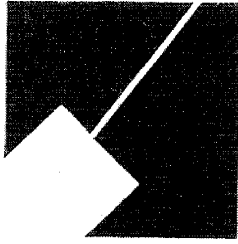


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

July 5, 2005

Mr. Anthony Merios
P.O. Box 541
Beltsville, MD 20705-0541

Re: Parcel 120, Tax Map BT

Dear Mr. Merios:

The Development Review Division staff has reviewed the information supplied by you with regards to the above referenced property. The deed history provided indicates that this parcel existed in its present size and shape prior to June 1, 1958. It is our finding that Parcel 120 does qualify for an exception to the platting requirements pursuant to the Subdivision Regulations under section 50-9(f). This property is eligible for construction of one (1) single-family residential dwelling as provided for under Section 59 -B-5.1 of the Montgomery County Zoning Ordinance.

This exception does not waive any other legal requirements imposed by other governmental review agencies. You may wish to contact the Department of Permitting service to clearly understand any other limitation associated with building permit reviews for this property. If you have any questions regarding this transmittal, please contact me at 301/495-4623.

Sincerely,

Taslina Alam

cc: W. Cornelius, DRD

Attachment 18

**Maryland Department of the Environment (MDE)
Field Reports**

**Maryland Department of the Environment
Western Division - Hagerstown
33 West Franklin Street
Suite 302
Hagerstown, MD 21740**

Field Inspection Report by: Rich Wolters

Permit / Approval Numbers:

Inspection Date: 11/18/2005

Facility Address: 17900 Trundle Road
Dickerson, MD 20842

Site Name: PAF 06-1090 17900 Trundle
Road

Site Status: Currently Inactive

Permit Type: Non-Tidal Wetlands

Site Condition: Noncompliance

Contact(s): Anthony Mereos, Owner
Bill Limpert, MDE/WMA
Compliance
Bob Cooper, MDE/WMA
NTW&W

Recommended Action: Continue routine investigation
Issue complaint & order
Refer to Division Chief

Evidence Collected: VISUAL OBSERVATION

Inspection Reason: PAF Follow-up

Follow-up for PAF#: 06-1090

INSPECTION FINDINGS

Investigation conducted on 11/17/05 at subject site with above referenced individuals to re-evaluate site and determine whether property clearing and grading has impacted any regulated/jurisdictional nontidal wetlands. An initial site investigation was completed on 9/23/05 during dry weather conditions and with no representative vegetation remaining to identify because of site grading. A further review of the National Wetlands Inventory Map, Montgomery County Soil Survey, and field analysis completed on 11/17/05 (of soils, vegetation, and hydrology) indicate that Mr. Mereos' property is indeed a regulated nontidal wetland. Site is currently in violation of Title 5 of The Annotated Code of Maryland Environment Article for conducting unauthorized work in a nontidal waterway, and for conducting a regulated activity in a nontidal wetland without a permit - specifically clearing and grading over an acre of nontidal wetlands. These referenced violations of Title 5 of the Environment Article carry both Civil and Criminal Penalties. Previously disturbed area is now encompassed with silt fence and has been stabilized. However, site needs to be restored to its original (pre-site grading and clearing) condition. This needs to be accomplished by initially having nontidal wetlands, nontidal wetland buffers and the 100-year floodplain delineated throughout the site by a qualified consultant. A site restoration plan needs to be submitted to MDE Water Management Administration Nontidal Wetlands and Waterway Division's Permits Section within 60 days for review. Restoration plan should be drafted by a qualified consultant. Plan will need to address; bringing disturbed site back to original grade/elevations - to include the stream channel, replanting site with representative plant species that were removed during clearing/grading operation in conjunction with Maryland National Capital Parks and Planning Commission requirements, and the removal of trees piled up in the stream channel from site clearing and grubbing operation. No further work is to be conducted in the regulated area until all violations have been resolved and all appropriate permits have been obtained.

Permit / Approval Numbers:

Inspection Date: 11/18/2005

Facility Address: 17900 Trundle Road
Dickerson, MD 20842

Be advised that MDE/WMA will review this incident and forward it to its Enforcement Division for possible action.

Inspector: Richard Walters
Rich Walters

Received by: [Signature]

**Maryland Department of the Environment
Western Division - Hagerstown
33 West Franklin Street
Suite 302
Hagerstown, MD 21740**

Field Inspection Report by: Rich Wolters

Permit / Approval Numbers:

Inspection Date: 1/30/2006

Facility Address: 17900 Trundle Road
Dickerson, MD 20842

Site Name: PAF 06-1090 17900 Trundle Road

Site Status: Active - No work today

Permit Type: Non-Tidal Wetlands

Site Condition: Noncompliance

Contact(s): Anthony Mereos, Owner
Rick Watson, MO CO DPS
Tracey McCleaf, US ACOE

Recommended Action: Refer to Division Chief

Inspection Reason: Violation Follow-up

Evidence Collected: VISUAL OBSERVATION

Follow-up for Viol. #: 06-1090

INSPECTION FINDINGS

Inspection this date on subject complaint site conducted in response to citizen's concerns that dirt is being brought onto Mr. Mereos' property and spread without authorization. My investigation today finds this to be the case. Photo numbers 1, 2, 3, and 4 show that approximately four to six truckloads of dirt have been brought onto Mr. Mereos property and spread. Mr. Mereos property is a regulated nontidal wetland and the site is not approved for any site disturbance or fill operation. I contacted and spoke with Mr. Mereos who stated that he did not advise anyone to bring dirt onto his property. I also contacted the owner of the Bobcat loader that was sitting on Mr. Mereos property to try and determine responsible parties, however, I could only leave a message on the answering machine. Project was previously sited for violations of Title 5-906 of the Annotated Code of Maryland, Environment Article for conducting regulated activity in a nontidal wetland without a permit. The current on site fill operation constitutes an additional violation of the Environment Article referenced above. All recently deposited material needs to be removed from site and taken to a location approved for erosion and sediment control. Be advised that Maryland Department of the Environment, Water Management Administration will review these violations and forward them to its Enforcement Division for possible action.

Inspector: Rich Wolters

Rich Wolters

Received by: [Signature]

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard ● Baltimore Maryland 21230 -1708
 (410) 537-3000 ● 1-800-633-6101 ● <http://www.mde.state.md.us>

SITE COMPLAINT

SITE COMPLAINT NUMBER: SC-O-06-0233

Date Issued: 01/31/06

NAME OF VIOLATOR: Anthony Meroos

ADDRESS: P.O. Box 206

CITY: Poolesville MD 20837-0206

TELEPHONE: 301-518-4735

FACILITY NAME : Anthony Meroos property, 17900 Trundle Road, Dickerson MD 20842

PERMIT:

VIOLATION TYPE: Non-tidal Wetlands; Article – Environment, Section 5-906.
 Waters & Waterway; Article – Environment, Section 5-503

SPECIFICALLY: Cleared and grubbed trees were pushed and piled into a stream channel, stream channel depth has been altered (excavated). A regulated nontidal wetland in excess of an acre in area was cleared, grubbed, and graded without having permit approval. Imported dirt has been brought onto site and spread in the regulated non-tidal wetland area. All site work/disturbance in the 100-year floodplain, non-tidal wetlands, and non-tidal wetlands buffer areas was conducted without required authorization.

YOU ARE HEREBY ADVISED THAT THE FOLLOWING CORRECTIVE ACTIONS ARE NEEDED. COMPLIANCE WITH THE CORRECTIVE ACTIONS CONTAINED HEREIN DOES NOT PRECLUDE THE DEPARTMENT FROM IMPOSING FURTHER REQUIREMENTS. IN ADDITION, THE DEPARTMENT RESERVES THE RIGHT TO IMPOSE SANCTIONS OR PENALTIES FOR THE UNDERLYING VIOLATION(S).

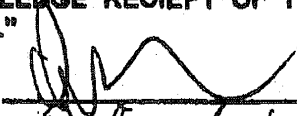
Have regulated nontidal wetlands, nontidal wetland buffers, and 100-year floodplain delineated throughout the site in order to implement a site restoration plan. Generate site restoration plan by a qualified consultant and submit it for review to the Maryland Department of the Environment Nontidal Wetlands and Waterway Division within 60 days. Restoration plan should address bringing disturbed site back to original grade/elevations – to include stream channel, replanting site with representative plant species that were removed during clearing/grading operation in conjunction with Maryland National Capital Parks and Planning Commission's requirements, and the removal of trees piled up in the stream channel from site clearing and grubbing operation. Also, remove imported dirt from site. No further work is to be conducted in the regulated area until all violations have been resolved and all appropriate permits have been obtained.

THE ABOVE DESCRIBED VIOLATION(S) MAY RESULT IN THE DEPARTMENT SEEKING LEGAL SANCTIONS AGAINST YOU, INCLUDING THE IMPOSITION OF CIVIL AND/OR CRIMINAL PENALTIES. CONTINUATION OF THE VIOLATION(S) OR FAILURE TO TAKE THE CORRECTIVE ACTIONS DESCRIBED ABOVE MAY RESULT IN ADDITIONAL SANCTIONS OR PENALTIES FOR THE UNDERLYING VIOLATION(S).

PLEASE BE ADVISED THAT YOU ARE ENTITLED TO A HEARING BEFORE THE ADMINISTRATION AS A RESULT OF THIS ORDER. IF YOU WISH TO SCHEDULE A HEARING ON THIS MATTER, THE ADMINISTRATION MUST BE SO NOTIFIED IN WRITING WITHIN TEN (10) DAYS.

"I HEREBY ACKNOWLEDGE RECEIPT OF THIS SITE COMPLAINT BY MY SIGNATURE, WHICH IS NOT AN ADMISSION OF GUILT."

PERSON ISSUED TO:



TITLE:

02402

ISSUED BY:



PHONE:

301-665-2893

Inspector Name

AUTHORIZED BY: Kendi P. Philbrick
 Secretary
 Department of the Environment

Maryland Department of the Environment
 Western Division - Hagerstown
 33 West Franklin Street
 Suite 302
 Hagerstown, MD 21740

Field Inspection Report by: Rich Wolters

Permit / Approval Numbers:

Inspection Date: 4/7/2006

Facility Address: 17900 Trundle Road
 Dickerson, MD 20842

Site Name: PAF 06-1090 17900 Trundle
 Road

Site Status: Active - No work today

Permit Type: Non-Tidal Wetlands

Site Condition: Corrections needed

Contact(s): Anthony Mereos, Owner

Recommended Action: Continue routine investigation

Evidence Collected: VISUAL OBSERVATION

Inspection Reason: Follow-up(Non-Compliance)

INSPECTION FINDINGS

Inspection this date on subject site conducted as a follow-up to a site meeting on 3/21/06 where the sequence of operations for tree removal from the waterway was discussed. Currently, the majority of all trees have been removed from the waterway and hauled off site. The access road was extended to the existing silt fence along the west end of the site for access. Several wood chip piles have been established throughout the tree removal area for final stabilization once operation has been completed. All that remains to be removed from previously piled trees is stump and root material. Mr. Mereos called and advised on 4/5/06 that the operator's equipment had broken down and that the operator will be back in three to four days to complete the work. To complete this portion of the site restoration work (tree removal from the waterway), remove remaining stump and root material from the site, spread wood chips over disturbed area from tree piling and removal operations, and remove stone and filter fabric that was placed for site access. I will continue follow-up investigations.

Inspector: _____

R. Wolters
 Rich Wolters

Received by: _____

Forward to Anthony Mereos 5/1/06
BY

Attachment 19

U.S. Army Corps of Engineers Field Report and Letter



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1716
BALTIMORE, MD 21203-1715

⊕ Mr. Merros has no knowledge of where fill material came from or who discharged and stabilized

REPLY TO
ATTENTION OF
Operations Division

Subject: CEASE AND DESIST / RESTORATION ORDER ⊕

Issued To: Anthony Merros Phone: () _____
Address: PO Box 246
Padesville, MD 20837

On 1/31/06 an investigation was conducted and confirms that a violation of law has occurred.

You have discharged approximately 7200 cu ft of fill material in wetlands adjacent to an unnamed tributary to Broad Run. Since the fill discharge, approximately 1.8 acres of wetlands had been cleared and the tributary impacted as detailed in correspondence dated 27 JAN 2006 (enclosed).

at your property, located near 17900 Trumble Road, near Padesville in Montgomery County, MD

Any work performed, including the placement of fill material in waters of the United States or in adjacent wetlands without prior approval by the Department of the Army, constitutes a violation of ____: Section 10 of the River and Harbor Act, Section 404 of the Clean Water Act, ____: or both.

You are hereby ordered to stop any further work at this or any other location in navigable waters or Waters of the United States, including wetlands, without compliance with the law.

Violations of Section 10 and/or Section 404 are subject to prosecution by the Attorney General of the United States.

Enforcement Officer Troy McClell Phone # 410-962-6029
Date 1/31/06 Time _____

Resolution / Restoration Required submit restoration plan in accordance with Montgomery County rules and planning and ADC requirements.
This plan should be submitted within 60 days of the date of this notice.

Received by [Signature] Date _____ Time _____

I have read and agree to perform the restoration as outlined above (and/or on attachment A).
Date: _____

I have read the restoration outlined above (and/or on attachment A), but do not agree to perform the work.
Date: _____

⊕ This letter is a follow-up action for Cease and Desist order dated 1/27/06.
(Copy Tracking # 200600909)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1716
BALTIMORE, MD 21203-1716

JAN 27 2006

Operations Division

Mr. Anthony Mereos
Post Office Box 206
Poolesville, Maryland 20837

Dear Mr. Mereos:

This is in reference to CENAB-OP-RMS(MEREOS, ANTHONY)06-00909-19. A recent field investigation disclosed that you have cleared approximately 1.8 acres of forested, nontidal wetlands adjacent to an unnamed tributary to Broad Run, waters of the United States, channelized approximately 300 linear feet of the unnamed tributary to Broad Run and deposited woody debris in an additional 200 linear feet of the same tributary. The work is located on your property at 17900 Trundle Road, Dickerson, Montgomery County, Maryland.

Records in this office indicate that neither a Department of the Army permit nor a letter of permission authorizing this work was issued by this office. The placement of fill material in waters of the United States or in adjacent wetlands without prior approval of plans by the Department constitutes a violation of Section 404 of the Clean Water Act.

No further work is to be performed at this or any other location in a navigable waterway or in wetlands without compliance with the law. Violations of Section 10 are subject to prosecution by the Attorney General of the United States.

If you have any questions concerning this matter, you may call Ms. Tracy McCleaf of this office at (410) 962-6029.

Sincerely,

Sandra A. Zelen
Enforcement Program Manager

cc: Rich Wolters, MDE Hagerstown Office
USEPA, Attn: Jeff Lapp
USFWS
DNR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

MAY 24 2006

Operations Division

Mr. Anthony Mereos
Post Office Box 206
Poolesville, Maryland 20837

Dear Mr. Mereos:

This is in reference to CENAB-OP-RMS(MEREOS, ANTHONY)06-00909-19 and a letter you received from this office dated January 27, 2006, detailing unauthorized work in waters of the United States, including adjacent wetlands, on your property at 17900 Trundle Road, Poolesville, Montgomery County, Maryland.

In response to a report that ditches had been recently dug on the property, we inspected the site on May 22, 2006. During this inspection, we noted at least two new ditches on the property. **These ditches should be filled back in immediately.**

In order to continue moving towards resolution of the violations on-site you are required to:

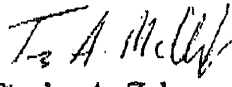
1. Submit a restoration plan detailing and sequencing fill removal, grading, stream channel restoration, site stabilization and plantings no later than June 30, 2006.
2. All on-site restoration work, including planting, is to be completed by November 30, 2006.

Your cooperation in providing the restoration plan and performing the restoration work will be considered in the final determination of action on this matter. You are requested to indicate your acceptance of the conditions by signing and dating the statement below and returning it to us in the enclosed postage paid envelope within 15 calendar days of the date of this letter. An additional copy of this letter is also enclosed for retention in your records. If we do not receive your response within this time, we will assume you do not intend to perform the restorative work and we will proceed to resolve the violation through alternate enforcement procedures.

-2-

If you have any questions concerning this matter, please call Ms. Tracy McCleaf of this office at (410) 962-6029.

Sincerely,


Sandra A. Zelen
Enforcement Program Manager

Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

I have read and understand the conditions in this letter. I agree to provide the information and perform the work as required.
