



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
4/15/10



MEMORANDUM

DATE: April 5, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division (Build)

FROM: Patrick Butler, Planner (301-495-4561) *P.B.*
Development Review Division (Build)

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Three lots for three one family detached dwelling units with one existing dwelling to remain.

PROJECT NAME: Rhea Property
CASE #: 120090220
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: On the east side of Barnesville Road (MD 117) approximately 1000 feet north of the intersection with Ganley Road

MASTER PLAN: Boyds
APPLICANT: James and Karen Rhea
ENGINEER: Benning and Associates, Inc.

FILING DATE: January 7, 2009
HEARING DATE: April 15, 2010

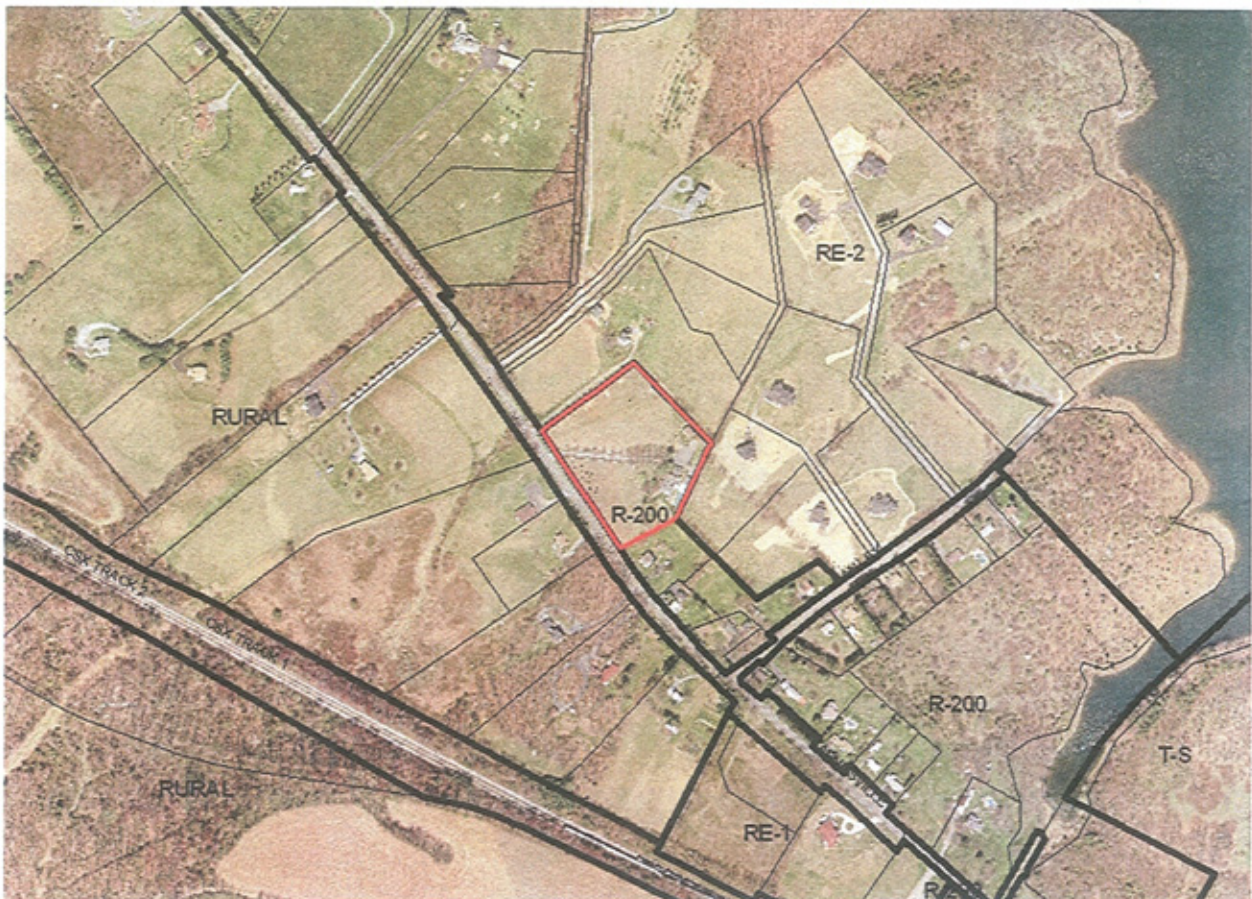
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three one-family detached residential lots.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan prior to recording of a plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit, as applicable.
- 3) The Applicant must obtain staff approval of the final forest conservation plan in accordance with Forest Conservation Regulations, Section 109-B prior to any land clearing activities.
- 4) The Applicant must comply with the conditions of the MCDPS stormwater management concept approval dated December 31, 2008. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 5) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated August 20, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 24, 2009. These conditions may be amended by MCDOT, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The record plat must provide for dedication along the entire property frontage on Barnesville Road (MD 117) of 40 feet from centerline as indicated on the preliminary plan.
- 8) The Applicant must comply with the Maryland State Highway Administration (MDSHA) letter dated February 20, 2009. These conditions may be amended by MDSHA, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The Applicant must satisfy provisions for access and improvements as required by the Maryland State Highway Administration (SHA) prior to issuance of an access permit.
- 10) A School Facility Payment at the middle school level must be paid to MCDPS prior to the issuance of a building permit for any new single-family detached dwelling unit
- 11) The certified Preliminary Plan must contain the following note: "The building footprints shown on the Preliminary Plan are illustrative. Final building locations and associated parking facilities will be determined at site plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 12) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 13) The record plat must show other necessary easements.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION (Attachment A – Vicinity Map)

The Subject Property, as shown below and in Attachment A, consists of approximately 5.38 acres in the R-200 zone. The Property is an unrecorded parcel located on the east side of Barnesville Road (MD 117) approximately 1000 feet north of its intersection with Ganley Road in the Boyds Master Plan area. A one-family detached residential dwelling unit currently exists on the Property with driveway access from Barnesville Road. The land abutting the subject property to the north and east is zoned RE-2, while the land to the southeast is zoned R200. The land confronting the Subject Property on Barnesville Road is zoned Rural, and the land further to the south on Barnesville Road is zoned RE-1. The surrounding area can be described as residential, with one-family detached dwelling units.

The Subject Property is located in the Little Seneca Creek watershed. The property is relatively flat with five specimen trees onsite. There are no steep slopes, streams, wetlands, forest, erodible soils, or other known environmentally sensitive features onsite.



PROJECT DESCRIPTION (Attachment B – Proposed Plan)

The applicant proposes to subdivide the Subject Property and create three lots for three one-family detached dwelling units, with the existing one-family detached unit to remain. The

proposed lots are 2.36 acres, 1.61 acres, and 1.17 acres in size, and will be served by private water and private standard septic systems. The applicant is proposing to retain the existing dwelling on the 1.61 acre lot.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Subject Property is located in the Boyds Master Plan area. The Boyds Master Plan supports the retention and reconfirmation of the R-200 zone and residential land-use for the Subject Property. For this application, there are three applicable land use and zoning recommendations of the Boyds Master Plan.

- *“Boyds should continue as a rural, residential community composed primarily of single-family detached dwellings at varying densities” (p. 8).*
- *“This Plan recommends a continuation of half-acre zoning (R-200) in Boyds and White Grounds. The development of new homes at this density is directly dependent upon finding a solution to the sewage problems in the area” (p.8).*
- *“The Boyds Land Use Plan does recommended areas for half-acre zoning (R-200). Although the absence of public sewer and water will make it difficult, if not impossible, to achieve densities of 2 units per acre, R-200 zoning will allow flexibility in lot configuration and lot sizes” (p. 20).*

The Applicant’s proposal contains large lots that are rural in character and will have single-family residential detached dwellings on them. The proposed lots are much larger than the R-200 minimum requirements in order to accommodate the area needed for septic fields. The proposed application has been reviewed by jurisdictional agencies, and it has been determined that the proposed use will not adversely impact environmental, land use and zoning, transportation, or community facilities as identified by the Plan. The proposed application would create three lots that are consistent with the zoning, density, and residential use identified by the master plan. Therefore, the proposed application substantially conforms to the Boyds Master Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. In addition, Transportation Planning staff has determined the application is not subject to Policy Area Mobility Review, because it is located in the Clarksville Policy Area. Barnesville Road (MD 117) is an arterial road, requiring eighty feet of right-of-way. The applicant must dedicate approximately 0.24 acres of property (forty feet from centerline) to create an 80-foot-wide right-

of-way along the property frontage of Barnesville Road. The Applicant proposes to construct a shared private driveway from Barnesville Road to access the proposed lots. Access to the existing lot is by private driveway from Barnesville Road. Therefore, the proposed vehicular access for the subdivision will be safe and adequate. Since Barnesville Road along the property frontage is within the designated rural area of the county, sidewalk construction along the road is not necessary per Chapter 49 of the County Code.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by private well and septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is within the Clarksburg High School cluster which is currently in moratorium because of inadequate capacity at the middle school level, but new subdivisions creating up to three new homes are permitted under the Growth Policy. An existing house and two new homes are proposed on the subject property; therefore, the proposed plan will create fewer than three new homes. A School Facilities Payment for single-family detached dwellings at the middle school level must be made prior to issuance of building permits for the lots that will contain new dwellings. Electrical and telecommunications services are also available to serve the Property.

Environment

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 31, 2008. The stormwater management concept consists of on-site water quality control and onsite recharge via rooftop disconnect and drywells. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

Environmental Guidelines

Environmental Planning staff approved the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site on June 5, 2007. The NRI/FSD identifies five specimen trees onsite. The topography on the Subject Property is relatively flat, and there are no known environmentally sensitive features onsite. Therefore, this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. No forest exists on the Subject Property. There are five specimen trees onsite. None of the specimen trees are proposed for removal, and none are expected to be adversely impacted

by this plan. The applicant is proposing to provide 0.77 acres of afforestation offsite. The amount of afforestation is the minimum required, and therefore, the application satisfies the requirements of the forest conservation law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The proposed lots will meet the dimensional requirements for area, frontage, width, and setbacks in that zone (See Table 1 below). The application has been reviewed by other applicable county agencies (Attachment C – Agency Correspondence), all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

As of the date of this report, no citizen concerns have been brought to Staff's attention regarding the proposed subdivision. On August 28, 2008 a pre-submission meeting was held, as required, and on January 12, 2008 the applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and the application substantially conforms with the recommendations of the Boyds Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

- Attachment A – Vicinity Map
- Attachment B – Proposed Plan
- Attachment C – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Rhea Property				
Plan Number: 120090220				
Zoning: R-200				
# of Lots: 3				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	51,100 sq. ft. is minimum proposed	PB	3/25/10
Lot Width	100 ft.	Proposed lot widths are over 100 ft.	PB	3/25/10
Lot Frontage	25 ft.	45 ft. is minimum proposed	PB	3/25/10
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹	PB	3/25/10
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	PB	3/25/10
Rear	30 ft. Min.	Must meet minimum ¹	PB	3/25/10
Height	50 ft. Max.	May not exceed maximum ¹	PB	3/25/10
Max Resid'l d.u. or Comm'l s.f. per Zoning	11 dwelling units	3 dwelling units	PB	3/25/10
MPDUs	No		PB	3/25/10
TDRs	No		PB	3/25/10
Site Plan Req'd?	No		PB	3/25/10
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	PB	3/25/10
Road dedication and frontage improvements		Yes	Agency letter	3/25/10
Environmental Guidelines		Yes	Staff memo	3/22/10
Forest Conservation		Yes	Staff memo	3/22/10
Master Plan Compliance		Yes	Staff memo	3/16/10
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	12/31/08
Water and Sewer (WSSC)		N/A	Agency Comments	2/17/09
10-yr Water and Sewer Plan Compliance		N/A	Agency comments	2/17/09
Well and Septic		Yes	Agency letter	8/20/08
Local Area Traffic Review		No	Staff memo	2/17/09
Policy Area Mobility Review		No	Staff memo	2/17/09
Transportation Management Agreement		No	Staff memo	2/17/09
School Cluster in Moratorium?		Yes	PB	3/25/10
School Facilities Payment		Yes	PB	3/25/10
Fire and Rescue		Yes	Agency letter	7/21/09

¹ As determined by MCDPS at the time of building permit.

RHEA PROPERTY (120090220)

Attachment A



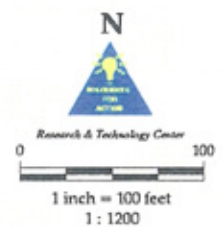
Map compiled on January 27, 2009 at 12:01 PM | Site located on base sheet no - 228NW15 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

NOTICE

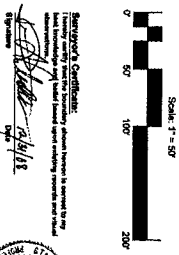
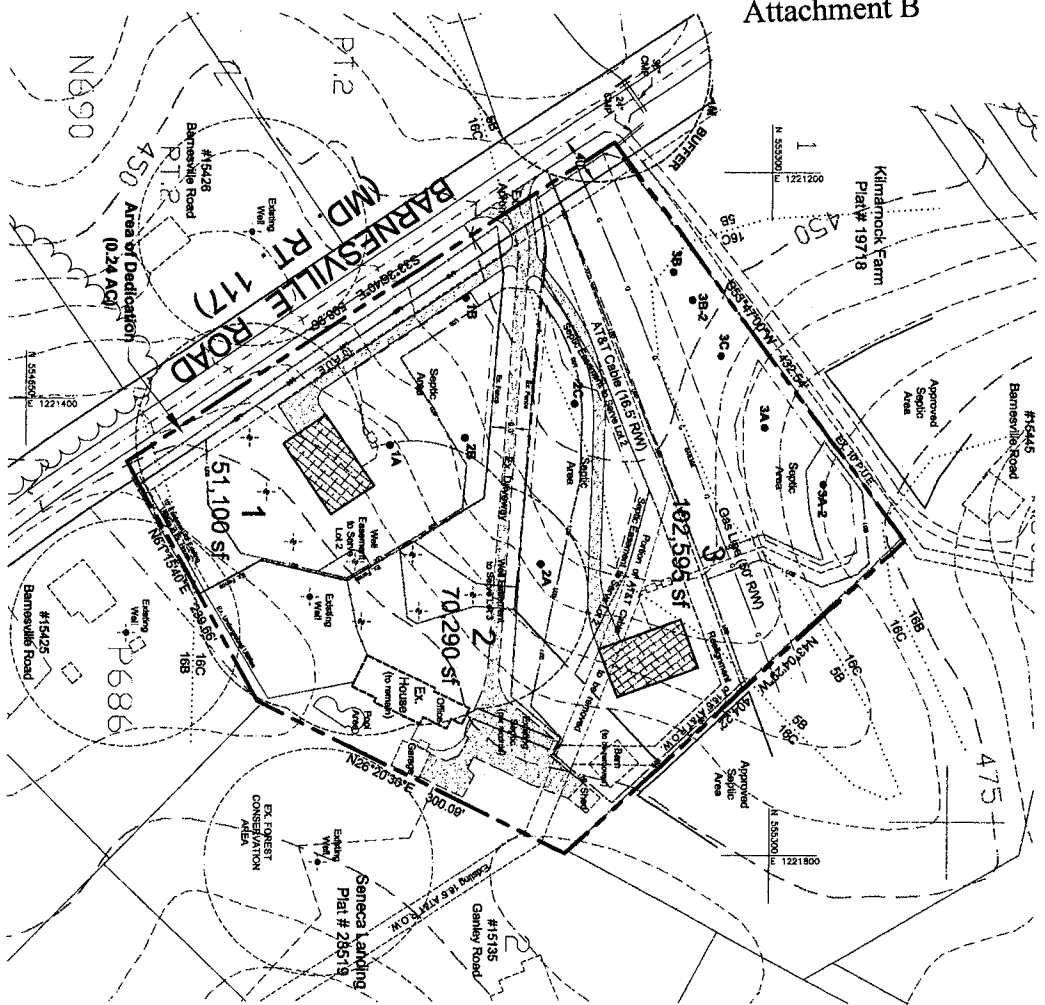
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes, is not recommended. - Copyright 1998



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700



SEWAGE DISPOSAL SYSTEM DESIGN DATA:

Lot	Area	Population	Septic Tank Size	Septic Tank Spacing	Septic Tank Depth	Septic Tank Spacing	Septic Tank Depth	Septic Tank Spacing	Septic Tank Depth	Septic Tank Spacing	Septic Tank Depth	Septic Tank Spacing	Septic Tank Depth	Septic Tank Spacing	Septic Tank Depth
1	51,100	16	2.5 x 1.25'	29'	18"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'
2	70,290	21	4.1 x 1.37'	29'	18"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'
3	102,596	31	4.1 x 1.37'	29'	18"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'	18"	11"	4.1 x 1.37'

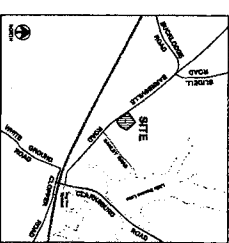
- LEGEND:**
- Proposed Well Sites
 - Proposed Horizontal
 - Proposed Driveway
 - Proposed Septic Area
 - Scale Types
 - Formal / Time Cover
 - Stream / Ditch
 - Limits of Disturbance

ZONING STANDARDS:

ZONE: R-200	Required	Provided
Lot Size	20,000 SF	20,000 SF+
Front Setback	40'	40' or more
Sidelyards	12' min, 25' total	12' or more
Rearyard	30'	30' or more
Building Height	50' Max.	50' or less
Lot Coverage	25% Max.	25% or less
Frontage	25'	25' or more
Lot Width @ Building Line	100'	100' or more

- NOTES:**
1. AREA OF PROPERTY - 4.58 ACRES
 2. EXISTING ZONING: R-200
 3. NUMBER OF LOTS SHOWN - 3
 4. SITE TO BE SERVED BY WELL & ON-SITE SEPTIC SYSTEMS
 5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
 6. LOCATED IN LITTLE BENEGA CREEK WATERSHED
 7. PROPERTY LOCATED ON TAX MAP DUS3; WSSSC GRID SHEET 228NW15

PREPARED FOR:
James C. & Karen D. Rhea
 10451 Barnesville Road
 P.O. Box 0221
 Boyds, MD 20841-0221
 301-972-8794



PRELIMINARY PLAN
RHEA PROPERTY
 Montgomery County, Maryland

B&A Benting & Associates, Inc.
 Lead Planning Consultants
 8555 Shady Grove Court
 Gaithersburg, MD 20877
 (301)948-0240

date: 1/7/2009
 scale: 1" = 50'



SHEET 1 OF 1



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

February 20, 2009

Ms. Catherine Conlon
Supervisor, Development Review Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Rhea Property
DRC File No. 120090220
MD 117 (Barnesville Road)

MAR 2009

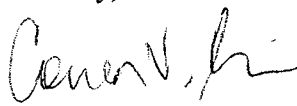
Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the plans for the Rhea Property development. We offer the following comments:

- A permit will be required from SHA's District 3 Utilities office to construct the proposed residential driveway. Please contact Mr. Augie Rebish, ADE-Utilities, at 301-513-7350.
- The existing access may need to be modified to meet current SHA standards. Please contact the District 3 Utilities office to determine what requirements they will have in conjunction with the permit.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595; toll free at (800) 876-4742, or via email at cgiles@sha.state.md.us.

Sincerely,


Steven D. Foster, Chief
Engineering Access Permits Division

SDF/cvg

Cc: Mr. Shahriar Etemadi / M-NCPPC
 Mr. Sam Farhadi / Montgomery County DOT
 James and Karen Rhea / P.O Box 0227 Boyds, Maryland 20841
 Mr. David W. McKee / Benning & Associates, Inc. 8933 Shady Grove Court, Gaithersburg, Maryland 20877
 Mr. Jeff Wentz *sent via e-mail*
 Ms. Kate Mazzara *sent via e-mail*
 Mr. Augustine Rebish *sent via e-mail*
 Mr. Mark Loeffler *sent via e-mail*

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 24, 2009

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan #1-20090220
Rhea Property

Dear Ms. Conlon:

We have completed our review of the above referenced preliminary plan dated December 31, 2008. This plan was reviewed by the Development Review Committee at its meeting on February 17, 2009. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. Provide dedication for future widening of Barnesville Road (MD 117) in accordance with Maryland State Highway Administration (MSHA) requirements.
3. Provide access and improvements to Barnesville Road (MD 117) in accordance with MSHA requirements.
4. The record plat is to include a reciprocal ingress, egress and public utilities easement to serve the lots accessed by the common driveway.
5. Wells and septic systems cannot be located within the right of way or within slope or drainage easements.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20090220
March 24, 2009
Page 2

6. Coordinate with Montgomery County Fire and Rescue Services regarding the requirements for emergency vehicle access.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Linda Duhamel at linda.duhamel@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Gregory M. Leck, Manager
Division of Traffic Engineering and Operations
Development Review Group

Cc: James and Karen Rhea, Applicant
Dave McKee, Benning and Associates
Corren V. Giles; MSHA EAPD
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TPD
Linda Duhamel, DOT DTEO
David Adams, DOT DTEO
Preliminary Plan Folder
Preliminary Plans Notebook



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 31, 2008

Carla Reid
Director

Mr. David McKee
Benning and Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Rhea Property
Preliminary Plan #:
SM File #: 234864
Tract Size/Zone: 5.38 acres
Total Concept Area: 5.38 acres
Lots/Block: NA
Parcel(s): 610
Watershed: Little Seneca Creek

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via rooftop disconnect and drywells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Prior to approval of the engineered plan, written documentation must be received from AT&T stating that all requirements have been met for relocating the AT&T right of way.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm

cc: C. Conlon
S. Federline
SM File # 234864

QN -less than 2cfs; Acres: 5.38
QL - onsite; Acres: 5.38
Recharge is provided

Writers Direct Number
703-227-3304

June 10, 2008

Benning & Associates, Inc.
8933 shady grove Court
Gaithersburg, MD 20877

Subject: Rhea Property

Columbia Gas Tran. Corp. Facilities involved Lines MC-30"

Dear Mr. Castonguay

In response to our conference call and further investigating our facilities, your proposed 2 ½" sewer crossing will have to go below the existing MC-30" line. If you have any test pit data on our pipeline at the proposed drain line crossing please provide the test data at Aredd@nisource.com. Please also consider adjusting the proposed house 20 feet or more away from the existing easement line, this is not required, but will help the new owner have more usable space with out easement restrictions. I am sending to our Engineering department a set of plans for their review.

Review of this project, subsequent onsite inspection and involvement of other Columbia personnel as required to provide appropriate construction over-sight while working in Columbia's right of way will be considered reimbursable to Columbia. Prepayment of a fee will be required based on the scope of construction activity anticipated in Columbia's right of way.

As plans are developed, please submit copies to Columbia Gas Transmission, ATN: Antonio Redd, 12801 FairLakes Pkwy, Fairfax, Va 22033 suite 1611.

Enclosed for your use and reference is a copy of Columbia's "Minimum Guidelines for Construction near Natural Gas Pipelines Facilities". Please be aware that these guidelines represent the minimum conditions required to conduct construction activities in close proximity to, or directly affecting, Columbia facilities. More restrictive measures may be necessary based on the particular parameters associated with each individual project and site specific conditions related to that project.

This letter shall not be considered as authorization to proceed with the contemplated project. Consent to proceed with construction in the vicinity of Columbia facilities will only be provided at a future date when these and any future stipulations deemed necessary have been met and you have received written consent of your plans from Columbia.

Sincerely,

Antonio C. Redd
Land Agent III



AT&T Corp. T: 301.865.3877
Gary Wigfield, Engineering Manager F: 281.664.3963
11026 Fingerboard Rd gwigfield@att.com
Monrovia, MD 21770

6/2/08

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877

Reference: Rhea Property

Dear Mr. Castonguay,

In response to your inquiry regarding your plans for development on the above referenced property, the following terms and conditions must be met before any work activity may be started on the portion of the property in which AT&T has existing rights by virtue of a Deed of Easement and/or Permit:

1. A check for \$6,000.00 including Federal Tax ID number made payable to AT&T Corp and sent to Mark Bryant at AT&T, 3001 Cobb Parkway NW, Room 162-017, Atlanta, GA 30339. This check covers the administrative expenses, Right of Way research, and development of a reimbursement agreement; AT&T's legal council to review documents, Engineer's cost to review your plans and field meetings.
2. A License Agreement between the Developer and AT&T Corp to identify any encroachments affecting the AT&T Easement and to provide for any adjustments required for the protection and maintenance of the existing AT&T facilities.
3. Notification to AT&T Outside Plant 72 hours prior to the commencement of any construction activity in the vicinity of the AT&T easement.

In the event that construction of our facilities will be involved, the AT&T Engineer will provide the estimated cost of work. The additional dollars for construction will need to be paid to AT&T prior to start of work. At the completion of construction, if the actual costs are less than estimated there will be a refund to the Developer. If the actual construction costs exceed the estimated cost, the Developer will be billed. A check made payable to AT&T Corp, should be received no later than 30 days upon receipt of final billing.

If you have any questions or need more information, please contact Gary Wigfield 301-865-3877.

Sincerely,

Gary Wigfield
AT&T Engineering Supervisor

cc: Mark Bryant, AT&T Right of Way Supervisor
Michael J. Ebner, Michael Baker Jr., Inc.