

Item 5 - Correspondence

From: [Ken Bawer](#)
To: [MCP-Chair](#)
Cc: [Susanne Lee](#)
Subject: Re: WMCCA Testimony for Jan. 7, 2021 W&S Category Change Requests, Item 5
Date: Monday, January 4, 2021 8:55:04 AM
Attachments: [WMCCA Public Hearing Testimony for PB on 1-7-2021_FINAL_v2.docx](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please use this newer version of our testimony which corrects a few typos.

Thanks,
Ken

From: Ken Bawer <kbawer@msn.com>
Sent: Monday, January 4, 2021 8:47 AM
To: MCP-Chair <mcp-chair@mncppc-mc.org>
Cc: Susanne Lee <susannelee1@hotmail.com>
Subject: WMCCA Testimony for Jan. 7, 2021 W&S Category Change Requests, Item 5

Dear Chair Anderson,

Please find attached the West Montgomery County Citizens Association (WMCCA) public hearing testimony for the January 7, 2021 Agenda Item 5: Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment.

Sincerely,

Ken Bawer
President, WMCCA

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

TO: Casey Anderson, Chair, Montgomery County Planning Board (MCP-Chair@mncppc-mc.org)

SUBJECT: WMCCA Public Hearing Testimony for Planning Board hearing on January 7, 2021

<https://montgomeryplanningboard.org/agenda-item/january-07-2021/>

Item 5 Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment

a. County Council's October 2020 Group of Six Water/Sewer Service Category Change Requests

b. County Executive's AD 2021-1 Administrative Group of Three Water/Sewer Service Category Change Requests

Staff Recommendation: Transmit Comments to County Council and the County Executive

ATTACHMENT A – Public Notice – Water and Sewer Plan

ATTACHMENT B – 2021- 1 Administrative Cases

K. Nelson

Good morning Chair Anderson and members of the Planning Board. My name is Kenneth Bawer. I am President of, 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 the Abutting Mains Cases –

WSSCRs 20-TRV-03A (Arora) 10400 Boswell Lane & 20-TRV-05A (Kapoor) 10401 Boswell Lane

- **Request [2] WSSCR 20-TRV-03A: Arora, 10400 Boswell Lane, Potomac** – we agree that the 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 that would then be used to provide sewer to this property (via a 270 ft. connection and hookup) and 10401 Boswell Lane. 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.
- **Request [3] WSSCR 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 WSSCR 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 was dead wrong illegal and occurred as a result of former County Executive Isiah Leggett’s jamming it through the Council, with no prior public notice, during the last 5 minutes of his tenure on the County Council. It was clearly 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. approval, containing this understatement, certainly cannot be used as a basis for any approvals in the Piney Branch Special Protection Area: “...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 the Abutting Mains Case: - WSSCR 20-TRV-09A (Ainane)

- **Request [4] WSSCR 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 the Category Change Request:

- **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 the Category Change Request

- **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.