



Charles P. Johnson & Associates, Inc.

Associates — Planners — Engineers — Landscape Architects — Surveyors — Environmental Services

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July 18, 2005

Ms. Rose Krasnow
Director, Development Review Division
MNCPPC
8787 Georgia Avenue
Silver Spring, MD

Dear Ms. Krasnow,

This letter clarifies the process and intent behind the final layout of the units at Clarksburg Town Center in relation to their setbacks.

The final Site Plan design of Clarksburg Town Center was done in conjunction with a design team consisting of an urban planning consultant (CHK, then SKG), an engineer (CPJ), a utility design consultant (Richter and Associates), a landscape architect (Land Design), the utility companies (Allegheny, Verizon, WSSC, and others), MNCPPC Planning Staff, and Montgomery County Department of Permitting Services Staff. Everyone worked hard to implement neo-traditional neighborhood concepts which resulted in the final layout designs as shown on the approved Signature Sets.

These approved Signature Sets, which include the amendments administratively approved by Staff, show that the units are to be built with a close in neighborhood feel. In order to achieve this the standard 10 foot Public Utility Easement (PUE) was reduced to 5 feet along various streets. In addition the units were located closer to the sidewalks than in a typical 'standard' layout. Both of these conditions require less than 10 foot Building Restriction Lines (BRL) from the street and front property lines in many cases.

The appropriate BRL's for this design were depicted on the layout/plan view of the approved Signature Sets. It was these plan views that the above consultants, MNCPPC, MCDPS, WSSC, Allegheny Power and other utilities focused on during the design and approval process. The intent of the layout and placement of the units is as shown on the individual lots on the approved Signature Set. The units are built as per the BRL layout on the approved Signature Sets.

Please consider the following when evaluating the impact of the setback violations as determined by the July 7, 2005 Planning Board action.

- 1) The 5 foot PUE's were reviewed and approved by MNCPPC, MCDPS and all the utility companies. The whole intent of the 5 foot PUE was to be able to place the units closer than 10 feet to the public Right of Way as shown on the approved Signature Sets. This 5 foot PUE is shown on the approved Storm Drain and Paving Plans, and Record Plats as well.

- 2) The front property lines were configured to avoid having a sidewalk on a private lot where feasible. This pushed back the front property line to be closer than 10 feet from the unit. The front property line could have been extended to meet a 10 foot front BRL. The location of the unit would not have changed but there would then have been an easement along the front of the lot to accommodate the sidewalk. Please note that the Signature Sets for the earlier phases (1B-2 and 1B-3) still had a front BRL on the table whereas the later phases (1A-1 and 2) have N/A in the table for front BRL's for single family and townhouse lots.
- 3) The final location of the units as constructed conforms to the unit layout and street design shown on the approved Signature Sets.
- 4) The consultants brought the inconsistency between the table and the plans to the attention of MNCPPC Staff during the building height research phase several weeks ago. To our knowledge this was not brought up by any outside complaint. It was brought forward so that the record could be corrected and the table modified to be in compliance with the intent of the final approved design.

Let me reiterate that notwithstanding any inconsistency in the data table, the design for this community presented by the consultant team working with Staff, and agreed to by all governmental personnel involved in the Signature Set review process, is reflected on the layout/plan view of the approved Signature Sets.

As a specific example to the above, please see the attached plans for Lots 32-37 Block D in Phase 1-B2. These were to my knowledge the first townhouse units built in this phase. The approved plans clearly indicate that the units are to be 5 feet from the street (based on the 5 foot PUE) and 7 feet from the front property line.

Thank you for this opportunity to clarify the intent of the approved plans. Please let me know if we can provide any additional information in regards to this matter.

Sincerely,



Charles P. Johnson and Associates, Inc.
David O'Bryan, Senior V.P.

ALLEGHENY POWER

January 7, 1998

The Maryland-National Capital Park & Planning Commission
Attention: Wynn E. Witthans, ASLA, AICP
Development Review
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Clarksburg Town Center

Dear Wynn :

Our company, Allegheny Power, can serve the proposed Clarksburg Town Center as shown without requiring a 10' PUE at ROW edge including interior and exterior roads through out this project as standard. When our Utility design is complete we will require from the property owner a signed 10' Right Of Way for that area only where we are installing our facilities. Allegheny Power looks forward to providing reliable electric service to the Clarksburg Town Center. Our design and construction process with the help of the developer will not only be done economically it will also take into consideration saving the environment.

Addressing the house at the corner of Stringtown Road and Md 355 will not be a problem. Allegheny Power has an existing overhead power line on the adjacent "Highlands" property being developed across Stringtown Road. When the road work begins and the property is developed we will relocate our existing facilities overhead on that property not impacting the historic property. The existing overhead power line that crosses Stringtown Road to the rear of the historic property can be upgraded to serve whatever development would occur along Stringtown Road.

After the right of way and certain construction and financial requirements are met, electrical service will be supplied to the proposed site. All work performed by Allegheny Power will be completed according to the rules and regulations as filed with the Maryland Public Service Commission.

If you would have any additional questions please do not hesitate calling me to get them resolved

Sincerely,



Bruce T. Wibberley
Designer, Allegheny Power

CC. Marcus W. Montgomery
Montgomery Development