



MONTGOMERY COUNTY PLANNING BOARD

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Site Plan Amendment 82003011C in Response to an Enforcement Action, The Meadows at Hurley Ridge

CONSENT ITEM #: MCPB No. 11-25

MCPB HEARING DATE: June 16, 2011

REPORT DATE: June 2, 2011

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Chief 
DARC

FROM: Joshua Kaye, Senior Planner 
DARC

APPLICATION DESCRIPTION: Amendment to modify site plan elements necessitated by the following: (1) site conditions discovered through enforcement action including modifications to landscaping, street lighting, striping and pedestrian connections; and (2) revisions requested within the right-of-way by the Department of Permitting Services. Property is 62.55 acres in the R-200/TDR-4 zone; located on Little Seneca Parkway; in the Clarksburg Master Plan area.

APPLICANT: Toll Brothers, Inc.

FILING DATE: March 16, 2011

RECOMMENDATION: Approval of site plan amendment and adoption of draft resolution No. 11-25.

EXECUTIVE SUMMARY: The Applicant desires to add, eliminate, and/or modify certain plan elements that were approved as part of the original site plan, which include street lighting, striping, and pedestrian connectivity. The site plan amendment was necessitated due to a Notice of Violation issued by the Department of Permitting Services Site Plan Enforcement Section, for modifications, additions, and/or deletions to elements on the approved certified site plan. No setbacks or other development standards are being amended.

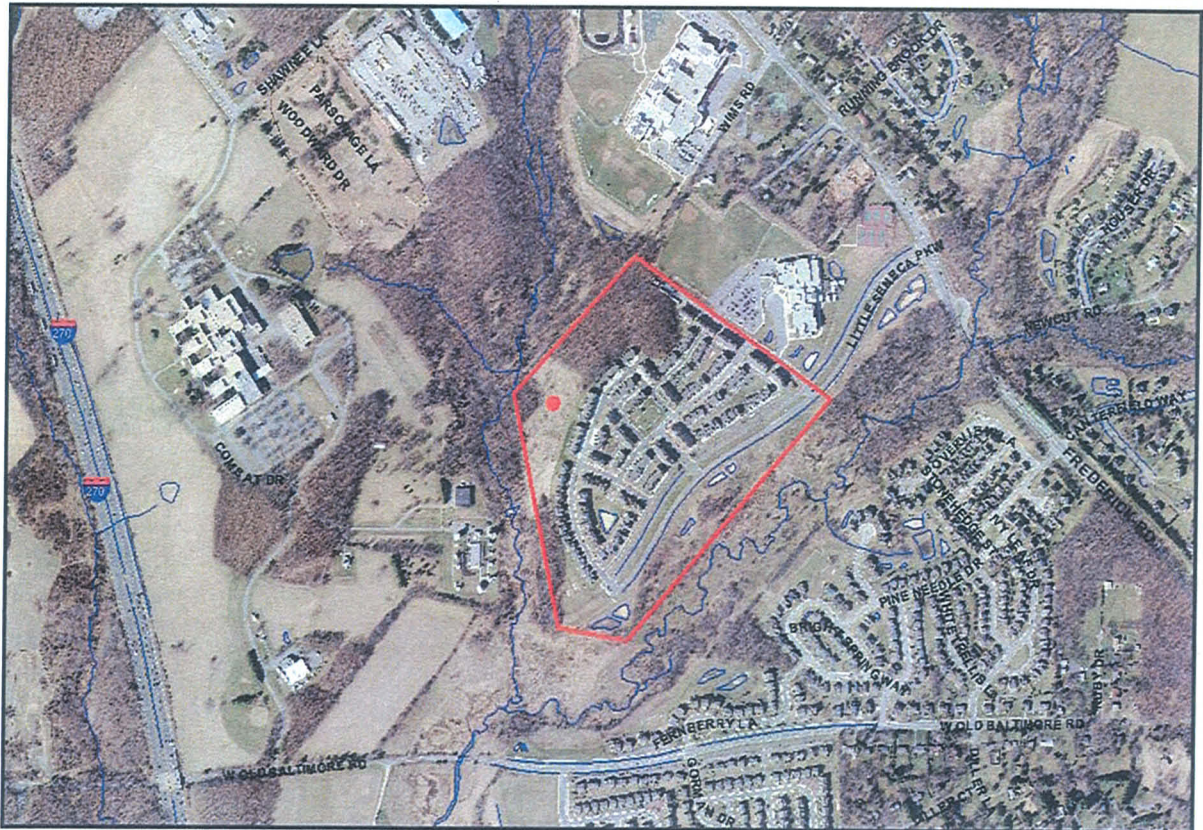
SITE DESCRIPTION:

Vicinity

Access to the development is located off Little Seneca Parkway, approximately 1000 feet west of Frederick Road (Rte 355). Little Seneca Parkway is master planned to provide a future connection from Route 355 to 1-270. Directly to the north of the subject property is the Board of Education property known as Clarksburg High School. Adjacent to the subject property east toward Rte 355 is Rocky Hills Middle School. The property is in the Clarksburg Special Protection Area.

The property to the south and west of the Meadows at Hurley Ridge is owned by Comsat, housing a number of associated technology buildings, and zoned 1-3. The property to the southeast, across Little Seneca Parkway, is the Clarksburg Heights (Preliminary Plan #1-89084) subdivision. This development consists of a mix of single-family attached and detached units and is zoned R-200/TDR. The property directly to the southwest, known as the Linthicum Property (Preliminary Plan #1-02015), consists of a mix of single-family housing types. Zoning for this site is R-200 to the east of the stream, and 1-3 and 1-4 to the west toward 1-270.

The Meadows at Hurley Ridge



Little Seneca Parkway & Brick Haven Way, Clarksburg, MD

Vicinity Map

SITE ANALYSIS:

The subject site is currently improved per Site Plan 82003011B, which consists of 219 single-family attached and 31 single-family detached dwelling units including 87 TDR's and 41 MPDUs, on 62.55 net acres, of which 5.43 acres were placed into a category I forest conservation easement. No other environmental features or rare, threatened, or endangered species exist on the property. There are no known historic properties or features on the site.

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

On April 4, 2002 preliminary plan # 120020110 was approved for 325 lots (104 SFD's and 216 SFA units) on 102.9 acres, including 113 TDR's and 41 MPDU's. The subdivision was known as the "Martens Tract" and was developed in two phases with two separate site plans. The site conforms to the conditions of the approved Preliminary Plan.

Site Plan

On May 20, 2003 the Montgomery County Planning Board issued a written opinion approving site plan #820030110, which included 219 single-family attached and 31 single-family detached dwelling units including 87 TDR's and 41 MPDUs. This site plan was the second of the two phase development.

Two additional minor amendments; 82003011A & 82003011B were approved by staff in 2004 and 2005 respectfully. These amendments were filed to adjust property lines for lots 57-67 & 68-64 Block P, and the greenway/natural surface trail alignments.

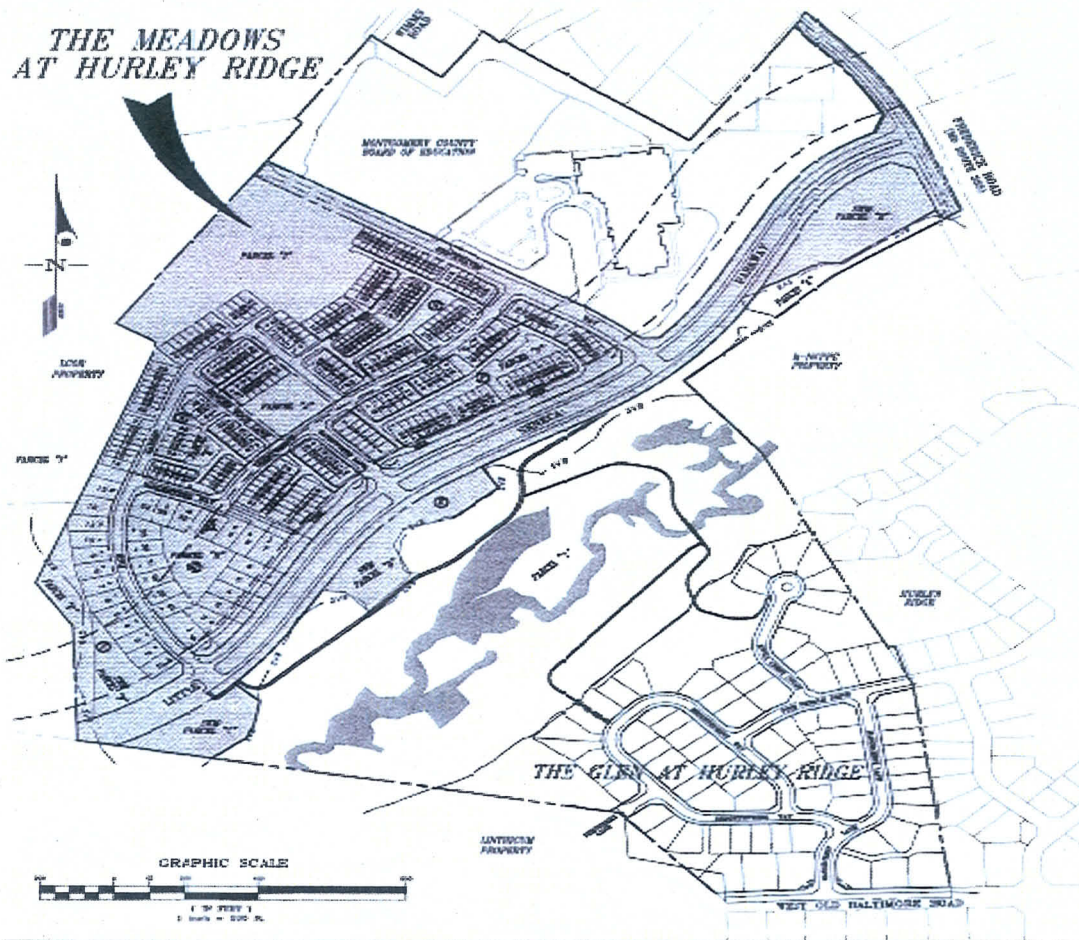
SITE PLAN VIOLATION:

Site plan amendment # 82003011C was submitted in response to a Notice of Non-Compliance issued by the Department of Permitting Services, Site Plan Enforcement Section on May 28, 2010 (Exhibit B). A compliance date of July 1, 2010 was given to the applicant, which was extended by DPS for 60 days extension was granted by DPS in order for the applicant to address the enforcement items and submit an amendment to the site plan. Based upon the as-built site conditions, the site plan could not be brought into conformance with the approved plans.

On November 15, 2010 DPS Site Plan Enforcement Section issued four (4) \$500 civil citations to the Applicant (Exhibit C), for making changes to site plan elements without approval. The Applicant contested the citations. The District Court of Maryland for Montgomery County scheduled a trial to hear the case on December 21, 2010. The original trial was postponed and rescheduled for March 15, 2011. An abatement order was issued by the District Court of Maryland for Montgomery County on March 15, 2011 (Exhibit D). The abatement order prescribes the applicant to complete several elements from the site plan that were not originally completed, which include installing several private street lights and miscellaneous trees and shrubs throughout the community. The abatement order specifies the remainder of the work be completed by July 15, 2011.

CONFORMANCE TO CONDITIONS OF APPROVAL:

The proposed development complies with the conditions of approval for Site Plan 820030110 with the exception of the enforcement items described herein.



SITE PLAN

DESCRIPTION OF CURRENT AMENDMENT:

The Applicant requests the following modifications to the Site Plan:

1. Revise public street light locations throughout the development, due to site constraints and as-built conditions.
2. Add retaining walls for a sidewalk connection along Fair Garden Lane and relocate street trees impacted by the sidewalk.
3. Revise bike path connection along Route 355 and crosswalk striping changes requested by MCDOT.

PUBLIC NOTICE:

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 17, 2011. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received no inquiries regarding the proposed amendment.

STAFF RECOMMENDATION:

Site conditions during development necessitated the need to make minor alterations from the original approved site plan, including the addition of a retaining wall needed to complete the sidewalk installation for pedestrian connectivity, and to meet current ADA requirements. The bike trail realignment and striping changes were administered by the Department of Permitting Services and the Department of Transportation, while completing their final inspection and bond release walkthroughs.

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. The proposed modifications are necessitated by development challenges and operational considerations to the project. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82003011C.

EXHIBITS:

- A. Draft Planning Board Resolution;
- B. DPS Notice of Non-Compliance;
- C. DPS Civil Citations;
- D. District Court of Maryland Abatement Order;
- E. HOA Approval Letter.



DRAFT RESOLUTION NOT ADOPTED
MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-25
 Site Plan No. 82003011C
 Project Name: The Meadows at Hurley Ridge
 Hearing Date: June 16, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on March 16, 2011, Toll Brothers, Inc., ("Applicant"), filed a site plan amendment application designated Site Plan No. 82003011C ("Amendment") for approval of the following modifications:

1. Revise public street light locations throughout the development, due to site constraints and as-built conditions.
2. Add retaining walls for a sidewalk connection along Fair Garden Lane and relocate street trees impacted by the sidewalk.
3. Revise bike path connection along Route 355 and crosswalk striping changes requested by MCDOT.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated June 2, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on June 16, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82003011C.

Approved as to
 Legal Sufficiency:

Christina Soren 6/2/11
 M-NCPPC Legal Department

DRAFT RESOLUTION NOT ADOPTED

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 2011, in Silver Spring, Maryland.



MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
SITE PLAN ENFORCEMENT SECTION
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166

NOTICE OF NON-COMPLIANCE

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, May 28, 2010 the site plan recipient of this NOTICE: David Erat

Who represents the site plan applicant/defendant, Toll Brothers

Is notified that Non-Compliant conditions exist under Section S-8-26 (g) (Failure to Comply) of the Montgomery County Code regarding the following:

Site Plan # 82003011B and Project Name: The Meadows at Hurley Ridge

The Non-Compliance is described as:

- 1. Numerous trees/shrubs throughout the development are either missing, damaged and/or misplaced.
- 2. Crosswalk markings are missing.
- 3. Light poles and fixtures have not been installed as per P&P site plans.
- 4. Section of sidewalk is missing along the Fair Garden La.
- 5. Section of the 8' bike trail at the north end of Frederick Rd. is missing.
- 6. Numerous sections of sidewalks and curb & gutters are damaged.

The following corrective Compliance action(s) must be performed in: 30-Days 60Days 90- Days

Install all the missing and/or damaged elements in accordance with the approved M-NCPPC certified site plan.
Compliance date is July 01, 2010.

See attached inspection report(s) for additional non-compliance and/or required corrective actions.

Failure to comply with this Notice of Non-Compliance may result in the issuance of one or more \$500.00 civil citations.

A "STOP WORK ORDER" is issued this date at the above referenced project: All construction activities on these premises must cease immediately. Only those activities required to correct the non-compliance may continue. Permission from the Site Plan Enforcement Inspector is required to resume construction.

ISSUED BY: Christopher Dabrowski Chris Dabrowski 05.28.2010 301 370-1442
(Print Name) (Signature) (Date) (Phone Number)

Received by: _____
(Print Name) (Signature) (Date) (Phone Number)

(Recipient's signature acknowledges receipt of a copy of this Notice of Non-Compliance.)

If you wish to contest/dispute this Notice of Non-Compliance, contact the DPS Site Plan Enforcement Manager Ehsan Motazedil at 240-777-6321

75480-45200



UNIFORM CIVIL CITATION

WITNESS

1Z33917654

RELATED CITATION ->

District Court of Maryland for Montgomery County

Montgomery County/Municipality/State of Maryland DPS Agency

vs. Toll Brothers Inc. c/o Clark, Craig (agent)

Defendant's (Last) Name 7164 Columbia Gateway, Suite 230

Current Street Address Columbia MD 21043

City State Zip Code

DOB Height Weight Sex Race Hair Eyes
Telephone No. Day: cell # 410 443-5210 Telephone No. Night:

Based on personal knowledge of the undersigned officer the attached affidavit, the defendant is charged with failure to plant landscaping as specified by certified site plan # 18200301B

at Brickhaver Way, Clarkburg MD 20871 on 11.15.2010

of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR
Montgomery County Document/Article 59 Section D Paragraph 3.6.

Each day a violation continues is a separate WSSC infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

X Defendant's Signature: [Signature]

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.

YOU MAY PAY A FINE of \$ 500.00 by Dec. 06. 2010 to the District Court Montgomery County Attorney Office 101 Monroe St. Rockville MD 20850 and AVOID TRIAL.

This will be deemed an admission of guilt and a trial date will not be set.

YOU MAY ELECT TO STAND TRIAL. DO NOT SEND PAYMENT OF FINE. Notify Montgomery County Attorney Office in writing by 12.06.2010 at 101 Monroe St. Rockville MD 20850

The District Court will mail you a notice of your trial date and location. AT TRIAL the Court may impose a fine up to \$ 500.00 plus court costs.

IN ADDITION, Montgomery County is seeking abatement of this infraction. You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs.

FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE: will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement.

FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE: the fine may be doubled and a judgment on affidavit entered against you.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now and has not been within the preceding 30 days, in the military service as defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended.

Christopher Dabrowski Officer's Signature Christopher Dabrowski Officer's Printed Name 11.15.10 Date

DPS Site Plan Enforcement Agency 301 370-1442 Sub-Agency I.D. No. Phone

75480-45200



UNIFORM CIVIL CITATION

2233917655

WITNESS

RELATED CITATION →

District Court of Maryland for Montgomery County

Montgomery Agency DPS

County/Municipality/State of Maryland vs. Toll Brothers Inc. Clark, Craig (agent)

Defendant's (Last) Name First Middle 7164 Columbia Gateway, Suite 230

Current Street Address Columbia State MD. Zip Code 21043

City State Zip Code

DOB Height Weight Sex Race Hair Eyes Telephone No. Day cell # 410 443-5210 Telephone No. Night:

Based on personal knowledge of the undersigned officer the attached affidavit, the defendant is charged with Failure to mark crosswalks as specified by the certified site plan # 82003011 B

at Little Seneca Parkway Location Clarkburg MD 20871 in violation of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR

Document/Article Code Section 59 Sub Section D Paragraph 3.6

Each day a violation continues is a separate WSSC infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.
 Defendant's Signature [Signature]

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.

YOU MAY PAY A FINE of \$ 500.00 by 12.06.2010 to the District Court Montgomery County Attorney Office Agency/Municipality Rockville MD 20850 Payment Location 101 Monroe St. and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.

YOU MAY ELECT TO STAND TRIAL. DO NOT SEND PAYMENT OF FINE. Notify Montgomery County Attorney Office Agency/Municipality in writing by 12.06.2010 at 101 Monroe St. Rockville MD 20850 Address. The District Court will mail you a notice of your trial date and location. AT TRIAL the Court may impose a fine up to \$ 500.00 plus court costs.

IN ADDITION, Montgomery County Agency/Municipality is seeking abatement of this infraction. You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs.

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Christopher Dabrowski Officer's Signature Christopher Dabrowski Officer's Printed Name 11.15.2010 Date

DPS Agency Site Plan Enforcement Sub-Agency 301 370-1442 I.D. No. 301 370-1442 Phone

75480-45200



UNIFORM CIVIL CITATION

WITNESS

3233917656

RELATED CITATION →

District Court of Maryland for Montgomery County

County/Municipality/State of Maryland Montgomery Agency DPS

vs. Toll Brothers Inc. Clark, Craig (agent)

Defendant's (Last) Name Toll Brothers Inc. First Clark Middle Craig

Current Street Address 7164 Columbia Gateway, suite 230

City Columbia State MD Zip Code 21043

DOB _____ Height _____ Weight _____ Sex _____ Race _____ Hair _____ Eyes _____
Telephone No. Day: cell # 410 443-5210 Telephone No. Night: _____

Based on personal knowledge of the undersigned officer the attached affidavit, the defendant is charged with failure to install street lights as specified by the certified site plan # 1820030118

at Trentworth Way, Clarkburg MD 20871 on 11/15/2010 at 11:15 AM/PM in violation

of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR
Montgomery County Document/Article code Section 59 Sub Section D Paragraph 3.6.

Each day a violation continues is a separate WSSC infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.
 Defendant's Signature: [Signature]

INSTRUCTIONS

- YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.
- YOU MAY PAY A FINE of \$ 500.00 by 12.06.2010 to the District Court Montgomery County Attorney's Office at 101 Monroe St. Rockville MD 20850 and AVOID TRIAL.
This will be deemed an admission of guilt and a trial date will not be set.
- YOU MAY ELECT TO STAND TRIAL. DO NOT SEND PAYMENT OF FINE. Notify Montgomery County Attorney's Office in writing by 12.06.2010 at 101 Monroe St. Rockville MD 20850.
The District Court will mail you a notice of your trial date and location. AT TRIAL the Court may impose a fine up to \$ 500.00 plus court costs.
- IN ADDITION, Montgomery County is seeking abatement of this infraction. You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs.

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Officer's Signature: Christopher DeBrowski Officer's Printed Name: Christopher DeBrowski Date: 11.15.10
Agency: DPS Site Plan Enforcement Sub-Agency: _____ I.D. No.: 301 370-1442 Phone: _____

75480-45200



UNIFORM CIVIL CITATION

WITNESS
 RELATED CITATION -> []

4233917657

District Court of Maryland for Montgomery County
Montgomery County/Municipality/State of Maryland

vs. Toll Brothers Inc. c/o Clark, Craig (agent)
Agency: DPS

Defendant's (Last) Name: 7164 Columbia Gateway, Suite 230
First: Columbia Middle: MD Apt. No.: 21043
Current Street Address: Columbia City: MD State: 21043 Zip Code

DOB: _____ Height: _____ Weight: _____ Sex: _____ Race: _____ Hair: _____ Eyes: _____
Telephone No. Day: cell # 410 443-5210 Telephone No. Night: _____

Based on personal knowledge of the undersigned officer the attached affidavit, the defendant is charged with failure to construct sidewalk as specified by certified site plan # 82003011 B

at Fairgarden Ln. Clarksburg MD 20871 on 11.15.2010 at 11:15 AM/PM in violation of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR

Document/Article: _____ Section: 59 Sub Section: D Paragraph: 3.6

Each day a violation continues is a separate WSSC infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.
X Defendant's Signature: [Signature]

INSTRUCTIONS

- YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.
- YOU MAY PAY A FINE of \$ 500.00 by 12.06.2010 to the District Court.
 Montgomery County's Attorney's Office at 101 Monroe St. Rockville MD 20850 and AVOID TRIAL.
This will be deemed an admission of guilt and a trial date will not be set.
- YOU MAY ELECT TO STAND TRIAL. DO NOT SEND PAYMENT OF FINE. Notify Montgomery County's Attorney's Office in writing by 12.06.2010 at 101 Monroe St. Rockville MD 20850.
The District Court will mail you a notice of your trial date and location. AT TRIAL the Court may impose a fine up to \$ 500.00 plus court costs.
- IN ADDITION, Montgomery County is seeking abatement of this infraction. You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs.

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Officer's Signature: Christopher Dabrowski Officer's Printed Name: Christopher Dabrowski Date: 11-15-10
Agency: DPS Sub-Agency: Site Plan Enforcement I.D. No.: _____ Phone: 301 370-1442

IN THE DISTRICT COURT OF MARYLAND FOR MONTGOMERY COUNTY

MONTGOMERY COUNTY, MARYLAND

Plaintiff

v.

TOLL BROTHERS, INC.

Defendant

* Citation Nos 1Z33917654,
* 2Z33917655,
* 3Z33917656,
* 4Z33917657
*

RECEIVED

MAR 15 2011

Consent

ORDER FOR ABATEMENT

DISTRICT COURT 06-02

Upon consideration of the verified citations filed herein and any evidence presented at trial in this case, the Court finds that Defendant has committed the violations of Montgomery County law stated in the above-referenced citation and that the Plaintiff, Montgomery County, Maryland, is entitled to this Order of Abatement pursuant to Montgomery County Code, Section 1-18(e), and it is thereupon, this 15th day of March, 2011, by the District Court of Maryland for Montgomery County

ORDERED that the Defendant shall refrain from further violations of Montgomery County Code, Sections 59-D-3.6, and it is further

ORDERED that the Defendant shall immediately, except as otherwise provided herein, take the following actions regarding the property located at **Brickhaven Way, Clarksburg, Maryland**, to correct the conditions which constitute a continuing violation of County law

- 1 Plant the landscaping as specified in the certified site plan #82003011B, (7654),
and
- 2 Mark the crosswalks as specified in the certified site plan #82003011B; (7655),
and
3. Install street lights as specified in the certified site plan #82003011B, (7656), and
- 4 Construct the sidewalks as specified in the certified site plan #82003011B,
(7657),

All of the foregoing to be completed no later than 6 months after a copy of this Order has been served upon the Defendant; and it is further


ORDERED that a representative of Montgomery County shall be permitted to inspect the premises to verify that the terms of this Order have been complied with, and it is further

ORDERED that if the Defendant fails to abide by this Order within 6 months of the date of this Order by failing to abate the violations and/or refrain from future violations as required by this Order, the Plaintiff, Montgomery County, has permission to enter the premises and abate the violations as may be necessary to assure compliance with the Montgomery County Code, and it is further

ORDERED that if the Defendant fails to abate the violations and/or refrain from future violations as required by this Order and Plaintiff, Montgomery County, Maryland, abates the violations pursuant to Maryland Rule 3-648, the Plaintiff, Montgomery County, shall send the Defendant a bill for the cost of correction by regular mail to the Defendant's last known address or by any other means that is reasonably calculated to bring the bill to the Defendant's attention. If the Defendant does not pay the bill within 30 days after it is presented, the Plaintiff may file a verified statement of the costs of correcting violations with the Court, and it is further

ORDERED, that once the Court has entered the judgment against the Defendant for the cost of correcting violations, the Plaintiff may enforce a judgment in the same manner as any other civil judgment for money, or collect the judgment in the same manner as it collects real property taxes

FAILURE TO COMPLY WITH THIS ORDER IS PUNISHABLE BY CONTEMPT.



Judge, Sixth District Court for
Montgomery County, Maryland

IN THE DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY, MARYLAND

Plaintiff

v.

TOLL BROTHERS, INC.

Defendant

*
* Citation Nos: 1Z33917654,
* 2Z33917655,
* 3Z33917656,
* 4Z33917657
*
*
*
*

ABATEMENT ORDER
AFFIDAVIT OF SERVICE

I, Christopher Dabrowski, Inspector, Department of Permitting Services, state:

1. That I am now and at all times referred to in this Affidavit have been an adult above the age of eighteen years, a citizen of the United States of America and of the State of Maryland;

2. That I am competent to make this Affidavit and that I do so upon my own information and knowledge and that I am competent to testify to the matters contained herein;

3. That I served a copy of the Order of Abatement in this proceeding personally on Defendant, on the 15 day of March, 2011, at 10:30 a.m. p.m.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Affidavit are true to the best of my knowledge and belief.


Christopher Dabrowski, Inspector
Department of Permitting Services

The Meadows at Hurley Ridge Homeowners Association, Inc.

c/o MTM Management Associates
26223 Ridge Road, PO Box 506
Damascus, Maryland 20872-0506
(301) 253-1222
mepotter@mtmmgmt.com

June 2, 2011

Maryland National Capital Park & Planning Commission
Attn: Josh Kaye, Inspector
8787 Georgia Avenue
Silver Spring, MD 20910-3760

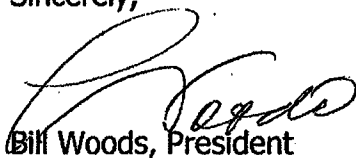
RE: Site Plan Amendment # 82003011C

Dear Mr. Kaye,

The Homeowners Association of The Meadows At Hurley Ridge subdivision in Clarksburg, MD is aware of the proposed site plan amendment as posted via public notices placed throughout the community. In addition, Toll Brothers Inc. attended a community HOA meeting to explain the proposed changes and answer any questions about the proposed amendment. The Homeowners Association has not received any complaints or objections regarding the proposed amendment.

Please be advised that the Meadows At Hurley Ridge Homeowners Association supports the proposed revisions to the Meadows At Hurley Ridge site plan as shown on Site Plan Amendment # 82003011C. We respectfully request that the Planning Board approve the Site Plan Amendment as proposed.

Sincerely,



Bill Woods, President

The Meadows at Hurley Ridge Homeowners Association