

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Item # 16

MCPB 6-8-06

(DEFERRED from 5-11-06 PB)

MEMORANDUM

Date: May 31, 2006

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Chief, Countywide Planning *GW SF*
Jorge Valladares P.E., Chief, Environmental Planning *JAV SF*

FROM: Stephen Federline, Supervisor, Environmental Planning *SF*

REVIEW TYPE: Revision to Approved Final Forest Conservation Plan

APPLYING FOR: Amendment to a Final Forest Conservation Plan (FFCP) – Proposal to add Offsite Gravity Sewer Line

PLAN NAME: Towns of Dogwood

PLAN NUMBER: 820050160

REVIEW BASIS: Forest Conservation Regulations, Section 113.A.(2), Regulation No. 1-01AM (COMCOR) 18-01AM

ZONE: RT-8

LOCATION: Located on the east side of Dogwood Lane north of Briggs Chaney Road in Silver Spring.

APPLICANT: Rupert O'Brien Homes

ENGINEER: Macris, Hendricks, and Glascock

HEARING DATE: June 8, 2006 (originally heard May 11, 2006)

REVIEW OF May 11, 2006 BOARD DISCUSSION

At the earlier Planning Board hearing on May 11, 2006, staff recommended approval with conditions of a proposed change to the final forest conservation plan to mitigate for 63,341 square feet (1.45 acre) of forest clearing for the purpose of installing a proposed 8” sanitary sewer outfall through an adjoining property owned by the SHA. The staff report for the May 11th hearing is provided as Attachment 1. Mitigation took two forms: 1) mitigation as required by the County Forest Conservation Law worksheet of 0.54 acres of reforestation, and 2) reforestation of all the area cleared of forest (0.65 acre) within an existing conservation easement on the SHA property. The total reforestation amounted to 1.19 acres of reforestation proposed.

At the public hearing, there was lengthy discussion among Planning Board members, staff, and the applicant. Some Board members thought the amount of compensation inadequate, particularly the compensation for forest cleared within the existing forest conservation easement. Questions were also raised as to whether the Planning Board could deny the proposed amendment to the forest conservation plan and the consequences of such a denial. The applicant agreed to a deferral to reconsider and re-examine the proposal.

UPDATE on Changes to the Sewer Alignment and Forest Conservation Plan

Since the Planning Board hearing, the applicant has examined and proposed a re-alignment for the gravity sewer line through the SHA property. In addition, staff has obtained additional information to help address issues raised at the May 11th hearing.

The applicant further examined engineering options to reduce the forest loss within the easement and stream valley buffer, and was able to move the sewer further upgrade to connect to an upstream manhole closer to the easement edge. The forest loss within the existing conservation easement was significantly reduced from ~700 linear feet and 0.65 acre forest loss in the original plan, to ~50 linear feet and 0.06 acre forest loss under the current plan. Encroachment into the environmental buffer outside the conservation easement was also reduced, with encroachment primarily within the first 360’ of sewer easement eastward leaving the Towns of Dogwood property.

The applicant will meet forest conservation requirements of 0.70 acre, and compensation in the amount of 0.69 acres, through a combination of on site forest retention, on site reforestation, and off-site reforestation. The applicant has agreed to replant trees along the sewer easement in addition to forest retention and forestation calculations, and will make a good faith effort to obtain consent from SHA to expand Forest Conservation Easement to include this area. Further, the plantings will increase in size from 1 – 1 1/2 inch caliper, to 2 – 2 1/2 inch trees, and the maintenance period increased from the standard 2 years to 4 years. A graphic showing the changes in the sewer alignment from the original proposal is attached, with the conservation easement and environmental buffer highlighted. The comparison of impacts associated with the original (4/20/06) and revised (5/26/06) sewer alignment is indicated in the table below.

Forest Conservation Table	Original FCP (4/20/06)	Revised FCP (5/30/06)	Change from Prior Plan
Existing Forest (On & Offsite/SHA) within outfall easement	4.71 ac	4.68 ac	~ same acreage of forest cleared
Forest Removed " " "	3.31 ac	3.28 ac	
Forest Removed w/in Existing FC Easement	0.65 ac	0.06 ac	0.59 ac less forest cleared in easement
Forest Removed w/in SHA Environmental Buffer	0.60 ac	0.28 ac	0.32 ac less forest cleared in env. Buffer
Total Forest Saved	1.40 ac	1.40 ac	
Planting Required per FC Law (Chapter 22A) Add. Compensatory Planting Req. for Forest Loss w/in Conservation Easement	0.54 ac	0.70 ac	Regulatory Compensatory
Add. Compensatory Planting Req. for Forest Loss w/in SHA Environmental Buffer	0.65 ac (1:1)	0.12 ac (2:1)	Compensatory
	0.00 ac	0.57 ac (2:1)	
Total Reforestation Planting Required	1.19 ac	1.39 ac	Total: 0.20 acres add'l forest planting
Planting Onsite (T of Dog) within FC Easement.	0.06 ac	0.06 ac	
* Planting Offsite (SHA) within Sewer Easement	1.02 ac	1.00 ac	
Offsite Mitigation Banking Provided	0.11 ac	1.39 ac	
Caliper Trees Provided	1 - 1 1/2"	2 - 2 1/2"	
Length of Maintenance Period	2 years	4 years	

*Good faith effort to be made to obtain consent from SHA to place area w/in area of forest clearing for sewer within forest conservation easement.

Conservation Easement and Environmental Buffers on SHA Property

The SHA property adjoins and is north of the approved right-of-way for the Intercounty Connector (ICC), covers 28.2 acres, and is completely forested. Its southern and eastern portions contain streams, wetlands, floodplain, and associated environmental buffers associated with the Little Paint Branch watershed. Until at least 2002, the land was part of a larger property that was proposed for subdivision development as part of the Cross Creek golf course community. The SHA property contains a conservation easement that was created by the developer for Cross Creek before it was sold to SHA. The conservation easement is recorded in the land records. However, its shape did not follow any logical environmental or forest boundary, nor does it appear that the SHA property (Phase III of the Cross Creek preliminary plan) was subject to the conditions of Cross Creek Preliminary Plan #1-98048 (which only approved Phases I and II, and required a conservation easement). Thus, the conservation easement does not appear to be a result of a regulatory requirement. No record plat has been recorded for the property.

Although the conservation easement agreement identifies M-NCPPC as the grantee, there is no indication that the agreement was reviewed or approved by this agency. This applicant is making an effort to identify the requirement for establishment of the easement. Normally such an easement should encompass the entirety of streams, wetlands, floodplains, and their

environmental buffers on a site, yet this conservation easement only partially covers these environmental features.

Alternative to Avoid Forest Clearing on SHA Property

An alternative to the gravity sewer through the SHA property does exist to serve Towns of Dogwood. WSSC review has found it to be technically feasible to serve Towns of Dogwood via a pressure sewer system, instead of constructing a gravity sewer line through forested land, including forested environmental buffer areas on SHA property. However, it is WSSC's policy not to allow pressure sewer systems for new subdivisions if a gravity sewer alternative is possible without unacceptable levels of environmental impact.

Staff is pursuing discussions with WSSC and Montgomery County Department of Environmental Protection (DEP) to determine if WSSC will allow a pressure system so that forest clearing in environmental buffers on SHA property can be completely avoided. Environmental staff believes that the pressure sewer alternative has considerable merit since it would avoid disturbance of forested environmental buffers. Further, it would obviate the need for amendment to the forest conservation plan for Towns of Dogwood. While more than this property can and would likely be served by this gravity sewer, the other properties have not yet been approved for development, nor evaluated for other sewer options to further minimize impacts.

At this point, this builder has moved forward with due diligence for about a year to secure all approvals, and to hold the project up for an indeterminate period to resolve differing policies and objectives between agencies is not acceptable. Therefore, staff will report the outcomes of its discussions with DEP and WSSC to the Board at the June 8th hearing on this issue, but will not hold up the release of building permits if an appeal to WSSC's policy requiring gravity sewer for this property, and county law requiring protection of priority forest and sensitive areas cannot be reconciled by the time of building permit application.

Unless WSSC reverses its stated position requiring gravity sewer, some encroachment into the environmental buffer for sewer construction would be necessary in the area just east of the Towns of Dogwood property, and would be considered to be necessary and unavoidable.

Consequences of Board Denial

If the Planning Board denies this Amendment to the Approved Final Forest Conservation Plan, the applicant cannot move forward to secure a sediment control permit, or clear offsite forest. The development could only proceed in a manner consistent with the current approved Final FCP, which shows onsite pressure sewer.

RECOMMENDATIONS

Staff recommends approval of the amendment to the Towns of Dogwood Final Forest Conservation Plan 820050160, per the revised plan dated May 30, 2006, subject to the following conditions, all of which must be satisfied prior to M-NCPPC release of the building permits:

1. Final forest conservation plan to show reforestation necessary to satisfy requirements of the forest conservation law (Chapter 22A), plus additional reforestation to compensate at a rate of 2:1 for the clearing of forest in environmental buffer and Conservation Easement.
2. Applicant to provide written evidence of a bona fide offer to SHA, as owner of the property containing the offsite sewer easement, to accept reforestation along the sewer easement and permanent protection in the form of a Category I forest conservation easement.
3. For reforestation requirements that cannot be met onsite, the applicant shall identify and secure an offsite location to meet reforestation requirements, in accord with priorities established in Section 108E of the Forest Conservation Regulations.
4. In descending order of preference, examine locational priorities and provide appropriate commitment(s) to meeting reforestation requirements as follows¹:
 - a) within the area cleared for sewer installation on the SHA property;
 - b) provide protection of forest on the SHA property, with the owner's consent to meet the Towns of Dogwood and all forest conservation law requirements for ultimate use of the SHA property;
 - c) forest enhancement/offsite reforestation in the same watershed, or in a Special Protection Area;
 - d) forest enhancements/offsite reforestation in another watershed; or use of a forest bank, if available.

¹ Any area shown for reforestation on SHA property cannot be counted as credit toward required reforestation without agreement to a permanent protection mechanism such as a forest conservation easement.

5. Applicant shall submit for staff review and approval a reforestation planting plan for the offsite location, or protection of existing forest (at a ratio of 2 acres of forest for each acre of reforestation credit) with appropriate notes, easements and bonding, or use of an approved forest conservation mitigation bank, if available.

6. Applicant to enter into an agreement with M-NCPPC to maintain and manage the planted areas for a minimum of four years, or until the M-NCPPC Forest Conservation Inspector approves full release of the performance bond.

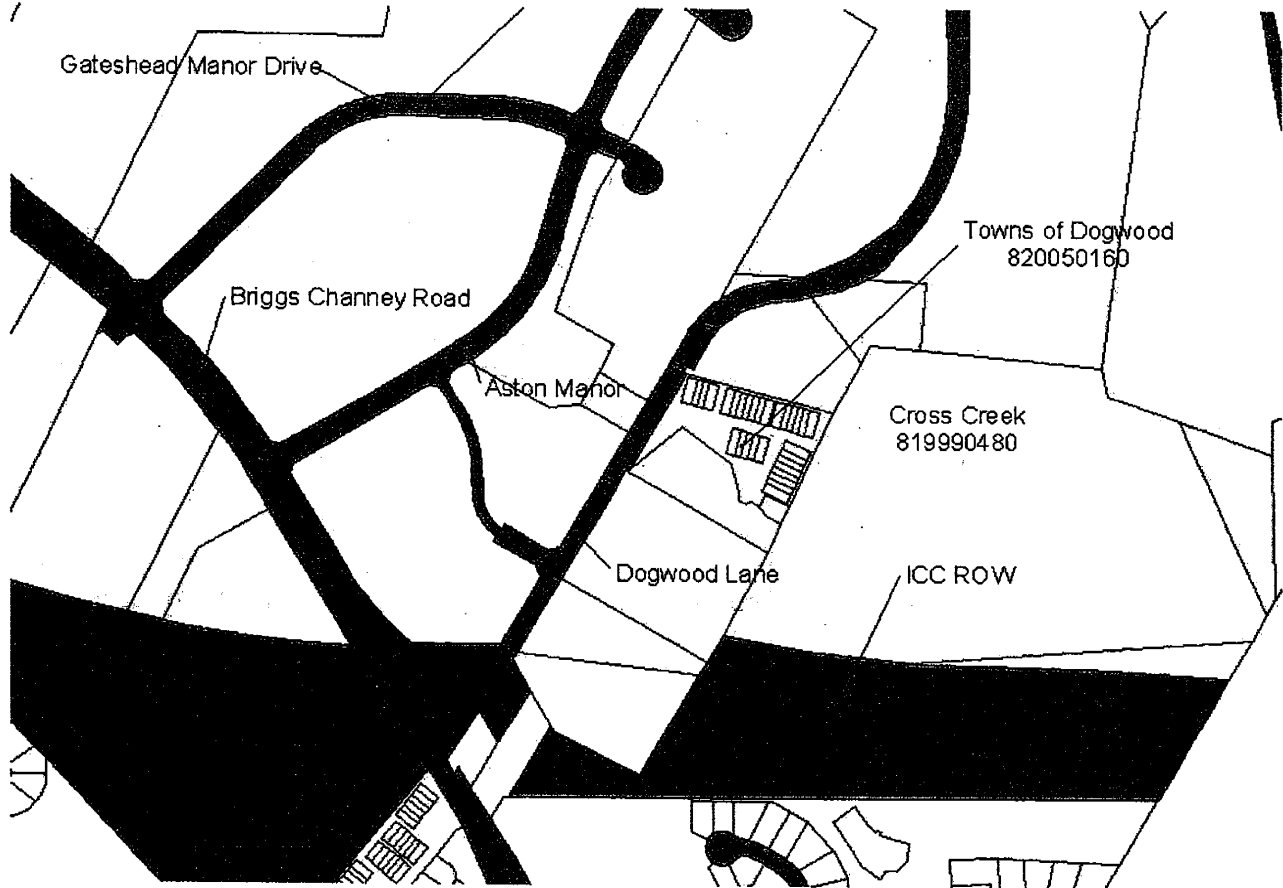
SDF:sdf:h:towns of dogwood finalfcp.doc

2. Applicant shall submit a reforestation planting plan and offsite location for staff review and approval, or protection of existing forest, with appropriate notes, easements and bonding, or the applicant may submit a certificate of compliance to use an approved forest conservation mitigation bank.
3. Applicant shall enter into an agreement with M-NCPPC to maintain and manage the planted areas for a minimum of two years, or until the M-NCPPC Forest Conservation Inspector approves full release of the performance bond.
4. Applicant shall facilitate, and provide staff with confirmation of, the recordation of an amendment to that Category I Conservation Easement Agreement, dated June 2, 2002, which granted an easement to M-NCPPC over a portion of the adjoining property that will be impacted by the proposed off-site sewer alignment. Such amendment shall expressly permit the installation of the proposed sewer alignment and planting as depicted on and/or required by the subject forest conservation plan amendment.

SITE DESCRIPTION

The site is located on the east side of Dogwood Lane north of Briggs Chaney Road in Silver Spring. The Planning Board approved Site Plan 820050160 "Towns of Dogwood", with conditions, on May 20, 2005. A minor amendment to the site plan was approved by the Planning Director on March 9, 2006, principally to reflect the applicant's decision to leave in place (rather than relocate) an existing CIP sized water line. This site plan covers 5.0 acres and includes 28 lots. The changes to the approved forest conservation plan are substantially offsite, for a sanitary sewer outfall across the adjoining property owned by SHA.

Vicinity Map



PROPOSED FOREST CONSERVATION PLAN CHANGES

This is an application to amend Final FCP 820050160 “Towns of Dogwood” to allow offsite construction of a gravity sanitary sewer line, and to require appropriate additional compensation for clearing within an existing category one forest conservation easement on the adjoining Cross Creek property. The applicant making the request is the Rupert O’Brien Group, LLC, who purchased the property after approval of the site plan. The applicant proposes to remove an additional 63,341 square feet (or 1.45 acre) of forest, of which 0.65 acres are in an existing Forest Conservation Easement on the adjoining Cross Creek property (approved site plan/final forest conservation plan #8-99048). The applicant proposes to meet the forest conservation ordinance requirements for the forest loss by providing offsite reforestation planting in the amount of 1.19 acres. The amount of additional forest planting was determined in the following manner: 1) the amount needed to meet the standard forest conservation requirements in accord with the revised Forest Conservation worksheet (0.54 acres), and 2) an additional amount as mitigation (0.65 acres) to replace -the area cleared_ within the existing forest conservation easement on the Cross Creek property.

BACKGROUND

The Montgomery County Planning Board approved site plan 820050160 “Towns of Dogwood”, on May 20, 2005. Environmental Planning staff approved the final Forest Conservation Plan

(FFCP) in May 2005. Conditions of that approval created category I forest conservation easements covering 1.47 of existing high priority forest within the environmental buffer.

In addition to the major changes associated with the sewer outfall, Montgomery County DPS made some additional changes to the final Storm Water Management plan for the property in November 2005. These changes required an additional 4,100 square feet of forest clearing within the Towns of Dogwood site for changes to the SWM outfalls and stream restoration work. The applicant then submitted a revised FFCP to be reviewed by staff. Upon review of the revised FFCP and after the Planning Board' site plan review, staff learned that WSSC rejected the proposal for a pressure sewer system, (shown on all plans which appeared before the Planning Board). This decision then requires a lengthy gravity sewer system extension of ~ 1600 linear feet off-site across the Cross Creek property. The State Highway Administration (SHA) currently owns the Cross Creek property.

The off-site sewer alignment will directly affect forested wetlands, environmental buffers, and contiguous high priority forest currently protected by an existing Category I Forest Conservation easement. The additional amount of forest disturbance is 1.36 acres of forest off-site, of which 0.65 acres is within an existing forest conservation easement.

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations requires Planning Board action of certain types of modifications to an approved FCP. Section 113.A.(2) of the Forest Conservation Regulation states:

Major amendments, which entail more than a total of 5000 square feet of additional forest clearing, must be approved by the Planning Board or Planning Director (depending on who approved the original plan). Notice of each major plan amendment must be given to adjacent property owners as part of the Planning Board or Planning Directory approval processes.

This amendment proposes the removal of a 63,341 square feet (1.45-acres) of forest both in and adjacent to a category I conservation easement, and therefore constitutes a major amendment requiring Planning Board approval.

REVIEW ISSUES

Applicant's Position

WSSC is requiring the applicant to use a gravity sewer system to service the property, and DPS is requiring changes to the Stormwater Management (SWM) plan. The proposed amendment to

Final FCP 820050160 "Towns of Dogwood" is to comply with requirements from the Washington Suburban Sanitary Commission (WSSC) and Montgomery County Department of Permitting Services (DPS).

Community Issues

All adjoining and confronting property were notified of the proposed amendment during the fourth week of January 2006. No comments have been received.

WSSC Position

In a letter dated January 19th, 2006 (attached) WSSC states "*To be clear, only gravity service was authorized by WSSC to serve the property. WSSC is not supportive of a grinder pump pressure system to this particular development*".

Staff Analysis/Position

Staff supports the request to amend the final forest conservation plan 82005016 "Towns of Dogwood" as shown on the plan dated April 20, 2006. After many efforts to minimize impacts. Staff concurs with the applicant's position that additional forest clearing, environmental buffer encroachment, and wetland encroachment is unavoidable and necessary to meet requirements from the WSSC and DPS.

The WSSC requirement for the use of a gravity sewer system, rather than the pressure sewer shown on the approved site plan signature set dated May 20, 2005, will increase the forest clearing for the project by 59,241 square feet (1.36 acres). This includes clearing of 1.26 acres of forested Environmental Buffers and 0.01 acres of forested wetlands.

While WSSC had referenced their policy regarding the priority for gravity sewer at the DRC meeting on Towns of Dogwood, it was not formally confirmed as the authorized alternative until after the Planning Board hearing. Environmental Planning Staff has informed WSSC's DRC representatives that firm decisions on matters of significant consequence (such as this case) must be made in writing prior to the final action by the Planning Board, so that subsequent revisions can be avoided, and the full implications of development are clearly known at the time of Planning Board consideration.

In this immediate case, a secondary factor not related to the instant application but pertinent to preventing subsequent environmental/forest impacts, was also considered by staff. The applicant's engineer has stated that the gravity sewer extension will also be necessary to serve the adjoining undeveloped piece of land to the southwest known as the Kushner Property, and is designed to service both properties. Staff understands from the applicant's engineers that pressure sewer cannot technically serve the adjoining property, although there is neither WSSC concurrence nor active development application to confirm this.

DPS requirements to adjust two SWM outfalls and a stream restoration component increase priority forest clearing on-site by 4,100 Square feet (0.094 acres). The loss of part of this forest is offset by the improvement, which will result in sustainable stabilization to an existing actively

eroding stream channel. However, the length of the proposed SWM outfall pipe is still under review by Maryland Department of the Environment (MDE) and may be further reduced based upon their final permit review.

This final forest conservation plan amendment will increase the amount of total forest clearing from 1.83 acres to 3.18 acres, almost double the originally approved plan. Additionally, the amount of forest cleared in environmental buffers has increased from 0.54 acres to 1.92 acres, more three times the amount on the originally approved plan.

STAFF FINDING

Staff finds that the forest removal and the disturbance to off-site wetlands has been minimized and is necessary to comply with WSSC's requirement of a gravity service for the site and, to a lesser extent, DPS' changes to the SWM plan.

ATTACHMENTS

Attachment A – Towns of Dogwood Final Forest Conservation Plan

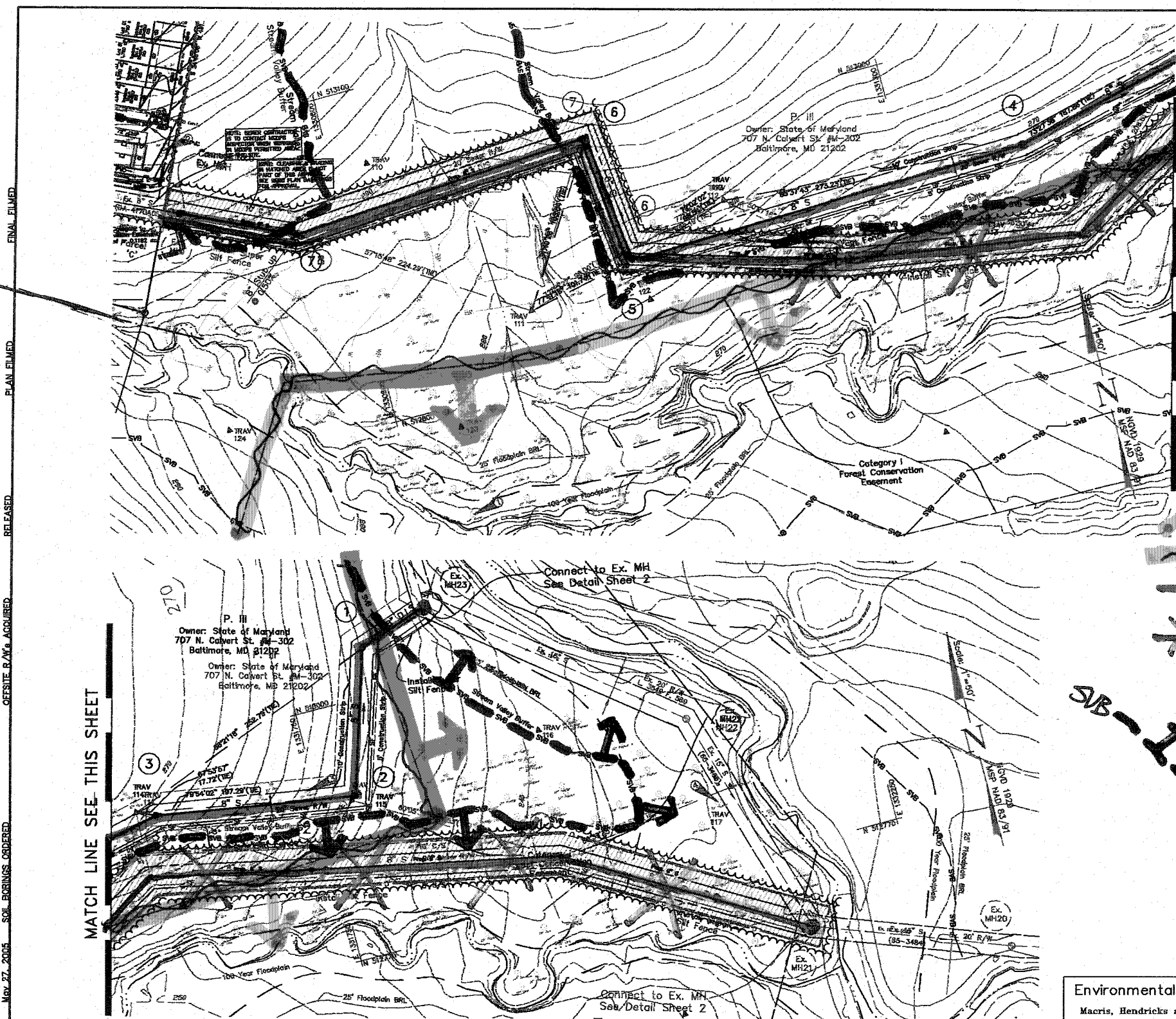
Attachment B – Attorney General Letter, access for sewer line on Cross Creek Club property
Owned by the State Highway Administration (SHA)

Attachment C – WSSC Letter, Stating the need for Gravity Sewer

Attachment D – MHG Letter, justification and minimization of sewer alignment.

Attachment A:

Towns of Dogwood Site Plan



MATCH LINE SEE THIS SHEET

MATCH LINE SEE THIS SHEET

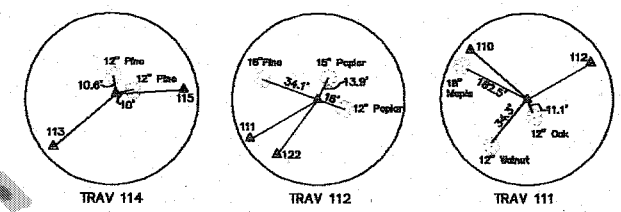
W-1 S-1
H.H.G. = 540 L.H.G. = 435

FOR LOCATION OF UTILITIES CALL 1-800-257-7777 or LOG ON TO <http://www.misutility.net/itca/>, 48 hours in advance of any work in this vicinity.

PLAN
SCALE: 1" = 50'

- GENERAL NOTES**
- All 8" sewer to be P.V.C., unless otherwise noted. All Ductile Iron sewer pipe shall have special interior lining. See Specifications.
 - Field Review by _____, Date _____.
 - Design by Betty Yanchulis, December, 2005.
 - For sediment control devices to be installed by the contractor, see drawing SC-1.
 - All Ductile Iron mains to be polyethylene encased in accordance with AWWA C105, Method A.

- SEP NOTES**
- Notify the WSSC Contract Manager @ 301-208-7339 and Sediment Control Specialist @ 301-208-8077, a minimum of 72 hours in advance, to coordinate a preconstruction meeting prior to commencement of the work. The utility sediment control permit will be issued to the Applicant or his/her Contractor @ this meeting.
 - All work performed under this contract shall be done in accordance with the latest approved drawings and specifications as defined in the SEP.
 - All work to be performed by the Applicant's Contractor under the supervision and inspection of the Systems Inspection Group at no cost to the WSSC.
 - The applicant is to provide the System Inspection Field Office 48 hours notice in the form of a written request if the contractor will be utilizing overtime hours. Overtime inspection will be billed at the prevailing WSSC hourly overtime rate.
 - Applicant will provide all materials and material certifications for this contract in accordance with the approved drawings and specifications.
 - The applicant will be required to provide all controls and stakeout associated with this construction.
 - Provide System Inspection Field Office 2 weeks notice prior to base and final paving for inspection of structures and appurtenances.



Existing Conservation Easement
New Sewer Alignment (5/30/06)
* Sewer per 5/11/06 PB

RESTORATION SCHEDULE		
LOCATION	GRADING TYPE	REST. TYPE
Ex MH 1 + 95' to MH 8 + 102'	III	See Wetlands Notes
All Other Areas	II	"E"

SUB - I - SUB
Environmental / Stream Buffer

BENCH MARKS		
NO.	DESCRIPTION	ELEV.
1	RR Spike in 24" Maple	274.97
2	RR Spike in 24" Oak	304.17
3	RR Spike in 18" Popular	259.84
4	RR Spike in 30" Popular	237.56

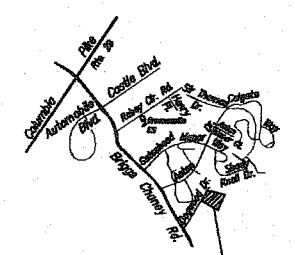
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APPLICANT
Towns of Dogwood, LLC
c/o Ruppert, O'Brien Group
4388 Lottsford Vista Road
Lanham, MD 20706
Phone: 301-577-3887
Contact: Sean Ruppert

INSPECTION ONLY (SEP)

Anacostia Drainage Basin (MINI BASIN No. 02-039)

COLESVILLE ELECTION DISTRICT NO. 5
OUTFALL SEWER across SHA Property
RIGHT OF WAY - STATE OF MARYLAND PROPERTY
TOWNS OF DOGWOOD PART 2



CONTRACT DA 4170 B 05

VICINITY MAP
SCALE: 1" = 2000'

Mont. CO. MAP PAGE 32 GRID D&E 8

DATE	REVISIONS

PERMIT REQUIREMENTS
UTIL. SED. CONTROL * IS REQ'D.
WATERWAY/NONTIDAL WETLAND * IS REQ'D.

* By Developer
TOWN NOTIFICATION

AS BUILT DATA

CONTRACT MANAGER	
CONTRACTOR	
INSPECTOR	
L & G	
DATE STARTED	
DATE COMPLETED	
TYPE PIPE W.	S.
TYPE MANHOLES	
DATE FINALED	
FINALED BY	
DRAWING INDEX	
Drawing No.	Description
1 thru 2	Plans/Profiles/Details
S.C.1	Sediment Control Details

ENGINEERING & CONSTRUCTION TEAM

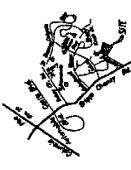
DATE		REGIONAL COORDINATOR	
DEVELOPMENT SERVICES GROUP			
DATE		DEVELOPMENT PROJECT MANAGER	
DR.	CK.	ADEQUATE SURVEY	
WATER	SEWER	ON PROP./R/W REQ'D	NO
05 DA JOB NO. 05 DA	4170B	OFF PROP./R/W REQ'D	YES
4170B	4170B	OTHER UTILITIES	

CONTRACT DA 4170 B 05
50'S Y
200'S 217 & 218 NE 04 NO. 1
of 2
05-246

WASHINGTON SUBURBAN SANITARY COMMISSION

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Highgate Road, Suite 120
Montgomery Village, Maryland 20886-1279
Phone: 301-673-0440
Fax: 301-618-0833
www.mhga.com

Towns of Dogwood



VICINITY MAP
SCALE 1" = 2,000'

LEGEND

	BOUNDARY LINE (As Shown or As Proposed)
	EASEMENT LINE
	PROPOSED FOREST PLAN AREA
	PROPOSED FOREST PLAN AREA WITH CATEGORY 1 FOREST
	PROPOSED FOREST PLAN AREA WITH CATEGORY 2 FOREST
	PROPOSED FOREST PLAN AREA WITH CATEGORY 3 FOREST
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	PROPOSED FOREST PLAN AREA WITH CATEGORY 18 FOREST
	PROPOSED FOREST PLAN AREA WITH CATEGORY 19 FOREST
	PROPOSED FOREST PLAN AREA WITH CATEGORY 20 FOREST

NOTES:

1. UNDESIRABLE TREES, THOSE 6-8" CALIBER PERCHENT OAK TREES WILL BE PLANTED AS MITIGATION FOR THE REMOVAL OF THESE TREES. THESE TREES ARE INCLUDED AS PART OF THE TOTAL TRACT AREA.
2. TOTAL TRACT AREA INCLUDES 1.36 ACRES OF OFFSITE FOREST.
3. TOTAL FOREST TO BE REMOVED INCLUDES 0.85 ACRES WITHIN A CATEGORY 1 FOREST CONSERVATION EASEMENT TO BE PLANTED AND PLACED IN A CATEGORY 1 FOREST CONSERVATION EASEMENT. 0.48 ACRES TO BE PLANTED AND PLACED IN A CATEGORY 1 FOREST CONSERVATION EASEMENT. 0.37 ACRES TO BE PLANTED AND PLACED IN A CATEGORY 1 FOREST CONSERVATION EASEMENT. 0.37 ACRES TO BE PLANTED AND PLACED IN A CATEGORY 1 FOREST CONSERVATION EASEMENT.
4. 0.11 ACRES OF REFORESTATION TO BE MET VIA OFFSITE MITIGATION EASEMENT.

FOREST CONSERVATION EASEMENT

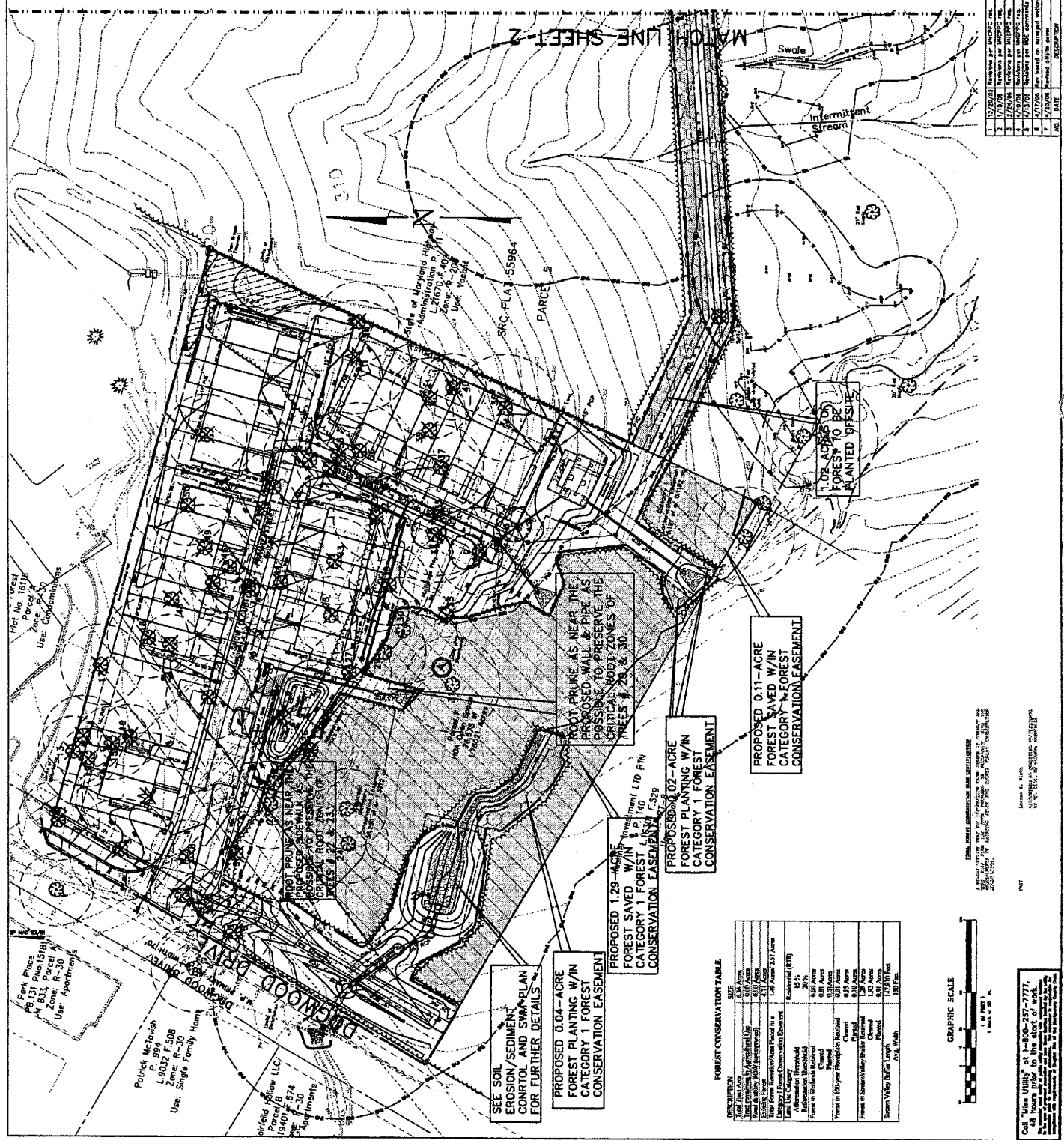
DESCRIPTION	ACRES	PERCENT	PLANTING	REMOVAL	NET
Category 1 Forest	0.85	100%	0	0	0.85
Category 2 Forest	0.48	100%	0	0	0.48
Category 3 Forest	0.37	100%	0	0	0.37
Category 4 Forest	0.37	100%	0	0	0.37
Category 5 Forest	0.37	100%	0	0	0.37
Category 6 Forest	0.37	100%	0	0	0.37
Category 7 Forest	0.37	100%	0	0	0.37
Category 8 Forest	0.37	100%	0	0	0.37
Category 9 Forest	0.37	100%	0	0	0.37
Category 10 Forest	0.37	100%	0	0	0.37
Category 11 Forest	0.37	100%	0	0	0.37
Category 12 Forest	0.37	100%	0	0	0.37
Category 13 Forest	0.37	100%	0	0	0.37
Category 14 Forest	0.37	100%	0	0	0.37
Category 15 Forest	0.37	100%	0	0	0.37
Category 16 Forest	0.37	100%	0	0	0.37
Category 17 Forest	0.37	100%	0	0	0.37
Category 18 Forest	0.37	100%	0	0	0.37
Category 19 Forest	0.37	100%	0	0	0.37
Category 20 Forest	0.37	100%	0	0	0.37

OWNER / APPLICANT:
Towns of Dogwood, LLC
c/o Ruppert O'Brien Group
4200 Westwood Blvd
Lanham, MD 20746
PHONE: 301-977-3887
CONTACT: Sean Ruppert

FINAL FOREST CONSERVATION PLAN
TOWNS OF DOGWOOD
PARCELS 25 & 79
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND



NO.	DATE	DESCRIPTION
1	12/29/20	Revisions per MHG/DEP file
2	1/27/21	Revisions per MHG/DEP file
3	2/24/21	Revisions per MHG/DEP file
4	4/16/21	Revisions per MHG/DEP file
5	4/17/21	Revisions per DEE comments
6	4/17/21	Revisions per MHG/DEP file
7	4/17/21	Revisions per MHG/DEP file
8	4/17/21	Revisions per MHG/DEP file
9	4/17/21	Revisions per MHG/DEP file
10	4/17/21	Revisions per MHG/DEP file
11	4/17/21	Revisions per MHG/DEP file
12	4/17/21	Revisions per MHG/DEP file
13	4/17/21	Revisions per MHG/DEP file
14	4/17/21	Revisions per MHG/DEP file
15	4/17/21	Revisions per MHG/DEP file
16	4/17/21	Revisions per MHG/DEP file
17	4/17/21	Revisions per MHG/DEP file
18	4/17/21	Revisions per MHG/DEP file
19	4/17/21	Revisions per MHG/DEP file
20	4/17/21	Revisions per MHG/DEP file

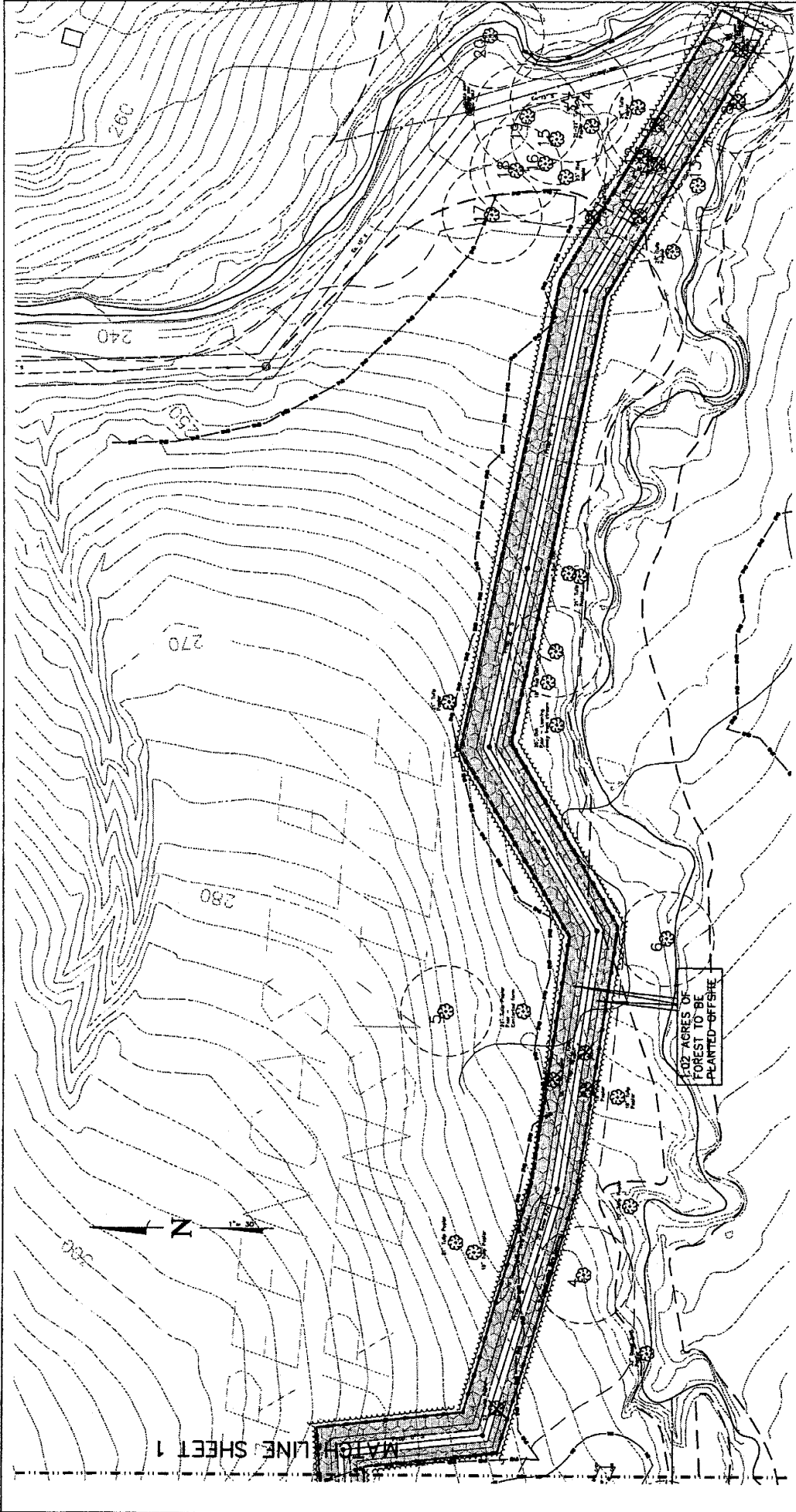


FOREST CONSERVATION TABLE

DESCRIPTION	SIZE
Total Forest Area	6.08 Acres
Category 1 Forest	0.85 Acres
Category 2 Forest	0.48 Acres
Category 3 Forest	0.37 Acres
Category 4 Forest	0.37 Acres
Category 5 Forest	0.37 Acres
Category 6 Forest	0.37 Acres
Category 7 Forest	0.37 Acres
Category 8 Forest	0.37 Acres
Category 9 Forest	0.37 Acres
Category 10 Forest	0.37 Acres
Category 11 Forest	0.37 Acres
Category 12 Forest	0.37 Acres
Category 13 Forest	0.37 Acres
Category 14 Forest	0.37 Acres
Category 15 Forest	0.37 Acres
Category 16 Forest	0.37 Acres
Category 17 Forest	0.37 Acres
Category 18 Forest	0.37 Acres
Category 19 Forest	0.37 Acres
Category 20 Forest	0.37 Acres



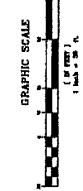
Call "Town Utility" at 301-977-3777, 48 hours a day, for information on the location of utility lines. The utility lines shown on this plan are for informational purposes only. The utility lines shown on this plan are not to be used for any other purpose. The utility lines shown on this plan are not to be used for any other purpose.



MATCH LINE SHEET 1

FINAL FOREST CONSERVATION PLAN APPROVED
 BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF DOGWOOD, P.A.
 ON 11/17/08

DATE: 11/17/08
 BY: [Signature]



100' MAP OF 25 & 79
 100' MAP OF 25 & 79

FINAL FOREST CONSERVATION PLAN

TOWNS OF DOGWOOD
 PARCELS 25 & 79
 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Meeds, Handrick & Glasscock, P.A.
 Landscape Architects & Surveyors
 11/17/08
 11/17/08

MHG
 11/17/08
 11/17/08

NO.	DATE	DESCRIPTION	BY
1	11/17/08	PREPARED FOR APPROVAL	LEP
2	11/17/08	REVISIONS PER COMMENTS	LEP
3	11/17/08	REVISIONS PER COMMENTS	LEP
4	11/17/08	REVISIONS PER COMMENTS	LEP
5	11/17/08	REVISIONS PER COMMENTS	LEP
6	11/17/08	REVISIONS PER COMMENTS	LEP
7	11/17/08	REVISIONS PER COMMENTS	LEP
8	11/17/08	REVISIONS PER COMMENTS	LEP
9	11/17/08	REVISIONS PER COMMENTS	LEP
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14	11/17/08	REVISIONS PER COMMENTS	LEP
15	11/17/08	REVISIONS PER COMMENTS	LEP
16	11/17/08	REVISIONS PER COMMENTS	LEP
17	11/17/08	REVISIONS PER COMMENTS	LEP
18	11/17/08	REVISIONS PER COMMENTS	LEP
19	11/17/08	REVISIONS PER COMMENTS	LEP
20	11/17/08	REVISIONS PER COMMENTS	LEP

Attachment B:

J. JOSEPH CURRAN, JR.
Attorney General

DONNA HILL STATON
MAUREEN M. DOVE
Deputy Attorneys General

DENISE FERGUSON
Assistant Attorney General
Counsel to the Department of Transportation

OFFICE OF



THE ATTORNEY GENERAL
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202
(410) 545-0040
Fax (410) 209-5007

March 6, 2006

EDWARD S. HARRIS
Assistant Attorney General
Counsel to the State Highway Administration

JANET BUSH HANDY
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JASON D. COUCH
CAROLYN M. FRANK
LAURIE R. HANIG
MICHAEL P. KENNEY
SCOT D. MORRELL
BRYAN L. PERRY
LIBBY C. RAPPAPORT
KEVIN REYNOLDS
Assistant Attorneys General

Mr. Sean Ruppert
Ruppert O'Brien Group, LLC
Towns of Dogwood, LLC
4388 Lottsford Vista Road
Lanham, MD 20706

Mr. Victor Kazanjian
Kaz Brothers, LC
2139 Blue Knob Terrace
Silver Spring, MD 20906

Dear Mr. Ruppert & Mr. Kazanjian,

As discussed on February 15, 2006, State Highway Administration agrees to allow Towns of Dogwoods, LLC to construct a sewer line on the SHA owned property adjacent to your town home communities. SHA will allow this work to be performed on the state owned land by way of permit. This sewer will provide service for both the Towns of Dogwood and the Kushner property. This sewer line will also be sized sufficiently to service that property owned by SHA adjacent to these two properties. In the event that this adjacent SHA property is to be hooked to the line that you shall construct, the property owner shall not be required to reimburse you for any of the costs involved in the construction of this sewer line.

The parties recognize that SHA's property is subject to a pre-existing easement and that you shall be responsible for all mitigation that may be required as a result of the construction of the sewer line.

At this time, your engineers are completing the work needed to identify the legal descriptions of the location of the sewer line construction and the area for a public access easement through the Kushner property sufficient for the construction of public road access to SHA's adjacent property.

Upon receipt of these legal descriptions, SHA will be able to complete the paper work needed for the permit to you and to WSSC for the construction of the sewer line.

Sincerely,


Janet Bush Handy

J. JOSEPH CURRAN, JR.
Attorney General

DONNA HILL STATON
MAUREEN M. DOVE
Deputy Attorneys General

DENISE FERGUSON
Assistant Attorney General
Counsel to the Department of Transportation

OFFICE OF



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State Highway Administration
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Baltimore, MD 21202
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Fax (410) 209-5007

May 22, 2006

EDWARD S. HARRIS
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As originally discussed on February 15, 2006, State Highway Administration agrees to allow Towns of Dogwoods, LLC to construct a sewer line on the state owned property adjacent to your townhome communities. SHA will allow this work to be performed on the state owned land by way of permit. This sewer will provide service for both the Towns of Dogwood and the Kushner property. This sewer line will be sized sufficiently to service that property owned by SHA adjacent to these two properties. In the event that this adjacent SHA property is to be hooked to the line that you shall construct, the property owner shall not be required to reimburse you for any of the costs involved in the construction of this sewer line.

The parties recognize that SHA's property is subject to a pre-existing easement and that you shall be responsible for all mitigation that may be required as a result of the construction of the sewer line.

SHA has reviewed the attached legal description of the sewer line that was provided by your engineers at Macris, Hendricks & Glascock, P.A. and that location is acceptable to SHA.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Bush Handy".

Janet Bush Handy

cc: Joseph Miklochik, ORE

Attachment C:



WASHINGTON SUBURBAN SANITARY COMMISSION

COMMISSIONERS
Marc P. Lieber, Chairman
Prem P. Agarwal, Vice Chairman
Sandra A. Allen
Stanley J. Botts
Dr. Juanita D. Miller
Joyce Starks

GENERAL MANAGER
Andrew D. Brubhart

DEPUTY GENERAL MANAGER
Carla Reid Joyner

14501 Sweitzer Lane • Laurel, Maryland 20707-5902

January 19, 2006

Mr. Robert R. Harris
Holland and Knight
3 Bethesda Metro Center, Suite 800
Bethesda, MD 20814

Re: WSSC Project DA4170Z05
Towns of Dogwood – Sewer Extension

Dear Mr. Harris:

Thank you for your January 10, 2006 letter updating the progress of Ruppert O'Brien Homes in obtaining a right of way for the authorized gravity extension to serve the Towns of Dogwood. To be clear, only gravity service was authorized by WSSC to serve the property. WSSC is not supportive of a grinder pump pressure system to this particular development.

We have worked with the Maryland-National Capital Park & Planning Commission (M-NCP&PC) on a number of occasions regarding gravity sewer service through various sensitive areas. I believe the matter is resolved for the Towns of Dogwood and that gravity sewer service is acceptable to M-NCP&PC in this case. I understand that WSSC has committed to being flexible in meeting our usual requirements in regard to the required right of way from the State. We will continue to support your efforts for the authorized gravity sewer service with both M-NCP&PC and the State.

Sincerely,

Joseph Zorica
Chief
Engineering & Construction Team

cc: Mr. Sean Ruppert ✓
Mr. Jim Glascock
Mr. Mike Watkins

RECEIVED JAN 25 2006



Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com



March 6, 2006

Mr. Steve Federline
Environmental Planning Section
M-NCP&PC
8787 Georgia Avenue
Silver Spring, MD 20909

Re: Towns of Dogwood – Outfall Sewer
MHG Project No. 03-246

Dear Mr. Federline:

As you requested, this letter has been prepared to support the alignment of the proposed gravity outfall sewer that will serve the referenced development. The sewer has been designed along the north side of the stream that flows across the Maryland State Highway Administration property for a distance of approximately 1,600 feet. The design accommodates the needs of the Towns of Dogwood located on the north side of the stream, as well as the development of the Kushner property located on the north side which will be submitted for review in the near future by another design firm.

Outfall sewer mains are generally designed in the lowest areas near streams in order to provide sewer service to developable areas on both sides of the stream. The sewer is designed and placed close to the stream so that the depth of the sewer can be minimized while also providing the possibility of a gravity main crossing under the stream. Providing this gravity stream crossing eliminates the need for another gravity sewer main on the opposite side of the stream. This second outfall would clearly be additional clearing that would not be necessary. Designs that locate outfall sewer mains outside of the stream valley buffers as suggested by your staff, not only creates the construction of deeper sewer but opens the possibility of the need for another sewer outfall on the opposite side of the stream to provide service as the other side develops.

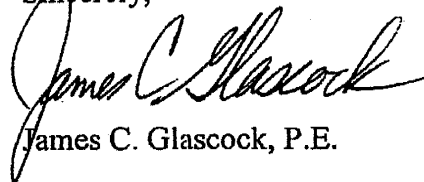
During the design of the sewer to serve our project, this office reviewed the development potential of the sewer shed. In this case we found that most of the area has been developed. Further, the area immediately to the south of the stream is the proposed alignment of the Inter-County Connector. Our office identified one project that has development potential and, therefore, the need for sewer service in the future. That property is the Kushner property located immediately to the south of the Towns of Dogwood. We have coordinated with their design

Mr. Steve Federline
M-NCP&PC
Re: Towns of Dogwood
March 6, 2006
Page 2 of 2

engineer and located Manhole #8 at the location and elevation that they determined would be needed to serve their project. This is the only area along the outfall where the proposed sewer is located within a non-tidal wetland area. As you can see from the attached plan, the sewer has generally been located a significant distance from the stream with depths kept relatively shallow. It has also been designed to provide two other locations (Manholes #1 and #4) for stream crossings should the need arise.

If you need further explanation regarding the design we would be willing to meet with you to further discuss this matter.

Sincerely,



James C. Glascock, P.E.

cc: Sean Ruppert

L007JCG