

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
July 27, 2004	Newland - Resident Meeting	<p>Newland held update meeting at Cedar Grove Church, Clarksburg, to present Site Plan for Town Center Retail area as intended for submission to M-NCPPC for Board review and amendment hearing.</p> <p>Over 100 CTC residents were in attendance and those present expressed strong opposition to the plans being presented by Newland (Gary Modjeska).</p>	<p>Residents realized immediately that the Retail Center as being proposed by Newland was severely flawed in design relative to the goals of the Master Plan, guidelines of the Project Plan and the concept marketed to them by the Developer and Builders. Specific issues included:</p> <ul style="list-style-type: none"> - Center was not pedestrian-friendly (large parking lot in center of strip mall configuration) - Center depicted had severe reduction in retail and office square footage (250,000 sq. ft. proposed in Master/Project Plan; roughly 113,000 sq. ft. proposed by Newland) - Center did not meet Project Plan requirements for pedestrian-orientation and "unique" aspects of center to serve as "focal point for Clarksburg and surrounding area." - Center showed the addition of two four story multi-family dwelling units (not permitted under the approved Project Plan) - Issues with Library on Town Square Green (Library was intended for Town Square Green placement – still being worked out with MC Library staff and M-NCPPC/Newland at the time) - No senior center or other civic use building (as "promised" to Clarksburg Civic Association initially)
July 31, 2004	Resident Meeting Invitation to attend an August 4, 2004 resident meeting	Kim and Carol hand-delivered invitations to every occupied residence in Clarksburg Town Center. (Over 200 invitations delivered).	<p>Kim Shiley and Carol Smith, having done previous work on investigating the retail center issues (both met with Wynn Withthans and Nellie Maskall of M-NCPPC prior to the Newland 7/27/04 meeting) realized the negative impact that Newland's proposed retail center would have if approved. They determined to hold a meeting with the community to advise them of the issues. Amy Presley (having gotten in touch with Kim and Carol via email on 7/28 as a follow-up to the 7/27 meeting) offered assistance in preparing a resident invitation and in hosting a resident update.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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August 4, 2004	Clarksburg Town Center Residents Meeting	<p>The meeting was held at the Hyattstown Fire Department and over 100 concerned residents attended. The meeting was led by Kim Shiley and Carol Smith. Residents were asked to sign in and names/phone numbers/ email addresses were collected for future follow-up.</p> <p>Issues pertaining to the proposed Retail Center design were discussed. It was determined that a committee should be formed for continued investigation and action on behalf of the residents. Volunteers were solicited and residents present confirmed the following volunteers as representatives for the Clarksburg Town Center Advisory Committee:</p> <ul style="list-style-type: none"> - Jerry and Regie Barbour - Tim Dearros - Randy DeFrehn - Lynn Fantle - Susan Frimond - Jen Jackman - Dennis Learner - Jeff Lunenfeld - Carolyn McAllister - Mark Murphy* - Niren Nagda - Amy Presley - Joel Richardson* - Kim Shiley - Carol Smith <p>*(not able to attend the 8/4, but added at 8/11)</p>	<p>Residents were all in agreement regarding shock at what was presented by Newland as compared to what was promised through marketing literature and through the Developer/Builders. Several residents confirmed builders having promised that CTC would be "like Kentlands, with little shops and restaurants, only better because of the additional green space." Strongest opposition arose relative to:</p> <ul style="list-style-type: none"> - Layout of retail in "strip mall" configuration - Reduction of retail/office space - Large square footage allocated to a grocer (vs. square footage left for other retail uses) - Lack of pedestrian orientation - Addition of residential units in retail area <p>The newly formed Clarksburg Town Center Advisory Committee (CTCAC) was tasked with researching the issues (review of Master and Project Plans and meetings with M-NCPPC) and developing a plan of action to advise Newland of the issues and encourage adherence to the Master Plan and Project Plan. The first meeting of the CTCAC was scheduled for August 11, 2004.</p>
August 7-11, 2004	Research, communications and planning	<p>Several members of the committee began extensive research on documents already retrieved by Kim Shiley relative to Master Plan, Project Plan and CTC retail center site plan (and staff report).</p>	<p>Researched several documents and began "petition" letter to M-NCPPC Chairman. Established communications with Newland and M-NCPPC staff in preparation for a meeting with Newland (targeting week of August 23rd). Initiated communications with Nancy Hislop/Doug Duncan's office and received word that she is aware of the issues and would like to participate in ensuring development in accordance with Master/Project Plan. Nancy indicated that she would attend August meeting.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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August 11, 2004	Meeting at M-NCPPC	Kim Shiley, Carol Smith and Amy Presley met with Nellie Maskall (at 10:00am) and then spent 4 hours reviewing and copying relevant materials (Master Plan, Project Plan, Board Opinions, site plan and other documentation).	Noted that file information was incomplete; had difficulty locating certain site plans; noted discrepancies with Data Tables as contained in Staff Report vs. Project Plan Opinion. Discussed issues with Nellie and requested meeting with John Carter.
August 11, 2004	CTCAC Meeting	First meeting of the CTCAC, held at Hyattstown Fire Department. Discussed communications with Newland and M-NCPPC to date, reviewed materials/information gathered – with specific attention to variations in plans from 1995 to 1997 to 2002 and implication of changes. Kim and Carol were confirmed as Co-Chairs of CTCAC; Joel Richardson and Mark Murphy (who indicated interest but were not confirmed at the 8/4 meeting) were confirmed as Committee members at this meeting.	Committee reviewed John Carter's comments that Newland Communities altered site plan is "not in conformance with either the Master Plan or the Project Plan" (reference Meeting Minutes attached, Page 1). Discussions were held regarding the suspicion that Bozzuto condominium buildings might be in violation of the height parameters and, also, discrepancies with Data Tables were discussed (reference Meeting Minutes attached, Page 1).
August 16, 2004	"Petition" letter sent to Chairman Berlage – M-NCPPC	Letter outlined concerns with proposed Retail Center site plan amendment and deviations from the approved Project Plan guidelines.	(Meeting Agenda and Meeting Minutes attached.) (Letter attached.)
August 17, 2004	Email to Josh Bokee (Councilmember Mike Knapp's assistant)	Letter advised Josh of the "petition" letter already sent to M-NCPPC Chairman with a copy to Mike Knapp and confirmed Josh's attendance at the August 26, 2004 meeting.	(Letter attached.)
August 17, 2004	Email to Catherine Matthews and Nancy Hislop	Letter advised of the August 26, 2004 meeting and requested attendance.	(Letter attached.)
August 17, 2004	Email responses from Catherine Matthews and Nancy Hislop	Letters confirmed shared interest in maintaining the "theme of the town center" "one that promotes safe pedestrian activity, retail, eateries, the public library, park space, etc."	(Letter attached.)
August 23, 2004	CTCAC meeting	Meeting held at the home of Kim Shiley to review draft of August 26, 2004 agenda and prepare for August 26, 2004 presentation.	Kim Shiley, Amy Presley, Carol Smith, Joel Richardson and Jen Jackman in attendance.
August 26, 2004	Meeting between CTCAC, Newland, Newland Counsel, M-NCPPC Staff, Upcounty Regional Services Staff, County Council Staff, Montgomery County Public Library Staff and Clarksburg Civic Association (Refer to attendee list on Agenda attached.)	Meeting held at Hyattstown Fire Station. Intent of meeting was to discuss proposed Town Center retail Site Plan Amendment and other issues. CTCAC intended to videotape the meeting to share information with residents, but Newland counsel (Todd Brown) vehemently objected and threatened to have his client (Newland) leave the meeting if CTCAC insisted on taping (refer to Meeting Minutes attached).	CTCAC made presentation and then held open discussion on issues relative to Master Plan vision/Project Plan guidelines. The height issue was first officially brought up at this meeting (reference pages 3, 7, 8 of Meeting Minutes attached). John Carter agreed that in view of needed design balance of West side/East side (retail), the September 30, 2004 hearing should be delayed until progress was made to address the East side issues (reference pages 7-9 of Meeting Minutes attached).

Clarksburg Town Center Development – History of CTCAC Actions

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August 30, 2004	Follow-up emails sent to meeting attendees	John Carter was advised, in a second email, that the CTCAC had supplemental questions pertaining to the Project Plan requirements and the overall site plan approval process. A meeting with John Carter was requested.	(Letters attached.)
September 5, 2004	Resident Meeting Invitation to attend a September 16, 2004 resident meeting	Kim Shiley, Carol Smith and Amy Presley hand-delivered invitations to every occupied residence in Clarksburg Town Center. (Over 200 invitations delivered).	(Invitation attached.)
September 13, 2004	Emails/letter to and from Kim Ambrose / Newland	Letter sent to Newland in response to email received from Kim Ambrose proposing meeting with CTCAC in mid-October.	Committee felt that mid-October was too late for a follow-up meeting with Newland (especially in view of the fact that the Committee was still under the impression that Newland had not withdrawn the submission for the September 30, 2004 Hearing). (Letters and responses attached.)
September 14, 2004	Meeting at M-NCPPC	Kim Shiley, Amy Presley, and Carol Smith met with John Carter, Nellie Maskal, Sue Edwards and Wynn Withthans to discuss more specifically the retail issues, supplemental questions to Project Plan conformance, M-NCPPC ideas regarding Library relocation, etc.	Specific concern was expressed to John Carter and Wynn Withthans regarding Newland's proposed residential within the retail area. Also discussed was the lack of sufficient retail space allocation, the size of the grocer (as compared to the balance of retail/office) and the height issue was brought up again. Wynn had to leave the meeting early, but John Carter made it clear to her prior to her leaving the meeting that research needed to be done on heights of condos. He also advised her that condos should not be on the main street within the retail area and suggested that the plan return to the original project plan proposal on that issue. Wynn confirmed that input had already been given by her to Newland requesting that they revise the submission to take these items into account. She agreed to follow-up on all issues, including height.
September 16, 2004	Clarksburg Town Center Residents Meeting	The meeting was held at the Hyattstown Fire Department, with over 100 residents in attendance. The meeting was led by Kim Shiley, Amy Presley and Carol Smith. Residents were asked to sign in and supplemental names/phone numbers/email addresses were collected for future follow-up.	Residents were given an update on discussions and/or meetings held with M-NCPPC and Newland since the August 26, 2004 meeting. (Meeting Agenda attached.)

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
September 21-22, 2004	Email correspondence between CTCAC members	Ongoing correspondence confirming discussions with M-NCPPC regarding height verification and other issues, confirmation of discussions with Newland, planning for Clarksburg Civic Association meeting, etc.	(Emails attached.)
September 27, 2004	Email to Wynn Witthans, M-NCPPC	<p>Email sent from Kim Shiley, with copies to John Carter, confirming recent attempts to get in touch with Wynn regarding requests for information.</p> <p>Email from Carol Smith to Kim Shiley noting that Wynn had advised that an inspector would be sent out to measure heights for the condos and also that she would confirm heights for 2/2's (not yet being constructed).</p> <p>(Emails attached.)</p>	<p>CTCAC explicitly spelled out the requests for clarification of:</p> <ul style="list-style-type: none"> - Heights - Discrepancies with Data Sheet (referring to previous discussion with Wynn questioning variances in Staff Report Data Sheet as compared to approved Project Plan Data Sheet) - Changes to the approved Project Plan relative to location of various multi-family, single family and townhouse units - Changes relative to the Church vista - Location of pool in town square area and absence of proposed tennis court (reduction of approved recreational amenities)
September 27, 2004	Clarksburg Civic Association meeting	Kim Shiley and Amy Presley attended meeting to discuss recently proposed plans for the retail center and to provide an update on CTCAC activities.	<p>CCA was unaware of proposed changes. Their response to residential units proposed within the retail was particularly negative. They also expressed extreme disturbance relative to the proposed retail square footage in terms of adequacy and expressed agreement with the CTCAC/CTC residents' expectations for adherence to the Master/Project Plans to create a town center that was a "unique" focal point for the entire study area.</p>
September 27, 2004	Email to Wynn Witthans, M-NCPPC	Email sent to Wynn Witthans from Kim Shiley confirming phone conversation of September 27, 2004.	<p>Wynn Witthans advised Kim Shiley via phone conversation that she would NOT be following up relative to the project building height verification. Rather, she requested Kim Shiley to get in touch with Newland on this issue and to retrieve any documentation or validation of height requirements and compliance from them.</p> <p>Wynn also responded regarding changes to multi-family and single family attached units and to recreation areas, etc. stating that the Project Plan "merely showed a series of sample blocks" which are "not binding." (Email attached.)</p>

Clarksburg Town Center Development – History of CTCAC Actions

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September 29, 2004	Email correspondence between CTCAC members	Emails between Kim Shiley and Amy Presley discussing lack of response from M-NCPPC, lack of appropriate information on site plans and ambiguity within the documentation/process.	(Emails attached.)
September 29, 2004	CTCAC meeting	Meeting held at the home of Kim Shiley. Discussions were held on recent interactions with M-NCPPC and planning for upcoming meeting with Newland.	Action plan included scheduling a conference call with John Carter to confirm his position on issues and discuss response from Wynn.
September 30, 2004	Email response from Wynn Withthans to Kim Shiley Emails between CTCAC regarding Wynn Withthans' email response	Wynn responded to Kim Shiley to "clarify" her summary of their prior phone call. She positioned that the Project Plan provides only one level of design while allowing for "morphing" which can lead to "differences of opinion." She emphasized that the Project Plan will be upheld through subsequent approvals. (Emails attached)	Note that although Kim's initial email to Wynn was also copied to John Carter, Nellie Maskal, and Sue Edwards, Wynn's response was only to Kim Shiley. Follow-up email between CTCAC members indicates the sense that Wynn had deliberately eliminated John Carter from the correspondence and that information contained about what John allegedly discussed with her did not align with what the group had heard from John from the August 26, 2004 meeting forward. It was determined that John needed to be made aware of the correspondence.
October 1, 2004	Email to John Carter from Amy Presley	Email sent to John Carter from Amy Presley requesting a conference call to discuss "pressing issues relative to the concerns presented at the last meeting" (meeting with Amy, Kim, Carol, John, Nellie, Wynn, and Sue Edwards). The email to John Carter included Amy Presley's responses to each point of the email sent by Wynn Withthans to Kim Shiley on September 30, 2004.	Excerpts from email to John Carter: - "Our understanding was that Wynn had agreed to have a zoning enforcer sent out to the site to determine the heights and review that against the Project Plan requirements. It seems odd to try to get this information from the developer. Nellie advised that we could make the request directly to Michael Ma to have a zoning person sent out, but based on Wynn's response, we are unsure how to proceed. Additionally, Nellie mentioned that the height limits are recorded on the site plan attached to the Project Plan with Board approval. We are having difficulty determining exactly which plan should be used as the final reference here." continued...

Clarksburg Town Center Development – History of CTCAC Actions

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October 1, 2004	Email to John Carter from Amy Presley (continued)		<p>Excerpts from email to John Carter (continued):</p> <ul style="list-style-type: none"> - "We are unclear as to why Wynn references the original plan when necessary to support the developer changes, but not to support (in our opinion) the intent of the Master Plan." - "It seemed quite clear to us that you expressed a desire to see the developer return to the original project plan relative to the town square and streetscapes – i.e. layout/types of buildings, and as you mentioned, even "down to the number of awnings," etc. We would like to know how much flexibility is afforded the developer under the "morphing" principle. This seems too vague to us and we would like to know the parameters." - "We are already seeing that the project plan is not being upheld to the degree we feel necessary... we see loopholes being created through approval of certain amended plans. We need assistance in determining how to help M-NCPPC ensure that the Master Plan and integrity of the concept are upheld." - "With the notion of allowable "morphing," we have growing concern relative to the newly proposed hearing date of Oct. 28 for the West side of the Town Square/Phase 1A approval."
October 1, 2004	Conference call with John Carter – M-NCPPC and Kim Shiley, Amy Presley and Carol Smith	Objective of the call was to discuss the emails received from Wynn and to clarify John's thoughts on open issues.	<p>(Email attached.)</p> <p>Although phone meeting minutes were not taken, the CTCAC group recollection is that John was consistent in maintaining the views he had already expressed relative to the importance of streetscapes being upheld as proposed in the Project Plan and Preliminary Plan and the need to ensure scale and compatibility with the historic district, etc. He also referred the group to Michael Ma in terms of discussions on height inspection/enforcement.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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October 11, 2004	Meeting at M-NCPPC with Nellie Maskal; Meeting with Michael Ma; Research, review and document copying	<p>Kim Shiley and Amy Presley spent four hours at M-NCPPC continuing to search for site plans, meeting with Nellie Maskal and then Michael Ma, and reviewing and copying documents. Met with Nellie Maskal first to determine how to access appropriate documents. Nellie advised that Wynn Witthans should be able to provide site plans (with height references) for the buildings in question and also referred us to Michael Ma for further assistance regarding enforcement issues.</p> <p>Met with Michael Ma to discuss issues to date with lack of responsiveness from Wynn, difficulty in accessing information that should be readily available in the files, and specific concerns about the height of the Bozzuto condominiums. Discussed with Michael our findings to date regarding inconsistencies with data tables and other records.</p>	<p>Wynn Witthans did not assist with our efforts, but once again merely allowed us to search through her files. There was great difficulty in locating pertinent documents. As of this date, we were still unable to retrieve site plans specific to the Bozzuto condominiums or plans pertinent to future 2/2's. This situation was discussed at length with Michael Ma. Michael advised that he was unfamiliar with the Clarksburg Town Center project, but that he would review the site plans and files to investigate the issues. We discussed our fear that additional buildings were going to be built that also might violate the height restrictions. He stated that staff may have made a mistake with site plans for the Bozzuto condominiums, but that he would ensure that no future mistakes were made. He also referred us to Douglas Johnsen, advising that we should request an inspection/site plan enforcement visit from him.</p>
October 12, 2004	Meeting with CTCAC and Newland	<p>Meeting held in Rockville (at conference location on Rockledge Drive). Attendees:</p> <p><u>Newland:</u></p> <ul style="list-style-type: none"> - Rick Coutreau, Regional Vice President - Kim Ambrose, Vice President - Les Powell, CPJ - Todd Brown, Linowes & Blocher <p><u>Cooper Cary Architects:</u></p> <ul style="list-style-type: none"> - David Kitchens <p><u>CTCAC:</u></p> <ul style="list-style-type: none"> - Kim Shiley - Carol Smith - Amy Presley - Jen Jackman - Tim Dearros - Randy Defrehn - Joel Richardson - Mark Murphy 	<p>Discussions were held regarding the residents' desires for a true new urban design and Town Center that would serve as a strong focal point and draw for the community and beyond (in accordance with the goals of the Master Plan). Comparisons were made by David Kitchens to Bethesda Row and the intent to design a center along those lines (although scaled back) was expressed. The CTCAC presented ideas gathered by the community as well as issues of the most concern, including the 63,000 sq.ft. allocation of retail for a grocery store. Newland verbally committed to incorporating the ideas and addressing the issues as discussed with the CTCAC team and to preparing revised design options for presentation and review at a meeting to be held October 26, 2004. Committee asked for verification of heights of condos and 2/2's and Newland advised that they would get that information for us.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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October 13, 2004	Email to Kim Ambrose, Newland	Email from Amy Presley to Kim Ambrose, thanking her for hosting the meeting between Newland and CTCAC.	(Email attached.)
October 13, 2004	Email to Nellie Maskal	Email from Amy Presley to Nellie thanking her for her time and assistance, and for her referral to Michael Ma.	(Email attached.)
October 13, 2004	Email to Michael Ma	<p>Email by Amy Presley to Michael Ma confirming issues discussed with him on October 11, 2004. Excerpts from email:</p> <ul style="list-style-type: none"> - "We appreciate your willingness to review existing site plans to determine compliance with the Master Plan and Project Plan guidelines. We will also be further reviewing the issues we discussed relative to placement of significant buildings and other potential deviations to initially proposed site designations for various residential, commercial and amenity locations." - "We were unable to find a copy of the approved site plan containing the Bozzuto condominium we discussed, and Wynn was only able to advise us that she confirmed with the developer that it was 4 stories..." - "We appreciate your offer to follow up on the specific height issue relative to the 4-story/45' height limitation clearly designated within the Project Plan Guidelines vs. the Bozzuto condominium height which we are certain exceeds the limitation." - "As you directed, we will be in touch with Douglas Johnsen to discuss our concerns and request zoning enforcement assistance." - - - - "...we appreciate your further investigation." 	(Email attached.)

Clarksburg Town Center Development – History of CTCAC Actions

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October 13, 2004	Emails between CTCAC members	Various emails discussing meeting with Newland, their commitment to revising the design for the retail area, and their inability to provide height information on 2/2's; and also discussing a response received by Carol Smith from Doug Duncan to a letter she had submitted to him in July.	<p>Committee was disappointed that Newland did not provide height information (initial request for this information was two months prior).</p> <p>Committee found it interesting that Doug Duncan was aware of Newland's process "of redesigning the retail parcel to better realize the original vision for that area" and "working with your group to come to a mutually satisfactory design." (Emails attached.)</p>
October 15, 2004	Email to Kathie Hulley, CCA	<p>Email from Amy Presley to Kathie Hulley advising of meeting held October 11, 2004 with Michael Ma. Excerpt from email:</p> <p>"We are still awaiting a response from him with respect to the actual height of the Bozzutto condos and the height listed on the approved site plan (we were unable to obtain a copy of the site plan on Monday). We discussed with him the procedural problem that may exist with the site plan approval group potentially overlooking or not ensuring adherence to the project plan guidelines."</p>	(Email attached.)
October 18, 2004	Emails between CTCAC and Kathie Hulley of Clarksburg Civic Association (CCA)	<p>Email from Kathie Hulley to Kim Shiley, forwarding email received from Wynn Witthans/M-NCPPC. Excerpt from Wynn's response to Kathie Hulley regarding the height of the Bozzutto condominiums:</p> <p>"I have inquired about the height of the Buzzotto condo buildings from the developer. They have not given me the height of the buildings. When the second phase of the Clarksburg Town Center went to the Planning Board, they were approved for 4 stories, which the buildings are (as measured from the front doors). We are waiting for the builder to give us the actual height of the buildings and then will get back in touch with you further."</p>	<p>Kim Shiley's email noted that Kathie had also spoken with Wynn. Kim relayed that Wynn said she "doesn't understand why we're making the height an issue" ... "It's four stories and that's what was approved." and that Kathie responded "Yes, Wynn, but there's a limitation to the height of those four stories." (Emails attached.)</p>
		<p>Email response from Kim Shiley to Amy Presley forwarding and commenting on Kathy Hulley's forwarded email.</p>	

Clarksburg Town Center Development – History of CTCAC Actions

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October 19-25, 2004	Emails between CTCAC members	<p>Emails regarding recent conversations and upcoming (October 20) meeting preparation. Quotation of Nancy Floreen's statement to Newland at the recent CCA meeting: "This better not be another strip mall"</p> <p>Email from Josh Bokee advising that Mike Knapp wanted to schedule a meeting</p> <p>Emails between Carol Smith/Amy Presley/Kim Shiley showing concern for notification to all residents and discussing frustration over lack of response to height questions on 2/2's.</p> <p>Email to Kim Shiley from Amy Presley confirming messages left for and conversation with Douglas Johnsen.</p>	<p>Note that Mike Knapp changed his initial meeting time from 7pm to 8 pm. Based on the change, and CTCAC having already sent notification to residents of a 7pm meeting time, CTCAC determined to use the additional hour to provide an update residents.</p> <p>Note that the Committee was going to extreme lengths (getting name and address information from tax records) to try to get notification to ALL residents regarding meetings and follow-up of CTCAC activities on behalf of the residents (reference Carol Smith email). (Emails attached.) (Email attached.)</p>
October 25, 2004	Email to Kim Shiley, CTCAC		
October 25, 2004	Email to Kim Ambrose, Newland	<p>Email sent to Kim Ambrose by Amy Presley, confirming meeting scheduled for October 26, 2004 at 4:00pm with CTCAC and Newland.</p> <p>Excerpt from email: "On a separate note, we would like to get copies from you of the architectural elevations and site plans for the Bozutto condos (existing) and the 2over2's (under construction). We would specifically like verification of the heights for these buildings (not in "stories" but in "ft."), as well as heights of structures planned for Section 3. Your assistance in making these available to us at the meeting would be greatly appreciated."</p>	<p>The Committee decided to put into writing the specific request for height information, as this was the third or fourth request for height information from the developer, and to date no information had been provided.</p> <p>Note that copies were sent to: - Nellie Maskal - John Carter - Wynn Withthans - Michael Ma - Douglas Johnsen (Email attached.)</p>
October 26, 2004	Phone call between CTCAC members	<p>Kim Shiley, Amy Presley and Carol Smith discussed the revelation that Newland was scheduled to meet with M-NCPPC prior to CTCAC's scheduled meeting with Newland that afternoon. Kim mentioned concern over reasons for Newland meeting with M-NCPPC first. Fear was that Newland could be attempting to convince and coordinate with Staff regarding their push for residential addition in the retail area, as well as their viewpoint on heights. Speculation was that meeting was in response to CTCAC's mounting efforts to prove issues of non-conformance with Project Plan.</p>	<p>Fear of group was that Newland would somehow coerce M-NCPPC Staff into agreement and then railroad CTCAC into acceptance of their revised plan. Kim Shiley predicted that the plans Newland would present to CTCAC would not show an increase in retail, would not show a reduction in allocation of square footage to the grocery store, and would continue to show a multi-family residence within the retail area previously zoned as retail/office. She further predicted that they would not address the height issues. Determination was made to keep an open mind during the meeting and respond appropriately after plans were reviewed.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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October 26, 2004	Meeting with CTCAC and Newland	<p>Meeting held in Rockville (at conference location on Rockledge Drive). Attendees:</p> <p><u>Newland:</u></p> <ul style="list-style-type: none"> - Rick Coutreau, Regional Vice President - Kim Ambrose, Vice President - Les Powell, CPJ - Todd Brown, Linowes & Blocher <p><u>Cooper Cary Architects:</u></p> <ul style="list-style-type: none"> - David Kitchens - Trini Rodriguez <p><u>CTCAC:</u></p> <ul style="list-style-type: none"> - Kim Shiley - Carol Smith - Amy Presley - Tim Dearros - Niren Nagda - Joel Richardson - Randy Defrehn <p>Meeting was held to present proposed revisions to the retail plan following input from CTCAC at the October 12, 2004 meeting. David Kitchens presented two new designs. New designs did not show reduction of grocery store square footage or increase in retail square footage as previously requested by the Committee. The Committee agreed to review the designs and respond with written comments.</p>	<p>Meeting was opened by Rick Coutreau expressing his displeasure at the Committee's recent interactions with M-NCPPC regarding the "height issue" and other issues of concern to the community pertaining to CTC development. He advised that he expected the Committee to be working with Newland directly and did not appreciate the Committee going through a back door with M-NCPPC without advising Newland of issues other than the retail center issues under discussion over the past months. He asked whether there were "other issues that the County is aware of that we are not?" and stated that he "would rather hear from our group and not the county on these issues."</p> <p>Amy Presley and Kim Shiley advised that Newland was made aware of the height issue on multiple occasions from the August 26, 2004 meeting forward.</p> <p>Kim Ambrose denied having been apprised by the Committee of the height issue and added that she would appreciate the Committee discussing all issues "here instead of at M-NCPPC." She also asked whether "there are other things we need to worry about?"</p> <p>Todd Brown interjected that "we all need to work together" and that "we are here to negotiate..." Before Todd finished his sentence, Rick Coutreau slammed his fist down on the table, exclaiming "The word 'negotiation' is not on this table! The word 'dialog' is in play." He then brought the meeting back on track by reminding the Committee that Newland was open to hearing from us and that in good faith they were trying to incorporate our ideas into the redesign of the retail, and that "that's what these meetings are about." He requested that we submit a list of our issues and that in the future we would work with them directly. He then invited David to present the revisions to the retail center plan.</p>

Clarksburg Town Center Development – History of CTCAC Actions

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October 29, 2004	CTCAC meeting	Meeting held at the home of Kim Shiley to discuss design options presented by Newland and prepare response.	Key issues included the need for more retail, better allocation of space, and elimination of proposed residential units. (Meeting Agenda attached)
November 5, 2005	Meeting with CTCAC and M-NCPPC	Purpose of meeting was to review and discuss retail design options presented by Newland and to get clarification on current issues relative heights of buildings, etc. Meeting attendees included John Carter, Nellie Maskal, Michael Ma, Sue Edwards, and Wynn Witthans from M-NCPPC; Kim Shiley, Carol Smith, Tim Dearros, Niren Nagda, Lynn Fantle, and Tricia Larade of CTCAC; and Kathie Hulley of CCA.	Discussions focused on community upset over retail center - proposed residential units, reduction in retail square footage and size of grocery. Option for moving library from the town square green to the retail area was suggested by M-NCPPC as a potential to alleviate parking dilemma. Committee agreed this could be an acceptable option. Issue of building heights was again brought up and Wynn Witthans advised that she had received information from the developer stating that the buildings in question were 57'. She also stated that the buildings conformed to the "four story" requirement of the Project Plan.
November 8, 2005	Email to Wynn Witthans	Email to Wynn Witthans from Amy Presley on behalf of the CTCAC. Letter confirmed the Committee's disturbance at Wynn's positioning of buildings in question as acceptable and requested action regarding buildings in violation. (Email attached.)	<p>Excerpts from letter: "... disturbed to hear that you would attempt to position the buildings in question as acceptable based on a "four story" height limitation, when the Project Plan Guidelines specifically define the height limitation as 45' for residential. We certainly expected that M-NCPPC would not only be aware of the guidelines, but would diligently ensure adherence to such."</p> <p>"The CTCAC unanimously agrees that buildings exceeding the height restrictions in the project plan guidelines must be altered to comply."</p> <p>"We must also have assurance from M-NCPPC that existing approved site plans that are in violation of Project Plan guidelines (conditions and findings) will also be addressed with the Board and appropriately rectified with the developer. Further we would expect that more stringent attention will be given to future site plan reviews to ensure adherence to all Project Plan conditions and findings. The CTCAC representatives present at the meeting were pleased to hear your assurances on these issues. Please advise us of your action plan for handling the existing site plan violations."</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
November 8, 2004	Letter to Kim Ambrose, Newland	Letter to Kim Ambrose from the CTCAC. Letter outlined Committee responses to options presented by Newland at the October 26, 2004 meeting. Letter also emphasized that Committee was awaiting response on height issues. (Letter attached.)	<p>Excerpts from letter: "In our meeting of August 26, 2004, the issue of the height of the existing condominiums with reference to the 45' height restriction in the approved Project Plan was raised, as was the height of the proposed two over two townhouse condominiums. Over the last two months, while we have repeatedly asked, we have not received specific answers or architectural drawings that clarify the height issues. We know that such information should be readily available with your architectural and engineering staff and/or subcontractors."</p> <p>"The simple fact that our request has not been met leads us to conclude that there could be a problem. With respect to our serious concern with the height issues we want to stress again that the limits on heights, as approved in the project plan and pursuant to Chapter 59 of the Montgomery County code Project Plan must be met. Should these specified limits be exceeded in the construction to date that would constitute a violation which (i) would require remedial action with reference to the offending existing structures and (ii) assurances from you and your subcontractors that such limits will be abided by in all current and future development in the Clarksburg Town Center."</p>
November 16, 2004	Email to Wynn Withthans.	Email to Wynn Withthans from Amy Presley on behalf of the CTCAC. Email confirms that CTCAC has not yet heard back from Wynn regarding the action plan for height violations. (Email attached.)	<p>Excerpt from email: "We haven't heard back from your office yet regarding the action plan for height violations discussed at the meeting with the CTCAC and your team on November 5th. We would like to know specifically what actions the M-NCPPC is planning to take. We would also like to know whether the CTCAC should write to Derick Berlage and the Planning Board to request action on this violation. Please include that information in your update to us."</p>
November 29, 2004	Email to Kim Ambrose, Newland	Email to Kim Ambrose from Amy Presley confirming next design review meeting with Newland on December 8, 2004.	

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
December 5, 2004	Email letter to Derick Berlage	Letter to Derick Berlage from the CTCAC. Letter outlines urgent concerns over height violations. (Letter attached.)	<p>Excerpts from letter: "As you may recall, per the letter you received from our group in August, 2004, the CTCAC (Clarksburg Town Center Advisory Committee) was formed in response to the Town Center residents' discovery of deviations by the developer (Newland Communities) to the Master Plan concept and Project Plan Guidelines. The residents elected the CTCAC to represent them in taking action with MNCPPC and the developer to ensure adherence to the vision and intent of the Master Plan."</p> <p>"We have determined multiple areas in which Newland has departed from the intent and vision of the Master Plan and, more seriously, violated the Project Plan Conditions and Findings. The most pressing issue is Newland's violation of the height restrictions. The approved Project Plan restricts building heights to 4 stories/45' for residential and 4 stories/50' for commercial. The Master Plan and Project Plan clearly state the necessity for ensuring compatibility of scale with the historic district. As confirmed to us by John Carter and Nellie Maskal of Community Based Planning, and Michael Ma of Development Review, this was a driver for the height limitation of 45' for residential structures."</p> <p>"... gravely disturbed that buildings already constructed in Phase 1-B3 of the CTC development (Bozutto condominiums) measure 57', as recently confirmed to CTCAC by MNCPPC Development review. Newland also confirmed a height in excess of 45', but stated that the building was 53'4". In either case, the structures are not compatible in scale with the historic district. This is a serious violation which requires immediate attention."</p> <p>"... there are also buildings currently under construction within Phase 2B (Craftstar 2/2 Condominiums – Parcels B & N) which also violate the height restrictions, with planned heights of 51'7".</p>

Clarksburg Town Center Development - History of CTCAC Actions

Date	Action	Action Detail	Comments
December 5, 2004	Email letter to Derick Berlage (continued)		<p>Excerpts from letter (continued):</p> <p>"Further, there are several other site plans previously approved for Phase 2C which include additional Craftstar 2/2 Condominiums with planned heights exceeding the 45' maximum allowable according to the Project Plan Guidelines. Apparently, the site plans for these structures were erroneously approved, and/or the developer did not specify heights on the site plan (beyond "4 stories") and has violated the height restriction without MNCPPC's awareness. The CTC residents are seeking immediate action by MNCPPC to correct this situation before new buildings are constructed." (emphasis added)</p>
December 10, 2004	Email to Catherine Matthews	<p>Email to Catherine Matthews from Amy Presley as a follow-up to the Transportation Meeting. (Email attached.)</p>	<p>Excerpts from email:</p> <p>"It was wonderful to hear your views regarding Clarksburg Town Center and to know of your support of our efforts to uphold the Maser Plan and Project Plan vision and intent."</p> <p>"We take the building of our Town Center very seriously and are willing to do whatever necessary to ensure compliance with the Master Plan vision. As you know, it is the last chance along the 270 corridor to get this right!"</p>
December 13, 2004	Meeting with M-NCPPC Staff and CTCAC	<p>Meeting with John Carter, Rose Krasnow, Michael Ma, Wynn Witthans, and Sue Edwards of M-NPPC, and Kim Shiley, Amy Presley, Carol Smith, and Niren Nagda of CTCAC. Meeting was held in response to ongoing, unanswered requests for action on height violation issues. Intent of meeting was to introduce Rose Krasnow and to discuss specific items for resolution. Committee members made it clear that they expected the Staff to issue a violation notice to Newland.</p>	<p>Note that Wynn Witthans did not bring the site plans in question to the meeting. Both Michael Ma and Wynn stated to the Committee members that no height was provided on the site plans, only a notation of "4 stories." Michael Ma suggested there may have been an error in approving the past site plans, but that that would not happen going forward. Regarding Bozzuto condominiums in violation, Michael stated that landscaping could be provided to compensate for height. The group made it clear that landscaping would not sufficiently address the violation visually. Michael then suggested that the staff would work with us to focus on the retail issues and provide input to Newland to ensure that those areas were acceptable to the residents.</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
December 14, 2004	Email to John Carter	<p>Email to John Carter, Michael Ma, Wynn Witthans, Sue Edwards, and Rose Krasnow with confirmation of items discussed at the December 13, 2004 meeting. Copies sent to Councilman Mike Knapp, Catherine Matthews, Nancy Hislop, and Chairman Derick Berlage. (Email attached.)</p>	<p>Excerpts from email: "As discussed yesterday, violations must be called out by MNCPPC as violations. Otherwise, the entire validity of the Project Plan process is nullified. It is not appropriate to enable developers to arbitrarily deviate from Project Plan conditions and findings... especially in an RMX2 project under the "optional method of development" where such conditions and findings are "expressly tied to" and "not automatically severable" from the Project Plan, without remanding the entire Project Plan back to the Board for consideration." "There is a proper process for the Board to review and address such developer desires in a hearing prior to the construction of structures which clearly violate terms and conditions of the Project Plan." "As stated by Michael Ma, and confirmed by Wynn Witthans, the site plan(s) for the Bozutto condominiums as well as the 2/2's, did not contain specific height measurements – they merely stated "four stories." Therefore, we do not believe that MNCPPC is responsible for the violations." "... The developer is clearly accountable and responsible for compliance with all conditions and findings of the Project Plan. It is evident that the developer was aware of the 45' height limitation for residential structures, and, under the "Site Plan Enforcement Agreement," takes full responsibility for development in accordance with that limitation." "We cannot sit idly by while developers change Project Plans at whim, according to market drivers. We appreciate your help in ensuring the sanctity of the Master Plan/Project Plan process." "We will await your response regarding issuance of a violation notice to the developer."</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
December 21, 2004	Email to Rose Krasnow	Email to Rose Krasnow from Amy Presley regarding lack of response on request for violation notification. (Email attached.)	Excerpt from email: "We have not yet heard back from you regarding the height violation issues and are wondering whether MNCPPC intends to issue a violation notice to Newland. The CTCAC would greatly appreciate a written response before the end of this week."
December 23, 2004	Email and Letter to Kim Ambrose, Newland	Letter to Kim Ambrose from Amy Presley regarding status of Committee response to recently reviewed design options. (Email and Letter attached.)	<p>Excerpts from email: "All were pleased with the direction Newland is taking relative to the overall design, yet we still have some outstanding concerns." "Understanding your desire to move quickly towards a site plan hearing, we did not want to wait until after the holidays to submit our comments to you. The attached letter outlines our comments regarding the new concept."</p> <p>Excerpts from Letter: "The new design is visually interesting..." "The new location establishes the library as a "significant" building, as appropriate according to the Master Plan/Project Plan." "Regarding functionality, specifically with respect to the Master Plan/Project Plan vision and guidelines for the Town Square retail area, there are several issues of great concern still outstanding with the new design. We find the following issues to be of most significant concern: - Reduction of Retail/Office Space..."</p> <p>"The grocery store in the new design has a footprint of 63,000 sq. ft. This accounts for more than half of the total retail area planned, leaving a balance of only 53, 500 sq. ft. for other retail establishments. We find, and are supported by county officials, that the planned grocery store is too large for the scale of the community and should be reduced to allow for other retail and/or entertainment space (as encouraged by the Master Plan to create a unique and lively focus)."</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
December 23, 2004	Email and Letter to Kim Ambrose, Newland (continued)		<p>"The footprint of the grocery store (Giant) at Kentlands is 60,854 sq. ft. We do not need a grocer of that size to support this area. If so, then we also need retail proportionate to that of the Kentlands."</p> <p>"If the grocery store is intended as the sole anchor to achieve a destination center draw, competition with the Cabin Branch and Clarksburg Village retail areas and grocer (to be built soon after Clarksburg Town Center) should be considered. Thought and commitment must be given to creating a unique draw to the Town Square/Retail center – such as the addition of entertainment space (movie cinema cafes/theater, etc.) – not merely a large grocery store. Again, "create a Town Center which will be a strong, central focus for the entire study area."</p> <p>"As noted, we find an appropriate mix of retail and office space to be critical to supporting the Master Plan/Project Plan vision for Clarksburg Town Center. Based on the plan presented we do not see an appropriate allocation of retail/office space to accommodate the mix of uses envisioned."</p> <p>"The addition of residential units within the retail area of the Town Square is not in accordance with the Master Plan/Project Plan and reduces the amount of office/retail space available. W suggest eliminating the residential units...to provide for office space (2nd floor) above retail (1st floor) along Clarksburg Square..."</p>
December 24, 2004	Email from Rose Krasnow	Email response from Rose Krasnow to Amy Presley regarding meeting follow-up and request for issuance of violation. (Email attached.)	<p>Email excerpt: "I am well aware that you had hoped to receive a response from me by the end of this week, and I apologize that I am not meeting that deadline. I should have a response to you either Monday or Tuesday."</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
December 30, 2004	Letter from Rose Krasnow	<p>Letter from Rose Krasnow to Amy Presley, on behalf of CTCAC, regarding subject: "Building Heights in Clarksburg Town Center Phase I Site Plan #8-98001 and Phase II Site Plan #8-02014.</p> <p>Despite actual heights contained on Site Plan Phase I and Site Plan Phase II, Rose Krasnow responded that buildings were not in violation. Committee determined (through use of Word "Properties" function) that Wynn Witthans was the author of the document.</p> <p>Committee was outraged by contents of the letter which clearly did not accurately reflect the situation or the appropriate resolution.</p> <p>(Letter attached.)</p>	<p>Excerpts from letter: "Following review of all pertinent documents and careful consideration of your concerns and your position respecting this matter, Commission Staff has concluded that: the Planning Board made the required finding that Site Plan No. 8-98001 ("Site Plan") is consistent with Project Plan No. 9-94004 ("Project Plan"); (2) that finding was properly made; and (3) the buildings in question comply with all conditions and development standards attached to the Site Plan. Staff finds no basis upon which to cite the developer or builder with a violation and is disinclined to do so."</p> <p>... "With respect to their height, the buildings in question comply with the Zoning Ordinance/Master Plan and Site Plan development standards; and, therefore, in Commission Staff's view, the height of the buildings do not violate the condition of the building permit that the buildings comply with zoning regulations."</p> <p>"At the December 13 meeting, there appeared to be a consensus among Commission Staff and attending CTCAC members that the site plan does not specify a height limitation – it only specifies that the buildings will be four stories – and, further, that the buildings in question are four-story buildings. As such, it is not disputed that the buildings in question (including the other multi-story buildings proposed but not yet built, as well as the "two-story over two-story" (2/2) buildings) are in conformance with the Planning Board's approval of the Site Plan." (Email attached.)</p>
January 1, 2005	Email to Dorothy Krass, M-NCPPC	Email to Dorothy Krass from Amy Presley, confirming meeting with Derick Berlage on January 10, 2005 at 4:00pm.	

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
January 10, 2005	Meeting with Derick Berlage, M-NCPPC Chairman	<p>Meeting with Derick Berlage, John Carter and Sue Edwards of M-NCPPC and Amy Presley, Kim Shiley, and Carol Smith of CTCAC. Meeting was scheduled by Committee to discuss the serious nature of the violations within CTC, to alert the Chairman to the length and scope of the Committee's attempts to gain resolution through M-NCPPC staff, and to implore the Chairman to issue a violation notice to the developer.</p> <p>Committee prepared a Table (Clarksburg Town Center Development – Documentation Relative to Height Restrictions) for discussion with Derick. (Note: At the time of scheduling the meeting with Derick, the Committee just received Rose Krasnow's letter. The Committee had not yet formally responded, but brought the letter to the meeting with Derick for discussion.)</p> <p>Committee discussed history of interactions with M-NCPPC staff, requesting that Derick take a closer look at the issues and violations. Derick advised that, from his legal perspective, "the case could be effectively argued either way." He also advised that a formal "violation hearing" would have to be held to make the determination. He agreed to further review the information we presented and determine if it warranted such a hearing.</p> <p>Derick requested that the Committee prepare it's written response to the December 30, 2004 letter received from Rose Krasnow and submit it to him, along with other commentary and formal request for a violation hearing.</p>	<p>Excerpts from Agenda: "III. Height Violation Discussion - Master Plan - Project Plan - Montgomery County Codes - Preliminary Plan - Site Plan - Site Plan Enforcement Agreement"</p> <p>Excerpts from Documentation table: "... The first and only appearance of this altered data table among M-NCPPC documentation is within Wynn's Staff Opinion/Site Plan Review. In submitting a new data table, Wynn has independently overridden... the "Findings" approved by the Planning Board in the final Project Plan. Her submission to the Planning Board could be viewed as misleading and negligent at best. At worst, it could be viewed as a deliberate alteration or omission of specifications, inappropriately serving the developer's desires."</p> <p>"The Developer and its legal counsel were aware of the conditions for development of RMX2 under the "Optional Method" of development... 59-D-3 requires height specification, as well as assurance that buildings are consistent with the approved Project Plan."</p>
January 11, 2005	Email to Derick Berlage, John Carter, and Sue Edwards	<p>(Agenda and Documentation table attached.) Email to Derick Berlage, John Carter, and Sue Edwards from Amy Presley following up on the January 10, 2005 meeting.</p>	(Email attached.)

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
January 19, 2005	Email to Councilman Mike Knapp	<p>Letter to Mike Knapp from Amy Presley following up on Committee's meeting with Derick Berlage. (As Mike was instrumental in arranging a meeting with Derick, and the Committee was having ongoing conversations with him pertaining to the situation in CTC, he requested that we keep him apprised and follow up with him after our meeting with Derick.)</p> <p>(Email attached.)</p>	<p>Excerpts from email: "As promised, I have attached a copy of the document we prepared for our meeting with Derick Berlage. The document outlines pertinent details from the Master Plan, Project Plan, Zoning Ordinances, site Plan and Site Plan enforcement pertaining to height issues for CTC." "For your information, John Carter and Sue Edwards also attended the meeting (they were invited by Derick). We are certain that John agrees with our position and not sure why his opinion in not contained in the "Staff Opinion" submitted by Rose relative to the height issues. It seems that Rose's team (Development Review) provided the only input to the Staff Opinion on the height violations."</p>
January 20, 2005	Emails between CTCAC Members and Bozzuto	Emails regarding meeting requested by Bozzuto to review proposed Manor Home changes.	<p>"We believe that we must hold M-NCPPC accountable. The Master Plan/Project Plan process is invalidated if at the last stage (in Development Review), developers are enabled to breach agreements and standards previously approved by the Board." "We greatly appreciate your assistance in upholding the Master Plan concept for CTC and in ensuring accountability/enforcement within M-NCPPC." (Emails attached.)</p>
January 26, 2005	Email/Letters to Chairman Derick Berlage.	<p>Email package sent to Derick Berlage from Amy Presley, on behalf of the CTCAC.</p> <p>Package contained an email, cover letter, letter with embedded response to Rose Krasnow's December 20, 2004 letter, and Document table (Documentation Relative to Height Restrictions).</p> <p>(Email and Letters attached.)</p>	<p>Excerpts from Letter dated January 25, 2004 (05 - letter was mis-dated): "The CTCAC, and the entire Clarksburg community, had placed its faith in M-NCPPC, expecting M-NCPPC to faithfully serve as guardians of the Master Plan intent and to ensure adherence to the Board-approved Project Plan. Unfortunately, we find not only that the M-NCPPC Staff has been grossly negligent in the Site Plan review process, but, based on the subsequent Staff determination regarding the height violations, has fallen abysmally short of serving the citizens of Clarksburg."</p>

Clarksburg Town Center Development – History of CTCAC Actions

<p>January 26, 2005</p>	<p>Email/Letters to Chairman Derrick Berlage (continued)</p>	<p>Excerpts from Letter (continued): "We respectfully request a full Board hearing on this issue." "We would like the Board to consider this letter as an issuance of a formal complaint regarding height violations within Clarksburg Town Center development. Based on the provisions of Zoning Ordinance 59-D3.6, we would also ask the Board to exercise its right to issue a stop work order pursuant to Site Plans previously approved for buildings not yet built, but also having the potential to exceed the height guidelines as defined in the Board-approved Project Plan Findings. Without such action on the Board's part, we fear that development of other buildings will proceed and the community will have no recourse." "In view of the pending development of other buildings in question, we believe action must be taken immediately. Scheduling of a hearing date prior to February 10th will be greatly appreciated." Note regarding Rose Krasnow Letter with Embedded Comments: As of this time, the Committee had not received or located the unaltered site plans for the buildings in question, nor did it understand the significance of the Signature Site Plan and its data table. The Signature Site Plan set was not provided to the committee (although requests for complete site plan documentation were made of Wynn Withans and then Michael Ma on several occasions prior) until days before the April 14, 2004 Height Threshold Hearing. Even then, the documents were only retrieved through the personal assistance of Rose Krasnow. The Committee, at time of preparation of the response to the December 30, 2004 letter from Rose, could only argue based on a requirement for Site Plans to conform to Project Plan requirements, and that "4 stories" would have to be interpreted by the definition of "4 stories" as contained within the Project Plan Data Summary.</p> <p>(Email and Letters attached.)</p>
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Clarksburg Town Center I lopment – History of CTCAC Actions

Date	Action	Action Detail	Comments
February 1, 2005	Meeting with CTCAC members, Kathie Hulley of CCA, Clark Wagner, Vice President & Director Development Services and Jackie Mowrey of Bozzuto, and Les Powell of CPJ	Meeting intent was to review with CTCAC the proposed increase from 9 to 12 units per Manor Home, in preparation for Amendment Hearing scheduled for February 10, 2005. Committee and Kathie Hulley gave input and agreed to testify on behalf of Bozzuto at the hearing.	At meeting, Amy Presley asked Les for the height of the buildings. Les responded "4 stories," laughing. Amy clarified, "No, Les, not in stories, in feet and inches" to which Les responded "Hey, I was told to put '4 stories'. Wynn told me to write it as '4stories'."
February 1, 2005	Emails between Wynn Withthans, M-NCPPC and Amy Presley, CTCAC	Email string regarding misinterpretation by Wynn Withthans of Committee request. (Email string attached.)	Excerpt from Wynn's email: "I am aware that you already know this as you, and your group have been in contact with others in our agency with various questions. If you would prefer to receive answers to your questions more directly, I invite you to contact me directly. Then my colleagues won't have to ask me and then get back to you!"
February 3, 2005	Meeting with CTCAC and Newland	Meeting held in Rockville (at conference location on Rockledge Drive). Attendees: <u>Newland:</u> - Rick Coutreau, Regional Vice President - Kim Ambrose, Vice President - Les Powell, CPJ - Todd Brown, Linowes & Blocher <u>Cooper Cary Architects:</u> - David Kitchens - Trini Rodriguez <u>CTCAC:</u> - Kim Shiley - Carol Smith - Amy Presley - Tim Dearros - Niren Nagda Meeting was held by Newland to discuss retail center comments submitted by Committee to Newland (Response to Options 1 and 3) and to present Newland's final design.	Committee discussed outstanding issues with reduced square footage, addition of residential, allocation of square footage, and concerns about grocery store size as well as concerns regarding types of establishments that might be contracted by Regency for the Town Center retail. Kim Ambrose stated that they were comfortable with the changes they had made in response to our Committee and intended to submit what they had for site plan review. She also stated that they would be scheduling a presentation of the current design to the CTC residents. Committee made clear that it was very pleased with the David Kitchens and Trini Rodriguez and felt the center would look beautiful (continent upon implementation along the lines of architectural detail as depicted in the drawings presented), but that it still had opposition to the residential units and misgivings about the commitment to ensure adequate and appropriate selection of retail tenants.
			In response to concerns about the types of retail establishments needed for appropriate Town Center functionality and "draw," Kim Ambrose and Rick Coutreau offered to schedule a meeting for Committee with Regency representatives.

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
February 10, 2004	Manor Home Amendment Hearing	Committee members Kim Shiley, Carol Smith and Amy Presley attended the hearing and gave testimony supporting Bozzuto's request for modification of homes from 9 to 12 units each. (Testimony attached.)	<p>Excerpts from testimony: "We are Co-Chairs of the Clarksburg Town Center Advisory Committee, known as the CTCAC. We represent the residents of Clarksburg Town Center. The residents elected the CTCAC to represent them in interacting with MNCPPC and the developer in order to ensure adherence to the vision and intent of the Master Plan. It is important for the Board to know that the CTCAC and residents are in full agreement with the Land Use Objectives of the Plan, especially with regard to creating a pedestrian-friendly town center area to serve as the central focus for the entire study area. We support the development of Clarksburg Town Center. However, we believe that awarding a developer a project of this magnitude also conveys a serious responsibility to develop in accordance with the vision of the Master Plan, and with a sensitivity to the community at large. The developer must not only develop in accordance with the Master and Project Plans, but also in a way that will result in a functional Town Center – one that will adequately serve the residents and community well into the future. All of the residents bought in to Clarksburg based on the vision presented to them by the developer and the builders – that of a True Town center. Therefore, the CTCAC's focus is in reviewing all aspects of development from that perspective." "Although we have encountered several areas to date in which there has been a departure from the intent and vision of the Master Plan, with respect to today's hearing on the Manor Homes, we are in support of the developer's intent." (continued)</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
February 10, 2004	Manor Home Amendment Hearing (continued)		<p>"We believe that the development of the Manor Homes, specifically the addition of supplemental units, is in compliance with the Master Plan objective to "encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles, and physical capabilities at appropriate densities and locations." (p9) We welcome the development of the Manor Homes, with the stipulation that they be built in accordance with the scale and character of the surrounding community. In this regard, we have a few points for consideration:</p> <ul style="list-style-type: none"> - First, we would like assurance that the building heights will not exceed 45' (in accordance with the Project Plan #9-94004 and Preliminary Plan #1-95042 specifications). We have not seen on the Site Plan a specific denotation of height in feet and inches. We have only seen a denotation of "Four Stories" ... which is not adequate." - "... we are concerned as to the building materials that will be used in the construction of the Manor Homes. Since the Manor Homes are significant buildings, some of which actually serve as "entry way" focal points, it is imperative that the buildings be constructed using the finest quality of materials for the façade. We suggest incorporating brick, stone and/or other elements ... compatible with the character of the other buildings in the community." <p><i>Note: The Board questioned Staff as to why there was no height present on the plans presented. Staff replied that the buildings were "4 stories." The Board required "guarantee" from Counsel for Bozzuto (Barbara Sears, Linowes & Blocher) that the buildings presented would not exceed 45'. The Board asked whether the builder/counsel would be willing to accept the 45' limitation as a condition of approval. Ms. Sears replied, on behalf of Bozzuto, that her client would accept that condition. The Board also asked whether, as a condition of approval, Bozzuto would agree to present designs for review and acceptance by CTCAC. Ms. Sears also agreed on that condition.</i></p>

(Testimony attached.)

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
February 19-23, 2005	Email string between Wynn Witthans and Kim Shiley	<p>Emails from Kim Shiley to Wynn Witthans confirming response from Wynn after request for information</p> <p>Email response from Wynn Witthans to Kim Shiley</p> <p>(Email string attached.)</p>	<p>Excerpts from emails to Wynn: "To re-cap the conversation we did have, you stated that: - architectural elevations are not required to be submitted by the builders to you for site plan approval. - that you may have the Bozutto building elevations, but would have to check on them and their whereabouts, and - that you definitely did not have the Craftstar 2 over 2 architectural elevations. Your suggestion to me was to obtain the elevations from the builder, Bozutto, myself." "This leaves me confused and frustrated, as M-NCPPC is a tax-payer funded governmental entity that is supposed to serve the County's residents and communities. It does not seem appropriate for me to be directed to contact the individual private entities, the builders, for such information." Note that copies of this email were sent to <i>Chairman Berlage</i> and <i>Rose Krasnow</i>. Two days later, <i>Kim</i> received a different response from <i>Wynn</i>. Excerpt from email to Kim: "Kim – we do have architecture for 2/2, condos and manor homes. You can make copies of the sheets you would like to here at our info desk." Excerpt from Kim's email: "When we last spoke, you advised me that there would definitely be a hearing regarding the height issues most probably on March 3, with a slight possibility for February 24. I understand that the March agenda has been determined, yet our Threshold Hearing has still not been scheduled." Excerpt from Rose's email: "The date has now been officially set for Thursday, March 17, 2005. Official notices will be sent out on Friday, March 4th. Note: <i>Wynn</i> later "forgot" to send out notices and hearing was postponed until April 14, 2005.</p>
February 22, 2004	Emails between Kim Shiley and Rose Krasnow.	<p>Email from Kim Shiley to Rose Krasnow regarding scheduling of the Threshold Hearing. Email from Rose to Kim conforming a date.</p> <p>(Email attached.)</p>	<p>Excerpt from Kim's email: "When we last spoke, you advised me that there would definitely be a hearing regarding the height issues most probably on March 3, with a slight possibility for February 24. I understand that the March agenda has been determined, yet our Threshold Hearing has still not been scheduled." Excerpt from Rose's email: "The date has now been officially set for Thursday, March 17, 2005. Official notices will be sent out on Friday, March 4th. Note: <i>Wynn</i> later "forgot" to send out notices and hearing was postponed until April 14, 2005.</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
February 23-24, 2005	Meeting with Taylor Chess, Regency Centers, Newland representatives, and CTCAC Members Letter to Taylor Chess	Meeting was held with Regency and CTCAC members to discuss plans for the retail section of the Town Center. (Letter attached.)	Excerpts from Letter: "... appreciated your time and the opportunity to express the concerns and expectations of the community based on the master plan vision." "We were pleased to hear of Regency's intent to create a "restaurants as entertainment" focus along the lines of the Bethesda row approach. We were equally pleased to have you confirm an intent to attract and secure tenants that would be considered "upscale" versus typical strip-mall tenants like "Jerry's Subs and Pizza"..."
February 24, 2005	CTCAC Resident Update Meeting	Meeting was scheduled for February 24, 2004, cancelled due to snow conditions.	For purposes of this record, it is sufficient to state the CTCAC continued to conduct both advisory and resident update meetings from March through present. (Meeting agendas and minutes are available upon request.)
March 15, 2005	Conference call with Michael Ma, Kim Shiley, and Amy Presley; and follow-up email string between Committee, Michael, and Rose	Michael called Amy (who conferenced Kim Shiley into the call) to provide more detailed information as to why the Threshold Hearing notices were not sent out in time for the March 17, 2005 schedule (i.e. Wynn "forgot"), as Kim and Amy had requested specific information on this issue. Michael also called to advise the Committee of recent set-back violations discovered and to arrange for a convenient time for hearing(s) to be rescheduled. Michael advised that they had removed the retail and west side amendment hearing from the schedule and that, due to the current situation (that it is so "controversial") will not put it on the agenda again. Noted that he had "not received the retail plan, but until we get input from you guys we will not submit it again, especially in view of what is going on." (Email string attached.)	Statements from phone conversation with Michael Ma: "Regarding the height violation date, I know you want to have an early date and we had an internal meeting to determine if we could move it up to April 7 th , however, we have discovered more problems. The reason I didn't mention it last week was that we were still investigating the nature and scope of the problems. There are a number of buildings in the Town Center that violate the building setbacks (10' from the street) and there are buildings currently near completion but no occupancy permits will be released. We have asked the developer/builders to go back to the entire subdivision and look at how many units are in violation. We understand so far that it is at least 50. We are awaiting a roadmap that shows which lots and buildings are in violation." Based on the "Board's desire to hear both matters simultaneously" Michael suggested that we select the April 7 th or 14 th date for the hearing. Kim and Amy agreed to the 14 th based on Amy's schedule.

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
March 19, 2005	Email response letters to Bozzuto residents; Email string regarding CTCAC History, and notification to residents	Response letters from Amy Presley to Bozzuto residents who sent letters to M-NCPPC Chairman following a meeting with Clark Wagner.	<p>It was reported to the Committee that in the meeting(s) Mr. Wagner advised the Bozzuto residents that the Committee was attempting to take a "wrecking ball" to their homes. Other comments were expressed, along the lines of the "self-appointed CTCAC" not representing all of the residents and that the CTCAC actions could damage the property value of the Bozzuto residents homes... implying that the Committee was against condo owners, etc.</p> <p>Impact was that at least two residents sent angry letters to M-NCPPC Chairman. (These letters are available as part of the Staff Report for the April 14, 2005 Hearing). The Committee response was to send response letters to the two individuals.</p> <p>Additionally, the Committee prepared and sent out (community-wide) a "History of the CTCAC" (attached) and scheduled a meeting open to all Bozzuto residents in order to answer any questions and alleviate their concerns.</p> <p>The Committee also began a systematic polling of residents (door-to-door), getting signatures of support for the CTCAC and its actions (nearly 200 signatures were obtained).</p> <p>(Letter attached.)</p>
March 25, 2004	Letter to Catherine Matthews	<p>(Emails with History letter attached.)</p> <p>Letter sent to Catherine Matthews from Amy Presley, on behalf of the CTCAC, outlining concerns regarding the Retail Center as discussed with Catherine and Nancy Hislop.</p>	

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
April 15, 2005	Phone call to Rose Krasnow and to Michele Rosenfeld	Phone conference with Amy Presley, Kim Shiley and Rose Krasnow, and with Michele Rosenfeld.	<p>Based on information realized at the hearing the day prior, Amy and Kim called to Rose to express suspicions of wrongdoing by Staff and to express the Committees uneasiness regarding processes within M-NCPPC. Based on certain Staff admission during the hearing, such as having "cleared" files (resulting in loss of pertinent documentation), Amy Presley requested that Rose remove all files from Wynn's office and transfer them to the legal department, where they could be held while the Committee was enabled to thoroughly review documents and obtain information it was seeking. Rose agreed to this request and later returned the call to advise Amy that the files had been moved.</p> <p>Rose transferred call to Michele Rosenfeld. Michele could not confirm that all documents pertaining to CTC were now in the possession of the legal department. Neither would she agree to provide a statement that she could not do so. She did agree that she would provide a listing of any supplemental documents, including the location from which they were retrieved, on Monday (April 18).</p>
April 17, 2005	Follow-up email to Rose Krasnow / cc to Michele Rosenfeld	<p>Email was sent by Amy Presley to Rose Krasnow to confirm information discussed on Friday, April 17, 2005. Copies were sent to Michele Rosenfeld, Catherine Matthew and Councilman Mike Knapp.</p> <p>(Letter attached.)</p>	<p>Excerpts from email: "As stated by you, and confirmed with Michele Rosenfeld, your office was unable on Friday to confirm to us whether or not the documents retrieved from Development Review represented all documents on file pertaining to Clarksburg Town Center or, specifically, to the amendments A-E for Site Plan #8-98001. We were advised that you had retrieved all available documents from Ms. Withthans office, but that you could not guarantee that there were not other existing documents in other locations." "... especially in view of our concern regarding the potential for documents to be misplaced or even "thrown away" by staff..." "... we will receive from the legal department..specific listing of any subsequent files or documents found..."</p>

Clarksburg Town Center Development – History of CTCAC Actions

Date	Action	Action Detail	Comments
April 19, 2005	Email to Catherine Matthews	Letter from Amy Presley to Catherine Matthews detailing serious concern over recent hearing and overall issues with M-NCPPC.	(Letter attached.)
April 21, 2005	Meeting with Michael Ma and Confirmation Email to Michael Ma	Amy Presley and Kim Shiley met with Michael Ma to request information and discuss concerns. Email sent to Michael Ma from Amy Presley confirming meeting, discussions and requests.	As of this date, no response was received from Rose Krasnow or Michele Rosenfeld. Excerpts from email: "We wanted to confirm with you our conversation and our requests for the following: - Letter from your legal department stating what additional CTC documents, if any, have been retrieved and from what locations since last Friday.. - Letter detailing the status of the setback hearing that was initially scheduled for 4/14/05 and then was removed from the agenda. We want to know specifically any and all actions taken by Staff (or any that may have been taken by the Department of Permitting Services – if M-NCPPC is aware of such) since the time you initially notified us of the hearing. We want to know whether actions have been taken to waive the setback requirement to enable occupancy of the 2/2's which had initially been denied occupancy permits. We would also like to know the status on other buildings in violation of the setback requirement (as you discussed with us several weeks ago when you advised us that the developer and builders had come forward to acknowledge multiple other violations to setbacks in addition to the 2/2's which were denied occupancy." (Reconsideration request attached.)
April 22, 2005	Request for Reconsideration	(Email attached.) Request for Reconsideration sent to Chairman Derrick Berlage.	(Reconsideration request attached.)
April 26, 2005	Email to Marlene Michaelson	Email to Marlene Michaelson (at the suggestion of Mike Knapp).	(Email attached.)
April 27, 2005	Supplement to Request for Reconsideration	Supplemental information sent to Chairman for consideration.	(Email attached.)
April 27, 2005	Email to Marlene Michaelson	Email to Marlene Michaelson to provide supplemental information as sent to Derrick Berlage.	(Email attached.)