



November 7, 2005

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief  
Countywide Planning Division

Jorge A. Valladares, P.E., Chief  
Environmental Planning

FROM: Nazir Baig for the Department of Park and Planning  
(301) 495-4549

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply  
and Sewerage Systems Plan -- WSSCR 00A-URC-01

**RECOMMENDATION**

Staff finds the revised application to be consistent with the Upper Rock Creek Master Plan and recommends S-3.

**DISCUSSION**

Upper Rock Creek Planning Area  
WSSCR 00A-URC-01  
Applicant: Oxbridge Development at Bowie Mill LC  
Size: 336.00 acres  
Zoning: RNC  
Upper Rock Creek Master Plan (2004)  
Watershed, Use: Upper Rock Creek, Use III  
Existing and proposed use: Pasture, Residential  
Existing Category: W-3, S-6  
Requested Category: W-3, S-3

The application WSSCR 00A-URC-01 was filed in 2001. The staff had recommended deferral pending completion of the *Upper Rock Creek Master Plan*. The Board and the Council agreed with the staff recommendation. The applicant has submitted the attached update to the previous application. The site plan has been submitted to M-NCPPC for our review. All development will take place on the Casey property, and the Dungan property will be maintained

as undeveloped open space in accordance with the Legacy Open Space Plan. The property will be developed using RNC optional method zoning.

The master plan recommends community sewer service for the Casey property "only if the Casey and Dungan property owners agree to combine development of the properties, with all houses built on the Casey property, and only if a sewer connection is constructed that will connect sewer lines in the southern portion of the property to the existing lines in Bowie Mill Road or Muncaster Mill Road." The applicant has met the first two conditions: the preliminary and site plans show combined development of the Casey and Dungan properties and show all development on the Casey property. The applicant is seeking a sewage pump station for this development to meet the third condition, but staff has not seen confirmation of that fact. We would be contacting the applicant, Alan Soukup and the WSSC to confirm that condition.

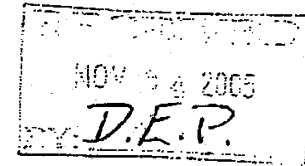
The plan recommends 0.4 units to the acre with MPDU's on community sewer service; the proposed development meets that density standard and shows MPDU's.

The staff finds the application to be consistent with the *Upper Rock Creek Master Plan* and recommends S-3 for the property with the understanding that the applicant will use a sewage pumping station to achieve community sewer.

NB:ss  
Attachments

cc: Soukup  
Levchenko  
Baig

Attachment 1

**the  
Oxbridge  
group***Residential Developers  
Commercial Builders  
Real Estate Investors*600 Jefferson Plaza  
Suite 550  
Rockville, MD 20852Telephone: 301-294-4150  
Facsimile: 301-294-4151  
oxbridge@oxbridgedev.com

November 1, 2005

Montgomery County Government  
Department of Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, Maryland 20850  
Attn: Alan Soukup

**Re: Update to Water/Sewer Category Map Amendment Request  
Application #WSCCR 00A URC-01**

Dear Mr. Soukup:

Please consider the following as an update to the above referenced application:

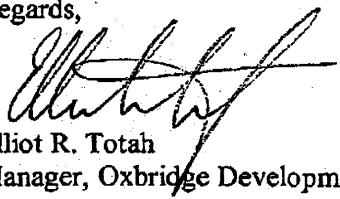
Since the time of the original application, Oxbridge Development at Bowie Mill Estates, LC has acquired the subject property and is now the owner thereof.

Further, as you already know, a new master plan for Montgomery County's Upper Rock Creek planning area was adopted in April of 2004. Therein, several new recommendations were made for the subject property. The following is a brief summary of our implementation of those new recommendations:

- We have already submitted Preliminary and Site Plans to MNCPPC in tandem with Winchester Homes, contract-purchaser of the Dungan Property, for a joint development of the properties. All development will take place on the Casey Property and the Dungan Property will be maintained as undeveloped open space in accordance with the Legacy Open Space plan.
- The property will be developed using the RNC optional method which will provide a variety of lot sizes and preserve hundreds of acres of the site as open space.
- A sewage pumping station is proposed to minimize sewer tie-ins and preserve the quality/character of the site and surrounding natural areas.
- Any development of the property will be done in accordance with applicable Special Protection Area regulations including stream monitoring, water quality planning, and impervious-surface limitations.

Should you have any questions regarding our application, do not hesitate to contact me.

Regards,



Elliot R. Totah  
Manager, Oxbridge Development at Bowie Mill Estates, LC

cc: Sylke Knuppel, Winchester Homes  
Steve Kaufman, Linowes & Blocher  
Jim Crawford, Dewberry

RECEIVED  
1841  
OCT 27 2005

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

MEMORANDUM

October 26, 2005

TO: Andrew D. Brunhart, General Manager  
Washington Suburban Sanitary Commission

✓ Derick Berlage, Chairman  
Montgomery County Planning Board

FROM: Thomas E. Perez, President JP  
Montgomery County Council

SUBJECT: **Proposed Amendment to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Oxbridge Development at Bowie Mill Estates (for Betty Casey, et al), (OOA-URC-01)**

State law requires that the County Council formally notify both WSSC and the Maryland National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the Water and Sewer Plan. The Council has scheduled a public hearing for December 6, 2005 on the abovementioned Water and Sewer Category Change request.

This request originally was introduced by the County Council on June 19, 2001 (see excerpt from the County Executive's Transmittal attached) and went to public hearing on July 24, 2001. The request was tabled pending further discussions between the applicant and the community. Since the deferral of the category change request, the Upper Rock Creek Area Master Plan was revised. The property in question was specifically discussed during this Master Plan review and recommendations regarding this property were made that provide for the clustering of new homes on the property supported by a sewer extension. The applicant is now ready to pursue development of the property consistent with the Revised Upper Rock Creek Master Plan but will need approval of the associated category change request to move forward.

Your staffs have previously reviewed this request when it first was discussed in 2001. However, any additional comments you may have should be forwarded to the County Council.

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

cc: Robert Summers, Director, Water Management Administration, Maryland Department of the Environment  
Audrey E. Scott, Secretary, Maryland Department of Planning

Attachment  
TEP:KML

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN  
COUNTY EXECUTIVE'S TRANSMITTAL OF PLAN AMENDMENTS - MAY 2001**

**UPPER ROCK CREEK WATERSHED PLANNING AREA**

Map Amendment No. Applicant/Owner Site Description Location & Information	Service Area Categories		WSSC & MCDPS Reports (Main extensions are non-CIP size unless otherwise noted)	Park & Planning Dept. and Planning Board Comments	County Executive Recommendation (see below for staff report)
	Existing	Requested			
<p>→ <b>WSCCR DBA-URC-01</b></p> <ul style="list-style-type: none"> <li>• Oxbridge Development at Bowie Mill Estates (for Betty Casey, et al.)</li> <li>• East quadrant - intersection of Muncaster Mill Rd. (Rts. 115) and Bowie Mill Rd.</li> <li>• Parcel P600, Beckwith Range, Etc. (tax maps GS563, GT561, HS123, &amp; HT121)</li> <li>• Upper Rock Creek Master Plan (1985) - staff draft master plan revision pending in Fall 2001</li> <li>• Upper Rock Creek watershed (Use III)</li> <li>• RE-1 &amp; RE-2 Zones: 331.27 acres</li> <li>• Existing use: farm; Proposed use: 225-lot, single-family subdivision, possible elder-care facility, park dedication</li> </ul>	<p>W-3 S-6</p>	<p>No Change S-3</p>	<p><b>Water:</b> Not requested</p> <p><b>Sewer:</b> The northwest part of the site could be served by 8"-dia. mains along Muncaster Mill Rd. and Bowie Mill Rd. (nos. 89-8227A &amp; 69CT3675A). A 350' extension crossing the adjacent hospice site would be required.</p> <p>The northeast part of the site could be served via a 1,240' main extension to the North Branch Trunk Sewer (no. 65-3306A). The extension would abut two additional properties and require rights-of-way. Construction would disrupt wetlands and require work in the North Branch Stream Valley Park.</p> <p>The southeast part of the site will need extensions totaling 4,700'. Two extensions from the site would converge and traverse the Dungan site to connect with an existing 8"-dia. main east of Grist Mill Dr. (no. 88-7871A). Construction would disrupt wetlands.</p> <p>(Continues in next column)</p>	<p><b>M-NCPPC Staff:</b> The development does not comply with the master plan. Recommend denial.</p> <p><b>Planning Board:</b> (pending)</p> <p><b>Sewer (continued):</b> Service to the southwest part of the site will be difficult. Some lots might be served by an extension across the Magruder High School site or by the extensions proposed to serve the southeast part of the project. The applicant's proposal to extend an extraordinary deep gravity main extension along Muncaster Mill Rd. is likely not feasible due to construction complications and high cost.</p> <p>Interceptor capacity is deficient; see the advisory note below.</p> <p><b>Well &amp; Septic:</b> A 1992 pre-application plan was approved for 85 lots, out of 170 originally proposed. Public water service was required. The results of septic testing was among the factors leading to the 50 percent reduction in the number of lots.</p>	<p>Defer action on the sewer request pending completion of the Upper Rock Creek Master Plan revision.</p> <p>Note: M-NCPPC staff anticipate completion of the revised master plan in 2003.</p>

*Rock Creek Trunk Sewer Advisory: Existing peak flows in the trunk sewer exceed the safe capacity, but not the total capacity of sewer. Hookups in the watershed will be granted on first-come, first-served basis. Service may become dependent on capital improvements funded under the Rock Creek Wastewater Facilities Project (S-49.15).*

**Executive Staff Report:**

The applicant requests the provision of public sewer service to support a proposed cluster-option residential development and possible elder-care project. Under the cluster plan, the applicant has proposed to preserve approximately 180 acres of the site as open space, much of that as park dedication adjacent to the North Branch Stream Valley Park. From a conceptual standpoint, we recognize the potential environmental benefit of cluster development in providing substantial, contiguous open space preservation. Proposals such as this provide an example of alternatives to acquiring and preserving open spaces other than through outright purchase. The County needs to consider such alternatives in order to make affordable the implementation of land preservation objectives such as those promoted by the Legacy Open Space program. However, we also recognize the need to examine this environmental issue, along with land use and transportation issues, in the comprehensive context of a local area master plan. A revision to the local area master plan for this project, Upper Rock Creek, is now under consideration. We therefore recommended this request for deferral pending completion and approval of the master plan revision. The County Council has recently rescheduled completion of the Upper Rock Creek Master Plan revision until 2003. This will extend the deferral period past the usual one year time frame generally intended for such actions.

63

2

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN  
COUNTY EXECUTIVE'S TRANSMITTAL OF PLAN AMENDMENTS - MAY 2001**

**UPPER ROCK CREEK WATERSHED PLANNING AREA**

Given the existing RE-1 and RE-2 zoning, the provision of public sewer service to this site is not consistent with either Water and Sewer Plan policies, or with the recommendations of the current Upper Rock Creek Master Plan from 1985. Under these circumstances, we would normally recommend denial of the requested service area change. However, denial of the amendment at this time would only require that the applicant reapply for the requested category change at some point in the future following release of the staff draft master plan. If the applicant decides to proceed with development using on-site septic systems, then the applicant can withdraw this request.

The applicant has previously indicated to MCDEP staff a desire for a conditional approval for category S-3, in the event that the Council determines that it cannot approve the request at this time. The approval conditions would depend on the revised master plan recommending the site for public sewer service. We oppose a conditional approval based on a future master plan recommendation, especially where public service is inconsistent with current master plan recommendations for land use and public sewer service. Intended or not, a conditional approval such as this can imply the Council's official expectations for the pending master plan.

Comparisons to the recent Redland Park (Natelli/Sheffield) sewer service area amendment may be inevitable. Although the impetus for each amendment is different, the issue of public sewer service to support RE-1 cluster development is similar. Both sites are located north of Muncaster Mill Road, where the current master plan generally recommends against the provision of public sewer service. However, when the Council recognized the unusual circumstances affecting the Redland Park project, and agreed to the provision of public sewer service to support cluster development there, they also specifically directed that the Redland Park approval would not serve as a precedent for sewer service to other areas zoned RE-1 and RE-2 in the Upper Rock Creek watershed.

Some concern has been raised with regard to the sewer service extension options for serving this project. Gravity main extensions to the east will affect existing parkland and potential parkland acquisition areas along North Branch. Sewer service in the northern part of the site would tie into existing mains which are currently limited access mains with respect to this site. The applicant has proposed serving the southwestern part of the site by an extraordinarily deep sewer extension along Muncaster Mill Road which the WSSC finds inconsistent with their extra-depth sewer construction policies (see circle page 70). Issues concerning specific sewer extension alignments are usually addressed through the subdivision plan process, where the reviewing agencies (including M-NCPPC, MCDEP and WSSC) work with the project developer and engineer to evaluate and refine service extension alternatives.

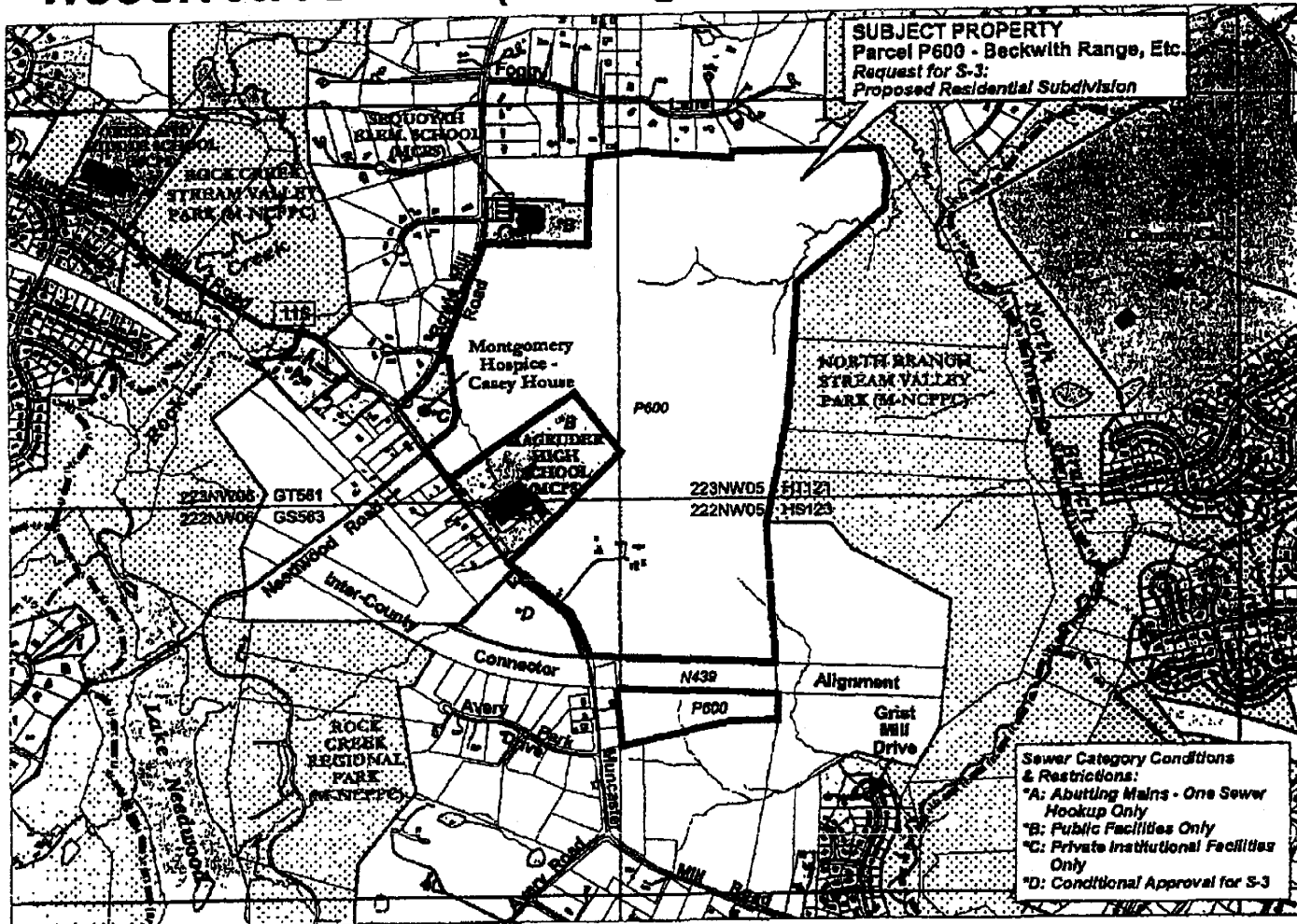
Map Amendment No. Applicant/Owner Site Description Location & Information	Service Area Categories		WSSC & MCDPS Reports (Main extensions are non-CIP size unless otherwise noted)	Park & Planning Dept. and Planning Board Comments	County Executive Recommendation (see below for staff report)
	Existing	Requested			
<b>WSSCR 01A-URC-01</b> • Kevin Smart (for Dorcas Daniels) • Parcels P859 and P871, Magruder's Hazard • WSSC Grid: 223NW06 -- tax map: GT561 • Southwest side of Muncaster Mill Rd. (Rte. 115) between Needwood Rd. and Bowie Mill Rd. • Upper Rock Creek Master Plan (1985) • Upper Rock Creek watershed (MDE Use III) • R-200 and RE-1 Zones: 2.53 acres total • Existing use: vacant -- Proposed use: three residential lots	W-1 S-6	No Change S-1	<u>Water:</u> Not requested.  <u>Sewer:</u> An abutting 8'-dia. main along Muncaster Mill Rd. (no. 68-3675A) can serve the property.  <u>Well &amp; Septic:</u> No information available for this property. This is an area of older homes and septic system installation in this area generally predates current requirements.	M-NCPPC Staff: The proposed development conforms to the intent of the master plan and should therefore be approved for public sewer service.  Planning Board: (pending)	Approve S-1.

64

3

# Sewer Service Area Categories Map

## WSSCR 00A-URC-01 (Oxbridge Development/Betty Casey)



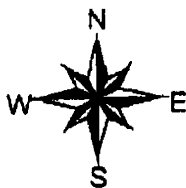
Upper Rock Creek Watershed Planning Area

Upper Rock Creek Watershed



### MAP LEGEND

- Properties
- WSSC/GIS Grid
- Sewer Mains**
- Small-Dia. Pressure Mains
- 8" or Smaller Dia. Mains
- 9" - 14"-Dia. Mains
- 15" or Greater Dia. Mains
- Roads - Parking
- Buildings
- Lakes - Ponds
- Streams
- M-NCPPC Parks
- Sewer Categories**
- S-1
- S-3
- S-4
- S-5
- S-6



June Interim 1999 Update  
Service Area Categories Map

Montgomery County, Maryland  
Comprehensive Water Supply  
and Sewerage Systems Plan



72

Watershed Management Division  
2/14/01 - GIS Project File:  
D:\www\team\rockcr\uprock\2000ccrs\G0aurc0\*-oxbridge-casey.apr

4