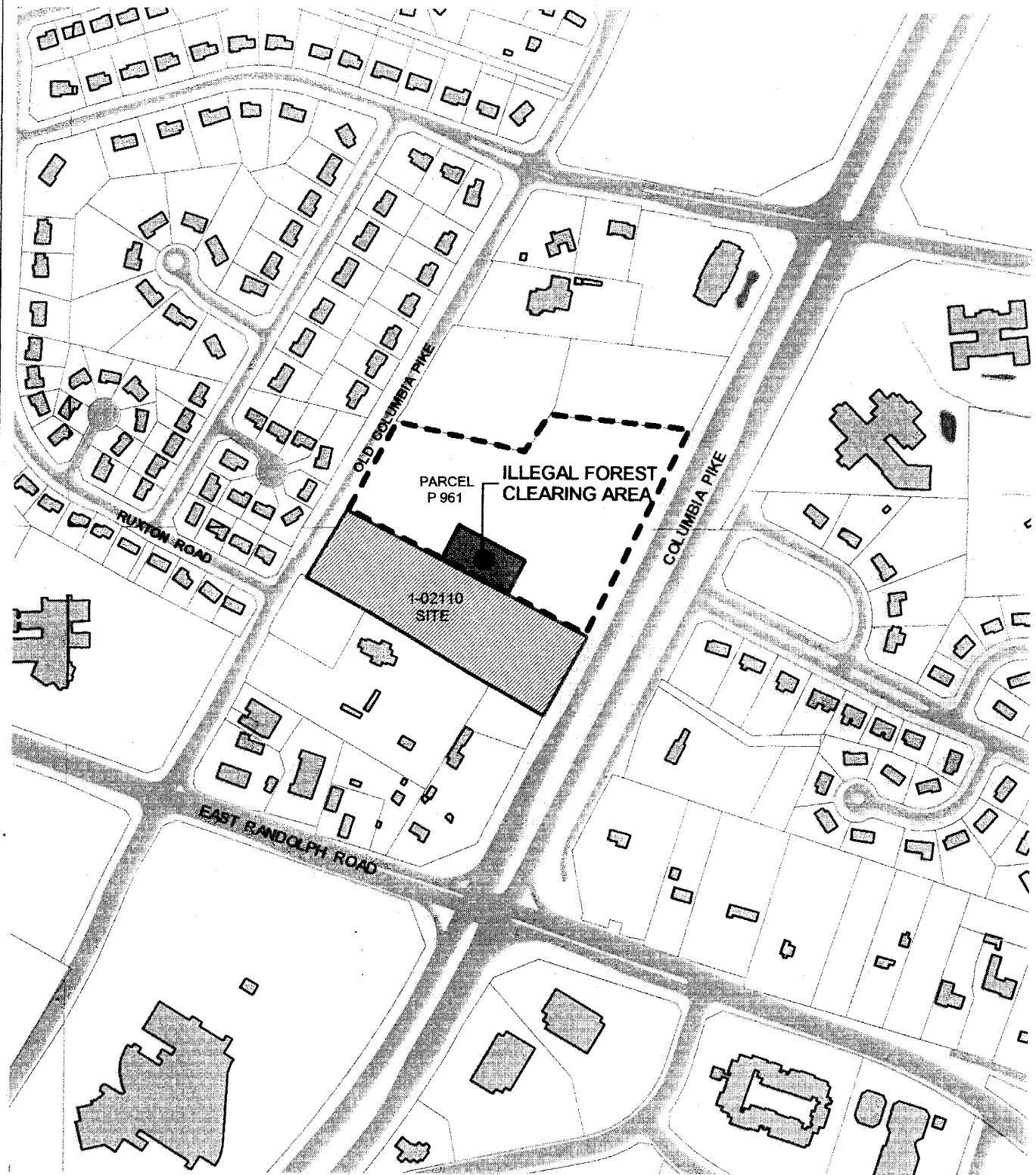


# VICINITY MAP

# ATTACHMENT 1



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Scale: 1" = 400'



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Chronology of Events

- February 6, 2002** Board of Appeals granted a special exception for housing and related facilities for elderly or handicapped persons subject to conditions (S-2487).
- August 1** Planning Board approved a preliminary plan and preliminary forest conservation plan (1-02110) to create Parcel B, St. Marks Parish for the elderly housing project.
- April 24, 2003** M-NCPPC staff approved a final forest conservation plan.
- August 1** Harkins Builders, M-NCPPC inspector, and DPS inspector held a pre-construction meeting on the site.
- August 5** Harkins Builders submitted a small land disturbance activity permit application to DPS to disturb 20,000 square feet of land on Parcel P961 for a temporary trailer. DPS referred the application to M-NCPPC staff to determine the need for a forest conservation plan or exemption from the forest conservation law.
- September 25, 2003** Harkins Builders submitted a formal proposal to M-NCPPC to clear about 20,000 square feet of forest on Parcel P961 to use as a stockpiling and storage area during construction of the elderly housing project on the adjoining property. This exceeds the forest clearing approved in the final forest conservation plan for the project. Clearing activities of the additional forest were initiated shortly after prior to M-NCPPC staff action on the proposal.
- October 3** M-NCPPC issued a denial of the proposed additional forest clearing. The proposed clearing would have been for a temporary use and it was not for infrastructure that was needed to serve the project.
- October 15** DPS inspector issued a notice of violation to Harkins Builders for failure to obtain a sediment control permit for the land-disturbing activities on Parcel P961.

ATTACHMENT 2  
(2 of 2)

- December 9** M-NCPPC inspector issued a civil citation and fine for \$1000 for clearing forest in excess of the approved forest conservation plan. About 15,531 square feet (0.36 acre) of forest were cleared on Parcel P961.
- December 16** M-NCPPC staff met with Harkins Builders to explain and discuss the violation. Staff indicated that there could be restoration requirements and a civil penalty in addition to the fine. Harkins Builders agreed to move the stockpiled earth out of the cleared area within a specified time period.
- January 9, 2004** M-NCPPC inspector issued a second civil citation for failure to remove the stockpiled earth out of the cleared area within the required time. The second fine was for \$500.
- January 12** Harkins Builders moved the stockpiled earth from the cleared area to a portion of the construction site.
- February 9** A notice of administrative order requiring corrective action and a notice of hearing on administrative civil penalty were issued by the Planning Director.
- February 25** M-NCPPC staff met with Harkins Builders to discuss the violation, notice of administrative order, and staff's recommended civil penalty. Harkins Builders agreed to the corrective action (reforestation) and requested a modification to staff's recommended civil penalty.
- March 3** Harkins Builders submitted a letter summarizing its position and restated its agreement to reforest the cleared area and request to modify the recommended civil penalty.
- April 15** The Planning Director offered a counter-proposal in a letter.
- April 22** By letter, Harkins Builders did not accept M-NCPPC staff's counter-proposal.
- April 30** The Planning Director indicated in a letter that Harkins Builders' request to modify the recommended civil penalty was not acceptable and set May 13 for the hearing for the administrative civil penalty.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
REVIEW OF SUPPLEMENTAL INFORMATION  
REQUEST TO CLEAR OFFSITE FOREST AS PART OF  
CONSTRUCTION ACTIVITIES TO AN APPROVED FCP

ATTACHMENT 3

TO: Thomas Niederberger  
Harkins Builders, Inc.  
Fax: 301-625-9093

FROM: Candy Bunnag *CB*  
Environmental Planning Division

DATE: 10/03/03

SUBJECT: Proposed Revision to Final Forest Conservation Plan # 1-02110,  
Selborne House at St Mark's  
Information Received: SLDA #209120 -- request to clear 20,000 s.f. of  
forest on Parcel P961 to use as stockpiling and storage area during  
construction of project covered under FCP 1-02110 on 9/25/03

The above-referenced information has been reviewed to determine if it meets requirements of the Montgomery County Forest Conservation Law, and other county regulations that may apply. M-NCPPC Environmental Planning staff has made the following determination:

The request to clear forest on Parcel P961 is denied. Parcel P961 is not included in the approved preliminary plan 1-02110. The proposed clearing is for a temporary use (stockpiling and storage during construction), it is not for infrastructure that is needed to serve the project covered under preliminary plan 1-02110, and the forest is not part of any approved land development project with an approved forest conservation plan for P961.

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To	<u>Thomas Niederberger</u>	From	<u>Candy Bunnag</u>
Co.	<u>Harkins Builders, Inc.</u>	Co.	<u>M-NCPPC</u>
Dept.		Phone #	<u>301-495-4543</u>
Fax #	<u>301-625-9093</u>	Fax #	<u>PHONE 10/3</u>



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