

## ATTACHMENT 5

**From:** Faust, Josh <[Josh.Faust@montgomerycountymd.gov](mailto:Josh.Faust@montgomerycountymd.gov)>  
**Sent:** Thursday, May 24, 2018 12:54 PM  
**To:** Jory Stieber <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)>  
**Cc:** Butler, Patrick <[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)>  
**Subject:** RE: WMAL transmitter site development

Good Afternoon sir,

As mentioned, Highway Services did not build and has never maintained this wall. You reference a document in your message. Would you be so kind as to provide a copy of the document for review?

Josh Faust  
Public Outreach Manager  
Division of Highway Services  
Montgomery County Department of Transportation  
240-777-7642



**From:** Jory Stieber <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)>  
**Sent:** Thursday, May 24, 2018 12:46 PM  
**To:** Faust, Josh <[Josh.Faust@montgomerycountymd.gov](mailto:Josh.Faust@montgomerycountymd.gov)>  
**Cc:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Subject:** Re: WMAL transmitter site development

Good afternoon Gentleman,

I finally found the document I was referring to, in which John W. Thompson states that the wall that run along's Derbyshire Court is the responsibility Division of Highway Services.

I NEED this to be written in somewhere on the sale or drawings of the property where the wall is, that the wall stays under the Divisions of Highways Services or that Toll Brothers are taking over full responsibility of it and keeping it up and in good condition based on other retaining walls in the area.

Please let me know if this is a problem so I can turn this matter over to lawyer to fight it.

Thanks,  
Jerome Stieber

On Tue, Jul 25, 2017 at 9:35 AM, Faust, Josh <[Josh.Faust@montgomerycountymd.gov](mailto:Josh.Faust@montgomerycountymd.gov)> wrote:  
Good Morning,

Highway Services has consulted with the appropriate and extensive survey documents and other pertinent information in relation to your request on Derbyshire Court. That being said, MCDOT has no such documentation indicating that they are responsible for the maintenance of the retaining wall or that they constructed the wall in either 1961 or 1997. After speaking with the local maintenance shop, I was able to

confirm that they have never maintained the wall. The attached document shows that the County owned Right-of-Way extends 17' past the curb, but again, our maintenance activities are limited to the area between the wall and the curb; MCDOT would remove any trash from the area, maintain the street trees, and mow the grass, but only between the wall and the curb.

Should you wish to file a Service Request, please use the following [link](#).

Best regards,

**Josh Faust**

Public Outreach Manager  
Division of Highway Services  
Department of Transportation  
100 Edison Park Drive  
Gaithersburg Maryland 20878  
240-777-7642



**From:** Jory Stieber <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)>

**Date:** Wednesday, July 19, 2017 at 7:23 AM

**To:** "Faust, Josh" <[DOT.DHS@montgomerycountymd.gov](mailto:DOT.DHS@montgomerycountymd.gov)>

**Cc:** "Butler, Patrick" <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>, TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>

**Subject:** Re: WMAL transmitter site development

I have also put 3 request in for getting the grass cut.

The station always had it cut since 1962. They

now refuse to cut it and have told me I am not allowed to cut the grass or pickup the trash left behind from people who use the field for personal use.

**Service Request Number:** [1329955925](#)

**Status:** In Progress

**Estimated Resolution Time in Business Days:** 25 days

**Area:** Code Enforcement

**Topic:** Tall Grass on Private Property Where the Property is Occupied

On Wed, Jul 19, 2017 at 7:05 AM, Jory Stieber <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)> wrote:

Thank you.

On Wed, Jul 19, 2017 at 6:27 AM, DOT DHS <[DOT.DHS@montgomerycountymd.gov](mailto:DOT.DHS@montgomerycountymd.gov)> wrote:

Good Morning,

We are looking into this matter.

-Highway Services

**From:** Jory Stieber <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)>  
**Date:** Tuesday, July 18, 2017 at 6:03 PM  
**To:** "Butler, Patrick" <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Cc:** "Faust, Josh" <[DOT.DHS@montgomerycountymd.gov](mailto:DOT.DHS@montgomerycountymd.gov)>, TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>

**Subject:** Re: WMAL transmitter site development

Thank you!

I just want to make sure to have a paper trail to protect my assets.

On Tue, Jul 18, 2017 at 5:00 PM, Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)> wrote:

Hello Mr. Stieber,

As for who is responsible for the maintenance of this area, hopefully someone from DOT will at least respond by the end of the week. If not, I will elevate this inquiry to our/their Director to try to get you an answer.

As for the transfer of land, if such an agreement exists, it would typically transfer with the land if it is sold, and would not preclude any regulatory approvals or transfer/sale of land from occurring.

I'll let you know as soon as I hear something from DOT.

Thank you,

**Patrick Butler**

Acting Regulatory Supervisor | Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue | Silver Spring, MD 20910  
[301-495-4561](tel:301-495-4561)  
[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)

**From:** Jory Stieber [mailto:[jorywmal@gmail.com](mailto:jorywmal@gmail.com)]  
**Sent:** Tuesday, July 18, 2017 4:36 PM  
**To:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Cc:** DOT DHS <[DOT.DHS@montgomerycountymd.gov](mailto:DOT.DHS@montgomerycountymd.gov)>; TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>  
**Subject:** Re: WMAL transmitter site development

Can't see how the land can be sold if no one can find the agreement between the county and WMAL.

The agreement that I saw is that the owner of the property DC Radio Assets was responsible for maintaining the land and the Montgomery County was responsible of in maintaining the retaining wall.

My concern is because the majority part of this property being sold is in front of my home at 9 Derbyshire Court and is starting to push over and parts are starting to break down.

I believe this matter needs to be addressed before approving any site plans that would change owners.

Please let me know by Friday July 21, 2017..

Thanks,  
Jerome Stieber  
[202-438-6315](tel:202-438-6315)

On Tue, Jul 18, 2017 at 10:27 AM, Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)> wrote:

I just received another call from Mr. Stieber regarding this grass area adjacent to the retaining wall along Derbyshire Court. Can someone please confirm with me who's responsibility it is to maintain this area? It appears to be County ROW. Please confirm/respond. Please feel free to call if that is more efficient.

Thank you,

**Patrick Butler**  
Acting Regulatory Supervisor | Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue | Silver Spring, MD 20910  
[301-495-4561](tel:301-495-4561)  
[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)

**From:** TrafficOps [mailto:[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)]  
**Sent:** Tuesday, July 18, 2017 9:25 AM  
**To:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Cc:** DOT DHS <[DOT.DHS@montgomerycountymd.gov](mailto:DOT.DHS@montgomerycountymd.gov)>  
**Subject:** FW: WMAL transmitter site development  
**Importance:** High

Dear Sir/Madam:

Thank you for your email dated July 18, 2017, regarding Derbyshire Court. Montgomery County Department of Transportation (MCDOT), Division of Traffic Engineering & Operations appreciates the opportunity to assist you in this matter.

By copy of this email, we are forwarding your request to the Montgomery County Department of Transportation, Highway Services for review and response. You may contact them directly at [240-777-7623](tel:240-777-7623) or [mcdot.highway@montgomerycountymd.gov](mailto:mcdot.highway@montgomerycountymd.gov).

We appreciate your continued partnership in our shared pursuit of traffic safety. Again, thank you for taking the time to write.

Regards,

TrafficOps

**From:** Butler, Patrick [<mailto:patrick.butler@montgomeryplanning.org>]  
**Sent:** Tuesday, July 18, 2017 9:02 AM  
**To:** TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>  
**Cc:** [jorywmal@gmail.com](mailto:jorywmal@gmail.com); Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Leck, Gregory <[Gregory.Leck@montgomerycountymd.gov](mailto:Gregory.Leck@montgomerycountymd.gov)>  
**Subject:** RE: WMAL transmitter site development  
**Importance:** High

I just received another call from Mr. Stieber regarding this grass area adjacent to the retaining wall along Derbyshire Court. Can someone please confirm with me who's responsibility it is to maintain this area? It appears to be County ROW. Please confirm/respond. Please feel free to call if that is more efficient.

Thank you,

**Patrick Butler**  
Acting Regulatory Supervisor | Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue | Silver Spring, MD 20910

[301-495-4561](tel:301-495-4561)

[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)

**From:** Butler, Patrick  
**Sent:** Friday, June 02, 2017 8:32 AM  
**To:** '[trafficOps@montgomerycountymd.gov](mailto:trafficOps@montgomerycountymd.gov)' <[trafficOps@montgomerycountymd.gov](mailto:trafficOps@montgomerycountymd.gov)>  
**Cc:** '[jorywmal@gmail.com](mailto:jorywmal@gmail.com)' <[jorywmal@gmail.com](mailto:jorywmal@gmail.com)>; '[george@wolfand.com](mailto:george@wolfand.com)' <[george@wolfand.com](mailto:george@wolfand.com)>  
**Subject:** FW: WMAL transmitter site development

Hello,

Can someone please respond to the inquiry from Mr. Stieber and Mr. Wolfand regarding a retaining wall along Derbyshire Court adjacent to the WMAL Property?

Thank you,

**Patrick Butler**  
Acting Regulatory Supervisor | Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue | Silver Spring, MD 20910

[301-495-4561](tel:301-495-4561)

[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)

**From:** Jory Stieber [<mailto:jorywmal@gmail.com>]  
**Sent:** Thursday, June 01, 2017 2:01 PM  
**To:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>

**Cc:** George Wolfand <[george@wolfand.com](mailto:george@wolfand.com)>  
**Subject:** Re: WMAL transmitter site development

I believe it was highway/roads. They replaced the wall 1997

On Wed, May 31, 2017 at 9:53 AM Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)> wrote:

Do you know which Department/Agency you were coordinating with? Which engineers did you request the agreement from?

Thanks,

Patrick

**From:** Jory Stieber [mailto:[jorywmal@gmail.com](mailto:jorywmal@gmail.com)]

**Sent:** Wednesday, May 31, 2017 9:43 AM

**To:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Cc:** George Wolfand <[george@wolfand.com](mailto:george@wolfand.com)>

**Subject:** Re: WMAL transmitter site development

The county has the documents because I was the one who had them fix the wall when I first moved in. At that time I was working for WTOP News. I didn't start working at WMAL until 2003 when I asked the engineers at that time to show me the agreement between the county and WMAL. I will see if he had a copy of it and I hopefully get a overhead view of the area before 270 and 495 were even built. I think the picture was taken before 1940.

On Wed, May 31, 2017 at 9:24 AM Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)> wrote:

Hello Mr. Stieber,

It would be highly unusual (but not impossible) for the County to be responsible for maintaining a retaining wall on private property. If it isn't privately maintained my guess would be either MCDOT or MC Department of Permitting Services.

It is not possible to determine who is responsible for maintenance of the wall without reviewing the documents you are describing. If you have any documents I can send on to DOT or DPS to review, that would be most helpful.

Thanks,

**Patrick Butler**  
Acting Regulatory Supervisor | Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue | Silver Spring, MD 20910  
[301-495-4561](tel:301-495-4561)

[Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org)

**From:** Jory Stieber [mailto:[jorywmal@gmail.com](mailto:jorywmal@gmail.com)]  
**Sent:** Tuesday, May 30, 2017 10:45 PM  
**To:** Butler, Patrick <[patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org)>  
**Cc:** George Wolfand <[george@wolfand.com](mailto:george@wolfand.com)>  
**Subject:** WMAL transmitter site development

Mr. Butler,

As a former employee at WMAL for the past 14 years and as the home owner at 9 Derbyshire Court for for almost 20 years, my question applies to the land variance between the county and WMAL when Derbyshire Court was put in.

From the paperwork I was shown from 1961, shows that WMAL actually still owned the property up to the curb because of the ground system for the AM towers. However, the variance also showed that WMAL would still maintain the land as long as the county maintain the retaining wall to protect the land from erosion. The wall that was built in 1962 became obsolete back in 1997, in which is was replaced with 6x6 pressure treated wood. Now in 2017 the wall is now showing the possibility of coming over or breaking apart once again.

I have two concerns.

First, with the sale of the land will the county be taking away the variance for that part of the land and who will then take over the maintenance of landscaping?

Second, with all of the the new construction and the changing of the water table who will be in charge of the the retaining wall and what if it fails causing damage to the utilities and the new re-positioned fire hydrant that was just moved next to one of the worst sections of the wall that services the court in case of a fire?

Attached are pictures from my property.

Thanks,

Jerome Stieber

[202-438-6315](tel:202-438-6315)