

Thompkins, Melissa

From: Amy Eber <amyebe@yahoo.com>
Sent: Wednesday, February 22, 2023 6:01 AM
To: MCP-Chair
Subject: 2/23/23 Sewer Line Easement Request Wood Thrush Lane, Potomac

Categories: Tracked To Dynamics 365

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Dear Members,

The potential development of two parcels, including the construction of proposed sewer lines through other properties, would disrupt the local flora and fauna and adversely affect the local watershed and drainage, which currently runs off the two subject properties, through Forest Conservation Easement areas and a Montgomery County Serpentine Barrens Conservation Park and ultimately to the Potomac River.

The property identified as "11000 block of Wood Thrush Lane" is forested land teeming with wildlife. Its proposed development would be inconsistent with Montgomery County's environmental preservation objectives, including the important No Net Forest Loss initiative which is in line with the State of Maryland's goal of achieving no net forest loss.

Both properties are located on the unusual Serpentine geologic formation, which supports unique plant life and which Montgomery County has long sought to protect by designating three Serpentine Barrens Conservation Parks and carefully controlling development beyond the Parks.

Please do not grant an Easement through land owned by families who are also opposed to this request for environmental and sewage capacity concerns. Thank you so much.

Best Regards,
Amy Landolt Eber
[11704 Wood Thrush Lane](#)
Potomac, MD 20854

Testimony:

We, Shirish Pareek and Komal Kaul, residents and homeowner at 11720 Wood Thrush Lane, Potomac, Maryland, am submitting testimony associated with sewer category change request WSCCR 22-TRV-01A to describe the negative impacts this contemplated sewer request has on our property, which sits directly at the base of the sloped property of the applicant. Our home was included in Option #2 defined by WSSC in the summary report for Item #8 on the Planning Board's agenda for February 23rd, 2023. Neither we, or our next door neighbor at 117216 Wood Thrush Lane, also proposed as a part of Option #2, have granted the applicant an easement of any kind to run sewer between our properties. In addition, both of our properties are included within the HOA of The Estates at Greenbriar Preserve who was adamant that they would not approve a utility easement across any of the lots within the HOA for running utilities to a lot not within the HOA.

There are several environmental impacts, as noted by WSSC in the request summary report, to our home that would result if the applicant received the ability to run sewer through Option #2. The applicant property is a consistent slope towards the properties along Woodthrush Lane that border the applicant property. There is a Stormwater runoff stream that was reinforced many years back (roughly 2012) that takes stormwater runoff and routes it to the community drain installed by the developer of our community. If sewer were to be run to the applicant property it would destroy portions of the stream that us property owners at the bottom of the slope rely on to keep water out of our homes. With regards to the community drain, it sits directly in the middle of the two properties directly impacted by WSSC's Option #2. There is an easement already in place on the deed of 11716 Wood Thrush Lane explicitly for stormwater management purposes. That easement can not be repurposed as it is required for maintenance of the drains, as required. With that existing easement for stormwater management being there, there is not the required 20 feet width required on either side of the easement. The community drain cannot be removed in favor of running sewer between our homes.

In addition, we counted over 60 trees that would need to be removed in order to implement WSSC's Option #2. Most of these trees are very mature and established, and 80% of them provide privacy between my home and my neighbor's home. The mature trees were a big selling point in choosing our home and is consistent with most properties in Potomac, MD.

Lastly, A portion of our plot is under forest conservation/preservation with large signs visibly posted all along the backyard of our house. We have maintained this conservation very strictly over last 12 years of our residence. The proposed easement will also disrupt what we believe is the regulatory required conservation on our property.

We are absolutely opposed to this sewer category change request for the reasons described above and ask the board to vote to deny this application to protect our home and the broader community that will be impacted if this were to be approved.

Thompkins, Melissa

From: Susanne Lee <susannelee1@hotmail.com>
Sent: Wednesday, February 22, 2023 2:07 AM
To: MCP-Chair
Cc: Nelson, Katherine; alan.soukup@montgomerycountymd.gov; Bawer, Ken
Subject: Item 8, 2/23/23 West Montgomery's Opposition to Proposed Sewer Category Changes
Attachments: WMCCASubmissionItem8Feb23,2023.docx

Categories: Tracked To Dynamics 365

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Hi Acting Chairman Zyontz-

Attached please find the written testimony of the West Montgomery County Citizens Association in opposition to the proposed sewer category changes to be considered during Item 8 at the Board's meeting on Thursday the 23rd. I had hoped to testify at the hearing, but because of a scheduling conflict I won't be able to do so. So we are submitting this written testimony instead. Please include it as part of the record.

Could you also have a staff member confirm that you received it successfully.

Thanks very much.

Susanne Lee

Vice President

West Montgomery County Citizens Association

301-956-4535

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION
P.O. Box 59335 • Potomac, Maryland 20854
Founded 1947

February 22, 2023

Item No. 8, Planning Board Meeting 2/23/2023, Proposed Amendments to the County Water and Sewer Plan, Seven Sewer Category Change Requests:

WSSCR 22-TRV-01A: National Sikh Heritage Trust

WSSCR 22-TRV-04A: Jonathan Maizel

WSSCR 22-TRV-13A: Arthur Eisenhour

WSSCR 22-TRV-05A: Michael and Denise Sinay

WSSCR 22-TRV-06A: Nirmala Rao

WSSCR 22-TRV-09A: William Reinhold

WSSCR 22-TRV-10A: Max Shevitz

Dear Acting Chair Zyontz:

The West Montgomery County Citizens Association requests that the Planning Board adopt the recommendations of the Planning Staff and the County Executive with regard to denial and deferral of each of the requested Sewer Category changes listed above. In each instance the extensive analyses and bases for denial and deferral submitted by the Planning Staff and County Executive staff are spot on. They reflect and ensure the required compliance with both the Potomac Subregion Master Plan, the 2018 County Water Supply and Sewerage Systems Plan and the 2022 update to the Water and Sewer Plan currently pending before the Maryland Department of the Environment.

We commend the agency staffs for their excellent analyses and we will not attempt to restate their findings. However, we would like to highlight several facts that stand out. With regard to WSSCR 22-TRV-01A (National Sikh Heritage Trust), the zoning does not even allow the construction of the up to 4 houses they propose. The lot at 11415 Glen Road and Parcel PO93 are both clearly outside the sewer envelope. Parcel PO93 abuts properties within the sewer envelope at The Estates at Green Briar Preserve. However, this is not a basis for approval because

The Peripheral Sewer Policy specifically excludes parcels such as Parcel PO93 that are “properties adjacent to and in the vicinity of the...lower Greenbriar Branch properties”(Potomac Subregion Master Plan at p.23), and the “Greenbriar Estates neighborhoods” (Appendix C, Section II.M: Potomac Area RE-1 and RE 2 – Zoned Properties of the 2018 County Water and Sewer Plan).

Likewise as the Staff Reports detail, there is no basis for approval under the Peripheral Sewer Policy for those in Glen Hills. In addition and for example, WSCCR 22-TRV-04A (Maizel) and WSCCR 22-TRV-13A (Eisenhour) require very long extensions resulting in abutting mains that would extend sewer to multiple properties in a totally different subdivision. This turns the Peripheral Sewer Policy on its head. It states that to qualify under the Policy the lot must be “within the envelope or along its currently – established edge.” Potomac Subregion Master Plan at p. 23. The sewer envelope and its edge were set forth in Foldout Map D in the Master Plan and it has been implemented consistently since then. A basic principle of the Policy is that it cannot be used to then further extend the envelope based on that one approved lot on the edge that is identified using the Map. Allowing such long extensions providing service under the abutting main contradicts and undermines the basic principle that “[a]ny approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this Plan.” Potomac Subregion Master Plan at p. 23

We are also concerned that, also in violation of the Policy, approval would result in sewer construction in low density, environmentally sensitive areas. This could result in some cases in the destruction of forest stands, wetlands, streams, and even a portion of Watts Branch stream valley park.

Again, we urge that you adopt the Staff Report and recommend denial and deferral of the requests. Thank you for your consideration.

Sincerely,

/s/

Susanne Lee

Vice President

West Montgomery County Citizens Association

Thompkins, Melissa

From: Vinay Desai <vdesai7@gmail.com>
Sent: Tuesday, February 21, 2023 11:07 PM
To: MCP-Chair
Subject: Hearing Date 2/23/23 Item 8 - Opposition to Sewer Category Change Request WSCCR 22-TRV-01A
Attachments: WSCCR Letter of Opposition 11712 Wood Thrush Ln.docx
Categories: Tracked To Dynamics 365

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Please see the attached letter indicating our opposition to sewer category change request WSCCR 22-TRV-01A.

Thank you

Vinay and Binta Desai
11712 Wood Thrush Ln
Potomac, MD 20854

From: Vinay & Binta Desai
11712 Wood Thrush Lane
Potomac, Maryland 20854

February 21, 2023

To: Montgomery County Planning Board
Wheaton, Maryland 20902

Subject: Opposition to Sewer Category Change Request WSCCR 22-TRV-01A

Dear Planning Board,

We have become aware of sewer category request WSCCR 22-TRV-01A, although we did not receive any official notice about it. We oppose the request to change the sewer category for the property associated with 11415 Glen Road and the property identified as "11000 block of Wood Thrush Lane." Our property is located at 11712 Wood Thrush Lane, a door down from one of the two proposed sewer easement routes. Our property abuts a Forest Conservation Easement area that extends right to the edge of the property identified as "11000 block of Wood Thrush Lane."

The conservation status of the lands surrounding our property is of great importance to us and a key contributor to the attractiveness and sustainability of this part of Montgomery County. The potential development of these two parcels, including the construction of sewer lines through other properties that would be 20 or 30 feet wide, would disrupt the local flora and fauna and adversely affect the local watershed and drainage, which currently runs off the two subject properties, through Forest Conservation Easement areas and the Montgomery County Serpentine Barrens Conservation Park, into Greenbrier Branch, and from there to Sandy Branch and finally the Potomac River. In addition to the adverse effect on the local environment, such a disruption would further expose existing homes to flooding risk. Flooding of basements has already been a significant problem for homes on Wood Thrush Lane and this would only exacerbate the issue.

We are also very concerned about the effects on existing infrastructure of the proposed sewer lines, in particular the alternative to build an extension from the low-pressure line that we and others on Wood Thrush Lane rely upon. We note the following:

- As stated by the County Executive in response to this proposal, the two subject properties are excluded from the peripheral service policy under the 2002 Potomac Subregion Master Plan, and there seems to be no rationale under which an exception should be granted in this highly problematic case.
- We understand that the low-pressure sewage line serving Wood Thrush Lane is already virtually at capacity, and any added usage would have a high potential to cause serious backups and stability and reliability issues.
- Those of us who live within the Greenbriar Estates HOA – all residents of Wood Thrush Lane and a small number of other properties in the vicinity but not the owner of the property identified as "11000 block of Wood Thrush Lane" – have since approximately 2007 been paying substantial assessments to finance the construction and maintenance of the sewage infrastructure for our properties, notably the low-pressure sewage line into which the proposal seeks to tap. It is difficult to conceive that additional property owners can be allowed to simply tap into our existing line, without our consent, and benefit from the construction and maintenance for which we have paid and continue to pay.
- The property, when acquired, was a combination of 2 landlocked parcels as shown on the map renderings in your report. On paper it may appear that options 1 & 2 are viable options, but if you were to come to the gated community that contains Wood Thrush Lane and physically look at the homes that abut this property, you would clearly see that the applicant land parcel was never meant to be the site for a new multi-home development. The parcel associated with the 11000 Block of Wood Thrush Lane was actually an out-lot of the Estates of Greenbriar Preserve community before being sold to the previous owner of the home at 11716 Wood Thrush Lane to extend his backyard space. Building a new subdivision of any size is inconsistent with the intent of that land and would severely impact the quiet enjoyment of all the surrounding properties.

For these reasons we hereby request that you add 11712 Wood Thrush Lane, Potomac, MD to the formal opposition list and deny this request (WSCCR 22-TRV-01A) to change the sewer category from S-6 to S-3. Thank you for your time and consideration.

Respectfully,

Vinay & Binta Desai

Phone: (240) 447-9079

Emails: vdesai7@gmail.com, bintap@yahoo.com

Thompkins, Melissa

From: Tom Morey <moreyt@gmail.com>
Sent: Wednesday, February 22, 2023 11:13 AM
To: MCP-Chair
Cc: Kerri Morey
Subject: Testimony for Planning Board Hearing on Feb 23, 2023
Attachments: Opposition Testimony of 11724 Wood Thrush Ln.docx

Categories: Tracked To Dynamics 365

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Please see our testimony for the Planning Board hearing tomorrow.

Thanks!

Tom and Kerri Morey

**TESTIMONY OF
Tom & Kerri Morey
(owners of 11724 Wood Thrush Lane
Potomac, Maryland 20854)**

Opposition to Sewer Category Change Request WSCCR 22-TRV-01A

We have become aware of sewer category request WSCCR 22-TRV-01A. We very much oppose the request to change the sewer category for the property associated with 11415 Glen Road and the property identified as "11000 block of Wood Thrush Lane." Our property is located at 11724 Wood Thrush Lane, one house away from one of the two proposed sewer easement routes.

The conservation status of the lands surrounding our property is of great importance to us and a key contributor to the attractiveness and sustainability of this part of Montgomery County. The potential development of these two parcels, including the construction of sewer lines through other properties that would be 20 or 30 feet wide, would disrupt the local flora and fauna and adversely affect the local watershed and drainage, which currently runs off the two subject properties, through Forest Conservation Easement areas and the Montgomery County Serpentine Barrens Conservation Park, into Greenbrier Branch, and from there to Sandy Branch and finally the Potomac River. In addition to the adverse effect on the local environment, such a disruption would further expose existing homes to flooding risk.

We are also very concerned about the effects on existing infrastructure of the proposed sewer lines, in particular the alternative to build an extension from the low-pressure line that we and others on Wood Thrush Lane rely upon. We note the following:

- As stated by the County Executive in response to this proposal, the two subject properties are excluded from the peripheral service policy under the 2002 Potomac Subregion Master Plan, and there seems to be no rationale under which an exception should be granted in this highly problematic case.
- We understand that the low-pressure sewage line serving Wood Thrush Lane is already virtually at capacity, and any added usage would have a high potential to cause serious backups and stability and reliability issues.

For these reasons we hereby ask that you deny this request (WSCCR 22-TRV-01A) to change the sewer category from S-6 to S-3. Thank you for your time and consideration.

Respectfully,

Tom & Kerri Morey

Phone: (301)294-9450

Emails: moreyt@gmail.com; moreykr@gmail.com

Thompkins, Melissa

From: Eric McKim <securityibmer@gmail.com>
Sent: Wednesday, February 22, 2023 10:38 AM
To: MCP-Chair
Subject: Written Testimony for Item #8 in the 2/23/2023 Planning Board Agenda
Categories: Tracked To Dynamics 365

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Good Morning,

Per the instructions for the submission of written testimony to the Planning Board for Montgomery County, Maryland, I, Eric McKim, am sending this email providing **my testimony related to Item #8 in the Planning Board's agenda for the hearing tomorrow, February 23rd, 2023.** Within Item #8, my testimony is specific to the **sewer category change request with the unique identifier WSSCR 22-TRV-01A.** The applicant's name is the National Sikh Heritage Trust. **My mailing address is as follows:**

11716 Wood Thrush Lane, Potomac, Maryland, 20854.

My testimony in opposition of this sewer category change request is as follows:

I, Eric McKim, a resident and homeowner at 11716 Wood Thrush Lane, Potomac, Maryland, am submitting testimony associated with sewer category change request WSSCR 22-TRV-01A to describe the negative impacts this contemplated sewer request has on my property, which sits directly at the base of the sloped property of the applicant. My home was included in Option #2 defined by WSSC in the summary report for Item #8 on the Planning Board's agenda for February 23rd, 2023. Neither I, or my next door neighbor at 11720 Wood Thrush Lane, also proposed as a part of Option #2, have granted the applicant an easement of any kind to run sewer between our properties. In addition, both of our properties are included within the HOA of The Estates at Greenbriar Preserve who was adamant that they would not approve a utility easement across any of the lots within the HOA for the purpose of running utilities to a lot not within or associated with the HOA.

There are also several environmental impacts, some noted by WSSC in the request summary report, to my home that would result if the applicant received the ability to run sewer through Option #2. The applicant property is a consistent slope towards the properties along Woodthrush Lane that border the applicant property, which includes my home. There is a Stormwater runoff stream that was reinforced many years back (roughly 2012) that takes stormwater runoff and routes it to the community drain installed by the developer of our community. If sewer were to be run to the applicant property it would destroy portions of the stream that us property owners at the bottom of the slope rely on to keep water out of our homes. With regards to the community drain, it sits directly in the middle of the two properties directly impacted by WSSC's Option #2. There is an easement already in place on the deed of 11716 Wood Thrush Lane explicitly for stormwater management purposes. That easement can not be repurposed as it is required for maintenance of the community drain, as required. With that existing easement for stormwater management being there, there is not the required 20 feet width on either side of the existing easement. The community drain cannot be removed in favor of running sewer between our homes.

In addition, I counted over 60 trees that would need to be removed in order to implement WSSC's Option #2. Most of these trees are very mature and established, and 80% of them provide privacy between my home and my neighbor's home. The mature trees were a big selling point in choosing our home and is consistent with most properties in Potomac, MD.

Lastly, in addition to the environmental impacts described above, there would be significant expenses incurred by all of the property owners associated with Options #1 and #2. For Option #1, the destruction of a tennis court, a gazebo, and county-approved reserve septic fields, among other things, would need to occur. For Option #2, the destruction of a significant amount of stonework, underground utilities (e.g. gas lines), fences, irrigation systems, our solar electricity management system, among other things, would need to occur.

I am absolutely opposed to this sewer category change request for the reasons described above and ask the board to vote to deny this application to protect our home and the broader community that will be impacted if this were to be approved. Thank you for your time and consideration in this matter.

Respectfully,
Eric McKim

Thompkins, Melissa

From: Siham Ainane <sihamainane@gmail.com>
Sent: Tuesday, February 21, 2023 9:59 PM
To: MCP-Chair
Subject: Rejection of a sewer easement request from National Sikh Heritage Trust (WSCCR 22-TRV-01A) through our property.
Attachments: letter rejecting National Sikh Heritage Trust (WSCCR 22-TRV-01A) easement request.docx
Categories: Tracked To Dynamics 365

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Dear Mr. Jeff Zyontz,

Attached to this email, please find our letter of rejection to the National Sikh Heritage sewer easement request (WSCCR 22-TRV-01A) through our property.

Sincerely,

Siham & Sami Ainane
12000 Piney Meetinghouse RD,
Potomac, MD 20854

The Honorable Chairman Jeff Zyontz,
Montgomery County Planning Board
2425 Reddie Drive,
Wheaton, MD 20902

Dear Mr. Zyontz,

We received notice that National Sikh Heritage Trust has applied for a sewer category change (WSCCR 22-TRV-01A) with an option of at least 1154 ft long and 30 ft wide (almost an acre of land) easement through our property at 12000 Piney Meetinghouse Rd. Potomac, MD 20854.

We would like to inform you that we adamantly reject the granting of an easement to National Sikh Heritage Trust. The area in question has a designated future reserve septic system, an existing Tennis court, a deck, a gazebo, in addition to many mature trees. The applicant's request is unreasonable, arbitrary and beyond capricious.

Sincerely,

Siham & Sami Ainane
12000 Piney Meetinghouse Rd,
Potomac, MD 20854