

MCP-Chairman

From: Elizabeth Forrest [betforrest@earthlink.net]
Sent: Friday, November 04, 2005 8:17 AM
To: MCP-Chairman
Subject: FW: Closing statement

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

Elizabeth Forrest
betforrest@earthlink.net
Why Wait? Move to EarthLink.

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

From: Elizabeth Forrest
To: Amy Presley; kim shiley; Carol Leigh (NIH/NCI) Smith
Cc: Clarksburg Civic Assoc.; Dee Baris; El Cooper; Jean Casey; Phil Marti; Steve Burns; Tom Perrone; Wendy Harris
Sent: 11/2/2005 8:51:15 AM
Subject: Closing statement

Amy, Kim and Carol

I just wanted to clear the air before tonights meeting. Many times since I moved into my wonderful home I have heard dispersions at almost every meeting I have been too regarding the Condo's. I had heard that your Attorney in his closing arguments at the October 25, 2005 Public Hearing made the following statements:

Steps are needed to prevent another "bozutto beast", as he claims everyone calles them. (I think the design of the new Manor house is elegant and stately for the price point Bozzuto is trying to achieve.)

and

He said our homes looked like a "Cheap college Dormitory" Apparently the troglodyte never heard of Frank Lloyd Wright style as is our Residents Center taken after! I do hope this is not the case. Poor construction, roads too narrow, etc. etc. are the issue not your attorneys personal taste. If this is true he should ride around and look at some of the Plain townhouses, the fences needing more then the one coat of paint, the fake flamingo's in gardens, the religious grotto's on the front lawns, the plastic flowers in pots and around foundations, and I could go on and on! Why everyone seems to pick on the condo's is beyond me! There are actual human beings living and enjoying their homes and some actually love the look of their condo's. If this attorney did say these things he was certainly out of control and his statements were in extremely poor taste and completely out of context of the original violations suit.

I'm disappointed and saddened by these statements. Allot of people have mentioned MPDU's, I think this is a false smoke screen and they could care less about mixing in people of all financial and life circumstances. The condo's add another dimension to the flavor of the community and were always a part of the mixture. I for one only wanted either a single family home on one level or a condo with an elevator. My mother is 91 and stairs are not an option. I choose to have her live with me and not in a home. I moved from a magnificent home overlooking the Harbor in Northport, NY to this area to be closer to my three grandchildren and get involved in the pleasures of the area, instead I got in the middle of a hate campaign against my home.

I will see you all at the meeting tonight!

11/4/2005

Betty Forrest

Elizabeth Forrest

betforrest@earthlink.net

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11/4/2005

cCa

Clarksburg Civic Association
P.O. Box 325
Clarksburg, Maryland 20871-0325

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November 18, 2005

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

Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910
Attn: Derick Berlage, Chairman
BY FAX: 301-495-1320

RE: Clarksburg Town Center violations

TO BE ENTERED INTO THE PUBLIC RECORD

The following are observations from the Planning Board Hearing of November 3rd, 2005

- It was a full hour and a half before the word "public" was mentioned by the developer or attorneys, in any context. Yet it is the residents of Montgomery County who are being hurt by their recalcitrance.
- Heights and setbacks were presented from a project plan amendment as if it were already approved, when that amendment has yet to come before the Board. This is the same pattern that has been presented throughout these hearings.
- For the Manor Homes – setbacks were declared at the November 3 hearing to be those as incorporated in the amendment brought before the Board in February 2005. This was a hearing at which these setbacks were never even mentioned, let alone approved.
- The melding of the old and the new is, and never has been a concern for the developer – in fact a deliberate separation has been constructed in the form of a berm.
- I find it interesting that when the Board decisions were made in April and they favored the developer and builders, they were all quite satisfied with the Board and the process. Now that it has become apparent they tracked to their own plans and have been caught at it, they want the Board to recuse itself.
- There are around 15 homeowners who own land that they do not have any control over (up to 50% of their lot size). Their land has been platted into areas over which the HOA has control. For this, the homeowners' only privilege is that they have to pay the property taxes on the HOA controlled land. The only logical reason for the land being platted into open space is that otherwise their lot sizes would not meet the minimum lot size requirement.

Some time ago, I postulated that maybe that staff reports were being prepared by non Park and Planning staff. I was shocked to learn that Board opinions have, on occasion, been written by developers' attorneys. I cannot imagine why this should ever happen, as the once the Board had met and considered an item, the writing up for that opinion was more a clerical duty, then to be reviewed by Park and Planning Attorneys.

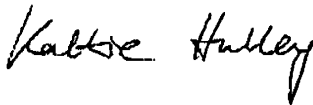
As taxpayers, residents of Montgomery County have the right and expectation that the Board acts on their behalf. It is obvious that the infiltration of the developers' interest is widespread and that they know full well how to manipulate the workings of the Park and Planning Departments.

This does in no way excuse the developers from not knowing the rules and obeying them. As I testified once before, just because an audit is not done for one's taxes, this does not absolve the taxpayer from paying the taxes that are due. Further, if the IRS personnel give incorrect advice, the taxpayer still has to pay the taxes and any penalties that might accrue.

It should be noted that the developer is trying to blame CCTAC and the Clarksburg Civic Association for delays to the retail section and other areas of the Town Center. To the contrary, it is the failure of Newland and the builders to own up to their mistakes which is causing any delays.

The inability for CTCAC to obtain the electronic version from the November 3, 2005 presentation is inexcusable. Developer and builder attorneys requested, and were given ahead of time, the electronic CTCAC presentation. We expect the courtesy of reciprocity.

Kathie Hulley
Clarksburg Civic Association
Planning Chair



FAA

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FRB

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Y.D.

To:

Chairman

2005

on Fri, Nov 18.

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& asked them to re-send. Still illegible.
They'd say a request for another.

legible fax received ~~11/21/05 @ 11:21 AM~~
11/21/05 @ 11:21 AM

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#2

Elizabeth R. Forrest
12824 Clarksburg Square Road
Clarksburg, MD 20871
301-916-9756
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OCT 05 2005

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

October 5, 2005

To: The Montgomery County Parks and Panning Board
Attn: Derick Berlage, Chairman, Parks and Planning Commission
Re: Violations in Clarksburg Town Center

There are many items that have come to my attention regarding living in the Clarksburg Town Center which I find disturbing. These deficiencies were brought to my attention through many Newspaper articles, attending many meetings run by the Clarksburg Civic Association, the CTCAC meetings, my own HOA Board meetings and personal observations.

The following are just some of the items I find extremely troublesome:

1. The Lack of roads or public transportation to accommodate the 40,000 who will live here in the near future. The lack of infrastructure will destroy this area financial as well as aesthetically. During the week in the early AM hours and after 2:30 P.M. the lines of traffic on 270, Route 355 and route 27 from Milestone Shopping Center to Hyattstown, Urbana, Damascus, Frederick and points north in Maryland is stop and go all the way till after 6:45 at night. What is more frightening is that it will only get worse when there are 40,000 plus people living in Clarksburg and areas north, west and east of here. If there were a fire or an emergency, how will these support vehicles get to anyone in any of these areas?

2. The fact that the main streets and alleyways in Clarksburg Town Center are narrower then is required by standard building codes is a blatant and inexcusable danger to the entire community. Fire Engines and Emergency vehicles would not be able to get to most areas at night or early in the morning if there were an emergency. Cars now are parked on both sides of the streets and only one car can traverse at a time. If you meet someone coming in the other direction you must back up to the nearest clearing and park until they go by and then proceed. The Developer and builders who are putting up these homes and streets are all very experienced in Montgomery County and know the building codes. This is inexcusable on their part.

3. Homes being built too tall and too, close to the street did not bother me as much as homes being built so close together that you can touch your neighbors home by sticking your arm out the side windows. The fact that builders were getting away with this does not excuse them from the responsibility of sticking to the Master Plan. Greed made them lose their minds and act irrationally.

4. Green space is extremely important in a community like this. There will be a tremendous amount of people situated in a very close proximity and it is imperative that the appropriate amount of green space, 50%, be provided in the interior of the project in order to give everyone

a peaceful place to live and escape to. I am hoping that the 60 plus acres that the Developer wants to turn over to the Main HOA and not to the county, is not the 50% Green space indicated in the Master Plan.

5. Where will the bike paths promised be situated? This is just one of the reasons I purchased here. I wanted a safe place for myself and my grandchildren to ride our bikes and not worry about being run over by a car.

6. Will Murphy's Pond still be the beautiful focal point we were promised, with walkways, seating areas, tastefully landscaped, seeded with fish and a reserve for natural wildlife? Will this still be viable with the drainage problems due to elevation and grading errors or will this stay a water run off pit?

7. The retail center is another reason I moved here. I was promised a Quaint little retail area where there were plenty of small shops and restaurants and a small grocery store like "Whole Foods" where we could walk and sit and ride our bikes to. We certainly don't need another huge Grocery store seeing that there will be one in Milestone, one in cabin Branch and one off route 27 near the Aurora Hills Development. How many huge Grocery stores can survive here?

8. I am appalled by the fact that in order to get the items promised in a Master Plan, a citizens group the, CTCAC, must spend many hundreds of hours investigating and uncovering a plethora of violations. I am further disturbed by the fact that the only way these citizens could get anyone to stop these violations was to hire attorneys to force the powers that be to do the job they were paid to do.

9. Where will residents and guests park?

10. Where are all the parks and open space promised going to go?

11. Where are the Street and parking lot lights? The four condos with 76 units in all on Clarksburg Square Road have been lived in for between one and two years. As of yesterday, we do not have working Street lights in the front of our buildings. In the rear parking lots there are rough ins for 13 parking lot lights but no light poles, just rough ins and wood boards sticking out of the ground. Lack of proper lighting has caused many residents and guests to trip and fall in the parking lots and poses a security problem as well. There are also PVC pipes covered with duct tape sticking out of the ground all over the four buildings. These are supposed to be rough ins for electric and cable. When are the final junction boxes going to be installed? This has become a finger pointing contest between the builder and the developer as to who is responsible for what.

12. Final paving will not happen except on one road, Sugar View Drive, until sometime next year. Is this because it may be the only legal road in Clarksburg Town Center? There is a roadway between 12828 and 12824 Clarksburg Square Road that goes to the rear parking lots of the Bozzuto Condo's which is almost impassible by ordinary cars. It's in such bad shape that it requires a four wheel jeep to traverse the area safely.

13. Will there be an entrance from 355 to the retail center if not the center will die.

I am very frustrated, disappointed, and angry over the lack of supervision and the blatant violations of the Master plan and all the building code violations. Please help us make this the dream town we were promised.

Sincerely,

Elizabeth Forrest

#10

MCP-Chairman

From: Katherine Orloff [orloffk@mac.com]
Sent: Wednesday, October 05, 2005 3:59 PM
To: MCP-Chairman
Subject: Clarksburg Town Center

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1617
OCT 05 2005

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

Katherine Orloff

23921 Trading Post Drive

Clarksburg, MD 20871

Tel: 301-515-5597

Email: orloffk@aol.com

October 4, 2005

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

Dear Chairman Berlage,

I was one of the hapless almost-homeowners who was told in June, four days before closing, that I could not move into my completed and ready to occupy townhome in Clarksburg Town Center due to possible violations by the developer and builders. I offered testimony at the July 7, 2005 meeting and was gratified that my home was grandfathered into the existing Town Center plan and I was allowed to close on my home. However, I had lost my moving date and had to wait a month before I could occupy my house, which cost me a considerable sum of money.

I moved to Maryland from New York in June, 2004 and rented a home in the Arora Hills subdivision, while I spent a great deal of time searching for something to buy. I looked at models in every subdivision in northern Montgomery County. I looked at old homes in Frederick, and checked the MLS listings daily via computer. I decided that the Kentlands had the type of architecture, plan, and lifestyle that I wanted. It is, however, too far away from my work (I teach at Hood College in Frederick) and family to be practical. When I discovered Clarksburg Town Center, I thought that this community would evolve into an area quite similar to the Kentlands, and was excited about my new townhome.

Now, three months later, I am deeply saddened and distressed with what I have learned and what I see around me. When I was informed by NV Homes that my closing would be delayed, I was told that "a few disgruntled homeowners are upset because the market is going to be a Giant and not a Whole Foods." The implication was that this was a group of desperate housewives with nothing better to do. I was told the matter was simply a slight snag, a "hand slap" would follow, the various builders involved

10/5/2005

would pay whatever fine was imposed, build some additional amenities, like a bigger clubhouse, and that would be that. No big deal. Indeed. I had no idea the amount of serious, time consuming research the Clarksburg Town Center Advisory Committee had devoted to this situation. I believe that the builders and developer did what they could to keep those of us in my situation ignorant of this, and then used our plight to manipulate the Planning Board. I had to do my own internet research to even find out who the members of the Planning Board were and how to contact them. I was encouraged to offer my distress to the Board in the hopes that I could at least close on my house and move in. I was never, however, given any information about the real reasons the CTCAC was filing their complaints.

When I attended the meeting on July 7, I was impressed by the orderly and compelling presentation made by Amy Presley, detailing the difference between the original plan for the community and the reality of how it is being built. Where, I wondered, was all the green space? Why were townhouses built where a road was supposed to be? Weren't there going to be tennis courts? How did the retail center go from a lovely walking area to a strip mall with a huge parking lot? I was also unimpressed by the lame rebuttals made by the lawyers for the developer and builders, who basically said that they just built what was on the plans. But how did things go so wrong? Now I wonder where are the trees that have been promised on our street? Where are our street lights?

Most distressing is what is happening in my own back yard. Before I bought my unit, I visited the developer's office on Frederick Road and looked at the little model they have of the master plan. I was told the building behind my row of townhouses was to be another row of townhomes. When I moved into my home this block of Catawba Hill Drive was just dirt. Now what sits on it is the biggest building in the entire subdivision, something called "two over twos," an expression I had never even heard until the July 7 meeting. This building, which is now referred to around the neighborhood as "The Beast," can be seen from Stringtown Road, and most probably will be easily identifiable from outer space. It looms over every yard and deck on the east side of Trading Post Drive. We will never have any privacy, and I am very concerned that the value of my home has been reduced by this looming presence. When I read in the newspapers that a "stop work" order had been issued at CTC, I was relieved that this hulking thing might have some alterations made or be taken down. Evidently this building was not included in that stop work order because they work on this building at least six, sometimes seven days a week. I'm fairly certain the builder's feeling is just get the thing up, move people in and walk away. What happened to height restrictions? If the Bozutto condo buildings are too tall, how in the world can anyone justify this one? This building never should have been allowed to break ground. This is the most blatant example of the disregard the builders and developers have for the original plan for the community, and the low regard in which they hold all the homeowners who live there.

I have met some terrific people in my neighborhood. They are friendly, concerned, and want to be involved in their community. Every single one of them is upset by what is happening to the lovely area we thought we bought into. We are the ones who will have to live with the result of the lies and manipulations perpetrated by the developers and builders who have all but destroyed any chance that we will have to live in the community we paid dearly to join. I strongly encourage the board not only to levy stringent fines on the violators, but to compel them to complete the community as it was originally drawn.

Best regards,

Katherine Orloff

10/5/2005

#2

MCP-Chairman

From: Casey, Jean [JCasey@gazette.net]
Sent: Tuesday, October 04, 2005 12:53 PM
To: MCP-Chairman
Subject: Clarksburg Town Center agenda item for Oct. 6, 2005

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

As a resident of the Clarksburg Town Center I wanted to express my viewpoint on several of the issues that are being voted on. My main concerns are:

I applaud the staff's finding that the "elimination, reduction and placement of the required amenities" is a violation. I hope the developer will be required to begin on the Project Plan's amenities immediately and will not contribute to further traffic problems with their building designs. Any further building needs to avoid the current layout of winding, narrow streets and narrow alleys which beg the question of how emergency services can reach residents. I believe that the current streets also need an evaluation by emergency personnel with a community plan for evacuation, fire, or personal injury. Since the developer/builder chose to violate the original plan by increasing housing space, including space for roadways, it is time to pay the piper.

In addition there have been some rumors that some parkland would be used for the athletic amenities and then conveyed to the HOA for upkeep. That seems like an irresponsible shift of responsibility where the resident (who is also a county tax payer) gets to bear the double burden while the developers count their profits and bow out. I sincerely hope that no remedies will penalize the Clarksburg Town Center residents in such a manner.

The pedestrian, "small town" nature of the plan is one of the primary reasons this community was chosen by residents over others. Any elimination of a pedestrian mews or the connection to the historic portion of Clarksburg merely throws folks back into their vehicles.

Lastly, an item not covered in this hearing but of great concern to the condo dwellers is that the street lights in front and behind the four completed condo buildings are not operational and we, (the Clarksburg Condo II board) have not been able to get either the developer or builder to take ownership of this major safety concern. Several people have fallen over the incomplete roads and unfinished curbing. This is a lawsuit waiting to happen.

Thank you for your consideration.

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

#2

MCP-Chairman

From: Casey, Jean [JCasey@gazette.net]
Sent: Tuesday, October 04, 2005 12:53 PM
To: MCP-Chairman
Subject: Clarksburg Town Center agenda item for Oct. 6, 2005

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OCT 05 2005

OFFICE OF THE CHAIRMAN
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PARK AND PLANNING COMMISSION

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Thank you for your consideration.

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

#2

MCP-Chairman

From: Glen Todd [gtodd@gtc-cpa.com]
Sent: Friday, September 30, 2005 3:37 PM
To: MCP-Chairman
Cc: Wright, Gwen
Subject: Clarksburg Hearing 10/6/05

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 OCT 03 2005

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

Mr. Berlage,

As a resident of Clarksburg Town Center, I would like to thank you for your efforts to resolve the issues effecting our development. I look forward to a healing process when we can come together in a positive way to form the kind of community that we all aspire to. I will be on travel this week, and not able to attend the hearing on Thursday. I would like to endorse two ideas effecting items on this week's agenda - 1.)The pedestrian walkway connecting the Clarksburg Historic District with the new community, and 2.) resolution of the status of the Clarksburg Square Road connection with Route 355.

I would like to suggest that Clarksburg Sq Road be made into the "missing" pedestrian corridor. Terminate the road as it does now with a cul-de-sac, and create an attractively landscaped walkway to Historic Clarksburg. While this doesn't resolve all issues, it does provide a solution, if not an improvement to many of the concerns. First, it would eliminate the need to relocate the historic Willson House. Second, it would link the two communities in a practical way by focusing the pedestrian traffic from Clarksburg Town Center to the future transit stop on Redgrave Lane. In many ways, this is a more practical point of connection than the original walkway to the church. (The visual focus of the Church should still be enhanced.) Third, it is consistent with the Clarksburg Site Plan objective of minimal vehicular traffic on Clarksburg Square Road and Redgrave Place. Finally, it would aid in directing outbound traffic away from the historic district and towards Stringtown Road and Route 121 for access to I-270 and Rt. 355 North and South. This would also make the historic district more pedestrian friendly as well. While I know many who will speak at Thursday's meeting have an economic interest in the Wilson House removal, historically, it should remain at it's original location if at all possible.

The other healing gesture that I would like to see your Board adopt would be to commit 100% of the proceeds from any assessments that you may decide to impose to improvements within the effected community. No amount of money will be able to transform our community completely, but it does only seem fair and proper that if fines are imposed for violations, it should be dedicated to projects within the effected areas.

Again, thanks you for time and efforts on our behalf.

Regards,

Glen Todd
 gtodd@gtc-cpa.com
 13139 Clarksburg Square Road
 Clarksburg, MD 20871

10/3/2005