

**Summary and Excerpts from Testimony  
Regarding the Clarksburg Master Plan Amendment before the County Council  
December 3 and 5, 2013**

**76 people testified, and an overwhelming majority asked the County Council to deny the proposed Stage 4 development plans:**

One was the Planning Board Chair

Two were from Cabin Branch and Adventist Health

Two were from Pulte or were paid consultants of Pulte

Four were from Clarksburg's new Chamber of Commerce

Two were Clarksburg residents in favor of Stage 4 development

Three represented Peterson developers and the Maryland National Capital Building Industry Association

**ALL others – about 56 in all – spoke strongly against the proposed Stage 4 developments**

*Below are selected excerpts.*

*From Royce Hanson, former Chair of the Montgomery County Planning Board:*

The plan amendment before you violates the First Law of Holes: When in one, stop digging. For Clarksburg it adds insult to its injuries. For the region it puts at risk its sole emergency water source. The amendment's land use and density recommendations create those risks while vitiating the character of Clarksburg as a corridor city.

First, the proposed density ...for the 94-acre Miles-Coppola property east of I-270 allows up to 3.1 million square feet of development –the equivalent of Friendship heights--and 25 percent imperviousness at the top of the watershed where it can do the most damage to the stream. Rather than complementing the Town Center, it overwhelms and exchanges a walkable center for Clarksburg residents for a proposed edge mall oriented to auto-dependent transients.

...Some suggest that too much has already happened to stop now. Inertia is not planning. It is not illegal to get smarter. Speculative investments are not vested.

...Your decision will brand you as faithful trustees of the future of town and region or as negligent custodians of the public interest.

*From John Menke, former Council Member and Director of Montgomery County's Department of Environmental Protection*

...I presented data to the Planning Board, using WSSC and DEP water sampling data, that showed the resulting degradation in the East end of the reservoir where Germantown has been allowed to build over much of the drainage basin. The plan for Clarksburg before you will extend a roughly similar pattern of development to the rest of the drainage basin, likely to result in the same degradation result in the western end of the reservoir.

We have not been good stewards of this asset that previous Councils have provided for us in 2013. Are we so committed to the profits and pressures of the moment, that we cannot marshal the will to "just say no" to further degradation? Why don't we treat this as an opportunity to find ways to improve, rather than further degrade our environment?

*From Scott Fosler, former County Council President*

...What we are requesting of the Council is really quite simple: Honor the county government's responsibilities to protect the drinking water supply of our citizens, and don't renege on our obligations to our regional neighbors. This is a matter of simple, public policy 101, common sense principles: do no harm; meet your obligations; and consider the consequences of your actions with an objective, scientific, evidence-based assessment before you act and risk causing irreparable harm to public health and safety.

*From the testimony of Mike Gravitz, Board Member, Audubon Naturalist Society*

...I can't tell you what to do. But I can tell you what our Coalition will do. We will remind our members of the likely impact of your vote and make your decision *the litmus test* of environmental stewardship in this election cycle.

**Ultimately, Ten Mile Creek and the Reservoir will either be saved or destroyed by you and no one else. You alone are accountable. Accountability is what elections and fair politics are all about.**

*From Caren Madsen, President of Conservation Montgomery*

...I ask you to stand up for Ten Mile Creek. I urge you to proceed responsibly and stand up for over 4 million residents in the region who depend on this resource and the Seneca Reservoir as a backup source of drinking water. **Please don't cave in to threats of lawsuits or because you may fear losing campaign contributions from developers.**

*From the testimony of Clarksburg resident Melane Kinney Hoffmann, on behalf of Liveable Clarksburg Coalition*

...On behalf of the Coalition and everyone who lives in Clarksburg, I ask you today to reverse the Planning Board's long tradition of ignoring our community's voice and bending over backwards for developers. Please stop this freight train.

...The developers have both spun expensive PR campaigns throughout our community, especially claiming that their expansion will support Town Center. But WE all know that Town Center was NEVER dependent on Stage 4 – it was part of Stage 1 – and the reasons it has not been developed have nothing to do with lack of density.

*From Clarksburg resident Sandy Hutto, of the Liveable Clarksburg Coalition steering group*

...Regarding our community's needs, the Liveable Clarksburg Coalition completely endorses the testimony Tuesday night from the Clarksburg Civic Association. I also want to put it in my own words: the developers who want to build Stage 4 keep saying they are bringing us what Clarksburg needs. But hold on! There are already more than **4000** homes approved and **not yet built** in Stages 1, 2 and 3. And we finally got our basic retail in Clarksburg Village, and Town Center retail is on the cusp of moving forward as well. AND we will be getting restaurants and more retail in Stage 3 when the Cabin Branch retail is approved. In truth, Clarksburg will be "whole" – with village retail, restaurants, and plenty of housing with Stages 1, 2, and 3. What we DO need is to have Stages 1-3 completed, including adequate roads and intersections, and to preserve our beautiful natural resources for future generations. Stage 4 is not for us, it's for the developers.

*From Clarksburg resident Sandy Barrier, of the Liveable Clarksburg Coalition steering group*

...As for the proposed commercial development on the Miles Coppolla parcel, my neighborhood is at "Ground Zero," directly across Rt. 355 from the entrance to the proposed outlet mall. This would dump huge amounts of traffic on our local roads – it would bring 1000 of cars from more than 45 minutes away. According to the President of Tanger Outlets, who spoke in Clarksburg last January, that is what is required for a mall to be viable. These shoppers would not come to Clarksburg to buy groceries in Town Center or visit small shops and restaurants in the historic district. They will get their deep discounts, eat at the food court, and leave.

So not only would an outlet mall at this location be terrible for Ten Mile Creek, it would be terrible for our traffic and for a walkable, village-style Town Center. They tell us that traffic lights and turn lanes will solve the problem, but those of us who fight the traffic every day are not persuaded that thousands more cars is a good thing for us.

*From small business owner Joseph Horgan:*

...The data show that Pulte is anti-homeowner and anti-worker. E.g.:

- Last year, the state of Massachusetts also ordered Pulte's subcontractors to pay more than \$200,000 in unpaid wages and penalties, many of whom were undocumented workers. Carpenters' Union spokesman Mark Erlich said: "Pulte (writes) contracts to completely insulate themselves from any accountability."<sup>3</sup>
- Last year, the town of Grafton, Mass. sued Pulte for \$54 million for misleading financial statements.<sup>4</sup>
- Homeowners in Arizona won a \$13 million award after shoddy construction of Pulte-built homes was uncovered<sup>5</sup>
- In San Antonio, TX, homeowners with cracks in their new Pulte homes' foundations, complained that Pulte was "not living up to promises."<sup>6</sup>

- "We feel dumped upon and wronged" by Pulte, noted Sun City South Carolina neighbor Mike Clemens, where 600 homeowners are suing Pulte.<sup>7</sup>
- In Georgia, Pulte's construction practices caused major erosion, problems unfixed despite multiple stop work orders and warnings from Pulte's own consultants, resulting in an estimated \$5 million in fines, plus the cost of restoration. "The arrogance that Pulte showed... they just didn't care," said landowner Mac Trent.<sup>8</sup>
- An EPA inspection in 2011 found that Pulte dumped sediment into the Accontink and Piscataway Creeks in Virginia and Maryland, a few years after a multi-state and EPA Clean Water Act settlement with Pulte.<sup>9</sup>
- In Arizona, Pulte's subcontractors ran roughshod over their workers: Kickbacks to foremen; 13-hour days in the desert sun without water; sexual harassment; speed-ups and ignoring safety precautions. All common practices at Pulte's subcontractors. And more often than not, with vulnerable immigrant workers.<sup>10</sup>
- <sup>1</sup>Campaign Finance Report Summary Sheet for Republican Leaders Referendum Guide, and Statement of Organization for Campaign Finance Entities – Republican Leaders Referendum Guide.
- <sup>2</sup>"AG takes action against Pulte Homes contractors."  
[http://www.bizjournals.com/boston/real\\_estate/2012/01/ag-takes-action-against-Pulte-Homes.html?page=all](http://www.bizjournals.com/boston/real_estate/2012/01/ag-takes-action-against-Pulte-Homes.html?page=all)
- <sup>3</sup><http://www.patriotledger.com/topstories/x739234725/Coakley-s-office-goes-after-subcontractors-on-Pulte-projects-for-unpaid-wages>
- <sup>4</sup><http://grafton.dailyvoice.com/news/grafton-seeks-51m-lawsuit-against-pulte>
- <sup>5</sup>[http://www.azcentral.com/news/articles/2012/03/06/20120306sun-city-grand-pulte-home-defects-arbitration.html?nclick\\_check=1](http://www.azcentral.com/news/articles/2012/03/06/20120306sun-city-grand-pulte-home-defects-arbitration.html?nclick_check=1)
- <sup>6</sup><http://www.mysanantonio.com/community/northeast/news/article/Homeowners-not-satisfied-with-homebuilder-2400734.php>
- <sup>7</sup><http://www.islandpacket.com/2011/10/14/1828585/new-construction-raises-concerns.html#storylink=cpy>
- <sup>8</sup><http://www.wsbtv.com/videos/news/pulte-homes-to-pay-millions-for-runoff-damage/v2PJ/>
- <sup>9</sup><http://yosemite.epa.gov/opa/admpress.nsf/0/7625F14D264560B285257B2600764688>
- <sup>10</sup>[http://www.sugarlaw.org/wp-content/uploads/2011/06/SugarNewsletterSpring2011\\_FINAL.pdf](http://www.sugarlaw.org/wp-content/uploads/2011/06/SugarNewsletterSpring2011_FINAL.pdf)