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March 31, 2000

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

Hand Delivery

Sheila Cross-Reid, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA Application No. 16531, Response to Submissions
Father Flanagan's Boys Town of Washington

Dear Chairperson Reid:

This letter represents Father Flanagan's Boys Town of Washington's ("Boys Town") response to the letter and its attachments, a Fact Sheet and a Memorandum from Boardmember Renshaw to Theodore Gordon, received from the Office of Zoning dated March 28, 2000.

A. Fact Sheet

The information on the "Fact Sheet" is not new to the record. A version of this Fact Sheet was submitted by Mr. Raymond L. Dickey, Commissioner, Advisory Neighborhood Commission ("ANC") 5A-04. Mr. Dickey, in his support for the Boys Town application, included this material (along with other materials) comprising Exhibit No. 31 which was received into the record on February 17, 2000.

The Fact Sheet was apparently updated to include notes regarding an ANC 5A meeting. In all other respects, except for an additional opening sentence, the two Fact Sheets are identical.

Boys Town maintains that general water problems in the neighborhood are not relevant to the Application. In fact, the Fact Sheet states that the probable causes of water problems on Delafield Place are "a history of high ground-water table, underground springs and the presence of Christiana-Sunnyside association soils (generally found to be clayey and unstable) in the area...." Nonetheless, Boys Town has repeatedly agreed to, and has begun the process of, installing a stormwater retention system which would resolve the problem of stormwater run-off emanating from the Boys Town property. Boys Town is willing to accept the construction of this stormwater system as a condition of approval.

BZA Case No. 16531 Exhibit No. 58

Board of Zoning Adjustment
District of Columbia
CASE NO.16531
EXHIBIT NO.58

B. Memorandum From Boardmember Renshaw

In this Memorandum, Boardmember Renshaw implies that soil deposited on Boys Town property in the 1980s, when it was owned by St. Gertrude's, is environmentally unsound. While, again, reiterating that this issue is beyond the purview of the BZA and beyond the impact of this particular application, we strongly object to the wording of this Memorandum. Evidence in the record from several sources indicates that the soil deposited on St. Gertrude's property from Metrorail tunnel excavation is benign, adequately compacted, and was accomplished in compliance with District law.

The soil deposited on St. Gertrude's property was not "Metro construction debris", but was soil excavated for construction of the Green-line Metrorail tunnel, which runs within two blocks of the Boys Town property. There is no need to "clean up" this landfill.

We can only assume that Boardmember Renshaw has come to the conclusion that Boys Town's property emanates "landfill discharge" in need of "clean-up" because of a statement made at the February 23 hearing by a resident of Delafield Place that water in her house was "smelly". This resident also stated that her tap water was "smelly". This same resident also testified that she had to have her sewer snaked several times. (See Transcript, p.192.) Boys Town, in its application to construct four single-family homes on 12 acres of property, cannot possibly be expected to respond to issues obviously involving plumbing, tap water, and a host of complex water issues in the surrounding area.

Boardmember Renshaw's blanket statement that "water drainage from the Boys Town landfill is a fifteen-to-twenty year unresolved quality-of-life and health issue..." has no basis in fact or in the record. Soil samples submitted along with a summary memorandum from the Boys Town engineering expert indicate that the soil was "normal for fill material." See Boys Town Posthearing Submission dated March 13, 2000. The engineering expert also stated in this summary memorandum that the "data would suggest that the water table in the fill area did not rise after the fill was compacted." Therefore, if the problem is high ground-water, this condition was not caused by the depositing of soil on the St. Gertrude's site in the 1980s. Further, as noted in minutes compiled by the engineering expert pursuant to a meeting with Tim Karikari of the Environmental Health Administration, Mr. Karikari extensively reviewed the subject site. He stated that he remembered there being strict rules for the contractor placing the fill on the St. Gertrude's property and that the fill material was placed in eight-inch lifts and compacted.

Mr. Karikari also investigated the water problem on Delafield Place and found that, in addition to stormwater run-off from Boys Town property, the homes on Delafield Place had considerable roof water draining to the back of their homes and the existing

church property on Delafield Place also contributed to any flooding occurring on Delafield Place. In posthearing submissions dated March 13, 2000, the applicant submitted elevations from the rear of Delafield Place properties showing that several of the yards were sloped from the alley down to the rear of the houses on that property.

While the applicant continues to express its desire to correct any problems emanating from the Boys Town property, it would also like to note that the water problems in this area are not all caused from Boys Town's property. We echo the statement of Reverend David Turner as he spoke, at the public hearing, in support of approval of the application that the entire community is suffering from water problems due to factors more complex than stormwater run-off from Boys Town property.

Boys Town has willingly responded to all matters even tangentially related to this application, and in so doing has willingly expended considerable resources. Boys Town requests that the Board focus on the relevant facts: (i) that the construction proposed in the Application will have no negative effect on the existing water problem; (ii) that Boys Town has agreed to resolve the stormwater problem emanating from its property; (iii) that Boys Town has agreed to address other relevant issues, such as noise reduction and the formation of a community liaison committee; and (iv) that environmental questions have been adequately addressed.

Boys Town strongly supports any action by District agencies which will improve the condition of the surrounding neighborhood. The fact is that the construction of the four proposed youth-care homes will have no effect on the community's water problems and will allow Boys Town to contribute considerable resources in the caring and nurturing of District children.

Sincerely,

Phil T. Feola

Martin P. Sullivan

Enclosures
cc: Father Val Peter
Connie Washington
187928

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing document was mailed, first-class and postage prepaid, to the following:

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