



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

Memorandum

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JC*
Area 3 Planning Team

FROM: Richard Weaver, Acting Supervisor *RAW*
Area 3 Planning Team

RE: Revised conditions for Item #10 on the May 31, 2012 Planning Board Agenda

DATE: May 24, 2012

Attached, please find revised conditions for **Item #10 – Palatine, Lot 17, Block E, (12001042A)**, to be considered at the May 31, 2012, Planning Board hearing. This application is a limited amendment to a preliminary plan to address a violation within a forest conservation easement. The applicant proposes to remove the area of the easement in which the violation has occurred and to replace the easement on-site at a 2:1 ratio.

The Planning Board has already received the Staff Report for this item. All three conditions contained in that report are being modified to some degree to accurately reflect the recommended changes to the forest conservation plan. Staff regrets that these revisions were not addressed in the original Staff Report.

This memorandum has been placed on the Department's website and the Draft Resolution to be considered with this preliminary plan amendment is consistent with these revised conditions.

Attachment

Revised Conditions of Approval – Palatine 12001042A

STAFF RECOMMENDATION: Approval of the limited amendment to the preliminary plan and associated forest conservation plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within three (3) months of the mailing of the Planning Board Resolution approving the limited amendment to the preliminary plan. The record plat must show a Category I conservation easement over the existing easement area reduced by the 3,080 square foot area recommended for release and increased by the 6,144 square foot area recommended for replacement. The existing easement remains in full force and effect until the new record plat is recorded.
- ~~2. Prior to Planning Board approval of the record plat, the Applicant must receive staff approval of the certificate of compliance for an offsite forest conservation mitigation bank.~~
2. The Applicant must provide supplemental plantings within the entire forest conservation easement area as shown on the forest conservation plan, as revised, to improve the existing forest structure.
- ~~3. All other conditions of preliminary plan and forest conservation plan No. 120010420 that were not modified herein, as contained in the Planning Board's Resolution dated June 5, 2001 remain in full force and effect.~~
3. The Applicant must enter into a maintenance and management agreement approved by Staff and post the required surety to ensure compliance with the conditions of the final forest conservation plan.



Preliminary Plan, 12001042A - Palatine, Lot 17 Block E, to Amend Forest Conservation Plan In Response to a Violation

JAP

Joshua Penn, Senior Planner, Joshua.Penn@montgomeryplanning.org, 301-495-4546

RAW

Rich Weaver, Planner Coordinator, Richard.Weaver@montgomeryplanning.org, 301-495-4544

JAC

John Carter, Chief Area 3 Planning Team, John.Carter@montgomeryplanning.org, 301-495-4575

Completed: 05/18/12

Description

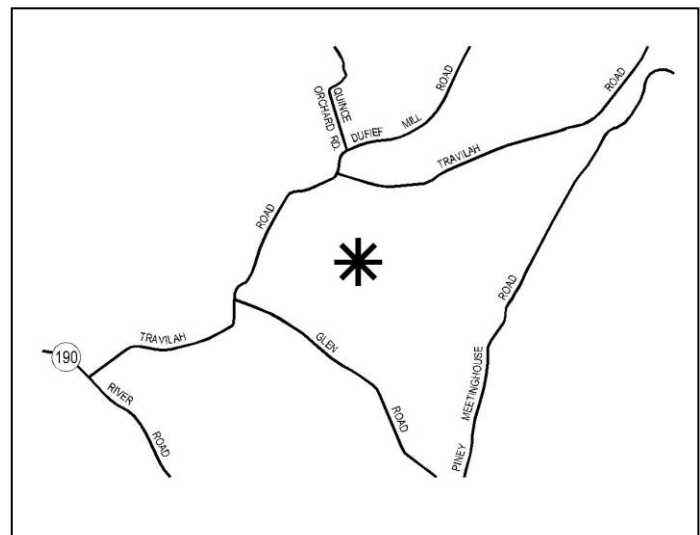
Preliminary Plan 12001042A, Palatine, Lot 17 Block E (Limited Amendment)

Request to remove a portion of an existing Forest Conservation Easement on one lot; located at 11809 Centurion Way, approximately 600 feet west of the intersection with Greenbriar Road, 2 acres; RE-2 zone; Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

Applicant: James Whang

Submission Date: December 16, 2011



Summary

- Applicant requests to remove 3,080 square feet of Stream Valley Buffer Category 1 conservation easement from the Property.
- Applicant proposes 6,144 square feet of new Category 1 conservation easement on site adjacent to the Stream Valley Buffer and offsite Category 1 conservation easements.
- The proposed mitigation results in an approximately 2:1 replacement ratio (16 square feet less than 2:1).
- The proposed mitigation is almost double the Planning Board’s minimum on site mitigation policy requirement.
- Supplemental plantings are proposed to enhance the forest structure throughout the entire easement area, existing and proposed.

STAFF RECOMMENDATION: Approval of the limited amendment to the preliminary plan and associated forest conservation plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within three months of the mailing of the Planning Board Resolution approving the limited amendment to the preliminary plan. The existing easement shall remain in full force and effect until the new record plat has been recorded.
2. Prior to Planning Board approval of the record plat, the Applicant must receive staff approval of the certificate of compliance for an offsite forest conservation mitigation bank.
3. All supplemental plantings must occur within one (1) year of the mailing date of this resolution.

SITE DESCRIPTION

The subject property is located at 11809 Centurion Way. It is approximately 600 feet west of the intersection with Greenbriar Road, Potomac MD, and is identified as Lot 17, Block E, Palatine Subdivision (“Subject Property” or “Property”). The Property is 2 acres in size and contains approximately 21,313 square feet of existing Category 1 Forest Conservation Easement encumbering about 25% of the lot. The Property slopes downhill from the west to the east to a stream, stream valley buffer (“SVB”) and floodplain located along its eastern edge, much of which is contained within the Category 1 Conservation Easement. The stream is a tributary of the Watts Branch, a Use I-P stream. The Countywide Stream Protection Strategy (CSPS) rates the tributaries of this portion of the Watts Branch watershed as fair overall condition.



Figure 1: 120010420 Palatine Subdivision with Easements



Figure 2: Lot 17, Block E Palatine "Subject Property"

BACKGROUND

The Montgomery County Planning Board originally approved preliminary plan #120010420, Palatine, on June 5, 2001. That approval was for two (2) lots on 4.21 acres of land in the RE-2 zone (Attachment A). The preliminary plan was subject to the forest conservation law (Chapter 22A of the County Code) and a forest conservation plan ("FCP") was required. The approved FCP showed 3.73 acres of forest on site and 1.33 acres of forest clearing (Attachment B). The area of forest save was above the break-even point in the forest conservation worksheet and therefore, no afforestation or reforestation was required.

James Whang, the ("Applicant"), was issued a Notice of Violation (NOV) by a M-NCPPC forest conservation inspector on September 01, 2011 and two Administrative Citations on September 14, 2011 (Citation #EPD 000023 & EPD 000024), (Attachment C and D). The NOV and the Citation were issued because the Applicant cleared and graded more than 5,000 square feet of forested land and constructed a concrete patio, wood stairs, a portion of an enclosed wooden porch, trenched pipes and electrical conduit within the Category I conservation easement.

PROPOSAL

On January 9, 2012, the Applicant submitted an application to amend the preliminary plan of subdivision and FCP #120010420 (Attachment E). The Applicant requested removal of 3,080 square feet of Category I conservation easement to better accommodate their rear yard and patio. The Applicant proposes to mitigate for the removal of the Category I conservation easement on site with the addition of 6,144 square feet of currently unprotected forest being placed into Category I conservation easement (Figure3). This is a mitigation ratio of almost 2:1 (Figure 4). Additionally, the Applicant proposes supplemental plantings within the entire easement to help improve the quality of the existing forest structure.

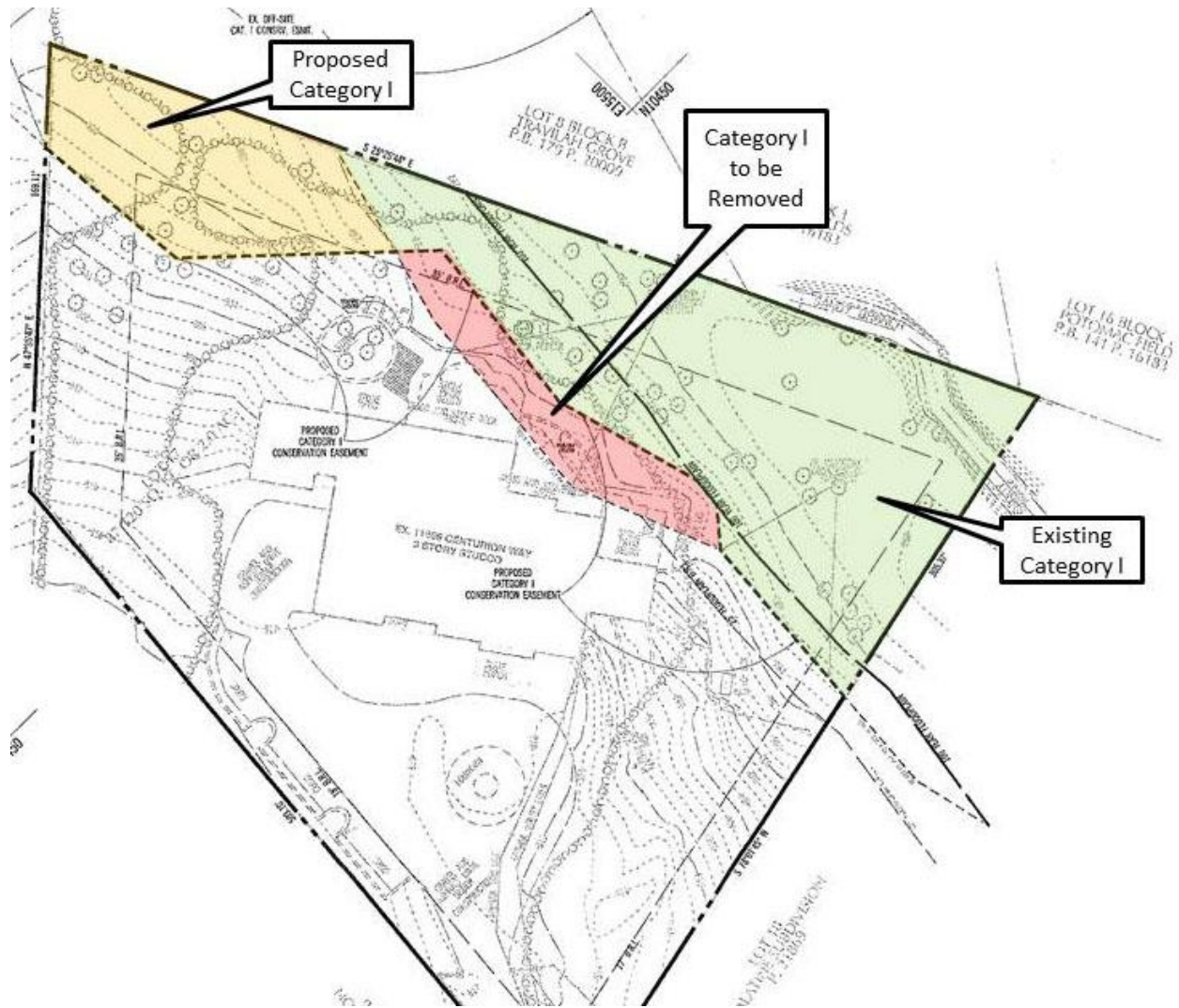


Figure 3: Applicants Proposal

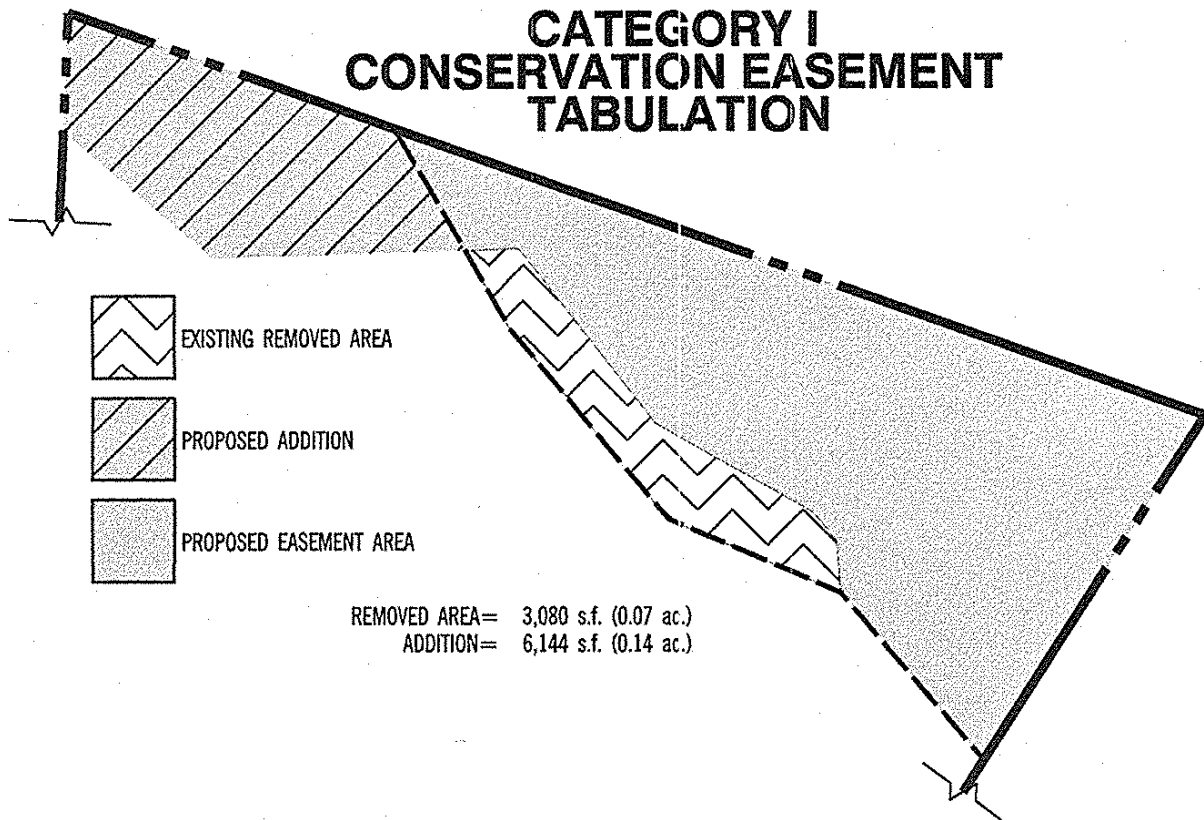


Figure 4: Proposed Easement Acreage

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FCP. Section 22A.00.01.13.A of the Forest Conservation Regulation states:

Minor amendments which do not result in more than a total of 5000 square feet of additional forest clearing may be approved by the Planning Director on a case by case basis...

Although the total modification is below the 5000 square foot threshold, the Board has stated in other cases that the removal of, or change to, a conservation easement warrants consideration in a public forum with a final decision from the Planning Board.

REVIEW

This application is in response to a violation. The Applicant has been working with staff to come to a mutually supportable resolution that meets the Planning Board's mitigation policy and the needs of the Homeowner. The house is located on the lot so that it is within six to seven feet of the easement line, which subsequently caused issues when the Applicant extended his outdoor living area to include decks and patios extending off the rear of the house. Due to these extensions off the rear of the house there are areas of encroachment into the SVB including a covered deck, patio and tree planters. These encroachments are not in compliance with the recorded Category I conservation easement language and would not be able to remain if the Category I conservation easement were to be retained.

The Planning Board policy for the removal of conservation easement, as determined in October of 2008, is a ratio of 2:1 if taken off site. However, if the easement can be rearranged onsite, the Board has found a ratio of 1:1 may be acceptable. On site mitigation is generally preferable because it provides in-kind and in-place compensation for what is being removed within the same watershed.

The Palatine preliminary plan, 120010420, created a Category 1 Forest Conservation Easement on the Subject Property and the adjacent property (Lot 18, Block E). The Category I conservation easement contains forest, SVB, and 100-year floodplain. The proposed amendment removes a portion of the Category I easement that is on the SVB, however, the removal does not impact any easement within 100-year Floodplain.

While reviewing a FCP or an FCP amendment certain findings need to be made to show conformance with Chapter 22A. In particular section 22A-12(b) the retention section requirements of a FCP. This section requires the FCP to retain specific areas¹ in an undisturbed condition unless the Planning Board or Planning Director, whichever is appropriate, makes three findings.

- (A) the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention;

The Property is already developed with a single family residence under the RE-2 zone standards. Staff finds there are no planning and zoning options available to remedy the SVB encroachments other than the recommendations made in this report.

- (B) reasonable efforts have been made to protect the specific areas and vegetation listed in the plan; and

Staff finds that reasonable efforts have been made to protect the specific areas and vegetation listed in 22A-12(b)(2) that remain on site and that with the addition of the new on site easement area and the supplemental plantings will leave this portion of the Property in better condition than the undisturbed condition at the time of the original FCP.

- (C) the development proposal cannot be reasonably altered.

Staff finds that it would be unreasonable to remove all structures, patios, decks, etc. from the easement and to replant the area that has been cleared. The proposed mitigation area and supplemental plantings is a reasonable alternative because it provides similar environmental benefit to the area cleared.

¹ Chapter 22A-12(b)(2) In general, areas protected under this subsection include: (A) floodplains, stream buffers, steep slopes, and critical habitats; (B) contiguous forests; (C) rare, threatened, and endangered species; (D) trees connected to an historic site; (E) champion trees and other exceptionally large trees; and (F) areas designated as priority save areas in a master plan or functional plan.

Staff believes all necessary findings can be made and that with the proposed on site mitigation and the location of the new easement, the Applicant's proposal is appropriate.

The new easement boundary as shown on the amended FCP (Attachment 3) aligns with off site easements to the north and east on the adjacent lot to the north, (Lot 8, Travilah Grove Subdivision), creating a large contiguous area of Category I conservation easement. While the new easement area is not within the SVB, it will serve many of the same features and expand protection to adjacent areas.

Staff believes that the proposed mitigation to place 6,144 square feet of easement on site, which is almost a 2:1 ratio, along with supplemental plantings (throughout the entire on site easement), meets the Planning Board's mitigation policy and is appropriate in this instance. Further, Staff believes that exceeding the minimum 1:1 easement replacement mitigation ratio for on site easement replacement is appropriate in this case because the Applicant is requesting removal of SVB from the easement.

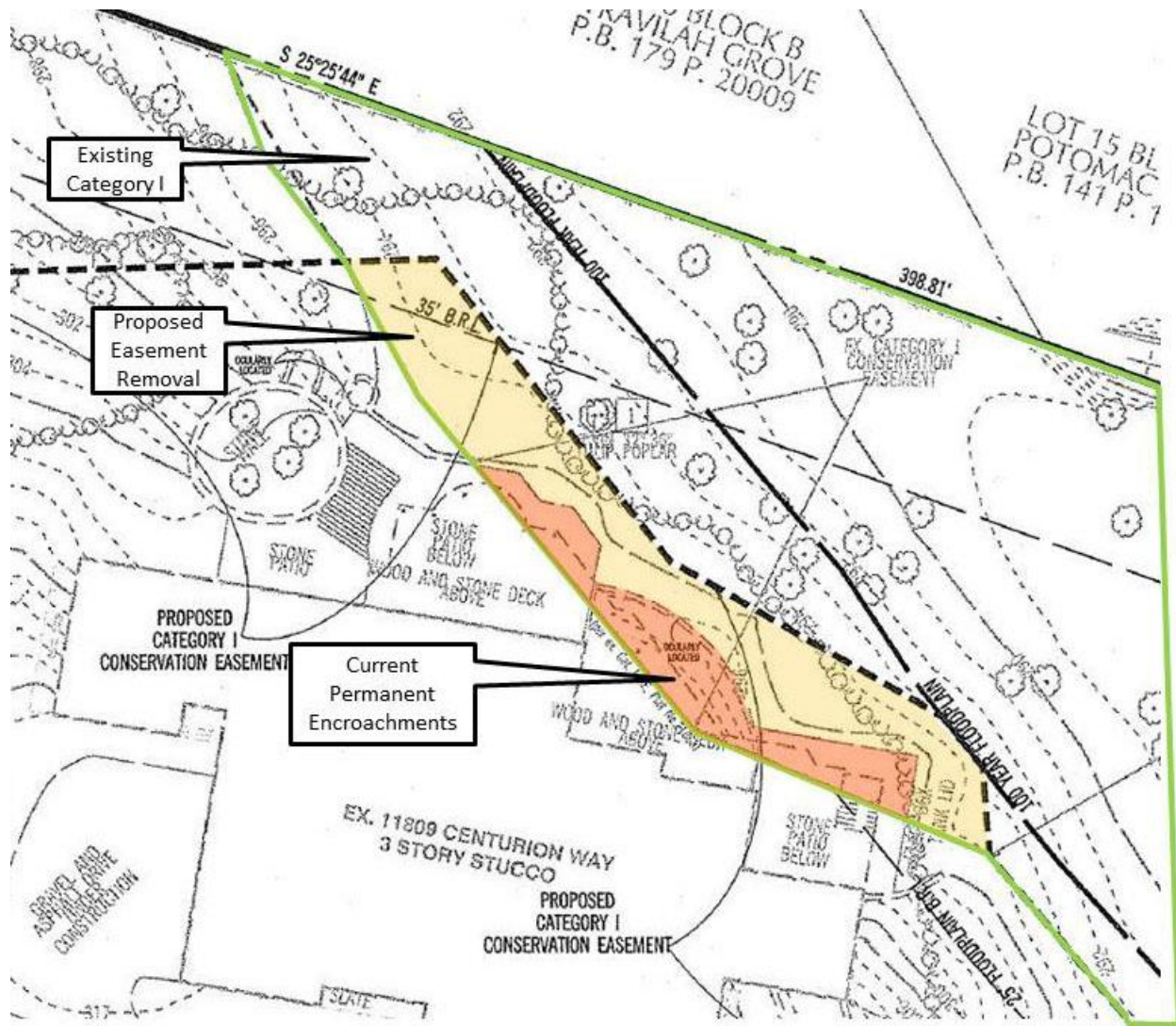


Figure 5: Existing Permanent Encroachments and Proposed Easement Removal

NOTIFICATION and OUTREACH

The Subject Property was properly signed with notification of the preliminary plan amendment on December 15, 2011 and prior to the January 9, 2012 submission of the application. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has not received any inquiries, but any comments received hereafter will be forwarded to the Board.

RECOMMENDATION

Staff recommends the Planning Board approve this limited preliminary plan of subdivision to revise the forest conservation plan, subject to the previously specified conditions.

Attachments:

- A- Approved Preliminary Plan and Resolution
- B- Approved Forest Conservation Plan
- C- Notice of Violation
- D- Civil Administrative Citation
- E- Amended Forest Conservation Plan

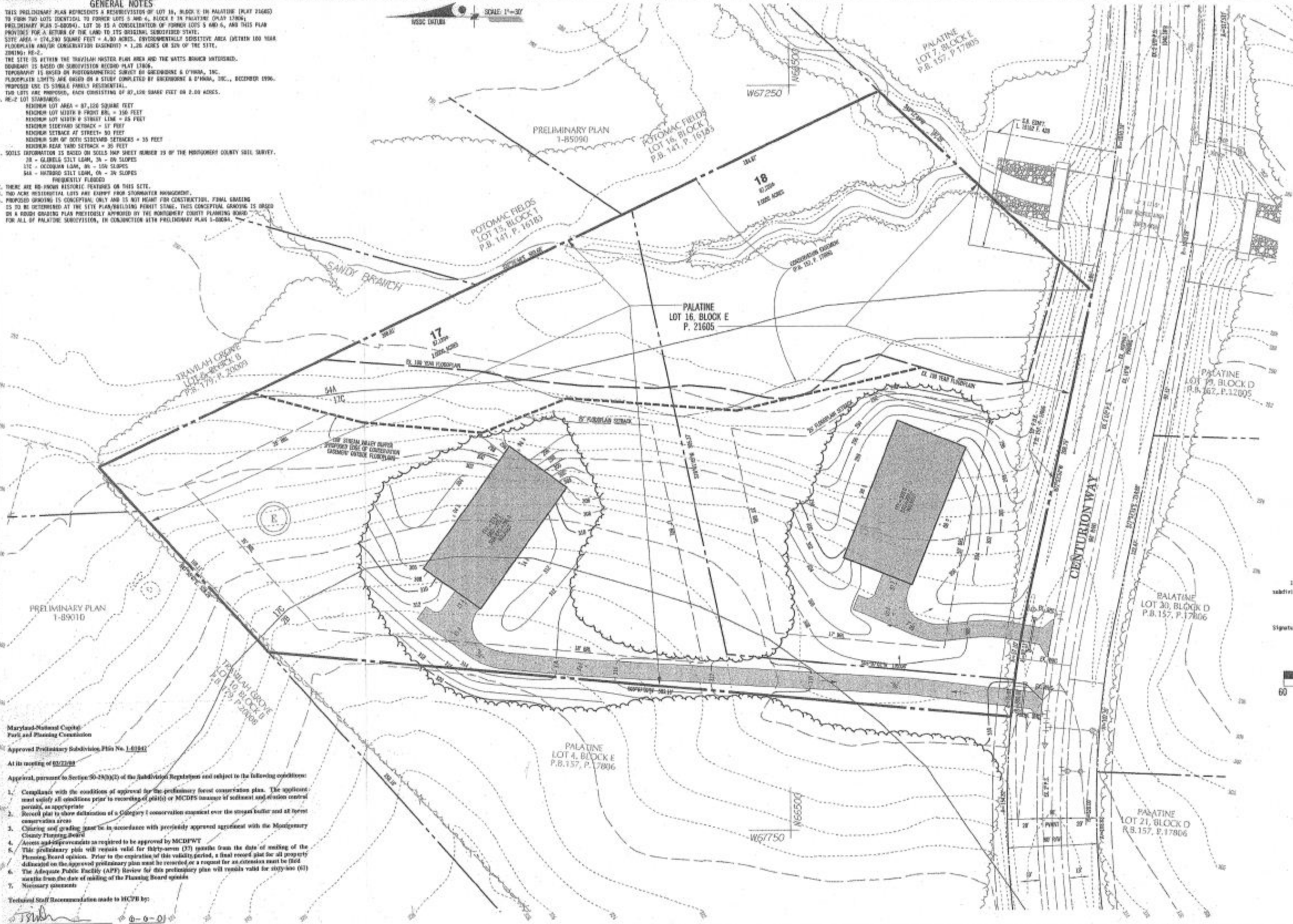
GENERAL NOTES

- THIS PRELIMINARY PLAN REPRESENTS A RESUBDIVISION OF LOT 16, BLOCK E IN PALATINE (LOT 21660) TO FOUR (4) LOTS IDENTICAL TO FORMER LOTS 5 AND 6, BLOCK E IN PALATINE (PLAN 17864) (PRELIMINARY PLAN 5-80004). LOT 20 IS A CONSOLIDATION OF FORMER LOTS 5 AND 6, AND THIS PLAN PROVIDES FOR A RETURN OF THE LAND TO ITS ORIGINAL SUBDIVISION STATE.
- SITE AREA = 574,240 SQUARE FEET = 13.0 ACRES. ENVIRONMENTALLY SENSITIVE AREA (WITHIN 100 FEET FLOODPLAIN AND/OR CONSERVATION EASEMENTS) = 1.26 ACRES OR 0.2% OF THE SITE.
- ZONING: R5-2.
- THE SITE IS WITHIN THE TRAVILAH MASTER PLAN AREA AND THE WATTS BRANCH WETLANDS.
- BOUNDARY IS BASED ON SURVEYOR RECORD PLAN 17864.
- TOPOGRAPHY IS BASED ON PHOTOGRAMMETRIC SUBJECT BY GREENHORNE & O'MARA, INC.
- FLOODPLAIN LIMITS ARE BASED ON A STUDY COMPLETED BY GREENHORNE & O'MARA, INC., DECEMBER 1996.
- PROPOSED USE IS SINGLE FAMILY RESIDENTIAL.
- THE LOTS ARE PROPOSED, EACH CONSISTING OF 87,106 SQUARE FEET OR 2.00 ACRES.
- RE-Z LOT STANDARDS:
 REFORM LOT AREA = 87,106 SQUARE FEET
 REFORM LOT WIDTH R FRONT RL = 150 FEET
 REFORM LOT WIDTH R STREET LINE = 25 FEET
 REFORM SIDEYARD SETBACK = 17 FEET
 REFORM SETBACK AT STREET = 30 FEET
 REFORM SIDE OF DECK SIDEYARD SETBACKS = 35 FEET
 REFORM REAR YARD SETBACK = 30 FEET
- SOILS INFORMATION IS BASED ON SOILS MAP SHEET NUMBER 23 OF THE MONTGOMERY COUNTY SOIL SURVEY.
 2B - GARDNER SILT LOAM, 2A - ON SLOPES
 11C - OCCASION LOAM, 8A - ON SLOPES
 6A - INTERMEDIATE SILT LOAM, 8A - ON SLOPES
- EXISTING HISTORIC FEATURES ON THIS SITE.
- TWO ACRES RESIDENTIAL LOTS ARE EXEMPT FROM STORMWATER MANAGEMENT.
- PROPOSED GRADING IS CONCEPTUAL ONLY AND IS NOT MEANT FOR CONSTRUCTION. FINAL GRADING IS TO BE DETERMINED AT THE SITE PLAN/PAVING PERMIT STAGE. THIS CONCEPTUAL GRADING IS BASED ON A ROAD GRADING PLAN PREVIOUSLY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD FOR ALL OF PALATINE SUBDIVISION, IN CONNECTION WITH PRELIMINARY PLAN 5-80004.



LEGEND

- EXISTING 2' TOPOGRAPHY
- EXISTING STREAM
- EXISTING TREE LINES
- EXISTING 100 YEAR FLOODPLAIN
- STREAM VALLEY BUFFER
- WETLANDS AND 20' BUFFER
- SOILS
- STEEP SLOPES (>25%)
- PROPOSED TREE LINES
- PROPOSED HOUSE OR BUILDING
- PROPOSED SPOT ELEVATION
- PROPOSED CONTOURS
- EXISTING RIP-RAP
- EXISTING GUARD RAIL
- EXISTING FENCE
- SITE BOUNDARY
- LOT LINE
- PROPOSED DRIVEWAY



I hereby certify that this Preliminary Plan has been prepared in accordance with the subdivision regulations adopted October 17, 1990, and amendments thereto.

Signature: *Michael J. Schell*
 Michael J. Schell, P.E. 20210
 PROFESSIONAL ENGINEER
 GRAPHIC SCALE
 60 30 0 100



Maryland-National Capital
 Park and Planning Commission
 Approved Preliminary Subdivision Plan No. 1-61841
 At its meeting of 02/27/08
 Approval, pursuant to Section 90-240(b)(2) of the Subdivision Regulations and subject to the following conditions:
 1. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of subdivision and division control permits, as appropriate.
 2. Revised plan to show delineation of a Category I conservation easement over the stream buffer and all forest conservation areas.
 3. Clearing and grading must be in accordance with previously approved agreement with the Montgomery County Planning Board.
 4. Access and improvements as required to be approved by MCDPWT.
 5. This preliminary plan will remain valid for thirty-six (36) months from the date of meeting of the Planning Board. Prior to the expiration of this validity period, a final record plan for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.
 6. The Adequate Public Facility (APF) review for this preliminary plan will remain valid for sixty-five (65) months from the date of meeting of the Planning Board.
 7. Necessary amendments.
 Technical Staff Recommendation made to MCVB by:
 [Signature]
 Development Review Division Date

No.	REVISION	DATE	BY
1	ADD STREAM VALLEY BUFFER, REVISE LOT 17 GRADING	3/16/08	RCS

GREENHORNE & O'MARA, INC.
 GENERAL CIVIL
 TRANSPORTATION
 ENVIRONMENTAL
 GEOGRAPHIC SCIENCES
 20410 CENTURY BOULEVARD, SUITE 200, GERMANTOWN, MARYLAND 20874
 PHONE: (301) 444-8282 FAX: (301) 444-8181
 www.gand-o.com
 FLORIDA • GEORGIA • MARYLAND • NORTH CAROLINA • PENNSYLVANIA • VIRGINIA • WEST VIRGINIA

PRELIMINARY PLAN
PALATINE
 EXISTING LOT 16, BLOCK E
 PROPOSED LOTS 17 & 18, BLOCK E
 9th ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

REV/DESIGN	SCALE	1" = 30'
MAD/DW		
DRAWN		
CHECKED	SHEET	1 OF 1
DEC 2000	DATE	DEC 2000
PROJ No.		R-3623-4
FEE No.		

OWNER:
 DANIEL R. WILKINSON, SR.
 2214 WOODFORD ROAD
 VIENNA, VIRGINIA 22182

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: June 5, 2001

Action: Approved Staff Recommendation
Motion of Comm. Holmes, seconded by
Comm. Bryant with a vote of 3-0;
Comms. Bryant, Holmes, and
Hussmann voting in favor
Comms. Perdue and Wellington absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01042

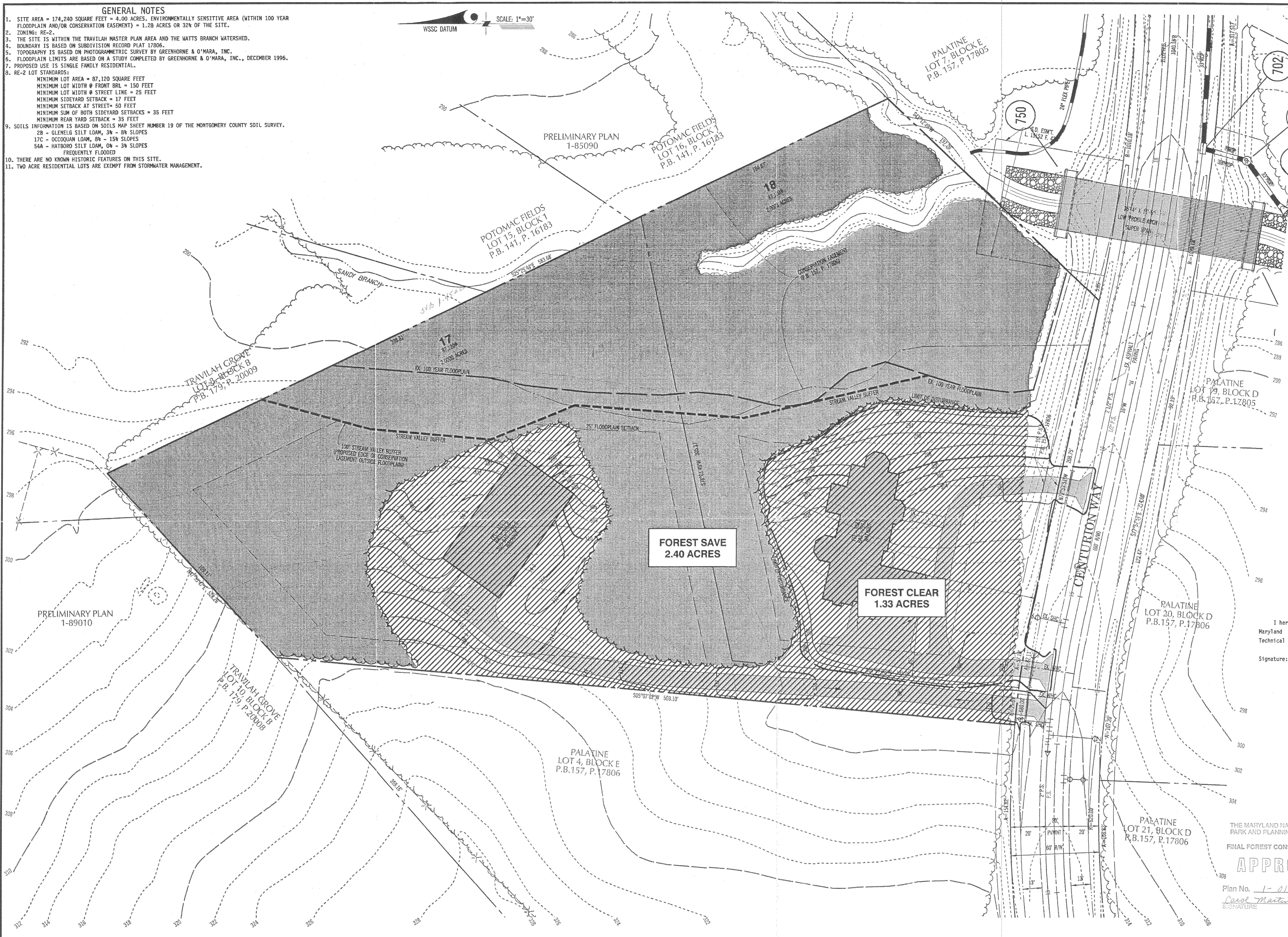
NAME OF PLAN: PALATINE (PROPOSED LOTS 17 & 18 BLOCK E)

On 01/17/01, DANIEL R. WILKINSON submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 2 lots on 4.21 acres of land. The application was designated Preliminary Plan 1-01042. On 03/22/01, Preliminary Plan 1-01042 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01042.

Approval, pursuant to Section 50-29(b)(2) of the Subdivision Regulations and subject to the following conditions:

1. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as appropriate
2. Record plat to show delineation of a Category I conservation easement over the stream buffer and all forest conservation areas
3. Clearing and grading must be in accordance with previously approved agreement with the Montgomery County Planning Board
4. Access and improvements as required to be approved by MCDPWT
5. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
6. The Adequate Public Facility (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
7. Necessary easements

- GENERAL NOTES**
1. SITE AREA = 174,240 SQUARE FEET = 4.00 ACRES. ENVIRONMENTALLY SENSITIVE AREA (WITHIN 100 YEAR FLOODPLAIN AND/OR CONSERVATION EASEMENT) = 1.28 ACRES OR 32% OF THE SITE.
 2. ZONING: RE-2.
 3. THE SITE IS WITHIN THE TRAVILAH MASTER PLAN AREA AND THE WATTS BRANCH WATERSHED.
 4. BOUNDARY IS BASED ON SUBDIVISION RECORD PLAT 17806.
 5. TOPOGRAPHY IS BASED ON PHOTOGRAMMETRIC SURVEY BY GREENHORNE & O'MARA, INC.
 6. FLOODPLAIN LIMITS ARE BASED ON A STUDY COMPLETED BY GREENHORNE & O'MARA, INC., DECEMBER 1996.
 7. PROPOSED USE IS SINGLE FAMILY RESIDENTIAL.
 8. RE-2 LOT STANDARDS:
 - MINIMUM LOT AREA = 87,120 SQUARE FEET
 - MINIMUM LOT WIDTH @ FRONT BRL = 150 FEET
 - MINIMUM LOT WIDTH @ STREET LINE = 25 FEET
 - MINIMUM SIDEYARD SETBACK = 17 FEET
 - MINIMUM SETBACK AT STREET = 50 FEET
 - MINIMUM SUM OF BOTH SIDEYARD SETBACKS = 35 FEET
 - MINIMUM REAR YARD SETBACK = 35 FEET
 9. SOILS INFORMATION IS BASED ON SOILS MAP SHEET NUMBER 19 OF THE MONTGOMERY COUNTY SOIL SURVEY.
 - 2B - GLENELD SILT LOAM, 3% - 8% SLOPES
 - 17C - OCCOQUAN LOAM, 8% - 15% SLOPES
 - 54A - HATBORO SILT LOAM, 0% - 3% SLOPES
 10. THERE ARE NO KNOWN HISTORIC FEATURES ON THIS SITE.
 11. TWO ACRE RESIDENTIAL LOTS ARE EXEMPT FROM STORMWATER MANAGEMENT.



FOREST CONSERVATION WORKSHEET

NET TRACT AREA:

A. Total area of tract.....	4.00
B. Area within 100 year floodplain.....	1.45
C. Area of land to be used for agricultural.....	0.00
D. Area within ROW/ easement for which WSSC or MCDOT/ SHA will be responsible.....	0.00
E. Net tract area: A-B-C-D.....	2.55

F. LAND USE CATEGORY: (from table 3.2.1, page 40, Manual)

Input the number "1" under the appropriate land use zoning, and limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	1	0	0	0	0

G. Afforestation Threshold..... 20% x E = -0.51

H. Conservation Threshold..... 25% x E = -0.64

EXISTING FOREST COVER:

I. Existing forest cover.....	2.34
J. Forest cover above afforestation threshold: (I-G).....	3.73
K. Forest cover above conservation threshold: (I-H).....	3.09

BREAK EVEN POINT:

L. If K<0 and I>= G, break even point equals I:.....

(if I<G there is no break even point and afforestation planting is required. Refer to P below)

If K > 0, break even point equals (Kx 20%) + H..... 1:26

M. Forest cover to be retained..... 2.28

N. Total area of forest to be cleared..... 1.45

(if M<H, reforestation planting is required. See Q-M below.)

AFFORESTATION REQUIREMENT

P. Afforestation requirement (G-I)..... 0.00

REFORESTATION REQUIREMENT

Q. Area of forest above conservation threshold to be cleared: (if K>N, use K; if K<N, use N)..... 1.45

R. Area of forest below conservation threshold to be cleared: (N-Q)..... 0.00

S. Forested area above conservation threshold to be saved: (M-H)..... 1.64

T. Planting required for clearing above threshold (Q x 1/4)..... 0.36

U. Planting required for clearing below threshold: (R x 2)..... 0.00

V. Credit for forest saved above conservation threshold equals S..... 1.64

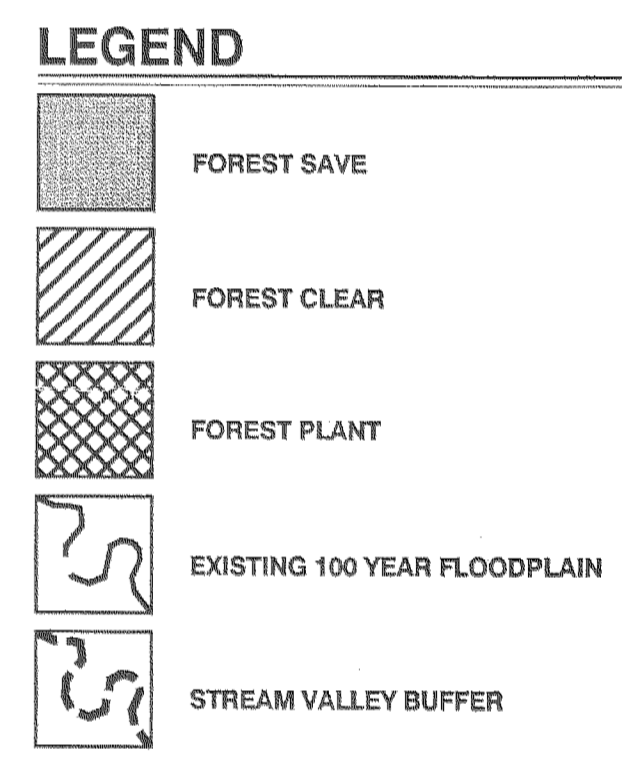
W. Total reforestation requirement: (T + U - V)..... 0.00

TOTAL PLANTING REQUIREMENT:

X. Afforestation and reforestation: (P + W)..... 0.00

Y. Credit for trees and landscaping..... 0.00

Z. Total forest planting (X - Y)..... 0.00

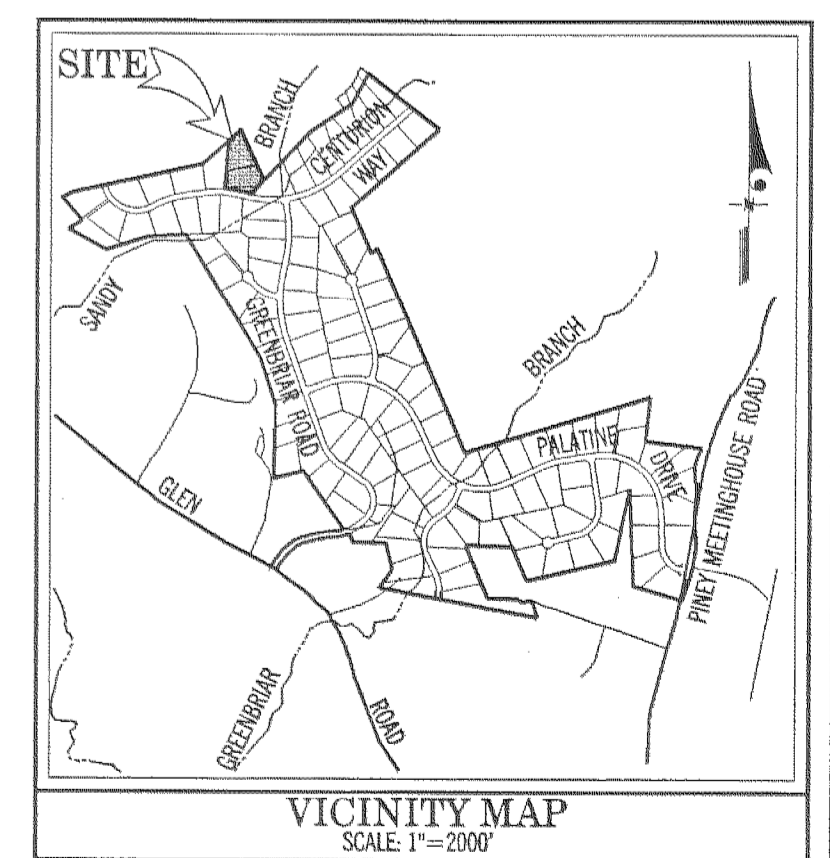


I hereby certify that this Forest Conservation Plan has been prepared in accordance with the Maryland Forest Conservation Act of 1991 and the Prince George's County Woodland Conservation Technical Manual, effective May 1990.

Signature: *Marwan F. Mustafa* (12-17-2001)

Marwan F. Mustafa, Qualified Professional MD FCA

APPROVED NRI/FSD # 4-02167



THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FINAL FOREST CONSERVATION PLAN

APPROVAL

Plan No. 1-01042

Signature: *Carol M. Martin* 12-24-01

DATE

OWNER/DEVELOPER:
 LOT 18, BLOCK E
 ATLANTIC HERITAGE BUILDERS,
 P.O. BOX 7292
 GAITHERSBURG, MD 20898

No.	REVISION	DATE	BY

GREENHORNE & O'MARA, INC. 20410 CENTURY BOULEVARD, SUITE 200, GERMANTOWN, MARYLAND 20874
 PHONE: (301) 444-8262 FAX: (301) 444-8181
 www.g-and-o.com

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PRELIMINARY AND FINAL FOREST CONSERVATION

PALATINE
 EXISTING LOT 16, BLOCK E
 PROPOSED LOTS 17 & 18, BLOCK E
 6th ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CSB/DESIGN	SCALE	1" = 30'
CSB/DESIGN	SCALE	1" = 30'
DRAWN	1 OF 1	
CHECKED	SHEET	
DATE	PROJ No.	FILE No.
DEC. 2000	8170-000	R-3684-X



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue, Silver Spring, Maryland 20910

Environmental Planning Division 301.495.4540 Fax: 301.495.1303

www.MontgomeryPlanning.Org

NOTICE OF VIOLATION

EDPNOV 0001

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

On, 09/01/2011 the recipient of this NOTICE, Lewis Friedman
Date Recipient's Name

who represents the property owner, James Whang & Elena C Haibin Whang
Property Owner's Name

is notified that a violation of the Montgomery County Forest Conservation Law (Chapter 22-A) exists at the following location: 11809 Centurian Way Potomac MD 20854

Plan No. <u>120010420</u>	Explanation: <u>Violation of Chapter 22A-4 (land disturbance and forest removal over 5,000 sq ft in size without an approved final forest conservation plan amendment)</u>
<input type="checkbox"/>	Failure to hold a required pre-construction meeting.
<input type="checkbox"/>	Failure to have tree protection measures inspected prior to starting work.
<input type="checkbox"/>	Failure to install or maintain tree protection measures per the approved Forest Conservation or Tree Save plan.
<input type="checkbox"/>	Failure to comply with terms, conditions and/or specifications of an approved Forest Conservation plan or Tree Save plan, or as directed by Forest Conservation Inspector
<input checked="" type="checkbox"/>	Failure to obtain an approved Forest Conservation plan or Tree Save plan prior to cutting, clearing, or grading 5,000 square feet on a property of 40,000 square feet or greater.
<input type="checkbox"/>	Failure to comply with reforestation or afforestation requirements of a Forest Conservation Plan.
<input type="checkbox"/>	Failure to obtain written approval for a fence permit prior to installing a fence that passes through or around a conservation easement.
<input type="checkbox"/>	Other:

Failure to comply with this NOV by 09/08/11 may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action. Recipient is to call the inspector at 301-495-4564 when the corrective action is complete. The following corrective action(s) must be performed as directed and within any time frames specified below:

<input type="checkbox"/>	Stake out limits of disturbance (LOD) and contact Forest Conservation Inspector for a pre-construction meeting:
<input type="checkbox"/>	Install tree protection measures and/or tree care as directed by Forest Conservation Inspector.
<input type="checkbox"/>	Submit required application for compliance with Chapter 22A of the County Code. Contact Environmental Planning at 301-45-4540.
<input checked="" type="checkbox"/>	Cease all cutting, clearing, or grading and/or land disturbing activity. Approval from Forest Conservation Inspector is required to resume work. <u>Stop work order posted on property</u>
<input type="checkbox"/>	Schedule a pre-planting meeting with the Forest Conservation Inspector prior to the reforestation of afforestation planting.
<input type="checkbox"/>	Schedule and attend a meeting with staff to determine appropriate corrective action to be performed by a date certain. Failure to complete the corrective action by the date assigned may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action.
<input checked="" type="checkbox"/>	Other: <u>meeting with property owner at property to explain violation to be held before 09/09/11 to issue citation and</u>

MNCPPC Inspector Stephen Beck Signature Stephen Beck Date 09/01/2011

RECEIVED BY: Lewis Friedman Signature [Signature] Date 9-1-11

Administrative Citation
Forest Conservation
The Maryland-National Capital Park and Planning Commission

Name: James ^{First} S ^{Middle} Whang ^{Last}
Company/Position: property owner
Address: 11809 Centurion Way Potomac, MD 20854-6419
Phone Number: 301-529-4401 Fax Number: _____ Email: whang1898@hotmail.com

Location and Description of Violation:
Address/location of site: category 1 conservation easement on Lot 17 Block E Palatine, this location is at address 11809 Centurion Way

Pursuant of the M-NCPPC's authority under Chapter 22A of the Montgomery County Code, it is formally charged that the above named defendant on 09/12/2011 (date) at the stated site/location did commit the following:
Within a category 1 conservation easement erected structural improvements including ~~concrete~~ concrete platforms, metal I beams, wooden staircase, portions of an enclosed wooden porch, installed lighting, and trenched pipes

In violation of:
 Montgomery County Code, Chapter 22A
 Approval of Final Forest Conservation Plan No. 120010420 Other: _____

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ 1000.00 by 09/30/11 (date) and complete the remedial action listed below
(b) You shall pay a daily fine of \$ _____ if the original fine has not been paid, by _____ (date). The daily fine shall accrue (until the original fine is paid).
2. You shall pay a daily fine of \$ _____ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, MD 20910, 301-495-4610. Failure to comply with this citation may result in further enforcement proceedings and/or issuance of additional citations including additional fines. You may also request a hearing before the Planning Board or the Board's designee. If you elect to request a hearing, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, MD 20910, within 15 days of the citation.

Remedial Action:
1. 1) Remove all structural improvements from the category 1 conservation easement area, complete this removal without damaging existing trees. Restore the affected conservation easement area ~~by~~ to original grade and plant 12 inch caliper native trees along the category 1 conservation easement boundary
by: 12/15/2011 (date)
If remedial action is not completed by 12/15/2011 (date), you shall pay a daily fine of \$ \$25.00 a day until work is completed.

You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative Civil Penalty and additional corrective measures.

Acknowledgment:
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. I have a right to request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the court judgment on affidavit for the amount of the fine.

Defendant's Signature: [Signature] James S. Whang Date: Sept. 14, 2011

Affirmation:
I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters.
Inspector's Signature: [Signature] Stephen Peck Date: 09/14/2011
Print Name: Stephen Peck Phone Number: 301-495-4564

Administrative Citation
Forest Conservation
The Maryland-National Capital Park and Planning Commission

Citation No. EPD 000023

REPLACES Citation No. 00002

Name: James S Whang
First Middle Last
Company/Position: Property owner
Address: 11809 Centurion Way Potomac MD 20854-6419
Phone Number: 301-529-4401 Fax Number: _____ Email: whang1898@hotmail.com

Location and Description of Violation:
Address/location of site: 11809 Centurion Way, Lot 17 Block E Palatine

Pursuant to the M-NCPPC's authority under Chapter 22A of the Montgomery County Code, it is formally charged that the above named defendant on 09/01/2011 (date) at the stated site location did commit the following:
Without prior forest conservation law approval cut cleared and graded more than 5,000 square feet of land and forest. The area cut cleared and graded included forest, portions of a category I conservation easement and forested stream buffer

In violation of:
 Montgomery County Code, Chapter 22A
 Approval of Final forest Conservation Plan No. 120010420 Other: _____

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ 1000.00 by 09/30/11 (date) and complete the remedial action listed below
(b) You shall pay a daily fine of \$ _____ if the original fine has not been paid, by _____ (date). The daily fine shall accrue (until the original fine is paid.
2. You shall pay a daily fine of \$ _____ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, MD 20910, 301-495-4610. Failure to comply with this citation may result in further enforcement proceedings and/or issuance of additional citations including additional fines. You may also request a hearing before the Planning Board or the Board's designee. If you elect to request a hearing, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, MD 20910, within 15 days of the citation.

Remedial Action:
 1.) Pursuant to stop worker posted on property - stop all land disturbing construction activity. No earth moving or tree cutting is to occur without prior written approval from MNCPPC
2) Submit to MNCPPC a revised final forest conservation plan that shows all tree, forest and land clearing and construction activity. Secure approval of this plan and implement this plan after approval.
3. Submit (date) this final forest conservation plan by 12/15/2011
If remedial action is not completed by _____ (date), you shall pay a daily fine of \$ _____ a day until work is completed.

You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative Civil Penalty and additional corrective measures.

Acknowledgment:
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. I have a right to request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the court judgment on affidavit for the amount of the fine.

Defendant's Signature: James S. Whang Date: Spt. 14 2011

Affirmation:
I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters.
Inspector's Signature: Stephen Peck Date: 09/14/2011
Print Name: Stephen Peck Phone Number: 301-495-4564

