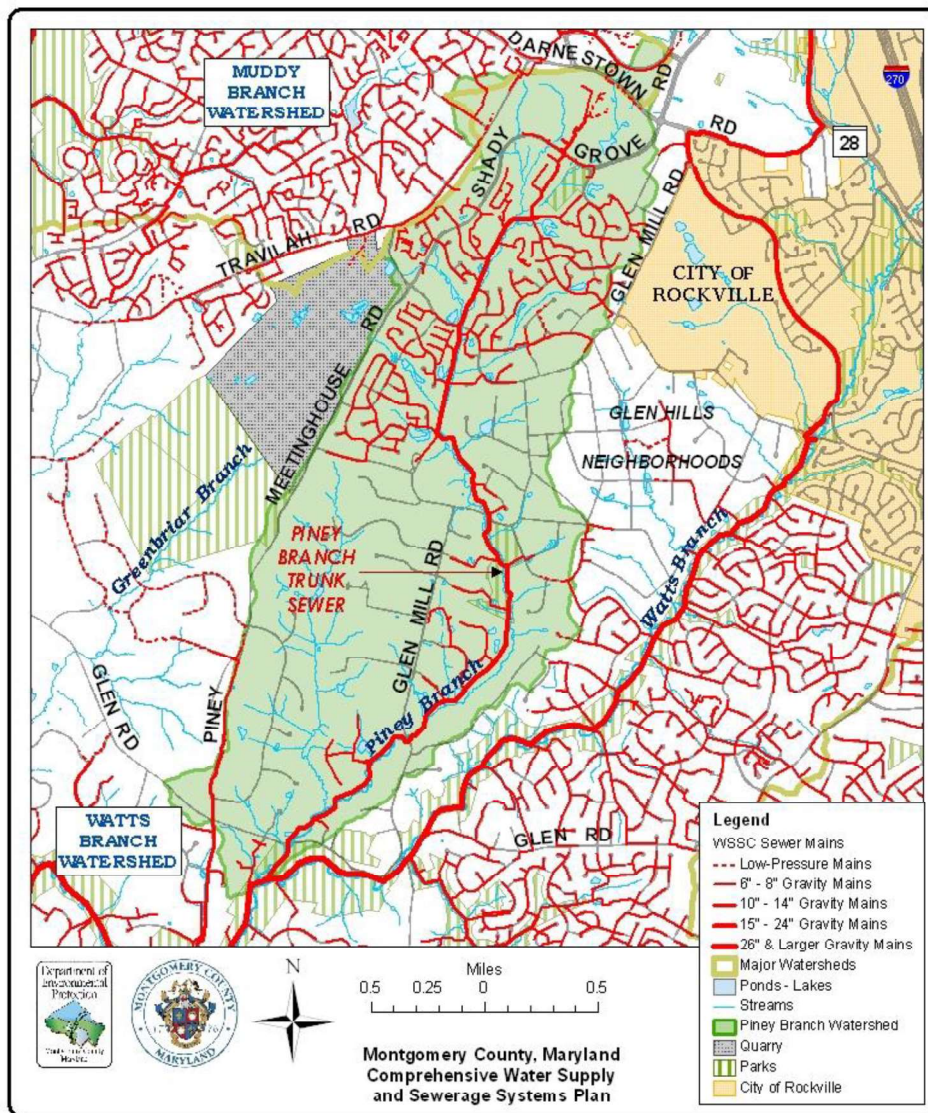
This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community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

- **Master Plan Sewer Staging:** Properties designated as Sewer Stages 1 or II in the 1980 Potomac Subregion Master Plan.
- **Trunk Sewer Right-of-Way:** Properties that the Piney Branch Trunk Sewer right-of-way either traverses or abuts, including properties adjacent to and commonly owned with these abutted or traversed properties as of December 3, 1991,
- **Prior Sewer Category Approvals:** Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991,
- **Public Health Problems:** Properties with documented public health problems resulting from failed septic systems, and properties included within a Council-designated special sewer service area, where the provision of public sewer service is logical, economical, and environmentally acceptable,
- **Abutting Sewer Mains:** Properties that abut existing or approved sewer mains and which satisfy the policy requirements for Section II.G.3.: Community Service for Properties Abutting Community System Mains – Single Hookups for Only One Property. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)
- **Cluster Development:** Properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

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

Developers seeking to subdivide parcels into building lots using community sewer service in the Piney Branch subwatershed are required to record, as a covenant running with the properties, the Piney Branch Sewer Agreement Recommendations as a condition for the approval of sewer categories S-1 or S-3. Properties established prior to 1988, and for which only a single sewer connection is sought, are exempt from this requirement. Contact DEP staff (see Appendix D) for copies of the draft covenant and the required recommendations.

Figure C-F11: Piney Branch Watershed and Restricted Sewer Service Area



Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

County Council Actions: Adopted October 2, 2018 (CR 15-396)

II. SPECIFIC SERVICE AREAS

The following sections identify and explain the areas in the county where exceptional water and/or sewer service policies apply.

II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES [aka Potomac Peripheral Sewer Service Policy]

Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan

Subject Area: Properties zoned RE-1 or RE-2-at the edge or "periphery" of the master plan's recommended community sewer service envelope

Service Recommendation & Comments: The master plan's recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan's general service policies for rural estate zones. However, the new master plan also

Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

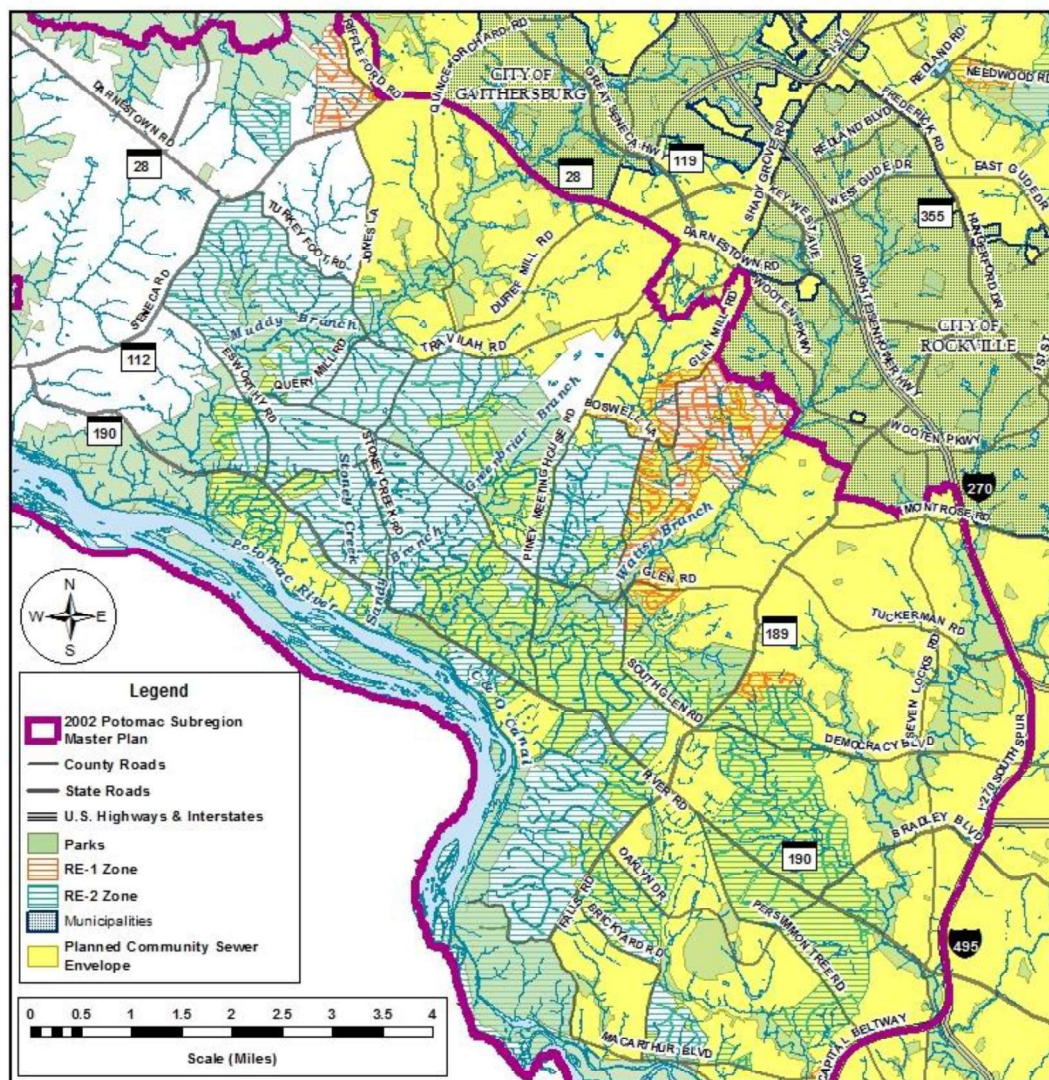
recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan's designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.
- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones



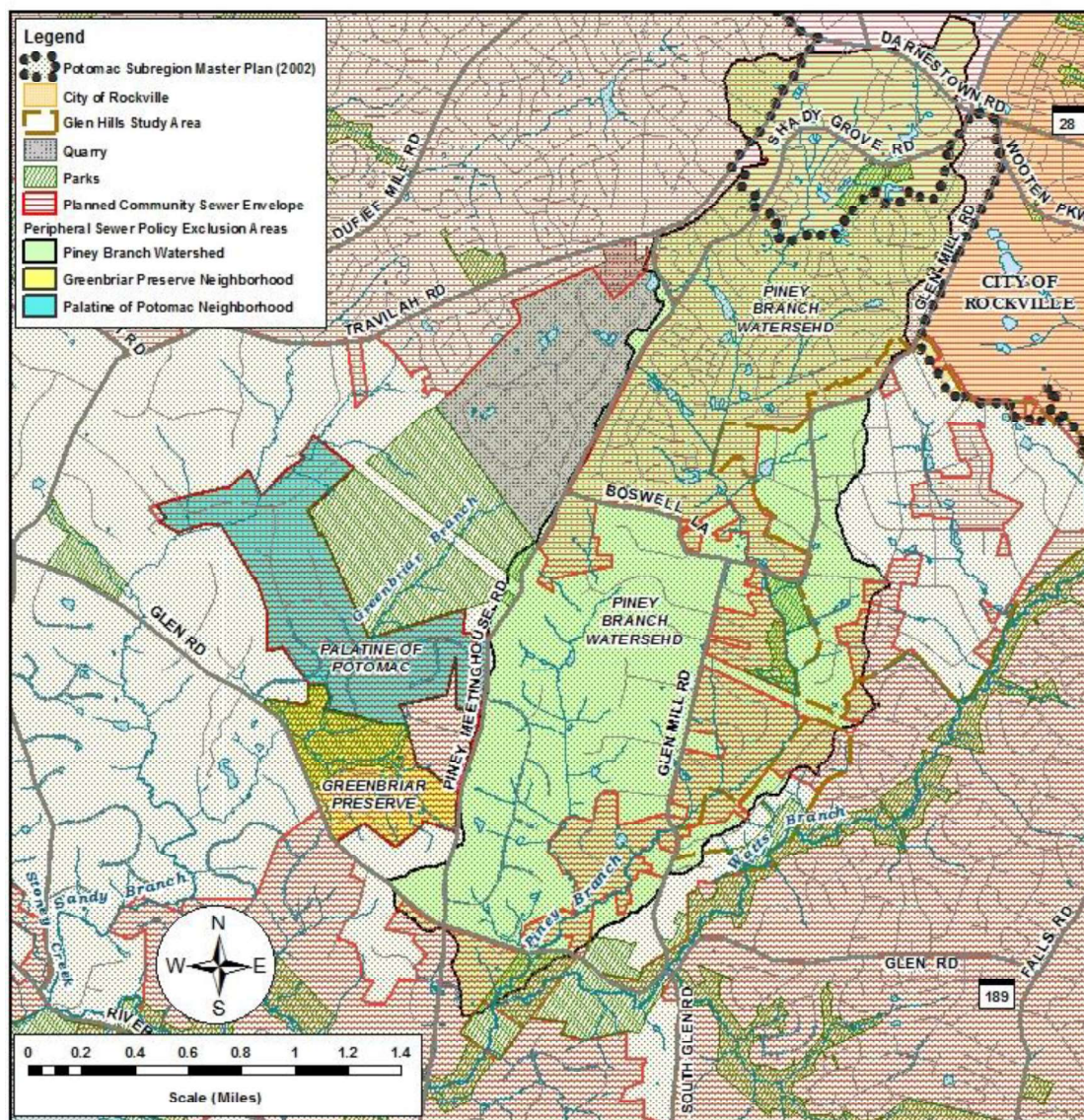
Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Brach watershed.

Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas



January 7, 2021

Dear County Council,

We are writing in support of our sewer category change request (20-TRV-03A - Arora). Our approval should be made without any restrictions whatsoever just as **all** the abutting mains approvals along Boswell lane have been in the past (and probably for all other properties approved under the abutting mains policy). There were three applicants on Boswell lane this cycle including ours (Kapoor - 20-TRV-05A and Hudgins - 20-TRV-04A). Mr. and Mrs. Garven and Carol Hudgins is the only one administratively approved under the abutting mains policy, prior to that, numerous home owners and builders along Boswell Lane got approval for sewer hook up (some who did not abut), including Ralph Desena of RAM investing, Casey Betty for Parcel450, etc. all of these approvals including other abutting mains were approved without any restrictions and all of these connect with a properly designed and engineered connection to the sewer main (usually a "standard", 90°, connection).

Why are we being singled out? Why were we not administratively approved like all other homes that fall under the abutting mains policy? Why are there unnecessary restrictions on ours? These decisions should be made fairly, justifiably, with thoughtful design and reason, and without discrimination of any kind !!

Throughout this application process (which is new to us), we were advised by DEP staff on how to word our application to improve our chances of getting administrative approval. They advised us to group all properties on Boswell Lane sewer category change requests together and that would improve our chances of administrative approval. Furthermore, we were advised by DEP staff to state in an email that we will extend the sewer main if we are approved for the category change. Although I found this odd, I was informed it will help our applications to get approved, so I stated this in an email even though I am not sure what the best design is. Why were we deceived and manipulated by DEP staff in this manner? If DEP has issues with Mr. Kapoor's application, that should have no bearing on my property, there is no relation?

Why does the transmittal letter state *"I have recommended a restricted approval for the Aroras' request for category S-1, with the provision that construction of a new main extension is not allowed."*? On what bases is this decision? Engineering? Efficiency? Or the whimsical decision of DEP personnel? We were told by DEP leadership there would be no restriction on our approval and we would be approved under the abutting mains policy. What changed? Did WSSC request this restriction? The answer is NO, WSSC Development Services Division has told us a standard 90° connection to a main is preferred and it used to be required because it is a better engineering design because it results in a better connection and less likelihood for catastrophic failure in the future. However, WSSC said they have relaxed that requirement in some cases to allow more persons to hook up to a sewer main thereby increasing their customer base. I don't want any failures on my sewer connection and we want the best engineered design and what is best for our land use (perhaps we'll decide on a non-standard connection as best design), the decision should not be based on some political agenda. I pay taxes on my land and should be treated fairly. There is NO wording in any Master Plan that has such a restriction.

If restricted, the council should point out the specific limitation listed in the Water and Sewer Plan in the abutting mains policy that does as such, otherwise, this approval should be made without restrictions. Restrictions of a small extension as needed, runs counter to WSSC's intent and desire to build the best engineered sewer's in the county. Is the county willing to run the risk of building poorly designed sewer

systems to appease an unjustified and unfair rational? You should leave it to the experts who do this for a living, WSSC and engineers. This is a slippery slope that could make the county liable for a great deal of money and cause citizens a great deal of headache.

I repeat, there should be no restriction on our approval to S-1 just as all others on Boswell lane who were approved for category change have not had. Everyone has been allowed to connect in standard connection format, right-angle, and/or best WSSC design. A standard connection is the most cost effective, sensible, sustainable, and shortest path to our house. Also, what if I decide to raze my existing home and build a new home, I want to be able to position the home to our liking and not be restricted by sewer location.

Please do the right thing and approve our S-1 without restrictions and let our sewer connection be designed and done the proper way which will ultimately be the best for the environment (less sewer line failures), citizens of the county, and for all involved.

Sincerely,

Mr. & Mrs. Ashwani & Janak Arora

January 8, 2021

Hello Montgomery County Council Members,

Thank you for taking the time to hear our case and your service to our beloved county particularly in these challenging times. I am a life-long resident of the county and my dad was a librarian for Montgomery County Public Schools for many years before he passed away several years ago. As you may know we are applying for a sewer category change from S-6 to S-3 (application #CR 20-TRV-05A) and simply asking for a single hook up to our existing home. We want to be able to use our adjacent property for safe parking and to expand our home for making living arrangements for our elderly, ailing parents. Taking care of our parents has become particularly important during this COVID pandemic and . However, our current septic field will not allow either adequate expansion/construction of a dwelling unit or adequate safe parking. In fact, currently, guests are forced to park on our septic field as it is dangerous to park on Boswell Lane. Over time our septic field is starting to fail and according to Kim Beall in DEP, "... it is always recommended that you avoid parking vehicles on the area where existing septic trenches (drainfields) are installed" as it can lead to damage of the septic drainfields.

In our discussions with DEP, WSSC and Park & Planning all of them see no issue or problems for us to connect to the pressure sewer main near the front of our house especially since it has minimal to no environmental impact. We are the last property on Boswell Lane that can use this sewer main, it terminates with us thereby **not** allowing any further expansion or building beyond our property.

We requested sewer category change several years back (request # WSCCR 11A-TRV-08), while we were rejected for one hookup, Mitchell Rales was approved for the Glendstone Foundation for several hookups even though he did not abut a sewer main. There have been several other occasions that builders got approval on Boswell Lane, e.g. RAM Investing, and Potomac Preserve at Boswell and Piney Meetinghouse both with non-abutting sewer mains. This seems EXTREMELY unfair. Given our denial previously we turned to our county's DEP department for guidance.

DEP suggested I ask other neighbors to consider applying as a group because it is better to be considered as an "area" asking for approval rather than an "individual". I reached out to several neighbors but only three were somewhat interested and so they applied this cycle also. Once we received agency feedback from WSSC for my application stating *"There is an existing 1.5 inch low pressure sewer in Boswell Ln. (contract 200704595Z) that requires a public extension in order to abut this lot. The extension for the 1.5 inch low pressure sewer for 10401 Boswell Ln. to connect appears to be able to take the additional flow from this lot."* I again reached out to DEP for guidance to understand and interpret this feedback. On around 12/2/2019 I spoke with George Dizelos of DEP who suggested I reach out to my neighbor at 10400 Boswell lane and get proof in an email or letter that they would extend the sewer main if their application was approved and then I could probably be administratively approved for a category change since my property would abut. So I did so (see email) and even though we are just neighbors, and

they do not know much about engineering and design of sewage systems, they obliged. Then I forwarded that email to DEP all the while keeping my neighbors interests in mind as well.

However, our neighbors are now upset because there appears to be some sort of restrictions on their application when they were told they would be administratively approved (see announcement letter) and now they are not because of me. So, I then followed up with the director of DEP, Adam Ortiz, on 12/22/2020 and he said there will be no restrictions on our neighbors application. I am confused as are our neighbors. This doesn't seem fair, we pay taxes like all other citizens of this county, the laws and regulations should be applied fairly to ALL citizens not just the builders with legal counsel or select few citizens.

To keep peace with our neighbors and the fact that I feel a sense of obligation to help them resolve this matter, I reached out to Ms. Hala Flores, program manager in the Development Services Division at WSSC. Who confirmed that a standard connection as shown in the diagrams attached in her email (see highlighted portion of email from Ms. Flores of WSSC), is the best way to connect existing abutting properties due to less likelihood of clogging and better structural integrity of the joint, that's why all other properties on Boswell were done as close to standard connection as possible. This connection needs to be designed properly and left to the decision of an engineer and WSSC.

Based on WSSC documentation and previous connections in abutting main cases, it is clear the connection to our neighbor at 10400 Boswell needs to be done properly and at a standard connection which will require a small extension. After which, we (at 10401 Boswell) will abut and can connect under the abutting mains policy. The sewer line terminates with our home, so no further extension WILL EVER happen (as confirmed by DEP staff and leadership Mr. Adam Ortiz) and no other homes beyond our property could be served by this main which follows the intent of the Water and Sewer Plans for our area. Also, it will allow us, law-abiding lifetime taxpayers of the county, to expand our home to take care of elderly and aging parents and provide safer parking for our guests which has caused our septic field to start failing and will eventually fail faster. I ask the county council to please approve my application because it makes the most sense and still follows the intent of the master plan to prevent sprawling development.

Sincerely,

Ravinder Kapoor

Re: Sewer connection

From: Janak Arora (

) To: ravinderkapoor@yahoo.com

Date: Tuesday, December 3, 2019, 11:41 AM EST

Yes if our sewer category change is approved,our plan is to extend the sewer main approximately 125 feet along Boswell lane.

Sent from my iPhone

On Dec 3, 2019, at 10:34 AM, Ravinder Kapoor <ravinderkapoor@yahoo.com> wrote:

Hi Mr. and Mrs. Arora,

I am your neighbor at 10401 Boswell. As you may know, we are both applying for a sewer category change. In regards, to your sewer category change application (20-TRV-03A) are you planning on extending the sewer main along Boswell Lane if your category change is approved? I am inquiring so that we may plan accordingly. Thank you very much and please let me know if you have any questions.

Sincerely,
Ravinder Kapoor



R Kapoor <rkapoorphd@gmail.com>

Standard Connection Requirement

R Kapoor <r>
Draft To: "Flores, Hala"
<Hala.Flores@wsscwater.com>
Thank you!

Mon, Jan 11, 2021 at 12:48 PM

On Mon, Jan 11, 2021 at 10:55 AM Flores, Hala <Hala.Flores@wsscwater.com> wrote:

Hello,

I'm not sure of the reasons behind the 90 degree requirement, but clogging is certainly one of those reasons ... Also the structural integrity of the joint and the type of fittings that are acceptable for use may play a role.



HALA FLORES, P.E.
Project Manager

Development Services Division

301.206.8750 (O) 301.919.0197 (C)
hala.flores@wsscwater.com

From: R Kapoor <>
Sent: Monday, January 11, 2021 10:49 AM
To: Flores, Hala <Hala.Flores@wsscwater.com>
Subject: Re: Standard Connection Requirement

EXTERNAL EMAIL!

Hello Ms. Flores,

Thank you very much for the information, I know you are very busy so I really appreciate it. My take away from our discussion this morning is that a 90-degree connection to a sewer main as shown in the diagram you sent is required in order to help prevent clogging of any kind. Is that correct?

Sincerely,
Ravi Kapoor
ph

On Mon, Jan 11, 2021 at 9:22 AM Flores, Hala <Hala.Flores@wsscwater.com> wrote:

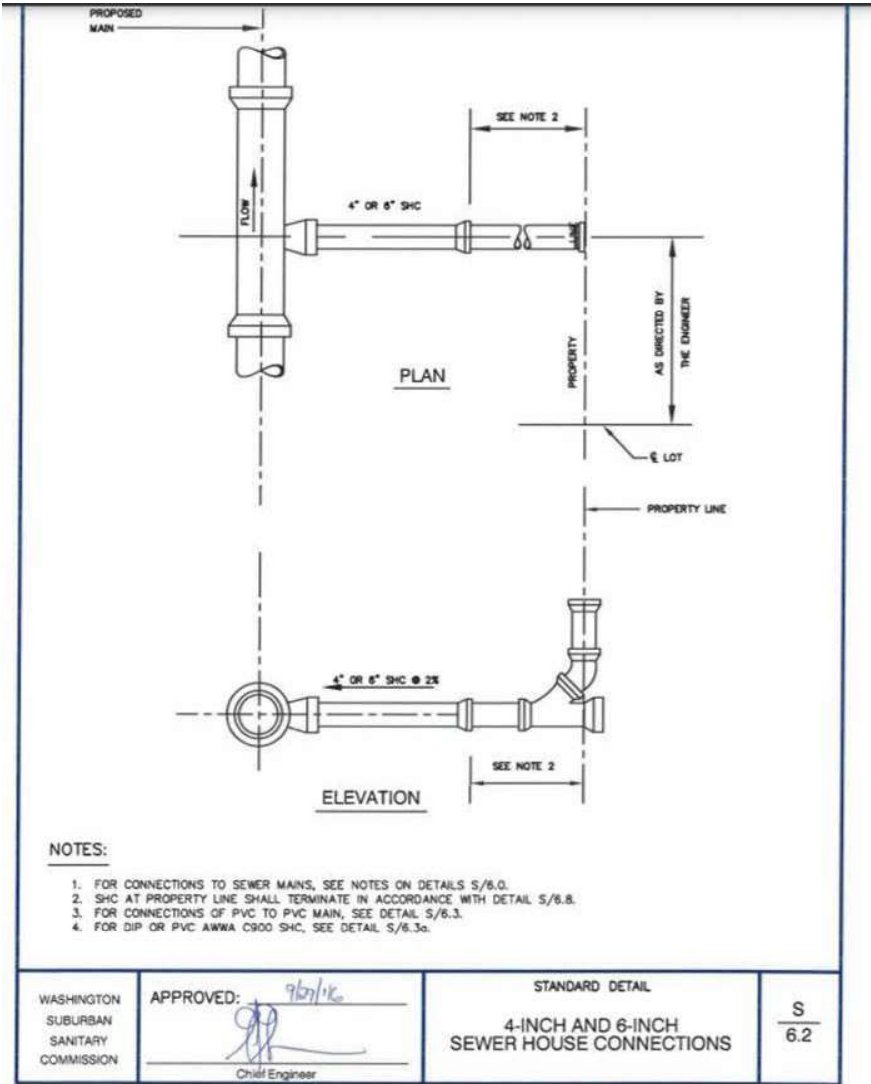
Hello,

This is an extensive topic and is described in various codes ([development services code](#), [pipeline design manual](#), [plumbing and fuel gas code](#), [standard details and specifications](#)). The codes are all available online and I included a link. I'm including below just few excerpts from the codes, there are many additional references covering the sewer service connection requirements. If you have additional questions on our standards, please correspond directly to Haile.Yerdaw@wsscwater.com, the manager for the civil engineering support section.

PDM Part 2, section 27. Sewer Service connections

d. Connection of the SHC to the Mainline Sewer.

- 1) SHCs can be installed using a tee or saddle on mainline sewers 15-inch diameter and smaller. See Connection Notes on Standard Detail S/6.0.



NOTES:

1. FOR CONNECTIONS TO SEWER MAINS, SEE NOTES ON DETAILS S/6.0.
2. SHC AT PROPERTY LINE SHALL TERMINATE IN ACCORDANCE WITH DETAIL S/6.8.
3. FOR CONNECTIONS OF PVC TO PVC MAIN, SEE DETAIL S/6.3.
4. FOR DIP OR PVC AWWA C900 SHC, SEE DETAIL S/6.3a.

WASHINGTON
SUBURBAN
SANITARY
COMMISSION

APPROVED:

9/27/16

Chief Engineer

STANDARD DETAIL
4-INCH AND 6-INCH
SEWER HOUSE CONNECTIONS

S
6.2

562

CONNECTION TO SEWER MAIN NOTES:

1. FOR SEWERS LARGER THAN 15" CONNECT TO A MANHOLE.
2. TO PROPOSED SEWERS 15" AND SMALLER, USE A TEE.
3. TO EXISTING PVC 4" THRU 15" PVC SEWERS MAINS, USE SADDLE.
4. TO EXISTING DIP 12" AND SMALLER SEWER MAINS, USE SADDLE.
5. TO EXISTING SEWER MAINS OTHER THAN PVC OR DIP:
(A). SHC TO 4" SEWER MAINS USE TEE OR SADDLE.
(B). SHC 6" THRU 12" SEWER MAINS USE SADDLE.
(C). SHC TO 15" SEWER MAINS USE THIMBLE AND EPOXY TO MAIN LINE.

WASHINGTON
SUBURBAN
SANITARY
COMMISSION

APPROVED:

9/27/16

Chief Engineer

STANDARD DETAIL
4-INCH AND 6-INCH DROP
HOUSE CONNECTIONS
TO SEWER MAIN

S
6.0

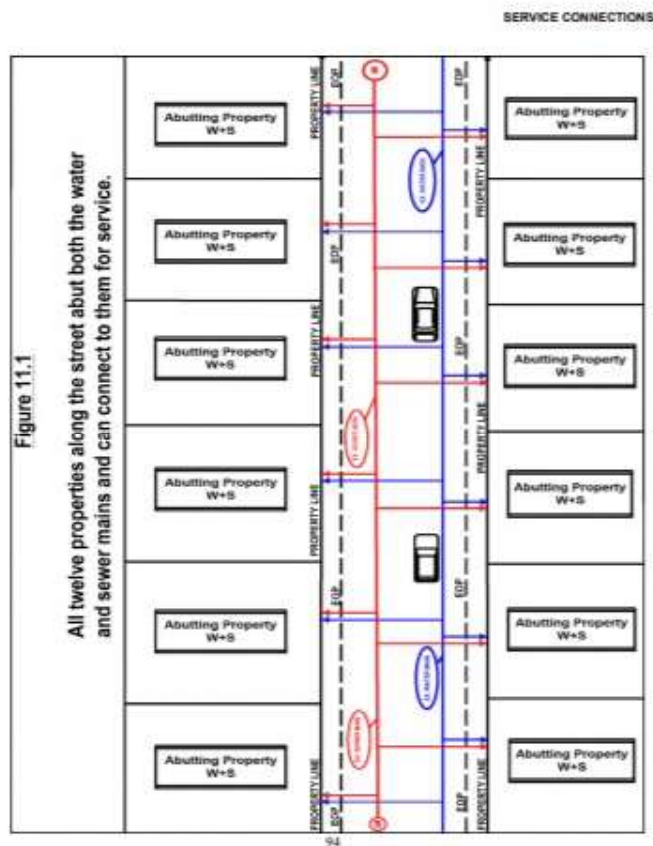
Plumbing and fuel gas code

111.1.6 Existing Sewer Connection. New buildings utilizing a previously un-used existing **sewer service connection**, and existing buildings having the building sewer **replaced**, shall be **required** to have a **property line cleanout** installed within 1-foot of the property line, or at the edge of the right-of-way in the case of right-of-way connections, **if** such a cleanout does not already exist. The base connection shall be a combination wye and one-eighth bend lying on its back. The cleanout cover assembly shall conform with WSSC Standard Detail S-5.1 or S-5.2.

d. Bends and Wyes on Mainline Sewers for Drop Manhole Connections.

- 1) For fittings and requirements for 8-inch through 12-inch sewer drop connections, see Standard Details S/3.1 and S/3.1a, and for 8-inch inside drop connections, see Standard Details S/3.1b and S/3.1c.
- 2) SHC(s) with a diameter of 6-inch or smaller shall be ended or terminated with a clean out or a manhole as applicable.

The development services code also have sketches for abutting connections as follows.



HALA FLORES, P.E.
Project Manager



Development Services Division

301.206.8750 (O) 301.919.0197 (C)
hala.flores@wsscwater.com

From: R Kapoor <>
Sent: Monday, January 11, 2021 8:58 AM
To: Flores, Hala <Hala.Flores@wsscwater.com>
Subject: Standard Connection Requirement

EXTERNAL EMAIL!

Hello Ms. Flores,

Thank you for returning my call this morning. At your earliest convenience, could you please send me the WSSC documentation describing the standard connection requirement to sewer mains? I would appreciate it. Have a great day.

Regards,

Ravi Kapoor

CAUTION This email originated from outside WSSC Water. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION This email originated from outside WSSC Water. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

Thank you for your time today. Attached is a copy of my testimony from today's public hearing on our sewer category change request (20-TRV-05A - Ravinder Kapoor). I did not present it smoothly today in part cause this is an emotional issue for me and my family that effects our daily lives. With my father in law suffering a disability and seeing our mom struggle without any solution in sight for sustainable help is difficult. It is our parents that took care of our kids, particularly my daughter when she was born with a congenital issue it is our parents that helped us every day. Whether it was making food or picking them up from babysitters, bus stops, events, while we were busy working - it was a team effort. That daughter is now in medical school in large part due to their help and effort, and in part due to our beloved county where our kids were educated. Even my son, who got support from IEP's etc, thrived at MCPS. My father worked as a librarian for many years for MCPS before he passed in 1995. That is why I've lived in Montgomery County for almost 50 years. Great schools, people, support, environment, and I hope I can continue to say, great Government.

I will not lie, after dealing with this sewer process, DEP, selective restrictions, our county employees/leaders being more afraid of lawyers than doing the right thing, has really made me start loosing some faith in my local government. You are our last hope.

Ours is a unique case, that doesn't set any precedence for future applicants because (as noted in the memo to our hearing today) we are the last house on the street, no one beyond our property can be served by this sewer, we are only asking for one hookup not multiple ones like many builders who have applied before us have gotten. We very much care about the environment we live in, participating in plant-a-tree campaigns on our property, not using harmful chemicals, etc.

The ultimate intent of the Potomac Master Plan (and similar) is to thwart further uncontrolled development of large amounts of homes, etc., and that simply cannot be done here. The sewer line terminates at our property and will not and cannot handle more homes as noted by DEP and WSSC. I hope you will consider all this in your final decision(s). Thank you.

Sincerely,
Ravinder Kapoor
ph 240-418-2435

Testimony at Public Hear from 1/12/21 for 20-TRV-05A (Kapoor)

I have been a county resident for almost 50 years, raised my family here, and planning to retire here. We are requesting to hook up our existing home to the sewer main on our street so that we may use our land to fit our family's needs and provide safety for our guests when they visit. My father-in-law suffered a debilitating stroke that requires him to have constant attention, which has put a great deal of burden on my mother-in-law who also has heath issues of her own. They helped us growing up, it is our turn to help them. We would like to properly expand our home, so they are near us however our septic field is a

limiting factor due to is location and size. In addition, for several years we have had problem with guest parking since our septic field is immediately adjacent to our house and parking on Boswell Lane is unsafe due to traffic.

We are asking only for a single sewer hookup to an existing sewer main on our street. We are the last property that qualifies for public sewer service on our street and the last property that can be served by this sewer main. After our property, there is steep decline in topography and other properties are served by a different sewer main. We are the terminating property for this sewer main and surrounded on all four sides by the sewer envelope (our immediate neighbor to the right, left, and, behind and now front of us).

We applied in 2012 due to the parking issue and were rejected while a billionaire who applied at the same time was approved. So we turned to DEP for guidance who told me to reach out to my neighbors to apply so I spoke to many neighbors but only two others were somewhat interested in applying and so they did. Then DEP suggested we reach out to our neighbor across the street to state they would consider extending so we could abut, and they would consider an administrative approval and so we did. Throughout this process, we turned to our county officials and leaders for guidance because I don't have the money to hire attorneys. Meanwhile, two builders on Boswell Lane RAM Investing, and Potomac Preserve got approval for sewer hookup even though they were not abutting. This is unfair.

I am applying to help take care of my family and safety reasons; I pay taxes on my land and property like everyone else, why am I being restricted? My request still follows the intent of the Potomac Water and Sewer Plan for my area, namely, since there is NO property that will be able to hookup after ours, and I'm asking for a single hookup, it will not lead to the concerns of sprawling development. After all the Master Plan is just a plan (albeit 20 years old) that is allowed some interpretation for special cases like ours. I plead to council to please help me and approve my request.

----- Forwarded Message -----

From: Ravinder Kapoor

To: county.council@montgomerycountymd.gov <county.council@montgomerycountymd.gov>

Sent: Monday, January 25, 2021, 03:25:08 PM EST

Subject: Testimony

Dear County Council,

I wanted to add some additional background for our sewer category change application (20-TRV-05A - Kapoor).

When I started this application process, I first spoke with Alan Soukup, who on numerous occasions, suggested I speak to our neighbors and see if any of them would be willing to apply for category change. He said it is better to apply as an "area" as opposed to an "individual". In one particular email Mr. Soukup declared....

"My suggestion that you could reach out to neighboring property owners about sewer service is one that I sometimes make in cases where a property such as yours lacks a clear policy direction leading to an approval. It can provide an applicant with support from neighboring owners "

So I reached out to neighbors, and only two others were interested and applied. Both were originally administratively approved as they should've been under the abutting mains policy (please see in the attached memo).

A few weeks later, around December 5, 2019, I called DEP to check status of our application and George Dizelos informed me that WSSC stated my property would require an extension to connect. George said for me to ask my neighbors at 10400 Boswell if they could state they would be willing to extend the sewer main once approved. George, said it would help me get administrative approval as well. So, I assured my neighbors this would not harm their application in any way and so they sent an email stating they may extend to George.

Then shortly there after (1/3/20), Alan Soukup, stated that both our applications are "interconnected" and subsequently removed our neighbors application from the administrative approval category. This has created issues with my neighbors, who are angry that there are now restrictions on their sewer hookup. I feel this form of misguidance, mistreatment and prejudice from DEP is unethical when I've been straight forward and honest them the entire time looking toward my county officials for honest guidance. It is a sad day when you feel you need to have an attorney present to talk to your county officials.

As a result, we spoke with the director of DEP, Adam Ortiz, who agreed with us that we should be approved for category change since there is minimal to no environmental impact for one sewer hookup to our existing home. In fact, approving our application will improve the environment since our current septic field is continuously deteriorating according to Kim Beall of DEP since we and guests are forced to park on the septic field

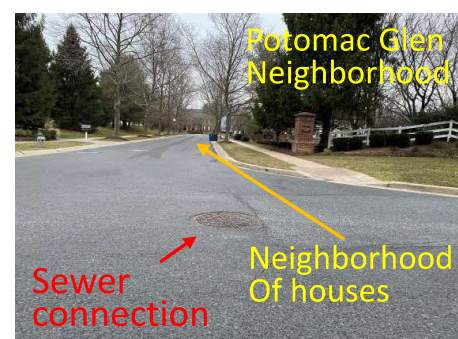
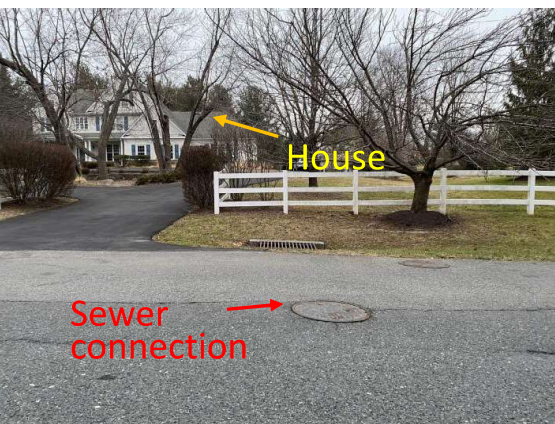
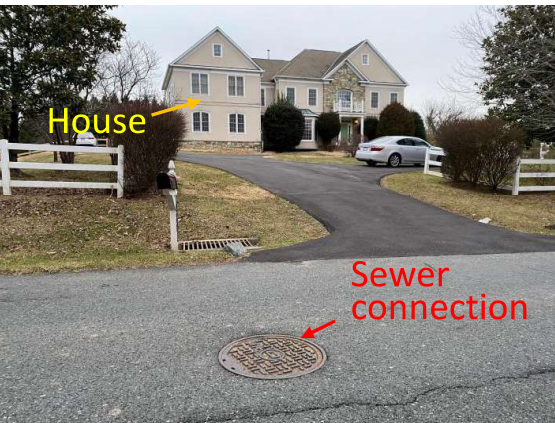
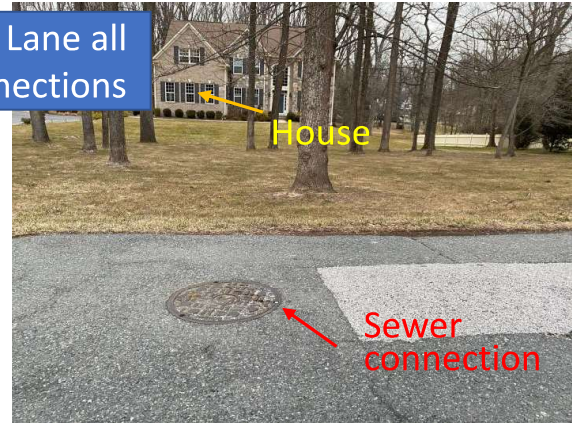
because there is no other place to park on Boswell. Adam offered to answer any of your questions or concerns about our application so feel free to contact him.

Also, according to Amos Watson who is an Assessor Supervisor of MD Dept. of Assessments and Taxation, I pay (and have paid) my property taxes every year on about two acres of land at a primary rate, therefore, I should be allowed to use my land for my attended purpose, this is extremely unfair. Above all, I should NEVER be lied to and manipulated by DEP in this manner, these are our lives and lively hoods that they are playing with. We had planned to take care of our elderly parents later in life and that time has now come. My father inlaw is in his 80s and my mom in 70's with ailing health.

I hope my elected officials will do the right thing and approve our application. Thank you so much for your consideration.

Regards,
Ravinder Kapoor
ph 240-418-2435

Houses on Boswell Lane all have standard connections





Amir Poustinchi

WSSCR 20-TRV-10A

Amir Poustinchi >

Mon, Jan 11, 2021 at 12:21 PM

To: George.Dizelos@montgomerycountymd.gov, alan.soukup@montgomerycountymd.gov

Dear Mr.Dizelos and Mr.Soukup,

I am reaching out to you in regards to my property (WSSCR 20-TRV-10A) which is up for review tomorrow, Tuesday January 12th for approval of a change to the sewer category to S-3 and the Executive Recommendation to deny it. In consultation with Ted Smart at MDC Services, LLC, I believe my request should be approved and that the reviews have just made an honest mistake. Here's why:

The Exceptional Sewer Policies for The Glen Hills Study Area (attached pages C-4 through C-6) & the Potomac Area RE-1 & RE-2 properties (pages C-15 through C-17) in Appendix C of the Montgomery 2018 – 2027 Comprehensive Water Supply & Sewerage Systems Plan CLEARLY allow for extension of Public Sewer to my property through the "Potomac Area Peripheral Sewer Policy" I have highlighted the relevant sections of that policy on the first two attachments.

I have also attached Map D and a zoom in from the 2002 Potomac Sub Region Master Plan that shows my property does in fact "abut", along its full western edge, "another property within the master plan's designated (planned) sewer service envelope. Further, the extension of sanitary sewer service to your property from the manhole fronting my immediate neighbor to the west would allow the extension to "follow existing public rights-of-way" and would "not affect streams, stream valley buffers, or other environmentally-sensitive areas."

Let me know if you have any questions or if we need to discuss.

Amir Poustinchi

4 attachments**Glen Hills Study Area Exceptional Service Policy Area HIGHLIGHTED.pdf**
749K**Potomac Area Exceptional Service Policy Area HIGHLIGHTED.pdf**
795K**MAP-D Sewer Envelope Approved and Adopted - Amir.pdf**
3006K**2002 Master Plan - Planned Sewer Envelope Zoom.pdf**
332K

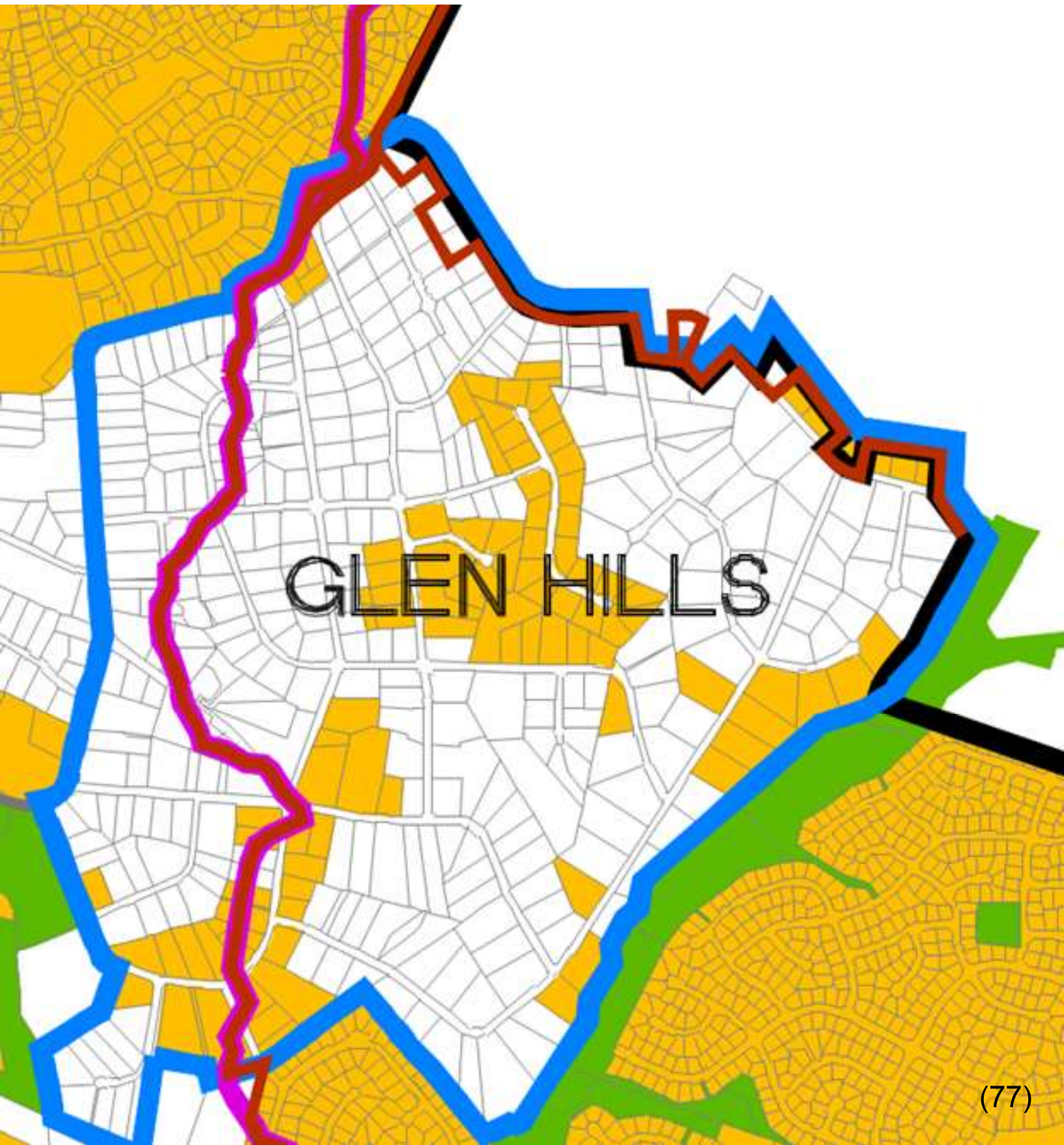
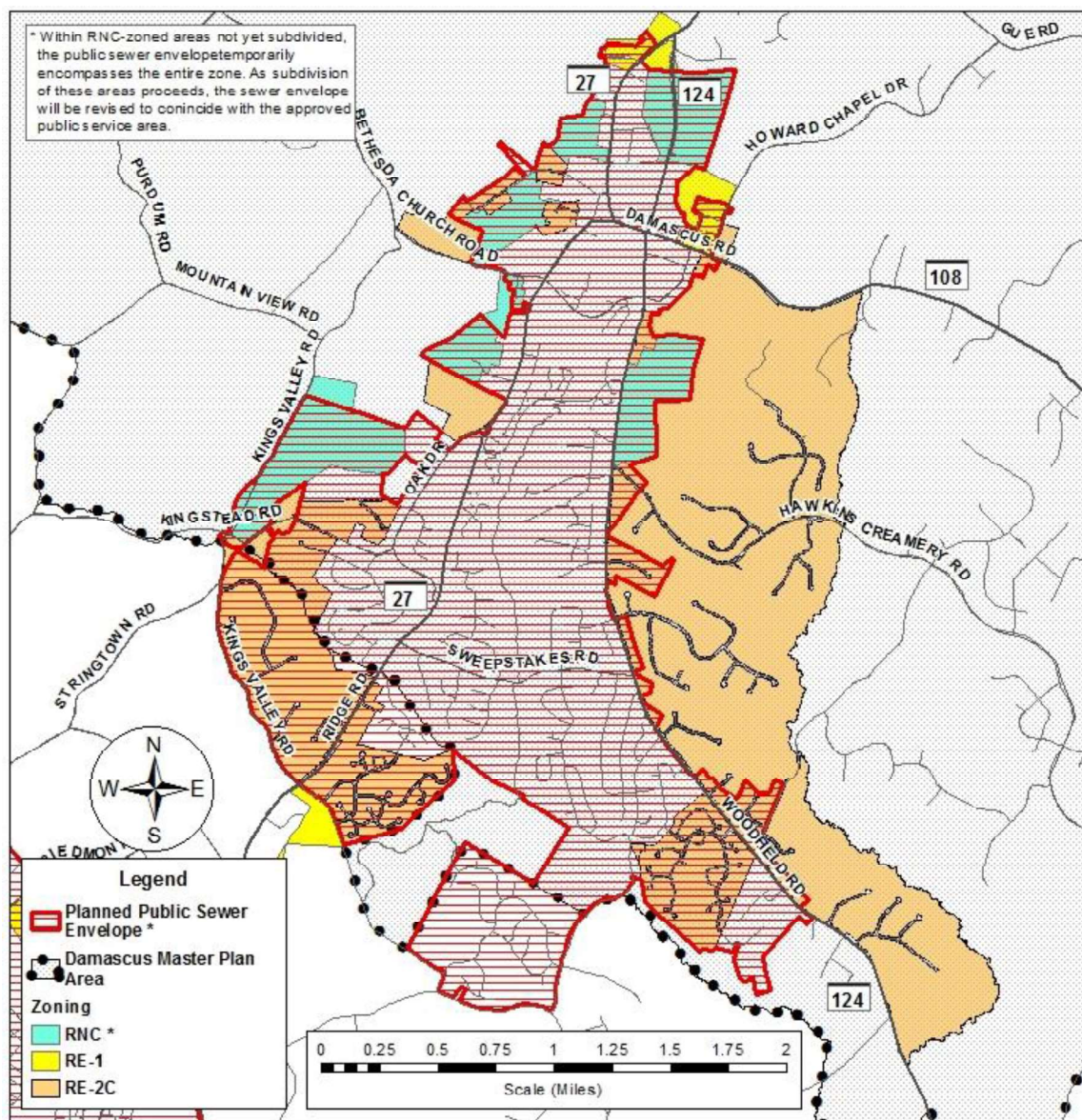


Figure C-F2: Damascus Area RE-2C Zone



II.E: GLEN HILLS STUDY AREA

Sewer Service Policy Area: Established by Council Resolution No. 18-423 (3/8/16)

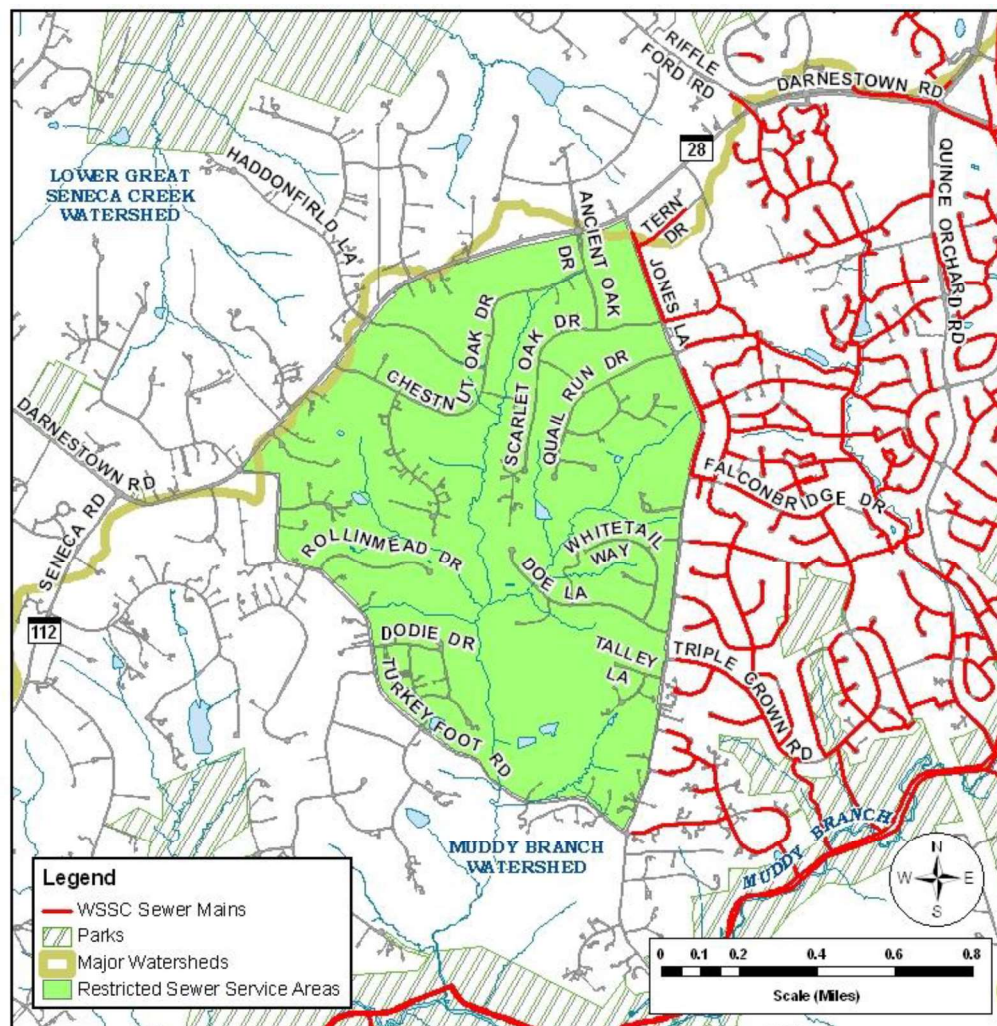
Subject Area: Residential development zoned RE-1 as identified in the Glen Hills Area Sanitary Study.

Service Recommendation & Comments: In March 2016, the County Council adopted Resolution No. 18-423 that established sewer service policies for the Glen Hills area, as shown below (see Figure C-F4). These service policies resulted from a study of general septic system suitability in the area conducted by DEP. This study had been recommended by the 2002 Potomac Subregion Master Plan. Pending the Council's consideration of the study's results, the provision of new community sewer service in the Glen Hills area was limited to properties with septic system failures documented by DPS

The Council's 2016 resolution established the following sewer service policies for the study area:

- Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.

Figure C-F3: Darnestown Triangle Restricted Sewer Service Area










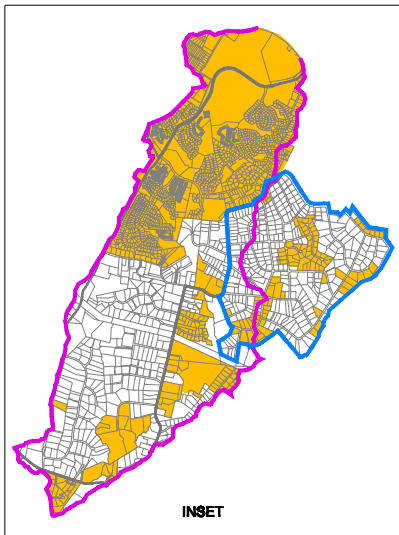
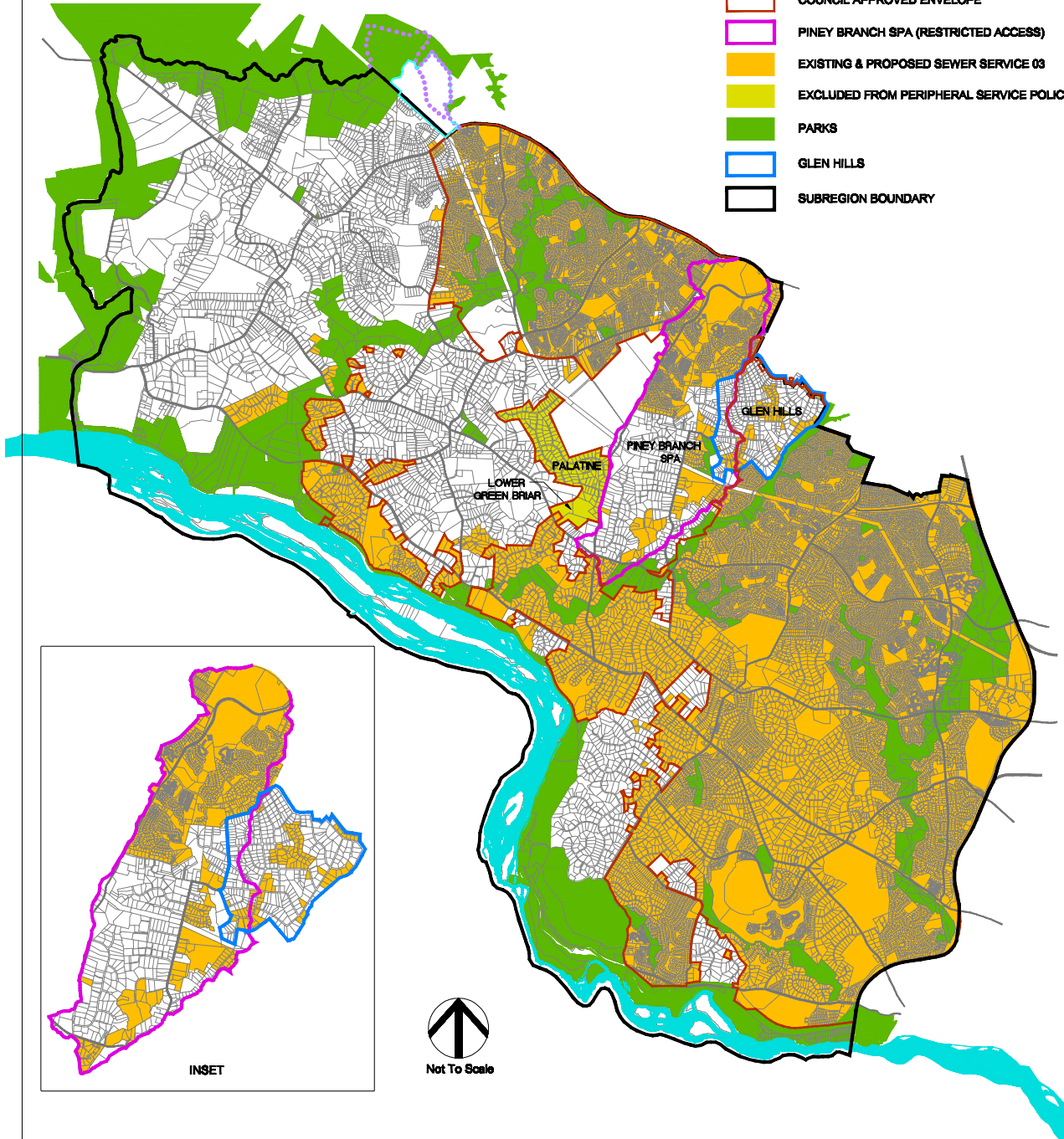
- Community sewer service can be considered only under the following conditions for:
 - Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.G.2.a.).
 - Properties included within a specifically designated special sewer service area (Section II.G.2.b.). The septic system survey process used to establish these areas is outlined in the Council's resolution and in Chapter 1, Section II.G.2.b: Area-Wide Onsite Systems Concerns, *et seq.* The research conducted for the Glen Hills Area Sanitary Study will allow DEP to streamline the survey process for properties in these neighborhoods. Once DEP has established a survey area, an Executive recommendation for the Council concerning that area is expected within approximately three (3) months. A decision by the Council is generally expected within three months after that.
- DEP will give a higher priority for surveys that include properties located within Review Areas (RAs) established in the Glen Hills Study and those with documented septic system problems. DEP will give a lower priority to survey areas outside of RAs or where DPS has not identified existing septic problems.
- The County has approved one special sewer service area in Glen Hills for part of the South Overlea Drive Septic Survey Area. The County Council under CR 18-888 (July 25, 2017) acted to include 16 of 24 properties surveyed by DEP and DPS within a special sewer service area.

POTOMAC SEWER SERVICE ENVELOPE 2002

MAP D

LEGEND

-  COUNCIL APPROVED ENVELOPE
-  PINEY BRANCH SPA (RESTRICTED ACCESS)
-  EXISTING & PROPOSED SEWER SERVICE 03
-  EXCLUDED FROM PERIPHERAL SERVICE POLICY
-  PARKS
-  GLEN HILLS
-  SUBREGION BOUNDARY



Potomac Subregion Master Plan
Approved and Adopted April, 2002

Potomac Housing



Potomac Housing



WWW.POTOMACVILLAGEMASTERPLAN.COM

II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES

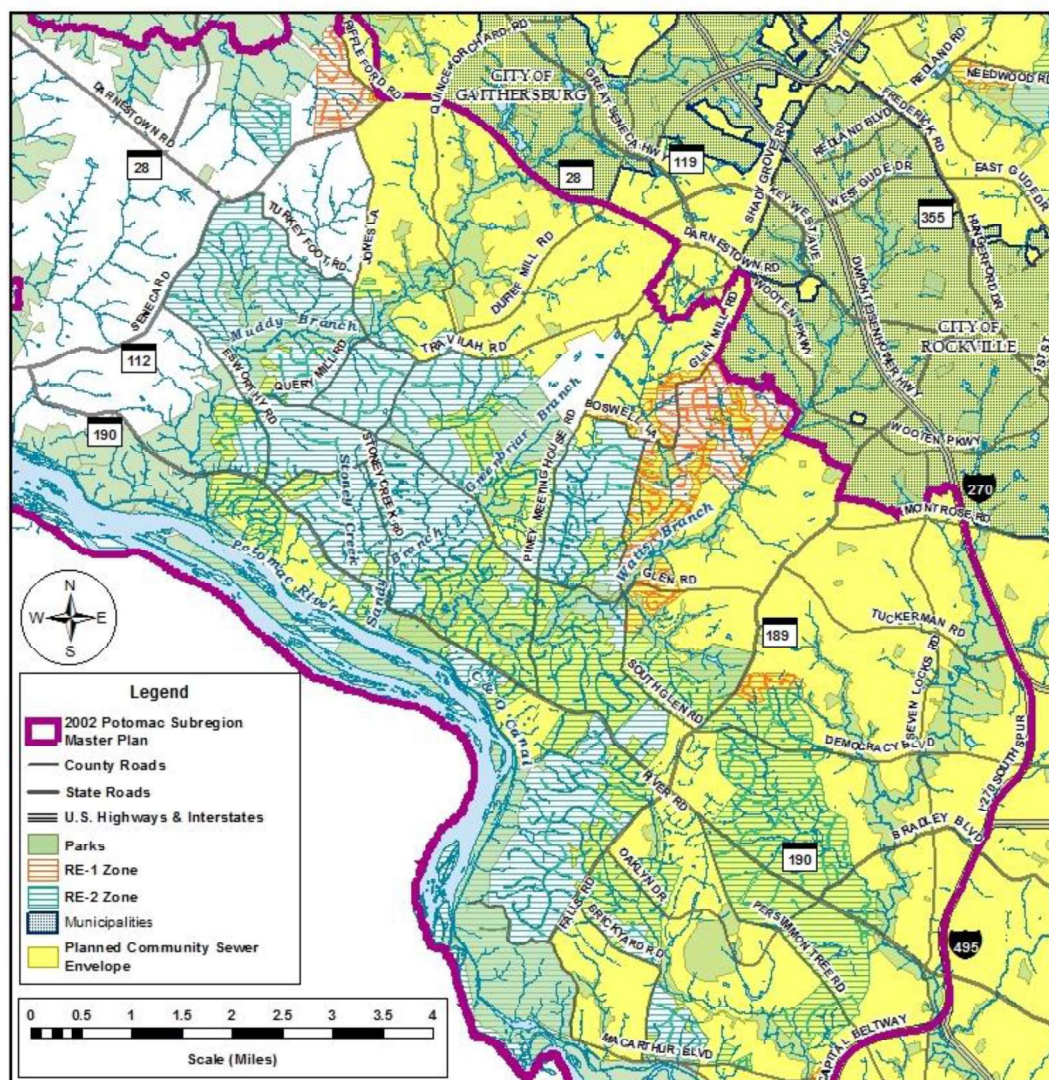
Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan

Subject Area: Properties zoned RE-1 or RE-2-at the edge or “periphery” of the master plan’s recommended community sewer service envelope

Service Recommendation & Comments: The master plan’s recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan’s general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan’s designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

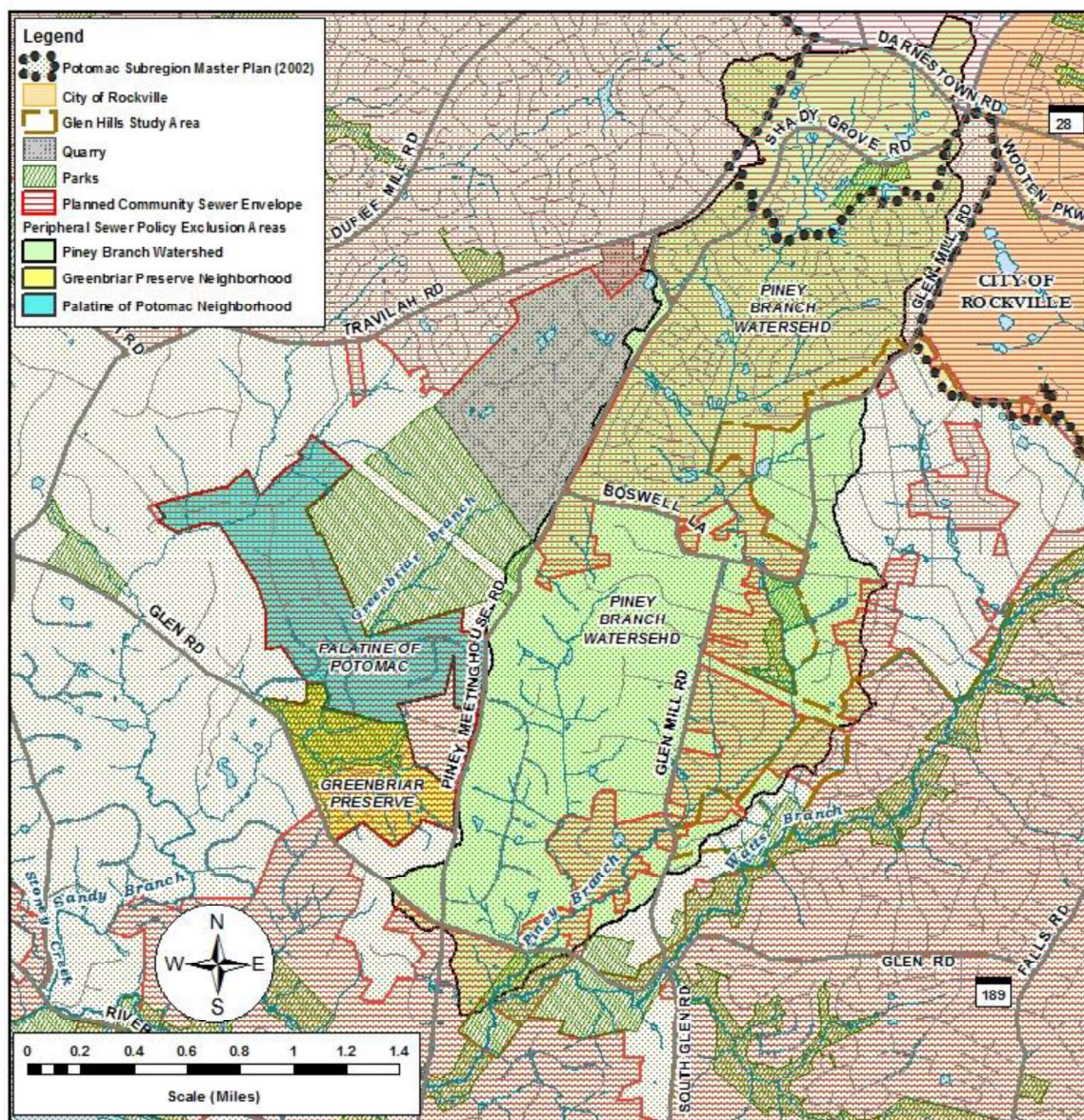
• **Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones**



In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.
- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas



Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- The Piney Branch subwatershed

- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Branch watershed.

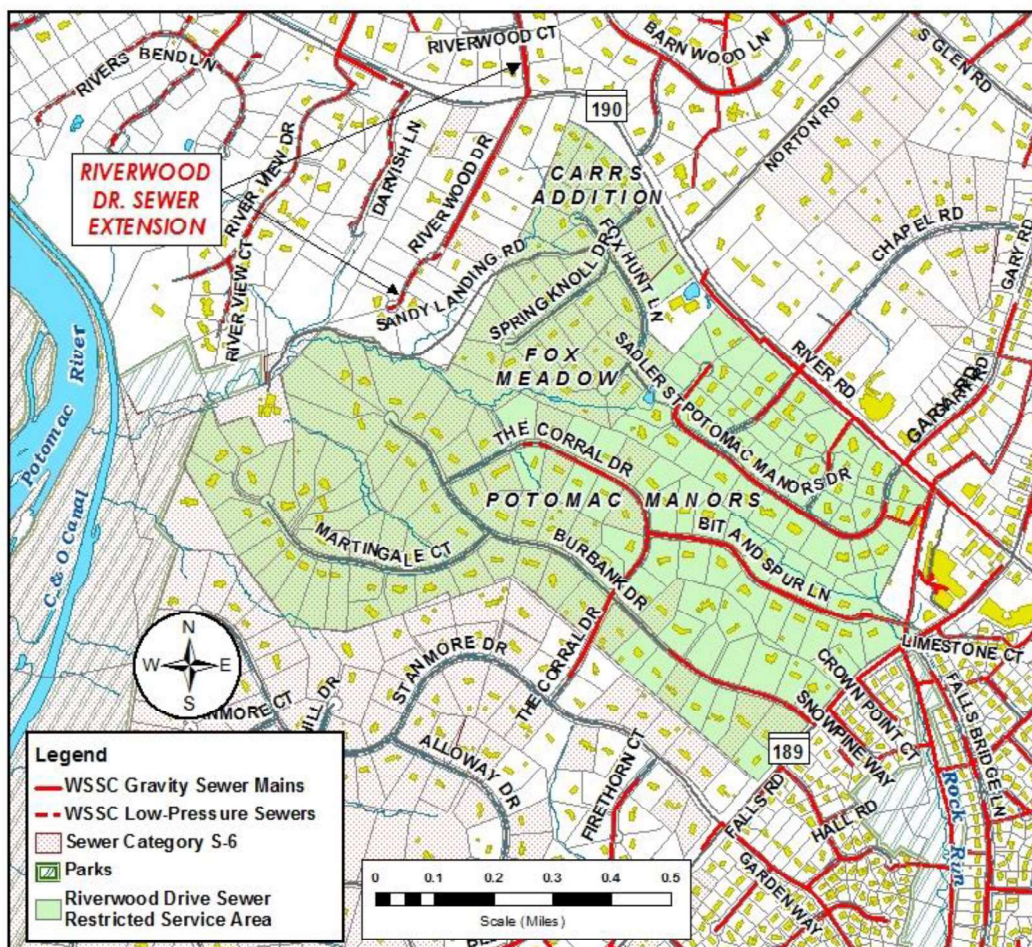
II.N. RIVERWOOD DRIVE

Restricted Sewer Service Area: Established by Council Resolution 13-1205 (3/10/98)

Subject Area: Potomac Manors, Fox Meadow, and Carr's Addition subdivisions.

In March 1998 under CR 13-1205, the County Council approved the extension of community sewer service to properties located along Riverwood Drive south of River Road in Potomac (see Figure C-F14). In approving this service, the Council restricted the number of sewer hookups allowed for the Kitchen Property located at the southern end of the street, and further restricted the sewer main extension from serving properties in nearby neighborhoods in order to limit the extension of sewer service in the areas zoned for two-acre development south of River Road. Except where community service is required to relieve public health problems, the Riverwood Drive sewer main, and potential future extensions from that main, are restricted from serving the following subdivisions: Potomac Manors, Fox Meadow, and Carr's Addition.

Figure C-F14: Riverwood Drive Sewer Restricted Service Area



Honorable Councilmember Tom Hucker
Montgomery County, MD 20850

Dear Councilmember Hucker,

As a 72-year old Senior Citizen resident of Montgomery County for the last 35 years, I request for your approval of a category change to our unimproved lot at 13517 Glen Mill Road. I want to build a modest 4-bedroom, one storey house which would ease my mobility and ambulation on one level with my chronic herniated discs and feeble knees.

Our 13517 Glen Mill Road lot has many of the common characteristics (highlighted below in parenthesis after each bullet) with the unimproved lot at 9703 Watts Branch Drive, Glen Hills Subdivision (WSCCR 01A-TRV-10, Eberhard Klein) for which the County Council approved an S-3 for single sewer hookup, while recognizing the following special circumstances and setting a very limited precedent:

- That this recorded lot is the only vacant, undeveloped property out of the twelve lots along this block of Watts Branch Drive;
(Our recorded lot is the only vacant, undeveloped property out of the 54 built-up homes on both side of the street between 13500 and 14300 Glen Mill Road)
- That providing public sewer service requires only a relatively short main extension along the existing street, which will not spur any additional development within the subdivision;
(Providing public sewer service requires approximately 800' extension at owner's expense along Glen Mill Road which will not spur any additional development)
- That constructing the sewer main has only minimal environmental impact on the neighborhood and does not affect streams or stream buffers;
(Constructing the sewer main has only minimal environmental impact on the neighborhood and does not affect streams or stream buffers)
- That the lot has demonstrated through testing no suitability for an on-site septic system;
(This lot has demonstrated through conventional trench system testing in 1959 and 2010 and sand mound testing in 2012 no suitability for an on-site septic system)
- That the provision of public sewer service will not promote any resubdivision of this lot; at 1.03 acres in size, the lot has no potential for resubdivision under the existing RE-1 zoning.
(That the provision of public sewer service will not promote any resubdivision of this lot; at .92 acre in size, the lot has no potential for resubdivision under the existing RE-1 zoning)

Moreover, our unimproved lot is located at the periphery of the planned public sewer service envelope.

Additionally, please note that in the Agency Review Comments section of the December 4, 2020 Recommendations to the County Executive for the subject property's proposed amendments to the County's Comprehensive Water and Sewerage Systems Plan, DPS - Well & Septic stated:

"Percolation tests were conducted in 1959 and 2010 and sand mound testing was conducted in 2012. All testing failed. The property was formally identified as being unsuitable for an onsite system per correspondence in 1991, 2011 and 2016. DPS has no objection to the category change."

Likewise, in the Agency Review Comments section of the aforesaid December 4, 2020 Recommendations to the County Executive, WSSC Sewer noted:

"[T]his alternative alignment (running west along Glen Mill Road and then following Cavanaugh Drive west to an existing gravity sewer) may be feasible even though it would have less fall than WSSC's proposed alignment. Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate."

In WSCCR 08A-TRV-06, one of the two alternatives WSSC recommended for public sewer service to 13517 Glen Mill Road property.

- Connect to an 8-inch diameter sewer in Cavanaugh Drive. WSSC stated that the sewer main extension will follow existing public right of way and will not affect streams, stream buffers, or other environmentally-sensitive areas.

This extension minimizes the number of new abutting properties to four existing homes.(see attached).

Thus, in consideration of the foregoing, including the positive comments from the DPS and WSSR on the approval of our application for category change, we humbly request that the honorable Councilmember grant the category change and help us build a small dwelling, while we are still alive.

Respectfully submitted,

Meenu Bawa

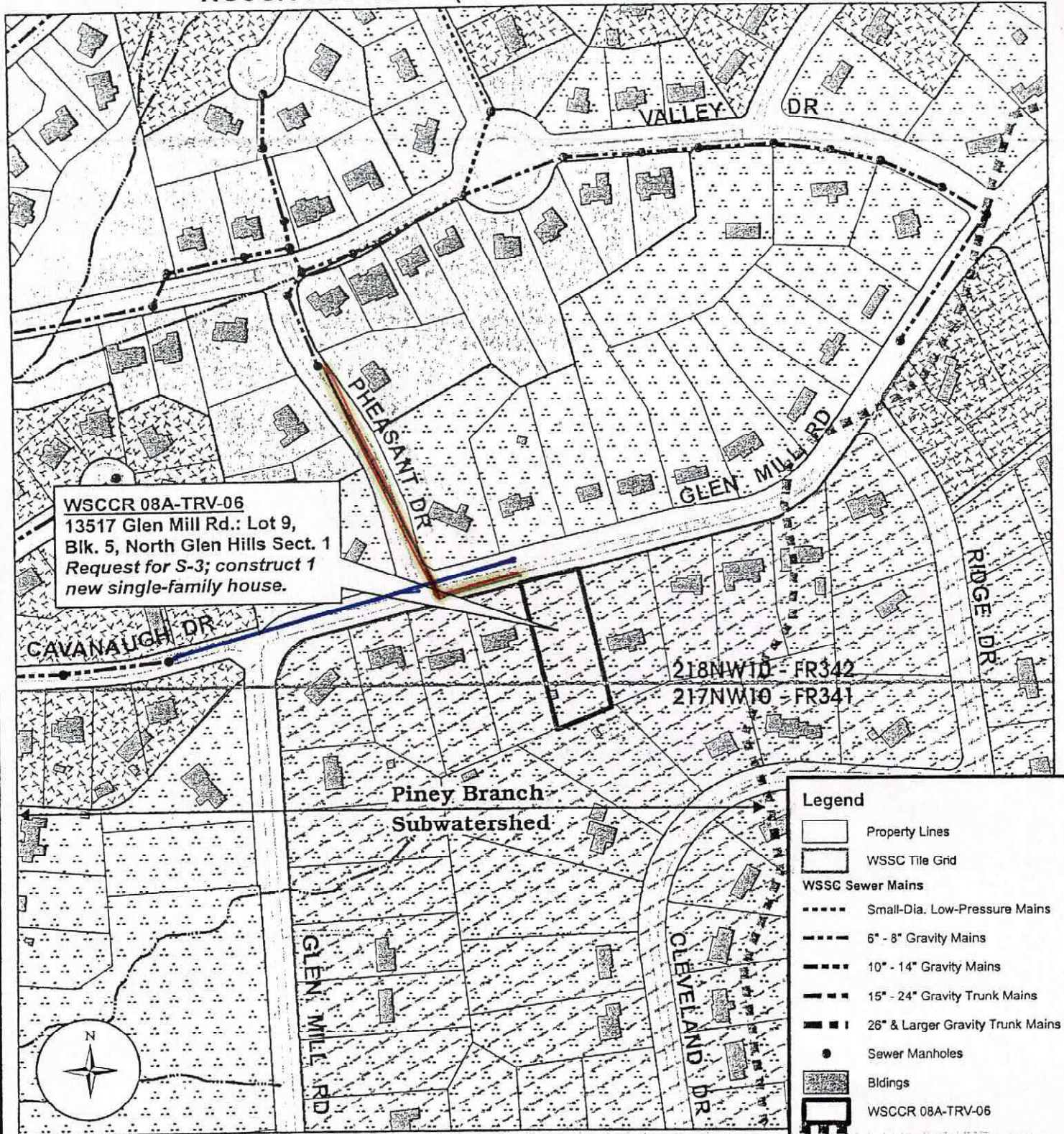
Meenu Bawa

A. Verma

Anand Verma

Dated: December 26, 2020

Sewer Service Area Categories Map WSSCR 08A-TRV-06 (Anand Verma and Meenu Bawa)



Travilah Planning Area

Watts Branch Watershed



DEP
Water & Wastewater
Policy Group



200 100 0 200 400 600 800

Scale (feet)

Montgomery County, Maryland
2003 -2012 Comprehensive Water Supply
and Sewerage Systems Plan

Honorable Councilmembers,

I am a 72-year old Senior Citizen of Montgomery County with severe herniated disc disability in climbing up the steps to the second floor. We want to build a small one storey house on a land we own at 13517 Glen Mill Road to ease the activities of daily living on the same level. Please note the following points.

- 1. Our unimproved lot was tested for conventional trench septic systems in 1959 and 2010, and for sand mound septic systems in 2012, but failed both tests to build septic systems.**
- 2. This recorded lot is the only vacant undeveloped property out of 54 built homes on both sides of the street between 13500 Glen Mill Road and 14300 Glen Mill Road, and as such it is uniquely situated.**
- 3. This lot at .92 acre in size has no potential for resubdivision under the existing RE-1 zoning.**
- 4. Our recorded lot existed in 1959 and, as such, it predates the existing sewer main on Pheasant Drive which was constructed in 1994 and on Cavanaugh Drive which was constructed in 1999.**
- 5. Our unimproved lot is located at the periphery of the proposed sewer service envelope and confronts properties within the envelope consistent with the Potomac area peripheral sewer service policy.**
- 6. Constructing a sewer main has only minimal environmental impact on the neighborhood and does not affect streams or stream buffers.**

In Appendix C: Exceptional Service Policies and Recommendations 2018-2027 (County Council Approved in October, 2018), the Council, among other things, pertinently stated:

The Master Plan recommends that RE-1 and RE-2 zoned properties located at the edge or periphery of the recommended community sewer envelope may be considered for community sewer service on a case-by-case basis. In such cases, among other things:

The extension of community sewer service is extended to follow existing public right-of-way and must not affect streams, stream valley buffers, or other environmentally- sensitive areas.

In Service Recommendations & Comments, the Council by Resolution No. 18-423 (March 8, 2016) established sewer service policies for the Glen Hills area, among other things, (see Figure C-F4).

Properties at the edge of the Potomac Master Plan planned public sewer envelope that abuts or confronts properties within the envelope consistent with the Potomac area peripheral sewer service policy.

Further, in the Text Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: Glen Hills Area, the Council in the T&E Committee #2, January 21, 2016 Work Session #3 stated at page 37:

Amend Piney Branch Restricted Access Policy to allow single home sewer hookups in the Piney Branch subwatershed for existing lots that abut and pre-date an existing sewer main.

Accordingly, consistent with the Council's foregoing recommendations, the extension of community sewer service to our lot is within the existing public right-of-way, does not affect streams, stream valley buffers, or other environmentally-sensitive areas, and is located at the periphery of the proposed sewer service envelope.

Also, our recorded lot before 1959 pre-dates the existing sewer main on Pheasant Drive built in 1994 and on Cavanaugh Drive built in 1999 to allow single home sewer hookups in the Piney Branch subwatershed for existing lots. (see Text Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: Glen Hills Area, T&E Committee #2, January 21, 2016 Council Work Session #3 stated at page 37).

In the Agency Review Comments section of December 4, 2020 Recommendations to the County Executive, *DPS Well & Septic, expressing no objection to the category change, stated:*

Percolation tests for trench system septic fields were conducted in 1959 and 2010, and sand mound testing was conducted in 2012. Since all testing failed, the property was formally identified as being unsuitable for an onsite system per correspondence in 1991, 2011 and 2016.

Likewise, in the Agency Review Comments section of December 4, 2020 Recommendations to the County Executive, *WSSC Sewer stated in relevant part:*

This alternative alignment (running west along Glen Mill Road and then following Cavanaugh Drive west to an existing gravity sewer) may be feasible . . . Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity [Blue Plains] is adequate.

Thus, upon consideration of the foregoing discussion, we humbly request that the respected Councilmembers grant the single sewer hookup (S-3) to our lot at 13517 Glen Mill Road.

Respectfully submitted,

Meenu Bawa

Anand Verma

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

TO: Montgomery County Council (county.council@montgomerycountymd.gov)

SUBJECT: WMCCA Public Hearing Testimony for County Council hearing on January 12, 2021 regarding **Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: six Category Change Requests**

Good afternoon President Hucker and members of the County Council. My name is Kenneth Bawer. I am President of, and testifying on behalf of, the West Montgomery County Citizens Association (WMCCA).

Although we have several specific comments, we strongly support the County Executive's overall recommendations on all of these category requests. The County staff have done a thorough job of analyzing the proposals and the applicable requirements set forth in the Piney Branch Watershed Restricted Access Policy, the County's Comprehensive Water Supply and Sewerage Systems Plan, and the Potomac Subregion Master Plan. Of particular importance is ensuring enforcement of the Piney Branch Special Protection Area watershed restrictions. As the County Sewer Plan states, the Council enacted these restrictions "to limit the growth of public sewer-dependent development within and near this environmentally sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development." County Executive Packet at p. 44.

- **Regarding Request [2] WSCCR 20-TRV-03A: Arora, 10400 Boswell Lane, Potomac**

We agree that this property qualifies for approval for category S-1 based on the Piney Branch abutting mains policy. However, the approval must be restricted to a 210 ft. connection and hookup to the existing sewer line it actually abuts at the north-west corner of the property and not serve as a basis for construction of a completely new sewer line extension that would then be used to provide sewer to this property (via a 270 ft. connection and hookup) and which would result in a new abutting main for 10401 Boswell Lane across the street. To do so would turn the very limited abutting mains policy on its head. The hook up has to be to the existing abutting sewer line. How can it possibly be interpreted to allow new extensions of sewer lines in order to make more abutting properties? As stated in the County Sewer Plan: abutting mains approvals constitute "specific and limited circumstances" and "this policy shall not be used as the justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems." County Executive Packet at p.39.

- **Regarding Request [3] WSCCR 20-TRV-05A: Kapoor, 10401 Boswell Lane, Potomac**

We agree that the request should be denied as it fails to meet any of the requirements for sewer under the Piney Branch Restricted Access policy. This includes, as discussed above, the abutting mains policy that cannot be used to construct a new sewer line to this property. Furthermore, the applicant indicates that it wants the extension in order to subdivide the property and the abutting mains policy clearly states that a lot granted sewer under the policy cannot be subdivided.

The applicant cites the approval of WSCCR 00A-TRV-03 (R.A.M. Investing) from 2002 in support of its application. Recalling the history of the R.A.M. Investing property confirms that approval should not be granted here. The R.A.M. approval clearly violated the provisions of the Potomac Master Plan and the Piney Branch Sewer Restricted Access Policy dealing with sewer extensions that was carefully constructed based on environmental data. The provisions were specifically designed to ensure the protection and enhancement of water quality in the Watts Branch and Piney Branch watersheds. The Piney Branch, because of its unique environmental sensitivity, has been designated by Montgomery County as a Special Protection Area, and the Master Plan affirms the stringent limitations contained in the Piney Branch Sewer Restricted Access Policy. This approval occurred as a result of then Councilmember Isiah Leggett's jamming it through the Council, with no prior public notice, during the last minutes of his tenure on the County Council. It appears to have been done as personal favor to the R.A.M. Investing corporation. When what he had done became public, it elicited outrage to the point that the new incoming County Council enacted rules forbidding actions on any category changes during the final lame duck months of a County Council's term.

The R.A.M. Investing approval certainly cannot be used as a basis for any approvals in the Piney Branch Special Protection Area. It contained the following understatement: "...this approval represents an exception to the Piney Branch Sewer Restricted Access Policy and is not a precedent for possible future exception requests." County Executive's Packet at p. 18.

- **Regarding Request [4] WSCCR 20-TRV-09A: Sami and Siham Ainane • 12000 block of Piney Meetinghouse Rd, Potomac**

We strongly support the County Executive's recommendation to deny this 2nd category change request for S-1 for Outlot A. Just as with their prior application, this current request is still clearly not consistent with the abutting mains service policy. Granting this application would be particularly egregious given that County staff, paid with our tax payer dollars, had crafted and presented to the applicant what they thought might be a possible solution to the abutting mains requirements through subdivision. The applicant, however, appears to have refused to take any of these necessary steps that might result in an application that could be approved.

- **Regarding Request [5] WSCCR 20-TRV-10A: Amir, Ahmad and Rosa Poustinchi • 9701 Watts Branch Dr., Rockville**

We strongly support the County Executive's recommendation to deny the request for S-3 from Category S-6. The provision of public sewer service is not permitted under the County's Sewer Plan requirements and the Glen Hills sewer service provisions in particular.

- **Regarding Request [6] WSCCR 20-TRV-11A: Meenu Bawa & Anand Verma ■ 13517 Glen Mill Rd., Rockville**

We strongly support the County Executive's recommendation to deny the request for S-3 from Category S-6. The provision of public sewer service is not permitted under the County's Sewer Plan requirements and the Glen Hills sewer service provisions and the Piney Branch restricted access sewer service policy, in particular.

That concludes my testimony.

Thank you.