

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



June 2, 1993

Mr. David W. Lake, Manager
Water and Wastewater Management Section
Division of Water Resources Management
Department of Environmental Protection
EOB, 6th floor
Rockville, MD 20850

Re: Denit Property

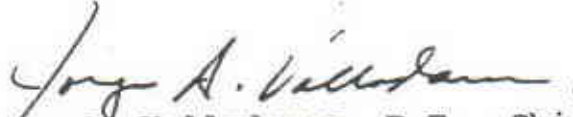
Dear Dave,

I have read your May 26, 1993 letter to Joe Davis and offer the following observation.

The Planning Board's interest in the Patuxent basin goes far beyond the Denit case. I am enclosing for your information a copy of the Functional Master Plan for the Patuxent River Watershed, Planning Board Draft. Development in the Patuxent watershed will be evaluated within the context of the policies and recommendations contained therein, in addition to other "usual" criteria.

The functional plan has been sent to the County Council for approval this fall.

Yours truly,


Jorge A. Valladares, P.E., Chief
Environmental Planning Division

JAV253:ewg

Enclosure

cc: ✓ Joe Davis, M-NCPPC
Vince Berg, M-NCPPC
Naz Baig, M-NCPPC
Roger Gans, WSSC



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 23, 1996

Martin J. Hutt
Lerch, Early & Brewer Law Offices
Suite 380
3 Bethesda Metro Center
Bethesda, MD 20814-5367

RE: Denit Property 1-92004

Dear Mr. Hutt:

This is in response to your inquiry in August and letter of September 6th. The Planning Board's opinion in this matter is that protection of the reservoir is of utmost importance. They feel the need to maintain a large buffer around the reservoir body. This is not inconsistent with other reservoir protection plans which modify development design based on the need to protect this type of irreplaceable resource. The Planning Board has stated that they will not waiver on the 1500' buffer unless they see overwhelming information and evidence demonstrating why they need not be so concerned about development impacts on the reservoirs and watershed protection. This type of overwhelming evidence has not yet surfaced in the multi-year process in which we all have been involved. Rather, the Planning Board continues to feel the need for even stronger protection measures as information amasses over time.

You have asked staff to provide you with performance measures you could employ which would enable us to support before the Planning Board that we have been convinced that the reservoirs will not be impacted by the development of the Denit property, especially the homes within the 1500' buffer. Although we know of no such evidence, there are measures which can be employed to minimize impacts and improve watershed protection. These we discussed at our meeting of May 3rd.

1. Forest cover is the best cover we know of to sustain water quality. Obviously, the more forest cover on the site both in and outside the buffer, the better.
2. Stormwater management for quality and quantity in accordance with DEP standards. In our discussions with DEP, they indicated no opposition to the use of created wetlands as a water quality enhancement tool as long as they can agree to the methods and technology. They are open to discussing methods which go beyond

standard requirements.

3. Sediment loads amount to a permanent impact to the reservoirs. Minimizing land disturbance, and providing controls and methods which will decrease possible sediment loads to reservoirs is extremely important.

4. Septic systems using deep trenches is standard method in Montgomery County. However we have agreed that the Denit Property, in coordination with Montgomery County Health Department, will utilize the best available technologies at the time of development. In response to our discussion in the use of the double holding tanks, we have doubts as to the effectiveness in reservoir protection from nitrogen impacts since there does not seem to be an element for volatilization involved in the process. As an enclosed system, all of the nitrogen will remain underground and end up in the reservoir. If our understanding is not correct or there are other benefit to this system, please contact the Health Department and they can advise us in this matter.

5. Public education is an important component of preserving water quality, especially after construction is completed. Home owner practices and use in the long term will have the primary impact to water quality. There are many practices which can be employed by individuals to minimize homeowner impacts to water quality. This in no way controls what homeowners put in the septic systems or on their yards, but it can have an influence.

Staff will continue to work with you and endeavor to stay consistent with Planning Board opinion. Please feel free to contact me or others who are involved in the Denit project if you wish to discuss any aspect of the development further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Nelson".

Katherine E. Nelson, Planner
Environmental Planning Division

cc: Joe Davis
Steve Federline