



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

MCPB
1/17/08
Item # 6

January 7, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary G. Dolan, Acting Chief *MD*
Countywide Planning Division

FROM: Katherine Nelson for the Planning Department *(K)*
(301) 495-4622

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply
and Sewerage Systems Plan—Administrative Cases AD 2008-1

RECOMMENDATION

Approval as recommended for each case in the attached packet except:
Kline (08A-URC-01) - Remove from administrative process, and
McGrady (08A-DAM-01) – Denial.
Transmit recommendations to the County Executive for final action.

DISCUSSION

This staff memorandum contains recommendations for category changes requiring action by the County Executive (CE). The Department of Environmental Protection (DEP) staff has submitted the attached package of category change requests on behalf of the CE.

The staff report for administrative cases only highlight those cases where recommendations differ from the Executive's recommendation, or where significant comments should be brought to the attention of the Board. There are two such case in this package.

Kline (08A-URC-01)

The 2004 Upper Rock Creek Area Master Plan acknowledged that Montgomery County *"has proposed the extension of community water service to the Town of Laytonsville....This will provide greater availability of water service in the northernmost*

part of the Master Plan Area...." (p.58) Service to this property, located in the R-200 Zone, would conform to water service policy to provide community water service to areas zoned for moderate to high density development. Recent plans for the water service show that the main supplying the Town of Laytonsville will abut this property.

However, a review of aerial photography strongly suggests the presence of considerable activity beyond the single-family house acknowledged in the Kline application. There are large outbuildings on the site, mounds of earth, small earthmovers and many other vehicles. There is no indication on official zoning sheets that a special exception has been granted for another activity. While this application is consistent with the Upper Rock Creek Area Master Plan, staff believes that this application should be **removed from the administrative delegation process** at least until the use of the property is clarified.

McGrady (08A-DAM-01)

The applicant has requested a category change under the County's abutting mains policy, but no other information to support this request has been provided. DEP has recommended approval of this case stating that the abutting mains policy applies to any zone. However M-NCPPC staff find that the subject site is located within the area of the Preservation of Agriculture and Rural Open Space Master Plan (1980). This master plan states the following with respect to water and sewer guidelines, "*Deny public water and sewer to areas designated for the agricultural preservation that utilize the Rural Density Transfer Zone.*" Thus, this request is not consistent with nor in conformance with the 1980 Preservation of Agriculture and Rural Open Space Master Plan recommendations to preserve agriculturally zoned land.

Therefore **this request should be denied.**

CONCLUSION

There are no other significant differences between agency recommendations in this package. Planning staff's comments on all cases have been incorporated into DEP's packet along with the comments of other agencies. The full packet for administrative hearing is attached for your consideration or further comment beyond the staff report.

If the Planning Board believes that any of these cases requires County Council action, such action should be requested at this time.

The Department of Environmental Protection has scheduled a public hearing for January 23, 2008 at 2:30 pm. The Board's recommendations will be transmitted to the Executive for that hearing. The County Executive will then take either take final action on the category change requests or recommend that some cases be taken to the County Council.

KN:ss
Attachment

MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIRECTOR'S OFFICE, WATER AND WASTEWATER POLICY
Rockville Center, 255 Rockville Pike, Suite 120, Rockville, Maryland 20850-4166

December 21, 2007

NOTICE OF ADMINISTRATIVE PUBLIC HEARING

TO: Keith Levchenko, Legislative Analyst
County Council

Mary Dolan, Acting Chief, County-Wide Planning Division
Maryland - National Capital Park and Planning Commission

Peg Robinson, Acting Manager, Development Services Group
Washington Suburban Sanitary Commission

Amy Hart, Manager, Well and Septic Section
Department of Permitting Services

FROM: Shelley Janashek, Environmental Planner II
Water and Wastewater Policy
Department of Environmental Protection

SUBJECT: Water and Sewer Plan Amendments: AD 2008-1

TIME: **Wednesday, January 23, 2008, 2:30 p.m.**

LOCATION: **DEP's Lobby Conference Room**, 255 Rockville Pike, Suite 120,
Rockville

Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing on the following amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan as specified above. The following staff recommendations are at a draft stage as of the posting of this document.

08A-FAI-01 (Adetobi-Folawiyo):

Current and intended use: single family house; church.

Property information: 15200 McKnew Rd., Burtonsville: New Birmingham Choice, P. 337. 2.25 acre. 00283204. LS21. 220NE05. R200 zone.

Planning Area and Watershed: Fairland. Lower Patuxent.

Current and Requested Category/Categories: **W-6, S-6. W-1, S-3.**

WSSC: The property is currently receiving public water service from the abutting water main. Service began in 1959. A 250-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to existing 8-inch sewer on McKnew Road (contract no. 85-6505A) and would abut approximately 4 properties in addition to the applicant's. Shallow sewers and on-site pumping will be required.

M-NCPPC: This property is within the proposed sewer and water service envelope

contained in the Approved and Adopted 1997 Fairland Master Plan/Water and sewer service would be consistent with the master plan. Recommendation: S-3.

DPS: We have no record of the existing septic system or water supply. The current owner has recently conducted percolation testing to establish a septic area to serve the proposed renovation of the existing dwelling to a church. We have not received an approvable plan for the proposal as of this date.

DEP Staff Recommendation and Report: Correct to W-1. Approve S-3. Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. WSSC has confirmed that service can be provided by existing mains and no extensions are required.

08A-FAI-02 (Kushawha):

Current and intended use: car sales lot; office/retail/restaurant.

Property information: 4011, 4015, 4019, & 4101 Sandy Spring Rd, Burtonsville: New Birmingham, Parcels 900, 884, 845, & 844. TOTAL 1.56 acre. 00276072, 00282222, 00261060, & 00257067. KS62. 221NE04. I-1 zone.

Planning Area and Watershed: Fairland. Little Paint.

Current and Requested Category/Categories: **W6, S-5. W-1, S-1.**

WSSC: Service may be provided from the abutting main. These properties are already receiving either water service or water and sewer service.

M-NCPPC: This property is within the proposed sewer and water service envelope contained in the Approved and Adopted 1997 Fairland Master Plan/Water and sewer service would be consistent with the master plan.

DPS: Our records indicate a deep trench septic system for an existing structure at 4015 was inspected and approved in May 18, 1989. Repair percolation tests were acceptable. We have no other information for these properties.

DEP Staff Recommendation and Report: Approve W-1, S-1. Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. WSSC has confirmed that service can be provided by existing mains and no extensions are required.

08A-OLN-02 (Girl Scout Council of the Nation's Capital):

Current and intended use: Girl Scout camp; no change – for expansion of existing multi-use water and sewer systems.

Property information: 120 Brighton Dam Rd., Brookeville: Patuxent Farm, P. A. 60.45 acres. 028888363. JU42. 228NW01. RC zone.

Planning Area and Watershed: Olney. Upper Patuxent.

Current and Requested Category/Categories: **W-6, S-6. Approve for multi-use water and sewerage systems.**

WSSC: WSSC has no comments on this property.

M-NCPPC: The property is within the 2005 Olney Master Plan. This area of the master plan is not recommended for community sewer system. The property currently has an on-site multi-use water and sewer system, and the request is to expand this system.

The proposal is consistent with the goals and objectives of the master plan for this area subject to the County's water and sewer policies.

DPS: The Girl Scouts purchased the property in 1957. DPS has been issuing permits ever since. 1964: permit to construct "pit privies". These are apparently built over earthen pits and most likely are discharging into the soil. 1981: Another permit for more pit privies. 1989: Permits for the 1st "lodge" building, with a septic system capacity = 2000 gpd. 2007: Permit issued for a new septic system to build a new lodge, with septic capacity = 980 gpd. The aggregate flow is > 1500 gpd design flow. Actual flow would be a hard number to derive. Pit privies don't lend themselves to measurements. Actual "real time" flows are probably a fraction of the design capacity. The use is very seasonal. Average flows over a year's time probably less than 1000 gpd. Although the privies are close to the Patuxent River, they do not threaten the water quality. This is not "water-carried waste". Most of the waste is desiccated and the disease causing organisms die quickly in the shallow surface soil. State has issued a Groundwater appropriation permit for average daily flow of 1200gpd, max. seasonal flow = 9000 gpd. (DEP note: Peak flow of 9,000 gpd includes more than just potable water service).

DEP Staff Recommendation and Report: **Approval for multi-use water supply and sewerage systems under W-6 and S-6.** Policy V.F.2.d, Smaller-capacity multi-use systems. DSP has approved permits for a septic system addition for a new lodge building on the site. The existing lodge has a system with a design capacity of 2,000 gpd; the new building will add another 980 gpd. Total multi-use sewerage system flows will be 2,980 gpd. The use of on-site systems is consistent with master plan recommendations and Water and Sewer Plan policies. DEP and DPS will develop the appropriate text amendment for the multi-use system inventory table.

08A-POT-01 (Noshirvani):

Current and intended use: single family house to be demolished; new single family house to be built. Expedite memo Soukup to WSSC re: abutting mains, 8/23/07.

Property information: 10700 Burbank Dr., Potomac: Potomac Manor, Sec. 1. 2.0 acres. 00882456. FP42. 212NW11. RE2 zone.

Planning Area and Watershed: Potomac/Cabin John. Rock Run.

Current and Requested Category/Categories: **S-6 to S-1.**

WSSC: Service may be provided from the abutting main.

M-NCPPC: Consistent with the Master Plan policy to allow for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer service envelope. (page 25) This property confronts the Sewer envelope and has an abutting main. Recommendation: Approve S-1.

DPS: The well that served the property was properly abandoned and sealed on 4-10-07. A demolition permit was issued by our office 8-7-07. A building permit for a new house was issued by our office 8-24-07. Our inspection record indicates that the house is well under construction.

DEP Staff Recommendation and Report: **Approve S-1. (Potomac sewer envelope periphery restriction.)** Policy V.F.1.a, Consistent with Existing Plans.

The provision of sewer service is consistent with water and sewer plan policies and with master plan recommendations. As noted in M-NCPPC's comments, the property confronts the master plan's recommended sewer service envelope across Burbank Dr. The County should consider the provision of public sewer service in accordance with the master plan's sewer service recommendations. Service can be provided from an abutting sewer main, a sewer extension is not required

08A-POT-02 (Sullivan):

Current and intended use: single family house; no change.

Property information: 9921 New London Dr., Potomac: Mazza Woods, Lot 1, Block B. 2.16 acres. 01858931. FN42. 209NW10. RE2 zone.

Planning Area and Watershed: Potomac/Cabin John. Cabin John.

Current and Requested Category/Categories: S-6. S-1.

WSSC: A 600-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an existing sewer line in Natelli Woods Lane (contract no. 85-6468M) and would abut approximately 5 properties in addition to the applicant's. Service to this property has been conceptually approved (job no. DA4759Z08).

M-NCPPC Consistent with the Master Plan policy to allow for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer service envelope. (page 25) This property abuts the Sewer envelope. Recommendation: Approve S-1.

DPS: According to our records, the septic system that serves the house was installed and approved in April, 1980. We have no report of any problem with the septic system.

DEP Staff Recommendation and Report: Approve S-3. (Potomac sewer envelope periphery restriction.) Policy V.F.1.a, Consistent with Existing Plans.

The provision of sewer service is consistent with water and sewer plan policies and with master plan recommendations. As noted in M-NCPPC's comments, the property abuts the master plan's recommended sewer service envelope along its eastern side, adjacent to the Avenel neighborhood. The County should consider the provision of public sewer service in accordance with the master plan's sewer service recommendations. Service can be provided from a sewer extension along New London Dr. without affecting streams or environmental buffers, consistent with the master plan's recommendations.

08A-TRV-04 (Meil):

Current and intended use: single family house; no change.

Property information: 12425 Rivers Edge Dr., Potomac: Rivers Edge, Lot 20, Block A. 2.0 acre. 01826126. EQ33. 216NW14. RE2 zone.

Planning Area and Watershed: Travilah. Muddy Branch.

Current and Requested Category/Categories: W-6, S-6. W-1, S-1.

WSSC: Eight- and 10-inch water lines in Rivers Edge Drive and Maidstone Lane abut the property (contract no. 83-5667B).

M-NCPPC: Consistent with the Master Plan policy to allow for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer service envelope. (page 25) This property is within the Sewer

envelope and has an abutting main. Recommendation: Approve S-1

DPS: According to our records, the septic system was installed and approved in 1979. We have no report of any problems with the septic system. The well was drilled in September, 1978. We issued approval of the water supply in February, 1980.

DEP Staff Recommendation and Report: Approve W-1, S-1. Policy V.F.1.a, Consistent with Existing Plans. The provision of public sewer and water service is consistent with the master plan recommendations and with the Water and Sewer Plan Policies. WSSC has confirmed that service can be provided by existing mains and no extensions are required.

08A-TRV-05 (Tehrani):

Current and intended use: single family house; no change. DEP request for water service under Abutting Mains Policy, Soukup to WSSC, 10/23/07.

Property information: 1 Travilah Ter, Potomac: Esworthy Estates: 02022771. 2.15 acres. EQ33. 216NW13. RE2 zone.

Planning Area and Watershed: Travilah. Muddy Branch.

Current and Requested Category/Categories: W-6 to W-1.

WSSC: Service may be provided from the abutting main.

M-NCPPC: Consistent with the Master Plan policy to allow for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer service envelope. (page 25) This property is abuts the Sewer envelope. Recommendation: Approve S-1.

DPS: Well & Septic has no objection. Existing water well is 145 feet deep, 10 gal/min-certified potable 1/27/88.

DEP Staff Recommendation and Report: Approve W-1. Policy V.F.1.a, Consistent with Existing Plans. The provision of public water service is consistent with master plan recommendations and with Water and Sewer Plan water service policies for properties zoned for large-lot development. Service is available from the abutting water main along Travilah Rd.; a water main extension is not required.

08A-URC-01 (Kline):

Current and intended use: single family house; no change.

Property information: 6720 Olney Laytonsville Rd., Laytonsville: Brooke Grove, P. 560. 5.63 acres. 00008712. GV41. 229NW07. R200 zone.

Planning Area and Watershed: Upper Rock Creek. Upper Rock Creek.

Current and Requested Category/Categories: W-6. W-3.

WSSC: A 12-inch water line in Olney-Laytonsville Road, when constructed, will abut the property (contract no. BP2938D00).

M-NCPPC: The 2004 Upper Rock Creek Area Master Plan acknowledged that Montgomery County "has proposed the extension of community water service to the Town of Laytonsville....This will provide greater availability of water service in the northernmost part of the Master Plan Area...." (p.58) Service to this property, located in the R-200 Zone, would conform to water service policy to provide community water service to areas zoned for moderate to high density development. Recent plans for the water service show that the main supplying the Town of Laytonsville will abut this property. Recommendation:

A review of aerial photography strongly suggests the presence of considerable activity beyond the single-family house acknowledged in the Kline application. There are large sheds on the site, mounds of dirt, small earthmovers and other vehicles. There is no indication on official zoning sheets that a special exception has been granted for another activity. While this application is consistent with the Upper Rock Creek Area Master Plan, the Community-Based Planning Division believes that this application should be removed from the administrative delegation at least until the use of the property is clarified.

DPS: Well & Septic has no objection. Water well dates to 1963. Is 102 feet deep, 10 gal/minute. Water quality last verified 10/16/1963 and was potable.

DEP Staff Recommendation and Report: Approve W-3. Policy V.F.1.a, Consistent with Existing Plans. The provision of public water service is consistent with master plan recommendations and with Water and Sewer Plan water service policies. Service will be available from an abutting water main to be constructed along Olney Laytonsville Rd. as part of the extension of public water service to the Town of Laytonsville, just to the north of this site.

M-NCPPC staff have raised concerns regarding the use of the property for more than simply a residential use. They wish to investigate the issue further. An investigation in terms of compliance with the Zoning Ordinance is certainly appropriate, if staff believe there is some irregularity with the use of the property. However, the land use issue does not affect the planning for the provision of public water service. The provision of water service under the County's service policies does not rely on a specific land use. Although M-NCPPC staff requested deferral of the consideration of water service in this case, the land use issue should not delay an action on the in the Water and Sewer Plan map amendment for category W-3.

DIRECT APPROVAL ACTIONS

08A-DAM-01 (McGrady):

Current and intended use: single family house; no change – to be considered under Abutting Mains Policy.

Property information: 24700 Kings Valley Rd., Damascus: Trouble Enough Indeed, P. 259. 13.0 acres. 01708814. FW43. 234NW11. RDT zone.

Planning Area and Watershed: Damascus. Little Bennett.

Current and Requested Category/Categories: **S-6 to S-1.**

WSSC: Service may be provided from the abutting main.

M-NCPPC: The applicant has requested a category change under the county's abutting mains policy; no other information to support this request has been provided. The subject site is located within the area of the Preservation of Agriculture and Rural Open Space Master Plan (1980). This master plan states the following with respect to water and sewer guidelines, "Deny public water and sewer to areas designated for the agricultural preservation that utilize the Rural Density Transfer Zone." Thus, this request is not consistent with nor in conformance with the 1980 Preservation of

Agriculture and Rural Open Space Master Plan recommendations to preserve agriculturally zoned land. Recommendation: Retain S-6

DPS: Our records indicate this property was formerly identified as 25010 Kings Valley Rd. A well permit was issued and a well was drilled to serve an existing structure in 1980. There was no indication of water quality or quantity problems at the time of installation. In 1981, a septic repair permit was issued and deep trenches were installed. Percolation testing indicates fractured rock conditions were encountered on the property approximately a hundred feet downgrade from where the replacement trenches were installed. Tests were acceptable in the area of the system. The file indicates that since 1981, a new septic tank was installed without a permit and prior to approval of 1 bedroom addition an inspection of the tank is needed.

DEP Staff Recommendation and Report: Approve S-1 for a single sewer hookup only. This hookup may not be used for service to a private institutional facility (PIF). Policy V.F.2.b, Abutting Mains. DEP has verified that the property predates the abutting sewer main. As such, the site is eligible for a single sewer service connection and hookup, regardless of the property zoning. Consistent with the abutting mains policy, this approval does not extend to a PIF use. The Council must review and act on any PIF-based application for properties located outside the acknowledged public water and/or sewer envelopes.

Under the adopted and approved Water and Sewer Plan, approval for this case requires only DEP verification of their consistency with the appropriate service policies and administrative delegation procedures. Prior category change approvals under the administrative process support a precedent for such an action. However, M-NCPPC staff have raised emphatic concerns with regard to appropriate application of the abutting mains policy for properties zoned RDT. Therefore, we would appreciate the opportunity to address this policy interpretation issue with the Planning Board as part of the review of this administrative packet.

To assist with your review, a PDF has been created and posted to our website: <http://www.montgomerycountymd.gov/waterworks>, which is comprised of the following information:

- ♦ This memorandum, which summarizes each amendment
- ♦ Mapping of proposed amendments

We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff would like to meet with DEP regarding the proposed amendments, please schedule said meeting before the public hearing. We request that the Council submit comments no later than the closing date; otherwise, we will assume that the Councilmembers agree with administrative approval.

Your attendance at this hearing is optional; all requests will be considered at that time. If you wish to comment on the referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written

testimony to: Robert Hoyt, Director, DEP, 255 Rockville Pike, Suite 120; Rockville, MD 20850-4166.

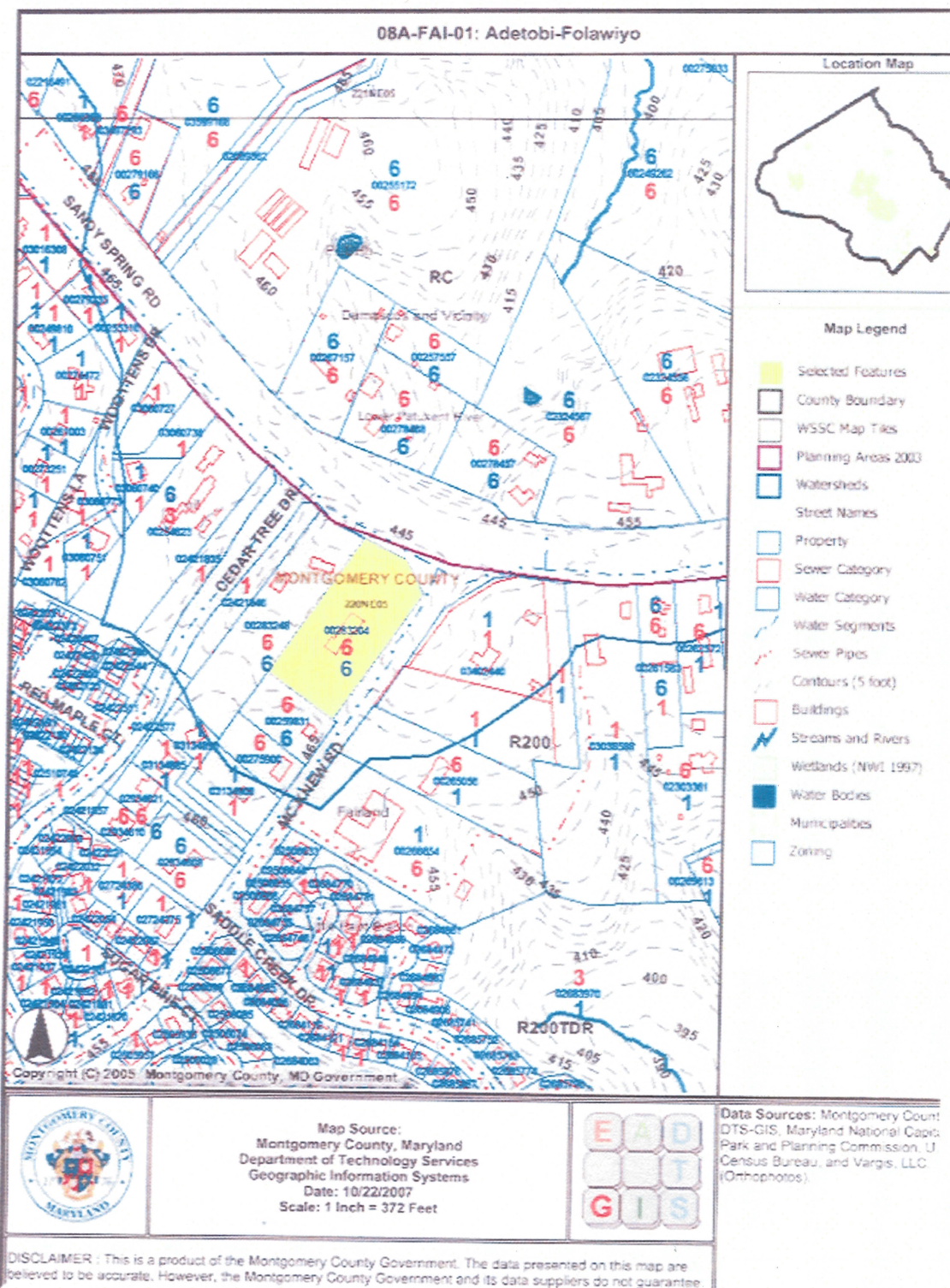
Please note that the hearing record will close at 4:30 p.m. on January 30, 2008, and all written testimony must be *received* in this office by that time/date. The Director will then act on the amendments, and DEP will notify you of that action by Email.

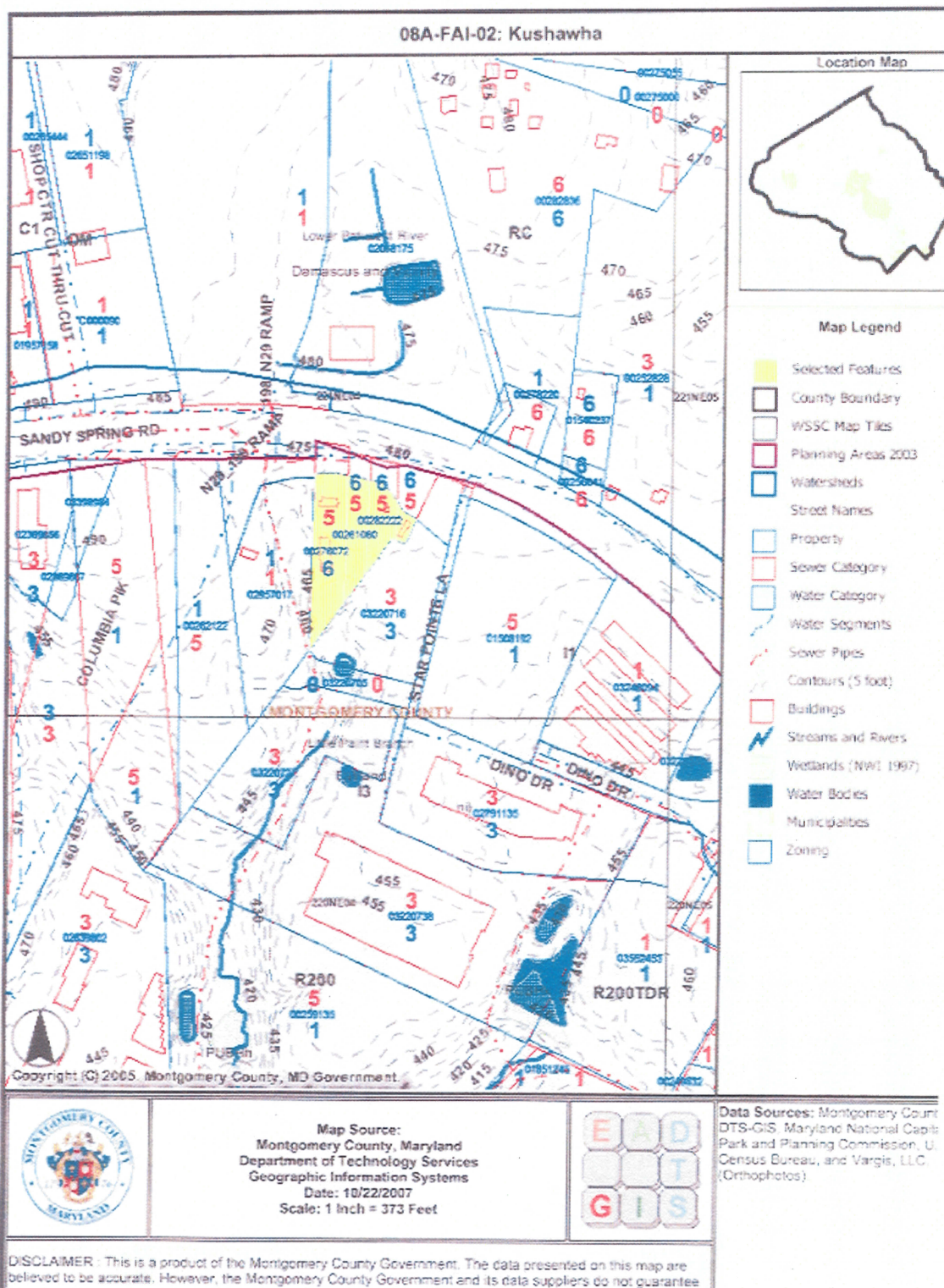
The Montgomery County Planning Board will also consider the proposed amendments in a public forum; further information and their schedule will be provided by the County-Wide Planning Division, Environmental Unit, 301-495-4540, and on their site: <http://www.mc-mncppc.org/board/index.shtm> .

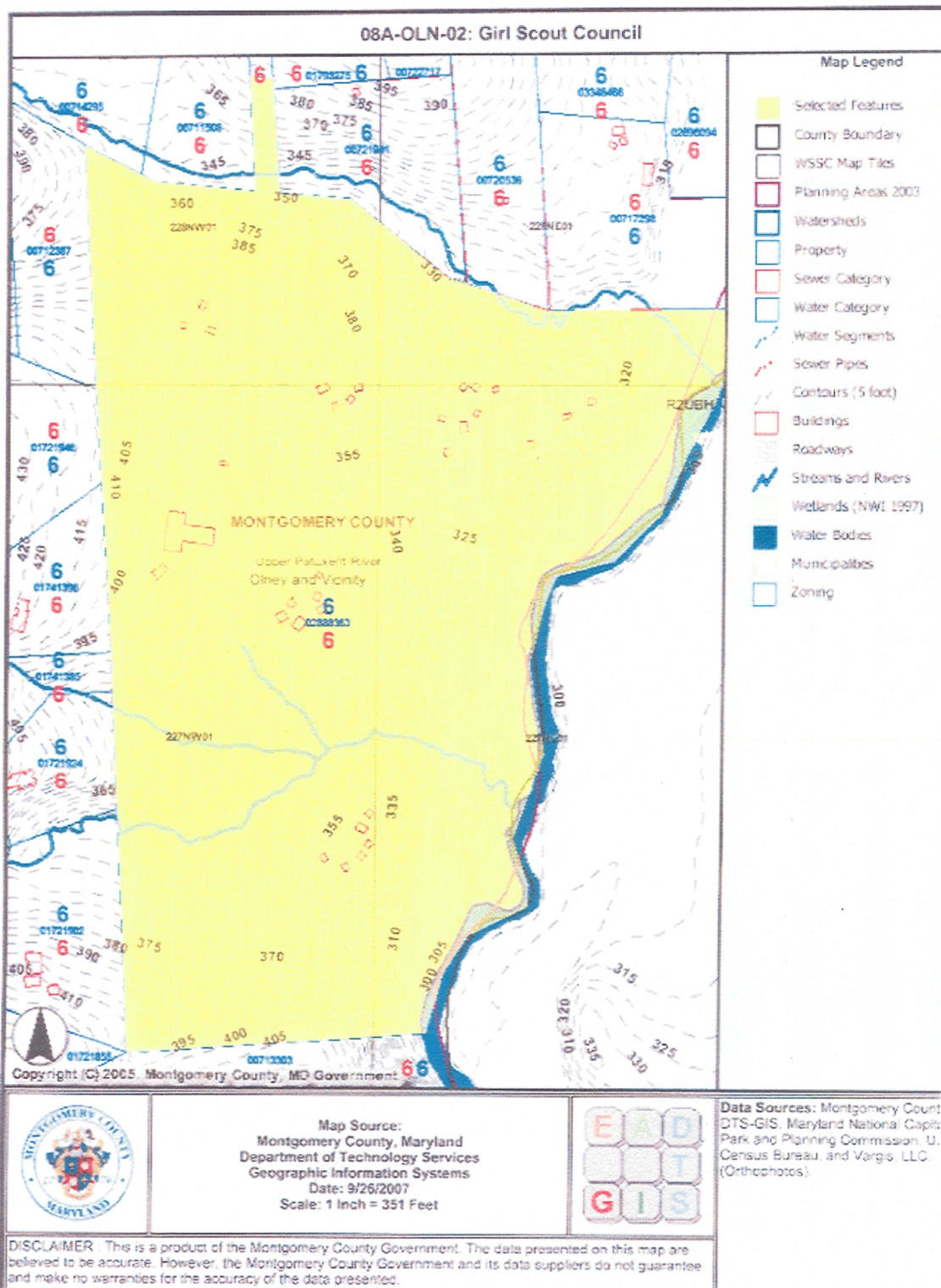
Please refer questions to: shelley.janashek@montgomerycountymd.gov, or 240-777-7735.

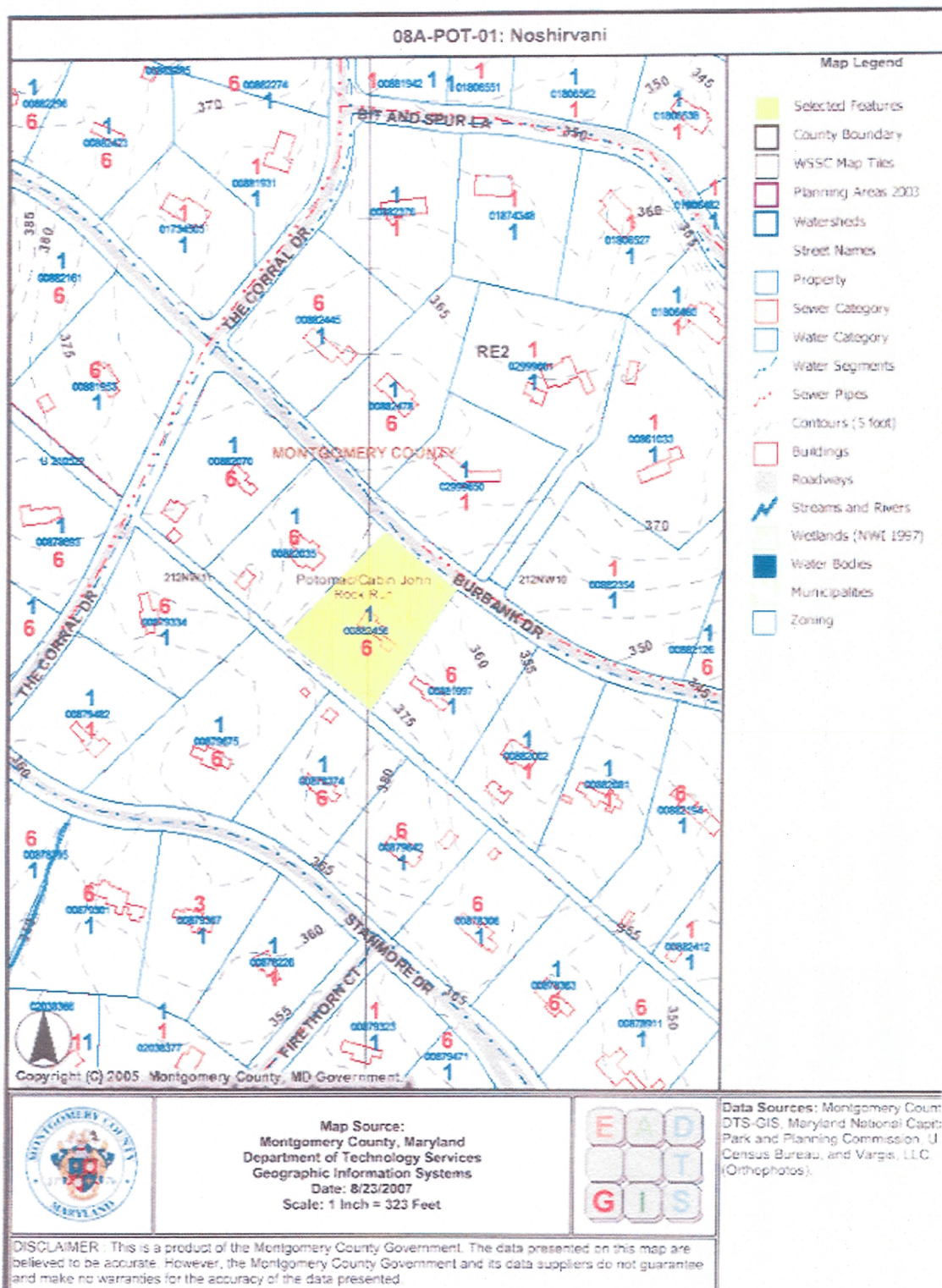
CC: Property Owners, Civic/Environmental Groups, and designated interested parties
Isiah Leggett, County Executive
Michael Knapp, President, County Council (memo only)
Nancy M. Floreen, Chair, T&E Committee (memo only)
Royce Hanson, Chairman, Montgomery County Planning Board (memo only)
Katherine Nelson, County-Wide Planning Division/Environmental Unit, M-NCPPC
Jay G. Sakai, Director, Water Mgt. Admin., Maryland Dept. of the Environment
Richard Eberhard Hall, Secretary, Maryland Department of Planning

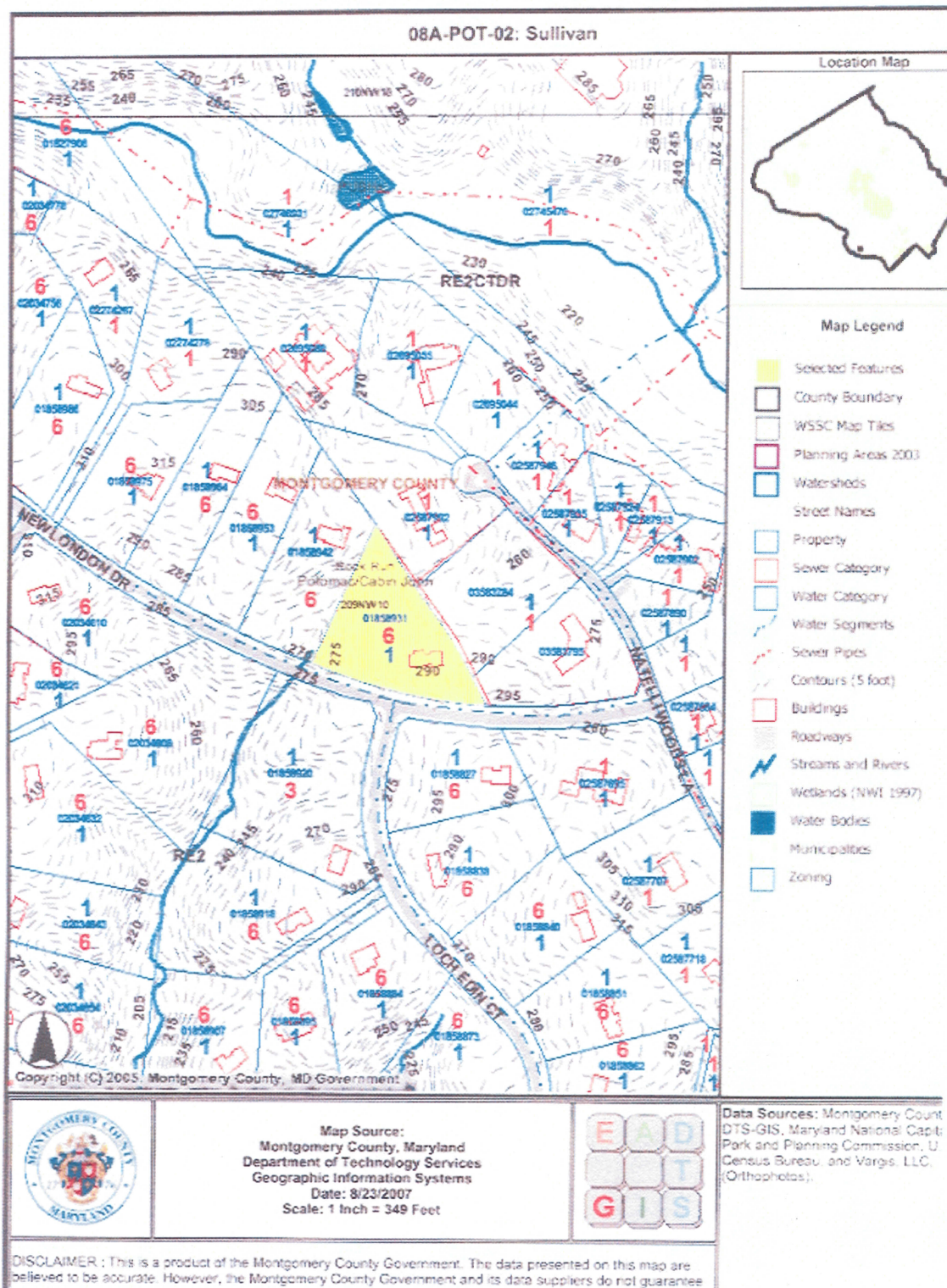
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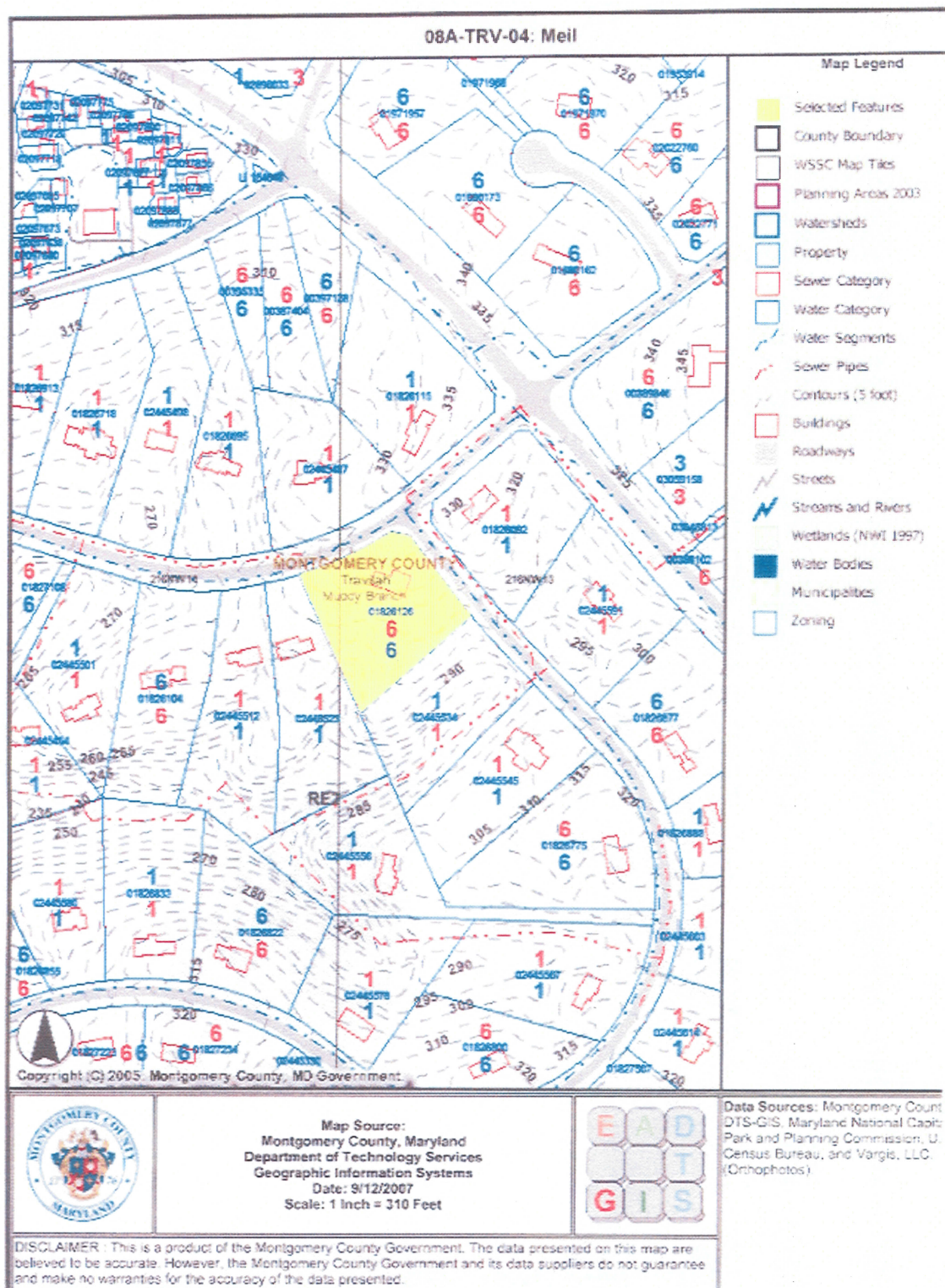


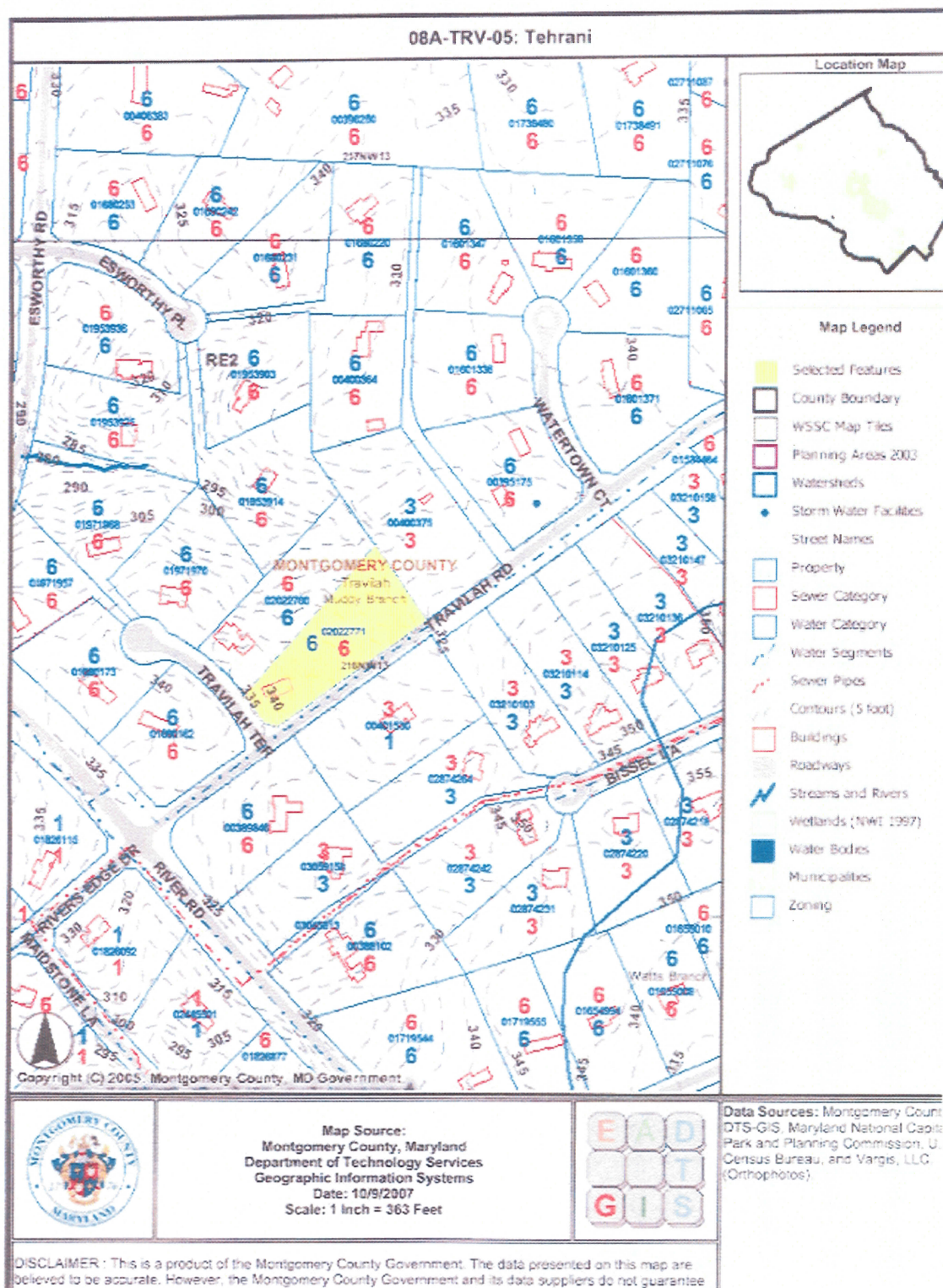


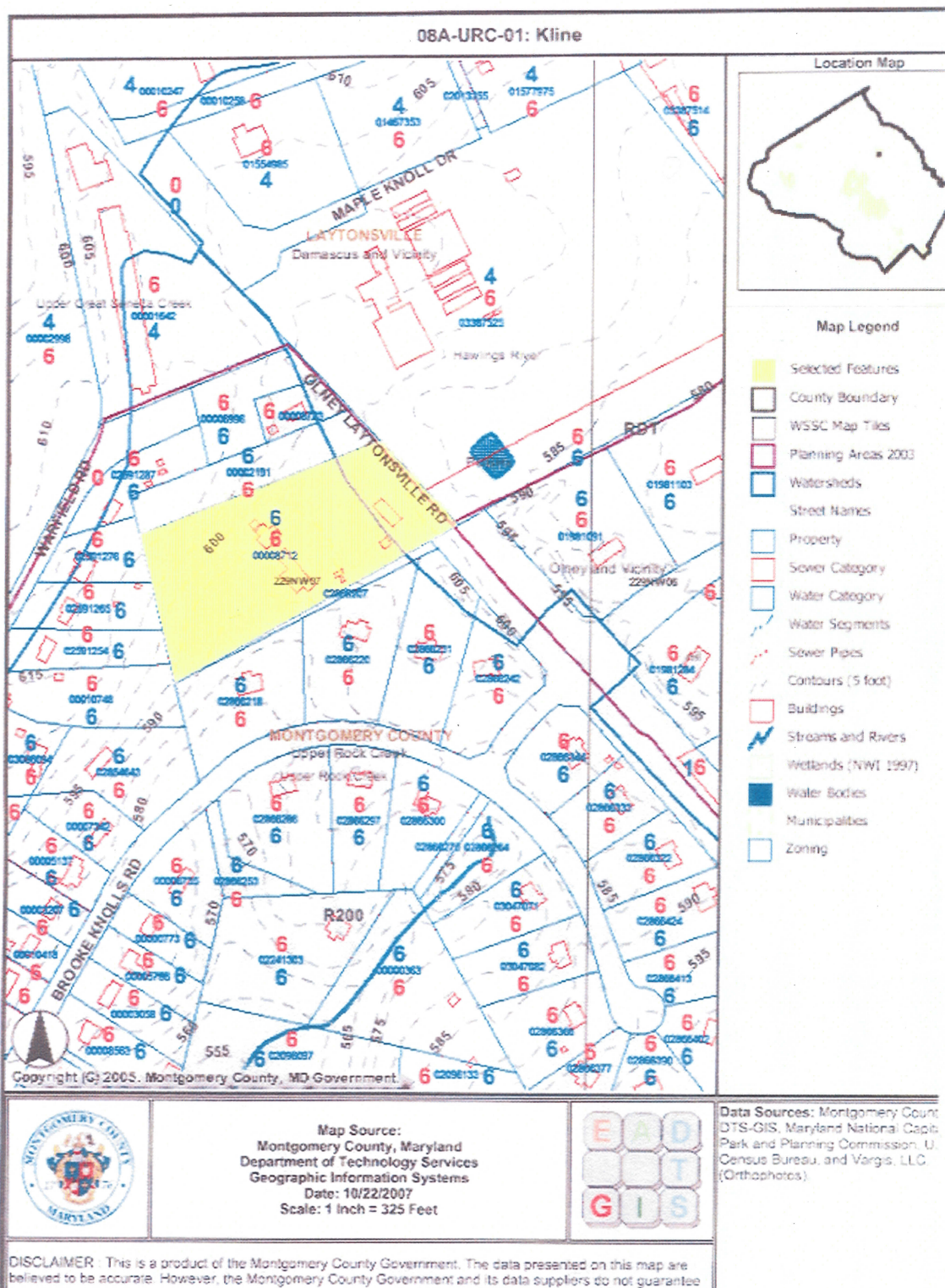


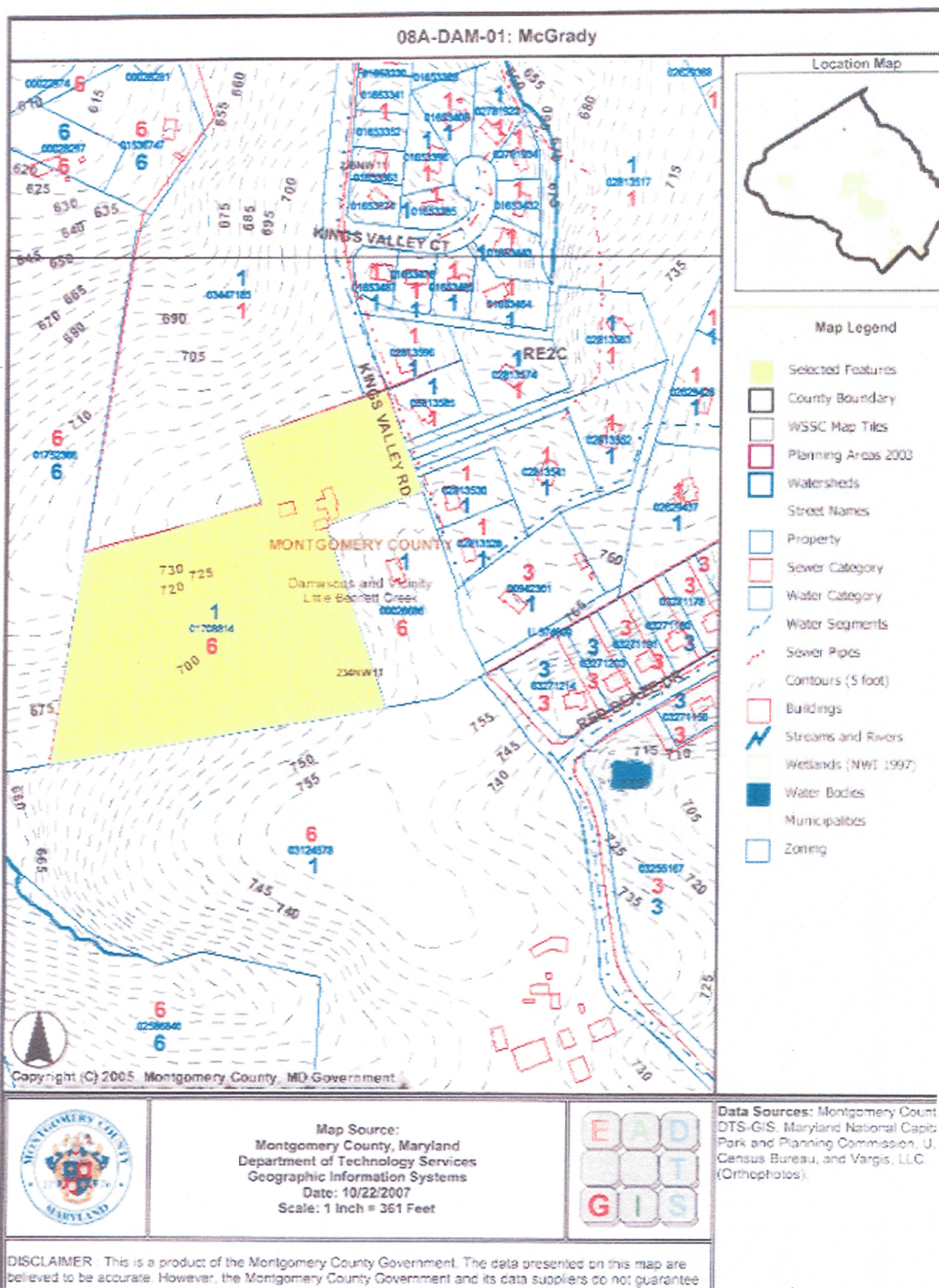












David A. Heywood
12219 Drews Court
Potomac, Maryland 20854
(301) 926-9765 (home)
(310) 897-6564 (office)

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December 3, 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

The Honorable Isaiah Leggett
County Executive for Montgomery County
101 Monroe Street, 2nd floor
Rockville, Maryland 20850

Re: Water & Sewer Category Change Application
Potomac Oak Center (Travilah & Glen Roads; Potomac)

Dear Mr. Leggett:

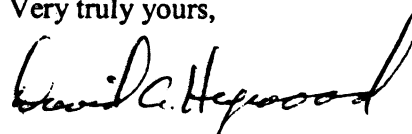
I am writing in support of the application of Guy Semmes on behalf of Hopkins & Porter to extend sewer and water service to the Potomac Oak Shopping Center at Travilah and Glen Roads in Potomac. I understand that they have proposed to build a small pressure sewer line along with a water line extension, at their own expense.

The Center is located near my home on Drews Court, where I have lived since early 1999. It is much closer to my home than other commercial facilities in Potomac Village, and it would be an attractive draw for my family if the Center could offer additional types of establishments that require water and sewer (e.g., a bagel store, additional restaurants, etc.). What we definitely do not need at this location is more bank branches, insurance offices, or realtors. As it is, we must travel down River Road to the Village for most errands. That route has become very congested in the past five to seven years as more homes have been built in Poolesville, North Potomac, and Gaithersburg.

Expansion of the Center would reduce the amount of gas we burn for errands, which now must be run to the Village or points even further away. It would also reduce the impact my family has on the local traffic situation. Finally, I have confidence that the Hopkins & Porter tradition will assure that expansion of the Center will be accomplished in a tasteful, environmentally responsible fashion.

Thank you for considering favorable action on the Hopkins & Porter application.

Very truly yours,



David A. Heywood

cc: Guy H. Semmes
✓ Royce Hanson, Planning Board Chairman, MNCPPC
Hon. Marilyn J. Praisner, Council President
Hon. Nancy Floreen, Chair, Transportation and Environment Committee
Alan D. Soukup, Senior Environmental Planner

Luis J Guevara, Jr
11304 Dunleith Place
N Potomac, Maryland 20878

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

November 14, 2007

Royce Hanson
Planning Board Chairman
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Water & Sewer Category Change Application
Potomac Oak Center (Travilah & Glen Roads; Potomac)

Dear Mr. Hanson:

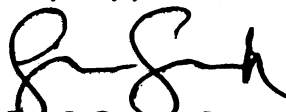
I am writing in support of the approval of the application for water and sewer for the Potomac Oak Center.

I am a resident of North Potomac and live in the Westleigh subdivision. My family and I have enjoyed to convenience of the shops of Center for many years. The access of water and sewer to the site would help improve the services offered and make the center a true neighborhood amenity.

I have also had the opportunity to firsthand understand the limitations of the Center without public water as I am a commercial real estate manager and was responsible for the management of the property for the previous ownership.

We strongly support the efforts of Guy Semmes' group to improve the Center and look forward to enjoying the benefits and convenience that will be gained by this access to water and sewer.

Very truly yours,



Luis J. Guevara, Jr.

Robert O. Eisinger
11646 Partridge Run Lane
Potomac, MD 20854
Cell: 301-370-4197
Fax 301-208-1303
roeisinger@promarkrealestate.com

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

November 20, 2007

Royce Hanson
Planning Board Chairman
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Water and Sewer Category Service Request
Application No: 07A-TRV-10
Potomac Oak Shopping Center

Dear Royce:

My next door neighbor, Guy Semmes, recently informed me that he had requested a Water and Sewer Service Category change for a small shopping center that he owns at the intersection of Glen Road and Travilah Road in Potomac. Apparently this small retail center has been operating on a Septic System and Well. This completely limits his ability to compete for retail tenants the community needs.

I totally support the Category Change. This small retail center could be a viable small neighborhood convenience center and could take trips off the road, if it could compete for the right retail tenants. Apparently, Mr. Semmes has no plans to enlarge the center and the sewer would serve only his center, so other citizens should have no objections. Honestly, the benefit is that with the right tenants, he could turn and shorten trips originating in the northern portions of Potomac (old Potomac) from going to the Potomac Village Shopping Center, helping the environment by reducing gasoline usage and saving taxpayer's money by reducing the wear and tear on the road system.

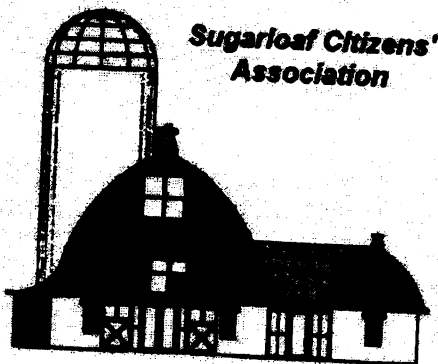
This one is obvious to support. It is effectively what Park and Planning is trying to accomplish through Master Plans, keeping people from traveling too far away from their homes by car, i.e. establishing successful and well planned community and neighborhood convenience retail centers.

Please support this Water and Sewer Category Change. Thank you for your help.

Sincerely,



Robert O. Eisinger



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THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

"Fighting to protect our rural legacy"

Linden Farm, 20900 Martinsburg Road, Dickerson, Maryland 20842 – Phone (301) 349-4889 – www.sugarloaforcitizens.org

Mr. John Grace, Chief
Water Rights Division
Water Management Administration
1800 Washington Blvd.
Baltimore, Maryland 21230

December 1, 2007

Dear Mr. Grace,

I am writing on behalf of the Sugarloaf Citizen's Association (SCA) to express our deep concern with regard to two currently pending municipal well permits in Poolesville, Maryland. The wells, referred to as the "Elgin" and "Schraff" wells are intended to provide water for two new large residential developments. But at the same time the Town of Poolesville is seeking approval for the wells and, in turn, new hook up to its well system and waste water treatment plant for approximately 275 new homes, it is contending with significant water problems created by existing municipal wells just south of Town boundaries. It has become increasingly clear that the availability of water will be crucial in the years to come, and this reality presses MDE to flex all its muscle in protecting and monitoring groundwater resources.

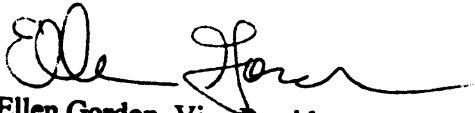
This summer the MDE issued a report stating that increased pumping of the "Cahoon" and "Powell" wells, Poolesville's municipal wells south of town, within the Russell Branch watershed, and pumping of the new well on the Poolesville Golf Course, had dewatered residential wells within the historic Sugarland Community, and recommended new wells be provided for 8 residences. That process is ongoing, with the cost being shared by the Revenue Authority and Poolesville. The distance to the furthest affected well is approximately 1.25 miles. State hydrogeologist Pat Hammond describes an "elongated trough of depression" that has created diminishment in yield in the existing, shallower residential wells. It took several years for this problem to surface, and for a more complete picture to emerge of how the Cahoon and Powell wells would perform over time, and how they would interact with each other and withstand drought conditions. In fact, the current rain deficit has yet to create marked groundwater drought.

Given the time over which these well failures and other impacts developed, how can there be any reasonable assurance that the Schraff and Elgin wells will produce sufficient water for the proposed build out of 275 additional homes in Poolesville? How can we mitigate the risk of new and damaging troughs of depression from these wells, and establish a meaningful assessment of what these wells can withstand over prolonged drought conditions? Leading Chesapeake Bay researchers, and others from the scientific community, have

the effect of reduction of recharge on groundwater availability as new homes and related roadways and infrastructure are built, and other well related deficiencies in the recent past, we urge the MDE to consider measures that will require staging proposed development. We believe the MDE should develop a groundwater management plan for Poolesville that will require the Elgin and Schraff wells, and any other new wells serving the municipal water supply, to be pumped at or near their anticipated capacity for an extended period, and demonstrate sustainability over several years. Moreover, we believe that during this "stress testing" any build out of homes should be limited to a fraction of the best-case scenario, and thereby allow the MDE to reduce pumping rates for these permits before a deficiency creates a water emergency for the Town.

Historically, Poolesville has requested permits and, with haste, built only to discover they had created demand beyond their well and waste water systems' capacities. Time and again, with hat in hand, they have come to the State and asked for more. We ask that this process be righted to assure from the outset that there will be sufficient water before and not after more development. SCA asks the MDE to heed carefully the sign provided by the dewatering the Sugarland's wells and apply diligent consideration to the finite nature of the groundwater that serves over 10,000 individuals in Montgomery County's Agricultural Reserve.

Sincerely,



Ellen Gordon, Vice President
Sugarloaf Citizens Association

cc: Rob Garagiola
Sheri Wilson
Neal Fitzpatrick
Kathleen M. Dumais
Royce Hanson
Brian J. Feldman
Craig Rice