



## APPENDIX A

### SUMMARY OF TESTIMONY

#### 1. Richard Tucker Ewing (Norwood head of school)

Mr. Ewing, head of Norwood School for over 28 years, testified as a fact witness. T. 7/20 at 12. He discussed both the school's proposed building spurt and its more intense operational use of the campus.

Ewing said the school considered its current physical facilities inadequate for its needs. *Id.* at 14. Its plan is to expand while minimizing the environmental impact of growth. *Id.* at 15-16. The school has kept neighbors informed about its expansion plans by giving presentations to the West Montgomery Citizens Association and to individual neighbors. *Id.* at 16-17.

Norwood intends to expand its physical facilities and operations over the next decade or so: "we approached this plan as a decade long plan. \* \* \* This is meant to be a long range plan." *Id.* at 38. Except for stage I, which can be implemented as soon as the Board approves the special exception application, implementation of the rest of Norwood's plan is dependent on fundraising. While the school is enthusiastic about its plan and hopes to move expeditiously, "it's partly dependent upon our community's interest, willingness to support this financially. \* \* \* We would want to proceed with this in an expeditious fashion. But, it does require us to do this fundraising." *Id.* at 35, 36.

In stage I, the school will add a "sustainability garden," restripe a lower school parking lot to add additional spaces, and build a new path to an existing softball field. *Id.* at 21. Physical growth will be accompanied by an increase throughout the decade in student and in summer camp enrollment. See ex. 25(d). In stage I, the student population remains stable but summer camp enrollment expands from 560 to 650. *Id.* at 27.

Stage II will probably take about three years to complete: "that's not an unreasonable inference." *Id.* at 36-37. The pace will depend on the ability to raise funds and to go through the standard design and contracting process. *Id.* at 36. Stage II will involve the construction of a new lower school classroom building and a small utility building for storage and maintenance facilities. *Id.* at 22. Stage II will also provide a rebuilt and widened bike/pedestrian path along River Road, along with improved landscaping and signage at each school entrance. *Id.* at 22-24. Student enrollment will grow from 560 to 600. *Id.* at 27. The school has not yet decided whether to use the enrollment increase to establish a previously approved pre-kindergarten program or to enlarge class sizes. *Id.* at 27, 54-55. The summer program will increase by another 125 campers, to 775. *Id.* at 27. Each building stages, starting with stage II, contemplates changes to stormwater management facilities. *Id.* at 23-26.

Depending on funding, stage III will not be completed for about six years. *Id.* at 66. It will not start until stage II is done: "we need to complete stage two. We need to go out and fundraise for this project." *Id.* at 36. Stage III entails construction of a new natatorium and driveway circulation and parking improvements. *Id.* at 24-25. A parking lot will be built at the site of previously projected tennis courts. *Id.* at 26. No increase in student or camper numbers is contemplated. *Id.* at 28-29.

Completion of stage IV may take a decade, Ewing testified, but "I hope it's not that long." *Id.* 38. The chief addition in stage IV will be a performing arts center on top of an existing, to be expanded, parking lot. *Id.* at 25. The arts center is particularly

expensive because of inclusion of the underground lot: “That’s going to be a major fundraising challenge.” *Id.* at 37. Stage IV contemplates no change in student enrollment but camp enrollment will grow again, to 850 (290 more than the current level). *Id.* at 28.

Enrollment growth will spur staff increases. School staff will grow from 145 to 160 in stage I, 180 in stage II, and 200 in stage IV. *Id.* at 128-129. Summer camp staff will grow from 135 to 155 in stage I, 180 in stage II, and 216 in stage IV. *Id.* at 28-29. All staff – full-time, part-time, and independent contractors – will be included in future population counts. *Id.* at 28, 48-49. At present, only full-time employees are included. *Id.* The school had previously used outside contractors for various housekeeping functions who had not been counted against the current cap. *Id.* Some of those functions have already been transferred in-house; more may be. *Id.* at 50-51. The school has decided to count all personnel, contract and employee alike, for purpose of the enlarged cap. *Id.* Volunteers, however, are not included within the cap. *Id.* at 51-52. Ewing refused to pin down how many there would be on any given day. *Id.* at 52-53. A couple of parents may be volunteering in the library, four or five may be attending a committee meeting. *Id.* About four volunteer parents participate daily through a week-long book fair. *Id.* at 60-61. Parents rarely participate in classroom activities, however. *Id.* at 53. Special events aside, Ewing said, at no time “does the number of volunteers on campus exceed our ability in the parking spaces we have.” *Id.* at 52.

Aside from enrollment and staff increases, Norwood wants to extend the hours of campus use. Under previous special exception authority, school activities were allowed to operate from 7:30 in the morning until 10 at night. *Id.* at 27. Norwood wants to open a half hour earlier, at 7:00, and close at 11:00. *Id.* The earlier opening is intended to provide parents who work a “before care option”; classes will not start earlier. *Id.* at 63-64. The later closing time is intended “to accommodate recreational and athletic facilities” and “to allow sufficient time for people also to leave the premises.” *Id.* at 64; see, similarly, 65. Once the natatorium is finished in stage III, Norwood requests to be able to open the pool for use at 5:00 a.m. and to close it at 11 pm. *Id.* at 30, 64, 66-67, 69. Ewing estimated that between 20 and 40 adults and children (plus five pool employees) would be in the natatorium during the early hours. *Id.* at 68-69. Users would not be limited to students, campers, faculty, and staff. *Id.* Capacity would be limited only by available parking spaces and by the morning peak-hour transportation cap. *Id.* at 69-70.

Faculty and staff departures are also staggered. Teachers leave about an hour after the end of their classes. *Id.* at 70. Staff, such as contact janitorial staff may arrive early and leave early. *Id.*

Ewing stated that Norwood accepted all of the Planning Board’s recommended conditions of approval. *Id.* at 30. These included the 11 p.m. closing time (rather than midnight) and limiting “community events” to four annually (rather than seven). *Id.* at 27, 30.

Only about five of its 540 students use public transportation. *Id.* at 42. Almost all the rest come by private car; some come in carpools. *Id.* at 41-42.

Since 2009, the school owns two fourteen-passenger buses, plying two routes, carrying 28 students daily. *Id.* at 39-40. Ewing expected to add another bus in the 2010-2001 school year. *Id.* By the end of stage IV, Norwood will own six such buses. *Id.*

Once all six buses are acquired they will provide transportation for seventy students. *Id.* at 40-41. One bus will be used only as a backup in case another breaks down although the school may consider other options to provide backup. *Id.*

Norwood does not anticipate making school-bus use mandatory and has not actively encouraged carpooling. *Id.* at 43, 45. Parents value the time they have with the age-group that Norwood serves. *Id.* at 43. Mandatory busing is neither desirable nor necessary. *Id.* Cost is a factor although the school underwrites costs so as make it “financially available to more parents.” *Id.* at 44-45. In Ewing’s view the busing program has been successful and “we’d like to grow it as an option.” *Id.* at 44.

The bus service will be used during summer camp but arrival and departure times can be more staggered. *Id.* Although there may be as many 850 campers on campus at any one time by the time stage IV is completed, Ewing believed that the school could schedule activities so that the peak-hour traffic cap will not be exceeded. *Id.* at 46. While there may be as many as 850 campers on campus that would normally occur only during the middle of the day. *Id.* at 48. Typically, camp runs from 9 a.m. to 3 or 4 p.m. *Id.* at 47, 48. There are some half-day programs. *Id.* During the school year, departures are also staggered. *Id.* at 33. The lower school ends at 2:30, middle school at 3:30, seventh and eighth grades at 4:15. *Id.* On Fridays, classes are dismissed one to two hours earlier. *Id.*

Ewing expressed optimism that the school would be able to rent buses if its own buses prove inadequate for the demand or if busing becomes necessary to avoid exceeding the rush-hour traffic cap. T. 7/21 at 73-78. The school’s experience has been that whenever it needed buses for an excursion, buses were available for lease. *Id.* at 75. Although the school typically contracts for buses in advance, Ewing expressed confidence that the school would be able to lease a bus immediately for the rest of the school year if necessary. *Id.* at 76-77. He doubted more than one bus would be necessary because leased buses were larger than those in the school fleet, holding fifty students or more. *Id.* at 77.

Norwood currently has an interim traffic coordinator. *Id.* at 77. A permanent coordinator, Ewing said, would be appointed by the beginning of the school year. *Id.* at 77-78.

Norwood engages in “related” school activities during the year. It typically holds two Friday-evening student dances. T. 7/20 at 56. The school conducts an annual placement fair, usually on a weekday night in September. *Id.* at 57. It conducts an annual day-time book fair in the spring lasting a school-week that parents are free to attend at leisure. *Id.* at 60. Ewing hosts breakfasts for “new parents” at his home throughout the year in groups of twelve to 24, starting at about 8. *Id.* at 57-58.

As many as ninety parents may participate in parent socials in the fall, one for every two classes, starting at about 6:30 and lasting until about 9:30. *Id.* at 58. A middle school athletic banquet – “a large event” – occurs annually in Norwood’s athletic center. *Id.* at 58-59. Another large event, drawing between 300 and 400 people, is a “silent auction benefit,” running from about 6:30 to 11 p.m. *Id.* at 61-62. The school also conducts an annual multicultural fair, usually on a Friday afternoon. *Id.* at 62. The fair has about thirty or more booths manned by sixty to eighty parents. *Id.*

In addition, Norwood hosts two parents' visiting days and one grandparents' visiting days annually. *Id.* at 78. On those days, the number of cars on campus exceeds the number of paved parking spaces on campus. *Id.*

Ewing testified that Norwood would accept a limit of four supplemental revenue events per year. *Id.* 71. He anticipated that one of them would be to provide parking and shuttle bus service for a major golf tournament Congressional Golf Club or Avenal Gulf Club in the summer. *Id.* at 71, 72-73. Such an event would not have a high concentration of people on the campus but "many hundreds of people . . . might go through." *Id.* at 71. It might be necessary to close the camp for a day or two to accommodate them. *Id.* at 73. Ewing protested that special exception approval should not be conditioned on closing the camp. The school will exercise its best judgment to ensure the safety of its campers and would cooperate with county authorities with regard to traffic. *Id.* at 74-75.

Another possible revenue event was the use of the school's indoor athletic spaces by the Cancer Walk-a-Thon in case of inclement weather. *Id.* at 71-72, 76. If that occurred, more than a thousand people would likely participate. *Id.* at 72. The indoor facilities are large enough to accommodate so large a crowd in an emergency. *Id.* at 76-77.

Another possible special revenue event would be a book fair. *Id.* at 72. That also would bring over a thousand people to the campus over the course of a day or a weekend. *Id.*

Parking for revenue events would occur on grassy areas adjacent to the road system. *Id.* at 78. Norwood has used those areas in the past on parents' and grandparents' visiting days. *Id.* at 78-79.

The school's transportation plan, ex. 25(yy) anticipates that Norwood may allow use of its campus for parking by "reciprocal agreements" with nearby schools, country clubs, and other institutions. Ewing that, "essentially" these agreements would involve only the four annual authorized revenue events but contemplated circumstances when reciprocity would be a "neighborly and appropriate thing to do". *Id.* at 79, 81. Ewing said the school would not be opposed to having limitations placed on such reciprocal arrangements. *Id.* at 82, 85.

The Connelly School is about a half-mile [southwest] from Norwood on Bradley Boulevard. T. 7/20 at 32. Its student body is about 290. *Id.* at 84. Its opening hours are probably the same as Norwood's. *Id.* at 33. Norwood's school-day probably ends earlier and is more staggered given Norwood's younger population. *Id.*

## **2. Stephen L. Parker (architect)**

Mr. Parker was recognized as an expert on architecture. T. 7/20 at 93. On direct examination, he testified he perceived Norwood's master plan to be a ten-year plan, assuming the school can raise the funds. *Id.* at 94.

The building plan was designed to retain the campus's "bucolic open feeling." *Id.* In general, the new buildings will be erected on current impervious areas but are likely to be larger than those areas. *Id.*; also at 101-102. Still, he tried to disturb the land as little as possible. *Id.* He also tried to integrate the new buildings with the character and mass of the school's existing buildings and to be environmentally sensitive. *Id.* at 94-95.

Parker testified that all of the new buildings are set back far beyond the minima for buildings in the RE-2 zone. *Id.* at 99-101. They are also screened from neighboring properties by categories I and II conservation easements. *Id.* at 101-102. The new

buildings should have no adverse impact on the neighborhood, alone or together with existing neighborhood special exception uses. *Id.* at 121-124. When the architectural plans had been presented to the West Montgomery Citizens Association, the association's member response, Parker said, had been "extremely positive." *Id.* at 116.

In addition to new buildings, Norwood will erect new signage at its three car entrances. *Id.* at 103-104, discussing ex. 4(s). The signage piers will be five feet tall with a three-foot stone base. *Id.* Norwood will also construct a 6000 sq. ft. sustainable garden into the side of a hill in front of the gymnasium where children can exercise their gardening skills. *Id.* at 104. The garden will be surrounded by an 8' fence to keep deer at bay. *Id.*

The first of the major buildings to be constructed is an 18,000 sq. ft. two-story class-room/office building connecting two existing classroom buildings. *Id.* at 105-106. It will be accessible to the mobility-impaired and will allow them access to the adjoining two buildings. *Id.* at 107. Another new building is a storage and maintenance building, disguised as a carriage house with a "stucco-like" exterior with a brick base and sloping roof. *Id.* at 108. In phase III, the school will build a 32' high natatorium next to the middle school and the old gymnasium. *Id.* It will have with a glass wall facing the woods. *Id.* at 109. The pool will contain six lap lanes. *Id.*

Finally, the school will build a 15,625 sq. ft. performing arts building connected to the existing athletic center. *Id.* The performing arts building will be constructed at the side of a small land swell, allowing construction of the arts space to be built at grade, with space for a 106-space parking garage below. *Id.* at 110, 112. The arts-center theatre can seat 350. *Id.* at 113. The building will be the first building encountered when entering the campus along the main driveway from River Road. *Id.*

All of the new buildings meet height standards for the RE-2 zone. *Id.* at 111. Two of them will have vegetative roofs, the natatorium and part of the arts center. *Id.* at 114.

Although the County does not require roofs to have LEED ratings, Carter had designed all of the new buildings to achieve at least a silver rating. *Id.* at 116. A silver rating exceeds current County standards. *Id.* at 134. LEED ratings, from lowest to highest, are designated "certified," "silver" "gold," and "platinum." *Id.* at 133. If, in the future, the county were to require vegetative roofs, the roofs of new buildings now designed to be without them could be redesigned without altering the buildings' locations, massing, or footprint, but perhaps lowering their heights slightly. *Id.* at 133-134, 135-136.

Lighting on the new buildings, parking lots, and entry signs, Parker said, will meet Zoning Ordinance limits, casting no more than 0.1 foot-candle of light at the property line. *Id.* at 118-120, 124, discussing ex. 5(l), 25 (vv). Lighting fixtures will be "a sort of residential fixture type." *Id.* at 120.

Parker deemed the new buildings to be architecturally compatible with the neighborhood. *Id.* at 117, 121. They would have no adverse impact on the neighborhood, alone or together with existing neighborhood special exception uses. *Id.* at 121-124. When the architectural plans had been presented to the West Montgomery Citizens Association, the association's member response, Parker said, had been "extremely positive." *Id.* at 116.

Recalled as a witness to discuss noise impact on the surrounding neighborhood from dances at the school, Parker had been told by Ewing, the school's headmaster, that

dances would be held in the existing gymnasium. T. 7/21 at 4. That building is constructed of thicker-than-normal cinderblock. *Id.* The insulated windows should not allow significant noise seepage. *Id.* at 6. So long as the doors of the gymnasium remain closed, the sound of a full band should not be heard outside. *Id.* at 5. In addition, given the large setbacks, sound should not penetrate to adjacent properties. *Id.*

The same noise buffering should be true of the new arts center. *Id.* at 6. The wall materials and windows will not allow much sound to penetrate, particularly with the property lines some distance away. *Id.* at 6.

### **3. Phil Perrine (“land planning”)**

Mr. Perrine, a civil engineer, was recognized as an expert in “land planning” but was called by Norwood as a fact witness. T. 6/20 at 139. (There is no public certification for land planners, only private certifications by either the American Institute of Certified Planners or the American Planning Association. *Id.* at 138.)

Perrine described the location and status of the campus. At present, built-up areas of the campus occupy 3.6% of the campus; when the current plan is effectuated, they will occupy 6.9%. *Id.* at 142. Currently, the campus contains 9.8 acres of forest conservation; that will increase to 9.9 acres under the plan. *Id.* at 143. One of the forest conservation areas, to the north of the proposed performing arts building is 190' deep. *Id.* at 143. The forested areas provide adequate buffering for the proposed uses. *Id.* at 156.

According to Perrine, the surrounding neighborhood is identical to the one adopted by the Board of Appeals in S-285(C). *Id.* at 143. Perrine acknowledged that neighborhood could as well include the area south of River Road along Fenway Road and Fenway Drive: “I wouldn’t argue with that.” *Id.* at 161. He had intended to include that area in the S-185(C) proceedings and it “didn’t strike me til[I] now that it hadn’t been included.” *Id.* at 162.

The currently configured neighborhood consists of single-family homes and four special exception uses besides Norwood School: Congressional Country Club; Connelly School of the Holy Child; a riding stable; and a dentist’s office. *Id.* at 144. The school and campus are not “integral” to the residential uses in the sense that the “homes and their access are oriented away from the school.” *Id.* at 149-150, 155.

Perrine went through the zoning standards for RE-2 zones and concluded that Norwood’s building plans satisfied them all. *Id.* at 144-145, 147, 155-158. The campus has direct access to River Road and will not require access over residential streets. *Id.* at 147, 149. There is sufficient space to allow cars to drop off and pick up students. *Id.* at 147. Changes to the school’s operations will not alter the character of the neighborhood in light of the extensive setbacks and the proposed traffic management plan. *Id.* at 148-149. The number of students and summer campers are well below the 87-students-per-acre limit established by the Zoning Ordinance. *Id.* at 150. The campus remains served by adequate public facilities, including a fire and rescue station one mile along River Road at its intersection with Seven Locks Road. *Id.* at 158.

With respect to parking, Norwood will have 289 parking spaces when the planned expansion is complete “and [I] feel that is adequate” since “the operation relies entirely on queuing and dropping off students, primarily, not parking cars and bringing students in.” *Id.* at 145-146.

He deemed six as a reasonable number of occasions annually when Norwood should be able to allow use of its campus by other organizations by reciprocal agreement.

*Id.* at 147. He had discussed the matter with Norwood and the school would accept the six-occasion limitation. *Id.*

Use of the campus for other programs – tutoring, artistic performances, use of recreation facilities – will not alter the essential nature of campus use: driving in; parking; walking to a building; engaging in an activity inside a building. *Id.* at 152. “[I]n other words, there’s nothing different about [these] activit[ies] than the school’s use of the property.” *Id.* That is true even for programs whose effects the Planning Department report labeled as not inherent in private educational institutes, such as the summer camp and Mid-Atlantic Teacher Institute. *Id.* at 153-154. Keeping the campus open until 11 p.m. is not unusual for other educational institutions in the County. *Id.* at 154.

Perrine recognized that development of the campus would proceed “sequentially in phases.” *Id.* at 158. From his experience, in general “there is a preference” by affected surrounding communities “to understand what ultimately will be built rather than every five or eight years coming back with a new proposal.” *Id.* If there are building code changes in the interim, a new building would have to meet the new standards. *Id.* at 158-159. If that, in turn, causes a divergence from an approved plan, it would be necessary for Norwood to apply to amend its approved special exception. *Id.* But if there are no changes, it would be “far superior” not to require piece-meal zoning applications. *Id.* at 159.

In response to a question about possible changes to the community in the next ten years, including additional special exception uses, Perrine testified (*id.* at 164-165):

Once you’ve been approved for adequate public facilities, you keep it . . . . Someone comes after you, they count the existing traffic if you’re approved. . . . So that would be the case here. We would be approved. . . . In addition, what we’re asking for here is not the privilege to increase the amount of peak hour trips we’re going to generate. We’re not asking for the privilege of using more of the road capacity during the peak hour. We are limiting ourselves today, ten years, fifteen years. If someone comes in down the road with an application, our peak hour generation would not change.

#### **4. Stephen Vincent Goley (storm water management)**

Goley was allowed to testify as an expert in the field of civil engineering. *Id.* at 174. He testified about sediment control, storm water management, and available water and sewer connections. *Id.* at 175-180, citing ex. 16.

According to Goley, the County’s Department of Permitting Services had approved a storm water management concept plan for the campus in May 2010. *Id.* at 175. The plan had been prepared in accordance with the Maryland Storm Water Management Act of 2007 and the County’s implementing regulations. *Id.* at 176. There had been changes to the plan after it had been first submitted in February 2010 but the methodologies between initial and final concept plans were “similar.” *Id.* at 178.

Goley did not believe there would be major changes in storm water management over the term of Norwood’s proposed development. *Id.* at 179. If, however, the regulations change, the County could choose to rescind its approval of the concept plan. *Id.* Construction permits will have to be obtained before the concept plan is implemented and there will be further review at the final plan phase. *Id.* at 180. If what will be

required at that point differs from the Board's special exception approval, the school would need to apply for an amendment to special exception. *Id.*

An [unspecified] study shows that the campus has adequate water and sanitary sewer access. *Id.* at 176. It has two water mains connections that should adequately serve the proposed development. *Id.* The single existing sanitary sewer connection will likewise be adequate. *Id.*

#### **5. Stephen Preston Tawes (landscape architect)**

Mr. Tawes was allowed to testify as an expert in landscape architecture. T. 7/21 at 10.

The forest conservation plan maintains several conservation easements covering 9.91 acres. *Id.* at 15. A "category 1" easement exists behind the faculty lower school parking lot; another runs from the music school to the proposed natatorium; a third is adjacent to the Dockser property on the east. *Id.* at 12-13, discussing ex. 25(bb). Two "category 2" easements exist: directly in front of the gymnasium south of driveway; and directly behind the music school. *Id.* at 13-14. A small section of the campus to the northeast, designated as "forest regeneration," is located adjacent to the Strauss, O'Brien, Daskalakis, and Moroccan Embassy properties. *Id.* at 13.

The forest conservation plan contains new conservation easements, one at the southeast corner of the property adjacent to the Dockser property, another along River Road. *Id.* at 15. Norwood has extended an existing forest conservation easement north of a storm-water management facility and has added an easement adjacent to the softball field. *Id.*

A new landscape plan provides additional evergreen screening near the central parking lot and central east corner of the campus. *Id.* at 16-17, ex. 42(b); details on ex. 42(c)-(j). The school will build a 5' bike path along Bradley Boulevard and widen and broaden, to 8', an existing bike path along River Road. *Id.* at 17, discussing ex. 43(a)-(c). The River Road path will necessitate transplanting some hedges. *Id.* at 20.

There will no new plantings north of the proposed arts center. *Id.* at 25. That area, "a prominent feature" is part of new storm water system "that precludes any large landscaping." *Id.* at 25, 28. The center sits on a ridge and most of the drainage is toward the Moroccan Embassy grounds. *Id.* at 26. The Embassy parcel is at much lower and "between the performing arts [center] and the Moroccan Embassy, there is a huge forested [area] . . . that would provide, essentially, the screening to the performing arts." *Id.* at 27. The Daskalakis property also contains a large conservation easement. *Id.* at 28.

Tawes asserted the proposed landscaping changes will cause no adverse effects and will be compatible with the neighborhood. *Id.* at 21-23.

#### **6. Carl Craig Hedberg (transportation planning)**

Mr. Hedberg was allowed to testify as an expert in transportation planning. *Id.* at 34. Responding to leading questions, he testified there has been a preliminary finding that Norwood's traffic-related plans comply with the County's Adequate Public Facilities Ordinance. *Id.* at 34-37. Norwood will need to obtain a final finding of compliance from the Planning Board when that Board acts on the school's application to amend its subdivision. *Id.* In Hedberg's view, the school's expansion will not detrimentally affect traffic. *Id.* at 45.

Norwood's proposed transportation management plan caps the number of peak-hour trips at its currently approved level. *Id.* at 37-39. The limit can be measured by

counting the numbers of cars arriving at and leaving school driveways during the peak travel hours mornings and late afternoons. *Id.* at 38-39. According to Hedberg, Norwood will meet its obligation to achieve a 40% mitigation of traffic under the policy area mobility review by simply keeping peak-hour traffic at its current level. *Id.* at 52.

Peak hour traffic is measured once a year on a “representative” day, usually mid-week. *Id.* at 53. Hedberg arrived at his 753-trip figure by conducting a traffic count in February 2010. *Id.* at 52. He acknowledged that it would be appropriate to conduct a count twice a year to determine whether the Norwood remains within the cap, once during the school year and once during the summer camp season. *Id.* at 55. Norwood will need to enter a formal agreement with the Department of Planning as to when to conduct its monitoring and to submit its reports. *Id.*

To meet its peak-hour caps, the school has also committed itself to a busing program, including having available up to six buses. *Id.* at 39-40. In addition, the school will stagger schedules of arrival times for students and staff “to smooth out the peaking conditions.” *Id.* at 40. It will appoint a staff transportation coordinator to work on additional measures to meet the caps. *Id.* at 40-41.

The school also intends to establish a community liaison committee in which the West Montgomery Civic Association and other neighbors will be invited to participate to monitor transportation issues. *Id.* at 41. The committee will report issues and solutions to the Board of Appeals annually. *Id.* Other schools in the County have established similar committees. *Id.* at 42.

If the rush-hour trip cap is exceeded, the school will consider its options to ensure the cap is met. *Id.* at 58. Hedberg could come up with only two immediate examples, a parking-space lottery and staggered scheduling. *Id.* at 56, 58. If Norwood remains out of compliance, the Board of Appeals could order a show cause hearing and “look at the activities that are being run.” *Id.* at 56-57, 70. The Board could mandate busing or order a reduction in the number of campers. *Id.* at 71.

The school will apply to establish a crosswalk across River Road to mark a pedestrian zone for students and faculty arriving by public transportation. *Id.* at 43-44. The campus is currently served by Metrobus T2-line and Ride-On 36-line bus service along River Road. *Id.* The crosswalk consists simply of painting stripes on River Road where a traffic signal already exists. *Id.* at 69. Hedberg thought the striping will give pedestrians crossing the road “recognized protection.” *Id.*

Because Norwood sits along two major roads, traffic to the campus does not need access over local residential streets. *Id.* at 44-45. Hedberg said his analysis showed that intersections identified by the Potomac Master Plan operate well below the congestion threshold. *Id.* at 45.

When it was pointed out to Hedberg that an additional 371-some students and faculty will require transportation during the summer at the end of Norwood’s expansion plans, Hedberg insisted that voluntary measures such as carpooling, busing, and schedule adjustments will meet the additional transportation needs. *Id.* at 46-47. The school could give incentives. *Id.* One such incentive could be to give car-poolers parking spaces closer to school buildings. *Id.* at 48. He acknowledged that this would be a “limited incentive,” considering how close all parking spaces are to school buildings. *Id.* at 48-49. He had discussed no other incentives with the school. *Id.* at 49.

Hedberg agreed that the proposed stable of six school buses will provide only about 84 seats for the 371-person increase in staff and summer campers. *Id.* at 49. The school would need to contract for additional bus service if staggered arrival and departure times do not sufficiently absorb the increase. *Id.* at 50.

In response to my questions, Hedberg explained the intersection analysis in the Planning Department report at \*13. *Id.* at 59-61. That portion of the report is taken directly from Hedberg's report on behalf of his client, the Norwood School, ex. 25(xx), table K. *Id.* at 62-63. His report is based on a set of assumptions developed with the Department staff but the numbers are those he generated independently. *Id.* at 63-64. When the Department accepts his report, it is "saying that the report was done consistent with the procedures of the guidelines and the assumptions I was given." *Id.* at 63; see at 72. "Existing capacity under background" includes both the existing traffic count and the expected additional traffic expected to be generated by approved new development. *Id.* at 60. Traffic volume in the afternoon peak hours is lower than in the morning because morning commuter traffic is concentrated in a shorter period of time. *Id.* at 61.

Hedberg also explained the "grandfathering" provision. Since the lower school has been in existence for over twelve years, the number of trips it generates may be subtracted from the total number of trips the whole school generates when determining how many rings of "signalized intersections" to analyze. *Id.* at 66. Here, by subtracting out lower school traffic, the school generates fewer than 250 trips. *Id.* at 66. As a result, Hedberg needed to examine traffic for only one ring of intersections. *Id.* The grandfathering analysis and trip counts were, Hedberg said, were conducted in accordance with the Adequate Public Facilities Ordinance and implementing regulations. *Id.* at 72-73.

Hedberg explained how he derived the morning peak hour cap. *Id.* at 67-68, discussing ex. 25(xx), table E.

#### **7. Ryland L. Mitchell III, real estate appraiser.**

Mr. Mitchell was admitted as an expert in the field of real estate appraisal. T. 9/13/10 at 9. He testified about two reports he had submitted on Norwood's behalf: "Real Estate Market Conditions," (ex. 17) and a supplementary letter (ex. 46(g)).

Mr. Mitchell's first report analyzed residential sales activity near three schools in Norwood's general vicinity – Bullis, Holton Arms, Connelly – as well as near Norwood itself before, during, and immediately after school construction. T. 9/13 at 10. All four are private schools. The periods varied from school to school. Ex. 17. To analyze sales activity, Mitchell used data from the Maryland Department of Assessments and Taxation. T. 9/13 at 11. For each sale, he divided the purchase price by the size of the home to derive a price per square foot. *Id.* at 12. Mr. Mitchell's comparisons included new home sales as well as sales of existing homes. *Id.* at 13.

Using that methodology, Mr. Mitchell found that for each of the four schools, prices per square foot increased in the period between pre- and post-construction. *Id.* at 12. Among the sales he analyzed were "paired sales," sales of particular homes that occurred more than once during the relevant period. *Id.* at 13. Those sales had a median annual increase of about 10.07% and an average of 9.12% in annual increases. *Id.* at 13, citing ex. 17, table 13. Mitchell's data included sales of new homes. He deemed those sales to be significant because they showed that developers and homebuilders regarded areas near schools undergoing construction to be good places to invest. *Id.*

Mr. Mitchell's second report (ex. 46(g)) analyzed all home sales within a two-mile radius of the intersection of River Road and Bradley Boulevard in 2002. T. 9/13 at 14. The two-mile radius was an area, he testified, was "truly comparable \* \* \* in terms of the types of dwellings and the market." *Id.* Calendar year 2002 was an appropriate year because three of the four schools – all but Norwood –had construction activity. *Id.* at 14-15. Using 48 home sales of houses that had also been sold at least once in the during the previous 10 years, Mr. Mitchell found that median and average annual price increases rose 9.23 percent and 9.27, respectively in 2002. *Id.* at 15. Six of the 48 sales were homes that had originally been sold by a builder before 2002. *Id.* at 16.

Although there are many reasons why people choose to buy particular homes, Mitchell testified, "once you get past the issue of price, from my experience, the two primary determinants are proximity to work and proximity to schools." *Id.* at 17.

In response to a question asking whether Mr. Mitchell could compare the price increases in his report with the overall housing market in Montgomery County during comparable periods, he acknowledged that he had no statistics for housing market appreciation in Montgomery County during the periods he analyzed. *Id.* at 18-19.

[Hearing examiner]. \* \* \* So let me just understand. There is nothing in your report that shows the overall housing market appreciation in Montgomery County during any of these periods, other than your, what you have tried to demonstrate in table 14 [of ex. 46(g)], is that correct?

THE WITNESS: That's correct.

*Id.* at 19.