

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY
AND SEWERAGE SYSTEMS PLAN – 2022-4 GROUP
FOUR ADMINISTRATIVE CASES**

Description

The Planning Board is required by State law to make a Master Plan and Water and Sewer Plan conformance determination on each of the Water and/or Sewer Category Change Requests.

COMPLETED: 9-15-2022

MCPB
Item No. 8
September 22, 2022

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

KEN	Katherine Nelson, Planner Coordinator, Katherine.Nelson@montgomeryplanning.org , 301-495-4622
DZ	Don Zeigler, Supervisor, Upcounty Planning, Donnell.Zeigler@montgomeryplanning.org , 301-495-4511
PB	Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org , 301-495-4561

LOCATION:

Four Locations in the Upcounty

MASTER PLANS

1997 Cloverly Master Plan

2006 Damascus Master Plan

2002 Potomac Subregion Master Plan

PROPERTY SIZE

Various

APPLICATION

2022-4 Administrative Water and Sewer
Category Change Requests

ACCEPTANCE DATE:

August 31, 2022

REVIEW BASIS:

Section 9-506(a)(1-2)(ii)

Maryland Annotated Code, Environment



Summary

- The Planning Board is required by State law to make a Master Plan conformance determination for each of the Five Water and Sewer Category Change Requests
- The Planning Board's recommendation will be transmitted to the County Executive for final action.
- The Planning Staff recommendation of approval for each of these cases is consistent with the Executive Staff recommendations, see Attachment A.

SECTION I

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).

The Planning Board's recommendations will be transmitted to the County Executive prior to final action. For each case, 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 for approval of each case is consistent with the County Executive Staff's recommendation.

SECTION II

RECOMMENDATIONS

WSCCR 22-CLO-02A: Rubens Josefino

On June 4, 2020, the Planning Board recommended the following for this case:

Defer action on the request for sewer category S-3 to allow the applicant time to work out an alignment for the sewer hookup from WSSC's service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan's "abutting mains" policy.

The County Council also substantially made this this recommendation (Resolution No.: 19-521).

The applicant has completed the coordinated effort. This has resulted in an agreement to use subsurface tunneling for the installation of the service connection across the conservation easement. Therefore, a change to the conservation easement is not needed. The applicant should now be granted sewer access.

Staff Recommendation: Approve S-1



Figure 1

WSSCR 22-DAM-06A: Janet Burdette

The applicant has requested approval of water category W-1 to allow for public water service for the proposed senior living facility. These properties total 4.61 acres and are in the CRT 1.5/RE-2C zone. They are within the 2006 Damascus Master Plan water and sewer envelope and eligible for service.

Staff Recommendation: Approve W-1

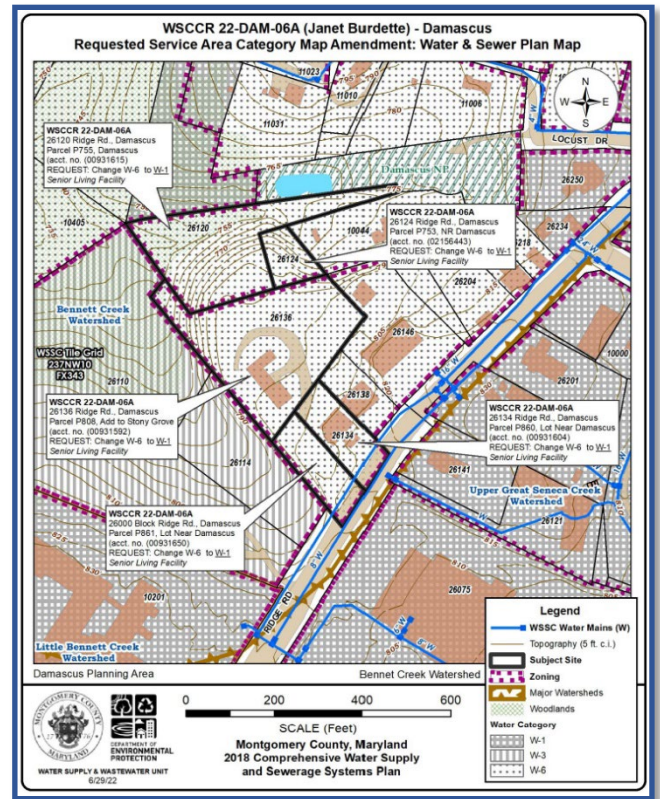


Figure 2 – Page 6, Attachment A

WSSCR 22-TRV-18A: William and Melissa Dunn

The applicant has requested approval of sewer category S-3 to allow for public sewer service for an existing single-family home. The property is 2.11 acres in size, and zoned RE-1. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Consistent with Existing Plans, Potomac Peripheral Service Policy, the property must at a minimum abut or confront the 2002 Potomac Subregion Master Plan sewer envelope. The property confronts the sewer envelope along Foxden Drive.

Staff Recommendation: Approve S-3

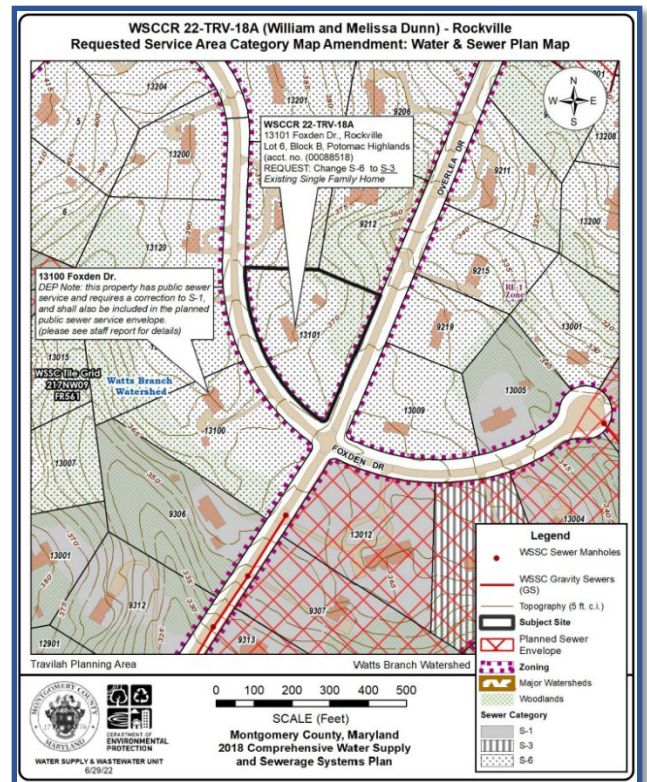


Figure 3 - Page 9, Attachment A

WSSCR 22-TRV-19A: Kathleen Cantilena

The applicant has requested approval of water category W-1 to allow for public water service for an existing single-family home. This property is 2-acres in size, zoned RE-2, and is within the 2002 *Potomac Subregion Master Plan* public water service envelope.

Staff Recommendation: Approve W-1

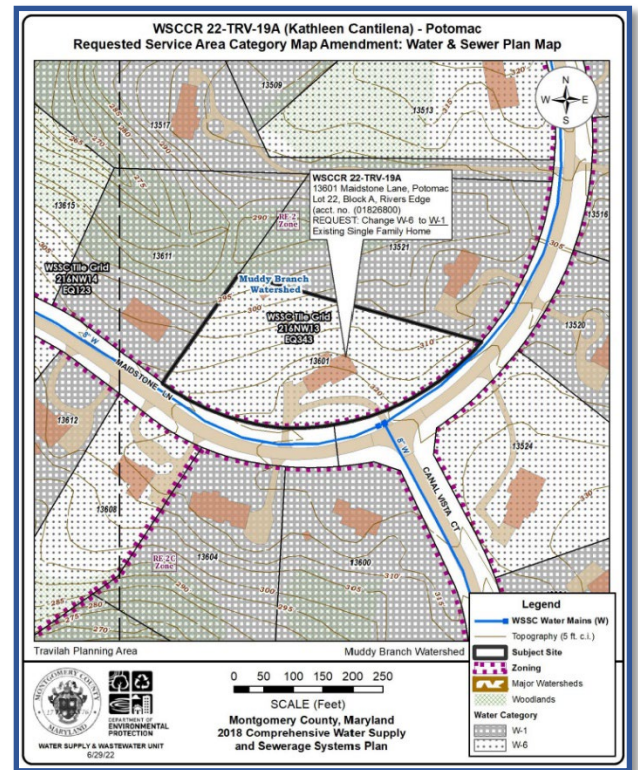


Figure 4 – Page 11, Attachment A

Next Step

The Planning Board's recommendations will be transmitted to the County Executive prior to final action.

ATTACHMENT

Attachment A – County Executive Notice of Public Hearing and Attached Package



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adriana Hochberg
Acting Director

August 31, 2022

NOTICE OF AD 2022-4 ADMINISTRATIVE PUBLIC HEARING

TO: Keith Levchenko, Senior Legislative Analyst
County Council

Patrick Butler, Upper County Planning Team, M-NCPPC
Maryland - National Capital Park and Planning Commission

Ray Chicca, Manager, Development Services Division
Washington Suburban Sanitary Commission

Heidi Benham, Manager, Well and Septic Section
Department of Permitting Services

Category Change Request Property Owners and Applicants

FROM: George Dizelos, Planner III, Water Supply and Wastewater Unit
Department of Environmental Protection

SUBJECT: **Administrative Public Hearing AD 2022-4 for Water and Sewer Plan Amendments**

DATE & TIME: **Wednesday, October 5, 2022, at 10:00 a.m.**

LOCATION: **Telephone Conference**

Please contact George Dizelos at george.dizelos@montgomerycountymd.gov for instructions on joining the teleconference, or if you wish to submit written testimony.

Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing as specified above on the following requested category map amendments (WSSCR) to the County's 2018 Comprehensive Water Supply and Sewerage Systems Plan:

WSSCR 19-CLO-02A... Rubens Josefino
WSSCR 22-DAM-06A... Janet Burdette

WSSCR 22-TRV-18A... William and Melissa Dunn
WSSCR 22-TRV-19A... Kathleen Cantilena

To assist with your review of this proposed action, DEP has created and posted a PDF to the "Service Area Category Changes" webpage at www.montgomerycountymd.gov/water/supply/category-changes.html. Select the blue "Application Hearing Schedule" tab to expand the section, then scroll down to the "Current Administrative Review Packet" heading. The hearing notice PDF includes the following information for the proposed amendments:

- Information summaries
- Staff reports and recommendations

- Mapping
- Supporting documents, as appropriate

We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff members or their aides would like to meet with DEP regarding the proposed amendments, call me to arrange a date and time to review the cases before the public hearing. We request that the Council staff submit Councilmembers' comments to DEP no later than the hearing record closing date (see below). Please note that DEP cannot complete the administrative action without receiving this notice from Council staff.

We understand that the Montgomery County Planning Board will include this administrative packet for consideration on its agenda.

Attendance at DEP's administrative public hearing is optional for agency staff, applicants, and others. These requests will be considered at the time specified on page 1. If you wish to comment on a referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written testimony to:

Adriana Hochberg, Acting Director, DEP; 2425 Reedie Drive, 4th Floor, Wheaton, MD 20902; or to george.dizelos@montgomerycountymd.gov.

DEP will close the record on October 12, 2022.

Please do not hesitate to contact me at george.dizelos@montgomerycountymd.gov or at 240-777-7755 if you have any questions concerning these category change requests or the schedule provided.

GJD: gjd/R:\Programs\Water_and_Sewer\actions-AD\2022\AD-2022-4\ad-hearing-notice-2022-4.docx

cc: Gabe Albornoz, President, County Council
Linda Kobylski, Jason Flemming & Megan Wilhelm, DPS
Casey Anderson, Chairperson, Montgomery County Planning Board
Katherine Nelson and Donnell Zeigler, Upper County Planning Team, M-NCPPC
Jason Sartori, Functional Planning and Policy Division, M-NCPPC
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC
Fred Mejias, Development Services Division, WSSC
Luis Tapia, Permit Services Section, WSSC
D. Lee Currey, Director, Water and Science Admin., Maryland Dept. of the Environment
Robert McCord, Secretary, Maryland Department of Planning

Category Change Applicants & Interested Parties

19-CLO-02A... Rubens Josefino
22-DAM-06A... Janet Burdette
... Brian Gallagher, Olympus Real Estate
22-TRV-18A... William and Melissa Dunn
22-TRV-19A... Kathleen Cantilena

Civic Organizations and Other Public Interest Groups

Audubon Naturalist Society
Cloverly Civic Assoc.
Cloverly-Fairland-White Oak CAC
East County Citizens Advisory Board
Greater Glen Mill Community Association
Greater Glen Hills Coalition LLC
Greater Olney Civic Association
Glen Hills Civic Association
Glen Hills Community Coalition
Glen Preservation Foundation
Northern Montgomery County Alliance

Montgomery County Civic Federation
Montgomery Coalition to Stop Sewer Sprawl
Potomac Highlands Citizens Association
Spencerville Civic Association
West Montgomery County Citizens Association

WSSCR 19-CLO-02A: Rubens Josefino (previously deferred request)

DEP Staff Recommendation: Approve S-1, for one sewer connection only. Administrative policy V.D.2.a: community service for properties abutting mains.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 340 Ednor Rd., Silver Spring• Parcel P900, Heart of MD ETC (acct. no. 01634484)• Map tile: WSSC – 223NW01; MD –JT41• North side of Ednor Rd., 670 ft north of Ednor Rd, and 200 ft south of the intersection with Harbour Town Dr.• RE-2 Zone; 2 acres (87,120 Sq. Ft.)• Cloverly Planning Area Sandy Spring Ashton Master Plan (1998)• Northwest Branch Watershed (MDE Use IV)• <u>Existing use</u>: Single Family Home (built 1967)• <u>Proposed use</u>: Public Sewer Service for the Single Family Home	<table><tr><th colspan="2">Existing – Requested – Service Area Categories</th></tr><tr><td>W-6</td><td>W-6 (no change)</td></tr><tr><td>S-6</td><td>S-1</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>None</p> <p><i>DEP note: Advanced Action granted on 5/20/2022, under the authority granted by Water and Sewer Plan's "abutting mains" policy. (See the DEP staff report below for additional information concerning the advance action.</i></p>	Existing – Requested – Service Area Categories		W-6	W-6 (no change)	S-6	S-1
Existing – Requested – Service Area Categories							
W-6	W-6 (no change)						
S-6	S-1						

DEP Staff Report: This request was deferred under Council Resolution 19-521 (7/7/2020): *"Defer action on the request for sewer category S-3 to allow the applicant time to work out an alignment for the sewer hookup from WSSC's service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan's "abutting mains" policy. However, it appears that a change to the existing conservation easement is needed to allow for the service hookup to the house."* Subsequent coordination with M-NCPPC and the applicant have resulted in an agreement to use subsurface tunneling for the installation of the service connection, within the conservation easement. A change to the conservation easement is therefore not needed. This allowed for the advance action cited above.

Subsequent coordination with M-NCPPC and the applicant have resulted in an agreement to use subsurface tunneling for the installation of the service connection, within the conservation easement. The applicant has resolved issues related to the existing conservation easement. DEP staff recommendation is for the approval of category S-1, for only one sewer connection, Community service for properties abutting mains.

Agency Review Comments

DPS: (not required)

M-NCPPC – Planning Dept.: On June 4, 2020, the Planning Board recommended the following for this case: *Defer action on the request for sewer category S-3 to allow the applicant time to work out an alignment for the sewer hookup from WSSC's service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan's "abutting mains" policy. The County Council also substantially made this this recommendation (Resolution No.: 19- 521). The applicant has completed the coordinated effort to address all issues and should be granted sewer access.*

M-NCPPC – Parks Planning: (not required)

WSSC - Water: (not requested)

WSSC - Sewer: Basin: Northwest Branch. [An] 8-inch sewer line abuts the northeast corner of the property (contract no.1997-2032A). A sewer extension is not required to serve the property. Average wastewater flow from the proposed development: 300 GPD. (WSSC review: 4/16/2019)

WSSCR 22-DAM-06A: Janet Burdette

DEP Staff Recommendation: Approve W-1 Administrative policy V.D.2.a.: Consistent with Existing Plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification									
<ul style="list-style-type: none">• 26124, 26120, 26136, 26134 and 26000 block Ridge Rd., Damascus• Parcels P753, P755, P808, P860 and P861, NR Damascus, Damascus, Add to Stony Grove, and Lot Near Damascus (acct. nos. 02156443, 00931615, 00931592, 00931604 and 00931650)• Map tile: WSSC – 237NW10; MD –FX43• West side of Ridge Rd., 600 feet North of Bethesda Church Rd.• CRT 1.5/RE-2C Zone; 4.61 total ac.• Damascus Planning Area Damascus Master Plan (2006)• Bennett Creek Watershed (MDE Use I)• <u>Existing use</u>: Commercial/Undeveloped• <u>Proposed use</u>: Senior Living Facility	<table><tr><th>Existing –</th><th>Requested –</th><th>Service Area Categories</th></tr><tr><td>W-6</td><td>W-1</td><td></td></tr><tr><td>S-1</td><td>S-1 (no change)</td><td></td></tr></table> <p><u>Applicant's Explanation</u> "Develop to elderly care facility."</p>	Existing –	Requested –	Service Area Categories	W-6	W-1		S-1	S-1 (no change)	
Existing –	Requested –	Service Area Categories								
W-6	W-1									
S-1	S-1 (no change)									

DEP Staff Report: The applicant has requested approval of water category W-1 to allow for public water service for the proposed senior living facility. These properties total 4.61 acres and are in the CRT 1.5/RE-2C zone and are within the planned public water service envelope. WSSC has confirmed that water service can be provided from the existing 8-inch or 16-inch water mains in Ridge Road. A review of WSSC Water account records confirms that 26134 Ridge Rd. is already connected to public water service.

M-NCPPC staff concur that water service to the properties are consistent with the recommendations in the 2006 Damascus Master Plan. M-NCPPC Parks confirm there are no park impacts. . DEP staff recommendation is for the approval of category W-1, Consistent with existing plans.

Agency Review Comments

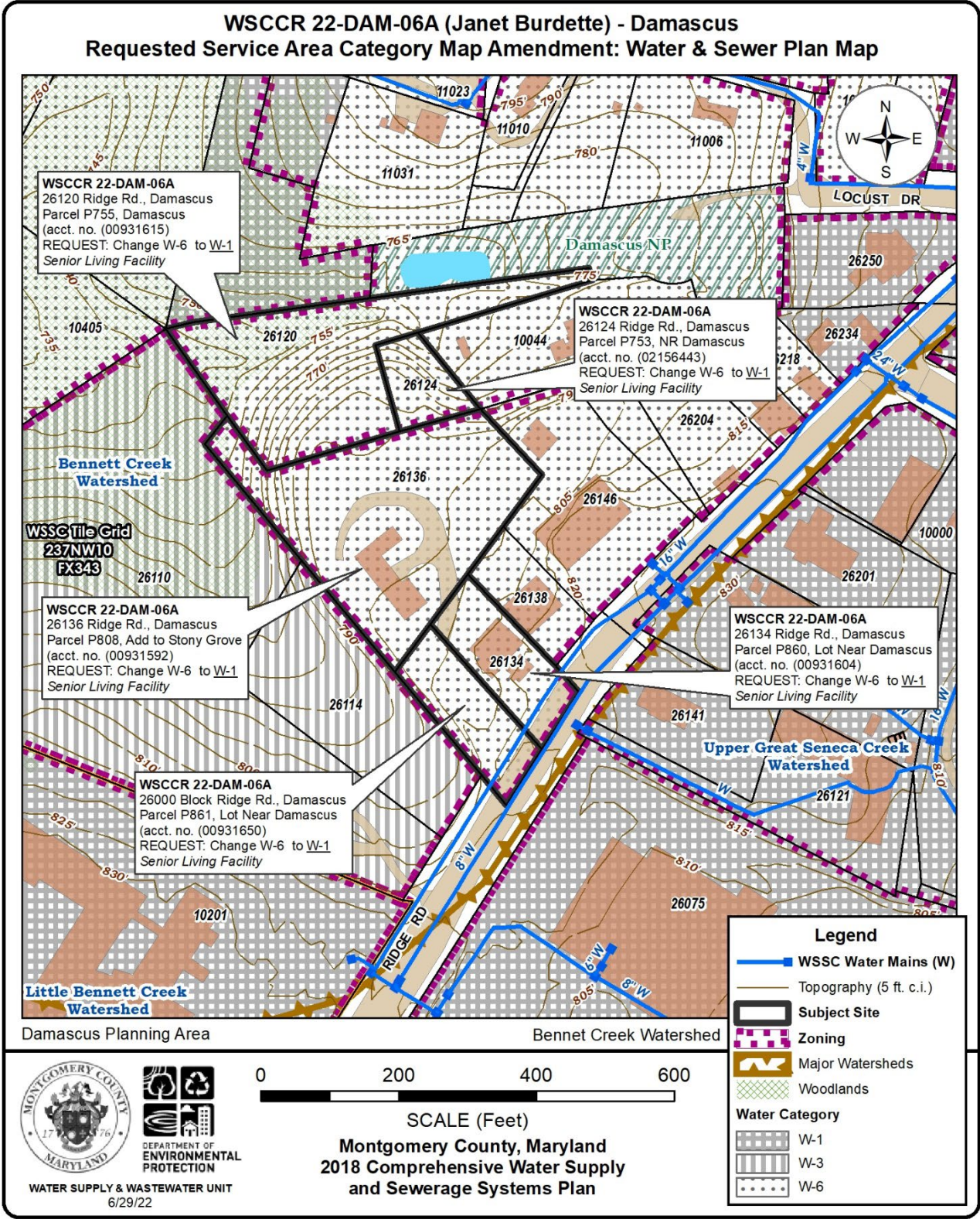
DPS: 26134 is currently connected to public water and sewer. We have no private well or septic records for 26124, 26120, 26134, 26136, or 26000.

M-NCPPC – Planning Dept.: This property is within the 2006 Damascus Master Plan recommended sewer envelope. It is also eligible for public water service.

M-NCPPC – Parks Planning: No park impacts.

WSSC – Water: Water pressure zone: 960A. An 8-inch water line in Ridge Road (MD Route 27) abuts the property (contract no. 1971-4940A). Also, a 16-inch water line in Ridge Road (MD Route 27) abuts the property (contract no. 1971-4940A). Special permission may be required from WSSC before a connection to the 16-inch water main will be permitted. There is a large diameter Cast Iron water main in the vicinity of this project. Service to this property may require connection to a large diameter (16-inch) Cast Iron water main. This may impact service to this property. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC - Sewer: (not requested)



WSSCR 22-TRV-18A: William and Melissa Dunn

DEP Staff Recommendation: Approve S-3 (Potomac peripheral sewer service policy), Administrative policy V.D.2.a.: Consistent with Existing Plans. The planned public sewer envelope will not be revised to include this property.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 13101 Foxden Dr., Rockville• Lot 6, Block B, Potomac Highlands (acct. no. 00088518)• Map tile: WSSC – 217NW09; MD –FR51• East side of Foxden Dr., at the intersection with Overlea Dr.• RE-1 Zone; 2.11 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Existing use</u>: Single-Family Home (built 1965)• <u>Proposed use</u>: Sewer service for the Existing Single-Family Home	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-3</td><td>W-3 (no change)</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>"I am requesting a sewer category change from S-6 to S-3 under the Potomac Peripheral Policy. My property abuts the Planned Sewer Envelope at an adjoining property. Specifically, the front of my property, 13101 Foxden Drive, abuts 13100 Foxden Drive across the street, which has had sewer service prior to 2002. As a reminder, 13100 Foxden Drive was the property that was not shown correctly on the DEP map but was verified by WSSC billing records."</p>	<u>Existing – Requested – Service Area Categories</u>		W-3	W-3 (no change)	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-3	W-3 (no change)						
S-6	S-3						

DEP Staff Report: The applicant has requested approval of sewer category S-3 to allow for public sewer service for an existing single-family home. The property is 2.11 acres in size, and zoned RE-1. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Consistent with Existing Plans, Potomac Peripheral Service Policy, the property must at a minimum abut or confront the planned sewer envelope. The property confronts the planned sewer envelope along Foxden Drive. The confronting property at 13100 Foxden Dr. is shown as sewer category S-6 by an error. WSSC has confirmed the provision on public sewer service to this lot starting on 3/1/1990. A map correction to S-1 is required. In addition, given the date of service in 1990, the lot at 13100 Foxden Dr. needs to be included in the planned public sewer envelope.

M-NCPPC staff concur that the property confronts the Potomac sewer service envelope and the provision of sewer service is consistent with the 2002 Potomac Subregion Master plan. M-NCPPC Parks have concluded that there are no park impacts. WSSC has confirmed that sewer service to this property can be provided via an extension through the public right of way along Overlea Drive and Foxden Drive. DEP staff recommendation is for the approval of sewer category S-3, consistent with existing plans. The proposed approval of sewer category S-3 will not result in the inclusion of this property within the planned public sewer envelope.

Agency Review Comments

DPS: Established Approved SRA in 2018 for a 6 bedroom system. Currently operating a 2 pit system that was approved in 1964 for a 4 bedroom residence.

M-NCPPC – Planning Dept.: This lot confronts the Potomac sewer envelope as shown in the 2002 Potomac Subregion Master Plan and is eligible for sewer service.

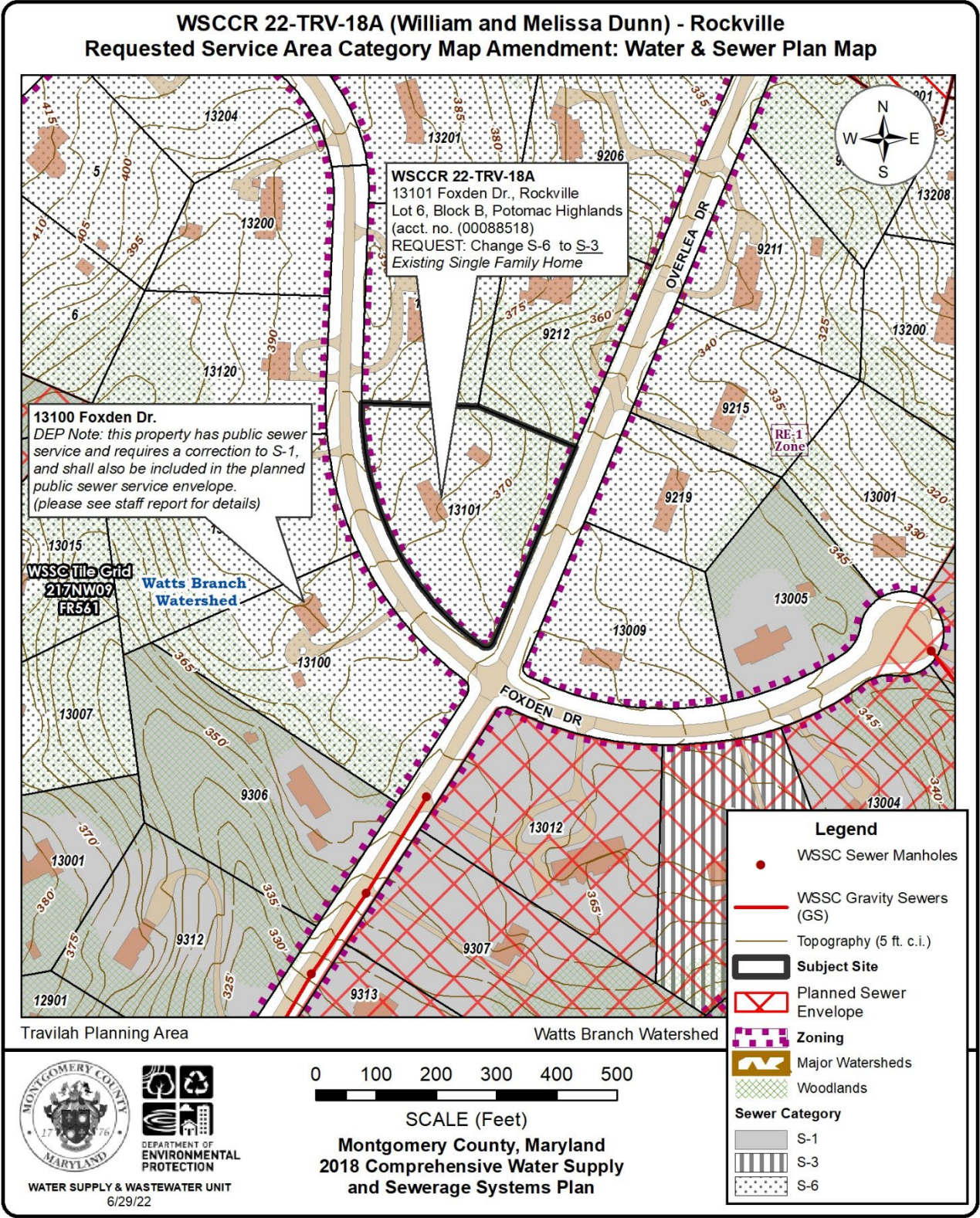
M-NCPPC – Parks Planning: No park impacts.

WSSC - Water: (not requested)

WSSC - Sewer: Basin: 16 – Watts Branch. This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated Special Sewer Service area. A 520-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an existing 8-inch sewer line along Overlea Drive (contract no. 1967-2840A) and would abut approximately 3 properties in addition to the applicant's. [DEP: Of these three properties, only one at 13009 Foxden Dr., is designated as sewer category S-6.] Construction of this extension may involve cutting and replacing the asphalt road surface along Foxden Drive and Overlea

Drive. Average wastewater flow from the proposed development: 280 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.

13100 Foxden Drive property has an existing sewer house connection to the 8-inch sewer line along Overlea Drive (contract no. 1967-2840A). The connection was built on June 20, 1967, but the sewer service account became active on March 1st, 1990 (see sketch from the as-built below). The sewer house connection doesn't abut with 13101 Foxden Drive property.



WSSCR 22-TRV-19A: Kathleen Cantilena

DEP Staff Recommendation: Approve W-1 Administrative policy V.D.2.a.: Consistent with Existing Plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">13601 Maidstone Lane., PotomacLot 22, Block A, Rivers Edge (acct. no. 01826800)Map tile: WSSC – 216NW13; MD –EQ33North side of Maidstone Ln., at the intersection with Canal Vista CourtRE-2 Zone; 2 ac.Travilah Planning Area Potomac Subregion Master Plan (2002)Muddy Branch Watershed (MDE Use I)<u>Existing use:</u> Single-Family Home (built 1982)<u>Proposed use:</u> Water service for the Existing Single-Family Home	<table><tr><th colspan="2">Existing – Requested – Service Area Categories</th></tr><tr><td>W-6</td><td>W-1</td></tr><tr><td>S-6</td><td>S-6 (no change)</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>"Frequent loss of electricity results in unsanitary conditions on well water. Pump doesn't operate and there is no water or ability to flush toilet for immunocompromised transplant patient/owner. There is no ability to relocate with covid."</p> <p><i>DEP Note: Advanced Action granted on May 20, 2022, under the authority granted by Water and Sewer Plan's "abutting mains" policy.</i></p>	Existing – Requested – Service Area Categories		W-6	W-1	S-6	S-6 (no change)
Existing – Requested – Service Area Categories							
W-6	W-1						
S-6	S-6 (no change)						

DEP Staff Report: The applicant has requested approval of water category W-1 to allow for public water service for an existing single-family home. This property is 2-acres in size, zoned RE-2, and is within the planned public water service envelope. WSSC has confirmed that water service can be provided via a connection to the abutting 8-inch-diameter water main along Maidstone Lane. Connecting the property to water service can be supported.

M-NCPPC staff concur that the property is eligible for public water service, as recommended in the 2002 Potomac Subregion Master Plan. M-NCPPC Parks confirm there are no park impacts. DEP staff recommendation is for the approval of category W-1, Consistent with existing plans.

Agency Review Comments

DPS: Well was drilled on 9/9/1978. This property has an established SRA.

M-NCPPC – Planning Dept.: This is within the Potomac sewer envelope as shown in the 2002 Potomac Subregion Master Plan and is also eligible for public water service.

M-NCPPC – Parks Planning: No park impacts.

WSSC - Water: Water pressure zone: 480A. An 8-inch water line in Maidstone Lane abuts the property (contract no. 1983-5667B). Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC - Sewer: (not requested)

