

BEFORE THE MONTGOMERY COUNTY PLANNING BOARD

IN THE MATTER OF THE *
MONTGOMERY COUNTY PLANNING *
BOARD'S REVIEW OF ALLEGED SITE * Site Plan No. 8-98001, et al.
PLAN VIOLATIONS, CLARKSBURG *
TOWN CENTER *

JOINT MOTION FOR FURTHER CONTINUANCE OF PROCEEDINGS

The undersigned Counsel of Record and Judge Barbara Kerr Howe respectfully request a continuance until March 23, 2006 of the Planning Board's proceedings concerning alleged site plan violations within the Clarksburg Town Center development.

By Joint Motion of the parties filed with the Board on November 30, 2005, counsel for the Clarksburg Town Center Advisory Committee ("CTCAC"), the Master Developer and each homebuilder participating in the Clarksburg Town Center development, requested a further continuance of the hearing originally scheduled for December 1, 2005 to give the parties a reasonable amount of additional time to continue pursuing resolution of pending disputes through mediation. By letter dated November 30, 2005, the Board granted the Joint Motion and continued the matter until February 9, 2006, conditioned on, *inter alia*, the Board's holding a status conference at which the parties were to advise the Board on the progress of the mediation efforts. On January 19, 2006, representatives of CTCAC and Newland Communities appeared before the Board and reported on the status of the mediation and their ongoing mutual efforts toward a successful resolution. The parties also advised the Board that additional time might be needed to complete the mediation efforts.

Based on the efforts of all concerned parties and their willingness to continue mediation efforts, an additional approximate 45-day continuance is requested to conclude the mediation.

The parties believe the mediation can be concluded within this timeframe. The parties further request an opportunity to provide the Board with a status report at its March 23, 2006 meeting.

In the event the mediation is successful, it is anticipated the parties would request at the March 23, 2006 meeting: that the Board grant an additional continuance at that time to provide the parties with sufficient additional time to prepare and submit a proposed plan of compliance reflecting the results of the mediation.

Judge Howe has indicated that she concurs with and joins in this Motion.

Respectfully submitted,

KNOPF & BROWN

By: 
David Brown

401 E. Jefferson Street, Suite 206
Rockville, Maryland 20850
Attorneys for Clarksburg Town Center Advisory
Committee

LINOWES AND BLOCHER LLP

By: 
Stephen Z. Kaufman

By: 
Todd D. Brown

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
Attorneys for Newland Communities, LLC and
NNPII-Clarksburg, LLC

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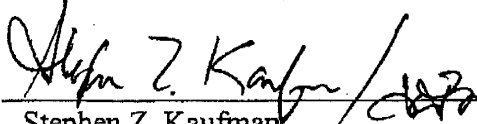
Respectfully submitted,

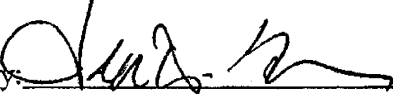
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By: _____
Scott C. Wallace

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Bethesda, Maryland 20814
Attorneys for Bozzuto Homes, Inc., BA Clarksburg,
LLC, BA Clarksburg Two, LLC

SHULMAN, ROGERS, GANDY, PORDY
& ECKER

By: _____
Kevin P. Kennedy

By: _____
Timothy Dugan

11921 Rockville Pike, Suite 300
Rockville, Maryland 20852
Attorneys for Craftstar Homes, Inc. and its LLC
affiliations, and NVR, Inc. t/a NV Homes

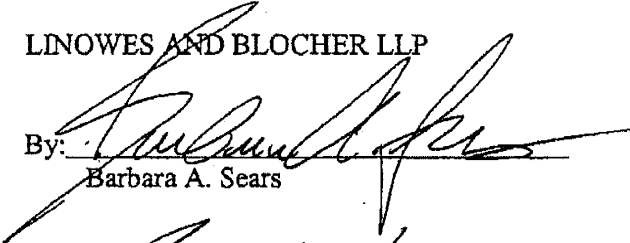
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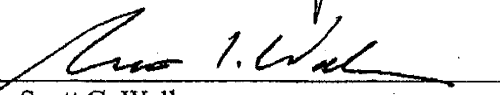
By: _____
Robert G. Brewer

Lerch, Early & Brewer
3 Bethesda Metro Center, Suite 460
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Attorney for Miller and Smith at Clarksburg, L.L.C.

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LINOWES AND BLOCHER LLP

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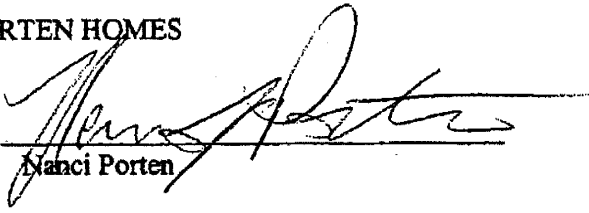
By: _____
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Lerch, Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814
Attorney for Miller and Smith at Clarksburg, L.L.C.

(105)

PORTEN HOMES

By:



Nanci Porten

Porten Companies Inc.
5515 Security Lane
Suite 550
Rockville, MD 20852-5003

cc: Judge Barbara Kerr Howe

#568163 v1

107

2005-2027

MCP-Chairman

From: Brown, Matthew (NIH/NIAID) [E] [MBrown@niaid.nih.gov]
Sent: Wednesday, December 21, 2005 9:36 AM
To: MCP-Chairman; ddelano@newlandcommunities.com
Cc: Matt Brown; mariela@cpsdocs.com; mgcoiro@pepcoholdings.com
Subject: Clarksburg Town Center

Good Day,

My name is Matthew Brown and I live in the Town Center at 13023 Ebenezer Chapel Drive. I just wanted to send this brief note since my wife and I was not able to attend the meetings on December 20th, 2005. We have been extremely frustrated with all that has been going on in our town center. Although I agree with some of the concerns with building or revising the town center shopping area to be more pedestrian friendly and less massive parking area's, enough is enough. I would really like to see some action start soon! My wife and I have been here for well over 2 years now and feel it's about time to enjoy the neighborhood and the amenities the town center has promised to deliver. I very much enjoyed the presentation that Newland communities and their staff involved in building the revised town center displayed to the residents about a year ago I believe. My vote is to hurry up the mediation process and begin work again on the retail/town center.

Another concern I have is the road that will hopefully one day soon be built to connect the two separate sections (upper and lower) of the neighborhood. My wife, son and self attempt to enjoy our neighborhood by walking up to the pool and soon to be club house while meeting new people and getting exercise. However, with no road or better yet sidewalks to connect the upper and lower sections this task has been very difficult. We have been at times very limited in our places to walk safely. It would also be very nice to be able to drive to the upper (main) section of the neighborhood instead of having to drive all the way around on either Clarksburg Road or Stringtown. This has also been challenging at time due to all the new traffic because of Skylark Drive being closed for a lengthy amount of time.

Nonetheless, my family as well as many other families are ready and wanting to have our neighborhood back! We are all hoping that Clarksburg Town Center will one day be the neighborhood we all thought it would be. As one more bit of information I'd like to share, I have heard and actually talked to many people from around the Montgomery County area that were once considering moving to the Town Center, and after hearing and reading about all the controversy decided not to purchase and new or used home in the Town Center. This disappoints me and hopefully we all can turn this thought of our neighborhood around.

Thank you very much for hearing my thoughts on this very important matter. If you'd like to reach me my home number is 301-528-3363.

Matthew C. Brown

12/21/2005

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MCP-Chairman

From: Peter Roscoe [proscoc@verizon.net]
Sent: Saturday, December 17, 2005 8:15 PM
To: MCP-Chairman
Subject: Fwd: Clarksburg Community issues and hearing on december 20th

#1
 Dec 20
 R E C E I V E D
 2012
 DEC 19 2005

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

Begin forwarded message:

From: Peter Roscoe <proscoc@verizon.net>
Date: December 17, 2005 8:10:59 PM EST
To: mcp-chairman@mncppc-mc-ord
Cc: Tom Delano <ddelano@newlandcommunities.com>
Subject: Clarksburg Community issues and hearing on december 20th

Dear sirs

Thank you for the opportunity to comment regarding he issues surrounding our community.

We moved into our townhouse on Clarksridge road a year ago and one of the reasons we selected the home was the view of the church from the street. I do not see how a walkway or muse could improve the situation. I think the memorial park and the walkway to the church once it is completed will be excellent. In fact I believe the parking situation will be better since they can walk down the pathway and park on our street should space be available.

I am adamantly opposed to a skateboard park. The insurance costs, maintenance, and problems associated with such a park can be overwhelming. It does not add to the desirability or beauty that **already** exists in our community.

I've watched this drama unfold since our arrival here and my main disappointment is the negative publicity that is generated and the fact that the planning commission does not appear to be operating the best interests of the community. The record keeping was inadequate, they allowed builder's to perform work that should not been conducted and did not respond in a timely manner when questions were asked. As a board with the public interest at heart you failed miserably.

Now where do we go from here. Mediation is the right solution. All parties should have the same goals and some ground rules.

I would like to list them if I may

Time is of the essence! (The retail section should have been started Months ago)
 There are no winners or losers except for the homeowners. (Set personnel feelings aside)
 Punitive damages serve no one. They only result in additional costs by the consumer at the end of the day.

If it doesn't add value don't do it! Don't tear down what is built)
 Make it something we all can be proud of and bring our friends and family.
 Mediocrity is unacceptable.

12/19/2005

109

Keep it out of the press! The media is distorting everything. All parties to the Mediation should agree to a no comment policy.

Peter Roscoe
proscoe@verizon.net

Peter Roscoe
proscoe@verizon.net

12/19/2005

(110)

#1
Dec 20

MCP-Chairman

From: chris kelly [jckhkk@yahoo.com]
Sent: Sunday, December 18, 2005 8:36 PM
To: MCP-Chairman
Cc: ddelano@newlandcommunities.com; timdearros@comcast.net
Subject: Murphy Grove Pond - Clarksburg Town Center

Hello, my name is Chris Kelly, and I'm writing to voice my concern in regard to Murphy's Grove Pond, in the Clarksburg Town Center.

I have lived on Murphy Grove Terrace for almost three years now, and during this time absolutely nothing has been done to transform Murphy's Grove Pond into the beautiful, serene pond which was promised or advertised.

I do not want to spend another summer battling the swarms of gnats and mosquitoes that linger around the insect infested, "water collection holes in the ground". Beyond the health hazard that this stagnant water brings to the forty plus homes within its proximity, it is an **ABSOLUTE DISGRACE**, given the fact that in excess of \$13,000,000 has been spent on surrounding real estate by the homeowners of this community.

I would suggest that the developer do what is necessary to transform Murhpy's Grove Pond into what they have promised, but more importantly, whay they know is "RIGHT"!!

The residents of this community expect that when they turn into Clarksburg Town Center from Stringtown Road, they will be greeted by a pond that has fountains, great landscaping, and the proper filtration equipment devices to adequately support a pond of this size.

Thank you,

Chris Kelly

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DEC 19 2005

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

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>



#1
12-20-05

Krass, Dorothy

From: Gutierrez, Susana [Susana.Gutierrez@mail.house.gov]
Sent: Monday, December 19, 2005 10:34 AM
To: MCP-Chairman
Cc: 'ddelano@newlandcommunities.com'
Subject: Clarksburg Community
Importance: High

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

Dear Mont. County Planning Commission and Newland Communities:

I live in Clarksburg and I have been reading and listening to townhall meetings when I had time. I am glad all parties are negotiating because I would like to see Clarksburg a community to be proud of not laughed at. As my sister and I drove around the community, we could see that the buildings were too close (as if there is a rush to get everything in).

Here are some things I would like:

1. A park for children, teenagers and adults. Maybe with a jogging/bike path, a softball field put in the area near Public House Road. Prior to construction, there was a softball field on of Clarksburg Road -- make a park like they have at King Farm. (Move the retail section near the commercial section where Thales is located).
2. I would like the roads widened. But if it is not possible to widen the roads, make those roads no parking -- people have garages or parking spaces in back have them use those spaces.
3. Build a library.
4. Signs for Clarksburg (currently, uncertain where Clarksburg begins and ends).

These are just a few of my concerns. Please negotiate and complete Clarksburg!

Thank you.

Susana and Celia Gutierrez, residents of Clarksburg

12/20/05 #1

December 19, 2005

Derick Berlage
Chairman
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

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DEC 19 2005

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

Dear Chairman Berlage and Planning Board,

I am a resident of the Clarksburg Town Center, 12824 Clarksburg Square Road, unit 404. My unit is in Building 3 on the top floor of the Bozzuto Condominiums that started the investigations into building violations. In fact, my unit has some of the infamous 8 feet as part of my ceiling.

It's a lovely condo. My 96 year old mother enjoys the open layout which allows her to use her walker to get to every room easily. Although there is only around 1200 square feet in the unit, she finds it "spacious" because of the tall ceilings.

Down the hall on the same top floor is another 90 year old who moved from New York. These two ladies have made huge adjustments to move to these new living accommodations and find the single floor units in an elevator building with garages to be accessible at their stage of life.

I thought that the issue of the "too tall buildings" had been decided by grand fathering those already occupied. I was surprised to see a survey from Newland Communities with one of the questions asking if we had interest in "Remove[ing] the upper levels of buildings that were 'built too tall.'"

I cannot express strongly enough how such an action would be criminal, perhaps illegal, and certainly unreasonably penalize all those who in good faith purchased, moved and decorated their homes. What possible purpose would it serve to upset the lives of innocent residents? We are people who have created homes in Clarksburg Town Center with great expectations for a lovely new, pedestrian-friendly community. It would be a nightmare to disrupt homeowners at this point.

In fact, I am shocked that a county this is famous for its human services and educated decisions would even consider such an option. I only hope that the Planning Board will set this issue to rest with a decision to correct and validate the site plans so we can continue with the building of the retail center and the creation of a community.

Thank you for your consideration.

Jean A. Casey
Jean A. Casey
12824 Clarksburg Square Rd. #404
Clarksburg, MD 20871
240-888-7489

MCP-Chairman

From: Shiley, Kimberly A. (PSC) [KShiley@psc.gov]
Sent: Monday, December 19, 2005 2:05 PM
To: 'Tim DeArros'; 'smithcar@comcast.net'; 'Lfantle@aol.com'; baines@erols.com; nnagda@ENERGENconsulting.com; rdefrehn@nccmp.org
Cc: brown@knopf-brown.com; synergiesinc@aol.com
Subject:

i added one more sentence

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

From: Synergiesinc
To: Shileykim
Sent: Mon, 19 Dec 2005 1:55:49 PM Eastern Standard Time
Subject: Most excellently done, Kim!!!

Greetings Residents of Clarksburg.

Many of you may have received the letter from Newland Communities, authored by Doug Delano, this past weekend. It is important to recognize that this letter was constructed in such a way as to limit response from the community through skewed "check-box" choices. We, the CTCAC, believe that this is an unfortunate effort on Newland's part to undermine the mediation process that they, the Builders and CTCAC agreed to undertake, and that the County fully supports.

In an attempt to gain further understanding of the types of amenities and features that are desirable and necessary for our community (remembering that we are the TOWN CENTER for Clarksburg), Rose Krasnow and John Carter and the entire Planning Board will be present tomorrow to hear your "the sky is really the limit" ideas and suggestions. They will then present those during the mediation process. Please do not allow Newlands' "check box" limitations to influence you; those so called "improvements" are self-serving and in no way are reflective of what is on the mediation table. The CTCAC is terribly disappointed in Newland's actions via this letter and questionnaire.

But good news: the CTCAC is honored to have Michael Watkins, Architect and Director of Town Planning, with the internationally renowned firm of Duany Plater-Zyberk & Company (www.dpz.com) serving as our consultant/planner in the mediation. Mike will be present during mediation and will offer what he believes to be the best opportunities for completing our Town Center. Please also remember that any plan agreed upon by the mediating parties will be presented to the Public for input prior to the Board's approval process.

So, please come to the hearing to suggest your hearts desire...after all, it is the Holiday season and wishes do come true.

The CTCAC would also like to thank those that continue to support our efforts: to build this community in the vision that was intended, to add value to our community and homes, to stand up for what is right and to not accept the mediocrity that would have been handed to us.

Seasons Greetings,
CTCAC



12/19/2005



December 16, 2005

Dear Neighbor:

A lot has happened since my last letter in September. I want to take a moment to give you a status report and encourage you to participate in the upcoming effort to improve our community.

First, I want to thank all of you who responded to my invitation to share your thoughts about Clarksburg Town Center. It is reassuring to know that there are so many residents who retain confidence in their decision to make Clarksburg their home. I also know that your suggestions for refinements indicate a sincere interest in making sure Clarksburg is a community in the truest sense of the word. Now, an update.

Two separate government reports have confirmed what we reported to you in September. The prior developers, and Newland Communities (since we took over in October 2003), received approval from Planning Commission staff for revisions that were made to the original design of the community. The developers worked in concert with staff officials from the Planning Commission and the County to develop all changes and seek approvals. The Commission staff now has determined that certain approvals should have been submitted to the Planning Board itself for review. The staff has recommended that Newland and the builders submit comprehensive plans to the Planning Board for approval that will settle outstanding issues, once and for all.

Most important, Newland Communities, some community residents, the County Council and the Planning Board all are enthusiastically focusing their attention on completing our Clarksburg Town Center community. A mediation process is being established to map out the remaining build-out of the residential area and the development of the long-awaited retail area. We will work together to make sure that the development of these areas does all that it can to make Clarksburg Town Center the outstanding community that was envisioned. Over the next two months we will meet to develop a final plan and seek ways to make it happen. This is where we need your help. Everyone involved wants the maximum amount of community comment and participation.

The Planning Board will hold a meeting this month to hear from citizens about completing the community. We encourage you to accept the Planning Commission's invitation and let all of us know your thoughts on what you want to see when the construction resumes. The meeting will be held at Cedar Brook Community Church, 23700 Stringtown Road, Clarksburg, Maryland on December 20th from 3-5 p.m. and 7-9 p.m. If you can not attend, I urge you to voice your thoughts by sending the Planning Board a letter or e-mail. Their e-mail address is mcp-chairman@mncppc-mc.org. You can also send the information to me at ddelano@newlandcommunities.com or by mail to 23330 Frederick Road, Clarksburg, MD, 20871. Your ideas and suggestions will become part of the mediation group's discussions over the next two months. Your involvement is invaluable to assure the appropriate completion of the community.

To help gather further comment from residents, I am enclosing a brief questionnaire which seeks to learn your interests. Your participation will be of significant help as we move forward in the mediation process, and I urge you to take a few minutes to give us your thoughts and then drop the postage-paid survey in the mail. We also will provide this information to the Planning Board.

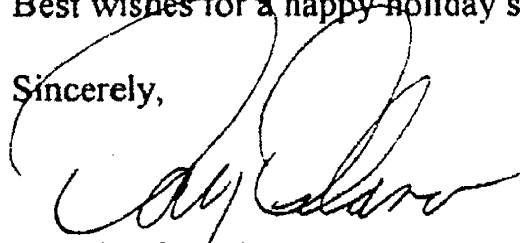
Some of you have asked when the Residents Club will open. The occupancy permit will be issued as soon as the County designates a handicap van parking space. The location on the approved site plan (on Catawba Hill Road) conflicts with handicap code standards. A space complying with those standards on Sugarloaf Chapel Drive in front of the club may conflict with Fire and Rescue standards. I can assure you that we are working with the various elected officials and staff to resolve this "catch-22" so that we can open the Residents Club facility to all of you.

In the meantime, construction activity has been slowed by the investigation and the County's stop work order. We do not believe that a ban on work is needed and believe it actually hurts current and future residents. There are roads ready for final paving, community amenities which can be completed and other aspects which will speed Clarksburg Town Center's development into a finished residential community. We are working with all parties to make this happen. Let us, and the County, know what is important to you.

This has been a difficult process and a frustrating period of time for all of us. We are doing everything we can to move forward and complete Clarksburg Town Center. Please let me hear from you.

Best wishes for a happy holiday season.

Sincerely,



Douglas C. Delano
Vice President, Operations

Listed below are suggestions for improving Clark-burg Town Center. Please rate your level of interest in each item and mail this back in the enclosed postage paid envelope as soon as possible. Thank you.

		Need more Info	Opposed/ No Interest	Some Interest	Strong Interest
1	Start work on the retail area ASAP.				
2	Include a high-end specialty grocery in the retail area.				
3	Include a large, full-service grocery in the retail area.				
4	Build the library near the Town Square ASAP.				
5	Provide tennis courts near the Town Square.				
6	Provide a location for community gardens.				
7	Provide basketball courts.				
8	Provide a skateboard facility.				
9	Widen existing roadways within CTC.				
10	Finish the Stringtown Road improvement project.				
11	Implement improvements to Clarksburg Road.				
12	Improve landscaping and signage at CTC entrances.				
13	Increase common area landscaping requirements.				
14	Provide pedestrian access under Clarksburg Sq. Rd. near the creek				
15	Provide parking for the Methodist church on CTC streets.				
16	Create an additional entrance to CTC by extending Clarksburg Sq. Rd to Rt. 355, near the existing general store.				
17	Provide a maintenance yard for the HOA.				
18	Provide additional open space off-site.				
19	Complete paving on existing roads ASAP.				
20	Remove the upper levels of buildings that were "built too tall".				
21	Enforce existing No Parking regulations.				
22	Other:				
23	Other:				

Please Use the back for any additional comments

MCP-Chairman

#1
12/20/05

From: Steve [SJB8@tmo.blackberry.net]
Sent: Monday, December 19, 2005 3:55 PM
To: MCP-Chairman
Subject: Clarksburg Arbitration

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DEC 20 2005

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

Dear Chairman,

Due to business travel, I will not attend the meetings held on Tuesday to address the concerns of residents not affiliated the CTCACC. I wish to write my two simple concerns to you in lieu of my attendance.

1: Any arbitration agreement which involves moving, tearing down or in any way modifying our building, 12824 Clarksburg Sq Rd, is entirely unacceptable to myself and our condo board. This was referred to as building 3 in earlier planning documents.

2: Short of the condition listed in item 1, any compromise which will quickly complete the retail and amenities of Clarksburg town center is acceptable to me. Sooner is better than later, so parallel pathing project parts should be encouraged. I hope an agreement suitable to the parties involved is possible and will applaud their good sense if it is reached.

Thank-you sir and have a happy holiday season.

Sjb/sjb

Sburns@clearant.com

Sent wirelessly via BlackBerry from T-Mobile.

#1
12-20-05

MCP-Chairman

From: Marco Gravina [gravina@comcast.net]
Sent: Monday, December 19, 2005 10:18 PM
To: MCP-Chairman
Subject: Clarksburg Town Center-Bozzuto Condominiums
Importance: High

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DEC 20 2005

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

Dear Mr. Derick Berlage

My name is Marco Gravina and I own a Condominium at Clarksburg Town Center. I am extremely happy with the condo and this absurd request by CTCAC to remove the top of the condo building is totally non-sense. Who are they to dictate what needs to be done. All this issue with the height and set back non compliance seems to that it is hate driven and a power thing. Yes there were mistakes done in the past by the parties involved but what is done is done. We as residents and The Montgomery County Park and Planning Commission need to focus in the future and not in the past. The majority of us (100%) are happy and are not bothered by taller buildings or small lots. let's work together and make sure that things are planned and done right in the future.

I want to see

1. Same height or higher buildings
2. Existing condos and town houses protected form the existing height and setback restrictions
3. I would like to see road improvement to accommodate the increasing traffic load.
4. more parks and open spaces, bike trails

I DO NOT want :

1. Roof torn off buildings because an outside group (CTCAC) has a problem with the height of the buildings. The condos belong to the owners and we have a vote. if we as owners do not have a problem, isn't that enough. I do not want to be defamed by other neighbors. if they do not like they can go somewhere else and build or buy a home they are happy with.

I am certainly very happy in my community and I urge you to listen to the actual condo owners and not a group that does not represent the majority, at least not me.

Sincerely

Marco Gravina

RECEIVED
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#1
12-20-05

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

12-20-2005

To The Members of The Montgomery County Council and Department of Park & Planning:

I am writing this letter to express my support for the construction of Clarksburg Square Road, connecting Redgrave Place to the new Clarksburg Town Center. As a business owner directly affected by the road construction, I strongly urge the Planning Board and County Council members to adhere to the Site Plan, and proceed with the road construction. My property is located at 22341 Fredrick Road, also known as the Wilson Store. Prior to purchasing the abandoned Wilson Store, I reviewed the Master Plan, and in part based my decision to purchase, restore and reopen this historic store on the information outlined in this plan. According to the Site Plan I was provided, my store will be located on the corner of Fredrick Road and Clarksburg Square Road. Because of the constraints of the lot size, the construction of the new road will allow for easy egress to the parking area planned for the store, which will be located behind the building.

As many of you are aware, the Wilson Store has a history that can be traced back to John Clark, the founder of Clarksburg, and is believed to be the site of the original Indian trading post he operated in the late 18th century. Since beginning the project, countless long time residents of Clarksburg have stopped in to share their memories of the old general store, and express their support for restoration and re-opening. I have been working closely with the HPC to plan a restoration that is historically accurate, maintaining the integrity of the building and it's historic significance. While I hope to have a thriving business, I also hope to bring the store back to life in a fashion that will make the citizens of Clarksburg, both old and new, proud and aware of the history of the town.

While I feel there must be commitment on the part of businesses and private citizens to help make the preservation of historic resources feasible, the support of the County is key. The HPC's vision of the Clarksburg Historic district can only be realized through public/private cooperation. The construction of the road may seem a nuisance to some, but to those of us actively working to restore the historic district, the new road is crucial to connect the historic district to the new town center. More than a physical connection, it will invite new residents to truly enjoy and celebrate the history of Clarksburg, a symbolic tie of the old and new.

Restoring and revitalizing historic districts with small business, cafes, etc. is common practice across the country, making the cost of historic preservation economically feasible, and bringing a sense of pride to communities. Businesses located in historic buildings provide the public with more than places to shop, dine, and learn about history, they also ensure that historic resources are maintained and protected for future generations.

As I am unable to attend the meeting in Clarksburg Dec. 20th regarding planning issues, I would like this letter entered as part of the public record. Please give my comments an equal voice, as my efforts to restore the Wilson Store could be very adversely reflected by alterations to the current site plan.

Respectfully,
Nichole Lewis (Owner)
22341 Fredrick Road
Clarksburg, MD 20871

(120)

#1
12-20-05

Krass, Dorothy

From: Krasnow, Rose
Sent: Tuesday, December 20, 2005 1:37 PM
To: MCP-Chairman
Subject: FW: Delano Letter

Joanne,
Did you see this one? It is from CTCAC's attorney, in response to the Newlands "Survey" and should be given to the Board for today's hearing. Thanks for bringing the other letters to me.

Rose

RECEIVED
2023
DEC 20 2005

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

From: David W. Brown [mailto:brown@knopf-brown.com]
Sent: Monday, December 19, 2005 5:37 PM
To: kurt.fischer@dlapiper.com
Cc: Synergiesinc@aol.com; Krasnow, Rose; SHIleykim@aol.com
Subject: Delano Letter

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

Dear Kurt:

I have had the opportunity to read the December 16, 2005 letter from Douglas C. Delano to his "Neighbors" in the Clarksburg Town Center. If you or your colleagues at Linowes had anything to do with this letter, then our mediation may be getting off to a most inauspicious start. The letter is self-serving, misleading, and calculated to both minimize the identity and role of my clients in the mediation and compromise their ability to represent the community. To that end, it attaches a questionnaire that professes a heretofore unseen interest in comments from individual residents when, in fact, the format for responding appears designed for building an empirical case for mediation results at odds with CTCAC goals, as informed by consultant Mike Watkins, who is also never mentioned.

To itemize briefly: The third paragraph of the letter presents an extremely one-sided, misleading synopsis of the results of investigations to date. No reports have "confirmed" any of the facts represented. Whether staff actually approved all the various amendments is disputed. Nor is it confirmed that all changes to plans were the result of work "in concert with staff," as opposed to unilateral changes that were slipped into amending documents without notice, comment or knowing approval. I could go on, but you get the point.

In the next paragraph, the Clarksburg Town Center Advisory Committee is nowhere mentioned, to say nothing of describing its extraordinary role in trying to ensure that the CTC is developed as "the outstanding community that was envisioned." Rather, the letter effectively states that extensive participation by individual citizens is essential to the successful completion of mediation. To this end, they are given a check-off list that

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oversimplifies the choices and presents them in a skewed or false light. Particularly offensive is item 20, "Remove the upper levels of buildings that were 'built too tall.' " No one within CTCAC has advocated this as a general solution; rather, at Board hearings and elsewhere, CTCAC has consistently veered toward a minimalist approach to alteration of occupied structures. There is only one explanation for inclusion of this item: to prejudice members of the community against CTCAC. That this is Newland's intent is reinforced by the next-to-last paragraph of the letter, which places the blame for the slowdown in construction on the investigation--which all know was instigated by CTCAC--and the County's stop work order, again something all understand is another byproduct of CTCAC initiatives.

Perhaps it is asking too much to expect Newland to objectively place responsibility for delays squarely where it belongs: on Newland's own failings. But it is not asking too much to expect Newland not to communicate with CTCAC's natural constituency in a fashion that goes beyond self-serving to a transparent attempt to diminish the efficacy of its representation of the community at this critical juncture. Moreover, Newland has every reason to believe it can depend on CTCAC to represent the best wishes and needs of the community, particularly given the assistance of some of the best minds in the business when it comes to New Urbanism. If Newland needs some specific reassurance that CTCAC knows its constituency, that is a point you can fairly raise with me as we go forward. Otherwise, I can assure you that the mediation will go nowhere if unacceptable divide-and-conquer behavior continues. I would appreciate your assurance that we can complete the mediation without further direct intrusions by your client.

Sincerely,

Dave Brown

#1

MCP-Chairman

2006-0551

From: Greg Fioravanti [gregfioravanti@yahoo.com]
Sent: April 21, 2006 4:44 PM
To: MCP-Chairman
Cc: Kathie Hulley; Kathie Hulley; Paul Majewski; councilmember.knapp@montgomerycountymd.gov; Tim DeArros; Russel, Jennifer
Subject: Comments on CTCAC

Dear Chairman Berlage:

Thank you for coming out to Clarksburg to hear community reaction to the CTC concept plan and your continued attention to issues impacting our neighborhood. The community seemed to embrace a large portion of the changes, and I think everyone is looking forward to the day when our collective vision of a vibrant downtown Clarksburg is realized. Attached please find my prepared statement to the concept plan.

M-NCPPC Public Hearings in Clarksburg

Cedar Brook Community Church Auditorium

23700 Stringtown Road, Clarksburg, MD 20871

Thursday, April 20th, 2006

Item # 13. Clarksburg Town Center Mediation Plan: A hearing on the mediation plan for the purpose of receiving public comment prior to final review of a Plan of Compliance for the Clarksburg Town Center. No Planning Board action will occur at this time.

Good Evening Mr. Chairman and members of the Planning Board. I am Greg Fioravanti, a resident of the Clarksburg Aurora Hills subdivision. I'm pleased to be addressing you regarding the exciting mediation plan that is before you. I have a brief statement regarding the impact we neighbors expect for the Town Center, and in support of this plan.

Of particular concern to me, and also addressed in the draft concept plan, is economic growth and business development for the entire community in the Clarksburg Planning Area. Chapter Two, Policy 8 (Employment) of the Clarksburg Master Plan "...emphasizes the importance of I-270 as a high-technology corridor for Montgomery County and the region, and preserves key sites adjacent to I-270 for future employment options."

I believe that the mixed-use Land Use Pattern proposed for the Clarksburg Town Center in the master plan can be realized through the adjusted concept plan under review. Looking closely at the Concept for blocks 3, 4, & 5, we find an elegant design to realize the creation of jobs for local residents, drawing from the pool of workers from the larger region, to come to Town Center to earn their living. Additionally, I feel that this plan gives local developing businesses an opportunity to grow without being overshadowed by larger national and regional retail chains. The anchor store, the rows of shops and offices, and the mix of residential dwellings in the pattern of live/work units will serve to provide a remarkable community that is diverse, and integrated well within the vision of the Master Plan.

04/24/2006

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Through the implementation of this plan, I envision a solid foundation for Clarksburg's revenue stream, encouraging the best retailers and other commercial businesses to move into the Town Center. The design of this pedestrian friendly retail area sets the right tone for the future of Clarksburg, drawing residents into the Town Center to shop, dine, and socialize - which the community is eager to enjoy. The final product will be a practicable, self-sustaining retail area that invites local, area, and regional consumers to come into Town Center and stay.

This plan creates an economic engine for the Clarksburg area without compromising on the integrity of the neotraditional design of the larger community. Through the creative use of architecture and streetscapes, the new design of the town center safely tucks away a great portion of the parking, creating an inviting destination. Combining Retail Sales, Hospitality and Services within these three main blocks creates a mini-central business district that is sure to become a cornerstone for the future. This plan is well suited to take advantage of the Corridor Cities Transit Way, bringing both workforce and consumers into Clarksburg.

The small-town environment will become immediately apparent as one enters from Rt. 355, and follows Clarksburg Square Road past small shops and businesses in live/work units to the Library and town plaza, where civic gathering places serve as the heart of the Town Square. Community revenues can naturally be expected to overflow into the Historic District, and bring with it a resurgence of vitality that will magnify the history of Clarksburg.

The Open Air Market Pavilion and Library are in position to balance the Town Square in a grand gesture of "space-making." The Library Plaza, the Pavilion, and the Lawn are family friendly spaces the entire community can enjoy. Another exciting feature is the transition to the eastside of Town Center across the land-bridge to the west side. This will provide a remarkable gateway inviting residents into their commercial center. The Clarke Memorial, the Greenway Overlook, and the special landscaping and hardscaping have really captured winning vistas.

This plan has exciting features for the entire community that will result in more than another town center - we'll be building a real community, and we are eager to begin enjoying the benefits this plan creates. I respectfully encourage the board to examine and approve this plan as soon as possible.

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.