

## MT. PROSPECT SITE PLAN AMENDMENT NO. 82017016B

### Description

Request to modify certain development triggers and minor modifications to stormwater, landscaping, recreation area, lighting, limits of disturbance, and forest conservation.

NO. 82017016B

COMPLETED: 1-14-2022

MCPB  
Consent Item  
1-27-2022

2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



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#### LOCATION

Northwest quadrant of the intersection of Quince Orchard Road, Dufief Mill Road, and Travilah Road

#### MASTER PLAN/ ZONE

2002 Potomac Subregion Master Plan

PD-2 Zone

#### PROPERTY SIZE

170.77 acres

#### APPLICANT

Toll Brothers

#### ACCEPTANCE DATE

October 19, 2021

#### REVIEW BASIS

Chapter 59 & 22A



#### Summary:

- Staff recommends Approval of the Mt. Prospect Site Plan Amendment, with conditions.
- The primary purpose of the amendment is to modify the delivery timing of certain open space and recreational amenities in response to construction delays due to the COVID-19 pandemic, to reflect the increased forest conservation planting requirements for Phase 1 and Phase 2, and to amend the Tree Variance request.
- Additional minor changes to stormwater, landscaping, recreation area, lighting, limits of disturbance, and forest conservation are included.
- To date, Staff has not received correspondence on this Application.

## SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Site Plan Amendment No. 82017016B for Mt. Prospect with modified conditions. All previous conditions of approval remain in full force and effect except as modified by the conditions below:

### 3. Forest Conservation

- g) The required ~~3.74~~ 3.75 acres of forest planting for Phase I must be completed within one year or two growing seasons after issuance of the 90<sup>th</sup> residential building permit.
- h) The required ~~3.47~~ 3.56 acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170<sup>th</sup> residential building permit.

### 6. Open Space, Facilities, and Amenities

- a) ii. Prior to the issuance of the ~~68th~~ 120th building permit, the Applicant must have completed both the multi-age playground and associated open space identified on the Certified Site Plan as Parcel M Block A, and the amenities around the central farm pond including the sitting areas, ~~path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.~~
- iii. Prior to the issuance of the ~~100th~~ 120th building permit, all open spaces and amenity areas located within Phase I of the development, shall be completed, except for Parcel A, Block B, located at the southwest corner of Hanson Farm Drive and Quince Orchard Road, which is to be completed prior to bond release of Phase II.
- vii. Prior to the issuance of the 150<sup>th</sup> building permit, the Applicant must have completed the path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.

### 7. M-NCPPC Department of Parks

- d) The Applicant must comply with the following development triggers and conditions for the clearing, construction and dedication of the 10-acre local park, identified as Parcel A, Block H:
  - iii. Prior to the issuance of the ~~163rd~~ 145th building permit, construction of the 10-acre local interim improvements must be complete and final concurrent inspections scheduled with MCDPS and MNCPPC Parks to ensure the 10-acre park is free of any trash and unnatural debris, and is in compliance with the elements as shown on the Certified Site Plan. Prior to the final concurrent inspection, the Applicant must submit to Staff a

certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan.

#### **17. Lighting**

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans, except for bollard lighting, to conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development. IESNA Certification is from a qualified professional, and verifies that the exterior lighting conforms to IESNA standards.

- 18. The Planning Board has received and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Section in its letter ~~updated dated~~ September 10, 2018 and updated on December 8, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### **20. Certified Site Plan**

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- m) Revise the Final Forest Conservation Plan and Site Plan to address minor comments in ePlans.



## SECTION 2: SITE DESCRIPTION

### VICINITY

The subject property consists of +/- 170.7 acres of land in the PD-2 Zone broadly located in the northwest quadrant of the intersections of Quince Orchard Road, Dufief Mill Road and Travilah Road, as outlined in Figure 1 below ("Property" or "Subject Property"). Not part of the Subject Property is a collection of eight existing lots located directly on the northwest corner of Quince Orchard Road and Dufief Mill Road, known as the Versailles properties. The Subject Property is located directly south and east of the Muddy Branch Stream Valley Park, and immediately east of the Property is the Potomac Horse Center, which is owned by the M-NCPPC. Less than 1/3 of a mile away to the southeast is Travilah Elementary School. To the southeast, south and west of the Property are numerous lots improved with one-family detached houses in the RE-2 Zone. East of the Property is high voltage electric distribution lines owned by Exelon, with one-family attached and one-family detached houses developed in the R-200 Zone further east.



Figure 1- Subject Property & Surrounding Area

## SITE ANALYSIS

The Property is currently under construction with the development approved by Site Plan No. 820170160. Previously, the Property was an active family cattle farm, with farmhouses, and a cluster of associated sheds and barns around the central farmhouse on Quince Orchard Road as shown in Figure 2. Around the edges of and connecting the fields were some existing dirt driveways that provided for farm access, and there is a network of existing natural surface trails that extend into the wooded areas that have been built and used by the family. There are two farm ponds including a larger central pond and a smaller pond in the southern portion of the Property. Both ponds are located at the natural headwaters of two creeks that flow directly into the Muddy Branch main stem and have areas of emergent wetlands around them. Most of the Property was cleared farmland, however there are 52.7 acres of both upland and stream valley forest located along the southwestern and northern edges of the Property. The topography is gently rolling in the higher elevations closest to Quince Orchard Road, and quickly drops off to the north and west into the stream valleys associated with the Muddy Branch and the multiple on-site tributaries. There are no FEMA mapped floodplains on the Property however an approved NRI/FSD indicated presence of a floodplain. There are also small areas of highly erodible soils, and areas with slopes greater than 25 percent, mainly near the tributary streams.



Figure 2 - Aerial of Subject Property & Surrounding Area



## SECTION 3: APPLICATION AND PROPOSAL

### PREVIOUS APPROVALS

#### Zoning Case No G-884

The Subject Property was the subject of Local Map Amendment (“LMA”) G-884, with the accompanying Development Plan, which was approved by County Council Resolution No. 16-1393 on June 15, 2010. LMA G-884 rezoned 170.77 acres of land from the RE-2 Zone to the PD-2 Zone and established a list of 12 binding elements, and four development districts that were to be followed during subsequent development review.

#### Preliminary Plan No 120170130 and Site Plan No 820170160

The Subject Property was the subject of a Preliminary Plan Approval, by MCPB Resolution No. 18-016 dated March 16, 2018, and a Site Plan approval, by MCPB Resolution No. 18-017 dated March 16, 2018. The Preliminary and Site Plans approved the Subject Property for up to 187 lots, including 12.5% MPDUs, 19.56 acres of Muddy Branch stream valley park (SVP) dedication, 10.05 acres of local park dedication, new public road dedications, open spaces, and amenities. The lots include one lot for an existing dwelling, 120 lots for new one-family detached dwellings, and 66 lots for new one-family attached dwellings.

#### Site Plan Amendment No 82017016A

The Subject Property was the subject of a Site Plan Amendment Approval, by MCPB Resolution No. 19-007 dated February 25, 2019. The Site Plan Amendment approved modifications to site grading, stormwater management, landscaping, forest conservation, utilities, and the limits of disturbance.

### PROPOSAL

The Applicant submitted a Site Plan Amendment, No. 82017016B (“Amendment”) to make the following modifications:

1. Elimination of a seat wall
2. Tot lot modifications (replacement of two playground structures, shifting a sidewalk segment, revisions to bollard locations, shade trees, and relocation of bike rack pad)
3. Retrofit of pond embankments
4. Storm drain alignment revisions
5. Lot line adjustments to the Hanson Reserve Outlot A and revisions to several Homeowner’s Association (HOA) parcels.
6. Revision to Final Forest Conservation Plan (FCP), including an amendment to the Tree Variance
7. Revision to Condition 17.a of MCPB-18-017 related to IESNA standards for bollard lighting
8. Revision to Condition 6.a.ii , 6.a.iii, and 7.d.ii associated with the delivery of recreation amenities and open space areas
9. Revision to Condition 3.g to reflect the increased forest conservation planting requirement for Phase I
10. Revision to Condition 3.h to reflect the increased forest conservation planting requirement for Phase 2

None of the proposed changes result in any substantial change to the intent of the original plans or have a substantiated impact on the necessary findings for approval.

## SECTION 4: SITE PLAN 82017016B FINDINGS AND ANALYSIS

The Site Plan Amendment is being reviewed under the Zoning Ordinance in effect on and prior to October 29, 2014 because it is subject to grandfathering under Section 7.7.1.B.1. Unless explicitly stated below, all previous Planning Board findings from the original Site Plan approval remain in full force and effect.

### **2. The Site Plan meets all of the requirements of the zone in which it is located**

The Amendment continues to meet all of the requirements of the PD-2 Zone. The Amendment includes minor lot line adjustments to the Hanson Reserve Outlot A and revisions to several HOA parcels as a result of final engineering and coordination with other agencies. The adjustment to the Hanson Reserve Outlot A is necessary to exclude a small portion of the property now used for stormwater management serving the residential development. Parcels associated with park dedication were also modified to exclude stormwater management facilities serving the residential development and to reflect the phasing of the plat recordation. The amount of park dedication will be reduced slightly by 0.16 acres and replaced with a new parcel to accommodate stormwater for the development. Park dedication in Phase 1 was recorded and therefore, parcels will be created to reflect the remaining area to be dedicated as part of Phase 2. A few additional parcels will also be reconfigured to reflect the parcels that were recorded in Phase 1 and new parcels that will be created to reflect what will be recorded in Phase 2. The lot line adjustments to Hanson Reserve Outlot A, slight reduction to park dedication, and parcel modifications are minor and are generally consistent with the Preliminary Plan approval and are not substantive enough to amend the Preliminary Plan as they do not alter the approved lot and block configuration or conflict with any conditions of approval of the Preliminary Plan.

*Table 1: Zoning Data Table: PD – 2 with TDR*

| <b>Zoning Data Table: PD – 2 with TDR</b> |                    |                          |                                |                              |
|---|--------------------|--------------------------|--------------------------------|------------------------------|
| <u>Development Standard</u>               | <u>Required ZO</u> | <u>Required by G-884</u> | <u>Approved with 820170160</u> | <u>Proposed by 82017016B</u> |
| <b>Tract Area</b>                         |                    |                          |                                |                              |
| Gross Tract Area                          | n/a                | 170.77 AC                | 170.77 AC                      | No change                    |
| Public ROW Dedication                     | n/a                | TBD at Site Plan         | 20.23 AC                       | No change                    |
| MNCPPC SV Park Dedication                 | n/a                | TBD at Site Plan         | 19.56 AC                       | 19.40 AC                     |
| MNCPPC Local Park Dedication              | n/a                | 10 AC min                | 10.05 AC                       | No change                    |
| Net Developable Area                      | n/a                | TBD at Site Plan         | 120.93 AC                      | No change                    |

### **3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.**

#### Buildings and Structures

The location of all proposed buildings remains unchanged, and most structures remains the same. Due to the modifications in grading, a seat wall located in the southeast portion of the Property along Potomac Hunt Road (Street E) and Whisper Way (Street F) is no longer necessary. The removal of the seat wall results in fewer retaining walls requiring less long-term maintenance for the community. Removal of the seat wall also improves accessibility and pedestrian circulation. The pond embankment located in the southern portion of the Property along Hanson Farm Drive will also be retrofitted and the storm drain alignments will also be revised. Modification to the pond embankments and storm drain are necessary so the facilities will be in compliance with all safety requirements per the Maryland Department of the Environment and Montgomery



County Department of Permitting Services or relocated for efficiency. The location of structures as amended continue to be adequate, safe, and efficient.

#### Open Spaces, Landscaping, Recreation Facilities and Pedestrian and Vehicular Circulation

The location of open spaces will remain the same and minor modifications to the landscaping, recreation facilities, and pedestrian circulation are substantially similar to the previous approval. Several minor modifications will be made at the tot lot located in Parcel M along Ankonian Overlook (Street C) to accommodate new playground equipment that complies with the American Society for Testing and Materials (ASTM). These revisions include shifting a small sidewalk segment accessed from Ankonian Overlook, revisions to bollard locations and shade trees, and relocation of bike rack pad. These changes do not impact the overall quality of the project and will continue to be adequate, safe, and efficient.

The Site Plan Amendment also includes modifications to the triggers in Conditions 6a.ii., 6.a.iii. and 7d.iii. in response to disruptions in the supply chain for building materials during the COVID-19 pandemic and corresponding delay in construction. As a result, the Amendment delays the completion of the amenities around the central farm pond including the sitting areas on Parcel J, Block A until the release of the 120<sup>th</sup> or the 150<sup>th</sup> building permit as discussed in the statement of justification (Attachment B). Although the completion of these amenities will be delayed, amenities in the 10-acre Local Park, such as picnic tables and dog park, will be completed ahead of schedule to provide current residents with adequate recreation amenities.

Condition 17.a. related to IESNA standards for lighting will also be revised to clarify that bollard lighting is exempt from the lighting certification requirements. Therefore, as conditioned, the Application will continue to have open space, recreation amenities, and lighting that are adequate, safe, and efficient.

#### **5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.***

As conditioned, the Site Plan Amendment continues to meet the applicable requirements of Chapter 19 and Chapter 22A. The embankments of the two existing ponds must be retrofitted to meet the Maryland Department of the Environment's dam safety requirements. In addition, some of the storm drains and associated outfalls have been realigned. Ongoing coordination between the Applicant and Montgomery County Department of Permitting Services will be necessary to ensure compliance with all dam safety requirements and to determine final locations off storm drain outfalls (Attachment E).

The Amendment requires modifications to Conditions 3.g. and 3.h. associated with the Final Forest Conservation Plan to reflect proposed changes to the planting requirements. The amount of proposed forest clearing will increase by 0.07 acres in the area designated on the FCP as "Forest Clearing Area F". Forest Save Area B correspondingly decreases by 0.07 acres. The additional forest clearing will allow for the construction of a step pool conveyance system for a storm drain outfall located on Parcel R. The step pool conveyance system was requested by the Department of Parks to reduce the potential for erosive conditions to develop at the outfall due to the current steep grade. The additional forest clearing is located on land that will be dedicated to M-NCPPC Department of Parks; therefore, there will not be any revisions to the proposed conservation easements. This forest clearing results in an increase in the required reforestation from 0.46 acres to 0.55 acres. This is reflected on the revised forest conservation worksheet on the FCP. To accommodate this, the acreage of Forest Planting Areas A, C3, and D were increased by a total of 0.10 acres, and the amount of newly planted forest available for the creation of a forest bank decreased by 0.06 acres. The increase in area available for forest planting is due to the elimination of some storm drain outfalls within the stream buffer/planting areas.

As a result of the proposed Amendment, the Application proposes to protect a total of 15.35 acres of forest (retained and planted) through dedication to the M-NCPPC Department of Parks and 30.02 acres of forest



significant use of its property. In this case, the unwarranted hardship is caused by the need for stormwater management facilities to treat the runoff generated by the proposed development and discharge that runoff to the stream in a non-erosive manner. There is one tree that will receive impacts to its CRZ, but the proposed impacts are minimal, affecting approximately 6% percent of the CRZ. The previous approval did not include these impacts because the step pool conveyance was not part of the design. After further review, it was determined that the existing topography would result in the creation of erosive conditions adjacent to the stream if the step pool conveyance system was not incorporated into the design. The inability to impact this Protected Tree would potentially result in an erosive condition and degradation to the receiving stream channel. The step pool conveyance is related to the management of stormwater for the development, a necessary component of the development application. Therefore, the Applicant has demonstrated sufficient unwarranted hardship justifying a request for a variance to impact Tree #431.

#### Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. The Planning Board must find that the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Tree is due to the reasonable development of the Property. The amended plan proposes to impact the critical root zone of one tree, Tree #431. The construction of a step pool to convey stormwater from a proposed storm drain outfall to the stream will impact approximately 6 percent of the CRZ of this Protected Tree. This tree will receive adequate tree protection measures to minimize the disturbance during construction. The requested impact to Tree #431 is necessary to avoid the creation of an erosive condition due to the steep topography and would be necessary under any similar-sized application for development of the Property, and disturbance within the anticipated developable area of the site. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, including the steep topography and necessary design requirements for this project.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Tree being impacted is located within a stream buffer; however, the impacts are minimal, and the tree will remain in place. The impacts are due to the construction of a step pool conveyance system from a proposed storm drain outfall to the stream so that the stormwater is transported to the stream in a non-erosive manner. The intent of the construction of this step pool is to avoid water quality impacts to the stream. In addition, the Montgomery County Department of Permitting

Services (MCDPS) has found the stormwater management concept for the proposed project to be acceptable. The stormwater management concept incorporates Environmental Site Design standards.

#### Mitigation for Protected Trees

The Amended Forest Conservation Plan does not propose to remove any additional Protected Trees. The Amendment proposes to impact the CRZ of one Protected Tree, which will continue to provide the functions that it currently does. Therefore, no mitigation is required for Protected Trees that are impacted but retained.

#### Variance Recommendation

Staff recommends approval of the amendment to the variance request.

## SECTION 5: COMMUNITY OUTREACH

The Site Plan Amendment met all of the noticing requirements for amendments as required by the Zoning Ordinance. The Property was posted with signs and the adjacent property owners and near-by associations were sent notice of the Application. As of the publishing of this Staff Report, Staff has not received any correspondence from the community regarding the Site Plan Amendment.

## SECTION 6: CONCLUSION

The Site Plan Amendment meets all requirements established in the Zoning Ordinance and continues to meet all the requirements and findings of Chapters 22a and 59. Staff recommends approval of the Site Plan Amendment, with the conditions as enumerated in the Staff Report.

## ATTACHMENTS

*Attachment A – Site Plan*

*Attachment B – Statement of Justification*

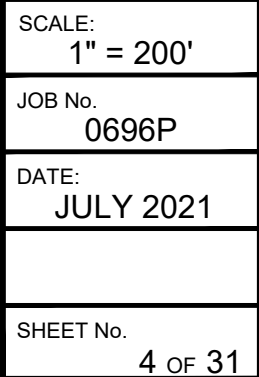
*Attachment C – MCPB Resolution No. 18-017 for 820170160*

*Attachment D – Tree Variance Request*

*Attachment E – Correspondence with DPS Water Resources Section*

*Attachment F – DPS ROW Approval Letter*









December 21, 2021

Mrs. Angelica Gonzalez  
M-NCPPC  
2425 Reddie Drive  
Wheaton, MD 20902

Re: Mt. Prospect (Hanson Farm)  
Site Plan #82017016B  
Statement of Justification  
Rodgers Project No. 0696P4

Mrs. Gonzalez,

We are filing modified plans and documents for Mt. Prospect (Hanson Farm) Site Plan on behalf of the applicant, Toll MD XI, LP, and affiliate of Toll Brothers., Inc. The plans and documents are provided per the staff submittal checklist, for a Limited Major Amendment, dated September 13, 2021. Toll MD XI, LP, and affiliate of Toll Brothers., Inc. (the "Applicant") is seeking approval of a Limited Major Amendment Site Plan application for Mt. Prospect (Hanson Farm). Mt. Prospect (Hanson Farm) is a 171 acres site, located off of Quince Orchard Road and Turkey Foot Road in North Potomac, Maryland (the "Property").

The Limited Major Amendment Site Plan consists of Mt. Prospect (Hanson Farm), and proposes the following limited plan elements:

1. Request: Lot line adjustments to the Hanson Reserve Outlot and revisions to several HOA parcels.
  - a. Modification
    - i. Hanson Reserve Outlot 'A' from  $\pm 412,075$  sf (9.46 ac) to  $\pm 411,231$  sf (9.44 ac).
      1. Justification:
        - a. Updates to the Hanson Reserve lot to exclude area now used for stormwater management best management practices.
  - b. Modification
    - i. Parcel 'B' from  $\pm 50,259$  sf to  $\pm 51,103$  sf.
      1. Justification
        - a. Updates to the Hanson Reserve lot to exclude area now used for stormwater management best management practices, to include a new storm drain. Lot line was shifted so that storm drain would be exclusive to Parcel B and not Outlot 'A'.
  - c. Modification
    - i. Amendment to overall project Parkland Dedication from 19.56 acres to 19.40 acres, to include modifications of Parcel 'C', 'R' and 'F'
    - ii. Modification of **Condition MCPB No. 18-016(\$11)**. Prior to recordation of lots within Phase II Block A, dedicate 19.40-acre Stream Valley Park to MNCPPC.
      - a. Justification
        - i. Updates to the Hanson Reserve lot to exclude area now used for stormwater management best management practices. Lot line was slightly adjusted to allow for this. Amendment to Parcel 'C' (parkland dedication) from  $\pm 694,668$  sf (15.95 ac) to  $\pm 692,574$  sf (15.90 ac). The

approved site plan shows Parcel 'C' at 16.06 acres, and Parcel 'F' at 3.50 acres, for a total of 19.56 acres of parkland dedication, which is noted on the site plan resolution. A modification to Parcel 'C' occurred with the site plan 'A' amendment, where the acreage was reduced from 16.06 acres to 15.95 acres. The site plan 'B' further modifies the acreage of Parcel 'C' from 15.95 acres to 15.90, due to a lot line adjustment to Parcel 'Q' (renamed Parcel 'S') from  $\pm 7,345$  sf to  $\pm 11,599$  sf, a difference of 0.09 acres.

- ii. The 'B' site plan amendment proposes/shows:
    - 1. Parcel 'C' 15.90 acres
    - 2. Parcel 'R' 1.64 acres
    - 3. \*Parcel 'F' 1.86 acres
    - Total 19.40 acres parkland dedication
- \*Parcel 'F' was recorded with phase 1 of the development

d. Modification

- i. Updates to Parcel 'F' and an amendment to overall project Parkland Dedication from 19.56 acres to 19.40 acres, to include modifications of Parcel 'C', 'R' and 'F'
  - 1. A portion of Parcel 'F' (1.86 ac) shown on the approved site plan amendment, was recorded with phase 1 of the development. A new parcel was created within phase 2 for the remainder of parkland dedication, which is Parcel 'R'. Parcel 'R' is 1.64 ac.
  - 2. Justification
    - a. Due to the Parcel 'F' (1.86 ac – see attached plat #25515) being recorded with phase 1 of the development, a new parcel was created (now Parcel 'R') and includes the remainder of the parkland dedication.

e. Modification

- i. Update to current Parcel 'G' (HOA) - see attached plat #25515
- ii. A portion of Parcel 'G' (HOA), which was created as Parcel 'Q' (1.59 ac) was recorded with phase 1 of the development. Parcel 'G' located within phase II contains the remaining acreage of the original Parcel 'G'. Parcel 'G' is 8.20 ac.
  - 1. Justification
    - a. Due to a portion of Parcel 'G' (created as Parcel 'Q' (1.59 ac – see attached plat #25515) being recorded with phase 1 of the development, the remaining portion of Parcel 'G' is shown as an HOA parcel within phase 2.

f. Modification

- i. Creation of Parcel 'I' (Cat-1 conservation easement) - see attached plat #25514
- ii. A portion of Parcel 'G' (HOA) located within phase I was created as Parcel 'I' (0.47 ac). Parcel 'G' located within phase II contains the remaining acreage of the original Parcel 'G'.
  - 1. Justification
    - a. Due to a portion of Parcel 'G' (created as Parcel 'I' (0.47 ac – see attached plat #25514) being recorded with phase 1 of the

development, the remaining portion of Parcel 'G' is shown as an HOA parcel within phase 2.

- g. Modification
  - i. Update to current Parcel 'F' ±81,127 sf (1.86 ac)
    - 1. Justifications
      - a. As noted above, Parcel 'F' (1.86 ac – see attached plat #25515) was recorded with phase 1 of the development, a new parcel was created (now Parcel 'R') and includes the remainder of the parkland dedication.
- h. Modification
  - i. Updates to Parcel 'Q' (renamed Parcel 'S') from ±7,345 sf to ±11,599 sf.
    - 1. Justification
      - a. Per updates to the Hanson Reserve lot to exclude area now used for stormwater management best management practices, the parcel's lot line was slightly adjusted.
- 2. Request: Revision to Condition 17.a of MCPB-18-017 related to IESNA standards for bollard lighting & MODIFICATION OF MCPB No. 18-017(§6(d)(iii.a.))
  - a. Modification
    - i. **Condition 17.a.** Before issuance of 1st building permit, the Applicant must provide certification that lighting plans (except for bollards) conform to the IESNA standards for residential development.
      - 1. Justification
        - a. Condition to exclude the bollards, which are not intended to meet the IESNA standards, but to provide a level of lighting that allows passage and does not flood the adjacent lots with unnecessary light.
- 3. Request: MCPB No. 18-017(§7(d)(iii.a.))
  - a. Modification
    - i. **Condition 7.d.iii.a.** Prior to the issuance of the 145<sup>th</sup> building permit Construction of 10-acre local park interim improvements.
      - 1. Justification
        - a. Revision to anticipate the delivery of the recreation amenities in the Local Park.
- 4. Request: MCPB No. 18-017(§7(d)(iii.b.))
  - a. Modification
    - i. **Condition 6.d.iii.** Prior to the issuance of the 145<sup>th</sup> building permit Certification from certified professional that 10-acre local park improvements have been built according to the certified site plan.
      - 1. Justification
        - a. Revision to anticipate the delivery of the recreation amenities in the Local Park.
- 5. Request: **Introduction of MCPB No.18-017(§6(a)(vii)).**
  - a. Modification



- i. **Condition #6.a.vii.** Prior to the issuance of the 150<sup>th</sup> building permit, complete the path over the dam embankment identified on the Certified Site Plan as Parcel J, Block A.
  - 1. Justification
    - a. Condition request was a result of a meeting with Sandra Pereira and Randall Rentfro to discuss removing the construction of the path over the dam embankment due to extended MDE review period and the stream closure period.
      - i. Due to staffing shortages at MDE, the permit for the dam reconstruction won't be issued in sufficient time to allow the construction to be completed without the impact of the stream closure period between March 1 to June 15. The construction of the path over the dam will be completed once the dam is reconstructed, which we expect to occur in late summer to early fall of next year. At the time the condition was drafted, there was no plan to remove the dam, updating the condition will allow the development to continue as we rebuild the dam to MD-378 standards.

Condition Update Requests:

|  |  |   |
|--|--|---|
| <b>Prior to issuance of the 120th building permit</b>                | All open spaces and amenity areas located within phase I of the development, except for Parcel A at the corner of Hanson Farm Drive and Quince Orchard Road, to be closed out prior to bond release, shall be completed. | <i>MCPB No. 18-017(\$6(a)(iii))</i>                             |
| <b>Prior to the issuance of the 120th building permit</b>            | Complete both the multi-age playground and associated open space, Parcel M Block A, and the amenities around the central farm pond including the sitting areas and the fishing pier.                                     | <i>MCPB No. 18-017(\$6(a)(ii))</i>                              |
| <b>Prior to the issuance of the 145th building permit</b>            | a. Construction of 10-acre local park interim improvements.  | <i>MCPB No. 18-017(\$7(d)(iii))</i>                             |
| <b>Prior to the issuance of the 145th building permit</b>            | b. Certification from certified professional that 10-acre local park improvements have been built according to the certified site plan.  | <i>MCPB No. 18-017(\$7d)(iii))</i>                              |
| <b>Prior to the issuance of the 150<sup>th</sup> building permit</b> | Complete the path over the dam embankment identified on the Certified Site Plan as Parcel J, Block A.  | <b>Introduction of</b><br><i>MCPB No.18-017(\$18(6(a)(vii))</i> |

- 6. Request: Revision to delay and separate the development triggers in Condition 6.a.ii and 6.a.iii, and the introduction of 6.a.vii., associated with the delivery of certain recreation amenities and open space areas.
  - a. Modifications
    - i. **Condition 6.a.ii.** Prior to the issuance of the 120th building permit, the Applicant must have completed both the multi-age playground and associated open space identified on the Certified Site Plan as Parcel M Block A, and the amenities around the central farm pond including the sitting areas, and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.

1. The multi-age playground at Parcel M, Block A to be constructed in the near future. The delay in building permit shall apply to the amenities around the central pond, including the sitting areas and the fishing pier.
  - ii. **Condition 6.a.iii.** Prior to the issuance of the 120th building permit, all open spaces and amenity areas located within phase I of the development, except for Parcel A at the corner of Hanson Farm Drive and Quince Orchard Road, to be closed out prior to bond release, shall be completed.
    1. Justification
      - a. Due to the uncertainty of acquiring various materials due to the pandemic and the unprecedented sales pace the market is currently experiences, we request that these conditions be delayed to allow ample time for delays.
7. Request: Revision to anticipate the delivery of the recreation amenities in the Local Park.
  - a. Modifications
    - i. **Condition 7.d.iii.** Prior to the issuance of the 145<sup>th</sup> building permit certification from certified professional that 10-acre local park improvements have been built according to the certified site plan.
      - a. The development current houses a trailer and stockpile area at the greenspace at the rear of the entrance monument. The request is to continue for these uses to be located there for constructability purposes throughout the life of the job. The development is on board with moving forward with this avenue, while adjusting the some of the local park conditions to occur earlier in the construction process.
8. Request: Elimination of landscape seat wall.
  - a. Modification
    - i. Landscape seat walls been removed from the site plan.
      1. Justification
        - a. The proposed landscape seat walls were proffered to make up grade and increase usability of the lots; however, the Applicant was able to update the lot grading in order to remove the need for the walls. Removing the landscape seat walls also made utility accessibility for maintenance significantly easier.
9. Request: Retrofit of Pond embankments.
  - a. Modifications
    - i. Retrofit of Pond 1 & 2 embankments (as shown on amendment set).
      1. Justification
        - a. The pond dams are required to meet MD-378 standards. The need for dam reconstruction stems from original MCDPS requests that written documentation be received from MDE documenting that the pond dam is in compliance with all current required dam safety requirements.
10. Request: Storm drain revisions.
  - a. Modifications

- i. Adjusted storm drain outfall alignment at site entrance, adjacent to Parcel 'C' per DPS comments. At time of the certified site plan amendment, final engineering/environmentally sensitive design had not yet occurred for phase II of the development. Therefore, swm has been adjusted for optimization of storm drain. During the final engineering process, adjustments were made to meet all County requirements.
- ii. Modified storm drain outfall to be located on Parcel 'B' – not on the Hanson Reserve Outlot 'A'.
- iii. Added storm drain outfall north of Woody Lane.
- iv. Relocated storm drain outfall at Parcel 'R' further down the hill.
- v. Provided step pool conveyance on Parcel 'R' of which comments/request were generated from an onsite meeting made on 11/3/2021 with Josh Arnett and Douglas Stephens.
  - 1. Previously, the outfall was designed to be further up the slope and avoid any environmental impacts. However, due to site meetings with the M-NCP&PC Parks department staff to discuss this outfall, it was determined that the outfall needed to be moved down the slope and a step pool conveyance be put in due to the steepness of the existing slope.
- vi. Added trunk line conveyance for on-lot swm facilities on Parcel 'G'.
- vii. Added bio-swale on Parcel 'A' (northern entrance).
- viii. Modified the LOD as needed to provide sediment control perimeter measures.
  - 1. Justification
    - a. The updates to the storm drain were driven by Parks and DPS comments, updates to the Hanson Reserve lot to exclude area now used for stormwater management best management practices and various on-lot swm adjustments.

11. Request: Revision to Final Forest Conservation Plan.

- a. Modifications
  - i. Storm drain
    - 1. adjacent to Parcel 'C'
    - 2. Parcel 'B' – not on the Hanson Reserve Outlot 'A'.
    - 3. north of Woody Lane.
    - 4. relocated storm drain outfall at Parcel 'R' further down the hill.
  - ii. Provided step pool conveyance on Parcel 'R' per Parks request, which will require tree clearing.
  - iii. Modified the LOD as needed to provide sediment control perimeter measures.
    - 1. Justification
      - a. The LOD was modified to provide sediment control perimeter measures. The updates have been captured within the FFCP. Per the addition of the above-mentioned step pool conveyance, trees have been cleared Area 'F' from (0.06) to (0.15 ac) in this area to accommodate the modification within Save area 'B' from (7.25 ac) to (7.16 ac). All above-mentioned lot line adjustments have been reflected in the FFCP.
- b. Modification
  - i. Condition 3.g. Update per updated planting addition.

- ii. **Condition 3.g.** The required 3.75 acres of forest planting for Phase 1 must be completed within one year or two growing seasons after issuance of the 90th residential building.
  - 1. Justification
    - a. Per the addition of the above-mentioned step pool conveyance, trees have been cleared Area 'F' from (0.06) to (0.15 ac) in this area to accommodate the modification within Save area 'B' from (7.25 ac) to (7.16 ac), as well as additional planting at stream valley buffer.
- c. Modification
  - i. Condition 3.h. Update per updated planting addition.
  - ii. **Condition 3.h.** The required 3.56 acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170th residential building permit.
    - 1. Justification
      - a. Per the addition of the above-mentioned step pool conveyance, trees have been cleared Area 'F' from (0.06) to (0.15 ac) in this area to accommodate the modification within Save area 'B' from (7.25 ac) to (7.16 ac), as well as additional planting at stream valley buffer.
- d. Modification
  - i. Addition of tree variance for Tree 431.
    - 1. Justification
      - a. The revised LOD is now impacting the CRZ of Tree 431, a 48" DBH Tulip Tree.

12. Request: Minor modification to recreation areas

- a. Modification
  - i. Replace 2 playground equipment, shift of sidewalk leading to the tot lot, revisions to bollard locations and shade trees (will not result in removal of any trees), and relocation of bike rack pad to the west side of the sidewalk).
    - 1. Justification
      - a. Securing materials and crew availability during the COVID-19 pandemic and now in the re-opening process has been a challenge. The playground equipment is to be replaced in kind. The sidewalk entrance has been shifted to be centered between equipment; bollard locations, shade trees and bike racks have been modified per the shift.



Based upon the design elements described above and the contents of this Site Plan Amendment application Mt. Prospect (Hanson Farm), the Limited Major Amendment Site Plan complies with all requirements of the Zoning Ordinance, the approved Development Plan and Preliminary Plan, and is in substantial compliance with County General Plan. The Applicant respectfully requests that the Consent Agenda Amendment Site Plan application be approved by the Planning Board.

If you have any questions on the information provided, please call or email me at your earliest convenience.

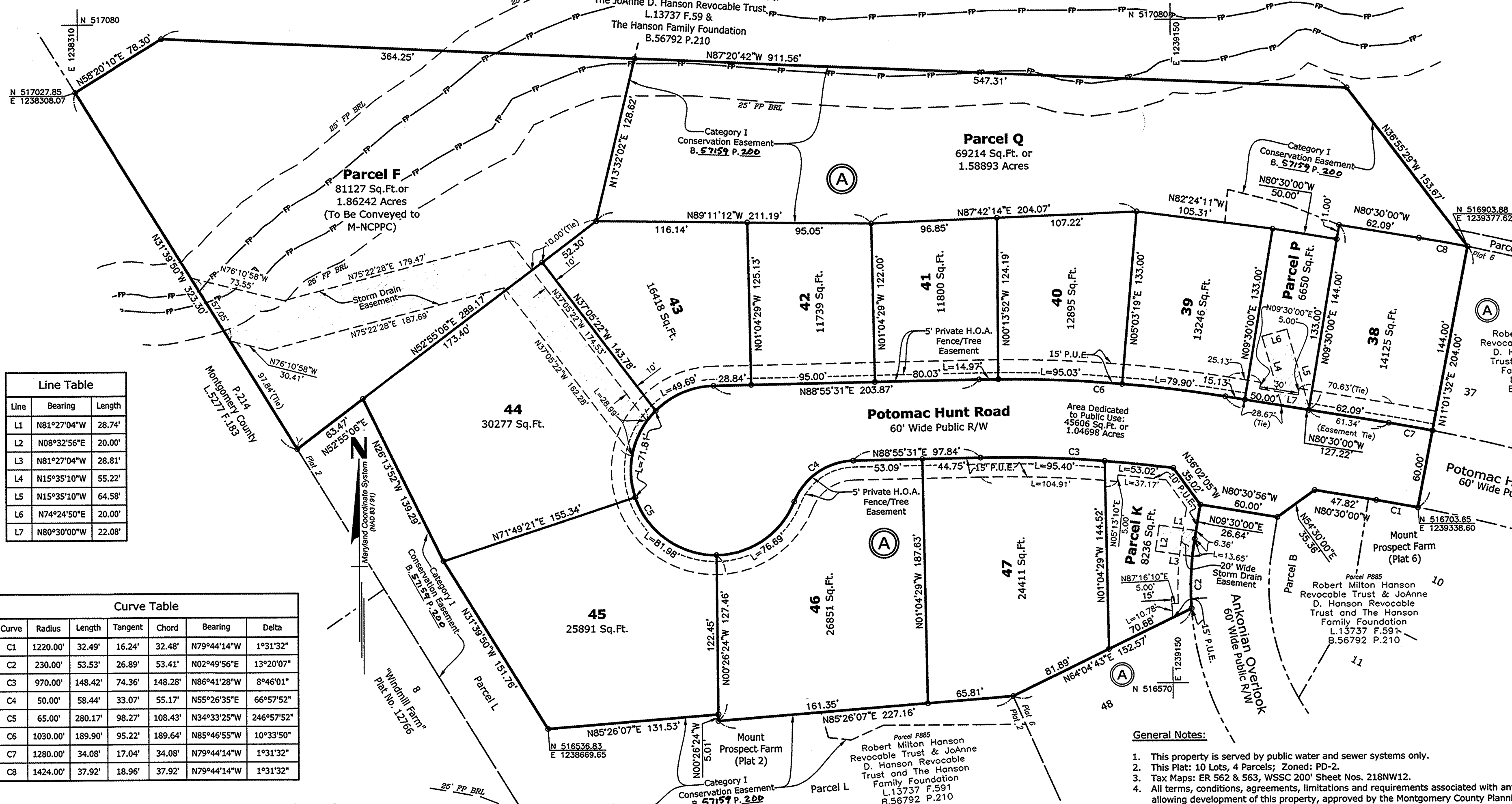
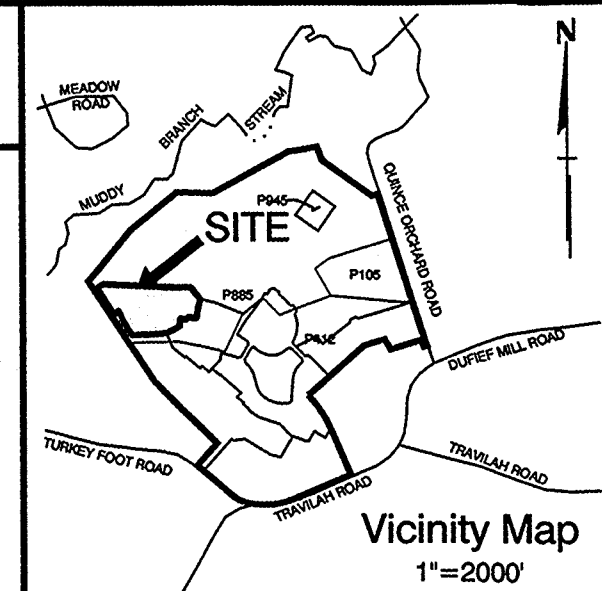
Sincerely,  
Rodgers Consulting, Inc.



Courtney H. Cason  
Project Coordinator  
[ccason@rodgers.com](mailto:ccason@rodgers.com)  
919-559-3879

Cc: Jeff Driscoll, Toll Bros. Inc.  
John Harris, Toll Bros, Inc.  
Pat Harris, LEB

Plat No. 25515



Line Table

| Line | Bearing     | Length |
|------|-------------|--------|
| L1   | N81°27'04"W | 28.74' |
| L2   | N08°32'56"E | 20.00' |
| L3   | N81°27'04"W | 28.81' |
| L4   | N15°35'10"W | 55.22' |
| L5   | N15°35'10"W | 64.58' |
| L6   | N74°24'50"E | 20.00' |
| L7   | N80°30'00"W | 22.08' |

Curve Table

| Curve | Radius   | Length  | Tangent | Chord   | Bearing     | Delta      |
|-------|----------|---------|---------|---------|-------------|------------|
| C1    | 1220.00' | 32.49'  | 16.24'  | 32.48'  | N79°44'14"W | 1°31'32"   |
| C2    | 230.00'  | 53.53'  | 26.89'  | 53.41'  | N02°49'56"E | 13°20'07"  |
| C3    | 970.00'  | 148.42' | 74.36'  | 148.28' | N86°41'28"W | 8°46'01"   |
| C4    | 50.00'   | 58.44'  | 33.07'  | 55.17'  | N55°26'35"E | 66°57'52"  |
| C5    | 65.00'   | 280.17' | 98.27'  | 108.43' | N34°33'25"W | 246°57'52" |
| C6    | 1030.00' | 189.90' | 95.22'  | 189.64' | N85°46'55"W | 10°33'50"  |
| C7    | 1280.00' | 34.08'  | 17.04'  | 34.08'  | N79°44'14"W | 1°31'32"   |
| C8    | 1424.00' | 37.92'  | 18.96'  | 37.92'  | N79°44'14"W | 1°31'32"   |

Owner's Certificate

We, the undersigned, owners of the property described hereon, adopt this plat of subdivision; establish the minimum building restriction lines; dedicate the street to public use; and guarantee compliance with the provisions of section 50.4.3.G of the subdivision regulations.

Further, we grant to the Potomac Electric Power Company, Washington Gas, and Verizon, their respective successors and/or assigns, a Public Utility Easement in, on, and over the land designated hereon as "P.U.E.", with the terms and provisions of said grant being those set forth in that certain document entitled "Declaration of Terms and Provisions of Public Utility Easements" recorded in Liber 3834 at folio 457 among the Land Records of Montgomery County, Maryland.

Further, we grant to Montgomery County, Maryland, 10' Temporary Slope Easements adjacent, contiguous and parallel to all public street right of way lines. Said Temporary Slope Easements shall be extinguished at such time as the public improvements on the abutting public streets have been lawfully completed and accepted for maintenance by Montgomery County, Maryland.

Further, we grant to Montgomery County, Maryland, Storm Drain Easements, for the installation, construction, operation, maintenance, inspection, and reconstruction of public storm drain systems within said easements and that we as owners of the property and our successors and assigns, will never erect nor permit to be erected any building or structure of any nature, whatsoever, nor fill, excavate or plant trees within said easement and right-of-way without the written consent of the Department of Permitting Services.

Further, we establish Homeowners Association Easements across Lots 38-47, Block A as shown hereon, subject to the terms and provisions set forth in a document to be recorded hereafter.

As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50.4.3.G of the Montgomery County Code.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon.

HANSON FAMILY FOUNDATION  
By: John C. Hanson, Trustee Date: 1/25/2019  
By: Charles D. Hanson, Trustee Date: 26 Jan 2019  
By: J. Timothy Hanson, Trustee Date: 25 JAN 2019

JO ANNE D. HANSON REVOCABLE TRUST  
By: Robert M. Hanson, Trustee Date: 1/25/2019  
By: John C. Hanson, Trustee Date: 1/25/2019

ROBERT MILTON HANSON REVOCABLE TRUST  
By: Robert M. Hanson, Trustee Date: 1/25/2019  
By: John C. Hanson, Trustee Date: 1/25/2019

The Maryland-National Capital Park and Planning Commission  
Montgomery County Planning Board

Approved February 14, 2019  
Chairman: [Signature]  
Asst. Secretary-Treasurer: [Signature]

Montgomery County Department of Permitting Services  
Approved February 14, 2019  
Director: [Signature]

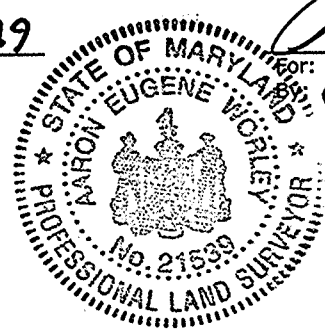
RECEIVED

FEB 28 2019

Clerk of the Circuit Court  
Montgomery County, Md.

Surveyor's Certificate

I hereby certify that the data shown hereon is correct; that it is a subdivision of also being part of the property acquired by Robert Milton Hanson (also known of record as Robert M. Hanson), Trustee of The Robert Milton Hanson Revocable Trust (also known of record as the Robert M. Hanson Revocable Trust), and JoAnne D. Hanson (also known of record as Jo Anne D. Hanson), Trustee of The JoAnne D. Hanson Revocable Trust (also known of record as the Jo Anne D. Hanson Revocable Trust), from Robert M. Hanson and Jo Anne D. Hanson by a deed dated October 20, 1995, and recorded among the Land Records of Montgomery County, Maryland, in Liber 13737 at folio 591; also being part of the property acquired by John Cassel Hanson, Charles Dingwell Hanson, and J. Timothy Hanson, or their successors, Co-Trustees of the Hanson Family Foundation, from Robert Milton Hanson, Trustee of the Robert Milton Hanson Revocable Trust, by deed dated April 25, 2016, and recorded among the Land Records of Montgomery County, Maryland, in Book 56792 at Page 210; and I further certify that once engaged as described in the owners certificate hereon, all property markers will be set in accordance with the provisions of Section 50.4.3.G of the Montgomery County Code. The total area included on this plat is 398486 square feet or 9.14799 acres of land, of which 45606 square feet or 1.04698 acres is dedicated to public use. The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey work reflected hereon in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12.



RODGERS CONSULTING  
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Ph: 301.948.4700, Fax: 301.948.6256, www.rodgers.com

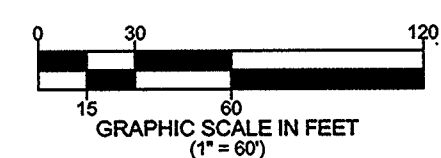
General Notes:

- This property is served by public water and sewer systems only.
- This Plat: 10 Lots, 4 Parcels; Zoned: PD-2.
- Tax Maps: ER 562 & 563, WSSC 200' Sheet Nos. 218NW12.
- All terms, conditions, agreements, limitations and requirements associated with any Preliminary Plan, Site Plan, Project Plan or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat, unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- This subdivision record plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use, of this property. The subdivision record plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- This plat is limited to the uses and conditions of Preliminary Plan No. 120170130 and Site Plan No. 820170160, both entitled "Mt. Prospect (Hanson Farm)".
- Bearings and distances shown hereon are grid bearings and distances. Horizontal datum is the Maryland Coordinate System (NAD83/91, SPCS zone 1800), U.S. Survey Feet, based on GPS/RTK positioning with the base receiver occupying Washington Suburban Sanitary Commission NAD83 Traverse Station 20604. The average combined scale/elevation factor for the site is 0.999945601. 20604 Northing: 514660.554 Easting: 1239875.308 Vertical datum is NGVD29, U.S. Survey Feet, based on GPS/RTK positioning with the base receiver occupying Washington Suburban Sanitary Commission NAD83 Traverse Station 20604.
- The property is the subject of an approved NRI/FSO (#420090680) dated December 3, 2008.
- Parcels K, P & Q, Block A, shall be maintained by the Homeowners Association and are also subject to a Declaration of Covenants for Private Open Space recorded among the aforementioned Land Records in Book 57071 at Page 180. Said parcels are subject to the terms of a Common Open Space Covenant recorded among the Land Records of Montgomery County, Maryland, in Liber 28045 at Page 578.
- Parcel F to be conveyed to M-NCPPC as an extension of Muddy Branch SVP.
- The 100 year floodplain shown hereon is taken from data provided by The Maryland - National Capital Park and Planning Commission, and was approved by the Montgomery County Department of Permitting Services in a letter dated October 31, 2008. (DPS Approval # 234639) (MNC&P No. 1-91020)

Subdivision Record Plat  
Lots 38-47 and Parcels  
F, K, P & Q, Block A  
Mount  
Prospect Farm  
Darnestown (6th) Election District  
Montgomery County, Maryland  
Scale: 1" = 60' March, 2018

Area Tabulation

|            |                  |               |
|------------|------------------|---------------|
| 4 Parcel   | 165227 sq.ft. or | 3.79308 Acres |
| 10 Lots    | 187653 sq.ft. or | 4.30793 Acres |
| Dedication | 45606 sq.ft. or  | 1.04698 Acres |
| Total Area | 398486 sq.ft. or | 9.14799 Acres |



Plat No. 7  
RCI Job No.: 696P43  
MNCPPC Plat No. 220180930

15-MD-Montgomery (Hanson Farm) (allotted) (Surveying) (Plat) (P) (7.dwg) (Jan 24, 2019) 9:40am



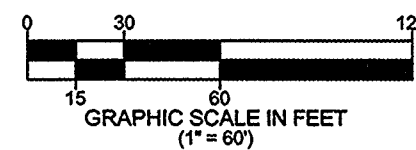
Surveyor's Certificate

I hereby certify that the data shown hereon is correct; that it is a subdivision of part of the property acquired by William C. Hanson, from Robert M. Hanson and JoAnne D. Hanson, by deed dated February 6, 1964 and recorded among the Land Records of Montgomery County, Maryland, in Liber 3188 at folio 303; also being part of the property acquired by William C. Hanson and Minna S. Hanson from William H. Ward and Mary Virginia Darby Ward, by deed dated March 14, 1941, and recorded among the aforesaid Land Records in Liber 820 at folio 346; also being part of the property acquired by Robert Milton Hanson (also known of record as Robert M. Hanson), Trustee of The Robert Milton Hanson Revocable Trust (also known of record as the Robert M. Hanson Revocable Trust), and JoAnne D. Hanson (also known of record as Jo Anne D. Hanson), Trustee of The JoAnne D. Hanson Revocable Trust (also known of record as the Jo Anne D. Hanson Revocable Trust), from Robert M. Hanson and Jo Anne D. Hanson by a deed dated October 20, 1995, and recorded among the aforesaid Land Records in Liber 13737 at folio 591; also being part of the property acquired by John Cassel Hanson, Charles Dingwell Hanson, and J. Timothy Hanson, or their successors, Co-Trustees of the Hanson Family Foundation, from Robert Milton Hanson, Trustee of the Robert Milton Hanson Revocable Trust, by deed dated April 25, 2016, and recorded among the Land Records of Montgomery County, Maryland, in Book 56792 at Page 210; and I further certify that once engaged as described in the owners certificate hereon, all property markers will be set in accordance with the provisions of Section 50.4.3.G of the Montgomery County Code. The total area included on this plat is 391875 square feet or 8.99624 acres of land, of which 64913 square feet or 1.49021 acres is dedicated to public use. The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey work reflected hereon in compliance with the requirements set forth in COMAR, Title 09, Subtitle 13, Chapter 06, Regulation .12.

1-24-2019  
Date  
Rodgers Consulting, Inc.  
By: Aaron Eugene Worley  
Professional Land Surveyor  
Maryland Registration No. 21539  
(License Expiration/Renewal Date: 12-23-2019)

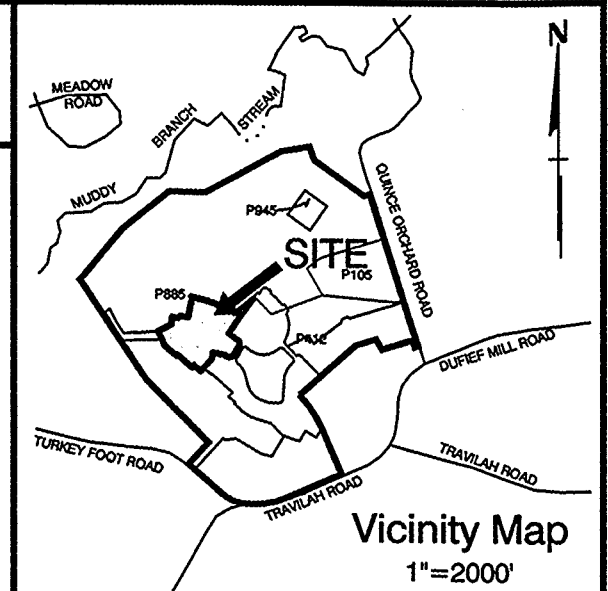
| Line | Bearing     | Length |
|------|-------------|--------|
| L1   | N60°58'20"W | 13.81' |
| L2   | N29°01'40"E | 84.09' |

| Area Tabulation |               |                  |
|-----------------|---------------|------------------|
| 3 Parcels       | 34002 sq.ft.  | or 0.78060 Acres |
| 28 Lots         | 292960 sq.ft. | or 6.72543 Acres |
| Dedication      | 64913 sq.ft.  | or 1.49021 Acres |
| Total Area      | 391875 sq.ft. | or 8.99624 Acres |



Plat No. 25514

| Legend |                         |
|--------|-------------------------|
| P.U.E. | Public Utility Easement |
| R/W    | Right of Way            |
| No.    | Number                  |
| B. P.  | Book Page               |
| H.O.A. | Homeowners Association  |
| Sq.Ft. | Square Feet             |



Owner's Certificate

We, the undersigned, owners of the property described hereon, adopt this plat of subdivision; establish the minimum building restriction lines; dedicate the street to public use; and guarantee compliance with the provisions of section 50.4.3.G of the subdivision regulations.

Further, we grant to the Potomac Electric Power Company, Washington Gas, and Verizon, their respective successors and/or assigns, a Public Utility Easement in, on, and over the land designated hereon as "P.U.E.", with the terms and provisions of said grant being those set forth in that certain document entitled "Declaration of Terms and Provisions of Public Utility Easements" recorded in Liber 3834 at folio 457 among the Land Records of Montgomery County, Maryland.

Further, we grant to Montgomery County, Maryland, 10' Temporary Slope Easements adjacent, contiguous and parallel to all public street right of way lines. Said Temporary Slope Easements shall be extinguished at such time as the public improvements on the abutting public streets have been lawfully completed and accepted for maintenance by Montgomery County, Maryland.

Further, we establish an Ingress/Egress Easement over all of Parcel A, Block C, for the use and benefit of Lots 1-3, Block C. Further, we grant to Montgomery County, Maryland, Storm Drain Easements, for the installation, construction, operation, maintenance, inspection, and reconstruction of public storm drain systems within said easements and that we as owners of the property and our successors and assigns, will never erect nor permit to be erected any building or structure of any nature, whatsoever, nor fill, excavate or plant trees within said easement and right-of-way without the written consent of the Department of Permitting Services.

Further, we establish Homeowners Association Easements across Lots 32-37 & Lots 48-52, Block A as shown hereon, subject to the terms and provisions set forth in a document to be recorded hereafter.

As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50.4.3.G of the Montgomery County Code. There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon.

ESTATE OF WILLIAM C. HANSON

By: John C. Hanson, Trustee Date 1/25/2019

HANSON FAMILY FOUNDATION

By: John C. Hanson, Trustee Date 1/25/2019  
By: Charles D. Hanson, Trustee Date 26 Jan 2019

By: J. Timothy Hanson, Trustee Date 25 JAN 2019

JO ANNE D. HANSON REVOCABLE TRUST

By: Robert M. Hanson, Trustee Date 1/25/2019  
By: John C. Hanson, Trustee Date 1/25/2019

ROBERT MILTON HANSON REVOCABLE TRUST

By: Robert M. Hanson, Trustee Date 1/25/2019  
By: John C. Hanson, Trustee Date 1/25/2019

General Notes:

- This property is served by public water and sewer systems only.
- This Plat: 28 Lots, 3 Parcels; Zoned: PD-2.
- Tax Maps: ER 562 & 563, WSSC 200' Sheet Nos. 218NW12.
- All terms, conditions, agreements, limitations and requirements associated with any Preliminary Plan, Site Plan, Project Plan or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recording of this plat, unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- This subdivision record plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use, of this property. The subdivision record plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- This plat is limited to the uses and conditions of Preliminary Plan No. 120170130 and Site Plan No. 820170160, both entitled "Mt. Prospect (Hanson Farm)".
- Bearings and distances shown hereon are grid bearings and distances. Horizontal datum is the Maryland Coordinate System (NAD83/91, SPCS zone 1900), U.S. Survey Feet, based on GPS/RTK positioning with the base receiver occupying Washington Suburban Sanitary Commission NAD83 Traverse Station 20604. The average combined scale/elevation factor for the site is 0.999945601. Vertical datum is NGVD29, U.S. Survey Feet, based on GPS/RTK positioning with the base receiver occupying Washington Suburban Sanitary Commission NAD83 Traverse Station 20604.
- The property is the subject of an approved NRI/FSI (#420090680) dated December 3, 2008.
- Parcels A & B, Block C and Parcel I, Block A shall be maintained by the Homeowners Association and are also subject to a Declaration of Covenants for Private Open Space recorded among the aforementioned Land Records in Book 57071 at Page 180. Said parcels are subject to the terms of a Common Open Space Covenant recorded among the Land Records of Montgomery County, Maryland, in Liber 28045 at Page 578.

Subdivision Record Plat  
Lots 32-37, 48-52, & Parcel I,  
Block A and Lots 1-17 and  
Parcels A & B, Block C  
Mount  
Prospect Farm  
Darnestown (6th) Election District  
Montgomery County, Maryland  
Scale: 1"= 60' March, 2018

RECEIVED

FEB 28 2019

Clerk of the Circuit Court  
Montgomery County, Md.

Plat No. 6

RCI Job No.: 696P43

MNCPC Plat No. 220180920

220180920 120170130 82017016A PD-2

The Maryland-National Capital Park and Planning Commission  
Montgomery County Planning Board

Approved February 14, 2019

Chairman  
Asst. Secretary-Treasurer

Montgomery County Department  
of Permitting Services

Approved February 14, 2019

Director

Date

Recorded

Plat No.

RODGERS  
CONSULTING

19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Ph: 301.948.4700, Fax: 301.948.6256, www.roddgers.com

| Curve | Radius   | Length  | Tangent | Chord   | Bearing     | Delta     |
|-------|----------|---------|---------|---------|-------------|-----------|
| C1    | 230.00'  | 70.32'  | 35.44'  | 70.05'  | N71°13'32"W | 17°31'06" |
| C2    | 230.00'  | 53.53'  | 26.89'  | 53.41'  | N02°49'56"E | 13°20'07" |
| C3    | 1220.00' | 32.49'  | 16.24'  | 32.48'  | N79°44'14"W | 1°31'32"  |
| C4    | 1435.00' | 492.51' | 248.70' | 490.10' | S69°37'36"E | 19°39'53" |
| C5    | 1220.00' | 131.22' | 65.67'  | 131.15' | N54°24'12"W | 6°09'45"  |
| C6    | 430.00'  | 192.04' | 97.65'  | 190.45' | N67°11'25"W | 25°35'20" |
| C7    | 370.00'  | 165.25' | 84.02'  | 163.88' | N67°11'25"W | 25°35'20" |
| C8    | 230.00'  | 256.49' | 143.43' | 243.41' | N22°26'53"W | 63°53'45" |
| C9    | 170.00'  | 189.58' | 106.01' | 179.91' | N22°26'53"W | 63°53'45" |
| C10   | 187.50'  | 58.91'  | 29.70'  | 58.67'  | N21°18'35"E | 18°00'11" |
| C11   | 212.50'  | 67.77'  | 34.18'  | 67.48'  | N21°10'29"E | 18°16'22" |
| C12   | 187.50'  | 12.61'  | 6.31'   | 12.60'  | N32°14'15"E | 3°51'09"  |
| C13   | 212.50'  | 14.29'  | 7.15'   | 14.29'  | N32°14'15"E | 3°51'09"  |
| C14   | 1220.00' | 457.58' | 231.51' | 454.90' | N68°13'46"W | 21°29'23" |
| C15   | 1280.00' | 480.09' | 242.90' | 477.28' | N68°13'46"W | 21°29'23" |
| C16   | 1390.00' | 211.78' | 106.10' | 211.58' | N61°50'58"W | 8°43'47"  |
| C17   | 1424.00' | 317.14' | 159.23' | 316.48' | N72°35'39"W | 12°45'37" |

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641-1



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: April 26, 2018

Consent Agenda Item No.

April 19, 2018

## MEMORANDUM

**TO:** Montgomery County Planning Board

**FROM:** Gwen Wright, Planning Director *GW*

**VIA:** Richard Weaver, Chief, Area 3 *RAW*  
Sandra Pereira, Supervisor, Area 3  
Benjamin Berbert, Planner Coordinator, Area 3

**Re:** Correction of Resolution for Site Plan No. 820170160, MCPB No. 18-017, Mount Prospect

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Attached is a redlined version of the Resolution for Site Plan No. 820170160, MCPB No. 18-017, Mount Prospect. The Resolution was mailed out to all parties of record on March 16, 2018. Corrections to this resolution have become necessary due to discrepancies found regarding the amount of MNCPPC parkland dedication found on the zoning data table during the certification process. Ultimately, this requires corrections to the zoning data table in order to match the Preliminary Plan, Site Plan Drawings, and presentation given to the Planning Board.

The corrections made are as follows:

- 1.) Page 13, MNCPPC SV Park Dedication, as required by 820170160 is corrected to read 19.56 AC, and Net Developable Area, as required by 820170160 is corrected to read 120.93 AC. The incorrect numbers in the resolution came from the Site Plan Data Table shown on the Site Plan, which was not correctly updated to reflect a change in requested park dedication made during the review process.

Staff is requesting the Planning Board's approval so that the corrected resolution can be mailed out to all parties of record.





**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-017  
Site Plan No. 820170160  
Mt Prospect  
Date of Hearing: March 1, 2018

**CORRECTED RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 14, 2017, Toll Brothers ("Applicant") filed an application for approval of a site plan for 186 new dwelling units including 121 one-family detached units, 66 one-family attached units, and to retain one existing dwelling, including 24 MPDUs and 17 TDRs on 170.77 acres of PD-2 zoned-land, located in the northwestern quadrant of the intersections of Quince Orchard Road, Dufief Mill Road and Travilah Road ("Subject Property"), in the Rural West Policy Area and 2002 Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820170160, Mt Prospect ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 1, 2018, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to  
Legal Sufficiency:

*Christina Sorell* 4/16/18  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170160 for 186 new dwelling units including 121 one-family detached units, 66 one-family attached units, and to retain one existing dwelling, including 24 MPDUs and 17 TDRs on the Subject Property, subject to the following conditions:<sup>1</sup>

Conformance with Previous Approvals & Agreements

1. LMA and Development Plan Conformance

The Applicant must comply with the binding elements of County Council Resolution No. 16-1393 Dated June 15, 2010 for LMA Case No. G-884.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170130.

Environment

3. Forest Conservation & Tree Save

The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820170160, approved as part of this Site Plan, subject to the following conditions:

- a) Prior to Certified Site Plan, the Applicant must revise the Preliminary & Final Forest Conservation Plan to:
  - i. Revise the notation regarding approval of a forest bank on the Property to indicate there is potential for the creation of a forest bank for 7.02 acres of forest planting. Final approval of the amount and specific areas to be included in the bank will be determined after coordination with the M-NCPPC forest bank manager.
- b) Site inspection by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Final Sediment and Erosion Control Plan must be consistent with the limits of disturbance shown on the approved Preliminary & Final Forest Conservation Plan.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary & Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the M-NCPPC Department of Parks Staff, when located on M-NCPPC Department of Parks property.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- e) The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector.
- f) The Applicant must install signs indicating areas of no disturbance/no mow, and boulders or similar physical features around the perimeter of the wetlands at the head of each farm pond as depicted on the approved Landscape Plan.
- g) The required 3.70 acres of forest planting for Phase 1 must be completed within one year or two growing seasons after issuance of the 90th residential building.
- h) The required 3.32 acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170<sup>th</sup> residential building permit.
- i) The Applicant must bond the tree variance mitigation as part of the Site Plan surety bond, and must complete installation of the tree mitigation in conjunction with completing the open space amenity areas the trees are located within.
- j) Prior to issuance of the first Sediment Control Permit for each of the two Phases shown on the Certified Site Plan, the Applicant must:
  - i. provide a Maintenance and Management Agreement to the M-NCPPC Planning Department for the required planting for that Phase, and the Agreement must be in such a form as to be acceptable to the Department, as the designee/representative of the Planning Board; and
  - ii. provide financial surety to the M-NCPPC Planning Department to guarantee the forest plantings for that Phase, in a form acceptable to the Commission's Office of the General Counsel.
- k) In the event that one or both farm ponds need to be breached, the Applicant must submit a Final Forest Conservation Plan Amendment to restore the existing pond and dam embankment area with a mix of forest and emergent wetland habitat. Final limits of disturbance and type of mitigation will be determined during the Amendment.
- l) In the event that the limits of disturbance or impacts to variance trees changes as part of the Park Construction Permit Process for the sewer connection through the Muddy Branch Stream Valley Park, the Applicant will need to amend the Final Forest Conservation Plan to reflect the necessary changes.

Open Space, Green Area, Facilities and Amenities

4. Green Area

The Applicant must provide a minimum of 78% green area as defined on the approved Green Area Exhibit.

5. Developed Area

The Developed Area of the Subject Property must not exceed 50% of the total tract as shown on the Certified Site Plan, after subtracting the 10-acre local park dedication. Developed area as defined by the binding elements of LMA Case No. G-884 includes land located in building lots and road rights of way.

6. Open Space, Facilities, and Amenities

- a) The Applicant must complete the open space amenity areas, to include stabilized final grade, stormwater, and installing lawn furniture and hardscape for each open space and/or amenity area prior to issuing the last building permit within the block the open space amenity area is located in, except for the following major amenity development triggers:
  - i. Prior to the issuance of the 45<sup>th</sup> building permit, the Applicant must complete either the multi-age playground and associated open space on Parcel M, Block A, or the Applicant must complete the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J Block A.
  - ii. Prior to the issuance of the 68<sup>th</sup> building permit, the Applicant must have completed both the multi-age playground and associated open space identified on the Certified Site Plan as Parcel M Block A, and the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.
  - iii. Prior to issuance of the 100<sup>th</sup> building permit, all open spaces and amenity areas located within phase I of the development shall be completed.
  - iv. Prior to issuance of the 138<sup>th</sup> building permit, the Applicant must have completed either the shared use path located along Street D, the trailhead along Street D, and the natural surface trail connection from the trailhead into the Muddy Branch Stream Valley Park, or the multi-age playground and lawn area and associated open space identified on the Certified Site Plan as Parcel C Block G.
  - v. Prior to the 177<sup>th</sup> building permit, the Applicant shall complete all remaining natural surface trails and natural surface trail connections, including two connections from Street E and one connection from Street J, and the Applicant shall have completed both the shared use path and trailhead located along Street D, and the multi-age playground and lawn area located on Parcel C Block G as identified on the Certified Site Plan.

- vi. Prior to release of the final building permit (number 186), all remaining amenity and open spaces on the Subject Property must be completed and landscaping installed.
- b) Any other landscaping shown within the open space and amenity areas must be installed no later than the next growing season after completing the space.

7. M-NCPPC Department of Parks

- a) Prior to the construction of the sewer connection through the Muddy Branch Stream Valley Park, the Applicant must receive a Park Construction Permit from MNCPPC Parks separate from the approval of the Site Plan. To minimize impacts to the existing natural resources, Parks will require alternative construction methods and mitigation including replanting, habitat enhancement, and stream stabilization as part of the Permit. Should the final Construction Permit change the limits of disturbance, or change the impacts to any variance trees, an amendment to the Final Forest Conservation Plan will be required.
- b) The Applicant must install permanent M-NCPPC Department of Parks property line identification poles along the perimeter of the M-NCPPC park dedication areas, in locations determined by the M-NCPPC Department of Parks Staff.
- c) Consistent with the development trigger in condition 6a, the Applicant must install the natural surface trail connection from the identified trailhead along Street D, into the Muddy Branch Stream Valley Park and connecting to the existing Muddy Branch Stream Valley Park natural surface trail. The ultimate alignment of this trail may be field adjusted in coordination with Staff.
- d) The Applicant must comply with the following development triggers and conditions for the clearing, construction and dedication of the 10-acre local park, identified as Parcel A, Block H:
  - i. No construction equipment or material staging, stockpiling of dirt, or stripping of existing topsoil outside of that necessary to demolish the existing structures and install the interim improvements shall be permitted on the area designated for the 10-acre local park;
  - ii. Prior to issuance of the 138th building permit, demolition of the existing farm house and all associated sheds and outbuildings on the 10-acre park shall be complete, and plat(s) must be recorded creating the 10-acre park parcel;
  - iii. Prior to the issuance of the 163rd building permit, construction of the 10-acre local park interim improvements must be complete and final concurrent inspections scheduled with MCDPS and MNCPPC Parks to ensure the 10-acre park is free of any trash and unnatural debris, and is in compliance with the elements as shown on the



- Certified Site Plan. Prior to the final concurrent inspection, the Applicant must submit to Staff a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan;
- iv. Prior to release of the 180th building permit, the 10-acre local park parcel must be conveyed by deed to MNCPPC Parks. At the time of conveyance, the entire park including the interim improvements shall be completed and in an acceptable condition as determined by MCDPS and MNCPPC Parks Staff.
  - v. The portion of the Certified Site Plan covering the 10-acre local park will remain in full force and effect until final conveyance of the land for the 10-acre local park. After conveyance, the MNCPPC Parks will be free to maintain and modify the 10-acre local park in a manner that may or may not be consistent with the Certified Site Plan without the requirement for a Site Plan Amendment, except for maintenance of the eight-foot wide shared use path, which must remain unless amended.
- e) The Applicant must show on the Certified Site Plan at a minimum the following interim improvements on the 10-acre local park. The Certified Site Plan shall include engineered drawings, and amenity details including minimum design specifications. Review and approval of these improvements will be performed by MNCPPC Staff during Certified Site Plan review. Only the improvements, as shown on the Certified Site Plan, shall be required in the 10-acre local park.
- i. Picnic Area:
    - 1. A minimum of four picnic tables, two of which must be ADA accessible located on a concrete pad with at least 3 feet of clearance around the table. The tables should be located in the northern portion of the 10-acre park, taking advantage of the existing tree canopy near the location of the Farm House that is to be removed;
    - 2. At least 1 ADA accessible grill, to be located adjacent to at least one of the ADA accessible picnic tables, including an ash container for proper ash disposal; and
    - 3. At least one trash receptacle, to be located along the ADA accessible path between the picnic tables and Street B.
  - ii. Dog Park:
    - 1. In the northeastern portion of the 10-acre local park a minimum of 30,000 square feet for a dog park, including a minimum 10,000 square foot small dog enclosure and a minimum 20,000 square foot large dog enclosure. The primary dog enclosure spaces may have a natural (grass) surface;

2. Access to both dog enclosures shall be through one common, ADA accessible access point, including a double-gated entrance feature, with a hard surface (crushed stone or concrete);
3. All enclosure fencing shall be a minimum of five feet high, galvanized welded wire fencing, Design Master panel or equivalent, in a black finish;
4. All fencing must have an 18-inch wide concrete mow strip located under the fence;
5. One, double swing, self-latching maintenance gate shall be provided for each dog enclosure area; and
6. Two benches, one trash receptacle and one doggie bag holder per dog enclosure. Benches shall be located along the western side of the enclosure, and be partially shaded by providing a minimum of four total new canopy trees planted just outside the dog enclosures.

iii. Other general park improvements

1. All ADA accessible features must be connected to the parking located along Street B by way of an ADA compliant hard surface path. The main ADA accessible path shall be a minimum of eight feet wide, and all side paths must be a minimum of five feet wide;
2. Where the ADA accessible path to the picnic area and dog park meets the shared use path along Street B, the Applicant shall install a trailhead amenity area to include a pergola, a minimum of two benches, a bike rack accommodating four bikes, and one drinking fountain that is frost free, ADA compliant and contains both a dog dish and a jug filler; and
3. Provide at least one point of maintenance access from a public road into the 10-acre park, with a minimum 10-foot wide paved driveway.

8. Recreation Facilities

- a) The Applicant must provide at a minimum the following recreation facilities as shown on the Certified Site Plan, which are to be built to the specifications found in the 2017 Recreation Guidelines : one (1) fishing pier, one (1) pedestrian connection or trail system, one (1) bikeway, five (5) open grass area lawns – small, two (2) open grass area lawn – large, one (1) natural area, two (2) multi-age playgrounds for all ages (2-12), two (2) neighborhood greens, six (6) sitting areas and dedicate one (1) local park.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to mailboxes, trash receptacles, benches, trails, trailheads, sculptures, the fishing pier, recreation facilities, light fixtures, landscaping, retaining walls, and hardscape.

## Transportation & Circulation

### 10. Transportation

All private alleys must be constructed with a roadbed built at a minimum to public tertiary street standards. Alleys 2, 4, 5 and 6 as identified on the Certified Site Plan serve as fire lanes and must be a minimum of 20 feet wide. The remaining alleys (1 and 3) shall be a minimum of 16 feet wide. Before the release of bond or surety, the Applicant must provide MCDPS Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

### 11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide the following bicycle parking facilities:
  - i. Parking for a minimum of four bikes at the Muddy Branch Stream Valley Park trailhead along proposed Street D;
  - ii. Parking for a minimum of four bikes at trailhead located at the 10-acre local park entrance; and
  - iii. Parking for a minimum of two bikes at each of the proposed multi-age playgrounds.
- b) Prior to the specified development triggers below, the Applicant must construct the following master planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
  - i. Prior to issuance of the 45th building permit, the Applicant must construct a 10-foot wide shared use path along the property frontage with Travilah Road from the proposed traffic circle with Turkey Foot Road and the Property access, to a location off-site approximately 300 feet east of the end of the Property boundary as shown on the Certified Site Plan;
  - ii. Prior to issuance of the 138th building permit, the Applicant must construct an eight-foot wide shared use path along the Property Frontage on Quince Orchard Road from the southern Property boundary to the northernmost Property access location; and
  - iii. As part of the construction of a new traffic circle at the intersection of Travilah Road, Turkey Foot Road and the Subject Property

entrance, the Applicant must construct a 10-foot wide shared use path completely encircling the traffic circle.

## Density and Housing

### 12. Density

This Site Plan is limited to 187 total dwelling units, including 120 new one-family detached dwellings, 66 new one-family attached dwellings and one existing one-family detached dwelling including 24 MPDUs and 17 TDRs.

### 13. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 17 TDRs for the development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

### 14. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated January 26, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide a minimum of 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## Site Plan

### 15. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet ARCH-820170160-001 and ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units, as shown on the schematic elevations shown on Sheet ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan.

- c) The buildings on lots 63 – 66, Block A of the Certified Site Plan must be constructed to a minimum of two stories in height.

**16. Landscaping**

- a) The Applicant must install the site elements including retaining walls, animal sculptures, trailheads and the fishing pier as shown on the landscape plan sheets of the Certified Site Plan, or an equivalent approved by Staff.
- b) The Applicant must install the plantings shown on the landscape plans of the Certified Site Plan. Any variation in plant species or quantity not already accounted for in the plant substitution list needs MNCPPC approval.
- c) Landscape and hardscape improvements shall be installed in each open space or amenity area prior to that space being deemed complete per the open space, facilities, and amenities development trigger.
- d) Landscape and hardscape not associated with a specifically identified open space or amenity must be installed by the end of the next planting season, after development activities conclude on the adjacent land.

**17. Lighting**

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development.
- b) All on-site down-lights must have full cut-off fixtures.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and adjacent residential properties, except for street lighting.

**18. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPO Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to: plant material including forest conservation variance mitigation trees; on-site lighting; site furniture; mailbox pad sites; trash receptacles, retaining walls; fences; railings; hardscape; paths; bike racks; recreation facilities, play equipment, sculptures, trailheads, amenities planned for the 10-



acre local park, fishing pier, private alleys, and any other associated improvements.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets.
- e) The bond or surety for any improvements located within the 10-acre local park must not be released until Staff receives a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan, and both MCDPS and MNCPPC Department of Parks have completed a final inspection.

**19. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

**20. Certified Site Plan**

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, DHCA approval letter, any other agency approval letters, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before any land disturbance."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the MCDOT and MCDPS."
- d) Provide the standard landscape plan note that planting in stormwater management areas are subject to the final approval by MCDPS Water Resources staff.
- e) Modify data table to reflect any differing development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) The Site Plan and Landscape Plan shall be updated to include the necessary changes to implement the requirements of Site Plan condition 7e.
- h) Update all Certified Site Plan drawings to include the increased lot area for lots 19 – 24 and 58 – 61 in Block A, and lots 3 – 11 in Block B.
- i) Update the Developed Area exhibit to reflect a 50% developed area as approved by the Planning Board.

- j) Include in the Certified Site Plan Set a Green Area exhibit that matches the Site Plan drawings and include the following notes:
  - a. Green Area shown on this exhibit is illustrative and subject to refinement as development occurs on the Subject Property.
  - b. The minimum Green Area requirement for the Subject Property is 78%.
  - c. Green Area is defined as area that provides light and air, or scenic, recreational or similar amenities. This space must generally be available for entry and use by the occupants of the buildings or area involved, but may include space so located and treated as to enhance the amenity of the development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas. Green Area may include but is not limited to public and private lawns, decorative plantings, sidewalks and walkways on private lots, swales and sidewalks within rights-of-way, active and passive recreational areas including children's playgrounds, public plazas, fountains, public open spaces, private patios and swimming pools, wooded areas and watercourses. Green Area does not include parking lots, driveways, roads or any other vehicular surface, primary structures, or accessory structures other than pools.
- k) Ensure all Certified Site Plan drawings, figures and tables that reference the 10, 10.05 or 10.1 -acre local park parcel refer to the area as a minimum 10-acre local park, or as 10.05 acres +/-.
- l) Update the Binding Element No. 13 data table on the Certified Site Plan to reflect a proposed total area for Land Bay A of 14.7 acres, a proposed total area for Land Bay B of 9.5 acres, and a proposed total area for Land Bay D of 131 acres.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820170160, Mt Prospect, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is subject to the binding elements of a Development Plan, associated with LMA case No. G-884 approved on June 15, 2010 by County Council Resolution No. 16-1393. The Development Plan contained a total of 13 binding elements and the Site Plan conforms with each of them.

2. *The Site Plan meets all of the requirements of the zone in which it is located*

#### Requirements of the PD-2 Zone

The Site Plan meets all the requirements of the PD-2 Zone which the Subject Property is located within. The PD zone allows flexibility in design, the integration of compatible uses and optimum land planning. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the PD-2 Zone. Included in the table are how the Site Plan meets the requirements for the required unit mix between attached and detached dwellings, Green Area, Setbacks from adjacent development, and the specific requirement that lots 63-66 Block A as shown on the Site Plan meet the zoning standards of the RE-2 zone.

#### Data Table

| <b>Zoning Data Table: PD – 2 with TDR</b>    |                     |                          |                              |
|--|---------------------|--------------------------|------------------------------|
| <u>Development Standard</u>                  | <u>Required Z O</u> | <u>Required by G-884</u> | <u>Required by 820170160</u> |
| <b>Tract Area</b>                            |                     |                          |                              |
| Gross Tract Area                             | N/A                 | 170.77 AC                | 170.77 AC                    |
| Public ROW Dedication                        | N/A                 | TBD @ Site Plan          | 20.23 AC                     |
| MNCPPC SV Park Dedication                    | N/A                 | TBD @ Site Plan          | 48.92 19.56 AC               |
| MNCPPC Local Park Dedication                 | N/A                 | 10 AC min                | 10.05 AC                     |
| Net Developable Area                         | N/A                 | TBD @ Site Plan          | 91.57 120.93 AC              |
| <b>59-C-7.13 &amp; 7.14 Uses and Density</b> |                     |                          |                              |
| SFD Units                                    | 35% min             | 55% min                  | 65%, 121 units               |

|   |           |   |                 |
|---|-----------|---|-----------------|
| SFA Units   | 35% min   | 35% min/ 45% max  | 35%, 66 units   |
| Total Density   | N/A       | 187 Units max   | 187 Units       |
| MPDU Units  | 12.5% min | 12.5% min   | 12.5%, 24 units |
| TDR Units   | N/A       | 17 units max<br>170 units + 17<br>TDR = 187 total<br>units <sup>2</sup> | 17 units        |
| <b>59-C-7.16 Green Area</b>   |           |   |                 |
| Green Area  | 30% min   | 30% min   | 78%, 133.2 AC   |
| Developed Area  | N/A       | 50% max   | 50%, 80.3 AC    |
| <b>Lots, Setbacks, Building Placement (lots 1 – 62, Block A; 1 – 11, Block B, 1 - 24, Block D, 1 – 21 Block E, 1 – 25 Block F, 1 – 22, Block G)</b> |           |   |                 |
| Minimum Lot Area  |           |   |                 |
| Single Family Detached (SFD)  | N/A       | TBD @ Site Plan   | 1,750           |
| Single Family Attached (SFA)  | N/A       | TBD @ Site Plan   | 5,500           |
| Lot width at front lot line   |           |   |                 |
| SFD   | N/A       | TBD @ Site Plan   | 25 ft min       |
| SFA   | N/A       | TBD @ Site Plan   | 14 ft min       |
| Frontage on streets or open space   | Required  | Required  | Provided        |
| Front setbacks from street or open space, Principal Building Only   |           |   |                 |
| SFD   | N/A       | TBD @ Site Plan   | 10 ft min       |
| SFA   | N/A       | TBD @ Site Plan   | 10 ft min       |
| Side Street Setbacks, Principal Building Only   |           |   |                 |
| SFD   | N/A       | TBD @ Site Plan   | 4 ft min        |
| SFA   | N/A       | TBD @ Site Plan   | 4 ft min        |
| Side Setbacks, Principal and Accessory Structures   |           |   |                 |
| SFD   | N/A       | TBD @ Site Plan   | 4 ft min        |
| SFA   | N/A       | TBD @ Site Plan   | 4 ft min        |

<sup>2</sup> The Master Plan recommended 170 units maximum, with up to an additional 17 if TDRs are purchased. LMA G-884 was approved assuming 17 TDRs for a total of 187 units.

|   |                   |                   |                         |
|---|-------------------|-------------------|-------------------------|
| Rear Setbacks, abutting other lots, Principal and Accessory Structures                |                   |                   |                         |
| SFD   | N/A               | TBD @ Site Plan   | 4 ft min                |
| SFA   | N/A               | TBD @ Site Plan   | 4 ft min                |
| Rear Setbacks, alley, Principal and Accessory Structures                              |                   |                   |                         |
| SFD   | N/A               | TBD @ Site Plan   | 4 ft min                |
| SFA   | N/A               | TBD @ Site Plan   | 4 ft min                |
| Compatibility Section 59-C-7.15   | 100' for SFA      | TBD @ Site Plan   | 220 ft min              |
| Building Height, All Buildings  | N/A               | TBD @ Site Plan   | 40 ft max               |
| <b>Lots, Setbacks, Building Placement RE-2 Zone (lots 63 – 66, Block A) 59-C-1.32</b> |                   |                   |                         |
| Minimum Lot Area  | 87,120 sq. ft.    | 87,120 sq. ft.    | 87,120 sq. ft.          |
| Lot Width at Front Building Line  | 150 ft min        | 150 ft. min       | 150 ft. min             |
| Front Yard Setback  | 50 ft min         | 50 ft. min        | 50 ft. min              |
| Side Yard Setback (Principal Building)  | 17 ft/35 ft total | 17 ft/35 ft total | 17 ft/35 ft total       |
| Side Yard Setback (Accessory Building)  | 15 ft min         | 15 ft. min        | 15 ft. min              |
| Rear Yard Setback (Principal Building)  | 35 ft min         | 35 ft. min        | 35 ft. min              |
| Rear Yard Setback (Accessory Building)  | 10 ft min         | 10 ft. min        | 10 ft. min              |
| Building Height   | 50 ft max         | 50 ft. max        | 50 ft. max              |
| Lot Coverage  | 25% max           | 25% max           | 25% max                 |
| <b>Parking (Entire Site Plan, lots 1 – 187)</b>                                       |                   |                   |                         |
| Vehicle Spaces On Lot, All Dwelling Types   | 2 spaces/unit     | 2 spaces/unit     | 374                     |
| Street Parking Local Park   | N/A               | 51 spaces min     | 52 spaces               |
| Street Parking, All Others  | N/A               | 193 spaces max    | 164 spaces <sup>3</sup> |
| Total Site Parking  | N/A               | TBD @ Site Plan   | 590 spaces              |

<sup>3</sup> On-Street parallel parking spaces located on public roads is subject to MCDOT and MCDPS Right-of-Way permitting review and approval at ROW permit.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The design of the Site Plan establishes distinct hamlets of higher density development and open spaces in the interior of the Property, with larger lots and cul-de-sacs around the edges of the Property. This layout supports compatibility with surrounding development, and locates development away from environmentally sensitive resources. Within the dense hamlets, most of the dwellings face the public streets or open spaces and have rear loaded garages, framing the public realm with the front face of the dwellings and reduces pedestrian/vehicle conflict along the sidewalks. The placement of the dwellings on lots 63 – 66 on Block A are set back farther from the road, consistent with the binding elements from the Development Plan requiring these lots and dwellings comply with the RE-2 zone standards.

b. Open Spaces

The location of the open spaces is safe, adequate and efficient. The Site Plan creates multiple different forms and functions of open spaces including active amenity filled playground, open play and lawn areas, smaller greens and sitting areas, stormwater management areas, passive green areas that will be managed as meadow, and forested areas protected with forest conservation easements. The existing farm pond that is centrally located on the Property will serve as the center of the new community. The pond is surrounded by open spaces activated through landscaping, sitting areas, a fishing pier and artistic sculptures. Radiating out from the central pond are roads that are each lined with linear open spaces on one side, that are a mix of open green lawns and landscaped stormwater management facilities. These linear spaces extend to the outer edges of the developed area and provide continuous open space connections between the Hanson Reserve, the farm pond, and areas of stream valley buffer. This visually and physically connects the central amenity to the more natural open spaces around the periphery, and ensures all future dwellings are located close to open space. The Subject Property is able to take advantage of the existing Muddy Branch Stream Valley Park, and also dedicates the new 10-acre local park, which will serve as a second focal point for the development once fully improved by MNCPPC Department of Parks.

c. Landscaping and Lighting

The location and type of landscaping and lighting is safe, adequate and efficient for the development. The landscaping serves multiple purposes including providing tree canopy coverage within a new residential development and creating visual interest and enjoyment within the proposed open spaces without negatively blocking sight lines or hindering their use. Much of the landscaping including street trees and stormwater management planting is under the purview of County agencies but is still integral in establishing the urban canopy. The open spaces include additional plantings as a means of further enhancing tree cover over many of the pedestrian routes while still leaving some lawn areas in part or full sun. The two multi-age playgrounds also have a special landscape treatment with a mix of shade and ornamental trees, and limited use of shrubs to frame in the play areas without hiding them from public view. The Site Plan takes advantage of existing vegetation in many areas such as saving the trees and shrubs around the farm ponds, the 10-acre local park, and along Quince Orchard Road. Because the Property is currently mostly farmland, many of the unimproved open spaces will be maintained as meadow, which will help maintain some of the agricultural history of the land. The open space area at the southernmost portion of the Property between Travilah Road and proposed Street A, is being enhanced with a meadow seed mix of native perennial wild flowers and sporadic plantings of new trees to maintain the existing pastoral views from Travilah Road today. Additionally, native perennial wildflowers will be planted around the existing farm pond in the center of the development to enhance vegetation and interest around the pond without blocking views to this central amenity.

The Lighting on the Site Plan is primarily street lighting which is under the final review of MCDOT. The Applicant is however placing hip-height bollards along some of the pedestrian pathways within the open spaces and mid-block connections that will enhance nighttime safety on these more heavily used pedestrian routes. These low bollards will have a negligible impact on any new dwellings and will not have any impact on properties not within this Application.

d. Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing for a total of 187 total dwelling units and is subject to the recreation guideline requirements. The provided



recreational amenities will include passive and active facilities. The Applicant also receives limited off-site credit for the existing Muddy Branch Stream Valley Park which the Site Plan provides for two separate connections into. The Site Plan proposes development of the Property in two phases, and the quantity and location of amenities has been designed to allow each phase to stand alone in the supply requirements. Conditions are in place to require certain major amenities be provided as the entire Site Plan develops. The multi-age playgrounds are both centrally located with one in each phase, providing easy access to the denser hamlets near the center of the Property, and the farm pond amenities are centrally located to the entire community and will be established within the first half of the project. Village greens and lawn areas of various sizes will be completed as the block they are located within is finalized. The Staff Report details how the recreation demand and supply is calculated, verifying that the Site Plan supplies an adequate amount of recreational amenities for the number of units approved.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation within the Subject Property is safe, adequate and efficient. The road layout of the Site Plan is a modified grid of streets in the central hamlet areas that radiate out into two cul-de-sacs in the western portion of the Subject Property. This layout allows for adequate traffic distribution and follows the higher developable portion of the terrain. Within the hamlet areas, private alleys provide rear vehicle access to these dwellings which reduces curb cuts to the road, and on the periphery of the development where the lots are larger, the vehicle access is accommodated in the front of the units. Sidewalks are provided on both sides of most of the streets to ensure equal and adequate pedestrian circulation within the Site Plan. The sidewalks are upgraded to shared use paths along sections of streets A and B that are adjacent to the 10-acre local park, and street D between the local park and the main Muddy Branch Stream Valley Park trailhead where pedestrian and bike traffic is anticipated to be higher. Mid-block crossings are provided in some of the hamlets to link parking, open spaces and dwelling units together, and most of the larger amenity areas have sidewalks either encircling or crossing through them, ensuring access to the front of all dwelling units and use of the amenity space.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The uses and structures are compatible with other uses, Site Plans, existing, and proposed development on adjacent properties. The mix of attached and detached dwellings on smaller lots in the central hamlets, immediately surrounded by larger lots, helps the development integrate different lot and dwelling sizes in close proximity while achieving the necessary compatibility around the edges. Compatibility was also a major component of Zoning Case G-884 which approved the rezoning from RE-2 to PD-2 and informed many of the binding elements on the associated Development Plan. The four, two-acre lots located near the Property's southern entrance conform to the development standards of the RE-2 zone standards to ensure that the lot size and placement of dwellings is similar to that of the existing RE-2 development located west and south of the Property. The 11 lots in the southeastern portion of the Property on Block B and adjacent to the Versailles development are also on larger lots, and include an open space parcel and landscaping to buffer the new development from the existing dwellings. The placement of the 10-acre local park along Quince Orchard Road helps maintain the low density feel experienced from that road, and it also places the new local park adjacent to the Muddy Branch Stream Valley Park and opposite from the Potomac Horse Center. The remainder of the Property is bordered by MNCPPC-Stream Valley Park property which placed high priority on ensuring the protection of forest resources.

The PD zone, under Zoning Ordinance Section 59-C-7.15 requires that no units other than one-family detached be placed within 100 feet of the Subject Property boundary to ensure compatible development types between new and existing homes. Because the Site Plan design establishes a development pattern with the densest portion of the development kept to the interior of the Property including the attached dwelling units, and only one-family detached dwellings on larger lots located closest to existing and proposed park resources, the Site Plan meets the zoning ordinance requirement. The closest one-family attached dwelling to the Property boundary is approximately 230 feet as shown.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan ("FCP") complies with the requirements of the Forest Conservation Law. The Preliminary FCP, No. 120170130 analyzed at a request by the Applicant to have stream buffer encroachment, under Section IV-A1 of the Environmental Guidelines, including five factors the Board must consider when evaluating the request. The request for stream buffer encroachment has not changed with

the Final FCP and the Planning Board still finds the encroachment with provided mitigation acceptable and conforming with the Environmental Guidelines.

The Final FCP has the same net tract area of 173.57 acres, with 53.19 acres of existing forest, 38.21 acres of forest retention and 14.98 acres of forest clearing. Section 22A-12(f) requires a minimum retention of 34.71 acres which is equal to the conservation threshold which the Final FCP meets. In total, the Final FCP worksheet generates a 0.25 acre reforestation requirement which is being met through upland planting on the Subject Property. The Final FCP also shows 7.02 acres of stream valley reforestation to meet Master Plan requirements, and includes a request by the Applicant to consider forest banking the reforested stream valley areas.

#### B. Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

During review of the Preliminary FCP, the Planning Board considered a Variance for this Application. The Applicant requested the removal of 85 Protected Trees and CRZ impact to 49 Protected Trees as identified in the Staff Report. No change to the limits of disturbance or impacts to Protected Trees is being shown on the Final FCP. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the findings necessary to grant the Variance as part of the Preliminary FCP, and because no changes are made to the Final FCP, the Planning Board re-confirms approval of the Variance, with the mitigation of 263 new caliper inches of native canopy trees.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

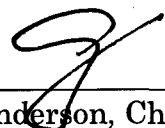
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is March 16, 2018 (which is the date that the original Resolution was mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Patterson, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, April 26, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

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T



December 10, 2021

Ms. Mary Jo Kishter  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Mt. Prospect (Hanson Farm)  
Site Plan #82017016B  
Tree Variance Request and Justification  
Rodgers Project No. 0696P4

Ms. Kishter,

This specimen tree variance request is being submitted in conjunction with the Mt. Prospect Site Plan B Amendment and amended Preliminary/Final Forest Conservation Plan. Revisions to the approved plan necessitate impacts to the critical root zone of one (1) additional specimen tree.

Please accept this letter as a formal written request for a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb *any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species.*

## **I Tree-By-Tree Analysis- Disturbed/Retained**

The following presents an analysis for individual disturbed/retained trees.

### **Tree #431:**

Tree #431 is a 48-inch tulip tree in fair health. The impact is a result of the addition of a step pool conveyance system from a stormwater outfall to the bank of the stream. The impact accounts for only 6.1% of the critical root zone and is required to properly construct the step pool conveyance that is being installed from a new outfall to the bank of the stream onsite. The impact will ensure the step pool is constructed at the correct grade to drain the water properly. Measures will be taken to guarantee the impact to the critical root zone of tree #431 is as minimal as possible.

## **II Requirements for the Granting a Variance Request**

### ***(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship:***

Efforts to minimize impacts to high priority sensitive natural resources such as streams, ponds, stream valley buffers, wetlands, and steep slopes, were taken into consideration early in the project development phase. This addition was the result of site meetings with the M-NCP&PC Parks department staff to discuss this outfall, it was determined that the outfall needed to be moved down the slope and a step pool conveyance be put in due to the steepness of the existing slope. At the site meetings, possible locations were looked at and the selected location minimizes the impacts

on the existing trees to a few smaller trees that Parks found acceptable. However, minor impact to a tree's critical root zone is unavoidable to Tree #431.

Denying the applicant, the ability to remove the subject trees would deprive the landowners' ability to implement the Master Plan, and provide proper stormwater management, which would be an undue hardship.

- (2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas:*

Not allowing the Applicant to construct the step pool conveyance from the outfall to the stream bank would result in erosion from the outfall due to the steepness of the slope at the outfall and the velocity of water that would discharge from the outfall and flow to the stream, which could have a bigger impact on the forest and stream ecosystems than the impact that would result from the step pool conveyance. Consequently, not implementing the step pool could result in a decrease in the quality of the stream within the community which would reduce the aesthetic and benefits that would be utilized for future residents.

- (3) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.*

Environmentally sensitive, high priority areas have been incorporated into the development design for protection to the extent feasible. Undisturbed forested areas and stream valley buffers will be dedicated to Maryland National Capital Park and Planning Commission or placed in a perpetual conservation easement and will continue to safeguard water quality standards and maintain societal and natural benefits to streams and wetlands. Furthermore, the proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

- (4) Provide any other information appropriate to support the request.*

Implementation of the proposed development will place previously farmed stream buffers in perpetual conservation easements. Construction of the step pool conveyance ensures the quality of the stream. Standard best management practices such as root pruning, if applicable, or timber matting will be implemented to protect the critical root zone to the extent feasible. Overall, the development of this property will provide a societal benefit.

In addition to meeting the criteria of subsection (a), the granting of this variance:

- (1) Will not confer on the applicant a special privilege that would be denied to other applicants,*

Granting the variance will not confer a special privilege on the applicant. Efforts to minimize adverse impacts and preserve forested areas were taken into consideration early in the project development design phase to the extent feasible, with inputs from the regulatory community. Failing to grant a variance would deprive the landowners' ability to implement the specific recommendation for this property contained in the Potomac Region Master Plan (approved and adopted 2002), which would be an undue hardship.



*(2) Will not be based on conditions or circumstances which result from the actions by the applicant.*

This specimen tree variance request is based on the specific recommendations for this property contained within the Potomac Region Master Plan (approved and adopted 2002), the size, type and distribution of tree, engineering constraint, and the requirement of MNCPPC staff. It is not based on circumstances which result from the actions by the applicant.

*(3) Will not be based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is based upon the recommendations of the Potomac Region Master Plan (approved and adopted 2002) specific to the property and not on a condition relating to land or building use on a neighboring property. The addition of the step pool conveyance was implemented upon recommendation of the MNCPPC staff.

*(4) Will not violate State water quality standards or cause measurable degradation in water quality.*

Environmental Site Design (ESD) planned for development of this property will maintain or improve water quality standards. The proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

If you have any questions on the information provided, please call or email me at your earliest convenience.

Sincerely,  
Rodgers Consulting, Inc.



Kelly Donovan  
Natural Resource Specialist  
[kdonovan@rodgers.com](mailto:kdonovan@rodgers.com)  
240-751-6597

**From:** Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>  
**Sent:** Friday, October 30, 2020 2:09 PM  
**To:** William "KC" Reed <KCreed@RODGERS.com>  
**Cc:** Randall Rentfro <RRentfro@RODGERS.com>; Frank Bossong <FBossong@RODGERS.com>; Charles.Wallis@maryland.gov; jenniferm.smith@maryland.gov; Dawn Jorgenson <djorgenson@eseconsultants.com>; vimal.amin@maryland.gov; Hal Van Aller -MDE- <hal.vanaller@maryland.gov>; Matt Capece (mcapece@tollbrothers.com) <mcapece@tollbrothers.com>; Gary Unterberg <GUnterberg@RODGERS.com>; Jeffery S. Driscoll (jdriscoll@tollbrothers.com) <jdriscoll@tollbrothers.com>; Matthew Wessel <MWessel@RODGERS.com>; Zawitoski, John <John.Zawitoski@montgomerycountymd.gov>; Kapusnick, Jean <Jean.Kapusnick@montgomerycountymd.gov>  
**Subject:** RE: Mt. Prospect (Hanson Farm) Existing Ponds

Mr. Reed –

The position of DPS must remain as previously stated.

We can review proposed construction plans for work within the drainage area to these ponds, however DPS cannot issue sediment control permits for development within the drainage area to these ponds until the relevant review authority has determined that these ponds are constructed to an acceptable standard that includes the proposed construction tat will drain to them.

Mark C. Etheridge  
 Manager  
 Water Resources Section  
 Department of Permitting Services  
 2425 Reedie Drive, 7th Floor, Wheaton, MD 20902  
 Wheaton, MD 20902

**NOTICE! A Drainage Statement is required for all new engineered sediment control plan applications as of November 1, 2020.** Please see this link:

[https://montgomerycountymd.gov/DPS/Resources/Files/Land\\_Development/Drainage%20Statement.p  
df](https://montgomerycountymd.gov/DPS/Resources/Files/Land_Development/Drainage%20Statement.pdf)

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**Cc:** Randall Rentfro <RRentfro@RODGERS.com>; Frank Bossong <FBossong@RODGERS.com>; Charles.Wallis@maryland.gov; jenniferm.smith@maryland.gov; Dawn Jorgenson <djorgenson@eseconsultants.com>; vimal.amin@maryland.gov; Hal Van Aller -MDE- <hal.vanaller@maryland.gov>; Matt Capece (mcapece@tollbrothers.com) <mcapece@tollbrothers.com>; Gary Unterberg <GUnterberg@RODGERS.com>; Jeffery S. Driscoll (jdriscoll@tollbrothers.com) <jdriscoll@tollbrothers.com>; Matthew Wessel

<MWessel@RODGERS.com>

**Subject:** RE: Mt. Prospect (Hanson Farm) Existing Ponds

**[EXTERNAL EMAIL]**

I'm using Mimecast to share large files with you. Please see the attached instructions.

---

Jean and Mark,

Please find this correspondence, and it's attachments, in response to your message below and our previous meeting regarding the above referenced subject. In order to be certain to address each concern provided in your message below please see the bulk of our response below in green.

It is my belief that we are in a position to address each of your concerns to the point that the Applicant can proceed with extending the current permit limits (aka Phase 2A) at this time while concurrently proceeding with the necessary permitting to fully improve the dams and ensure their future longevity. Please review the information below, and attached, and let us know your thoughts.

If there is any further information or clarification that we can provide please let us know.

Sincerely,

**William 'K.C.' Reed, PE**

Senior Director of Project Services



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----- Original message -----

**From:** Etheridge, Mark <[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)>

**Sent:** Thursday, September 24, 2020 11:04 AM

**To:** Matthew Wessel <[MWessel@RODGERS.com](mailto:MWessel@RODGERS.com)>

**Cc:** William "KC" Reed <[KCReed@RODGERS.com](mailto:KCReed@RODGERS.com)>; Gary Unterberg <[GUnterberg@RODGERS.com](mailto:GUnterberg@RODGERS.com)>; Randall Rentfro <[RRentfro@RODGERS.com](mailto:RRentfro@RODGERS.com)>; Hal Van Aller -MDE- <[hal.vanaller@maryland.gov](mailto:hal.vanaller@maryland.gov)>; [jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov); [Charles.Wallis@maryland.gov](mailto:Charles.Wallis@maryland.gov); [vimal.amin@maryland.gov](mailto:vimal.amin@maryland.gov); Jeffery S. Driscoll ([jdriscoll@tollbrothers.com](mailto:jdriscoll@tollbrothers.com)) <[jdriscoll@tollbrothers.com](mailto:jdriscoll@tollbrothers.com)>; Matt Capece ([mcapece@tollbrothers.com](mailto:mcapece@tollbrothers.com)) <[mcapece@tollbrothers.com](mailto:mcapece@tollbrothers.com)>; Dawn Jorgenson <[djorgenson@eseconsultants.com](mailto:djorgenson@eseconsultants.com)>; Kapusnick, Jean <[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)>; Frank Bossong <[FBossong@RODGERS.com](mailto:FBossong@RODGERS.com)>

**Subject:** RE: Mt. Prospect (Hanson Farm) Existing Ponds

Hi Everyone -

I want to briefly re state the DPS position on this for everybody's benefit. I think there are a number of new folks participating in these discussions now.

This developer is developing a property that currently contains two ponds. These are ag ponds and are not now, nor will they become, stormwater management ponds.

Understood.

The proposed development of this property will result in changes to the characteristic of flow going to and through these ponds.

Yes, however the development will not have a significant hydrological effect on the ponds. Please refer to attached Stormwater Management Plan – Phase 1 Report approved as part of Permit #SEDIMENT-283998. Specifically refer to Section 2 beginning on Page 16. Here the pre- and post-development peak discharges were analyzed and routed through each ponds existing spillway. Additionally, a water balance analysis was performed to ensure that existing water levels would be maintained in the instances where the drainage areas to the ponds were being reduced.

In the case of the Big Pond, and as it relates to the request to Permit Phase 2A at this time, the analysis in the report is conservative as it considered the ultimate Phase 2 build-out.

At the stormwater management conceptual stage of this development, DPS gave the applicant options of either breaching these ponds or requesting an inspection by the relevant agency to determine what repairs or improvements will be required to address any deficiencies that may exist in these ponds and to bring these ponds into design compliance with respect to changes that will result from development within the pond's drainage areas.

As noted, hydrologically the development will have little to no effect on the peak water surface elevations within the ponds during significant storm events; refer to the response above. As determined previously, and confirmed at our most recent meeting, MDE Dam Safety will not inspect the dams for this purpose but have provided a recommendation that the dams be modified in a manner as to be compliant with MD-378 Standards. GTA, on behalf of the applicant, has provided inspections on two separate occasions (see attached report). GTA found, at both inspections, that the dams demonstrated no "signs of imminent slope failure or other immediate concerns". Inspections were performed both pre- and post-construction activities. Ultimately, and due to several reasons, it is GTA's recommendation that the dams be modified such that they are MD 378 compliant prior to the completion of the development but saw no "...specific need to perform these improvements on an emergency basis..." at this time.

Thus far the developer has not chosen the breach option. DPS is not aware of any inspection or design review that has occurred to date with respect to these ponds..

The Applicant intends to retain the ponds as an amenity for the community. Inspections have been performed by GTA, a professional geotechnical firm, on two occasions as described in GTA's findings (attached).

DPS will not issue sediment control permits for development within the drainage area to these ponds until the relevant review authority has determined that these ponds are safe under the current development plan.

To the Applicant's knowledge, there is not public agency that is willing to assist the Applicant in the way described above. In lieu of MDE Dam Safety or other public agency, the Applicant retained GTA to provide inspection services for the dams. Per the attached report, GTA feels that "...on-going Phase 1 site development activities, or the future Phase 2 development activities, will not negatively impact the embankments." This is further described in the attached report but is based on:

- The dams did not show any "signs of imminent slope failure" at the initial inspection
- The dams did not demonstrate signs of further stress or deterioration over time (including Phase 1 development activities) but rather "...were substantially similar to those observed..." previously
- The proposed development activities will not result in additional surface runoff or other impacts to the existing ponds or embankments

If the review authority for these ponds needs information from DPS we are more than happy to provide anything that we can. Our goal is to make sure these existing ponds are reviewed and modified as may need be to avoid failure after the construction of this subdivision, once the HOA takes ownership of them.

Understood. The Applicant, via the recommendation of both MDE Dam Safety and GTA, intends to replace both dams prior to the completion of the development. A preliminary timeline for permitting to these activities are found in the attached meeting notes / responses.

One further point of clarification ... in future these ponds will NOT be inspected by Montgomery County as a part of our routine inspection program since these are not being designed to provide stormwater management.

Acknowledged.

If anyone has any questions please let me know. I welcome the chance to be a participant in any meeting to discuss if need be. I have responded that I am unable to attend the previously scheduled meeting and would ask that that meeting be rescheduled so that I may attend, if possible.

Sorry for the lengthy email but I do want everyone to be aware of where I think we are with this.

Mark C. Etheridge  
Manager  
Water Resources Section  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup>. Fl.  
Rockville, MD 20850

**From:** Matthew Wessel <[MWessel@RODGERS.com](mailto:MWessel@RODGERS.com)>

**Sent:** Thursday, September 24, 2020 9:43 AM

**To:** Etheridge, Mark <[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)>; Kapusnick, Jean

<[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)>

Cc: William "KC" Reed <[KCReed@RODGERS.com](mailto:KCReed@RODGERS.com)>; Gary Unterberg <[GUnterberg@RODGERS.com](mailto:GUnterberg@RODGERS.com)>; Randall Rentfro <[RRentfro@RODGERS.com](mailto:RRentfro@RODGERS.com)>

**Subject:** FW: Mt. Prospect (Hanson Farm) Existing Ponds

**[EXTERNAL EMAIL]**

Good Morning Mark and Jean,

Based on the email from MDE below and subsequent correspondence (attached) it does not appear that MDE Dam Safety will have a role in permitting any improvements to the farm pond dams at Mt. Prospect.

Instead, we will need to coordinate with you and John Zawitoski at the Montgomery County SCD.

Please let me know if that is your understanding as well and whether or not you feel a meeting with MDE is necessary.

Thanks.

Matt

**Matthew Wessel, PLA, ISA Certified Arborist**  
Principal



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**From:** John Roche -MDE- [<mailto:john.roche@maryland.gov>]

**Sent:** Wednesday, September 23, 2020 11:07 AM

**To:** Matthew Wessel <[MWessel@RODGERS.com](mailto:MWessel@RODGERS.com)>

**Cc:** Hal Van Aller -MDE- <[hal.vanaller@maryland.gov](mailto:hal.vanaller@maryland.gov)>; [jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov);

[Charles.Wallis@maryland.gov](mailto:Charles.Wallis@maryland.gov); [vimal.amin@maryland.gov](mailto:vimal.amin@maryland.gov); Jeffery S. Driscoll

([jdriscoll@tollbrothers.com](mailto:jdriscoll@tollbrothers.com)) <[jdriscoll@tollbrothers.com](mailto:jdriscoll@tollbrothers.com)>; Matt Capece ([mcapece@tollbrothers.com](mailto:mcapece@tollbrothers.com))

<[mcapece@tollbrothers.com](mailto:mcapece@tollbrothers.com)>; Gary Unterberg <[GUnterberg@RODGERS.com](mailto:GUnterberg@RODGERS.com)>; William "KC" Reed

<[KCReed@RODGERS.com](mailto:KCReed@RODGERS.com)>; Randall Rentfro <[RRentfro@RODGERS.com](mailto:RRentfro@RODGERS.com)>; Dawn Jorgenson

<[djorgenson@eseconsultants.com](mailto:djorgenson@eseconsultants.com)>

**Subject:** Re: Mt. Prospect (Hanson Farm) Existing Ponds



Matthew,

My understanding is that this is a low hazard structure within the MD378 criteria - so I question why approvals are not being sought from Montgomery County SCD?

I can meet and discuss permitting on the 29th from 3-4 pm if necessary, but I do not see Dam Safety as having a role based on the information I have been provided.

On Tue, Sep 22, 2020 at 5:04 PM Matthew Wessel <[MWessel@rodgers.com](mailto:MWessel@rodgers.com)> wrote:

Good morning Mr. Van Aller,

I would like to follow up on the email below regarding the Mt. Prospect/Hanson Farm Ponds. It is our intention to submit a modification to the MDE wetlands and waterways authorization that was issued for the project in order to perform dam upgrades. We would like the opportunity to reconnect with you and others so that we make sure we provide you with all the information necessary for your review, and to discuss timing of the upgrades in conjunction with the work currently being performed on the site.

I understand that MDE Dam Safety initiated a reorganization earlier this year. As a result, I have copied individuals from the Dam Safety Permits Division on this email.

I would like to setup a virtual meeting or phone call as early as possible. Please let me know your availability next week and if anyone else, not on this email, should be included.

Thanks for your help and I look forward to working with you.

Matt

**Matthew Wessel, PLA, ISA Certified Arborist**

Principal



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----- Original message -----

**From:** Hal Van Aller -MDE- <[hal.vanaller@maryland.gov](mailto:hal.vanaller@maryland.gov)>  
**Sent:** Tuesday, June 11, 2019 1:18 PM  
**To:** William "KC" Reed <[KCReed@RODGERS.com](mailto:KCReed@RODGERS.com)>  
**Cc:** Jennifer Smith -MDE- <[jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov)>; Scott Bass -MDE- <[scott.bass@maryland.gov](mailto:scott.bass@maryland.gov)>; Dusty Rood <[DRood@RODGERS.com](mailto:DRood@RODGERS.com)>; Etheridge, Mark <[mark.etheridge@montgomerycountymd.gov](mailto:mark.etheridge@montgomerycountymd.gov)>; Warren Johnson <[warren.johnson@md.usda.gov](mailto:warren.johnson@md.usda.gov)>; Kapusnick, Jean (<[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)>)  
<[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)>; Frank Bossong <[FBossong@RODGERS.com](mailto:FBossong@RODGERS.com)>  
**Subject:** Re: Mt. Prospect (Hanson Farm) Existing Ponds

Dear Mr. Reed-

The Dam Safety Division has reviewed the "screening level breach analysis" for the existing Mt. Prospect/Hanson Farm ponds and agrees with the conclusion that they are low hazard structures. Thursday's meeting can certainly be postponed until such time as the ponds have been evaluated. It is our recommendation that the ponds be brought up to the standards in MD-378 (including,

but not limited to, spillway capacity, freeboard, and buffers for woody vegetation) since they will no longer be farm ponds.

Please advise as to whether you wish to re-schedule the meeting.

Sincerely,

Hal Van Aller, P.E., Chief

MDE Dam Safety Division

1800 Washington Blvd

Baltimore, MD 21230

Cell phone: 443.271.8123

Baltimore office phone: 410.537.3538

New fax: 410.537.4021

<http://mde.maryland.gov/damsafety>

On Tue, Jun 11, 2019 at 11:45 AM Jennifer Smith -MDE- <[jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov)> wrote:

Please respond to Dusty.

Sent from my iPhone

Begin forwarded message:

**From:** Dusty Rood <[DRood@RODGERS.com](mailto:DRood@RODGERS.com)>

**Date:** June 11, 2019 at 10:33:27 AM EDT

**To:** "Jennifer M. Smith - MDE" <[jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov)>

**Subject:** RE: Mt. Prospect (Hanson Farm) Existing Ponds

Jennifer, it might be easier if we hop on a call to discuss to make sure I understand MDE's concern.

We don't have an objection to SCD issuing a small pond approval for the farm ponds. Again, we're not using them for SWM or E/SC and the only likely impact will be to construct a pier, and any other improvements that the analysis requires. However, at this stage, we only have a preliminary geotechnical analysis and haven't done any design work, since MCDPS and our client have agreed to condition the release of the bonds to the farm pond analysis and improvement at a later date (but before bond release). Our client is on the hook to analyze and, if needed, improve the farm ponds.

The immediate, pressing issue is that MCDPS needs to hear from MDE that the project isn't elevating the hazard classification. With that, MCDPS will release the grading permit. We don't believe they are, neither did Alex last year when we were coordinating with him and have submitted materials indicating such.

Our client is chomping at the bit as they now own the property, are paying significant interest carrying costs, and, but for this matter, are ready to commence construction.

There's a meeting scheduled for Thursday with us, our client, DPS and Hal to discuss. It would be great if Hal came to that meeting with the certainty of the hazard classification addressed. It would be even better if he could tell Mark/us such before (and then we might not even need to have the meeting).

Again, if I'm missing something and it's easier to talk this through, call me at 301-520-8488. Thanks.

--Dusty

**Dusty Rood**

President & Chief Executive Officer



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**From:** Jennifer M. Smith - MDE <[jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov)>  
**Sent:** Monday, June 10, 2019 1:47 PM  
**To:** Dusty Rood <[DRood@RODGERS.com](mailto:DRood@RODGERS.com)>  
**Subject:** Re: Mt. Prospect (Hanson Farm) Existing Ponds

Dusty,

Do you know who will be ultimately reviewing the existing pond impacts for small pond approval? We need to ensure that the SCD will be issuing a small pond approval for the two existing structures, assuming they are classified as low hazard structures. Thanks,

Jennifer

On Mon, Jun 10, 2019 at 1:05 PM Dusty Rood <[DRood@rodgers.com](mailto:DRood@rodgers.com)> wrote:

Jennifer, FYI below. MCDPS is holding the grading permit until #1 below, related to hazard classification, is satisfied.

Sent from my iPhone

Begin forwarded message:

**From:** "William \"KC\" Reed" <[KCReed@RODGERS.com](mailto:KCReed@RODGERS.com)>

**Date:** June 10, 2019 at 11:14:12 AM EDT

**To:** Hal Van Aller -MDE- <[hal.vanaller@maryland.gov](mailto:hal.vanaller@maryland.gov)>

**Cc:** Dusty Rood <[DRood@RODGERS.com](mailto:DRood@RODGERS.com)>, Randall Rentfro <[RRentfro@RODGERS.com](mailto:RRentfro@RODGERS.com)>, Matt Capece <[mcapece@tollbrothers.com](mailto:mcapece@tollbrothers.com)>, "[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)" <[Jean.Kapusnick@montgomerycountymd.gov](mailto:Jean.Kapusnick@montgomerycountymd.gov)>, "[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)" <[Mark.Etheridge@montgomerycountymd.gov](mailto:Mark.Etheridge@montgomerycountymd.gov)>, Frank Bossong <[FBossong@RODGERS.com](mailto:FBossong@RODGERS.com)>, Tom Mateya <[TMATEYA@tollbrothers.com](mailto:TMATEYA@tollbrothers.com)>

**Subject:** RE: RE: Mt. Prospect (Hanson Farm) Existing Ponds

Hal,

I wanted to follow-up from our calls last week. We were hoping to touch base with you prior to our meeting on Thursday. There are two distinct issues related to this request that are tracking on different paths. Given the timing of each, we feel like a meeting may not be needed or maybe premature. These two paths are as follows:

1. Sediment Control Permit Release:

The County recently indicated they would delay the release of the Project's Sediment Control Permit (related to the initial construction phase) until certain concerns contained in your 5/29 email were addressed. The release of this permit is crucial to achieving our Client's goals.

The concern raised on 5/29 was that the development of the property may have an effect on the Hazard Class of the Dams. We provided information to this effect in two emails to you on XX/XX and 06/03 (See attached). We believe that we have provided sufficient information to conclude the Hazard Class will remain "Low" through the completion the development project.

2. Dam Restoration / Improvement:

Beyond establishment of the Hazard class above, the other outstanding issue relates to our inspection of the dams and coordination with you regarding any recommended improvements as described in a previous email from you on 5/2. Our client is in the process of engaging a third party consultant to complete this effort. We aren't likely to have any final recommendations for discussion purposes this week, and believe it may be beneficial to postpone that portion of the discussion.

Please let me know if there is a particular time to touch base with you regarding the above.

Thanks,

**William 'K.C.' Reed, PE**

Team Leader

Senior Associate

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Jennifer M. Smith, P.E.

Program Manager

Sediment, Stormwater and Dam Safety Program

Water and Science Administration

Maryland Department of Environment

1800 Washington Boulevard

Baltimore, MD 21230



410-537-3561

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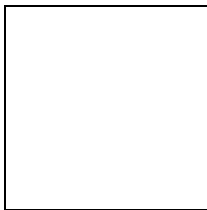


**John Roche, P.E.**  
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**DPS-ROW CONDITIONS OF APPROVAL****December 8, 2021****82017016B Mt Prospect (aka Hanson Farm)**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files as well as Statement of Justification that were uploaded on/ dated “**12/7/2021**”.

As there seems to be minimal impact to the County ROW (per the above site plans and statement of justification), we do not have any comments at this point except that all changes to the public storm drain system needs to be per DPS-approved ROW permit plans.