

Item 10 - Correspondence

From: [Butler, Patrick](#)
To: [MCP-Chair](#); [Sartori, Jason](#); [Kronenberg, Robert](#); [Vaias, Emily](#)
Subject: Fwd: 6412 Damascus Road
Date: Thursday, February 22, 2024 11:28:03 AM
Attachments: [Correspondence with Gretchen - Environ Protection.pdf](#)
[Correspondence with Linda Kobylski.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image008.png](#)
[image007.emz](#)
[image011.png](#)

FYI for Item 10 next week.

Get [Outlook for iOS](#)

From: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Sent: Thursday, February 22, 2024 11:17:46 AM
To: Butler, Patrick <patrick.butler@montgomeryplanning.org>
Subject: FW: 6412 Damascus Road

Here you go. The name is in the subject line and it is for item # 10



Thank you,
Mark Beall

Zoning, Public Projects & Ag Initiatives Section
Zoning Planner | Upcounty Division

Montgomery County Planning Department

2425 Reddie Drive, 13th Floor, Wheaton, MD 20902

mark.beall@montgomeryplanning.org

o: 301-495-1330



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: lyles6340@aol.com <lyles6340@aol.com>
Sent: Monday, February 19, 2024 6:27 PM
To: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Cc: Oscar Lyles <lyles6340@aol.com>
Subject: Re: 6412 Damascus Road

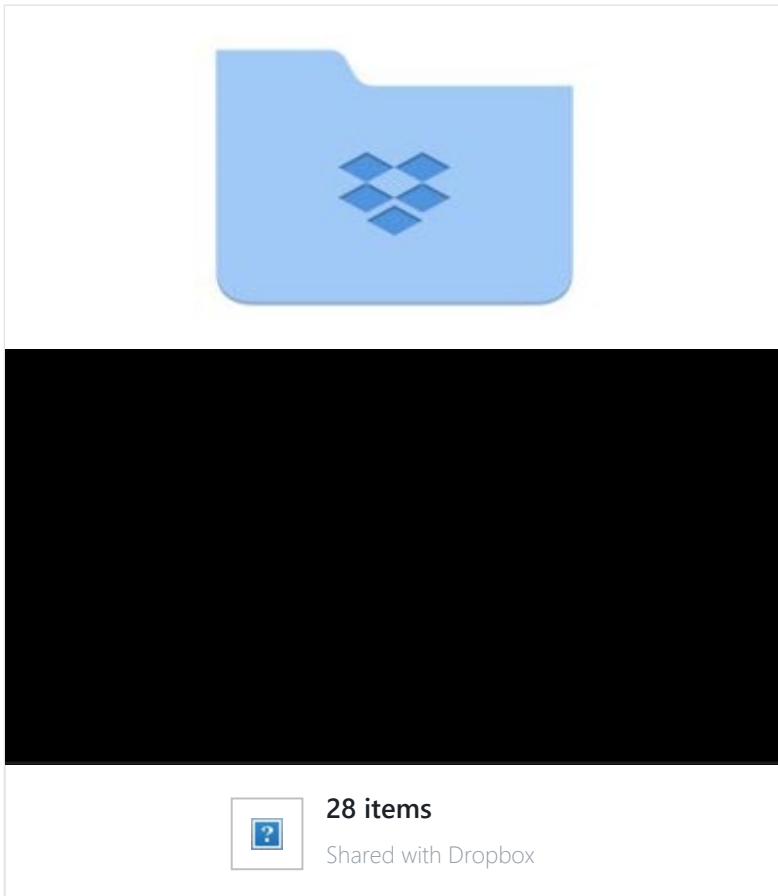
Exhibit 28
OZAH Case No: CU 24-10

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Mark,

I didn't get a kick back so I'm going to send the Dropbox link. I have also included our correspondence with Land Development Sediment Control & Environmental Protection:

[28 items](#)



Thank you

Oscar Lyles

On Monday, February 19, 2024 at 05:35:05 PM EST, lyles6340@aol.com <lyles6340@aol.com> wrote:

Hi Mark,

Thank you again for taking to me Friday in regard to the conditional use application and helping me better understand the process. Please send the planning board links along with the other link (forgot ...). If you could please respond back to this message so I can send you a dropbox link which has the pictures as I described during our phone conversation.

Have a good evening, thanks again!

Oscar Lyles
301-647-6088

Re: 6340, 6404, and 6412 Damascus Rd (20241134)

From: lyles6340@aol.com (lyles6340@aol.com)

To: gretchen.ekstrom@montgomerycountymd.gov

Cc: pamela.rowe@montgomerycountymd.gov; steve.martin@montgomerycountymd.gov; lyles6340@aol.com

Bcc: ayda@jdkatz.com

Date: Sunday, February 18, 2024 at 01:09 PM EST

Good Morning Gretchen,

"Pollutant run off from 6412 Damascus Rd, and standing water at 6404 Damascus Rd. Mr. Juneau allowed me access to his property at 6412 Damascus Rd. I did not observe any pollutant discharges from 6412 Damascus Rd to 6404 Damascus Rd."

This is appalling to say the least that you state "you did not observe any pollutant discharges", when we have you on a recording as we pointed out the obvious and you acknowledge:

1. Two fuel tanks sitting on the ground 10+ years, which you took pictures of? Is that up to code? Did he get a citation for this?
2. We pointed out where the Oil drums (5-8) that used to sit by his building for 10+ years. We pointed out the oil remenance on the building and Porta potty and you walked right by it with Jeff as he went to show you were he JUST started storing them about a month ago. We showed you the picture of where they used to sit and you acknowledge and stated that you would need to test the ponding water. Did you go back an test the water or the soil where the oil drums sat for over 10+ years. Are you saying **100%** there is no polutant or discharging from those oil drums on the ground that has not made it to our our properties, because that is what you just stated! I was not aware that the EPA provides assumption reports!
3. You witnessed his workers running 2-4 trucks for over 5 mins and you stated on the recording that you told Jeff he can not run them over 5mins and he said "the windsheilds had frost on them" and you told him "ice scrapers." When you walked the property and came back to use on Tony's property, they were still running an aditional 10 mins, which I take as a blantant disregard to the law. Did you issue a warning or citations? Can I have the # of the warning or citation please. I want to be sure everyone is getting fair treatment and when you saw a blatant code/law being broken I would expect a warning or citation.
4. We also told you how they wash the Trucks & Equipment off without a water containing system to contain their polluted/comtaminated water. You asked for the video, but funny thing you never provided your card to me. You deffiently provided one to Jeff when he waived you over, you couldn't get in your jacket fast enough! Are you still interested in the video showing him washing pollutant/contaminates without a containment system? According to your email, the EPA 's stance it that he is complying with all the EPA laws? You saw the trucks backed up to the concrete swell he create in front of the buidling. Any concerns by the EPA that the trucks weren'r leaking any oil, diesel. etc that may be washing in the concreate swell by rain and directed over to our properties?

5. You also stated, on the recording, that you were coming back to test the water and could not because it was frozen. Really it was not, all you had to do was stomp on it and break the top layer of the ice but I went with your next steps. What were your findings when you came back and tested the water?

"In regard to the standing water, by your admission, 6404 Damascus Rd has always had a "swampy" area at the southern end of the property. I do not have the authority to require Mr. Lopez to drain the area."

Your discription, not mine, of that area Always (Meaning : At all times; on all occasions) being "swampy" is inaccurate and a complete false statement. 50+ years ago it was a sod farm and as kids we use to play in the field. I'm sure Google Maps may not go back that far, by I have 8 other siblings and family members along with my Great Aunt, of 81yrs old next door that would call you a liar! As explained in the recording, both Tony and Jeff's house were build closer to RT 650 to make the 1+ for natural water run off since the land is sloped. So for my clarify, the EPA is stating that the area has ALWAYS, 100%, been swampy. I just wante to also point out that you saw the downed trees and showed you that my well was 25ft from this contaminated water from Jeff's property.

I expected better from an EPA Reperenstive in reporting what you really witnessed with your eyes and providing the full truth in your report. We recorded this meeting as we are having problems with County Reps coming out seeing violotations and providing false reports that Jeff is incompliance. For clarity, I just wanted to be sure the EPA is standing by this report 100% because it conflicts with the recording and the pictures you took of the Desiel Tanks and the Trucks running for over 5 mins in this report. I'm perplexed on how you can state you **did not observe any pollutant discharges** when:

1. You have pictures!
2. You did not come back and test the water as you stated in the recording.
3. The ground where the oil barrels sat for 10+ years has not been tested
4. We reported and wanted to provide you with evidance of him washing trucks without a containment system, you never provided a card or email address
5. With the slop of the property, hard surface leading to the concrete swell you would not ask for maintenance records to ensure maintenace is up to date on ALL the trucks and Equipment sitting on that hard surface as. There could dripping oils, deseil, etc that are directed to the concrete swell which he directs all the water from the that hardsurface to our properties.

As a Montgomery County Tax payer, I would like to request the pictures you took, water testing results, and soil sample testing where the oil tanks sat to make this a COMPLETE report. I have attached what we saw during the visit along with the screen shots of the water run of and where the oils barrels use to sit. If you would like a copy of the recording, please provide a dropbox link an I'll gladly forward.

Quesitons, was this report provided or requested by Jeff or his Representative? I do not give my permission for this correspondance or responses to be provided to Jeff Juneau or anyone Representing him without my consent.

Kind Regards,

Oscar Lyles

On Thursday, February 8, 2024 at 06:58:13 AM EST, Ekstrom, Gretchen <gretchen.ekstrom@montgomerycountymd.gov> wrote:

Mr. Lyles,

Thank you for meeting with me on Thursday, February 1st. I have spoken with my supervisor, Steve Martin, about your concerns. The Department of Environmental Protection (DEP) does not enforce regulations concerning lot-to-lot drainage issues. The Conflict Resolution Center of Montgomery County, CRCMC.org, offers free mediation services to county residents. They provide a neutral third party that may be able to facilitate a resolution between you, Mr. Lopez, and Mr. Juneau concerning water drainage issues.

You addressed several concerns in your complaint: pollutant run off from 6412 Damascus Rd, and standing water at 6404 Damascus Rd. Mr. Juneau allowed me access to his property at 6412 Damascus Rd. I did not observe any pollutant discharges from 6412 Damascus Rd to 6404 Damascus Rd. In regard to the standing water, by your admission, 6404 Damascus Rd has always had a "swampy" area at the southern end of the property. I do not have the authority to require Mr. Lopez to drain the area.

In response to your complaint, I looked at historical satellite images of the properties at 6340, 6404, and 6412 Damascus Rd. By the late 1990s, the three properties had been developed. The property at 6340 Damascus Rd sits downhill from 6404 and 6412 Damascus Rd.

According to the Department of Permitting Services website, the non-conforming use certificate for 6412 Damascus Rd has not been issued. Chapter 59, of the Montgomery County Code, addresses non-conforming use and policies.

I am sorry that I am not able to help your further.

Regards,

Gretchen Ekstrom



Gretchen F. Ekstrom, REHS/RS
Licensed Environmental Health Specialist
Energy, Climate, and Compliance Division
2425 Reedie Dr, 4th Floor, Wheaton, MD 20902
m: 240.832.8010

o: 240.777.7750

e: gretchen.ekstrom@montgomerycountymd.gov



For more helpful Cybersecurity Resources, visit: <https://www.montgomerycountymd.gov/cybersecurity>



6412 - Jeff Juneau.pdf
1.3MB



EPA.pdf
965.2kB

Re: 6412 and 6340 Damascus Road

From: lyles6340@aol.com (lyles6340@aol.com)

To: linda.kobylski@montgomerycountymd.gov; rabbiah.sabbakhan@montgomerycountymd.gov

Cc: tom.weadon@montgomerycountymd.gov; johnny.campos@montgomerycountymd.gov;
greg.nichols@montgomerycountymd.gov; nima.majorian@montgomerycountymd.gov;
james.sackett@montgomerycountymd.gov; jeremy.shupp@montgomerycountymd.gov;
ehsan.motazedi@montgomerycountymd.gov

Bcc: ayda@jdkatz.com

Date: Sunday, February 18, 2024 at 01:39 PM EST

Good Afternoon Rabbiah, Ehsan, and Linda

I'm following up on my request for a meeting to discuss my concerns below. Per Linda, she was thankful that I provided my email address "so that a comprehensive response could be sent to you rather than trying to communicate this information over a text message." To date, I have not received a "comprehensive response" to my email requesting a meeting. **Please** be respectful and providing your intentions.

1. Share the videos (attached are some clips from the video's below but does show the rapid flow of contaminated water runoff) with your leadership as I feel you've shared a false and inaccurate perspective of the issues at hand.
2. Review the recorded and statements made during the site visit with yourself and Tom
3. Get clarity on why the sediment Citation was canceled by Tom.
4. Walk me through the County's thought process on why they are not holding Jeff Juneau accountable for the intentional redirection of his contaminated high-water runoff as it clearly states that the landowner that changes the design of their property are responsible for containing their high-water runoff (in this case contaminated high water runoff)
5. Why would the County provide a reckless option to divert the contaminated water around my property that would cause:
 - My elderly's Aunts' drain fill to flood and sewage back up in her house
 - The contaminated water would also end up in the adject farm where horse graze.

Regard,
Oscar Lyles
301-674-6088

On Sunday, February 4, 2024 at 04:35:39 PM EST, lyles6340@aol.com <lyles6340@aol.com> wrote:

Linda

Our family has owned and lived at 6340 Damascus Road for almost 50 years. It wasn't until 10-12 years ago I added to the berm because I got a call that my elderly Dad with congenital heart failure, deliberator, and failing kidneys

trying to pump water out of his basement. Not only did this water affect us, but it also affected my elderly Aunt's drain fill which got saturated and backed up sewage into her home. Jeff is the only person in the last 10+ years that has made any changes to his property so that he can run an illegal business on a property that was not zoned to run a commercial company to include incremental filling of approximately 11,000sq ft of hard surface and 4,000sq ft of illegal buildings on the back corner of his property that adjoins with our property. As I explained to you and Tom, there's a reason why Jeff's home on was built at the top of his sloped land so there would be plenty of land to soak up the natural water runoff. Jeff intentional covered his runoff area with hard ground cover and buildings to support his illegal Landscaping business. Jeff, 20+ year Landscaping Contractor, deliberately with malicious intent built MAN-MADE swells directing his contaminated high volume of unnatural flow of water towards our homes. This is not natural water runoff from Jeff's land as described by you Linda, this was MAN MADE with gross negligence. The video that was sent to both you and Tom showing CLEARLY the contaminated high-volume water is not natural water runoff coming from Jeff's property during a moderate rain (we call it MAN-MADE!). Because of Jeff's MAN-MADE swells that directs his contaminated unnatural water runoff towards my property, both you and Tom, Montgomery County Representative, are making a false accusation that I am the reason for the excessive ponding of 1+ acers of JEFF's contaminated high volume runoff from his property. Not once did you or Tom point out anything Jeff is doing wrong, but I expected that as a black man. During the visit, January 4, 2024, Linda, you noticed that Jeff built a couple of additions onto one of his one of the buildings that you said you did not see on Google Earth. Question, did you report this? As a County Employee looking to ensure laws and ordinances are followed, I would expect a report to be filed with the responsible department for investigation. Can I get the Ticket # please, I would like to follow up with the investigator assigned? Actually, this is a prime example of what has been happening the last 10+ years. Jeff's blatant disregard for laws/regulations as he's not being held accountable by Montgomery County as his neighbors' who have lived here for 50+ years suffer and are told to get a lawyer (they cannot afford) because it's a civil matter now because Montgomery County did not do their job.

To address that I am the cause of the ponding of contaminated water and massive mosquito breeding ground and that I have damaged well "potentially" (your safe word) is absolutely absurd after watching the video's I sent to you and Tom. Please do me a favor, re-read the "Lot to Lot Surface Drainage" document, you provided, starting with the 3rd sentence under the "The Law – A General Discussion of Maryland Law Related to Surface Runoff" paragraph. I would be interested to hear if you feel this is "natural runoff" coming from his property as described in the document (I've provided a few clips from the video shared with both you and Tom).

As for Johnny coming out an issuing the citation for sediment control. I understand that he would change his story, he needs a job like the rest of us. As Johnny stated on December 12, 2023 " I did my job right and if anybody thinks I didn't then please call my boss". With that said, Tom Weadon removed the sediment control citation after 1 year because he stated that when viewing the property via Goggle Earth he did not see ground disturbance or any violation (Note, Google Earth does not take daily pictures and they're taken randomly). I'm surprised that he was able to go back to that very day of December 12, 2022 to see what the 2 other investigates saw and reported via Google Earth. Also, when you and Tom met me for a site visit, January 4, 2024, you stated that you could not really tell using Google Earth because of the trees. Your recorded statement therefore contradicts Tom's statement that he removed the citation after viewing Google Earth and saw not disturbance. So my question, was the citation removed because Tom did OR did not see ground disturbance? This does not add up.

I would like to request a meeting with you, Ehsan, and Rabbiah to:

1. Share the videos (attached are some clips from the video's below but does show the rapid flow of contaminated water runoff) with your leadership as I feel you've shared a false and inaccurate perspective of the issues at hand.
2. Review the recorded and statements made during the site visit with yourself and Tom
3. Get clarity on why the sediment Citation was canceled by Tom.
4. Walk me through the County's thought process on why they are not holding Jeff Juneau accountable for the intentional redirection of his contaminated high-water runoff as it clearly states that the landowner that changes the design of their property are responsible for containing their high-water runoff (in this case contaminated high water runoff)
5. Why would the County provide a reckless option to divert the contaminated water around my property that would cause:
 - My elderly's Aunts' drain fill to flood and sewage back up in her house
 - The contaminated water would also end up in the adject farm where horse graze.

I was horrified and shared the County's email with my neighbors and to say the lease, they are shocked and very upset!

Please see attached PDF

Oscar Lyles
301-674-6088

PLEASE SEE ATTACHED PDF

On Tuesday, January 30, 2024 at 02:59:46 PM EST, Kobylski, Linda <linda.kobylski@montgomerycountymd.gov> wrote:

Good afternoon Mr. Lyles,

Thank you for providing your email address so that a comprehensive response could be sent to you rather than trying to communicate this information over a text message.

In July 2022, DPS received a complaint regarding a neighboring property (6412 Damascus Rd.) whose owner was operating a potential illegal business and had constructed buildings and paved a driveway/parking area without permits. The complainant indicated these activities were having an adverse effect on their property, specifically drainage/water issues. At the time, the inspector and his field supervisor estimated there was approximately 11,000 square feet of area that had been "disturbed". A notice of violation was issued to obtain a sediment control permit to address stormwater management. It is important to note, there was no active disturbance at the time of their visit – this has been confirmed.

The sediment control inspection manager, Tom Weadon spoke with his field supervisor Johnny Campos; they reviewed the aerial images, and both agreed there was no recent activity that justified issuance of the notice of violation and citation. Mr. Weadon then instructed his inspector to withdraw the notice of violation and citation. In other words, the pavement and building had been in place for quite some time, with one exception – what appeared to be a shed in the rear of the property had been expanded but not significantly. Subsequently, Mr. Weadon and Mr. Campos visited the site on December 29, 2023. Afterwards Mr. Weadon then sought out an unbiased opinion and asked me to compare the aerial images. Without any background information, when I viewed the images I came to the same conclusion – the property had not changed significantly for the last nine years. It is my understanding you were provided the document, "Lot to Lot Nuisance Runoff" a few times, but I am attaching it again. As you can see, these types of issues are handled by state civil law.

Further, when Mr. Weadon and I visited you in January 2024, you stated that you had constructed the berm that is currently preventing water from flowing through your property. We empathized with your situation and made some suggestions including:

- Removing or relocating the berm and perform some grading to divert the water around your home.
- Hire a civil engineer to evaluate the issue, including your property's topography and provide you with a solution.
- Seek legal advice to assist you with any property damage claim that would be considered by the courts.

A second complaint regarding operation of an illegal business was handled by the DPS Zoning and Site Plan Compliance Division. It is my understanding that the owner of 6412 Damascus Road is pursuing a conditional use

approval to legally operate his landscaping business which may be allowed under our Zoning Ordinance. We advised you to attend the Office of Zoning and Administrative Hearings when the application for the conditional use is considered to voice your concerns and any objections you may have.

The third complaint regarding construction of the garage was handled by our Residential Building Division. It was determined the garage was an accessory structure to a residential use and the owner was advised to retroactively obtain a building permit which did not require a sediment control permit. However, even had a sediment control permit been required, it would likely not remedy the flooding/water issues you are experiencing today. Sediment Control and stormwater management is an environmental treatment of rainwater. It is not intended to resolve flooding and nuisance runoff issues.

The berm constructed approximately nine years ago is blocking the natural flow of water and creating the issues you have with mosquitos and potential contamination of your well. We strongly recommend the berm be removed or relocated and additional grading be performed with guidance from a design professional.

The last text you sent me asked if I had spoken with Johnny Campos and Greg Nichols; I have indeed. Johnny confirmed that when he originally visited the site, there was no active disturbance. Greg stated that he explained to you that it appeared there had been incremental construction on the neighbor's site over the years. Greg also advised you that it was a civil matter and on August 17, 2022, provided you with the same fact sheet attached to this email. I believe in this regard, DPS has been consistent in our advice to you.

We have made several attempts to explain why the notice of violation and citation were withdrawn and have made some recommendations to help you resolve it. Unfortunately, since this appears to be a long-standing dispute, there is no action Land Development can take at this time. If you observe additional construction or land disturbing activities at the site, please contact us immediately to investigate.

Respectfully,

Linda

Linda Kobylski

Division Chief, Land Development

Montgomery County Department of Permitting Services

2425 Reddie Drive, 7th Floor

Wheaton, MD 20902

240-777-6346

Linda.Kobylski@montgomerycountymd.gov



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