

**From:** [Francoise Carrier](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Sartori, Jason](#); [Butler, Patrick](#); [Zeigler, Donnell](#); [Larson, Clark](#); [REDACTED];  
[REDACTED]; [Soo Lee-Cho](#)  
**Subject:** RE: Linthicum Family comments for Agenda Item 6 - November 20, 2025, Planning Board Meeting re: CGSP Public Hearing Draft  
**Date:** Tuesday, December 2, 2025 10:41:43 AM  
**Attachments:** [Lett Pl Bd Clarks SP Linthicum Family 12-2-25.pdf](#)

---

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Please find attached a letter on behalf of the Linthicum family with regard to Item 7 on this week's Planning Board agenda, the Clarksburg Gateway Sector Plan. Please disseminate to Planning Board members.

Thank you.

Françoise Carrier



Françoise M. Carrier  
Co-Chair, Land Use & Zoning Practice Group  
BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC  
7315 Wisconsin Avenue, Suite 800 West  
Bethesda, Maryland 20814  
301-656-2707 **PHONE** | 301-961-6525 **FAX** | 240-428-4671 **MOBILE** (preferred)  
Email: [fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)  
[www.bregmanlaw.com/](http://www.bregmanlaw.com/)

*My work hours vary. I am sending this email at a time that works best for me.  
If you receive this outside of your normal working hours, please do not feel obligated  
to respond until your personal working hours.*

December 2, 2025

Artie Harris, Chair, and Members,  
Montgomery County Planning Board  
2425 Reddie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

**Re: Clarksburg Gateway Sector Plan – Linthicum Property**

Dear Chair Harris and Members of the Board:

On behalf of Linthicum Properties Management LLC (“LPM”), owner of the Linthicum Property and represented in these proceedings by Tom Linthicum and Paula Linthicum, thank you for the time and effort that you put into crafting Sector Plan recommendations that will support needed residential and mixed-use development in Clarksburg with a balanced approach to community planning. The Linthicums were pleased with the decisions the Board reached at your last work session and impressed by the serious deliberations leading to those decisions.

It was our understanding that your meeting this week would be the Planning Board’s opportunity to review a draft Sector Plan reflecting all of the Board’s decisions and make any final, last-minute corrections if the draft language failed to fully encapsulate the Board’s intended recommendations. We were surprised to find that the staff report asks the Board to reconsider its decision regarding how the 35% green cover requirement should be calculated. The Board developed its recommendation for green cover after a lengthy, detailed discussion with staff at its last meeting. Board members considered many elements and decided that a development applicant should be able to count as green cover those green spaces that are being dedicated as parkland or protected by a conservation easement – the most permanent green cover of all. You particularly evaluated what should be considered “green cover” in *this* Sector Plan, where the two largest developable tracts of land include forest and other green areas that will be preserved as part of any future development. Our sense is that the Board recognized the need for a different green cover requirement in this setting than in more urban areas of the County, where the lack of existing green features makes green cover in and amongst new buildings much more important.

The Board weighed relevant factors and made a considered decision regarding green cover. The Linthicums urge you to hold to your decision. They particularly urge you to turn down the invitation to remove this section from the Sector Plan. That would abdicate the Planning Board’s role on this issue and obligate the County Council to come up with a position

December 2, 2025

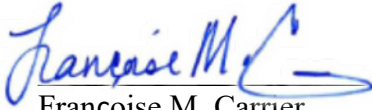
Page 2

(when their staff inevitably raises the issue) without the benefit of a recommendation from the Planning Board.

Thank you, once again, for considering the Linthicums' input.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:  \_\_\_\_\_  
Françoise M. Carrier

cc: Jason Sartori  
Patrick Butler  
Donnell Zeigler  
Clark Larson  
Charles T. (Tom) Linthicum  
Paula Linthicum  
Soo Lee-Cho, Esq.

**From:** [Robins, Steven A.](#)  
**To:** [Harris, Artie](#); [MCP-Chair](#); [Coello, Catherine](#); [Bartley, Shawn](#); [Pedoeem, Mitra](#); [Hedrick, James](#); [Linden, Josh](#)  
**Cc:** [Bob Elliott \(River Falls Investments\)](#); [Mike Alexander \(River Falls Investments\)](#); [gunterberg@rodgers.com](#); [Casey Blair Anderson \(canderson@rodgers.com\)](#); [will.zeid@kimley-horn.com](#); [Sartori, Jason](#); [Kronenberg, Robert](#); [Butler, Patrick](#); [Zeigler, Donnell](#); [Larson, Clark](#); [Montgomery County, MD Councilmember Marilyn Balcombe](#); [Robins, Steven A.](#)  
**Subject:** Revised Green Cover Letter - Casey Edits  
**Date:** Tuesday, December 2, 2025 11:40:48 AM  
**Attachments:** [CGSP Work Session 7 - River Falls Green Cover Letter 12 02 2025.pdf](#)

---

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Harris and Members of the Board: I am submitting the attached letter on behalf of River Falls Investments LLC in response to Staff's recommendation regarding the 35% green cover requirement in the Worksession #7 Memorandum dated November 26, 2025, for the Draft Clarksburg Gateway Sector Plan. We appreciate the Board's consideration of our position on this matter.

Thank you.

Steve Robins

---

**Steven A. Robins**, Attorney

Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0747 | F 301-347-1778 | Cell 301-252-1904  
[sarobins@lerchearly.com](mailto:sarobins@lerchearly.com) | [Bio](#)

***[Subscribe to the Zoned In blog](#)***

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lerchearly.com](http://www.lerchearly.com)



December 2, 2025

By Electronic Mail

Mr. Artie Harris, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park & Planning Commission  
2425 Reedie Drive, 14th Floor  
Wheaton, Maryland 20902

Re: *Clarksburg Gateway Sector Plan – Work Session #7 – 35% Green Cover Requirement*

Dear Chair Harris and Members of the Planning Board,

As the Board prepares for the final Clarksburg Gateway work session, River Falls wishes to thank the Board for its engagement and openness in refining the Public Hearing Draft. The current version now includes several key corrections – such as the I-270 interchange option and the flexible “Constellation Park” framework.

We thought the final Work Session #7 this Thursday was intended for the Board to review a redlined draft of the Draft Sector Plan to ensure that it accurately reflects the modifications to the Plan decided by the Board. However, after reviewing the Staff Report for Work Session #7, it appears that the green cover issue is being presented, yet again, as an unresolved matter. The Board spent a substantial amount of time discussing this issue and made a decision to support what Staff has labeled Option #3. We support that decision and respectfully request that the Board affirm it.

The Staff seems intent on replicating (and expanding on) policies from other sector or master plans even when the land use context, existing and planned development, or economic conditions call for different approaches. The purpose of sector or master plans is to enable the Planning Board and County Council to consider the unique characteristics and challenges of different parts of the County, not to use each plan as an opportunity to ratchet up the requirements from plans that came before it. Imposing a uniform set of rules across the entire County regardless of context is inequitable. True equity means ensuring that every part of the County is given the opportunity to succeed on its own terms and merits.



Future development in Clarksburg is simply not analogous to the high-rise development typical of downtown Bethesda, the campus-style institutional development common in the Great Seneca Science Corridor. Applying green cover requirements taken from these very different areas would impede the outcomes the Plan is designed to advance: complete communities, attainable housing, and economic vitality. The Clarksburg Gateway area has distinctive challenges and opportunities, and it should be planned accordingly.

Staff's Green Cover recommendations to the Planning Board for Work Session #7 present an artificially limited set of choices: either revert to the Public Hearing Draft's complex and highly restrictive green cover requirements (Option 1) or eliminate the green cover recommendations entirely (Option 2).

Option 1 excludes broad categories of green space that clearly provide environmental and community value. It also adds layers of green requirements on the developable part of the property that appear nowhere in County or State codes. Option 2 leaves a substantive vacuum in the Plan's environmental recommendations, inviting the Council to fill the vacuum without clear guidance from the Board. River Falls does not endorse either of these options. Neither Option 1 nor Option 2 provide the reasoned structure the Plan needs.

We see no reason for the Planning Board to reconsider its prior decision. Option 3 is workable and well thought out. It reflects the Board's goal to include meaningful green elements, including dedicated parkland for new recreational amenities, forest conservation easements (several of which are in central locations), trees in the right-of-way, green roofs, and other features that serve to cool the developed part of the property and provide residents with the benefits of access to greenery. The new matrix Staff presented in its Memorandum demonstrates that Option 3 can be readily explained, because it shows clearly whether each category of space or greenery can be counted toward green cover requirements.

While the Option 3 approach is admittedly different from other Plans, it is entirely appropriate for the Clarksburg Gateway. Unlike urban infill zones with dozens of small lots on existing streets, the future development in this area is dominated by two very large, and generally untouched land parcels: our 200+ acre Comsat site and the adjacent ~80-acre farm. It is safe to say that this County will likely never see another Sector Plan with this distinctive situation.

Option 3 maintains the Board's commitment to creating a livable, shaded, environmentally responsible community. It reflects the conditions of the Clarksburg Gateway Plan and provides clear rules for implementation. And, it does not shortchange the environment. We respectfully ask the Board to uphold its prior decision in favor of Option #3.



As always, we appreciate your consideration and ongoing dedication to making the Clarksburg Gateway Sector Plan successful in achieving all of the goals the Board set out at the inception of this effort and generating much needed economic development in Montgomery County.

Sincerely,

Robert J. Elliott, Jr.

cc: Mike Alexander  
Marilyn Balcombe  
Steven A. Robins, Esq.  
Gary Unterberg  
Casey Anderson  
Will Zeid  
Jason Sartori  
Robert Kronenberg  
Patrick Butler  
Donnell Ziegler  
Clark Larson

**From:** [Soo Lee-Cho](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Sartori, Jason](#); [Butler, Patrick](#); [Zeigler, Donnell](#); [Larson, Clark](#); [Francoise Carrier](#); [James Proakis](#) <[jproakis@jnpccap.com](mailto:jproakis@jnpccap.com)>; [William Rogers](#); [Donavon Corum](#); [Matt Leakan](#); [Susan Tater](#)  
**Subject:** JNP/Avanti additional comments for Agenda Item 7 - December 4, 2025 Final Work Session re: CGSP Public Hearing Draft  
**Date:** Tuesday, December 2, 2025 11:53:08 AM  
**Attachments:** [12 2 2025 JNP-Avanti CGSP Work Session #7 Comment Letter to Planning Board final.pdf](#)  
**Importance:** High

---

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Chair Harris and Members of the Planning Board,

Please see attached comment letter, submitted on behalf of JNP/Avanti, in advance of this Thursday's Planning Board meeting on Agenda Item 7 regarding the Final Work Session for the Clarksburg Gateway Sector Plan.

Thank you.

Soo



Soo Lee-Cho

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

7315 Wisconsin Avenue, Suite 800 West

Bethesda, Maryland 20814

301-656-2707 x5902 **PHONE** | 301-961-6525 **FAX** | 301-318-3884 **MOBILE**

Email: [sleecho@bregmanlaw.com](mailto:sleecho@bregmanlaw.com)

[www.bregmanlaw.com](http://www.bregmanlaw.com)



December 2, 2025

Artie Harris, Chair, and Members,  
Montgomery County Planning Board  
2425 Reedy Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

**Re: Agenda Item 7 – December 4, 2025, Planning Board Meeting re: Clarksburg Gateway Sector Plan Public Hearing Draft – Work Session #7**

Dear Chair Harris and Members of the Board:

The following are additional comments regarding the Clarksburg Gateway Sector Plan Public Hearing Draft (the “CGSP” or “Draft Plan”) being submitted on behalf of JNP Capital Management and Avanti Properties Group (together “JNP/Avanti”) as the developer and contract purchaser of the Linthicum Property.

The Board’s efforts over past Work Sessions to clarify the Plan language have resulted in a green cover standard that will accomplish the goals of the Plan while minimizing confusion/debate during the regulatory phase of development. As such, JNP/Avanti respectfully requests that the Board **adopt Option 3 as presented in Planning Staff’s Work Session #7 Report (excerpted below) without any further changes** as the Plan language to guide implementation of the green cover calculation.

**Option 3: Latest Planning Board Revisions**

“New development should provide a minimum of 35% green cover over a property’s total developed developable area, calculated on a net tract area basis, excluding roadway dedication areas and environmental buffers forest conservation easement areas. This minimum green cover area is intended to ensure adequate green and/or shaded areas within the built environment for the health and enjoyment of people.

Green coverage may include the following areas, either individually or in combination. These areas may be located on private property or on land dedicated to public rights-of-way or parkland:

- a. Intensive green roof (6 inches or deeper; must be built in place—tray systems are not allowed).
- b. Shade tree canopy cover, including street trees (excluding environmental buffers).
- c. Vegetative cover or landscaped areas deeper than 6 inches.
- d. Rain gardens, bioswales, and other aboveground stormwater management areas.
- e. Landscaped parkland, Privately-Owned Public Spaces (POPS), and other open space and recreation areas.

Note: Solar installations or other green energy options energy generation areas on rooftops may satisfy a portion of the green coverage requirements if it can be demonstrated that it the minimum 35% cannot be met by the techniques listed above at the discretion of the Planning Board. The Planning Board may also approve alternatives consistent with these green cover goals.”

The green cover standard developed by the Board is not only logical, but fundamentally fair and provides much needed clarity as stakeholders such as JNP/Avanti look beyond the CGSP to prepare for the regulatory phase of development. We respectfully request that the Board unequivocally reject the notion posited by Planning Staff on page 5 of its Work Session #7 Report that the Board should essentially surrender its responsibility to render an opinion on this matter if the Board is unwilling to revert back to the original Draft Plan's language for green cover.

First, it is highly disingenuous of staff to suggest that reverting back to the original Draft Plan language is even an option that can legitimately be considered at this point. Planning Staff had proposed significant revisions to the original Draft Plan language as part of their Work Session #6 recommendations in order to, as stated in the staff report, ***"help clarify the implementation of the recommendation and allow greater flexibility in achieving [green cover] goals."*** For Planning Staff to present an option that would take the language all the way back to the original Draft Plan language – a version that staff concedes is in need of clarification – just because the Board chose to provide more clarity and flexibility than desired by staff is a surprisingly draconian response that cannot be justified.

The Board's discussion on green cover provided valuable input and served to significantly improve upon Planning Staff's proposed revisions. The questions board members posed to staff appeared to seek a better understanding of how the minimum 35% green cover standard would likely be applied within the particular context of the CGSP. This line of inquiry by the Board was insightful. The CGSP is unique in that the vast majority, if not all, of the new development expected from the Plan area will be in the form of greenfield development on two major properties, i.e., Linthicum and COMSAT, which in and of itself requires a different approach to the concept of green cover than in an urban infill context.

Another aspect of Planning Staff's approach to the green cover standard that appeared to concern the Board related to the fundamental fairness of excluding areas of tree canopy cover being provided by a development project in compliance with other requirements/objectives of the Plan. In particular, staff confirmed that under certain circumstances a 50' landscape buffer required by the Plan to be planted in between new development and I-270 could also qualify under existing forestry regulations as afforestation area and be made subject to a forest conservation easement. If so, because the original Draft Plan's green cover language ***excluded*** forest conservation easement areas, a 50' landscape buffer area required by the Plan that would otherwise technically meet the definition of green cover could not be counted.

Option 3 resolved this discrepancy along with others and as a result will better provide much needed guidance during the regulatory phase that will ensure the vision of this Board is achieved. Removing all guidance on green cover to instead rely on other aspects of the Plan and existing regulations on development would create interpretive problems that would leave developers like JNP/Avanti unsure of their obligations and potentially result in unintended consequences that negatively impact planned development. Uncertainty in application of green cover requirements at the regulatory review phase would make it much more difficult for JNP/Avanti to formulate an achievable plan. Without the guidance that the Board has provided in Option 3, it is not immediately clear whether certain items such as landscaped areas on private property (i.e., front and back yards of residences) would be considered green cover, and exclusion of those items from the calculation would prevent JNP/Avanti from delivering the amount of housing proposed for this property. These unintended consequences are easily avoidable by adhering to

December 2, 2025

Page 3

the Option 3 language, which clearly designates which elements are and are not to be considered part of green cover.

It would be unwise at this late stage in the CGSP process to throw out the carefully crafted green cover language that the Board has achieved over several iterations of revisions in favor of either language the Board has already determined to be unsatisfactory or no language at all. JNP/Avanti believes the Board should **support the revisions to the green cover calculation language as they are presented in Option 3 of the Planning Staff Report for Work Session #7 with no further changes.**

Thank you for your consideration of these comments. JNP/Avanti appreciates the work that has gone into this Plan and continues to look forward to implementing its vision for the Linthicum Property in conjunction with the County.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:   
Soo Lee-Cho

cc: Jason Sartori, Planning Director, MCPD  
Patrick Butler, Upcounty Planning Chief  
Donnell Zeigler, Master Plan Team, Supervisor  
Clark Larson, Master Plan Team, Planner III  
Jim Proakis, JNP/Avanti  
William J. Rogers, Esq.  
Françoise Carrier, Esq.

**From:** [Robins, Steven A.](#)  
**To:** [Flusche, Darren](#); [Ciabotti, Christie](#); [Figueredo, Miti](#); [Larson, Clark](#); [Zeigler, Donnell](#); [Sartori, Jason](#); [MCP-Chair](#); [Harris, Artie](#); [Bartley, Shawn](#); [Linden, Josh](#); [Pedoeem, Mitra](#); [Hedrick, James](#); [Kronenberg, Robert](#); [Coello, Catherine](#)  
**Cc:** [Bob Elliott \(River Falls Investments\)](#); [Casey Blair Anderson \(canderson@rodgers.com\)](#); [gunterberg@rodgers.com](#); [Mike Alexander \(River Falls Investments\)](#); [Robins, Steven A.](#)  
**Subject:** Comments on Public Hearing Draft Redline – Clarksburg Gateway Sector Plan  
**Date:** Wednesday, December 3, 2025 12:24:03 PM

---

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Harris and Members of the Planning Board:

We have reviewed the December 1st redline to ensure it aligns with the Board’s decisions over the past six work sessions. We ask the Board to consider two final points to ensure the Plan is internally consistent and implementable:

**1. Constellation Park Coordination** The Board and Parks Staff previously agreed that the Constellation Park “String of Pearls” network should be distributed *across the entire Planning Area*, rather than located solely on the Comsat property. While the implementation language on pages 80-81 correctly reflects this flexibility, several specific references contradict the Board’s directive by placing the amenity exclusively on our site.

We request the following technical corrections to align with the Board’s decision:

- **Remove references limiting the park to only Comsat:** Specifically the "Tree symbol" on the Comsat site (Page 86), the "Proposed Public Park" bullet (Page 21), and the Neighborhood Recommendation #10 (Page 104).
- **Clarify Facility Location:** Under "Community Facilities" (Page 104), remove the suggestion that the recreation/aquatic center must be co-located with a Constellation Park that would be located specifically on the Comsat property.

It is our understanding that Parks Staff is aware of the inconsistencies and is working to address them. We are including them here to ensure they are noted for the Board’s consideration and awareness.

**2. Neighborhood Recommendations & Flexibility** We appreciate the “Note to the Reader” flexibility language the Board has inserted into the Plan’s introduction. However, we remain concerned that the detailed list of recommendations for Comsat (Pages 108-109) remains highly prescriptive regarding building forms, street sections and their configurations, as well as implied overall development uses. Specifically, many of the enumerated bullets in this section appear geared toward a primarily residential buildout with small-scale commercial

uses and a “Main Street” concept. This prescriptive text may inadvertently conflict with the Plan’s broader economic goals, particularly given the potential inclusion of the Exit 17 Interchange. If Comsat is realized to serve a major corporate tenant, the interchange may necessitate a dedicated access point on the west side of our property and a roadway network that is distinct from the residential-oriented recommendations as well as Staff’s illustrative planning diagram (page 66).

We need assurance that the specific recommendations, such as the uses, road sections and “Main Street” diagrams are illustrative guidelines, not rigid mandates. We intend to explore a broader variety of potential development programs (ranging from a major corporate campus or a mixed-use neighborhood) that would be more responsive to the current market – which would include appropriate interim conditions (such as surface parking) and varied phasing. As such, we would like confirmation that these ideas are possible without requiring a Plan Amendment to deviate from specific bullets in the text.

Recognizing the work already done, we are not asking for a rewrite of this section. Instead, we ask the Board to review these pages and acknowledge that the Plan’s introductory flexibility language would potentially allow for alternative approaches that deviate from the detailed, enumerated recommendations.

Finally, I would note that the comments above are based on the Draft Plan that was posted online on Monday December 1. We just learned that a revised redlined draft was posted that contains all of the modifications to the Plan for the Board’s review (but not actual changes to the document). It’s possible that pages numbers referenced may differ a bit and that we may have further comments once we complete our review of that document.

Thank you for your consideration.

Steve Robins

---

**Steven A. Robins**, Attorney  
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0747 | F 301-347-1778 | Cell 301-252-1904  
[sarobins@lerchearly.com](mailto:sarobins@lerchearly.com) | [Bio](#)

***[Subscribe to the Zoned In blog](#)***

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lerchearly.com](http://www.lerchearly.com)

