

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION  
Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

MCPB  
03/10/2005  
Item #9

March 7, 2005

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief  
County Wide Planning Division

FROM: Katherine Nelson, Planner Coordinator  
Countywide Planning Division  
(301) 495-4549

Judy Daniel, Team Leader  
Community-Based Planning Division  
(301) 495-4559

SUBJECT: Water and Sewer Service Area Category Change Request  
Barmakian/Toll Brothers/Natelli Property (04A-LSN-01)

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**RECOMMENDATION:** Reaffirm Planning Board Decision of 12/2/04 to Deny the requested sewer and water category change.

**BACKGROUND**

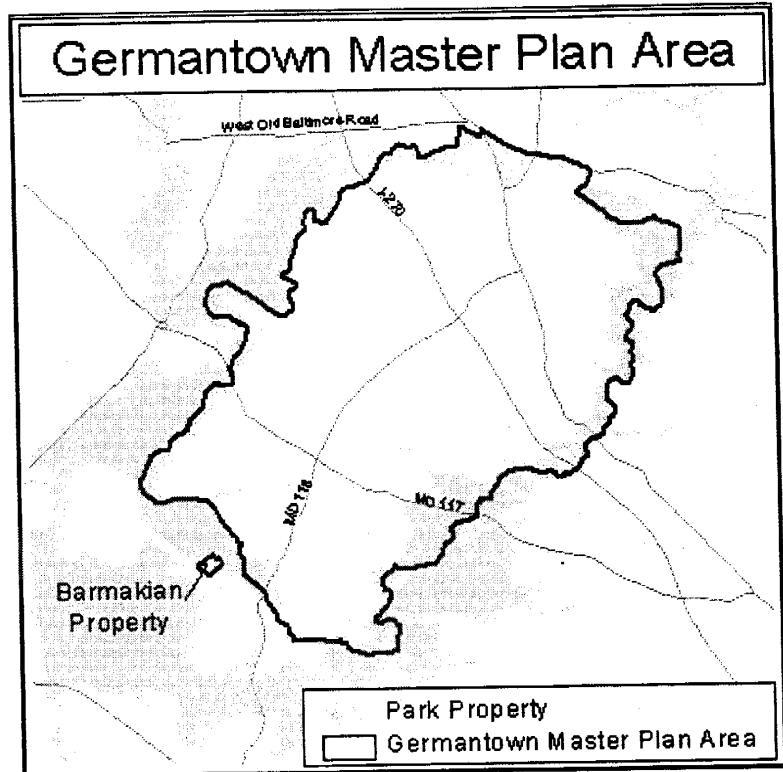
On December 2, 2004 the Planning Board reviewed this request and in agreement with the recommendations of the County Executive staff, voted for denial. The T&E Committee carried this recommendation forward to the County Council. On December 14, 2004, based on communication from the contract purchaser of the property, the Council requested more information from the Planning Board on this particular case.

They requested clarification on several points:

1. Is this site in the Agriculture and Rural Area Master Plan area? Should this site be located in the Germantown Master Plan area due to changes in the neighborhood?
2. Why was this property zoned R-200 if there was no intention to provide community sewer service to this site?
3. Are there septic failures in the surrounding neighborhood? Do they need a community sewer solution?

## DISCUSSION

1. **The subject property does reside within the Preservation of Agriculture and Rural Open Space Master Plan (1980).** There is a well-defined boundary or "greenbelt" of parkland and open space surrounding the Germantown master plan area. The Barmakian property is clearly outside this boundary. However, due to the fact that this southern greenbelt area has been developed as South Germantown Recreational Park, the applicant feels that the character of the area has changed and that it is now appropriate to allow full development of his property by allowing him access to the community sewer system. Park facilities in the vicinity of this property include ball fields and associated parking lots, picnic areas, and the new recreation center, which is connected to the community sewer system. The park also includes stream valleys and areas where reforestation is taking place. Although the park is a place of active recreation attracting many more people than originally anticipated,, staff does not believe that a change in the status of this property is supported under current policies. Any change this significant should take into consideration the entire neighborhood within the context of a master plan amendment.

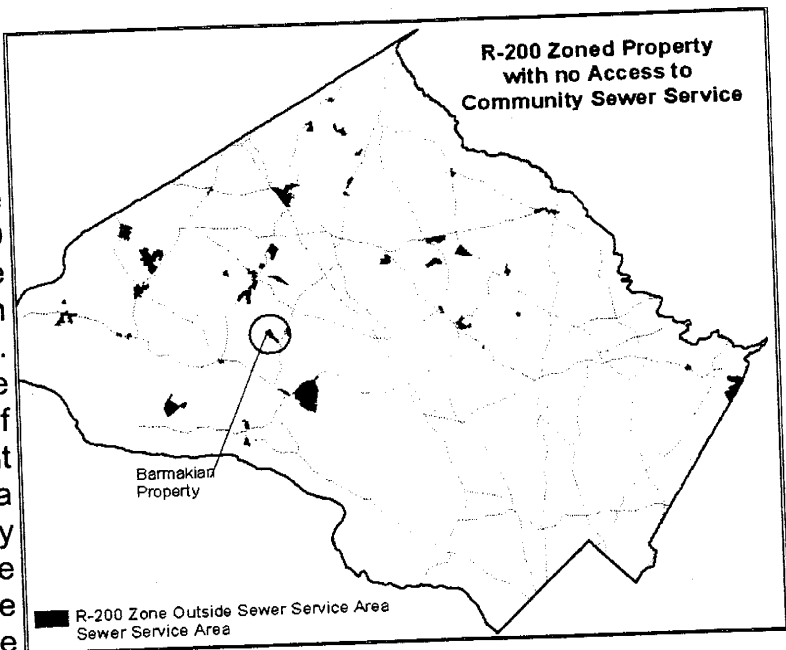


Further, Brownstown is not a community that is recognized in the Preservation of Agriculture and Rural Open Space Master Plan (listed on page 71). It does not meet the characteristics for such communities in the Master Plan of places with a "strong sense of place and strong ties of kinship." This area is primarily characterized by a low-density residential subdivision dating from the 1960's. In addition, this master plan does not recommend the extension of water and sewer to all rural communities.

2. **Use of the R-200 Zone outside the sewer service area is not unique.** There are many other properties in the R-200 Zone scattered around the Agricultural Reserve, reflecting the lot patterns from the days of less stringent well and septic approval. They do not indicate an intention that undeveloped properties in these

areas should be served with community sewers. A quote from the 1980 Potomac Master Plan outlines the reasoning behind using this zone without sewer: The Darnestown Triangle is "proposed to remain in the R-200 Zone. However, sewer service is not to be extended into this area. This will allow variations in lot sizes due to the need to provide adequate septic drainage fields while keeping the average density of the area to one dwelling unit per acre or less. The purpose of this recommendation is to reflect the density of the development which has actually occurred in these areas to date and thus, to foster and preserve the existing character of the area."

Although updated septic regulations make it more difficult to obtain a single lot on only half an acre, this zone continues to be used. The Darnestown Triangle's R-200 zone was confirmed during the 2002 Potomac Master Plan update. (See attachment). Extending sewer for the specific purpose of development to the full extent of the zone would be a revolutionary change in policy that would undermine the purposes and intent of the Master Plan for the Preservation of Agricultural and Rural Open Space.

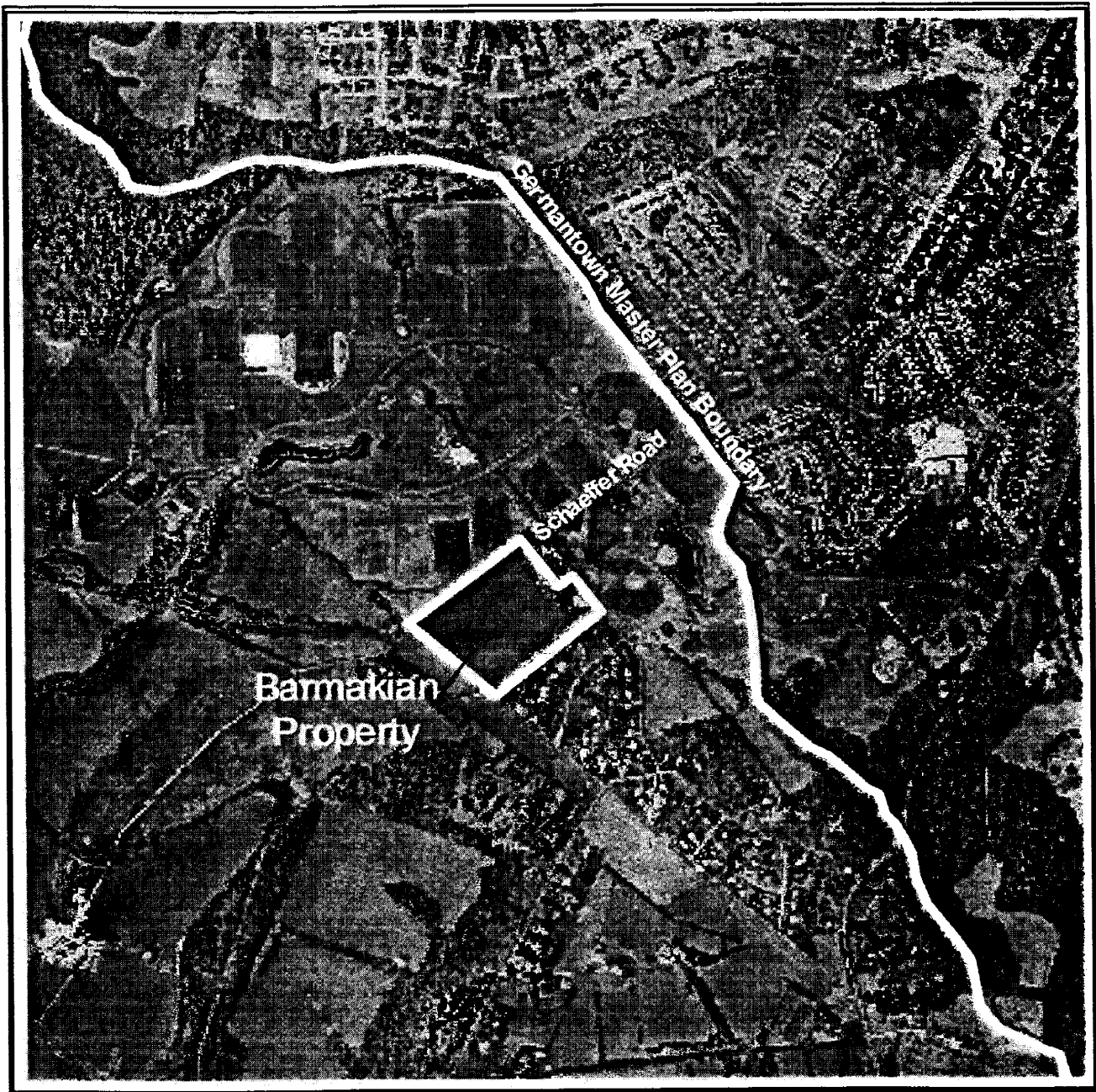


- This area does not have a history of irreplaceable failing septic systems.** The Department of Environmental Protection has indicated that although replacement fields will eventually be needed due to the age of the systems, this area has not experienced difficult-to-solve septic failures. The soils generally have minimal limitations for septic systems. In the adjacent neighborhood the average lot size is 0.8 acres and should be able to accommodate a replacement field. The contract purchaser of the Barmakian property has indicated that several systems in the adjacent neighborhood have been successfully replaced with other septic systems.

## SUMMARY

This site is located in the Preservation of Agriculture and Rural Open Space Master Plan where community sewer service is not provided and the R-200 zone is frequently used without the benefit of community sewer service. No change in master plan boundaries or zone should take place outside the context of a master plan amendment. Relief via community sewer service is not anticipated for the neighborhood adjacent to

the Barmakian property. Even so, Justifying the provision of community water and sewer to a new residential development site in this Master Plan area by stating that it will relieve a potential (but not current) public health problem would be a new and precedent setting justification for a sewer extension. To remain consistent with existing policies and guidelines as well as previous evaluations of this property, and to avoid setting a precedent for future requests, the staff continues to recommend that community sewer service not be extended to the Barmakian property.



**Public Water and Sewer in the Rural Area Adjacent to Germantown**

Map Amendment No. Applicant (Owner) Site Description Location and Information	Applicant's Request Service Area Categories		WSSC and DPS Reports (Mains are non-CIP sized unless specified.)	M-NCPPC Planning Dept. Staff Comments	County Executive's Recommendation
	Existing	Requested			
<p><b>WSSCR 04A-LSN-01</b></p> <ul style="list-style-type: none"> <li>Toll Brothers, Inc. (for Stephen Barmakian)</li> <li>Parcel P592, Friend in Need</li> <li>Tax maps EW121/122; WSSC grids 232/233NW14</li> <li>Southwest corner, intersection of Schaeffer Rd. and Burdette Rd., opposite South Germantown Recreational Park/Soccerplex</li> <li>Preservation of Agriculture and Rural Open Space Master Plan (1980)</li> <li>Lower Great Seneca Creek Watershed (MDE Use I)</li> <li>R-200 Zone: 20.91 acres</li> <li>Existing use: agricultural</li> <li>Proposed use: 41-lot single-family subdivision</li> </ul>	<p>W-6 S-6</p> <p>W-3 S-3</p>	<p><b>Applicant's Explanation:</b></p> <ul style="list-style-type: none"> <li>Problems with existing, private on-site sanitary systems. (A number of drainfields along Schaeffer Road are failing because of a shallow bedrock situation.)</li> <li>Suitability of the site for private, on-site sanitary systems.</li> <li>Adjacent or nearby properties with existing public water and/or sewer service (King's Crossing/Adjacent to Soccerplex).</li> </ul>	<p><b>WSSC-Water:</b> Service will require a 1000' water extension, connecting to the existing 12"-dia. main in Schaeffer Road (#992610B); the extension would abut three additional properties.</p> <p><b>WSSC-Sewer:</b> Sewer service might be provided by a wastewater pumping station and a minimum of 2000 feet of force main, connecting to the 8"-dia. sewer in Bromfield Road (#951241F) and possibly traversing a portion of Southwest Germantown Regional Park, requiring rights-of-way. The four properties which would abut the force main would be unable to connect to the pressurized line. Design specifications for low-flow wastewater pumping stations, now in the process of being drafted, must be adopted by WSSC before service can be provided.  <i>Continues at right →→</i></p>	<p><b>Planning Staff: (Draft)</b>                  Service is inconsistent with master plan recommendations. Although zoned R-200, the subject property is still outside the Water and Sewer Plan's service envelope, and area not planned for public service at this time or at the time of the master plan in 1980. The extension of public water and sewer here would be contrary to the intentions of the master to control the timing of development in the master plan study area. (See circle pg. 26 for the full text of the M-NCPPC staff comments.)</p> <p><b>DPS-Well &amp; Septic:</b> This area is prone to shallow fractured rock which is not a suitable condition for septic systems. The lot yield using septic systems would be much less than the zoning allows.</p>	<p><b>Deny the sewer category request, maintaining W-6 and S-6.</b></p> <p><b>The applicant and property owner should work through the pending Germantown Master Plan update process to address their intent to develop this site with public water and sewer service.</b></p>

**Executive Staff Report:** The applicant has requested the provision of public sewer service for service to a proposed 41-lot residential subdivision. Although public service is nearby and the site's R-200 zoning is typical for public service, the provision of public service in this specific area is not consistent with master plan recommendations. **We recommend denial of the water and sewer category request, and recommend that the appropriate course for the applicant and owner is to pursue their development proposals through the pending Germantown Master Plan update.**

The County Council considered this property several years ago for the same request for public water and sewer service. They denied that request (WSSCR 94B-LSN-02) as inconsistent with the Preservation of Agriculture and Rural Open Space Master Plan (1980). The nearby area has changed substantially since then with the development of several large subdivision projects and the South Germantown Recreational Park (Socceplex). However, very little has changed with respect to water and sewer service policy as applied to this specific site. There have been no changes with respect to the recommendations of the ag preservation master plan which affects this property. The nearby pressure sewer system which serves the Soccerplex is restricted to that use only and cannot also serve the residential development proposed for this site. Although water service is closer to the site than in years past, it appears questionable as to whether water service alone would be of significant help in the development proposed.



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION

Rockville Center, 255 Rockville Pike, Suite 120, Rockville, Maryland 20850-4166
Telephone No.: 240-777-7716/7735, FAX No.: 240-777-7715

WATER/SEWER SERVICE AREA CATEGORY CHANGE REQUEST

02-26-04 A10:04 IN

PROPOSED AMENDMENT TO THE
MONTGOMERY COUNTY, MARYLAND
TEN-YEAR COMPREHENSIVE WATER
SUPPLY AND SEWERAGE SYSTEMS PLAN

= MCDEP:WMD Staff Use Only =

WSCCR 04A-LSN-01
Water Sewer
GIS Tile 224NW14/15
Tax Map DT562/ET122
Plan No.
Process COUNCIL

02 08926AE030371DL

Type or print all information.

Please read the accompanying instructions
Before you fill out this application.

= MCDEP-WMD Receipt Date =

APPLICANT

Name Toll Brothers, Inc.
Address Tracy Graves
21630 Ridgetop Circle, Suite 130
Dulles, VA 20166
Telephone 703-433-5242
Fax 703-433-6202
e-mail tgraves@tollbrothersinc.com

Applicant's Authorization: Check one of the following boxes as applicable:
Property Owner
Contract Purchaser
Owner's/Purchaser's Authorized Representative\* (\*see below)

Signature Tracy Graves
Date 2/24/04

PROPERTY OWNER

Name Stephen H. Barmakian
Address 142 Forest Street
Watertown, MA 02472
Telephone 617-924-5942
Fax
e-mail

Property Owner's Authorization: The applicant listed above is authorized to pursue a service area category change on my behalf for the property(ies) described on this application.

Signature
Date

PROPERTY/SITE DESCRIPTION AND DEVELOPMENT

Note: Attach an 8.5"x11" copy of the state tax map with the subject property(ies) highlighted.
Address Schaeffer Road Property/Site Size 20.91 Acres
Identification Account Identifier: District - 06; Account Number - 00396545; Map ET12 Parcel P592 Subdivision 1 Group 80
Location In VA take I-495 (innerloop) toward MD, keep left onto I-270 (Rockville), keep right onto I-270 Local/Montrose Rd, at exit 10 take ramp onto SR-117 towards MD-117, keep straight onto SR-117 (Clopper Rd), turn left (south-west) onto Schaeffer Road
Existing Use Agricultural Proposed Use 41 Lot Single Family Subdivision
Subdivision Plan No. & Status

WATER AND SEWER SERVICE AREA CATEGORIES

Existing Water Category W-6 Requested Water Category W-3
Existing Sewer Category S-6 Requested Sewer Category S-3

REASON FOR THIS CATEGORY CHANGE REQUEST

- Problems with existing, private on-site sanitary systems (A number of drainfields along Schaeffer Road are failing because of a shallow bedrock situation)
Suitability of the site for private, on-site sanitary systems
Adjacent or nearby properties with existing public water and/or sewer service (King's Crossing/Adjacent to soccer plex)

Note: Continue on a separate page or attach a letter, if necessary

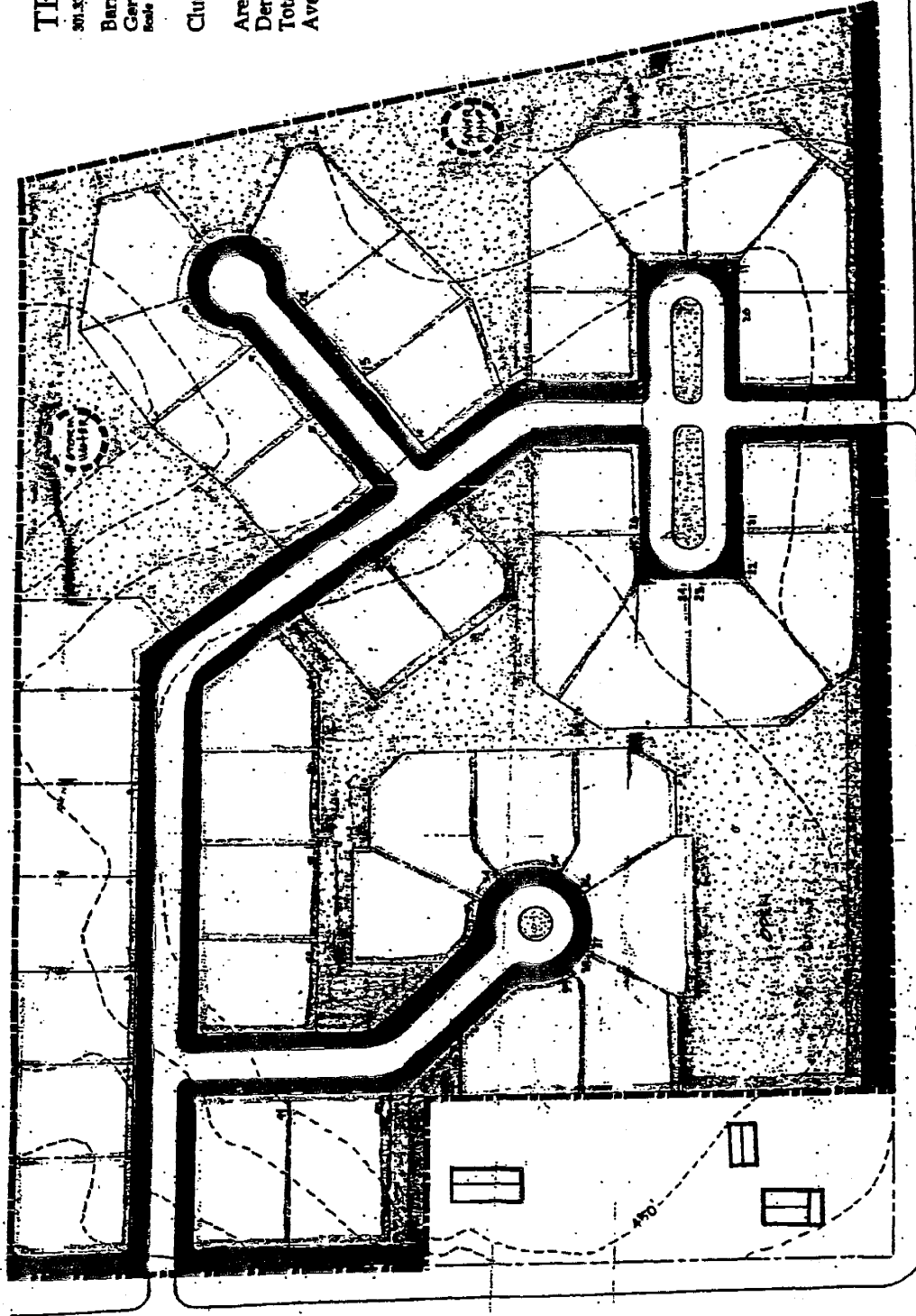
= MCDEP-WMD Staff Use Only =

Master Plan As OPEN SPACE PRES. (1980)
Planning Area LOWER SEWER BASIN
Zoning R-200
Zoning Activity NONE
Watershed LOWER GR. SEWER
CSPS Subwatershed
State Watershed Use Class I
GIS File

# BARMAKIAN ESTATES DARNESTOWN, MARYLAND

**TRB & A** Planners  
 301.930.0037 Phone 301.977.1428 Fax  
 Barmakian Property  
 Germantown, Maryland  
 Scale 1/8" = 1'

Cluster Plan - R-200 Zone  
 Area 20.91 AC.  
 Density 2/AC.  
 Total Units 41  
 Average Lot 11,000 SF



THIS IS ONLY ONE SAMPLE PLAN FOR ILLUSTRATION PURPOSES. IT HAS NOT BEEN OFFICIALLY APPROVED.  
 FOR FURTHER INFORMATION, CONTACT PLANNER OR THE BROKER.

04A-LSN-01

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

Amendment No. Applicant (Owner) Site Description (Tax Map)	Site Location Zoning & Acreage Proposed Development	Existing Category	Requested Category	County Council Action
WSCCR 94B-GWC-03 Hazel J. Ellis Lot 17 Block B, Seneca Overlook, and Parcel P805 (GW343)	Northwest corner - intersection of Damascus Rd. and Laytonsville Rd. (Rte. 108) C-1 and RDT zones: 32.42 ac. Proposed use: residential	W-6 S-6	W-3 No Change	Request withdrawn by the applicant.
WSCCR 95A-GWC-01 Harold R. Gearhart Outlot A, Block C, Goshen Estates (FV561)	North side of Warfield Rd. 1,000' west of Warfield Ct. RE-2 zone: 0.9 ac. Proposed use: One single- family house.	W-3 S-6	No Change S-3	Maintain S-6.

**LOWER SENECA BASIN WATERSHED PLANNING AREA**

WSCCR 94B-LSN-02 Stephen Barmakian Parcel P592 (DT562- ET122)	Southern quadrant - intersection of Schaeffer Rd. and Burdette Rd. R-200 Zone: 20.92ac. Proposed use: 35 to 40 single-family houses.	W-6 S-6	W-3 S-3	Maintain W-6 and S-6.
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**OLNEY PLANNING AREA**

WSCCR 93A-OLN-03 Steven and Kristen Mann Parcel P610 (HS562)	300' north of Norbeck Rd. (Rte. 28) 300' west of Bailey's Ln. RE-2 Zone: 0.98 ac. Proposed: one new single- family house; existing parcel qualifies as an exception to sub-division regulations.	W-6 S-6	W-1 S-1	Approve W-1 and S-1. <i>Advisory notice: see the High Zone advisory, below.</i>
WSCCR 93B-OLN-02 Dean and Karen Guzick Parcel P707 (JS123)	East end of Westminster Dr. RE-2 zone: 15.10 ac. Proposed: three-lot single- family subdivision	W-6 S-6	W-1 S-1	Defer pending possible District Council action on rezoning the site to LDRC.
WSCCR 94B-OLN-01 Florence Hill F. Turner Parcels P286, P340, P364 and P365 - Florence Hill Property (originally Parcel P365) (HT561)	Southeast end of Ampeg Ln. 1200' southeast of Old Baltimore Rd. RE-2 Zone: 9.0 ac. Proposed use: four single- family houses	W-6 S-6	W-3 S-3	Maintain W-6 and S-6.
WSCCR 94B-OLN-03 Paul E. McGee Pt. Lot 14 (proposed lot 45), Block A, Olney Acres (HT122)	400' northeast of Bready Rd. and Ridge Dr. intersection; proposed access via easement to Bready Rd. at Ridge Dr. RE-1 Zone: 2.15 ac. Proposed use: one single- family house.	W-1 S-6	No Change S-1	Maintain S-6.

*High Zone Water Advisory:* Due to transmission and storage constraints in the Mont. Co. High Zone, WSSC may require service to this site to depend on construction to begin on the following approved CIP projects: Browns Corner Zone and Colesville Zone Storage Facilities (W-90.03 & W-113.14), the High Zone Water Main (W-150.05), and the High Zone Pumping Station and Main Zone Storage Facility (W-150.03).



WASHINGTON SUBURBAN SANITARY COMMISSION  
DEVELOPMENT PROPOSAL REVIEW  
FOR A  
SERVICE AREA CATEGORY CHANGE REQUEST

APPLICATION NO.: 04A-LSN-01  
APPLICANT: TOLL BROTHERS, INC. FOR STEPHEN BARMAKIAN  
LOCATION: BETWEEN SCHAEFFER ROAD AND ROGER DRIVE  
COUNTY: MONTGOMERY  
PRESENT ZONING: R-200  
EXISTING SERVICE AREA:  
PROPOSED SERVICE AREA:  
SIZE OF PARCEL: 20.91 ACRES  
DWELLING UNITS: 41 SFDUs

DATE: MAY 12, 2004  
200' SHEET NO.: 224NW14/15  
PROPOSED ZONING: NA  
SEWER: 6  
SEWER: 3  
WATER: 6  
WATER: 3  
OTHER: NA

WATER INFORMATION

1. Water pressure zone: 660A
2. A 1000-foot-long non-CIP-sized water extension is required to serve the property. This extension would connect to the 12-inch water main in Shaeffer Road (contract no. 99-2610B) and would abut approximately 3 properties in addition to the applicant's.
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

SEWER INFORMATION

1. Basin: Seneca Creek
2. A wastewater pumping station and a minimum of 2000 feet of force main might be able to serve this property. The force main would connect to the 8-inch sewer in Bromfield Road (contract no. 95-1241F) and might traverse a portion of Southwest Germantown Regional Park. Rights-of-way will be required. Approximately 4 properties in addition to the applicant's would abut the extension, but would be unable to connect to the pressurized line. Design specifications for low-flow wastewater pumping stations, now in the process of being drafted, must be adopted by the WSSC before service can be provided.
3. Flow from the proposed development: 12,000 GPD
4. Program-sized sewer mains and a facility are required to serve the property.
5. Interceptor capacity is adequate.
6. Treatment capacity is adequate.

*Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.*

*Reviewed by Ann Russell (301-206-8823) and Beth Forbes (301-206-8819).*

APPLICATION NO. WSCCR 04A-LSN-01 (Toll Brothers, Inc.):

Inconsistent with Master Plan recommendations.

On page 59 of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County, October 1980, "CHAPTER VI: FARMLAND AND RURAL OPEN SPACE PUBLIC SERVICE GUIDELINES", under the header of "WATER AND SEWERAGE GUIDELINES", the Plan states that:

*"Water and sewer service are two of the most significant public services that control the timing of development. The recommended guidelines are designed to permit little, if any, additional service with the Study Area with the exception of the growth areas - Damascus, Clarksburg, Olney, and Poolesville. The selective and limited expansion of public water and sewer service will support and help implement the preservation recommendations expressed in this Plan...."*

**Recommended Water and Sewerage Guidelines**

*Consistent with recommendation in the Fifth Annual Growth Policy Report, the entire Study Area (Policy Area I) is not recommended for public sewer service within the next 20 years, with the exception of Clarksburg."*

*The subject property is zoned R-200 and is located within the Functional Master Plan study area. The property is still outside the County's Ten-year Water Supply and Sewerage Systems Plan envelope, an area not planned for service at this time and at the time of the master plan's adoption in 1980. The extension of water and sewer to the subject property would still be contrary to the intentions of the master plan to control the timing of development and restrict development in the study area.*

The subject property is located on Schaeffer Road that is designated in this location as a Rustic Road on the Master Plan of Highways as part of the Rustic Roads Functional Master Plan, December 1996. The legislation that established the rustic roads program in "Sec 49-79. Maintenance of improvements.", states the following:

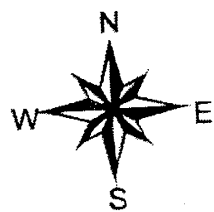
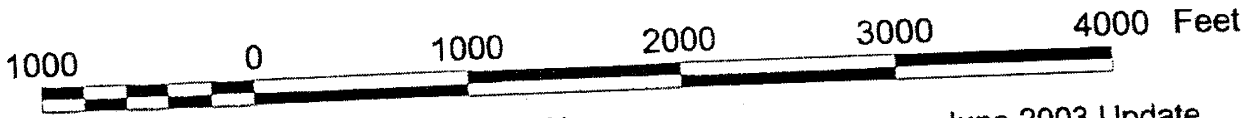
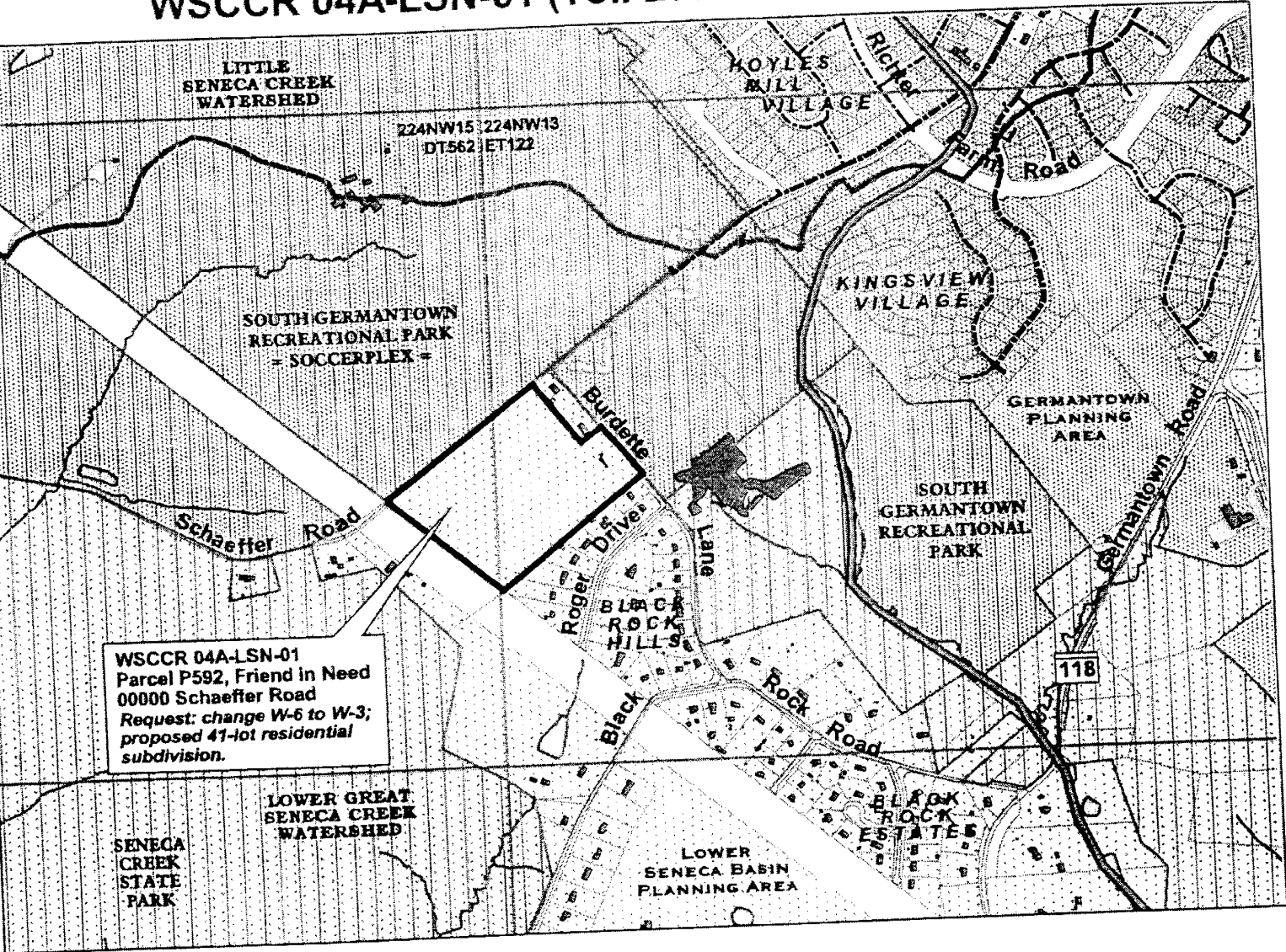
(a) *County roads.* Rustic roads and exceptional rustic roads must be maintained and improved in a manner that preserves the road's significant features identified by the County Council under subsection 49-78(d), but this requirement does not preclude improvements for the purposes of safety or movement of farm equipment. The County Executive must establish guidelines by Executive Regulation under method (2) for maintenance and improvement of rustic roads and exceptional rustic roads.

(c) *Public utilities.* Public utility work on or near a rustic road or exceptional rustic road is limited by this Article only when the work will damage a structure identified as a significant feature of the road under subsection 49-768 (d). A public utility must make all reasonable efforts to limit irreparable damage to such significant features when working on or near a rustic road or exceptional rustic road."

R200 zoning designation appears incorrect. Contact M-NCPPC Community Based Planning (301 495 4518) for clarification).

# Water Service Area Categories Map

## WSSCR 04A-LSN-01 (Toll Brothers/S. Barmakian)



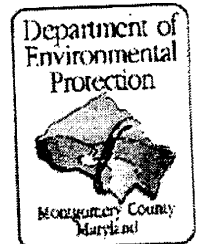
### MAP LEGEND

- Properties (3/02)
- WSSC/GIS Tile Grid
- Water Mains**
  - 8"- or Smaller-Dia. Mains
  - 10" to 15"-Dia. Mains
  - 16"- to 24"-Dia. (CIP) Mains
  - 30"- to 42"-Dia. (CIP) Mains \*
  - 48"- or Larger-Dia. (CIP) Mains \*
  - \* No Individual Connections
- M-NCPPC Planning Areas
- Parks & Public Land
- Buildings
- Roads - Parking Areas
- Watersheds
- Streams
- Ponds - Lakes

- Water Service Area Categories**
- W-1
  - W-3
  - W-4
  - W-5
  - W-6

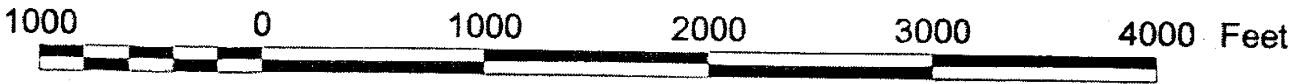
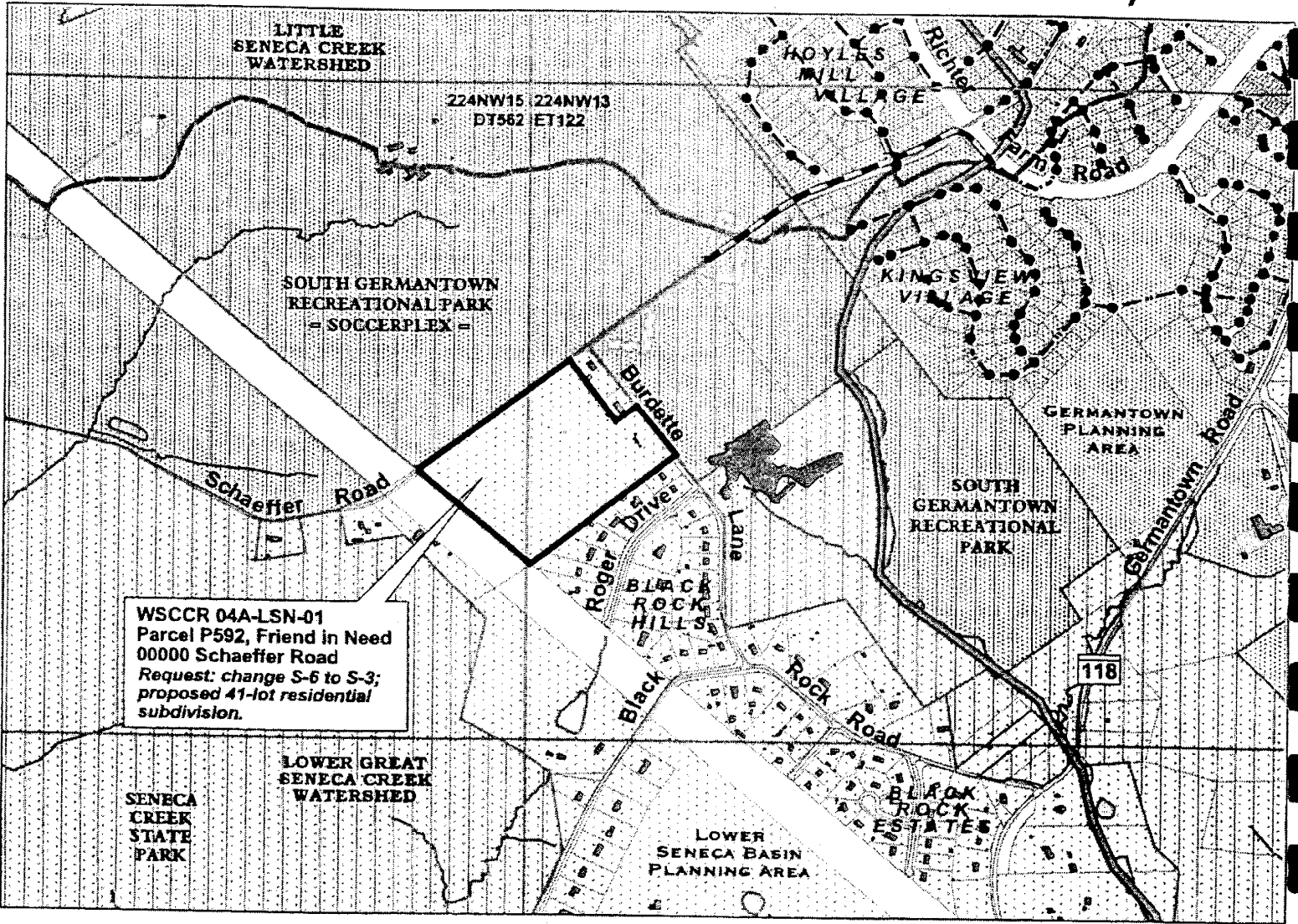
June 2003 Update  
Service Area Categories Map

Montgomery County, Maryland  
Comprehensive Water Supply  
and Sewerage Systems Plan



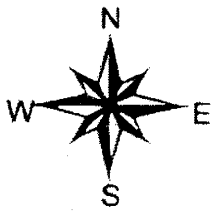
Watershed Management Division  
2/25/04 - GIS Project File:  
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# Sewer Service Area Categories Map WSSCR 04A-LSN-01 (Toll Brothers/S. Barmakian)



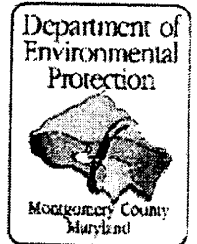
**MAP LEGEND**

- Properties (3/02)
- WSSC/GIS Tile Grid
- Sewer Manholes
- Sewer Mains**
  - Small-Diameter, Low-Pressure Mains
  - 6"- to 8"-Diameter Gravity Mains
  - 10"- to 14"-Diameter Gravity Mains
  - 15"- to 18"-Diameter (CIP) Trunk Mains
  - 20"- to 42"-Dia. (CIP) Mains \*
  - 48"- or Larger-Diameter (CIP) Trunk Mains \*
  - \* No Individual Connections
  - Sewer Force Main
- M-NCPPC Planning Areas
- Parks & Public Lands
- Buildings
- Roads - Parking Areas
- Watersheds
- Streams
- Ponds - Lakes
- Sewer Service Area Categories (6/03)**
  - S-1
  - S-3
  - S-4
  - S-5
  - S-6



June 2003 Update  
Service Area Categories Map

Montgomery County, Maryland  
Comprehensive Water Supply  
and Sewerage Systems Plan



Watershed Management Division  
 2/25/04 - GIS Project File:  
 o:\wwteam\ccrs-wsheds\grseneca\lower\2004ccrs\04a-lsn-01=tollbros-barmakian-ws.apr

- (4) Farmland has an abundance of fertile edges, open fields, and pasture land that are highly productive game habitats.

#### Recommended Sludge Site Guidelines

While it is unpleasant to contemplate, farmland is also important in supplying sites for the disposal of urban-generated waste. Increasingly, land disposal of sewage and recycling its nutrients through crop production is a way of handling urban sewage which can be used in the production of feedgrains. Good farmland is also a prerequisite to an environmentally viable site for the disposal of solid waste.

This Plan recommends that sludge sites purchased by the County, once restored, should be leased or sold back to farmers (minus development rights) for agricultural activities not involved in food cycle production until the State Department of Health authorizes the land to be put back into food cycle production.

The Plan strongly recommends that the County act as soon as possible to provide an alternative to trenching of raw sludge on farmland. A sludge composting facility, for instance, could produce an agriculturally valuable product without temporarily or permanently taking large acreages out of cultivation.

#### \* RURAL COMMUNITIES

Rural communities are scattered through the Agricultural Preservation Study Area and each possess unique social and physical characteristics. As noted in the 1973 Rural Zone Sectional Map Amendment,<sup>54</sup> these settlements are an organic part of every rural area in the County. In most cases they are old settlements with well-known place names. The people who live in them have historical ties to the community. There are ties of kinship among the families and often the community is unified by such local institutions as a post office, a retail store, or a church.

Rural communities in the Study Area include - Etchison, Beallsville, Big Woods, Berryville, Lewisdale, Browningsville, Dawsonville, Sugarland, Hyattstown, Jerusalem, Jonesville, Mt. Zion, Martinsburg, Dickerson, Unity/Sunshine, Barnesville, Boyds, Comus and Thompson's Corner. These rural communities are characterized by a strong sense of place and strong ties of kinship. Most residents wish to continue living in them and want their children to have the same opportunity.

#### Rural Community Guidelines

- Prepare individual master plans for selected rural communities in the Study Area.
- Maintain existing scale of development. New development should be consistent with the historical character and community lifestyles in rural settlements.

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<sup>54</sup> Rural Zone Sectional Map Amendment, Montgomery County, Maryland, Montgomery County Planning Board, November 1973.

## ***Recommendations***

- **Unite all of the Ancient Oak North subdivision and properties within the Darnestown Civic Association boundaries in the Potomac Subregion by shifting the boundary line from the Pepco right-of-way to east of Riffle Ford Road. (See Map 23.)**
- **Rezone the Ancient Oak North subdivision from RC and R-200 to RE-1.**
- **Confirm the R-200 and RE-2C zoning east of Riffle Ford Road.**

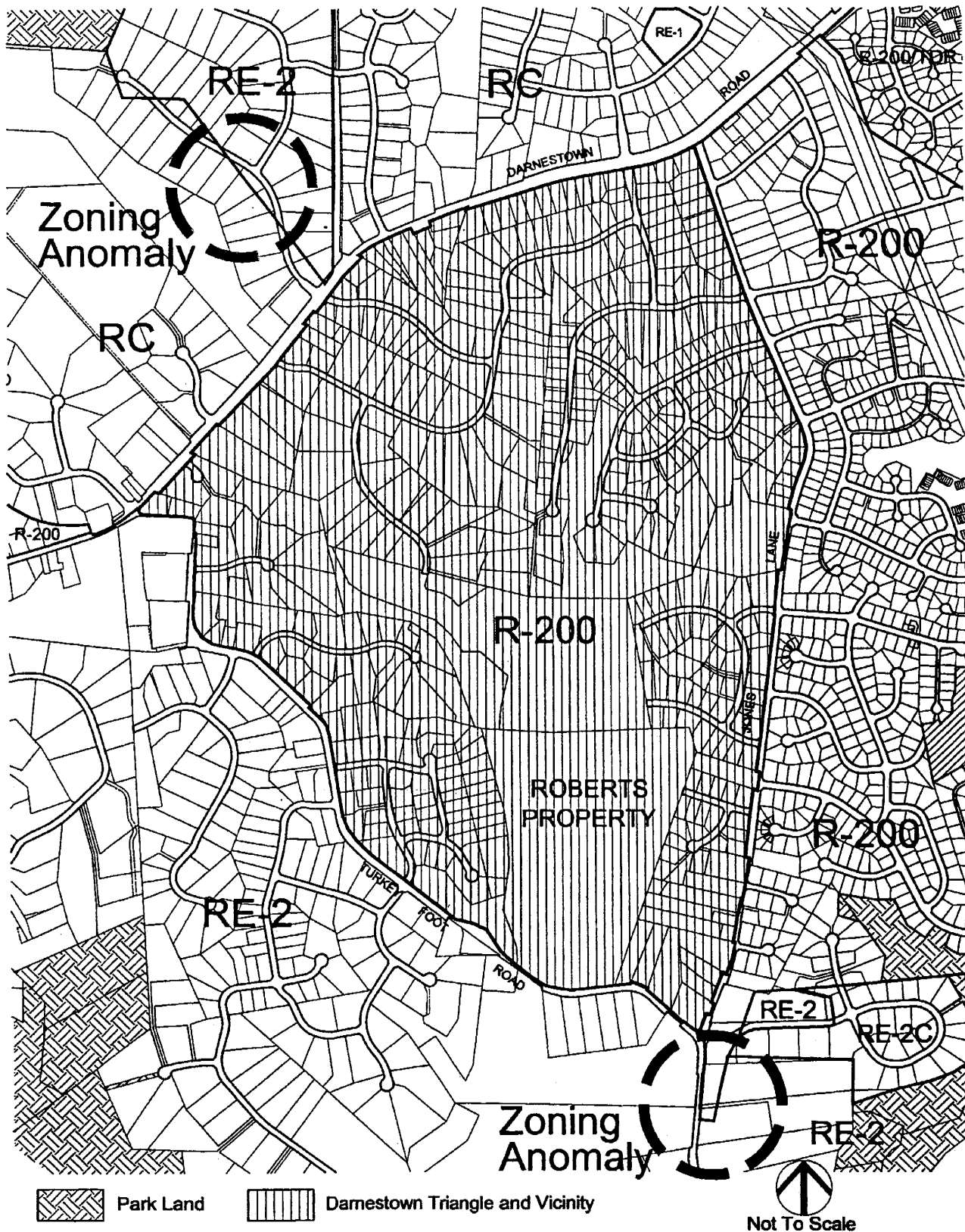
## **Darnestown Triangle and Vicinity**

The Darnestown Triangle is formed by MD 28, Turkey Foot Road, and Jones Lane. (See Map 24.) Although the entire Triangle is zoned R-200 (half-acre lot minimum), the *1980 Potomac Subregion Master Plan* recommended that it remain served by septic systems rather than sewer. This was done to provide varied lot sizes, resulting from actual septic system suitability, as a transition between moderate density development east of Jones Lane and low density rural areas in western Darnestown. This Master Plan reconfirms the recommendations in the 1980 Plan to continue the R-200 zoning without community sewer. Much of the triangle area has undergone development since 1980, and therefore rezoning the area to a lower development density more compatible with the use of septic systems at this late date would provide little benefit. This recommendation addresses unusual and in some ways unfortunate land use and sewer service recommendations from the 1980 Master Plan. In that regard it does not serve as a precedent for the application of the R-200 zone to other areas of the County dependent on private septic service.

Of the few parcels having substantial subdivision potential in the Darnestown Triangle, the most significant is the 79-acre Roberts property at its southern end. Septic requirements make it unlikely that the undeveloped portions of the site can be developed at R-200 densities, but this zoning will provide the property owner with the flexibility to create some lots less than one acre in size. While this plan does not support extensive development of half-acre lots using septic systems, some smaller lot sizes may allow for clustering development away from more sensitive environmental features on this site.

The recommended public sewer envelope excludes the Darnestown Triangle and the lower-density zoned areas west and north of the Muddy Branch Stream Valley Park. The County should authorize the extension of community sewer service mains to this area only to relieve a public health threat due to failing and irreparable septic systems. Although Water and Sewer Plan policies allow for single sewer hookups from these sewer mains, extensions provided for public health reasons shall not be used to promote the subdivision or resubdivision of properties abutting those mains.

Several zoning anomalies are evident in the vicinity of the Darnestown Triangle. (See Map 25.) For example, the zoning line between the RC and RE-2 Zones crosses Haddonfield Lane several times. To the south, the R-200 Zone extends beyond Jones Lane and High Meadow Road along the east side of Turkey Foot Road. Both these anomalies result in split-zoned lots and should be rectified by a correctional Sectional Map Amendment.



## ***Recommendations***

- **Maintain the existing R-200 zoning.**
- **Do not extend community sewer to the Darnestown Triangle except as necessary for public health reasons due to failing septic systems.**
- **Acquire through dedication the western (and undevelopable) stream valley portion of the Roberts property. This recommendation also applies to the Turkey Foot property (90 acres) to the south which is recommended for protection through voluntary dedication, acquisition or conservation easements. The preserved area on these two properties would augment the Muddy Branch Stream Valley Park, extending water quality protection north as far as Rollinmead.**
- **Correct zoning anomalies (split-zoned lots) by Sectional Map Amendment.**

## **Darnestown Village Center**

Darnestown's commercial center covers about 10.18 acres and is located at the intersection of Darnestown and Seneca Roads. (See Map 25.) Surrounding development is primarily low-density housing, mostly zoned RE-2. The center is also bounded by a 189-acre site owned by the Archdiocese of Washington, west of Seneca Road, zoned RC. The Archdiocese site currently houses a church, regional parish school, and youth recreational facility. Additional institutional uses related to Archdiocesan activities may be developed on this large property consistent with applicable regulatory requirements. Rural Cluster residential development may also occur. Lacking sewer, development is subject to septic requirements. Current development in the Village Center is auto-dominated and includes a Food Lion grocery store, a gas station, and several one- and two-story retail and office structures.

The village's zoning is mixed, approximately 8.53 acres zoned C-1, and approximately 1.65 acres in the O-M Zone. There are several concerns with the existing zoning:

Development in the C-1 Zone does not require site plan review or a public hearing and has resulted in patterns that are objectionable to the surrounding community.

- The O-M Zone is inappropriate in this location. Its densities are too high for a rural village and for an area reliant on septic systems.
- The current combination of zoning and septic requirements prohibit some desirable uses, such as a restaurant.

Absent an existing commercial zone appropriate for a rural area, this Plan recommends a new Overlay Zone based on existing zones and designed to allow compatible uses in a rural village pattern. Its purpose is to retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and low density; to create a pedestrian-



- (4) Farmland has an abundance of fertile edges, open fields, and pasture land that are highly productive game habitats.

#### Recommended Sludge Site Guidelines

While it is unpleasant to contemplate, farmland is also important in supplying sites for the disposal of urban-generated waste. Increasingly, land disposal of sewage and recycling its nutrients through crop production is a way of handling urban sewage which can be used in the production of feedgrains. Good farmland is also a prerequisite to an environmentally viable site for the disposal of solid waste.

This Plan recommends that sludge sites purchased by the County, once restored, should be leased or sold back to farmers (minus development rights) for agricultural activities not involved in food cycle production until the State Department of Health authorizes the land to be put back into food cycle production.

The Plan strongly recommends that the County act as soon as possible to provide an alternative to trenching of raw sludge on farmland. A sludge composting facility, for instance, could produce an agriculturally valuable product without temporarily or permanently taking large acreages out of cultivation.

### RURAL COMMUNITIES

Rural communities are scattered through the Agricultural Preservation Study Area and each possess unique social and physical characteristics. As noted in the 1973 Rural Zone Sectional Map Amendment,<sup>54</sup> these settlements are an organic part of every rural area in the County. In most cases they are old settlements with well-known place names. The people who live in them have historical ties to the community. There are ties of kinship among the families and often the community is unified by such local institutions as a post office, a retail store, or a church.

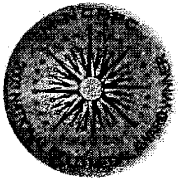
Rural communities in the Study Area include - Etchison, Beallsville, Big Woods, Berryville, Lewisdale, Browningsville, Dawsonville, Sugarland, Hyattstown, Jerusalem, Jonesville, Mt. Zion, Martinsburg, Dickerson, Unity/Sunshine, Barnesville, Boyds, Comus and Thompson's Corner. These rural communities are characterized by a strong sense of place and strong ties of kinship. Most residents wish to continue living in them and want their children to have the same opportunity.

#### Rural Community Guidelines

- Prepare individual master plans for selected rural communities in the Study Area.
- Maintain existing scale of development. New development should be consistent with the historical character and community lifestyles in rural settlements.

54

Rural Zone Sectional Map Amendment, Montgomery County, Maryland, Montgomery County Planning Board, November 1973.



November 18, 2003

TO: Nazir Baig, Countywide Planning Division  
FROM: Sue Edwards, Community Based Planning Division *Sue*  
SUBJECT: Toll Brothers (WSCCR 04A-LSN-01)

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**STAFF RECOMMENDATION:** Denial

This property has been proposed for water and sewer category change on several occasions. While proximate to recent residential development with water and sewer service on the west edges of the Germantown Master Plan area, the subject property resides within the *Preservation of Agriculture and Rural Open Space Master Plan* (1980). In previous evaluations of this property, the County Council has denied the request for water and sewer category change as being inconsistent with the master plan recommendations.

The *Germantown Master Plan* (1989) assigned R-200/TDR 2 or PD-2 to the properties now marketed as Kings Crossing/Woodcliffe Park/Hoyles Mill Crossing with corresponding water and sewer categories. Since adoption of the Master Plan, the South Germantown Recreation Park received water and sewer service specifically limited to recreational uses within the park boundaries.

Revisions to the Germantown Master Plan began in October 2004; to date staff has not made a final determination of any boundary changes. Environmental staff, at this time, finds no basis for modifying the western boundary with the exception of considering water and sewer service beyond the existing planning area boundaries.

The subject property drains away from existing sewer lines and into areas that are largely zoned RDT. In order to be connected to existing sewer lines, a line (possibly a pressure sewer) would have to be extended through parkland to reach lines in Germantown. The intervening parkland (South Germantown Recreation Park) is currently used for active recreation (ballfields) and stream

valley protection. The line would either disrupt recreational use of the park or cause extensive environmental impacts to the stream, wetlands and floodplain. Staff would oppose extension of sewer in this area, which is not proposed for sewer in any master plan, especially through parkland.

Adjacent property zoned R-200 has been developed with lots between 1/2 to 1 acre+ on septic. This seems an appropriate use for the site.

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