

Proposed Category Map Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – July 2021 - Three County Council Cases

 Katherine E. Nelson, Planner Coordinator, Upcounty, Katherine.Nelson@montgomeryplanning.org (301) 495-4622

 Donnell Zeigler, Supervisor, Upcounty, Donnell.Zeigler@montgomeryplanning.org, 301-495-4511

 Patrick Butler, Chief, Upcounty, Patrick.Butler@montgomeryplanning.org (301) 495-4561

Completed: 8/27/21

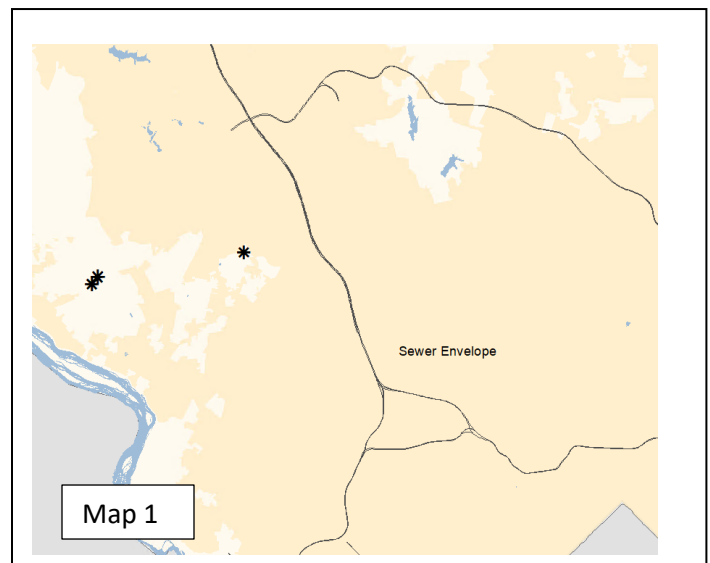
Description

Proposed Amendments:

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Three County Council Water/Sewer Category Changes

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

Staff Recommendation: Denial of all three cases.
Transmit Planning Board Recommendations to the County Council



Summary

The Planning Board is required by State law to make a Master Plan conformance determination on each Water and Sewer Category Change Request (WSCCR). Map 1 shows the location of the three properties requesting water and sewer service with an asterisk, all of which are located within the Potomac Subregion Master Plan.

Staff recommends denial of three applications for water/sewer Category changes due to incompatibility with Master Plan recommendations. The Planning Board's recommendations will be transmitted to the County Council for final action. Information and maps of zoning, existing and proposed use, and recommendations from other agencies are shown in the attached packet from the County Executive (Attachment A). Staff recommendations are consistent with the County Executive's recommendations.

STAFF RECOMMENDATION

Denial of the three applications for water/sewer category changes and transmittal of the Planning Board's comments and recommendations to the County Council.

July 2021 County Council Amendments

WSSCR 20-TRV-14A: Transquest LLC

Staff Recommendation: Deny S-3. Defer consideration of a multi-use onsite water system pending a determination that multi-use septic system is feasible for the property.

County Executive Recommendation: Deny S-3, Defer consideration of a multi-use onsite water system pending a determination that multi-use septic system is feasible for the property.

This two-acre parcel, zoned RE-2, is located in the northeast quadrant of the intersection of Travilah and Glen Roads. The existing house, known as the Old White House or the Reiver Property, although not designated as historic is a 19th century structure. It is surrounded on three sides by single-family detached houses. The Travilah Oak commercial center is located diagonally across the intersection from this site.

The Applicant has requested sewer service and a multi-use well-water system for a proposed country inn and has applied in conjunction with the Travilah Oak application (Pages 12 – 19 of Attachment 1). The house currently has a well and septic system as do most of the lots in the surrounding neighborhood.

The 2002 *Potomac Subregion Master Plan* confirmed the RE-2 zone of this property but recommended that appropriate conditional uses without sewer service be allowed (page 91). However, the property is well outside the limits of the Master Plan sewer envelope and nearly a mile from existing infrastructure. The

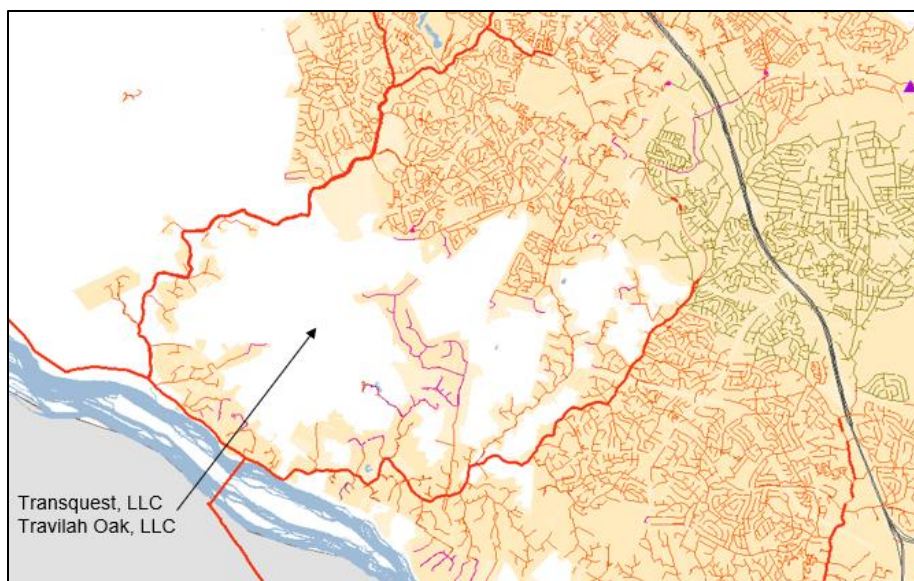


Figure 1 Potomac Sewer Service Area

Department of Environmental Protection finds that the proposed sewer extension is inconsistent with the County Water and Sewer Plan and there are no policies that would support sewer service in this area. Finally, WSSC has identified numerous policy and technical difficulties with a single-use extension to this property (page 5 and 6 of Attachment 1).

WSSCR 20-TRV-15A: Travilah Oak LLC

Staff Recommendation: Deny S-3

County Executive Recommendation: Deny S-3

The Travilah Oak property consists of three parcels zoned NR-0.75 and RE-2. The application only applies to the 3.14 acres zoned NR-0.75. It is located at the corner of Glen and Travilah Roads diagonally across from the previous application by Transquest LLC for the Reiver Property. The Center is currently served with a multi-use well and septic system.



Figure 2 Travilah Center Vicinity

The applicant has requested sewer service to support redevelopment of the existing commercial center. The 2002 Potomac Subregion Master Plan confirmed the Commercial (now NR-0.75) zone of this property with no changes recommended (page 80). Similar to the Transquest, LLC application, the property is well outside the limits of the Master Plan sewer envelope and nearly a mile from existing infrastructure. The Department of Environmental Protection finds that the proposed sewer extension is inconsistent with the County Water and Sewer Plan and there are no policies that would support sewer service in this area. Finally, WSSC has identified numerous policy and technical difficulties with a single-use extension to this property (page 8 and 9 of Attachment 1). This potentially troublesome system would be maintained at public expense in perpetuity.

The request for sewer service has come before the Planning Board and County Council two other occasions without Council Approval. In a letter dated September 24, 2010 (Attachment 2) the Planning Board made the following recommendations on the previous Travilah Oak LLC application (07A-TRV-10):

“We find that the proposed category change is clearly inconsistent with the *Approved and Adopted Potomac Subregion Master Plan (2002)* in agreement with the County Executive. The site is located over half a mile from the edge of the approved sewer envelope and at the epicenter of the non-sewer service area of the Potomac Subregion. Provision of public service to this property would require a 5000-foot pressure system extension and require additional right-of-way. Extension of water service to this site is also problematic, requiring a 3000-foot main extension. This request should be considered within the context of a master plan amendment rather than a category change request.”

Staff agrees with the prior Planning Board recommendation to deny sewer service to this and the Transquest application because granting sewer service is such a departure from Master Plan and other Countywide policies. This kind of land use change should be studied as part of a master plan effort that would include the entire neighborhood and address the community, transportation and environmental and technical implications of such a change.

WSSCR 21-TRV-02A: TDR Properties LLC

Staff Recommendation: Deny S-3

County Executive Recommendation: Deny S-3

This 1.01-acre lot is zoned RE-1 and is located in the Glen Hills Study Area of the 2002 *Potomac Subregion Master Plan*. The Master Plan recommended that this area be the subject of a study to determine how this existing neighborhood would receive sewer service extensions. Figure 3 outlines the Glen Hills Policy that is now part of the Water and Sewer Plan. This policy limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. This property does not meet the six conditions outlined in the Water and Sewer Plan. (Figure 3 or Attachment 1, page 32)

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.).

Figure 3 Glen Hills Policy Area Criteria

NEXT STEPS

The Planning Board's recommendations will be transmitted to the County Council.
A Council public hearing will be held on September 14, 2021.

ATTACHMENTS

Attachment 1 – County Executive Notice of Public Hearing and Attached Package
Attachment 2 – 2010 Planning Board Recommendations



Committee: T&E
Committee Review: At a future date
Staff: Keith Levchenko, Senior Legislative Analyst
Purpose: To introduce agenda item – no vote expected
Keywords: #WaterandSewerPlan and Category Changes

AGENDA ITEM #5D
July 13, 2021
Introduction

SUBJECT

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

DESCRIPTION/ISSUE

- On July 6, 2021, the County Council received recommendations from the County Executive on a package of three Water and Sewer Category Change requests. A public hearing has been scheduled for September 14, 2021 at 1:30 p.m.
- The requests and the Executive recommendations are presented in the following chart:

Category Change Requests and Recommendations

#	Applicant	Request	CE Recommendation	CE Staff Report	
				Text	Maps
1	WSSCR 20-TRV-14A: Transquest LLC	Requesting W-6 to W-6* (*approval of a multi-use onsite water system) and S-6 to S-3 for a new Country Inn/Restaurant	Deny S-3. Defer consideration of a multi-use onsite water system pending a determination that a multi-use septic system is feasible for the property.	©9-11	©27-31
2	WSSCR 20-TRV-15A: Travilah Oak LLC	Requesting S-6* (*multi-use onsite septic system) to S-3 public sewer to support redevelopment of the existing shopping center	Deny S-3.	©12-14	©27-31
3	WSSCR 21-TRV-02A: TDR Properties LLC	Requesting public sewer (S-6 to S-3) to serve a proposed single family home and accessory dwelling unit	Deny S-3.	©32-33	©34-36

This report contains:

Water and Sewer Plan Amendments Resolution

- Draft Resolution ©1-2
- December 4, 2020 CE Transmittal Memorandum ©3-4
- Executive Staff Report ©5-41

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

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 July 6, 2021, the County Council received recommendations from the County Executive regarding three 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.
8. The County Council's Transportation and Environment Committee held a worksession.

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




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

July 6, 2021

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

Commercial Use Cases – WSCCRs 20-TRV-14A (Transquest) & 20-TRV-15A (Travilah Oak)

The applicants have proposed the provision of public sewer service for two sites at the intersection of Travilah Road and Glen Road. WSCCR 20-TRV-14A is for the proposed Old White House Country Inn at the location of an existing single-family house. WSCCR 20-TR-15A is for redevelopment of the existing Potomac Oak Center shopping center. The approval of public sewer service as requested is not consistent with either the Water and Sewer Plan or recommended in the 2002 Potomac Subregion Master Plan. Both locations are outside the planned public sewer envelope. The Water and Sewer Plan does not have any special sewer service policies that would support the approval of public sewer service for these sites.

WSSC has advised that the provision of public sewer service to these sites will require two parallel, 5,300-foot low-pressure main extensions southwest along Travilah Road and Bissel Lane.

Tom Hucker, President
July 6, 2021
Page 2

Under WSSC's engineering requirements, separate main extensions are required for the two separate commercial use projects. These extensions would connect with a WSSC gravity sewer along Bissel Lane.

The Potomac Oak Center (WSSCR 20-TRV-15A) was previously denied approval for public water and sewer service under Resolution No. 16-1519 on October 19, 2010 (WSSCR 07A-TRV-10). I have recommended denial for both category change requests as inconsistent with existing policies and plans. WSSCR 20-TRV-14A also includes a request for approval of a multiuse (large capacity) well water supply system. I have recommended deferral of this request to allow the applicant time to pursue the use of a septic system for this project, if feasible.

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

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

County Executive's May 2021 Amendment Transmittal to the County Council

Three 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

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's May 2021 Transmittal Packet
FY 2020 & FY 2021 Category Change Requests

Page 1

Packet Table of Contents

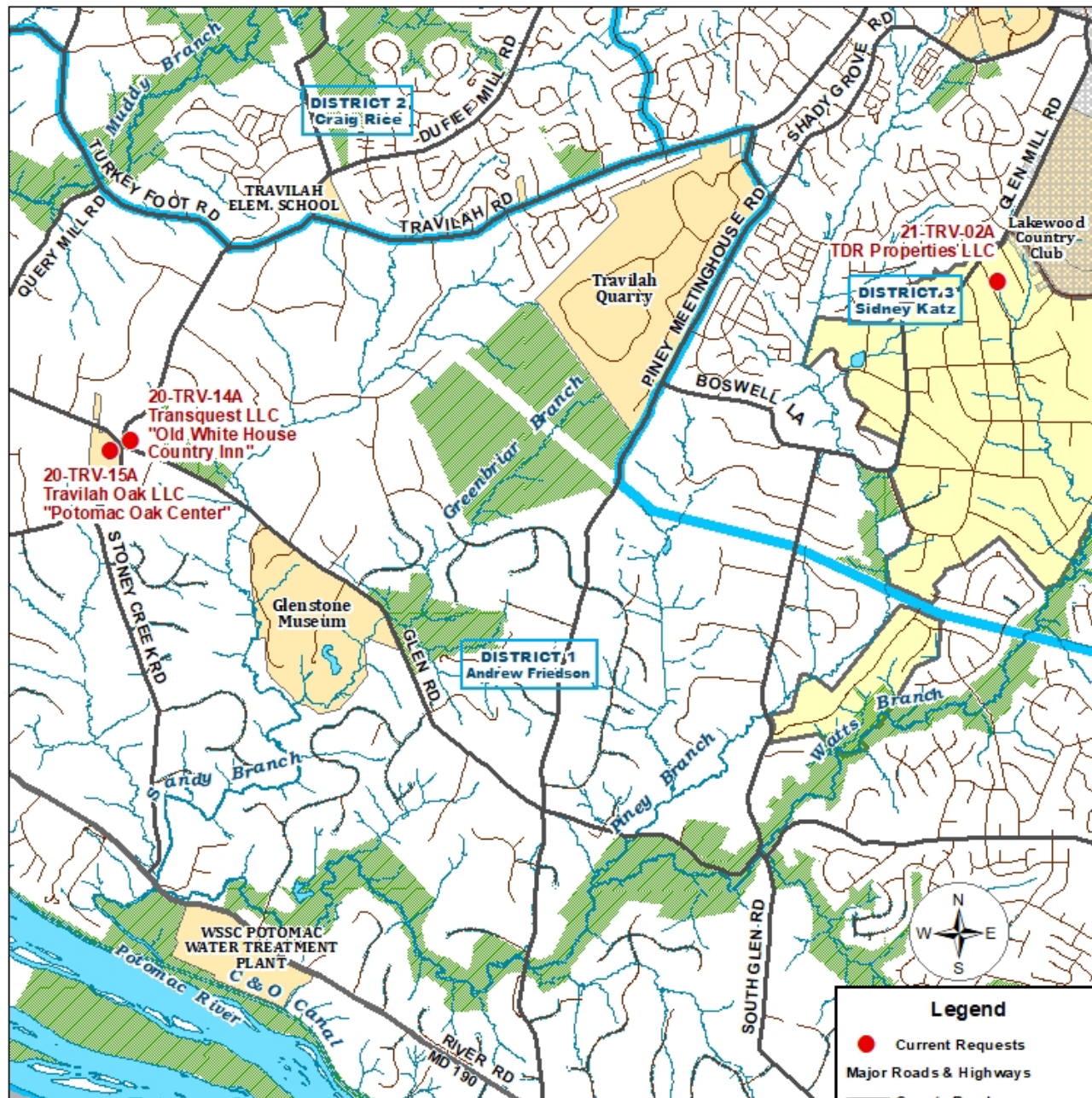
Executive Summary	Pg. 1
Category Change Amendment Locator Maps	Pg. 2
Water/Sewer Service Area Category Information	Pg. 3
Category Change Requests	Pgs. 4 - 31
Water and Sewer Plan Policy Excerpts:	
• Glen Hills Study Area (Appendix C, Section II.E):	Pgs. 32 - 33
• Potomac Area RE-1 and RE-2-Zoned Properties (Appendix C, Section II.M):	Pgs. 34 - 36

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-TRV-14A: Transquest LLC			
<ul style="list-style-type: none"> 13005 Travilah Rd., Potomac RE-2 Zone; 2.00 acres Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: Country Inn, restaurant 	W-6 to W-6* S-6 to S-3 *multiuse onsite water system	Defer the request for a multiuse system designation for category W-6. Deny approval of category S-3; maintain category S-6. Public sewer service is not consistent with master plan recommendations and Water and Sewer Plan policies. Without public sewer service, the need for a multiuse water supply system depends on the site's suitability for a multiuse septic system.	Report: Pgs. 4 - 6 Maps: Pgs. 22 - 26
[2] WSCCR 20-TRV-15A: Travilah Oak LLC			
<ul style="list-style-type: none"> 12940, 12948 & 12300 Travilah Rd., Potomac; Potomac Oak Center NR-0.75 Zone; 3.14 acres total Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: Redevelopment of the existing shopping center 	W-6* (No change) S-6** to S-3 *multiuse onsite water system **multiuse onsite sewerage system	Deny the request for category S-3; maintain category S-6 for a multiuse sewerage system. Public sewer service is not consistent with master plan recommendations and Water and Sewer Plan policies.	Report: Pgs. 7 - 9 Maps: Pgs. 22 - 26
[3] WSCCR 21-TRV-02A: TDR Properties, LLC			
<ul style="list-style-type: none"> 13417 Valley Dr., Rockville RE-1 Zone; 48,043 sq.ft. (1.01 acres) Travilah Planning Area Potomac Subregion Master Plan (2002) <u>Proposed use</u>: Single-Family Home and Accessory Dwelling Unit (currently vacant) 	W-3 (No change) S-6 to S-3	Deny the request for sewer category S-3, maintain category S-6. Public sewer service is not consistent with the Glen Hills Area sewer service policy in the Water and Sewer Plan.	Report: Pgs. 27 - 28 Maps: Pgs. 29 - 31

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

**County Council Packet: Category Change Amendment Locator
 Comprehensive Water and Sewer Plan Map**

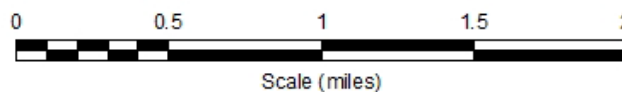


Legend

- Current Requests
- Major Roads & Highways
 - County Roads
 - State Roads & Highways
 - US Highways & Interstates
- County Council Districts
- City of Rockville
- Places of Interest
- Glen Hills Study Area
- Parks



DEPARTMENT OF
 ENVIRONMENTAL
 PROTECTION
 WATER SUPPLY & WASTEWATER UNIT
 INTERGOVERNMENTAL AFFAIRS DIVISION
 3/16/2021



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

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.

Request [1]

WSSCR 20-TRV-14A: Transquest LLC

DEP note: The applicants for this request and WSSCR 20-TRV-15A, which follows, submitted a joint proposal for the provision of public sewer service to both projects.

County Executive's Recommendation: Defer the request for a multiuse system designation for category W-6, pending an evaluation of establishing a multiuse septic system on the property. Deny the request for approval of category S-3; maintain category S-6.

(Note: As previously recommended by the Planning Board for the WSSCR 20-TRV-15A site, the issues concerning this sewer category change request would be better addressed by a limited master plan amendment for the existing and proposed commercial uses at this intersection.)

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> 13005 Travilah Rd., Rockville Parcel P648, Travilah School Property (acct. no. 00395131) Map tile: WSSC – 217NW13; MD –ER51 Northeast corner, intersection of Travilah Rd. and Glen Rd. (Located diagonally across the intersection from WSSCR 20-TRV-15A) Zoning: RE-2. Size: 2 acres Travilah Planning Area Potomac Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use:</u> Single-Family Home and Barn <u>Proposed use:</u> Country Inn, 135-seat restaurant (conditional use) The proposed site layout is shown on page 21. 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6 W-6 for multiuse water system</p> <p>S-6 S-3</p> <p><u>Applicant's Explanation</u></p> <p><i>Applicant's documentation for a multiuse water system for WSSCR 20-TRV-14A.....Pages 10 - 11</i></p> <p><i>Applicants' combined documentation for WSSCRs 20-TRV-14A and 20-TRV-15A:Pages 12 - 21</i></p> <p><i>Note: DEP has received 24 letters supporting the approval of this category change request from local residents, business owners, and organizations. DEP will forward these letters to the County Council as part of the public hearing record. A map showing the locations of the writers is included on page 26.</i></p>

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to support redevelopment of an existing parcel improved with a single-family house into a proposed country inn with a restaurant. The proposed extension of public sewer for this site is linked with a similar request for sewer service for the Potomac Oak Center (WSSCR 20-TRV-15A) located across the intersection of Travilah and Glen Roads. The applicant also requested approval of a multiuse designation for the existing category W-6.

Neither the sewer service recommendations in the 2002 Potomac Subregion Master Plan nor the sewer service policies in the 2018 Water and Sewer Plan support the provision of public sewer service for this RE-2-zoned property. The site is well outside the limits of the planned public sewer service envelope. M-NCPPC has reported the Planning Board's September 24, 2010, recommendation for the previous request for the Potomac Oak Center site, WSSCR 07A-TRV-10, is applicable to this request:

"We find that the proposed category change is clearly inconsistent with the Approved and Adopted Potomac Subregion Master Plan (2002) ... This request should be considered within the context of a master plan amendment rather than a category change request."

According to the applicant's engineer, a multiuse water system with a design capacity of up to 3,400 gallons per day is proposed for the site. The use of a large-capacity well water supply system is potentially consistent with the master plan and the Water and Sewer Plan. The nearby Potomac Oak Center has a multiuse well water supply system. However, the need for a multiuse water supply system would depend on the site supporting a multiuse onsite septic system to accept wastewater flows of that magnitude. This has not been established owing to the expectation of public sewer service.

The applicants originally proposed a single sewer extension to serve both projects. Sewage from this site would flow into a pumping facility on the Potomac Oak Center property across the intersection. Contrary to this proposal, WSSC has stated that sewer service to this project will require a 5,300 low-pressure sewer extension that is separate from and parallel to the extension needed for the nearby shopping center. WSSC has also raised several technical concerns about the operation of such a low-pressure sewerage system (see the following page). The applicant has disputed certain aspects of WSSC's findings, indicating that WSSC could allow waivers to some of its requirements. WSSC has indicated that it stands by its original comments.

Executive staff find that this request for category S-3 is inconsistent with both Water and Sewer Plan service policies and with master plan recommendations. WSSC's analysis presents problems with the proposed low-pressure sewer extension. This request is recommended for deferral of W-6 for a multiuse water system, pending an evaluation for a multiuse onsite sewerage system. The request is also recommended for denial of S-3 for public sewer service; maintain the existing S-6.

Agency Review Comments

DPS – Well & Septic

DPS hasn't received any details related to the multiuse water system or proposed uses for a Country Inn. We have only reviewed information for the existing structure to be retained as a museum (with former address of 12625 Glen Road). A new well was drilled in 2019 to replace the existing well.

M-NCPPC – Planning Dept.

In a letter dated September 24, 2010 the Planning Board made the recommendation below on the Travilah Oak LLC application [WSSCR 07A-TRV-10, now WSSCR 20-TRV-15A]. This is the recommendation for both applications:

"We find that the proposed category change is clearly inconsistent with the Approved and Adopted Potomac Subregion Master Plan (2002) in agreement with the County Executive. The site is located over half a mile from the edge of the approved sewer envelope and at the epicenter of the non-sewer service area of the Potomac Subregion. Provision of public service to this property would require a 5000-foot pressure system extension and require additional right-of-way. Extension of water service to this site is also problematic, requiring a 3000-foot main extension. This request should be considered within the context of a master plan amendment rather than a category change request."

[DEP Note: M-NCPPC has stated that these comments are applicable to the current category change request.]

M-NCPPC – Parks Planning

No park impacts.

WSSC – Water: (not requested)

WSSC – Sewer:

Basin: 16 – Watts Branch. A gravity sewer service to this property does not appear feasible due to the difference in elevations. A dedicated grinder system would be an alternative to gravity sewer but also brings issues. A 5,300-foot-long non-CIP-grinder system extension along Travilah Road would be required to serve the property. This extension would connect to an existing 8-inch diameter gravity sewer in Bissell Lane (Contract No. 89-8406A). The applicant suggested that this property could be served by a gravity sewer line to the Potomac Oak Center. [*] This would not follow WSSC Water's Development Services Code (DSC) or the Pipeline Design Manual (PDM) for the following reasons:

[The applicant's sewer service proposal for this request and for WSSCR 20-TRV-15A, involves a single low-pressure sewer extension with a private pumping facility on the Potomac Oak Center site that would serve both properties. Sewage from this site would flow under the intersection to the single pumping facility.]*

- 1) A private sewer extension within a public road dedication is not allowed. A public gravity sewer from the Old White House site to the Potomac Oak Center would not be allowed. A public sewer system cannot discharge into a private sewer system.

- 2) The Potomac Oak Center and the Old White House would be two non-residential customers served by the low-pressure sewer. Non-residential customers may not share a low-pressure sewer. (DSC page 88 and PDM Appendix C-7)
- 3) Detention time in the pressure sewer prior to discharge to the gravity system would be greater than 2 hours. Detention times would contribute to the generation and release of hydrogen sulfide and odors near the residential dwellings along Bissel Lane downstream of the transition manhole and at air valves along Travilah Rd. (PDM Appendix C-7, PDM S-28.1 & PDM S-26.1).
- 4) The proposed LPSS would pump downhill. Uphill pumping is preferred in a pressure sewer system where the point of discharge to gravity system is at a higher elevation than the rest of the system, to maintain positive pressure throughout the system. (PDM S-25.3) Vacuum pressure can occur at high points elevated above the transition manhole, when pumps shut down. Air vacuum valves would be needed. (PDM S-26.2) Air release and air and vacuum valves require frequent maintenance for them to function as intended. (PDM S-26.1)
- 5) The pressure sewer profile would have high and low points. Continuously rising profiles are preferable. Sewer air vacuum and air release valves will be required at all high points in the system. (PDM S-25.3) *[See page 24.]*
- 6) Through an internal hydraulic analysis, it was determined the minimum velocity of 3.0 fps could not be obtained.

Interceptor capacity is adequate. Treatment capacity is adequate.

Maps, Plans, Etc.: Applicants' Request Letters	Pages 10 - 21
Water and Sewer Category Maps.....	Pages 22 - 23
Proposed Sewer Extension Map	Page 24
Planned Sewer Service Envelope Map.....	Page 25
Supporters Map.....	Page 26

Request [2]

WSSCR 20-TRV-15A: Travilah Oak LLC

DEP note: The applicants for this request and WSSCR 20-TRV-14A, which precedes, submitted a joint proposal for the provision of public sewer service to both projects.

County Executive's Recommendation: Deny the request for category S-3; maintain category S-6 for a multiuse sewerage system.

(Note: As previously recommended by the Planning Board for this site, the issues concerning this sewer category change request would be better addressed by a limited master plan amendment for the existing and proposed commercial uses at this intersection.)

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> 12960 Travilah Rd., Potomac; Parcel N679*, Lot 4, Boylestons Discovery (acct. no. 03063708) 12948 Travilah Rd., Potomac; Parcel N726*, Lot 3, Boylestons Discovery (acct. no. 02232731) 12940 Travilah Rd., Potomac; Parcel N780*, Lot 1, Lot 2 Boylestons Discovery (acct. no. 00397857) <p><i>*This request includes only those parts of these three parcels zoned NR-0.75. Areas zoned RE-2 are excluded.</i></p> <ul style="list-style-type: none"> Map tile: WSSC – 217NW13; MD –ER41 Southwest corner, intersection of Travilah Rd. and Glen Rd. (Located diagonally across the intersection from WSSCR 20-TRV-14A) Zoning: NR-0.75. Size: 3.14 acres total Travilah Planning Area Potomac Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use:</u> Commercial Shopping Center. "Potomac Oak Center" <u>Proposed use:</u> Redevelop Shopping Center. The proposed site layout is shown on page 21. 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6** W-6** (no change)</p> <p>S-6** S-3</p> <p><i>**Approved for multiuse water supply and sewerage systems.</i></p> <p>Applicant's Explanation</p> <p><i>Applicants' combined documentation for WSSCRs 20-TRV-14A and 20-TRV-15A: Pages 12 - 21</i></p> <p><i>Note: DEP has received 24 letters supporting the approval of this category change request from local residents, business owners, and organizations. DEP will forward these letters to the County Council as part of the public hearing record. A map showing the locations of the writers is included on page 26.</i></p> <p><i>Note: The Council previously considered and denied a request for categories W-3 and S-3 for WSSCR 07A-TRV-10 under CR 16-1519 (10/19/2010).</i></p>

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to support redevelopment of an existing commercial shopping center. The proposed extension of public sewer for this site is linked with a similar request for sewer service for the Old White House Country Inn (WSSCR 20-TRV-14A) located across the intersection of Travilah and Glen Roads. Neither request seeks the provision of public water service,

The Council denied a previous water and sewer category change request for this site, WSSCR 07A-TRV-10, under CR 16-1519 (Oct. 19, 2010). M-NCPPC has reported the Planning Board's September 24, 2010, recommendation for WSSCR 07A-TRV-10 is still applicable to this request:

"We find that the proposed category change is clearly inconsistent with the Approved and Adopted Potomac Subregion Master Plan (2002) ... This request should be considered within the context of a master plan amendment rather than a category change request."

Neither do the service policies in the 2018 Water and Sewer Plan support the provision of public sewer service for this NR-0.75-zoned property. The site is well outside the limits of the planned public sewer service envelope.

The applicants originally proposed a single sewer extension to serve both projects. Sewage from the Old White House Country Inn this site would flow under the intersection into a private pumping facility on this site. Contrary

to this proposal, WSSC has stated that sewer service to this project will require a 5,300 low-pressure sewer extension that is separate from and parallel to the extension needed for the country inn project. WSSC has also raised several technical concerns about the operation of such a low-pressure sewerage system (see the following page). The applicant has disputed certain aspects of WSSC's findings, indicating that WSSC could allow waivers to some of its requirements. WSSC has indicated that it stands by its original comments.

The shopping center is currently served by multiuse water supply and sewerage systems. The sewerage system has a design capacity of 5,000 gallons per day and cannot be expanded for additional capacity. As a result, DPS notes that changes in uses in the center must be monitored carefully to ensure that expected flows to the septic system do not exceed established limits.

Executive staff recommend denial of the request for sewer category S-3, maintaining S-6 (with multiuse system approval).

(Note: As previously recommended by the Planning Board, the issues concerning this sewer category change request would be better addressed by a limited master plan amendment for the existing and proposed commercial uses at this intersection.)

Agency Review Comments

DPS – Well & Septic

The subject properties are currently served by 3 separate septic systems on three separate septic areas. The septic areas include reserve area for replacement systems. The septic systems have experienced failures and numerous repairs in the last 10-15 years. The septic system serving the existing restaurant has had multiple repairs to properly treat the high strength waste and flow volume. Each proposed change in tenants and/or uses in the shopping center must be carefully reviewed as to not increase the approved sewage flows for the septic systems. This restricts the type of facilities that are permitted in the shopping center.

M-NCPPC – Planning Dept.

In a letter dated September 24, 2010 the Planning Board made the recommendation below on the Travilah Oak LLC application. This is the recommendation for both applications:

"We find that the proposed category change is clearly inconsistent with the Approved and Adopted Potomac Subregion Master Plan (2002) in agreement with the County Executive. The site is located over half a mile from the edge of the approved sewer envelope and at the epicenter of the non-sewer service area of the Potomac Subregion. Provision of public service to this property would require a 5000-foot pressure system extension and require additional right-of-way. Extension of water service to this site is also problematic, requiring a 3000-foot main extension. This request should be considered within the context of a master plan amendment rather than a category change request."

[DEP Note: M-NCPPC has stated that these comments are applicable to the current category change request.]

M-NCPPC – Parks Planning

No park impacts.

WSSC – Water (not requested)

WSSC – Sewer

Basin 16: Watts Branch. A gravity sewer service to this property does not appear feasible due to the difference in elevations. A dedicated grinder system would be an alternative to gravity sewer but also brings issues. A 5,300-foot-long non-CIP-grinder system extension along Travilah Road would be required to serve the property. This extension would connect to an existing 8-inch diameter gravity sewer in Bissell Lane (Contract No. 89-8406A). The applicant suggested that this property could be served by a gravity sewer line to the Potomac Oak Center. [*] This would not follow WSSC Water's Development Services Code (DSC) or the Pipeline Design Manual (PDM) for the following reasons:

[The applicant's sewer service proposal for this request and for WSSCR 20-TRV-14A, involves a single low-pressure sewer extension with a private pumping facility on this site that would serve both properties. Sewage from the Old White House Country Inn site would flow under the intersection to the single pumping facility.]*

- 1) A private sewer extension within a public road dedication is not allowed. A public gravity sewer from the Old White House site to the Potomac Oak Center would not be allowed. A public sewer system cannot discharge into a private sewer system.
- 2) The Potomac Oak Center and the Old White House would be two non-residential customers served by the low-pressure sewer. Non-residential customers may not share a low-pressure sewer. (DSC page 88 and PDM Appendix C-7)
- 3) Detention time in the pressure sewer prior to discharge to the gravity system would be greater than 2 hours. Detention times would contribute to the generation and release of hydrogen sulfide and odors near the residential dwellings along Bissel Lane downstream of the transition manhole and at air valves along Travilah Rd. (PDM Appendix C-7, PDM S-28.1 & PDM S-26.1).
- 4) The proposed LPSS would pump downhill. Uphill pumping is preferred in a pressure sewer system where the point of discharge to gravity system is at a higher elevation than the rest of the system, to maintain positive pressure throughout the system. (PDM S-25.3) Vacuum pressure can occur at high points elevated above the transition manhole, when pumps shut down. Air vacuum valves would be needed. (PDM S-26.2) Air release and air and vacuum valves require frequent maintenance for them to function as intended. (PDM S-26.1)
- 5) The pressure sewer profile would have high and low points. Continuously rising profiles are preferable. Sewer air vacuum and air release valves will be required at all high points in the system. (PDM S-25.3) *[See page 24.]*
- 6) Through an internal hydraulic analysis, it was determined the minimum velocity of 3.0 fps could not be obtained.

Interceptor capacity is adequate. Treatment capacity is adequate.

Maps, Plans, Etc.: Applicants' Request Letters	Pages 12 - 21
Water and Sewer Category Maps	Pages 22 - 23
Proposed Sewer Extension Map	Page 24
Planned Sewer Service Envelope Map.....	Page 25
Requests' Supporters Map	Page 26

Applicant's Explanation (Referenced on Page 4): Multiuse Water Supply System



Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693

www.mhgpa.com

July 24, 2020

Mr. George Dizelos
Environmental Planner III
Water Supply & Wastewater Unit
Intergovernmental Affairs Division
Department of Environmental Protection
Suite 120, 255 Rockville Pike

Re: The Old White House
Sewer Category Change
WSSCR 20-TRV-14A
MHG Project No. 1988.132.88

Dear Mr. Dizelos:

On behalf of our client Transquest LLC, we are requesting that the subject sewer category change application be amended to also include a change request for multiuse water withdrawal. Concept plans and published usage/generation rates indicate that the proposed country inn / restaurant will likely require water in excess of 1,500 gallons per day.

Current concept plans conceive a 134 seat restaurant. Fixtures or fixture counts have not been determined. WSSC sewer generation rate charts indicate restaurants generate an average base sewer flow of 24.2 gallons per seat per day. This would predict in excess of 3,400 gallons per day average wastewater flow. The higher average sewer flow generation rates include typical infiltration and inflow which must be accounted for when sizing sewer lines. Because the 3,400 gallons per day does not include predicted infiltration and inflow and it is not anticipated that the restaurant will use significant water for things such as irrigation that do not create sewage flow, it is anticipated that the water requirements will be similar to the predicted wastewater flow. The application amendment is being requested because the 1,500 gallons per day multi-use minimum designation will likely be exceeded and therefore necessitates the requested change to accommodate the desired country inn / restaurant.

It is also important to note that the applicant had a new well installed on the property as part of recent improvements. Well test data reports a withdraw rate of 40 gallons per minute. This far

Applicant's Explanation (Referenced on Page 4): Multiuse Water Supply System

exceeds the anticipated water requirements of the desired use.

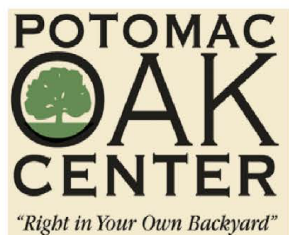
For your use we have also included a copy of the amended application and fee transmittal. The fee for the change is scheduled to be sent to the County Finance Office on Monday. Please let us know if you have any questions or require additional information.

Sincerely;



Scott D. Roser, P.E.

Applicant's Explanation (Referenced on Pages 4 & 6)



MEMORANDUM

TO: Alan Soukup, Senior Planner
Montgomery County Department of Environmental Protection

FROM: Robert O. Eisinger on behalf of Transquest LLC – The Old White House
13005 Travilah Road – Parcel P648
Tax Account – 00395131
Guy Semmes on behalf of Travilah Oak LLC – Potomac Oak Center
12940, 12948 and 12960 Travilah Road – Parcels N780, N726 and N679
Tax Accounts – 00397857, 02232731 and 03063708
Applicants for Proposed Amendments to the Montgomery County Comprehensive
Water Supply and Sewerage Systems Plan

DATE: June 30, 2020

RE: **Joint Statement in Support of Sewer Category Change from Existing S-6 to
Requested S-3**

Transquest LLC and Travilah Oak LLC have filed separate applications requesting a sewer category change to S-3 to allow for the extension of community/public sewer services to their properties, respectively, the Old White House located at 13005 Travilah Road and the Potomac Oak Center, a neighborhood-based shopping center located at 12940, 12948 and 12960 Travilah Road.

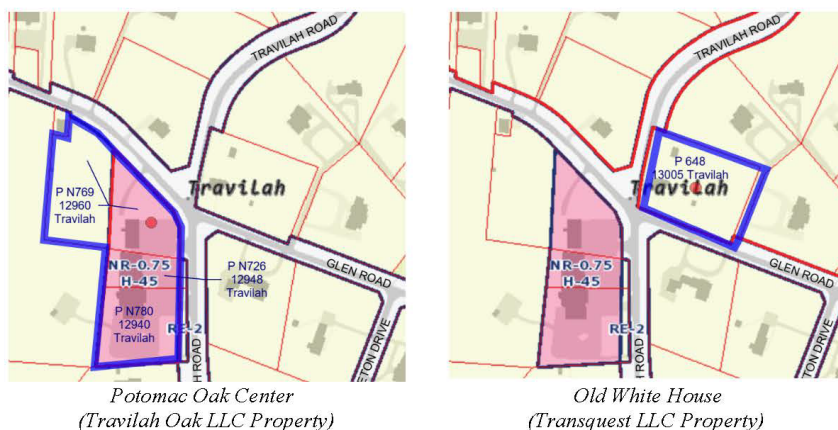
The Properties

The Old White House (“OWH”) is classified in the RE-2 Zone. The OWH property, containing 2.0 acres, is located on the northeast corner of the intersection of Travilah and Glen Roads and is comprised of the above-referenced parcel and tax account number.

The Potomac Oak Center (“Center”) is classified in the NR-0.75, H-45 Zone (formerly C-1) with an existing and reserve septic system on RE-2 zoned property. The Center, containing 5.084 acres, is located across from the OWH, on the southwest corner of the intersection of Travilah

Applicant's Explanation (Referenced on Pages 4 & 6)

and Glen Roads and is comprised of three (3) parcels, also referenced above with tax account numbers.



The Application

The Applicants have retained the civil engineering services of Macris, Hendricks and Glascock to investigate options by which the properties could access public sewer services. The preferred method/route is to extend a small, dedicated, grinder system commercial sewer line 5,000 feet down Travilah Road to connect to an existing 8-inch public, gravity sewer main (#89-8406A) in Bissel Lane. An existing residential pressure sewer line in Bissel Lane and Travilah Road currently connects to this main that would be unaffected. The commercial sewer line would be located entirely within the public right-of-way of Travilah Road, and would be paid for entirely by the Applicants and would serve no other properties than the OWH and the Center.

More specifically, the proposed pressure sewer would tie to the existing gravity sewer in the vicinity of 13418 Bissel Lane using a standard WSSC manhole designed for that purpose. This is similar to the connection of the existing residential pressure sewer line already in Bissel Lane. The width of the proposed pipeline is anticipated to be 2 – 2.5 inches in diameter or smaller. From the connection point, the pipeline would extend along Bissel Lane and Travilah Road to the vicinity of the southern entrance to the Center. There would be standard WSSC maintenance and pressure control manholes located approximately every 400 feet along the alignment. This portion of the system will be privately built per WSSC criteria and turned over to WSSC for public operation and maintenance when construction is complete and the system has been properly tested. It is anticipated that much of this system will be constructed using directional drilling technology to limit disturbance to the surrounding area and to reduce costs.

Applicant's Explanation (Referenced on Pages 4 & 6)

A commercially manufactured grinder pump system with backup pumps, containment storage and level alarms is to be located at the rear of the Center. The discharge line from this grinder pump will extend and connect to the public pressure sewer system in Travilah Road. A private gravity sewer system will convey wastewater from the OWH and the Center's existing sewer on-site lines to the grinder pump system.

If category S-3 is granted to the properties, and a dedicated grinder system with separate commercial sewer extension is approved to serve the properties, the dedicated commercial grinder system/line could not physically be utilized by any intervening residential property due to its design and WSSC regulations. If there were other non-residential uses in the area (and there are not), they would not be permitted to connect to the proposed pressure sewer line under WSSC policies and additional properties would be restricted from the system by restrictive covenant. A dedicated commercial pressure sewer system in the area does not increase the likelihood of additional residential or commercial public sewer connections.

The Vision

The requested sewer category change is needed to facilitate reuse of the existing structure(s) on the OWH site for a country inn conditional use. The previous residential use of the property has become obsolete. While not designated historic, the two-story frame barn and house (which still has remnants of the original pre-Civil War log cabin) are both 19th Century structures, believed to have been built in 1850 and 1870 respectively. The OWH has been structurally and cosmetically stabilized by the current owner and Applicant; however, it is located very close to the busy Travilah Glen Road intersection making it unappealing for residential use. Its long time vacancy and previous dilapidated condition reinforce this point. A more logical/appropriate future use of the property is as a country inn/restaurant, which is not sustainably feasible on a 2-acre lot residential septic system. Moreover, resizing the septic system on-site would result in significant tree impacts that would be counter-intuitive and undermine benefits associated with maintaining the existing environmental setting as much as possible for the country inn use.

The requested sewer category change is also needed to realize a more robust mix of convenience retail uses at the Center to better serve adjacent residential communities. The Center currently includes, among other uses, a small restaurant that is experiencing sewer disposal problems, requiring installation of an expensive pre-treatment facility that treats sewage before it enters the septic system. This is not a permanent solution; the pre-treatment facility has a limited life. The County's DPS Well and Septic Section has restricted the water usage rates of each tenant in order to remain within septic treatment limits. This has had the effect of limiting uses within the Center to "low-flow" uses, including a convenience store with very limited food service, a low water use Doggie Daycare service, and a small sit-down restaurant with very limited seating. Any future potential uses would be limited to office uses or insurance agents. Alternatively, "higher-flow" uses that use greater amounts of water, such as a small grocery store, hair salon, exercise gym, coffee shop/bakery, or ice cream shop are not permitted to be located within the Center, due to the septic treatment constraints. The Center is comprised of 24,000 square feet of existing commercial uses and has a County approved site plan and/or septic facilities for approximately 40,000 square feet of commercial space. As previously stated, current uses in the Center are restricted to low-flow type uses. If

Applicant's Explanation (Referenced on Pages 4 & 6)

this sewer service category request is granted, the Applicant will not develop the Center beyond the Approved Site Plan of approximately 40,000 square feet scale of development.

With a country inn use of the OWH across from a re-invigorated neighborhood center, the Applicants envision creating a viable local destination with historic character and a true sense of place that would enhance and build upon recently introduced amenities in the area such as the Greenbriar Community Park and the Glenstone Museum. The Applicants agree that smart growth principles support focusing new residential development in areas with alternative transportation infrastructure. But the Applicants also believe that smart growth is supported by the creation of places within existing low-density residential communities that result in shorten and/or reduced auto-trips. With the advent of the 'home office' phenomenon, vibrant and sustainable localized commercial centers, such as what is envisioned here, are needed to transform the County's low-density areas into 'live, work and play' communities.

The Applicants believe it is time to breathe new life into this part of 'Old Potomac' and create an attractive, functional gathering place that serves as a local destination for the surrounding community. Without a sewer category change, the Center will remain dated and stagnant, the preservation of the OWH doubtful and opportunities to create new local jobs missed.

2002 Potomac Subregion Master Plan

The introduction of an appropriate conditional use (formerly special exception use) for the OWH site (also known as the Reiver Property) was discussed and encouraged by the County Council in conjunction with adoption of the 2002 Potomac Subregion Master Plan ("2002 Plan"). The highlighted text in the below excerpt of page 25 of Council Resolution No. 14-1170 documents the Council's support for non-residential use of the OWH property, which was ultimately incorporated into the land use recommendation for the Reiver Property found on page 91 of the 2002 Plan, also excerpted below:

Many of the recommendations in this Master Plan require the approval of zoning text amendments. The Council urges the Park and Planning Department to take all actions necessary to finalize those text amendments before the Potomac Sectional Map Amendment. In addition to text amendments specifically described in the Master Plan, the Council indicated its interest in exploring additional special exception uses in the RE-2 zone (that would affect the Reiver property) and its desire to ensure that existing parking on residentially zoned land in the Potomac Village Shopping Center will be grandfathered (including lighting that may be changed to comply with current standards) by pending text amendments.

Applicant's Explanation (Referenced on Pages 4 & 6)

Reiver Property

This two acre site, zoned RE-2, is located in the northeast quadrant of the intersection of Travilah and Glen Roads. The Property is surrounded on three sides by the single-family detached houses of the Belvedere, Travilah Park, and Greenbriar Estates subdivisions, is zoned RE-2, and retains a single-family detached residential character. A small commercial convenience center is located diagonally across the intersection from this site. The owner has requested O-M zoning, with a schematic development plan, arguing the need for small office in the area, and that the proximity of the existing structure to the Glen and Travilah rights-of-way limits its use for residential purposes.

Even on well and septic, and with the safeguards of a schematic development plan, this site is not appropriate for office use. Such a change would constitute an undesirable precedent in the RE-2 Zone.

Recommendation

- **Retain the existing RE-2 zoning, but allow appropriate special exception uses.**

Relative to the Center, the property's classification in the C-1 dates back to the 1966 Potomac Master Plan. The 1980 Master Plan down-zoned the property from C-1 to RE-2, without discussion of the property. The 2002 Plan then included the property as a commercial site classified back into the C-1 Zone. Finally, the 2014 Comprehensive Rezoning changed the zone of the developed portion of the Center to the NR-0.75, H-45 Zone.

Historically, commercial activity has occurred on the Center property over the course of many decades. The crossroads of Travilah and Glen Roads have long supported local convenience commercial uses. But in a general discussion of commercial facilities, all three of the previously mentioned Master Plans, 1966, 1980, and 2002, indicate that not all of the commercial demand by residents of this area is to be satisfied within the planning area and sub-region. The Plans include such language as:

- [large retail centers] are available in the nearby 1-270 corridor (1960 Potomac Master Plan, pp. 14 & 15)
- This area is also served by centers just outside of the boundaries, including Rockshire, Seven Locks Plaza, Georgetown Square, and Wildwood (1980 Potomac Subregion Master Plan, p. 127)
- Commercial areas beyond Travilah are expected to accommodate the shopping needs of the community (2002 Potomac Subregion Master Plan, p.80)

While resorting to commercial centers 8 to 10 miles or more from the community on a daily basis may have made some sense during the second half of the 20th century, the negative effects of excessive driving and long trip distance are now more apparent. The environmental benefits of reduced carbon emissions and other pollutants, reduction of excessive gas

Applicant's Explanation (Referenced on Pages 4 & 6)

consumption, reduced road congestion, and reduced road wear all indicate that there are positive environmental and community benefits from reducing trips and trip lengths, by offering convenience commercial goods and services closer to home. Retail services that are provided closer to home will reduce congestion at surrounding intersections. In addition, removing the commercial septic system will reduce undesirable nutrients from the groundwater supply of the Sandy/Watts watershed leading into the Potomac River. The Maryland Department of Environmental Protection found high nitrates in the well water in 2004 and insisted that an expensive system to lower the nitrates be installed on each well. While this removes nitrates from the drinking water, it does not keep them out of the septic field, water table, and eventually the river.

In addition, the 2002 Plan included some design principles in order to create a cohesive, attractive, efficient commercial Center, providing needed goods and services and creating an enduring community image. This Center, though small, has the capacity to be of greater utility to the immediate neighborhood. With a wider range of commercial services offered, it could function as a more community useful, but not larger, community center.

The 2002 Plan raised general concerns regarding potential damage to the environment and water resources associated with the provision of public sewer service that are not applicable here. It notes the following:

- Public sewer can facilitate development to the maximum zoning density
- Extension of sewer along a stream valley can create habitat disturbance, threaten species survival, and adversely affect the natural hydrologic system due to wetlands fragmentation
- If sewer lines leak they can further disturb the eco system

The present Applications will not permit development to the maximum density on the properties, but development will be restricted to the same density associated with the septic approval on the Center and the existing principal structures via conditional use approval on the Old White House property. The proposed sewer line will not extend down a stream valley buffer disturbing wetlands or other habitat. Rather, it is proposed to extend down the Travilah Road right of way, an existing road. An improbable leak in the sewer line located within well-traveled roads far from the stream valley not subject to exposure from stream erosion will not result in any significant ecosystem disruption.

Previous Potomac Oak Sewer Category Change Request (07A-TRV-10)

A sewer service category S-3 request was previously considered by the County for the Center in June, 2007. Same as here, the purpose of the previous request was to permit higher water flow uses/tenants within the Center, with no increase in the existing and approved size of commercial space. The value of permitting uses of greater utility to the community at the Center in closer proximity to nearby residents was argued; thereby reducing auto travel for commercial goods and services with the environmental benefits of reduced carbon emissions and other pollutants, reduction of excessive gas consumption, reduced road congestion, and reduced road wear.

Applicant's Explanation (Referenced on Pages 4 & 6)

The 07A-TRV-10 application was filed in June, 2007. The County Executive referred it to various agencies for comment and submitted a recommendation to the County Council on January 17, 2008. The County's DPS Well and Septic Section expressed a preference for public sewer service for the property, the WSSC provided technical comments regarding how public sewer service could be provided to the property, and the Planning Board recommended approval of the application on February 21, 2008.

Specifically, DPS Well & Septic Section noted in their original review of this application that "[w]hile reserve septic fields are established for all the properties, it would be best served by public watersewer. This is due to the high strength nature of the waste generated by the food service facilities located in the Shopping Center."

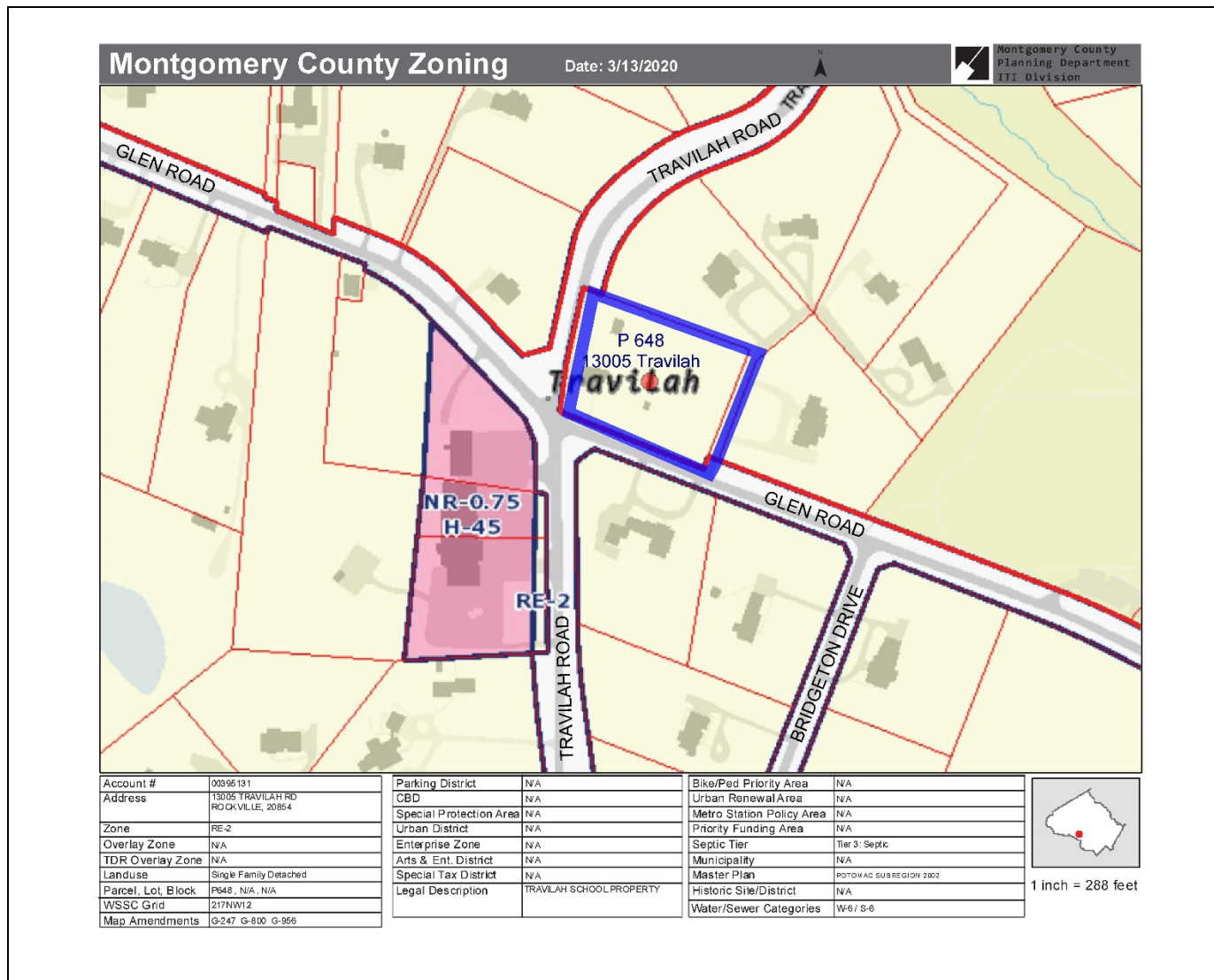
The Planning Board, in their original review, recommended approval of the category change, expressing a preference for the following, all of which remain even more relevant and true today:

- The environmental benefits of reduced travel for commercial goods and services;
- Creation of a commercial community center of greater utility to the immediate community; and
- No conversion of undeveloped, or residential, ground to commercial activity, merely the improved utility of a commercial center to serve the community.

On March 13, 2008 the Council's T&E Committee recommended deferral at the request of the applicant for the purpose of further discussion between the applicant and the community, and the Council concurred with that deferral on April 8, 2008. Four community events were held at the Center during the summer of 2008, which provided an opportunity for the applicant to describe the application, and for community members to ask questions and comment on the application. While immediately adjoining neighbors were supportive (and had submitted letters of support), community leaders voiced differing perspectives and on July 13, 2009, the County Executive expressed support for deferring the application pending a master plan amendment to the 2002 Plan. Since such an amendment was not likely so soon after adoption of the 2002 Plan, the application was ultimately denied by the Council in 2010.

Over the past year, the Applicants have re-engaged with neighboring property owners and community leaders (including those who had been engaged on the previous application) and have garnered a groundswell of support for the current proposal. With the addition of the OWH property to the overall vision/concept, the Applicants will be able to spread the cost of the necessary pressure sewer extension, making the current proposal financially viable and achievable in the near term.

Applicant's Explanation (Referenced on Pages 4 & 6)



Applicant's Explanation (Referenced on Pages 4 & 6): Supplement with Site Development Plan



April 2, 2021

Attn: Alan Soukup, Senior Planner
Water Supply & Wastewater Unit
Montgomery County Department of Environmental Protection
2425 Reedie Drive, Fourth Floor
Wheaton, Maryland 20902

Re: Sewer category change - **WSCCR 20-TR-14A &-15A (Transquest LLC/Travilah Oak LLC);**
"The Vision" - Proposed Site Plan with Updated Narrative

The enclosed Site Plan depicts "The Vision" that we seek to achieve at the historic crossroads of Travilah Road and Glen Road with sewer approval. A sewer category change would not only facilitate more vibrant, neighborhood serving uses at the Potomac Oak Center but allow for the transformation of 7-acres of land currently burdened by septic easements into a community gathering place inclusive of a small Farmers Co-op, a 'farm-to-table' produce/vegetable garden for the Old White House and a Farmers Market.

Specifically, approval of the requested sewer category change would allow for the abandonment/removal of septic easements over 7 acres of land located at the rear of the Potomac Oak Center property and its subsequent dedication as a small Farmers Co-op (3-4 farmers). We are committed to working with the Land Link program of Montgomery Countryside Alliance to identify several farmers that would be interested in having small produce farms located 'closer-in'. The ability to release the 7 acres in this manner would provide a phenomenal opportunity for a 'farm-to-table' produce area curated by and for the Old White House's country inn operation. We are also proposing a county recognized Farmers Market on the north corner of the Potomac Oak Center property where the farmers and others would have access to sell their products to the surrounding community.

Known as a small agricultural community that grew at this intersection in the mid-1800s because of its proximity to the C&O Canal, our requested sewer change will facilitate the desired type of uses/improvements needed at the Center that, in conjunction with a country inn re-use of the Old White House, will create a historically appropriate sense of place for the Travilah community that is long overdue.

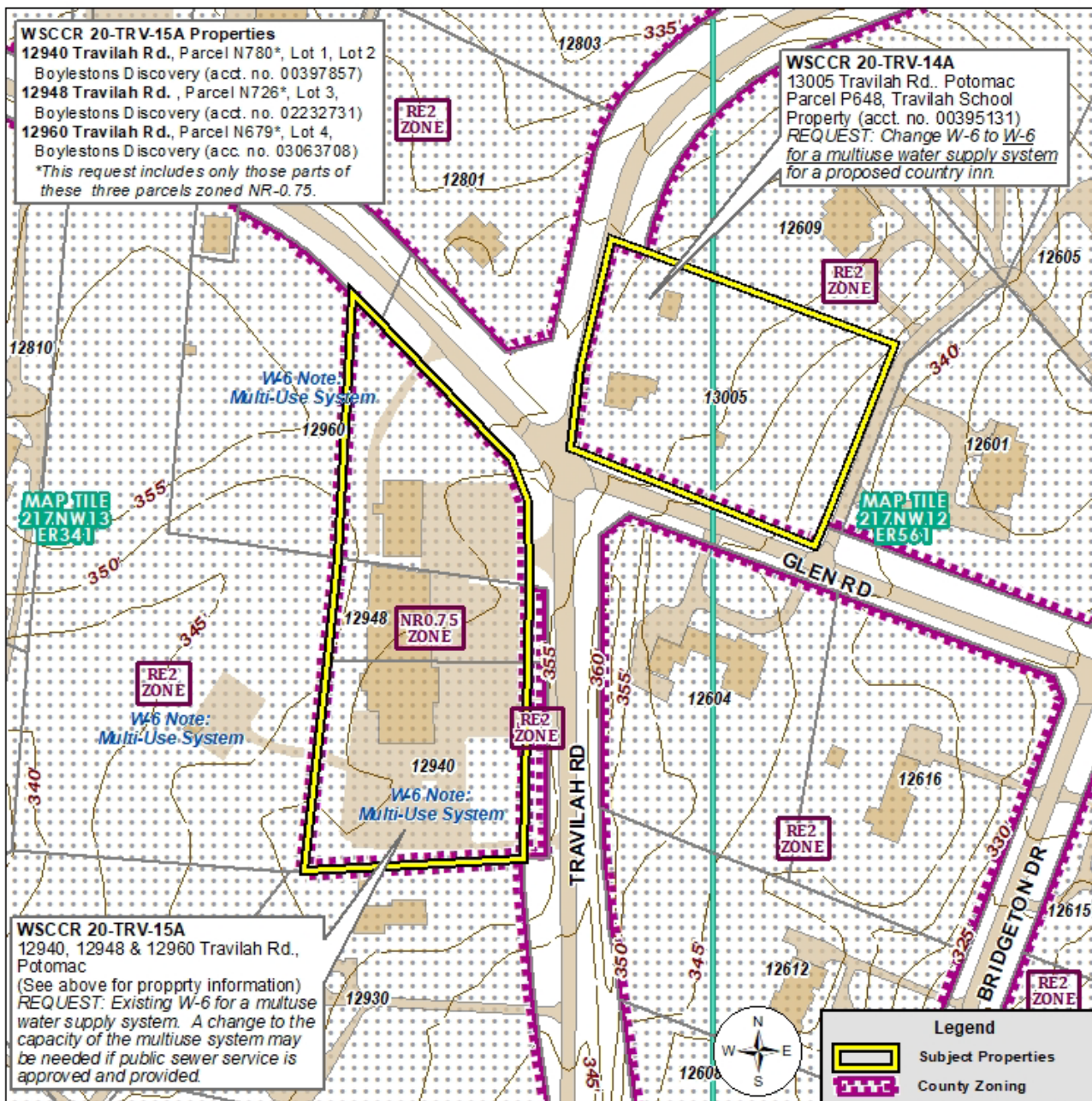
Sincerely,

Robert O. Eisinger and Guy Semmes
Applicants

Applicant's Explanation (Referenced on Pages 4 & 6): Supplement with Site Development Plan
North is to the right side of the page.

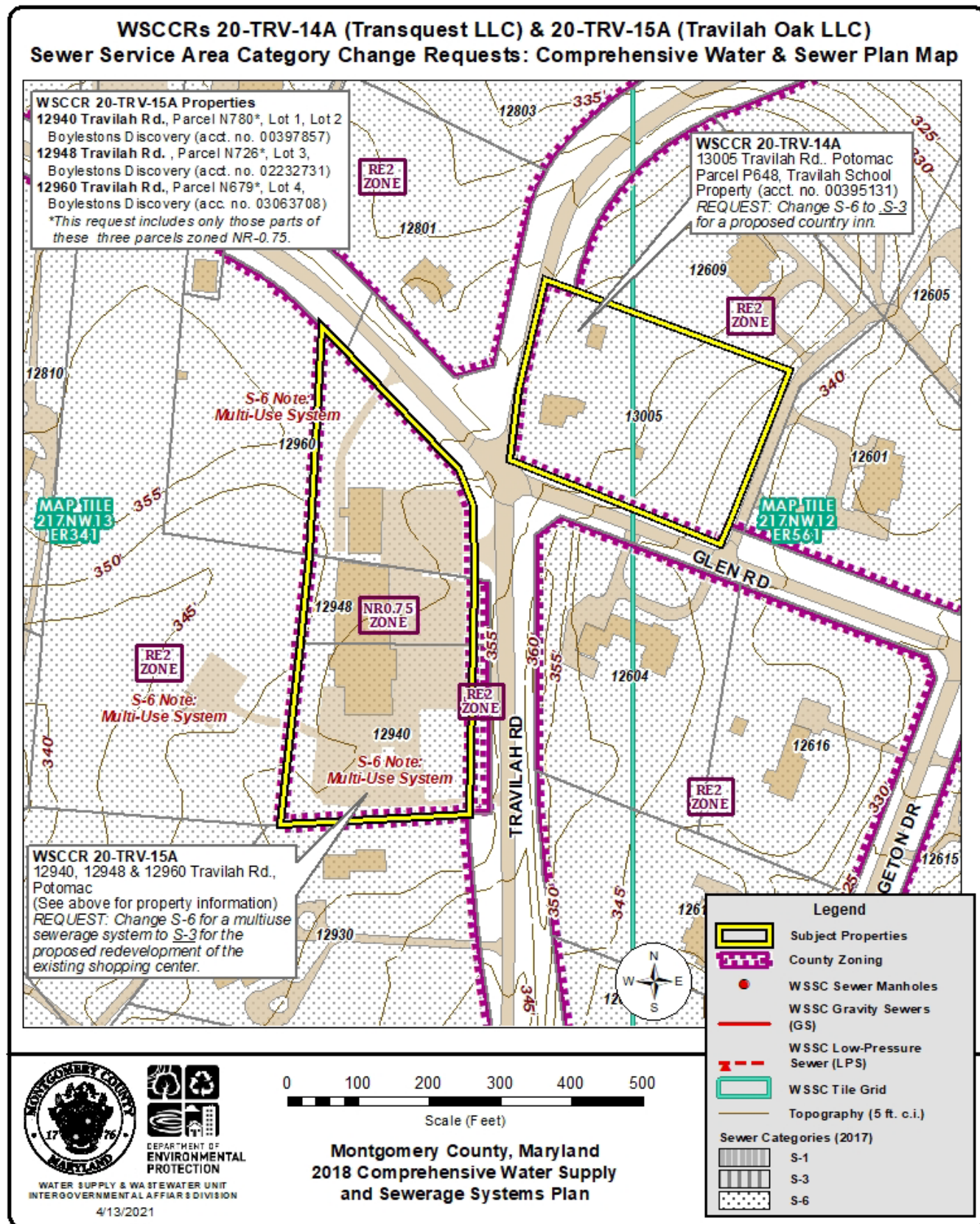


WSSCRs 20-TRV-14A (Transquest LLC) & 20-TRV-15A (Travilah Oak LLC)
Water Service Area Category Change Requests: Comprehensive Water & Sewer Plan Map

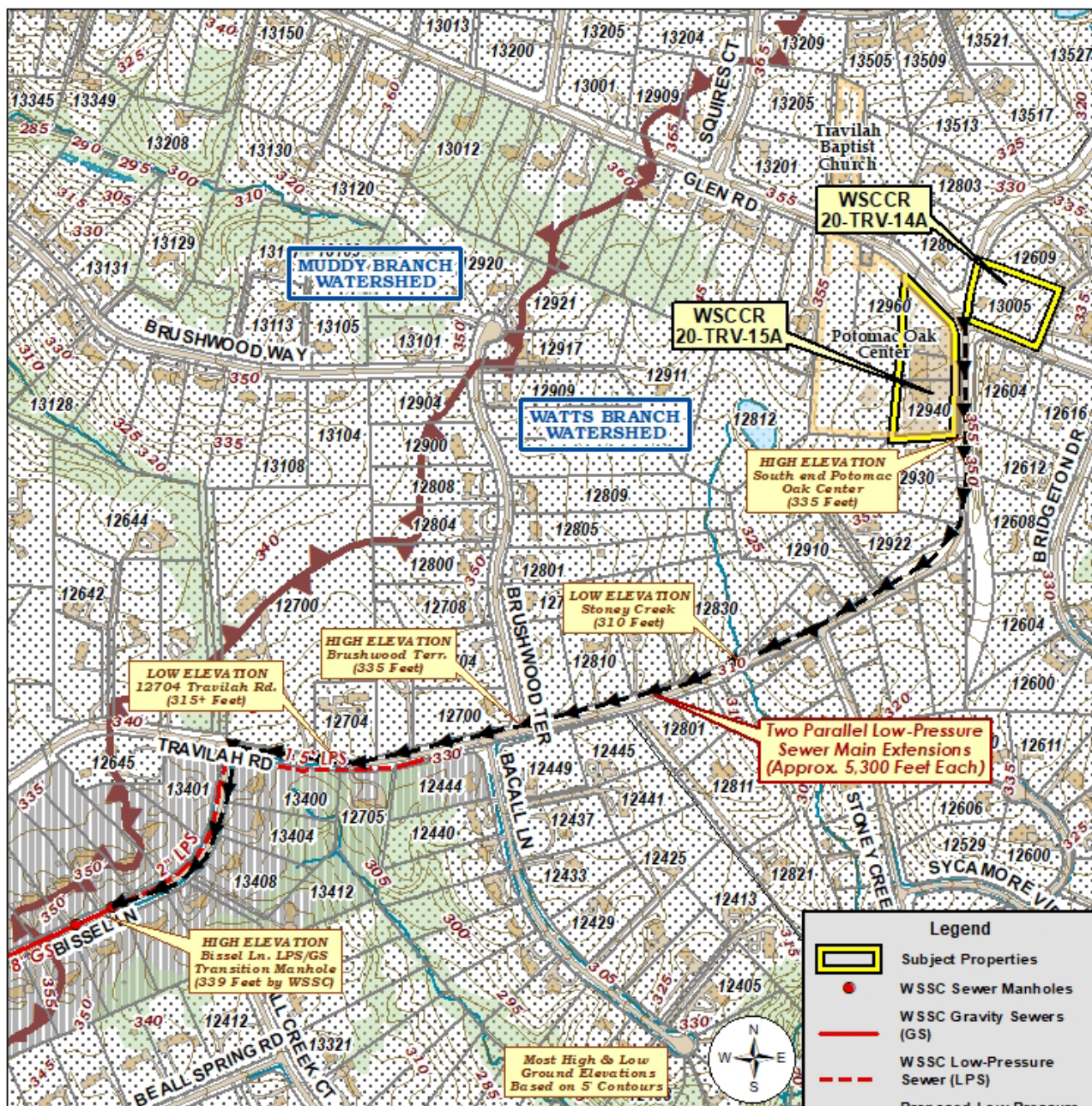


WATER SUPPLY & WASTEWATER UNIT
 INTERGOVERNMENTAL AFFAIRS DIVISION
 4/13/2021

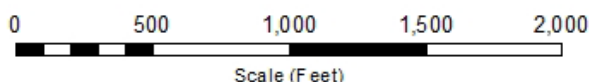
Montgomery County, Maryland
 2018 Comprehensive Water Supply
 and Sewerage Systems Plan



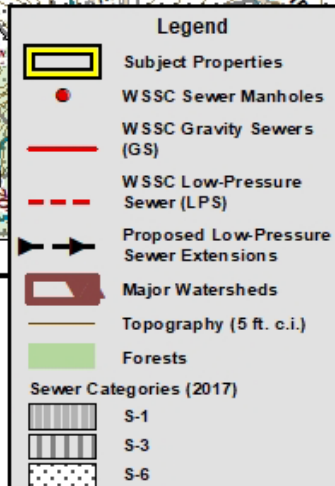
WSSCR 20-TRV-14A (Transquest LLC) & 20-TRV-15A (Travilah Oak LLC)
Proposed Low-Pressure Sewer Main Extensions: Comprehensive Water & Sewer Plan Map



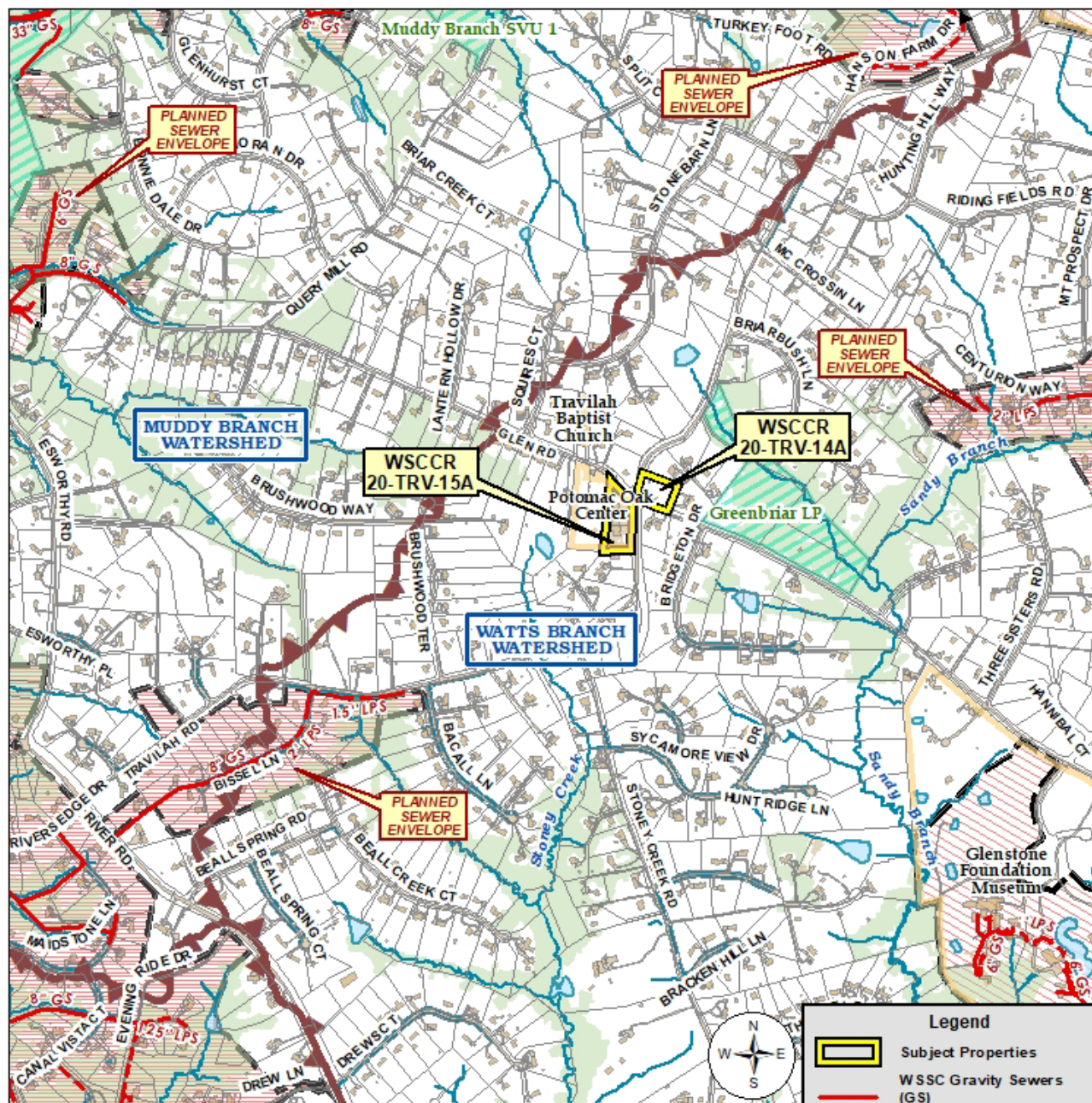
WATER SUPPLY & WASTEWATER UNIT
 INTERGOVERNMENTAL AFFAIRS DIVISION
 9/17/2020



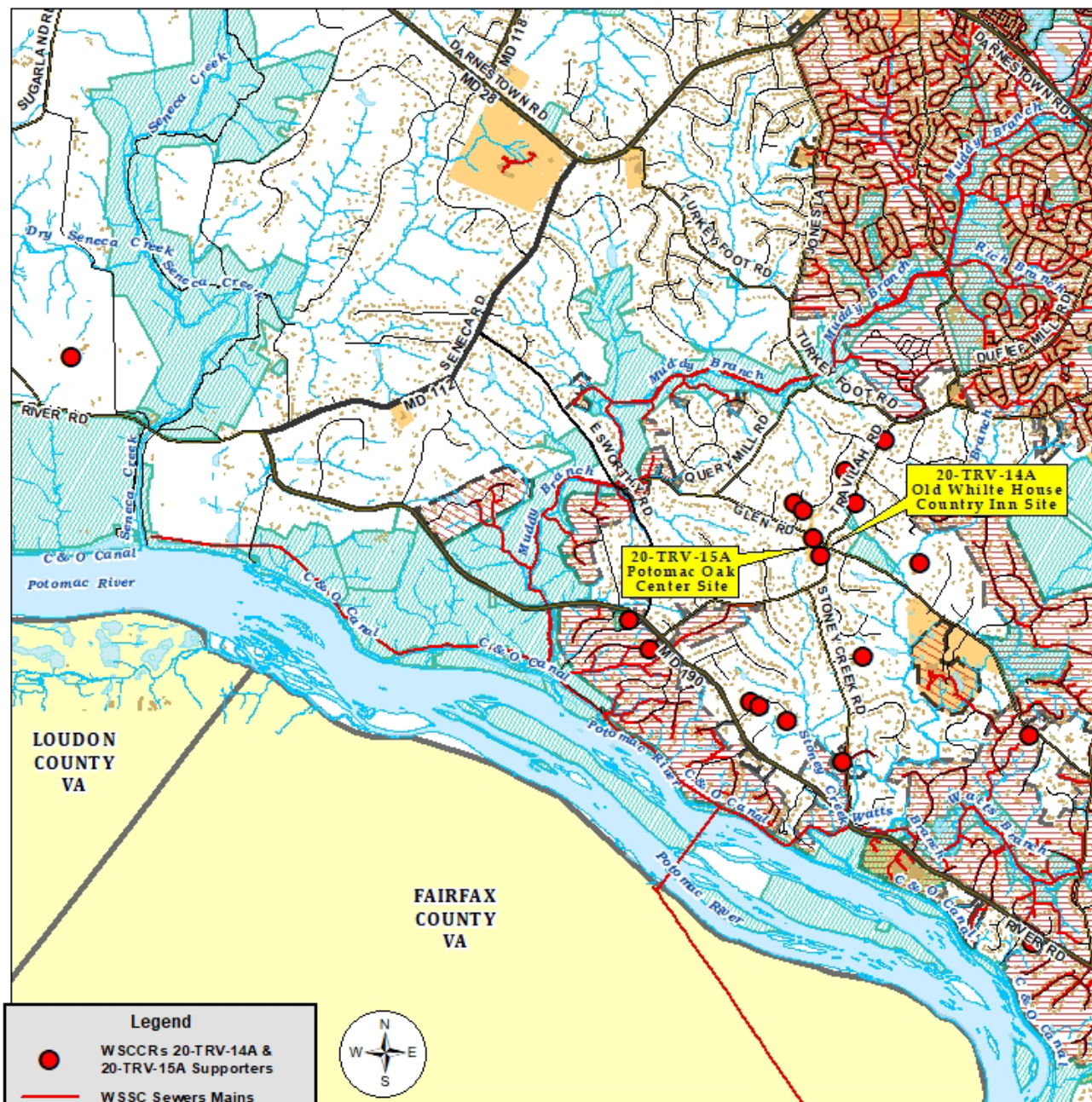
Montgomery County, Maryland
 2018 Comprehensive Water Supply
 and Sewerage Systems Plan



**WSSCR 20-TRV-14A (Transquest LLC) & 20-TRV-15A (Travilah Oak LLC)
 Planned Public Sewer Service Envelopes: Comprehensive Water & Sewer Plan Map**

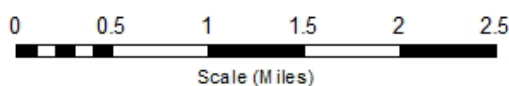


WSSCRs 20-TRV-14A & 20-TRV-15A: Locations of Supporters (Based on Letters to DEP)
Comprehensive Water & Sewer Plan Map



Legend

- WSSCRs 20-TRV-14A & 20-TRV-15A Supporters
- WSSC Sewers Mains
- Major County Roads
- State Roads
- U.S. Highways
- Existing Parkland
- Sewer Service Envelopes
- Planned Service Envelope
- Service by Exceptions
- Places of Interest



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



Request [3]

WSSCR 21-TRV-02A: TDR Properties LLC

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

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • 13417 Valley Dr., Rockville • Lot 1, Block 5, North Glen Hills Sec 1 (acct. no. 00076908) • Map tile: WSSC – 218NW10; MD –FR42 • East side of Valley Dr., 470 feet south of Glen Mill Rd. • Zoning: RE-1. Size: 48,043 sq.ft. (1.10 acres) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Vacant • <u>Proposed use</u>: Single-Family Home and Accessory Dwelling Unit 	<p>Existing – Requested – Service Area Categories</p> <table> <tr> <td>W-3</td><td>W-3 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p>Applicant's Explanation</p> <p>"Category change as necessary to provide water and sewer service to the proposed development of the property by the contract purchaser. According to WSSC records, 8" water main exists within Valley Drive to the north and a sewer system exists at the Valley Drive and Glen Mill Road intersection to the north. Site is located within the Glen Hills Study Area described in the 2018 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan, Appendix C."</p>	W-3	W-3 (no change)	S-6	S-3
W-3	W-3 (no change)				
S-6	S-3				

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to build a single-family home and accessory dwelling unit. The property is located within the Glen Hills Study Area.

Sewer service recommendations in the 2002 Potomac Subregion Master Plan, as well as the sewer service policies in the 2018 Water and Sewer Plan, within the Glen Hills Study Area, do not support the provision of public sewer service for this RE-1-zoned property. The property does not satisfy any of the six requirements for public sewer service in the Glen Hills area, including the Potomac Peripheral Sewer Service policy. (See pgs. 32 – 33 and 34 – 36.)

WSSC reports that a sewer extension of approximately 485 feet to an existing main at the intersection of Valley Dr and Glen Mill Rd. is needed. The main would be a combination of gravity and low-pressure sewer mains. WSSC's evaluation notes that this would be part of a conceptual sewer extension of 1,450 feet of pressure sewer, identified in the Glen Hills Sewer Study. (See the map on page 27.) The County has not undertaken a septic system survey for this part of Valley Dr. to determine whether public sewer service is warranted.

WSSC's previous one-mile gravity sewer extension concept is shown on page 28. This extension is not consistent with master plan recommendations for sewer extensions in the Glen Hills Study Area as it would affect a stream, a stream valley buffer, and wooded areas in the neighborhood, and would need easements from private property owners.

Executive staff recommend denial of sewer category S-3, maintaining category S-6.

Agency Review Comments

DPS: Soils testing was conducted by DPS in 1985 and most recently in 2019. All testing in 1985 failed and the 2019 test revealed shallow groundwater. Further testing was not recommended including testing sand mound systems due to very limited area and the inspector's field observations.

M-NCPPC – Planning Dept.: This 1.01-acre lot is zoned RE-1 and is located in the Glen Hills Study Area of the Potomac Subregion Master Plan. The Water and Sewer Plan limits public service in Glen Hills 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.

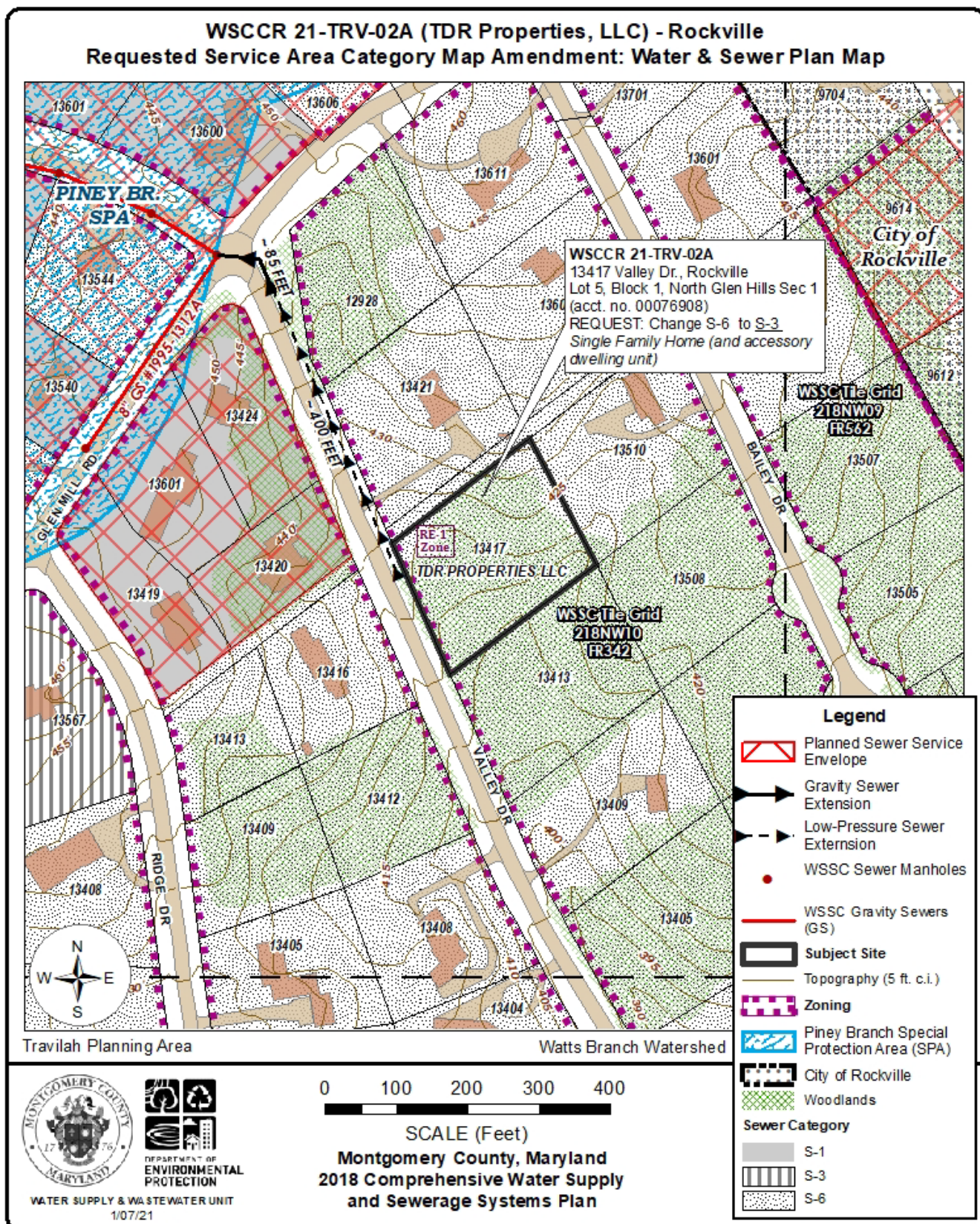
M-NCPPC – Parks Planning: No park impacts.

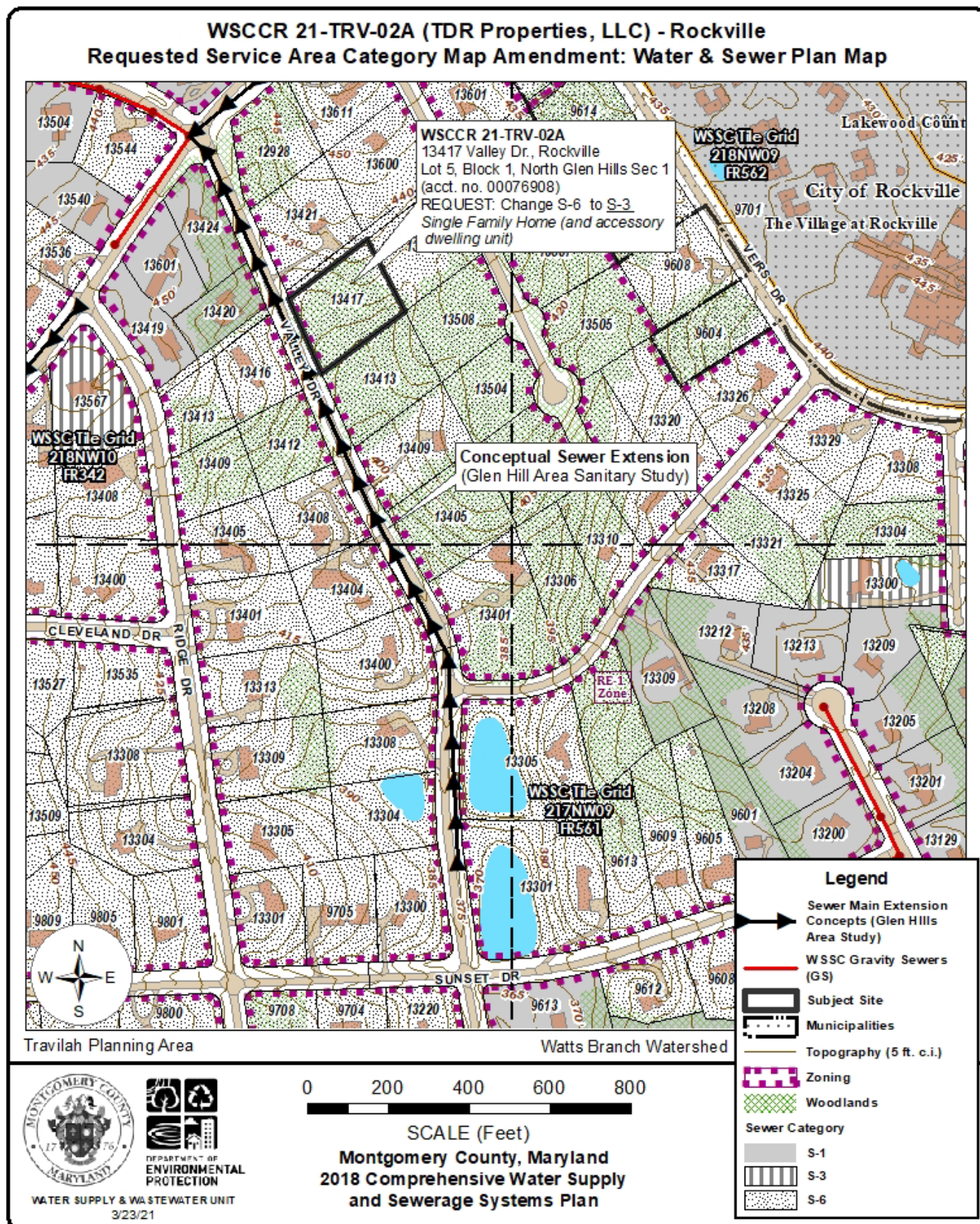
WSSC - Water: *(not required)*

WSSC - Sewer: Basin: 16-025 (Watts Branch). There are currently no existing sewer mains in this mini basin to service this property. A sewer main extension is required to connect to existing manhole in Glen Mill Road (Asset ID: 16027279M) (contract no. 1995-1312A) to service this property (and any property that abuts Valley Drive, north of Sunset Drive, as referenced in the Glenn Hills Sanitary Study, dated June, 2013). To serve the property at 13417 Valley Drive, the extension would be approximately 85 LF of gravity sewer and approximately 400 LF of low-pressure sewer. [emphasis added] To service the other lots upstream from this property that abut Valley Drive, as referenced in the 2013 Glenn Hills Sanitary Study, an additional 1,450 LF of low pressure sewer would be required. Average wastewater flow from the proposed development: 4,900 GPD. Program-sized sewer mains are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3). Interceptor capacity is adequate. Treatment capacity is adequate.

Maps, Plans, Etc.: Requested Sewer Category Map Amendment	Page 29
Glen Hills Area Sewer Extension Concept	Page 30
WSSC Gravity Sewer Extension Concept	Page 31

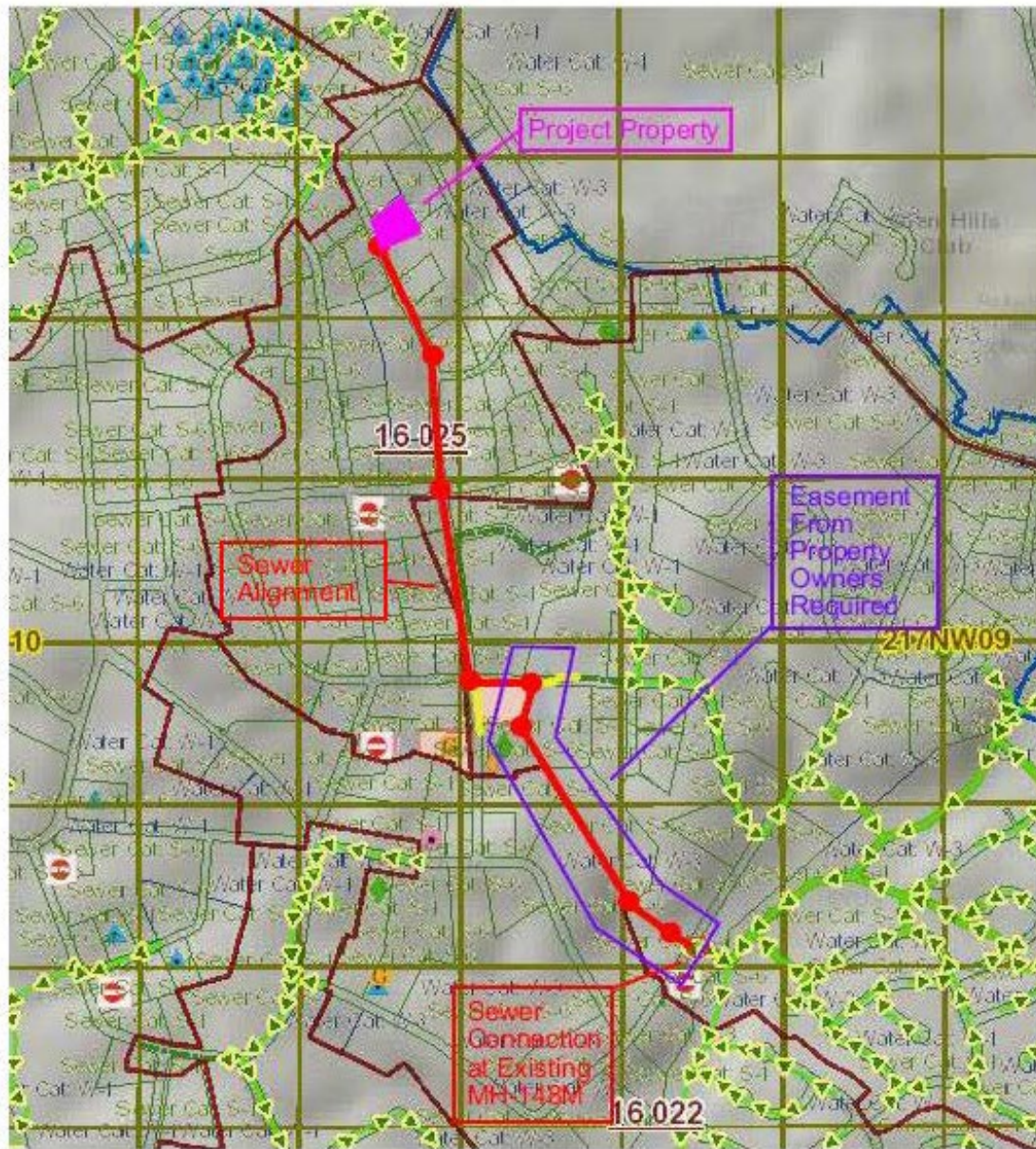
full-ccpckt-final--revised2--2021-0630





WSSC Gravity Sewer Extension Concept

Sewer Alignment Exhibit

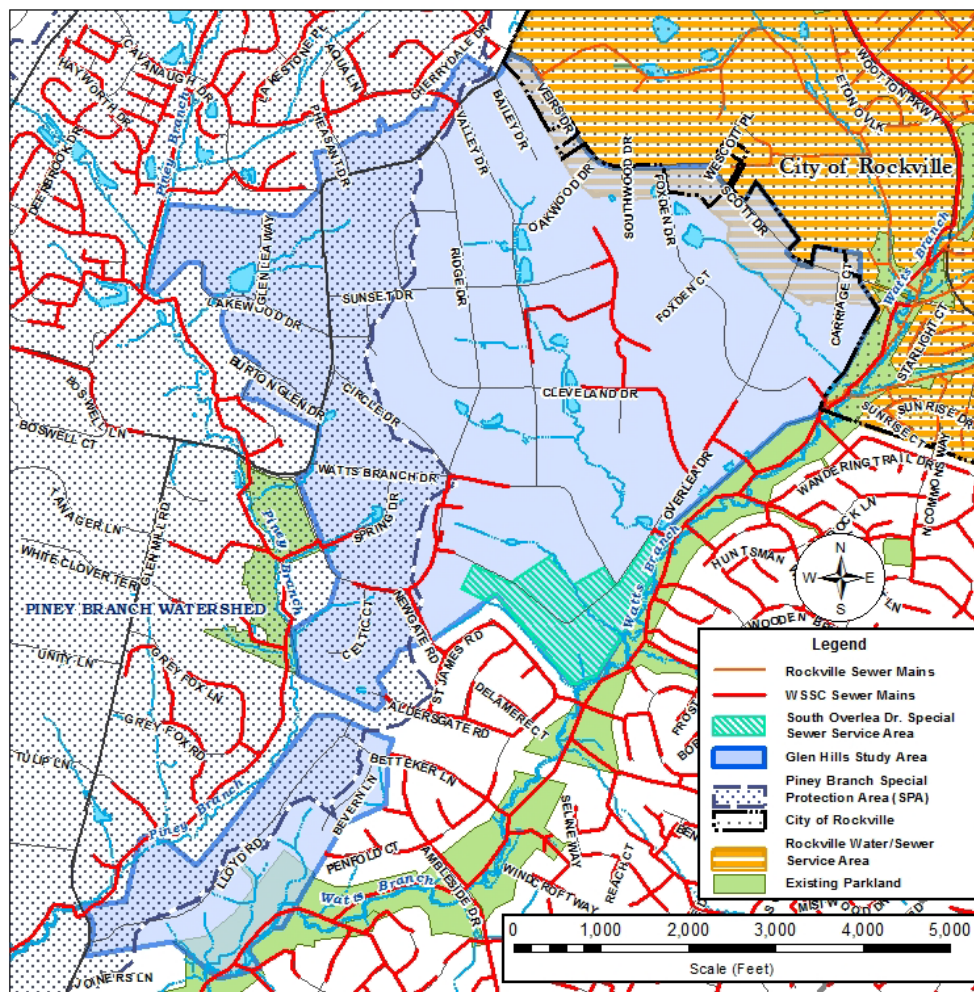


Packet Appendix: Related 2018 Water and Sewer Plan Service Policies

Appendix C, Section II.E: Glen Hills Study Area
<p>Sewer Service Policy Area: Established by Council Resolution No. 18-423 (3/8/16)</p> <p><u>Subject Area:</u> Residential development zoned RE-1 as identified in the Glen Hills Area Sanitary Study.</p> <p><u>Service Recommendation & Comments:</u> 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</p> <p>The Council's 2016 resolution established the following sewer service policies for the study area:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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, <i>et seq.</i> 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. <p>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.</p> <p>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.</p> <p>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.).</p> <ul style="list-style-type: none"> ○ 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.) <i>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.</i> ○ 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.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

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.

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

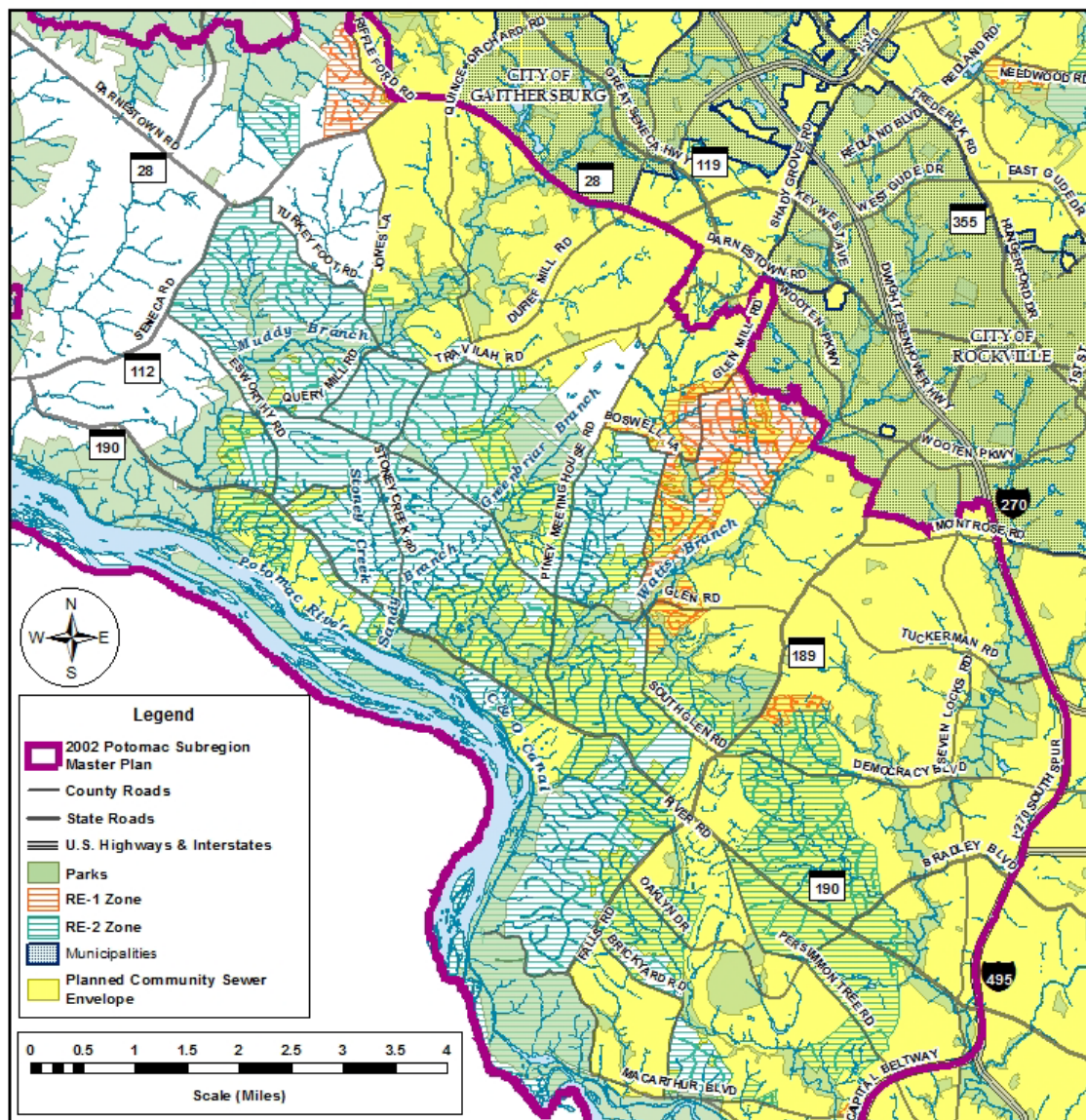
Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- 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.

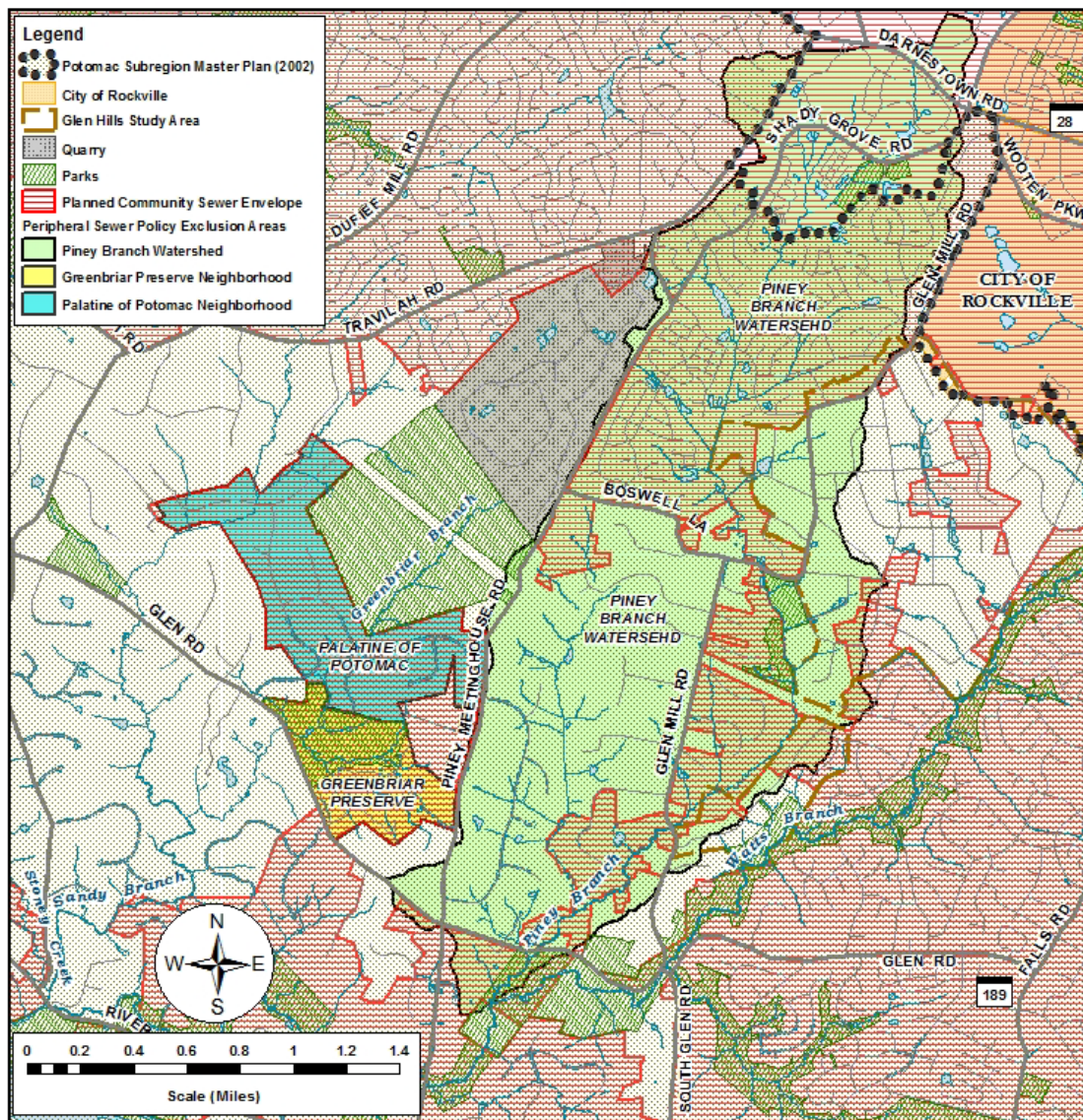
Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

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

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





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

OFFICE OF THE CHAIRMAN

September 24, 2010

The Honorable Isiah Leggett
County Executive
Montgomery County Government
101 Monroe Street
Rockville, Maryland 20850

The Honorable Nancy Floreen
Council President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: May 2010 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan*

Dear Mr. Leggett and Ms. Floreen:

On Thursday, September 16, 2010, the Montgomery County Planning Board considered the water and sewer service area category changes application cited above. Our recommendations are as follows:

07A-TRV-10: Travilah Oak LLC
Deny W-3, S-3

Due to the length of time since this case last came before the Planning Board, the intervening increase in smart growth emphasis by the State of Maryland (see enclosure), and at the urging of our staff, the Planning Board reconsidered this case. We find, in agreement with the County Executive, that the proposed category change is clearly inconsistent with the *Approved and Adopted Potomac Subregion Master Plan (2002)*. The site is located over half a mile from the edge of the approved sewer envelope and at the epicenter of the non-sewer service area of the Potomac Subregion. Provision of public service to this property would require a 5000-foot pressure system extension and additional right-of-way. Extension of water service to this site is also problematic, requiring a 3000-foot main extension. This request should be considered within the context of a master plan amendment rather than a category change request.

07A-CLO-09: Neil & Laura Pullen

Deny unlimited S-3

The Cloverly Master Plan recommends that the approval of community sewer service to properties zoned RE-1 in the Upper Paint Branch SPA should be coordinated with the approval of subdivision plans, which address the environmental concerns associated with development in these headwaters areas, and should be granted only if development supported by community sewer service, rather than septic systems, would result in a clear environmental benefit.

The site constraints of this long, narrow property, the location of the cemetery, and the lack of significant environmental resources to avoid do not permit a lot arrangement that provides a "clear environmental benefit" if sewer service is extended. This was demonstrated by the applicants' identical site layouts using sewer vs. septic. In the absence of a clear environmental benefit, the master plan standard cannot be met and community sewer service should not be extended. This is the only Planning Board recommendation within this group of category change requests that disagrees with the Executive recommendation.

WSSCR 09A-TRV-05: Jamshidi & Vafai

Recommendation: Deny S-3

The 2002 Potomac Subregion Master Plan specifically recommends an inter-agency study to comprehensively address and recommend sewer solutions within the Glen Hills neighborhood. The only exception is for failing systems that are considered health problems. There is no documented health problem with this property. Pending completion of the Glen Hills study, the Planning Board agrees with the County Executive's recommendation to deny this category change request.

09A-TRV-06: Hanson Family

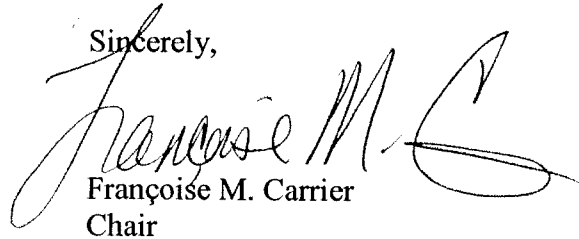
Recommendation: Approve W-3. Approve S-3

In accordance with The *Approved and Adopted Potomac Subregion Master Plan (2002)*, this property was rezoned from RE-2 to PD-2 on June 15, 2010. The master plan allows public sewer service to be provided if developed according to master plan guidance. The plan also states that sewer extension into the adjacent Muddy Branch Stream Valley Park should be done in an environmentally sensitive way that minimizes impacts. The environmental and park impact issues, including the location of the sewer connections, will be addressed at the time of subdivision. The Planning Board agrees with the County Executive's recommendation to approve this application.

The Honorable Isiah Leggett
The Honorable Nancy Floreen
September 24, 2010
Page 3 of 3

We thank you for the opportunity to provide recommendations on these applications. The Planning Board packet, a summary of the Smart Growth Initiative, is enclosed for further information.

Sincerely,



Françoise M. Carrier
Chair

KN:ss
Enclosures

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC Environmental Planning
Clara Moise, M-NCPPC Chair's Office