



November 11, 2024

Andrew Friedson, President
Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

RE: WSCCR 24-CLO-01A: LOGOS HOMES
Property address: 17805 Norwood Road, Sandy Spring (“Property”)

Dear President Friedson and Council Members:

Please accept this written testimony into the record of this proceeding in support of the above-referenced WSCCR application, filed on behalf of my client, Logos Homes, Inc. We ask that the Council approve WSCCR 24-CLO-01A for the extension of public water and sewer to the Property, a 2-acre parcel created in or before 1931, zoned RE-2.

Water

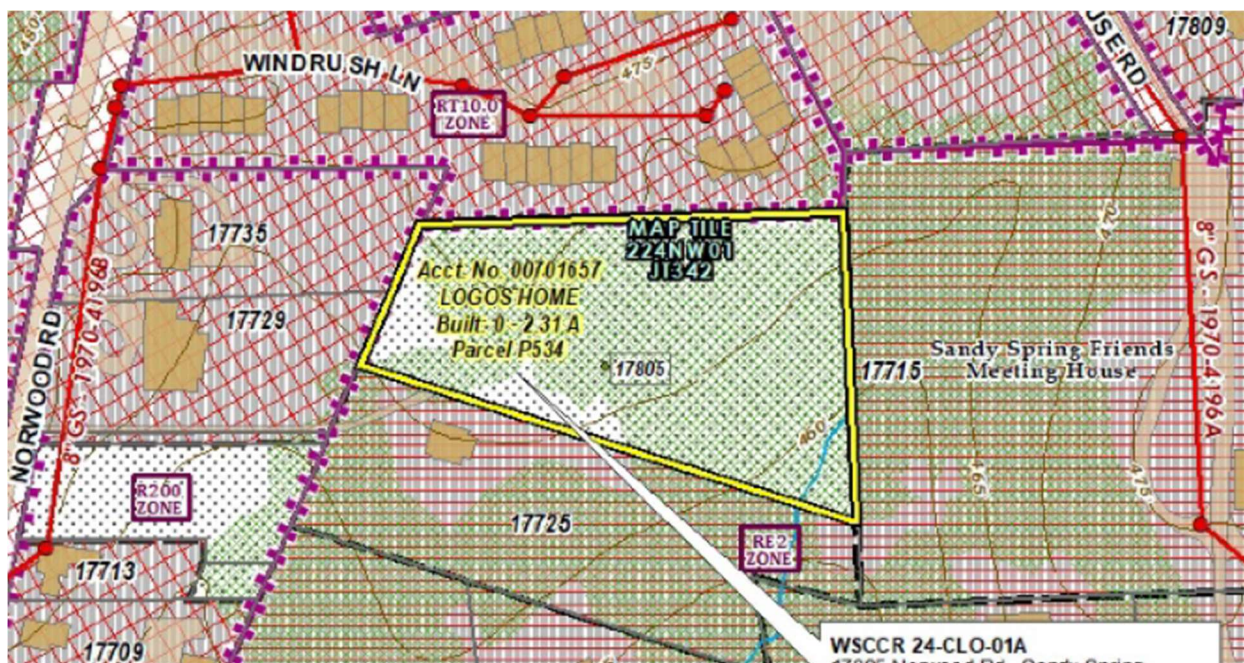
The Property is within the planned public water service envelope. The Planning Board, Planning Department and DEP staff, and the County Executive all recommend approval of the water category change request. We ask that the Council grant approval.

Sewer

Although the Property is located outside the planned sewer service envelope, there are compelling reasons that call for the extension of public sewer now.

- A. The property immediately to the south of the subject Property, 17725 Norwood Road, was approved in 2021 for emergency access to public sewer because of its existing septic failure (“Failed Septic Property”). In recommending emergency access, in 2021 DEP staff confirmed that “Soil conditions on the property do not support installation of a conventional on-site septic system on the property.” Attachment One. Based on the septic failure of the conventional system immediately next door, and the fact that the two properties have the same soil type, it stands to reason that a conventional septic system cannot be supported on the Property.

See Figure 1 (excerpted from Planning Department Staff Report p. 3) for location of Failed Septic Property (next page).

Figure 1:

- B. While the 2022 Water Sewer Plan states that the extension of sewer to a property on an emergency basis does not – in and of itself – justify the extension of sewer to another property, the landlocked Property is entirely surrounded by properties served by public sewer and so extending public sewer access to the Property cannot open up other properties not served by septic to access. See Figure 1. Moreover, denial of access to public sewer to this landlocked “island” parcel would be an arbitrary and capricious application of the County’s sewer policies.
- C. The Applicant has shared ownership of a deeded parcel which provides ingress/egress access to the Property with the owners of the Failed Septic Property. (“Driveway Parcel). See Figure 1; Attachment Two (Deed).

The owners of the Failed Septic Property and the Property have agreed as follows:

- (a) to concurrently build and share in the cost of the sewer (and water) extension to both properties within the shared Driveway Parcel; and
- (b) to concurrently build and share in the cost of the water/sewer infrastructure and the shared driveway, which will serve both properties.

A sewer connection within the Driveway Parcel will allow construction of the 340’ private “ALT 2” shown in the Staff Report connecting to the existing 12” main in Norwood Road (the same connection already approved for the Failed Septic Property). WSSC has confirmed the existing main is adequate to serve the subject Property.¹

¹ This connection would be served by a water (contract #1960-4655) and a sewer (contract #1970-4196B) main which abut the Failed Septic Property through the adjoining Driveway

Denial of the pending WSCCR request would unduly burden the owners of the Failed Septic Property with the cost of installation of the sewer line and would unduly prejudice the owners of the Property by leaving them the sole Property reliant on an on-site conventional septic system on soils known to be inadequate to support such a system.

- D. The 2022 Water Sewer Plan establishes the Council's broad discretion to approve the extension of public water and sewer:

2022 Water Sewer Plan § II.B.: County Council Authority and Responsibilities

The County Council relies *primarily* on the water and sewer service policies adopted in this Plan and service recommendations provided in master plans in evaluating and acting on Plan amendments. *However, the scope of the Council's responsibilities goes beyond this Plan and includes issues such as the county-wide economic growth, public health and safety, transportation infrastructure, and public education.* The Council has the authority and responsibility to consider such issues where they may affect its actions with respect to this Plan. Given this, *the Council may reach conclusions regarding this Plan or its amendments which do not necessarily follow the policies provided in the following sections.* In such cases, the Council's amendment resolution will provide an explanation of the issues involved and rationale for actions that vary from these adopted policies. Such an action by the Council will require review by and confirmation from the Maryland Department of the Environment.

(Emphases added.)

In this case, the Council may take into consideration (a) the fact that this property (deeded in 1931 and thus grandfathered for many purposes under subdivision and zoning laws); (b) that it is entirely surrounded by properties already served by public sewer; (c) approval would defray the cost of housing to both the Property and the Failed Septic Property because each would assume 50% of the share of the total cost; and (d) the addition of one additional home at this location would be consistent with the primary goal of the Master Plan (see discussion below).

Conformance with 1988 Sandy Spring/Ashton Master Plan ("Master Plan") and Thrive Montgomery 2050

There is no site-specific Master Plan recommendation for the Property. Planning staff confirms that the "primary goal of the master plan is the preservation of rural character," and that building a home on the landlocked Property "would have a negligible impact on the area's character since any house on the [Property] would not be very visible from any street." Staff Report p. 3. The RE-2 zoned Property is within the water/sewer envelope and the Master

Parcel, which is under joint shared ownership by both the 17725 and 17805 property owners. See Figure 1.

Plan recommend the extension of public water to properties within the RE-2 zone on a case-by-case basis. The County Executive, DEP staff and Planning Staff recommend approval of access to water as consistent with this Master Plan recommendation. Report p. 3.

Conclusion

For the following reasons the Applicant asks that the Board recommend APPROVAL of WSCCR 24-CLO-01A for Logos Homes:

1. There is no site-specific master plan recommendation for the Property;
2. It is a landlocked parcel surrounded entirely by properties supported by public sewer;
3. It has direct access to a sewer main through a Driveway Parcel in shared ownership, with direct access to Norwood Road;
4. The adjoining property owner already has received approval to connect to public sewer through the shared Driveway Parcel; and
5. Granting approval will not cause any harm to the larger Master Plan goals.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adam Ortiz
Director

MEMORANDUM

September 27, 2021

TO: Ray Chicca, Division Chief, Development Services Group
Luis Tapia, Unit Coordinator, DSD Permit Services
Washington Suburban Sanitary Commission

FROM: George Dizelos, Environmental Planner III, Water Supply and Wastewater Unit
Interagency Affairs Division, Department of Environmental Protection

SUBJECT: Public Service Relief for Onsite Systems Problems

We request WSSC’s assistance in expediting the provision of public service to the following property:

Water and Sewer Service: 17725 Norwood Road, Sandy Spring

Property I.D.: Parcel P546, Charley Forest ETC; acct.no. 00701646 – (SDAT tax map: JTM2)	
Owner: AC Electric, LLC	Categories: Water: W-6 Sewer: S-6
WSSC grid: 224NW01	Zoning/Size: RE-2, 2.0 acres
Planning Area: Cloverly	Watershed: Northwest Branch

The Department of Permitting Services (DPS), Well and Septic Section, has advised this office of a public health problem, a well and septic system failure, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public water and sewer service. The existing well is inadequate and failing, and the current septic system is not permitted and inadequate; the property has poor soil conditions. A water (contract #1960-4655) and a sewer (contract #1970-4196B) main abut the adjoining property, under the same ownership, used for driveway access to Norwood Road.

Although this property is designated as category W-6 and S-6 in the County’s Water and Sewer Plan, DPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public water and sewer service, regardless of the existing service area category. The property owners have filed a request with DEP for a service area change from W-6/S-6 to W-1/S-1.

Given these conditions, it is reasonable to relieve this public health hazard by expediting the provision of public water and sewer service. **WSSC-Water does not need to wait for the approval of a Water and Sewer Plan amendment to provide public water and sewer service; public service via the WSSC-Water’s system should be provided as soon as possible.** We would appreciate your assistance in this matter.



The property owner will need to contact WSSC-Water to begin the application process for public water and sewer service. Neither DEP nor DPS staff can initiate a WSSC-Water service application on the owner's behalf.

For water and sewer main connections to existing mains, the owner can contact the WSSC Permit Services Section at either 301-206-4003 or onestopshop@wsscwater.com. Additional information is available at the WSSC-Permits website at <https://www.wsscwater.com/work-with-us/permit-services>.

If you have any questions, or if there are significant problems related to provision of water and sewer service, please contact either me George Dizelos at george.dizelos@montgomerycountymd.gov or 240-777-7755.

Attachments (see pages 3 and 4)


\\DEPFILES\Data\Programs\Water_and_Sewer\well-septic\HEALTHAZ\CASE\N\norwood-rd-17725--well-and-septic\norwood-rd-17725--expedite-water-and-sewer.docx

cc: Lisa Sine, Sharon Spruill and April Snyder, Permit Services Unit, WSSC-Water
Steven Shofar, Chief, Intergovernmental Affairs Division, DEP
Heidi Benham and Kim Beall, Well and Septic Section, DPS
Jason Sartori, Functional Planning Division, M-NCPPC
Patrick Butler, Donnell Zeigler and Katherine Nelson, Upcounty Planning Division, M-NCPPC
AC Electric, LLC



September 22, 2021

TO: George Dizelos, Environmental Planner III
Water Supply & Wastewater Unit
Department of Environmental Protection
2425 Reedie Drive, 4th floor
Wheaton, Maryland 20902

FROM: Kim Beall, R.S. 
Well and Septic Section
Department of Permitting Services
2425 Reedie Drive, 7th floor
Wheaton, Maryland 20902

SUBJECT: Request for water and sewer connection

LOCATION: 17725 Norwood Road
Tax Map Grid: JT 32
WSSC Grid: 224 NW 01

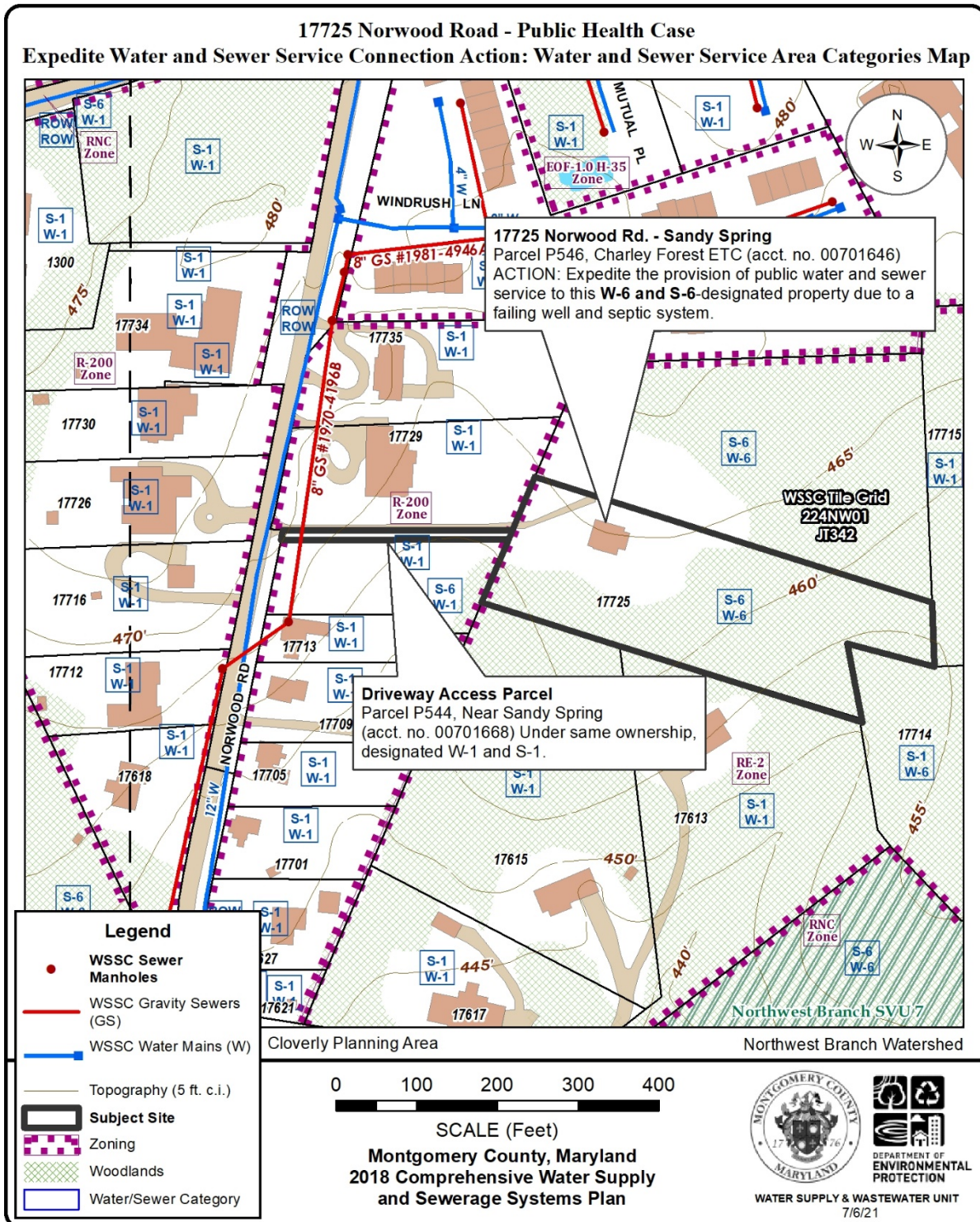
AC Electric, LLC, the current owner of the above referenced property, has requested our assistance in getting expedited water and sewer connections for the existing dwelling. Currently the property is in sewer category S-6 and water category W-6; category change for both water and sewer service shall be necessary.

Both the water well and septic system predate our permit records. I conducted an inspection of the property, including confirmation of location and condition of both the water well and septic system on September 17, 2021. At that time, I confirmed that the existing septic system is failing (cesspool with overflow pipe to ground surface). Soil conditions on the property do not support installation of a conventional on-site septic system on the property.

Further, the existing water well is failing/inadequate and does not meet current requirements for construction or setbacks.

If I can be of further assistance, please contact me at (240) 777-6315.

Cc: Alan Soukup, Senior Planner, Department of Environmental Protection



Jacquie's Title Group
 File No. **MD-22-970**
 Tax ID # **08-00701657 & 08-00701668**
 Underwriter: **First American Title Insurance Company**

Attachment Two

Montgomery County, MD
 Approved by JE 01/03/2023
 Recordation Tax Paid \$1,112.50
 CIP2 Paid \$0.00
 Transfer Tax Paid \$1,250.00

This Deed, made this 23rd day of December, 2022 by and between Troy BODDY, party of the first part, Grantor ; and LOGOS HOMES INC., a Maryland Corporation, party of the second part, Grantee.

Montgomery County Circuit Court
 IMP FD SURE \$40.00
 RECORDING FEE \$20.00
 TR TAX STATE \$625.00
 TOTAL \$685.00
 KAB KM Jan 03, 2023 12:03 pm

- Witnesseth -

That for and in consideration of the sum of ONE HUNDRED TWENTY FIVE THOUSAND AND 00/100 (\$125,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor do grant and convey to the said LOGOS HOMES INC., a Maryland Corporation, its assigns, the survivor of it and the survivor's heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in the County of Montgomery, State of Maryland and described as follows, that is to say:

Property 1: Tax ID#08-00701657

All that piece or parcel of land situate, lying and being in Montgomery County, Maryland, being part of tracts called "Auburn", "Auburn Farm" and "Addition to Charley Forest" as described in a conveyance from Edward Snowden, et al to Addie Hood, by deed dated September 20, 1931 and recorded in Liber 562 at folio 305 among the Land Records of said County, and being more particularly described as follows:

BEGINNING for the same at a stone found at the beginning of the 2nd line of the above mentioned conveyance, and thence running with said 2nd line and part of the 3rd line, the following two courses and distances.

1. S. 88° 31' 10" E. 413.84 feet to a stone; thence
2. S. 00° 51' 40" W. 303.86 feet to a pipe; thence leaving said 3rd line and running across the above mentioned conveyance
3. N. 69° 16' 40" W. 510.04 feet to a pipe, on the 1st line of said conveyance, said pipe being 82.73 feet from the beginning, thereof, thence running with the remainder of the said 1st line
4. N. 26° 51' 50" E. 150.27 feet to the place of beginning, containing 2.318 acres of land, more or less, according to survey of Maddox and Hopkins, September 20, 1962.

BEING the part of the property referred to as Parcel Two and described in a Deed dated November 13, 2007 and recorded December 28, 2007 in Liber 35194 at Folio 799 among the Land Records of Montgomery County, Maryland from Bernard W. Lee, unto Troy Boddy.

TOGETHER WITH a permanent, perpetual right of way and easement over the land identified as Parcel One in the Deed dated November 13, 2007 and recorded December 28, 2007 in Liber 35194 at Folio 799, for the purpose of ingress and egress from the Adjacent Land to the 3014 square feet, or 0.0692 acre Driveway Parcel (identified as Parcel Three in the above-mentioned Deed) in order to provide access to Norwood Road.

TOGETHER WITH a permanent, perpetual right of way and easement over the land 3014 square feet, or 0.0692 acre Driveway Parcel identified as Parcel Three in the Deed dated November 13, 2007 and recorded in Liber 35194 at Folio 799 in order to provide access to Norwood Road.

Property 2: Tax ID #08-00701668

A 50% interest as tenants in common in the Driveway Parcel
 Being the south 10 feet by the full depth of Parcel One described in a conveyance from Virgil J. Hood and Addie Hood, Widow, to Bernard Samuel Hull and Gloria House Hull, his wife, by deed

Deed - Individual

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 66628, p. 0252, MSA_CE63_66585. Date available 01/05/2023. Printed 11/05/2024.

dated July 17, 1964, recorded July 22, 1964 in Liber C.K.W. 3244 at Folio 162, one of the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

BEGINNING for the same at the end of the first line of Parcel One described in the above mentioned conveyance; thence, with the second line of Parcel One
 (1) N 86° 20' W 300.30 feet (N 87° 00' W 300.30 feet Liber 3244 at folio 162); thence, with part of the third line of Parcel One
 (2) N 16° 00' E 10.24 feet (N 16° 00' E Liber 3244, Folio 162); thence crossing Parcel One
 (3) S 86° 20' E 302.58 feet to intersect the first line of Parcel One; thence, with the said first line
 (4) S 27° 45' W 10.95 feet (S 27° 45' W Liber 3244, Folio 162) to the point of beginning.
 Containing 3014 square feet, or 0.0692 acres of land, more or less.

SUBJECT TO the easements granted and reserved in the deed dated May 17, 2021 recorded in Liber 65868 Folio 280 for the benefit of the land described as Parcel One, containing 2.00 acres, more or less and for the land described as Parcel Two, containing 2.318 acres, more or less, said parcels identified in the deed dated November 13, 2007 recorded in Liber 35194 at Folio 799.

BEING the same property described in a Deed dated May 17, 2021 and recorded June 8, 2022 in Liber 65868 at Folio 280 among the Land Records of Montgomery County, Maryland from Troy Boddy unto Troy Boddy, a 50% interest, and AC ELECTRIC, LLC, a 50% interest, as tenants in common.

The Improvement thereon being known as **Norwood Road (P534 and P544), Sandy Spring, MD 20860**

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said LOGOS HOMES INC., a Maryland Corporation, its assigns, the survivor of it and the survivor's heirs, personal representatives and assigns, in fee simple.

And the said party of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

E-signed by Troy Boddy on December 21, 2022 at 03:39 PM CST

Troy E. Boddy

2022-12-23

(SEAL)

WITNESS

Troy BODDY

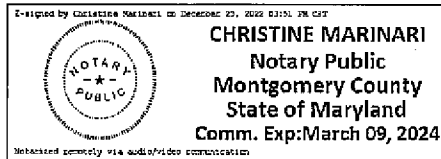
STATE OF MARYLAND
COUNTY OF MONTGOMERY, to wit:

I hereby certify that on the 23rd day of December, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Troy BODDY, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.

Christine Marinari

Signature of Notary Public



My Commission Expires:

Mar. 09, 2024

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Eileen E. Stewart
Eileen E. Stewart, Esq.

(SEAL)

AFTER RECORDING, PLEASE RETURN TO:

Jacque's Title Group
1 Research Court
Suite 340
Rockville, MD 20850

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 66628, p. 0254, MSA_CE63_66585. Date available 01/05/2023. Printed 11/05/2024.