



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOTICE OF HEARING

December 16, 2009

[BY CERTIFIED MAIL]

Mr. Scott Shinskie
7508 Wisconsin Ave-2nd Floor
Bethesda, MD 20814

Clarksburg Partners, LLC
c/o McShea Management
100 Lakeforest Boulevard, Suite 500
Gaithersburg, MD 20876

Clarksburg Partners, LLC
c/o McShea Management
7495 New Horizon Way
Frederick, MD 21703

Re: Notice of Hearing for Violation of Site Plan #820020270 rescheduled for Thursday, January 14, 2010 at 7:00 pm

Dear Mr. Shinskie:

This Notice of Hearing is being issued to you in accordance with Montgomery County Code §59-D-3.6 for your failure to comply with certain elements of your site plan #820020270 as approved by the Montgomery County Planning Board. Specifically, the following violations are noted:

1. Failure to install seating areas;
2. Failure to install all landscaping;
3. Failure to follow the specified striping pattern in the parking area;
4. Failure to replace damaged concrete;
5. Failure to repair parking lot lighting
6. Failure to provide pedestrian stairway between buildings 3 & 4 and changing the footprint of the adjoining stairway
7. Failure to provide the specified stone material on the stairway retaining wall
8. Failure to install a wood fence on the corner of Stringtown Rd. & Frederick Rd.
9. Failure to provide the wood trellis in the public open space

The Planning Board has granted the Applicants Request for Continuance. The hearing in the above-referenced matter has been rescheduled from November 16, 2009, to Thursday January 14, 2010 at 7:00PM. In accordance with our procedures, a notice of the public hearing will be mailed out to all adjoining and confronting property owners within ten days of the hearing. At the hearing, in the event the Planning Board finds that any term, condition, or restriction in your site plan is not being complied with, the Planning Board may:

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1. Impose a civil fine or penalty;
2. Suspend or revoke your certified site plan;
3. Approve a compliance program that would permit you to take corrective action to comply with the certified site plan;
4. Allow you to propose modifications to the certified site plan; or
5. Take any combination of these actions.

Please be prepared to appear at the hearing in front of the Planning Board to respond to the alleged violations. **This is an adjudicatory proceeding governed by State Government §10-201 et. seq. (the Administrative Procedures Act). Accordingly, you will have the opportunity to present evidence and have witnesses testify on your behalf, as well as cross-examine the Planning Board's witnesses. You are responsible for securing the attendance of your witnesses, and you must bring with you any evidence you wish the Board to consider. You are also free to retain counsel to represent you at your own expense, or proceed in proper person.**

You are encouraged to schedule a meeting with Commission staff in advance of the hearing to discuss whether a compliance program would be appropriate in this case. Should you wish to do so, please contact Robert Kronenberg, Site Plan Supervisor at 301-495-2187.

Sincerely,



Rollin Stanley, Director of Planning

cc: Rose Krasnow, Chief, Development Review Division
Robert Kronenberg, Supervisor, Development Review Division
Josh Kaye, Inspector, Development Review Division
Carol S. Rubin, Associate Counsel, Office of General Counsel