

LINOWES
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ATTORNEYS AT LAW

March 24, 2005

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By Hand Delivery

Ms. Rose Krasnow
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Extension of Preliminary Plan No. 1-95042 Validity Period (Clarksburg Town Center)

Dear Ms. Krasnow:

On behalf of the Applicant, NNPII-Clarksburg L.L.C. (formerly, Terrabrook Clarksburg LLC) ("Newland"), the purpose of this letter is to request a 24-month extension of the Preliminary Plan validity period to allow the remaining subdivision plats for the project, including the Village Center, to be recorded.

Pursuant to Section 50-35(h)(3)(d) of the Montgomery County Subdivision Regulations, Newland requests a 24-month extension of the Clarksburg Town Center Preliminary Plan validity period. At present, subdivision plats for 940 of 1,300 approved dwelling units, most of the subdivision streets, open space parcels, the park/school site and recreation space parcels have been recorded, and property has been conveyed to Montgomery County Public Schools and M-NCPPC for the park/school site. Pursuant to Preliminary Plan Opinion Condition No. 17 and Site Plan Review No. 8-98001, the remaining elements of the Preliminary Plan must be recorded by March 26, 2005.

In accordance with Section 50-35(h)(3)(d), delays subsequent to the Preliminary Plan approval have materially prevented Newland from validating the entire plan. In addition, the occurrence of significant and unanticipated events beyond Newland's control have also substantially impaired Newland's ability to validate the plan in its entirety. In 2004, Newland filed two site plan review applications with the Planning Board for the Clarksburg Town Center development designated Site Plan Review Nos. 8-04034 and 8-98001C. The applications proposed development of the Clarksburg Town Center Village Center and the area located north of Clarksburg Square Road, west of Overlook Drive ("Section 1A-4").

After Newland filed the Village Center site plan application, existing residents of the Town Center expressed concerns about the configuration of uses proposed within the Village Center.

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Their concerns included, among other matters, vehicular and pedestrian circulation, proposed building orientation, preservation of the Town Square as an open area and the general layout of land uses. In an effort to resolve these concerns, Newland met with residents organized as the Clarksburg Town Center Advisory Committee. ("CTCAC") These meetings lasted several months and resulted in significant design modifications to the proposed site plans.

During the course of meeting with the CTCAC, Newland also participated in a series of meetings with Planning Staff, County Executive representatives from the Upcounty Regional Services Center, the Montgomery County Department of Public Libraries and the Montgomery County Department of Public Works and Transportation. The subject of these meetings was the County's desire to construct a public library within the Town Center and how best to accommodate the library's needs while at the same time fully integrating the library with the remainder of the Town Center community.

Once the interested parties recognized the substantial challenges associated with constructing a library within the previously identified Town Square, Newland undertook a comprehensive review and redesign of the Village Center to address both private and public sector needs and desires. In addition, significant concerns expressed by new community residents ultimately extended beyond the proposed Village Center Site Plan to include the original configuration of retail uses shown on the approved Project Plan. The cumulative effect of these factors substantially impaired Newland's ability to validate the remainder of the plan while being responsive to these concerns.

We further note that Newland has undertaken exceptional efforts thus far to validate the Preliminary Plan. As noted above, Plats for 940 (about 72%) of the approved number of units, most of the subdivision streets and open space/recreation parcels have been recorded. Site construction has been continuous since 2000-2001 and approximately 630 dwelling units have been occupied by new Town Center residents. In this respect, the traditional neighborhood design of the Town Center further complicated and lengthened the administrative review process for practically every aspect of the development, from utility service issues to street design and layout to stormwater management controls. All of these factors have resulted in significant additional delay.

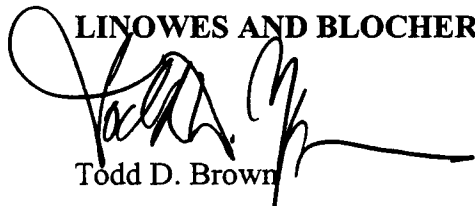
Lastly, the Town Center is envisioned as a complete community. The Village Center, residential density and recreational amenities and open spaces remaining to be recorded and developed will be critical to the success of the Town Center as a sustainable, vibrant new town. Exceptional and undue hardship would result not only to Newland, but to the Town Center residents and surrounding residents and businesses if the project is not allowed to proceed to completion. We

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therefore request a 24-month extension to record the remaining subdivision plats and obtain building permits.

Thank you for your consideration. If you need additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP

Todd D. Brown

TDB:cp

cc: Ms. Kim Ambrose
Mr. Michael Ma
Ms. Wynn Witthans