September 15, 2020

The Honorable Sidney Katz
County Council President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, MD  20850

Dear Council President Katz:

The Maryland Department of the Environment (MDE) has completed its review of the Resolution 19-521 (Amendment) to the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was approved by the Montgomery County Council on July 7, 2020. The Amendment includes three (3) service category change requests as set forth below:

**WSCCR 19-CLO-02A:**

- **Rubens Josefino** (340 Ednor Road, Silver Spring, Parcel P900, Heart of Md Etc, Account Number 01634484, RE-2 Zone, 2.0 acres). The request is to change the service category from S-6 to S-1.

**WSCCR 19-CLO-03A:**

- **Buddy O’Keefe Family Trust** (15400 New Hampshire Avenue, Silver Spring Parcels P032 and P053, Snowdens Manor Enl, Account Number 00272883 and 00272872, RE-2 Zone, 10.93 acres). The request is to change the service category from W-5/S-6 to W-1/S-1.

**WSCCR 19-TRV-10A:**

- **Benjamin Gompf & Renee Shuman** (13546 Travilah Road, Gaithersburg, Lot 6, Versailles, Account Number 02823835, RE-2 Zone, 2.0 acres). The request is to change the service category from S-6 to S-1.
Maryland Department of Planning Findings
The Maryland Department of Planning (MDP) advised the Department that the second request WSCCR 19-CLO-03A: Buddy O'Keefe Family Trust appears to be consistent with the Cloverly Master Plan for the extension of water and public sewer service to the property for the Private Institutional Facility (PIF).

For WSCCR 19-CLO-02A and WSSCR 19-TRV-10A, since the changes were either deferred or denied by the Council, MDP did not complete a comprehensive plan consistency analysis.

Additionally, according to the County’s Growth Tier Map, WSCCR 19-CLO-03A appears to be located in a Tier III area. If Montgomery County intends to provide sewer service to the subject property, the Growth Tier map could be updated to reflect this property as Tier I or, alternatively, as Tier IA if it is intended to continue to be outside of the growth area (see enclosed comments).

MDE Findings and Action
During MDE’s review it was determined one of the change requests contained a typographical error. For WSCCR 19-CLO-02A the text indicated a deferment but a change to S-3. In an email from the County regarding this text, the County confirmed that the property is to remain S-6. A sewer hookup from the needed service connection to the house will have to cross a conservation easement. This will require a modification to the easement to create space for the sewer hookup. If that modification cannot be accomplished, then sewer service cannot be provided. While the easement issue is under consideration, the property remains in S-6. A subsequent category change action will be needed to either grant an approval for S-1 or deny the request.

In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, the Department hereby approves the Resolution 19-521 Amendment. See enclosed water and sewer changes Summary Table below.

This completes MDE’s review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance on these matters, please contact Heather Barthel, Deputy Director, at (410) 537-3512, toll-free at (800) 633-6101, or by e-mail at heather.barthel@maryland.gov.

Sincerely,

D. Lee Currey, Director
Water and Science Administration

Enclosure
The Honorable Sidney Katz
Page 3

cc:            Adam Ortiz, Director, Montgomery County DEP
              Patty Bubar, Deputy Director, Montgomery County Department of Environmental Protection (DEP)
              Alan Soukup, Senior Planner, Montgomery County DEP
              George Dizelos, Environmental Planner, Montgomery County DEP
              Charles Boyd, Director, Planning Coordination, MDP
              Heather Barthel, Deputy Director, Water and Science Administration, MDE
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Applicant</th>
<th>Existing Service Area Categories</th>
<th>Service Area Category Request</th>
<th>Administrative Action</th>
<th>MDE Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSCCR 19-CLO-02A</td>
<td>Rubens Josefino (340 Ednor Road, Silver Spring, Parcel P900, Heart of Md Etc, Account Number 01634484, RE-2 Zone, 2.0 acres)</td>
<td>W-6</td>
<td>W-6 (No change)</td>
<td>Maintain W-6 (No change)</td>
<td>Maintain W-6 (No change)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S-6</td>
<td>S-1.</td>
<td>Defer action on the request for sewer category S-3 to allow the applicant time to work out an alignment for the sewer hookup from WSSC's service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan's “abutting mains” policy. However, it appears that a change to the existing conservation easement is needed to allow for the service hookup to the house.</td>
<td>Maintain S-6 (While an easement issue is under consideration. The property remains in S-6)</td>
</tr>
<tr>
<td>WSCCR 19-CLO-03A</td>
<td>Buddy O'Keefe Family Trust (15400 New Hampshire Avenue, Silver Spring Parcels P032 and P053, Snowdens Manor Enl, Account Number 00272883 and 00272872, RE-2)</td>
<td>W-5</td>
<td>W-1</td>
<td>Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning’s Board’s approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Planning Board.</td>
<td>Maintain W-5 (No change)</td>
</tr>
<tr>
<td>Zone, 10.93 acres</td>
<td>Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benjamin Gompf &amp; Renee Shuman (13546 Travilah Road, Gaithersburg, Lot 6, Versailles, Account Number 02823835, RE-2 Zone, 2.0 acres)</td>
<td>Maintain W-1 (No change)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-6</td>
<td>S-1                                                                                      Deny S-1 request; maintain S-6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-1</td>
<td>W-1 (No change)                                                              Maintain W-1 (No change)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WSCCR 19-TRV-10A</td>
<td>Maintain S-6 (No change)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
September 1, 2020

Ms. Dinorah Dalmasy, Manager
Integrated Water Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

Subject: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal from the County Council - Resolution 19-521

Dear Ms. Dalmasy:

The Maryland Department of Planning (Planning) has reviewed the above-referenced water and sewerage plan amendments pursuant to our mandate to advise the Maryland Department of the Environment (Environment) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2). In consideration of recommendations solicited from the Maryland-National Capital Park and Planning Commission (M-NCPCC), the Washington Suburban Sanitary Commission (WSSC), and recommendations from the County Executive, the Montgomery County Council held a public hearing on these amendments on June 9, 2020. The County Council passed Resolution 19-521 on July 7, 2020 approving one amendment to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan.

Summary of Amendment:
The adopted Resolution 19-521 amendments included three requested changes to the 2018 water/sewer category map update of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan (WSP). It is noted that one of the three amendments was deferred, one amendment was approved, and one amendment was denied, as follows:

WSCCR 19-CLO-02A: Rubens Josefino
340 Ednor Road, Parcel P900, Heart of Md. (01634484)
The applicant requested a change of sewer category from S-6 to S-1 to allow public sewer service to a single-family house, which is proposed to be expanded. The subject home was built using an individual wastewater treatment (septic) system. The Department of Permitting Services stated concerns that the house expansion may not be properly supported by the current septic system. The nearest sewer infrastructure is on the adjacent church property. The church property was granted a single sewer hookup outside the planned sewer envelope using the Private Institutional Facility (PIF) policy—a policy implemented for the benefit of non-profit organizations. Normally, the policy allows no other properties to benefit from PIF extensions to discourage unplanned sprawl of the sewer envelope. According to the Department of Environmental Protection (DEP), the extension was built in a way that now allows the adjacent homeowner a single hookup under the
abutting mains policy. A connection to the existing home will require disturbance to wetlands and forest that have been protected by a Category I conservation easement. A less impactful connection may also be possible but requires disturbance on the adjacent property, albeit within a utility corridor. The DEP recommended deferral of this case to give the property owner time to work with the adjacent property owner(s) and the various agencies on a finalized proposal for a sewer connection that includes modifying the existing conservation easement. The M-NCPPC and the County Executive agreed with DEP.

The County Council deferred action on the request for sewer category change to allow the applicant time to work out an alignment for the sewer hookup from WSSC’s service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan’s “abutting mains” policy. However, it appears that a change to the existing conservation easement is needed to allow for the service hookup to the house.

WSCCR 19-CLO-03A: Buddy O’Keefe Family Trust  
Mar Thoma Church of Greater Washington  
15400 New Hampshire Ave., Parcels P032 & P053, Snowdens Manor (00272883 & 00272872)

The applicant requested a change of water and sewer category from W-5 to W-1 and S-6 to S-1, under the Private Institutional Facilities (PIF) policy, for a house of worship on approximately 11 acres of land in the RE-2 Zone. It should be noted that the Cloverly Civic Association has voiced their objection, not to the church use, but to the extension of sewer service to maintain rural character and inhibit dense residential development as recommended in the 1997 Cloverly Master Plan. The County Executive and M-NCPPC recommended that maintaining the W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board’s approval of a preliminary plan, is appropriate.

The County Council approved the request for W-1 and S-1 conditioned on the Planning Board’s approval of a preliminary plan. The preliminary plan should consider the concept plan (520190160) as approved by the Development Review Committee on June 25, 2019. Until such time, the property will remain in the W-5 and W-6 categories. Future S-1 final approval will be restricted to a PIF use only.

WSCCR 19-TRV-10A: Benjamin Gompf & Renee Shuman  
13546 Travilah Road., Lot 6, Versailles (02823835)

The applicant requested a sewer category change from S-6 to S-1 for the extension of sewer service to an existing residence with a childcare facility proposed to be expanded. This two-acre property is in the RE-2 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. The 2002 Potomac Subregion Master Plan excluded this property, and the others around the intersection of Travilah and Dufief Mill Roads, from the plan’s sewer envelope. Land use recommendations for this portion of the Mount Prospect community were made to preserve the low density, large lot character of this portion of the Travilah Planning Area. Sewer service policy discourages service to such areas. The DEP noted that the lot is not directly adjacent to the planned service envelope and does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy.

The County Council denied the S-1 request and recommended to maintain S-6.

**Consistency with the Comprehensive Plan**

WSCCR 19-CLO-02A: Rubens Josefino

Since the County Council deferred action on the request to change water and sewer categories from W-6 to W-1 and S-6 to S-1 pending consideration of a concept plan for the proposed development by the Development Review Committee, Planning did not complete a comprehensive plan
consistency analysis on this request at this time. However, Planning notes that the Sandy Spring/Ashton Master Plan shows this property outside the sewer envelope.

**WSCCR 19-CLO-03A: Buddy O’Keefe Family Trust**  
**Planned PIF User: Mar Thoma Church of Greater Washington**

According to the M-NCPPC – Planning Department staff report dated June 4, 2020:

“The 1997 Cloverly Master Plan includes this area as part of the Residential Wedge. The Plan’s objective for the Suburban Communities is to ‘retain land use and environmental policies that minimize impacts on the upper Northwest Branch and upper Paint Branch watersheds and underscore the large-lot character of this community as now-vacant properties develop.’ (p 22) The Plan recommends retention of the existing RE-2 zoning throughout the Residential Wedge, including this property. In addition, the Plan provides recommendations designed to maintain environmental resources in the two watersheds. This property straddles the boundary between the Paint Branch and Northwest Branch watersheds. The portion in the upper Paint Branch watershed (about 2.7 acres) is also in a Special Protection Area and an environmental overlay zone with an eight percent imperviousness limit. The Master Plan proposes a goal of 10 percent to 15 percent imperviousness for the remainder of this sub watershed in the greater Northwest Branch watershed.

Religious Assembly is a permitted use in the RE-2 Zone, which implies that the use is in keeping with the intent of the zone and therefore, with Master Plan objectives for preserving the large lot character of the community. The applicant proposes to meet imperviousness goals for the Upper Northwest Branch watershed and adhere to the eight percent standard required by the Upper Paint Branch Environmental Overlay Zone.”

Planning finds the action appears to be **consistent** for the extension of water service to the property for the Private Institutional facility as defined by the WSP, as the Cloverly Master Plan states:

“Extend water service to RE-2 zoned land on a case-by-case basis following the guidance of the Comprehensive Water Supply and Sewerage Systems Plan. Water service will improve fire protection and provide residents with the opportunity for individual hook-ups.” (page 95)

Planning also finds the extension of public sewer service to the property to be **consistent** with the Cloverly Master Plan. Although the master plan generally states that sewer service should not be extended, it recognizes that the 1981 Plan allowed service in the area. As such, the master plan makes an exception as follows:

“Where the provision of community sewer service is found to be logical, economical, and environmentally acceptable, the County Council has concurred with the provision of sewer service to these properties. This Plan endorses this policy, again confirming the recommended sewer service area proposed in the 1981 Plan.” (page 96)

**WSCCR 19-TRV-10A: Benjamin Gompf & Renee Shuman**

Since the County Council denied the request for S-1 and maintained S-6, Planning did not complete a plan consistency analysis on this request.
**Priority Funding Area Review**

Pursuant to the State Finance and Procurement Article, Section 5-7B-02, local jurisdictions are eligible to receive State financial assistance if the project is located in a Priority Funding Area (PFA). The following is a determination of whether the amendment is inside or outside the County's locally designated PFA:

- **WSCCR 19-CLO-02A:** is located outside of the PFA.
- **WSCCR 19-CLO-03A:** is located inside of the PFA.
- **WSCCR 19-TRV-10A:** is located outside of the PFA.

**Growth Tier Map Review**

The following is Planning's assessment of consistency of the sewer amendments with the County's Growth Tier Map:

**WSCCR 19-CLO-03A: Buddy O'Keefe Family Trust**

According to the County’s Growth Tier Map, the subject property appears to be located in a Tier III area. If Montgomery County intends to provide sewer service to the subject property, the Growth Tier map could be updated to reflect this property as Tier I or, alternatively, as Tier IA if it is intended to continue to be outside of the growth area.

If you have any questions regarding these comments, please contact me at 410-767-1401 or Sylvia Mosser at 410-767-4487.

Sincerely,

Charles W. Boyd, AICP  
Director of Planning Coordination

cc: Robin Pellicano; Nicholai Francis-Lau; Steve Alfaro; and Hannah C. Benzion, Environment  
Tony Redman, DNR  
Dwight Dotterer, MDA  
Jason Dubow; Joseph Griffiths; Susan Llareus; Sylvia Mosser; and, Cassandra Malloy, Planning