

**Brewer, Robert G.**

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**From:** Dwelley, Colleen [cdwelley@millerandsmith.com]  
**Sent:** Tuesday, November 15, 2005 9:13 AM  
**To:** Brewer, Robert G.; Stuart, Chas  
**Subject:** FW: Clarksburg Town Center - Lot 15FF

Copy of Lot 15FF e-mail chain, as requested.  
Colleen

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**From:** Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]  
**Sent:** Monday, November 01, 2004 8:26 AM  
**To:** Dwelley, Colleen; Ma, Michael  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

Colleen,

The meeting with the Planning Director went well. He recommended that we do a staff level approval of the unit. Please submit an application for a site plan amendment for this one lot. We will approve it immediately and get you on your way. It should be a \$300 fee.

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

**From:** Dwelley, Colleen [mailto:cdwelley@millerandsmith.com]  
**Sent:** Friday, October 29, 2004 11:33 AM  
**To:** Witthans, Wynn  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

Thanks for meeting with Nancy & me yesterday. Do you have any better idea what to expect next? Let's just say we go to the Planning Board in 2 weeks. Knowing that a resolution would be forthcoming except for the process, can Parks & Planning issue a letter to DPS saying that construction may resume, but a RUP cannot not be issued until the paperwork is completed? If not, what is the latest possible date we could be authorized to proceed? We are trying to make a decision regarding time limits for the purchaser's financing. Also, Les Powell is not clear what needs to be included in the revision package.  
Colleen

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

**From:** Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]  
**Sent:** Wednesday, October 27, 2004 9:37 AM  
**To:** Dwelley, Colleen  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

I am talking to the Planning Director on Thursday at 3:30. Eh will be our last word and I hope to get ten minutes before the Planning Board within 3 weeks.

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

**From:** Dwelley, Colleen [mailto:cdwelley@millerandsmith.com]  
**Sent:** Tuesday, October 26, 2004 3:02 PM  
**To:** Witthans, Wynn  
**Cc:** Nancy Hughes (E-mail)  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

Sorry, I have other obligations tomorrow morning. Can we keep the 1PM appointment on Thursday? I am not aware of any other Clarksburg lots with this problem. Are they Miller and Smith's? If this is such a significant problem, doesn't it warrant an equally significant opportunity for discussion? I am slightly confused as to how this went from an incorrect, but possibly not earth shattering mistake, to what seems to be an elaborate resolution that

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may not have the purchasers best interests in mind. Didn't you tell me that the master plan encourages units close to the street, and that an administrative review by staff with a punitive damage assessment would be reasonable? Perhaps the Planning Board review will be quicker than I think. Do you have any idea if we will be able to come to a conclusion on Thursday that will allow us to proceed with construction? The purchaser has been waiting for something to happen since the middle of August and their financial commitments are being effected. If this cannot be resolved within 7 days, please advise, and we will ask the homeowner to quit hanging on. Thank you.  
Colleen

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

**From:** Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]  
**Sent:** Tuesday, October 26, 2004 11:35 AM  
**To:** Dwelley, Colleen  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

It is - however I am meeting with Nancy et al tomorrow morning - if you would like to begin our other meeting early with this item, I will be happy to do so. Would you like to come at 10:30 for a 30 minute meeting? I have met with legal staff and will now talk to our Planning Director re this change. Right now I am being advised to bring it to the Planning Board. I will try to get you on schedule ASAP for a 5 minute item. I understand there are possibly more lots like this (setback issues) and we need to make a comprehensive decision on how to handle.

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

**From:** Dwelley, Colleen [mailto:cdwelley@millerandsmith.com]  
**Sent:** Tuesday, October 26, 2004 10:07 AM  
**To:** Witthans, Wynn  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

Is 1PM OK on Thursday 10/28?

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

**From:** Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]  
**Sent:** Monday, October 25, 2004 3:31 PM  
**To:** Dwelley, Colleen  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

I meet with legal tomorrow at 9 am to discuss this. I could meet with you and Nancy anytime on thursday.

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

**From:** Dwelley, Colleen [mailto:cdwelley@millerandsmith.com]  
**Sent:** Monday, October 25, 2004 3:01 PM  
**To:** Witthans, Wynn  
**Subject:** RE: Clarksburg Town Center - Lot 15FF

Would you have time later this week to review the landscape/hardscape upgrades Nancy Hughes and I discussed this morning? Since Land Design planned the memorial park across from Lot 14 and the multi-age tot lot behind Lot 15, I'm trying to get them to sketch a one-page presentation for you. Again, time is of the essence to this homeowner. Thank you.  
Colleen

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

**From:** Witthans, Wynn [mailto:Wynn.Witthans@mncppc-mc.org]  
**Sent:** Friday, October 22, 2004 12:05 PM

**To:** Dwelley, Colleen

**Subject:** RE: Clarksburg Town Center - Lot 15FF

I've passed on the drawing to our legal staff and we are continuing to talk about it.

**Wynn E. Witthans**

Development Review Division, M-NCPPC

8787 Georgia Avenue, Silver Spring MD 20910-3760

Site Plan Review

(301)495-4584

<mailto:Wynn.Witthans@mncppc-mc.org>

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

**From:** Dwelley, Colleen

[<mailto:cdwelley@millerandsmith.com>]

**Sent:** Thursday, October 21, 2004 12:04 PM

**To:** Witthans, Wynn

**Subject:** Clarksburg Town Center - Lot 15FF

Thanks for the call yesterday. Sorry I wasn't in. I've done a little more research on this situation since we last talked and would like to send a fax that might be helpful. What is your fax number? We had CPJ put the lots in question on a one page site plan that shows them in relation to their neighbors, and in relation to the proposed park. There is only a 2 ft. x 12.5 ft. projection of Lot 15 FF that is in question (25 sf)! This is the one and only problem we are talking about. Lot 14 & 16, Block FF have porches that go over the BRL by 5.9 ft., but this is an allowable encroachment according to Division 59-B-3.1(d).

Nancy Hughes and I are meeting on Monday to see if there are any landscape upgrades that would be appropriate at this location. Would you have time later in the week to review our findings? Thanks for working with us on this. I really do think this is more an issue for staff than the board. The most difficult part is not being able to give the homeowner any piece-of-mind about our inability to proceed with construction. They have been on hold for about 2 months, with us always thinking that a resolution was around the corner.

Colleen Dwelley

Community Development Manager

Miller and Smith

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