MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 10-25-07

MEMORANDUM

DATE: October 12, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Development Review Division

FROM: Robert Kronenberg, Supervisor
Development Review Division
(301) 495-2187

REVIEW TYPE: Site Plan Amendment
CASE #: 81998001I & 82002014D
PROJECT NAME: Clarksburg Town Center

APPLYING FOR: 118 residential units, including 48 MPDUs to satisfy Stage II and a portion of Phase I of the Plan of Compliance

REVIEW BASIS: Div. 59-D-3 Site Plan
Section 19-64 for Final Water Quality Plan
ZONE: RMX-2

LOCATION: Located to the east of MD 355, south of Clarksburg Road and north of Stringtown Road
MASTER PLAN: Clarksburg Master Plan

APPLICANT: NNPII-Clarksburg LLC
FILING DATE: September 18, 2006
HEARING DATE: October 25, 2007

The following staff report is comprised of two amendments specifically within the boundaries of the Clarksburg Town Center, and is intended to satisfy the conditions of the approval for Stage II of the Plan of Compliance and to bring the drawings into compliance with the record plats. The Planning Board public hearing for this application is scheduled for October 25, 2007. The Staff recommends Approval of the amendments with conditions as delineated in the staff report.

Background

The Clarksburg Master Plan and Hyattstown Special Study Area ("Master Plan") was approved by the County Council in June of 1994. It called for the creation of a Town Center in Clarksburg, which would include the Historic District as a focal point and would be surrounded by a mix of uses, including office, residential, and retail.

In December of 1994, both a Project Plan (#9-94004) and a Preliminary Plan (#1-95042) were submitted for review by Piedmont and Clarksburg Associates, represented by Steve Klebenoff and Mark Montgomery. Using the optional method of development under RMX-2 zoning, the plan envisioned what is now known as a neo-traditional community and called for the construction of a maximum of 1300 residential units, 100,000 square feet of office, and 150,000 square feet of retail, to be constructed in phases. The Project Plan was approved in June of 1995. The Preliminary Plan was approved in March of 1996.

The first site plan for Phase One (#8-98001) was approved in the Spring of 1998. The Phase II Site Plan (#8-02014) was approved in June of 2002. At the time of the Plan of Compliance, approximately 725 units had been built or were under construction in Phase I and II of the project. A Site Plan covering the Phase III (#8-04034) retail portion was submitted but never approved. A new plan for the retail portion has been submitted and will come back to the Planning Board as part of Phase III of the Plan of Compliance, which deals with the overall development.

On April 14, 2005, in response to a request from the Clarksburg Town Center Advisory Committee (CTCAC), the Planning Board held a hearing to consider alleged height violations at Clarksburg Town Center. At the conclusion of the hearing, the Board voted 4 -1 to approve a motion that no violation had occurred. On July 7, 2005, the Board held another hearing to reconsider its earlier decision with respect to height violations and to consider whether or not violations had also occurred with respect to front setbacks at Clarksburg Town Center. With respect to both height and setback, the Board voted 5 – 0 that violations had occurred. The Board then held a hearing on the same day to determine Sanctions and/or Plan of Compliance. The Board members unanimously agreed that units that were either under contract and under construction, or under contract but construction had not yet begun as of July 7th, 2005 would be grandfathered. However, the remainder of the Sanctions/Plan of Compliance hearing was postponed to provide an opportunity for staff to correctly determine the number of units in violation.

CTCAC continued to allege additional violations as listed below:

1) Setback violations with respect to side and rear yards, as well as the minimum space required between end buildings for townhomes and multi-family dwellings
2) Minimum net lot area
3) Lot Width Minimum at Building Line
4) Lot Coverage Standards for Accessory Buildings
5) Elimination, Rerouting and/or Reduction in Size of Alleys and Roadways

6) Changes to Blocks with respect to unit types and configuration without Planning Board Approval
7) Changes in Grading from Signature Site Plan to Actual
8) Modification of Environmentally-related Features
9) Reduction in required green space
10) Record Plat Irregularities
11) Issues related to the Manor House Amendment
12) Parking Requirements
13) Elimination of "O" Street and the Pedestrian Mews
14) Discrepancies regarding the Site Plan for Phase II
15) Alteration of certain Clarksburg Town Center Documents

In response, the Board held a series of violation hearings in the Fall of 2005. However, on November 25, 2005, the applicant and CTCAC asked that the entire matter be referred to mediation. On December 2, 2005, the Planning Board suspended allviolation hearings with the hope that the parties could come to an agreement that could be submitted to the Board for review and approval. The parties selected the Honorable Barbara Howe to serve as the mediator and worked, over the next five months, to reach a comprehensive Plan of Compliance.

Plan of Compliance

The Plan of Compliance was approved by the Board on June 15, 2006. The Plan of Compliance sought to address violations of the approved project plans and site plans while providing for additional amenities and significant improvements to the Clarksburg Town Center. The Plan was divided into three phases. The first phase included those units on which construction was allowed to proceed immediately, without further review by the Board. Phase II called for an interim review of certain units in Sections 2D and GG, and for Manor House Buildings 10, 11 and 12, and is the subject of this staff report. Phase III calles for an overall review of the entire site, including the modified project and preliminary plans, the site plans and a site plan specifically for the retail component. The Plan of Compliance represented a joint effort by the Clarksburg Town Center Advisory Committee (CTCAC), the developer (Newland Communities) and builders (Bozzutto, Craftstar, Miller and Smith, NV and Porten Homes).

Summary of the Proposed Changes to the Plans

The enclosed amendments, also known as the "Interim Plan", constitute changes for Sections 2D (Site Plan 82002014D) and GG (Site Plan 81998001I), and are consistent with the Second Stage or Phase of the Compliance Program. The applications seek approval of 118 total dwelling units comprised of 7 one-family detached units, 52 townhouse units and 59 multi-family units. The total number of units includes 48 MPDUs. 12 lots to be developed by Miller and Smith (lots 1, 2, 3, 35, 37 and 55 in Block N and lots 7-11 in Block L) are also included. These lots were among the 78 units/lots permitted to proceed under the First Stage.

The interim plan incorporates the "grandfathered lots" for setbacks, heights and site features and other changes and modifications associated with the GG and 2D sections in the Plan of Compliance.

STAFF RECOMMENDATION: Approval of 118 residential dwelling units (7 one-family detached units, 52 townhouse units and 59 multi-family units), including 48 Moderately Priced Dwelling Units (MPDUs). All site development elements as shown on the preliminary, site and landscape plans stamped by the M-NCPPC on September 17, 2007 shall be required except as modified by the following conditions:

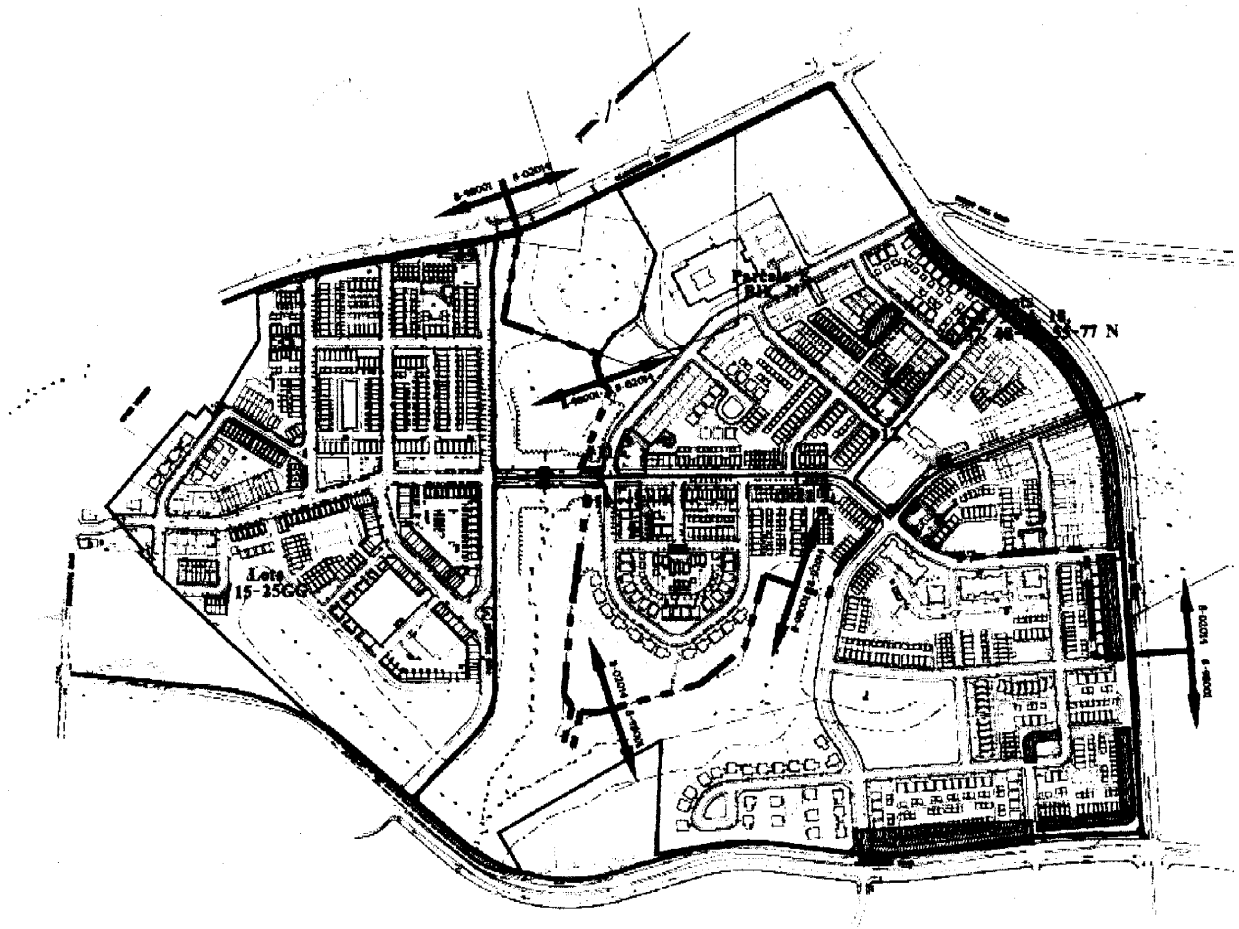
1. Plan of Compliance
   The proposed development shall comply with the conditions of approval for the Plan of Compliance dated June 15, 2006, which includes Project Plan 91994004A, Preliminary Plan 119950420, Site Plan 81998001H and 82002014C, or as amended.
2. Moderately Priced Dwelling Units (MPDUs)
   The proposed amendment shall provide 48 MPDUs on-site in accordance with the Plan of Compliance.
3. Stormwater Management
   The proposed development is subject to Stormwater Management Concept approval conditions dated May 30, 2007, unless amended and approved by the Montgomery County Department of Permitting Services [Attachment B].
4. Development Program
   Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. Development Program shall include a phasing schedule as follows:
   a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
   b. Landscaping and lighting associated with each parking lot and residential building shall be completed as construction of each facility is completed.
   c. Pedestrian pathways, including sidewalks associated with each residential building shall be completed as construction of each building is completed.
   d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
   e. Provide each section of the development with necessary roads.
   f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
5. Certified Site Plans
   Prior to certified site plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:
   a. Development program, inspection schedule, and Site Plan Resolution.
   b. Limits of disturbance.
   c. MPDU calculations.
   d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

PROJECT DESCRIPTION: Site Vicinity

The subject property is bounded by Snowden Farm Parkway to the north, Clarksburg Road (MD 121) to the northwest and Stringtown Road to the south and east. Frederick Road (MD 355) is located toward the west, incorporating the historic district of Clarksburg. The majority of the infrastructure for the 270-acre site is nearly complete, with the exception of the area surrounding the proposed retail core to the west of the Greenway. The overall Clarksburg Town Center development was originally approved for 1,300 residential dwelling units and 250,000 square feet of non-residential uses as well as civic space and community amenities.

PROJECT DESCRIPTION: Proposal

The area shown as blocks GG on Site Plan Amendment 81998001I consists of the townhouse units (lots 15-25) located in the western section of the property near Redgrave Place Road and the Manor House Building No. 9 located at the intersection of MD 121 and Park Overlook Drive.



The 2D section on Site Plan Amendment 82002014D is east of the greenway and includes modifications to the Manor House units primarily along Clarksburg Square Road and to the Miller and Smith lots near Sugarloaf Chapel Drive and Basil Park Circle. Other modifications to the plans include the addition of porous pavement along the edge of some of the primary roadways to allow for emergency access for Fire and Rescue vehicles and supplemental landscaping throughout the eastern side of the development.

In addition to Sections GG and 2D, which were designated in the Plan of Compliance as the "Interim Plan" or Phase II, 36 additional units are included herein. These 36 units were originally part of Phase I of the Plan of Compliance and could have moved forward without further review by the Board. However, for a variety of reasons, they did not move forward, so the applicant has added them to the current submittal to officially verify their development standards.

The 118 total units include 48 MPDUs. When the violations in CTC were being discovered, it became apparent that the construction of the MPDUs had not been keeping up with the pace of the market-rate units. Therefore, the Applicant had to show that, at build out, the full number of MPDUs would be in place. Since the Plan of Compliance stated that no more than 55 MPDUs could be built west of Overlook Parkway and approximately 52 MPDUs had been provided in those portions of CTC that had already been completed, 48 MPDUs had to be provided in the Interim Plan amendment.

PROJECT DESCRIPTION:

ANALYSIS: Conformance to Development Standards

The following data table consists of development standards that apply to the one-family detached and townhouse units, followed by the development standards that apply to the multi-family units.

PROJECT DATA TABLE (RMX-2 Zone)

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
Standards To Be Applied to One-family detached and Townhouse Units		
Min. Lot Area (sf):		
Courtyard One-family detached Lots 1-3, 35-37 and 55 (Block N)	3,200	3,200
Townhouses Lots 15-22 (Block GG), Lots 7-11 Block L, Lots 4-6, 9-14, 18, 48-51, 56, 57, 58-77 Block N	1,120	1,120
Min. Lot Width at Street (ft.)		
Courtyard One-family detached Lots 1-3, 35-37 and 55 (Block N)	25	25
Townhouses Lots 22-25 (Block GG), Lots 4-6, 48-51, 56, 57, 65-77 Block N	18	18
Townhouses Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N	16	16
Min. Lot Width at Front Building Line (ft.)		
Courtyard One-family detached Lots 1-3, 35-37 and 55 (Block N)	32	32
Townhouses Lots 22-25 (Block GG), Lots 4-6, 48-51, 56, 57, 65-77 Block N	18	18
Townhouses Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N	16	16
Min. Lot Width at Alley (ft.)		
Courtyard One-family detached Lots 1-3, 35-37 and 55 (Block N)	20	20
Townhouses Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N	16	16
Min. Building Setbacks (ft.)		
Principal Structure		
Courtyard One-family detached Lots 1-3, 35-37 and 55 (Block N)		
Front yard	Not Specified	10/5
rear yard (distance to principal structure)	Not Specified	0
side yard	Not Specified	3

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
Townhouses		
Lots 22-25 (Block GG), Lots 4-6, 48-51, 56, 57, 65-77 Block N		
Front yard	Not Specified	4/0
rear yard	Not Specified	10
side yard	Not Specified	0
Townhouses		
Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N		
Front yard	Not Specified	4/3
rear yard	Not Specified	20
side yard	Not Specified	0
Accessory Structure		
Courtyard One-family detached		
Lots 1-3, 35-37 and 55 (Block N)		
Front yard	Not Specified	55
rear yard (distance to principal structure)	Not Specified	0
side yard	Not Specified	0
Townhouses		
Lots 22-25 (Block GG), Lots 4-6, 48-51, 56, 57, 65-77 Block N		
Front yard	Not Specified	60/0
rear yard	Not Specified	0
side yard	Not Specified	0
Townhouses		
Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N		
Front yard	Not Specified	60
rear yard (including alley)	Not Specified	0
side yard (including corner lots where adjacent lots face each other and where adjacent lots don't face each other)	Not Specified	0
Townhouses		
Lots 15-22 (Block GG), Lots 7-11 Block L, Lots 4-6, 9-14, 18, 48-51, 56, 57, 58-77 Block N		
From one-family residential zoning	50	50
From residential zoning other than one-family	15	15
From any street	Not Specified	0
Max. Building Height (ft.):		
One-family detached Courtyard Units	Not Specified	35
Townhouses	Not Specified	38
Lots 22-25 (Block GG), Lots 4-6, 48-51, 56, 57, 65-77 Block N		
Townhouses	Not Specified	45
Lots 15-21 (Block GG), Lots 7-11 Block L, Lots 9-14, 18, 58-64 Block N		

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
MPDUs (Lots 17-19, 22-25 Block GG, Lot 9 Block L, Lots 4-6, 11-13, 48-51, 56-62, 65-77 Block N)		38
Parking Spaces		
One-family detached units	14	14
Townhouse units	150	150
Visitor		8
Total	164	172

Standards To Be Applied to Multi-Family Units

Manor House Building No. 7		
Max. Number of Units	12	12
Max. Building Height	Not Specified	45
Min. Lot Size (sf.):	Not Specified	5,000
Min. Building Setbacks (ft):		
Primary Front Yard	Not Specified	10
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	5
Side Yard (right)	Not Specified	N/A
Rear Yard	Not Specified	5
Min. Building Setbacks (Accessory Building) (ft):		
Primary Front Yard	Not Specified	N/A
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	2
Side Yard (right)	Not Specified	N/A
Rear Yard	Not Specified	2
MPDUs		2
Parking		
Total Parking Spaces Required @1.5 sp/du	18	
Total Parking Spaces Provided		
On-Street		5
Off-Street		13
Manor House Building No. 9		
Max. Number of Units	12	12
Max. Building Height	Not Specified	45
Min. Lot Size (sf.):	Not Specified	5,000
Min. Building Setbacks (ft):		
Primary Front Yard	Not Specified	10
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	N/A
Side Yard (right)	Not Specified	5
Rear Yard	Not Specified	5
MPDUs		2
Parking		
Total Parking Spaces Required @1.5 sp/du	18	
Total Parking Spaces Provided		
On-Street		7
Off-Street		11

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
Manor House Building No. 10		
Max. Number of Units	12	12
Max. Building Height	Not Specified	55
Min. Lot Size (sf.):	Not Specified	5,000
Min. Building Setbacks (ft):		
Primary Front Yard	Not Specified	10
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	N/A
Side Yard (right)	Not Specified	5
Rear Yard	Not Specified	5
MPDUs		2
Parking		
Total Parking Spaces Required @1.5 sp/du	18	
Total Parking Spaces Provided		
On-Street		10
Off-Street		8
Manor House Building No. 11		
Max. Number of Units	12	12
Max. Building Height	Not Specified	55
Min. Lot Size (sf.):	Not Specified	5,000
Min. Building Setbacks (ft):		
Primary Front Yard	Not Specified	10
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	5
Side Yard (right)	Not Specified	N/A
Rear Yard	Not Specified	5
MPDUs		2
Parking		
Total Parking Spaces Required @1.5 sp/du	18	
Total Parking Spaces Provided		
On-Street		15
Off-Street		3
Manor House Building No. 12		
Max. Number of Units	11	11
Max. Building Height	Not Specified	45
Min. Lot Size (sf.):	Not Specified	5,000
Min. Building Setbacks (ft):		
Primary Front Yard	Not Specified	10
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	N/A
Side Yard (right)	Not Specified	5
Rear Yard	Not Specified	5
Min. Building Setbacks (Accessory Building) (ft):		
Primary Front Yard	Not Specified	N/A
Secondary Front Yard (corner lots)	Not Specified	10
Side Yard (left)	Not Specified	5
Side Yard (right)	Not Specified	N/A
Rear Yard	Not Specified	3

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
MPDUs		2
Parking		
Total Parking Spaces Required @1.5 sp/du	17	
Total Parking Spaces Provided		
On-Street		4
Off-Street		13

FINDINGS: For Site Plan Review

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;.*

   An approved development plan or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

   If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the RMX-2 zone as demonstrated in the project Data Table on page 8.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

   a. Locations of buildings and structures

      The location of the buildings and structures are appropriately and efficiently sited on the various lots and parcels. The MPDUs are both clustered into the multi-family buildings and integrated into the townhouse sticks. The dumpster areas for the multi-family buildings are located directly adjacent to the units and are enclosed and screened adequately.

   b. Open Spaces

      The plan continues to provide open space and green space throughout the development, and specifically between units and along the perimeter of the property. The open space along with existing and new trees will provide an attractive setting and visual character throughout the neighborhood.

   c. Landscaping and Lighting

      The proposed landscaping on the site is comprised of street trees for the public and private road network and around the parking facilities. Foundation planting is provided around the multi-family units and includes a mix of shade, evergreen and flowering trees and shrubs. Supplemental planting is included in the perimeter and buffer areas throughout, as well as to the streetscapes to account for areas void of planting.

      The lighting plan for the subject amendment has not changed in terms of locations of poles and fixtures.

d. Recreation Facilities

Recreation facilities in CTC will increase through the Project Plan amendment and Site Plan for the retail core. Existing facilities have been installed in the eastern section of the greenway and include a variety of activities, including tot lot and multi-age play areas, open play areas and community areas.

e. Pedestrian and Vehicular Circulation Systems

The infrastructure is in place to provide access from the street network directly to the units or to garage structures.

Five-foot-wide internal sidewalks are provided in front of each unit type to facilitate pedestrian circulation throughout the development. Additionally, striped crosswalks in the private alleys have been provided from the Manor House buildings to the dumpster enclosures.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses are compatible with other existing uses and site plans in the adjacent development with respect to having similar heights and massing. The location of the structures is also comparable to the location of existing structures within the development and surrounding communities.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Forest Conservation requirements are being satisfied through on-site planting of reforestation and afforestation areas as well as through street tree credits. The planting is in addition to the existing forest being preserved on site.

The proposed stormwater management concept consists of an extended detention dry pond and existing wet pond. Water quality structures are required in areas where open section roads are not feasible.

ATTACHMENTS

A. Plan of Compliance
B. Memoranda from agencies
C. Letter from Applicant

ATTACHMENT A

Plan of Compliance

MCPB
Item # 1
6/15/06

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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

June 1, 2006

MEMORANDUM

TO: Montgomery County Planning Board

FROM: John Carter, Chief (301.495.4575) Community-Based Planning Division
Rose Krasnow, Chief (301.495.4591) Development Review Division

SUBJECT: Plan of Compliance
Clarksburg Town Center

RECOMMENDATION

The staff recommends approval of the Plan of Compliance for the Clarksburg Town Center with the following comments.

1. **Resolution of Violations** - The staff recommends that the Plan of Compliance, with its proposed new amenities and facilities as well as other enhancements be accepted as an appropriate alternative to imposing fines or monetary penalties in accordance with Section 59-D-3.6 (a)(4) of the Montgomery County Zoning Ordinance. The Plan of Compliance will remediate and resolve all findings of violations including other alleged violations that have not yet been resolved by the Planning Board.

2. **Future Review Process** - The Plan of Compliance proposes amendments to the approved Project Plan and the certified Site Plans as indicated in the enclosed "Description of Major Elements Making Up Plan of Compliance", and the "Plan of Compliance Design Concepts" (see attachments). The future approvals include the interim review of Site Plan amendments for Sections 2D and GG and for Manor House Buildings 10, 11 and 12, to be followed by the review of the overall modified Project Plan, Preliminary Plan, the Site Plans, and a new Site Plan for the retail core, as described in the phasing.

   Although the other agencies have been given an opportunity to review the Plan of Compliance, the staff recognize that the information presented is conceptual in nature and that additional review of more detailed plans may require some modifications. At the same time, the staff also recognize the importance that the Mediation Group placed in the Plan of Compliance. The Mediation agreed that any significant changes to the document brought about as a result of the additional level of review will require binding arbitration.

3. **Phasing and Next Steps** - As part of the Plan of Compliance, the staff recommends that the following phasing of development be approved:

   a. **First Stage: Begin Construction** – At the current time, stop work orders are in place in certain designated areas of the community. The public interest is to have construction resume in the Town Center as quickly as possible. If the Planning Board approves the Plan of Compliance, the initial stage of the development will lift the stop work orders on some lots in Section 2D and GG (see Exhibit R of the Plan of Compliance), and Manor House Buildings 7 and 9. The construction of Stringtown Road and Clarksburg Road will also continue. The Planning Board has already approved these lots as shown on a certified Site Plan and Record Plat. Staff does not recommend any modifications to these lots. Section 2D (near the elementary school) and Manor House 9 are located east of Overlook Park Drive. Section GG is located south of Clarksburg Square Road near the retail core and Manor House 9 is located west of Overlook Park Drive to the north of Clarksburg Square Road. These lots include single-family detached units, townhouses, and multi-family buildings. Construction of Stringtown Road between MD 355 and Overlook Park Drive, and Clarksburg Road between MD 355 and Spire Street can also continue in this First Stage.

   b. **Second Stage: Approval of a Revised Site Plan for Section 2G and GG** – The applicant will submit a revised Site Plan for the remaining portions of Section 2D and GG, as well as for Manor House Buildings 10, 11 and 12. Construction will only proceed after the Planning Board approves these revised Site Plans. These Site Plans could be submitted and approved before the modified Project Plan, Preliminary Plan and Site Plans for the entire development are approved.

   c. **Third Stage: Approval of a Revised Project Plan, Preliminary Plan and Site Plan** – The approved overall Project Plan, Preliminary Plan, and Site Plans will need to be revised, and a new site plan for the retail core will need to be approved, before the remaining development in Clarksburg Town Center will be able to proceed. This step is intended to incorporate all of the elements of the Plan of Compliance into an amended overall Project Plan, Preliminary Plan, and the newly approved or amended Site Plans. A new phasing plan for the entire development will also be included as part of this third stage review.

PURPOSE

The Plan of Compliance is intended to address violations of the approved Project Plan and Site Plans and to provide significant improvements to the Clarksburg Town Center to address all violations and other concerns. This Plan of Compliance is the result of a joint effort by the Clarksburg Town Center Advisory Committee (CTCAC), and the developer (Newland Communities) and builders (Bozzuto, Craftstar, Miller and Smith, NV, and Porten Homes).

Violations - On July 7, 2005 after notice to the applicant, the Planning Board found that the approved development was not in compliance with the certified Site Plans. The following violations were found:

1. Established building height limits of 35 feet for single-family units, and 45 feet for multi-family units were exceeded

2. Established front yard setbacks were less than the established design standards

3. On October 6, 2005, after notice to the applicant, the Planning Board also found that the approved development was not in compliance with the approved Site Plans. The Planning Board found that the Amenities and Facilities were not constructed in accordance with the approved Phasing Plan.

Other Concerns - In addition to the identified violations found by the Planning Board, staff was also investigating several other alleged violations, including the following:

1. Elimination of "O" Street and the Pedestrian Mews

2. Phasing and Location of MPDUs

3. Conformance with the Development Standards (including setbacks for side and rear yards, minimum lot area, and lot width minimums)

4. Elimination and Reduction in Size of Alleys and Roadways

5. Changes in Blocks with Respect to Unit Types and Configuration Without Planning Board Approval

6. Modification of Environmentally-related Features

7. Parking Requirements

8. Altered Documentation

On November 25, 2005, the applicant and the Clarksburg Town Center Advisory Committee requested time to address these concerns as part of a mediated attempt to resolve all issues. On December 2, 2005, the Planning Board suspended all violation hearings with the hope that the parties could come to an agreement with respect to a Plan of Compliance that could be submitted to the Planning Board for review and approval.

The parties selected a mediator, the Honorable Barbara Howe, and worked to come to an agreement over a period of 5 months. On May 3, 2006, a Plan of Compliance was submitted to the Planning Board. The proposed Plan of Compliance is intended to address all of the concerns identified above and provide improvements that will foster the creation of a unique community. This report provides the project description, staff analysis and recommendations for the Plan of Compliance.

PROJECT DESCIPTION

The Plan of Compliance includes a set of plans, illustrations, and a written description of the proposed modifications to the existing Project Plan, Preliminary Plan, and Site Plans. This plan is the result of an extensive process to both improve the existing approved project and to address violations and concerns.

The Plan of Compliance calls for significant revisions to the plans submitted, but never approved, for the retail core. The Plan creates a mixed-use core that includes a revised town plaza and town green space, a grocery store, small shops, a library, a mix of live-work units, townhouses, and multi-family units. The new town plaza and green space includes a site for a library, seating areas, street lighting, street trees, and an open air market building for outdoor civic events that will serve as the central focus for the Town Center. Instead of extensive surface parking as proposed in the plan that had been submitted previously to the Department of Park and Planning, the new mixed-use core includes two parking garages lined by three story retail spaces and residences to maintain a pedestrian scale and orientation. These features provide a significant improvement to the approved project.

The Plan of Compliance also proposes a grand stairway with landscaping leading from the Town Center to the Clarksburg United Methodist Church. This will help establish a strong link between the old and the new while creating a much more attractive view. Additional landscaping will be provided along the adjacent street. The Plan also calls for the developer to dedicate an existing town center lot to the church for the provision of a driveway, additional parking, and access for the handicapped. These measures will greatly improve both the vehicular and pedestrian connections from the community to the church.

Along the main street for the Clarksburg Town Center (Clarksburg Square Road), improvements to the land bridge will be provided including new walls, streetlights special paving, curb ramps, and seating areas. The Clark Family Memorial will be constructed at the western edge of the land bridge near the intersection of Overlook Park Drive. This highly visible area serves as the transition area between the eastern and western portion of the Town Center.

The Plan of Compliance seeks to balance the enhanced retail core in the area west of the Greenway with enhanced recreational amenities in the area east of the Greenway. The eastern portion of the Clarksburg Town Center includes Sinequa Square, and the recreation center and pool area. In addition to the features included in the approved Project Plan, Sinequa Square is proposed to include an outdoor amphitheater and additional landscaping. The pool complex will include a new 1,200-square foot community building, providing meeting space with audio/visual wiring and a non-commercial kitchen. The existing pool will be enlarged to accommodate regulation swim meets and a water slide will be added. In addition, a new building containing a year-round, heated lap pool is proposed, along with another 800-square foot concessions building, and expanded parking. These new facilities should more than compensate for the loss of a small pool facility in the western portion of the community and will help unite the two sides of the neighborhood.

The Plan of Compliance also augments and enhances the other amenities in the Clarksburg Town Center. Murphy's Grove Pond, located near Stringtown Road at Clarks Crossing Drive, will include enhanced landscaping, the removal of an existing white picket fence, a fishing pier, and a walking trail. Some of these improvements will be put in place on an interim basis, because the final enhancements to the pond cannot be completed until the facility is no longer needed to provide sediment control for the ongoing construction activity. In addition, the stormwater management area located behind Burdette Forest Road (Stormwater Management Pond #3) will feature a seating area, and a trail connecting to the town plaza. The Plan of Compliance also calls for a new park and townhouses to be provided instead of Condominium Building 6, which was to be a 26-unit building immediately across from and identical to existing Condominium Building 3.

At the end of Clarksburg Square Road, the 70-acre Piedmont Woods Park will be retained. This park will include hard surface courts and picnic areas. The new features in the Plan of Compliance also call for a dog park and hiking trails. This area is proposed for future dedication to the M-NCPPC for maintenance.

ANALYSIS

1. Conformance with the Clarksburg Master Plan

The proposed Plan of Compliance conforms to the guidelines in the Approved and Adopted Clarksburg Master Plan. The Clarksburg Master Plan developed high expectations for building a complete community in the Town Center area. The Plan of Compliance updates and enhances the Town Center area approved in the Project Plan dated April 4, 1995 to foster the creation of a complete community.

Land Use and Mix of Residential Units Plan - The Plan of Compliance is consistent with the guidelines in the Clarksburg Master Plan for the mix of unit types. The Plan of Compliance provides more single-family units and fewer multi-family units than the approved Project Plan. A key feature of the Plan of Compliance is the elimination of one condominium (multi-family) building, and its replacement with townhouses and an additional green area or park. The following table identifies the mix of unit types and the maximum number of total units.

Table: Mix of Residential Units

Unit Types	Master Plan Guidelines	Approved Project Plan	Plan of Compliance
Single Family Detached	10-20%	15% (195 Units)	20% (241 Units)
Single Family Attached and Townhouses	30-50%	50% (650 Units)	54% (661 Units)
Multi-Family Units and Live Work Units (500 Units)	25-45%	35% (455 Units)	26% (319 Units)
Total Units	1,380	1,300	1,221

Mixed-Use Core Including the Retail Center - This area will be substantially revised and improved. The majority of the retail will be located along pedestrian friendly streets instead of adjacent to a surface parking lot. Land will be dedicated for a library and an additional site that can accommodate a parking garage to serve the library. The existing town green will be modified to include a plaza area, an open-air market building, and a smaller green area to serve as the central gathering area for the Clarksburg community. A grocery store will be provided. Structures adjacent to the grocery store will include retail or office space on the first floor with residential uses on the second and third floors.

Transportation and Mobility Plan – The Plan of Compliance retains the emphasis on constructing sidewalks, bikeways, and natural surface trails as proposed in the approved Project Plan. A separate bike trail will be provided parallel to Overlook Park Drive. A natural surface trail will be provided near the existing stream. These items were already included in the approved Project Plan and Site Plans. In addition, the Plan of Compliance will improve the balance of parking throughout the entire development. It includes a minimum of two parking structures within the retail core. On street parking along specified streets will be revised to meet the requirements of the Montgomery County Fire and Rescue Service.

2. Conformance with the Development Standards

The proposed Plan of Compliance is in conformance with the requirements of the RMX-2, and the RDT Zones as indicated in the following table.

Table: Comparison of Development Standards in the RMX-2 Zone

Items	Required/ Allowed	Approved Project Plan	Plan of Compliance
Lot Area (acres)	NA	197.3 (RMX-2) 63.0 (RDT) 260.3 total	197.3 (RMX-2) 63.0 (RDT) 260.3 total
Green Area 1. Commercial Area 2. Residential Area	 15% 50%	 +15% + 50%	 + 15% + 50%
Density of Development (Master Plan Recommendations) 1. Retail and Office 2. Residential	 920,000 SF 1,380 DUs (5-7 DUs/acre)	 250,000 SF 1,300 DUs	 195,500 SF 1,221 DUs
MPDUs	12.5%	12.5%	12.5%

Note: Standards for building height and setback within the different sections of the development will be determined as part of the amended Project Plan and Site Plan.

Building Height – The Plan of Compliance proposes to modify some of the existing Manor House buildings, eliminates an approved multi-family building, and establishes new development standards for the remaining buildings to be approved in the Town Center. The following items summarize the proposed revisions:

- **Retail Core** - Buildings in the retail core will be limited to three stories instead of the four stories approved in the original Project Plan.

- **Condominium Building** - An approved condominium building will be eliminated and replaced with townhouses and a small park.

- **Compatibility Features** - The landscaping plan will be augmented by $1,000,000 to establish compatibility and improve the appearance of the development. These funds, in addition to other features, will be used to mitigate the impact of height and setback on existing units. The Plan of Compliance confirms the construction standards for all existing buildings that will remain. As part of the new Project Plan, Preliminary Plan, and Site Plans, the specific building heights and setbacks for new buildings within each section of the project will be delineated.

Design Standards for Side and Rear Yard Setbacks, Minimum Lot Area, Lot Width at Building Line, and Lot Coverage - The Plan of Compliance accepts the development standards for those buildings already constructed. The revised Project Plan, Preliminary Plan, and Site Plans will carefully describe the development standards for the future development.

3. Amenities and Facilities

The proposed Plan of Compliance augments and enhances the amenities and recreation facilities approved in the Project Plan and Site Plans. The following tables compare the amenities and recreation facilities approved in the original Project Plan with the additional amenities and recreation facilities proposed in the Plan of Compliance.

Table: Comparison of Amenities

Approved Project Plan	Plan of Compliance
- Town Green	- Large enhanced Town Green and Civic Plaza
- Land for a future civic building without parking	- Land for a future library with nearby parking
- Streetscape system	- Streetscape system augmented by a contribution of $1,000,000 in addition to the approved streetscape
- Neighborhood squares and formal green areas	- Neighborhood squares and formal green areas augmented by additional landscaping and parking areas
- Greenway dedicated for park use	- Greenway dedicated for park use
- Specialty planting along greenway roads	- Specialty planting along greenway roads augmented by additional features along the bridge area
- Dedicated elementary school site	- Dedicated elementary school site
- Murphy's Grove Pond area	- Augmented landscaping and park features for the Murphy's Pond area

The Montgomery County Public Libraries reviewed the Plan of Compliance. They support the proposed location and size of the library. The present site provides for a two-story library with a gross floor area of approximately 15,000 square feet and a footprint of 10,000 square feet. The library will be a central feature of the community located in the central plaza area. The proposed location of the parking will allow approximately 45 surface spaces or 90 spaces in a parking garage. The FY 08 Capital Improvements Program includes the cost to design the library, but it does not include the cost of construction for the building or a parking garage. The construction for the library should be coordinated with the construction of the retail core.

Table: Comparison of Recreational Facilities

Approved Project Plan	Plan of Compliance
- 4 Tot lots	- 4 tot lots
- 6 multi-age playgrounds	- 6 multi-age playgrounds
- 3 hard surface courts (tennis courts)	- 3 hard surface courts (2 tennis courts, and 1 basketball court)
- Bikeway system	- Bikeway system
- Natural surface trail within greenway	- Natural surface trail within greenway
- Small outdoor swimming pools (2)	- Enlarged outdoor swimming pool for community swim meets with an additional lap pool for year round use, an 800-square foot public building, a 1,200-square foot civic building, and additional parking areas
- Wading pool (2)	- Wading pool (1)
- Large recreation area/Piedmont Park	- Large recreation area/Piedmont Park*

Note: *The Parks Department has been carefully reviewing the requirements for this park if it is to be a county owned and maintained facility.

4. Phasing and Placement of Moderately Priced Dwelling Units

The Plan of Compliance includes the required number (12.5 percent) of moderately priced dwelling units. These units will be located proportionally throughout the Clarksburg Town Center. A maximum of 55 moderately priced dwelling units will be located west of Overlook Park Drive to ensure that the units are evenly placed throughout the development. Specific block locations will be established during the review of the Project Plan, Preliminary Plan, and Site Plans.

5. Design Standards for Streets and Alleys

The staff met with the Department of Public Works and Transportation. They have been involved in the review of this project and other similar projects for more than a decade. In addition to safety and access, they recognize that appropriate street standards often establish the first impression of a community. At this point in time, the Department of Public Works and Transportation has identified the following items that may need additional review:

- Intersection spacing and sight distance especially for the intersections along General Store Road and Overlook Park Drive

- Pedestrian crossing to connect to Piedmont Park
- Phasing construction for public and private roads especially Overlook Park Drive and Clarksburg Square Road
- Classification of internal roads and the location of on-street parking especially in the retail core

Because the Plan of Compliance is a concept document, these items should be addressed in depth during the review of the modified Project Plan, Preliminary Plan, and Site Plans.

Modifications for the Fire and Rescue Service - The Montgomery County Fire and Rescue Service identified concerns with the function and width of some of the streets. The Plan of Compliance addressed these concerns and proposes eliminating on-street parking on one side of some streets as requested by the Fire and Rescue Service to accommodate emergency access.

Connection to MD 355 - Clarksburg Square Road is proposed to be connected (right-in and right-out) to MD 355, preferably along an alignment that does not require the historic house to be relocated. Final location will be indicated on the future Project Plan, Preliminary Plan, and Site Plan. Improvements are limited to the dedication of the public right-of-way and a construction cost of $500,000.

6. Environmental Plan

The proposed Environmental Plan is intended to preserve the natural environment and establish a transit and pedestrian oriented town without further compromise to the land use plan or the environment. A forested buffer will be retained along all streams, existing mature trees will be preserved and augmented, and a "no net loss" of wetlands policy has been established. The Plan of Compliance will replace one large condominium building with townhouses and a large green area. Additional landscaping will be provided around the Murphy's Grove stormwater management pond, along Overlook Park Drive adjacent to the retail core and stormwater management pond #2, and adjacent to the single-family detached units located near stormwater management pond #3. Other elements of the approved Project Plan remain unchanged.

The Department of Permitting Services has also been involved in the review of this plan and similar plans for over a decade. At this point in time, the Department of Permitting Services has identified the following items that may need additional review:

- Recalculate the impervious area
- Revise the water quality plan
- Provide adequate access to the stormwater features
- Meet area wide Special Protection Area requirements

The Department of Permitting Services looks forward to the next step in the development process.

7. Condominium Buildings and Manor Houses (Condominium Building 5 and 6, and Manor House Building 7, 9, 10, 11 and 12)

Several modifications to these approved buildings are proposed. The following paragraphs summarize the modifications.

Condominium Buildings - Condominium Building 5 will be constructed as shown in the approved Site Plan with revisions that include the elimination of a surface parking area and replacing the parking area with two new townhouse lots.

Condominium Building 6 will be eliminated and the area previously shown for Building 6 will be developed with a new park and townhouses. The townhouses are designed to be four stories not to exceed 55 feet with the back of the first story below grade.

Manor Houses - Building 7 is substantially complete. It will be finished with modifications as shown on the approved Site Plan for the Manor Houses (approved by the Planning Board on February 10, 2005). The Plan of Compliance proposes revisions to the Building 7 parcel to provide for the addition of a curb cut, demolition and reconstruction of an existing parking garage, reconfiguration of surface parking areas, and a new dumpster location.

Manor House Building 9 will also be constructed in accordance with the approved Site Plan with modifications to the building facades. Building 9 is designed to be three stories not to exceed 45 feet. In addition, the following improvements will be provided for Building 9:

- The building façade will be finished with brick veneer on the front and sides only with a stone water table
- The porches will be redesigned
- Window patterns will be adjusted to be consistent with the floor plans

Manor House Buildings 10 and 11 will also be constructed in accordance with the approved Site Plan with modifications. These buildings are designed to be up to four stories and not to exceed 55 feet. In addition, the Plan of Compliance proposes the following improvements to Buildings 10 and 11:

- The buildings will be rotated 90 degrees to face the west to improve the view of these buildings from the retail core area
- The elevations will be adjusted to locate the first floor below grade at the back of the buildings and at grade along the street façade
- Each building façade will be finished in brick veneer on the front and sides only with a stone water table
- The porches will be redesigned
- Window patterns will be adjusted to be consistent with the floor plans

Building 12 will be constructed in accordance with the approved Site Plan with modifications to the building facades. This building is designed to be three stories and not to exceed 45 feet. The modifications include the following:

- The building façade will be finished with brick veneer on the front and sides only with a stone water table
- The porches will be redesigned
- Window patterns will be adjusted to be consistent with the floor plans

8. Parking Requirements

Final off-street parking layouts will be shown in the future Site Plans. On-street parking will be modified as recommended by the Department of Fire and Rescue Service. A parking plan will be included in the Plan of Compliance that meets the required number of spaces. The Plan of Compliance includes the following standards:

Parking for Commercial Core Area - At least two parking structures will be provided for the retail area. Land will be also available for another parking garage to serve the future library. On-street parking will be a key feature of the core area. The combination of on-street and off-street parking will meet the requirements of the Zoning Ordinance.

Parking for Dwelling Units - Each dwelling unit will include the required number of parking spaces for residents and guests. The combination of on-street and off-street parking will meet the requirements of the Zoning Ordinance.

9. Street "O" and the Pedestrian Mews near the Adjacent Church

A new, grand stairway and an access ramp for the handicapped will be provided to connect to the Town Center to the adjacent church. A vacant lot will also be transferred to the church at no cost to provide additional parking, and a potential vehicular connection. Additional landscaping will also be provided.

10. Additional Landscaping and Streetscaping

Additional street trees will be provided adjacent to Sinequa Square; two stages of landscaping will be provided for the Murphy's Grove Pond area. Landscaping and fences will be added to reduce the visibility of the alleys from adjacent residences. The landscaping shown in the approved Site Plans will be augmented in the amount not to exceed $1,000,000 above the approved streetscape system.

11. Sequence of Development Including the Amenities and Facilities

The Plan of Compliance proposes to increase the number and enhance the quality of amenities and facilities. The proposed town plaza and green, the significantly improved swimming pool and recreation area, and improvements to Sinequa Park represent three examples of improvements to the number and quality of amenities and facilities. In general, all phasing of amenities and landscaping will occur during the construction of the adjacent structures. During the review of the Project Plan, Preliminary Plan, and Site Plan, the applicant will provide a detailed phasing plan.

First Stage: Begin Construction – If the Plan of Compliance is approved, construction could commence immediately in parts of Section 2D (located east of Overlook Park Drive near the elementary school) and in parts of Section GG (located south of Clarksburg Square Road near the retail core). The stop work orders should be lifted in only these two sections upon approval of the Plan of Compliance for all lots platted in accordance with the approved site plans and construction can proceed. These sections (see Plan of Compliance, Exhibit R) include both single-family units and townhouses. The almost completed Manor House Buildings 7 and 9 are also included in the first stage.

Second Stage: Approval of a Revised Site Plan for Section 2G and GG - The remaining portions of Section 2D and Section GG will proceed to construction as soon as the Planning Board approves Site Plan modifications related to these areas. Because the Site Plans for these areas have been fully designed and approved, modified Site Plans will be submitted before the new Project Plan and Site Plans for the overall development are presented for approval. The Site Plan for Manor House Buildings 10, 11, and 12 will be included in this Site Plan submittal.

Third Stage: Approval of a Revised Project Plan, Preliminary Plan and Site Plan - The modifications to the existing Project Plan, Preliminary Plan, and Site Plans, as well as a new Site Plan for the retail area, will need to be submitted for review and approval before the remaining development can proceed. A new phasing plan will be included as part of the review of the amended Project Plan, Preliminary Plan, and Site Plans. Work to expand the pool area will not begin until after the summer 2006 season so that residents will not be inconvenienced by these changes.

12. Economics of the Plan of Compliance

The staff recommends that the enhancements proposed in the Plan of Compliance be accepted as an appropriate alternative to imposing fines or monetary penalties. The enhancements provide significant improvements to the planning and design features of the future Clarksburg Town Center. The value of the enhancements proposed in the Plan of Compliance appears to substantially exceed the value of the initially proposed fines. In addition, an extended period of time would be needed to hold hearings and process additional violations and assess fines. Because the proposed Plan of Compliance exceeds the potential value of the initially proposed fines, proposes significant enhancements to the overall Town Center development, and eliminates the extensive time that would be needed to continue to hold violation hearings, the staff finds that acceptance of the Plan of Compliance is in the public interest and offers the best resolution of all outstanding concerns.

The following paragraphs compare the estimated costs of enhancements with the estimated cost of potential fines or penalties. The staff has estimated the costs, and they are not part of the Plan of Compliance. They are intended to provide an order of magnitude for comparison purposes.

Estimated Costs of Enhancements - The Plan of Compliance includes enhancements to the approved Project Plan, Preliminary Plan, and Site Plans. The costs of enhancements estimated by staff follow:

Table: Cost of Enhancements

• Additional landscaping	$1,000,000
• Improvements to Redgrave Place/Clarksburg Square Road	$500,000
• Additional landscaping for Street "O"	$50,000
• Two parking garages for the retail core (840 spaces X $10,000 additional cost per space)	$8,400,000
• Indoor lap pool	$2,000,000
• 1,200-square foot civic building	$180,000
• 800-square foot building for community uses	$120,000
• Market building	$240,000
• Civic plaza	$2,200,000
Total	**$14,690,000**

These costs do not include the elimination of one condominium building, the modifications to the Manor Houses, or the costs incurred as a result of the lengthy work stoppage.

Fines and Penalties – The intent of the Plan of Compliance is to address all of the violations approved by the Planning Board and the identified concerns. The intent is also to enhance existing approved plans for the Clarksburg Town Center with specific and higher quality improvements instead of fines.

To compare the cost of improvements identified in the Plan of Compliance with the cost of the initial fines, the staff has compared the costs established in the above list of improvements with a list of potential fines. The staff report dated November 25, 2005 provided a potential list of fines against builders for failure to comply with the requirements of an approved Site Plan. The following items identify the estimated fines that could be assessed for the violation of the standards for building height and setback:

Table: Violations Approved by the Planning Board and Potential Fines:

• Building Height: 433 Townhouse and 56 Multi-family Violations (489 X $1,500 each = $733,500)*	$733,500
• Building Setback: 102 Violations (102 X $1,500 each = $153,000)*	$153,000
• Phasing of Amenities and Facilities*	$250,000

Note: * Specific amounts for the fines have not been determined

Table: Staff Recommendations of Fines for Violations not Approved by the Planning Board (Recommended in the November 25, 2005 Memorandum):

• Recording lots before approval of Phase II Signature Set	$140,000
• Obtaining building permits before approval of record plats	
• Phase II Signature Set	$1,930,000
• Seeking building permits not in conformance with signature sets (Bozzuto)	$20,000
• Beginning construction before signature set approval (Bozzuto)	$20,000
Total	**$3,246,500**

On December 2, 2005, the Planning Board suspended the discussion of violations and fines to give the developers and builders, and the Clarksburg Town Center Advisory Committee time to address issues and resolve any differences. The Plan of Compliance is the result of the mediation efforts during the Planning Board suspension of the discussion of violations and fines. Staff understands that the amount of fines shown in the above table could be less than the fines that might be imposed by the Planning Board if the discussion of violations continues. Since the enhancements proposed in the Plan of Compliance seem to significantly exceed the value of the fines, the staff recommends that the Plan of Compliance be accepted.

PUBLIC OUTREACH

Before the mediation team met to discuss issues, the Planning Board held a hearing in Clarksburg. After a tour of the Town Center area, the Planning Board received testimony from the staff and the general public. The hearing produced an extensive list of amenities, facilities, and requests for improvements to the Town Center. The list of improvements formed the initial list of items to be addressed during the mediation process.

The mediation group met to resolve differences between December 2005 and May 2006. The Plan of Compliance is the result of the joint effort of the mediation group that included representatives of the Clarksburg Town Center Advisory Committee and the developer and builders (developer: Newland Communities, and builders: Bozzuto, Craftstar, Miller and Smith, NV, and Porten Homes). During the meetings held by the mediation group, the staff of the Community-Based Planning Division and the Development Review Division served as observers and, upon request, as a primary resource for the group including the retained architects, landscape architects and engineers. Other staff attended these meetings, including representatives of the Countywide Planning Division, representatives of the Park Planning Section, and staff from the County Executive, including representatives of the Department of Permitting Services and the Department of Public Works and Transportation. During the meetings, the staff did <u>not</u> participate in the specific negotiations between the Clarksburg Town Center Advisory Committee and the developer and builders.

After the Plan of Compliance was prepared, the Planning Board held a second hearing to receive testimony and comments from the Clarksburg community. This hearing produced a generally favorable response from the community concerning the items included in the Plan of Compliance. The community seemed especially pleased with respect to the new design and the enhancements proposed for the future development.

Since this second hearing, staff has held a series of meetings with numerous County agencies. Meetings have been conducted with representatives of the Parks Department, the Montgomery County Public Libraries, the Department of Permitting Services, the Department of Public Works and Transportation, and the County Executive's office. Comments from these agencies have been incorporated into the analysis section of this report.

CONCLUSION

The staff recommends approval of the Plan of Compliance. The staff finds that the mediation efforts have produced significant improvements and enhancements to the Clarksburg Town Center. The Plan of Compliance conforms to the guidelines in the Master Plan, and the development standards in the RMX-2 Zone. It provides significant civic spaces and recreation facilities, and a new mixed-use center.

Approval of the Plan of Compliance will end the discussion of violations and allow the applicant to proceed with development in accordance with the staging plan described in the above paragraphs. Approval of the Plan of Compliance will render the alleged violations moot. The staff finds that the Plan of Compliance is sufficient to remediate and resolve all categories of violations at this time.

JAC:RK:ha: j:\2006 staff reports\Clarksburg Plan of Compliance

Attachments:

1. Clarksburg Town Center - Submission of Plan of Compliance (Letter from Linowes and Blocher, dated May 3, 2006)
2. Clarksburg Town Center - Plan of Compliance Design Concepts, dated April 20, 2006
3. Correspondence Received

ATTACHMENT 1

LINOWES | AND | BLOCHER LLP
ATTORNEYS AT LAW

May 3, 2006

Stephen Z. Kaufman
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By Hand Delivery

Ms. Rose Krasnow
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Clarksburg Town Center – Submission of Plan of Compliance

Dear Ms. Krasnow:

On behalf of Newland Communities LLC and NNPII – Clarksburg LLC (collectively, "Newland Communities") and in accordance with the Planning Board's direction, the purpose of this letter is to submit for Staff review a proposed Plan of Compliance for the Clarksburg Town Center development. This Plan of Compliance was prepared in detailed collaboration with and is assented to by Newland Communities, Clarksburg Town Center Advisory Committee ("CTCAC"), and each of the builders within the Town Center (*i.e.*, Bozzuto Homes, Miller and Smith, Craftstar Homes, Porten Companies, and NV Homes).

The Plan of Compliance is also being submitted in furtherance of the mediated settlement agreement reached among the parties.

The Plan of Compliance consists of a comprehensive set of baseline plans, a detailed narrative description of proposed modifications to the baseline plans, including a detailed description of the intended effect of the Plan of Compliance, and supporting exhibits depicting the proposed modifications. It is anticipated that in the event the Staff recommends and the Planning Board approves the Plan of Compliance, detailed amendments to the existing Project Plan , Preliminary Plan and Site Plan approvals will be prepared consistent with the Plan of Compliance and submitted for review by Staff and action by the Planning Board.

We have enclosed three (3) complete copies of the proposed Plan of Compliance with the above identified exhibits. If additional copies of the Plan of Compliance or any of its component parts are needed, please contact us.

Sincerely,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman

Todd D. Brown

cc: (w/o enclosures):
Planning Board Members
Hon. Barbara Kerr Howe
Mr. Douglas Delano
Martha Guy, Esq.
Sharon Koplan, Esq.
David Brown, Esq.
Robert Brewer, Esq.
Timothy Dugan, Esq.
Barbara Sears, Esq.
Scott Wallace, Esq.
Ms. Nanci Porten

#606039 v1

CLARKSBURG TOWN CENTER

DESCRIPTION OF MAJOR ELEMENTS MAKING UP PLAN OF COMPLIANCE

Retail Core

The Clarksburg Town Center ("CTC") will have a mixed-use core made up of five distinct blocks, including a residential area and a significant central civic plaza located on the north side of the original main street identified as Clarksburg Square Road ("CSQ").

The retail core (identified as Blocks 1, 2, 3, 4 and 5) will be constructed along both sides of a new main retail street known as General Store Drive and it is anticipated it will contain a mixture of small and large shops and several restaurants. It will also include a grocery store with a footprint of approximately 51,000 square feet ("sf"), plus a potential mezzanine space that would allow expansion up to a total of 65,000 sf. The overall retail square footage will be at least 168,000 sf of which 40,000 sf will be contained in live/work townhouse units having retail on the street level and two-story residential above. The overall retail square footage may be expanded by an additional 18,000 sf if an alternative option is chosen to be built in Block 4 of the retail core.

Block 5 of the retail core will be the location of the grocery store. Construction of Block 5 will begin first, with construction of Block 3 to begin shortly after groundbreaking on Block 5. Each will be built around one, 2 to 3-level parking structure depending on the topography and will contain retail at street level with either 2-story residential above the retail or will be lined with 3-story live/work townhouse type units.

As previously indicated, Block 4 will be presented in a 2 alternative format, one with townhouse and live/work units constructed around a surface parking lot. The second alternative would contain an additional 18,000 sf of street retail space which in turn may trigger the need for a third parking structure. The decision as to which alternative will be constructed on Block 4 will be made by Newland based upon market conditions. In either event, it is intended that the three core retail blocks be constructed in a continuous manner and simultaneously with the residential units and civic plaza located on the north side of CSQ in the area identified as Blocks 1 and 2 of the core. At minimum, plans are to complete Block 5 of the main retail area prior to full occupancy of the residential units in the five block, mixed-use core of the Town Center.

The new civic and community plaza will contain a centrally located and expanded site for the proposed Clarksburg library to be constructed by Montgomery County with a nearby area also set aside for library parking. The plaza will be lined on the north with 23 live/work townhouse units and it will contain a 2,000 sf roofed open-air market building with appropriate janitorial and utility facilities provided. The civic plaza will also feature a bosque, and a central fountain with seat wall and paved and landscaped sections adjacent to the library and market building. The eastern portion of the civic plaza will be a landscaped town green and will be adjacent to Overlook Park Drive and the stream valley that separates the east and west neighborhoods of the CTC. The memorial to the Clark family will also be moved to an area at the intersection of CSQ and Overlook Park Drive.

Amenities and Landscaping

To replace the once-contemplated smaller pool on the west side of the community, the existing pool complex on the east side will be enhanced to create a multi-use recreational center. The enhanced center will contain a year-round enclosed heated 2-lane x 25 meter lap pool with associated bath and locker facilities. In addition, the existing main pool will be extended to measure 25 meters in length, and the pool surface area will be widened by an additional 8 feet. A water slide will be added. Two new civic buildings will also be constructed. One will be a 1,200 sf community building with meeting space and a non-commercial kitchen. The second building will contain 800 sf and will be located at the corner of Sugarloaf Chapel and Catawba Hill Road. It will have utilities provided and will be operated as a shop by the Homeowners Association ("HOA"). In providing the changes to the expanded pool complex, Newland will endeavor to minimize disruption of summer pool use and will begin construction as soon after 2006 summer season as required government approvals and permits will allow.

The revised concept for completion of the CTC also envisioned several other enhancements to proposed amenities. These include a redesigned Sinequa Square Park with amphitheater-style tiered lawn seating above a hardscape elliptical plaza. There will be additional tree-lined parking, and interim and long-term upgrades to the stormwater management feature known as Murphy's Grove Pond. Recreational facilities will also be provided in the 70-acre area east of the recently constructed Piedmont Road including two tennis courts, a basketball court, a dog park with natural features, a multi-age playground, picnic area, lighted parking area, and natural surface paths with seating areas. These facilities and the 70-acres will be dedicated to the County park system.

In addition to the design and physical changes to the CTC, there will be significant upgrading of general landscape and streetscape features to be provided in the remaining areas to be constructed in both the retail and residential sections of the core area of the plan. There will also be enhancements to selected existing street and landscape areas in the previously built parts of the community and to stormwater ponds #2 and #3. The Clarksburg Town Center Advisory Committee ("CTCAC") will be consulted concerning planning and design preparation for the plan amendments to be filed with the County and will have discretion to direct the expenditure of a $1 million fund for land and streetscape enhancements as part of the overall amenity, land and streetscape program (this $1 million fund is identified in Paragraph L, "Additional Landscaping/ Streetscaping", below.

Phasing of Significant Amenity and Landscaping Elements Situated Outside of the Retail Core

A number of significant amenity and landscaping elements will be coordinated with the construction of the new Retail Core as follows:

1. The land bridge connecting the east and west neighborhoods of the CTC will be constructed in conjunction with the completion of Overlook Park Drive and will be open to traffic when Overlook Park Drive is opened.

2. Completion of the Clark Memorial will be coordinated with the dedication of the new Retail Town Square.

3. The bike path adjacent to Overlook Park will be constructed in coordination with the timing of construction of Overlook Park Drive.

4. The modifications and additions to the existing pool complex will be constructed as described in the amenities and landscaping section of this Plan of Compliance.

5. The improvements to Sinequa Square and the bosque parking areas will be completed in conjunction with the pool modifications and additions.

6. The park in Block H will be developed in conjunction with and immediately following construction of all adjacent residential buildings.

7. Work on the initial phase of Murphy's Grove Pond will begin immediately after approval of the Plan of Completion and issuance of any required permits. The Second Phase will be implemented as soon as construction of Stringtown Road and all development of land associated with stormwater drainage to Murphy's Grove Pond has been completed.

8. Burdette Forest Park (stormwater management facility) will be put in its final configuration immediately upon completion of residential build-out in Phase 2D.

9. At the time of submission of amendments to the Project and Site Plan, Newland will propose a phasing schedule for Piedmont Woods improvements and dedication to the County of the park and related acreage for no later than March 31, 2008.

10. At the time of submission of amendments to the Project and Site Plan, Newland will also propose a phasing schedule for completion of all greenway trails in coordination with the completion of the retail core area. At that time, Newland will also develop the phasing plan for completion of landscaping and hardscaping for each individual construction area as soon as practically possible after all construction activity is completed and damage to landscaping materials can be avoided.

Clarksburg United Methodist Church Connection

The revised plan for the CTC envisions a new grand stairway and ADA compliant ramp and driveway to connect the Clarksburg United Methodist Church directly to the community. Land will be offered to the church to help meet its parking needs.

Master Developer and Builder Coordination

Going forward, the Master Developer and the Builders, in coordination with CTCAC, will cooperate to create a new set of overall development standards subject to the provisions hereof. The new standards will bring all existing, built homes into compliance with respect to height, setbacks, lot size, and other development standards, as well as set the standards for new construction. In sections 2D, Block GG (Lots 10-25, plus any replacement lots for Block GG, Lots 26-32, 2 and 3), Block L (Lots 7-11), and Block EE (Lots 18, 19, and 38 or their replacements), homes will be built in accordance with previously recorded plats, and the Builders' Existing plans already approved by the Master Developer (Newland or its predecessor). Such Builder Plans will be used to establish the development standards for these sections going forward and to allow those earlier approved unit types to be constructed. CTCAC, the Master Developer, and the Builders will review the existing Clarksburg Town Center architectural guidelines for possible modifications to be applied to new areas of construction, with the exception of the lots described above. Individual Builders have committed to CTCAC that they will address "high visibility lots" in a manner consistent with past procedures and/or make architectural changes to certain buildings.

County Participation

Implementation of this Plan of Compliance is dependent upon the cooperation of all applicable regulatory agencies and governmental authorities in the expeditious processing, review and approval of all relevant applications for development approval and construction activities, including the grant of any waivers to implement this plan which are authorized by law and are consistent with the public health, safety and welfare.

Detailed Plan of Compliance

The Plan of Compliance shall be as shown on Exhibit A with the following specific modifications subject to the specific provisions hereof. All measurements are approximate and subject to reasonable construction tolerances:

A. Development Program

1. A maximum of 1,221 units shall be developed.[1]

2. The unit mix shall be governed by the following maximum counts:[2]

241 single family detached units

266 multi-family units

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[1] Total Unit Count includes up to 8 potential townhouse units in Section GG pursuant to Paragraph A.4. below and up to 44 units in Block 4 of the retail core pursuant to Paragraph A.5. below.

[2] Unit mix does not reflect potential 3 additional units of various types under the Block 4 Alternative plan.

661 townhouse units (including flex units)

50 live/work residential units

3. The retail core shall contain at least 168,000 square feet of retail uses, inclusive of 40,000 square feet of first floor live/work retail/office space. An additional approximate 7,680 square feet of first floor live/work or retail/office flex space and 11,200 square feet of retail space may be developed in accordance with an alternative plan for Block 4 within the retail core, to be shown on proposed Project Plan and Site Plan applications ("Block 4 Alternative"). Under the Block 4 Alternative plan, a total of 42,040 square feet of retail/live work space would be provided for a retail core total of 195,500 square feet of retail, including first floor live/work space.

4. Up to an additional eight townhouse units may be developed in Block GG pending environmental review and suitability.

5. Up to an additional 3 units of various types may be developed within Block 4 in accordance with the Block 4 Alternative plan, bringing the total number of units in Block 4 to 44 units under the Block 4 Alternative.

B. **Retail Center (Blocks 1-5)**

Blocks 1-5 shall be developed as shown on Exhibit B, including the following elements:

1. Dedicate land for library and related parking structure and grade to surrounding road system. Library and related parking structure to be constructed by Montgomery County.

2. The plaza at the library site shall include a fountain with seating wall, conceptually in accordance with Exhibit C-1 or C-2.

3. Construct a single story 2,000 square foot roofed, open air market building, with a janitor/storage closet (with sink), water/sewer and electrical connections.

4. Block 3 immediately to the east of Block 4 with frontage on both Clarksburg Square Road and General Store Drive will contain first floor retail with two-story residential above, live/work units, and liner townhomes, all constructed around a 1-2 story parking structure.

5. Development located on the southeast side of Block 4 shall be approved in the alternative as either (i) flex residential with first floor retail/office space permitted at the unit owner's discretion; or (ii) as retail space (*i.e.,* the Block 4 Alternative plan).

6. The footprint of the grocery use in Block 5 shall be approximately 51,000 square feet. The grocery store may also include mezzanine space, but the total leaseable square footage of the grocery store shall not exceed 65,000 square feet. Block 5

will also contain a structured 2 or 3 story parking garage with the upper parking level at grade to accommodate the grocery store.

7. The depth of the retail uses along General Store Drive shall be 60 feet.

8. The loading dock of the grocery store shall be located as close to the rear of the grocery building as grades will allow.

9. Units adjacent to the grocery store building and units located on the southwest side of the parking structure within Block 5 shall be approved as flex residential space, with first floor retail/office use permitted at the unit owner's discretion.

C. **Parking**

A composite parking plan exhibit will be prepared and submitted to M-NCPPC as part of this Plan of Compliance, taking into account the following:

1. Parking shown on Exhibit A shall be modified in accordance with the plans approved by the Montgomery County Fire and Rescue Services attached hereto as Exhibit Q; and

2. Parking within the Retail Core (*i.e.*, Blocks 1, 2, 3, 4 and 5) shall be modified to provide (a) on-street parking where practicable; (b) separate structured parking facilities each in Blocks 3 and 5; (c) a third structured parking facility in Block 1 for the library to be funded and constructed by Montgomery County; and (d) potentially a fourth structured parking facility that may be constructed in Block 4 in the event the Block 4 Alternative with the additional uses described above is constructed.

D. **Block GG**

1. Six live/work units shall replace the eight townhouse lots and one single-family detached lot currently platted (Plat Nos. 22766 (Lots 2 and 3, Block GG) and 23038 (Lots 26-32, Block GG)). The alignment of Clarksburg Square Road shall be adjusted to create a green space on the north side of the road. An additional unit shall be permitted to close in the driveway in Block FF.

2. The residential block west of the live/work units discussed in D.1. above shall permit first floor office/retail at the unit owner's discretion.

3. Eight additional units shall be permitted within the stream valley buffer, provided impacts upon adjacent stream can be sufficiently reduced to protect water quality.

E. **Route 355 Connection**

1. Clarksburg Square Road shall be extended to connect with Route 355, preferably along an alignment that does not require the historic house to be removed or relocated. The proposed alignment or acceptable alternative shall be shown on

the Project Plan Amendment and Site Plan applications to be filed to implement this Plan of Compliance.

2. Newland's total cost to make the Route 355 connection shall not exceed $500,000.

F. **Clarksridge Road**

1. A grand stairway and handicap accessible ramp shall be constructed to connect Clarksridge Road with the Clarksburg United Methodist Church property consistent with the concept design shown on Exhibit D.

2. Following approval of the Project Plan amendment and Site Plan applications (including certified site plans) needed to implement this Plan of Compliance, fee simple title to Parcel C, Block EE, as shown on Plat No. 22368 recorded among the Land Records of Montgomery County, Maryland shall, if desired by the Church, be offered to and transferred at no cost to the Clarksburg United Methodist Church.

3. Developer will add $50,000 to its landscaping budget for Clarksridge Road landscaping between the Church and Public House Road.

G. **Clark Family Memorial**

1. The Clark Memorial shall be installed at the corner of Clarksburg Square Road and Overlook Park Drive as shown on Exhibit E-1 or Exhibit E-2.

2. Clark Family items shall be incorporated into the memorial per Exhibit F.

H. **Recreation Center/Pool Complex (Exhibit G)**

1. The pool complex located west of Overlook Park Drive shall be deleted and replaced with not less than three additional detached-garage townhouse lots and eight additional integral-garage townhouse lots or similar combination.

2. An enclosed heated lap pool (2 lanes x 25 meters) shall be constructed as a part of the recreation center/pool complex located east of Overlook Park Drive. This facility shall contain restrooms, including lockers, water and sewer, and electrical connections.

3. The existing main pool shall be extended in length to 25 meters and shall be widened by 8 feet.

4. A slide shall be installed for the main pool at the appropriate depth location.

5. An approximately 1,200 square foot civic building shall be constructed at the pool complex providing meeting space with audio/visual wiring and a non-commercial kitchen.

6. An 800 square foot building shall be constructed at the corner of Sugarloaf Chapel Road and Catawba Hill Road with water and sewer connections for future operation and fit-out by the HOA.

I. **Sugarloaf Chapel Drive**

1. Demolish Sugarloaf Chapel Drive in front of the existing Residents Club Pool complex.

2. Install additional parking plaza with a bosque and paver in this area consistent with Exhibit H. Parking area will be either (i) all pavers; or (ii) part pavers and part asphalt. (See Paragraph J.2. below.)

J. **Sinequa Square**

1. Demolish existing fountain and infrastructure as necessary.

2. Install amphitheater-style tiered lawn seating above an elliptical plaza consistent with Exhibit I. If the Sugarloaf Chapel parking area identified in Paragraph I.2. above is constructed as all pavers, the elliptical area within the center of Sinequa Square (identified on Exhibit I as "Flat lawn for play (symmetrical on diagonal axis)") shall be an all grass area. If the Sugarloaf Chapel parking area is constructed as part paver/part asphalt, the elliptical area within the center of Sinequa Square (identified on Exhibit I as "Flat lawn area for play (symmetrical on diagonal axis)") shall be all pavers.

3. Install trees surrounding the Square and other landscaping/hardscaping in and around the Square as appropriate, to be determined in Developer/CTCAC design sessions prior to Site Plan submission.

K. **Alley Entrances (Exhibits J-1 and J-2)**

1. To improve the appearance of terminating alley views, in coordination with CTCAC install landscaping, fencing or both, as appropriate, at select locations to be shown on the Site Plan application(s), subject to owner permission and utility easement restrictions.

2. Total budget of the treatments specified in K.1. above shall not exceed $270,000.

L. **Greenway Trails**

1. Construct a separate eight-foot asphalt bike path with landscaped overlook rest areas parallel to Overlook Park Drive.

2. Pathway within Greenway shall be natural surface. Other trails and landscaping to be constructed as shown on baseline plans.

3. At select locations to be shown on the Site Plan application(s), install teak benches and signage along paths and timber bridges over wetlands and stream crossings.

4. Modify (without expanding) existing culvert under Clarksburg Square Road to accommodate pedestrians, if permits can be obtained, including concrete walkway and handrails within culvert.

M. **Additional Landscaping/Streetscaping**

Additional landscape/streetscape features to be reviewed with and directed by CTCAC prior to submission shall be shown on the Site Plan application(s). The total additional cost for these features, *i.e.*, above baseline features costs, shall not exceed $1 million.

N. **Additional specific Landscaping Features and Piedmont Park improvements that are not included in "M" above**

1. Install single row of London Plane Trees (4" caliper, 25' on center) in front of two-over-two units on Catawba Hill Drive fronting Sinequa Square. No modification to sidewalk, curb or paving shall be made in this area.

2. Install interim landscaping at Murphy Grove Pond as shown on Exhibit K as soon as possible after approval of this Plan of Compliance.

3. Install additional landscaping/improvements to Murphy Grove Pond as shown on Exhibit L upon completion of Stringtown Road and Block H.

4. Piedmont Woods Park (located east of Piedmont Road) shall be improved with a parking lot with lighting, picnic area, two tennis courts, one basketball court, dog park with natural features, multi-age play areas, and natural surface paths with three seating areas along the paths as shown on Exhibit M.

O. **Bozzuto Buildings**

1. Building 5, as shown on the Original Phase II Site Plan, will be constructed with the revisions shown on the "Eastside Building 5 and 6, Block 2 Proposed Plan with Program" (the "Eastside Plan"), attached as Exhibit N, that include elimination of a surface parking area and replacing the parking area with two new townhouse lots. No changes to elevations or building architecture are included.

2. Building 6 will be eliminated as shown in the Original Charrette Plan and Building 6 will be developed with a new park, townhouse lots and tower house lots, as shown on the Eastside Plan. Also, the townhouses are designed to be four (4) stories not to exceed 55 feet in height with the rear of the first story below grade.

3. Building 7, which is substantially complete, will be finished as shown on the Manor Homes Amendment (presented to the Planning Board on February 10,

2005) (the "Manor Homes Amendment"). When the Planning Board executes the Site Plan Signature Set for the Manor Homes Amendment now pending signature approval with the Planning Board, it will be for the limited purpose of allowing the construction of Building 7 and Building 9 to proceed as shown on the Site Plan Signature Set. The amendments to the proposed development on the Bozzuto Parcel for Building 7 are shown on Exhibit O. The Bozzuto Site Plan Amendment as to the Building 7 parcel will include the addition of a curb cut, demolition and reconstruction of the existing parking garage and reconfiguration of surface parking areas and dumpster location.

4. Building 9 will be constructed in accordance with the Manor Homes Amendment. In addition, (a) each building façade will be finished with brick veneer on the front and sides only and a stone water table, (b) the porches will be redesigned, and (c) windows will be adjusted to be consistent with existing floor plans. Building 9 is designed to be three (3) stories not to exceed 45 feet in height.

5. Buildings 10 and 11 will be constructed in accordance with the Manor Homes Amendment. In addition, (a) the elevations for Buildings 10 and 11 will be as shown on Exhibit P-1 and Exhibit P-2, respectively, (b) Buildings 10 and 11 will each be rotated 90 degrees to face the west to improve the view of the buildings approaching from the Town Center, (c) Bozzuto will adjust the elevations of these buildings so the first floor is below grade at the back of the building and at-grade along the street, (d) each building façade will be finished with brick veneer on the front and sides only and a stone water table, (e) the porches will be redesigned, and (f) window patterns will be adjusted to be consistent with existing floor plans. The buildings constructed on Lots 10 and 11 are designed to be up to four (4) stories not to exceed 55 feet in height.

6. Building 12 will be constructed in accordance with the Manor Homes Amendment. In addition, (a) each building façade will be finished with brick veneer on the front and sides only and a stone water table, (b) the porches will be redesigned, and (c) windows will be adjusted to be consistent with existing floor plans. Building 12 is designed to be three (3) stories and not to exceed 45 feet in height.

7. Development and construction with respect to Buildings 7, 9, 10 and 11 shall not be conditioned on the commencement of construction with respect to any other Building or any other amenities or other aspects of CTC, including, without limitation, recreational facilities, streetscape, open space, pedestrian connections that are not proposed for construction as part of Buildings 7, 9, 10 and 11, nor shall Bozzuto Homes, Inc. have any contribution obligations with respect to the Plan of Compliance, except this Paragraph O.

P. **Moderately Priced Dwelling Units**

1. 12.5% of the total number of units within Clarksburg Town Center shall be MPDUs.

2. Not more than 55 MPDUs shall be located west of Overlook Park Drive. Specific block locations and unit types to be set forth on project and site plan amendment submission.

Q. **Development Standards**

In connection with amendments to the Project Plan and Site Plan(s) needed to implement this Plan of Compliance, applicant, in coordination with CTCAC shall propose a comprehensive overall set of development standards for building height, setbacks and lot sizes which shall govern various sections of the project and which development standards shall be consistent with, and allow for, development in accordance with the Plan of Compliance as modified herein. However, different standards may apply to different sections of the development depending on the character of the area to be created and the status of construction within each area.

R. **Emergency Access Requirements**

Existing infrastructure shall be retrofitted to comply with Montgomery County Fire Rescue Services approval dated March 29, 2006 and as shown on Exhibit Q.

S. **Outcome/Effect of Plan of Compliance**

If approved by the Planning Board, this Plan of Compliance will:

1. State that the Plan of Compliance remediates and resolves all interim findings of violations by the Planning Board, all findings of violations recommended by Staff of M-NCPPC, and all allegations of violations that have been made or could have been made as of the date of the Planning Board's approval of the Plan of Compliance.

2. State that the Plan of Compliance shall govern all future approvals of project and site plans and the Board will not impose additional monetary or in-kind exactions as conditions of approval; provided, however, that in the event the Plan of Compliance is not implemented in accordance therewith, the Planning Board reserves the right to take enforcement action authorized by law.

3. State that because the Plan of Compliance is sufficient to remediate and resolve all categories of alleged violations, further proceedings to reach final determination on alleged violations are moot and will not be undertaken by the Board.

4. Establish that the Adequate Public Facilities validity period for development shall be valid and in full force and effect until completion of the development contemplated thereby.

5. Be the equivalent of a binding pre-application as to the anticipated Project Plan, Site Plan and, if necessary, Preliminary Plan amendments.

6. State that all dwelling units built and/or occupied that were the subject of alleged violations or determined to be violations by the Planning Board are "grandfathered".

7. State that neither a default by any other party under the Plan of Compliance or any other approved plan or permit with respect to the CTC nor any failure of any party to comply with any such approval, plan or permit shall be deemed to be a default or failure to comply by any other party.

The Plan of Compliance is submitted without prejudice to or waiver of the parties existing rights or defenses and if the terms and conditions of approval of the Plan of Compliance are not acceptable to an impacted party, then the Plan of Compliance shall (unless otherwise agreed by the impacted party or parties) be withdrawn as to the impacted party or parties and, in such event, shall be ineffective as to those parties.

T. **Lift of Stop Work Orders dated September 20, 2005 and November 23, 2005**

If approved by the Planning Board, the Plan of Compliance shall also constitute the Planning Board's determination that the Stop Work Orders dated September 20, 2005 and November 23, 2005 shall be lifted with respect to the lots/units so identified on Exhibit R and construction of such lots/units may proceed immediately. The Site Landscaping Plans – Phase II (cover sheet and sheets L-1 through L-39) comprising a part of Exhibit A hereto shall become a part of the site plan drawings for Phase II, subject to potential modification pursuant to Paragraph M above, as a part of the anticipated project plan, site plan, and/or preliminary plan amendments. The lifting of the Stop Work Order as to the remaining lots/units identified on Exhibit R shall occur contemporaneously with an approval by the Planning Board of a site plan amendment consistent with the recorded subdivision plats for such lots/units.

U. This Description of the Major Elements Making Up the Plan of Compliance is incorporated into, and made a substantive part of, the plans included in Exhibits A - R as modified herein (collectively the "Exhibits") as if fully set forth on the Exhibits.

Index of Exhibits

Exhibit A:	Baseline Plans - Index (4 sheets) and Plans (148 sheets)
Exhibit B:	Blocks 1-5, Retail Core Plan and Program (2 sheets)
Exhibit C-1:	Town Center Green Plan (Alternative 1 -- 1 sheet)
Exhibit C-2:	Town Center Green Plan (Alternative 2- 1 sheet)
Exhibit D:	Grand Staircase at Clarksburg United Methodist Church Plan (1 sheet)
Exhibit E-1:	Greenway Bridge Plan (Alternative 1 – 1 sheet)
Exhibit E-2:	Greenway Bridge Plan (Alternative 2 – 1 sheet)
Exhibit F:	Clark Memorial Plan (1 sheet)
Exhibit G:	Residents Club Pool Plan (1 sheet)
Exhibit H:	Sinequa Square Amphitheater Parking Plan (1 sheet)
Exhibit I:	Sinequa Square Plan (1 sheet)
Exhibit J-1:	Alley Entrance I Plan (1 sheet)
Exhibit J-2:	Alley Entrance II Plan (1 sheet)
Exhibit K:	Murphy Grove Pond Interim Plan (1 sheet)
Exhibit L:	Murphy Grove Pond Ultimate Plans and Pier Sketch (2 sheets)
Exhibit M:	Piedmont Woods Park Plan (1 sheet)
Exhibit N:	Eastside Building #5 and #6, Block 2 Proposed Plan with Program (1 sheet)
Exhibit O:	Bozzuto Building #7 Enlarged Charette Site Plan (1 sheet)
Exhibit P-1:	Bozzuto Building #10 Elevations Plan (1 sheet)
Exhibit P-2:	Bozzuto Building #11 Elevations Plan (1 sheet)
Exhibit Q:	Montgomery County Fire Rescue Services Modification Plans Index (1 sheet) and Plans (12 sheets)
Exhibit R:	Identification of Lots/Units subject to Lifting of Stop Work Order (3 sheets)

Exhibit A

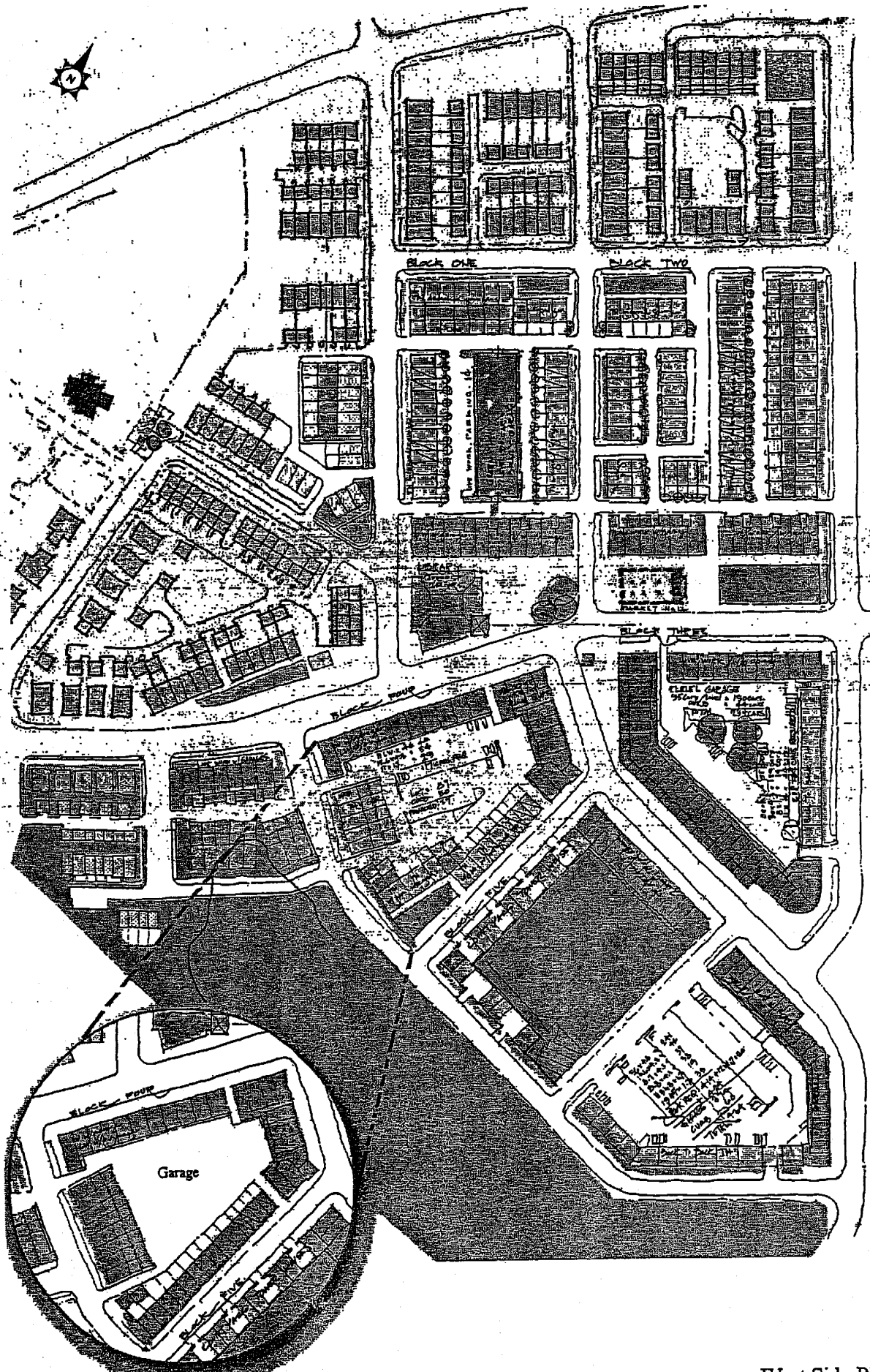
(BASELINE PLANS)

Title of Plan	Sheet Nos.	MNCPPC/DPS Approval Date or Most Recent Revision Date
Phase IA Site Landscaping Plan **Note:** Coversheet also included, but list of plans on Coversheet does not include Sheet L-11A.	L-1 L-2 L-3 L-4A L-4B L-4C L-4D L-4E L-4F L-4G L-5A L-5B L-6 L-7A L-7B L-08 L-09 L-10 L-11 L-11A	05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03 05/30/03
Public Storm Drain, Paving & Street Lighting Plan	1 2 3	11/20/02 (Revs. 1, 2 - 09/09/03) 11/20/02 (Revs. 1, 2 - 09/09/03) 11/20/02 (Revs. 1, 2 - 09/09/03)
Storm Drain & Paving Plan – N Contract	1 2 2A 3 4 5 6 7 8 9 10	09/23/03 03/11/05 03/11/05 09/23/03 (Rev. 5, 02/03/04; Rev 6, 08/09/05) 09/23/03 09/23/03 (Rev. 4, 01/07/04) 09/23/03 09/23/03 09/23/03 (Rev. 4, 01/07/04; Rev. 5, 02/23/04) 09/23/03 (Rev. 4, 01/07/04) 09/23/03

Site Landscape Plan Phase IB, Part 3	Coversheet L-1 L-2 L-3 L-4 L-5 L-6 L-7 L-8 L-9 L-11A L-11B	10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02 10/31/02
Storm Drain and Paving Plan Phase IB, Part 3, Lots/Blocks: 1-53/F, 9-24/O, Parcels A, B & C	1 2 3 4	11/28/01 (Rev. 1, 01/14/02) 11/28/01 11/28/01 11/28/01
Final Landscape/Hardscape Plan Phase IB-1	Coversheet L-1 L-2 L-3 L-4 L-5	04/26/02 (CD Set) 05/06/02 (Permit Set as revised 10/31/02) 05/06/02 (Permit Set as revised 10/31/02) 04/26/02 (CD Set) 05/06/02 (Permit Set) 05/06/02 (Permit Set)
Phase IB Storm Drain & Paving Plan	1 2 3 4 5 6 7 8 9 10	06/05/00 Unsigned drainage area map 06/05/00, 09/29/00 06/05/00 06/05/00 06/05/00 06/05/00 09/29/00 09/29/00 09/29/00
Site Landscaping Plan-Phase IB, Part 2	Coversheet L-1 L-2 L-3 L-4 L-5 L-6 L-7 L-8 L-9	12/04/01 12/04/01 12/04/01 06/10/02 12/04/01 06/10/02 12/04/01 12/04/01 12/04/01 12/04/01

Site Landscape Plan-Phase II	Coversheet	8/10/04 (latest revision)
	L-2	7/21/04 (latest revision)
	L-3	7/21/04 (latest revision)
	L-4	7/21/04 (latest revision)
	L-5	7/21/04 (latest revision)
	L-6	7/21/04 (latest revision)
	L-7	7/21/04 (latest revision)
	L-8	7/21/04 (latest revision)
	L-9	7/21/04 (latest revision)
	L-10	7/21/04 (latest revision)
	L-11	7/21/04 (latest revision)
	L-15	7/21/04 (latest revision)
	L-16	7/21/04 (latest revision)
	L-17	7/21/04 (latest revision)
	L-18	7/21/04 (latest revision)
	L-19	7/21/04 (latest revision)
	L-19A	7/21/04 (latest revision)
	L-20	7/21/04 (latest revision)
	L-21	8/10/04 (latest revision)
	L-22	7/21/04 (latest revision)
	L-23	7/21/04 (latest revision)
	L-24	7/21/04 (latest revision)
	L-25	7/21/04 (latest revision)
	L-26	7/21/04 (latest revision)
	L-27	7/21/04 (latest revision)
	L-28	7/21/04 (latest revision)
	L-29	7/21/04 (latest revision)
	L-30	7/21/04 (latest revision)
	L-31	7/21/04 (latest revision)
	L-32	7/21/04 (latest revision)
	L-33	7/21/04 (latest revision)
	L-34	7/21/04 (latest revision)
	L-35	7/21/04 (latest revision)
	L-36	7/21/04 (latest revision)
	L-37	7/21/04 (latest revision)
	L-38	7/21/04 (latest revision)
	L-39	7/21/04 (latest revision)
Storm Drain & Paving Plan Phase 2A, Lots/Blocks: 1-13, 19-27/G, 1-23/H, 1-39/J, 1-5/K, 7-14/L, 1-8/N, 1-8/O, Parcel A	1	12/04/02
	2	12/04/02 (Rev. 1, 11/10/03)
	3	12/04/02
	4	12/04/02 (Rev. 1, 11/10/03)
	5	12/04/02 (Rev. 1, 11/10/03)

Storm Drain and Paving Plan Phase 2B, Lots/Blocks: 44-53, 75-82/A, 15-19/L, 50-68/M, 1-5, 13-18, 29-34/R, 1-6/S, 1-18/T	1 2 3 4 5	03/04/03 (Rev. 1, 11/04/03; Rev. 3, 12/18/03) 03/04/03 (Rev. 1, 11/04/03; Rev. 3, 12/18/03; Rev. 4, 03/08/04) 03/04/03 (Rev. 1, 11/04/03; Rev. 3, 12/18/03; Rev. 4, 03/08/04) 03/04/03 (Rev. 1, 11/04/03; Rev. 3, 12/18/03; Rev. 4, 03/08/04) 03/04/03 (Rev. 1, 11/04/03; Rev. 3, 12/18/03)
Storm Drain and Paving Plan Phase-2C, Lots/Blocks: 1-6/L, 1-49/M, 9-24/N	1 2 3 4 5 6	05/22/03 (Rev. 1, 07/29/03) 05/22/03 05/22/03 05/22/03 (Rev. 1, 07/29/03) 05/22/03 (Rev. 1, 07/29/03) 05/22/03 (Rev. 1, 07/29/03)
Storm Drain and Paving Plan Phase 2D, Lots/Blocks: 6-21/K, 25-49/N	1 2 3 4	11/14/03 11/14/03 11/14/03 11/14/03
Storm Drain & Paving Plan, Lots/Blocks: 33-72/C, 1-46/D, 1-29/E	1 2 3 4 5	09/05/01 09/05/01 09/05/01 09/05/01 09/05/01
The above Baseline Plans include (i) an 8' asphalt-paved combination bike path/sidewalk along the northwesterly side of the Stringtown Road right-of-way from MD Route 355 to Snowden Farm Parkway (Piedmont Road); and (ii) an 8' asphalt-paved bike path along the easterly side of the Clarksburg Road right-of-way, from Spire Street to Snowden Farm Parkway (Piedmont Road), excluding the frontage of the now or formerly St. Clair and Shrader property (Parcel 612).		



Block 4 Retail Option

West Side Plan

April 3, 2006

not to scale

Exhibit B

4/03/06 Plan

Location	Units	Retail	L/W Retail
Block 1	45		9,600
Block 2	75		12,480
Block 3	48	30,000	9,600
Block 4	41	12,600	10,560
Block 5	54	84,100	
GG west	16		
GG east	6		5,760
pool site +	13		
Bozz. #9	12		
Total Units (Incl. MPDU)	**310**	**126,700**	**48,000**
GG posible pending approval	8		
Block 4 Alternate plan	44	23,800	18,240

CLARKSBURG

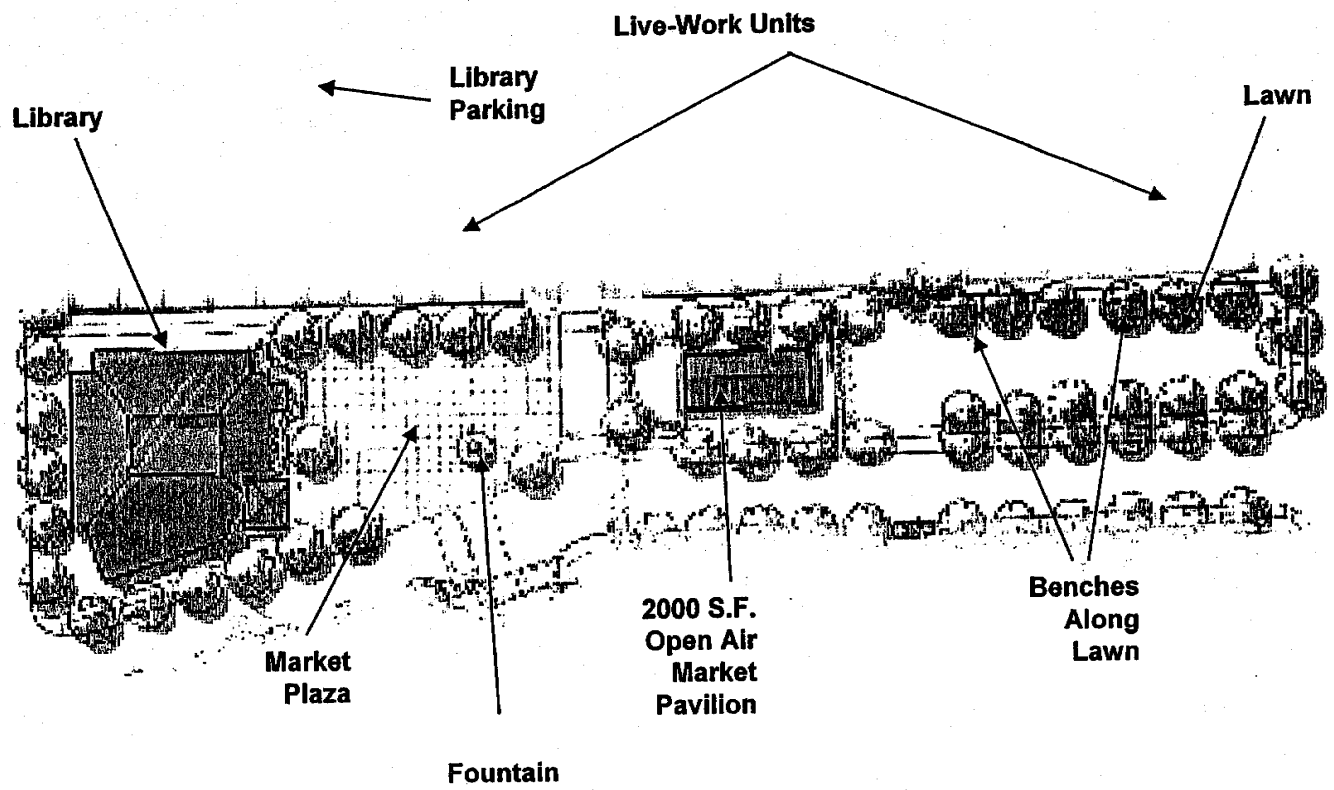


Exhibit C-1

Conceptual Town Center Green

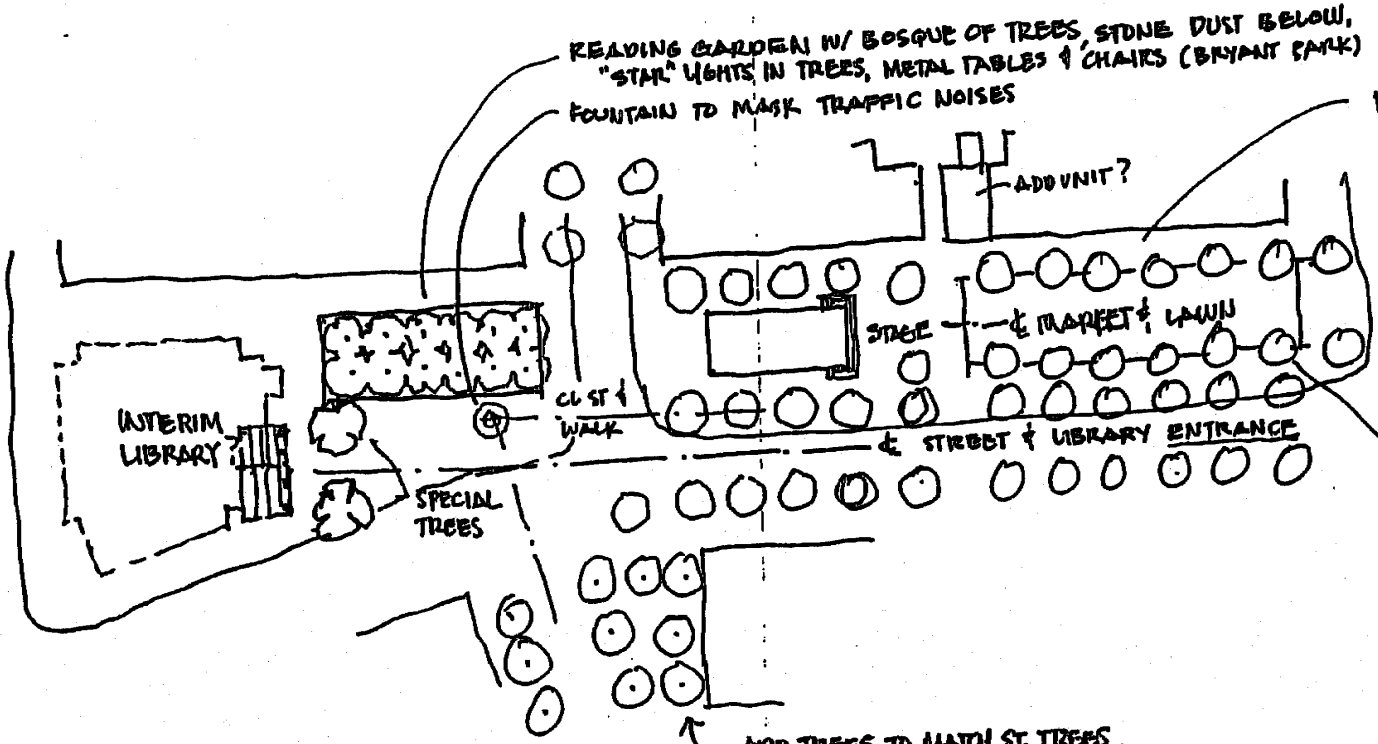
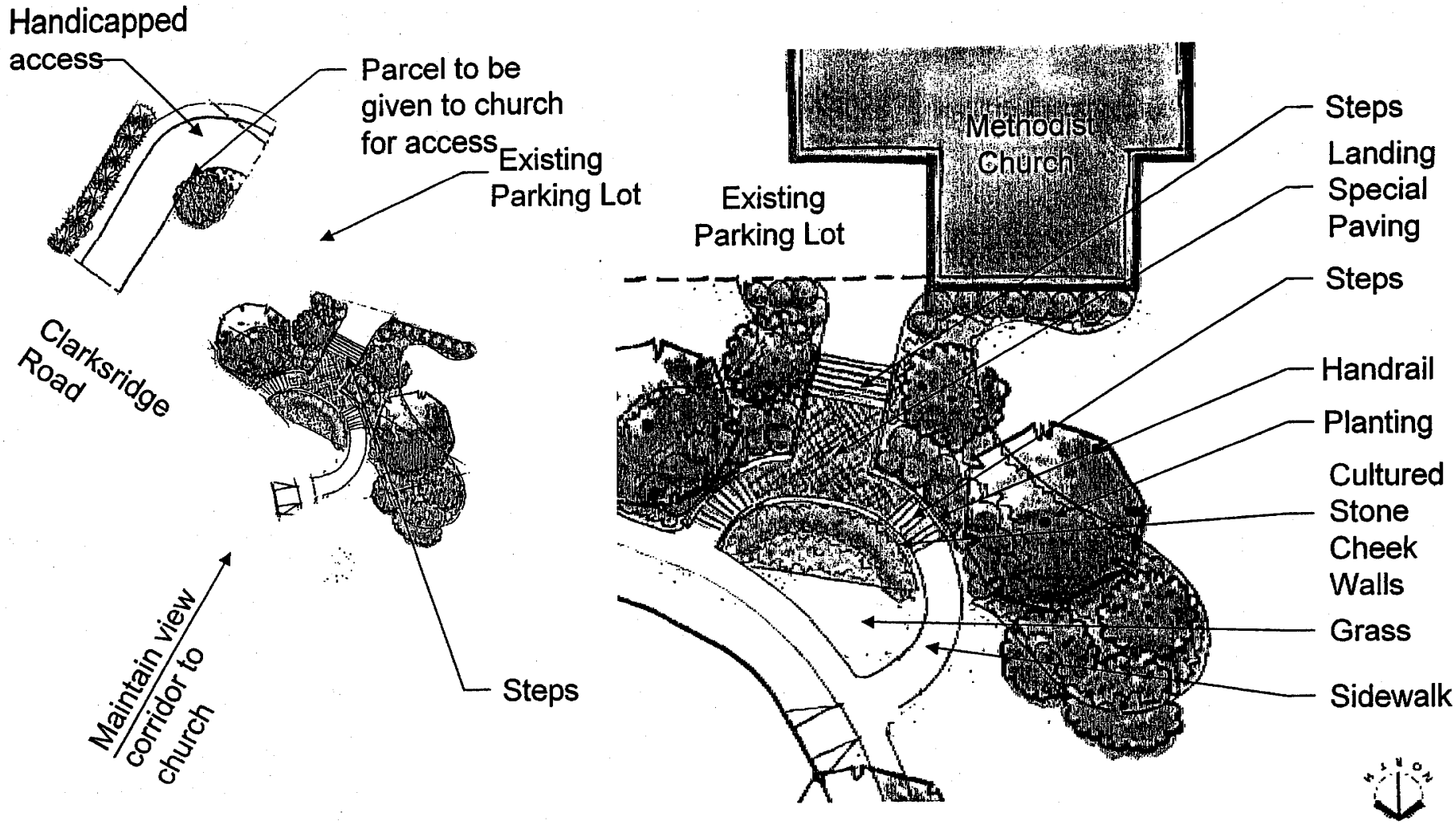

READING GARDEN W/ BOSQUE OF TREES, STONE DUST BELOW, "STAR" LIGHTS IN TREES, METAL TABLES & CHAIRS (BRYANT PARK)
FOUNTAIN TO MASK TRAFFIC NOISES
ADD UNIT?
EXCEPT FOR "LAWN" AND READING GARDEN, USE ONE BRICK IN A SIMPLE PATTERN (BASKETWEAVE, HERRINGBONE, ETC)
STAGE
℄ MARKET & LAWN
INTERIM LIBRARY
CL ST & WALK
℄ STREET & LIBRARY ENTRANCE
TREES AND PITS OUTSIDE THE LAWN
SPECIAL TREES
ADD TREES TO MATCH ST. TREES..
PROVIDE FOR FARMER'S MARKET PICK-UP

Exhibit C-2

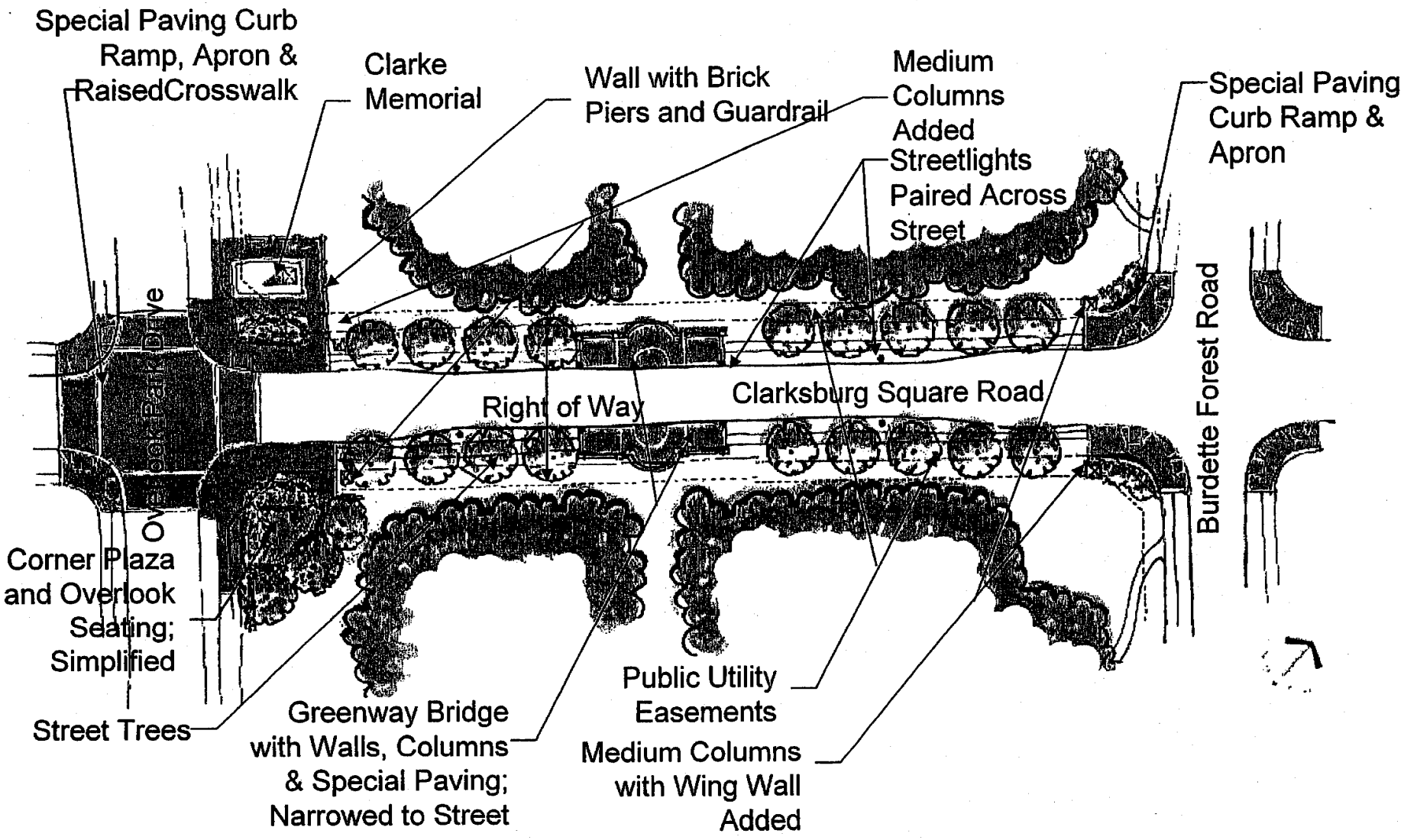
CLARKSBURG



Concept for the Grand Staircase at Clarksburg United Methodist Church

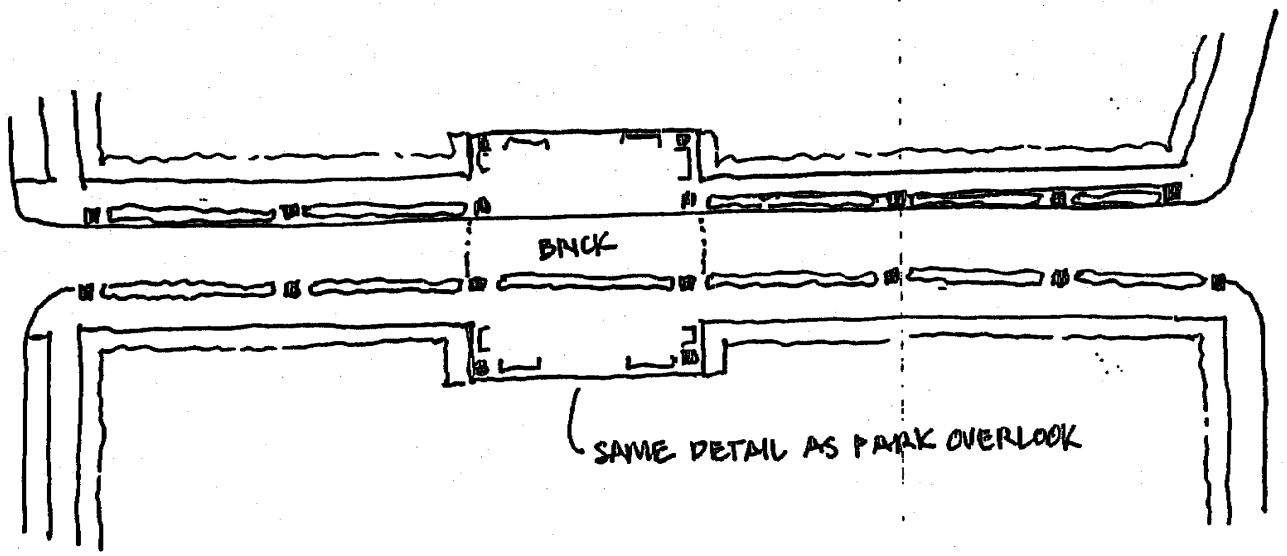
Exhibit D

CLARKSBURG



Concept for the Greenway Bridge

Exhibit E-1



42

SIMPLIFY, SIMPLIFY

Exhibit E-2

Clarke Memorial

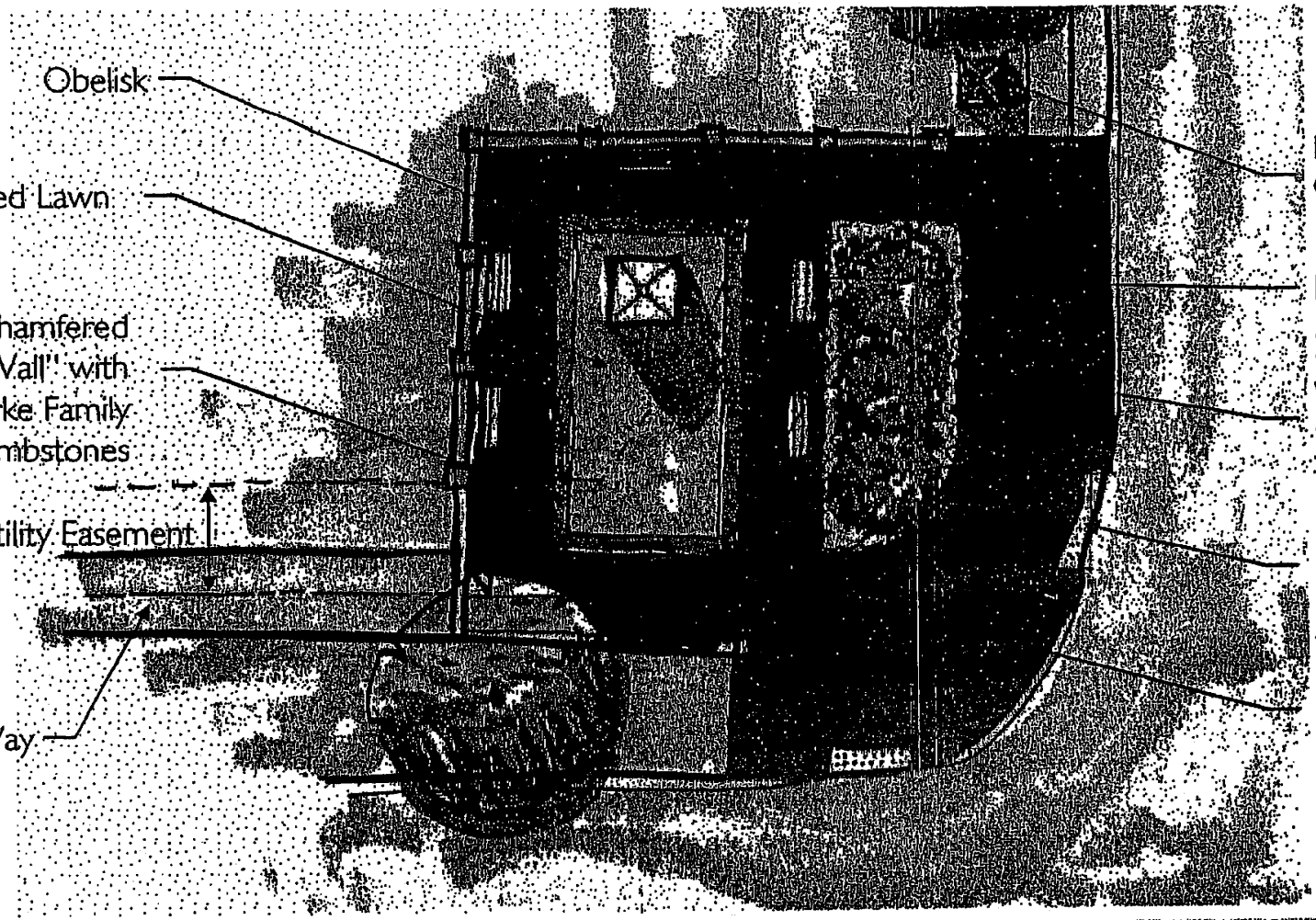


Exhibit F

CLARKSBURG TOWN CENTER

Landscape Design

CLARKSBURG

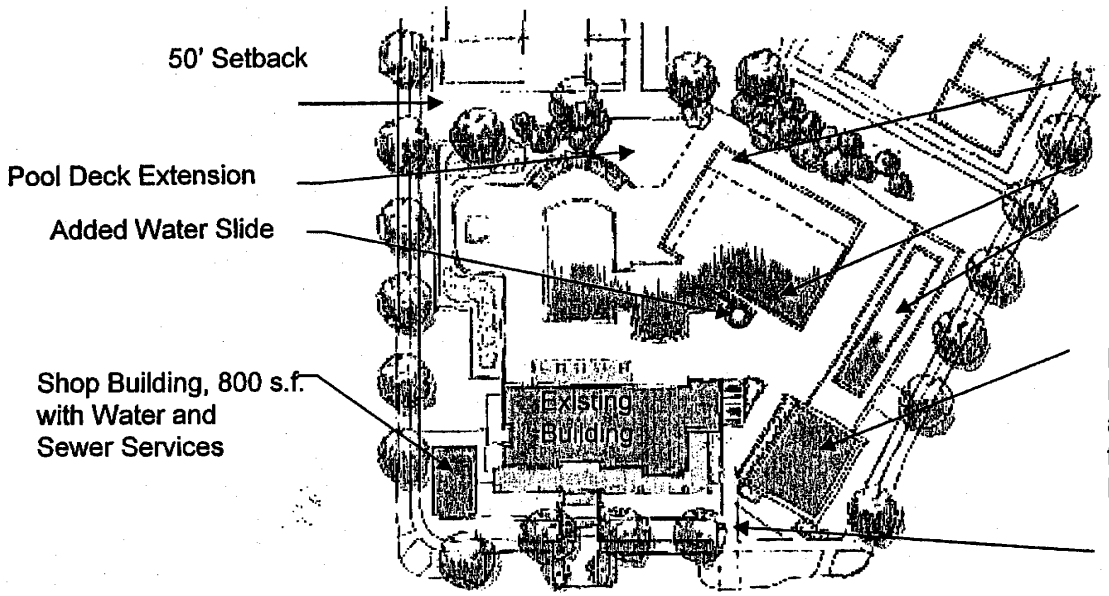


Exhibit G

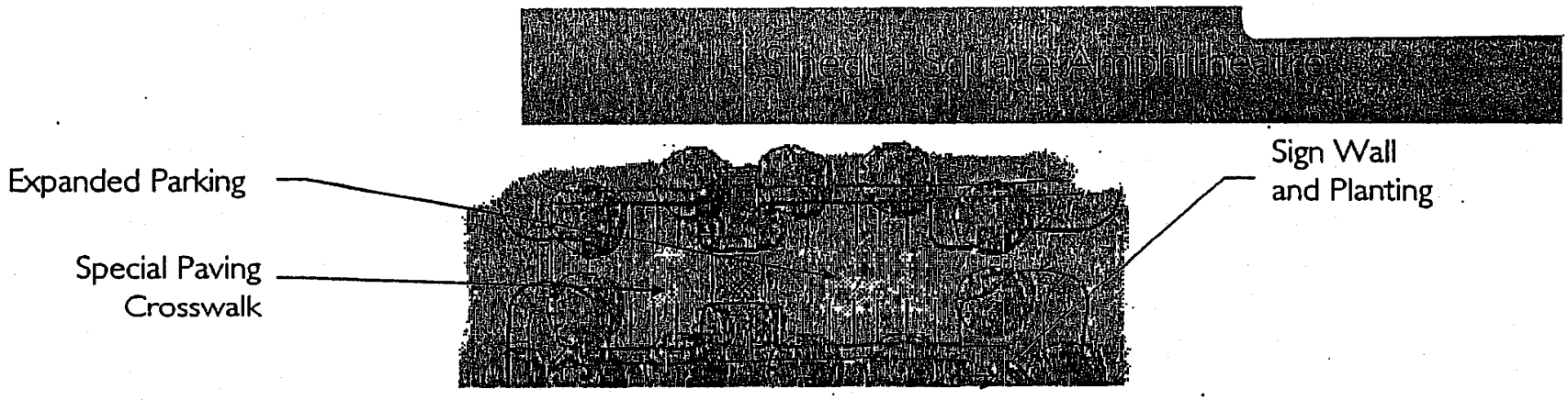
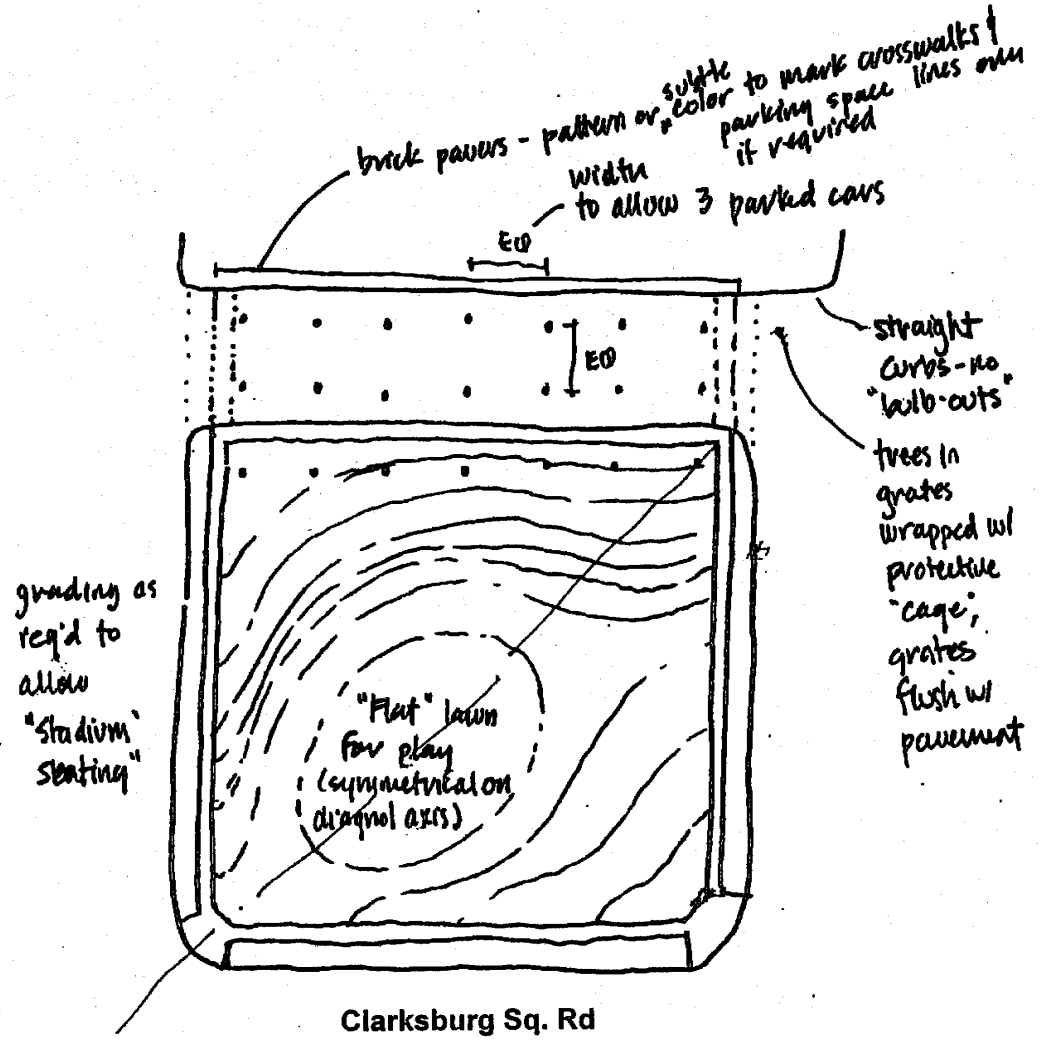


Exhibit H

CLARKSBURG TOWN CENTER

Amenity Enhancement

CLARKSBURG

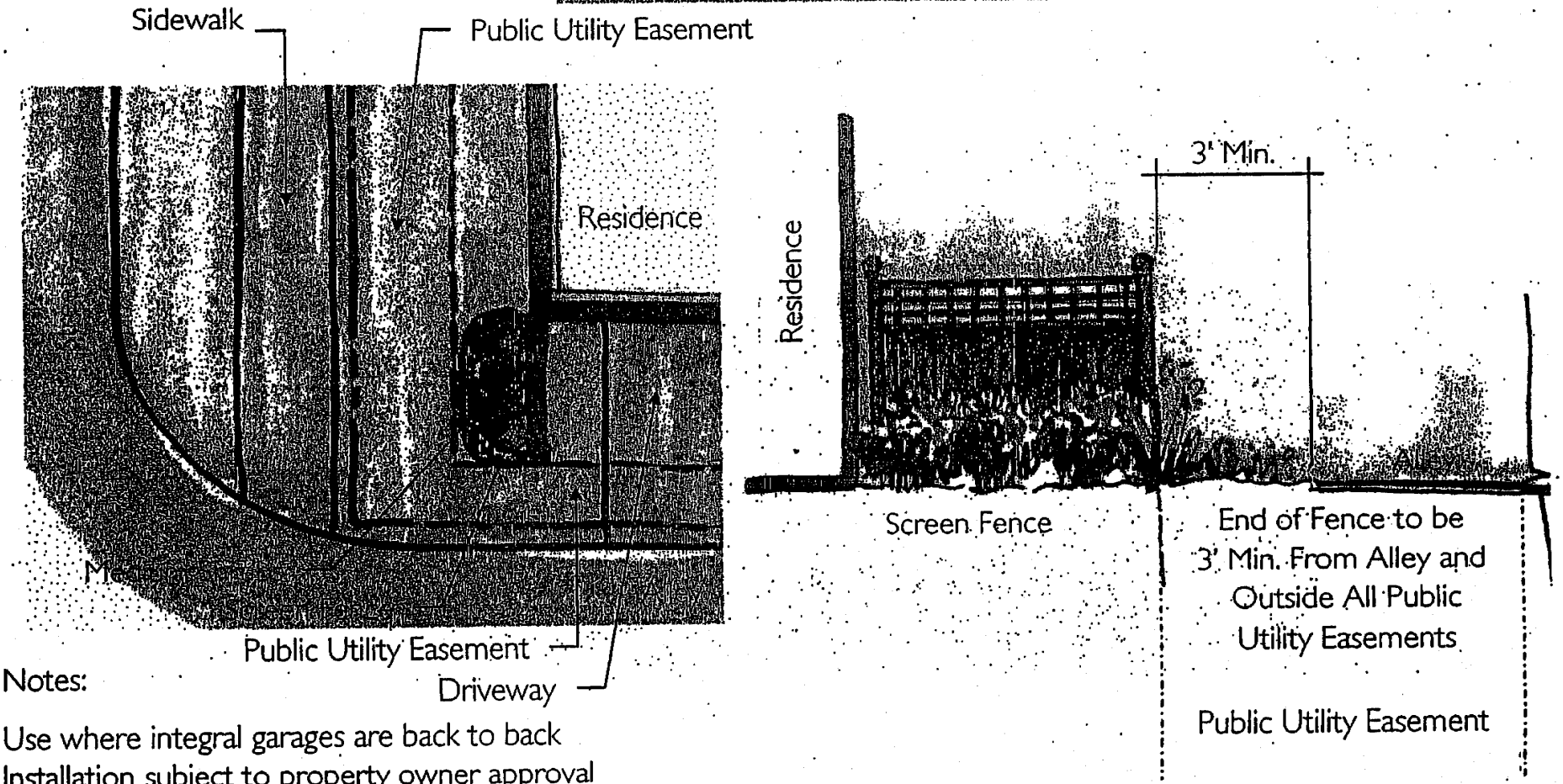


Sinequa Square Concept

Exhibit I

Alley Entrance I

Townhomes With Integral Garages

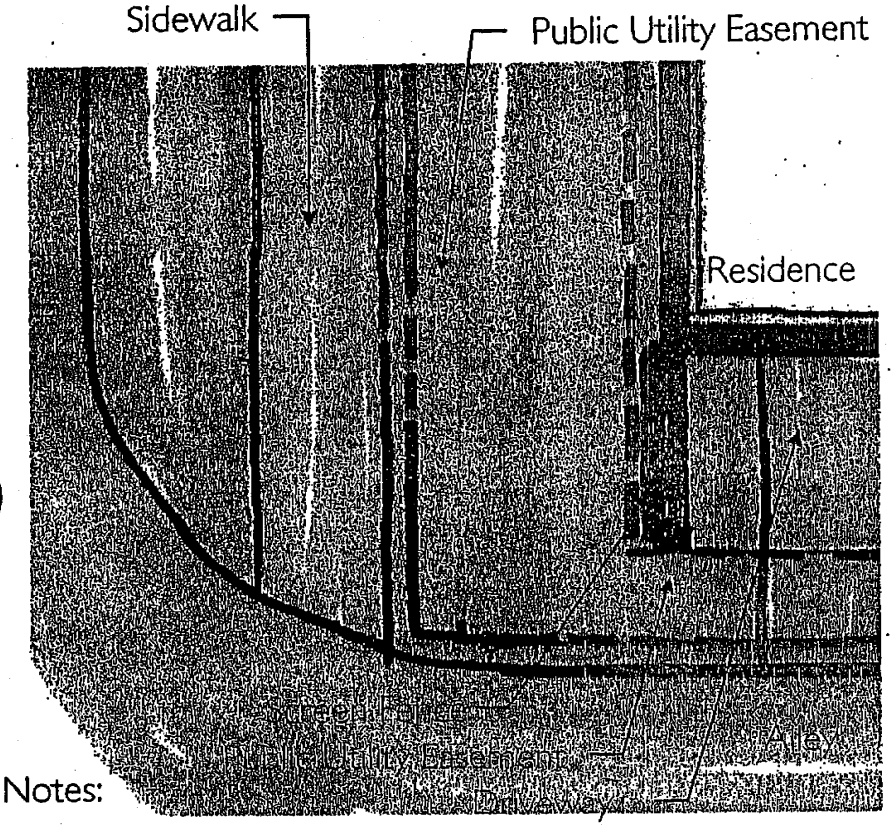


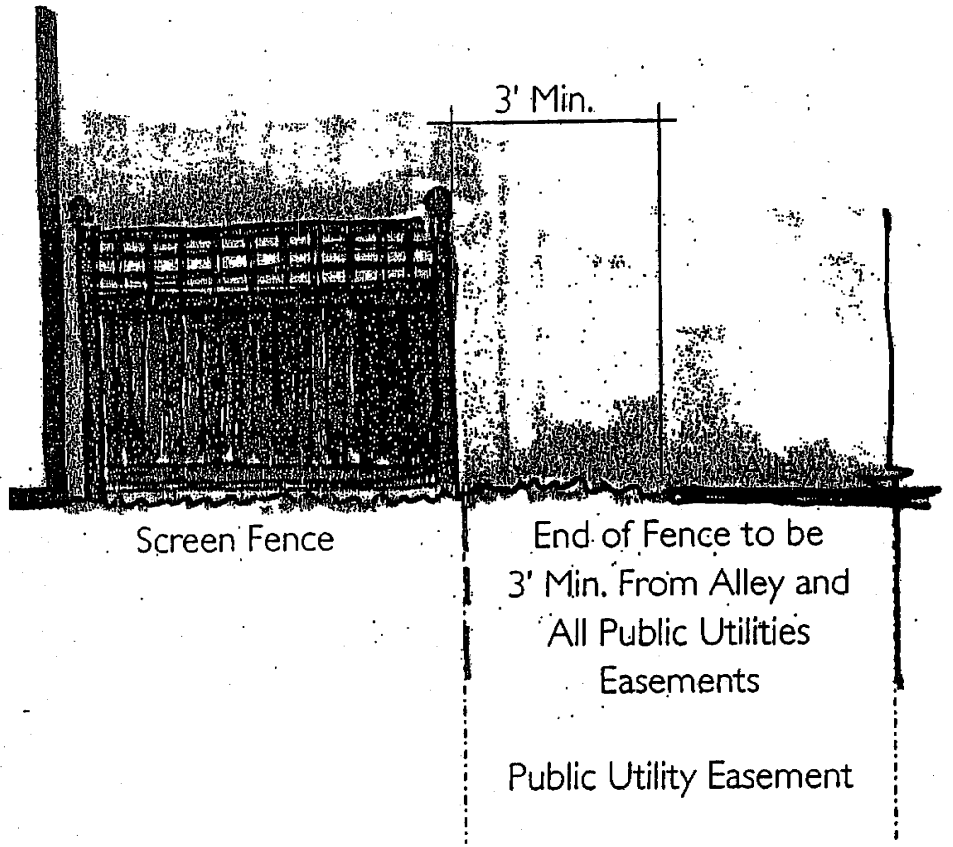
Notes:

Use where integral garages are back to back
Installation subject to property owner approval
Installation subject to public utility easement requirements; use where distance between side of House and Public Utility Easement is 30" or greater

Exhibit J-1

Alley Entrance II
Townhomes With Integral Garages





Notes:

Use where integral garages are back to back
Installation subject to property owner approval
Installation subject to public utility easement requirements; use where distance between side of House and Public Utility Easement is less than 30"

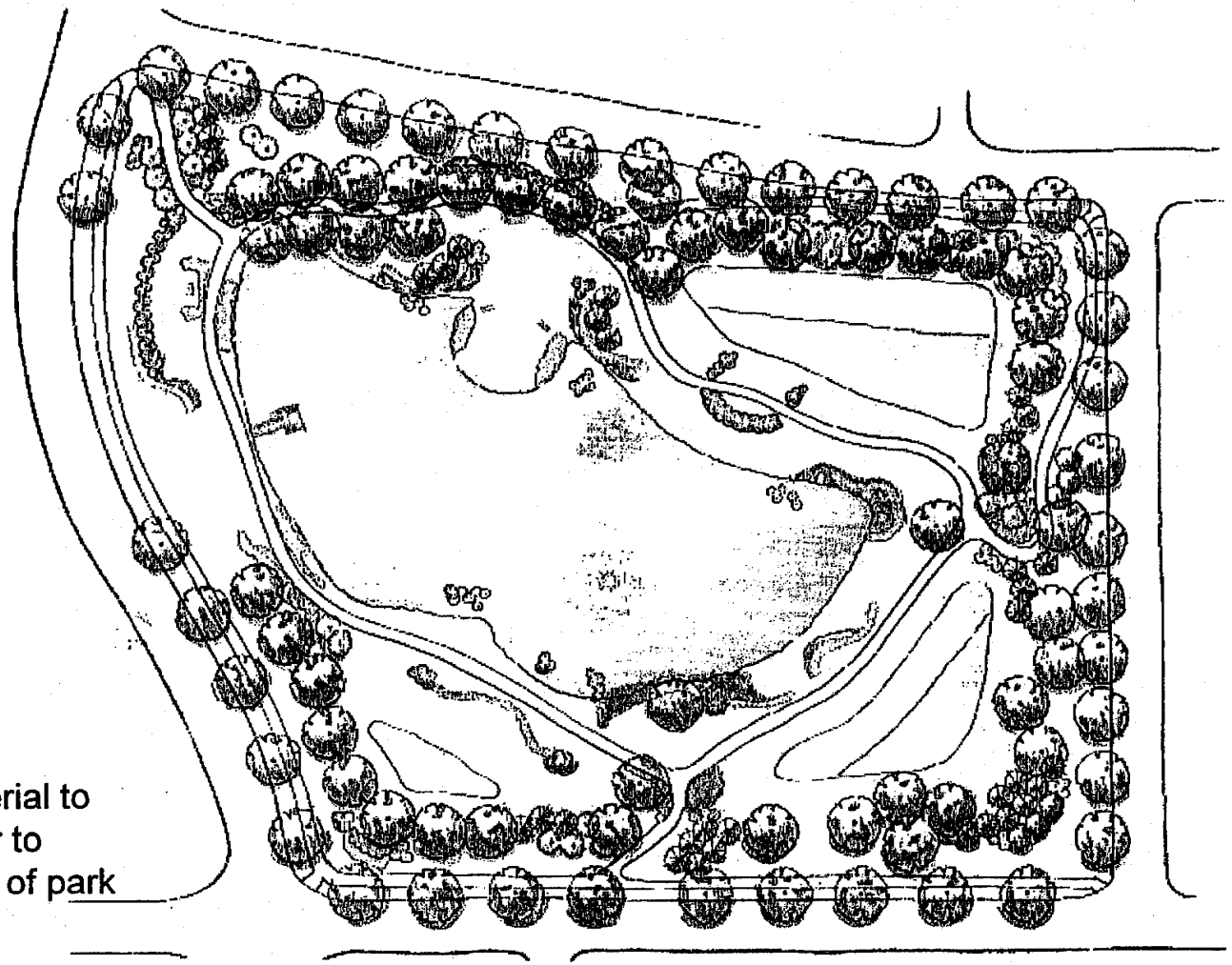
Not to Scale

CLARKSBURG TOWN CENTER

Landscape Design

Exhibit J-2

CLARKSBURG



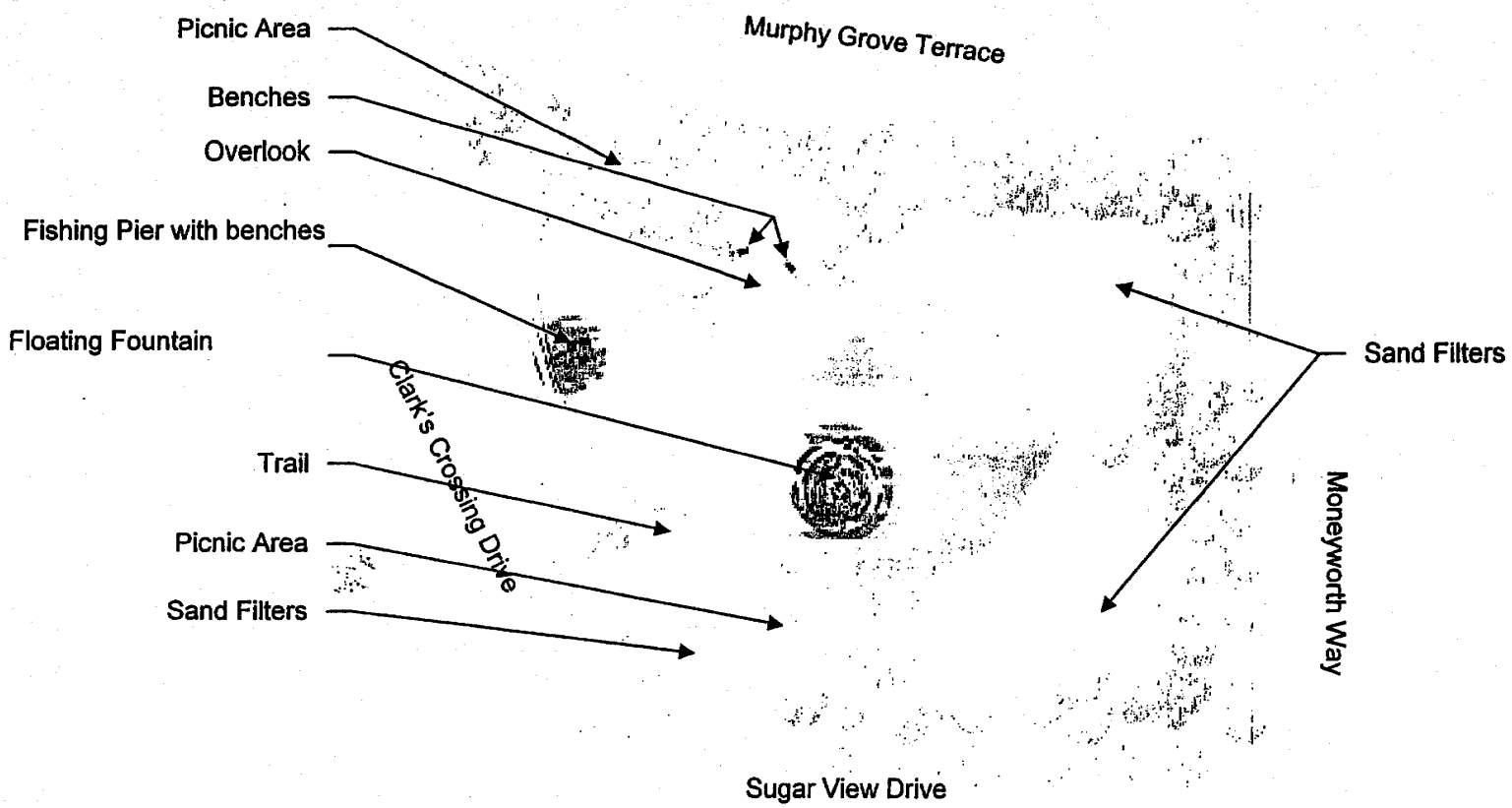
Note:

Color Indicates
Landscape Material to
be Installed prior to
final conversion of park

Interim Concept for Murphy's Grove Pond

Exhibit K

CLARKSBURG



Ultimate Concept for Murphy's Grove Pond

Exhibit L (Sheet 1)

CLARKSBURG

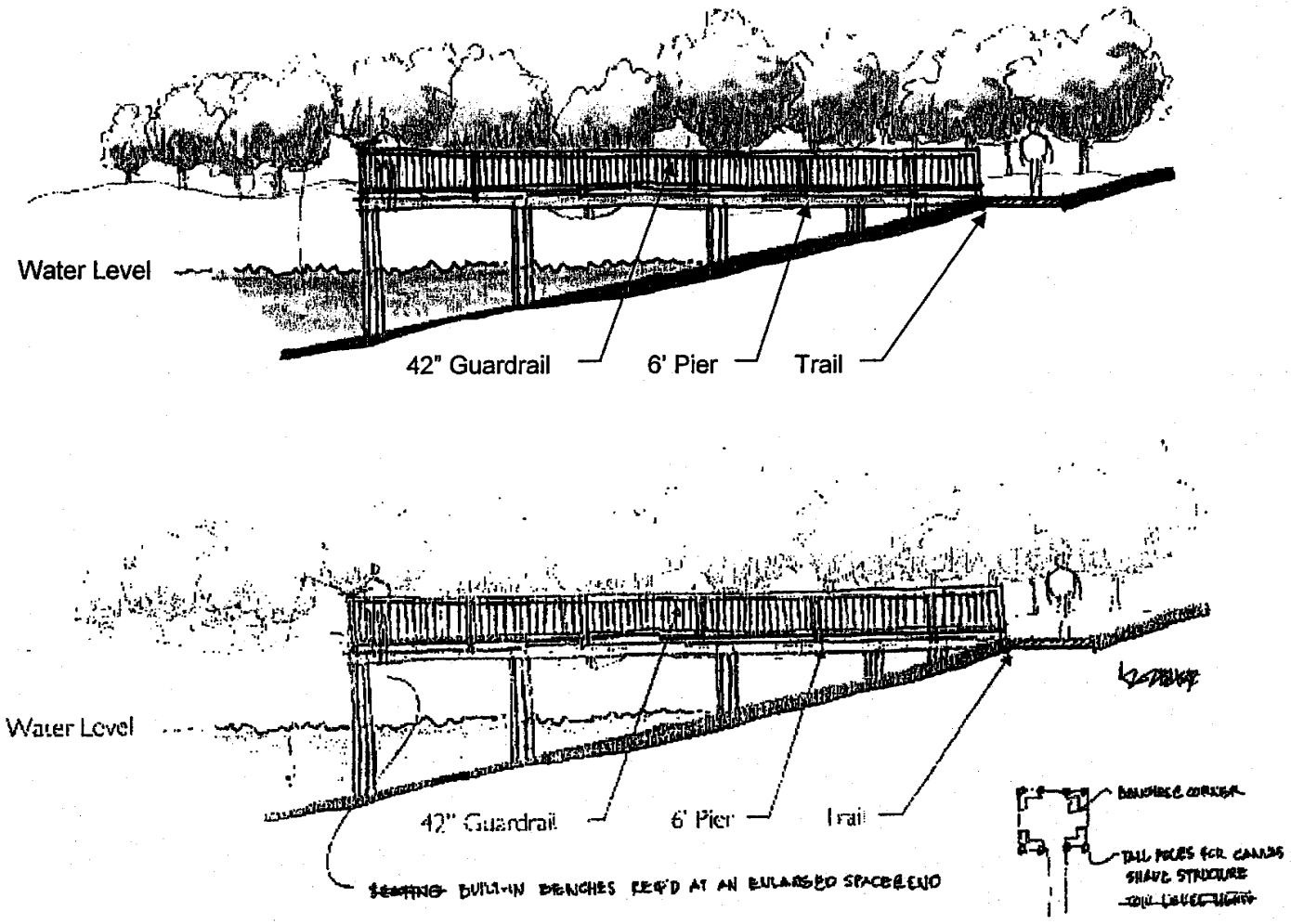
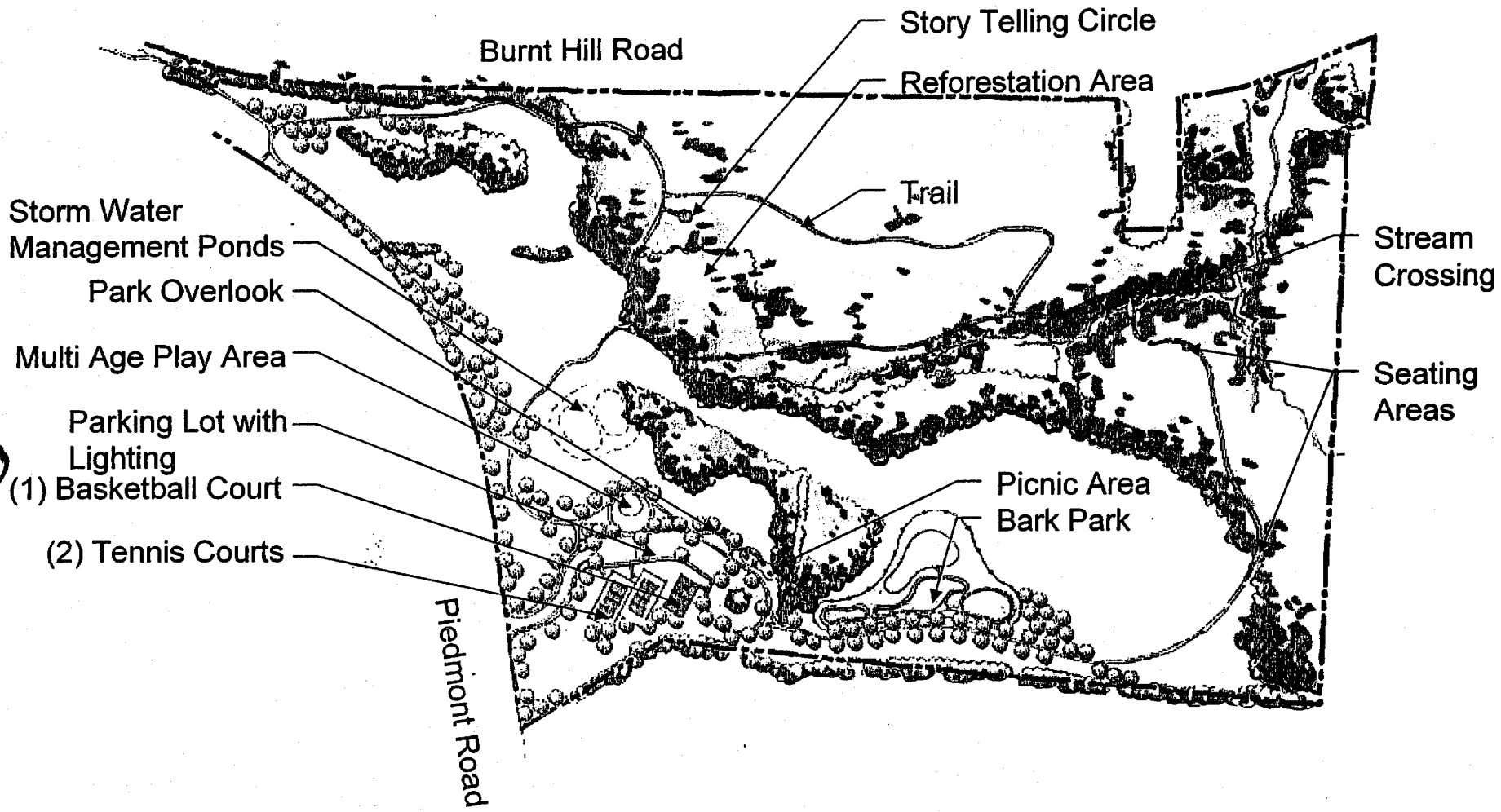


Exhibit L
(Sheet 2)

Concept for Murphy's Grove Pond Pier

CLARKSBURG

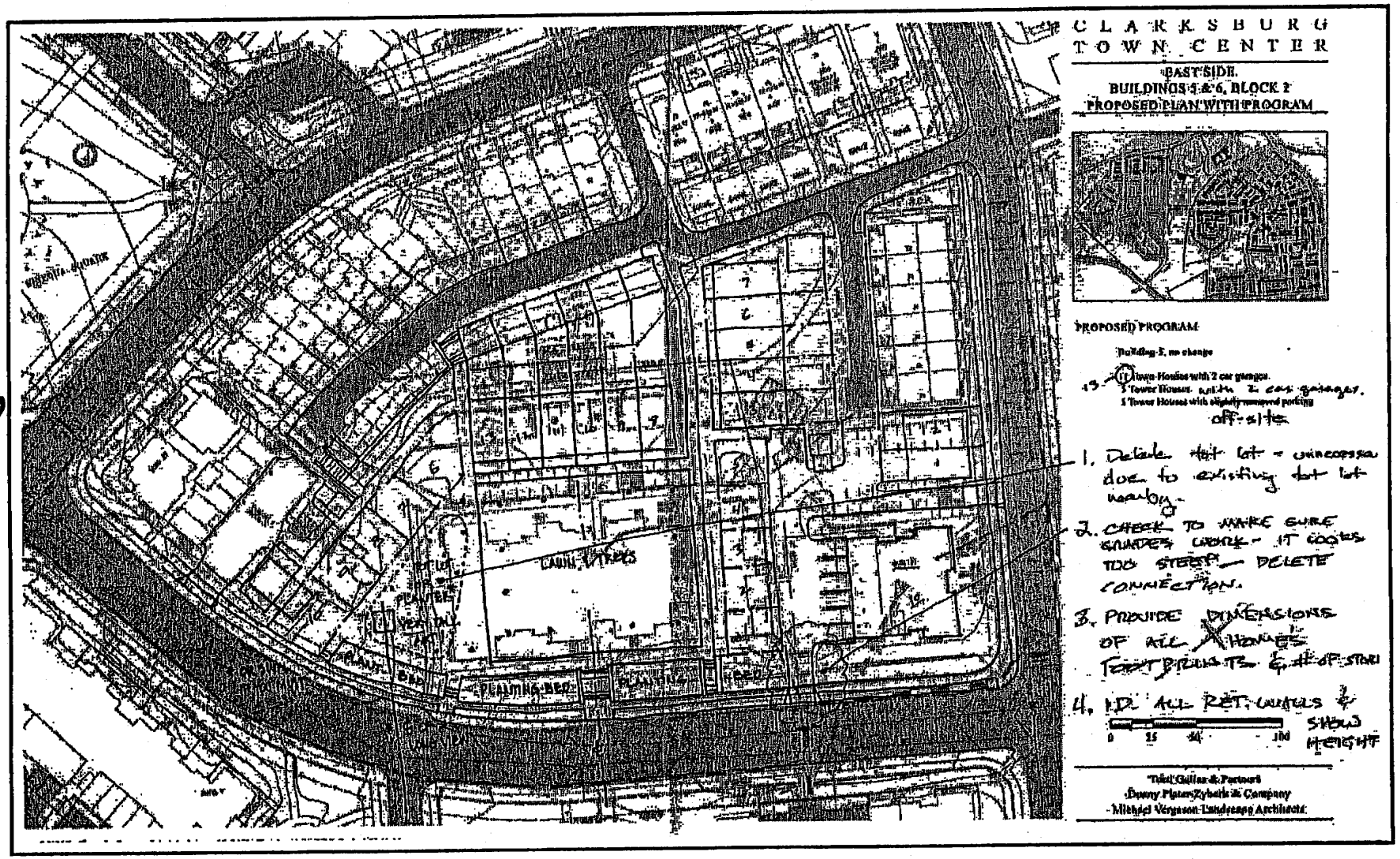


Concept for Piedmont Woods

Exhibit M

CLARKSBURG TOWN CENTER

BOZZUTO HOMES, INC.

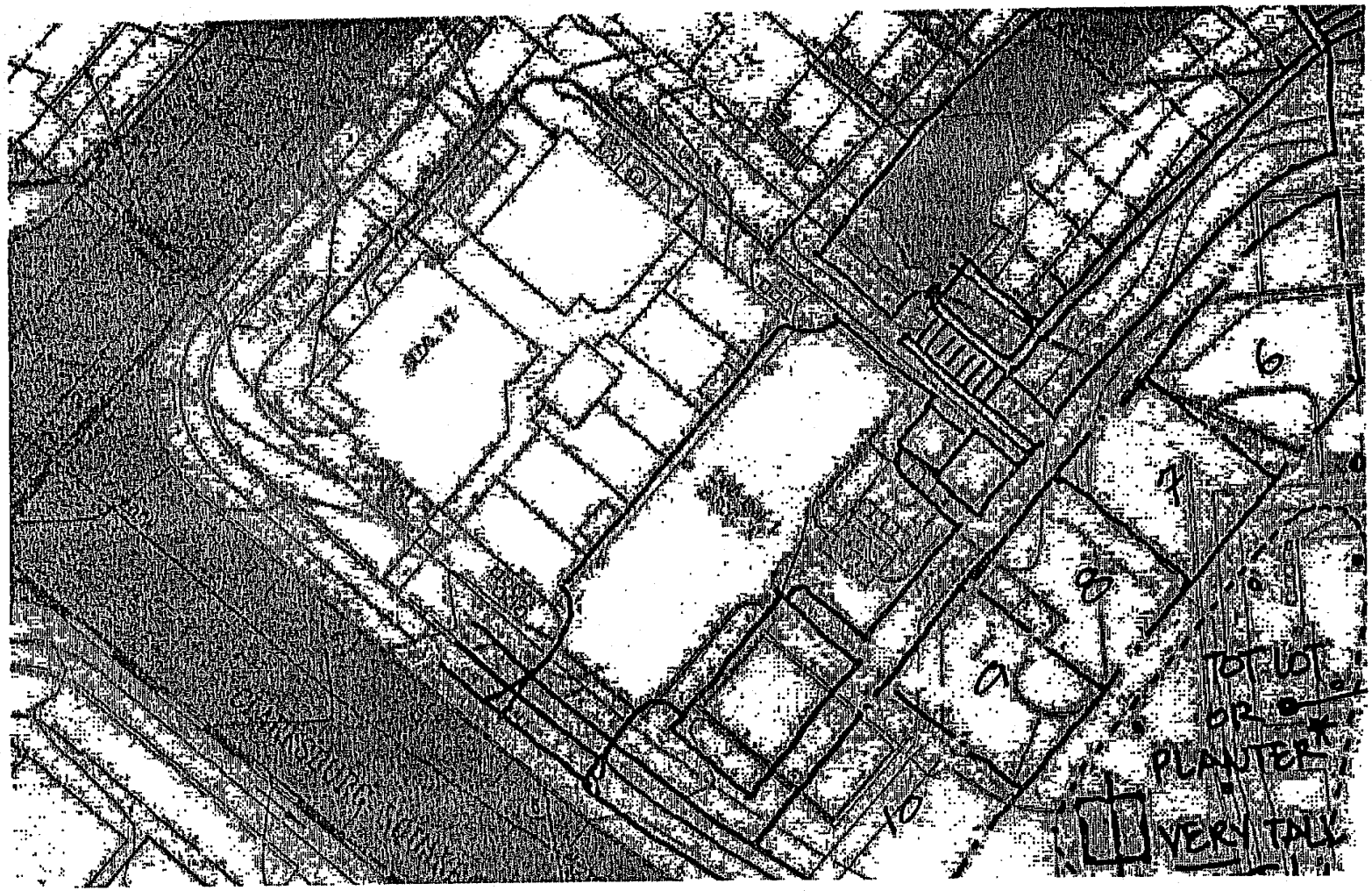


Building #5 and #6 Enlarged Charrette Site Plan

Exhibit N

CLARKSBURG TOWN CENTER

BOZZUTO HOMES, INC.

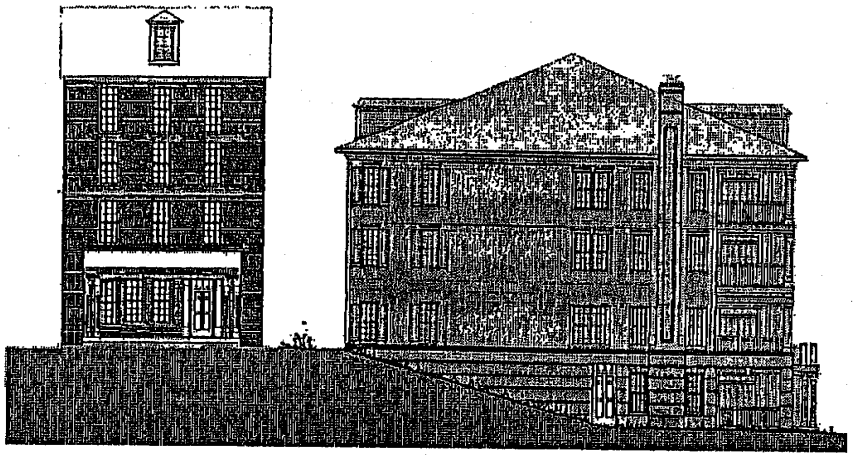


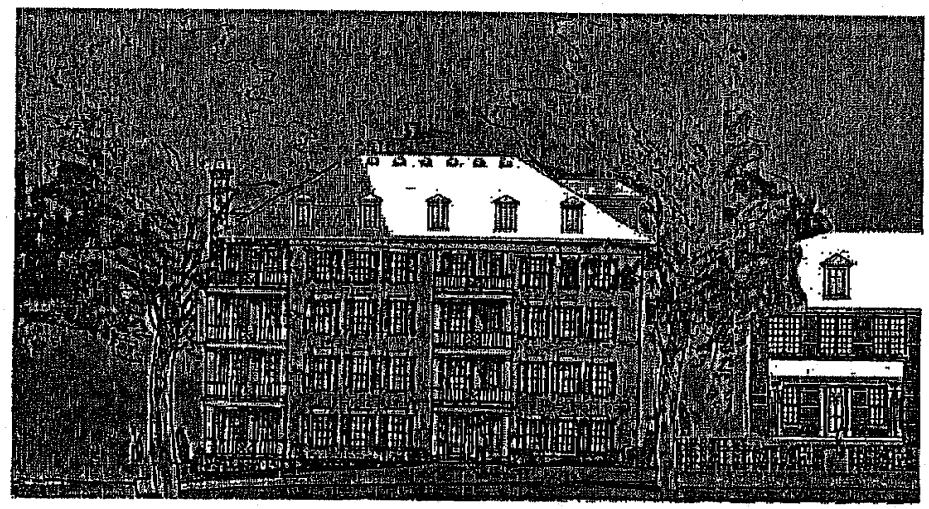
Building #7 Enlarged Charrette Site Plan

Exhibit "O"

CLARKSBURG TOWN CENTER

BOZZUTO HOMES, INC.





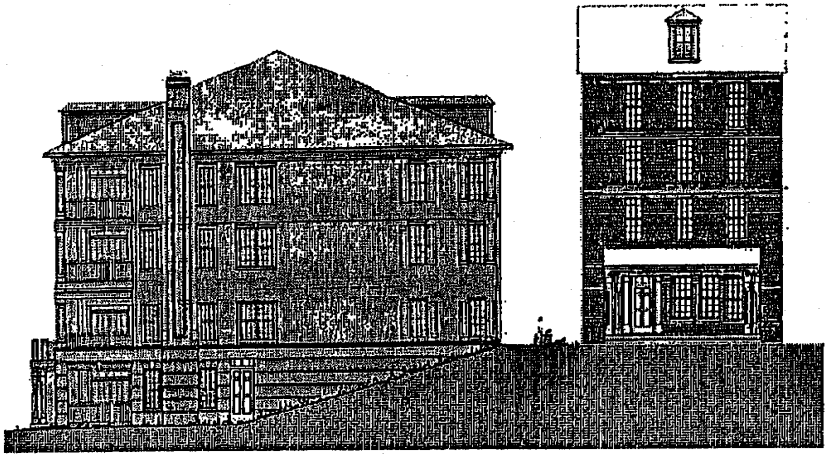
Building #10 w/ 4/3 Split

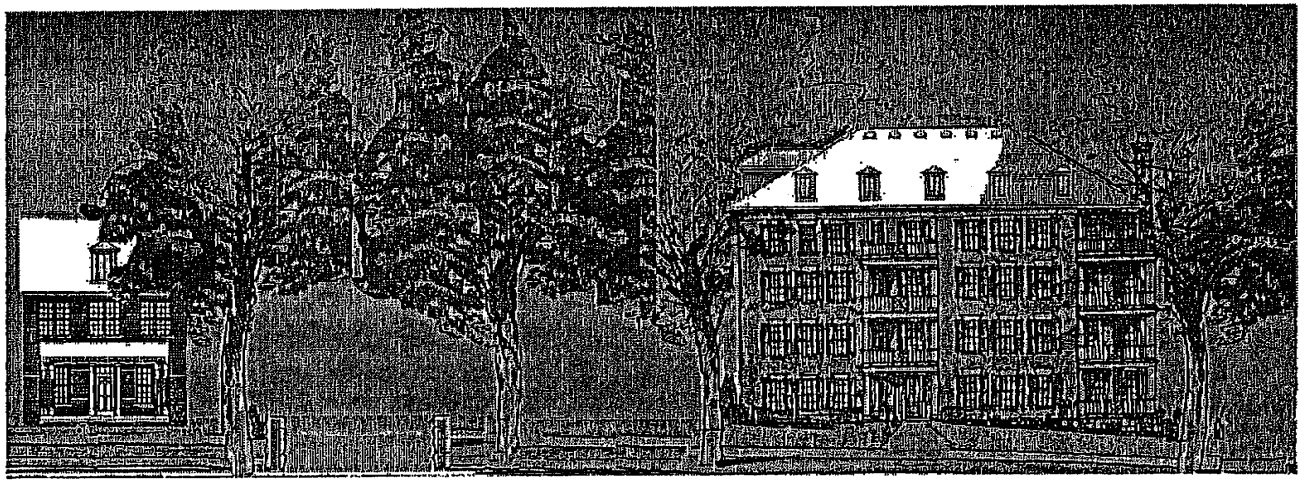
Exhibit "P-1"

Building #10 Elevations

CLARKSBURG TOWN CENTER

BOZZUTO HOMES, INC.





Building #11 w/ 4/3 Split

Building #11 Elevations

Exhibit "P-2"

Exhibit Q

MONTGOMERY COUNTY FIRE RESCUE SERVICES PLANS

Access Options (1/26/06) Sheet 1 of 12 (Site Development Plan)

Access Options (1/26/06) Sheet 2 of 12 (Phase 1B – Part One & Two)

Access Options (1/26/06) Sheet 3 of 12 (Phase 1B – Part Two)

Access Options (1/26/06) Sheet 4 of 12 (Phase 1B – Part Two)

Access Options (1/26/06) Sheet 5 of 12 (Phase 1B – Part Three)

Access Options (1/26/06) Sheet 6 of 12 (Phase II – Section 2A)

Access Options (1/26/06) Sheet 7 of 12 (Phase II – Section 2A)

Access Options (1/26/06) Sheet 8 of 12 (Phase II – Section 2D)

Access Options (1/26/06) Sheet 9 of 12 (Phase II – Section 2B)

Access Options (1/26/06) Sheet 10 of 12 (Phase II – Section 2C)

Access Options (1/26/06) Sheet 11 of 12 (Phase 1A)

Access Options (1/26/06) Sheet 12 of 12 (Phase 1A)

Exhibit R

CLARKSBURG TOWN CENTER

SCHEDULE FOR RELEASE OF
SEPTEMBER 20, 2005 AND NOVEMBER 23, 2005 STOP WORK ORDERS

SECTION 2D

Units/Lots to be Released at Time of Plan of Compliance Approval:

Lot	/	Block	Plat No.
1, 6-21	/	K	23046
2-5	/	K	22533
1-8	/	N	22533
15-17	/	N	23049
26-30	/	N	23049
31-38	/	N	23048
48-51	/	N	23047
52-55	/	N	23047

Units/Lots to be Released at Time of Site Plan Amendment Approval:

Lot	/	Block	Plat No.
9-14	/	N	23047
18-25	/	N	23049
39-47	/	N	23048
Parcel A	/	N	23047 (Building 12)

SECTION GG

Units/Lots to be Released at Time of Plan of Compliance Approval:

Lot	/	Block	Plat No.
10-14	/	GG	22766
22-25	/	GG	22766
32	/	GG[becomes L/W unit]	23038

Units/Lots to be Released at Time of Site Plan Amendment Approval:

Lot	/	Block	Plat No.
2-3	/	GG	22766 [become L/W units]
15-21	/	GG	22766
26-31	/	GG[become L/W units]	23038

SECTION 2A

Units/Lots to be Released at Time of Plan of Compliance Approval:

Lot	/	Block	Plat No.
Parcel A	/	H	22535 (Building 7)

SECTION 1A1

Units/Lots to be Released at Time of Plan of Compliance Approval:

Lot	/	Block	Plat No.
Parcel C	/	AA	22365 (Building 9)

SECTION 2B

Units/Lots to be Released at Time of Site Plan Amendment Approval:

Lot	/	Block	Plat No.
Parcel C	/	S	22631 (Building 10)

SECTION 2G

Units/Lots to be Released at Time of Site Plan Amendment Approval:

Lot	/	Block	Plat No.
Parcel A	/	M	22783 (Building 11)

SECTION 2C

Units/Lots to be Released at Time of Plan of Compliance Approval:

Lot	/	Block	Plat No.
7-11	/	L	22786

Clarksburg Town Center

Plan of Compliance
Design Concepts

April 20, 2006

Charrette Mediator – Judge Barbara Howe

Stakeholders

- Clarksburg Town Center Advisory Committee
- Land Developer – Newland Communities
- Builders – Bozzuto, Craftstar, Miller & Smith, NV, Porten Homes

Design Team

Architects and Town Planners

- Torti Gallas and Partners
- Duany Plater-Zyberk & Company

Landscape Architect

- Michael Verguson Landscape Architects
- Land Design

CLARKSBURG

The Clarksburg Mediation began with a three-day Charette, a process where the existing Town Center and the plans for future construction were examined and redesigned through the eyes of world-renown design professionals, based on the vision of the Master Plan. The focus was on reaffirming the connection between old and new Clarksburg, incorporating a pedestrian-oriented retail core; expanding recreational opportunities; and establishing a strong Civic core for the town. The heart of the resulting plan addresses many of the issues that have been identified over the past year. All the parties to the Clarksburg Mediation (CTCAC, Newland Communities, and the CTC builders) are proud of the mediation results and endorse the resulting plan.

A brief tour of the redesigned Clarksburg Town Center, A New American Classic Town:

Turn off of the Great Road (MD 355) in the historic core of Clarksburg toward the new Town Center, past the historic Horace Willson house and the Clarksburg Grille and Grocery. The small-town environment is immediately apparent as a drive down Clarksburg Square Road leads past small shops and businesses in live/work units to the Library and town plaza, where civic gathering places serve as the heart of the Town Square.

The new library, a 20,000 square-foot building, sits at one end of the town plaza, nestled among a bosque of trees with seating for reading or enjoying the adjacent shops and cafes. A fountain with a seating wall anchors the opposite end of the plaza. Across General Store Drive sits the open-air Market building (2,000 square feet), which will shelter farmers' markets, craft shows, and other civic events.

CLARKSBURG

Situated among shops, live/work units, and restaurant space are two parking garages and a 51,000 square foot grocery store, lined by additional core retail and residences to maintain the pedestrian scale and orientation of the Town Square area. Through the creative use of architecture, ample parking space is easily accessible yet concealed from direct view.

The historic Clarksburg United Methodist Church is integrated with the community via an elaborate stairway with landscaping features to create an attractive vista. Handicapped access and a vehicular driveway are also provided, along with the dedication of a parcel of land to the south of the Church.

Just beyond the retail area, at the head of the land bridge across the Greenway, is the Clarke family memorial. Clarksburg Town Center sits on land that was established by this founding family of Clarksburg. Family artifacts will be placed in the wall along the greenway, to frame a sitting area and small plaza.

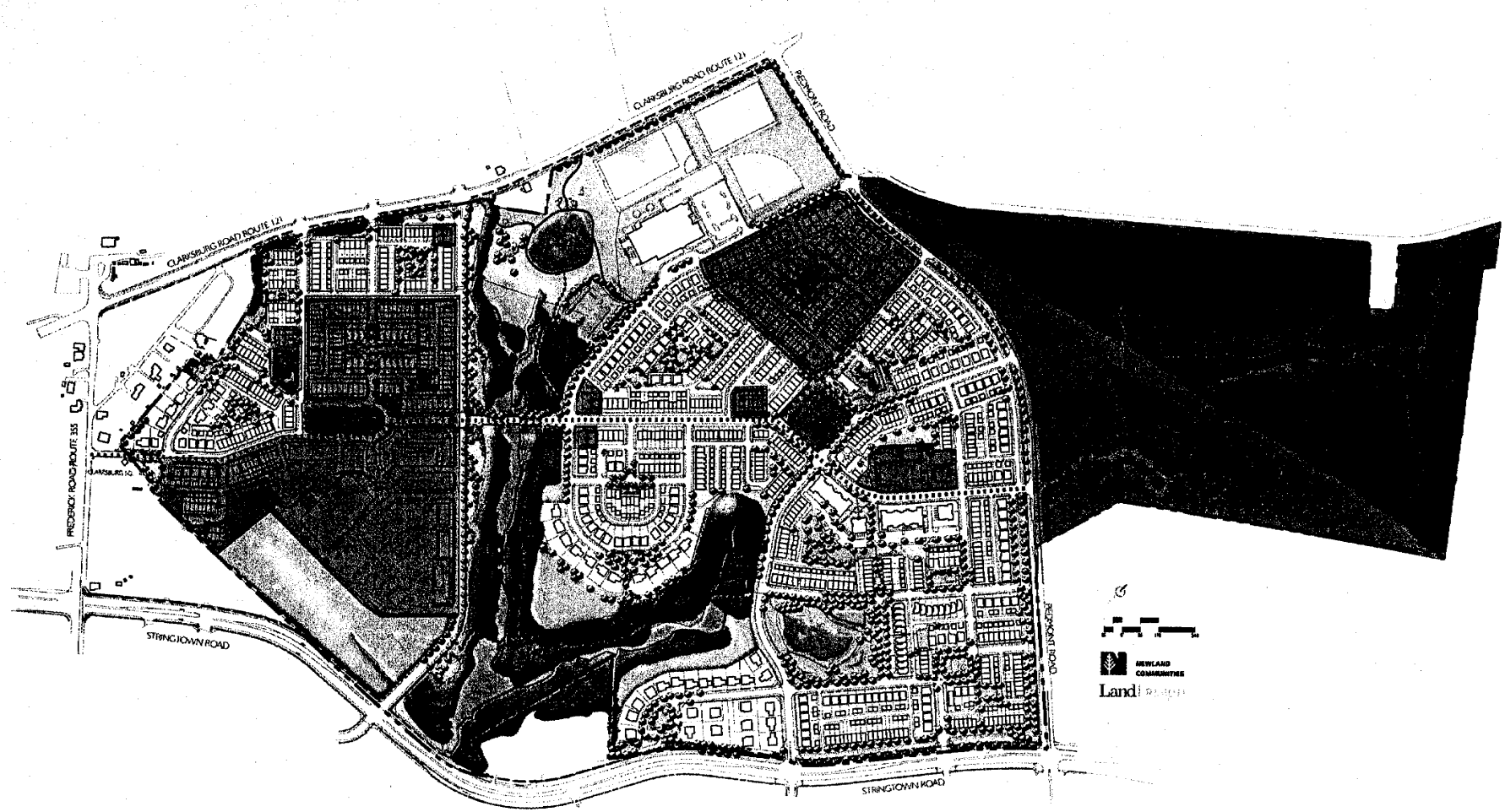
Continuing along Clarksburg Square Road, the foot of the land bridge marks the transition to the heart of the community space for the Town Center neighborhood. Up the hill is the Sinequa Square recreational area, which features an outdoor amphitheater; bosque of trees sheltering a new plaza area with parking; supplemental, 1200 square foot community building with multimedia space; and expanded community pool complex with a slide, an indoor, heated lap pool and small concessions shop.

At the end of Clarksburg Square Road is Piedmont Woods, a 60-plus acre park that will be developed by Newland Communities and deeded over to The Maryland National Capital Park and Planning Commission for future maintenance. The park will feature two tennis courts, a basketball court, picnic areas, hiking trails, a "bark park," and convenient parking. It will provide recreational and gathering space for the entire Clarksburg community.

CLARKSBURG

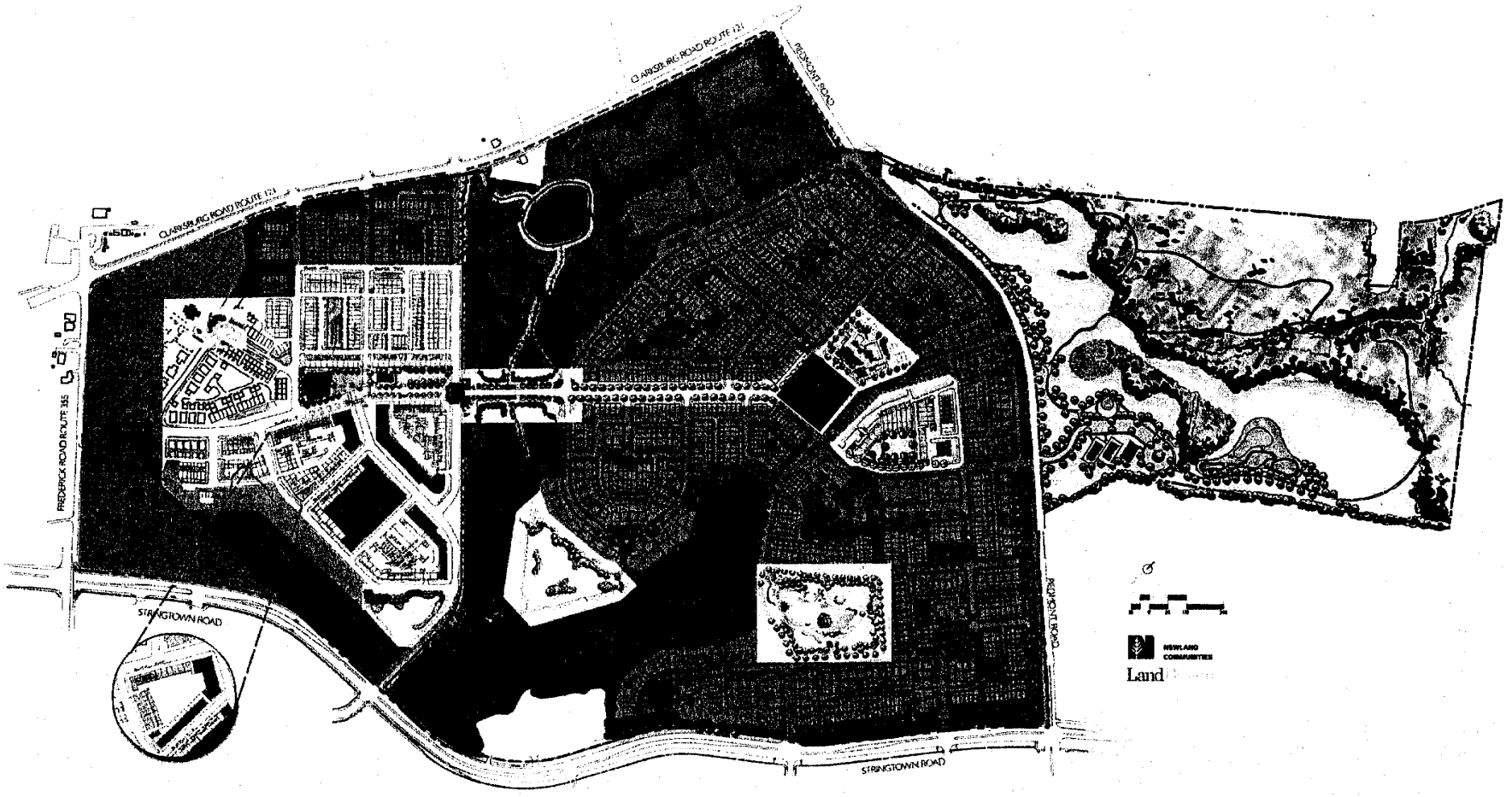
The charette also focused on enhancing existing landscape-based amenities. Murphy's Grove Pond, in an area located near Stringtown Road at Clarks Crossing Drive, will be developed in stages, with the initial improvements bringing enhanced landscaping and the removal of the white picket fence that currently borders the parcel. The final plan calls for a fishing pier, walking trails and picnic areas. Storm Water Pond # 3, located behind Burdette Forest Road, will feature seating areas and a trail connecting to the Town Square. An additional new park where a large condominium building was scheduled to be built will now feature a lawn expanse, a grove of trees, and a seating wall along Clarksburg Square Road.

CLARKSBURG



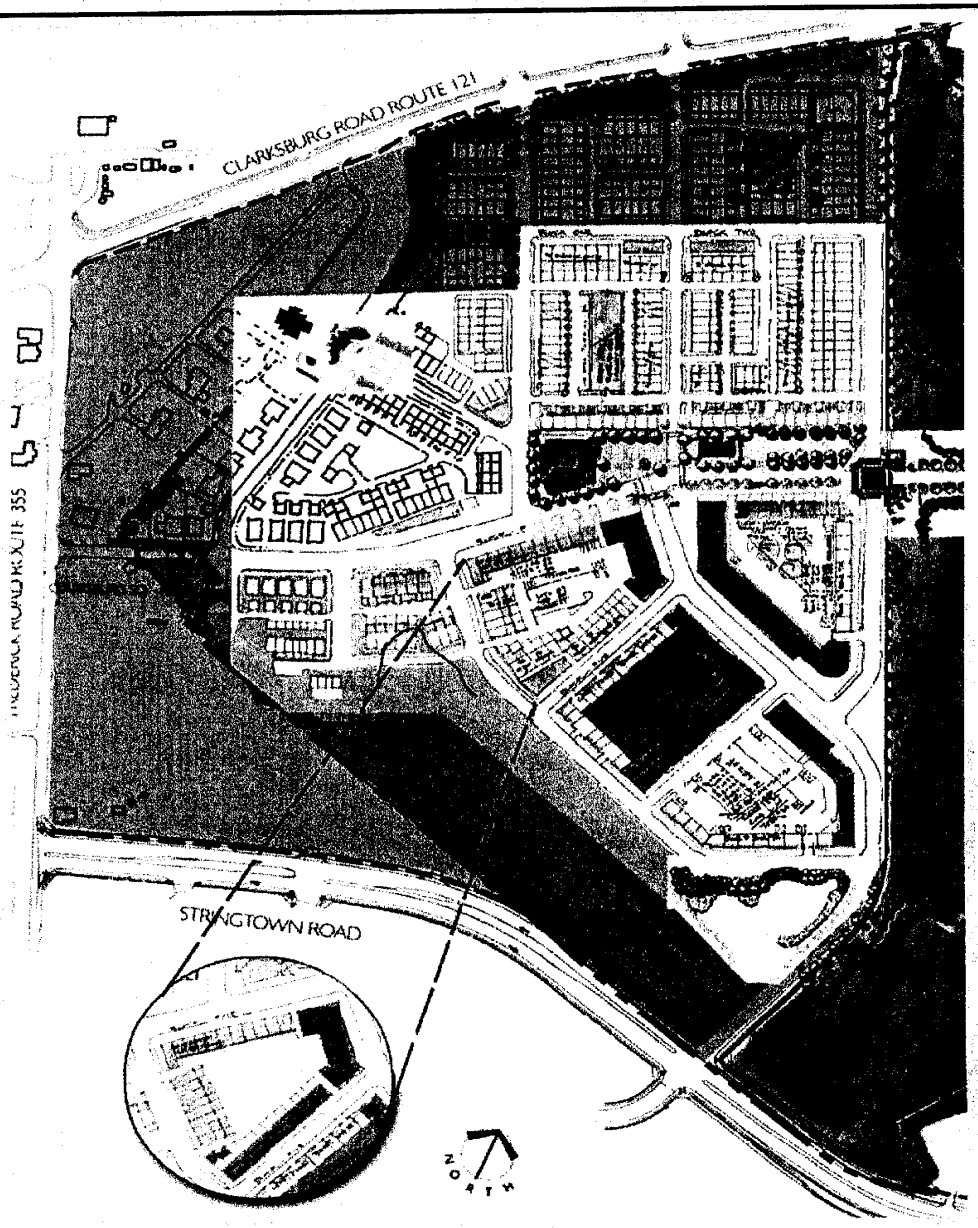
Existing Plan showing Un-built Areas

CLARKSBURG



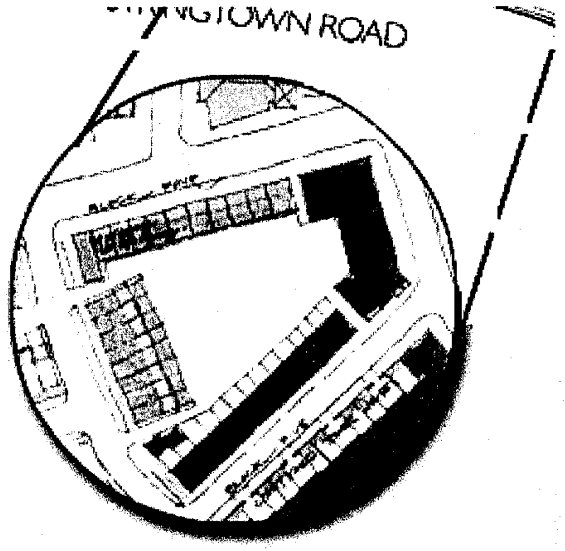
Concept for Plan of Compliance

CLARKSBURG

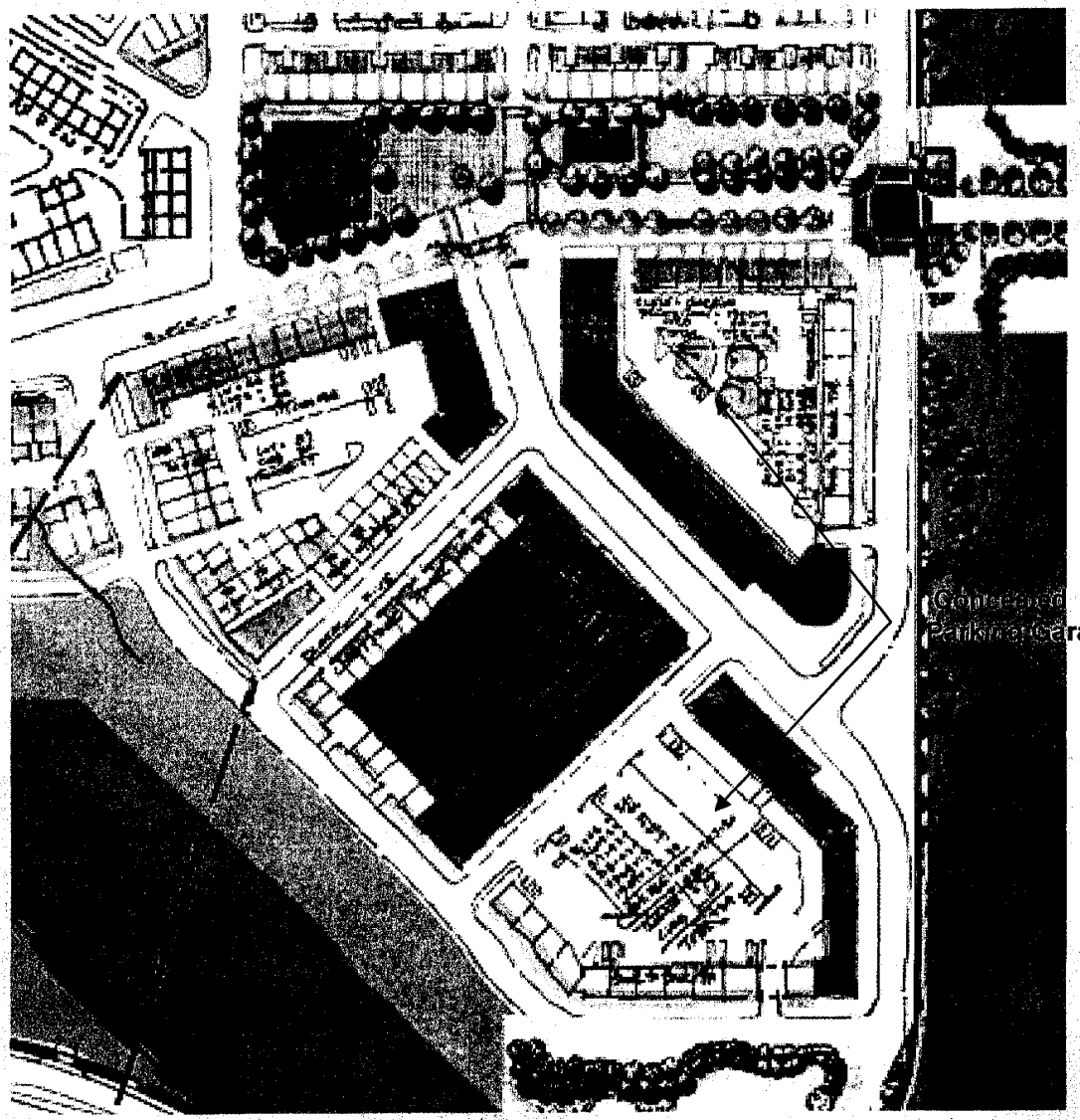


West Side Conceptual Plan

CLARKSBURG

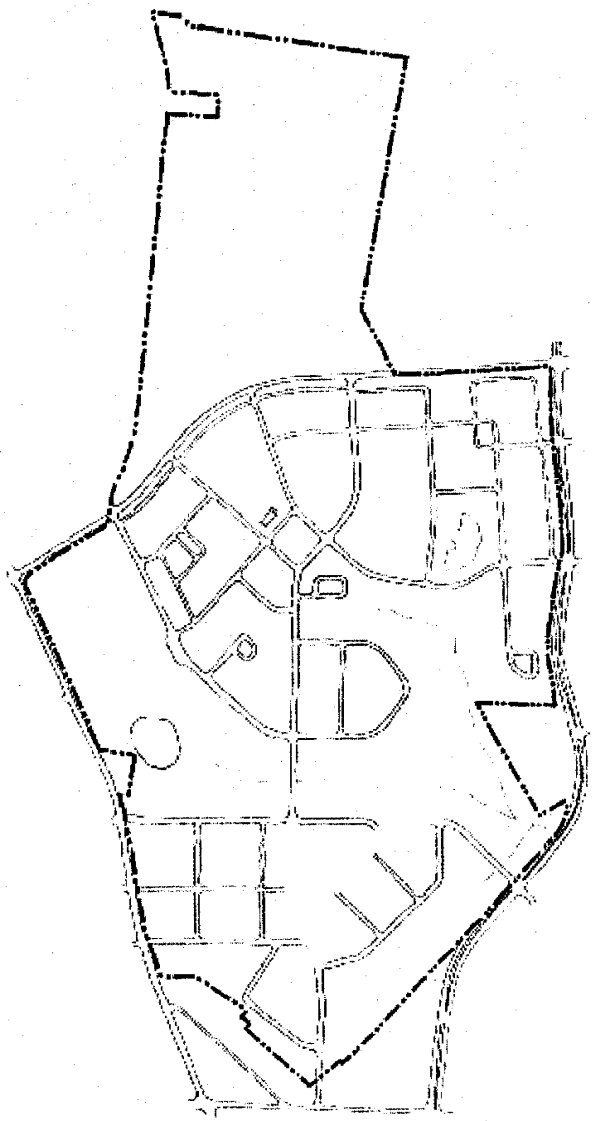


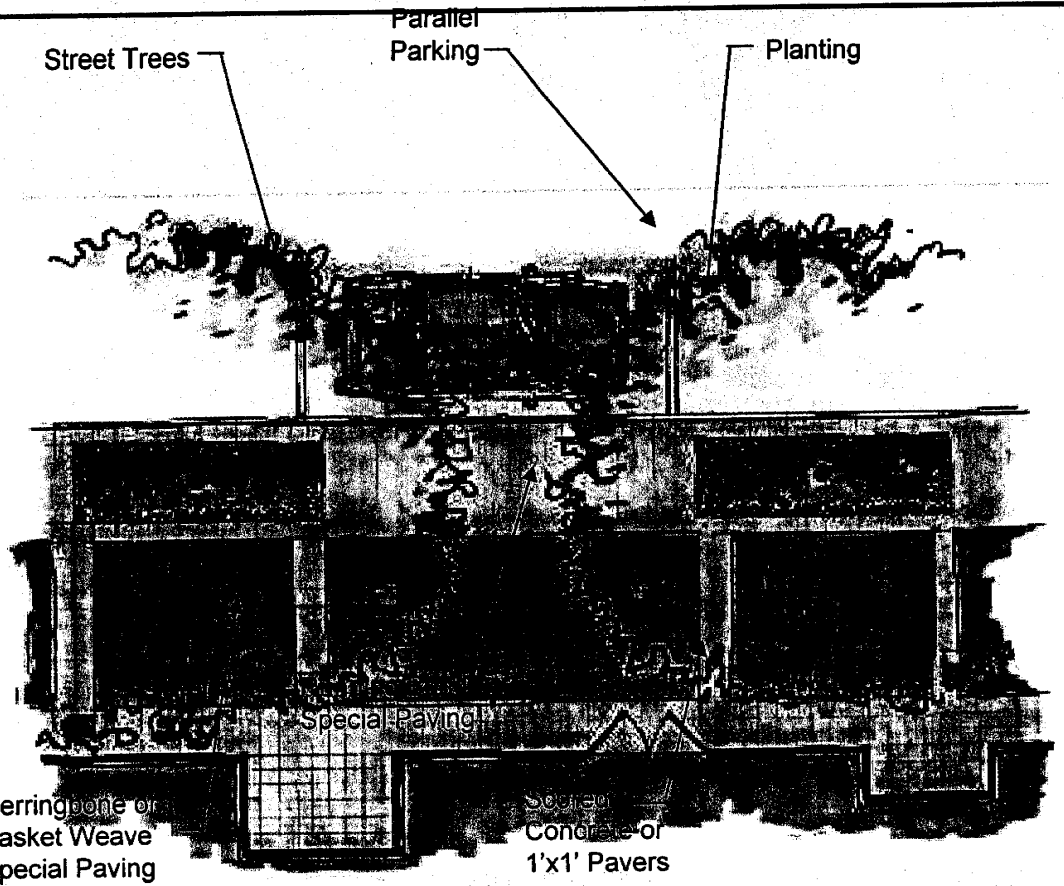
Depicts the option for one block within the Town Center to allow either residential or retail buildout. (Determination to be made at Site Plan based on market drivers and optimal solution for the Town Center.)



Concept for Blocks 3, 4 & 5

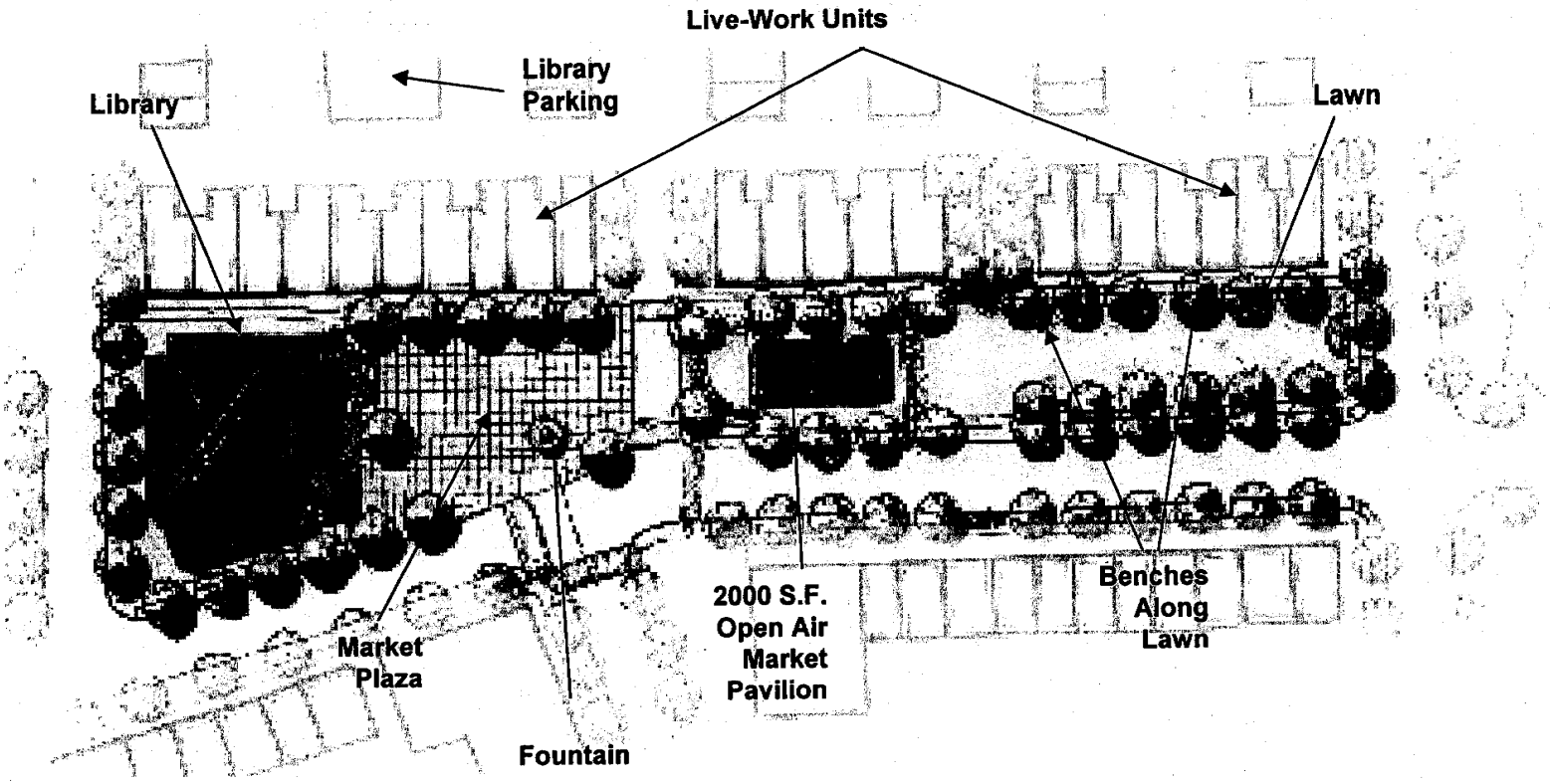
CLARKSBURG





Concept for Special Pavement Sidewalks

CLARKSBURG



Conceptual Town Center Green

CLARKSBURG

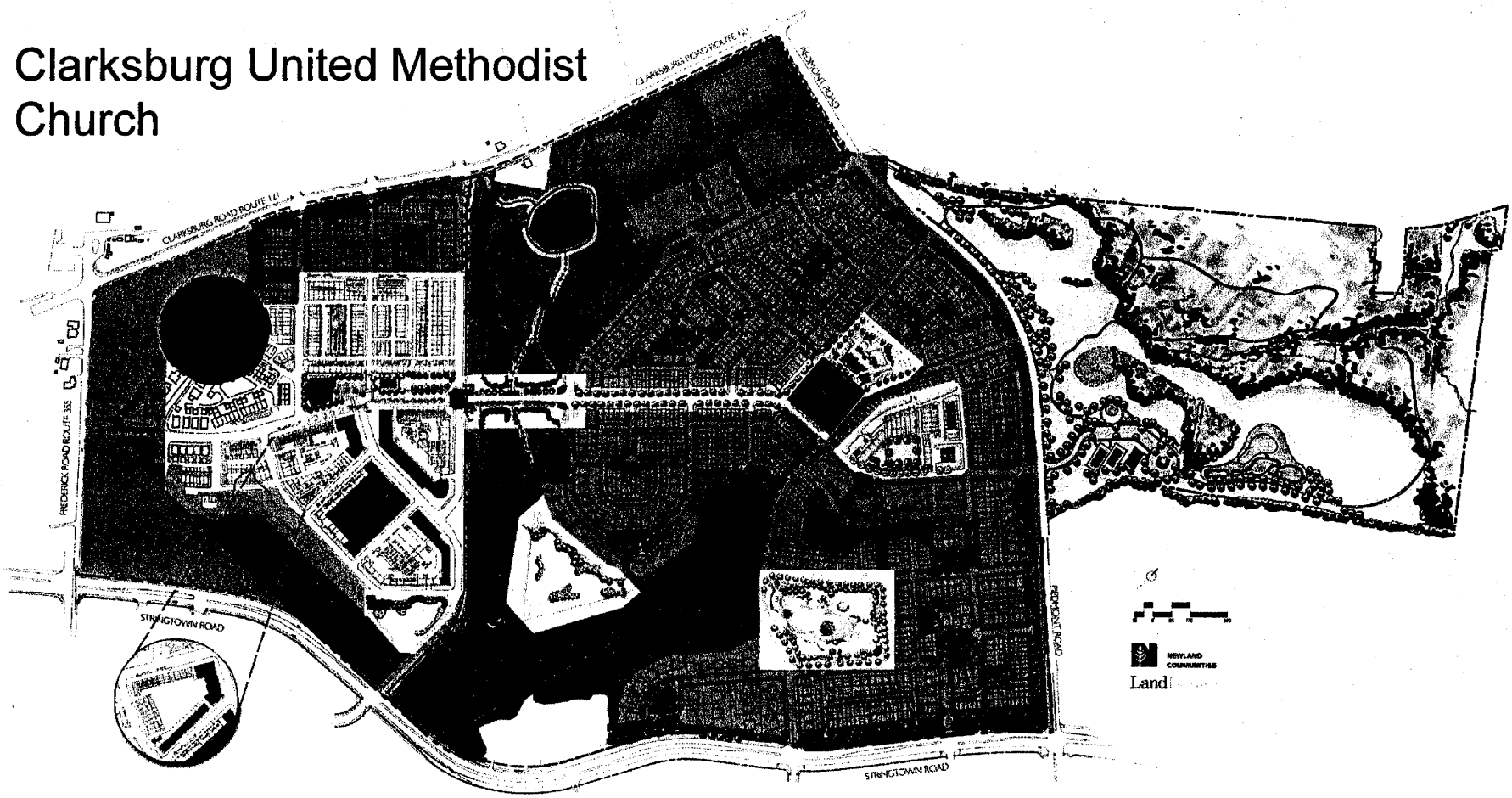
Town Square
Conceptual Depiction

(2)

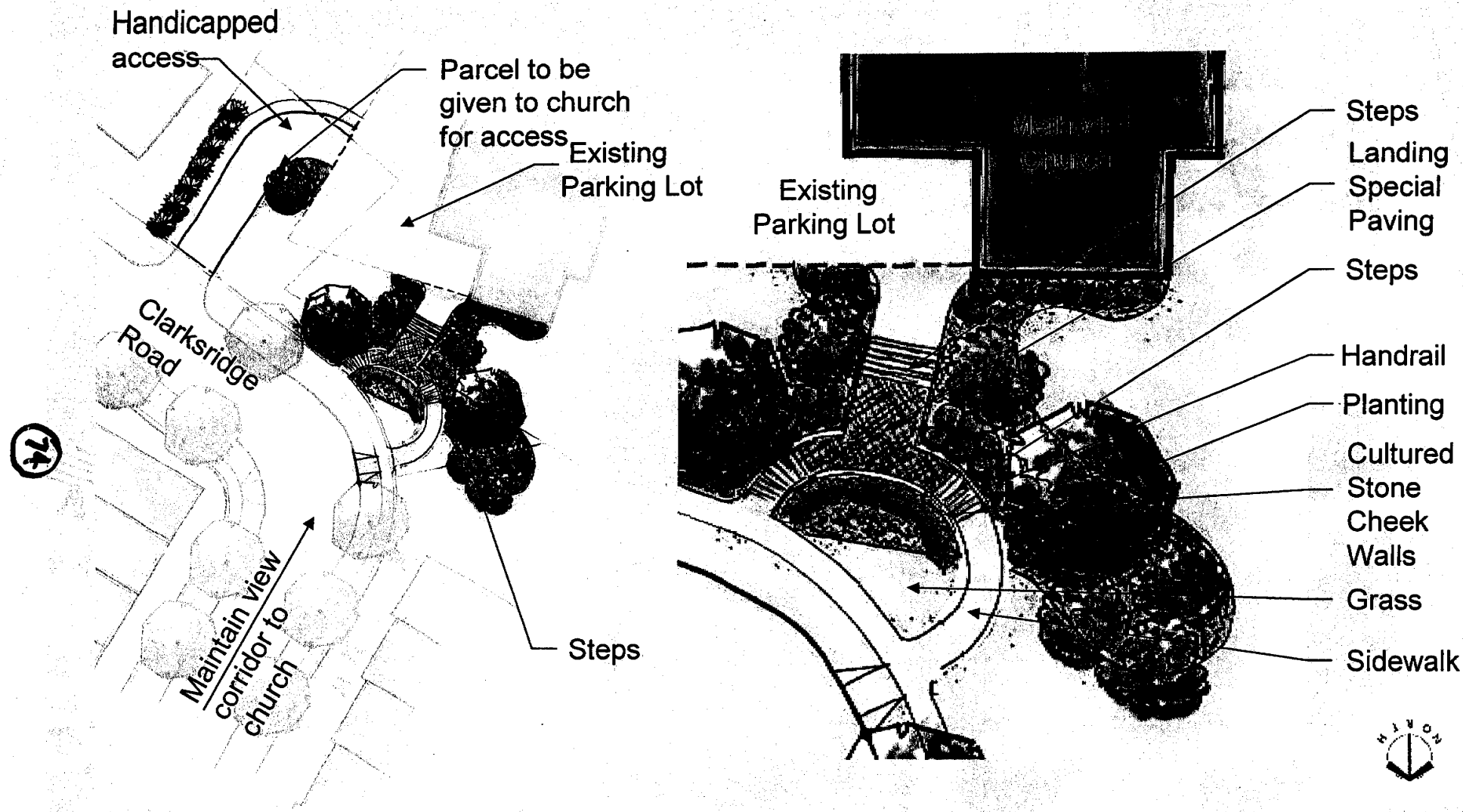
TORTI GALLAS AND PARTNERS • DUANY PLATER-ZYBERK & COMPANY • Michael Vergason Landscape Architects

CLARKSBURG

Clarksburg United Methodist Church



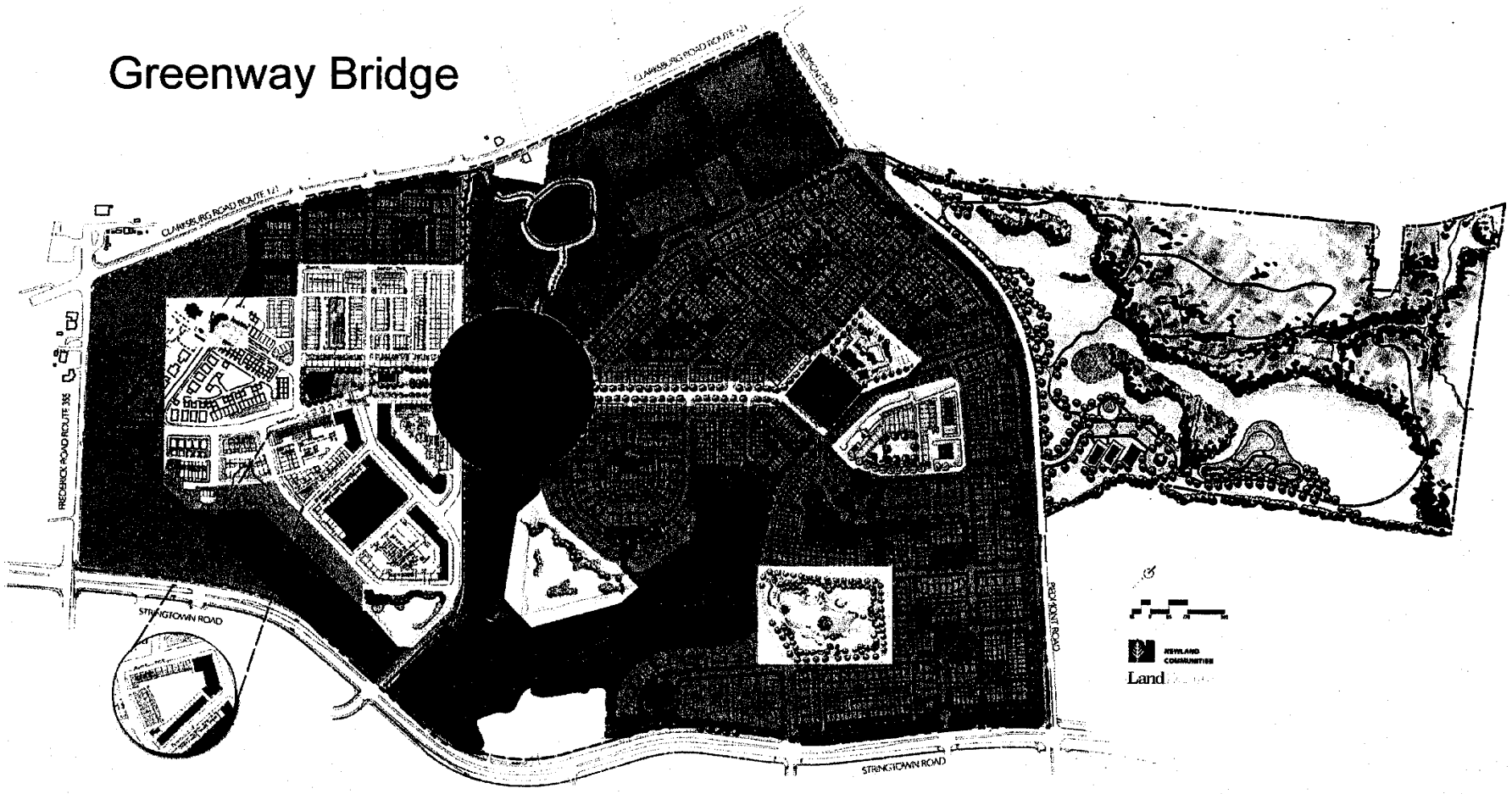
CLARKSBURG



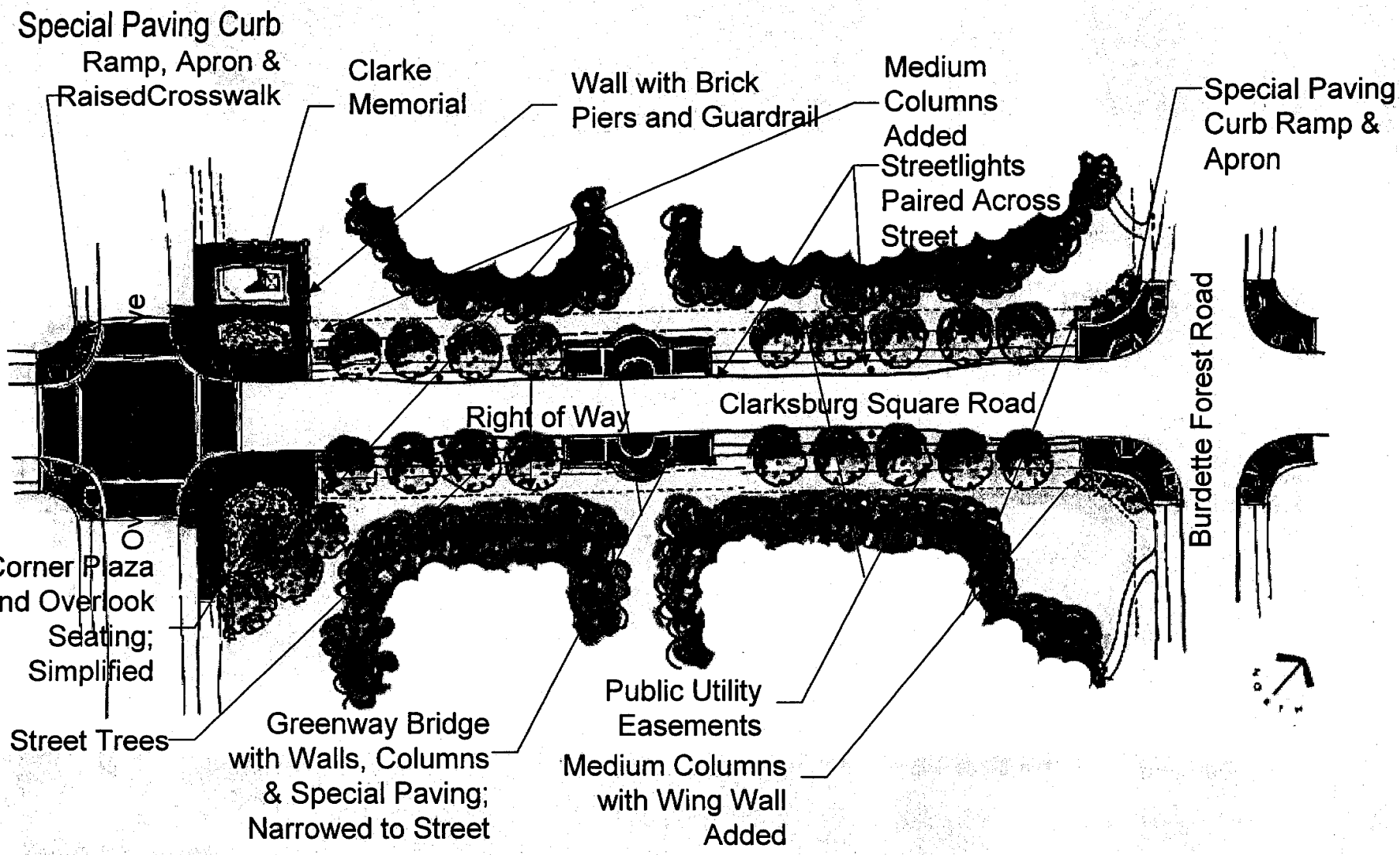
Concept for the Grand Staircase at Clarksburg United Methodist Church

CLARKSBURG

Greenway Bridge

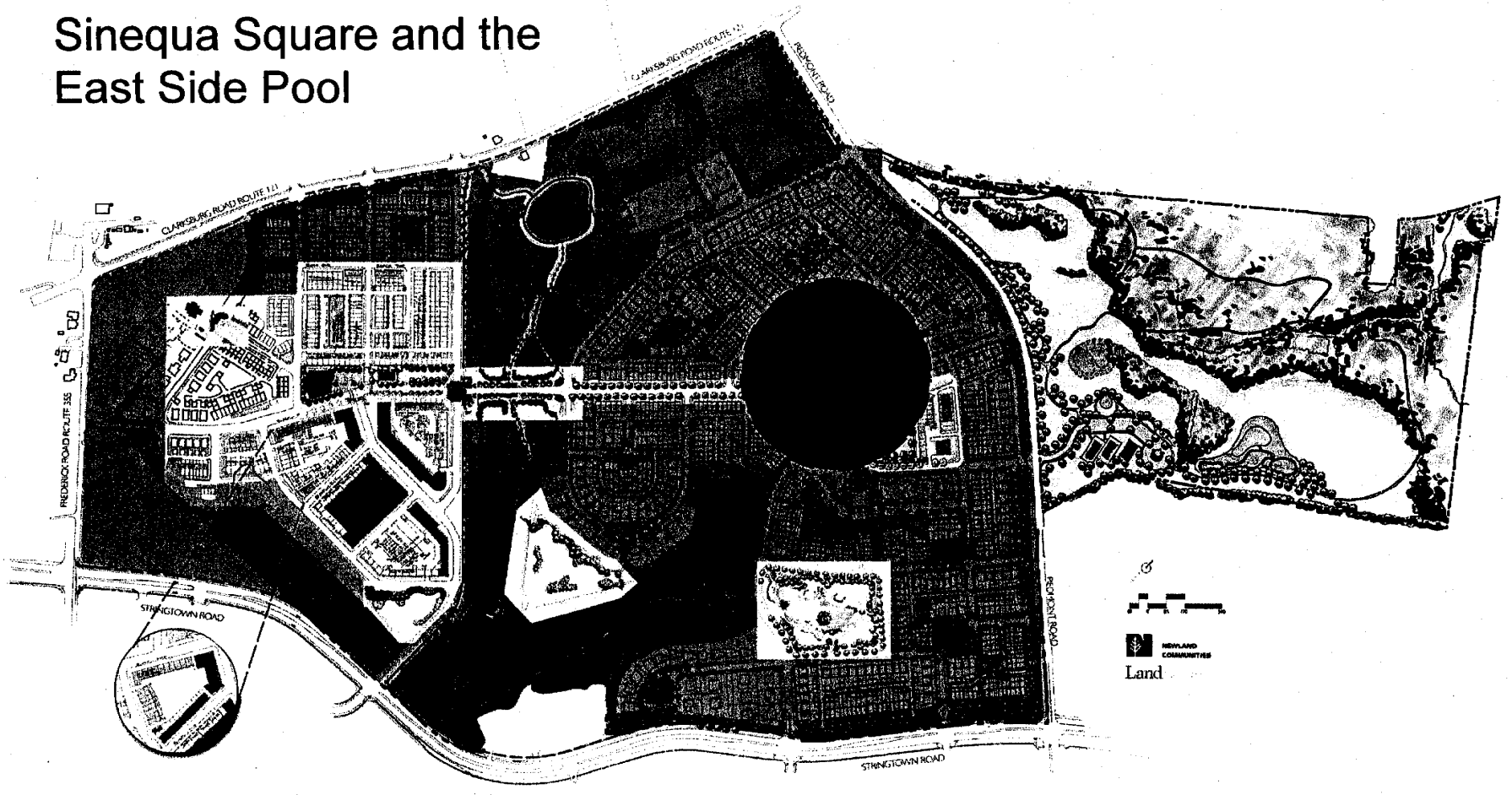


CLARKSBURG

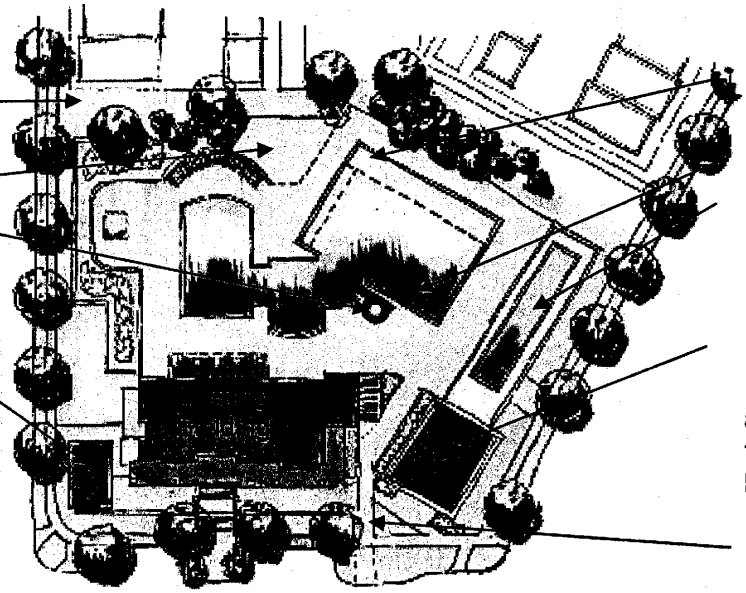


Concept for the Greenway Bridge

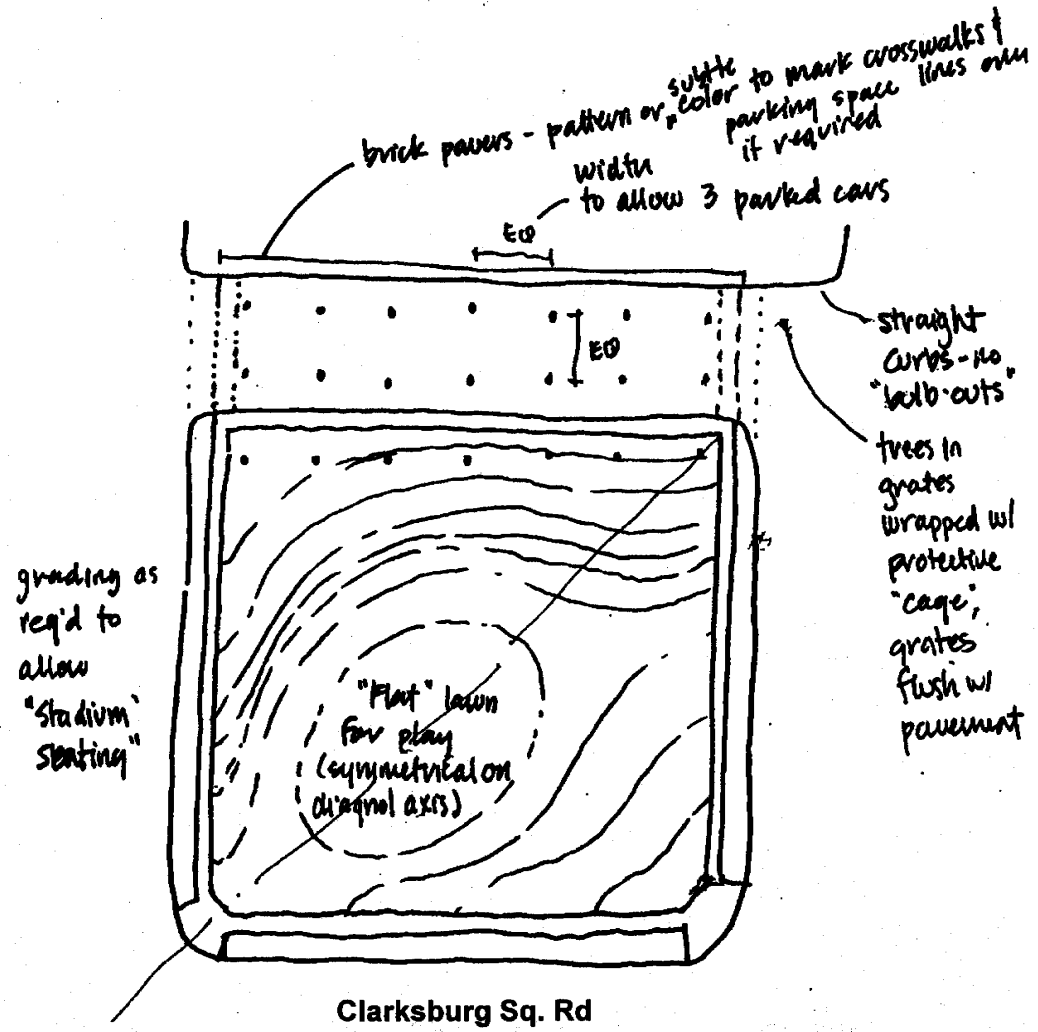
Sinequa Square and the East Side Pool



CLARKSBURG

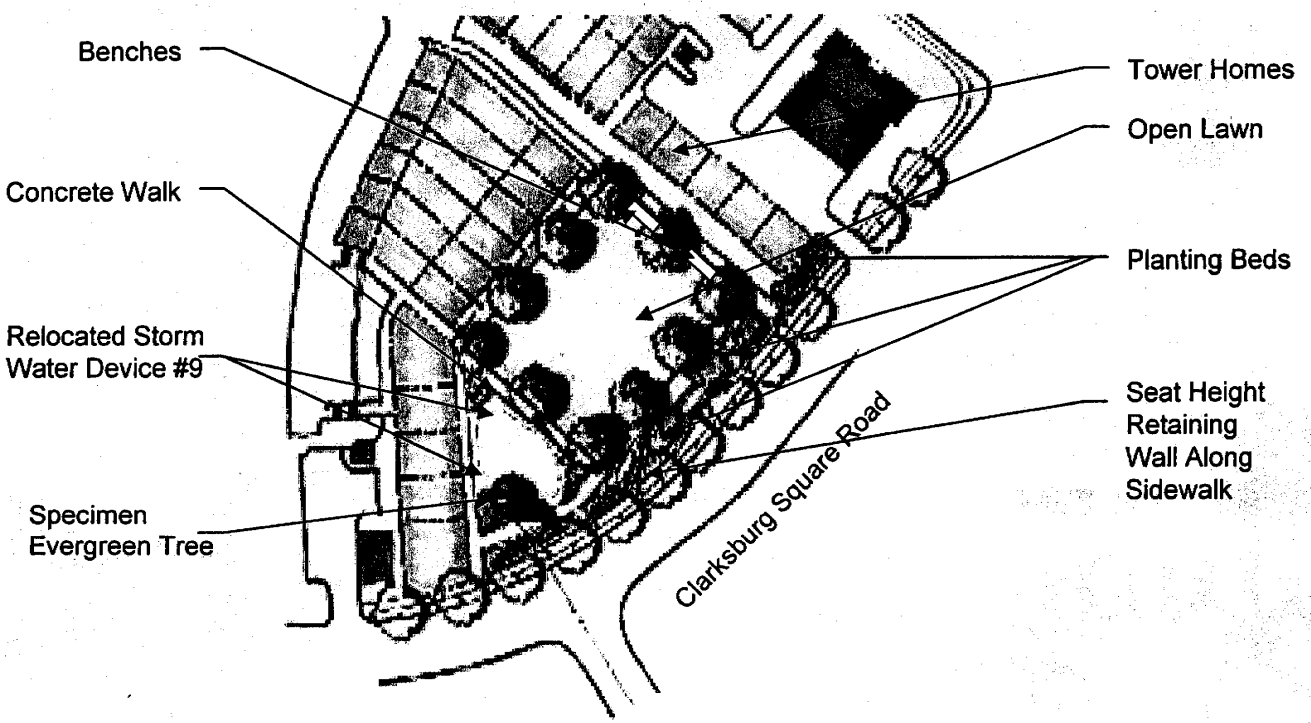


(24)



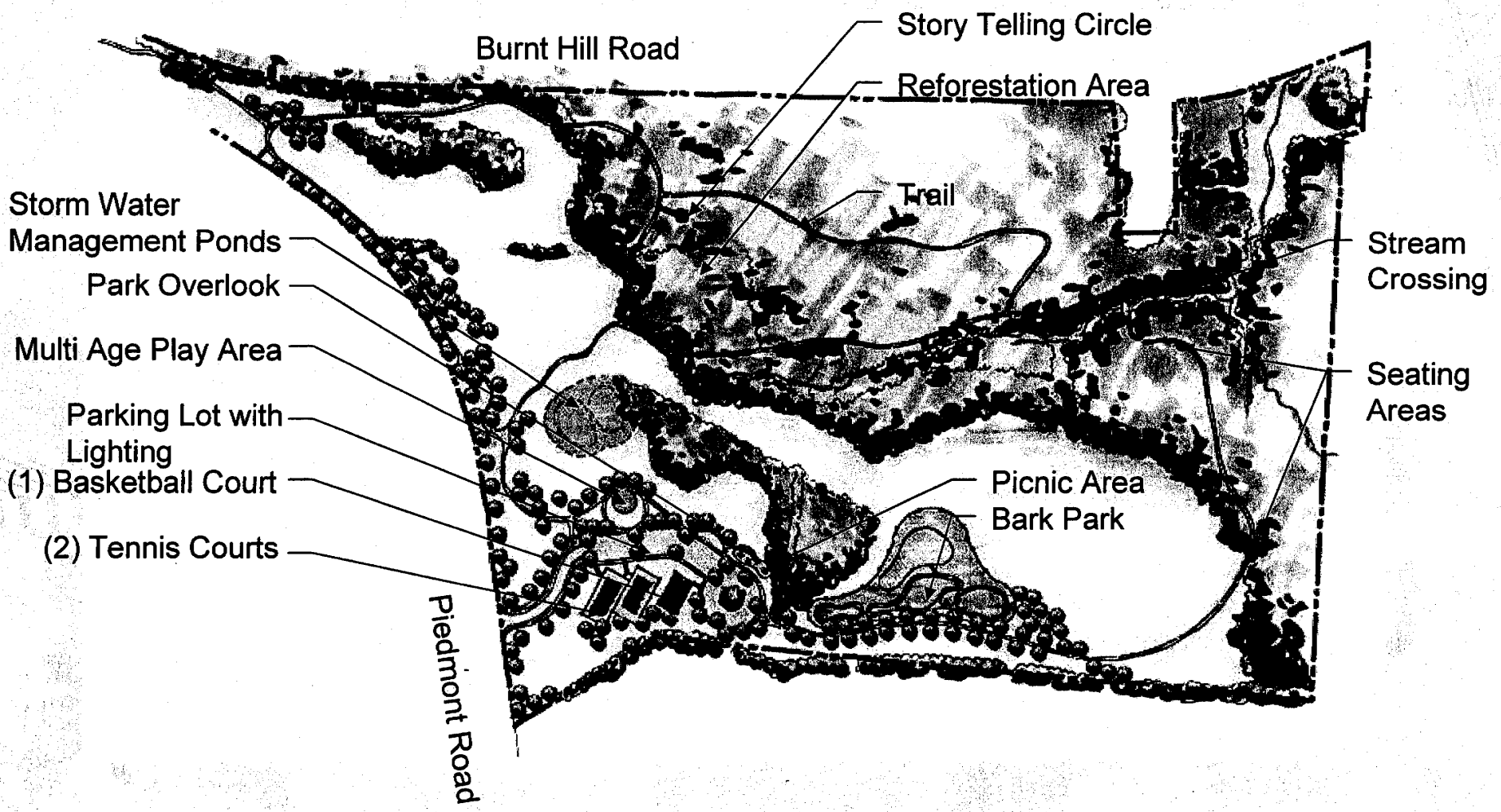
Sinequa Square Concept

CLARKSBURG



Block H – Townhomes and a Park replace a large condominium building

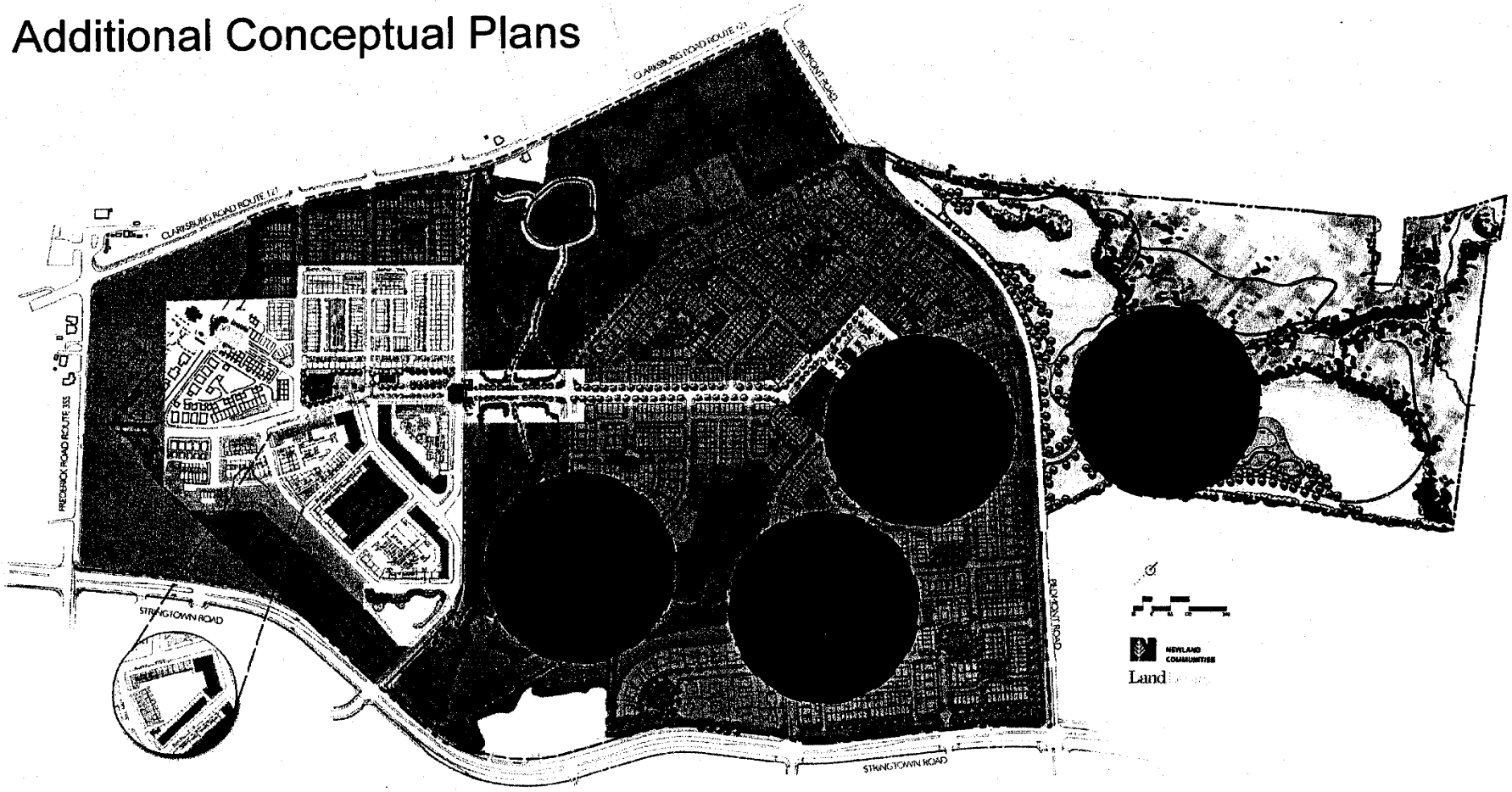
CLARKSBURG



Concept for Piedmont Woods

CLARKSBURG

Additional Conceptual Plans



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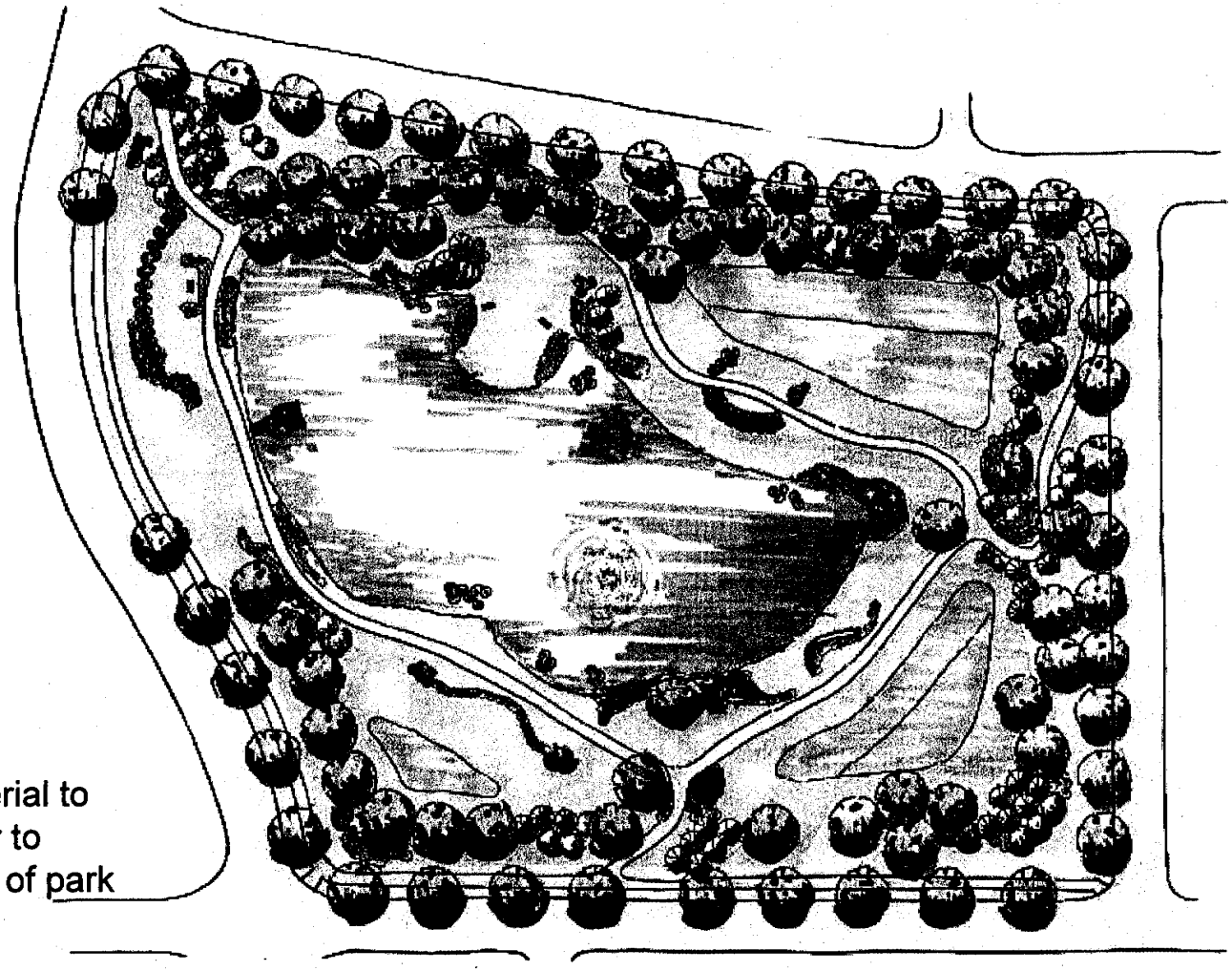
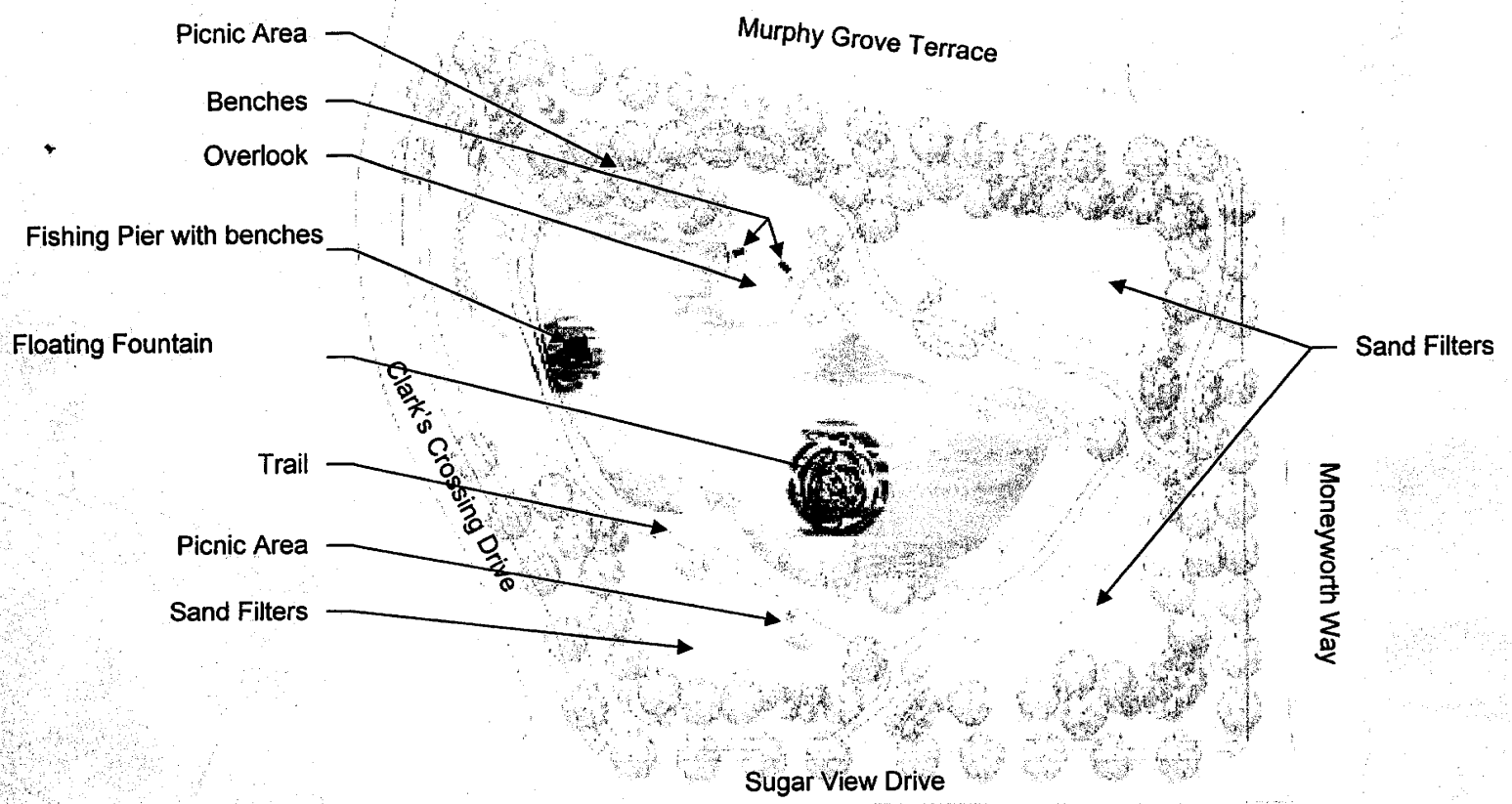


Note:

Color Indicates Landscape Material to be Installed prior to final conversion of park

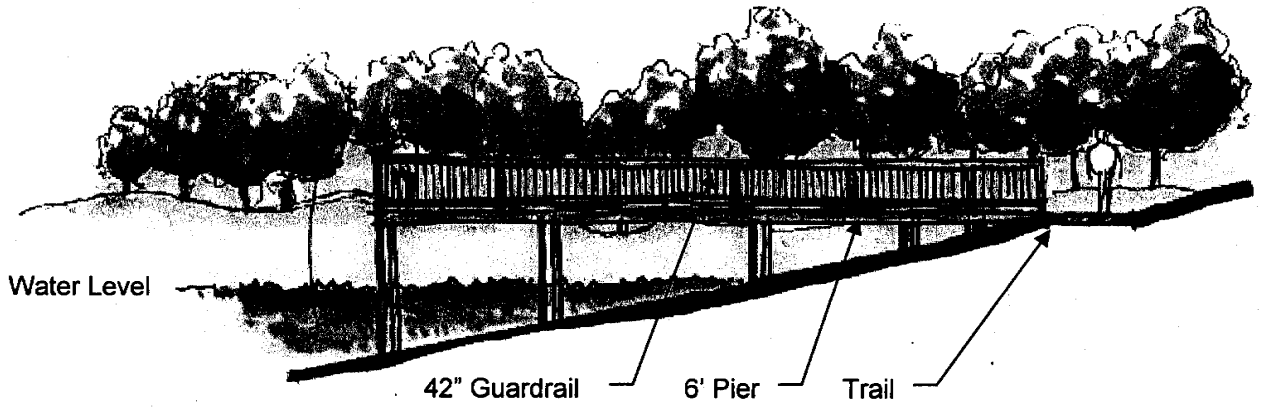
Interim Concept for Murphy's Grove Pond

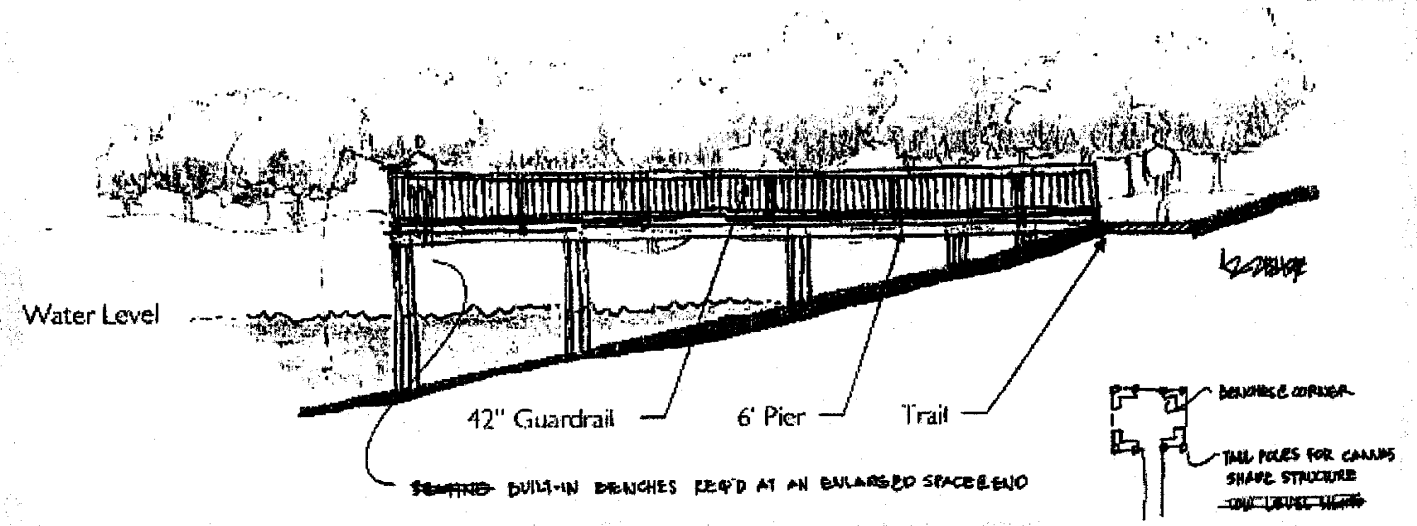
CLARKSBURG



Ultimate Concept for Murphy's Grove Pond

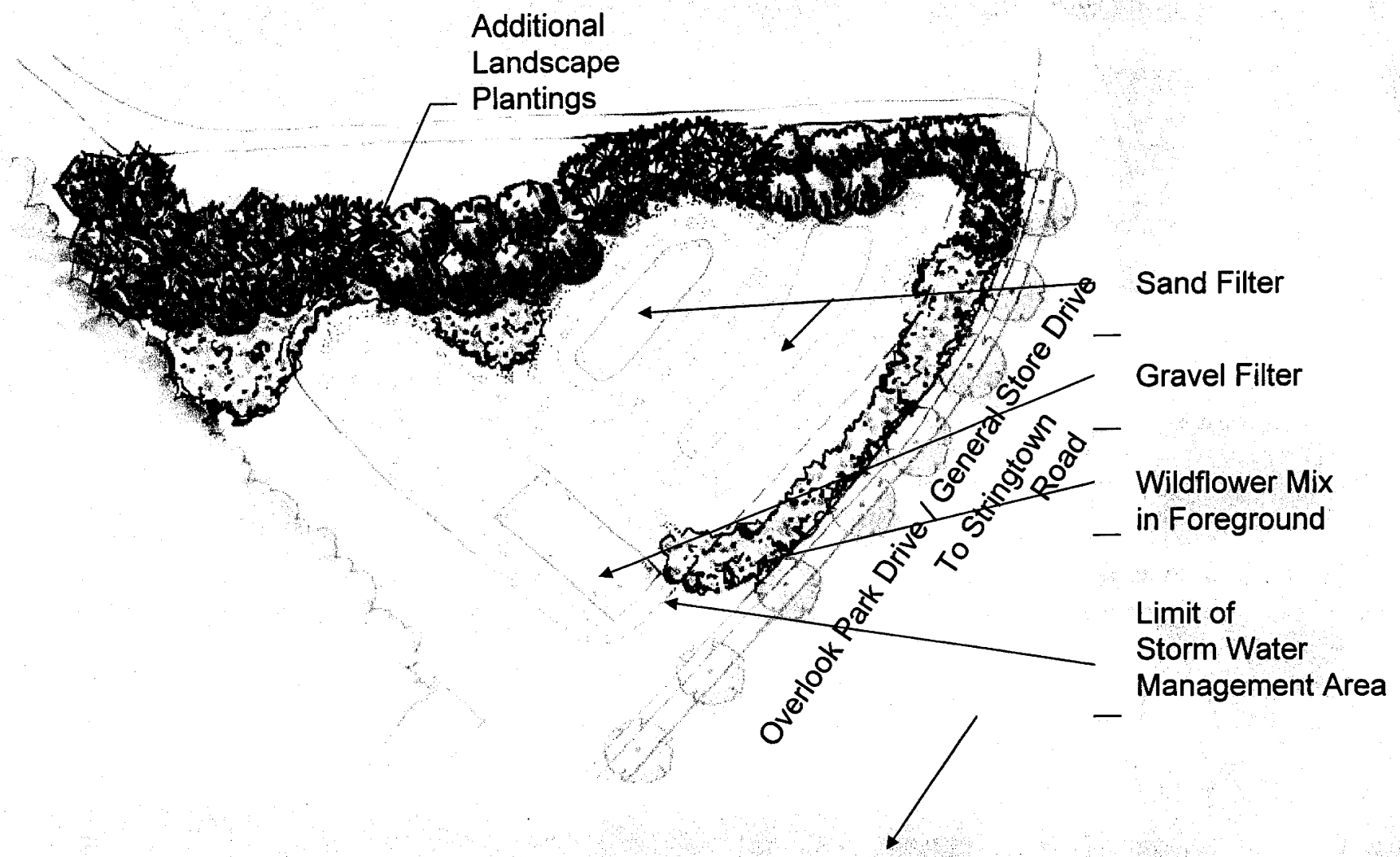
CLARKSBURG





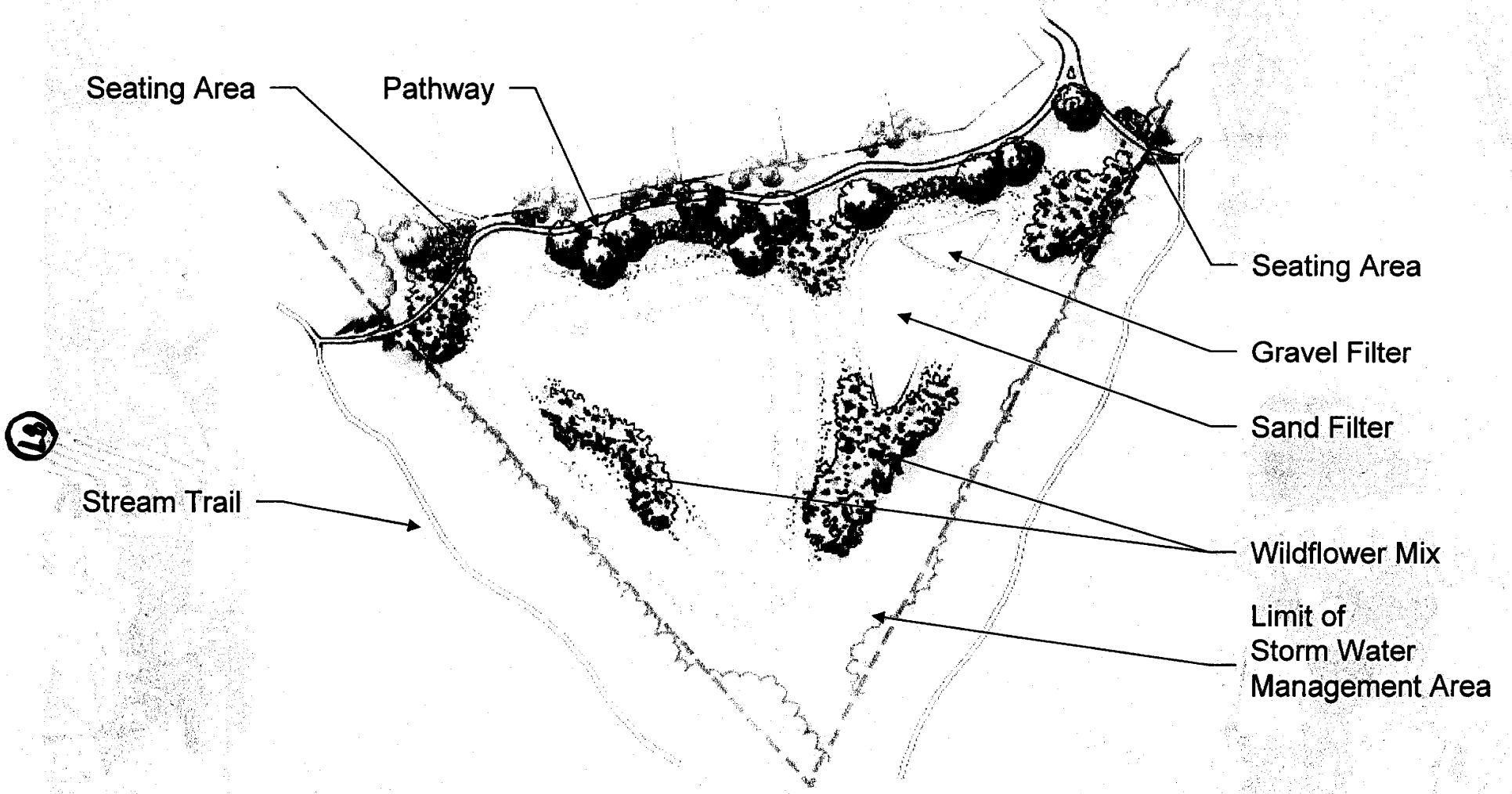
Concept for Murphy's Grove Pond Pier

CLARKSBURG



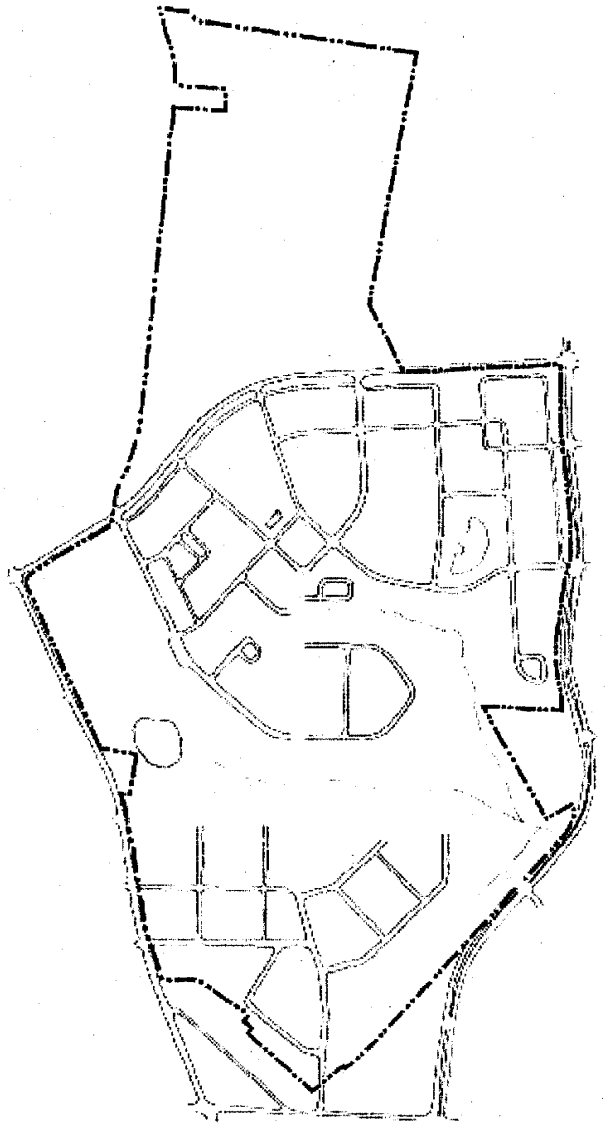
Concept for Storm Water Pond #2

CLARKSBURG



Concept for Storm Water Pond #3

CLARKSBURG

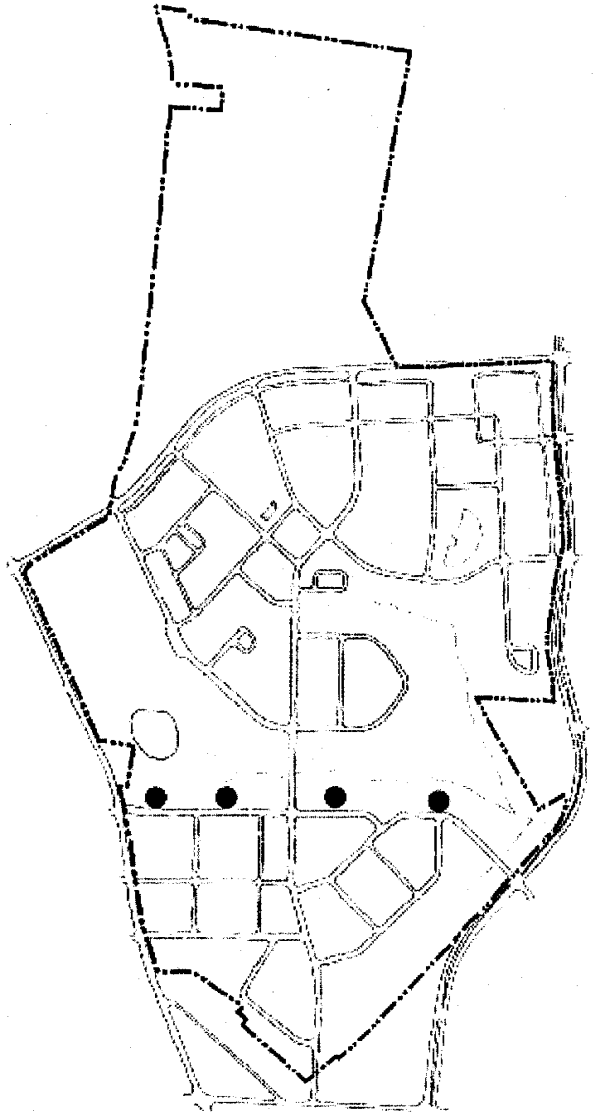


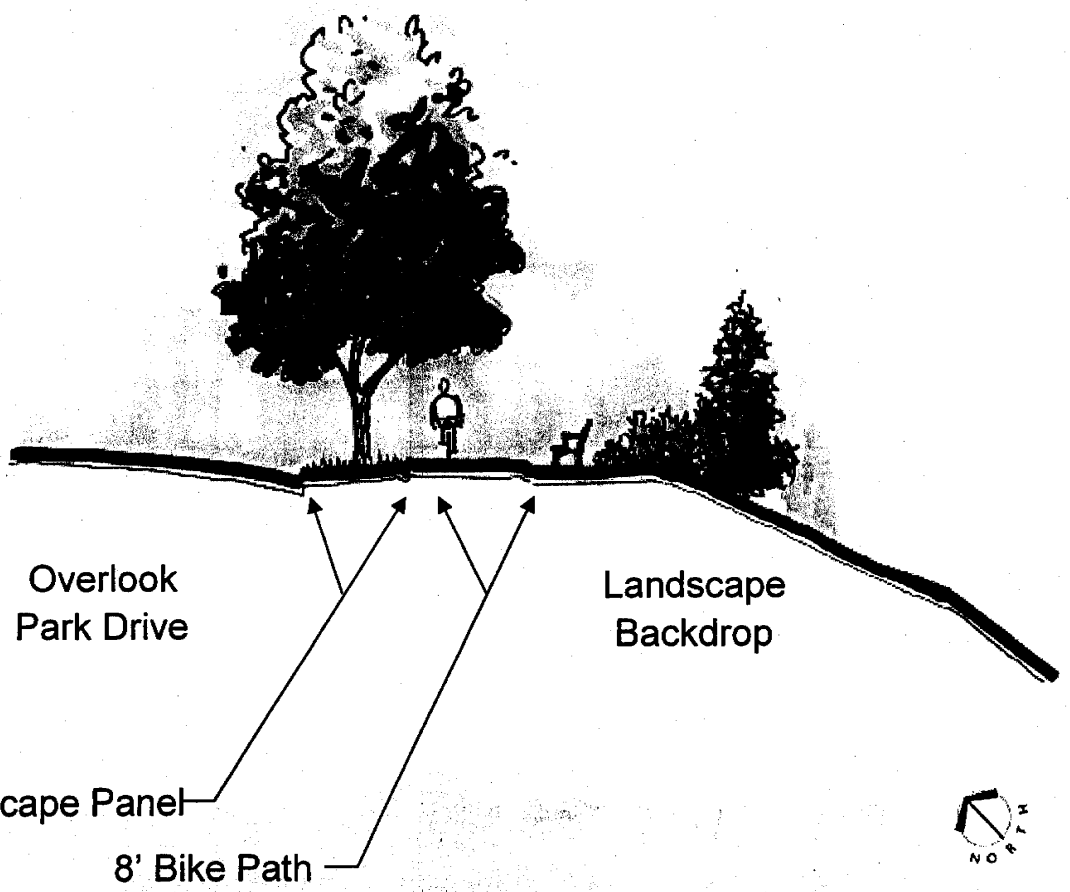
- Street tree selection to be London Plane Tree
- Increase size to 4" caliper
- Install trees at 30' on center +/-
- Continuous improved topsoil, 3' deep

NORTH

Concept for Enhanced Street Tree Plantings

CLARKSBURG





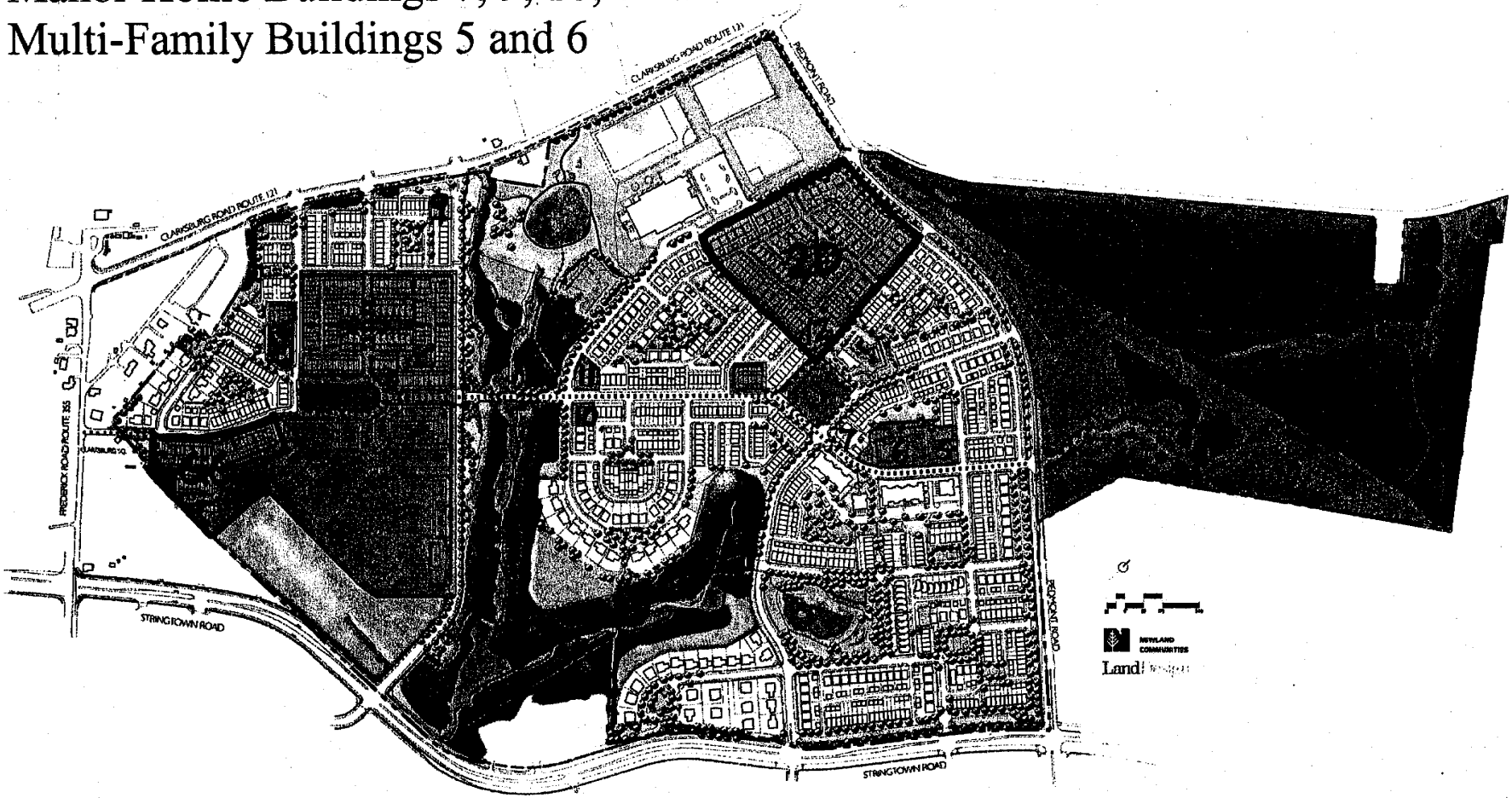
Concept for East Side Overlook Park Drive Seating Areas

CLARKSBURG

Town Square
Conceptual Depiction

TORTI GALLAS AND PARTNERS • DUANY PLATER-ZYBERK & COMPANY • Michael Vergason Landscape Architects

Sections 2D and GG
Manor Home Buildings 7, 9, 10, 11 and 12
Multi-Family Buildings 5 and 6



Existing Plan showing Un-built Areas

ATTACHMENT 3

Edwards, Sue

From: Randy DeFrehn [rdefrehn@nccmp.org]
Sent: Wednesday, May 31, 2006 11:53 AM
To: Edwards, Sue
Cc: Berlage, Derick
Subject: Clarksburg Town Center - Manor Home No. 9

Sue,

Thank you for taking your time to speak to me this morning with respect to my family's concerns regarding the proposed construction of Manor Home No. 9. As I had explained, my wife had come to a hearing held on or about April 20, thinking that she would have an opportunity to provide oral testimony, but the format was changed and no such opportunity was provided. She did submit a written copy of what appears below, but we weren't sure that it actually got to the right person to be considered.

I have also provided a copy of this e-mail to Chairman Berlage for his consideration. Thank you for your kind attention to this matter.

Sincerely,

Randy DeFrehn

Randy G. DeFrehn
Executive Director
National Coordinating Committee for Multiemployer Plans (NCCMP)
815 16th Street, NW
Washington, DC 20006
Phone: (202) 737-5315
Fax: (202) 737-1308
Cell: (301) 367-1723

Items for the Parks & Planning Hearing

1. My name is Margaret DeFrehn. My husband, two children and I have lived in the Town Center for approximately 2 years.
2. We appreciate the Commission's ongoing interest in Clarksburg Town Center and your work to ensuring that the residents receive the community we all thought we were buying into.
3. Although there are a number of issues we remain concerned about, my comments tonight will be limited to the subject of Manor House #9 and the impact on our immediate neighborhood.
4. Our concerns include issues over the size and the situation of the building and the impact on the neighborhood's already limited parking.
5. Parking is a major concern in this community which was built with the idea that accessible mass-transit would be an integral part of our lifestyle.
6. Since we moved in however, access to mass transit has been reduced rather than improved, making cars a virtual necessity.
7. With respect to Manor House #9, this building was originally designed as a nine unit building.
8. It is situated on a corner between two rows of townhomes.
9. Subsequent to the construction of the adjacent townhomes, the plans were changed to increase the number of units to twelve.

10. The setbacks from the current foundation to each of the adjacent buildings is nearly non-existent, in fact, the home on Overlook Park has a bay window from which one can literally reach out and touch this proposed Manor House.
11. There is currently no dedicated parking for this building.
12. Driveway parking for the surrounding townhomes has been reduced because of the placement of stairs for the decks and the heat pump units under the staircases which prevents us from parking more than one car in the driveways.
13. Street parking on General Store (which is the street which the alley behind Manor House #9 backs up to) has been restricted to one side, eliminating approximately 12 on street parking spaces.
14. A foundation for Manor House #9 was constructed too close to the street and was subsequently revised to comply with front setback requirements.
15. The height of the foundation of Manor House #9 currently stands approximately 6 feet above street level.
16. As proposed, this building is grotesquely oversized for this block.
17. Situating the building so far above street level will only exaggerate the size differential.
18. Even if the number of units were reduced to the original nine units, the reduction in parking without dedicated supplemental parking will create an undue burden for existing residents, let alone those who will occupy the building.
19. We, the neighbors would prefer that this building not be built in this location, and that a park or some additional townhomes would be more appropriate.
20. If a Manor House is to be constructed at a minimum it should not exceed the original nine units, with appropriate setbacks.
21. Dedicated, integral parking must be included; and
22. The top of the foundation must be reduced to street level for the building to be better integrated into the neighborhood. As noted above, the current foundation will place the building approximately six feet above street level. When looking across the line of townhomes that face Clarksburg road, each is stepped down to accommodate the slope toward Overlook and to fail to do so with what is undoubtedly the largest building in the entire neighborhood and one which will dwarf the adjacent townhomes makes no sense and would only exacerbate an already untenable situation.

Thank you for your consideration of these matters.

MCP-Chairman

From: Paul (and/or Mary) Majewski [pmajewski@att.net]

Sent: May 11, 2006 9:36 AM

To: MCP-Chairman

Cc: ClarksburgCA@yahoogro; Maskal, Nellie; jennifer.russel@montgomerycountymd.gov; Krasnow, Rose; Synergiesinc@aol.com; Zyontz, Jeff

Subject: ClarksburgCA Exec Comm needs the final water quality plan

cCa
Clarksburg Civic Association
Clarksburg, Maryland 20871-0325

May 11, 2006

Chairman Berlage, MNCPPC:

At our May 1, 2006 Clarksburg Civic Association (CCA) Executive Committee meeting, the CCA-EC resolved that it and its planning committee needs to see the final water quality plan for the Town Center mediation package.

Further, it resolved that the county needs to conduct a full water quality environmental impact study before Piedmont Woods goes to site plan. The active areas of Piedmont Woods should be developed in such a way to alleviate any problems to Burnt Hill Road and the Little Bennett water shed.

Our community wants to safeguard the community's ground water, streams, roads, and properties.

Sincerely,

Paul E. Majewski, President, Clarksburg Civic Association
Kathie Hulley, Chair, CCA Planning Committee

#1

MCP-CTRACK

From: Peter Roscoe [proscoe@verizon.net]
Sent: Friday, April 28, 2006 11:16 PM
To: MCP-Chairman
Subject: Clarksburg Town Center

Dear Members of the Board.

My apologies__ This replaces the rough draft I sent a few minutes ago. New computer and I hit the wrong button

First of all I would like to thank you for the opportunity to speak at the Clarksburg Town Center hearing with regards to Clarksburg and the results of the mediation. I wasn't planning on speaking but when I heard the comments about the plan and the extension of the Clarksburg square road I felt it was necessary to do so. I probably wasn't as clear as I could have been so I am taking this opportunity to write to you.

Please allow me to Introduce myself. My name is Pete Roscoe and I along with my wife Erika live in Clarksburg at 23419 Clarksridge Rd. My wife and I moved here about two years ago and we bought immediately when we drove up the street, saw the church, and heard the church bells. What a blessing to have the mixture of the old and new in this community.

We both wanted to give something to the community and My wife joined the grounds committee and I joined the covenants committee. Being on the covenants committee is not all that much fun but we want the community to be all that it can be.

Needless to say Erika (my wife) and I were very disappointed in what happened and we were skeptical regarding the actions of the board, the builders, and even CTAC and wondered what was going to happen in the future. We watched and listened and now we are very excited about the outcome of the mediation and the recommended courses of action . We are impatient and want to encourage the board to approve those plans as presented in an expeditious manner. We believe that all parties developed the best solution for the residents, the builders and the community. We along with our neighbors can't wait to see construction commencing soon.

We are very concerned about the actions and words of a small group of people regarding the extension of Clarksburg Square Rd to 355 which was always part of the master plan. The mediation did not change that and we feel that special interest groups are taking advantage of the situation by bringing it up now. They had their opportunity when the master plan was approved years ago. Some of the people who testified were not telling the whole story. A few of the residents on Clarksburg Square Town Rd do not want the extension to go through not because of impact on the Historic district, Not because of additional traffic on 355 but because they want a dead end road for their personal use to the detriment of the community.The historic commission did not provide any factual data regarding adverse impact of this road on the historic district. I come from Connecticut where we have homes that are 300 to 400 years old next to main highways and the impact of those roads have no affect. One can only suppose what their real agenda is. Perhaps they too want to keep traffic out of their backyards and are using the Historic district as an excuse.

I am not going to dwell on their motives but would like to provide some factual data for the keeping of the road in accordance with the master Plan if I may:

The road is part of the master plan. Planners with a lot more experience than myself had good reason for doing this.

All sections of Clarksburg have entrance and egress direct to a main thoroughfare. The elimination of this extension would force current and future residents on our side to travel to the center of the Town through the retail area to exit. No other section would be forced to do this. I could throw in the price of gas in this equation but I won't or did I just do it?

Elimination of the extension would deprive the gas station, Veterinarian (former post office) and other businesses of mainstream traffic. It's my understanding one of the old homes is going to be converted to a country store. Will they go through with it if the road is not opened.

Emergency vehicles would have to go through the retail area to access a portion of the Clarksburg that will be cut off from a main route access. Does this make sense? I expect the retail area will be a success and won't that traffic cost precious minutes?

I know the there is a petition out there with a Hundred names and not all of those who signed the petition live in Clarksburg. I do know that there will be five to ten times that amount who will be adversely affected and would probably sign a petition to keep the road but there is one problem. They don't live here yet because their homes are not built. Who is going to speak for them. I hope the board does!

Thank you for you time
Peter Roscoe

Peter Roscoe
proscoe@verizon.net

February 13, 2006

Mr. Derik Berlage, Chairman
Montgomery County Department of Park & Planning
The Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Springs, MD 20910

Dear Mr. Berlage:

I recently read the article in the Gaithersburg Gazette regarding the Horace Wilson house in Clarksburg and the efforts of the Clarksburg Historical Society to keep it at its present location. Upon looking at the picture closely I realized it was MY old house. I lived in that house from the time I was three years old until age twelve when my parents bought a lot and built a house around the corner near the Clarksburg United Methodist Church. My grandparents bought the Wilson house and the store sometime in the early 1930's, I believe. After my grandfather died in 1940, my parents moved from Bethesda to help my grandmother and took over operation of the store. They retired from the business around 1965 but continued to own the property for a few years. The property was actually owned by my Grandmother Barr jointly with my mother. The store was called Barr's Grocery T/A Emory B. Edwards. I have many fond memories of my childhood there.

The changes in recent years to Clarksburg are well documented and in some cases notorious. I live in Gaithersburg now but go frequently to Clarksburg Cemetery to put flowers on the graves of my family. Each trip is heartbreaking to me to see what was once quiet, treed, tranquil Clarksburg changed forever. It's hard to remember where old buildings used to be. I applaud the Historical Society for trying to maintain some semblance of the old Clarksburg. I attended their February meeting and pledged to support them in any way I can.

The decision to move the house to build a road through to 355 is another bad story. With Clarksburg Road on one end (with a traffic light) and Stringtown Road on the other end (with a traffic light), it makes little sense to me to put a road there with the other roads so close. This certainly doesn't make any sense from a safety point of view either.

Lastly, it is imperative that we keep the very small historic section of Clarksburg (only 20 houses) as it is so that others can see what we prized for so many years. Certainly moving buildings out of their original location will not keep that continuity. With that in mind I ask that you do whatever you can do to keep the Wilson house or what is the Barr house to me, where it is PERMANENTLY. Is that not the purpose of an "historic district"?

Sincerely,

Joan Edwards Ruff

Joan Edwards Ruff
19028 Stedwick Drive
Gaithersburg, MD 20886

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

February 6, 2006

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com
Todd D. Brown
301.961.5218
tbrown@linowes-law.com

By Hand Delivery

Hon. Derick Berlage, Chair
and Members of the Montgomery
County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Clarksburg Town Center (Site Plan No. 8-98001, *et al.*).

Dear Mr. Berlage and Members of the Planning Board:

Enclosed please find a Joint Motion of the Clarksburg Town Center Advisory Committee, the master developer, and each homebuilder participating in the Clarksburg Town Center Development, requesting a further continuance of the site plan violations hearings in the Clarksburg Town Center matter. The enclosed Joint Motion requests a 45-day continuance to conclude the mediation efforts. The Motion further requests an opportunity to provide the Board with a status report at its March 23, 2006 meeting. Judge Barbara Kerr Howe, who is acting as mediator, joins in the Motion.

Thank you for your consideration.

Sincerely,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman

Todd D. Brown

SZK:cp
Enclosure

cc: Michele Rosenfeld, Esq. (w/enc., by hand)
David Brown, Esq. (w/enc., by mail)
Barbara Sears, Esq. (w/enc.)
Scott C. Wallace, Esq. (w/enc.)
Timothy Dugan, Esq. (w/enc., by mail)
Kevin Kennedy, Esq. (w/enc., by mail)
Robert Brewer, Esq. (w/enc., by mail)
Ms. Nanci Porten (w/enc., by mail)
Hon. Barbara Kerr Howe (enc., by mail)
Charles Stuart, Esq. (w/enc., by mail)

#569225 v1

BEFORE THE MONTGOMERY COUNTY PLANNING BOARD

IN THE MATTER OF THE MONTGOMERY COUNTY PLANNING BOARD'S REVIEW OF ALLEGED SITE PLAN VIOLATIONS, CLARKSBURG TOWN CENTER	* * * * *	Site Plan No. 8-98001, et al.

JOINT MOTION FOR FURTHER CONTINUANCE OF PROCEEDINGS

The undersigned Counsel of Record and Judge Barbara Kerr Howe respectfully request a continuance until March 23, 2006 of the Planning Board's proceedings concerning alleged site plan violations within the Clarksburg Town Center development.

By Joint Motion of the parties filed with the Board on November 30, 2005, counsel for the Clarksburg Town Center Advisory Committee ("CTCAC"), the Master Developer and each homebuilder participating in the Clarksburg Town Center development, requested a further continuance of the hearing originally scheduled for December 1, 2005 to give the parties a reasonable amount of additional time to continue pursuing resolution of pending disputes through mediation. By letter dated November 30, 2005, the Board granted the Joint Motion and continued the matter until February 9, 2006, conditioned on, *inter alia*, the Board's holding a status conference at which the parties were to advise the Board on the progress of the mediation efforts. On January 19, 2006, representatives of CTCAC and Newland Communities appeared before the Board and reported on the status of the mediation and their ongoing mutual efforts toward a successful resolution. The parties also advised the Board that additional time might be needed to complete the mediation efforts.

Based on the efforts of all concerned parties and their willingness to continue mediation efforts, an additional approximate 45-day continuance is requested to conclude the mediation.

The parties believe the mediation can be concluded within this timeframe. The parties further request an opportunity to provide the Board with a status report at its March 23, 2006 meeting.

In the event the mediation is successful, it is anticipated the parties would request at the March 23, 2006 meeting: that the Board grant an additional continuance at that time to provide the parties with sufficient additional time to prepare and submit a proposed plan of compliance reflecting the results of the mediation.

Judge Howe has indicated that she concurs with and joins in this Motion.

Respectfully submitted,

KNOPF & BROWN

By: _____
David Brown

401 E. Jefferson Street, Suite 206
Rockville, Maryland 20850
Attorneys for Clarksburg Town Center Advisory Committee

LINOWES AND BLOCHER LLP

By: _____
Stephen Z. Kaufman

By: _____
Todd D. Brown

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
Attorneys for Newland Communities, LLC and NNPII-Clarksburg, LLC

(102)

The parties believe the mediation can be concluded within this timeframe. The parties further request an opportunity to provide the Board with a status report at its March 23, 2006 meeting.

In the event the mediation is successful, it is anticipated the parties would request at the March 23, 2006 meeting: that the Board grant an additional continuance at that time to provide the parties with sufficient additional time to prepare and submit a proposed plan of compliance reflecting the results of the mediation.

Judge Howe has indicated that she concurs with and joins in this Motion.

Respectfully submitted,

KNOPF & BROWN

By:_____
David Brown

401 E. Jefferson Street, Suite 206
Rockville, Maryland 20850
Attorneys for Clarksburg Town Center Advisory Committee

LINOWES AND BLOCHER LLP

By:_____
Stephen Z. Kaufman

By:_____
Todd D. Brown

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
Attorneys for Newland Communities, LLC and NNPII-Clarksburg, LLC

LINOWES AND BLOCHER LLP

By:_____
Barbara A. Sears

By:_____
Scott C. Wallace

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
Attorneys for Bozzuto Homes, Inc., BA Clarksburg, LLC, BA Clarksburg Two, LLC

SHULMAN, ROGERS, GANDY, PORDY & ECKER

By:_____
Kevin P. Kennedy

By:_____
Timothy Dugan

11921 Rockville Pike, Suite 300
Rockville, Maryland 20852
Attorneys for Craftstar Homes, Inc. and its LLC affiliations, and NVR, Inc. t/a NV Homes

LERCH, EARLY & BREWER

By:_____
Robert G. Brewer

Lerch, Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814
Attorney for Miller and Smith at Clarksburg, L.L.C.

(104)

LINOWES AND BLOCHER LLP

By:_____
Barbara A. Sears

By:_____
Scott C. Wallace

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
Attorneys for Bozzuto Homes, Inc., BA Clarksburg, LLC, BA Clarksburg Two, LLC

SHULMAN, ROGERS, GANDY, PORDY & ECKER

By:_____
Kevin P. Kennedy

By:_____
Timothy Dugan

11921 Rockville Pike, Suite 300
Rockville, Maryland 20852
Attorneys for Craftstar Homes, Inc. and its LLC affiliations, and NVR, Inc. t/a NV Homes

LERCH, EARLY & BREWER

By:_____
Robert G. Brewer

Lerch, Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814
Attorney for Miller and Smith at Clarksburg, L.L.C.

LINOWES AND BLOCHER LLP

By:_____
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SHULMAN, ROGERS, GANDY, PORDY & ECKER

By: Kevin P. Kennedy (TD)
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3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814
Attorney for Miller and Smith at Clarksburg, L.L.C.

(106)

PORTEN HOMES

By: _____
Nanci Porten

Porten Companies Inc.
5515 Security Lane
Suite 550
Rockville, MD 20852-5003

cc: Judge Barbara Kerr Howe

#568163 v1

(107)

2005-2027

MCP-Chairman

From: Brown, Matthew (NIH/NIAID) [E] [MBrown@niaid.nih.gov]
Sent: Wednesday, December 21, 2005 9:36 AM
To: MCP-Chairman; ddelano@newlandcommunities.com
Cc: Matt Brown; mariela@cpsdocs.com; mgcoiro@pepcoholdings.com
Subject: Clarksburg Town Center

Good Day,

My name is Matthew Brown and I live in the Town Center at 13023 Ebenezer Chapel Drive. I just wanted to send this brief note since my wife and I was not able to attend the meetings on December 20th, 2005. We have been extremely frustrated with all that has been going on in our town center. Although I agree with some of the concerns with building or revising the town center shopping area to be more pedestrian friendly and less massive parking area's, enough is enough. I would really like to see some action start soon! My wife and I have been here for well over 2 years now and feel it's about time to enjoy the neighborhood and the amenities the town center has promised to deliver. I very much enjoyed the presentation that Newland communities and their staff involved in building the revised town center displayed to the residents about a year ago I believe. My vote is to hurry up the mediation process and begin work again on the retail/town center.

Another concern I have is the road that will hopefully one day soon be built to connect the two separate sections (upper and lower) of the neighborhood. My wife, son and self attempt to enjoy our neighborhood by walking up to the pool and soon to be club house while meeting new people and getting exercise. However, with no road or better yet sidewalks to connect the upper and lower sections this task has been very difficult. We have been at times very limited in our places to walk safely. It would also be very nice to be able to drive to the upper (main) section of the neighborhood instead of having to drive all the way around on either Clarksburg Road or Stringtown. This has also been challenging at time due to all the new traffic because of Skylark Drive being closed for a lengthy amount of time.

Nonetheless, my family as well as many other families are ready and wanting to have our neighborhood back! We are all hoping that Clarksburg Town Center will one day be the neighborhood we all thought it would be. As one more bit of information I'd like to share, I have heard and actually talked to many people from around the Montgomery County area that were once considering moving to the Town Center, and after hearing and reading about all the controversy decided not to purchase and new or used home in the Town Center. This disappoints me and hopefully we all can turn this thought of our neighborhood around.

Thank you very much for hearing my thoughts on this very important matter. If you'd like to reach me my home number is 301-528-3363.

Matthew C. Brown

#1
Dec 20

MCP-Chairman

From: Peter Roscoe [proscoe@verizon.net]
Sent: Saturday, December 17, 2005 8:15 PM
To: MCP-Chairman
Subject: Fwd: Clarksburg Community issues and hearing on december 20th

Begin forwarded message:

From: Peter Roscoe <proscoe@verizon.net>
Date: December 17, 2005 8:10:59 PM EST
To: mcp-chairman@mncppc-mc-ord
Cc: Tom Delano <tdelano@newlandcommunities.com>
Subject: Clarksburg Community issues and hearing on december 20th

Dear sirs

Thank you for the opportunity to comment regarding he issues surrounding our community.

We moved into our townhouse on Clarksridge road a year ago and one of the reasons we selected the home was the view of the church from the street. I do not see how a walkway or muse could improve the situation. I think the memorial park and the walkway to the church once it is completed will be excellent. In fact I believe the parking situation will be better since they can walk down the pathway and park on our street should space be available.

I am adamantly opposed to a skateboard park. The insurance costs, maintenance, and problems associated with such a park can be overwhelming. It does not add to the desirability or beauty that **already** exists in our community.

I've watched this drama unfold since our arrival here and my main disappointment is the negative publicity that is generated and the fact that the planning commission does not appear to be operating the best interests of the community. The record keeping was inadequate, they allowed builder's to perform work that should not been conducted and did not respond in a timely manner when questions were asked. As a board with the public interest at heart you failed miserably.

Now where do we go from here. Mediation is the right solution. All parties should have the same goals and some ground rules.

I would like to list them if I may

Time is of the essence! (The retail section should have been started Months ago)
There are no winners or losers except for the homeowners. (Set personnel feelings aside)
Punitive damages serve no one. They only result in additional costs by the consumer at the end of the day.
If it doesn't add value don't do it! Don't tear down what is built)
Make it something we all can be proud of and bring our friends and family.
Mediocrity is unacceptable.

Keep it out of the press! The media is distorting everything. All parties to the Mediation should agree to a no comment policy.

Peter Roscoe
proscoe@verizon.net

Peter Roscoe
proscoe@verizon.net

#1 Dec 20

MCP-Chairman

From: chris kelly [jckhkk@yahoo.com]
Sent: Sunday, December 18, 2005 8:36 PM
To: MCP-Chairman
Cc: ddelano@newlandcommunities.com; timdearros@comcast.net
Subject: Murphy Grove Pond - Clarksburg Town Center

Hello, my name is Chris Kelly, and I'm writing to voice my concern in regard to Murphy's Grove Pond, in the Clarksburg Town Center.

I have lived on Murphy Grove Terrace for almost three years now, and during this time absolutely nothing has been done to transform Murphy's Grove Pond into the beautiful, serene pond which was promised or advertised.

I do not want to spend another summer battling the swarms of gnats and mosquitoes that linger around the insect infested, "water collection holes in the ground". Beyond the health hazard that this stagnant water brings to the forty plus homes within its proximity, it is an ABSOLUTE DISGRACE, given the fact that in excess of $13,000,000 has been spent on surrounding real estate by the homeowners of this community.

I would suggest that the developer do what is necessary to transform Murhpy's Grove Pond into what they have promised, but more importantly, whay they know is "RIGHT"!!

The residents of this community expect that when they turn into Clarksburg Town Center from Stringtown Road, they will be greeted by a pond that has fountains, great landscaping, and the proper filtration equipment devices to adequately support a pond of this size.

Thank you,

Chris Kelly

#1
12-20-05

Krass, Dorothy

From: Gutierrez, Susana [Susana.Gutierrez@mail.house.gov]
Sent: Monday, December 19, 2005 10:34 AM
To: MCP-Chairman
Cc: 'ddelano@newlandcommunities.com'
Subject: Clarksburg Community
Importance: High

Dear Mont. County Planning Commission and Newland Communities:

I live in Clarksburg and I have been reading and listening to townhall meetings when I had time. I am glad all parties are negotiating because I would like to see Clarksburg a community to be proud of not laughed at. As my sister and I drove around the community, we could see that the buildings were too close (as if there is a rush to get everything in).

Here are some things I would like:

1. A park for children, teenagers and adults. Maybe with a jogging/bike path, a softball field put in the area near Public House Road. Prior to construction, there was a softball field on of Clarksburg Road -- make a park like they have at King Farm. (Move the retail section near the commercial section where Thales is located).

2. I would like the roads widened. But if it is not possible to widen the roads, make those roads no parking -- people have garages or parking spaces in back have them use those spaces.

3. Build a library.

4. Signs for Clarksburg (currently, uncertain where Clarksburg begins and ends).

These are just a few of my concerns. Please negotiate and complete Clarksburg!

Thank you.

Susana and Celia Gutierrez, residents of Clarksburg

12/20/05 #1

December 19, 2005

Derick Berlage
Chairman
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

Dear Chairman Berlage and Planning Board,

I am a resident of the Clarksburg Town Center, 12824 Clarksburg Square Road, unit 404. My unit is in Building 3 on the top floor of the Bozzuto Condominiums that started the investigations into building violations. In fact, my unit has some of the infamous 8 feet as part of my ceiling.

It's a lovely condo. My 96 year old mother enjoys the open layout which allows her to use her walker to get to every room easily. Although there is only around 1200 square feet in the unit, she finds it "spacious" because of the tall ceilings.

Down the hall on the same top floor is another 90 year old who moved from New York. These two ladies have made huge adjustments to move to these new living accommodations and find the single floor units in an elevator building with garages to be accessible at their stage of life.

I thought that the issue of the "too tall buildings" had been decided by grand fathering those already occupied. I was surprised to see a survey from Newland Communities with one of the questions asking if we had interest in "Remove[ing] the upper levels of buildings that were 'built too tall.'"

I cannot express strongly enough how such an action would be criminal, perhaps illegal, and certainly unreasonably penalize all those who in good faith purchased, moved and decorated their homes. What possible purpose would it serve to upset the lives of innocent residents? We are people who have created homes in Clarksburg Town Center with great expectations for a lovely new, pedestrian-friendly community. It would be a nightmare to disrupt homeowners at this point.

In fact, I am shocked that a county this is famous for its human services and educated decisions would even consider such an option. I only hope that the Planning Board will set this issue to rest with a decision to correct and validate the site plans so we can continue with the building of the retail center and the creation of a community.

Thank you for your consideration.

Jean A. Casey

Jean A. Casey
12824 Clarksburg Square Rd. #404
Clarksburg, MD 20871
240-888-7489

MCP-Chairman

From: Shiley, Kimberly A. (PSC) [KShiley@psc.gov]

Sent: Monday, December 19, 2005 2:05 PM

To: 'Tim DeArros'; 'smithcar@comcast.net'; 'Lfantle@aol.com'; baines@erols.com; nnagda@ENERGENconsulting.com; rdefrehn@nccmp.org

Cc: brown@knopf-brown.com; synergiesinc@aol.com

Subject:

i added one more sentence
-----Original Message-----
From: Synergiesinc
To: Shileykim
Sent: Mon, 19 Dec 2005 1:55:49 PM Eastern Standard Time
Subject: Most excellently done, Kim!!!

Greetings Residents of Clarksburg.

Many of you may have received the letter from Newland Communities, authored by Doug Delano, this past weekend. It is important to recognize that this letter was constructed in such a way as to limit response from the community through skewed "check-box" choices. We, the CTCAC, believe that this is an unfortunate effort on Newland's part to undermine the mediation process that they, the Builders and CTCAC agreed to undertake, and that the County fully supports.

In an attempt to gain further understanding of the types of amenities and features that are desirable and necessary for our community (remembering that we are the TOWN CENTER for Clarksburg), Rose Krasnow and John Carter and the entire Planning Board will be present tomorrow to hear your "the sky is really the limit" ideas and suggestions. They will then present those during the mediation process. Please do not allow Newlands' "check box" limitations to influence you; those so called "improvements" are self-serving and in no way are reflective of what is on the mediation table. The CTCAC is terribly disappointed in Newland's actions via this letter and questionnaire.

But good news: the CTCAC is honored to have Michael Watkins, Architect and Director of Town Planning, with the internationally renowned firm of Duany Plater-Zyberk & Company (www.dpz.com) serving as our consultant/planner in the mediation. Mike will be present during mediation and will offer what he believes to be the best opportunities for completing our Town Center. Please also remember that any plan agreed upon by the mediating parties will be presented to the Public for input prior to the Board's approval process.

So, please come to the hearing to suggest your hearts desire...after all, it is the Holiday season and wishes do come true.

The CTCAC would also like to thank those that continue to support our efforts: to build this community in the vision that was intended, to add value to our community and homes, to stand up for what is right and to not accept the mediocrity that would have been handed to us.

Seasons Greetings,
CTCAC

(11F)

Newland
COMMUNITIES

December 16, 2005

Dear Neighbor:

A lot has happened since my last letter in September. I want to take a moment to give you a status report and encourage you to participate in the upcoming effort to improve our community.

First, I want to thank all of you who responded to my invitation to share your thoughts about Clarksburg Town Center. It is reassuring to know that there are so many residents who retain confidence in their decision to make Clarksburg their home. I also know that your suggestions for refinements indicate a sincere interest in making sure Clarksburg is a community in the truest sense of the word. Now, an update.

Two separate government reports have confirmed what we reported to you in September. The prior developers, and Newland Communities (since we took over in October 2003), received approval from Planning Commission staff for revisions that were made to the original design of the community. The developers worked in concert with staff officials from the Planning Commission and the County to develop all changes and seek approvals. The Commission staff now has determined that certain approvals should have been submitted to the Planning Board itself for review. The staff has recommended that Newland and the builders submit comprehensive plans to the Planning Board for approval that will settle outstanding issues, once and for all.

Most important, Newland Communities, some community residents, the County Council and the Planning Board all are enthusiastically focusing their attention on completing our Clarksburg Town Center community. A mediation process is being established to map out the remaining build-out of the residential area and the development of the long-awaited retail area. We will work together to make sure that the development of these areas does all that it can to make Clarksburg Town Center the outstanding community that was envisioned. Over the next two months we will meet to develop a final plan and seek ways to make it happen. This is where we need your help. Everyone involved wants the maximum amount of community comment and participation.

The Planning Board will hold a meeting this month to hear from citizens about completing the community. We encourage you to accept the Planning Commission's invitation and let all of us know your thoughts on what you want to see when the construction resumes. The meeting will be held at Cedar Brook Community Church, 23700 Stringtown Road, Clarksburg, Maryland on December 20th from 3-5 p.m. and 7-9 p.m. If you can not attend, I urge you to voice your thoughts by sending the Planning Board a letter or e-mail. Their e-mail address is mcp-chairman@mncppc-mc.org. You can also send the information to me at ddelano@newlandcommunities.com or by mail to 23330 Frederick Road, Clarksburg, MD, 20871. Your ideas and suggestions will become part of the mediation group's discussions over the next two months. **Your involvement is invaluable to assure the appropriate completion of the community.**

8201 Greensboro Drive, Suite 817
McLean, VA 22102
Tel. 703.917.4170
Fax. 703.917.4218
info@newlandcommunities.com
www.newlandcommunities.com

To help gather further comment from residents, I am enclosing a brief questionnaire which seeks to learn your interests. Your participation will be of significant help as we move forward in the mediation process, and I urge you to take a few minutes to give us your thoughts and then drop the postage-paid survey in the mail. We also will provide this information to the Planning Board.

Some of you have asked when the Residents Club will open. The occupancy permit will be issued as soon as the County designates a handicap van parking space. The location on the approved site plan (on Catawba Hill Road) conflicts with handicap code standards. A space complying with those standards on Sugarloaf Chapel Drive in front of the club may conflict with Fire and Rescue standards. I can assure you that we are working with the various elected officials and staff to resolve this "catch-22" so that we can open the Residents Club facility to all of you.

In the meantime, construction activity has been slowed by the investigation and the County's stop work order. We do not believe that a ban on work is needed and believe it actually hurts current and future residents. There are roads ready for final paving, community amenities which can be completed and other aspects which will speed Clarksburg Town Center's development into a finished residential community. We are working with all parties to make this happen. Let us, and the County, know what is important to you.

This has been a difficult process and a frustrating period of time for all of us. We are doing everything we can to move forward and complete Clarksburg Town Center. Please let me hear from you.

Best wishes for a happy holiday season.

Sincerely,

Douglas C. Delano
Vice President, Operations

Listed below are suggestions for improving Clarksburg Town Center. Please rate your level of interest in each item and mail this back in the enclosed postage paid envelope as soon as possible. Thank you

		Need more info	Opposed/ No interest	Some interest	Strong interest
1	Start work on the retail area ASAP.				
2	Include a high-end specialty grocery in the retail area.				
3	Include a large, full-service grocery in the retail area.				
4	Build the library near the Town Square ASAP.				
5	Provide tennis courts near the Town Square.				
6	Provide a location for community gardens.				
7	Provide basketball courts.				
8	Provide a skateboard facility.				
9	Widen existing roadways within CTC.				
10	Finish the Stringtown Road improvement project.				
11	Implement improvements to Clarksburg Road.				
12	Improve landscaping and signage at CTC entrances.				
13	Increase common area landscaping requirements.				
14	Provide pedestrian access under Clarksburg Sq. Rd.near the creek				
15	Provide parking for the Methodist church on CTC streets.				
16	Create an additional entrance to CTC by extending Clarksburg Sq. Rd to Rt. 355, near the existing general store.				
17	Provide a maintenance yard for the HOA.				
18	Provide additional open space off-site.				
19	Complete paving on existing roads ASAP.				
20	Remove the upper levels of buildings that were "built too tall".				
21	Enforce existing No Parking regulations.				
22	Other:				
23	Other:				

Please Use the back for any additional comments

#1
12/20/05

MCP-Chairman

From: Steve [SJB8@tmo.blackberry.net]
Sent: Monday, December 19, 2005 3:55 PM
To: MCP-Chairman
Subject: Clarksburg Arbitration

Dear Chairman,

Due to business travel, I will not attend the meetings held on Tuesday to address the concerns of residents not affiliated the CTCACC. I wish to write my two simple concerns to you in liueu of my attendance.

1: Any arbitration agreement which involves moving, tearing down or in any way modifying our building, 12824 Clarksburg Sq Rd, is entirely unacceptable to myself and our condo board. This was refered to as building 3 in earlier planning documents.

2: Short of the condition listed in item 1, any compromise which will quickly complete the retail and amenities of Clarksburg town center is acceptable to me. Sooner is better than later, so parallel pathing project parts should be encouraged. I hope an agreement suitable to the parties involved is possible and will applaud their good sense if it is reached.

Thank-you sir and have a happy holiday season.

Sjb/sjb

Sburns@clearant.com

Sent wirelessly via BlackBerry from T-Mobile.

MCP-Chairman

From: Marco Gravina [gravina@comcast.net]
Sent: Monday, December 19, 2005 10:18 PM
To: MCP-Chairman
Subject: Clarksburg Town Center-Bozzuto Condominiums
Importance: High

Dear Mr. Derick Berlage

My name is Marco Gravina and I own a Condominium at Clarksburg Town Center. I am extremely happy with the condo and this absurd request by CTCAC to remove the top of the condo building is totally non-sense. Who are they to dictate what needs to be done. All this issue with the height and set back non compliance seems to that it is hate driven and a power thing. Yes there were mistakes done in the past by the parties involved but what is done is done. We as residents and The Montgomery County Park and Planning Commission need to focus in the future and not in the past. The majority of us (100%) are happy and are not bothered by taller buildings or small lots. let's work together and make sure that things are planned and done right in the future.

I want to see

1. Same height or higher buildings
2. Existing condos and town houses protected form the existing height and setback restrictions
3. I would like to see road improvement to accommodate the increasing traffic load.
4. more parks and open spaces, bike trails

I DO NOT want :

1. Roof torn off buildings because an outside group (CTCAC) has a problem with the height of the buildings. The condos belong to the owners and we have a vote. if we as owners do not have a problem,isn't that enough. I do not want to be defamed by other neighbors. if they do not like they can go somewhere else and build or buy a home they are happy with.

I am certainly very happy in my community and I urge you to listen to the actual condo owners and not a group that does not represent the majority, at least not me.

Sincerely

Marco Gravina

#1
12-20-05

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

12-20-2005

To The Members of The Montgomery County Council and Department of Park & Planning:

I am writing this letter to express my support for the construction of Clarksburg Square Road, connecting Redgrave Place to the new Clarksburg Town Center. As a business owner directly affected by the road construction, I strongly urge the Planning Board and County Council members to adhere to the Site Plan, and proceed with the road construction. My property is located at 22341 Fredrick Road, also known as the Wilson Store. Prior to purchasing the abandoned Wilson Store, I reviewed the Master Plan, and in part based my decision to purchase, restore and reopen this historic store on the information outlined in this plan. According to the Site Plan I was provided, my store will be located on the corner of Fredrick Road and Clarksburg Square Road. Because of the constraints of the lot size, the construction of the new road will allow for easy egress to the parking area planned for the store, which will be located behind the building.

As many of you are aware, the Wilson Store has a history that can be traced back to John Clark, the founder of Clarksburg, and is believed to be the site of the original Indian trading post he operated in the late 18th century. Since beginning the project, countless long time residents of Clarksburg have stopped in to share their memories of the old general store, and express their support for restoration and re-opening. I have been working closely with the HPC to plan a restoration that is historically accurate, maintaining the integrity of the building and it's historic significance. While I hope to have a thriving business, I also hope to bring the store back to life in a fashion that will make the citizens of Clarksburg, both old and new, proud and aware of the history of the town.

While I feel there must be commitment on the part of businesses and private citizens to help make the preservation of historic resources feasible, the support of the County is key. The HPC's vision of the Clarksburg Historic district can only be realized through public/private cooperation. The construction of the road may seem a nuisance to some, but to those of us actively working to restore the historic district, the new road is crucial to connect the historic district to the new town center. More than a physical connection, it will invite new residents to truly enjoy and celebrate the history of Clarksburg, a symbolic tie of the old and new.

Restoring and revitalizing historic districts with small business, cafes, etc. is common practice across the country, making the cost of historic preservation economically feasible, and bringing a sense of pride to communities. Businesses located in historic buildings provide the public with more than places to shop, dine, and learn about history, they also ensure that historic resources are maintained and protected for future generations.

As I am unable to attend the meeting in Clarksburg Dec. 20th regarding planning issues, I would like this letter entered as part of the public record. Please give my comments an equal voice, as my efforts to restore the Wilson Store could be very adversely reflected by alterations to the current site plan.

Respectfully,
Nichole Lewis (Owner)
22341 Fredrick Road
Clarksburg, MD 20871

#1
12-20-05

Krass, Dorothy

From: Krasnow, Rose
Sent: Tuesday, December 20, 2005 1:37 PM
To: MCP-Chairman
Subject: FW: Delano Letter

Joanne,
Did you see this one? It is from CTCAC's attorney, in response to the Newlands "Survey" and should be given to the Board for today's hearing. Thanks for bringing the other letters to me.

Rose

-----Original Message-----
From: David W. Brown [mailto:brown@knopf-brown.com]
Sent: Monday, December 19, 2005 5:37 PM
To: kurt.fischer@dlapiper.com
Cc: Synergiesinc@aol.com; Krasnow, Rose; SHIleykim@aol.com
Subject: Delano Letter

Dear Kurt:

I have had the opportunity to read the December 16, 2005 letter from Douglas C. Delano to his "Neighbors" in the Clarksburg Town Center. If you or your colleagues at Linowes had anything to do with this letter, then our mediation may be getting off to a most inauspicous start. The letter is self-serving, misleading, and calculated to both minimize the identity and role of my clients in the mediation and compromise their ability to represent the community. To that end, it attaches a questionnaire that professes a heretofore unseen interest in comments from individual residents when, in fact, the format for responding appears designed for building an empirical case for mediation results at odds with CTCAC goals, as informed by consultant Mike Watkins, who is also never mentioned.

To itemize briefly: The third paragraph of the letter presents an extremely one-sided, misleading synopsis of the results of investigations to date. No reports have "confirmed" any of the facts represented. Whether staff actually approved all the various amendments is disputed. Nor is it confirmed that all changes to plans were the result of work "in concert with staff," as opposed to unilateral changes that were slipped into amending documents without notice, comment or knowing approval. I could go on, but you get the point.

In the next paragraph, the Clarksburg Town Center Advisory Committee is nowhere mentioned, to say nothing of describing its extraordinary role in trying to ensure that the CTC is developed as "the outstanding community that was envisioned." Rather, the letter effectively states that extensive participation by individual citizens is essential to the successful completion of mediation. To this end, they are given a check-off list that

oversimplifies the choices and presents them in a skewed or false light. Particularly offensive is item 20, "Remove the upper levels of buildings that were 'built too tall.' " No one within CTCAC has advocated this as a general solution; rather, at Board hearings and elsewhere, CTCAC has consistently veered toward a minimalist approach to alteration of occupied structures. There is only one explanation for inclusion of this item: to prejudice members of the community against CTCAC. That this is Newland's intent is reinforced by the next-to-last paragraph of the letter, which places the blame for the slowdown in construction on the investigation--which all know was instigated by CTCAC--and the County's stop work order, again something all understand is another byproduct of CTCAC initiatives.

Perhaps it is asking too much to expect Newland to objectively place responsibility for delays squarely where it belongs: on Newland's own failings. But it is not asking too much to expect Newland not to communicate with CTCAC's natural constituency in a fashion that goes beyond self-serving to a transparent attempt to diminish the efficacy of its representation of the community at this critical juncture. Moreover, Newland has every reason to believe it can depend on CTCAC to represent the best wishes and needs of the community, particularly given the assistance of some of the best minds in the business when it comes to New Urbanism. If Newland needs some specific reassurance that CTCAC knows its constituency, that is a point you can fairly raise with me as we go forward. Otherwise, I can assure you that the mediation will go nowhere if unacceptable divide-and-conquer behavior continues. I would appreciate your assurance that we can complete the mediation without further direct intrusions by your client.

Sincerely,

Dave Brown

#1

MCP-Chairman

2006-0551

From: Greg Fioravanti [gregfioravanti@yahoo.com]

Sent: April 21, 2006 4:44 PM

To: MCP-Chairman

Cc: Kathie Hulley; Kathie Hulley; Paul Majewski; councilmember.knapp@montgomerycountymd.gov; Tim DeArros; Russel, Jennifer

Subject: Comments on CTCAC

Dear Chairman Berlage:

Thank you for coming out to Clarksburg to hear community reaction to the CTC concept plan and your continued attention to issues impacting our neighborhood. The community seemed to embrace a large portion of the changes, and I think everyone is looking forward to the day when our collective vision of a vibrant downtown Clarksburg is realized. Attached please find my prepared statement to the concept plan.

M-NCPPC Public Hearings in Clarksburg

Cedar Brook Community Church Auditorium

23700 Stringtown Road, Clarksburg, MD 20871

Thursday, April 20th, 2006

Item # 13. Clarksburg Town Center Mediation Plan: *A hearing on the mediation plan for the purpose of receiving public comment prior to final review of a Plan of Compliance for the Clarksburg Town Center. No Planning Board action will occur at this time.*

Good Evening Mr. Chairman and members of the Planning Board. I am Greg Fioravanti, a resident of the Clarksburg Aurora Hills subdivision. I'm pleased to be addressing you regarding the exciting mediation plan that is before you. I have a brief statement regarding the impact we neighbors expect for the Town Center, and in support of this plan.

Of particular concern to me, and also addressed in the draft concept plan, is economic growth and business development for the entire community in the Clarksburg Planning Area. Chapter Two, Policy 8 (Employment) of the Clarksburg Master Plan *"...emphasizes the importance of I-270 as a high-technology corridor for Montgomery County and the region, and preserves key sites adjacent to I-270 for future employment options."*

I believe that the mixed-use Land Use Pattern proposed for the Clarksburg Town Center in the master plan can be realized through the adjusted concept plan under review. Looking closely at the Concept for blocks 3, 4, & 5, we find an elegant design to realize the creation of jobs for local residents, drawing from the pool of workers from the larger region, to come to Town Center to earn their living. Additionally, I feel that this plan gives local developing businesses an opportunity to grow without being overshadowed by larger national and regional retail chains. The anchor store, the rows of shops and offices, and the mix of residential dwellings in the pattern of live/work units will serve to provide a remarkable community that is diverse, and integrated well within the vision of the Master Plan.

Through the implementation of this plan, I envision a solid foundation for Clarksburg's revenue stream, encouraging the best retailers and other commercial businesses to move into the Town Center. The design of this pedestrian friendly retail area sets the right tone for the future of Clarksburg, drawing residents into the Town Center to shop, dine, and socialize - which the community is eager to enjoy. The final product will be a practicable, self-sustaining retail area that invites local, area, and regional consumers to come into Town Center and stay.

This plan creates an economic engine for the Clarksburg area without compromising on the integrity of the neotraditional design of the larger community. Through the creative use of architecture and streetscapes, the new design of the town center safely tucks away a great portion of the parking, creating an inviting destination. Combining Retail Sales, Hospitality and Services within these three main blocks creates a mini-central business district that is sure to become a cornerstone for the future. This plan is well suited to take advantage of the Corridor Cities Transit Way, bringing both workforce and consumers into Clarksburg.

The small-town environment will become immediately apparent as one enters from Rt. 355, and follows Clarksburg Square Road past small shops and businesses in live/work units to the Library and town plaza, where civic gathering places serve as the heart of the Town Square. Community revenues can naturally be expected to overflow into the Historic District, and bring with it a resurgence of vitality that will magnify the history of Clarksburg.

The Open Air Market Pavilion and Library are in position to balance the Town Square in a grand gesture of "space-making." The Library Plaza, the Pavilion, and the Lawn are family friendly spaces the entire community can enjoy. Another exciting feature is the transition to the eastside of Town Center across the land-bridge to the west side. This will provide a remarkable gateway inviting residents into their commercial center. The Clarke Memorial, the Greenway Overlook, and the special landscaping and hardscaping have really captured winning vistas.

This plan has exciting features for the entire community that will result in more than another town center – we'll be building a real community, and we are eager to begin enjoying the benefits this plan creates. I respectfully encourage the board to examine and approve this plan as soon as possible.

ATTACHMENT B

Memoranda from Agencies

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Joyner
Director

May 30, 2007

Mr Jeff Strulic, PE
Charlkes P. Johnson & Associates
1751 Elton Rd.
Sliver Spring, MD 20903

By Fax

Re: Stormwater Management ***CONCEPT*** Request
for Information for Peidmont Woods Park
SM File #: Cn231253

Dear Jeff:

Your request for a stormwater management concept approval is being reviewed. The following information in support of your water quantity and water quality concept request must be submitted prior to any further consideration of your concept application.

This Park needs to be redesigned utilizing the as many Low Impact Development (LID) methods as possible. Please rethink the design and adjust the plan to meet as much LID as possible.

1. Revise the parking layout to utilize more grass swales for water quality and recharge, and eliminate the need for the stormdrain system.
2. The curb should be eliminated in favor of parking blocks.
3. Consider adding a bio-filter/rain garden in the center island for some of the water quality needs.
4. It appears that ***if*** the proposed pond and sand filter were eliminated there may be adequate area for the sheet flow to buffer credit.
5. Investigate the use of infiltration for the tennis courts and the Multi-age Play Area.
6. Show how and where the animal waist will be disposed or stored.
7. Show how the sheet flow to buffer is being complied with for the pet paths.
8. Is there a structure in the middle of the path system and is it roofed? If so, provide a dry well for the roof.
9. All hard surface paths should be constructed of a porous pavement material.

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

June 19, 2007

Mr. Jeffery Strulic, P.E.
Charles P. Johnson and Associates, Inc.
1751 Elton Road
Silver Spring, MD 20903

Re: Stormwater Management ***CONCEPT and Final Water Quality Plan Revision*** Request for the **Eastside (Residential) Portion of Clarksburg Town Center**
Preliminary Plan #: 1-95042
SM File #: 204464
Watershed: Little Seneca Creek

Clarksburg Special Protection Area

Dear Mr. Strulic:

Based on a review by the Department of Permitting Services Review Staff, the Stormwater Management Concept and Final Water Quality Plan Revisions for the above mentioned site are **acceptable**. The stormwater management concept consists of on-site channel protection measures via existing stormwater management ponds; on-site water quality control via sand filters, Stormfilters, bio-filtration, and infiltration trenches; and onsite recharge via recharge trenches and additional storage below the surface sand filters.

NOTE: All previous conditions of the May 9, 2002 approval letter are still valid and must be followed.

The following additional **items and conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

4. All non-stormwater management structures, and or auxiliary structures to be constructed, placed, or otherwise located within **any** stormwater management maintenance easement, must be reviewed and approved by the County Departments of Permitting Services and Environmental Protection **prior to** construction or placement.

5. Richard Gee and I are concerned that the improvements proposed for Stormwater Pond 1 (Murphy's Grove Pond) may lead to a perception that its primary use is for something other than stormwater management and pollution control. If the pond is to be used for fishing and water contact activities we highly recommend that it be continually monitored for water quality.

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Joyner
Director

May 7, 2007

Mr. Tim Longfellow, PE
G.L.W. PA
3909 National Dr.
Burtonsville Office Park
Burtonsville, MD 20866
Fax: 301-421-4186

Re: Stormwater Management ***CONCEPT*** Request for Information for Clarksburg Town Center Westside Revised Water Quality Plan.
SM File #: 1-95042

Dear Tim:

Your request for a stormwater management concept approval is being reviewed. The following information in support of your water quantity and water quality concept request must be submitted prior to any further consideration of your concept application.

Please note due to the complexity of the plan additional comments may follow submission of the requested information;

1. The use of Green Roofs for the commercial development is the DPS method of preference. Please provide justification for not providing them.

2. Revise the plans to show all Stream Valley, Wetland, and Floodplain Buffers; and all conservation easements.

3. For the residential sections, all stormwater structures are to be on parcels designated as Stormwater Parcels.

4. All retaining walls must be kept outside of all Stormwater Maintenance Easements. Where that is not possible, then the walls must be designed by a Structural P.E. and constructed of reinforced concrete. The designer will be required sign, seal, and to submit full structural computations each wall. In no case will the footings be located within the design high water elevation of any structure served

5. Provide a structure number for **each** structure on the overview plan, and show the number clearly.

6. No infiltration or recharge trenches may be placed in fill or under slopes steeper than 3:1.

7. All recharge/infiltration trenches are to be outside of all drive and parking areas.

8. All trenches must be in natural soil.

9. Mixing of roof water with roadway water should be avoided if at all possible.

10. The revision appears to create more impervious area than previously approved. Please review and provide a written commentary explaining any and all changes to the drainage area to Pond 2 CN.

11. Where possible the "Treatment Train" should be the following: Pretreatment; "Grass swale or hydrodynamic separator"; Filtration; Surface or structural filter; and then drain to either a Recharge or Infiltration Trench, or be returned to the storm drain system.

12. Where the drainage area includes vehicle traffic, a hydrodynamic separator must be used for pretreatment

13. Design consideration must be given to keeping all structures out of buildings and parking decks.

14. All structures must be kept out of active recreation areas. Park benches and mulched paths are acceptable.

15. All structures must have unobstructed vehicle access.

16. All access points must be able to support a fully loaded vacuum truck, and must provide an adequate turning radius for vehicle entry.

17. Revise the plan to reflect the location of all reforestation areas.

18. Why aren't the planters being used to treat or pre-treat the roof water?

Sheet specific comments:

Pg. 4

1. All filters with roadway drainage must have some form of structural pretreatment.

Pg. 4,cont:

2. Lowering of the storm drain pipe may affect the function of SM #2 which has a designed/constructed invert of 618.18. Therefore the maximum depth for the storm drain would be 621.28 please provide a profile plan of all of the storm drain pipes and splitters in this area. This will include all existing utilizes such as gas etc.

3. The recharge on Parcel A maybe to close to units on lots 1-5, block CC. If these units will have basements a seepage study will be necessary.

Pg. 6

1. The location of lots 35-39 block GG and road 2 will make access to and maintenance of the approved infiltration/recharge trench extremely difficult, if not impossible. This may also cause the stormwater easement to be moved into the Stream Valley Buffer and or the Wetland buffer. Both of these conditions are unacceptable. Relocate these lots away from this area.

2. The construction of retaining walls above the structure is unacceptable. The structure must remain un-encumbered and open to the surface.

3. Recharge trench #15 is taking unfiltered roadway runoff. Provide pretreatment and filtration ahead of the trench.

4. Structure 15 appears not to have any roof water to it. Please correct labeling.

Pg. 7

1. All of the roof runoff should be diverted to a recharge trench, if possible. The use of a filter device may not be the best method for this runoff. Please investigate the use of Green Roofs or planter boxes, etc.

2. All road runoff to have pretreatment provided.

3. Structure 11 is shown as being disconnected for the rest of the structure.

4. Why does structure 13 have two flow splitter manholes to it?

Pg. 8

1. Structure 4 may not impede the access route to any other stormwater structure

2. The store should have a Green Roof proposed.

Pg. 8, cont:

3. The roof drain system, as laid out, will require DPS Stormwater Plan Review to review and approve the Building Permit Plan set PRIOR to a building permit being issued for this structure.

4. What is parcel D? If this is any kind of active play area or building the SM structure and tanks will need to be relocated.

5. The Wetland Mitigation area must be moved out of the Stormwater Management Easement and pond.

6. Fill in the Stream Valley Buffer requires Park and Planning EPD approval for concept approval.

7. Move the structure out of building 14 if possible.

8. Access to the pond 2 sand filters may not be over or across the recharge structure.

9. All inflow points to pond 2 sand filters must be pre-treated with hydrodynamic separators.

10. The retaining wall along the intersection of Overlook Park Dr. and Road #2 must be properly designed as a re-enforced concrete wall. Gravity walls of any type or design will be unacceptable.

Failure to provide the requested information by June 1, 2007 **will be cause for your request to be formally deemed unacceptable at that time.** If you have any questions regarding the requested information, please feel free to contact me at 240-777-6333.

Sincerely,

Richard Gee
Water Resources Section
Division of Land Development Services

cc: SM File # 1-95042

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: July 6, 2007

MEMO TO: Robert Kronenberg, Acting Supervisor
Development Review Committee, MNCPPC

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 820070220, Clarksburg Town Center
Project Plan # 91994004B , Clarksburg Town Center
Preliminary Plan # 11995042B , DPS File # 204464, 211737, 231253
Subdivision Review Meeting of July 9, 2007

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:
☐ **On-site:** ☐ CPv ☐ WQv ☐ Both
☐ **CPv** < 2cfs, not required
☐ On-site/Joint Use ☐ Central (Regional): waived to
☐ Existing ☐ Concept Approved
☐ **Waiver:** ☐ CPv ☐ WQv ☐ Both
☐ Approved on
☐ **Other**

Type Proposed:
☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter
☐ Separator Sand Filter ☐ Non Structural Practices ☐ Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site ☒ Yes ☐ No ☐ Possibly
☐ Provide source of the 100Year Floodplain Delineation for DPS approval:
☒ Source of the 100-Year Floodplain is acceptable.
☐ Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
☐ Dam Breach Analysis: ☐ Approved ☐ Under Review:
☐ 100-Year Floodplain study: ☐ Approved ☐ Under Review:

SUBMISSION ADEQUACY COMMENTS:

☐ Provide verification of Downstream notification.

RECOMMENDATIONS:
☐ Approve ☐ as submitted ☐ with conditions (see approval letter)
☒ Incomplete; recommend not scheduling for Planning Board at this time.
☒ Hold for additional information. See below
☒ Comments/Recommendations: The Eastside section(SM#204464) has an approved water quality plan dated June 19, 2007. The Westside section(SM#211737) is not approved. Please address all comments from letter dated May 7, 2007 and resubmit concept for review. The Peidmont Woods Park(SM#231253) is not approved. Please address all comments from letter dated May 30, 2007 and resubmit for review.

cc: Steve Federline, Environmental Planning Division, MNCPPC

EHANDOOF - TIM RICHMOND, BILL IVORSON, MARY GRAVES
-TA - RAVI MALVLYA
10-HABITATS - MIKE CUNNINGHAM
FJS
TES - ORIGINAL

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

May 9, 2002

Robert C. Hubbard
Director

Mr. Jeffery Strulic
Charles P. Johnson & Associates
1751 Elton Road
Silver Spring, MD 20903

Re: Stormwater Management ***CONCEPT*** Request
for Clarksburg Town Center Phase 2
Preliminary Plan #: 1-95042
SM File #: 204464
Tract Size/Zone: 70.3 acres/RMX-2
Total Concept Area: 70.3 acres
Tax Plate: EW
Lots/Block: G, I, J, K, L, M, N, P, R, S & T
Parcel: A
Liber/Folio: 6776/876, 8825/755
Montg. Co. Grid: 09D03
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Seidleck:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved.

Site Description: The site is the remaining portion of the Clarksburg Town Center and consists of 70.3 acres located between Clarksburg Road, Peidmont Road, and Stringtown Road. The proposed zoning of the site is RMX-2 and will consist of mixed residential (single-family detached, townhouses, apartments and condominiums) along with a school, park and associated infrastructure. This site is located in the Clarksburg Special Protection Area (SPA) of the Little Seneca Creek Watershed.

Stormwater Management: Water quantity control for this phase will be provided via an extended detention dry pond and the existing wet pond #1. Pond #1 provides infiltration for the one-year storm and pond #3 will provide control of the one-year storm, with an adjustable release rate for a maximum of 24 hours detention time in accordance with the new state standards. Quality control will be provided via a treatment train that consists of vegetated conveyance swales, bio-retention structures (for small drainage areas), surface sand filters, infiltration structures (where feasible) and ground water recharge areas for the rooftops. In areas where open section roads are not feasible, additional water quality structures are required to offset the lost benefits that open section roadways provide. These offsetting structures may include additional infiltration structures, bio-retention structures or surface sand filters. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures. The water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area.

The locations of open section and closed section roads along with the locations and nature of all of the proposed water quality control structures (including the offsetting water quality structures for the loss of open section roads) must be clearly identified on the initial sediment control/stormwater management/water quality plan. Additional monitoring may be required depending on the final location and configuration of the water quality structures.

Sediment Control: Redundant sediment control structures are to be used throughout the site. These are to include upland sediment traps, which drain to secondary traps down grade, or when this is not feasible, sediment traps with forebays will be acceptable. All sediment-trapping structures are to be equipped with dewaterring devices. The following features are to be incorporated into the detailed stormwater manage/sediment control plan:

1. All pertinent stormwater management structures must be designed, approved, permitted, and bonded with the initial sediment control plan. Phasing or otherwise delaying permitting of stormwater structures will be unacceptable.

2. The earth dikes that feed the sediment traps are to be constructed as a type B dike utilizing trapezoidal channels to reduce flow rates.

3. The site grading shall be phased, whenever possible, to limit disturbance and immediate stabilization is to be emphasized.

4. Silt fence alone will not be allowed as a perimeter control. The use of multiple rows of super silt fence will be acceptable for small areas of disturbance.

Performance Goals and BMP Monitoring: See the attached addendum dated May 8, 2002, and for further information contact Keith Van Ness at MCDEP.

NOTE: The addendum to the Final Water Quality Plan for Clarksburg Phase II detailing the Performance Goals, how the goals will be met, and a detailed BMP Monitoring Plan must be received and approved by DPS prior to submission of detailed sediment control and stormwater management plans.

Conditions of Approval: The following conditions must be addressed in the initial submission of the sediment control plan: This list may not be all-inclusive and may change based on available information at the time of the review:

1. Due to the relatively low use of open section roads, every opportunity to provide additional groundwater recharge throughout the site must be taken. This is to include areas along the backs of lots and any other open area (e.g., parking islands, under play fields, tot lots, open space around buildings, etc.). If sufficient recharge can not be provided in these areas, lots may have to be deleted.

2. Should MNCPPC/EPD determine that all pond embankments must be moved back from the environmental buffers 15 feet, MCDPS may require a realignment of lot lines to assure adequate space for all structures.

3. Under no circumstances will any slope into, on, or around any stormwater structure be allowed to be steeper than three feet horizontal to one-foot vertical ratio. Any location where this occurs may be required to either, realign lot lines or constructed re-enforced concrete retaining walls. Note: Wood retaining walls will be unacceptable on the stormwater manage parcels.

4. All stormwater management structures, along with a 12-foot wide driveway for access, will be required to be located on stormwater parcels. This is not applicable where the structures are constructed under parking lots or in islands.

5. Provide safe conveyance of all runoff to one of the stormwater management structures as shown by the drainage divides on the plan.

6. All recharge structures will be excavated to existing ground; none are to be constructed in fill.

7. Sand filter #10 and the infiltration structure above it will need to be reversed or combined to provide a series treatment system.

8. Sand filter #10's underdrain will discharge to the stream valley, not back to the storm drain system.

9. It appears that sand filter #10 will be designed as a NRCS-MD 378 pond. As one, it will be required to meet most criteria. Further discussion should take place prior to beginning its design.

10. A further review of the roof top areas to the recharge structures may need to be adjusted due to architecture designs.

11. It appears that a few lots near proposed quantity control structure drain directly into the structure without being treated for quality control. Quality control is required for all impervious areas.

12. Provide clear access to all stormwater management structures from a public right-of-way.

13. The proposed water quality inlets must be approved by DPS (a drop manhole will not be acceptable).

14. Water quality structures used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.

15. At a minimum, one foot of stone (dead storage) is to be provided below the outlet pipe of all of the proposed surface sand filters to provide additional groundwater recharge.

16. All of the proposed stream crossings are to use environmentally sensitive design criteria.

17. Percolation tests must be performed to determine the feasibility of providing infiltration structures for water quality and ground water recharge.

18. Provide a tree-planting plan to allow for shading of the dry pond outfalls (into the low flow channels and out of the ponds).

19. MCDPS reserves the right to require the developer to provide full-time, third-party, on-site, sediment control inspection if the department decides the goals of the Water Quality Plan are not being met.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Richard Gee at (240) 777-6333 or Leo Galanko at (240) 777-6242.

Sincerely,

Richard R. Brush, Manager
Water Resources Plan Review Section
Division of Land Development Services

RRB: enm: CN204464

cc: M. Shaneman
M. Pfefferle
L. Galanko
SM File # 204464

Qn: on-site 70.3 ac
Ql: on-site 70.03 ac.

4. Stream water temperatures will be monitored at the three locations designated during the pre-construction period. This monitoring will occur from June 1 through October 1 each year. Equipment accuracy is to be checked prior to use in spring. An accuracy check after retrieval in fall may be necessary depending on results obtained. Consult with equipment manufacturer or DEP for appropriate procedures. All accuracy checks are to be submitted with data analysis and reports. Temperature loggers should be set to take readings as frequently as possible. Consult with DEP if readings will be taken less frequently than every 30 minutes. Data from the loggers is to be closely compared to preconstruction conditions to identify any patterns indicating temperature impacts of the project. Rainfall, air temperature and flow data should be considered in the analysis. Rain and temperature gages will be maintained on the site to collect the relevant data. Analysis should be presented with illustrative graphs and conclusions regarding BMP effectiveness.

5. TSS grab sample locations will be established at a sediment pond on the site during construction. Exact sampling locations will be determined by DEP in the field to allow evaluation of the effectiveness of redundant sediment traps. Sampling is to be done quarterly during storm events throughout the construction phase. Storms should have at least one half inch of rainfall in a 24 hour period to be counted towards this requirement. Samples should be collected within 24 hours after the storm. The storms during which the data was collected should also be characterized for duration and total rainfall. Storm frequency (return interval) should be reported as described in Technical Paper #40 of USDOC Weather Bureau. Results should be examined to determine the efficiency of the structure and percent removal of pollutants. Data should be compared to past periods and graphs should be provided to support conclusions.

6. Quarterly photographic monitoring of selected outfalls will be required to determine the stability of the area. DEP will locate sites for these photos in the field with the consultant. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether flows from the structure are causing erosion or instability.

7. Embeddedness readings will continue as during pre-construction. Photos of the stream bottom should be taken concurrently with embeddedness readings. Reports should compare pre-construction data with data collected during subsequent periods to evaluate the effect of the project. Graphs should be presented along with conclusions.

8. Groundwater monitoring will continue as during pre-construction. Actual elevation of the groundwater should be reported as well as the depth to water from the ground surface. Data should be analyzed to determine the effectiveness of site design and stormwater management in providing infiltration and maintaining groundwater levels. Data from the pre-construction period should be compared to results obtained in subsequent periods. Graphs should be provided to support conclusions.

9. Cross sections established during pre-construction will be monumented and surveyed annually. Data will be plotted and compared over time to evaluate channel stability in the tributary. Photos of the cross section looking upstream and downstream should be collected annually also. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether the BMPs are effectively preventing degradation of the channel.

10. Sampling of water quality BMP's will be performed to ascertain their effectiveness and the benefits of redundant design. Grab samples will be collected from the baseflow of pond 3. Automated flow-weighted stormwater samples will be collected from additional BMPs (bioretention filters, groundwater recharge trenches, clean water recharge trenches and sand filters) at inflow and outflow points. Stormwater samples require 0.5 to 1 inch of rain over a 24 hour period not to exceed one inch over 24 hours. Reports should include information on the duration, total rainfall and return interval of the storm based on the site rain gage. Samples will be analyzed for TSS, nitrate, ortho-phosphorus, metals, BOD, TKN, total phosphorus, petroleum hydrocarbons and herbicides/pesticides. Loadings should be estimated where possible and comparisons made to published results for other BMP designs.

Monitoring requirements 1 through 9 will be in effect throughout the construction period. Following completion of construction, TSS monitoring of the sediment pond (requirement 5) will terminate. Post-construction monitoring (requirements 1-4, and 6-9) will continue for five years after construction. Sampling of water quality BMPs (requirement 10) will also have a duration of five years. Reports on BMP monitoring are due to DEP by May 30 and October 31 of each year. County code requires that reports be submitted quarterly. These quarterly reports may be incorporated in these semi-annual reports. This should be reflected in the title of the documents. BMP monitoring reports are to be delivered with data in an electronic format to Mark Sommerfield at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. Monitoring requirements 1 through 9 above will be in effect throughout the construction phase of the project. Post construction monitoring TSS readings from the sediment ponds (requirement #5) will not be required. The other monitoring requirements will be in effect for three years after the development is completed. Questions on the monitoring requirements and procedures may be directed to the following personnel.

Mark Sommerfield	Doug Marshall	Leo Galanko
(240) 777-7737	(240) 777-7740	(240) 777-6242
mark.sommerfield@co.mo.md.us	douglas.marshall@co.mo.md.us	leo.galanko@co.mo.md.us

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: October 19, 2006

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: William Campbell
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 81998001I, Clarksburg Town Center
Project Plan # ,
Preliminary Plan # , DPS File # 204464
Subdivision Review Meeting of October 23, 2006

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:
☒ **On-site:** ☐ CPv ☐ WQv ☒ Both
☐ **CPv** < 2cfs, not required
☐ On-site/Joint Use ☐ Central (Regional): waived to
☐ Existing ☐ Concept Approved
☐ **Waiver:** ☐ CPv ☐ WQv ☐ Both
☐ Approved on
☐ **Other**

Type Proposed:
☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter
☐ Separator Sand Filter ☐ Non Structural Practices ☐ Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site ☐ Yes ☐ No ☐ Possibly
☐ Provide source of the 100Year Floodplain Delineation for DPS approval:
☐ Source of the 100-Year Floodplain is acceptable.
☐ Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
☐ Dam Breach Analysis: ☐ Approved ☐ Under Review:
☐ 100-Year Floodplain study: ☐ Approved ☐ Under Review:

SUBMISSION ADEQUACY COMMENTS:

☐ Provide verification of Downstream notification.

RECOMMENDATIONS:
☐ Approve ☐ as submitted ☐ with conditions (see approval letter)
☒ Incomplete; recommend not scheduling for Planning Board at this time.
☐ Hold for additional information. See below
☒ Comments/Recommendations: The Final Water Quality Plan approval is no longer valid due to the changes to the plan. Townhouse units 22 thru 25 have been moved into the Storm Water easement for the sand filter at that location and there appears to be retaining walls shown within the easement also, neither of which is acceptable.

cc: Steve Federline, Environmental Planning Division, MNCPPC

MARYLAND-NATIONAL CAPITAL
PARK & PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Cathy Conlon, Development Review
Robert Kronenberg, Development Review

FROM: Mark Pfefferle, Environmental Planning MP

SUBJECT: Final Forest Conservation Plan # 8-98001/8-02014
Preliminary and Site Plan Clarksburg Town Center
DRC Date: July 9, 2007

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law) and other requirements such as the Special Protection Area Water Quality Plans, Environmental Guidelines for Development in Montgomery County, and the Noise Guidelines.

RECOMMENDATIONS
The submission does not meet the regulatory requirements for final forest conservation plan and must be revised to and brought in accordance with the regulations. Below are all the comments on the revised preliminary plan, revised site plan, revised water quality plan and the revised forest conservation plan.

1. The "Greenway/King Pond Park Landscape Site Plans" shows a natural surface trail through the stream buffer. The trail varies from 5 to 8 feet in width. Environmental Planning does not support an 8-foot wide trail through the environmental buffer. The detail on sheet GL 4.0 labeled "Natural Surface Trail" does not appear to be a natural surface trail. This detail includes a compacted sub grade (95%), a compacted CR-6 stone base, and compacted wood chips. This does not meet Environmental Planning's definition of a natural surface trail for Environmental Planning is not aware of the need to put compacted fill and a stone base for a "natural surface trail". According to the Parks Department, "natural surface trails" are typically narrow (2-4 feet wide) dirt trails. Types of uses associated with these trails are hiking, horseback riding and all-terrain biking." The trail proposed does not meet this definition. Any trail within the environmental buffer must be natural surface with no compacted fill and not compacted stone base.
2. Environmental Planning does not believe that there is sufficient space to construct and operate a efficient stormwater management facility in stormwater management parcel F, Block GG on sheet 6 of 9 of the west side water quality plan, without going into the stream valley buffer. The approved final forest conservation plan has the distance from the stream valley buffer to the nearest property line at 62 feet but on the revised plan the distance is 30 feet. The reduction in the space by more than ½ will compromises the buffer in this special protection area. In addition, the stormwater management facility is located on 3:1 slope. Environmental Planning believes units need to be removed to ensure sufficient space for the stormwater management facility. Those units are 35-38 Block GG and 22-25 Block GG.
3. Environmental Planning believes that the roadway into Piedmont Park should be an open section roadway and not closed section as shown. This will provide greater stormwater management.

Comments on the revised forest conservation plan include the following:

Sheet 1.

1. The first sheet needs to better job showing the map key and the map key needs to be reproduced on each sheet as it is in on the approved plan.
2. Each sheet of the forest conservation plan needs to be signed by a qualified preparer. The plan submitted is not signed.
3. Under updates/revisions the most recent update has the wrong year.

Sheet 6.

1. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" those areas must be covered by a Category I conservation easement, or be in an area dedicated to the Parks Department. This must be labeled on the drawing.
2. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" the forest conservation signage must also include the "Greenway Plantings" and therefore, signage must be relocated to outside the "Greenway Plantings" areas where appropriate.
3. The forest conservation signage must be located to also include the "wetland mitigation" planting areas.
4. The legend is very confusing. For example, the "wetland mitigation" symbol in the legend is wavy horizontal line, but in on the drawing the only wavy line is diagonal. Plus the symbol used for "stream valley disturbance area" in the legend does not match the symbol on the drawing.
5. Afforestation area "Q" (0.25 acres) appears smaller than Stream Valley Buffer Disturbance Area 3 (0.19 acres). Is stream buffer disturbance area double counted?
6. Greenway planting areas "E" and "F" both include the 10 foot public utility easement. We cannot give forest conservation credit for planting in public utility easements. Planting within this area must be deleted and it cannot be counted toward the planting requirements. Please note, the approved final forest conservation plan did not label the 10 foot public utility easement along the roadways, and therefore credit was inadvertently allowed.
7. Please label the slope on for greenway planting areas "E" and "F". If the slope is steeper than 3:1, no forest conservation credit will be allowed.
8. The plan needs to show all stormwater management facilities and access routes to those facilities. Based on the plan submitted it appears that there is unforested stream buffer. According to the Environmental Guidelines, all unforested stream buffers are to be forested. If the facilities or access is not needed then those unforested areas within the stream buffers that are not within stormwater management parcels must be reforested. Please show reforestation of all unforested stream buffers.

Sheet 8.

1. The greenway site plan shows a "natural surface trail" in this section but it is not a natural surface trail. Environmental planning does not support a "natural surface trail" with a compressed surface layer, a variable width of 4 to 8 feet. The natural surface trail needs to be shown on the drawing and a detail of the natural surface trail on the plan.

Sheet 11.

1. Environmental Planning does not believe that there is sufficient space to construct and operate a efficient stormwater management facility in stormwater management parcel F, Block GG on sheet 6 of 9 of the west side water quality plan, without going into the stream valley buffer. The approved final forest conservation plan has the distance from the stream valley buffer to the nearest property line at 62 feet but on the revised plan the distance is 30 feet. The reduction in the

space by more than ½ will compromises the buffer in this special protection area. In addition, the stormwater management facility is located on 3:1 slope. Environmental Planning believes units need to be removed to ensure sufficient space for the stormwater management facility. Those units are 35-38 Block GG and 22-25 Block GG.

2. The legend is very confusing. For example, the "forest retention" and the "afforestation area" symbols in the legend do not match the drawing and this becomes confusing when the areas are not properly labeled.
3. The approved final forest conservation plan indicates forest retention area 5 at 0.44 acres but the revised plan now indicates it is 0.36 acres. Environmental Planning does not support the reduction in existing forest. See comment #1 above.
4. The drawing needs to be adjusted to include all the land to Stringtown Road as shown on the approved final forest conservation plan. Land is missing.
5. It has been at least 8 years since the 1999 final forest conservation plan was approved. Therefore, if the 0.81-acre natural regeneration area were to regenerate it would have already met the natural regeneration requirements. Please check to determine if a sufficient number of trees have grown to meet the natural regeneration requirements. If they have not, then the natural regeneration area must be planted and shown as planted in the drawing.

Sheet 13.

1. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" those areas must be covered by a Category I conservation easement, or be in an area dedicated to the Parks Department. This must be labeled on the drawing.
2. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" the forest conservation signage must also include the "Greenway Plantings" and therefore, signage must be relocated to outside the "Greenway Plantings" areas where appropriate.
3. The plan needs to show all stormwater management facilities and access routes to those facilities. Based on the plan submitted it appears that there is unforested stream buffer. According to the Environmental Guidelines, all unforested stream buffers are to be forested. If the facilities or access is not needed then those unforested areas within the stream buffers that are not within stormwater management parcels must be reforested. Please show reforestation of all unforested stream buffers.
4. Please label the slope on for greenway planting areas "B" and "C". If the slope is steeper than 3:1, no forest conservation credit will be allowed.
5. Greenway planting areas "B" and "C" both include the 10 foot public utility easement. We cannot give forest conservation credit for planting in public utility easements. Planting within this area must be deleted and it cannot be counted toward the planting requirements. Please note, the approved final forest conservation plan did not label the 10 foot public utility easement along the roadways, and therefore credit was inadvertently allowed.
6. The greenway site plan shows a "natural surface trail" in this section but it is not a natural surface trail. Environmental planning does not support a "natural surface trail" with a compressed surface layer, a variable width of 4 to 8 feet. The natural surface trail needs to be shown on the drawing and a detail of the natural surface trail on the plan.

Sheet 21.

1. The greenway site plan shows a "natural surface trail" in this section but it is not a natural surface trail. Environmental planning does not support a "natural surface trail" with a compressed surface layer, a variable width of 4 to 8 feet. The natural surface trail needs to be shown on the drawing and a detail of the natural surface trail on the plan.

Sheet 22.

1. Afforestation area "G" is identified as 2.15 acres in size and "Stream Valley Buffer Disturbance Area 1" is identified as 0.10-acres. Does Afforestation area "G" include SVBD area 1? On sheet 38 it is indicated that SVBD does not need to be planted because it is in stormwater management parcel. This does not appear to be the case anymore and therefore must be planted.
2. The legend is very confusing. For example, the "stream valley disturbance area" in the legend does not match the symbol on the drawing.

Sheet 24.

1. This sheet shows an area of disturbance within the stream buffer that is not shown on the approved final forest conservation plan. Environmental Planning does not support this encroachment! Why is there a proposed encroachment?
2. The legend is very confusing. For example, the "stream valley disturbance area" and "afforestation area" in the legend do not match the symbols on the drawing.
3. Do afforestation areas "B1", "B2", and "B3" also include SVBD planting area 7. It appears they do, which the planting areas are double counted.
4. The drawing needs to be adjusted to include all the land to Stringtown Road as shown on the approved final forest conservation plan. Land is missing.
5. The forest conservation signage must be located to also include the "wetland mitigation" planting areas.

Sheet 25.

1. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" those areas must be covered by a Category I conservation easement, or be in an area dedicated to the Parks Department. This must be labeled on the drawing.
2. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" the forest conservation signage must also include the "Greenway Plantings" and therefore, signage must be relocated to outside the "Greenway Plantings" areas where appropriate.
3. The plan needs to show all stormwater management facilities and access routes to those facilities. Based on the plan submitted it appears that there is unforested stream buffer. According to the Environmental Guidelines, all unforested stream buffers are to be forested. If the facilities or access is not needed then those unforested areas within the stream buffers that are not within stormwater management parcels must be reforested. Please show reforestation of all unforested stream buffers.

Sheet 26.

2. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" those areas must be covered by a Category I conservation easement, or be in an area dedicated to the Parks Department. This must be labeled on the drawing.
3. Since the applicant is requesting and is receiving forest conservation credit for the "Greenway Plantings" the forest conservation signage must also include the "Greenway Plantings" and therefore, signage must be relocated to outside the "Greenway Plantings" areas where appropriate.
4. The plan needs to show all stormwater management facilities and access routes to those facilities. Based on the plan submitted it appears that there is unforested stream buffer. According to the Environmental Guidelines, all unforested stream buffers are to be forested. If the facilities or access is not needed then those unforested areas within the stream buffers that are not within stormwater management parcels must be reforested. Please show reforestation of all unforested stream buffers.
5. The greenway site plan shows a "natural surface trail" in this section but it is not a natural surface trail. Environmental planning does not support a "natural surface trail" with a compressed surface

layer, a variable width of 4 to 8 feet. The natural surface trail needs to be shown on the drawing and a detail of the natural surface trail on the plan.

Sheet 30.

1. The legend is very confusing. For example, the "stream valley disturbance area" in the legend does not match the symbol on the drawing.

Sheet 31.

1. This sheet needs a key map.

Sheet 32.

1. Environmental Planning does not support afforestation area "S". The planting should occur in unforested stream buffers, which there are, or immediately adjacent to existing forests. Creation of isolated forests in low priority areas is not acceptable.
2. What is the symbol that runs through the existing forest?
3. Why isn't the forest retention area labeled?
4. It appears that afforestation area "T" is within the utility line right-of-way. There shall be no planting with the right-of-way. Please modify the planting area to stay completely outside of the utility right-of-way.

Sheet 33.

1. What is the symbol that runs through the existing forest and the planted forest?
2. Why isn't the forest retention area labeled?
3. There is a double canopy line drawn near the stream. It appears that areas nearest the stream may not include existing forest and are not forested with this proposal. The highest priority for planting is unforested stream buffers.

Sheet 34.

1. What is the symbol that runs through the existing forest and the planted forest?
2. Why isn't the forest retention area labeled?
3. It appears that areas nearest the stream may not include existing forest and are not forested with this proposal. The highest priority for planting is unforested stream buffers and this area should be planted prior to the planting of area "S"

Sheet 35.

1. What is the symbol that runs through the existing forest and the planted forest?
2. Why isn't the forest retention area labeled?

Sheet 36.

1. Please show the limits of disturbance on this sheet.

Sheet 37.

1. Please show the limits of disturbance on this sheet.
2. It appears that afforestation area "T" is within the utility line right-of-way. There shall be no planting with the right-of-way. Please modify the planting area to stay completely outside of the utility right-of-way.

Sheet 38.

1. The amount of forest saved on the HDR worksheet does not match the amount of forest retained in the "Forest Retention Area Summary" (16.22 vs. 15.63). The number must be consistent.

2. The "Forest Retention Area Summary" table should also include the forest in the RDT parcel.
3. It appears the forest planting density is 150 trees per acre, which is less than the regulatory requirement of 200 trees per acre. Please provide a copy of the 6/7/2000 memo on the planting rates; otherwise raise the density to 200 trees per acre. However, since the planting on the RDT parcel has never received final forest conservation plan approval, the planting rate on the RDT land must be consistent with the forest conservation regulation at a rate of 200 ¾ per acre.
4. It appears that the stream valley disturbance planting areas are double counted with individual reforestation areas. Please check to make sure that this is not the case.
5. Please correct the last line in the stream valley disturbance planting areas. All refer to B-1 even when it is not B-1.
6. Total planting, minus landscaping credit, should equal Commercial + Residential + RDT + SVB Encroachment – Commercial Landscaping – Residential Landscaping –Greenway Landscaping (3.70 + 16.68 + 2.6 +2.26 – 3.7 -2.56 – 3.4) = 15.58. Then there is 9.94 acres of reforestation shown on the portion of Town Center that is not in the RDT. Then the total planting is 5.64. The plan shows this is made up of 0.81 acres of natural regeneration (which should have occurred by now, if not, it needs to be planted), plus 0.99 acres of SVB encroachment (which appears to have been double counted on a few occasions), and 3.40 acres of planting in the RDT.

Sheet 40.

1. The filter cloth on wire mesh is not an acceptable sediment control device to DPS and should not be shown as for sediment control and tree protection device.
2. Please change the barbwire fence tree protection device since it is not acceptable in Montgomery County. See note #4 below.
3. Please note that there is a 5-year maintenance period on all planted materials because this property is within a Special Protection Area. Change the notes accordingly.
4. Please amend the notes on this sheet and include the following notes. Please include the following notes on the final forest conservation plan:
    a. An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The owner shall contact the Maryland National Capital Park and Planning Commission inspection staff prior to commencing construction to verify the limits of disturbance and discuss tree protection and tree care measures. The attendants at this meeting should include: developer's representative, construction superintendent, ISA certified arborist or MD license tree expert that will implement the tree protection measures, M-NCPPC inspector, and DPS sediment control inspector.
    b. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
        i. Root pruning
        ii. Crown Reduction or pruning
        iii. Watering
        iv. Fertilizing
        v. Vertical mulching
        vi. Root aeration matting

        Measures not specified on the forest conservation plan may be required as determined by the M-NCPPC inspector in coordination with the arborist.
    c. A State of Maryland licensed tree expert, or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the MNCPPC inspector or sent to the MNCPPC inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The MNCPPC

inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.

d. Temporary tree protection devices shall be installed per the Forest Conservation Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. M-NCPPC inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
    i. Chain link fence (four feet high)
    ii. Snow fence (four feet high)
    iii. Super silt fence
    iv. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
e. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from MNCPPC. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of MNCPPC. Tree protection devices to be coordinated with erosion and sediment control devices as indicated on the approved Erosion and Sediment Control plan approved by the Department of Permitting Services.
f. Forest retention area signs shall be installed as required by the MNCPPC inspector, or as shown approved plan.
g. Long-term protection devices will be installed per the Forest Conservation Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
h. Periodic inspections by MNCPPC will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the MNCPPC inspector, must be made within the timeframe established by the MNCPPC inspector.
i. After construction is completed, an inspection shall be requested. Corrective measures which may be required include:
    i. Removal and replacement of dead and dying trees
    ii. Pruning of dead or declining limbs
    iii. Soil aeration
    iv. Fertilization
    v. Watering
    vi. Wound repair
    vii. Clean up of retention areas
j. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. No additional grading, sodding, or burial may take place.

ATTACHMENT C

Letters from Applicant

CPJ Associates
Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste 300 • Silver Spring, MD 20903 • 301.434.7000 • Fax: 301.434.9394 • www.cpja.com

August 26, 2007

MNCPPC
8787 Georgia Avenue
Silver Spring, MD
Attn: Ms Rose Krasnow

Re: Clarksburg Town Center
Interim Site Plan
819980011, 82002014D

Dear Ms. Krasnow,

We are submitting 3 copies of the revised site and landscape plans for the above referenced project for the Planning Board to consider for approval during their September 27, 2007 hearing. We are also submitting a set of plans to MCDPS and MCDPW&T. These plans have been revised to reflect DRC comments as well as unit type changes and MCFRS and MCDPS comments.

In general, the following has been revised since the September 18, 2006 submittal:

- Lots 4 – 8 Block N (3 market rate and 2 MPDU's) have become lots 4 – 6; 56, 57 Block N (5 MPDU's)
- Lots 18 – 25 Block N (5 market rate and 3 MPDU's) have become lots 18, 58 – 64 Block N (3 market rate and 5 MPDU's)
- Lots 39 – 47 Block N (9 market rate) have become lots 65 – 77 (13 MPDU's)
- The data table, previously labeled for the Craftstar lots, has been condensed in format and reflects the standards for the lots currently on the plan and per comments from MCDPS.
- The data table for the Miller and Smith lots has also been updated to reflect the standards for the lots currently on the plan and per comments from MCDPS.
- Various parking spaces and dumpsters at the Bozzuto Manor House buildings have been revised as necessary for ADA accessibility.
- Sheets 4 -7 have been added to reflect the requirements of the Montgomery County Fire and Rescue Service approval. These sheets depict the location of the "porous pavement system, or equivalent." and "no parking" areas for fire and emergency equipment access. (The standpipes were removed as per the MCFRS approval of August 20, 2007).
- The landscape plans have been updated to reflect the above revisions of the Site Plans.

Sincerely,

Charles P. Johnson and Associates, Inc.
David O'Bryan
Director of Operations

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

September 18, 2006

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com
Todd D. Brown
301.961.5218
tbrown@linowes-law.com

By Hand Delivery
Ms. Rose Krasnow
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Clarksburg Town Center – Interim Site Plan Amendment for Sections 2D, GG, Lots 7-11, Block L and Bozzuto Building Sites 7, 9, 10, 11 and 12 (Site Plan Review Nos. 8-98001, 8-02014, 8-02014B and 8-98001G)

Dear Ms. Krasnow:

On behalf of the Applicant, NNPII-Clarksburg, LLC, the purpose of this letter is to submit proposed amendments to Site Plan Review Nos. 8-98001 and 8-02014 for the Clarksburg Town Center. The enclosed applications are being filed pursuant to the Compliance Program approved by the Planning Board by its Resolution dated August 3, 2006 ("Compliance Program").

As part of the Compliance Program, the Planning Board identified three stages for future development within the Town Center. The First Stage ("First Stage") lifted the previously imposed stop work order on 78 units/lots. The Compliance Program identified the Second Stage ("Second Stage") as the approval of a revised site plan for Sections 2D and GG, as well as a revised site plan for Manor House Buildings 10, 11 and 12. The Compliance Program identified the Third Stage ("Third Stage") as the approval of a revised Project Plan, Preliminary Plan and Site Plan for the retail core and remaining elements of the project. Importantly, to assist in getting the Town Center construction restarted, the Compliance Program expressly stated the site plan amendments within the Second Stage could be applied for before any other amendment applications to the Project Plan, Preliminary Plan or Site Plans are submitted for review.

The enclosed applications ("Applications") constitute the site plan amendment for Sections 2D and GG and the Manor Houses pursuant to the Second Stage. The Applications seek approval of 90 total dwelling units comprised of 7 single-family detached units, 48 townhouse units and 35 multifamily units. The total number of units includes 26 moderately priced dwelling units (MPDUs).

We note the total number of proposed units/lots includes 12 lots to be developed by Miller & Smith (Lots 1, 2, 3, 35, 36, 37 and 55, Block N and Lots 7-11, Block L) that were among the 78 units/lots allowed to proceed under the First Stage. Although the development standards specified in the Compliance Program for these lots are correct, the intended product type has been modified from a single-family detached unit to a carriage house (Lots 1, 2, 3, 35, 36, 37 and 55, Block N) and slight modifications to a retaining wall and garage structure are required (Lots 7-11, Block L). To avoid any future concerns, the subject Miller & Smith lots have therefore been included within this Application.

The Application also includes proposed amendments to the parcels containing Manor House Buildings 7 and 9 (Parcel A, Block H and Parcel C, Block AA, respectively) (in addition to Manor House Buildings 10, 11 and 12 as contemplated by the Compliance Program). As a part of the First Stage, the Planning Board released 24 total units within Manor Houses 7 and 9, including 4 MPDUs. Although construction of Buildings 7 and 9 will proceed in accordance therewith, some minor adjustments are required to the site improvements adjacent to those buildings. The parcels in which Buildings 7 and 9 are located have therefore been included within the scope of this Application. However, the previously approved and released twenty-four total units located within Buildings 7 and 9 are not otherwise part of this application.

The following materials are enclosed for each amendment application:

1. Completed and signed Site Plan Application.
2. A check in the amount of $6,315.00 made payable to M-NCPPC to cover the cost of processing the amendment to Site Plan 8-98001 and a check in the amount of $17,535.00 to cover the cost of processing the amendment to Site Plan 8-02014.
3. 30 sets of site plan and landscape plans showing the proposed amendment.
4. 30 sets of comparisons between the proposed amendment and existing underlying site plans and landscape plans.
5. Final Water Quality Plan approval.
6. Opinions of the Planning Board approving Site Plan Nos. 8-98001, 8-02014, 8-98001G and 8-02014B.
7. Preliminary Plan No. 1-95042.
8. Site Plan drawings for Site Plans 8-98001 and 9-02014 (certified site plans) and 8-98001G and 8-02014B (pending approval).
9. Lists of adjoining and confronting property owners and local citizens associations.

Thank you for your consideration of this request. If additional information is needed, please contact us.

Sincerely,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman

Todd D. Brown

Enclosures

cc: Mr. Douglas Delano
Mr. Robert Ditthardt
David Brown, Esq. (Counsel to CTCAC)
Barbara Sears, Esq.
Scott Wallace, Esq.
Timothy Dugan, Esq.
Charles F. Stuart, Jr., Esq.
Adjoining and Confronting Property Owners and Local Citizens Associations