Butz Property (a.k.a. The Reserve at Black Rock) Lot 17, Block A: Limited Preliminary Plan Amendment No. 12006123A (In Response to a Forest Conservation Law Violation)

Stephen Peck, Senior Planner, DARC, Stephen.Peck@montgomeryplanning.org, 301-495-4564

Mark Pfefferle, Chief, DARC, Mark.Pfefferle@montgomeryplanning.org, 301-495-4730

Completed: 9/15/17

Description
Limited Amendment, Preliminary Plan No. 12006123A, Butz Property (a.k.a. The Reserve at Black Rock) Lot 17, Block A (in response to a forest conservation law violation)

- 15818 Seneca Run Court
- RE2 Zone
- Within Potomac Subregion Master Plan
- Applicant: Jeremy F. Butz
- Submitted on July 17, 2015

Summary
Request to approve release of 1.40 acres of Category I Conservation Easement from Lot 17 that is subject to United States Department of Agriculture, Natural Resource Conservation Service, Maryland Pond Code 378 maintenance activities. No additional mitigation provided for this release.

Request to approve release of an additional 1.43 acres of Category I Conservation Easement from Lot 17 and provide 1.60 acres of onsite mitigation. Onsite mitigation includes establishment of 0.90 acres of new forest retention over an area of existing unprotected forest and the planting of 0.70 acres within an existing unplanted Category I Conservation Easement.

Request to approve release 0.05 acres of Category I Conservation Easement from Lot 17 which is a portion of a paved driveway installed for fire department pond access. Onsite mitigation includes 0.05 acres of additional forest planting to be done by developer within existing unplanted conservation easement.
STAFF RECOMMENDATION AND CONDITIONS

Staff recommends approval of the limited amendment to the Preliminary Plan for forest conservation easement changes on Lot 17 with the new conditions specified below. All previous conditions of Preliminary Plan No. 120061230, as contained in the Montgomery County Planning Board’s Opinion dated June 27, 2007, remain in full force and effect.

1. Within sixty (60) days of the mailing of the Planning Board Resolution approving plan number 12006123A, the Property Owner must submit a cost estimate for the 0.70 acres of additional onsite forest planting and two-year maintenance requirements of the Forest Conservation Plan for staff review and approval.

2. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Property Owner must submit financial security for the 0.70-acre planting and maintenance requirements of the Forest Conservation Plan in an amount and form approved by Staff.

3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Property Owner must enter a Maintenance and Management Agreement in a form approved by the M-NCPPC Office of General Counsel to ensure compliance with the conditions of the Forest Conservation Plan.

4. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must record a Category I Conservation Easement by deed, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland for the existing and new conservation easement areas on the Subject Property.

5. By December 31, 2017 the Property Owner must plant the 0.70 new planting area and have the plantings approved by the M-NCPPC forest conservation inspector.

6. After recordation of the Category I Conservation Easement and posting of financial security for the requirements of the approved Forest Conservation Plan, the Property Owner must obtain and record a Release of the existing Category I Conservation Easement, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland. All existing conservation easements remain in full force and effect until this deed of release is recorded.

7. Within one hundred and fifty (150) days of the mailing date of the Resolution for this Amendment, the Property Owner must submit a complete Record Plat application for the subject property that delineates and references the new Category I Conservation Easement.

SITE DESCRIPTION

The Reserve at Black Rock Lot 17, Block A, is 72.68 acres and consists of a farm house, outbuildings, two farm ponds, forest, stream buffer and farm fields (subject property and property) (Figure 1). The Property is situated between the Route 28 right-of-way and Seneca Creek State Park.

Approximately 43 acres of the Property is within Category I Conservation Easement and environmental buffers including forested and non-forested stream buffers; ponds and buffers around the ponds; and wetlands and wetland buffer. A tributary of Seneca Creek flows from the northeast to the southwest through the Property. The Property lies within the Seneca Creek Watershed (a Use I-P stream).

The area of the Property subject to the Amendment is focused on the ponds, the land adjacent to the ponds and an area of forest near Route 28.
BACKGROUND

The Montgomery County Planning Board approved Preliminary Plan No. 120061230 “Butz Property” by Opinion mailed on June 27, 2007 and approved establishment of 45 lots of which the subject property is Lot 17 (Attachment 1). The Final Forest Conservation Plan approved on September 21, 2009 shows the protection of existing environmental buffers as Category I Conservation Easements (Attachment 2). Record Plat No. 24027 delineates the Category I Conservation Easements on the Subject Property (Attachment 3). The Record Plat granted the Category I Conservation Easement on The Reserve at Black Rock Lot 17, Block A to M-NCPPC pursuant to the Agreement recorded in Liber 13178 Folio 412 among the Land Records of Montgomery County, Maryland (Attachment 4).

In April 2014, while conducting an inspection nearby, the M-NCPPC Inspector (Inspector) noticed an extensive forest clearing and pond construction project underway at Subject Property.
Category I Conservation Easement forest clearing and grading violation – Pond Reclamation Project – Citation issued

On April 21, 2014, the inspector issued Administrative Citation No. EPD 000213 to the Property Owner for cutting, clearing, grading, excavating and altering stream flow within an existing Category I Conservation Easement Figure 2, Figure 3, and Attachment 5). The Citation included a fine and remedial actions. The extensive forest clearing, grading and disturbance was done without prior permission from M-NCPPC in violation of the Category I Conservation Easement Agreement.

Figure 2: Timber from Category I Conservation Easement (M-NCPPC Inspector picture)
Figure 3: Slash and Saw Logs Cut from Category I Conservation Easement (M-NCPPC Inspector picture)

Figure 4: Picture of Failing Dam (Picture from Lot 17 Property Owner)
Figure 5: Dam Embankment – Cave In (Picture from Lot 17 Property Owner)
Figure 6: New Dam Embankment (M-NCPPC Inspector picture)
The Property Owner met with Planning Staff and Montgomery County Soil Conservation Service District (MCSCSD) Staff. Planning Staff learned that the pond is still being used by the Property Owner for farming and irrigation purposes, the pond dam was failing (Figure 4 and Figure 5) and to prevent a catastrophic dam failure, the pond was being rebuilt. The disturbance was done as part of Natural Resource Conservation Service-approved Pond Rebuild project (Figure 6, Figure 7 and Attachment 6). MCSCD Staff gave the Inspector a copy of the Maryland Conservation Practice Standard for Ponds, Code 378. In this Code, trees and shrubs are not allowed within any embankment, within 15 feet from the toe of the dam and within a 25-foot radius around the inlet structure.

However, when the Forest Conservation Plan was approved, the dam was not classified as hazardous, nor did any County Agency object to the placement of a conservation easement on the embankment or within the toe of the dam slope. The conservation easement was placed around the entire pond and pond buffer.

After the violation occurred, meetings with the Property Owner and the District Manager of the Montgomery County Soil Conservation Service (MCSCD), resulted in the Property Owner planting 40 mitigation trees within an un-forested area of protected stream buffer.
In a subsequent meeting with the Property Owner, the Inspector discussed the long-term requirements of the Category I Conservation Easement and the requirement that mowing was not permissible in a Category I Conservation Easement. The Property Owner expressed a desire to maintain lawn between portions of the house and pond and part of this application addresses this request.

Also, it was discovered that portions of the fire access road were built within the Category I Conservation Easement.

In summary, there were three violations on this property: 1) clearing and removing of forest within a Category I Conservation Easement to repair the dam of the larger pond; 2) mowing of vegetation within a Category I Conservation Easement between the existing house and the larger pond; and 3) construction of a paved fire access road to the smaller pond to allow fire trucks to use the pond as a water resource when necessary. None of these activities were shown on the approved Forest Conservation Plan. To resolve the incompatibility of fire access road and pond maintenance activities with the restrictions of a forest conservation easement, Staff agreed the Property Owner could submit a Preliminary Plan amendment for conservation easement changes for review and Planning Board decision.

**APPLICANTS PROPOSAL**

On July 17, 2015, the Property Owner submitted Preliminary Plan Amendment 12006123A for forest conservation purposes, for Lot 17 only, to resolve the conservation easement violations. The Forest Conservation Plan submitted on May 26, 2017 and revised in June 2017 proposes releasing conservation easement to allow for pond maintenance and releasing conservation easement to maintain an existing environmental buffer area as grass and not planted forest (Attachment 7). Onsite mitigation is provided.

**Pond Maintenance Area**

The Property Owner proposes maintaining the ponds, both the larger and smaller ponds, per Maryland Pond Code 378 standards. A total of 1.4 acres of pond dam embankment, dam buffer and dam access is proposed to be released from Category I Conservation Easement. The Property Owner, as partial mitigation for all the forest clearing for the pond rebuild project, planted approximately 40 trees in a 0.40-acre unforest area of conservation easement above the smaller pond. This planting of native hardwood trees and few American hollies was installed in 2014 and maintained for 2 years. This planted area of conservation easement is to remain within Category I Conservation Easement. No additional mitigation is proposed for this Category I Conservation Easement release. The water of the ponds is shown to remain within Category I Conservation Easement.

**Mowed Grass Area and portions of Driveways within Category I Conservation Easement**

Between the ponds and the house and the upper pond and the fire access road, the Property Owner proposes release of 1.43 acres of unforest, non-wetland Category I Conservation Easement and proposes to provide 1.60 acres of mitigation onsite. Currently, 1.43 acres of this area is mowed yard.
Approved Forest Conservation Plan No. 120061230 does not require any planting within this 1.43-acre area of Category I Conservation Easement because the Forest Conservation Plan requirements were met through the protection of existing forest elsewhere on the land subject to the subdivision. The conservation easement was placed on unforested stream buffers consistent with Section 22A-12(b) of the Montgomery County code. The proposal is to release this area from Category I Conservation Easement to allow for continued mowing. The Property Owner will plant 0.70-acres of currently unforested wetland buffer and stream buffer above the ponds. Also, the proposal includes permanently protecting 0.90 acres of existing forest which was shown to be cleared but can be permanently retained for was not needed to build the subdivision.

A 0.05-acre area of paved fire access road encroachment into the conservation easement is proposed to be released and mitigated with planting in an unforested area of existing conservation easement. This 0.05 acre of planting is to be done by the developer.

Figure 6: Map of Proposed Category I Conservation Easement Changes
PLANNING BOARD REVIEW AUTHORITY

The Planning Board approved Preliminary Plan 120061230 “Butz Property” and required the establishment of conservation easements in the subdivision. The Planning Board has authority under Subdivision Regulations (Chapter 50 of the Montgomery County Code) to hear an amendment that proposes changes to the conservation easements.

In addition, the Planning Board has directed Staff to bring all requests for modifications to conservation easements before them to be considered in a public forum.

STAFF REVIEW

In response to a Citation and meeting with Staff, the Applicant submitted this Amendment proposing release of 2.88 acres of Category I Conservation Easement.

The Amendment formalizes the Property Owner’s intent to maintain the pond per Maryland Pond Code 378 best management practices and recognizes it was an error to include portions of existing, maintained farm ponds within Category I Conservation Easement. The Amendment removes areas of the ponds which require tree clearing and mowing as part of maintenance activities. No additional mitigation is provided for this 1.4 acres of Category I Conservation Easement, other than the 40 trees that were previously planted and accepted by the forest conservation inspector.

The proposed release of 1.43 acres of mowed pond buffer from Category I Conservation Easement will be mitigated onsite. The mitigation consists of a new Category I Conservation Easement over an 0.90-acre oak-hickory forest. This 0.90-acre forest area was shown as swale to be constructed as part of the road improvements but was retained. This new Category I Conservation Easement will connect a small piece of Category I Conservation Easement and will protect all remaining forest on the Property. In addition, 140 trees will be planted as part of a 0.70-acre area of supplemental wetland buffer and stream buffer planting. This planting area is in the environmental buffer above the two ponds. Existing wetland and the water of the ponds are to remain within Category I Conservation Easement.

To account for 0.05 acres of pavement encroachment for the fire access turnaround, the developer will plant 0.05 acres of additional planting within the approved planting area.

The Amendment resolves the forest clearing violation and does not alter the minimum forest planting requirements of the subdivision.

NOTIFICATION and OUTREACH

The Subject Property was properly signed with notification of the upcoming Preliminary Plan Amendment prior to the acceptance of the application. Staff has not received correspondence from community groups or citizens as of the date of the staff report. As of September 15, 2017, all adjoining
and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment.

RECOMMENDATION

Staff recommends that the Planning Board approve this Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

2. Final Forest Conservation Plan No. 120061230 approved on September 21, 2009
3. Record Plat No. 24027
4. Category I Conservation Easement Agreement LF13178.412
5. Administrative Citation No. EPD 000213
6. NRCS-Approved Butz Pond Rebuild Plan (not to scale)
7. Forest Conservation Plan No. 12006123A “The Reserve at Block Rock Lot 17, Block A” submitted for approval
MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on June 5, 2006, Michael Harris Homeplace, L.L.C. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 43 lots on 258 acres of land located in the southwest corner of the intersection of Berryville Road and Darnestown Road (MD 28) ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120061230, Butz Property ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 13, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 26, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

1 This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to Legal Sufficiency:

M-NCPCC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncpcc.org
WHEREAS, on April 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Perdue; with a vote of 4-0, Commissioners Bryant, Hanson, Perdue and Wellington voting in favor; Commissioner Robinson absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120061230 to create 43 lots on 258.26 acres of land located in the southwest corner of the intersection of Berryville Road and Darnestown Road (MD 28) ("Property" or "Subject Property"), in the Potomac master plan area, subject to the following conditions:

1) Approval under this preliminary plan is limited to 43 lots for forty-three (43) one-family detached dwelling units.
2) The Applicant must comply with the conditions of approval of the preliminary forest conservation plan prior to issuance of building permits or sediment and erosion control permits.
3) All Environmental Buffers must be placed in a Category I Conservation Easement, except for areas required to meet Fire and Rescue access requirements, or necessary utilities.
4) The record plat shall show dedications of all road rights-of-way as shown on the approved preliminary plan.
5) The Applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, “To Be Constructed By _______” are excluded from this condition.
6) In addition to the transportation impact tax, the Applicant shall make an additional payment equivalent to 50% of the applicable transportation impact tax for the area to the Montgomery County Department of Permitting Services (DPS), prior to release of any building permit for the proposed new dwelling units, to mitigate traffic impact related to the subject development.
7) Record Plat to contain the following notes:
   - "Access denied" along Berryville Road.
   - "Access denied except at approved location(s)" along Darnestown Road.
   - "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
8) The Applicant shall comply with the conditions of the MCDPWT approval letter dated July 19, 2006, unless otherwise amended.
9) The Applicant shall comply with the conditions of the MCDPS (Health Dept.) septic approval letter dated September 21, 2006.
10) The Applicant shall comply with the conditions of the MCDPS stormwater management approval letter dated January 3, 2007.

11) The Applicant shall comply with the recommendations of the SHA letter dated August 4, 2006, prior to issuance of access permits.

12) The certified preliminary plan drawing and record plat must reflect a 25 ft. public access easement along Berryville Road and to the State Park as shown on the preliminary plan.

13) Record plat to reflect all areas included as Rural Open Space.

14) Record plat to reflect common ingress/egress and utility easements over any shared driveways.

15) Record plat to reflect a 50-foot wide building restriction line parallel and contiguous to MD 28 along property frontage.

16) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant’s recorded HOA Documents incorporate by reference the Covenant.

17) Record Plat shall reflect all parcels under Homeowners Association control, and separately designate stormwater management parcels.

18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.

19) Other necessary easements shall be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the master plan.

The 2004 Potomac Master Plan does not specifically address the subject property but does provide general guidance and recommendations for development patterns and density. The 2004 Plan reconfirms the RC zoning for low-density residential communities that can accomplish the goals of protecting agriculture and open space. The Preliminary Plan conforms to the Master Plan goals in that it proposes a one-family, residential development that also provides for three farm properties and other open space.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.
The Preliminary Plan was approved by all appropriate agencies involved with the review of public facilities including, the Montgomery County Public Schools, the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Permitting Services and the Montgomery County Department of Fire and Rescue Services. Each agency found the proposed subdivision to be adequately served by the public facilities under its jurisdiction.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment E for referenced agency correspondence).

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

To meet this requirement, the plan proposes to retain all forest on the agriculturally exempt portion of the property, which reduces the planting requirement to 10.03 acres. This required planting will be done within stream buffers on the exempt portion of the site. The preliminary forest conservation plan satisfies the requirements of section 22A of the Montgomery County Code, including section 22A-12(f).

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan approval dated January 3, 2007, meets MCDPS’s standards.

6. The Planning Board grants a waiver pursuant to Section 49-34(f) and 50-26(h) of the County Code and recommends a sidewalk on one side only of the internal tertiary public street network with a determination that in this low density zone (RC) pedestrian safety can be accommodated with sidewalks only on one side of the street. The Board also supported a MCDPWT waiver that would allow the use of a two-foot wide culvert bottom for the roadway side ditches.

The Board was asked to support a waiver of the typical cross section for a tertiary street that would allow for a reduction in the standard culvert bottom width and allow a two-foot wide culvert bottom. The Board was not opposed to the request and recommended that the resolution express support for the Montgomery County
Department of Public Works and Transportation to waive the minimum culvert width to allow for the requested waiver.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is 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).

At its regular meeting, held on Thursday June 14, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Perdue, seconded by Commissioner Wellington, with Chairman Hanson, Vice Chair Perdue, and Commissioners Wellington, and Robinson present and voting in favor. Commissioner Bryant was absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120061230, Butz Property.

Royce Hanson, Chairman
Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING MISSISSIPPI FOREST

APPROVAL

EXISTING 100 YEAR FLOODPLAIN

EXISTING TREELINE

EXISTING STREAM VALLEY BUFFER

REFORESTATION

PRIVATE OPEN SPACE

0.55 AC. REFORESTATION

2.90 AC. FOREST RETENTION CONTINUE SEE SHEET 3

0.28 AC. FOREST CLEARING

3.00 AC. FOREST CLEARING

MATCHLINE SEE SHEET FCP-3 OF 6

THE RESERVE AT BLACK ROCK

MONTGOMERY COUNTY, MARYLAND

LOT 1 THIRD BLOCK "A" 4TH ELECTION DISTRICT

AMENDED FINAL FOREST CONSERVATION PLAN

APPLICANT: MIDWEST HARRIS DEVELOPMENT, INC.
1615 HILLSIDE ROAD
MCLEAN, VIRGINIA 22102

PHONE: (703) 848-4923
www.rodgers.com

QUALIFIED PROFESSIONAL CERTIFICATE

DATE APPLICANT: JULY 2007

CONTACT: MR. MICHAEL SCHWALB
MCCLEAN, VIRGINIA 22102

PHONE: (703) 848-4923
www.rodgers.com

 all the numbers indicated for the areas shown on this plan include areas shown on adjacent sheets. See the sufficient sheets for geographic depiction of Forest Conservation Measures.

All areas proposed as forest retention or forest planting are to be protected by a recorded Category I Forest Conservation Easement.

https://www.miasutility.net/
AMENDED FINAL FOREST CONSERVATION PLAN

THE RESERVE AT BLACK ROCK
6TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Qualified Professional Certificate

All the numbers indicated for the areas shown on this plan include areas shown on adjacent sheets. See the adjacent sheets for graphical depiction of Forest Conservation Measures.

All areas proposed as forest retention or forest parking are to be protected by a recorded Category I Forest Conservation Easement.
The excavator must notify all public utility companies and have those facilities located by the underground facilities in the area of proposed excavation prior to commencing excavation. The excavator is responsible for compliance with the requirements of Chapter 48 Bounder Utility Act. For location of utilities call "MISS Utility" at 1-800-257-7777. Enhancing the value of land assets. See the adjacent sheets for graphical depiction of Forest Conservation Measures. All areas proposed as forest retention or forest planting are to be protected by a recorded Forest Conservation Easement. All areas proposed as forest retention or forest planting are to be protected by a recorded Qualified Professional Certificate.
1. All plant material shall be guaranteed by the landscape contractor to remain alive and in a healthy, vigorous condition for a period of one year from the date of planting.

2. All plant material shall be planted by manual methods of planting using shovels, dibble bars, and/or mattocks.

3. Acceptable planting time for container grown material (trees, shrubs, and seedlings) is from March 1st to October 30th.

4. Root pruning is allowed for container grown material. Root pruning shall be performed by the landscape contractor in accordance with the nursery's specifications.

5. Mulch shall be well-aged, fine shredded hardwood, dark brown in color, and of the species that will implement the tree protection measures. MNCPC Inspectors, MNCP-Parks Inspector/Arborist (301-650-2634) and DPS Inspector must be notified of root pruning.

6. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction projects and must not be removed or tampered with at any time.

7. Plantings shall be in accordance with the current issue of American Standard for Nursery Stock published by the American Association of Nurserymen.

8. After construction is completed, an inspection shall be requested. Corrective measures which may be required include:

   a. Replanting
   b. Additional maintenance
   c. Repairing damaged areas

9. Periodic inspection by MNCPPC will occur during the construction project. Corrections and repairs may be required.

10. All tree staking and/or mulching must be approved by the MNCPPC in coordination with the sediment and erosion control plans for seeding specifications.

11. Partial release of financial security is determined with the approved cost estimate and must be in force until all measures for afforestation/reforestation and maintenance requirements have been met.

12. The amount of financial security is determined with the approved cost estimate and must be in force until all measures for afforestation/reforestation and maintenance requirements have been met.

13. The financial security will be in force until all measures for afforestation/reforestation and maintenance requirements have been met.

14. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation at least 48 hours in advance.

15. The excavator is responsible for the relocation of underground utilities and must have a qualified professional on site to oversee the relocation process.

16. Tree losses after completion of the project shall be determined by the MNCPPC inspector in coordination with the sediment and erosion control plans for seeding specifications.

17. Tree staking and/or mulching may be required for any tree losses after completion of the project.

18. Tree protection fences shall be installed around all tree plantings. The height of the tree protection fence shall be determined by the MNCPPC inspector in coordination with the sediment and erosion control plans for seeding specifications.

19. Tree protection fences shall be installed around all tree plantings. The height of the tree protection fence shall be determined by the MNCPPC inspector in coordination with the sediment and erosion control plans for seeding specifications.

20. When conditions detrimental to tree growth are encountered, such as rubble fill, adverse drainage conditions, or obstructions, notify the MNCPPC inspector immediately.

21. All tree plantings shall be at the landscape contractor's expense.

22. All tree plantings shall be at the landscape contractor's expense.

23. All tree plantings shall be at the landscape contractor's expense.

24. All tree plantings shall be at the landscape contractor's expense.

25. All tree plantings shall be at the landscape contractor's expense.

26. All tree plantings shall be at the landscape contractor's expense.

27. All tree plantings shall be at the landscape contractor's expense.

28. All tree plantings shall be at the landscape contractor's expense.

29. All tree plantings shall be at the landscape contractor's expense.

30. All tree plantings shall be at the landscape contractor's expense.

31. All tree plantings shall be at the landscape contractor's expense.

32. All tree plantings shall be at the landscape contractor's expense.

33. All tree plantings shall be at the landscape contractor's expense.

34. All tree plantings shall be at the landscape contractor's expense.

35. All tree plantings shall be at the landscape contractor's expense.

36. All tree plantings shall be at the landscape contractor's expense.

37. All tree plantings shall be at the landscape contractor's expense.

38. All tree plantings shall be at the landscape contractor's expense.

39. All tree plantings shall be at the landscape contractor's expense.

40. All tree plantings shall be at the landscape contractor's expense.

41. All tree plantings shall be at the landscape contractor's expense.

42. All tree plantings shall be at the landscape contractor's expense.

43. All tree plantings shall be at the landscape contractor's expense.

44. All tree plantings shall be at the landscape contractor's expense.

45. All tree plantings shall be at the landscape contractor's expense.

46. All tree plantings shall be at the landscape contractor's expense.

47. All tree plantings shall be at the landscape contractor's expense.

48. All tree plantings shall be at the landscape contractor's expense.

49. All tree plantings shall be at the landscape contractor's expense.

50. All tree plantings shall be at the landscape contractor's expense.

51. All tree plantings shall be at the landscape contractor's expense.

52. All tree plantings shall be at the landscape contractor's expense.

53. All tree plantings shall be at the landscape contractor's expense.

54. All tree plantings shall be at the landscape contractor's expense.

55. All tree plantings shall be at the landscape contractor's expense.

56. All tree plantings shall be at the landscape contractor's expense.

57. All tree plantings shall be at the landscape contractor's expense.

58. All tree plantings shall be at the landscape contractor's expense.

59. All tree plantings shall be at the landscape contractor's expense.

60. All tree plantings shall be at the landscape contractor's expense.

61. All tree plantings shall be at the landscape contractor's expense.

62. All tree plantings shall be at the landscape contractor's expense.

63. All tree plantings shall be at the landscape contractor's expense.

64. All tree plantings shall be at the landscape contractor's expense.

65. All tree plantings shall be at the landscape contractor's expense.

66. All tree plantings shall be at the landscape contractor's expense.

67. All tree plantings shall be at the landscape contractor's expense.

68. All tree plantings shall be at the landscape contractor's expense.

69. All tree plantings shall be at the landscape contractor's expense.

70. All tree plantings shall be at the landscape contractor's expense.

71. All tree plantings shall be at the landscape contractor's expense.

72. All tree plantings shall be at the landscape contractor's expense.

73. All tree plantings shall be at the landscape contractor's expense.

74. All tree plantings shall be at the landscape contractor's expense.

75. All tree plantings shall be at the landscape contractor's expense.

76. All tree plantings shall be at the landscape contractor's expense.
CONSERVATION EASEMENT AGREEMENT

Category I

DEFINITIONS

Grantor: Fee simple owner of real property subject to a:
(i) Plan approval conditioned on compliance with a FCP; or
(ii) Plan approval conditioned on compliance with a conservation easement agreement (issued pursuant to Chapter 50 or 59, Montgomery County Code).

Grantee: Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ("Commission").

Planning Board: Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Planning Director: Director of the Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission, Montgomery County, or the Director’s designee.

Plan: Sediment control permit approved pursuant to Montgomery County Code Chapter 19; preliminary plan approved under Montgomery County Code Chapter 50; site plan, development plan, planned unit development or special exception application approved under Montgomery County Code Chapter 59; mandatory referral reviewed pursuant to Article 28 of Maryland State Code Annotated; approved major utility construction (as defined by Washington Suburban Sanitary Commission’s regulations).

Forest Conservation Plan ("FCP"): Forest Conservation Plan approved by the Planning Board or Planning Director pursuant to Chapter 22A, Montgomery County Code.

Exhibit A:
(i) FCP approved as a condition of receiving any or all approval noted above; or
(ii) Approved and signed Plan referencing this Agreement.

WITNESSETH

This Agreement reflects a grant of easement by Grantor to the Grantee.

WHERRAS Grantor (or Grantor’s agent) has obtained authority to develop pursuant to a Plan in accordance with Montgomery County, Maryland laws; and

WHERRAS, the Planning Board or other approving authority approved Grantor’s Plan conditioned upon a requirement that development occur in strict accordance with a FCP approved by the Planning Board after full review of the FCP pursuant to the
provisions of Montgomery County Code Chapter 22A (Forest Conservation); Chapter 50 (Subdivision Regulations); and/or Chapter 59 (Zoning Ordinance); and/or

the Planning Board approved Grantor’s Plan conditioned upon Grantor subjecting the property to be developed ("Property") or a portion of the property to be developed to a conservation easement pursuant to the provisions of Montgomery County Code Chapter 50 (Subdivision Regulations), and/or Chapter 59 (Zoning Ordinance); and

WHEREAS, the location of this easement ("Easement") is as shown on Exhibit A (incorporated by reference into the terms of this Agreement); and

WHEREAS, the purpose of this Easement is to protect existing and future forest cover; individual trees; streams and adjacent buffer areas, wetlands and other sensitive natural features; and to maintain existing natural conditions to protect plant habitats, water quality and wildlife; and

WHEREAS, the purpose includes preservation of the natural beauty of the property subject to the Easement and prevention of any alteration, construction or destruction that will tend to mar or detract from such natural beauty; and

WHEREAS, the purpose also includes the protection and preservation of natural features within the area of the Easement which efforts are consistent with the terms and conditions of the approved plan and applicable law; and

WHEREAS, the Parties intend for the conditions and covenants contained in this Easement Agreement to run with the land in perpetuity and to be binding on all subsequent owners and occupants of the Property; and

WHEREAS, the Parties intend that a servitude be placed upon the Property to create a conservation benefit in favor of the Planning Board.

NOW, THEREFORE, the Grantor has executed this agreement for no monetary consideration but for the purpose of ensuring compliance with development standards imposed in accordance with Montgomery County law as a condition of development approval. The Grantor does hereby grant and convey unto the Planning Board, in perpetuity, an Easement on the Property of the size and location described in Exhibit A, and further described on the applicable record plat(s), of the nature and character described herein. This Easement constitutes a covenant real running with the title of the land, and is granted to preserve, protect and maintain the general topography and natural character of the land. Grantor, its heirs, successors and assigns covenant to abide by the following restrictions within the Easement:
1. The foregoing recitals are agreed to and incorporated herein and shall be binding upon the parties.

2. No living trees or shrubs (of any size or type) shall be cut down, removed or destroyed without prior written consent from the Planning Board. Diseased or hazardous trees or limbs may be removed to prevent personal injury or property damage after reasonable notice to the Planning Board, unless such notice is not practical in an emergency situation or is undertaken pursuant to a forest management plan approved by the Planning Director or Maryland’s Department of Natural Resources ("DNR").

3. No plant materials (including, but not limited to brush, saplings, undergrowth, or non-woody vegetation) shall be mowed or cut down, dug up removed or destroyed unless removed pursuant to the terms and conditions of an approved forest management plan. Noxious weeds (limited to weeds defined as "noxious" under Maryland State or Montgomery County laws or regulations and "exotic or invasive plants" in the Montgomery County Trees Technical Manual) may be removed as required by law or according to an approved management plan, but the method of removal must be consistent with the limitations contained within this Agreement. Vegetation removal shall be limited to noxious, exotic or invasive weeds only, and protective measures must be taken to protect nearby trees and shrubs.

4. No mowing, agricultural activities, or cultivation shall occur. Grantor may replace dead trees or undergrowth provided that new plantings are characteristic of trees or undergrowth native to Maryland.

5. Nothing in this Agreement precludes activities necessary to implement or maintain afforestation or reforestation efforts pursued pursuant to an approved forest conservation plan or maintenance agreement implemented under Chapters 19 or 22A of the Montgomery County Code.

6. The following activities may not occur at any time within the Basement Area:
   a. Construction, excavation or grading (except for afforestation and reforestation efforts conducted in compliance with an approved forest conservation plan).
   b. Erection of any building or structural improvements on or above ground, including (but not limited to) sheds, dog pens, play equipment and retaining walls.
   c. Construction of any roadway or private drive.
   d. Activities which in any way could alter or interfere with the natural ground cover or drainage
(including alteration of stream channels, stream currents or stream flow).

e. Industrial or commercial activities.
f. Timber cutting, unless conducted pursuant to a forest management plan approved by DNR.
g. Location of any component of a septic system or wells.
h. Excavation, dredging, or removal of loam, gravel, soil, rock, sand and other materials.
i. Diking, dredging, filling or removal of wetlands.
j. Pasturing of livestock (including horses) and storage of manure or any other suit.
k. Alteration of stream.

7. Nothing in this Agreement shall prevent construction or maintenance of stormwater structures and/or facilities or other utilities, including, but not limited to water and sewer lines, on, over, or under the Basement Area, if said structures, facilities or utilities are (i) required to implement the Plan, (ii) shown on the approved FCP, and (iii) approved by the appropriate governing bodies or agencies in accordance with applicable laws and regulations.

8. No dumping of unsightly or offensive material, including trash, ashes, sawdust or grass clippings shall occur. Natural biodegradable materials may be allowed in a properly located, designed, managed and maintained compost pile, provided the activity does not damage adjacent trees. Upon prior written approval of the Planning Director, suitable heavy fill and other stabilization measures may be placed to control and prevent erosion, provided that the fill is covered by arable soil or humus and properly stabilized.

9. Fences consistent with the purposes of the Basement may be erected within the Basement Area only after written approval from the Planning Director.

10. Unpaved paths or trails consistent with the purposes of the Basement may be created within the Basement Area if shown on the FCP or with prior written approval from the Planning Director.

11. All rights reserved by or not prohibited to Granter shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the land within the Basement.

12. Granter authorizes Planning Board representatives to
enter the Property and Basement at their own risk and at reasonable hours for the purpose of making periodic inspections to ascertain whether the Grantor, its heirs, successors or assigns have complied with the restrictions, conditions, and easements established herein. This Basement does not convey to the general public the right to enter the Property or Basement for any purpose. The Basement does not restrict or enlarge access to the general public in common open space held under community or homeowner association control beyond any access rights created by applicable community or homeowner association covenants and by-laws.

13. Grantor further agrees to make specific reference to this Basement in a separate paragraph of any subsequent deed, sales contract, mortgage, lease or other legal instrument by which any interest in the Property is conveyed.

14. No failure on the part of the Planning Board to enforce any covenant or provision herein shall waive the Planning Board’s right to enforce any covenant within this agreement.

15. Upon finding a violation of any of the restrictions, conditions, covenants and easements established by this Agreement, the Planning Board shall have the right to enforce such provisions in accordance with any statutory authority (including, if applicable, the imposition of civil monetary fines or penalties in amounts and by such means as may be promulgated from time to time). The Planning Board also may seek injunctive or other appropriate relief in any court of competent jurisdiction, including the right to recover damages in an amount sufficient to restore the property to its original natural state, and Grantor agrees to pay for court costs and reasonable attorney fees if the Planning Board successfully seeks judicial relief.

16. All written notices required by this Agreement shall be sent to the Planning Director, M-NCPPC, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

TO HAVE AND TO HOLD unto the Planning Board, its successors and assigns forever, this Grant shall be binding upon the heirs, successors and assigns of the Grantor in perpetuity and shall constitute a covenant real running with the title of the Property.

* * * * * * * *

This is to certify that the within instrument has been prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Michele Rosenfeld
Associate General Counsel
M-NCPPC
December 30, 1994

Clerk of the Circuit Court
Judicial Center
50 Courthouse Square
Rockville, Maryland 20850

Dear Clerk:

Please record among the Land Records of Montgomery County, Maryland the attached conservation easement on behalf of The Maryland-National Capital Park and Planning Commission. The Commission is a state-created agency authorized to buy, sell and otherwise dispose of real property interests pursuant to Article 28 of the Annotated Code of Maryland and therefore is exempt from transfer and recording fees.

Your cooperation in this regard is appreciated.

Sincerely,

William E. Gries
Land Acquisition Specialist
Administrative Citation
Forest Conservation
The Maryland-National Capital Park and Planning Commission
vs.

Name: Jeremy Butz

Company/Position: Property Owner
Address: 5661 Seneck Run Court, Germantown, MD 20874

Location and Description of Violation:
Address/Location of Site: Reserve at Black Rock

Pursuant of the M-NCPPC’s authority under Chapter 22A of the Montgomery County Code, it is formally charged that the above named defendant on (date) at the stated site location did commit the following:

Cut, cleared and removed approximately 24,000 square feet of forest from Category I Conservation easement grading excavating stumps, altering stream flow within a Category I Conservation easement

In violation of:

1. Montgomery County Code, Chapter 22A
2. Approval or Plan No. 120061230
3. Other: __________________

Civil Fine and Compliance:

1. (a) ☐ You shall pay a fine of $1,000.00 by 05/09/14 (date) and complete the remedial action listed below 
(b) ☐ You shall pay a daily fine of $ if the original fine has not been paid by (date). The daily fine shall accrue until the original fine is paid.
2. ☐ You shall pay a daily fine of $ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the information Counter of M-NCPPC’s Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, MD 20910, 301-495-4610. Failure to comply with this citation may result in further enforcement proceedings and/or issuance of additional citations including additional fines. You may also request a hearing before the Planning Board or the Board’s designee. If you elect to request a hearing, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, MD 20910, within 15 days of the citation.

Remedial Action:

☐ 1) Stop cutting trees from Category 1 conservation easement
☐ 2) Submit to the Planning Department for review and approval an amended final forest conservation plan that: (1) shows the activities done within the Category I conservation easement (2) shows areas of Category I conservation easement requiring pond maintenance (3) shows re-planting plan for all areas of Category I conservation easement where planting is permitted

By, (date)

If remedial action is not completed by (date), you shall pay a daily fine of $ a day until work is completed.

☐ 2. You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative Civil Penalty and additional corrective measures.

Acknowledgment:
I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation. I have a right to request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the court judgment on affidavit for the amount of the fine.

Defendant’s Signature: [Signature] Date: 4/21/2014

Affirmation:
I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters.

Inspector’s Signature: [Signature] Date: 04/21/2014

Print Name: Stephen Peck Phone Number: 301-495-4564
CONSTRUCTION SEQUENCE

1. Notify the Montgomery Soil Conservation District 48 hours prior to starting construction. Call 301-990-2855 Ext 3.

2. Install sediment controls as shown on plan.

3. Remove all trees and vegetation from embankment area and 15' beyond proposed toe of slope including stumps and roots larger than 2". Voids shall be backfilled with suitable material and compacted with tracked equipment or hand tampers.

4. Remove any remaining organic material and topsoil from embankment and borrow area. Salvage for future use on new dam.

5. Lower water level in pond by means of a 4"-6" siphon or pump. More than one siphon may be required. Water level will need to be lowered to elevation 96.0 to facilitate installation of new pipe system.

6. Dewater work area by pumping onto a grassed area a minimum of 25' from stream or ditch channels. No work in flowing water is permitted.

7. Install pipe system as shown on plans. A representative from the Soil Conservation District must be present during pipe installation. Backfill and compact area in required lifts. Install rock outlet.

8. Fill embankment area to required grades as shown and compact. Grade emergency spillway to required dimensions and grades. Place 4" topsoil on all areas to be seeded.

9. Immediately seed and mulch all disturbed areas.

CRITICAL INSPECTION ITEMS

1. The landowner will arrange for a pre-construction meeting between the contractor, NRCS and landowner to review the plans, standards and specifications prior to the start of construction.

2. There will be no changes in specifications, dimensions, or materials unless approved by the engineer responsible for this drawing.

3. The drawings are prepared cooperatively by the Natural Resources Conservation Service for named owner-operator. Construction found not in accordance with these drawings and specifications will violate the cooperative agreement and all drawings, specifications, and Quantities Estimate shall immediately be returned to the local NRCS office.

4. The following is a list of items that must be inspected by the Technician-in-Charge. If cost share is involved, payment may be forfeited if the Technician-in-Charge does not inspect any of the below:

   - Preconstruction Meeting
   - Verify layout:
   - Verify all subgrades:
   - Lowering of pond water level:
   - Removal of trees from Dam:
   - Barrel Pipe:
     - Material:
     - Size:
     - Placement:
     - Backfill:
   - Anti-Seep Culvert:
     - Material:
     - Size:
     - Placement:
     - Backfill:
   - Roll Pipe:
     - Material:
     - Size:
     - Placement:
     - Backfill:
   - Trash Rack:
     - Material:
     - Size:
     - Placement:
     - Backfill:
   - Emergency Spillway:
     - Control section elevation and size:
     - Exit channel slope and grading:
     - Installation of riprap outlet:
     - Riprap size and gradation:
     - Outlet size and elevation:
     - Other items as shown on the plan:
     - Final Grading:
     - All disturbed areas seeded and mulched:

All disturbed areas to be stabilised within 14 days of completion, using the following recommendations:

**Seeding Recommendations**

- **Turf Type Tall Fescue, Bluegrass Blend**
  - 100 lb/ac.
  - P. 25 mc.
  - 50-150 ft.

- **Perennial Ryegrass**
  - 1000 lb/ac.
  - P. 2.5 mc.

- **Other Mix**
  - 2.5 mc.

"The Soil Conservation District makes no representation as to the characteristics or performance of any utility at the construction site. The landowner is responsible for any subsurface conditions that have not been identified. It is the responsibility of the landowners or operators to assure themselves that no hazard exists or damage will occur to utilities."
EMERGENCY SPILLWAY - MINIMUM 18 FT WIDE BOTTOM WIDTH WITH 3:1 SIDE SLOPES AND A MINIMUM 1% EXIT CHANNEL SLOPE. CONTROL SECTION TO BE A LEVEL SECTION 25 FT. LONG STARTING FROM THE CENTER LINE OF THE DAM AND EXTENDING THROUGH THE EXIT CHANNEL.

NOTE: MINIMAL, IF ANY MODIFICATION WILL NEED TO BE DONE TO EXISTING EMERGENCY SPILLWAY CHANNEL.

INSTALL SILT FENCE AT TOE OF SLOPE. REMOVE WHEN BARREL IS INSTALLED THEN REPLACE UNTIL THE REST OF THE PROJECT IS COMPLETED. SEED AND STABILIZE ALL EXPOSED FILL AS SOON AS POSSIBLE AS PER SEEDING SPECIFICATIONS.

EMERGENCY SPILLWAY CREST - EL. 102.7
NORMAL POOL - EL. 101.2
TBM - EL. 100.00
NAIL IN BASE OF 20 INCH DIAMETER POPLAR TREE

CONCRETE RISER (See Detail)

12 INCH BARREL (310 LF)

PLAN VIEW
SCALE - 1" = 50'
EXCAVATION CUT TO BE 2:1 SLOPE OR FLATTER.

BOTTOM WIDTH OF EXCAVATION TO BE LARGE ENOUGH TO ACCOMMODATE WIDTH OF EQUIPMENT TO BE USED. MINIMUM WIDTH TO BE 4 FT WIDE.

HAND TAMPER TO BE USED TO COMPACT MOST FRIABLE CLAY MATERIAL ON SITE WHICH WILL BE PLACED IN 4 INCH LIFTS AROUND PIPE. CONSTRUCTION EQUIPMENT TO BE USED OUTSIDE OF 2 FT ZONE AROUND PIPE.

NOTES:
1. Trashrack Assembly to be Hot Dipped Galvanized.
2. Fasten Assembly to Riser Using Tapcon Conc. Screws or some suitable method.

SECTION AA
TRASH RACK ANTI-VORTEX DEVICE
N.T.S.

5/8" Rebar @ 6" spacing both ways.

5/8" L-bar spaced @ 6" on center to run around Top of Structure. Weld to inside of 2" angle iron.

5/8" Rebar to be placed 7" from Top of Riser and run horz. around structure.

Weld 2" Angle Iron Flush with Top of Spider Plate.

SEE DETAIL.

Notes:
1. Trashrack Assembly to be Hot Dipped Galvanized.
2. Fasten Assembly to Riser using Tapcon Conc. Screws or some suitable method.

PLUNGE POOL CROSS SECTION
N.T.S.

5 x 5 PVC ANTI SEEP COLLARS OR 5 x 5 Agri Drain Anti-Sept Collar or Equivalent

12" PVC PIPE COUPLING - SCH 40 (1 OF 2 W/ SEALANT OR SOLVENT WELD)

12" PVC BARREL, SCH 40 PVC PIPE

CONCRETE RISER

5' x 5' PVC ANTI SEEP COLLARS OR 5' x 5' Agri Drain Anti-Sept Collar OR Equivalent

12" PVC PIPE COUPLING - SCH 40 (1 OF 2 W/ SEALANT OR SOLVENT WELD)

12" PVC BARREL, SCH 40 PVC PIPE

CONCRETE RISER

NOTES:
1. Concrete strength shall be 4500psi in 28 days.
2. Inlet design will conform to "Precast Concrete and Wastewater Structures". ASTM C913 AND Maryland SHA 374.23.
3. Reinforcing per ASTM C913, Table X1.1. Area 0.14 in/vertical foot.
EXISTING EMBANKMENT AND PIPE STRUCTURE SHOWN IN BLUE
EXISTING PIPE STRUCTURE TO BE FILLED IN WITH CONCRETE AND REPLACED BY SIDE HILL PIPE. (SHOWN IN WHITE ON THE CROSS SECTION)
SIDE HILL PIPE STRUCTURE - SEE DETAILS ON SHEET 2
NORMAL POOL - EL. 101.2
TOP OF DAM, SETTLED - EL. 105.5
TOP OF DAM, CONSTRUCTED - EL. 106.0
(ADDING 10% FOR SETTLEMENT) TOP OF DAM - 14 FT WIDE
PROPOSED REBUILT EMBANKMENT AND PIPE STRUCTURE IN WHITE
REBUILT POND TO HAVE A MINIMUM 6:1 BACKSLOPE
RIP RAP AT OUTLET - USE MSHA CLASS 1 RIP RAP
MINIMUM BLANKET THICKNESS 1.5 FT. TO BE WIDTH OD RECEIVING STREAM CHANNEL TO A DEPTH OF 2 FT.
ANTI-SEEP COLLARS - 2, 4 FT x 4 FT COLLARS. MAXIMUM SPACING 17.5 FT
SEE ATTACHED SPEC FOR ALLOWABLE TYPES OF PLASTIC PIPE.

CROSS SECTION K-L, DAM AT DRAIN PIPE
SCALE V = 1" = 4", H = 1" = 20"

PROFILE A-A, ALONG CENTERLINE OF DAM
SCALE V = 1" = 4", H = 1" = 20"