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September 27, 2005

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VIA HAND DELIVERY
AND REGULAR MAIL

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

Re: Bozzuto Homes-Clarksburg Town Center Manor Houses-Site Plan Nos. 8-92001G and
8-02014B (the "Site Plans")

Dear Ms. Krasnow:

As you are aware, this office represents BA Clarksburg, LLC and BA Clarksburg Two, LLC (collectively "Bozzuto"), the owners and developers of the Manor House sites in Clarksburg Town Center ("CTC").¹ We are in receipt of the following documents alleging various components of the development at the CTC, including (in certain documents) the Project, are in violation of County zoning and/or subdivision laws: (1) a Stop Work Order dated September 20, 2005 (the "SWO") issued by Doug Johnsen of the Planning Board's Development Review Division Staff to an entity identified as "NNP-1 Clarksburg LLC"²; (2) a letter dated July 11, 2005 from David Brown, attorney for the Clarksburg Town Center Advisory Committee

¹ The Manor House sites are approved for the development of five multi-family buildings containing a total of 58 units pursuant to the referenced Site Plans, which were approved by Planning Board Opinion dated March 21, 2005 as amendments to the overall approved Site Plans for Phases 1 and 2 of the CTC (the "Project"). The Manor House sites are identified as Parcel A, Block H (Building 7); Parcel C, Block AA (Building 9); Parcel C, Block S (Building 10); Parcel A, Block M (Building 11) and Parcel E, Block N (Building 12).

² We note the entity to which the SWO was issued is not the owner or developer of the Project, and is not related to Bozzuto. In this regard, we ask that notices and correspondence regarding the Project or Bozzuto be sent directly to Barbara Sears or Scott Wallace as attorneys for Bozzuto.

Attachment "1"

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("CTCAC"), to the Planning Board (the "7/11/05 CTCAC Letter"); (3) a letter dated September 19, 2005 from Mr. Brown to the Planning Board (the "9/19/05 CTCAC Letter"); and (4) a document with a handwritten date of September 16, 2005 labeled "Additional Violations," which we understand was prepared by you based on your conversations and/or meetings with the CTCAC and sent by you to Newland Communities, LLC and NNP II - Clarksburg, LLC (collectively "Newland Communities") on or about September 19, 2005 (the "9/16/05 Violations List"). We understand the Planning Board may be reviewing some or all of these documents, and the alleged violations contained therein, at public hearings scheduled for October 6 and October 25, 2005. As discussed in detail below, the purpose of this letter is to request due notice of the nature and evidence of each allegation that the terms, conditions and/or restrictions upon which the Site Plans were approved are not being complied with, or other alleged violations of law pertaining to the Project (collectively the "Alleged Violations") and due notice of the public hearing dates at which each of the Alleged Violations will be heard. Additionally, for such notice to be adequate under law it must be provided sufficiently in advance of the public hearing to allow Bozzuto to not only be on notice of the Alleged Violations, but also to prepare a meaningful response. In this regard, we believe any attempt to conduct a hearing on any Alleged Violations on October 6, 2005 would be precluded under law.

Initially, we understand, based on information provided by the Planning Board's Office of the General Counsel, that the Planning Board will review the allegations in the 7/11/05 CTCAC Letter on October 6, 2005 and the Alleged Violations in the SWO on October 25, 2005. Based on our review of the 7/11/05 CTCAC Letter, we do not believe any of the allegations set forth therein pertain to the Project. Accordingly, we ask the Planning Board confirm in writing to us that Bozzuto is not expected to participate in the October 6, 2005 public hearing, as none of the allegations that will be reviewed at the October 6, 2005 public hearing pertain to the Project. However, as indicated above, if the Planning Board responds to this letter by outlining Alleged Violations it seeks to consider regarding the Project as a result of the 7/11/05 CTCAC Letter, because of the lack of proper notice we believe such matters may not be heard on October 6, 2005.

Further, we request the Planning Board confirm in writing to us that with the exception of the October 25, 2005 public hearing on the SWO, separately addressed below, there are no Alleged Violations that pertain to the Project that have been scheduled for review at any other public hearing. If, however, the Planning Board has determined that there are such additional Alleged Violations pertaining to the Project, and intends to review these Alleged Violations at a public hearing, then as required by law, and discussed above, we request that Bozzuto be given due notice as to the hearing date, if scheduled. Importantly, due notice requires the Planning Board

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provide Bozzuto with a clear statement of any Alleged Violations including: (1) the specific terms, conditions, and/or restrictions upon which the Site Plans were approved that are not being complied with; (2) the specific section(s) of the Zoning Ordinance, Subdivision Regulations and/or other County law that the Project is alleged to violate; (3) the specific building (s) and/or lot(s) that are alleged to be in violation; (4) to the extent any violation(s) involves a specific development standard such as height or setbacks, a quantification of the extent of the Alleged Violations; and (5) a copy of any documents (including, but not limited to, inspection reports and field visit notes), plans or other materials that the Planning Board is relying on to substantiate the Alleged Violations and, once given such due notice, that Bozzuto be given adequate time to review and prepare a response to such Alleged Violations.

Finally, we note the SWO states that it will be reviewed by the Planning Board on October 27, 2005, (changed by the Planning Board to October 25, 2005). However, we do not believe the SWO conforms with the requirements of Section 50-41(i)(2) of the Subdivision Regulations and is therefore insufficient under law to be enforceable by the Planning Board. For example, the SWO does not accurately identify the owners of the properties charged with the violations set forth therein or provide adequate information on the specific nature the violations, and if they are related to the Project, to allow Bozzuto to prepare a meaningful response, if required. In particular, the allegations as written in the SWO: (1) do not identify the specific terms, conditions, and/or restrictions upon which the Site Plans were approved that are not being complied with; (2) do not identify the specific section(s) of the Zoning Ordinance, Subdivision Regulations and/or other County law allegedly being violated by the Project; and (3) do not identify the specific lots in Phases 2D and 1A-3 that are alleged to be inconsistent with approved site plan(s), nor identify a particular site plan(s) to which such inconsistency is related.

Accordingly, in order for Bozzuto to provide a proper response to the allegations in the SWO, we ask that the Planning Board provide the undersigned by October 4, 2005 the following information regarding the Alleged Violations in the SWO: (1) the specific terms, conditions, and/or restrictions upon which the Site Plans were approved that are not being complied with; (2) the specific section(s) of the Zoning Ordinance, Subdivision Regulations and/or other County law that the Project is alleged to violate; (3) the specific building (s) and/or lot(s) that are alleged to be in violation; (4) to the extent any violation(s) involves a specific development standard such as height or setbacks, a quantification of the extent of the Alleged Violations; and (5) a copy of any documents (including, but not limited too, inspection reports and field visit notes), plans or other materials that the Planning Board is relying on to substantiate the Alleged Violations. Again, we view this request as necessary as a matter of law and basic due process

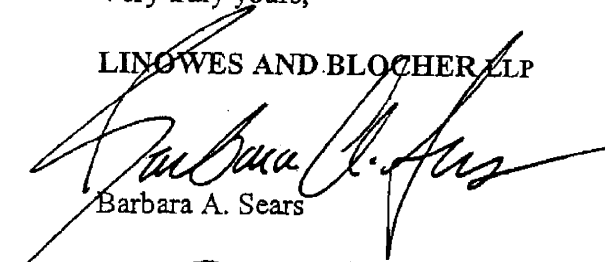
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to allow Bozzuto to both understand and respond to any Alleged Violations regarding the Project.

We look forward to your response to this matter. Thank you.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Scott C. Wallace

cc: Mr. Charles Loehr
Mr. William Mooney
Michele Rosenfeld, Esq.
Mr. Michael Ma
Mr. Thomas Bozzuto
Mr. Chris Herrin
Mr. Clark Wagner
Ms. Jackie Mowery