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Clarksburg Civic Association
P.O. Box 325
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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.

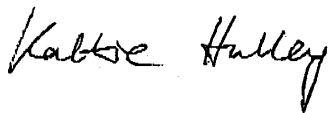
As taxpayers, residents of Montgomery County have the right and expectation that the Board acts on their behalf. It is obvious that the infiltration of the developers' interest is widespread and that they know full well how to manipulate the workings of the Park and Planning Departments.

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



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cover

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Gene Boyd
Y.D.

TC

Chairman

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on Fri, Nov 18.)

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They'd try a different fx machine.

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11/21/05 @ 11:21 AM.

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