

From: Hixon, Christopher D <chixon@firstenergycorp.com>
Sent: Tuesday, October 27, 2020 12:38 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>; Kishter, Mary Jo <maryjo.kishter@montgomeryplanning.org>; Berbert, Benjamin <benjamin.berbert@montgomeryplanning.org>; Mortensen, Paul <Paul.Mortensen@montgomeryplanning.org>; Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Whelan, William <william.whelan@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Ballo, Rebecca <rebecca.ballo@montgomeryplanning.org>; Schwartz, Lisa <Lisa.Schwartz@montgomerycountymd.gov>; Quattrocchi, Dominic <dominic.quattrocchi@montgomeryparks.org>; 'David Kuykendall' <David.Kuykendall@montgomerycountymd.gov>; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Dizelos, George <George.Dizelos@montgomerycountymd.gov>; Galanko, Leo <Leo.Galanko@montgomerycountymd.gov>; Mortensen, Paul <Paul.Mortensen@montgomeryplanning.org>; Foster, Syntonia T <sfoster@firstenergycorp.com>
Cc: John O'boyle (joboyle@richterassociates.com) <joboyle@richterassociates.com>
Subject: RE: Update: Resubmission for Ashford Woods (aka Egan) for Preliminary Plan No. 120200110

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Potomac Edison has reviewed the response from Soltesz, Inc. Dated October 6, 2020. Potomac Edison reviewed and discussed it's concerns with Richter and Associates (Developer Consultant) last Friday (10/23). As a result of this conversation a few adjustments are to be made to the PUE's. Below is a summary of PE's requirements for approval:

- 1) PUE's are not to be centered on sidewalks as some are currently shown. PUE's are to be shifted such that the sidewalk is aligned with edge of the PUE and away from the townhouses leaving the maximum amount of green space on the opposite side of the sidewalk from the homes.
 - a. Particularly the PUE for Lots 1-29 to be shifted northeast
 - b. Other areas in the development to be reviewed by consultant and shifted where possible.
- 2) Potomac Edison will not be responsible for concrete hardscape Repair within the PUE where electric is required to be under the sidewalks. This will be included in PE's R/W document and is the Developer's responsibility to convey in the HOA Documents.
- 3) Electric facilities are planned to be located in the PUE greenspace on the opposite side of the sidewalk from the houses where possible
- 4) Porches and Steps shall not be allowed within the PUE where electric is required.
- 5) PUE Bump outs are to be added where equipment will block access to PUE. (Areas discussed are near corner of lot #14 and Corner of lot#1 – others to be determined)
- 6) Electric facilities not located along streets may be subject to a premium service fee.

Note regarding PE's Access Road: Potomac Edison is in agreement with the proposed shift in alignment of its Substation access road, making it a straight in access off Rt. 355 as it was in the past.



Christopher Hixon

Supv, Engineering Svcs

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421 East Patrick Street, Frederick, MD 21701 | mailstop: WV-FDSC / Frederick Service Center

From: rg steinman <lifeonurth@gmail.com>
Sent: Monday, November 2, 2020 12:25 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Cc: John Parrish <lifeonearth@verizon.net>; Kishter, Mary Jo
 <maryjo.kishter@montgomeryplanning.org>; Pereira, Sandra
 <sandra.pereira@montgomeryplanning.org>
Subject: Re: Creekside at Cabin Branch Hearing Date

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Thank you for letting us know.
 All be safe and take care,
 ~ rg Steinman

On Mon, Nov 2, 2020 at 9:29 AM Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org> wrote:

Good morning RG,

Thank you for your email. Below are my responses to your questions –

1. The Planning Board date has been confirmed for Pulte's Creekside at Cabin Branch Preliminary Plan application and is scheduled for a Planning Board date on December 3, 2020. The staff report will be available on November 23, 2020.
2. The Ashford Woods Preliminary Plan application is tentatively scheduled for a December 17th Planning Board date. This date will be confirmed by mid-November. I will provide you with updates as soon as the Planning Board date is confirmed.

Should you have additional questions do not hesitate to contact me.

Best Regards,

Angelica



Angelica P. Gonzalez

Planner Coordinator

Upcounty Division

Angelica.Gonzalez@montgomeryplanning.org

301.495.4583



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: rg steinman <lifeonurth@gmail.com>
Sent: Wednesday, October 28, 2020 7:01 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Cc: John Parrish <lifeonearth@verizon.net>; Kishter, Mary Jo
<maryjo.kishter@montgomeryplanning.org>; Pereira, Sandra
<sandra.pereira@montgomeryplanning.org>
Subject: Re: Creekside at Cabin Branch Hearing Date

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Hi Angelica,

Thanks for the updates.

I will have more follow-up comments, but for now, please clarify 2 things:

1. What does this sentence mean?

The Preliminary Plan application is tentatively scheduled for December 3rd, and based on this Planning Board date, the staff report will be available on November 23rd.

Does it mean that the preliminary plan hearing for Pulte's development is scheduled for Dec 3rd?

and,

2. What is the current schedule for the hearing date on Egan's preliminary plan?

Thanks so much,

~ rg Steinman

On Wed, Oct 28, 2020 at 5:53 PM Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org> wrote:

Good afternoon RG,

Apologies for the delay. Below are staff responses to your email.

We noted that the Applicant has not submitted an update to the 2019 Impervious Exhibit. Is the Applicant required to submit a final Exhibit? If so, when will the applicant submit an updated impervious exhibit?

The Applicant did submit a revised Impervious Surface Plan on October 6, 2020. It can be found as an attachment to this email and in our DAIC website under the Application Drawings folder (Preliminary Plan Sheets 51 and 52). Previously it was in the Supporting Drawings folder but since this Plan will be approved as part of the Preliminary Plan, we requested that they submit it in the Applications Drawings folder.

What are Staff's comments re: the developers' plans to use 40 non-contiguous acres (on the west side of I-270) to increase the basis for their impervious limits?

This is an issue because the Statement of Justification (SOJ) essentially states that because the land was one contiguous farm in the 1950s (not under Egan ownership) they should be able to consider the west side parcel as part of the development application and part of the impervious calculations. However, the property passed into Egan ownership AFTER the precursor to I-270 bisected it, thus it was no longer one undivided tract of land. Furthermore, the 2014 Master Plan amendment recommendations were developed based on a 100-acre Egan property, east of I-270, as shown on p.34 and p.35. We restate our objection to including a non-contiguous parcel as counting toward additional allowable imperviousness. Ten Mile Creek protections need to be strengthened, not weakened.

The application is inclusive of contiguous properties located on the east and west sides of I-270. Pursuant to Sections 4.9.5 and 4.9.6 of the Zoning Ordinance, the property is limited to a maximum imperviousness of the "total area under application for development." As submitted under one application, the western property will be undeveloped and conveyed to Parks, and impervious surfaces exceed 15 percent on the eastern property. Overall, the proposed development is below the total imperviousness level (approx. 12.5 percent) if both the east and west sides were developed to their full potential.

Staff is available to meet to further discuss this as well as answer any questions that you might have.

How will the bike path be funded, apropos the statements made in the SOJ? Does the "fee" that the Applicant pays cover the entire cost of the bike path construction, or is it partial? Regardless, the money the Applicant puts in is "private" money. And only publicly funded bikeways are allowed an impervious exemption. This "fee" language gives the appearance of a sleight of hand work-around for the developers to avoid having to reduce their impervious footprint by an amount equal to the imperviousness that the bike path would add. Please clarify the statements made of page 10, and again on page 28, of the SOJ, dated Sept 4, 2020: "With respect to bicycle access, the Applicant has agreed to pay a fee in lieu of construction for the construction by others of the planned bikeway along MD 355 and bikeable shoulders also within the MD 355 right-of-way." On page 28 it states "Further, the Applicant has agreed to contribute to the cost of construction by others of the bike path and bikeable shoulders within the MD 355 right-of-way."

Staff is requesting a fee in lieu contribution for the proposed bikeways. Pursuant to Section 4.9.5.B.4 of the Zoning Ordinance, *"(i)mpervious surface for any publicly funded road or bikeway identified by the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study*

Area is exempt from this Overlay zone's impervious surface restriction". At this time it is unclear whether the construction of any bikeways must be included in the impervious surface calculation. There is a Zoning Text Amendment (ZTA) that the Planning Board has approved to transmit to the County Council for introduction to provide clarification on the language in the Overlay Zone; however, the ZTA is currently pending at the County Council and it is unclear when a decision will be made. As such, the Applicant has made the decision to address the issue with a fee in lieu contribution, which staff supports.

Also, re: Creekside at Cabin Branch, what is the current status of the Planning Board extension request from the applicant and the new tentative Planning Board date.

The extension request is included in the Planning Board consent agenda this Thursday, October 29th to extend the Planning Board date until December 17th for the Preliminary Plan and to extend the Planning Board date until February 25, 2021 for the Site Plan. The memos related to the extension requests can be accessed by selecting the following link - <https://montgomeryplanningboard.org/agenda-item/october-29-2020/>. The Preliminary Plan application is tentatively scheduled for December 3rd, and based on this Planning Board date, the staff report will be available on November 23rd.

Thank you,

Angelica



Angelica P. Gonzalez

Planner Coordinator

Upcounty Division

Angelica.Gonzalez@montgomeryplanning.org

301.495.4583



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: rg steinman <lifeonurth@gmail.com>

Sent: Friday, October 16, 2020 1:18 PM

To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>

Cc: Anne James <acjamesfineart@gmail.com>; John Parrish <lifeonearth@verizon.net>; Caroline Taylor <caroline@mocoalliance.org>; Diane Cameron <dianecameron60@gmail.com>; Sylvia Tognetti <sylvia.tognetti@gmail.com>; Anne Cinque <acinque2@gmail.com>; Ginny Barnes <ginnybarnes94@gmail.com>; Jay Cinque <cinquej@csr.nih.gov>; M Schoenbaum <mwschoenbaum@yahoo.com>; Tom Leedy <leedyt@aol.com>

Subject: Re: Creekside at Cabin Branch Hearing Date

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Hi Angelica,

Hope all is well.

I'm checking in with you re: the Egan property, per your last email response (Oct 2) indicating that you would get back to us the following week. Please refer to our original Sept 26, 2020 email again for our concerns and questions.

Also, re: Creekside at Cabin Branch, what is the current status of the Planning Board extension request from the applicant and the new tentative Planning Board date.

Thanks again,

Take care,

~ rg Steinman

On Fri, Oct 2, 2020 at 2:55 PM Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org> wrote:

Good afternoon RG,

Thank you for your email and apologies for not responding sooner. Staff recently completed the review on the most recent resubmission package for the Creekside at Cabin Branch preliminary plan and site plan applications (Pulte). Based on outstanding issues Staff has determined that the Planning Board date will be delayed for these applications. We are currently waiting on a Planning Board extension request from the applicant to better understand the application schedule. As soon as additional information is available, I will provide you with the new tentative planning board date as well as reach out to you when the applicant provides a resubmission.

With respect to the Egan Property, I am confirming that Planning staff has received your email dated September 26th. I plan to provide you with a response next week when the eplans review period closes and Planning staff and reviewing agencies complete our review of the resubmission package.

Thank you for your patience and stay safe and well.

Best Regards,

Angelica



Angelica P. Gonzalez

Planner Coordinator

Upcounty Division

Angelica.Gonzalez@montgomeryplanning.org

301.495.4583



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: rg steinman <lifeonurth@gmail.com>

Sent: Thursday, October 1, 2020 9:11 AM

To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>

Cc: Anne James <acjamesfineart@gmail.com>; John Parrish <lifeonearth@verizon.net>; Caroline Taylor <caroline@mocoalliance.org>; Diane Cameron <dianecameron60@gmail.com>; Sylvia Tognetti <sylvia.tognetti@gmail.com>; Anne Cinque <acinque2@gmail.com>; Ginny Barnes <ginnybarnes94@gmail.com>; Jay Cinque <cinquej@csr.nih.gov>; M Schoenbaum <mwschoenbaum@yahoo.com>; Tom Leedy <leedyt@aol.com>

Subject: Creekside at Cabin Branch Hearing Date

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Good Morning Angelica,

Last we understood, the Pulte-Creekside at Cabin Branch hearing was to be on or before the end of October. Could you please tell us exactly when the hearing date will be?

We are also awaiting your response to our previous email (September 26, 2020) concerning the Egan property.

Thank you kindly,

~ rg Steinman



From: rg steinman <lifeonurth@gmail.com>

Sent: Friday, July 24, 2020 3:29 PM

To: Kishter, Mary Jo <maryjo.kishter@montgomeryplanning.org>

Cc: Wright, Gwen <gwen.wright@montgomeryplanning.org>; Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>; Anne James <acjamesfineart@gmail.com>; Pereira, Sandra <sandra.pereira@montgomeryplanning.org>; Diane Cameron <dianecameron60@gmail.com>; Sylvia Tognetti <sylvia.tognetti@gmail.com>; Caroline Taylor <caroline@mocoalliance.org>; Quattrocchi, Dominic <dominic.quattrocchi@montgomeryparks.org>

Subject: Re: Renewing FOTMC request for an RTE survey

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Thank you Mary Jo.

If an expert has studied their property, we would all be interested to know:

- When was the study - beginning and end dates, if over?
- Is it completed?
- Who performed the study?
- What did they find?

Also as we have noted several times:

"Our request is not restricted to just Pulte's property. It is a survey request **for the entire Ten Mile Creek Watershed**, including Pulte and Egan most urgently, but also King and Miles-Coppola, as well as the county-owned lands and existing M-NCPPC parklands in the watershed."

Thank you for keeping us informed about this, and other relevant developments.

~ rg Steinman



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

February 6, 2019

Ms. Jasmine Whims
Soltesz, Inc.
2 Research Place
Suite 100
Rockville, MD 20850

RE: Environmental Review for Egan Property, 23730 Frederick Road, Clarksburg, Montgomery County, Maryland.

Dear Ms. Whims:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2019.0119.mo

October 29, 2020

Mr. Michael J. Natelli
Executive Vice President
Natelli Communities
Via Email: mjnatelli@natelli.com

TNT Project #: 2076

Reference: Rare, Threatened and Endangered Plant Habitat Assessment, Egan Property/Ashford Woods, Montgomery County, Maryland

Dear Mr. Natelli,

At your request, TNT Environmental, Inc. (TNT), in coordination with Apex Companies, LLC (Apex) conducted a rare, threatened and endangered (RTE) plant habitat assessment for the aforementioned project site. A summary of findings is included below. It is our recommendation that the report be read in its entirety.

Based on public comments received and information provided by you, seven (7) rare plant species (target species) were observed in the vicinity by others and are known to exist within the Tenmile Creek watershed. These species include:

1. *Eupatorium altissimum* (Tall Boneset)
2. *Liparis liliifolia* (Large Twayblade)
3. *Packera paupercula* (Balsam Ragwort)
4. *Solidago patula* (Sharp-leaved Goldenrod)
5. *Trichophorum planifolium* (Bashful Bulrush)
6. *Asclepias purpurascens* (Purple Milkweed)
7. *Sparganium eurycarpum* (Giant Bur-Reed)

Prior to the habitat assessment, TNT reviewed the Maryland Department of Natural Resources (MDNR) letter dated February 6, 2019 which concludes that "the Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time."

TNT also reviewed the *List of Rare, Threatened, and Endangered Species of Montgomery County* published in July 2019 by MDNR.

The site visit was conducted on October 2, 2020 to assess the presence/absence of potential habitat

for the target species. Habitat assessments were conducted through general ground reconnaissance of vegetative communities within the entire 139.12-acre study area. Each vegetative community was assessed for the presence of each target species' habitat characteristics, based on habitat types described in the aforementioned publication. Vegetative communities were approximately mapped using sub-meter GPS and identified using nomenclature from *The Natural Communities of Maryland 2016 Natural Community Classification Framework* provided by the MDNR.

Based on the site visit and associated observations, potential habitat was encountered for three (3) of the seven (7) target species, including large twayblade, giant bur-reed, and bashful bulrush and are outlined on the enclosed Potential RET Plant Habitat Map.

If detailed presence/absence surveys for the target species are needed, it is our recommendation that these surveys be conducted at the appropriate time of year for each species (i.e., the months noted by MDNR during which flower and/or fruit morphological structures can be identified).

We appreciate the opportunity to work with you on this project. If you have any questions, please feel free to contact us at any time at (703) 466-5123.

Sincerely,

TNT ENVIRONMENTAL, INC.



Tara N. Wilkins
Environmental Scientist
Tara@TNTenvironmentalinc.com



Avi M. Sareen, PWS, PWD, ISA-CA
Principal/President
Avi@TNTenvironmentalinc.com

Enclosures:

- RTE Habitat Assessment
- List of Rare, Threatened, and Endangered Species of Montgomery County
- MDNR Environmental Review, dated February 6, 2019



October 28, 2020

Mr. Avi M. Sareen, PWD, ISA-CA
TNT Environmental, Inc.
4455 Brookfield Corporate Drive, Suite 100
Chantilly, Virginia 20151

Re: RTE Plant Habitat Assessment
Ashford Property (139.12 acres)
North Frederick Road
Montgomery County, Maryland

Dear Mr. Sareen,

On October 2nd, 2020, Apex Companies, LLC (Apex) conducted a rare, threatened, and endangered (RTE) plant habitat assessment within an approximate 139.12-acre property known as the Ashford Woods Project (the property), previously referred to as the Egan Property, located in Montgomery County, Maryland. The investigation was completed for TNT Environmental, Inc, in accordance with the agreed upon scope of work. The habitat assessment focused on habitat types for seven rare plant species (the “target” species) known to exist in the Seneca Creek watershed (02140208), and indicated by others as potentially occurring on the property, to include the following:

1. Sharp-leaved goldenrod (*Solidago patula*)
2. Balsam ragwort (*Packera paupercula*)
3. Tall boneset (*Eupatorium altissimum*)
4. Bashful bulrush (*Trichophorum planifolium*)
5. Lily-leaved twayblade orchid (*Liparis liliifolia*)
6. Purple milkweed (*Asclepias purpurascens*)
7. Giant bur-reed (*Sparganium eurycarpum*)

This letter report summarizes the methods and results from Apex’s habitat assessment on the property, followed by conclusions and recommendations regarding habitat quality and future investigations.

Methodology

The methods used to complete habitat assessments were standard industry-practiced botany habitat assessment protocols. Preliminary research and data gathering were conducted using, but not limited, to the following source materials:

- Rare, Threatened, and Endangered (RTE) species listed by the Maryland Department of Natural Resources (MDNR)
- Mapping and habitat descriptions from online resources such as Maryland Biodiversity Project, Illinois Wildflowers, Minnesota Wildflowers, and Wildflowers.org

- Natural community descriptions documented by MDNR
- Topography maps provided by the U.S. Geological Survey (USGS)
- Soil map units from the Natural Resource Conservation Service (NRCS)
- Geologic maps provided by Maryland Geologic Survey (MGS)
- National Wetland Inventory (NWI) mapping provided by the U.S. Fish and Wildlife Service (USFWS)
- Waters of the U.S. completed by others and provided by TNT.

Site visit on the property was performed on October 2nd, 2020 by Apex scientists to assess the presence/absence of potential habitat for the aforementioned target species. Habitat assessments were conducted through general ground reconnaissance of vegetative communities within the entire 139.12-acre property, as well as the review of the data gathered prior to the site visit. Each vegetative community was assessed for the presence habitat for each target species' habitat characteristics, based on habitat types described in the *List of Rare, Threatened, and Endangered Plants of Maryland* published by the MDNR in March 2019, and other state and federal sources in the region. Vegetative community extents were approximately mapped using sub-meter GPS and identified using nomenclature from *The Natural Communities of Maryland 2016 Natural Community Classification Framework* provided by the MDNR. Based on observations of potential habitat during site visits and field-collected data, a Potential RTE Plant Habitat Map was produced to depict areas of potential habitat for the target species (Attachment 1; Figure 1). All habitat types were visually and photographically documented during site visits (Attachment 2), and a list of plant species encountered during fieldwork was recorded to document plant species composition observed across natural and successional vegetative communities (Attachment 3).

Results

The 2019 MDNR list of RTE plants provides descriptions of habitat and phenology for each of the target species, as summarized below:

1. **Sharp-leaved goldenrod (*Solidago patula*):** Habitat includes bogs, fens, seeps, seepage swamps, stream banks, high-elevation grassy balds, and clearings; flowers/fruits in late summer to fall.
2. **Balsam ragwort (*Packera paupercula*):** Habitat includes dry, open forests, woodlands, barrens, riverside prairies, meadows, and clearings; flowers/fruits in spring and early summer.
3. **Tall boneset (*Eupatorium altissimum*):** Habitat includes woodlands, old fields, and clearings; flowers/fruits in late summer to fall.
4. **Bashful bulrush (*Trichophorum planifolium*):** Habitat includes dry-mesic to dry (rarely mesic), often rocky upland forests, woodlands, and clearings; flowers/fruits in spring and early summer.
5. **Lily-leaved twayblade orchid (*Liparis liliifolia*):** Habitat includes mesic to dry upland forests, well drained floodplain forests, and old fields; flowers/fruits in spring and late summer.

6. **Purple milkweed (*Asclepias purpurascens*):** Habit includes openings in floodplain forests, meadows and clearings, dry stream banks with some association with soils derived from mafic or calcareous bedrock; flowers/fruits in June to September and September to November.
7. **Giant bur-reed (*Sparganium eurycarpum*):** Habitat includes freshwater marshes, seepage wetlands and sphagnum fens; flowers/fruits in May to July and September to November.

The vegetation communities identified by Apex in October 2020 were categorized using seven community types: 1) rich mesic forest; 2) dry oak-hickory forest; 3) floodplain forest; 4) headwater seep forest; 5) Maintained Field, Hedgerows & Utility Easements; 6) Early Successional Forest and Upland Shrub/Scrub Areas; and, 7) Palustrine Unconsolidated Bottom & Palustrine Emergent. Locations of each community type are shown on the Potential RTE Plant Habitat Map (Attachment 1; Figure 1), and Apex's onsite observations for each community type are provided below:

1. **Rich Mesic Forest:** Onsite rich mesic forest communities were characterized by semi-mature to mature hardwood forests along lower-elevation slopes with moist and nutrient-rich substrate conditions, commonly found bordering drainageways and floodplain forests within the property. Dominant vegetation typically included species like tulip tree (*Liriodendron tulipifera*), red maple (*Acer rubrum*), spicebush (*Lindera benzoin*), Japanese stiltgrass (*Microstegium vimineum*), wineberry (*Rubus phoenicolasius*) and roundleaf greenbrier (*Smilax rotundifolia*). Representative views of this community type are provided in Photographs 2 and 14 of Attachment 2.

Based on habitat descriptions provided by MDNR, Apex's assessment shows that rich mesic forests identified within the property are not potential habitat for any of the seven target species. (Attachment 1; Figure 1). Due to forest canopy density and dominance of invasive species such as Japanese stiltgrass and wineberry, habitat for the seven target species is not present.

2. **Dry Oak-Hickory Forest:** These relatively dry forest communities were found on higher elevation slopes, typically in adjacent-upslope landforms bordering rich mesic forests. Soil moisture regime ranged from dry-mesic (somewhat dry) to xeric (very dry), and the upper part of the soil (sometimes evident on the forest floor) commonly had small to medium sized rocks. Common plant species included northern red oak (*Quercus rubra*), chestnut oak (*Quercus prinus*), grasses (*fescue* spp.), pignut hickory (*Carya glabra*), New York fern (*Thelypteris noveboracensis*), Japanese stiltgrass (*Microstegium vimineum*), poison ivy (*Toxicodendron radicans*), and green ash (*Fraxinus americana*).

Based on Apex's field investigation and MDNR habitat descriptions for the target species, the dry-oak hickory forests in the property are potential habitat for bashful bulrush and lily-leaved twayblade orchid (Attachment 1; Figure 1). However, the negative effect on understory vegetation resulting from excessive growth of Japanese stiltgrass throughout the Dry Oak-Hickory Forest portions of the site, will reduce the habitat available for these two target species. Representative views of this community type are provided in Photographs 10 and 11 (Attachment 2).

3. **Floodplain Forest:** Floodplain forest communities were located in low-elevation landforms positions and unnamed drainageways located within the property. Hydric soil conditions and hydrophytic vegetation were commonly observed within these communities, most of which can be further characterized as palustrine forested (PFO) or palustrine scrub-shrub (PSS) wetlands with hydrology inputs from “overbank” flooding, precipitation, and a seasonally high groundwater table. Prevalent hydrophytic plant species included box elder (*Acer negundo*), red maple (*Acer rubrum*), American sycamore (*Platanus occidentalis*), sweet gum (*Liquidambar styraciflua*), green ash (*Fraxinus pennsylvanica*), spicebush (*Lindera benzoin*), common blue violet (*Viola sororia*), soft rush (*Juncus effusus*), cinnamon fern (*Osmunda cinnamomea*), and various other sedges (*Carex* spp.). Dominant populations of non-native invasive plants were also common in floodplain forests, with some large populations of highly invasive species such as Japanese stiltgrass (*Microstegium vimineum*). Representative views of floodplain forests within the property are provided in Photograph 12 (Attachment 2).

Based on habitat descriptions provided by MDNR, Apex’s assessment shows that floodplain forests identified within the property are not potential habitat for any of the seven target species. The target species, purple milkweed could have potential habitat in floodplain forests; however, purple milkweed is generally associated with mafic or calcareous soils, which according to USGS, NRCS Web Soil Survey and site observation were not present. The soil present within these areas are Phyllitic. Therefore, purple milkweed does not have appropriate habitat on this property.

4. **Headwater Seep Forest:** Three headwater seep forests were identified during Apex’s field investigation. Similar to wetlands in floodplain landforms, these seep communities contained hydric soil conditions and hydrophytic vegetation, but water from strong groundwater discharge zones was instead the predominant source of hydrology. Prevalent hydrophytic plant species included red maple (*Acer rubrum*), spicebush (*Lindera benzoin*), Japanese stiltgrass (*Microstegium vimineum*), and various sedges.

Based on habitat descriptions provided by MDNR, Apex’s assessment shows that headwater seep forests identified within the property are not potential habitat for any of the seven target species. Sharp-leaved goldenrod is a suitable species for headwater seep forest habitats; however, it requires mafic soils, which according to the NRCS Web Soil Survey and site investigation, these soils were not present. Representative views of seep communities are provided in Photographs 9 and 13 of Attachment 2.

5. **Maintained Field, Hedgerows & Utility Easements:** A variety of early successional, maintained fields and easements were identified throughout the northern portion of the property. The fields include land currently used for multi-purpose events (weddings, soccer games, paintball, etc.), as well as non-forested (or sparsely wooded) edge communities and fallow fields that appear mowed throughout the year. These fields are generally separated by hedgerows. Additionally, a utility line easement intersects the property on both the north and south portion. This utility easement line appears to be regularly maintained through chemical pesticides and routine mowing. Representative views of these communities are provided in Photographs 1, 3, 4, 8 and 15 of Attachment 2.

Based on habitat descriptions provided by MDNR, Apex’s assessment shows that the maintained fields, hedgerows and utility easements identified within the property are not potential habitat for any of the seven target species. Due to the routine maintenance

practices of these fields and easements, no suitable habitat for the target species exists within these habitats.

6. **Early Successional Forest and Upland Shrub/Scrub Areas:** These habitats were observed with evidence of routine maintenance, especially apparent in areas previously used as a paintball course, resulting in a prevalence of regenerative (immature) shrub/scrub canopy conditions and large populations of non-native invasive plants. While a mesic moisture regime was noted in these areas, early successional forests/shrub/scrub were characterized separately from naturally occurring rich mesic forests (described above), due to significant differences in vegetative composition and significantly reduced native species richness. Invasive plants dominated these areas, and were observed with consistently high abundance populations of multiflora rose (*Rosa multiflora*), bush honeysuckle (*Lonicera* spp.), autumn olive (*Elaeagnus umbellata*), Japanese stiltgrass (*Microstegium vimineum*), garlic mustard (*Alliaria petiolata*), common chickweed (*Stellaria media*), and Japanese honeysuckle (*Lonicera japonica*).

Based on habitat descriptions provided by MDNR, Apex's assessment shows that early successional forests/shrub/scrub areas identified within the property do not provide habitat for any of the seven target species. Representative views of these forest and woodland communities are provided in Photographs 7 of Attachment 2.

7. **Palustrine Unconsolidated Bottom & Palustrine Emergent:** One palustrine unconsolidated bottom (PUB) habitat and two palustrine emergent (PEM) habitats observed within the property, located to the north of two commercial buildings onsite (see Figure 1). The edge of the PUB and a portion of the PEM was dominated by various sedges (*Carex* spp.), rushes (*Juncus* spp.), cattail (*Typha latifolia*), and american bur-reed (*Sparganium americanum*). Soils within PEM areas were hydric with the presence of thick muck. These areas appear to remain saturated throughout the year, with hydrology driven by strong groundwater presence and surface water flows from adjacent developed areas.

Based on Apex's field investigation and MDNR habitat descriptions for the target species, the palustrine open water and palustrine emergent in the property are potential habitat for giant bur-reed (Attachment 1; Figure 1). Representative views of palustrine open water and palustrine emergent communities are provided in Photographs 5 and 6 of Attachment 2.

Conclusions and Recommendations

The results of Apex's habitat assessment show that potential habitat for three of the target species is present within the 139.12-acre property, including giant bur-reed, lily-leaved twayblade orchid, and bashful bulrush. Potential habitat areas for each of these species are indicated on the Potential RTE Plant Habitat Map (Figure 1) provided in Attachment 1.

Although these three species have potential habitat on the property, it should be noted that these species are not threatened or endangered species. Therefore, they are not subject to the same regulatory requirements under the Endangered Species Act (ESA) and are not afforded that same protections as threatened and endangered species. Protection of rare species or habitat are not required.

If detailed presence/absence surveys for the target species are needed, Apex recommends that these surveys be conducted at the appropriate time of year for each species (i.e., the months noted by MDNR during which flower and/or fruit morphological structures can be identified). If you have any questions regarding the habitat assessment conducted by Apex, please contact John Brooks at john.brooks@apexcos.com.

Sincerely,



Rob LaPosa
Environmental Scientist II



John H. Brooks, III, PWD
Program Manager

Enclosures (3)

ATTACHMENT 1 – HABITAT ASSESSMENT MAP



Apex Companies, LLC
 203 Wylderose Ct, Midlothian, VA 23113
 Phone: 804-897-2718
www.apexcos.com
 Apex Project Number: 788037-006

Ashford Property, Germantown, MD

Project Acreage: +/- 139.12 acres
 Latitude: 39.243968° North
 Longitude: 77.289965° West

Figure 1 RTE Habitat Map

USGS Quadrangle: Germantown, MD
 Watershed: Seneca Creek
 Hydrologic Unit Code: 02140208

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Map Data: Google 2019

Map Created by: RL (10/26/2020)
 Map Reviewed by: JBIII (10/26/2020)

ATTACHMENT 2 – REPRESENTATIVE SITE PHOTOGRAPHS

Photo 1

View of maintained field used for multipurpose events, located in the center of the north side of the property



Photo 2

View of Rich Mesic Forest located along eastern border of property



Photo 3

View of a maintained field located in center of property.



Photo 4

View of a maintained upland field located in old paintball field, on the northwestern portion of property.



Photo 5

View of Palustrine Open Water located adjacent to onsite buildings, in the center of property.



Photo 6

View of Palustrine Emergent located adjacent to onsite buildings, in the center of property.



Photo 7

View of early successional forest located on the western portion of the property.



Photo 8

View of maintained field located on eastern portion of property, located under a utility power line easement.



Photo 9

View of Headwater Seep Forest located on eastern portion of property.



Photo 10

Oak-Hickory Forest on southern portion of property. Groundcover dominated by Nepalese browntop.



Photo 11

Oak Hickory Forest adjacent to unnamed stream on southern portion of property. Patches of Nepalese browntop present.



Photo 12

View of unnamed stream and floodplain forest on southern portion of property.



Photo 13

View Headwater seep forest on southern portion of property.



Photo 14

View of Rich Mesic Forest on southern portion of the property.



Photo 15

View of utility easement area on southern portion of the property.



ATTACHMENT 3 – SPECIES LIST OF PLANTS ENCOUNTERED DURING ASSESSMENT

Checklist of Plant Species Encountered During Assessment

Ashford Woods Development: RTE Plant Habitat Assessment

Investigator: Rob LaPosa

Date: October 2, 2020

| Scientific Name | Common Name | Family |
|--|------------------------|-----------------|
| <i>Acer negundo</i> L. | boxelder | Aceraceae |
| <i>Acer rubrum</i> L. | red maple | Aceraceae |
| <i>Agrimonia parviflora</i> Ait. | harvestlice | Rosaceae |
| <i>Ailanthus altissima</i> (P. Mill.) Swingle | tree of heaven | Simaroubaceae |
| <i>Allium canadense</i> L. | meadow garlic | Liliaceae |
| <i>Alliaria petiolata</i> (Bieb.) Cavara & Grande | garlic mustard | Brassicaceae |
| <i>Allium vineale</i> L. | wild garlic | Liliaceae |
| <i>Ambrosia artemisiifolia</i> L. | annual ragweed | Asteraceae |
| <i>Andropogon virginicus</i> L. | broomsedge bluestem | Poaceae |
| <i>Asclepias syriaca</i> L. | common milkweed | Asclepiadaceae |
| <i>Athyrium filix-femina</i> (L.) Roth | common ladyfern | Dryopteridaceae |
| <i>Carex</i> L. | sedge | Cyperaceae |
| <i>Carpinus caroliniana</i> Walt. | American hornbeam | Betulaceae |
| <i>Carya glabra</i> (P. Mill.) Sweet | pignut hickory | Juglandaceae |
| <i>Carya ovata</i> (P. Mill.) K. Koch | shagbark hickory | Juglandaceae |
| <i>Carya tomentosa</i> (Lam. ex Poir.) Nutt. | mockernut hickory | Juglandaceae |
| <i>Cirsium vulgare</i> (Savi) Ten. | bull thistle | Asteraceae |
| <i>Crataegus</i> L. | hawthorn | Rosaceae |
| <i>Daucus carota</i> L. | Queen Anne's lace | Apiaceae |
| <i>Dichanthelium clandestinum</i> (L.) Gould | deertongue | Poaceae |
| <i>Diospyros virginiana</i> L. | common persimmon | Ebenaceae |
| <i>Diphasiastrum digitatum</i> (Dill. ex A. Braun) Holub | common running-cedar | Lycopodiaceae |
| <i>Duchesnea indica</i> (Andr.) Focke | Indian strawberry | Rosaceae |
| <i>Elaeagnus umbellata</i> Thunb. | autumn olive | Elaeagnaceae |
| <i>Elymus virginicus</i> L. | Virginia wildrye | Poaceae |
| <i>Erigeron annuus</i> (L.) Pers. | eastern daisy fleabane | Asteraceae |
| <i>Euonymus fortunei</i> (Turcz.) Hand.-Maz. | winter creeper | Celastraceae |
| <i>Fagus grandifolia</i> Ehrh. | American beech | Fagaceae |
| <i>Fraxinus americana</i> L. | white ash | Oleaceae |
| <i>Fraxinus pennsylvanica</i> Marsh. | green ash | Oleaceae |
| <i>Galium asprellum</i> Michx. | rough bedstraw | Rubiaceae |
| <i>Gaylussacia baccata</i> (Wangenh.) K. Koch | black huckleberry | Ericaceae |
| <i>Hamamelis virginiana</i> L. | American witchhazel | Hamamelidaceae |
| <i>Impatiens capensis</i> Meerb. | jewelweed | Balsaminaceae |
| <i>Juncus effusus</i> L. | common rush | Juncaceae |
| <i>Juglans nigra</i> L. | black walnut | Juglandaceae |
| <i>Juniperus virginiana</i> L. | eastern redcedar | Cupressaceae |
| <i>Lamium purpureum</i> L. | purple deadnettle | Lamiaceae |
| <i>Lepidium campestre</i> (L.) Ait. f. | field pepperweed | Brassicaceae |
| <i>Lepidium virginicum</i> L. | Virginia pepperweed | Brassicaceae |
| <i>Lindera benzoin</i> (L.) Blume | northern spicebush | Lauraceae |
| <i>Liquidambar styraciflua</i> L. | sweetgum | Hamamelidaceae |
| <i>Liriodendron tulipifera</i> L. | tuliptree | Magnoliaceae |
| <i>Lonicera japonica</i> Thunb. | Japanese honeysuckle | Caprifoliaceae |
| <i>Lonicera morrowii</i> Gray | Morrow's honeysuckle | Caprifoliaceae |
| <i>Microstegium vimineum</i> (Trin.) A. Camus | Japanese stiltgrass | Poaceae |
| <i>Miscanthus sinensis</i> Anderss. | Chinese silvergrass | Poaceae |
| <i>Mitchella repens</i> L. | partridgeberry | Rubiaceae |
| <i>Nyssa sylvatica</i> Marsh. | blackgum | Cornaceae |
| <i>Osmunda cinnamomea</i> L. | cinnamon fern | Osmundaceae |

Checklist of Plant Species Encountered During Assessment

Ashford Woods Development: RTE Plant Habitat Assessment

Investigator: Rob LaPosa

Date: October 2, 2020

| Scientific Name | Common Name | Family |
|--|-------------------------|-----------------|
| <i>Panax trifolius</i> L. | dwarf ginseng | Araliaceae |
| <i>Persicaria arifolia</i> (L.) Harolds. | halberd-leaf tearthumb | Polygonaceae |
| <i>Persicaria maculata</i> (Raf.) S.F. Gray [orthographic error] | lady's thumb | Polygonaceae |
| <i>Persicaria sagittata</i> (L.) Gross. | arrow-leaf tearthumb | Polygonaceae |
| <i>Phleum pratense</i> L. | timothy | Poaceae |
| <i>Pilea pumila</i> (L.) Gray | Canadian clearweed | Urticaceae |
| <i>Plantago lanceolata</i> L. | narrowleaf plantain | Plantaginaceae |
| <i>Plantago major</i> L. | common plantain | Plantaginaceae |
| <i>Platanus occidentalis</i> L. | American sycamore | Platanaceae |
| <i>Poa annua</i> L. | annual bluegrass | Poaceae |
| <i>Parthenocissus quinquefolia</i> (L.) Planch. | Virginia creeper | Vitaceae |
| <i>Polystichum acrostichoides</i> (Michx.) Schott | Christmas fern | Dryopteridaceae |
| <i>Potentilla simplex</i> Michx. | common cinquefoil | Rosaceae |
| <i>Podophyllum peltatum</i> L. | mayapple | Berberidaceae |
| <i>Prunus serotina</i> Ehrh. | black cherry | Rosaceae |
| <i>Quercus alba</i> L. | white oak | Fagaceae |
| <i>Quercus palustris</i> Muenchh. | pin oak | Fagaceae |
| <i>Quercus prinus</i> L. | chestnut oak | Fagaceae |
| <i>Quercus rubra</i> L. | northern red oak | Fagaceae |
| <i>Quercus velutina</i> Lam. | black oak | Fagaceae |
| <i>Rosa multiflora</i> Thunb. ex Murr. | multiflora rose | Rosaceae |
| <i>Rumex acetosella</i> L. | common sheep sorrel | Polygonaceae |
| <i>Rubus occidentalis</i> L. | black raspberry | Rosaceae |
| <i>Rubus pensilvanicus</i> Poir. | Pennsylvania blackberry | Rosaceae |
| <i>Rubus phoenicolasius</i> Maxim. | wine raspberry | Rosaceae |
| <i>Salix nigra</i> Marsh. | black willow | Salicaceae |
| <i>Sambucus canadensis</i> L. | common elderberry | Caprifoliaceae |
| <i>Schedonorus phoenix</i> (Scop.) Holub | tall fescue | Poaceae |
| <i>Smilax glauca</i> Walt. | cat greenbrier | Smilacaceae |
| <i>Smilax hispida</i> Muhl. ex Torr. | bristly greenbrier | Smilacaceae |
| <i>Smilax rotundifolia</i> L. | roundleaf greenbrier | Smilacaceae |
| <i>Solidago canadensis</i> L. | Canada goldenrod | Asteraceae |
| <i>Solanum carolinense</i> L. | Carolina horsenettle | Solanaceae |
| <i>Sorghastrum nutans</i> (L.) Nash | Indiangrass | Poaceae |
| <i>Stellaria media</i> (L.) Vill. | common chickweed | Caryophyllaceae |
| <i>Taraxacum officinale</i> G.H. Weber ex Wiggers | common dandelion | Asteraceae |
| <i>Thalictrum dioicum</i> L. | early meadow-rue | Ranunculaceae |
| <i>Toxicodendron radicans</i> (L.) Kuntze | eastern poison ivy | Anacardiaceae |
| <i>Trifolium pratense</i> L. | red clover | Fabaceae |
| <i>Trifolium repens</i> L. | white clover | Fabaceae |
| <i>Ulmus americana</i> L. | American elm | Ulmaceae |
| <i>Ulmus rubra</i> Muhl. | slippery elm | Ulmaceae |



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

February 6, 2019

Ms. Jasmine Whims
Soltesz, Inc.
2 Research Place
Suite 100
Rockville, MD 20850

RE: Environmental Review for Egan Property, 23730 Frederick Road, Clarksburg, Montgomery County, Maryland.

Dear Ms. Whims:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2019.0119.mo