



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 10/31/02



**MEMORANDUM**

**DATE:** October 31, 2002

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief Development Review Division  
**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587  
Richard A. Weaver, Senior Planner (301) 495-4544  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review  
**APPLYING FOR:** Resubdivision of Lot 45, Clark Meadows

**PROJECT NAME:** Clark Meadows  
**CASE #:** 1-02069  
**REVIEW BASIS:** Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations – Resubdivision Criteria

**ZONE:** R-200  
**LOCATION:** Southeast Quadrant of the Intersection of Frederick Road (MD 355) and Foreman Boulevard

**MASTER PLAN:** Clarksburg  
**APPLICANT:** Elm Street Development  
**FILING DATE:** January 7, 2002  
**HEARING DATE:** October 31, 2002

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**STAFF RECOMMENDATION:** Approval, Pursuant to Section 50-29 (b)(2), the Resubdivision Criteria, and Subject to the Following Conditions:

- 1) Submission of a tree save/grading to be reviewed and approved by MNCPPC technical staff prior to release of building permit

- 2) Compliance with the conditions of approval of the final water quality plan from MCDPS, dated June 13, 2002
- 3) Access and improvements as required by MCDPWT prior to recordation of plat
- 4) Record plat to reflect all shared driveways with a common ingress/egress and utility easement
- 5) Other necessary easements

## **DISCUSSION OF ISSUES**

### **Conformance to Chapter 50-29(b)(2)**

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the "Resubdivision Criteria" as set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

"Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

The neighborhood defined by staff includes those lots that were included in the original Clark Meadows preliminary plan 1-93002. This includes the majority of lots along Foreman Boulevard and Timber Creek Lane. It is staff's determination that the lots shown in the defined neighborhood provide a good representation of lots developed under the same zoning.

### **Master Plan Compliance**

The property is located within the *Approved and Adopted 1994 Clarksburg Master Plan* area. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the R-200 zoning as adopted and to maintain the residential land-use consisting of one-family detached homes.

The proposed resubdivision complies with the recommendations adopted in the master plan.

## **DESCRIPTION**

### **Vicinity**

The subject property is identified as Lot 45 of the Clark Meadows subdivision. The original Clark Meadows plats date to 1995. The original lots within this subdivision were approved under a private septic system layout. Many portions of the original subdivision were recorded as outlots, other portions of the subdivision remained unrecorded until sewer service was made available. Lot 45 and the

adjacent Lot 44 were originally recorded as a 1.6 acre Outlot "C". With the provision of sewer service to this area of Clarksburg, the remaining unrecorded areas of Clark Meadows and the recorded outlots were recorded as buildable lots in the late 1990's. Lot 45 is a 1.06-acre lot; adjacent Lot 44 (not part of this application) is now a 20,876 square foot lot. There are currently forty one (41) lots within the area identified under preliminary plan No. 1-93002 – Clark Meadows.

### **Proposal**

This application for resubdivision proposes to create two lots: one at 20,100 square feet and the other, 23,500 square feet. The subject lot (Lot 45) in its present configuration is the second largest in the defined neighborhood at 46,173 square feet. The proposed lots tend to be smaller than the average lot size within the defined neighborhood but will not be the smallest. (Lots 46 and 47 @ 20,000 sq. ft.) Lot 44, adjacent to the subject property is at 20,876 square feet. The frontages of the proposed lots compare favorably with other lots on Foreman Boulevard. The proposed lots have frontages of 125 ft. each on Foreman Boulevard. Other lots along Foreman have frontages with as little as 100 ft. Lot widths also compare favorably with other lots along Foreman Boulevard and in the defined neighborhood.

The neighborhood has lots with a variety of shapes. The proposed lots will be rather rectangular in shape and therefore, meet the shape criteria. Similarly, there are lots with a variety of alignments to the street. The proposed lots will be aligned perpendicular to the roadway and meet the resubdivision criteria. The area within the buildable envelope for the proposed lots, while they do tend to be at the small end of those lots in the defined neighborhood, are not the smallest.

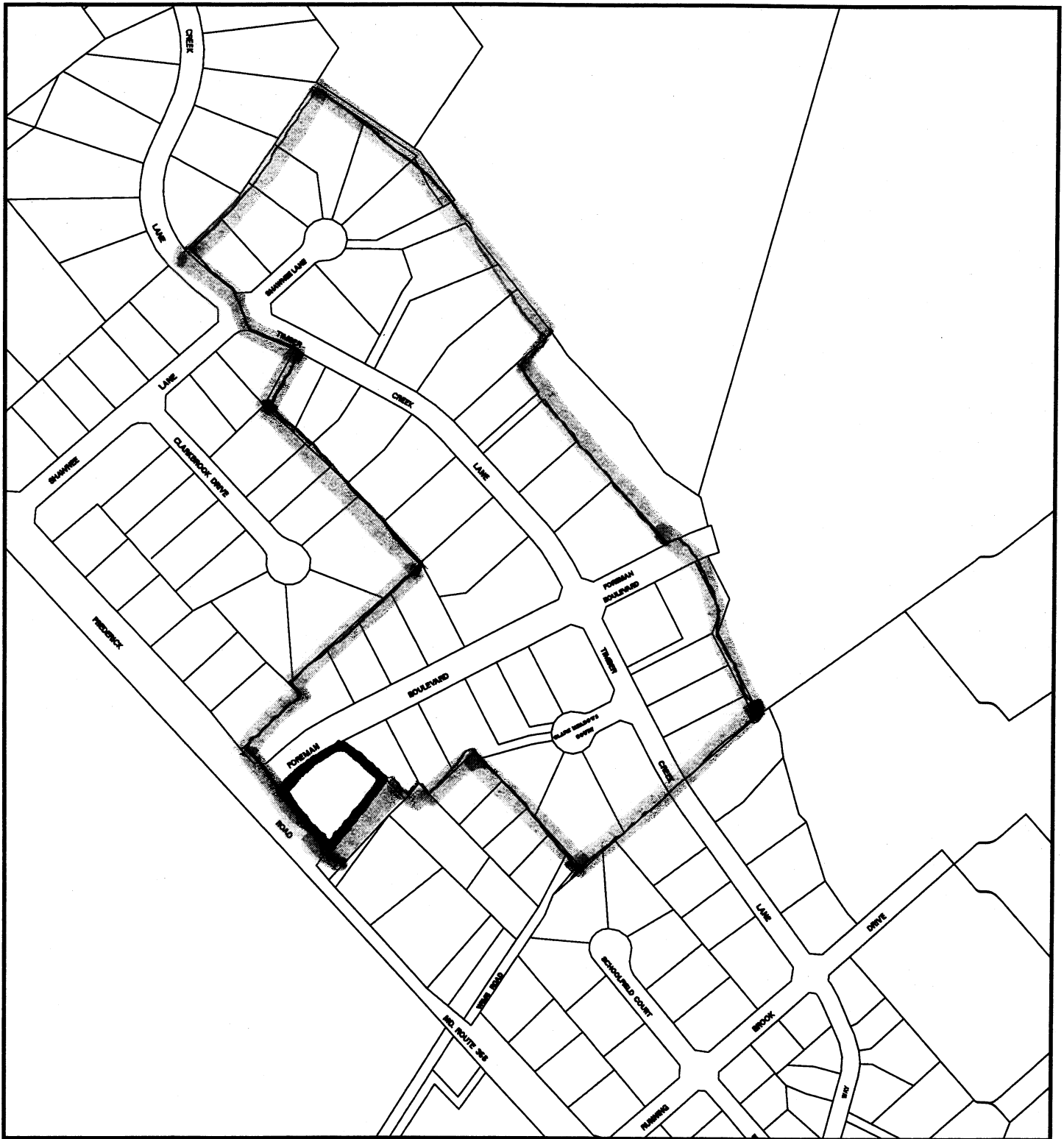
### **Conclusion**

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision satisfies all of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is consistent with what has occurred over the past years. Staff also notes that the Timber Creek Homeowners Association has reviewed the plans with the developer and that there is tentative consent between the two parties regarding this application. Staff finds there to be limited opportunity for future development through resubdivisions within the neighborhood. Any future requests for resubdivision would be subject to full Planning Board review and approval.

### **Attachments**

Vicinity and Neighborhood Delineation Map	4
Neighborhood Development Map	5
Proposed Resubdivision Plan	6
Tabular Summary	7

# CLARK MEADOWS PROPERTY (1-02069)



Map compiled on October 25, 2002 at 1:23 PM | Site located on base sheet no - 232NW13

### NOTICE

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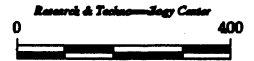
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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 map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



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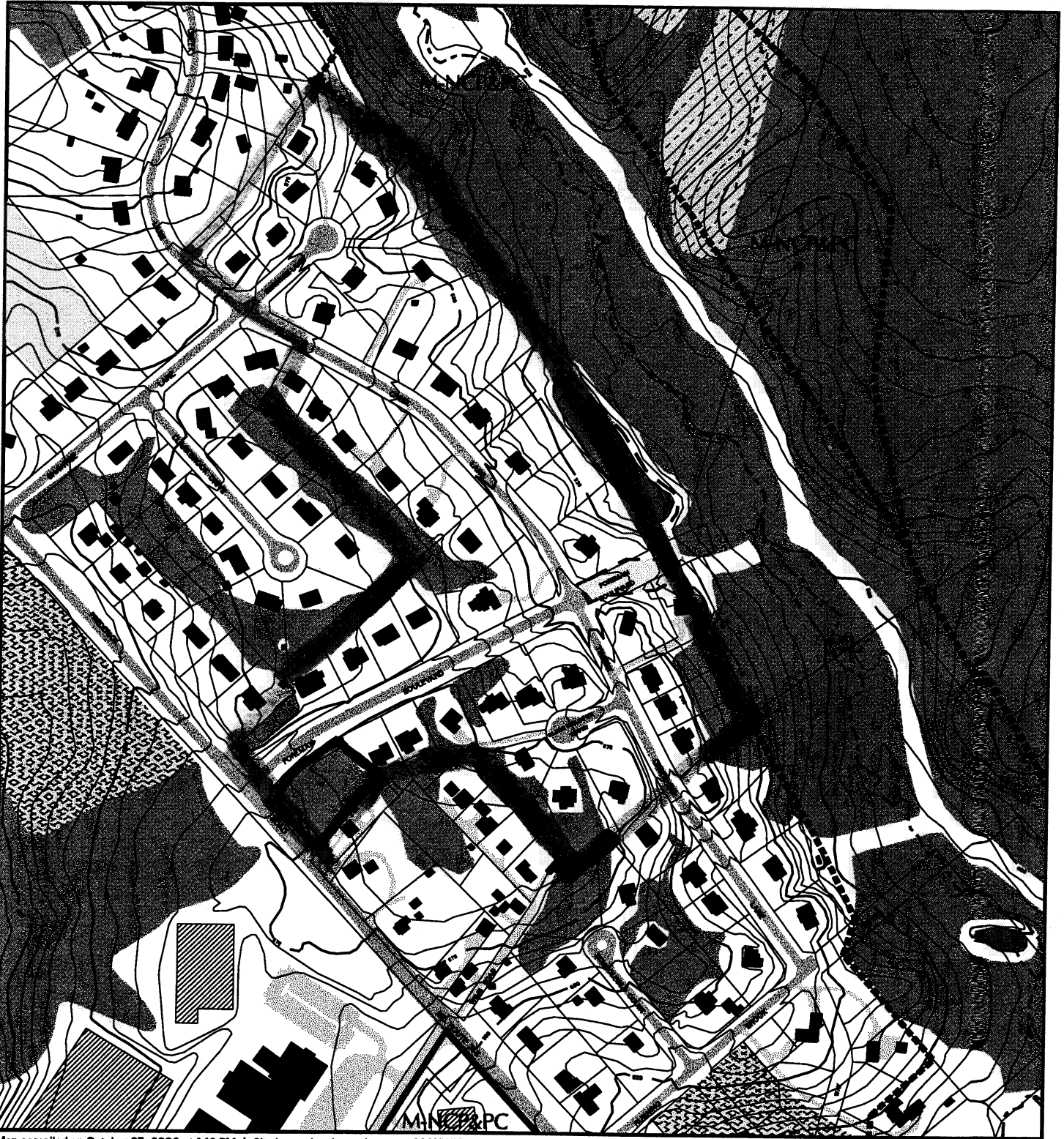
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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-0700



# CLARK MEADOWS PROPERTY (1-02069)



Map compiled on October 25, 2002 at 1:12 PM | Site located on base sheet no - 232NW13

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Key Map



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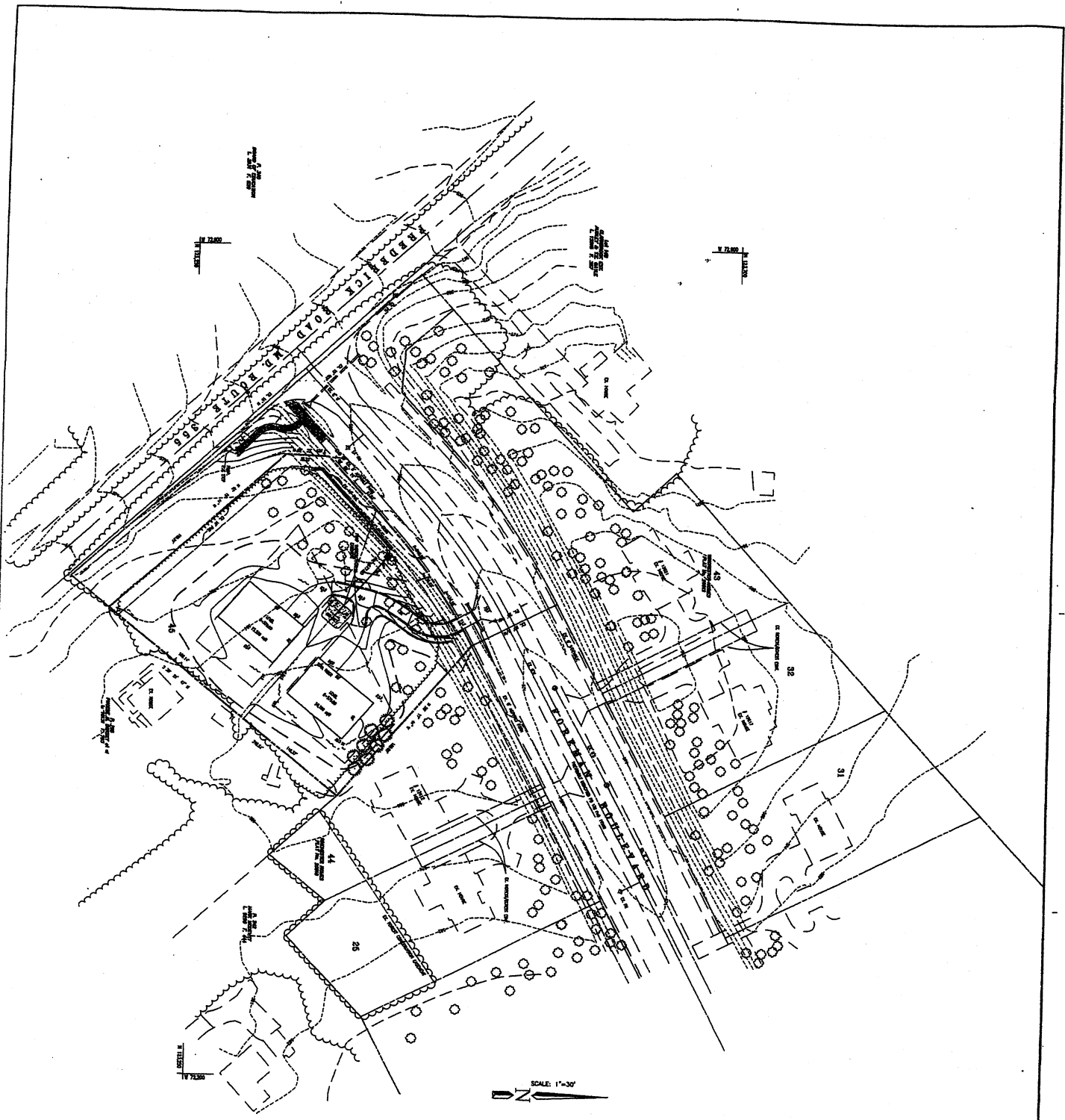
Research & Technology Center



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

6787 Georgia Avenue - Silver Spring, Maryland 20910-3760



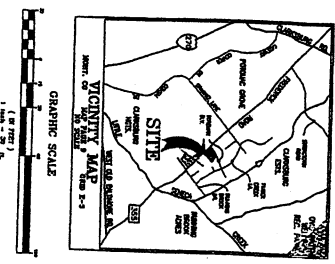
SCALE: 1"=30'

**NOTES:**  
 1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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**GENERAL NOTES:**  
 1. THE PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL SUBDIVISION.  
 2. THE SUBDIVISION IS TO BE DEVELOPED IN ACCORDANCE WITH THE ZONING REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.  
 3. THE SUBDIVISION IS TO BE DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION ACT OF MONTGOMERY COUNTY, MARYLAND.  
 4. THE SUBDIVISION IS TO BE DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION ACT OF MONTGOMERY COUNTY, MARYLAND.

**OWNER'S OBLIGATIONS:**  
 1. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 2. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL NECESSARY PERMITS AND APPROVALS.  
 3. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL NECESSARY PERMITS AND APPROVALS.

**LEGEND:**  
 1. LOT BOUNDARIES  
 2. LOT DIMENSIONS  
 3. LOT AREA  
 4. LOT PERCENTAGE  
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NO.	DATE	BY	DESCRIPTION
1	10/1/03	J.P.	PRELIMINARY PLAN
2	10/1/03	J.P.	FINAL PLAN
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99	10/1/03	J.P.	FINAL PLAN
100	10/1/03	J.P.	FINAL PLAN

PRELIMINARY PLAN  
 CLARK MEADOWS PROPERTY  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

6

CPJ Associates  
 Charles P. Johnson & Associates, Inc.  
 PLANNING ARCHITECTS-LANDSCAPE ARCHITECTS-SURVEYORS  
 10000 WOODBURN ROAD SUITE 200 WOODBURN MARYLAND 21786  
 PHONE: 301-261-0000 FAX: 301-261-0001  
 WWW: WWW.CPJASSOCIATES.COM

201N13

**Comparable Lot Data Table**

Lot #	Block	Frontage	Alignment	Size	Shape	Width*	Area**
1		corner	perpendicular	25,364	rectangular	120	12,430
2		170	perpendicular	32,500	rectangular	150	15,930
3		48	perpendicular	26,290	irregular	130	12,880
4		26	radial	43,863	irregular	220	21,490
5		31	perpendicular	28,910	triangular	100	13,880
6		45	perpendicular	31,440	irregular	120	15,090
7		73	perpendicular	36,770	irregular	140	18,020
8		corner	perpendicular	40,400	rectangular	150	19,390
9		130	perpendicular	59,680	irregular	150	28,650
10		25	perpendicular	36,400	irregular	120	17,840
11		133	perpendicular	60,740	rectangular	150	29,760
12		100	perpendicular	23,790	rectangular	100	11,660
13		150	perpendicular	33,620	rectangular	160	16,470
14		150	perpendicular	32,600	rectangular	150	15,970
15		corner	perpendicular	47,940	rectangular	200	23,490
16		150	perpendicular	31,600	square	150	15,480
17		25	offset	29,530	pipestem	130	14,170
18		100	perpendicular	25,800	rectangular	100	12,380
19		100	perpendicular	25800	rectangular	100	12380
20		130	perpendicular	26,400	rectangular	110	12,670
21		corner	perpendicular	41,720	rectangular	195	20,020
22		53	perpendicular	47,250	triangular	150	22,680
23		45	radial	24,780	triangular	120	12,140
24		150	perpendicular	36,250	pipestem	150	17,400
25		100	perpendicular	23,470	rectangular	100	11,270
26		27	offset	23,450	irregular	100	11,260
27		37	perpendicular	21,650	rectangular	100	10,600
28		corner	perpendicular	47,450	rectangular	195	22,580
29		corner	perpendicular	51,360	rectangular	295	24,650
30		116	perpendicular	29,220	rectangular	116	14,030
31		116	perpendicular	25,650	rectangular	116	12,570
32		116	perpendicular	22,090	rectangular	116	10,600
34		150	perpendicular	41,000	rectangular	150	19,680
35		120	perpendicular	42,500	rectangular	150	20,400
36		148	perpendicular	38,280	rectangular	150	18,370
44		140	perpendicular	20,800	triangular	110	10,190
46		112	perpendicular	20,000	rectangular	112	9,600
47		100	perpendicular	20,000	rectangular	100	9,600
Proposed							
48		125	perpendicular	20,100	rectangular	125	9,650
49		corner	perpendicular	23,500	rectangular	135	11,280

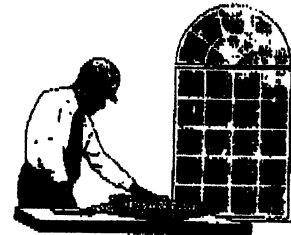
#7



# Timber Creek

Homeowners Association  
Board of Directors

PO Box 68, Clarksburg, Maryland 20871-0068



19 January 2002

To: Malcolm Shaaman and Richard Weaver - Office of Development Review  
Montgomery County Department of Park and Planning  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

*Richard Weaver*

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

Re: File # 1-02069 Lot 45

The undersigned homeowners wish to express their opposition to the above referred file application, which is currently pending for subdivision review by your offices. Specifically, when purchasing our homes, we were informed, either by the builder(s) and/or by approved county development plans, that this community was approved for 49 lots ranging in size from .52 to 1.22 acres. Lot 45 was represented as to be built - as all the lots - with a single structure. Additionally, Lot 45 is fully covered with mature trees and borders our community primary entrance with existing improvements including a stone wall and extensive shrubbery. By placing two homes on this property, we feel that most of the background, mature trees will be lost and that the balance (with the north side entrance; Lot #43 - and also heavily treed) and aesthetics of our community entrance will be marred and destroyed.

Also, we now question whether it is appropriate for the developer to install 50 lots after initially avoiding compliance with MPDU construction requirements by submitting site plans for 49.

In conclusion, we respectfully request your offices to review our "community entrance features" and to consider the effect that two (2) homes, versus one home, built on Lot 45 will have on the aesthetics and balance of the primary entrance to our community. We desire to have one (1) single family home dwelling built on this property with a corresponding significant preservation of existing mature trees. We therefore oppose any subdivision of Lot #45 into two lots and request that it remain single lot per existing plat. This would be in complete harmony with the opposing .81 acre Lot #43, and fully consistent with the "aesthetic balance" created by the developer when our community plans were established and previously submitted to your offices for approval.

Name	Address	Lot#	Phone#	Signature
<u>C. MICHAEL NATH</u>	<u>12621 FOREMAN BLVD</u>	<u>43</u>	<u>(301) 540-3145</u>	<i>Michael Nath</i>
<u>Jeffrey Neal</u>	<u>12612 Foreman Blvd</u>	<u>44</u>	<u>301-515-8265</u>	<i>Jeffrey Neal</i>
<u>LIN HYMEL</u>	<u>12610 FOREMAN BLVD</u>	<u>35</u>	<u>301-972-1732</u>	<i>Lin Hyemel</i>
<u>Jay Jay Lee</u>	<u>12613 Foreman Blvd.</u>	<u>31</u>	<u>301-128-7463</u>	<i>Jay Jay Lee</i>
<u>Melanie Modler</u>	<u>12605 Clark Meadows Ct</u>	<u>26</u>	<u>301-528-2026</u>	<i>Melanie Modler</i>
<u>Steve Bennett</u>	<u>12608 Clark Meadows Ct</u>	<u>23</u>	<u>301-661-1905</u>	<i>Steve Bennett</i>

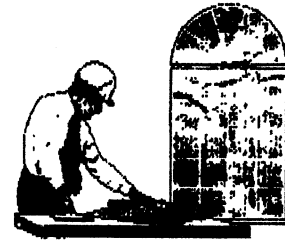


# Timber Creek

## Homeowners Association

### Board of Directors

PO Box 58, Clarksburg, Maryland 20871-0058



19 January 2002

To: Malcolm Shanaman and Richard Weaver – Office of Development Review  
 Montgomery County Department of Park and Planning  
 M-NCPPC  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

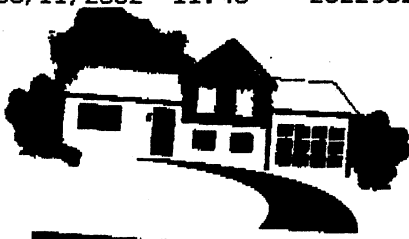
Re: File # 1-02069 Lot 45

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Name	Address	Lot#	Phone#	Signature
<u>LORRAINE HONEY</u>	<u>22600 Timber Creek Lane</u>	<u>(37A)</u>	<u>916-7010</u>	<u>Lorraine Honey</u>
<u>MR. JAY</u>	<u>22609 Timber Creek Lane</u>	<u>46</u>	<u>412-...</u>	<u>Mr. Jay</u>
<u>R. STILLWELL</u>	<u>22605 TIMBER CREEK</u>	<u>41</u>	<u>301-972-3909</u>	<u>R. Stillwell</u>
<u>M. BRONKER</u>	<u>22701 Timber Creek</u>	<u>20</u>	<u>301-916-1810</u>	<u>Mark Bronker</u>
<u>MR. SINGH</u>	<u>22703 TIMBER CREEK</u>	<u>(19)</u>	<u>301-540-1175</u>	<u>Mr. Singh</u>
<u>Mr. Amin</u>	<u>22705 Timber Creek</u>	<u>18</u>	<u>301-916-6353</u>	<u>Mr. Amin</u>

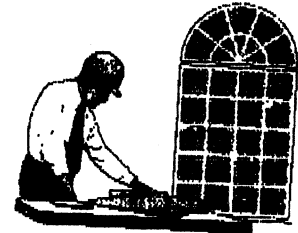


# Timber Creek

## Homeowners Association

### Board of Directors

PO Box 68, Clarksburg, Maryland 20871-0068



19 January 2002

To: Malcolm Shanaman and Richard Weaver – Office of Development Review  
 Montgomery County Department of Park and Planning  
 M-NCPPC  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

Re: File # 1-02069 Lot 45

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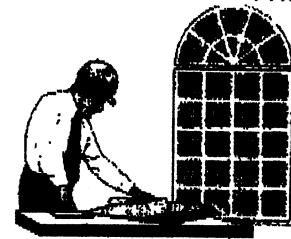
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Name	Address	Lot#	Phone#	Signature
Ruberstein	12207 Shawnee	2	301-528-2227	[Signature]
Barclay	12763 Shawnee	4	301-916-2779	[Signature]
Julie Chang	12701 Shawnee Ct	5	201-528-7450	[Signature]
John Braune	12706 Shawnee Ct.	7	301-528-6485	[Signature]
J. D. A2	22818 Timbercreek	46	301-528-2014	[Signature]
Jane C KAUFFMAN	22816 TIMBERCREEK LN	46	301-540-4822	[Signature]



**Timber Creek**  
 Homeowners Association  
 Board of Directors  
 PO Box 68, Clarksburg, Maryland 20871-0068



19 January 2002

To: **Malcolm Shanaman and Richard Weaver - Office of Development Review**  
 Montgomery County Department of Park and Planning  
 M-NCPPC  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

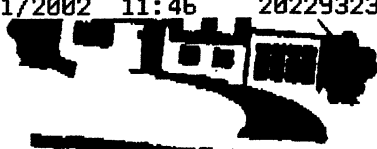
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Name	Address	Lot#	Phone#	Signature
Dwight Weston	22512 TIMBERCREEK LN	35	301 540 1515	
Tim EDWARDS	22815 TIMBER CREEK	11	301 514 9344	
Robert Choma	22808 Timber creek	34	301 515 9073	
Mirza Ali	22805 Timber Crk Ln	13	301-515-8675	
B & H Singh	22804 Timbercreek Ln	42	301-916-7121	
Gene Asuncion	22801 Timber Creek Ln	24	(301)916-3775	



# Timber Creek Homeowners Association Board of Directors

PO Box 58, Clarkburg, Maryland 20871-0058



19 January 2002

To: Malcolm Shanahan and Richard Weaver -- Office of Development Review  
Montgomery County Department of Park and Planning  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

Re: File # 1-02069 Lot 45

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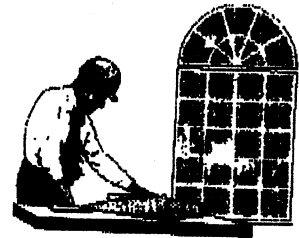
Name	Address	Lot#	Phone#	Signature
#4) Mrs. Mrs. C. Chow	22801 Timbercreek Lane	#15	301-977-7885	<i>[Signature]</i>
A. Hoang	22603 Timbercreek Lane	38	520-7517	<i>[Signature]</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____





# Timber Creek

Homeowners Association  
Board of Directors  
PO Box 68, Clarksburg, Maryland 20871-0068



19 January 2002

To: Malcolm Shanaman and Richard Weaver – Office of Development Review  
Montgomery County Department of Park and Planning  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

From: Homeowners at Timber Creek Estates (also known as: Clark Meadows Plan)

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Name	Address	Lot#	Phone#	Signature
<u>TERRY SHAW</u>	<u>22707 TIMBER CREEK</u>	<u>17</u>	<u>(301) 520-7483</u>	
<u>Ann Basset</u>	<u>12617 Foreman Blvd</u>	<u>32</u>	<u>(301) 601-1060</u>	
<u>Luis Gutierrez</u>	<u>12700 SHAWNEE</u>	<u>6</u>	<u>301 515 8668</u>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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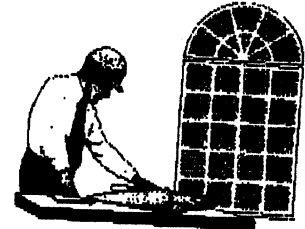


# Timber Creek

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Name	Address	Lot#	Phone#	Signature
Chung & Kelly Inzella	22814 Timber Creek ln	24	301540-2059	[Signature]
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

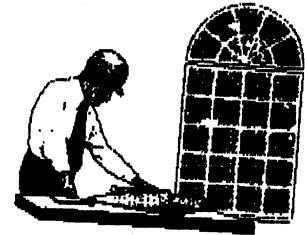


# Timber Creek

## Homeowners Association

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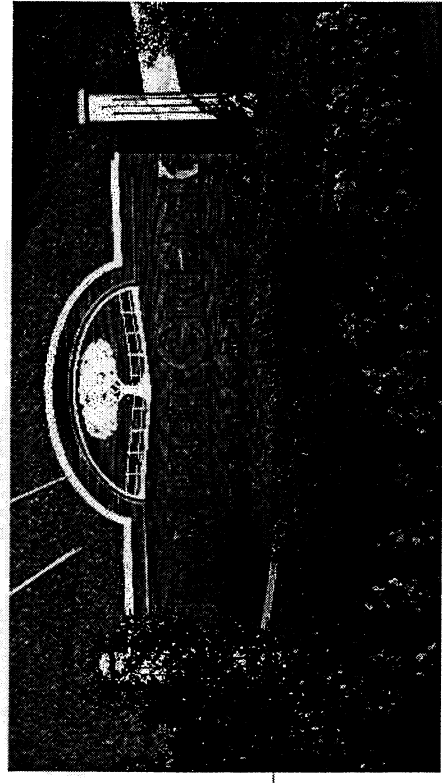
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Name	Address	Lot#	Phone#	Signature
<u>DON GILBERT</u>	<u>12603 Clark Meadows Lane</u>	<u>27</u>	<u>701-528-1588</u>	
<u>MARY MELL</u>	<u>12709 Shawnee</u>	<u>1</u>	<u>301-476-3916</u>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Richard Weaver,  
Please Call Me at your  
convenience.

C. Michael Nath  
1-877-691-2090



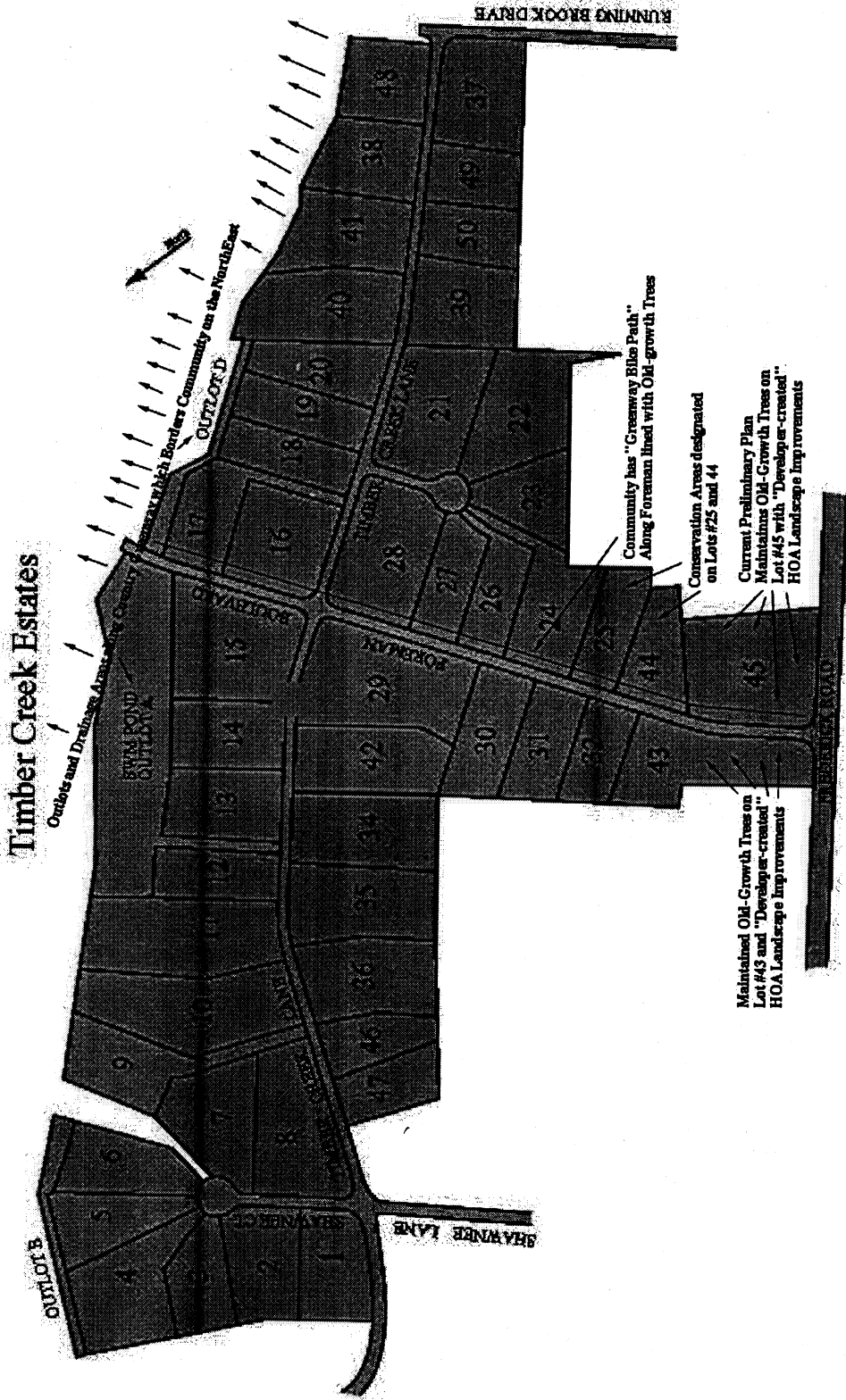
# Timber Creek / Clark Meadows Community

Opposition to Elm Street  
Development Preliminary Plan  
File #1-02069

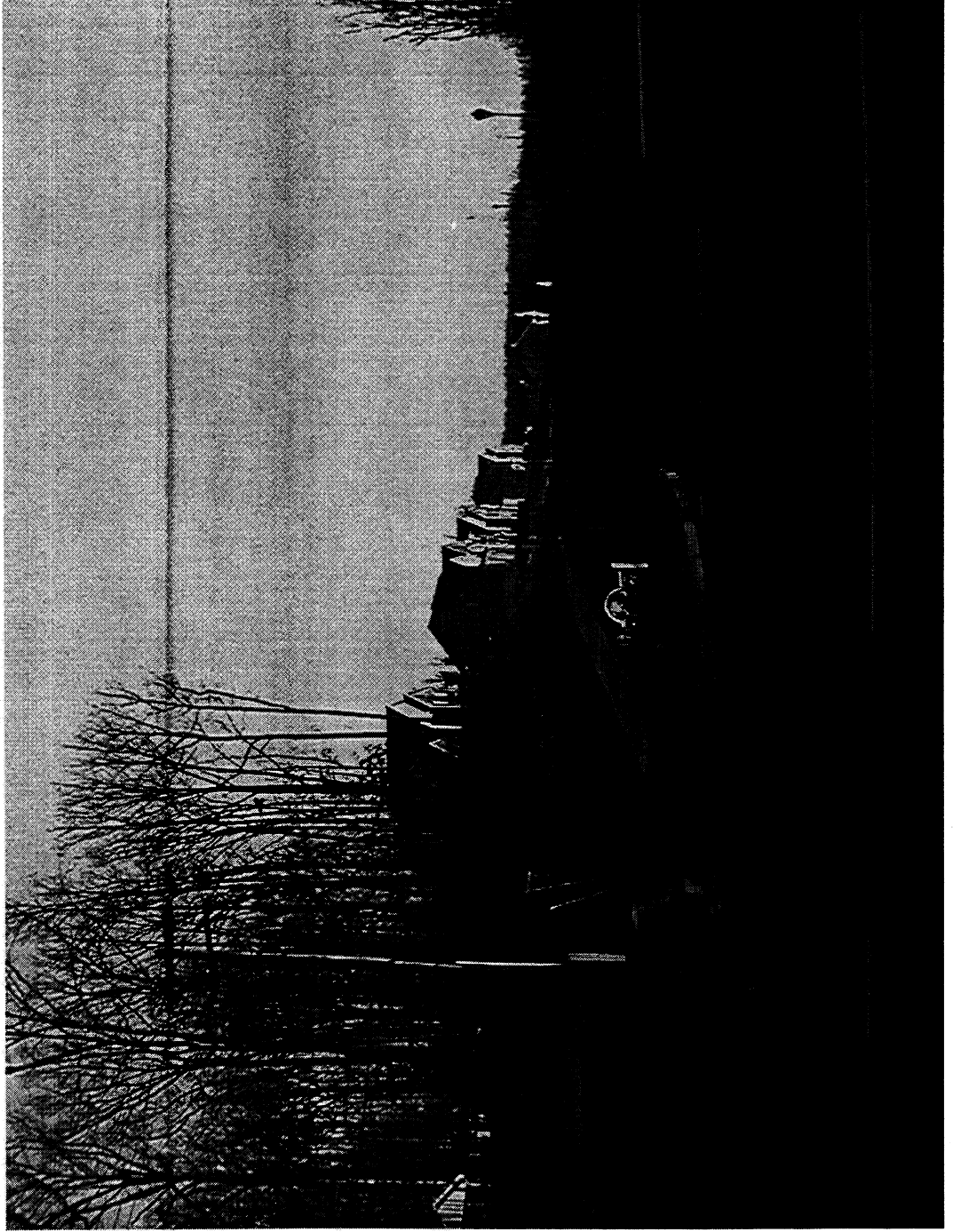
# Timber Creek / Clark Meadows Objections to Proposed Re-subdivision Plan

- ◆ Counter to Community Layout
  - Community Lot Layout includes maintenance of old-growth trees where possible
  - Currently “Developer-Landscaped” Symmetrical Entryway to Community
- ◆ Counter to Community “Standards”
  - Street Frontage
  - Lot Size
  - House Size (Land Improvements)

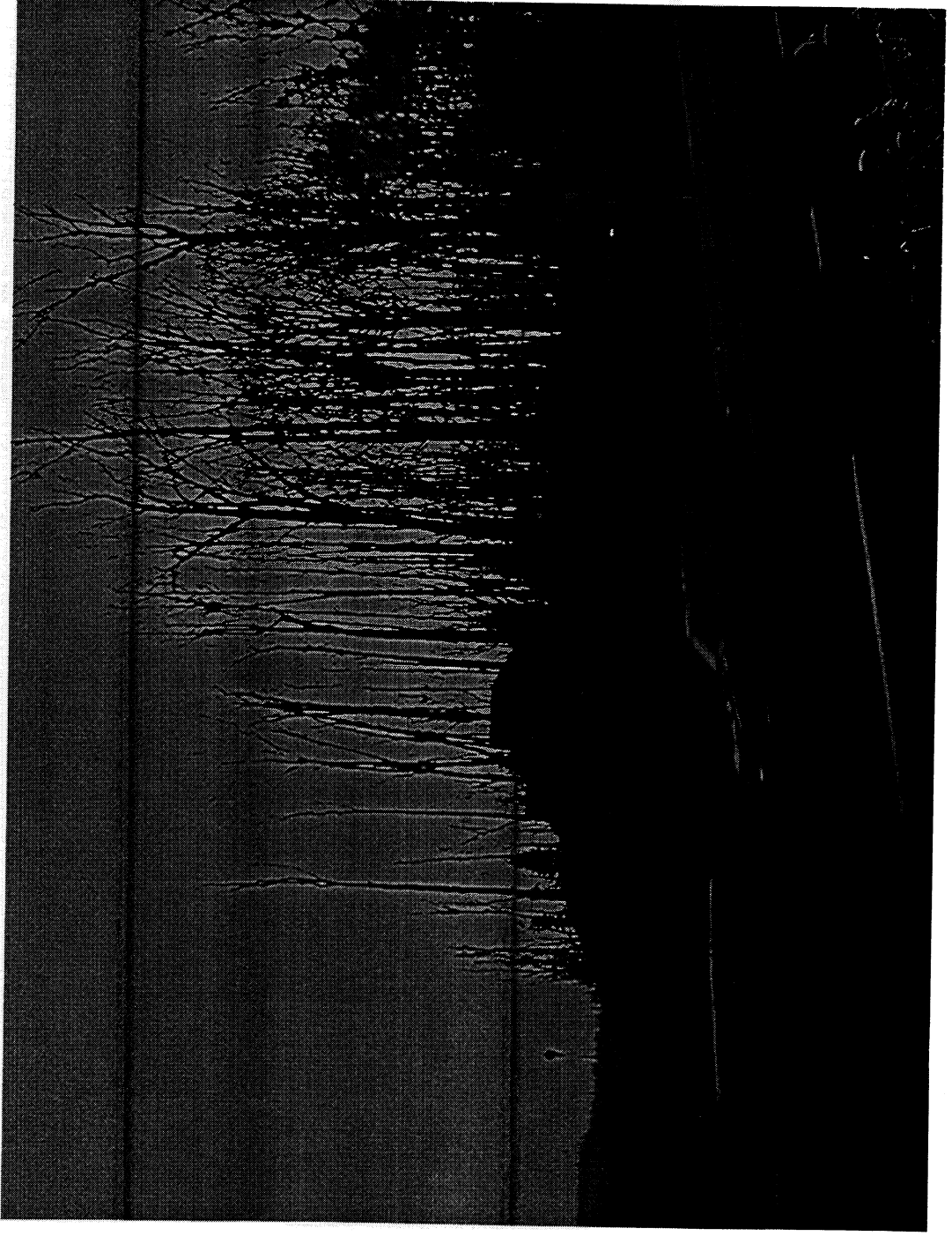
# Timber Creek / Clark Meadows Community Layout



**Timber Creek / Clark Meadows  
Lot #43 Foreman North Side of Entry**



**Timber Creek / Clark Meadows  
Lot #45 Foreman South Side of Entry**

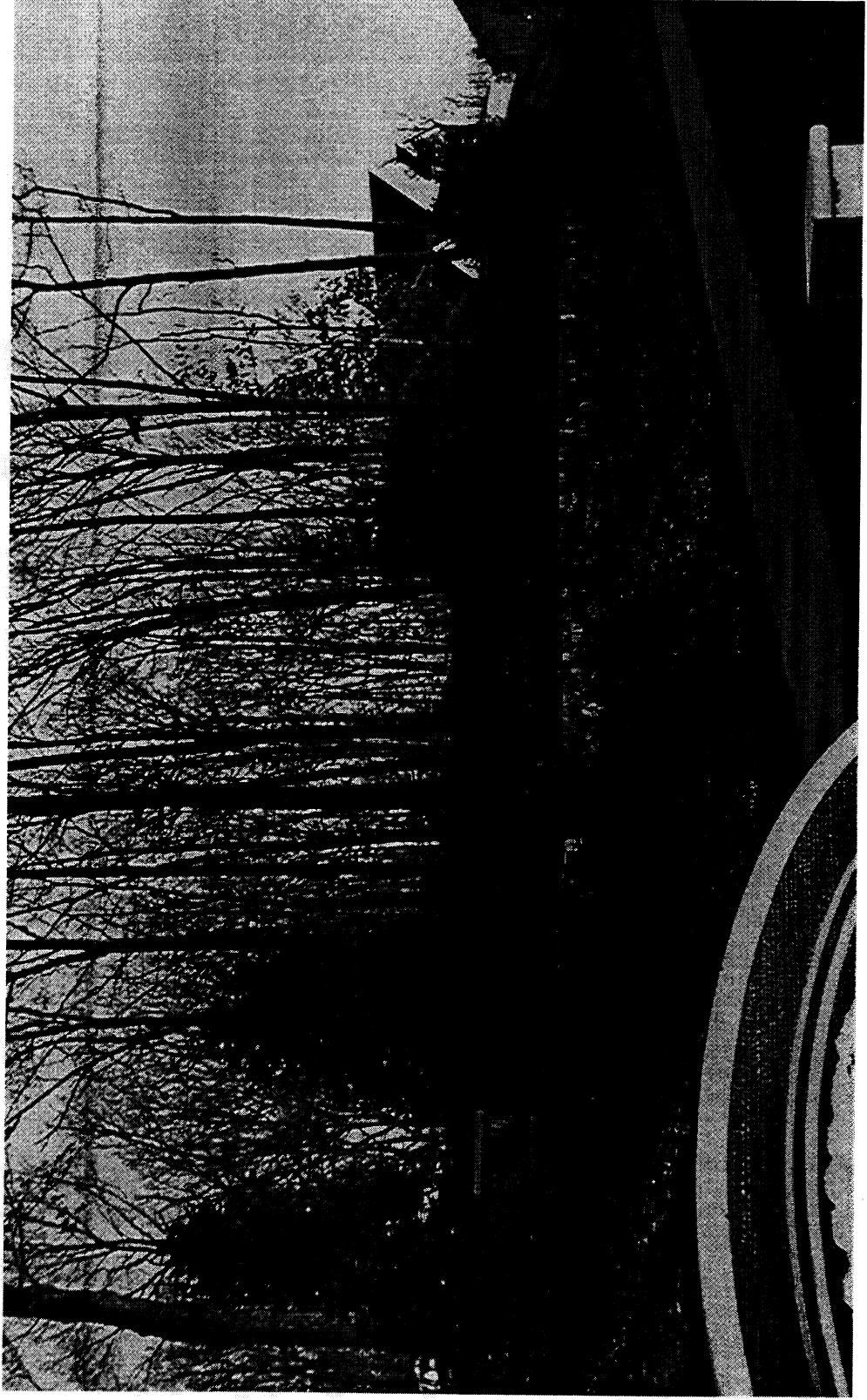




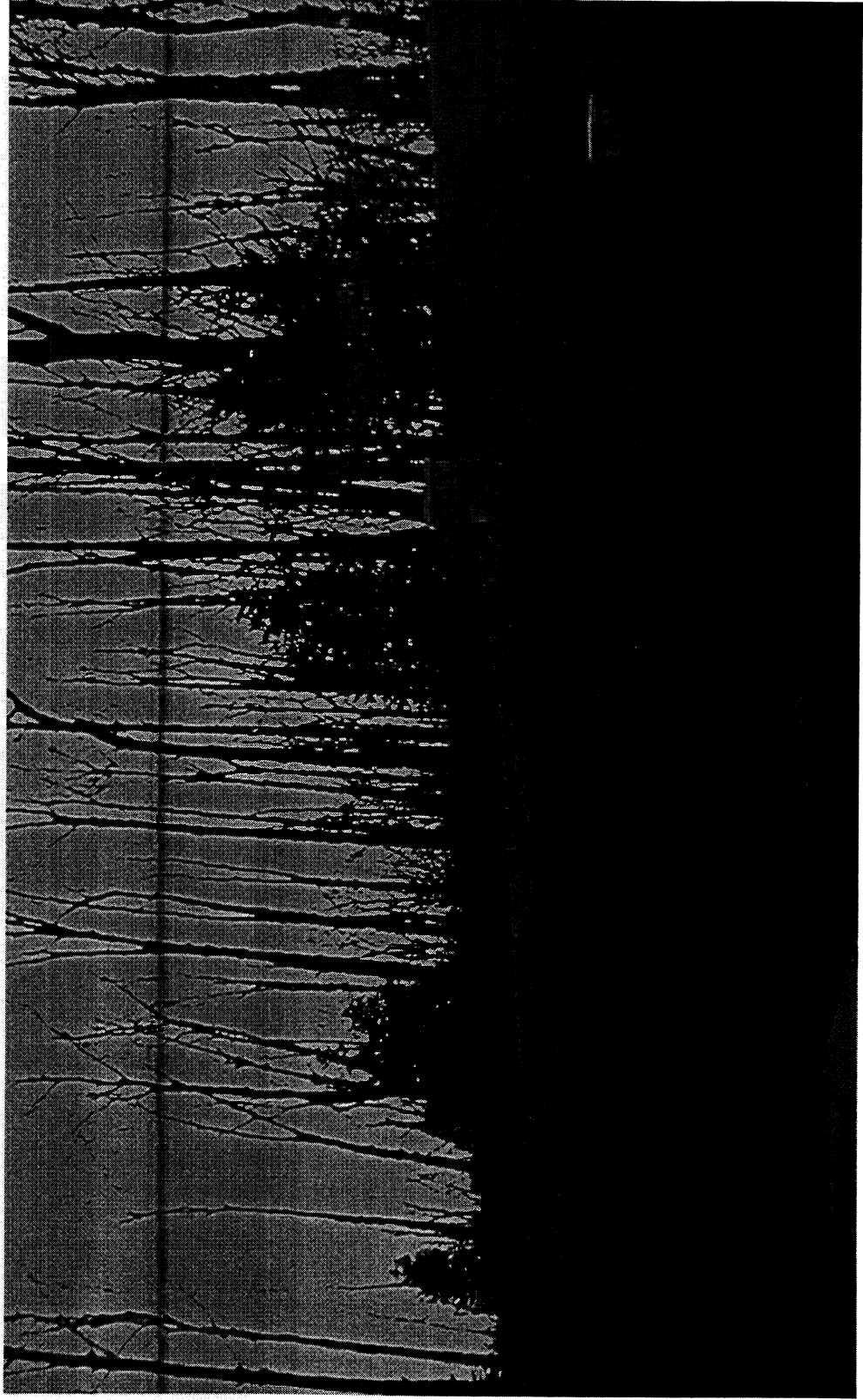
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# Timber Creek / Clark Meadows Lot #43 Entry Community Landscaping

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**Timber Creek / Clark Meadows Entrance  
Lot #45 Entry Community Landscaping**



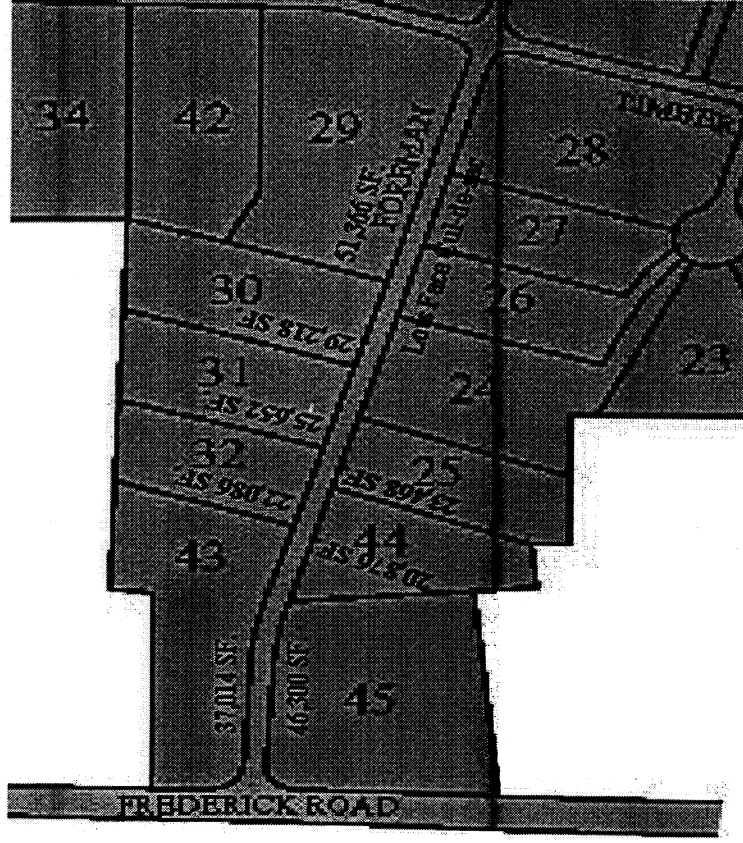
# Timber Creek / Clark Meadows Street Frontages

- ◆ Average Street Frontage on Foreman Blvd is 136 Ft.
- ◆ Proposal results in Street Frontages that are 27% Smaller than Average



# Timber Creek / Clark Meadows Lot Sizes

- ◆ Average Lot Size on Foreman Blvd is 31,998 SF. and Community Average is 32,747 SF.
- ◆ Proposal would result in Lots 28% Smaller than Foreman Average and 29% than the Community Average



# Timber Creek / Clark Meadows House Sizes (Land Improvements)



- ◆ Average House Size on Foreman Blvd is 3,767 SF. and Community Average is 3,024 SF.
- ◆ Proposal would require House Sizes Significantly Lower than Foreman and Community Averages

# Timber Creek / Clark Meadows Community Standards

- ◆ **Community Standards\***
  - **Street Frontage**
    - ◆ Foreman 136 Feet
  - **Lot Size**
    - ◆ Foreman - 0.73 Acres (31,998 Sq. Ft.)
    - ◆ Community - 0.75 Acres (32,747 Sq. Ft.)
  - **House Size**
    - ◆ Foreman – 3,767 Sq. Ft.
    - ◆ Community – 3,024 Sq. Ft.

\* Per County Tax Records on Maryland Department of Assessments and Taxation Website

Date Prepared: February 4, 2002  
 Development: Clark Meadows (Aka: Timber Creek Estates)  
 HOA: Timber Creek Estates  
 Prelim Plan #: 1-93002 (Original)  
 Report: Summary of Lot Sizes  
 Basis Lots: Tax Records & Plats obtained from M-NCPPC (8787 Georgia Ave.)  
 Page: 1 of 2

Lot #	Tax Account #	Street #	Owner(s)	Lot Size	Enclosed Area Size	Street Frontage	Notes
1	03237168	12709 Shawnee	McNay	25264	3024		
2	03237170	12707 Shawnee	Rubenstein	32500	3116		
3	03237181	12705 Shawnee	Rich	26292	3268		
4	<i>Westlaw</i>	12702 Shawnee	Barclay	44431	3000		Per homeowner
5	03237192	12701 Shawnee	Chuang	28914	3486		
6	03237204	12700 Shawnee	Gutierrez	31443	3252		
7	03237215	12706 Shawnee	Braune	36772	2926		
8	03121600	22821 Timber Creek	King	40400	2780		
9	03121611	22819 Timber Creek	Williamson	36403	2224		
10	03121633	22817 Timber Creek	Werking	59972	2716		
11	03237124	22815 Timber Creek	Edwards	60741	4168		
12	03237135	22811 Timber Creek	Eastman	23789	4366		
13	03121644	22805 Timber Creek	Ali	33618	3178		
14	03121655	22803 Timber Creek	Price	32603	2908		
15	03121666	22801 Timber Creek	Chow	47941	2678		
16	03237226	22709 Timber Creek	Hutto	31600	2448		
17	03237237	22707 Timber Creek	Shaw	29527	3252		
18	03237248	22705 Timber Creek	Amin	25800	3830		
19	03237250	22703 Timber Creek	Singh	25800	3904		
20	03237261	22701 Timber Creek	Heatherly	26415	3724		
21	03121507	12600 Clark Meadows	Hadrosak	41717	3366		
22	03121531	12604 Clark Meadows	Borchardt	47255	1932		
23	03237272	12608 Clark Meadows	Bennett	24778	3780		
24	03121542	12607 Clark Meadows	Kelley	36247	2376		
26	03237294	12605 Clark Meadows	Modlin	23448	3921		
27	03237306	12603 Clark Meadows	Goletz	21651	3914		
28	03121518	12601 Clark Meadows	Donaldson	37435	3831		
34	03121677	22808 Timber Creek	Robert	41006	3475		
35	03121688	22812 Timber Creek	Weston	42507	3630		
37	03158458	22600 Timber Creek	Harvey	33021	2994		
38	03158460	22603 Timber Creek	Hoang	29886	2876		
39	03158471	22606 Timber Creek	Bloodgood	34501	2652		
40	03158482	22607 Timber Creek	Barry	43251	3410		
41	03158493	22605 Timber Creek	Stilwell	35456	4360		
42	03234518	22804 Timber Creek	Singh	42516	3100		

<b>Foreman Blvd</b>							
25	03237283	12610 Foreman Blvd	Hymel	23468	3975	101	
29	<i>Westlaw</i>	22800 Timber Creek	Asuncion	51366	4275	275	House fronts/faces Foreman Blvd
30	03234484	12609 Foreman Blvd	Coughlan	29218	3208	116	
31	03234495	12613 Foreman Blvd	Lee	25652	3664	116	
32	03234507	12617 Foreman Blvd	Meadows	22086	4068	116	
43	03234520	12621 Foreman Blvd	Nath	37014	3430	250	
44	03237317	12612 Foreman Blvd	Neil	20876	3747	125	
45	03237396	VACANT	Elm Street	46300	n/a	199	
<b>Foreman Blvd</b>				Average Lot Size	31,898		
				Average House Size	3,372		

Date Prepared: February 4, 2002  
 Development: Clark Meadows (Aka: Timber Creek Estates)  
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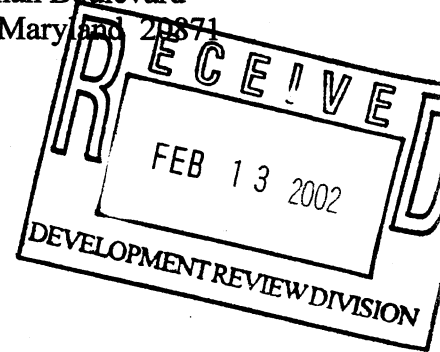
Lot #	Tax Account #	Street #	Owner(s)	Lot Size	Enclosed Area Size	Street Frontage	Notes
46	03237146	22816 Timber Creek	Kaufman	20000	2512		
47	03237157	22818 Timber Creek	Diaz	20000	2430		
<b>Clark Meadows Entire Neighborhood</b>				Average Lot Size	32,019		
				Average House Size	3,372		

#7

19 January 2002

Elizabeth Gassert  
12617 Foreman Boulevard  
Clarksburg, Maryland 20871

Mr. Arthur Holmes, Jr. - Chairman  
Chairman Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



Re: Clark-Meadows Plan Preliminary Plan #1-02069

Dear Mr. Holmes:

As a resident of Timber Creek Homeowners Association (known by your offices as: Clark-Meadows Development), I feel that I have been the victim of flagrant misrepresentation.

We purchased our property in Clark-Meadows development after doing all reasonable "due diligence" from information which we obtained from approved County plans. I confirmed that this community was approved by Montgomery County to be developed as 49 single family homes on lots ranging from .52 to 1.22 acres. After reviewing the community site plan, we chose our lot and made our "buying decision" accordingly.

I now find that the developer, Elm Street Development Company (dba: Clark-Meadows Development Company), has made application with your Planning Board to subdivide the remaining 49<sup>th</sup> lot (actually Lot #45), into two (2) single family homes. I can find no set of intervening empirical circumstances (save for the fact that land prices have gone up) which would necessitate the developer making this subsequent modification to add a 50<sup>th</sup> home to our community. I feel that the original application made by the developer for plan approval for "49 single family units" was a "sham," in that the developer had every intention to build 50 homes right from the start, but desired to avoid the Montgomery County MPDU construction requirements.

Additionally, construction of this 50<sup>th</sup> home on Lot #45 will seriously alter the harmony of the community entrance improvements (e.g - the wall, shrubbery, and mature trees which "balance" both sides of the community entrance) and which initially attracted me to the community.

In conclusion, I submit that the "spirit" of the County MPDU regulations have been thwarted. I respectfully ask your commission to deny this application in order to establish a precedent and to show the developers that such an obvious machination of the county guidelines will no longer be an acceptable developer practice.

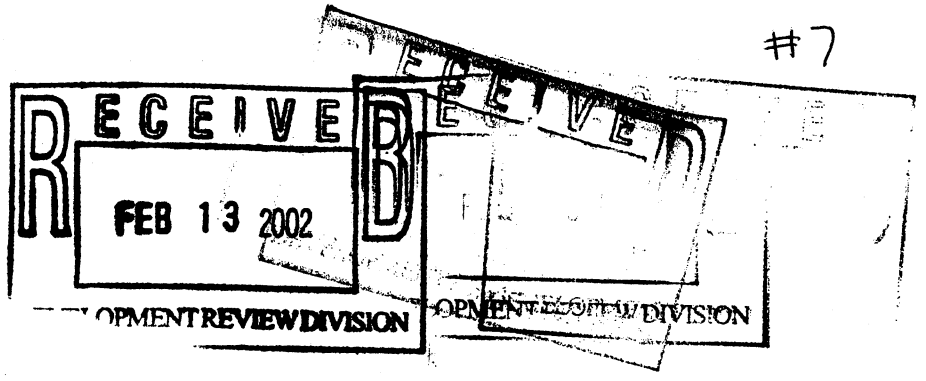
Sincerely,

cc: M. Shanaman  
R. Weaver



January 31, 2002

Richard Weaver  
Development Review  
Park & Planning – M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910



Copy: Mr. Malcolm Shaneman – Director, MNCPP Subdivision Office, Development Review Division  
Karen Kumm – Development Review, MNCPP Subdivision Office, Development Review Division  
Mr. Martin Meadows – President, TimberCreek/Clark Meadows Homeowner’s Association  
Mr. Martin Hutt – Attorney-at-Law, Lerch, Early & Brewer Chartered  
Eric Larsen – Department of Housing & Urban Affairs, MPDU Division

Re: **Proposed** Subdivision of Timber Creek Estates/Clark Meadows “Lot 45” submitted by Elm Street Development; Preliminary Plan File #1-02069

Dear Mr. Weaver

We are writing to express **wholehearted disagreement with the intention of Elm Street Development** to subdivide “Lot 45” of Timber Creek Estates/Clark Meadows Property (Preliminary Plan #1-02069) at the intersection of Foreman Boulevard and Frederick Road/RT355. As impacted homeowners, we received notification of this proposal on January 17th by Charles P. Johnson & Associates, Inc. including a *supposed* copy of the preliminary subdivision plan for the above-mentioned property. Despite significant misgivings upon initial review of the preliminary plan, we decided to withhold our comments until able to meet with an Elm Street representative. In efforts to better understand Elm Street’s intentions for the subdivision and development of the property, our HOA successfully lobbied for a meeting with Mr. David Flanagan of Elm Street Development. As a result of that meeting, our opposition and objection to approval of this proposal has been solidified as expressed herein.

While Mr. Flanagan was willing to meet with homeowners from our community, it did not appear that he had reviewed the proposed preliminary plan, existing plans on file with M-NCPPC, or physically viewed the property in question prior to our meeting. Worse yet, Mr. Flanagan was unable or unwilling to provide any satisfactory level of assurance as to the actual intended lot development beyond his intention to subdivide the lot. Mr. Flanagan initially indicated that Elm Street had further revised the intended preliminary plan to subdivide “Lot 45” following the mailing of notifications, but later conceded that the revision was something that would be “undertaken” by Elm Street prior to actually scheduling the required public hearing to obtain plan approval. **It does not seem reasonable or acceptable for any action to be taken regarding Elm Street’s Proposal, except possible rejection, without a complete revision of the preliminary plan and a restart to the notification and review process and timeframes.**

The existing “approved” plan for “Lot 45” is outlined in Liber 7012; Folio 133; Preliminary Plan #1-93002 which calls for one single-family residence to be constructed on the property as a “cornerstone lot” to our community [as referenced by applicable Covenants developed and filed by Elm Street upon creation of the community development]. That existing preliminary plan indicates minimal grading impacts to existing land structures allowing preservation of a significant amount of old-growth trees, retention of the natural sound-buffer for the community because of the property elevation, as well as avoiding impacts to any existing community entrance monuments or landscape improvements which are exactly symmetrical with those developed by Elm Street on “Lot 43” directly opposite the property in question.

While the current plan is clearly consistent with nature of existing homes, lot sizes, community entrance monuments, as well as the spirit and intentions embodied in our HOA Covenants that were developed and filed by Elm Street to govern the community development, the proposed preliminary plan is clearly inconsistent and will have immediate and lasting negative impacts to our community and it’s residents.

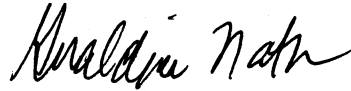

**Our objection and concerns about Elm Street's current proposed preliminary plan and stated intentions include the following:**

1. Elm Street's proposed revision and subdivision of "Lot 45" does not retain the existing symmetry of our community entrance landmarks and old-growth trees that were 'bought-into' by all existing homeowners as a result of preliminary plans on file for Lot 45 submitted to M-NCPPC as well as landscaping property improvements and grading that were completed by Elm Street prior to purchase decision of community residents. If existing plans were placed on file without actual intention to develop as filed, as well as inclusion of Lot 45 in our residential covenants as a "cornerstone" to our community, it would appear to be an attempt to mislead potential consumers which were making buying decisions within the community (that seems to be offensive, if not criminal in nature).
2. Elm's Street's proposed revision and subdivision of "Lot 45" would be inconsistent with the community average lot size, comparable houses and setbacks, inter-home distances, or appropriate and required grading in character with the rest of the community. Despite unsubstantiated comments by Mr. Flanagan to the contrary, there is no apparent way to subdivide "Lot 45" while maintaining the spirit of the community or the applicable Covenants and Restrictions of the community HOA as detailed below:
  - Proposed Subdivision plans would make it physically impossible to develop this property and construct similar sized homes without requiring significant reduction in lot grades precluding retention of old-growth trees consistent with neighboring lots
  - Proposed Subdivision plans would require removal of the existing natural community sound-barrier from RT355 traffic as a result of existing lot grade
  - Proposed Subdivision plans would eliminate the existing symmetry between the South and North side of Foreman Boulevard which serves as the community entrance
  - Proposed Subdivision plans would require the shared driveway to traverse the complete front of one of the newly developed lots, and would necessitate maintenance of 4-foot brick wall across the entire front of the other subdivided lot for retention of community entrance monuments as represented by Mr. Flanagan.
  - Proposed Subdivision plans would result in two of the smallest lot sizes in the community (which currently averages in excess of  $\frac{3}{4}$  of an acre). Which would give the appearance of "cramming" two houses onto the lots around entrance monuments
3. Timber Creek/Clark Meadows was approved for "49 Single-Family Homes" so further subdivision of "Lot 45" would ultimately result in construction of "50 Single-Family Homes" without compliance with County MPDU requirements. Without speaking to the intentions of the builder, further subdivision of this property would make the development non-compliant with the intention of County MPDU requirements by appearing to take advantage of planning loopholes. While the initial plan for 16 home sites was the result of inaccessibility of sewer and water utilities, the developer increased the application lot number to exactly 49 home sites following availability of public utilities. It at least provides the appearance that avoidance of MPDU requirements was part if not the only contributing factor in the developer's decision to only apply for 49 home sites possibly in attempts to higher profit margins for the development.
4. Approval of Elm Street's subdivision proposal would have immediate and lasting negative financial impacts to all community homeowners as a result of inferior homes and inconsistency of homes built on the subdivided site. Elm Street is in essence taking advantage of improved lot values as a result of our community efforts to improve our residential values through necessary upkeep and land improvements of surrounding homes. That will negatively impact all community residents through the addition of sub par home sites. Since homeowner decisions were in part based upon existing plans on file with M-NCPPC, this at a minimum gives the appearance of impropriety on the part of the developer that will have negative financial impacts to community homeowners.

- Inability of the Developer to provide solid foundation of a "revised" revised plan that has not even been drafted yet precludes appropriate guidance to M-NCPPC regarding the developer's intentions.** Mr. Flanagan represented to our HOA that further revisions to this proposed "preliminary plan" are under development by Elm Street. Obviously Elm Street is having difficulty in deciding how they wish to proceed with development of the property in question. It is not prudent to grant approval of Elm Street's proposal when it is likely that additional revision and modifications will be sought by the developer.

We appreciate your consideration of these objections to the Elm Street proposal currently before you. If you have any questions or require any clarification to the statements contained in this letter, please feel free to contact us for further information.

Best Regards,

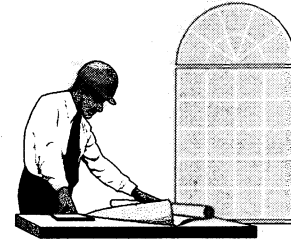


Mr. And Mrs. C. Michael Nath  
(C. Michael & Geraldine Terlecki Nath)  
12621 Foreman Boulevard  
Clarksburg, MD 20871-4008  
Clark/Clark Meadows Lot 43  
Phone: (301)540-3145  
Email: [CMNath@ix.netcom.com](mailto:CMNath@ix.netcom.com)  
Fax: (877) 691-2090



# Timber Creek

Homeowners Association  
P.O. Box 1500  
Clarksburg, Maryland 20871-1500  
**Board of Directors**

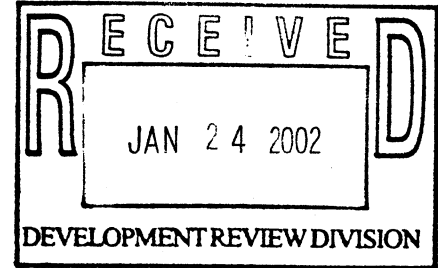


#7

22 January 2002

Mr. Eric Larsen  
Department of Housing and Community Affairs  
MPDU Section  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Timber Creek Estates                      Resubdivision of Lot #45



Dear Mr. Larsen:

We live in a new HOA community which was approved by Maryland Park and Planning for 49 lots ranging in size from .52 to 1.42 acres. All lots have been developed with single family homes with the exception of Lot #45. It is now the intention of the developer, Elm Street Development Company, to subdivide Lot # 45 into two (2) lots. This will of course create a total of 50 lots in our community. (Park & Planning File #1-02069)

Needless to say, many homeowners are not pleased that a community that they believed was planned for 49 single family homes, is now becoming 50 homes. Some homeowners are under the impression that it was always the intention of the developer to build 50 or more single family homes, but that he wished to circumvent the MPDU construction requirements.

Initially, the community was only approved for 16 lots because public sewer and water was not available. However, once public sewer and water became available in 1998, why did the developer make application to bring the total lots up to 49, only to later (after Park & Planning approval was obtained for the 49 Lot development plan) subdivide one (1) of those lots, to bring the total up to 50? Some homeowners submit that, once public water and sewer became available, the developer knew at that point how many lots he wanted to, and could, build. And it now appears that he wanted to build up to 50....but only wanted to initially apply for 49, so that MPDU requirements could be bypassed.

The question which I have been asked by some homeowners to pose to your offices is this: Is it legitimate for a developer to initially avoid the MPDU requirements only to later exceed them once the community is nearly completed? Doesn't this type of developer action make a sham of the "spirit" underlying the County MPDU regulations?

Thank you for your consideration of our Homeowner Association inquiry.

Martin G. Meadows  
President

cc: Richard Weaver, M-NCPPC, Development Review  
Malcolm Shaneman, M-NCPPC, Development Review

#7

31 January 2002

Elizabeth Gassert  
12617 Foreman Boulevard  
Clarksburg, Maryland 20871

Mr. Eric Larsen  
Department of Housing and Community Affairs  
MPDU Section  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Timber Creek Estates/aka: Clark Meadows      Resubdivision of Lot #45  
*Plan # 1-02069*

Dear Mr. Larsen:

We live in a new HOA community which was approved by Maryland Park and Planning for 49 lots ranging in size from 1 to 1 3/4 acres. All lots have been developed with single family homes with the exception of Lot #45. It is now the intention of the developer, Clark Meadows LC (they also do business as: Elm Street Development Company), to subdivide Lot #45 into two (2) lots. This will of course create a total of 50 lots in our community.

At a community meeting held on Wednesday (1/30/2002) evening at the Hyattstown Fire Station Bingo Hall, and at which Mr. Flanagan (President - Elm Street Development) gave a presentation, I asked Mr. Flanagan if, since he was now adding a 50<sup>th</sup> Lot to the neighborhood, he would be making a contribution to the MPDU Fund, and he responded that, "I'm not even thinking MPDU." When another homeowner pursued this issue and asked if Mr. Flanagan originally filed site plans for 49 Lots in order to bypass MPDU construction requirements at 50 Lots, he responded that "50 Homes is NOT the only standard for MPDU; it can also be "traffic count"...and based on traffic count, we do not have to comply with MPDU at 50 homes." Mr. Larsen, is this true?

I think it is safe to say that the entire room could see that Mr. Flanagan was uncomfortable answering any questions concerning MPDU. Additionally, David Flanagan specifically stated that by subdividing this 49<sup>th</sup> Lot (the last lot in our community to be built on), it would make him an additional \$160,000.00. "Yes" Mr. Larsen...\$160,000.00. Do not the Montgomery County codes require that if a builder subdivides the remaining lot in a 49 lot community, bringing the community up to 50 lots, and thereby profiting \$160,000.00 thereby, that the developer "pay in" some of these "windfall profits/monies" into an "MPDU Fund?" Your response is greatly appreciated. Or, if this is not your area of concern, could you please refer me to the correct department? Thank you.

  
E. Ann Gassert

✓cc: Richard Weaver      Park & Planning Redevelopment Review M-NPPC

Item #7



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**M E M O R A N D U M**

**DATE:** October 25, 2002  
**TO:** Montgomery County Planning Board  
**FROM:** A. Malcolm Shaneman  
Development Review Division  
(301) 495-4587  
**SUBJECT:** Informational Maps for Subdivision Items on the  
Planning Board's Agenda for October 31, 2002.

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Attached are copies of plan drawings for Items #06, #07, #08. These subdivision items are scheduled for Planning Board consideration on October 31, 2002. The items are further identified as follows:

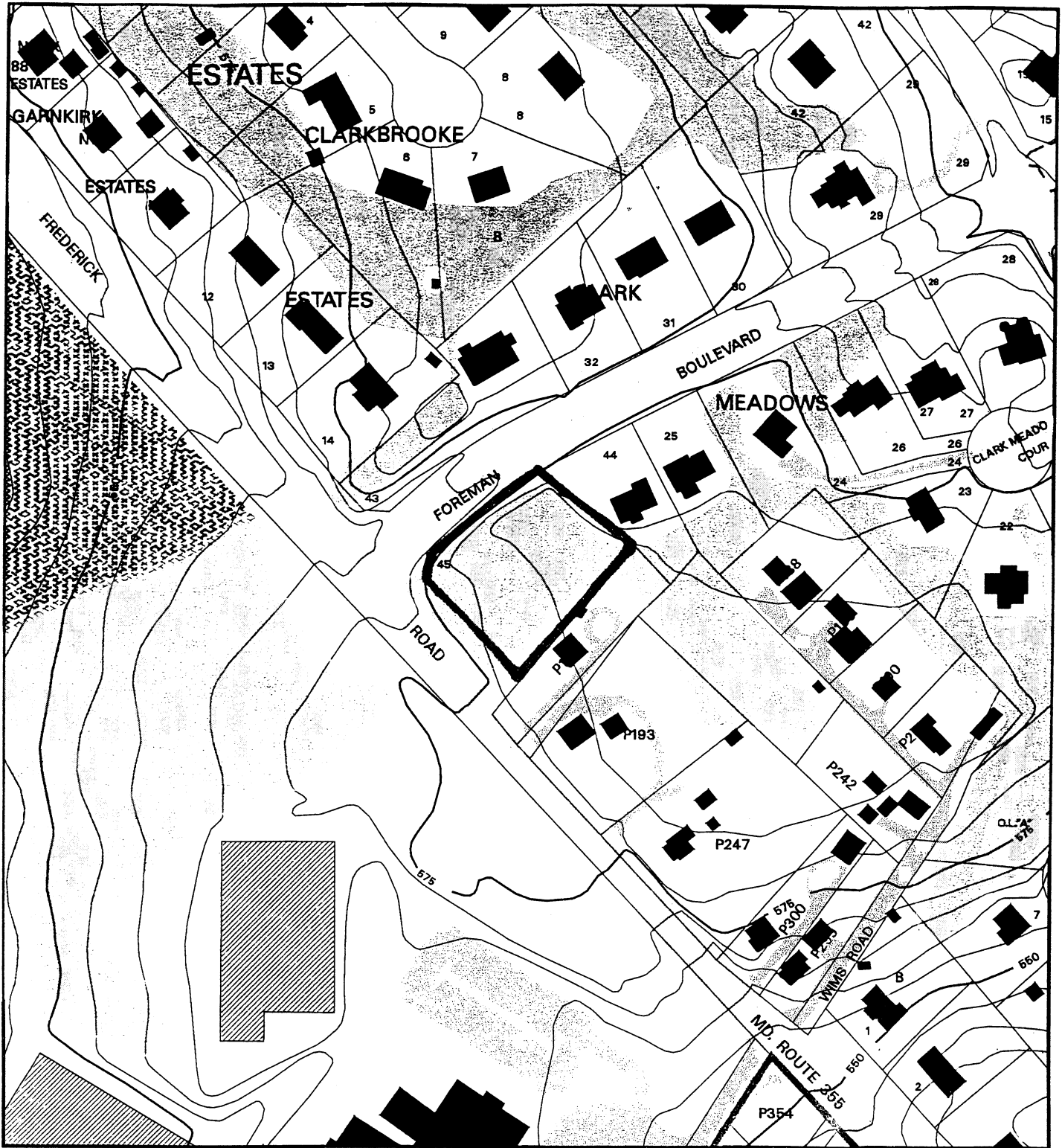
Agenda Item #06 - Preliminary Plan 1-03014  
Hillmead-Bradley Hills

Agenda Item #07 - Preliminary Plan 1-02069  
Clark Meadows Property

Agenda Item #08 - Preliminary Plan 1-97055A  
Wheaton Independent Baptist Church

Attachment

# CLARK MEADOWS PROPERTY (1-02069)



Map compiled on October 09, 2002 at 12:51 PM | Site located on base sheet no - 231N13

### NOTICE

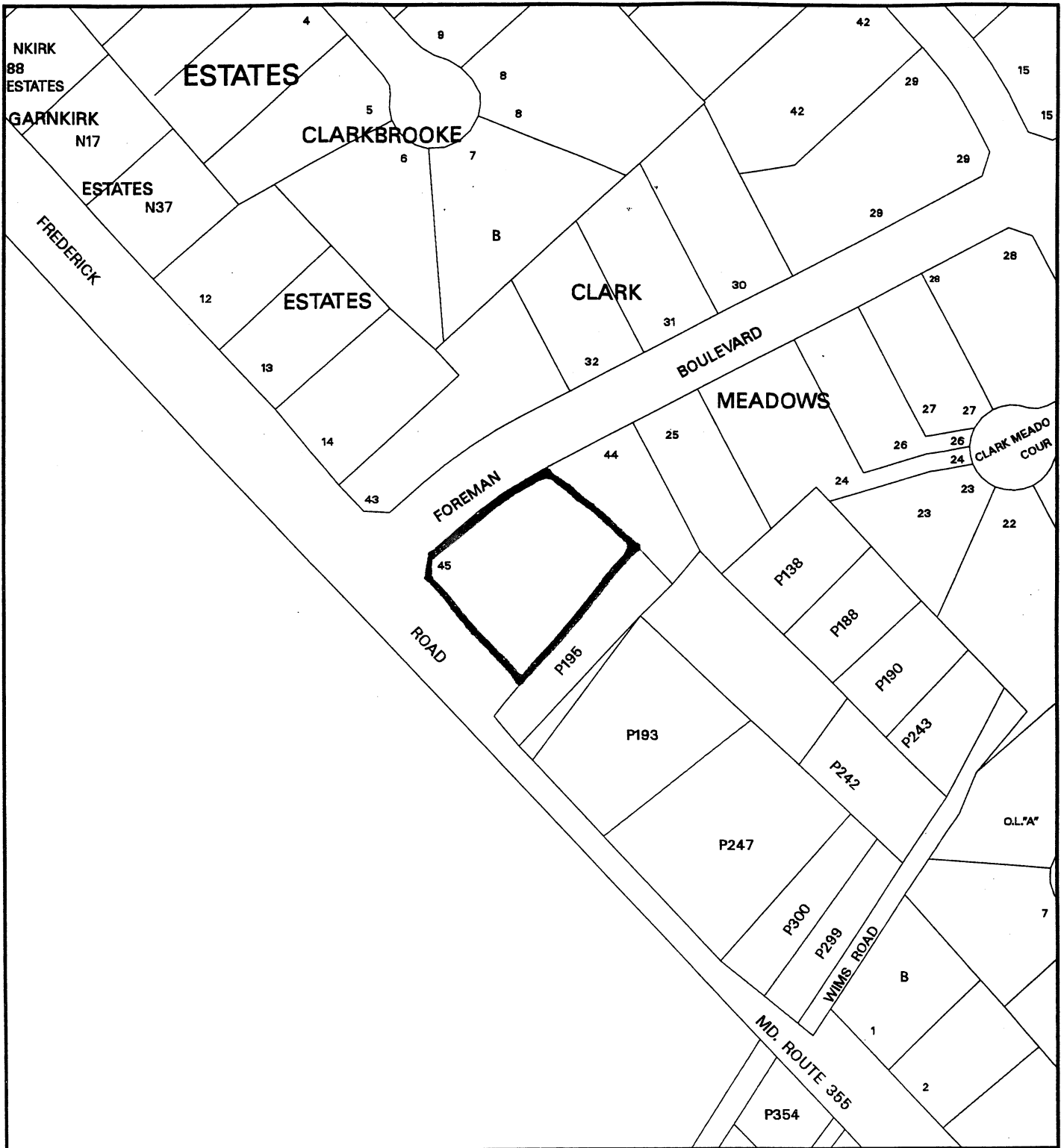
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric 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 map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



# CLARK MEADOWS PROPERTY (1-02069)



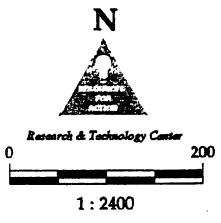
Map compiled on October 09, 2002 at 12:57 PM | Site located on base sheet no - 231NW13

### NOTICE

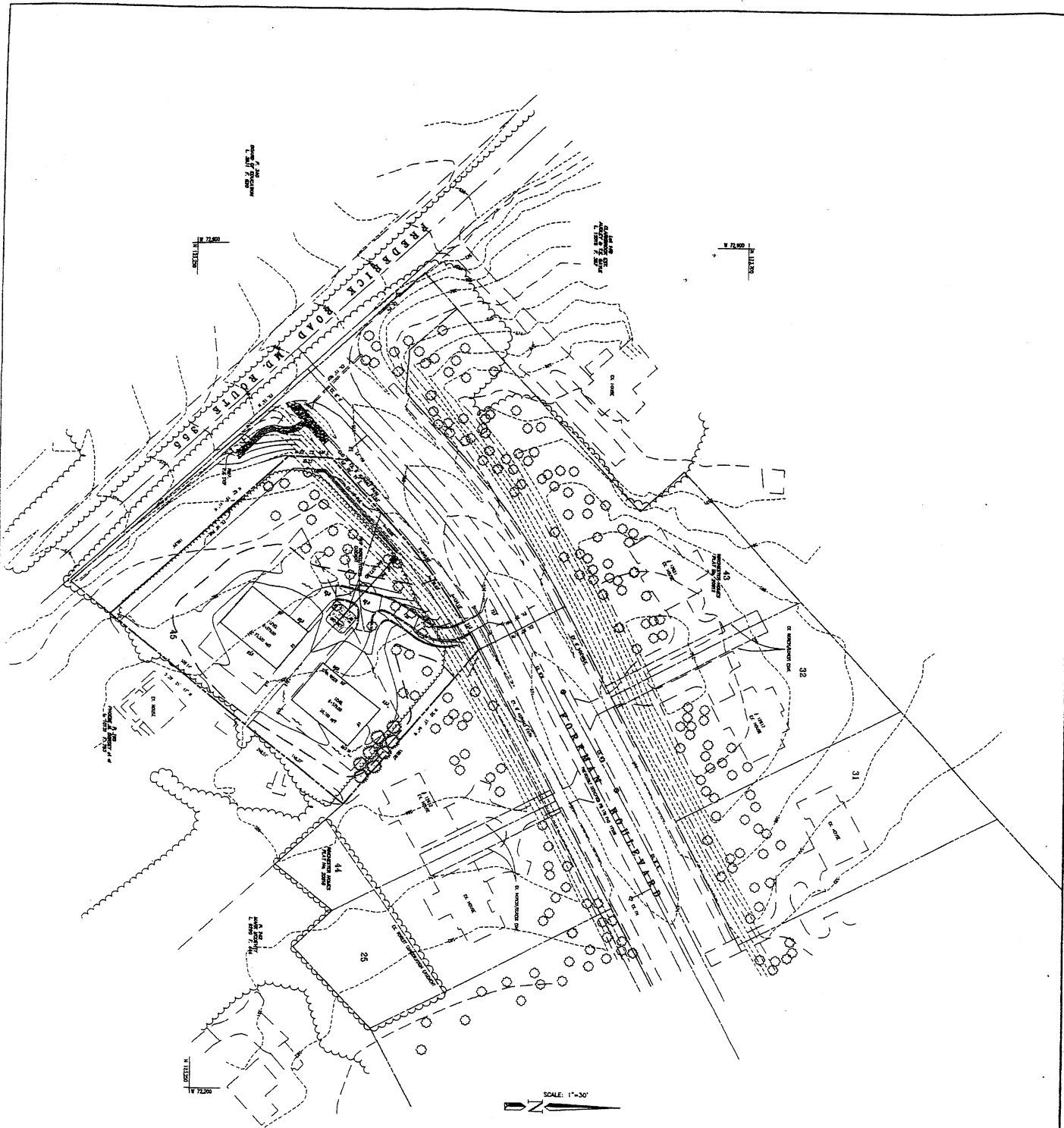
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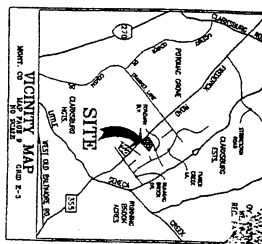
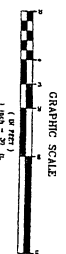
SCALE: 1"=30'

**OWNER'S REPRESENTATIVE**  
 MONTGOMERY COUNTY  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 11000 CLARKSBURG ROAD  
 CLARKSBURG, MD 20841  
 CONTACT: [Name Redacted]  
 PHONE: [Number Redacted]

**DESIGNER'S REPRESENTATIVE**  
 CHARLES P. JOHNSON & ASSOCIATES, INC.  
 11000 CLARKSBURG ROAD  
 CLARKSBURG, MD 20841  
 CONTACT: [Name Redacted]  
 PHONE: [Number Redacted]

**DATE**  
 11/14/13

**PROJECT SUMMARY**  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 11000 CLARKSBURG ROAD  
 CLARKSBURG, MD 20841  
 PROJECT NO. 13-08069  
 SHEET NO. 1 OF 1



DATE	DESCRIPTION
11/14/13	PRELIMINARY PLAN
11/14/13	REVISIONS

DESIGNED BY: [Name Redacted]  
 DRAWN BY: [Name Redacted]  
 CHECKED BY: [Name Redacted]  
 APPROVED BY: [Name Redacted]

CLARKSBURG (2nd) ELECTION DISTRICT  
 11000 CLARKSBURG ROAD  
 CLARKSBURG, MD 20841

**PRELIMINARY PLAN**  
**CLARK MEADOWS PROPERTY**  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

1-08069  
**CPJ** Associates  
 Charles P. Johnson & Associates, Inc.  
 PLANNERS - DESIGNERS - LANDSCAPE ARCHITECTS - SURVEYORS  
 11000 CLARKSBURG ROAD, CLARKSBURG, MARYLAND 20841  
 PHONE: 301-271-1100 FAX: 301-271-1101  
 WWW: www.cpjassociates.com

301NW13