

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY AND
SEWERAGE SYSTEMS PLAN – 2023-3 GROUP
FOUR ADMINISTRATIVE CASES**

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: Nov. 29, 2023

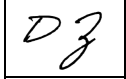
MCPB
Item No. 13
December 7, 2023

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Jamey Pratt, Planner III, Jamey.Pratt@montgomeryplanning.org, 301-495-4588



Don Zeigler, Supervisor, Upcounty Planning Division, Donnell.Zeigler@montgomeryplanning.org, 301-495-4583



Patrick Butler, Chief, Upcounty Planning Division, Patrick.Butler@montgomeryplanning.org, 301-495-4561

LOCATION/ADDRESS

Four locations throughout the county

MASTER PLANS

1998 *Sandy Spring/Ashton Master Plan*
2002 *Potomac Subregion Master Plan*
2004 *Upper Rock Creek Master Plan*

APPLICANT

Montgomery Co. Dept. of Environmental Protection

ACCEPTANCE DATE

November 6, 2023

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 three of the four Water and Sewer Category Change Requests included in the packet.
- 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 1: 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). For case WSCCR 23-URC-01A: Ken Fraley, the applicant provided a revised justification statement (Attachment B) that was not included in the packet from the County Executive. One case in this packet is within the Town of Poolesville, which controls its own planning and zoning, and has been included to be consistent with DEP's review.

The Administrative Public Hearing is scheduled for December 6, 2023. Montgomery County Department of Environmental Protection (MCDEP) will close the public record on December 13, 2023. Planning Staff recommending approval of each case is consistent with the County Executive Staff recommendations.

SECTION 2: RECOMMENDATIONS

WSSCR 23-CLO-01A: ASHTON UNITED METHODIST CHURCH

The applicant has requested a water category change from W-6 to W-1 to allow for public water service for an existing single-family house. The house is currently used as a rectory for the Ashton United Methodist Church located adjacent to this property to the south. The property is 3.01 acres and is zoned RE-2. The address is 17400 New Hampshire Avenue in Ashton. The property is within the 1998 *Sandy Spring/Ashton Master Plan* area.

This property is adjacent to the water and sewer envelope recommended in the 1998 *Sandy Spring/Ashton Master Plan*. The property is owned by the adjacent Ashton United Methodist Church, which is within the water and sewer envelope. The master plan recommends the extension of public water service to properties in the RE-2 zone on a case-by-case basis following the policies in the *Water and Sewer Plan*. The master plan directs Planning Staff to consider the conformance of a proposed development with the rural character objectives of the master plan. The applicant is not proposing any new development on the property, so the provision of public water service will have no effect on the rural character of the property. The property abuts a water line within New Hampshire Avenue and is eligible for a water connection. This request received an advance approval action for category W-1 on October 27, 2023, under the abutting mains policy.

MCDEP Staff Recommendation: Approve W-1

Planning Staff Recommendation: Approve W-1

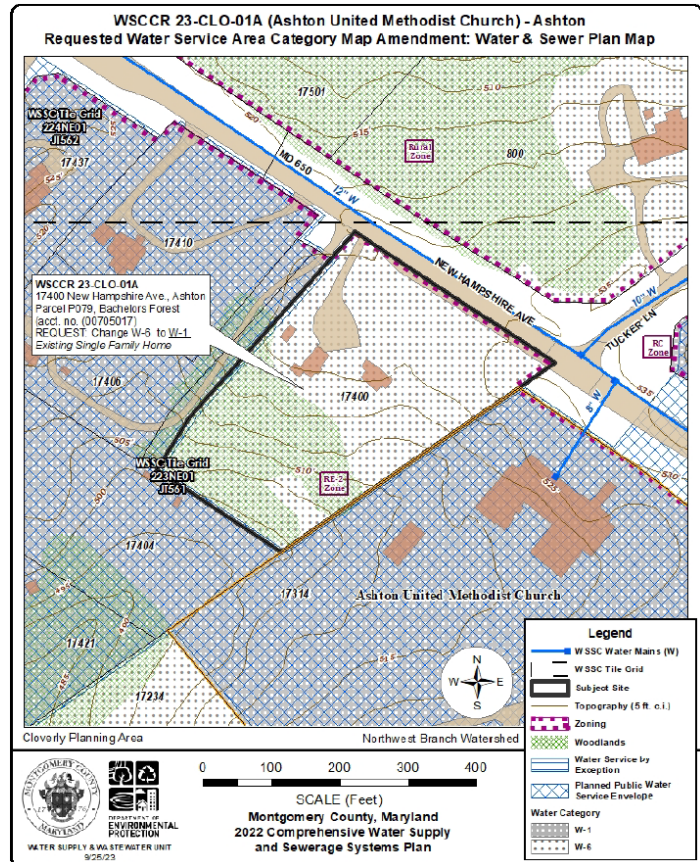


Figure 1. Page 5, Attachment A

WSSCR 23-PLV-01A: CHARLES H. JAMISON, INC.

The applicant has requested approval of water and sewer category changes from W-6 and S-6 to W-3 and S-3 for a proposed 65-lot residential subdivision within the Town of Poolesville. The site is 56.7 acres and is in the Town's PR-0.5 Zone. The property is Parcel P630 on West Willard Road in Poolesville.

This property is in the Town of Poolesville, which has jurisdiction over its own Planning and Zoning. This item was only included to remain consistent with DEP's review packet.

Staff has no comment.

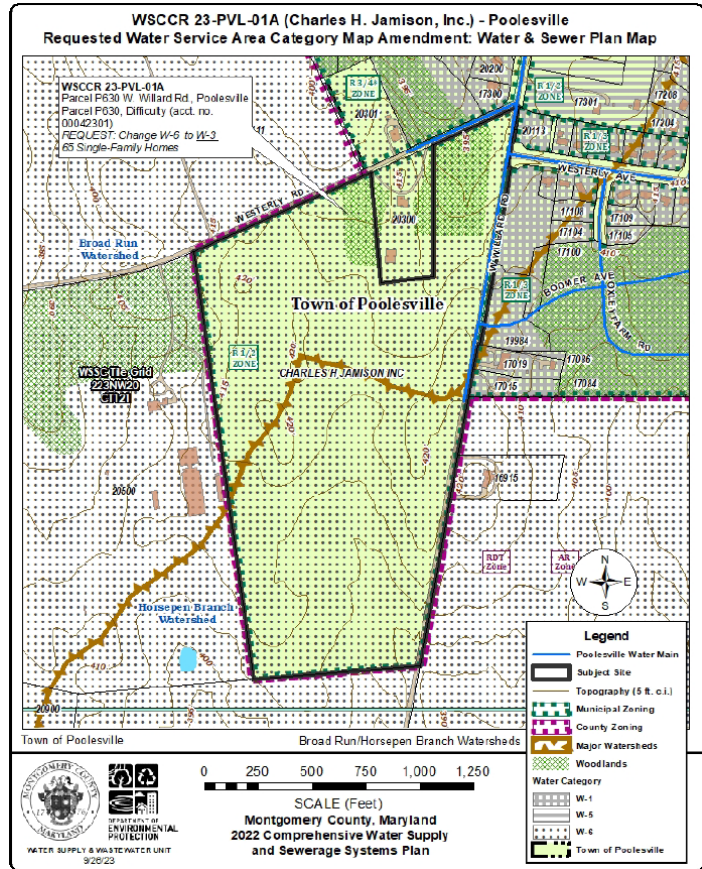


Figure 2. Page 8, Attachment A

WSSCR 23-TRV-02A: RODERICK DUNLAP AND JAMES HALL

The applicant has requested approval of sewer category S-1 to allow for public sewer service for the relief of a failed septic system. The property is 1.25 acres in size, and in the RE-1 zone. The address is 12805 Spring Drive in Rockville. The property is within the 2002 *Potomac Subregion Master Plan* area.

The property is located outside the planned public sewer service envelope. The master plan allows for the limited provision of community sewer service for RE-1-zoned properties outside the planned sewer service area consistent with the policies of the *Water and Sewer Plan*. The property is within both the Glen Hills Area and the Piney Branch subwatershed, both areas where the master plan allows for single-home sewer hookups abutting existing sewer mains. The property has an existing failed septic system and is eligible for a single sewer hookup to the abutting main within Spring Drive. The provision of public sewer service to relive a failed septic system is consistent with both the Glen Hills area sewer service policy and the Piney Branch restricted sewer service policy. DEP issued an expedited sewer service request to WSSC on January 10, 2023.

MCDEP Staff Recommendation: Approve S-1

Planning Staff Recommendation: Approve S-1

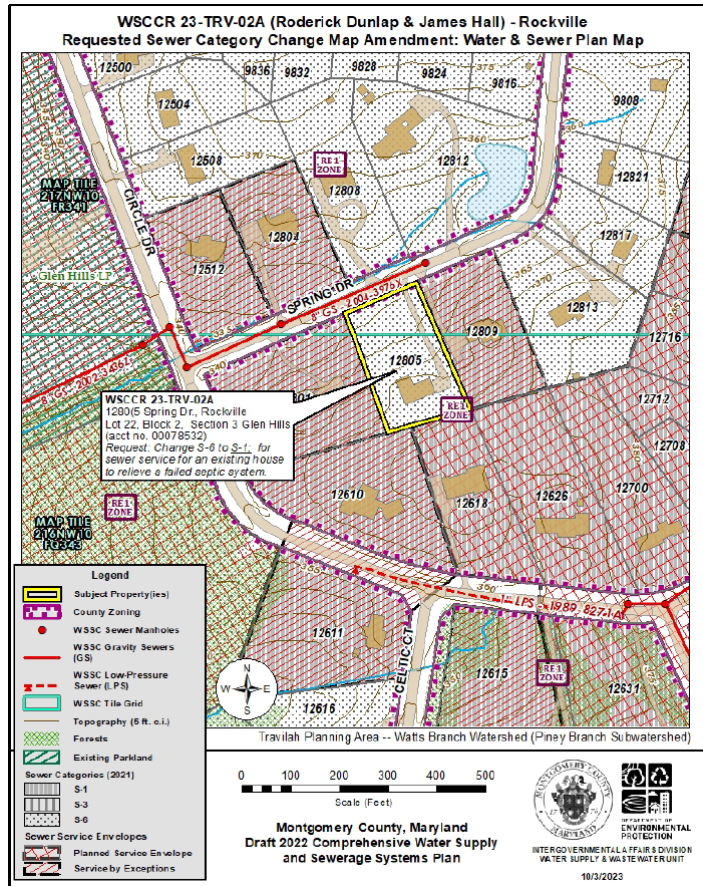


Figure 3. Page 14, Attachment A

WSSCR 23-URC-01A: KEN FRALEY

The applicant has requested approval of a water category from W-6 to W-3 to allow for public water service for a proposed 43-lot residential subdivision. The site is 87.3 acres in size, and in the RE-1 zone. (Another part of the proposed subdivision zoned RE-2 is not included in this category change request.) The address is 17800 Bowie Mill Road in Derwood. It is within the 2004 *Upper Rock Creek Area Master Plan* area.

The property is located outside the planned public water service envelope. WSSC Water has reported that the provision of public water service will require a 2,350-foot, 16”-diameter water main extension from the existing 16” main to the south along Bowie Mill Rd. The main will need to be a project in WSSC Water’s capital improvement program (CIP) budget.

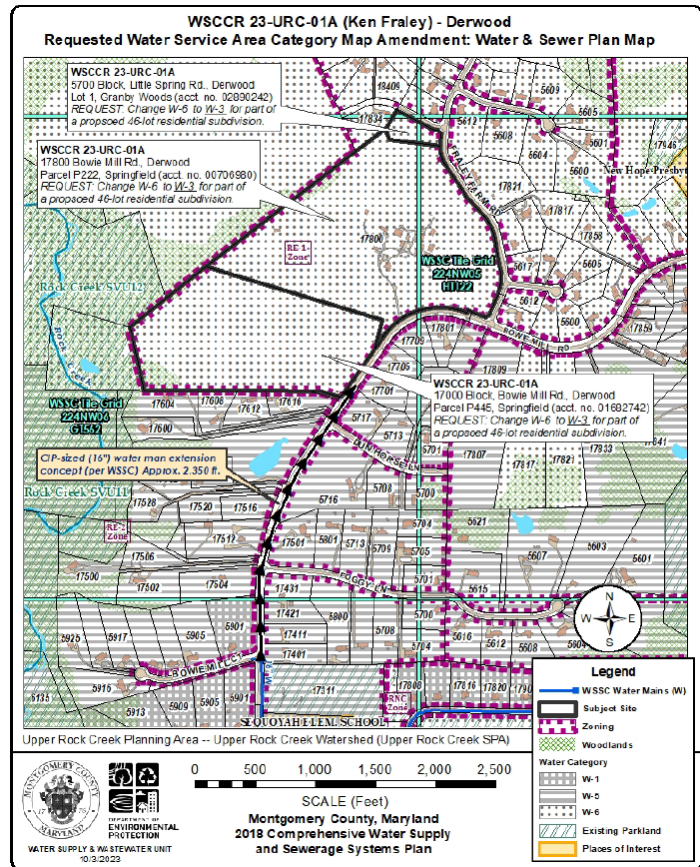


Figure 4. Page 20, Attachment A

The property is discussed in the 2004 *Upper Rock Creek Area Master Plan* and is known as the “Fraley Property” in the plan (pages 24 and 25). The master plan states, “... the intent of this Plan is that [the property] undergo large lot development using septic systems ... and not be subject to the impervious limits that will be included in the recommended environmental overlay zone for Upper Rock Creek”. Although no imperviousness cap is in effect, the property is within the Upper Rock Creek Special Protection Area and subject to a water quality plan at the time of development.

The master plan is silent on the extension of public water service to the Fraley Property. However, because the nearest water infrastructure is over 2,300 feet south, the property is deep inside subdivided properties currently served by wells rather than by public water service. The master plan further states that “[s]ome lower density areas that initially developed using private, on-site wells are unlikely to receive community service for the foreseeable future” (p. 58). This indicates that public water service was not anticipated by the master plan for the Fraley Farm.

“The [master plan’s] policies generally require the provision of water service to areas zoned for moderate to high density development, and allow for the consideration of water service on a case-by-case basis to areas zoned for lower density one- and two-acre development ...” (p. 58). The master

plan did not recommend public water service to the Fraley Property because of its lower-density zoning and distance from existing public water infrastructure. The master plan states that, because the property is a working farm and is largely pastureland, the Fraley property does not contain “substantial amounts of sensitive natural resources” (p. 24). Public water service will allow greater flexibility in neighborhood design and siting of septic systems. It will also allow for better fire protection in the neighborhood along the extended water line in the road. Given that the master plan confirmed the RE-1 zone for the property and did not foresee major impacts to sensitive natural resources, that public water service provides benefits to the developer and the neighborhood along Bowie Mill Road to the south, and the master plan allows public water on a case-by-case basis, the provision of public water service to the development seems reasonable.

MCDEP Staff Recommendation: Approve W-3

Planning Staff Recommendation: Approve W-3

SECTION 3: CONCLUSION

Staff recommends that the Planning Board approve the category change request recommendations. Staff will transmit the recommendations to the County Executive prior to final action.

ATTACHMENT

- A. County Executive Notice of Public Hearing and Attached Package
- B. Revised Water Service Area Category Change Request for Ken Fraley (WSCCR 23-URC-01A)



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Jon Monger
Director

November 6, 2023

NOTICE OF ADMINISTRATIVE DELEGATION (AD) 2023-3 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: Alan Soukup, Senior Planner, Water Supply and Wastewater Unit
Department of Environmental Protection

SUBJECT: **Administrative Public Hearing AD 2023-3 for Water and Sewer Plan Amendments**

DATE & TIME: **Wednesday, December 6, 2023, at 10:00 a.m.**

LOCATION: **Telephone Conference**
Please contact me at alan.soukup@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 23-CLO-01A Ashton United Methodist Church
- WSSCR 23-PLV-01A..... Charles H. Jamison, Inc.
- WSSCR 23-TRV-02A ... Roderick Dunlap and James Hall
- WSSCR 23-URC-01A.... Ken Fraley

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:

Jon Monger, Director, DEP; 2425 Reedy Drive, 4th Floor, Wheaton, MD 20902;
or to alan.soukup@montgomerycountymd.gov.

DEP will close the record on December 13, 2023. Following the closing, DEP staff will prepare Statement of Action and provide it to the DEP director for approval. DEP will then send the action to the Maryland Dept. of the Environment (MDE) for review and concurrence.

Please do not hesitate to contact me at alan.soukup@montgomerycountymd.gov or at 240-777-7716 if you have any questions concerning these category change requests or on the schedule provided.

ADS/ads/R:\Programs\Water_and_Sewer\actions-AD\2023\AD-2023-3\ad-hearing-notice-2023-3.docx

cc: Evan Glass, President, Montgomery County Council
Linda Kobylski, Jason Flemming & Megan Wilhelm, DPS
Artie Harris, Chairperson, Montgomery County Planning Board
Donnell Zeigler, and Jamey Pratt, 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
Wade Yost, Town Manager, Town of Poolesville

Category Change Applicants & Interested Parties

WSSCR 23-CLO-01A..... Ashton United Methodist Church
..... David McKee, Benning and Associates, Inc.
WSSCR 23-PLV-01A Charles H. Jamison, Inc.
WSSCR 23-TRV-02A..... Roderick Dunlap and James Hall
..... Dennis Leapley, Leapley Construction
WSSCR 23-URC-01A Ken Fraley
..... Angelo Petraglia, Cole Group, LLC
..... Patricia Harris

Civic Organizations and Other Public Interest Groups

Nature Forward
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
West Montgomery County Citizens Association
Sandy Spring Ashton Rural Preservation, c/o Amy Medd
Ashton Alliance, c/o Kathleen Wheeler
Sandy Spring Civic Association, c/o Baslie Whittaker
Northern Montgomery County Alliance, c/o Julius Cinque
East County Citizens Advisory Board, c/o Rachel Evans
Avenshire Homeowners Association Inc., c/o Elizabeth Osterman
Muncaster Area Civic Association, c/o Dave Troutner

WSSCR 23-CLO-01A: Ashton United Methodist Church

DEP Staff Recommendation: Approve W-1. Include this property within the planned public water service envelope. Administrative policy V.D.2.a.: Community Service Consistent with Existing Plans.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 17400 New Hampshire Ave., Ashton • Parcel P079, Bachelors Forest (acct. no. 00705017) • Map tile: WSSC – 223NW01; MD –JT51 • West side of New Hampshire Ave., North of the intersection with Tucker Ln. • RE-2 Zone; 3.01 ac. • Cloverly Planning Area Sandy Spring Ashton Master Plan (1998) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use</u>: Single Family Home (on a church-owned property) • <u>Proposed use</u>: Water service for Single Family Home 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-6</td> <td style="width: 50%; text-align: center;">W-1</td> </tr> <tr> <td>S-6</td> <td style="text-align: center;">S-6 (no change)</td> </tr> </table> <p>Outside the planned public water service envelope</p> <p><u>Applicant’s Explanation</u></p> <p>“Well pump keeps failing. Water main abuts the property. Prefer the reliability of public water service. “</p> <p><i>DEP note: This request received an advance approval action for category W-1 on Oct., 27, 2023, under the abutting mains policy.</i></p>	W-6	W-1	S-6	S-6 (no change)
W-6	W-1				
S-6	S-6 (no change)				

DEP Staff Report: The applicant has requested a water category change from W-6 to W-1 to allow for public water service for and existing single-family house. The house is currently used as a rectory for Ashton United Methodist Church located adjacent to and to the south of this property. This property is 3.01 acres in size and zoned RE-2. It is not currently within the planned public water service envelope, although adjacent properties to either side are within the envelope. WSSC Water has reported that public water service can be provided from the 12”-diameter water main abutting the property along New Hampshire Ave.

M-NCPPC staff concur that the property is eligible for public water service, consistent with the recommendations in the 1998 *Sandy Spring/Ashton Master Plan*. M-NCPPC Parks confirms there are no anticipated park impacts.

DEP staff recommendation is for the approval of category W-1, and inclusion of this parcel in the planned public water service envelope, under the consistent with existing plans policy.

Agency Review Comments

DPS: There are no records for the well on this property.

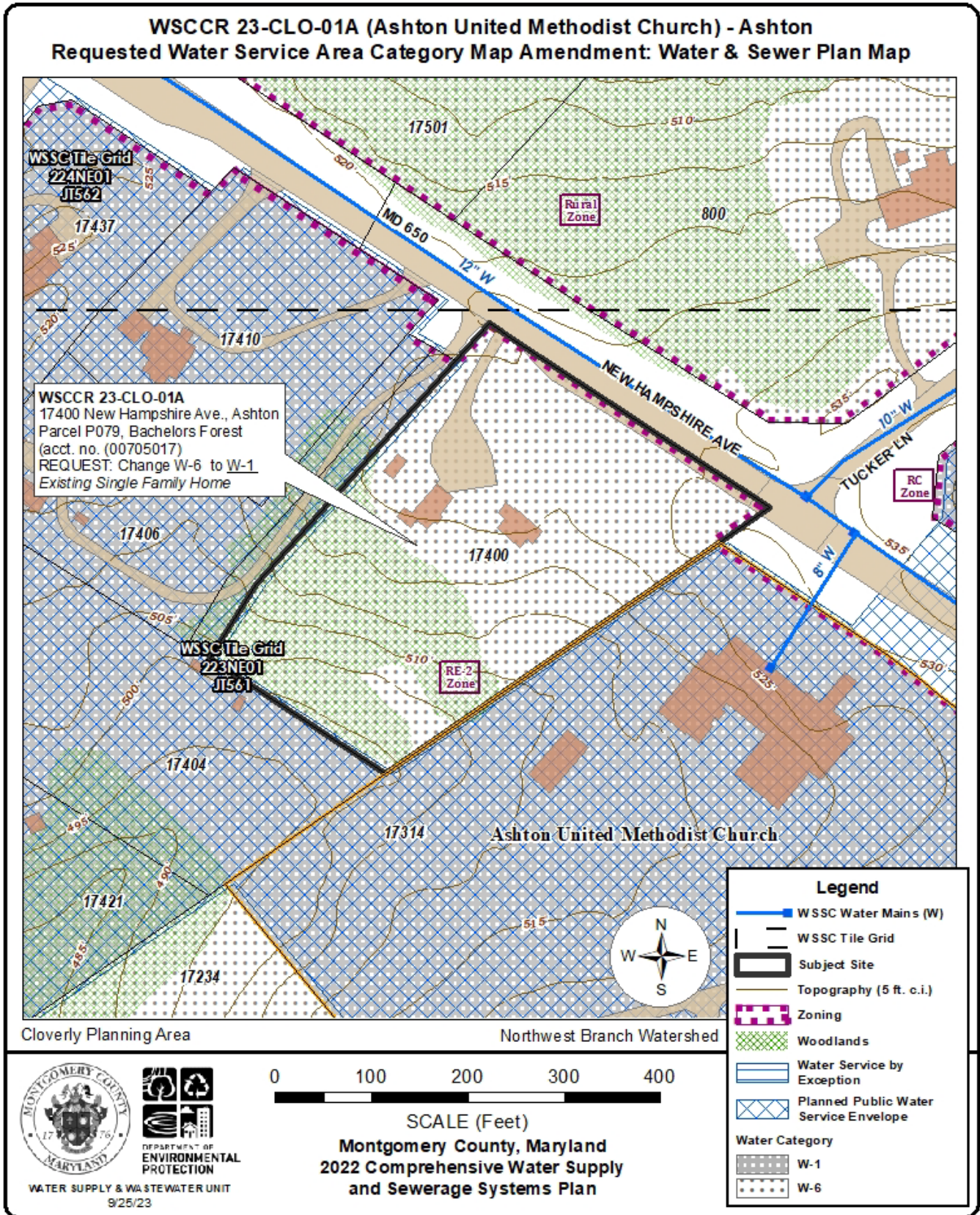
M-NCPPC – Planning Dept.: This property is adjacent to the water and sewer envelope recommended in the 1998 *Sandy Spring/Ashton Master Plan*. The property is owned by and adjacent to the Ashton United Methodist Church, which is within the water and sewer envelope. The property confronts a water line that is within New Hampshire Avenue and is eligible for a water connection.

M-NCPPC – Parks Planning: No apparent park impacts.

WSSC - Water: Water pressure zone: 660A A 12-inch water line in New Hampshire Avenue abuts the property (Contract No. 2001-3197A). A water extension is not required to serve the property. Only a service connection permit would be required to directly serve the property. An easement may be required.[*] Construction of this extension may involve the removal of trees.[*] Local service is adequate.

[DEP notes: WSSC Water’s two preceding statements are only advisory in nature. Also, a water main extension is not needed for service to this property, only a connection to an existing main.]*

WSSC - Sewer: (A sewer category change was not requested.)



Description: Water category map showing category change request 23-CLO-01A seeking water category W-1 for 17400 New Hampshire Ave.

WSSCR 23-PLV-01A: Charles H. Jamison, Inc.

DEP Staff Recommendation: Approve W-3 and S-3. Administrative policy V.D.2.a.: Community Service Consistent with Existing Plans.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • Parcel P630 W. Willard Rd., Town of Poolesville • Parcel P630, Difficulty (acct. no. 00042301) • Map tile: WSSC –223NW20; MD –CT11 • Southwest quadrant of the intersection of Willard Rd. and Westerly Rd. • PR 0.5 Zone (Poolesville); 56.7 ac. • Town of Poolesville Poolesville Master Plan (2011) • Broad Run and Horsepen Branch Watersheds (MDE Use I) • <u>Existing use</u>: Crop Field <u>Proposed use</u>: 65 single-family homes 	<p>Applicant's Request: Service Area Categories & Justification</p> <hr/> <p><u>Existing</u> – <u>Requested</u> – Service Area Categories</p> <p>W-6 W-3</p> <p>S-6 S-3</p> <p>Within the planned public water and sewer service envelopes for the Town of Poolesville.</p> <hr/> <p><u>Applicant's Explanation</u></p> <p>"The subject property is located within the limits of the Town of Poolesville and is zoned for single-family residential lots (PR-1/2) with a minimum lot size of one-half acre. The applicant has submitted a Preliminary Plan to the Town which proposes to subdivide the property into 65 building lots. Public water and sewer, using the Town's water and sewer system, is needed to develop the property in accordance with the plan."</p>
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DEP Staff Report: The applicant has requested approval of water and sewer category changes from W-6 and S-6 to W-3 and S-3 for a proposed 65-lot residential subdivision within the Town of Poolesville. The site is 56.7 acres in size and is in the Town's PR-0.5 Zone.

The Town has advised that the planned residential subdivision project is currently under review (see pg. 7). Adequate capacity exists in the Town's water supply and wastewater treatment systems for the project. The Town does advise that this will likely be the last major subdivision project within the town under the Town's existing water supply and wastewater systems capacities.

DEP staff recommendation is for the approval of categories W-3 and S-3 under the consistent with existing plans policy.

Agency Review Comments

DPS: DPS supports this request.

Town of Poolesville: The proposed Jamison 65-home subdivision is currently under Preliminary Plan review. The Town has a population cap of 6,500 and this proposed development does not create an exceedance of that cap. However, this will most likely be the last subdivision to occur until adequate facilities can be acquired.

For this development and Planning purposes, the Town uses 325 gallons/household for both water and sewer usage. This equates to a 21,125 gal/day requirement.

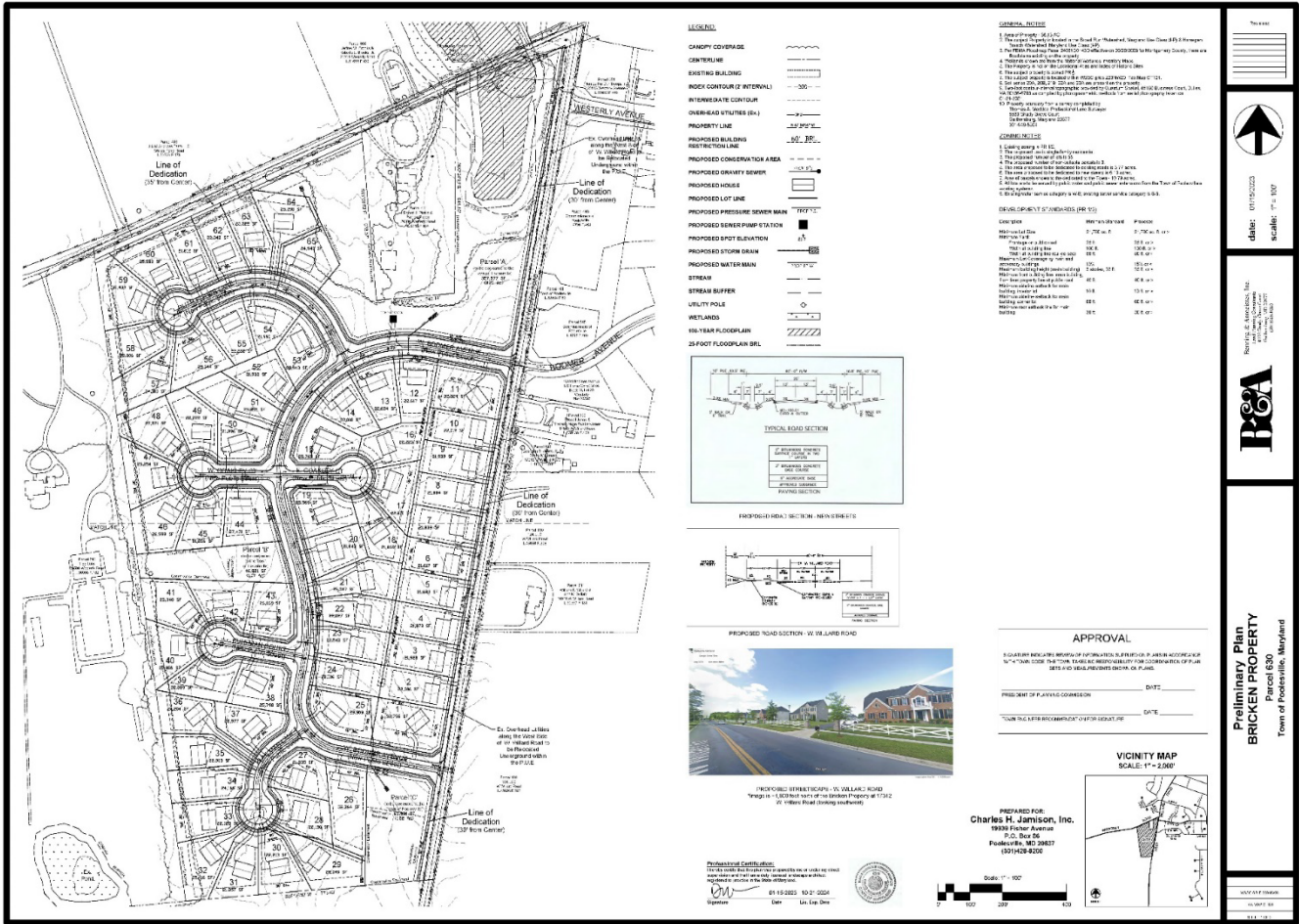
Water capacity: Calculate the past three-year averages. Subtract this sum from the permitted 650,000 gpd. The remaining balance is the **net available water capacity = 115,000 GPD**

Average Flows:

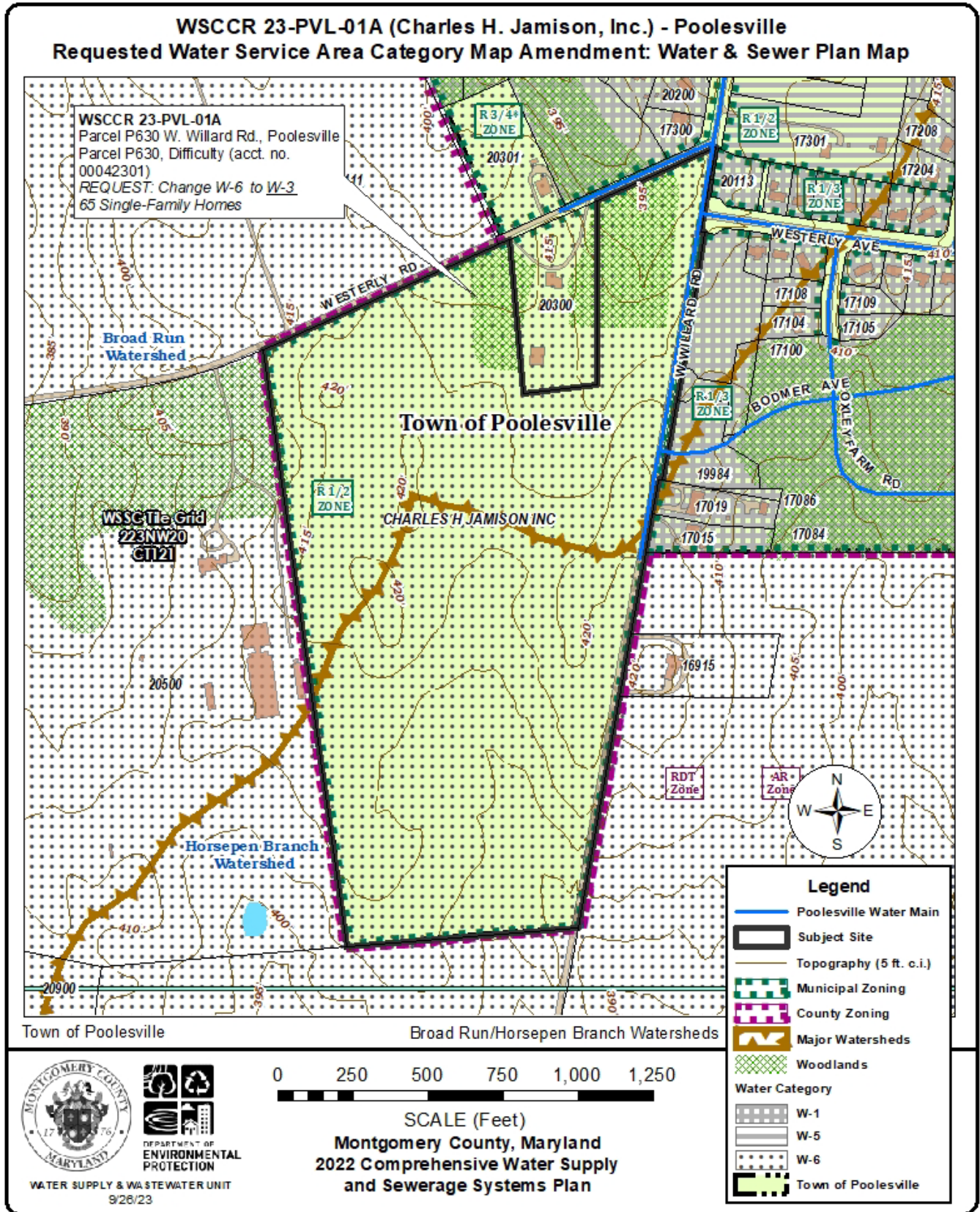
- 2020 548,000 GPD
- 2021 516,000 GPD
- 2022 541,000 GPD
- Three-Year Rolling Average- 535,000 GPD

Available Wastewater capacity: = 187,000 GPD

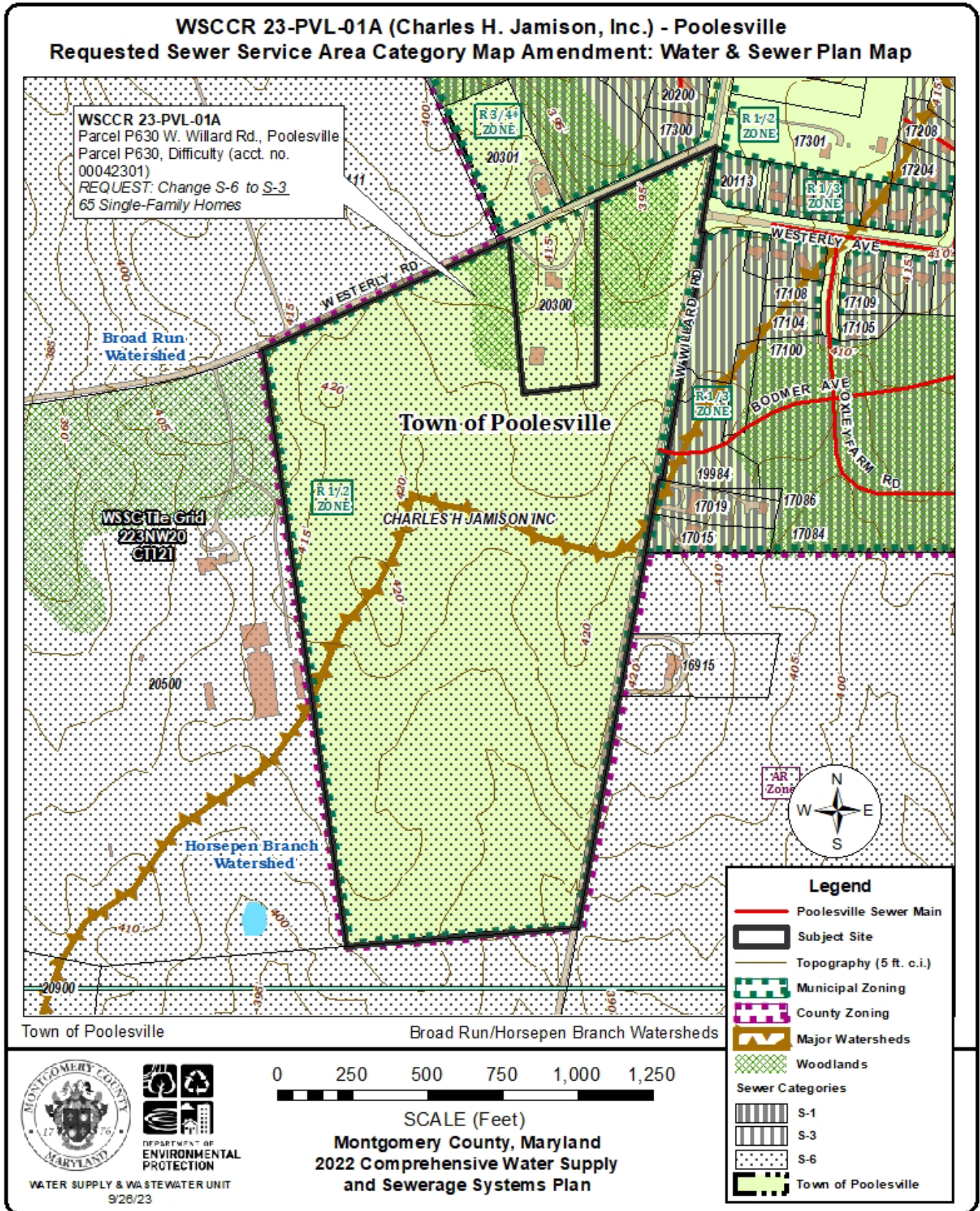
1. Rated/design flow: .750 MGD and current permitted flow: **0.750 MGD or 750,000 GPD.**
2. Annual average flow in MDG for each of the three (3) complete previous years:
2020 flow/MGD: 0.630; 2021 flow/MGD: 0.517; 2022 flow/MGD: 0.541.
3-year average [flow MGD] = 0.563.



Description: Applicant's proposed 65-lot residential subdivision plan for the WSCCR 23-PVL-01A site.



Description: Water category map showing category change request 23-PVL-01A seeking water category W-3 for Parcel P630 on W. Willard Rd., Poolesville.



Description: Sewer category map showing category change request 23-PVL-01A seeking sewer category S-3 for Parcel P630 on W. Willard Rd., Poolesville.

WSSCR 23-TRV-02A: Roderick Dunlap and James Hall

DEP Staff Recommendation: Approve S-1, for one sewer service connection only. Administrative policy V.D.2.a.: Community Service for Public Health Concerns.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 12805 Spring Dr., Rockville • Lot 22, Block 2, Sec 3 Glen Hills (acct. no. 00078532) • Map tile: WSSC – 217NW10; MD –FR41 • South side of Spring Dr., 340 ft east of the intersection with Circle Dr. • RE-1 Zone; 1.02 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed – Piney Branch subwatershed (MDE Use I) • <u>Existing use:</u> Single Family Home <u>Proposed use:</u> Public sewer service for the existing house for the relief of a failed septic system. 	<p>Applicant’s Request: Service Area Categories & Justification</p> <hr/> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change) S-6 S-1</p> <p>Outside the planned public sewer envelope</p> <hr/> <p><u>Applicant’s Explanation</u></p> <p>“Failure of existing septic system (onsite).”</p> <p><i>DEP notes:</i> Expedite sewer service request based on the septic system failure issued to WSSC Water on 1/10/2023 (see pages 11-13).</p>
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DEP Staff Report: The applicant has requested approval of sewer category S-1 to allow for public sewer service for the relief of a failed septic system. The property is 1.25 acres in size, and in the R-200 zone. The property is located outside the planned public sewer service envelope. The provision of public sewer service to relive a failed septic system is consistent with both the Glen Hills area sewer service policy and the Piney Branch restricted sewer service policy.

WSSC Water reports that sewer service can be provided from the abutting 8”-diameter sewer main along Spring Dr. *As a new sewer extension is not needed, WSSC’s comment that the extension does not need to be in the capital projects program is not relevant. **WSSC Water’s report concerning daily dry-flow capacity limits at the Potomac Interceptor (PI) refers to WSSC Water’s capacity limitation under the current Intermunicipal Agreement, not a physical limitation of the pipe capacity. Other sewerage basins, such as Muddy Branch, that feed into the PI are well below agreed dry-flow capacities. DEP is coordinating with WSSC Water to address this issue. As noted in WSSC Water’s report, adequate transmission capacity exists for this property if approved for public sewer service.

M-NCPPC staff conclude that public sewer service to the property is consistent with the recommendations 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 S-1, for a single sewer connection, under the public health concerns policy.

Agency Review Comments

DPS: The existing septic system serving this property was confirmed to be failing by DPS. A BRF grant was obtained by the owner for a public sewer connection

M-NCPPC – Planning Dept.: This R-200-zoned property is in the 2002 Potomac Subregion Master Plan area and developed with a single-family home. It is within the master plan sewer envelope. The lot is eligible for sewer service.

M-NCPPC – Parks Planning: No apparent park impacts.

WSSC - Water: (A water category change was not requested.)

WSSC - Sewer: Basin: Watts Branch. Flow from Watts Branch Basin discharges to DC Water’s Potomac Interceptor (PI). Flows to the PI are governed by the Blue Plains Service Area Intermunicipal Agreement (IMA). The updated sewer model indicates that future average day dry weather flows at the Watts Branch connection to the PI are approaching the allocation agreement limit. [**See DEP staff report.]

This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated *Special Sewer Service* area. An 8-inch sewer line in Spring Drive abuts the property (2004-3976X). 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 (Maryland Code Annotated, Public Utilities Article, §23-301).[*See DEP staff report.] Interceptor capacity is adequate. Treatment capacity is adequate.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adriana Hochberg
Acting Director

MEMORANDUM

January 10, 2023

TO: Ray Chicca, Division Chief, Development Services Group
Luis Tapia, Unit Coordinator, DSD Permit Services
Washington Suburban Sanitary Commission

FROM: Alan Soukup, Senior Environmental Planner, Water Supply and Wastewater Unit
Interagency Affairs Division, Department of Environmental Protection

SUBJECT: Public Service Relief for Onsite Systems Problems

A handwritten signature in blue ink, appearing to be "ALS".

We request WSSC's assistance in expediting the provision of public service to the following property:

Sewer Service: 12805 Spring Dr., Rockville

Property I.D.:	Lot 22, Block 2 Section 3 Glen Hills; acct.no. 00078532 – (SDAT tax map: FR41)			
Owner:	Zhenzong Wan	Categories:	Water: W-1	Sewer: S-6
WSSC grid:	217NW10	Zoning/Size:	RE-1 Zone, 44,802 sf (1.03 ac.)	
Planning Area:	Travilah	Watershed:	Watts Br. (Piney Br. subshed)	

The Department of Permitting Services (DPS), Well and Septic Section, has advised this office of a public health problem, a septic system failure, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public sewer service, due to effluent coming to the yard surface over the existing drainfield. (Details about this failure were exchanged in emails between DPS and DEP staff.) An existing 8"-diameter sewer main (contract no. 2004-3976X) abuts the property along Spring Dr.

Although this property is designated as category S-6 in the County's Water and Sewer Plan, DPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. DEP will initiate the process to have the property owner file a request for a service area change from S-6 to S-1.

Given these conditions, it is reasonable to relieve this public health hazard by expediting the provision of public sewer service. This is consistent with the provisions of the Water and Sewer Plan's sewer service policy for the Glen Hills area. **WSSC Water does not need to wait for the approval of a Water and Sewer Plan amendment to provide public sewer service; public service via the WSSC-Water's system should be provided as soon as possible.** We would appreciate your assistance in this matter.

Ray Chicca and Luis Tapia, WSSC Water
January 10, 2023

Page 2

The property owner will need to contact WSSC Water to begin the application process for public sewer service. Neither DEP nor DPS staff can initiate a WSSC-Water service application on the owner's behalf. Our understanding is that the current contract purchaser for the property, Rod Dunlap, will initiate the category change process once a property transfer goes to settlement on January 12, 2023.

For a sewer connection to an existing main, the owner can contact the WSSC Water Permit Services Section at either 301-206-4003 or onestopshop@wsscwater.com. Additional information is available at the WSSC Water Permits website at <https://www.wsscwater.com/work-with-us/permit-services>.

If you have any questions, or if there are significant problems related to provision of sewer service, please contact either me at alan.soukup@montgomerycountymd.gov or 240-777-7716, or George Dizelos at george.dizelos@montgomerycountymd.gov or 240-777-7755.

Attachments (see pages 3 and 4)

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cc: Lisa Sine and April Snyder, Permit Services Unit, WSSC Water
Steven Shofar, Chief, Intergovernmental Affairs Division, DEP
Heidi Benham, Well and Septic Section, DPS
Jason Sartori, Functional Planning Division, M-NCPPC
Patrick Butler, Donnell Zeigler and Katherine Nelson, Upcounty Planning Division, M-NCPPC
Rod Dunlap, contract purchaser
Zhenzong Wan, owner

Ray Chicca and Luis Tapia, WSSC Water
January 10, 2023

Page 3



DEPARTMENT OF PERMITTING SERVICES

Marc Elich
County Executive

Ehsan Motazed
Acting Director

December 23rd, 2022

TO: Alan Soukup
Water Supply & Wastewater Unit
Department of Environmental Protection
2425 Reedie Drive, 4th floor
Wheaton, MD 20902

FROM: Heidi Benham
Well and Septic Section
Dept. of Permitting Services
2425 Reedie Drive, 7th floor
Wheaton, MD 20902

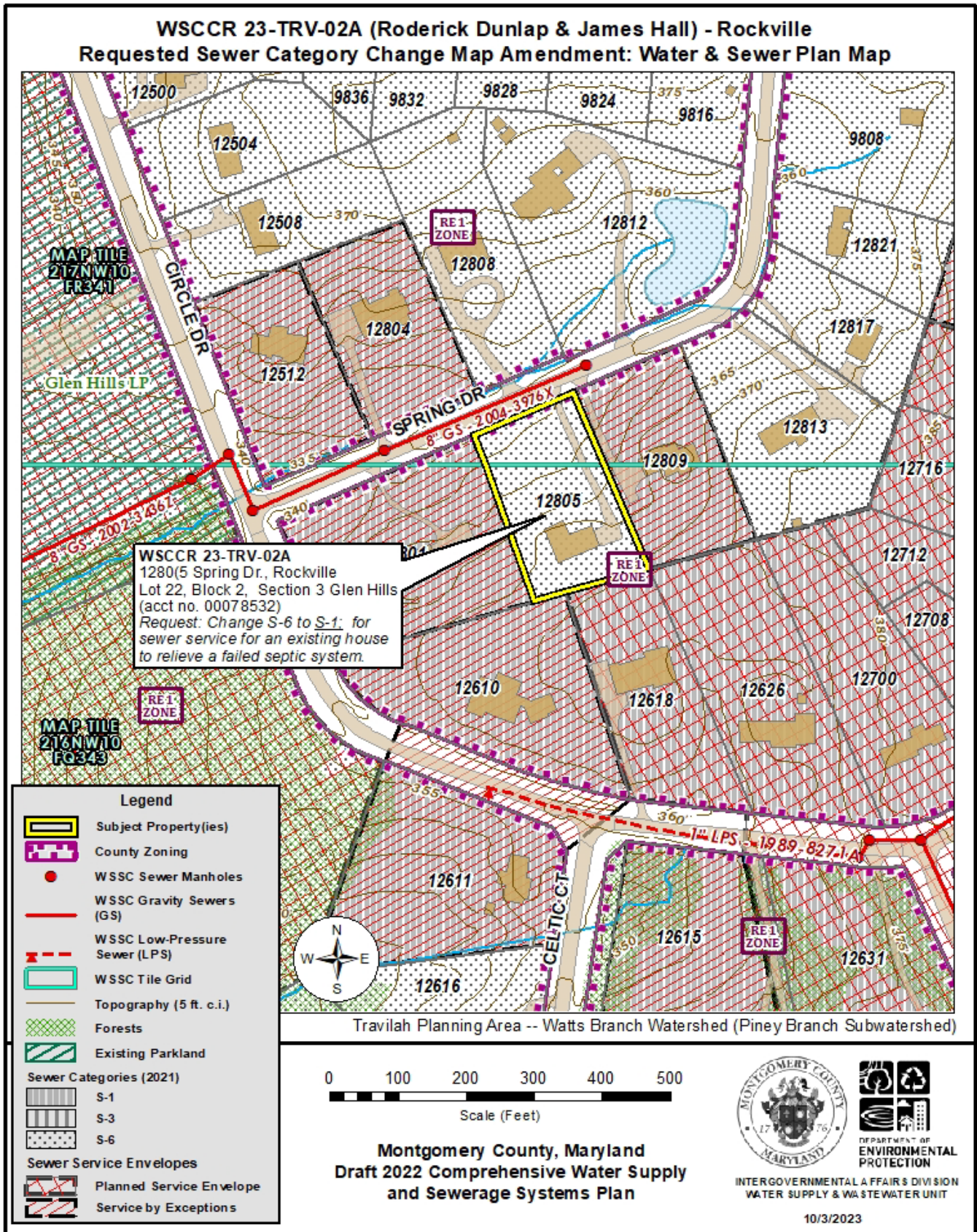
SUBJECT: Request for Sewer Connection

LOCATION: 12805 Spring Drive
Rockville, MD 20850
Tax Map Grid: FR41
WSSC Grid: 216 NW 10

The occupant of the subject property, Mr. Ron Dunlap, has requested our assistance in obtaining an expedited sewer connection due to a failing septic system. The septic system has been repaired numerous times, and recurring problems have been documented by DPS since 2011. This property is currently designated as sewer category S-6. There is an existing sewer line on Spring Drive.

If I can be of further assistance, please contact me at 240-777-6318.

cc: rawdunlap@gmail.com



Description: Sewer category map showing category change request 23-TRV-02A seeking sewer category S-1 for 12805 Spring Dr., Rockville.

WSSCR 23-URC-01A: Ken Fraley

DEP Staff Recommendation: Approve W-3. Include the site within the planned public water service envelope. Administrative policy V.D.2.a.: Community Service Consistent with Existing Plans. Note that water service will require inclusion of the needed 2,350-ft. long, 16-inch-diameter water main extension in the WSSC Water CIP budget.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 17800 Bowie Mill Rd., Derwood • Parcels P222, P445, Springfield, and Lot 1, Granby Woods (acct. nos. 00706980, 01682742 and 02890242) • Map tile: WSSC – 224NW06; MD –HT12 and GT62 • Northwest quadrant at the intersection of Bowie Mill Rd. with Fraley Farm Rd. • RE-1 Zone; 87.3 total ac. • Upper Rock Creek Planning Area Upper Rock Creek Master Plan (2004) • Upper Rock Creek Watershed (MDE Use III) – Upper Rock Creek SPA • <u>Existing use</u>: Agricultural, Farm Home • <u>Proposed use</u>: 46 Single Family Homes, including the existing farmhouse. 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6* W-3</p> <p>S-6 S-6 (no change)</p> <p>*Outside the planned public water service envelope</p> <p><u>Applicant’s Explanation</u></p> <hr/> <p>Please see pgs. 17-19 for applicant’s explanation and proposed development plan.</p>
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DEP Staff Report: The applicant has requested approval of a water category from W-6 to W-3 to allow for public water service for a proposed 46-lot residential subdivision. The site is 87.3 acres in size, and in the RE-1 zone. (Another part of the proposed subdivision zoned RE-2 is not included in this category change request. The property is located outside the planned public water service envelope. WSSC Water has reported that the provision of public water service will require a 2,350-foot, 16”-diameter water main extension from the existing 16” main to the south along Bowie Mill Rd. The main will need to be a project in WSSC Water’s capital improvement program (CIP) budget.

M-NCPPC staff questioned whether the applicant had provided a stronger case for the need for public water service for this project (see below). However, in subsequent discussions with DEP staff and the applicant, M-NCPPC staff acknowledged that this request could be considered through the administrative delegation process. The provision of public water service will likely allow for greater flexibility in siting the proposed lots using septic systems. Public water service negates the need for 100-foot well setbacks for septic systems, opening up more area for septic system testing. Public water service will also allow for better fire protection in this neighborhood and for intervening areas to the south along Bowie Mill Rd.

DEP staff recommend the approval of water category W-3, and inclusion of this site in the planned public water envelope. The applicant will need to work with WSSC Water to include the needed 16”-diameter water main extension as a developer-dependent project in the WSSC Water CIP budget.

Agency Review Comments

DPS: The existing house is currently served by a private well. Surrounding properties are served by private wells.

M-NCPPC – Planning Dept.: This water service request is for an RE-1 subdivision of 46 single-family lots on a 91-acre farm located within the 2004 *Upper Rock Creek Area Master Plan* area and is known as the Fraley Property (pages 24 and 25). The discussion of this property in the Plan states, “. . . the intent of this Plan is that [the property] undergo large lot development using septic systems . . . and not be subject to the impervious limits that will be included in the recommended environmental overlay zone for Upper Rock Creek”. Although no imperviousness cap is required, the property is within the Upper Rock Creek Special Protection Area and subject to a water quality plan at the time of development.

This Master Plan discussion of the Fraley Property is silent on the extension of public water service. However, the nearest water infrastructure is over 2,300 feet south of the property along Bowie Mill Road and the property is deep inside subdivided properties not currently served by public water service. The Plan further states of this

area that, “Some lower density areas that initially developed using private, on-site wells are unlikely to receive community service for the foreseeable future.” This indicates that public water service was not anticipated by the Master Plan for the Fraley Farm.

The Community Water Supply Systems and Service Policies section of the Master Plan (page 57-58) states, “The Plan’s policies generally require the provision of water service to areas zoned for moderate to high density development, and allow for the consideration of water service **on a case-by-case basis** to areas zoned for lower density one- and two-acre development ...” This application should make a stronger case for the extension of water service so far outside areas currently being served.

M-NCPPC – Parks Planning: No apparent park impacts.

WSSC - Water: Water pressure zone: 660A. Approximately 2,350-foot-long CIP-sized water extension is required to serve the property. This extension would connect to an existing 16-inch main located near the intersection of Bowie Mill Road and Bowie Mill Court to the South of the property (contract no. 1996-1760A) and would abut approximately 25 properties in addition to the applicant’s. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are required to serve the property.

WSSC - Sewer: (*A sewer category change was not requested.*)



7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lerchearly.com

Water Service Area Category Change Request
Fraley Farm
December 21, 2022

This statement is submitted on behalf of Ken Fraley, the owner of the 91.32 acre Fraley Farm (the “Property”) located at 17800 Bowie Mill Road in support of a Water Service Area Category Change Request pursuant to the administrative process.

The Property, located within the boundaries of the 2014 Approved and Adopted Upper Rock Creek Area Master Plan (the “Master Plan”) and zoned RE-1 is comprised of the following:

- Bowie Mill Road, bearing tax account no. 08-01682742 and pursuant to the State Department of Assessment and Taxation (“SDAT”) containing 36.28 acres;¹
- 17800 Bowie Mill Road, bearing tax account no. 08-00706980 and containing 49.28 acres;
- Little Spring Road, Lot 1, Block O, bearing tax account no. 08-02890242 and containing 1.74 acres; and 1

Pulte Homes, the contract purchaser of all of the Property but for that portion of the Property currently improved with a historic farmhouse and the soon to be designated environmental setting, proposes to subdivide the Property in accordance with the RE-1 Standard Method of Development to accommodate a total of 46 lots consisting of 44 new single family lots approximately one-acre in size; one existing single family lot that is currently platted (0 Little Spring Road); and an additional lot to accommodate the historic house and environmental setting. In addition, approximately 14.2 acres of the Property along the northern boundary will be preserved as forest conservation easement area.

The Property is currently classified in the W-6, S-6 water and sewer categories. It is the Applicant’s intent that the new homes will be serviced by on-site septic systems and to seek a change in the water category from W-6 to W-1 in order that the existing public water main located approximately 2,300 south of the Property within Bowie Mill Road may be extended to serve the Property. In extending the existing water line north to serve the Property, the Applicant will, consistent with the County’s Water and Sewer policy, help to “close the gap” that currently exists between the line south of the Property and the line located approximately 3,900 feet north of the Property within Bowie Mill Road.

Unlike the recommendation in the Master Plan that public sewer service should not be extended to the Property, the Master Plan (page 58) provides that “policies allow for the provision of community water service throughout the majority of the Master Plan Area.” The Property is currently zoned RE-1 and single family development in accordance with the one-acre

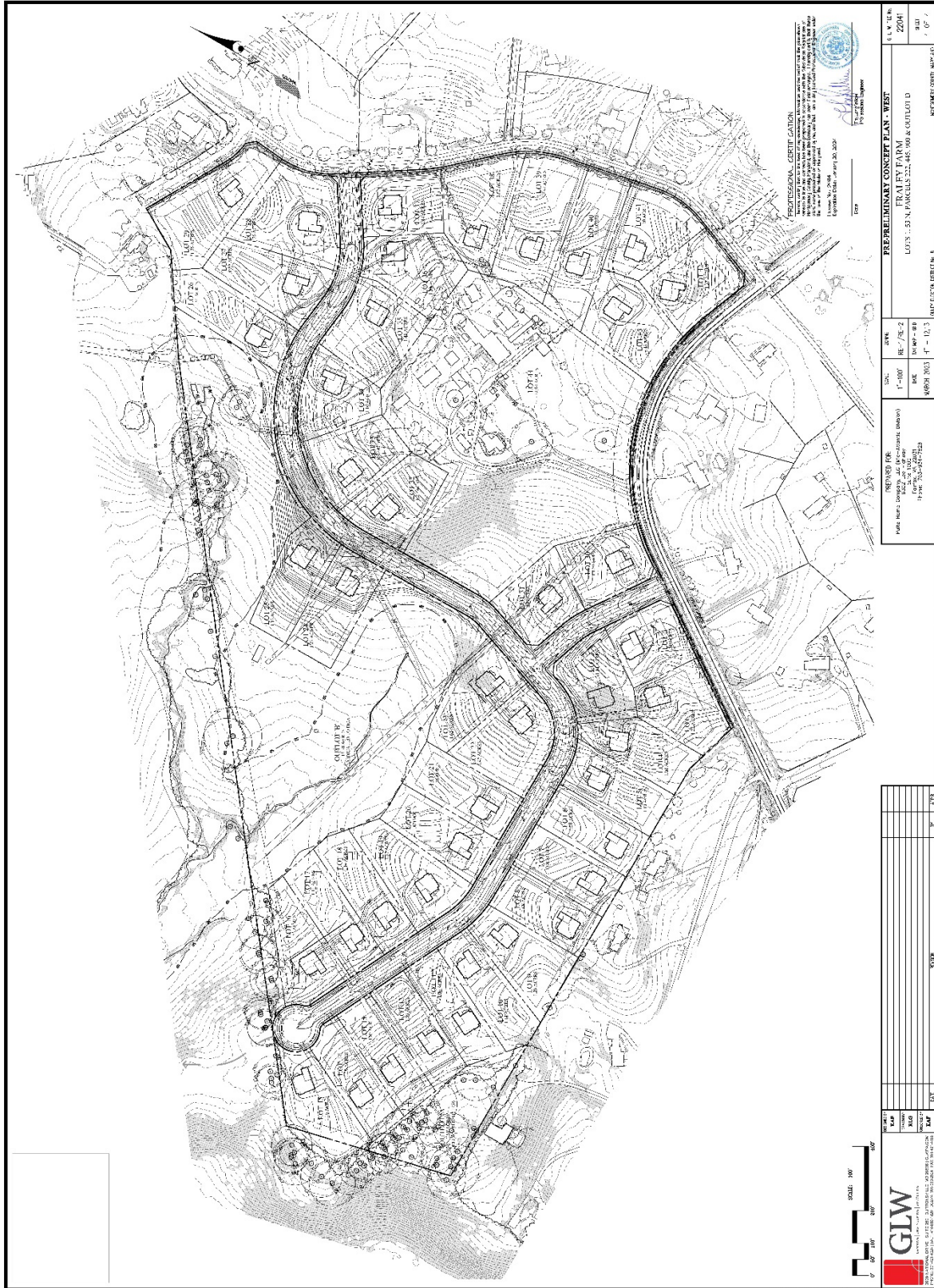
¹ All land areas are based on the SDAT records.

December 21, 2022 • Page 2

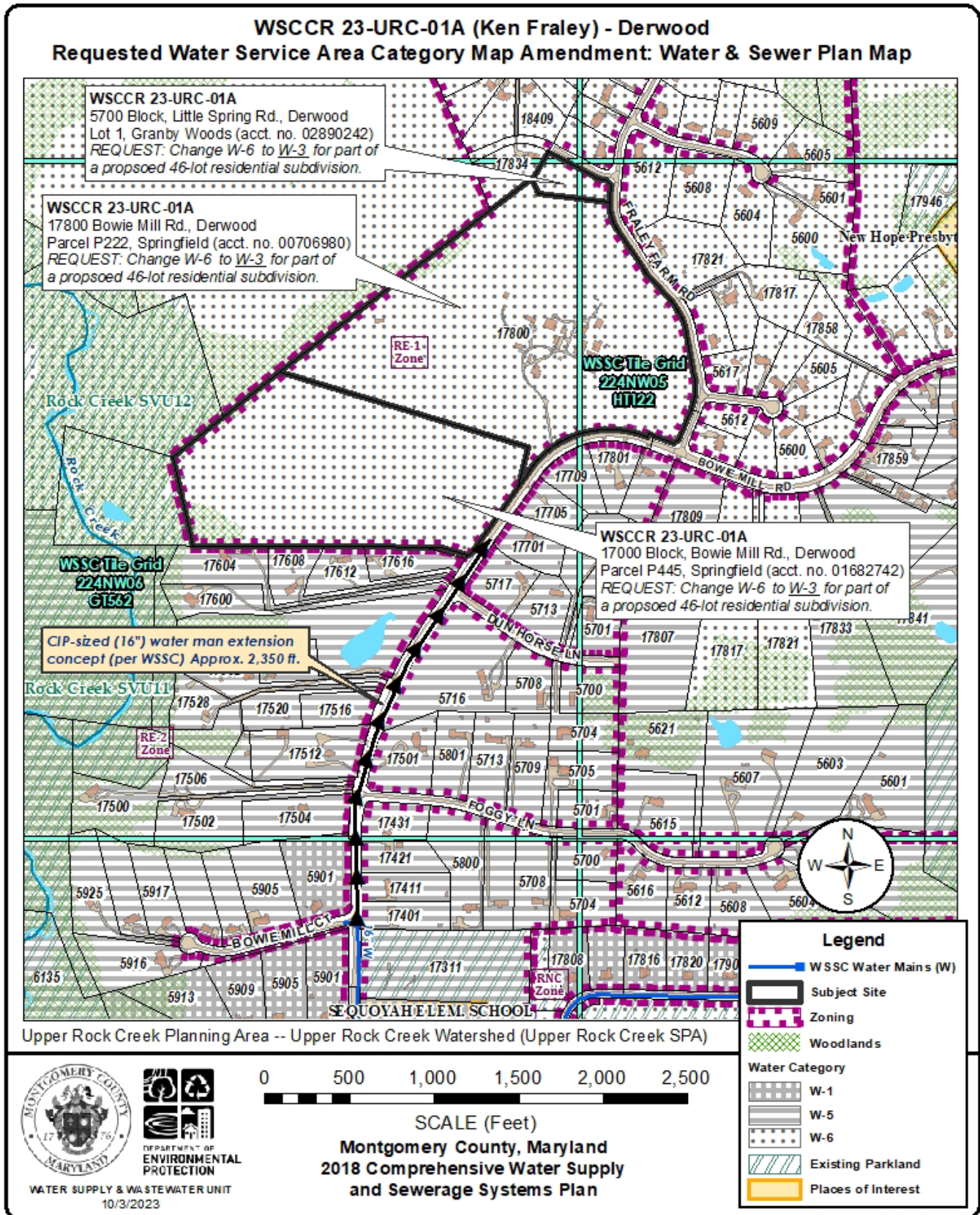
zoning is anticipated by the Master Plan. The approval to extend the public water service to the Property will simply allow for the implementation of the existing zoning and will not result in any greater level of development than that which is currently contemplated by the Master Plan and allowed by the current RE-1 Zone. Moreover, the County's Comprehensive Water Supply and Sewerage System's Plan (the Water and Sewer Plan") contemplates that public water may serve standard method development in the RE-1 Zone. More specifically, the Plan provides:

Zoning: The provision of community water service without community sewer service is intended for areas zoned for low-density "large lot" residential and rural development, and should be generally limited to those areas zoned RE-1, RE-2, RE-2C, Rural Neighborhood Cluster (RNC) standard option, and Rural Cluster (RC) cluster option.

Given that the proposed Water Category change is consistent with the County's Water and Sewer Plan and the Master Plan and will not result in a greater level of development than that allowed by the RE-1 Standard Method, we respectfully request a change in the water category from W-6 to W-1 in accordance with the administrative process.



Description: Applicant's proposed 46-lot residential subdivision plan for the RE-1-zoned part of the WSCCR 23-URC-01A site, proposed for public water service.



Description: Water category map showing category change request 23-URC-01A seeking water category W-3 for 17800 Bowie Mill Rd., Derwood.

Water Service Area Category Change Request

Fraley Farm

December 21, 2022

Updated August 1, 2023

This statement is submitted on behalf of Ken Fraley, the owner of the 91.32 acre Fraley Farm (the “Property”) located at 17800 Bowie Mill Road in support of a Water Service Area Category Change Request pursuant to the administrative process. The statement and the attached Concept Plan are intended to update and supersede the statement and plan included with the initial water service area category change request dated December 22, 2022.

The Property, located within the boundaries of the 2014 Approved and Adopted Upper Rock Creek Area Master Plan (the “Master Plan”) and zoned RE-1, is comprised of the following:

- Bowie Mill Road, bearing tax account no. 08-01682742 and pursuant to the State Department of Assessment and Taxation (“SDAT”) containing 36.28 acres;¹
- 17800 Bowie Mill Road, bearing tax account no. 08-00706980 and containing 49.28 acres; and
- Little Spring Road, Lot 1, Block O, bearing tax account no. 08-02890242 and containing 1.74 acres.

Pulte Homes, the contract purchaser of all of the Property but for that portion of the Property currently improved with a historic farmhouse and the soon to be designated environmental setting, proposes to subdivide the Property in accordance with the RE-1 Standard Method of Development to accommodate a total of 43 lots, consisting of 41 new single family lots ranging in size from just over one-acre to 1.76 acres; one existing single family lot that is currently platted (0 Little Spring Road); and an additional lot comprised of 12.44 acres to accommodate the historic house and environmental setting. In addition, approximately 17.59 acres of the Property along the northern and western boundaries (15.78 acres along the northern boundary and 1.81 acres along the western boundary) will be preserved as undeveloped environmental area, with all of the area devoted to forest conservation easement area. The environmental features protected in this area include stream valley buffer, floodplain and non-tidal wetlands.

It is important to emphasize the increase in the size of both the environmental setting surrounding the historic house and the forest conservation easement areas, and the corresponding decrease in the number of buildable lots, since the planning of the Property commenced. More specifically, the initial plan developed for the Property provided for an environmental setting of approximately seven acres, consistent with the recommendation of the Sector Plan that an

¹ All land areas are based on the SDAT records.

appropriate environmental setting “could be based on the 495-foot contour line” and a forest conservation easement area of ± 13 acres. There were 53 new single family lots proposed in the original development plan prepared by the Applicant. The end result under the current plan is that the overall density of the proposed 43 lots on the 87.3 acre Property is more akin to the density expected in the RE-2 Zone, not the RE-1 Zone. That is, the size of the Property would permit up to 96 single family lots and the Applicant is currently proposing just 43 lots.

The Property is currently classified in the W-6, S-6 water and sewer categories. It is the Applicant’s intent that the new homes will be serviced by on-site septic systems and to seek a change in the water category from W-6 to W-1 in order that the existing public water main located approximately 2,300 south of the Property within Bowie Mill Road may be extended to serve the Property. In extending the existing water line north to serve the Property, the Applicant will, consistent with the County’s Water and Sewer policy, help to “close the gap” that currently exists between the line south of the Property and the line located approximately 3,900 feet north of the Property within Bowie Mill Road.

Unlike the recommendation in the Master Plan that public sewer service should not be extended to the Property, the Master Plan (page 58) provides that “policies allow for the provision of community water service throughout the majority of the Master Plan Area.” The Property is currently zoned RE-1 and single family development in accordance with the one-acre zoning is anticipated by the Master Plan. The approval to extend the public water service to the Property will simply allow for the implementation of the existing zoning and will not result in any greater level of development than that which is currently contemplated by the Master Plan and allowed by the current RE-1 Zone. In fact, as discussed above, the overall density is far below that allowed by the RE-1 Zone and as a result, the extension of public water to the Property will not be influencing zoning or development policy.

The Master Plan also recommends on page 58 that the County should “continue to address the provision of community water service in the Planning Area consistent with Comprehensive Water Supply and Sewerage Systems policies.” This recommendation steers one to the County’s Comprehensive Water Supply and Sewerage System’s Plan (the Water and Sewer Plan”) which contemplates that public water may serve standard method development in the RE-1 Zone. More specifically, the Water and Sewer Plan provides:

Zoning: The provision of community water service without community sewer service is intended for areas zoned for low-density “large lot” residential and rural development, and should be generally limited to those areas zoned RE-1, RE-2, RE-2C, Rural Neighborhood Cluster (RNC) standard option, and Rural Cluster (RC) cluster option.

The Water and Sewer Plan Section II.F.9.b. addresses the provision of community water without community sewer noting that “community water does not provide the same impetus for development density and lot yields as community sewer service.” This Section encourages community water noting the advantage of “a potable water source less prone to problems from drought and groundwater contamination and improved availability of fire protection.” The

Water and Sewer Plan assumes that in most instances community water is appropriate unless it is not logical, economical or environmentally acceptable.

In the subject case, tying into community water is all three of these: logical, economical and environmentally acceptable. From the environmental standpoint, providing community water facilitates the siting of the septic systems and ensures the most environmentally appropriate areas for the septic systems. The sensitive environmental features on the Property are located within no-build areas that will be protected by easements and the extension of community water will not in any manner adversely affect the environmentally sensitive features on the Property. In addition, providing public water services to existing unserved areas of the County will provide faster Fire Department water access and therefore greater fire safety for the surrounding neighborhood. Given WSSC's overall community water goals that promote connectivity of the system and the location of the current water main, it is only logical to allow the development to further extend this existing line northward in order to decrease the gap in service. And, given that the Applicant is required to fund the extension of the water line, it certainly is economically acceptable.

The proposed Water Category change is consistent with the County's Water and Sewer Plan and the Master Plan and will not result in a greater level of development than that allowed by the RE-1 Standard Method. Accordingly, we respectfully request a change in the water category from W-6 to W-1 in accordance with the administrative process.