

Kirk Eby

From: Matthew Katz <katzderm@comcast.net>
Sent: Friday, February 24, 2023 4:03 PM
To: Planning External Mailing
Subject: Nike middle launch development.

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I read about a proposed multi family development project to consist of 380 residential units at the above site by Muddy Branch Investments LLC. So that's by my guess another 700 plus cars added to an already unbearable amount of traffic with no proposed road infrastructure to accommodate. Insanity!

Sent from my iPhone

Kirk Eby

From: Diane Palmer <dbp2953@gmail.com>
Sent: Friday, February 24, 2023 6:08 PM
To: Planning External Mailing
Subject: Pricing new units at missile site on muddy branch Road

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Do we have any idea what these units will be priced at?

Thank you,
Diane Palmer
135 Timberbrook Ln.
Gaithersburg, MD 20878
dbp2953@gmail.com

Sent from my iPhone

Kirk Eby

From: Shireen Ambush <sambush@abarisrealty.com>
Sent: Thursday, March 09, 2023 5:55 PM
To: Jud Ashman; Lisa Henderson; Neil Harris; Jim McNulty; Ryan Spiegel; Robert Wu; Planning External Mailing; CityHall External Mail
Cc: Shireen Ambush; Kevin Roman; Andrew Moorman
Subject: Lakelands Ridge HOA - Urgent Concerns Regarding the Redevelopment of Former NIST Site
Attachments: 230309 ltr to Ostrander(2858185.1).pdf

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Good evening Mayor Ashman, City Council Members, and the Planning Commission,

I am the property manager for the Lakelands Ridge HOA, which consists of 5 condominium buildings located on High Gables Drive, and 56 single-family homes located on Shadow Glen Court and Shadow Glen Mews in Gaithersburg, MD, 20878. We are aware that on March 20th, a public hearing will be held before the Mayor and City Council to discuss the redevelopment of the former NIST site located at 770 Muddy Branch Road. The HOA has several urgent concerns regarding the redevelopment of the former NIST site that directly abuts that they would like to bring to your attention for consideration ahead of the hearing, all of which are outlined in the attached letter below. **We ask that you please review this letter as soon as possible ahead of the public hearing that is scheduled for March 20th.** On behalf of a very concerned City of Gaithersburg community, we thank you in advance for your prompt attention to this matter. Please do not hesitate to contact me if you have any questions.

Many thanks,

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Shireen Ambush, MPA, PCAM, CPM
Executive Vice President

Abaris Realty, Inc.
7811 Montrose Road
Suite 110
Potomac, MD 20854
Phone: 301-468-8919
Fax: 301-468-0983

Please visit www.abarisrealty.com for more information

LAKELANDS RIDGE HOMEOWNERS ASSOCIATION, INC.

c/o Abaris Realty, Inc.
7811 Montrose Road, Suite 110
Potomac, Maryland 20854
301-468-8919

March 9, 2023

First Class Mail and Email to: RO@PLEASANTS.ORG

Ross Ostrander
Muddy Branch Investments, LLC
24012 Frederick Road, Suite 200
Clarksburg, Maryland 20871

Re: Redevelopment of 770 Muddy Branch Road – Former NIST Site
City of Gaithersburg Application No. SK-9497-2023 (“Project”)
Requests from Lakelands Ridge Homeowners Association, Inc.

Dear Mr. Ostrander :

The Board of Directors of the Lakelands Ridge Homeowners Association, Inc. appreciates your efforts to date to confer with Mr. Batlan and the Association’s Ad-Hoc Project Committee about your plans to redevelop the former NIST site located at 770 Muddy Branch Road in the City of Gaithersburg.

The Board of Directors has reviewed the plans for the Project in detail. The Board and its Committee have several concerns related to the significant impact that this Project will have upon our Association’s critical infrastructure systems, as well as its direct and permanent impact on the hundreds of residents in our community.

Attached is a list of requests that our Board of Directors is asking to be considered as you move forward with City of Gaithersburg’s planning process for this Project. After you have reviewed this list, the Board would like to invite you to meet at Lakelands Ridge and walk through some of the impacted areas in our community with Mr. David Batlan, Ms. Ambush, the Community Manager, and a representative of the Board of Directors.

Our goal is to continue with our prior collaborative discussions with your company; however, time is of the essence with the upcoming meeting on the Project, which has been set for March 20, 2023.

We would ask that you contact Mr. Batlan and Ms. Ambush via email at davidbatlan@gmail.com and sambush@abarisrealty.com upon receipt of this letter to set up this

Ross Ostrander
March 9, 2023
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on-site meeting. We believe that this on-site meeting will help you and your company to better understand the nature of our requests and concerns related to your company's pending Project.

You are welcome to bring any important Project staff to our on-site meeting as well.

Mr. Batlan, Ms. Ambush and the Board are eager to hear from you.

Sincerely,

THE BOARD OF DIRECTORS OF THE
LAKELANDS RIDGE HOMEOWNERS
ASSOCIATION, INC.

Attachments – Lakelands Ridge Priority Request List

cc: Shireen Ambush, Abaris Realty (via email to sambush@abarisrealty.com)
City of Gaithersburg (via email to planning@gaitthersburgmd.gov)

2858185

ATTACHMENT

Lakelands Ridge Homeowners Association List of Initial Priority Requests of Muddy Branch LLC for Planned Development of the Former NIST Property March 9, 2023

1. Top Priorities
 - a. Developer to prevent cut through traffic from the new community through the backyards and private streets of Lakelands Ridge.
 - i. Possible solutions include but are not limited to:
 1. Creating dense landscape barriers. (This will not be effective until plantings mature).
 2. Building an attractive new, low maintenance, fence or wall between the two communities.
 3. At minimum, maintain the existing 8' chain link fence until the other measures identified in 1a become effective.
 - ii. Special consideration should be given to the safety issues that exist at the retaining wall behind Condos 1 and 2 as well as at the low stone walls in the rear yards of 266 through 282 Shadow Glen Court (lots 32-28).
 - iii. To the extent possible, right of way easements between the two properties should be vacated.
 - b. Create a buffer strip of land, at minimum 35' wide, between Lakelands Ridge and the new community. On this buffer the Developer agrees to forego any aboveground development other than landscaping, fencing and storm water control. This buffer area shall begin at the existing property line currently owned by the Developer. In addition, the developer will agree to maintain the existing 10' wide *Declaration of Easement for Tree Maintenance* with the added proviso that, with the exception of grass, the Developer will not plant anything without prior approval of the Lakelands Ridge HOA. Given this requirement, the developer's landscape screening buffer will begin on the developer's side of this easement.
 - c. Reduce the effects of sound, light, noise, and odors that may emanate from the new development on the residents of Lakelands Ridge
 - i. Possible solutions include but are not limited to:
 1. The Developer conveying the land associated with the Tree Maintenance Easement to the Lakelands Ridge Homeowners Association (Association).
 2. The Developer conveying the land adjacent to the homes on Shadow Glen Court and Shadow Glen Mews and bounded by the Tree Maintenance Easement and extending to the 8' Chain Link Fence to the Homeowners Association.

3. Making certain that lighting plans and equipment selection direct exterior lighting downward and inward to eliminate all spill-over into Lakelands Ridge.
 - ii. In order to incentivize the Developer to provide these commitments, Lakelands Ridge is willing to convey a limited portion of parcel M that borders the northern side of the Developer's property to the Developer. Note: The City of Gaithersburg and possibly the Maryland Department of the Environment would have to be involved and agree to any such adjustments.
- d. Developer to clearly mark and flag all property boundaries as well as boundaries of conservation easements and tree maintenance easements to assist with reinforcing limits of disturbance and property boundaries. This is of particular importance along the boundary parallel to the condominium retaining wall.
- e. Developer to modify hours of demolition and construction from 8 am to 9 pm or dusk, whichever is earlier and minimize idling vehicles. In addition, the developer will agree to take steps to limit the glare from construction vehicle and truck lights into homes.
- f. Obtain Developer's formal written commitment to rule out the use of blasting or micro blasting at the project site. In the event that such blasting will be required, the Developer shall notify the HOA immediately and shall agree to do a pre-construction assessment of all nearby structures that may be impacted.
- g. Retaining Wall
 - i. The HOA plans to engage a qualified civil engineer to monitor and assure the integrity of the retaining wall between the condominium parking lot and the development site. The Developer is requested to assist with paying for engineering expenses associated with plan review and the periodic integrity monitoring of the condominium 1 and 2 retaining wall resulting from nearby demolition and construction activities. If in the professional opinion of the engineer, seismic monitors near the wall are required during the demolition and construction process, the Developer agrees to assume all associated costs.
 - ii. Assure that all plant materials utilized in the new development will not negatively impact the structural integrity of the condo 1 and 2 retaining wall. The Developer agrees to provide on-going insurance coverage to assure the structural integrity and maintainability of this retaining wall.
- h. Landscape
 - i. Remove any trees along the perimeter of the 8' Chain Link Fence which are dying, damaged, leaning, or which provide a danger to the Lakelands Ridge Community. All removal to be performed by the Developer at Developer's expense. Any removed trees to be replaced by Developer at Developer's expense with replacement trees of a size and type acceptable to the Association and in keeping with the City approved landscaping plan.

- ii. Achieve a commitment from the Developer to install perimeter landscaping early in the development process to allow for growth that will enhance the ability of the landscape buffers to mature and screen Lakelands Ridge upon the completion of the development.
- 2. Other Commitments to Receive from the Developer
 - a. Developer to add the Homeowners Association as an additional insured on all insurance policies during the duration of construction activities.
The Developer shall indemnify all homeowners from structural damage to their residences resulting from demolition and construction activities.
 - b. Developer to provide 24/7 cell phone contact information for project manager(s) and lead contractors. Further the Developer agrees to contact the HOA's property manager prior to the start of any significant demolition, development, or construction work and to promptly provide updated contact information as personnel change.
 - c. Developer to fund the exterior cleaning of condominiums and single-family homes immediately adjacent to the development site.

2858185