



Preliminary Plan Amendment No. 11999034D Alvermar Woods (In Response to Violations)



Mark Pfefferle, Chief DARC, mark.pfefferle@montgomeryplanning.org, 301-495-4730

Staff Report Date: 11-20-14

Description

Preliminary Plan Amendment No. 11999034D Alvermar Woods (In Response to a Violation)

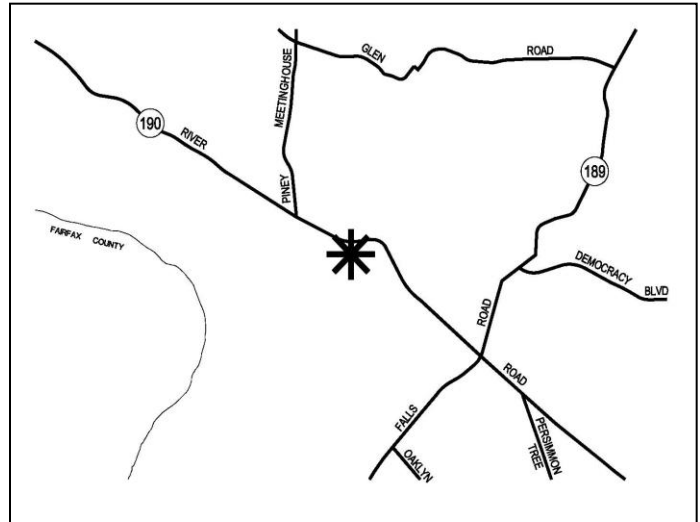
- Remove 50,484 square feet of Category I Conservation Easement from Lot 17, located at 10410 Riverwood Drive
- Remove 1,008 square feet of Category I Conservation Easement from Lot 16, located at 10420 Riverwood Drive
- RE-2 Zone, Potomac Master Plan

Staff Recommendation: Approval with conditions

Applicant: Kambiz Kazemi

Submittal Date: October 31, 2014

Review Basis: Chapter 22A



Summary

- Removal of 51,466 square feet of Category I Conservation Easement.
- Purchase of 102,932 square feet of credit at a Forest Mitigation Bank to compensate for the easement removal.
- A Limited Amendment to Preliminary Plan 11999034A was denied by the Planning Board on October 21, 2010 because it did not meet all the necessary parameters for easement removal in terms of mitigation and easement locations.
- A Limited Amendment to Preliminary Plan 11999034B was approved by the Planning Board on October 3, 2013, when the Applicant was permitted to relocate 0.15 acres of Category I Conservation Easement onsite and take 0.36 acres of Category I Conservation Easement offsite.
- A Limited Amendment to Preliminary Plan 11999034C was denied by the Planning Board on July 17, 2014 because it did not meet all the necessary parameters for easement removal in terms of mitigation.

STAFF RECOMMENDATION: Approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within thirty (30) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that removes the entire Category I Conservation Easement from lot 17 and from a portion of lot 16. The existing Conservation Easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records.
2. The Applicant must submit a minor subdivision plan to change the property lines for existing lots 17 and 16. The minor subdivision must be coordinated with the submission of a new record plat that removes the conservation easement.
3. A Category I Conservation easement must be recorded in the Montgomery County Land Records by deed and the Liber Folio for the easement area remaining on existing lot 16 must be referenced on the new record plat. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel before recordation of the easement.
4. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within thirty (30) days of the mailing of the Planning Board Resolution approving 11999034C. The Certificate of Compliance must provide 102,932 square feet of mitigation credit for the removal of 51,466 square feet of Category I Conservation Easement.
5. All other conditions of Preliminary Plan No. 119990340 and Forest Conservation Plan No. 119990340 that were not modified herein, as contained in the Planning Board's Opinion dated February 4, 1999, remain in full force and effect.
6. The Applicant must comply with the Settlement Agreement made on October 5, 2014.

BACKGROUND

The Montgomery County Planning Board approved Preliminary Plan 119990340 "Alvermar Woods" on January 28, 1999, for 2 lots (Lots 16 and 17) on 4.17-acres of land in the RE-2 Zone. (Attachments A and B). The Property is generally located in the southwest corner of the intersection of River Road and Riverwood Drive (Figure 1).

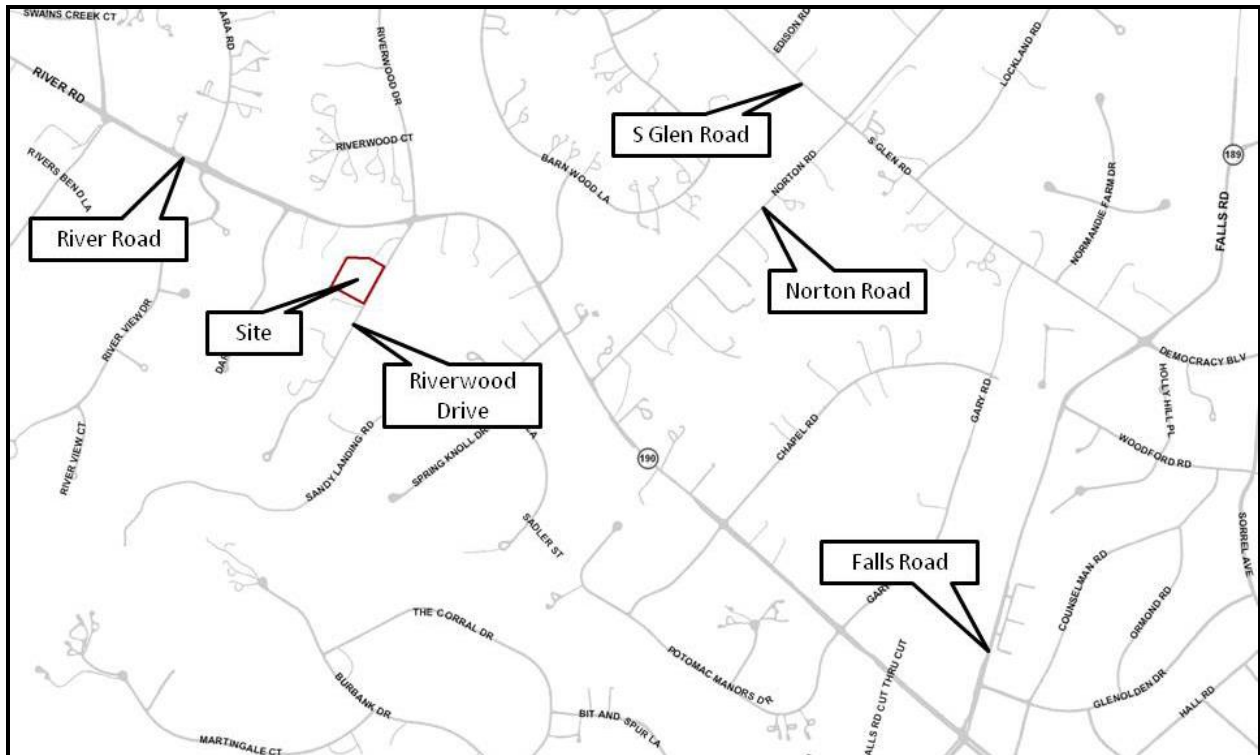


Figure 1: Vicinity Map

That original Preliminary Plan of Subdivision was subject to the Forest Conservation Law (Chapter 22A of the County Code). Conservation Easements were placed on both lots to meet the requirements of the Law. The Forest Conservation Plan (“FCP”) for Preliminary Plan 119990340 shows 1.61 acres of existing forest on the 4.17 acre property, with 1.43 acres of forest retained, and 0.18 acres of forest cleared. Development of the two lots did not generate a planting requirement due to the amount of forest retained on the Property. The approved FCP shows 0.33 acres of retained forest in easement on Lot 16 and 1.13 acres on Lot 17.

Lot 17, consisting of 90,309 square feet or 2.07 acres, is located at 10410 Riverwood Drive in Potomac (“Property” or “Subject Property”) and is 390 feet south of River Road in the Potomac Subregion Master Plan area. The Property is relatively level and has no streams, wetlands, floodplains or buffers on site. The Property is located within the Potomac River Direct watershed, which has a Use I-P designation. The Countywide Stream Protection Strategy rates the water quality in this watershed as having fair quality. Figure 2 below shows in greater detail the Property and the Conservation Easements.



Figure 2: Alvermar Woods, Lot 17

The Applicant has been issued numerous Notice of Violations (NOV) and Administrative Citations for unauthorized activities in the Category I Conservation Easement. NOVs were issued to the property owner on July 14, 2009 (Attachment C) and August 28, 2009, (Attachment D). In addition he was issued Administrative Citation #EPD0000004 on August 10, 2010, with a \$500 fine (Attachment E). On July 26, 2012, the Applicant was issued Administrative Citation EPD000086 for the removal of four additional trees within the Category I Conservation Easement (Attachment F). None of the citations were paid. In each case, the Applicant, through his attorney, contested the citations in writing and requested a hearing before the Planning Board, or the Board's designee.

On December 11, 2009, the Applicant submitted Preliminary Plan Amendment 11999034A, which was denied by the Planning Board on October 21, 2010 (Attachment G). On July 31, 2012, the Applicant submitted Preliminary Plan Amendment 11999034B. The Planning Board approved Preliminary Plan Amendment 11999034B on October 3, 2013 (Attachment H), with the following conditions:

1. *The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.*
2. *The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.*
3. *The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed within ninety (90) days of the mailing of the Planning Board Resolution approving 11999034A. The Certificate of Compliance must provide 0.72 acres (31,363.2 square feet) of mitigation credit for the removal of 0.36 acres (15,681.6 square feet) of Category I conservation easement taken offsite.*
4. *The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as required by 11999034A no later than ninety (90) days from the recordation of the record plat and the new conservation easement.*
5. *All other conditions of Preliminary Plan No. 119990340 and Forest Conservation Plan No. 119990340 that were not modified herein, as contained in the Planning Board's Opinion dated February 4, 1999, remain in full force and effect.*

On October 18, 2013, the Inspector issued Administrative Citation #EPD000201, with a \$1,000 fine, to Mr. Kazemi, the Applicant, for the mowing and cutting of over 19,000 square feet of herbaceous and woody native plants within the Category I Conservation Easement (Attachment I). The areas cut were outside of the Conservation Easement area that the Planning Board had just allowed to be removed.

The Subject Property remains in violation because the Applicant, and current property owner, failed to satisfy the conditions of approval for Preliminary Plan 11999034B. The Property still has a shed, driveway, and pathway remaining within the Category I Conservation Easement and the Applicant mows the Category I Conservation Easement even though they were authorized to remove the easement from these areas. The Applicant has failed to submit a record plat to change the easements

Planning Enforcement staff scheduled a violation hearing with a Hearing Examiner. The hearing was scheduled for March 3, 2014. Prior to the enforcement hearing, the Enforcement staff and the property owner agreed on a settlement negating the immediate need for a violation hearing (Attachment J). The settlement set in place the process for the Applicant to submit a new limited amendment to the Preliminary Plan to resolve all outstanding issues with the Property. The Applicant submitted a preliminary plan amendment for forest conservation purposes on April 1, 2014. The amendment was subsequently denied by the Planning Board on July 17, 2014 (Attachment K). Since the Planning Board hearing a new settlement was negotiated to resolve the outstanding issues. The November 10, 2014 Settlement does not impact the Planning Boards' regulatory authority in any way and is subject to the Planning Boards' approval of this amendment. The new settlement is included in Attachment L. A new Preliminary Plan Amendment was accepted on October 31, 2014.

DICUSSION OF CURRENT AMENDMENT

Applicant's Proposal

On October 29, 2014, the Applicant submitted an application to amend Preliminary Plan and Forest Conservation Plan #11994091D ("Application" or "Amendment") to remove all 50,458 square feet of Category I Conservation Easement. The amendment shows an anticipated land exchange between the owners of Lots 17 and 16 that will remove an additional 1,008 square feet of Category I Conservation Easement from Lot 16. This land exchange will increase the amount of Category I Conservation Easement to be permanently removed to 51,466 square feet (Attachment M). The Applicant proposes to mitigate for the easement removal by acquiring 102,932 square feet of credit in a forest mitigation bank. The Applicant's proposal is consistent with the Settlement.

Planning Board Review Authority

The Forest Conservation Law requires Planning Board action on certain types of modifications to an approved FCP. COMCOR 22A.00.01.13 A (2), the Forest Conservation Regulations, state:

Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).

The Applicant proposes to remove 51,466 square feet of Category I Conservation Easement from the Subject Property. When the original Forest Conservation Plan was approved the area consisted of existing forest which was credited as forest retention. The Applicant has removed all understory and some trees from the Conservation Easement, leaving it in a condition that no longer qualifies as forest, however, the Application must be reviewed by the Planning Board because the application will result in permanent loss of more than 5000 square feet of forest. The Planning Board's policy also requires that all easement removals be approved by the Planning Board.

Analysis and Findings

The Alvermar Woods Subdivision property originally had 1.61 acres of forest. The original approved FCP showed that 0.18 acres of forest was to be removed and that 1.43 acres of forest would be retained. Pursuant to COMCOR 22a-12(h)(2), a Category I Conservation Easement was placed on the forest as a long-term protection measure to protect the existing forest and ensure that it remained a naturally regenerating forest. The Conservation Easement is shown on record plat 21237 (Attachment N) and the terms of the easement are referenced in the Land Records at Liber 13178 folio 412. The record plat was signed by Kambiz and Azar Kazemi on April 29, 1999; the Applicants for Preliminary Plan 11999034D. The approved FCP shows that the Category I Conservation Easements on the plat contained existing forest when the plat was recorded. At this time, none of the conservation areas to be removed with this amendment meet the definition of forest as defined in Section 22A-3 of the Montgomery County Code. This section states,

"Forest means a biological community dominated by trees and other woody plants (including plant communities, the understory, and forest floor) covering a land area which is 10,000 square feet or

greater and at least 50 feet wide. However, minor portions of a forest stand which otherwise meet this definition may be less than 50 feet wide if they exhibit the same character and composition as the overall stand. Forest includes:*

- (1) areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2 inch or greater diameter at 4.5 feet above the ground; and*
- (2) forest areas that have been cut but not cleared.”*

(*Note: The definition of forest was changed in 2001, the minimum width was increased from 35 feet to 50 feet.)

The settlement agreement indicates that Planning staff would support the removal of the entire 50,458 square feet of Category I Conservation Easement from Lot 17, with appropriate mitigation, and the removal of 1,008 square feet of Category I Conservation Easement from Lot 16, with appropriate mitigation. The total amount of Category I Conservation Easement proposed for removal is 51,466 square feet. Staff supports this request since the property owner has a history of repeatedly violating the terms of the easement and is in non-compliance with the conditions of approval of Preliminary Plan 11999034B.

The mitigation ratio identified in the settlement agreement is consistent with the mitigation required of other Property owners who were granted the ability to remove Conservation Easements off site by the Planning Board. What is different, in this case, is that the Applicant must submit a record plat and a certificate of compliance to use an offsite forest mitigation bank within 30 days of the mailing date of the resolution. The Agreement also gives the Applicant the ability to meet the offsite mitigation requirements at any forest mitigation bank in the County. In the past, the Applicant has had difficulty in obtaining mitigation credits in a forest bank in the same watershed. In addition, the Applicant must pay a penalty of \$22,500 within 30 days of the mailing date of the resolution. If the Applicant fails to complete any of the terms on time the Agreement will be negated and result in a violation hearing.

Staff supports the removal of the onsite easements and the proposed mitigation as a means to resolve the outstanding encroachment issues, which brings the Subject Property into compliance.

NOTIFICATION and OUTREACH

The Subject Property was signed of the upcoming Preliminary Plan Limited Amendment submission and the Applicant sent written notice of the application to all adjoining and confronting property owners, civic associations, and other registered interested parties. These individuals will also be notified of the public hearing on the Application. As of the date of this report, Staff has not received any calls or correspondence in regards to this Application.

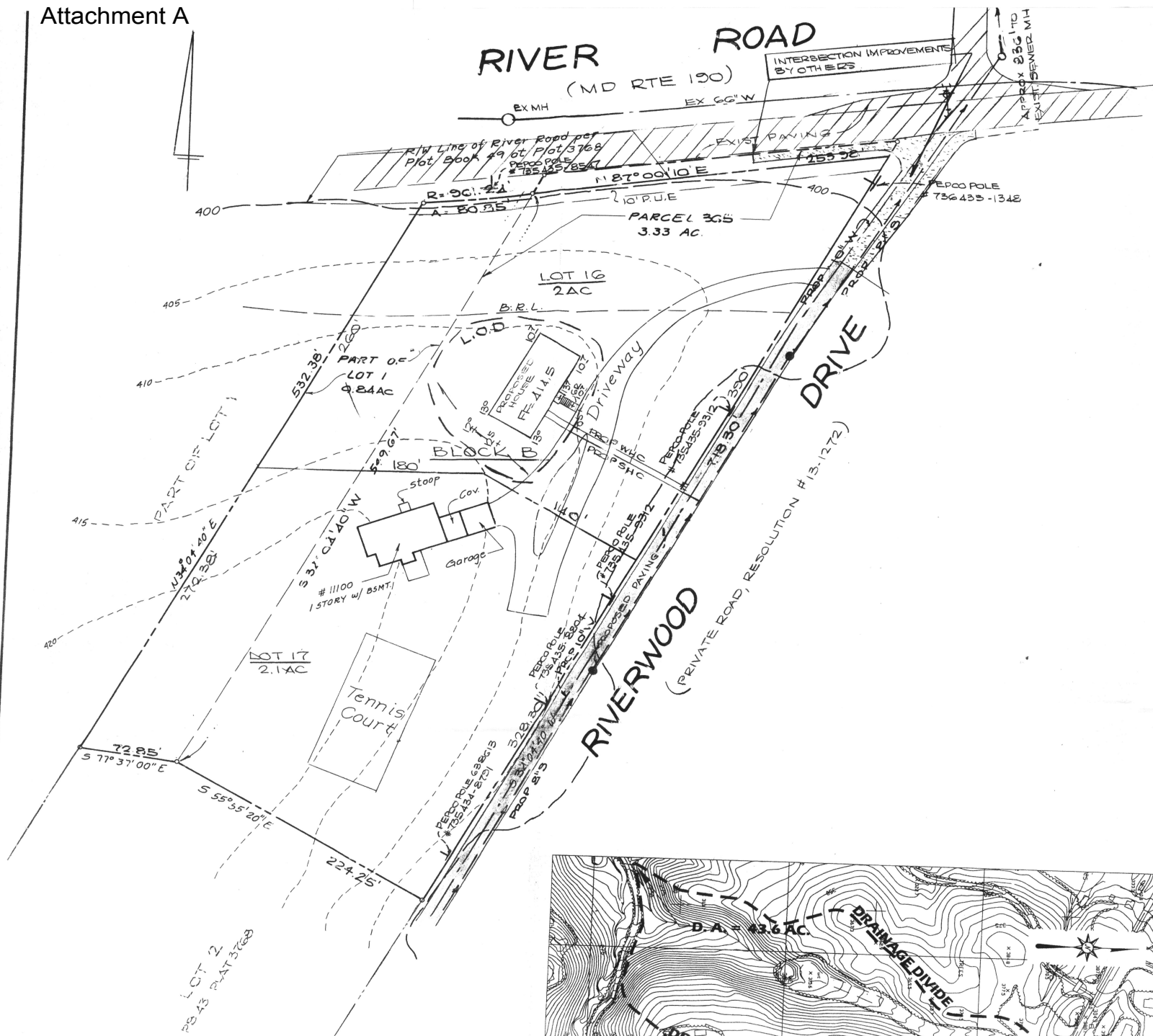
Any comments received hereafter will be forwarded to the Board.

CONCLUSION

Staff recommends that the Planning Board approve this limited Preliminary Plan amendment to revise the forest conservation plan with the conditions specified above.

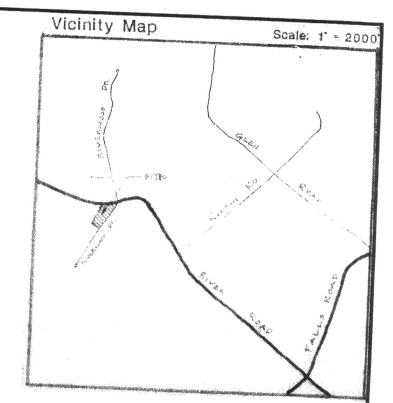
ATTACHMENTS

- A. Original Preliminary Plan No. 119990340
- B. Original Opinion for Preliminary Plan No. 119990340
- C. Notice of Violation (NOV) - July 14, 2009
- D. Letter and Corrective Action Order – August 28, 2009
- E. Notice of Violation (NOV) – August 10, 2010
- F. Notice of Violation (NOV) – July 26, 2012
- G. Opinion for Preliminary Plan Amendment No. 11999034A (Denied)
- H. Opinion for Preliminary Plan Amendment No. 11999034B (Approved)
- I. Notice of Violation (NOV) – October 18, 2013
- J. March 3, 2014 Settlement
- K. Opinion for Preliminary Plan Amendment No. 11999034C (Denied)
- L. November 10, 2014 Settlement
- M. Proposed Plan Preliminary Plan Amendment No. 11999034D
- N. Plat 21237



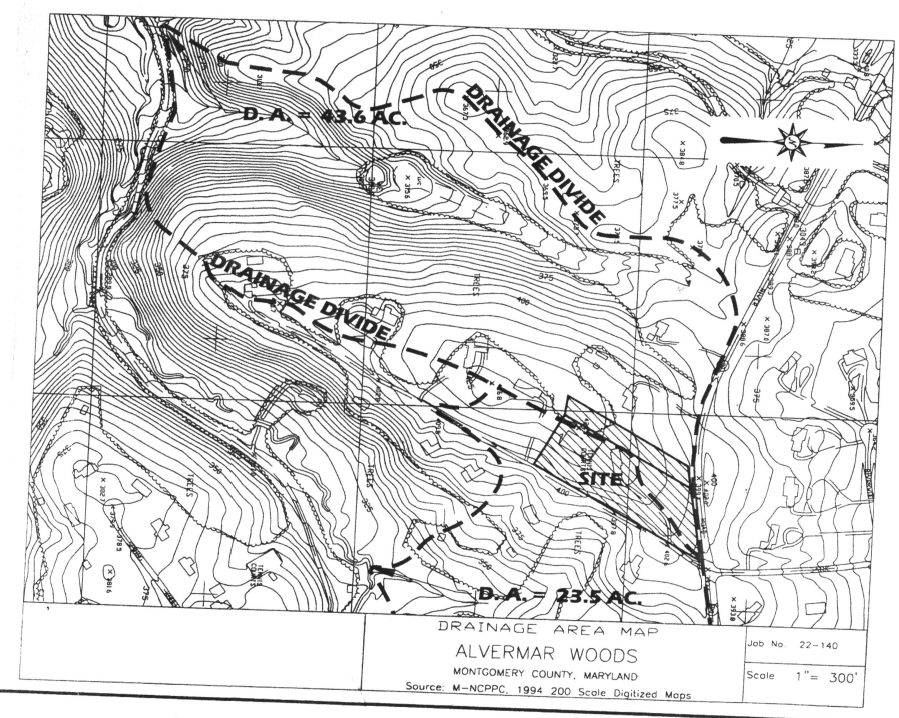
RESUBDIVISION COMPATIBILITY ANALYSIS
PER SECTION 50.-29.(b)(2)

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT BOOK & PLAT NO.	FRONTAGE	ALIGNMENT	SIZE	SHAPE	WIDTH	AREA
ALVERMAR WOODS	-	-	P.362	CORNER 220' RIVER ROAD 772' RIVERWOOD DR	W/STREET	269 x 575	IRREGULAR	262' REAR 220' RIVER ROAD	143,923 SF
ALVERMAR WOODS	-	2	49/3769	262' RIVERWOOD DR	PERPENDICULAR W/STREET	283 x 509		401' REAR 262' RIVERWOOD DR	143,923 SF
	A	3	49/3769	220' RIVERWOOD DR		210 x 514		220' REAR 220' RIVERWOOD DR	112,864 SF
	A	4	49/3769	220' RIVERWOOD DR		220 x 514	RECTANGULAR	220' REAR 220' RIVERWOOD DR	113,126 SF
	A	5	49/3769	220' RIVERWOOD DR		220 x 515		220' REAR 220' RIVERWOOD DR	113,343 SF
	A	6	49/3769	204' RIVERWOOD DR		219 x 518	IRREGULAR	235' REAR 204' RIVERWOOD DR	113,343 SF
	B	1	49/3769	328' RIVER ROAD		204 x 532		224' REAR 309' RIVER ROAD	108,682 SF
	B	2	49/3769	324' RIVERWOOD DR		294 x 500		215' REAR 324' RIVERWOOD DR	147,059 SF
	B	3	49/3769	304' RIVERWOOD DR		305 x 500	RECTANGULAR	305'	152,460 SF
	B	4	49/3769	365' RIVERWOOD DR		305 x 480	IRREGULAR	305'	146,536 SF



GENERAL NOTES

- PROPERTY LEGAL DESCRIPTION: PARCEL 365 AND P/O LOT 1, BLOCK B, ALVERMAR WOODS
- DEED REFERENCE: L 9155 F. 0364
- TAX MAP NUMBER: FP123
- WSSC 200' SHEET NUMBER: 213 NW 11
- ZONING: RE-2
- EXISTING USE: 1 SFD
- PROPOSED USE: 2 SFD
- ADC MAP REFERENCE (28" ED.): PAGE 34, GRID A4
- AREA OF EXISTING TRACT: 4.17 AC.
- AREA OF PROPOSED DEDICATION: 0.07 AC.
- AREA OF PROPOSED LOTS: 4.10 AC.
- WATER CATEGORY: W-1; SEWER CATEGORY: S-1
- SITE TO BE SERVED BY PUBLIC WATER & SANITARY SEWERAGE SYSTEMS
- BOUNDARY AND TOPOGRAPHY BY O'CONNELL & LAWRENCE, INC.
- SOILS TYPE: 2B - GLENELG SILT LOAM
- WATERSHED: POTOMAC RIVER DIRECT
- NRI/FSD #4-98058, APPROVED 11/8/97
- PRE-APPLICATION # 7-28017



SURVEYOR'S CERTIFICATION
I hereby certify that to the best of my knowledge and belief that the information shown hereon is correct.
Jefferson D. Lawrence
Jefferson D. Lawrence
Professional Land Surveyor No. 5216
Date: 1/14/98

Maryland-National Capital
Park and Planning Commission
Approved Preliminary Subdivision Plan No. L-99034
At its meeting of 01-28-99
Approval subject to the following conditions:

- Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- Prior to MCBP release of building permit, applicant to coordinate with the technical staff in providing noise mitigation measures for the proposed dwelling on Lot 16
- Prior to recording of plat(s), applicant to coordinate with the owner/developer of Preliminary Plan I-98080 for the purpose of establishing an access easement to Riverwood Drive (private right of way) and the possible establishment of grading/construction easements along River Road (MD190)
- Record plat to reference all common ingress/egress easements
- Dedication of River Road (MD190) as shown on plan
- Other necessary easements
- This preliminary plan will remain valid until March 4, 2001 (37 months from date of mailing, which is February 4, 1999). 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.

Technical Staff Recommendation made to MCPH by
Jefferson D. Lawrence 3/19/99
Development Review Division Date

PRELIMINARY PLAN
LOTS 16 & 17 BLOCK 'B'
ALVERMAR WOODS
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

O'Connell & Lawrence, Inc.
17904 Georgia Avenue
Suite 302
Olney, Maryland 20832
301-924-4570
Fax 301-924-5872

DESIGNER	J.D.L.	SHEET	1
DRAWN	P.M.T.	OF	1
DATE	OCT., 98	JOB No.	22-140
SCALE	1"=50'		

DRAINAGE AREA MAP
ALVERMAR WOODS
MONTGOMERY COUNTY, MARYLAND
Source: M-NCPCC, 1994 200 Scale: Digitized Maps
Job No 22-140
Scale 1" = 300'

FILE COPY

Date Mailed: February 4, 1999

Attachment B

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

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Holmes with a vote of 4-0;
Comms. Bryant, Holmes, Hussmann and
Perdue voting in favor. Comm. Richards
temporarily absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-99034

NAME OF PLAN: ALVERMAR WOODS, LOTS 16 & 17B

On 10-19-98, KAMBIZ KAZEMI 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 4.17 acres of land. The application was designated Preliminary Plan 1-99034. On 01-28-99, Preliminary Plan 1-99034 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 1-99034 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99034, subject to the following conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (2) Prior to MCPB release of building permit, applicant to coordinate with the technical staff in providing noise mitigation measures for the proposed dwelling on Lot 16
- (3) Prior to recording of plat(s), applicant to coordinate with the owner/developer of Preliminary Plan 1-98080 for the purpose of establishing an access easement to Riverwood Drive (private right of way) and the possible establishment of grading/construction easements along River Road (MD190)
- (4) Record plat to reference all common ingress/egress easements
- (5) Dedication of River Road (MD190) as shown on plan
- (6) Other necessary easements
- (7) This preliminary plan will remain valid until March 4, 2001 (37 months from date of mailing, which is February 4, 1999). 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.



Attachment C
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

NOTICE OF VIOLATION

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

On, 07/14/09 the recipient of this NOTICE, Kambiz & A Kazemi
Date Recipient's Name

who represents the property owner, Kambiz A Kazemi
Property Owner's Name

is notified that a violation of the **Montgomery County Forest Conservation Law (Chapter 22-A)** exists at the following location: 10410 Riverwood Drive Potomac MD 20854

Plan No. 119990340 **Explanation:** Maintenance of structural improvements, impeding natural plant regeneration and drainage and cutting of grass within a category I conservation easement

VIOLATION:

- Failure to hold a required pre-construction meeting.
- Failure to have tree protection measures inspected prior to starting work.
- Failure to install or maintain tree protection measures per the approved Forest Conservation or Tree Save plan.
- 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.
- 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.
- Failure to comply with reforestation or afforestation requirements of a Forest Conservation Plan.
- Failure to obtain written approval for a fence permit prior to installing a fence that passes through or around a conservation easement.
- Other: violations of the category I conservation easement agreement

Failure to comply with this NOV by 08/15/09 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 timeframes specified below:

- Stake out limits of disturbance (LOD) and contact Forest Conservation Inspector for a pre-construction meeting;
- Install tree protection measures and/or tree care as directed by Forest Conservation Inspector.
- Submit required application for compliance with Chapter 22A of the County Code. Contact Environmental Planning at 301-495-4540.
- Cease all cutting, clearing, or grading and/or land disturbing activity. Approval from Forest Conservation Inspector is required to resume work.
- Schedule a pre-planting meeting with the Forest Conservation Inspector prior to the reforestation of afforestation planting.
- 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.
- Other: schedule a meeting with this inspector by 08/15/09 - to discuss remedial actions necessary to bring easements into compliance

MNCPPC Inspector

Stephen Beck
Printed Name

Stephen Beck
Signature

07/14/09
Date

RECEIVED BY:

Printed Name

Sent cert. final mail
Signature

Date

Attachment D



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

August 28, 2009

Kambiz & A. Kazemi
10410 Riverwood Drive
Potomac MD 20854

Dear Mr. Kazemi:

Thank you for meeting with me at your property last month. At our meeting on July 29th I described the forest conservation easement violations. I determined that portions of a tennis court, a shed and driveways are within a recorded category 1 conservation easement. These structures are prohibited within the conservation easement areas. In addition much of the category 1 conservation easement is being mowed, also a violation of the conservation easement agreement. This prevents the growth of natural regenerating trees and shrubs. In our field meeting, I stated you would be mailed a notice of hearing for the forest conservation easement violations. Since our field meeting, I have had discussions with my supervisor, Mark Pfefferle and our legal staff.

The required remediation action for the conservation easement violations is the submittal, approval, and implementation of a "limited amendment to the preliminary plan "Alvermar Woods 119990340". This remedial action is also described on the attached notice of violation.

Please note that this limited amendment to the preliminary plan will require Montgomery County Planning Board approval and will include penalties for the forest conservation easement violations. The penalty will include mitigation planting for any conservation easement area approved for removal. Further, this limited amendment is only to remedy forest conservation easement violations on your property. Mr. Mirzaie, owner of 10420 Riverwood Drive, has agreed to a remediation plan to restore the conservation easements on his property.

You will be given 90 days or December 1, 2009 to submit the limited amendment to the preliminary plan to Environmental Planning Staff. At least, the plan will have to propose how areas incompatible with category 1 conservation easement will be mitigated either onsite or offsite. Areas of the conservation easement that can be restored will need to be restored with detailed plans. I would recommend meeting with Environmental Planning Review Staff once you have decided on a consultant.

Let me know if you have any questions. Please review the attached notice of violation. I can be reached at 301-495-4564 or stephen.peck@mncppc-mc.org.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Peck".

Stephen Peck
Forest Conservation Inspector
Montgomery County Environmental Planning

Attachments: Notice of Violation

Attachment E

Citation No. EPD 000004

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

Name: Mrs. Kamdiz Kazemi
Company/Position: Property owner
Address: 10410 Riverwood Drive Potomac MD 20854
Phone Number: Fax Number: Email:

Location and Description of Violation:
Address/location of site: category I conservation easement area - 10410 Riverwood Drive

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 08/10/2010
(date) at the stated site location did commit the following:
mowed and cut grass and natural vegetation within a category I conservation easement after receiving a Notice of Violation for this prohibited action.

In violation of:
Montgomery County Code, Chapter 22A
Approval of Final Forest Conservation Plan No. 119990340

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ 500.00 by 08/26/2010 (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. I comply with the conditions of the locally binding conservation easement agreement by stop mowing and cutting natural vegetation from the category I conservation easement area
a) attend a meeting with MNCPPC staff and implement agreed upon compliance plan or interim compliance plan
by: 08/26/2010 (date)
If remedial action is not completed by 08/26/2010 (date), you shall pay a daily fine of \$ 2500 a day until work is completed.

2. 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.

refused to sign
Defendant's Signature Date

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: 08/10/2010
Print Name: Stephen Peck Phone Number: 301-495-4564

Attachment F

Citation No. EPD 000086

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

Name: KAMBIZ KAZEMI
First Middle Last

Company/Position: _____
Address: 10410 RIVERWOOD DR.
Phone Number: 301 983 4345 Fax Number: _____ Email: _____

Location and Description of Violation:
Address/location of site: 10410 RIVERWOOD DR.

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 7/26/2012 (date) at the stated site location did commit the following:
REMOVED APPROXIMATELY 4 TREES FROM A CATEGORY I FCE WITHOUT APPROVAL.

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

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ 1000.00 by 8/9/2012 (date) and complete the remedial action listed below
(b) You shall pay a daily fine of \$ 500.00 if the original fine has not been paid, by 9/10/2012 (date). The daily fine shall accrue (until the original fine is paid).
2. You shall pay a daily fine of \$ 500.00 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:
NONE

by: _____ (date)
If remedial action is not completed by _____ (date), you shall pay a daily fine of \$ _____ a day until work is completed.

2. 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] Date: 7/26/12

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: Douglas P. Johnson Date: 7/26/2012

Print Name: DOUG JOHNSON Phone Number: 301-495-4712



Attachment H

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

MCPB No. 13-148
Preliminary Plan No. 11999034B
Alvermar Woods, Lot 17
Date of Hearing: October 3, 2013

OCT 16 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion dated February 4, 1999, approved Preliminary Plan No. 119990340, creating two lots on 4.17 acres of land in the RE-2 zone, located at the southwest corner of the intersection of River Road and Riverwood Drive, in the Potomac Policy Area, Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on December 16, 2008, Kambiz Kazemi ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from Lot 17, Alvermar Woods known as 10410 Riverwood Drive ("Subject Property"), one of the lots created by Preliminary Plan No. 119990340 and mitigate offsite outside the watershed, which was designated Preliminary Plan No. 11999034A; and

WHEREAS, on July 28, 2011, the Planning Board denied Preliminary Plan No. 11999034A (MCPB No. 10-148); and

WHEREAS, on July 31, 2011, the Applicant filed another application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from the Subject Property, and mitigate some onsite and some offsite within the same watershed, which was designated Preliminary Plan No. 11999034B, Alvermar Woods, Lot 17 ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 20, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency

[Handwritten Signature] - 9/25/13

WHEREAS, on October 3, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11999034B to remove onsite Category I conservation easement, and mitigate some onsite and some offsite within the same watershed, subject to the following conditions:¹

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving Preliminary Plan No. 11999034B that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the new onsite areas and the areas identified to remain, all as shown on the amended final forest conservation plan.
3. Within ninety (90) days of the mailing of the Planning Board Resolution approving 11999034B, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed as the Subject Property. The Certificate of Compliance must provide 0.72 acres (31,363.2 square feet) of mitigation credit for the removal of 0.36 acres (15,681.6 square feet) of Category I conservation easement taken offsite.
4. No later than ninety (90) days from the recordation of the record plat and the new conservation easement, the Applicant must delineate the revised Category I conservation easement boundary on the Subject Property with permanent easement markers and appropriate signage as required by the forest conservation plan.

BE IT FURTHER RESOLVED, that all other conditions of Preliminary Plan No. 119990340 and Forest Conservation Plan No. 119990340 that were not modified herein, remain valid, unchanged and in full force and effect.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

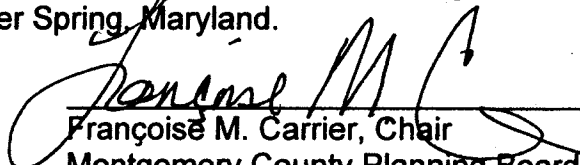
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 16 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, October 3, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

Attachment H

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON MPDU
MANAGER, DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

DOUG TILLEY
O'CONNELL & LAWRENCE, INC.
17904 GEORGIA AVENUE
OLNEY, MD 20832

JIM BAISH
11913 AMBLESIDE DRIVE
POTOMAC, MD 20854

MR. GREG LECK
MCDOP
100 EDISON PARK DRIVE
4TH FLOOR
GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
PLANNING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MICHELE ROSENFELD
THE LAW OFFICE OF MICHELE ROSENFELD
11913 AMBLESIDE DRIVE
POTOMAC, MD 20854

MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

DR. KAMBIZ KAZEMI
ADVANCED WOMEN'S CARE, INC.
10410 RIVERWOOD DRIVE
POTOMAC, MD 20854

MEHDI MIRZAIE
10420 RICERWOOD DRIVE
POTOMAC, MD 20854

Attachment I

Citation No. EPD 000201

Issued with FAQs

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

vs.

Name: Kambiz First Middle Last Kazemi

Company/Position: Property owner
Address: 10410 Riverwood Drive Potomac, MD 20854
Phone Number: 301-983-4545 Fax Number: _____ Email: _____

Location and Description of Violation: 10410 Riverwood Drive Category I Conservation easement
Address/location of site: _____

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 10/17/2013 (date) at the stated site location did commit the following:

mowed and cut native herbaceous plants and woody native shrubs within category I conservation easement. Over 19,000 square feet of Category I Conservation easement cut. (Repeat violation)

In violation of:
 Montgomery County Code, Chapter 22A Approval of Final Forest Conservation Plan No. 119990340 Other: _____

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ \$1,000.00 by 11/04/13 (date) and complete the remedial action listed below
(b) You shall pay a daily fine of \$ 50.00 if the original fine has not been paid, by 11/04/13 (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:
 Restore Category I Conservation easement by implementing following restoration plan. Meet with M-NCPPC inspector for a pre-planting meeting. 12 3 gallon Spicebush plants, 6 1 inch caliper paw paw plants, 9 3 gallon native viburnum plants, 3 2 inch caliper red maple trees, 3 1 inch caliper black gum trees and 3 2 inch caliper American beech trees. All plants require 4 foot high 14 gauge welded wire deer protection.
by: _____
If remedial action is not completed by 11/30/2013 (date), you shall pay a daily fine of \$ 50.00 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.

Sent certified mail and first class mail
Defendant's Signature _____ Date _____

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: October 18, 2013
Print Name: Stephen Peck Phone Number: 301-495-4564

1. Why is there a forest conservation easement on my property?

When your lot was created in order to build your house, the developer was required by law to preserve a certain amount of property for forest conservation. The developer chose to place a forest conservation easement over a portion of the subdivision that included your lot. The location of your house on the lot was determined by the builder after the subdivision was created with the easements already in place.

2. I have an easement on my property; can I remove it?

In some, but not all cases the Planning Board may let you remove and replace the easement, but it is a costly process. You should expect to survey or replat your property, survey the replacement property, and plant trees and bushes in a much larger area determined appropriate to replace the easement. If you are interested in learning if this is an option for your property, please request a meeting with M-NCPPC staff.

3. I received a Notice of Violation. What do I do?

The Notice of Violation lists the corrective actions that need to be completed to bring your property into compliance by a certain date. If you have questions or concerns about the corrective actions, you can set up a meeting with M-NCPPC staff before the compliance date.

4. What happens if I don't agree or comply with the Notice of Violation?

You may set up a meeting with M-NCPPC Staff to discuss the Notice of Violation. The staff will work with you to identify possible solutions to bring your property into compliance. However, you can also request a hearing on the matter, and a Notice of Hearing will be issued. *Please read FAQ #9.* If you ignore the Notice of Violation, the inspector may issue an Administrative Citation to you with a fine of up to \$1,000 for each violation and a date by which the fine needs to be paid and the corrective actions completed. You can avoid a fine by bringing your property into compliance.

5. I received an Administrative Citation. What do I do?

The Administrative Citation lists the corrective actions that need to be completed to bring the property into compliance by a certain date. It will also include a fine of up to \$1,000 that must be paid by the date on the Citation. Additional fines may accrue if the deadline is not met. You may also request a hearing within 15 days of the date the Citation was issued. *See FAQ #8.*

6. If I pay the Citation, is there anything else I need to do?

Yes. You must also bring your property into compliance by performing the corrective actions listed on the Citation. If you have any questions about what needs to be done, please contact the inspector.

Attachment I

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, SOLD AT POSTAGE UNIT
CERTIFIED MAIL™



7012 0470 0001 0597 7039
7012 0470 0001 0597 7039

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Kambiz Kazemi
 Street, Apt. No. or PO Box No. 10410 Riverwood Drive
 City, State, ZIP+4 Potomac, MD 20854

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Kambiz Kazemi</u> <u>10410 Riverwood Drive</u> <u>Potomac, MD 20854</u></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7012 0470 0001 0597 7039</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102506-02-M-1540

Attachment I

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Stephen Peck
M-NCPPC Montgomery County Planning
8787 Georgia Ave
Silver Spring, MD 20910

Attachment J

This Agreement is made on March 3, 2014 between Kambiz and Azar Kazemi ("Kazemi") and the Maryland-National Capital Park and Planning Commission Montgomery County Planning Department Enforcement Staff ("Staff") regarding all alleged violations on 10410 Riverwood Drive, Potomac, MD 20854 ("Property") as noted in the Notice of Hearing dated January 24, 2014 to Kazemi. Staff agrees to dismiss the Hearing scheduled for March 3, 2014 without prejudice to refile subject to the following terms:

1. Kazemi must submit a limited preliminary plan amendment application ("Amendment") to remove the entirety of the Category I Conservation Easement from the Property. The Amendment must be submitted and accepted by Staff by Wednesday April 2, 2014.
2. Removal of the 49,262 square foot Category I Conservation Easement must be mitigated for in an offsite forest conservation bank at a 2:1 ratio.
3. Staff agrees to allow mitigation to occur at any forest conservation bank in Montgomery County.
4. Staff agrees to recommend approval of the Amendment to the Planning Board.
5. Kazemi must receive Planning Board approval of the Amendment by July 17, 2014.
6. Kazemi must submit a record plat reflecting the Planning Board's approval within 30 days after the mailing date of the Planning Board's Resolution.
7. Kazemi must submit an executed Certificate of Compliance for the offsite forest conservation bank within 30 days of the mailing date of the Planning Board's Resolution.
8. Kazemi must pay an Administrative Civil Penalty of \$10,000 by check made payable to M-NCPPC within 30 days of the mailing date of the Planning Board's Resolution.

Staff agrees that completion of the above terms on time will remedy and settle all alleged violations as indicated in the Notice of Hearing dated January 24, 2014. Any failure on the part of Kazemi to complete the above terms on time will negate this agreement and result in an enforcement hearing.

Agreed to by:

Kambiz Kazemi 3/8/14
Kambiz Kazemi date

AZAR / Kazemi 3-8-2014
Azar Kazemi date

Mark Pfefferle 3-12-14
Mark Pfefferle date
Chief DARC
Maryland-National Capital Park and Planning Commission

Attachment J

I HEREBY CERTIFY that on this 8th day of MARCH, 2014 before me,
a Notary Public in and for the State and County aforesaid, personally appeared *Kambiz Kazemi and AZAR*
Kazemi, known to me (or satisfactorily proven) to be the person whose name is subscribed to the
foregoing and annexed instrument and acknowledged that said individual executed the same for
the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jamil R. Kyriakos
NOTARY PUBLIC

JAMIL R. KYRIAKOS
[NOTARY SEAL]
Notary Public
Montgomery County
Maryland
My Commission Expires October 1, 2016

Expires: 10/1/2016 Commission

STATE OF MARYLAND
COUNTY OF *Montgomery*

*
*

to wit:

Attachment J

STATE OF MARYLAND

*

COUNTY OF

Montgomery

*

to wit:

I HEREBY CERTIFY that on this 15th day of March 2014,
, before me, a Notary Public in and for the State and County aforesaid,
personally appeared Mark Rifford, City DARC, known to me (or
satisfactorily proven) to be the person whose name is subscribed to the
foregoing and annexed instrument and acknowledged that said individual
executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my and official seal.

Dawn Hanna-Jones
NOTARY PUBLIC *Prince Georges County*

[NOTARIAL SEAL]

Commission Expires: *November 20, 2017*



Attachment K

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 14 - 63
Preliminary Plan No. 11999034C
Alvermar Woods, Lot 17
Date of Hearing: July 17, 2014

NOV '6 2014'

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, by Opinion dated February 4, 1999, the Planning Board, approved Preliminary Plan No. 119990340, creating two lots on 4.17 acres of land in the RE-2 Zone, located at the southwest corner of the intersection of River Road and Riverwood Drive, in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on December 16, 2008, Kambiz Kazemi ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from Lot 17, Alvermar Woods known as 10410 Riverwood Drive ("Subject Property"), one of the lots created by Preliminary Plan No. 119990340 and mitigate offsite outside the watershed, which was designated Preliminary Plan No. 11999034A; and

WHEREAS, on July 28, 2011, Planning Board denied Preliminary Plan No. 11999034A (MCPB No. 10-1480); and

WHEREAS, on July 31, 2011, the Applicant filed another application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from the Subject Property, and proposing to mitigate some onsite and some offsite within the same watershed, which was designated Preliminary Plan No. 11999034B, Alvermar Woods, Lot 17 ("Preliminary Plan", "Amendment", or "Application"); and

WHEREAS, on October 16, 2013 the Planning Board approved Preliminary Plan No. 11999034B (MCPB No. 13-148); and

WHEREAS, on April 2, 2014, the Applicant filed another application for approval to amend the previously approved preliminary plan to remove all onsite Category I conservation easement from the Subject Property and mitigate offsite outside the watershed, which was designated Preliminary Plan No. 11999034C; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

Attachment K

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 26, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2014, the Planning Board held a public hearing on the Application, and heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, the underlying purpose of removing the easement from the lot is to address an alleged ongoing violation;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board denies Preliminary Plan No. 11999034C to remove a total of 50,458 square feet of Category I Conservation Easement from the Subject Property.

BE IT FURTHER RESOLVED that, considering the entire record in this proceeding, it is inappropriate under the circumstances of this case to approve the proposed amendment.

The Applicant's lot is covered by a forest conservation plan and an associated forest conservation easement covering approximately 1.13 acres. In response to an alleged violation of the easement, the Board approved a preliminary plan amendment in 2013 that allowed the Applicant to remove a certain amount of the easement from his lot, subject to certain conditions, including recording a new plat, providing offsite mitigation, and delineating the new easement boundary with signs.

In October 2013, almost immediately after the Board approved that amendment, the Applicant was cited for another alleged violation of the easement on his lot, outside of the area where the Board approved the easement's removal. Moreover, according to the Planning Department, the Applicant failed to comply with the conditions of approval of the 2013 amendment. Thus, the Planning Department considered the Applicant's initial alleged violations to have continued unremedied. The purpose of this amendment is once again to address the Applicant's alleged violations, including those that the Applicant failed to address when he allegedly did not comply with the conditions of the 2013 amendment. Only this time the Applicant proposes to remove the entire easement from his lot.

The proposed amendment purports to resolve the Applicant's alleged violations of the easement not just by removing it and requiring offsite planting, but also by incorporating a tentative settlement agreement between the Applicant and the Planning Department. The settlement agreement calls, among other things, for the Applicant to

Attachment K

pay an administrative civil penalty of \$10,000. The Board understands that the settlement is intended to resolve all of the violations that the Applicant has been alleged to have committed, and that if the Board were to approve the proposed amendment the Applicant would expect that the Board, which has the primary authority to enforce the forest conservation law violations, would not take any further enforcement action in response to those alleged violations.

The violations alleged by the Planning Department are very serious. However, the Applicant does not concede that he has committed the alleged violations. So the Board is being asked to approve the resolution of alleged violations when the existence and extent of any violations is unclear.

If the Applicant has been as reticent about complying with the easement as the Planning Department alleges, a higher civil administrative penalty than called for in the settlement may be justified, particularly given that the willfulness and recurrent pattern of any violations are among the considerations that the Board must take into account in setting a penalty.

In light of the apparent factual dispute about the alleged violations, and the lack of a record about the issues that the Board must consider in determining how to exercise its enforcement authority, the Board would benefit in this case from an evidentiary record and factual findings of an administrative law judge. The Board's enforcement rules provide for a hearing process where such a record and findings can be developed.

In denying the proposed amendment, the Board notes that neither the Board nor the forest conservation law is indifferent when it comes to removing a recorded conservation easement, in which the Board has a property interest. The forest conservation law prioritizes forest planting and protection onsite. The proposed amendment is inconsistent with that priority. A clearer assessment of the state of the forest and the appropriateness of retaining forest on the Applicant's lot, which could also be developed before an administrative law judge, would assist the Board in determining whether to relinquish its easement interest in the Applicant's lot.

Finally, this denial is without prejudice to the Applicant filing a revised proposal that would more effectively address the enforcement concerns or conservation priorities in this case.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 6 2014 (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 Dreyfuss, seconded by Commissioner Presley, with Chair Anderson, and Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor, and Vice Chair Wells-Harley absent at its regular meeting held on Thursday, October 30, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

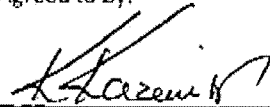
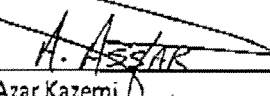

Attachment L

This First Amended Agreement is made on November 10, 2014 between Kambiz and Azar Kazemi ("Kazemi") and the Maryland-National Capital Park and Planning Commission Montgomery County Planning Department Enforcement Staff ("Staff") regarding all alleged violations on 10410 Riverwood Drive, Potomac, MD 20854 ("Property") as noted in the Notice of Hearing dated January 24, 2014 to Kazemi. Staff dismissed the Hearing scheduled for March 3, 2014 without prejudice to refile subject to the terms of a prior Agreement, which is now amended subject to the following terms:

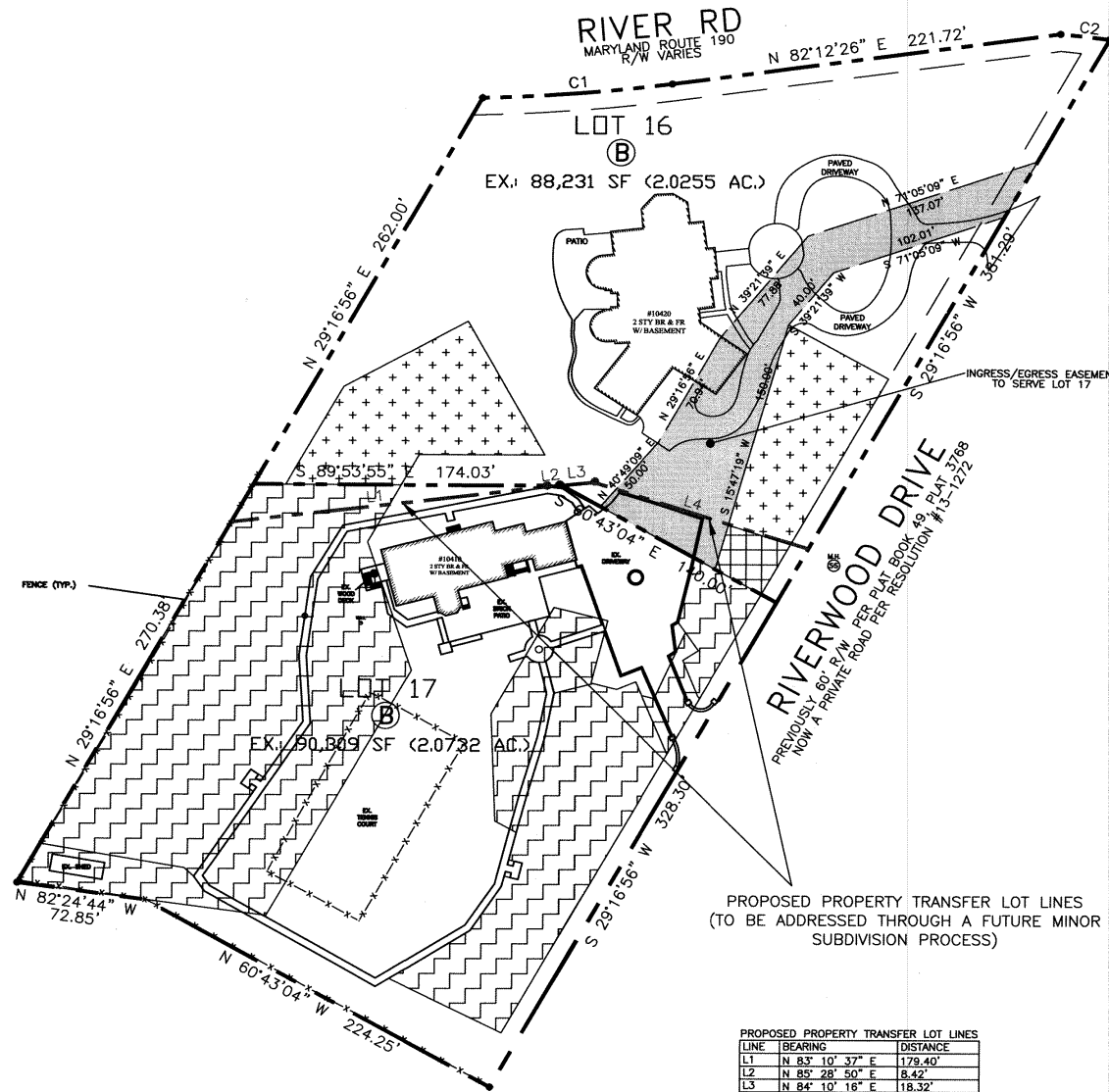
1. Kazemi has filed a limited preliminary plan amendment application to remove the entirety of the Category I Conservation Easement from the Property which has been accepted by Staff as Preliminary Plan No. 11999034D ("Amendment").
2. Removal of 50,458 square feet of Category I Conservation Easement from Lot 17, which must be mitigated for in an offsite forest conservation bank at a 2:1 ratio.
3. Removal of 1,008 square feet of Category I Conservation Easement from a portion of Lot 16, which must be mitigated for in an offsite forest mitigation bank at a 2:1 ratio.
4. Staff agrees to allow mitigation to occur at any forest conservation bank in Montgomery County.
5. Staff agrees to recommend approval of the Amendment to the Planning Board.
6. Kazemi must receive Planning Board approval of the Amendment by December 4, 2014.
7. Kazemi must submit a record plat reflecting the minor lot line adjustment shown on Attachment 1 hereto and the removal of the conservation easement from existing lot 17 and a portion of lot 16 within 30 days after the mailing of the Planning Board's Resolution approving the Amendment.
8. Kazemi must submit an executed Certificate of Compliance for the offsite forest conservation bank within 30 days of the mailing date of the Planning Board's Resolution approving the Amendment.
9. Kazemi must pay an Administrative Civil Penalty of \$ 22,500 by check made payable to M-NCPPC within 30 days of the mailing date of the Planning Board's Resolution approving the Amendment.

Staff agrees that completion of the above terms on time will remedy and settle all alleged violations as indicated in the Notice of Hearing dated January 24, 2014. Any failure on the part of Kazemi to complete the above terms on time will negate this agreement and result in an enforcement hearing.




Agreed to by:

	11/20/14
Kambiz Kazemi	date
	11-20-14
Azar Kazemi	date
	11-20-14
Mark Pfeifferle	date
Chief DARC	
Maryland-National Capital Park and Planning Commission	

Attachment M



LEGEND:

-  CATEGORY I EASEMENT ON ADJACENT PROPERTY (13,442 S.F. or 0.30 AC.) - NOT PART OF THIS PLAN
-  EX. CATEGORY I EASEMENT TO BE REMOVED (50,458 S.F. or 1.158 AC.)
-  EX. CATEGORY I EASEMENT TO BE REMOVED FROM ADJACENT PROPERTY AFTER LAND TRANSFER (1,008 S.F. or 0.023 AC.)

PROPOSED PROPERTY TRANSFER LOT LINES (TO BE ADDRESSED THROUGH A FUTURE MINOR SUBDIVISION PROCESS)

LINE	BEARING	DISTANCE
L1	N 83° 10' 37" E	179.40'
L2	N 85° 28' 50" E	8.42'
L3	N 84° 10' 18" E	18.32'
L4	N 72° 27' 09" E	127.68'

PRELIMINARY PLAN/FOREST CONSERVATION PLAN AMENDMENT



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	961.24'	107.50'	107.44'	N 85°30'12" E	06°24'27"	53.80'
C2	850.00'	27.89'	27.89'	N 83°21'30" W	01°52'48"	13.95'

- GENERAL NOTES**
- PROPERTY DATA
 LEGAL REFERENCE: LOT 17, BLOCK B, ALVERMAR WOODS
 TAX ACCOUNT: 03277302
 PROPERTY AREA: 914,18.13 SQUARE FEET OR 2.09 ACRES
 TAX MAP FP GRID 23
 WATERSHED: POTOMAC RIVER - MONTGOMERY COUNTY
 ADC MAP PAGE 5283 GRID D-6 (2007 EDITION)
 WSSC 200' SHEET: 215NW1
 EXISTING WATER AND SEWER CATEGORIES: PUBLIC WATER - PUBLIC SEWER
 ZONING: RE-2
 - EXISTING SITE DATA
 PROPERTY LINES SHOWN HEREON WERE TAKEN FROM FIELD OBSERVATIONS AND AVAILABLE RECORDS. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 EXISTING FEATURES SHOWN HEREON PER FIELD SURVEY CONDUCTED BY O'CONNELL & LAWRENCE, INC., COMPLETED FALL 2009.
 HORIZONTAL DATUM SHOWN HEREON IS WSSC
 VERTICAL DATUM IS N/A
 SOIL TYPES: 2B (GLENELG SILT LOAM, 3-8% SLOPES) & 2C (GLENELG SILT LOAM, 8-15% SLOPES)
 HYDRAULIC SOIL GROUP "B"
 THERE ARE NO STREAMS WITHIN 200' OF THE DISTURBED AREA
 THIS SITE IS LOCATED IN ZONE X OF THE NATIONAL FLOOD INSURANCE PROGRAM, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP #24031C0340D. THERE ARE NO FLOODPLAINS, TIDAL WETLANDS, OR NON-TIDAL WETLANDS NEAR THE AREA OF DISTURBANCE.
 EXISTING SITE USE: RESIDENTIAL
 EXISTING SITE COVERAGE: HOUSE, DECK, TENNIS COURT, PATIO, DRIVEWAY, LANDSCAPING, FOREST
 - PLAN IS FOR THE REMOVAL OF THE EXISTING ON-SITE FOREST CONSERVATION EASEMENT AND THE AMENDMENT OF THE EXISTING PRELIMINARY PLAN OF SUBDIVISION/FOREST CONSERVATION PLAN, AS PREVIOUSLY APPROVED UNDER PRELIMINARY PLAN 11999034D, 11999034A, AND 11999034B. NO CONSTRUCTION IS PROPOSED AS PART OF THIS PLAN.
 - THE ENTIRETY OF THE EXISTING FOREST CONSERVATION EASEMENT ON LOT 17 AND A PORTION OF THE EASEMENT ON LOT 16 SHALL BE REMOVED AS PART OF THIS PPS/FCP AMENDMENT.

FOREST CONSERVATION SUMMARY TABLE - LOT 17

PLAN NUMBER	TOTAL SQUARE FOOTAGE OF FOREST CONSERVATION EASEMENT ON LOT 17
119990340	43,557 SF
11999034A	0.00 SF
11999034B	49,262 SF
11999034D	0.00 SF


FOREST CONSERVATION - LOT 16

PLAN NUMBER	TOTAL SQUARE FOOTAGE OF FOREST CONSERVATION EASEMENT ON LOT 16
11999034D	13,442 SF*

*1,008 SF OF FOREST CONSERVATION EASEMENT WAS REMOVED AFTER LAND TRANSFER BETWEEN LOTS 16 & 17.

ENVIRONMENTAL SUMMARY TABLE

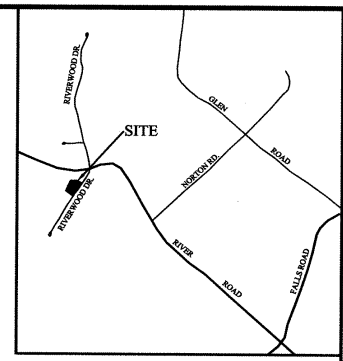
TOTAL ACREAGE OF SITE (LOTS 16 & 17 ONLY)	4.17 Ac.
TOTAL ACREAGE OF FOREST	0.30 Ac.
TOTAL ACREAGE OF FLOODPLAIN	0.00 Ac.
TOTAL ACREAGE OF FLOODPLAIN IN FOREST	0.00 Ac.
TOTAL ACREAGE OF WETLANDS	0.00 Ac.
TOTAL ACREAGE OF WETLANDS IN FOREST	0.00 Ac.
TOTAL ACREAGE OF FORESTED STREAM BUFFERS	0.00 Ac.
LINEAR EXTENT OF STREAMS	0 L.F.

DESIGN CERTIFICATION
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 42417, Expiration Date: June 6, 2016.

 Design Engineer Signature
 DOUGLAS G. TILLEY 42417
 Printed Name Registration Number

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 11999034D including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: DR. KAMBIZ KAZEMI
 Printed Company Name
 Contact Person or Owner: DR. KAMBIZ KAZEMI
 Printed Name
 Address: 10410 RIVERWOOD DR. POTOMAC, MD 20854
 Phone and Email: (301) 540-4400 kkozemir@aol.com
 Signature:



VICINITY MAP
 SCALE: 1"=2000'

ENGINEER:
 O'CONNELL & LAWRENCE, INC.
 17904 GEORGIA AVENUE, SUITE 302
 OLNEY, MARYLAND 20832
 CONTACT: DOUG TILLEY, P.E.
 PHONE: (301) 924-4570

OWNERS:
 DR. KAMBIZ AND AZAR KAZEMI
 10410 RIVERWOOD DRIVE
 POTOMAC, MARYLAND 20854
 PHONE: (301) 540-4400

ATTORNEY:
 THE LAW OFFICE OF MICHELE ROSENFELD, LLC
 17915 ANSELIE DRIVE
 POTOMAC, MARYLAND 20854
 CONTACT: MICHELE ROSENFELD, ESQ.
 PHONE: (301) 204-0913

O'Connell & Lawrence, Inc.
 Construction Consultants, Engineers, Surveyors
 17904 GEORGIA AVENUE, SUITE 302
 OLNEY, MARYLAND 20832
 Tel: (301) 924-4570 * Fax: (301) 924-5872



LOT 17, BLOCK B
 ALVERMAR WOODS
 PLAT #21237
 TAX MAP FP 23
 (10TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN OF
 SUBDIVISION/FOREST
 CONSERVATION PLAN
 AMENDMENT - PLAN
 #11999034D

NO.	DATE	REVISION
1	11/18/2014	AS SHOWN
2	11/18/2014	PER ANSPRC COMMENTS
3	11/18/2014	PER ANSPRC COMMENTS
4	11/18/2014	PER ANSPRC COMMENTS
5	11/18/2014	PER ANSPRC COMMENTS

DESIGN BY: DGT
 DRAWN BY: DGT
 CHECKED BY: DGT
 DATE: 3/13/14
 SCALE: 1" = 50'
 PROJECT/TITLE NO: 009-038
 SHEET NO: 1 of 1

NOTES:

Attachment N

PLAT NO 21237

RIVER RD

MARYLAND ROUTE 190
R/W VARIES

AREA DEDICATED TO PUBLIC USE
110 SQ. FT.
0.0025 ACRES

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

THE EXISTING DWELLING ON LOT 17 TO REMAIN

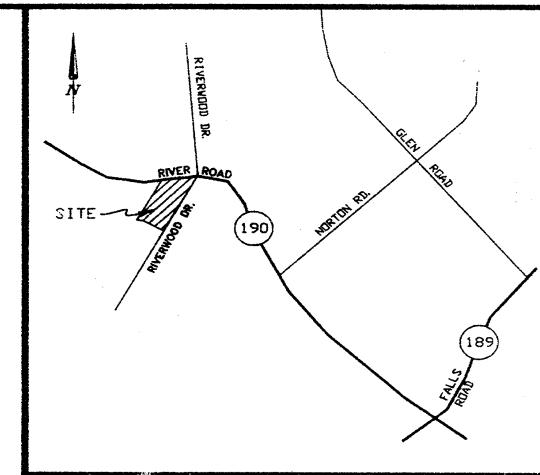
THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AVAILABILITY OF PUBLIC WATER AND SEWER.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.

THE PROPERTY IS ZONED RE-2

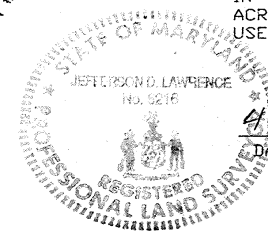
PRELIMINARY PLAN No. 1-99034



VICINITY MAP
SCALE 1"=2000'

SURVEYOR'S STATEMENT

I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PLAT SHOWN HEREON IS CORRECT. THAT IT IS A SUBDIVISION OF ALL OF THE PROPERTY KAMBIZ KAZEMI AND AZAR KAZEMI, TENANTS BY THE ENTIRETY, OBTAINED FROM ROBERT M. BECKMAN AND ANGELA C. BECKMAN, IN A DEED DATED OCTOBER 1, 1995 AND RECORDED IN LIBER 13621 AT FOLIO 273 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PROPERTY CORNERS MARKED THUS WILL BE SET IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE AND THAT THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 178,650 SQUARE FEET OR 4.1012 ACRES OF LAND, OF WHICH THE TOTAL AREA DEDICATED TO PUBLIC USE IS 110 SQUARE FEET OR 0.0025 ACRES OF LAND.



4-21-99
DATE

Jefferson D. Lawrence
D'CONNELL & LAWRENCE, INC.
BY: JEFFERSON D. LAWRENCE
PROFESSIONAL LAND SURVEYOR
MD. REG. No. 5216

OWNER'S CERTIFICATE

WE, KAMBIZ KAZEMI AND AZAR KAZEMI, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, THE FOREST CONSERVATION EASEMENTS SHOWN HEREON PER THE REQUIREMENTS SET FORTH IN LIBER 13176 AT FOLIO 412 AND PROVIDE A 10' PUBLIC UTILITY EASEMENT (10' P.U.E.) SHOWN HEREON TO THOSE PARTIES NAMED IN ACCORDANCE WITH THE DECLARATION OF TERMS AND PROVISIONS OF THE PUBLIC UTILITY EASEMENT RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS OR TRUSTS AFFECTING THE SUBJECT PROPERTY SHOWN HEREON.

4/29/99
DATE

Kambiz Kazemi
KAMBIZ KAZEMI

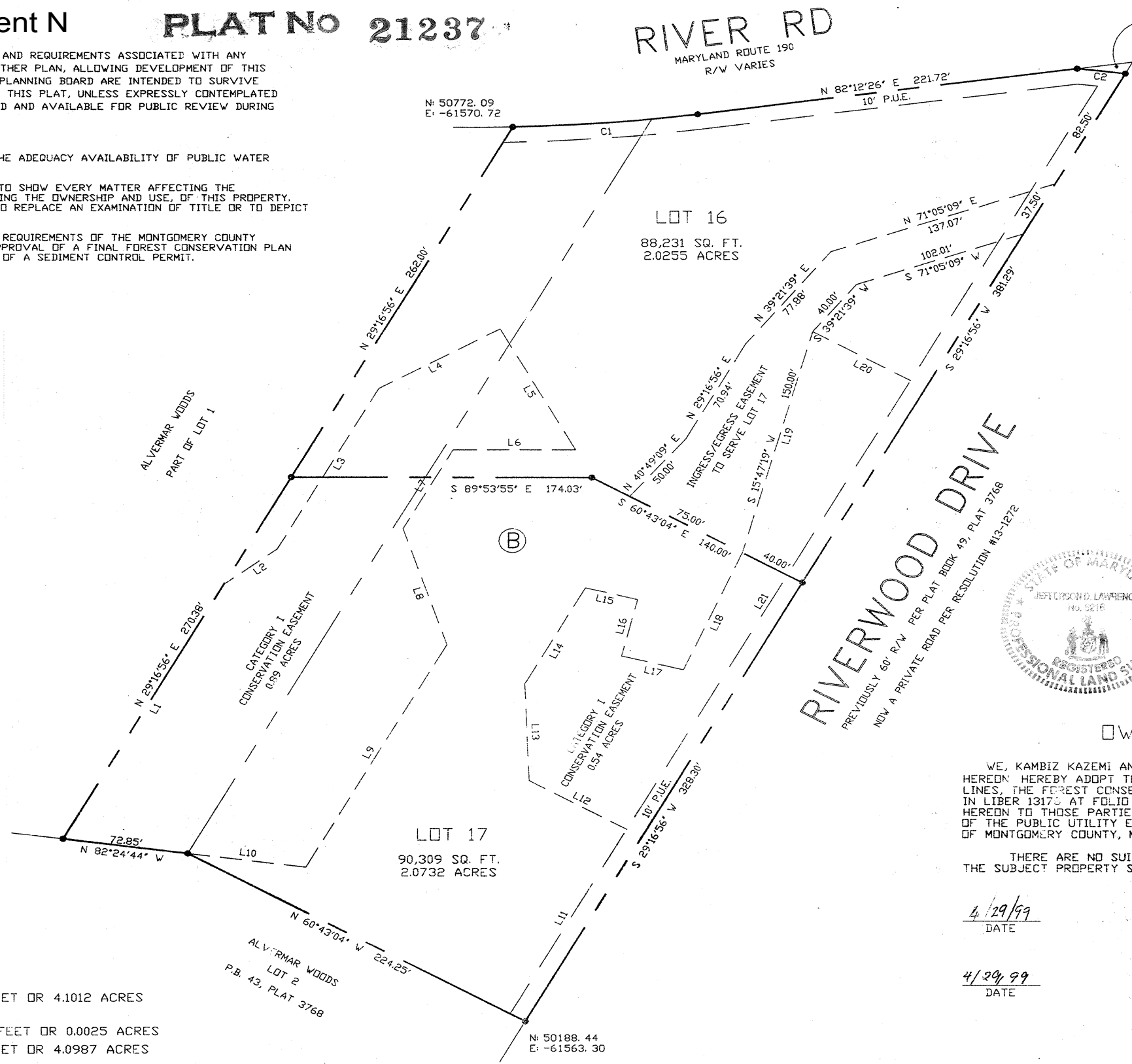
[Signature]
WITNESS

4/29/99
DATE

Azar Kazemi
AZAR KAZEMI

[Signature]
WITNESS

LINE	BEARING	DISTANCE
L1	N 29°16'56" E	190.38'
L2	N 53°33'50" E	38.76'
L3	N 29°16'56" E	120.00'
L4	N 60°59'46" E	80.11'
L5	S 29°00'14" E	90.38'
L6	N 89°53'55" W	71.01'
L7	S 29°16'56" W	59.02'
L8	S 18°21'35" E	79.84'
L9	S 29°16'56" W	166.42'
L10	N 82°24'44" W	69.15'
L11	N 29°16'56" E	138.00'
L12	N 60°43'04" W	65.00'
L13	N 02°14'28" W	63.12'
L14	N 29°16'56" E	72.00'
L15	S 75°50'21" E	31.08'
L16	S 14°09'39" W	38.00'
L17	S 75°50'21" E	36.98'
L18	N 24°03'58" E	83.78'
L19	N 15°47'19" E	150.00'
L20	S 60°43'04" E	65.00'
L21	S 29°16'56" W	336.16'



TOTAL AREA OF LOTS = 178,650 SQUARE FEET OR 4.1012 ACRES
TOTAL NUMBER OF LOTS = 2
TOTAL AREA OF DEDICATION = 110 SQUARE FEET OR 0.0025 ACRES
TOTAL AREA OF PLAT = 178,540 SQUARE FEET OR 4.0987 ACRES

DEPARTMENT OF PERMITTING SERVICES
MONTGOMERY COUNTY, MARYLAND

APPROVED: *[Signature]*
DIRECTOR

299248 199034 RE 20301

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: *[Signature]*
CHAIRMAN

[Signature]
ASST. SECRETARY/TREASURER

M.N.C.P. & P.C. RECORD FILE NO. 610-61

RECORDED
PLAT BOOK
PLAT NO.

CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
C1	961.24'	107.50'	107.44'	N 85°30'12" E	06°24'27"	53.80'
C2	850.00'	27.89'	27.89'	N 83°21'30" W	01°52'48"	13.95'

NOV 16 1999

SUBDIVISION RECORD PLAT
ALVERMAR WOODS
LOTS 16 AND 17, BLOCK "B"
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY, COUNTY MARYLAND
SCALE: 1" = 50' FEBRUARY, 1999

O'CONNELL & LAWRENCE, INC.
SURVEYORS, ENGINEERS & LAND PLANNERS
17904 Georgia Avenue, Suite 302, Olney, Maryland 20832
Tel: (301) 924-4570 • Fax: (301) 924-5872

MSA SSU1249-27149 610-62
OCL# 22-140