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To: [Robeson Hannan, Lynn](#); [Kobylski, Linda](#)
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Subject: RE: Information for January 9, 2026 upcoming show cause hearing
Date: Thursday, January 8, 2026 2:49:16 PM
Attachments: [SHA-3-MO-0604-20-DO.pdf](#)

[EXTERNAL EMAIL]

Lynn, I went to a storage unit where old documents are archived and finally found the state highway permit today.

I didn't remember it had an expiration date on it, so I just sent a request to the State Highway Department to renew the permit.

My thought on the safety fence was that it was an enforcement call.

On the approved final preliminary plan, there is about 80 trees and shrubs to be planted all along the stockpile and the border with the state property. This is a part of the site plan enforcement agreement, we are bound to complete.

The good news of the day is that funding got approved today and will enter Mike Hines's account tomorrow. I just hung up with him and he has scheduled his workers to restart this weekend laying the pervious blocks and framing for concrete pours. There is another draw scheduled for next month. This draw that is happening now will finish 90% of the remaining work to be completed, if not all. We will continue to be cautious on how the money is spent to make sure that are no mistakes and have competent workers who can do the skilled work on onsite quickly and not drag this out more.

Once the second entrance goes in, and the equipment is out of the way, we will go back to the landscape nurseries and pay for the plants and figure out the availability and timing of when they can be planted.

My thought is a safety fence is what is necessary to keep anyone from climbing on the stockpile and get hurt. Since the stockpile is over 15' high, a chain link fence or wood fence will not provide much screening.

If we are able to close the existing sediment control permit in the March, my understanding is that we will need a separate county stockpile permit until the dirt is removed, which will have to be bonded and remain permitted, bonded and open until moved.

Right now, the only obstacle I see to getting the entrance in and finishing the work is the

weather. The short term outlook is favorable so with the good news today, Mike's guys will be there starting this weekend or if it rains, Monday. These are more skilled laborers that specialize in concrete and installing the paver blocks. The paving company is contracted and is ready to move forward when permitted.

I will coordinate with the inspectors to let them know what is happening and when.

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Sent: Monday, January 5, 2026 1:33 PM
To: Dean Packard <dean@packardassociatesllc.com>; Kobylski, Linda <Linda.Kobylski@montgomerycountymd.gov>
Cc: josh.kaye@montgomeryplanning.org; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; gjsimone@gmail.com; caroljeanhhan@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>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
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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.

From: Dean Packard <dean@packardassociatesllc.com>
Sent: Monday, January 5, 2026 1:29 PM
To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Kobylski, Linda <Linda.Kobylski@montgomerycountymd.gov>
Cc: josh.kaye@montgomeryplanning.org; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; gjsimone@gmail.com; caroljeanhhan@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>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
Subject: RE: Information for January 9, 2026 upcoming show cause hearing

[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

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Monday, January 5, 2026 11:33 AM

To: Dean Packard <dean@packardassociatesllc.com>; Kobylski, Linda <Linda.Kobylski@montgomerycountymd.gov>

Cc: josh.kaye@montgomeryplanning.org; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; gjsimone@gmail.com; caroljeanhan@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>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

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 9th, 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 18th 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 feels 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 too long, and we are close to completing the construction work.

Thanks in advance for your assistance.

