



Montgomery County Group

May 30, 2006

Ms. Faroll Hamer, Acting Director
Department of Planning
Ms. Rose Krasnow, Chief
Development Review Division
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Ms. Hamer and Ms. Krasnow:

On behalf of the Sierra Club's 6400 members in Montgomery County, I am writing to express my continuing deep concern over violations of the Forest Conservation Law at 1020 Ashton Road and to request appropriate enforcement action.

I am personally familiar with the forest clearing at 1020 Ashton Road. I have seen significant forest clearing of 100 foot trees that to date appears to have resulted in neither a citation nor any attempts to mitigate the damage.

I understand that the adjacent land owner, Steven Kanstoroom, has spent a tremendous amount of time and money further documenting an obvious illegal clearing that has left his property with a view of a rubble pile. Despite irrefutable aerial imagery, MNCPPC has taken no enforcement action for more than a year despite many misrepresentations made in the related exemption process.

I also understand that State Legislators called for an independent review of the circumstances that led to this situation, and that MNCPPC solicited bids for an updated aerial photograph. However, I learned that MNCPPC never followed through with the independent review nor did it contract for the photograph. Instead, similar to the Clarksburg experience, the affected landowners paid for the photograph themselves, using MNCPPC's vendor of choice. The photo revealed what Mr. Kanstoroom, his landscape architect, and the USDA had previously reported: the forest clearing and land disturbance were several times the size of what MNCPPC has contended.

Having received assurances myself over three months ago from the Chairman that MNCPPC was rectifying the situation, I am appalled to find that this forest clearing in excess of 5,000 square feet, which was begun without a permit and continued with a questionably obtained permit, has yet to result in any remedial action or permit revocation. As if that weren't enough, the property owner at 1020 Ashton Road cut trees on the adjacent property owned by Mr. Kanstoroom as well

as on an adjacent conservation area granted to Mr. Kanstoroom. *And yet no remedial action has been taken on the part of MNCPPC.*

It is even more difficult to understand why your agency has refused to accept the aerial photographs, created by its own technology department, that clearly show the site was forested prior to the 2005-2006 clearing activities.

The Sierra Club believes that the Forest Conservation Law is vital to protecting what is left of Maryland's and Montgomery County's forests. We were gratified that in the egregious case of Dan Snyder's action, MNCPPC did act, and we were also pleased that the Council raised penalties to make them more meaningful. But Dan Snyder is not the only violator, and high penalties are worthless without enforcement. Allowing such blatant disregard for our laws as is evidenced in this case erodes confidence in government and encourages more violations, to the detriment of our quality of life.

I am requesting that MNCPPC take immediate steps to require that forest restoration begin. I am also requesting that MNCPPC halt its forest conservation exemption approval process until it can be determined exactly why MNCPPC is failing to enforce the Forest Conservation Law. Please keep me informed as to your actions.

Sincerely,

Anne J. Ambler, Chair
Sierra Club, Montgomery County Group
301-946-5599
anneambler@comcast.net

cc: The Honorable Douglas Duncan, County Executive
The Honorable George Leventhal, President, County Council
The Honorable Derick Berlage, Chairman, Montgomery County Planning Board