

Montgomery County Council Public Hearing Testimony

Sewer Category Change Request WSCCR 24-TRV-03A

Testimony of Françoise M. Carrier on behalf of Applicant Mohamed Alosch

November 12, 2024

Good afternoon, Council President Friedson and members of the Council. For the record my name is Françoise M. Carrier with the law firm of Bregman, Berbert, Schwartz & Gilday speaking on behalf of the applicant, Mr. Mohamed Alosch, who has accompanied me to today's hearing.

Mr. Alosch purchased his property on Piney Meetinghouse Road in Potomac in September 2023. The property measures seven and a half acres and abuts a subdivision of single-family houses on standard lots, so he expected to be able to subdivide his property and build three homes on it. He has since learned a great deal about zoning, septic systems and the process of bringing sewer to a site in Montgomery County. He's learned that his property doesn't perc – it doesn't support either a standard septic system or a sand mound system. He's also learned that the Potomac Master Plan contains language that does not support the extension of sewer to his property. Most alarming of all, he's learned that the septic system serving the existing house on the property has failed.

This property is Mr. Alosch's single biggest investment as he moves into his retirement years, as well as a significant investment for his son, who invested in the property as well. Mr. Alosch is requesting a sewer category change to bring sewer to the existing house so that the property can be put to some beneficial use, however modest. As Planning Department staff noted in their comments on this application, if the applicant can provide documentation of a septic system failure from DPS, then the property is eligible for public sewer service for a single connection. See County Executive's September 2024 Amendment Transmittal package at 18. DPS has now confirmed that the existing septic system for the property has failed. See Transmittal package at 17. The existing house is currently rented, and the applicant is spending considerable sums on short-term repairs to keep the property livable. Over the long term, however, he will not be able to keep the property occupied without a proper resolution to the failed septic system.

The transmittal package provided to the Council includes the reasoning that Mr. Alosch provided when he first applied for a sewer category change in November, 2023. That application was withdrawn when Mr. Alosch came to understand more fully the applicable language in the Potomac Master Plan. He submitted a new application in June, 2024, which does not rely on the language quoted in the transmittal package, but instead relies on the need to replace a failed septic system with a sewer connection.

WSSC has stated that connecting this property to the existing sewer line in the adjoining Palatine subdivision will require an engineering study. Our first request is that the Council approve reclassification of Mr. Alosch's property to sewer category S-3 for public sewer service for an existing residence. That would make the property ready for a sewer connection as soon as WSSC completes an engineering study and finds a way to serve the existing house. We also ask the Council to join with the County Executive in making a formal request that WSSC put the necessary engineering study in its work program as soon as possible. Without a clear indication that the County is eager to see WSSC undertake the necessary engineering study as soon as possible, the issue may languish indefinitely. That would leave Mr. Alosch's property in a precarious condition that will render the existing residence uninhabitable in the not-too-distant future.

Thank you very much for the opportunity to address you. We'll be happy to answer any questions you may have.