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12484 Nugget Ct

Highland, MD 20777

\$99,000

| 0.99 Acres

Listing Agent
Mark Hess



GRI, CRS, Associate Broker, 25+ Years
Expertise
Phone: (855) 837-4920

Listing Broker
**Berkshire Hathaway HomeServices
PenFed Realty**



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This lot has been determined to be NOT Buildable. The lot has an existing well (buyer to verify), but no septic system approval or building permit can be obtained from Howard County, buyer to verify. The lot is Bank Owned, sold as-is, valued as excess land only

General Information

Price	\$99,000	Lot Size	0.99 Acres
Property Type	Land		

Building and Construction

- Lot-Land Style

Other Property Info

- City: Highland
- State: MD
- Howard County
- Highland Subdivision
- Presently Land/Lot Only

Listing Provider

Listing Agent

This listing is represented by REALTOR® Mark Hess

Listed by Berkshire Hathaway HomeServices PenFed Realty

Data Source MRIS

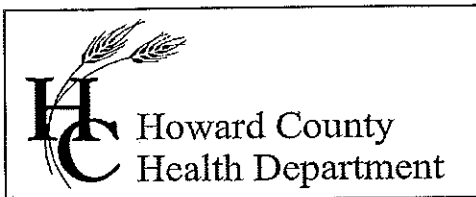
Source's Property ID HW8698822

Data Source Copyright ©2015 Metropolitan Regional Information System (MRIS). All rights reserved.

Public Records

Property Information from local public records.

Beds	-	Baths	-
House Size	-	Lot Size	0.99 Acres
Year Built	-	Price	-
Property Type	Single Family Home	Stories	-
Style	Not Available	Garage	Garage
Units	1	Cooling	Unknown
Pool	-	Construction	-
Heating	Unknown	Year Renovated	-
Rooms	-	Roofing	-
Fireplace	Yes		



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

April 25, 2012

Kevin & Shelia Green
7919 Bright Light Place
Ellicott City, MD 21043

Re: Highland Acres, lot 12
Tax account number 05-353033

Dear Sir and Madam:

This letter is being written as follow up to the field investigation of the above referenced property on April 18, 2012. Steven Krieg, Regional Consultant, Maryland Department of the Environment issued a letter to the Howard County Health Department (HCHD) with the results of the site evaluation. Please find attached a copy of the letter including field observations, HCHD field notes illustrating the locations of the test pits, and a chronology of noteworthy HCHD involvement with this property.

If you have any questions regarding this matter please feel free to contact me at (410) 313-2651.

Sincerely,

Michael J. Davis, REHS/RS
Assistant Director
Bureau of Environmental Health
Howard County Health Department

C: Steven Krieg, Regional Consultant Maryland Department of the Environment
Attachments



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Secretary

April 24, 2012

Mr. Bert Nixon, Director
Howard County Health Department
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Maryland 21046

RE: **Re- evaluation of Highland Acres, Lot 12**
Nugget Court Tax ID: 05-353033

Dear Mr. Nixon:

We conducted a site evaluation of the referenced property with your staff, Mike Davis and Jeff Williams, on April 18, 2012. This was a re-evaluation of a previously approved sand mound sewage disposal area that subsequent to its approval had substantial stockpiles of fill placed on it, and soil compaction resulting from filling. These conditions rendered the lot unsuitable for the installation of the sand mound sewage disposal system for which it had been approved. Our evaluation was to determine if there were any non conventional on-site sewage disposal systems that could be designed and approved that would be adequate to serve a proposed house.

From the soils described and the percolation tests performed on April 18th, (see attached) it does not appear possible for an on-site sewage disposal system to be designed to properly function on this site. The site is currently configured with compacted soil underlying fill of varying depths that are not incorporated into the existing soils.

If you or the property owner have any questions regarding this matter please call me at (410) 537-3680.

Sincerely,

Steven R. Krieg, R.S.

Steven R. Krieg, REHS/RS
Regional Consultant

cc: Mike Davis
Jeff Williams
Barry Glotfelty
File

FILE NO. Highland Acres, Sec 3, Lot 13
MD. GRID: → 0040 0018 0241
TAX MAP/IBP: →
SUBDIVISION: → Highland Acres

LOT	SECTION				DATE	BY:	REMARKS
DEPTH inches	TEXTURE	MATRIX COLOR	MOTTLES DESCRIPTION	STRUCTURE	CONSISTENCE	%ROCK BY VOL.	
HOLE TPT	2 county TPT						(Caving, moisture, etc.)

[illegible]

FILE NO. Highland Acres, Sec 3, Lot 12
MD. GRID: → 0040 001E 0241
TAX MAP/BIP: →
SUBDIVISION: → Highland Acres
DATE: 4/18/2013
BY: Barry Glatfely / Steven Knezy

D-3

FILE NO. Highland Acres, Sec 3, Lot 1a
MD. GRID: 0040 0018 0241
TAX MAP/BLP: →
SUBDIVISION: → Highland Acres
DATE: 4/18/2012
BY: Barry G.loffely / Steven Krivy

D-3

MARYLAND DEPT. OF THE ENVIRONMENT
ONSITE SEWAGE DISPOSAL PERMIT
SITE EVALUATION REPORT
PERCOLATION TEST DATA

FILE NO. Highland Acres
 MD GRID:
 COUNTY: Howard
 TAX MAP/E/P:
 SUBDIVISION: Highland Acres

Lot 12

LOT 12 SECTION 3 Highland Acres

METHOD Standard Falling Head Percolation Test BY: SRK/BG/mb/JW

DATE 9/18/2012 SOIL - loam to sandy loam WEATHER:
 DEPTH 5'6" HOLE DIA.(in.) 12" CONV. FACTOR N/A

TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP1a	Start	0	7"			
		5 min	7"	None	N/A	Test Stopped
TP1b	Start	0	7"			
		60 minutes	6 3/4"	1/4"	N/A	1/4" prescale
TEST RATE					N/A	

8 Restarted

METHOD Same as above BY: SRK/BG/mb/JW

DATE 9/18/12 SOIL - silt loam WEATHER:
 DEPTH 2' HOLE DIA.(in.) 12" CONV. FACTOR N/A

TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP2			7"			
	11:51 pm	0	7"			
	12:51 pm	60 min	6 1/2"	1/2"	N/A	1/2" prescale
TEST RATE					N/A	

METHOD Same as above BY: SRK/BG/mb/JW

DATE 9/18/12 SOIL - compacted loam WEATHER:
 DEPTH 1' HOLE DIA.(in.) 12" CONV. FACTOR

TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP3	Start at		7"			
	12:29 pm	0	7"			
	1:00 pm	31 min	7"	None	N/A	No movt.
TEST RATE					N/A	
AVE. RATE						



Howard County
Health Department

Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

Howard County Health Department (HCHD) Chronology Highland Acres, lot 12 Tax ID: 05-353033

- 5/13/1964 Failing percolation testing observed by the HCHD (testing failed due to high water table before the approved use of sand mound systems)
- 2/8/2007 HCHD observed percolation testing – Sand mound testing required
- 2/26/2007 & 3/20/2007 HCHD observed sand mound percolation testing
- 4/25/2007 Property purchased by Damon & Trevor Poquette
- 9/23/2007 (imagery date at bottom of page 6/5/2007) Aerial view of property illustrates percolation hole locations with no stockpiles
- 4/16/2008 Percolation Certification Plan for a mound system with advanced pretreatment approved by the Howard County Health Department
- 10/30/2008 (imagery date at bottom of page 9/30/2008) Aerial view of property illustrates stockpiles surrounded by silt fencing
- 2/23/09 Property purchased by Kevin & Shelia Green
- 3/5/2012 Howard County Department of Planning and Zoning (DPZ) emails the HCHD because a mound system is illustrated on the Environmental Concept Plan
- 3/9/2012 HCHD field review of property
- 3/16/2012 HCHD comments to DPZ that because the septic area has been compromised by the dirt stockpile, the Health Department, in consultation with MDE Onsite System Division, must evaluate the property to determine if it is still buildable
- 3/21/2012 Letter sent to property owners by the HCHD as notification that the fill/stockpiles within the approved sewage disposal area are a problem
- 4/2/2012 HCHD met with Maryland Department of the Environment on the property to discuss the potential solutions for on-site sewage disposal
- 4/18/2012 Percolation testing observed by HCHD and Maryland Department of the Environment
- 4/24/2012 Letter issued by Maryland Department of the Environment stating that it does not appear possible for an on-site sewage disposal system to be designed to properly function on the property.

Note: This is a chronology of noteworthy HCHD involvement with the above reference property. Copies of the complete Health Department records are available by completing Request for Information form that is available on the Health Department, Bureau of Environmental Health website.

5-25-2012 MJD



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

July 27, 2012

MEMO TO FILE

At the request of Tom Ashton, I accompanied him on a site visit to Highland Acres, Lot 12 (tax ID: 05-353033) on July 26, 2012 on our way to another site in Carroll County.

It was observed that a majority of the fill piles that were present on my last site visit of April 18th, 2012 over a portion of the previously approved sand mound areas had been removed by a machine. The uncontrolled removal of this material, which was not authorized by Tom Ashton, the HCHD or MDE appears to have been done in a haphazard manner with little regard to the sensitive nature of this site and the existing soil and site conditions. Excavation below what appears to have been the former existing filled grade was noticed in one area where ponded surface water was accumulating.

Tom made his assessment of the situation and assisted me in temporarily staking the locations of the test pits that were excavated on April 18, 2012 so that I could take pictures of the new disturbance with these stakes as a reference point. Several pictures of this new disturbance were taken.

Sincerely,

Steven R. Krieg, R.S.

Steven R. Krieg, REHS/RS
Regional Consultant
Onsite Systems Division
Wastewater Permits Program

cc: HCHD
Tom Ashton
File

ABRAMSON & RAND, LLC

Attorneys at Law

QUARRY PARK PLACE
9175 GUILFORD ROAD, SUITE 301
COLUMBIA, MARYLAND 21046

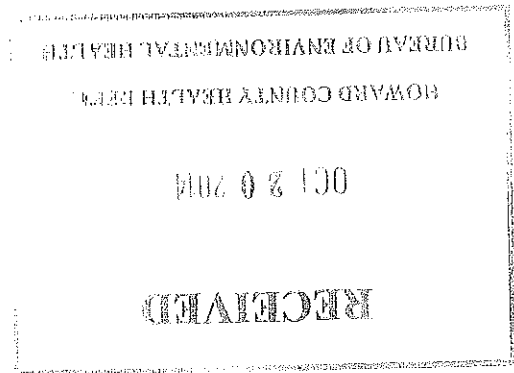
JOEL MARC ABRAMSON
CHRISTOPHER L. RAND
LEILA R. RUNDELL
LINDSEY N. FRANK

(410) 730-7733 Columbia
(410) 792-8111 Baltimore
(301) 953-3033 Washington
(410) 792-4694 Facsimile

October 16, 2014

Michael Davis
Howard County Health Department
Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, MD 21045

Re: Green v. Poquette, et al.
Circuit Court for Howard County
Case No.: 13-C-13-095741



Dear Mr. Davis:

I represent the Defendants, Trevor Poquette, Damon Poquette, Debra Poquette, and Poquette Construction Company in the above-referenced matter. The Plaintiffs have designated you as an expert witness in this matter, and, as such, I wish to take your deposition to discover what information and opinion you have regarding the above-referenced matter. I apologize for any inconvenience this may cause. If you have any questions or concerns regarding the deposition, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

Best regards,

Christopher L. Rand

cc: Trevor Poquette, Deborah Poquette, Damon Poquette, Kwaku Ofori, Attorney for Plaintiffs
Enclosures

CIRCUIT COURT FOR HOWARD COUNTY

WAYNE A. ROBEY, CLERK
Circuit Court for Howard County
8360 Court Avenue • Ellicott City, Maryland 21043

RECEIVED

OCT 20 2014

HOWARD COUNTY HEALTH DEPT.

SUBPOENA OF SERVICE OF HEALTH

Kevin Green, et al.

Case Number

Plaintiffs

Vs.

✓ Civil

PINK COPY MUST BE
FILED WITH THE COURT
UPON ISSUANCE

Boonette Construction Management, et al.

Defendants

STATE OF MARYLAND, HOWARD COUNTY

SUBPOENA

To (Name, Address and County): Michael Davis
Howard County Health Department - Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, MD 21045

YOU ARE HEREBY COMMANDED TO: (✓) Personally appear; () Personally appear and produce documents or objects;

at Abramson & Rand, LLC, 9175 Guilford Rd., Suite 301, Columbia, MD 21046
(Place where attendance is required)

on Thursday the 30th day of October, 20 14 at 10:00 a.m. p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

n/a

Subpoena requested by () Plaintiff; (✓) Defendant; and any questions should be referred to: Christopher Rand,
9175 Guilford Rd., Suite 301, Columbia, MD 21046 (410) 730-7733
(Name of Party or Attorney, Address and Phone Number)

Date Issued Oct. 16, 2014

Wayne A Robey
CLERK

(Signature and Seal)

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to rule 2-412(d)

SHERIFF'S RETURN

- () Served and copy delivered on date indicated below.
() Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

ORIGINAL AND ONE COPY NEEDED FOR EACH WITNESS

KEVIN GREEN, et al.

Plaintiffs

vs.

POQUETTE CONSTRUCTION
MANAGEMENT, LLC, et al.

Defendants

*

IN THE

*

CIRCUIT COURT

*

FOR

*

HOWARD COUNTY

*

Case No. 13-C-13-095741

* * * * *

NOTICE TO TAKE DEPOSITION

TO: Michael Davis
Howard County Health Department – Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, Maryland 21045

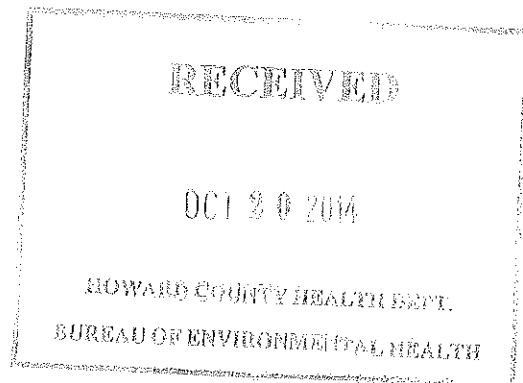
FROM: Poquette Construction Management, LLC, et al., Defendants
c/o Christopher L. Rand, Esquire
9175 Guilford Road, Suite 301
Columbia, Md 21046
Attorney for Defendants

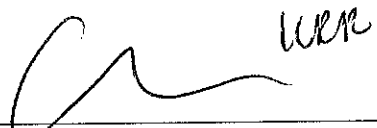
PLEASE TAKE NOTICE: That the Defendant, Trevor Poquette, et al., requests, pursuant to the terms and provisions of the Maryland Rules of Procedure, to take the deposition of the above (hereinafter referred to as "you"), before a qualified Notary Public of the State of Maryland or any other person duly qualified to administer oaths, at the time and place stated below, and to continue from day to day until completed. At the deposition, the deponent shall produce the documents or other tangible things indicated on the attached *Duces Tecum*.

DATE: Thursday, October 30, 2014

TIME: 10:00 a.m.

PLACE: Abramson and Rand, LLC
9175 Guilford Road
Suite 301
Columbia, Maryland 21046
(410) 730-7733




CHRISTOPHER L. RAND
Abramson & Rand, LLC
9175 Guilford Road, Suite 301
Columbia, Maryland 21046
(410) 730-7733
Attorney for Defendants

RECEIVED

OCT 20 2014

HOWARD COUNTY HEALTH DEPT.
BUREAU OF ENVIRONMENTAL HEALTH

KEVIN GREEN, et al.

Plaintiffs

vs.

POQUETTE CONSTRUCTION
MANAGEMENT, LLC, et al.

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* HOWARD COUNTY
* Case No. 13-C-13-095741

* * * * *

CERTIFICATE OF DISCOVERY


I HEREBY CERTIFY that on this 16th day of October, 2014, a copy of the following discovery was sent via email and first-class mail, postage prepaid to Kwaku D. Ofori, Esq., Ofori Law Firm, LLC, 11215-B Lockwood Drive, Silver Spring, Maryland 20901, kdofori@oforilawfirm.com, Attorney for Plaintiffs:

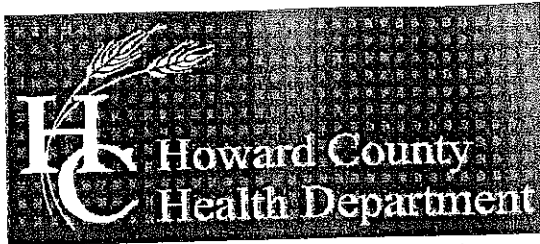
1. Notice to Take Deposition of Michael Davis;
2. Subpoena; and
3. A Copy of this Certificate of Discovery.

RECEIVED

OCT 20 2014

HOWARD COUNTY HEALTH DEPT.
BUREAU OF ENVIRONMENTAL HEALTH


CHRISTOPHER L. RAND
Abramson & Rand, LLC
9175 Guilford Road, Suite 301
Columbia, Maryland 21046
(410) 730-7733
Attorney for Defendants



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

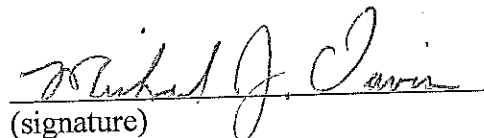
Kevin Green, et al. v. Poquette Construction Management, LLC, et al.
Circuit Court for Howard County
Case Number: 13-C-13-095741

Certification of Health Department Records

I, Michael J. Davis, am the Custodian of Records for Highland Acres, lot 12; tax ID number 05-353033, and have personal knowledge of the matters set forth in the attached documents.

I HEREBY CERTIFY that the attached documents and the two plans sent via email on June 20, 2014 were (1) made and kept in the course of regularly conducted business activities; (2) made at or near the time of the occurrence of the matters set forth therein; and (3) were made or kept by the regular conducted business activity as a regular practice.

6/20/14
DATE


(signature)

Michael J. Davis
Howard County Health Department
Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, MD 21045

6/20/2014

Mank Oswald
hand delivered.

Davis, Michael J

From: Davis, Michael J
Sent: Friday, June 20, 2014 8:04 AM
To: 'crand@abramsonandrand.com'
Subject: Highland Arces, lot 12
Attachments: HighlandAcresLot12.pdf

Mr. Rand,

Please find attached a copy of the Percolation Certification Plan signed by the Health Department on April 16, 2008 and an unsigned copy of an unsigned plat of revision for Highland Acres, lot 12. The remainder of our file will be delivered to your office today.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

CONFIDENTIALITY NOTICE

This message and the accompanying documents are intended only for the use of the individual or entity to which they are addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this email is not the intended recipient, you are hereby notified that you are strictly prohibited from reading, disseminating, distributing, or copying this communication. If you have received this email in error, please notify the sender immediately and destroy the original transmission.

ABRAMSON & RAND, LLC

Attorneys at Law

QUARRY PARK PLACE
9175 GUILFORD ROAD, SUITE 301
COLUMBIA, MARYLAND 21046

JOEL MARC ABRAMSON
CHRISTOPHER L. RAND
LEILA R. RUNDELL
LINDSEY N. FRANK

(410) 730-7733 Columbia
(410) 792-8111 Baltimore
(301) 953-3033 Washington
(410) 792-4694 Facsimile

May 22, 2014

Sent via U.S. Certified Mail

ATT: Custodian of Records
c/o Michael Davis
Howard County Health Department – Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, Maryland 21045

Re: **Kevin Green, et al. v. Poquette Construction Management, LLC., et al.**
13-C-13-095741

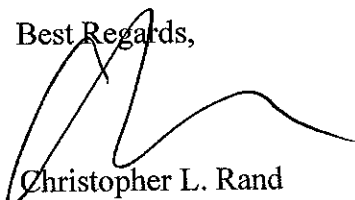
Dear Sir:

Please be advised that this office represents the Defendants Trevor Poquette, Poquette Construction Management, LLC., and Debra Poquette in the above-captioned matter. I have enclosed a Subpoena and *Duces Tecum*, which outlines the requested records and provides the date of the scheduled deposition.

In the event that you produce all requested records along with a fully executed Certification of Business Records (a form is enclosed) on or before June 23, 2014 at 10:00am, your personal appearance at the deposition may not be required. The records may be faxed, e-mailed, or mailed.

Please provide the requested documentation as well as the signed Certification of Business Records to my office. Should you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Best Regards,



Christopher L. Rand

Enclosures

cc: Trevor Poquette
Debra Poquette
Poquette Construction Management, LLC

CIRCUIT COURT FOR HOWARD COUNTY

WAYNE A. ROBEY, CLERK

Circuit Court for Howard County

8360 Court Avenue • Ellicott City, Maryland 21043

Kevin Green, et al

Case Number 13-C-13-095741

Vs.

(☒ Civil

PINK COPY MUST BE
FILED WITH THE COURT
UPON ISSUANCE

Poquette Construction

Management, LLC, et al

STATE OF MARYLAND, HOWARD COUNTY

SUBPOENA

To (Name, Address and County): Custodian of Records ATTN: Michael Davis
Howard County Health Dept - Bureau of Environmental Health
8930 Stanford Blvd Columbia, MD 21045
YOU ARE HEREBY COMMANDED TO: () Personally appear; (☒ Personally appear and produce documents or objects;

at Abramson & Rand, LLC

(Place where attendance is required)

9175 Guilford Road, Suite 301 Columbia, MD 21046
on Monday the 23 day of June, 20 14 at 10:00 ☒ a.m. ☐ p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

see attached Duces Tecum

Subpoena requested by () Plaintiff; (☒ Defendant; and any questions should be referred to: Christopher L.
Rand, Attorney, Abramson and Rand, LLC, 410-730-7733
(Name of Party or Attorney, Address and Phone Number)

Date Issued May 22, 2014

Wayne A Robey
CLERK

(Signature and Seal)

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to rule 2-412(d)

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

ORIGINAL AND ONE COPY NEEDED FOR EACH WITNESS

KEVIN GREEN, et al. * IN THE
Plaintiffs * CIRCUIT COURT
vs. *
POQUETTE CONSTRUCTION * FOR
MANAGEMENT, LLC, et al. * HOWARD COUNTY
Defendants * Case No. 13-C-13-095741

* * * * *

NOTICE TO TAKE DEPOSITION

TO: Custodian of Records
c/o Michael Davis
Howard County Health Department – Bureau of Environmental Health
8930 Stanford Blvd.
Columbia, Maryland 21045

FROM: Trevor Poquette, et al., Defendants
c/o Christopher L. Rand
9175 Guilford Road, Suite 301
Columbia, Md 21046
Attorney for Defendants

PLEASE TAKE NOTICE: That the Defendant, Trevor Poquette, et al., requests, pursuant to the terms and provisions of the Maryland Rules of Procedure, to take the deposition of the above (hereinafter referred to as "you"), before a qualified Notary Public of the State of Maryland or any other person duly qualified to administer oaths, at the time and place stated below, and to continue from day to day until completed. At the deposition, the deponent shall produce the documents or other tangible things indicated on the attached *Duces Tecum*.

DATE: Monday, June 23, 2014

TIME: 10:00 a.m.

PLACE: Abramson and Rand, LLC
9175 Guilford Road
Suite 301
Columbia, Maryland 21046
(410) 730-7733



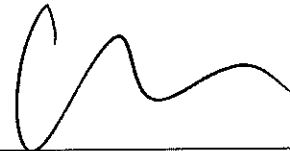
CHRISTOPHER L. RAND
Abramson & Rand, LLC
9175 Guilford Road, Suite 301
Columbia, Maryland 21046
(410) 730-7733
Attorney for Defendants

Kevin Green, et al. v. Poquette Construction Management, LLC, et al.
Circuit Court for Howard County
Case No.: 13-C-13-095741

DUCES TECUM

The witness is hereby commanded to procure and produce the following schedule of documents and materials on the date and time stated in the attached Subpoena for the above-referenced matter:

1. Copies of all records relating to a sand mound percolation test and certification of property as "buildable" for the site known as 12484 East Nugget Ct, Highland, Maryland, 20777, sub-division lot number 12, tax map 40, grid 40-24, issued on or about February 26, 2007 and on or about March 20, 2007, including but not limited to any and all reports, notes, and correspondence related to the testing and issuance of the certification.
2. Copies of all records relating to aerial photographs taken of the site known as 12484 East Nugget Ct, Highland, Maryland, 20777, sub-division lot number 12, tax map 40, grid 40-24, taken on or about September 30, 2008, including but not limited to any and all reports, notes, and correspondence related to the aerial photograph of said site.
3. Any and all documents relating to the property known as 12484 East Nugget Ct, Highland, Maryland, 20777, sub-division lot number 12, tax map 40, grid 40-24 including applications, drawings, permits, denials, inspection reports, receipts, notes, letters, tangible evidence and any other documents regarding said property.



CHRISTOPHER L. RAND
Abramson & Rand, LLC
9175 Guilford Road, Suite 301
Columbia, Maryland 21046
(410) 730-7733
Attorney for Defendants

PLEASE NOTE, THAT IF YOU PROVIDE THE REQUESTED DOCUMENTS AT LEAST THREE (3) DAYS PRIOR TO THE DATE OF THE HEARING, TOGETHER WITH THE SIGNED CERTIFICATION OF BUSINESS RECORDS, A COPY OF WHICH IS

ATTACHED HERETO, YOUR PERSONAL PRESENCE AT THE HEARING MAY NOT BE REQUIRED. RECORDS SHOULD BE MAILED OR FAXED TO CHRISTOPHER L. RAND, ABRAMSON & RAND, LLC, 9175 GUILFORD ROAD, SUITE 301, COLUMBIA, MARYLAND 21046, FAX NUMBER (410) 792-4694.

KEVIN GREEN, et al.

Plaintiffs

vs.

POQUETTE CONSTRUCTION
MANAGEMENT, LLC, et al.

Defendants

*

IN THE

*

CIRCUIT COURT

*

FOR

*

HOWARD COUNTY

*

Case No. 13-C-13-095741

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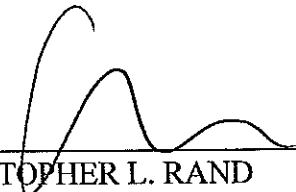
*

*

CERTIFICATE OF DISCOVERY

I HEREBY CERTIFY that on this 23rd day of May, 2014, a copy of the following discovery was sent via first-class mail, postage prepaid to Kwaku D. Ofori, Esq., Ofori Law Firm, LLC, 11215-B Lockwood Drive, Silver Spring, Maryland 20901, Attorney for Plaintiffs:

1. Notice to Take Deposition of Custodian of Records, Howard County Health Department;
2. Subpoena;
3. Duces Tecum;
4. Certificate of Business Records; and
5. A Copy of this Certificate of Discovery.


CHRISTOPHER L. RAND
Abramson & Rand, LLC
9175 Guilford Road, Suite 301
Columbia, Maryland 21046
(410) 730-7733
Attorney for Defendants

Kevin Green, et al. v. Poquette Construction Management, LLC, et al.
Circuit Court for Howard County
Case No.: 13-C-13-095741

CERTIFICATION OF BUSINESS RECORDS

I, Michael J. Davis, am the Custodian of Records
for Highland Acres, lot 12 tax ID 05-353033, and have
personal knowledge of the matters set forth in the attached documents.

I HEREBY CERTIFY that the attached documents were (1) made and kept in the course of
regularly conducted business activities; (2) made at or near the time of the occurrence of the matters
set forth therein; and (3) were made or kept by the regular conducted business activity as a regular
practice.

6/16/14
DATE

Michael J. Davis
(signature)

Michael J. Davis
(Printed Name of Custodian of Records)
Custodian of Records
Howard County Health Department
8930 Stanford Blvd.
Columbia, Maryland 21045

Mr. Rand,

A copy of the Percolation Certification Plan signed
by the Health Department on 4/16/2008 and
a copy of an unsigned plat of revision
are being sent by email. Please contact
me if that is a problem.

Michael J. Davis

CIRCUIT COURT FOR HOWARD COUNTY

WAYNE A. ROBEY, CLERK
Circuit Court for Howard County
8360 Court Avenue • Ellicott City, Maryland 21043

Rec'd 10/23/14
AT in - bank

KEVIN GREEN, ET AL

Case Number 13-C-15-095741

PLAINTIFFS

Vs.

POQUETTE CONSTRUCTION MGMT. ET AL

DEFENDANTS

☒ Civil

PINK COPY MUST BE
FILED WITH THE COURT
UPON ISSUANCE

RECEIVED

OCT 22 2014

STATE OF MARYLAND, HOWARD COUNTY

SUBPOENA

To (Name, Address and County):

MR. MIKE DAVIS, ASST. DIRECTOR
HOWARD COUNTY HEALTH DEPT.
7178 COLUMBIA GATEWAY DR.
COLUMBIA, MD 21046

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Personally appear and produce documents or objects;

at CIRCUIT COURT FOR HOWARD COUNTY, 8360 COURT AVENUE, ELLICOTT CITY,

(Place where attendance is required)

MARYLAND 21043

on WEDNESDAY the 12 day of NOVEMBER, 2014 at 10:00 a.m. ☒ AM ☒ PM

YOU ARE COMMANDED TO produce the following documents or objects: testify regarding
12484 EAST NUGGET CT., HIGHLAND, MD 20777., SUBDIV. LOT 12,
TAX MAP 40, GRID 40-24

Subpoena requested by (XX) Plaintiff; () Defendant; and any questions should be referred to: KWAKU D. OFORI,

OFORI LAW FIRM, LLC., 11215-B LOCKWOOD DR., SILVER SPRING, MD 20901
(301) 592-8818 (Name of Party or Attorney, Address and Phone Number)

Date Issued

10-17-14

CLERK

Wayne A Robey

(Signature and Seal)

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to rule 2-412(d)

SHERIFF'S RETURN

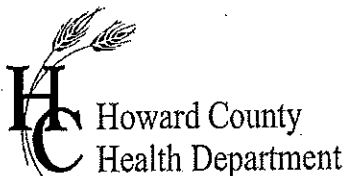
() Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

ORIGINAL AND ONE COPY NEEDED FOR EACH WITNESS



APPLICATION

FOR PERCOLATION TESTING AND SITE EVALUATION

TEST DATE(S) _____ TEST TIME _____ A/P _____

AGENCY REVIEW: _____ DATE _____

DO NOT WRITE ABOVE THIS LINE

I HEREBY APPLY FOR THE NECESSARY TESTING/EVALUATION PRIOR TO ISSUANCE OF SEWAGE DISPOSAL SYSTEM PERMIT(S) TO:

CHECK AS NEEDED:

- ☒ CONSTRUCT NEW SEPTIC SYSTEM(S)
☐ REPAIR/ADD TO AN EXISTING SEPTIC SYSTEM
☐ REPLACE AN EXISTING SEPTIC SYSTEM

CHECK ONE:

- ☐ CREATE NEW LOT(S)
☐ BUILD ON AN EXISTING LOT IN A SUBDIVISION
☒ BUILD ON AN EXISTING PARCEL OF RECORD

CHECK AS NEEDED:

- ☒ NEW STRUCTURE(S)
☐ ADDITION TO AN EXISTING STRUCTURE
☐ REPLACE AN EXISTING STRUCTURE

IS THE PROPERTY WITHIN 2500' OF ANY RESERVOIR?

- ☐ YES
☒ NO

THE TYPE OF STRUCTURE IS:

- ☒ RESIDENTIAL WITH 4 PROPOSED BEDROOMS IN THE COMPLETED STRUCTURE (NOTE UNKNOWN IF APPROPRIATE)
☐ COMMERCIAL (PROVIDE DETAIL OF NUMBERS AND TYPES OF EMPLOYEES/ CUSTOMERS ON ACCOMPANYING PLAN)
☐ INSTITUTIONAL/GOVERNMENT (PROVIDE DETAIL OF NUMBERS AND TYPES OF EMPLOYEES/USERS ON ACCOMPANYING PLAN)

PROPERTY OWNER(S) Kevin & Shelia Green

DAYTIME PHONE 443 745 4732 CELL _____ FAX _____

MAILING ADDRESS 5010 WALKING STICK RD. Apt #14 Ellicott City MD 21043
STREET CITY/TOWN STATE ZIP

APPLICANT Kevin Green

DAYTIME PHONE 443 745 4732 CELL _____ FAX _____

MAILING ADDRESS Same AS Above _____
STREET CITY/TOWN STATE ZIP

APPLICANT'S ROLE: DEVELOPER BUILDER BUYER RELATIVE/FRIEND REALTOR CONSULTANT

PROPERTY LOCATION
SUBDIVISION/PROPERTY NAME Highland Acres LOT NO. 12

PROPERTY ADDRESS 12484 Nugget Ct. Highland MD 20777
STREET TOWN/POST OFFICE

TAX MAP PAGE(S) 40 GRID 18- p10 PARCEL(S) 241 PROPOSED LOT SIZE 43,202

AS APPLICANT, I UNDERSTAND THE FOLLOWING: THE SYSTEM INSTALLED SUBSEQUENT TO THIS APPLICATION IS ACCEPTABLE ONLY UNTIL PUBLIC SEWERAGE IS AVAILABLE. THIS APPLICATION IS COMPLETE WHEN ALL APPLICABLE FEES AND A SUITABLE SITE PLAN HAVE BEEN RECEIVED. I ACCEPT THE RESPONSIBILITY FOR COMPLIANCE WITH ALL M.O.S.H.A. AND "MISS UTILITY" REQUIREMENTS. APPROVAL IS BASED UPON SATISFACTORY REVIEW OF A PERC CERTIFICATION PLAN.

TEST RESULTS WILL BE MAILED TO APPLICANT.

SIGNATURE OF APPLICANT

HOWARD COUNTY HEALTH DEPARTMENT, BUREAU OF ENVIRONMENTAL HEALTH, WELL AND SEPTIC PROGRAM
7178 COLUMBIA GATEWAY DRIVE COLUMBIA, MARYLAND 21046 (410) 313-2640 FAX (410) 313-2648
TDD (410) 313-2323 TOLL FREE 1-877-4MD-DHMH



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

April 24, 2012

Mr. Bert Nixon, Director
Howard County Health Department
Bureau of Environmental Health
7178 Columbia Gateway Drive
Columbia, Maryland 21046

RE: Re-evaluation of Highland Acres, Lot 12
Nugget Court Tax ID: 05-353033

Dear Mr. Nixon:

We conducted a site evaluation of the referenced property with your staff, Mike Davis and Jeff Williams, on April 18, 2012. This was a re-evaluation of a previously approved sand mound sewage disposal area that subsequent to its approval had substantial stockpiles of fill placed on it, and soil compaction resulting from filling. These conditions rendered the lot unsuitable for the installation of the sand mound sewage disposal system for which it had been approved. Our evaluation was to determine if there were any non conventional on-site sewage disposal systems that could be designed and approved that would be adequate to serve a proposed house.

From the soils described and the percolation tests performed on April 18th, (see attached) it does not appear possible for an on-site sewage disposal system to be designed to properly function on this site. The site is currently configured with compacted soil underlying fill of varying depths that are not incorporated into the existing soils.

If you or the property owner have any questions regarding this matter please call me at (410) 537-3680.

Sincerely,

Steven R. Krieg, R.S.

Steven R. Krieg, REHS/RS
Regional Consultant

cc: Mike Davis
Jeff Williams
Barry Glotfelty
File

FILE NO. *Highland Acres, Sec 3, Lot 12*
MD. GRID: *0040 0018 0241*
TAX MAP/IBP: *→*
SUBDIVISION: *→ Highland Acres*

[illegible]

FILE NO. Highland Acres, Sec 3, Lot 12
MD. GRID: —————
TAX MAP/BP: —————
SUBDIVISION: —————

[illegible]

FILE NO. Highland Acres, Sec 3, Lot 12
MD. GRID: 0040 0018 0241
TAX MAP/B/P: →
SUBDIVISION: → Highland Acres
DATE: 4/18/2012
BY: Barry Glatfelter / Steven King

[illegible]

MARYLAND DEPT. OF THE ENVIRONMENT
ONSITE SEWAGE DISPOSAL PERMIT
SITE EVALUATION REPORT
PERCOLATION TEST DATA

FILE NO. Highland Acres
 MD GRID:
 COUNTY: Howard
 TAX MAP/E/P:
 SUBDIVISION: Highland Acres

Lot 12

LOT 12 SECTION 3 Highland Acres

METHOD	Standard Falling Head Percolation Test				BY:	SRK/BG/MD/JW
DATE	4/18/2012	SOIL - loam to sandy lm	WEATHER:			
DEPTH	5'6"	HOLE DIA.(in.)	12"	CONV. FACTOR	N/A	
TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP1a	Start	0	7"	None	N/A	Test Stopped & Restarted
		5 min	7"			
TP1b	Start	0	7"	1/4"	N/A	1/4" pre-soak
		60 minutes	6 1/4"			
TEST RATE					N/A	

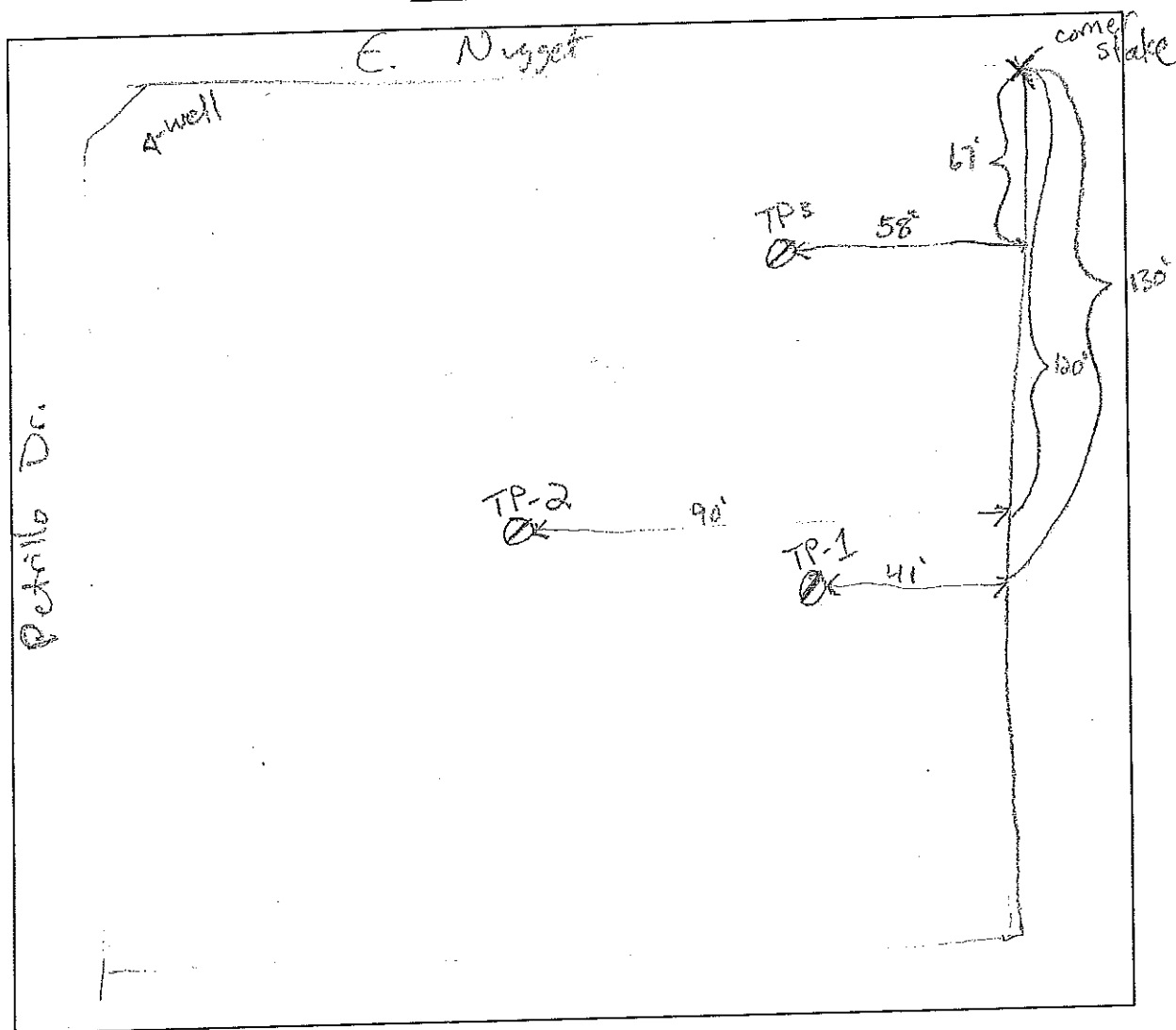
METHOD	Same as above				BY:	SRK/BG/MD/JW
DATE	4/18/12	SOIL - silt loam	WEATHER:			
DEPTH	2'	HOLE DIA.(in.)	12"	CONV. FACTOR	N/A	
TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP2	11:51 pm	0	7"	1/2"	N/A	1/2" pre-soak
	12:51 pm	60 min	6 1/2"			
TEST RATE					N/A	

METHOD	Same as above				BY:	SRK/BG/MD/JW
DATE	4/18/12	SOIL - Compacted loam	WEATHER:			
DEPTH	1'	HOLE DIA.(in.)	12"	CONV. FACTOR		
TEST NO.	ELAPSED TIME	TIME INTERVAL (min.)	WATER LEVEL (in.)	DROP IN WATER LEVEL (in.)	RATE (min/in.)	REMARKS
TP3	Start at 12:29 pm	0	7"	None	N/A	No mvt.
	1:00 pm	31 min	7"			
TEST RATE					N/A	
AVE. RATE						

SITE INSPECTION SHEET

OWNER: Kerh + Sheila Green PHONE #: _____
ADDRESS: 12484 E. Nugget Ct. CONTRACTOR: _____
SUBDIVISION: _____ LOT: _____ WELL TAG #: _____
PROPOSAL: - COUNTY #: _____

LOCATION DIAGRAM



COMMENTS: Also present: Mike Davis, Steve Krieg, Barry Glatfelter, ~~_____~~

DATE: 4/18/12 INSPECTOR: Jeff Williams

Davis, Michael J

From: Steven Krieg [SKrieg@mde.state.md.us]
Sent: Monday, March 19, 2012 4:19 PM
To: Williams, Jeffrey; Davis, Michael J; Bricker, Robert
Subject: Highland Acres Lot 12 East nugget Court

Folks

Want to visit this site on Monday April 2nd. Would like at least one person to go with me.

Thanks

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Davis, Michael J

From: Steven Krieg [SKrieg@mde.state.md.us]
Sent: Thursday, March 22, 2012 1:23 PM
To: Davis, Michael J
Cc: Williams, Jeffrey; Barry Glotfelty
Subject: Re: 12484 Nugget Ct.

Good thinking ahead.

>>> "Davis, Michael J" <mjdavis@howardcountymd.gov> 3/22/2012 11:06 AM >>>
I sent this out to make sure no grading occurs before we reevaluate. The Health Department does not see grading permits, so they could begin site work without our knowledge and there were recent survey stakes when I was there on Tues.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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Davis, Michael J

From: Steven Krieg [skrieg@mde.state.md.us]
Sent: Thursday, March 29, 2012 7:41 PM
To: Davis, Michael J
Cc: Barry Glotfelty
Subject: Re: East Nugget

for Monday I would want to take care of it early. Say 10 am?

Steven R. Krieg, REHS/RS
Regional Consultant
Onsite Systems Division
Wastewater Permits Program
Water Management Administration
Maryland Department of the Environment

>>> "Davis, Michael J" 03/29/12 3:59 PM >>>

I would like to call the owner tomorrow and I'm guessing he might want to be there. Do you have an idea of when we'll be on-site? I kept my schedule open.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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Davis, Michael J

From: Steven Krieg [SKrieg@mde.state.md.us]
Sent: Monday, April 09, 2012 9:30 AM
To: Davis, Michael J; Barry Glotfelty
Subject: Re: E. Nuggett

Looking at April 18th.

Steven R. Krieg, REHS/RS
Regional Consultant
On-site Systems Division
Wastewater Permits Program
Water Management Administration
Maryland Dept. of the Environment
Montgomery Park Business Center
1800 Washington Boulevard, Suite 455
Baltimore, MD 21230-1708

>>> "Davis, Michael J" <mjdavis@howardcountymd.gov> 4/6/2012 3:57 PM >>>
Barry/Steve,

Mr. Green is onboard with the additional testing as discussed in two phases. He will get a perc application in ASAP and I told him I would contact you to get some tentative dates or at least a general timeline, so he can line up a small track machine for the initial testing. He is aware that we need to perform the testing soon, under somewhat wet conditions.

Have a great weekend.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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Davis, Michael J

From: Steven Krieg [SKrieg@mde.state.md.us]
Sent: Tuesday, April 24, 2012 2:35 PM
To: Nixon, Bert F
Cc: Williams, Jeffrey; Davis, Michael J
Subject: Highland Acres Lot 12
Attachments: Highland Acres Lot 12.pdf; Soil Results.pdf

Bert

Please see attached. Hard copy to follow in the mail.

Steven R. Krieg, REHS/RS
Regional Consultant
On-site Systems Division
Wastewater Permits Program
Water Management Administration
Maryland Dept. of the Environment
Montgomery Park Business Center
1800 Washington Boulevard, Suite 455
Baltimore, MD 21230-1708

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Davis, Michael J

From: Steven Krieg [skrieg@mde.state.md.us]
Sent: Wednesday, March 27, 2013 8:35 PM
To: cstein@earthdatainc.com
Cc: Davis, Michael J; Barry Glotfelty
Subject: Regarding Green Property Highland, MD

Cliff

I really see no need to have a meeting to discuss this property since we already concluded no apparent options exist. Mike has met with Mrs. Poquette already with County Council staff and a former request to MDE from a State Delegate for us to have a meeting did not happen possibly due to Barry's explanation of the situation.

If you have a proposed and detailed description for remediation that you believe should be considered or Barry has indicated recently to you that he would now consider options to reclaim the site, I would like to hear them.

We can chat Friday about this. I will be in the office.

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Davis, Michael J

From: kevin green [webster242002@yahoo.com]
Sent: Wednesday, April 11, 2012 9:37 PM
To: Davis, Michael J
Subject: RE: contractors

Thanks Mike, i will call and have a contractor on site for test.

On Tue, Apr 10, 2012 2:56 PM EDT Davis, Michael J wrote:

>Kevin,
>
>I just spoke to another contractor at our front counter who said he has access to a small
track type excavator.
>
>
>* South Carroll Backhoe, Inc. (410) 913-5499
>
>From: Davis, Michael J
>Sent: Tuesday, April 10, 2012 1:34 PM
>To: 'webster242002@yahoo.com'
>Subject: contractors
>
>Kevin,
>
>I checked with my inspectors and they were fairly sure that these three contractors have
small track type excavators. They thought Mr. Cumberland would probably not want to get
involved in perc testing, but it is worth a call. Please note that as a regulator I can't
provide a recommendation, but this should help you find someone with the correct equipment.
>
>
>* Fogles Septic Service, Inc. (410) 795-5670
>
>* Hatfield's Septic Services (888) 490-4289
>
>* Mr. Cumberland (301) 252-1123
>
>Feel free to have them contact me directly if they have questions about what is needed.
>
>Michael J. Davis
>Assistant Director
>Bureau of Environmental Health
>Howard County Health Department
>
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Bureau of Environmental Health
Howard County Health Department

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Bureau of Environmental Health
Howard County Health Department

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Howard County Health Department

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Davis, Michael J

From: Davis, Michael J
Sent: Wednesday, April 25, 2012 3:07 PM
To: 'kevin green'
Subject: Highland Acres, lot 12
Attachments: Highland Acres lot 12 4-25-2012.pdf

Kevin,

Here is a copy of the letter being sent today. The original will be sent by mail. I will call you tomorrow to address the questions you left in my voicemail.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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Davis, Michael J

From: Steven Krieg [skrieg@mde.state.md.us]
Sent: Friday, July 27, 2012 11:43 AM
To: Williams, Jeffrey; Davis, Michael J
Cc: TWA220@aol.com; Nixon, Bert F; Bricker, Robert
Subject: Highland Acres Lot 12
Attachments: Highland Acres Lot 12 revised.pdf

See attached

Steven R. Krieg, REHS/RS
Regional Consultant
Onsite Systems Division
Wastewater Permits Program
Water Management Administration
Maryland Department of the Environment

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MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

July 27, 2012

MEMO TO FILE

At the request of Tom Ashton, I accompanied him on a site visit to Highland Acres, Lot 12 (tax ID: 05-353033) on July 26, 2012 on our way to another site in Carroll County.

It was observed that a majority of the fill piles that were present on my last site visit of April 18th, 2012 over a portion of the previously approved sand mound areas had been removed by a machine. The uncontrolled removal of this material, which was not authorized by Tom Ashton, the HCHD or MDE appears to have been done in a haphazard manner with little regard to the sensitive nature of this site and the existing soil and site conditions. Excavation below what appears to have been the former existing filled grade was noticed in one area where ponded surface water was accumulating.

Tom made his assessment of the situation and assisted me in temporarily staking the locations of the test pits that were excavated on April 18, 2012 so that I could take pictures of the new disturbance with these stakes as a reference point. Several pictures of this new disturbance were taken.

Sincerely,

Steven R. Krieg, R.S.

Steven R. Krieg, REHS/RS
Regional Consultant
Onsite Systems Division
Wastewater Permits Program

cc: HCHD
Tom Ashton
File



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TTY Users 1-800-735-2258
Via Maryland Relay Service

Davis, Michael J

From: Steven Krieg [SKrieg@mde.state.md.us]
Sent: Tuesday, April 24, 2012 11:34 AM
To: Davis, Michael J
Subject: Qualified Soils/Design Consultants

Mike

Here are some qualified consultants:

CLIFF STEIN, CPSS

Earth Data Inc.

131 Comet Drive
Centreville, MD 21617
(410) 758-8160 ext 223
cstein@earthdatainc.com

TOM ASHTON, CPSS, AOSE, REHS

P.O. Box 220
Bluemont, VA 20135
(540) 454-4672
tw220@aol.com

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Williams, Jeffrey

From: Williams, Jeffrey
Sent: Friday, March 16, 2012 3:55 PM
To: Hartner, John E
Cc: Boone, Julia; Maenhardt, Tanya; Sheubrooks, Kent
Subject: RE: ECP-12-042, Green Residence

I meant to reply to you yesterday, but I ran out of time. This ECP opened up a can of worms. You can see the dirt stockpile on the ECP covering about 2/3 of the septic reserve area. With mound systems, that can ruin the possibility of installing a system in that area because of soil compaction. We discussed the issue with MDE and we don't yet know what they can do (if anything) to assure us that the area is not compromised to the point of being unusable as septic area. This lot just barely managed to get a system as it was, so if the area is no good, the lot may end up non-buildable.

Our comments for this plan are:

Because the septic area has been compromised by the dirt stockpile, the Health Department, in consultation with MDE Onsite Systems Division, must evaluate the property to determine if it is still buildable.

Thanks again for bringing us into the loop at this stage. The earlier the better.

From: Hartner, John E
Sent: Friday, March 16, 2012 3:04 PM
To: Boone, Julia; Williams, Jeffrey
Subject: RE: ECP-12-042, Green Residence

Jeff:

Please forward me any comments that the Health Department may have in reference to ECP-12-042, Green Residence, when you get a chance and I'll incorporate them into my comments before I complete my task. I plan on completing my task at the beginning of next week.

Thanks,
J.J.

From: Boone, Julia
Sent: Wednesday, March 14, 2012 3:48 PM
To: Williams, Jeffrey; Hartner, John E
Subject: RE: ECP-12-042, Green Residence

Yes. Because the Health Department is not normally part of the ECP review there is not a Health Department Group in the project that we could add you to, therefore we added you to the DLD group (that is why you can move the DLD buttons). Since you cannot enter any information into the Health Box, please forward all your comments to J.J. and he will forward them to the consultant, and I will delete your task from the task list.

From: Williams, Jeffrey
Sent: Wednesday, March 14, 2012 3:43 PM
To: Hartner, John E
Cc: Boone, Julia
Subject: RE: ECP-12-042, Green Residence

I just noticed that when I try to complete my task in pdox, the only radio buttons under "review status" I can manipulate are for DLD, not Health. I suppose that might have just been a mistake when I was inputted as a reviewer?

From: Hartner, John E
Sent: Monday, March 05, 2012 11:42 AM
To: Williams, Jeffrey
Cc: Maenhardt, Tanya; Sheubrooks, Kent
Subject: ECP-12-042, Green Residence

Jeff:

I know that you guys do not typically review Environmental Concept Plans in PDox, but we just got one in that shows a mound septic system. Since we don't usually get plans that show this type of septic system, we thought that you may like to take a look at this plan in PDox and make comments before it gets too far along in the process. Someone in your office should get an e-mail notifying you that you have a task for ECP-12-042, Green Residence, in Project Dox. Please just place any comments that you guys may have as mark-ups in PDox, and we will forward them along to the consultant. If you have any questions, please don't hesitate to call or e-mail me. Thank you very much for taking the time to read this e-mail and review this plan.

Thanks again,
J.J. Hartner
Department of Planning & Zoning
Division of Land Development
3430 Court House Drive
Ellicott City, MD 21043
Phone: (410) 313-4383
Fax: (410) 313-3467

Thanks again,
J.J. Hartner
Department of Planning & Zoning
Division of Land Development
3430 Court House Drive
Ellicott City, MD 21043
Phone: (410) 313-4383
Fax: (410) 313-3467

Davis, Michael J

From: Davis, Michael J
Sent: Wednesday, May 21, 2014 8:40 AM
To: 'Jim Dieter'
Subject: RE: Lot# 12 Highland Acres - Nugget Court

Jim,

Sorry for the delayed response, but I have been out of the office. As you are aware, MDE and the Howard County Health Department have determined that Highland Acres, lot 12 is not suitable for a conventional or non-conventional on-site sewage disposal system in its current condition. I am not aware of any remediation that would change that determination. It is my professional opinion that allowing a new home to be constructed on a site under these or a future altered condition is a bad idea. However, MDE and the Howard County Health Department did not prohibit the previous owners from pursuing their options with a private consultant. Therefore, I cannot give you a definitive no for pursuing options on behalf of Susquehanna Bank. Please be advised that if too much soil below original grade has been removed, no remediation will change the current determination.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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From: Jim Dieter [<mailto:JDieter@dmw.com>]
Sent: Wednesday, May 14, 2014 3:15 PM
To: Davis, Michael J
Subject: RE: Lot# 12 Highland Acres - Nugget Court

Michael,

Thanks for the response. The question remains would Howard County consider allowing the lot to be re-tested? You can answer this with as many caveats as you feel necessary if yes or a simple NO based on present conditions. I will see if we can send you our advice to the client- Susquehanna Bank once you respond.

James Dieter
Environmental Regulatory Specialist
410 296 3333 Office
DMW

From: Davis, Michael J [<mailto:mjdavis@howardcountymd.gov>]
Sent: Wednesday, May 14, 2014 1:01 PM

Davis, Michael J

From: Davis, Michael J
Sent: Friday, March 28, 2014 12:11 PM
To: 'kdofori@oforilawfirm.com'
Cc: 'kevin green'
Subject: RE: Meeting time

Mr. Ofori,

I am responding to your request from the meeting on Monday, March 24, 2014 for an Affidavit regarding the Green property. Following internal discussion and consultation, the Health Department is concerned about setting a precedent of summarizing Health Department records for information that has already been discussed and/or available through the public information request process. I believe the Green's have copies of most of the file. If you feel there are documents in the file that you do not have, please let me know.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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-----Original Message-----

From: Davis, Michael J
Sent: Thursday, March 20, 2014 9:55 AM
To: 'kevin green'
Cc: kdofori@oforilawfirm.com
Subject: RE: Meeting time

Kevin,

Our office has moved since we last met. Here is our new location. The entrance to Environmental Health is in the back right corner of the building.

Bureau of Environmental Health
8930 Stanford Boulevard
Columbia, MD 21045

-----Original Message-----

From: kevin green [<mailto:webster242002@yahoo.com>]
Sent: Thursday, March 20, 2014 9:14 AM
To: Davis, Michael J
Cc: kdofori@oforilawfirm.com
Subject: Meeting time

Hi Mike,

Davis, Michael J

From: Jim Dieter [JDieter@dmw.com]
Sent: Wednesday, May 21, 2014 10:15 AM
To: Davis, Michael J
Cc: Eric Hadaway
Subject: RE: Lot# 12 Highland Acres - Nugget Court

Mike,

Thanks for all you help on this difficult issue.. This will be part of our report to the client. They can decide whether to invest the time and money. This is basically the same as the verbal responses I have gotten from Barry Glotfelty and Cliff Stein.

James Dieter
Environmental Regulatory Specialist
410 296 3333 Office
DMW

From: Davis, Michael J [<mailto:mjdavis@howardcountymd.gov>]
Sent: Wednesday, May 21, 2014 8:40 AM
To: Jim Dieter
Subject: RE: Lot# 12 Highland Acres - Nugget Court

Jim,

Sorry for the delayed response, but I have been out of the office. As you are aware, MDE and the Howard County Health Department have determined that Highland Acres, lot 12 is not suitable for a conventional or non-conventional on-site sewage disposal system in its current condition. I am not aware of any remediation that would change that determination. It is my professional opinion that allowing a new home to be constructed on a site under these or a future altered condition is a bad idea. However, MDE and the Howard County Health Department did not prohibit the previous owners from pursuing their options with a private consultant. Therefore, I cannot give you a definitive no for pursuing options on behalf of Susquehanna Bank. Please be advised that if too much soil below original grade has been removed, no remediation will change the current determination.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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From: Jim Dieter [<mailto:JDieter@dmw.com>]
Sent: Wednesday, May 14, 2014 3:15 PM
To: Davis, Michael J
Subject: RE: Lot# 12 Highland Acres - Nugget Court

Towson, MD 21286
410 296 3333 Office
410 296 4705 Fax

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Davis, Michael J

From: Davis, Michael J
Sent: Tuesday, December 11, 2012 9:41 AM
To: 'Deb Poquette'
Subject: RE: Meeting on Monday

Deb,

I did not hear back from you. What are the other errors you referred to in the meeting? Please let me know so I can send the letter.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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-----Original Message-----

From: Davis, Michael J
Sent: Thursday, December 06, 2012 3:13 PM
To: 'Deb Poquette'
Subject: RE: Meeting on Monday

Deb,

I was waiting on you. You were going to review the letter with Trevor and let me what the other errors were that you referenced in the meeting. If that is the only error, I'll have it done by Monday.

Michael J. Davis
Assistant Director
Bureau of Environmental Health
Howard County Health Department

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-----Original Message-----

From: Deb Poquette [<mailto:deb@officialprestige.com>]

Davis, Michael J

From: Gick, Ginnie
Sent: Wednesday, October 24, 2012 1:35 PM
To: Davis, Michael J
Subject: FW: 12484 Nugget Court

Hi there,

Candace asked me attend your meeting with Deb Poquette. She told me 2pm, but I just noticed below that you said 1:30. I'm still at the Howard Bldg., so if it's 1:30 you'll have to conference me.

Thanks,

Ginnie Gick
Community Liaison
Howard County Government

From: Dodsonreed, Candace
Sent: Tuesday, October 23, 2012 1:50 PM
To: Gick, Ginnie
Subject: FW: 12484 Nugget Court

FYI for Deb Poquette meeting

From: Davis, Michael J
Sent: Tuesday, October 16, 2012 10:19 AM
To: Dodsonreed, Candace
Cc: Rossman, Maura
Subject: RE: 12484 Nugget Court

The most recent testing was performed based on observed stockpiles in the sewage disposal area where mound systems were going to be installed. It is extremely critical that the sewage disposal area remain undisturbed with mound systems.

From: Dodsonreed, Candace
Sent: Tuesday, October 16, 2012 10:11 AM
To: Davis, Michael J
Cc: Rossman, Maura
Subject: Re: 12484 Nugget Court

Thanks for your email.
Any reason why two tests were done?
Candace

Sent from Candace's iPhone

On Oct 16, 2012, at 9:23 AM, "Davis, Michael J" <mjdavis@howardcountymd.gov> wrote:

Candace,

I just set up a meeting with Deb Poquette on Monday, October 22, 2012 at 1:30 PM to go over the most recent perc testing results that occurred on the property after it was sold to the Green's. The sewage