






**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**

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**Completed: 12/30/2020**

**Description**

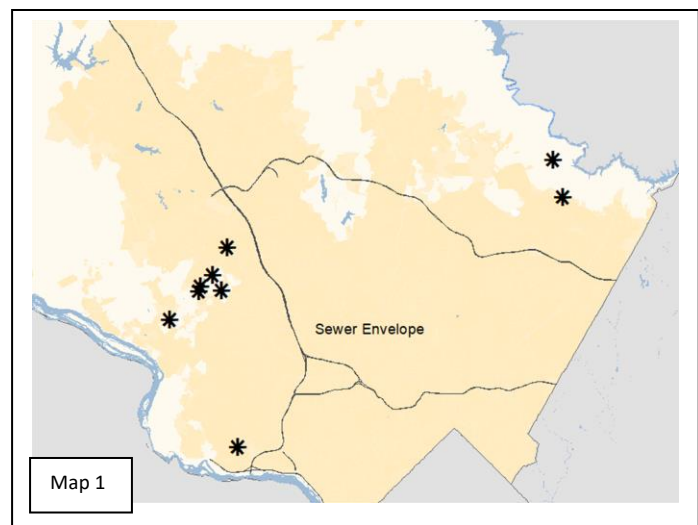
**Proposed Amendments:**

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.