

CLARKSBURG TOWN CENTER
RESIDENTS' MEETING – SEPTEMBER 16, 2004
AGENDA

Date: September 16, 2004
Location: Hyattstown Fire House
Time: 7:30pm

AGENDA:

- Introductions (Kim Shiley/Carol Smith – CTCAC Co-Chairs; CTCAC members)
- Situation Overview / Chronology of Events (July 27, 2004 meeting through present)
- Key Concerns and Expectations Presented by CTCAC to Newland and M-NCPPC (August 26, 2004 meeting)
 - Concerns
 - Deviations to Master Plan/Project Plan and true "New Urban Development":
 - Proposed retail center
 - Proposed supplemental residential development (multi-family)
 - Proposed Day Care Placement
 - CTC Residents' Expectations
 - Working relationship with Newland/CTCAC on behalf of CTC residents
 - Redesign and resubmission by Newland of site plan(s) for town square area (West side and East side/retail center) in compliance with Master Plan Concept
 - Notification of and opportunity for review of all future site plan proposals
- Response and commitments from Newland Communities and M-NCPPC:
 - Newland Communities
 - Agreement to form working committee with CTCAC
 - Agreement to postpone intended September 30 board hearing (West Side plan)
 - Agreement to redesign the retail (East side) site plan (specifically to make East/West sides cohesive in design and conforming to Master Plan concept)
 - Agreement to meet with CTCAC to present new conceptual design options (early October) and receive input prior to re-submission to M-NCPPC
 - M-NCPPC
 - Disapproval of plan(s) as presented by Newland (specific issues regarding placement of retail/positioning of buildings/loss of greenway, deviation from Master Plan concept, etc.)
 - Requirement that Newland redesign site plan(s) for resubmission
 - Assurance to CTCAC that no plan(s) would be passed by the Board if not in compliance with Master Plan Concept, or if significant resident disapproval was expressed to the board
 - Commitment to work with CTCAC to help ensure return to the Master Plan Concept
 - Agreement to put CTCAC on list to receive all future site plans/amendments for review
- Next Steps / CTCAC Action Plan
- Q&A / Open Discussion

Su **RE: Kim Ambrose**
Da 9/21/2004 11:08:00 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com, shileyk@mail.nih.gov
Sent from the Internet (Details)

In the letter to the residents it is clear that they did NOT address the issue that irks so many of the residents. NO condos in the retail section. Maybe they think that putting shops in the ground floor of the condos will make us happy. Not so. In fact, I thought we said that on August 26th. If they want to wait until they meet with us in October to introduce us to the architect then you can be almost certain their new concept will still require changes. All the more reason to do what Wynn suggested and make a list of what we expect them to change in the current plan. Maybe a simple list with enough detail to explain our reason for putting it on the list.

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

From: Synergiesinc@aol.com [<mailto:Synergiesinc@aol.com>]
Sent: Tuesday, September 21, 2004 10:23 AM
To: Smith, Carol Leigh (NIH/NCI); Shiley, Kimberly (NIH/NCI)
Subject: Re: Kim Ambrose

She did respond. She said that they intend to have the architect present at our meeting in early October. Their plan was to study our comments and M-NCPPC input from Aug 26 meeting, incorporate into new concepts, present and discuss ideas with us (with the Architect present) and then wrap that into a final site plan proposal.

Su **RE: meeting tomorrow**
Da 9/21/2004 11:11:08 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

Let's do the meeting next week so more people can attend. In the meanwhile we probably have enough notes from our meetings and minutes to at least draw up a draft of the list to take to the meeting next week and have the entire CTCAC approve it in time to get it to Newland and to Wynn before the month ends. What do you both think? If we meet on the 29th we could email Wynn and Kim Ambrose with the list on the 30th.

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

Su **RE: meeting tomorrow**
Da 9/21/2004 11:35:34 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com
CC shileyk@mail.nih.gov
Sent from the Internet (Details)

I agree about the list. I sure hope Newland doesn't go back to the original plan and put condos across the street from me but I don't know what's worse, condos or two over twos. I hope the height findings come back supporting our claim that they are over the limit. I just hope they don't have some way to change the height restriction. I have a feeling they can and will change it somehow.

If I get an OK from Kim, I'll change the meeting to next Wednesday the 29th. OK Kim?

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Tuesday, September 21, 2004 11:31 AM
To: Smith, Carol Leigh (NIH/NCI)
Subject: Re: meeting tomorrow

That seems fine, Carol. Next week would probably be better. I do believe, however, that Kim is aware of that as an issue too. Also, John made it clear to Wynn that there needed to be research regarding heights of buildings relative to Condos, and that that would not be the most appropriate for that section, and that he would like to see them come back with a plan that reflects the original (condos were not on the main street). That being the case, I do think that Wynn will convey that information. I don't think it will hurt for us to submit the list to Kim, "at the suggestion of John Carter and Wynn Withhans, we have prepared a consolidated list of the issues.....blah blah blah"..... as long as we word it carefully as a response to M-NCPPC urging, rather than our laundry list of wishes.

Su **RE: meeting tomorrow**
Da 9/21/2004 12:11:17 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, Synergiesinc@aol.com
Sent from the Internet (Details)

I've talked with Nellie; she's trying to locate some staff reports and planning board opinions and she said to contact wynn re: approved site plans/phases. Left a message for wynn
Have to go; will be back

Su **RE: CTCAC Meeting**
Da 9/21/2004 2:21:51 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To smithc@efdb.nci.nih.gov, barbourjr@att.net, bull30@comcast.net, timdearros@comcast.net, rdefrehn@nccmp.org, lfantle@aol.com, susan@mris.com, dennis@dlearner.com, carianjjeff1@comcast.net, murfs@comcast.net, nnagda@energenconsulting.com, JJackman@wtplaw.com, jersub13@yahoo.com, Synergiesinc@aol.com, shileyk@mail.nih.gov
Sent from the Internet (Details)

Hi Everyone,

Too many of you responded that you could not make the meeting tomorrow so we have decided to postpone it until next Wednesday, Sept. 29th at 7:30 still at Kim's house. This also allows us time to gather more documents from Park and Planning that we have requested. Please let me know if the new date works for you so I can give Kim a head count.

Carol

Su **RE: CTCAC Meeting**
Da 9/22/2004 11:24:22 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, murfs@comcast.net
CC Synergiesinc@aol.com

Sent from the Internet (Details)

greetings all.

well nellie was supposed to have been at the meeting last evening to give me more documents, but she didn't show. and wynn has not called me back yet. i will call her again today. Amy, have you spoken to her yet? i may be able to go to P&P late friday, to pick up those missing puzzle pieces.

then, i am sure we need help. we need to come up with a list of issues/concerns for Wynn as she had asked for. one of my concerns is with the church vista and that is one thing i'm trying to get more info about. can we come up with a list of concerns (for wynn and also mentioned at resident's meeting) via email, then we may be able to have Mark tackle some of them. another issue that i need to find out more about is, how many grocery stores will there be in the entire clarksburg town. seems to me there are many planned...cabin branch for sure. i think this is important to know in our negotiations of the town center retail....i still believe we should have the most unique grocery store in the entire community....and many restaurants.

more later.

kim

Su **RE: CTCAC Meeting**
Da 9/22/2004 1:18:52 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com

Sent from the Internet (Details)

yes, a conference call may work really well....any time/day specifically for you?

okay, two lists because some of those resident's concerns may not involve KA, but someone else with Newland and we may need ancillary committees to monitor. mark seems to be a hard charger and able to dig up info; just want to keep his motivation up as well as some others.

last night's CCA planning meeting was concerning....so many clarksburg residents are angry. they hate that any kind of development is happening. one woman's comments "what about bambie and his family, what about the ducks" "they've been here longer". that may be why developer's just don't take folks seriously; the development is coming, we need to make sure it's done smartly...."smart growth".

can you make the CCA general meeting next Monday? they do want an update of events presentation. they've notified Newland, but no response yet. they haven't had a general meeting since July, so many folks need updated. we can use so much of what you have already pulled together; we could do a tag team presentation.

i will still try to contact wynn today, because i just want to get more info, so that we can come up with that list.
kim :)

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]

Sent: Wednesday, September 22, 2004 12:04 PM

To: Shiley, Kimberly (NIH/NCI)

Subject: Re: CTCAC Meeting

Hi, Kim.

Thanks for your relentless work, as usual! As for Wynn, I was holding off calling her until we had our list of questions for her. I think we are dealing with two separate lists, though. We need one for the resident concerns needing answers/investigation by Wynn (i.e. phasing of amenities? who audits developer's progress/completion of one before moving to another? etc.) and one for the total list for transmittal to Kim Ambrose. The KA list should merely summarize the points and issues as discussed Aug 26, plus the comments made from P&P specifically relative to what they want to see..and what we want to see done.

Anyway, it would be helpful for Mark to work on the gathering of all supplemental issues -- a survey of what roads are in bad shape, what amenities are not yet provided in areas where other development is complete, etc.

Wynn should be getting back to us on the height issue this week? But I do think we need a planned call with her -
-- maybe we should set up and invite her to a conference call?

Let me know your thoughts.

Su **RE: CTCAC Meeting**
Da 9/22/2004 3:42:52 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com

Sent from the Internet (Details)

About 15-20 minutes; very informal; something similar to our update (timeline of events). the CCA never saw the proposed plans; they had no idea. We only showed it to their planning committee (Kathie/Paul/Krisna). So I said we will have it available for viewing and can have the project plan available too.

They are also going to prepare their members for a possible motion to support our position when that becomes necessary. Their next meeting in October will be the 25th.

I also said we would let them know when Newland contacts us for a review, so their planning committee can be there as well.....hope that's okay?

☺ ☺

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Wednesday, September 22, 2004 2:12 PM
To: Shiley, Kimberly (NIH/NCI)
Subject: Re: CTCAC Meeting

hi, Kim. I plan to attend the Monday night meeting. Didn't know they still expected us to present. I will be away (upstate New York) from Friday a.m. through late Sunday, so not much time to prep... How much time will they give and what format do you think we should use? Same as the CTC update meeting?

Let me know

Su **RE:**
Da 9/23/2004 2:20:12 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com, shileyk@mail.nih.gov
CC David@HunterFam.net, jersub13@yahoo.com

Sent from the Internet (Details)

I can make it. Please Please don't let them change it to the 13th, 14th or 15th. It's possible I could swing the 13th but I am going out of town by no later than that Thursday a.m. All that to say that 3:00 on the 12th is fine with me.

GREAT NEWS!!!! Shall we snap a few mor pix of our favorite hot spots or do we have enough. I'll order prints of all the ones I took plus the one Kim gave me from Silver Spring. Kim-do you have more?

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Thursday, September 23, 2004 1:14 PM
To: Shiley, Kimberly (NIH/NCI); Smith, Carol Leigh (NIH/NCI)
Cc: David@HunterFam.net; jersub13@yahoo.com
Subject: Re:

1. Still haven't seen the Gazette article, but will this afternoon. Sounds like it was a good one. As for conference call or lunch with reporter, I would be pleased to oblige.

2. GREAT NEWS from Kim Ambrose:

She left me a message this morning stating that they have decided that an "interim meeting" as we suggested would be very helpful. They would like our core team to meet with them and their designers to give input and show pictures we have gathered, etc. Suggested meeting date: October 12, Bethesda (Newland Office), "as early as we can make it". Kim hoped for 3pm on, but I told her I would coordinate with our group and get back to her tomorrow or Monday.

Hmmm...seems like we will have a "charette"?!

All, please get back to me with your earliest available time for a 10/12 meeting. I can make 3pm.

Su **CTC**
Da 9/27/2004 9:16:11 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To wynn.witthans@mncppc-mc.org
CC john.carter@mncppc-mc.org, synergiesinc@aol.com, smithc@efdb.nci.nih.gov
Sent from the Internet (Details)

greetings Wynn:

i'm needing to get in touch with you today and can be reached at home (301-515-0144). i realize that it must be a busy time for you all; however, the reason for my 3 attempts to reach you last week is that we do need some information/clarification. we are expected to update the CCA general meeting this evening (monday, 27th Sep) and would like to have accurate statements for them.

specifically, we need:

- (1) clarification of the height issue; discrepancies with data sheets and project plan
- (2) changes to the approved project plan relative to the location of the multifamily units, single family attached and townhomes (this impacts Section 1A and must be addressed now due to request for site plan amendment)
- (3) changes relative to the church vista; specifically, the current absence of the "diagonal pedestrian mews". "the mews contains sitting areas and two large lawn panels and connecting walks, linking the church with the Town Square. the sitting area closest to the Town Square includes a trellis and a memorial to John Clark with the use of found headstones from the family grave site. the mews develops a visual and walkable axis between the church and the Town Square, highlighting these significant features of the existing and proposed development".
- (4) location of pool in town square area and absence of a proposed tennis court. (why did the amount of recreation get reduced from the approved project plan to the Phase 1 approval?) the project plan gives specific location for this required recreation facilities. the proposed new location for the pool impacts the church vista.

i do appreciate your assistance wynn and look forward to hearing from you today.

Kim

Su **RE: CTC**
Da 9/27/2004 9:29:08 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To shileyk@mail.nih.gov
CC Synergiesinc@aol.com
Sent from the Internet (Details)

Hi Kim,

We need to hold her to the fact that she said they would get an inspector out there to measure. We also need to know how high are the two over twos? They are already selling them!!!

Su follow up
Da 9/27/2004 5:59:32 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To wynn.witthans@mncppc-mc.org
CC john.carter@mncppc-mc.org, nellie.maskal@mncppc-mc.org, sue.edwards@mncppc-mc.org, synergiesinc@aol.com, smithc@efdb.nci.nih.gov

Sent from the Internet (Details)

Wynn,

Thank you for taking the time to speak with me today concerning the issues I submitted via email. Confirming our conversation today, I understand that:

- You will not be following up further through your office relative to project building height verification; You would like us to contact the developer (Newland) directly regarding the height issues and for any documentation or validation of height requirements and compliance.

- Regarding the church vista and view as initially proposed in the Master & Project Plans and shown in the Phase 1 Site Plan (specifically relative to the "diagonal pedestrian mews" - from a lawn mews to a street mews -as supporting the initially planned church vista), and the placement of the community pool in that diagonal pedestrian mews, you maintain that those issues were already discussed and that the current development plans seem acceptable in your opinion. Although I mentioned that this seemed to me to be contrary to what was expressed by John Carter and all present at our meeting with M-NCPPC on August 21, you acknowledged that we have a difference of opinion on this issue.

NO AMENDMENTS
ON RECORD

* (TYPED
AUGUST 11)
NOT 21

- Regarding the changes to the approved project plan relative to the location of the multifamily units, single family attached and recreation areas, you maintain that the Project Plan merely showed a "series of sample blocks" and that the initial locations on the Project Plan are not binding. When reminded of the concern that condominiums were suggested to be placed above the retail/office space on Mainstreet, you stated "we can talk about that", as you believe the developer to be working within the guidelines of the Project Plan.

I do not believe our conversation overall, was in keeping with the information we discussed with John Carter, Nellie Maskal, Susan Edwards and you at our meeting of August 21. However, I will attempt to convey the information accurately to the CTCAC and determine from there how we can proceed on these issues.

As I mentioned, Newland is meeting with our CTCAC board, along with their new architect/designer, on October 12 to discuss our input relative to the Commercial/Retail section. Although I do not feel that it is appropriate for the CTCAC to acquire the information from Newland regarding their compliance with height issues, etc., I will present your suggestion and opinions on that to the CTCAC and get back to you if we require further information, validation or assistance from your office.

Thank you,
Kim Shiley

Su **RE:**
Da 9/29/2004 8:51:48 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com, smithc@efdb.nci.nih.gov
Sent from the Internet (Details)

right on sister!! i agree; keep us spinning tactic and maybe we'll go awaywrong!! this has been my concern re: site plans....changes seem to be made, but the planning board isn't seeing them ??? tonight should be interesting.... i wonder what jerry will be saying....kathie thinks we should have him investigate the relationships and money linkages of the planning board ...ie. who did they receive campaign funds. and maybe cc too. i'll get more clarification from her. but whatever she thinks is public record and she says she'd love to see it put in print.

more later

:)

[Shiley, Kimberly (NIH/NCI)] -----Original Message-----
From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Tuesday, September 28, 2004 5:09 PM
To: Shiley, Kimberly (NIH/NCI); Smith, Carol Leigh (NIH/NCI)
Subject: Re:

Not a peep! I think we need to copy Michael Ma on the response to Wynn and then I will follow-up with a call to him to get the height check in motion. I think it will help if we first review all the height notations on the site plans we have.....

better than that, we need to somehow validate that we have ALL of the site plans and confirmation as to which belongs to which ... and which is THE site plan that counts relative to height!!! I don't doubt for one minute that the ambiguity of the process is an evolved skill and protection to cover butts and to enable the developers!

Su **FW: follow up**
Da 9/30/2004 3:28:38 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To synergiesinc@aol.com, smithc@efdb.nci.nih.gov
Sent from the Internet (Details)

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

From: Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]
Sent: Thursday, September 30, 2004 3:04 PM
To: Shiley, Kimberly (NIH/NCI)
Subject: RE: follow up

Kim -

Please let me clarify your summary of our quick phone call -

1. We have followed up on the request for more info re the height of the Buzzuto condos. We are waiting for more information from the developer.

2. The diagonal street was part of the project plan and was, at one time, proposed to be a pedestrian mews. It is now approved as a street, per the original project plan. The pool is not within the street, but is within the block. It should not block any views between the church and central green. The pool was at one time integrated within the multifamily units - it's proposed location (across the street) places it more centrally within the subdivision. Let's talk further about this with a drawing in front of us, so I can better understand what your concerns are.

3. I had a lengthy conversation with John Carter this week with your list of questions/concerns in front of us. John asserted to me, as he feels he has done in public meetings, that the Project Plan provides one level of design. This level of design is amended and modified by subsequent (more detailed) site plans as long as the modifications to the Project Plan reinforce the essential principles of the Project Plan. Within this understanding is a degree of flexibility (or "morphing" as we discussed earlier) which can sometimes lead to differences of opinion. As a combined staff, whether in the Development Review division or the Community-Based Planning division, we expect the Project Plan will be upheld through subsequent approvals.

I hope this helps.

Wynn E. Witthans
Development Review Division, M-NCPPC
8787 Georgia Avenue, Silver Spring MD 20910-3760
Site Plan Review
(301)495-4584
<mailto:Wynn.Witthans@mncppc-mc.org>

Su **RE: follow up**
Da 9/30/2004 8:03:53 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com, smithc@efdb.nci.nih.gov
Sent from the Internet (Details)

geez, i actually thought something was on fire over your way...glad to know it's steam :)

yep, kinda thinking the same crummy thought.
but, john carter has left a message on my machine; call me so i can let you hear it; i'll write down ver baitum (sp?) what he said so i can repeat only bad thing is that i'm exhausted and will probably be asleep by 930; but i'm up at 0500...call if you can before or in the am. i leave for work at 0610.

he suggested i return his call tomorrow..maybe we can get that conference call going in the afternoon

it's interesting that she didn't cc it to john carter ??? like we wouldn't let him see it.

kim

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

From: Synergiesinc@aol.com
To: Smith, Carol Leigh (NIH/NCI); Shiley, Kimberly (NIH/NCI)
Sent: 9/30/2004 6:34 PM
Subject: Re: follow up

What the heck she was saying was that she is supporting things as they come along in their "morphed" fashion...asserting that they are indeed in keeping with the intent of the Project Plan. We've got trouble here ladies...and it's the kind that is merely reflective of the more serious issues within M-NCPPC. I believe that we need to get something in a written form from John stating his requests (i.e. to see the site plan(s) return to the "original project plan"..and his other emphatic statements relative to the "mews" and streetscape). It appears to me that Wynn will twist anything to suit the developers. DO YOU SEE THE STEAM coming from my head?!!

Su **RE: follow up**
Da 10/1/2004 9:09:43 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, Synergiesinc@aol.com
Sent from the Internet (Details)

he said:

"hi, this is john carter with park and planning calling. i know it's late, but it's planning board day. i see you have some emails here and i am sure you're getting a response from us. but i'm curious as to what else you would need. there are a series of questions you had. i've got answers and let's see if that matches what everyone has said here. call me back".

i've check the organizational chart at P&P:

Charles R. Loehr, is the Director

there are 16 offices, divisions, programs under him

John Carter is the Division Chief for Community-based planning

Richard Hawthorne, is the Acting Chief of Development Review....i wonder if this is old and if Michael Ma has replaced him recently

Subj: **RE: Follow-Up**
Date: 10/1/2004
To: john.carter@mncppc-mc.org
CC: smithcar@mail.nih.gov, Shileykim@aol.com

Hello, John.

Kim, Carol and I would like to speak with you today, if possible, to discuss some pressing issues relative to the concerns we presented at our last meeting with you, Wynn, Nellie, and Susan. For your review, we have forwarded the response we received from Wynn Witthans regarding our specific questions on the action items she agreed to handle. (Our comments are in blue.)

We would greatly appreciate it if we could discuss these and a few other items with you today. We would be available any time between 2:30-4:30 for a conference call. Please let us know what time would work for you. (I will forward a conference dial-in number to all shortly.)

Subj: **FW: follow up**
Date: 9/30/2004 3:28:38 PM Eastern Daylight Time
From: shileyk@mail.nih.gov
To: synergiesinc@aol.com, smithc@efdb.nci.nih.gov
Sent from the Internet (Details)

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

From: Witthans, Wynn [<mailto:Wynn.Witthans@mncppc-mc.org>]
Sent: Thursday, September 30, 2004 3:04 PM
To: Shiley, Kimberly (NIH/NCI)
Subject: RE: follow up

Kim -

Please let me clarify your summary of our quick phone call -

1. We have followed up on the request for more info re the height of the Buzzuto condos. We are waiting for more information from the developer. Our understanding was that Wynn agreed to have a zoning enforcer sent out to the site to determine the height 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.

2. The diagonal street was part of the project plan and was, at one time, proposed to be a pedestrian mews. It is now approved as a street, per the original project plan. 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. On the original plan, we do see a street, but not breaking up the mews as we feel is being done now. We thought that you and all of those present at our meeting at M-NCPPC agreed that the pedestrian mews as originally planned, with an unbroken church vista, was what was expected from the developer. We need clarification on this point. The pool is not within the street, but is within the block. It should not block any views between the church and central green.

The pool was at one time integrated within the multifamily units - it's proposed location (across the street) places it more centrally within the subdivision. Let's talk further about this with a drawing in front of us, so I can better understand what your concerns are. Again, we would like your clarification on this and your opinion as to current placement with reference to the church vista.

3. I had a lengthy conversation with John Carter this week with your list of questions/concerns in front of us. John asserted to me, as he feels he has done in public meetings, that the Project Plan provides one level of design. This level of design is amended and modified by subsequent (more detailed) site plans as long as the modifications to the Project Plan reinforce the essential principles of the Project Plan. Within this understanding is a degree of flexibility (or "morphing" as we discussed earlier) which can sometimes lead to differences of opinion. 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. As a combined staff, whether in the Development Review division or the Community-Based Planning division, we expect the Project Plan will be upheld through subsequent approvals. 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.

It would be very helpful to discuss these points with you, and to get your feedback on these issues. 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. Since Newland will be unable to present new concepts to us for the East side/Retail section prior to that date, and knowing that "morphing" allowances seem to be acceptable, we fear that the "compatibility" and "cohesiveness" you stressed as required for the Town Square will be abandoned through an ambiguous approval process.

Once again, thank you for your time in assisting us. Please give me or Kim a call to confirm your availability for a conference call.

Regards,
Amy Presley
301-916-7969 (office)
301-526-7435 (mobile)

I hope this helps.

Wynn E. Witthans
Development Review Division, M-NCPPC
8787 Georgia Avenue, Silver Spring MD 20910-3760
Site Plan Review
(301)495-4584
mailto:Wynn.Witthans@mncppc-mc.org

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

From: Shiley, Kimberly (NIH/NCI) [mailto:shileyk@mail.nih.gov]
Sent: Monday, September 27, 2004 5:59 PM
To: Witthans, Wynn
Cc: Carter, John; Maskal, Nellie; Edwards, Sue; 'synergiesinc@aol.com';
Smith, Carol Leigh (NIH/NCI)
Subject: follow up

Wynn,

Thank you for taking the time to speak with me today concerning the issues I submitted via email. Confirming our conversation today, I understand that:

- You will not be following up further through your office relative to project building height verification; You would like us to contact the developer (Newland) directly regarding the height issues and for any documentation or validation of height requirements and compliance.

- Regarding the church vista and view as initially proposed in the Master & Project Plans and shown in the Phase 1 Site Plan (specifically relative to the "diagonal pedestrian mews" - from a lawn mews to a street mews -as supporting the initially planned church vista), and the placement of the community pool in that diagonal pedestrian mews, you maintain that those issues were already discussed and that the current development plans seem acceptable in your opinion. Although I mentioned that this seemed to me to be contrary to what was expressed by John Carter and all present at our meeting with M-NCPPC on August 21, you acknowledged that we have a difference of opinion on this issue.

- Regarding the changes to the approved project plan relative to the location of the multifamily units, single family attached and recreation areas, you maintain that the Project Plan merely showed a "series of sample blocks" and that the initial locations on the Project Plan are not binding. When reminded of the concern that condominiums were suggested to be placed above the retail/office space on Mainstreet, you stated "we can talk about that", as you believe the developer to be working within the guidelines of the Project Plan.

I do not believe our conversation overall, was in keeping with the information we discussed with John Carter, Nellie Maskal, Susan Edwards and you at our meeting of August 21. However, I will attempt to convey the information accurately to the CTCAC and determine from there how we can proceed on these issues.

As I mentioned, Newland is meeting with our CTCAC board, along with their new architect/designer, on October 12 to discuss our input relative to the Commercial/Retail section. Although I do not feel that it is appropriate for the CTCAC to acquire the information from Newland regarding their compliance with height issues, etc., I will present your suggestion and opinions on that to the CTCAC and get back to you if we require further information, validation or assistance from your office.

Thank you,
Kim Shiley

* CONFERENCE CALL WAS HELD W/ JOHN CARSTER TO DISCUSS THIS.

very curious myself.

Su RE: follow up
Da 10/1/2004 9:45:31 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com, shileyk@mail.nih.gov
Sent from the Internet (Details)

Stab away Amy!!!

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Friday, October 01, 2004 9:40 AM
To: Smith, Carol Leigh (NIH/NCI); Shiley, Kimberly (NIH/NCI)
Subject: Re: follow up

Exactly my thoughts, Carol. We should do this by sending to him the copy of Wynn's email and then restating what we believed him to say. We also need to make clear that we are a little disturbed by the ambiguous references to the project plan being able to "morph" at site plan submittal.... let's get an official M-NCPPC definition of the importance and binding aspect of the project plan. . . Kim, care for me to take a stab at the response?

Su RE: follow up
Da 10/1/2004 11:42:48 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, Synergiesinc@aol.com
Sent from the Internet (Details)

more:

Sec. 59-D-3.4. Action by Planning Board.

(a) A public hearing must be held by the Planning Board on each site plan application. The Planning Board must approve, approve subject to modifications, or disapprove the site plan not later than 45 days after receipt of the site plan, but such action and notification is not required before the approval of a preliminary plan of subdivision involving the same property. The Planning Board then must notify the applicant in writing of its action. In reaching its decision the Planning Board must determine whether:

(1) the site plan is consistent with an approved development plan or a project plan for the optional method of development, if required;

Su Lunch Date w/ Nancy FLoreen
Da 10/1/2004 2:08:23 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To shileyk@mail.nih.gov, Synergiesinc@aol.com
Sent from the Internet (Details)

Hi girls

We have a lunch date with Nancy Floreen. Wednesday Oct. 20th at 12:30. I may push for a little earlier. Can you both make it?

Su **RE: Conference Call Dial-in Information**
Da 10/1/2004 2:09:43 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com

Sent from the Internet (Details)

What time??????

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

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]

Sent: Friday, October 01, 2004 1:08 PM

To: john.carter@mncppc-mc.org

Cc: Smith, Carol Leigh (NIH/NCI); Shileykim@aol.com

Subject: Conference Call Dial-in Information

Hello, All.

I have provided a conference call dial-in number below. This should be active all day, so whatever time we confirm will be fine.

John - I neglected to invite Nellie on the call, but please do so if that's appropriate and she's available.

Conference Call Info:

Conference Call Number: 641-497-7324

Passcode: 931998

Subj: **Thank you**
Date: 10/13/2004
To: kambrose@newlandcommunities.com
CC: smithc@efdb.nci.nih.gov, jersub13@yahoo.com, rdefrehn@nccmp.org, JJackman@wtplaw.com,
timdearros@comcast.net, murfs@comcast.net, shileyk@mail.nih.gov, lpowell@cpja.com,
davidkitchens@coopercarry.com

Hello, Kim.

Just wanted to thank you for hosting the meeting last night. We appreciated the forum for idea exchange with David and Les, as well as the contributions from Rick and Todd. We were impressed by David's line of questioning, and his apparent ability to assimilate our diverse comments.

We believe we made good progress in communicating the residents' expectations relative to the Master Plan/Project Plan and understanding Newland's desire to work together to derive a mutually beneficial solution.

We look forward to meeting with you again on the 26th to have a look at some proposed solutions.

Sincerely,
Amy Presley, on behalf of the CTCAC

PS I did not have Rick's or Todd's email. Would you kindly forward this to them? Thank you.