

CLARKSBURG TOWN CENTER
ISSUES REVIEW MEETING – AUGUST 24, 2004
AGENDA

Date: August 26, 2004

Location: Hyattstown Fire House

Time: 5:00pm

Attendees: **Clarksburg Town Center Advisory Committee (CTCAC)**
Newland Communities representatives –
Gary Modjeska, Commercial & Retail Specialist
Kim Ambrose, Vice President of Operations
M-NCPPC representatives –
Sue Edwards, Team Leader I270 Corridor Area
John Carter, Chief, Community Based Planning Division
Wynn Withans, Development Review, Planning Department
Montgomery County representatives –
Josh Bokee, Aide to Council Member Mike Knapp
Cathy Matthews, Director, Upcounty Regional Services*
Nancy Hislop, Assistant Director, Upcounty Regional Services*
**on behalf of Doug Duncan, Montgomery County Executive Office*
Department of Public Libraries –
Attendee to be confirmed

AGENDA:

- Introductions
- Situation Update
 - Chronology of events (June through present)
 - CTCAC activities (residents' election through present)
- CTCAC Presentation of Key Concerns and Expectations
 - Master Plan/Project Plan concept and compliance requirements RMX2 Zoning and requirements relative to "optional method" of development
 - Issues surrounding deviations to Master Plan/Project Plan and true "New Urban Development"
 - Proposed retail center
 - Proposed supplemental residential development (multi-family)
 - Proposed RDT Zone reduction
 - CTC Residents' Expectations
- Open Discussion
 - M-NCPPC response
 - Newland Communities response
- Agreement on Next Steps/Action Plan

Clarksburg Town Center (CTC) Advisory Committee
August 26, 2004
Minutes of Meeting

The CTC Advisory Committee conducted a CTC Issues Review Meeting with Newland Communities on August 26, 2004. The following individuals were in attendance:

Representing Newland Communities:

- Kim Ambrose
- Charlie Maier
- Gary Modjeska
- Todd Brown
- Terri Davis

Representing M-NCPPC:

- John Carter
- Wynn Witthans
- Nellie Maskal
- Sue Edwards

Representing Montgomery County Council:

- Josh Bokee (Mike Knapp's office)

Representing MC Upcounty Regional Services:

- Nancy Hislop

Representing MC Public Libraries:

- Barbara Noland

Representing Clarksburg Civic Association:

- Kathie Hulley

Representing CTCAC:

- Kim Shiley
- Carol Smith
- Amy Presley
- Joel Richardson
- Jen Jackman

Additional CTCAC members and residents in attendance: Dennis Learner, Niren and Jaya Nagda, Jerry and Regie Barbour, Randy DeFrehn, Lynn Fantle, Carolyn McAllister, Tim DeArros, Tricia Larade, Mark Murphy, and Sandy and Bob Hanagan.

****Prior to the official opening of the meeting, Todd Brown of Newland Communities voiced concern regarding the CTCAC's intent to video tape the meeting, stating, "If it's taped, we won't meet." When pressed for a reason for*

opposing the taping, Mr. Brown replied that they didn't need a reason, and once again, he reiterated that Newland Communities would leave the meeting if the session was going to be taped. CTCAC agreed to forego the taping, with notation in meeting minutes as to Newland's position.

Due to the resistance by Newland to allow recording the meeting was delayed and was officially opened at 5:20 p.m. by CTCAC Co-Chair, Kim Shiley. Introductions were made and an overview of the situation was presented by CTCAC spokesperson, Amy Presley:

- 6/14/04 HOA meeting: Residents made aware of potential issues with proposed plan.
- 7/27/04: Newland presented Amended Site Plan Proposal
- 8/4/04: Meeting of CTC residents; election of CTC Advisory Committee (CTCAC)
- 8/11/04: CTCAC Meeting
- Supplemental CTCAC activity from 8/4/04 – present.

Ms. Presley then reviewed highlights of the Master Plan, Project Plan, and Preliminary Plan #1-95042. (Please refer to handout of 8/26/04 meeting for specific details.)

Carol Smith, CTCAC Co-Chair added that the purpose of the meeting was not to be confrontational – but instead to establish communication between Newland Communities, CTC residents, and all other interested parties.

CTC Residents' key concerns:

- Deviations from the Master Plan Concept
- Deviation from Project Plan Conditions and RMX2 Zoning Requirements (relative to optional method of development)

Deviations from the Master Plan Concept included the following:

- Proposed Retail Center
 - “Strip Mall” with field parking lot
 - Not pedestrian friendly
 - Buildings not oriented to Main Street
 - Not in accordance with Master Plan/Project Plan
 - Reduced retail square footage.

Ms. Presley added that these deviations were not in keeping with the concept of the Town Center/Town Square as intended by the Master Plan, upheld by the Project Plan, approved by M-NCPPC, marketed and sold to residents. Specifically, that the center was not pedestrian friendly, did not connect with the Main Street as originally intended, and that the proposed strip configuration and stores (based on Regency's typical developments) would include major grocery, predetermined to be a Giant, flanked by

typical strip-mall fast-food establishment, also predetermined to be a Jerry's Subs & Pizza... noting that these types of establishments were not the "cafes" or "bistros" and gathering places in the "Kentlands-type" of development typical of New Urbanism and promised by Terrabrook.

- Proposed Supplemental residential (4-story plus parking, condominium units)
 - Replaces previously designated retail, while adding residential density within the Town Square area.

Ms. Presley further commented that the CTC residents were "vehemently opposed to Bozzuto's 4-story condominiums" in place of additional commercial/retail space. Ms. Presley noted that the height of the condominiums and type of development was not synchronous with the initial proposals aligned to historical/pedestrian scaled development within the town square area. In addition, a reference was made of the 7/27/04 comment by Newland Communities: "Who knew that condos would sell for \$320k?" (implication that profit only was a driver for the proposed amendment to the plans to allow for condominium development there)

- Proposed Day Care Center/RDT Zone Reduction
 - Day Care center should be placed within allocated RMX2 zone; placement within RDT or reduction of RDT Zone to accommodate is not consistent with Master Plan/Project Plan goals.
- Reduction of Originally Promised Recreational Facilities
 - Recreational areas are not as promised.
 - Newland/Kim Ambrose commented that there will be no reductions to amenities... that, in fact, the two pools are still being planned as initially proposed and that supplemental green area development was under consideration (in conjunction with placement of Day Care, as alleged by Todd Brown, additional green space would be added – CTCAC needs to investigate this point further).

CTC Residents' Expectations:

- Adherence by Newland Communities, *in all development phases*, to the Master Plan Concept.
- Development in accordance with Findings and Conditions of the Project Plan as initially proposed, approved by M-NCPPC, marketed and "sold" to CTC residents.
- RDT Zones to be upheld (i.e., no Day Care Center within RDT).
- Redesign of retail area in accordance with Master Plan with resubmission of new proposal to residents/CTCAC/CCA, and Clarksburg Historical Society for review prior to further action.

Open Discussion:

- Mr. Brown opened the discussion, commending CTCAC for their effort on behalf of the CTC residents. He then stated that “we recognize where we have **mis-stepped**” and that “**Newland Communities will need to relook at the proposed plan.**” Mr. Brown continued, adding “What I am about to tell you may not be encouraging for you to hear.” He then stated that from a regulatory point of view that the proposed site plan amendment was in compliance. Continuing, he added that 65,000 sq. ft. of commercial property with 400 parking spaces has always been a part of the Project Plan. (Mr. John Carter indicated that that was not his recollection.) Ms. Presley and Ms. Shiley responded to Todd that the specific sq. footage was not as much the concern (although it was of some concern relative to the balance of retail sq. footage left for development along Main Street), but that the use of that sq. footage within a “strip mall” and “field parking lot” configuration is not in keeping with the Master Plan concept/New Urbanism design and does not promote the pedestrian friendly Town Center/Square envisioned.
- Mr. Modjeska remarked that Newland was not trying to eliminate the Town Square – that the proposed use of commercial space is in addition to the Town Square.
- Mr. Brown stated that from the July 27th meeting it was their impression that the only concern of the CTC residents was that the town square was being eliminated. He showed a concept drawing of the town square and assured the group that the town square would be built.
- CTCAC then informed Mr. Brown that this was never the issue and the retail center was the focus of our initial concern.
- Ms. Presley stated that the CTC was led to believe that the purpose of the Town Square was to serve as a gathering area supported by Main Street retail.
- Ms. Jackman commented that CTC was happy that Newland Communities agreed to revisit the design of buildings facing Main Street, because what is being proposed is not new-urbanism, as marketed by Terrabrook and outlined in the Master and Project Plans.
- There was some discussion about comparing CTC with the Kentlands, with Mr. Modjeska offering that the Kentlands has several major commercial stores with large parking lots. Ms. Shiley pointed out that the current residents of Kentlands are unhappy about the surface parking lots and that replacing them has been recommended.
- Ms. Jackman stated that the Master and Project Plans do not reflect two separate retail areas – a new traditional area and a destination area. Mr. Brown disagreed, referring to the Amenity Plan to support his comment. (CTCAC to further research here; as no previous documentation reviewed supports Mr. Brown’s points.)
- Ms. Ambrose discussed the Pedestrian Framework Plan, stating that it was the intent of Newland to allow for a second sidewalk in the retail area. Mr. Modjeska elaborated, reporting that a 20’ wide pedestrian walkway and seating area are included in the design. In his opinion, this was consistent with the Master and Project Plans. John Carter, however, noted that there should have been a

connecting street and sidewalk and that the new plan doesn't properly accommodate according to the Project Plan requirements.

- Mr. Modjeska commented on the 1994 designs of the plan did not allow for the 20' elevation grade in the retail area, with Ms. Smith adding that she had observed the construction workers remove a mound near her house... and that it was indeed possible if the developer wanted to re-grade the area. Ms. Jackman requested clarification of the mounds – stating that the topography appears to have changed as a result of the developer. Mr. Modjekska stated that the problem was being resolved by adding an exterior elevator to the commercial area. Ms. Hulley of the Clarksburg Civic Association remarked that the engineering to change the grade was available, and although it would probably be costly, it could be done.
- Mr. Modjeska reported that the commercial area has shrunk from 13 acres to 9 acres and that he assumed that it was the result of more stringent engineering and environmental regulations (specifically noting watershed issues).
- Ms. Presley posed the question: “Does Newland understand the concept of ‘new urbanism’?” Mr. Modjeska replied that “new urbanism” in Montgomery County was reflected by the Kentlands, Kings Farm, and Falls Grove. The CTC quickly expressed disagreement that Falls Grove exemplified “new urbanism.”
- A statement was made by either Todd Brown or Gary Modjeska of Newland saying they weren't sure there were any guidelines on what constitutes new urbanism.
- Ms. Witthans said, “There are.”
- Ms. Smith stated that “there are 14 principles to new urbanism development.”
- Ms. Shiley asked if Newland would like her to read them.
- Mr. Brown declined.
- Mr. Carter, M-NCPPC, referred to pages 15-37 of the Master Plan, where he stated that “new-urbanism” was clearly defined. He continued by stating there were several policies contained in the definition that specifically outlined the requirements for “new Urbanism,” which included Policy #6 – which specifically references streetscapes, parking and pedestrian orientation. He further added that one major difference between the Kentlands and CTC was the amount of greenway. He also said that the Main Street as originally designed was to lead into historic Clarksburg, and that based on his observations of the proposed Site Plan, Newland isn't even close to reflecting that. He continued that the front entrance to CTC – from Stringtown Road – will have a significant impact on the appeal and presentation of CTC as the community of “new urbanism.”

Mr. Carter expressed a valid concern regarding the proposed location of the grocery store – adding that the “front door” of the CTC community will be adorned with loading docks from the rear of the store. He further shared that the design of the streets and their connection to the residential area were also lacking. In addition, he voiced concern about the shape and size of Main Street and stated that he was “worried” about the design and shape of the parking lot. Mr. Carter asked Newland what they were going to do in response to these concerns? Ms. Ambrose responded by stating that they will take a relook and decide whether to modify the proposed site plan.

- Ms. Presley reiterated that the concepts of the Master and Project Plan need to be upheld. She further commented that she wanted assurance from Newland that they were going to support the Master and Project Plans, adding that residents will be concerned if profit is the deciding factor whether to comply with the already-approved Master and Project Plans.
- Ms. Jackman expressed concerns that the proposed design does NOT support the new urbanism concept. She questioned Newland whether contingencies are provided in the contract that if a contractor cannot comply with the design requirements that they can be released. Mr. Brown replied that Regency will be the developer of the commercial center. He further added that it might be possible for them to bring in consultants to address architectural concerns. Ms. Ambrose noted that it wasn't "fair" for CTCAC to judge Regency based on their past developments; that she did feel they were capable of new urbanism design and in developing an appropriate shopping center.
- Mr. Murphy, CTC resident, offered a brief review of King Farm's issue concerning the development of their commercial area. Initially, plans reflected building a Safeway on 355. When residents expressed concern regarding this, the plans were revised to move the Safeway to the middle of the Town Square, so that no residents were farther away than appropriate walking distance from the square.
- Ms. Presley stated that even if M-NCPPC "approves" a particular site plan/section the developer is still obligated to adhere to the approved-Master and Project Plans. (Mr. Carter had previously advised CTCAC members that even if a site plan was inadvertently approved with violations, that it could be overturned if not in accordance with the Project Plan.)
- Ms. Jackman wanted to know whether condos were still being built in what has been designated as the retail area? Mr. Brown replied that Newland plans to relook at the Main Street design in order to ensure a mixture of retail/office/Residential space. Mr. Brown suggested that the intent was to go forward with proposed condos, but with the addition of retail as the base with dwelling units above. Ms. Ambrose added that nothing had been redesigned – that Newland was soliciting our input.
- Mr. Richardson stated that Regency does not have a right to dictate site design. Ms. Presley asked Newland whether it was Regency's intent to build the retail area as a Town Center or as a "destination center?" (This question was not answered.)
- Ms. Witthans, M-NCPPC, commented that what she was hearing was that CTC does not want a Giant, CVS, and Jerry's, but instead a smaller grocery store, small shops, and cafes. She further added that she felt that it was the layout of the retail center that is CTC's major concern.
- Ms. Hulley stated that the CTC is supposed to have a unique feel to it – a great sense of community. If Newland can get the concern over \$\$\$ out of the question, the rest will follow.
- A question from a CTCAC committee member was presented regarding assurances of adherence to the approved-Master and Project Plans. Mr. Brown started off by stating that there is no approved Site Plan. Newland Communities continued by adding that inspectors and site plan enforcement teams are involved

each phase, but that the Planning Board must determine whether there is conformance with the approved-Master Plan.

- A second question was posed regarding the monitoring of the construction. Ms. Witthans replied that the M-NCPPC does not make approvals based on architectural designs, but based on Project Plan compliance. She also added that a host of inspectors are involved in ensuring the compliance with zoning and conditions. (CTCAC to get list of site inspectors and validate inspection documents regarding current Bozutto development relative to height limitations.)
- Ms. Jackman asked whether the county had any control concerning the integrity of the architecture? It was learned that the Clarksburg Historical Society was included in the initial planning process.
- Another question was presented – “What happens if the construction is not in compliance with the Master and Project Plans?” Mr. Carter replied that “it will be dissembled and all fixtures and furniture put to the curb”... then stated that failure to comply with the plans could also result in fines and a site violation hearing.
- Ms. Hulley stated that the Master Plan reflected Main Street facing the spire of the church, and she wanted to know what attention was being given to that detail. (There was no direct answer to this question.)
- Ms. Jackman pointed out that other issues of concern included the placement of the Day Care center. (Day Care center amendment hearing tentatively scheduled for December; CTCAC members will follow-up on this issue.)
- Mr. Brown stated that Newland will regroup to address the comments and concerns revealed at the meeting. He continued that their consideration would include the Main Street and Retail center issues.
- Mr. Nagda commented that we (CTCAC) wanted to ensure that Mr. Carter’s concerns and recommendations are given full consideration.
- Ms. Ambrose said that Newland would follow up this meeting with a phone call to the CTCAC within one week, adding that it would probably take a month to develop new plans.
- Ms. Smith reported that New-Urban Mediators are available to assist this group in coming to an agreement.
- Mr. Brown stated that Newland has already submitted a site plan application. Ms. Ambrose said that although they aren’t willing to withdraw the application, they can consider making modifications.
- Ms. Witthans revealed that a board hearing has been tentatively scheduled for September 30th relative to the West side of Main Street (separate site plan proposal for townhouse development); This hearing concerns a site plan for approval of the townhouse development across from the East side (the currently proposed Bozutto condominiums and retail center section). Ms. Presley stated that it didn’t seem feasible to go to hearing on September 30th for this section since the opposite/balancing East Side was still under contention. Further, she added that it didn’t make sense based on John Carter’s comments regarding the need for holistic planning of the Town Square and Main Street areas – specifically relative to “significant buildings” – to proceed with a hearing when the decision on the West side development could well affect the rationale for building on the East side. She stated that it was evident that they should not proceed on a

decision without prior planning and agreement relative to the entire Main Street scape – especially the balancing East side. Mr. Carter stated that he had to “agree with Ms. Presley, that it doesn’t make sense to go forward with the September 30 hearing in view of the current situation.” He further stated that progress should first be made to address the issues with the retail center and overall plan for Main Street and the East side prior to pushing for approval on the proposed West side plans. (Ms. Ambrose was visibly agitated by this.)

- Ms. Presley stated that regardless of timing for the hearing, CTCAC wants to be present at the hearing and intends to be active participants in all future site plan submissions or proposals to amend existing plans.
- Mr. Carter suggested that another meeting be held in a couple of weeks to review an alternate plan prior to the September 30th tentative hearing date. Ms. Ambrose advised that there would be no way possible for them to redesign the retail site in time for such a meeting. Mr. Carter implied then (and confirmed after the meeting) that it would not be possible for M-NCPPC to go forward with the hearing in view of the issues surrounding the site plan proposal.
- It was noted that the CTCAC would follow-up with John Carter relative to the potential September 30th hearing.
- Regarding the site plan amendment in question for the retail center and condominium development, Newland did not make commitments beyond the intent to “revisit” the issue and reply to the CTCAC within one week regarding next steps.
- Carolyn McAllister had to leave early. The following additional comments were added not in any specific order:
 - CTCAC spoke of the height concerns. The original plans specify 3 stories (45’) for residential and 4 stories (50’) for commercial. Somewhere along the way that data sheet changed to 4 stories (45’) for residential and 4 stories (50’) for commercial. However, there is no indication of how or when it changed and whether or not that change was ever approved.
 - When CTCAC asked what would happen if it was determined that the height restriction had been violated, Mr. Carter said, “the furniture hits the street”. He went on to say “if violations are found, fines are issued.”
 - CTCAC raised the issue that the view of the historical area, in particular the church steeple and the moon over the town center, would be compromised if the 2 over 2 townhouses or 4 story condos with lofts were constructed.
- CTCAC expressed a concern about the site plan for the left side of the town center (west). It was understood that a hearing for the approval of the site plan for this area would go forward on September 30, 2004.
- Ms. Ambrose and Mr. Modjeska stated that the site plan would not be withdrawn.
- Mr. Brown informed the CTCAC that we should let Park and Planning know that we want to be informed when there are site plan hearings.
- Ms. Edwards gave the CTCAC the contact information to be added to the list at Park and Planning so that we can begin to receive notice of site plan and project plan submissions for all future development in the Clarksburg Town Center.

- Ms. Presley asked how could the site plan for the west side of the Town Center be approved prior to the redesign and submission of the east side (retail center) of the Town Center.
- Mr. Carter said “good point, I’d like to see both sides submitted together”.
- Ms. Witthans agreed.
- The CTCAC also voiced a concern over the proposed location of the daycare center stating that it should not be in the green space. The CTCAC noted for the record that we are NOT opposed to a daycare center only the location of the center.
- Newland stated that they believed that to be an ideal location for the children to play in and thought residents would be pleased.
- Again CTCAC stated that green space should not be used for buildings and the day care facility should be placed within the properly zoned area.

Carolyn McAllister, 9/26/04

Subj: **Thank you**
Date: 8/30/2004
To: nellie.maskal@mncppc-mc.org
CC: Shileykim@aol.com, smithcar@mail.nih.gov, jersub13@yahoo.com, JJackman@wtplaw.com

Hello, Nellie.

We just wanted to take a moment to thank you for attending the August 26th meeting of CTCAC and Newland Communities. We very much appreciated your presence and your input relative to the intent of the Master Plan. As you know, we are committed to upholding that concept.

Also, thank you for your ongoing help in providing information and documentation for our research. We wouldn't have been able to wade through the volumes without your assistance.

Sincerely,
Kim Shiley
Carol Smith
Amy Presley
Jen Jackman
Joel Richardson

Subj: **Thank You**
Date: 8/30/2004
To: john.carter@mncppc-mc.org
CC: Shileykim@aol.com, smithcar@mail.nih.gov, jersub13@yahoo.com, JJackman@wtplaw.com

Hello, John.

We just wanted to take a moment to thank you for attending the August 26th meeting of CTCAC and Newland Communities. We very much appreciated your presence and your input relative to the intent of the Master Plan. As you know, we are committed to ensuring that the developer(s) uphold that concept... and we are delighted that you are equally insistent upon adherence to the intent of the Master Plan and Project Plan.

We especially appreciated your support relative to the tentative September 30th meeting. It seemed evident to us that that could not proceed without prior planning and agreement relative to the entire Main Street scape, and especially the opposite/balancing East side.

Thank you for your time and effort. We look forward to continuing work with you.

Sincerely,
Kim Shiley
Carol Smith
Amy Presley
Jen Jackman
Joel Richardson

Subj: **Thank You**
Date: 8/30/2004
To: Wynn.witthans@mncppc-mc.org
CC: Shileykim@aol.com, smithcar@mail.nih.gov, jersub13@yahoo.com, JJackman@wtplaw.com

Hello, Wynn.

We just wanted to take a moment to thank you for attending the August 26th meeting of CTCAC and Newland Communities. We very much appreciated your presence and your input relative to the intent of the Master Plan. We are very happy to know that you are so committed to upholding that concept.

As you are aware, the residents of CTC expect adherence by the developer(s) to the intent of the Master Plan and Project Plan. Together with M-NCPPC, we can ensure the promised outcome for the community and county at large. We appreciate all the work you have done to date in this regard and we look forward to supporting you in your efforts from this point forward.

Sincerely,
Kim Shiley
Carol Smith
Amy Presley
Jen Jackman
Joel Richardson

Subj: **Thank You**
Date: 8/30/2004
To: Sue.Edwards@mncppc-mc.org
CC: [Shileykim, smithcar@mail.nih.gov](mailto:Shileykim,smithcar@mail.nih.gov), jersub13@yahoo.com, JJackman@wtplaw.com

Hello, Sue.

We just wanted to take a moment to thank you for attending the August 26th meeting of CTCAC and Newland Communities. We very much appreciated your presence and your input relative to the intent of the Master Plan. As you know, we are committed to ensuring that the developer(s) uphold that concept... and we are delighted that you are equally concerned with their adherence to the intent of the Master Plan and Project Plan.

Together with M-NCPPC, we can ensure the promised outcome for the community and county at large. We appreciate all the work you have done to date in this regard and we look forward to supporting you in your efforts from this point forward.

Sincerely,
Kim Shiley
Carol Smith
Amy Presley
Jen Jackman
Joel Richardson

Subj: **Thank You**
Date: 8/30/2004
To: kambrose@newlandcommunities.com
CC: gmodjeska@newlandcommunities.com, cmaier@newlandcommunities.com,
tdavis@newlandcommunities.com, tbrown@linowes-law.com, Shileykim, smithcar@mail.nih.gov,
jersub13@yahoo.com, JJackman@wtplaw.com

Hello, Kim and all.

We just wanted to take a moment to thank you for attending the August 26th meeting with CTCAC and M-NCPPC to review concerns and potential issues with development of CTC. We very much appreciated your presence and your willingness to discuss the concept and intent of the Master and Project Plans. As you know, CTCAC is committed to ensuring that the Master Plan concept be upheld, and eager to work with Newland to foster that compliance relative to the proposed retail area, the Main Street/Town Square area, and overall CTC development.

Working together with Newland and M-NCPPC, we are confident that a successful plan will be derived for development that reflects the intent of the Master Plan and appropriately serves the community and county at large.

We look forward to hearing back from you this week relative to your response on issues raised and your proposed next steps.

Sincerely,
Kim Shiley
Carol Smith
Amy Presley
Jen Jackman
Joel Richardson

Subj: **Additional questions**
Date: 8/30/2004
To: john.carter@mncppc-mc.org
CC: Shileykim@aol.com, smithcar@mail.nih.gov

Hi, John.

Our group was left with a few questions regarding zoning, Project Plan requirements and the overall site plan approval process. We would appreciate the opportunity to speak with you further; however, we understand that your schedule is very hectic. In view of that, it would be our pleasure to take you (and Wynn?) to lunch tomorrow or later this week.

I'll give you a call later today to determine a convenient date and time.

Sincerely,
Amy Presley

Subj: Re: meeting announcement
Date: 9/2/2004
To: smithc@efdb.nci.nih.gov

Hi, Carol....

Made a few changes...hope you don't mind (I do a lot of editing on projects and can't seem to help myself ..LOL).

TOWN MEETING

At the last Town Meeting (August 4, 2004; over 100 residents in attendance) the residents of the Clarksburg Town Center formed an Advisory Committee (CTCAC) to work with Newland Communities on the development of the Town Square and Retail Center plan. This was done in response to the previous meetings with Newland (July 27 and prior) which alerted residents to issues surrounding Newland's site plan proposal (relative to conformance with the Master Plan) and the residents' need for a representative body to investigate and take action on these issues.

Since their election on August 4, the CTCAC has covered much ground with Newland and with Maryland National Park and Planning Commission (M-NCPPC). Most significantly, a meeting was held on August 26 with CTCAC, Newland Communities, M-NCPPC, and County Officials. In order to bring all residents up to date on the results of these meetings, as well as interim findings of the CTAC, we are holding a meeting on September 16, 2004. This meeting will

only be open to the people who live in the Clarksburg Town Center community. It is important that we as residents stay informed and remain involved with the development of our neighborhood, as we all share the vision for CTC and have invested in this community through our special Clarksburg tax.

Your attendance will be greatly appreciated!

Meeting Details:

Date: Thursday, September 16, 2004

Time: 7:30 pm

Location: Hyattstown Fire Station

25801 Frederick Road (Rt. 355), 2nd Floor

Directions: Turn right onto Rt. 355 (Frederick Road) and

follow 355 to the intersection of Hyattstown Mill Rd. The firehouse is on the right.

Carol Leigh Smith

EFDB/NCI/NIH

301-435-5215

SENT BY US MAIL
AND EMAIL

Clarksburg Town Center Advisory Committee

September 13, 2004

Via U.S. Mail

Kim Ambrose
Newland Communities
8201 Greensboro Drive, Suite 817
McLean, VA 22102

Re: Proposed mid-October meeting

Dear Kim:

We are writing on behalf of the Clarksburg Town Center Advisory Committee to express our disappointment with Newland's response to our meeting of August 26, conveyed in your email of September 7, 2004. Our concerns can be characterized as falling into three categories. First, we anticipated an ongoing working relationship with Newland throughout the process of planning the Town Center and retail areas. Second, it was our expectation and hope that the issues regarding the Town Center and retail areas would be addressed prior to the public hearing tentatively scheduled for September 30, 2004, at which the development of the area to the West of the Town Center is to be discussed. And third, Newland's response appears to indicate an intention to move ahead with little regard for our mutual commitment to work together, as well as a failure to acknowledge John Carter's expressed concerns regarding the need to develop both the East and West sides as a cohesive unit.

We hope that Newland's response arises from a misunderstanding of our expectations and a miscalculation of our interest in remaining informed of and actively involved in the design and development of these – and all remaining – sections of the development.

Of particular concern is Newland's failure to appreciate the necessity for transparency in the process as a means to engender mutual trust. We continue in our desire to work together in an amicable relationship for our mutual benefit, and hope that Newland shares this desire.

As a step toward continuing this cooperative relationship, we would appreciate an express commitment from Newland to submit the Site Plan Amendment Applications for the East and West sides of the Town Center area at the same meeting, after all concerns have been addressed. Moreover, we would appreciate more substantive updates of Newland's progress on the concerns addressed at the August 26 meeting – and throughout the redesign process – so that we may understand the action that Newland plans to take on this matter.

We firmly believe that timely and comprehensive progress updates are an important step toward fostering a good working relationship. In fact, we request that Newland schedule a progress update/working meeting with the CTCAC well in advance of the mid-October date proposed in your email. This would hasten the progress toward a final design by eliminating the possibility of Newland creating a new plan without full knowledge of the residents' perceptions of the proposed design and/or issues relative to variance from the Master Plan concept and Project Plan guidelines.

We continue to appreciate Newland's interest in working with the residents of Clarksburg Town Center to design and develop a neighborhood we can all be proud of, and we look forward to your response.

Sincerely,

Jennifer Jackman
Amy Presley
Joel Richardson
Kim Shiley
Carol Smith

Subj: Re: Follow-up
Date: 9/13/2004
To: kambrose@newlandcommunities.com
CC: landerson@newlandcommunities.com, tdavis@newlandcommunities.com, tbrown@linowes-law.com, Shileykim@aol.com, smithcar@mail.nih.gov, jersub13@yahoo.com, JJackman@wtplaw.com, MaierPR@aol.com, gmodjeska@areaproptiesllc.com, wynn.witthams@mncppc-mc.org, michael.ma@mncppc-mc.org, nellie.maskal@mncppc-mc.org

Hello, Kim.

First, thank you for your response. It is good to know that you are working diligently on the issues, and on behalf of the CTCAC I apologize if you read more into our letter than was intended. To be honest, your email response of September 7 did not communicate what you have communicated today regarding Newland's work on the issues presented August 26. The September 7 email seemed to contradict the message that we heard from you at the August 26 meeting - i.e. that Newland would work with the 5 CTCAC members to receive input for the revised plan. Our disappointment in your September 7 email, specifically lack of information such as you shared today, generated the concerned tone of our response letter.

After reading your email of this morning, I can assure you that knowledge of the specific Newland efforts will help alleviate some of the concerns felt by CTCAC and expressed in our response letter. However, we would still anticipate that Newland would want the input of the CTCAC during the re-design phase rather than waiting until the end of the process. We believe it would be helpful for us to collaborate between now and the proposed mid-October meeting. I'll give you a call later today to get your thoughts and determine how we might work together in the interim.

Again, thanks for your response.

Sincerely,
Amy Presley (on behalf of CTCAC)

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

From: Kim Ambrose [mailto:kambrose@newlandcommunities.com]
Sent: Tuesday, September 07, 2004 12:12 PM
To: Shileykim@aol.com; Smith, Carol Leigh (NIH/NCI); jersub13@yahoo.com; JJackman@wtplaw.com
Subject: Clarksburg Town Center

Hi Amy, Kim, Carol, Joel & Jennifer

Thursday, May 19, 2005 America Online: Synergiesinc

I just wanted to touch base and let you know that we have been discussing your concerns with the Town Center component of Clarksburg and feel that we would be ready to get together again sometime in mid-October (before 10/15). I'll be back in touch within 2 weeks to discuss a specific date, in the meanwhile if you have any questions please e-mail or call me. Thanks.

Kim Ambrose

Newland Communities

NEW ADDRESS effective March 19, 2004:

8201 Greensboro Drive, Suite 817

McLean, VA 22102

703-917-4174

703-917-4218 FAX

kambrose@newlandcommunities.com

In a message dated 9/13/2004 10:13:08 AM Eastern Daylight Time, kambrose@newlandcommunities.com writes:

Hello Amy

I have to say that I'm very disappointed in the letter that you've sent me. We have been working diligently and in good faith on this issue: meeting in-house, talking with County officials as well as interviewing new architects and planners to address the issues that your group has brought up. I would like to say that we would be able to meet with you sooner than mid-October but given our consultants workloads and the time we feel is needed to properly address this site plan, Mid- October is a realistic timeframe. We are NOT hiding anything or going behind your back as you seem to imply in your letter. We have agreed to meet with your group and work towards a successful plan and that's exactly what we plan to do. You should also know that we are NOT moving forward to the Planning Board with the Phase 1A-4 residential plan on Sept. 30. I said in the Aug. 26th meeting, that we would hold-off on that plan until we progressed further on the retail center plan and that's exactly what we have done. I would be happy to talk with you or any member of your group further about your letter.

Kim Ambrose

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