



**Committee:** T&E  
**Committee Review:** Completed  
**Staff:** Keith Levchenko, Senior Legislative Analyst  
**Purpose:** Final action – vote expected  
**Keywords:** #WaterandSewerPlan and Category Changes

AGENDA ITEM #3  
 July 7, 2020  
**Action**

**SUBJECT**

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

**DESCRIPTION/ISSUE**

- On April 16, 2020, the County Council received a package of three Water and Sewer Category Change requests from the County Executive. A public hearing was held on June 9, 2020. The requests and the County Executive’s recommendations are summarized below. The Planning Board and Council Staff concurred with the Executive’s recommendations. **The T&E Committee met on June 15 and concurred with the County Executive’s recommendations as well.**

**Category Change Requests**

#	Applicant	Request	County Executive	Planning Board	Council Staff	T&E Committee
1	Rubens Josefino, 19-CLO-02A	Requesting public sewer (S-6 to S-1) to serve the existing single family home.	Defer action pending further review by the applicant of on-site and off-site sewer hookup alignments and possible changes to the existing conservation easement.	Concur with CE	Concur with CE	Concur with CE
2	Buddy O'Keefe Family Trust 19-CLO-03A (Mar Thoma Church of Greater Washington)	Requesting public water (W-5 to W-1) and public sewer (S-6 to S-1) to construct a new Private Institutional Facility (PIF) (Place of Worship).	Conditionally Approve W-1 and S-1 limited to a PIF use, pending Planning Board approval of a preliminary plan which substantially conforms to the concept plan accepted by the Council	Concur with CE	Concur with CE	Concur with CE
3	Benjamin Gompf & Renee Shumer 19-TRV-10A	Requesting public sewer (S-6 to S-1) for the existing single family home and to expand the current child care use	Deny S-1. (Maintain S-6) since no Water and Sewer Plan policies support a sewer extension in this case	Concur with CE	Concur with CE	Concur with CE

**This report contains:**

- Draft Resolution and Attachments ©A-H
- June 15, 2020 Council Staff Report to the T&E Committee
  - Memorandum Pages 1-5
  - Attachments Pages 1-53
- June 17, 2020 Planning Board Letter to Council Pages 1-2

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Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

**Background**

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 60 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 45 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On April 16, 2020, the County Council received recommendations from the County Executive regarding three Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on June 9, 2020
8. The County Council's Transportation and Environment Committee held a worksession on these amendments on June 15, 2020.

**Action**

The County Council for Montgomery County, Maryland approves the following actions on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

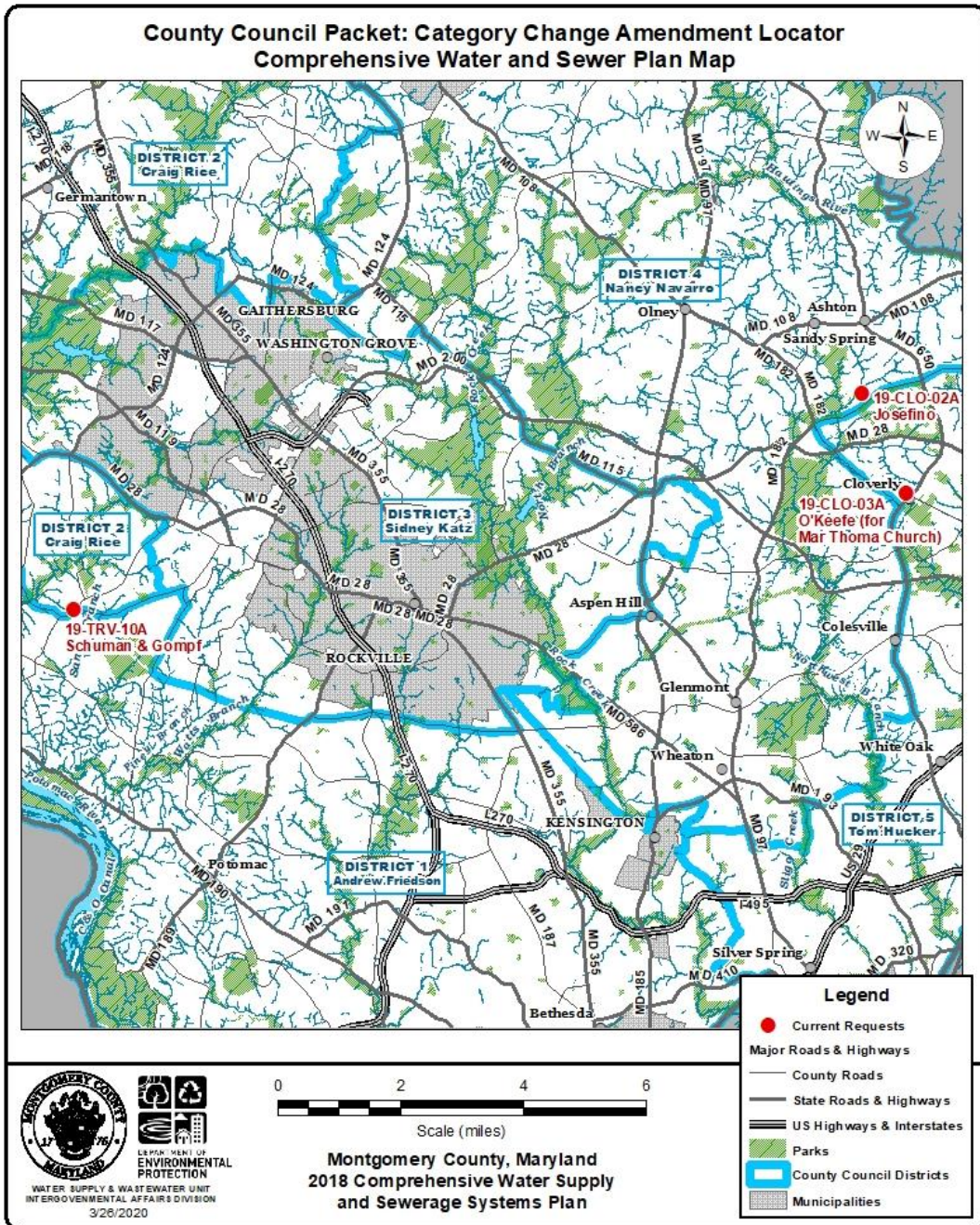
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Selena Mendy Singleton, Esq.  
Clerk of the Council

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use onsite systems, usually wells and/or septic systems. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive public service. Categories 4 and 5 identify properties that currently should use on-site systems but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 3 for additional information.)

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration on April 16, 2020.



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- Applicants receiving a denial under this resolution may not apply again until July 7, 2021, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Request [1] **WSSCR 19-CLO-02A: Rubens Josefino**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> <li>• 340 Ednor Rd., Silver Spring</li> <li>• Parcel P900, Heart of Md Etc (acct. no. 01634484)</li> <li>• Map tile: WSSC – 223NW01; MD –JT41</li> <li>• North side of Ednor Rd., 670 ft north of Ednor Rd, and 200 ft south of the intersection with Harbour Town Dr.</li> <li>• RE-2 Zone; 2.0 acres (87,120 sq. ft.)</li> <li>• Cloverly Planning Area Sandy Spring Ashton Master Plan (1998)</li> <li>• Northwest Branch Watershed (MDE Use IV)</li> <li>• <u>Existing use</u>: Single Family Home</li> <li>• <u>Proposed use</u>: Single Family Home (no change)</li> </ul>	<p><u>Existing</u> –      <b>Requested</b> – Service Area Categories</p> <p>W-6              W-6 (no change)</p> <p>S-6              <b>S-1</b></p> <hr/> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>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 for the to the house.</b></p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

Request [2] **WSSCR 19-CLO-03A: Buddy O'Keefe Family Trust**  
**Planned PIF User: Mar Thoma Church of Greater Washington**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> <li>• 15400 New Hampshire Ave., Silver Spring</li> <li>• Parcels P032 and P053, Snowdens Manor Enl (acct. nos. 00272883 and 00272872)</li> <li>• Map tile: WSSC – 220NE01; MD –JS51</li> <li>• West side of New Hampshire Ave., at the intersection with Briggs Chaney Rd.</li> <li>• RE-2 Zone; 10.93 acres (total)</li> <li>• Cloverly Planning Area Cloverly Master Plan (1997)</li> <li>• Northwest Branch Watershed (MDE Use IV) and Paint Branch Watershed (MDE Use III)</li> <li>• <u>Existing use</u>: Single Family Home</li> <li>• <u>Proposed use</u>: Place of Worship - Concept Plan No. 520190160 &amp; Preliminary Plan No. 120200080: Mar Thoma Church of Greater Washington</li> </ul>	<p><u>Existing</u> –      <b>Requested</b> – Service Area Categories</p> <p>W-5              <b>W-1</b></p> <p>S-6              <b>S-1</b></p> <hr/> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>County Executive's Recommendation: Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board's approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.</b></p> <p><i>(Note that this conditional category change approval will expire five (5) years from the date of this action. Applicants may request a five (5)-year extension upon notification to DEP before the initial five-year expiration date. If this conditional action expires, DEP will grant administrative approval for W-1 and S-1, as a single sewer hookup by a utility service error, for the existing house on Parcel P053. This administrative approval will <u>not</u> also apply to Parcel P032, which will retain W-5 and S-6.)</i></p>



• Applicants receiving a denial under this resolution may not apply again until July 7, 2021, unless specifically allowed by DEP.  
• See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**

Request [3] **WSSCR 19-TRV-10A: Benjamin Gompf & Renee Shuman**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> <li>• 13546 Travilah Road., Gaithersburg</li> <li>• Lot 6, Versailles (acct. no. 02823835)</li> <li>• Map tile: WSSC – 218NW12; MD –ER62</li> <li>• North side of Travilah Rd., 400 feet West of the intersection with Dufief Mill Rd.</li> <li>• RE-2 Zone; 2.0 acres</li> <li>• Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Muddy Branch Watershed (MDE Use I)</li> <li>• <u>Existing use</u>: Residence/Child Care Facility</li> <li>• <u>Proposed use</u>: Expanded childcare use</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1            W-1 (no change)</p> <p>S-6            S-1</p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Deny S-1 request; maintain S-6.</b></p>

**Water & Sewer Service Area Categories Summary**

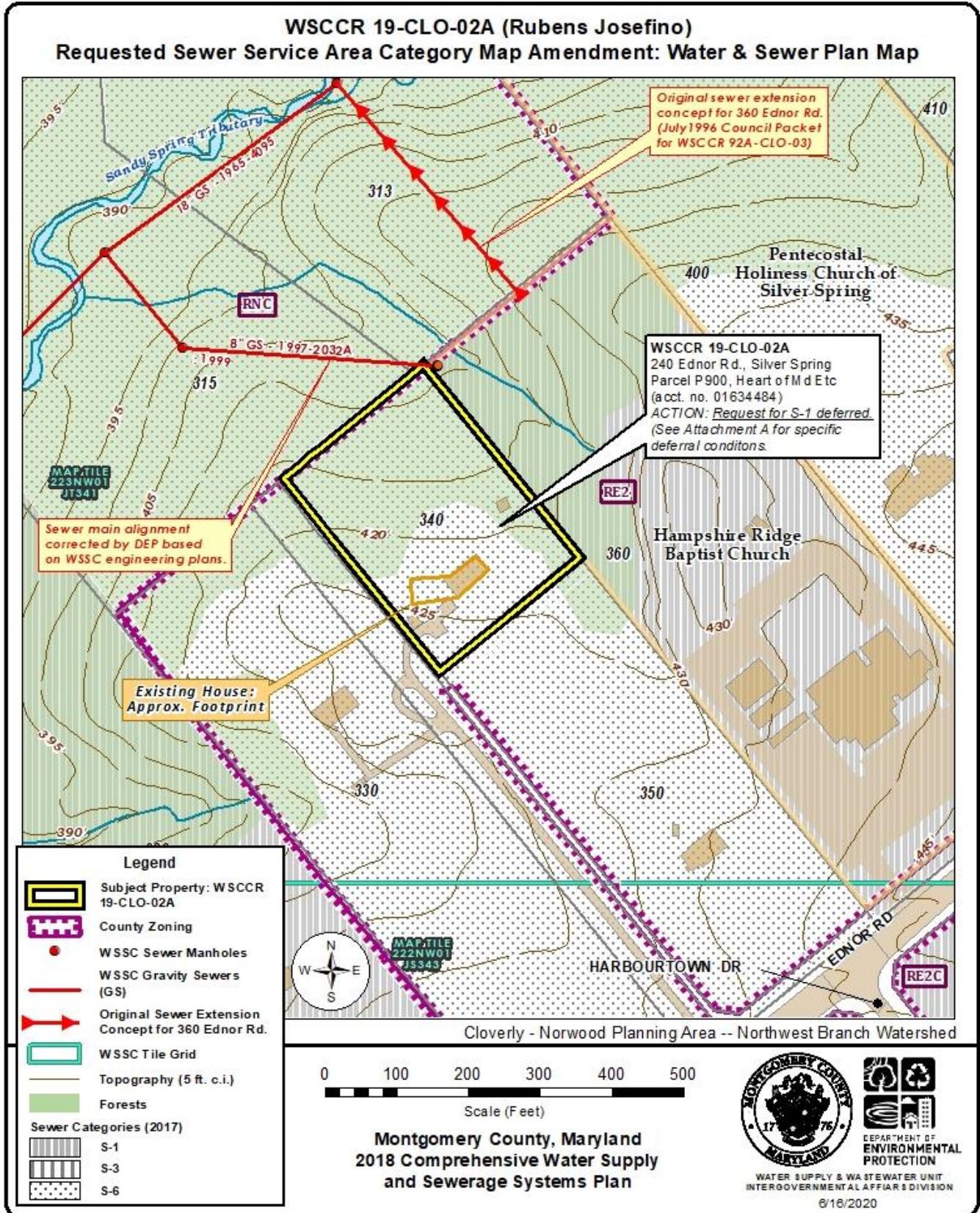
Category Definition and General Description	Category Definition and General Description
<p align="center"><b>W-1 and S-1</b></p> <p><b>Properties approved for and generally with existing access to community (public) service.</b> This may include properties which have not yet connected to existing community service.</p>	<p align="center"><b>W-5 and S-5</b></p> <p><b>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis.</b> • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p align="center"><b>W-3 and S-3</b></p> <p><b>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service.</b> • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p align="center"><b>W-6 and S-6</b></p> <p><b>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned.</b> • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.</p>
<p align="center"><b>W-4 and S-4</b></p> <p><b>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim.</b> • Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B</p>	<p>Note: Although the majority of properties in the county have the same water category as sewer category (i.e. W-3 and S-3, or W-5 and S-5), this is not always the case. The County does not always assign water and sewer categories in tandem, due to differences in service policies or to actual service availability. For example, a particular property could have service area categories W-1 and S-6. Therefore, it is important to know both the water <i>and</i> sewer service area categories for a property. Montgomery County does not use categories W-2 and S-2 in its Plan.</p>

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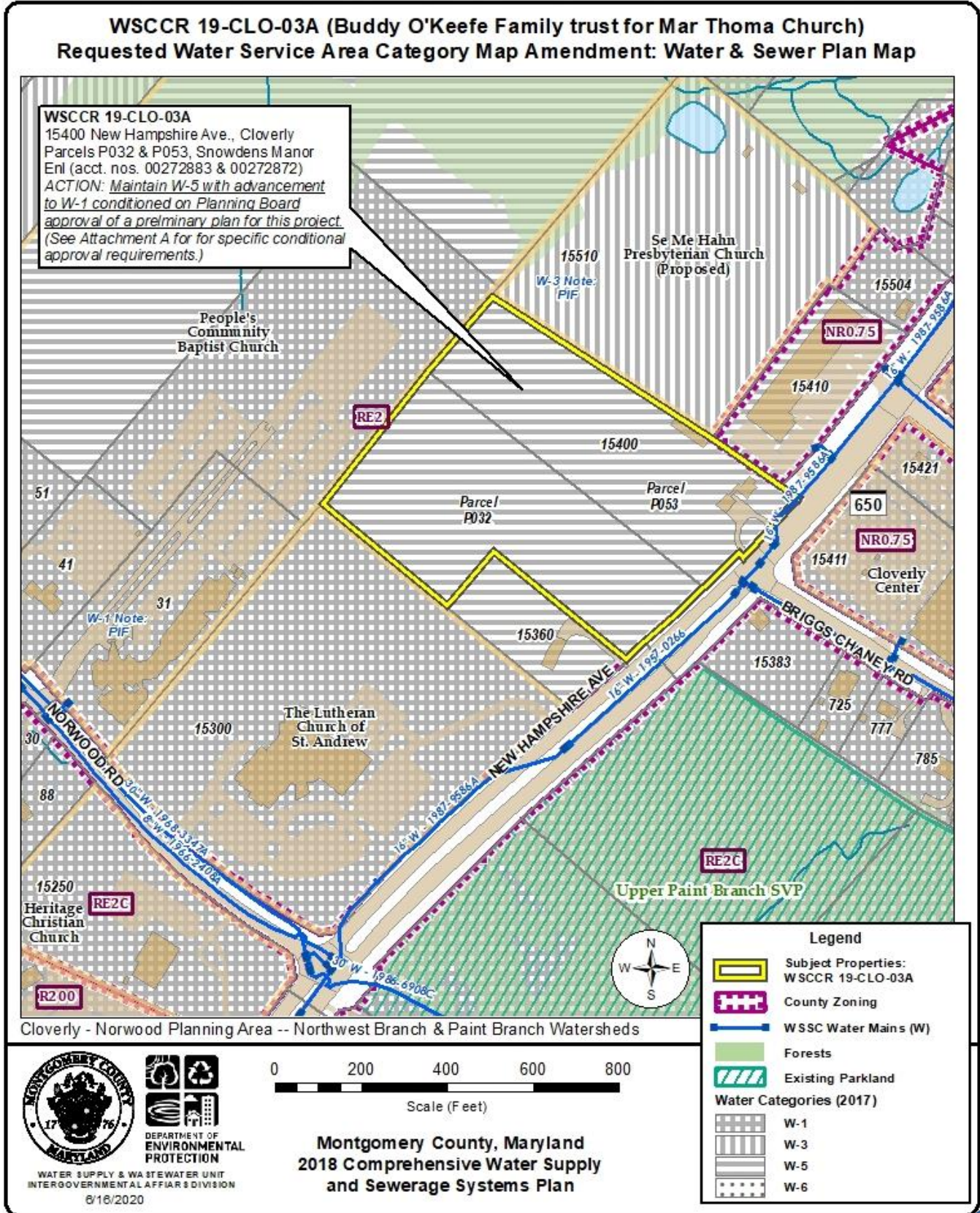
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**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



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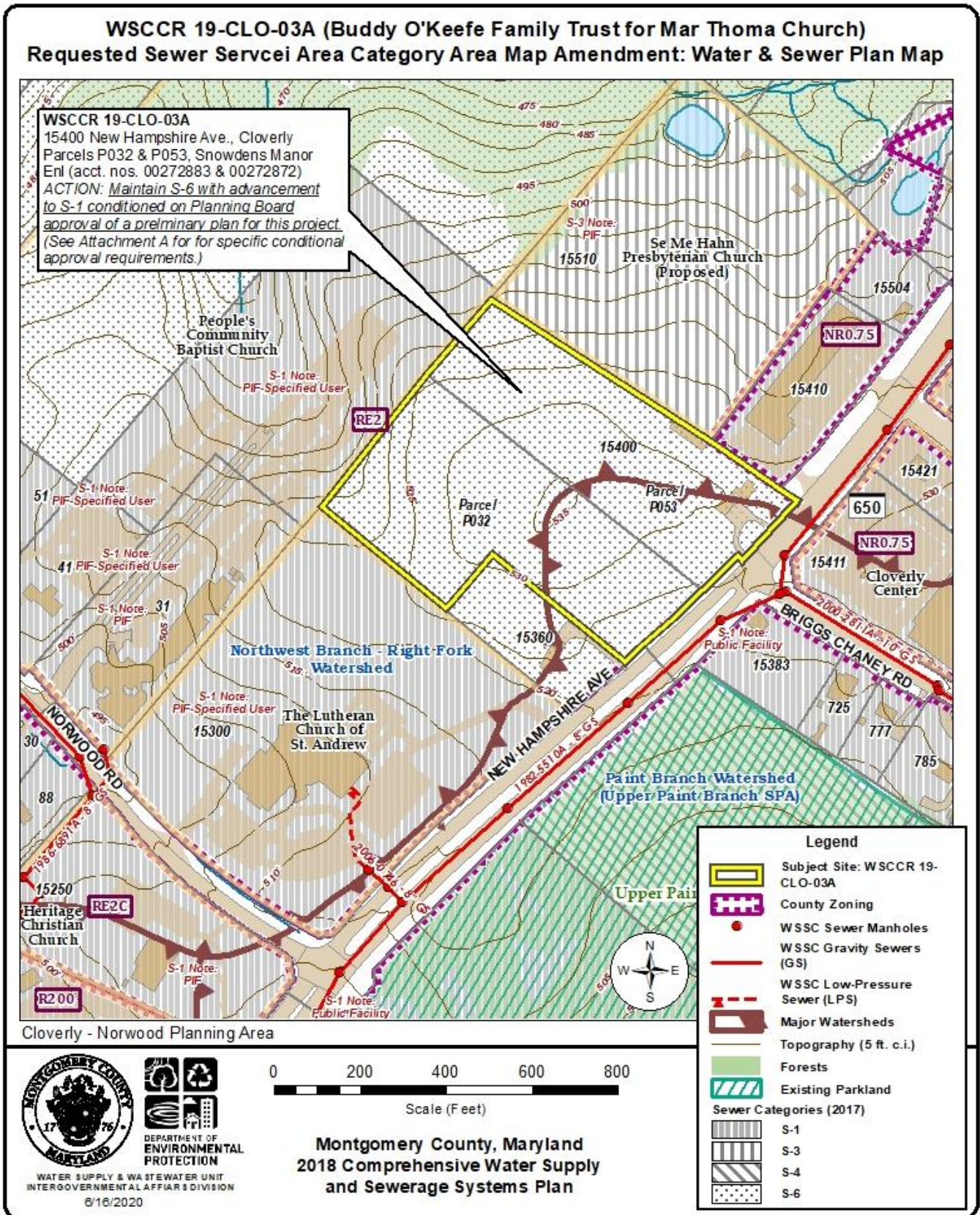
**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



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**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



**Worksession**

**MEMORANDUM**

June 10, 2020

**TO:** Transportation and Environment Committee

**FROM:** Keith Levchenko, Senior Legislative Analyst

**SUBJECT:** **Worksession:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

**PURPOSE:** To discuss and make recommendations on three category change requests<sup>1</sup>

**Category Change Requests**

#	Applicant	Request	County Executive	Council Staff	CE Staff Report*	
					Report	Plans/Maps
1	Rubens Josefino, 19-CLO-02A	Requesting public sewer (S-6 to S-1) to serve the existing single family home.	Defer action pending further review by the applicant of on-site and off-site sewer hookup alignments and possible changes to the existing conservation easement.	Concur with CE	Pages 15-16	Pages 18-20
2	Buddy O'Keefe Family Trust 19-CLO-03A (Mar Thoma Church of Greater Washington)	Requesting public water (W-5 to W-1) and public sewer (S-6 to S-1) to replace the existing single family home with Private Institutional Facility (PIF) (Place of Worship)	Conditionally Approve W-1 and S-1 limited to a PIF use, pending Planning Board approval of a preliminary plan which substantially conforms to the concept plan accepted by the Council	Concur with CE	Pages 21-25	Pages 26-31
3	Benjamin Gompf & Renee Shumer 19-TRV-10A	Requesting public sewer (S-6 to S-1) for the existing single family home and to expand the current child care use	Deny S-1. (Maintain S-6) since no Water and Sewer Plan policies support a sewer extension in this case	Concur with CE	Pages 32-33	Pages 34-35

\*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

On April 16, 2020, the County Council received a package of three Water and Sewer Category Change requests from the County Executive. The requests and Executive recommendations are summarized above and in the Executive Summary of the Executive Staff Report (see Pages 12-13)

The Planning Board's review of these category changes occurred on June 4, 2020. The Council held a public hearing on June 9.

<sup>1</sup> #WaterandSewerPlan and Category Changes

Alan Soukup of the Department of Environmental Protection and Katherine Nelson of the Planning Department are expected to attend the Committee worksession.

### **List of Attachments**

	<b><u>Page</u></b>
Council Resolution (introduced April 23, 2020)	1-2
Planning Department Staff Report	3-6
Public Hearing Notice Letter from Council President Katz	7
County Executive’s Transmittal Letter (dated April 16, 2020)	8-10
County Executive Department of Environmental Protection Staff Report	11-44
• Executive Summary: Proposed Amendments and Recommendations	12-13
• Water and Sewer Service Area Categories Table (description of each category)	14
Ten Year Water and Sewer Plan Excerpts	
• Abutting Mains Policy	36-39
• Private Institutional Facilities (PIF) Policy	39-42
• Potomac Subregion Master Plan Peripheral Sewer Policy	43-44
Public Hearing Testimony/Correspondence	45-53

### **Category Change Process Overview**

The County’s Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing these amendments through the Executive for transmittal to the Council.

DEP staff coordinates with numerous departments and agencies and includes comments from Planning Department staff, WSSC, and Department of Permitting Services (DPS) staff in its Executive Staff Report.

### **State Approval**

All amendments to the County’s Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE). Therefore, amendment approvals by the Council are considered preliminary until MDE action.

### **Planning Board Review**

The Planning Board discussed these amendments on June 4, 2020 and concurred with the Executive’s recommendations. The Planning Department staff report is attached on Pages 3-6.<sup>2</sup>

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<sup>2</sup> Planning Department Staff also concurred with the Executive’s recommendations.

## Discussion

#	Applicant	Request	County Executive	Council Staff	CE Staff Report*	
					Report	Plans/Maps
1	Rubens Josefino, 19-CLO-02A	Requesting public sewer (S-6 to S-1) to serve the existing single family home.	Defer action pending further review by the applicant of on-site and off-site sewer hookup alignments and possible changes to the existing conservation easement.	Concur with CE	Pages 15-16	Pages 18-20

\*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

This request involves a 2.0-acre RE-21 zoned property located on Ednor Road in Cloverly. The applicant is seeking public sewer to serve the existing single-family home.

The property predates a sewer manhole that abuts the northeast portion of the property, so the property meets the conditions of the Abutting mains policy. However, connecting directly to the abutting connection would require an on-site alignment crossing the most environmentally sensitive areas of the property which are part of a conservation easement. Possible alternative alignments (potentially on-site or off-site) to bring sewer to the property with less environmental impact could be explored.

**The Executive recommends deferring approval pending further review of potential on-site or off-site alignments and potential changes to the existing conservation easement to allow for a more environmentally beneficial alignment. The Planning Board concurs with the Executive recommendation as does Council Staff.**

#	Applicant	Request	County Executive	Council Staff	CE Staff Report*	
					Report	Plans/Maps
2	Buddy O'Keefe Family Trust 19-CLO-03A (Mar Thoma Church of Greater Washington)	Requesting public water (W-5 to W-1) and public sewer (S-6 to S-1) to replace the existing single family home with Private Institutional Facility (PIF) (Place of Worship)	Conditionally Approve W-1 and S-1 limited to a PIF use, pending Planning Board approval of a preliminary plan which substantially conforms to the concept plan accepted by the Council	Concur with CE	Pages 21-25	Pages 26-31

\*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

This request involves a 10.93 RE-2 zoned property located on New Hampshire Avenue at the intersection with Briggs Chaney Road in the Cloverly Planning Area. The applicant is seeking public water and sewer service to build a house of worship with 350 seats and a parsonage on two parcels.

This property is eligible for public water service under general Water and Sewer Plan policies.

The Water and Sewer Plan's Private Institutional Facilities (PIF) Policy (see Pages 39-42) provides an avenue for consideration by the Council of water and sewer approvals for non-profit institutions in areas generally not recommended for water and/or sewer service in the relevant Master Plan. In this case, sewer service needs to be considered under the PIF Policy.

Water and sewer mains along New Hampshire Avenue abut the property so connections will satisfy the Private Institutional Facilities (PIF) policy requirement that extensions not open service to intervening properties not otherwise eligible for service.

As part of the Council's action in October 2018 comprehensively revising the Water and Sewer Plan, the Council added a provision in the PIF Policy requiring PIF applicants to submit their concept plans to the Development Review Committee (DRC) for comment prior to application for a category change request. This step ensures that proposals are fully vetted by agency staff early and issues addressed where possible prior to submission to the Council. This PIF request went through this process.

In past PIF cases, the Council's primary concern has been the potential imperviousness of the development. The subject property straddles the Northwest Branch and Upper Paint Branch watersheds. The Upper Paint Branch Special Protection Area includes an imperviousness cap of 8 percent per property. The Cloverly Master Plan (1997) recommends a maximum imperviousness of 15 percent across the Bryants Nursery sub watershed of the Northwest Branch (but with no specific imperviousness limit per property). The applicant's concept plan (see Page 27) assumes 12.5 percent overall imperviousness with 7.2 percent in the portion of the property within in the Special Protection area, and 14.4 percent within the Bryants Nursery sub watershed in the Northwest Branch watershed. DEP and Planning Department staff concur that this project meets the imperviousness limits for these areas.

At the public hearing on June 9, the Council heard from two speakers in favor of the request. Ken Jones, attorney for the applicant (see written testimony on Page 47-48) concurred with the Planning Department's assessment that the development would be consistent with the Master Plan and the PIF Policy requirements. Dr. Matthew Thomas (a representative of the applicant church, see written testimony attached on Pages 49-51) described the church's history, its need for larger worship space and plans for the site.

The Council also heard from another speaker (Kathy Hastings, see Page 46) concerned about the cumulative imperviousness impacts of this development (plus prior approvals in the same sub watershed, such as the preliminary plan for Jesus House and an Exxon Station and car wash) bringing imperviousness in the sub watershed close to the 15 percent maximum recommended in the Master Plan. However, as noted earlier, based on the Planning Department staff's review, this request is consistent with the Cloverly Master Plan's recommendations.

Executive Staff had previously received correspondence from the Cloverly Civic Association opposing the extension of sewer to this area, arguing it is not consistent with the Cloverly Master Plan (see Page 45). However, as cited by the Executive and Planning Department Staff, while the Cloverly Master Plan generally recommends against sewer in this area, the Master Plan includes language explicitly noting "except to relieve public health problems or to address other specific Comprehensive Water Supply and Sewerage Systems Plan policies." The PIF Policy is a specific policy and is applicable in this case.

The Executive and Planning Board recommend conditional approval of this request pending Planning Board approval of a preliminary plan that substantially conforms to the concept plan included as part of this request. **Council Staff concurs.**

#	Applicant	Request	County Executive	Council Staff	CE Staff Report*	
					Report	Plans/Maps
3	Benjamin Gompf & Renee Shumer 19-TRV-10A	Requesting public sewer (S-6 to S-1) for the existing single family home and to expand the current child care use	Deny S-1. (Maintain S-6) since no Water and Sewer Plan policies support a sewer extension in this case	Concur with CE	Pages 32-33	Pages 34-35

\*NOTE: Page numbers refer to the attachment pages of the Council Staff Report

This request involves a 2.0 acre RE-2 zoned property located on Travilah Road just south of Dufief Mill Road in Gaithersburg. The applicant is seeking public sewer service for an existing single-family home and expansion of an existing day care use.

The Executive Staff Report notes that WSSC has advised that serving the property would require a low-pressure off-site sewer hookup that would need to cross several properties to connect to a gravity sewer on Hanson Farm Drive (see map on Page 24 of the Executive Staff Report)

The applicant provided written testimony (attached on Page 52-53) suggesting that based on discussions with the developer of the nearby Mount Prospect Farm development, capacity should be available in a planned low-pressure main immediately across an intervening property's pipe-stem driveway from the property. The applicant has asked for additional time from the Council to explore this option.

Executive Staff and Planning Department Staff concur that the applicant's property is outside the planned sewer service envelope per the 2002 Potomac Subregion Master Plan. Also, even under the applicant's suggested shorter connection to the future Mount Prospect Farm low pressure sewer main (which WSSC has not affirmed would have sufficient capacity) the sewer extension would have to cut across an intervening property which would not be consistent with the Peripheral Sewer Policy (which requires eligible properties to abut or confront another property within the planned sewer service envelope, see Page 42).

The Executive and Planning Board recommend denial of the request. **Council Staff concurs.**

#### Attachments

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Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

**Background**

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 60 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 45 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On April 16, 2020, the County Council received recommendations from the County Executive regarding three Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on June 9, 2020
8. The County Council's Transportation and Environment Committee held a worksession on these amendments on June 15, 2020.

**Action**

The County Council for Montgomery County, Maryland approves the following actions on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

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Selena Mendy Singleton, Esq.  
Clerk of the Council





**Proposed Category Map Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Three Water/Sewer Service Category Change Requests – April 2020 County Council Cases**

- KEN** Katherine E. Nelson, Planner Coordinator, [Katherine.Nelson@montgomeryplanning.org](mailto:Katherine.Nelson@montgomeryplanning.org) (301) 495-4622
- BB** Ben Berbert, Acting Master Planner, Area 3, [Benjamin.Berbert@montgomeryplanning.org](mailto:Benjamin.Berbert@montgomeryplanning.org) (301) 495-4644
- RAW** Richard A. Weaver, Chief, Area 3, [Richard.Weaver@montgomeryplanning.org](mailto:Richard.Weaver@montgomeryplanning.org) (301) 495-4544

**Completed: 5/27/2020**

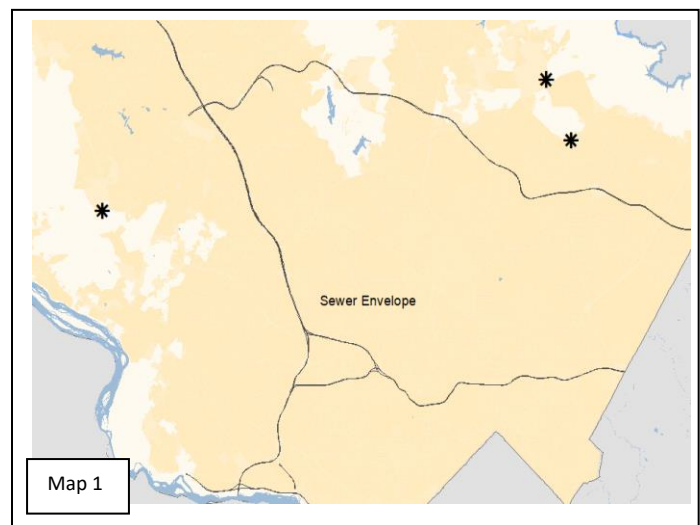
**Description**

**Proposed Amendments:**

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Three Water/Sewer Category Change Requests

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

**Staff Recommendation:** *Transmit Recommendations to County Council*



**Summary**

The Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSCCR). Map 1 shows the location of properties requesting water and sewer service with an asterisk.

The Planning Board’s recommendations will be transmitted to the County Council for final action. Information and maps of zoning, existing and proposed uses and recommendations from other agencies are shown in the attached packet from the County Council. (Attachment A) The recommendations made by Staff on all applications agree with the County Executive’s recommendations.

**STAFF RECOMMENDATION**

Transmit the Planning Board’s recommendations to the County Council.

## **Water and Sewer Category Change Requests—April 2020 County Council Amendments**

### **WSSCR 19-CLO-02A: Rubens Josefino at 340 Ednor Road**

The subject home and surrounding neighborhood were built using individual wastewater treatment (septic) systems. The applicant wishes to expand the existing house with an addition; however, the Department of Permitting Services is doubtful that the house expansion can be properly supported by the current septic system. The Sandy Spring/Ashton Master Plan shows this property outside the sewer envelope. Thus, the owner seeks a category change to use the public sewer system. The nearest sewer infrastructure is on the adjacent church property. The church property was granted a single sewer hookup outside the planned sewer envelope using the Private Institutional Facility (PIF) policy – a policy implemented for the benefit of non-profit organizations. Normally, the policy allows no other properties to benefit from PIF extensions to discourage unplanned sprawl of the sewer envelope. According to the Department of Environmental Protection (DEP), the extension was built in a way that now allows the adjacent homeowner a single hookup under the abutting mains policy.

The most direct connection to the existing home will require disturbance to wetlands and forest that have been protected by a Category I conservation easement. A less impactful connection may also be possible but require disturbance on the adjacent property, albeit within a utility corridor. See page 9 of Attachment A.

DEP staff have recommended deferral of this case to give the property owner time to work with the adjacent property owner and the various agencies on a finalized proposal for a sewer connection that includes modifying the existing conservation easement. Planning staff agree with this recommendation.

**County Executive and Planning Staff Recommendation:** 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.

### **WSSCR 19-CLO-03A: Buddy O’Keefe Family Trust and Mar Thoma Church of Greater Washington at 15400 New Hampshire Avenue**

This approximately 11-acre property is in the RE-2 Zone and is in the Cloverly Planning Area. This project proposes a house of worship under the Private Institutional Facilities policy. The 1997 Cloverly Master Plan includes this area as part of the Residential Wedge. The Plan’s objective for the Suburban Communities is to “retain land use and environmental policies that minimize impacts on the upper Northwest Branch and upper Paint Branch watersheds and underscore the large-lot character of this community as now-vacant properties develop.” (p 22)

The Plan recommends retention of the existing RE-2 zoning throughout the Residential Wedge, including this property. In addition, the Plan provides recommendations designed to maintain environmental resources in the two watersheds. This property straddles the boundary between the Paint Branch and Northwest Branch watersheds. The portion in the upper Paint Branch watershed (about 2.7 acres) is also in a Special Protection Area and an environmental overlay zone with an eight percent imperviousness limit. The Master Plan proposes a goal of 10 percent to 15 percent imperviousness for the remainder of this sub watershed in the greater Northwest Branch watershed.

The applicant has previously submitted a Concept Plan to staff for agency review. Agency comments have been submitted and are included with this review. Under the current PIF policy, Council review of proposed category changes will focus on consistency between the concept plan and the applicant's proposed development plan, and on proposed levels of imperviousness. See page 16 of Attachment A.

Religious Assembly is a permitted use in the RE-2 Zone, which implies that the use is in keeping with the intent of the zone and therefore, with Master Plan objectives for preserving the large lot character of the community. The applicant proposes to meet imperviousness goals for the Upper Northwest Branch watershed and adhere to the eight percent standard required by the Upper Paint Branch Environmental Overlay Zone. See page 11 of Attachment A.

The Cloverly Civic Association has voiced their objection, not to the church use, but to the extension of sewer service to maintain rural character and inhibit dense residential development as recommended in the 1997 Cloverly Master Plan. See Attachment B.

**County Executive and Planning staff Recommendation:** Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board's approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.

#### **WSCCR 19-TRV-10A: Benjamin Gompf and Renee Shuman at 13546 Travilah Road**

The applicants seek a category change for sewer service for the existing home at this location and to expand an existing childcare use. This two-acre property is in the RE-2 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. The 2002 Potomac Subregion Master Plan excluded this property, and the others around the intersection of Travilah and Dufief Mill Roads, from the plan's sewer envelope. It should also be noted that immediately adjacent lots in the Mount Prospect Farm community were explicitly configured for compatibility with the lower density and larger lots in the subject property's neighborhood and across Travilah Road. In addition, any sewer connection would have to cross homeowner's association land to reach Hanson Farm Drive. See page 24 of Attachment A.

Land use recommendations for this portion of the Mount Prospect community were made to preserve the low density, large lot character of this portion of the Travilah community. Sewer service policy discourages service to such areas.

DEP notes that the lot is not directly adjacent to the planned service envelope and does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. Therefore no existing service policies support approval of this request. See the Potomac policy on pages 31-33 of Attachment A.

**Staff Recommendation:** Deny S-1 request; Maintain S-6

**County Executive Recommendation:** Deny S-1 request; Maintain S-6

#### **NEXT STEPS**

The Planning Board's recommendations will be transmitted to the County Council. A public hearing will take place before the full Council on June 9, 2020, followed by a work session at the PHED committee. Final action will be taken by the full Council.

Attachments:

- A. County Council Notice of Public Hearing and Attached Package.
- B. Testimony from Cloverly Civic Association

May 4, 2020

Casey Anderson, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Carla A. Reid, General Manager/CEO  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane  
Laurel, MD 20707-5902

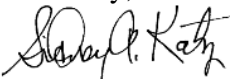
Dear Mr. Anderson and Ms. Reid,

On April 16, 2020, the County Council received recommendations from the County Executive regarding a package of three proposed Water and Sewer Plan amendments. The transmittal letter and Executive Staff report are enclosed.

State law requires that the County Council formally notify both WSSC and the Maryland-National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. **A public hearing date has been scheduled for June 9, 2020 at 1:30 p.m.**

Your staffs have provided comments to Department of Environmental Protection staff, and these comments are noted in the Executive Staff report. Any additional comments you may have should be forwarded to the County Council as soon as possible. The Council expects that the Planning Board will provide a formal recommendation to the Council on the amendment request.

If you have any questions, please contact Keith Levchenko of Council Staff by phone at (240) 777-7944 or by e-mail at [keith.levchenko@montgomerycountymd.gov](mailto:keith.levchenko@montgomerycountymd.gov).

Sincerely,  
  
Sidney Katz  
Council President

c: Robert McCord, Secretary, Maryland Department of Planning  
D. Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment (MDE)  
Nicolai Francis-Lau, Maryland Department of the Environment

Enclosure  
SK:kml



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850  
MEMORANDUM

Marc Elrich  
County Executive

April 16, 2020

TO: Sidney Katz, President  
Montgomery County Council

FROM: *Andy Klein for*  
Marc Elrich, County Executive

SUBJECT: Transmittal of and Recommendations on Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environment Article, Sections 9-503 through 9-506 and 9-515 through 9-516, of the Annotated Code of Maryland, I am transmitting my recommendations for three proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing these amendments are included in the attached staff report. All three amendments are requests for individual water/sewer service area category changes.

The recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that these three category change cases have the potential to generate public testimony and worksession discussions and are summarized as follows:

**Abutting Mains Case – 19-CLO-02A (Rubens Josefino)**

The applicant has proposed the provision of public sewer service for an existing single-family house, on a 2-acre property zoned RE-2, using a connection to an abutting sewer main manhole. The abutting main was constructed for the use of the adjacent Hampshire Ridge Baptist Church. The Council approved the church site for public sewer service under the private institutional facilities (PIF) policy in October 1996 (CR 13-692). Ideally, this sewer main should not have offered sewer service to a property otherwise ineligible for public sewer. Regardless, the sewer main construction occurred along a different alignment than was anticipated but not specified by the Council's action.

Regardless of intent, the applicant's property now qualifies for a single sewer hookup from the abutting sewer main. It is the only S-6-designated property that can make use of the abutting main for public sewer service. At 2 acres in size, the property cannot be subdivided under the existing RE-2 zoning. However, M-NCPPC Planning staff have advised that the onsite sewer hookup will need to cross an established category 1 conservation easement. I have

Sidney Katz, County Council President  
 April 16, 2020  
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recommended that the Council defer action on the request for sewer category S-1 to allow the applicant to seek a modification to the existing conservation easement for construction of the needed sewer house hookup.

**Private Institutional Facility (PIF) Project – 19-CLO-03A (Buddy O’Keefe Family trust for Mar Thoma Church of Greater Washington)**

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The designated PIF user, Mar Thoma Church, has proposed the use of public water and sewer service to locate a 350-seat sanctuary and parsonage on two parcels fronting New Hampshire Avenue in Cloverly just north of Norwood Road. The 11-acre site is zoned RE-2. The church will not require water or sewer main extensions; service can be provided from existing mains abutting the site along New Hampshire Avenue. The church is a qualified non-profit organization. These conditions satisfy two of the key requirements of the PIF policy. The third PIF policy requirement involves consideration of a concept plan for the project by the County’s Development Review Committee (DRC). Concept plan comments from the DRC member agencies are included in the accompanying packet.

A primary concern for the Council with PIF policy cases has been the amount of impervious area the project creates. This project straddles the Northwest Branch and Upper Paint Branch watersheds. The concept plan proposes an impervious area of 0.19 acres or 7.2 percent of the site area within the Upper Paint Branch Special Protection Area (SPA). This satisfies the SPA impervious area limitation of 8 percent. Impervious area in the Northwest Branch watershed totals 14.4 percent. The Cloverly Master Plan (1997) recommends an overall maximum 15 percent imperviousness for this subwatershed of Northwest Branch. Overall impervious area for the project totals 12.5 percent. The 2005 PIF Working Group report to the Council noted a county-wide average imperviousness in the RE-2 Zone of 9 percent.

Approval for water category W-1 is consistent with existing Water and Sewer Plan policies and Cloverly Master Plan recommendations. Provided that the Council finds the proposed concept plan acceptable, I have recommended a conditional action for sewer category S-1. Final approval of category S-1 will require the Planning Board’s approval of a preliminary plan that substantially conforms to the concept plan considered by and acceptable to the Council.

**Potomac Subregion Master Plan Case – 19-TRV-10A (Benjamin Gompf and Renee Shumer)**

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The applicants have proposed the provision of public sewer service for an existing single-family house and the expansion of an existing day care center on a 2-acre property zoned RE-2. Public sewer service would be provided using a non-abutting sewer connection to a proposed gravity sewer main in the nearby planned Mount Prospect Farm subdivision. No existing sewer service policies allow for a recommendation to approve this request. The site is not within the planned public sewer envelope from the 2002 master plan. No existing or approved sewer main abuts or will abut the property. Neither does this property directly abut or confront the planned sewer envelope, allowing for the use of the Potomac Peripheral Sewer Service Policy from the 2002 master plan. A flagstem access to Travilah Road from the adjacent

Sidney Katz, County Council President  
April 16, 2020  
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lot intervenes between the applicant's property and the planned sewer envelope at the Mount Prospect Farm subdivision site. I have recommended the request for denial.

Staff from the Department of Environmental Protection, Intergovernmental Affairs Division, will attend and participate in upcoming committee and full Council works sessions.

ME:as

Attachment

- c: Lee Currey, Director, Water and Science Administration, Maryland Department of Environment
- Robert McCord, Secretary, Maryland Department of Planning
- Casey Anderson, Chair, Montgomery County Planning Board
- Carla Reid, General Manager, Washington Suburban Sanitary Commission
- Adam Ortiz, Director, Department of Environmental Protection
- Hadi Mansouri, Acting Director, Department of Permitting Services



**Requested Map Amendments:  
Montgomery County  
Comprehensive Water Supply  
and Sewerage Systems Plan**

**County Executive's  
April 2020 Amendment Transmittal  
to the County Council**

**Three Service Area Category Change Requests**

**Prepared by**

**The Department of Environmental Protection**

**Adam Ortiz, Director**

**Steve Shofar, Chief, Intergovernmental Affairs Division**

**Alan Soukup, Senior Planner, Water Supply and Wastewater Unit**

**George Dizelos, Planner III, Water Supply and Wastewater Unit**

**We acknowledge and appreciate the assistance of the following  
agencies in the preparation of this amendment packet:**

**Washington Suburban Sanitary Commission**

**Maryland - National Capital Park and Planning Commission**

**Montgomery County Department of Permitting Services**

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
**County Executive's April 2020 Transmittal Packet**

**FY 2019 Category Change Requests**

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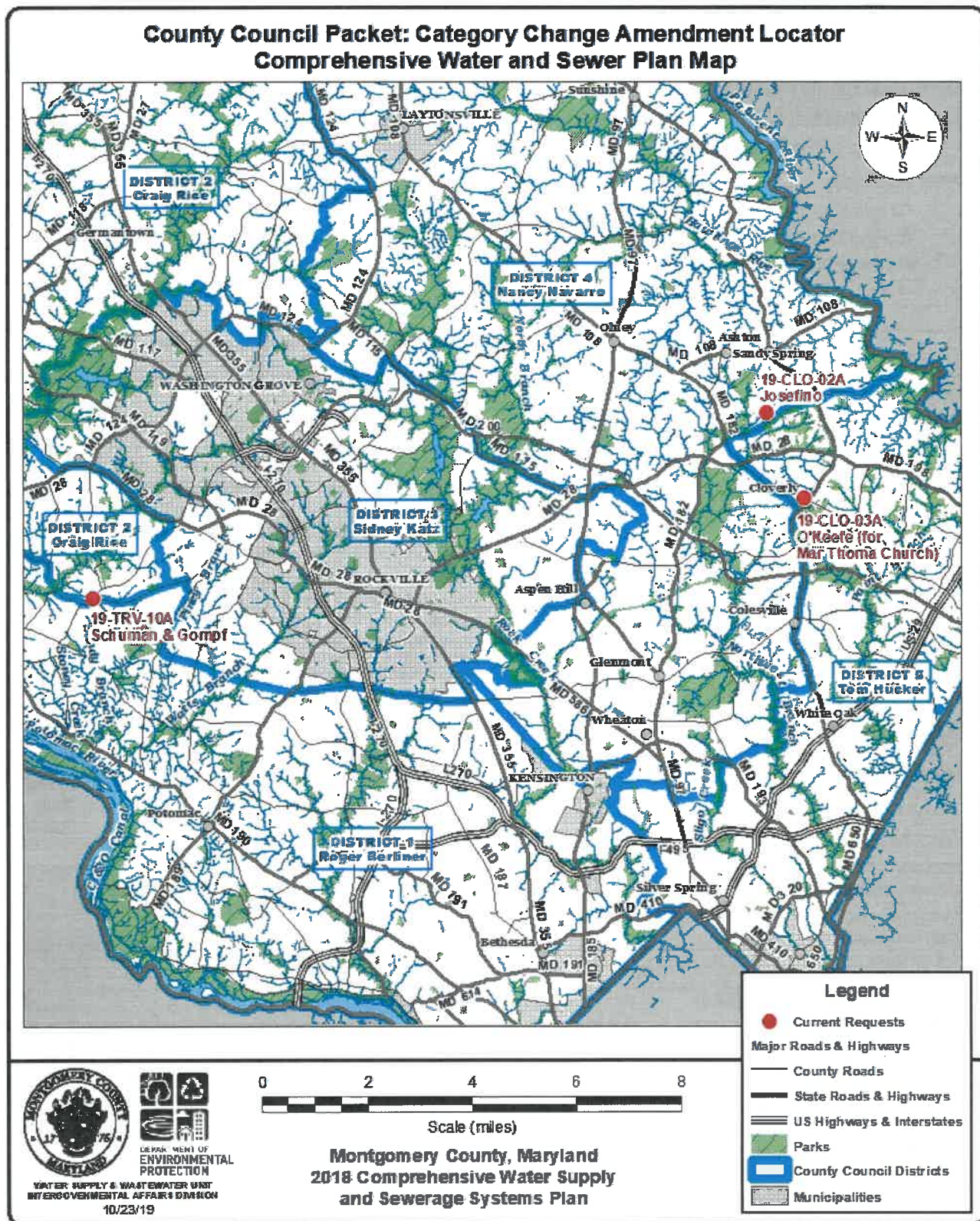
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Community Service for Properties Abutting Existing Mains Policy .....	Pgs. 25 - 28
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**Executive Summary: Proposed Amendments and Recommendation**

<b>Category Change No. &amp; Applicant Location - Zoning - Acreage - Proposed Use</b>	<b>Requested Category Change</b>	<b>Summary of Executive Recommendations &amp; Policy Discussions</b>	<b>Packet Page No.</b>
<p><b>[1] WSCCR 19-CLO-02A: Rubens Josefino</b></p> <ul style="list-style-type: none"> <li>• 340 Ednor Rd., Cloverly</li> <li>• RE-2 Zone; 2.0 ac.</li> <li>• Cloverly – Norwood Planning Area Cloverly Master Plan (1997)</li> </ul> <p><u>Proposed use:</u> Sewer service for an existing single-family house</p>	<p>W-6 (no change) S-6 to S-1</p>	<p><b>Defer action on S-1 request pending the results of the applicant's inquiry into onsite and offsite sewer hookup alignments and needed changes to existing conservation easements.</b></p> <p><i>(Deferral actions are generally intended to last for approximately one year.)</i></p> <p>Sewer service is consistent with the abutting mains policy, but the existing conservation easement does not appear to account for the needed onsite sewer hookup. The location of the abutting sewer manhole was not anticipated under the PIF-based category change request for the adjacent church property.</p>	<p>Report <b>Pgs. 4-5</b> Plans &amp; Maps: <b>Pgs. 7-9</b></p>
<p><b>[2] WSCCR 19-CLO-03A: Buddy O'Keefe Family Trust (for Mar Thoma Congregation of Greater Washington)</b></p> <ul style="list-style-type: none"> <li>• 15400 New Hampshire Ave. Cloverly</li> <li>• RE-2 Zone; 10.93 ac.</li> <li>• Cloverly – Norwood Planning Area Cloverly Master Plan (1997)</li> </ul> <p><u>Proposed use:</u> Place of Worship (350-seat sanctuary and separate parsonage)</p>	<p>W-5 to W-1 S-6 to S-1</p>	<p><b>Conditional approval for W-1 and S-1, requiring the Planning Board's approval of a preliminary plan that conforms to the concept plan accepted by the Council. Sewer service limited to a PIF use only</b></p> <p><i>(Conditional approval actions will include time limitations for completing final approvals.)</i></p> <p>Water service is consistent with general water service policies. Sewer service is considered under the PIF policy that now requires the consideration of a project concept plan for submittal of a category change request.</p>	<p>Report <b>Pgs. 10-14</b> Plans &amp; Maps: <b>Pgs. 15-20</b></p>
<p><b>[3] WSCCR 19-TRV-10A: Benjamin Gompf &amp; Renee Shumer</b></p> <ul style="list-style-type: none"> <li>• 13546 Travilah Rd., Gaithersburg</li> <li>• RE-2 Zone; 2.0 acres</li> <li>• Travilah Planning Area Potomac subregion Master Plan (2002)</li> </ul> <p><u>Proposed use:</u> Sewer service for the existing single-family house and expansion of existing day care use</p>	<p>W-1 (No change) S-6 to S-1</p>	<p><b>Denial of the request for category S-1.</b></p> <p>Sewer service is not consistent with Water and Sewer Plan general or special service policies and is not recommended by the local area master plan.</p>	<p>Report <b>Pgs. 21-22</b> Maps: <b>Pgs. 23-24</b></p>

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

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
 County Executive's April 2020 Transmittal Packet  
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**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
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**WATER/SEWER SERVICE AREA CATEGORIES INFORMATION**

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

**Water and Sewer Service Area Categories Table**

<b>Service Area Categories</b>	<b>Category Definition and General Description</b>	<b>Service Comments</b>
<b>W-1 and S-1</b>	Areas served by community (public) systems which are either existing or under construction. <ul style="list-style-type: none"> <li>This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.</li> </ul>	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service.  New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
<b>W-2 and S-2</b>	<b>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</b> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
<b>W-3 and S-3</b>	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
<b>W-4 and S-4</b>	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. <ul style="list-style-type: none"> <li>This includes areas generally requiring the approval of CIP projects before service can be provided.</li> </ul>	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.)
<b>W-5 and S-5</b>	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. <ul style="list-style-type: none"> <li>This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.</li> </ul>	MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.  Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
<b>W-6 and S-6</b>	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. <ul style="list-style-type: none"> <li>Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.</li> </ul>	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
**County Executive's April 2020 Transmittal Packet**

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**Request [1]**

**WSSCC 19-CLO-02A: Rubens Josefino**

**County Executive's Recommendation: 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 for the the house.**

*(Note that deferral actions are intended to be resolved within approximately one year.)*

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> <li>• 340 Ednor Rd., Silver Spring</li> <li>• Parcel P900, Heart of Md Etc (acct. no. 01634484)</li> <li>• Map tile: WSSC – 223NW01; MD –JT41</li> <li>• North side of Ednor Rd., 670 ft north of Ednor Rd, and 200 ft south of the intersection with Harbour Town Dr.</li> <li>• RE-2 Zone; 2.0 acres (87,120 sq. ft.)</li> <li>• Cloverly Planning Area Sandy Spring Ashton Master Plan (1998)</li> <li>• Northwest Branch Watershed (MDE Use IV)</li> <li>• <u>Existing use</u>: Single Family Home</li> <li>• <u>Proposed use</u>: Single Family Home (no change)</li> </ul>	<p>Existing –      <b>Requested</b> – Service Area Categories</p> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">W-6</td> <td style="width: 50%;">W-6 (no change)</td> </tr> <tr> <td>S-6</td> <td><b>S-1</b></td> </tr> </table> <p><u>Applicant's Explanation</u></p> <p><i>None provided.</i></p>	W-6	W-6 (no change)	S-6	<b>S-1</b>
W-6	W-6 (no change)				
S-6	<b>S-1</b>				

**Executive Staff Report**

The applicant seeks approval for a sewer category change from S-6 to S-1 to allow public sewer service for an existing single-family house. An existing WSSC sewer manhole abuts the northeast corner of the property from which WSSC could install a sewer service connection for the applicant's property. The property existed at the time the abutting sewer main and manhole were installed in 1999, a condition required for compliance with the Water and Sewer Plan's abutting mains policy.

The sewer main abutting this property was constructed for the adjacent institutional use, Hampshire View Baptist Church, approved for public sewer service under the Plan's private institutional facilities (PIF) policy under CR 13-692 in October 1996 (see page 28). New mains constructed for PIF-based cases are not intended to provide public service to properties not otherwise intended for public service, such as the subject parcel. The original sewer extension proposal for the church's property would have satisfied this requirement (See the map on page 8). However, the constructed sewer extension approved by WSSC was relocated to the southwest and as a result now abuts the subject property. Although not originally intended, the subject property does abut and predate the existing sewer main and should qualify for category S-1, restricted to only a single sewer hookup. At 2.0 acres in size, the property cannot be subdivided into more than one lot under the existing RE-2 Zone.

M-NCPPC staff have commented that the needed sewer hookup for the applicant's house will need to cross a conservation easement established on this parcel. (See the map on page 9.) Therefore, Executive staff recommend that the Council defer action on this request. This will allow the applicant time to work out the details for the onsite sewer hookup and any revisions needed for the conservation easement.

Typically, in abutting mains policy cases for properties outside the planned sewer envelope, the needed sewer hookup is not allowed to run within an easement on an adjacent property. In this case, however, the property could qualify for public sewer service without needing an offsite easement. The use of such an offsite easement on the adjacent Hampshire View Baptist Church property could be considered if that

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
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easement provides an alignment for the sewer hookup that has less impact on the existing conservation easement.

**Agency Review Comments**

**DPS – Well & Septic:** DPS supports the category change. There is a permitted septic system for the existing dwelling, but percolation test records indicate that soil conditions would likely not support a septic reserve area for the property.

**M-NCPPC – Planning Dept.** The Sandy Spring/Ashton Master Plan shows this property to be outside the approved sewer and water service envelope. It appears that the nearest sewer infrastructure is on the adjacent Church property, an extension that was likely provided under the PIF policy and not for use by the surrounding neighborhood. An extension from this manhole would likely require forest removal within an existing Category I Conservation easement. The applicant has provided no justification for the necessity of sewer service to this property. More information is necessary to adequately assess this request.

**M-NCPPC – Parks Planning:** No parks impacts.

**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.

<b>Maps and Plans:</b>	<b>CR 13-692, Attachment A for WSCCR 92A-CLO-03.....</b>	<b>Page 6</b>
	<b>Sewer Main Extension: Contract No. 1997-2032A (Built 1999) ....</b>	<b>Page 7</b>
	<b>Requested Sewer Category Map Amendment.....</b>	<b>Page 8</b>
	<b>Conceptual Sewer Connection and Hookup .....</b>	<b>Page 9</b>

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County Council Resolution No. 13-692 -- Attachment A: Page 1 of 4

**Comprehensive Water Supply and Sewerage Systems Plan Amendments: Water/Sewer Map Amendments**

Amendment No. Applicant (Owner) Site Description (Tax Map)	Site Location Zoning & Acreage Proposed Development	Existing Category	Requested Category	County Council Action
<b>CLOVERLY - NORWOOD PLANNING AREA</b>				
WSSCR 92A-CLO-03 Wheaton Independent Baptist Church Parcel P941 (JT341)	North side of Ednor Rd. 0.85 mi. west of New Hampshire Ave. (Rte. 650) RE-2 zone: 7.58 ac. Proposed use: new church on the existing parcel	W-6 S-6	W-3 S-3	<b>Approve W-3 and S-3 for a private institutional facility only. The church will be responsible for the cost of the required main extensions. The sewer extension will be designated as limited access.</b> <i>Advisory Notes:</i> The provision of water service is dependent on service extensions within the Hampshire Greens development. See the High Zone water advisory note below.
WSSCR 96A-CLO-01 Miller, Miller & Carby (for Ashton United Methodist Church) Parcel P161 (JT561)	Southwest side of New Hampshire Ave. (Rte. 650) opposite Tucker Ln. RE-2 Zone: 7.49 acres Proposed use: Expansion of the existing church [1-95103 "Ashton United Methodist Church"]	W-1 S-6	no change S-3	<b>Defer action pending an investigation by MCDEP and WSSC staff of the feasibility of the church paying maintenance costs for the proposed sewer extension.</b>
<b>GERMANTOWN PLANNING AREA</b>				
WSSCR 95B-GMT-03 Mabel Turner (with Mont. Co. Dept. of Housing & Community Affairs Parcel P811 (ET122/342)	Approximately 1000' due east of the intersection of Riffle Ford Rd. and Charity Ln. R-200 Zone: 0.57 ac. Proposed use: Replace existing mobile home with one single-family house.	W-6 S-6	W-3 S-3	<b>Defer action pending the results of the ongoing investigation of sewer service in the Southwest Germantown area.</b>
<b>GOSHEN - WOODFIELD - CEDAR GROVE PLANNING AREA</b>				
WSSCR 95B-GWC-02 Harvey and Faye Hackey Lot 4, Block B, Warbling Meadows (GU123)	North side of Warfield Rd. 450 west of Doubleland Rd. RE-2 Zone: 0.94 ac. Existing/proposed use: Provide public service to the existing single-family house.	W-6 S-6	W-3 S-3	<b>Approve W-3 and S-3 to relieve an anticipated public health problem. An extension of the existing pressure sewer system along Warfield Road is preferred.</b> <i>Advisory Note:</i> See the High Zone water supply and the Great Seneca Creek/Muddy Branch sewerage system advisories below.

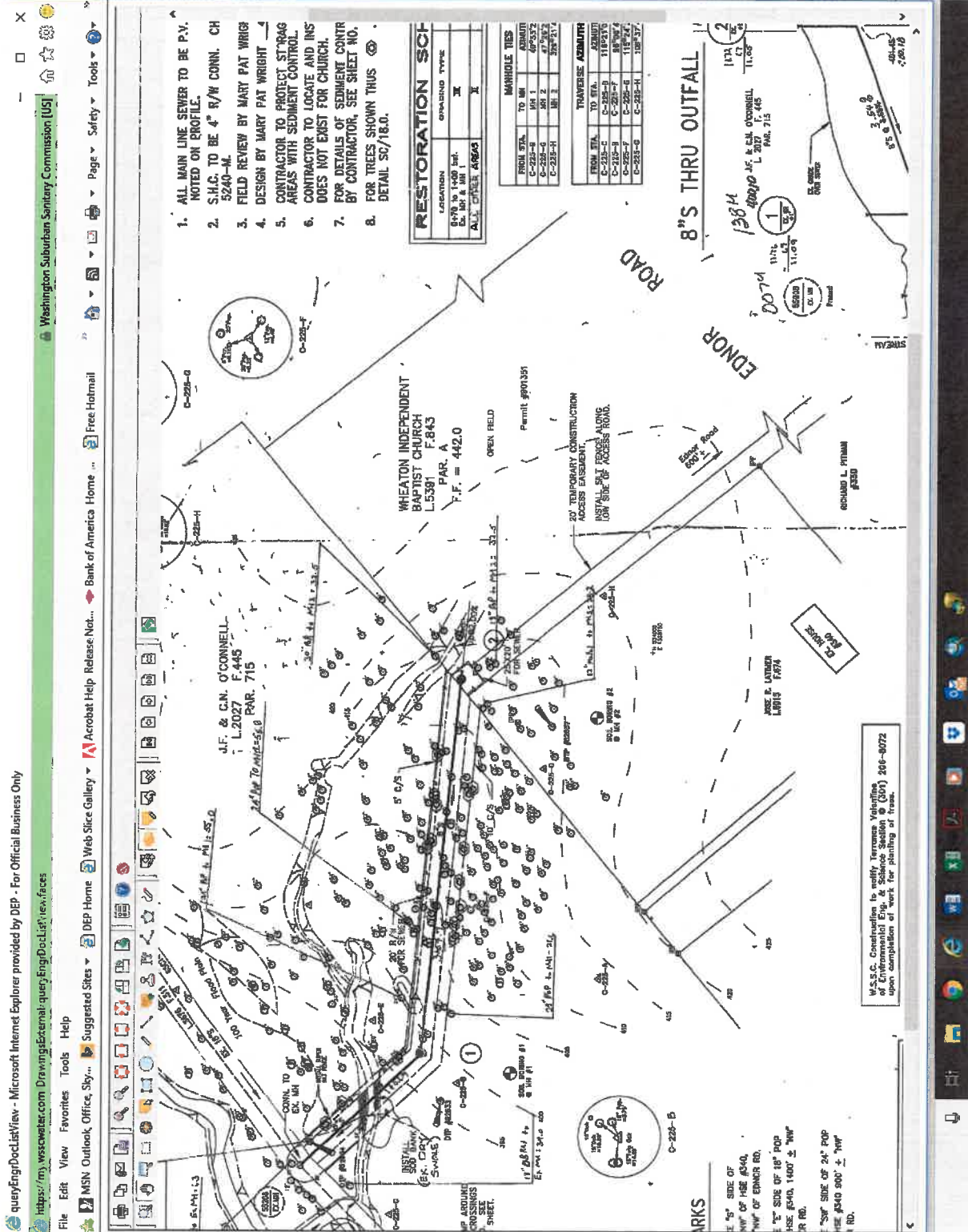
*High Zone Water System Advisory:* Due to transmission and storage constraints in the Mont. Co. High Zone, WSSC may require service to this site to depend on construction to begin on the following approved CIP projects: Browns Corner Zone and Colesville Zone Storage Facilities (W-90.03 & W-113.14), the High Zone Water Main (W-150.05), and the High Zone Pumping Station and Main Zone Storage Facility (W-150.03).  
*Great Seneca Cr./Muddy Br. Sewerage System Advisory Notice:* Due to transmission and treatment capacity constraints in the Great Seneca Creek/Muddy Branch sewerage system, WSSC may require service to this site to depend on full funding and MDE issuance of draft NPDES permits for the Seneca Creek WWTP expansion to 20 mgd capacity, in addition to CIP relief projects already under design or construction.

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**Sewer Main Extension: Contract No. 1997-2032A (Built 1999)**

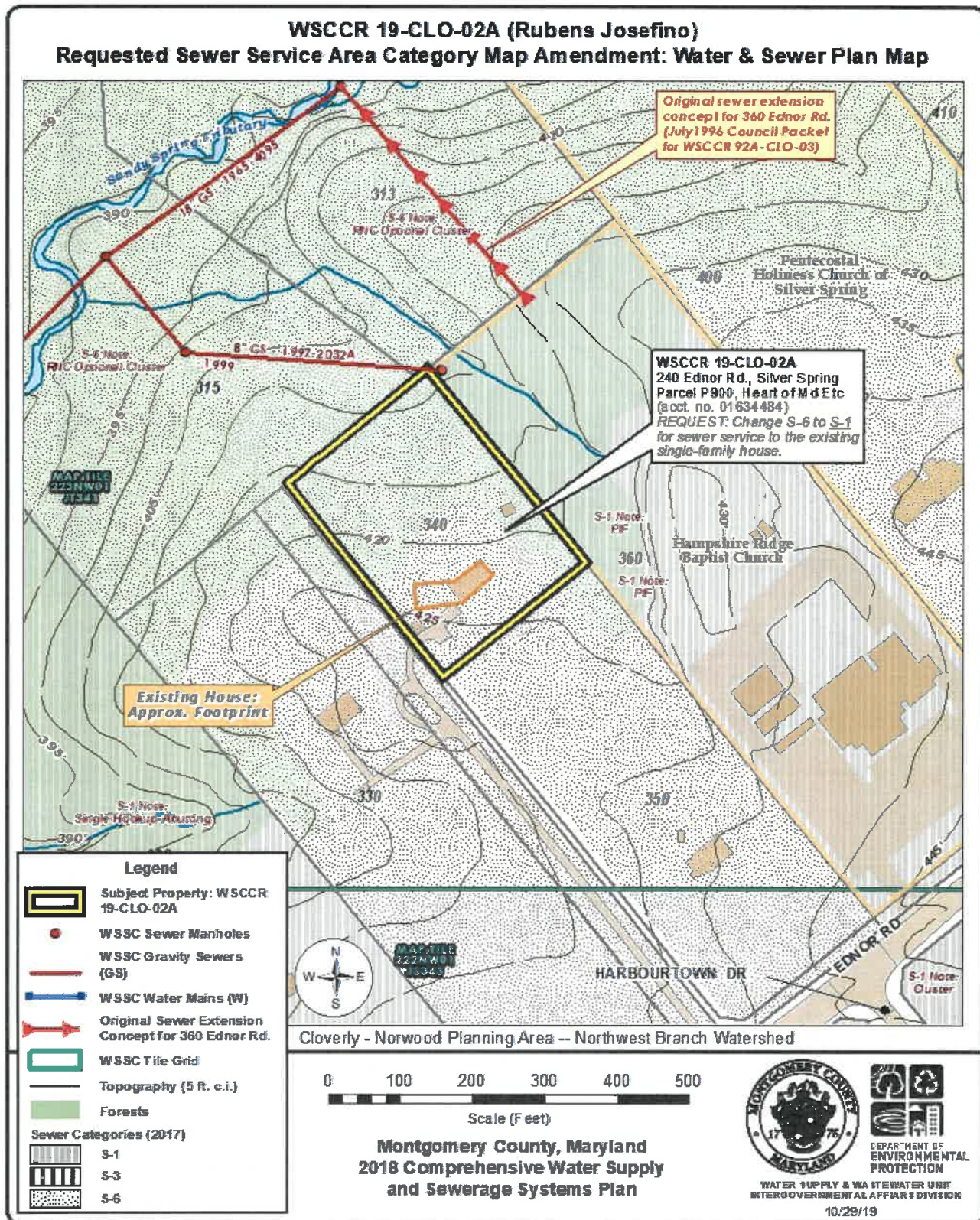
Showing the sewer manhole on the adjacent Hampshire View Baptist Church (former Wheaton Baptist) property.



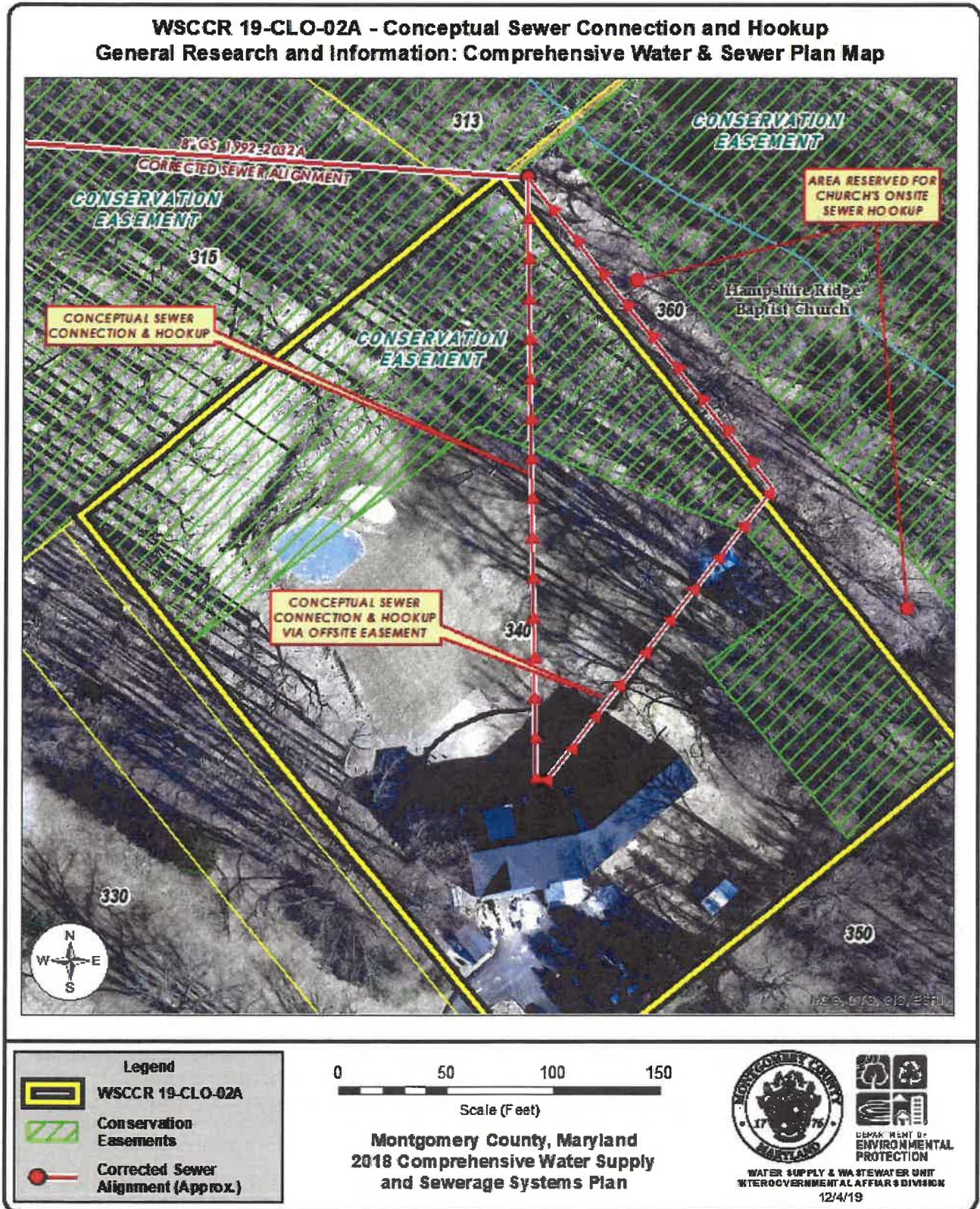


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**Request [2]**

**WSSCR 19-CLO-03A: Buddy O’Keefe Family Trust**  
**Planned PIF User: Mar Thoma Church of Greater Washington**

**County Executive’s Recommendation: Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board’s approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.**

*(Note that this conditional category change approval will expire five (5) years from the date of this action. Applicants may request a five (5)-year extension upon notification to DEP before the initial five-year expiration date. If this conditional action expires, DEP will grant administrative approval for W-1 and S-1, as a single sewer hookup by a utility service error, for the existing house on Parcel P053. This administrative approval will not also apply to Parcel P032, which will retain W-5 and S-6.)*

<p>Property Information and Location                  Property Development</p>	<p>Applicant’s Request:                  Service Area Categories &amp; Justification</p>				
<ul style="list-style-type: none"> <li>• 15400 New Hampshire Ave., Silver Spring</li> <li>• Parcels P032 and P053, Snowdens Manor Enl (acct. nos. 00272883 and 00272872)</li> <li>• Map tile: WSSC – 220NE01; MD –JS51</li> <li>• West side of New Hampshire Ave., at the intersection with Briggs Chaney Rd.</li> <li>• RE-2 Zone; 10.93 acres (total)</li> <li>• Cloverly Planning Area                      Cloverly Master Plan (1997)</li> <li>• Northwest Branch Watershed (MDE Use IV) and Paint Branch Watershed (MDE Use III)</li> <li>• <u>Existing use:</u> Single Family Home</li> <li>• <u>Proposed use:</u> Place of Worship - Concept Plan No. 520190160 &amp; Preliminary Plan No. 120200080: Mar Thoma Church of Greater Washington</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-5</td> <td style="width: 50%; text-align: center;"><b>W-1</b></td> </tr> <tr> <td>S-6</td> <td style="text-align: center;"><b>S-1</b></td> </tr> </table> <p><u>Applicant’s Explanation</u></p> <p>“Category change as necessary to provide water and sewer service to the proposed development of the property by the contract purchaser.</p> <p>“Contract purchaser, Mar Thoma Church of Greater Washington, is a non-profit organization applying under the “PIF” policy.</p> <p>“Property is surrounded by area of W-1 and S-1. According to WSSC records, 16” PCCP water and 8” PVC sewer exist within New Hampshire Avenue along the property frontage.</p> <p>“Water and sewer service currently provided to the existing residence (15400 New Hampshire Avenue.)”</p>	W-5	<b>W-1</b>	S-6	<b>S-1</b>
W-5	<b>W-1</b>				
S-6	<b>S-1</b>				

**Executive Staff Report**

The applicant seeks approval for categories W-1 and S-1 to allow for public water and sewer service for the proposed Mar Thoma Church of Greater Washington. Existing water and sewer mains abut the project site along New Hampshire Ave.; no new main extensions are needed. WSSC has noted that due to the type of material used for the water main abutting the properties, the applicant will need to replace segments of that main to allow for a new water service connection.

In granting approval for WSSCR 03A-CLO-03 for the adjacent Lutheran Church of St. Andrew project, the County Council stated the following in Resolution No. 15-397 (3/18/03) concerning the sewer service recommendations provided in the 1997 Cloverly Master Plan:

“The Council finds that the approval of this amendment is within the scope of the sewer service recommendation included in the 1997 Cloverly Master Plan (pg. 91), which states: ‘Provide community sewerage service with the following limitations: Provide sewerage service throughout Cloverly except in the RC and RE-2 zones to maintain a low-density, rural character. The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area (except to relieve public health problems or to address other specific *Comprehensive Water Supply and Sewerage Systems Plan* policies) is not consistent with this Plan because of potential impacts on the low-density character of both areas ...” \

Staff recommend this request for conditional approval of categories W-1 and S-1. The provision of public water service for this project is consistent with the general water service policies in the Water and Sewer Plan. Public sewer service is evaluated under the Water and Sewer Plan’s private institutional facilities (PIF) policy (see

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pages 28 - 31). Public sewer service will be restricted to a PIF use only consistent with the Plan's PIF policy. The map shown on page 15 provides an inventory of PIF-based category change requests in the RE-2 Zone in the vicinity of the O'Keefe/Mar Thoma Church request.

Information provided by WSSC indicates that the existing single-family house on Parcel P053 has existing WSSC water and sewer service, despite the current W-5 and S-6 categories. The proposed development of the site will include removal of the house. The existing service connections for the house will also be replaced for the new institutional use. In the event that the proposed PIF use project does not satisfy the conditions for final approval within the specified five- to ten-year conditional action timeframe, DEP will process a category map correction for only Parcel P053.

As now required by the Water and Sewer Plan's PIF policy, a concept plan (520190160 "Mar Thoma Church of Greater Washington") for the proposed project was considered by the County's Development Review Committee (DRC) in July 2019. Agency review comments for that concept plan are provided in the table starting on page 12 - 14. The applicant has also submitted a preliminary plan for this project, no. 120200080, which is pending agency review.

Aside from compliance with PIF policy requirements, the Council's concern with PIF-based requests has primarily been the additional impervious area created by these projects as compared to that expected to result from lower-density residential uses. The impervious surface exhibit provided on page 17 is part of the preliminary plan submittal. M-NCPPC staff comments on the concept plan's proposed impervious area are provided in the table on page 14. The site is divided between the Upper Paint Branch and Northwest Branch watersheds. The Upper Paint Branch SPA calls for a maximum impervious area of 8 percent. Overall impervious area within the Bryants Nursery subwatershed Northwest Branch is recommended for between 10 and 15 percent. The following table summarizes the impervious area proposed by this project based on the recently submitted preliminary plan.

<u>Upper Paint Branch Watershed</u>	<u>Northwest Branch Watershed</u>	<u>Entire Project Site</u>
Total Area: 2.62 ac.	Total Area: 8.38 ac.	Total Area: 11.0 ac.
Impervious Area: 0.19 ac.	Impervious Area: 1.19 ac.	Impervious Area: 1.38 ac.
<b>Percent Impervious Area: <u>7.2 %</u></b>	<b>Percent Impervious Area: <u>14.4 %</u></b>	<b>Percent Impervious Area: <u>12.5 %</u></b>

Note that Executive staff has received comments from the Cloverly Civic Association opposing the approval of this request. DEP forwarded these comments to County Council staff for inclusion in the public hearing record.

**Agency Review Comments**

**DPS – Well & Septic:** Records indicate the existing septic system was installed in 1971 for a 3-bedroom dwelling with a design capacity of 450 gpd. Depending on if there are kitchen facilities and what type in the proposed facility, the design flow would be 1050 to 3500 gpd based on 350 seats. The property does not have an existing septic reserve area (SRA). The new use would require the establishment of an SRA that would be at least 20,000 square feet (0.46 acres) to over 70,000 square feet (1.6 acres) in area. No records of a site evaluation (water table and percolation tests) are on file in well and septic records for this address

**M-NCPPC – Planning Dept.** This approximately 11-acre property is in the RE-2 Zone and is in the Cloverly Planning Area. This project proposes a house of worship under the Private Institutional Facilities policy. The 1997 Cloverly Master Plan includes this area as part of the Residential Wedge. The Plan's objective for the Suburban Communities is to "retain land use and environmental policies that minimize impacts on the upper Northwest Branch and upper Paint Branch watersheds and underscore the large-lot character of this community as now-vacant properties develop." (p 22)

The Plan recommends retention of the existing RE-2 zoning throughout the Residential Wedge, including this property. In addition, the Plan provides recommendations designed to maintain environmental resources in the two watersheds. This property straddles the boundary between the Paint Branch and Northwest Branch watersheds. The portion in the upper Paint Branch watershed (about 2.7 acres) is also in a Special Protection Area and an environmental overlay zone with an eight percent imperviousness limit. The Plan proposes a goal of 10 percent to 15 percent imperviousness for the remainder of the property in the Northwest Branch watershed.

The applicant has previously submitted a Concept Plan for agency review. Agency comments have been submitted and are included with this review. Under the current PIF policy, Council review of proposed category

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changes will focus on consistency between the concept plan and the applicant's proposed development plan, and on proposed amounts of imperviousness.

Religious Assembly is a permitted use in the RE-2 Zone, which implies that the use is in keeping with the intent of the zone and therefore with Plan objectives for preserving the large lot character of the community. This property should meet imperviousness goals for the upper Northwest Branch watershed and adhere to the eight percent standard required by the Upper Paint Branch Environmental Overlay Zone. The applicant should include estimates of imperviousness in both watersheds as part of its category change application, which will help the Planning Board and County Council analyze the application in the context of Water and Sewer Plan policies for private institutional uses.

**M-NCPPC – Parks Planning:** No parks impact.

**WSSC – Water:** Water pressure zone: 660A. WSSC conducted an SPF (DA6802Z19) and an associated letter of finding is dated 6/18/2019 [see sketch plan on page 18]. A 16-inch [pre-stressed concrete cylindrical pipe] PCCP water line in New Hampshire avenue abuts the property (1957-0266). PCCP mains may not be tapped. A WSSC special detail involving shutting down the main and replacing two pipe segments will be required to establish connection. [emphasis added] Local service is adequate.

**WSSC – Sewer:** Basin: 10-088, Blue Plains WWTP Service Area. An 8-inch sewer line in New Hampshire avenue abuts the property (1982-5510A). Average wastewater flow from the proposed development: 1400 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

**Development Review Committee:** The following table provides agency review comments for this project's concept plan. Not all agencies review and provide concept plan comments, such as WSSC.

<b>Current Project - Department Review Status</b>			
<b>Concept Plan 520190160 Mar Thoma Church of Greater Washington</b>			
<b>Group Name</b>	<b>Reviewer Name</b>	<b>Review Status</b>	<b>Review Comments</b>
<i>Note that not all DRC agencies, such as WSSC, provide commentary on proposed concept plans.</i>			
WELL & SEPTIC	Jason Flemming, DPS	Comments Provided	No well or septic. Good if on public water and sewer.
COUNTY TRANSPORTATION	Deepak Somarajan, DOT	Comments Provided	Please see plan for comments
WATER & WASTEWATER POLICY	Alan Soukup, DEP	Incomplete	<p><i>Subsequent Submittal:</i></p> <p><i>Currently, the use of public water and sewer service for this project is not consistent with the existing W-5 and S-6 service area categories.</i></p> <p><i>The owners have filed a category change request seeking W-1 and S-1 for the Mar Thoma Church project, WSSCR 19-CLO-03A.</i></p> <p><i>Under the Water and Sewer Plan's PIF policy, the process for this category change request requires an evaluation of a concept plan for the proposed project by the DRC. The concept plan and the comments on the concept plan from the DRC members will become part of the applicant's submission for the category change request to be considered by the County Council.</i></p> <p><i>DEP's projected schedule for this request is to submit it for interagency review in July and transmittal to the Council in Fall 2019.</i></p>
ROW PERMITTING	Sam Farhadi, DPS	Comments Provided	Please refer to MCDOT comments.
WSSC		Incomplete	See WSSC review for WSSCR 19-CLO-02A and the WSSC System Planning Forecast sketch for contract no. DA6802Z19.

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<b>Current Project - Department Review Status</b>			
<b>Concept Plan 520190160 Mar Thoma Church of Greater Washington</b>			
<b>Group Name</b>	<b>Reviewer Name</b>	<b>Review Status</b>	<b>Review Comments</b>
ZONING & ENFORCEMENT		Incomplete	
HISTORIC PRESERVATION		Incomplete	
SEDIMENT & STORMWATER	Dave Kuykendall, DPS	Comments Provided	They have had a SPA pre-application meeting. Part of the site is in SPA and class IV watershed. Full ESD is required. Preliminary and Final Water Quality Plans may be combined. I have uploaded the SPA pre-application meeting minutes.
FIRE & RESCUE	Marie LaBaw, DPS	Incomplete	<ol style="list-style-type: none"> <li>1) Provide floorplan for level of main access to clarify lobby door location. Main lobby door shall be located within 50 feet of compliant fire department vehicular access.</li> <li>2) Confirm that two way vehicular travel is permitted throughout site.</li> <li>3) Located nearest existing hydrant and show that proposed hydrant is located no more than 500 feet from the nearest existing hydrant measured as the truck travels.</li> <li>4) Locate any FDCs within direct line of sight of main side hinge door and within 100 feet of a fire hydrant measured as the firefighter walks.</li> <li>5) Access to proposed parsonage appears insufficient.</li> <li>6) Fire lane order will be required to restrict parking on site as necessary to maintain access.</li> <li>7) Label New Hampshire Ave pavement width and turning radii at site entrance.</li> </ol>
PARK PLANNING	Dominic Quattrocchi, M-NCPPC	Comments Provided	No issues for the Dept. of Parks
WASHINGTON GAS	Jared Martin, WGL	Comments Provided	There are WGL facilities in the project limits. See the attached quad map for details. When final plans are available, please provide them to WGL for final review.
STATE HIGHWAY ADMINISTRATION	Kwesi Woodroffe, SHA	Comments Provided	<p>An Access Permit will be required for closure of the two existing entrances and construction of the new one. Proposed entrance must be a minimum of 25-ft wide. The bike path is required to be 10-ft wide.</p> <p>Please confirm if this entrance is proposed to be full movement; or right-in/right-out only? If full movement, a signal may be required.</p> <p>A more comprehensive review will be performed after detailed engineering plans are submitted to MDOTSHA District 3 for review.</p>
AREA MASTER PLAN	Fred Boyd, M-NCPPC	Incomplete	
AREA SUBDIVISION	Ryan Sigworth, M-NCPPC	Comments Provided	See markups
AREA TRANSPORTATION	Chris Van Alstyne, M-NCPPC	Comments Provided	There will be significant coordination needed for the site entrance as proposed with SHA and MCDOT. It may be worth investigating an alternative access point location. Final design of the shared use path crossing of MD 650 will need additional review.

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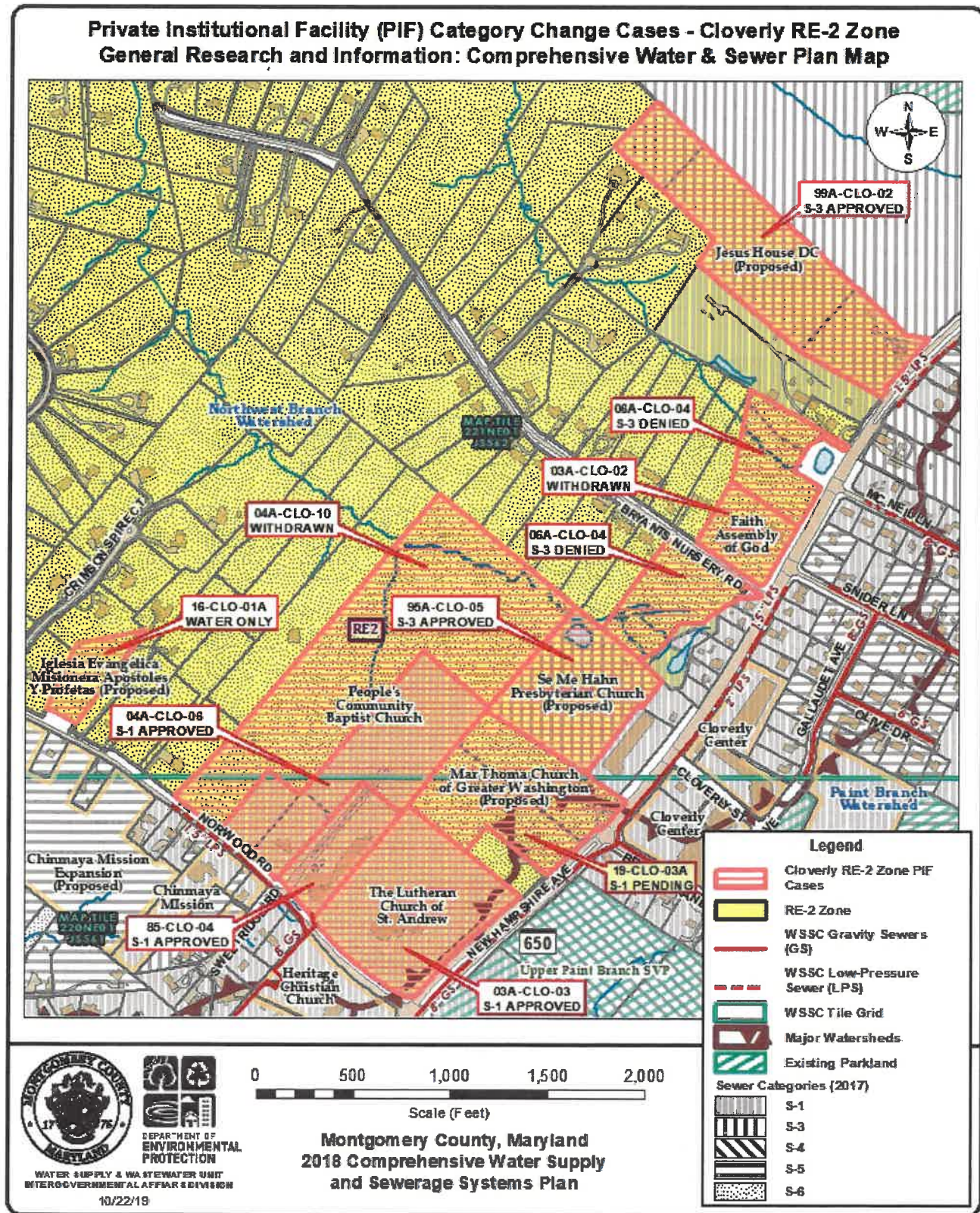
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<b>Current Project - Department Review Status</b>			
<b>Concept Plan 520190160 Mar Thoma Church of Greater Washington</b>			
<b>Group Name</b>	<b>Reviewer Name</b>	<b>Review Status</b>	<b>Review Comments</b>
AREA ENVIRONMENTAL	MaryJo Kishter, M-NCPPC	Comments Provided	<p>1. Please provide two Impervious Surface Exhibits for the property: One for the portion of the property located within the Upper Paint Branch Overlay Zone, and the other for the remainder of the property. The Exhibits should identify all existing features to be removed, existing features to remain, and proposed features and the square footage of each. The features to remain and proposed should be tallied for total square footage and demonstrate compliance with the Overlay Zone limit of 8% and conformance with the Cloverly Master Plan recommendation to limit imperviousness to between 10-15% in the Northwest Branch subwatersheds. All off-site impervious features included within the limits of disturbance must be included in the calculations as described in the Environmental Guidelines, such as the proposed path along New Hampshire Ave. The Master Plan notes that individual developments with high site imperviousness should be discouraged. [*] All existing impervious surfaces to be removed should be identified and a proposal to restore the area to a pervious condition included on the plans.</p> <p>2. Submit a forest conservation plan with preliminary plan application.</p> <p>Note FCP requirements for properties within SPA's in the Environmental Guidelines - accelerated forest planting and 5 year maintenance and management agreement required.</p> <p><i>*[DEP: Impervious area exhibit provided as part of preliminary plan submission, see page 17 of this packet. See page 11 of this packet for an impervious area summary.]</i></p>

<b>Maps and Plans:</b>	<b>Private Institutional Facility (PIF) Sewer Category Changes: Cloverly RE-2 Zone</b> .....	<b>Page 15</b>
	<b>Concept Plan No. 520190160: Mar Thoma Church of Greater Washington</b> .....	<b>Page 16</b>
	<b>Preliminary Plan No. 120200080: Mar Thoma Church of Greater Washington: Impervious Area Exhibit</b> .....	<b>Page 17</b>
	<b>WSSCR 19-CLO-03A: WSSC System Planning Forecast Sketch (DA 6802Z19)</b> .	<b>Page 18</b>
	<b>Requested Water Category Map Amendment</b> .....	<b>Page 19</b>
	<b>Requested Sewer Category Map Amendment</b> .....	<b>Page 20</b>

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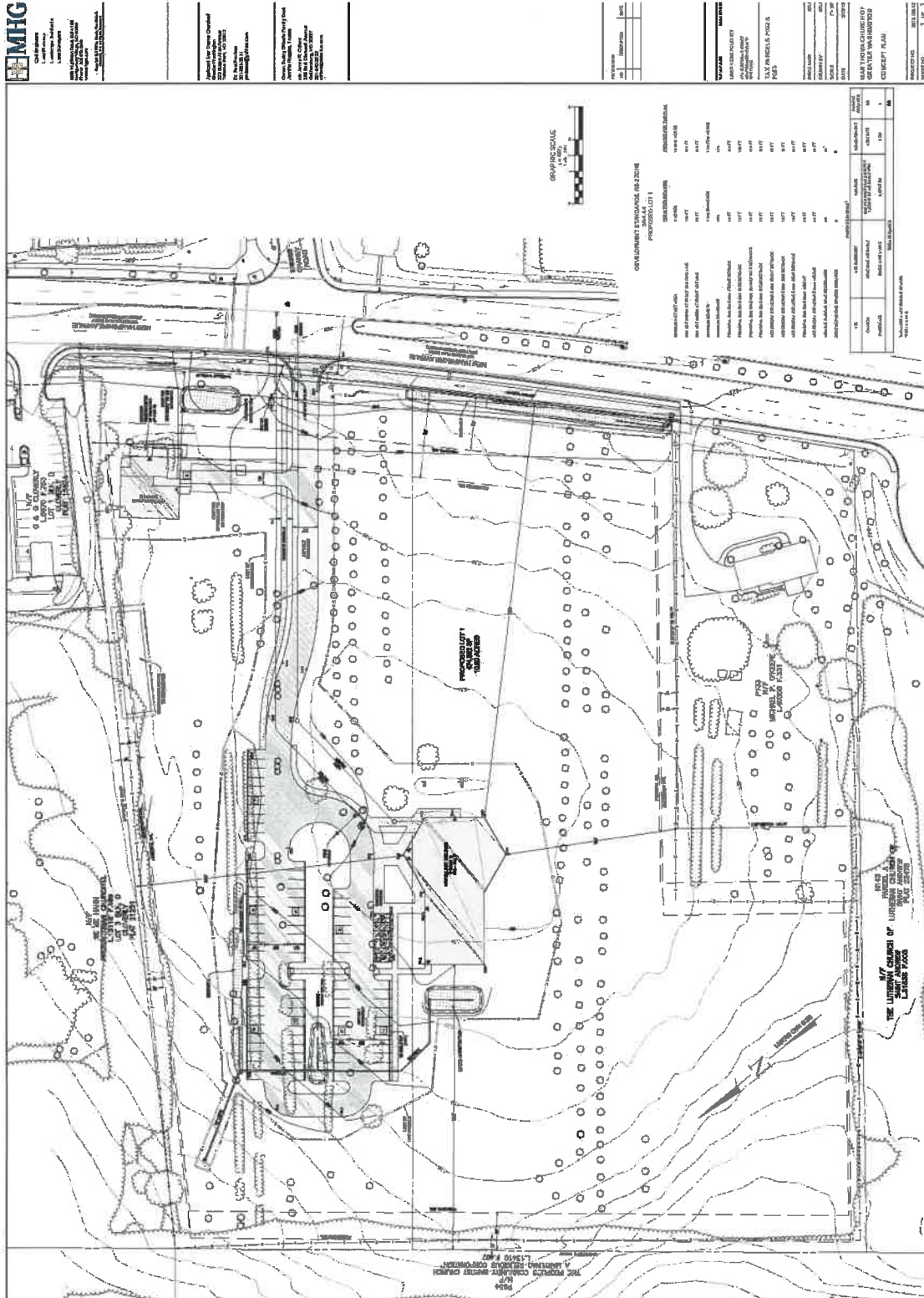




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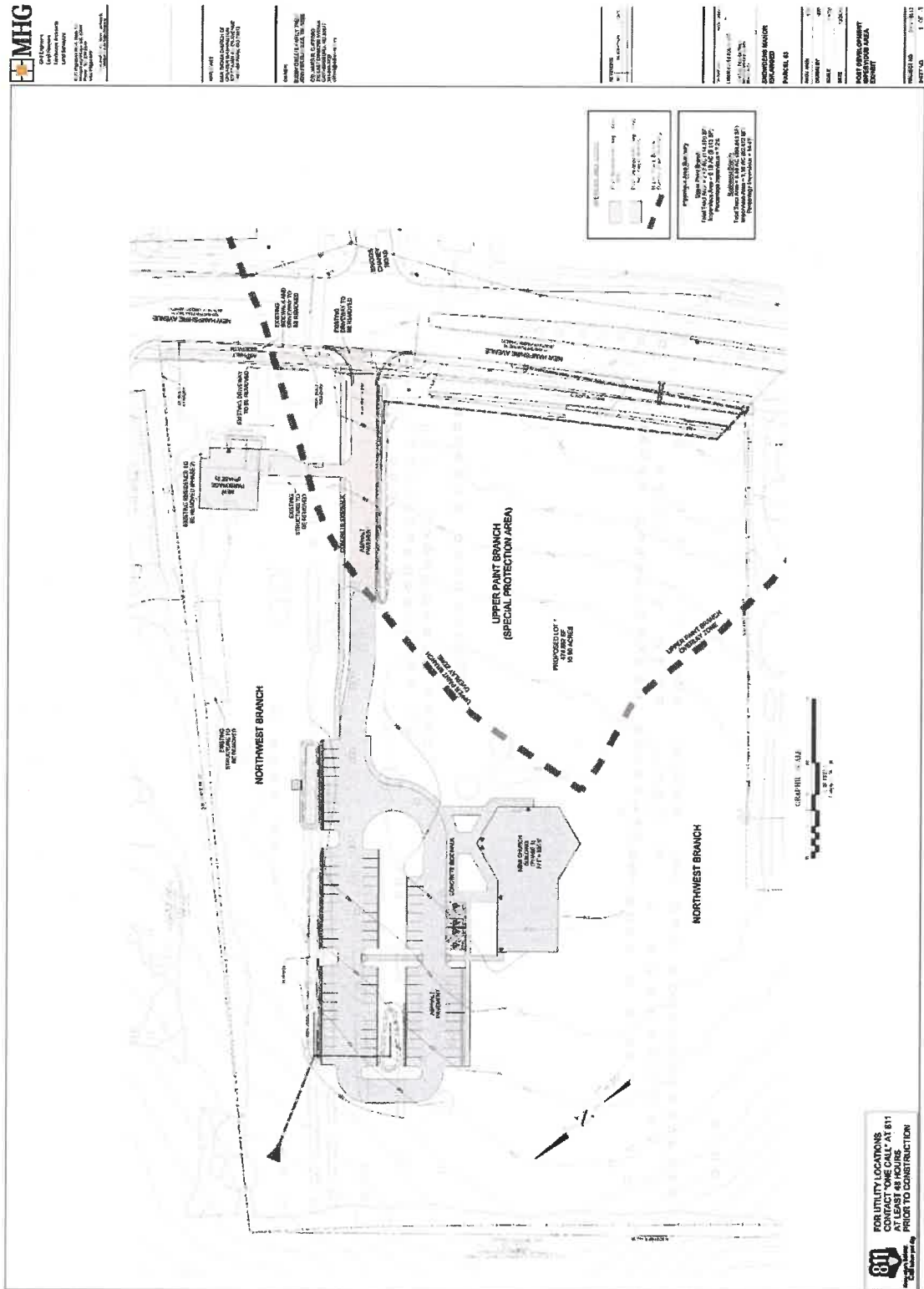
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Concept Plan No. 520190160: Mar Thoma Church of Greater Washington



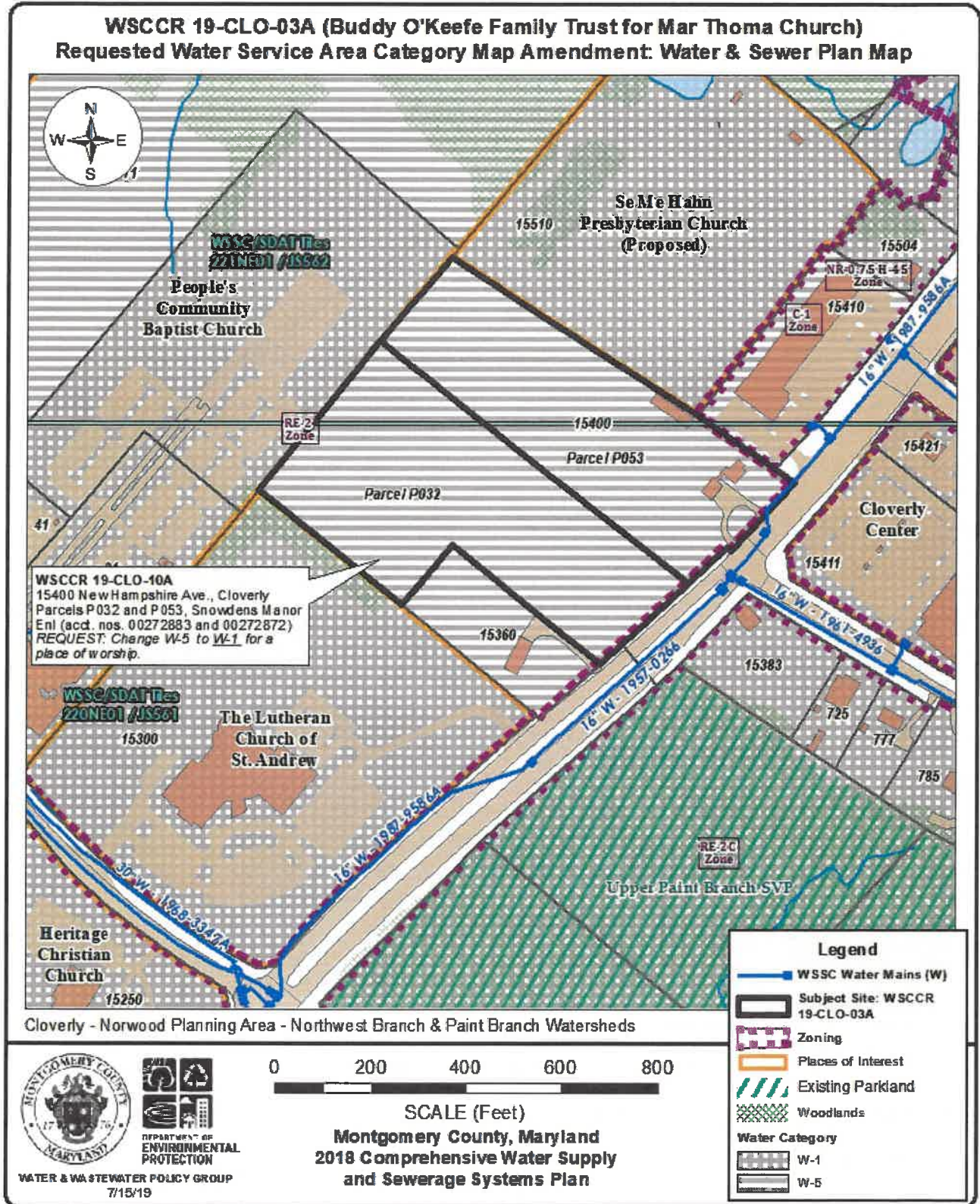
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**Preliminary Plan No. 120200080: Mar Thoma Church of Greater Washington**  
**Impervious Area Exhibit: Pink = Paint Branch ■ Gray = Northwest Branch**

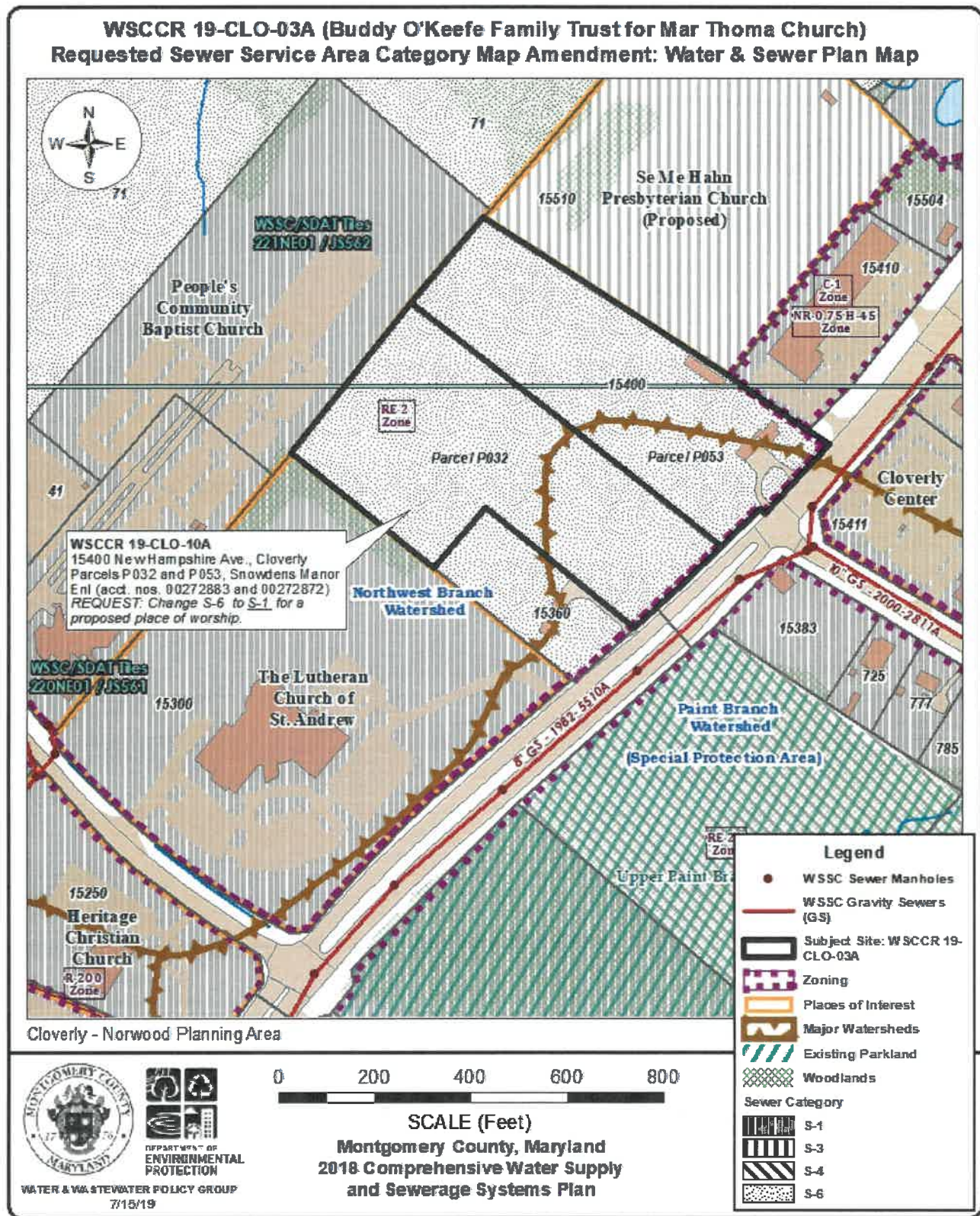




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**Request [3]****WSCCR 19-TRV-10A: Benjamin Gompf & Renee Shuman**

**County Executive's Recommendation: Deny S-1 request; maintain S-6.**

*(Note that the applicants may not file a new sewer category change request application for this property for a period of one year from the date of this action, unless coordinated with and allowed by DEP.)*

Property Information and Location Property Development	Applicant's Request County Council Action									
<ul style="list-style-type: none"> <li>• 13546 Travilah Road., Gaithersburg</li> <li>• Lot 6, Versailles (acct. no. 02823835)</li> <li>• Map tile: WSSC – 218NW12; MD –E2</li> <li>• North side of Travilah Rd., 400 feet West of the intersection with Dufief Mill Rd.</li> <li>• RE-2 Zone; 2.0 acres</li> <li>• Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Muddy Branch Watershed (MDE Use I)</li> <li>• <u>Existing use</u>: Residence/Child Care Facility <u>Proposed use</u>: Expanded child care use</li> </ul>	<table border="1"> <thead> <tr> <th>Existing –</th> <th>Requested –</th> <th>Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1</td> <td>(no change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u>            "Child Care and number of residents is limited due to septic system."</p>	Existing –	Requested –	Service Area Categories	W-1	W-1	(no change)	S-6	S-1	
Existing –	Requested –	Service Area Categories								
W-1	W-1	(no change)								
S-6	S-1									

**Executive Staff Report**

The applicants seek approval for a sewer category change from S-6 to S-1 to allow for public sewer service for an existing single-family house and the expansion of an existing childcare use. The 2.0-acre lot is zoned RE-2 and is outside the planned public sewer envelope in this area. DPS Well & Septic indicates that no further increase in the number of children in the child care operation can be allowed under the existing septic system design. WSSC advises that the provision of public sewer service will require the construction of a low-pressure, offsite sewer hookup that would need to cross other properties to reach an approved gravity sewer along Hanson Farm Dr. M-NCPPC concurs that the property was excluded from the recommended public sewer envelope provided in the 2002 Potomac Subregion Master Plan.

The nearby Mount Prospect Farm subdivision is approved and planned for public sewer service. However, the sewer mains planned for that project will not directly abut applicants' lot. Gaining access to a sewer main in the proposed subdivision would require easements across the flagstem of the adjacent lot and several properties within the proposed Mount Prospect Farm subdivision. (See the map on page 24.) The need for easements across intervening properties is not consistent with the Water and Sewer Plan's abutting mains policy.

The subject lot is also near the planned sewer service envelope that includes the Mount Prospect Farm site. However, the lot is not directly adjacent to the planned service envelope; the flagstem for the lot at 13542 Travilah Rd. intervenes. Given this, the lot does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. (See the policy at pages 31-33.)

Staff recommends denial of this request for sewer category S-1; no existing service policies support its approval.

**Agency Review Comments**

**DPS – Well & Septic:** The existing septic system is designed to handle a maximum daily flow of 750 GPD, however, in 2008 this office allowed the daycare operation to expand to 810 GPD (4 residents and 34 children) without upgrades to the septic system. No further increase in the number of staff or children that would exceed a flow of 810 GPD is permissible. The existing septic reserve area for the property cannot accommodate an increase in flow.

**M-NCPPC – Planning Dept.:** This two-acre property is in the RE-2 Zone and is located in the Travilah Planning Area, part of the Potomac Subregion. The 2002 Potomac Subregion Master Plan excluded this

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property, and the others around the intersection of Travilah and Dufief Mill roads, from the plan’s sewer envelope. It should also be noted that immediately adjacent lots in the Mount Prospect Farm community were explicitly configured for compatibility with larger lots in the subject property’s neighborhood and across Travilah Road. In addition, any sewer connection would have to cross homeowners association land to reach Hanson Farm Drive.

**M-NCPPC – Parks Planning:** No parks impacts.

**WSSC – Water**

**WSSC – Sewer:** Basin: Muddy Branch.

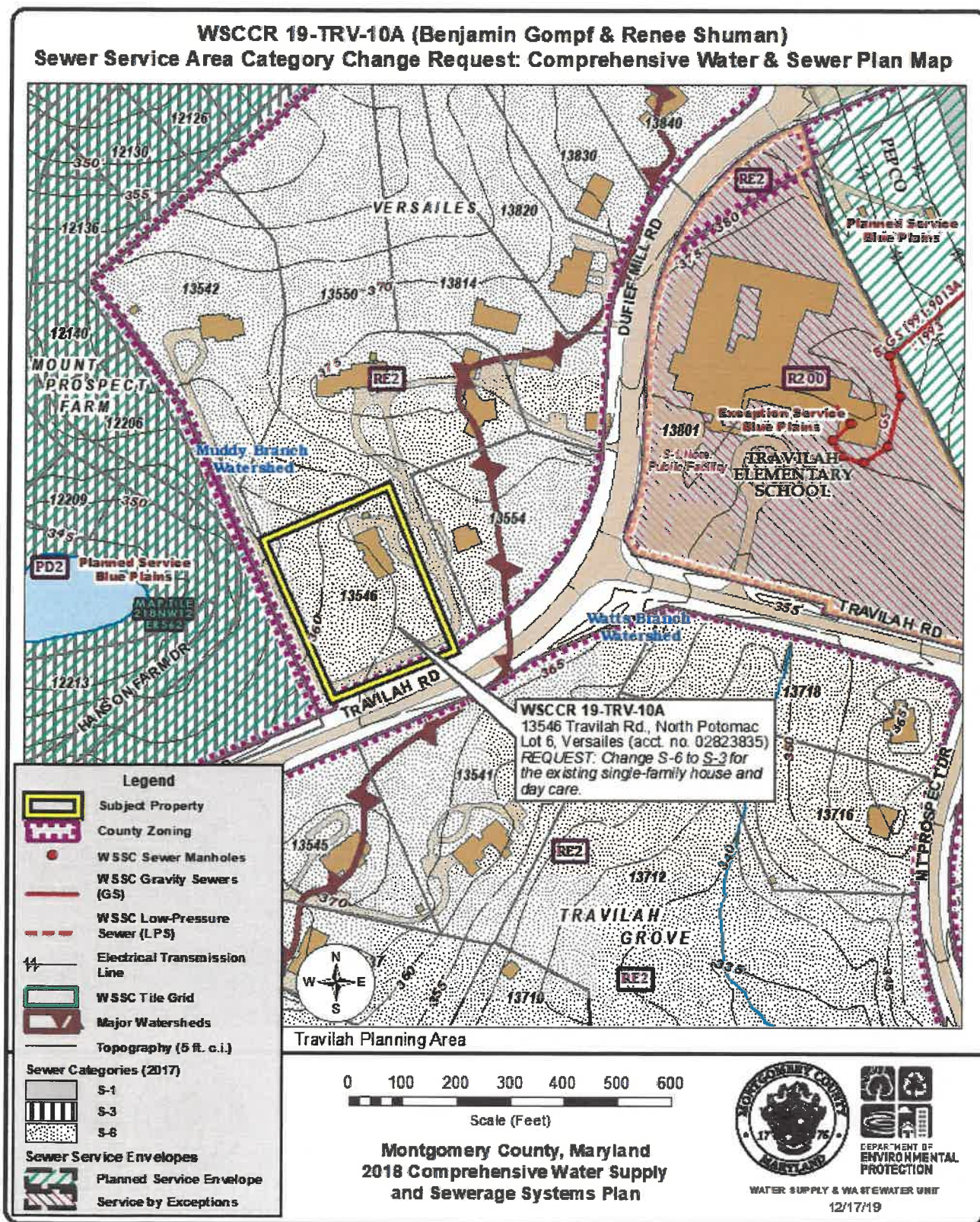
There are no existing sewer line abutting the property. The nearest sewer line is in Hanson Farm Drive, in the Mount Prospect/Hanson Property development, which have been approved for construction on August 27, 2019 under Contract No. DA6302D17. A private 660’ foot-long sewer line is required to serve the property. Of the 660’, approximately 580’ will be low pressure sewer. This low pressure sewer line would be a dedicated line for this site and may not tie into the low pressure sewer designed under DA6302D17. This sewer line would cross over a minimum of 2 properties. Private easements would be required. Construction of this sewer may involve the removal of trees. [See private extension concept on page 24.]

Average wastewater flow from the proposed development: 300 GPD minimum. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

*[DEP note: WSSC has advised that a sewer service connection to a low-pressure/gravity sewer transition manhole, such as on proposed Hanson Farm Dr., will not work. The map on page 24 shows a connection to the proposed gravity main downstream of the transition manhole.]*

<b>Maps and Plans:</b>	<b>Requested Sewer Category Map Amendment.....</b>	<b>Page 23</b>
	<b>Private Sewer Extension .....</b>	<b>Page 24</b>

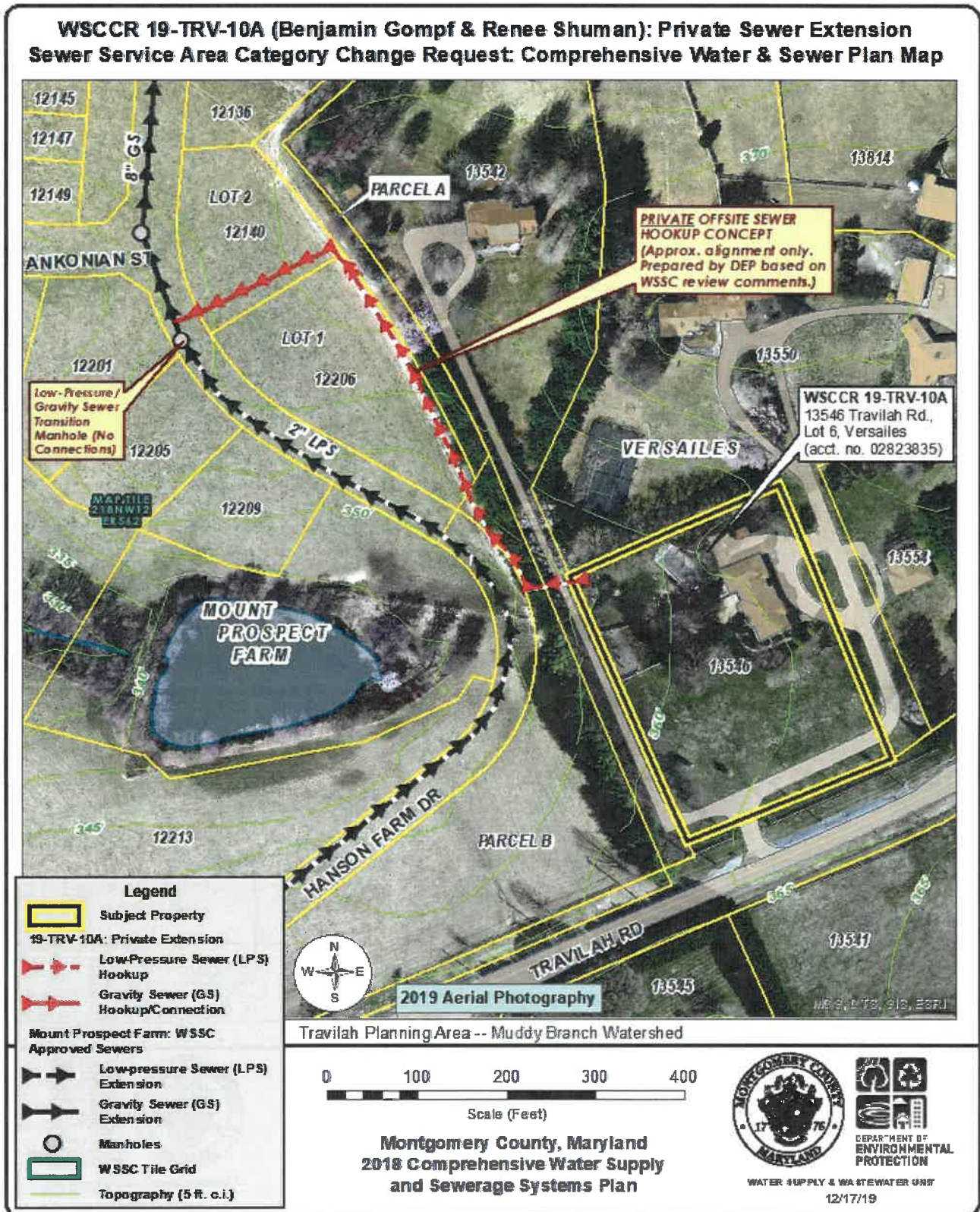
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**Packet Appendix: Related 2018 Water and Sewer Plan Service Policies**

**Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains**

County Council Actions: Adopted October 2, 2018 (CR 15-396)

**II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE**

**II.G. Special Policies for Water and Sewer Service**

The Plan's general service policies address water and/or sewer service issues for the majority of development recommendations found in local area master plans. However, a master plan's general recommendations and this Plan's general service policies cannot anticipate every possible service situation. Many of the following special service policies were developed from specific cases where the County Council, in addressing an exceptional situation, found sufficient cause to establish its action as a precedent for other similar situations that follow. The Council adopted these policies in order to provide consistent policy guidance, rather than relying on case-by-case interpretations.

**II.G.3.: Community Service for Properties Abutting Community System Mains**

Under specific and limited circumstances, community water and or sewer service may be provided to properties that abut an existing or approved water and/or sewer main. Except in cases where this policy specifically requires the County Council's consideration and action, DEP may grant approval for abutting service hookups through the administrative delegation process, under the "Community Service for Properties Abutting Community System Mains" policy, Section V.D.2.a.

**II.G.3.a.: General Requirements**

The provision of community service under this policy requires that the property, or a structure on the property, must have been established prior to the extension of the abutting water or sewer main. Residential, institutional, and commercial uses qualify as existing structures; barns, garages, or other types of outbuildings do not qualify. Satisfaction of this requirement qualifies the property for a single public service hookup. Neither the construction of a building on an unimproved property, nor the addition to or replacement of an existing structure, invalidates the application of this policy. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Technical Feasibility of Service Connections

The provision of community service under this policy also requires that service from the abutting main must be technically feasible. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy. Service from low-pressure, small-diameter sewer mains may also be restricted, depending on the type or number of users proposed. WSSC's current pump/pressure system policies do not permit both residential and non-residential (commercial/institutional) uses to connect to the same low-pressure main, requiring instead separate, dedicated mains for each separate non-residential use.

Planned Community Service Mains

The implementation of this policy applies to both existing and planned service mains. Where a category change approval is based on new mains planned and approved by WSSC, actual service depends on the construction of that main by the applicant for that main. The owner of a property with a restricted abutting mains approval based on construction of a new main cannot independently initiate the construction of all or part of that new main.

Non-Abutting Service Connections

A non-abutting water or sewer connection may allow for the provision of community service under this policy. A non-abutting connection is typically located within either a public road right-of-way or a WSSC main easement. The associated service hookup must be located on *only* the customer's property receiving community service. The use of an offsite service hookup in an easement crossing another intervening property is not allowed. Non-abutting service connections require specific approval from WSSC.

Policies for the use of non-abutting service connections differ between this Plan's policies and WSSC's. In this Plan, the preceding policy concerning non-abutting service connections will determine whether a property qualifies for community service under this abutting mains policy. Most often, such a property is located outside the planned community service envelope and is considered for community service only because it satisfies this

## COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

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### Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains

special service policy. WSSC's policy for non-abutting service connections addresses cases involving access to a community system main where the County has already approved the property for community service.

Typically, the property is within the planned community service envelope. In summary:

- The Water and Sewer Plan's policy concerning non-abutting service connections affects decisions about which properties may receive community service.
- WSSC's non-abutting connection policy affect decisions about the best way to serve a property once the Plan has established that property for community service.

#### Abutting Mains Policy Exclusions

This policy will not apply in the following circumstances:

- *Private Institutional Facilities* - The application of this policy does **not** include the provision of community service for private institutional facilities (PIFs) located outside planned community service envelopes. These cases must be addressed separately through the PIF policy (see Section II.G.4.).
- *Limited Access Service Mains* - This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.1.).

#### **II.G.3.b.: Single Hookups for Only One Property**

A single water and/or sewer hookup only is allowed for an individual property or for a structure that satisfies the policy requirements under Section 3.a. preceding. The application of the policy is most often for a single property in the same geographic configuration that existed at the time an abutting main was approved or constructed. However, the policy does allow for exceptions, as follows:

#### Allowed Property Changes

A change in the property configuration due to the following circumstances does not invalidate this allowed single hookup:

- Dedication of land for a public use such as a road right-of-way or park land.
- An exchange of land between a *qualifying* property and an adjacent property, qualifying or not, provided the overall number of qualifying lots—and therefore the allowed number of hookups—remains the same. Under this provision, *at least one* property must have qualified for a single hookup under this policy *before* the lot line adjustment occurred. A lot line adjustment to acquire frontage along a main does not justify an abutting mains approval.
- The inclusion of additional contiguous, commonly-owned properties, if those properties are combined through subdivision with the qualifying property into a single property. Only one single water and/or sewer hookup for the entirety of the combined properties will be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. Final approval of a category change will require the Planning Board's approval of the subdivision plan or plat assembling the properties.

#### Remainders of Qualifying Properties

The allowed single hookup may also be assigned to an existing property that is the remainder of a property that would have originally qualified for a single hookup under Section II.G.3.a. above. For approval of single service hookups, these properties must satisfy both of the following conditions:

- The residual property proposed for community service abuts the existing or approved main; and
- The allowed service hookup has not been used elsewhere on the property that originally qualified for the single service hookup. Community service provided elsewhere on the original property where consistent with both Water and Sewer Plan general service policies and with master plan recommendations shall not be considered to have used this one allowed hookup.

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**Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains**

DEP may grant approval for this single hookup under the administrative delegation process included in this chapter, as noted previously in Section II.G.3., provided that either:

- All of the residual properties involved are still under common ownership, or
- None of the other residual properties from the original abutting property could qualify under this policy for the allowed hookup because they do not abut the subject water or sewer main.

However, DEP shall refer to the County Council any cases where two or more residual properties that could qualify for the single service hookup are under different ownership. DEP will attempt to notify the owners of those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

Single Community Service Hookups in Proposed Subdivisions

Some properties that qualify for a single community service hookup under this policy will also be proposed for new subdivisions. In these cases, this policy may allow for a new lot using community service in addition to those lots approved using individual, onsite systems. Qualifying projects will need to satisfy the following conditions:

- The original property had to satisfy the general policy requirements for a single community service hookup under Section II.G.3.a, preceding.
- The property in the subdivision receiving the single community service hookup must receive service by either a direct connection or non-abutting connection to the water or sewer main. The conditions for the use of a non-abutting connection apply as explained in Section II.G.3.a., preceding.
- Final approval of a category change under this condition will require the Planning Board's approval of a preliminary plan that specifies the lot receiving the allowed community water and/or sewer hookup.

Properties located within the Piney Branch Restricted Sewer Access Area and the Glen Hills Study Area do not qualify for this provision of the abutting mains policy with regard to sewer hookups. The policy is not intended to promote the creation of additional subdivision lots in these areas. A single sewer hookup may be provided in a subdivision to one qualifying lot that could be served by an individual septic system.

**II.G.3.c.: Multiple Sewer Hookups**

In order to protect and preserve sensitive environmental features on the site (e.g. stands of trees/forest, wetlands, etc.) that would be potentially harmed by the installation of septic systems, while also limiting the effects of sewer-supported development, community sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- The site would qualify for a single sewer hookup under section 3.a. above;
- The site contains sensitive environmental features that DEP, in consultation with M-NCPPC, determines would be preserved to a greater extent by the provision of community sewer service rather than the construction of septic systems;
- The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.2.). The provision

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**Chapter 1, Section II.G.3: Community Service for Properties Abutting Community System Mains**

of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

**II.G.3.d.: DEP Advance Approval of Single Abutting Hookups in Categories 4, 5, and 6**

DEP may direct WSSC to provide an allowed single water and/or sewer hookup for a residential use on a property not currently designated for community service (categories 4, 5, or 6) upon confirmation of the following:

- DEP staff confirmation that the property qualifies for service under this policy, and does not require consideration and action by the County Council for approval; and
- DEP receipt of a valid category change request application for the property.

Only in such cases may DEP approve service for a residential use from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

**Chapter 1, Section II.G.4: Community Service for Private Institutional Facilities Policy**

County Council Actions: Adopted October 2, 2018 (CR 15-396)

**II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE**

**II.G. Special Policies for Water and Sewer Service**

The Plan's general service policies address water and/or sewer service issues for the majority of development recommendations found in local area master plans. However, a master plan's general recommendations and this Plan's general service policies cannot anticipate every possible service situation. Many of the following special service policies were developed from specific cases where the County Council, in addressing an exceptional situation, found sufficient cause to establish its action as a precedent for other similar situations that follow. The Council adopted these policies in order to provide consistent policy guidance, rather than relying on case-by-case interpretations.

**II.G.4.: Community Service for Private Institutional Facilities**

This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).

Private institutions, needing space to locate and grow, sometimes look to less-expensive land zoned for lower-density development. This land is often located outside of the community water and/or sewer service envelopes. The County Council adopted a special service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognizes as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions constructed outside the community service envelopes for the sole purpose of supporting PIF uses.

**II.G.4.a: PIF Sites Within the Planned Community Service Envelopes**

For private institutional facilities located within the planned water and/or sewer community service envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.D.2.a.: Consistent with Existing Plans). For a specific site, the planned water and sewer service envelopes may differ due to the general service policies (Section II.F.) included in this Plan.

**II.G.4.b.: PIF Sites Outside the Planned Community Service Envelopes**

The County Council will address category change requests seeking the provision of community water and/or sewer service to such facilities located outside of the planned community service envelopes on a case-by-case basis by the policies provided in the following sections. Under this circumstance, category change requests for PIF uses have specific application requirements. Refer to Section II.G.4.e. for relevant information.

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**Chapter 1, Section II.G.4: Community Service for Private Institutional Facilities Policy**

These application requirements include the submission of a conceptual development plan for the proposed PIF use. The County Council has come to place greater emphasis on the review of a concept plan for projects seeking the approval of community water and/or sewer service under the PIF policy. PIF-based category change cases often propose more intense development of a site than would be expected on a property zoned for lower-density development. As a result, one of the Council's more significant concerns is the amount of impervious area proposed by the concept plan. Typically, the Council's approval of a category change for a PIF use is based on an understanding that the PIF user's final development plan will be consistent with the concept plan considered by and acceptable to the Council, especially with regard to impervious area.

The use of community service outside the planned community service envelopes can imply inconsistency with the general recommendations of local area master plans. However, many master plans are silent on the specific issue of community service related to exceptional service policies in this Plan, such as the PIF policy. The County Council typically interprets these situations as suitable for the application of this policy.

Some circumstances will result in properties that are specifically excluded from the application of this policy; see Section II.G.4.c., below.

In cases where the County Council supports a requested category change for a PIF use, the Council will typically choose to condition a category change approval on either:

- The Planning Board's approval of a preliminary subdivision plan that the Board finds to be in conformance with local area master plan recommendations; or
- The Planning Board's approval of a preliminary subdivision plan which conforms substantially with the concept plan reviewed by the County Council.

Please refer to Section V.E.2. for additional information concerning conditionally approved Water and Sewer Plan amendments, including the five- to -ten-year sunset provisions for final approval actions.

Sites Abutting Existing Water and/or Sewer Mains

For cases where existing or approved water or sewer mains abut or will abut a property, the Council may consider the approval of service area category amendments for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned AR (see Section II.G.4.c).

Sites Requiring New Water and/or Sewer Main Extensions

For sites where the provision of community service for a PIF use requires the construction of new water and/or sewer mains, the Council shall apply the following criteria:

- For existing PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites where required new water and/or sewer main extensions will not make community service available to additional properties that are otherwise not eligible for community service under the general policies of this plan.

WSSC policies require that where low-pressure systems provide sewer service to a non-residential use, that system must be dedicated to only one user and cannot provide service to intervening properties. This policy will therefore allow a dedicated, low-pressure sewer main extension for a PIF use to abut properties ineligible for community sewer service.

Care must be taken to ensure that any associated gravity outfall from a low-pressure sewer system otherwise satisfies these requirements.

New WSSC wastewater pumping facilities are not allowed where their only purpose is to serve PIF uses. (See Section II.G.4.c., following.)

Consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.1), water and sewer main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access". Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. This is consistent with WSSC's policy of requiring that non-residential pump/pressure sewer system users have systems dedicated to only that use. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

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**Chapter 1, Section II.G.4: Community Service for Private Institutional Facilities Policy**

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC requires that all commercial and institutional service applicants construct and pay for the community systems main extensions and related facilities needed to serve their projects.

**II.G.4.c.: PIF Policy Exclusions**

The following circumstances restrict the application of the PIF policy in cases where community service is sought.

PIF Uses Affected by Specific Master Plan Service Policy Recommendations

This policy cannot be used to justify the provision of community service where a local area master plan specifically recommends against the use of community service for PIF uses, or for any use in general.

PIF Uses on Sites Zoned Agricultural Reserve (AR)

To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Agricultural Reserve (AR) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main.

The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site system, either by ~~standard~~ conventional or alternative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

Note that this Plan, with the preceding agricultural preservation goals in mind, also places limitations on the size of individual, on-site septic systems used within the AR Zone (see Section II.G.4.c).

PIF Uses in Existing Residential Structures

The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

PIF Uses Requiring New WSSC Pumping Facilities

In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC will not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station that does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

**II.G.4.d.: Further PIF Policy Considerations**

The PIF policy has accomplished its intended goals in many cases, although the practical application of the policy in other cases remains controversial. These more controversial cases have raised additional policy questions about the criteria for to evaluate PIF category change requests. Among these are the following:

- Limitations on the length of water and /or sewer main extensions needed to serve PIF uses.
- Additional prohibitions on community service for PIFs in other zones besides the AR Zone.
- Limitations on the amount of allowed impervious surfaces for PIF sites, whether universal or based on zoning criteria, and subsequent enforcement of approved PIF impervious surface limitations.
- Concerns about the effect of PIF uses on nearby communities with regard to compatibility, noise, traffic, etc.

**II.G.4.e.: PIF Policy Application Requirements**

Applicants seeking category change approvals under the PIF policy need to provide the following information in addition to the category change application form:

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**Chapter 1, Section II.G.4: Community Service for Private Institutional Facilities Policy**

- Name of and contact information for the proposed institutional use, if that institution is not already the owner of the property.
- Statement of the institution's non-profit, federal tax-exempt status from the U.S. Internal Revenue Service.
- A concept plan for the site of the proposed institutional use that has been considered by the M-NCPPC Development Review Committee (DRC) under that agency's concept plan review process. The concept plan needs to include:
  - Proposed activities, seating capacity, and auxiliary uses (day care, private school, etc.).
  - Proposed building footprints, parking and driveway areas, and other paved surfaces in sufficient detail to estimate impervious surface area.
  - Concepts for water and/or sewer main extensions, as needed.

The category change application needs to include a copy of the concept plan and a copy of the comments for the plan provided by the DRC agencies.

**II.G.4.f.: County Council Reconsideration of PIF Concept Plan Changes**

The discussion of the review of PIF policy cases (Section II.G.4.b) explains the Council's consideration of a concept development plan for the proposed PIF use, which in part is the basis for a category change approval action. However, if the PIF user makes significant changes (prior to service being provided to the approved PIF use) to the development plan from the plan considered at the time of the Council's action, the County will require reconsideration of the original approval action by the County Council. The M-NCPPC Planning Department will evaluate the revised concept plan with respect to the original plan and report its findings to DEP and the Council concerning significant changes that would warrant the Council's reconsideration.

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

County Council Actions: Adopted October 2, 2018 (CR 15-396)

**II. SPECIFIC SERVICE AREAS**

The following sections identify and explain the areas in the county where exceptional water and/or sewer service policies apply.

**II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES**

**Special Community Sewer Service Policy:** Recommended by the 2002 Potomac Subregion Master Plan

**Subject Area:** Properties zoned RE-1 or RE-2-at the edge or "periphery" of the master plan's recommended community sewer service envelope

**Service Recommendation & Comments:** The master plan's recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan's general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan's designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.



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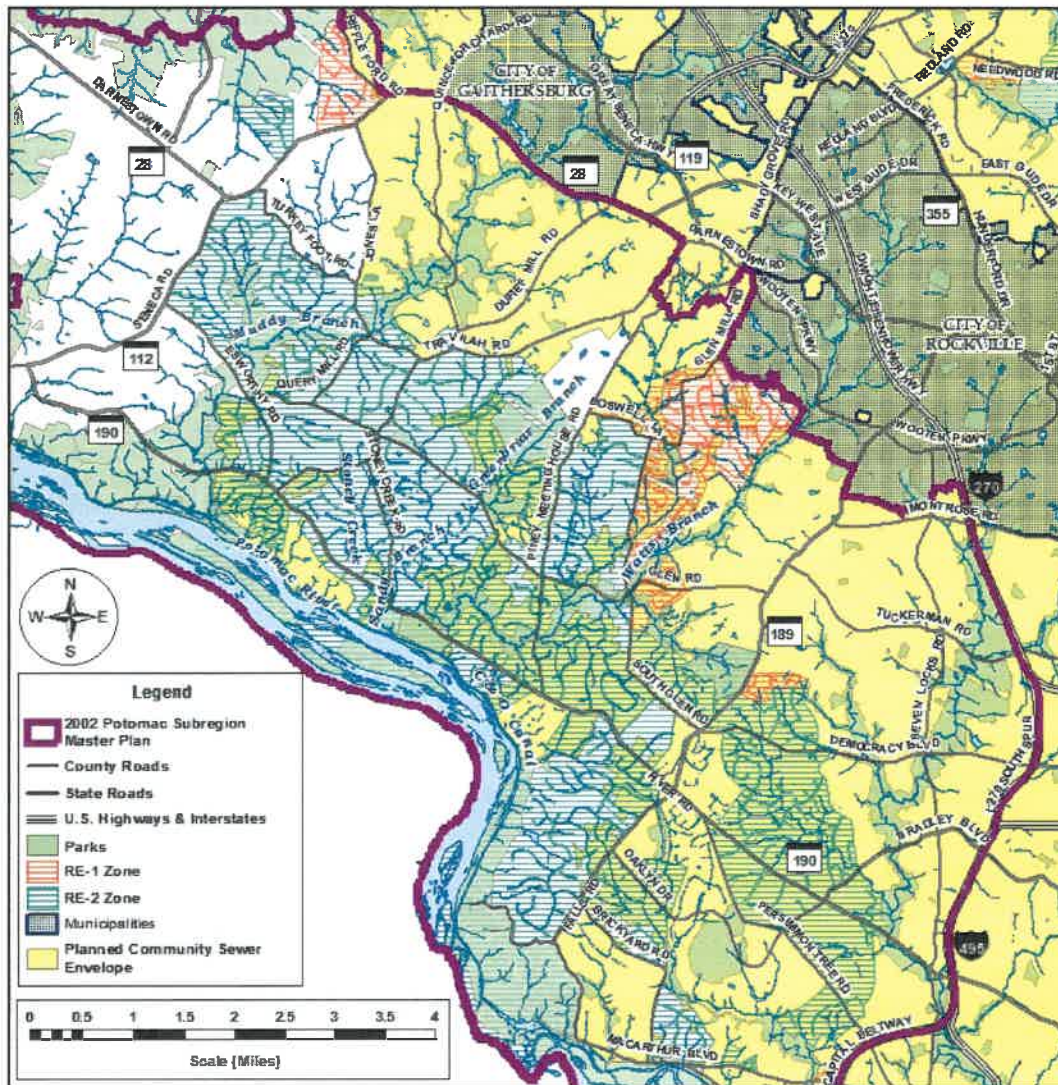
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**Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties**

- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

**Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones**



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

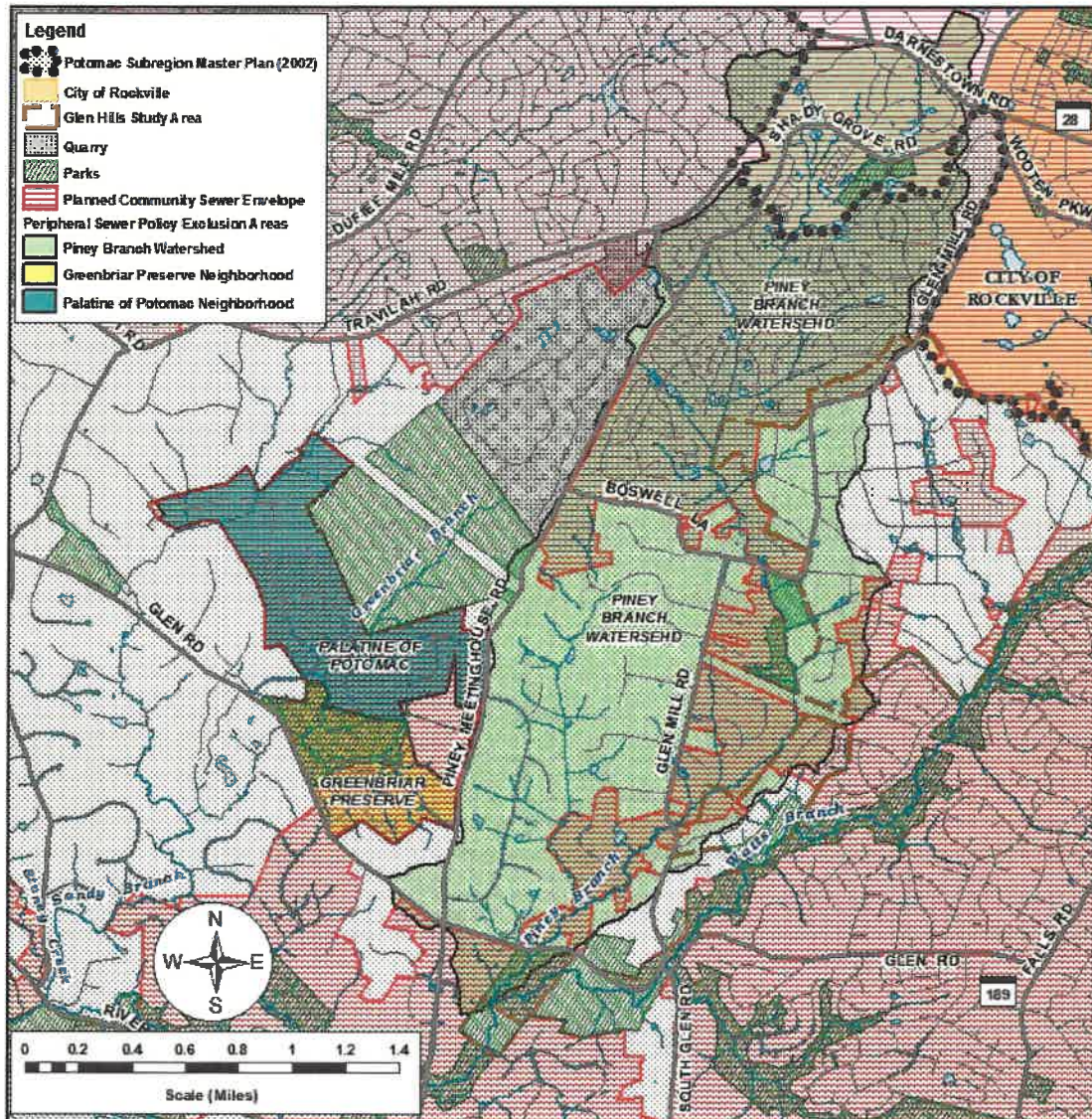
- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Branch watershed.

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

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



## Cloverly Civic Association

PO Box 233  
Spencerville, MD 20868  
December 4, 2019

Mr. George Dizelos  
Water and Wastewater Policy Group  
Department of Environmental Protection (DEP)  
255 Rockville Pike, Suite 120 Rockville, MD 20850

Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan 2019-Q4/2020-Q1 Review Group: **WSSCR 19-CLO-03A: O'Keefe**

Dear Mr. Dizelos:

The Cloverly Civic Association is opposed to extension of sewerage service to the WSSCR 19-CLO-03A: O'Keefe property, based on the Cloverly Master Plan recommendation against sewerage service in this specific area of the Cloverly Master Plan Area. The Cloverly Civic Association met with Mar Thoma Church representatives at its regularly scheduled meeting of November 25, 2019. This approximately 11-acre property is in the RE-2 Zone and is in the Cloverly Planning Area within the area of Norwood Road, Northwest Branch, Hampshire Greens, and New Hampshire Avenue and is proposed as institutional (Private Institutional Facility) use. The Cloverly Master Plan specifically does not recommend sewerage service for this specific area and the PIF use is not consistent with the Cloverly Master Plan. The sections of the plan that state these facts are copied below:

**Cloverly Master Plan adopted July 16, 1997, in Chapter VII. ENVIRONMENTAL RESOURCES, Section Water and Sewerage Service** (page numbers based on Park and Planning copy of the Plan and bolding added)

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"The RE-2 zoned area bordered by Norwood Road, Northwest Branch, Hampshire Greens, and New Hampshire Avenue **is not recommended** for sewer service. This recommendation is designed to maintain the rural character that results from low-density residential development that in turn relies on septic suitability of soils to determine the location and number of houses. "

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"Provide community sewerage service with the following limitations:

- Provide sewerage service throughout Cloverly except in the RC and RE-2 zones to maintain a low-density, rural character. The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area (except to relieve public health problems or to address other specific *Comprehensive Water Supply and Sewerage Systems Plan* policies) **is not consistent with this Plan** because of potential impacts on the low-density character of both areas and conflict with the long-standing recommendation not to provide sewer service in the Patuxent watershed in order to control water quality in the reservoir. The presence of public water service does not justify the extension of sewer service in the RE-2 and RC zones. An exception is a part of the Gum Springs neighborhood zoned RE-2. This area is included in the existing community sewer envelope. Sewer service was extended throughout the area prior to adoption of the 1981 Plan."

Please consider the Cloverly Master Plan in your recommendations to the Council on **WSSCR 19-CLO-03A**.

Sincerely,



Quentin Reimin, President  
Cloverly Civic Association

Honorable Councilmembers:

Following is my testimony in the matter of 19-CLO-03a Buddy O'Keefe Family Trust (for Mar Thoma Church of Greater Washington):

The impervious level of 10%-15% in the Cloverly Master Plan is being pushed to the limit. In the Montgomery County Comprehensive Water Supply and Sewerage System Plan (the Plan) you received it shows on Page 13 that the Master Plan was not addressed by the Development Review Committee.

This testimony fills that blank left by the County.

First, on 4/30/20 an expert witness testified before the Montgomery County Planning Board about a highly impervious proposed development, Jesus House. He stated that the Bryant's Nursery Run subwatershed is at 14.2% imperviousness per data from the US Geological Survey (Attached). He testifies the building of Jesus House will raise the imperviousness to 14.6%. This percentage does not factor in other new development and further development in the pipeline. The Jesus House about 1 mile from Mar Thoma and in the same watershed was nevertheless approved at 29% imperviousness.

Thus the lion has eaten his share and subsequent developments will suffer inequity or the Master Plan must be violated to provide the same level of imperviousness or even just 15% imperviousness.

While MarThoma is under 15% imperviousness, i.e., 14.4%, adding in new development such as the Exxon Gas Station and carwash, plus Jesus House with 29%, what amount of allowable imperviousness remains in watershed? I am concerned that your approval of Mar Thoma and other developments may be at the brink or over the Master Plan limit.

Finally, in the Plan, page 30 the Council's adopted 10/2/18 (CR 15-396) Community Service for Private Institutional Facilities Policy states under II. G.4.d: Further PIF Policy Considerations:

**" Limitations on the amount of allowed impervious surfaces for PIF sites, whether universal or based on zoning criteria, and subsequent enforcement of approved PIF impervious surface limitations."**

With all due respect, where was the Council when the Montgomery County Planning Board harmed Cloverly and beyond forevermore with approval of a development having 29% imperviousness.

Please help curb this over development and honor the Master Plan aimed at protecting citizens, their property and community.

Respectfully submitted,

Kathleen Hastings,  
Homeowner  
Silver Spring, MD.  
301 989-9553



June 3, 2020

Mr. Sidney Katz  
Montgomery County Council  
Council Office Building  
100 Maryland Avenue, 5th Floor  
Rockville, MD 20850

Re: Water and Sewer Category Change  
19-CLO-03A: Buddy O’Keefe Family  
Trust (for Mar Thoma Church of Greater  
Washington)  
Snowdens Manor Enlarged,  
Parcels P032 & P053

Dear Mr. President and Councilpersons:

On behalf of our client, the Mar Thoma Church of Washington (the “Church”), please accept the following written testimony in support of the subject water and sewer category change request (19-CLO-03A). MHG is the civil engineer for the Church and we prepared the category change application and associated concept plan submitted to MCDEP.

MHG agrees with the recommendations of the County Executive as described in the April 2020 Packet to conditionally approve the category change request, and we request that the County Council enter a resolution to conditionally approve the category change request consistent with the County Executive’s recommendation. As you know, the request was processed under the provisions of the County’s Water and Sewer Plan’s private institutional facilities (“PIF”) policy which required the submission of a Concept Plan to MNCPPC. Comments received from the Concept Plan Development Review Committee meeting on June 21, 2019 are included in the Category Change Packet. These comments were taken into consideration in the development of Preliminary Plan application document for the project.

MHG agrees with the findings of the MNCPPC Planning Department as summarized in the Category Change Packet. The Planning Department states that the proposed Religious Assembly use is permitted in the RE-2 zone and the Cloverly Master Plan objectives of preserving the large lot character of the community. The Category Change Packet also addresses impervious area impacts to the environment. The site is tributary to both the Upper Paint Branch Special Protection Area to the east and the Northwest Branch watershed to the west. The Upper Paint Branch SPA Overlay Zone limits impervious area to a maximum of 8%. Within the Northwest Branch watershed, the 1997 Cloverly Master Plan recommends that the

ultimate subwatershed impervious levels should remain in the 10 to 15 percent range and individual developments with high site-imperviousness should be discouraged. To conform to the requirements of the Overlay Zone and the recommendations of the Master Plan, a variety of site design techniques have been utilized in the development of the Preliminary Plan to limit impervious surfaces. These include limiting the scale of the development as well as the number of parking spaces and the removal of existing features such as existing gravel driveways and a number of structures. As a result of these design considerations, the total post-development impervious area conforms to the requirements and recommendations for both watersheds.

This amendment request is also within the scope of the 1997 Cloverly Master Plan, which recommends the provision of water service in the RE-2 Zone if the amendment is supported by the guidance of the Comprehensive Water Supply and Sewerage Systems Plan; and also allows for the provision of sewer service in the RE-2 Zone if the request is intended to address another specific policy set forth in the Comprehensive Water and Sewerage Plan. Here, the PIF policy provides both the guidance and the specific policy directives requisite for finding that this amendment request is appropriate and should be granted.

If approved by the Council, the installation of water and sewer service to the property can be provided by connections to the existing water and sewer mains within the New Hampshire Avenue right-of-way directly opposite the property frontage. The June 18, 2019 Letter of Findings from WSSC confirms that both water and sewer service is available to the property without the need for a public extension.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Jones', with a stylized flourish extending to the right.

Kenneth D. Jones, P.E.

Mr. Pence Jacob  
Secretary, Church Building Committee  
Mar Thoma Church of Greater Washington  
322 Ethan Allen Avenue  
Takoma Park, MD 20912

Date: June 1, 2020

Mr. Sidney Katz  
Montgomery County Council  
Council Office Building  
100 Maryland Avenue, 5th Floor  
Rockville, MD 20850

Re: Water and Sewer Category Change 19-CLO-03A: Buddy O'Keefe Family Trust (for Mar Thoma Church of Greater Washington), Snowdens Manor Enlarged, Parcels P032 & P053.

Dear Mr. President and Councilpersons:

On behalf of the Mar Thoma Church of Washington (the "Church"), please accept the following written testimony in support of the subject water and sewer category change request (19-CLO-03A).

**The Mar Thoma Church of Greater Washington (MTCGW)**

- Is a Christian church community that has been worshipping in Maryland. More information about the Mar Thoma Church (the parent church) is given below.
- From 1981 to 1995 the MTCGW community worshipped in several rented facilities including the St. Michael's and All Angels Episcopal Church on New Hampshire Avenue.
- Since October 1995, the MTCGW has been worshipping at its own facility located at 322 Ethan Allen Avenue, Takoma Park, MD 20912.
- Most church members are 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> generation U.S. immigrants from Kerala, India.
- Although most of our members are from Kerala, our church's ethnic makeup is diverse with Caucasians, African Americans, Chinese and Pilipino members who have assimilated primarily through intercultural marriages.

**MTCGW's Ecumenical and Community Outreach**

- The Mar Thoma Church is a member of the World Council of Churches (WCC) and the National Council of Churches in USA (NCC-USA)
- Since 1995, MTCGW has served as an integral part and worthy neighbor of the Takoma Park community in Maryland.
- MTCGW is a participant in the Montgomery County Inter Faith Council meetings and activities.

- MTCGW is also a member of the Ecumenical Council of Kerala Christians (ECKC) in the Washington D.C., Maryland, and Virginia (DMV) areas. ECKC represents 16 churches of Kerala origin in the DMV area.

### **Our Current Need**

- In 1995, when MTCGW first moved to Ethan Allen Avenue the church had about 60 member families of whom about 36 (60%) families attended regular church services.
- In 2020, we have about 125 member families and about 75 (60%) families attend church regularly.
- As the growth has doubled MTCGW is looking to construct a new and modern church facility subject to obtaining all pertinent approvals from the Montgomery County officials.

### **Our Request**

- MTCGW requests the Montgomery County Council and County Officials' to support its endeavor to move from the Takoma Park, MD church facility to a new church facility that is to be constructed at the O'Keefe Apple Orchard (O'Keefe property), 15400 New Hampshire Ave in Cloverly, MD.
- MTCGW seeks the Montgomery County Councils and County Officials' approval the Water & Sewer Category Change that would be required for MTCGW to purchase the O'Keefe property and construct a new church facility.

### **Other reasons that strongly support this request:**

- We are a community that has existed in District 2 of Montgomery County since 1995. Our church has been worshiping in Takoma Park, Maryland. The proposed move is to Cloverly, which is within the same District 2 of Montgomery County, Maryland.
- Most of our members reside in Montgomery County and many live in the Silver Spring area.
- The proposed new church development adheres to all County and State requirements.
- The church will be primarily used for worship on Sundays, and for special events on Saturdays.
- The rich traditions and history of the Mar Thoma Church will add value and diversity to the Montgomery County in Maryland.

### **About the Mar Thoma Church (the parent church):**

In English the Syriac words "Mar Thoma" stands for Saint Thomas. The Mar Thoma (St. Thomas) Church is a Christian church with Eastern traditions. The church traces its origins to the Apostle Thomas (one of the twelve disciples of Jesus Christ) who is believed to have visited India in about AD 52 and established 7 churches in the western Malabar Coast of India, which is now known as the State of Kerala. The faith of the Mar Thoma church is rooted in the Old and New Testaments of the Holy Bible and in the Nicene Creed.

Until the beginning of the 20th century, Mar Thoma Christians lived in a few districts in Kerala, India. In the 20th-century, Mar Thoma Christians migrated to different parts of the world, including North America, Europe, the Middle East, Malaysia, Singapore, South Africa, Australia and New Zealand. The Church (Sabha) is led by a Metropolitan along with 10 other bishops, and is served by 1166 clergy (active and retired). It has 13 dioceses, including the Diocese of North America and Europe, and about 1 million registered members worldwide. It has a democratic pattern of administration with a representative assembly, an executive church Council and an



Episcopal Synod. Each of its dioceses also has a representative Diocesan Assembly and an executive Diocesan Council. The church's world headquarters is located at the SCS Campus in Tiruvalla, Kerala, India. The headquarters for the Diocese of North America and Europe is located at the Diocesan Center, 2320 Merrick Avenue, Merrick, New York 11566.

The Mar Thoma Church is an autonomous church with Eastern traditions and eclectic characteristics from the Reformation era. The Mar Thoma Church maintains cordial ecumenical relations with many world churches and is a member of the World Council of Churches from its inception, and a member of the National Council of Churches in USA. The Mar Thoma church is apostolic in origin, universal in nature, evangelical in principle, ecumenical in outlook, oriental in worship and Episcopal in character.

For any additional information please contact:

Mr. Pence Jacob  
Secretary, Church Building Committee  
Email: pencepj@yahoo.com  
Phone: 614-537-0753

Dr. Mathew T. Thomas  
Public Relations Committee Convener  
Email: drthamby@gmail.com  
Phone: 301-526-8723

Thank you for your consideration of our request.

Sincerely,



Mr. Pence Jacob  
Mar Thoma Church of Greater Washington

Council Members,

Thank you for the opportunity to present this testimony as a Montgomery County resident. We live at 13546 Travilah Road where we also operate a small woman owned Day Care Center supporting our community. We do not have an immediate desire to change our sewage system. We are filing for a sewer category change to allow flexibility in the future in the event of a septic system failure to allow continuity of an existing business.

In 2015 and 2016 Mr. Hanson informed us of his plans to sell his property for development by Toll Brothers. In late 2016 we attended a Mt Prospect Farm community meeting and spoke with the Toll Brothers lead representative Tom Mateya. Plans at that meeting identified a main roadway and septic system running right behind our property at 13546 Travilah Rd where we live and operate a small woman owned business. Following the meeting we engaged Mr. Mateya about the possibility of connecting to that sewer system. He indicated a likely ability to do so asked us to follow up with separate correspondence.

After 3 emails to Mr. Mateya between NOV 2016 and MAR 2017, he responded that he had not forgotten about our request and indicated an intention to remind RCI and Toll Brother Engineers of our request. There was indication of an intention to follow up with us, which did not happen.

We subsequently filed for a sewer category change. We registered to testify at the planning board meeting on 4JUN20. During the meeting the planning board indicated that the designed low-pressure sewage system could not handle additional any load. We were present for a virtual meeting, but not allowed an opportunity to testify.

We doubt the determination that a newly installed sewer system has zero capacity for expansion and are disappointed if any design prevents such expansion when we clearly expressed this desire to the builders years ago. Due to the limited time between the boards determination and the county hearing we do not have any additional evidence to refute the boards recommendation. At a minimum we request the opportunity to provide an independent engineering evaluation in the future to reconsider this determination.

We are certainly not septic experts, but as a citizens of Montgomery County, it is extremely disappointing that calm, constructive feedback during community development meetings and requests to participate in county planning board meetings fell on deaf ears. As citizens we have had zero opportunity to input to this process. We request direction from the planning board to provide objective quality evidence of the capacity of the low pressure sewage system behind our property and the projected addition of our property to that system prior to denial of our request.

Very Respectfully,  
Ben Gompf and Renee Shuman



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

OFFICE OF THE CHAIR

June 17, 2020

The Honorable Sidney Katz  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan: Sewer Category Change Request*—April 2020 Amendment Cycle

Dear Mr. Katz:

At its regular meeting of June 4, 2020, the Planning Board reviewed three requests from the County Executive for sewer category changes. I am pleased to transmit to the Council the Planning Board's recommendations for these requests.

**19-CLO-02A: Rubens Josefino**

**Planning Board Recommendation:** 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.

**WSSCR 19-CLO-03A: Buddy O'Keefe Family Trust and Mar Thoma Church of Greater Washington**

**Planning Board Recommendation:** Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board's approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.

**WSSCR 19-TRV-10A: Benjamin Gompf and Renee Shuman**

**Planning Board Recommendation:** Deny Sewer Service since the lot is not directly adjacent to the planned service envelope and does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy.

The Honorable Sidney Katz

June 17, 2020

Page Two

The Planning Board review included a presentation from its technical staff and input from the Department of Environmental Protection. Following the discussion, the Board unanimously voted on the recommendations shown above for each of the requests.

The Planning Board appreciates the opportunity to review and provide recommendations for this request. Should you have further questions, you may contact Katherine Nelson of the Area 3 Planning Team at 301 495-4654 or [katherine.nelson@montgomeryplanning.org](mailto:katherine.nelson@montgomeryplanning.org).

Sincerely,



Casey Anderson  
Chair

Enclosure

cc: Keith Levchenko, Montgomery County Council  
Alan Soukup, Department of Environmental Protection