

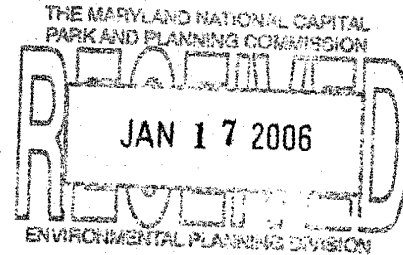
# Attachment D

## Jeff & Emily Popera

15204 Eden Rock Court ❖ Darnestown, Maryland 20874  
work: (301) 370-8285 ❖ home: (301) 258-8281  
e-mail: [jempop@comcast.net](mailto:jempop@comcast.net)

January 11, 2006

Mr. Mark Pfefferle  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910



Dear Mr. Pfefferle:

Thank you for your prompt response to my telephone inquiry. As indicated in our conversation, here is a written copy of our concerns.

We were notified yesterday of an application to change plan #8-94027, a final forest conservation plan that includes Outlots B and C (future home lot 31) at Eden Rock Court and Darnestown Road in Darnestown, MD. It is our understanding that this plan was originally approved on December 6, 2002.

We currently own the property – lot 25, 15204 Eden Rock Court- directly across the street from the area of the plan in question. The reason that this site is of interest to us is because it is a buffer between our street and the adjacent commercial property, formerly a Food Lion Grocery Store, soon to become a Harris Teeter Food Store. Prior to signing the contract to purchase our home, we were very concerned about sight lines to the existing building and had a meeting on February 3, 2004 with the builder's (Gosnell Homes) architect, Mark Benas, to specifically discuss this issue. At this point, we were assured that Gosnell's intent was to obscure the Food Lion Building to the fullest extent allowed by Park & Planning. However, Mr. Benas produced only a landscaping/tree plan for the lots under construction, not the area in question. We now know that Plan #8-94027 was approved at this time and that plan called for the planting of 48 trees and 16 shrubs in this area.

We have several questions regarding the amendment to plan #8-94027:

- The property owner claims that the existing plan must be abandoned because the forest conservation easement overlaps a storm water management easement. The storm water management easement is clearly marked on the approved plan. Why was the plan originally approved if this easement overlap was an issue?
- Why must the plantings for the entire area be abandoned? Can just the areas of overlap be addressed?
- Approximately forty trees were planted in the area in question in the fall of 2004 along with trees along Eden Rock Court and on the properties under/just completed construction. Do these plantings answer the partial plan question raised above? What is the guarantee that these trees will not be removed?

To summarize your response to these inquiries, if the plan were submitted today, the easements overlap would not be allowed. You also mentioned that you had never seen a plan for a Category II Tree Conservation easement to be converted to a Category I. It appears as if the current conditions on the site satisfy, or come close to, a Category II Tree Conservation Plan.

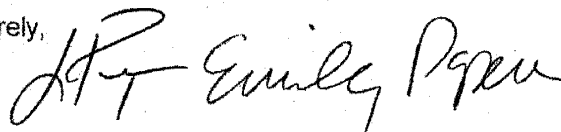
Our concerns, therefore, regard the future of this area. When we purchased the property we were obviously aware of the existence of the commercial building. We sought and received assurances from the builder that trees planted, in the area in question, would screen the building. In the fall of 2004, we were satisfied that an attempt

had been made at such screening. We are now concerned that if the easement is removed, there is no statutory protection for the trees planted in this area. Despite assurance from the current property owners not to remove any existing trees, we fear that these trees could be removed at any time without penalty, thereby eliminating the screening that was a concern to us even before we decided to purchase the home.

We look forward to hearing from you regarding this matter, specifically regarding the details of a hearing, if one is necessary. We can be reached at the address, e-mail, and telephone numbers listed above. We also appreciate your checking into whether the county is, in fact, responsible for replacement of the street trees that have died along Eden Rock Court.

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff & Emily Popera". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jeff & Emily Popera

# Attachment E

**GENERAL NOTES**

- 1) OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- 2) THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- 3) THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- 4) THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- 5) THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.

**LEGEND**

- 1. PROPOSED CONSERVATION PLAN
- 2. EXISTING CONSERVATION PLAN
- 3. PROPOSED LOT LINES
- 4. EXISTING LOT LINES
- 5. PROPOSED ROAD LINES
- 6. EXISTING ROAD LINES
- 7. PROPOSED UTILITY LINES
- 8. EXISTING UTILITY LINES
- 9. PROPOSED EASEMENT LINES
- 10. EXISTING EASEMENT LINES
- 11. PROPOSED SETBACK LINES
- 12. EXISTING SETBACK LINES
- 13. PROPOSED TREE SPECIMEN LINES
- 14. EXISTING TREE SPECIMEN LINES
- 15. PROPOSED CONSERVATION EASEMENT LINES
- 16. EXISTING CONSERVATION EASEMENT LINES

**SPECIMEN TREE LIST**

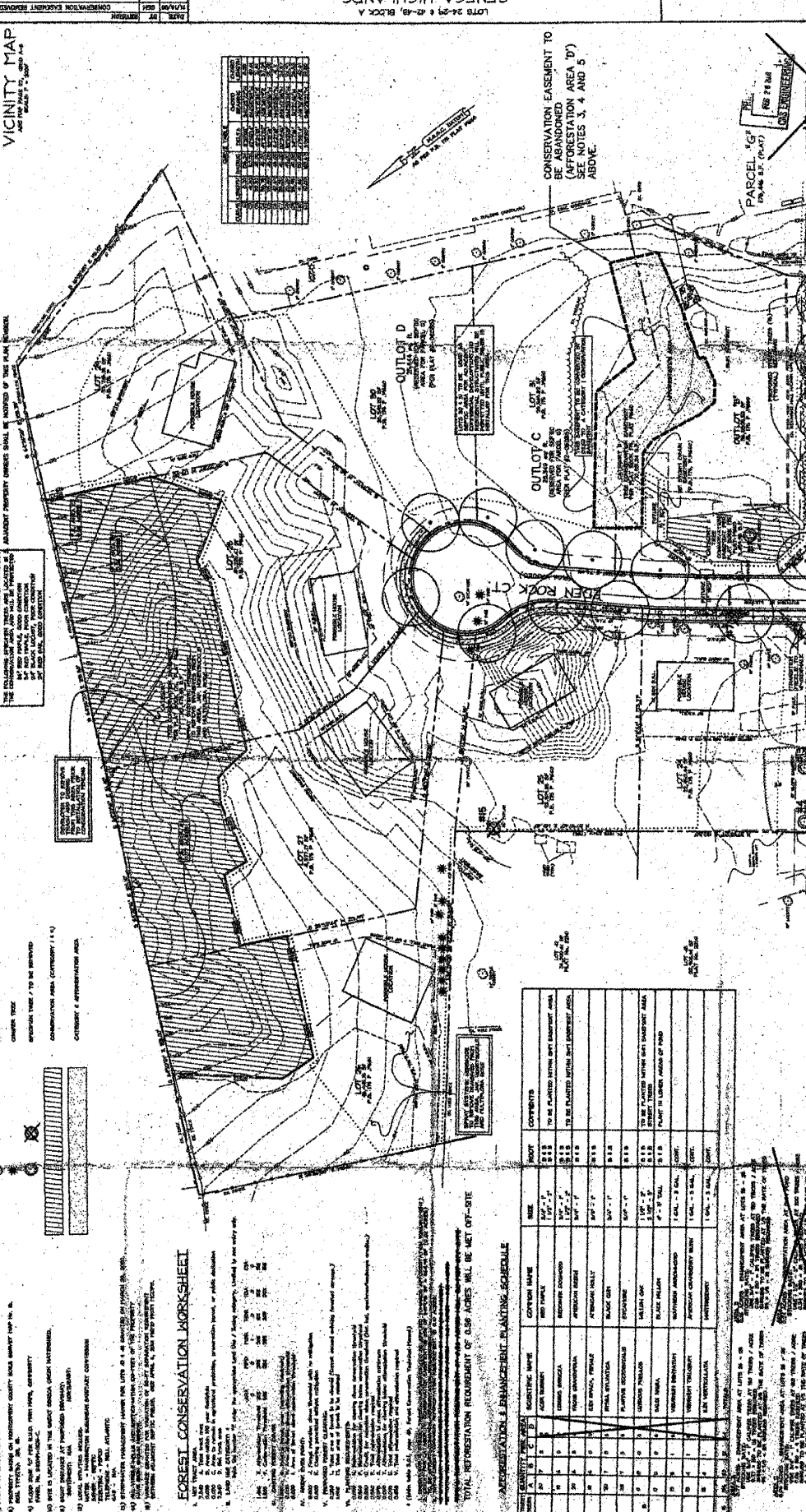
NO.	SYMBOL	TREE SPECIES	SIZE	LOCATION
1	○	Red Oak	12" DBH	Lot 1
2	○	White Oak	8" DBH	Lot 2
3	○	Black Oak	10" DBH	Lot 3
4	○	Pin Oak	6" DBH	Lot 4
5	○	Short Leaf Pine	14" DBH	Lot 5
6	○	Long Leaf Pine	10" DBH	Lot 6
7	○	Live Oak	12" DBH	Lot 7
8	○	Water Oak	8" DBH	Lot 8
9	○	Swamp White Oak	10" DBH	Lot 9
10	○	Slippery Elm	6" DBH	Lot 10
11	○	Black Gum	8" DBH	Lot 11
12	○	White Birch	10" DBH	Lot 12
13	○	Red Birch	6" DBH	Lot 13
14	○	Yellow Birch	8" DBH	Lot 14
15	○	Black Birch	10" DBH	Lot 15
16	○	White Pine	12" DBH	Lot 16
17	○	Black Pine	8" DBH	Lot 17
18	○	Short Pine	10" DBH	Lot 18
19	○	Long Pine	12" DBH	Lot 19
20	○	White Spruce	8" DBH	Lot 20
21	○	Black Spruce	10" DBH	Lot 21
22	○	White Fir	12" DBH	Lot 22
23	○	Black Fir	8" DBH	Lot 23
24	○	White Cedar	10" DBH	Lot 24
25	○	Black Cedar	12" DBH	Lot 25
26	○	White Juniper	8" DBH	Lot 26
27	○	Black Juniper	10" DBH	Lot 27
28	○	White Cypress	12" DBH	Lot 28
29	○	Black Cypress	8" DBH	Lot 29
30	○	White Palm	10" DBH	Lot 30
31	○	Black Palm	12" DBH	Lot 31
32	○	White Magnolia	8" DBH	Lot 32
33	○	Black Magnolia	10" DBH	Lot 33
34	○	White Dogwood	12" DBH	Lot 34
35	○	Black Dogwood	8" DBH	Lot 35
36	○	White Hickory	10" DBH	Lot 36
37	○	Black Hickory	12" DBH	Lot 37
38	○	White Walnut	8" DBH	Lot 38
39	○	Black Walnut	10" DBH	Lot 39
40	○	White Pecan	12" DBH	Lot 40
41	○	Black Pecan	8" DBH	Lot 41
42	○	White Sycamore	10" DBH	Lot 42
43	○	Black Sycamore	12" DBH	Lot 43
44	○	White Ash	8" DBH	Lot 44
45	○	Black Ash	10" DBH	Lot 45
46	○	White Fraxinus	12" DBH	Lot 46
47	○	Black Fraxinus	8" DBH	Lot 47
48	○	White Elm	10" DBH	Lot 48
49	○	Black Elm	12" DBH	Lot 49
50	○	White Maple	8" DBH	Lot 50
51	○	Black Maple	10" DBH	Lot 51
52	○	White Linden	12" DBH	Lot 52
53	○	Black Linden	8" DBH	Lot 53
54	○	White Basswood	10" DBH	Lot 54
55	○	Black Basswood	12" DBH	Lot 55
56	○	White Poplar	8" DBH	Lot 56
57	○	Black Poplar	10" DBH	Lot 57
58	○	White Willow	12" DBH	Lot 58
59	○	Black Willow	8" DBH	Lot 59
60	○	White Cottonwood	10" DBH	Lot 60
61	○	Black Cottonwood	12" DBH	Lot 61
62	○	White Birch	8" DBH	Lot 62
63	○	Black Birch	10" DBH	Lot 63
64	○	White Pine	12" DBH	Lot 64
65	○	Black Pine	8" DBH	Lot 65
66	○	White Spruce	10" DBH	Lot 66
67	○	Black Spruce	12" DBH	Lot 67
68	○	White Fir	8" DBH	Lot 68
69	○	Black Fir	10" DBH	Lot 69
70	○	White Cedar	12" DBH	Lot 70
71	○	Black Cedar	8" DBH	Lot 71
72	○	White Juniper	10" DBH	Lot 72
73	○	Black Juniper	12" DBH	Lot 73
74	○	White Cypress	8" DBH	Lot 74
75	○	Black Cypress	10" DBH	Lot 75
76	○	White Palm	12" DBH	Lot 76
77	○	Black Palm	8" DBH	Lot 77
78	○	White Magnolia	10" DBH	Lot 78
79	○	Black Magnolia	12" DBH	Lot 79
80	○	White Dogwood	8" DBH	Lot 80
81	○	Black Dogwood	10" DBH	Lot 81
82	○	White Hickory	12" DBH	Lot 82
83	○	Black Hickory	8" DBH	Lot 83
84	○	White Walnut	10" DBH	Lot 84
85	○	Black Walnut	12" DBH	Lot 85
86	○	White Pecan	8" DBH	Lot 86
87	○	Black Pecan	10" DBH	Lot 87
88	○	White Sycamore	12" DBH	Lot 88
89	○	Black Sycamore	8" DBH	Lot 89
90	○	White Ash	10" DBH	Lot 90
91	○	Black Ash	12" DBH	Lot 91
92	○	White Fraxinus	8" DBH	Lot 92
93	○	Black Fraxinus	10" DBH	Lot 93
94	○	White Elm	12" DBH	Lot 94
95	○	Black Elm	8" DBH	Lot 95
96	○	White Maple	10" DBH	Lot 96
97	○	Black Maple	12" DBH	Lot 97
98	○	White Linden	8" DBH	Lot 98
99	○	Black Linden	10" DBH	Lot 99
100	○	White Basswood	12" DBH	Lot 100

**FOREST CONSERVATION NOTES**

1. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
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**GENERAL NOTES**

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**FINAL FOREST CONSERVATION / AFFORESTATION PLAN**

LOTS 24-29 & 42-49, BLOCK A  
 HONOLULU (COUNTY) DISTRICT  
 HONOLULU, HAWAII

**ENGINEERING**  
 2500 KALANIA BLVD., SUITE 100, HONOLULU, HI 96815  
 TEL: (808) 955-1100 FAX: (808) 955-1101  
 WWW: WWW.MHG-ENGINEERING.COM

**MHG**  
 1000 KALANIA BLVD., SUITE 100, HONOLULU, HI 96815  
 TEL: (808) 955-1100 FAX: (808) 955-1101  
 WWW: WWW.MHG-ENGINEERING.COM

**FILE NO. 4-93027**  
**LOTS 24-31, BLOCK 'A'**  
**SENECA HIGHLANDS**  
**FINAL AFFORESTATION PLAN**

MHG Project No. 2004.264

**APPROVED**

**OWNER**  
 SENeca HIGHLANDS, INC.  
 1000 KALANIA BLVD., SUITE 100, HONOLULU, HI 96815  
 TEL: (808) 955-1100 FAX: (808) 955-1101  
 WWW: WWW.MHG-ENGINEERING.COM

**DESIGNER**  
 M.H.G. ENGINEERING, INC.  
 2500 KALANIA BLVD., SUITE 100, HONOLULU, HI 96815  
 TEL: (808) 955-1100 FAX: (808) 955-1101  
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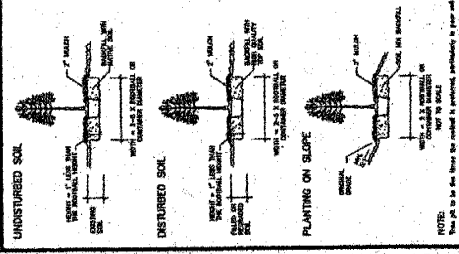
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 TEL: (808) 955-1100 FAX: (808) 955-1101  
 WWW: WWW.MHG-ENGINEERING.COM

**STAKED TREE SPECIFICATION(2)**



**TREE PLANTING SCHEDULE**

TASKS	MONTHS											
	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC
PREPARE SITE												
PLANT TREES												
MAINTENANCE												

**KEY:**  
 XXXXX: MONTHLY COMPLETION  
 OOOOO: COMPLETED WITH ADVANCEMENT TIME  
 - - - - -: COMPLETED WITH DELAY  
 \* : NOT YET STARTED  
 / : COMPLETED WITH DELAY  
 / : COMPLETED WITH DELAY  
 / : COMPLETED WITH DELAY

**NOTES:**  
 1. The schedule of work is subject to change without notice.  
 2. The schedule of work is subject to change without notice.

**SITE PLANTING & AFFORESTATION GENERAL NOTES**

1. All trees to be planted shall be of the species and size indicated on the drawings.
2. All trees to be planted shall be of the species and size indicated on the drawings.
3. All trees to be planted shall be of the species and size indicated on the drawings.
4. All trees to be planted shall be of the species and size indicated on the drawings.
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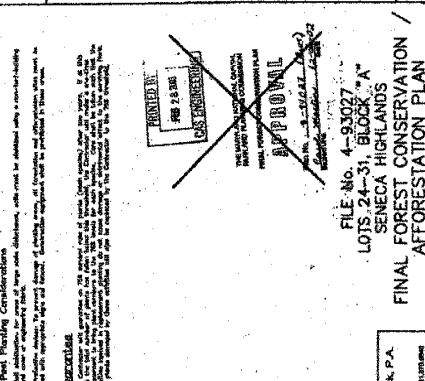
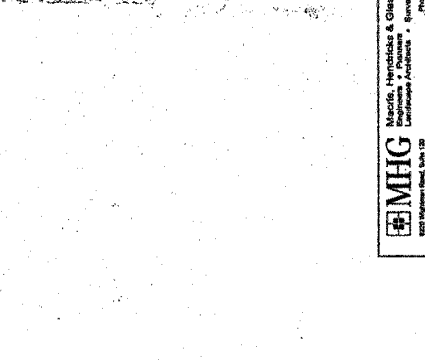
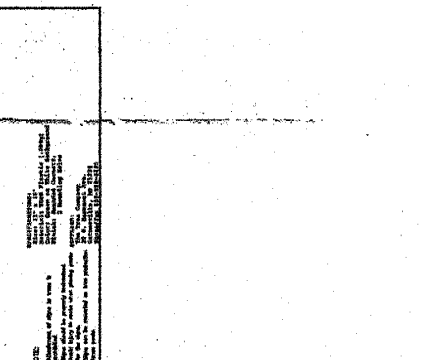
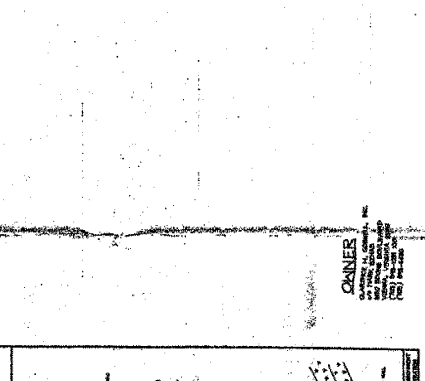
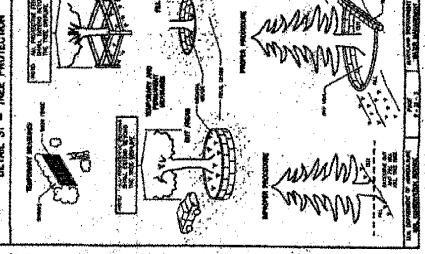
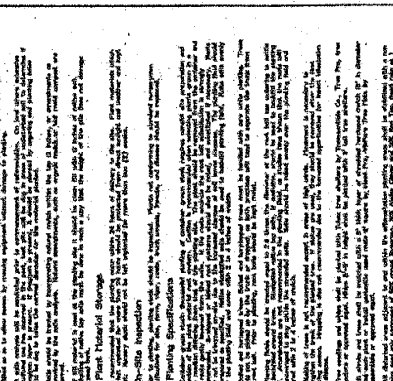
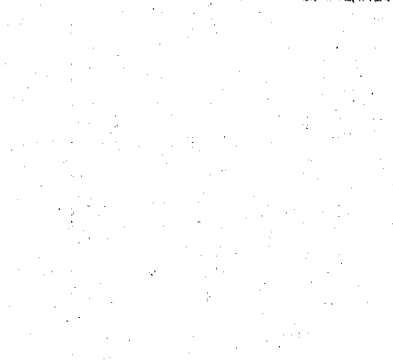
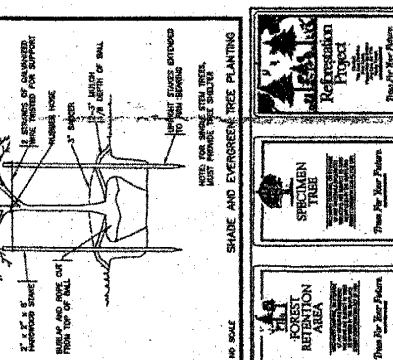
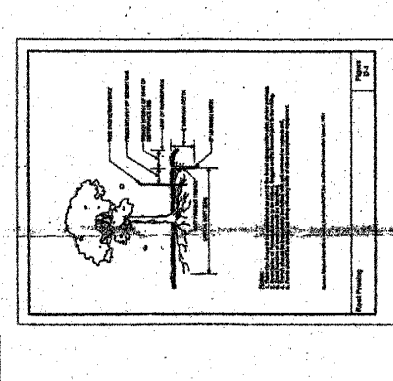
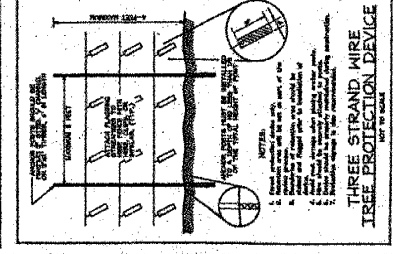
**Site Inspections, Sequence of Construction, and Final Forest Conservation / Afforestation Plan**

1. The site shall be inspected by the contractor and the engineer prior to the start of construction.

2. The sequence of construction shall be as follows:

- a. Clearing and grubbing.
- b. Site preparation.
- c. Planting.
- d. Maintenance.

3. The final forest conservation / afforestation plan shall be submitted to the engineer for review and approval.



FILE No. 4-93027  
 LOTS 24-31, BLOCK "A"  
 SENECA HIGHLANDS  
 FINAL FOREST CONSERVATION /  
 AFFORESTATION PLAN

**APPROVAL**  
 DATE: 3/24/04  
 BY: [Signature]

**MHG** Macfie, Henselback & Glascock, P.A.  
 1000 Highways Road, Suite 200  
 Harrisburg, PA 17103  
 Phone: 717-633-8800  
 Fax: 717-633-8801  
 www.mhgpa.com