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November 14, 1996

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WRITER'S DIRECT DIAL NUMBER:
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Katherine E. Nelson, Planner
Environmental Planning Division
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



Re: Denit Property 1-92004

Dear Ms. Nelson:

This is in response to your letter to me of September 23, 1996. Your letter states that:

"The Planning Board has stated that they will not waiver on the 1500' buffer unless they see overwhelming information and evidence demonstrating why they need not be so concerned about development impacts on the reservoirs and watershed protection. This type of overwhelming evidence has not yet surfaced in the multi-year process in which we all have been involved. Rather, the Planning Board continues to feel the need for even stronger protection measures as information amasses over time."

I have listened several times to the April 4, 1996 public hearing tapes of the Planning Board's discussion of the Denit preliminary plan. From my review of the tapes, the language in the above quote does not reflect the Board's position on any new lots proposed within 1000'-1500' of the reservoir. The Planning Board's comments concerning proposed development within 1000'-1500' of the reservoir referenced (1) guidelines for any properties that were between 1000'-1500' so allowed construction but had heightened environmental requirements; (2) covenants on each property that prevented disturbance so you were not fertilizing in those areas; (3) storm water management facilities would be set back from 1000'; (4) between 1000'-1500' some on site practices are very important; and (5) within 1000'-1500' doing best possibly can with staff approved guidelines.

Katherine E. Nelson, Planner
November 14, 1996
Page 2

Your September 23, 1996 letter reflects the measures we discussed at our May 3, 1996 meeting to address the Board's comments and to minimize impacts and improve watershed protection. On May 3, 1996 we committed verbally to the items in your letter.

In late September 1996, a revised preliminary plan of subdivision was submitted. We now wish to confirm in writing our proposal and commitment to the following guidelines/measures for lots within the 1000'-1500' buffer area to address the Planning Board's April 4, 1996 comments and to minimize impacts and improve watershed protection: (1) Additional forest cover beyond that required by law (a new reforestation plan is being prepared for submission). The additional forest cover includes enhancement of the primary areas of reforestation to further protect the stream valleys and the reservoir and providing forest cover for areas between proposed development and streams to further protect stream valleys and the reservoir, (2) Providing storm water management facilities for both quantity and quality for areas greater than required by DEP regulations, (3) Providing a covenant prohibiting fertilizing lawns within 1000' of the reservoir, (4) Providing a covenant requiring homeowners to pump septic fields every three (3) years, (5) Providing each home buyer an educational pamphlet on the DO'S AND DON'TS of a septic system, (6) The Denit Property, in coordination with the Montgomery County Health Department, will utilize the best available technologies in septic systems at time of development, and (7) Implementing Best Management Practices during development to minimize sedimentation.

We appreciate the continuing willingness of you and staff to meet and discuss the proposed development. We encourage your comments about the above commitments and request you and the other environmental planning staff to provide us with any additional recommendations we might incorporate into our preliminary plan to address staff or Planning Board concerns.

Very truly yours,


Martin J. Hutt

MJH:mb
cc: Joe Davis

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January 18, 2000

WRITER'S DIRECT DIAL NUMBER:
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657-0170

Ms. Katherine Nelson
Environmental and Natural Resources Division
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Denit Property- Declaration of Agricultural Intent
Preliminary Plan 1-92004

Dear Katherine:

In accordance with your request to Dave McKee at Benning & Associates enclosed is a draft Declaration of Agricultural Intent for 107.4822 acre parcel located in the north section of the above referenced Preliminary Plan of Subdivision. Please provide me with any revisions. Upon receipt of your revisions, I will have Bank of America, the Trustee of the Helen P. Denit Charitable and Educational Trust sign the Declaration.

Very truly yours,

Martin J. Hutt

cc: David McKee
Brenda Hough

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