

"Federation Corner" column
The Montgomery Sentinel - July 25, 2013

The Federation never forgets (Clarksburg Town Center revisited)

by Jim Humphrey
MCCF Planning & Land Use Chair

Ten or fifteen years ago, Clarksburg was touted as the last great "greenfields" development that would ever take place in the county--a new town to be built on former agricultural land, surrounding the pre-existing historic village which lay at its heart. It would be a walkable, bikeable community located at the terminus of the yet-to-be-built Corridor Cities Transitway, a public transportation system promised to new residents as their commuter link to the Shady Grove Metro station, the nearest node on the Red Line of the region's subway system.

The new Clarksburg was planned to have a new library, new schools, a new hospital, and even a carousel bought for the community and to be placed in a new regional park created from land donated to the community for that purpose. But now, in 2013, not much else except thousands of new homes has been built. There is not yet a new library. Schools in Clarksburg are overcrowded because construction has not kept up with new enrollments. The State rejected the application for an Adventist hospital in Clarksburg, choosing instead to give approval for a new hospital in Germantown. And the carousel still sits in Wheaton Regional Park, waiting to be moved to its destined site in Clarksburg.

As for the community being walkable and bikeable, the county neglected to foresee the need to provide public sidewalks to connect up the dozen and a half new subdivisions. So students walking or biking to Clarksburg High School found themselves doing so at their own peril, across fields or along the shoulders of busy Frederick Road (MD 355).

Now as the final insult, the Clarksburg Town Center project, which was begun well over a decade ago, still has not been completed.

The new Clarksburg Town Center was to be the centerpiece of the revitalized area, envisioned as a modern village rising adjacent to the historic core of old Clarksburg. In addition to hundreds of new homes, the Town Center plan included a commercial center that would provide shopping and job opportunities for residents moving into that subdivision and the 18 other new subdivisions that had sprung up in the area. The project was thought to be so critical to the renewal of Clarksburg that the master plan originally called for no other commercial areas to be developed in other subdivisions until the Town Center retail district was built.

When violations of the approved plan for Clarksburg Town Center were uncovered in 2005, I don't think anyone would have believed that this subdivision would still not be finished eight years later. The "Site Plan Enforcement Study--Summary of Events", released by the Federation in April 2007 and available in the "Archived MCCF documents" section of its website (www.montgomerycivic.org), states that "the Planning Board found that multiple violations of the approved Site Plan occurred in this project, including relocation and resizing of lots without approval and construction of dwelling units that exceeded the maximum allowed height and were closer to the street than the minimum setback required."

Planning Department staff members were forced to, or chose to, resign in the wake of the violations scandal, and new rules of procedure regarding the manner in which Site Plans could be amended were approved by the County Council. The MCCF study notes that "following a prolonged mediation process

involving developer Newland Communities, homeowners, and Planning staff, a Plan of Compliance was agreed to and approved by the Planning Board" (on June 15, 2006).

The Plan of Compliance contained details for completion of the retail district of Town Center, including provision of a multi-level parking garage in the center of one of the retail blocks, construction of live-work units, and a \$1 million plan for completing the landscaping of the subdivision. Newland Communities was put on notice that the new amenities and community features approved as part of the redesign of the unbuilt portions of Town Center would cost the developer an estimated \$15 million.

Newland knew the Clarksburg Master Plan called for the Town Center retail area to be completed before any other commercial development in the area could go forward. Their response to the Plan of Compliance was to hold the entire community hostage by not completing the project, claiming they could find no other developer to partner with to build the retail district in a financially feasible manner. But Joseph Alfandre, a Planning Board member at the time and himself a developer, believed the retail portion of the Town Center project could be completed at a profit; and a band of area residents active in seeking a solution identified developers who said they were willing to partner with Newland in finishing Town Center.

Newland continued to hold out, claiming their hands were tied. Finally, the County Council approved a master plan amendment allowing retail sections in other Clarksburg subdivisions to be built. So in 2011 Newland sold the remainder of the Town Center project to Elm Street Development of McLean, purportedly for one dollar.

As reported in another newspaper, however, the President of Elm Street Development David Flanagan has made it clear to the Planning Board that he does not intend to adhere to the details of the Plan of Compliance that were so hard fought over and won by the residents of Town Center and the entire Clarksburg area. Although Elm Street bought the Town Center project less than two years ago, eyes wide open, they are now claiming it is no longer financially feasible to complete as approved.

Thank goodness that Planning Board Chair Francoise Carrier responded to Mr. Flanagan by stating, "It doesn't seem like a very good starting point that you have no intention of even trying to comply at all." Let us hope the Planning Board sticks to its guns and disallows any amendments to the Plan of Compliance for completion of Clarksburg Town Center.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800 to 1000 word column for consideration, send as an email attachment to montgomerycivic@yahoo.com