

Appendix D: Agency Comments



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

October 3, 2008

MEMORANDUM

TO: Robert A. Kronenberg, Supervisor
Development Review Division

VIA: Sue Edwards, I-270 Corridor Team Leader *SUE*
Community-Based Planning Division

FROM: Nellie Shields Maskal, Community Planner *NM*
Community-Based Planning Division

SUBJECT: Clarksburg Town Center Project Plan Amendment No. 919940040; RMX-2 and Rural Density Transfer Zones; 270 acres; located north of MD 355, east of MD 121, and west of Stringtown Road near Snowden Farm Parkway; Clarksburg Master Plan

SUMMARY OF THE PROJECT PLAN AMENDMENT

Project Plan Amendment No. 919940040 proposes 1,213 total dwelling units for the Clarksburg Town Center. However, only 348 dwelling units remain to be built within the new mixed-use core, redesigned Block H, and Blocks EE and GG. The proposed plan recommends 194,720 square feet of nonresidential development, such as, street-level retail, a grocery store, a mix of live/work units, commercial space, and multi-family residential units. It also proposes final design for recreation facilities, amenities, and enhancements approved as a part of the Town Center Compliance Program adopted in 2006 by the Planning Board. Public and community space, such as, the library and improvements to Piedmont Woods Park are also proposed.

The Project Plan Amendment also includes a revised Phasing Plan for the construction of on-site and off-site road improvements, recreation facilities, public spaces, and amenities with the entire development to be completed by June 15, 2010. However, the Applicant may request an extension from the Planning Board to finish the development due to market forces or other factors.

RELATIONSHIP TO CLARKSBURG MASTER PLAN

Master Plan Policies

Ten policies have guided the preparation of the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area. All the land use, zoning, urban design, and transportation recommendations reflect these policies. These policies will carefully guide the growth of Clarksburg from a rural settlement into a transit- and pedestrian-oriented town surrounded by open space.

Policy 1: Create a Town Scale of Development

“The Master Plan envisions Clarksburg as a town, at a larger scale than proposed in the 1968 Clarksburg Master Plan but smaller than a corridor city, such as, Germantown.”

The proposed plan provides opportunities to reinforce the Master Plan’s vision by proposing a transit- and pedestrian-oriented community located in a natural setting with the Town Center as the focus of community life. It also conforms to the Master Plan’s vision by proposing a traditional neighborhood designed with street facing residential units.

Policy 2: Natural Environment

“The Master Plan recommends that Clarksburg’s natural features, particularly stream valleys, be protected and recommends Ten Mile Creek and Little Seneca Creek be afforded special protection as development proceeds.”

The proposed plan retains a forested buffer along all streams. Existing mature trees will be preserved and augmented, and a “no net loss” of wetlands policy has been established. It also replaces one large condominium building with townhouses and a large green area. Additional landscaping has been provided around Murphy’s Grove stormwater management pond, along Overlook Park Drive adjacent to the retail core and stormwater management pond No. 2, and adjacent to the single-family detached units located near stormwater management pond No. 3. In addition to landscaping, a seating area and a trail connecting to the town plaza are provided in the proposed plan.

Policy 3: Greenway Network

“The Master Plan recommends a multi-purpose greenway system along stream valleys. The greenway is the major organizing element of an open space network, which includes local parks, schools, stream buffer areas, and a hiker-biker trail system.”

The proposed plan provides the Master Plan greenway with its natural surface trail system and recreational bikeway facilities to connect to major parklands surrounding Clarksburg.

Policy 4: Transit System

“The Master Plan proposes a comprehensive transit system that will reduce dependence on the automobile.” The Master Plan recommends that Redgrave Place serve as a pedestrian and vehicular linkage between the eastern area of the Town Center and the Town Center transit station. To do so, an extension of Redgrave Place to MD 355 is recommended. The Master Plan states that this would require the relocation of the historic Horace Willson House located within the Clarksburg Historic District.

The proposed plan includes the Master Plan alignment for Redgrave Place Extension (Clarksburg Square Road) and the relocating the Horace Willson House from its current location to a site slightly to the east, adjacent to the Clarksburg Store/Grill. This plan achieves the Master Plan recommendation of linking the pedestrian and vehicular access between the Clarksburg Town Center and the Town Center Transit Station.

The Master Plan states that the scale, character, and location of the connection should be developed appropriately. These issues will be carefully addressed during the review of the pending Preliminary Plan and Site Plan Amendments for the Town Center to ensure vehicular and pedestrian safety. Also, changes in the Clarksburg Historic District are subject to the Historic Preservation Commission (HPC) review and approval.

Policy 5: Hierarchy of Roads and Streets

“The Master Plan proposes a street network which clearly differentiates between highways needed to accommodate regional through traffic and roads which provide subregional and local access.”

The proposed plan includes an extensive network of interconnected street to provide local access within neighborhoods. The road layout offers transitional arrangements of roads.

Policy 6: Town Center

“The Master Plan proposes a transit-oriented, multi-use Town Center which is compatible with the scale and character of the Clarksburg Historic District. The Master Plan also continues the historic function of Clarksburg as a center of community life. It will be part of an expanded Town Center (635 acres) which will include a variety of uses (a school, civic uses, park, and retail centers) and a mix of housing types.”

The proposed plan establishes a strong identity for the new mixed-use core with a traditional town character as recommended in the Master Plan. The neo-traditional layout of the community compliments the character of the Historic District. The proposed plan provides civic uses, such as, the new Clarksburg Library with a community plaza and open-air market building, Town Green for civic and community use, upgrades to Murphy’s Grove Pond, a memorial to the Clark family, redesigned of Sinequa Square Park, and improvements to Piedmont Woods Park.

Policy 7: Transit- and Pedestrian-Oriented Neighborhoods

“The Master Plan clusters development into a series of transit- and pedestrian- oriented neighborhoods.”

The proposed plan includes a mix of retail, office, single-family attached units, multi-family units, live/work units, and civic uses all clustered within the mixed-use core. The proximity and density of the various uses encourages pedestrian travel and increases the potential for nearby employment as recommended in the Master Plan. Retail and residential will occupy the same building providing residents easy access to goods and services. The Master Plan discourages separation of uses.

Streets interconnected to create a network of sidewalks will allow pedestrian movement from the developed portion of the Town Center to the new retail core to the Clarksburg Historic District and to Clarksburg United Methodist Church. Also, a diverse mix of housing is provided to foster a sense of community through a variety of incomes and households. Finally, a pedestrian friendly environment is achieved by creating human scale streetscapes. To provide a pedestrian-oriented community, buildings are clustered with their facades pushed toward the street.

Policy 8: Employment

“The 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. Additional limited employment uses are recommended at transit stops, at the Town Center, and in neighborhoods as part of a mixed-use land use pattern.”

The proposed plan incorporates retail within an interconnected five block area as envisioned in the Master Plan.

Master Plan Land Use Plan

The proposed plan meets the land use objectives of the Master Plan as follows:

- **Create a Town Center which will be a strong central focus for the entire Study Area.**

The proposed plan establishes a strong identity with a traditional town character as called for in the Master Plan by locating the Clarksburg Library, civic plaza and building, and open-air market building to serve as the central gathering area. The library building, located in the civic plaza area, will be a central feature of the community. The construction of the library with nearby parking should be coordinated with the construction of the retail core. The proposed plan includes design considerations for the library. Staff recommends that the Applicant continue coordination with Montgomery County Public Libraries so that the library can be built in a timely matter.

- **Encourage a mixed-use development pattern in the Town Center to help create a lively and diverse place.**

The proposed plan is generally consistent with the guidelines in the Clarksburg Master Plan for the mix of residential units. It provides more single-family attached units than the approved Project Plan. It provides for live/work units and eliminates one multi-family condominium building. The proposed plan includes a variety of unit types, mixed-use buildings with residential above retail uses, live/work units (which will be conveyed as fee simple units), and street facing retail with structured and surfaced parking areas.

The total proposed range of unit types generally conforms to the mix of unit types recommended in the Master Plan as indicated in the following table:

Table 1: Mix of Residential Units

Unit Types	Master Plan Guidelines	Approved Project Plan	Plan of Compliance	Project Plan Amendment
Single-Family Detached	10-20%	15% (195 Units)	20% (241 Units)	18.0% (219 Units)
Single-Family Attached, Townhouses	30-50%	50% (650 Units)	54% (661 Units)	54% (656 Units)
Multi-Family and Live/Work Units	25-45%	35% (455 Units)	26% (319 Units)	27.8% (338 Units)
Total Units	1,380	1,300	1,221	1,213

The Master Plan states in terms of commercial uses, “a retail designation is proposed east of the Historic District as part of a large-scale mixed-use neighborhood. By incorporating the retail center proposed into a larger planned development, there will be a greater opportunity to assure a strong integration of the retail center to adjoining residential and public uses and to assure a compatible relationship to the Historic District. A maximum square footage of the retail center is proposed (up to approximately 150,000 square feet.”

The proposed plan provides some opportunities for professional office space in the live/work units, increases the amount of retail space, improves the orientation of buildings to Overlook Drive, and reduces the coverage of the proposed grocery store. The proposed plan also provides live/work units along Clarksburg Square Road to serve as a transition between MD 355 and retail area.

The proposed retail/office mix conforms to the guidelines in the Master Plan as summarized in the following table:

Table 2: Commercial Land Use and Density

Land Use	Master Plan Guidelines	Approved Project Plan	Plan of Compliance	Project Plan Amendment
Retail	150,000 square Feet	150,000 square feet	Not Available	194,720 square feet (62,800 grocery pad with opt. grocery mezzanine, 76,200 street level, & 7,720 opt. 1 st floor residential “flex” retail)
Office	Undetermined	100,000 square feet	Not Available	48,000 square feet of 1st floor live/work office
Total	300,000 square feet	250,000 square feet	195,500 square feet (live/work, retail/office flex space)	194,720 square feet

- **Assure that future development around the Historic District complements the District’s scale and character.**

“The relationship between the Clarksburg Historic District and the new Town Center is a sensitive one. The Historic District must retain its integrity and identity while still blending with the new neighborhoods which will be created.”

The proposed plan includes the Master Plan alignment for Clarksburg Square Road (Redgrave Road Extended) to MD 355 and the relocation of the historic Horace Willson House. The scale, character, and location of the connection will be carefully addressed to protect the Historic District. Also, the proposed plan provides a pedestrian connection from the Town Center to Clarksburg United Methodist Church.

- **Provide a Variety of Open Space Features**

“The Town Center is traversed by a portion of the Little Seneca Greenway. The Master Plan states that the greenway will be a major open space feature in the Town Center, making it important that the greenway be visible and accessible to the public. Sidewalks and bikeways should be located outside the stream buffer along the greenway.”

The proposed plan includes an improved design for the central greenway network with sidewalks, bikeways, and increased landscaping. It includes improved recreational facilities for the 70-acre Piedmont Woods Park, such as, a dog park and hiking trails. It

also provides enhanced open space features for the Kings Pond Park, Murphy's Grove Recreational Area, John Clark Family Memorial, and Sinequa Square.

RELATIONSHIP TO CLARKSBURG TOWN CENTER PLAN OF COMPLIANCE

On August 3, 2006, the Planning Board approved the Compliance Program for the Clarksburg Town Center that consists of the June 1, 2006 Staff Report and Planning Board modifications. The Plan of Compliance proposes amendments to the approved Project Plan and the certified site plans. The proposed plan complies with the Plan of Compliance as follows:

- Phasing Plan

The Phasing Plan contemplates completion of the entire development by June 15, 2010 unless the Planning Board approves an extension. This condition has not changed in the proposed plan.

- Project Description

As stated on page 1 of this Staff Report, the proposed plan creates a mixed-use core, new civic plaza and green space, grand stairway with landscaping from the Town Center to the Clarksburg United Methodist Church, redesign of the recreation center and other facilities and amenities. All of these elements are included in the proposed plan.

However, the Plan of Compliance includes two parking garages with 816 parking spaces for the retail core to address the parking requirements. The proposed plan replaces one parking structure with a surface lot and diagonal parking replaces parallel parking along one side of "Main Street." The other parking garage is redesigned from three-levels to two-levels. The total number of public parking spaces in the retail core is 85 spaces fewer than the Compliance Program.

Mix of Residential Units (Maximum Numbers)

The proposed plan's range of residential unit types generally conforms to the mix of unit types recommended in the Plan of Compliance. It provides 22 fewer single-family detached units than the Plan of Compliance as shown on Table 1: Mix of Residential Units.

Maximum Nonresidential Density (Square Feet)

The proposed retail and office mix conforms to the guidelines in the Plan of Compliance. On page 9 of the proposed plan, it states that the 1994 Master Plan recommends a total of 920,000 square feet of nonresidential use. The 1994 Master Plan recommends a total of employment and retail for the 635-acre Town Center District that consists of the subject 270-acre Clarksburg Town Center property, a 98-acre vacant property known as Clarksburg Station, and other properties. Staff would like the table to reflect the correct Master Plan density.

Building Height

The Plan of Compliance states that buildings in the retail core will be limited to three stories. As shown on the proposed plan, it appears that the buildings in the retail core are not over three stories, if the roof lines of the buildings are flat.

Condominium Building No. 6

The Plan of Compliance states that Condominium Building No. 6 will be eliminated and the area previously shown for the building will be developed with a new park and townhouses. The proposed plan recommends a new community park/square to be lined with a variety of residential unit types to replace the condominium building and associated parking.

MD 355 Connection (Redgrave Place Extended/Clarksburg Square Road)

In the Compliance Plan, Clarksburg Square Road is proposed to be connected (right-in and right-out) to MD 355 that does not require the historic Horace Willson house to be relocated. The proposed plan shows Redgrave Place extending through the Clarksburg Historic District from the boundary of the Clarksburg Town Center development to MD 355. Due to the design for the MD 355 Connection, the proposed plan requires the relocation of the historic house.

As stated previously, the Master Plan recommends that Redgrave Place serve as a pedestrian and vehicular linkage between the Clarksburg Town Center and the Town Center Transit Station. To do so, an extension of Redgrave Place to the east of MD 355 is recommended. The Master Plan states that this would require the relocation of the historic house within the Clarksburg Historic District. On August 13, 2008, the Historic Preservation Commission (HPC) was briefed this issue. The HPC voiced their support to the proposal, finding that it is consistent with the *Vision of Clarksburg: A Long Range Preservation Plan, the Approved and Adopted Clarksburg Master Plan*, Chapter 24A, and the Secretary of the Interior's Standards for Rehabilitation.

COMMUNITY CONCERNS

On June 18, 2008, the Applicant held a community meeting at Cedarbrook Community Church to present the Clarksburg Town Center Amendment to Project Plan No. 919940040. A group of residents voiced support for the proposed changes to the Plan of Compliance. There were also a group of residents who were concerned about the loss of a parking garage, additional on-street parking, size of the retaining walls, extension for the project, narrow size of the retail core sidewalks, lack of space for outdoor dining, cost of operating the lap pool, changes from the initial plan filed on April 25, 2007 (that the Town Center Advisory Committee supports), and other issues. See Attachment 1.

On April 16, 2008 and June 24, 2008, the Montgomery County Library Department held community meetings to discuss the space needs and location for a future library branch

for Clarksburg. While the County the County staff outlined the issues (small building footprint, parking constraints, Town Center design guidelines, book drop off area, and proximity of the live/work units) with the site, community members voiced support for the proposed site without space for programs, such as, tutor rooms. See Attachment 2.

CONCLUSION

The proposed plan generally complies with the *1994 Clarksburg Master Plan* and the Resolution on the Compliance Program (that consists of the June 1, 2006 Staff Report and Board Modifications). However, the Plan of Compliance recommends two parking garages lined by retail spaces and residences to maintain a pedestrian scale and orientation for the new mixed-use core and not extensive surface parking as proposed in the Project Plan Amendment.

Staff is concerned that the vision for the mixed-use core may not be achieved since the proposed plan recommends one public garage and a surface parking lot instead of a second garage. Staff, therefore, recommends that the second public parking garage may need to be added to the proposed plan to comply with the Plan of Compliance unless Development Review staff determines that the proposed parking complies with the Zoning Ordinance and public parking will not be a problem in this area.

Attachments

NSM:tv: g:/maskal/9-94004towncenter.doc

Attachment #1

Maskal, Nellie

From: Emily Lederer [emily_lederer@hotmail.com]
Sent: Monday, June 23, 2008 3:25 PM
To: Maskal, Nellie
Subject: FW: Plan support from Clarksburg Town Center resident

Dear Ms. Maskal:

Today I sent the e-mail below to the main MNCPPC-MC address, but wanted to send a copy directly to you, as well. Thanks!

Respectfully,
Emily Lederer

From: emily_lederer@hotmail.com
To: mcp-cr@mncppc-mc.org
Subject: Plan support from Clarksburg Town Center resident
Date: Mon, 23 Jun 2008 13:29:24 -0400

My name is Emily Lederer, and I have been a resident of Clarksburg Town Center since 2002. I have recently studied the latest plans submitted by Newland for our community, and I would like it on the record that I, and many other residents I have spoken to, approve and are very happy with them and hope they will be approved by the Planning Board.

Although we are all very appreciative and thankful for all the hard work the CTCAC has done to get the plans to where they are today, many of us do not feel that this very small group of four residents accurately represent our views as a whole community, and do not feel that the recent actions they have taken to try and stop the approval of these latest plans is in our best interest. Please know there are many of us that would like this community to move forward, which starts with the approval of what we feel is a wonderful plan for our community.

We hope are voices will be heard and considered.

Thank you so much,
Emily Lederer
23601 Sugar View Drive
Clarksburg, MD 20871
301-528-9811

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Maskal, Nellie

From: Elizabeth Garofalo [elizabeth.garofalo@casinc.biz]
Sent: Tuesday, June 17, 2008 1:06 PM
To: Maskal, Nellie
Subject: Clarksburg Town Center Site Plan

Hello,

I have been a resident of Clarksburg Town Center for five years. I am also the Activities Director for Clarksburg Town Center (CTC) and Content Administrator for our website, www.ClarksburgConnects.com. Unfortunately, we get only bad press in the Gazette and the Washington Post. But I can tell you that we are a wonderful, vibrant community with great residents who are ready to move forward.

I am writing to let you know, as a resident I am grateful for all CTCAC has done to work with Newland Communities to change what was originally a mundane suburban shopping center. I have seen the CTC Site Plan, which was submitted on May 19th and I am very happy with it...I think it is great! My husband and I want Parks and Planning to approve it. This community has been through enough and we deserve to move forward and have our retail center built and all of our amenities completed.

In the time that has lapsed over the past several years our neighbor, a senior citizen has passed away, never to experience the community the way he and his wife planned for their retirement. I give you this as one example of the impact these delays have on the real lives of our residents. There are countless other stories in every household in Clarksburg Town Center, in which people's lives have been effected by the slowdowns. Now it is time to move forward. The site plan looks great...let's get it approved and built.

Respectfully,

Elizabeth Garofalo
Activities Director & Content Administrator
Clarksburg Town Center
www.ClarksburgConnects.com
301-444-8681

Clarksburg Farmers' Market
www.ClarksburgFarmersMarket.org

Clarksburg Town Center 5K
www.ctc5K.org

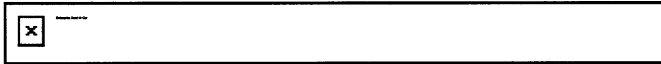
Life is good Pumpkin Festival
October 25, 2008

Maskal, Nellie

From: D'Attilio, Deborah H [Deborah.H.D'Attilio@erac.com]
Sent: Monday, June 23, 2008 7:35 AM
To: Maskal, Nellie
Subject: Clarksburg community member

I wanted to voice my opinion regarding the community development in Clarksburg. I moved here 3 years ago (from California) and I absolutely love living in the Clarksburg town center. My neighborhood is safe, offers a strong elementary school and tons of community activities (the 5k, daily swimming, neighborhood parades, movie night at the pool and a farmers market). But, I see two huge downsides as well, the slow completion of development and the weekly negative press in the gazette. I, and many of my neighbors, would like to move forward. I would like to see the roads completed, Murphy's grove finished, and of course, the shopping center built. The proposed plans are satisfactory to me. Thank you for your time. Deborah D'Attilio

23522 Sugar View Dr,
Clarksburg, MD



Deborah D'Attilio, PHR
Group Human Resource Manager
Recruiting and Training Department
301-212-6492 direct
866-902-5667 fax
deborah.dattilio@erac.com

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MCP-Chairman

RECEIVED 2008 0920

AUG 07 2008

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

From: Niren Nagda [niren_nagda@yahoo.com]
Sent: Thursday, August 07, 2008 3:05 PM
To: MCP-Chairman
Cc: Jaya Nagda
Subject: Clarksburg Town Center

To: Planning Board Chairman Royce Hanson Dear Sir, My wife, Jaya, and I wanted to take this opportunity to write to you as we will be away for an extended period of time when the planning board may be making some important decisions regarding the Clarksburg Town Center. In 2004 and 2005, the two of us were involved, among many concerned citizens, in providing our inputs to the board as issues related to violations were discovered and discussed. We were pleased with the Plan of Compliance of April 6, 2006, in terms its comprehensiveness to address the violations and to meet community needs. Since then we thought things were moving ahead so that we could see construction initiated and completed in the 2008-2010 timeframe. This year, though, reading the press about CTC and attending the Newland's community meeting a few weeks ago, we have been extremely disappointed with the current disputes between them and CTCAC. We have met with or talked to representatives of both the parties and are saddened by the current status. Given the complexities of the issues, our limited time, and the lack of familiarity with details of the issues, we are unable to express specifically how issues should be resolved. However we would like that the plan of compliance, which was conceptual in nature, is fully met in its intentions and language. It also must be executed within the earlier agreed-upon deadline of completion i.e., by year 2010. The completion timeframe is of utmost importance as you are well aware that our community has seriously suffered and continues to suffer because of the actions and inactions of the external parties including the developer, builders, and the planning board in the past. We would like the planning board to make tough decisions -- and difficult decisions as they may appear to the receiving parties -- to show that you are giving the utmost priority to the long-term and short-term interests of the community of Clarksburg Town Center. That will show that the planning board is serious about upholding the planning and approval process in our county.

Thank you for your attention.

-Niren Nagda, 23806 Branchbrier Way, Clarksburg, MD 20871

2187

Maskal, Nellie

From: Diane King [dianeking@comcast.net]
Sent: Thursday, July 24, 2008 9:35 AM
To: Maskal, Nellie
Subject: Re: CTC Plan of Compliance

Hi Nellie!
Thanks very much!
Diane

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

From: Maskal, Nellie
To: Diane King
Sent: Tuesday, July 22, 2008 10:33 AM
Subject: RE: CTC Plan of Compliance

Ms. King,

Thank you for your e-mail. We will include the e-mail in the staff report on the Town Center projects scheduled for a Planning Board public meeting in the Fall.

Thanks again for your comments.
Nellie

Nellie Maskal
Community Planner
Community-Based Planning Division
Maryland-National Capital Park and Planning Commission
301-495-4567 (phone)
301-495-1304 (fax)
8787 Georgia Avenue
Silver Spring, Maryland 20910
nellie.maskal@mncppc-mc.org
<http://mcparkandplanning.org>

From: Diane King [mailto:dianeking@comcast.net]
Sent: Monday, July 21, 2008 7:37 PM
To: Maskal, Nellie
Subject: CTC Plan of Compliance

Attached and below is a letter from Diane L. King, resident of CTC.
Thank you,
Diane L. King

July 22, 2008

Ms. Nellie Shields Maskal

Montgomery County Parks and Planning Commission

Dear Ms. Maskal:

I've been a Clarksburg Town Center resident for six years. We were one of the first five families to move in. It's been a wonderful experience to live here. It is a beautiful community and we couldn't ask for better neighbors, friends and playmates for our young children. People look out for each other here. I'm as anxious as my neighbors to have the long-delayed retail center up and serving the entire Clarksburg community.

I urge you to **uphold the Clarksburg Town Center Compliance Program Resolution** for these reasons:

- the parties (developer Newland and CTCAC) worked together in good faith to find common ground to create a plan that would restore the original design elements and features of the retail center, as well as serve as a way to remedy the numerous height and set-back violations committed by the developer and builders;
- both parties agreed to this plan;
- a mutually- selected, neutral retired judge arbitrated and signed off on the plan;
- the Planning Board reviewed and accepted the plan;
- the parties jointly held a meeting with the CTC residents explaining the elements of the plan (also attended by members of the County Planning Board), complete with artists' renditions and other visual aids during which there was a Q & A session;
- it's legally-binding;
- any changes to the plan would add months, even years to the process and further delay the retail center;
- we must remember that this plan was created to compensate for the violations of law made by the developer to avoid steep legal fines and possible prosecution;
- since when does the unlawful party get to change their penalties?; and
- it's the right thing to do.

You've heard from some individual residents who have clearly been misled by the developer into believing that the new changes Newland wants to make to the already agreed-upon plan of compliance would hasten the arrival of retail center. We know that quite the opposite is true because of the additional layer of the County Planning Board review process that this kind of move would trigger.

I am requesting that my letter be included in the record any time the plans are discussed, as well as going forward to any hearings or during DRC.

I urge you to please **uphold the Clarksburg Town Center Compliance Program Resolution**. Let's move Clarksburg forward, not backward.

Sincerely,

Diane L. King

23520 Sugar View Drive

Maskal, Nellie

From: Schottland [bigschott@yahoo.com]
Sent: Friday, July 25, 2008 1:46 PM
To: Krasnow, Rose; Maskal, Nellie; Kronenberg, Robert; Knapp; isiah Leggett
Cc: Kathy Mitchell
Subject: CTC site plan approval

I heard the most distressing news the other evening and I hope you can address it. Newland's new-2008 proposal will have to get reviewed, even though the 2007 proposal had already been under review for almost a year. Surely the Planning Board has reviewed and approved parts of the site plan in the past year. Limit Newlands amendments to the areas of question that arose and approve all others.

I understand parking garages are the only way to get adequate parking for our Retail Center without encroaching on protected stream valleys. You must not allow Newland to change the previously agreed upon site plan and make our retail space smaller and surface parking larger as they are attempting to do. They have offered nose in parking in front of retail and include my garage apron as potential parking to make up the loss of parking spaces.

This project has been delayed long enough. Newland agreed to added ammenities to the community in place of fines for their violations. Hold them to it and move this community forward NOW. DO NOT give any more extentions beyond the 2010 date.

I do request that this letter become part of the record and include it any time a review occurs.

Thank you,

Susan Schottland-CTC Resident

Maskal, Nellie

From: Qamar Anwar [qamaranwar@hotmail.com]
Sent: Thursday, July 24, 2008 11:03 PM
To: Maskal, Nellie
Subject: RE: Question about Clarksburg Town Center

I think either you didn't read the email or your email is sarcastic. I didn't waste my time in sending any comments because they are meaningless to MC. I sent this email to ask that as a tax payer of montgomery county I have the right to ask to tell me the true fact about CTC retail. Is there any true plan to physically build it or will it remain in papers only. I know MC will have meetings on CTC for many Fall seasons to come to keep public at bay, but is there a real physical plan to build it ? Your email 15 months ago said that construction would have started by now, but I don't see any signs of construction starting in next 10 yrs, can you tell me if I am wrong in my assumption that if nothing has happened in past 3 yrs after CTC mess started, what can happen in next 10 yrs

Hope I'm clear in my email this time

Qamar

Subject: RE: Question about Clarksburg Town Center
Date: Thu, 24 Jul 2008 11:06:51 -0400
From: Nellie.Maskal@mncppc-mc.org
To: qamaranwar@hotmail.com

Mr. Anwar,

Thank you for your e-mail. We will include the e-mail in the staff report on the Clarksburg Town Center projects scheduled for a Planning Board public meeting in the Fall.

Thanks again for your comments.
Nellie

Nellie Maskal
Community Planner
Community-Based Planning Division
Maryland-National Capital Park and Planning Commission
301-495-4567 (phone)
301-495-1304 (fax)
8787 Georgia Avenue
Silver Spring, Maryland 20910
Nellie.maskal@mncppc-mc.org
<http://mcparkandplanning.org>

From: Qamar Anwar [mailto:qamaranwar@hotmail.com]
Sent: Monday, July 21, 2008 8:49 PM
To: Maskal, Nellie
Cc: Kronenberg, Robert; MCP-Chairman; Krasnow, Rose
Subject: RE: Question about Clarksburg Town Center

Hi Nellie

I own a property in CTC and 15 months ago I got following email response from you to my query about CTC. Your email said that

"construction may begin between 2008 and 2009"

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Can you please let me know the real facts about CTC's actual physical construction & not the developers game. Because I think CTC is doomed to failure and there is no point left for people like me paying these massive property taxes to county / state when I don't even live in montgomery county anymore but just happen to have a property in this area which seems like a complete mess for past several years. If there is no hope left then I'm seriously thinking of giving up the property and let county collect taxes from the bank

I hope that as a property tax payer of montgomery county I have the right to ask above question as my property value has gone to trash due to CTC retail fiasco

Qamar Anwar
23904A Catawba Hill Dr
Clarksburg, MD 20871

Subject: RE: Question about Clarksburg Town Center
Date: Wed, 25 Apr 2007 10:24:40 -0400
From: Nellie.Maskal@mncppc-mc.org
To: qamaranwar@hotmail.com

Newland Communities presented revised plans for the Clarksburg Town Center (including the retail area) at a public meeting on April 11, 2007 at Cedarbrook Community Church. They plan to file the plans with M-NCPPC today. The plans will be reviewed by staff and scheduled for a Planning Board Public Hearing. Once the plans are approved, construction of the retail center can occur. At the public meeting, Newland stated that it should take 3 month to 18 months for all plans (site plans and building permits) to be approved. If this happens, construction may occur sometime between 2008 and 2009. After the plans are filed with M-NCPPC, Newlands plans to have copies of the plans at the Town Center Visitor's Center and some place else in Clarksburg for the public to review. Please check the Clarksburg website (ClarksburgPlanning.org) for further details.

There was many positive comments for the public regarding the retail center plans that were presented on April 11th.

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

From: qamar anwar [mailto:qamaranwar@hotmail.com]
Sent: Tuesday, April 24, 2007 6:46 PM
To: Maskal, Nellie
Subject: Question about Clarksburg Town Center

Hi Nelli

I own a propery in CTC and was curious if any retail would ever be built there ? Builders in CTC area lured us to buy properties in CTC citing heavenly retail second to none, but even after lapse of 2 yrs there is not a single shop to even buy bottled water what to talk about heavenly retail.

I just wonder if any retail would ever be built during our lifetimes or should we just forget about it ? I'm really frustrated and am wandering what am I paying all this huge property tax for when I can't even find

a single grocery store for even bottled water, except that there is an old gas station on 355 who charges higher than normal market rates, knowing there is nothing out there.

Thanks
Qamar Anwar
23904A Catawba Hill Dr
Clarksburg, MD 20871

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Maskal, Nellie

From: Diane King [dianeking@comcast.net]
Sent: Thursday, July 24, 2008 9:35 AM
To: Maskal, Nellie
Subject: Re: CTC Plan of Compliance

Hi Nellie!
Thanks very much!
Diane

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

From: Maskal, Nellie
To: Diane King
Sent: Tuesday, July 22, 2008 10:33 AM
Subject: RE: CTC Plan of Compliance

Ms. King,

Thank you for your e-mail. We will include the e-mail in the staff report on the Town Center projects scheduled for a Planning Board public meeting in the Fall.

Thanks again for your comments.
Nellie

Nellie Maskal
Community Planner
Community-Based Planning Division
Maryland-National Capital Park and Planning Commission
301-495-4567 (phone)
301-495-1304 (fax)
8787 Georgia Avenue
Silver Spring, Maryland 20910
nellie.maskal@mncppc-mc.org
<http://mcparkandplanning.org>

From: Diane King [mailto:dianeking@comcast.net]
Sent: Monday, July 21, 2008 7:37 PM
To: Maskal, Nellie
Subject: CTC Plan of Compliance

Attached and below is a letter from Diane L. King, resident of CTC.
Thank you,
Diane L. King

July 22, 2008

Ms. Nellie Shields Maskal

Montgomery County Parks and Planning Commission

Dear Ms. Maskal:

I've been a Clarksburg Town Center resident for six years. We were one of the first five families to move in. It's been a wonderful experience to live here. It is a beautiful community and we couldn't ask for better neighbors, friends and playmates for our young children. People look out for each other here. I'm as anxious as my neighbors to have the long-delayed retail center up and serving the entire Clarksburg community.

I urge you to **uphold the Clarksburg Town Center Compliance Program Resolution** for these reasons:

- the parties (developer Newland and CTCAC) worked together in good faith to find common ground to create a plan that would restore the original design elements and features of the retail center, as well as serve as a way to remedy the numerous height and set-back violations committed by the developer and builders;
- both parties agreed to this plan;
- a mutually- selected, neutral retired judge arbitrated and signed off on the plan;
- the Planning Board reviewed and accepted the plan;
- the parties jointly held a meeting with the CTC residents explaining the elements of the plan (also attended by members of the County Planning Board), complete with artists' renditions and other visual aids during which there was a Q & A session;
- it's legally-binding;
- any changes to the plan would add months, even years to the process and further delay the retail center;
- we must remember that this plan was created to compensate for the violations of law made by the developer to avoid steep legal fines and possible prosecution;
- since when does the unlawful party get to change their penalties?; and
- it's the right thing to do.

You've heard from some individual residents who have clearly been misled by the developer into believing that the new changes Newland wants to make to the already agreed-upon plan of compliance would hasten the arrival of retail center. We know that quite the opposite is true because of the additional layer of the County Planning Board review process that this kind of move would trigger.

I am requesting that my letter be included in the record any time the plans are discussed, as well as going forward to any hearings or during DRC.

I urge you to please **uphold the Clarksburg Town Center Compliance Program Resolution**. Let's move Clarksburg forward, not backward.

Sincerely,

Diane L. King

23520 Sugar View Drive

Maskal, Nellie

From: ELIZABETH FORREST [betforrest@verizon.net]
Sent: Tuesday, July 22, 2008 6:47 PM
To: Diane R Swartz-Jones; Ike Leggett
Cc: Wendy Harris; Tom Perrone; Taki Pritsios; Robert Price; Jean Casey; El Cooper; Betty Forrest; Mike Wakefield; Krasnow, Rose; Maskal, Nellie; Kronenberg, Robert; Nick Cowie; Michele Raptosh; Kathy Mitchell; Kathie Hulley; Hadi Mansouri; Eric Friedman; Carla Reid Joyner; James Stegemerten; William Hasselman; Duchy Trachtenberg; George Leventhal; Marc Elrich; Marilyn Praisner; Mike Knapp, V.P.; Nancy Floreen; Phil Andrews; Roger Berliner; Valerie Ervin
Subject: Fw: Clarksburg leak investigation 7-17-08

Dear Mr. Leggett:

Would you please look into this we have had very little luck with Bozzuto or Montgomery County curing the water intrusion coming into our buildings.

Thank you

Betty Forrest - Board President of Clarksburg Condominium II and Project coordinator of Building deficiencies for Clarksburg Condo I & II

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

From: William Hasselman
To: 'ELIZABETH FORREST'
Cc: Hadi Mansouri ; Kathy Mitchell ; El Cooper ; Charles Becht III ; Jean Casey ; Robert Price ; Taki Pritsios ; Tom Perrone ; Wendy Harris ; James H. Stegemerten
Sent: Tuesday, July 22, 2008 5:29 PM
Subject: RE: Clarksburg leak investigation 7-17-08

Betty, everything you offer below is accurate. We continue to wait for Bozzutto to step up and fulfill the promised agreements documented in that meeting.

Mr. Monsouri, on behalf of this condominium Association, and within the responsibilities of your office, can you see your way through to involving yourself in a direct request to Bozzuto to respond appropriately? As an Officer of Construction Code Enforcement for the County who has been fully informed on the details of this specific construction defect, how can the County not view the clearly documented ongoing water infiltration at this recently constructed property as the most fundamental of Code Violations, for which the Builder of new construction is unquestionably and wholly responsible?

This Community needs help from a responsible authority.

Bill Hasselman
Becht Engineering

From: ELIZABETH FORREST [mailto:betforrest@verizon.net]
Sent: Tuesday, July 22, 2008 8:42 AM
To: William Hasselman
Cc: Hadi Mansouri; Kathy Mitchell; Betty Forrest; El Cooper; Jean Casey; Robert Price; Taki Pritsios; Tom Perrone; Wendy Harris
Subject: Re: Clarksburg leak investigation 7-17-08

Bill and Jim

At our meeting 1-3-2008 with Montgomery County Officials, Bozzuto, Becht, Tom Perrone and myself representing Condo I & II

Tom Baum repeatedly assured that Bozzuto would repair any water infiltration it found pursuant to the protocol. If one test fails, the wall will be repaired.

Hadi Mansouri also agreed that if water intrusion is present the stone must come off and the proper repairs be made. Since the proper repairs were made to Tower #1 and #2 in 12832 CSR there have been no water intrusion problems in the windows.

This was accomplished by:

1. removal of the stone
2. Repairs to damaged OSB
3. Repairs to 2 X 4 or any other structural defects
4. "Stoguard" painted twice over OSB
5. "Grace" water shield installed over stoguard painted OSB
6. Tar paper applied over Grace and Stoguard treated OSB
7. Wire mesh applied over #6 items
8. Slurry, stone and grout applied over #6 & #7

This repair must now be done to Tower #3 & #4 in 12824 CSR immediately (seeing the probe that Bozzuto brought to the site showed significant water present in the OSB above the Kitchen windows) along with the deck repairs (already approved by Becht and sent to Tom Fox and Tom Baum months ago). When and if we find water intrusion or damage behind the envelope in the remaining Towers or any other part of the buildings (12832, 12828, 12824 CSR & 23730 CMD) these area's must also be repaired as well.

Every time it rains we have more and more damage done to the deck areas, front door areas and envelope areas.

Betty Forrest

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

From: William Hasselman
To: James H. Stegemerten ; 'betforrest@verizon.net'
Cc: 'Stanford Kimmel' ; 'Nick Cowie'
Sent: Monday, July 21, 2008 9:41 AM
Subject: RE: Clarksburg leak investigation 7-17-08

Yes.

Betty, let us know if, or how, you want to address this to Bozzutto.

Bill

From: James H. Stegemerten
Sent: Monday, July 21, 2008 9:40 AM
To: 'betforrest@verizon.net'
Cc: 'Stanford Kimmel'; 'Nick Cowie'; William Hasselman
Subject: RE: Clarksburg leak investigation 7-17-08

Based on the logic in the protocol supplied by Bozzuto to look for moisture and damage; these two locations would be a good place to get started in removing the stone. Both of these locations have active water infiltration and damaged OSB sheathing behind the stone that require repair.

James H. Stegemerten
Senior Project Manager

From: James H. Stegemerten
Sent: Thursday, July 17, 2008 1:19 PM
To: betforrest@verizon.net
Cc: 'Stanford Kimmel'; Nick Cowie; William Hasselman
Subject: Clarksburg leak investigation 7-17-08

Betty,

I was able to meet Ian on site today to investigate the water infiltration at building 12824 units 206 and 103. I wanted to give you a brief description of our observation behind. These locations were reported active leak sites with the exterior facing being the stone veneering. These locations were in the corner towers areas that had previously been repaired above the stone and with the stone top row being properly flashed. I have attached photographs of our findings.

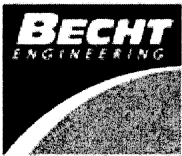
Our focus was at the window head where the leaks were reported. Both of these locations were a three window grouping with PVC trim around the window.

After removing the trim, cutting the Tyvec building wrap and removing the Grace flashing at both locations we found sheathing damaged and the sheathing retaining moisture. See Photographs. Ian performed moisture testing readings which showed a significant moisture level deviation across the tops of both window locations.

James H. Stegemerten

Senior Project Manager

ICC Residential Building Inspector



Becht Engineering BT, Inc
10717 Birmingham Way
Woodstock, MD 21163
Phone: 410.461.3904
Fax: 410.461.3128
Jstegemerten@becht.com

Maskal, Nellie

From: Qamar Anwar [qamaranwar@hotmail.com]
Sent: Monday, July 21, 2008 8:49 PM
To: Maskal, Nellie
Cc: Kronenberg, Robert; MCP-Chairman; Krasnow, Rose
Subject: RE: Question about Clarksburg Town Center

Hi Nellie

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"construction may begin between 2008 and 2009"

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Qamar Anwar
23904A Catawba Hill Dr
Clarksburg, MD 20871

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Maskal, Nellie

From: Diane King [dianeking@comcast.net]
Sent: Monday, July 21, 2008 7:37 PM
To: Maskal, Nellie
Subject: CTC Plan of Compliance
Attachments: July 22 nm.docx

Attached and below is a letter from Diane L. King, resident of CTC.
Thank you,
Diane L. King

July 22, 2008

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Montgomery County Parks and Planning Commission

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I urge you to please **uphold the Clarksburg Town Center Compliance Program Resolution**. Let's move Clarksburg forward, not backward.

Sincerely,

Diane L. King

23520 Sugar View Drive

Maskal, Nellie

From: JeKeen@aol.com
Sent: Monday, July 07, 2008 11:29 PM
To: Maskal, Nellie
Subject: Clarksburg Town Center Proposed Plans - Against

Dear Councilmember Maskal,

My name is Brian Jeffrey Keen, I have lived in the Clarksburg Town Center since June 2003. I was at the recent meeting at the Cederbrook Community Church with The Newland Corporation. I DO NOT support these latest plans that Newland presented for a couple of reasons. The residents and neighbors that I have spoken with also do not support these latest plans by a margin of at least 6-1. It is easy for citizens to get frustrated by Newland's tactics and be willing to settle for something. I believe that this is exactly Newland's strategy and it is not an appropriate method of constructing communities.

First, Newland admits that the new version of the plans do not comport with the Compliance Plan. A Compliance Plan is a specific document to make restitution for wrongful acts in exchange for not going through a public and expensive court proceeding. These types of agreements are not loose frameworks for interpretation later - they are BINDING agreements.

Newland entered into a compliance plan for the myriad of willful violations of the county-approved Master Plan and illegal acts that they either influenced or committed, which led to the resignation of a county employee. They agreed to specific elements of the agreement in August of 2006. They are now claiming that the market conditions have changed and the plans are not viable. This is a travesty, in my opinion, because Newland was not concerned about violating the Master Plan when the market was in their favor and it led to supernormal profitability. They had no problem making promising one type of retail center and submitting plans for a completely different one. This is a pattern for Newland, they will say whatever is in their best interest at the time and then do something completely different, regardless of the ethics or legality of their actions. Therefore, it is NOT a surprise to me that they are claiming their plans are now not viable and they should just get to produce fewer amenities and pocket the savings. These savings come directly from the supernormal profits they made by deceiving the Clarksburg citizens at the time of purchase. This is an inappropriate activity on Newland's part. I believe that Clarksburg Town Center should be built in accordance with the compliance plan, each and every element should be present - not some of the elements; but all of the elements. After all, if Newland did not do anything wrong to begin with, then this would be a building plan and would have nothing to do with complying to an order for wrong-doing.

Newland claimed in the meeting that they will require an extension to complete this project. I believe this to be another deception by Newland. Of course, they are running short on time, if they keep submitting plans and waiting for the plans to move through the county government process then they can keep waiting for either a buyer or to break the will of the citizens who would be willing to settle for something. This is a deceptive tactic from a Corporation that is far more experienced in these matters than a citizens group, with emotional ties to our hometown. Newland doesn't live here, they will leave when the last bulldozer shuts off and laugh all the way to the bank. We live here, the residents and citizens who plan on raising our families here. We, who will create our own traditions that will be handed down through the generations. We, who believed and purchased a way of life and an environment from the developer. We, who will come together as a community when times are tough to support each other offer the strength that our neighbors will need, when they need it the most. We, who believe in a person's word and live our lives that way. We, who believe that our elected county government is there to protect our interests against this type of behavior by a corporation, like Newland who is willing to divide this community to get out of living up to their word. Their word was not just to us in the Town Center, but to you the county government who is exercise appropriate oversight, as well.

There is no reason that I can see to grant any waivers for parking. Creative parking space counting on the part of Newland is consistent with their pattern of saying one thing and doing another. Newland is apparently very adept at slowing the building process by using the planning process to react to their change requests. This is an attempt to manipulate the outcome. The minimum parking standards mean just that, the minimum. I do not support any waivers to proposed parking. However, isn't it ironic that all of the proposed changes that Newland submits will reduce their required outlay of either funds.

For example, the proposal of using asphalt for sidewalks is abysmal. Newland is trying to get us to believe that using asphalt for a sidewalk dining area is preferred to slate or pavers because it will keep customers eyes off the sidewalk and therefore on the storefronts is comical at best - sad and yet another deception at worst. In this case, I fear the reality is that they were not trying to be funny, but were again deceitful to save money.

Another example of their deceptive ways is that Newland discussed the plans and showed an artist rendering of the retail area. However, the rendering did not show the revised nose-in parking that the new plan called for; nor did it show the smaller sidewalks that will now not support out door dining. There was no mention that the rendering was inaccurate or based on the previous plans until it was brought up by an audience member who questioned the drawing. The fact that Newland showcased the prior plan would indicate that Newland considers the previous plans to have superior citizen appeal to the ones that they just proposed. Otherwise, they would have shown the new ones to gain that support. This appears to be a blatant and willful deceptive practice conducted in a church. Regardless of ones views, churches are not just buildings to some members of this community. To willfully deceive the citizens there and to conduct their business in this manner is another example of Newlands disrespect for the citizens of this community.

If you have any questions, comments or concerns regarding this letter, please contact me for clarification. Please include my letter in any and all discussion or proceedings regarding these matters.

Thank you for your time and attention,

Brian Jeffrey Keen
23701 Clarksmeade Dr
Clarksburg, MD 20871
(301) 916-5444
Jekeen@aol.com

Gas prices getting you down? Search AOL Autos for fuel-efficient [used cars](#).

Maskal, Nellie

From: Elizabeth Garofalo [elizabeth.garofalo@casinc.biz]
Sent: Tuesday, June 17, 2008 1:06 PM
To: Maskal, Nellie
Subject: Clarksburg Town Center Site Plan

Hello,

I have been a resident of Clarksburg Town Center for five years. I am also the Activities Director for Clarksburg Town Center (CTC) and Content Administrator for our website, www.ClarksburgConnects.com. Unfortunately, we get only bad press in the Gazette and the Washington Post. But I can tell you that we are a wonderful, vibrant community with great residents who are ready to move forward.

I am writing to let you know, as a resident I am grateful for all CTCAC has done to work with Newland Communities to change what was originally a mundane suburban shopping center. I have seen the CTC Site Plan, which was submitted on May 19th and I am very happy with it...I think it is great! My husband and I want Parks and Planning to approve it. This community has been through enough and we deserve to move forward and have our retail center built and all of our amenities completed.

In the time that has lapsed over the past several years our neighbor, a senior citizen has passed away, never to experience the community the way he and his wife planned for their retirement. I give you this as one example of the impact these delays have on the real lives of our residents. There are countless other stories in every household in Clarksburg Town Center, in which people's lives have been effected by the slowdowns. Now it is time to move forward. The site plan looks great...let's get it approved and built.

Respectfully,

Elizabeth Garofalo
Activities Director & Content Administrator
Clarksburg Town Center
www.ClarksburgConnects.com
301-444-8681

Clarksburg Farmers' Market
www.ClarksburgFarmersMarket.org

Clarksburg Town Center 5K
www.ctc5K.org

Life is good Pumpkin Festival
October 25, 2008

Montgomery County *Chairman & Clarksburg Planner*

Reminder-III // 01/10/2007

Reminder-II // 12/12/2007

Reminder-I // 11/29/2007

Subject: Lethargic state of Affairs at Clarksburg Town Center (CTC)& Unjustified Tax usage for my Clarksburg property located at 23904A Catawba Hill Dr in CTC

Nov 7th, 2007

Dear Sir / Madam

As a Property Tax payer of Montgomery County, I feel that County should be giving me rebate / discount due to following reasons, and also let me know what is this property tax being used for when there is no development in Clarksburg, County didn't fulfill its promises of building retail, all the retail development have been thrown on the back burner and all this happened due to fault of none other than the County who initially allowed building code violations which caused the whole retail plan to be delayed by decades.

1. Due to extremely poor state of County's affairs in CTC, there has been no development till date and there's nothing out there and thus people don't want to come to Clarksburg to buy properties and thus I'm having hard time selling the property and thus bearing huge financial loss. All this happened due to County's permissions to builders during boom days to build constructions in violation of County's rules which put the CTC retail in limbo and much trumpeted CTC's retail has been **delayed by "decades"** which is main cause of distraction to people buying any properties in CTC and thus causing huge financial loss to people like me. This all happened due to County's fault and thus County should share the burden and provide some kind of relief to CTC property owners like me who don't even live in state of MD.
2. I don't live in state of MD anymore and thus don't utilize any of County's services like schools, roads, 911, ... but just unlucky to have property in CTC for which I haven't been able to attract buyers, just because there's no development till date and that all happened due to County's state of affairs, and thus County should share the burden of it with me rather than levying outrageously high property tax to me.
3. Not only that, **we in CTC have hard time even renting the properties at market rates** just because the tenants don't want to come to **CTC as there's nothing out there in this ghost land, not even proper roads**. Only way to attract any tenants is to provide them discounted rents which again puts huge financial loss to people like me. For eg, my property is 3 bed, 2.5 bath and one car attached garage, it faces sinequa park (which is a mere eyesore as there's no development on it) and also faces pool. So market rate to rent this property is \$1600 **atleast**, however I was only able to rent the property for \$1320 (I can provide copy of lease if needed) just because people don't want to come to CTC as there's nothing out there.
4. My property is right in front of so called Sinequa square which was supposed to be a really beautiful piece of architecture, but due to County's fault, its an eyesore right now, thus diminishing not only the value of my property, but causing distraction to any potential buyers / tenants. And all these development delays happened due to County allowing builders to build constructions in violation of the laws, so definitely County should now share the financial loss for it too. If County had done the development as previously promised, I could have atleast rented the property **at market rate** and paying of full property tax would have been no problem, but since I couldn't do that due to County's state of affairs, I would like County to share the burden of property tax with me.

This is my 4th fax and nobody has responded to me yet. As a property tax payer of Montgomery county I have all the right to get answer to above questions, so I hope that somebody should get back to me on this

Qamar Anwar
502 Trolley Car Way
Morrisville, NC 27560
Ph: 919 345 5069
Email: qamaranwar@hotmail.com

C.C

1. Clarksburg Planner : Fax 301 495 1304
2. MCP chairman planning board : Fax 301 495 1320

April Public Meeting Ideas - Space needs	April Public Meeting Ideas - Library program not space	Not Directly Library Related Program or Space
Meeting Rooms	Preschool Programs	Co-location with senior center
Divided meeting room	Author Talks	Co-location with historical society
Meeting room or other space for children's programs	Sound proofing for meeting and program rooms	Bookmobile service in interim
Ethnic diversity language materials - Chinese specifically mentioned	Program on sustainability (environment)	Co-location with other activities to avoid dark building
ESOL - Language labs	Programs related to nature facility at Bennett Regional Park	
Coffee bars	Central location where the community can walk to	
Consider larger library for the future when the population is 43,000	Location close to transit	
Programs and collections and space for teens	Clarksburg historical collection - programs related to	
Tutor rooms and group study rooms for teens	Senior programs working with children	
Computers - need for ones for teens specifically mentioned	Hours: No early hours (7 a.m.), instead stay open until 9 or 10 p.m.	
Large space for programs and meetings	Hours: Meeting room access after hours until 10 p.m.	
Bike racks	Sustainability	
Video conferencing	After school activities	
AV Lab for making films - for teens		
Place outside for seating		
After hours book drop-make it so safety is considered		
Music Room		
Business Center		

CLARKSBURG LIBRARY PUBLIC MEETING

Tuesday, June 24, 2008

April Public Meeting Ideas - Space needs	SPACE REQUIREMENT	April Public Meeting Ideas - Library program not space	NOTES	Not Directly Library Related Program or Space
Meeting Rooms	INCL. IN POR	Preschool Programs	CHILDRE'S PROGRAM	Co-location with senior center
Divided meeting room	ADD 500 SQ. FT.	Author Talks	MTG. ROOM	Co-location with historical society
Meeting room or other space for children's programs	INCL. IN POR	Sound proofing for meeting and program rooms	YES	Bookmobile service in interim
Ethnic diversity language materials - Chinese specifically mentioned	150	Program on sustainability (environment)	MTG. ROOM	Co-location with other activities to avoid dark building
ESOL - Language labs	150 [Combine w/ Ethnic Lib. Material]	Programs related to nature facility at Bennett Regional Park	MTG. ROOM	
Coffee bars	250	Central location where the community can walk to	MASTER PLAN ISSUE	
Consider larger library for the future when the population is 43,000	ADD 1800 SQ. FT	Location close to transit	MASTER PLAN ISSUE	
Programs and collections and space for teens	INCL. IN POR	Clarksburg historical collection - programs related to	MTG. ROOM	
Tutor rooms and group study rooms for teens	650	Senior programs working with children	CHILDRE'S PROGRAM	
Computers - need for ones for teens specifically mentioned	PART OF YOUNG ADULT ROOM	Hours: No early hours (7 a.m), instead stay open until 9 or 10 p.m.	DPL TO CONSIDER	
Large space for programs and meetings	MTG. MADE LARGER TO TOTAL OF 1700 SQ.FT.	Hours: Meeting room access after hours until 10 p.m.	NORMALLY YES	
Bike racks	OUTSIDE ON THE PLAZA.	Sustainability	PART COUNTY REQ.	
Video conferencing	200	After school activities	CHILDREN/ YA AREAS	
AV Lab for making films - for teens	500			
Place outside for seating	OUTSIDE ON THE PLAZA.			
After hours book drop-make it so safety is considered	INCL. IN POR			
Music Room	350			
Business Center	550			

TOTAL NET SQUARE FOOTAGE ADDED	5,100
TOTAL GROSS SQUARE FOOTAGE ADDED	6,630
ORIGINAL POR GROSS AREA	26,000
NEW TOTAL GROSS AREA	32,630



RECEIVED

OCT 1 2008

DEVELOPMENT REVIEW

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

September 29, 2008

Mr. Robert Kronenberg
M-NCPPC - Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910

Re: Clarksburg Town Center - Preliminary Plan #11995042A

Dear Mr. Kronenberg:

The following is a review of the September 5, 2008 responses by the applicant of the above project to the July 23, 2008 Development Review Committee (DRC) coordinated Montgomery County department comments, Department of Housing and Community Affairs (DHCA) section:

- #68: The applicant has provided the requested calculation showing the required number of moderately priced dwelling units (MPDUs).
#69: DHCA is working directly with the builder involved to address this issue.
#70: The applicant has agreed to provide three bedrooms in the MPDU townhouse units as provided by Chapter 25A of the County Code. DHCA will need to see floor plans for these units at the time of the MPDU Agreement to Build.
#71: The applicant has noted that all of the multi-family units are presumed to have 2 bedrooms, with the exception of the programmed accessible housing units located at street level where the number of bedrooms has not been determined. DHCA will need additional information at the site plan stage.
#72: The applicant has agreed to comply with MPDU program guidelines concerning distribution of MPDUs throughout the multi-family building. DHCA will need to see floor plans of the multi-family building and the MPDU unit types at the time of the MPDU Agreement to Build.
#73: The applicant has agreed to comply with the MPDU staging requirements of Chapter 25A.
#74: The applicant has noted that temporary sediment control ponds/traps are not located on proposed MPDU sites.
#75: The applicant has acknowledged the requirement to execute an amended Agreement to Build with DHCA.

Division of Housing and Code Enforcement

Table with 4 columns: Code Enforcement, Moderately Priced Dwelling Unit, Housing Development and Loan Programs, Landlord-Tenant Affairs. Includes contact information like FAX 240-777-3701 and FAX 240-777-3691.

Mr. Robert Kronenberg
September 29, 2008
Page 2 of 2

In summary, the applicant's responses are adequate, and DHCA does not have any further concerns at this stage. If you need additional information, please contact Lisa Schwartz at 240-777-3786.

Sincerely,



Christopher J. Anderson
Manager, Single Family Programs

cc: Robert K. Ditthardt, Newland Communities
David Weber, Gutschick Little & Weber, P.A.
Diane Schwartz Jones, Assistant CAO
Richard Y. Nelson, Jr., Director, DHCA
Joseph T. Giloley, DHCA

S:\Files\FY2009\Housing\MPDU\Lisa Schwartz\Clarksburg Town Center Letter 9-29-08.doc

Clarksburg Town Center DRC Comments

DPS/Site Plan Enforcement Review comments

Project Plan (91994004B):

Sheet 1 of 4- Revised foot note marked with a “+” symbol reads:
Live/Work Parking – Parking rates provided are a blended rate calculated with 1st floor retail with a residential unit on the 2nd, 3rd, or 4th floor. The “or” should be changed to “and” otherwise the parking calculations will not be accurate. If the second floor became an office for example, the space would be under parked.

Preliminary Plan (11995042B):

Same note as above for sheet 1 of 7 on the preliminary plan.

Site Plan (820070220):

Index Plans:

Sheet 1-1

Commercial parking calculations are based on retail parking (5 spaces/ 1,000 gross leasable square feet), which may or may not account for potential restaurant space (25 spaces/ 1,000 square feet of patron area).

Sheet I-5

Lots 56-57/N (Miller & Smith) appears on two different tables with differing development standards. The tables are labeled:

“Proposed Development Standards Miller and Smith Lots” and

“Minimum Standrds for lots...56-57...”

The table for Manor House is missing the requirement for maximum height.

Provide maximum height of residence clubhouse and associated accessory structures.

Sheet A904 with regards to the 1st story Live-Work Townhouses, please remove the “...temporarily occupied as residential space...”

Sheet 1 of 1

We do not agree with the assumptions underlying the calculations for the overall parking assessment. We concur with the comments provided by MNCPPC for over-all parking requirements.



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

MEMORANDUM

TO: Robert Kronenberg, Supervisor, Development Review

VIA: Mark Pfefferle, Supervisor, Environmental Planning *MP*

FROM: Doug Johnsen, Environmental Planning *dj*

DATE: October 6, 2008

SUBJECT: Site Plan
Final Forest Conservation Plan
Clarksburg Town Center
Site Plan 820070220

RECOMMENDATIONS

The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan and the final forest conservation plan with the following conditions:

1. Compliance with the conditions of approval of the Final Forest Conservation Plan dated December 27, 2004 and amended July 24, 2006.
2. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
3. All afforestation plantings on the Piedmont Park are to begin in the first planting season after the issuance of the first sediment control permit by the Montgomery County Department of Permitting Services for any work to be conducted on Piedmont Park
4. Reforestation/afforestation plantings on the Clarksburg Town Center development are to begin in the first planting season following approval of the Certified Site Plan.
5. Applicant must replace all financial security instruments submitted by Terrabrook Clarksburg, L.L.C. with new financial security instruments from Newland Communities, L.L.C... The financial security instruments must be based at a rate of \$0.90 per square foot or on a landscape estimate approved by the Planning Department. The new financial security to be reviewed and approved by Environmental Planning staff prior to Certified Site Plan approval.

6. Applicant must submit a revised final forest conservation plan and obtain approval from Environmental Planning prior to approval of the certified site plan.
7. All revised plans must be sealed and signed by a qualified professional.
8. Applicant must remove the “Certified Site Plan” stamp from the final forest conservation plan (FFCP).
9. Applicant must clearly delineate which trees are being taken for the landscape credit claimed in the FCP Worksheets. Any trees not claimed for landscape credit must not be shown on the FFCP.
10. Applicant must remove the designation “Off-Site” planting that is proposed for Piedmont Park since this area has been part of the project since preliminary plan approval.
11. Applicant must change all of the 5-ft natural surface trails from the Kings Pond area south through the Greenway and in the Piedmont Park to 4-ft trails as per the approved FFCP dated July 24, 2006.
12. Applicant must provide a detail of the natural surface trail that matches the detail on the Land Design, Inc. plan.
13. There should be no changes in the size of any afforestation or reforestation planting area from what was approved in 2004 and revised in 2006. If changes are necessary, the applicant must provide a written explanation and justification for the area size changes and compensate for the loss of that planting area.
14. The applicant must provide afforestation plantings totaling at least 9.31 acres on the residential portion if 13.39 acres are being planted at Piedmont Park. The total afforestation planting requirement is 22.7 acres.
15. The applicant must provide a planting schedule for the Greenway area since the applicant is requesting reforestation credit in the FFCP. In turn, call this area out on the Certified Site Plan as part of the FFCP.
16. Applicant must: combine afforestation areas Q and S on Sheet 8 to one planting area; combine afforestation areas A-1, A-3 and B-1 on Sheet 11; and combine afforestation areas C-1 and K on Sheet 13.
17. Applicant must clearly delineate Category I forest conservation easement lines or forest conservation areas as dedicated to the Parks Department, whichever is appropriate on the final forest conservation plan.
18. Applicant must move the forest retention line adjacent to the SWM facility on Sheet 8 back to it’s original position as per final forest conservation plan approved in 2004.

19. Applicant must correct the size of afforestation area G. In one location on the submitted plan it is listed as 2.15 acres and in a second it is listed as 1.78 acres.
20. Applicant must correct the size of afforestation area H. On page 21 it is listed as 0.40 acres in size but in the data table states it is 0.31 acres.
21. Applicant must move the line for afforestation areas H and G on Sheet 21 back to the location shown on the final forest conservation plan approved in 2004. If the slope exceeds a 3:1 grade the slope must be graded to less than 3:1 to accommodate planting.
22. Applicant must include a note on Sheet 21 stating that planting must occur within the sewer line area but not within 5 feet off the pipe centerline.
23. Applicant must move the line for afforestation area G on Sheet 22 back to the location adjacent to the utility easement line. If the slope exceeds a 3:1 grade the slope must be graded to less than 3:1 to accommodate planting..
24. Applicant must afforest all stream valley buffers (SVB) on Sheet 22 as shown on the approved final forest conservation plan and final water quality plans.
25. Applicant must correct the spelling of “afforestation” and “area” on Sheet 24.
26. Applicant must show the SVB on Sheets 33, 34, and 35.
27. Applicant must clarify why the LOD extends out into afforestation area Z on Sheet 36.
28. Applicant must clarify why the LOD extends out into afforestation areas Z and HH on Sheet 37.
29. Applicant must use the correct updated FCP worksheet available on the MNCPPC website at <http://www.mcparkandplanning.org/Environment/forest/index.shtm>.
30. Applicant must include the data table as required by Section 109-A(2) of the Forest Conservation Regulations.
31. Applicant must replace all Norway Maple (*Acer platanoides*) trees requested for landscape credit with native canopy trees.
32. Applicant must correct typographic errors in the table for Afforestation Area CC on Sheet 39.
33. Applicant must correct all applicable notes throughout the document to identify that all reforestation/afforestation plantings have a 5-year maintenance period from the date the forest conservation inspector inspects the planted materials..

BACKGROUND

The 269.13-acre property is located east of I-270 in Clarksburg within the Clarksburg Special Protection Area (SPA). The project site is bordered on the north by Snowden Farm Parkway and Piedmont Park, on the east by Stringtown Road, on the west by Clarksburg Road (MD 121) and on the south by Frederick Road (MD 355). The property is zoned RMX2.

The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 419941620 and 419952500. Staff approved the first NRI/FSD in April 1994 and the second in August 1995. The Planning Board approved a preliminary plan of subdivision and a preliminary forest conservation plan, 119950420, on March 26, 1996. The site plan, 819980010, was approved by the Planning Board on March 3, 1998. The FFCP for the residential and commercial areas only was approved by Environmental Planning staff on June 30, 1999 with amendments to the FFCP approved on August 16, 2002, August 27, 2002, September 9, 2002, December 27, 2004 and July 24, 2006.

The property lies within two watersheds. The majority of the site, which is the residential and commercial areas of approximately 200 acres, lie within the headwaters of the Little Seneca Creek (Use IV-P) inside the Clarksburg SPA. A smaller segment of this project bordered by Snowden Farm Parkway, Burdette Forest Road and Clarks Crossing Road as well as the Piedmont Park area lie in the headwaters of the Little Bennett Creek (Use III-P stream) and is outside of the SPA. The residential/commercial portion of the project is bisected by a southeast flowing Use IV perennial tributary stream, called the Town Center trib that originates in Kings Park and flows to the Little Seneca Creek. The smaller segment of this project contains a perennial Use III tributary stream that flows through the Piedmont Park and into the Little Bennett Creek. There are steep slopes (> 25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the environmental/stream buffers.

FOREST CONSERVATION

This current revision to the Final Forest Conservation Plan (FFCP) has been submitted by the applicant in order to request changes to the FFCP approved on December 27, 2004 and amended July 24, 2006. This FFCP is also submitted to incorporate the Piedmont Park area into the overall FFCP which has not been a part of any previous FFCP submittal to date.

The applicant submitted a revised FFCP for Development Review Committee (DRC) review on June 23, 2008. Environmental Planning responded with numerous comments to the plan and requests for clarification for issues that did not conform to prior approvals of the FFCP. The applicant resubmitted revised plans on September 15, 2008 without clearly addressing some of the major environmental and forest conservation issues raised with the previous comments. The applicant has made a substantial number of changes to the previously approved forest conservation plan that Environmental Planning staff does not support. The proposed changes submitted by the applicant seem to have no justification or rationale as to why these changes are proposed. The plan submitted also contains many typographical errors and inconsistencies that

need to be rectified. This has resulted in numerous comments being requested as conditions of approval to be placed on this plan.

When originally approved, the subject site contained 48.49-acres of existing forest. The applicant removed 8.84 acres of forest and retained 39.65 acres. There is a 25.26 acres planting requirement for the entire project. The applicant has claimed a 2.56 acre landscape credit leaving a total reforestation planting requirement of 22.70 acres. The currently submitted forest conservation plan indicates that the applicant will attempt to meet the conservation requirement with 8.91 acres of plantings on the residential/commercial section of Clarksburg Town Center, 13.39 acres of plantings at Piedmont Park and 2.56 acres of landscape credit. This results in a total afforestation planting of 24.86 acres, falling short of the necessary planting requirement by 0.40 acres. The applicant will need to identify where the additional 0.40 acres of forest will be planted in a revised final forest conservation plan. Environmental Planning requests that the applicant comply with all the conditions of approval of the FFCP dated December 27, 2004 and amended July 24, 2006 in which all afforestation/reforestation planting requirements were being met.

Under the M-NCPPC's implementation of the Special Protection Area (SPA) regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. This project lies predominately within the Clarksburg SPA. A small segment of the site bordered by Snowden Farm Parkway, Burdette Forest Road and Clarks Crossing Road along with Piedmont Park lay outside the Clarksburg SPA. This small residential segment contains no stream buffers, however the Piedmont Park area contains large portions of stream buffers. Since the majority of the project is within the Clarksburg SPA, Environmental Planning is requesting conditions on the forest conservation plan requiring the applicant to plant all forests in the first planting season after the Planning Department approves the certified site plan. Environmental Planning also requests a condition requiring a five-year maintenance period for all planting areas credited toward the forest conservation plan.

To date, as far as can be determined through records review and staff interviews, Afforestation Area E is the only area where trees were installed, inspected and accepted for a 5-year maintenance period. Area E is 0.84 acres in size, thereby leaving a balance of 21.86 acres of required forest yet unplanted and unaccepted. As a result, Environmental Planning is requesting a condition that the balance of all necessary afforestation/reforestation plantings be accomplished in the first planting season following Certified Site Plan approval of Site Plan 820070220.

Additionally, the financial securities required prior to the installation of the afforestation material were submitted by Terrabrook, L.L.C. A new corporation, Newland Communities, L.L.C., has taken over the Clarksburg Town Center project and Planning Department does not have the necessary financial agreements with this corporation. Environmental Planning is requesting a condition that Newland Communities, L.L.C. replace the old financial bonds prior to Certified Site Plan approval with new bonds at the rate of \$0.90 per square foot or based on a landscape estimate submitted to Environmental Planning staff for review and approval.

ENVIRONMENTAL GUIDELINES

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The NRI/FSD for the project identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the *Environmental Guidelines*, the stream buffers must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests where applicable. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas or transfer the ownership of a portion of these areas to MNCPPC Parks.

Stream Buffer Encroachments

The encroachments into the environmental buffers associated with this plan are necessary stormwater management structures and conveyances, some utilities, natural surface trails and construction of portions of Clarksburg Square Road and Clarks Crossing Drive.

WATER QUALITY PLAN

This project is subject to a previously approved water quality plan, therefore, it is not necessary for the Planning Board to approve a revision to the water quality plan. The applicant is complying with the same level of imperviousness as the previously approved plan. Additionally, the applicant is complying with the environmental guidelines by permanently protecting stream valleys in conservations easements or within dedication to the Parks Department, and the forest conservation plan will involve minor changes from what was previously approved.



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett
County Executive

October 7, 2008

David E. Dise
Director

Ms. Catherine Conlon, Subdivision Supervisor
Mr. Robert Kronenberg, Site Plan Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RECEIVED
OCT 14 2008
DEVELOPMENT REVIEW

RE: Clarksburg Town Center
Project Plan Amendment No. 92004004B
Preliminary Plan Amendment No. 119950424
Site Plan Review No. 820070220
Response to DRC Comments

Dear Ms. Conlon and Mr. Kronenberg:

This letter presents consolidated review comments from the Departments of Libraries and General Services in response to the Linowes & Blocher LLP submission to MNCPPC dated September 5, 2008. These comments relate only to that submission and do not consider any previous submissions. Previous comments remain applicable unless directly noted otherwise.

1. The following comments are provided in response to your review of Attachment 18 - The Concept Sketch. The Concept Sketch for Clarksburg Library Site Study dated August 29, 2008 depicts a Concept Layout of the proposed Clarksburg Library site. The Site Study indicates a Library with 26,000 square feet on two floors. However, the Site Study does not provide any dimensions or scale; it also does not indicate any proposed property lines. Therefore, the proposed site area, and the library's positioning on the site, cannot be accurately evaluated. Therefore, it is not possible to analyze and comment on whether the proposed site has enough area to build a two-story, 26,000 square feet library. The County estimates that at least 18,000 gross square feet of principally rectangular area is required for a two-story 26,000 square-foot library site to meet set back provisions.
 - The Concept Sketch depicts a Loading and Service area near the rear alley and besides the public walkway. The delivery (Loading and Services area) area needs to be adjacent to the circulation staff workroom which is adjacent to the circulation and self checkout area which is adjacent to the library entrance.
 - The Book Drop Off area needs a short term (5 minute) parking area in front of it on the street. This is currently not shown.

Division of Building Design and Construction

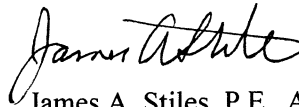
2. The following comments are provided in response to Attachment 11- Exhibit – Parking Plan dated March 2008 (MNCPPC RE-Submission 05.19.2008).
 - The Parking Plan depicts 88 spaces in a parking area on Parcel C near the library site. The Parking area appears similar in size (19,929 square feet) as shown on the previous submission. The proposed two-story Parking Plan has several outstanding questions in terms of ownership, operation difficulties, safety, access, etc. The County estimates that the proposed parking will need to be a two-story garage with separate entrances to each level from different alley ways.
 - The walkway area from the town square to the Library parking lot must be County-owned property to ensure proper maintenance will be provided (for example snow shoveling in the winter) for the safety and convenience of the library patrons.
 - The walkway area from the town square to Library parking lot must be well lit and designed to ensure that customers and staff will feel safe walking to and from the library building.
 - The parking lot provided for library parking must be County-owned property in order to ensure proper maintenance and control of the function. The parking lot must be in an area zoned to allow lighting that will illuminate all spaces and act as a deterrent to crime during all hours the library is open, as late as 11 p.m., seven days a week.
 - The parking lot must be easily accessible by County vehicles and contractors for purposes of snow plowing and clearing and must be well lit and secured.
 - The parking lot location must allow parking meters or monitored parking at some future time if the County decides to charge for library parking or there is a problem with library users finding parking due to residents or other Town Square users parking in the library lot.
 - The County's current Program of Requirements does not provide for a parking lot; it was written at a time when the parking was to be on-street and in parking areas set aside for Town Square building users. There is no funding in the Project CIP budget to construct or maintain a parking lot for the library. The parking lot has to be provided to the County finished to its specifications by the developer, or the CIP budget will have to be adjusted to accommodate construction and maintenance of the parking lot and walkway to the library. The County estimates the additional cost of this parking structure to be approximately \$2.2 million.
 - Depending on how the Town of Clarksburg intends to use the Town Square, provision for bathrooms for Town Square events must be made on the Town Square in a location other than the library. Currently, the City of Rockville sponsors events that have resulted in increased use of the Rockville Library restrooms at times when cleaning and supply services are not available. We want to avoid this as the Clarksburg Town Center is

Ms. Conlon and Mr. Kronenberg
October 7, 2008
Page 3

designed or make sure that the Town of Clarksburg reimburses the County for cleaning and security services for Town Square events.

If you have any questions or comments regarding these remarks, please contact me at 240-777-6112 or Suresh Patel at 240-777-6179.

Sincerely,



James A. Stiles, P.E., Acting Chief
Division of Building Design & Construction
Department of General Services

CC: Diane Schwartz Jones; Office of the Chief Administrative Officer
Kathleen Mitchell; Office of the County Executive
Catherine Matthews; Upcounty Government Center
Rita Gale; Montgomery County Department of Libraries
Suresh Patel; Department of General Services



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Mr. Robert Kronenberg, Site Plan Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

October 6, 2008
RECEIVED
OCT 17 2008
DEVELOPMENT REVIEW

RE: Preliminary Plan No. 11995042A
Site Plan No. 820070220
Clarksburg Town Center

Dear Ms. Conlon and Mr. Kronenberg:

This letter represents consolidated review comments from the Departments of Transportation and Permitting Services (with input from Montgomery County Fire and Rescue Services) with respect to transportation-related elements of the aforementioned subdivision plans. We have completed our review of the applicant's September 5, 2008 notebook and revised plans (received on September 15, 2008). We recommend approval of the plans subject to the following comments – to be resolved no later than certified Site Plan:

GENERAL

1. All previous review comments from our Departments (including those mentioned in the July 23, 2008 letter from Ms. Diane Schwartz Jones to Mr. Rollin Stanley) remain applicable unless specifically modified below.
2. Public Traffic Controls - (including raised crosswalks and other traffic calming measures) must be removed from the revised plans, unless they have prior approval from DOT Traffic Engineering and Operations. Special pavement crosswalks may be allowed at locations expected to experience significant pedestrian activity, if approved by DOT.
3. Modified Typical Sections – We believe revisions are needed to those sheets included in the September 5, 2008 response notebook: "Clay brick pavers" behind the curbs may be allowed so long as they are specifically included in the amended Maintenance & Liability Agreement. We do not support allowing asphalt sidewalks or trails in the public rights-of-way. Where proposed rights-of-way will not be sufficient to completely contain all of the proposed public amenities, the applicant should be grant Public Improvement Easements to result in at least 2 feet of space, behind those improvements, to allow for

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficoops@montgomerycountymd.gov

construction and future maintenance. Revise the details to indicate 8' as the width for on-street parallel parking on County streets. Public Road "A" needs to be constructed entirely public without angled parking – see comment #18. We do not support reaffirming 15 foot radii curb returns; roads need to be designed in accordance with MCFRS, bus, and other appropriate truck turning movement and site access requirements.

4. Modified Roadway Alignments and Conceptual Profiles – conceptual profiles in Attachment 20 in the September 5, 2008 response notebook are acceptable.
5. Right-of-Way Abandonments – The County Attorney has concluded these abandonment requests need County Council approval. As a result, the applicant needs to refile the abandonment application with the DOT Office of Property Acquisition.
6. Raised crosswalks – the applicant's response in the September 5, 2008 response notebook is not acceptable. See response above to comment no. 2. The raised crosswalks (still depicted on the plans we received on September 15th) must be removed from the drawings.
7. Maintenance and Liability Agreement – we have confirmed the agreement exists, as noted in the applicant's response. We recommend it be updated to the benefit of all parties: establish a minimum \$ amount in an annual reserve fund for streetscape maintenance, while limiting the agreement to the "specially streetscaped" areas of the development. However, we do not support the proposed asphalt streetscaping, bluestone pavers, or granite curbs proposed on their "Specialty Paving Exhibit" (Attachment #10 in the September 5, 2008 response notebook); we recommend proposed streetscaping amenities be similar to that used throughout the existing CBDs. Per comment #3 above, the "clay brick paver" behind the sidewalk should be addressed in the amended agreement.
8. Decorative Street Name Sign Posts – we agree with the applicant's suggestion to address the DOT/applicant agreement requirement in the modified Maintenance & Liability Agreement.
9. On-Street Parking – Significant progress was made on this issue during the October 1, 2008 inter-agency review meeting with the applicant. The Fire Lane Plan must be approved by MCFRS prior to approval of the Site Plan. The applicant will also be required to prepare the Traffic Orders at the permit stage; the applicant should contact Mr. Mark Terry of this office to obtain information on preparing and formatting the Traffic Order documents. The DRAFT Traffic Orders will need to be coordinated with MCFRS and DOT staff.
10. Signs and Markings Plans – we concur with applicant's response; they will be handled at the permit stage.

WEST OF GREENWAY

11. Clarksburg Square Road Extension – we do not understand the rationale of the applicant’s comment in the September 5, 2008 response notebook (that they do “. . . not agree that any future construction agreement be conditioned upon the execution of a Participation Agreement”). The DRAFT Participation Memorandum (referenced in the applicant’s response) needs DOT Director’s Office approval per our schedule in the July 23, 2008 letter.
12. Curb ramps – the applicant’s comment (in the September 5, 2008 response notebook) is more properly directed to the Planning Board. Although curb ramps may be shown in concept on the site plans, the final location of curb ramps will be determined at the permit stage based on roadway geometry, curb radii, drainage, etc.
13. Proposed Refuge Island at Clarksburg Square Road and Public Road “A” – we have exchanged emails with the applicant’s consultant (Mr. Tim Longfellow of Gutschick, Little & Weber.). We have requested additional information on the details of the proposed refuge island in order to support approval of the design.
14. Parking – applicant’s response is not consistent with comments we received from your office: Public Road “A” needs to be dedicated, designed, and built for public maintenance. The plan needs to be revised to delete angle parking; parallel parking which does not interfere with safety and operations will be allowed. Also, special pavement will not be allowed within the roadway – other than at selected crosswalks (see response to comment no. 2).
15. Streetscaping – we concur with applicant’s response in that this issue can be addressed prior to approval of the certified site plan. Please note streetscaping-related remarks in comment no. 7. The applicant should also note responses to comments nos. 2 and 14 above regarding special pavement features on publicly maintained roads. Streetscaping details will be determined at the permit stage with DPS.
16. Delivery and Service Vehicles – in general, turning templates in Attachment 17 in the September 5, 2008 response notebook appear to work ok. However, there are some very large radii shown on the fire access plan (such as 48 feet on the southeast corner of the Clarksburg Square Road and Private Road “A” intersection) which are problematic. The curb radii on the northwest corner of Clarksburg Square Road and Public House Road needs to be increased (could affect the design of the library site). The curb radii on the southeast curb return for Public Road A at Overlook Park Drive should also be increased by approximately 5’. These radii need to be revised prior to approval of the certified site plan.
17. Transit – parking will be cleared to create bus layover areas under the future Traffic Orders. Also see comment #16 regarding curb return turning radii.

18. Library Parking – the applicant’s response did not address our earlier comments (in the July 23, 2008 letter) about the need for parking lot access from a public street. We do not support having a public parking lot accessed from privately maintained alleys.
19. Bicycles – (a) Overlook Park Drive – we accept “in principle” narrowing the right-of-way and putting the bikepath on the shelf outside the right-of-way (as shown on the alternative sketch in Attachment 15) with the following modified dimensions for a 53’ wide R/W: 8’ hiker/biker trail, 5’ planting strip, 36’ pavement, 6’ planting strip, 5’ sidewalk, 1’ offset; hiker/biker trail maintenance to be performed by P&P or community; provide Public Improvement Easements as necessary. The plan should be revised to show the bikepath running behind the Clark Family memorial. Bike racks – we concur with applicant’s response; address at certified site plan.

(b) Clarksburg Road bikepath in the vicinity of the hedgerow – we accept the applicant’s response (in the September 5, 2008 response notebook).
20. Raised intersection at Overlook Park Drive and Clarksburg Square Road – the applicant’s response to our comment in the July 23, 2008 letter was not apparent. We believe that this issue can be addressed with the certified site plan.
21. Traffic signals – we concur with applicant’s response in that this issue can be addressed at certified site plan – provided the Planning Board approval is conditioned on the applicant submitting the required signal warrant studies for DOT review prior to certified site plan and constructing the signals if required by DOT. However, the applicant needs to be mindful that right-of-way construction permits will not be issued for Overlook Park Drive and/or Public Road “A” until those studies have been submitted and reviewed – which could affect the applicant’s ability to complete their required improvements on Stringtown Road.
22. Fiber optics/traffic communications conduit – applicant’s response was not apparent. The remark in the July 23, 2008 letter was to advise the applicant; this detail will be handled at the permit stage.

EAST OF GREENWAY

23. Piedmont Woods Park – (a) sidewalk – we do not believe the applicant’s response satisfactorily addresses our earlier comment. The resolution of this issue is tied to the study needed for pedestrian crossing safety (item “b” below).

(b) need for pedestrian safety study for crosswalks(s) on Snowden Farm Parkway – we do not believe the applicant’s response satisfactorily addresses our earlier comment, since significant improvements in the Snowden Farm Parkway right-of-way may be necessary to facilitate safety pedestrian crossings. We still believe this study should be prepared, submitted, and reviewed now. In any case, we will not permit any access to nor development of the park site until this study has been approved by DOT.

Ms. Conlon and Mr. Kronenberg
October 6, 2008
Page 2

Thank you for the opportunity to comment on these plans. If you have any questions or comments regarding these remarks, please contact me at 240-777-2197 or by e-mail.

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Division of Traffic Engineering and Operations

M:\sub\gml\docs\pp\11995042A, 100608 review comments on CBTC plans & responses

CC: Robert Ditthardt; Newland Communities
Stephen Z. Kaufman; Linowes & Blocher, LLP
Todd D. Brown; Linowes & Blocher, LLP
Tim M. Longfellow; Gutschick, Little & Weber, P.A.
David O'Bryan; Charles P. Johnson & Associates, Inc.
Rose Krasnow; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Diane Schwartz Jones; Office of the Chief Administrative Officer
Kathleen Mitchell; Office of the County Executive
Catherine Matthews; Upcounty Government Center
Rita Gale; Montgomery County Department of Libraries
S. Marie LaBaw; Montgomery County Fire & Rescue Services
Joseph Y. Cheung; DPS Right-of-Way Permitting & Plan Review
Sarah R. Navid; DPS Right-of-Way Permitting & Plan Review
Suresh Patel; DGS Building Design
Edgar A. Gonzalez; DOT Director's Office
Emil J. Wolanin; DOT Traffic Engineering & Operations
Thomas J. Reise; DOT Property Acquisition
Mark Terry; DOT Traffic Engineering & Operations
C. Robert Simpson; DOT Director's Office
Deanna Archey; DOT Transit Services
Sam Farhadi; DOT Traffic Engineering & Operations

MEMORANDUM

October 13, 2008

**TO: Cathy Conlon, Subdivision Supervisor, Development Review Division
Robert Kronenberg, Site Plan Supervisor, Development Review Division**

**FROM: Doug Powell, Plan Review Coordinator, Park Planning and Stewardship
Division, Department of Parks**

**RE: Recommended Conditions for Approval of Clarksburg Town Center Plans
Numbers 8-1994004B, 1-1995042B and 8-20070020.**

The Clarksburg Town Center includes many significant park components including parkland dedication and recreational amenities. This project area contains the new Piedmont Woods Recreational Park, expansion and improvements to Kings Local Park, parkland dedication for the Clarksburg Greenway system, and hard surface and natural surface trails including a segment of the master planned Clarksburg Greenway Trail. The Department of Parks would therefore request the following Conditions of Approval for the project:

Piedmont Woods Recreational Park:

1. Applicant to dedicate and convey to M-NCPPC in fee simple the approximately 65 acre parcel of land located on the northeast side of Snowden Farm Parkway to be used as a recreational park facility. Land to be conveyed at time of record plat.

2. Applicant to construct at its expense within the park area the following recreational amenities:

a. Multi-age Playground - A multi-age playground within an approximately 10,000 square foot area. Playground equipment to include enough equipment, including challenging equipment, so that the play equipment use zones fill the entire playground boundary. Overlap the play equipment use zones as much as is allowable by ASTM guidelines to maximize the amount of equipment and provide varied play activities for all ages. Play equipment shall be acceptable to Department of Parks staff and certified by the International Play Equipment Manufacturers Association (IPEMA), meet all ASTM requirements for public playgrounds and shall meet M-NCPPC park standards.

b. Dog Exercise Area - A fenced dog exercise area of approximately the size and configuration shown on the proposed site plan. Fencing around the dog exercise area to include park standard concrete mow strip and to be located entirely outside the utility right of way. No

stormwater management facilities to be located within the fenced areas. Include a maintenance vehicle access gate and a drinking water source for dogs within each section of the dog exercise area.

c. Hard Surface Courts - Two full sized tennis courts and a full sized basketball court approximately as shown on the site plan. Provide fencing at tennis courts and on the backside of the basketball courts (at least 4' high) with park standard concrete mow strips.

d. Picnic Shelters - Three picnic shelters sufficiently sized to contain at least 3 picnic tables in each shelter. Each shelter to include a grill and at least 3 picnic tables.

e. Restroom and Water Fountain – Centrally located restroom facility and frost free water fountain.

f. Parking Lot - Parking for a minimum of 55 cars approximately as shown on the site plan.

g. Trails - Hard surface and natural surface trails to connect facilities and provide recreational benefits approximately as set forth on the site plan, to be located and sized as acceptable to M-NCPPC Department of Parks staff.

h. Landscaping, Benches and Signage – Landscaping and signage acceptable to M-NCPPC Department of Parks staff, and adequate benches for needed seating.

3. A park permit is required before construction of all park amenities. All facilities to be constructed by Applicant must be acceptable to M-NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.

4. Applicant to address the following comments to the satisfaction of M-NCPPC Department of Parks staff prior to the approval of the Certified Site Plan:

a. The style of the picnic shelters and proposed restroom building should fit with the character of the Clarksburg Town Center. The proposed structures are constructed of heavy timber, laminated wood, have a rustic appearance and are inappropriate in character for use in this park. Per previous comments, provide shelters and restroom building equal to Classic Recreation Systems, Inc. "Campion" style steel frame shelter with custom ornamentation, cupola, 10:12 pitch metal roof with 2"x6" tongue and groove sub-roof, stone veneer piers and base.

b. The landscape plan does not include enough trees. There should be many more trees in clustered, informal groupings, particularly along the main path on Snowden Farm Parkway, along all other walkways, near the picnic shelters, at the edges of the parking lot, within parking lot planting islands, near the basketball court, around the playground, near all seating areas, and on open slopes within the park. Trees should be set back a minimum of 10 feet from paths and

15 feet from structures and fencing. The general quantities and locations of plants shall be determined prior to approval of the certified site plan. The exact types, sizes, spacing, locations and quantities of plants shall be reviewed and may be adjusted during the park permit approval process.

c. Provide additional paths or relocate paths at the tennis courts to meet ADA guidelines for accessible sports facilities. The guidelines require an accessible route to be connected to each court. The paving around the restrooms and tennis courts could be simplified.

d. The minimum paved path width shall be five feet to meet ADA requirements. The minimum paved path width for multi-use trails and paths that require maintenance vehicle access is eight feet wide. The path from the parking lot to the dog park shall be ten feet wide and fully paved with ample vehicle turn-around room, as the dog park requires frequent maintenance access. The path around the playground area with its connections to the parking lot shall be widened to 8 feet to allow vehicle access to replenish playground surfacing. The paths around the edges of the parking lot may be narrowed in width if necessary to balance the amount of impervious surface in the park. The approximate alignments of trails and paths in the park shall be shown on the certified site plan however they may be adjusted some during the park permit review process.

e. Provide additional missing elements from the park program of requirements, including the following: a kiosk near the park entrance or restroom building (equal to Classic Recreation Systems, Inc. "Campion" style), a shade structure with seating in the dog park that could be shared by both areas, four nature interpretation signs with durable colored graphics along the natural surface trails, wild bird boxes in natural areas, and three seating areas with benches along the natural surface trail including a story-telling circle.

f. Remove the bio-retention area from the interior of the dog park, so that plantings are not trampled. Relocate the area outside of the fence.

g. If possible, reduce the number of bio-retention areas in the park, as these beds have high maintenance requirements and herbicides are not allowed to be used in these areas.

h. Provide a safe pedestrian crossing of Snowden Farm Parkway, in order to provide pedestrian access to the park from the surrounding neighborhood.

i. The park entrance pier and sign are too small to be effective. Provide a larger entrance sign for the park constructed of masonry and wood, designed to fit with the character of the Clarksburg Town Center as well as provide identity for the park.

j. The plan does not provide enough seating in the park. Provide at least one additional bench on each side of the dog park, at least 3 additional benches or a seat wall in or near the playground area, at least 3 additional benches along the trail on Snowden Farm Parkway, and benches along the natural surface trail system as described previously. The two benches in the lawn area adjacent to the playground should be moved into the playground surfacing for ease of maintenance/mowing. Provide occasional groupings of two benches, rather than just single

benches near the playground. The exact locations and selection of bench type shall be reviewed and approved prior to park permit, however there will likely be two types: a decorative type within the park, and a simpler version in the playground mulch areas and along natural surface trails. The catalog cut included in the drawings is an example of a simple bench, rather than a decorative bench.

k. Provide a hose bib on the exterior of the restroom and quick coupler connections on each side of the dog park for watering and maintenance.

l. The general quality of the park and all elements within the park (such as site furnishings, structures, pedestrian paving, fencing, walls and landscaping) shall be equal to or better than those provided at Arora Hills Local Park and Dowden's Ordinary Historic Park, which are other developer-built parks in Clarksburg.

m. Department of Parks staff would prefer to have no lighting in the park, since the park is closed at dark. However, parking lot lighting was indicated as a requirement in the plan of compliance. If lighting is provided within the park, all park facilities should be lighted, including the courts, dog park and restroom so that the park may be used after dark. Lighting the parking lot on its own could encourage illicit use of the park at night. Any decision regarding lighting should be reviewed and confirmed that it would be acceptable to the community.

n. The lighting footcandle levels in the parking lot were reduced to 0.5 footcandles. If lighting is to be provided within the park, confirm that the lighting levels are appropriate, based on applicable standards (IESNA) and confirm that Park Police concurs with these recommendations. If Park Police recommends higher levels of lighting, additional fixtures may be required.

5. Applicant to address the following comments to the satisfaction of M-NCPPC Department of Park staff at the time of park permitting:

a. General Comments

1. All plans, details and specifications shall comply with M-NCPPC park standards.
2. All construction details, specifications and final choice of materials shall be reviewed and approved at the time of park permit.
3. The plans reference manufacturer's installation details for many park elements (dog park equipment, site furniture, drinking fountain, shelters and structures, playground equipment, etc.). Please provide these details on the plans, so that staff may evaluate them and understand whether there are any custom changes that need to be made based on specific site conditions.
4. There are a number of details that indicate that geotechnical information is needed to determine the requirements for base materials. The developer's consultants should provide results of this testing to M-NCPPC staff for review.

b. Facility Comments

1. If lighting is provided, light fixtures need to comply with Montgomery County standards, and should be comparable in quality with those used throughout the Clarksburg Town Center.
2. Provide concrete edging for the playground, rather than the plastic edging shown.
3. The accessible ramp to the playground should be constructed of concrete for durability.
4. Show playground drainage outfall areas on the plans.
5. Provide additional information on dog play equipment for staff evaluation, including installation details, warranties, and maintenance instructions.
6. Provide additional information on drains proposed in decomposed granite areas within the dog park and consider use of more durable alternatives to timber edging.
7. Locate dog bag dispensers and trash receptacles in convenient areas at the dog park, particularly near the entrances. There shall be at least two bag dispenser/waste receptacles located in each section of the dog park, one at each entrance and one in a convenient location within each enclosed area.
8. Dog park lawn areas shall be sodded, rather than seeded.
9. Dog park fencing shall be grounded per the National Electrical Code to mitigate any electromagnetic fields produced by the adjacent power lines.
10. Provide details for the chain link fencing to meet park standards. Provide concrete mow strips along all fencing in the park.
11. The tennis courts should drain away from the restroom building, ideally towards the bioretention facility.
12. Provide maintenance gate and maintenance vehicle access to the tennis courts, per park standards.
13. The basketball and tennis courts should drain at 1% in one plane per park standards, rather than 0.8% as shown on plans.
14. The colors for the courts will be selected and approved by park staff.
15. Paving details for walkways shall be designed to support maintenance vehicle loads.
16. Provide decorative paving borders in appropriate locations, such as near the restroom facility and picnic shelters.
17. Provide adequate turn-around areas for maintenance vehicles.
18. Provide trailhead signage at each end of natural surface trail and additional directional signage.
19. Details for boardwalks and trail bridges shall comply with M-NCPPC standards.
20. Indicate maintenance access locations from parking lot to path system and ensure that there are no barriers to park vehicle access.
21. Evaluate wheelstop detail to determine whether there is another more attractive recycled wheelstop product.
22. Bench slats shall be recycled plastic. Paint finishes of all furnishings should be considered together.
23. Move grills away from paths to locations adjacent to picnic shelter pads in order to protect the safety of people using the paths and so that people using the grills do not block the path.
24. Picnic table details may require surface mounting to pads.
25. In general, concrete footings for furnishings and light poles should be detailed so that they are attractive in appearance or alternatively not visible at all.

26. Indicate location and number of bike racks provided. Provide a minimum of 10 U-racks in the park.
27. Use standard plumbing fixtures to be approved by the Central Maintenance Division. Include urinal in men's restroom. Provide underground vaults at drinking fountains.
28. Slope all paved areas to drain.

c. Landscaping & Bioretention Comments

1. Use M-NCPPC landscape details, deer protection details, tree protection details, and plant installation specifications, rather than the consultant's details.
2. Tree protection areas should be delineated with tree protection fencing.
3. Existing trees 6" dbh and greater should be shown on the plan within 25 feet of the limits of disturbance. Limits of disturbance should be clearly identified.
4. Deer protection guards shall be provided on all tree trunks, unless otherwise approved by M-NCPPC.
5. Provide non-native invasive species removal on the site as recommended by natural resources staff.
6. The bioretention planting design is too formal with too many types of plants. Simplify the plantings to use larger masses of plants, so that maintenance staff can easily identify desirable plants from weeds.
7. Use M-NCPPC recommended plant list for bioretention pond plants. Bioretention plants should be native to the piedmont and coastal plain areas of Maryland. Many of the plants used are unacceptable for this type of planting.
8. Some of the most successful plants for bioretention plantings in parks include River Birch, Sweetbay Magnolia, Black Gum, Joe Pye Weed, Swamp Milkweed and Switchgrass. The herbaceous plants and grasses should be planted in mass to cover all areas in the pond to reduce weed growth. Trees are best suited on the outer edges. Shrubs tend not to perform as well in these environments. If shrubs must be used, *Ilex verticillata* seems to perform best.
9. The locations of some of the trees in the dog park are in central flat areas, which will be heavily compacted. These trees are unlikely to survive. Relocate tree plantings towards the edges of the dog park, outside of the fencing, or on sloped areas in the dog park that are less likely to be compacted. Beech trees should not be used in or near the dog park, as they do not tolerate root compaction. Foster Holly is not an appropriate choice in the dog park. Shade trees would be more suitable.
10. Provide additional shade near the picnic shelters with at least 3 shade trees near each shelter, planted at least 15' from the shelter.
11. Provide more shade trees for the parking lots. Two of the islands in the circular parking lot are empty and there is space for several more shade trees around the perimeter of the parking area. Additional trees should be spaced at least 10' from pavement.
12. The Oak near the basketball court will drop acorns on the court and should not be used in this location. Possible substitutions include Elm, Red Maple or Sterling Silver Linden. Locate trees at least 15' from the edge of the court. Additional trees are needed to provide shade in this area and near the benches.

13. Eastern Redcedar is not an appropriate choice for an ornamental evergreen tree in a park, as it is more suited to fields and natural areas.
14. Foster Holly has a narrow, conical form and should be changed to American Holly or eliminated from the plan.
15. Lindens should be changed to Sterling Silver Linden to avoid insect problems.
16. The Valley Forge Elm should not be used because the wood is very brittle. Change all elms on the plan to *Ulmus americana* cv. Princeton or New Harmony.
17. Golden Raintree can invade natural areas. Acceptable alternatives include Ivory Silk Tree Lilac (*Syringa reticulata* cv. Ivory Silk) or Serviceberry (*Amelanchier arborea* or *Amelanchier* cv. Autumn Brilliance).
18. White Pine does poorly in disturbed soils. An alternative could be the native American Holly, *Ilex opaca*.
19. The Lilac selected has disease problems. Acceptable substitutions include Redbud, Serviceberry or Tree Lilac.
20. *Ilex opaca* should be specified height of 6-8' or 8-10' as these sizes are available in the industry. Ornamentals such as Redbud, Kousa Dogwood and Tree Lilac should be specified at 1.5-2" caliper.
21. Shumard Oak has not performed well in the parks. Acceptable alternatives include Willow, White or Red Oak.
22. The River Birch trees are spaced too close to the shade tree below the circular parking area and too close to each other on the opposite side. Space these at least 20' apart.

Kings Local Park

1. Applicant to construct at its expense within the Local Park area the following recreational amenities:

a. Playground/Seating Area-A playground and seating area comparable to similar facilities in Aurora Hills Local Park (as shown on construction documents dated May 2007. The required facilities in King's Local Park shall be comparable in size and design quality, including, but not limited to the quantity and quality of play equipment, surfacing, colored concrete edging and site furnishings. The facilities shall be shown on the certified site plan. Complete construction details and specifications shall be included and approved as part of the Park Permit for construction.

b. Fishing Pier-A minimum 8 foot wide, handicap accessible pier terminating in a 12' x 24' fishing pier platform shall be provided. The structure shall be constructed of recycled, engineered marine plastic such as Trelleborg or equal quality, and to include railings if determined by M-NCPPC Department of Park staff to be needed.

c. Handicap Accessible, Asphalt Trail-An eight-foot-wide, handicap accessible asphalt trail shall be provided from the corner of Overlook Park Drive and Clarksburg Road to the pond area and shall access the picnic shelters and playground area. The approximate alignment of the trail shall be shown on the certified site plan and may be adjusted during the park permit process.

d. Site Furnishings- Approximately 6 benches and a bike rack capable of holding 6 bikes shall be provided. Location and type shall be approved at the time of park permit.

e. Landscaping-A landscape plan shall be approved as part of the certified site plan. The exact species, size and number of plants may be adjusted during the park permit approval process.

f. Park entrance signage- Two (2) wood and stone park entrance signs shall be provided near (1) the parking area, and (2) at the corner of Clarksburg Road and Overlook Park Drive. Concept drawings shall be approved and included with the certified site plan. Construction details shall be approved as part of the park permit.

g. Retaining Walls-Any needed retaining walls on park property shall be constructed of concrete block, similar to the existing walls at the corner of the school. Location, design, and height of the walls shall be shown on the certified site plan and may be modified at the time of park permit. Construction details and specifications shall be provided with the park permit.

2. A park permit is required before construction of all park amenities. All facilities to be constructed by Applicant must be acceptable to M-NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.

Clarksburg Greenway and Greenway Trail

1. Applicant to dedicate and convey to M-NCPPC in fee simple, the land east of Overlook Park Drive along the stream valley from Stringtown Road to Clarksburg Road, approximately as set forth in the site plan. Land to be conveyed is not to include any stormwater control facilities or stormwater access roads and to be conveyed free of trash and unnatural debris. Final detailed park property boundaries to be finalized and clearly set forth on the certified site plan. Land to be conveyed at time of record plat.

2. Applicant to construct, at its expense, an 8' wide, hard surface trail along the southwest side of the Overlook Park Drive alignment, within publicly owned or controlled land. Trail to be constructed to park standards and specifications and construction to be coordinated with M-NCPPC Department of Parks and Montgomery County Department of Transportation staff.

3. Applicant to construct a 5' wide, natural surface trail system within the dedicated Clarksburg Greenway from Kings Local Park lake area to Stringtown Road. Trail to include a safe road crossing at Clarksburg Square Road, and a safe, adequate and well lighted alignment under Clarksburg Square Road. Alignment to be substantially as set forth on the site plan with final details of the alignment and construction details to be set forth on the certified site plan.

4. All trails to include bridges and boardwalk where determined by M-NCPPC Department of Parks staff to be needed. Adequate number of benches to be located along trails.
5. Provide a safe hard surface trail crossing of Stringtown Road and natural surface trail crossing of Clarksburg Square Road. Provide details of Greenway Trail connection to Clarksburg Village section of trail, including crossing of Stringtown Road and crossing of road bridge. Details to be provided by Applicant on certified site plan.
6. All plantings and landscaping in the Clarksburg Greenway, Kings Local Park and Piedmont Woods Recreational Park to be approved by M-NCPPC Department of Parks staff. All plantings and landscaping to be consistent with the guidance set forth in the letters dated 6/20/08 and 6/23/08 to Doug Powell from Holly Thomas, County-wide Horticulturist and with the Standards and Specifications set forth in the document titled "Planting Requirements for Land-Disturbing Activities and Related Mitigation on M-NCPPC Montgomery County Parkland Revised January, 2008.
7. All hard surface and natural surface trail alignments and construction details for trails, bridges, boardwalk, and other trail amenities to be specified on the certified site plan and be acceptable to M-NCPPC Department of Parks staff. Minor adjustments or modifications to the trail alignments, and construction and amenities details may be made at time of park permitting without the need to amend the site plan.

August 6, 2008

MEMORANDUM

TO: Historic Preservation Commission
From: Scott Whipple, Historic Preservation Supervisor
RE: Extension of Redgrave Place/Clarksburg Square Road

The Historic Preservation Commission will receive a briefing from staff of the Planning Department Development Review Division on the possible extension of Redgrave Road/Clarksburg Square Road through the Clarksburg Historic District (#13/10). The developers of the Clarksburg Town Center have submitted revised plans for the town center development. The revised plans show Redgrave Road/Clarksburg Square Road extending through the historic district from the boundary of the town center development area to Frederick Road (MD Rt 355). The proposed alignment would require the relocation of the Horace Willson House from its current location to a new location adjacent to the Clarksburg Store/Grill.

Background:

On June 8, 2005, the HPC considered a proposal to relocate the Horace Willson House from its present location to a site 188 feet to the east, behind the Clarksburg Store/Grill in order to accommodate a two-lane road that would be constructed to connect Redgrave Place and Clarksburg Square Road. The HPC did not support this proposal, finding that the relocation of the Horace Willson House was inconsistent with guidance in the Clarksburg Master Plan related to the relocation of historic structures.

On October 24, 2007, the HPC considered another proposal to extend Clarksburg Square Road. The proposal called for a road alignment that jogged around the Horace Willson House. This alignment did not require the relocation of any historic resources, but provided for a substandard intersection at Rt. 355 and Redgrave Place. While there was a range of opinions regarding the feasibility of this alignment, there was consensus among the HPC suggesting that alternatives continue to be explored.

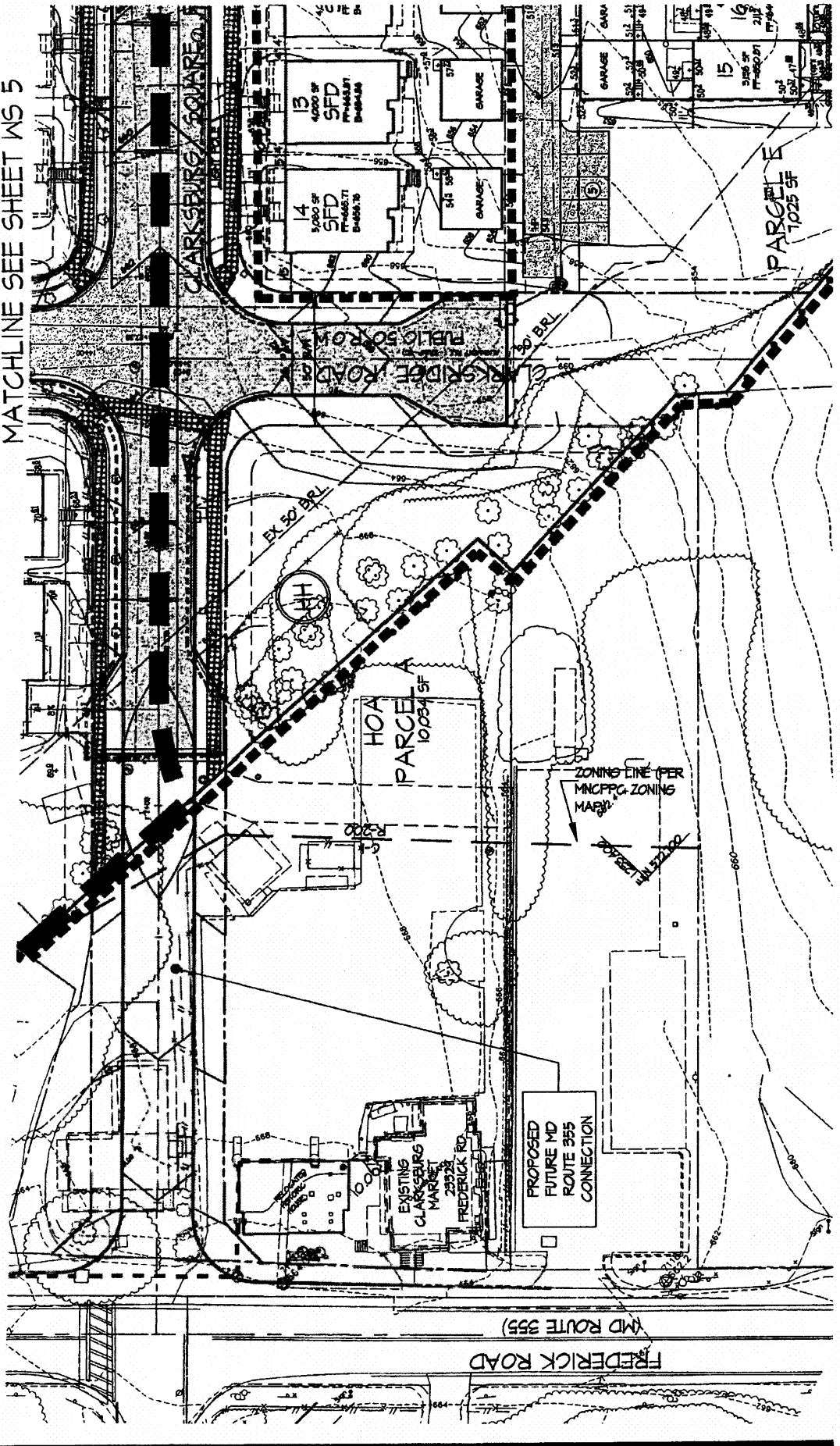
Proposal:

The proposal before the HPC involves the extension of Clarksburg Square Road from its current terminus, through the historic district, to connect directly with Redgrave Place at Rt. 355. The alignment requires the relocation of the Horace Willson House from its current location to a site slightly to the east, adjacent to the Clarksburg Store/Grill. The Horace Willson House would retain its orientation to Rt. 355. Although its setback from Rt. 355 would be slightly reduced from its current location, the proposed setback is consistent with that of other historic resources within the district.

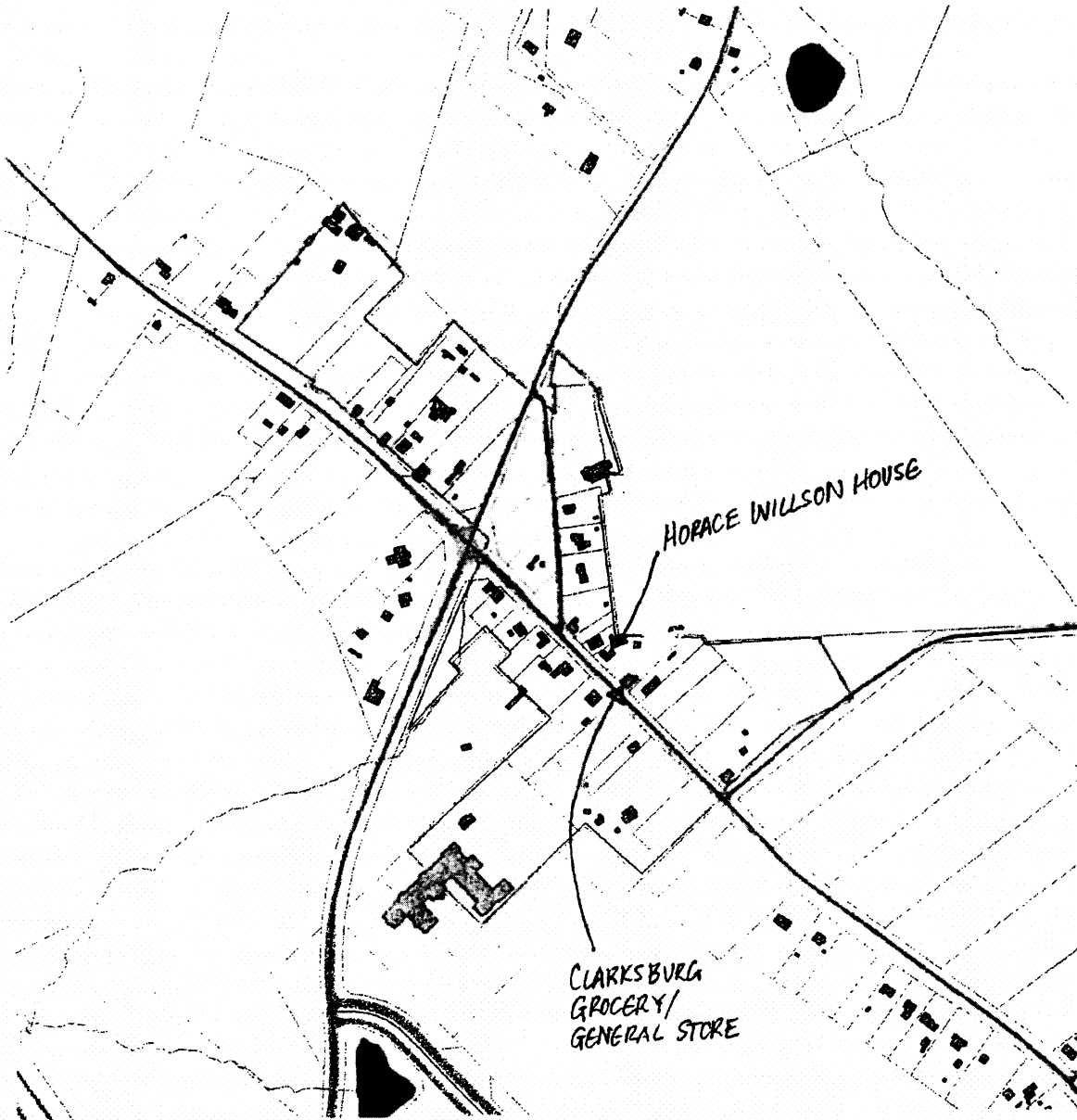
Discussion:

Staff supports this proposal, finding that it is consistent with the *Vision of Clarksburg: A Long Range Preservation Plan*, the *Approved and Adopted Clarksburg Master Plan*, Chapter 24A, and the Secretary of the Interior's Standards for Rehabilitation.

MATCHLINE SEE SHEET WS 5



CLARKSBURG HISTORIC DISTRICT #13/10

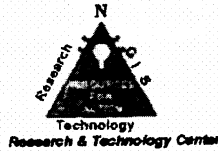


General User Application

Notes:
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:10,000 scale aerial photography using stereo photogrammetric methods. This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All maps features are approximately within five feet of their true location. This map may not be the same as a map of the same area placed at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

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 MONTGOMERY COUNTY DEPARTMENT OF PARKS AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 2018 Update 08/2018 / 2018 State Updated 08/2018



Scale: 1" = 600'

Legend

[Symbol]	Property Lines
[Symbol]	Building Footprints
[Symbol]	Streets
[Symbol]	Water Features
[Symbol]	Topographic Contours
[Symbol]	Other Features



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

August 8, 2007

Mr. Stephen Z. Kaufman
Mr. Todd D. Brown
Linowes and Blocher LLP
7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814-4842

SUBJECT: Proposed MD 355 Connection (Clarksburg Square Road/Redgrave Place Extended) in Clarksburg Historic District.

Dear Mr. Kaufman and Mr. Brown:

This letter responds to your request to confirm that an amendment to the 1994 Clarksburg Master Plan is not required to slightly modify the alignment of the proposed MD 355 Connection (Redgrave Place Extended/ Clarksburg Square Road) to retain the historic Horace Willson House in its existing location and to construct the road within a less than 70-foot right-of-way.

We concur that a Master Plan Amendment would not be necessary and offer the following comments:

Relationship to the Master Plan

The Clarksburg Master Plan recommends that Redgrave Place (Clarksburg Square Road in the Town Center) serve as a pedestrian and vehicular linkage between the Clarksburg Town Center and the Town Center Transit Station. To do so, an extension of Redgrave Place to the east of MD 355 is recommended. The Master Plan states that this would require the relocation of the historic Horace Willson House within the Clarksburg Historic District. Redgrave Place is intended to connect the Town Center Transit Station to the greenway.

The Master Plan states that the scale, character, and location of this connection should be developed appropriately. It should have no parking lanes along the portions of the road that are in the Historic District. The radius of the intersection corners should match the existing corners located on the west side of MD 355. Efforts should be made to design the road and the intersection as a low volume, local road as shown on the attached Clarksburg Historic District Buffers map. At the intersection of Redgrave Place with MD 355, both roads should maintain a two-lane cross-section without turning lanes and include sidewalks on both sides of the street. The design and construction of sidewalks along Redgrave Place (Clarksburg Square Road) should protect a chestnut tree to the maximum extent possible. The Master Plan also states that while this may create a substandard design for the intersection, this will serve to protect the traditional character of the Historic District and accommodate pedestrian crossings.

Proposed Alignment Impact on Adjacent Properties

The proposed alignment is located between the historic Horace Willson House and Clarksburg Store and Grill that are situated in the heart of the Clarksburg Historic District. The Clarksburg Historic District reflects the community's prominence as a center of transport, trade, and industry for northern Montgomery County. It is among the County's earliest and most intact historic towns. Managing the preservation and protection of Clarksburg's historic pattern is critical to maintaining its contribution to the County's heritage.

As shown on the conceptual exhibit for the MD 355 Connection, the proposed alignment requires the relocation of the gas pumps and parking for the Clarksburg Store and Grill and the removal of a garage structure located within the proposed right-of-way. There is vacant land on the store property to relocate these uses. An environmental assessment study and engineering feasibility of the proposed right-of-way (with the "reverse curve" condition) for the proposed alignment is needed.

Relationship to Town Center Plan of Compliance and Proposed Plan Amendments

On August 3, 2006, the Planning Board approved the Clarksburg Town Center Plan of Compliance to replace the previous approved project plan, preliminary plan, and site plans for the Clarksburg Town Center. The Plan of Compliance includes a new site plan for the mixed-use core. It also contemplates the MD 355 Connection without relocating the Horace Willson House.

We are pleased that the Clarksburg Town Center Advisory Committee (CTCAC) fully supports the proposed alignment, however, we note that the Historic Preservation Commission (HPC) needs to review the proposed alignment also.

Summary

From a Master Plan perspective, the Planning Department does not believe an amendment to the Clarksburg Master Plan is required to slightly modify the alignment of the MD 355 Connection. The Master Plan recommendation to link pedestrian and vehicular access between the Clarksburg Town Center and the Town Center Transit Station can still be achieved. In addition, the proposed alignment will not adversely affect the Master Plan land use recommendations for properties located along MD 355 in the vicinity of the proposed alignment.

The Master Plan states that the scale, character, and location of the connection should be developed appropriately. These issues will be carefully addressed during the review of the pending Plan Amendments for the Town Center to ensure vehicular and pedestrian safety. Also, changes in the Historic District are subject to HPC review and approval.

In conclusion, there has been precedence since the adoption of the Clarksburg Master Plan (at the time of subdivision and not through a Master Plan Amendment) to modify the alignment of other roadways in Clarksburg, such as, Snowden Farm Parkway (A-305) and Newcut Road Extended (A-302). The Planning Department will continue to work with you, the Montgomery County Department of Public Works and Transportation, and the Clarksburg community to address this important matter.

Should you have additional questions, please call Nellie Shields Maskal of the Community-Based Planning Division at (301) 495-4567 or Ki Kim of Transportation Planning at (301) 495-4538.

Sincerely,



Gwen Wright
Acting Planning Director

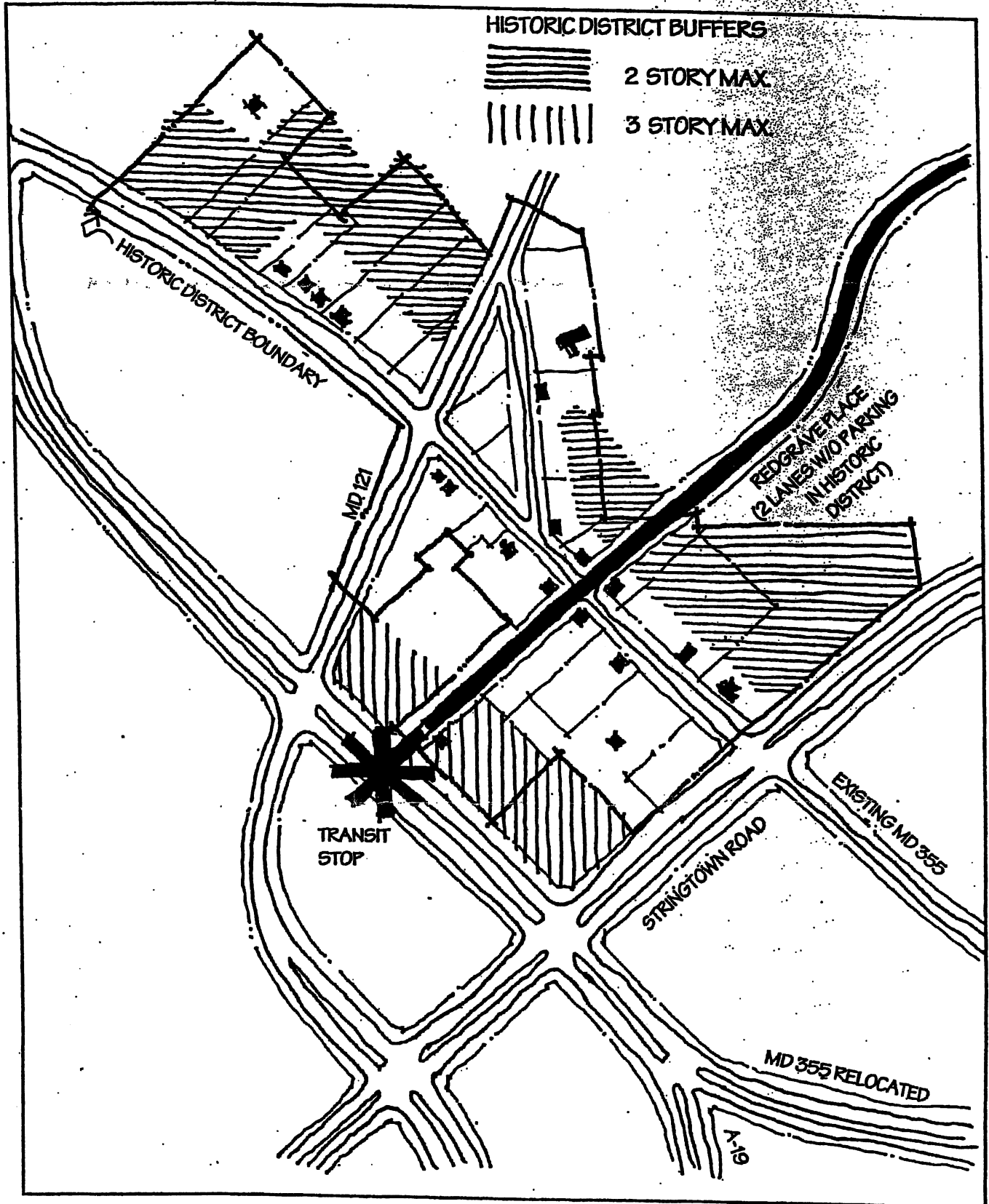
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Attachment

cc: Royce Hanson, Chairman
David Brown, Knopf and Brown
Rose Krasnow, Development Review Division

Clarksburg Historic District Buffers

Figure 21





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

October 6, 2008

Carla Reid Joyner
Director

Mr. Tim Longfellow, P.E.
Gutschick Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville Office Park
Burtonsville, Maryland 20866

Re: **Final Water Quality Plan for Clarksburg
Town Center-West Side and Greenway**
SM File #: 211737
Tract Size/Zone: 57.4 Ac/RMX-2
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Longfellow:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The West Side is bounded by Overlook Park Drive to the east, Clarksburg Road to the north, Stringtown Road to the south, and MD Route 355 to the west. This area will consist of a mixed use residential and commercial development. The Greenway is the site area between Overlook Park Drive and Burdette Forest Road. This area will function as open space, trail and park locations. The West Side and the Greenway are located within the Little Seneca Creek Watershed which is a designated Special Protection Area.

Stormwater Management: Channel protection measures for this site will be provided via existing stormwater management ponds. Quality control will be provided via infiltration and recharge structures, surface sand filters, structural water quality inlets (both filtering and flow through), vegetated buffer filtering and a green roof. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures.

Monitoring: Additional monitoring will be required at the inflow and outflow points of up to two water quality structures on the site area of the West Side. The monitoring will be for flow, temperature, and chemical parameters. The exact extent and location of the monitoring will be determined during the detailed plan review stage. The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). This monitoring is to begin when the quality structures are complete and finalized and will last for a period of five years.

Tim Longfellow PE
October 6, 2008
Page 2

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

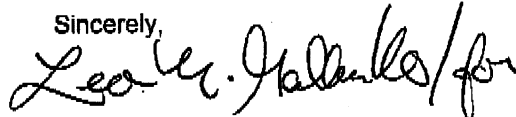
1. Provide easements around all stormwater management structures with clear access from a public right-of-way.
2. A geotechnical report is required to verify recharge feasibility and infiltration rates at any proposed infiltration and recharge structure locations.
3. Planting/Landscaping shall not be shown in areas intended for stormwater management structures on the site plan. Proposed planting/landscaping will be reviewed during the detailed plan review process. Additionally, 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.
4. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
5. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

Note that all of the previous conditions and requirements for other portions of Clarksburg Town Center and related development still apply.

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 Leo Galanko at (240) 777-6242.

Sincerely,



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

RRB:dpm:CN211737

cc: R. Kronenberg (MNCPPC-DR)
D. Johnsen (MNCPPC-ED)
R. Gauza (MCDEP)
L. Galanko
SM File # 211737

Qn: on-site 57.4 ac
Ql: on-site 57.4 ac.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 1, 2008

Carla Reid Joyner
Director

Mr. Jeffrey 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 II** 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 and June 19, 2007 approval letters 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. I am 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. Future residents and property managers need to be aware that the function of the pond is to control runoff. As such, it may contain pollutants.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB:dm CN195042

cc: C. Conlon
S. Federline
SM File # 204464

QN -on site; Acres: 71
QL - on site; Acres: 71
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 30, 2008

Carla Reid Joyner
Director

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

Re: Stormwater Management **CONCEPT** Request
for Piedmont Woods Park
Preliminary Plan #: 1-95042
SM File #: 231253
Tract Size/Zone: 66/RDT
Total Concept Area: 66ac
Lots/Block: N/A
Parcel(s): P 200
Watershed: Little Bennett Creek

Dear Mr. Strulic:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of biofiltration and non structural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during/prior** to 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. An engineered sediment control plan must be submitted for this development.
4. A Montgomery County Floodplain Study will be required for all drainage areas greater than 30 acres within the property limits.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB:dm CN 231253

cc: C. Conlon
S. Federline
SM File # 231253

QN - On Site; Acres: 66 ac
QL - On Site; Acres: 66 ac
Recharge is provided



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

October 21, 2008

MEMORANDUM

TO: Cathy Conlon, Supervisor
Robert Kronenberg, supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Ki H. Kim, Planner/Coordinator
Transportation Planning Division

SUBJECT: 91994004-B, 11995042-B, & 820070150
Clarksburg Town Center

OCT 22 2008

This memorandum is Transportation Planning staff's review of the subject project plan, site plan, and preliminary plan of the Clarksburg Town Center.

The transportation effects of 1,300 dwelling units, 150,000 square feet of retail uses, and 100,000 square feet of commercial office uses were evaluated as part of the Adequate Public Facilities Ordinance (APFO) review at the time of Project and Preliminary Plans according to the Local Area Transportation Review (LATR) Guidelines in effect at the time. The Project Plan identified the road improvements needed to provide enough capacity for the proposed development, and the Preliminary Plan established the phasing schedule for construction of the improvements. The approval of the Preliminary Plan also established a twelve-year period during which the APFO approval would remain valid. That initial validity period expired on March 26, 2008, but the Planning Board subsequently approved a six-year extension until March 26, 2014. Therefore, the Planning Board's APFO approval with regard to the transportation-related effects of the originally approved development is still valid and no new LATR review is required as part of the Project or Preliminary Plan amendments, or Site Plan. Likewise, the plans are not subject to new requirements for Policy Area Mobility Review (PAMR). The current proposal for 194,720 gross square feet of commercial development, including 69,720 square feet of specialty retail within live/work units; and 1,213 residential dwelling units is less than the previously approved development and does not generate any new trip to require a new LATR or PAMR evaluation.

1. Roadway Phasing Requirements

The following phasing requirements, conditioned upon issuance of building permits, were established by Condition 16 of the original approval of the Preliminary Plan:

- (a) The first 44 dwelling units without any off-site road improvements.
- (b) After the 44th building permit, the developer must start reconstruction of the south bound right turn lane along MD 355 at MD 121 to provide a “free flowing” movement.
- (c) After the 400th building permit, the developer has two options:
 - (1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
 - (2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.
- (d) After the 800th building permit, the developer must start construction of remaining section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.
- (e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block

The subsequent approval of Phase I Site Plan 819980010 required the following additional off-site roadway improvement:

- (a) Reconstruction of the southern half of Clarksburg Road (A-27) along the property frontage (station 8+10 to station 19+70).

Staff's review of the roadway development status indicates that the following road improvements are complete:

- the southbound right turn lane along MD 355 at MD 121 – conditions 16(b);
- two lanes of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) – part of condition 16(c)(1);
- a northbound right-turn lane along MD 355 at A-260 – part of condition 16(c)(2);
- a westbound left-turn land along MD 121 at MD 355 – part of 16(d); and
- A-305 from A-260 to approximately 390 feet south of MD 121 – part of condition 16(e).

According to MCDPS, bonds have been posted and initial construction permits have been issued for the unconstructed sections of A-260 and for P-5 across the stream valley. Based on current staff practice, this meets the requirement for “construction” per the condition. Thus, the applicant is in compliance with the previously approved road phasing requirements.

There is, however, a significant concern on staff's part that almost 800 residential building permits have been issued for this development and many of the required road improvements are not open to traffic. Therefore, staff recommends a revised road phasing schedule for the remaining unbuilt roads to ensure that they are not simply under construction, but will be open to traffic when they are needed for the development. The recommended conditions are as follows:

- (a) Construction of (1) Overlook Park Drive from Stringtown Road to Clarksburg Square Drive and (2) Clarksburg Square Drive connection to the residential area north of stream valley must be complete and open to traffic prior to release of 901st residential building permit and prior to issuance of Use & Occupancy permit for any of Clarksburg Town Center retail development.
- (b) Construction of Stringtown Road from Overlook Park Drive to Snowden Farm Parkway must be complete and open to traffic prior to release of 1,101st residential building permit.
- (c) Reconstruction of Clarksburg Road from Overlook Park Drive to Snowden Farm Parkway must be complete and open to traffic prior to release of 1,101st residential building permit.
- (d) Construction of Snowden Farm Parkway for a length of approximately 400 feet east of Clarksburg Road to complete the gap that currently exists at this location must be complete and open to traffic prior to release of 1,101st residential building permit.
- (e) Reconstruction of Clarksburg Road from Overlook Park Drive to MD 355 must be completed and open to traffic prior to release of Use & Occupancy permit for any of the Clarksburg Town Center retail development. This condition is subject to the MCDOT's participation in reconstruction of Clarksburg Road between MD 355 and Spire Street.
- (f) Construction of an eastbound left-turn lane along MD 121 onto southbound MD 355 must be completed and open to traffic prior to release of 901st building permit,

2. Abandonment of Portions of Overlook Park Drive, Clarksburg Square Road and Clarksridge Road

The applicant request that the abandonment of limited segments of Overlook Park Drive, Clarksburg Road, and Clarksridge Road so that the revised preliminary plan and site plan are consistent with the compliance approved by the Planning Board. Staff recommends approval of the abandonment with a condition that the applicant requests abandonment to the County Council and obtain the Council's approval prior to approval of the certified site plan. This abandonment is for realignment of the existing road to conform to the new proposed development which would provide equally acceptable or better street pattern.

3. Overlook Park Drive

Staff supports the MCDOT's approved right-of-way and typical cross section for Overlook Park Drive as shown on the Site Plan and finds that the roadway and associated bike trail will continue to be safe and adequate.

SE:KK:tc