

Daniel Meijer

November 28, 2021

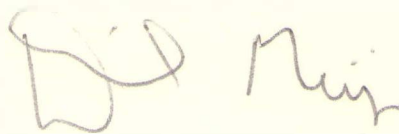
Montgomery County Council
Stella Werner [Council] Office Building
100 Maryland Avenue, 4th Floor
Rockville Maryland 20850

RE: Written "Listening Session" testimony regarding Thrive Montgomery 2050

Dear Montgomery County Councilmembers,

1. Please find attached as "Exhibit 1", a copy of a well written, thoughtful post that appeared on a local neighborhood web site that I feel accurately reflects my concerns about the present proposed "Thrive Montgomery Plan".
2. This follows with Exhibit 2, which is a copy of my 10/20/2021 letter to the Chairman of the Planning Board and to the Washington Council of Governments (COG), that raises the issue of another possible sewer moratorium which may be caused by the implication of the present proposed "Thrive Montgomery Plan". I feel this agency & COG have a duty/responsibility to first address this issue before any such long-term land use plan is approved.
3. Lastly; Exhibit 3, my letter to the National Fire Protection Institution (NFPA), Fire & Life Safety Policy Institute, in which I raise the effects that increased density in older neighborhoods will have on public safety (& homeowner's insurance premiums).

Thank you for taking the time to consider the concerns raised the attached exhibits,

A handwritten signature in dark ink, appearing to read 'D. Meijer', with a stylized, cursive script.

Daniel Meijer

FYI: "Next Door East Silver Spring" posting (a response to the 11/21/2021 Washington Post article)

I agree with Roberta Faul-Ziegler on serious pitfalls (& miscues) in yesterday's WAPO article by Katherine Shaver. Shaver tilts towards very intrusive so-called "Up-zoning" that inserts without regulatory review for-profit new 'multiplexes' & even apartments in existing suburban residential neighborhoods all over MOCO. Top-Down Central Planning is the main stratagem of deliberately vague and far too 'drafty' THRIVE: to replace (in one fell swoop) entire current County-wide zoning system. MOCO's M-NCPPC Planning Board and urbanist planning advocates claim this badly designed major overhaul will somehow or other "solve" problems of insufficient affordable housing AND historically racist house ownership discrimination in Montgomery County, Maryland.

Their claims are specious, as Roberta points out: proposed new For-Profit Developer-built Multiplexes and apartments intended to displace existing neighborhood single family homes (both attached and detached) will be marketed for profit as Rentals. They will not be sold to deserving families unless THRIVE plan is thoroughly rewritten/modified to include bottom-up participation by existing suburban neighborhoods of owner-occupied housing. Outcomes (if this odd new THRIVE draft is approved more or less as is by County Council) will mean more and denser rental units 'shoe-horned' into residential streets on many existing small lots without enough on-street/off-street parking or needed Parkland, public schools, underground utility infrastructure, etc. THRIVE will NOT raise real numbers of owner-occupied housing units, or percentage of Minority or lower-income owner-occupied homes. It will shift the ratio of owned to rental units in a neighborhood towards higher percentages of rental units with absentee owners.

I need not go into how ongoing rising and inflationary prices for house ownership will vitiate assertions that THRIVE make homes more affordable. If multiplex units are sold by Developers or Real Estate corporate owners, they will be priced far too high to be 'attainable' by prospective buyers who lack enough current income to acquire prime mortgages and do not have adequate financial assets to afford down payment, settling costs, taxes. The chimera of so-called 'Attainable' home-ownership through peculiar THRIVE device is nothing more than a 'mirage', it is an ideological posture by those calling themselves 'Progressives'.

My assessment is this faddish juggernaut effort is likely to fail miserably and set back the long-term cause espoused by pragmatic (real) progressive thinking and analysis. A more productive approach calls for proceeding in two key ways: 1) Starting immediately, pass regulations and rules to actually preserve and improve the quality and availability of existing affordable family housing, both subsidized and market-rate. 2) use Federal/State/County funding to build new government-subsidized family-sized affordable apartment units in designated higher-density areas like former shopping malls and failed Office blocks, deploying a stepwise approach with measurable targets. 3) Create more For Sale attached housing (e.g., Townhouses) through in-fill on available empty lots (private & County-owned) that use the

MPDU approach. Include neighborhoods that vote to participate in housing densification fully into decision-making. 4) Close For-Profit MPDU loopholes allow Developers to avoid sales of below market rate home by paying a derisory amount upfront into a County-wide fund that does not actually help leverage sale of more subsidized housing in the same localities. Same goes for expanding Parks - not just anywhere in the County - but in very same housing neighborhoods with raised densities. In short, let's come up with a participatory design, targeted and interactive approach to actually increasing affordable home ownership, and preventing market-driven 'Rent is Too High' adverse impacts on affordability.

Give aspiring first time home buyer residents realistic options of mortgage-affordable homes and/or preservation of existing affordable rentals (e.g., via a reformed HOC). Incentivize Non-Profit sector (rather than For-Profit Developers) to renovate and/or construct affordable houses and apartments (e.g., Habitat and County-based affordable housing builders). Design buildings for reasonably-priced, quality family-sized rentals - rather than highly irrational Planning Board policy of approving mainly luxury apartments in posh high-rises OR too many studios/1-bedroom units in tiny apartments for single persons or non-family renters - mainly younger unmarried individuals/roommates who are transient. Place policy emphasis on enhanced housing stability for families in communities rather than top-down urbanist 'densification'. Get over the notion that a THRIVE type of 'Silver bullet' CONCEPT will solve MOCO housing insufficiency problems, provide equity, fill the so-called 'Missing Middle', and somehow lower prices and costs for aspiring homeowners.

This bizarre centralized planning 'FAD' is puffed-up 'Trickle-down Economics' - using unproven economic models like 'filtering': basically, a corporate Real Estate 'economic fiction' to incentivize for-profit building of massive new upscale housing units, that supposedly translates to older, less modern units declining in rental cost and/or purchase price due to simply the generic policy of adding more (often far more costly) total units to the County's available housing stock. THRIVE - as contrived by the M-NCPPC Planning Board urbanist planners - is basically a propaganda piece. The term THRIVE appears borrowed from a recent Kaiser-Permanente Health marketing LOGO for a big Health Care/Health Insurance system. The THRIVE 'concept' is a 'one-size fits all' centralized scheme ill-fitted to real-world affordable housing needs in MOCO.

Joel Teitelbaum

Daniel Meijer
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EXHIBIT 2

October 20, 2021

Mr. Casey Anderson
Chair of the M-NCPPC Planning Board
2425 Reddie Drive, 14th Floor,
Wheaton, MD 20902

MCP-Chair@mncppc-mc.org

301-495-4605

Dear M-NCPPB Chair Casey Anderson & Washington Council of Governments,

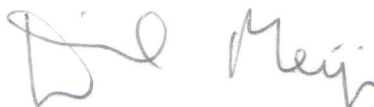
Please find attached a Washington Post article that describes the previous WSSC moratorium imposed upon Montgomery County that delayed *"for an undetermined period construction of 13,000 housing units and about 20 commercial and industrial projects planned throughout the county."*

According to this article this was because: *"the county had exceeded the amount of sewage it can send to the huge Blue Plains sewage treatment plant in the District of Columbia and a much smaller plant in Seneca"*.

Considering the large amount of increased density that "Thrive Montgomery 2050" is proposing, a similar and likely scenario will come up. Does that long term plan include a section that suggests a solution to this inevitable problem?

Will the other jurisdictions (currently sharing the capacity of the Blue Plains Treatment plant in the District of Columbia that Montgomery County exports it's sewage to), be triggered by the large density increase proposed in "Thrive Montgomery 2050", to **thus insist this long term plan must include a requirement to build an additional waste treatment plant along a major river like Blue Plains but in Montgomery County: for example, along the Potomac River [1]?**

Concerned affected citizen,



Daniel Meijer

[1] See second attached Washington Post article titled: "Sludge Plant to Be Closed" in which then County Executive Ike Leggett is quoted: "It was a mistake to put this facility at that [North White Oak, next to the Prince Georgia County border] location. It's just too much of a dense highly populated area"

WSSC Puts Curbs On Sewer Lines In Montgomery

By **Judith Valente**

May 31, 1979

In a split vote, the Washington Suburban Sanitary Commission imposed a new sewer moratorium yesterday on Montgomery County that will delay for an undetermined period construction of 13,000 housing units and about 20 commercial and industrial projects planned throughout the county.

The commission acted after a report by its general manager indicated the county had exceeded the amount of sewage it can send to the huge Blue Plains sewage treatment plant in the District of Columbia and a much smaller plant in Seneca. The WSSC oversees water and sewer construction and operations for both Montgomery and Prince George's counties.

It was not immediately clear how long this latest moratorium on new development could last. But it comes at an awkward time for Montgomery, which had been pushing hard recently to attract the new development denied it during eight years of earlier moratoriums.

The new moratorium will not affect projects already under construction, but only proposed construction still awaiting commitments of sewage capacity from the WSSC.

The simmering regional rivalry between the two counties was reflected in yesterday's vote: The three WSSC commissioners representing Prince George's County all approved the moratorium while two of the three Montgomery County commissioners abstained.

The third Montgomery County commissioner, David Scotton, left the meeting before the vote but indicated before leaving that he also wanted to abstain.

Montgomery and Prince George's have been feuding for months over a number of sewer-related issues. One of the key points of dispute is whether Prince George's, which has more sewage capacity at the Blue Plains plant than it needs right now, can lend some of its excess capacity to Montgomery.

Issues in this proposed trade are still unresolved.

Montgomery can send up to 82.6 million gallons a day into the local treatment plants, which are shared by four metropolitan area jurisdictions. Currently, Montgomery is sending 71.3 million gallons daily into the system, and has given out sewer commitments for an additional 12 million gallons a day, according to Arthur Brigham, a WSSC spokesman.

That puts Montgomery 560,000 gallons a day over its authorized capacity.

The county reached its limit earlier than expected because April's heavy rainfall increased the sewage flow already in the system, according to Edward Graham, assistant director of the county's Office of Environmental Planning.

When the ground water level goes up, the sewage flow goes up. "More sewage flows through the pipes in wet weather," Graham said.

County Executive Charles W. Gilchrist said the current moratorium "will have a serious effect [on growth and economic development] as it continues." He said he is counting on Prince George's County to let Montgomery use some of its estimated 12 million gallons a day in unused capacity at Blue Plains.

Prince George's also has 30 million gallons of unused daily capacity available at other sewage treatment plants.

Montgomery County is "going to be in a constant tight situation" unless it can use some of the Prince George's allocation, he said.

Even if Montgomery recalculates its estimates of average household sewage use, the county will be able to come up with only about 2 million gallons a day of sewage capacity to give out in future sewer commitments, according to Steve Poteat, an environmental planner.

Among the projects being held up by the new moratorium are 13,000 housing units, including nine subsidized housing projects, several churches and commercial and industrial projects, and a community center for the Scotland area. All are planned for construction over the next three years.

Sludge Plant to Be Closed

By Manuel Perez-Rivas

Washington Post Staff Writer

Sunday, January 24, 1999; Page C1

Sixteen years after a sludge composting operation opened, Montgomery County is set to abandon the \$68 million plant that was built over the heated objections of nearby residents as well as officials in neighboring Prince George's County.

The Montgomery County Regional Composting Facility, north of White Oak, lived up to many expectations of Montgomery's environmentally conscious leaders, turning sewage sludge into compost so rich it has been spread on the White House lawn. Its many environmental awards fill a wall inside its offices.

But the benefits of composting sludge have not been enough to quiet the protests of neighbors, who for years have complained about the odors. After spending millions of dollars trying to stop the smell, county officials say it is time to look at alternatives for handling Montgomery's share of the sludge generated by the Blue Plains Wastewater Treatment Plant in the District.

"What a big waste of money," said Del. Barbara Frush (D-Prince George's), who lives in nearby Calverton and was a leading civic opponent of the east Montgomery site.

On Wednesday, board members from the Washington Suburban Sanitary Commission, the bi-county water and sewer agency that runs the plant, are slated to consider a proposal to shut it down. Montgomery County Executive Douglas M. Duncan (D) and County Council President Isiah Leggett (D-At Large) are backing closure, citing the neighborhood opposition and saying there are cheaper methods of disposing the sludge, such as spreading it on fields.

"It was a mistake to put this facility at that location. It's just too much of a dense, highly populated area," Leggett said.

Duncan said he has gotten complaints from residents and commercial landowners about the plant's smell. But, he said, financial considerations persuaded him to push for its closure. Because of the odor, WSSC had for years operated the facility at less than half its capacity of 400 tons a day, driving up the cost per ton. County officials said it costs \$100 to compost a ton of sludge. Meanwhile, spreading it on fields -- which is how most of Montgomery's sludge from Blue Plains is handled -- costs \$35 a ton.

"It's cost-prohibitive to run that facility," he said. "It's never going to operate at capacity. I want to cut our losses now instead of waiting five years and spending another \$10 million."



Compost operator Steve Broznowicz works at the Montgomery County Regional Composting Facility, in Silver Spring. (Rick Bowmer — The Washington Post)

The county is considering closing the plant at a time when other jurisdictions, such as Virginia and counties on Maryland's Eastern Shore -- two potential recipients of additional Montgomery County sludge -- are showing a growing resistance to imported waste. Some officials and environmental advocates caution that this backlash could make land application much more expensive in the future.

"This [composting] is the kind of experiment that we need to make work for us," said Neal Fitzpatrick, conservation director at the Audubon Naturalist Society, an environmental group. "I'm going to be very disappointed if we give up on it."

The composting facility has been a thorn in the side of Montgomery officials since the late 1970s, when the County Council chose to situate it on 110 acres in an industrial park off Route 29 near the county's eastern border. The plant was needed to handle Montgomery's share of Blue Plains sludge, which now amounts to 400 tons a day.

The selection drew immediate protests from people in nearby communities and from Prince George's officials, who saw the site selection as an affront because it was so close to their boundary. At the time, the two counties were involved in a dispute over sewer capacity.

"This was as much a snubbing of Prince George's County as anything else," said Robert B. Ostrom, the Prince George's county attorney at the time. Montgomery prevailed after a lengthy court fight, and the plant opened in 1983.

Over the years, WSSC, with backing from Montgomery officials, has spent millions in upgrades, such as enclosing storage areas and installing state-of-the-art exhaust scrubbers to try to diminish the odors produced while turning sludge into compost.

But the complaints about the smell never went away.

"They put a lot of money into it. They've gone through a lot of effort," said Bruce Donaldson, an engineering professor and longtime opponent of the plant who is a member of the Calverton Citizens Association. "It still stinks."

Some county officials, such as council member Marilyn Praisner (D-Eastern County), who represents the area surrounding the plant, have backed efforts to close it for years. The push gained momentum last year, when Duncan recommended shutting it down as part of the county's 10-year solid waste plan.

This month, WSSC commissioner Kevin P. Maloney, one of three Montgomery representatives on the agency board, said he would make a formal motion to close the facility. "It's too expensive to run," Maloney said in an interview, "but the reason it's closing is political: The people don't want it there."

The three Prince George's representatives on the board said they would support closing the plant if several conditions are met, including promises that no sludge would be disposed of in their county and that the WSSC would not have to repay federal grants for building the composting plant.

Montgomery County's Chief Administrative Officer Bruce Romer, who is working on meeting those conditions, said Friday that he expects everything to be set in time for Wednesday's meeting. "All of these things are being worked out," he said.

The actual decision of what to do with the physical plant itself -- the \$68 million investment -- would come later.

"Our interests are grounded in economics," Romer said. "This has never been an economic equation that can work."

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Daniel Meijer
929 Gist Avenue
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March 22, 2021

EXHIBIT 3

National Fire Protection Association (NFPA)
Attention: Ms. Meghan Housewright
Director, Fire & Life Safety Policy Institute (The Policy Institute)
1 Batterymarch Park
Quincy, Massachusetts 02169-7471

Dear Director Housewright,

I understand from a 9/14/2017 NFPA press release that: *"The Policy Institute will study a range of issues and provide guidance and information to policymakers on the best approaches governments can take to improve safety for the citizens they serve"*. Thus, please find attached my testimony to the local Council of this County that expresses my concerns on such a matter that I believe the NFPA Fire & Life Safety Policy Institute should address.

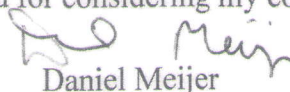
The bases for my concern are the many narrow residential access roads that were designed and built in the 1920/30's in this area. Fire trucks and ambulances were much smaller then. In particular, ambulances, which at that time were modified station wagons (of narrow width - till the 1950s fin era) - then became modified vans (but still reasonably narrow) and are now wide modified trucks. The recently built nearby fire station garage doors for these vehicles I have measured to be over 15 feet wide. From that, one may reasonably conclude residential roads must have at least that width? Perhaps the Policy Institute could for example: recommend specific road width requirements for such emergency vehicles?

I am also concerned that such obstructions may increase the response time for fire trucks that may eventually reduce the "Town Grading" of my community - which according to what my brother experienced in his community - results in a considerable increase in one's homeowner's policy premium.

Increasing the occupancy load of existing single family homes to a multifamily use on small lots has become a nationwide trend under the category of "Smart Growth". I have noticed that most of the active proponents of this concept tend to be younger adults who have not had to face the health concerns that older adults do (in particular "Senor Citizens of Advanced Age" - who have chosen to age in place). This is when rapid ambulatory access to residential dwellings may be a life or death situation.

For the reasons described above, I strongly feel the NFPA Fire & Life Safety Policy Institute should place this issue on their agenda and issue guidelines on the matter.

Thank you for considering my concerns,


Daniel Meijer

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February 15, 2021

President Tom Hucker & other Members of the Montgomery County Council
100 Maryland Ave, 6th floor
Rockville Maryland 20850

Written Testimony Concerning: **ZTA 20-07**

Dear President Tom Hucker and other Members of the Montgomery County Council,

As stated in my oral testimony in the "Public Hearing – ZTA 20-07, R-60 Zone – Uses and Standards" last Thursday. I am very concerned that this ZTA, (along with the recent previous ones that will impact the allowable density in such zones) may interfere with timely access by emergency vehicles in older residential communities.

This is because many of the older neighborhoods have very narrow roads that were only designed to handle the traffic from the occupancy load of the single family lots they serve.

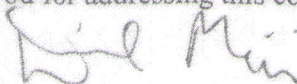
Increasing the occupancy load of existing single family homes to a multifamily use on the small lots (that are common in older neighborhoods) – puts the entire community at a public safety risk.

One can easily visualize an ambulance or fire truck stuck on a narrow street obstructed by the off-site parking needs of multifamily conversions of single family home lots in older communities where existing road structure was not designed to support such an increased "occupancy load" density.

As I described in my oral testimony – such delays can have a life threatening impact on the residents in such neighborhoods – giving my sister as an example who has a serious heart condition and has had required ambulance services to her home in East Silver Spring that if delayed – might have become a life or death situation. Something which should be of grave concern to those who wish to "Age in Place" in their current homes.

For that reason, I believe this could rise to a legal level of "gross negligence" * if land use decision makers (such as the Council) simply do not dutifully address this public safety issue that is described in this written testimony on ZTA 20-07.

Thank you for addressing this concern,



Daniel Meijer

*Maryland Courts and Judicial Proceedings Section 5-522 (a) (4) (ii): "Immunity of the State is not waived ... [for] Any tortious act or omission of State personnel that: ...is made with malice or gross negligence" (emphasis added)