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Transcript of Administrative Hearing

Date: November 22, 2019
Case: The Primrose School

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Transcript of Administrative Hearing
Conducted on November 22, 2019

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OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND

-----x
THE PRIMROSE SCHOOL :
Applicant : Case No.: CU 18-08
-----x

HEARING
BEFORE HEARING EXAMINER LYNN A. ROBESON HANNAN
Rockville, Maryland
Friday, November 22, 2019
9:30 a.m.

Job No.: 275202
Pages: 1 - 285
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Transcription of the hearing held at:

MONTGOMERY COUNTY OFFICE OF ZONING AND ADMINISTRATIVE
HEARINGS (1063392)
100 Maryland Avenue
County Office Building, Room 200
Rockville, MD 20850

Pursuant to agreement, before Michael Pawela,
Digital Reporter in and for the State of Delaware.

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A P P E A R A N C E S

FOR MONTGOMERY COUNTY OFFICE OF ZONING AND ADMINISTRATIVE
HEARINGS:
LYNN ROBESON HANNAN - HEARING EXAMINER

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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 (On the record at 9:31:44 a.m.)</p> <p>3 THE REPORTER: All set when you are.</p> <p>4 HEARING OFFICER HANNAN: Okay. Are the parties</p> <p>5 reading? All right. I'm calling the case of Primrose School</p> <p>6 Franchise Incorporation OZAH CU-1808 an application for a</p> <p>7 conditional use pursuant to zoning ordinance 59-3.4.4.F -- I</p> <p>8 regret the way they've numbered the -- the zoning ordinance,</p> <p>9 but anyway, that's beyond my pay grade -- to allow a child</p> <p>10 daycare center for up to 195 children on property located at</p> <p>11 7430 Needwood Road, Rockville, Maryland.</p> <p>12 My name's Lynn Robeson. I'm the hearing examiner</p> <p>13 that is now assigned to this case. For those -- are there</p> <p>14 individuals who are not going to be called that wish to</p> <p>15 testify that are not going to be called by Mr. Chen or Mr.</p> <p>16 Kline? I see one. I believe it's Ms. Rice. And do I see</p> <p>17 another one?</p> <p>18 FEMALE: If -- if this means like raising your</p> <p>19 [inaudible] preliminary [inaudible], then, yes, we would be</p> <p>20 interested to [inaudible].</p> <p>21 HEARING OFFICER HANNAN: Okay. So, let me just go</p> <p>22 through --</p> <p>23 FEMALE: [inaudible] --</p> <p>24 HEARING OFFICER HANNAN: That -- okay. The --</p> <p>25 that's fine. We have to identify you for the record. I can't</p>	<p>7</p> <p>1 145 -- I mean, I'm sorry, 147. Mr. Chen, do you have any</p> <p>2 preliminary matters?</p> <p>3 MR. CHEN: Madam Examiner, not really except that</p> <p>4 Mr. Kline and I have had a brief discussion about a lunch</p> <p>5 break.</p> <p>6 MR. KLINE: Take care of the important items first,</p> <p>7 yeah.</p> <p>8 MR. CHEN: Only because you -- you have people</p> <p>9 present today who I do not represent. When we get into the</p> <p>10 more formalized aspect, I'll put on the record -- I'll</p> <p>11 identify my clients but given this location, I -- I think</p> <p>12 there's an issue about time for a lunch [inaudible] because</p> <p>13 I -- I've done some testing of drive times --</p> <p>14 HEARING OFFICER HANNAN: I have no doubt.</p> <p>15 MR. CHEN: -- and I -- you're looking at just to</p> <p>16 get to, for instance, at Bower Norbuck -- Norbeck, it's</p> <p>17 almost 10 minutes, just on a straight drive. So, I --</p> <p>18 HEARING OFFICER HANNAN: And so your solution is?</p> <p>19 MR. CHEN: Hour and a half.</p> <p>20 HEARING OFFICER HANNAN: For a lunch break?</p> <p>21 MR. CHEN: Yeah, only because it's going to take a</p> <p>22 half hour travel time about to and from.</p> <p>23 HEARING OFFICER HANNAN: Mr. Kline, do you want to</p> <p>24 weigh in on --</p> <p>25 MR. KLINE: Well, and I haven't done all of Mr.</p>
<p>6</p> <p>1 just take comments from the audience.</p> <p>2 So that's fine. I just want to explain in advance</p> <p>3 that this is a quasi-judicial, which is trial type hearing.</p> <p>4 It's in -- it's much more informal but there are some due</p> <p>5 process requirements that apply.</p> <p>6 Testimony is taken under oath and subject to cross-</p> <p>7 examination. I will be taking all the evidence and testimony</p> <p>8 in the case and will make a -- a decision.</p> <p>9 That decision can be appeal- -- if you disagree</p> <p>10 with the decision, you have the right to request oral</p> <p>11 argument before the board of appeals within 10 days of</p> <p>12 issuing the decision.</p> <p>13 When the order of proceeding is that the applicant</p> <p>14 puts on its witness- -- its witnesses first. Then those in</p> <p>15 opposition have an opportunity to say what they wish to say.</p> <p>16 All right. Okay. Preliminary matters. I'm sure that</p> <p>17 we have some. I have no doubt. I'm -- and so, prelim- -- any</p> <p>18 preliminary matters?</p> <p>19 MR. KLINE: Well, the only preliminary matter I</p> <p>20 have is to provide you the affidavit posting that was -- of</p> <p>21 the -- verifying the --</p> <p>22 HEARING OFFICER HANNAN: Okay.</p> <p>23 MR. KLINE: -- signage posted on the property.</p> <p>24 That's --</p> <p>25 HEARING OFFICER HANNAN: And that will be Exhibit</p>	<p>8</p> <p>1 Chen's very thorough research, but I certainly have observed</p> <p>2 that myself. And -- and would agree that we probably need a</p> <p>3 little bit longer than normal. We just don't have a</p> <p>4 cafeteria right down the hall.</p> <p>5 HEARING OFFICER HANNAN: Yes, I know. I don't have</p> <p>6 a problem with that, although -- okay. So, any other</p> <p>7 preliminary matters?</p> <p>8 MR. KLINE: Well, I'll go back and do one more that</p> <p>9 I should have done first and that is more of an apology than</p> <p>10 a preliminary matter.</p> <p>11 Given how long Mr. Chen and I have -- have personal</p> <p>12 familiarity with you, I undoubtedly during this hearing will</p> <p>13 use the name Robeson and I see it -- a different name in</p> <p>14 front of me. So, my question is --</p> <p>15 HEARING OFFICER HANNAN: Everybody's sweating. No.</p> <p>16 I -- it's a long story. I didn't get married. Okay. Get --</p> <p>17 that's fine. I actually --</p> <p>18 MR. KLINE: May I call you Your Honor? Would that</p> <p>19 be okay?</p> <p>20 HEARING OFFICER HANNAN: No. Because that's</p> <p>21 actually -- you can't do that. But just call me Robeson,</p> <p>22 everybody else does.</p> <p>23 MR. KLINE: Okay.</p> <p>24 HEARING OFFICER HANNAN: Okay. That's a preliminary</p> <p>25 matter. Now, let's talk about, I thought that the -- the</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 prelimin- -- one preliminary matter was the late amendment 2 of the pre-hearing statement to add a appraiser. It is late. 3 MR. KLINE: Well, the -- I -- 4 HEARING OFFICER HANNAN: Not just -- 5 MR. KLINE: -- it's not true. Yeah. 6 HEARING OFFICER HANNAN: You -- you have much 7 experience with this. 8 On the other hand, Mr. Chen's choices are it can 9 come in on rebuttal, would he prefer to have it in your case 10 in chief, so he has a chance to -- to -- you know, there's 11 no -- 12 MR. CHEN: [inaudible] -- 13 HEARING OFFICER HANNAN: -- surrebuttal. 14 MR. CHEN: That's -- that's absolutely where I am. 15 In fact, it -- it is late. It -- it -- the identity and the 16 report should have been filed weeks -- weeks ago. 17 And I think in one of my communications to your 18 office, my position is, quite frankly, I need to have that 19 report at least 10 days before the hearing at which the 20 appraiser testify, and that's no more than I normally would 21 have been able to receive in the normal course. 22 Meaning by that, 30 days before the hearing the 23 applicant should have filed the identity of the expert and 24 the report and then tw- -- 10 days later, I would file my 25 client's pre-hearing submission as well, so that's how I get</p>	<p style="text-align: right;">11</p> <p>1 that I could -- 2 HEARING OFFICER HANNAN: Maybe during the hour and 3 a half lunch -- 4 MR. KLINE: Yeah, yeah -- 5 HEARING OFFICER HANNAN: -- you can -- 6 MR. KLINE: -- yeah, we can check that. May I. 7 Just -- just to put it in context, I'm guessing 8 that for -- and Mr. Chen, who probably has a -- a good feel 9 for the official that they got done. I'm -- I'm sure that it 10 takes more than two weeks at least, prob- -- probably less 11 than a month. So, I'm figuring that I can submit something 12 within three weeks at least and maybe I can improve on that. 13 HEARING OFFICER HANNAN: Okay. Thank you. So, 14 that's something that we will discuss at the end of this 15 hearing. Okay. When -- anything else? 16 MR. CHEN: I -- just for the record. 17 HEARING OFFICER HANNAN: Oh, you know, I don't 18 think I had you identify yourselves for the record. I 19 apologize. 20 MR. KLINE: I -- 21 HEARING OFFICER HANNAN: Can -- can the -- 22 MR. KLINE: Sure. 23 HEARING OFFICER HANNAN: -- attorneys identify 24 them- -- 25 MR. KLINE: Sure. My apologies as well. For the</p>
<p style="text-align: right;">10</p> <p>1 the 10 days. 2 HEARING OFFICER HANNAN: All right. Do you -- we 3 haven't scheduled a second hearing yet. Do you have an issue 4 of giving, you know -- 5 MR. KLINE: I -- I have no -- 6 HEARING OFFICER HANNAN: -- factoring that into -- 7 MR. KLINE: -- yeah I -- 8 HEARING OFFICER HANNAN: -- the hearing date? 9 MR. KLINE: -- I -- in my letters to the hearing 10 examiner I explained I had no desire to prejudice the 11 preparation of the opposition's case, so however long Mr. 12 Chen thinks he needs to look at it and he and his appraiser 13 to look at, what I don't know sitting here today how long 14 it's going to take that -- me to have the appraisal prepared 15 and submitted into record. 16 I hope to get that information today, but I might 17 not know until later on today. So, that really probably 18 relates more to setting a new hearing date, but I have no 19 problem with giving the opposition all the time they need to 20 look at it. 21 HEARING OFFICER HANNAN: Okay. You hope to hear 22 later today? 23 MR. KLINE: I have asked for that information this 24 morning. It wasn't on my computer screen when I left the 25 office. I would hope that it would come in sometime today so</p>	<p style="text-align: right;">12</p> <p>1 record, my name is Jody Kline. I'm an attorney with the law 2 firm Miller Miller & Canby with offices at 200-B Monroe 3 Street in Rockville, which I normally would say in a hearing 4 like this, that's just across the street but of course it 5 doesn't work here. 6 HEARING OFFICER HANNAN: I -- yes. 7 MR. CHEN: Good morning. My name's Bill Chen and 8 I'm the attorney for Carol Kosary and Paul Posey and Cecelia 9 English, and my offices are located 200-A Monroe Street in 10 Rockville. 11 HEARING OFFICER HANNAN: Okay. All right. 12 MR. CHEN: And as -- just to follow up on that last 13 subject we discussed, with the appraiser. 14 As my communication had said to the -- your office, 15 that identification is late but my client's authorized me to 16 -- our position is that we want fairness to which is getting 17 the report [inaudible] appraisal. 18 And quite frankly, that's what my [inaudible]. We 19 are not raising a big issue about e- -- examining the 20 witness. I think there is an issue there, but, you know, as 21 far as we're concerned, give us the report and so our 22 appraiser can see it in the timeframes that you've already 23 heard, we'll go forward [inaudible] that. 24 HEARING OFFICER HANNAN: Okay. Opening statements. 25 Mr. Kline, do you have an opening statement?</p>

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4 (13 to 16)

<p>13</p> <p>1 MR. KLINE: I do not, actually. I'm sure that since 2 you got thrown into this, you don't have quite the same 3 level of detail or familiarity as Mr. Grossman had, but I'm 4 sure you -- let me rephrase it, you've had an opportunity to 5 review this technical staff report and recommendation. 6 HEARING OFFICER HANNAN: Yes. Here's what I 7 reviewed. For the record I'm pointing to a lot of documents. 8 MR. KLINE: Yeah, right. 9 HEARING OFFICER HANNAN: Mr. Chen -- 10 MR. CHEN: No opening statement. 11 HEARING OFFICER HANNAN: Okay. Mr. Kline, call -- 12 do -- would you like to call your first witness? 13 MR. KLINE: I -- thank you very much. Mr. Taylor. I 14 think -- I think my witness is out in the hall. He just 15 arrived from Boston and so I've got -- I'll go get him -- go 16 get him. Okay. Some- -- somebody please get Mr. Taylor. 17 [whispering in background] 18 MR. TAYLOR: Good morning. 19 HEARING OFFICER HANNAN: Good morning. 20 MR. TAYLOR: First, my apologies for running a 21 little bit late. This is a different spot than what I'm used 22 to. 23 HEARING OFFICER HANNAN: Yes, I know. We have to 24 make -- we're all making due. 25 MR. TAYLOR: It's an excellent repurpose of a</p>	<p>15</p> <p>1 [inaudible]. 2 HEARING OFFICER HANNAN: Do you wish -- 3 MR. KLINE: I have two questions I'm going to ask 4 you -- 5 MR. CHEN: Yeah. 6 MR. KLINE: -- about it [inaudible]. 7 MR. CHEN: Mr. Kline -- 8 HEARING OFFICER HANNAN: See -- I'm -- I'm -- I'm 9 sorry -- 10 MR. KLINE: Oh, sorry. 11 HEARING OFFICER HANNAN: -- can you -- when you 12 talk, it messed -- 13 MR. KLINE: Sorry about that. 14 HEARING OFFICER HANNAN: -- it makes it more 15 difficult to -- go ahead. 16 MR. CHEN: Mr. Kline just told me that this was in 17 the record, this document, only this is a colored rendering 18 of it. So, where are we -- 19 MR. KLINE: No, it -- 20 MR. CHEN: -- just -- 21 MR. KLINE: -- it -- 22 MR. CHEN: -- [inaudible] -- 23 MR. KLINE: -- it is a composite of other drawings 24 in the record. For instance, all of the information does 25 appear on some sheets. It's just been put together more. For</p>
<p>14</p> <p>1 building; I'll give it that, but anyway. I just wanted to 2 apologize for not showing up on time. 3 HEARING OFFICER HANNAN: Okay. The -- 4 [talking in background, inaudible]. 5 MR. KLINE: As part of Mr. Taylor's testimony, I 6 was going to ask him to use as an exhibit a rendered there - 7 - essentially it's a plan that's more than a site plan 8 itself, it picks up adjacent properties. 9 HEARING OFFICER HANNAN: Is that in the record 10 already? 11 MR. KLINE: It is not. 12 HEARING OFFICER HANNAN: It is not? 13 MR. KLINE: No, it -- well, let me rephrase that. 14 He -- the -- all the information is in the record. This 15 drawing per se and certainly not a rendered version of it, 16 and not all this information together on one drawing. 17 HEARING OFFICER HANNAN: Okay. Well, then we'll 18 have to -- Mr. Chen, do you have an objection? 19 MR. CHEN: Yeah, this would be -- 20 HEARING OFFICER HANNAN: Just a second. 21 THE REPORTER: Sorry, I can't really Mr. Chen. 22 HEARING OFFICER HANNAN: Can you pull the recording 23 mic, Mr. Chen, closer to you. 24 MR. CHEN: What's going on here? 25 MR. KLINE: I'm not -- [inaudible] everybody else</p>	<p>16</p> <p>1 instance, I'm talking more about the offsite information. 2 MR. CHEN: Okay. So, this would be Exhibit 148? 3 HEARING OFFICER HANNAN: Yes. And what do you call 4 this, a rendered version of the site plan -- I mean the 5 conditional use plan -- 6 MR. KLINE: It is -- has been labeled conditional 7 use plan and there's a rendered version of it. 8 HEARING OFFICER HANNAN: Rendered version of 9 conditional use plan. 10 Okay. With that, would you please raise your right 11 hand? Do you solemnly affirm under penalties of perjury that 12 the statements you're about to make are the truth, the whole 13 truth and nothing but the truth? 14 MR. TAYLOR: Yes, I do. 15 HEARING OFFICER HANNAN: Please state your name and 16 address for the record and for the court reporter's benefit, 17 please if there's anything unusual about your name, please 18 spell it. 19 MR. TAYLOR: Sure. Matthew Taylor. 164 Walton Road 20 in New Castle, New Hampshire, 03854. I am with Primrose 21 Schools. I am the development director for Primrose Schools 22 on the East Coast. 23 HEARING OFFICER HANNAN: Okay, Mr. Kline. 24 MR. KLINE: Sure. Following up with that very 25 comment, what -- what does that job entitle? You -- you told</p>

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5 (17 to 20)

17	<p>1 us what the title is but what does it involve? What is your</p> <p>2 -- what do you do?</p> <p>3 HEARING OFFICER HANNAN: Sure. I am tasked with</p> <p>4 develop- -- finding and developing sites for Primrose</p> <p>5 Schools' early childhood education company. And I -- my</p> <p>6 territory runs from the upper East Coast to the lower East</p> <p>7 Coast basically from New Hampshire to Florida and Maryland</p> <p>8 being one of the areas that I do business in as well.</p> <p>9</p> <p>10 MR. KLINE: Mr. Taylor, the applicant in this case</p> <p>11 is Primrose School Franchise Incorporation, would you</p> <p>12 explain the relationship between the applicant and the</p> <p>13 entity by which you're actually employed.</p> <p>14 MR. TAYLOR: Absolutely. Primrose Schools is a</p> <p>15 franchised schooling -- school system that we have</p> <p>16 franchisees that we will assign these developed sites to who</p> <p>17 will ultimately purchase them and operate them. We oversee</p> <p>18 the operations on a daily basis, but they're owned and</p> <p>19 operated as separate businesses by our franchisees.</p> <p>20 HEARING OFFICER HANNAN: What do you mean on a</p> <p>21 daily basis?</p> <p>22 MR. TAYLOR: Meaning that they have to report to us</p> <p>23 from an operations curriculum standpoint, revenue</p> <p>24 standpoint. It's very similar to -- to a lot of franchised</p> <p>25 operations where it's -- the oversight is by Primrose and</p>	19	<p>1 himself is --</p> <p>2 HEARING OFFICER HANNAN: -- did -- is there consent</p> <p>3 from him --</p> <p>4 MR. KLINE: As the property owner, not as the</p> <p>5 franchisee.</p> <p>6 HEARING OFFICER HANNAN: Yes. But is there a</p> <p>7 consent from him to go forward --</p> <p>8 MR. KLINE: Yes.</p> <p>9 HEARING OFFICER HANNAN: -- in the record?</p> <p>10 MR. KLINE: Yes, there is.</p> <p>11 HEARING OFFICER HANNAN: Okay.</p> <p>12 MR. KLINE: It's -- it's Exhibit Number -- I -- I</p> <p>13 can find -- well --</p> <p>14 HEARING OFFICER HANNAN: No, it's okay.</p> <p>15 MR. KLINE: -- yeah, it's [inaudible] --</p> <p>16 HEARING OFFICER HANNAN: I'll look. I just --</p> <p>17 forgive me, I -- I don't have every detail.</p> <p>18 MR. KLINE: Sure. Ab- -- absolutely.</p> <p>19 HEARING OFFICER HANNAN: So, go ahead.</p> <p>20 MR. KLINE: Well, and -- and before you leave that</p> <p>21 -- that's a good segue to a question I wanted to ask you and</p> <p>22 that is, why is it that -- that a -- the Prim- -- the</p> <p>23 Primrose entity wants to hold this special session as</p> <p>24 compared to Mr. Mandava who's the owner of the property and</p> <p>25 will be the franchisee?</p>
18	<p>1 the operations side is by the franchisee with Primrose's</p> <p>2 input.</p> <p>3 HEARING OFFICER HANNAN: Okay. Thank you.</p> <p>4 MR. KLINE: Okay. The subject property that's shown</p> <p>5 on the drawing is today owned by whom?</p> <p>6 MR. TAYLOR: We have a franchisee, Srikanth Mandava</p> <p>7 and I'm -- never can pronounce that correctly so I</p> <p>8 apologize. He is been within our system approximately five</p> <p>9 years. He purchased this site prior to a franchise agreement</p> <p>10 being signed with Primrose and brought the site to us from a</p> <p>11 development standpoint, but it is not under contract by</p> <p>12 Primrose, it is owned by the franchisee.</p> <p>13 MR. KLINE: And what ultimately will be the</p> <p>14 relationship of Mr. Mandava?</p> <p>15 HEARING OFFICER HANNAN: Has the -- has the -- is</p> <p>16 the franchisee here?</p> <p>17 MR. KLINE: Yes.</p> <p>18 HEARING OFFICER HANNAN: Did he sign -- whose name</p> <p>19 is on the -- I -- I --</p> <p>20 MR. KLINE: Well, his --</p> <p>21 HEARING OFFICER HANNAN: -- I apologize --</p> <p>22 MR. KLINE: Sure.</p> <p>23 HEARING OFFICER HANNAN: -- I -- I don't have every</p> <p>24 single detail --</p> <p>25 MR. KLINE: Well, the -- the -- the applicant</p>	20	<p>1 MR. TAYLOR: Well, it -- it -- this is a little bit</p> <p>2 unique in this case in that we would, meaning Pri- --</p> <p>3 Primrose Franchise Incorporation would typically be the --</p> <p>4 the purchaser of a parcel that would be assigned at closing</p> <p>5 to a franchisee. In this case, Mr. Mandava bought the</p> <p>6 property --</p> <p>7 HEARING OFFICER HANNAN: Could -- I -- I apologize.</p> <p>8 I see a hand in the audience. I see a hand in the audi- --</p> <p>9 we can't take questions. You --</p> <p>10 MALE: Can we get louder?</p> <p>11 HEARING OFFICER HANNAN: Louder? Can you speak</p> <p>12 louder --</p> <p>13 MR. TAYLOR: I --</p> <p>14 HEARING OFFICER HANNAN: -- Mr. Taylor.</p> <p>15 MR. KLINE: It's not usually proper --</p> <p>16 MR. TAYLOR: I'm usually accused of something</p> <p>17 different. Absolutely I can speak louder.</p> <p>18 HEARING OFFICER HANNAN: That -- that is -- is that</p> <p>19 making --</p> <p>20 MALE: Thank you.</p> <p>21 HEARING OFFICER HANNAN: -- the grade? Okay. All</p> <p>22 right. Thank you, Mr. -- thank you, Mr. Taylor.</p> <p>23 MR. TAYLOR: No -- no -- no problem at all. So, in</p> <p>24 -- in this case, we have the expertise within our group to</p> <p>25 work through the planning and zoning process where most of</p>

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6 (21 to 24)

<p>21</p> <p>1 our franchisees do not. So, that's my involvement with this. 2 The difference is instead of us being a contract 3 purchaser, Mr. Mandava has already purchased and owns the 4 property. But my involvement in KinderC- -- Primrose is 5 involved, excuse me, one of our competitors -- Primrose's 6 involvement ha- -- has to do with seeking the approvals and 7 we have the operations expertise and I -- I work on probably 8 a hundred different schools a year. So, you know, this -- 9 this makes more sense for us to run these approvals. 10 HEARING OFFICER HANNAN: Okay. 11 MR. KLINE: And -- and having Prinrose -- Prinrose 12 Franchise Corporation as the special exception holder will 13 keep you informed and advised of all the zoning issues right 14 at the property? 15 MR. TAYLOR: Correct. Yeah, and we obviously have 16 to be cognizant of brand standards in making sure that 17 something doesn't get approved that wouldn't meet our 18 typical operating standards as well. So, we're heavily 19 involved in that all the way through. 20 MR. KLINE: So, I'd like to ask you now to kind of 21 inform the hearing examiner and the audience about Prinrose 22 School itself. What -- what is it and what do you do and 23 what do you want to do here? 24 MR. TAYLOR: Sure. So, Primrose operates early 25 childhood education centers not unlike you would -- probably</p>	<p>23</p> <p>1 locations in larger cities to rural locations in more 2 suburban markets. This is an ideal sight for us -- 3 MR. KLINE: Be- -- before you do that -- 4 MR. TAYLOR: Yeah. 5 MR. KLINE: -- let me -- 6 MR. TAYLOR: Yep, okay. 7 MR. KLINE: -- do this. Basically, use your 8 Montgomery County sites as an example so the hearing 9 examiner becomes familiar -- 10 MR. TAYLOR: Sure. 11 MR. KLINE: -- with where you are and what you're 12 doing. 13 MR. TAYLOR: You know, a close example to this 14 would be we have a school in Gambrills, which is very 15 similar in neighborhood makeup. We want to try to be in a 16 convenient location for the community population to get to 17 us and get to work. 18 And that's why this site works well. I'm also 19 working on a project that's under construction in Bethesda, 20 which is more of an urban market but surrounded primarily by 21 residential properties as well. 22 Another project we're working on is the 23 redevelopment of Walter Reed. We'll have a school there as 24 well. Again, I would call that an urban location. You know, 25 we have a school in Olney, Maryland which is --</p>
<p>22</p> <p>1 all driven by around the country. It's group-based 2 childcare. 3 Primrose is focused on an educationally based 4 childcare. So, we develop our own curriculum, we develop our 5 own, you know, operations for our schools. We have 6 approximately 405 schools across the country. 7 We develop about 30 to 40 new schools annually 8 across the country a year. We operate five days a week. No 9 weekends of -- no weekend operations. We have a very, as I 10 said earlier, strict policy about how we operate the schools 11 with our franchisees. 12 There's significant reporting. There's a -- a -- a 13 lot of daily interaction with our corporate support office 14 on our operations. This school we hope to do the same thing 15 here. You know, it's an excellent -- 16 MR. KLINE: Well, -- well, let me go back -- 17 MR. TAYLOR: Go ahead. 18 MR. KLINE: -- to kind of why we're -- 19 MR. TAYLOR: Sure. 20 MR. KLINE: -- you mentioned 400 sites across the 21 country. What -- we're in a residential neighborhood. You -- 22 what residential neighborhood do you -- what's your mix of 23 commercial or suburban? What -- 24 MR. TAYLOR: We have everything from what we're 25 proposing here within a residential neighborhood to urban</p>	<p>24</p> <p>1 MR. KLINE: All right. 2 MR. TAYLOR: -- very similar. I mean I could keep 3 going -- 4 MR. KLINE: Yeah, well, you have been through this 5 process before on -- 6 MR. TAYLOR: Yes, I have. 7 MR. KLINE: -- Layhill Road. 8 MR. TAYLOR: Yeah. 9 MR. KLINE: And just explain what Layhill -- 10 Layhill Road's site is going to be. 11 MR. TAYLOR: So Layhill Road, again, is not 12 dissimilar to this site. It's not under construction yet. We 13 just received our approvals -- sorry, Mr. Kline -- a month 14 or two ago. 15 We are in the process of putting together a 16 construction package for that. But very similar in that it's 17 -- it's on a main road, Layhill Road, and it does have a 18 component of residential properties around it. 19 It has a component of some municipal buildings 20 around it as well. It's a very similar site to what we're -- 21 what we're trying to get accomplished here. I -- it's -- 22 it's actually very -- very similar -- 23 MR. KLINE: Okay. 24 MR. TAYLOR: -- all the way around. 25 MR. KLINE: So, I think you had started to get into</p>

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7 (25 to 28)

<p>25</p> <p>1 why you like this site and that's what I -- I was -- 2 MR. TAYLOR: Sure. 3 MR. KLINE: -- asked you to elaborate on that. 4 MR. TAYLOR: Yeah. And this site works well, again, 5 for us in that the -- there's a -- there's a need in the 6 neighborhood. Well, in the greater neighborhood and in the 7 greater population, there's a need for more childcare, 8 quality childcare. 9 So, I mean, we look for that. We look at the 10 demographics of what's available. We look at the 11 demographics of kids that are in the market, who we can 12 serve. Obviously, doesn't make much sense for us to build a 13 building with this capacity if there's no children in the 14 market to support it. 15 So, we do a lot of research on that and this is an 16 excellent site from that perspective. It is -- it -- it is 17 on the front side of a road that has a fair amount of 18 commuting traffic, which is great for us because we're not 19 taking our parents out of the way, we're not taking through 20 residential neighborhoods to get to our school. 21 It's basically on a -- a move into bring your child 22 to school and pick them up on the way home. 23 MR. KLINE: In -- in your demographic analysis, do 24 you have a sense of what's the target market area that you 25 will fill a predominantly large part of the enrollment from?</p>	<p>27</p> <p>1 HEARING OFFICER HANNAN: Here, take this. 2 MR. KLINE: Yeah, if you got a bolder one, I can do 3 it better. 4 HEARING OFFICER HANNAN: Yes. Thank you. 5 MR. TAYLOR: And I apologize, ma'am, how best to 6 address you. I -- I -- I walked in in the middle of that. I 7 didn't -- I don't want to -- 8 HEARING OFFICER HANNAN: Miss Robeson is fine. 9 MR. TAYLOR: Miss Robeson is perfect. Thank you. 10 HEARING OFFICER HANNAN: Thank you. 11 MR. KLINE: So, using Exhibit 148 would you 12 basically just kind of give us the overview, the layout, and 13 how -- how it works? 14 MR. TAYLOR: Absolutely. So -- 15 MR. CHEN: Excuse me, just -- just [inaudible] on 16 this. This exhibit's going to be -- in -- intended to be 17 obviously an important part of the applicant's case. 18 Mr. Kline represented that this exhibit is a 19 composite of other exhibits in the file. I assume this is 20 the witness who will tell us what is the composite reflected 21 in this exhibit. 22 MR. KLINE: No. 23 MR. CHEN: Yes or no? 24 MR. KLINE: No. 25 HEARING OFFICER HANNAN: Who is the witness the --</p>
<p>26</p> <p>1 MR. TAYLOR: It's probably really within a three- 2 mile radius of the site. 3 MR. KLINE: Mm-hmm. 4 MR. TAYLOR: We may pull some people a little bit 5 further because there's not a lot of childcare available in 6 this region, that isn't already either at capacity or 7 doesn't fit the model that we have. So five miles would be a 8 maximum. One to three is very typical. 9 MR. KLINE: Using what we marked as Exhibit 147, I 10 guess it was -- 148. Would you just kind of walk the hearing 11 examiner through the features that are shown there? 12 HEARING OFFICER HANNAN: Okay. Before you -- can 13 you -- we -- we don't have a clerk, so can you write Exhibit 14 -- 15 MR. KLINE: Oh, yes, I'm sorry. 16 HEARING OFFICER HANNAN: -- 148 on that. 17 MR. KLINE: Sure. Yeah. 18 HEARING OFFICER HANNAN: Thank you. This is why he 19 gets paid the big bucks. Mr. Kline gets paid -- 20 MR. KLINE: I didn't even bring the right utensil 21 to do it, but -- 22 MR. TAYLOR: Yeah, I'm going to have to buy him a 23 new pen apparently. 24 HEARING OFFICER HANNAN: Did you write it? 25 MR. KLINE: It's a little hard to see actually.</p>	<p>28</p> <p>1 the ci -- the civil -- 2 MR. KLINE: I'm -- I'm glad -- 3 HEARING OFFICER HANNAN: -- engineer? 4 MR. KLINE: -- I'm glad to put forth the preparer 5 of the exhibit to explain what it -- how it was composed if 6 -- if you'd like. 7 MR. CHEN: Well, I -- I don't -- I -- I think we 8 need to have that information. At least I want it and then 9 I'll just say that a matter of cross, this witness on that - 10 - 11 [talking in background, inaudible] 12 MR. CHEN: -- run into a problem, in this instance, 13 Mr. Kline, for we -- we could take witnesses, you know, 14 later on. I -- 15 HEARING OFFICER HANNAN: Well, what you're 16 essentially saying is you want a foundation for this 17 exhibit. 18 MR. CHEN: That's where I'm going with that -- 19 HEARING OFFICER HANNAN: Okay. 20 MR. CHEN: -- that's correct. 21 HEARING OFFICER HANNAN: All right. Do you have the 22 witness -- 23 MR. KLINE: Well, -- 24 HEARING OFFICER HANNAN: -- here -- 25 MR. KLINE: -- I -- I can --</p>

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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 HEARING OFFICER HANNAN: -- before we proceed?</p> <p>2 MR. KLINE: -- call that witness, and I can offer</p> <p>3 an alternative and that's -- basically keep the testimony</p> <p>4 only to the site itself. We won't talk about anything off</p> <p>5 site at all.</p> <p>6 HEARING OFFICER HANNAN: Well, we can't refer to</p> <p>7 the exhibit if -- I mean we can't have --</p> <p>8 MR. KLINE: Yeah, okay.</p> <p>9 HEARING OFFICER HANNAN: -- the exhibit in the</p> <p>10 record. So --</p> <p>11 MR. CHEN: The easy way to handle it, let's -- you</p> <p>12 know, in order to streamline the presentation, I think --</p> <p>13 HEARING OFFICER HANNAN: That would be good. Thank</p> <p>14 you.</p> <p>15 MR. CHEN: -- [inaudible] Mr. Kline one.</p> <p>16 Recognizing that apparently this witness has limited</p> <p>17 information or knowledge about this exhibit, this -- get</p> <p>18 what you want --</p> <p>19 MR. KLINE: He has limited knowledge of the</p> <p>20 preparation of the document.</p> <p>21 MR. CHEN: Okay. Okay, fine. Let's -- let's -- when</p> <p>22 you --</p> <p>23 HEARING OFFICER HANNAN: What we can do --</p> <p>24 MR. CHEN: -- you're [inaudible].</p> <p>25 HEARING OFFICER HANNAN: -- if you want to take --</p>	<p style="text-align: right;">31</p> <p>1 MR. TAYLOR: That's fine. So, Miss Robeson, what</p> <p>2 I'm going to do is just go over the features of the site as</p> <p>3 it relates to our operation --</p> <p>4 HEARING OFFICER HANNAN: Okay.</p> <p>5 MR. TAYLOR: -- and I will leave the civil design</p> <p>6 to the civil engineer so as not to confuse anybody and, you</p> <p>7 know, I -- I don't -- I think we'll -- we'll be clear on</p> <p>8 each other's testimony. And the -- the physical layout of</p> <p>9 the site, we come in off of -- excuse me -- come in off of</p> <p>10 Needwood Road through a drive aisle that fronts the</p> <p>11 building.</p> <p>12 Here's parking to the, what we would call the side</p> <p>13 rear of the building. A parent physically has to get out of</p> <p>14 their car; park, get out of their car, bring their child</p> <p>15 into the building; at that point sign them in, bring them to</p> <p>16 their classroom and get back in their car and leave.</p> <p>17 And the -- the pick-up process is the same. And</p> <p>18 that's why we structure the parking adjacent to the entrance</p> <p>19 to the building so it's easy for parents to do that. The</p> <p>20 perimeter of the building will be a play area that will</p> <p>21 front --</p> <p>22 HEARING OFFICER HANNAN: I'm sorry, I couldn't hear</p> <p>23 that.</p> <p>24 MR. TAYLOR: The perimeter of the building will be</p> <p>25 play area. And I'm happy to point this out to you --</p>
<p style="text-align: right;">30</p> <p>1 if you want to wait until -- who is the witness that</p> <p>2 prepared this?</p> <p>3 MR. KLINE: I'm going to say it's probably the</p> <p>4 civil engineer [inaudible].</p> <p>5 HEARING OFFICER HANNAN: Okay. All right. If you</p> <p>6 wish to hold off but --</p> <p>7 MR. KLINE: Okay, we can do that.</p> <p>8 HEARING OFFICER HANNAN: -- but it is admitted</p> <p>9 right now.</p> <p>10 MR. CHEN: I know.</p> <p>11 HEARING OFFICER HANNAN: But what you're saying is</p> <p>12 you want the ability to cross on it.</p> <p>13 MR. CHEN: Yeah. And I -- and I am confident that</p> <p>14 the examiner will appreciate and understand that this thing</p> <p>15 should be [inaudible] right here now [inaudible].</p> <p>16 HEARING OFFICER HANNAN: Okay. That's -- that's</p> <p>17 fine. Do you want to proceed like that?</p> <p>18 MR. KLINE: Yeah. Yeah, that's -- that's fine.</p> <p>19 HEARING OFFICER HANNAN: Okay. Okay.</p> <p>20 MR. KLINE: And I'll make sure that when that</p> <p>21 witness is called, that'll be the first thing we do is --</p> <p>22 HEARING OFFICER HANNAN: Thank you.</p> <p>23 MR. KLINE: -- how -- how did we come up with this.</p> <p>24 HEARING OFFICER HANNAN: Thank you. Okay, go ahead.</p> <p>25 MR. KLINE: That having been said, Mr. Taylor --</p>	<p style="text-align: right;">32</p> <p>1 HEARING OFFICER HANNAN: Will be what?</p> <p>2 MR. TAYLOR: Play area. Playgrounds.</p> <p>3 HEARING OFFICER HANNAN: Play area. Okay.</p> <p>4 MR. TAYLOR: Okay. Which would be along Needwood</p> <p>5 Road and then aligned what was -- you know, is -- is termed</p> <p>6 Carnegie Avenue on those two sides of the building and those</p> <p>7 are split by age groups.</p> <p>8 It's not detailed on here but that's the green</p> <p>9 space that is around the building and that's what would be</p> <p>10 utilized by children during play time. And the rest of the</p> <p>11 site is very straightforward.</p> <p>12 There's a green area in the middle of the parking</p> <p>13 lot that I'll leave to the civil engineer but it's storm</p> <p>14 water management. We've got a perimeter of landscaping</p> <p>15 around the building to buffer it from the other neighbors.</p> <p>16 That's really the -- the extent of it.</p> <p>17 It's a single level building. It's less in stature,</p> <p>18 quick frankly, than most of the structures around it. It</p> <p>19 doesn't have a second story; it's just first story and a</p> <p>20 roof. And that's -- that's the basics of it. I can elaborate</p> <p>21 more if Mr. Kline would like me to but --</p> <p>22 MR. KLINE: Just explain how the -- the pick-up and</p> <p>23 drop-off circulation's going to work. That's always an</p> <p>24 important with the --</p> <p>25 MR. TAYLOR: Sure. And we touched on that but again</p>

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9 (33 to 36)

<p>33</p> <p>1 I -- to elaborate on it, a parent would drive into the 2 parking lot; utilize most typically one of the spaces that 3 are adjacent to the front entrance which is on the rear end 4 of the building as you're facing the site, the -- to the 5 right. 6 HEARING OFFICER HANNAN: Well, don't -- the record 7 doesn't understand "right." So, you're saying to the -- 8 MR. TAYLOR: I -- so when -- 9 HEARING OFFICER HANNAN: -- south. 10 MR. TAYLOR: I'm saying that way. Well, no, I'm 11 saying -- I'm actually saying to the east, right here. 12 HEARING OFFICER HANNAN: To the east 13 MR. TAYLOR: Correct. 14 HEARING OFFICER HANNAN: Okay. Usually -- okay. 15 MR. TAYLOR: So, somewhere a -- a parent would 16 drive along the driveway, they'll come in park in one of 17 these spaces. 18 HEARING OFFICER HANNAN: Wait. Is it -- is the 19 east? It's the -- 20 MR. TAYLOR: I believe that this -- 21 HEARING OFFICER HANNAN: -- south. 22 MR. TAYLOR: -- I believe -- Oh, I'm sorry. I was 23 getting -- the orientation was up. You're right, it's to the 24 south. My apologies. 25 HEARING OFFICER HANNAN: No, that's okay.</p>	<p>35</p> <p>1 MR. TAYLOR: Absolutely, I'm sitting down, so 2 that's good. 3 HEARING OFFICER HANNAN: Do you solemnly firm- -- 4 affirm under penalties of perjury that the statements you 5 are about to make and have made are the truth, the whole 6 truth and nothing but the truth? 7 MR. TAYLOR: Yes. 8 HEARING OFFICER HANNAN: Okay. Go ahead, Mr. 9 Taylor. 10 MR. TAYLOR: No -- no problem. So, a parent would 11 come in off of Needwood Road and go along the drive aisle 12 adjacent to the side of the building and come in to these 13 parking spaces adjacent to the entrance which is -- we've 14 been corrected or I've been corrected -- to the south side 15 of the building for everyone and for the record, south side 16 of the building, not east. 17 A parent would get out of their chi- -- get out of 18 -- 19 HEARING OFFICER HANNAN: Okay. Mr. Taylor -- 20 MR. TAYLOR: Sure. 21 HEARING OFFICER HANNAN: -- can you -- I'm getting 22 signals from the audience -- 23 MR. TAYLOR: I'm hap- -- happy to orient this. 24 HEARING OFFICER HANNAN: -- that they can't see the 25 exhibit and can you stand back a little so you're not</p>
<p>34</p> <p>1 MR. TAYLOR: Most plan orientations are 2 [inaudible]. 3 HEARING OFFICER HANNAN: I know that. It -- it 4 confused me for a minute. 5 MR. TAYLOR: I should have looked at the logos, 6 sorry. 7 HEARING OFFICER HANNAN: Just a second, Mr. Chen. 8 MR. CHEN: Is the witness sworn? 9 HEARING OFFICER HANNAN: Yes. 10 MR. CHEN: Okay. 11 HEARING OFFICER HANNAN: I -- I -- well -- 12 MR. TAYLOR: I believe I was. 13 HEARING OFFICER HANNAN: Can you go back and see if 14 the witness is -- was sworn. 15 MR. KLINE: He raised his hand. 16 HEARING OFFICER HANNAN: No, I did swear -- I swore 17 -- I swear I swore him. 18 MR. TAYLOR: I swear as well. 19 HEARING OFFICER HANNAN: But do you want to double 20 check? Can you double check -- 21 THE REPORTER: I would need a little bit of time to 22 double-check but I think [inaudible] I can -- 23 HEARING OFFICER HANNAN: Well, to eliminate -- to 24 eliminate any doubt, Mr. Taylor, would you raise your right 25 hand again --</p>	<p>36</p> <p>1 blocking the view -- 2 MR. TAYLOR: This is an advantage of being tall. 3 HEARING OFFICER HANNAN: Yes. 4 MR. TAYLOR: I can actually lean over -- 5 HEARING OFFICER HANNAN: Well, wait, no -- 6 MR. TAYLOR: -- [inaudible] -- 7 HEARING OFFICER HANNAN: -- I -- I need -- 8 MR. TAYLOR: Oh, you need to see -- 9 HEARING OFFICER HANNAN: -- to see. Okay, there. 10 MR. KLINE: She needs -- 11 HEARING OFFICER HANNAN: Can people see it? 12 FEMALE: Yes. 13 HEARING OFFICER HANNAN: Okay. Go ahead. 14 MR. TAYLOR: All right. So, I'm going to reach over 15 it. And if there's a question or if I need a qualifier -- 16 clarify something -- 17 HEARING OFFICER HANNAN: I'll -- I'll -- 18 MR. TAYLOR: -- you'll -- 19 HEARING OFFICER HANNAN: -- let you know -- 20 MR. TAYLOR: -- let me know. 21 HEARING OFFICER HANNAN: -- go ahead. 22 MR. TAYLOR: Please let me know. Anyhow, a parent 23 will come in off of Needwood Road, drive in, circulate this 24 -- there's two-way circulation in this parking lot, so 25 typically would come in this way to a parking space, kind of</p>

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10 (37 to 40)

<p>37</p> <p>1 get their child or children.</p> <p>2 And sometimes we have multiple children, the same</p> <p>3 families. Get out of their vehicle, walk in with their child</p> <p>4 to the front entrance, which is a secured entrance; they</p> <p>5 need a code to get in the building.</p> <p>6 They meet in the front lobby with the person</p> <p>7 greeting them, walk their child to wherever their respective</p> <p>8 classroom is; leave the building, get back in their car and</p> <p>9 leave the site the same way they came in the site.</p> <p>10 Same thing happens at pick-up, which -- which can</p> <p>11 happen anytime from mid-afternoon to evening as well.</p> <p>12 HEARING OFFICER HANNAN: Can you be more specific?</p> <p>13 MR. TAYLOR: Sure. The drop off we typically find</p> <p>14 is from about 6:30 a.m. to about 9:30 a.m. in the morning,</p> <p>15 depending on people's works schedules.</p> <p>16 In the afternoon sometimes children are picked up</p> <p>17 earlier from 3:30 to 6:30. If they've got an older sibling</p> <p>18 that may be in a local elementary or middle school,</p> <p>19 sometimes parents are picking up, you know, all their</p> <p>20 children at the same time. So, it's a three-hour window</p> <p>21 typically in the morning and a three-hour window typically</p> <p>22 in the -- in the evening.</p> <p>23 As I stated earlier, it's five days a week, there's</p> <p>24 no weekend operations, the building's basically vacant on</p> <p>25 the weekends. And the -- to go into the curricular, go in to</p>	<p>39</p> <p>1 HEARING OFFICER HANNAN: No, it's the northern side</p> <p>2 of the building.</p> <p>3 MR. TAYLOR: Well, it's --</p> <p>4 MR. KLINE: It's actually the --</p> <p>5 MR. TAYLOR: -- east --</p> <p>6 MR. KLINE: -- east side of the building.</p> <p>7 MR. TAYLOR: -- eastern side.</p> <p>8 HEARING OFFICER HANNAN: Oh, you're right.</p> <p>9 MR. TAYLOR: Yeah.</p> <p>10 MR. KLINE: We -- we --</p> <p>11 HEARING OFFICER HANNAN: Maybe you should turn it</p> <p>12 the other way.</p> <p>13 MR. KLINE: Yeah, we -- we -- no, we can try to --</p> <p>14 HEARING OFFICER HANNAN: No, just -- just go ahead.</p> <p>15 MR. TAYLOR: No, I -- I understand the confusion.</p> <p>16 On the eastern side of the building there's also a walkway</p> <p>17 that goes out to the play areas that's secure. The whole</p> <p>18 play area is secured by fencing, so a child can't leave the</p> <p>19 play area if they get out of the building unsupervised.</p> <p>20 So, every classroom has adjacencies to the play</p> <p>21 areas from their respective classrooms and their -- and</p> <p>22 their play area. Meaning, the younger age group kids aren't</p> <p>23 -- you shared a playground with older age group kids.</p> <p>24 It's very specific to how they utilize from a</p> <p>25 license standpoint and from an operations standpoint, we</p>
<p>38</p> <p>1 who we serve, the age groups of the children are typically</p> <p>2 12 weeks of age to 10 to 12 years of age depending on if</p> <p>3 they do an afterschool program in summer or not.</p> <p>4 And that's to be determined; we haven't that</p> <p>5 figured that out on this site if we will do that. Mr. Kline,</p> <p>6 is there anything else I haven't covered for you?</p> <p>7 MR. KLINE: Yeah. Well, go back because you --</p> <p>8 earlier I heard you talk about the -- the outside play ops.</p> <p>9 So, explain how the interior layout, or the</p> <p>10 architect will get into some areas, but explain how you got</p> <p>11 the building organized so people have ready access to</p> <p>12 outdoor play areas.</p> <p>13 MR. TAYLOR: Sure. So, and again, we have our</p> <p>14 design architect here as well, but the -- the very high</p> <p>15 level of the building is that it's set up from a younger age</p> <p>16 group to an older age group in a clockwise rotation.</p> <p>17 So, you go in the building. You know, the younger</p> <p>18 age group children are typically at the -- first in this</p> <p>19 part of the building and it goes up from threes to fours to</p> <p>20 fives around the building. This area here, this green strip</p> <p>21 you see --</p> <p>22 MR. KLINE: And Matt -- Matt, can you just explain,</p> <p>23 along the north or the east side of the building --</p> <p>24 MR. TAYLOR: Sure.</p> <p>25 MR. KLINE: -- in case --</p>	<p>40</p> <p>1 just don't want different age group kids utilizing, you</p> <p>2 know, equipment that may not be appropriate for them. And</p> <p>3 that's how the play area works.</p> <p>4 Typically, you might have at one time 15, 20</p> <p>5 children in the entire playground at one time. Sometimes,</p> <p>6 you'll have less. You know, it's not like a recess where you</p> <p>7 come out at elementary school and it's a hundred kids in the</p> <p>8 play area.</p> <p>9 So, I want to make that clear distinction because</p> <p>10 oftentimes people think the whole school's in the playground</p> <p>11 at the same time, it doesn't work that way and licensing</p> <p>12 requires a certain amount of play area per child per time in</p> <p>13 the play area, so --</p> <p>14 [whispering in background, inaudible]</p> <p>15 MR. TAYLOR: -- it's -- it's not like there's a --</p> <p>16 a lot of kids at one time.</p> <p>17 MR. KLINE: Mr. Taylor, a -- a recommended</p> <p>18 condition number nine --</p> <p>19 HEARING OFFICER HANNAN: How many kids at one time?</p> <p>20 MR. TAYLOR: I would say a maximum of -- in the</p> <p>21 entire play area, maybe a maximum of 40.</p> <p>22 CHILD: What?</p> <p>23 HEARING OFFICER HANNAN: There's one right now.</p> <p>24 MR. TAYLOR: Yeah, absolutely.</p> <p>25 MR. KLINE: Condition number nine recommended by</p>

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11 (41 to 44)

<p>41</p> <p>1 the staff and the planning board to the hearing examiner 2 reads no more than three play areas shall conduct outdoor 3 activities at the same time. That's an acceptable condition? 4 MR. TAYLOR: Absolutely. 5 MR. KLINE: Okay. 6 HEARING OFFICER HANNAN: Okay. Go ahead. 7 MR. KLINE: So, to -- to go back kind to the 8 beginning, so we -- your enrollment will be a maximum of how 9 many students -- children? 10 MR. TAYLOR: You know, I'd have to defer to the 11 architect on an exact number -- 12 MR. KLINE: All right. 13 MR. TAYLOR: -- but I understand it's an 14 approximate number, about 180 child- -- 184 children. That's 15 -- that's an approximate -- 16 HEARING OFFICER HANNAN: Well, your application, I 17 think, is for up to 195. 18 MR. TAYLOR: Okay. That's why I wanted to be 19 correct. 20 And -- and the reason I want to be cautious about 21 an exact number is that every state's a little bit different 22 and I'm in a lot of these hearings and I have not studied 23 this plan this morning and I just want to make sure that I 24 don't state a number that is not exact. 25 MR. KLINE: Okay. Will you be able to tell me how</p>	<p>43</p> <p>1 predicated upon licensing and predicated upon how the 2 building is licensed. We make assumptions based on every 3 state's licensing regs and so that -- 4 HEARING OFFICER HANNAN: Well, it is important 5 though to ha- -- to have an exact number of what your 6 maximum is. 7 MR. TAYLOR: But we -- we -- and it is important. 8 HEARING OFFICER HANNAN: It's 30 -- 9 MR. TAYLOR: 30 -- 30 is an acceptable -- 10 HEARING OFFICER HANNAN: -- employees plus two 11 administrators as I read the -- 12 MR. TAYLOR: Is that how we're -- 13 MR. KLINE: That was -- that was -- that is what's 14 in our statement of -- 15 MR. TAYLOR: That -- 16 MR. KLINE: -- operations. 17 HEARING OFFICER HANNAN: Okay. 18 MR. TAYLOR: -- that is -- that is a maximum number 19 that we would have in it -- 20 HEARING OFFICER HANNAN: Okay. I just -- I just 21 wanted to clarify that. 22 MR. TAYLOR: Not a problem. 23 HEARING OFFICER HANNAN: Go ahead. 24 MR. KLINE: Okay. You mentioned the fencing and it 25 was to basically keep the kids from going out but there must</p>
<p>42</p> <p>1 many employees will be in the building? 2 MR. TAYLOR: That I can tell you. 3 MR. KLINE: Yeah. 4 MR. TAYLOR: So, the employee count will be a 5 maximum of 25 employees. And that consists of teachers, a 6 director and a cook. 7 MR. KLINE: Now, it was recommended that you can't 8 have -- 9 HEARING OFFICER HANNAN: Well, wait a minute. 10 MR. TAYLOR: Okay. 11 HEARING OFFICER HANNAN: I thought you asked for 30 12 employees and 2 administrators. 13 MR. KLINE: That is correct. Or let -- let's just 14 say that's what's in our statement of -- 15 MR. TAYLOR: I'm -- 16 MR. KLINE: -- operations. 17 MR. TAYLOR: -- I'm -- and I -- 18 HEARING OFFICER HANNAN: Well, we -- 19 MR. TAYLOR: -- I'm -- 20 HEARING OFFICER HANNAN: -- which is? 21 MR. TAYLOR: I'm -- we'll go with 30. I'm lumping 22 this because the administrators I just put into that number. 23 So, it'd be 25, you know, staff teachings and, you 24 know, five administrators if that's what we put in and 25 again, my apologies for having it -- it's -- it's all</p>	<p>44</p> <p>1 be a security element about it so and that's I guess keeping 2 -- not only people getting in, what -- what is the -- the 3 type of fencing itself would be installing? 4 MR. TAYLOR: Yeah, absolutely. So, we -- we do -- 5 fencing is not solid and that's for a couple different 6 reasons. First, it's a -- it's a little more attractive we 7 think to look at. It's a powder-coated aluminum 8 architectural -- architecturally designed fence. 9 HEARING OFFICER HANNAN: This is the fencing around 10 the play area? 11 MR. TAYLOR: This is perimeter fencing around the 12 play area here. 13 HEARING OFFICER HANNAN: Okay. When you say here, 14 you're pointing on the exhibit -- 15 MR. TAYLOR: I am pointing -- 16 HEARING OFFICER HANNAN: -- to the -- 17 MR. TAYLOR: -- I am pointing on the exhibit to the 18 north and to the west and to the -- to the east -- 19 MR. KLINE: Okay. 20 MR. TAYLOR: -- I'm sorry, to the south. 21 MR. KLINE: Let me -- let me try and make it 22 easier. Is it the -- the area within the darker green as 23 shown on Exhibit 148? 24 MR. TAYLOR: Yes, it is. 25 MR. KLINE: That's the play area.</p>

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12 (45 to 48)

<p>45</p> <p>1 HEARING OFFICER HANNAN: Okay, thank you.</p> <p>2 MR. KLINE: And that will be circumscribed by the</p> <p>3 fence as described by Mr. Taylor.</p> <p>4 MR. TAYLOR: Right. So, we do a -- a six-foot tall</p> <p>5 fence again, it's the -- it's an architecturally designed</p> <p>6 fence that's a steel picket that's powder coated black,</p> <p>7 typically. We don't want to have a solid barrier mainly</p> <p>8 because we want to have air infiltration in the play area.</p> <p>9 We also don't want to create a situation where a predator</p> <p>10 could potentially be behind the fence.</p> <p>11 MR. KLINE: Well, what [inaudible] -- what kind of</p> <p>12 food preparation occurs on the site? How do we feed the</p> <p>13 chil- -- the students?</p> <p>14 MR. TAYLOR: We have a -- we have a warming pantry,</p> <p>15 which I want to make the distinction, it's not a full-</p> <p>16 service kitchen. We bring in pre-prepared food. It's</p> <p>17 typically steamed or pre-prepared and heated.</p> <p>18 We don't have any open flame cooking and the</p> <p>19 kitchen in -- serves food that way. We take deliveries</p> <p>20 typically a couple times a week. We have a fair amount of</p> <p>21 refrigeration and freezers within the building to take care</p> <p>22 of that food as it comes on site, but I just want to make a</p> <p>23 distinction that there's not obnoxious odors.</p> <p>24 You know, there's not -- we're frying, we're not</p> <p>25 cooking; we're not using open flame.</p>	<p>47</p> <p>1 exceed six events per calendar year and such events may not</p> <p>2 extend beyond 9:00 p.m. Is that acceptable?</p> <p>3 MR. TAYLOR: Absolutely.</p> <p>4 MR. KLINE: No more than three play areas -- I'm on</p> <p>5 number nine -- no more than three play areas shall conduct</p> <p>6 outdoor activities at the same time.</p> <p>7 MR. TAYLOR: That's fine.</p> <p>8 MR. KLINE: Number ten, children must not play</p> <p>9 outside prior to 8:00 a.m.</p> <p>10 MR. TAYLOR: That's fine as well.</p> <p>11 MR. KLINE: Mr. Taylor, based on your familiarity</p> <p>12 with the operation of a Prinrose School, and the setting of</p> <p>13 this type, is it your opinion that the proposed use will</p> <p>14 cause no noise, odors, dust, or lack of parking that would</p> <p>15 have an undue harm on surrounding properties?</p> <p>16 MR. CHEN: Ob- -- objection. This gentleman is not</p> <p>17 qualified to render those types of opinions.</p> <p>18 MR. KLINE: Um --</p> <p>19 MR. CHEN: He's an operator; he -- he represents</p> <p>20 the -- let me just get it in --</p> <p>21 MR. KLINE: Yeah.</p> <p>22 MR. CHEN: -- he represents the operator and the</p> <p>23 operations. He's not been qualified as a planner; he's not</p> <p>24 been qualified as an architect --</p> <p>25 HEARING OFFICER HANNAN: I have to agree. You do</p>
<p>46</p> <p>1 HEARING OFFICER HANNAN: Okay.</p> <p>2 MR. KLINE: Yeah. What I'd like to do is, Mr.</p> <p>3 Taylor, is run through some of the conditions or</p> <p>4 recommendations as it relates to the operation which if</p> <p>5 you'd be kind enough of --</p> <p>6 MR. TAYLOR: Sure.</p> <p>7 MR. KLINE: -- confirm these are all [inaudible].</p> <p>8 So, recommended condition number one of the staff in plain</p> <p>9 words, recommendation is proposed use limited to 195 child -</p> <p>10 - daycare center and 32 employees.</p> <p>11 MR. TAYLOR: Fine.</p> <p>12 MR. KLINE: Okay. No more than 32 employees</p> <p>13 including two administrators should be on site at any one</p> <p>14 time.</p> <p>15 MR. TAYLOR: Yes.</p> <p>16 MR. KLINE: That's acceptable. The hours of</p> <p>17 operation are 6:00 a.m. --</p> <p>18 MR. CHEN: [inaudible] which one are you on? Which</p> <p>19 -- which condition are you on?</p> <p>20 MR. KLINE: I'm on condition number seven now. The</p> <p>21 hours of operation are 6:00 a.m. to 6:30 p.m., Monday</p> <p>22 through Friday.</p> <p>23 MR. TAYLOR: Correct.</p> <p>24 MR. KLINE: School oriented special events and</p> <p>25 periodic staff training activities -- [excuse me -- must not</p>	<p>48</p> <p>1 have a land planner --</p> <p>2 MR. KLINE: Sure.</p> <p>3 HEARING OFFICER HANNAN: -- coming.</p> <p>4 MR. KLINE: But I -- I wasn't calling him as an</p> <p>5 expert witness. I was calling him as basically somebody</p> <p>6 familiar with the operations and who better knows wha- --</p> <p>7 how the kitchen operates and --</p> <p>8 HEARING OFFICER HANNAN: Well, he can -- he can</p> <p>9 testify to that, but I'll give it the weight it deserves</p> <p>10 which is not that of an expert --</p> <p>11 MR. KLINE: No, I just --</p> <p>12 HEARING OFFICER HANNAN: -- [inaudible].</p> <p>13 MR. KLINE: -- I -- I --</p> <p>14 HEARING OFFICER HANNAN: Okay.</p> <p>15 MR. KLINE: -- I didn't -- I didn't mean to qualify</p> <p>16 him as an expert.</p> <p>17 MR. CHEN: Well, if he's not -- a horse by any</p> <p>18 color is still the same color.</p> <p>19 HEARING OFFICER HANNAN: Well, I have discretion to</p> <p>20 give it the weight it deserves, which is frankly as --</p> <p>21 because he's not an expert, not that much weight.</p> <p>22 MR. KLINE: Yeah.</p> <p>23 HEARING OFFICER HANNAN: All right.</p> <p>24 MR. KLINE: But -- but conversely, I would say he's</p> <p>25 the better expert on the subject of odors than would be the</p>

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13 (49 to 52)

<p>49</p> <p>1 land planner. 2 MR. CHEN: Well, then offer it as an expert. If 3 he's -- 4 HEARING OFFICER HANNAN: Yeah, that is -- 5 MR. CHEN: -- called for -- 6 MR. KLINE: As an expert? 7 MR. CHEN: Then I object. 8 HEARING OFFICER HANNAN: Okay. 9 MR. KLINE: I -- as a -- as a matter of practice I 10 would never offer as an expert an employee of the applicant. 11 Okay. I just don't think that sounds right. We'll leave it 12 to where it is. You give it the weight you think -- weight 13 you think is appropriate. 14 HEARING OFFICER HANNAN: I will give it the weight 15 it deserves. 16 MR. KLINE: Fine. 17 MR. TAYLOR: And I -- 18 HEARING OFFICER HANNAN: Go ahead. 19 MR. TAYLOR: -- I can keep this brief. I think it's 20 -- 21 HEARING OFFICER HANNAN: It -- it's not the 22 brevity. 23 MR. TAYLOR: No, I -- I -- I understand the -- I 24 understand the context of it. And I -- I develop, as I said 25 earlier, somewhere around 30 to 40 of these schools a year.</p>	<p>51</p> <p>1 MR. KLINE: Okay. 2 HEARING OFFICER HANNAN: -- ordinance -- 3 MR. KLINE: Okay. 4 HEARING OFFICER HANNAN: -- so, he's for the 5 operations. 6 MR. KLINE: Okay. 7 HEARING OFFICER HANNAN: I think he's here for the 8 operations. 9 MR. KLINE: Okay. Well, then apropos that I'll just 10 try to [inaudible] that. An adequate area for the discharge 11 and pickup of children is provided and that is kind of an 12 operational question. 13 HEARING OFFICER HANNAN: That's a fact -- I'll -- 14 I'll take him as a facts -- 15 MR. KLINE: Yeah. 16 HEARING OFFICER HANNAN: -- a fact opinion on that. 17 MR. TAYLOR: Yes. 18 HEARING OFFICER HANNAN: Explain that. 19 MR. TAYLOR: Absolutely. We design -- as I said, we 20 design multiple sites a year and it's through those multiple 21 designs we come up with what we believe to be the ideal 22 parking scenario for parents to conveniently bring their 23 children to and from school. And this site meets all that 24 criteria that we look at. 25 HEARING OFFICER HANNAN: And what are the criteria</p>
<p>50</p> <p>1 You know, we -- we really try and make our 2 operation as concurrent as we can to the surrounding area. 3 So, I don't see anything that we're doing here as being 4 detrimental to every day, you know, from odors, from noise, 5 from traffic. We don't want to create a situation where our 6 parents are inconvenienced because they won't come. So, I'll 7 leave it at that. 8 HEARING OFFICER HANNAN: Objection noted, Mr. Chen. 9 Okay. 10 MR. KLINE: And I will ask for one more set of 11 questions. Observing Exhibit 148, and I'm referring to the 12 use standards in Section 59.3.4.4 of the zoning ordinance, 13 for a daycare center of this size, is the required parking - 14 - is there any required parking in the front yard of the 15 property along Needwood Road? 16 MR. TAYLOR: There is no required parking -- 17 HEARING OFFICER HANNAN: Um -- 18 MR. TAYLOR: -- but -- 19 HEARING OFFICER HANNAN: -- I -- I -- I don't want 20 to stop you, but I do want to stop you because he's not -- 21 he's not -- 22 MR. KLINE: I -- I agree -- 23 HEARING OFFICER HANNAN: -- an expert -- 24 MR. KLINE: -- you'll get it from other witnesses. 25 HEARING OFFICER HANNAN: -- in the zoning --</p>	<p>52</p> <p>1 you look at? 2 MR. TAYLOR: We want, typically, 40 to 50 parking 3 spaces as -- as an average. Some municipalities require 4 [inaudible] more, some require less. If they require less, I 5 try to go for that number of about 40 to 50. 6 We find that 10 spaces for pickup and drop off is 7 more than adequate for a school of this size. We have that. 8 We got plenty of parking for our employees. It -- it's an 9 ideal layout that works well for us operationally based on 10 the 400-plus schools we operate around the country. 11 HEARING OFFICER HANNAN: Okay. Con- -- do you have 12 -- 13 MR. KLINE: I -- I -- 14 HEARING OFFICER HANNAN: -- anything else? 15 MR. KLINE: -- I have no further questions of Mr. 16 Taylor. 17 HEARING OFFICER HANNAN: All right. 18 MR. KLINE: I reserve the right to do some rebuttal 19 if necessary. 20 HEARING OFFICER HANNAN: Certainly. Thank you. 21 MR. KLINE: Thank you. 22 HEARING OFFICER HANNAN: Um -- 23 MR. CHEN: Mr. Tay- -- 24 HEARING OFFICER HANNAN: -- why don't you have a 25 seat --</p>

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14 (53 to 56)

<p>53</p> <p>1 MR. TAYLOR: Yeah --</p> <p>2 MR. CHEN: -- Mr. Taylor.</p> <p>3 MR. TAYLOR: -- absolutely.</p> <p>4 HEARING OFFICER HANNAN: Go ahead, Mr. --</p> <p>5 MR. CHEN: Well, I -- for these questions you may --</p> <p>6 -</p> <p>7 HEARING OFFICER HANNAN: Oh --</p> <p>8 MR. CHEN: -- be --</p> <p>9 MR. TAYLOR: Sure.</p> <p>10 MR. CHEN: Mr. --</p> <p>11 MR. KLINE: And Mr. Chen, for -- can I -- can I --</p> <p>12 I do a clarification? I misread the -- the board when I went</p> <p>13 up and looked at it.</p> <p>14 What this plan is is the landscaping plan as part</p> <p>15 of the conditional use plan application. I thought it was</p> <p>16 the conditional use site plan, but that's not, in fact, the</p> <p>17 case. It's actually the landscaping plan --</p> <p>18 HEARING OFFICER HANNAN: So --</p> <p>19 MR. KLINE: -- so what we --</p> <p>20 HEARING OFFICER HANNAN: -- is this rendered --</p> <p>21 MR. KLINE: Right.</p> <p>22 HEARING OFFICER HANNAN: -- landscaping --</p> <p>23 MR. KLINE: It's --</p> <p>24 HEARING OFFICER HANNAN: -- plan --</p> <p>25 MR. KLINE: -- it's a rendered -- it's a rendered</p>	<p>55</p> <p>1 exhibit because I don't know if all the information is --</p> <p>2 MR. KLINE: Okay.</p> <p>3 HEARING OFFICER HANNAN: -- on that exhibit. All</p> <p>4 right.</p> <p>5 MR. CHEN: It's still Exhibit 148 though.</p> <p>6 HEARING OFFICER HANNAN: It is Exhibit 148. He was</p> <p>7 incorporating --</p> <p>8 MR. CHEN: Yeah.</p> <p>9 HEARING OFFICER HANNAN: -- another exhibit which</p> <p>10 we don't know to what extent it -- they're equal, so that's</p> <p>11 all I'm saying. Okay. Go ahead. Anything else? Mr. Chen --</p> <p>12 MR. CHEN: Thank you.</p> <p>13 HEARING OFFICER HANNAN: -- you're up.</p> <p>14 MR. CHEN: Sir, if you could just point for the</p> <p>15 benefit of the examiner, sir, the front of the building.</p> <p>16 MR. TAYLOR: It really depends -- and I have to</p> <p>17 defer, quite frankly, back to Mr. Kline on this because we</p> <p>18 had many discussions during staff review as to how we</p> <p>19 oriented the building. And I --</p> <p>20 HEARING OFFICER HANNAN: Well, Mr. -- Mr. Kline --</p> <p>21 MR. TAYLOR: -- well, I --</p> <p>22 HEARING OFFICER HANNAN: -- can't testify.</p> <p>23 MR. TAYLOR: -- I -- I -- I understand that --</p> <p>24 HEARING OFFICER HANNAN: Uh --</p> <p>25 MR. TAYLOR: -- my -- I can give you my --</p>
<p>54</p> <p>1 version of Exhibit -- basically, it's a -- it's 93I and it</p> <p>2 was submitted on October the 16th.</p> <p>3 HEARING OFFICER HANNAN: But it has information</p> <p>4 that is not on 93I. So --</p> <p>5 MR. KLINE: No.</p> <p>6 HEARING OFFICER HANNAN: -- is that --</p> <p>7 MR. KLINE: It's --</p> <p>8 HEARING OFFICER HANNAN: -- correct?</p> <p>9 MR. KLINE: -- the -- the only information it has</p> <p>10 is the color. That's the only difference. It's a rendered --</p> <p>11 HEARING OFFICER HANNAN: What about --</p> <p>12 MR. KLINE: -- version --</p> <p>13 HEARING OFFICER HANNAN: -- the trees on the</p> <p>14 surrounding properties? What I'm going to do, let -- let's --</p> <p>15 - we'll --</p> <p>16 MR. KLINE: Because we'll --</p> <p>17 HEARING OFFICER HANNAN: -- get to that when --</p> <p>18 MR. KLINE: -- they're all --</p> <p>19 HEARING OFFICER HANNAN: -- you're -- no. Let --</p> <p>20 you'll get to that --</p> <p>21 MR. KLINE: Yeah, right.</p> <p>22 HEARING OFFICER HANNAN: -- let -- let me just say,</p> <p>23 rendered version of landscaping.</p> <p>24 MR. KLINE: Exhibit -- okay.</p> <p>25 HEARING OFFICER HANNAN: No, I'm not going to do</p>	<p>56</p> <p>1 HEARING OFFICER HANNAN: -- in your --</p> <p>2 MR. TAYLOR: -- I can give you my opinion of where</p> <p>3 I think the front of the building is.</p> <p>4 MR. CHEN: Well, let -- let me make it -- it'll be</p> <p>5 easier.</p> <p>6 HEARING OFFICER HANNAN: Can you rephrase that?</p> <p>7 MR. CHEN: Yeah --</p> <p>8 MR. KLINE: Yeah, go ahead.</p> <p>9 MR. TAYLOR: Yeah, I mean I'm not sure what -- a --</p> <p>10 you're curious where people enter and exit the building?</p> <p>11 MR. CHEN: Well, let's go with that.</p> <p>12 MR. TAYLOR: Sure. People enter and exit the</p> <p>13 building on the southern side of the building.</p> <p>14 MR. CHEN: And that is the only location in the</p> <p>15 building where people enter and exit the building.</p> <p>16 MR. TAYLOR: It is the only public location for</p> <p>17 entry and exit to the building.</p> <p>18 MR. CHEN: Are you familiar with the staff --</p> <p>19 parking planning commission staff recommendation number</p> <p>20 three, sir?</p> <p>21 MR. TAYLOR: If you can read it to me, I can tell</p> <p>22 you --</p> <p>23 MR. CHEN: Sure.</p> <p>24 MR. TAYLOR: -- if I'm familiar with it.</p> <p>25 MR. CHEN: Number three reads, a six-foot sidewalk</p>

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15 (57 to 60)

<p>57</p> <p>1 must be constructed on the east side of Carnegie Avenue to 2 provide continuous connection to the temporary turnaround of 3 Carnegie Avenue to the south. Do you understand that 4 condition, sir? 5 MR. TAYLOR: I do. 6 MR. CHEN: Okay. And would -- will the students, 7 parents, staff, administrators have any use -- the building 8 to use that sidewalk? 9 MR. TAYLOR: I think there -- possibility is 10 extremely remote. 11 MR. CHEN: But they can? 12 MR. TAYLOR: Can anybody? 13 MR. CHEN: Yeah. 14 MR. TAYLOR: Sure. 15 MR. CHEN: Fine, thank you. And are you familiar 16 with staff condition number four? 17 MR. TAYLOR: If you could read it to me, please. 18 MR. CHEN: Sure. A minimum three-foot wide gravel 19 or natural surface pathway must be constructed running from 20 Carnegie Avenue to the main building and con- -- on the 21 south side of the building. Are you aware of that proposed 22 condition? 23 MR. TAYLOR: I am. 24 MR. CHEN: Okay. Do you object to that condition? 25 MR. TAYLOR: Not at all.</p>	<p>59</p> <p>1 commentary on that. 2 MR. CHEN: Okay. But again, I'm asking about the 3 operations. And I -- 4 MR. TAYLOR: And -- and -- 5 MR. CHEN: -- should -- 6 MR. TAYLOR: -- and the staff commentary comes from 7 my operations discussion with staff -- 8 MR. CHEN: So -- so -- tell us, what are the trash 9 activity on the -- 10 MR. TAYLOR: Typically, three days a week. 11 MR. CHEN: What days? 12 MR. TAYLOR: I -- it -- it varies per school and 13 how many kids are in school and how -- the occupancy and the 14 -- I -- I can't tell you. I mean, if -- if you want to make 15 a specific -- or if it needs to be specific to a particular 16 day, I guess I don't have a problem with that but I think we 17 covered that in the staff review. 18 MR. CHEN: Well, I -- I'm not at staff. 19 MR. TAYLOR: I understand, but I'm trying to -- I'm 20 trying to -- 21 HEARING OFFICER HANNAN: Just -- just a second -- 22 MR. TAYLOR: -- understand where -- where you're 23 coming from. 24 HEARING OFFICER HANNAN: He has the right to ask 25 these questions.</p>
<p>58</p> <p>1 MR. CHEN: Thank you. You mentioned, sir, food 2 deliveries. 3 MR. TAYLOR: Yes. 4 MR. CHEN: How many food deliveries will there be 5 at this site per day? 6 MR. TAYLOR: It's typically two to three per week, 7 not per day. 8 MR. CHEN: Okay. 9 MR. TAYLOR: And they would come on a smaller, you 10 know, panel truck straight, you know, straight panel truck 11 not a -- not an 18-wheeler. 12 MR. CHEN: I understand. Because it's prepared food 13 I take it. 14 MR. TAYLOR: It's pre-prepared food, correct. 15 MR. CHEN: And are there any other regularized 16 deliveries to the site other than the food deliveries? 17 MR. TAYLOR: You know, the UPS, FedEx type things 18 that would come to any normal business, but I -- I can't 19 think of anything specific beyond that, no. 20 MR. CHEN: How about trash? 21 MR. TAYLOR: Trash pickup we'd -- I believe we 22 talked about with staff and I believe there's specific hours 23 for that. 24 And it would be not daily. I believe it would be 25 every other day, but I -- I know that there is staff</p>	<p>60</p> <p>1 MR. TAYLOR: Oh, sure. And I'm just trying to get 2 to -- I'm trying to get to an answer that works for you. I 3 was -- if you -- if I give you something specific, I -- I -- 4 I'm obviously under oath, I don't want to say something that 5 isn't true. 6 And I want to get to what -- I'm trying to get to 7 the root of the matter and if you're wondering if it's five 8 days a week, it's not five days a week. 9 MR. CHEN: Well, like you, I'm trying to get to the 10 root of the operations. 11 MR. TAYLOR: Sure. 12 MR. CHEN: I want to be -- I want to know what are 13 going to be the operation of this conditional use is 14 approved -- 15 MR. TAYLOR: Mm-hmm. 16 MR. CHEN: -- and thus far, what I understand 17 you're saying is that there will be three days a week of 18 trash collection at the site. 19 MR. TAYLOR: Correct. 20 MR. CHEN: And we don't know what days of the week 21 but it's going to be three days of the week. 22 MR. TAYLOR: It will be three days of the week 23 during the business week, I can say that. It wouldn't be on 24 weekends. 25 MR. CHEN: Okay. And when would they be?</p>

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16 (61 to 64)

<p>61</p> <p>1 MR. TAYLOR: Typically, early in the morning.</p> <p>2 MR. CHEN: When you say early, how early?</p> <p>3 MR. TAYLOR: I would say probably around 7:00,</p> <p>4 7:30. And I -- and I apologize in that these types of</p> <p>5 agreements are set up, you know, when the school is in</p> <p>6 operation and I'm giving you a very typical what I see at</p> <p>7 other schools.</p> <p>8 MR. CHEN: Okay. Okay. So, we're talking about</p> <p>9 three days a week during the week. Typically, 7:00, 7:30 in</p> <p>10 the morning.</p> <p>11 MR. TAYLOR: Correct.</p> <p>12 MR. CHEN: Okay. And do you have any supplies on</p> <p>13 site that are used, you know, by the administrators, the</p> <p>14 faculty, the students?</p> <p>15 MR. TAYLOR: Sure. There's -- the building</p> <p>16 obviously has, you know, art supplies, paper, toys. There's</p> <p>17 furniture, pictures and equipment package that comes with</p> <p>18 the building when we develop it, but they're consumable</p> <p>19 goods certainly for crafts and curriculum and we take books</p> <p>20 in that are updated, you know, on a bi-annual basis for our</p> <p>21 curriculum. So, sure.</p> <p>22 MR. CHEN: How do they get to the site?</p> <p>23 MR. TAYLOR: The same way that, as I said, UPS,</p> <p>24 FedEx.</p> <p>25 MR. CHEN: And is there any schedule or regularized</p>	<p>63</p> <p>1 MR. CHEN: Okay. And if -- maybe I'm using</p> <p>2 terminology and I apologize that I might be using</p> <p>3 terminology that you're not familiar with --</p> <p>4 MR. TAYLOR: Oh, I'm -- I'm -- I think I know where</p> <p>5 you're going with that. I -- I -- we are the applicant. I --</p> <p>6 and again, I'm -- I'm happy to be corrected on how the</p> <p>7 conditional use carries with the land and the operation,</p> <p>8 because every state's a little bit different. You know, our</p> <p>9 -- our franchisee and landowner is bound the same way we are</p> <p>10 from an operations perspective to abide by conditional use</p> <p>11 permit.</p> <p>12 MR. CHEN: So if there were any issues or</p> <p>13 difficulties down the road --</p> <p>14 MR. TAYLOR: Mm-hmm.</p> <p>15 MR. CHEN: -- who would be responsible for those</p> <p>16 difficulties occurring on the site?</p> <p>17 MR. TAYLOR: It would be a combination of Primrose</p> <p>18 and the operator.</p> <p>19 MR. CHEN: And I take it there were -- the operator</p> <p>20 would have responsibility through its franchise agreement</p> <p>21 with Primrose.</p> <p>22 MR. TAYLOR: You took the words right out of my</p> <p>23 mouth. Correct. Yeah. Our -- our franchise agreement is very</p> <p>24 specific about our particular operations, what we have</p> <p>25 gotten approved based on the site.</p>
<p>62</p> <p>1 delivery for supplies?</p> <p>2 MR. TAYLOR: No. It's on an as-needed basis.</p> <p>3 MR. CHEN: And typically, can you tell us what</p> <p>4 would be the delivery for these supplies at this site? How</p> <p>5 often?</p> <p>6 MR. TAYLOR: Once a week.</p> <p>7 [whispering in the background, inaudible].</p> <p>8 MR. CHEN: Have we covered, sir, all of the</p> <p>9 deliveries that would be coming to the site, food</p> <p>10 deliveries, UPS, FedEx and trash, any other type of delivery</p> <p>11 or vehicular activity on the site related to the operations?</p> <p>12 MR. TAYLOR: Snowplowing maybe. I mean, I can't</p> <p>13 think of anything else that would be on a -- a regular</p> <p>14 basis.</p> <p>15 MR. CHEN: Great. Thank you. Did you testify, sir,</p> <p>16 in conjunction with the site that you described, the Layhill</p> <p>17 Road site?</p> <p>18 MR. TAYLOR: Did I -- have we --</p> <p>19 MR. CHEN: Did you testify that the --</p> <p>20 MR. TAYLOR: I did the --</p> <p>21 MR. CHEN: -- [inaudible]?</p> <p>22 MR. TAYLOR: -- I did, yes.</p> <p>23 MR. CHEN: Am I correct that the holder of this</p> <p>24 conditional use will be Primrose Schools?</p> <p>25 MR. TAYLOR: We are the applicant. Correct.</p>	<p>64</p> <p>1 Any, you know, compliance with municipal laws and</p> <p>2 standards is all covered under our franchise agreement. So,</p> <p>3 when I say we have a -- a dual responsibility that's where</p> <p>4 that dual responsibility comes in.</p> <p>5 MR. CHEN: Yes. But as between the operator and --</p> <p>6 and Primrose, it's through that franchise agreement.</p> <p>7 MR. TAYLOR: Correct.</p> <p>8 MR. CHEN: But with regard to the government, the</p> <p>9 county, the responsibility would be Primrose; is that</p> <p>10 correct?</p> <p>11 MR. TAYLOR: You're getting into an area that I'm</p> <p>12 not familiar with in Montgomery County.</p> <p>13 My feeling would be it -- it would run with the op-</p> <p>14 -- with the landowner and the operation of the land. I'm not</p> <p>15 saying that we would divorce ourselves from it, but from a</p> <p>16 legal standpoint, I don't have an answer, but we -- we -- we</p> <p>17 as an operator, as a brand, do -- we want to make sure that</p> <p>18 we are compliant with what we've agreed to do during a</p> <p>19 conditional use but also compliant throughout the operation.</p> <p>20 So, we'll make sure that our franchisee is</p> <p>21 compliant in that way. So, I'm -- I'm not trying to skirt</p> <p>22 the question; I'm just trying to give you an answer to if</p> <p>23 something comes up, it will be addressed either by the</p> <p>24 franchisee or by Primrose above all.</p> <p>25 MR. CHEN: To whom would someone contact if they</p>

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17 (65 to 68)

65	<p>1 wanted to complain about something that's occurring through</p> <p>2 the operations?</p> <p>3 MR. TAYLOR: They can certainly contact me. I mean,</p> <p>4 I'm -- I'm testifying to this. I plan on being around. I</p> <p>5 don't know. Like, I -- I'm -- I'm -- I -- I think that</p> <p>6 there's governing law that says who they would contact.</p> <p>7 I'm assuming on a conditional use permit there is</p> <p>8 an operator contact, there's an applicant contact. I mean, I</p> <p>9 -- we -- we are -- we will stand by what we say. And whoever</p> <p>10 that contact person is, you know, it'll -- it'll -- it'll</p> <p>11 come to fruition very quickly.</p> <p>12 MR. CHEN: So, will there be a sign on the outside</p> <p>13 of the building that will say any complaints about our</p> <p>14 operations contact Mr. Taylor in Massachusetts?</p> <p>15 MR. TAYLOR: No. That's not typical.</p> <p>16 MR. CHEN: Do you know who Durga Kodali is?</p> <p>17 MR. TAYLOR: Yes. She's one of the franchisees.</p> <p>18 She's married to Mr. Mandava or -- sorry, maybe I have that</p> <p>19 wrong, another partner. Yeah, there's -- there's -- there's</p> <p>20 --</p> <p>21 HEARING OFFICER HANNAN: I -- I'm sorry --</p> <p>22 MR. TAYLOR: -- multiple [inaudible].</p> <p>23 HEARING OFFICER HANNAN: -- to interrupt. You can't</p> <p>24 talk to the audience.</p> <p>25 MR. TAYLOR: I -- I understand. No, I was just</p>	67	<p>1 MR. TAYLOR: I believe she is.</p> <p>2 MR. CHEN: Okay. Do you know of anybody else who's</p> <p>3 a member of the LLC?</p> <p>4 MR. TAYLOR: There may be others.</p> <p>5 MR. CHEN: You mentioned a moment ago the word</p> <p>6 partnership. Do you remember you mentioned partnership?</p> <p>7 MR. TAYLOR: Yes.</p> <p>8 MR. CHEN: What did you mean by that?</p> <p>9 MR. TAYLOR: Probably a word out of context. I</p> <p>10 mean, I -- I -- I look at -- I look at a lot of things as</p> <p>11 partnerships. I say partnership, I look at a -- our</p> <p>12 franchisees and Prinrose School's a big partnership.</p> <p>13 MR. CHEN: And in the context that you just used it</p> <p>14 a moment ago, how -- how did you mean the term to include?</p> <p>15 MR. TAYLOR: You have to refresh my memory, sir. I</p> <p>16 mean, I'm not sure where are you -- what context you're</p> <p>17 using that --</p> <p>18 MR. CHEN: When I asked you about who this</p> <p>19 individual was from your -- what's the name again -- Durga</p> <p>20 Kodali, you -- my recollection is your answer's that's</p> <p>21 another member of the partnership.</p> <p>22 MR. TAYLOR: Meaning another member of the LLC that</p> <p>23 we --</p> <p>24 MR. CHEN: Fine. So, then when you used the part- -</p> <p>25 - you were referring to the LLC?</p>
66	<p>1 trying to acknowledge them. The -- there are more than one</p> <p>2 partner in this project. So, she -- she is a partner in the</p> <p>3 project.</p> <p>4 MR. CHEN: Okay. You told us that Mr. Mandava --</p> <p>5 and I apologize if I'm mispronouncing the gentleman's name -</p> <p>6 -</p> <p>7 MR. TAYLOR: Mandava.</p> <p>8 MR. CHEN: Mandava. Thank you.</p> <p>9 MR. TAYLOR: Yep.</p> <p>10 MR. CHEN: -- he's the property owner.</p> <p>11 MR. TAYLOR: Correct.</p> <p>12 MR. CHEN: Is -- is it one person who's the</p> <p>13 property owner?</p> <p>14 MR. TAYLOR: No. I believe there's an LLC that is</p> <p>15 the property owner.</p> <p>16 MR. CHEN: Do you know the name of the LLC?</p> <p>17 MR. TAYLOR: Not off the top of my head, I do not.</p> <p>18 MR. CHEN: Okay. Do you know who the members are of</p> <p>19 the LLC?</p> <p>20 MR. TAYLOR: No off the top of my head.</p> <p>21 MR. CHEN: Okay. Is it -- do you know if Mr.</p> <p>22 Mandava is a member of the LLC?</p> <p>23 MR. TAYLOR: I believe he is.</p> <p>24 MR. CHEN: Okay. And is Durga Kodali a member of</p> <p>25 the LLC?</p>	68	<p>1 MR. TAYLOR: All in one. Correct.</p> <p>2 MR. CHEN: Okay. Well, do you know how the LLC will</p> <p>3 operate the daycare facility?</p> <p>4 MR. TAYLOR: They'll operate it under the confines</p> <p>5 of our franchise agreement.</p> <p>6 MR. CHEN: Okay. You don't have any knowledge of</p> <p>7 what the actual activities will be of the LLC or its members</p> <p>8 relative to the daily operations?</p> <p>9 MR. TAYLOR: Again, it -- it'll be operated under</p> <p>10 the franchise agreement with the LLC.</p> <p>11 MR. CHEN: Okay. So, what I think I understand the</p> <p>12 relationship and the operations are that the holder of the</p> <p>13 conditional use will be Prinrose, but Prinrose as a</p> <p>14 franchisee --</p> <p>15 MR. TAYLOR: Correct.</p> <p>16 MR. CHEN: -- who pursuant to an agreement with</p> <p>17 Prinrose will be responsible for the day-to-day activities</p> <p>18 of the daycare center.</p> <p>19 MR. TAYLOR: Correct.</p> <p>20 MR. CHEN: Is there -- is that agreement between</p> <p>21 the franchisee and Prinrose in the record? Has that been</p> <p>22 submitted with your application?</p> <p>23 MR. TAYLOR: I don't know.</p> <p>24 MR. CHEN: What's -- what is --</p> <p>25 MR. TAYLOR: It's a confidential agreement, so I --</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 I'm going to -- I would say probably not, but I don't know 2 for a fact. 3 MR. CHEN: What can you tell me about the content 4 of that confidential agreement? Any -- 5 MR. TAYLOR: Very -- very little. It -- it's not -- 6 it's not something I work with on a daily basis. I mean it's 7 -- it's something derived and developed by teams of 8 operations folks and teams of our senior executives and it's 9 -- it's not something I'm privy to on a daily basis. 10 MR. CHEN: Is there any document that is not 11 confidential that explains the responsibilities of the 12 franchisee for the day-to-day operations of the conditional 13 use? 14 MR. TAYLOR: Sure. I can -- and I don't think we 15 have it admitted it to record, but we certainly -- and I 16 can't do it today because I don't have it -- in a -- current 17 format but we do have a very concise operations booklet that 18 I'm happy to admit. 19 MR. CHEN: And am I correct to understand that that 20 booklet lays out the responsibilities of the day-to-day 21 operations for which the franchisee is responsible? 22 MR. TAYLOR: It lays out a great deal, but it also 23 goes into the context of situational, you know, what you 24 would do in particular in- -- particular situations. I'm not 25 -- a -- again, I -- I have to look at it to give you the</p>	<p style="text-align: right;">71</p> <p>1 I think that's -- 2 MR. TAYLOR: Correct. 3 MR. CHEN: -- it; is that correct? So, that, from 4 your testimony it's my understanding that if someone wanted 5 to contact Primrose they could either come back to the 6 offices of the zoning and administrative hearings office and 7 look at this application that's before the examiner today, 8 that's one way; is that correct? 9 MR. TAYLOR: I would assume, correct. 10 MR. CHEN: And another way would be to Google 11 MR. CHEN: Primrose on the internet and go to a -- 12 as site, a Primrose site. 13 MR. TAYLOR: Absolutely. 14 MR. CHEN: Does Primrose have any liability for the 15 actions of the franchisee in operating the daycare center? 16 MR. KLINE: Objection. 17 MR. TAYLOR: Yeah, that's out of line. 18 HEARING OFFICER HANNAN: Basis? 19 MR. KLINE: I'm not sure I understand how that would 20 relate to the conditional use application. 21 MR. CHEN: I'm talking about the operations of a 22 daycare center. And -- and people paying money to take their 23 children to this conditional use. Certainly the question of, 24 is the holder of the conditional use going to be responsible 25 for the activities on site, to the children.</p>
<p style="text-align: right;">70</p> <p>1 exact answer you're looking for is, does it tell you from 2 hour to hour. I -- I can't tell you that. 3 MR. CHEN: Am I correct though in understanding 4 that Primrose will not have a representative onsite other 5 than the franchisee? 6 MR. TAYLOR: That is correct, but the franchisees 7 for Primrose go through intensive training, long before they 8 are admitted to be a franchisee and long before they get 9 into a franchise agreement, and they have ongoing trainings 10 as well. So it operates as -- as -- as they are franchise -- 11 sorry, Primrose employees, but they're not; they're 12 franchisees to Primrose. But for all intents and purposes 13 they operate as the brand to Primrose. 14 MR. CHEN: How would someone know to contact 15 Primrose? 16 MR. TAYLOR: There's multiple ways to contact 17 Primrose. You could find them, you know, could be a Primrose 18 website, you can find them, I'm sure on the applications, my 19 number's certainly there. We have a large support ops in 20 Atlanta, Georgia that has multiple departments that are 21 available to talk. 22 MR. CHEN: So, let's say the conditional use has 23 been approved and we're five years down the road -- 24 MR. TAYLOR: Mm-hmm. 25 MR. CHEN: -- it'll be known as a Primrose School,</p>	<p style="text-align: right;">72</p> <p>1 MR. TAYLOR: Mr. Chen, could I maybe help you out a 2 little bit here? 3 HEARING OFFICER HANNAN: Just a second, there's a 4 motion pending. 5 MR. TAYLOR: I'm sorry. 6 HEARING OFFICER HANNAN: Do you have a response? 7 MR. KLINE: Well, yeah, I mean that's -- that's why 8 we filed the application under the name Primrose School 9 Franchising Corporation. The -- the -- really, the entity 10 that has indeed -- 11 HEARING OFFICER HANNAN: Well, I don't -- I 12 actually looked back at the application and it just says 13 Primrose School. It just says Primrose School, so -- 14 MR. KLINE: As you can tell from what Mr. Taylor 15 testified -- in essence, Primrose is both entities. 16 HEARING OFFICER HANNAN: I'm -- I'm going to let 17 him go forward with this. 18 MR. KLINE: My -- my -- the point I wanted to make 19 was we wanted to have the -- the conditional use application 20 in the hands of the Primrose entity, basically to be able to 21 control and ensure compliance with these zoning ordinance 22 requirements. 23 HEARING OFFICER HANNAN: But I think his -- I 24 understand what you're saying. I'm gleaned that the 25 question is whether you have actually done that. So, I</p>

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19 (73 to 76)

<p>73</p> <p>1 understand where you're going but I am going to let him 2 finish this line of questioning. 3 MR. KLINE: Well, if -- if he's holding the 4 conditional use application, or Primrose zone, it can -- 5 HEARING OFFICER HANNAN: Who? 6 MR. KLINE: Primrose is holding the conditional use 7 application. They have the responsibility for ensuring 8 compliance. If Mr. Chen is talking about -- 9 HEARING OFFICER HANNAN: Well, that's what we're 10 getting to. 11 MR. KLINE: But if you -- what -- what is the 12 responsibility he's asked for, or the liability? Is he 13 asking about basically conformance with the zoning ordinance 14 requirements? 15 Or is he talking about conformance with -- you 16 know, if we have an employee who abuses a child, right. 17 What's he -- what is his scope with this inquiry? 18 HEARING OFFICER HANNAN: I see what you're saying. 19 Can you -- I do see what you're saying. Can you clarify your 20 question? 21 MR. CHEN: He's right here. I want to know who's 22 liable. 23 MR. TAYLOR: For what? 24 MR. CHEN: For any harm to a child. 25 MR. TAYLOR: Okay. Okay.</p>	<p>75</p> <p>1 HEARING OFFICER HANNAN: Who will hold the state 2 license? 3 MR. TAYLOR: The franchise here holds the state 4 license, in this case the LLC Franchise name. 5 MR. CHEN: Are you saying that basically you don't 6 know who would be liable? Is that a fair statement? 7 MR. TAYLOR: I -- I'm saying it's -- it's not in my 8 knowledge base to give you an accurate answer. That's what 9 I'm saying. 10 MR. CHEN: Okay. Then you don't know. 11 MR. TAYLOR: I don't know. 12 MR. CHEN: Okay. Isn't there going to be some sort 13 of licensing or certificate notice displayed at this 14 facility? 15 MR. TAYLOR: I just mentioned that. Yes, absolutely 16 there will be. 17 MR. CHEN: Will that be a -- a certificate that's 18 framed or a license that's framed on a wall? 19 MR. TAYLOR: I believe it has to be, by state 20 statute; correct. 21 MR. CHEN: And who will be on that document, as the 22 license for certified operator? 23 MR. TAYLOR: I'm assuming one of the members of the 24 LLC, who by the way, has met Primrose's criteria, but also 25 met the state of Maryland's criteria to be a childcare</p>
<p>74</p> <p>1 MR. CHEN: That was my question. 2 HEARING OFFICER HANNAN: I'm -- I'm going to let 3 him answer. 4 MR. KLINE: No, no, no. That's okay. 5 HEARING OFFICER HANNAN: I understand your point. 6 And I'll give it the weight it deserves. I'm going to let 7 him answer. 8 MR. KLINE: Go ahead. 9 MR. TAYLOR: I'm answering this on a very high 10 level. 11 HEARING OFFICER HANNAN: What do you mean? What 12 does that mean? 13 MR. TAYLOR: This is a licensed use, licensed by 14 the state of Maryland. So outside of Primrose's franchise 15 agreement, Primrose's operations, we have to operate under 16 the confines of a state mandated licensing group. 17 And they have their own way of looking at how we 18 license the building. Their annual look at, you know, 19 potential problems, or how we comply with Maryland 20 licensing. That's all I can say. The liability piece could 21 be -- I'm not an attorney. The liability piece could be very 22 far-reaching. But -- 23 HEARING OFFICER HANNAN: Who holds your state 24 license? 25 MR. TAYLOR: The franchise --</p>	<p>76</p> <p>1 operator. 2 There's a whole other criteria that goes beyond 3 what Primrose requires, that the state of Maryland requires 4 from a certification standpoint and from, you know, an 5 educational standpoint. So I'm getting into a territory that 6 I'm not fully familiar with. So that's why I can't give you 7 a -- 8 MR. CHEN: I -- I appreciate it. And I'm not trying 9 to box you on something like that. 10 MR. TAYLOR: That's fine. I'm just telling you I 11 can't. 12 MR. CHEN: If you don't know, you don't know. And 13 that's a -- that's a fair answer. So where we are with this 14 is, Primrose will not be the identified licensee [sic] or 15 certificate holder on that display that will be in the 16 building in a public place. 17 MR. TAYLOR: That is correct. 18 MR. CHEN: And does it have to -- if you know, does 19 it have to be an individual? 20 MR. TAYLOR: I don't know. 21 MR. CHEN: Okay. But your assumption will be 22 probably one of the members of the LLC? 23 MR. TAYLOR: That would be my assumption. 24 MR. CHEN: On your application here, it says that 25 the owner is -- I apologize to everybody because I'm going</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 to butcher the correct pronunciation and that's my defect, 2 but on Exhibit 1, the owner of the property is stated as 3 Sirkanth and Himabindu Mandaya. 4 MR. TAYLOR: I think you did pretty well with that. 5 MR. CHEN: Thank you. Is that your understanding, 6 as well, sir? 7 MR. TAYLOR: Correct. 8 MR. CHEN: So that's not an LLC? 9 MR. TAYLOR: No. No, it's not. 10 MR. CHEN: Do you -- do you recognize -- is it two 11 names here? 12 MR. TAYLOR: Yes, a husband and wife. 13 MR. CHEN: Okay. And you recognize it? 14 MR. TAYLOR: Absolutely. 15 MR. CHEN: Okay. And they are the owners of the 16 property in that the applicant is -- it's Primrose School, 17 so it says. And it says that the applicant is the contract 18 purchaser. Want to see the document? 19 MR. TAYLOR: No, I -- I -- that document was filled 20 -- what's the date on that document? No, I'm just asking? 21 MR. CHEN: September -- yeah -- looks like Se- -- 22 oh no, I'm looking for you -- looking -- no, that's not it. 23 MR. TAYLOR: My point is that document was filled 24 out more than -- 25 HEARING OFFICER HANNAN: It's stamped received by</p>	<p style="text-align: right;">79</p> <p>1 a later copy of the application. But can you -- can you -- 2 [inaudible] 3 MR. CHEN: May I be heard on this? 4 HEARING OFFICER HANNAN: 5 MR. CHEN: Mr. Taylor signed Exhibit number 1. 6 HEARING OFFICER HANNAN: Yes. 7 MR. CHEN: Exhibit number 1 is the application 8 form. I have not seen a new version of the application. I've 9 seen filings of new plans. Mr. Kline, I understand that. But 10 the application -- my understanding, Madam Examiner, is that 11 Exhibit number 1 still is the lead document on the 12 application. 13 HEARING OFFICER HANNAN: Okay. Let's do this so we 14 can move on. I'm going to let you continue your line -- 15 that's a legal argument and I don't want to look through the 16 file at the moment to see exactly -- unless you can direct 17 me to something that -- another form like Exhibit 1. 18 MR. KLINE: I'm in the same position with Mr. Chen 19 where I've got, like, six linear feet of files in this. So 20 I'd have to go through and find out. 21 HEARING OFFICER HANNAN: Okay. 22 MR. KLINE: I know that we wanted to put it in the 23 name of the franchising corporation, but I don't know how we 24 did that. I'll find that out. 25 HEARING OFFICER HANNAN: Okay. Then I'm going to --</p>
<p style="text-align: right;">78</p> <p>1 OZAH. If you want to look -- I can't testify but it's right 2 here. It's May 23rd -- 3 MR. CHEN: Or 14th. Date filed? 4 HEARING OFFICER HANNAN: No, not date filed. I have 5 -- I'm looking at the stamped, received, by OZAH. 6 MR. CHEN: Got you. Got you. 7 HEARING OFFICER HANNAN: May 23rd, 2018. 8 MR. CHEN: Thank you. 9 MR. KLINE: May I interject? 10 HEARING OFFICER HANNAN: Date filed is 5/14/18. 11 MR. KLINE: May I interject for a second, please? 12 HEARING OFFICER HANNAN: Yes. 13 MR. KLINE: I believe what Mr. Chen has and you're 14 looking at is the original application. We basically took a 15 recess while we talked about trying to abandon Carnegie 16 Avenue. And when we refiled, I believe we filed it all under 17 the name of Primrose School Franchise because -- 18 HEARING OFFICER HANNAN: You refiled? 19 MR. KLINE: We basically submitted new plans, when 20 we revised the plans. And I believe you are now looking at 21 what I would say is the -- as a matter of fact, the staff 22 report says that the applicant is franchising corporations. 23 So I think you'll find a later copy of the application in 24 there. 25 HEARING OFFICER HANNAN: Okay. Well, that -- that's</p>	<p style="text-align: right;">80</p> <p>1 I'm going to let Mr. Chen -- and you'll have a chance on 2 rebuttal -- 3 MR. KLINE: Right. 4 HEARING OFFICER HANNAN: I'm going to let Mr. Chen 5 continue this line of questioning. 6 MR. CHEN: Just coming back, sir. I guess -- I 7 guess now, just trying to get clarification. As I understand 8 it, from your testimony, Primrose school, the franchise, the 9 entity, is not a contract purchaser. Is that an accurate 10 statement, sir? 11 MR. TAYLOR: That is an accurate statement. 12 MR. CHEN: And the relationship that I understand 13 now exists is that the franchisor is Primrose school and 14 that the -- LL- -- some LLC is the franchisee. 15 MR. TAYLOR: Correct. 16 MR. CHEN: Are you, sir, aware of any document that 17 has been filed for this application, that identifies that 18 the exact name or composition of the franchisee? 19 MR. TAYLOR: I -- I'm not. 20 MR. CHEN: And we do know that the franchisee is 21 the entity that is pursuant to the franchise agreement, 22 responsible for the day-to-day operations of the conditional 23 use? 24 MR. TAYLOR: That is correct. 25 MR. CHEN: Okay. If you're not the right person for</p>

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21 (81 to 84)

81	<p>1 this information, just tell me.</p> <p>2 MR. TAYLOR: Sure.</p> <p>3 MR. CHEN: I'm just not sure, because you said a</p> <p>4 lot of things in your testimony about how this is a -- an</p> <p>5 operation that is within the model used by Primrose. Is that</p> <p>6 accurate?</p> <p>7 MR. TAYLOR: Absolutely.</p> <p>8 MR. CHEN: Does that go, sir, to the physical</p> <p>9 facilities of the conditional use, meaning the building</p> <p>10 itself?</p> <p>11 MR. TAYLOR: The building is a prototypical</p> <p>12 building developed by Primrose.</p> <p>13 MR. CHEN: Are there multiple different</p> <p>14 prototypical buildings?</p> <p>15 MR. TAYLOR: Yes.</p> <p>16 MR. CHEN: How many?</p> <p>17 MR. TAYLOR: Twenty.</p> <p>18 MR. CHEN: Some may be second story buildings, too?</p> <p>19 MR. TAYLOR: We do have two-story buildings.</p> <p>20 MR. CHEN: Okay. So, am I correct in therefore an</p> <p>21 understanding that when Mr. Mandava contacted Primrose and</p> <p>22 with this site -- this property, that there was some</p> <p>23 evaluation done by Primrose to determine the type of</p> <p>24 prototypical facility would best fit on this site. Is that</p> <p>25 an accurate statement?</p>	83	<p>1 an idea number of students and staff that complies with</p> <p>2 licensing, that also meets the criteria of the local</p> <p>3 demographics.</p> <p>4 MR. CHEN: So the building that's shown in this</p> <p>5 application is what Primrose, I guess, has determined is the</p> <p>6 appropriate facility, or prototypical model for 195 students</p> <p>7 with 30, 32 administrative support staff?</p> <p>8 MR. TAYLOR: Yes.</p> <p>9 MR. CHEN: Are there prototypical buildings for</p> <p>10 smaller student bodies?</p> <p>11 MR. TAYLOR: We typically don't develop smaller</p> <p>12 buildings, no.</p> <p>13 MR. CHEN: So our -- what we're looking at, then,</p> <p>14 the smallest facility for students and support that Primrose</p> <p>15 offers or has.</p> <p>16 MR. TAYLOR: For newly developed schools, yes. Will</p> <p>17 you find smaller schools in our portfolio over 30 years?</p> <p>18 Absolutely. But we've developed this model over the 30-year</p> <p>19 operation of the company to come up with an ideal model that</p> <p>20 works.</p> <p>21 MR. CHEN: So what we are dealing with in this case</p> <p>22 then is a daycare facility for a student body and support</p> <p>23 staff that Primrose has determined as appropriate for this</p> <p>24 location.</p> <p>25 MR. TAYLOR: Primrose and staff, yes.</p>
82	<p>1 MR. TAYLOR: That's accurate.</p> <p>2 MR. CHEN: And what we are looking at and what has</p> <p>3 been the subject of the application is Primrose's</p> <p>4 determination as the best prototypical for this site?</p> <p>5 MR. TAYLOR: It's actually Primrose' determination</p> <p>6 but very much along the determination of staff.</p> <p>7 MR. CHEN: Of depart- -- of department of planning</p> <p>8 -- [inaudible]?</p> <p>9 MR. TAYLOR: Yes.</p> <p>10 MR. CHEN: Okay. There was an agreement between the</p> <p>11 staff part [inaudible]?</p> <p>12 MR. TAYLOR: There was -- there's many elements to</p> <p>13 this site, if not more than half the elements to this site</p> <p>14 that were determined by staff that were different than what</p> <p>15 we have under initially proposed.</p> <p>16 MR. CHEN: But this -- the building was what</p> <p>17 happily Primrose had proposed and the staff agreed?</p> <p>18 MR. TAYLOR: Portions of it. Sure. You know, we had</p> <p>19 to upgrade a certain architectural elements, details, based</p> <p>20 on staff comment, different materials, but generally it's a</p> <p>21 prototypical building with staff input. Would I find this</p> <p>22 building anywhere else in my portfolio? No.</p> <p>23 MR. CHEN: Are your prototypical buildings</p> <p>24 determined by size of student populace?</p> <p>25 MR. TAYLOR: Yes, but this model was developed for</p>	84	<p>1 MR. CHEN: When you say staff just now, you mean --</p> <p>2 MR. TAYLOR: I mean parks and planning, Montgomery</p> <p>3 County commission, [inaudible] staff.</p> <p>4 MR. CHEN: And staff then requests that you reduce</p> <p>5 the number of students?</p> <p>6 MR. TAYLOR: I believe they did at one point.</p> <p>7 MR. CHEN: And what happened?</p> <p>8 MR. TAYLOR: We feel that we can operate</p> <p>9 efficiently with what we proposed.</p> <p>10 MR. CHEN: So you went in with 195-plus, 30-plus,</p> <p>11 and you're coming out after staff review with the same</p> <p>12 numbers?</p> <p>13 MR. TAYLOR: That is correct.</p> <p>14 MR. CHEN: One second.</p> <p>15 I have no further questions.</p> <p>16 HEARING OFFICER HANNAN: Mr. Kline.</p> <p>17 MR. KLINE: Mr. Taylor, would the applicant accept</p> <p>18 a condition if recommended by the -- or I'm sorry, to side</p> <p>19 by here in town [ph], that you would maintain in the record</p> <p>20 of files in this office, basically all the contact</p> <p>21 information would be for anybody who had a question about</p> <p>22 the operation of the facility?</p> <p>23 MR. TAYLOR: Absolutely.</p> <p>24 MR. KLINE: How many of your 400-plus schools are</p> <p>25 under franchise agreements?</p>

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22 (85 to 88)

<p>85</p> <p>1 MR. TAYLOR: All.</p> <p>2 MR. KLINE: All. So it's -- this is not an uncommon</p> <p>3 situation?</p> <p>4 MR. TAYLOR: No. We don't operate anything</p> <p>5 corporal.</p> <p>6 MR. KLINE: Okay. And is -- I'd like to elaborate</p> <p>7 on the answer you gave to a question, in an answer to Mr.</p> <p>8 Chen, and that is, is the design of the building driven by</p> <p>9 the size of the population of the student body and the,</p> <p>10 faculty, or are there site features that also drive the</p> <p>11 design to building the layout?</p> <p>12 MR. TAYLOR: It's a combination of all those things</p> <p>13 you mentioned. This site accommodates our building and our</p> <p>14 players and the required parking well.</p> <p>15 Childcare is much better operated on a single</p> <p>16 level, versus two levels, where children can get to an</p> <p>17 outside area without having to accommodate stairs. And</p> <p>18 that's why we try to develop a single level building, verses</p> <p>19 a two-level building.</p> <p>20 MR. KLINE: No further questions for Mr. Taylor.</p> <p>21 HEARING OFFICER HANNAN: Thank you. You may be</p> <p>22 excused.</p> <p>23 MR. TAYLOR: Thank you, Ma'am.</p> <p>24 HEARING OFFICER HANNAN: I assume your -- well, he</p> <p>25 can be excused, but you may.</p>	<p>87</p> <p>1 examination will take longer than Mr. Taylor's. And that</p> <p>2 would be longer than an hour and a half. So we may not be</p> <p>3 able to get through Mr. Wolford before you wanted to take a</p> <p>4 lunch break.</p> <p>5 [inaudible]</p> <p>6 HEARING OFFICER HANNAN: Yes, I'm fine. I -- no I</p> <p>7 understand what you're saying. You just want to give a heads</p> <p>8 up. So that's fine.</p> <p>9 MR. CHEN: Yep.</p> <p>10 HEARING OFFICER HANNAN: Okay. Thank you. Now we're</p> <p>11 off the record.</p> <p>12 (Off the record at 10:58:33 a.m.)</p> <p>13 (On the record at 11:15:44 a.m.)</p> <p>14 HEARING OFFICER HANNAN: All right, everyone, we're</p> <p>15 back on the record, please.</p> <p>16 Okay. Please stop -- stop talking. Thank you. I</p> <p>17 know it's hard, but it does interfere.</p> <p>18 During the break, I asked the court reporter to</p> <p>19 move the witness up to this table so they're speaking toward</p> <p>20 the audience and they can have the plans point toward the</p> <p>21 audience. So if your witness -- if he could come up here, I</p> <p>22 think that might help with some of the logistical issues</p> <p>23 here.</p> <p>24 I know you set up your stuff there, but if we could</p> <p>25 just take a minute, I think that will help the audio a</p>
<p>86</p> <p>1 MR. TAYLOR: I think he wants to stay and listen.</p> <p>2 HEARING OFFICER HANNAN: Okay.</p> <p>3 MR. CHEN: Could we just take a brief reception</p> <p>4 time?</p> <p>5 HEARING OFFICER HANNAN: Yes, we -- yes, we may.</p> <p>6 And I assume -- who's your next witness?</p> <p>7 MR. CHEN: The next witness will be Mr. Scott</p> <p>8 Wolford, our land planner.</p> <p>9 HEARING OFFICER HANNAN: Okay.</p> <p>10 MR. CHEN: [inaudible]</p> <p>11 HEARING OFFICER HANNAN: We'll try to -- yeah,</p> <p>12 we'll try to get through that. And then we'll take our one</p> <p>13 and a half hour lunch. Okay. Thank you.</p> <p>14 If they say -- we're not off the record yet. If</p> <p>15 anyone says streamlining to get through the process, I'm</p> <p>16 going to mention the one and a half hour lunches. I'm</p> <p>17 teasing, Mr. Chen.</p> <p>18 MR. CHEN: I understand. I will say this, though. I</p> <p>19 think the land planner will take, this is procedural --</p> <p>20 HEARING OFFICER HANNAN: We're on the record.</p> <p>21 MR. CHEN: This is procedural.</p> <p>22 HEARING OFFICER HANNAN: Did you go off the record?</p> <p>23 THE REPORTER: Not yet.</p> <p>24 HEARING OFFICER HANNAN: Good. Okay.</p> <p>25 MR. CHEN: I -- I think the land planner cross-</p>	<p>88</p> <p>1 little bit. We don't have projecting mic's here.</p> <p>2 MR. CHEN: You want to put a chair over there?</p> <p>3 HEARING OFFICER HANNAN: What?</p> <p>4 MR. CHEN: You want to put a chair over there?</p> <p>5 HEARING OFFICER HANNAN: He can sit right here,</p> <p>6 over here.</p> <p>7 MR. CHEN: Okay.</p> <p>8 HEARING OFFICER HANNAN: And when I say here, I'm</p> <p>9 pointing to the very end of the dais, very far away from me.</p> <p>10 Okay. Please raise your right hand. Do you solemnly</p> <p>11 affirm under penalties of perjury that the statements you</p> <p>12 are about to make are the truth, the whole truth, and</p> <p>13 nothing but the truth?</p> <p>14 MR. WOLFORD: I do.</p> <p>15 HEARING OFFICER HANNAN: Okay. Go ahead, Mr. Kline.</p> <p>16 MR. KLINE: Mr. Wolford, will you please state and</p> <p>17 spell your name and give us your business address?</p> <p>18 MR. WOLFORD: Okay. It's Scott R. Wolford. And the</p> <p>19 business address is 22375 Broderick Drive, Suite 110,</p> <p>20 Sterling, Virginia.</p> <p>21 MR. KLINE: And what is your profession, Mr.</p> <p>22 Wolford?</p> <p>23 MR. WOLFORD: I have an undergraduate degree in</p> <p>24 landscape architecture from the Pennsylvania State</p> <p>25 University. I have a graduate degree from Utah State</p>

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23 (89 to 92)

<p>89</p> <p>1 University in environmental planning. And I am a registered 2 landscape architect and a certified planner. 3 MR. KLINE: Have you ever qualified as an expert in 4 the field of land use planning before a board or commission 5 like this? 6 MR. WOLFORD: Yes. 7 MR. KLINE: Can you be more specific? Have you ever 8 qualified before a Montgomery County hearing examiner? 9 MR. WOLFORD: Yes. 10 MR. KLINE: Go ahead. 11 MR. WOLFORD: I think, I believe two times before 12 the hearing examiner and one time before there was a hearing 13 examiner; and then probably another 10 or 15 times. It's all 14 in my resume -- 15 MR. KLINE: Yeah. 16 MR. WOLFORD: -- that's in the record. 17 HEARING OFFICER HANNAN: Let me ask. Mr. Chen, do 18 you have any voir dire of his qualifications? 19 MR. CHEN: No. We accept the gentleman as a land 20 planner. 21 HEARING OFFICER HANNAN: As an expert in land 22 planning? 23 MR. CHEN: As is. 24 HEARING OFFICER HANNAN: Okay. I'll qualify him as 25 admitted.</p>	<p>91</p> <p>1 information? 2 MR. WOLFORD: It's -- 3 HEARING OFFICER HANNAN: I hate to ask the witness 4 this but can you angle it just a little bit like this? And 5 then I -- 6 MR. KLINE: 149. 7 HEARING OFFICER HANNAN: Yes. So this is the aerial 8 view of the surrounding area? 9 MR. WOLFORD: Yes. And I'll label it if you tell me 10 what exhibit you want it? 11 HEARING OFFICER HANNAN: 149. Thank you. 12 MR. WOLFORD: That work? 13 HEARING OFFICER HANNAN: Yes, that's fine. 14 MR. WOLFORD: Can you see it [inaudible]? 15 HEARING OFFICER HANNAN: I can. Can the audience 16 see it? We're good. Okay. Thank you. 17 MR. KLINE: So Mr. Wolford, it looks like the 18 subject's site is highlighted in sienna color in the 19 approximate lower center of the drawing. And would you -- 20 HEARING OFFICER HANNAN: I was surprised with 21 sienna. 22 MR. KLINE: Would you like to appeal my choice of 23 pallet colors? Well, that's probably because my eyes are so 24 bad I can't see it very well. Why don't you, using exhibit 25 149, explain what it is and what you put it up there for.</p>
<p>90</p> <p>1 MR. CHEN: As so offered, yes. 2 HEARING OFFICER HANNAN: Okay. He's accepted. 3 MR. WOLFORD: Thank you. 4 MR. KLINE: Mr. Wolford, since you've done this 5 before I'm just going to ask you general questions and let 6 you pursue it. You put up an exhibit. Can you tell us what 7 it is so we can make sure we're checking it, so we have an 8 exhibit number on it? 9 MR. WOLFORD: It's an air photo from Google Maps. 10 And then I labeled several of the major roads that were in 11 the neighborhood and I was going to do this to describe the 12 neighborhood and point out the character of the 13 neighborhood. 14 MR. KLINE: So is this an exhibit that's presently 15 in the record, or is it something that you constructed for 16 your testimony? 17 MR. WOLFORD: I constructed this for today. It's -- 18 it's going to be used for the -- your state -- our state in 19 the justification is in the record that outlines this 20 neighborhood and it matches the outline from the staff 21 report from Park and Planning. And it's the -- it's the same 22 ex- -- same basic [inaudible]. 23 MR. KLINE: To avoid the problems Mr. Chen 24 accurately pointed out before, can you give us the 25 foundation -- tell us what is the source of this</p>	<p>92</p> <p>1 MR. WOLFORD: Yes. This is an air photo. It's 2 exhibit 149. And I'm Scott Wolford. This is just to show the 3 -- start to show the -- first, the limits of the 4 neighborhood that we're working with. 5 To the north of the neighborhood is the Mill Creek 6 Regional Park. To the east is Rock creek Regional Park. To 7 the southeast is the Needwood Golf Course owned by 8 Montgomery County. And to the south of the neighborhood is 9 the Crabbs Branch Stream Valley Park. I forgot it there for 10 a second. Sorry. 11 MR. KLINE: So if I could ask for a question for 12 clarification. So when you use the term neighborhood, are 13 just talking about the more general sense? Or are you 14 talking about the zoning neighborhood as described in the 15 staff report? 16 MR. WOLFORD: The zoning neighborhood. 17 MR. KLINE: Okay. So, your zoning neighborhood as 18 you just described it is consistent with figure two, shown 19 on page three of the staff report. Is that what you're 20 telling us? 21 MR. WOLFORD: Let me check quickly, please. 22 Correct. 23 MR. KLINE: So you adopt this -- the zoning 24 neighborhood as recommended by the staff. 25 MR. WOLFORD: Yes.</p>

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24 (93 to 96)

<p>93</p> <p>1 MR. KLINE: Thank you. So you adopt this zoning 2 neighborhood as recommended by the staff. You're 3 comfortable. 4 MR. WOLFORD: Yes. 5 MR. KLINE: Thank you. Go ahead. 6 MR. WOLFORD: And on the exhibit I've labeled 7 Redland Road, which runs from the lower right-hand corner to 8 the upper left-hand corner, from the southwest, up to the 9 northeast. 10 Needwood Road, which is about a third of the way up 11 front and is the frontage of the property, which runs from 12 the center of the exhibit down to the lower right-hand 13 corner, or the southeast. The Inter County Connector, Route 14 200 runs across the top of the exhibit, left to right, or 15 the north part of the neighborhood. 16 And the others are Crabbs Branch Road and then to 17 the -- just -- I'd also like to point the two things that 18 are immediately outside the neighborhood, but I think have 19 some influence on the neighborhood, is the Shady Grove Metro 20 Station and the redevelopment associated with it and the 21 Inter County Connector. 22 HEARING OFFICER HANNAN: Can you point out where -- 23 is the Shady Grove Metro Station on that aerial photograph 24 on 149? 25 MR. WOLFORD: This is the parking for the Shady</p>	<p>95</p> <p>1 neighborhood. 2 Those occur on this exhibit in the southwest 3 corner, north of Redland Road, and south of metro access 4 drive in Crabb Branch. This part of the property -- of the 5 neighborhood is all zoned PD5. The rest of the neighborhood 6 is all made up of R90, R200, RE1, and RE2 zone property. 7 The other aspects of the community is there's a 8 Candlewood Elementary School. That's located in the 9 northwest corner of the neighborhood. There is -- there are 10 two churches. There's two lots to the east, on Needwood Road 11 from the subject property. 12 MR. KLINE: Two, two lots to the east from the 13 subject property? 14 MR. WOLFORD: From the subject property, which is 15 highlighted in red, is the Taiwanese Presbyterian Church. 16 Then there's another church located on Redland Road, several 17 hundred feet north of the intersection with Needwood Road. 18 And that's the Alliance Church. 19 And then there's one special exception in the 20 neighborhood, which is the Taiwan Cultural Center, which is 21 located on the northeast corner of the intersection of 22 Needwood Road and Redland Road. 23 And then there are also some more commercial 24 industrial uses on Redland -- Redland Road, just several 25 hundred feet southeast of Needwood Road. And that's Morton's</p>
<p>94</p> <p>1 Grove Metro Station. 2 HEARING OFFICER HANNAN: And when you say this -- 3 in the south -- 4 MR. WOLFORD: In the lower right-hand corner -- 5 HEARING OFFICER HANNAN: No, you can't use right. 6 In the lower southwest -- 7 MR. WOLFORD: Lower southwest corner of the 8 exhibit, there are two large gray blocks that are the 9 parking decks for the metro center, surrounded by darker 10 gray which is the service parking for the metro station. 11 And then running exactly in the southwest corner of 12 the exhibit is the transit line, the CSX line. And adjacent 13 to that is the metro line. And there's two long white 14 rectangles in the southwest corner of the exhibit that are 15 the covered platforms for the metro station. 16 HEARING OFFICER HANNAN: All right. Thank you. Go 17 ahead, Mr. Kline. 18 MR. KLINE: Well, I [inaudible] you sound like 19 you're on a roll, so let me -- I'll start by asking this 20 question. What is the character of the neighborhood, as you 21 described it? 22 HEARING OFFICER HANNAN: It -- it's an eclectic mix 23 of various different things; mostly mixed residential of 24 different sized lots of single family detached. There are 25 some apartments and town homes in the PD5 zone, in the</p>	<p>96</p> <p>1 Towing Service. 2 MR. KLINE: What's the applicable master plan for 3 this area? [inaudible] 4 MR. WOLFORD: It's the 2004 Upper Rock Creek master 5 plan. And the SMA is G827. 6 MR. KLINE: And the subject property is located 7 whereabouts in the general -- the general master plan area? 8 MR. WOLFORD: The property's located at 7430 9 Needwood Road. It's Lot 8, Block B of the Derwood Heights 10 subdivision. 11 MR. KLINE: I believe you have there the staff 12 report. And I wanted to have you draw your attention to the 13 table that basically shows the master plan here and I can't 14 find my -- put my hands on it right now. Because what I was 15 asking is where is this property as it relates to the Rock 16 Creek Planning area. 17 MR. WOLFORD: It's in the extreme southwest corner. 18 MR. KLINE: Okay. 19 HEARING OFFICER HANNAN: I think it's on page eight 20 of the staff report. 21 MR. KLINE: Really? Mine says seven. 22 HEARING OFFICER HANNAN: Okay. 23 MR. KLINE: But figure eight, though? Did it come 24 up as figure eight for you? 25 HEARING OFFICER HANNAN: Not figure eight.</p>

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25 (97 to 100)

<p>97</p> <p>1 MR. KLINE: Figure five. Yeah.</p> <p>2 HEARING OFFICER HANNAN: Figure five. Page eight.</p> <p>3 MR. CHEN: Not page eight, page seven.</p> <p>4 HEARING OFFICER HANNAN: All right. I won't argue</p> <p>5 about it. I must have a different printout.</p> <p>6 MR. KLINE: Oh yeah. That's always scary. Mr. Chen</p> <p>7 and I apparently working with the same because mine says</p> <p>8 seven also.</p> <p>9 MR. CHEN: But I think -- if I may.</p> <p>10 HEARING OFFICER HANNAN: Are we looking at this?</p> <p>11 MR. KLINE: Yes.</p> <p>12 MR. CHEN: Madam Examiner, if I may, I discovered</p> <p>13 yesterday that -- looking at some of the documents that</p> <p>14 apparently, after the initial release of the staff report,</p> <p>15 there was another publication of it and they -- the pages</p> <p>16 somehow got, not -- not matching with the initial release of</p> <p>17 the staff report.</p> <p>18 MR. KLINE: But we all agree it's figure five,</p> <p>19 though.</p> <p>20 HEARING OFFICER HANNAN: No. Hold on. Do -- I would</p> <p>21 appreciate if we could all work off the same staff report.</p> <p>22 Does -- does anyone have a copy that they can -- we don't</p> <p>23 have to -- I don't want to delay this, we don't have to do</p> <p>24 it now. I think we're in agreement that it's figure five. I</p> <p>25 apologize, I --</p>	<p>99</p> <p>1 those to you. And I'll tell you where they are. They --</p> <p>2 there -- and this is right out of the staff report. It's on</p> <p>3 page six, under section three, analysis and findings, a</p> <p>4 master plan. It's the bullet items under the third paragraph</p> <p>5 down.</p> <p>6 So it's to preserve -- it's to encourage new</p> <p>7 development that preserves the natural resources, encourage</p> <p>8 community design that's compatible with adjacent</p> <p>9 development, enhance the character of new communities by</p> <p>10 increasing natural open space where appropriate. And</p> <p>11 preserve additional open space.</p> <p>12 But those are just general guidelines for the</p> <p>13 overall master plan. There's nothing specific for this site.</p> <p>14 MR. KLINE: Then focusing more into the subject</p> <p>15 property itself, just to kind of get an understanding of the</p> <p>16 land itself, do you have an exhibit you wanted to use for</p> <p>17 this?</p> <p>18 MR. WOLFORD: Yes.</p> <p>19 MR. KLINE: And if you'll tell us which one that is</p> <p>20 so we can make sure we get correlated with all the exhibit</p> <p>21 lists.</p> <p>22 MR. WOLFORD: It's the conditional use site plan.</p> <p>23 HEARING OFFICER HANNAN: Is this in the record</p> <p>24 already?</p> <p>25 MR. WOLFORD: I believe so.</p>
<p>98</p> <p>1 MR. KLINE: I just -- I don't --</p> <p>2 HEARING OFFICER HANNAN: I don't keep up with.</p> <p>3 MR. CHEN: I don't have any -- just some</p> <p>4 highlighting on it [inaudible].</p> <p>5 HEARING OFFICER HANNAN: Well, you know what,</p> <p>6 where'd you get your revised copy? And I could download it?</p> <p>7 MR. CHEN: I got through an e-mail from -- I got it</p> <p>8 twice, actually from staff.</p> <p>9 HEARING OFFICER HANNAN: All right.</p> <p>10 MR. CHEN: One was earlier and one was later.</p> <p>11 HEARING OFFICER HANNAN: Well, let's just for now,</p> <p>12 we'll go with figure five and I'll figure out the right --</p> <p>13 the right staff report later. So it's figure five in the</p> <p>14 staff report. I apologize for the delay. Go ahead.</p> <p>15 MR. KLINE: So I think the next question, Mr.</p> <p>16 Wolford, would be, what rec- -- what information does the</p> <p>17 master plan give us in regard to how this property should be</p> <p>18 treated?</p> <p>19 MR. WOLFORD: There are no specific recommendations</p> <p>20 in the master plan as to this particular property.</p> <p>21 MR. KLINE: Okay. Any general guidance in terms of</p> <p>22 how the property area should be developed?</p> <p>23 MR. WOLFORD: There's some overall larger scale</p> <p>24 guidance that pertains to the master plan area as a whole.</p> <p>25 And I'll find those here in a second and I can give</p>	<p>100</p> <p>1 MR. KLINE: Yeah. So are you going to start from</p> <p>2 that or the Existing Conditions plan?</p> <p>3 MR. WOLFORD: The Existing Conditions plan.</p> <p>4 HEARING OFFICER HANNAN: So is this exhibit 93a?</p> <p>5 MR. WOLFORD: Thank you that's what I was just</p> <p>6 trying to --</p> <p>7 MR. KLINE: It's sheet CUP-2.</p> <p>8 HEARING OFFICER HANNAN: Yeah, I -- that's --</p> <p>9 MR. WOLFORD: Okay. So 93B.</p> <p>10 HEARING OFFICER HANNAN: Okay. Okay.</p> <p>11 MR. KLINE: So Mr. Wolford, looking at what's in</p> <p>12 the exhibit -- what's in the records exhibit 93B, the</p> <p>13 existing conditions plan.</p> <p>14 MR. WOLFORD: Yes.</p> <p>15 MR. KLINE: What were the features of the site that</p> <p>16 you wanted to bring to the -- our attention?</p> <p>17 MR. WOLFORD: So I'm talking about exhibit 93B.</p> <p>18 North is to the left on the exhibit, Needwood Road is</p> <p>19 running north and south on the -- or east and west, on the</p> <p>20 left of the exhibit.</p> <p>21 And so the subject property starts as 2.94 acres.</p> <p>22 It's about six to seven hundred feet east of the</p> <p>23 intersection of Redland Road, on Needwood Road. It has about</p> <p>24 210 lineal feet of frontage on Needwood Road.</p> <p>25 And then it's also got public right of way down the</p>

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26 (101 to 104)

<p>101</p> <p>1 west side of the property which is Carnegie Avenue. And that 2 side of the property's about 633 feet long. 3 So it's a -- it's a rather narrow, deep piece of 4 property. It was what I call an infill, or a skip piece of 5 property in the total development. Somehow -- and this 6 happens frequently, through the -- who owned it, or what 7 they were using it for, or how they were living on it, when 8 the remainder of the development occurred around it, it did 9 not get developed, so it currently has a -- a single family 10 detached home on it. 11 It's relatively flat. It slopes from the northeast 12 corner at Needwood Road, to the southwest corner, along 13 Carnegie Avenue. And it has several larger trees on it and 14 few small stands of individual forest that the landscape 15 architect can testify about at a later date. 16 MR. KLINE: Before you leave that, access to the 17 property today comes from where? 18 MR. WOLFORD: The existing driveway is located 19 about a third of the way west from the common property line, 20 to the west, on Needwood Road. 21 MR. KLINE: Okay. And you mentioned Carnegie Avenue 22 and I think we're probably going to spend a lot of time 23 talking about so can you explain to the hearing examiner 24 it's status and it's state? 25 MR. WOLFORD: It is a public right of way. It is a</p>	<p>103</p> <p>1 that house and that's the only one that fronts onto it. 2 MR. KLINE: Okay. Are there any other structures 3 that have access from the graveled Carnegie? 4 MR. WOLFORD: No. None. 5 MR. KLINE: Got you. 6 MR. WOLFORD: There is a new home that was built on 7 the adjacent lot. It's shown west of Carnegie, fronting on 8 to Needwood Road in the northeast corner of this exhibit. 9 That was recently built and recently sold. And that actually 10 has access on to Needwood Road, with a driveway for the 11 garage that's there. 12 HEARING OFFICER HANNAN: Is it the northwest 13 corner? 14 MR. WOLFORD: Northwest corner. Sorry. Yes. 15 HEARING OFFICER HANNAN: Maybe we should -- 16 MR. KLINE: Yeah. 17 HEARING OFFICER HANNAN: -- turn the -- 18 MR. KLINE: In some ways I think that's true. 19 Because it's actually in the southwest quadrant of the 20 intersection of Carnegie and Redland, or -- 21 HEARING OFFICER HANNAN: Carnegie and Needwood. 22 [inaudible] That's good. That's helpful. Thank you. 23 MR. WOLFORD: Let me pull this around. 24 MR. KLINE: And before you leave that I guess I'd 25 ask you, from a land use plan perspective, are there land</p>
<p>102</p> <p>1 substandard public right of way, so there's no right of way 2 standard that MCDOT has, Montgomery County Department of 3 Transportation has today that this road meets the standards, 4 so -- 5 MR. KLINE: How -- how wide is it dedicated to? 6 MR. WOLFORD: I believe it's -- let me look at the 7 plan to refresh my memory. It's 40 feet of right of way 8 today. And it is -- it's gravel. And it is blocked off at 9 the southern end where it connects to the remainder of 10 Carnegie Avenue, which is accessed through the single-family 11 detached development to the south. 12 MR. KLINE: Okay. 13 MR. WOLFORD: So there's a -- it doesn't continue 14 through. It continues to our south corner property line and 15 then it's blocked. And then it's gravel up to the 16 intersection with Needwood Road. 17 MR. KLINE: And if we leave -- and it's gravel to 18 serve a single residence located on [inaudible]? 19 MR. WOLFORD: Yeah, there is -- 20 MR. KLINE: One or more? 21 MR. WOLFORD: One. The Tapscott residence, and I 22 apologize for the -- the board continue to slide a little 23 bit here -- is located on the west side of Needwood Road, at 24 the southwest corner of the subject property, is the 25 Tapscott house and currently the gravel driveway accesses</p>	<p>104</p> <p>1 use constraints that you've -- physical land use constraints 2 or actual conditions that sort of determine how the property 3 will be developed? 4 MR. WOLFORD: Yeah, the narrowness of the lot and 5 the depth determine how that the eventual plan can stack up 6 on the property, when you apply all the setbacks that need 7 to be applied to it. Because it has two public road 8 frontages, it has two front yards. So it has a front yard on 9 Needwood Road at the north and a front yard along Carnegie 10 Avenue on the west. 11 MR. KLINE: Thank you. So I would like you to take 12 the features of the property, the constraints you just 13 mentioned and kind of fold that together. 14 When Mr. Taylor told you about what they were 15 trying to accomplish and just give an overview of the 16 rational for the layout that is show on exhibit 148. And why 17 don't -- why don't we put up the 148 as basically -- on 18 another easel. 19 HEARING OFFICER HANNAN: Oh, su- -- that's fine. 20 MR. WOLFORD: Or I could also use -- if it's 21 possible, the conditional use plan, which is CUP-4. 22 HEARING OFFICER HANNAN: Which is 93D. 23 MR. WOLFORD: Excuse me, what was it? 24 HEARING OFFICER HANNAN: 93D. 25 MR. WOLFORD: Okay. I was more concerned about the</p>

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27 (105 to 108)

<p>105</p> <p>1 easel being level than I was about which direction it was 2 aiming?, sorry. 3 HEARING OFFICER HANNAN: That's fine. 4 MR. WOLFORD: So this is the current plan, which is 5 Exhibit 93D, which is the approved -- well, the recommended 6 for approval, from the planning board and staff, Conditional 7 Use plan. There is a setback adjacent to Needwood Road, of 8 50 feet. 9 There's a setback to the building, adjacent to 10 Carnegie Avenue, of 50 feet, which sets the location of the 11 building -- the building is the darker gray, in the -- in 12 the north, central part of the site, the outline of the 13 building. 14 HEARING OFFICER HANNAN: I'm sorry, what house? Did 15 you say it's setback from a house? 16 MR. WOLFORD: No, from public road right of way. 17 HEARING OFFICER HANNAN: That's 50 feet? 18 MR. WOLFORD: Yes. 19 HEARING OFFICER HANNAN: Okay. I'm sorry. 20 MR. WOLFORD: That -- that -- that's the front yard 21 setback on Carnegie and the front yard setback on -- on 22 Needwood Road. 23 HEARING OFFICER HANNAN: Oh, I see what you're 24 saying. 25 MR. WOLFORD: So the building -- one of the things</p>	<p>107</p> <p>1 HEARING OFFICER HANNAN: Well, I picked up on what 2 you said. 3 MR. KLINE: Okay. Well, let me -- I understand what 4 Mr. Chen said. So Mr. Wolford, would you kind of explain how 5 Maser's office works, in designing a site that is brought to 6 you by Primrose. How do you do that collectively -- 7 MR. CHEN: Well, pardon me -- generally -- pardon 8 me. Is he on the staff of Maser? Is that -- you used the 9 engineering firm. Is this gentleman part of the staff? 10 MR. KLINE: Would you describe your affiliation 11 with Maser Engineering? 12 MR. WOLFORD: I am a full-time employee -- 13 HEARING OFFICER HANNAN: Who is Maser? 14 MR. WOLFORD: The engineer -- the consulting 15 engineering firm that prepared the plans. 16 HEARING OFFICER HANNAN: Okay. Go ahead. 17 MR. WOLFORD: I am a full-time employee at Maser 18 Consultants. I am the Mid-Atlantic regional director of 19 services for Maser Consulting. I am also -- I have an 20 undergraduate degree in landscape architecture and I am a 21 registered landscape architect and have done site planning 22 for 40 years. 23 MR. KLINE: Okay. 24 MR. CHEN: Okay. I get it. Yeah, great. 25 HEARING OFFICER HANNAN: Okay. I know, you're just</p>
<p>106</p> <p>1 we were trying to do in the layout was make the building 2 look as residential in character as we could, from Needwood 3 Road. 4 So we fronted the narrow -- 5 MR. CHEN: Excuse me, excuse me, objection. I need 6 some clarification. This gentleman is a land planner. I'm 7 not aware that he is a site plan designer or anything to do 8 with the actual siting. If he has, I think we need a 9 foundation for it. But -- 10 MR. KLINE: I'm glad to have him answer that. 11 MR. CHEN: I mean, I thought we already had part of 12 that, already, from the previous witness, but -- 13 HEARING OFFICER HANNAN: Well, that was factual. He 14 was not an expert, so why don't you -- 15 MR. KLINE: Well, -- 16 HEARING OFFICER HANNAN: You're objecting that a 17 land planner can't testify as to siting design? 18 MR. CHEN: That's where I'm going. I have no 19 problems with the testimony you've heard thus far about, you 20 know, this is the distance and that type -- 21 HEARING OFFICER HANNAN: I understand. 22 MR. CHEN: But he started, his next area was, we 23 sited something -- used that terminology, which I don't 24 believe he's been qualified in that area. And you picked up 25 on that. It is the siting.</p>	<p>108</p> <p>1 checking. Okay, go ahead. 2 MR. WOLFORD: So Primrose brought the site to Maser 3 and you and tell us to how you basically incorporated all 4 these various features that came up with this design. 5 MR. WOLFORD: Well, on the team that works on the 6 project with me is another landscape architect that takes 7 care the environmental and the true landscape planting 8 plans. There is an architect that comes from Primrose that 9 works on the project. And you'll probably hear from him 10 later today. And then there are several civil engineers that 11 work on the project with me. 12 So we get together and they -- Primrose and the 13 property owner will say to us, which of the floor plans they 14 would prefer to have, based upon their market research and 15 the amount of children, and the type of services they'd like 16 to provide upon the facility. And they send us the floor 17 plan of what would be -- what they would like to see. 18 Because we've done numerous daycares and we've done 19 numerous daycares for Primrose, we're very aware of what 20 they're trying to have in terms of security to access to the 21 building for the children, the way they like the drop off to 22 occur, the way they like for the staff to park, and the way 23 they like direct access from the classrooms to the enclosed 24 and secure play area. 25 And then the way that they like to break up the</p>

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28 (109 to 112)

<p>109</p> <p>1 play area into different age groups so that the children are 2 age appropriate size equipment. So then we take that and we 3 do a zoning analysis of the property. 4 We look at the setbacks they have permitted, all 5 the bulk density; building height, everything that's listed 6 on the -- on the corner of the plan, and start to arrange 7 the elements into that plan on that piece of ground, in what 8 we would think would be the most sensitive and ease of 9 operation for the person that owns the property and is going 10 to operate the early child learning center. 11 MR. KLINE: I think the phrase came out of your 12 mouth that triggered this discussion, was, we were trying to 13 give it a residential look, I think. 14 MR. WOLFORD: Yes. So both us and the staff at Park 15 and Planning were very aware that there is a predominately 16 residential character in the community. 17 Of course, because it's a commercial facility, 18 Primrose would like the largest front that they possibly can 19 facing the street, because it helps them with advertisement. 20 But in this case, what we did was -- we tried to 21 take the smallest face of the building, which in this case, 22 is just the north face of the building, or the site that 23 fronts onto Needwood Road, is parallel to Needwood Road, and 24 put that toward Needwood Road. 25 And it's just a single story. So it is as in</p>	<p>111</p> <p>1 No one has to back up, or there's no dead ends in 2 that loop. Access to the building is on the south face of 3 the building. There's a little plaza there. All handicap 4 accessible. Handicap accessible parking stalls so people can 5 get -- easily get to the facility. 6 They are not allowed to drop their children off 7 outside the building. They have to park. They have to take 8 their child inside. They have to register, take them to the 9 classroom, see the teacher, and then they can go ahead and 10 go back out. 11 So it's important that we have good circulation 12 through the parking lot, for the project. We have a storm 13 water management facility that the engineer will talk about, 14 the hydrology and hydraulic calculations and how he got all 15 the engineering done, later. 16 In the center, to create a large island to break up 17 the amount of pavement in the parking lot. We've got two 18 other storm water management facilities to the -- to the 19 west of the parking lot, so that there's sheet flow to them. 20 And we've located a dumpster recycle location in 21 the extreme south west of the -- of the property -- of the 22 parking lot, to try to get it as far away from all the 23 neighbors, as we possibly could. And this will have a full 24 enclosure around it with gates so that, you know, it won't 25 be visible to the neighborhood and community.</p>
<p>110</p> <p>1 residential character as we can. So the view shed from 2 Needwood Road is -- is -- works the best and fits into 3 character. 4 The second thing we tried to do was to try to line 5 up, in a line, or approximation of a line, where the other 6 front yard setbacks were for the adjoining properties. We 7 didn't want to be way out in front of everyone and we didn't 8 want to be back. 9 And you can see from this -- the new home that it's 10 adjacent to us, west of Carnegie is closer to the street and 11 our property, than our proposed design. Our frontage is 12 here. 13 And then there's a -- to the east of us, there's a 14 single family residential home that is slightly back from 15 us, so in kind of a line across Needwood Road. We don't 16 stand out any further and we don't stand back any further. 17 We kind of tried to stay in line with them. 18 Now, just staying on the current plan or not. Not 19 how we got to the current plan, we ended up with a driveway 20 location at the northwest corner of the property, accessing 21 onto Needwood Road. 22 The driveway comes down the east side of the 23 property and there's a very easy loop in the parking lot, 24 with all the parking stalls around it. And it's good for 25 continuous circulation. It's good for emergency circulation.</p>	<p>112</p> <p>1 The last thing I'll touch on, Jody, is there's a 2 cross acting which is diagonal dash lines on the plan that 3 start in front of the building, or the north side of the 4 building, has a diagonal at the intersection of Carnegie and 5 Needwood. And it comes down the west side of the building 6 and then back to the corner of the building. 7 And that that area is the play area for the -- for 8 the children of the facility. And there will be a fence that 9 will completely go around that. And then the fence will also 10 be down along the side of the driveway, on the east side of 11 the building. 12 So that the children that are in classrooms along 13 the east side can exit directly from their classroom to the 14 secured walkway and walk around the building to the play 15 area, where they can enjoy themselves and get some outdoor 16 space and some fresh air. 17 And then one of the last elements is, there is tree 18 preservation across the back of the lot, which will be a 19 small amount of tree preservation. This is in extreme south 20 end of the lot. 21 A small amount of tree preservation and then the 22 remainder of that will be done in A4 station. So the total 23 area of A4 station is about two- -- a little over two- -- 24 almost 24,000 square feet; roughly a little over half an 25 acre of A4 station.</p>

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29 (113 to 116)

<p>113</p> <p>1 MR. KLINE: And so would you explain the layout 2 based on the recommendations in regards to minimize, not 3 prohibit parking in the front of the building. 4 MR. WOLFORD: Yeah, the staff at Park and Planning 5 can't prohibit you from parking in front of the building, 6 but generally, as a rule in Montgomery County, it's frowned 7 upon and it's a struggle, if you have to parking, or even a 8 driveway around the building, like for a drop-off for CVS or 9 a pick-up for CVS. 10 It's -- it's -- they try to find other methods to 11 get that done, to get the buildings more closer to the 12 public right of way, and to activate the streetscape is what 13 Park and Planning is really trying to do. 14 MR. KLINE: So that allows you to move the building 15 -- based on the description of the factors you looked at, 16 the result of that is that adjacent to the Kosary residence 17 to the east, you have a parking field, rather than a 18 building. 19 MR. WOLFORD: Yes. Yes, we do. 20 MR. KLINE: Okay. And is there a tree stand already 21 existing on the southeast corner of the property that is 22 being amplified into being a full forest now? 23 MR. WOLFORD: Yes, there is what is considered a 24 forest stand on the adjoining property. And I'm -- the 25 Kosary residence is an outline. It's kind of a Z-shaped</p>	<p>115</p> <p>1 site plan itself. 2 The one element that took the most amount of time 3 was the condition and the amount of frontage we have on the 4 gravel substandard right of way on Carnegie Avenue. So I 5 probably have 10 or 15 drawings that we've done, trying to 6 resolve this issue over the almost two years that we've been 7 working on this. 8 MR. KLINE: So explain -- 9 HEARING OFFICER HANNAN: I -- oh. 10 MR. KLINE: Oh, go ahead. 11 HEARING OFFICER HANNAN: No, you're asking, I 12 think, my question. 13 MR. KLINE: So explain when you first went down to 14 Park and Planning Commission and laid out the site plans, 15 said this is the way we'd like to do it, the staff's 16 reaction was we don't want -- the staff's reaction to access 17 to the property was what? 18 MR. WOLFORD: They -- they -- there's a general 19 rule and I can't quote it, but I know from years of 20 experience that if you have a property and it's adjacent to 21 a public right of way and if the right of way is 22 substandard, in terms of its improvement, or in terms of its 23 right of way width, they would like you to dedicate the full 24 right of way, or your half section of the right of way, that 25 could accommodate.</p>
<p>114</p> <p>1 outline on the -- the southeast corner of our property. 2 And there is continuous woods on their property 3 that came onto the subject property for probably 20 or 30 4 feet. And what the environmental staff at Park and Planning 5 want you to do is to increase stands of trees, not have 6 isolated pockets of stands of trees. 7 So since that was already a start of stand of trees 8 that carried on to our property, we preserved it. And then 9 we carried on across the property for the roughly 24,000 10 square feet of A4 station. 11 So there's no trees there today. It's mowed lawn, 12 but we added -- we're going to A4 that and it will be under 13 an easement and the landscape architect can talk more about 14 the species of trees and the protection and how the bonding 15 and everything works for that. 16 MR. KLINE: I was reminded when Mr. Chen showed me 17 a moment ago the application and it was to help back in May 18 of 2018. What took so long on this application? 19 MR. WOLFORD: The -- the major thing -- the 20 relatively simple design elements fell into place relatively 21 quickly, between ourselves, the operators and owners, and 22 Prinrose, and the staff at Park and Planning. 23 While the engineer was still working on storm water 24 management and the traffic consultant was still working on 25 transportation and traffic. And we were just focused on the</p>	<p>116</p> <p>1 And then they would like you to improve the right 2 of way to public works standards. 3 So we initially had a driveway that connected to 4 Needwood Road at the extreme northwest corner of the 5 property. The driveway came down along the west side, ran 6 exactly parallel to Carnegie Avenue, and then served the 7 parking lot and went back out. That was round number one. 8 Then they said, no, we needed to -- they -- they 9 have a policy, I would guess it would be to require these 10 roadway improvements, so we worked -- and they would like us 11 to have dedicated a ride-of-way, improved Carnegie Avenue, 12 and not duplicate Carnegie with a driveway on our lot which 13 increases too much impervious access the parking lot from 14 Carnegie Avenue which -- 15 MR. KLINE: So stand up here and -- 16 MR. WOLFORD: Yes. 17 MR. KLINE: -- show the hearing examiner kind of 18 where they wanted you to put the building and access it off 19 Carnegie. 20 MR. WOLFORD: The building would have stayed almost 21 exactly where it was -- the parking lot would stay as it is 22 at the south end. And then we would have an access into the 23 parking lot at either the southwest corner of the existing 24 parking field or the northwest corner of the parking field. 25 Now the parking lot was slightly different in arrangement at</p>

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<p>117</p> <p>1 that time.</p> <p>2 But they wanted either an access where the dumpster</p> <p>3 location should now [ph] or an access that's a drive</p> <p>4 through. We preferred the further one to the south because</p> <p>5 it allowed cars to come in and move in a counter-clockwise</p> <p>6 direction and flow better and get off the property.</p> <p>7 MR. KLINE: So the master plan does recommend that</p> <p>8 Carnegie be opened all the way from Needwood to the</p> <p>9 residential subdivisions south that is -- you said is</p> <p>10 blocked off.</p> <p>11 MR. WOLFORD: Yes.</p> <p>12 MR. KLINE: Okay. And so they would -- they've</p> <p>13 required us to improve Carnegie for its entire length.</p> <p>14 MR. WOLFORD: Yes.</p> <p>15 MR. KLINE: All right.</p> <p>16 MR. WOLFORD: Yeah. So we would have to dedicate on</p> <p>17 our side the amount that needed to be to get the 50 foot</p> <p>18 ride-a-way, which would be a certain amount -- I think it's</p> <p>19 five feet. And then do the full road improvement for</p> <p>20 Carnegie.</p> <p>21 At the same time, we ran into a little bit of a</p> <p>22 problem because Montgomery County Department of Permitting</p> <p>23 Services issued a permit to construct this home on the west</p> <p>24 side of Carnegie that fronts onto Needwood and made no</p> <p>25 requirement on that particular landowner to dedicate right</p>	<p>119</p> <p>1 Weaver who is the area planner for this area. They had had</p> <p>2 numerous -- and he didn't tell me exactly how many times,</p> <p>3 contract purchasers or people interested in the property</p> <p>4 come in to develop it as two lots in the RA1 zone, which it</p> <p>5 could be done.</p> <p>6 And in each case, Park and Planning told them the</p> <p>7 same thing they told us, is you have to dedicate the right</p> <p>8 of way and you have to improve the full right of way.</p> <p>9 And just from experience, there's no way for the</p> <p>10 construction of two residential lots. You could build 600</p> <p>11 and some feet of public right of way and make it work. So</p> <p>12 all those other possible contract purchasers or interested</p> <p>13 parties, according to Rich Weaver, had fallen out.</p> <p>14 HEARING OFFICER HANNAN: Let's forget what Rich</p> <p>15 Weaver said.</p> <p>16 MR. WOLFORD: Okay.</p> <p>17 HEARING OFFICER HANNAN: My question is why -- what</p> <p>18 I'm trying to get to was what drove you putting the -- the</p> <p>19 driveway on the other side.</p> <p>20 MR. KLINE: Okay. And don't get there quite yet.</p> <p>21 Talk -- tell the hearing examiner about the interim solution</p> <p>22 that we tried to implement to eliminate that problem. The</p> <p>23 contract [inaudible].</p> <p>24 HEARING OFFICER HANNAN: Is there -- what, okay. Go</p> <p>25 back. I'm trying to avoid a lot of hearsay.</p>
<p>118</p> <p>1 of way or participate in any improvements for Carnegie.</p> <p>2 So it put us in a box. Because there was not enough</p> <p>3 right of way on their side, because there was no mechanism</p> <p>4 for DPS or Montgomery County to take right of way after they</p> <p>5 had issued a building permit for that new home.</p> <p>6 MR. KLINE: So there was a --</p> <p>7 HEARING OFFICER HANNAN: Where is the access for</p> <p>8 the home? Is it from Carnegie?</p> <p>9 MR. WOLFORD: Yes, it's a side-loaded garage which</p> <p>10 is on the -- the east side of the home. And the driveway</p> <p>11 comes in off of --</p> <p>12 HEARING OFFICER HANNAN: Off of Needwood.</p> <p>13 MR. WOLFORD: -- Needwood, directly in. So in that</p> <p>14 sense, that's how they kind of bypassed the need to ever</p> <p>15 engage in the Carnegie Avenue discussion, was because their</p> <p>16 access was directly from Needwood Road.</p> <p>17 MR. KLINE: But when Prinrose went in and said we</p> <p>18 want access --</p> <p>19 HEARING OFFICER HANNAN: Wait, wait. You have to</p> <p>20 ask a question. So what happened then?</p> <p>21 MR. KLINE: What happened then?</p> <p>22 MR. WOLFORD: So when we had our access, they said</p> <p>23 no. They wanted us to improve and dedicate the right of way</p> <p>24 for Carnegie.</p> <p>25 And what we had heard from the staff, from Rich</p>	<p>120</p> <p>1 MR. KLINE: Okay.</p> <p>2 HEARING OFFICER HANNAN: But --</p> <p>3 MR. KLINE: No, this is factual. We filed a concept</p> <p>4 plan application, seeking abandonment of Carnegie Avenue.</p> <p>5 MR. WOLFORD: Yes, once we determined that it was</p> <p>6 cost prohibitive and could not be built, and would create</p> <p>7 substantial more opposition from the community behind us,</p> <p>8 because they're in a private enclave now and this would lead</p> <p>9 to cut through their neighborhood.</p> <p>10 We -- we filed a concept plan and requested</p> <p>11 abandonment. And the staff was relatively supportive of that</p> <p>12 before we made the submission.</p> <p>13 So under that scenario, the right of way would have</p> <p>14 been abandoned. Half the right of way would have come to the</p> <p>15 subject property. The other half, or the east -- the west</p> <p>16 half -- the portion that abuts the residential lot with the</p> <p>17 new home on Needwood, would go to them.</p> <p>18 And the Tapscotts would get whatever their half of</p> <p>19 their frontage is. And then we -- we would have somehow</p> <p>20 tried to reach an agreement with the Tapscotts to give them</p> <p>21 a permanent ingress -- egress easement across the property,</p> <p>22 or the existing road that -- for -- for this -- for</p> <p>23 Carnegie, back to them, and then improve it to something</p> <p>24 like a residential driveway.</p> <p>25 MR. KLINE: And what was the department of</p>

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<p style="text-align: right;">121</p> <p>1 transportation's reaction to the abandonment application?</p> <p>2 MR. WOLFORD: No. They want the right of way. And</p> <p>3 they wanted to keep the right of way. And they wanted the</p> <p>4 right of way improved.</p> <p>5 MR. KLINE: Okay. So in pursuing the implementation</p> <p>6 of that recommendation, what did the applicant discover that</p> <p>7 made that an unimplementable option?</p> <p>8 MR. WOLFORD: The -- the civil engineer and the</p> <p>9 transportation planner will better testify to the specifics</p> <p>10 of this. But what was found was that -- currently today,</p> <p>11 Montgomery County Department of Transportation has an</p> <p>12 intersection that does not operate properly and is unsafe.</p> <p>13 So there's a small crest in the hill on Needwood,</p> <p>14 right at the intersection with Carnegie. So when you come up</p> <p>15 Needwood, which our family would have done, leaving the site</p> <p>16 and got to that point, to take a left turn.</p> <p>17 MR. KLINE: You said coming up Needwood.</p> <p>18 MR. WOLFORD: Coming north on Carnegie from</p> <p>19 accessing at that time, that concept plan from the parking,</p> <p>20 as they got Needwood Road, if they wanted to make a left</p> <p>21 turn, they have to look to the left to see oncoming traffic,</p> <p>22 going east and then they -- they -- you cannot see the cars</p> <p>23 coming from your right, because of the crest in the hill,</p> <p>24 until there's not enough time for you to safely egress or</p> <p>25 get out onto Needwood from Carnegie and go to the left, or</p>	<p style="text-align: right;">123</p> <p>1 MR. KLINE: Which is essentially a driveway in the</p> <p>2 northeast corner of the property.</p> <p>3 MR. WOLFORD: Yes.</p> <p>4 MR. KLINE: Where there is adequate lines of sight.</p> <p>5 MR. WOLFORD: Yes. Correct.</p> <p>6 MR. KLINE: And that -- that's what took so long to</p> <p>7 work that all out?</p> <p>8 MR. WOLFORD: Yes. And the gap analysis and the</p> <p>9 horizontal curve sight, distance, speed of travel, all that</p> <p>10 will be covered by the civil engineer and that</p> <p>11 transportation planner because they did those studies.</p> <p>12 I just reacted to information they gave me that</p> <p>13 came from MCDOT -- Montgomery County Department of</p> <p>14 Transportation and -- and parking planning and then revise</p> <p>15 the plan and submitted it.</p> <p>16 MR. KLINE: The requirement to dedi- -- I'm sorry.</p> <p>17 Well, to dedicate and to build Carnegie Avenue has what</p> <p>18 effect on the development potential of the property?</p> <p>19 Generally including -- that's --</p> <p>20 MR. WOLFORD: Oh, wait -- wait --</p> <p>21 HEARING OFFICER HANNAN: Objection. Hearsay.</p> <p>22 MR. WOLFORD: Yeah.</p> <p>23 MR. KLINE: Again, he's a land planner. He's not</p> <p>24 talking about finances on developability [sic] and things of</p> <p>25 that, nature.</p>
<p style="text-align: right;">122</p> <p>1 to the west.</p> <p>2 So when that was found, then we -- we looked at the</p> <p>3 multiple ways and how far we'd have to chase Needwood road</p> <p>4 to fix it. And it has just been recently reconstructed with</p> <p>5 all new buyer retention, a trail on it, new pavement.</p> <p>6 The county just did a lot of upgrade to that. And</p> <p>7 what we found was we could not solve the problem because of</p> <p>8 the need for right of way to fix the road at that point.</p> <p>9 It would have -- you're taking right of way from</p> <p>10 everyone on the north side of Needwood Road, it would have</p> <p>11 affected several power poles, people's driveways, the</p> <p>12 sidewalks, and everything and -- and along the south side of</p> <p>13 Needwood Road.</p> <p>14 MR. KLINE: So the position of park and planning</p> <p>15 commission upon learning that there was not adequate lines</p> <p>16 of sight at the intersection of Carnegie and Needwood was</p> <p>17 what?</p> <p>18 In conjunction with Montgomery County Department of</p> <p>19 Transportation said move the driveway to a location where</p> <p>20 you can get safely on and off the property. They can't deny</p> <p>21 us access to a public right of way.</p> <p>22 And that precipitated the move of the driveway.</p> <p>23 Well, the move over the property ingress egress off of</p> <p>24 Carnegie Avenue to the current location shown on Exhibit</p> <p>25 93D.</p>	<p style="text-align: right;">124</p> <p>1 HEARING OFFICER HANNAN: It's okay. That's okay.</p> <p>2 Just move --</p> <p>3 MR. CHEN: Yeah.</p> <p>4 HEARING OFFICER HANNAN: It will fade away.</p> <p>5 MR. KLINE: If he's talking --</p> <p>6 HEARING OFFICER HANNAN: Is the microphone --</p> <p>7 MR. CHEN: It's okay.</p> <p>8 MR. WOLFORD: I'm sorry.</p> <p>9 MR. KLINE: No. It's okay.</p> <p>10 HEARING OFFICER HANNAN: Just -- it's fine. For the</p> <p>11 record, there was a water spill. Okay. Go ahead.</p> <p>12 MR. KLINE: Sure. Oh --</p> <p>13 HEARING OFFICER HANNAN: Once he had --</p> <p>14 MR. KLINE: Yeah.</p> <p>15 HEARING OFFICER HANNAN: I had a little the same</p> <p>16 thing. What --</p> <p>17 MR. KLINE: Sure. All right. Well, --</p> <p>18 HEARING OFFICER HANNAN: Is he saying the property</p> <p>19 is undevelopable or what's he say?</p> <p>20 MR. KLINE: Yeah.</p> <p>21 HEARING OFFICER HANNAN: He's -- he's not a -- a</p> <p>22 appraiser.</p> <p>23 MR. KLINE: Understand that, but he is -- he is a</p> <p>24 land use planner. And in his office people would come to him</p> <p>25 and say, how can I develop this piece of property? And they</p>

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<p>125</p> <p>1 would be able to analyze the lane use features and the 2 public requirements to make public improvements of what the 3 cost would be. And what you could put on the property to 4 support those costs? 5 MR. CHEN: Well, if he wants to tes- -- and I 6 thought this is what he was saying was in order to have this 7 particular use, a daycare center for 195 students and 30 8 staff that the constraints of this site dictate that this is 9 how we get access onto Needwood, which I think he went 10 through and -- and I understood we were saying. 11 If he wants to get into -- if Mr. Kline is saying, 12 well, what other uses could this site not have or something 13 like that. Then I have an issue because this gentleman is a 14 land planner and you can talk about setbacks, building 15 envelopes, and things of that nature. 16 I have no objection to that, but if -- if Mr. Kline 17 is going to seek an opinion from this witness as to what 18 cannot be or or can be developed on the site, that opens a 19 whole new area that is beyond the kith and kin of a land 20 planner. 21 MR. KLINE: Actually, I -- I do want to go that 22 direction and I don't believe it's gone because what he 23 regularly does is analyzes the development potential of a 24 piece of property and takes into account the cost of 25 implementing public structures. I --</p>	<p>127</p> <p>1 with to taking to have to improve the entire road -- 2 MR. KLINE: Then -- then -- 3 HEARING OFFICER HANNAN: Which is what I would 4 argue. But hey, so it's -- in my mind it's speculative. 5 MR. CHEN: If -- if I may -- 6 MR. KLINE: Let's finish, please. Okay. Then I'm -- 7 then I'm going to -- I would like to lay out the foundation 8 for the -- the direction of would like to go with this. 9 So you have an appraisal submitted by the 10 opposition that basically says there's an adverse economic 11 impact on this property because there's a church on one side 12 and now an institutional use potentially on the other side 13 and that has an ecan- -- dim- -- diminution of value of the 14 property. 15 What I'd like to demonstrate to you is that what 16 would presumably not cause a diminution value to the 17 property is its residential development, leaving it just the 18 way it is and single family houses on it and that, that is 19 not ever going to happen. The inevitable usage -- 20 MR. KLINE: [inaudible] 21 HEARING OFFICER HANNAN: But I -- that is really 22 speculative. I mean, it's not happening to you. You're -- 23 you're a -- 24 MR. KLINE: No. 25 HEARING OFFICER HANNAN: You're here with a large</p>
<p>126</p> <p>1 HEARING OFFICER HANNAN: I guess I -- I understand 2 -- I guess I don't understand a, well maybe this is, you 3 know, he designs for specific uses. 4 And so -- and the evidence on requiring the full 5 right of way. I -- I understand it, but it is hearsay. 6 That's what gives me pause. It's through Rich Weaver. 7 MR. KLINE: Oh no. No. I wasn't going to Rich 8 Weaver. 9 HEARING OFFICER HANNAN: Yeah. Yeah. Well, -- 10 MR. KLINE: Mister -- 11 HEARING OFFICER HANNAN: I -- I -- 12 MR. CHEN: Is -- is there a foundation set? All 13 we've heard is the assignment that they got was for this 14 specific type of use. 15 HEARING OFFICER HANNAN: I -- I tend to agree with 16 Mr. Chandler on this one. You know, he's looking at it from 17 the perspective of Primrose schools. 18 MR. CHEN: Thank you. 19 HEARING OFFICER HANNAN: And I am -- in my opinion, 20 it's a little if -- if you're -- it's a little far-fetched 21 to go to whether a residential property owner would be able 22 to purchase this lot. 23 MR. KLINE: Oh, not purchase it, develop it. 24 HEARING OFFICER HANNAN: Well, develop it. 25 Whatever. I mean, you could -- who knows, he could argue</p>	<p>128</p> <p>1 daycare because you can get access from Needwood. 2 MR. KLINE: But -- but I'm -- but I'm -- we're 3 being told that our building is going to cost the adjacent 4 property owner some value of their property and we want the 5 opportunity to demonstrate why other development of the 6 property -- what I guess where they would prefer the 7 property would remain as it is, is not going to happen. Any 8 development that property will cause the effect that's going 9 to curb. 10 MR. CHEN: What is it? 11 HEARING OFFICER HANNAN: Why? Why can't two houses 12 have access where you're putting access? 13 MR. KLINE: It's not an access issue. It's the 14 development potential. The property cannot be developed 15 residentially without building Carnegie Road. And it is not 16 economically feasible to build Carnegie Road. 17 HEARING OFFICER HANNAN: But where do you get that 18 proposition that it -- why does it have to be -- why do you 19 have to have access? You don't have access to Carnegie Road. 20 Why do you need access to Carnegie Road? 21 MR. KLINE: I -- I would concede that the property 22 can be developed with a single family house on it. But 23 that's not what the market is in this location. 24 MR. WOLFORD: Well, -- 25 MR. KLINE: The appraisal --</p>

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<p>129</p> <p>1 HEARING OFFICER HANNAN: Well, okay. Now --</p> <p>2 MR. KLINE: Appraisal study based on --</p> <p>3 HEARING OFFICER HANNAN: Well, then you can have</p> <p>4 your -- your appraiser come and say that.</p> <p>5 MR. KLINE: Mm-hmm.</p> <p>6 HEARING OFFICER HANNAN: But he -- I don't see a</p> <p>7 basis here for him to say, which I think is what you're</p> <p>8 proffering, that because you'd have to improve Carnegie</p> <p>9 Road. You -- you can't build residences on this.</p> <p>10 MR. KLINE: It's not cost-effective by their</p> <p>11 judgment. That's what he's saying.</p> <p>12 HEARING OFFICER HANNAN: Right. And I -- I don't</p> <p>13 think he has the basis --</p> <p>14 MR. CHEN: I'm sorry; this is what he does for a</p> <p>15 living. Somebody walks in, says I have a three-acre parcel</p> <p>16 of land and tell me how I can develop it with how many</p> <p>17 houses?</p> <p>18 HEARING OFFICER HANNAN: But why can't -- but</p> <p>19 you're not accessing the piece of the puzzle I'm missing; I</p> <p>20 don't care what Rich Weaver says. I mean, I do care.</p> <p>21 MR. CHEN: I'm not saying --</p> <p>22 HEARING OFFICER HANNAN: I do care what Rich Weaver</p> <p>23 says actually, that come -- came across wrong. But you have</p> <p>24 a property right here with a much more intense use than two</p> <p>25 residences.</p>	<p>131</p> <p>1 notice of would be an issue from this witness.</p> <p>2 If you do -- if it -- it comes up in testimony, I</p> <p>3 will let it in on rebuttal, but that there's no other --</p> <p>4 basically what you're saying is there's no residential use</p> <p>5 of the property. That's what I think you're saying. And he -</p> <p>6 - he is not prepared. I was not prepared to address that</p> <p>7 issue.</p> <p>8 MR. WOLFORD: Right. Right.</p> <p>9 MR. KLINE: Well, I think it's within the scope of</p> <p>10 the land planner's expertise to be able to say this is what</p> <p>11 the development potential of a property is based on the</p> <p>12 costs associated with this development.</p> <p>13 HEARING OFFICER HANNAN: Well, I've never had a</p> <p>14 land planner get into the costs to develop a property. I --</p> <p>15 they go through and they say it complies with the master</p> <p>16 plan.</p> <p>17 MR. KLINE: Sure. Sure.</p> <p>18 HEARING OFFICER HANNAN: It does this. I'm not</p> <p>19 trying to be hard on you. I just -- I -- I'm a little</p> <p>20 surprised that -- that we're at this issue.</p> <p>21 MR. KLINE: Well, I -- I guess I'm surprised to</p> <p>22 your conclusion. Maybe it's because I'm in the trenches</p> <p>23 daily with people who deal with --</p> <p>24 HEARING OFFICER HANNAN: You don't think I am?</p> <p>25 MR. KLINE: No. But -- but you're -- but you're not</p>
<p>130</p> <p>1 MR. CHEN: Right.</p> <p>2 HEARING OFFICER HANNAN: And you have access off of</p> <p>3 Needwood.</p> <p>4 MR. CHEN: And the point I'm trying to demonstrate</p> <p>5 to you is that the kind of use we're talking about is the</p> <p>6 only nuisance ever going to occur on that property.</p> <p>7 HEARING OFFICER HANNAN: I -- I do not think that</p> <p>8 he can talk -- I don't think he has the foundation for that.</p> <p>9 MR. CHEN: I -- and I would disagree strongly with</p> <p>10 that and I would object to your conclusion because that's</p> <p>11 what he does for a living, is analyzing what the costs of</p> <p>12 land development are, so he knows what the value of the lots</p> <p>13 would be and what the cost to -- to build a Carnegie Road</p> <p>14 and why --</p> <p>15 HEARING OFFICER HANNAN: Does he do resident? Do</p> <p>16 you do residential development?</p> <p>17 MR. WOLFORD: Yes. I do.</p> <p>18 MR. CHEN: Can I be heard on something? I object on</p> <p>19 two grounds; okay? This witness has not been demonstrated to</p> <p>20 have economic analysis background; okay? He's been offered</p> <p>21 as a land planner. The pre-hearing statement says nothing</p> <p>22 about this area.</p> <p>23 HEARING OFFICER HANNAN: I guess that's what I -- I</p> <p>24 -- I -- I apologize. I know it's important to you. I know</p> <p>25 it's an important point but it's not an issue that I was on</p>	<p>132</p> <p>1 sitting at a table talking about what's the cost going to</p> <p>2 be, buying FAR, to go up another story.</p> <p>3 Or what's it cost could be to kind of treat --</p> <p>4 HEARING OFFICER HANNAN: You don't think I've had</p> <p>5 issue here before?</p> <p>6 MR. KLINE: Well, then -- then I would think where</p> <p>7 you would be comfortable is --</p> <p>8 HEARING OFFICER HANNAN: And not from a land</p> <p>9 planner.</p> <p>10 MR. CHEN: That's right. That's right.</p> <p>11 MR. KLINE: And who's --</p> <p>12 HEARING OFFICER HANNAN: It's usually the developer</p> <p>13 or -- or --</p> <p>14 MR. CHEN: Somebody with qualifications.</p> <p>15 HEARING OFFICER HANNAN: On the economic side.</p> <p>16 MR. CHEN: And if I may, just --</p> <p>17 HEARING OFFICER HANNAN: And I've had cases where</p> <p>18 they say we can't make these affordable units or we need</p> <p>19 that extra floor because we've got structured parking. I</p> <p>20 hear that all the time.</p> <p>21 MR. CHEN: Can I just add one --</p> <p>22 MR. KLINE: But you take that from an architect --</p> <p>23 if an architect testified and said it's --</p> <p>24 HEARING OFFICER HANNAN: I don't know. It's been</p> <p>25 from property owners.</p>

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<p>133</p> <p>1 MR. CHEN: If I -- just for the record, we are 2 totally off -- caught off base on now an economic -- what I 3 think the examiners' picked up on is basically an economic 4 analysis. 5 Jody, Mr. Kline's own words are the development 6 potential and not cost feasible. Those are his words. 7 This gentleman was disclosed to be an expert as 8 follows: Mr. Wolford will qualify as an expert in land 9 planning and design. He will explain how the design of the 10 proposed facility has evolved in response to questions 11 raised by reviewers and neighbors and will demonstrate how 12 the proposed use will satisfy the standards for the granting 13 of a conditional use, including the request for a waiver as 14 part of a setback standard for a parking facility. 15 That's fair. It's zoning ordinance standards. It 16 has nothing to do with where Mr. Kline is now trying to go 17 utilizing this gentleman. 18 And for the record, my clients had not seen one wit 19 of any information in anything filed by the applicant in 20 this case where they're taking the position that the site 21 for which they want to put a conditional use cannot be 22 developed with anything else. I -- I -- I have not seen one 23 thing on that and indeed -- 24 MR. KLINE: Well, -- 25 MR. CHEN: Well, there hasn't been anything.</p>	<p>135</p> <p>1 after I filed mine and I listened to the appraiser -- 2 HEARING OFFICER HANNAN: Well, -- 3 MR. KLINE: And had -- had an argument that it's a 4 very uni- -- 5 HEARING OFFICER HANNAN: [inaudible] upset -- 6 MR. KLINE: Unique argument and I can only -- can 7 best be addressed to this -- 8 MR. WOLFORD: If I -- if I can respond to that. 9 HEARING OFFICER HANNAN: Okay. No more. I'm -- I 10 think it's time and -- and I do apologize, but I just don't 11 feel comfortable going there, has nothing to do with it -- 12 it's more to do with hearsay and the lack of notice. 13 MR. KLINE: Well, -- 14 HEARING OFFICER HANNAN: Okay? And -- and -- let's 15 move on. 16 MR. KLINE: Yeah. Well, respect that. 17 MR. WOLFORD: So one thing I -- I -- 18 HEARING OFFICER HANNAN: Wait. You got to wait for 19 him to ask a question. 20 MR. WOLFORD: Oh, okay. 21 HEARING OFFICER HANNAN: I don't know what you've 22 got to say. 23 MR. WOLFORD: No. No. No. I -- I -- I listened to 24 that conversation. 25 HEARING OFFICER HANNAN: I can tell you're an</p>
<p>134</p> <p>1 HEARING OFFICER HANNAN: One -- I've got your 2 picture. Do you want one final word? 3 MR. KLINE: I -- I -- 4 HEARING OFFICER HANNAN: Because -- 5 MR. KLINE: I strongly object. I do. I do think 6 that a land planner regularly evaluates the sort of things 7 that I'm asking testify about. If I can't convince you, they 8 will just have figured out some other way to do it. 9 HEARING OFFICER HANNAN: Well, that may be true, 10 but it's not in your statement. Also -- and before I go 11 further, I just want to say, my concern about the testimony 12 from staff is not the particular staff -- 13 MR. KLINE: I know what you're saying. Yeah. 14 HEARING OFFICER HANNAN: -- or anything to do with 15 that. It's the hearsay nature of it. 16 MR. KLINE: Right. I understand. 17 HEARING OFFICER HANNAN: And we're going to do a 18 critical -- if we're going to do a critical component of 19 your case based on hearsay, I -- I don't think that that is 20 fair. So between -- because we -- I do take staff's opinion 21 very seriously. Staff did not address it in their report. 22 They didn't say this property is not developable as 23 residents. 24 MR. KLINE: Well, that's because it didn't come up 25 as an issue until the pre-hearing submission was filed well</p>	<p>136</p> <p>1 expert. 2 MR. KLINE: My question is where were you going to 3 go next with your testimony? 4 MR. WOLFORD: I just wanted to point one thing out. 5 If this development is approved and is constructed, 6 we are dedicating our part of our half of -- of what would 7 be required, the ultimate right of way for Carnegie. 8 And we are constructing a trail that will connect 9 to the -- the other end of Carnegie or the south end where 10 the -- where the roads blocked off the whole way up to 11 Needwood Road continuous across from this part of the 12 property. 13 And our -- by dedicating our portion and 14 constructing that sidewalk, it will prohibit possible future 15 full right of way improvements of Carnegie if something 16 changed in the future. 17 So this development will not prohibit the 18 Montgomery County Department Transportation from possibly 19 getting Carnegie or making Carnegie a -- a full right of way 20 through road in the future. 21 MR. KLINE: I would like to go ahead and address 22 the -- the parking waiver issue -- the parking facility 23 setback issue. Mr. Wal- -- Wolford, would you basically 24 using your exhibit, kind of reiterate what the situation is, 25 what's the dimensional requirements for the setback and --</p>

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<p>137</p> <p>1 and actually put it in the context of the restriction of</p> <p>2 both sides of the property in terms of why we're kind of</p> <p>3 stuck in what we need.</p> <p>4 MR. WOLFORD: Okay. So we -- we have the -- the</p> <p>5 property has a 50-foot setback requirements from Carnegie</p> <p>6 because that's considered a front door, which -- which</p> <p>7 creates a line parallel to Carnegie west of -- west of</p> <p>8 Carnegie or east of Carnegie that runs parallel to it at 50</p> <p>9 feet.</p> <p>10 And then the normal parking lot setback or -- or</p> <p>11 driveway parking lot setback in the RE1 zone is 17 feet. But</p> <p>12 because this is a conditional use, the -- it has to be</p> <p>13 doubled, so it would be 35 feet. And the 35 foot line comes</p> <p>14 substantially into -- into --</p> <p>15 MR. KLINE: All right. Do you -- do you check your</p> <p>16 math.</p> <p>17 MR. WOLFORD: Thirty-four. Thirty-four. Sorry.</p> <p>18 Sorry.</p> <p>19 HEARING OFFICER HANNAN: It's okay.</p> <p>20 MR. WOLFORD: I -- I didn't qualify as an expert</p> <p>21 math witness.</p> <p>22 HEARING OFFICER HANNAN: No. I know. Go ahead.</p> <p>23 MR. WOLFORD: So it -- it's 34 feet. So when we</p> <p>24 take the setback and the building with -- and this is --</p> <p>25 this is the building we were given and the driveway we're</p>	<p>139</p> <p>1 MR. KLINE: And reiterate why the drive lane has to</p> <p>2 be in that location?</p> <p>3 MR. WOLFORD: Well, it's a combination of two</p> <p>4 things. It's safe site distance for ingress and egress onto</p> <p>5 the property from Needwood Road for -- for the access</p> <p>6 driveway and then the construction or the -- the other</p> <p>7 requirements of setbacks across the lot -- the front yard</p> <p>8 setback, the building and then -- then the driveway itself.</p> <p>9 MR. KLINE: So you couldn't bring the driveway onto</p> <p>10 the property and then turn it to the left and try and bring</p> <p>11 it along the west side of the building?</p> <p>12 MR. CHEN: Objection. That's not what the testimony</p> <p>13 said. If he says they could not bring it in with that</p> <p>14 facility, that -- and that's what his testimony was.</p> <p>15 That's why they had to -- had to put the drive</p> <p>16 where it is. So if the question is, are you saying we</p> <p>17 couldn't bring it in and turn it to the west with that</p> <p>18 footprint, I'm fine with that. That's a proper question.</p> <p>19 HEARING OFFICER HANNAN: I -- I think it's self-</p> <p>20 evident that --</p> <p>21 MR. CHEN: Okay.</p> <p>22 HEARING OFFICER HANNAN: Okay.</p> <p>23 MR. KLINE: Agree.</p> <p>24 HEARING OFFICER HANNAN: I -- he can keep testi- --</p> <p>25 testimony.</p>
<p>138</p> <p>1 only allowed to get, we only have space on the site to get a</p> <p>2 12-foot setback to the -- to the parking lot, to the</p> <p>3 adjacent residential property to the east.</p> <p>4 So that -- that would be -- and so what we plan on</p> <p>5 putting along there is a six-foot high site type fence that</p> <p>6 so no sound or -- or -- or lights will go through it; and</p> <p>7 then a heavily landscaped buffer along that common property</p> <p>8 line.</p> <p>9 MR. KLINE: And the driveway --</p> <p>10 HEARING OFFICER HANNAN: So -- I'm sorry.</p> <p>11 MR. KLINE: Yeah.</p> <p>12 HEARING OFFICER HANNAN: I apologize.</p> <p>13 MR. KLINE: Yeah.</p> <p>14 HEARING OFFICER HANNAN: What is your actual</p> <p>15 setback and what is the required setback?</p> <p>16 MR. WOLFORD: We're at 12 feet. And the requirement</p> <p>17 for the -- the driveway, which is also a part of the parking</p> <p>18 lot --</p> <p>19 HEARING OFFICER HANNAN: Right.</p> <p>20 MR. WOLFORD: Is 34 feet.</p> <p>21 HEARING OFFICER HANNAN: Okay. I'm sorry.</p> <p>22 MR. KLINE: No. That's okay. So I think then your</p> <p>23 point is you're asking for a waiver of 22 feet?</p> <p>24 HEARING OFFICER HANNAN: That's -- where I was</p> <p>25 getting to.</p>	<p>140</p> <p>1 MR. KLINE: Yeah. That's fine. But -- but -- but I</p> <p>2 will ask you one last question, which sort of apropos --</p> <p>3 HEARING OFFICER HANNAN: Wait. Did he say?</p> <p>4 MR. KLINE: Oh.</p> <p>5 HEARING OFFICER HANNAN: I didn't hear the answer</p> <p>6 why you couldn't bring the driveway in and bring it around</p> <p>7 where the play areas are. I didn't hear that. So could you</p> <p>8 just --</p> <p>9 MR. WOLFORD: Mainly --</p> <p>10 HEARING OFFICER HANNAN: Within the existing</p> <p>11 facility -- with the facility as proposed.</p> <p>12 MR. WOLFORD: Well, it's the space requirements. So</p> <p>13 the building's about 13,000 square feet, the outdoor play</p> <p>14 area ranges between 12 and 14,000 square feet.</p> <p>15 I -- I can't add them up quickly in my head, but</p> <p>16 that's what we normally do. And so there's just not enough</p> <p>17 adequate space to enter -- enter the property at -- at the</p> <p>18 location in the -- in the Northeast corner, take an</p> <p>19 immediate right turn wrap around the -- the west side of the</p> <p>20 property and come back to the parking lot. There's just not</p> <p>21 enough room to do it.</p> <p>22 MR. KLINE: To do that, you would've had to get a</p> <p>23 waiver on -- on the other side then.</p> <p>24 MR. WOLFORD: Yeah. We would have had to get other</p> <p>25 setback waivers for the -- for the parking because it's --</p>

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<p>141</p> <p>1 because this is also considered a front yard. 2 MR. KLINE: So is the -- the necessity of the 3 parking setback waiver driven by the size of the building or 4 you're driven by the site and the features you've been 5 talking about? 6 MR. WOLFORD: It's the site constraint and the 7 geometry of what would have to be done to get all those 8 radiuses and turns on the driveway and the civil engineer or 9 the transportation engineer can tell you better about 10 bringing -- 11 HEARING OFFICER HANNAN: Wait -- 12 MR. WOLFORD: It's just for -- yes. 13 HEARING OFFICER HANNAN: Are you saying that -- say 14 it was a smaller building? It's -- are you saying that no 15 matter what size the building was, you couldn't bring it 16 around to the other side? 17 MR. WOLFORD: I'm saying with the program size of 18 building -- 19 HEARING OFFICER HANNAN: Oh, okay. 20 MR. WOLFORD: And the requirement for playgrounds 21 that we have -- 22 HEARING OFFICER HANNAN: Oh, I see. 23 MR. WOLFORD: This is the solution. 24 HEARING OFFICER HANNAN: I see what you're saying. 25 I'm -- I'm sorry, go ahead.</p>	<p>143</p> <p>1 MR. WOLFORD: The -- what Jody asked me was the 2 width of the envelope of construction. 3 HEARING OFFICER HANNAN: I see. Okay. 4 MR. WOLFORD: Inside the side yard setback and the 5 front yard setback from the east and from Carnegie would be 6 125 feet. 7 HEARING OFFICER HANNAN: Okay. All right. I 8 understand now. 9 MR. KLINE: Thank you. So let me ask you some wrap- 10 up questions and -- will the proposed use in conjunction 11 with other existing or proposed uses in the area alter the 12 primarily residential character of the surrounding 13 neighborhood? 14 MR. WOLFORD: In my opinion, no. It won't. The way 15 we've cited to building -- the way we've set the building 16 back, the way we put the small part of the building to the 17 street, and the character of the use of a -- a daycare where 18 it's only open during the day, there's no evening use and 19 very limited evening use several days -- days a year and -- 20 and no weekend use, I think it would fit in with -- with the 21 character of the residential neighborhood. 22 MR. KLINE: In your professional opinion, will the 23 proposed use be harmonious with the and not alter the 24 character of the surrounding neighborhood? 25 MR. WOLFORD: I -- I think it will fit in with the</p>
<p>142</p> <p>1 MR. KLINE: But -- but I guess I will ask you the 2 question, if you -- if you had to meet the -- not had to -- 3 if you met the setback requirements with 50 feet on the west 4 and 34 feet on the east, what is your calculation as to 5 what's the buildable -- the width of the buildable on the 6 local level site? 7 MR. WOLFORD: Well, the lot itself is 209 feet. So 8 it's 209 minus 34 minus 50, 34, 50, 84 from 209. You want me 9 to do the math real quick. 10 MR. KLINE: 120? 11 HEARING OFFICER HANNAN: No. Yeah. Eighty four from 12 209 -- wait. So but I -- I'm slow -- I'm following that. 13 MR. WOLFORD: It's okay. 14 HEARING OFFICER HANNAN: And I'm -- I'm not -- so 15 you're saying the width of the building would be 209 minus 16 84? The width of the building would have to be 209. Ms. -- 17 Ms. Rice, please, are you represented by Mr. Kline? 18 MS. RICE: No. 19 HEARING OFFICER HANNAN: Please -- please don't -- 20 MS. RICE: Okay. 21 HEARING OFFICER HANNAN: Thank you. 22 MR. WOLFORD: The -- the 23 MS. RICE: Mr. Kline -- 24 HEARING OFFICER HANNAN: Just a second. So you're 25 saying the width of the building would be 209 minus 84?</p>	<p>144</p> <p>1 neighborhood. It's -- it's a quiet use. You know, there's 2 kids outside giggling, having fun sometimes during the day. 3 It -- it doesn't create anything obnoxious that would deter 4 from -- from the rest of the neighborhood around it. 5 MR. KLINE: From a land use planning perspective, 6 do you feel that the use will cause any undue harm to the 7 surrounding neighborhood? 8 MR. WOLFORD: I don't think it will. No. 9 MR. KLINE: No further questions. 10 HEARING OFFICER HANNAN: Now, is he going to 11 testify as to compliance with the zoning ordinance 12 standards? 13 MR. KLINE: I would have the civil engineer address 14 those. 15 HEARING OFFICER HANNAN: Oh. 16 MR. KLINE: Well, but -- but actually you -- 17 MR. WOLFORD: [inaudible] 18 MR. KLINE: Thank you. I'm glad -- that's probably 19 a good point because I think well within the landscapes -- 20 or the Mr. Wolford, section three 59.3.4.4 -- 21 MR. WOLFORD: Three -- oh, go slow on that please. 22 HEARING OFFICER HANNAN: [inaudible] 23 MR. KLINE: Yeah. All right. I'll go slow, 24 59.3.4.4, which are the use standards for a daycare center 25 of over 30 people, and that's on page 336 of the zone yard,</p>

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<p>145</p> <p>1 subsection B says all required parking must be behind the 2 front building line. Is that achieved in this plan? 3 MR. WOLFORD: Yes. 4 MR. KLINE: Okay. Is there an adequate area for the 5 discharge and pickup of children provided? 6 MR. WOLFORD: Yes. We're required to have 39 7 parking stalls. We have 44. We're required to have three 8 bike spaces. We've got three bike lockers. So we've done 9 what we can to -- to adequately accommodate safe parking in 10 -- ingress and egress from the site. 11 MR. KLINE: That does complete the questions. 12 HEARING OFFICER HANNAN: Okay. Thank you. I think 13 this is a good time to break for the hour and a half lunch. 14 So we will see everybody back at 1:32 p.m. 15 MR. KLINE: Thank you. 16 MR. WOLFORD: May I leave my stuff sitting here? 17 Thank you. Do we want this off? May we -- should we leave 18 things -- it's okay to leave things? 19 (Off the record at 12:29:24 p.m.) 20 (On the record at 2:00:09 p.m.) 21 HEARING OFFICER HANNAN: Are the parties ready? 22 MR. CHEN: Yes, ma'am 23 HEARING OFFICER HANNAN: Mr. Chen? 24 MR. KLINE: Yes, ma'am 25 HEARING OFFICER HANNAN: Court reporter? Okay. I</p>	<p>147</p> <p>1 MR. WOLFORD: This -- on Exhibit 149, north is up - 2 - 3 MR. CHEN: Right. 4 MR. WOLFORD: -- west is to the left. So this is 5 the Southwest. 6 MR. CHEN: Okay. 7 MR. WOLFORD: And then it's this piece of property 8 which is owned by the county, which is zoned R90. 9 MR. CHEN: Okay. 10 MR. WOLFORD: And then it's the metro access road 11 and then back up adjacent to Shady Grove Road and then Mill 12 Branch Park. 13 MR. CHEN: Okay. Okay. You mentioned at the end -- 14 or the southern end I guess of Carnegie is the Tapscott 15 residence; correct, sir? 16 MR. WOLFORD: Yes. 17 MR. CHEN: Okay. That's an -- an active residential 18 use today; isn't that right, sir? 19 MR. WOLFORD: Yes. Yes. There's a resident in that 20 home. Yes. 21 MR. CHEN: And they utilize the Carnegie Avenue as 22 their access to -- as their access out to a public road that 23 is finished; is that correct? 24 MR. WOLFORD: Correct. Yes. 25 MR. CHEN: As I understand it, Carnegie is in the</p>
<p>146</p> <p>1 see he is okay. We're back. 2 MR. KLINE: I guess you probably ought to. Yeah. 3 HEARING OFFICER HANNAN: I'm sorry? 4 MR. KLINE: No. No. I'm sorry. He just was asking 5 to appear. Yeah. 6 HEARING OFFICER HANNAN: Oh, yes. Please. We're 7 back on the record. Over the break, I did download the staff 8 report from the website at -- the planning board's website 9 and it corresponds -- the differences between the Word -- 10 they sent us a Word version and this -- and a P- -- and PDF 11 version. And I was looking at the printout of the Word 12 version. So I'm going to substitute what I printed out from 13 the planning board's website into the record because we have 14 the Word version in there; all right? Okay. So I believe Mr. 15 Chen is up. 16 MR. CHEN: Yes. Sir, can you have Exhibit 149 that 17 you were using this morning? While you're up there, could 18 you please clarify, I didn't quite get down the western 19 boundary of the neighborhood that you were describing this 20 morning. 21 MR. WOLFORD: Well, it's -- it's kind of a trap 22 park comes up across the southwest and then -- 23 MR. CHEN: Southwest or southeast? 24 MR. WOLFORD: Southwest. This is this -- on this -- 25 MR. CHEN: Yeah.</p>	<p>148</p> <p>1 status that the county has is dedicated but not developed; 2 is that right? 3 MR. WOLFORD: Yes. It's public right of way, but 4 not developed. 5 MR. CHEN: Okay. 6 MR. WOLFORD: But it -- but it is a gravel road or 7 driveway that's maybe varying between maybe eight to 12 or 8 14 feet wide. 9 MR. CHEN: Right. And your testimony this morning 10 was that the setback required off of, I believe Carnegie was 11 50 feet; is that right, sir? 12 MR. WOLFORD: Correct. Because it's a front yard. 13 MR. CHEN: And is that from the middle of the right 14 of way or the eastern edge of the right of way? 15 MR. WOLFORD: It's from the right of way line and 16 what we show on the plan on the other exhibit, I can show 17 you that real quickly if you'd like. 18 MR. CHEN: Yes. 19 HEARING OFFICER HANNAN: And if that 92D? The 20 conditional use plan? 21 MR. KLINE: I believe it's 93 -- 22 MR. WOLFORD: 93B. 23 HEARING OFFICER HANNAN: B. Okay. 24 MR. WOLFORD: I'm on exhibit 93D. 25 MR. KLINE: D, D as in dog, ma'am.</p>

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<p>149</p> <p>1 HEARING OFFICER HANNAN: D?</p> <p>2 MR. KLINE: D.</p> <p>3 HEARING OFFICER HANNAN: As in dog.</p> <p>4 MR. WOLFORD: North is to the top.</p> <p>5 MR. CHEN: Is it D or B?</p> <p>6 MR. WOLFORD: D is what I wrote down this morning.</p> <p>7 HEARING OFFICER HANNAN: I'm sorry. Okay. I didn't</p> <p>8 mean to confuse.</p> <p>9 MR. KLINE: Yeah. It should say TUP4 on the lower</p> <p>10 right hand corner.</p> <p>11 HEARING OFFICER HANNAN: Yes. Okay.</p> <p>12 MR. WOLFORD: So north is to the top of the board.</p> <p>13 MR. CHEN: Right.</p> <p>14 MR. WOLFORD: And west is -- is the Carnegie Road</p> <p>15 side. And so we're giving a five-foot right of way</p> <p>16 dedication. And then the setback is from that future right</p> <p>17 of way dedication. They require --</p> <p>18 MR. CHEN: When you say that future right of way</p> <p>19 dedication, what are you saying?</p> <p>20 MR. WOLFORD: On the approved plan from park and</p> <p>21 planning, we're required to dedicate five feet on the east</p> <p>22 side of Carnegie off of the subject property.</p> <p>23 MR. CHEN: Okay.</p> <p>24 MR. WOLFORD: And then the setback for the building</p> <p>25 that they take the right of way first. Then you do all your</p>	<p>151</p> <p>1 MR. WOLFORD: From the future road right of way</p> <p>2 dedication on the west side of Carnegie.</p> <p>3 MR. KLINE: East --</p> <p>4 MR. WOLFORD: East side.</p> <p>5 MR. CHEN: Okay. So it's from the east?</p> <p>6 MR. WOLFORD: Yes.</p> <p>7 MR. CHEN: So, and how wide is that right of way?</p> <p>8 MR. WOLFORD: The existing right of way that's</p> <p>9 there today is 40 feet.</p> <p>10 MR. CHEN: How much more is required?</p> <p>11 MR. WOLFORD: The right of way that Montgomery</p> <p>12 County Department of Transportation would like to have if it</p> <p>13 were to be a fully improved public right of way, would be 50</p> <p>14 feet.</p> <p>15 MR. CHEN: Okay. So am I correct in understanding</p> <p>16 you to be testifying that the 50 foot setback for the</p> <p>17 building would be measured from that 50 foot wide right of</p> <p>18 way?</p> <p>19 MR. WOLFORD: It would be measured from the future</p> <p>20 right of way line from the east side of Carnegie.</p> <p>21 MR. CHEN: Okay. But is that 50 feet, sir?</p> <p>22 MR. WOLFORD: The setback is 50 feet.</p> <p>23 MR. CHEN: No.</p> <p>24 MR. WOLFORD: But the right of way will not be 50</p> <p>25 feet. The -- there's -- the right of way today is 40 feet.</p>
<p>150</p> <p>1 setbacks from the right way that you've established.</p> <p>2 MR. CHEN: The eastern end of the right of way.</p> <p>3 MR. WOLFORD: Yes. But because we haven't done</p> <p>4 record plats or anything, this is all in the future, if it</p> <p>5 were to occur.</p> <p>6 MR. CHEN: Okay. So my question goes to the 50 foot</p> <p>7 setback for as I understand it, the building; isn't that</p> <p>8 right?</p> <p>9 MR. WOLFORD: Correct.</p> <p>10 MR. CHEN: So you measure that 50 foot -- are you</p> <p>11 testifying, Mr. Kline?</p> <p>12 MR. KLINE: You're -- you're qu- --</p> <p>13 HEARING OFFICER HANNAN: Is there an objection?</p> <p>14 MR. KLINE: There's an objection to the question</p> <p>15 because it's not incomplete. It doesn't apply to the</p> <p>16 building and to the parking areas.</p> <p>17 MR. CHEN: Okay. But the setback is for the</p> <p>18 building; isn't that correct, sir? There's a -- there's a</p> <p>19 required setback?</p> <p>20 MR. WOLFORD: Correct.</p> <p>21 MR. CHEN: And what is the required setback for the</p> <p>22 building?</p> <p>23 MR. WOLFORD: Fifty feet.</p> <p>24 MR. CHEN: Okay. And where do you measure that</p> <p>25 setback from?</p>	<p>152</p> <p>1 We're required to dedicate our half, which is five feet.</p> <p>2 So the right of way after construction, if it were</p> <p>3 to occur, and after the record plats are filed and done and</p> <p>4 the right of way dedication plats done and Montgomery County</p> <p>5 DOT approves it and it gets recorded, would -- would be 45</p> <p>6 feet.</p> <p>7 MR. CHEN: As we sit here today, has Montgomery</p> <p>8 County agreed to that five-foot dedication?</p> <p>9 MR. WOLFORD: Yes.</p> <p>10 MR. CHEN: Is there a document that shows that?</p> <p>11 MR. WOLFORD: I -- I could probably get one. I -- I</p> <p>12 know that there was correspondence back and forth between</p> <p>13 Montgomery County Department of Transportation and Park and</p> <p>14 Planning over the right of way that they wanted.</p> <p>15 But I don't have that in my notebook or at my</p> <p>16 fingertips right now.</p> <p>17 MR. CHEN: But you're saying that there is a doc --</p> <p>18 as you sit here today, there is a document that you've seen</p> <p>19 in which Montgomery can- --</p> <p>20 MR. WOLFORD: It's an email or some kind of</p> <p>21 correspondence between Park and Planning and MCDOT about</p> <p>22 what right of way were to dedicate off of this property.</p> <p>23 MR. CHEN: You've seen the email or the document?</p> <p>24 MR. WOLFORD: I can't remember whether it was an</p> <p>25 email or a document, but I remember looking at it.</p>

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<p>153</p> <p>1 MR. CHEN: You have a copy of it?</p> <p>2 MR. WOLFORD: I think Jody's looking for it right</p> <p>3 now. I -- if I can't get it for you today, it's something</p> <p>4 that I could show you in the future.</p> <p>5 MR. CHEN: Okay.</p> <p>6 MR. WOLFORD: I'll write that down.</p> <p>7 MR. CHEN: I asked because are you aware of the DRC</p> <p>8 meeting minutes for this project?</p> <p>9 MR. WOLFORD: Yes.</p> <p>10 MR. CHEN: And -- and the -- and that meeting</p> <p>11 Montgomery County said they required the 10-foot dedication;</p> <p>12 isn't that correct, sir?</p> <p>13 MR. WOLFORD: I -- I don't remember that. And I</p> <p>14 can't recall that from that meeting.</p> <p>15 MR. CHEN: But you've seen those minutes?</p> <p>16 MR. WOLFORD: Yes. I don't have them with me and I</p> <p>17 did not read them to refresh for this particular</p> <p>18 examination.</p> <p>19 MR. CHEN: I understand. Handing examiner Exhibit Y</p> <p>20 to our pre-hearing statement.</p> <p>21 HEARING OFFICER HANNAN: Is that the DRC minutes?</p> <p>22 MR. CHEN: Yes. It's Exhibit 115 -- yeah.</p> <p>23 MR. WOLFORD: Y.</p> <p>24 MR. CHEN: Y.</p> <p>25 MR. WOLFORD: Yeah.</p>	<p>155</p> <p>1 MR. CHEN: And you've seen it in writing?</p> <p>2 MR. WOLFORD: I -- I'm sure I have. Yes.</p> <p>3 MR. CHEN: Okay. And you -- you'll ask Mr. Kline or</p> <p>4 somebody --</p> <p>5 MR. WOLFORD: I -- I've made a note to find out for</p> <p>6 you. Correct. Yes.</p> <p>7 MR. CHEN: Thank you very much. Did you have</p> <p>8 anything to do with the change in that requirement?</p> <p>9 MR. WOLFORD: No.</p> <p>10 MR. CHEN: And in your testimony, you said that the</p> <p>11 building shown on this exhibit we've been dealing with is</p> <p>12 pursuant to the floor plan that Primrose wanted; you recall</p> <p>13 that testimony, sir?</p> <p>14 MR. WOLFORD: Correct. Yes.</p> <p>15 MR. CHEN: Okay. So that the -- the outline of the</p> <p>16 building that is shown in all the plans that we have is</p> <p>17 pursuant to the floor plans per what Primrose wanted.</p> <p>18 MR. WOLFORD: Correct. Yes.</p> <p>19 MR. CHEN: Okay. And I believe you mentioned in</p> <p>20 your testimony that there's going to be a -- a 10-foot wide</p> <p>21 walkway along the eastern side of Carnegie right of way; is</p> <p>22 that right?</p> <p>23 MR. WOLFORD: I -- I'd have to check exactly what</p> <p>24 it was.</p> <p>25 MR. CHEN: I'm sorry; it was a six-foot wide.</p>
<p>154</p> <p>1 HEARING OFFICER HANNAN: Okay. I'm there.</p> <p>2 MR. CHEN: Okay. Thank you. May I approach the</p> <p>3 witness?</p> <p>4 HEARING OFFICER HANNAN: Yes.</p> <p>5 MR. CHEN: Sir, let me show you what is 115. You</p> <p>6 got it. Thank you. And if you go to -- I think it's the</p> <p>7 third page on the left hand side -- right hand side, there's</p> <p>8 review comments.</p> <p>9 MR. WOLFORD: Yes.</p> <p>10 MR. CHEN: And you put down those review comments</p> <p>11 to numbers six?</p> <p>12 MR. WOLFORD: Yes.</p> <p>13 MR. CHEN: To make -- the County DOT they say they</p> <p>14 recommend 10 feet dedication along the site frontage.</p> <p>15 MR. WOLFORD: I see that, yes.</p> <p>16 MR. CHEN: Okay. You're -- you're saying that that</p> <p>17 has -- that position has changed.</p> <p>18 MR. WOLFORD: That was from the DRC meeting, which</p> <p>19 was January 30th, 2018 almost 10 months ago. And I think</p> <p>20 through the process, there was a -- a re-discussion about</p> <p>21 that and a -- and a change in what they want.</p> <p>22 MR. CHEN: Okay.</p> <p>23 MR. WOLFORD: And then that -- that got into the</p> <p>24 staff report, got into the final approved plans and became</p> <p>25 five feet.</p>	<p>156</p> <p>1 MR. WOLFORD: Yeah. Six-foot is the -- yes.</p> <p>2 Correct. Yes.</p> <p>3 MR. CHEN: Okay. And what is the purpose of that</p> <p>4 sidewalk?</p> <p>5 MR. WOLFORD: That -- that is a request from --</p> <p>6 from the staff when they re- -- reviewing this to provide</p> <p>7 connectivity from the existing single family detached</p> <p>8 residential neighborhood south of the subject property on</p> <p>9 the continuation of Carnegie.</p> <p>10 Right now some of those residents, and I've seen it</p> <p>11 myself, walk from that neighborhood to get up to Needwood</p> <p>12 Road on the gravel that was there. And so I think in -- in</p> <p>13 an effort, one of the master plan conditions is to provide</p> <p>14 connectivity and walking paths and bicycle paths and there's</p> <p>15 a really good two bus routes on -- on Redland Road.</p> <p>16 So I think that's what people might be walking to</p> <p>17 or walking to the metro station. So the staff requested that</p> <p>18 to accommodate that as a safe all weather surface from the</p> <p>19 existing neighborhood up to Needwood Road.</p> <p>20 MR. CHEN: And it's six -- it's a six-foot wide</p> <p>21 public sidewalk.</p> <p>22 MR. WOLFORD: Yes. And it's in the public right of</p> <p>23 way.</p> <p>24 MR. CHEN: For Carnegie.</p> <p>25 MR. WOLFORD: Yes.</p>

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<p>157</p> <p>1 MR. CHEN: Okay. And -- if I may, are you aware of</p> <p>2 the conditions that the staff have -- has recommended?</p> <p>3 MR. WOLFORD: Yes. I have them here. If you tell me</p> <p>4 what page I'll come meet you in.</p> <p>5 MR. CHEN: Mine is a loose sheet.</p> <p>6 MR. WOLFORD: Okay.</p> <p>7 MR. CHEN: That came with a email that had the</p> <p>8 staff report, the planning board recommendation, and</p> <p>9 separate the sheet.</p> <p>10 MR. WOLFORD: I think -- and I -- I've got the</p> <p>11 staff report here, I think it's the second page in.</p> <p>12 It says section one, staff recommendations and</p> <p>13 conditions of approval. Staff recommends condition of --</p> <p>14 recommends approval of CU-18-08 subject to the following</p> <p>15 conditions. And then there's one through 12. Is that the</p> <p>16 same document?</p> <p>17 MR. CHEN: I'm not sure, but let's go to number</p> <p>18 four.</p> <p>19 MR. WOLFORD: Okay. I'm on four.</p> <p>20 MR. CHEN: Could you please read that, sir?</p> <p>21 MR. WOLFORD: A minimum three-foot wide gravel or</p> <p>22 natural surface pathway must be constructed running from</p> <p>23 Carnegie Avenue to the main building entrance on the south</p> <p>24 side of the building.</p> <p>25 MR. CHEN: Could you go to your exhibit and show to</p>	<p>159</p> <p>1 is that the area where this site is located is</p> <p>2 predominantly, my words, what I have down there I put it in</p> <p>3 quotes, "residential character." Is that correct, sir?</p> <p>4 MR. WOLFORD: Yes.</p> <p>5 MR. CHEN: And you testified that there would be a</p> <p>6 fence on the eastern boundary of the site at the location of</p> <p>7 the Kosary-Posey properties; is that right?</p> <p>8 MR. WOLFORD: Yes. The -- the fence and I'm</p> <p>9 standing up if that's okay. And I'm still on Exhibit 93D,</p> <p>10 there is a -- a six-foot fence along the continuous common</p> <p>11 boundary between the -- the subject property on the east</p> <p>12 side and the two residential properties to the east.</p> <p>13 MR. CHEN: Okay. And will that six-foot fence go</p> <p>14 along the entirety of the common boundary line between the</p> <p>15 site and the Kosary-Posey property?</p> <p>16 MR. WOLFORD: I'm not sure about that. You'd have -</p> <p>17 - you'd have to ask the landscape architect or the civil</p> <p>18 engineer when they come up.</p> <p>19 MR. CHEN: Do you know what that fence will consist</p> <p>20 of?</p> <p>21 MR. WOLFORD: W- -- we've done two different types</p> <p>22 in the past and I'm not certain which one the client and</p> <p>23 Primrose would select. We've done a six-foot board type</p> <p>24 fence, and that will be completely on the subject property.</p> <p>25 And we've also done this six-foot broad board PVC fence</p>
<p>158</p> <p>1 the examiner where that would be please?</p> <p>2 MR. WOLFORD: Yes. W- -- what we -- we that are</p> <p>3 familiar with these operations know that almost all the</p> <p>4 parents drive their children there. They're on their way to</p> <p>5 work or on their way to someplace else.</p> <p>6 Very few if any ever ride their bikes or walk, but</p> <p>7 in an attempt to accommodate people that may walk to the</p> <p>8 facility, what the staff wanted us to do was from there --</p> <p>9 and this shows there's a six-foot sidewalk on the east side</p> <p>10 of Carnegie.</p> <p>11 MR. CHEN: That's the one you just been describing.</p> <p>12 MR. WOLFORD: Within the public right of way. Yes.</p> <p>13 And what they'd like us to do is make a three foot gravel</p> <p>14 walkway that connects from that at the south side of the</p> <p>15 building up to the main entrance plaza and this secure</p> <p>16 entrance to the building so that if someone was walking</p> <p>17 their children here or walking on -- on -- on the now all-</p> <p>18 weather surface along the east side of Carnegie, they could</p> <p>19 walk up to the front door and be not walking in grass, but</p> <p>20 be on -- be on a surface that wouldn't turn to mud.</p> <p>21 MR. CHEN: Is that the purpose, then, of that</p> <p>22 three-foot wide?</p> <p>23 MR. WOLFORD: Yes. That's what the staff requested</p> <p>24 and what they wanted us to do.</p> <p>25 MR. CHEN: Now as I understand it, your testimony</p>	<p>160</p> <p>1 that's white on that property.</p> <p>2 And I'm not sure which one they're going to select.</p> <p>3 That would be a good question for the engineer or the</p> <p>4 landscape architect when they come up.</p> <p>5 MR. CHEN: Okay. So that -- what would be -- what</p> <p>6 is there today? Do you know what's in this area today?</p> <p>7 MR. WOLFORD: There's pieces of wire fence. There's</p> <p>8 -- I -- I think there's a pretty continuous wire fence down</p> <p>9 the front property. I'm not sure about the subject property</p> <p>10 to the adjoining single family detached that's to the south</p> <p>11 of us -- or just to the southeast of us.</p> <p>12 MR. CHEN: There's also a fair amount of vegetation</p> <p>13 and trees; isn't that correct?</p> <p>14 MR. WOLFORD: There is in that common property</p> <p>15 line. There is. Yes. There's a stand of trees in the</p> <p>16 landscape architectural covers -- because he'll cover the</p> <p>17 environmental for steam [inaudible], but there's a stand of</p> <p>18 trees that starts just at the back of the south end of our</p> <p>19 property of our -- our proposed parking lot.</p> <p>20 And I'm still on Exhibit 93D and continues to the</p> <p>21 south along that common property line. There's trees on the</p> <p>22 adjoining property. It comes slightly on to our property and</p> <p>23 then we're continuing that with a big stain of a</p> <p>24 forestation.</p> <p>25 MR. CHEN: Sticking at that part of the site, the</p>

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<p>161</p> <p>1 subject property where the -- the forest area is, moving 2 north, there's -- there's also trees in that area; isn't 3 that correct, sir? 4 MR. WOLFORD: There are several trees there and if 5 you want, I'll pull up the existing condition plan and we 6 can go through that. It's a different exhibit. 7 MR. CHEN: It's okay. I think we can -- 8 MR. WOLFORD: Okay. 9 MR. CHEN: Cover it with this. And as I understand 10 it, there are not merely trees in that area that moving 11 north there's also a specimen tree; isn't that correct, sir? 12 MR. WOLFORD: There are specimen trees there. Yes. 13 MR. CHEN: And -- and they're to be removed; isn't 14 that correct? 15 MR. WOLFORD: Yes. 16 MR. CHEN: And -- 17 MR. WOLFORD: Now the details of that, the 18 landscape architect will get into. Okay. All right. 19 MR. CHEN: I'm not trying to push you on anything - 20 - 21 MR. WOLFORD: Okay. 22 MR. CHEN: And I appreciate what you're saying -- 23 MR. WOLFORD: Yes. 24 MR. CHEN: And I'm not trying to put you to some -- 25 MR. WOLFORD: I'll try to answer, but --</p>	<p>163</p> <p>1 MR. WOLFORD: Yes. But it wasn't exact, it just was 2 from memory. 3 MR. CHEN: Okay. And at one point, sir, you said 4 consultations -- and I've put this in quote, the operator, 5 the owners, and Primrose; is that correct? 6 MR. WOLFORD: Yes. 7 MR. CHEN: I know who Primrose is, who -- who are - 8 - who are the operators? 9 MR. WOLFORD: The operators -- the operators/owners 10 are the same party. 11 MR. CHEN: Ah. 12 MR. WOLFORD: That had been my point of contact. 13 MR. CHEN: Okay. 14 MR. WOLFORD: Throughout the whole process. 15 MR. CHEN: Okay. So that -- they're all the same 16 entity or the same group of people? 17 MR. WOLFORD: As far as I understand that -- that - 18 - that the owners and operators are the same group. 19 MR. CHEN: Okay. 20 MR. WOLFORD: Maybe not total -- total encompassing 21 an individual, but the individual that we've dealt with is 22 an -- is a owner and he plan -- he and his family plan on 23 being the operator. 24 MR. CHEN: Who are those people? 25 MR. WOLFORD: Srikanth and his wife.</p>
<p>162</p> <p>1 MR. CHEN: Are you aware that there was a tree 2 variance application filed as part of the forest 3 conservation plan? 4 MR. WOLFORD: Yes. 5 MR. KLINE: Ob- -- objection. I mean, now we are 6 getting into an area that's well going to be covered by the 7 landscape architect. 8 MR. CHEN: Okay. I can do with that. 9 HEARING OFFICER HANNAN: Well, he can say whether 10 he knows about it, but yes. It would be the landscape 11 architect. 12 MR. KLINE: Well, -- 13 HEARING OFFICER HANNAN: You aren't going to ask 14 him about the substance of the -- the preliminary forest 15 conservation plan. 16 MR. CHEN: It -- it depends on what he knows. 17 HEARING OFFICER HANNAN: Well, we have somebody 18 else coming. 19 MR. CHEN: Okay. I can -- I can hold off. 20 HEARING OFFICER HANNAN: Okay. 21 MR. CHEN: I can hold off. 22 MR. KLINE: Thank you. 23 MR. CHEN: You describe for Mr. Kline the amount of 24 time that took to go through the process as I recollect your 25 testimony?</p>	<p>164</p> <p>1 MR. CHEN: Anybody else? 2 MR. WOLFORD: That -- that's my point of contact 3 for operations. 4 MR. CHEN: So you only know Mr. and Mrs. Mandava? 5 MR. WOLFORD: Yes. 6 MR. CHEN: Okay. And as the land planner on -- 7 considering developing this site or any other site, you take 8 the property as you find it; isn't that correct? 9 MR. WOLFORD: We take the property that people 10 request us to look at. Yes. 11 MR. CHEN: Yeah. 12 MR. WOLFORD: Yes. 13 MR. CHEN: And essentially your job is -- you take 14 the property as it's presented as the owner shows you the 15 meets and bounds, I guess for a map; isn't that right? 16 MR. WOLFORD: Yes. 17 MR. CHEN: And apparently the instructions you 18 receive is pursuant to the local zoning regulations -- what 19 can I do with the property or this is what I want to build 20 on the property; is that right? 21 MR. WOLFORD: They say, here's the property, we 22 research it and find out exactly what the parameters are for 23 development. 24 And they say, here's the program we would like on 25 that piece of property that you've researched.</p>

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<p>165</p> <p>1 MR. CHEN: Is your assignment or your task when you</p> <p>2 undertake that type of an analysis -- I take it you explain</p> <p>3 to the property owner or -- or the developer what they're</p> <p>4 able to do on their property as a matter of right; is that</p> <p>5 correct?</p> <p>6 MR. WOLFORD: Yes.</p> <p>7 MR. CHEN: Okay. And am I also correct that you</p> <p>8 would also inform the, again, the developer or the property</p> <p>9 owner if there was any need for any waivers or anything like</p> <p>10 that?</p> <p>11 MR. WOLFORD: As we go through the process, there's</p> <p>12 always a discussion about what are some of the ups and downs</p> <p>13 or the pluses and minuses of each of the various different</p> <p>14 layout of their program and the design and development</p> <p>15 constraints of the piece of property.</p> <p>16 MR. CHEN: And am I correct in understanding that</p> <p>17 when you were explaining the problems with this site as far</p> <p>18 as Carnegie with the line of sight and whatnot, that</p> <p>19 essentially there were cost considerations that were part of</p> <p>20 that evaluation?</p> <p>21 MR. KLINE: [laughing].</p> <p>22 HEARING OFFICER HANNAN: Wait, you're asking --</p> <p>23 MR. CHEN: Well --</p> <p>24 HEARING OFFICER HANNAN: Then -- what I just did --</p> <p>25 MR. CHEN: Well, I'll -- I'll withdraw the question</p>	<p>167</p> <p>1 myself, and a land use attorney.</p> <p>2 Any time there was a change in the design or a</p> <p>3 change in a request from Park and Planning or another review</p> <p>4 agency or MC Montgomery County Department of Transportation,</p> <p>5 we would get together and do another sketch and then advise</p> <p>6 them of what impact that had on the development of the</p> <p>7 property.</p> <p>8 MR. CHEN: Okay. And you've described for us</p> <p>9 earlier today the fact that there is a proposal before the</p> <p>10 hearing examiner for a setback waiver; isn't that correct?</p> <p>11 MR. WOLFORD: Correct.</p> <p>12 MR. CHEN: And my question to you is, whose idea</p> <p>13 was it for the setback waiver?</p> <p>14 MR. WOLFORD: I can't remember who exactly came up</p> <p>15 with that, but it -- we have a given site location to access</p> <p>16 the road and a parking lot that has to be in the back of the</p> <p>17 building. And I got to -- with a vehicle connected two of</p> <p>18 them. And so that's where we ended up with the option for</p> <p>19 the driveway.</p> <p>20 MR. CHEN: Was your testimony that as an</p> <p>21 alternative to going down the east side of the site, that to</p> <p>22 take the driveway along the west side of the building was --</p> <p>23 I'm not sure what the right word is, but the problem with</p> <p>24 that side is it would traverse through a playground area; is</p> <p>25 that right?</p>
<p>166</p> <p>1 if you want me to, but I'm --</p> <p>2 HEARING OFFICER HANNAN: I --</p> <p>3 MR. CHEN: I'm just going by my notes and what he</p> <p>4 was saying, but I -- I don't have to touch it.</p> <p>5 HEARING OFFICER HANNAN: Yeah. But I think we</p> <p>6 didn't let him go further on that because --</p> <p>7 MR. CHEN: Okay.</p> <p>8 HEARING OFFICER HANNAN: Because --</p> <p>9 MR. CHEN: No problem. But as I understand your</p> <p>10 testimony, eventually the position taken was to have a</p> <p>11 driveway on the eastern side; is that -- is that correct?</p> <p>12 HEARING OFFICER HANNAN: Correct.</p> <p>13 MR. CHEN: Did you advise the client that in order</p> <p>14 to put the driveway on that side, that they would need a</p> <p>15 waiver of the setback requirements?</p> <p>16 MR. WOLFORD: Yes.</p> <p>17 MR. CHEN: So then that --</p> <p>18 MR. WOLFORD: We did.</p> <p>19 MR. CHEN: That -- that was your advice, you</p> <p>20 personally?</p> <p>21 MR. WOLFORD: Well, no. Not me personally.</p> <p>22 MR. CHEN: Okay then.</p> <p>23 MR. WOLFORD: We as a development team, remember</p> <p>24 there's a landscape architect -- on -- is an architect, the</p> <p>25 -- the Primrose representative, the design engineer and</p>	<p>168</p> <p>1 MR. WOLFORD: The -- the development engineer and</p> <p>2 he can probably better t- -- he should probably better</p> <p>3 testify is -- we looked at that, but because of the design</p> <p>4 radius is -- and the design curves, you have to have to</p> <p>5 safely maneuver with delivery trucks and garbage trucks and</p> <p>6 emergency vehicles, the radiuses were too tight to make that</p> <p>7 work and it would have gone through and reduced</p> <p>8 significantly the playground equipment.</p> <p>9 And there's -- and I -- and there's a fine balance</p> <p>10 between the number of children you have and -- and the</p> <p>11 amount of square footage of outdoor play equipment you have</p> <p>12 to have according to the state. And the architect can give</p> <p>13 you those numbers better than I can on the fine balance.</p> <p>14 MR. CHEN: The -- the constant in -- in that, and I</p> <p>15 think you mentioned this in your testimony, was the proposed</p> <p>16 building that is there; isn't that right?</p> <p>17 MR. WOLFORD: It's -- it's -- it's the combination</p> <p>18 of the amount of reforestation and a forestation that's</p> <p>19 required, the amount of parking that's required, the</p> <p>20 setbacks that were given, the square footage of the building</p> <p>21 and the square footage of the playground.</p> <p>22 And when you put all those together, there's not a</p> <p>23 lot of left -- room left over to maneuver driveways around</p> <p>24 the building and through the site.</p> <p>25 MR. CHEN: Correct. And -- and the square footage</p>

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<p>169</p> <p>1 of the building was given to your firm as a given; isn't 2 that right?</p> <p>3 MR. WOLFORD: It's -- it's the program square 4 footage that they have that -- that works for them as a 5 business model. And I -- so you'd have to either go back to 6 Matt or to the operator to get to that.</p> <p>7 MR. CHEN: Got it. In fact, I think on that very 8 point, again, I have in quotes, you -- your testimony was 9 "this is the building we were given" end quote; isn't that 10 correct?</p> <p>11 MR. WOLFORD: Yes.</p> <p>12 MR. CHEN: And -- and again, on this very same 13 point, I have also in quote, "you stayed not enough room to 14 go to the west," end quote; is that accurate also?</p> <p>15 MR. WOLFORD: It's -- it's the room and it's the 16 geometry of the driveway. Correct.</p> <p>17 MR. CHEN: Okay. [inaudible, talking in background] 18 and they mentioned record plats -- [inaudible, talking in 19 background] you mentioned that there would be record plats; 20 is that right?</p> <p>21 MR. WOLFORD: Well, we're going to have to do a 22 right of way plat for the dedication of Carnegie. Yes.</p> <p>23 MR. CHEN: All right.</p> <p>24 MR. WOLFORD: And a land surveyor takes care of the 25 record plats, not me.</p>	<p>171</p> <p>1 the east side of the building for emergency vehicles; you 2 recall that?</p> <p>3 MR. WOLFORD: No. I -- I don't think so.</p> <p>4 MR. CHEN: Oh, okay. I'm sorry.</p> <p>5 MR. WOLFORD: There are exits from the east side of 6 the building from the classrooms.</p> <p>7 MR. CHEN: Yes.</p> <p>8 MR. WOLFORD: Yes.</p> <p>9 MR. CHEN: Are they emergency exits? Are they the 10 playroom -- playground exits?</p> <p>11 MR. WOLFORD: The architect will give you the 12 technical answer, the main program that Primrose has is you 13 can go directly from your classroom to the outdoor.</p> <p>14 MR. CHEN: Okay.</p> <p>15 MR. WOLFORD: To the playground. So I -- I know 16 that those doors are for ingress and egress for the students 17 at break time to go out and go to the playground. I don't 18 know what the technical definition because of the fire code 19 is, whether those will be labeled also emergency ingress and 20 egress, but the architect can take care of that for you.</p> <p>21 MR. CHEN: Okay. That's all I've got.</p> <p>22 HEARING OFFICER HANNAN: Okay. Mr. Kline, your 23 comment [inaudible]?</p> <p>24 MR. KLINE: Yeah. I -- I think my question to you 25 earlier was this -- the -- the need -- the necessity for the</p>
<p>170</p> <p>1 MR. CHEN: Okay.</p> <p>2 MR. WOLFORD: So I think this is a recorded lot 3 today and I'm not certain -- I know we have to do a right of 4 way plat for the dedication. I -- I think then you, the 5 process would be to do a plat of correction so that the land 6 area after the right of way dedication for Needwood Road and 7 for Carnegie is gone; that you have a plat with the correct 8 amount. I think that's the process. But I'm not a licensed 9 land surveyor.</p> <p>10 MR. CHEN: Okay. But you -- I asked because frankly 11 you raised --</p> <p>12 MR. WOLFORD: Yes.</p> <p>13 MR. CHEN: You used the word record plat, not me.</p> <p>14 MR. WOLFORD: Yes.</p> <p>15 MR. CHEN: Okay. So to your knowledge, you've 16 described what you understand to be the required record 17 plat.</p> <p>18 MR. WOLFORD: Or the process of dedicating public 19 right of way.</p> <p>20 MR. CHEN: Okay. And I presume the corroboration of 21 that will be through the document that you've seen from 22 Montgomery County DOT.</p> <p>23 MR. WOLFORD: Yes. And to the approvals and to the 24 approved conditional use plan.</p> <p>25 MR. CHEN: You mentioned that there were gates on</p>	<p>172</p> <p>1 parking facility waiver driven more by the constraints of 2 the site than the size of the building?</p> <p>3 MR. WOLFORD: Yes.</p> <p>4 MR. KLINE: Thank you. No further questions. Would 5 you like me to ask a question sort of getting clarification?</p> <p>6 HEARING OFFICER HANNAN: Yes.</p> <p>7 MR. KLINE: [inaudible]</p> <p>8 HEARING OFFICER HANNAN: I -- my question is --</p> <p>9 MR. KLINE: Sure. Sure.</p> <p>10 HEARING OFFICER HANNAN: Can you explain that?</p> <p>11 MR. KLINE: Yeah. Basically --</p> <p>12 MR. CHEN: You're not testifying, are you?</p> <p>13 HEARING OFFICER HANNAN: No. He's --</p> <p>14 MR. CHEN: I'm trying to formulate the question.</p> <p>15 HEARING OFFICER HANNAN: Okay. I'll just say why?</p> <p>16 Why is it driven more by the constraints of the site than 17 the size of the building?</p> <p>18 MR. WOLFORD: It's -- it's driven by the access 19 location, which is in the northeast corner of the site, 20 which is where we can get site distance to the property. By 21 the geometry and configuration of what the driveway has to 22 be, so that emergency vehicles and the delivery truck --</p> <p>23 HEARING OFFICER HANNAN: Right.</p> <p>24 MR. WOLFORD: Can get -- get to it. So it's -- it's 25 very difficult to -- to make a right then a left and a right</p>

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<p>173</p> <p>1 and and then a left to get back to the back. 2 And then by the time you take the dedicated right 3 of way, the building setback and the requirement from the -- 4 from the east side, there's not enough room in between there 5 left in that. Because of the odd shape of the property, 6 narrow and deep, there's not enough room left in there for 7 us to do the -- the date -- the early childhood learning 8 center and get the direct access that the students need from 9 the building out the doors in their classroom to the 10 playground. 11 If you just took each of these boxes and you lined 12 them up, there's plenty of room on this space, but -- but 13 you'd end up with a playground here, a building here, and a 14 parking lot back here. 15 And then it doesn't meet the program to -- they 16 don't -- they don't want children walking in halls or having 17 to walk a long distance. 18 They want them to go out and play and then come 19 right back in. So the arrangement is it's not a building and 20 then a playground. It's a building playground mass together 21 that has to be accommodated on the site. 22 HEARING OFFICER HANNAN: All right. Any questions 23 based on my question? 24 MR. CHEN: That's part of taking the property as 25 you find it; isn't that right?</p>	<p>175</p> <p>1 we've had discussions, can we increase the number of 2 students? 3 No. This is what it's for. And they all leave. So 4 my assumption for -- and it's always the same thing, it's 5 not economically feasible to operate a daycare in the low 6 one-hundreds and I can't remember the exact number, but I 7 could give you the case number and I can send you all the 8 documents to show you what's there. 9 MR. KLINE: Ms. Robeson, if I can ask one other 10 question and sort of -- 11 HEARING OFFICER HANNAN: Sure. 12 MR. KLINE: So I believe the phrase, and correct me 13 if I've got this wrong, Mr. Chen, you -- you take the 14 property as you get it. 15 What would -- how many iterations planned versions 16 of this plan do you think your office prepared to address 17 the issues and the back and forth with staff? How often did 18 you take the program and you move things around to make it 19 all work? 20 MR. WOLFORD: Well, over a dozen, probably less 21 than two dozen. 22 MR. KLINE: Thank you. 23 MR. CHEN: All for the same program. 24 MR. WOLFORD: In -- in some cases there are slight 25 variations to the architecture, but the way that the</p>
<p>174</p> <p>1 MR. WOLFORD: What -- w- -- excuse me? 2 MR. CHEN: Remember I asked you the question about 3 your assignment when you are considering a proposal is you 4 take the property as you find it. 5 MR. WOLFORD: Yes. And we work with it and we work 6 with the program. But -- but -- 7 MR. CHEN: When you say program, what do you mean? 8 MR. WOLFORD: The -- the development program that 9 they give to us in terms of-- of what -- what's 10 economically feasible, what's done. 11 And I -- I know from lots of experience on these 12 early childhood learning centers, the number of students 13 they all have is all about the same. It -- it changes 14 slightly, but not much. 15 And as an example that I -- I've looked at numerous 16 times, there is an existing conditional use that's approved 17 in Fairfax County. It's a special exception down there. 18 It's a beautifully designed facility. It's for -- I 19 can't remember the exact number, but it's in the low 100 20 students. That's all that can be there. I have looked at 21 that facility now. It's been for sale. 22 Over the last two years I've looked at that 23 facility several, several times for people that would like 24 to purchase it to operate as a daycare and then we go -- 25 we've been to meet with the planners at Fairfax County,</p>	<p>176</p> <p>1 building is set up with the administration in front of, the 2 storage in the front, and then the way the classrooms are 3 set up so that you -- they get maximum exterior exposure to 4 get the kids outside, you know, eight feet, 12 inches. 5 MR. CHEN: Sorry. 6 MR. WOLFORD: Some of that. But -- but pretty much 7 the same program. Yes. 8 MR. CHEN: Including the number of children. 9 MR. WOLFORD: Yes. And in all the architecture that 10 I've seen that Matt talked about, the -- and the architect 11 can say this, they're all pretty much the same. 12 They move slightly as all that is moving. It's -- 13 it's not like, you know, it's, you know, half as wide and 14 twice as long. That's not a footprint that even works. 15 MR. CHEN: Thank you. 16 MR. KLINE: But would that footprint fit on this 17 property? 18 MR. WOLFORD: No. 19 MR. KLINE: Pretty rarely. Would that footprint fit 20 and not require a parking waiver facility? 21 MR. WOLFORD: There -- there -- something would 22 have to give if I had to lay that out. 23 MR. CHEN: What are we talking about now? I'm 24 sorry. 25 HEARING OFFICER HANNAN: Yeah. I -- I'm sorry. I</p>

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<p>177</p> <p>1 lost you --</p> <p>2 MR. KLINE: Oh, no. What I -- what I wanted to --</p> <p>3 HEARING OFFICER HANNAN: To do what?</p> <p>4 MR. KLINE: Yeah. His -- his phrase somewhat and</p> <p>5 merely fairly casual is you could make the building half as</p> <p>6 wide but twice as long.</p> <p>7 MR. WOLFORD: No. No. They don't have w- -- when</p> <p>8 Matt talked about the different architects we have -- and --</p> <p>9 and I'm on thin ice because the architect should really</p> <p>10 cover this.</p> <p>11 The -- the -- the various different footprints they</p> <p>12 have are essentially about the same shape as the dark gray</p> <p>13 box on Exhibit 93D.</p> <p>14 MR. KLINE: Right.</p> <p>15 HEARING OFFICER HANNAN: Okay.</p> <p>16 MR. WOLFORD: It's not like a whole wing</p> <p>17 disappears. It's -- it's -- it moves feet or inches at a</p> <p>18 time. Not substantially.</p> <p>19 MR. CHEN: All for the same number.</p> <p>20 MR. WOLFORD: Yes. And the -- and the programs that</p> <p>21 they have are all in that same range and they're exactly the</p> <p>22 same size and range of facilities that we do for</p> <p>23 Lightbridge, Kiddie Academy, Goddard School. They're all the</p> <p>24 same.</p> <p>25 HEARING OFFICER HANNAN: Okay. Now I -- I guess it</p>	<p>179</p> <p>1 HEARING OFFICER HANNAN: How many --</p> <p>2 MR. KLINE: -- who probably can't come another</p> <p>3 time. I understand and would be glad interrupt our</p> <p>4 presentation except to hear their testimony.</p> <p>5 HEARING OFFICER HANNAN: Okay. Do you have anyone</p> <p>6 that you're not calling that is present -- going to testify</p> <p>7 into court today?</p> <p>8 MR. KLINE: Doesn't fit in that category. No ma'am.</p> <p>9 HEARING OFFICER HANNAN: Okay. If there's any --</p> <p>10 how -- can I get a show of hands of anyone who will not be</p> <p>11 called by Mr. Chen but would like to testify in this case? I</p> <p>12 see one, two, three, four -- wait a minute. One, two, three,</p> <p>13 four, five, six, seven.</p> <p>14 MR. KLINE: That's good. [inaudible]</p> <p>15 HEARING OFFICER HANNAN: All right. We will --</p> <p>16 before you start I do ask that individual witnesses that are</p> <p>17 coming up if you could -- we -- try to keep repetitive</p> <p>18 testimony to a minimum, so if you -- if somebody else has</p> <p>19 already made your point you may get reminded of that, but</p> <p>20 you're welcome to come up and be sworn in.</p> <p>21 So who would like to come first? Okay. Come --</p> <p>22 please come up.</p> <p>23 [inaudible background conversation]</p> <p>24 HEARING OFFICER HANNAN: Now, I see with -- I will</p> <p>25 say I did ask the court report if he could stay till 5:30</p>
<p>178</p> <p>1 would be -- do you have any redirect based on Mr. Chen's</p> <p>2 questions.</p> <p>3 MR. KLINE: No, ma'am. I --</p> <p>4 HEARING OFFICER HANNAN: Okay. Thank you. Seeing no</p> <p>5 further questions you may be excused.</p> <p>6 MR. WOLFORD: Thank you so much.</p> <p>7 MR. KLINE: Can I please --</p> <p>8 MR. WOLFORD: I don't mean to run away fast.</p> <p>9 HEARING OFFICER HANNAN: Okay. Okay. We hope we</p> <p>10 have it. Do you need --</p> <p>11 [inaudible background conversation]</p> <p>12 MR. CHEN: Thank you. What I wanted to raise -- I</p> <p>13 was just mentioned, Mr. Kline. There are folk present today</p> <p>14 who are not my clients, but I've learned that they're here</p> <p>15 today to testify, if at all today.</p> <p>16 And my concern is that they may not -- we don't</p> <p>17 even know if we're -- when we're coming back for another</p> <p>18 day. So, the consideration that I -- I'm raising with the</p> <p>19 examiner and Mr. Kline is that wi- -- with some of these</p> <p>20 folk it may be appropriate to see if they want to slide in</p> <p>21 and -- and testify today.</p> <p>22 HEARING OFFICER HANNAN: That's fine. Would you --</p> <p>23 MR. KLINE: I -- I -- I've no objection. I mean, if</p> <p>24 it's 10 people that's a little different, but if there's 2</p> <p>25 or 3 people --</p>	<p>180</p> <p>1 p.m. or have a little flexibility on the end time of this</p> <p>2 hearing. So I wanted to let you know that.</p> <p>3 MR. KLINE: Okay. Thank you.</p> <p>4 [inaudible]</p> <p>5 HEARING OFFICER HANNAN: I don't want to go to 8</p> <p>6 o'clock.</p> <p>7 MR. KLINE: Well, let me -- let me [inaudible]</p> <p>8 speak up. Mr. Chen [inaudible].</p> <p>9 HEARING OFFICER HANNAN: Why don't we take -- do</p> <p>10 you need a break and --</p> <p>11 MR. KLINE: Wasn't so much sad, it's warm in terms</p> <p>12 of processing the [inaudible] what Mr. Chen and I were</p> <p>13 talking about is he has a witness who's here -- I'm sorry.</p> <p>14 He has a future witness that's here who wants to listen to</p> <p>15 my engineering witness.</p> <p>16 HEARING OFFICER HANNAN: Ah.</p> <p>17 MR. KLINE: And he's kept asking me Jody are you</p> <p>18 going to get to your engineer witness? And my -- my feeling</p> <p>19 is with the architect would be next. We have these other</p> <p>20 folks speaking. We're -- we're going --</p> <p>21 HEARING OFFICER HANNAN: We're pushing it.</p> <p>22 MR. KLINE: -- to probably be going -- so I was</p> <p>23 just suggesting to Mr. Chen, I don't think I'm going to get</p> <p>24 my started on my engineer tonight -- on today. But if you</p> <p>25 said you want to stay till 5:30 p.m. then we probably would.</p>

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<p>181</p> <p>1 I actually thought we were going to probably quit 2 about 4:00 p.m. or so and have the debate about when the 3 hearing was done. So, I guess I was leading up to -- when do 4 you -- how far do you want to go because I think that tell 5 us who we can let go. 6 HEARING OFFICER HANNAN: Oh, okay. I -- I don't 7 want to go beyond 6:00 p.m. because probably 6 o'clock my 8 brain is dead. 9 MR. KLINE: All right. Well, I -- I actually was 10 supposed to be at a board meeting and I got another 11 conditional use -- 12 HEARING OFFICER HANNAN: You have another -- 13 MR. KLINE: -- applicant at 6 o'clock. So, I was -- 14 HEARING OFFICER HANNAN: Okay, so. So you're 15 constraint might be earlier. Okay. Let's do this. Did -- and 16 you don't want to take your engineer out of order? 17 MR. KLINE: Well, I -- no. That -- that would not 18 logically make sense for the order we have the case set up. 19 And my architect needs to get back to Ohio. 20 HEARING OFFICER HANNAN: Okay. All right. We've got 21 many competing things. So -- and you want to get the 22 engineer in? So we will do this -- 23 MR. CHEN: No, he wanted to get the architect -- 24 MR. KLINE: I think, I think we want to know 25 whether we can release his engineer because mine's not</p>	<p>183</p> <p>1 MR. KLINE: -- I'd rather not start and have him 2 answer 10 questions and then have to come back again. Just 3 put him off till the next one. But w -- when we as -- 4 reassess it after the ni -- 6 or 7 people plus the 5 architect. 6 HEARING OFFICER HANNAN: Yeah, okay. 7 MR. CHEN: I agree. 8 HEARING OFFICER HANNAN: All right. 9 MR. KLINE: [inaudible] 10 HEARING OFFICER HANNAN: That's fine, then. Ms. 11 Rice, please raise your right hand. Do you solemnly affirm 12 under penalties of perjury that this statement you're about 13 to make that the truth, the whole truth, and nothing but the 14 truth? 15 MS. RICE: Yes. 16 HEARING OFFICER HANNAN: Please state your name and 17 address for the record? 18 MS. RICE: My name is Robin Rice. My address is 19 5913 Wildflower Court, Derwood, Maryland 20855. 20 HEARING OFFICER HANNAN: Okay. I -- I will say, 21 because I have personal knowledge of this. Mr. Rice had an 22 application for a daycare for 30 children that the other 23 hearing examiner denied. So -- because I have personal 24 knowledge I'm putting that on the record. Okay, go ahead. 25 MR. KLINE: And is this part plan, part wood, park</p>
<p>182</p> <p>1 likely to be able to speak because we think we're going to 2 be finishing at 4:30 p.m. or 5:00 p.m. 3 HEARING OFFICER HANNAN: But your engineer needs to 4 hear his engineer. Right? 5 MR. CHEN: That'd be desirable, but I think Jody -- 6 excuse me, Mr. Kline is is saying that he has one witness 7 who has to be out of town and I -- I recognize that and I 8 agree with him that that witness [inaudible] the applicant's 9 presentation. He's going to be have to testify today and 10 that may take like, you know, it's architect. 11 HEARING OFFICER HANNAN: Okay. 12 FEMALE: Ma'am. They're two dates I can't come 13 back, but I can come back another day -- 14 HEARING OFFICER HANNAN: No, I don't need. 15 FEMALE: -- if it helps. 16 HEARING OFFICER HANNAN: Okay. All right. Would you 17 -- do you have a suggestion about how you want to proceed? 18 MR. CHEN: We just -- why don't we just go with 19 where we've been going. Let's see how -- how -- how -- 20 MR. KLINE: I would suggest though the people who 21 raised their hands, let them go, let my architect testify -- 22 MR. CHEN: Let's see where we are then. 23 MR. KLINE: -- and that's finished we can see where 24 we are. If it's over 30 -- 25 HEARING OFFICER HANNAN: Okay.</p>	<p>184</p> <p>1 plain. 2 MS. RICE: Parkmill. 3 MR. KLINE: Parkmill? 4 MS. RICE: Parkmill Drive. Yes, sir. 5 MR. KLINE: Okay. 6 MS. RICE: It was one of my applications. I've gone 7 through this process nine times. 8 MR. KLINE: Okay. 9 MS. RICE: It's clear that this property can be 10 used for child care. That is financially feasible because in 11 Montgomery County there are about 842 family daycare 12 providers that provide financially feasible child care 13 facilities. 14 In addition there are also 38 now, I believe, large 15 family daycare providers that provide care for 12 children. 16 This category has been expanded substantially because the 17 state has made regulations that make it financially 18 feasible. 19 There's a few that have gotten the zoning approval 20 for up to 20 children and discovered it's not financially 21 feasible and have not implemented the conditional use. So 22 this property, as it stands today, is allowed to do the 12. 23 The zoning ordinance requires 500 square feet per 24 person and you need to take -- if you take the application 25 square feet of 128,150 square -- six square feet, the</p>

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<p>185</p> <p>1 applicable number of people is 256 people for this lot. 2 However, that is a lot size as -- what did you say? 3 As it is today. The lot size in the future will not be 4 \$128,000 because of the dedicated right of ways and 5 everything that you're going to do. 6 So, I did discover on Exhibit 93D, which I think is 7 behind that little paper that got wet, it's 121,798 square 8 feet. Divide that by the 500 you've got 243 people that the 9 applicant, whoever it is, can apply for on this lot. 10 If you take the 243 people somewhere on page 16 or 11 19 of the report I followed the -- 12 HEARING OFFICER HANNAN: The staff report, you 13 mean? 14 MS. RICE: I'm sorry, I don't have the paper in 15 front of me, but it -- I think it's on the plan of operation 16 for the applicant. 17 HEARING OFFICER HANNAN: Okay. 18 MS. RICE: Where they state they -- that they're 19 going to have 233 people. So it fits. 20 HEARING OFFICER HANNAN: What. I'm not aware -- 21 well, okay. Just continue. 22 MS. RICE: Okay. So in one of the papers says 233 23 people but other paperwork from the applicant and the staff 24 report says 195 children and 32 staff members, which is 227. 25 So we're either not properly disclosing the</p>	<p>187</p> <p>1 which is 210 square feet. 2 The COMAR staff regulations would indicate to me 3 that in this room they're going to have six infants which 4 would require two staff members; okay? It just makes sense. 5 They've got another one for six that would require two. 6 They've also got some D2, D1, D2, C2, C1, are all 7 for 24. My believe is that that classroom, knowing the group 8 size and knowing the staff ratio would either be needing two 9 staff members if they were all two or they would need four. 10 It depends, I don't know. 11 And then they've got a room size that is for nine 12 children. That to me would be a toddler room where the group 13 sizes is allowed to be nine and they need three staff 14 members. So they also have a room EXP that is for 30 15 children. 16 A 10 to 1 staff ration would make sense there and 17 they would need three people. If I add up all of these 18 numbers, of the minimum that I think would be needed in each 19 room, I come up to 34. If I look at the group sizes of 12 -- 20 needing four people in there if you did under twos verses 21 twos -- the total number of staff members would be 42. 22 So not having any documentation or any witness 23 testifying as far as where the 32 staff members that they've 24 talked about where to go, I don't know that they're going to 25 be in compliance with COMAR or not, until somebody writes</p>
<p>186</p> <p>1 accurate number of people or the -- somebody made a math 2 mistake. So it's either 227 that the applicant wants or it's 3 233. I don't know which. 4 HEARING OFFICER HANNAN: Okay. I mean, I'm saying 5 okay just to acknowledge what she said. Not -- not taking a 6 position. 7 MS. RICE: But the 233 will still fit because the 8 square footage is the last -- allows the applicant to apply 9 by 243 without requesting a waiver of the 500 square foot 10 requirement. 11 So I tried to figure out how many staff members the 12 applicant will need to have to operate the floor plan that 13 was submitted in the record. The applicant, whether it's 14 Prinrose or -- the operators have to apply. Can't do it with 15 a conditional use. They have to go to the state and get the 16 license. Once they get the license, we'll figure out who's 17 really running this thing. 18 But they also -- one of the conditions always 19 written down is that you have to come comply with the state 20 requirements and whether it's written down or not it's -- 21 it's got to be complied with anyway. 22 If you look at the floor plan that was submitted 23 they've got 12 rooms. And since I know the COMAR regulations 24 and you can even see it in the floor plan that, for example, 25 room A1 has six written down at three -- 35 square feet</p>	<p>188</p> <p>1 down who's going to go where. 2 They also said in the testimony that they're going 3 to have a cook, so that's another person. So it's somewhere 4 in there. 5 The testimony or the -- what I've read shows that 6 they're going to do an extended care of 15 to 20 kids 7 between 5 and 6 o'clock. But there's nothing in the records 8 showing how many kids that couldn't come, or that I've seen. 9 I haven't really dug in it. How many kids are going 10 to come between 6:00 -- no, 6:30. Staff members come in at 11 6:00. At 6:30 the kids are coming until 8:00 o'clock, 6:30 12 to 8:00 is going to be a limited number of children for 13 early care. How many? This -- it isn't in there anywhere. 14 Then at 8:00 o'clock they're really starting with 15 the kids coming in. And they're saying that it's going to be 16 16 children for every 15 minutes. 17 If you do 16 children starting at 8:00 o'clock to 18 8:15, you've got 16. To 8:30 it's 32. To 9:00 o'clock, it's 19 another half an hour, you've got 64 cars coming in. And then 20 9:30, it's 96 cars. 21 Between -- if you have the same number of early 22 care at the maximum of 20 that they're saying they're going 23 to do after 5:00 which is 20, then you add the 96. They can 24 come in between 8:00 a.m. and 9:30 and you add the 20 that 25 can come in between 6:30 and 8:00 and you've got 116 people,</p>

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<p>189</p> <p>1 when they were talking that 233 cars coming in. 2 It doesn't fit. You would almost have to double the 3 number of cars coming in every 15 minutes to be able to get 4 to the 233 people before the 9:30 cut off. It just doesn't 5 fit. 6 I wish conditional uses would go over how much time 7 it takes, step-by-step, depending on the site from when the 8 car comes into the property. How long does it take to do 9 step number 1 which is to drive down the 600 odd feet to the 10 parking lot. 11 Now you've got to sit there for a second and look 12 to find out which parking space you're going to go into, get 13 into it, get your children out, get to the sidewalk so that 14 you're not walking where the traffic is, then get to the 15 front door. 16 Then you've got to sign-in in one spot with one or 17 two children. Then you got to walk to the correct classes 18 with a child. Maybe walk to another classroom with another 19 child, thus, kids are separated, and then go back out again. 20 I've looked at -- I've been doing child care with a 21 conditionally use for 33 years and I know you can cut that 22 during peak operating times down to three minutes if the 23 facility is like a home where they come to the front door, 24 say goodbye, and leave. 25 There's a big bugaboo [ph] in my condition of use</p>	<p>191</p> <p>1 possibly at a front door in the front of the building is 2 three minutes. With the analysis of everyth- -- of 16 cars 3 coming in every 15 minutes -- and the only way you're going 4 to get the 233 in there is if you do 32 cars every 15 5 minutes -- is once those 16 cars get in, are they going to 6 go out within the 15-minute time period? 7 And you could use a 10-minute period slot or a 15- 8 minute time period slot. But not having a statistical 9 analysis of how long -- how long is that first car going to 10 be there so that when car number 17 comes, are they going to 11 be out so that there is a parking space for them. That's the 12 statistical analysis that's missing in this application that 13 I think it should be in here. 14 And the application just isn't very clear. They say 15 okay well, you know, doing these three hours we're going to 16 have probably 16 every 15 minutes. It's not -- not that 17 great. 18 The outdoor playground area and kids going outside, 19 the applicant said they're going to have a maximum of 40 in 20 three play areas -- areas, I believe. 21 That's 120 kids outside at one time. There's 22 different applications that the hearing examiner hears, and 23 there's a big thing about how many kids should be outside at 24 the same time. You know, residential zone. One of the 25 conditions as it -- that is in other child care providers</p>
<p>190</p> <p>1 of use that we parents will chit-chat with the provider and 2 that used to be correct in the past but now everybody does 3 apps. Before the parents gets anywhere near the property 4 they're going to have on their app when the kid ate, when 5 the kid pooped, how much the kid poop, etc. so that type of 6 conversation will not be there. 7 Also during the peak time of 8:00 to 8:15 and 5:45 8 to 6:00, which is the peak traffic time, they're going to be 9 -- with a good operator, which is think they will be, will 10 be handbook -- prepared handbook -- where there is no chit- 11 chat. 12 It's during that peak time period of drop-off and 13 pick-up. If you want to speak to the operator, if you want 14 to speak to the teacher, the time period has to be scheduled 15 or during the middle of the day if you pick-up at 1 o'clock 16 go ahead and talk for a half an hour, it's fine. But during 17 the peak drop-off and pick-up time, no chit-chat. It doesn't 18 happen with a well-run operator-run child care facility; 19 okay? 20 So what is the measurement of the amount of time 21 that it takes in this particular situation with the steps of 22 get in, drive down 600 feet, get to the -- the driveway, 23 find a parking spot, get to the sidewalk, [inaudible], and 24 all the way back again; okay? 25 My analysis is to map it as fast as you can do it</p>	<p>192</p> <p>1 that you can't go outside until 9:00 a.m. 2 I think it's horrendous that children cannot go 3 outside until 9:00 a.m. in a residential zone. But if we're 4 going -- and I don't recommend it, but if you're going to 5 tell one daycare provider you can't go out till 9:00 a.m. 6 you certainly shouldn't let 120 kids go out at 8:00 a.m. in 7 a residential zone. 8 We got to be more fair and consistent with 9 different applicants. A favorite thing for hearing examiners 10 because I've been at just about every case during the past 11 30 years is to have a 6-foot inground board fence instead of 12 the aluminum [inaudible]. 13 The attorney, Mr. Kline, stated that he would never 14 offer an employee as an expert. However, in the application 15 somewhere the plan of operations says applicant is 16 experienced in organizing recreational activities to 17 minimize effects on its neighbors. 18 That contradicts it a little bit to me because even 19 if the applicant is really -- the people that own the 20 property that -- that actually run the business instead of 21 the corporation in Massachusetts. 22 They're going to be legally employees of an LLC, so 23 those two kind of contradict to me. Because they're going to 24 be the expert witness of how to properly do what they said, 25 which is organize recreational activities and minimize</p>

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<p>193</p> <p>1 effects on the neighbors.</p> <p>2 So you can't just -- they said only exit/entrance</p> <p>3 is in the front -- is in the front which is in the back of</p> <p>4 the property. That's not up to the fire code and it -- if</p> <p>5 the exit with children is in a fenced area without any</p> <p>6 ability to get out except for this one entrance in front of</p> <p>7 the back of the building, the fire marshal's not going to</p> <p>8 work with that, I don't think.</p> <p>9 I mean, it's a safety hazard. Every door, I'm sure,</p> <p>10 will have a fire exit and windows and I'm sure they're take</p> <p>11 care of it.</p> <p>12 But once the applicant gets permission from the</p> <p>13 hearing examiner to do the conditional use, that applicant,</p> <p>14 the name on the application is approved, that name goes on</p> <p>15 the LCC's certificate, whether it's Primrose or whether it's</p> <p>16 the LLC with the two people.</p> <p>17 That's the people that are the certificate of</p> <p>18 registration at this license will go to; okay? If you give</p> <p>19 it to Primrose and they're not really the ones that are</p> <p>20 going to operate it, they're not going to get the state</p> <p>21 license.</p> <p>22 If you give it to somebody who -- they should give</p> <p>23 it to the people who are actually operating. If you give it</p> <p>24 to Primrose I think the procedure is you have to pay -- it's</p> <p>25 transferable, and you have to go to the board of appeals to</p>	<p>195</p> <p>1 they're not on there, they're not getting the kid. If they</p> <p>2 are on there, they are getting the kid. That is what needs</p> <p>3 to happen; okay?</p> <p>4 And there is all sorts of training too on what to</p> <p>5 do if the parent, who is 18 comes and we think that it's not</p> <p>6 a safe environment. We do have to release the children to</p> <p>7 the parent but we also have to call the police right of way</p> <p>8 because we're mandatory reporters. And written -- there's</p> <p>9 delay tactics we've been trained in, etc.</p> <p>10 Another thing that confuses me is the number that</p> <p>11 the applicant put down for their analysis for the number of</p> <p>12 practice spaces is 59. Point-6.2.4. I can't find it. I don't</p> <p>13 always look at the zoning ordinance for parking and I find</p> <p>14 59E.337 [inaudible] ordinance. 59E-37 --</p> <p>15 HEARING OFFICER HANNAN: Okay. That's the old</p> <p>16 zoning ordinance.</p> <p>17 MS. RICE: That's the old ordinance?</p> <p>18 HEARING OFFICER HANNAN: It's been superseded by</p> <p>19 the new zoning at 2014 zoning ordinance.</p> <p>20 MS. RICE: Okay.</p> <p>21 HEARING OFFICER HANNAN: And 59 6.2.4, I believe,</p> <p>22 is the correct citation.</p> <p>23 MS. RICE: Okay. Because the -- the 59 6.2.4 is</p> <p>24 based on the square footage of the building and it doesn't</p> <p>25 that much sense for a child care. The 59E-37 is one car for</p>
<p>194</p> <p>1 transfer it from Primrose to the franchises.</p> <p>2 Okay. So who's going to do this? Conditional use</p> <p>3 number 1908 restricted the children from going outside until</p> <p>4 9:00 and they can't go outside after 5:00.</p> <p>5 There's another hearing examiner condition that</p> <p>6 gets written down that drives me nuts. The condition is that</p> <p>7 adults have to pick up the children. The applicant says the</p> <p>8 parents can pick up the children. Both bad ideas. Legally</p> <p>9 the children can be picked up by the parents, by children's</p> <p>10 protective services, by a police officer, by a fire marshal.</p> <p>11 And I'm getting a little technical here; it's like,</p> <p>12 of course they can. But if you don't write it down correctly</p> <p>13 when you have multiple other government agencies looking at</p> <p>14 complying with what you write down, it just gets more</p> <p>15 difficult. I'm trying to prevent that.</p> <p>16 So the applicants saying that the parents are going</p> <p>17 to pick-up I would -- it's not going to be right. Grandma is</p> <p>18 going to do it, an aunt is going to do it, child protective</p> <p>19 services, etc. etc. and with this large of a capacity of a</p> <p>20 child care facility -- how about a 17-year-old parent?</p> <p>21 How about a 17-year-old sibling? What's wrong with</p> <p>22 them picking up? They're not adults but they are authorized</p> <p>23 to pick up. The state process is to take a rec- -- emergency</p> <p>24 form and on that form the parents -- because they're not our</p> <p>25 kids -- the parents write down who's allowed to pick up. If</p>	<p>196</p> <p>1 every employee and one parking space for every sic kids.</p> <p>2 If you take 195 divided by six you need 32 and a</p> <p>3 half parking spaces for the kids. You add that to the 32</p> <p>4 staff, which is the minimum that the application says, you</p> <p>5 need 64 and a half parking spaces.</p> <p>6 HEARING OFFICER HANNAN: Okay.</p> <p>7 MS. RICE: Okay. So even if -- if it's the E</p> <p>8 doesn't work anymore, you still have to figure out the flow</p> <p>9 of the children. It's -- it's going to -- it's got to be</p> <p>10 more than 16 for every 15 minutes. There's -- the number</p> <p>11 just don't work.</p> <p>12 HEARING OFFICER HANNAN: You're saying there's</p> <p>13 still the drop-off/pick-up issue aside from the actual</p> <p>14 requirements?</p> <p>15 MS. RICE: Okay. I didn't quite release that it did</p> <p>16 change in 2014. I mean, I helped write the zoning ordinance</p> <p>17 30 years ago. So I get very confused.</p> <p>18 HEARING OFFICER HANNAN: Okay.</p> <p>19 MS. RICE: Okay. Okay.</p> <p>20 HEARING OFFICER HANNAN: That's okay.</p> <p>21 MS. RICE: But even if it's -- it -- it just</p> <p>22 doesn't make any sense for child care for it to be by the</p> <p>23 building size. Because that -- they -- you know, parking</p> <p>24 requirements in two separate very significant differences.</p> <p>25 The staff member that is going to be there all day,</p>

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<p>197</p> <p>1 or shift, and the parents that are going to pick-up and 2 drive away, it's kind of like McDonalds. You park in there, 3 you sit and stay there for a long time, or you go through 4 the drive-through.</p> <p>5 HEARING OFFICER HANNAN: I -- I do understand what 6 you're saying.</p> <p>7 MS. RICE: Okay. So that just -- you -- you got it 8 as much as I can say. Because the staff report is based on 9 under 28,000 square feet per the lot size and it's not -- 10 it's -- it's whatever that was, 121,000, all of those 11 figures in the staff report are now wrong.</p> <p>12 You could argue that the application has to look at 13 the size of the lot, the way it exists upon point of 14 application, but you could also argue that no, you need to 15 look at the size of the lot upon the implementation of the 16 conditional use. And those numbers are about 6,000 square 17 feet different, I think; okay?</p> <p>18 As a precedent case for you to look at, you can 19 look at Our Mary's Montessori School at Travilah Road. They 20 have the same problem. They have -- they filled every last 21 square foot of space on the property that they bought, but 22 once they dedicated land they didn't have the square footage 23 they needed to meet the 500 square foot requirement.</p> <p>24 And I think it was per person back then versus per 25 kid; okay? So the lot coverage will change and I said all</p>	<p>199</p> <p>1 traffic on the secondary road. It needs to be on the primary 2 road. So, I guess because Carnegie is going to be 45 feet, 3 you don't use that at all. You'd have to use the primary 4 one.</p> <p>5 The parking analysis also has to consider whether 6 the two handicap spaces are going to be shared or are they 7 going to be reserved. If they're reserved you can't count 8 that as far as staff or drop-off ch- -- pick-up spaces 9 because it will only be used by them. Maybe the direct pick 10 --</p> <p>11 HEARING OFFICER HANNAN: The direct handicap -- 12 MS. RICE: The handicap spaces.</p> <p>13 HEARING OFFICER HANNAN: Yeah, I know you can't 14 count those.</p> <p>15 MS. RICE: Okay. I didn't know if in a smaller 16 operation whether you're allowed to share or --</p> <p>17 HEARING OFFICER HANNAN: No, I -- I'm aware you 18 can't -- you can't let anybody use them -- you can't count 19 them towards an overall available space for drop-offs and 20 pick-up because they have to be reserved.</p> <p>21 MS. RICE: Okay. Whether it looks like the parking 22 spaces for the staff and for the drop-off/pick-up, pick-up 23 can be shared.</p> <p>24 HEARING OFFICER HANNAN: Yes. 25 MS. RICE: That they're not reserved.</p>
<p>198</p> <p>1 that. Not to preface my case too much, but the one 2 [inaudible] --</p> <p>3 HEARING OFFICER HANNAN: Now, can I just ask you -- 4 how much, because you heard the discussion of the 5 [inaudible] here.</p> <p>6 How much more do you have and can you submit 7 something in writing with your detailed points?</p> <p>8 MS. RICE: I would prefer, because of the time 9 constraint --</p> <p>10 HEARING OFFICER HANNAN: Yeah.</p> <p>11 MS. RICE: -- as long as you don't end up with a 12 second hearing on -- on two days to come back and continue 13 at that point.</p> <p>14 HEARING OFFICER HANNAN: Okay. Well, let's -- let's 15 go forward and see how far we can get.</p> <p>16 MS. RICE: Okay. In my applica- -- one -- my 17 application's c -- CU1714 -- sorry, I lost my train of 18 thought. Had a -- had a big discussion as far as how many 19 minutes it would take the get the case wrapped up and 20 discharged. Where was it?</p> <p>21 They also talked about -- wh- -- when you're 22 looking at property, if you stick it on a wide road or 23 primary road and then you take the traffic and turn it onto 24 a secondary road, they didn't like that. The staff report 25 didn't like that. They're saying that you shouldn't put any</p>	<p>200</p> <p>1 HEARING OFFICER HANNAN: Yes.</p> <p>2 MS. RICE: Unless the actual administrator has a 3 reserved spot. I don't know if they do or not.</p> <p>4 HEARING OFFICER HANNAN: I don't either.</p> <p>5 MS. RICE: Okay. Page 18, paragraph 1, I've wrote 6 down the math is wrong. The disclosure of the number of 7 peop- -- staff members. The COMAR regulation talks about 8 administrators, which is two. Staff members, which is 9 teachers.</p> <p>10 Now we've got a cook that might not be as a -- as a 11 staff member. They've also got other support staff. There's 12 been no discussion about who's going to clean this place.</p> <p>13 Are they going to do it during the day, are they 14 going to do it during the evening. If they're going to do it 15 in the evening and the -- and you write down that the -- as 16 they ask, that the hours of operation have to stop at 6:30, 17 you s- -- then the cleaning can't -- staff can't clean after 18 6:30 p.m. If they write down that they're going to clean it 19 between 6:00 and 6:30, then we've got the traffic in the 20 trips.</p> <p>21 Also, while the -- it's confusing about how many 22 staff members they need as teachers in the classroom. It 23 could be the number that I -- range that I gave you.</p> <p>24 It doesn't look like the report looked at the 25 traffic numbers going in and out of the property accurately.</p>

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<p style="text-align: right;">201</p> <p>1 Because if you -- if the condition is that you do 32 at one 2 time. You're going to write down at one time so that you can 3 have shift changes. 4 And if -- if you have a shift change to be in 5 compliance with licensing you have to have the number of -- 6 okay, the -- the number of staff members is three. 7 But the number of staff members on site at one time 8 is going to have to be higher than 30 because when the 6 9 o'clock employee leaves at 2:30 and the next one comes in, 10 you're going to have the overlap. So that five-minute 11 overlap condition needs to be applied even in a -- in a 12 large center. 13 And there's -- I haven't heard anything or seen 14 anything that talks about the shift changes. The shift 15 changes of 30 children with an operation that's open for 12 16 hours, are -- is that going to be another 64 cars going in 17 and out because we're going to do two shifts? 18 Or is the plan of operation going to be a staff 19 member is coming from 9:00 to 5:00 and that's particular 20 [inaudible] -- 21 HEARING OFFICER HANNAN: I understand what you're 22 saying. 23 MS. RICE: Okay. On page 19 they said only one side 24 abuts the property owner. That might not be accurate. I 25 think the next house also abuts the property owner on the</p>	<p style="text-align: right;">203</p> <p>1 request a couple of months ago. And the board of appeals 2 very adamantly told me that they very infrequently give side 3 yard variance requests. 4 All I wanted was a shed five feet closer that's 5 been there for 20 years, and they said no. Your 15,000 6 square foot lot is big enough; figure it out. And I think 7 that should be the response to this side ya- -- yard 8 variance request. Figure it out, but do not allow it to go 9 down to 12 feet which is even less than a residential code 10 requires. It doesn't make any sense. 11 Primary Montessori School did take them into the 12 property, around the building, and then back out again with 13 a one-way circular driveway which might work. I think -- 14 it's a very similar setup to that but that works out that 15 way. 16 Also, if you write down that no more than three of 17 the playgrounds can be used for 40 kids apiece and at 18 operator cannot comply with the licensing requirements 19 because once a month we have to do fire drills. All the 20 children must go out of the building once a month. All 195. 21 And we also have to do an evacuation plan which 22 means that where you going to take the kids if the -- if the 23 hap- -- -- the building is burning down. It could be the 24 elementary school or the church or the park or just 25 somewhere. But you have to put down where you're going to</p>
<p style="text-align: right;">202</p> <p>1 side. Plus there's on in the back. Minor point, but -- okay, 2 so name on the -- on the thing. 3 Oh, there was comment that no one has to back up 4 and that's not accurate because if you go into the parking 5 space and when cars face the -- you obviously have to back 6 up to get out. It's not a circular pattern. 7 They're talking about it being cost prohibited to 8 do anything smaller. That's not accurate. There are plenty 9 of daycare centers that do less than 195 kids. There's 10 really few that do more than 150. 11 These big manufacturing plant corporations -- 150 12 is kind of necessary to be able to do it but you still do 13 need 150 to be able to do a cost-effective child care. You 14 need 30 is really hard, but it's possible; 20 is not. 15 I think that's about it. Oh, I think the worst part 16 about the application is the request for the sdte variance. 17 With 2.94 acres, 121,000, 128,000 there's no reason for you 18 to grant a side variance. 19 That is -- it doesn't even meet the residential 20 building code which is 17 feet. It's 12 feet. It's supposed 21 to be 34 feet. Yes, I understand they can't get in the 22 building that they want and the number that they want if you 23 don't give it to them, but that's not a justifiable reason 24 to give it to them. 25 Last comment, I went through side yard variance</p>	<p style="text-align: right;">204</p> <p>1 take the children and you have to practice that twice a 2 year. Okay? So where are they going to go? 3 I'm sure I would think of something else but I 4 think I've had enough time. 5 HEARING OFFICER HANNAN: Thank you. Any cross? 6 MR. KLINE: I guess the basic question is are you 7 in support of the applicant's application or are you in 8 opposition to the applicant's application? Or are you here 9 to tell us that there is information needed to make it more 10 complete for a file determination can be -- 11 MS. RICE: I am vehemently opposed to the side yard 12 variances. It's absurd. It is absolutely, incredibly unfair 13 to a lady I've never met, Carol. I mean, it's -- it's 14 ridiculous. 15 MR. KLINE: And the overall application? 16 MS. RICE: The overall application is too big. What 17 I think you should do, and -- and if it gets denied and you 18 make a significant change to the application you can come 19 back here like right away. 20 If it gets denied and you don't make a significant 21 application you have to wait 18 months and you can apply 22 again. That's why I've done this nine times, to get 30 kids. 23 But if -- if I may, since you've asked, I think the 24 solutions is pretty easy. 25 Get rid of these two rooms; move it over, away for</p>

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<p>205</p> <p>1 Carol. And then re-analyze everything as far as parking, 2 etc. is concerned. And figure out how long is that first car 3 between 8:00 and 8:15 going to be on-site. Where'd it go? 4 That's -- that's a vital statistic that's never in 5 any of these hearings. I think it's three minutes if you get 6 it right. And if you move the front door in front. But it's 7 the -- it's not three minutes in -- in your case. Get rid of 8 that; move it over. 9 MR. KLINE: Thank you. No further questions. 10 HEARING OFFICER HANNAN: Mr. Chen? 11 MR. CHEN: No. 12 HEARING OFFICER HANNAN: No questions. You may be 13 excused. Thank you. All right. Who is the next guest -- yes, 14 sir. Please come forward. 15 MR. KLINE: [inaudible]. 16 HEARING OFFICER HANNAN: You may sit and raise your 17 right hand. 18 MR. BARBOUR: Okay. 19 HEARING OFFICER HANNAN: Do you solemnly affirm 20 under penalties of perjury that the statement you're about 21 to make are the truth, the whole truth, and nothing but the 22 truth? 23 MR. BARBOUR: Yes. 24 HEARING OFFICER HANNAN: And can you state your 25 name and address for the record?</p>	<p>207</p> <p>1 afternoon? 2 MR. BARBOUR: Both, both. 3 HEARING OFFICER HANNAN: Both. Okay. 4 MR. BARBOUR: I mean, in the morning Needwood is 5 just blocked like way through. 6 I mean sometimes down as far as Grande Vista. I 7 mean, and by the way, you know, when you talk for three 8 minutes -- 9 HEARING OFFICER HANNAN: Would someone put that 10 aerial photograph up, please? And can you just show me on 11 that aerial photograph? 12 MR. BARBOUR: Sure. 13 HEARING OFFICER HANNAN: Here. I have a pointer. I 14 don't want to get anybody in the eye but can you show me 15 where on this -- well, here. I'll give it to you or just 16 point it out where on the photograph do you live? 17 MR. BARBOUR: We live right here. 18 MR. KLINE: Mr. Barbour could you give us that? 19 Thank you. 20 HEARING OFFICER HANNAN: Okay. That -- so your 21 pointing to -- it -- what is it? Iron -- 22 MR. BARBOUR: Ironforge Court. 23 HEARING OFFICER HANNAN: Ironforge Court. 24 MR. BARBOUR: And literally six -- 25 HEARING OFFICER HANNAN: Where is the backup that</p>
<p>206</p> <p>1 MR. BARBOUR: Marcus Barbour. 7710 Ironforge Court, 2 Derwood, Maryland. 3 HEARING OFFICER HANNAN: And can you spell your 4 last name for the court reporter? 5 MR. BARBOUR: B-a-r-b-o-u-r. 6 HEARING OFFICER HANNAN: Okay. Okay. What would you 7 like to say? 8 MR. BARBOUR: So, we were -- we've been a resident 9 of Ironforge Court just about less than a quarter mile from 10 this building for 28 years. 11 And we've just seen traffic get horrifically worse 12 and worse and worse and worse through this time period. 13 I think we're at a point where traffic is worse 14 than it was during the pre-ICC period. When they built the 15 ICC traffic went -- became much more bearable but it's 16 really built up past the -- what it was back then. 17 I drive down Needwood and back and forth at least 18 six times a day. Today is one of the very few exceptions as 19 I'm [inaudible] usually it's more. 20 I go to Crabb [sic] -- I go down to Crabbs Branch 21 on Redland to the Metro at least four times a day. Traffic 22 as horrendous as it is right now exactly at the point of 23 which people would be going and coming from this facility. 24 It's not on -- 25 HEARING OFFICER HANNAN: At -- at morning or</p>	<p>208</p> <p>1 you experience? 2 MR. BARBOUR: So we see backups when I drive the -- 3 when we drive our -- our child to school in the morning. 4 HEARING OFFICER HANNAN: Yes. 5 MR. BARBOUR: We go down this road here. 6 HEARING OFFICER HANNAN: And that's Needwood Road? 7 MR. BARBOUR: That's Needwood Road. And when we get 8 to the end of Needwood it's -- these days it can be backed 9 up as far as the lake, which is amazing. I don't -- I don't 10 know if you know what that means but that's -- 11 HEARING OFFICER HANNAN: No, which -- which lake? 12 And it's backed up from where to where? 13 MR. BARBOUR: Lake -- not shown on this map -- 14 HEARING OFFICER HANNAN: Oh, I see. 15 MR. BARBOUR: -- is a lake. 16 HEARING OFFICER HANNAN: Oh, I see. 17 MR. BARBOUR: And past the lake is the school. 18 HEARING OFFICER HANNAN: Oh, I see. 19 MR. BARBOUR: And -- and traffic comes a little way 20 down here and now the backup is to the lake when we come -- 21 HEARING OFFICER HANNAN: I see what you're saying. 22 MR. BARBOUR: That's going to school. And when 23 we're going home -- we're coming back from school traffic 24 can get backed up to usually Deer Lake here but sometimes 25 [inaudible].</p>

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<p>1 HEARING OFFICER HANNAN: After Needwood, if the</p> <p>2 Needwood --</p> <p>3 MR. BARBOUR: It means you would Needwood towards</p> <p>4 Redland.</p> <p>5 HEARING OFFICER HANNAN: Redland intersection?</p> <p>6 MR. BARBOUR: Correct.</p> <p>7 HEARING OFFICER HANNAN: Okay.</p> <p>8 MR. BARBOUR: And that's in the morning. And I have</p> <p>9 a question about this. I mean, it seems to me that most</p> <p>10 people who'd come to this facility would come because</p> <p>11 they're trying to get to Metro. I mean, they ought to be</p> <p>12 dropping off their kids and trying to get to Metro.</p> <p>13 I don't know, I mean, how they're going to make</p> <p>14 this two left-hand turn? I mean there just isn't -- I mean,</p> <p>15 try not to get this almost always backed up to here, you</p> <p>16 know, between 7:30 and 8:30.</p> <p>17 HEARING OFFICER HANNAN: And when you say, can you</p> <p>18 give me a cross-street there that -- for reference?</p> <p>19 MR. BARBOUR: I believe that's Deer Road, is that</p> <p>20 right?</p> <p>21 MR. KLINE: Deer Lake.</p> <p>22 MR. BARBOUR: Deer Lake. That's Deer Lake.</p> <p>23 HEARING OFFICER HANNAN: Okay, thank you.</p> <p>24 MR. BARBOUR: So traffic is almost always backed up</p> <p>25 to Deer Lake if not down to Grande Vista. That's a pretty</p>	<p>1 sounds great. And then -- we want -- I wish we had better</p> <p>2 access to daycare, to early child development. I'm all for</p> <p>3 that. What -- when someone mentions the numbers I'm like,</p> <p>4 are you out of your mind?</p> <p>5 I mean, what if this is just like -- we -- we</p> <p>6 adjust our schedule now because of traffic patterns in this</p> <p>7 area alone, and adding the number of cars and number of</p> <p>8 people coming back and forth and maintenance vehicles, I</p> <p>9 just don't see how -- I -- I -- I fear for the quality of</p> <p>10 our lives in this area and the impact it's going to have.</p> <p>11 I just don't think that -- I just don't see a</p> <p>12 facility this large is going to work in this -- in this</p> <p>13 neighborhood, given how it -- and again, I'm not an expert,</p> <p>14 I'm not a traffic expert. I just drive this every day.</p> <p>15 I mean, I'm just -- I just sort of see traffic, see</p> <p>16 accidents. When I -- when I drop off my wife at the Metro</p> <p>17 now, I come home, I can't make this left-hand turn.</p> <p>18 And this is, by the way, not the -- this isn't</p> <p>19 where -- this isn't where the traffic is the busiest. I</p> <p>20 can't make a left-hand turn to get back into our house --</p> <p>21 MR. CHEN: From where to where, sir. Name the road.</p> <p>22 MR. BARBOUR: Um, from Redland on to Needwood. What</p> <p>23 I end up having to do, I end up having to try to get in at</p> <p>24 the first Needwood entrance, which is a -- it's a horseshoe,</p> <p>25 goes around the side there. And I have to work --</p>
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<p>1 narrow road to begin with -- you know people are just in</p> <p>2 there and we --</p> <p>3 HEARING OFFICER HANNAN: Wait. Can you -- are you</p> <p>4 getting anything?</p> <p>5 MALE: No, I'm [inaudible].</p> <p>6 HEARING OFFICER HANNAN: Can you shut that --</p> <p>7 MALE: My apologies. I thought I had it turned off.</p> <p>8 HEARING OFFICER HANNAN: Okay. I'm sorry, go ahead.</p> <p>9 MR. BARBOUR: So, when people are trying to leave -</p> <p>10 - I presume people are going to be trying to get out of the</p> <p>11 Metro, which is over here. I'm not -- I don't see how</p> <p>12 they're going to be able to make that turn. I don't -- it's</p> <p>13 inconceivable to me how they're going to be able to make</p> <p>14 that turn.</p> <p>15 And so what they're going to end up doing is</p> <p>16 they're going to end up driving back here trying to get off</p> <p>17 to Grande Vista and go through these residential streets to</p> <p>18 get back to Redland.</p> <p>19 Which by the way in the morning is usually backed</p> <p>20 up to [inaudible]. This is -- this whole -- this is like a</p> <p>21 little traffic nightmare, you know, you know, in the</p> <p>22 mornings and then in the evenings.</p> <p>23 [inaudible background conversation]</p> <p>24 MR. BARBOUR: When someone said to me, oh, you</p> <p>25 know, someone want to put a daycare here, I was like, that</p>	<p>1 HEARING OFFICER HANNAN: Wait, I'm sorry. I -- I --</p> <p>2 I can't s -- see that wonderfully. Where's -- show me where</p> <p>3 the horseshoe is that you have to [inaudible].</p> <p>4 MR. BARBOUR: This is Needwood Road. Needwood Road</p> <p>5 goes like this --</p> <p>6 HEARING OFFICER HANNAN: Yes, I see that. Yes.</p> <p>7 MR. BARBOUR: It actually goes up and it leaps</p> <p>8 around --</p> <p>9 HEARING OFFICER HANNAN: Mr. Kline, can you see</p> <p>10 where he's --</p> <p>11 MR. KLINE: I'm okay now.</p> <p>12 MR. BARBOUR: You see it goes up here and loops</p> <p>13 around like that through a horseshoe.</p> <p>14 HEARING OFFICER HANNAN: Oh, I didn't realize that.</p> <p>15 MR. BARBOUR: So the way to get into this</p> <p>16 neighborhood is there's a traffic light here.</p> <p>17 HEARING OFFICER HANNAN: Right.</p> <p>18 MR. BARBOUR: Which even though there's a traffic</p> <p>19 light you usually can't make that turn in the mornings</p> <p>20 because everyone's backed up and they're -- and by the way.</p> <p>21 Another thing about this road is, people are flying</p> <p>22 down this road because they're trying to get --</p> <p>23 MR. CHEN: So this road is what?</p> <p>24 MR. BARBOUR: Oh, I'm sorry. I'll --</p> <p>25 HEARING OFFICER HANNAN: Redland.</p>

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<p>213</p> <p>1 MR. BARBOUR: Redland. Oh, I'm not an attorney; I'm 2 a civilian. 3 HEARING OFFICER HANNAN: That's okay. We're -- 4 we're going -- that's why we're prompting you. Okay. 5 MR. BARBOUR: So, Redland Road is like a racetrack 6 usually. I mean, people are tr- -- are trying to get to 7 work. It's almost impossible to make this turn now. 8 HEARING OFFICER HANNAN: Going -- 9 MR. BARBOUR: I'm sorry. 10 HEARING OFFICER HANNAN: -- if you're going -- no. 11 MR. BARBOUR: I'm not -- 12 HEARING OFFICER HANNAN: -- north on Redland -- 13 MR. BARBOUR: I'm going up -- up -- up on Redland. 14 I'm trying to make this left-hand turn. 15 HEARING OFFICER HANNAN: And you can't make the 16 left-hand turn at the light. 17 MR. BARBOUR: Left in here. Left in here. 18 HEARING OFFICER HANNAN: So you take the -- 19 MR. BARBOUR: I go to the corner -- 20 HEARING OFFICER HANNAN: -- western -- 21 MR. BARBOUR: -- and here -- 22 HEARING OFFICER HANNAN: -- entrance to Needwood. 23 Okay. 24 MR. BARBOUR: -- and what I'm trying to say is -- 25 what -- what -- what I'm trying to say here is -- is this is</p>	<p>215</p> <p>1 you. 2 Who would like to testify next? I see a hand up. 3 Come forward. 4 Please raise your right hand. Do you solemnly 5 affirm under penalties of perjury that the statement you're 6 about to make are the truth, the whole truth, and nothing 7 but the truth. 8 MS. KILEY: I do. 9 HEARING OFFICER HANNAN: Okay. Please state your 10 name and address for the record. 11 MS. KILEY: My name is Tami Kiley. It's T-a-m-i K- 12 i-l-e-y. And my address is 7729 Ironforge Court in Derwood, 13 Maryland 20855. Ironforge is one word. 14 HEARING OFFICER HANNAN: So you're on the same road 15 that Mr. Barbour is on? 16 MS. KILEY: Yep. We're in this same court. He's my 17 neighbor. 18 HEARING OFFICER HANNAN: Okay. Go ahead. 19 MS. KILEY: I'm going to keep it very, very short 20 and sweet. I'm here representing our HOA and I have a letter 21 to give to you if that is appropriate. 22 HEARING OFFICER HANNAN: I -- I will take the 23 letter. Unfortunately for the practice of law, organizations 24 have to be represented by an attorney. 25 MS. KILEY: Hmm. Okay.</p>
<p>214</p> <p>1 the better scenario for me, okay, than what you guys are 2 talking about here as it currently exists. 3 MR. CHEN: When you say here, you mean the site? 4 MR. BARBOUR: The site. Yeah. I mean, the site is 5 like much worse than what I have to deal with. 6 And that -- and that's even before you start adding 7 100 -- 195 children. I mean, how -- people are not -- people 8 are going to be like -- my opinion, traffic is going to be a 9 huge problem in this area. 10 I don't see people being dropped off and -- and -- 11 and -- and I don't see people dropping their kids off in 12 three minutes and getting out of this place. They're not 13 going to be able to make that turn. 14 Making the right turn here is tough enough as it is 15 because that's a very narrow road. I just think this is too 16 big. I mean -- 17 HEARING OFFICER HANNAN: Okay. 18 MR. BARBOUR: And that's with any comment -- it's - 19 - it's an anecdotal observation. 20 HEARING OFFICER HANNAN: Well, I appreciate your 21 coming to testify. Mr. Kline, any questions? 22 MR. KLINE: No questions. 23 HEARING OFFICER HANNAN: Mr. Chen, any questions? 24 MR. CHEN: No questions. 25 HEARING OFFICER HANNAN: You may be excused. Thank</p>	<p>216</p> <p>1 HEARING OFFICER HANNAN: You can s -- -- I will 2 take the letter into the record unless you -- 3 MR. KLINE: I -- I have no objection to it. 4 HEARING OFFICER HANNAN: Do you have an objection? 5 And you can testify as to your own feelings on -- on the 6 project. 7 MS. KILEY: Okay. 8 HEARING OFFICER HANNAN: If you want to hand that, 9 this to me it's 150 will be the authorization from the Park 10 Overlook HOA in Derwood. Okay. Why don't you go ahead? 11 MS. KILEY: Okay. So I've think reading this would 12 be unallowable since we don't have an attorney present. Is 13 that correct? 14 MR. KLINE: No objection. 15 HEARING OFFICER HANNAN: It's -- do you have an 16 objection? You know, I'll take it in and since it's -- okay, 17 since it's narrative testimony just read the thing. 18 MS. KILEY: I am a director of the HOA. I'm also 19 the vice president, so I'm here -- 20 HEARING OFFICER HANNAN: You're here. 21 MS. KILEY: -- as a person who lives in the 22 neighborhood. 23 HEARING OFFICER HANNAN: Good. 24 MS. KILEY: And we object to the conditional use 25 application of the Primrose School. Our HOA consists of 3- -</p>

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55 (217 to 220)

<p>217</p> <p>1 - excuse me, 346 homes. We're right off of Needwood Road and 2 Redland Road and we object due to the traffic and plus 3 safety concerns that the school would add to an already 4 overcrowded area. 5 That's pretty much it. Redland Road was actually 6 widened. And I'm trying to remember if it was 2004, 2006, 7 back in that era. 8 HEARING OFFICER HANNAN: How many lanes is Redwood? 9 MR. KLINE: Redland. 10 MS. KILEY: Redland is -- 11 HEARING OFFICER HANNAN: I mean Redland. Yes. 12 MS. KILEY: -- right at that intersection it is -- 13 HEARING OFFICER HANNAN: When you say I -- at 14 Redland and Needwood? 15 MS. KILEY: Yes. 16 HEARING OFFICER HANNAN: Yeah. Okay. Go ahead. 17 MS. KILEY: It goes from four down to two as you go 18 through that intersection. 19 HEARING OFFICER HANNAN: Okay. 20 MS. KILEY: There's a -- the third or the fourth 21 lane is pretty much for turn, only right, and then that goes 22 away as you go through the intersection. 23 HEARING OFFICER HANNAN: Okay. Thank you. 24 MS. KILEY: Mm-hmm. So that's it. It's -- yeah, the 25 road was already widened so I can't see that that would be</p>	<p>219</p> <p>1 truth, the whole truth, and nothing but the truth? 2 MS. SMITH: Yes. 3 HEARING OFFICER HANNAN: Please state your name and 4 address for the record. 5 MS. SMITH: Rosemary Tapscott Smith. 6 HEARING OFFICER HANNAN: Can you spell Capscott, 7 please? 8 MS. SMITH: Tapscott. T as in Tom -- 9 HEARING OFFICER HANNAN: Oh. 10 MS. SMITH: -- a-p-s-c-o-t-t. 11 HEARING OFFICER HANNAN: And where to do you live 12 in relation to this property? 13 MS. SMITH: I live directly across Carnegie Avenue. 14 HEARING OFFICER HANNAN: Okay. And is your property 15 -- I just want to make sure I understand this. If you're 16 looking -- 17 MR. KLINE: I'll -- I'll put this one up for you. 18 HEARING OFFICER HANNAN: Thank you very much. 19 MR. KLINE: In the lower left-hand corner this is 20 what -- Mr. what we call him Wolford was calling the 21 Tapscott property. She live -- she lives by -- 22 HEARING OFFICER HANNAN: Okay, so you're on the 23 southwest side abutting the property. 24 MS. SMITH: Correct. 25 HEARING OFFICER HANNAN: Okay.</p>
<p>218</p> <p>1 anywhere in a budget for the county to try to widen that 2 road again. 3 HEARING OFFICER HANNAN: Okay. 4 MS. KILEY: But the traffic, as Marcus said, is 5 just horrendous. Most of the day, but particularly in the 6 morning/evening rush hours. 7 HEARING OFFICER HANNAN: Okay. 8 MS. KILEY: That's -- 9 HEARING OFFICER HANNAN: Thank you. 10 MS. KILEY: -- that's it. 11 HEARING OFFICER HANNAN: Just one second. Any 12 questions? 13 MS. KILEY: Oh, I'm sorry. 14 MR. KLINE: No questions, thank you. 15 MR. CHEN: No questions. 16 HEARING OFFICER HANNAN: Mr. Chen? 17 MS. KILEY: Thank you. 18 HEARING OFFICER HANNAN: So you now may be excused. 19 Thank you for coming. Anyone else. Yes, ma'am. Please come 20 forward. 21 MS. SMITH: That's a longer walk than I wanted it 22 to take. 23 HEARING OFFICER HANNAN: Please -- please raise 24 your right hand. Do you solemnly affirm under penalties of 25 perjury that this statement you're about to make are the</p>	<p>220</p> <p>1 MS. SMITH: It's Carnegie Avenue, in between. 2 HEARING OFFICER HANNAN: Okay, thank you. Thank 3 you, Mr. Kline. 4 MS. SMITH: I think some of what I'm going to cover 5 sort of overlaps so I'll try to go through that quickly. 6 HEARING OFFICER HANNAN: No, j- -- just go forward. 7 MS. SMITH: My parents built their home there in 8 the early 1950s. My mother is 98; she has lived in that same 9 house for 65 years. I've lived in that house for most of my 10 life and for the last 10 years I've lived there as my 11 mother's primary caregiver. 12 And I say all that to say that I've very familiar 13 with the roads and the traffic. I remember when Needwood 14 Road was one and a half lane and when you go to the light it 15 was gravel. I've seen the development. I won't say I've 16 embraced all of it wholeheartedly but we've met some great 17 people and I have great neighbors. 18 We've been there before Mill Creek and Birch Ridge 19 and Blueberry and all of those other developments. So we've 20 seen the traffic year after year after year and the growth 21 that in traffic that development has brought. 22 And we've sort of addressed this -- as Redland and 23 Needwood both kind of twist and turn when I refer to Redland 24 I talk about it running north/south. North being toward 25 Muncaster, south being towards 355. And Needwood east/west.</p>

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<p style="text-align: right;">221</p> <p>1 East being toward Muncaster Mill Road and west being toward 2 Redland. 3 My biggest concern about this project is the 4 traffic. I attended the community meeting where the 5 gentleman there addre -- addressed the traffic issue and the 6 -- just the explanation was not all 195 parents would be 7 dropping their children off at the same time and if someone 8 else pointed out in much more detail than I could. 9 I've still not been able to figure out. Even if you 10 stretch it out over two hours and we cut it down to 150 cars 11 because maybe parents are bringing two kids at a time, how 12 do you get 150 cars in, in 120 minutes? 13 That doesn't allow for even one minute for each car 14 to get in, drop off a kid, and get out. And the way it was 15 explained to us is these children aren't just dropped off at 16 the front door, they have to be taken out of the car, walked 17 into the building, through security checkpoint, and walked 18 to their classroom, and turned over to the teacher. And then 19 the parent has to do that in reverse and get in their car 20 and get out in order to make a spot for another parent 21 dropping off a child. 22 I don't understand how Primrose will prevent 23 backups in their driveway and standing cars on Needwood 24 Road. And I heard a little snippet about something here that 25 concerns me greatly that they're putting a gravel pathway</p>	<p style="text-align: right;">223</p> <p>1 study was done some years back and Montgomery County 2 government determined that there were enough cyclists 3 utilizing Needwood Road to warrant building a bicycle path. 4 And so they had built a bicycle path from Redland 5 Road. It goes all the way to the end of Needwood Road and 6 there are cyclists and commuters who walk that path. 7 If -- if there are cyclists and walkers utilizing 8 that bike path in the morning and evening, and I see them 9 all the time, I have to stop frequently to turn right into 10 my own driveway to wait for these people to go across. I 11 have concerns that there's going to be a safety issue for 12 those folks. 13 I also have issues with if there are back-ups on 14 Needwood Road because people are trying to get in and out of 15 a parking lot, will that affect the buses going two and from 16 schools. 17 Picking up children because you're talking about 18 the same hours and people are trying to drop kids off at 19 daycare, buses are picking up the high schools and the 20 middle school students during those same hours. 21 I also worry about the folks that are doing our 22 trash recycling. Unfortunately we had a little incident last 23 week where the recycle truck had a new driver and he ended 24 up stuck, unfortunately, on their property and it was an 25 all-day affair.</p>
<p style="text-align: right;">222</p> <p>1 from Carnegie to have access from the sidewalk into the 2 facility. One of the reasons why Carnegie Avenue wasn't 3 approved for their driveway or access was because there's a 4 blind hill when you make a left-hand turn off of Carnegie 5 off of Needwood. 6 There's a blind hill to the right. My fear is 7 parents are going to come right down Carnegie Avenue because 8 they know they can walk right across that gravel spot and 9 take their cars in there. 10 We've had that exact same problem with the 11 Taiwanese cultural center. They use Carnegie Avenue as a 12 parking lot and their members walk to the church. Carnegie 13 Avenue, at times, gets completely blocked by vehicles that 14 use it as a parking lot. I've not been able to get down my 15 own -- down Carnegie Avenue. 16 I call it my driveway because we're the only house 17 on it. It gets blocked and it really concerns me that if 18 parents can't get in and out of their parking lot they're 19 going to assume that because there's a convenient sidewalk 20 and gravel walkway they're going to use Carnegie as an 21 access point and then you're going to have two sets of 22 parents trying to make a left-hand turn to get out onto 23 Carnegie -- out -- out onto Needwood Road. And one of those 24 will be on a blind hill. 25 I'm also concerned about the cyclists. Apparently a</p>	<p style="text-align: right;">224</p> <p>1 And I had the opportunity to speak to the 2 supervisor of this crew and when he asked what the property 3 was going to be used for and I told him a 195-kid daycare, 4 he almost had a heart attack. He said, we already risk our 5 lives on Needwood. 6 He said, I can't put a new guy on the crew to do 7 Needwood Road pick-ups. I have to have my seasoned guys 8 because I'm afraid they're going to get hit. 9 The traffic is so intense and so congested already, 10 adding another 150 cars four times a day. Coming in, going 11 out, coming in, going out, morning and evening. I think is 12 an issue. 13 And then moving to the Redland/Needwood 14 intersection. Real estate people like to throw the term 15 around "location, location, location" as a great selling 16 point. That doesn't apply to the Redland/Needwood 17 intersection. It's actually the reverse. 18 It's not a good thing. It is a disaster of an 19 intersection. That intersection is about two blocks from a 20 major traffic transportation hub. 21 The traffic on Needwood and Redland typically flows 22 to the Shady Grove Metro, which is the third largest -- 23 third busiest Metro station during rush hour; people trying 24 to access 370 to get to 270, 270 north and southbound. Now 25 we have 200 primarily eastbound, and 355 north and</p>

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<p style="text-align: right;">225</p> <p>1 southbound.</p> <p>2 So you have all of the traffic coming from points -</p> <p>3 - for example, Olney -- dumping into a very, very congested</p> <p>4 area.</p> <p>5 Toss in there that the Montgomery County solid</p> <p>6 waste transfer station is right behind the Metro and now</p> <p>7 you've got trash trucks that start delivery pick-up at 6:30</p> <p>8 a.m. and they're mixed in with all the commuters.</p> <p>9 I go out Carnegie Avenue -- excuse me, I apologize</p> <p>10 -- almost on a daily basis. Somedays five or six times a</p> <p>11 day. Two mornings a week I go out during rush hour because I</p> <p>12 babysit my granddaughters that are on the side of Shady</p> <p>13 Grove Road.</p> <p>14 There are times sitting on Carnegie Avenue, trying</p> <p>15 to make a left, I have to wait for two or three changes of</p> <p>16 the light before I can get a break in the traffic on</p> <p>17 Needwood Road to make that left.</p> <p>18 Some mornings I actually have to block the</p> <p>19 eastbound traffic on Needwood Road. Which I know could get</p> <p>20 me a ticket, but I can't get out unless I block the traffic</p> <p>21 and somebody coming westbound is kind enough to let me in.</p> <p>22 There is a school bus just past Carnegie Avenue. I</p> <p>23 don't know the house number, but if you're going westbound</p> <p>24 on Needwood it's just past Carnegie Avenue. That creates</p> <p>25 some problems in the mornings, at times.</p>	<p style="text-align: right;">227</p> <p>1 right-hand turn --</p> <p>2 HEARING OFFICER HANNAN: Onto Needwood.</p> <p>3 MS. SMITH: -- onto Needwood.</p> <p>4 HEARING OFFICER HANNAN: Okay, I get it. Sorry.</p> <p>5 MS. SMITH: Almost immediately as you make that</p> <p>6 right turn there's a residential driveway that has a hill.</p> <p>7 He's got to come back-up out of a hill and immediately</p> <p>8 across the street is a Tiawanese cultural center that also</p> <p>9 has access to Needwood Road.</p> <p>10 I also question -- and I'm not an expert, so this</p> <p>11 is just my personal opinion -- I question the need for a</p> <p>12 daycare center of that size in our area. We already have</p> <p>13 Kindercare about a mile and a half from the proposed site.</p> <p>14 We have KidStop Daycare at the Shady Grove Metro.</p> <p>15 We have Kiddie Academy on Gaither Road and I haven't been to</p> <p>16 any of them recently but I understand there are multiple</p> <p>17 faith-based daycare centers up and down 355 and at other</p> <p>18 churches in the region. And I know there are lots of home</p> <p>19 daycares in the region because my granddaughter goes to one.</p> <p>20 I talked about my trash truck guy. My basic</p> <p>21 objection is this is a highly commercial endeavor that is</p> <p>22 being proposed to be placed in the middle of our</p> <p>23 neighborhood, our families; our homes. The traffic is</p> <p>24 already atrocious.</p> <p>25 The impact it would have not just on the traffic</p>
<p style="text-align: right;">226</p> <p>1 I think I talked about the bicyclists already. And</p> <p>2 the Redland/Needwood intersection -- I'm not a civil</p> <p>3 engineer but I would really love to meet the person that</p> <p>4 designed that intersection.</p> <p>5 The -- when you're on Redland Road northbound if</p> <p>6 you're in anything much bigger than a two door sedan, making</p> <p>7 that right-hand turn onto Needwood almost forces you into</p> <p>8 the oncoming lane of Needwood Road.</p> <p>9 It's a -- it's a weird, hard, sharp right and I've</p> <p>10 seen large vehicles -- tractor trailers, dump trucks, trash</p> <p>11 trucks. They can't make that right turn if there's traffic</p> <p>12 in both of the Needwood lanes.</p> <p>13 They have to wait for the Needwood to get a green</p> <p>14 light and the left-hand lane of Needwood traffic to move so</p> <p>15 they can make that corner. And that just creates more</p> <p>16 congestion in the morning.</p> <p>17 And you add in of the fact that at that</p> <p>18 intersection at -- when you're turning right off of Redland</p> <p>19 onto Needwood going eastbound as soon as you make that</p> <p>20 right-hand turn, almost immediately --</p> <p>21 HEARING OFFICER HANNAN: I'm not -- I'm sorry.</p> <p>22 Where are we going?</p> <p>23 MS. SMITH: If you're on Redland --</p> <p>24 HEARING OFFICER HANNAN: Yeah.</p> <p>25 MS. SMITH: -- going north. So you're making a</p>	<p style="text-align: right;">228</p> <p>1 but the noise; the -- what it takes to facilitate an</p> <p>2 operation like that. It's not just the parents and the kids,</p> <p>3 it's the maintenance, it's cleaning staff, it's -- it's</p> <p>4 everything that goes along with having a commercial</p> <p>5 enterprise in your front yard or your backyard.</p> <p>6 And it really adversely affects our feeling of</p> <p>7 community. I can't imagine that it will improve the home</p> <p>8 valuations of any of the homes that directly adjoins the</p> <p>9 facility.</p> <p>10 You know, we're a residential neighborhood that has</p> <p>11 grown up over the last half century from cow pastures to</p> <p>12 homes, families and a close-knit community. I remember when</p> <p>13 the biggest problem we had with traffic was the dairy cattle</p> <p>14 that would occasionally escape their confines.</p> <p>15 Now it's unbelievably congested traffic, under</p> <p>16 developed infrastructure, Redland Road when you're coming</p> <p>17 from south -- I'm sorry from north to south it goes from one</p> <p>18 lane to two lanes to two lines with a turn lane and then</p> <p>19 back down to two lanes.</p> <p>20 And then you get to the Crabbs Branch and it's two</p> <p>21 lanes that go straight through, two turn lanes, but then</p> <p>22 once you get across Crabbs Branch there's only one lane that</p> <p>23 goes straight through.</p> <p>24 The road rage in that area is ridiculous.</p> <p>25 Everybody's always in a hurry, everybody is always trying to</p>

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<p>229</p> <p>1 get to where they're going.</p> <p>2 I sit at that light on Redland and Needwood on a</p> <p>3 regular basis and I see so many close calls not just for</p> <p>4 cars but people trying to get across. We have a lot of</p> <p>5 people who walk to the metro.</p> <p>6 I just think it's the -- the wrong size facility</p> <p>7 for a community that when you make the turn on to Needwood</p> <p>8 Road the first view of our community is a huge commercial</p> <p>9 daycare center. It doesn't feel like a community, it doesn't</p> <p>10 feel like home; it feels like commercial.</p> <p>11 MS. SMITH: Okay. Thank you very much for coming.</p> <p>12 Any questions?</p> <p>13 MR. KLINE: Yeah. Just -- just -- just two quick</p> <p>14 questions, Ms. Tapscott. You -- you acknowledge that there's</p> <p>15 a -- basically a bump in the road or a line of sight problem</p> <p>16 where Carnegie intersects Needwood?</p> <p>17 MS. SMITH: Yes.</p> <p>18 MR. KLINE: So if you look to the right you have</p> <p>19 difficulty seeing cars coming up the hill.</p> <p>20 MS. SMITH: Absolutely.</p> <p>21 MR. KLINE: So why would you think anybody would</p> <p>22 have -- her in particular, want to use Carnegie to drop</p> <p>23 their children off if they've got a driveway that does meet</p> <p>24 the line of sight standards?</p> <p>25 Doesn't that automatically by default mean you're</p>	<p>231</p> <p>1 the sole purpose of providing entrance and egress for a</p> <p>2 commercial development, a commercial program, a commercial</p> <p>3 daycare, that is commercial.</p> <p>4 MR. KLINE: But any development that occurs on this</p> <p>5 property will necessitate Carnegie Avenue being opened up.</p> <p>6 HEARING OFFICER HANNAN: Well, that's -- that's not</p> <p>7 in the record.</p> <p>8 MS. SMITH: And if they want to build a couple of</p> <p>9 homes over there we welcome neighbors, we -- we like</p> <p>10 neighbors.</p> <p>11 MR. KLINE: All right. If those houses, about two</p> <p>12 houses [inaudible] --</p> <p>13 HEARING OFFICER HANNAN: Okay. I don't -- I don't</p> <p>14 want to go in the record about the potential development of</p> <p>15 -- of this property via Carnegie Av because that's what I</p> <p>16 excluded before.</p> <p>17 MR. KLINE: But this is a theoretical question.</p> <p>18 HEARING OFFICER HANNAN: Well, the theoretic- --</p> <p>19 the theoretical question I think that you're getting to is</p> <p>20 if these -- well, maybe not. If these two houses -- if they</p> <p>21 are -- if this was houses, would you object to opening up</p> <p>22 Carnegie Avenue?</p> <p>23 MS. SMITH: No.</p> <p>24 HEARING OFFICER HANNAN: Is that not your</p> <p>25 theoretical question?</p>
<p>230</p> <p>1 always going to use the -- the safest drive point?</p> <p>2 MS. SMITH: When you're talking about a parent who</p> <p>3 is rational and reasonable, absolutely.</p> <p>4 But if your assumption is going to be that all</p> <p>5 parents of the 195 children who are already late for work</p> <p>6 are going to be rational and reasonable, I don't think</p> <p>7 that's a fair assessment, because I see too much of it every</p> <p>8 day.</p> <p>9 MR. KLINE: I know you've got a lot of history of</p> <p>10 Carnegie Avenue. Were -- were the line of sight problem to</p> <p>11 be eliminated, in other words, when we came out and shaved</p> <p>12 the roads, this would now meet the line of sight standards,</p> <p>13 which would automatically mean we would be able to come in</p> <p>14 off of Carnegie, would your family support the opening of</p> <p>15 Carnegie from Needwood back into the neighborhood behind</p> <p>16 you?</p> <p>17 MS. SMITH: No. Simply on principle.</p> <p>18 MR. KLINE: And the principle would be what?</p> <p>19 MS. SMITH: We are a neighborhood, not a commercial</p> <p>20 development.</p> <p>21 MR. KLINE: Well, opening a road i- -- is not a</p> <p>22 commercial development. That's actually considered to be a</p> <p>23 master planning goal of trying to connect residential</p> <p>24 neighborhoods to the infrastructure.</p> <p>25 MS. SMITH: But if you're developing the road for</p>	<p>232</p> <p>1 MR. KLINE: No. That's -- that's -- no. That's</p> <p>2 fine. All right, all I want to know is what would it take --</p> <p>3 what would be acceptable to have Carnegie opened.</p> <p>4 So you object to Carnegie being open to support</p> <p>5 commercial, but you wouldn't object to being supporting</p> <p>6 residential?</p> <p>7 MS. SMITH: Oh, not at all. I'd love to have</p> <p>8 neighbors.</p> <p>9 MR. KLINE: Right. So you don't mind having the --</p> <p>10 the flow through from the subdivision behind you to meet</p> <p>11 with?</p> <p>12 MS. SMITH: As long as the line of sight issue is</p> <p>13 addressed and addressed adequately. No. I don't.</p> <p>14 MR. KLINE: Of course that's -- that's the answer</p> <p>15 to the question. Thank you.</p> <p>16 MS. TAPSCOTT: I have one other thing. I -- I had</p> <p>17 emailed a letter in reference to some quotes that were</p> <p>18 allegedly made by me, some statements that were allegedly</p> <p>19 made.</p> <p>20 HEARING OFFICER HANNAN: Oh, I saw that letter</p> <p>21 yeah?</p> <p>22 MS. TAPSCOTT: You did see it okay. I just wanted</p> <p>23 to make sure that you had.</p> <p>24 HEARING OFFICER HANNAN: You had -- you signed it;</p> <p>25 correct? Because some of the stuff is unsigned. Yeah.</p>

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<p>233</p> <p>1 MS. TASPSCOTT: I mean I have another signed one.</p> <p>2 HEARING OFFICER HANNAN: No. I -- I have it. I do</p> <p>3 have it, I did see it.</p> <p>4 MS. TASPSCOTT: Okay. [Inaudible].</p> <p>5 HEARING OFFICER HANNAN: It is in the record and</p> <p>6 you can take a look at it. I will -- you can ask after the</p> <p>7 hearing but absolutely you can see what it says. Mr. Chen,</p> <p>8 do you have any questions based on Mr. Kline's [inaudible]?</p> <p>9 MR. CHEN: No ma'am, I don't.</p> <p>10 HEARING OFFICER HANNAN: Okay. Thank you for being</p> <p>11 here. Okay. Anyone?</p> <p>12 Yes, sir. Do you want to rethink your order of</p> <p>13 witnesses or are you still? Okay. Why don't you come</p> <p>14 forward, sir?</p> <p>15 Do you solemnly affirm under penalties of perjury</p> <p>16 that the statement you're about to make are the truth the</p> <p>17 whole truth and nothing but the truth?</p> <p>18 MR. KLINE: I absolutely affirm.</p> <p>19 HEARING OFFICER HANNAN: Okay. You -- you got me</p> <p>20 because you were al- -- already standing there. Please state</p> <p>21 your name and address for the record.</p> <p>22 MR. MARLOWE: My name is Don Marlowe, 7013</p> <p>23 Needwood, which is about 500 yards I guess east of what</p> <p>24 we're talking about. I'm about a 44-year resident of</p> <p>25 Needwood Road. I was a resident when it was a gravel road as</p>	<p>235</p> <p>1 lot on Candlewood -- on Crabbs Branch puts a lot of service</p> <p>2 -- of school buses on to Needwood Road headed eastbound in</p> <p>3 the morning and westbound in the afternoon, particularly in</p> <p>4 the morning one at the hours that we're talking about moving</p> <p>5 children in and out of this -- this site.</p> <p>6 It is a major cut through Needwood Road, a major</p> <p>7 cut through between Redland Road and Muncaster Mill Road</p> <p>8 where the high school is and you get all that traffic</p> <p>9 compounding on each other.</p> <p>10 The concern -- one concern that I -- additional</p> <p>11 concern I have is I can imagine as part of the after school</p> <p>12 program that parents are going to wish to drop students off</p> <p>13 at that site by school bus.</p> <p>14 That is coming either from Candlewood or coming</p> <p>15 from Sequoia that will be a -- a pressure to put school</p> <p>16 buses on that road that will carry children and drop them</p> <p>17 off at that site as a convenient way of making their day's</p> <p>18 work.</p> <p>19 And I think that having that thought through and</p> <p>20 how are we going to get children from the north side of</p> <p>21 Needwood Road to the south side in through that traffic from</p> <p>22 the buses causes me some anxiety.</p> <p>23 I also see no addition and discussion to things</p> <p>24 like special events. Things like after school programs where</p> <p>25 you have Christmas programs or seasonal music programs or</p>
<p>234</p> <p>1 was alluded to by our previous witness. And I have written</p> <p>2 to the board and then to yourself three times about this;</p> <p>3 two of them made the record.</p> <p>4 The numbers 59 and 129 made the record and they</p> <p>5 state along with the letter of 4 November that I wrote</p> <p>6 actually to the planning board that was acknowledged as</p> <p>7 having the receipt that hasn't actually surfaced apparently</p> <p>8 yet.</p> <p>9 May I be very brief; I totally support the</p> <p>10 arguments regarding traffic on Needwood Road and the</p> <p>11 concerns about access in and out of the site as a result of</p> <p>12 that traffic and as a result of great changes on Needwood</p> <p>13 Road that occur in the near vicinity.</p> <p>14 Within -- at the speed cars move on Needwood Road</p> <p>15 within a few seconds cars coming over that bridge that's</p> <p>16 been referred to earlier are on the inter- -- are on the</p> <p>17 site that is there adjacent to the driveway.</p> <p>18 I think that that is going to create more concerns</p> <p>19 than we've given it credit for. The comments I made in my</p> <p>20 letters were in the forms of questions which should have</p> <p>21 been -- or might have been considered by the planning board</p> <p>22 or even yourself prior to -- as part of this consideration.</p> <p>23 There are two additional groups of traffic sources that have</p> <p>24 not been mentioned.</p> <p>25 One is that the Needwood -- I'm sorry that the bus</p>	<p>236</p> <p>1 whatever. You're going to have all of those parents on the</p> <p>2 site at one time.</p> <p>3 And I think that that is an -- an issue that needs</p> <p>4 to be a- -- a- -- at least discussed. And I think finally</p> <p>5 the -- the issue of parking on Carnegie is real. I in a</p> <p>6 separate life was a volunteer at a parochial school.</p> <p>7 I was the chairman of the p- -- of the grounds</p> <p>8 committee at a parochial school and it had about 250</p> <p>9 students at the time. And getting parents in and out of that</p> <p>10 program, in and out of that property was a continual hassle.</p> <p>11 The roads, the driveways were never wide enough.</p> <p>12 Parents want to park cars and go get kids and -- and -- and</p> <p>13 they're just not thinking logically about traffic flow. They</p> <p>14 are thinking logically about how do I get my kids and get</p> <p>15 moving because I've got a dinner to go to, I've got work to</p> <p>16 go to in the morning; whatever.</p> <p>17 And finally there was an illusion made in the</p> <p>18 report to you by the planning board that this is a</p> <p>19 neighborhood in transition; that it is transitioning from</p> <p>20 residential to commercial.</p> <p>21 And I take a strong objection to that. I think that</p> <p>22 this neighborhood has -- has maintained a residential</p> <p>23 character for the 44 years I've lived there in the previous</p> <p>24 residence.</p> <p>25 I think that we have argued strongly before</p>

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<p style="text-align: right;">237</p> <p>1 previous examiners like yourself and previous planning 2 boards against previous attempts to go commercial under that 3 property. 4 There is a resi- -- there is a historical piece -- 5 a histo- -- of commercial property there about 500 feet 6 south of this intersection that we're talking about it is a 7 storage place for trucks and has been used historically 8 since Redland Road crossed the tracks on a grade crossing 9 back when we can all -- us old folks can remember. 10 And that has been used as the only commercial 11 property in -- in -- the vicinity short of going up to 355 12 or to Muncaster Mill Road. Again, my -- my comments are 13 better described in writing. 14 HEARING OFFICER HANNAN: Thank you. Any questions, 15 Mr. Kline? 16 MR. KLINE: Thank you. No. 17 HEARING OFFICER HANNAN: Any questions, Mr. Chen? 18 MR. CHEN: Thank you. No. 19 HEARING OFFICER HANNAN: Thank you very much. 20 Anyone else would -- would like to testify? Yes, ma'am. 21 MS. ENG: You want me to stand or sit? 22 HEARING OFFICER HANNAN: Whatever you prefer. You 23 can -- 24 MS. ENG: I'm a nervous wreck. 25 HEARING OFFICER HANNAN: No. Don't be a nervous</p>	<p style="text-align: right;">239</p> <p>1 student commercial daycare center proposed by the mammoth 2 corporation Prinrose. 3 According to Wikipedia, Prinrose is owned by the 4 Roark Capital Group, and according to Prinrose's site has 5 437 schools in 32 states with five more planned for 6 Montgomery County. 7 Shady Grove which is the one we are discussing here 8 North Potomac, Olney, Bethesda and Silver Springs. So it's 9 not like there are no other locations being considered in 10 the area. My first concern is traffic. 11 A few years back Montgomery County saw fit to redo 12 the intersection at Redland and Needwood and I can't 13 remember who it was that said that they did a really bad job 14 on their curve. They did. I mean I can't tell you -- I turn 15 that and I come up over the curb. 16 Because so many people were using Needwood Road to 17 get to 270 from as far away as Bowie Mill Road and all along 18 Muncaster Mill Road and now there's that new housing 19 development that's on Muncaster Mill Road not too far from 20 Magruder High School. 21 This acknowledged the increasing traffic in our 22 area. Even so in order to get out of my neighborhood -- and 23 I can show you on the map when I get enough strength to 24 stand up -- any time between 7:00 and about 8:30 it's at 25 least a five-minute and sometimes longer wait to make a</p>
<p style="text-align: right;">238</p> <p>1 wreck. These two look fierce but they aren't. 2 Do you solemnly swear under penalties [sic] of 3 perjury that the statement you're about to make are the 4 truth the whole truth and nothing but the truth? 5 MS. ENG: I do. 6 HEARING OFFICER HANNAN: State your name and 7 address for the record and if -- it be helpful if there's 8 anything unusual in your name that you spell it. 9 MS. ENG: Patricia, the last name is Eng, E-n-g 10 like English but without the lish. I live at 7208 Righters 11 Mill Road in Derwood, Maryland; R-i-g-h-t-e-r-s M-i-l-l. And 12 some of this has been said before but I -- I wrote my -- 13 because I'm a nervous wreck and I'm shaking. 14 HEARING OFFICER HANNAN: That's fine. 15 MS. ENG: I have lived in Needwood Estate since 16 1996. It's a charming quiet neighborhood where people walk 17 their dogs, go walking and have children playing in their 18 yard, some of which are on Needwood Road. I chose this 19 neighborhood because it's a nice oasis from the hustle and 20 bustle of Rockville and places south. 21 I work for the federal government so I know what 22 hustle and bustle is. It's close enough to the metro yet far 23 enough away that the noise from the surrounding highways is 24 barely noticeable and that's only on a very, very quiet 25 winter night. I have three concerns about the proposed 195</p>	<p style="text-align: right;">240</p> <p>1 right turn on to Needwood Road in order to get to Redland 2 Road and beyond. 3 Similarly, from the -- in the afternoon from 4:30 4 to 6:00 in the evening our neighborhood is a low density 5 neighborhood. Looking at the Primrose website and 6 advertisements for their facilities, this proposed facility 7 will be anything but low density. Projected opening hours 8 are 6:30 to 6:30 with staff clearly arriving before and 9 staying after. 10 The site is on a rise, as many people have 11 mentioned, so traffic coming from one direction will have 12 limited visibility of the proposed entrance exit to the 13 facility. 14 Also looking at the plans the facility will have 44 15 parking spaces, one for each of 30 or so staff members. But 16 not enough room for all the parents who come to drop off or 17 pick up their children. And I apologize for repeating this 18 but I typed this yesterday. 19 HEARING OFFICER HANNAN: Just -- that's fine. 20 MS. ENG: It's my experience that parents often 21 park their cars and walk their kids into daycare often -- 22 often staying for some time to chat with teachers and staff 23 as well as friends of their children. I envision cars and 24 SUVs, mostly SUVs double-parked not only in the parking lot 25 but also up and down Needwood Road and possibly Carnegie</p>

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<p style="text-align: right;">241</p> <p>1 during rush hour.</p> <p>2 That will make a challenging situation even worse.</p> <p>3 It will also make it more difficult for people who walk home</p> <p>4 from the metro as they will have to dodge the 100-plus cars</p> <p>5 going in and out of the daycare facility during rush hour.</p> <p>6 There are a lot of people who live in Needwood</p> <p>7 Estates that walk to the metro that will create a much</p> <p>8 bigger traffic problem and I suspect make it much more</p> <p>9 difficult to get out of my neighborhood.</p> <p>10 Earlier that gentleman testified that the facility</p> <p>11 that is on Layhill Road was an example that works. I would</p> <p>12 like to point out that Layhill Road is a four-lane divided</p> <p>13 highway with a speed limit of 45 miles an hour and traffic</p> <p>14 lights up and down it to slow the traffic down.</p> <p>15 Needwood is a two-lane road with a 30 mile an hour</p> <p>16 speed limit. Second my concern is the environment and</p> <p>17 infrastructure.</p> <p>18 Currently the land in question is in grass and</p> <p>19 other organic materials that help slow water runoff and keep</p> <p>20 the soil in place. Building the facility in the parking lot,</p> <p>21 etc. will turn all that land into an impervious surface</p> <p>22 which will significantly increase runoff and water speed.</p> <p>23 Currently when it rains hard many of us have rivers</p> <p>24 running in our backyards, we have been encouraged to</p> <p>25 consider installing rain gardens to slow the runoff.</p>	<p style="text-align: right;">243</p> <p>1 modifications will impact people who are living along</p> <p>2 Needwood Road.</p> <p>3 Third, the projective changes will happen in the</p> <p>4 tone and feel of the neighborhood along with I suspect</p> <p>5 decreased property values. I can't remember where I read</p> <p>6 that but they project that the facility will wind up in</p> <p>7 decreasing property values.</p> <p>8 Putting a commercial daycare center into a long</p> <p>9 time low density neighborhood will seriously impact the tone</p> <p>10 of our neighborhood. We are mostly middle class working</p> <p>11 families and some seniors who bought in this neighborhood</p> <p>12 decades ago.</p> <p>13 We love the charm and friendliness of our</p> <p>14 neighborhood where we can take walks and walk our dogs in</p> <p>15 quiet and safety and fear that the traffic hustle and bustle</p> <p>16 of this commercial facility will shatter that calm quiet.</p> <p>17 Parents will use our now-quiet side streets to cut</p> <p>18 through our neighborhoods increasing street on our quiet --</p> <p>19 increasing, sorry, traffic on our quiet streets -- I'm</p> <p>20 really nervous -- where people -- where children play</p> <p>21 openly.</p> <p>22 We also fear that our property values will drop</p> <p>23 that will have a corresponding drop in property taxes. I</p> <p>24 understand that the planning board stated that the</p> <p>25 neighborhood needs to become more commercial.</p>
<p style="text-align: right;">242</p> <p>1 Concrete parking lots do not slow runoff they</p> <p>2 increased and I suspect the neighboring properties will not</p> <p>3 be able to stop the runoff from damaging their property.</p> <p>4 Once the permeable land is removed along Needwood</p> <p>5 Road, there will be rivers of water in the street possibly</p> <p>6 carrying valuable topsoil down to the bay. I suspect that</p> <p>7 the Primrose executives in Georgia do not care about our</p> <p>8 topsoil, but we do.</p> <p>9 It is also my understanding the roads, water means</p> <p>10 and sewers in the Needwood area were built for low-density</p> <p>11 residential use. Our roads and water mains on Righters Mill</p> <p>12 Road and the surrounding streets are the original ones from</p> <p>13 the 1950s.</p> <p>14 And they've been breaking for the past seven years</p> <p>15 requiring WSSE to dig up the streets and repair the leaks. I</p> <p>16 live in a two block long very quiet street and have had the</p> <p>17 street in front of my very own driveway dug up twice in the</p> <p>18 past eight years to repair leaks.</p> <p>19 This commercial daycare facility has projected a</p> <p>20 total of 220 plus persons from 6:30 a.m. to 6:30 p.m. This</p> <p>21 will significantly increase the water demand in our</p> <p>22 neighborhood, adding strain to our water supply, designed</p> <p>23 for low-density residential use.</p> <p>24 It will also require major modification to the</p> <p>25 sewer system, both sanitary and for the water runoff. These</p>	<p style="text-align: right;">244</p> <p>1 What I don't understand is that with so many</p> <p>2 establishments going out of business on 355 where there are</p> <p>3 commercial water supplies, existing commercial sewers and an</p> <p>4 infrastructure designed for commercial facilities, why</p> <p>5 Primrose wants to build in a low-density residential</p> <p>6 neighborhood.</p> <p>7 They're building in four other locations nearby;</p> <p>8 why here? Even King Farm across 355 is better prepared to</p> <p>9 handle commercial facilities than any place on Needwood</p> <p>10 Road.</p> <p>11 In summary, I believe that the Primrose conditional</p> <p>12 use application on Needwood Road should be denied and that a</p> <p>13 more suitable location possibly closer to 355 be</p> <p>14 investigated, thank you.</p> <p>15 HEARING OFFICER HANNAN: You did well. Thank you.</p> <p>16 Mr. Kline?</p> <p>17 MR. KLINE: You'll be happy to hear I have no</p> <p>18 questions.</p> <p>19 HEARING OFFICER HANNAN: Mr. Chen. Okay. Thank you.</p> <p>20 You may be excused. Anyone else. Okay. Yes, sir. Come</p> <p>21 forward.</p> <p>22 DR. HUPPMANN: Sorry [inaudible].</p> <p>23 HEARING OFFICER HANNAN: Plea -- that's okay.</p> <p>24 Please raise your right hand. Do you solemnly</p> <p>25 affirm under penalties of perjury that the statements you</p>

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<p style="text-align: right;">245</p> <p>1 are about to make are the truth the whole truth and nothing 2 but the truth? That's it. 3 DR. HUPPMANN: I do. 4 HEARING OFFICER HANNAN: Can you please spell your 5 -- state and spell your name for the court reporter and 6 address -- and address? 7 DR. HUPPMANN: Oh, sure. My name is Dr. Michael 8 Huppmann, so H-u-p-p-m-a-n-n. I live at 7416 Ottenbrook 9 Terrace. [Inaudible]. 10 HEARING OFFICER HANNAN: That's fine. 11 DR. HUPPMANN: All right. Thank you. 12 HEARING OFFICER HANNAN: Maybe I look threatening. 13 Okay. Go ahead. 14 DR. HUPPMANN: I just want to take a couple minutes 15 because I'm going to come at this from a different 16 perspective being one of probably the younger people in this 17 crowd and also newer to the neighborhood, I moved in 2016. 18 And I moved in with two young children that are now seven 19 and four. 20 And one thing that attracted us to the neighborhood 21 was just what everyone else has said, it's a low-density 22 neighborhood, a great place to raise a family where a lot of 23 those still in the neighborhood have raised their families. 24 And that's why we chose to live there. And subsequent since 25 we've been there there's been a -- quite a bit large</p>	<p style="text-align: right;">247</p> <p>1 others who may use the neighborhood to turn around because 2 of the line of sight issues on -- on Needwood coming out of 3 Carnegie absolutely scares to death out of me. 4 Because we have little kids; they range from four, 5 they range up to 5th -- about 5th graders who are all over 6 that neighborhood now. The neighborhood has been transformed 7 and to think that people may be cutting through there using 8 it as a turnaround or egress with our kids out in the street 9 or on the lawn just terrifies me. 10 And I don't think that this should ever happen 11 because we moved in with the assumption that this is zoned 12 residential it will stay residential. Nowhere in our wildest 13 dreams did we ever think that there would be a 200-kid 14 daycare sitting less than a quarter mile from us and that 15 we'd have to deal with this. 16 So that's one thing and the other thing is being a 17 younger -- younger person on this crowd with younger kids. I 18 know what it's like to try to find daycare in this 19 community. 20 And I do sympathize with parents; it is hard but 21 it's not impossible. And the reason I say that is because my 22 kids go to KidStop which is right across from the Shady 23 Grove Metro located within one of the Montgomery County unit 24 buildings. 25 And there's a constant influx of kids added they're</p>
<p style="text-align: right;">246</p> <p>1 increase in the number of children in the neighborhood. 2 For instance, the one bus stop my kids go to in the 3 morning to go to Candlewood there are now no less than eight 4 kids there, whereas before there used to be one, and the bus 5 driver has noted that. So the neighborhood is turning 6 around. 7 So the thought of increased traffic that might come 8 with this proposed daycare facility, especially the thought 9 of cutting it through the Ottenbrook Terrace and using an 10 egress for hundreds of parents in the morning who like 11 someone alluded to will be in a rush. And I can attest -- I 12 can -- I haven't -- 13 HEARING OFFICER HANNAN: Increasing where? As in -- 14 I -- I [inaudible]. 15 DR. HUPPMANN: There -- there was talk about 16 potentially for instance the question of the -- the lady two 17 about would you be opposed to cutting through Ottenbrook 18 Terrace? She said not for corporate purposes but I would 19 welcome the new neighbors. 20 HEARING OFFICER HANNAN: Oh, Carnegie Road, you 21 mean? 22 DR. HUPPMANN: Correct. 23 HEARING OFFICER HANNAN: Okay. I got -- I 24 understood. 25 DR. HUPPMANN: But even if it's not cut for -- just</p>	<p style="text-align: right;">248</p> <p>1 going to then newest greatest daycare, i.e., Kiddie Academy 2 which is located behind Home Depot on Gaither Road in an 3 industrial area; the Goddard School, which is located across 4 Kings Farm on the part that's being developed with that 5 large nursing facility and other industrial and corporate 6 buildings back there; the other Shady Grove facility which 7 is already located in that big shopping center with Giant, 8 at the end of Crabbs Branch and Shady Grove which right 9 across the Montgomery County has their bus depot. 10 So those locations make sense to me. They are 11 already designed to -- to -- to accommodate a large daycare 12 facility. The infrastructure can handle it, the roads there 13 can handle it, but more importantly they've already been 14 zoned to handle it. 15 Even the Kings Farm Goddard School is not right -- 16 it's not in -- buried amongst the townhouses and single 17 family homes. It's on the other side where all those 18 corporate buildings are and that large nursing home facility 19 or assisted living facility is going up. 20 So therefore why is it appropriate now to come into 21 our residentially zoned neighborhood and put a 200-person 22 corporate daycare? I don't understand that. And that's one 23 thing that really bothers me about this proposition why 24 here? Why not somewhere else? 25 HEARING OFFICER HANNAN: Okay. All right. Anything</p>

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<p>249</p> <p>1 else?</p> <p>2 DR. HUPPMANN: No, ma'am. I think those are the two</p> <p>3 highlights I wanted to get across to you.</p> <p>4 HEARING OFFICER HANNAN: Well, thank you. Mr.</p> <p>5 Kline, any questions?</p> <p>6 MR. KLINE: No. Thank you. No questions.</p> <p>7 HEARING OFFICER HANNAN: Mr. Chen, any questions?</p> <p>8 MR. CHEN: No, ma'am.</p> <p>9 HEARING OFFICER HANNAN: Thank you very much for</p> <p>10 testifying.</p> <p>11 DR. HUPPMANN: You're welcome.</p> <p>12 HEARING OFFICER HANNAN: Anyone else? Yes, sir.</p> <p>13 Please come forward. Do you solemnly affirm under penalties</p> <p>14 of perjury that the statements you're about to make are the</p> <p>15 truth the whole truth and nothing but the truth?</p> <p>16 MR. STEWART: I do.</p> <p>17 HEARING OFFICER HANNAN: Please state your name and</p> <p>18 address for the record?</p> <p>19 MR. STEWART: You're My name is Vaughn Stewart, I</p> <p>20 live at 7714 Goodfellow Way in Derwood, 20855.</p> <p>21 HEARING OFFICER HANNAN: And do you spell Vaughn</p> <p>22 and Stewart?</p> <p>23 MR. STEWART: V-a-u-g-h-n, S-t-e-w-a-r-t.</p> <p>24 HEARING OFFICER HANNAN: Okay. Thank you. Go on.</p> <p>25 MR. STEWART: Thank you. And I'll be very brief. So</p>	<p>251</p> <p>1 option that would maybe increase the affordability of</p> <p>2 daycare in the neighborhood, but would at least you know</p> <p>3 increase the convenience of having a neighborhood that's</p> <p>4 immediately proximate to a lot of neighbors.</p> <p>5 So that would be in a theoretical pro and con and -</p> <p>6 - and the obvious con being the -- the traffic and the</p> <p>7 quality of life concerns that would emanate from such a use.</p> <p>8 I think myself and as well as the -- the previous</p> <p>9 person who testified live at the intersection of this pro</p> <p>10 and con; which is that on the one hand I could theoretically</p> <p>11 make use of this daycare myself, yet at the same time I also</p> <p>12 would be suffering any consequences as it relates to</p> <p>13 traffic.</p> <p>14 And I can tell you that as someone who's looked for</p> <p>15 daycares in the area, this is not something that -- that</p> <p>16 this is not an area given the con that I would take</p> <p>17 advantage of despite the fact that I'm in walking distance</p> <p>18 of it because of the traffic concerns that would emanate</p> <p>19 from building this.</p> <p>20 As others have testified, the intersection between</p> <p>21 Redland and Needwood has exploded in uses as the ICC is</p> <p>22 propped up, there's -- there's going to be new housing</p> <p>23 development adjacent to the -- to the Shady Grove Metro</p> <p>24 assuming the bus depot has moved in the future.</p> <p>25 And so this area is only going to get more and more</p>
<p>250</p> <p>1 again my name is Vaughn Stewart for the record. I live in</p> <p>2 Park Overlook so that's the -- at the same sort of loop that</p> <p>3 was already described from -- my two neighbors on Ironforge</p> <p>4 Court.</p> <p>5 Goodfellow Way is essentially just a couple of</p> <p>6 blocks. So if you say just a few maybe a couple hundred</p> <p>7 yards down that road. So I live right off Redland across</p> <p>8 from Needwood. And I also happen -- funnily enough, to</p> <p>9 represent Derwood in district 19 in the Maryland House of</p> <p>10 Delegates. So I serve in the Maryland General Assembly.</p> <p>11 And so while I prefer to testify sort of as a</p> <p>12 neighbor I have a few I think unique perspectives that I'd</p> <p>13 like to offer especially to the extent that they don't</p> <p>14 duplicate what others have said.</p> <p>15 HEARING OFFICER HANNAN: Okay.</p> <p>16 MR. STEWART: First, like the gentleman who</p> <p>17 testified previously I am a r- -- a -- a relative newcomer</p> <p>18 and a younger member of the neighborhood. I have a 14-month</p> <p>19 old son so I'm also I'm accustomed to the idea of searching</p> <p>20 for daycare.</p> <p>21 And when I think about this large -- large</p> <p>22 commercial use in this daycare entering our neighborhood,</p> <p>23 you think about kind of the tradeoffs. You know and -- and</p> <p>24 the pro certainly for -- especially for all the new younger</p> <p>25 families moving in is that we have a close -- a nearby</p>	<p>252</p> <p>1 traffic and I can tell you that crossing Redland and then</p> <p>2 pulling in to the daycare and then coming back out and then</p> <p>3 going to the metro or wherever I would go during the day</p> <p>4 would -- would -- honestly would not be worth it from a time</p> <p>5 perspective.</p> <p>6 And so any -- any benefits that would come -- that</p> <p>7 would accrue to me personally from being in such close</p> <p>8 proximity to the daycare would really not be worth it</p> <p>9 because the traffic is just going to get that much worse.</p> <p>10 I'm also in a unique position as -- as someone who</p> <p>11 has knocked on literally thousands of doors in the</p> <p>12 neighborhood, both in my quest to achieve elected office in</p> <p>13 2017-2018 and since I've been elected as someone who now</p> <p>14 represents the neighborhood and talks to neighbors in and</p> <p>15 out.</p> <p>16 I can say -- I can tell you for the record that</p> <p>17 there's widespread opposition to this in the neighborhood.</p> <p>18 So I know you -- while you're only going to hear</p> <p>19 from a dozen or so neighbors and there are only a dozen or</p> <p>20 so neighborhood -- neighborhoods in attendants I can assure</p> <p>21 you that if -- if we did some sort of scientific poll of the</p> <p>22 neighborhood this is not -- a very, very unpopular use</p> <p>23 because I think the wi- -- of the widespread recognition of</p> <p>24 the tra- -- traffic problems that it -- it -- it.</p> <p>25 I mean -- I've -- I think that of -- of the sort of</p>

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<p>253</p> <p>1 you know a thous- -- a few thousands of people that live in 2 direct vicinity of this neighborhood I've probably spoken to 3 them at their door of more than half. 4 I can probably count on two fingers the number of 5 people who've said -- that have expressed any measure up 6 support for this. And I can say the overwhelming of people 7 are the number of people who have expressed any opinion has 8 been negative. 9 And then I -- I think my last point that I -- I -- 10 I -- I and I won't -- I won't repeat what the gentleman said 11 earlier about the -- the traffic backups in the area in the 12 morning and the afternoon. I think he was right on point. 13 I -- I travel throughout the region to go to 14 various sort of community and political events in the 15 morning and the afternoon and midday and I think that his -- 16 his I can absolutely affirm his testimony that in terms of 17 where the -- the traffic goes back there are all sorts of 18 choke -- choke points. 19 Whether you're trying to get -- get on the ICC when 20 you're going for -- toward 355 on Redland. A lot of folks 21 are turning on Crabbs -- left on Crabbs Branch and so you 22 have a huge backup there. You have a backup if you're trying 23 to -- to turn left into Park Overlook as it's already been 24 described at the traffic light. 25 You have another huge backup down Needwood both at</p>	<p>255</p> <p>1 and the commercial use and the new housing adj- -- 2 immediately adjacent to metro pursuant to the -- the 3 county's general transit oriented development strategy and 4 sort of smart growth agenda which I think balances both 5 resident's desire for quality of life and also what we know 6 about honestly the climate crisis. 7 And trying to reduce the number -- the amount of 8 emissions going in the air, the exhaust going into the air 9 and the number of cars on the road. 10 And then lastly there's been a lot of interest 11 among particularly parents of the schools in the area for 12 new sidewalks that are -- that are sort of in the planning 13 stage and we're talking with SHA and the folks on the county 14 level for new sidewalk capabilities on both Redland and on 15 Muncaster Mill. 16 Recently a pedestrian was struck -- a student was 17 actually struck in May of 2019 trying to walk in an area 18 that does not have a sidewalk access between Redland Middle 19 and -- and Magruder High School. 20 So I say all those examples to state -- to simply 21 state that pedestrian accessibility and cyclist accessibly 22 is a priority for policymakers going forward to making sure 23 that people who are not using their car can still get around 24 safely in our neighborhood. 25 I think that this conditional use application runs</p>
<p>254</p> <p>1 the intersection of Redland trying to turn left onto Redland 2 and also down in Muncaster Mill with folks trying to get to 3 both Redland Middle School and Magruder High School. 4 And the notion that we would be adding these 5 hundreds of students I mean and the notion that that parking 6 could get even worse honestly is terrifying and frightening 7 as a -- as a neighbor and it's -- and as a, you know, 8 representative for the community I can only imagine how -- 9 how much worse you could get. 10 But I guess my last point, something hasn't been 11 talked about as much, it's just from the perspective of the 12 bicy- -- the cyclists and the pedestrian. 13 Because there have been essentially four new 14 developments in the neighborhood, or relatively newer 15 planned developments in the neighborhood over the last 16 decade where the county has really advanced the desire to 17 promote pedestrian and cyclist accessibility and convenience 18 in the neighborhood. 19 One are new sidewalks in the Candlewood 20 neighborhood so -- to make it easier for children who walk 21 to school. One is the aforementioned bi-pedestrian route on 22 Needwood Road which has widened it and made it much more 23 appealing for especially cyclists. 24 One is the -- the Shady Grove sector pan -- plan 25 generally and trying to -- to concentrate the development</p>	<p>256</p> <p>1 directly counter to those -- those intentions and 2 aspirations by policy makers dating back several years now. 3 Because I think that it -- I've already seen near 4 misses personally and heard about other near misses from 5 neighbors or folks notably in two areas trying to -- to make 6 it across safely -- safely either on -- on -- on a bike or 7 on their own two feet. 8 One crossing Redland itself going towards Needwood 9 especially coming from the metro is extremely harrowing 10 because there's essentially no time that it's safe to cross. 11 Even if you have a walking path you're -- you're 12 either grappling with either folks turning right out of Park 13 Overlook, my neighborhood, you're dealing with people 14 turning left out of Needwood going -- going left going 15 towards 355 in the metro. Or you're dealing with people just 16 traversing normally straight through on Redland; such that 17 there's really never an open window to cross there even if 18 you have the light. 19 And I've seen people wait minutes and minutes 20 especially in the morning or in the afternoon to try to 21 cross there which is a huge deterrent for what we're trying 22 to promote which is people using their feet and using 23 bodies. 24 And I cannot imagine the notion of -- of adding 25 hundreds of more students and hundreds of more cars on the</p>

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<p>257</p> <p>1 road during these peak travel times to that already I think 2 harrowing experience of trying to cross an intersection. 3 And secondly and -- and maybe even more directly 4 relevant to what's happened recently is the affirmation bike 5 and pedestrian path on Redland Road. 6 This is something that the county invested a lot of 7 money into, it's really well done, I -- I've talked to a lot 8 of neighbors personally who are benefiting from this and who 9 have baked this into their day to day routines and their day 10 to day commutes. 11 But I really worry about especially because of the 12 -- of the problem of cars coming out of the daycare and 13 making a left which I agree I don't see how that is going to 14 physically be possible. 15 I think what you're going to end up happening is 16 expected given the line of sight, you know, concerns there 17 is our people are going to be using that bike and pedestrian 18 route. Their cars are going to go up into and crossing the 19 pedestrian -- the pedestrian bike route there thereby 20 blocking it. 21 HEARING OFFICER HANNAN: Can you -- I haven't seen. 22 Yeah. Which side of Redland is the bike path on? Is it on 23 the same side as this probably? 24 So when you say cars that are trying to make a left 25 out of the driveway are going to -- you're afraid they're</p>	<p>259</p> <p>1 safe and bad option. 2 And I just think it's a very toxic potential mix 3 that you're going to have between parents trying to get out, 4 bike and pedestrians using a new resource the county has 5 devoted millions of dollars to. 6 At the same time you have people -- existing 7 commuters using their cars in the same area. I mean, I've -- 8 essentially the point I'm making from a macro-level is it's 9 already a really bad situation even -- even adding a smaller 10 daycare or smaller comm -- commercial use that would add 11 even a fraction of the traffic of maybe a bad situation. 12 But the level of increase that this project -- and 13 this is coming from someone I don't necessarily oppose all 14 commercial uses in a residential neighborhood. I'm not an 15 anti-development person; I very much support the Shady Grove 16 sector plan. 17 I've supported other things in my district that 18 adds more, you know, commercial or beneficial uses; 19 restaurants, retail to existing residential neighborhoods 20 especially when -- when neighbors have supported them. 21 But I think in this scenario you have a plan that 22 you -- you know, virtually uniformly opposed by neighbors 23 would make a traffic problem worse for commuters and would 24 make cycling and pedestrian traffic, something that I think 25 is in everyone's interest to promote virtually impossible in</p>
<p>258</p> <p>1 going to edge in and block that bike path? 2 MR. STEWART: Well, the bike path, yeah, goes in 3 front of all the properties that already exist on Needwood 4 Road. 5 So any time someone makes a left or a right out of 6 -- out of -- out of any of the other exists intersections on 7 Redland they're impeding at least momentarily impeding the 8 bike -- the bike pedestrian path. 9 However, in a scenario here where you have lots of 10 parents trying to get out they're blocked by morning and 11 afternoon traffic, they can't make a left, they are there 12 for minutes; their car is going to be sitting there in the 13 middle of the bike and pedestrian path. 14 There's really no way around it, sitting in the 15 bike and pedestrian path thereby essentially blocking bike 16 and pedestrian traffic. 17 I don't see any other way to avoid that where bike 18 and pedestrian -- the bike and pedestrians have essentially 19 three, three options all bad -- either sit there and wait 20 which you know is not going to be a very attractive commute 21 for them. 22 Number two, somehow manage to maybe like go behind 23 or between the -- the parents trying to get out of the 24 daycare also not a good option. Or number three go in the 25 road somehow where there's not a bike lane which is also a</p>	<p>260</p> <p>1 the quarter. 2 So for that reason I urge the conditional use 3 application to be rejected. 4 HEARING OFFICER HANNAN: Thank you. And just for 5 the record I -- I realize for the parties that zoning is not 6 a plebiscite. 7 the question is whether it meets the standards and 8 that's what we're here to find out. I didn't want to stop 9 you but thank you. 10 MR. STEWART: Sure. Absolutely. 11 HEARING OFFICER HANNAN: Questions. 12 MR. KLINE: I -- I have no questions. 13 HEARING OFFICER HANNAN: Questions Mr. Chen, yes. 14 MR. CHEN: I do. Thank you. Mr. Stewart, the last 15 five minutes or thereabout you gave a -- a lot of discussion 16 about the pedestrian bike paths. I got a bit confused 17 because at times you used Redland and at times you used -- 18 used the word Needwood. 19 So now I'm not quite clear; are the pedestrian 20 bikeways that you're referring to on Needwood, or Redland, 21 or both, or -- 22 MR. STEWART: There is currently a pedestrian path 23 that has been recently constructed on Needwood so that's the 24 one that I mentioned most recently that I think would be 25 obstructed by folks trying to get out of the daycare</p>

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<p>261</p> <p>1 especially turning left.</p> <p>2 MR. CHEN: Okay.</p> <p>3 MR. STEWART: I also made reference to those who</p> <p>4 were on Redland and trying to cross the -- sorry they are on</p> <p>5 either Redland or Needwood trying to cross Redland to</p> <p>6 continue on Needwood going towards Muncaster Mill and going</p> <p>7 towards the schools.</p> <p>8 MR. CHEN: Okay. Going eastbound?</p> <p>9 MR. STEWART: Going east, correct. So -- so those -</p> <p>10 - those are the two areas of the sort of pedestrian</p> <p>11 vulnerability I see granularly myself and that I see</p> <p>12 occurring in the future as basically crossing Redland and</p> <p>13 then also on Needwood where the bike and pedestrian path is</p> <p>14 recently being constructed.</p> <p>15 I also made reference to the fact that a lot of the</p> <p>16 neighbors want more sidewalk accessibility to be built</p> <p>17 further down closer to Muncaster Mill but further down</p> <p>18 sidewalk construction on Redland, and then also sidewalk</p> <p>19 construction on Muncaster Mill between the two schools;</p> <p>20 which I think don't directly relate to the intersection we</p> <p>21 are referring to but I think evinces a sort of broader</p> <p>22 desire on the -- on the part of both neighbors and policy</p> <p>23 makers to make this a more pedestrian-and-bicycles-friendly</p> <p>24 area.</p> <p>25 MR. CHEN: Okay. Thank you.</p>	<p>263</p> <p>1 MR. KLINE: Well, my -- my estimate of where we are</p> <p>2 in time or now my next -- my next witness will be the</p> <p>3 architect and the cross examination would -- would take</p> <p>4 probably 45 minutes for us and it's something for --</p> <p>5 HEARING OFFICER HANNAN: Hours for you -- sorry,</p> <p>6 Mr. Chen.</p> <p>7 MR. KLINE: So -- so -- so -- so my in- -- my</p> <p>8 inclination is probably the fact I have got a gentleman</p> <p>9 sitting here from Ohio.</p> <p>10 I think I would probably rather take the folks</p> <p>11 that are here and then wrap it up at the end of that and</p> <p>12 just do it from scratch. Start a new witness at the next</p> <p>13 hearing.</p> <p>14 HEARING OFFICER HANNAN: That means he has to fly</p> <p>15 in again though.</p> <p>16 MR. KLINE: He actually enjoys driving here from</p> <p>17 Ohio.</p> <p>18 MR. ALT: Oh god.</p> <p>19 HEARING OFFICER HANNAN: What part of Ohio?</p> <p>20 MR. ALT: Probably Dublin.</p> <p>21 MALE: [Inaudible]</p> <p>22 HEARING OFFICER HANNAN: Oh, my sister. Okay.</p> <p>23 Anyway I digress.</p> <p>24 MR. ALT: Yeah. My relationship with Rockville</p> <p>25 begins in 1963.</p>
<p>262</p> <p>1 HEARING OFFICER HANNAN: Any questions based on --</p> <p>2 okay. Thank you, you may be excused. Okay. We are here,</p> <p>3 thank you. Yes, ma'am. Do you want to come up?</p> <p>4 MS. ENGLISH: I do.</p> <p>5 HEARING OFFICER HANNAN: That's fine. [Inaudible]</p> <p>6 don't sound so sad about it.</p> <p>7 MS. ENGLISH: [Inaudible] Patricia, you make me</p> <p>8 nervous.</p> <p>9 HEARING OFFICER HANNAN: Just a -- just a sec --</p> <p>10 just a second ma'am. Your attorney is saying this is not the</p> <p>11 time.</p> <p>12 MS. ENGLISH: Not today.</p> <p>13 MR. KLINE: Yeah. Well, its 4:30; let's find out</p> <p>14 where we are.</p> <p>15 HEARING OFFICER HANNAN: Okay.</p> <p>16 MS. ENGLISH: So I just got two points that nobody</p> <p>17 else has brought.</p> <p>18 HEARING OFFICER HANNAN: No. That -- you -- you</p> <p>19 will get a chance. Write your points down.</p> <p>20 MS. ENGLISH: But we've got -- we've got</p> <p>21 [inaudible].</p> <p>22 HEARING OFFICER HANNAN: Okay. Yes. Yes. Sir. Let -</p> <p>23 - let me take -- how many more -- excuse me, I'm sorry. How</p> <p>24 many more people wish to testify? Because I saw one more</p> <p>25 gentleman. I see two hands. Okay. What would you like to do?</p>	<p>264</p> <p>1 HEARING OFFICER HANNAN: Okay. D- -- don't say</p> <p>2 anything we are not under oath or, you know, we're out of</p> <p>3 turn. Okay.</p> <p>4 MR. CHEN: We are at 4:30. My suggestion is if</p> <p>5 there are additional people that wanted to -- I think Mr.</p> <p>6 Kline is correct. Let's let the folk testify. They may never</p> <p>7 come back for a second day.</p> <p>8 HEARING OFFICER HANNAN: Okay. All right. If that's</p> <p>9 what you would like to do.</p> <p>10 MR. CHEN: That's where I am</p> <p>11 HEARING OFFICER HANNAN: I -- I tend to think that</p> <p>12 too but I know it's expensive to bring somebody in a second</p> <p>13 day. So that's -- that's up to you.</p> <p>14 All right. So let's finish off with the remaining</p> <p>15 people that wish to testify. Sir did you -- do you want to</p> <p>16 come up? And then I do have some questions just in general</p> <p>17 about the application that I have been thinking through.</p> <p>18 I normally would have gotten them to you earlier</p> <p>19 but I didn't know I was going to have this case so I</p> <p>20 apologize for that.</p> <p>21 But sir, would you raise your right hand? Do you</p> <p>22 solemnly affirm under penalties of perjury that the</p> <p>23 statements you are about to make are the truth, the whole</p> <p>24 truth and nothing but the truth?</p> <p>25 MR. SIMONSON: Yes.</p>

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<p>265</p> <p>1 HEARING OFFICER HANNAN: Please state your name and 2 spell your name and your address for the record. 3 MR. SIMONSON: My name is Mark Simonson. That's M- 4 a-r-k S-i-m-o-n-s-o-n. My address is 5 Equestrian Court, 5 Derwood, Maryland, 20855. Equestrian is E-q-u- -- 6 HEARING OFFICER HANNAN: You know, I think we can 7 do that one. Okay. Go ahead. 8 MR. SIMONSON: May I borrow the red? 9 HEARING OFFICER HANNAN: The laser? Sure. 10 MR. SIMONSON: For brevity, the traffic I agree. I 11 vehemently oppose the conditional use being granted. 12 And I would just like to say that if it wasn't for 13 this Carnegie, the -- the rise, the -- the -- the drive- 14 through, this may not even be an issue. So then we have the 15 other driveway, but there's that 12-foot and they have a 16 waiver and this and that. It just is like a force fit. 17 It just doesn't seem to be like -- it's not meant 18 to be; it's just not meant to be. Where they do eliminate 19 traffic turning out here -- here at Carnegie because of the 20 rocks and all the cost and all the tradeoffs, the rise is 21 like right here where the pointer is. 22 So where this right turn coming out and the left 23 turn coming in, okay, that's [inaudible]. Here it's just 24 like trading a headache for an upset stomach. 25 I drive this all the time and that rise, it's just</p>	<p>267</p> <p>1 MR. SIMONSON: Yes. Yes. 2 HEARING OFFICER HANNAN: And -- and why is that an 3 accident waiting -- because when you say an accident -- 4 MR. SIMONSON: Because the people come -- the 5 people come -- the people come in this direction, along 6 Needwood eastbound. 7 MR. KLINE: Eastbound. 8 MR. SIMONSON: They are going eastbound. 9 HEARING OFFICER HANNAN: Okay. 10 MR. SIMONSON: And they are just going eastbound. 11 The people trying to turn left going into here have almost 12 as much of an impediment, a risky kind of white knuckle, 13 kind of, you know, it is I think not going to be -- oh it 14 may not be as blatant and -- and it doesn't need to regrade 15 things and it's -- it's none of that necess- -- necessarily 16 but it is a very close second accident waiting to happen 17 here for people trying to turn r- -- left down the new, you 18 know, driveway. 19 And here it -- it would just be disastrous. It 20 would just be absolutely disastrous unless they took the 21 steps to regrade everything and -- and it's -- it's a -- 22 it's a major production. And they are not going to do that; 23 right? 24 They are not going to do that. So okay. It's the 25 only place they can go here, but that rise is still there</p>
<p>266</p> <p>1 an accident waiting to happen. Oh, they might get the 2 variance for the 12-foot instead of the 34 feet. They might 3 get, you know, something instead of this. 4 They might get the path here. They might -- and -- 5 and they are moving things and they are just trying to 6 squeeze out something that I feel is a force fit and an 7 accident waiting to happen. 8 HEARING OFFICER HANNAN: Okay. Can you explain to 9 me why -- I thought they couldn't bring it -- okay. Why is 10 the hill on the driveway area? 11 MR. SIMONSON: The hill? 12 HEARING OFFICER HANNAN: Why is that an accident 13 waiting to happen? Not -- not Carnegie but there, I thought 14 you s -- 15 MR. SIMONSON: Right here. I'm saying this proved 16 to be a real thorn on their side. It was expensive; a lot of 17 like earth had to be moved; they had to provide one here and 18 it just -- it wasn't going to happen. 19 It just -- it's not happening. So what they have 20 basically one alternative and they'd make it kind of by the 21 skin of their teeth. They -- they're within some of the, I 22 think it's called setback, and excuse me if I don't know a 23 lot of terms. But man, oh, man. 24 HEARING OFFICER HANNAN: But is there -- is there a 25 -- is there a rise at the driveway entrance that's?</p>	<p>268</p> <p>1 and it's just a kind of reverse. 2 HEARING OFFICER HANNAN: I see what you are saying. 3 MR. SIMONSON: It's a reverse because of the grade 4 is still there and there might be more visibility. There 5 might be more time but it's I just think too like a force 6 fit, it's just a force fit and just doesn't make sense. It 7 doesn't make sense. 8 HEARING OFFICER HANNAN: Okay. Thank you. Mr. 9 Kline, any questions? Just a second. Any questions Mr. Chen? 10 MR. CHEN: No. 11 HEARING OFFICER HANNAN: Now you can be excused. 12 Thanks. And I think there is one more person. 13 Okay. Please raise your right hand. Do you 14 solemnly affirm under penalties of perjury that the 15 statements you are about to make are the truth the whole 16 truth and nothing but the truth? 17 MS. RODRIGUEZ: Yes. 18 HEARING OFFICER HANNAN: Okay. And would you state 19 your name and spell your name and your address for the 20 record? 21 MS. RODRIGUEZ: My name is Enitza E-n-I, t as in 22 tom, z-a, Rodriguez, R-o-d-r-i-g-u-e-z. I live in 7505 23 Needwood Road. [Inaudible] I live diagonal to the proposed 24 daycare. 25 HEARING OFFICER HANNAN: Diagonal. Okay. Can you</p>

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<p style="text-align: right;">269</p> <p>1 point on that exhibit which is 93D which direction? Okay. 2 You know what -- 3 MR. KLINE: This is a copy of Exhibit number 31, 4 that's the certified zoning map. I think it is a little bit 5 -- 6 HEARING OFFICER HANNAN: Okay. Do you mind just 7 showing us where you live? I think the subject property -- 8 the subject property is in -- outlined in black if you can 9 see it. 10 MR. KLINE: So th- -- this is Carnegie; this is 11 Needwood. 12 MS. RODRIGUEZ: So I -- the second house here. 13 HEARING OFFICER HANNAN: Okay. Is there a lot 14 number or other marking on that map? 15 MR. KLINE: I don't -- I don't believe there is one 16 [inaudible]. 17 HEARING OFFICER HANNAN: Okay. So it's the second 18 house -- 19 MR. KLINE: To the west. 20 HEARING OFFICER HANNAN: To the west of Carnegie? 21 MS. RODRIGUEZ: Yes. 22 HEARING OFFICER HANNAN: Let me see what you have 23 got. Okay. So it -- so you are the lot just east of the 24 Taiwan Culture Center? 25 MS. RODRIGUEZ: Yes.</p>	<p style="text-align: right;">271</p> <p>1 a turning lane when you are approaching Redland Road. 2 Sometimes I'm halfway out but there's cars 3 [inaudible] and then I have to come back in. I think it's 4 great to have the inter-turn connector but it has created 5 additional traffic. 6 Everybody is using this road as a shortcut to get 7 to the ICC so the traffic is -- it's a big problem. When my 8 child is -- she is in Magruder High School that's east of 9 Needwood, she has to cross the street. 10 I fear for her life every morning. I am out there 11 with my three children trying to cross them because I have 12 called the school and told them I'm afraid that my child is 13 going to get hit. 14 I keep hearing children are getting hit every day 15 because the drivers are not necessarily looking for kids. I 16 look for kids because I have them. I agree that they are not 17 easy to be seen. 18 My dog was struck right in front of my house. I am 19 glad it was not my child but of course my dog was like my 20 child to me. And I had to put him down. And I don't know who 21 hit her. I just got this threatening letter that I was going 22 to get sued and I said what? My dog is dead. 23 I don't want anything like that to happen to 24 anybody's kid. It's a very -- my child runs because she is 25 afraid that right after that rollercoaster hill, somebody is</p>
<p style="text-align: right;">270</p> <p>1 HEARING OFFICER HANNAN: Immediately east. Okay. 2 Thank you. 3 MS. RODRIGUEZ: Pulling out of my driveway is a 4 challenge every day. I'm a mother of three; I'm not against 5 daycare. 6 HEARING OFFICER HANNAN: You could just set that on 7 the table, thanks. 8 MS. RODRIGUEZ: I'm not against daycare really. I 9 have done research for daycare; there's over 20 daycares 10 around. I love children, but not to repeat myself with 11 everybody else coming. It is a challenge there's -- the road 12 is not flat; there is a hill that has a blind spot. 13 So when I am pulling out every morning, there is 14 tons of traffic, traffic starts from 5:30 till 10:00. I have 15 three kids in different schools. So I'm awake and I'm alert 16 and I'm pulling out. Sometimes I have to reverse because I 17 can't get out, or there is a car coming surprisingly from 18 the hill. The hill is to the west -- 19 MR. KLINE: East. 20 MS. RODRIGUEZ: To the east. To the east of the 21 proposed daycare center. So what they were saying is 22 correct. Even if you make a right or left, it's not visible 23 to see who is coming surprisingly after the hill. 24 There are times where I'm halfway out, there is 25 only one way to go east, one way to go w- -- west. There is</p>	<p style="text-align: right;">272</p> <p>1 going to come and not see her. 2 And then thank god for daylight saving now she can 3 be seen but I try to get her to wear gear or something 4 that's fluorescent so that she can be seen. 5 But, you know, kids don't always. Try to get 6 cameras installed -- the speed bumps work but you cannot 7 even see going east past the daycare. 8 The kids are waiting for the bus stop right on Deer 9 Lake. It's a blind spot either way you are going to drive on 10 it. 11 It's hard to make a right on Redland in the 12 morning since the light I understand that it's a main road. 13 So it may be the light doesn't allow the other cars to pass 14 by because it's short time. So it was a challenge. And then 15 on the weekends we have the church down the street. 16 HEARING OFFICER HANNAN: Now which is -- is the 17 Taiwanese culture center? Is that the church or it's the 18 other church? 19 MS. RODRIGUEZ: So the culture center is to my 20 right. It's Redland and Needwood on the west side. 21 HEARING OFFICER HANNAN: Okay. 22 MS. RODRIGUEZ: And then across the street further 23 down is the -- is the church. They also have their 24 activities. They bring a lot of traffic; there is not enough 25 parking.</p>

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<p style="text-align: right;">273</p> <p>1 In the beginning they used to park on Carnegie and 2 we had to complain about that because they were obstructing 3 our neighbors, we couldn't get out of our driveways. 4 They park in our grass, anywhere they could. The -- 5 the bike -- the bike path is great and the sidewalks I'm 6 thankful for that. 7 But then again if we bring more traffic it's going 8 to be hard for the kids to walk safely because it will 9 become a road that they would have to look out and be safe 10 when approaching the houses and [inaudible]. That's all my 11 concern. 12 HEARING OFFICER HANNAN: Okay. Thank you. Mr. 13 Kline, any questions? 14 MR. KLINE: No questions for Mrs. Rodriguez. 15 HEARING OFFICER HANNAN: Mr. Chen? 16 MR. CHEN: No questions. 17 HEARING OFFICER HANNAN: You may be excused. Thank 18 you. Okay. Anyone else? Okay. Seeing no hands, I guess we 19 can discuss the next hearing and the timing. 20 MR. KLINE: Well, let me start debating. I 21 estimated that it would probably take [inaudible] take my 22 appraiser at least two weeks if not three weeks. 23 Certainly less than a month to get it done and I 24 want to make sure he has an adequate amount of time to be 25 prepared for the hearing. So I -- I -- I'm -- from where we</p>	<p style="text-align: right;">275</p> <p>1 December. But I will not be here between Christmas and New 2 Year. 3 MR. CHEN: I don't think you have got December. 4 HEARING OFFICER HANNAN: You think January? 5 MR. CHEN: Yeah. 6 HEARING OFFICER HANNAN: Okay. 7 MR. CHEN: I'm pretty well wiped out through to 8 17th. 9 MR. KLINE: Mrs. Robeson, I did not have an 10 opportunity to call my office to see if the appraiser had 11 called in [inaudible] 12 HEARING OFFICER HANNAN: Oh okay. 13 MR. KLINE: So may I suggest that we look at 3, 10 14 and 17 January and I will get back to you on -- even over 15 the weekend but with availability of when I can deliver 16 something. 17 HEARING OFFICER HANNAN: The only thing is we have 18 to -- if I don't announce it now I have to send out notice. 19 No. We can't send out notice I think it's 15 days in -- in 20 advance so -- 21 MR. CHEN: You are going to have 15 days anyway in 22 advance [inaudible]. 23 HEARING OFFICER HANNAN: Okay. So we will send out 24 -- we will have to send out the new notice in [inaudible]. 25 MR. CHEN: May I raise a point?</p>
<p style="text-align: right;">274</p> <p>1 are I mean I guess that's five -- at least five weeks. I 2 guess I would say we're into after the first of the year. 3 HEARING OFFICER HANNAN: What -- are you doing a 4 gap study or is that done? 5 MR. KLINE: Yes, ma'am. The process, it will take a 6 much shorter amount of time. That will be [inaudible] very 7 early. I won't hold on to that. So that's probably another 8 week to ten days away. 9 HEARING OFFICER HANNAN: Is it just a gap study or 10 is it a queueing study too? 11 MR. KLINE: It is labeled as a gap study; I don't - 12 - I have not had a chance to talk to Mr. Cook about the 13 total scope. 14 HEARING OFFICER HANNAN: Okay. 15 MR. KLINE: The -- the chairman asked for something 16 about the information; you heard questions from people if we 17 had enough space there. 18 Queueing was handled I believe originally in the 19 original traffic study. And that's what kind of triggered 20 having to do the gap study because the chairman wanted to 21 see a little bit more detail about the openings. 22 But I would expect I can go to that with Mr. Chen 23 within ten days or so. 24 HEARING OFFICER HANNAN: Okay. So hearing dates, 25 and it sounds like we are looking at January or -- or end of</p>	<p style="text-align: right;">276</p> <p>1 HEARING OFFICER HANNAN: Yeah. 2 MR. CHEN: Mr. Kline, how many more witnesses do 3 you have? 4 MR. KLINE: We would have the architect; we would 5 have the civil engineer. 6 MR. CHEN: And you had the -- the owner, the 7 franchisee? 8 MR. KLINE: We have the -- the franchisee, the 9 operators and then the appraisers. 10 HEARING OFFICER HANNAN: You are going to have the 11 -- the operators? 12 MR. KLINE: Sure. Because we talked enough about 13 them, I think they want a chance. 14 And I think in light of some of the testimony we 15 heard today, I'm probably going to see if I can actually 16 solicit people who had offered to write us letters, actually 17 have them come and testify as well. So that's an unnamed 18 number [inaudible]. 19 MR. CHEN: Okay. So that's your -- 20 HEARING OFFICER HANNAN: Well, let me -- let me 21 just say, it's not a popular -- 22 MR. KLINE: Oh, I understand. 23 MR. CHEN: So we are looking at five. You have got 24 the architect, the -- 25 HEARING OFFICER HANNAN: Civil engineer, operators</p>

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<p style="text-align: right;">277</p> <p>1 and the tra- -- and the traffic.</p> <p>2 MR. KLINE: And the landscape architect.</p> <p>3 HEARING OFFICER HANNAN: And traffic?</p> <p>4 MR. KLINE: Traffic. I guess I've got six.</p> <p>5 MR. CHEN: I'm at five [inaudible]. Appraiser. Oh,</p> <p>6 and yes, the appraiser. So that's -- you have got six. I</p> <p>7 have got -- I've done my full compliments still.</p> <p>8 HEARING OFFICER HANNAN: And that -- how many is</p> <p>9 that?</p> <p>10 MR. CHEN: I apologize. It's four experts, I think</p> <p>11 it's seven. Yeah. It's -- I've got four experts and three</p> <p>12 [inaudible] my clients.</p> <p>13 HEARING OFFICER HANNAN: Okay.</p> <p>14 MR. CHEN: So where I'm going with this obviously</p> <p>15 is I don't think you are going to get all of your -- your</p> <p>16 folk and my folk in one day. That -- that's where I'm going.</p> <p>17 HEARING OFFICER HANNAN: Yes. So we need two dates.</p> <p>18 MR. KLINE: Probably.</p> <p>19 HEARING OFFICER HANNAN: That's okay. I mean, we'll</p> <p>20 do two dates hopefully. Is it possible when you're looking</p> <p>21 at your schedules to get two back to back dates so we --</p> <p>22 MR. KLINE: No. Like Sunday/Monday or</p> <p>23 Thursday/Friday or something?</p> <p>24 HEARING OFFICER HANNAN: As long as -- the only</p> <p>25 reason -- the only day I can't do for the purposes of this</p>	<p style="text-align: right;">279</p> <p>1 of the next hearing.</p> <p>2 MR. CHEN: Correct. Where I am, as soon as Mr.</p> <p>3 Kline gets to me with his information about the -- the</p> <p>4 reports, I think the rest of it falls into place, does that</p> <p>5 sound right to you?</p> <p>6 MR. KLINE: That's right.</p> <p>7 HEARING OFFICER HANNAN: Okay. And my questions</p> <p>8 just in passing -- passing is, is somebody going to testify</p> <p>9 about the compatibility of the monument sign? Are you going</p> <p>10 to have anybody testify about that?</p> <p>11 MR. KLINE: Probably multiple people. We have the</p> <p>12 architect.</p> <p>13 HEARING OFFICER HANNAN: I just didn't know if your</p> <p>14 land planner was supposed to do that or who was going to do</p> <p>15 it.</p> <p>16 MR. KLINE: I would suggest it was probably the</p> <p>17 architects shop would prepare it. He would be -- probably be</p> <p>18 the lead person to do it. And the engineer would address</p> <p>19 kind of where it goes and how it'd be -- if we were lighting</p> <p>20 it, [inaudible]. I could have at least two witnesses to</p> <p>21 cover it.</p> <p>22 HEARING OFFICER HANNAN: Okay. Well, you don't have</p> <p>23 to I just want to make sure somebody is. And the second</p> <p>24 thing is operationally the drop-off/pick-up times.</p> <p>25 You know, usually as of -- usually we have, these</p>
<p style="text-align: right;">278</p> <p>1 room is Wednesday. Because that's the board.</p> <p>2 The only reason we don't usually schedule on</p> <p>3 Thursday is some people have planning board conflicts. So --</p> <p>4 but Monday/Tuesday, Friday/Monday, something like that would</p> <p>5 be fine.</p> <p>6 And I have asked to get the transcript expedited</p> <p>7 which -- of this hearing expedited which is two business</p> <p>8 days. So that will be posted on our website when it -- when</p> <p>9 it comes in.</p> <p>10 MR. KLINE: He must be -- he must be really good.</p> <p>11 MR. CHEN: Okay. Can I make a suggestion?</p> <p>12 HEARING OFFICER HANNAN: Yeah.</p> <p>13 MR. CHEN: I think Mr. Kline's key point is when he</p> <p>14 is going to have something from his appraiser.</p> <p>15 That -- that's right now the unknown and then</p> <p>16 giving my appraiser enough time. What we could do given, you</p> <p>17 know, the dates we're talking with, is Mr. Kline just get a</p> <p>18 hold of me and we will get back to you when --</p> <p>19 HEARING OFFICER HANNAN: That's fine. As long as we</p> <p>20 factor in I -- I think it's 15 days. I'm pretty sure it's 15</p> <p>21 days' notice. So as long as we can factor in the notice.</p> <p>22 MR. CHEN: I think -- I -- I think we can do that;</p> <p>23 I don't -- I don't think that's an issue.</p> <p>24 HEARING OFFICER HANNAN: Okay. So we are waiting</p> <p>25 for Mr. Kline and you to let me know the date of the -- date</p>	<p style="text-align: right;">280</p> <p>1 many children are coming here and these many children are</p> <p>2 coming here and that we make them write a condition in the</p> <p>3 staff report saying that -- you know, so is anybody going to</p> <p>4 address that?</p> <p>5 MR. KLINE: The answer would be yes. And I --</p> <p>6 frankly I'm -- I'm going to thank Mrs. Rice for making me</p> <p>7 realize I'm embarrassed.</p> <p>8 She embarrassed me. [Inaudible] in fact I realized</p> <p>9 when we wrote this there were things that she is aware of</p> <p>10 that I wasn't that actually are things that you would love</p> <p>11 to know about. And so she has given me a very good checklist</p> <p>12 of things that need to be taken care of to let all the</p> <p>13 parties, know more information.</p> <p>14 So I think you will get something probably even in</p> <p>15 the form of I'll say an amended justification statement with</p> <p>16 a lot more detail using Mrs. Rice's suggestions and</p> <p>17 information.</p> <p>18 [talking over each other]</p> <p>19 MR. KLINE: You have a problem with that? I mean I</p> <p>20 can just do it; I can do it with the witness if you want but</p> <p>21 I thought probably giving it to you in advance would make it</p> <p>22 -- everybody to be familiar with it.</p> <p>23 HEARING OFFICER HANNAN: Just give me a moment.</p> <p>24 MR. KLINE: Yeah. Yeah. Sure, you know, you tell me</p> <p>25 what's the most efficient way for you to have.</p>

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<p>281</p> <p>1 HEARING OFFICER HANNAN: No. It's probably having 2 something in writing and in the record. Whether you call it 3 an amended justification -- it's still your statement of 4 operations, I guess. Whatever you want to call it. 5 MR. KLINE: [Inaudible] ordinances use that term, 6 just like they don't use special exception any longer, and 7 just as they've badly renumbered the ordinance. 8 HEARING OFFICER HANNAN: Okay. Those were just my 9 questions thinking through that, so all right. 10 So with that, is -- does anyone have anything 11 else? So I see no. Yes. Mrs. Rice? 12 MS. RICE: Am I permitted to speak again or am I 13 done or am I [inaudible] your decision? 14 HEARING OFFICER HANNAN: I -- I couldn't understand 15 what you were saying. 16 MS. WRIGHT: Am -- am I allowed to speak again at 17 the next hearing or I'm done? Am I allowed to write some 18 information down? 19 HEARING OFFICER HANNAN: Typically, we don't -- 20 typically we do not allow people to speak again or the 21 hearings never quite finish. So, you know, you are welcome 22 to submit something into the record in writing if you wish 23 to; okay? Yes, sir. 24 MR. SIMONSON: Mark Simonson. I meant to make an 25 observation or a suggestion. Is it appropriate to ask that -</p>	<p>283</p> <p>1 thing I see and consider on the record. 2 And then I say something in my decision that 3 wasn't in the statement I made, then it's -- it's -- so they 4 aren't the panacea, but I do appreciate it. 5 MR. SIMONSON: Thank you. 6 HEARING OFFICER HANNAN: Okay. Anything else? Mr. 7 Kline is ready to go to his board meeting. And so you should 8 all [inaudible] that. 9 So with that, this hearing is adjourned. I'll wait 10 to hear from you. 11 MR. KLINE: Thank you. 12 (Off the record at 4:57:36 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>282</p> <p>1 - 2 HEARING OFFICER HANNAN: Wait. Can you come 3 forward, he -- he's having trouble hearing you? 4 MR. SIMONSON: Yeah. Sure. Right. Thank you. 5 HEARING OFFICER HANNAN: And you are still under 6 oath. 7 MR. KLINE: Yeah. Okay. But th- -- this -- this 8 should be only procedural issues. I think we are finished 9 with any testimony. 10 HEARING OFFICER HANNAN: Is that what you are 11 saying? 12 MR. SIMONSON: Well -- 13 HEARING OFFICER HANNAN: I'm going to let him say 14 it. 15 MR. SIMONSON: My request would be that you drive 16 the stretch of Needwood Road in each direction and pass the 17 proposed site. 18 HEARING OFFICER HANNAN: She may never be seen 19 again. 20 MR. CHEN: There is a rule on that. 21 HEARING OFFICER HANNAN: There is a rule, and 22 that's -- that's -- believe it or not, with all our due 23 process requirements, that's very tricky for me to do. 24 And I -- I rely on you and the people that come 25 forward to be able to do that. I have to put every little</p>	<p>284</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, Michael Pawela, Digital Reporter in and for the 3 State of Maryland, do hereby certify that on November 22, 4 2019, the hearing took place before me at the aforementioned 5 location, and that I am neither counsel for, related to, nor 6 employed by any of the parties to this case and have no 7 interest, financial or otherwise, in its outcome. 8 IN WITNESS WHEREOF, I have hereunto set my hand this 9 26th day of November, 2019. 10 11 12 13 <u>Michael Pawela</u> 14 15 DIGITAL REPORTER IN AND FOR THE 16 STATE OF MARYLAND 17 18 19 20 21 22 23 24 25</p>

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CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 284 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.



November 26, 2019

Chris Naaden

(275202, Administrative Hearing, Primrose School, 11-22-19)