

From: [Byrne, Kathleen E.](#)
To: [Harris, Robert R.](#)
Cc: [Butler, Patrick](#); [Jeffrey Ferrel](#); [angela.brown](#); [Johnson, Nana](#); [Kyle Soltesz](#); [Robert Kronenberg](#); [Sorrento, Christina](#); [Beall, Mark](#); [Penn, Joshua](#); [Clayborne, Mariah](#)
Subject: RE: CU 24-13; Terra Energy
Date: Thursday, July 25, 2024 9:27:10 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

All,

I apologize, but I just went to calendar this and realized I have a conflict on 9/30 and 10/1. If you want to keep it on a Monday/Tuesday we can move it to 10/7 and 10/8 or that Thursday/Friday 10/3 and 10/4 is available. Please let me know your preference. Thank you.

Katy Byrne

From: Harris, Robert R. <rrharris@lercheearly.com>
Sent: Thursday, July 25, 2024 8:37 AM
To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>; [angela.brown](mailto:angela.brown@montgomeryplanning.org) <angela.brown@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: RE: CU 24-13; Terra Energy

[EXTERNAL EMAIL]

Good morning back and thanks for the quick reply. Let's do 9/30 and 10/1.

Robert R. Harris, Attorney

Lerch, Early & Brewer, Chtd. rising to every challenge for over 70 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T [301-841-3826](tel:301-841-3826) | F [301-347-1779](tel:301-347-1779) | Cell [301-580-1319](tel:301-580-1319)

rrharris@lercheearly.com | [Bio](#)

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On Jul 25, 2024 8:33 AM, "Byrne, Kathleen E." <Kathleen.Byrne@montgomerycountymd.gov> wrote:
Good morning, 9/30 and 10/1 or 10/3 and 10/4 would work, but we can't scheduling hearings on Wednesdays since the Board has the hearing room every Wednesday. Let me know which combination of days works best for you.

Katy Byrne

From: Harris, Robert R. <rrharris@lerchearly.com>
Sent: Wednesday, July 24, 2024 2:43 PM
To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>; angela.brown <angela.brown@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: RE: CU 24-13; Terra Energy

[EXTERNAL EMAIL]

Good afternoon. P&P staff now has set the Board hearing on this matter for 9/5 and suggests an OZAH hearing any time after 9/23. I have checked with our team and we would like to see if 10/1-2 is available. (We hope not to need 2 days but want to make sure we have enough time if there is any opposition). Can you let us know if this works? Thanks.

Robert R. Harris, Attorney

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From: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Sent: Wednesday, May 29, 2024 8:38 AM
To: Harris, Robert R. <rrharris@lerchearly.com>
Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>; angela.brown <angela.brown@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: RE: CU 24-13; Terra Energy

OZAH's calendar is clear the last week of July at this moment, but I defer to Planning on their schedule and that of the Planning Board.

Katy Byrne

From: Harris, Robert R. <rrharris@lerchearly.com>
Sent: Wednesday, May 29, 2024 6:20 AM
To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>; angela.brown <angela.brown@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina

<christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>

Subject: RE: CU 24-13; Terra Energy

[EXTERNAL EMAIL]

I believe most of the work has been done already and we have been hoping to get to OZAH before the end of July. Is that possible?

Robert R. Harris, Attorney

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On May 28, 2024 11:16 AM, "Byrne, Kathleen E." <Kathleen.Byrne@montgomerycountymd.gov> wrote:

Patrick,

I understand your inclination to postpone indefinitely, but for notice purposes if we choose a date far enough out in the future we may be able to send the notice once and then update as needed. Say if the hearing is postponed until October 1st and additional time is needed we will know that by August 1st and no additional mailing notice would be required and we could extend the date on the website. When the postpone occurs close in time to the hearing date we must mail a new notice, which is where we are today. But when dates are set far enough out in advance, we can change it on our website. Really, I'm trying to avoid sending out 2 notices in close proximity if we can.

Let me know your thoughts

Katy Byrne

From: Butler, Patrick <patrick.butler@montgomeryplanning.org>

Sent: Tuesday, May 28, 2024 11:05 AM

To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Jeffrey Ferrel <jeff@terraininnovations.com>; angela.brown <angela.brown@montgomeryplanning.org>

Cc: Harris, Robert R. <rrharris@lerchearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>

Subject: RE: CU 24-13; Terra Energy

[EXTERNAL EMAIL]

Hello All,

Once a check bounces for insufficient funds, we need any subsequent check to clear before we resume work, especially in this instance, since we performed several weeks of work and assistance prior to receiving the previous check.

We will not be able to transmit comments in time for the July 1 hearing with the Hearings Examiner. For now, Planning Staff recommends we postpone this item indefinitely, until sufficient funds are confirmed to resume review, and the applicant resubmits revisions to the Conditional Use, Forest Conservation Plan, and Forest Conservation Plan Variance. At that time, Planning Staff and the applicant will be able to determine sufficient time to officially commence and complete processing of the application, produce the staff report, hold a Planning Board public hearing, and transmit comments ahead of the public hearing with the Hearings Examiner.

Thank you,

Patrick

From: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Sent: Tuesday, May 28, 2024 10:35 AM
To: Jeffrey Ferrel <jeff@terraininnovations.com>; Brown, Angela <angela.brown@montgomeryplanning.org>
Cc: Harris, Robert R. <rrharris@lercheearly.com>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: RE: CU 24-13; Terra Energy

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All,

Just a reminder, if the hearing on July 1 needs to be rescheduled, we must send out a notice with the new date no later than June 15, 2024. Please let us know as soon as possible when we can reschedule. Thank you.

Katy Byrne

*Kathleen Byrne
Director
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
(240) 777-6667*

From: Jeffrey Ferrel <jeff@terraininnovations.com>
Sent: Tuesday, May 28, 2024 10:03 AM
To: angela.brown <angela.brown@montgomeryplanning.org>
Cc: Harris, Robert R. <rrharris@lercheearly.com>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Beall, Mark <mark.beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: Re: CU 24-13; Terra Energy

[EXTERNAL EMAIL]

Robert and Patrick

I'm just checking in with you and the team. I spoke with Angela this morning and we are hoping for some news on the check in the next day or two.

Since this was a certified check, can we at least go ahead and schedule some time to talk? Kyle has information ready to review with Josh. We believe we have resolved his concerns relating to the FCP variances and would like to submit to keep the schedule moving.

Let me know if we can schedule some time to talk.

Jeff Ferrel
C: 540.223.3954

On Fri, May 24, 2024 at 11:08 AM Jeffrey Ferrel <jeff@terraininnovations.com> wrote:

Angela

Thanks for the status update. Wondering why we are waiting for clearance on a Certified Check, or how long that turnaround is normally for your process. Our team is waiting for clearance to keep the process moving.

Thanks in advance for your response. Hoping everyone has a good holiday weekend.

Jeff Ferrel
C: 540.223.3954

On Fri, May 24, 2024 at 11:06 AM Brown, Angela <angela.brown@montgomeryplanning.org> wrote:

Hello All,

The check has been deposited but has not cleared yet.

Angela

Angela P. Brown
Planning Technician Manager
Public Information, Addressing & Permit Review
Intake & Regulatory Coordination Division (IRC)
The Maryland National Capital Park & Planning Commission
2425 Reedie Drive, Wheaton, Maryland 20902
301-495-4611 (Office)
301-495-1306 (Fax)
angela.brown@montgomeryplanning.org
www.montgomeryplanning.org

From: Harris, Robert R. <rrharris@lercheearly.com>
Sent: Friday, May 24, 2024 11:04 AM
To: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>
Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Brown, Angela <angela.brown@montgomeryplanning.org>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: Re: CU 24-13; Terra Energy

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Hello Patrick. Are we good yet to find a new ZHE date?

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From: Butler, Patrick <patrick.butler@montgomeryplanning.org>
Sent: Tuesday, May 21, 2024 5:09:33 PM
To: Jeffrey Ferrel <jeff@terraininnovations.com>
Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Harris, Robert R. <rrharris@lercheearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Brown, Angela <angela.brown@montgomeryplanning.org>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>
Subject: Re: CU 24-13; Terra Energy

Thank you for the update, Jeff.

To reiterate, we will need funds to clear before we begin review of the forest conservation plan and conditional use again. Once the funds clear and we resume review of these plans, set up times to discuss with Kyle, and communicate our recommended target date for the HE hearing and review schedule.

We will be in touch as soon as the funds clear.

Thank you,
Patrick

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From: Jeffrey Ferrel <jeff@terrainnovations.com>

Sent: Tuesday, May 21, 2024 4:38:08 PM

To: Butler, Patrick <patrick.butler@montgomeryplanning.org>

Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Harris, Robert R. <rrharris@lercheearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Brown, Angela <angela.brown@montgomeryplanning.org>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>

Subject: Re: CU 24-13; Terra Energy

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County Team

We dropped off the certified check to Angela this afternoon. Kyle has prepared some information to review with Josh, hoping they can make some time to talk tomorrow. The suggestions that were made are being integrated and I think we have a path forward resolving the variance concern.

Best

Jeff Ferrel

C: 540.223.3954

On Sat, May 18, 2024 at 2:40 PM Butler, Patrick <patrick.butler@montgomeryplanning.org> wrote:

Hello All,

The check for the Forest Conservation Plan did not clear due to Insufficient Funds. We were reviewing and processing the Forest Conservation Plan ahead of schedule to try to be helpful and keep the application moving toward a July 1 hearing with the Hearings Examiner. We are no longer reviewing or processing the Forest Conservation Plan until we receive payment and the check clears. We will not be able to transmit comments in time for the July 1 hearing with the Hearings Examiner. For now, Planning Staff recommends we postpone this item indefinitely, until sufficient funds are received to resume review, and the applicant resubmits revisions to the Conditional Use, Forest Conservation Plan, and Forest Conservation Plan Variance. At that time, Planning Staff and the applicant will be able to determine sufficient time to complete processing of the application, produce the staff report, hold a Planning Board public hearing, and transmit comments ahead of the public hearing with the Hearings Examiner.

Please feel free to reach out if you have any questions.

Thank you,



Patrick Butler
Chief, Upcounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
patrick.butler@montgomeryplanning.org
o: 301-495-4561 c: 240-772-6736



WE'VE MOVED!
THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Harris, Robert R. <rrharris@lerchearly.com>
Sent: Thursday, May 2, 2024 10:01 AM
To: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>; Coveyou, Michael <Michael.Coveyou@montgomerycountymd.gov>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Jeffrey Ferrel <jeff@terraininnovations.com>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Brown, Angela <angela.brown@montgomeryplanning.org>
Subject: RE: CU 24-13; Terra Energy

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Patrick, I just got off the phone with the applicant and they have cleared with your intake staff, the best way to replace the check we delivered earlier this week. I understand that replacement check will be hand delivered to intake today. Thanks for working with us.

Robert R. Harris, Attorney
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7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T [301-841-3826](tel:301-841-3826) | F [301-347-1779](tel:301-347-1779) | Cell [301-580-1319](tel:301-580-1319)
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From: Butler, Patrick <patrick.butler@montgomeryplanning.org>
Sent: Thursday, May 2, 2024 9:56 AM
To: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>; Coveyou, Michael <Michael.Coveyou@montgomerycountymd.gov>; Beall, Mark <Mark.Beall@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Harris, Robert R. <rrharris@lerchearly.com>; Jeffrey Ferrel <jeff@terraininnovations.com>; Kyle Soltesz <KyleSoltesz@solteszco.com>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Brown, Angela <angela.brown@montgomeryplanning.org>
Cc: Harris, Robert R. <rrharris@lerchearly.com>
Subject: RE: CU 24-13; Terra Energy

Hi Nana,

Please hold off on mailing for now, we have still not received payment for the Forest Conservation Plan.

Thank you,



Patrick Butler
Chief, Upcounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
patrick.butler@montgomeryplanning.org
o: 301-495-4561 c: 240-772-6736



WE'VE MOVED!

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

From: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>
Sent: Thursday, May 2, 2024 9:51 AM
To: Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>; Coveyou, Michael <Michael.Coveyou@montgomerycountymd.gov>; Beall, Mark

<Mark.Beall@montgomeryplanning.org>; Butler, Patrick

<patrick.butler@montgomeryplanning.org>

Cc: rharris@lercheary.com

Subject: CU 24-13; Terra Energy

Importance: High

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

Good Morning All,

Please see attached Notice of Hearing issued today in the above-mentioned application. A copy of this can be found on OZAH's website here: [CU 24-13; Notice of Hearing](#). A copy of the same will be mailed to all parties later on today. Thank you

Nana Yaa Johnson

Administrative Specialist I

OZAJH

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



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