

Witthans, Wynn

From: Siegel, Lewis - BLS [Siegel.Lewis@bls.gov]
Sent: Tuesday, March 29, 2005 11:23 AM
To: Krasnow, Rose; Ma, Michael; Witthans, Wynn; 'john.carter@mncppc-mc.org'; 'nellie.maskal@mnppc-mc.org'
Subject: FW: Height Violations at Clarksburg Town Center

> -----Original Message-----
> From: Siegel, Lewis - BLS
> Sent: Tuesday, March 29, 2005 9:58 AM
> To: 'mcp-chairman@mncppc-mc.org'
> Subject: Height Violations at Clarksburg Town Center
>
> The Honorable Derick Berlage
> Chairman
> Montgomery County Planning Board
> 8787 Georgia Avenue
> Silver Spring, MD 20910
>
> Dear Mr. Berlage:
>
> This is to express our concerns over the apparent intentional
> noncompliance of Newland Communities, Bozzuto Group, and Craftstar
> Homes
> with the Board-Approved Project Plan for Clarksburg Town Center (CTC).
> As
> resident property owners in CTC since August 2003, we believe that we
> have
> a right to expect total adherence to the approved project plan,
> conditions, and findings. And we have implicitly placed in the hands
> of
> the Planning Board the responsibility for enforcing such adherence.
> Builders and developers do not have a right to build as they please
> without regard to the Project Plan Guidelines. Why have Master Plans
> and
> Community-based Planning, if the resultant plans will not be enforced?
> Is
> not the Planning Board the guardian of the community's best interests?
> Shouldn't you be protecting us from the hungry developers and
> builders?
>
> In particular, we point to the 4 stories and 45' height restrictions
> for
> residential buildings. Two projects in the CTC--the already
> constructed
> and occupied Bozzuto condominiums and the proposed Craftstar 2-over-2
> condominiums--exceed these limits. While we would not suggest that
> residents of the completed Bozzuto condominiums be displaced to
> correct
> the violation, we would suggest that the builder be held accountable
> for
> the violation by somehow compensating the community. Craftstar should
> be
> instructed to go back to the drawing board and develop a design that
> is in
> compliance with the Project Plan. Only by taking actions like this
> can a
> clear message be sent to developers and builders that they cannot take
> advantage of newly developing communities.
>
> Fortunately, the residents in CTC have an active and well-informed

> volunteer group, the Clarksburg Town Center Advisory Committee
(CTCAC),
> which is looking out for the best interests of the community. We
agree
> with and strongly support the efforts of the CTCAC in upholding the
> Project Plan.
>
> We hope that you will consider these comments when you conduct your
April
> 14 hearing.
>
> Sincerely,
>
> LEWIS B. SIEGEL
> RUTH A. SIEGEL
> 23617 Public House Road
> Clarksburg, MD 20871
> 301-540-5562
>

**DR. ALFONSO R. LATONI
CARMEN S. RAMÍREZ, MBA**

23802 BURDETTE FOREST ROAD
CLARKSBURG TOWN CENTER
CLARKSBURG, MD 20871

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latonia@mail.nih.gov

March 29, 2005

The Honorable Derick Berlage
Chairman, Montgomery Planning Board
MN-CPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

**RE: HEIGHT VIOLATIONS FROM BUILDERS IN THE CLARKSBURG TOWN
CENTER (CTC), CLARKSBURG, MARYLAND.**

Dear Honorable Mr. Berlage:

We trust this letter finds you well. We, the above undersigned, are residents in the Clarksburg Town Center (CTC) since December of 2004 at the address in the above letterhead. Moving into this most promising and beautiful community has represented for us a great deal of contentment, satisfaction, and joy. We had been waiting approximately two years to move in after purchase. Unfortunately, the reason for this letter is one of towering apprehensions, concerns, and alarms regarding flagrant height violations by the developer and several builders in this growing community.

It appears that one existing Bozutto condominium is in height violations by the developer and such said builder, as well as an additional, to-be-built and approved via site plan, Bozutto condominium and Craftstar 2 by 2. We are extremely dismayed by these blatant violations of pre-approved Project Plan Guidelines. It seems that the developer and builders are constructing the above mentioned structures higher than the approved forty-five (45) feet guideline in the Master Plan. Buildings are, and will exceed the height parameters. We respectfully request and insist that the Honorable Board, which you Chair, prevents this from happening now and in the future.

Mr. Berlage, when we decided to live in this community we took upon ourselves to dedicate many hours, days, and weeks to research the Master Plan for the CTC, from the time of the Terrabrook Developer to the actual Newland Developer. We even came on weekends to talk with the first residents. After many months and talks, we became captivated and enamored with the promise of a Master Plan that was written with sensitivity to the historic district of Clarksburg. We had lived in other historic districts, i.e. Old Town Gaithersburg. We were extremely attracted to living here because the Master Plan was driven and underlined by buildings in scale and compatibility with this historic district. Further, it is our understanding that Community Based Planning, which is the MN-CPPC group that is mostly responsible for crafting the Project Plan, included building scale and compatibility as a requirement, and predetermined the height maximum for buildings proposed, i.e. 45 feet for residential and 50 feet for commercial. There is a data table in the Project Plan that was approved by the Board, which specifies that buildings will not exceed 4 stories/45 feet for residential use and 4 stories/50 feet for commercial use.

We are certain that you would definitely agree with us that builders and developers should not have the right to build as they please. This is coupled by the unashamed fact that it appears as if they have no regard or consideration for the CTC Project Plan Guidelines, as not only is the existing condominium built on the highest point within the CTC, but it exceeds the 45 feet height definition by 8 to 12 feet, although there are varying reports regarding actual height. Needless to say, Mr. Berlage, this building, and the others proposed, are clearly not in scale and compatibility with the historic district or surrounding buildings. One could argue that the building in question may be considered attractive; however, it is not in conformance and compliance with the Project Plan.



We had learned that the CTC is zoned under what is called RMX2 zoning with the "Optional Method" for development; and that under the "Optional Method," all site plans must conform to the Project Plan. As such, we hereby insist and respectfully request total adherence to the approved Project Plan, conditions and findings.

It is of utmost importance that the developer and builders be held accountable for such actual and future violations. For our family and many residents of the CTC, there is an underlining issue of accountability. Unfortunately, because to date there has not yet been an official County or State warning presented to the developer and builders, we trust that your Honorable Board will do something to immediately prevent further violations. In addition, it is our firm belief that the community should be compensated for the actual existing violations. We can imagine how much the developer and builder profited from the sale of these condominiums but, would you agree that a lucrative market is an appropriate license to violate a Project Plan? And, certainly, this would not be the Montgomery County which we envision for years to come.

In summary, there is dire need for accountability and adherence to the CTC Project Plan. We see you and the MN-CPPC as safeguards of our Project Plan. Please remember that we, the community, will live here for many years to come; our children will grow here; our families will become stronger and, in many ways, in advantageous positions to take care, invest and cherish, prize, and treasure our neighborhood and its residents. The developer and the builders will depart.... We are certain that the Board will strive to protect the community's best interest, as inhabitants that we are of Montgomery County in Maryland.

In closing, we hereby state and reaffirm our full and unconditional support for the efforts and actions of the Clarksburg Town Center Advisory Committee (CTCAC) and beseech the Planning Board to protect the interest of the residents of Clarksburg Town Center.

Most sincerely,

Alfonso R. Latoni

Carmen S. Ramírez

Copies via email attachment: John Carter (john.carter@mncppc-mc.org)
Rose Krasnow (rose.krasnow@mncppc-mc.org)
Michael Ma (michael.ma@mncppc-mc.org)
Wynn Witthans (wynn.witthans@mncppc-mc.org)
Nellie Maskal (nellie.maskal@mncppc-mc.org)



March 28, 2005

The Honorable Derick Berlage
Chairman, Montgomery Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Berlage:

I am a resident in the Clarksburg Town Center in Clarksburg, MD. One of the reasons my husband and I purchased a home in this community three years ago was because of the developer's assurance that the quaint historical character of the existing community would be maintained at every level of construction and development.


I am writing to express my concern for certain aspects of the development thus far. It was my understanding that the master and project plan specify that residential buildings would not be taller than 45', but the current condominium buildings are obviously higher than this limit. How is it that they have been able to violate oversight of the master and project plans? Also, what further violations will be allowed that benefit the developer's agenda at the expense of the residents of this community?

Additionally, I'm concerned and upset that the planned grocery store is way out of proportion and character that would be appropriate for a Town Center such as Clarksburg.

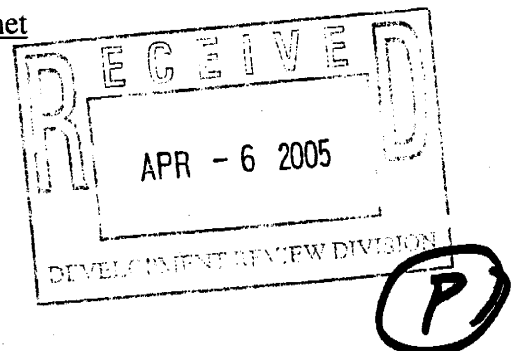
The developer needs to be held accountable for these violations and the Clarksburg residents need assurance that future construction will follow the master and project plans as approved, not as they wish. As a resident, I count on the M-NCPPC to protect the interests of this community.

Thank you for your time.

Sincerely,


Teresa Ziffer
12723 Piedmont Trail Road
Clarksburg, MD 20871
dtziffer@comcast.net

C: Rose Krasnow
Michael Ma
Wynn Witthans
John Carter
Nellie Maskal



William & Lisa Karlson
23510 Sugar View Dr
Clarksburg, MD 20871
301-916-1702

March 27, 2005

The Honorable Derick Berlage
Chairman, Montgomery Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Clarksburg Town Center

Dear Mr. Berlage:

We are residents of the Clarksburg Town Center (CTC) community in Clarksburg. When we submitted the purchase contract for our home in February 2002, we were excited to be moving in to the community, and were attracted by the variety of housing, shopping and recreational areas proposed for CTC.

As the community has grown, we have been surprised to see that the developer has not been held to the Project Plan, and builders are erecting buildings that do not conform to the approved Plan.

Specifically we are concerned about the height of some of the condominiums that have been built, and other buildings that are planned for CTC. A height difference of ten or twelve feet may not seem like a big deal to some people, but for those who have a direct view of the buildings, it makes quite a difference. Although they are attractive architecturally, the buildings are certainly not to scale with surrounding buildings and homes, and take away from the overall look of the community. We chose to live in CTC because we were led to believe the community would be compatible with the historic district of Clarksburg, not a new Rockville or Silver Spring.

By no means do we wish to see these buildings removed, we simply want the builders and developer to be held accountable for the violation, and no additional buildings, residential or commercial, constructed in a way that would violate the Plan.

We fully support the efforts and actions of the Clarksburg Town Center Advisory Committee and implore the Planning Board to protect the interest of the residents of Clarksburg Town Center. We are the ones who will have to live with these buildings after construction is completed and the developer and builders have moved on to their next project.

Respectfully,

William Karlson

Lisa Karlson

Copy: John Carter
Rose Krasnow
Michael Ma
John Carter
Nellie Maskal



2005-0368

MCP-Chairman

From: Stan Weightman [stanweightman@mris.com]
Sent: Friday, February 18, 2005 10:04 AM
To: MCP-Chairman
Subject: Clarksburg

Dear Mr. or Ms. Chairman,

My wife and I are owners of a condominium on Clarksburg Square Rd. in Clarksburg, MD.

Last evening I attended a meeting and was introduced to the idea that there is a group calling itself the Clarksburg Town Center Advisory Committee (CTCAC). Who are these people? They don't represent me or any of the many people that gathered last evening to discuss the height of the building in which I purchased. I understand that they (whoever "they" are) have subsequently filed a complaint with your department regarding the height of the condominium buildings.

It's interesting to note that there were people at the meeting last evening who attended a meeting sponsored by CTCAC. They were identified as people owning condo's and surprisingly their names were lost?? or dropped of the Email list which was supposed to be a means of the CTCAC contacting interested persons. Sounds a little, or a lot, of a clandestine operation. I know that neither my wife or I have ever been contacted to lend our voice or ideas.

We were told at the meeting last evening, by a resident who had attended a CTCAC meeting, that the purpose of their (CTCAC) questioning the building heights is mainly to use it as leverage to force the builders/planners/developers to acquiesce to some of their demands regarding the town center.

I truly trust that your committee will not be coerced or bend to their (CTCAC) request for a hearing for something that has passed any and all planning for Montgomery County and has been approved by Montgomery County. I'm sure there is some law or regulation that requires a hearing. I'm also sure that there is a law or regulation for the chairman to remove it from the agenda.

I'm told that in the initial Project Plan, the condo's were indicated as having 4 floors with a notation (45 feet) next to it. That was the last time, as I understand it, that the "45 Feet" was mentioned, through preliminary and final plans...all reviewed, approved and accepted by the powers that be in Park and Planning.

Why are we revisiting this issue? At taxpayers expense? And why do you and I and many others have to waste our time and effort on this issue?

What is the motivation for requesting the hearing. Apparently it came out in a CTCAC

2/18/2005

(R)

meeting that they are not interested in having the buildings torn down, but simply to use filing the complaint and requesting a hearing as leverage against the developers/planners and builders to achieve other goals.

I'm sure that you are aware that until this is resolved all building of future condo's has come to a screeching halt. This action will directly impact the resale value of our property and I personally resent the actions taken by CTCAC.

I'm sure that the Montgomery County Planning Board welcomes consumer input. I would suggest that the hearing be held in a sufficiently large venue to accommodate what could be a very large crowd of displeased owners.

I look forward to the meeting on March 3rd.

Respectfully submitted,

Stan Weightman
Certified Residential Specialist
Graduate Realtor Institute

RE/MAX Realty Group
6 Montgomery Village Ave. Suite 200
Gaithersburg, MD 20879

Office: 301-258-7757
Fax: 301-556-2109
Mobile: 240-832-1540

Visit StanWeightman.Realtor.com...for everything you need to know about real estate.

2/18/2005



Elizabeth R. Forrest
12824 Clarksburg Square Road
Unit 406
Clarksburg, MD 20871
301-916-8756 e-mail betforrest@earthlink.net

February 18, 2005

Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
0369
FEB 28 2005

OFFICE OF THE CHAIRMAN
THE MONTGOMERY COUNTY CAPITAL
PARK AND PLANNING COMMISSION

Re: Community representation

To the Montgomery Planning Board:

My son moved to a house in Clarksburg with his wife and their three daughters about two years ago. I have lived on Long Island, NY all my life, but decided that the time had come to get more involved in my granddaughters lives.

I purchased a condo from Bozzuto without blinking an eyelash because my son, who has lived in Maryland for twenty years and has his business's here, praised his organization to the sky. From the very beginning of the process I was treated as though I had purchased a two million-dollar mansion. The organization and staff were professional, efficient and extremely helpful and everything was done with such skill and class.

There are many reasons why I bought this condo:

1. The elevator - my mother lives with me, she is 91, and stairs are not an everyday option.
2. The size of the apartment - 1875 Sq. Ft. Which allows for three bedrooms, one for me, one for my mother, and one for family and guests to sleep in when they come to visit.
3. It's very nice having a building and community which can accommodate so many diverse ages, types of people and situations. Young singles, newly weds, empty nesters, and seniors who no longer want the stairs or the upkeep of a single family home or townhouse.
4. The eight and nine foot ceilings that they now have in almost all new homes also give the feeling of spaciousness.

(S)

As a new home owner I immediately joined the Clarksburg Civic Association and have offered my services on the Board of Directors here at the Condo. In October a flyer was distributed in my building stating that there was a meeting on October 20, 2004 at 7:00 P.M. at the Hyattstown Fire Department. Before the meeting started, I had the opportunity to introduce myself to many people as they came in and raved about how happy I was in my new Condo and how unbelievably I was treated by the Bozzuto's organization and staff. I got very strange vibes and soon learned that living in the Condo's was a stigma rather than something to be proud of as part of a community.

Carol Smith, Amy Presley, Kim Shiley and a man whose name I do not know started the meeting with a brief overview of the Clarksburg Master plan and the retail center and before long the meeting took on a tone of "I hate Bozzuto, I hate the Condo's, I don't like looking up at them, their too high and let's tear them down!" While the women on the "Clarksburg Town Center Advisory Committee" stated that this was not the intention of the group, they agreed that the interpretation or the height of the buildings in the Master plan stated four (4) floors but they felt it should be 45 feet from the front door to midpoint on the roof. They also stated that this could be used as a wedge to get what they really wanted in the retail center and that they could hold up the building process by continually bringing up this point.

Two of my neighbors, Jean Cassey and Patricia O'Callahan, were also at this meeting and we soon felt like unwanted trash. I felt as though we had stumbled into a secret group meeting which was not meant for our ears. The fact that real live human beings with feelings, hopes and dreams, not to mention a financial investment, live in the Condo buildings seemed to escape the Committee and the audience. The majority of the people at the meeting were owners of single family homes and townhouses. We were so taken back by what was being said that we were left speechless. We were not sure whether to stay or go home and wake up our neighbors so that we could stand in front of the building and prevent the wrecking ball from knocking down our homes. As instructed, we all left our names and e-mail address's on the sign in sheet and were promised updates on future events, meetings and information, but to date have received none.

There is a communicating system in place in the Clarksburg Town Center now and all items of interest can be posted on the Intranet. This organization is not listed anywhere on the intranet under clubs or organizations. There are over 380 residents listed on the intranet so it is a perfect place to transmit information. If this group is representing the Clarksburg Town Center then why are they not listed as such.

As a matter of fact there is a meeting Thursday, February 24, 2005 at the Firehouse in Hyattstown at 7:30 P.M.. We found out about it from a Damascus reporter who asked one of the residents, who lives in the building, if they were going. The reporter said he would be there as well as the "Clarksburg Town Center Advisory Committee" and

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Michael Knapp - Councilman. I do not know who called the meeting or why, we were not told, but I will attend and find out what it is all about.

I moved to this community because I wanted to be part of a multi faceted type of living with a variety of ages, races and situations. I also wanted to be part of the decision making process, not the object of it. We who live in the Condo's seem to have been completely and deliberately left out of this process as though we do not exist. Needless to say I am disappointed and dismayed at the discrimination I find in a community purported to have originated mainly to bring together a community of diverse interests, ideas and people.

This group that calls themselves "The Clarksburg Town Center Advisory Committee" obviously do not represent the entire community and have spent time ad-nauseam over a people friendly retail center and the height of a building when maybe some time should have been spent bringing the entire community together as a group to find ways to improve it. We are people and we are friendly and we want to be a part of the community not the enemy! I applaud these women for the time and effort they have put into making the retail center more pleasing to the eye and in making it more people friendly. Improving the community further may include making more room for people who want and need condo's and MPDU's. This will allow the maximum amount of people to realize the American Dream. Sometimes the only way to increase the overall dream is to go up when out is not possible.

Needless to say my Mother, myself and all the residents who bought these condo's in good faith are now horrified by the decision to re-evaluate something that was already reviewed, approved, in compliance, closed on and now fully occupied by the home owners. We have all spent time and money to make our condo's our homes and hope the outcome does not leave us all on the street - homeless!

If you have any questions, please do not hesitate to call, e-mail or write.

Sincerely,

Elizabeth R. Forrest

PS - Happy to be in Maryland and hopeful of being part of a positive and productive community!

P.P.S. - At the last Planning Board Meeting on February 10, 2005 Additional Parking spaces at the new condo's was a part of the approval plan. This should make the single family and townhouse owners very happy because some of them park in these area's because they use their garages as storage units, not for their cars.

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FEB 24 2005

2005-0248

MCP-Chairman

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

From: adariani@comcast.net
Sent: Wednesday, February 23, 2005 7:03 PM
To: MCP-Chairman
Subject: Re: Height of building #3- 12824 Clarksburg Square Road!

Hello there,

My name is Maleeche Dariani and I am the owner of unit#402 at 12824 Clarksburg Square Road, in Clarksburg MD.

I have just been informed by other residents in our building that the Clarksburg Town Center Advisory Committee has filed a complaint with the Planning Board with reference to the height of our building at 12824 Clarksburg Square Road! First and foremost I have to say that I do not know who the Clarksburg Town Center Advisory Committee thinks they are representing because they certainly are not representing any of the condominium owners! If the Committee were representing condominium owners such as myself who have invested both a great deal of my hard earned money, and my valuable time then the Clarksburg Committee would have informed first the condominium owners such as myself and not file this complaint with the Montgomery County Planning Board in secret as it so appears to all of our residents at 12824 Clarksburg Square Road!

I personally think that this frivolous complaint with the builder (Bozzuto) was just a strong arm tactic for the Clarksburg Town Center Advisory Committee to get their way in terms of their requests with the Clarksburg Shopping Center development plan! Please note that my son Amir Dariani lives in a bozzuto built condominium in the King Farm development which is similar to the height of the 12824 Clarksburg Square Road building that is in compliance with the approved masterplan. Once again I (Maleeche Dariani) along with most of our residents at 12824 Clarksburg Square Road, in Clarksburg MD love this community, and are a part of the community therefore we also need to be notified of any public meetings or complaints that might have serious consequences to our community. That is basically why neither I nor any of my neighbors feel that the Clarksburg Town Center Advisory Committee is representing us, otherwise the committee would not have filed this complaint with the board without properly informing us at 12824 Clarksburg Square Road in Clarksburg, MD!

I sincerely hope that the Montgomery Planning Board dismisses this complaint with regards to the fact that the building is currently fully occupied, also the builder (Bozzuto) has not exceeded the four floor masterplan, and the underhanded way the Clarksburg Town Center Advisory Committee filed this complaint without properly notifying the residents at 12824 Clarksburg Square Road who after all would be the most affected by this unusual and unnecessary complaint!

Sincerely,

Maleeche E.
Dariani
Clarksburg Square Road,
Apt#402
Clarksburg,
MD

12824

T

301-977-1281

2/24/2005