

ATTACHMENT 4



Poplar Run Homeowners Association, Inc.
13500 Stargazer Lane
Silver Spring, MD 20906
(301) 460-1785

December 22, 2020

Gwen Wright
Director
Montgomery County Planning Department
Development Applications and Regulatory Coordination Division
2425 Reedle Drive, 14th Floor
Wheaton, MD 20902

RE: Site Plan Amendment - 82020002A - Poplar Pointe

Dear Ms. Wright,

Following for your review are comments from the Poplar Run Homeowners Association on the proposed Site Plan Amendment noted above:

1. Will there be a Stop sign installed at the corner of Night Sky Drive and Alderton Road leaving the Poplar Pointe development, as it is currently not shown on the plans?
2. When will the utility tie-ins occur? Will there be any service interruptions to existing residents?
3. What sediment and erosion control measures will be installed to control construction and sediment run-off into the storm ponds in the neighboring Poplar Run community stormwater ponds?
4. Will Montgomery County be monitoring the stormwater ponds and any increased sediment loading during construction?

Thank you for your review and consideration. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Eric Lienhard". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric J. Lienhard
President
Poplar Run Homeowners Association
13500 Stargazer Lane
Silver Spring, MD 2096
elijehard@gmail.com
610 -742-5775

Via Certified Mail

Maggie Janelli
13814 Alderton Rd
Silver Spring MD 20906
Tel: 301-605-2214

Date: 12/21/2020

Development Application and Regulatory Coordination Division (DARC)
2425 Reedie Drive, 14 Fl.
Wheaton, MD 20902

The Oxbridge Group
1250 Connecticut Ave. NW. Suite 700
Washington, DC 20036

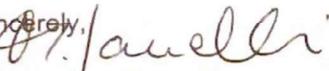
Re: Poplar Pointe – Amendments to provide architecture renderings, architectural footprints, etc.

TO WHOM IT MAY CONCERN

I have been a resident at 13814 Alderton Rd. for 17 years having no road whatsoever. This year, I have lost my husband to cancer, became a senior citizen and was requested to pay within 60 days a hefty bill of nearly \$11,000 for the construction of the new road. At the time when every dollar counts, having us, residents to pay for sidewalks on both sides of the road is totally unwarranted and unnecessary. Looking at all the streets in our Layhill View subdivision only two major fares: Wagon Way and Middlevale have sidewalks on both sides of the street in **some areas!**

Kindly, consider 5 current residents of Alderton Rd. and either exclude the second sidewalk (North side) from the current plan or exclude the cost of second sidewalk from our portion of road reconstruction cost.

Sincerely,


Maggie Janelli



From: Jose reig josereig45@gmail.com
Subject: Fwd: Comment on the construction and design of Alderton road in Silver Spring Maryland
Date: Dec 24, 2020 at 1:41:41 PM
To: engcommissioning1@icloud.com, Jose Reig josereig45@gmail.com
Cc: Ramon Garcia ramonsr@live.com

December 23, 2020

Via Certified Mail USPS

Development Applications and Regulatory Coordination
Division (DARC)
M- NCPPC
2425 Reddie Dr 14th Floor
Wheaton, MD 20903

Ref: Comments Regarding the Construction of Alderton Rd in Silver Spring, MD

Gentlemen:

I am Jose Reig, a licensed Professional Engineer in the state of Maryland. My client Ramon Garcia and Nereyda Garcia have retained my services to assist them in understanding how the construction of Alderton Rd will affect them and their property.

Mr and Mrs Garcia have lived at 13648 Night Sky Dr for almost five years now. When they purchased their lot in 2015 identified as Lot 26 Block 9 Layhill View, P No 24980. The lot address was 13816. Alderton Rd. The Garcias, entered into a contract to build a house. The house was built with the front facing Night Sky Dr and the address was changed to 13648 Night Sky Dr.

On November 18, 2020, the Garcias received notification that under the Front Foot Benefit program they will benefit from the construction of the road and have to pay \$35,902.5 to the developer. The letter was not specific as to what benefits the Garcias will received. Since their house was built, they had all the utilities required and an entrance to the property from night sky drive. We understand that relocating the entrance the property is necessary for the good of the community; however, a nice restaurant and extra left turn to go to his property and inconvenience do we create it well construction by the construction is not a benefit.

Oxbridge has requested work orders (quotes) for relocation work from PEPCO and Comcast for the address 13816 Alderton Rd (Garcia's old address no longer exists).In addition, the developer indicated that they will have to go into the Garcias property to do some work.

Mr Garcia received a copy of construction drawing 3 of 6 prepared by Charles P Johnson and Associates , Inc for our review. Without the benefit of having all the construction documents available for njmmloreview and drawing of the instructions wrong respectfully winter attention the following issues:

1. The Garcias home, is not part of the new development for which is this road will be built. He already paid for the installation of all his utilities and does not have to do so again. Mr. Garcia's address was changed to be 13648 Night Sky Dr clearly separating him from this new development. The construction drawing no 3 of 6 identifies the

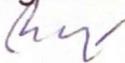
Garcias property as outside the boundary of the development for which the road will be built.

2. On November 9, 2020, Oxbridge sent a letter to the Garcias stating that some work will be done inside their property in addition to reshaping their existing driveway. To do this developer will need permission from the Garcias. It will be granted under the following circumstances:

- a. The Garcias are named additional insurer in the completion bond.
- b. All work will be done within the property including driveway (In and out during construction) is shown in the construction drawings. It is of great importance to us to make sure and we have access to our driveway 7/24 during construction. These drawings are submitted to Garcia for review and approval.
- c. Drawing 3 of 6 indicates a 10' wide PUE inside the Garcias property. They should be outside of the property within the existing right of way. The legal boundaries of the Garcia's property should be clearly indicated on this drawing and by a surveyor in the field. This drawing must also show the curb and sidewalk cut detail to the existing Garcia's driveway.

Please address all correspondence regarding comments to me with copy to Mr. Garcia.

Best regards


Jose A. Reig, PE,

President

Reig Engineering Services, Inc

Phone: (301) 213-7462

424 N Frederick Ave. No 3

Gaithersburg, MD 20877



the
Oxbridge
group

Residential Developers

Commercial Builders

Real Estate Investors

1250 Connecticut Avenue, NW Suite 700
Washington, DC 20036

Telephone: (301) 294-4150

November 18, 2020

VIA U.S.P.S. CERTIFIED MAIL

Ramon & Nereyda Garcia
13648 Night Sky Drive
Silver Spring, MD 20906

Re: Notice of Intent to Construct Alderton Road between Night Sky Drive and Squaw Hill Lane in Silver Spring, MD & Request for Cost Share Payment

Dear Mr. & Mrs. Garcia,

As we recently communicated to you, Oxbridge Development at Alderton, LLC intends to begin construction shortly on the unbuilt portion of Alderton Road located between Squaw Hill Lane and Night Sky Drive in Silver Spring, MD. The approximate bounds of the road construction project are reflected on the attached Exhibit A. Your property abuts a part of this new portion of Alderton Road and as a result, you will be a beneficiary of the new road construction. ? *then*

As you likely know, a recorded covenant exists in the Land Records of Montgomery County that requires the owner of your property to reimburse any private developer or corporation who constructs this portion of Alderton Road. Your obligation is only for a pro-rata cost of construction of the road, based on the length of your street frontage. A copy of that recorded covenant is attached hereto as Exhibit B.

This letter is to give you notice that we have estimated the anticipated cost of construction for the entire road construction project, and that we have also estimated your proportionate share of those costs. As of this date, the estimated total cost for the road construction project is \$719,776. This cost includes the general construction bid and also the bid for constructing the driveway apron leading to your property. A summary of the charges and supportive documents is attached as Exhibit C.

Based on our calculations of your right-of-way frontage when compared against the total length of this new portion of Alderton Road (as shown on Exhibit A), we have determined that your approximate percentage is 4.99%. Therefore, we are advising you that our preliminary determination reflects that your *approximate* percentage of the road construction costs will be \$35,902.50, pursuant to the terms of the covenant. We have also determined that our percentage of road frontage requires us to pay for 71.79% of the project. Our approximate share of the cost is \$516,732.70.

It is important to note that we have gone to great lengths to minimize the cost of construction, including:

- multiple rounds of value engineering, particularly in connection with the required stormwater management;
- redesigning the road to shift some of its components outside of the right of way (and therefore, outside of the scope of reimbursement); and
- extensive, competitive bidding by contractors to take advantage of the most aggressive pricing the market has to offer.

It is equally important to note that these figures are only estimates and are subject to change. However, in the interest of fairness and transparency, we are providing you with our complete and current estimates promptly. For example, some road construction costs such as the cost of design and engineering/stakeout expenses, and soils engineering and certification during construction, cannot be fully determined at this time. Other costs, such as the cost of asphalt, is market-dependent and could change by the time we actually purchase it.

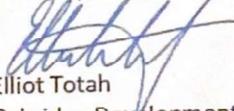
Although we reserve the right to include these further costs into your proportionate share when we reconcile our estimates into a final calculation, we also recognize that your role in this project is limited to making this one-time payment. For that reason, we would like to bring finality to your involvement in the project now. We ask that you make payment in the above amount within the next sixty (60) days, and in consideration of that early payment we will waive future cost adjustments which could otherwise make you liable for more. Further, if you make payment now and it turns out that our estimate is too high (i.e., the total cost is later reduced), then we would also refund you any excess amounts that you paid.

If you decline this offer to make early payment, then we continue to reserve the right to make adjustments to our estimate until the time that a final accounting can be provided, which will then be the final amount owed by you.

We will provide you with an update as soon as more specific information is reasonably available to us. If you have any questions about the information we have shared in this correspondence, do not hesitate to contact us. Our contact information is set forth in our letterhead and I am available via e-mail at etotah@oxbridgedev.com.

Finally, if you are concerned about the details of this request, we strongly encourage you to revisit your title insurance policy from when you purchased your home. If there is any question about whether this covenant was disclosed to you when you purchased the land, then you may wish to contact your title insurance provider to address those questions. If you have legal questions, then you should consult an attorney of your choosing. Nothing in this letter is intended to be legal advice. Thank you for your attention and timely payment.

Sincerely,



Elliot Totah
Oxbridge Development at Alderton, LLC

cc: Jackie Leverton (via e-mail only)

EXHIBIT D

50059 132

13-0367633
13-0952082
Tax ID

DECLARATION OF COVENANTS

THIS DECLARATION, made this 24th day of March, 2015 by Roderick Loss, Nereyda R. Garcia and Ramon E. Garcia, owners of the following described as: all of the property conveyed by Roderick Loss, recorded in Liber 49312 at Folio 460 (subject to a deed of trust recorded in Liber 49312 at Folio 466), all of the property conveyed by Winchester Homes, Inc., recorded in Liber 41796 at Folio 456, and all of the property conveyed by Jennifer J. Zuppas, recorded in Liber 29326 at Folio 118.

WITNESSETH:

We, Roderick Loss, Nereyda R. Garcia, Ramon E. Garcia, S. Lynne Pulford (Trustee), and Jaqueline F. Gerhart (Trustee), with full authority to execute deeds, mortgages, other covenants, and other rights, titles and interest in real property owned by them, do hereby covenant with Montgomery County, Maryland, said covenant to run with the land, that the said **GRANTORS**, their heirs, personal representatives, successors or assigns, in the event Alderton Road, a public way, is constructed or reconstructed under a Front Foot Benefit Project by Montgomery County, under Chapter 49, Montgomery County Code 1984, or amendment, thereto, agree that the property will be benefited by such construction or reconstruction to the extent of the assessment made against the property, as provided in Chapter 49, Montgomery County Code 1984, as amended, the Declarant agrees the property will be benefited by such construction or reconstruction, and to pay as assessment against the property, subject to Declarant's right as provided by law to protest and challenge the method of calculation and the amount of the assessment levied against the property.

The **GRANTORS** further covenants that in the event Alderton Road is constructed or reconstructed under a permit from Montgomery County by any private developer, person, or corporation, or Montgomery County in participation with any private developer, person or corporation, the **GRANTORS**, his heirs, personal representative, successors or assigns, will pay the cost of such construction or reconstruction for that portion of Alderton Road within the right-of-way abutting the said property.

2015 APR -6 PM 4:15

FILED
CLERK OF COURT
CLERKS OFFICE
MONTGOMERY CO. MD.

APP FD SUR 40.00
RECORDING FEE 20.00
TOTAL 60.00
BHM WE B1k # 1937
APR 06 2015 04:12 PM

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 50059, p MSA_CE63_50016. Date available 04/10/2015. Printed 04/09/2015

NO
WE



An Exelon Company

District of Columbia Office
3400 Benning Road, NE
Washington, DC 20019
202-331-6237

Montgomery County Office
201 W. Gude Drive
Rockville, MD 20850
301-670-8700

Prince George's County Office
8300 Old Marlboro Pike
Upper Marlboro, MD 20772-2620
301-967-5800

11/10/20

ATTN: Elliot Totah
The Oxbridge Group
1250 Connecticut Ave., NW, Suite 700
Washington, DC 20036

Subject: Poplar Point BBNL
13816 Alderton Rd
Silver Spring, MD 20906
Pepco Work Order # 16755262

Elliot,

Pepco has determined that the cost to install the Mainline Electric for the backbone at the above referenced address is **\$6,764.00**. These charges were calculated in accordance with Pepco's General Terms and Conditions.

This is not a bill. Please indicate your acceptance of these charges by signing the copy of this letter on the line indicated acknowledging your commitment to pay. Please retain the original for your records and return a signed copy to us. Pepco will generate an invoice that will be sent to you and must be paid within 30 days of receipt. **Once payment is made, the charges are non-refundable.**

Please note:

- A signed copy of this letter is required before an invoice can be generated.
- **Payment will not be accepted until an invoice is generated. Please refer to the invoice for payment instructions.**
- **Service centers are no longer accepting direct payment for your project.**
- Payment must be received in full before your project will be released to our Construction Department for scheduling.
- If your In-Service date has changed, please contact our office immediately.

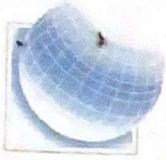
If this work is no longer active, please notify our office. Should you have any questions regarding the information in this letter or how it relates to your project, please do not hesitate to contact Adam Cage 301-548-4338. Adam.cage@exeloncorp.com For additional information please visit www.pepco.com

Sincerely,

Name: Tewedros Ferede
Title: Engineering Supervisor
Pepco Engineering and Design
Phone (Office): 301-548-4305
E-mail address: tewodros.ferede@delmarva.com

Accepted by: _____ Date: _____

Title: _____ For: _____



the
Oxbridge
group

Residential Developers

Commercial Builders

Real Estate Investors

1250 Connecticut Avenue, NW | Suite 700
Washington, DC 20036

Telephone: (301) 294-4150

November 9, 2020

VIA U.S.P.S. CERTIFIED MAIL

Ramon & Nereyda Garcia
13648 Night Sky Drive
Silver Spring, MD 20906

Re: Alderton Road – Anticipated Construction Start

Dear Mr. & Mrs. Garcia,

We hope this message finds you and yours well.

We are preparing to break ground shortly on the construction of Alderton Road between Squaw Hill Lane and Night Sky Drive. As you likely know, this extension of Alderton Road has been planned for decades and along with our development of the surrounding property, the construction will be taking place over the next several months.

Our construction of Alderton Road will ultimately provide you with a public road fronting your lot, maintained in all respects by Montgomery County. Along with construction of the actual road, we will be installing all elements appurtenant to the road including, without limitation, street lights, storm drain/stormwater management, and underground utilities.

The portion of the Alderton Road right-of-way ("ROW") that fronts your property has long been in place in anticipation of its construction. At this time, a portion of the entrance of your property lies within that ROW. See the attached Exhibit A for a graphic depiction of that overlap. Furthermore, a 40 foot easement exists on your property to allow for entrance upon your frontage during the period of construction. We have no intention of using anywhere close to that 40 feet, but there will be some minor use of your property as grades are aligned and new driveway aprons are poured to align with the road. Upon acceptance of the road by Montgomery Count, that 40 foot easement is automatically extinguished. Throughout, we will work hard to ensure that you maintain clear ingress to/egress from your property at all times.

Prior to commencing construction, we will have the limits of disturbance marked on your property. This will give you the opportunity to see the exact extent to which construction will impact your property and provide you with a chance to relocate anything within those bounds that you would like to save. Everything within those bounds is expected to be excavated and removed as part of the road construction.

To facilitate future correspondence with informal updates during the construction process, feel free to e-mail me at etotah@oxbridgedev.com and I will be happy to communicate via e-mail. Otherwise, we will continue to update you by mail, albeit more intermittently.

We look forward to augmenting the value of all adjacent properties with this construction effort. Do not hesitate to contact me with any questions.

Sincerely,

Elliot Totah

Oxbridge Development at Alderton, LLC

Parcel
80,015 s.f.
or 1,837.2

CATEGORY
FOREST CONSERVATION
EASEMENT

EX. 8
35,219 s.f.

Poplar Run
P.No. 24149

CATE
FOREST CO
EASE

(9)

Plat 5
Whill View
No. 12246

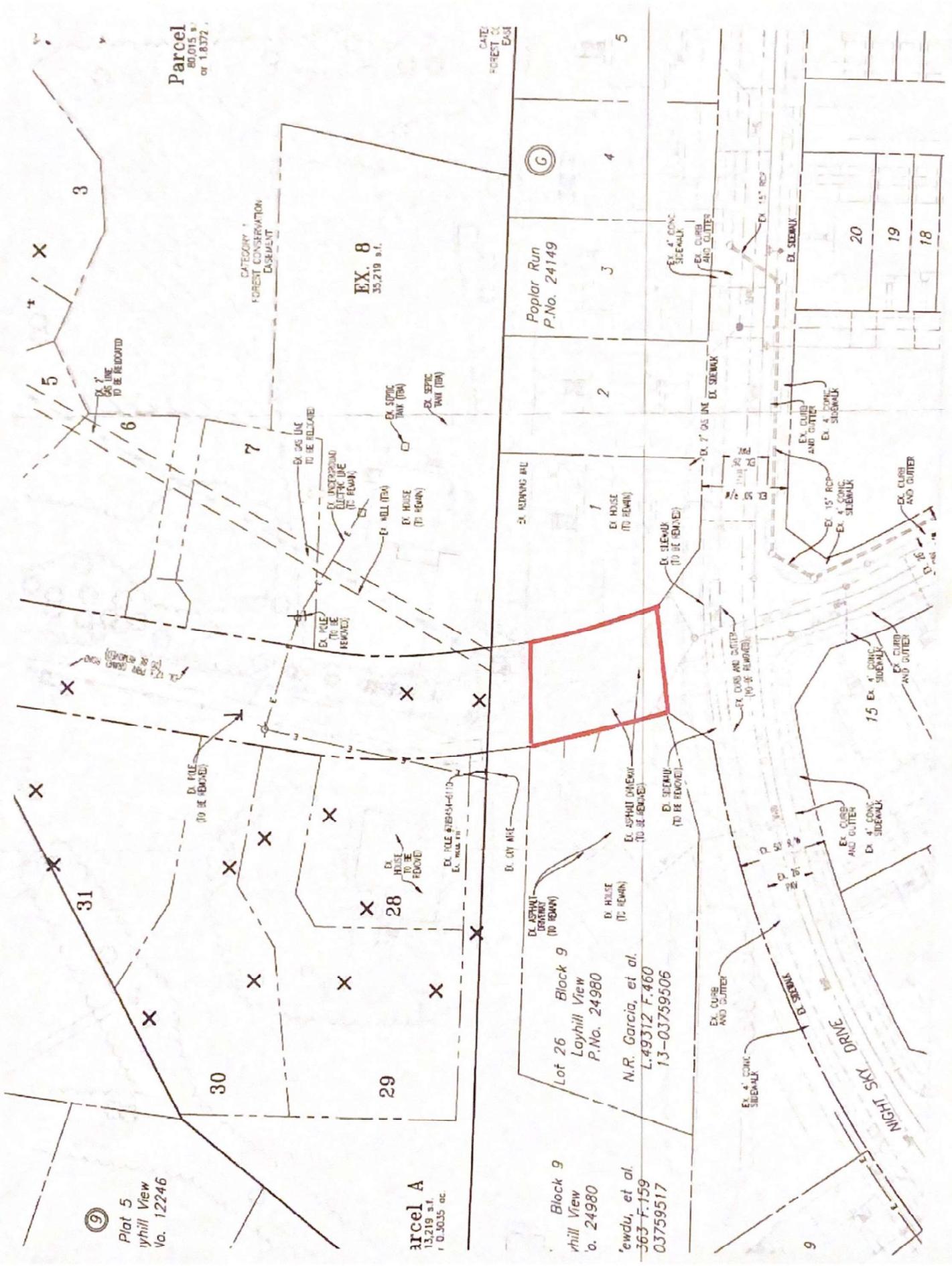
Parcel A
13,219 s.f.
10,303.5 ac

Block 9
Whill View
No. 24980

'ewdu, et al.
363 F.159
03759517

Lot 26 Block 9
Layhill View
P.No. 24980

N.R. Garcia, et al.
L.49312 F.460
13-03759506



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December 23, 2020

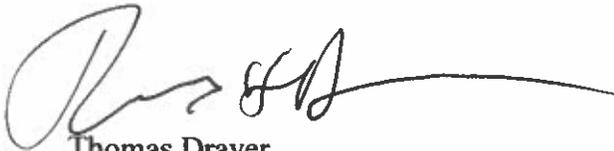
Development Applications and Regulatory Coordination Division (DARC)
M-NCPPC
2325 Reddie Drive 14th Floor
Wheaton, Maryland, 20902

Re: Latest plans for improvement to Alderton road between Night Sky Drive and Squaw Hill Lane

Dear Sir/Madam:

We recently received the latest proposal for improving the existing Alderton road for Plan number 82020002A. We have serious concerns with the new plan as it adds unnecessary additional work that will significantly impact the character of the neighborhood. The new plan adds significant new sidewalk, that will decrease the privacy of our home. This new sidewalk is not needed as there already another sidewalk planned for the other side of the street. Further, the new one that was just added so late in the game also connects to nothing, and does not justify the cost of construction. Further, the additional LoE required could remove more of the mature trees along the perimeter of our home, that will both remove important habitat for animals we have observed over the years (woodpeckers, hawks, squirrels, owls, and rabbits) as well as diminish the natural beauty of our home.

Sincerely,



Thomas Drayer
13900 Alderton Road, Silver Spring MD 20906



Graham, Tamika

From: Terri Kim <yterrikim@gmail.com>
Sent: Tuesday, December 22, 2020 10:43 AM
To: Graham, Tamika
Subject: Site Plan Amendment 82020002A

Follow Up Flag: Follow up
Flag Status: Completed

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

Tamkia,

I am writing to provide concerns with regard to the latest site plan that I received from CPJ associates. The latest plan show the addition of a new sidewalk that is adjacent to my property and adjusts the LOE farther into our property. We have concerns about both and would like to discuss. Does this email suffice to provide you with comments within the 15 day period or do I need to send more explicit concerns by registered mail?

Tom Drayer and Terri Kim

13900 Alderton Road, Silver Spring MD

To: Development Applications and Regulatory Coordination Division
1425 Reedie Drive.
Wheaton, MD 20902

Attn: Comments to MNCPPC lead reviewers
Rhoda Hersson Ringskog,
Tamika Graham,
Amy Lindsey

From: Vera Forsberg
13810 Alderton Road,
Silver Spring, MD 20906
(206) 476 8493

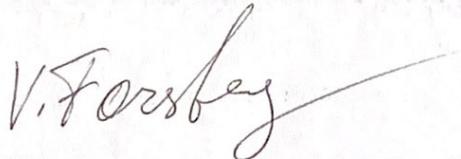
Subject: Poplar Point Plan 82020002A

Our comments:

1. The site plan indicates two entrance ways to our property. We'd like to keep one driveway similar to what we have now (pls. find attached printed plan with amendments marked in red)
2. The LOD markers are going too deep into our property, practically taking over the whole flowerbed, and some of brick sidewalks. We'd like to preserve those, as well.

Thank you in advance for considering our concerns.

Kind regards



Vera Forsberg

Cell: 206.476.8493

e-mail: veraandbutch2u@gmail.com



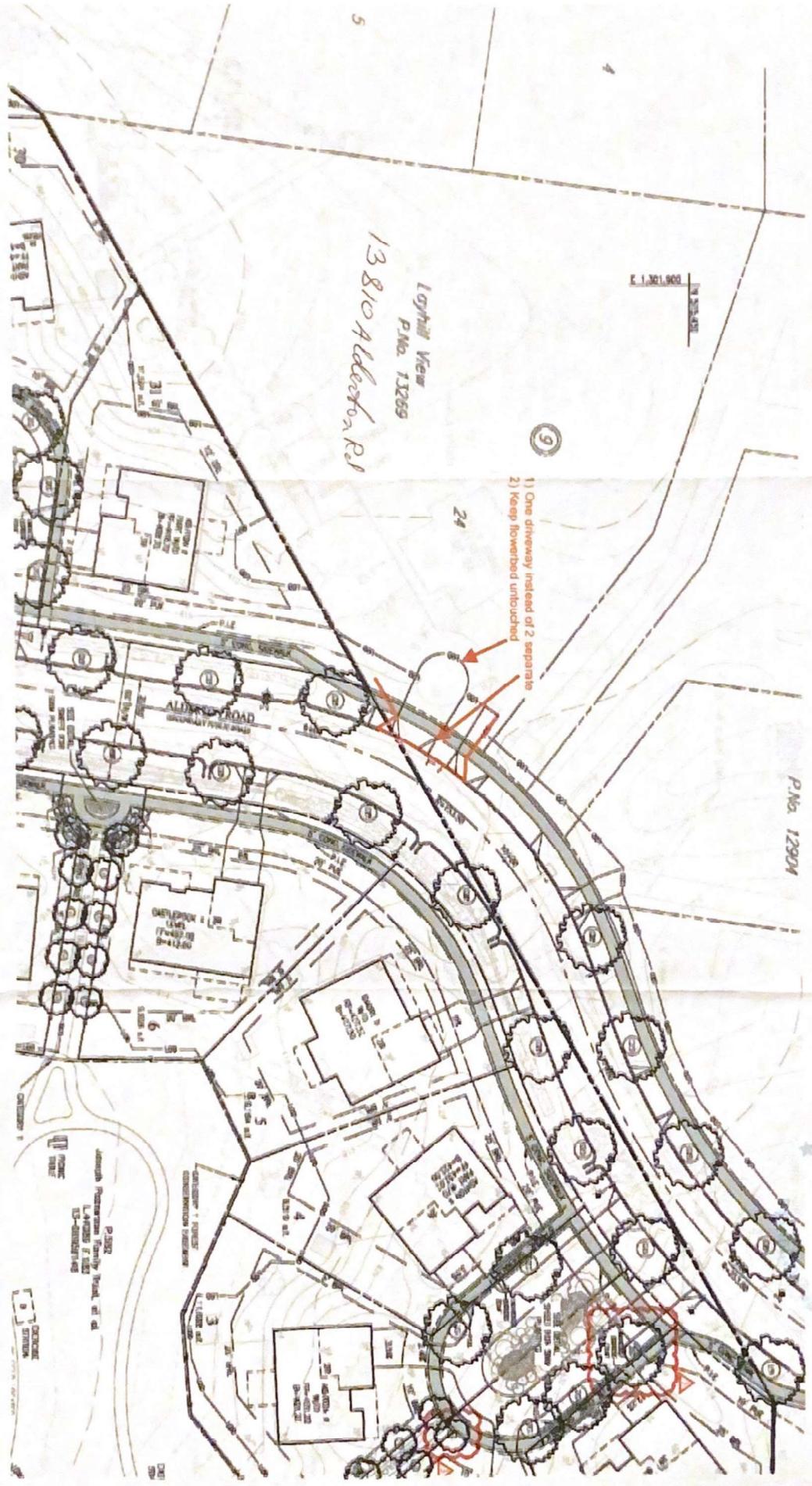
Lophill View
P.No. 13269
13810 Alderston Rd

1:301,900
N 25.45E

9
1) One driveway instead of 2 separate
2) Keep flowerbed untouched

P.No. 12904

Montgomery County
P.O. Box 1000
Bethesda, MD 20814



James P. ...
L.A. ...
13-...

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Graham, Tamika

Subject: FW: 1389 Alderton Road / Site Plan comment

From: Vera Forsberg <veraandbutch2u@gmail.com>

Sent: Tuesday, December 22, 2020 1:37 PM

To: Graham, Tamika <tamika.graham@montgomeryplanning.org>

Subject: Re: 1389 Alderton Road / Site Plan comment

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

In addition, I need to emphasize that 2 sidewalks are too excessive and expensive.

\$24,596.66, developer's estimate of my portion, is unreasonably steep for a widow my age living on social security only. If you need a sidewalk, place it please on the opposite side of my property, so I may preserve the little privacy that I will have left.

Hope, you'll take our concerns seriously.

Best regards, Vera Forsberg.

From: Vera Forsberg <veraandbutch2u@gmail.com>

Sent: Tuesday, December 15, 2020 9:03 PM

To: rhoda.hersson-ringsk@montgomeryplanning.org; Graham, Tamika

<tamika.graham@montgomeryplanning.org>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>

Subject: 1389 Alderton Road / Site Plan comment

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

Hello,

We would like to keep:

- 1) one wide driveway, but not two as proposed in the plan (see attached marked in red)
- 2) flower bed as it is

Thank you in advance for considering these concerns.

<image008.png>

<image009.jpg>

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<image011.jpg>

Kind regards

Vera Forsberg
206.476.84.93