



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

APPROVED
MINUTES

The Montgomery County Planning Board met on Monday, April 12, 2010, at 7:00 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:50 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley was necessarily absent.

Item 1, the continuation of an enforcement hearing of March 15, 2010, is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:50 p.m. The next regular meeting of the Planning Board will be held Thursday, April 15, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Monday, April 12, 2010, 7:00 P.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

**1. [Enforcement Hearing - Forest Conservation Plan 119960710, Fairhill, 21533](#)
Ripplemead Drive Gaithersburg, MD**

Violation of forest conservation plan and conservation easements. Continuation of Enforcement hearing of March 15, 2010.

BOARD ACTION

Motion: **A. WELLS-HARLEY/ALFANDRE**
 B. DREYFUSS/ALFANDRE

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Made a finding of violation for each of the three violations alleged in the December 4, 2009, Notice of Hearing, attached.**
 B. Approved the staff recommendation for corrective actions and civil penalties, as stated in the attached Board Resolution.

Prior to the beginning of the hearing, the Board made several announcements pertinent to the hearing. Commissioner Alfandre verified that he reviewed the record of the March 15, 2010, hearing in preparation for this evening's continuation of the hearing. Chairman Hanson also reported that the Board is denying a motion to dismiss, because of a finding that the conservation easement was, in fact, recorded, and the respondent had constructive and actual notice of the easement.

Continuing the enforcement hearing, Chairman Hanson entertained discussion of whether any or all of the violations alleged in the December 4, 2009, Notice of Hearing had occurred, and the Board voted unanimously to make a finding of violation for all three allegations.

Following opening statements by Mr. Jared McCarthy, Legal Counsel representing the Planning Department, and Mr. Alexander Crow, attorney representing the respondent, the Acting Chief of the Environmental Planning Division, Mr. Mark Pfefferle, presented and discussed the Department's recommendations for corrective actions and administrative civil penalties.

Mr. Alexander Crow, attorney representing the respondent, Mr. Earnest Sahady, questioned Mr. Pfefferle and presented arguments against imposition of corrective actions and/or civil penalties.

Mr. Danny Smith, owner of adjacent property in the same subdivision, and respondent in a similar enforcement action, presented testimony.