

MCPB
September 28,
2006
Item #


September 14, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Chief 
Countywide Planning Division

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

FROM: Mary Dolan for the Department of Planning 
(301) 495-4552

SUBJECT: Revisit Previous Planning Board Decision on Proposed Amendment: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan—May 2006, 06A-OLN-01 Hyde/Stammore Property

RECOMMENDATION

Transmit the following recommendation to County Council:

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;
- Fully satisfies each of the purposes and objectives of the RNC zone, the 2005 Olney Master Plan and the Rustic Road statute;
- Provides sewer service only through access to existing main to the west of the site; and
- If the Planning Board finds appropriate the use of grinder pumps, such use must be minimized and limited to access the existing main to the west of the site.

This conditional water and sewer category change shall not be construed as a recommendation, suggestion, or other effort to influence any decision of the Planning Board concerning the preliminary plan or site plan for the remainder of the Hyde property, including without limitation:

- The total number and location of units that may be constructed on the Hyde Property;
- Whether or not grinder pumps may be used on the site and, if the Planning Board permits the use of grinder pumps, the number or percentage of units on the Hyde property that may use grinder pumps; and
- The number of units that may be transferred from the Good Counsel High School portion of the Hyde property to the remainder of the Hyde property.

Background

This staff memorandum contains recommendations for one category change requiring County Council action.

- **WSCCR 06A-OLN-01**
Elizabeth, Thomas & Henry Hyde
Zone: RNC
Size: 46.28 acres
Proposed Use: Residential Subdivision
Request: W-3, S-3

This case is part of a larger package of category change requests that were first discussed by the Planning Board on June 22, 2006, and action on this case was deferred until staff and the public could review information received just prior to the hearing. On July 20, 2006, the Planning Board considered this case and recommended denial of the sewer category change and approval of the water category change, citing inconsistency with the 2005 Olney Master Plan due to the proposal to serve a large number of units with grinder pumps when the master plan recommends sewer service by gravity (see Attachment 1). The Planning Board recommendation was as follows (see Attachment 2):

On July 20, 2006, the Planning Board recommended **denial of the sewer category change to S-3 and approval of the proposed water category change to W-3**. The Planning Board concurred with Planning Staff findings that the master plan clearly states that sewer by gravity only, outside of stream buffers, is appropriate for this site. They felt that the limitations of this site would result in a significantly different layout if sewer were restricted to gravity service only. Commissioner Allison Bryant dissented from the decision, preferring that the category change be granted separately, with the condition that the use of grinder pumps be strictly limited to a small portion of the units.

Subsequently, the Transportation and Environment Committee and full County Council discussed the case. There was much discussion at the T&E Committee worksession as to what the term "feasible" meant in the Master Plan context and how the Planning Board reached its conclusion that the use of grinder pumps would be inconsistent with the Master Plan language. The Committee discussed what the impact of denying the category change request would be

(the applicant would have to wait one year before submitting new request), versus a conditional approval or a deferral. Their recommendation was to:

Defer to give the applicant and the Planning Board time to reach consensus on a site plan that is consistent with the Olney Master Plan. The Committee asked Planning Board staff and the applicant to get back to the T&E Committee with the results of this effort by September 30, 2006.

Public Outreach

Interested residents in the Southeast Quadrant, Greater Olney Civic Association and the Southeast Rural Olney Civic Association have been actively involved in all discussions of this case. Subsequent to the Council recommendation for deferral, Community-Based Planning staff organized a meeting with all the concerned parties. The general agreement is that conditional approval of the sewer and water category change request is acceptable provided that it does not predetermine the outcome of the preliminary plan decision of the Planning Board. The community representatives were concerned that the applicant would use conditional approval to justify a certain number of units or layout in the preliminary plan. The applicant was concerned that the process should continue to the preliminary plan where the Planning Board would determine the appropriate density and layout to accomplish the goals of the plan. The wording of the conditional approval was developed to address the concerns of the community, the applicant and the staff.

There are still significant concerns of all parties about arriving at a preliminary plan that meets all the objectives of the master plan, however, all have agreed that these issues are best discussed and decided at the time of preliminary plan, as long as the approval of the category change does not predetermine the results of that process. The preliminary plan process cannot move ahead until the category change is granted.

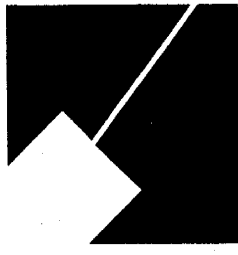
Planning staff recommends approval of this request with the conditions stated above.

MD:rm

Attachments

1. Planning Board staff report, July 13, 2006
2. Planning Board letter to County Council and County Executive, July 21, 2006

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
July 20, 2006
Item # ___

July 13, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Chief *GW*
Countywide Planning Division

Jorge A. Valladares, P.E., Chief *JAV*
Environmental Planning/CWP

FROM: Mary Dolan for the Department of Planning *MD*
(301) 495-4552

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply and
Sewerage Systems Plan—May 2006, 06A-OLN-01 Hyde/Stanmore Property

RECOMMENDATION

Denial of the sewer category change, approval for water service.

DISCUSSION

This staff memorandum contains recommendations for one category change requiring County Council action. The Department of Environmental Protection staff has submitted the attached category change request on behalf of the County Executive. This case was discussed and testimony heard on June 22, 2006.

The proposed method of providing sewer to this site at that time was contrary to the Olney master plan, consequently the staff and several representatives from the community recommended denial of the category change request. However, two days before the hearing, the WSSC responded to a request for service from the applicant with a specific plan from the applicant and issued a decision with a different sewer configuration. Testimony at the hearing reflected dismay with the late arrival of this information, and asked for a deferral of the case to allow a new staff report to be

prepared and citizen testimony to be prepared considering the new configuration. DEP staff indicated that the date of the County Council Transportation and Environment Committee consideration had not yet been set, allowing additional time for the Planning Board to prepare a recommendation to the Council.

The relevant excerpt from the packet for County Council action is attached for your information.

The County Council public hearing is scheduled for July 18, 2006. The Transportation and Environment Committee will then discuss the cases and send their recommendations to the County Council.

- **WSSCR 06A-OLN-01**
Elizabeth, Thomas & Henry Hyde
See circle pages 16-24 of the Executive Packet.

Zone: RNC
Size: 46.28 acres,
Proposed Use: Residential Subdivision 31 Lots
Request: W-3, S-3

Planning staff recommends denial of this request. Development of this property in the RNC zone as a cluster project with sewer service is recommended by the Olney Master Plan, but only if sewer is provided by gravity and construction in the stream valley can be avoided. WSSC has recommended that service be provided via a combination of gravity and grinder pumps. The review of the preliminary plan is underway and discussion continues regarding the most appropriate level of development for the site within the master plan context. Executive staff proposes that the sewer category change be approved conditionally dependent on the Planning Board approving a preliminary plan that is consistent with the provisions of the master plan using the cluster method with sewer service provided to the west.

ANALYSIS

The testimony on June 22, 2006, questioned the consistency with the master plan and the extension of this line from a property previously approved under the Private Institutional Facility (PIF) policy.

The 1980 Olney Master Plan recommended all properties in the Southeast Quadrant to be connected to public sewer if they rezoned from the RE-2 Zone (septic) to RC (or LDRC) Zone (sewer) with a maximum density of 5 units per acre. The 2005 Olney Master Plan amendment reexamined the land use and sewer policy in the Southeast Quadrant and modified the sewer policy of allowing public sewer to any property in the area, if it rezoned to RC/LDRC Zone, to only those properties that could be connected to existing sewer lines through gravity due to concerns for potential environmental damage from extending new sewer lines in the Southeast Quadrant.

The 2005 Olney Master Plan recommended 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 on the stream.” It further states that “some of the redevelopable properties are located near existing sewer lines in the Batchellors Forest tributary stream valley and should be allowed to receive community sewer if deemed appropriate by the County Council. Those that require disturbance of stream valley buffers for anything other than the lateral connection are not recommended for zoning requiring community sewer service.” (Planning Board Draft as approved by the County Council, page 22, Southeast Quadrant, second and third paragraph).

More specifically, this property is identified as a part of the Hyde and Bowns Properties (#2, page 27). The Plan states that the “feasibility of providing public sewer through gravity to this property should be determined at the time of subdivision. The property should be placed in the recommended sewer envelope. However, putting it in the sewer envelope would not automatically entitle this property to development on public sewer” (page 27).

The sewer extensions needed for the Hyde property are proposed to connect to a sewer main to the west of the site which serves Good Counsel High School, approved for public sewer service under the PIF policy. Under the Water and Sewer Plan, these mains are dedicated only to the PIF use and are not eligible for additional extensions. If the master plan had not been adopted subsequently with this area proposed for RNC zoning with sewer service, this line could not be extended to serve residential uses beyond Good Counsel High School. However, since the master plan includes this property and Good Counsel High School in the potential sewer envelope and recommends sewer by gravity for this property, the restriction is not applicable. Water and Sewer Plan policies do not prohibit main extensions from connecting to other mains constructed to serve a restricted use such as a PIF, a public facility, etc., provided that the new main extension provides service consistent with master plan recommendations and water and sewer policies.

At the time of the master plan update it was understood that the western half of the approximately 100-acre Hyde property that now contains the Good Counsel High School was sewerable by gravity to the existing sewer line to the west. But it was not clear how the eastern half (the subject property) could be connected to an existing sewer line by gravity outside of stream valleys. Records indicate that the applicant discussed two potential scenarios with the WSSC: connecting to the west through the Good Counsel High School connection; or connecting east to the existing sewer line in the Excaliber Lane. Another potential connection to the existing line to the south serving the Farquhar Middle School was raised in staff meetings with the applicant but staff is not aware whether WSSC did a preliminary review on that option. In the absence of any concrete determination by the WSSC based on a development plan and site layout, staff was not certain whether this property could be sewerred consistent with the master plan recommendation of connecting to existing sewer lines by gravity, and hence the specific sewer language regarding this

property in the master plan, which puts the property in the sewer envelope, but requires further review of the feasibility of sewerage for this property before granting a sewer category change.

The master plan recommendation can be summarized as two policy objectives: 1) no new sewer mains in the Southeast Quadrant; and 2) only the properties that can connect to existing sewer lines through gravity should be developed on community sewer. Staff believes that the current proposal to provide sewer to this property does not meet the second policy objective of providing community sewer only through gravity since it requires sewerage almost two-thirds of property through grinder pumps and pressure sewers and only a small portion by gravity. In staff's opinion, grinder pumps for any units on two-thirds of the property means that the property is no longer sewerage by gravity. Therefore, staff concludes that proposed sewer category change for this property is not consistent with the Olney Master Plan, and therefore recommends denial.

MD:kr

Attachments:

1. Excerpt from May 2006 Council packet related to 06A-OLN-01
2. Letter from WSSC indicating method for serving the property (6/22/06)
3. Testimony of Greater Olney Civic Association (6/22/06)
4. Letter for Applicants Attorney to County Council (7/7/06)

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 file: 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 a 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>three existing homes that currently utilize private wells and septic systems. These existing homes will also be proposed for connection to the public water and sewer systems as part of the RNC optional method of development application.</p> <p>"Public water and sewer already exist in close vicinity to the Property right across Batchellors Forest Road at the Good Counsel High School site and across Dr. Bird Rd. Therefore the extension of public water and sewer to this Property and the hookup of the three existing homes will be a logical extension of existing service ..."</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 Intercountry 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>		

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 223NW52
Tax Map _____
Plan No. _____
Process _____
Master Plan _____
Planning Area OLN
Zoning REZ.
Zoning Activity _____
Watershed NW
CSPS Subwatershed _____
State Watershed Use Class _____
GIS File _____

Elizabeth B. & H.H. Hyde
17305 Batchellors Forest Road
Olney, MD 20832-2713
Phone: [REDACTED]
Fax:
E-Mail:

Parcel P. 239 – Tax ID# 03220693 – 5.0 ac.
Ex. Residence
Prop. Subdivision

Parcel P. 401 – Tax ID# 00710071 – 36.93 ac.
Ex. Open Space
Prop. Subdivision

Elizabeth B. Hyde
Signature
Property Owner
Title
Dec. 7, 2005
Date

Thomas & R.N. Hyde
17115 Batchellors Forest Road
Olney, MD 20832
Phone: [REDACTED]
Fax:
E-Mail: [REDACTED]

Parcel P. 452 – Tax ID# 01779684 – 2.35 ac.
Ex. Residence
Prop. Subdivision

Thomas Hyde
Signature
Property Owner
Title
12-7-05
Date

Henry & S.M. Hyde
17125 Batchellors Forest Road
Olney, MD 20832-2709
Phone: [REDACTED]
Fax:
E-Mail: [REDACTED]

Parcel P. 459 – Tax ID # 01826308 – 2.0 ac.
Ex. Residence
Prop. Subdivision

Henry Hyde
Signature
Property Owner
Title
12/7/05
Date

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW

December 20, 2005

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Via Hand Delivery

Mr. Alan Soukup
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Re: Water/Sewer Service Area Category Change Request
for Parcels 239, 401, 452, and 459 Located in Olney, Maryland

Dear Mr. Soukup:

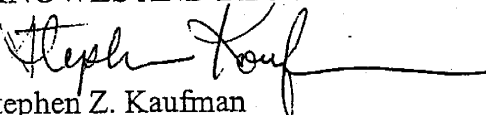
The subject property is identified as Parcels 239, 401, 452, and 459 on County Tax Map JT121/JT122 and consists of approximately 50.93 acres of land located in the southeast quadrant of Dr. Bird Road and Batchellors Forest Road in Olney, Maryland (the "Property"). On March 15, 2005, the District Council amended and adopted the Olney Master Plan, which recommends rezoning the Property to the Rural Neighborhood Cluster (RNC) Zone. Since then, the Property has been comprehensively rezoned to the RNC Zone through the sectional map amendment process. The Property is proposed for residential development under the optional method of the RNC Zone, which requires public water and sewer. Additionally, the Property contains three existing homes that currently utilize private wells and septic systems. These existing homes will also be proposed for connection to the public water and sewer systems as part of the RNC optional method of development application.

Public water and sewer already exist in close vicinity to the Property right across Batchellors Forest Road at the Good Counsel High School site and across Dr. Bird Road. Therefore, the extension of public water and sewer to this Property and the hookup of the three existing homes will be a logical extension of existing service in accordance with the recommendation of the Olney Master Plan to permit development under the RNC Zone. Accordingly, we are submitting the attached Water/Sewer Service Area Category Change Request (along with a check in the amount of \$5,000 for the filing fee) to change the existing water and sewer categories for the Property to W-3 and S-3, respectively.

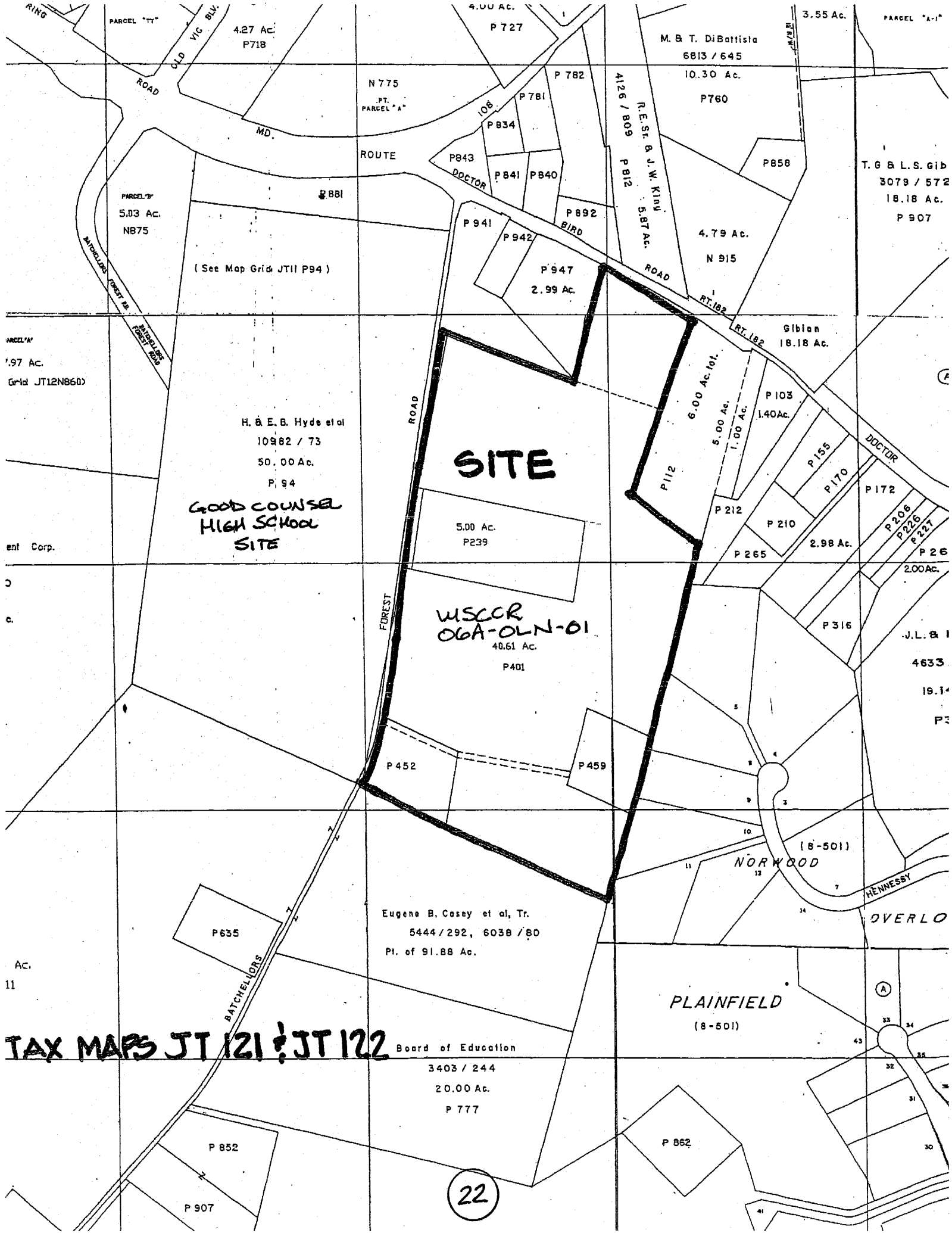
Thank you for your attention to this matter. Should you have any questions, please give me a call.

Sincerely yours,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman

(21)



4.27 AC.
P718

4.00 AC.
P727

M. & T. DiBattista
6813 / 645
10.30 Ac.
P760

3.55 Ac. PARCEL "A-1"

N 775
PT.
PARCEL "A"

P 782
P 781
P 834

4126 / 809
P 812
R.E. ST. & J.W. KING
5.87 AC.

P 858

T. G & L.S. Gib
3079 / 572
18.18 Ac.
P 907

PARCEL "B"
5.03 AC.
NB75

881

P 843
P 841
P 840

P 892

4.79 Ac.
N 915

(See Map Grid JT11 P94)

P 941

P 942

P 947
2.99 AC.

RT. 182

Gibson
18.18 Ac.

PARCEL "A"
1.97 Ac.
Grid JT12NB60D

H. & E. B. Hyde et al
10982 / 73
50.00 Ac.
P. 94

SITE

6.00 Ac. tot.
5.00 Ac.
1.00 Ac.

P 103
1.40 Ac.

**GOOD COUNSEL
HIGH SCHOOL
SITE**

**WSSCR
OGA-OLN-01**
40.61 Ac.
P401

5.00 Ac.
P239

P 112

P 155

P 170

P 172

P 212

P 210

2.98 Ac.
P 265

P 206
P 226
P 221

P 26
2.00 Ac.

ent Corp.

FOREST
ROAD

J.L. & I
4633

18.14
P 3

P 452

P 459

(8-501)
NORWOOD

Eugene B. Casey et al, Tr.
5444 / 292, 6038 / 80
Pt. of 91.88 Ac.

HENNESSY

OVERLO

P 635

Ac.
11

PLAINFIELD
(8-501)

TAX MAPS JT 121 & JT 122

Board of Education
3403 / 244
20.00 Ac.
P 777

P 852

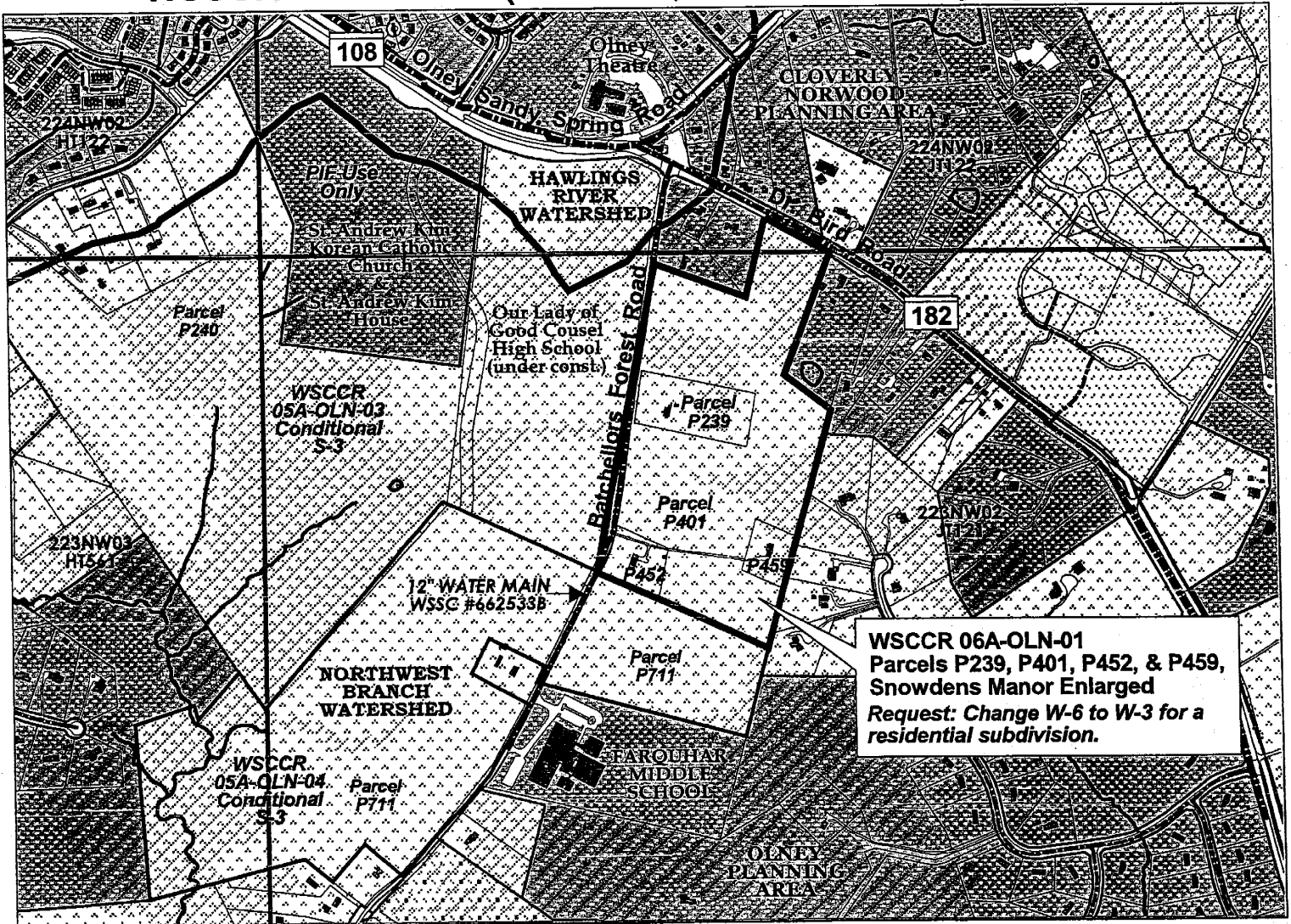
P 862

P 907

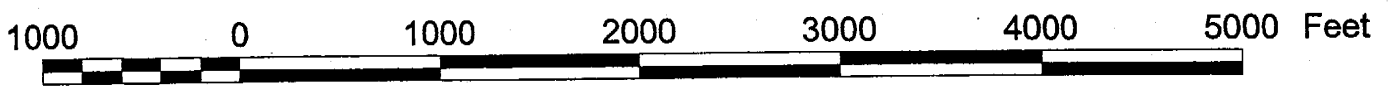
22

Water Service Area Categories Map

WSSCR 06A-OLN-01 (Elizabeth, Thomas & Henry Hyde)



WSSCR 06A-OLN-01
Parcels P239, P401, P452, & P459,
Snowdens Manor Enlarged
Request: Change W-6 to W-3 for a
residential subdivision.

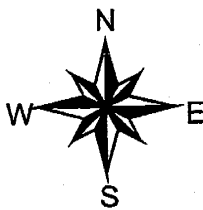


MAP LEGEND

- Property (Apr. 2005)
- 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
- Buildings
- Roads - Parking
- Watersheds
- Streams
- Ponds - Lakes
- Woodlands
- M-NCPPC Planning Areas
- County - State - Federal Parks

Water Service Area Categories

- W-1
- W-3
- W-4
- W-5
- W-6



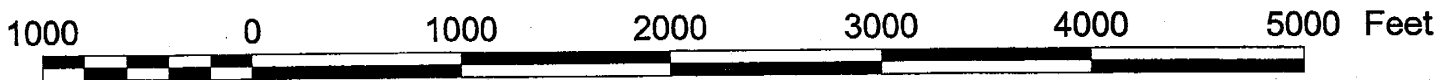
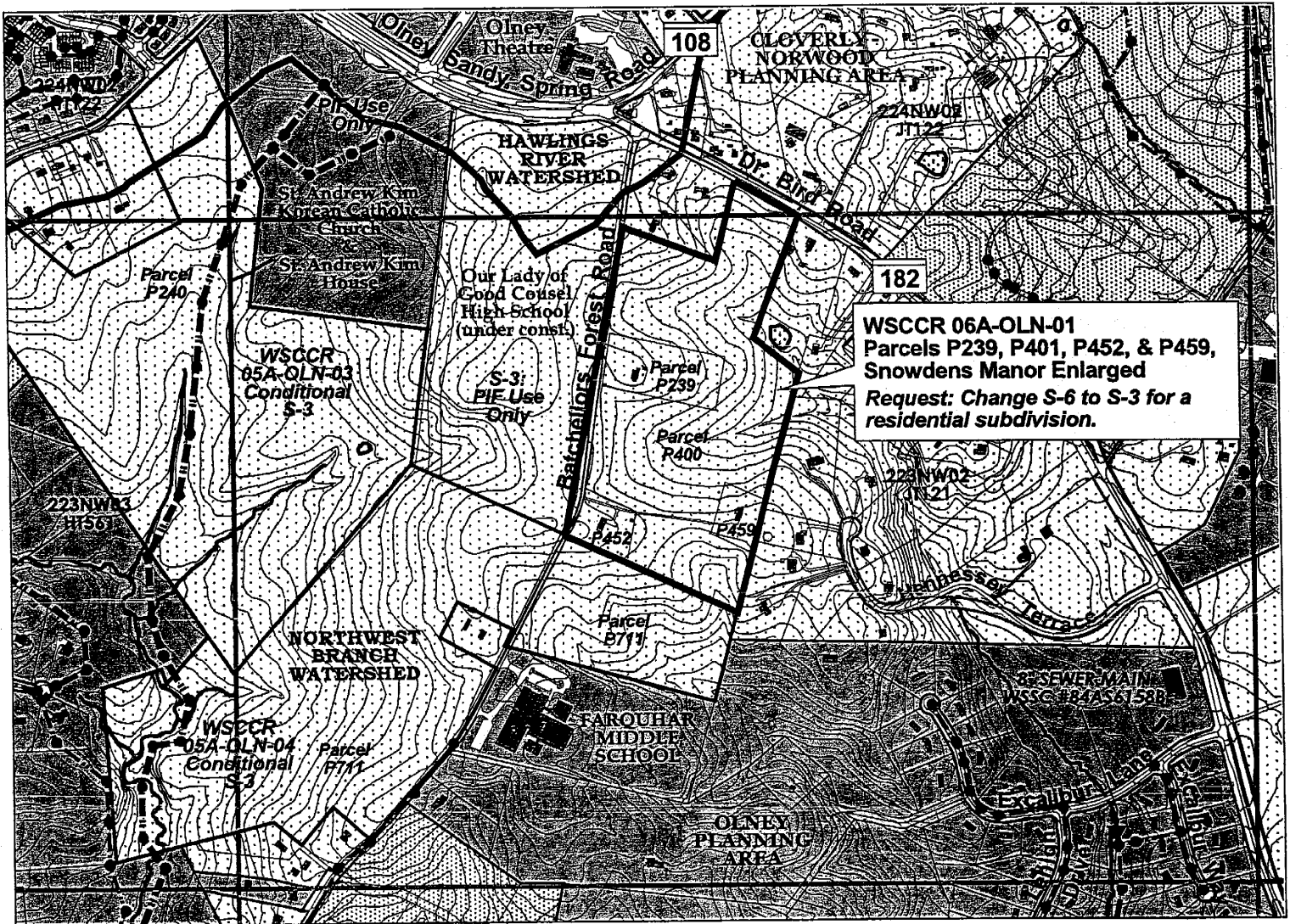
June 2003 Update
 Service Area Categories Map

Montgomery County, Maryland
 Comprehensive Water Supply
 and Sewerage Systems Plan



Water & Wastewater Policy Group
 1/17/06 - GIS Project File:
 o:\wwteam\ccrs-pas\olney\2006ccrs\06a-oln-01=hyde=ws.apr

Sewer Service Area Categories Map WSSCR 06A-OLN-01 (Elizabeth, Thomas & Henry Hyde)

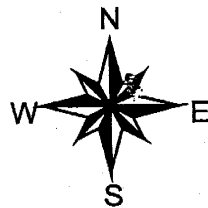


MAP LEGEND

- Property (Apr. 2005)
- 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
- Buildings
- Roads - Parking
- Topography (C.I. = 5 Feet)
- Watersheds
- Streams
- Ponds - Lakes
- M-NCPPC Planning Areas
- County - State - Federal Parks

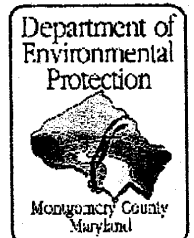
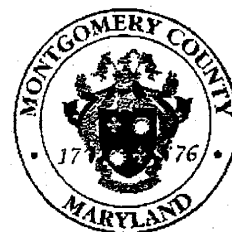
Sewer Service Area Categories (6/03)

- 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 & Wastewater Policy Group
1/17/06 - GIS Project File:
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24



WASHINGTON SUBURBAN SANTARY COMMISSION

14501 Sweitzer Lane • Laurel, Maryland 20707-5902

June 22, 2006

COMMISSIONERS
Marc P. Lieber, Chairman
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DEPUTY GENERAL MANAGER
Carla Reid Joyner

Batchellor's Forest, LLC
c/o Mr. Keith Tunell
Centex Homes
15890 Gaither Drive
Gaithersburg, MD 20877

Re: Phase I Letter of Findings, WSSC Project No. DA4518Z06, Stanmore Subdivision

Dear Applicant:

A hydraulic planning analysis has been completed on the Stanmore Subdivision project and the project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE	
Proposed Development: 3 existing houses, 24 proposed single-family houses, and 3 proposed townhouses	
200-ft Sheet: 223NW02	
SEWER	WATER
WWTP Service Area: Blue Plains	Hydraulic Zone Group: Montgomery High Zone Group
Available Safe Capacity: 24 mgd of average flow as of September 2004	
Sanitary Sewer Service Status: Adequate	Pressure Zone: 660A
Mini-Basln Number: 10-087	High Grade: 660 feet
	Low Grade: 618 feet
	Water Storage Status: Adequate
	Water Supply/Transmission Status: Adequate

The following is a list of conditions that apply to this project and must be met before a systems extension permit will be issued.

ASSESSMENT PAYOFF REQUIRED

There is an existing benefit assessment of approximately \$8,000 for the property to be developed. This project will not be granted a System Extension Permit until the existing assessment balance is paid. Assessment payoff should be made immediately if plat is recorded before the System Extension Permit is granted. For more information, please contact Ms. Patsy Wickline in the WSSC Property Assessment Unit at 301-206-8802.



Batchellor's Forest, LLC
c/o Mr. Keith Tunell
Centex Homes
RE: DA4518Z06
June 22, 2006
Page 3

For properties to be served by ejector or grinder pump systems, the developer is responsible for all on-site installation (i.e., materials, electrical equipment, pump units, and plumbing hook-ups which shall be installed by a registered plumber). Ejector and grinder pump units must be approved by WSSC. Ultimately the property owner will be responsible for all on-site maintenance of ejector and grinder pump systems. Builder/developers/owners should disclose this requirement to purchasers at property settlement.

EXTRA-DEPTH SEWER

Due to topography and grade of street, it will be necessary to construct extra-deep sewer ranging from 10 to 20 feet. Any pipe deeper than 20 feet (trench bottom) will require a special design that takes into consideration future maintenance of the deep sewer.

SHALLOW-DEPTH SEWER

Due to the topography and/or grade of street, it may be necessary to construct shallow sewer. A minimum cover of 3 feet must be maintained over the sanitary sewer.

SERVICE DEPENDENT ON OTHER CONSTRUCTION

Sewer service is dependent on project number DA3409Z02 being constructed and placed into service. WSSC can not guarantee that the above project will be completed.

WATER MAIN EXTENSION CONDITIONS

WATER AVAILABLE

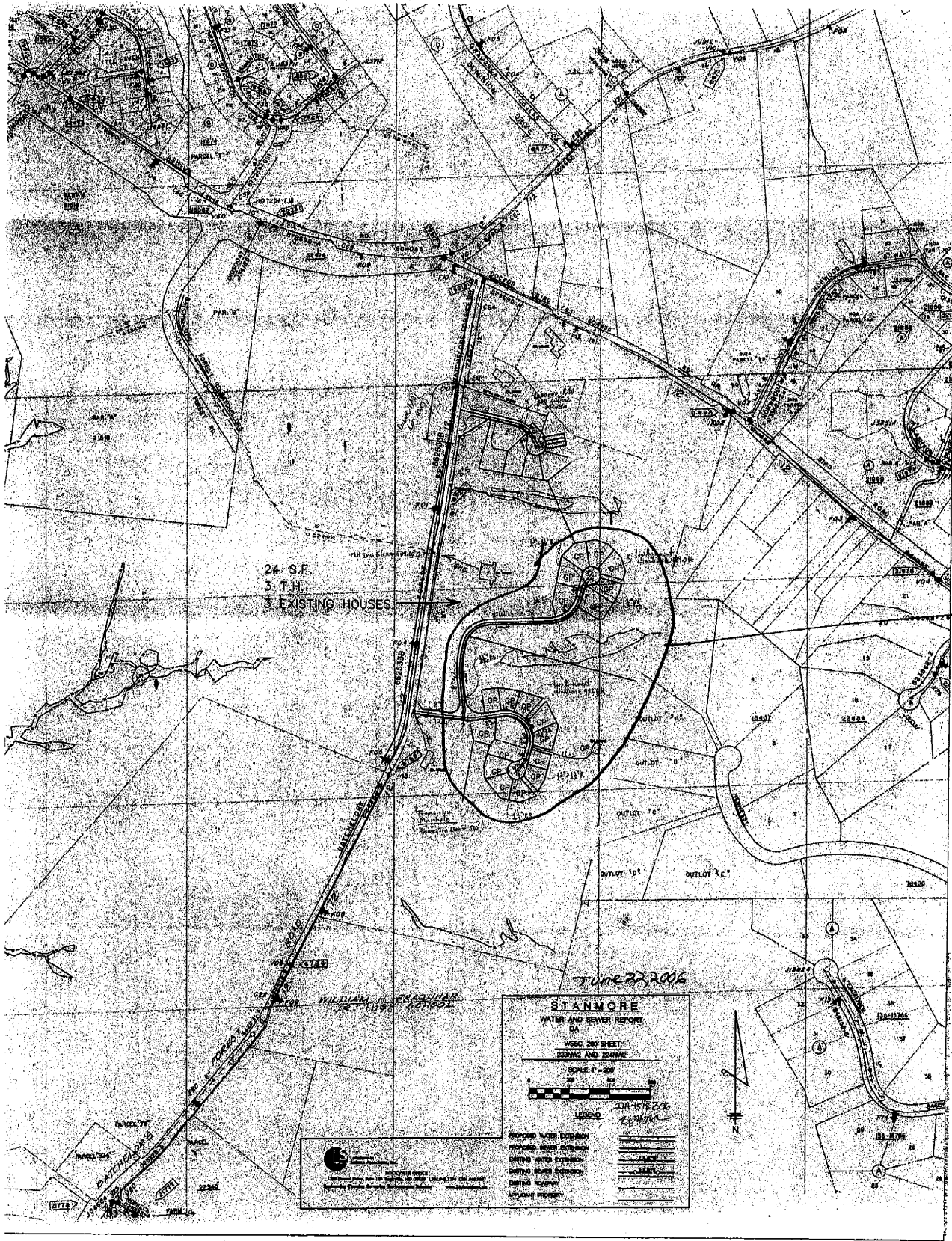
An existing water line may be available to serve some units on the subject property. Water service may be obtained by constructing service connections to existing water mains. Each property connecting to the existing lines will be assessed at the rate prevailing at the time of the main's construction (see "PROPERTY MAY BE ASSESSED" above).

SERVICE CATEGORY CHANGE REQUIRED

Design plans cannot be signed until this property is in the correct water service category. Contact the Montgomery County Department of Environmental Protection at 240-777-7716.

REQUIRED WATER MAIN SIZES

The diameters of the proposed mains, 4-, 8-, and 12 inches, are shown on the attached sketch.



Proposed
Grinder
Pumps

24 S.F.
3 T.H.
3 EXISTING HOUSES

JUNE 22, 2006

STANMORE
WATER AND SEWER REPORT
DA
WASC 200 SHEET
220402 AND 220403
SCALE: 1" = 20'

LEGEND

RECORDED WATER EXPOSURE
PROPOSED WATER EXPOSURE
EXISTING WATER EXPOSURE
PROPOSED SEWER EXPOSURE
EXISTING SEWER EXPOSURE
SEWER MAIN
WATER MAIN
SEWER BRANCH
WATER BRANCH
SEWER SERVICE
WATER SERVICE
SEWER VALVE
WATER VALVE
SEWER MANHOLE
WATER MANHOLE
SEWER CLEANOUT
WATER CLEANOUT
SEWER PUMP
WATER PUMP
SEWER CLEANOUT COVER
WATER CLEANOUT COVER
SEWER MANHOLE COVER
WATER MANHOLE COVER
SEWER VALVE COVER
WATER VALVE COVER
SEWER CLEANOUT COVER
WATER CLEANOUT COVER
SEWER PUMP COVER
WATER PUMP COVER
SEWER CLEANOUT COVER
WATER CLEANOUT COVER
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WATER MANHOLE COVER
SEWER VALVE COVER
WATER VALVE COVER
SEWER CLEANOUT COVER
WATER CLEANOUT COVER
SEWER PUMP COVER
WATER PUMP COVER

WASC
WATER AND SEWER AUTHORITY OF CALIFORNIA
10000 WILSON AVENUE, SUITE 100
DUBLIN, CALIFORNIA 94568
TEL: 925-835-7000 FAX: 925-835-7001
WWW.WASC.CA.GOV



MCP-Chairman

From: Lyons, John H. [JOLYONS@skadden.com]
Sent: June 22, 2006 3:24 PM
To: MCP-Chairman
Cc: Afzal, Khalid; Dolan, Mary
Subject: GOCA Submission re: Today's Hearing, Item #18

RECEIVED
09/18
JUN 27 2006

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

Dear Mr. Chairman,

Attached is a submission by the Greater Olney Civic Association concerning Item #18 on today's agenda. Specifically, the submission addresses WSCCR 06A-OLN-01. Please distribute copies of this submission to each of the Board members. Thank you.

John Lyons
President
Greater Olney Civic Association

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this message was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

This e-mail and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original copy and any copy of any e-mail, and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

GREATER OLNEY CIVIC ASSOCIATION

P.O. Box 212
Olney, Maryland 2030
www.goca.org

June 21, 2006

Honorable Derick P. Berlage
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: WSSCCR 06A-OLN-01 (Hyde Property)

Dear Chairman Berlage:

The Greater Olney Civic Association ("GOCA") submits these comments in support of planning staff's recommendation to deny the water and sewer category change request (WSSCCR 06A-OLN-01) for the Hyde property on Batchellors Forest Road in the southeast quadrant of Olney ("SEQ"). GOCA believes it is premature to recommend approval of any WSSCCR for this property in light of the scant and apparently evolving information about the development and sewerage proposals.

GOCA's position is based on the assumption that the proposal under consideration is the WSSC proposal described in the public notice circulated by the Department of the Environment ("MCDEP") and discussed in the staff memorandum to the Board. However, recent inexplicable events raise the serious and troubling process question of exactly what proposal is on the table.

For months, WSSC maintained its proposal that access to the sewer system for the Hyde property would require a 3,500-foot gravity outfall line to the southeast of the property through forest stands and across stream valleys. Sketchy as it is, that is the proposal about which the public has been given notice. Planning Board staff has objected to WSSC's proposal based on environmental considerations emphasized in the Olney Master Plan. The County Executive rejected the WSSC proposal, too, but noted that the developer is proposing the use of individual grinder pumps or a central pumping station so that the property can access the sewer system to the west of the property. The County Executive consequently recommended approval of the WSSCCR on that basis, subject to Planning Board approval of a preliminary subdivision plan. However, the developer's proposal to which the County Executive referred has not been made public.

Last night, GOCA received a copy of an e-mail (*see* Enclosure A) that a Mr. Wallington sent to Planning Board staff on June 20, 2006 at 5:33 p.m. (less than 48 hours ago) asserting that WSSC had reversed direction and now supports a mix of gravity feed and grinder pumps to access the system to the west of the property. Mr. Wallington asked the staff to change its

recommendation for today's hearing and align it with the County Executive's recommendation . To its credit, staff did not agree to alter its recommendation, primarily because it has not seen the plan. Certainly, no one in the community has seen any plan, knows what the mix may be, or has heard an explanation of why WSSC apparently abandoned its long-held position just days before the Planning Board's hearing. As a matter of process, this WSCCR has not been very well illuminated, is presumptuous and very disturbing. Indeed, GOCA made an inquiry of MCDEP about this WSCCR more than two weeks ago and asked for a written response, but no such response has been received.

Perhaps more presumptuous and disturbing is the revelation in Mr. Wallington's e-mail that "The existing sewer on the Good Counsel site was designed with the specific intent to serve this property, in terms of location and depth." Good Counsel applied for its WSCCR in the fall of 2001 as a private institutional facility ("PIF"). Under the PIF policy at the time, Good Counsel's sewer service was to be restricted to its own use, and the County Executive's recommendation on Good Counsel's WSCCR at the time stated that "MCDEP and WSSC will review the proposed sewer extension alignment at subdivision to ensure that it does not open up service to other properties not otherwise eligible for such service." Good Counsel's preliminary subdivision plan was approved two years before the Olney Master Plan was completed and the remainder of the Hyde property was rezoned from RE-2 to RNC and grudgingly included in the SEQ sewer envelope. Thus, the Hyde property was not eligible for such service at the time Good Counsel's WSCCR was approved or at the time its preliminary subdivision plan was approved. Indeed, the Hyde property was not rezoned until the Sectional Map Amendment was completed in September of 2005, and, of course, its water and sewer categories have yet to be changed. Consequently, Mr. Wallington's e-mail candidly reveals that the Good Counsel gravity extension was constructed specifically to provide access to public sewer service to a property that was not eligible for such service, in apparent violation of the PIF policy and Good Counsel's WSCCR approval.

GOCA is also troubled by the substantive policy implications of the County Executive's recommendation as echoed by Mr. Wallington's e-mail. The Executive Staff Report on WSCCR 06A-OLN-01 asserts that the provision of public sewer service for this project using individual or central pumping facilities is consistent with the Olney Master Plan's recommendations. As an active participant in the development of the 2005 Olney Master Plan from beginning to end (nearly four years), GOCA and its officers were directly involved at every step of the way in the debates surrounding the land use and zoning issues in the SEQ. Access to public sewer service was a central element of the contentious debate about whether and how to rezone the SEQ.

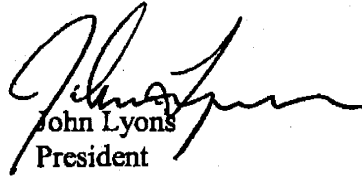
As staff's comments on WSCCR 06A-OLN-01 reflect and the Olney Master Plan itself clearly indicates, limiting access to public sewer service in the SEQ was a key means of controlling development and protecting and preserving the SEQ's sensitive environmental resources. The grand SEQ compromise prohibited the expansion or extension of the existing sewer lines in the SEQ, except to provide access to the existing system by a very few properties and only if they could access the existing system by gravity. As staff's comments on this WSCCR also show, the Hyde property was the subject of much, and often skeptical, debate about whether it was even feasible for that property to access the existing system by gravity and therefore whether it should be included in the sewer envelope at all. As the Master Plan makes

perfectly clear, it was never considered a foregone conclusion that the Hyde property could or should be developed on public sewer service, and, by implication, that it may have to be developed using wells and septic system. At no time during the master plan process did the developer disclose its intention to use pumps to access the Good Counsel system, which Mr. Wallington's e-mail plainly states was always the plan. If the developer's plan had been disclosed during consideration of the master plan, it is certain that the debate, if not the outcome, would have been very different. The developer's failure to openly and candidly participate in the Olney Master Plan process is disturbing, and should not now be rewarded with an automatic approval of its WSCCR.

Notwithstanding the history of and language in the Olney Master Plan as recounted in staff's comments, and the background of Good Counsel's WSCCR and subdivision plan, it now appears that the County Executive and perhaps WSSC – without even having a plan to review – are willing to accommodate a developer's proposal that could set a dangerous precedent for other developments in the SEQ and undermine the grand compromise and vision for controlling the coming development that will transform the SEQ. GOCA urges the Board to avoid that approach. Instead, GOCA urges the Board to (1) follow its staff's recommendation on what was – and may still be for all we know – WSSC's proposal for providing public sewer service to the Hyde property, and (2) reject any eleventh-hour suggestion that the Board should consider alternative proposals before those proposals have been precisely defined and made public.

As the first of the large SEQ properties to move toward development, and the one with the largest questions about the feasibility of its access to the public sewer system, it is vitally important for the Board and the County Council to get this one right. The Board should demand precise information about the plans for developing and providing sewer service on the Hyde property before recommending County Council approval of any WSCCR.

Respectfully submitted,



John Lyons
President

Greater Olney Civic Association

cc: Members of the Planning Board

Enclosure A

-----Original Message-----

From: Ed Wallington [mailto:ewallington@lsassociates.net]
Sent: Tuesday, June 20, 2006 5:33 PM
To: Dolah, Mary; Federline, Steve
Cc: Soukup, Alan; Forbes, Beth; Gingrich, Tom; Forbes, Beth; George Fink; ktunell@centexhomes.com; Melanie B. Connelly (E-mail); rBeschner@wsscwater.com; Jim Belcher, RLA; Cheng, Yum Yu - YYC; Kaufman, Stephen Z. - SZK; Steven M. Baldwin (E-mail)
Subject: Hyde Property category change/letter of finding

MNCPPC environmental planning is currently recommending denial of the category change, based on information from WSSC that a long sewer outfall through environmentally sensitive land may be required to serve this property. There is also a reference to a pumping station as shown on the Pre-Application Plan, which is now outdated. The applicant is not proposing either of these methods to sewer this property.

Our office submitted a Letter of Finding application, A Preliminary Plan application and a Site Plan application proposing a mix of lots served by gravity sewer and grinder pumps, all of which are proposed to outfall to the west, into the existing sewer outfall located on the new Good Counsel Site. The existing sewer on the Good Counsel site was designed with the specific intent to serve this property, in terms of location and depth.

Can one of the WSSC folks update Mary Dolan and Alan Soukup with the status of their review of our current proposal represented in the Letter of Finding application, on Wednesday, since the hearing for this item is Thursday??

Can the environmental planning division consider a recommendation similar to the one articulated by Alan Soukup for the County, which conditions the change to W-3 and S-3 on ---- 1) outfalling the new sewer into the existing sewer system on the Good Counsel site, and ---- 2) a Preliminary Plan approval, which allows time for WSSC to complete their updated analysis, and also requires a solution which would be acceptable to MNCPPC and WSSC staff and the Planning Board ???

Please contact our office or the developer representatives with any questions or comments.

Edward C. Wallington

Vice President of Land Development

LOIEDERMAN SOLTESZ ASSOCIATES, INC.

Engineering | Planning | Surveying | Environmental Sciences

1390 Piccard Drive, Suite 100 | Rockville, MD 20850 | t: 301.948.2750 f: 301.948.6560

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

JUL 07 2006

July 7, 2006

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com
Yum Yu Cheng
301.961.5219
ycheng@linowes-law.com

Via Hand Delivery

Mr. George Leventhal, President
and Members of the Council
Stella B. Werner Council Building
100 Maryland Avenue, 5th Floor
Rockville, Maryland 20850

Re: Hyde Property – Proposed Amendments to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan (Request to be Included in the Upcoming T&E Committee Worksession)

Dear Mr. Leventhal and Members of the Council:

On behalf of the property owners and contract purchaser of the Hyde Property, the Hyde family and Batchellors Forest, LLC, we respectfully request the Council's approval of the water/sewer category change for the Hyde Property from W-6/S-6 to W-3/S-3 as recommended by the County Executive. Specifically, the County Executive recommendation states the following:

“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.”

As indicated in the Executive Staff Report dated May 2006, the provision of public water and sewer service to the proposed RNC development project on the Hyde Property is consistent with the County's Water and Sewer Plan policies and with the Olney Master Plan recommendations.

Mr. George Leventhal, President
and Members of the Council
July 7, 2006
Page 2

Recently, we learned that WSSC has conceptually approved a proposed sewer system connecting the Hyde Property to the existing mains to the west of the site, which would satisfy the second condition set forth in the County Executive recommendation. (Attached for the public record is a copy of a letter dated June 22, 2006 from WSSC indicating such approval.) The proposed sewer system will be a combination of gravity and grinder pump sewer systems designed to avoid disturbance to any stream valley and other environmentally sensitive areas. Therefore, we request that the Council disregard the outdated WSSC recommendation that service be provided via gravity through the stream valley to the east of the site. It should be noted that our client never proposed the use of a gravity line through any stream valley or other environmentally sensitive areas.

Due to the lateness that the Planning Board received the June 22nd letter from WSSC, the Planning Board has deferred making its recommendation on the water/sewer category change for this property until Park & Planning staff has had the opportunity to evaluate the WSSC approval letter. Nevertheless, we request that the T&E Committee include the Hyde Property in its discussion and deliberations during its worksessions as we understand the Planning Board recommendation will be available before the full Council acts on the water/sewer category request in the fall of 2006.

Background

By way of background, the Hyde Property originally consisted of approximately 104 acres of land located on both sides of Batchellors Forest Road near its intersection with Dr. Bird Road in the southeast quadrant of Olney. The portion of the Hyde Property to the west of Batchellors Forest Road (the "Western Side") retained its RC (Rural Cluster) zoning due to the relocation of Our Lady of Good Counsel High School (the "School") to the Western Side while the portion of the Hyde Property to the east of Batchellors Forest Road (the "Eastern Side") was rezoned to the RNC (Rural Neighborhood Cluster) Zone pursuant to the recommendations of the Olney Master Plan approved and adopted by the Council on March 15, 2005. Specifically, the Master Plan recommends retaining the RC Zone with community water and sewer for the Western Side and rezoning the Eastern Side to RNC on community water and sewer and placing it in the recommended sewer envelope.

Mr. George Leventhal, President
and Members of the Council
July 7, 2006
Page 3

During the Olney Master Plan process and before the Sectional Map Amendment approval, the School worked with Park & Planning staff on a preliminary plan that envisioned the School's future new campus on a 50-acre portion of the Hyde Property. As a result of several specific requests made by Park & Planning staff, the School's preliminary plan was revised several times to include the entire Hyde Property and to consolidate the School's campus facilities entirely on the Western Side in order for staff to comprehensively review the entire property, retain the existing Batchellors Forest Road as a rural and rustic resource, maximize stream valley protection and forest preservation on the entire property, and reserve the right in the future to transfer the residential density on the Western Side to the Eastern Side (which is required by Note 10 on the School's approved and recorded record plat - Plat No. 23191, a copy enclosed for the public record.) The intent and purpose of including the entire Hyde Property into one preliminary plan was to permit the subdivision of the property to proceed in two phases given the School's time constraints and the ongoing master planning process at that time -- with the School on the Western Side first and with a proposed residential community on the Eastern Side after the Olney Master Plan was adopted and the RNC zoning was approved via a sectional map amendment.

This past fall, Batchellors Forest, LLC (the "Applicant") submitted a pre-preliminary plan application for the Eastern Side (now called Stanmore) seeking comments on its proposal to use the RNC optional cluster development for the residential portion of the preliminary plan process. In order to provide vistas requested by Park & Planning staff, the proposed residential units were moved further east on the site that resulted in some units being proposed for service by gravity sewer and the remaining being proposed for service by grinder pumps. As mentioned earlier, WSSC has approved this sewer service proposal.

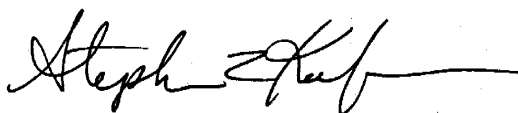
Finally, in the spring of this year, after making additional revisions requested by Park & Planning staff and other public agencies, the Applicant submitted both a preliminary plan application and a site plan application, and has requested concurrent review of both these plans before the Planning Board. We plan to continue to work with Park & Planning staff through the preliminary plan process in order to obtain the Planning Board's approval and satisfy the first condition of the County Executive recommendation.

Thank you for your consideration of our requests and comments. Please include this correspondence and the attachments in the public record of the water/sewer category change proceedings. We will be present at the Council hearing to answer any questions you may have.

Mr. George Leventhal, President
and Members of the Council
July 7, 2006
Page 4

Sincerely,

LINOWES AND BLOCHER LLP



Stephen Z. Kaufman



Yum Yu Cheng

Enclosures

cc: Mrs. Elizabeth Hyde
Mr. Hank Hyde
Mr. Tom Hyde
Mr. Howard Katz
Mr. Steve Baldwin
Ms. Melanie Connelly
Mr. Martin Mankowski
Mr. Keith Tunell
Mr. Edward Wallington
Mr. Jim Belcher
Chairman Derick Berlage
Mr. Keith Levchenko
Ms. Mary Dolan
Mr. Khalid Afzal



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

July 21, 2006

The Honorable Douglas M. Duncan
County Executive
Montgomery County Government
101 Monroe Street
Rockville, Maryland 20850

The Honorable George Leventhal
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: **May 2006 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan***

CASE:
WSCCR 06A-OLN-01

Dear Mr. Duncan and Mr. Leventhal:

On Thursday, July 20, 2006, the Montgomery County Planning Board continued discussion on one of the water and sewer service area category change applications (06A-OLN-01) as part of the **May 2006 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan***. The Montgomery County Planning Board concurred with the County Executive Recommendation on six applications for transmittal to the County Council and County Executive. The Planning Board recommended denial of sewer on the Hyde Property (WSCCR 06A-OLN-01).

The case has been reviewed for consistency with water and sewer service recommendations within the Olney Master Plan (2005). Staff recommendations are based on master plan guidance and other policies within the *Comprehensive Water Supply and Sewerage Systems Plan*.

WSCCR 06A-OLN-01 Elizabeth, Thomas and Henry Hyde

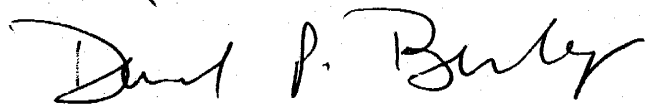
Development of this property in the RNC zone as a cluster project with sewer service is recommended by the Olney Master Plan, but only if sewer can be provided by gravity

and construction in the stream valley can be avoided. This site is located in an area that is difficult to serve by gravity without stream valley disturbance. WSSC has recommended that service can be provided partially via gravity through the main constructed to serve Good Counsel High School and partially via grinder pumps.

On July 20, 2006, the Planning Board recommended **denial of the sewer category change to S-3 and approval of the proposed water category change to W-3**. The Planning Board concurred with Planning Staff findings that the master plan clearly states that sewer by gravity only, outside stream buffers, is appropriate for this site. They felt that the limitations of this site would result in a significantly different layout if sewer were restricted to gravity service only. Commissioner Allison Bryant dissented from the decision, preferring that the category change be granted, with the condition that the use of grinder pumps be strictly limited to a small portion of the units.

We thank you for the opportunity to provide recommendations on this case.

Sincerely,



Derick P. Berlage
Chairman

DPB:MD:ss
Attachment

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Jorge Valladares, M-NCPPC Environmental Planning
Mary Dolan, M-NCPPC Environmental Planning
Khalid Afzal, M-NCPPC Community Board Planning