

**Joint Hearing - MCC & PC
SK-9497-2023
Exhibit #29**

PROOF OF PUBLICATION

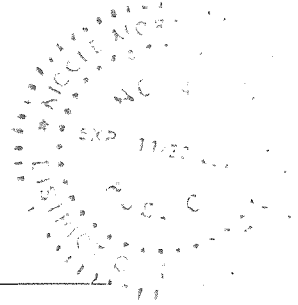
District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Jasmine Deflanders well known to me to be ACCOUNTING SPECIALIST of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$605.68 and was circulated in the Washington metropolitan area.

Published 2 time(s). Date(s):02 and 09 of March 2023

Account 1010122919

Witness my hand and official seal this Jasmine Deflanders 9th day of March 20 23
[Signature]
My commission expires 1/21/50



NOTICE OF JOINT PUBLIC HEARING The Mayor and City Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Sketch Plan Application SK-9497-2023 on MONDAY MARCH 20, 2023 AT 7:30 P.M. or as soon thereafter as this matter can be heard at City Hall, 31 South Summit Avenue, Gaithersburg, MD 20877, or virtually by teleconference (online and phone). The applicant, Muddy Branch Investments LLC, has submitted Sketch Plan application SK-9497-2023, in accordance with § 24-160D.9(a) #Application for the MXD Zone and sketch plan approval" of the City Code. The Application proposes to construct a new multifamily residential community with up to 380 dwelling units and associated open space and amenities. The property is located at 770 Muddy Branch Road, Gaithersburg, Maryland 20878. Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or by contacting the Planning Department at Planning@gaitHERSBURGMD.GOV.

Kirk Eby

From: Christopher Marcum <christopher.steven.marcum@gmail.com>
Sent: Saturday, March 18, 2023 11:17 AM
To: Planning External Mailing
Subject: objection to proposed development in application SK-9497-20231

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

I'm writing to object to any new development at the former Nike missile site in Gaithersburg. this neighborhood is already very crowded, lack of parking and public services have become a major issue, there's adequate housing vacancies in the neighborhood already, and our neighborhood needs improvements in green space. The proposed development will negatively impact the quality of life of residents in surrounding neighborhoods including, warther, lakelands, shady Grove and others. It would increase the amount of waste, noise, and pollution in the neighborhood. Also, I am concerned about increased traffic and reduced parking spaces along an already dangerous driving corridor on muddy branch, where there have been several traffic related fatalities in the last couple of years - with the city doing very little to help our neighborhood in this matter. Finally, new development at the site would reduce the green space buffer between the muddy Branch shopping center and other neighborhoods.

thank you,
Chris Marcum
Gaithersburg Homeowner
Shady Grove Village

Kirk Eby

From: Steven Kraft <stevenkraft85@gmail.com>
Sent: Monday, March 20, 2023 2:09 PM
To: Planning External Mailing
Subject: 380 Residential Units to Old Nike Missile Site in Gaithersburg

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Hello Gaithersburg planning department,

I am writing in SUPPORT of the 380 units planned for the old Nike missile site off Muddy Branch Avenue. As we all know, we are in a housing crisis and need dramatically more multifamily housing. Which this project aims to build. In addition, this community will be close to many resources and businesses that will help the area thrive.

I would also like to see steps taken to mitigate vehicle speed and improve pedestrian crossings at Muddy Branch and make it easier to walk to the many retail and shopping centers in that area of Gaithersburg (such as Crowne and Rio). There have been several horrific accidents on Muddy Branch over the last few years, with two pedestrians being murdered by car last November as they were walking from the polls being a recent example.

As our communities grow, we need to reduce traffic speeds and increase pedestrian safety.

Thank you!

-Steven Kraft
Gaithersburg Resident

--

Steven Kraft
240-899-9915

StevenKraft85@gmail.com

https://www.linkedin.com/profile/public-profile-settings?trk=prof-edit-edit-public_profile

Kirk Eby

From: Cynthia Browning <cynthbrown413@hotmail.com>
Sent: Monday, March 20, 2023 4:04 PM
To: Planning External Mailing
Subject: Proposal for building at Nike Missile site

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To whom it may concern,

I am a local home owner who is writing to express my concern about the proposal to build residential condos at the old Nike Missile site off of Muddy Branch Road. My first concern is for potential residents and exposure to any residual contaminants in the soil at the site. I have heard rumors of contamination and request that the Town address the concern of site contamination with a full environmental assessment. My second concern is for overcrowding in the public schools. The local schools are already severely overcrowded. This problem is so severe that even the recent addition of a new elementary school was not able to alleviate this problem in the elementary schools near this proposed building site. The addition of over 300 new residential units will only contribute to the problem. This needs to be addressed before such substantial building continues in this area.

Thank you for considering my concerns,
Cynthia Browning
Home owner on Harkness Lane, Gaithersburg

Kirk Eby

From: Sallye Mahan-Cox <smahancox@yahoo.com>
Sent: Monday, March 20, 2023 4:56 PM
To: Planning External Mailing
Subject: 770 Muddy Branch Road

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Planning Commission:

As residents of Shady Grove Village II the townhouse condominium across the road from the proposed development, we have attended meetings about the proposed development of the site. We have been pleased with how communicative Pleasants Development has been about their plans for the site and the progress as it has been made. They have listened attentively to our concerns (traffic, pedestrian safety, Fields Road School) and have shared with us information as they have met with City and County officials.

With Pleasant's stated intention to retain ownership of the new community, we feel that this will be a welcome addition to our neighborhood.

Sincerely,
Sallye Mahan-Cox
President, Board of Directors
Shady Grove Village II

Kirk Eby

From: cherylk109@verizon.net
Sent: Tuesday, March 21, 2023 8:56 PM
To: Planning External Mailing
Subject: Comments re: Nike site development, Muddy Branch

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Gaithersburg Planning,

Thank you, Mayor, Council and public participants for the informative 20 March meeting and discussion on the development plans for the Nike missile site, 770 Muddy Branch Road. I watched the meeting via the YouTube channel.

The comments and issues raised were on point and impact several neighborhoods in the area. I am a resident in the nearby Amberfield neighborhood and recently learned of the proposed development on the property, so apologies if the comments and suggestions below have been addressed.

1. The developer indicated in the meeting that a completed application for the remediation of the site was submitted to the State of Maryland DEP, and that the documentation is in process for the MD DEP approval.

More details on the status of the site demolition and remediation, including the list of structures (silos, underground storage tanks, etc.), contaminants (past, present, and potential contaminants that could result from the demolition/remediation phase) would be important information for the community residents to know before the property is developed.

"Contaminants used at the Nike site include trichloroethene (TCE), tetrachloroethene (PCE), benzene, carbon tetrachloride and associated degreasing agents, petroleum compounds, red fuming nitric acid, dimethyl hydrazine, perchlorates, lead based paints, asbestos containing materials, polychlorinated biphenyls, pesticides and heavy metals. There was one dry well associated with the rocket cleaning and assembly building and a second dry well associated with the rocket fueling facility." Ref:

<https://mde.maryland.gov/programs/land/MarylandBrownfieldVCP/Documents/Rockville%20Launch-Gaithersburg.pdf>

"In 2003 the Army Corps of Engineers cleaned up hazardous waste that had contaminated the groundwater, a byproduct of the rocket fuel stored onsite in underground tanks." Ref:

[Bombs in Your Backyard: NIKE W-92 \(ROCKVILLE LAUNCH AREA\) - ProPublica](#)

2. The public and Council members' comments related to pedestrian and traffic safety are real and appreciated given the proposed 380 (or fraction of) dwelling units. Consider the topography of the property, it is another community whose access is one way in, same way out like the Timberbrook community. Muddy Branch is a 4-lane high speed, high traffic road.

3. The elevation of the buildings was questioned at the meeting, important for adjoining communities and the shopping center to understand. The property is elevated to adjacent areas, future plans should take into consideration the elevation of planned buildings in relation to the surrounding homes, condos and shopping center stores. It sounded like drainage/run-off from the property is a concern.

Thanks for the opportunity to comment.

Cheryl Kaiser
109 Fleece Flower Drive, Amberfield



Maryland Department of the
Environment

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FACTS ABOUT: ROCKVILLE LAUNCH (MD-226)

Site Description

The address for the 13.7-acre Rockville Launch (MD-226) was 770 Muddy Branch Road, Gaithersburg, Montgomery County, MD 20878. The geographic coordinates for the site are 039 degrees 7 minutes 00.72 seconds north latitude by 077 degrees 13 minutes 11.43 seconds east longitude. The Maryland grid coordinates are 467,000 north by 738,000 east.

The Rockville Nike Launch Facility operated from 1955 through 1974 at the location off Muddy Branch Road near Gaithersburg. This report references the site as Rockville W-92. Following base closure in 1974, the site was turned over to the Consumer Product Safety Commission and later, to the National Institute of Standards and Technology. Currently, the Nike launch site is owned by the U.S. Federal Government.

Site History

The Nike missile launch site is a testament to the Cold War era. “Rockville W-92” was a guided missile base installed to help defend the Nation’s Capital from enemy bombers. Built in 1954, the missile launch site located west of Muddy Branch Road, housed both NIKE Ajax and Hercules missiles. The launch site contains three missile silos and a collection of barracks and out-buildings. The Nike site remained operational until 1974, when rendered obsolete by the refinement of intercontinental ballistic missiles.

In the early years of the Cold War, the United States Army set up a battery of Nike missile defense systems around forty major US cities. The typical Nike base consisted of two operational areas: the launch area and the fire control area. The launch area contained the facilities and equipment required to assemble, test and maintain the missiles and associated launch mechanisms.

Waste Description

The Nike Ajax missile was a liquid fueled rocket using red fuming nitric acid mixed with unsymmetrical dimethyl hydrazine (UDMH) and JP-4 jet petroleum. The Nike Hercules missile used ammonium perchlorate as an oxidizer and synthetic rubber mixed with aluminum as the fuel.

Contaminants used at the Nike site include trichloroethene (TCE), tetrachloroethene (PCE), benzene, carbon tetrachloride and associated degreasing agents, petroleum



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compounds, red fuming nitric acid, dimethyl hydrazine, perchlorates, lead based paints, asbestos containing materials, polychlorinated biphenyls, pesticides and heavy metals.

There was one dry well associated with the rocket cleaning and assembly building and a second dry well associated with the rocket fueling facility.

Environmental Investigations

The United States Army Corps of Engineers (USACE) has investigated the site under the formerly used defense site (FUDS) initiative. Portions of the site were remediated under USACE oversight. Monitoring well sampling at the Rockville Launch site revealed levels of chlorinated solvents in on site monitoring wells significantly above background and or above regional screening levels. Samples of site soils found elevated levels of metals and poly-aromatic hydrocarbons (PAH) in some on site locations.

The results of early groundwater studies identified TCE in monitoring well MW-4 at 21 ug/l. This is an on site well located adjacent to the old missile assembly building. The USACE in 2003 and ARM in 2007 conducted confirmatory sampling of MW-4 and did not identify TCE or any other significant levels of volatile organic compounds in the well. USACE abandoned MW-2, MW-3 and MW-4.

Indoor air sampling found TCE above the USEPA vapor intrusion guideline in samples collected on site. The soil gas investigation identified TCE at levels above the EPA Vapor Intrusion Guidance Criteria of 2.2 ug/m³.

ARM conducted a soil gas study in August 2007. The samples collected from the missile assembly building and the propellant building were above EPA vapor intrusion guidelines.

Current Status

USACE has no further plans for remediation of the site. In October 2011 MDE conducted a FUDS Site Inspection (SI) of the Rockville Launch site to identify soil and groundwater contamination and to determine if further vapor intrusion studies were warranted. The SI report found minimal residual contamination of the surface and subsurface soils at the Rockville Launch site. While TCE has been documented on the Rockville Launch site, there are no domestic wells in use in the vicinity of the site. Based on USACE findings, low levels of TCE are present in groundwater on site. ARM documented low levels of TCE in soil vapor under three site structures, the missile assembly building, the propellant handling building and the administration building. However, there is currently no evidence of contaminants at levels that could be considered significant; therefore, MDE does not believe that further action is warranted at this site.



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BOMBS IN OUR BACKYARD SERIES

SIGN UP Donate

BACK TO MAP

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FORMERLY USED DEFENSE SITE

INSTALLATION ID: MD39799F138500

NIKE W-92 (ROCKVILLE LAUNCH AREA)

Rockville, Maryland

Total Cost
\$121K

Money spent on the evaluation and cleanup of hazardous sites at this installation.

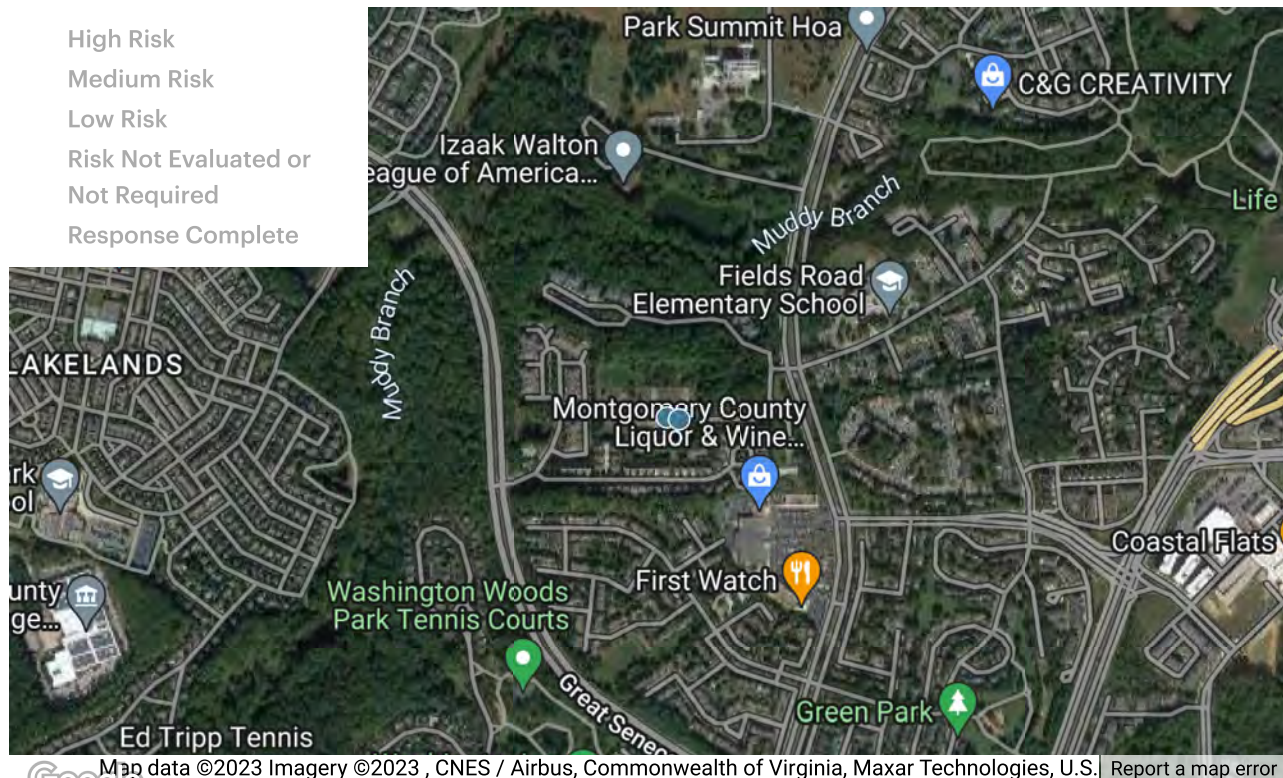
Completion Date
2003

The date the DOD says cleanup of all sites was completed. Long term monitoring may continue after this date.

The former NIKE Missile Battery W-92 was used by the U.S. Army as part of the Washington, D.C. defense system. During DOD use, six buildings of block construction were built at the launch area including a guard house, water well building,... [see more »](#)

2 Hazardous Sites

Below are the locations of hazardous sites associated with this military installation, according to the DOD. A site's contamination may affect a much larger area, including public and private lands and the water supplies beneath them.





We haven't independently confirmed the location of every site. If you notice a site placed at the incorrect location, please contact us.

Not all sites in the DOD data include location information, so there may be sites listed below that are missing from the map. The risk level of a site refers to a relative risk assessment made by the DOD to prioritize the cleanup of sites.

2 Inactive Sites

Sites where military cleanup actions are complete, according to the DOD. Note that this status does not necessarily mean the site is no longer hazardous, as many of these sites are put under long-term monitoring or other restrictions.

<p>HAZARDOUS SUBSTANCES Response Complete</p>	<p>Site ID: 01PRP/HTRW PRP/HAZARDOUS, TOXIC AND RADIOACTIVE WASTE COMPLETE - NDAI Contaminated Ground Water</p>	<p>Cost UNKNOWN</p>	<p>Final Cleanup Action JUN 2003</p>
<p>HAZARDOUS SUBSTANCES Response Complete Contaminated: Sediment</p>	<p>Site ID: 02HTRW HAZARDOUS, TOXIC AND RADIOACTIVE WASTE - CONFIRMATION STUDY - NDAI Contaminated Ground Water</p>	<p>Cost UNKNOWN</p>	<p>Final Cleanup Action SEP 1998</p>

Update (Dec. 5, 2017): We have changed the source of the installation cost data after being notified by the Department of Defense that they erroneously reported their own cost figures on the DERP website. We are now displaying the costs the department says are the most accurate available, from the Pentagon's DERP database that we received in a FOIA request.

Note: The risk level of a site refers to a relative risk assessment made by the DOD to prioritize the cleanup of sites.

Data: All data comes from the Defense Environmental Restoration Program and the U.S. Army Corps of Engineers, and will be released soon at the ProPublica Data Store. [Read our methodology »](#)