

The Honorable Derick Berlage, Chairman,
And Members of the Mont. Co. Planning Board
March 8, 2005
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effecting compatibility with the Historic District. These Master Plan recommendations on height limitations are very specific and deal with stories only, not specific limitations in feet. Moreover, the "buffer" recommendations regarding the Historic District deal with areas that do not encompass and are indeed far removed from Buildings #3 and #6 of the Clarksburg Town Center. These areas are in the Town Center and the Master Plan specifically permits 4 stories to as many as 8 stories if within walking distance of the transit stop. Therefore, there is no basis for the CTCAC's contention that the scale and character of the Clarksburg Historic District requires the Master Plan to be read as prohibiting residential structures in the Town Center in excess of 45 feet or that the Project Plan restricts the height to 45 feet. All that is required is that these structures be 4 stories, a requirement that has been fully complied with.

Site Plan

The RMX-2 Zone further requires an approved site plan prior to building permit. The CTCAC contends that since the Project Plan purportedly capped the height of the multi-family residential buildings at 45 feet, the Site Plan could not permit a 4-story structure with height in feet excess of 45 feet. Once again, this conclusion is unsupported by the facts and the law. The Planning Board approved the Phase I Site Plan in an Opinion mailed on March 3, 1998 (the "Phase I Site Plan Opinion"). The Phase I Site Plan Opinion specifically found that the Phase I Site Plan was consistent with the approved Project Plan for the optional method of development and met all of the requirements of the RMX-2 Zone. Moreover, this Opinion provides Condition 38:

"The applicant may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings. Consideration shall be given to the building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking, etc. for staff review and approval."

The final determination of "height of building" expressed in feet is dependent upon several factors such as final architecture, setbacks, grading, etc., and will vary within a residential building of any number of stories. See 59-A-2.1. Moreover, due to the size and scale of the project, as illustrated by Condition 38, flexibility in matters not associated with fundamental findings of the Planning Board were anticipated after Site Plan approval. Based on a review of the Master Plan, the RMX-2 Zone and Project Plan and Site Plan findings, the notion that 45 feet



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was a fundamental finding of the Planning Board is erroneous. A 4-story structure consistent with the Master Plan recommendations and the definition of height from the Zoning Ordinance is the proper standard on which to assess compliance. It is the standard which the Staff used to respond to the CTCAC in properly rejecting its contention of height violations. Far from the unfortunate and misguided allegations by the CTCAC of "gross negligence" or undue influence by the Developer, the Staff applied the proper standards of review to the Project Plan and Site Plans and has properly rejected the CTCAC's claim of height violations.

Similarly, Building #6 was approved as part of the Phase II Site Plan for which the Planning Board issued an Opinion mailed June 17, 2002 (the "Phase II Site Plan Opinion"). Once again, the Planning Board found that the Site Plan was consistent with the Project Plan and requirements of the RMX-2 Zone. In the Phase II Site Plan Opinion, the Planning Board again identified the height of the buildings to be 4 stories and did not specify a height in terms of feet.

For the reasons stated above, there are no height violations by Bozzuto as it pertains to the buildings in question, of the Project Plan or Site Plan and, therefore, no grounds exist pursuant to Section 59-D-3.6 of the Zoning Ordinance for a finding by the Planning Board of a violation of the Site Plans.

Thank you for your attention to this matter. Should you require further information, please feel free to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP

Barbara Sears /kw

Barbara A. Sears

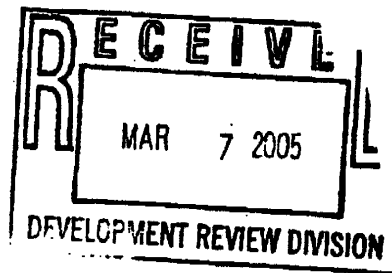
cc: Mr. Clark Wagner
Ms. Jackie Mowrey
Ms. Rose Krasnow
Mr. Michael Ma
✓ Ms. Wynn Witthans

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March 4, 2005

By Overnight Delivery

Hon. Derick Berlage, Chair
and Members of the Montgomery
County Planning Board
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Clarksburg Town Center -- Building Height Compliance

Dear Chairman Berlage and Members of the Planning Board:

This office represents NNPII-Clarksburg L.L.C. (formerly Terrabrook Clarksburg LLC) ("Newland"). Newland is the master developer of the Clarksburg Town Center. This letter responds to the January 25, 2004 complaint filed by the Clarksburg Town Center Advisory Committee ("CTCAC") concerning alleged building height violations within the development. Please include this letter in the public hearing record.

Clarksburg Master Plan

The thrust of CTCAC's argument seems to be that building height within a 4-story structure in excess of 45 feet is, *per se*, incompatible with the historic district and contrary to the recommendations of the Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area (1994) ("Master Plan") and subsequent Planning Board approvals for the Town Center development. The CTCAC relies on language selectively extracted from the Master Plan as support for its contention. As discussed below, the language cited by CTCAC is taken out of context and consists of generally stated principles the Master Plan itself clarifies with specific recommendations. In its letter, the CTCAC fails to advise the Board of the specific provisions of the Master Plan relevant to the building height issue. In so doing, the CTCAC tends to mislead the Board and unjustly criticizes the significant efforts by Staff in administering this large and complex development.

First, the Master Plan contains absolutely no specific height limitation for buildings in the Town Center in terms of feet. To the contrary, the Master Plan recommends that "all apartment buildings in the future Town Center will be four stories or less except within walking distance of

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the transit stop, where a building height of six to eight stories may be allowed if Master Plan recommendations concerning compatibility with the historic district can be achieved." p. 46.

Thus, the Master Plan does not support the CTCAC argument for imposition of a specific building height limitation in terms of feet. Moreover, the above-quoted passage demonstrates buildings in the Town Center District containing as many as eight stories are not, *per se*, incompatible with the historic district. Rather, the Master Plan confirms that a building containing up to eight stories may in fact be authorized if the Master Plan's recommendations regarding compatibility can be achieved.

The CTCAC also quotes part of a general statement found in Master Plan Policy 6 that states assuring compatibility with the historic district was a guiding principle of the planning process. p. 26. However, the CTCAC fails to advise the Board that the detailed discussion under Policy 6 recommends a specific buffer concept around the historic district to protect its character. *Id.* The Master Plan describes the buffer concept in detail, along with other recommendations, to assure development around the historic district complements the district's scale and character. p. 48-49. Again, the Master Plan recommendations in this regard do not contain any height limitation in terms of feet. Moreover, in pertinent part, the Master Plan recommends the following to assure the desired relationship between the "old" and "new" elements of Clarksburg:

"On the east side of the historic district, all development 400 feet east of existing MD 355 and/or on land which is within the historic district should be single-family detached structures which are no higher than two stories...New development near the church on Spire Street should be smaller in scale and sufficiently set back from the church." p. 49. (Emphasis supplied.)

The Master Plan also contains a diagram (Figure 21) that graphically represents the above guidelines (Attachment 1). The CTCAC fails to disclose to the Board either the specific Master Plan recommendations regarding compatibility with the historic district or Figure 21.

Figure 21 and the Master Plan language quoted above demonstrate the buffer area and height limitations recommended to assure a compatible relationship with the historic district are limited to the areas immediately adjacent to the historic district. The buildings in question are located more than 400 feet east of MD 355 and therefore are not subject to the height limitations within the described buffer area. In fact, the Bozzuto Condominium buildings are located over 2,500

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feet from the designated buffer area and are not visible from the historic district. As a consequence, the previously discussed recommendation for apartments containing 4 stories is the controlling guidance in the Master Plan.

RMX Zone, Project Plan and Site Plan

The Town Center is classified RMX-2. The CTCAC cites certain provisions of the Zoning Ordinance for the proposition that optional method development in the Zone is intended to encourage development in accordance with the recommendations, including the numerical limitations, of the Master Plan. However, as discussed above, more than a selective reading of the Master Plan demonstrates its language does not support the specific height limitation the CTCAC seeks to impose. This is particularly evident since the CTCAC argues such height limit was imposed to assure compatibility with the historic district in accordance with the Master Plan. However, the Master Plan assured a compatible relationship between "old" and "new" Clarksburg by expressly including the specific (and inapplicable) buffer recommendations discussed above.

We further note the project plan is in the nature of a concept plan. For example, Section 59-G-2.12(d) of the Zoning Ordinance requires the project plan to show only "the *general* bulk and height of the principal buildings" and "a *preliminary* classification of dwelling units by type...."(emphasis supplied) Section 59-D-3.4 of the Zoning Ordinance confirms the general nature of the project plan by requiring a site plan "to be consistent" (*i.e.*, harmonious or compatible) with an approved project plan. Section 59-D-3.4 does not require the site plan to be an exact replica of the project plan. See *Logan v. Town of Somerset*, 271 Md. 42, 57-58, 314 A.2d 436, 444 (1974) (construction and maintenance of swimming pool found to be consistent with the use of land for public park purposes); *Carriage Hill-Cabin John, Inc. v. Maryland Health Resources Planning Commission*, 125 Md. App. 183, 222, 724 A.2d 745, 765 (1999) (in evaluating a comprehensive care facility application's "Less Costly or More Effective Alternatives" criterion, numerical cost comparisons are not relevant when costs fall within a reasonable range, and projects may be found consistent even if one applicant's costs exceed that of another's in a comparative review) (quoting COMAR 10.24.01.07H(2)(c); *MacDonald v. Board of County Commissioners*, 238 Md. 549, 555, 210 A.2d 325, 328 (1965) ("the building of a golf course, the dredging of Swan Creek, the reservation of a school site . . . and the authorization of public utility services . . . are as consistent with increased rural residential development as they are with the building of high-rise apartments"). Thus, decisional precedent also confirms "consistency" does not mean exactitude. Nevertheless, and the foregoing

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notwithstanding, we also note the data table included with the Board's opinion approving the Project Plan specifically identified the *required* building height as "4 stories." Therefore, construction of the four story apartments in question satisfied this criterion.

We further note the RMX-2 Zone does not specify a maximum building height for development. Rather, because development in the Zone requires approval of a site plan, building height limits are established by the site plan approval. The Planning Board approved Site Plan 8-98001 for Phase I of the Town Center by its Opinion mailed on March 3, 1998. In its Opinion, the Planning Board specifically found the Site Plan as conditioned was consistent with the approved Project Plan. Significantly, the Board did not impose a condition specifying a maximum building height for development. To the contrary, Condition No. 38 of the Opinion states:

"The applicant may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings. Consideration shall be given to building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking etc. for staff review and approval." (Emphasis supplied.)

Therefore, contrary to the CTCAC's contention that the Project Plan established numerical standards that were inviolate, the Board's opinion approving the Phase I Site Plan demonstrates unequivocally that the Board delegated authority to staff to "review and approve" modifications in units and building types and locations provided the fundamental findings of the Board remained intact and in order to meet the Project Plan and Site Plan findings. As discussed above, the Master Plan authorizes 4-story buildings in the Town Center outside the historic district buffer area and without limitation as to building height in terms of feet. Furthermore, the data table appended to the Project Plan Opinion identified 4 stories as the required height limit. We also note the January 16, 1998 Staff Report and Recommendation for Site Plan 8-98001 stated "The multifamily units are four story apartment style buildings . . ." p. 12. The Staff Report also contained a project data table which similarly identified both the "Permitted/Required" building height and the "Proposed" building height as 4 stories. p. 32.

Regarding the Phase II Site Plan (8-02014), the Board's Opinion mailed June 17, 2002 specifically found the Site Plan, as conditioned, was consistent with the Project Plan. Similar to the Project Plan Opinion and Phase I Site Plan Opinion, the Board did not impose a numerical condition regarding maximum building height. However, the Board incorporated the May 2,

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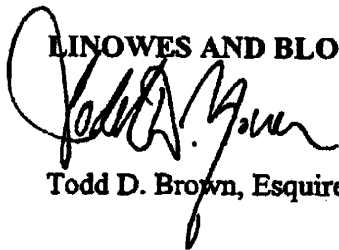
2002 Staff Report as a part of its Opinion. The Staff Report contains a project data table that identifies the "Permitted/Required" building height as 4 stories and the "Proposed" building height as 4 stories. No height limitation in terms of feet is referenced.

For the foregoing reasons, we respectfully request the Board find that no cause exists for issuing a notice of violation or a finding of noncompliance with the terms, conditions or restrictions of the Town Center site plans.

Thank you for consideration of these remarks. We look forward to discussing this matter before the Board at the upcoming hearing.

Very truly yours,

LINOWES AND BLOCHER LLP



Todd D. Brown, Esquire

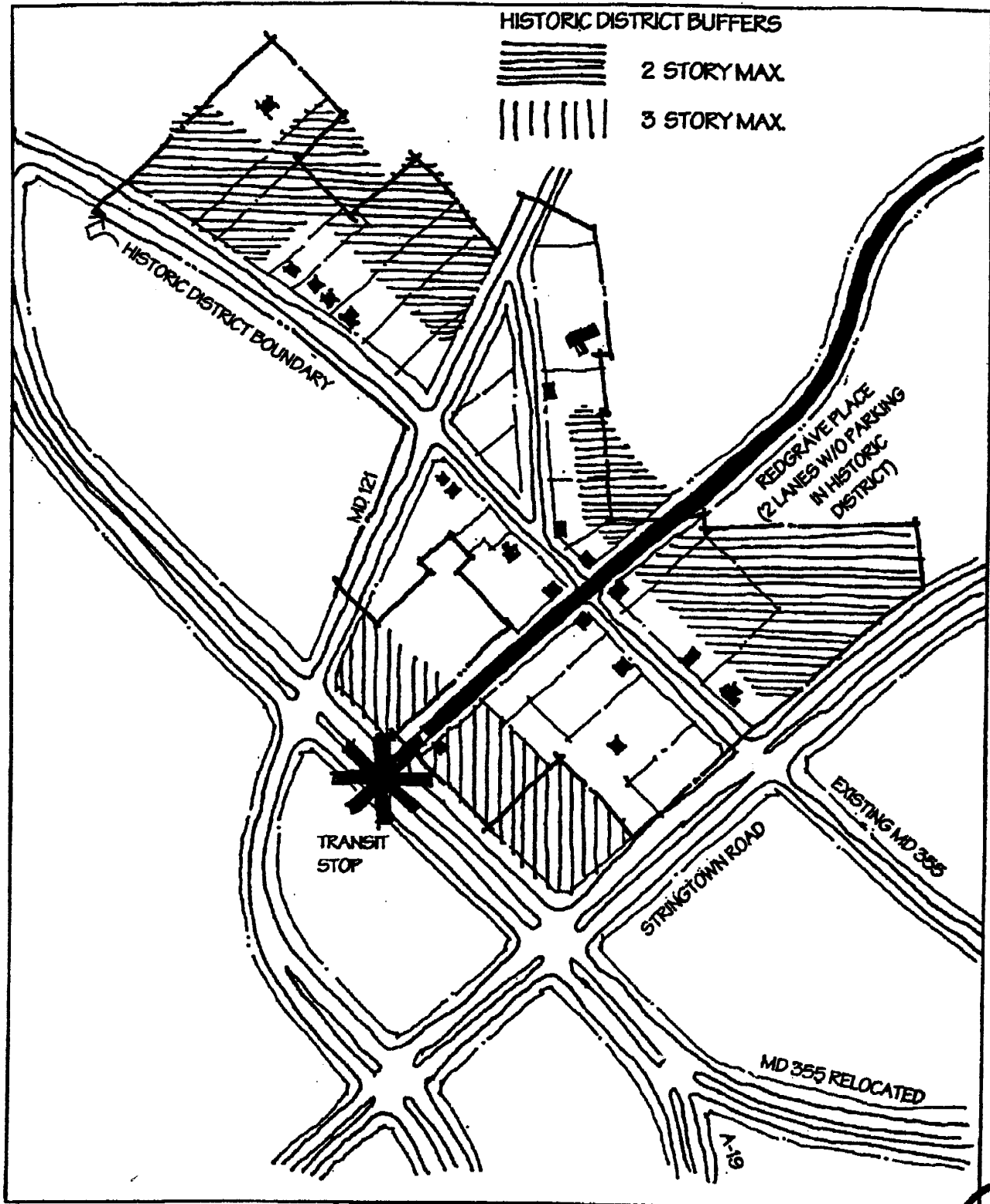
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Attachment

cc: Hon. Michael Knapp
Ms. Kim Ambrose
Ms. Rose Krasnow
Mr. Michael Ma
Ms. Wynn Witthans
Mr. John Carter
Ms. Sue Edwards
Ms. Nellie Maskal

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Clarksburg Historic District Buffers

Figure 21



Clarksburg Master Plan and Hyattstown Special Study Area
 APPROVED AND ADOPTED JUNE 1994

 MARYLAND-NATIONAL CAPITAL
 PARK & PLANNING
 COMMISSION

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March 10, 2005



The Honorable Derick Berlage
Chair, Montgomery County Planning Board
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Building Heights in the Clarksburg Town Center

Dear Chairman Berlage and Planning Board Members:

We would like to express our support for the Development Review Division's position regarding the four stories. We relied upon the understanding that the development approvals require a flexible four story limitation. We did not understand them to impose a rigid 45' height limitation, and would oppose its imposition now. We ask the Planning Board to consider our substantial investment in the look and feel of the Clarksburg Town Center, a lovely area.

Below, we explain the design of our townhome models, which are well-built, attractive, marketable and fit well within the Clarksburg Town Center, and meet the four story standard.

Craftstar's two story townhome models are stacked one on top of the other. In the vernacular, the townhomes are called "two over two's." Each model contains two separate, two story, living areas or dwellings. The two models are called the Madison and the Jefferson.

The two over two structure measures about 46' 6" to the roof's midpoint. Interior and exterior design features are necessary to meet the aesthetic requirements for Clarksburg's traditional new town development and marketplace expectations. We provide a 9' ceiling for the living areas and an 8' ceiling for the bedrooms. Although adequate, but certainly not ample, much less extravagant, the ceiling heights accommodate the Clarksburg Town Center's traditional window designs and trim details, and afford a window size that meets the building code for emergency escape.



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Less obvious, but no less important to the construction of a sound home, the structural floor system and the roof framing are typical for similarly sized townhomes. They are not unusual, yet they add to the height. Although we were able to successfully marry the traditional look and feel of the Clarksburg Town Center with marketplace demands, it was not an easy task. Eliminating the flexibility afforded by a four story standard with a rigid, numerical one, would have serious negative repercussions in terms of design and quality, and for no apparent reason.

The townhomes will be seen from various vantage points. Our "5/12 roof pitch" has a lower slope than others in the Clarksburg Town Center, which adds diversity and interest while maintaining the traditional new town look and feel. Even still, a 46' 6" roof *versus* a 45' roof is imperceptible even close up. When viewed nearby from the street, the roofs pitch falls behind the 41' 6" fascia board at the soffit, the end of the roof eave sloping above the upper windows.

As further comfort concerning the beauty and compatibility of our models, we note that we used the same dimensions, but with a slightly steeper roof pitch (6/12), nearby, in the Kentlands and in Quince Orchard Park, in Gaithersburg, and elsewhere in our Jefferson Park development in Fairfax County. In all locations, the models have been very popular.

We are very proud of our models, and, yet, we do not believe that they are overstated or overdone. Rather, like a traditional new town, they are of a human and comfortable scale, look and feel. We believe imposing a rigid 45' limit would be unwise, unfounded and unfair.

Thank you for your consideration.

Sincerely yours,



Curtis W. Adkins
Vice President
Craftstar Homes, Inc.

cc: Mr. Kenneth J. Mergner, General Manager, Construction, Craftstar Homes, Inc.



DATA SUMMARY: CLARKSBURG TOWN CENTER

Items	Required	Proposed
Lot Area	NA NA	201.34 acres (RMX-2) 68.82 acres (RDT) 270.16 acres total
Minimum Green Area or Outside Amenity Area:		
a. Within Commercial Area	15% (2.19 ac.)	28% (4.06 ac.)
b. Within Residential Area	50% (93.37 ac.)	53% (99.47 ac.)
c. Within RDT Area	NA	(25.72 Acres)
Density of Development Shown in the Master Plan:		
a. Retail	150,000 sq.ft.	150,000 sq.ft.
b. Office	770,000 sq.ft.	100,000 sq.ft.
c. Civic Use (not including elementary school)	NA	24,000 sq.ft.
d. Residential	1380 du (5-7 du/ac)	1300 du (6.6 du/ac)
MPDU's	12.5%	12.5%
Maximum Gross Leasable (Non-Residential) Floor Area	600,000 sq.ft. (0.5 FAR)	250,000 sq.ft. (0.39 FAR)
Setbacks:		
a. From One-Family Zoning		
- Commercial Bldgs.	100 ft.	300 ft. min
- Residential Bldgs.	50 ft.	50 ft. min.
b. From Any Street*		
- Commercial Bldgs.	NA	0 ft. min.
- Residential Bldgs.	NA	10 ft. min.
Building Height:		
a. Commercial	4 stories	4 stories (50 ft.)
b. Residential	4 stories	4 stories (45 ft.)
Parking Spaces:		
a. Off-street	2910	2910
b. On-street	NA	596**

Notes: * No minimum setback is required if in accordance with an approved master plan.

** Off-street parking is necessary to provide street oriented buildings. A waiver from the on-street parking requirements is needed within some of the townhouse and multi-family areas.

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B-98001

ANALYSIS: Conformance to Development Standards - RMX-2

PROJECT DATA TABLE

	Permitted/ Required	Proposed
Development Standard		
Lot Area (ac.):	30 ac min.	120.17 ac Phase I 270.16 ac Total
Dwelling Units:		
One-family detached		75
Townhouse		295
Multiple-family		398
TOTAL	150	768
Moderately-priced DUs included(12.5%)	96	96
Min. Green Area or outside amenity area (total for site)		
W/in the commercial portion of site	15%	n/a w/ Phase II
W/in the residential portion of site	50%	64.7%
Min. Number of dwelling units approved	150 du's or	1,300 du's w/ Optional Method utilizing Project Plan
	Not > MP recommendation	2,600 for Town Center total 1,300 CTC total 768 CTC Phase I
Building Height	4 stories	4 stories
Max. Residential Density (total site)	30 du/ac	11.9 du/ac (1,300 du/109.17 ac)
Min Bldg setbacks (ft.):		
From one family zone		
Commercial bldgs	100 ft.	n/a -w/ Phase II
Residential bldgs	100 ft	50 ft*
From any street		
Commercial bldgs	n/a	n/a - w/ Phase II
Residential bldgs	n/a**	10 ft min**

* Per 59-C- 10.38 allows for setback reduction by 50% if there are trees or other features on the site that permit a lesser setback w/o adversely affecting development on the adjoining property. The applicant seeks a 50% setback in the areas adjoining the Clarksburg Historic District where mature trees are in place and are proposed to be saved and embellished with additional planting

** The Planning Board reviewed this setback during the Project Plan Review and found that no setback is necessary per the approved master plan.

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ANALYSIS: Conformance to Development Standards for the RMX-2 Zone

8-02014

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	30 ac.	77.61 AC Phase II 270.16 AC Total CTC parcel
Density (dwelling/acre):		
Dwelling Units:	1,300 total	487 du
One-family detached		
One-family attached Townhouse		
Multiple-family		
TOTAL		
Moderately-priced DU's included (see discussion ahead)		
Min Green area outside of amenity area (total for site)		
Min. W/in Commercial portion of site	15%	n/a
Min. w/in residential portion of the site	50%	52.4%(40.68
	(38.81 ac)	Ac)
Building height:	4 stories	4 stories
Min. Residential Density	30 du/ac	11.9 du/ac (1,300 du/109.17 ac)
Min. Bldg Setbacks (ft.):		
From One Family Zone		
Commercial bldgs	100 ft.	n/a Phase III
Residential bldgs	100 ft.	n/a
From Any Street		
Commercial bldgs	n/a	n/a Phase III
Residential bldg	n/a	10 ft min*
Parking:		

	75 Phase I	153 Phase II
One-family detached	295	202
One-family attached Townhouse	398	132
Multiple-family	768	487
TOTAL	96	44

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Total @ 2/du for TH & MF
(SFD pkg provided on lots)

668

668
264 off street
404 Garage

Standard
Handicapped-accessible
(On street parking not included)

654
14

654
14

* The Planning Board reviewed this setback during the Project Plan review and found that no setback is necessary per the approved Master Plan.

MPDU CALCULATIONS:

MPDUs required : 163 (12.5% of 1,300 units)

MPDUs provided: Phase I: 96 Phase II: 45 Subtotal: 141 MPDU's for
1,231 units or 11.45 %

With the approval of this Phase II Site Plan, the MPDU provision is slightly behind the number of units approved. To balance out the number of MPDU's with the number of units approved, a portion of units within Phase I are proposed to be delayed in construction. These 150 (approximately) units are identified as Block EE and GG on the MPDU Phasing Plan of May 2, 2002. These blocks are intended to be revised by the applicant in the future and returned to the Planning Board for re-approval. When the final section of Phase III retail and the residential and the revised Phase I residential uses are reviewed by the Planning Board the full measure of MPDU's will be supplied to the project.

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April 2, 2005

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

Dear Sir:

I am writing this letter in protest of the actions taken by the builders in the Clarksburg Town Center. I freely admit that I have no expertise in the area of land law or the inner workings of the county planning commission. However, as a West Point graduate, I do feel that I have a solid background in the areas of integrity, appropriateness, and adherence to prescribed standards. Our master plan is called the master plan for a reason; it is the county-approved document for what is permissible in the Clarksburg Town Center. The builders have not adhered to the plan. I find it difficult to believe that any builder would include in their project bid that they intend to disregard the master plan, and any subsequent binding project plan in the pursuit of additional profits. However, here we are with numerous variations. Something has clearly changed from proposal to implementation.

When I purchased my home in this community, I did so with the vision of the small town feel with a traditional design orientation. I enjoy this area and I chose this area for many quality of life reasons that include a community that I enjoy. I specifically chose the lot that my home is built upon and was prepared to wait out the night sleeping my car through a nasty thunderstorm to secure that location. I am not an investor looking to make a dollar, I am a homeowner and a husband who is trying to provide the best life I can for my family.

In this era of rapidly appreciating home prices, it is a great time to be a builder. However, to make additional profit through improper practices is not acceptable. My Clarksburg Town Center Advisory Committee (CTCAC) has informed me that several of the setbacks and building height restrictions that are set forth in the project plan have been violated. One would have to infer that the changes resulted in additional profitability for builder. Otherwise, the builder's argument is that they changed the design to build larger residences and did not adjust the prices. However, because there have been sales price increases from phase to phase of the building development of the condominiums, that line of reasoning does not seem to be an adequate representation of their strategy. The prices rise in accordance to market value; smaller residences in the exact same location rarely command a premium over larger residences. That would lead to a conclusion of additional profitability for the builder.

If the project plan changed somewhere in the county planning process, that needs further examination. I would like to know how the plan changed. I would like to know what internal controls are in place to ensure that master plans and their subsequent project plans are not changed without due process. I would like to know what the process is and who approved the current process. I would like to know how we, as homeowners, can be assured that our county government is not under undue influence from builders to disregard published, public plans through back office dealing and other unsavory activity. I am not making any accusations or inferences that illegal activity has taken place, but I would like to know what was supposed to happen and why the system broke. I would like to know if an internal investigation has been launched to uncover what happened with the building restrictions.

To this point I have not specifically mentioned the retail center. The builder in this area did not act in good faith until a heavily attended community meeting demanded change. To their credit they agreed to work with the CTCAC to come to a more amenable solution. Although, there has not been anyone at a community meeting that has voiced an opinion in favor of having a very large Giant Grocery store included in the retail area. We apparently have one coming in. The residents and homeowners would prefer an option for our shopping needs. The addition of another Giant in this area does not seem to



Withhans, Wynn

From: Maria DeArros [mariadearros@comast.net]
Sent: Saturday, April 02, 2005 12:49 PM
To: MCP-Chairman
Cc: Krasnow, Rose; Ma, Michael; Withhans, Wynn; Carter, John; Maskal, Nellie
Subject: April 14th, 2005 Hearing for Clarksburg

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

Dear Mr. Berlage,

I'm writing to you with regard to my town, the Clarksburg Town Center. Specifically I wish for you to know and understand the need for proper oversight of the developers and builders here. If they (builders) do not conform to the Master and Project Plans as approved by MN-CPPC, I fear the Town Center will not realize its full potential.

My family purchased a home in Clarksburg Town Center in 2001, right at the beginning of the development. Our sales director at NV Homes, Ken, introduced us to the concept of Clarksburg's Master Plan. We visited the Terrabrooke Sales Trailer (before the visitor's center opened) and were thrilled with the vision of what could become the New Town Center on display. It was at the Terrabrooke Wine & Cheese Social where I first met Kathy Matthews and Nancy Hislop from the UpCounty Regional Services Office. We all visited with each builder and discussed the exciting possibilities of our new development with other families at that event.

So we fell in love with the Neo-Traditional Town Center style, bought a home almost a year before it would materialize out of the ground, and proceeded to move in and grow roots with the neighborhood. We watched as the bare fields were cultivated into this new town. Everyone is impressed with the explosion in the market that is driving such fast expansion in Montgomery County. We've met and established relationships with dozens and dozens of neighbors.

On August 4, 2004 a group of over 100 concerned Clarksburg Town Center residents met together after an earlier presentation in July made by Newland Communities regarding their retail section proposal. Newland's proposal seriously altered the original design of the Town Center retail section reflected in the Master Plan and Project Plan and marketed by the Builders and Developers of the Clarksburg Town Center. A number of residents at the August 4 meeting volunteered to serve on an advisory committee, and were voted by the meeting attendees to form the CTCAC to speak with one voice for the community to the developer(s). Newland and the residents thought this is a great idea, because when 200 or more neighbors attend the meetings with the developers, chaos ensues, and not all persons can be heard.

CTCAC has advised residents that there will be a hearing in front of the Board to review the facts regarding the issues about the building heights, and the setbacks from the streets, and possibly other problems where the developers have deviated from the Master and Project Plans.

I wish to go on record for your upcoming hearing of April 14th, 2005:

- I fully support the efforts of the CTCAC on behalf of the residents to uphold the Master Plan and Project Plan. Our Town Center is the central focus for the entire Town of Clarksburg. I'm very impressed with the quality of community involvement on the part of our residents, and how much they support the neighbors who are the CTCAC. The committee members have spent countless personal hours in a volunteer capacity. They've researched and studied all available

4/2/2005

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make much sense for residents, given the proximity of the Neelsville Shopping Center – about three miles to the south. Again, I understand Giant's desire to keep competitors out, but I would like to know what the process is for selecting an anchor store in a retail area like the Clarksburg Town Center. I would like to know if there are written policies, processes, reporting requirements, and control systems in place to ensure that the business being conducted in the development of my hometown is being done appropriately and effectively.

As of this point in time, there does not appear to adequate controls in place within the planning commission to prevent plan deviation. If this is an employee workload issue, then there are a few solutions. First, slow down building until the proper processes are followed. Secondly, increase staff with qualified individuals. Thirdly, improve control systems, including separation of duties and responsibilities so that no one person can make inappropriate changes, to ensure that ANY changes to the master and project plans are done openly, publicly, and with input from those residents that are affected. Any of these measures would increase the process.

However, if the problem lies neither with the planning process nor the planning commission there must be a penalty levied upon the builders for changing the project plan of my hometown in the pursuit of additional profits. That penalty should be to the full extent of what the law allows. I am not advocating the removal of the buildings, however, I am advocating triple damages based upon the additional profits secured by the builder for his inappropriate or negligent activity. The levied amount should be returned to community for additional improvements and upgrades.

Every month that I send a check to my mortgage company, I am paying a premium to live here. All I am asking for is to receive what I am paying for and the assurance that responsible parties are acting responsibly, or that they are accountable for their actions.

You may feel free to direct any responses to this letter to the CTCAC or to me at the address below.

Sincerely,

/s/ Brian J. Keen

Brian Jeffrey Keen
23701 Clarksmeade Drive
Clarksburg, MD 20871

Homeowner

CC:

rose.krasnow@mncppc-mc.org
michael.ma@mncppc-mc.org
wynn.withans@mncppc-mc.org
john.carter@mncppc-mc.org
nellie.maskal@mncppc-mc.org



documentation from Park & Planning, in order to accurately understand the concept and details of the Master and Project Plans, and the County development approval processes. The CTCAC does an outstanding job of meeting with and communicating this information to the residents of the neighborhood.

- ◆ The initial Master Plan was written with sensitivity to the historic district of Clarksburg and this perspective must be observed in all aspects of the construction and development of our New Town Center. This is the one and only chance for Montgomery County to build our town properly. Accountability and adherence to the Project Plan is the only way to accomplish our goals.
- ◆ The need for buildings in "scale and compatibility" with the historic district was a key driver for the Master Plan. As a means of ensuring building in scale and compatibility, Community Based Planning included that language as a requirement and further stipulated the height cap for buildings proposed (45' residential and 50' commercial). The Board approved this in the Project Plan. As a resident of CTC, I expect total compliance with the approved Project Plan, conditions and findings.
- ◆ Not only was the existing condominium built on the highest point within CTC, it exceeds the 45' height limit. The building is clearly not in "scale and compatibility" with the historic district or surrounding buildings. Granted, it's a beautiful and well crafted building, but you would not put a Sears Tower in CTC either. If it's not in conformance with the Project Plan, the board must make a ruling as such and then determine what to do in the "go-forward plan". I do not want to penalize residents already living in this building, but it is imperative that the developer/builder be held accountable for the violation... be prevented from further violations...and in some way compensate the community for the existing violation.
- ◆ Additionally, I fear that the proposed design for the retail section will be too dense. The developer seems determined to include 75 to 100 more residential condominiums inside the retail area. This is not part of the Project Plan, and should be rejected. If they propose a density that has a parking ratio of less than 2 spaces per residential unit there will not be enough parking for the working families. The reason for the resident's extreme upset over the plan in 2004 was partly due to the inclusion of so much residential in the retail area, and apparently this has not changed.
- ◆ When you look at the developer's plan for the anchor grocery store, is that in keeping with "scale and compatibility" of the Town Center? No. The board should not approve a grocery with a footprint so large and out of character with the Town Center Concept. Why are the residents of the Town Center not being heard regarding the size and selection of the anchor store?
- ◆ I fully expect M-NCPPC to act as guardians on behalf of the people of this county, and CTC specifically, to restrict the builder to build the community according to the Master and Project Plans.

Respectfully, I would like to know what I can do to help insure that the Project Plan is carried out as already determined. This way my Town Center will be everything that I expected when my family purchased our home. Your response would be greatly appreciated, via email or my address below.

Thank you very much for your time and consideration to these matters,

Maria DeArros
12721 Piedmont Trail Road
Clarksburg, MD 20871
301-515-4756

4/2/2005

(J)

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

4/2/2005

J

Witthans, Wynn

From: Arvin Shroff [arvinshroff@comcast.net]
Sent: Tuesday, April 05, 2005 4:25 PM
To: Witthans, Wynn
Subject: Fw: Clarksburg Town Center

Resent per request from Dorothy Krass

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

From: Arvin Shroff
To: Wynn.witthans@mncppc-mc.org
Sent: Friday, April 01, 2005 9:36 PM
Subject: Clarksburg Town Center

We moved to Clarksburg Town Center (CTC) about a year ago from Kentlands in Gaithersburg. We saw an exciting new plan that proposed a variety of housing, shopping and recreational areas for CTC. The plan was exactly what we were looking for and Clarksburg area was a perfect fit for our family. We thought the County Planning Board and the Clarksburg Citizens Group had done an excellent job and CTC was the perfect place for us.

When we first moved in, we had difficulty with obtaining telephone service, internet connection and mail delivery. To our surprise we found out from one of the County inspectors that the County does not consider telephone and internet services as essential for providing occupancy permit. In this day and age both of these are essential requirements. We lived with these hardship for a couple of months.

The purpose of my communication is to request you, as our elected representatives, to look after the best interest of the county citizens. We have noticed to our surprise that no one has been holding the developers and the builders accountable as the CTC moves forward. They are taking liberty with the plan that was approved by the board. They have made unauthorized changes that are detrimental to future well being of this community. In fact they have built structures that go way beyond what was allowed in the plan.

We expect you to hold the developer and the builders accountable at the forth coming hearing. We expect you to honor your commitment to the citizens of this County. We expect you to assure that the original plan stays intact and we expect you to hold firm. We moved to this community based on the plan that you had approved and that the builder and the developer had accepted. They came to CTC knowing what was expected of them. You should not be a party to what amounts to "bait and switch" tactic at this time.

We look forward to the hearing and will take copious notes at the proceedings to see who stands up for the ordinary citizens and who sides with the developer and the builders.

Thank you.

Arvin P. Shroff

Theresa Shroff

4/6/2005



Witthans, Wynn

From: Waveleteer@aol.com
Sent: Friday, April 01, 2005 9:01 AM
To: MCP-Chairman
Cc: Krasnow, Rose; Ma, Michael; Witthans, Wynn; Carter, John; Maskal, Nellie
Subject: Clarksburg Town Center

23613 General Store Drive
Clarksburg, MD 20871
301-916-2412

April 1, 2005

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

RE: Clarksburg Town Center

Dear Mr. Berlage:

I am a resident of Clarksburg Town Center. When deciding to purchase my home, I reviewed the Clarksburg Master Plan and visited MNCPPC to learn about the project and was very impressed with the care with which protection of the environment and density of development was considered. I was also impressed by the development concept of a small town look and feel with respect for the historic district and open green space. After speaking with MNCPPC, developers and builders, I got the impression that I could be confident that MNCPPC would make sure that the parameters and spirit of the Master Plan and approved Project Plans would be followed.

That is why I was surprised to hear that there may be existing and planned buildings that exceed height parameters in the Project Plan by as much as 20% or even more. To me, this is a big difference in scale, and makes a noticeable change to the rooflines, views and the look and feel of the community.

While change is inevitable, the bottom line to me is that the development in the area has only begun and that the MNCPPC should take a strong position with builders and developers that the Master Plan and Project Plans will be followed.

I support the efforts of the Clarksburg Town Center Advisory Committee in bringing this issue to the attention of the MNCPPC for appropriate action.

Sincerely,

Barbara Geshwind

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

4/1/2005



cCa
Clarksburg Civic Association
Clarksburg, Maryland 20871-0325

March 30, 2005

The Honorable Derick Berlage
Chairman
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Chairman Berlage

On Monday March 28, 2005, the Clarksburg Civic Association unanimously resolved to support the conditions and findings of the Project Plan (9-94004 as approved by the Planning Board May 11, 1995) as it pertains to setbacks (10 feet from any street for residential properties) and building heights (4 stories/45 feet for residential and 4 stories/50 feet for commercial).

During the 1992-1994 timeframe, the CCA has communicated its intent to maintain height restrictions, especially in the Town Center.

Among the CCA's consensus positions in 3/23/92 were:

"The Town Center District should not be planned around a predetermined population. Height limits necessary to establish a small town character should be the dominant consideration. No residential development east or west of I-270 should exceed three stories in height."

As the Master Plan process continued, in a 8/10/93 consensus position:

"The Town Center and Transit Corridor Districts should not be planned around a predetermined population. Height limits necessary to establish a small town character should be the dominant consideration. Six to eight story apartment buildings are inappropriate. Residential development should not exceed three to four stories." And considering that this paragraph included the Transit Corridor District, it would not be condoning a tall four stories in the Town Center.

In the matter at hand, it seems clear that a project plan restriction that is not explicitly over-ruled in a subsequent site plan (with adequate explanation and process), remains a construction restriction.

Sincerely yours,

Paul E. Majewski
President
Clarksburg Civic Association

M

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@mnccp-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@mnccppc-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
> 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
>

(N)

23802 BURDETTE FOREST ROAD
CLARKSBURG TOWN CENTER
CLARKSBURG, MD 20871

301.528.2878
301.402.7707
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.

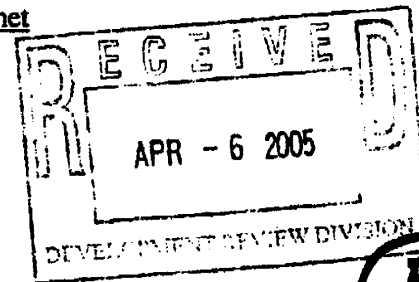
The developer needs to be held accountable for these violations and the Clarksburg residents need assurance that future construction will follow the master and project plans as approved, not as they wish. As a resident, I count on the M-NCPPC to protect the interests of this community.

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



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



MCP-Chairman

2005-0368

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

A handwritten letter 'R' enclosed in a hand-drawn circle, located in the bottom right corner of the page.

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 22 2005

OFFICE OF THE CHIEF OF STAFF
THE MONTGOMERY NATIONAL 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.

5

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

5

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 - ho.needless!

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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2005-0248

MCP-Chairman

OFFICE OF THE COMMISSIONER
THE MONTGOMERY PLANNING BOARD
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 Maleehe 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 (Maleehe 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,

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

12824

(T)

301-977-1281

2/24/2005