



## RE: Information for January 9, 2026 upcoming show cause hearing

**From** Dean Packard <dean@packardassociatesllc.com>

**Date** Tue 1/13/2026 6:14 PM

**To** Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Kobylski, Linda <Linda.Kobylski@montgomerycountymd.gov>

**Cc** josh.kaye@montgomeryplanning.org <josh.kaye@montgomeryplanning.org>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; gjsimone@gmail.com <gjsimone@gmail.com>; caroljeanhann@gmail.com <caroljeanhann@gmail.com>; jjlim105@gmail.com <jjlim105@gmail.com>; matthew.rooney1@gmail.com <matthew.rooney1@gmail.com>; kimberly.rooney7@gmail.com <kimberly.rooney7@gmail.com>; jd.jcarr@gmail.com <jd.jcarr@gmail.com>; funhair2004@yahoo.com <funhair2004@yahoo.com>; kentege@gmail.com <kentege@gmail.com>; soltykan@hotmail.com <soltykan@hotmail.com>; rchan11@hotmail.com <rchan11@hotmail.com>; jghughes2@verizon.net <jghughes2@verizon.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

7 attachments (8 MB)

SHA-3-MO-0604-20-DO.pdf; 20260113\_160158.pdf; 20260113\_160127.pdf; 20260113\_160117.pdf; 20260113\_160104.pdf; 20260113\_155620.pdf; 20260113\_155617.pdf;

### [EXTERNAL EMAIL]

Since the meeting last Friday, we accomplished the following:

1. The sediment control permit has been extended with payment of the fee
2. The stormwater management asbuilt fee has been paid
3. The state highway permit has been extended and is attached
4. Five loads (100 tons) of RC6 has been delivered and three of the loads were spread on the subgrade on the private portion of the drive access, and not in the public right of way. This was done to stabilize the subgrade before the rain this weekend. The 5" of RC6 laid has triple the capacity for compaction in winter conditions. My experience over the years is to lay RC6 on the subgrade and then cap it with 1" to 2" of CR6. This will harden for superior compaction and durability once the paving is installed. The previous builder installed no stone on the interior driveway that had the failures and 3" of stone was laid on the lower section that didn't fail. We are now putting down 6" to 7" of stone below the paving layer on top of the dirt subgrade.
5. Adding this additional stone required the manhole to be raised. We installed manhole riser rings with non-shrink grout and re-bolted the frame and cover down today.
6. Another crew was installing the pervious paver blocks and about 50' of blocks, the width of the sidewalk have been laid, yesterday and today. Tomorrow, they will be installing more pavers and cutting the end pieces in.
7. The safety fence was installed on the stockpile
8. Two loads of CR6 were delivered and moved to the edge of the public right of way outside of the curb area
9. A sump pump was set in the low spots where water has collected and water is being pumped into a stabilized area adjacent to the road and not onto the road

10. Once the water is removed, the grade will be undercut and we will observe the compaction, then contact the right of way inspector to check before proceeding with the curb and gutter forms as directed

I have been working on the spreadsheet and it will be updated as work progresses this week.

Dean Packard, PE

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**From:** Robeson Hannan, Lynn <[Lynn.RobesonHannan@montgomerycountymd.gov](mailto:Lynn.RobesonHannan@montgomerycountymd.gov)>  
**Sent:** Monday, January 5, 2026 1:33 PM  
**To:** Dean Packard <[dean@packardassociatesllc.com](mailto:dean@packardassociatesllc.com)>; Kobylski, Linda <[Linda.Kobylski@montgomerycountymd.gov](mailto:Linda.Kobylski@montgomerycountymd.gov)>  
**Cc:** josh.kaye@montgomeryplanning.org; Nichols, Greg <[Greg.Nichols@montgomerycountymd.gov](mailto:Greg.Nichols@montgomerycountymd.gov)>; gjsimone@gmail.com; caroljeanhann@gmail.com; jjlim105@gmail.com; matthew.rooney1@gmail.com; kimberly.rooney7@gmail.com; jd.jcarr@gmail.com; funhair2004@yahoo.com; kentege@gmail.com; soltykan@hotmail.com; rchan11@hotmail.com; jghughes2@verizon.net; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>; Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>  
**Subject:** RE: Information for January 9, 2026 upcoming show cause hearing

Thanks for following up so quickly. You need to modify the special exception approval first to install the safety fence.

I was also referring, however, to a long-term a fence and landscaping to screen the dirt pile.

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**From:** Dean Packard <[dean@packardassociatesllc.com](mailto:dean@packardassociatesllc.com)>  
**Sent:** Monday, January 5, 2026 1:29 PM  
**To:** Robeson Hannan, Lynn <[Lynn.RobesonHannan@montgomerycountymd.gov](mailto:Lynn.RobesonHannan@montgomerycountymd.gov)>; Kobylski, Linda <[Linda.Kobylski@montgomerycountymd.gov](mailto:Linda.Kobylski@montgomerycountymd.gov)>  
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### [EXTERNAL EMAIL]

Below are my response to the questions asked of me. I know that I need to forward a copy of the SHA permit and am looking for it now.

Dean Packard, PE

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**From:** Robeson Hannan, Lynn <[Lynn.RobesonHannan@montgomerycountymd.gov](mailto:Lynn.RobesonHannan@montgomerycountymd.gov)>  
**Sent:** Monday, January 5, 2026 11:33 AM  
**To:** Dean Packard <[dean@packardassociatesllc.com](mailto:dean@packardassociatesllc.com)>; Kobylski, Linda <[Linda.Kobylski@montgomerycountymd.gov](mailto:Linda.Kobylski@montgomerycountymd.gov)>  
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**Subject:** Information for January 9, 2026 upcoming show cause hearing

Good morning. I hope everyone's holidays were enjoyable.

There is some information I'd like for the upcoming hearing on the 9<sup>th</sup>, in addition to the updated project work list and photos of the subject property. I've attached the transcript from the last hearing for your information. It will be posted on OZAH's website shortly.

Ms. Kobylski and Mr. Kaye, will you be available to brief us on the status of the applicable bonds? My questions include:

- Are the bonds earmarked for specific improvements?
- Does the County's bond cover the right-of-way?
- Do any of the bonds cover construction of the common area amenity area or the right-of-way?

Mr. Packard, you testified at the December 18<sup>th</sup> hearing (Tr. 14) that you expect to receive a draw that would "carry us through to the finish" (I assume of this project.) *The investor involved with funding the draw to carry us through finishing the work, I found out went on vacation from 12/22 to 1/3. He is back now and we just had a hour long conversation. He wants the latest pictures and a simplified summary of what has been done since August and what needs to be done to complete the work getting the second entrance installed. I am working on answering his questions right now and the investor said that if I get it to him today, he will get the funds released immediately.*

- Please be prepared to address whether you agree with revising the conditional use conditions to include a new bond for the right-of-way. *Since the right of way work is blocking any subsequent plan reviews moving forward, it is a far bigger hook on us than any bond. Linda said at the last meeting that she fees that the \$85,000 +/- in county bonds is enough to cover the outstanding county work. The MNCPPC \$92,000 bond is close to the amount necessary to complete the remaining site plan enforcement agreement work bonded. As soon as the second entrance is installed, the bond will be more than enough to complete the work.*
- Absent new bonding, please provide your position on whether the amount of money necessary to complete the driveway could be placed in escrow until you are able to finish construction. *As noted, we are blocked from anything moving forward until the entrance / right of way is completed and accepted. All of the work that has occurred in the last year has been outside of the entity that signed for the permits and site plan enforcement agreement. That entity, Garrett Gateway Partner is complete insolvent. As it happened, the previous builder, Legend Builders, secured the remaining \$85,000 +/- bonds for the county and the \$92.000 bond for the MNCPPC site plan enforcement agreement. Their cooperation is non-existent with any of the construction work happening. We would have no way to force Legend Builders to increase the bond without litigating the matter and the signatory entity has no assets to secure a bond with.*
- Please be prepared to address whether you would accept a revised condition requiring a fence and/or landscaping along the rear property line to screen the view of the mound of dirt. *We discussed a safety fence to protect someone from getting hurt for the stockpile. We intend to get that installed this week with everyone back in town. The landscaping along the read property line and adjacent to the stockpile is on the approved plans and is currently a part of the site plan enforcement agreement with the MNCPPC.*

*With the large sum of money the investor has and will be eminently funding to complete the existing community work, the new partnership in the new townhouse phase, has only one path forward to repay the loan. Finish the work in the existing community and entitle the approvals in the second phase of*

*townhomes. There is a lot more at stake for the phase 2 partnership that will ensure that the construction work is completed in the existing community. Interest payments of \$13,000 per month are starting and time is of the essence to complete the work.*

*With today's meeting with the investor, we are confident that work will restart quickly because with nothing happening in the last month, the pressure now is intense to complete, more than it was before. I signed an obligation to complete the existing community under the previous entity and I am now obligated as the engineer to deliver entitlement of the second group of approvals, once the existing community is accepted by the county and commission.*

*I am pushing everyone, every day, to complete the work so that we can move forward because it has been way to long, and we are close to completing the construction work.*

Thanks in advance for your assistance.

