

Dan Pipher
25815 Woodfield Road
Damascus, MD 20872

Page 1 of 2

January 16, 2006

Montgomery County
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, MD 20850-4166

Ref.: Sewer Service Area Category Change from S6 to S1

Dear Mr. Soukup,

We need your help. In 1987, we bought a buildable lot in Damascus, which adjoins our existing home's lot. We want to build a home on it. This lot was subdivided in 1945. The lot is, and has always been, classified Buildable.

The problems: 1) A septic is not really feasible due to the lot's small size, and 2) The current classification is S-6, even though the sewer is right across the street. These conditions prevent us from building, rendering our lot basically worthless. We want the classification changed to S1 asap so we can use the land.

Per the code: d. Individual Systems Regulations Changes -- DEP may act on service area category changes for properties which satisfy the specific requirements of Section II.E.10.: Community Service Due to Individual On-Site Systems Regulations Changes. --Community service was extended to lots which were previously approved for individual systems but which are unable to utilize those systems due to changes in individual systems regulations.

Our lot was previously approved. Our lot had septic approval by virtue of its existence as a buildable lot, as does the adjoining home built in 45, which has a working septic, and all of the other homes built at that time. You said that if you had a record of a previous on-site system approval, DEP could make the S1 change. But that would be impossible because back then approval was automatic, so no written application or approval could exist. I don't believe that DEP could rationally require a document that could not have existed in the first place. We meet the requirement.

It's great for the county: For the last 19 years, MC has valued our lot as buildable (a much higher value) and collected the higher taxes on it. It's a disaster for us: In its current status, we've paid enormously inflated taxes on the lot for almost 2 decades AND vastly overpaid for the lot. Delay or denial of the S1 change would prevent us from building, and cause expensive delays and huge losses to us.

Our losses would include:

- 1) Total loss of property value
- 2) Total loss of our initial investment
- 3) Loss of inflated property taxes MC collected - last 19 years (unless refunded)
- 4) Loss of investment returns for vastly overpaid funds for the lot - last 19 years
- 5) Loss of investment returns on inflated overpaid taxes - last 19 years

This is a fortune to us. In fact, we have already lost a recent building transaction. We have followed the rules and paid our taxes. Delaying the S1 change would cause unneeded hardship to us. This should be a DEP (not council) decision. S1 is also a win-win scenario. The county gets taxes on the higher value, the environment benefits, and the lot owners are not stifled from use of their land. Please change the classification to S1 without further delay so that we can use our land.

Call me on my mobile [REDACTED] or home [REDACTED] with any questions or to let me know that it is changed to S1.

Thank You.

Sincerely,

Dan Pipher



Enclosures: Water/Sewer Service Area Category Change Request
Montgomery County Plat

Dan Pipher
25815 Woodfield Road
Damascus, MD 20872

Page 1 of 1

RECEIVED

MAY 22 2006

Environmental
Protection

May 17, 2006

Montgomery County
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, MD 20850-4166

Dear Mr. Soukup

Per our phone conversation on May 17, 2006, enclosed is a check for the \$250.00 fee to amend our application and to include our home at 25815 Woodfield Rd in the S-3 Sewer Category Change approved for our adjacent lot.

Please confirm in writing via email or letter that this is done.

Thank you,

Dan Pipher

Joe Mantua
April 17, 2003
Page 2

Although this property is designated as category S-5 in the County's Water and Sewer Plan, MCDPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. We will work with the property owner on a request for a service area change from S-6 to S-1 (WSSCR pending).

Sewer Service: 9510 Main Street - Damascus

Property I.D.:	Parcels P912 & P913, Pembroke	Service Areas:	W-1 and S-1/S-6
Owner:	Brian Jones	Property Size:	32,577 ft. ² (0.75 acre)
Map Coord.:	FX563 - 237NW09	Watershed:	Upper Patuxent River/Upper Great Seneca Creek
Planning Area:	Damascus		

On November 10, 2003, the DPS Well and Septic Section advised this office of a public health hazard, a failing septic system, at the subject property (see the attached memorandum). MCDPS recommended relief of this problem by connecting the site to public sewer service, due in part to the sewer main traversing the rear corner of the property (WSSC no. 919192A). It appears that sewer service for the subject property can be provided from this 8"-diameter sewer main.

Although this property is partially designated as category S-6 in the County's Water and Sewer Plan, MCDPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. We will work with the property owner on a request for a service area change from S-6 to S-1 (WSSCR pending).

ADJACENT TO 06A-DAM-04

Sewer Service: 25829 Woodfield Road - Damascus

WSSC: #A53077X04

Property I.D.:	Lot 1, (N400), Brightview	Service Areas:	W-1 and S-6
Owner:	Alma Hughes	Property Size:	36,542 ft. ² (0.84 acre)
Map Coord.:	FX342 - 236NW10	Watershed:	Upper Great Seneca Creek
Planning Area:	Damascus		

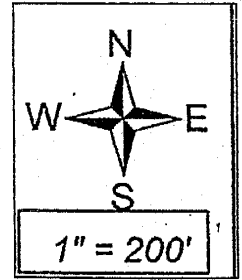
On October 14, 2003, the DPS Well and Septic Section advised this office of a public health hazard, a failing septic system, at the subject property (see the attached memorandum). MCDPS recommended relief of this problem by connecting the site to public sewer service, due in part to the presence of a nearby sewer main across Woodfield Road (MD 124) (WSSC no. 846034A). Your office has advised that WSSC can serve the property by a non-abutting sewer connection to this 8"-diameter sewer main.

Although this property is designated as category S-6 in the County's Water and Sewer Plan, MCDPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. We will work with the property owner on a request for a service area change from S-6 to S-1 (WSSCR pending).

Sewer Service: 19205 Liberty Mill Road - Germantown

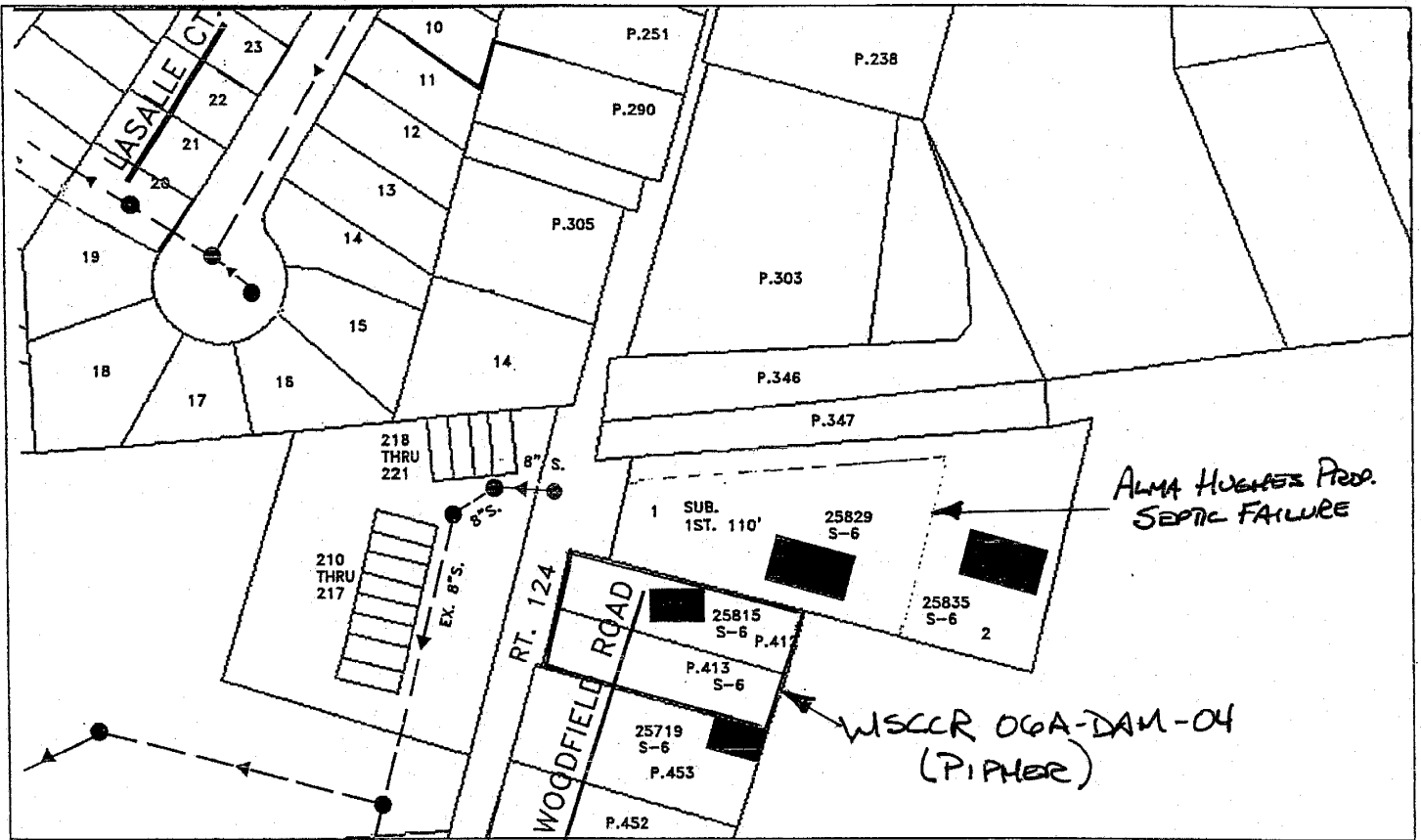
Property I.D.:	Lot 7, Block A, Robins Crest	Service Areas:	W-1 and S-1
Owner:	Jerry Merinden	Property Size:	29,862 ft. ² (0.69 acre)
Map Coord.:	EU341 - 226NW13	Watershed:	Northwest Branch
Planning Area:	Germantown		

On November 17, 2003, the DPS Well and Septic Section advised this office of a public health hazard, a failing septic system, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public sewer service, due in part to the existing S-1 service area category and to the presence of a nearby 8-inch sewer main (WSSC no. 880031B) near Liberty Mill Road. It



AS3877X04



SEWER EXT. FOR HUGHES PROP.



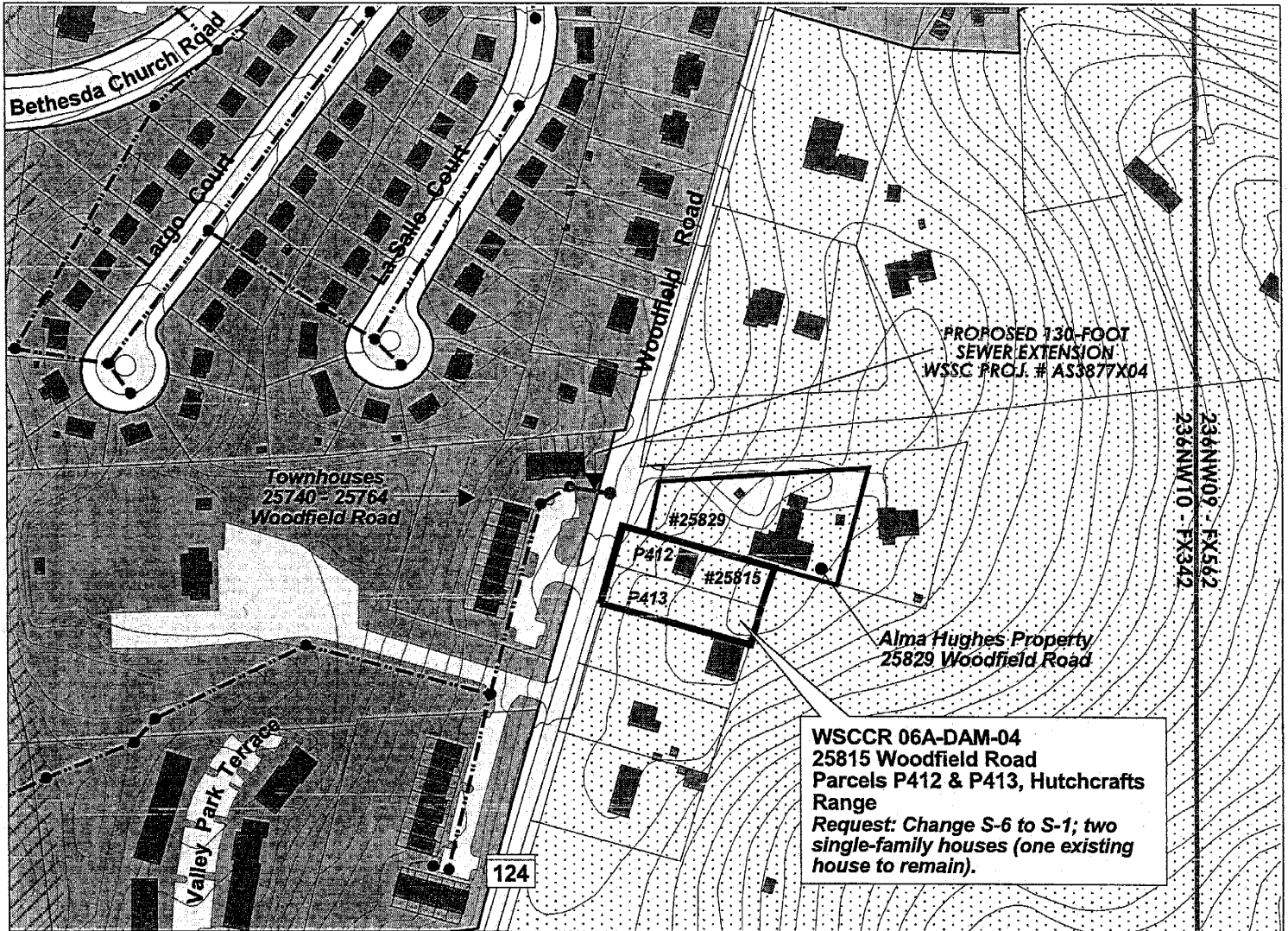
ALMA HUGHES PROP.
SEPTIC FAILURE

WSCLR OGA-DAM-04
(PIPE)

LEGEND

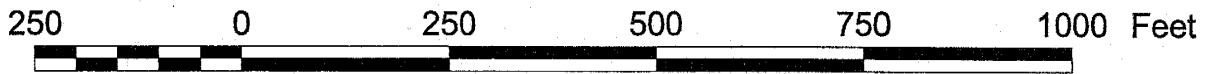
PROPOSED SEWER 
 APPLICANTS PROPERTY 

Sewer Service Area Categories Map WSSCR 06A-DAM-04 (Daniel & G.M. Pipher)



Damascus Planning Area

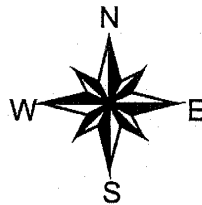
Upper Great Seneca Creek Watershed



MAP LEGEND

- Property
- Sewer Mains**
 - Small-Diameter, Low-Pressure Mains
 - 6"- to 8"-Diameter Gravity Mains
 - 10"- to 14"-Diameter Gravity Mains
 - 15"- to 42"-Diameter (CIP) Trunk Mains
 - 48"- or Larger-Diameter (CIP) Trunk Mains
- Sewer Manholes
- WSSC Map Grid
- Buildings
- Roads
- Topography (C.I. = 5 Feet)
- Streams
- Ponds - Lakes
- Woodlands

- 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



Water and Wastewater Policy Group
5/7/06 – GIS Project File:
o:\wwteam\ccrs-pas\damascus\
2006ccrs\06a-dam-04-rv=pipher=s.apr

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – May 2006: Map Amendment Summary Information Table

OLNEY PLANNING AREA		
Amendment No./Applicant (Owner) Property Location & Information Proposed/Existing Development	Applicant's Request/Explanation Service Area Categories: Existing Requested	Reviewing Agency Comments (Main extensions are non-CIP sized unless specified.)
<p>WSSCR 06A-OLN-01 Elizabeth, Thomas & Henry Hyde ▪ Parcels P239, P401, P542 & P459, Snowdens Manor Enlarged ▪ Map tile: JT121; 223NW02 ▪ Southeast quadrant – intersection of Dr. Bird Rd. (MD 182) and Batchellors Forest Rd. ▪ Olney Master Plan (2005) ▪ Northwest Branch Watershed (MDE Use IV) ▪ RNC Zone; 46.28 ac. ▪ Existing use: 3 existing homes and open space ▪ Proposed use: residential – 31 lots (plan no. 7-20060100)</p>	<p>W-6 W-3 S-6 S-3</p> <p>Applicant's Explanation (excerpted – see circle pg. 21 for the full text): "... On March 15, 2005, the District Council amended and adopted the Olney Master Plan, which recommend rezoning the Property to the Rural Neighborhood Cluster (RNC) Zone. ... The property is proposed for residential development under the optional method of the RNC Zone, which requires public water and sewer. ... the Property contains</p>	<p><u>WSSC-Water</u>: 12" water mains abutting the site along Batchellors Forest Rd. and Dr. Bird Rd. (#66-2533B & #60-4655, respectively) can provide service to this project.</p> <p><u>WSSC-Sewer</u>: Service will require a 3,500-foot main extension from an existing main located between Lehigh Rd. and Excalibur Way (#84-6158B). The extension would abut approx. 8 additional properties and would require rights-of-way. Construction would require removing trees and work along a stream.</p> <p>The 3 existing homes on the site might be served by connections or main extensions to the new sewer main extension for Good Counsel High School (#DA3408Z02), under construction.</p> <p><i>DEP note: The developer's concept plan for the site proposes to use a central wastewater pump station, rather than the 3,500-foot gravity outfall sewer proposed by WSSC.</i></p> <p><u>DPS-Well & Septic</u>: Long-standing problems with on-site sewage disposal at intersection of Dr. Bird/Rt. 108 (as with Olney Ale House). DPS encourages planners to consider these problems when designing sewer plans for proposed development.</p>
<p><u>M-NCPPC Staff</u>: The recently approved and adopted Olney Master Plan (2005) recommended rezoning this property from RE-2 to RNC, with community sewer service, if feasible, and placed it in the proposed sewer service envelope. However, it stated that "the feasibility of providing public sewer service through gravity to this property should be determined at the time of subdivision. It further stated that "putting it in the sewer envelope would not automatically entitle this property to development on public sewer."</p> <p>The Olney Master Plan envisioned providing community sewer service to properties in the Southeast Quadrant that could be served by gravity using existing sewer lines and without disturbing existing forest, stream valleys and other environmentally sensitive areas. In the Land Use Chapter, under Southeast Quadrant on Page 22 (of the Planning Board Draft), it states that, "In the Southeast Quadrant, existing sewer lines should be used to cluster development and save large areas of forest along streams and headwaters. New sewer lines should not be extended along tributaries in the western portion of the Batchellors Forest tributary above the Intercounty Connector (ICC) right-of-way because environmental benefits would not outweigh the potential impacts to the streams."</p> <p>It further states that, "A low-density cluster method.... Some of the redevelopable properties are located near the existing sewer line in the Batchellors Forest tributary stream valley and should be allowed to receive community sewer service if deemed appropriate by the County Council. Those that require disturbance of stream buffers for anything other than lateral connections are not recommended for zoning requiring community sewer service."</p> <p>On Page 23, Recommendation No. 2 states: "Promote a zoning pattern that does not require off-site extensions of sewer mains in the stream valleys of Batchellors Forest tributary." In the Implementation Chapter, on page 136, last paragraph, the Plan states that, " while extension along stream valleys are designed to minimize direct environmental impacts, they can alter the characteristics of streams and stream buffer habitat and modify the natural hydrologic system due to wetland fragmentation. Lines that must cross streams or parallel them within the stream buffer can be troublesome if eroding stream channels expose sewer mains and manholes, leaving them more susceptible to damage."</p> <p>The Pre-preliminary Plan (# 7-2006-0100) for this property proposes 31 single-family clustered units under the optional method of development of the RNC Zone. WSSC has proposed to serve the 31 units by gravity through the stream valley to the east of this site. The proposed plan with 31 units is not consistent with the goal of preserving the rural character of Batchellors Forest Road, the surrounding Southeast Quadrant area, and the natural resources in the headwaters of the Northwest Branch as envisioned in the Olney Master Plan. M-NCPPC staff recommends denial of this category change request unless the WSSC determines that sewer service can be provided outside stream buffers, or the Planning Board determines the Pre-Preliminary Plan and sewer service as proposed is consistent with the Olney Master Plan. Recommendation: Deny request for S-3 as</p>		

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COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – May 2006: Map Amendment Summary Information Table

OLNEY PLANNING AREA

proposed unless the WSSC determines that sewer service can be provided outside stream buffers consistent with their policies. Approve W-3.

County Executive Recommendation: Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned on the Planning Board's approval of a preliminary plan that:

- uses the RNC optional cluster development method, and
- provides sewer service through access to existing mains to the west of the site, not through a gravity extension to the southeast towards Lehigh Rd/Excalibur Way. (WSSC#846158B).

Consistent with the provision of public water and sewer service to RNC zoned projects, the approval of W-3 and S-3 will be restricted to the area of the clustered lots and also to conservancy lots that DEP and M-NCPPC staff agree satisfy the service requirements of the zone.

Executive Staff Report: The provision of public water and sewer service to this proposed RNC development project is consistent with Water and Sewer Plan policies and with Master Plan recommendations. In order to satisfy the Master Plan's requirements, approval will require that sewer service not extend to the site from the existing main located in the Ashley Manor subdivision located downstream along the stream valley to the southeast of the site. This will likely require that sewer service will include either individual or central pumping facilities to access existing sewer mains to the west of the site. Approval of W-3 and S-3 also requires that the Planning Board approve an optional cluster method plan under the provisions of the RNC Zone.

The developer has proposed a central pumping station to serve the 31 proposed lots included in this project. WSSC will need to evaluate whether a central pumping station is preferred to individual grinder pumps for each lot. Unless sewer service can be provided without disruption of the stream valley between this site and the Ashley Manor neighborhood to the southeast, the Master Plan recommends against the RNC optional cluster method and the provision of public water and sewer service. In the event that this project proceeds to development under the RNC standard cluster method, the conditional approval of W-3 and S-3 will be withdrawn. The master plan, as referenced in the preceding M-NCPPC staff comments, supports addressing the issue of including this site within the public service envelope as part of the subdivision review process. The recommended conditional category change approval allows that process to proceed without prematurely granting approval for public service.

M-NCPPC staff have also raised concerns about the proposed number of lots for this project. The number of lots ultimately developed on this site may affect the type of pumping facilities used to serve the project. The issue of the number of lots is one that will also be addressed through the subdivision process, not the water/sewer category change.

DEP Staff Use: CCR#: 06A-OLN-01
Received Date: 12/22 Fee Paid: 5000.00 AD

MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
255 Rockville Pike, Suite 120, Rockville, Maryland 20850-4166
alan.soukup@montgomerycountymd.gov
shelley.janashek@montgomerycountymd.gov
240-777 7716/-7735 ; FAX: 240-777 7765

WATER/SEWER SERVICE AREA CATEGORY CHANGE REQUEST
Proposed amendment to the Montgomery County Ten-Year Water Supply
and Sewerage Systems Plan.

Please read the accompanying information and instruction sheet, which contains a fees-chart.
The fee is non-refundable. The application and appropriate fee must be submitted together.

1) Property Owner:

Name SEE ATTACHED

HYDE

Mailing Address _____

PROPERTY Address: (if same as above, leave blank):

Email* _____

Phone _____

FAX _____

If you would like an engineer or attorney advised of the status of this request, please list
name, company name, job title, address, and Email* address here:

Jim Belcher, Project Manager, Loiederman Soltesz Associates, Inc., 1390 Piccard Drive, Suite 100, Rockville, MD 20850
JBelcher@LSAssociates.net

****Please provide an Email address for all parties: Email is our standard method of
communication and notification. If you don't have access to Email, please provide complete
mailing address and weekday phone number.***

Applicant's Authorization:

I am the:

- Property Owner
- Owner's Authorized Representative*

Signature _____

Title* _____

Date _____

* If signing as owner's representative, you must state on the Title line the legal capacity in
which you are acting, e.g., as attorney-in-fact or trustee, or as president or partner of a
corporation, partnership, or LLC. Please note, a contract purchaser may not file a category
change application.

2) Property/Site Description and Development:

Address SEE ATTACHED
Property's TAX ID # (please provide, if known) SEE ATTACHED
Property/Site Size SEE ATTACHED * Identification (ie, Parcel #) SEE ATTACHED
Location/Closest cross-street Dr. Bird Road
Current Use SEE ATTACHED Proposed Use SEE ATTACHED
Subdivision Plan No. & Status 720060100 DRC only - completed Preliminary Plan pending submittal

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-6 Requested Water Category: W-3 OR No Change Multi-Use Shared
Current Sewer Category: S-6 Requested Sewer Category: S-3 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

SEE ATTACHED

* 46, ZBAc.

REZ

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water _____ Sewer _____

WSSC Tile 223NW 52

Tax Map

Plan No.

Process

Master Plan

Planning Area OLN

Zoning RE Z.

Zoning Activity

Watershed NW

CSPS Subwatershed

State Watershed Use Class

GIS File