

RESIDENTS OF 14500, 14504, 14508, 14512, 14516 and 14520
PIONEER HILLS DRIVE IN DARNESTOWN
c/o Bryant Pomrenke
14504 Pioneer Hills Drive
Germantown, MD 20874
(301) 977-8454

and

Sachin Jay Darji, Esq.¹
100 South 5th Street, Suite 1100
Minneapolis, MN 55401
(612) 342-0316



February 25, 2005

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760
(301) 495-4595 phone

Montgomery County Department of Permitting Services
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166
(240) 777-6300 phone

now 1-05093

Re: **Comments and Objections to Application for Pre-Preliminary Plan, Plan No. 7-05036 (the "Pre-Preliminary Plan") for Clubbs Farm (Existing Parcel P860), Lots 1-3 (the "Development Parcel"), and Request to Board for Relief**

Ladies and Gentlemen:

The undersigned homeowners ("**Homeowners**") are immediately adjacent neighbors of the Development Parcel and, with the advice of their non-attorney adviser, Sachin Jay Darji, respectfully submit their comments and objections to the Pre-Preliminary Plan contained below.

¹ Sachin Jay Darji is admitted to practice law in Minnesota only (and is not admitted in Maryland). He practices in the area of real estate development, and is certified as a Specialist in Real Property Law by the Minnesota State Bar Association. Mr. Darji is the son of the residents of 14508 Pioneer Hills Drive in Darnestown, and is participating only as a non-attorney adviser to the Homeowners in relation to the application for the Pre-Preliminary Plan.

The names of the Homeowners and the street addresses and legal descriptions of their respective properties are attached as Exhibit A, which is made a part of this letter.

This letter is supplementary to comments and objections made by Bryant Pomrenke in his individual capacity.

Stormwater Management Concept Plan

The Homeowners were not given notice of the Stormwater Management Concept Plan for the proposed development shown in the Pre-Preliminary Plan (the "**Proposed Development**").

Objection 1. The Homeowners object to any Stormwater Management Concept Plan that may have been approved without opportunity for public comment.

The Homeowners respectfully request that the Montgomery County Department of Permitting Services (the "**DPS**") provide the Homeowners with a copy of the Stormwater Management Concept Plan, and that DPW allow the Homeowners a reasonable opportunity to review and comment to that Stormwater Management Concept Plan prior to final approval by the DPS.

Request for Public Hearing

The Homeowners respectfully request that, after reviewing the Homeowners' comments and objections to the Pre-Preliminary Plan, the Montgomery County Planning Board hold a public hearing to allow for additional public comments and careful consideration of the Pre-Preliminary Plan and its affects on the Homeowners.

Topography

To understand the Homeowners' comments and objections, it is important to understand the topography of the Development Parcel and the Homeowners' land. The Homeowners' land is located in the Pioneer Hills subdivision, and each property abuts the Development Parcel to the North. The Development Parcel stands on high ground, and is a plateau that slopes towards the Homeowners' properties. The Homeowner's properties are much lower than the Development Parcel, with the fall line generally running from the Development Parcel towards the Homeowner's properties and Westward through the Homeowner's properties. In addition, there is a "bowl"-shaped feature (the "**Bowl**") that carries drainage from the Development Parcel to low-lying areas in the center of Lots 3 through 6, Block A of the Pioneer Hills subdivision.

Objection 2. The Homeowners object to the topographical data provided in the Pre-Preliminary Plan. This topographical data is contrary to the topographical lines contained in the topographical map of the Pioneer Hills subdivision, a photocopy of which is attached as Exhibit B, and made a part of this letter. In fact, the topographical lines seem particularly inaccurate in the area where the septic drain field on Lot 1 of the Proposed Development ("**Proposed Lot 1**") is located, which has serious ramifications as discussed below.

The Homeowners' respectfully request that the Board and the Development Review Division (the "**DRD**") require the applicant to revise the Pre-Preliminary Plan to accurately show the topography of the Homeowners' land. Without this information, the Homeowners respectfully state that the Board and the DRD do not have sufficient information to determine the affect of the Proposed Development on the Homeowners.

Existing Drainage Issues will be Exacerbated by Increase in Impermeable Surface Area

Objection 3: The Homeowners object to the Pre-Preliminary Plan because it does not adequately address existing issues of excessive stormwater runoff and poor drainage on the Homeowners' land. The increase in impermeable surface area caused by the Proposed Development will exacerbate these existing conditions.

The Darnestown area is subject to extended periods of heavy rain. As described above, the Development Parcel is on a plateau, and stormwater from the Development Parcel drains to the Homeowners' land, particularly into the Bowl. The existing stormwater runoff already causes wide areas of the Homeowners' land, especially Lots 3 to 6, Block A, to turn into a wide water conveyance area, which can probably accurately be described as a fast-moving stream. This water often runs to the depth of six inches and is dozens of feet wide. The Bowl remains wet and spongy for extended periods after even small amounts of rainfall.

The close proximity of the houses and paved surfaces in the Proposed Development will greatly increase this stormwater runoff, which is made obvious by the topographical lines indicated on the Pre-Preliminary Plan (even though they may be inaccurate).

In fact, the continual flow of rainwater has eroded the affected area, and caused it to subside over the last 25 years. The Homeowners are rationally concerned that artificially adding stormwater runoff to this phenomenon will accelerate the erosion and subsidence, and may lead to standing water on the Homeowners' land for extended periods of time.

The Homeowners respectfully request that the Board require the applicant to conduct hydrological studies of the Development Parcel and the affected Homeowners'

land, taking into account the additional stormwater runoff caused by the addition of the proposed impermeable surfaces on the Proposed Development, to determine the impact that the added stormwater runoff will have on the Homeowners' land.

The Homeowners further respectfully request that Board require the applicant to mitigate the added stormwater runoff that will be caused by any impermeable surfaces by either (a) providing for a stormwater detention system, (b) directly tying into the existing stormwater detention system in the Pioneer Hills subdivision by use of tiling (or other sound water conveyance methods) and drainage easements, (c) building a berm or other system to divert the additional stormwater runoff, or (d) a combination of the above.

As described below, the Homeowners also believe these effects can be partially mitigated by moving the Proposed Development further South on the Development Parcel.

Septic Field on Lot 1 of Development Parcel

Objection 4: The Homeowners object to the placement of the septic drain field on Proposed Lot 1 because (a) it may lead to runoff of raw sewage into the Homeowners' land due to the existing topography, and (b) there is not adequate provision for placement of a replacement septic drain field in the likely event that the initial septic drain field fails.

The septic drain field is perched on the cusp drainage area leading to the Homeowners' land and particularly the Bowl. Furthermore, past digging in the area by some of the Homeowners, including Mr. Pomrenke, has led to the discovery of a friable sandstone layer only a few feet below the surface of the Lots 2 and 3, Block A of the Pioneer Hills subdivision.

The Homeowners do not believe that the developer has conducted adequate geological and hydrological studies to determine whether the placement of the proposed septic drain field on Proposed Lot 1 is sound under applicable engineering principles and County and local codes.

If the friable sandstone layer pervades the area of the Development Parcel and the Homeowners' land, then the likely result is that raw sewage from the proposed septic drain field on Proposed Lot 1 will migrate onto the surface of lower lying areas such as the Homeowners' land, and particularly into Bowl. This affect will be amplified by the rapid drainage of stormwater into the Bowl, as well as the additional stormwater runoff caused by adding impermeable surface area on the Development Parcel.

Furthermore, it is a fact of life that septic fields fail. Indeed, the septic fields of several of the neighbors have failed over the approximately 30-year existence of the Pioneer Hills subdivision, and the septic systems had to be moved.

If the septic field on Proposed Lot 1 fails or a mineral layer conveys the raw sewage in an unintended manner, then raw sewage will flow onto and pollute the surface of the Homeowners' land. This pollution would be catastrophic for the Homeowners' property values, as well as the use and enjoyment of their land, and should be anticipated by sound planning today.

The Homeowners respectfully request that Board require the applicant to conduct further engineering and development studies to determine (a) the affect of the location of the proposed septic drain field on Proposed Lot 1 on the Homeowners, (b) the geological conditions that may affect the effectiveness of that proposed septic drain field, (c) a location for an alternate septic drain field in the likely event that the initial septic drain field fails, and (d) alternative locations for the septic drain field for Proposed Lot 1.

Location of Proposed Development is Unnecessarily Proximate to Homeowners' Land

Objection 5: The Proposed Development is too close to the Homeowners' land. The close proximity of the Proposed Development, which consists of very large houses relative to neighboring houses, is not in keeping with the character of the area, which is semi-rural and natural. (In addition, that proximity may lead to the drainage problems and risk of pollution of the Homeowners' land by raw sewage described above.)

The Homeowners desire that the Proposed Development does not destroy the peaceful, semi-rural and natural character of this part of Darnestown, while allowing the applicant a feasible avenue to profitably develop the Development Parcel.

It is readily apparent from the Pre-Preliminary Plan that there is room to move the Proposed Development to the South. In fact, the Homeowners believe that the development can be moved 100 to 150 feet to the South, without (a) causing any additional hardship or expense to the developer, (b) affecting the value of the proposed lots; (c) without limiting the size or general locations of the proposed Forest Conservation Easements, or (d) without the traffic on Highway 28 (Darnestown Road) intruding on the view or peace of the new homeowners due to the location of the Forest Conservation Easements and the existing trees and foliage.

If the Proposed Development were relocated to the South, then there would be adequate room for a septic field for Proposed Lot 1 to be located further away from the area that drains into the Homeowners' land.

Furthermore, relocating the Proposed Development to the South would allow a more natural shaping of Proposed Lot 1, which is currently elongated and unnaturally shaped.

Finally, such a re-siting would go a long ways towards mitigating the issues the Homeowners face with drainage and possible pollution from raw sewage.

Therefore, the Homeowners respectfully request that the Board require the applicant to explore and propose alternative layouts of the Proposed Development, in a fashion that is in keeping with the overall semi-rural character of the area, and will help mitigate the stormwater runoff and potential pollution from raw sewage discussed above.

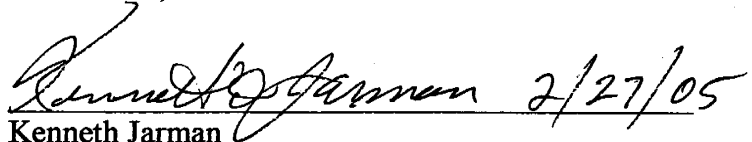
Conclusion

To summarize the Homeowners' concerns, the Homeowners' land is already subject to excessive drainage from the Development Parcel, and the close and unnecessary proximity of the Proposed Development to the Homeowners' land, the related increase in impermeable surface area on the Development Parcel, and the unwise proposed placement of the septic drain field on Proposed Lot 1 will impose excessive and unfair burdens on the Homeowners in the form of added stormwater and possible migration of raw sewage.

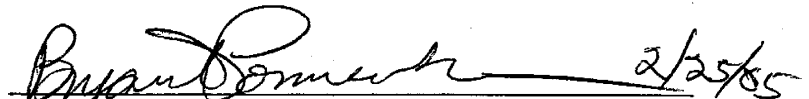
In consideration of the facts, concerns, comments and objections stated above, the Homeowners respectfully request that the Board grant the requests for relief stated above in this letter, including without limitation, holding a public hearing on the Pre-Preliminary Plan.

Thank you very much for your consideration of this letter.

Respectfully submitted,
The undersigned Homeowners in Pioneer Hills
subdivision,

 2/27/05

Kenneth Jarman
14500 Pioneer Hills Drive

 2/25/05

Bryant Pomrenke
14504 Pioneer Hills Drive

Jayant F. Darji

2-25-05

Jayant Darji
14508 Pioneer Hills Drive

Paul Zarezadegan

Paul Zarezadegan
14512 Pioneer Hills Drive

See next page

Elizabeth Miller
14516 Pioneer Hills Drive

William Harral

William Harral
14520 Pioneer Hills Drive

NON-ATTORNEY ADVISER

Sachin Jay Darji

Sachin Jay Darji

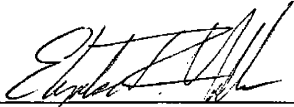
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Commission

Montgomery County Department of Permitting Services

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Paul Zarezadegan
14512 Pioneer Hills



Elizabeth Miller
14516 Pioneer Hills

William Harral
14520 Pioneer Hills

EXHIBIT A

**NAMES OF HOMEOWNERS,
STREET ADDRESSES AND LEGAL DESCRIPTIONS**

Jarman, Kenneth O & ED
14500 Pioneer Hills Dr.
Lot 1, Block A
Germantown
Use: Residential
Zone: RC

Pomrnke, Bryant et al
14504 Pioneer Hills Dr.
Lot 2, Block A
Germantown
Use: Residential
Zone: RC

Darji, Jayant J & VJ
14508 Pioneer Hills Dr.
Lot 3, Block A
Germantown
Use: Residential
Zone: RC

Zarezadegan, Paul & Zahra Parva
14512 Pioneer Hills Dr.
Lot 4, Block A
Germantown
Use: Residential
Zone: RC

Miller, Elizabeth R TR
14516 Pioneer Hills Dr.
Lot 5, Block A
Germantown
Use: Residential
Zone: RC

Harral, William & O
14520 Pioneer Hills Dr.
Lot 6, Block A
Germantown
Use: Residential
Zone: RC

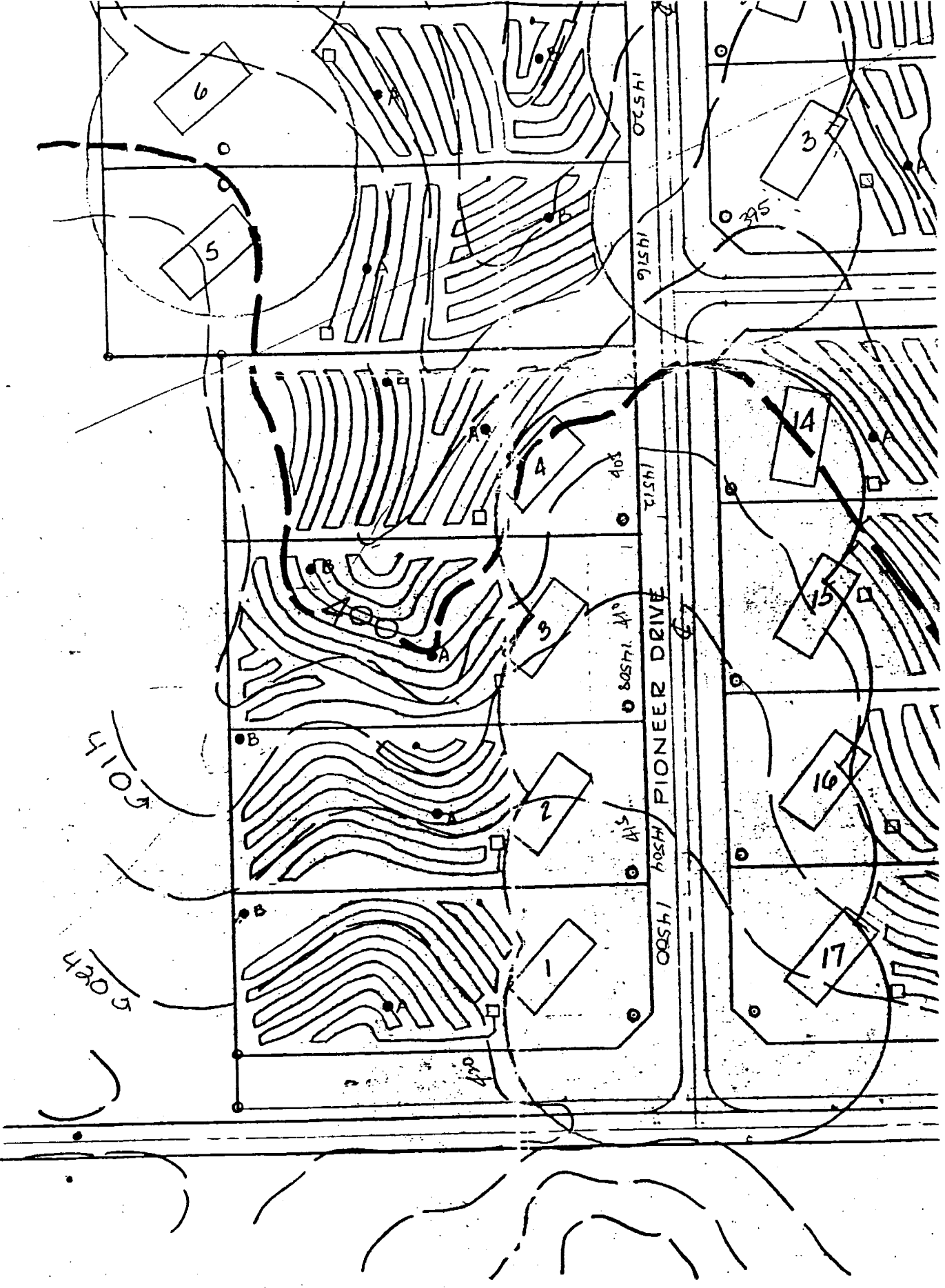
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EXHIBIT B

EXISTING TOPOGRAPHICAL MAP OF PIONEER HILLS SUBDIVISION

~~To be~~ attached

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GENERAL NOTES:

1. TOTAL NUMBER OF LOTS PROPOSED = 24; 7 IN BLOCK 'A', 17 IN BLOCK 'B' & 2 OUTLOTS "A" & "B"
2. PROPOSED INDIVIDUAL WELLS AND SEPTIC SYSTEM.
3. TOPOGRAPHY FROM U.S.G.S. QUADRANGLE SHEET ENLARGEMENT. CONTOUR INTERVALS ARE 5 FEET.
4. POTENTIAL LEACHING LINES ARE 2000 LINEAR FEET MIN.
5. FOR DIMENSIONAL LOT AND BLOCK LAYOUT SEE DWG. PH-2

LEGEND

- INDICATES STAKEOUT AND TEST SITE OF DEEP AND SHALLOW TESTS (2 1/2' AND 15' UNLESS DEEP HOLE MAXIMUM DEPTH IS OTHERWISE NOTED IN TABLE.).
- ⊠ INDICATES STAKEOUT AND TEST SITE OF SHALLOW 2 1/2' HOLE.
- ⊙ INDICATES STAKEOUT AND TEST SITE OF SHALLOW AND DEEP (2 1/2' & 6 1/2') HOLES.
- WELLS

INDICATES STAKEOUT AND TEST
AND DEEP (1% & 6% HOLES.
WELLS

REV. NO.	DATE	DESCRIPTION	DRN. CHK. SU.
△			
△			
△	6/17/73	GENERAL REVISION	K.A. AP
△	6/11/73	REVISED FOR CLARITY & CHANGE IN BOUNDARY	M.S. AP
△	5/3/73	ISSUED FOR PRELIMINARY SUBDIVISION	K.A. A.P.

GENERAL REVISION

BRONNER HILLS

GENERAL PLAN

OWNERS DISTRICT
MONTGOMERY COUNTY, MARYLAND

ANDREW K. KELLER P. E. M.E.
4 Oliverwood Ct
Greenbelt,

DRAWING NO. PH-1
SCALE

DESIGNED BY
DRAWN BY
CHECKED BY
APPROVALS

DATE 6-15-73
DATE 5-5-73
DATE 6-17-73

CHIEF ENGR. DATE



ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THE ENGINEERING
AND SURVEYING DATA SHOWN HEREON IS
COMPILED FROM FIELD SURVEYS AND
RECORD DATA
BY *Andrew K. Keller* JUNE 1973
ANDREW K. KELLER
REGISTERED PROFESSIONAL ENGINEER
NOTE: TOPOGRAPHY ACQUIRED FROM
MARYLAND NATIONAL CAPITAL