

Douglas M. Duncan
County Executive

December 6, 2005

Robert C. Hubbard

Craftmark Homes 6830 Elm St. Colesville, MD 20902

Re:

Building Permit 334795 23328 Robin Song Dr. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 334795 23328 Robin Song Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter Division Chief
Division of Casawork Management





Douglas M. Duncan County Executive December 6, 2005

Robert C. Hubbard

Director

Craftmark Homes 6830 Blm St. Colesville, MD 20902

Re:

Building Permit 334707 12625 Granite Rock Rd. Clarksburg, MD 20871

Dear Mr. Building Permit Applicant:

Putsuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 334707 12625 Granite Rock Rd. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casswork Management





Douglas M. Duncan County Executive December 6, 2005

Robert C. Hubbard

Director

Craftmark Homes 6830 Elm St. Colesville, MD 20902

Re:

Building Permit 334708 23317 Bent Arrow Dr. Clarksburg, MD 20871

Dear Mr. Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 334708 23317 Bent Arrow Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casawork Management





Douglas M. Duncan County Executive December 6, 2005

Robert C. Hubbard Director

Craftmark Homes 6830 Blm St. Colesville, MD 20902

Re:

Building Permit 334709

23319 Bent Arrow Dr. Clarksburg, MD 20871

Dear Mr. Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately:

Building Permit 334709 23319 Bent Arrow Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casework Management





Douglas M. Duncan
County Executive

December 6, 2005

Robert C. Hubbard

Director

Craftmark Homes 6830 Blm St. Colesville, MD 20902

Re:

Building Permit 334710. 23321 Bent Arrow Dr.

Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately:

Building Permit 334710 23321 Bent Arrow Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Caswork Management



LOT 13-K



CRAF IMAKK HUMES

#### DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 6, 2005

Robert C. Hubbard Director

Craftmark Homes 6830 Blm St. Colesville, MD 20902

Re:

Building Permit 334722 12630 Granite Rock Rd. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately

Building Permit 334722 12630 Granite Rock Rd. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information; please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casework Management



# ELM STREET DEVELOPMENT

**EXHIBIT 3 (Continued)** 

SHULMAN ROGERS GANDAL PORDY& ECKER, PA.

Lawrence A Shulman Donald R. Regeri Karl L. Ecker! David D. Freisher Martin P. Schaffer Christopher C. Robers Jeffey A. Shame Edward M. Hancon, Jr. David M. Kochantic James M. Kefauver! Robert B. Canter Daniel S. Krikower Kevin P. Kennedy Also B. Stemstein Nancy P. Regelin Samuel M. Spiritov Martin Levine Worthington H. Tsitors, J. \*
Fred S. Sommer
Mornon A. Faller
Alan S. Tilles
James M. Hoffmer
Michael V. Nuksmura
Jay M. Elisenberg\*
Douglas K. Hinch
Ross D. Cooper
Oleuju C. Etelson
Kall J. Fredil, Jr.\*
Timothy Dugas\*
Kin Yvis Fistentino
Sean P. Sherman\*
Gregory D. GranteJacob S. Frenkel\*
Rebecca Oshoway

Michael J. Froedich William C. Devis, III Patrick M. Martyn Stody David Baren Christine M. Sorge Michael L. Keblit Jefftey W. Rubin Simon M. Nadler Scott D. Musclet Scott D. Musclet Karl W. Means Michaelle R. Cuttas Mird L. Magyar Chana W.D. Golding \*\* Michael J. Lichtenstein Bruce A. Herbooth Debra S. Friedman\* Marthew M. Mooret \*\* Eric J. voa Yory

Gary 1. Horowith
Heather L. Howard
Stephen A. Mett
Hong Suk, "Faul" Chung
Pattick J. Howley
Carmen J. Mongon'
Kristin E. DiaperHeather L. Spurines
Andre L. Brady
Melitias G. Benneten
Pavicie Teck.
Roben L. Rinns'
Jacob A. Gimberg
John D. Stoller
Heather R. Comerons
Mate E. Pasckoff
Anstr H. Percess

Anstr H. Percess

Meredith S. Anismi John D. Adami Of Cannal Lery N. Gardri Leonard R. Weddlein Richard P. Mever Lytry A. Gordon-David E. Westman Lewtenne Einenberg Deborth L. Mossis Soon D. Field Jeannie Eun Cha Special Graniel Philip R. Hochberg-Maryland and L.C. coept as natali-• Virginja also • D.C. and • Wirghad only • Remed

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7671

Fax Note

Post-If\*

1

: ir's Direct Dial Number:

(301) 230-5228 tdugan@srgpe.com

December 27, 2005

DEC 28 2005
DEPT. OF PERMITTING SER

By Email and Messenger

Mr. Robert Hubbard, Director Montgomery County Department of Permitting Services ("DPS") 255 Rockville Pike, Second Floor Rockville, Maryland 20850

Re:

Michael Harris Development, Inc. Clarksburg Village Stand Still Letter

Dear Mr. Hubbard:

We represent Michael Harris Development, Inc. ("MII"), one of the builders of the "dwelling unit, one-family attached" homes in the Clarksburg Village project (the "Project").

We are confirming that DPS has determined that as reflected by the intention of the approved Site Plan, all of the eleven (11) units listed on the enclosed Exhibit 1 as "attached" fall within the Zoning Ordinance definition for "Dwelling unit, one-family attached" (hereinafter referred to as the "Units"), as intended by the developer and M-NCPPC. The interpretation by DPS is limited to the facts and circumstances of the Project. The interpretation is not to be considered applicable County-wide. We further understand that DPS must approve the details for the connection that will attach the two Units together. (Such connection(s) is/are hereinafter referred to as the "Connection(s).")

11921 Rockville Pike, Rockville, Maryland 20852-2743 \* Tel; (301) 230-5200 \* Fax: (301) 230-2591
Washington, D.C. Office: (202) 872-0400 \* Greenbelt, Meryland Office: (301) 699-9883 \* Tysons Corner, Virginia Office: (703) 684-5200
E-mail: lawfura@srgpe.com \* Internet: www.shulmanrogers.com

<sup>&</sup>lt;sup>1</sup> M.H. finds the currently-proposed Connection detail acceptable, and similarly anticipates that a revised Connection detail (acceptable to DPS) will be acceptable. Nonetheless, at this juncture, we note, respectfully, that M.H. must preserve its rights to appeal a revised Connection detail that it found to be unacceptable.



As an act of good faith (without prejudice)<sup>2</sup> and in return for DPS rescinding the Stop Work Orders attached as Exhibit 2, M.H. agrees to forbear in its start of construction of those eleven (11) units, not yet started. Construction, however, will be allowed to commence as soon as DPS approves the Connection.

DPS will work with M.H. to determine the acceptable form for issuing building permits for the Connections. DPS recognizes that the timing of such installations must necessarily follow the completion of both of the to-be-attached Units, so that the Connection can be installed properly. Provided that the inspections are otherwise acceptable, where one of two Units is ready for final inspection, settlement and occupancy, before the other Unit is similarly ready, DPS will issue final inspections and otherwise allow settlement and occupancy.

Work regarding Lot 17D has not been started and is on hold "administratively." It was not planned to be attached, because it is located entirely within the R-200 TDR3 zoned area. DPS will defer to the M-NCPPC's re-confirmation that the R-200 TDR3 development standards apply. M-NCPPC must so inform DPS. In the interim, again, as an act of good faith (without prejudice), and in return for DPS agreeing not to issue a stop work order in the future, M.H. agrees to forbear in its commencement of construction of Lot 17D. Following M-NCPPC's expected re-confirmation and notice to DPS, construction will be allowed to commence. Of course, if M-NCPPC does not so re-confirm, M.H. will continue to "stand still" until the matter is resolved.

We understand that you have delegated authority to the Zoning Compliance Chief. Ms. Susan Scala-Demby, to authorize the rescission of the Stop Work Orders, in your absence.

We would appreciate either Ms. Scala-Demby or you signing where indicated below (and faxing a signed copy to Tim Dugan's attention) to indicate your agreement and to confirm that the Stop Work Orders have been rescinded.



<sup>&</sup>lt;sup>2</sup> Notwithstanding anything herein to the contrary, our client reserves all of its legal and equitable rights arising from the matters described herein.



We truly appreciate your thoughtful consideration of the matters. Please call with any comments, questions and instructions. We look forward to hearing from you.

Very truly yours,

SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.

Timothy Dugan

By: Varia P. Varnada

Co-counsel for Michael Harris Development, Inc.

AGREED: [

Montgomery County Department of Permitting Services

Enclosures

cc: Ms. Susan Scala-Demby, Chief Zoning Compliance Malcolm Spicer, Esq., Zoning Compliance

g:\\$1\michael harris development\clarksburg village\correspondence with government\robert hubbard 12 27 05\pi tib jtd#i.doc



# EXHIBIT 1 LIST OF DWELLING UNITS

· · · · · · · · · · · · · · · · · · ·	Lot	Block	Status	Notation
			ONE-FAMILY ATTACHE	ED
1.	32	G	Standstill, Rescind SWO	Not started
2.	33	Ğ	Standstill, Rescind SWO	Not started
3	21	G	Standstill, Rescind SWO	Not started
4.	11	K	Standstill, Rescind SWO	Not started
5.	12	K	Standstill, Rescind SWO	Not started
6.	6	Н	Standstill	Not started
7.	7	H	Standstill	Not started
8.	8	H	Standstill	Not started .
9.	29	G	Standstill	Not started
10.	11	G	Standstill	Not started
	27	G	Standstill	Not started
	·	D	WELLING UNIT IN R-200 TD	R3 ZONE
1.	17	D	Standstill	Not started. R-200 TDR3 standards to be re-confirmed
				with M-NCPPC before
				commencing construction



EXHIBIT 2 COPIES OF STOP WORK ORDERS



December 6, 2005

Robert C. Husbard Director

Douglas M. Duncan County Executive

> Michael Harris Development Inc. 8605 Westwood Center Drive Suite 210 Vienna, VA 22182

Re:

Building Permit 335419 23313 Bent Arrow Dr. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 335419 - 32 G 23313 Bent Arrow Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter Division Chief Division of Casework Management

Cc: Rose Krasnow



255 Rockville Pike, 2nd Floor - Rockville, Maryland 20850-4166 \* 240/777-6300, 240/777-6256 TTY

12/22/05 THU 18:40 [TX/RX NO 7804]



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#### DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 6, 2005

Robert C. Hubbard

Michael Harris Development Inc. 8605 Westwood Center Drive Suite 210 Vienna, VA 22182

Rc:

Building Pennit 335477 23315 Bent Arrow Dr. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1,625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 335477 - 33G 23315 Bent Arrow Dr. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Devolopment Review Section 301 495-4610.

Sincercly

Reginald Jetter, Pivision Chief Division of Casework Management

Cc:

Rose Krasnow



255 Rockville Pike, 2nd Floor . Rockville, Maryland 20850-4166 . 240/777-6300, 240/777-6256 TT

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# DEPARTMENT OF PERMITTING SERVICES

December 6, 2005

Robert C. Habbard

Director

Douglas M. Duncan County Executive

> Michael Harris Development Inc. 8605 Westwood Center Drive Suite 210 Vienna, VA 22182

Rc:

Building Permit 333602 12623 Granite Rock Rd. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 333602 - 219 12623 Granite Rock Rd. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casework Management

Cc: Rose Krasnow



255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4166 • 240/777-6300, 240/777-6256 TTV

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#### DEPARTMENT OF PERMITTING SERVICES

December 6, 2005 Douglas M. Duncan

County Executive

Robert C. Hubbard Director

Michael Harris Development Inc. 8605 Westwood Center Drive Suite 210 Vienna, VA 22182

Building Pennit 333604 12634 Granite Rock Rd. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

> Building Permit 333604 - 11 K 12634 Granite Rock Rd. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casework Management

Rose Krasnow



255 Rockville Pike, 2nd Floor - Rockville, Maryland 20850-4166 - 240/777-6300, 240/777-6256 TD

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# KECEIVED DEC 6 28

# DEPARTMENT OF PERMITTING SERVICES December 6, 2005

Robert C. Hubbart Director

Douglas M. Duncan County Executive

> Michael Harris Development Inc. 8605 Westwood Center Drive Suite 210 Vienna, VA 22182

Re:

Building Permit 333605 12632 Granite Rock Rd. Clarksburg, MD 20871

Dear Building Permit Applicant:

Pursuant to Montgomery County Code, Chapter 8 Buildings, Section 8-20 Stop Work Order and Section 59-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premise cease immediately.

Building Permit 333605 - 12K 12632 Granite Rock Rd. Clarksburg, MD 20871

The lot size is inconsistent with the required lot size on the Maryland National Capital Park and Planning site plan 8-03002 Clarksburg Village.

If you have questions, or need additional information, please call Maryland National Park and Planning, Development Review Section 301 495-4610.

Sincerely

Reginald Jetter, Division Chief Division of Casework Management

Cc: Rose Krasnow



255 Rockville Pike, 2nd Floor - Rockville, Maryland 20850-4166 • 240/777-6300, 240/777-6256 117

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Lawrence A. Shulman Donald R. Rogers Karl L. Ecker! David A. Perdy's David A. Perdy's Marin H. Schriffer Christopher C. Roberts Jeffrey A. Shane Edward M. Hannon, Jr. David M. Kochanki Jenes M. Kefauver v Robert B. Camer Duniel S. Krakower Krvin P. Krancdy Alan B. Scrinsein Nancy R. Regelis Samuel M. Spirines+ Marina Levine Worthington H. Talcost, Jr.\*
Fred S. Sommer
Morton A. Faller
Alans S. Tilles
James M. Hoffman
Michael V. Nahmunis
Jay M. Eistenberg\*
Douglas K. Hinach
Ross D. Cooper
Glenn C. Erelson
Karl J. Proff, Jr.\*
Timothy Dugan
Yurs Vid Plotentino
Soan P. Sherman\*
Gregory D. Grant
Jscob S. Frenkels
Rebocco Oshowsy

Michael J. Frochlich William C. Davis, III Paulick M. Marrya Sandy David Barob Christice M. Sorge Michael L. Kabik Jeffrey W. Rubba Simoo M. Nadler Soon D. Moracler Karl W. Means Michaelle R. Curriss Mimi L. Magyu Clono W.D. Golding \* Michael J. Lichtmatein Bruce A. Hennech Debru S. Friedmans-Matthew M. Moore \* Prie J. von Verys Gary I. Horowitz
Hestber L. Howard
Stephen A. Metz,
Hong Suk "Paul" Chung
Patrick J. Howley
Curnen J. MorganKristin E. Draper
Heather L. Spuriter
Andre L. Brudy
Molisse G. Bernstein
Patrice Teck
Robert L. Ritter
Jacob A. Ginsberg
John D. Sadder
Heather R. Cameron
Mare E. Paschoff
Srin J. Abbany
Adexis H. Peterny

Meredrin S. Abrems
John D. Adams
John D. Adams
John D. Onudel
Larry N. Onudel
Lennid R. Goldnein
Richard P. Meyer
Lennya R. Gordon
Devid E. Weisman
Lewronce Ebsonborg
Deboah L. Moesn
Sent D. Field
Jeannie Eun Cho
Special Gewasel
Phillip R. Hochberg
Merryland and D.C.
Copps

Add D.C.
Co

Writer's Direct Dial Numbers

(301) 230-5228 tdugan@srgpe.com

January 6, 2006

#### By Email

Mr. Robert Hubbard, Director Montgomery County Department of Permitting Services ("DPS") 255 Rockville Pike, Second Floor Rockville, Maryland 20850

Re:

Michael Harris Development, Inc. ("M.H.")

Clarksburg Village

Standstill Letter as to Lot 17D

Dear Mr. Hubbard:

Thank you for your thoughtful attention to our request that DPS counter-sign our December 27, 2005 "stand still" letter. We received the counter-signed copy on Tuesday, January 3, 2006. We incorporate such letter by reference.

On Thursday, January 5, 2006, I reported to you that I would be sending this letter to modify our December 27, 2006 letter, only concerning Lot 17D. As indicated earlier, work regarding Lot 17D has been on hold "administratively." We wish to edit the earlier letter to reflect only that some construction had occurred before activity was put on hold.

M.H. agreed to continue to forbear the construction of Lot 17D, until, as we expect, M-NCPPC reconfirms that the R-200 TDR3 development standards apply and M-NCPPC notifies DPS to that effect. Thereafter, M.H. would be allowed to recommence construction. Again, if M-NCPPC does not so re-confirm, M.H. will continue to "stand still" until the matter is resolved. In the interim, again, as an act of good faith (without prejudice), and in return for DPS agreeing not to issue a stop work order in the future, M.H. agreed to forbear the re-commencement of construction of Lot 17D.

At your earliest convenience, I would appreciate your signing where indicated below (and faxing a signed copy to my attention) to indicate your continued agreement as

11921 Rockville Pike, Rockville, Maryland 20852-2743 • Tel: (301) 230-5200 • Fax: (301) 230-2891
Washington, D.C. Office: (202) 872-0400 • Greenbelt, Maryland Office: (301) 699-9883 • Tysons Comer, Virginia Office: (703) 684-5200
E-mail: lawfirm@stgpe.com • Internet: www.shulmanogers.com



to Lot 17D, in light of the circumstances, as described. Please call with any comments, questions and instructions. Thank you again.

Very truly yours,

Timothy Dugan

AGREED:

Montgomery County Department of Permitting Services

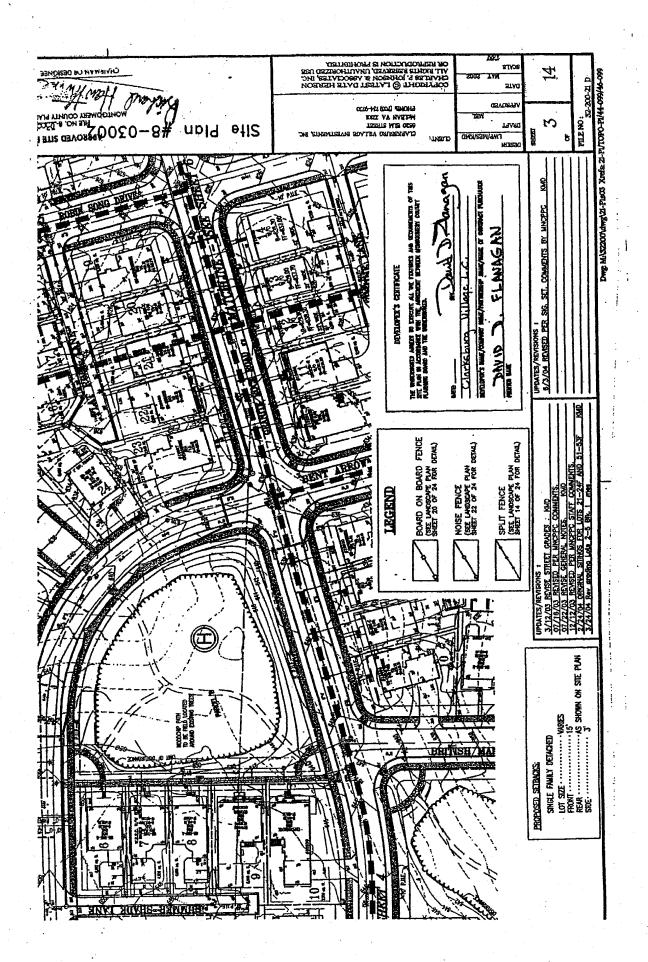
cc: Ms. Susan Scala-Demby Malcolm Spicer, Esq.

g:\51\michael harris development\clarksburg village\correspondence with government\robert hubbard 01 06 06#1.doc

# ELM STREET DEVELOPMENT

# **EXHIBIT 4**

Site Plan Signature Set Excerpt



#### ELM STREET DEVELOPMENT

#### **EXHIBIT 5**

February 5, 2004 email between CPJ and M-NCPPC describing the December 16, 2003 meeting concerning the connection details

From: Les Powell

Sent: Thursday, February 05, 2004 1:45 PM

To: 'Rich Weaver'; 'Wynn Witthans'; 'Angela Brown'

Subject: Clarksburg Village

Wynn, Angela and Rich,

As a follow up to our meeting of Dec. 16th. I just want to confirm exactly the design details that you were looking for in order for the units to be considered "attached units" versus "detached units". As I understand it you are looking for an overhead arbor that is attached to the 2 buildings and is also anchored to either brick or stone piers/columns that also serve as fence/gate post. I'm just trying to make sure that the architects design these in such a manner that Park and Planning will have no problems in issuing the permits for these as detached units. If you could just e-mail me back your confirmation of my details or your requested revisions to my details I would appreciate it so I can pass the information on to the architects. Thanks

#### ELM STREET DEVELOPMENT

#### **EXHIBIT 6**

May 13, 2005 email from Wynn Witthans (Development Review, M-NCPPC) to Michael Ma (Development Review, M-NCPPC) and Les Powell (CPJ) referring to the "structure that makes the SFD [single family detached] [into] attached units in the R-200."

Prom: Witthans, wynn [mailto:Wynn.Witthans@mncppc-mc.org]
Sent: Friday, May 13, 2005 12:54 PM
To: Ma, Michael; Les Powell (E-mail)
Subject: Comments on Clarksburg Village

1. Site Plan -

Show the structure that make the SFD attached units in the R-200.

Show the typical lot labeling the different lot lines, setback lines, etc..

How are we indicating conformance to condition 6 - Block Design Standards

2. Landscape Plan - I have marked up sheets at the front desk.

Sheet 10/24 additional supplemental planting.

All sheets - legend to show the supplemental planting symbol and when it is to be used.

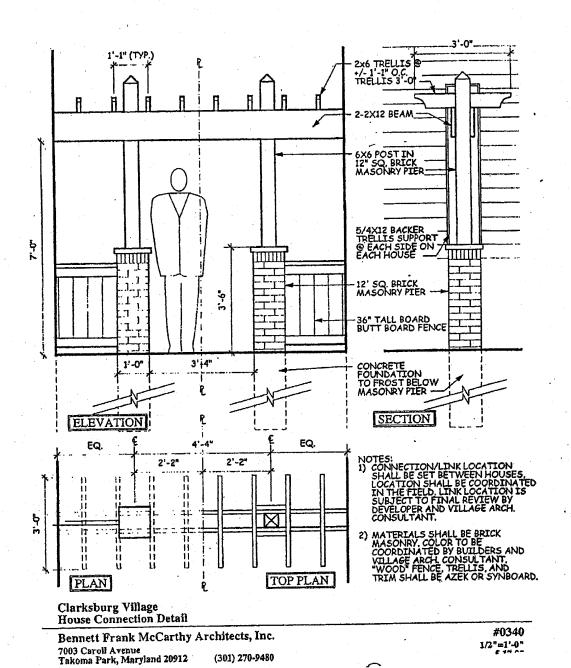
Re-design block at Grand Elm Street and Rainbow Arch Drive, etc to reflect built condition - adjust street trees too.

Add plant list for typical sheets 20-24/24 Sheet 19 of 24 - show Park #13 walks to be multidirectional at circle, not one way access Does median planting reflect what can occur here?

#### ELM STREET DEVELOPMENT

# EXHIBIT 7

Acknowledgement form and conceptual sketch signed by each of the Craftmark home buyers



# $\frac{\text{CLARKSBURG VILLAGE}}{\text{DISCLOSURE}}$

Agreement dated				··	OCCUPOL	CMH V	100110	<u> </u>
Virginia	Limited	Lial	bility			("Seller")		ano
						("I	urchase	r") dated
	, 200	for the Prope	rty known	as Lo				
Clarksburg Village								
0		•	,					
The following disc	closure is made	to the Purchas	ers of Lots	:				
1	2, 13, 14, 15	, 16, 17, 22,	23, 26, 30	, 31, 3	4, 35, &	36 - B	lock G	
	& 10 - Bloc							
-		•						_
In accordance wit	h zoning requi	ements enforce	ed by the M	aryland	National	Capital P	ark and	Planning
Commission (MN								
a home on an adjo								
detached. The cor	mection will n	ost likely be in	the form	fsome	type of tr	ellis possi	bly inco	porating
masomy piers wh	ich will be sec	red to both ho	mes. A cor	rceptual	sketch is	attached	for your	·F
reference. Final c								is soon a
they are approved	by MNCPPC.	These structur	res do not a	ffect the	constru	ction of the	e homes	or their
locations on the lo				<del></del>			- 101110	<b></b>
Installation of the	structures may	occur after vo	ur settleme	nt on the	Propert	v. Purcha	ser agree	s to
provide any requi								
Montgomery Cou								
			or me bene	i. incl	CHO! WH	1 400 1600	ore any a	u cas ui
the Property dieta	shed during the	a in <i>p</i> fallation						
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Maintenance and after Settlement o	upkeep of the on the Property.	structures is the	e required 1	by the D	eveloper	or the Co	-	
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# ELM STREET DEVELOPMENT

#### **EXHIBIT 8**

February 1, 2006 DPS letter to M-NCPPC about the dwelling unit single family attached



Douglas M. Duncan
County Executive

February 1, 2006

Robert C. Hubbard

Ms. Rose Krasnow, Chief
Development Review Division
Maryland National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Ms. Krasnow:

Following are the interpretations for the issues you requested:

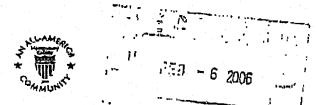
#### DEFINITION OF "DWELLING UNIT, ONE-FAMILY ATTACHED

As defined in the ordinance a dwelling unit, one-family attached is "...in a structure consisting entirely of dwelling units..." (emphasis added). The definition further states "...each of which (1) is attached to one or more other dwelling units...". Comparing this to dwelling unit, one-family detached, in which there is language that states "...is separated and detached from any other dwelling unit on all sides..." (emphasis added) it is clear that a one family attached dwelling unit was not meant to have all sides detached from other dwelling units. Therefore it is the interpretation of the Department of Permitting Services that an attached dwelling is one that is attached by common wall or common roof.

However, DPS has been told that the site plan always anticipated the connection of some of the lots at this site. DPS is willing to agree to the construction of the attachments as shown if MNCPPC agrees that this is what was discussed and agreed upon during the development process. However, this would not apply to any future development on any other site plan.

#### MODERATELY PRICED DWELLING UNITS IN R-200 ZONE

The zoning ordinance provides for development standards for MPDU optional method of development. The development standards in sec. 59-C-1.623 provide for a 25 foot setback from any public street. The footnote provides for a 15 foot setback from a public street for the MPDU lots that are designated as such on the site plan. This section further allows for those designated MPDU lots to be reduced to no less than 3,000 square feet.



255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 166 • 240777 6300 240777 6256 TT

Ms. Krasnow February 1, 2006 Page 2

Once the optional method of development with MPDU development is elected all standards in sec.59-C-1.623 apply. That section only allows for a reduction in the setback from a public street in the case of designated MPDU lots.

I hope this information has been helpful to you. Should you have any questions you are welcome to contact me or Susan Scala-Demby at 240-777-6255.

Sincerely

Robert C. Hubbard

Director

RCH:ssd

# Attachment

# E

# Correspondence Department of Permitting Service

1.	January 23, 2006, From Rose Krasnow, Chief, Development Review Division Re: Clarksburg Village Site Plan 8-03002 and Interpretations of the Zoning Ordinance	117
2.	February 1, 2006, From Robert C. Hubbard, Director, Department of Permitting Service – Interpretations for the issues requested	.119



#### MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

#### January 23, 2006

Mr. Robert C. Hubbard, Director Department of Permitting Services 355 Rockville Pike, 2<sup>nd</sup> Floor Rockville, Maryland 20850-4166

Re: Clarksburg Village Site Plan 8-03002 and interpretations of the zoning ordinance

Dear Mr. Hubbard,

This is a request for interpretations of the zoning ordinance by the Department of Permitting Services (DPS) concerning two issues related to Clarksburg Village Site Plan 8-03002.

- 1. The first issue concerns the definition of "dwelling unit, one-family attached." Enclosed is information concerning the developer's proposal to attach units with a trellis to qualify them as one-family attached dwelling units. Based on the DPS interpretation, would the trellis structure as shown, be sufficient? If it is not, then what would DPS consider minimally sufficient to meet the definition? An attached garage? A utility room? An open porch or breezeway? Or only an enclosed temperature controlled living space?
- 2. The second issue concerns the R-200 zone using the Moderately Priced Dwelling Unit (MPDU) optional method of development and reducing setbacks from public streets for single-family detached dwellings. The zoning ordinance states with respect to the MPDU optional method of development (Sec. 59-C-1.61) "Where any of the provisions of this section are elected for a development, all of the requirements of this section apply." The requirements of the section "(59-C-1.623) state, "No detached dwelling must be nearer to any public street than 25 feet. Footnote 7 then allows a reduction to 15 feet only for MPDUs. However, in the R-200 standard method of development, a detached dwelling unit setback from a public street can be reduced to 15 feet under certain specific circumstances described in the ordinance. Based on the DPS interpretation, would this R-200 standard method provision be applicable in the zone when the MPDU option is used? Information is enclosed showing an example.

We look forward to receiving your written response to these questions. The staff-contact here at M-NCPPC is Margaret Rifkin (301 495 4583), who is reviewing the Clarksburg Village site plans. We would like to provide the developer with an official response on these two issues, coordinated between M-NCPPC and DPS, by February 2, 2006.

We continue our commitment to create a seamless working relationship with DPS on behalf of the citizens of Montgomery County to ensure that the implementation of development in the County meets the highest standards. Thank you for working with us to resolve outstanding issues such as these.

Sincerely,

Rose Krasnow

Chief, Development Review Division

Enclosures:

- 1. Issue 1 Trellis drawing (section) and example of "trellis" lots (plan)
- 2. Issue 2 Example: Lot 15H with 15 foot setback in R-200/MPDU zone



Douglas M. Duncan County Executive

February 1, 2006

Robert C. Hubbard *Director* 

Ms. Rose Krasnow, Chief Development Review Division Maryland National Park and Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

Dear Ms. Krasnow:

Following are the interpretations for the issues you requested:

#### **DEFINITION OF "DWELLING UNIT, ONE-FAMILY ATTACHED**

As defined in the ordinance a dwelling unit, one-family attached is "...in a structure consisting entirely of dwelling units..." (emphasis added). The definition further states "...each of which (1) is attached to one or more other dwelling units...". Comparing this to dwelling unit, one-family detached, in which there is language that states "...is separated and detached from any other dwelling unit on all sides..." (emphasis added) it is clear that a one family attached dwelling unit was not meant to have all sides detached from other dwelling units. Therefore it is the interpretation of the Department of Permitting Services that an attached dwelling is one that is attached by common wall or common roof.

However, DPS has been told that the site plan always anticipated the connection of some of the lots at this site. DPS is willing to agree to the construction of the attachments as shown if MNCPPC agrees that this is what was discussed and agreed upon during the development process. However, this would not apply to any future development on any other site plan.

#### MODERATELY PRICED DWELLING UNITS IN R-200 ZONE

The zoning ordinance provides for development standards for MPDU optional method of development. The development standards in sec. 59-C-1.623 provide for a 25 foot setback from any public street. The footnote provides for a 15 foot setback from a public street for the MPDU lots that are designated as such on the site plan. This section further allows for those designated MPDU lots to be reduced to no less than 3,000 square feet.



Ms. Krasnow February 1, 2006 Page 2

Once the optional method of development with MPDU development is elected all standards in sec.59-C-1.623 apply. That section only allows for a reduction in the setback from a public street in the case of designated MPDU lots.

I hope this information has been helpful to you. Should you have any questions you are welcome to contact me or Susan Scala-Demby at 240-777-6255.

Sincerely,

Robert C. Hubbard

Director

RCH:ssd

## Attachment

## F

## Letters from Developer to Homeowners Re: Notification of M-NCPPC Public Hearing

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11.	Mr. & Mrs. Lucas	133
12.	Mr. & Mrs. Pikovsky	134
13	Mr & Mrs Lagdameo	135







## FAX COVER SHEET

To:	Margaret Ritkin DATE:	
WITH:		
PHONE:		
FAX:	30-495-1304	
FROM:	Dand	
	Elm Street Development	
RE:		
CC:		
Numbei	R OF PAGES INCLUDING COVER SHEET:	
MESSAG	E: Notification Latter	



Mr. Seung Park & Ms. Soo Jin Ahn 12649 Granite Rock Road Clarksburg, MD 20871

Dear Mr. Park & Ms. Ahn:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation of your side yard set back to a public street. We strongly disagree.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan

President

Env. /AIM SEE DICE



Ms. Marie J. Castillo Mr. Eddie Juarez 12800 Grand Elm Street Clarksburg, MD 20871

Dear Ms. Castillo and Mr. Juarez:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation of your side yard set back to a public street. We strongly disagree.

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If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Mr. Joseph P. Wilson 23316 Bent Arrow Drive Clarksburg, MD 20871

Dear Mr. Wilson:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation of your side yard set back to a public street. We strongly disagree.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Ms. Joanna Gordon 23323 Bent Arrow Drive Clarksburg, MD 20871

Dear Ms. Gordon:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation of your side yard set back to a public street. We strongly disagree.

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If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Mr. Joseph D. Dunworth 23342 Robin Song Drive Clarksburg, MD 20871

Dear Mr. Dunworth:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation of your side yard set back to a public street. We strongly disagree.

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If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Shonak & Nehal Ponda 12639 Granite Rock Road Clarksburg, MD 20871

Dear Mr. & Mrs. Ponda:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan

President

□ Ellicott City



Supoj Srikittipraphat 23310 Robin Song Drive Clarksburg, MD 20871

Dear Supoj:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan

President

Fax: (410) 266-9165



Mr. Kundi Galdamez Mrs. Estela Galdamez 23314 Robin Song Drive Clarksburg, MD 20871

Dear Mr. & Mrs. Galdamez:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Mr. Timothy McGrath Mrs. Kristin McGrath 12636 Granite Rock Road Clarksburg, MD 20871

Dear Mr. & Mrs. McGrath:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan





Ms. Magdalena Morejon 12628 Granite Rock Road Clarksburg, MD 20871

Dear Ms. Morejon:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Mr. Japheth Lucas Mrs. Katrina Lucas 12627 Granite Rock Road Clarksburg, MD 20871

Dear Mr. & Mrs. Lucas:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan



Mr. David Pikovsky Mrs. Lynn Pikovsky 23307 Bent Arrow Drive Clarksburg, MD 20871

Dear Mr. & Mrs. Pikovsky:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan





Mr. Mario Lagdameo Mrs. Marina Lagdameo 8582 Brickyard Road Potomac, MD 20854

Dear Mr. & Mrs. Lagdameo:

On the evening of April 27, 2006, the Maryland National Capital Park and Planning Commission will hold a public hearing to discuss building violations at Clarksburg Village. Your home is one of those identified by MNCP&P staff as having a possible violation since the necessary connection to the adjacent home has not been constructed to date.

Your attendance at this hearing is recommended by us. The meeting will be held in the auditorium of MNCP&P at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board plans to hear testimony that evening and reach no decisions. We expect to hear their violation decision at a hearing currently scheduled for May 25, 2006.

If you have any questions, please call me at 703/734-9730. Attached is some background information on this issue.

Sincerely,

David D. Flanagan President

□ Annapolis

175 Admiral Cochrane Drive. Suite 204 Annapolis. Maryland 21401 Phone: (410) 266-9700

Fav. (410) 266-0165

□ Main Office 6820 Elm Street, Suite 200 McLean, Virginia 22101 Phone: (703) 734-9730

□ Ellicott City 5094 Dorsey Hall Drive, Suite 104 Ellicott City, Maryland 21042 Phone: (410) 720-3021



Attachment

G

Photographs by Elm Street Development of Clarksburg Village Spring 2006





