

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION


Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910


MCPB
04/28/2005
Item #7


April 22, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
County Wide Planning Division 

FROM: Katherine Nelson, Planner Coordinator
Countywide Planning Division
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Community-Based Planning Division
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SUBJECT: Water and Sewer Service Area Category Change Request
Barmakian/Toll Brothers/Natelli Property (04A-LSN-01)

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

BACKGROUND

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

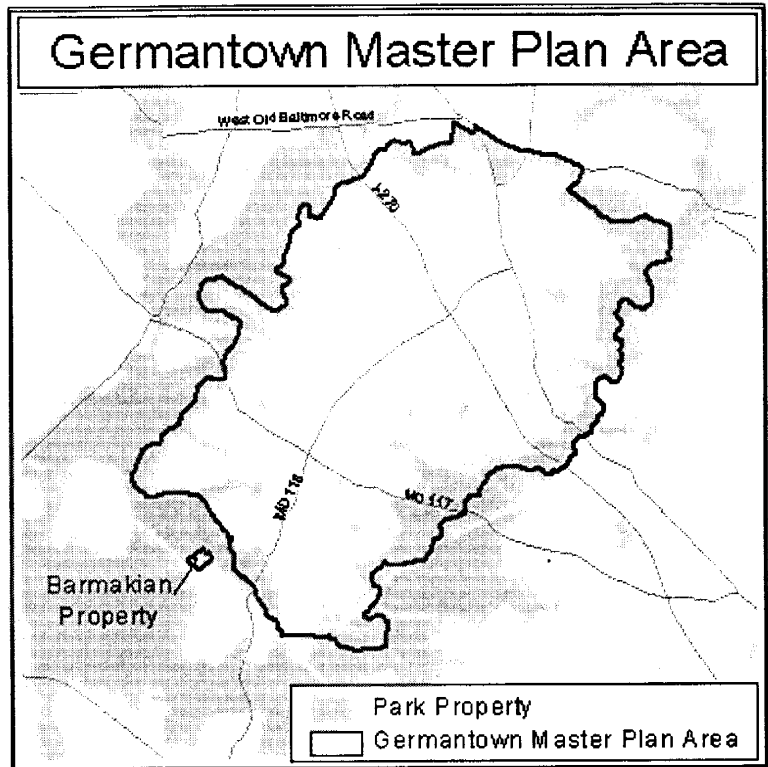
They requested clarification on several points:

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

DISCUSSION

1. **The subject property does reside within the Preservation of Agriculture and Rural Open Space Master Plan (1980).** There is a well-defined boundary or “greenbelt” of parkland and open space surrounding the Germantown master plan area. The Barmakian property is clearly outside this boundary. However, due to

the fact that this southern greenbelt area has been developed as South Germantown Recreational Park, the applicant feels that the character of the area has changed and that it is now appropriate to allow full development of his property by allowing him access to the community sewer system. Park facilities in the vicinity of this property include ball fields and associated parking lots, picnic areas, and the new recreation center, which is connected to the community sewer system. The park also includes stream valleys and areas where reforestation is taking place. Although the park is a place of active



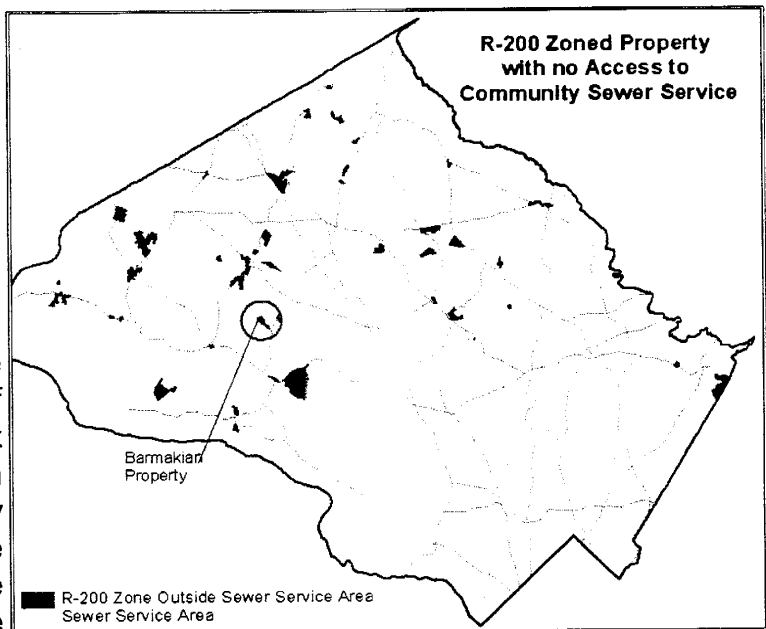
recreation attracting many more people than originally anticipated,, staff does not believe that a change in the status of this property is supported under current policies. Any change this significant should take into consideration the entire neighborhood within the context of a master plan amendment.

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

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

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

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



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

SUMMARY

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

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

