

MCPB  
Item #1  
9/13/01

September 7, 2001

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*  
Community-Based Planning Division

FROM: *CM*  
Callum Murray, Team Leader, Potomac Team  
Community-Based Planning Division

Katherine Nelson, Planner Coordinator  
Environmental Planning

SUBJECT: Planning Board Work Session #7 on the Public Hearing Draft Potomac Subregion Master Plan

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At the Planning Board's request on September 6, 2001, work session #7 has been scheduled on the Public Hearing Draft of the Potomac Subregion Master Plan. This work session will continue several items, and retain the same Topic numbers, from work session #6. Several other items have been added in an endeavor to have work session #8, scheduled for September 20, 2001, focus mainly on the text of decisions rendered by the Board in all previous work sessions. Staff work on these additional items will be completed by the date of the Board's work session on September 13, 2001.

**Work session #7 Agenda**

Topic G	Glen Hills sewer policy	Pages 65-73
Topic H	Lower Greenbriar	Pages 74-81 (299-330)
Topic I	Sutton property	Pages 82-92
Topic J	Johnson property	Pages 93-95
Topic K	Special Exception Policy	Pages 96-98
Topic L	Gokturk Woods	Pages 99-105
Topic M	Stoneyhurst Quarry	Pages 106-111
Topic N	Giancola Quarry	Pages 112-115
Topic O	Tri-State Quarry	Pages 116

**Topic G Glen Hills sewer policy.** This item includes amended language responding to Planning Board direction during work session #6.

**Topic H Lower Greenbriar.** This item responds to the Planning Board's approval in principle to the RNC Zone and extension of sewer to these properties. Staff has discussed this project with WSSC, who have not yet been able to give a definitive answer regarding the feasibility of pressure sewer for these properties. However, indications are that a feasible solution is possible for this project.

**Topic I Sutton Property.** A request to extend the sewer envelope to this property adjacent to the Palatine was submitted after the close of the public record. Staff does not recommend extension of sewer to this RE-2 zoned property.

**Topic J Johnson property.** This request is for both a change in zoning and an extension of the sewer envelope. Staff has concluded that neither request can be supported.

**Topic K Special Exception Policy.** This item has been revised in response to Planning Board direction during work session #5. In essence, the text now conforms with language previously approved by the Planning Board and County Council for the North and West Silver Spring Master Plan.

**Topic L Gokturk Woods.** The contract purchaser of this property, together with members of the Seneca Community Church, requests the creation of a new Seneca community park. A report from the Parks Department will be presented to the Board during the work session.

**Topic M Stoneyhurst Quarry.** The following three quarry properties are the subject of reconsideration requests by the West Bradley Citizens Association. Staff have discussed alternatives with the property owner and representatives of the Citizens Association and believe that a mutually agreeable alternative to the draft master plan language is possible. This alternative will be presented to the Board during the work session.

**Topic N Giancola Quarry.** Subject of reconsideration request.

**Topic O Tri-State Quarry.** Subject of reconsideration request.

## **TOPIC G: SEWER SERVICE POLICY - GLEN HILLS**

### **Draft Language in Response of Planning Board Work Session #6**

Revise the Glen Hills recommendation on Page 22 of the public hearing draft to read:

- Conduct a study described above of the Glen Hills area. Based on the results of that study develop a policy outlining the measures needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations, minimizing the need for future sewer service extensions. Under this policy the two primary bases for providing new sewer service are the following:
  1. Well documented septic failures where extensions can be provided consistent with results of the study and in a logical, economical, and environmentally acceptable manner.
  2. Single hookup for properties which abut and predate sewer mains if determined appropriate.
- Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures.

Amend the text on Page 22 of the public hearing draft (Glen Hills Area) from the middle of the paragraph to read:

This plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure the long-term sustainability of septic service for new home construction and existing home renovations, and to address the need for limited sewer extensions if needed. This study, conducted in conjunction with the citizens of this area and the appropriate public agencies shall include the following elements:

- Delineation of known septic failures.
- Groundwater testing if needed.
- Preparation of a logical and systematic plan for providing community sewer service where needed.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- An evaluation and recommendation of the abutting mains policy for this area.
- Exclusion of properties that primarily consist of environmentally sensitive and cannot be developed in conformance to established environmental guidelines.

This plan recommends restricting further sewer extensions in Glen Hills to those needed to relieve documented public health problems resulting from failed septic systems. New sewer main extensions needed to relieve public health problems will be evaluated on a case-by-case basis for logical, economical, and environmentally sensitive extensions of service, with an emphasis on locating main extensions along public right-of-way, rather than stream valleys. Because of the concern that the sewer envelope will expand inappropriately the abutting mains policy should be deferred subject to the results of the Glen Hill study.

Amend second paragraph on page 23 of Draft Master Plan to read: "This plan supports the restricted sewer access policy, but with one modification . . ." Remove last sentence of this paragraph.

Amend recommendation on page 23 of Draft Master Plan under Piney Branch to read: "Confirm the existing restricted access sewer policy for the subwatershed with one exception:" Remove first bullet starting with "Glen Hills -".

Suggested Language from Montgomery County Department of Environmental Protection submitted 9/6/01

Revise the Glen Hills recommendation on Page 22 of the public hearing draft to read: "Conduct a study of the permitting records of septic failures in Glen Hills. Based on the results of that study, determine what measures are needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations. Restrict further sewer service extensions in Glen Hills consistent with Water and Sewer Plan policies addressing public sewer service to areas zoned RE-1. This shall generally limit additional public sewer service to properties with documented public health problems resulting from septic system failures or properties which abut and predate sewer mains. New sewer main extensions needed to relieve public health problems will be evaluated on a case-by-case basis for logical, economical, and environmentally acceptable extensions of service."

Amend the text on Page 22 of the public hearing draft (Glen Hills Area) from the middle of the paragraph to read: "This plan supports a study of the septic failures and permitting records in Glen Hills to develop the measures necessary to ensure the long-term sustainability of septic service for new home construction and existing home renovations. Consistent with the area's zoning, the County's Water and Sewer Plan general sewer service policies, and the Piney Branch Restricted Sewer Access Policy, this plan recommends restricting further sewer extensions in Glen Hills to those needed to relieve documented public health problems resulting from failed septic systems. New sewer main extensions needed to relieve public health problems will be evaluated on a case-by-case basis for logical, economical, and environmentally extensions of service, with an emphasis on locating main extensions along public rights-of-way, rather than stream valleys."

## **TOPIC G: SEWER SERVICE POLICY - GLEN HILLS**

### **STAFF RECOMMENDATION:**

After much discussion among staff and other county agencies, planning staff have concurred with Glen Hills Citizens Association in concluding that assigning sewer service to this area is premature. Staff agrees that a comprehensive study of this area should be conducted which includes citizens of this area and the appropriate public agencies. Based on the results of this study further action may be taken to amend the ten year water and sewer plan. Until then public sewer extensions should be limited to proven public health problems.

Amend recommendation on page 22 of Draft Master Plan to read: "Conduct a study to document the reasons for identified septic failures in Glen Hills and, based on the results of the study, implement an action plan to ensure that new home construction and renovations of existing homes do not result in additional septic failures. Restrict further sewer extensions, on a case-by-case basis, to properties with documented public health problems resulting from failed septic systems where the provision of public sewer service is logical, economical and environmentally acceptable.

Amend text on page 22 of Draft Master Plan (Glen Hills Area) from middle of paragraph to read: "This plan supports a study to document the reasons for these failures and, based on the results of the study, the development of an action plan to ensure that new home construction and renovations of existing homes do not result in additional septic system failures. Consistent with RE-1 zoning, the County's water and Sewer Plan, and the Piney Branch Restricted Access Policy, this plan restricts further extension of community sewer service in the Glen Hills area to properties with documented public health problems resulting from failed septic systems.

- Preparation of a logical and systematic plan for providing community sewer service where failures occur.
- Delineation of known septic failures.
- Address need for groundwater testing.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- Exclusion of properties that are environmentally sensitive remnant properties which cannot produce a building envelope without violating established environmental guidelines. "

Amend second paragraph on page 23 of Draft Master Plan to read: "This plan supports the restricted sewer access policy, but with one modification . . ."  
Remove last sentence of this paragraph.

Amend recommendation on page 23 of Draft Master Plan under Piney Branch to read: "Confirm the existing restricted access sewer policy for the subwatershed with one exception:" Remove first bullet starting with "Glen Hills – "

### **PREVIOUS STAFF RECOMMENDATION:**

ξ Amend recommendation on page 22 to read: "Continue the case-by-case consideration of community sewer service in the Glen Hills neighborhoods. Support the development of an action plan to address anticipated septic failures in Glen Hills. This action plan should be developed by MCDEP in conjunction with WSSC, MCDPS, MNCPPC and the Glen Hills citizens within one year of master plan adoption. This action plan should include the following elements:

- Delineation of known septic failures and identification of likely future problem areas.
- Preparation of a logical and systematic plan for providing community sewer service where feasible to areas where failures are known and anticipated.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- Identifying lots which, because of wetlands, stream buffers, forest preservation, or other environmental conditions, could not under current regulations support an adequate building envelope.

### **PUBLIC HEARING DRAFT RECOMMENDATION:**

ξ Continue the case-by-case consideration of community sewer service in the Glen Hills neighborhoods. Develop a general sewer extension concept plan in cooperation with other agencies, and with the Glen Hills neighborhood.

### **SUMMARY OF TESTIMONY:**

Testimony from citizens expressed dismay at the proposal to extend sewer to Glen Hills. The community believes that the character of the neighborhood will be strongly affected by "Mansionization" and subdivisions which would not be possible without public sewer service. Citizens argue that the county has provided poor evidence that a health or environmental problem exists due to failing septic systems.

Although testimony was divided, a large majority opposed the extension of public sewer service into Glen Hills. Concern was expressed that it would encourage development, damage the environment and counter policies such as the Piney

Branch Restricted Access Policy and the State's Smart Growth Initiative. Individuals and community groups correctly stated that no agency has done groundwater testing to document groundwater contamination. Mrs. Susanne Lee testified that she had found only two reports of failures in the last five years and those were solved with alternative systems. Many added that a documented health concern should be the only reason for allowing public sewer service extensions. The City of Rockville and several individuals supported sewer extension.

## **DISCUSSION AND CONCLUSION:**

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using well and septic systems. At that time, sewer standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. MCHHS maintains that periodic septic failures occur in this neighborhood and that subsurface conditions often do not allow for replacement systems that satisfy current septic regulations. This indicates that current systems showing no failure on the surface may not be functioning in a way that adequately protects the groundwater and that unknown or unreported failing septic systems may exist in this area. Planning staff's brief review of MCHHS's record found six failed systems and several denials due to failed testing (see graphic).

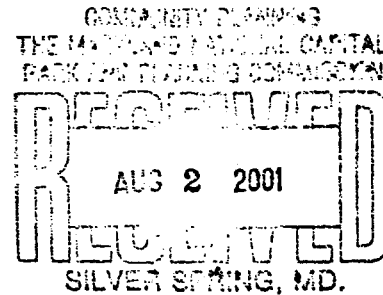
This plan supports the extension of public sewer service in the Glen Hills area in response to septic failure and in conjunction with the development of an action plan if needed. This plan, developed by DEP in conjunction with WSSC, MNCPPC, MCHHS and citizens, should thoroughly study past and potential septic failures in this area and provide a rational plan for responding to anticipated public health problems resulting from failed septic systems. Staff's recommendations are based on the belief that septic failures will continue to occur over a period of years, with no alternative under current standards than to extend community sewer service in various places throughout Glen Hills.

Under this plan it is likely that other lots may be granted a single hook-up as an abutting property. Staff recommends that public sewer service should not be granted to lots which are primarily environmentally sensitive remnants, nor to property owners who assemble existing lots for the purpose of redevelopment.

## **BOARD RECOMMENDATION:**

July 31, 2001

Callum Murray  
Team Leader, Potomac Team  
Community-Based Planning Division  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760



Re: Potomac Master Plan Proposed Change in Sewer Policy for Glen Hills

Dear Callum:

During Work Session # 3, changes were proposed in the Public Hearing Draft of the Potomac Subregion Master Plan with regard to extending public sewer to the Glen Hills area. It was also during the Work Session that the evidence of failed septic systems, the stated reason for the proposed change in sewer policy, was first publically disclosed. During the Planning Board's discussion at the Work Session, they requested that the portion of the plan dealing with sewer policy in Glen Hills be redrafted in order to better reflect exactly what should be proposed. Included at Attachment A is the text we believe should be inserted in the plan.

Rather than a generic sewer study leading to what amounts to a sewer category change for Glen Hills, the evidence presented indicates that what is needed is a study of the few septic failures that have occurred in order to determine why they happened and how they and future failures could be avoided. Of the 300 plus homes in the area, 5 septic failures have been identified. There is no evidence of any type of groundwater contamination in the area. While we are still awaiting a response from Permitting Services to our request for information on each of the failures, some information is available. As indicated in the information included at Attachment B, three of the five (Nos. 2, 3, & 4) occurred within a three block area in which, historically, lots have not passed perk tests. At least three of the five occurred shortly after the houses were constructed (9901 Sunset & 9705 Sunset were built within the last 10 years and shortly after construction their systems failed; 13113 Ridge failed within a year after it was constructed) The fourth, 9800 Sunset, is a house which was renovated to include a large indoor swimming pool. Two of the failures (9705 Sunset and 13409 Valley) have been resolved through the installation of innovative/alternative systems and Permitting Services confirms that a third (13113 Ridge) has no documented problem at present.

Rather than an area of widespread unresolved septic failures, this evidence demonstrates that the overwhelmingly number of lots in Glen Hills have been successfully developed on well and septic. Homeowners continue to take the steps



necessary to ensure that systems are maintained properly. However, we are concerned about the five failures that have been identified, especially those that occurred shortly after the homes were built or renovated. New homes continue to be built in the neighborhood and it is important to identify why the failures occurred so that steps can be taken to ensure they do not occur when new homes are constructed or homes are renovated.

In previous submissions, we indicated why we believe the sewer envelope (Watts Branch and Piney Branch ) should not be expanded, and why the Piney Branch restricted access policy should not be lifted, to include Glen Hills. We have also provided evidence of the community's overwhelming opposition to the expansion of public sewer into Glen Hills. We support the recommendation that Glen Hills be deleted as an exception to the Piney Branch Limited Access Policy (Work Session #3 at 34) and we propose that the language set forth in Attachment A be inserted in the plan in place of the Glen Hills text.

We thank you and your staff for the incredible effort you have devoted to developing a master plan that will support and maintain the character of our much loved neighborhoods.

Sincerely,



Susanne M. Lee  
Chair, Land Use Committee  
Glen Hills Citizens Association  
12900 Circle Drive  
Rockville, MD  
301-738-7987

Enclosures

cc: Planning Board Members  
Phil Andrews  
Howard Denis  
Blair Ewing

## Attachment A

Replace Glen Hills Area Text on page 22 of the Public Hearing Draft with the following:

The Glen Hills area is zoned RE-1 and consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were developed in the 1950's and 60's using well and septic systems, although new homes continue to be built. MCDPS maintains that periodic septic failures occur in this neighborhood and that subsurface conditions often do not allow for replacement systems that satisfy current septic regulations. Five septic failures have been identified. This plan supports a study to document the reasons for these failures and, based on the results of the study, the development of an action plan to ensure that new home construction and renovations of existing homes do not result in additional septic system failures. Consistent with RE-1 zoning, the County's Water and Sewer Plan, and the Piney Branch Restricted Access Policy, this plan restricts further extension of community sewer in the Glen Hills area to properties with documented public health problems resulting from failed septic systems.

### Glen Hills Recommendation

Conduct a study to document the reasons for identified septic failures in Glen Hills and, based on the results of the study, implement an action plan to ensure that new home construction and renovations of existing homes do not result in additional septic failures. Restrict further sewer extensions, on a case-by-case basis, to properties with documented public health problems resulting from failed septic systems where the provision of public sewer service is logical, economical, and environmentally acceptable.

# Glen Hills

Source: Planning Board  
Staff Work  
Session #3

1 of 2



Attachment B <sup>73</sup>

## **TOPIC H: LOWER GREENBRIAR BRANCH PROPERTIES**

### **STAFF RECOMMENDATION:**

Amend the Draft Master Plan recommendation to rezone these properties RNC with the provision of public water and sewer service with the following conditions:

1. The properties must be subject to a single development application. Properties requesting development on an individual basis will retain the standard method density of one unit per five acres.
2. The area west of the gas line easement and west of the northern-most tributary east of the gas line easement must be kept in its undisturbed state and dedicated as parkland.
3. Provide sewer service via pressure system rather than by gravity.
4. The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of staff in the WSSC's Engineering and Construction Team.
5. Retain 75% open space with larger than minimum stream buffers.
6. Maximum of 40-60 lots (based on sewer feasibility.)

### **PLANNING BOARD APPROVAL IN PRINCIPLE (6/14/01):**

Rural Neighborhood Cluster Zone with maximum of 61 lots.

Dedication of all property N.W. of gas easement and Tipton Branch (60 acres or 40% of site).

Minimum of 70% (including dedication) reserved as open space.

One comprehensive application for entire property.

Stream buffers larger than minimum.

Sewers primarily within road rights-of-way.

## **PUBLIC HEARING DRAFT RECOMMENDATIONS:**

- Acquire the properties as conservation parkland, if possible during the first budget cycle after Master Plan adoption.
- Retain the existing RE-2 zoning.
- Do not include properties within the sewer service envelope.

## **SUMMARY OF TESTIMONY:**

Testimony received from property owners states that with community sewer service and possibly cluster zoning, these properties can be developed in an environmentally sensitive way that preserves all of the important natural features and provides significant public and private open space with little fragmentation of the serpentine areas. They cite other properties in the near vicinity that have public sewer service. Additional testimony from the Tipton family cites a long history of sewer category change deferrals and calls into question the quality and value of the environmental features of their property.

Other testimony from citizen groups supported the Draft Plan's sewer recommendations for these properties. Recent testimony received on these properties via the Legacy Open Space process supported an RNC development to ensure that half of the site remain un-fragmented and undisturbed.

Although their tone is positive, WSSC has not been able to give a definitive answer regarding the feasibility of pressure sewer for these properties. WSSC, in conjunction with DEP, is currently reviewing its grinder pump policy to verify if a more consistent and up-to-date policy or design standard is required for grinder pump systems in the WSSD. They suggest that the staff recommendation for these properties state, "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of staff in the WSSC's Engineering and Construction Team."

## **DISCUSSION AND CONCLUSION:**

As a result of the Legacy Open Space process, staff focused on a cluster plan for these properties. Aside from the sewer policy and feasibility issue, this option provides a number of benefits. These include protection of open space and many of the environmental features that make this site unique. Also, when considered as a whole, all property owners receive development benefit. WSSC continues to be cautious in their comments on the development proposal. Factors such as length of the pressure system, number and location of dwelling units, pipe diameter, detention time and more are used to determine the

adequacy of the system in the long term. Because the proposed development falls into a gray area with respect to the possibility of future odor problems, WSSC's response has not been definitive. For this reason a recommendation for approval is being given with a number of qualifiers. See attached document, also from the Legacy process, responding to the "myths" testimony.

**BOARD RECOMMENDATION:**



## Response to “Myths” proposed by the owners of the Tipton Property, Part of the South Serpentine Area

5/31/01

This document is a brief response to the presentation to the County Council by the Tipton family regarding the environmental condition and history of evaluation of their property located along Glen Road in the Potomac area of Montgomery County. The Tipton property is one of four large undeveloped properties that comprise the South Serpentine Area, a site identified in the natural resources category of the Legacy Open Space plan. The South Serpentine Area is located on the southern edge of the serpentinite outcrop.

It is important to note that the South Serpentine properties were not studied as individual properties but rather as a whole. The only divisions recognized in Commission studies are the physical separations made by the two utility easements that divide this area into three sections.

This document only discusses the “myths” that are the most relevant to the work of the Commission on the Legacy Open Space Functional Master Plan. The topics of sewer capacity, sewer category change history, and development plans are not discussed here.

### Stream Quality

The Tipton family claims the results of a hydrology study indicating better water quality than previously thought has influenced the removal of the South Serpentine area from the Water Supply Protection resource category in the Legacy Open Space master plan. The *Countywide Stream Protection Strategy* (Montgomery County Department of Environmental Protection, 1998) identifies the Greenbriar Branch tributary of the Watts Branch as having good habitat but fair stream conditions overall. This water quality assessment as well as the results of any other hydrology study has had minimal bearing on the designation of the South Serpentine in the Legacy plan. The South Serpentine is designated in the natural resources category primarily due to the unique nature of the forest ecosystem on the site. The Water Supply Protection resource category was designed to protect the water quality flowing into the drinking water reservoirs on the Patuxent River, and the South Serpentine area was never considered a candidate for protection under this resource category.

## **Priority Wetlands**

The Tipton family claims that there are no priority wetlands on their property and that the County has retracted its classification of these wetlands as priority. To the contrary, the Commission has never changed its opinion of the wetland resources or quality on this site.

A wetlands functional analysis was conducted for the Potomac subregion by Commission staff according to a protocol development collaboratively with the Maryland Department of the Environment in 1997. This study identified the wetlands on the Tipton Tributary of Greenbriar Branch as having a high functional value. Value was determined upon criteria such as groundwater discharge, wildlife habitat, aquatic habitat, sediment retention/nutrient removal, and floodflow attenuation (see pages 36-37 in the *Environmental Resources Inventory for Potomac*, 1998). Priority wetlands were those that received a high composite score for both aquatic and wildlife habitat (pages 14, 16). This study was not a wetland delineation, which would have located all of the wetlands in Potomac (a monumental task), but rather an assessment of wetland functional value based on a sampling of wetlands.

The Environmental Inventory graphics, of which the graphic shown by the Tiptons is a close-up, identify wetlands based on indicators of potential locations of wetlands (including hydric soils and a typical wetlands buffer), not on an actual delineation. Therefore, a measurement of these indicator areas was never intended to accurately reflect the actual wetlands on this site or anywhere else in the Potomac study area. This aspect of the study was carefully explained to representatives of the Tipton family on more than one occasion; however, they have still misused this graphic indicator.

An Army Corps of Engineers Jurisdiction Wetlands Study, conducted at the request of the owners, delineated many wetlands throughout the stream buffers on the site. Some of these are unusually wide in places due to braided stream channels and associated seeps and springs. The owners claim that the Corps study refutes the priority wetland designation; however, the Corps study is simply a delineation of the location of wetlands and made no attempt to do a functional assessment of the quality of the wetlands on the site.

Based on the functional wetland study, the Corps delineation study, and supplemental field visits to this site, staff continues to believe that there are priority wetlands located on the site.

## **Rare Plant Species**

The owners of the Tipton property state that the County has exaggerated the presence of rare plant species and that no federally listed species are located on the site. To date, Commission studies by independent consultants have found seven State of Maryland RTE (rare, threatened or endangered) species and eleven watchlist species on the South Serpentine area. On the Tipton property alone, four Maryland RTE species and nine watchlist species have been found. Commission studies have never claimed that these species were federally listed rather than State-listed. These species are classified based on their locations and abundance in Maryland, NOT in the entire United States.



It should be noted that the plants that have been found are only a sampling of the plant community as it now exists. Many herbaceous plants have an ephemeral nature making them difficult to locate during most of the year. Many have a short two to three week blossom time and disappear altogether during parts of the year. The owners' consultant located only three RTE species in one small area of the property during his study. This finding, however, does not contradict the presence of the many other species in diverse locations on the property found by other consultants at different times of the year.

## **Serpentine Barrens**

The Tipton family claims that their property is not a Serpentine Barren and that the County has changed its position to agree with their geological studies that the property is not serpentine barrens. To the contrary, the Commission has only changed the name of the Legacy site for clarity and has never changed its professional opinion of the geology of the site.

There are two main types of surface bedrock geology in Montgomery County: serpentinite and diabase. The largest of these are the 1700-acre Diabase Sill in Boyds and the 2000-acre Serpentinite outcrop in Potomac. Plant communities found on this type of formation, including both the north and south serpentine area, have traditionally been called barrens due to the lack of nutrients in the soil or the presence of minerals at levels toxic to plant growth. This can have the effect of stunted growth in plants, a factor which can also be associated with shallow soil that has very low water holding capacity. Only two large areas of serpentinite-derived soils remain undisturbed in Montgomery County: the larger area to the north, known as the Serpentine Barrens, and the smaller area to the south, known as the South Serpentine Area. The staff only changed the name of the southern area to differentiate it from the northern site, but has never changed its opinion of the nature of the area.

The Commission acknowledges the presence of alluvial soils over parts of the Tipton property and the neighboring properties, possibly because the Potomac River at one time may have flowed over this area. However, the geological, plant and ecological studies of the area continue to indicate a strong serpentinite influence on the soils and the resulting forest community.

## **Unique Plant Community/High Quality Forests**

The property owners state that the RTE and watchlist plant species found on the site are not unique to serpentine soils. Several study results lead the Commission staff to believe otherwise. The entirety of all the South Serpentine properties is located on the serpentinite outcrop. Rare plants have been found on all but one property (Semmes, most of which is cleared for the WSSC water main right-of-way) and nearly half the locations are on the Tipton property. Purple milkweed, found on the Tipton property, is reported as either endemic or well restricted to serpentine barrens.

A related "myth" that the Tipton family disputes is the presence of high quality forests. The family notes the lack of old growth forest, the clearings on the property for the gas line right-of-way, and a high number of young dead trees to support their claim. The *Environmental Resources Inventory for the Potomac Subregion* identified three forest stands on these sites as

being significant based on their size and potential for supporting interior wildlife. Further analysis through the Potomac master plan process identified these forests as being among several in Potomac with a high priority for forest preservation (1999). They were “recommended for acquisition because of the following characteristics: the presence of unique vegetation communities or state RTE species or high potential for RTE habitat, the fact that almost the entirety of the applicable properties are covered by the stand, the high potential for forest interior habitat, and the large sizes of the stands.” A 1997 Natural Resource Inventory (NRI) for the Tipton property identified that the forest was “stressed” as is typical on serpentine. Standing young dead trees were identified, but the photo produced by the Tiptons is not typical of the entire site as anyone can see who looks at an aerial photograph or drives by the property.

### **Septic System Suitability**

The Montgomery County Soil Survey shows that all of the lower Greenbriar Branch properties consist of either Chrome/Conowingo soils, Chrome silt loam or Travilah silt loam. All three of these types are exclusively associated with serpentinite bedrock with all of the unusual characteristics that help to create unique plant associations. The survey describes these soils as having severe restrictions to the placement and use of septic fields and dwellings with basements due to high water table and shallow depth to bedrock. Staff has observed many locations on Tipton and the other properties where the bedrock is exposed on the surface or where large boulders are mostly exposed on the ground, indicating subsurface conditions. Also, one has only to walk along the gas and water lines to see the boulders that had to be blasted and removed to place these utilities.

However, staff agree that soils are deeper on the lower Greenbriar Branch properties, especially closer to Glen Road than in the more northern parts of the serpentinite outcrop, and may provide some suitable locations for septic fields. The pre-preliminary plan for the Tipton property indicates that locations for septic fields are possible for many of the proposed lots on this property. However, County staff has not seen any information on the results of percolation tests for this or any of the other properties comprising the South Serpentine.

### **Natural Resources/Environmental Significance**

The Tipton family claims that there is no basis for including the South Serpentine area for protection within the Natural Resources category of the Legacy Open Space Functional Master Plan. M-NCPPC’s Forest Ecologist, referencing the list of rare plants found on these properties, states that:

This is a sizable list [of rarities] for a property of its size. In fact, on currently designated park properties we only have 1 or possibly 2 sites that have this number of known state listed plants . . . . Beyond the RT&E (state listed) numbers, however, it should be recognized that [these properties] support a community of trees, shrubs, and herbaceous plants that are very uncommon in Montgomery County on a whole . . . . These plants . . . are not regularly found in Montgomery County. In fact, during my time spent surveying park properties around the county, I have only seen [these] plants in one or two other park sites or proposed Legacy acquisition park sites countywide.

Overall, the Commission has followed standard professional procedures, utilizing independent consultants and scientific evaluation techniques to make an independent judgment on the quality of the South Serpentine for the purposes of Legacy Open Space. Commission staff has also been consistent and clear on its communications regarding studies of the site and the rationale for including the site in Legacy Open Space.

# Lower Greenbriar

Law Offices

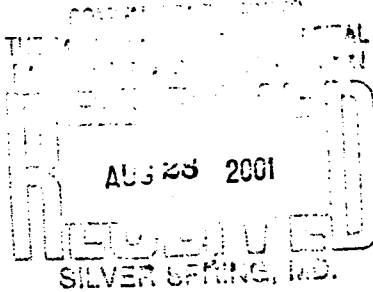
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August 24, 2001



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By Hand Delivery

Mr. Callum Murray  
Community Based Planning  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Lower Greenbriar Properties

Dear Callum:

At the risk of swamping you with paperwork now that you are back at work, I need to send this follow-up letter to the submission we made on Wednesday. First, I did not have available at that time a copy of the plan for the Lower Greenbriar area containing the various revisions we have discussed. For your use at the Planning Board meeting and in your report, I am enclosing a full-sized copy of that plan together with a reduction.

Second, I am enclosing for your information a copy I received late yesterday of the Deed of Preservation Easement for the Howard County project I mentioned. It conveys control of the preservation area to The Howard County Conservancy, and includes preservation criteria and enforcement measures. Although the Lower Greenbriar area may require something different in form, such as a prohibition of some of the activities allowed in the Howard County area, this document is one way in which to ensure open space preservation. Based upon actual experience over the last eight years, this mechanism has shown to be very effective.

Third, I need to clarify our intentions with respect to the density for the Lower Greenbriar area. As my letter indicated, the overall density will be 62 units which works out to one unit per 2.33 acres. The actual breakdown, however, is 31 units on the Hillman/Weihe properties and 31 on the Tipton/Semmes properties. This actually results in a density on the

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Mr. Callum Murray  
August 24, 2001  
Page 2

Hillman/Weihe portion of one unit per 2.2 acres. This is still below the maximum density allowed in the RNC zone and is exactly the same as the density provided in the Sandy Spring/Ashton Master Plan which is our model. Therefore, if you use my sample master plan language, guideline number (6) should be changed to say "maximum density of one unit per 2.2 acres and a combined total of 62 lots."

Thanks for continuing to listen to me.

Cordially yours,

HOLLAND & KNIGHT LLP



Robert R. Harris

RRH/ep  
Enclosures  
cc: Mr. Richard Thometz

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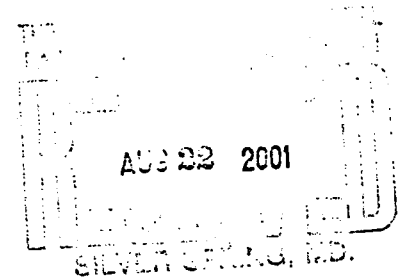
August 22, 2001

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Re: Potomac Master Plan – Lower Greenbriar Area

Dear Callum:

On behalf of the Lower Greenbriar property owners, we want to thank you for helping bring the group together for a consolidated plan for these properties, in order to create a large open space preserve. We were pleased the Planning Board endorsed staff's recommendations on June 21 and supported an RNC cluster development concept for these properties subject to the feasibility of a low pressure sewer system to service the development. Based upon the Board's agreement in principle, Staff was asked to review the sewer issue with WSSC and to report the results to the Planning Board at a future worksession. In making the recommendations, Staff and the Board determined that the recommendations balanced a variety of interests including environmental protection, preservation of rare, threatened and endangered plant species, funding constraints for the purchase of open space, and development rights of property owners. By this letter we are providing our understanding of the sewer issue and are responding to other questions you asked us about the Concept Plan.

Low Pressure Sewer

Subsequent to the Planning Board worksession, WSSC reviewed the development concept we have been discussing with you for the area and conducted preliminary engineering studies regarding the feasibility of a low pressure sewer system. By

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August 22, 2001  
Page 2

memorandum of July 31, 2001, WSSC confirmed that feasibility. Additionally, we met with you on August 1 and, as reflected in the attached outline, discussed the low pressure sewer issue in detail. Among other features, we discussed how the number of lots, RNC cluster zone, site topography, sewer location within roadways, and location of existing gravity sewer lines, together with the pipe sizing, all make this a feasible system. Together, we believe WSSC's memorandum and our discussion with you provide you with the confirmation you need to obtain Planning Board approval of the master plan recommendations made in June. Please let us know if there is anything else we can provide with respect to the sewer issue or if you have any remaining questions.

### RNC Zone Open Space

Based upon my experience in the adoption of the RNC Zone a few years ago, you asked me to review the issue of open space particularly with respect to the anticipated nature of such space and its location. As the Zoning Ordinance indicates, one of the primary purposes of the RNC Zone is to preserve "sensitive natural areas." The zone requires between 65 and 85 percent of the site to be established as open space located and designed to protect either rural features or other sensitive areas identified in the master plan.

Consistent with staff's requests, as part of a cluster development for 62 lots, the owners of the Lower Greenbriar properties have agreed collectively to preserve intact the entire western portion of their properties where Staff has identified sensitive areas based upon plant life. Additionally, to the east of the gas line, major additional open space will be provided including the area of several streams. Together, the protected open space will total approximately 71 percent of the combined properties. This will enable preservation of the desired plant life, protection of streams and buffers, and the permanent establishment of a large forest area sufficient to support birds and other animals.

We previously discussed the issue and the shape of this open space based upon one of the rural open space design guidelines in the Zoning Ordinance stating "rural open space must comprise a sizeable contiguous area...and be consistent with the guidelines of the applicable master plan." Based upon my work in helping draft the ordinance and the use of the zone in the development of at least three properties in the Sandy Spring/Ashton planning area, I believe the word "contiguous" means that areas of open space such as the stream buffers in the eastern half of these properties qualify fully as the type of open space areas sought to be protected. The standards in the Zoning Ordinance are referred to as "design guidelines" and the range of 65-85 percent of the overall open space component shows a range of flexibility. The Planning Board is even authorized to allow variations where the result would retain the quality and character of open space. As reflected in the Sandy Spring/Ashton projects we reviewed with you last month, the Planning Board has determined that these open space design guidelines allow for the open space area to be traversed by roadways and also allow for the preservation of stream valleys connected with larger open space areas. In fact, although the Lower Greenbriar properties do not include portions of



private lots in the open space calculation, the zoning ordinance even allows such areas to be included in the preserved open space so long as they are subject to a preservation easement.

We believe the Lower Greenbriar plan meets every requirement of the RNC Zone and is entirely consistent with the previous use of that zone. It balances these protection measures with a reasonable development pattern to enable the property owners to preserve the remainder of the area which staff proposed for protection.

#### Protection of Open Space

You have also asked us to provide information to you about the means by which the open space will be protected. A major portion of the open space is located west of the gas line and either would be dedicated to the Park and Planning Commission as park land or conveyed to a private conservation group subject to preservation covenants. The remainder most likely would be owned by a homeowners association and controlled by covenants and easements. Attached to this letter is an overview reflecting the type of control mechanism which might be used. In this regard, we note that preservation easements and the control of environmentally sensitive lands and other open space is routinely vested in homeowners associations throughout the County. This includes stream valley buffers, special protection areas in the Paint Branch and Clarksburg areas, and any number of designated wetlands. Some such areas are also protected only through easements over private lots. We will provide much greater controls.

As reflected in the attached description, our intention is to establish a rigid control mechanism which will ensure the protection of all such areas. This mechanism goes beyond the open space protection controls found adequate with respect to all of the other RNC projects approved to date and exceeds the controls normally used for stream buffers, wetlands and sensitive areas elsewhere in the County. It is, in effect, a "belt and suspenders" approach. As an aside, we note that these protections totally distinguish the Lower Greenbriar properties from the Palatine subdivision and other projects in the area. The Palatine site was divided into private lots and the projects provided no dedication of open space. Any trees were protected primarily through easements on private lot areas. Additionally, unlike the Greenbriar properties, Palatine was not subject to Site Plan review or to the other controls of the RNC Zone because it was a standard RE-2 subdivision. Dedication of the major portion of the Greenbriar open space and ownership of the remainder by the homeowners association rather than private individuals will ensure appropriate protection.

#### Compatibility of Land Use

We have examined with you the issue of the compatibility of the Concept Plan for the Lower Greenbriar area with other nearby development. As you are aware, this area contains a diverse mix of housing types, sizes, lot configurations and other features. Some homes have

Mr. Callum Murray  
August 22, 2001  
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septic systems and typically are on larger lots while others are connected to public sewer thus enabling smaller lot sizes. Therefore, there is an inherent diversity already enabling various types of development.

Similarly, cluster zoning necessarily results in smaller lot sizes and larger open space areas than noncluster development. Therefore, although the lot sizes and homes to be built in the Lower Greenbriar area may be smaller than some of the surrounding properties, the offsetting open space being preserved is significantly greater. When the RNC Zone was developed and first used in the Sandy Spring/Ashton area, particularly on the Dematatis and Hoffman properties, it resulted in lots significantly smaller than neighboring lots which, in that case, sometimes were three to five acres in size. Nevertheless, given the variety of lot sizes in that area, the Planning Board also determined those projects to be compatible.

In the Potomac area, the effects of such clustering in conjunction with neighboring properties which are not developed under cluster zoning appears at Merry-Go-Round Farm and elsewhere under RE-2C zoning. New planning techniques seen primarily in traditional neighborhoods such as Kentlands, King Farm and Falls Grove, also show how completely different housing types and sizes can be developed in a fully integrated neighborhood. The inclusion of townhouses in numerous single-family subdivisions also reflects this inherent compatibility.

In terms of the specific Concept Plan, a copy of which was provided to you when we met earlier this month, the planners have organized the lots so that the views from both Glen Road and Piney Meetinghouse Road do not substantially change the area. Instead, they will preserve open space areas along those roads with the primary clustering being more internal to the properties. This project will be compatible and will add to the area and is particularly appropriate given the significant preservation objectives being achieved with no public cost.

Commissioner Wellington asked one related question about overall density. The RNC Zone has a maximum density of one unit per acre. The Lower Greenbriar plan, however, has a density of only one unit per 2.33 acres. The establishment of this density in the master plan will thus fall below the zone maximum and will also reduce the density below the maximum under the current RE-2 zone (one unit per two acres).

#### Draft Master Plan Provisions

I know you will be working on Draft Master Plan provisions before the Planning Board worksession on September 6 and I hope to have a chance to review them either in draft, or at least when the final staff report is prepared. In advance of that, I am attaching our suggestion for the provisions based upon what we have heard. These provisions track the revised Concept Plan we gave you, including the shift of units from the area west of the gas line to the area east of it so that we can maintain the 62 lots needed to enable preservation and dedication of the open space. Similarly, we accept your goal of having these properties planned in a unified

Mr. Callum Murray  
August 22, 2001  
Page 5

manner and subject to uniform conditions. We want to make sure, however, that any master plan conditions do not require the property owners to exchange properties or densities between the various developers or to be subject to a single application in which each must participate. Rather, we believe this should be a single unified concept plan for the properties, with the ability of each property owner to apply for and obtain development approvals for its portion of the area, consistent with the overall concept. This will be necessary for financing purposes and to allow for effective cost sharing. Our draft conditions reflect this as does the Concept Plan itself.

Callum, thanks for your guidance and leadership on this property. We were pleased to have Commissioner Perdue commend us for our creativity at the last worksession, but the result is really a team effort. We believe it is a great example of staff, the Planning Board and private parties working together to "build a better mousetrap."

Cordially yours,

HOLLAND & KNIGHT LLP



Robert R. Harris

RRH/ep  
Enclosure

cc: Mr. Richard J. Thometz  
Mr. David Little  
Mr. Robert Kaufman  
Harry Lerch, Esq.

**LOW PRESSURE SEWER SYSTEM  
LOWER GREENBRIAR AREA  
(Weihe/Piney Grove)  
(Tipton/Semmes)  
August 1, 2001**

- I. General Background on Low Pressure Sewer Systems (Grinder Pumps)
  - A. Used Extensively Throughout County
  - B. Hundreds of Such Systems in Place in WSSC Service Area
  - C. WSSC Policy Allows them and Systems Continue to be Planned and Approved (e.g. Avonleigh, Clarksburg, etc.)
  - D. Particularly Appropriate in Various Circumstances:
    1. Where cost of major gravity line or force main is not cost effective
    2. Where gravity line/force main could have greater environmental impact:
      - Pressure sewer can run in road right-of-way and over hills; gravity lines typically located within stream valley (preserves streams, woods, etc.)
      - Can be located in shallow soils without major excavation due to absence of gravity requirement
  - E. Factors in System Operation
    1. Design/size of pump
    2. Line diameter/detention time
      - a. older systems had first generation pumps and large lines (3 inches and 4 inches)
      - b. new systems use screw pumps and small diameter lines to reduce detention times
    3. Length of line (lines longer than 1 mile not encouraged)
    4. Density of units (smaller lots with more units closer together work best)
    5. Vertical lift (maximum 100 ft.)
    6. Continuous vertical climb (compared to peaks and valleys)
  - F. Montgomery County/WSSC Plans for New Low Pressure Sewer Systems
    1. Much of Clarksburg due to topographical and environmental issues
    2. Areas of Darnestown, Potomac and others
  - G. WSSC now has review team/process to evaluate design of pressure sewers to address operational issues

II. Review of Lower Greenbriar System

- A. Pump design (Environmental one, approved by WSSC)
- B. Line diameter/detention time (1 1/4" v. 3" or 4" and less than 2.2 hours v. greater than 6 hours) – average: some are 8 hours
- C. Approximately 38 acres sewered v. 290
- D. Length of lines (maximum of 2600 ft. v. 1 1/2 miles and up)
- E. Limited number of smaller lots, clustered together (62 v. 133)
- F. Limited vertical lift (well under 100 ft.) under 138
- G. Continuous climb
- H. Primarily within roadways
- I. Final engineering and design with approval by WSSC review team to address all issues

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- Permit an environmentally sensitive cluster development on the Tipton tributary properties, (145 acres) in the lower Greenbriar Branch, including the Tipton, Hillman/Piney Grove, Weihe, and Semmes properties. This will allow preservation of the residual serpentine area and its unusual ecosystems in a natural, viable and sustainable state without the need to purchase the properties at public expense. In particular, the ecological integrity of the area should be preserved with a sensitive land use cluster plan that protects forest interior conditions, and significant areas of the rare, threatened and endangered species and the mature oak/pine forest. Priorities include the Greenbriar Branch mainstem riparian areas along with the surrounding forested area west of the westernmost gas line easement. Adequate buffers should be provided along with critical habitat to assure perpetual protection of this area.

### **Tipton Property**

The Tipton Property on the northeast side of Glen Road contains 51.83 acres. (See map 14.) It has been owned by the Tipton Family since 1946. The properties to the north (Palatine) and south (Great Elm Farm) are served by public sewer. Applications for sewer services have been filed since 1989, but each has been deferred (or denied) for various reasons. The property is traversed by a major underground pipeline right-of-way which is devoid of trees and crosses the existing small streams

### **Piney Grove and Weihe Properties**

These two parcels are zoned RE-2 and total approximately 67.6 acres. (See Map 14.) Piney Grove is located between the Palatine subdivision and the Tipton property. The Weihe parcel abuts the east boundary of the Tipton property. Taken together, Piney Grove and Weihe have access to Piney Meetinghouse Road to the east and Glen Road to the west.

### **Semmes Property**

This property is also zoned RE-2. It is approximately 17.7 acres in size and abuts the Tipton property to the northwest and the Weihe property to the north.

The development of the four properties (Tipton, Hillman/Piney Grove, Weihe and Semmes) in accordance with sensitive land use plans that protect forest interior conditions, the rare, threatened and endangered species habitat, and the mature oak/pine forest will allow for preservation of the residual serpentine area and its rare and unusual ecosystem. The recommendation of the extension of water and sewer service proposed by this Master Plan will ensure controlled, environmentally-sensitive improvements that will protect the serpentinite and their rare and unusual ecosystems. Cluster development should follow these guidelines:

- (1) minimum of 70% of the property to be reserved as open space including the entire area west of the westernmost gas line and the stream valley area;
- (2) comprehensive planning of the four properties to combine points of access; sewer lines and open space features;
- (3) an integrated street system plan to minimize stream crossings;
- (4) placement of sewer lines principally within road rights-of-way;

- (5) development of a habitat management plan for major areas of rare, threatened or endangered plant species, including inspection, monitoring and enforcement;
- (6) maximum density of 1 unit per 2.3 acres (62 lots total);
- (7) construction techniques subject to approval by Environmental Planning Staff at MNCPPC.

This Master Plan endorses these recommendations:

### Recommendations

- **Adopt Rural Neighborhood Cluster zoning for these properties.**
- **Permit an environmentally sensitive cluster plan to be prepared for the Tipton tributary properties, (145 acres) in the lower Greenbriar Branch, including the Tipton, Hillman/Piney Grove, Weihe, and Semmes properties.**
- **Provide water and sewer service to the Tipton tributary properties by connecting to the existing sewer mains and water lines.**

## Lower Greenbriar Area Open Space Protection Plan

The protection of open space and sensitive areas for the Lower Greenbriar properties will be accomplished through three inter-related measures:

- (1) Land Planning,
- (2) Site Design, and
- (3) Preservation Controls.

Each is discussed generally and will be developed more fully through the subdivision and Site Plan approval processes for the properties.

### Land Planning

The central preservation component for the Lower Greenbriar area is the zoning and land use planning foundation. The Rural Neighborhood Cluster (RNC) zone was expressly created several years ago to enable the preservation of open space. It provides for clustering development on a relatively small portion of a property allowing the preservation of the remainder. The Lower Greenbriar properties will have development clustered on approximately 29 percent of the land leaving 71 percent for preserved open space.

### Site Design

In addition to the basic zoning and land planning for this area, actual site design will add to the preservation feature. Although more detailed work will be undertaken in connection with the subdivision and Site Plan approvals for the properties, the initial Concept Plan shows a commitment to access and internal streets which minimize the number of entry points to the properties and limit stream crossings and roads through open space areas. Similarly, by use of a low pressure sewer system, sewer lines will be located primarily within the road rights-of-way thus avoiding the need for major activities beyond those rights-of-way. Additionally, through the use of the RNC zone, there will be a diversity of lot sizes but all will be minimized in order to provide the greatest amount of preserved open space. Other design features include appropriate location of stormwater management facilities and the use of the natural topography to the greatest extent possible in order to reduce excavation and grading.

### Preservation Controls

The Lower Greenbriar area will be subject to various preservation controls including (a) ownership controls, (b) management controls and (c) enforcement measures. In terms of ownership controls, the developers anticipate dedicating a major portion of the open space directly to the County or conveying it to a conservation group. Although the RNC zone allows open space to be controlled by an easement or covenant over residential lots, in response to requests to establish a formal preserve for the western portions of their properties, the owners have agreed to create a separate parcel for that area owned either by Montgomery County or a conservation group. This will be the area west of the gas line. A second open space component, the areas east of the gas line including the stream valley areas and their buffers, would be owned



by a homeowners association for the entire Lower Greenbriar area. Here again, although the RNC zone would allow the use of easements over individual residential lots, the developers are prepared to place this area into common ownership under the HOA so that it may manage the area for the mutual benefit of all of the homeowners and for the public at large. The developers are reviewing other homeowners association documents in order to create the most effective ownership and management mechanism which will ensure preservation of this area in its natural state. One possible model is a project in Howard County where environmentally sensitive areas are owned and controlled by the homeowners association and are totally preserved in their natural state.

The open space dedicated to the County or conveyed to a conservation group will be managed by them. The conveyance will require that it be maintained in its natural state subject only to woodland management measures deemed appropriate by the County and/or the conservation group. The area owned by the HOA is also intended for preservation in its natural state and the HOA documents will so provide.

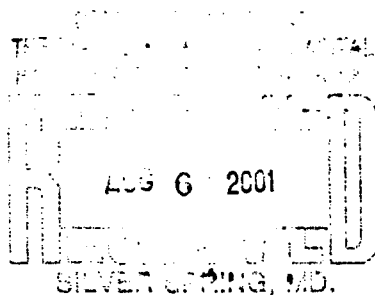
Enforcement measures to ensure preservation will also be established both with respect to the area to be dedicated and the area to be owned by the HOA. All contracts of sale and deeds for individual lots in the project will include references to such open space preservation requirements which will be spelled out in the HOA documents. Signage along the boundary of the preservation area is also contemplated in order to remind property owners of the boundaries and the preservation requirements. The HOA will fund an enforcement program including annual inspections of the open space to ensure the absence of any encroachments and the HOA documents will provide for enforcement.

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Re: Lower Greenbriar Properties – Rural Neighborhood Cluster Zone

Dear Callum:

When I returned to the office yesterday, I looked at the 1998 Sandy Spring/Ashton Master Plan, our tax maps and the current zoning maps for that area with respect to RNC development adjoining other zones. I am enclosing a copy of the zoning map from the Sandy Spring/Ashton Master Plan. As you will see, the area of the Dematatis project with RNC zoning adjoins a larger area zoned RE-2. That area is subdivided (Ashton Meadows) and developed with lots ranging from two to more than five acres. The ones immediately adjoining the RNC area are the largest reflecting the Planning Board's and Council's determination that cluster development under the RNC zone can be compatible not only with RE-2 zoning but with oversized lots in the RE-2 zone. The Greenbriar property presents a similar situation.

Similarly, the area you asked about just south of the Dellabrooke property is also zoned RE-2. Although it is not yet developed, the Planning Board did approve cluster lots on Dellabrooke which immediately adjoin RE-2 properties where future estate-size lots are expected.

As we also discussed, there are numerous examples throughout the County and beyond where smaller lot sizes, and even completely different housing types, adjoin larger lots. The situation of townhouses in a single-family community is a good example but so are projects under the PD or TDR zone where all of the units are normally at a significantly greater density than adjoining properties. Given all of the positive attributes of the cluster concept proposed for

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Mr. Callum Murray  
August 2, 2001  
Page 2

the Greenbriar area, and the specific site circumstances for both the Greenbriar properties and those adjoining it, I believe the cluster concept is compatible.

Cordially yours,

HOLLAND & KNIGHT LLP



Robert R. Harris

RRH/ep

Enclosure

cc (w/encl.): Mr. Richard Thometz  
Harry Lerch, Esq.  
Mr. Robert Kaufman

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# WASHINGTON SUBURBAN SANITARY COMMISSION

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**TO:** DISTRIBUTION  
**FROM:** KENNETH DIXON, PLANNING UNIT COORDINATOR *KCD*  
PLANNING GROUP  
**DATE:** JULY 31, 2001  
**RE:** STUDY OF SEWER SERVICE PROPOSAL FOR THE GREENBRIAR PRESERVE AND  
ESTATES OF GREENBRIAR PRESERVE PROPERTIES

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This memorandum serves as the WSSC's response to your request to review the sewer service option proposed for the Greenbriar Preserve and The Estates of Greenbriar Preserve properties on June 19, 2001. We have reviewed the sewer service proposal-in-concept for a small, pressurized, grinder pump system.

Prior to discussion of the analysis, we should note that due to the nature of the very preliminary proposal for these properties, the analysis performed is based on the plan given to WSSC. Also, due to the preliminary layout, and the dependency of the system hydraulics on the layout, it is difficult for us to come up with a firm recommendation or conclusion at this time.

Currently, system hydraulics and potential for odors in the changeover from the pressurized system to a receiving gravity system downstream are two issues of concern to WSSC in the design of a grinder pump system. In the analysis, the proposed development, as originally submitted to WSSC, was divided into two separate systems. The first group has 39 homes, herein referred to as "System 1". The second group with 16 homes is referred to as "System 2." System 1 can be served by connecting to an existing manhole on a 10-inch gravity sewer along Piney Meetinghouse Road. System 2 can be served by connecting to an existing manhole on a 12-inch sewer along Great Elm Drive.

System 1 is hydraulically feasible. However, there are a few homes (lots 5 and 6 in the original submission) at the lower ground elevations that will experience higher hydraulic heads. It is recommended that during system design, the total head for these homes be minimized as much as possible. The detention time for this system is slightly higher than that desired (about 2 hours) by WSSC. If these properties are approved for development, WSSC and the project engineers would work to minimize odors in the design of this system, however, it is unknown if the system, once in place, will add to the existing odor problems present in the area.

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**STUDY OF SEWER SERVICE PROPOSAL FOR THE GREENBRIAR PRESERVE PROPERTY**

**JULY 31, 2001**

**PAGE 2**

Similarly, system 2 is hydraulically feasible. One home (lot 16, as originally submitted on the plan) is projected to experience a higher hydraulic head. Projected detention times for this system are also greater than that desired by WSSC. Therefore, we must point out that odor problems have a potential to occur near or in existing homes along the 12" gravity sewer in Great Elm Drive.

There are measures that could address the odor potential including: more intensive clustering of units; construction of a new, separate outfall down Great Elm Drive; reconfiguration of the system which may require additional crossings of conservation areas. The project engineers have recently met with us on two occasions and reconfigured some of the proposed lots on the properties. This reconfiguration, with an increase of the total number of lots for the development, has resulted in a reduction of the detention time in System 2, however, that time is still slightly above 2 hours. While the measures described above may help, a full evaluation of the feasibility and impacts was beyond the scope of our review.

We would be happy to work with M-NCP&PC and the representatives of this proposed development with any further analysis or study of the properties. If you have any questions or need clarifications, do not hesitate to contact me by phone at 301-206-8809, or e-mail me at [kdixon@wsscwater.com](mailto:kdixon@wsscwater.com). Thank you for the opportunity to participate and comment.

KCD/kcd

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Mary Dolan, Environmental Planning Coordinator, M-NCP&PC

Nazir Baig, Environmental Planning Coordinator, M-NCP&PC

Kathryn Nelson, Community-Based Planning, M-NCP&PC

Alan Soukup, Environmental Planner, Montgomery County Department of Environmental Protection

CC: Craig Fricke, Planning Group Leader  
Sherry Djourshari, Planning Group  
Bob Buglass, Environmental Group  
Mike Porter, Customer Care North Group Leader  
David Shen, Systems Infrastructure Group  
David Little, Principal Partner, Gutschick, Little & Weber

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## **TOPIC I: SUTTON PROPERTY**

### **STAFF RECOMMENDATION:**

Approve the Draft Master Plan recommendation to retain the existing RE-2 zone with no provision of public sewer service.

Remove the adjacent Palatine subdivision from the currently proposed sewer service envelope. In the alternative, exclude the properties adjacent to Palatine from the adjacent sewer service policy. The only exception allowed would be for single hookups for public health cases where WSSC determined that service is technically feasible and consistent with their grinder pump policies.

### **PUBLIC HEARING DRAFT RECOMMENDATIONS:**

This property was not specifically addressed by the master plan. However, this general area was not identified for rezoning or as an area to be served by community sewer service.

Retain the existing RE-2 zoning without public sewer service.

Palatine is shown as a disconnected area within the sewer service envelope.

### **SUMMARY OF TESTIMONY:**

The contract purchaser of the property is seeking access to the adjacent Palatine subdivision pressure sewer system for the development of most of this property. This request was recently submitted after the close of the public record. The applicant argues that connection to the Palatine sewer is technically feasible, that previous odor problems were in part the result of WSSC errors and have since been rectified, and that the Sutton property is an enclave surrounded by developed parcels and lots. Furthermore, the applicant argues that development would be a logical extension rounding out the Palatine and would not set an undesirable precedent.

### **DISCUSSION AND CONCLUSION:**

The Sutton property is one example of requests from developers adjacent to the Palatine subdivision seeking access to this pressure sewer system. The Palatine pressure system, by far the largest in the WSSC system, was only made permanent when a gravity system was removed from the CIP for environmental reasons. The Council's approval for Palatine required Palatine to participate in a "regional" sewerage system if accomplished within a certain number of years. Because the Glen Road pump station and force main were removed from the CIP, Palatine was free to proceed with its own pressure system. Differences in

interpretation of the intent of the 1980 master plan with respect to development and sewer service in the Sandy Branch and Greenbriar Branch subwatersheds resulted in the removal of the CIP projects. It therefore exists as a leftover from a change in policy within the Sandy and Greenbriar Branch watersheds.

An extension of this system may exacerbate odor problems experienced by both Palatine residents and residents whose homes are located near the receiving gravity mains. For this reason and to preclude a proliferation of category change requests seeking service via access to this system, staff is recommending that Palatine be removed from the ultimate sewer envelope in Potomac. There are a few similar "left-over" cases of policy change on the west side of Muddy Branch, which although currently provided with community sewer service, are clearly outside the proposed sewer service envelope.

It should also be noted that staff have regularly been advised by WSSC that attempting to tie additional pressure mains into the Palatine is not technically feasible, a view disputed by the applicant. To date this has been a self-limiting factor minimizing the proliferation of sewer service around this neighborhood.

To address the Sutton property specifically, according to WSSC, the existing grinder pump system in Palatine/Centurion Way does not have adequate hydraulic capacity to handle flows from the units proposed by the contract purchaser of this property. In addition, based on removing Palatine from the sewer envelope, this site is well beyond the area envisioned for community sewer service in Potomac.

**BOARD RECOMMENDATION:**

# Sutton Property





**Date:** 08/27/2001  
**Sender:** Dolan  
**To:** Murray  
**Priority:** Normal  
**Subject:** Fwd:Action Items from last TAG Meeting

---

Forward Header

**Subject:** Action Items from last TAG Meeting  
**Author:** "Dixon, Kenneth" <kDixon@wsscwater.com>  
**Date:** 8/27/2001 3:13 PM

Good afternoon, Park & Planning friends:

I believe that when we (Sewer TAG) last met, you asked me for some response to some information you had requested. The first was dealing with the proposed layout of the development on the Sutton property in the Potomac Master Plan area. The second was to inform you of the standing of our current grinder pump policy. Third, you asked me for some language to insert into the Potomac Master Plan regarding the development proposal for grinder pumps in the Greenbriar Preserve, etc., properties. I have listed the responses to your requests below:

**Sutton Property Feasibility**

According to Mr. David Shen of our Systems Infrastructure Group, the existing grinder pump system in Palatine/Centurion Way does not have adequate hydraulic capacity to handle flows from the proposed units. Beth Forbes of WSSC's Development Services Group has transmitted comments stating this unfeasibility to Montgomery County DEP in the Development Services Group's comments on the Service Category Change Request Organizational Review.

**WSSC Grinder Pump Policy**

We are starting work using an in-house task force with consultation from Montgomery County's Department of Environmental Protection and Prince George's County's Department of Environmental Resources to verify if a more consistent and up-to-date policy or design standards is required for grinder pump systems in the WSSD. We will keep M-NCP&PC informed of the task force's findings or recommendations. Otherwise, all grinder pump submissions will be assessed under existing WSSC policy, established by Dave Coe, April, 1994.

**Greenbriar Preserve and Estates of Greenbriar Preserve**

My suggestion is that language in the Potomac Master Plan should state that for this development, "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of staff in the WSSC's Engineering and Construction Team."

Any questions, clarifications, or concerns, please do not hesitate to contact me. Thank you. Look forward to seeing you at the next Sewer TAG Meeting.

Kenneth C. Dixon  
Planning Unit Coordinator  
Planning Group  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane, Laurel, MD 20707-5902  
301-206-8809 (direct)  
301-206-8867 (FAX)  
kdixon@wsscwater.com (E-mail)

**LINOWES AND BLOCHER**

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor  
Silver Spring, MD 20910-5600  
301.588.8580  
Fax 301.495.9044  
Website: www.linowes-law.com

September 5, 2001

RECEIVED  
SEP 05 2001

Stephen Z. Kaufman  
301.650.7056  
szk@linowes-law.com

BY HAND

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

Mr. Arthur Holmes, Jr., Chairman, and Members  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Potomac Master Plan Amendment; Request for Extension of Public Sewer Service to the Sutton Property Located Adjacent to the Existing Palatine Community

Dear Chairman Holmes and Members of the Board:

With respect to the above identified Master Plan and property, please be advised that our firm represents the contract purchaser of the Sutton property and the developer of the Palatine subdivision. Specifically, the purpose of this letter is to address the proposed staff recommendations concerning both properties, which are within the Potomac Master Plan draft amendment currently before you for finalization and transmittal to the County Council. The Sutton property is requesting a recommendation of extension of sewer service in order that it be authorized to connect to the existing pressure sewer system, which serves the Palatine subdivision.

Additionally, a further purpose of this letter is to very strongly oppose the proposed removal of the existing developed Palatine subdivision from the sewer service envelope. We also object to the alternative staff recommendation that properties adjacent to the Palatine be excluded from the sewer service policy area. Moreover, we wish to correct erroneous information in the staff recommendation on which the Board will be basing its recommendation concerning the capacity of the Palatine system to be expanded and references that there have been odor problems experienced on and off site from the Palatine system.

Essentially, staff has stated that sewer service should be denied to the Sutton property 1) to preclude a proliferation of category change requests seeking service via access to this system, and because your staff has been advised by the WSSC staff that 2) attempting to tie additional pressure mains to the Palatine system is not technically feasible and 3) the system has odor problems.

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Mr. Arthur Holmes, Chairman, and Members  
September 5, 2001  
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1) The Sutton property is the only remaining undeveloped parcel, surrounded by completed subdivisions (see Exhibit "A" attached), and will not result in additional requests for sewer service area category changes from adjoining properties. Specifically, the Miller and Smith property to the east of Palatine is being acquired under the Legacy Open Space program. The property to the west of Palatine, the Greenbriar Preserve and the Estate of the Greenbriar Preserve, is being recommended for sewer service. The Sutton property, north of the Palatine, is the only undeveloped property remaining (with the exception of a couple of small parcels north of Greenbriar Road). Furthermore, approval of this request will complete the Palatine neighborhood as originally conceived.

2) This information is incorrect. Specifically, Greenhorne & O'Mara and WSSC staff (Craig Fricke) have had significant conversations confirming the following:

"A second issue discussed dealt with odor problems resulting from pressure sewer grinder pump systems. Mr. Fricke stated that within the on-site Palatine system itself there are no odor problems. However, odor problems were encountered at the transition manhole along Piney Meetinghouse Road where the pressure sewer outfall discharges into a gravity sewer outfall, and in houses connected to this gravity sewer outfall within 500 feet of this transition manhole. WSSC acknowledged that this transition manhole in Piney Meetinghouse Road, and not within the Palatine subdivision itself, was designed to be sealed to eliminate predictable odors, and that WSSC personnel broke the seal, thereby causing an odor problem. WSSC has subsequently resealed the transition manhole, correcting their error and thereby solving this problem. Furthermore, the gravity sewer outfall was designed to WSSC criteria and, at the direction of the County to be limited access; i.e., specifically, it was designed not to serve the properties along Piney Meetinghouse Road. After the line was constructed as designed and accepted into the WSSC system, the County revised its policy and permitted houses to connect to this gravity outfall. This resulted in odor problems in these houses. WSSC has subsequently eliminated this problem by incorporating a design change at the sewer house connections for these houses.

We also briefly discussed adding house connections to the Palatine system. Mr. Fricke indicated that from an engineering and practical standpoint (versus a political approach), the additional units will not impact the odor issue at all or the performance of the system to any significant degree as long as there is capacity within the system. We

Mr. Arthur Holmes, Chairman, and Members  
September 5, 2001  
Page 3

discussed that the Myers centrifugal pumps used at the Palatine create the flexibility to add additional houses. Accordingly, Craig Fricke was very clear that pressure sewer grinder pump systems are here to stay, that they are reliable, and that they are extensively utilized elsewhere in the country." (Excerpts from Greenhorne & O'Mara memo to applicant dated August 22, 2001, a copy of which is in the record).

Thus, it is clear that the Sutton property request would not cause odor problems.

3) Furthermore, Greenhorne & O'Mara advises my clients that, in fact, there is sufficient hydraulic capacity in the Palatine system to handle the flows from the proposed residential units, and that their computer simulations will be submitted to the WSSC verifying that sufficient capacity exist. We further agree with WSSC's Mr. Dixon's position stated in his memo to Mr. Murray dated August 29, 2001 regarding the Greenbriar Preserve and Estates of Greenbriar Preserve, and believe that the Sutton property should be recommended for approval subject to the same standard, as follows:

The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the WSSC's Engineering and Construction Teams.

In other words, providing sewer service to the Sutton property is very technically feasible, logical and economical. The applicant, of course, has no objection to the continuation of the RE-2 zone category.

The second point that we wish to bring to your attention is that to remove the Palatine system from the sewer envelope, we very strongly suggest, such action would set a wrong and dangerous precedent in that the Palatine sewer system is installed and accepted as part of the WSSC System. However, several homes have not yet been constructed in the Palatine. To remove the Palatine from the sewer envelope could have long-term serious impacts on owners of lots who have not yet commenced construction of their homes by precluding them from hooking up to the WSSC system, and on the existing homes and the property values of those homes, as they would become a legal non-conforming use and if for any reason service was discontinued, service might not be renewable.

More importantly, it is clear that the proposal to remove the Palatine from the sewer service system simply serves as a way to justify and implement staff's desire to support a position factually that there should not be proliferation of sewer service in this neighborhood, by first

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LINOWES AND BLOCHER

Mr. Arthur Holmes, Chairman, and Members  
September 5, 2001  
Page 4

taking the Palatine out of the system and then saying that there is no adjacent policy serviceable area from which sewer to adjacent properties can be extended.

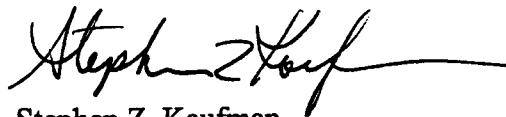
The Palatine was always intended to receive sewer service in accordance with the 1980 Potomac Master Plan. The only issue in the 1980 Master Plan for Phase 4 of development was whether it was economical and logical to extend service to the property. The engineering issue related only to the method by which it would be served, either by a force main to a pump station that was removed by a subsequent amendment to the water and sewer service Master Plan or by the present system. Staff's comment that "It [Palatine] therefore exists as a leftover from a change in policy within the Sandy and Greenbriar Branch watersheds," is incorrect. Revisionist history is not the way to proceed with an orderly and comprehensive Master Plan.

Accordingly, the Sutton property is unique in that it is essentially the only property that would be served by a small extension of the Palatine system, which is very technically feasible, and approval of this request for sewer service will not result in a proliferation of such requests from adjoining properties. This request of the applicant is seeking to finish this neighborhood, which was appropriately included in the sewer system. To deny this property and to further exacerbate the problem by removing the Palatine itself from the sewer policy system is inappropriate. It is not accurate with regard to the facts that have occurred in the past, and it would be just wrong to do so.

Thank you for your consideration of these comments. Please include this in the record of these proceedings.

Very truly yours,

LINOWES AND BLOCHER LLP



Stephen Z. Kaufman

cc: Mr. Callum Murray

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<b>Subject:</b> RE: Fwd[2]:Action Items from last TAG Meeting <b>Date:</b> 8/30/2001 8:57:09 AM Eastern Daylight Time <b>From:</b> JRETTERRER@G-and-O.com (RETTERRER, Jeff) <b>To:</b> RHillerson@aol.com ('RHillerson@aol.com')
---

Bob,  
 I am up and running.  
 When meeting with Callum this morning I would suggest that the Ken Dixon's language in his second to last paragraph apply to any and all developments.  
 "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the staff in the WSSC's Engineering and Construction Team." For them to stated that a system does not meet their standards this early in the review of a system does not allow for the full analysis, modifications and/or tweaking to get the system to perform.  
 I am sure that the two other properties have been through numerous analysis in-house prior to going to WSSC to start their review processes.  
 To come out and deem a system addition to Palatine as unfeasible, seems premature and predetermined.  
 Jeff

-----Original Message-----  
**From:** RHillerson@aol.com [mailto:RHillerson@aol.com]  
**Sent:** Wednesday, August 29, 2001 5:10 PM  
**To:** jretterer@g-and-o.com  
**Subject:** Fwd: Fwd[2]:Action Items from last TAG Meeting

-----Headers-----  
 Return-Path: <JRETTERRER@G-and-O.com>  
 Received: from rly-yg01.mx.aol.com (rly-yg01.mail.aol.com [172.18.147.1]) by air-yg01.mail.aol.com (v80.17) with ESMTP id MALLINYG17-0830085709; Thu, 30 Aug 2001 08:57:09 -0400  
 Received: from gomail.G-and-O.com (63.119.167.199) by rly-yg01.mx.aol.com (v80.17) with ESMTP id MAILRELAYINYG12-0830085319; Thu, 30 Aug 2001 08:53:19 -0400  
 Received: by GOMAIL with Internet Mail Service (5.5.2653.19)

## Greenhorne & O'Mara, Inc.

### Memo

**To:** Bob Hillerson  
**From:** Jeff Retterer  
**Date:** 08/30/01  
**Re:** Pressure Sewer Memo Regarding the Palatine Subdivision in Montgomery, County

---

The attached memorandum was to be forwarded to Craig Fricke; WSSC Planning Group Leader based upon the discussion we had at our meeting on August 22, 2001. The purpose of giving Mr. Fricke a chance to review the memo was to make sure that I had restated correctly the information that we exchanged in our discussion held the week before. I have tried several times to contact Mr. Fricke since that meeting and have not been able to reach him. He is out of the office and will not return until September 4.

Because time is of the essence, I am forwarding you and the others listed, this memo with the understanding that it has not been review by the other party for confirmation. I will continue to try to reach him and seek his review of this document.

Aug 22 01 03:37a Greenhome & O'Mara, Inc. (301) 774-8181 P. 2

# Greenhome & O'Mara, Inc.

## Memo

Date: August 22, 2001

To: Bob Hillerson  
David Weiss  
Ed Lisee  
Steve Kaufman, Esq.

From: Jeff Retterer

Subject: Craig Fricke call by Jeff Retterer  
Re: Palatine Pressure Sewer Grinder Pump System

This memo is to advise you of the information exchanged with Craig Fricke, WSSC Planning Group Leader, in my phone conversation of Wednesday, August 15, 2001.

My call to Mr. Fricke was made after you contacted me regarding the Master Plan Public Work Session for the Potomac Region attended by Mr. Hillerson. At that meeting on Thursday, June 21, 2001, Mr. Hillerson reported to me that a substantial amount of information regarding pressure sewer grinder pump systems was presented to the Planning Commission, which you believed was erroneous, and which could lead the Planning Commission and others to incorrectly conclude that pressure sewer grinder pump systems are not a viable means of moving sewer effluent through the WSSC system. I was asked by you to meet with Craig Fricke and to determine exactly what problems the Palatine system was experiencing, if any, and to provide any technical assistance and information necessary to correct any misunderstandings.

On Wednesday, August 15, 2001 at 10:00 a.m., Craig Fricke returned my call to discuss the above. We talked for nearly an hour about the reliability and the practicality of the utilization of pressure sewer systems within the WSSC service area, and any problems that WSSC has encountered with this type of system.

One issue discussed dealt with the reliability of the Palatine system. Craig Fricke performed the original review of the Palatine system in the early 1990's and is cognizant that it actually consists of three (3) onsite systems, and two (2) pressure outfalls, and one (1) gravity outfall. He confirmed that the system is designed with Myers Pumps and that all of the Palatine systems are operating at a very acceptable level of reliability.

A second issue discussed dealt with odor problems resulting from pressure sewer grinder pump systems. Mr. Fricke stated that within the onsite Palatine system itself there are no odor problems. However, odor problems were encountered at the transition manhole along Piney



Meetinghouse Road where the pressure sewer outfall discharges into a gravity sewer outfall, and in houses connected to this gravity sewer outfall within 500 feet of this transition manhole. WSSC acknowledged that the transition manhole was designed to be sealed to eliminate predictable odors, and that WSSC personnel broke the seal, thereby causing this problem. WSSC has subsequently resealed the transition manhole, correcting their error and thereby solving this problem. Furthermore, the gravity sewer outfall was designed to WSSC criteria and, at the direction of the County to be limited access; i.e. specifically, it was designed not to serve the properties along Piney Meetinghouse Road. After the line was constructed as designed and accepted into the WSSC system, the County revised its policy and permitted houses to connect to this gravity outfall. This resulted in odor problems in these houses. WSSC has subsequently eliminated this problem by incorporating a design change at the sewer house connections for these houses.

We also briefly discussed adding house connections to the Palatine system. Mr. Fricke indicated that from an engineering and practical standpoint (versus a political approach), the additional units will not impact the odor issue at all or the performance of the system to any significant degree as long as there is capacity within the system. We discussed that the Myers centrifugal pumps used at the Palatine create the flexibility to add additional houses. In contrast, with the Enviro I System, you are locked into the number of operating units that the system is designed to initially accommodate.

All other issues discussed related to pressure sewer grinder pump systems in general. One such issue related to detention times of the sewer effluent within pressure sewer systems. WSSC has determined that more than three (3) hours of detention time is unacceptable because it allows anaerobic action (the formation of sulfuric acid and methane gas in the pressure sewer lines). The detention time is design related, so WSSC is fine-tuning its computer model design criteria.

Mr. Fricke clarified that the pressure sewer information transmitted to the Staff of the Park and Planning Commission was intended to relate specifically to the Greenbriar Preserve and the Estates of Greenbriar Preserve properties, where WSSC design criteria had, at that time, not been met. He indicated that he would fax a document to me regarding the Greenbriar Preserve and the grinder pumps assessment that was completed on July 31, 2001, a copy of which is attached hereto. This is a clarification of information disseminated at the prior hearing and a June 19<sup>th</sup> memorandum responding to an inquiry to that system.

Accordingly, Craig Fricke was very clear that pressure sewer grinder pump systems are here to stay, that they are reliable, and that they are extensively utilized elsewhere in the Country. We discussed environmental advantages to the pressure sewer grinder pump system, including, no seepage of sewage into the ground or infiltration of water into the system, the reduced amount of tree clearing necessitated by this system versus the gravity system, but most significantly the fact that the need to construct outfalls in the stream valleys is eliminated, thereby avoiding clear cutting of trees in the stream valleys, and the wicking affect created by the gravel beds on which the outfalls are layed (which alters the geohydrology of the stream valley). WSSC is becoming more experienced with pressure sewer grinder pump systems, and fine tuning their operation and maintenance criteria. He feels that the residential units are not the source of WSSC's concern; rather it is commercial applications that are causing WSSC's problems. Attempting to make effluent predictions by creating a model of a system with no

reliable data relating to actual use has altered WSSC's opinion as to the viability of using a grinder pressure system for commercial use; e.g. will this commercial building contain a furniture store or a restaurant, an administrative office or a doctor's office, all of which uses generate widely different amounts of effluent. Mr. Fricke indicated that approvals of the pressure system for commercial uses will be very limited, and will require very strict adherence to WSSC criteria. An example of this problem is an Enviro I system on Lindberg Drive in the Montgomery Airpark just east of Maryland Route 124, and south of Airpark Road.

I was further advised that the WSSC is forming a study group to better refine it's criteria. I invited myself to participate in the study group because of my experience designing pressure sewer grinder pump systems, including several small systems, as well as three large subdivisions in Montgomery County: the Lake Potomac grinder pressure system, which is an Enviro I System, with 23 houses connected, the Willows in Darnestown which is an Enviro I pressure sewer system that includes 131 houses, and the Palatine that has 133 houses on a Myers based pressure sewer system. Mr. Fricke indicated that experience has demonstrated that the Myers centrifugal pump system is more reliable then the Enviro I System in housing applications throughout the County.

Mr. Fricke concluded by saying that he and his group are meeting at the Department of Environmental Protection to explain to Allen Soukup and David Lake the particulars of the pressure sewer grinder pump systems and that they are compatible with the rest of the WSSC system as long as the WSSC design criteria is adhered to.

I asked Mr. Fricke if he would keep me apprised and if I could check in with him on a monthly basis to see how things were moving along with the various study groups and he had no problem with that.



# WASHINGTON SUBURBAN SANITARY COMMISSION

14501 Sweitzer Lane -- Laurel, Maryland 20707-5902

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Martin B. Brown, Vice Chair  
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John R. Griffin

DEPUTY GENERAL MANAGER  
P. Michael Erico

TO: DISTRIBUTION  
FROM: KENNETH DIXON, PLANNING UNIT COORDINATOR *Ked*  
PLANNING GROUP  
DATE: JULY 31, 2001  
RE: STUDY OF SEWER SERVICE PROPOSAL FOR THE GREENBRIAR PRESERVE AND  
ESTATES OF GREENBRIAR PRESERVE PROPERTIES

This memorandum serves as the WSSC's response to your request to review the sewer service option proposed for the Greenbriar Preserve and The Estates of Greenbriar Preserve properties on June 19, 2001. We have reviewed the sewer service proposal in concept for a small, pressurized, grinder pump system.

Prior to discussion of the analysis, we should note that due to the nature of the very preliminary proposal for these properties, the analysis performed is based on the plan given to WSSC. Also, due to the preliminary layout, and the dependency of the system hydraulics on the layout, it is difficult for us to come up with a firm recommendation or conclusion at this time.

Currently, system hydraulics and potential for odors in the changeover from the pressurized system to a receiving gravity system downstream are two issues of concern to WSSC in the design of a grinder pump system. In the analysis, the proposed development, as originally submitted to WSSC, was divided into two separate systems. The first group has 39 homes, herein referred to as "System 1." The second group with 16 homes is referred to as "System 2." System 1 can be served by connecting to an existing manhole on a 10-inch gravity sewer along Pincey Meetinghouse Road. System 2 can be served by connecting to an existing manhole on a 12-inch sewer along Great Elm Drive.

System 1 is hydraulically feasible. However, there are a few homes (lots 5 and 6 in the original submission) at the lower ground elevations that will experience higher hydraulic heads. It is recommended that during system design, the total head for these homes be minimized as much as possible. The detention time for this system is slightly higher than that desired (about 2 hours) by WSSC. If these properties are approved for development, WSSC and the project engineers would work to minimize odors in the design of this system, however, it is unknown if the system, once in place, will add to the existing odor problems present in the area.

08/15/2001

13:50

PROJECT DELIVERY GROUP → 93014448181

**DISTRIBUTION**  
**STUDY OF SEWER SERVICE PROPOSAL FOR THE GREENBRIAR PRESERVE PROPERTY**  
**JULY 31, 2001**  
**PAGE 2**

Similarly, system 2 is hydraulically feasible. One home (lot 16, as originally submitted on the plan) is projected to experience a higher hydraulic head. Projected detention times for this system are also greater than that desired by WSSC. Therefore, we must point out that odor problems have a potential to occur near or in existing homes along the 12" gravity sewer in Great Elm Drive.

There are measures that could address the odor potential including: more intensive clustering of units; construction of a new, separate outfall down Great Elm Drive; reconfiguration of the system which may require additional crossings of conservation areas. The project engineers have recently met with us on two occasions and reconfigured some of the proposed lots on the properties. This reconfiguration, with an increase of the total number of lots for the development, has resulted in a reduction of the detention time in System 2, however, that time is still slightly above 2 hours. While the measures described above may help, a full evaluation of the feasibility and impacts was beyond the scope of our review.

We would be happy to work with M-NCP&PC and the representatives of this proposed development with any further analysis or study of the properties. If you have any questions or need clarifications, do not hesitate to contact me by phone at 301-206-8809, or e-mail me at kdixon@wsscwater.com. Thank you for the opportunity to participate and comment.

KCD/kcd

DISTRIBUTION

Mary Dolan, Environmental Planning Coordinator, M-NCP&PC  
Nazir Baig, Environmental Planning Coordinator, M-NCP&PC  
Kathryn Nelson, Community-Based Planning, M-NCP&PC  
Alan Soukup, Environmental Planner, Montgomery County Department of Environmental Protection

CC: Craig Fricke, Planning Group Leader  
Sherry Djourahari, Planning Group  
Bob Buglass, Environmental Group  
Mike Porter, Customer Care North Group Leader  
David Shen, Systems Infrastructure Group  
David Little, Principal Partner, Gutschick, Little & Weber

Plng Group File No. SB-16

## **TOPIC J : JOHNSON PROPERTY**

### **STAFF RECOMMENDATION:**

Retain the existing zoning of RE-2 with no community sewer service. Correct a zoning anomaly (i.e., the split zoning) that exists on the site by rezoning the R-200\TDR-3 portion (approximately 10%) of the property to RE-2.

### **PUBLIC HEARING DRAFT RECOMMENDATION:**

This property was not specifically discussed in the Public Hearing Draft. However, the Plan recommends confirming the existing zoning for the site. Most of the property is zoned RE-2 and a small portion (approximately 10% of the total site) is zoned R-200/TDR-3.

### **SUMMARY OF TESTIMONY:**

Mr. Bob Harris, an attorney with Holland and Knight, represented the property owner at the public hearing. The owner currently has a special exception for a landscape business on one parcel while other businesses operate on adjacent parcels. The owner wishes to redevelop the property for residential purposes, similar to developments to the east and north. The owner requests a change in zoning from RE-2 to either R-200 or RE-2/TDR-2 with community sewer service. Mr. Harris testified that rezoning this property would substantially upgrade the area, enable assemblage of unrecorded parcels, and eliminate commercial special exceptions and nonconforming uses in the area.

### **DISCUSSION AND CONCLUSION:**

This 13.8-acre site is located on Travilah Road near the dividing line between the North Potomac and Travilah communities. The "Johnson property" is actually two parcels: a 3.45-acre rectangular property and a 10.38-acre irregularly shaped parcel. Both parcels have access to Travilah Road. In the center of the two U-shaped Johnson parcels are five other parcels owned by three different groups.

The Johnson property has existing community water and each of the two parcels is approved for sewer service for a single hook-up. The property is adjacent to the proposed sewer service boundary, but is not included within the proposed sewer envelope. Sewer service was approved under the abutting mains policy, not general sewer service policies, and the site was therefore not considered as part of the proposed sewer envelope. Much of the site is currently used for business operations that are allowed by several special exceptions. The site contains several buildings, large dump trucks, large gravel surfaces, trailers, storage containers, as well as abandoned vehicles, tires, and old equipment.

Staff agrees with the owner's attorney that residential land use would be more compatible with the surrounding area than the current uses. While residential development is encouraged, increasing the density is not recommended.

Increasing the zoning density for this site would be contrary to several of the stated policies in the Public Hearing Draft Potomac Subregion Master Plan. For example, the County's water and sewer policies generally allow the provision of sewer service only to those areas zoned for moderate to high density development. (Page 20) The Plan establishes a policy that generally recommends against the provision of community sewer service to low -density areas, such as those with RE-2 zoning. (Page 21)

A primary reason for containing the proposed sewer envelope as delineated in this area was to avoid increasing dependence on individual pump/pressure systems without some truly tangible benefit in return. Increasing development density on the Johnson property would require public sewer service. Public sewer in this area cannot be served by gravity systems because the pump-over to Muddy Branch (Sandy Br. WWPS) is located well upstream of this site. Substantial new sewer service areas dependent on individual pump systems should not be encouraged unless it's the only way of achieving some overriding development goal. And then only in cases where WSSC acknowledges that it can be accomplished in a manner consistent with their policy requirements.

Staff does not recommend that community sewer service be extended outside of the proposed sewer envelope. While the Plan does support limited approvals for sewer service along its currently established edge, the focus of any such limited service is on properties that can be served by sewer extensions within public rights-of-way and in an economical and environmentally sensitive way. The shape of the site in relation to the existing gravity mains makes it difficult to serve the property using a pressure system. In addition, the Plan states that main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. This site contains a stream that currently does not have a protected buffer area.

**BOARD RECOMMENDATION:**

# Johnson Property



## **K** **TOPIC J: SPECIAL EXCEPTIONS**

### **STAFF RECOMMENDATION**

- **Limit impacts of existing special exceptions in established neighborhoods.**
- **Increase the scrutiny in reviewing special exception applications for highly visible sites, such as properties and parcels located at corners of residential streets with major arterial highways, and residentially zoned properties adjacent to non-residential zones.**

Highly visible sites have a large role in influencing the character of the neighborhood. The visibility of parking areas, size of signs, and lighting should be minimized. The use of a residential architecture style for modifications is also encouraged.

- **Maintain a residential appearance where feasible.**
- **Evaluate special exception uses in residentially zoned areas and along major highways to minimize:**
  1. Non-residential appearance
  2. Size and number of signs
  3. Visibility and amount of parking
  4. Traffic generation
  5. Intrusive lighting
  6. Adequate landscaping

Residentially zoned areas adjacent to commercial zoning and at the entrances to neighborhoods are of particular concern given the Plan's guidance to limit the expansion of commercial zoning into surrounding residential areas. In addition to visual character, the impacts of parking and commercial appearance, and increased vehicular turning movements may also be problematic along major highways.

- **Consider the impact on surrounding residences of size and placement of signs, intensity of lighting, amount of parking, landscaping, and other physical features.**
- **Avoid the placement of parking, loading, and other service areas in the front yard to maintain the residential appearance of properties.**



## **PUBLIC HEARING DRAFT RECOMMENDATION:**

- Avoid an excessive concentration of special exceptions along major transportation corridors.
- Protect the Chesapeake and Ohio National Historical Park, major transportation corridors and residential communities from incompatible design of special exception uses.
- Reexamine the telecommunication facilities approval process to address the following issues:
  - Co-location requirements and the maximum height of monopoles (up to 180 feet) in rural residential areas where they are the most visually intrusive.
  - The lack of guidelines regarding appropriate height, setbacks, and alternative sites in residential neighborhoods.
  - The lack of definition or information regarding appropriate levels of cell phone service.

## **SUMMARY OF TESTIMONY:**

The citizen and civic testimony on special exceptions identified cell towers and private educational institutions as incompatible with the residential character of the Potomac area. Some testimony stated that special exceptions are overly concentrated in the Potomac area and no future special exceptions should be approved in this area. Support was strong for the master plan recommendations of avoiding concentrations on major roadways and protecting the Chesapeake and Ohio National Historical Park and residential communities from the incompatible design of special exception uses.

## **DISCUSSION AND CONCLUSION:**

The Zoning Ordinance identifies certain land uses in each zone that require a special exception. Special exceptions have been deemed legislatively acceptable by the County Council in specific zones throughout the county. These special exception uses must meet specific standards, requirements, and general conditions contained in the Zoning Ordinance. The Board of Appeals has primary responsibility for reviewing and approving special exception petitions.

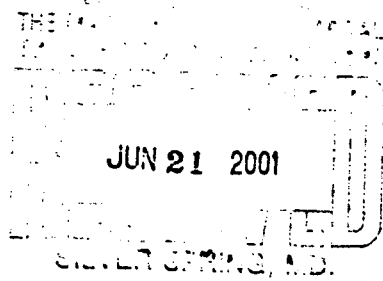
A special exception application must be approved unless the Board of Appeals finds the proposed use does not satisfy the special exception criteria or the

Zoning Ordinance's general conditions. Approval requires a finding that there is not an increase in the number, intensity, or scope of special exception uses sufficient to affect the area adversely or alter its predominantly residential nature and that the use is consistent with Master Plan recommendations. This Plan outlines the recommendations to be considered in the review and analysis of special exception applications.

**BOARD RECOMMENDATION:**

TOPIC 2

Park Acquisition  
Gokturk Property



Mr. Arthur Holmes  
Acting Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

June 15, 2001

Re: Gokturk Woods Subdivision on Berryville Road  
Public Parkland Proposal

Dear Mr. Holmes:

We, the undersigned members of Seneca Community Church and members of the community of Seneca, Maryland, propose that the Gokturk Woods Subdivision be the location of a new Seneca community park.

We are concerned about the impact that the proposed subdivision development will have on our historic community and our rustic road, Berryville Road. Seneca grew up around C&O Canal commerce and farming in the early 1800's and retains many of its historic features. Many of the members of our community are descendants of Seneca's founders and those who worked hard to build early Washington, D.C.

The historic Seneca Community Church, adjacent to this property, remains intact. Although many of the children who grew up in Seneca have moved away, the community remains a vibrant one, with the "children" frequently returning to attend church and to visit relatives and friends. Anyone who attends regular Sunday services or the yearly "Homecomings" will attest to this.

Unfortunately, this historic and important setting is about to be irreparably harmed. Three large homes with six bedrooms apiece are planned for the three acre Gokturk Woods Subdivision.

Each of the three lots of this proposed subdivision is small for its planned development. Three 6-bedroom homes and their necessary septic fields and side-buildings would result in the deforestation of most of the 3.82 acres of Gokturk Woods. Some of the trees at this location are among the grandest in the area, including a 64 foot red oak, a 72 foot tulip poplar, a 30 foot white oak, a 38 foot mock hickory and a 24 foot black cherry.

We have long had a need for a community park for our neighborhood. Tobytown, which is a similar community to ours, has long had a small county park.

We propose that the Gokturk Woods Subdivision be set aside

in large part as wooded parkland to preserve the essential nature of the heart of the original Seneca community. Furthermore, we propose that this property be the location of a memorial to the African Americans who were an integral part of historic Seneca. A simple but poignant memorial might feature pictures of past inhabitants, maps, and artifacts. It might be used to educate the public about life in the community and about the inhabitants and their contributions to Montgomery County.

Mr. Douglas Jimerson is currently negotiating with the contract owner of the property regarding purchase of the property. Lot 3 might be suited for development, but tiny Lots 1 and 2, (each approximately one acre in size), at the front of the subdivision, should be allocated as public parkland.

We propose that this plan for Seneca community parkland be incorporated into the Potomac Master Plan.

Very truly yours,

cc: Callum Murray  
Bruce Deppa, DCA

We, the undersigned, propose that the Gokturk Woods Subdivision in the community of Seneca, Maryland, be allocated as public parkland, and that this park be incorporated into the Potomac Master Plan.

Name	Address	Signature
Gladys R Clippes	14044 Berryville Rd	Gladys R Clippes
Maurice Clippes	13203 H. Astoria Hill Ct Germantown	Maurice Clippes
REV. EDWARD CLIPPEL	19727 CRYSTAL ROCK #12 GERMAN TOWN MD.	Ed Clippes
Carlton Jackson	14010 Berryville Rd Germantown Md.	Carlton Jackson
Arthur M. Johnson	14040 Berryville Rd Germantown Md 20874	Arthur M. Johnson
Barbara Jackson	14030 Berryville Rd Germantown Md 20874	Barbara Jackson
Shirley C. Shields	13901 Berryville Rd Germantown Md	Shirley C. Shields
Sally TYDES-MBOYE	13910 Berryville Germantown	Sally Tydes-Mboye
ZAVON BOUNCE	13867 Jackson Road Germantown Md	Zavon Bounce
Allen Driver	20007 Manor View Ln Catonsville Md 21038	Allen Driver
Hellie Holder	4910 91st Ave Hyattsville Md 20784	Hellie Holder
Stephanie Davidson	11666 Southern Light Ln Gaithersburg Md 20878	Stephanie David
Phyllis H Jones	11308 Lambly Rd Gaith MD 20878	Phyllis H Jones
Curtis & Doris Cooper	13007 Robins Nest Terrace Germantown, MD 20874	Curtis & Doris Coopers

We, the undersigned, propose that the Gokturk Woods Subdivision in the community of Seneca, Maryland, be allocated as public parkland, and that this park be incorporated into the Potomac Master Plan.

Name	Address	Signature
HELEN T. MOORE	17126 Avenida Rd Gaithersburg, MD 20878	H. Moore
Douglas Jimerson	14001 Berryville Rd, Seneca, MD 20874	Douglas Jimerson
Lauren Jimerson	14001 Berryville Rd. Seneca, MD 20874	Lauren Jimerson
Ellen Jimerson	14001 Berryville Rd Crummstown md 20874	Ellen
Colbert Heil	13915 Berryville Rd Germantown, Md 20870	Colbert Heil
NANCY HEIL	13915 Berryville Rd Germantown, Md 20874	Nancy Heil
Paul B. Conner	13720 Berryville Road Germantown md 20874	Paul B. Conner

We, the undersigned, propose that the Gokturk Woods Subdivision in the community of Seneca, Maryland, be allocated as public parkland, and that this park be incorporated into the Potomac Master Plan.

Name	Address	Signature
Alfred M. Clapp	14050 Berryville Rd	Alfred Clapp
Norman Harris	14230 Seminal Rd Leesburg, MD 20871	Norman Harris
Paul Johnson Paul Johnson	7220 Barcellona Dr Gaithersburg MD 20879	Paul Johnson
Elizabeth Eubly	12023 Eubly St Wheaton, Md	Elizabeth Eubly
Tiffany Medina	18945 Ebbotde Cir Germantown, MD	Tiffany Medina
TERRANCE DEWAL	1512017 Eyles West Ct. Germantown MD 20874	Terrance Dewal
Emelda Smith	20813 Burnt Wals Dr. Germantown, Md 20874	Emelda Smith
Robert G. Driver	12904 POPPY SEED CT. GERMANTOWN, MD 20874	Robert G. Driver
Carolyn M. Davenport	P.O. Box 1772 Germantown Md 20875	Carolyn M. Davenport
Gloria Freeman	18631 Tarragon Way Germantown, MD 20874	Gloria Freeman
Martine Martin	11232 Valley Bend Dr Germantown, Md	Martine Martin
Patricia Roberts	12421 Hickory Tree Wy Germantown, Md. 20874	Patricia M. Roberts
Carolyn Henderson	14532 High Meadow Way N. Potomac, MD 20878	Carolyn Henderson
Nicholas P. Brand	15220 Springfield Daynestown, MD 20874	N. P. Brand





# TOPICS - M, N, O

## Reconsideration Requests

- Giancola Quarry - N
- Stoneyhurst Quarry - M
- Tri-State Quarry - O

LYNOTT AND LYNOTT, P.A.

ATTORNEYS AT LAW

51 MONROE STREET

SUITE 701

ROCKVILLE, MARYLAND 20850-2477

JOSEPH A. LYNOTT  
JOSEPH A. LYNOTT, III

(301) 424-5100  
FAX (301) 279-0346  
lynottlaw@aol.com

September 7, 2001

**VIA FACSIMILE (301) 495-1304**

Mr. Callum Murray  
Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Proposed Potomac Master Plan  
Stoneyhurst Quarry Property, River Road

Dear Callum:

Earlier this week, Bill Rickman, Jr., Peter Chick (Mr. Rickman's architect) and I had an opportunity to meet with Mr. Carl Koenig and Ambassador Sandy Vogelgesang, representatives of the West Bradley Citizens Association. The purpose of the meeting was to discuss the draft Master Plan as it relates to the proposed use of Stoneyhurst Quarry and to address the concerns of the Association with the recommended uses.

At the meeting, Mr. Rickman presented his proposal for development, as recommended in the draft Master Plan. His proposal envisioned one building in the shape of a "y" with the east and west wings facing River Road. The height of the building would be stepped back from River Road, increasing from one story at the end of the wings, to eventually six stories at the rear of the site. This stepped back process would mirror the profile of the quarry wall to the north and the building roof line would be below the top of the quarry walls. This configuration would not only reduce the footprint of the building and increase green space, but also maximize the vistas to the surrounding rock formation. He planned to have the commercial area located on the first floor of the two wings, with condominium apartments above and in the center of the building.

The Association representatives stated that they opposed any commercial use of the property and suggested it could be used as a park or, if developed for residential purposes, the density should not exceed the actual density of the adjacent River Hill townhouses. Mr. Rickman then offered to delete the proposed commercial use and to have the building contain only apartments at the density suggested by the Association in its letter to the Board of June 29, 2001. The representatives of the Association stated they would discuss his offer with their members, but I believe their reaction was positive.

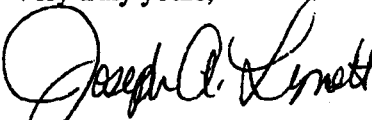
107

LYNOTT AND LYNOTT, P.A.

Mr. Callum Murray  
Maryland-National Capital  
Park & Planning Commission  
September 7, 2001  
Page 2 of 2

It was a very cordial meeting, and we look forward to working with the Association in our efforts to develop this property in a manner compatible with the community.

Very truly yours,



Joseph A. Lynott

JAL/bla

Cc: Carl S. Koenig  
Ambassador Sandy Vogelgesang

108

# WEST BRADLEY CITIZENS ASSOCIATION

9014 Charred Oak Drive  
Bethesda. MD 20817

June 29, 2001

Mr. Arthur Holmes, Acting Chair  
Montgomery County Planning Board  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring MD 20910

RECEIVED  
011071  
JUL 02 2001

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

Re: Request for Reconsideration  
Stoneyhurst Quarry Property  
(Proposed Potomac Master Plan)

Dear Mr. Holmes:

We greatly appreciated Mr. Callum Murray's detailed presentation and answering of questions, at our general membership meeting this month, on the commercial development and housing development envisioned in the proposed Potomac Master Plan for the Stoneyhurst Quarry property.

This property of 13.3 acres is located on the north side of River Road a little to the west of Seven Locks Road, between the RiverHill townhouse community and a portion of Cabin John Stream Valley Park (Unit 4); another portion of Cabin John S.V. Park (Unit 3) is across from the property on the south side of River Road.

At our meeting we discussed at length the compatibility, traffic and environmental impacts of commercial development at the site versus use of the property for housing or parkland. The Association then virtually unanimously (57-1) passed the following resolution:

The West Bradley Citizens Association goes on record as strongly opposing any commercial development or use (other than its "pre-existing use" as a quarry) at the Stoneyhurst Quarry property, and recommends that the property be used for parkland and/or approved for housing, such as elderly housing, at a reasonable density.

We urge you to reconsider the proposed mixed use development at this site for the following 4 reasons.

1. Commercial development at this site would be in conflict with county traffic needs, community compatibility, previous zoning decisions concerning this neighborhood, and a policy of avoiding environmental degradation.

(contd.)

108

First, River Road to the west of the beltway is already saturated with traffic. It is a primary route to Potomac and points west, and can be backed-up during rush hour. The last thing that is needed is a commercial center at the choke point with a lot more cars entering and exiting during rush hour, particularly if there is retail there which commuters use for a quick stop.

Without a "techway", high traffic commercial uses should be discouraged at this site. If there should ever be a "techway", even with a widened River Road, it would result in so much additional traffic that high traffic commercial uses there should be discouraged at this site. Either way, the traffic impacts would be horrendous.

Second, commercial facilities (whether retail, institutional, or office) are not compatible with what is now a residential area in all directions (except for pre-existing quarries which were grandfathered into the 1959 Master Plan). Especially considering the location's proximity to the beltway, commercial development once started would likely grow in size and scope in the future. We are very aware of the fact that the Cabin John Center at Seven Locks and Tuckerman Lane started out (in the 1959 Master Plan) as a 2 acre commercial zone with residential land around it (which through special exception could be used for parking).

Third, proposals to begin commercial development on what had been Johnny Stone's property on the northwest corner of Seven Locks and River Roads have been repeatedly denied. In the late 1960's it was denied by a Maryland Court of Appeals decision, based on compatibility and traffic concerns. In issuing the 1980 Potomac Master Plan, the Council rejected a proposal for 15 acres of commercial zoning. Instead the Council removed the 2 acre commercial zone previously on the master plan (since 1959) provided for 15 acres of townhouse zoning; that site is now the RiverHill townhouse community.

Fourth, any construction -- but especially construction of a commercial complex -- would contribute to significant environmental degradation of the Stoneyhurst site and the adjoining Cabin John trail area. We would be particularly concerned about increased air and particulant pollution from the added traffic, greater stress on the groundwater supply and toxic run-off into the already polluted Cabin John Creek and Potomac River watershed, and more environmentally unsound pressure on the adjacent section of the Cabin John hiking and biking trail. We are in the process of consulting with several concerned environmental organizations about such matters. We urge the County to undertake an extensive environmental impact study and risk assessment of any construction proposals, including (a) review of proposals for the required remediation of the environmental damage already caused by quarry operations and (b) evaluation of ways to improve (not exacerbate) the related environmental health of the adjoining Cabin John Park.

2. The community has a greater need for a park, which would be suitable at this site, than for another commercial mall.

There is no need for additional "local" mall of retail or restaurant facilities at this location. We in the West Bradley area and our neighbors in Carderock Springs are already amply served by nearby Montgomery Mall and Cabin John Mall to the north, Potomac Village if we should go west, MacArthur Plaza to the south, and Westwood Plaza to the east.

The unusual rock formations suggest, as noted by our neighbors in Carderock Springs, the potential for a unique garden dedicated to helping preserve endangered indigenous plant species, animals, and birds of Montgomery County. Those formations might also, of course, provide a splendid rock-climbing park. Such a diverse and imaginative recreational/garden area would provide a logical, much needed complement to the adjacent Cabin John hiking area maintained by the Potomac Appalachian Trail Club.

3. The county has a greater need for townhouses, especially elderly housing, than for another commercial mall.

Since the need for housing, particularly elderly housing, is not only accepted but a priority of the Planning Board, the Master Plan should allow only residential housing on a site like this and not trade housing for unneeded commercial development.

4. For compatibility with the neighborhood, the zoning density should not exceed 6 residential units per acre, with no commercial development.

The communities both north and south of the property are 1/2 acre lots in R-200 zones. The density at the Stoneyhurst site should not be greater than the actual 7.4 units/acre density of the existing RiverHill townhouses immediately to the east. At RT-6 zoning, with a 22% increase for MPDU's, 7.3 units/acre would be the maximum allowable for acreage not designated for parkland. However we support the staff recommendation for a density of 6 residential units including MPDU's, but without any commercial development.

Sincerely,



Carl S. Koenig, President  
Tel: 301-469-9189

cc.: Mr. Callum Murray  
Potomac Team Leader

Malcolm G. Stevenson  
President, Carderock Springs  
Citizens Association

110

# WEST BRADLEY CITIZENS ASSOCIATION

9014 Charred Oak Drive  
Bethesda. MD 20817

June 26, 2001

RECEIVED  
011072  
JUL 02 2001

Mr. Arthur Holmes, Acting Chair  
Montgomery County Planning Board  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring MD 20910

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

Re: Request for Reconsideration  
Giancola Quarry Property  
(Proposed Potomac Master Plan)

Dear Mr. Holmes:

We greatly appreciated Mr. Callum Murray's presentation and question answering, at our general membership meeting this month, on several issues in the proposed Potomac Master Plan of concern to us.

Afterwards, our discussion elicited great concern over the compatibility and entry/exit problems of the proposal for 39 townhouses at the Giancola Quarry site, on the northeast corner of River Road and Old Seven Locks Road. The Association then unanimously (58-0) passed the following resolution:

The West Bradley Citizens Association would support zoning for townhouses at the Giancola Quarry site if at a reasonable zoning density and provided that such development could include safe traffic ingress and egress.

We do not consider the zoning density to be reasonable for two reasons:

First, it is incompatible with the density of the immediately surrounding homes, which are on 1/2 to 1-1/2 acre lots, and the historic 1767 Stoneyhurst house. (The surrounding homes and the quarry are presently in an R200 zone.) In addition, the density of the proposed RT-200/TRD-8 on the 4.87 acre site is an actual 8 units/acre, which is greater than the actual 7.4 units/acre density of the existing RiverHill townhouses west of (new) Seven Locks Road.

(contd.)

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Second, since the State is unlikely to allow east/west ingress and egress in the short distance of River Road between the beltway and (new) Seven Locks Road, any homes built on the quarry site would have their access onto Old Seven Locks Road and from there onto (new) Seven Locks Road. However Old Seven Locks Road intersects (new) Seven Locks Road from the east, just north of where it widens for an extra southbound lane for left turns at River Road; it is difficult to make a right-turn exit onto (new) Seven Locks Road during rush hour and hair-raising to make a left-turn exit. Right now there are 10 homes on Old Seven Locks Road; developed under the existing R-200 zoning (2 units/acre) the quarry site would add 9 additional homes, and this is the zoning that all of the current users of Old Seven Locks Road would recommend.

These matters are discussed more fully in the attached letter by Dr. Alban Eger, who has lived in the 1767 Stoneyhurst house adjacent the Giancola Quarry for 47 years.

We do not adhere to a "leave it all for site plan review" philosophy. The Executive Board of the Association urges that the Master Plan provide for zoning of a maximum of 4 units/acre and specify that if traffic problems cannot be resolved at site plan review that development be held to the currently allowable level of 2 units/acre.

Sincerely,



Carl S. Koenig, President  
Tel: 301-469-9189

cc.: Mr. Callum Murray  
Potomac Team Leader

8314 Old Seven Locks Road  
Bethesda, MD 20817  
15 June 2001

To: Members of Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD

Re: Giancola Quarry Zoning  
Potomac Subregion Master Plan

Dear Members of the Planning Board:

My name is Alban Eger, resident of Montgomery County since 1954. I am the owner of the stone house, generally known as Stoneyhurst, in the Seven Locks Hills section. In 1767, the likely year of its construction, it was called "Samuel's Delight," and it has continued to be a delight in these 47 years that my family has lived there. After a two-year stay on a rental basis, we acquired the house and 1.1 acres of land in 1956. In 1960, a further purchase of 1.3 acres of land was accomplished. This increased the property to 2.4 acres and extended the parcel to River Road to the south. In 1962 and 1963, under the direction of the late Alston G. Gutterson, AIA, the interior of the house was completely gutted, and after 13 months, the house had been restored essentially to its 18th-century state. A frame section had been attached to the north of the stone structure to house a modern kitchen and other facilities.

In 1979, an important event was the creation of the county's Master Plan for Historic Preservation. The owner of a historic structure loses the right of making unilateral changes of such a building without official approval. Stoneyhurst was placed on the list of approved structures with my concurrence.

Please permit the detailing of this brief history, for it pertains to zoning and traffic.

In the mid-1960s, an unused parcel of land to the west of my house was investigated for development, after the 1959 Master Plan had approved the building of a local commercial shopping center on 3 acres of land along River Road. The builder thought he required additional parking space and his application had been approved by Judge Shure. The opposing citizens and their associations were against this development because of steadily increasing traffic and reports of accidents, including a fatal collision. On appeal, Judge Barnes, of the Maryland Court of Appeals in Annapolis, reviewed the case called "Alban Eger et al. versus John P. Stone et al." and reversed Judge Shure's decision, based on traffic and other problems. Commercial development was considered again in the development of the 1980 Potomac Master Plan, but the County Council decided instead on townhouses; the building of "Riverhill" followed, a community of 111 townhouses.

A direct vehicular access road to Seven Locks Road was specifically excluded to avoid traffic congestion.

Before the relocation of Seven Locks Road, completed in 1996, DOT reported the auto traffic on Seven Locks Road to have risen to about 15,000 vehicles. One has to see it to believe it: in the rush of afternoon vehicular traffic, the cars slowly edging toward Rockville are bumper-to-bumper as far as Tuckerman Lane. In present language, the Critical Lane Volume is 1529 (AM) at the River and Seven Locks intersection, higher than any other intersection of the Potomac subregion except for the Tuckerman and Seven Locks intersection, where it is 1695 (AM).

The owners of the Giancola Quarry have asked that the new Potomac Master Plan specify rezoning of 4.87 acres of their land to RT200/TDR-8 for construction of 39 townhouses. At present, the property is zoned R-200. In fact, the entire residential area between River Road and Bradley Boulevard, east of Seven Locks Road is zoned R-200 on half-acre lots. The present zoning would yield a total of 9 residential structures on half-acre lots on the Giancola property. The construction of sound barriers has been approved and will provide a shield against the noise of the adjacent Capital Beltway. As the sole adjacent property-owner, I am affected, and I strongly oppose the construction of 39 townhouses. Ingress and egress would become a major problem, since access to River Road would not be feasible, and access (by way of Old Seven Locks Road and Shawfield Drive) to Seven Locks Road would be difficult, for Seven Locks Road is already overcrowded. Each dwelling would generate about 2 autos, and, with service and guest vehicles, a total of at least 100 vehicles would be generated. The safety of Seven Locks Road would worsen with ingress and egress of another estimated 100 or more vehicles a day from Old Seven Locks Road.

Based on the county's Abandonment law, the Council approved the abandonment of a section of Old Seven Locks Road (Resolution 14-441) on February 9, 2000. PEPCO required a deed of easement. This deed was completed and recorded in the Circuit Court on May 25, 2001. The abandoned land is now divided between the quarry owners and myself. This land might increase the calculation of houses.

In summary, I oppose the granting of the Giancola request for rezoning.



Alban W. Eger, M.D.

WEST BRADLEY CITIZENS ASSOCIATION

9014 Charred Oak Drive  
Bethesda. MD 20817

June 27, 2001

RECEIVED  
01/07/01  
JUL 02 2001

Mr. Arthur Holmes, Acting Chair  
Montgomery County Planning Board  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring MD 20910

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

Re: Request for Reconsideration  
Tri-State Quarry Property  
(Proposed Potomac Master Plan)

Dear Mr. Holmes:

The West Bradley Citizens Association had no objection to the recommendations for this property as they appeared in the proposed Potomac Master Plan.

However, we are writing to you in response to the testimony of Stephen Kaufman, of Linowes and Blocher, the attorney representing Tri-State Quarry (as reported in the Potomac Almanac of 5-30-01). As reported, TriState Quarry disagrees "with the staff's recommendation to impose the special exception process as the method for legitimizing the existing uses of the property." The Potomac Almanac also reported that the planning staff now supports Tri-State's position.

The Executive Board of the West Bradley Citizen's Association objects to this change and supports the original recommendation.

We would point out that the quarry operations of Tri-State was grandfathered into the 1959 Master Plan as a pre-existing use in a R-200 residential zone. As such it was not authorized to expand the scope of its operations, and the land was supposed to revert to residential R-200 use when quarry use terminated.

It was very generous for the proposed Master Plan to allow legitimizing the current use (versus the pre-existing use as of 1959) at all. The special exception process, with notice to all parties and a public hearing, is the minimum safeguard needed to insure current compatibility with the surrounding residential properties and should be retained. This is precisely because, as Mr. Kaufman acknowledges in his reported testimony, "the special exception process ... places the burden on the proposed use to demonstrate conformance with a rigorous set of standards to be deemed compatible within an existing neighborhood."

If the original recommendation of the Proposed Master Plan is not kept, then it is our view that the Master Plan should make no recommendations or changes with regard this property, and that the Department of Environmental Protection should enforce the zoning code and insure that the operations are scaled back to conform with the scope of the use as it existed in 1959.

Sincerely,



Carl S. Koenig, President  
Tel: 301-469-9189

cc.: Mr. Callum Murray  
Potomac Team Leader