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February 1, 2024

Office of Zoning and Administrative Hearings  
Attn: Nana Johnson  
Via email

RE Hearing: CU 23-11 Worldshine Homes, LLC

Dear Hearing Examiner Byrne:

I am writing to oppose the above referenced application based on incompatibility with the master plan and non-inherent characteristics of the property. This proposal (even larger than a prior submission which was denied by the Planning Board) is totally alien to the surrounding neighborhoods.

As a 43-year resident of the adjoining neighborhood of Beau Monde Estates, and as I was involved in the crafting of the 1994 Clarksburg Master Plan, I have the following objections regarding the master plan findings and certain conclusions in the staff report.

Clarksburg Master Plan

The property is zoned R-200, located in the Brink Road Transition Area, intended to provide a residential transition from Germantown to the denser areas of Clarksburg, planned for transit service (master plan pp. 96, 97, 105). The Brink Road Transition Area is on the edge of the Planning Area and outside of the defined centers, corridors or neighborhoods (p. 17), and was master planned for 2-4 units per acres (p. 38). At 4.66 acres, this property's maximum residential zoning capacity would be 10 homes.

The applicant is proposing 120 beds and 75 employees. Accommodating that number of people within the allowed 10 homes would be the equivalent of having 12 residents per home plus each having 7-8 employees, for a total of 19-20 people living or working in each structure. This is not in character with a residential transition zone. The number of beds and employees needs to be reduced substantially for this proposal to be compatible with this neighborhood.

The master plan seeks to balance higher densities to support transit with the need to protect the area's environmental resources, to provide a mix of housing types, to limit higher residential densities (9-11 units/acre) to areas within walking distance of transit (pp. 16, 23), to endorse a mix of housing types at the neighborhood level and to avoid large concentrations of a single type (p. 28). This proposal contradicts these goals. It places 15 beds in each of eight structures for a total of 120 beds for residents. This results in a high concentration of residents and workers in a single type of unit outside of the master plan's designated transit areas (p. 29).

Staff Report

The staff report opines that this project "provides diverse housing opportunities to allow existing seniors in the Clarksburg/Boyd's area to age in the community (staff report p. 22)." It further reads, "Development is in keeping with the small town feel of Clarksburg, while providing housing necessary to promote a diverse and

equitable range of options,” (p. 23). This is not accurate. The proposed assisted living facility would provide a mix of single rooms and shared rooms, but no further mix or diversity is provided. Regarding an “equitable” range of options, MPDUs are not provided and Medicare and Medicaid do not provide and benefits for assisted living. It is not clear how staff reached the conclusions found in the staff report.

The table for parking on p. 20 appears to show that 40 parking spaces fulfills the minimum requirement. Elsewhere, the report gives 52 spaces, as proposed, as the minimum requirement. Based on section 6.2.4, 52 spaces appears to be correct. It is a common planning policy to not provide excess parking, but this property does not have any available street parking or public parking in the vicinity, and there is only one Ride On bus providing service. If the number of beds and employees are reduced, the parking requirement will fall. Without any available alternative parking, more parking spaces should be provided for staff and visitors above the minimum.

On p. 29, staff did not identify any non-inherent characteristics. I believe this is an oversight.

The property falls within the Clarksburg Special Protection Area (master plan p. 19). This is the implementation of the master plan’s Proposed Concept Plan key policy 2: This Plan recommends that Clarksburg’s natural features, particularly stream valleys, be protected and recommends that Ten Mile Creek and Little Seneca Creek be afforded special protection as development proceeds (p. 6). The Plan notes, “The Environmental Plan chapter identifies sensitive areas to be protected in compliance with Vision 2 of the Maryland Planning Act,” p. 10).

The following excerpt emphasizes the importance of protecting Clarksburg’s high quality streams, by balancing development with protection (p. 18):

*Policy 2 Natural Environment*

This Plan recommends that Clarksburg's natural features, particularly stream valleys, be protected and recommends Ten Mile Creek and Little Seneca Creek be afforded special protection as development proceeds. Clarksburg offers a rich array of environmental resources, including Little Seneca Lake, streams with very high water quality, a large number of stream headwaters, extensive tree stands, and an impressive array of flora and fauna, particularly in stream valleys. These resources give Clarksburg a unique character and must be protected.

Environmental concerns are the single most important reason why Clarksburg is proposed as a town rather than a larger corridor city. Densities proposed are intended to be high enough to support Plan objectives relating to housing mix, compact neighborhoods, transit-and pedestrian-oriented land use patterns, and retail and employment uses, yet moderate enough to help reduce pressure on Clarksburg's environmental network. Achieving this rather delicate and imprecise balance is a difficult goal but one which must be achieved if Clarksburg's outstanding environmental setting is to be preserved.

Efforts beyond the current environmental guidelines are considered crucial to address development impacts on the high-quality environment of Clarksburg. This Plan protects the most sensitive environmental resources by applying additional water quality review and monitoring requirements (see Figure 8).

This key master plan policy has been implemented through the creation of the Clarksburg Special Protection Area. The location of this site within the Clarksburg SPA is non-inherent to the physical and operational

characteristics of a residential care facility and is created by this unusual characteristic of the site. As staff notes (p. 27), non-inherent adverse effects are a sufficient basis to deny a conditional use. As currently proposed, the excessive impervious levels (discussed next) and their adverse effects on the water quality of Little Seneca Creek and Little Seneca Lake should result in a denial of this Conditional Use application.

Staff notes that the proposed site impervious level is 34.7%. The R-200 zone impervious levels are generally between 15-19%. Staff opines that 34.7% is “slightly higher” than 19%--but that is more than a 82% increase above the expected R-200 levels. Staff goes on to note that the average R-200 TDR zone impervious level is about 35%, presumably based on the zoning on the adjacent property. However, this property is not in the R-200 TDR zone, and the adjacent property was not developed at the zoned R-200 TDR-4 (which would provide 4 units to the acre—the property was developed at 2.4 units per acre), so the R-200 TDR zone’s impervious level is not relevant. Due to the excessive impervious levels proposed and their non-inherent adverse effect on Little Seneca Creek, this application should be denied. If there is any valid community benefit for this facility to be located in the Clarksburg SPA, the proposal should be significantly revised to reduce the impervious level to the R-200 levels of 15-19%.

The lack of any off-site parking, such as street parking along West Old Baltimore Road, should also be considered as a non-inherent characteristic. Providing only the minimum parking with no alternative place for visitors, medical providers, or others to park offsite is inappropriate. If the application is to be reconsidered with an impervious level of 15-19%, staff and visitor parking above the minimum amount should be required.

Further questions regarding this application:

- Has the traffic study considered the yet-to-be-built part of the Cabin Branch neighborhood? The impact of this site’s unanticipated traffic on the two lane west Old Baltimore Road will be significant as it is a main traffic route for the Cabin Branch Neighborhood, much of which is in the Master Plan yet to be built.
- Has the impact on well and septic on the remaining properties on Ruby Drive as well as the neighborhoods of Beau Monde Estates and Greenridge Acres been evaluated? The remaining properties on Ruby Drive are vulnerable to well and septic failures. If this proposal is approved it must come with the condition that Worldshine pay for public water and sewer be installed for the five properties on the east side of Ruby Drive.
- Worldshine has purchased two of the five properties on the east side of Ruby Drive. Restrictions on further expansion of this operation must be a condition of approval.

This application should be denied based upon the lack of conformance to the master plan and the non-inherent adverse effects of the excessive imperviousness of the site, which will be damaging to water quality in Little Seneca Creek and Little Seneca Lake, a back-up drinking water resource.

Thank you for providing the opportunity to comment on this application.

Sincerely,



Kathleen M. Hulley