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David M. Kochanski
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Alan B. Sternstein
Nancy P. Regelin
Samuel M. Spiritos +
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Fred S. Sommer
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Douglas K. Hirsch
Ross D. Cooper
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Karl J. Protol, Jr. +
Timothy Dugan +
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Maryland and D.C.
except as noted:
+ Virginia also • D.C. only
• Maryland only † Retired

Writer's Direct Dial Number:

(301) 230-6576
lgordon@srgpe.com

November 4, 2005

RECEIVED
NOV 04 2005

By Hand Delivery

The Honorable Derick P. Berlage, Chairman
and Members
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

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

Re: Miller and Smith at Woodcrest, L.L.C/Woodcrest Property (the "Property") - -
Approved Preliminary Plan No. 1-04019 and Site Plan No. 8-05009,
Opposition to Request for Reconsideration

Dear Chairman Berlage and Members of the Board:

This letter and attachments are submitted on behalf of Miller and Smith at Woodcrest, L.L.C., ("Miller and Smith"), applicant/developer/builder of Woodcrest for inclusion in the record of the above-captioned matter. Miller and Smith opposes the allegations of Mr. Daniel Goldberg and Ms. Mary Lynn George as reflected in their October 11, 2005 letter to the Board requesting reconsideration of the Board's September 9, 2004 approval of Woodcrest Preliminary Plan No. 1-04019 and the Board's December 23, 2004 approval of Woodcrest Site Plan No. 8-05009.

At the outset we note that, as part of the Board's approval, it found that the Woodcrest Site Plan was in compliance with the 1994 Clarksburg Master Plan, including specific recommendations for the Town Center District within which the Property is situated at the northern edge. The Clarksburg Master Plan has been available to the public, including Mr. Goldberg and Ms. George, at Park and Planning for over 10 years. Furthermore, the Montgomery County Jurisdictional Addendum to Residential Sales Contracts contains provisions whereby purchasers acknowledge having reviewed or waived the right to review Master Plans.

I. PLANNING BOARD RULES ON NOTICE:

Miller and Smith fully complied with both the letter and spirit of the Board's notice requirements. Moreover, as more fully discussed below, Mr. Goldberg and Ms. George were not entitled to notice under the Planning Board's Rules of Procedure. The applicable Board Rule is found in Section 2A(1) "Notice of the Filing of an Application", and is described in more detail in Section 1.13, of the Board's "Site Plan Submission Requirements".

The Board's Rules, Section 2A(1) require, in pertinent part, that the applicant:

"shall obtain the names and addresses of the confronting and adjacent property owners, and shall mail them a notice of application as soon as possible but not later than 10 calendar days after the date of application."

The Board's Site Plan Submission Requirements, Section 1.13 ("List of Adjacent and Confronting Property Owners") further clarifies that the aforementioned list:

"must be based on the latest available tax assessment ownership records, compiled no more than 30 days prior to the date the application is submitted, and must be submitted with the application."

Additionally, both Rule 2A(1) and Section 1.13 provide that the list must be updated if the application is "pending for more than one year". The subject Site Plan application was filed on September 1, 2004 and heard by the Board less than 4 months later on December 23, 2004. Thus, the one year update provision did not apply to Woodcrest.

II. WOODCREST NOTICE:

In the instant case, Miller and Smith's Woodcrest Site Plan Adjoining and Confronting Homeowner's List (the "List") was prepared and submitted by the civil engineering, and planning firm of Gutschick, Little & Weber, P.A. ("GLW"). Specifically, the List was compiled and prepared by Mr. Thomas Zyla, a professional landscape architect licensed in the State of Maryland. Mr. Zyla has advised as follows:

1. On or about August 19, 2004 Mr. Zyla researched the Maryland Department of Assessments and Taxation ("SDAT") Real Property Data Search website and obtained the names and addresses that were included on the Woodcrest List. At

that time, the only owner listed by SDAT for the portion of the Clarksburg Ridge property neighboring and proximate to the southeast side of the Woodcrest Property was Natelli Clarksburg, LLC.

2. The Site Plan Application was filed with Planning Board Staff on September 1, 2004. This filing date was approximately 13 days after the List had been researched and prepared, and was well within the prescribed 30 day period between the List preparation and filing of the Woodcrest Site Plan application. A copy of the List was included with the application.
3. On September 3, 2004, 2 days after filing of the Site Plan and well within the 10 day prescribed period, Mr. Zyla (by Certified Mail, Return Receipt Requested) sent written notice and a copy of the Woodcrest Site Plan drawing to all of the owners on the List. Between September 4 and 9, 2004, he received Return Receipts indicating that the mailed notices had been delivered.
4. On or about December 14, 2004, Ms. Wynn Witthans, the Board's Site Plan Reviewer for Woodcrest, telephoned Mr. Zyla to request that he update the List with regard to adjacent lots within the neighboring Clarksburg Ridge Subdivision to see if any of those adjacent lots were shown as having been conveyed to individual homeowners. Though not required to do so under the Board's Rule requiring updating of notice lists only when applications have been pending for over one year, Mr. Zyla again checked the SDAT Real Property Data Search website to obtain the requested information. On or about December 14, 2004 (approximately 9 days prior to the Board's December 23, 2004 Woodcrest Site Plan hearing), Mr. Zyla submitted a list containing the information requested by Ms. Witthans. That list indicated that SDAT records available as of on or about December 14, 2004 revealed no individual homeowners of adjacent lots in Clarksburg Ridge.

III. THE GOLDBERG/GEORGE PROPERTY

According to SDAT Real Property Data Search records, the Deed by which Mr. Goldberg and Ms. George purchased their property located at 13303 Dutrow Way (Lot 2, Block I, Clarksburg Ridge) was not filed in the Land Records until December 23, 2004. This was the exact same date as the Planning Board's hearing on Woodcrest Site Plan 8-05009. A copy of the SDAT printout reflecting the December 23, 2004 filing date is attached as Exhibit "A". Furthermore, the date of recordation was also 3 ½ months after the Planning Board's hearing on Woodcrest Preliminary Plan No. 1-04019.

IV. SUPPORTING DOCUMENTATION

In further support of Miller and Smith's compliance with the Planning Board's Site Plan notification rules, attached please find copies of the following materials:

1. Exhibit "B" - - September 1, 2004 M-NCPPC Transaction No. 23831 Receipt verifying filing of Woodcrest Site Plan No. 8-05009.
2. Exhibit "C" - - List of Adjoining and Confronting Property Owners transmitted with the Site Plan No. 8-05009 Application on September 1, 2004.
3. Exhibit "D" - - Notice of Site Plan Application Letter sent by GLW to parties on the Woodcrest Adjoining and Confronting Property Owners List.
4. Exhibits "E-1" through "E-6" - - Collectively, copies of Certified Mail mailing forms (dated September 3, 2004) and Return Receipts (signed between September 4 and 9, 2004) by which GLW sent timely notice of Site Plan filing.
5. Exhibit "F" - - List of Civic Associations obtained by GLW from the Board's Site Plan files. Note that this list includes the Clarksburg Civic Association.
6. Exhibit "G" - - Updated list submitted by GLW at the request of Wynn Witthans as obtained by GLW from the Board's Site Plan file. Note that the updated list found in the file contained highlighting of the Clarksburg Ridge properties adjacent to Woodcrest. Because the highlighting did not come through when the list was xeroxed, we have placed checkmarks next to the properties that had been highlighted.
7. Exhibit "H" - - Page 11 from the December 17, 2004 Site Plan Staff Report marked to show language confirming receipt of the requested updated list from GLW and stating, "that no new homeowners are adjacent to the shared property line thus no new notices are required beyond the current list." Additionally, without conceding that Woodcrest adjoins common open space at Clarksburg Ridge, even if this were the case, GLW has advised that when the only list required under the Board's Rules (ie. the August 19, 2004 List) was prepared, all of the land in Clarksburg Ridge proximate to (and including all land within 300 feet of Woodcrest) was shown in the SDAT records as belonging to Natelli Clarksburg, LLC. They also have advised that the HOA at Clarksburg Ridge was not formed until April 2005.

8. Exhibit "I" - - Page 14 from the December 17, 2004 Site Plan Staff Report marked to show language reflecting input and recommendations from the Clarksburg Civic Association.

V. ADDITIONAL ISSUES

Although not appropriate for consideration or discussion by the Planning Board at a proceeding to determine whether to grant reconsideration, we do note that all of the issues raised in the Goldberg/George letter regarding the design of Woodcrest were considered by the Staff and Board as part of the Site Plan application review, hearing and ultimate approval.

VI. STANDING

The Board's Rules Section 11, "Reconsideration" require that, "A request to reconsider may only be made by a party of record..." Neither Mr. Goldberg nor Ms. George were parties of record in the Woodcrest Preliminary Plan or Site Plan matters. Moreover, the fact that they were not entitled to direct notice did not preclude them from participating in either proceeding had they chosen to. As noted, the 10 year old Clarksburg Master Plan gave clear indication of the potential developability of the Woodcrest Property and the Board's weekly published agendas clearly indicated the pendency of the Woodcrest matters prior to their consideration by the Board. Finally, albeit no other parties of record would qualify to request reconsideration at this late date, Mr. Goldberg and Ms. George are certainly not qualified under the Board's Rules to request reconsideration on behalf of any other party.

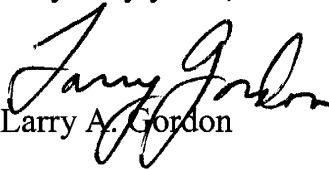
VII. CONCLUSION

For any and all of the above stated reasons, Mr. Goldberg and Ms. George were not entitled to notice of either the Woodcrest Preliminary Plan or Site Plan filings or hearings. Moreover, the SDAT information that the applicant was required to and did research shows that the Goldberg/George property was not recorded (and thus was not available to SDAT for updating of its information) until December 23, 2005, the same date as the Site Plan hearing and well after any required notice. Further, since they were not parties of record in either matter, Mr. Goldberg and Ms. George are not entitled to reconsideration under the Board's Rules. Finally, the applicant fully and timely complied with all applicable notice requirements under the Board's Rules and, as noted, even exceeded such requirements at Staff's request.

The Honorable Derick P. Berlage
November 4, 2005
Page 6

Accordingly, we respectfully request that the Goldberg/George Request for Reconsideration be denied by the Board.

Very truly yours,


Larry A. Gordon

Attachments

cc: The Honorable Allison Bryant
The Honorable Wendy Perdue
The Honorable John Robinson
The Honorable Meredith Wellington
Tariq El-Baba, Esq. (By e-mail)
Mr. William Roberts
Mr. Kevin Foster
Mr. Thomas Zyla

[Click here for a plain text ADA compliant screen.](#)

 Maryland Department of Assessments and Taxation MONTGOMERY COUNTY Real Property Data Search	Go Back View Map New Search Ground Rent
--	--

Account Identifier: District - 02 **Account Number -** 03405625

Owner Information

Owner Name:	GOLDBERG, DANIEL A & MARY LYNN GEORGE	Use:	RESIDENTIAL
Mailing Address:	13303 DUTROW WAY CLARKSBURG MD 20871-4349	Principal Residence:	YES
		Deed Reference:	1) 2)

Location & Structure Information

Premises Address	Legal Description
13303 DUTROW WAY CLARKSBURG 20871-4349	CLARKSBURG RIDGE ARTICLES OF AMND

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	22492
EW32				51		EYE	2	1	Plat Ref:	

Special Tax Areas	Town Ad Valorem Tax Class	42
Primary Structure Built	Enclosed Area	Property Land Area
2004	3,098 SF	8,367.00 SF
County Use		111
Stories	Basement	Type
2	YES	STANDARD UNIT
		Exterior
		FRAME

Value Information

	Base Value	Value As Of		Phase-in Assessments As Of	
		01/01/2004	07/01/2005	07/01/2005	07/01/2006
Land:	72,360	106,100			
Improvements:	375,900	412,150			
Total:	448,260	518,250	494,920	518,250	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: NVR INC	Date: 12/23/2004	Price: \$672,765
Type: IMPROVED ARMS-LENGTH	Deed1:	Deed2:
Seller: CLARKSBURG RIDGE LLC	Date: 09/27/2004	Price: \$671,510
Type: MULT ACCTS ARMS-LENGTH	Deed1: /28353/ 589	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:**
Exempt Class: * NONE *

Exhibit "A"

M-NCPPC Information & Publications
8787 Georgia Avenue
Silver Spring, MD 20910
(301)495-4595

TRANSACTION No. 23831

DATE: 09/01/04
TIME: 13:13:27

Company Name:

Customer Name: COUNTER/WALK IN
MRO
, MD 00000-0000

SALES CLERK No. 18

ITEM	DESCRIPTION	QNTY	PRICE	AMOUNT
8362GE222A	FORESTCNSRVPLN SINGL	1	200.00	200.00
8362GE222A	FORESTCNSRVPLN SINGL	1	66880.00	66880.00
8362GE222A	FORESTCNSRVPLN SINGL	-1		66880.00
8362GE222A	FORESTCNSRVPLN SINGL	1	6880.00	6880.00
8366GD300A	SITE PLANRESIDENTIAL	1	6072.00	6072.00

@@AA

SUBTOTAL 13152.00
TAX 0.00
AMOUNT DUE \$ 13152.00
CHECK TENDERED 13152.00 ✓

#8-05009
Waxcrest
Dec 10/4/04

Exhibit "B"

Mattlyn Enterprises
P.O. Box 178
Clarksburg, MD 20871

James B. Burdette
23540 Frederick Road
Clarksburg, MD 20871

J. Maurice Carlisle, Jr.
19700 Barnesville Road
Dickerson, MD 20842

Churchill Development Corp.
8521 Churchill Downs Road
Laytonsville, MD 20882-1443

Tsunie Chanchien, et al
10025 Sorrel Avenue
Potomac, MD 20854

Natelli Clarksburg, LLC
806 W. Diamond Avenue, Suite 301
Gaithersburg, MD 20878-1413

Exhibit "C"

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

SITE PLAN 8-05009

Name of Plan Woodcrest
Current Zoning R-200/RDT
No. Proposed Lots/Area Included 86 Lots
Geographical Location MD Route 355, ½ mile North of Clarksburg Road

To Whom It May Concern:

The above-referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change due to specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

The Montgomery County Planning Board will hold a public hearing on the above-referenced plan application to obtain public comment. Written notification of the date of the public hearing will be sent to you no later than ten days before the meeting.

If you have any questions, please contact the Park and Planning Commission's Development Review Division at (301) 495-4595.

KAF/jes
02LETMEM:02079.912

Exhibit "D"

7004 1160 0001 9574 9992

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OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To **Mattlyn Enterprises**
 Street, Apt. No., P.O. Box 178
 or PO Box No. Clarksburg, MD 20871
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Robert D Esch</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Mattlyn Enterprises P.O. Box 178 Clarksburg, MD 20871</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from se)</p>		<p>7004 1160 0001 9574 <i>522</i> 02079752</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

Exhibit "E-1"

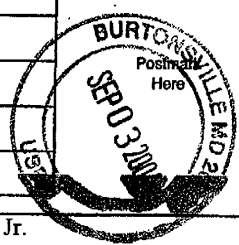
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **J. Maurice Carlisle, Jr.**
19700 Barnesville Rd.
 Street, Apt. No., or PO Box No. **Dickerson, MD 20842**
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

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<p>1. Article Addressed to:</p> <p>J. Maurice Carlisle, Jr. 19700 Barnesville Rd. Dickerson, MD 20842</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>(Transfer from service)</i></p>	<p>7004 1160 0001 9574 7776 02079 JSZ</p>

7004 1160 0001 9574 7783

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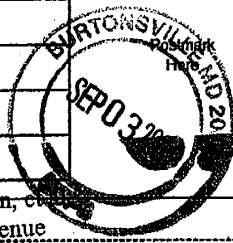
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To **Tsunie Chanchien, et al**
10025 Sorrel Avenue
 Street, Apt. No., or PO Box No. **Potomac, MD 20854**
 City, State, ZIP+4

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tsunie Chanchien, et al
10025 Sorrel Avenue
Potomac, MD 20854

2. Article Number
(transfer from)

7004 1160 0001 9574 7783

02079 752

PS Form 3811, February 2004.

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
9-9-04

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Exhibit "E-3"

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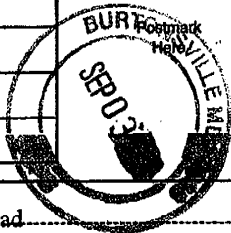
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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 or PO Box No. Clarksburg, MD 20871
 City, State, ZIP+4

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<p>1. Article Addressed to:</p> <p>James B. Burdette 23540 Frederick Road Clarksburg, MD 20871</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0001 9574 7752</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>02679752</p>

Exhibit "E-4"

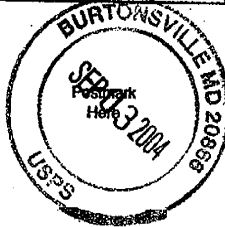
7004 1160 0001 9574 7769

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



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5 Choke Cherry Rd
 Street, Apt. No.,
 or PO Box Suite 360
 City, State, ZIP+4® Rockville, MD 20850

PS Form 3800, June 2002

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Churchill Development Corp.
5 Choke Cherry Rd
Suite 360
Rockville, MD 20850

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Barbara Towles Addressee

B. Received by (Printed Name) C. Date of Delivery
 _____ 9/14/04

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article # _____
 (Transf#) 7004 1160 0001 9574 7769

02079752

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Exhibit "E-5"

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Natelli Clarksburg, LLC

Sent To **806 W. Diamond Avenue**
Suite 301
Gaithersburg, MD 20878-1413

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) S. Maxwell</p> <p>C. Date of Delivery 9/7/04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Natelli Clarksburg, LLC 806 W. Diamond Avenue Suite 301 Gaithersburg, MD 20878-1413</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

Exhibit "E-6"

Krisna Becker
Clarksburg Civic Assn.
22511 Schoolfield Ct
Clarksburg, MD 20871

Timothy McGrath
TROT
P.O. Box 190
Dickerson, MD 20842

DUMMY RECORD

Paul Majewski
Clarksburg Civic Assn.
P.O. Box 325
Clarksburg, MD 20871

Pedro Porro
Spanish Speaking People of Montgomery
5729 Bradley Boulevard
Bethesda, MD 20814

DUMMY RECORD

Bob Zarnetske
Sugarloaf Citizens Assn., Inc.
20900 Martinsburg Rd
Dickerson, MD 20842

Guy Turenne
Trout Unlimited
4261 Charley Forest St.
Olney, MD 20832

Milmoe Delores
Audubon Naturalist Society
8940 Jones Mill Road
Chevy Chase, MD 20815

Tom and Melan Hoffman
Clarksburg Initiatives Assn.
23801 Peach Tree Road
Clarksburg, MD 20871

Lois Sherman
Montgomery Inter County Connector
14800 Pebblestone Drive
Silver Spring, MD 20905

Randy Schritchfield
Damascus Community Alliance
P.O. Box 120
Damascus, MD 20872

Marvin Weinman
Montgomery County Taxpayers League
P.O. Box 826
Rockville, MD 20848-0826

Kathie Hulley
Clarksburg Civic Assn.
21809 Diller Lane
Boys, MD 20841

President
Seniors Organized for Change (SOC)
6125 Montrose Road
Rockville, MD 20852

George Sauer
Citizens for a Better Montgomery
8307 Post Oak Road
Potomac, MD 20854

Tom Reinheimer
Marylanders for a Second Crossing
19008 Jamieson Drive
Germantown, MD 20874

Dan Wilhelm
Montgomery County Civic Federation
904 Cannon Rd
Colesville, MD 20904

Wayne Goldstein
Montgomery Preservation, Inc.
3009 Jennings Road
Kensington, MD 20895

Julius Cinque
Northern Montgomery County Alliance
223 Slidell Road
Boys, MD 20841

Jim Fary
Sierra Club - Montgomery County Group
2836 Blue Spruce Lane
Silver Spring, MD 20906-3166

all current adjacent property owners have been labeled as of 12/14/04



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MONTGOMERY COUNTY
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Name	Account	Street	OWN OCC	Map Parcel
<u>CLARKSBURG RIDGE</u>	02 03404643	DUTROW DR	N	EW32
<u>CLARKSBURG RIDGE</u>	02 03405636	DUTROW CT	N	EW32
✓ <u>NVR INC</u>	02 03405603	2 DUTROW CT	N	EW32
✓ <u>CLARKSBURG RIDGE</u>	02 03405591	4 DUTROW CT	N	EW32
<u>NVR INC</u>	02 03405534	5 DUTROW CT	N	EW32
✓ <u>CLARKSBURG RIDGE</u>	02 03405580	6 DUTROW CT	N	EW32
✓ <u>NVR INC</u>	02 03405578	8 DUTROW CT	N	EW32
✓ <u>NVR INC</u>	02 03405567	10 DUTROW CT	N	EW32
<u>CLARKSBURG RIDGE</u>	02 03405556	12 DUTROW CT	N	EW32
<u>CLARKSBURG RIDGE</u>	02 03405545	14 DUTROW CT	N	EW32
<u>NVR INC</u>	02 03404745	13200 DUTROW DR	N	EW32
<u>KRISHNAMOORTHY GA</u>	02 03404847	13201 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03404756	13202 DUTROW DR	N	EW32
<u>HANG REY D &</u>	02 03404858	13203 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03404767	13204 DUTROW DR	N	EW32
<u>HELLER EDWARD D &</u>	02 03404860	13205 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03404778	13206 DUTROW DR	N	EW32
<u>JASTI VINOD K ET</u>	02 03404871	13207 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03404780	13208 DUTROW DR	N	EW32
<u>LEE ARNOLD JENHSU</u>	02 03404882	13209 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03404791	13210 DUTROW DR	N	EW32
<u>ZHANG CHUNLIN &</u>	02 03405432	13211 DUTROW DR	H	EW32
<u>CATERNOR EBENEZER</u>	02 03405443	13213 DUTROW DR	H	EW32
<u>SMITH CALE M & MA</u>	02 03405454	13215 DUTROW DR	H	EW32
<u>NVR INC</u>	02 03405352	13218 DUTROW DR	N	EW32
<u>LEWY KEVIN MS & V</u>	02 03405465	13219 DUTROW DR	N	EW32
<u>TU BIN &</u>	02 03405363	13220 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405476	13221 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405374	13222 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405487	13223 DUTROW DR	N	EW32

Exhibit "G"

<u>NVR INC</u>	02 03405385	13224 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405498	13225 DUTROW DR	N	EW32
<u>THAKKAR MANAN B E</u>	02 03405396	13226 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405501	13227 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405408	13228 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405512	13229 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405410	13230 DUTROW DR	N	EW32
<u>CARRETERO ANA M</u>	02 03405523	13231 DUTROW DR	N	EW32
<u>NVR INC</u>	02 03405421	13232 DUTROW DR	N	EW32
✓ ✓ <u>CLARKSBURG RIDGE</u>	02 03405614	13301 DUTROW WAY	N	EW32
<u>NVR INC</u>	02 03405625	13303 DUTROW WAY	N	EW32

Note: During the review of the maintenance yard, it was noted that there is one light within the maintenance yard that is oriented towards the residential boundary. It was determined that several garages that block the light, thus there is no undesirable impact to the new units.

Note: The applicant has done a noise analysis that indicates non-conformance to the noise levels prior to 7 am for the maintenance yard. They are continuing the analysis and final report will be available prior to the Planning Board hearing. Parks staff and the applicant are coordinating on possible remedial treatment and who will do it.



Since the application was received by M-NCPPC, several homes within the adjacent Clarksburg Ridge have been under construction. The applicant has submitted to staff a list of land transfers as of December 14, 2004, two days prior to release of the staff report; that indicate no new homeowners are adjacent to the shared property line thus no new notices are required beyond the current list.

key goal of the Master Plan. The proposed site plan also includes localized open spaces with pavilions and sitting areas, thus providing more open space opportunities.

3. Relationship to Little Bennett Regional Park

The 3,600-acre Little Bennett Regional Park forms the north edge of the proposed Woodcrest development. The M-NCPPC's Park Maintenance Facility adjoins this portion of the proposed development. The applicant is providing landscaping on the park side of the property in order to provide compatibility with the proposed development.



In addition, the Clarksburg Civic Association, Planning Committee (CCA-PC) recommends that extreme measures be taken to ensure that the development's lighting does not ruin the fleeting experience enjoyed by campers and day users of the park. The CCA-PA insists that lighting should be full cut off, to prevent lighting the dark skies. See Attachments.

Preliminary Plan

On September 4, 2004, the Montgomery County Planning Board approved Preliminary Plan # 1-04019 for the site with the following conditions:

Approval, including a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of Public Road "B" where there are no residential lots fronting the roadway; waiver of §50-26(f) pursuant to §50-38(a) to permit a centerline radii of 50' on the proposed turnaround at the northern end of Public Road "B"; staff recommendations for the Preliminary SPA Water Quality Plan; and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 86 dwelling units.
- 2) No onsite clearing or grading, and no recording of plats prior to Site Plan approval. Limited onsite clearing and grading associated with offsite road construction, as approved by MNCPPC staff, may be permitted prior to Site Plan approval.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 4) Relocate proposed tot lot at Site Plan; record plat to reflect tot lot on a separate parcel.
- 5) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 6) Conformance to the conditions as stated in the MCDPS letter of July 8, 2004 approving the elements of the SPA water quality plan under its purview.
- 7) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By Others" are excluded from this condition.
- 8) The applicant shall construct the section of A-305 from Frederick Road (MD 355) to Clarksburg Road.