

July 11, 2007

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary G. Dolan, Acting Chief
Countywide Planning Division

FROM: Katherine Nelson for the Planning Department
(301) 495-4622

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply
and Sewerage Systems Plan—Administrative Cases AD 2007-3

RECOMMENDATION

Approve as recommended for each case in the attached packet except the Sires property.
Deny Sires property (07A-DAM-10) application.
Transmit recommendations to the County Executive for final action.

DISCUSSION

This staff memorandum contains recommendations for category changes requiring action by the County Executive. The Department of Environmental Protection staff has submitted the attached package of category change requests on behalf of the County Executive.

The staff report for administrative cases only highlight those cases where staff recommendations differ from the Executive's recommendation, or where significant comments should be brought to the attention of the Board. There is one such case in this package.

07A-DAM-10 (Sires Property)

Before the attached package was published staff was not aware of an abutting sewer main in the vicinity of the subject property and our comments reflect this:

“The Preservation of Agriculture and Rural Open Space Master Plan does not recommend public sewer service in the area where this lot is located. Staff recommends **denial** of this request.”

Although the attached DEP packet was published invoking the abutting mains policy for this property, WSSC has since confirmed by phone that this property does not qualify for that policy after all. Therefore staff’s original recommendation for denial of this request stands.

There are no other significant differences between agency recommendations in this package. Planning staff’s comments on all cases have been incorporated into DEP’s packet along with the comments of other agencies. The full packet for administrative hearing is attached for your consideration or further comment beyond the staff report.

If the Planning Board believes that any of these cases requires County Council action, such action should be requested at this time.

The Department of Environmental Protection has scheduled a public hearing for July 25, 2007. The Board’s recommendations will be transmitted to the Executive for that hearing. The County Executive will then take final action on the category change requests unless the Planning Board has recommended some cases be taken to the County Council.

KN:ss
Attachment

MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIRECTOR'S OFFICE, WATER AND WASTEWATER POLICY
Rockville Center, 255 Rockville Pike, Suite 120, Rockville, Maryland 20850-4166

July 5, 2007

NOTICE OF ADMINISTRATIVE PUBLIC HEARING

TO: Keith Levchenko, Legislative Analyst
County Council

Gwen Wright, Acting Chief, County-Wide Planning Division
Maryland - National Capital Park and Planning Commission

Tom Gingrich, Acting Group Leader, Development Services Group
Washington Suburban Sanitary Commission

Amy Hart, Manager, Well and Septic Section
Department of Permitting Services

FROM: Shelley Janashek, Administrative Specialist III
Department of Environmental Protection

SUBJECT: Water and Sewer Plan Amendments: AD 2007-3

TIME: **Wednesday, July 25, 2007, 2:30 p.m.**

LOCATION: **DEP's Lobby Conference Room**, 255 Rockville Pike, Suite 120,
Rockville

Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing on the following amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan as specified above. The following staff recommendations are at a *draft* stage as of the posting of this document.

07A-CLO-08 (Guardado):

Current and intended use: SFH/nc (existing house constructed 1949).

Property information: 1121 Harding La., Silver Spring: Colesville Heights, P. 354. 0.95 acre. 00254997. JS62. 221NE01. RE1 Zone.

Planning Area and Watershed: Cloverly. Northwest Branch.

Current and Requested Category/Categories: **S-5 to S-1.**

WSSC: An 8-inch gravity sewer line and a 2" grinder system in Harding Lane abut the property (contract no. 94-9907A). A connection to the grinder system is recommended to avoid (possible) odor concerns.

M-NCPPC: DRAFT: This property is zoned RE-1 and partially located within the Paint Branch SPA. Although the above master plan language would apply to a subdivision of this property, staff supports the proposed single hook-up under the abutting mains policy.

DPS: We have no well or septic system records for this property. The Well and Septic Section has signed off on a demolition permit.

DEP Staff Recommendation and Report: Approve S-1. Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. The property abuts and pre-dates an existing 8" main along Harding Lane, and would also qualify for service under the Abutting Mains Policy. *While a portion of the property is within the Paint Branch SPA, that portion is quite small, at the back of the lot, and unbuildable.* Expedite letter from Soukup to WSSC, 2/15/07, to provide a single sewer service connection under the Abutting Mains Policy.

07A-DAM-10 (Sires):

Current and intended use: Vacant lot; 1 SFH.

Property information: Warfield Rd, Gaithersburg: Res. in Williams Range, P533. 00006677; 1.08 acres. 228NW08. GU23. RE2.

Planning Area and Watershed: Goshen/Woodfield/Cedar Grove. Middle Great Seneca.

Current and Requested Category/Categories: S-6 to S-3.

WSSC: A 350-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to the 8-inch sewer in Oak Bluff Drive (contract no. 80-4674Q) and would abut approximately 5 properties in addition to the applicant's. This extension has been conceptually approved for service to the Jackson property on Warfield Road (job number DA4155Z05).

M-NCPPC: DRAFT: The Preservation of Agriculture and Rural Open Space Master Plan does not recommend public sewer service in the area where this lot is located. Staff recommends **denial** of this request.

DPS: This property has a history of failing percolation tests. Further testing will require a well or well use easement on the adjacent property.

DEP Staff Recommendation and Report: Approve S-3 for a single sewer hookup only. Service is dependent upon construction of the approved sewer main (DA4155Z05) for the Jackson property. Policy V.F.2.b, Abutting Mains.

An 8" sewer main has been approved to provide service to the Jackson property located west of this site to relieve a public health problem. *This property will abut and pre-date that main, and therefore qualifies for a single sewer hookup to this abutting main.* As noted in the staff recommendation, the actual provision of sewer service will require that the applicants for the proposed main proceed with construction, bringing the main past the subject property. The property owner for this request would not be able to pursue construction of the main only to his property.

07A-FAI-03 (Martins):

Current and intended use: 2 sfh tbd/15 sfh tbb. Plan # 1-20070450: Martin's Prop.

Property information: 14900 & 15000 Blackburn Rd., Burtonsville: Snowden's Manor Enl. and Waters Luck. P760, 707, & 652. 3.24 acres total. 00275226, 00279372, & 00261184. 220NE04. KS61 . R90 Zone.

Planning Area and Watershed: Fairland. Little Paint.

Current and Requested Category/Categories: S-5 to S-3. W-6 to W-3.

WSSC: *Water:* A 10-inch water line in Blackburn Road abuts the property (contract no.87-7229A). *Sewer:* An 8-inch sewer line in Blackburn Road abuts the property

(contract no. 87-7229A). Because of the topography, a 300-foot-long sewer extension is required to provide sewer service. This extension would connect to an existing 8-inch sewer (contract no. 69-2585A) and would abut approximately 2 properties in addition to the applicant's. Rights-of-way would be required. The construction of this extension will impact trees.

M-NCPPC: Staff recommends **approval** of this request. The Fairland master plan supports public sewer and water service to this property.

DPS: The only record we have is a septic tank location for 14900 Blackburn Rd.

DEP Staff Recommendation and Report: Approve S-3 and W-3. Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. Water service is available from Blackburn Rd.; sewer service requires a relatively short gravity extension of 300' to an existing gravity main.

07A-GMT-01 (Urbany: Middlebrook Restaurant):

Current and intended use: Restaurant; n/c.

Property information: 19201 Frederick Rd., Germantown: Middlebrook. P451. 1.03 acres. 00771604. 226NW11. FU21. R200 Zone.

Planning Area and Watershed: Germantown. Middle Great Seneca.

Current and Requested Category/Categories: S-1; continuation of multi-use septic system requested.

WSSC: (see DEP Staff Report)

M-NCPPC: Although the Germantown master plan recommends public sewer service for this property, staff supports this request provided all requirements associated with use of this type of system are met.

DPS: DPS will be issuing a repair septic permit on 6/27/07 for 2800 GPD – there has been a documented septic failure since August 2005.

DEP Staff Recommendation and Report: Correct S-1 to S-3: approve the subject property for an interim multi-use sewerage system. Policy V.F.2.d, Smaller Capacity Multi-Use Systems. The existing restaurant has functioned on a septic system, which has now failed, as verified by DPS. Although designated as category S-1, the property does not have access to an existing sewer main. As part of this action, a change to category S-3 is recommended to place the property in a service area category consistent with its circumstances. DPS has also verified that they are prepared to issue a septic permit for a replacement system to provide relief of the older failed system. DPS has advised DEP that the replacement system will have a design-capacity of 2800 gallons per day, which requires its designation in the Water and Sewer Plan as a Multi-use Sewerage System. The proposed septic system will serve a property designated as category S-3: therefore, it will also be designated as an interim-permit system consistent with category S-3 service policies. DEP and DPS will develop the necessary text amendment needed to inventory this system in the plan text.

WSSC has reported that a 400-foot-long non-CIP-sized sewer extension is required to serve the property, from either the north or the south of the property along Frederick Rd. This confirms the lack of available public sewer service for the property at this time.

07A-OLN-03 (Kane):

Current and intended use: 1 sfh; 5-9 sfh. Norbeck Crossing.

Property information: 3598 Coolidge Ave., Silver Spring: Parcel N484, Bradford's Rest. 1 acre. 00705314. 221NW03. HS62. R200/TDR-7 Zone.

Planning Area and Watershed: Olney. Northwest Branch.

Current and Requested Category/Categories: **S-6 to S-3.**

WSSC: A request to serve this property is currently under review as part of the Greenbriar at Norbeck Crossing Subdivision (job no. DA4675Z07). Based on that application, a 950-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an existing 8-inch diameter sewer in Norbeck Road (contract no. 65-3185) and would abut approximately 6 properties in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Extra-depth sewer and a grinder system will be required to serve the subdivision as proposed. Grinder systems can be a source of odors.

M-NCPPC: Staff recommends **approval** of this request. The Olney master plan supports the extension of public sewer and water service to (Kane and Wedmore).

DPS: We have no records for this property.

DEP Staff Recommendation and Report: **Approve S-3.** Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. This property will be incorporated into the larger Norbeck Crossing subdivision; the other properties included in this project are already designated as categories S-1 or S-3.

07A-OLN-04 (Wedmore):

Current and intended use: 1 sfh; 5-9 sfh. Norbeck Crossing.

Property information: 15800 Bradford Rd., Silver Spring: Bradford's Rest. Parcel N481. 1 acre. 00714034. 221NW03. HS62. R200/TDR-7.

Planning Area and Watershed: Olney. Northwest Branch.

Current and Requested Category/Categories: **S-6 to S-3. W-6 to W-3.**

WSSC: *Sewer:* A request to serve this property is currently under review as part of the Greenbriar at Norbeck Crossing Subdivision (job no. DA4675Z07). Based on that application, a 950-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an existing 8-inch diameter sewer in Norbeck Road (contract no. 65-3185) and would abut approximately 6 properties in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Extra-depth sewer and a grinder system will be required to serve the subdivision as proposed. Grinder systems can be a source of odors. *Water:* An 8-inch water line in Bradford Road abuts the property (contract no. 65-3185).

M-NCPPC: Staff recommends **approval** of this request. The Olney master plan supports the extension of public sewer and water service to (Kane and Wedmore).

DPS: We have no records for this property.

DEP Staff Recommendation and Report: **Approve S-3 and W-3.** Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. This property will be incorporated into the larger Norbeck Crossing subdivision; the other properties included in this project are already designated as categories S-1 or

S-3.

The following properties do not qualify for the Administrative Hearing process, and will be transmitted to the County Council for consideration in November 2007:

07A-CLO-09 (Pullen):

Property information: 1300 Harding La., Silver Spring: Snowden's Manor Enl, P317. 00252203. 3.67 acres. 221NE02. KS22. RE1.

Current and Requested Category/Categories: S-5 to S-3.

07A-POT-03 (Pingho):

Property information: 10011 Chapel Rd., Potomac: Potomac Farm Est. Lot 1, Block B. 3.5 acres. 00854471. 213NW10. FP43. RE2 Zone.

Current and Requested Category/Categories: S-6 to S-3.

To assist with your review, a PDF has been created and posted to our website: <http://www.montgomerycountymd.gov/waterworks>, which is comprised of the following information:

- ◆ This memorandum, which summarizes each amendment
- ◆ Mapping of proposed amendments

We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff would like to meet with DEP regarding the proposed amendments, please schedule said meeting before the public hearing. We request that the Council submit comments no later than the closing date; otherwise, we will assume that the Councilmembers agree with administrative approval.

Your attendance at this hearing is optional; all requests will be considered at that time. If you wish to comment on the referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written testimony to: Fariba Kassiri, Acting Director, DEP, 255 Rockville Pike, Suite 120; Rockville, MD 20850-4166.

Please note that the hearing record will close at 4:30 p.m. on August 1, 2007, and all written testimony must be received in this office by that time/date. The Acting Director will then act on the amendments, and DEP will notify you of that action by Email.

The Montgomery County Planning Board will also consider the proposed amendments in a public forum. For further information and their schedule, please contact the County-Wide Planning Division, Environmental Unit, at 301-495-4540, or review their site: <http://www.mc-mncppc.org/board/index.shtm>.

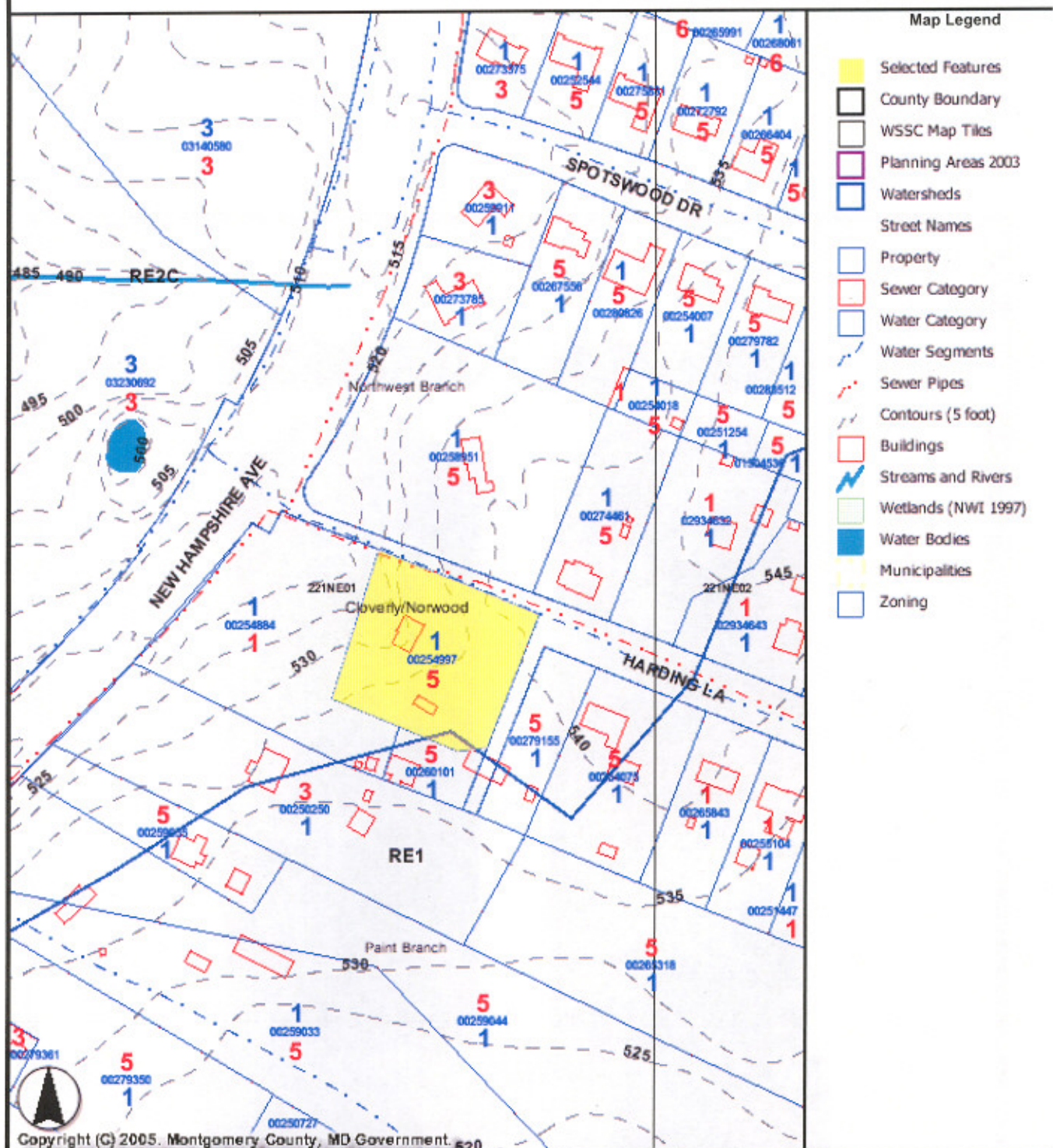
Please refer questions to: shelley.janashek@montgomerycountymd.gov, or 240-777-

7735.

CC: Property Owners and designated interested parties
Marilyn Praisner, President, County Council (memo only)
Nancy M. Floreen, Chair, T&E Committee (memo only)
Royce Hanson, Chairman, Montgomery County Planning Board (memo only)
Katherine Nelson, County-Wide Planning Division/Environmental Unit, M-NCPPC
Virginia Kearney, Acting Director, Water Mgt. Admin., Maryland Department of
the Environment
Audrey Scott, Secretary, Maryland Department of Planning

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07A-CLO-08: Guardado



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- Selected Features
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 - Planning Areas 2003
 - Watersheds
 - Street Names
 - Property
 - Sewer Category
 - Water Category
 - Water Segments
 - Sewer Pipes
 - Contours (5 foot)
 - Buildings
 - Streams and Rivers
 - Wetlands (NWI 1997)
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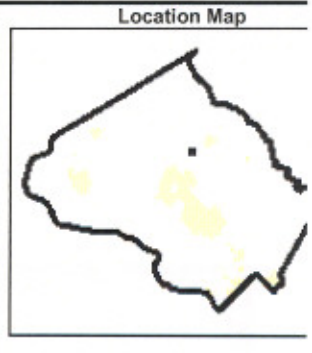
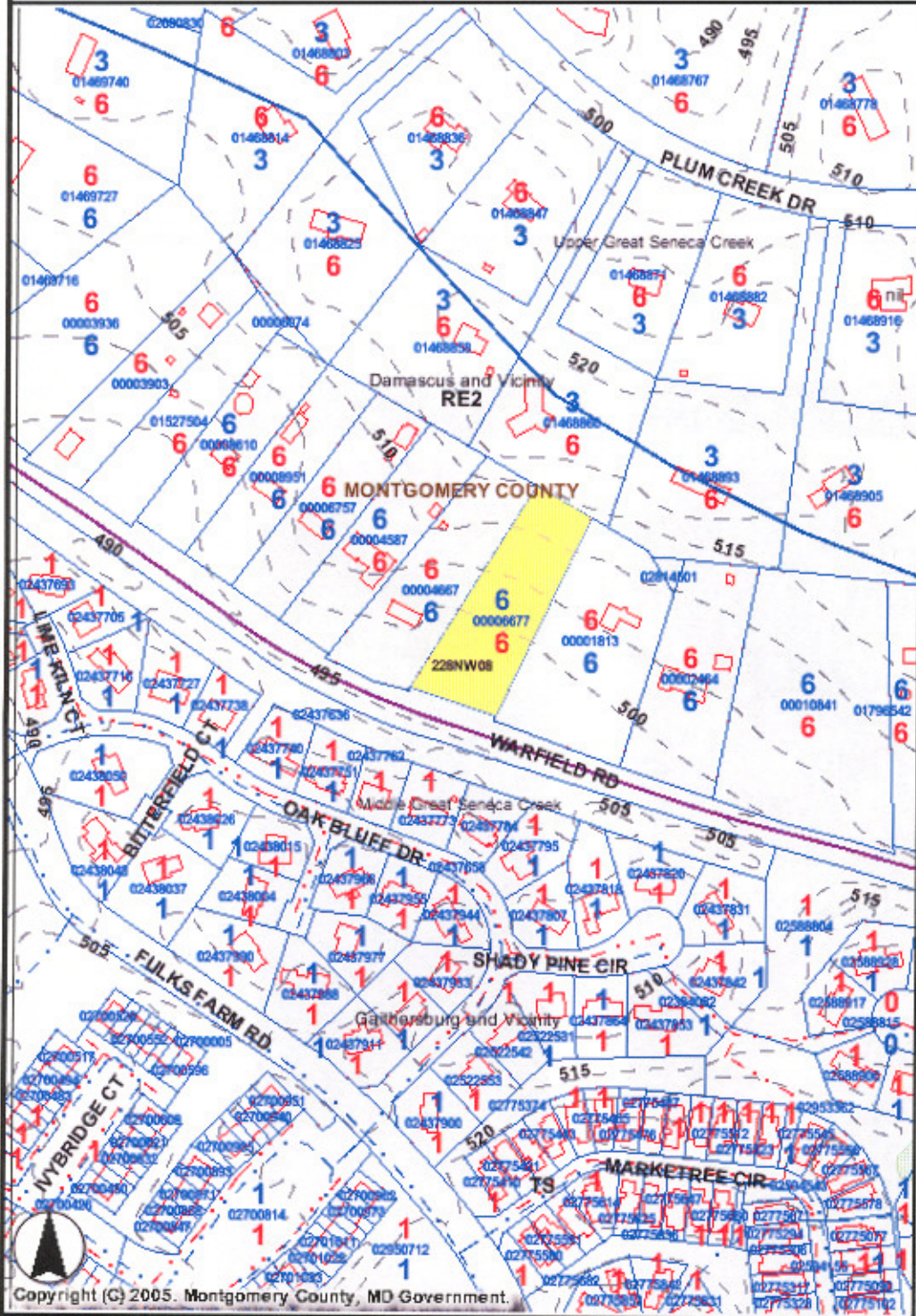
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07A-DAM-10: Sires



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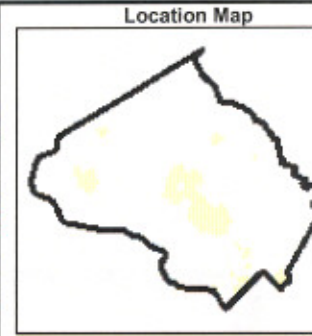
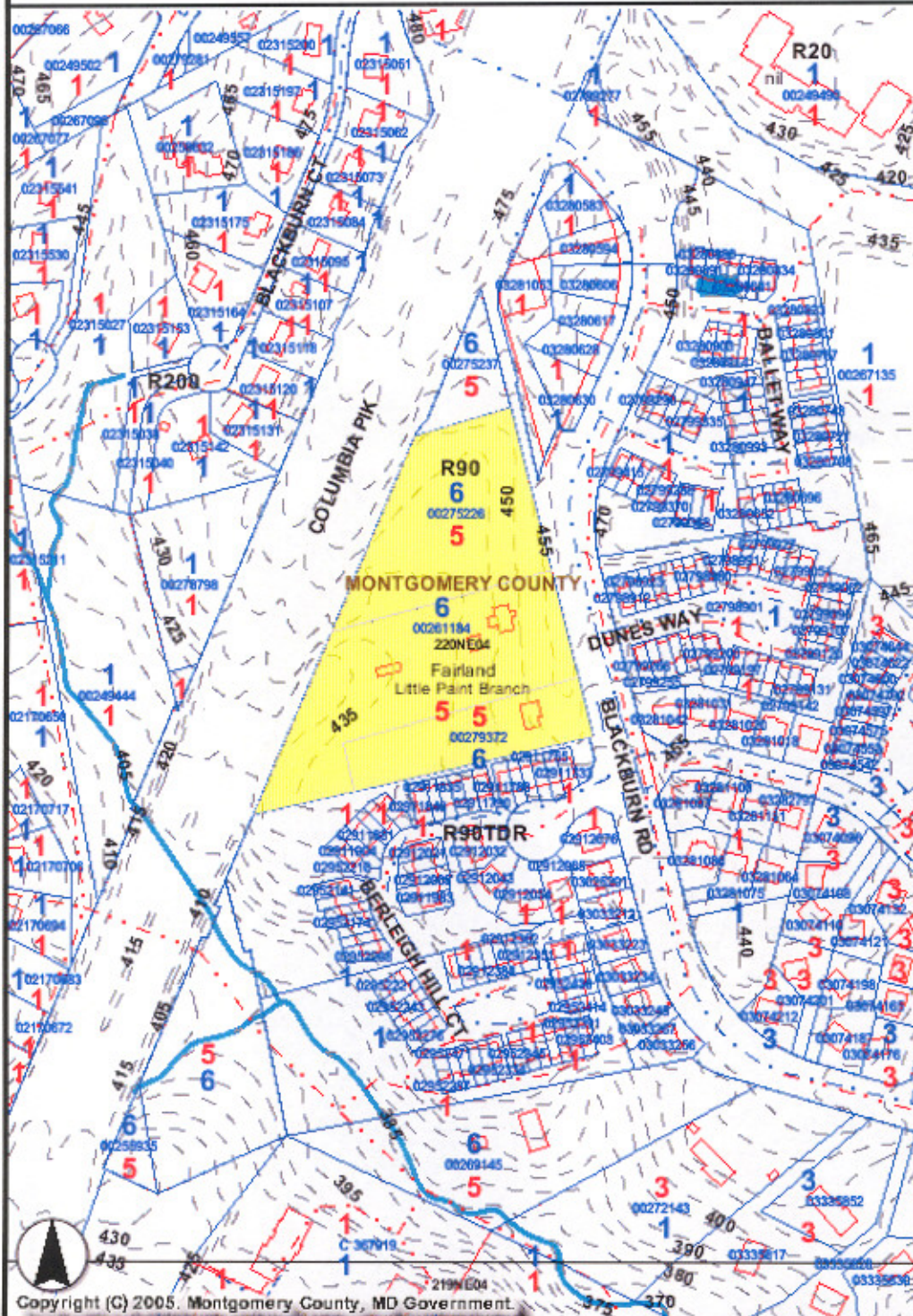
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07A-FAL-03: Martins



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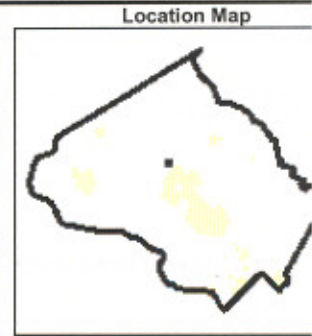
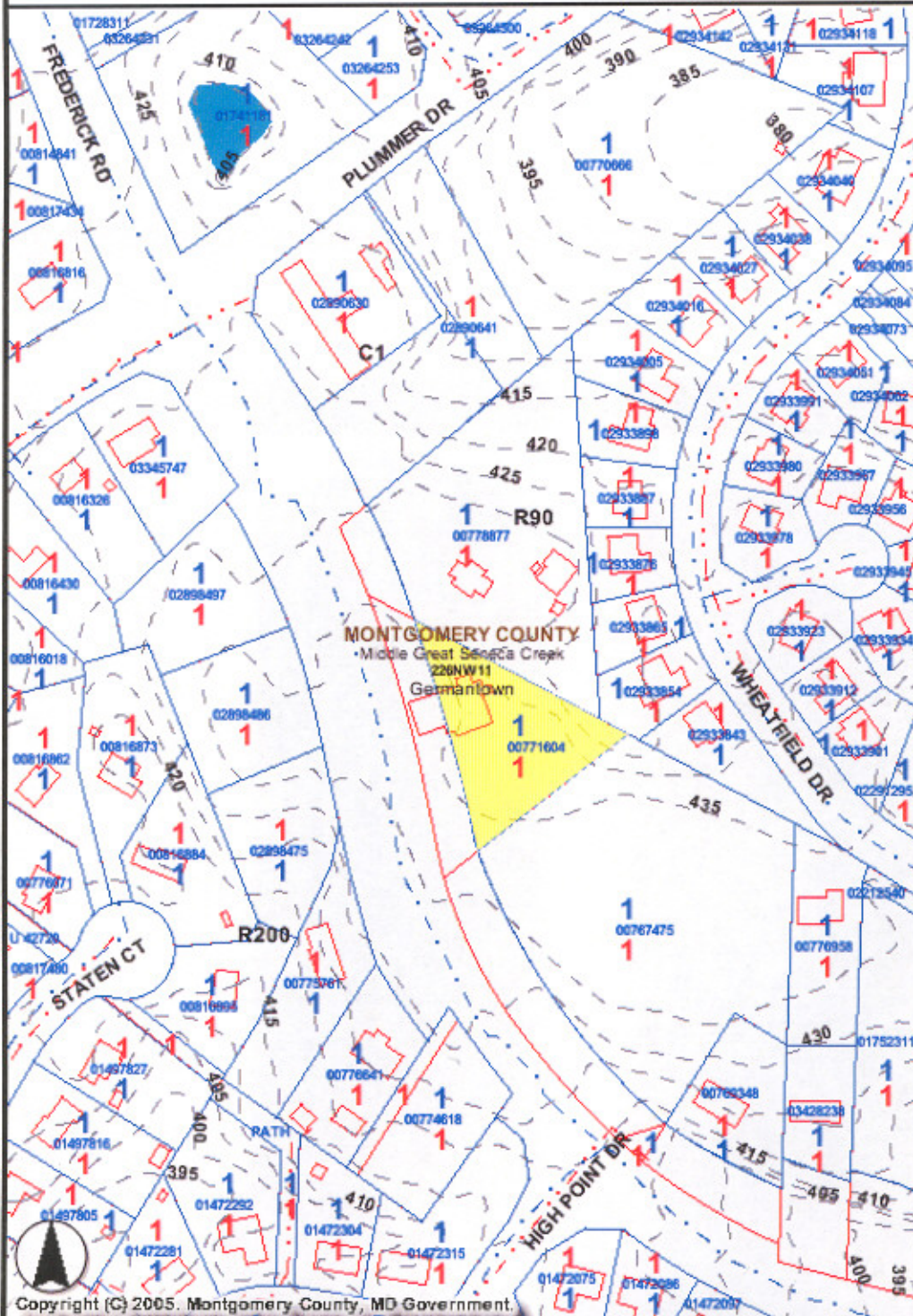
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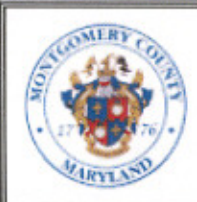
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07A-GMT-01: Urbany/Middlebrook Restaurant



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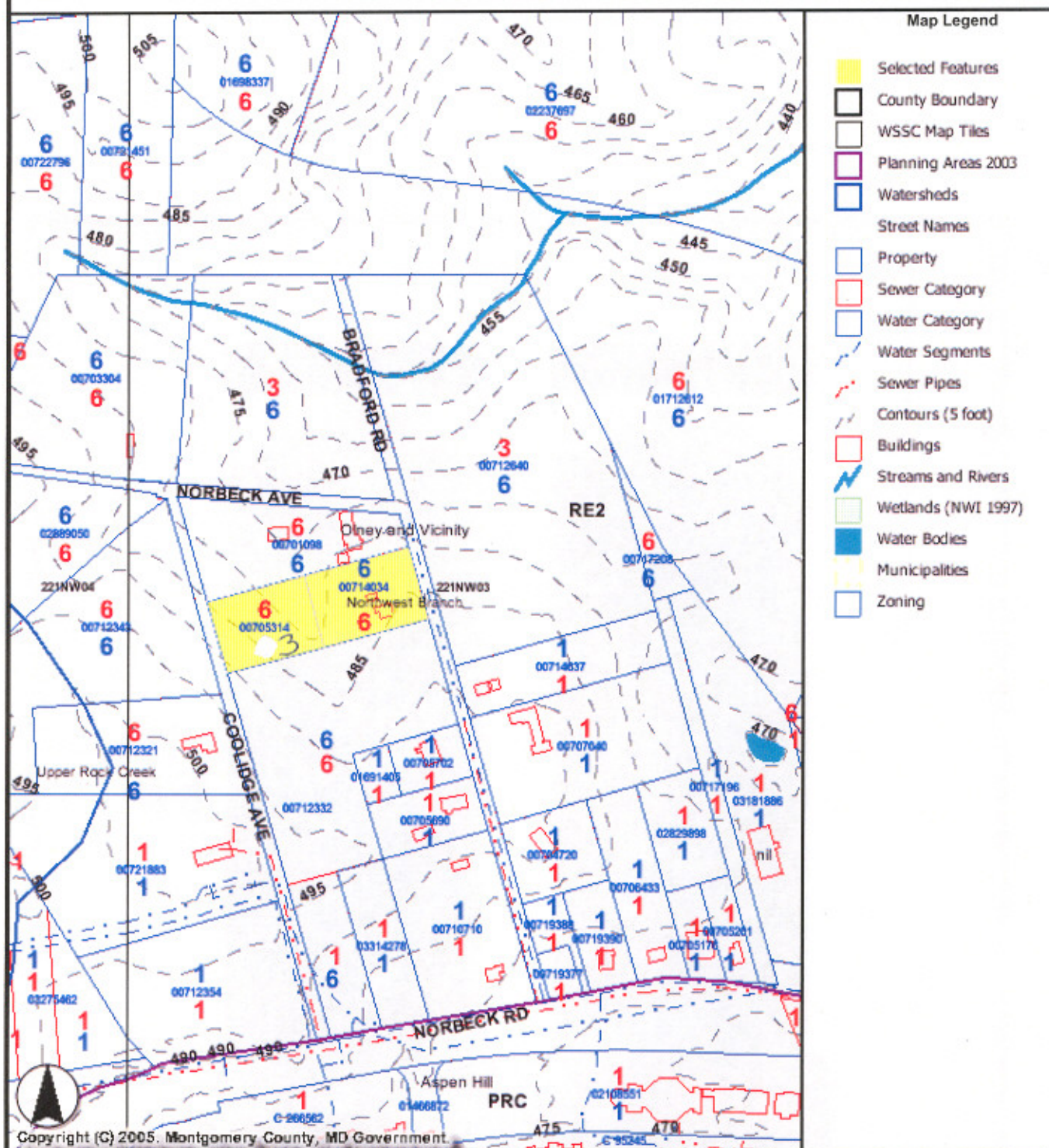
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07A-OLN-03: Kane & 07A-OLN-04:Wedmore



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