DEPARTMENT OF PERMITTING SERVICES.

Douglas M. Duncan
County Executive

December 6, 2005

Robert C. Hubbard
Director

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 premises 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

[Signature]

Reginald Jetter, Division Chief
Division of Casework Management

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES
December 6, 2005

Craftmark Homes
6830 Elm St.
Colesville, MD 20902

Re: Building Permit 334707
12625 Granite Rock Rd.
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 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 Construction Management

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES

December 6, 2005

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 Jeter, Division Chief
Division of Casswork Management

Cc: Rose Krasnow
Craftmark Homes  
6830 Elm 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 Casebook Management

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES

Craftmark Homes
6830 Elm 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

[Signature]

Reginald Jetter, Division Chief
Division of Case Work Management

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES
December 6, 2005

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

Craftmark Homes
6830 Blm St.
Colesville, MD 20902

Re: Building Permit 334722
12630 Granite Rock Rd.
Clarksville, 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.
Clarksville, 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

[Signature]

Reginald Jetter, Division Chief
Division of Casework Management

CC: Rose Krasnow
December 27, 2005

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. (“MHI”), 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.1 (Such connection(s) is/are hereinafter referred to as the “Connection(s).”)

1 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.

Lawrence A. Shulman, Jr.
Donald R. Rogers
Karl S. Eckert
David A. Fendler
David D. Freidberg
Martin R. Schaffer
Christopher C. Schaub
Jeffrey A. Stager
Edward M. Shazor, Jr.
Daniel H. Kuchnir
James H. Keefover
Robert B. Caruso
Daniel S. Kuchnir
Kevin R. Moran
Ally B. Steinman
Hank P. Bogatz
Samuel M. Spitzer
Martin Levine
Washington H. Telem, Jr.
Fred D. Swimmer
Monika A. Forster
Alan S. Tilles
James H. Hoffmann
Michael V. Nekhla
Jay M. Eisenberg
Douglas D. McPherson
Russell D. Cooper
Osman C. Everson
Karl J. Pahulk, Jr.
Timothy Degas
Kim York Florentino
Frank R. Schuman
Gregory D. Greene
Gordon H. Greene
Rebecca Okanowy
Michael J. Froelich
William C. Detke, III
Patrick M. Mann
Sandy B. Barden
Christine M. Seise
Michael J. Kashi
Jeffrey W. Bukov
Simon M. Weiler
Saro D. Mirimian
Karl W. McInnis
Michelle R. Cerny
Niel M. Meyers
Chad W.D. Dugger
Michael J. Lichtenstein
Bruce A. Peters
Dale S. Friederich
Matthew M. Moore
Kali J. Yau

Marcia S. Nelson
June D. Adams
Jim Corbin
Larry S. Cartwright
Leonard B. Christopher
Richard P. Moorer
Larry A. Everard
David E. Weissman
Lawrence E. Hopkins
Deborah L. Moore
Brian D. Wise
Jennifer E. Chiu
Special Counsel
Philip R. Hochberg
Maryland and D.C.
MHI’s attorney

11921 Rockville Pike, Rockville, Maryland 20852-2745 • Tel: (301) 230-5200 • Fax: (301) 230-2591
Washington, D.C. Office: (202) 672-0000 • Greenbelt, Maryland Office: (301) 695-9883 • Tysons Corner, Virginia Office: (703) 649-8292
E-mail: lawserv@gus.com • Internet: www.shulmanrogers.com

01/03/06 TUE 12:05 [TX/RX NO 81]4
As an act of good faith (without prejudice)² 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.

---

² 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.

By: [Signature]
Timothy Dugan

By: [Signature]
Kevin P. Kennedy
Co-counsel for Michael Harris Development, Inc.

AGREE:

Montgomery County Department of Permitting Services

Enclosures

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

p:\Michael Harris Development\Clarkburg Village\correspondence with government\robert hubbard 12 27 05\ hub jad\1.doc

01/03/06 TUE 12:05 [TX/RX NO 8114]
**EXHIBIT 1**

**LIST OF DWELLING UNITS**

<table>
<thead>
<tr>
<th>Lot</th>
<th>Block</th>
<th>Status</th>
<th>Notation</th>
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<td><strong>ONE-FAMILY ATTACHED</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>32</td>
<td>G</td>
<td>Standstill, Rescind SWO</td>
</tr>
<tr>
<td>2.</td>
<td>33</td>
<td>G</td>
<td>Standstill, Rescind SWO</td>
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<td>G</td>
<td>Standstill, Rescind SWO</td>
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<tr>
<td>4.</td>
<td>11</td>
<td>K</td>
<td>Standstill, Rescind SWO</td>
</tr>
<tr>
<td>5.</td>
<td>12</td>
<td>K</td>
<td>Standstill, Rescind SWO</td>
</tr>
<tr>
<td>6.</td>
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</tr>
<tr>
<td>11.</td>
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<td><strong>DWELLING UNIT IN R-200 TDR3 ZONE</strong></td>
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</tr>
<tr>
<td>1.</td>
<td>17</td>
<td>D</td>
<td>Standstill</td>
</tr>
</tbody>
</table>
EXHIBIT 2
COPIES OF
STOP WORK ORDERS
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 premises 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

[Signature]
Reginald Jett, Division Chief
Division of Casework Management

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES
December 6, 2005

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

Re: Building Permit 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 premises cease immediately.

Building Permit 335477 - 32G
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, Development Review Section 301 495-4610.

Sincerely,

[Signature]
Reginald Jetter, Division Chief
Division of Casework Management

Cc: Rose Krasnow
Douglas M. Duncan  
County Executive

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

Re: 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 - 21G  
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,

[Signature]

Reginald Jetter, Division Chief  
Division of Casework Management

Cc: Rose Krasnow
Michael Harris Development Inc.
8605 Westwood Center Drive
Suite 210
Vienna, VA 22182

Re: Building Permit 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 8-C1.625 Lot Area and Width, it is hereby directed that the construction operations on the following premises cease immediately.

Building Permit 333604 - #1 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

Cc: Rose Krasnow
DEPARTMENT OF PERMITTING SERVICES
December 6, 2005

Michael Harris Development Inc.
8505 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 premises 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
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
to Lot 17D, in light of the circumstances, as described. Please call with any comments, questions and instructions. Thank you again.

Very truly yours,

[Signature]

Timothy Dugan

AGREED:

[Signature]

Montgomery County Department of Permitting Services

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

EXHIBIT 4

Site Plan Signature Set Excerpt
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 Withans (Development Review, M-NCPCC) to Michael Ma (Development Review, M-NCPCC) and Les Powell (CPJ) referring to the "structure that makes the SFD [single family detached] [into] attached units in the R-200."
From: Wthans, wynn [mailto:Wynn.Wthans@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
NOTES:
1) CONSTRUCTION LINE LOCATION SHALL BE SET BETWEEN HOUSES. LOCATION SHALL BE COORDINATED IN THE FIELD. LOCATION IS SUBJECT TO FINAL REVIEW BY DEVELOPER AND VILLAGE ARCH. CONSULTANT.
2) MATERIALS SHALL BE BRICK MASONRY. COLOR TO BE COORDINATED BY BUILDER AND VILLAGE ARCH. CONSULTANT. "WOOD" FENCE, TRELLIS, AND TRIM SHALL BE AZEK OR SYNBOARD.
CLARKSBURG VILLAGE
DISCLOSURE

This Addendum was executed simultaneously with and is an integral part of the Sales Agreement dated [date], 200[ ] between [seller name] and [purchaser name] for the Property known as Lot [lot number], Block [block number] within the Clarksburg Village Subdivision (the “Development”).

The following disclosure is made to the Purchasers of Lots:

12, 13, 14, 15, 16, 17, 22, 23, 26, 30, 31, 34, 35, & 36 - Block G
9 & 10 - Block H 10 & 13 - Block K 10 & 11 - Block L

In accordance with zoning requirements enforced by the Maryland National Capital Park and Planning Commission (MNCPPC), the homes built on the lots referenced above must have a connection detail to a home on an adjoining lot. The zoning requirements state that these lots are to be considered semi-detached. The connection will most likely be in the form of some type of trellis possibly incorporating masonry piers which will be secured to both homes. A conceptual sketch is attached for your reference. Final construction details are being developed and a copy will be provided to you as soon as they are approved by MNCPPC. These structures do not affect the construction of the homes or their locations on the lots.

Installation of the structures may occur after your settlement on the Property. Purchaser agrees to provide any required access to the Property. Construction, inspection and approval of the structures by Montgomery County will be the responsibility of the Seller. The Seller will also restore any areas of the Property disturbed during the installation.

Maintenance and upkeep of the structures is the shared responsibility of the adjoining Property Owners after Settlement on the Property.

If any easements or maintenance agreements are required by the Developer or the County, Purchaser hereby agrees to cooperate with Seller by executing any required documents.

Purchaser has read and understands the above disclosure.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Addendum as of the date first written above.

SELLER:

CMH VILLAGE LLC

By: [signature]
Name: [name]
Title: [title]
Date: [date]

PURCHASER(S):

[signature]
[signature]
[signature]
[signature]
Date: [date]
ELM STREET DEVELOPMENT

EXHIBIT 8

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

[Signature]

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

2. February 1, 2006, From Robert C. Hubbard, Director, Department of Permitting Service – Interpretations for the issues requested
January 23, 2006

Mr. Robert C. Hubbard, Director
Department of Permitting Services
355 Rockville Pike, 2nd 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,

[Signature]

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
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,

[Signature]
Robert C. Hubbard  
Director

RCH:ssd
Attachment

F

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

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To: Margaret Riffin

WITH: 

PHONE: 

FAX: 301-295-1304

FROM: Dave

Elm Street Development

RE: 

cc: 

NUMBER OF PAGES INCLUDING COVER SHEET: 14

MESSAGE: Notification Letters
April 18, 2006

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,

[Signature]
David D. Flanagan
President
April 18, 2006

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.

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,

[Signature]

David D. Flanagan  
President
April 18, 2006

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.

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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,

[Signature]

David D. Flanagan
President
April 18, 2006

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
President
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.

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
April 18, 2006

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
April 18, 2006

Supoj Srikitipraphat  
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,

[Signature]

David D. Flanagan
President
April 18, 2006

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  
President
April 18, 2006

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
President

[Signature]
April 18, 2006

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
President
April 18, 2006

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,

[Signature]

David D. Flanagan
President
April 18, 2006

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,

[Signature]

David D. Flanagan
President
April 18, 2006

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
Attachment

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Photographs by Elm Street Development of Clarksburg Village Spring 2006
A New Town with a Rich History

Craftmark Homes    Craftstar Homes
Greentree Homes    Michael Harris Homes
Ryan Homes         Winchester Homes

www.clarksburgvillage.com