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Transcript of Hearing

Date: August 2, 2021

Case: The Landon School

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3 (9 to 12)

<p>9</p> <p>1 hand. We will address your question or your issue in turn. 2 While we're going through testimony through a direct 3 exam, if there's any cross exam, or redirect or recross, 4 whatever the case might be, please avoid crosstalk. So if 5 someone is testifying, please let them finish their 6 testimony. 7 Counsel is present. Please let counsel finish their 8 question before you start answering their question. 9 It's difficult for the court reporter to take down the 10 testimony if there's crosstalk during the hearing. All 11 parties will be given the opportunity to speak. So if you're 12 waiting to jump in with testimony, don't worry, you will 13 have your turn. We'll just have to wait for the process to 14 play itself out. 15 At this time, I would like to identify the parties and 16 any witnesses that we currently have logged in for the 17 benefit of my notes and the benefit of the court reporter. 18 Counsel, if you can identify yourself for the record, 19 please? 20 MR. O'NEIL: Good morning. This is Patrick O'Neil of 21 the attorney of Lerch, Early, and Brewer on behalf of the 22 applicant for Landon School. 23 HEARING OFFICER BAUMGARDNER: Good morning, counsel. 24 And we have a number of witnesses that I see from your 25 witness list, who have logged in. Can you either identify</p>	<p>11</p> <p>1 with Brian Stephenson and Company. We are located at 3520 2 Quesada Street NW in Washington, DC. Email address, 3 brian_stephenson -- S-t-e-p-h-e-n-s-o-n @earthlink.net. 4 HEARING OFFICER BAUMGARDNER: Thank you all very much. 5 Is there anyone else logged in or who has called in that is 6 planning on testifying here today? Please make yourself 7 known and identify yourself for the record, please. 8 Do not see any hands. I do not hear anyone indicating 9 they'd like to testify. If folks show up late, that's 10 completely fine as well. 11 We'll do a check-in in a little bit, if anyone else has 12 logged in or if anyone else would like to testify. Mr. 13 O'Neil, do we have the affidavit of posting submitted and/or 14 proof of posting for the public posting signed for this case 15 in the record already? 16 MR. O'NEIL: I do not believe we do, but we can 17 certainly get that in the next -- I -- I assume that the 18 record will be open for another 10 days following this 19 hearing? Okay. 20 HEARING OFFICER BAUMGARDNER: Yes. That's that's 21 correct. Yep. Okay. Very briefly, we're going to go over the 22 procedure for this case here today. This is a major 23 modification of a previously improved special exception. The 24 applicant is the Landon School represented by counsel. They 25 will have the opportunity to go first to present their case</p>
<p>10</p> <p>1 them or they can identify themselves, including their names, 2 their professional address, and -- and a work email address. 3 MR. O'NEIL: So maybe we'll start with Jim Neill, head 4 of school. Can you introduce, please? 5 MR. NEILL: Good morning. My name's Jim Neill. I'm the 6 head of Landon school. I'm at 6101 Wilson Lane in Bethesda. 7 And an email address is jim_neill spelled N-e-i-l-l 8 @landon.net. 9 MR. SPACK: Bill Spack. Good morning, I'm Bill Spack. 10 I'm a principal with Cox, Graae, and Spack architects. We 11 are located at 2909 M Street NW in Washington, DC, 22207. 12 Our -- my email address is bspack -- b-s-p-a-c-k 13 @cgsarchitects.com. 14 HEARING OFFICER BAUMGARDNER: Aaron Smith? 15 MR. SMITH: Good morning. My name is Aaron Smith. I'm a 16 civil engineer with A Morton Thomas and Associates. We're 17 located at 800 King Farm Blvd, 4th floor, in Rockville, 18 Maryland. My email address is asmith@amtengineering.com. 19 HEARING OFFICER BAUMGARDNER: Katie Wagner? 20 MS. WAGNER: Hi, my name is Katie Wagner. I am a 21 transportation engineer at Gorove-Slade Associates located 22 at 1140 Connecticut Ave, number 600 in Washington, DC. 23 HEARING OFFICER BAUMGARDNER: And lastly Brian 24 Stephenson. 25 MR. STEPHENSON: Brian Stephenson, landscape architect</p>	<p>12</p> <p>1 in chief. 2 They will call any witnesses that they wish to call and 3 provide a direct examination of those witnesses. If there 4 are any questions of those witnesses of anyone who is logged 5 in, will be -- will be able to ask questions of those 6 witnesses. Please keep your questions as questions from the 7 direct testimony that they just gave. 8 After the applicant completes their case in chief, we 9 will turn it over to any folks who would like to testify 10 either in support or in opposition to the application 11 itself. Likewise, the applicant will have the opportunity to 12 ask questions of any of those witnesses or anyone testifying 13 either in opposition or in support. 14 Both -- if there are two sides where the applicant will 15 have the ability to give an opening statement, if they wish, 16 and a closing statement, if they wish. And we'll then close 17 testimony at that time. Are there any questions generally 18 about the procedure before we get into any preliminary 19 matters that we need to deal with before we start this case? 20 MR. O'NEIL: Not from me. 21 HEARING OFFICER BAUMGARDNER: All right. Hearing none. 22 Are there any preliminary issues that we need to deal with, 23 process or otherwise before we get started? 24 MR. O'NEIL: The -- the only preliminary issue is just 25 to make sure that we have that correct and accurate exhibit</p>

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4 (13 to 16)

<p style="text-align: right;">13</p> <p>1 list. I had -- our team has gone through the exhibit list 2 that has been posted and note just one -- one significant 3 issue that -- that in terms of a substantive exhibit that 4 needs to be in place. 5 And that is that exhibit 40 -- 41 exhibit 41F, which is 6 intended to be an amendment or attachment to the -- the 7 staff report. Attachments G and I, as identified on the 8 exhibit list that that is a duplicate of exhibit of 9 attachment J which is exhibit 41G. So the only clarification 10 we want to make sure those materials from attachment G 11 through I to the staff report to make their way into the 12 record. 13 HEARING OFFICER BAUMGARDNER: You lost me a little bit 14 there. So I'm looking at 41 F and G. And I see attachments - 15 - I see G hyphen I. So G through I; if that's correct? And 16 then attachment J is listed as 41G. So what is -- what is 17 incorrect about those two that we need to clear up? 18 MR. O'NEIL: It -- the -- this morning when I clicked 19 on them -- and it may have been corrected, but if you were 20 to click on 41F and 41G, they are both duplicate of -- of 21 attachment J. 22 HEARING OFFICER BAUMGARDNER: I got it. Okay. So it's - 23 - it's -- it's a link issue -- not an -- 24 MR. O'NEIL: Yes. 25 HEARING OFFICER BAUMGARDNER: Not an exhibit issue. All</p>	<p style="text-align: right;">15</p> <p>1 like to have me do it, that's fine too. Does not matter to 2 me. Whatever is most efficient or for our purposes here 3 today is fine with me. 4 MR. O'NEIL: And -- and a point of clarification on 5 that issue, that -- that in some instances it's easier for 6 the witness to refer to their materials than the cross- 7 reference to the record and indicated this a copy of an item 8 in the record. Is that sufficient or do you prefer to for 9 the record itself? 10 HEARING OFFICER BAUMGARDNER: We'll go exhibit by 11 exhibit. I mean, if -- if they have it in front of them and 12 I could find it, pull it up -- 13 MR. O'NEIL: Okay. 14 HEARING OFFICER BAUMGARDNER: That's their condition. I 15 just want to make sure that we're not -- especially when 16 there's 40 some exhibits, I want to make sure that I'm -- 17 I'm looking at the right one. 18 MR. O'NEIL: Right. 19 HEARING OFFICER BAUMGARDNER: We don't have a -- a 20 witness testifying off an exhibit that I'm not looking at 21 it. So as long as that's clear, that would be fine with me. 22 All right. Any other preliminary issues before we get 23 started, Mr. O'Neil? 24 MR. O'NEIL: That -- and this is more of a preview than 25 -- than a preliminary issue that as indicated in our pre-</p>
<p style="text-align: right;">14</p> <p>1 right. Let me just check online this morning to see if that 2 is correct. Okay. So the link for 41F shows item 11 3 correspondence attachment J, which is what you're referring 4 to as the next one. 5 MR. O'NEIL: Correct. 6 HEARING OFFICER BAUMGARDNER: I follow you. So let's 7 see here. 41G -- so the correct exhibit 41F -- so it looks 8 like they are both still showing as J -- attachment J. As 9 far as you saw, Mr. O'Neil, in the other exhibits under 10 exhibit 41, is the correct F in there somewhere, or is it 11 just missing? 12 MR. O'NEIL: It's -- it's missing it just -- all the 13 other attachments are properly referenced to the staff 14 report. This is just an attachment that has not made its way 15 in. 16 HEARING OFFICER BAUMGARDNER: I got it. I got it. We 17 will clear that up hopefully by the end of today. And if 18 not, you're welcome to reference that -- that exhibit and we 19 can include it in today's hearing. 20 Just note -- noting that down so we have that good to 21 go. As we go through today's hearing, the witnesses who are 22 currently logged in should have sharing rights. So if they 23 have the ability to share their screen with exhibit, they're 24 -- they're welcome to do so. 25 I also have them up on my screen as well. So if you'd</p>	<p style="text-align: right;">16</p> <p>1 hearing statement, there are a number of exhibits that we 2 have confirmed are not in the record that were in either in 3 the record, in our conversations with the planning staff and 4 the planning board, or that we intend to introduce to make 5 today's hearing go more smoothly and -- and to provide 6 relevant information to the hearing examiner. 7 HEARING OFFICER BAUMGARDNER: And that's fine. And I 8 see those as tentatively marked exhibits 47 through 57. And 9 when we get to that portion of hearing, you can present them 10 for admission into the record. 11 None of them seem problematic to me, but we'll have to 12 go through those. I have reviewed the record. I have 13 reviewed all the exhibits, at the end of today's hearing 14 we'll -- we will be admitting them all unless there's some 15 objection to a particular exhibit. 16 And we'll get to the ones that are -- I don't want to 17 say new, but the ones that aren't currently in the OSA 18 record, we can go through those during your presentation. 19 MR. O'NEIL: Great. 20 HEARING OFFICER BAUMGARDNER: All right. Without 21 further ado, we will turn to applicant's case in chief, Mr. 22 O'Neil, you're ready. You are okay to present your case 23 whenever you are ready. 24 MR. O'NEIL: Thank you, Mr. Baumgardner. My name is 25 Patrick O'Neil, for the record. I'm with the law firm of</p>

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5 (17 to 20)

<p>17</p> <p>1 Birch, Early, and Brewer. I'm here on behalf of the Landon 2 School and its special -- special exception modification, 3 S686D. 4 As indicated from Mr. Baumgardner's review of the 5 overall special exception, the property that is the subject 6 of special exceptions located at 6101 Wilson Lane in 7 Bethesda, Maryland. 8 And the specific goals of this special exception 9 modification is to implement a long-term master plan for the 10 campus. And adjust the summer camp numbers to meet the long- 11 term demand for the most popular weeks during the summer. 12 And as indicated, that I'll -- it's certainly indicated 13 in the record, but relevant to this discussion is that the 14 original special exception application for the school was 15 approved in 1950. 16 And this is the latest in a -- in a series of 17 amendments that have captured the incremental growth of the 18 school over time. With me today on behalf of the petitioner 19 is Jim Neill, the head of school for Landon. 20 We also have Bill Spack, the architect for the project; 21 Aaron Smith, our civil engineer; Katie Wagner, traffic 22 engineer; and Brian Stephenson, our landscape architect, all 23 of whom will offer testimony to support the proposed 24 modification that we're seeking. 25 We're pleased to have the opportunity to discuss this</p>	<p>19</p> <p>1 MR. O'NEIL: The special exception -- for their special 2 exception amendment, we call Jim Neill, head of school for 3 Landon. 4 HEARING OFFICER BAUMGARDNER: And Mr. Neill, can you 5 please raise your right hand, please? And sir, do you swear 6 or affirm under penalties of perjury that the testimony 7 you're about to give is the truth, the whole truth, and 8 nothing but the truth? 9 MR. NEILL: I do. 10 HEARING OFFICER BAUMGARDNER: Thank you, sir. And 11 simply once again, can you please give your name and your 12 affiliation, we already have your business address and 13 email. So just your name and your affiliation for the 14 record. 15 MR. NEILL: My -- my name is Jim Neill, James T. Neill, 16 fully. And I'm the head of -- head of Landon School. 17 HEARING OFFICER BAUMGARDNER: Thank you, sir. Counsel, 18 you may proceed. 19 MR. O'NEIL: Thank you, Mr. Neill. How long have you 20 been employed as the head of Landon School? 21 MR. NEILL: This is the beginning of my seventh year. 22 MR. O'NEIL: And what are your responsibilities as the 23 head of school? 24 MR. NEILL: The -- the general answer to that is -- is 25 that my -- my responsibilities include oversight of really</p>
<p>18</p> <p>1 with the hearing examiner and it's been a -- a long and we 2 think thorough process to get us to this point and look 3 forward to any questions or outstanding issues that the 4 hearing examiner may have in his collection and review of 5 the record. 6 The -- the special exception itself is -- is going to 7 enable the campus to modernize and address effectively the 8 growing needs of the school over time, as you'll hear from 9 our witnesses. 10 Also to be sure that we're all on the same page, and as 11 you indicated previously, that this application is being 12 reviewed under the prior zoning ordinance for 2004 and 13 pursuant to a grandfather and probation and the current 14 zoning ordinance for older special exceptions. 15 We note also the project has been reviewed by the 16 planning staff and the applicable reviewing agencies and -- 17 and on July 16th, 2021, the planning board recommended 18 approval for the project with conditions. 19 And I further note that there are no remaining 20 community concerns about which we are aware. And again, we 21 will discuss that as part of our case-in-chief. 22 With regard to our testimony, we first plan to call Mr. 23 Neill and then if you are ready to proceed, we will move 24 forward with our case-in-chief. 25 HEARING OFFICER BAUMGARDNER: Please proceed.</p>	<p>20</p> <p>1 the -- the entire operations of the school, including 2 student programming and it's academics and athletics and 3 arts, including admissions and enrollment management, 4 staffing, financial oversight, organizational management, 5 and HR fundraising and alumni, and of course, relevant for 6 today facilities stewardship. 7 Now, we have an administrative team with -- with -- 8 with individuals who are focused on each of those areas. I'm 9 also the point person for all strategic and -- and board 10 related matters. But -- but I think maybe the more nuanced 11 and I would suggest personal answer to this question is -- 12 is -- is that my responsibility is for and to each of our 13 young men, we have the privilege to serve. 14 It's a -- it's a complicated role, but the real reason 15 I do it is I have the honor and privilege to be involved in 16 the shaping of the character and -- and the growth of our -- 17 of our young men and of helping to create the foundations -- 18 their foundations, really, so that they grow into ethical 19 well-rounded and -- and able citizens. 20 And -- and -- and we -- we help them to live into their 21 potential. So that's the responsibility I take most to heart 22 and the reason why I work so hard on all the other 23 responsibilities, so that we can support an overall program 24 geared towards those ends. 25 MR. O'NEIL: Thank you. Are you familiar with special</p>

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6 (21 to 24)

<p>21</p> <p>1 exception case number S686D? Which is the s- -- 2 MR. NEILL: I am. Yeah. 3 MR. O'NEIL: And for context, can you provide a -- a 4 brief history of the Landon School and your involvement with 5 it? 6 MR. NEILL: Sure. Landon's a non-sectarian boys school 7 serving grades three through 12. We currently have about 690 8 boys. 9 As I -- as I noted, we're committed to the ethical, 10 intellectual, and -- and personal development of our -- of 11 our -- of our students. And our mission is -- is to 12 challenge and inspire them to think deeply and individually 13 and broadly to live with -- with respect and honor, and to 14 grow into healthy well-rounded men in purpose in care. 15 We're -- we're committed to a model we refer to as the 16 teacher coach mentor model, where the teachers are involved 17 in all aspects of the boys' lives at school to help build 18 strong relationship and promote the ends I mentioned above. 19 Ours is a challenging program. We ask a lot of our boys and 20 we -- we work to develop among them a real sense of 21 belonging and -- and community. 22 And -- and we relish the opportunity to be 23 intentionally a boys school and to focus on how they learn. 24 Landon was started in 1929 in DC in the building along 25 Massachusetts Avenue and then moved to the Bethesda area 30s</p>	<p>23</p> <p>1 MR. NEILL: So during the school year, we conduct 2 ongoing academic athletic, excor- -- extra curricular 3 programming for the school daily throughout months of 4 starting in late August through early June. 5 And then we run our summer camp in those summer months 6 for -- for typical school activities or hours during the 7 school year are 7:30 a.m. to 6:20 p.m. 8 And there is occasional things like our Azalea Festival 9 or certain performances or games when they -- when they may 10 be go a little beyond those hours, but those are our 11 standard hours of operation. 12 For camp, they run 9:00 to 4:00 and there is extended 13 care for students or campers associated with that. Staffing 14 wise, we're about 190 faculty and staff and camp is 250 15 primarily seasonal employees. 16 MR. O'NEIL: And can you please describe the general 17 background and context of this particular special exception 18 application as opposed to the other special exception that 19 have been approved for the site? 20 MR. NEILL: Sure. Sure. So our -- our current campus 21 master plan stemmed as an initiative out of our 2018 sort of 22 broader land and strategic plan, which tuts- -- touches on 23 different elements of our -- of our strategic direction. 24 And it's the first comprehensive master plan for the - 25 - for the campus in several decades at -- at least we -- we</p>
<p>22</p> <p>1 and then we've been present -- since -- 2 MR. O'NEIL: Jim, we're just -- 3 MR. NEILL: Crossing, which was then a farm and the 4 neighborhood sort of grew up around us. We're flanked by 5 Bradley on the south, sorry, on the north. Wilson on the 6 south, Whittier on the west, and the private road called 7 Merrick Road on the east. 8 And -- and we're about 70-plus acres. Since we moved to 9 Bethesda, the summer camps been a key component of the 10 school, really -- really since the -- the 30s. 11 And it runs 11 weeks between June and August. It's very 12 popular and includes both traditional day camp and 13 specialized camps for boys and girls in the community ages 14 three and a half to 17. 15 We've been -- we've been subject to the special 16 exemption review, as Patrick said, since 1950. And -- and 17 this has been amended several times with the most recent 18 significant one being in the early 2000s. 19 Our enrollment cap for the school is 736 students and 20 700 campers. And that stems from that 2002 special 21 exception. And my affiliation is I'm now, as I said, 22 entering my seventh year as head of school at Landon, and 23 it's been a privilege to serve a mission like ours. So -- 24 MR. O'NEIL: I can -- what are the current operations 25 at the school?</p>	<p>24</p> <p>1 meaning the school, the board retain the firm, Cox, Graae, 2 and Spack. 3 And Bill Spack is here to undertake a comprehensive 4 review of -- of -- of campus uses and programs and needs. 5 And all of this led us to the -- to the plan before us 6 today. The goals of the plan include, you know, improved 7 safety and security, improved academic spaces, upgrades to, 8 and -- and more efficient systems campus wide like HVAC. 9 Consolidation of students around an academic core, 10 improvements to green spaces, and -- and to landscaping and 11 ultimately upgrades to athletic and parking facilities. Also 12 the summer camp enrolled in cap- -- request to increase it 13 is to be sure we have the flexibility to accommodate current 14 and future demands of children in the -- in the area. 15 MR. O'NEIL: Have you made a personal inspection of the 16 special exception property? And are you familiar with the 17 area surrounding the property? 18 MR. NEILL: Yeah. I laugh because my office is in the 19 building now and it was Andrews House, which we'll show in a 20 minute. And I live about 200 yards -- yards to the north in 21 the house known as Kiplinger House. 22 I -- I -- so I -- there are weeks when I don't leave 23 the 70 acres of the campus. I -- I was also born and grew up 24 for much of my childhood on Glenwood Road, about a half mile 25 away. So all of which is to say I'm very familiar with the</p>

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<p>25</p> <p>1 site and the areas surrounding the property.</p> <p>2 MR. O'NEIL: And maybe I should have asked, have you</p> <p>3 ever left the campus? More relevant question.</p> <p>4 MR. NEILL: Something I think about sometimes. I am</p> <p>5 there a lot.</p> <p>6 MR. O'NEIL: Okay. Can you please describe the current</p> <p>7 facility on the property and the general scope and</p> <p>8 objectives of the proposed changes?</p> <p>9 MR. NEILL: Sure. And -- and -- and maybe Patrick, I</p> <p>10 think you said, exhibit -- the tentative exhibit 47 provided</p> <p>11 a -- an aerial overview. Would we -- would that be helpful</p> <p>12 for this?</p> <p>13 MR. O'NEIL: I think it would. And is that something</p> <p>14 that you can call up Mr. Baumgardner?</p> <p>15 HEARING OFFICER BAUMGARDNER: Sure can. That was 47,</p> <p>16 you said?</p> <p>17 MR. O'NEIL: Seven. Yeah.</p> <p>18 HEARING OFFICER BAUMGARDNER: Should be coming up on</p> <p>19 your screen shortly.</p> <p>20 MR. O'NEIL: Thank you. Wonderful. So you -- I'm</p> <p>21 showing you what has been marked as exhibit 47 in the</p> <p>22 record. Can you please describe what it is for the -- the</p> <p>23 hearing examiner?</p> <p>24 MR. NEILL: Yes. This is an aerial overview of the</p> <p>25 Landon campus as it exists today. And -- and so to orient --</p>	<p>27</p> <p>1 HEARING OFFICER BAUMGARDNER: That's all right.</p> <p>2 MR. NEILL: So that's Andrews House right there. That's</p> <p>3 -- that's the original sort of manor house on the campus.</p> <p>4 And -- and that building will be proposed to be moved to the</p> <p>5 southwest. The northern part of the campus -- the top of</p> <p>6 this image shows some of them -- houses that are owned by</p> <p>7 the campus.</p> <p>8 In any case, as we continue along that road, which cuts</p> <p>9 right through the middle of campus, you come to a large</p> <p>10 building on the northwest corner of campus. That's our arts</p> <p>11 buildings. So that's right there. Yes.</p> <p>12 Below it is the south of it is an athletic field known</p> <p>13 as Free Field. To the left -- the west of that is there's a</p> <p>14 crew and academic building known as the Wilson building,</p> <p>15 which is a current lower school. And as you can track --</p> <p>16 continue to ribbon through the campus, you'll see the -- to</p> <p>17 the south a large building, which is our current gymnasium</p> <p>18 and -- and fitness centers.</p> <p>19 And then to the south of that, it is -- if you go out</p> <p>20 the road you came in, you'll go by entrance to the swimming</p> <p>21 pool and the current BNG buildings and grounds facilities</p> <p>22 and old barn and farmhouse.</p> <p>23 So to the west of the campus is a large area of -- that</p> <p>24 forested with a stream running through it, which is a</p> <p>25 wonderful element of the campus. It helps to add to the</p>
<p>26</p> <p>1 to orient you, the -- the southern road on the bottom is</p> <p>2 Wilson Lane. As you enter from the Wilson Lane entrance,</p> <p>3 which is our main entrance, on the right and left to the</p> <p>4 east and west are athletic facilities.</p> <p>5 As you continue -- continue through that road on the</p> <p>6 right-hand side is -- is an -- is a turf field with -- with</p> <p>7 the stadium. And on the left-hand side is a sort of a</p> <p>8 general purposes field, that we call the gym field. As you</p> <p>9 continue along, you'll see the tennis courts and then the</p> <p>10 road continues up into the academic areas.</p> <p>11 So in the sort of northwest of the arrow right now are</p> <p>12 the current academic buildings for the middle and upper</p> <p>13 school.</p> <p>14 And just to the west of the arrow is the Andrews House,</p> <p>15 which is the orig- -- one of the original -- that's a little</p> <p>16 to the right there, Patrick to the right -- right -- right.</p> <p>17 Down a little bit. We're looking at Andrews --</p> <p>18 MR. O'NEIL: This is -- this is mis- -- Mr. Baumgardner</p> <p>19 --</p> <p>20 MR. NEILL: There.</p> <p>21 MR. O'NEIL: For the --</p> <p>22 MR. NEILL: Yeah, there's Andrews --</p> <p>23 MR. O'NEIL: This -- for the record, Mr. Baumgardner is</p> <p>24 controlling the mouse.</p> <p>25 MR. NEILL: Oh, oh, sorry, sorry.</p>	<p>28</p> <p>1 overall bucolic feel of -- of the space.</p> <p>2 So --so that's, you know, farther to the west of us is</p> <p>3 about like -- about a quarter mile, and I'm not sure it's in</p> <p>4 this picture is Pyle Junior High School [sic]. And then the</p> <p>5 campus is generally surrounded by residential -- by</p> <p>6 residential areas.</p> <p>7 MR. O'NEIL: Sorry to interrupt, [inaudible]. I'm just</p> <p>8 going to direct you to -- to -- to locate general areas of</p> <p>9 parking, particularly as it relates to -- to proposed</p> <p>10 changes that are -- are part of the special exception.</p> <p>11 MR. NEILL: Sure. So if we're coming in the -- the road</p> <p>12 at Wilson, largely parking is scattered throughout the</p> <p>13 campus, which is kind of a nice aspect of it right now, but</p> <p>14 it also can be challenging.</p> <p>15 So people will sometimes park -- and I think it's shown</p> <p>16 on this image, if you go up the road. Yeah. Right there.</p> <p>17 They'll park along this road.</p> <p>18 In the very northern top part of the image, there is a</p> <p>19 parking -- a gravel parking lot that's right to the eastern</p> <p>20 side of that arts building in the top left. So that's</p> <p>21 probably the largest -- yeah, right there.</p> <p>22 That's probably the largest parking area on the campus.</p> <p>23 The upper school building on the right has parking behind it</p> <p>24 back in there. Yep. That's right.</p> <p>25 And then there are other lots behind the Wilson middle</p>

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<p style="text-align: right;">29</p> <p>1 -- lower school building on the far left on the west side of 2 campus right there. And then down below to the west of the 3 athletic facilities, there's also parking. So largely 4 scattered about there some parking also to the eastern side 5 of that athletic facility.</p> <p>6 MR. O'NEIL: Yeah. So thanks -- thanks for getting us 7 familiar with the campus and -- and -- and current 8 operations. In the special exception, what changes are -- 9 are generally being sought to improve the campus?</p> <p>10 MR. NEILL: So on a -- on a general level, if we were 11 to starting in at that Wilson entry, on the road that we 12 currently see ribboning through campus, and -- and that the 13 boys have to compete with automobiles as they walk through 14 campus, will be -- what's proposed is that we would move it 15 to a loop road moving around the outside of campus behind 16 the academic facility and create -- and eliminating the 17 interior roads so that we create a pedestrian friendly space 18 on the interior.</p> <p>19 Similarly, we are -- and this is what we're calling 20 phase zero. And it's -- it's slightly separate from the 21 current special exception proposal. It's a separate 22 administrative monic- -- modification, is -- is to upgrade 23 the fencing on the south side of campus and then bring the 24 security desk closer to that south side of campus so we have 25 a better ability to monitor who's coming and going from</p>	<p style="text-align: right;">31</p> <p>1 exception?</p> <p>2 MR. NEILL: So the roadways, we would be eliminating 3 the interior roadway that cuts north south and right by the 4 tennis courts and also removing the road that cuts through 5 the middle of the academic quad.</p> <p>6 It's a -- it's a -- an unsatisfactory arrangement for 7 school. And moving that roadway around the backside of the 8 academic quad in the top right-hand part of this picture -- 9 the northeast corner of the campus. Yep.</p> <p>10 Run- -- running around the backside of that and 11 ultimately around the backside of the Mondzac Building, 12 which is the arts building in the top left -- the northwest 13 corner. Yep. And then bringing that down and around the 14 athletic facilities. So creating a loop road that runs 15 around the core of the campus so that students can have a -- 16 and everyone can have an -- friendly experience.</p> <p>17 MR. O'NEIL: And I think that any other changes being 18 thought out? I -- I hesitated because I wanted for you to 19 clarify where, to the extent that -- that -- there are 20 existing roads that are just being enhanced or refocused 21 upon versus new roads.</p> <p>22 MR. NEILL: Ah. So the only place where we'd be adding 23 new roads is just the top right hand corner from where the - 24 - if you're going in the main road and where it takes a left 25 at the Andrews House, it will instead take a right and it'll</p>
<p style="text-align: right;">30</p> <p>1 campus.</p> <p>2 On the interior near the -- the academic areas we're 3 proposing to pick up the Andrews House, that building we 4 were looking for earlier and move that about 50 yards to the 5 southwest. We're proposing to, in that space, that -- that 6 creates a new upper school, we're proposing to majorly 7 renovate the current upper school, which is to the top 8 right, right there.</p> <p>9 And then we're proposing to move the lower school out 10 of its current home into the middle school. We're proposing 11 to move the middle school in -- into that upgraded upper 12 school. And then as I noted, we'll have a new upper school 13 building for the upper school students. The current lower 14 school would become a -- a visual arts building.</p> <p>15 Ultimately, we'll also be moving tennis towards the 16 southern part of the campus in a swale sort of by the -- the 17 swimming pool and upgrade those facilities. And -- and then 18 the last two sort of long-term elements of the plan involve 19 us replacing the gym field with the turf field with parking 20 beneath.</p> <p>21 So that's that field just to the east of the gyms right 22 there. Yep. And then adding field house on the last turn 23 side of the current gymnasium facility.</p> <p>24 MR. O'NEIL: And the roadway system, what, if any, 25 changes are being proposed as -- as part of that special</p>	<p style="text-align: right;">32</p> <p>1 connect behind the academic building with roads that are 2 already there, otherwise, all the roads that already exist, 3 there'll be more removal of roads than there will be 4 addition of roads.</p> <p>5 MR. O'NEIL: What, if any, operational changes are 6 being sought in the special exception amendment?</p> <p>7 MR. NEILL: There are no operational changes needed for 8 the school itself. You know, our -- our 736 enrollment cap 9 is to remain and we don't -- we don't -- we're not seeking 10 to do anything with that. As discussed, you know, we are 11 seeking to increase the number of campers that may attend 12 the camp. But otherwise the operations will remain the same 13 and that's again.</p> <p>14 So we have the flexibility to live into growth and 15 demand from community members. And that -- that, as it ebbs 16 and flows in a way that remains within relevant limitations, 17 otherwise the property will continue to operate as it 18 currently does.</p> <p>19 MR. O'NEIL: Have you had a chance to review the staff 20 report prepared by our planning staff that's dated April 21 22nd, 2021?</p> <p>22 MR. NEILL: I have. Yes.</p> <p>23 MR. O'NEIL: Do you agree with its description of the 24 Landon special exception in the Landon campus, generally?</p> <p>25 MR. NEILL: I do. Yeah.</p>

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<p>33</p> <p>1 MR. O'NEIL: In particular, have you -- have you 2 reviewed the list of conditions that would supersede all the 3 other special exception conditions set forth in the various 4 special exception approvals since 1950? And do you agree 5 with --</p> <p>6 MR. O'NEIL: Yeah. I -- I -- I re- -- I agree with 7 them. I think they're good. I would note that we've also 8 following conversations with neighbors on our -- our -- 9 eastern side Merrick Road to add another condition, which is 10 that we wouldn't add a paved parking in the area between the 11 football stadium and -- and the baseball field. So that, 12 that wouldn't be permitted.</p> <p>13 It's kind of shown here as a -- if you look between the 14 baseball and football, there's an area that it's kind of 15 looks like dead grass, which is really what it is kind of 16 dirt. And that would be -- that would not be an area for 17 paved parking.</p> <p>18 MR. O'NEIL: Have you had any community outreach that 19 been undertaken as part of this special exception amendment?</p> <p>20 MR. NEILL: I -- yeah, we've worked significantly over 21 recent couple of years to share with neighbors, our campus 22 master plan, that is the subject of today's exercise, 23 recognizing, you know, that the campus plays a unique and 24 important role in the -- in the local community overall. We 25 -- we work to institute the community liaison committee by</p>	<p>35</p> <p>1 We also met with representatives of the Kenwood Park 2 Neighborhood Group, the Wood- -- Woodhaven Neighborhood 3 Group, the Burning Tree Village Neighborhood Group. We had a 4 virtual meeting and presentation with Woodhaven community 5 members and -- and have had extensive conversations really 6 with -- with Woodhaven and Merrick Road representatives.</p> <p>7 And -- and more specifically, we had an extended in 8 person meeting with two representatives of the Woodhaven 9 group, Paul Rashid [ph] and -- and -- and Seth Goldberg and 10 -- and -- and really to understand any concerns or thoughts 11 they might have. And -- and a couple of in-person meetings 12 with Bob Tannenbaum and Ray Sayslake [ph] from Merrick Road 13 to do the same. And those were really valuable meetings.</p> <p>14 And we agreed to modify the plans and updates to make 15 updates to operations, you know, following those -- those 16 discussions and -- and -- and primary concerns related to 17 screening and lights and parking around the baseball field 18 and batting cages. And some of that sound and we've made 19 changes to operations to assist with these, including a -- a 20 new neighborhood communications listserv and page on the 21 website.</p> <p>22 Some -- some noise reduction plans in our operations. 23 And -- and -- and there's a lot of planned new screening 24 through landscaping and fencing that are part of our -- part 25 of our formal plan now. We added the condition I mentioned</p>
<p>34</p> <p>1 reaching out to surrounding neighborhood associations, with 2 little connection there due to some dated email listed for 3 them on the record.</p> <p>4 So -- so I started to meet with individuals in person 5 with several individually, with several neighbors on the 6 various sides of campus.</p> <p>7 MR. O'NEIL: I'm sorry to interrupt there, but the only 8 -- I was seeking a clarification, if you could, on the 9 community liaison committee, what was that? Or what is that?</p> <p>10 MR. NEILL: That was a committee that was part of the 11 last 2002 special exception. That was a way of promoting 12 connection between the campus and the neighborhood.</p> <p>13 MR. O'NEIL: Okay. I'm -- and -- and then I'm sorry, 14 you -- you testified that you -- you had tried to connect 15 with members of that committee unsuccessfully and they were 16 beginning to talk if you could about other outreach that was 17 undertaken.</p> <p>18 MR. NEILL: Yeah. I tried on numerous occasions to 19 connect with members described as part of that committee and 20 it was unsuccessful. So we moved to approach of reaching out 21 to individual neighbors on the north side, on the west side, 22 on the east side, and had had numerous in person meetings.</p> <p>23 And -- and those were great. It was nice to sit with 24 the neighbors and share with them. And there was general 25 support for the overall plan.</p>	<p>36</p> <p>1 regarding formal parking lot by the baseball field, and 2 we'll be adding significantly to campus greenery and -- and 3 hedging.</p> <p>4 And also to address concerns about the location of the 5 batting cage, we've identified on the site plan and the 6 landscaping plan to show where they are -- the proposed 7 relocation and -- and proposed screening. So our -- I think 8 our outreach to neighbors has been very productive and -- 9 and frankly, very pleasant. So --</p> <p>10 MR. O'NEIL: Thank you. Is there anything else you'd 11 like to add?</p> <p>12 MR. NEILL: No. I mostly just to say thank you for 13 today. You know, we're really enthusiastic about the work 14 that's gone into this and it's gotten us here. And as you 15 allude to it, Patrick at -- at the beginning, I think has 16 been very thorough. The plan is the product of an enormous 17 investment of -- of time and energy by many.</p> <p>18 And -- and we take our role as the current stewards of 19 the -- of the campus seriously and are excited about where 20 the current plan has the potential to lead us, not just in 21 the coming couple of years, but really over the next 10 to 22 20 years.</p> <p>23 And all of this geared towards our mission of helping 24 our young men become the people we know they can be. So 25 that's -- I don't have anything beyond saying thank you.</p>

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<p>37</p> <p>1 MR. O'NEIL: Well, thank you. No further questions at 2 this time.</p> <p>3 HEARING OFFICER BAUMGARDNER: Just a couple of follow- 4 up questions for me, Mr. Neill. Where do faculty and staff 5 park?</p> <p>6 MR. NEILL: Faculty and staff park largely in a couple 7 of places. They park behind the upper school building. So in 8 that northeast corner of campus where there's parking right 9 there, some of them park in that lot and the northern 10 central part of campus. And there are a few who will -- will 11 park behind the gymnasium.</p> <p>12 HEARING OFFICER BAUMGARDNER: And --</p> <p>13 MR. NEILL: And a couple of them park along the road. 14 There are currently a couple of spots along the road that we 15 saw on the road coming in.</p> <p>16 HEARING OFFICER BAUMGARDNER: And will the main 17 entrance under these plans in any modification, will the 18 main entrance remain off of Wilson Lane?</p> <p>19 MR. NEILL: Yes.</p> <p>20 HEARING OFFICER BAUMGARDNER: Of the, I guess we're 21 talking about the upper school students who were above the 22 age of 16, how many drive about -- if you know, how many 23 drive and keep their vehicles on campus?</p> <p>24 MR. NEILL: I should have -- I don't know the answer to 25 that question, but a significant number of them drive.</p>	<p>39</p> <p>1 raised by the community members or the groups that you spoke 2 with?</p> <p>3 MR. NEILL: So -- so they were noise related, things 4 like leaf blowers or lawn mowing machines. Some were about 5 making sure that we appropriately screened the campus so 6 that light -- there wasn't light from automobiles that made 7 it's way beyond the campus into -- into neighborhoods.</p> <p>8 And, as I mentioned, the parking w- -- south of the 9 base- -- the football field, which we've eliminated, and 10 location of batting cages, which two of the batting cages, 11 which we've moved. And again, screening of -- of those as 12 well. I think those are the sort of general broader 13 categories of -- of concern.</p> <p>14 HEARING OFFICER BAUMGARDNER: Okay. And then lastly, 15 are there any issues with students parking in the 16 surrounding communities?</p> <p>17 MR. NEILL: No. No students park in the surrounding 18 communities and if they were to do so, that would be 19 addressed pretty heavily by the institution.</p> <p>20 HEARING OFFICER BAUMGARDNER: I ask because I'm 21 surrounded by schools where I live and that is a perennial 22 issue we have.</p> <p>23 MR. NEILL: Yes.</p> <p>24 HEARING OFFICER BAUMGARDNER: And your --</p> <p>25 MR. NEILL: One of the benefits we have of having the</p>
<p>38</p> <p>1 There's numerous who carpool members who take the bus, some 2 of them walk, and there's adequate parking for them.</p> <p>3 HEARING OFFICER BAUMGARDNER: And there's no boarding 4 here; correct? Like with Landon's --</p> <p>5 MR. NEILL: Correct.</p> <p>6 HEARING OFFICER BAUMGARDNER: Okay. So it's all 7 commuter? Okay. And lastly, what are the general complaints 8 that you hear from community members throughout any given 9 school year?</p> <p>10 I mean, are they noise related? Are they traffic 11 related? What are the things that you typically hear on any 12 given school year that are problems that arise from 13 community members?</p> <p>14 MR. NEILL: The interesting thing is we hear very few. 15 So if I were to say, what was a typical one, it would 16 probably be about noise, maybe about leaf blowing, something 17 like that.</p> <p>18 But there are very few that we hear on a -- on a 19 typical basis, but that would probably be the one that I 20 would point to. And that's also one of the things where 21 we've created some operational solutions and I think we'll 22 remediate some of those concerns in partnership with the 23 neighbors.</p> <p>24 HEARING OFFICER BAUMGARDNER: And then with respect to 25 this application, what were some of the concerns that were</p>	<p>40</p> <p>1 space we do is we can accommodate them appropriately within 2 the campus.</p> <p>3 HEARING OFFICER BAUMGARDNER: And as far as you know, 4 the parking required for your particular use, including the 5 modification and including the increase in summer enrollment 6 requested, the -- the parking space and the land involved is 7 large enough and comprehensive enough to meet all the 8 parking standards under the zoning -- under the zoning 9 ordinance; is that correct?</p> <p>10 MR. NEILL: Yeah. I'll -- I'll let our expert witnesses 11 that attest to the specifics of that, but, yes, that is 12 correct. We -- I mean, as far as I know that we're fully 13 aligned with all of the -- all the standards there with -- 14 with -- with regard to what you're asking.</p> <p>15 HEARING OFFICER BAUMGARDNER: Okay. Thank you. Mr. O- - 16 - Mr. O'Neil, any follow up questions from my questions 17 before we get to any testimony from other folks?</p> <p>18 MR. O'NEIL: Just one that Mr. Neill, you were asked 19 about complaints or issues that have been raised by the 20 neighbors. Can you describe a little bit as to the amenity 21 that Landon provides to the neighborhood?</p> <p>22 MR. NEILL: Sure. Yeah. One of the things about the 23 campus is it serves as a nice place for walking or running 24 or taking your dog. As long as the dog doesn't start running 25 on the soccer fields.</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 So it's a really -- it's a real -- it's a really nice 2 benefit that I know many of the neighbors appreciate to be 3 able to utilize the campus for those purposes, or if just a 4 parent wants to throw up all with one of their children or 5 something like that. 6 So that's, you know, obviously during COVID we had to 7 close the campus, but we're in the process of reopening it 8 for those purposes, again, and I think that's meaningful to 9 neighbors. They've talked to us about how they really value 10 that. 11 And we -- we -- we recognize it's part of being a good 12 neighbor and we want to -- we want to partner with the 13 neighborhood and in continuing that in ways that serve their 14 needs, address the fact that we're a school also. 15 So that's a -- that's a nice perk, I think that people 16 have described being able to take walks around on the -- we 17 have a loop -- a cross country trail around the perimeter of 18 the campus, which is about a mile and they use that for 19 running and walking and that kind of thing. 20 HEARING OFFICER BAUMGARDNER: Thank you. And just out 21 of curiosity, this does not impact this application. I'm 22 just curious. The last year and a half, have you been open 23 for full in-person learning or has there been a virtual 24 learning element for the Landon School? 25 MR. NEILL: Oh, we -- we've tried about everything you</p>	<p style="text-align: right;">43</p> <p>1 HEARING OFFICER BAUMGARDNER: For your next witness. 2 Thank you, sir. 3 MR. O'NEIL: Thank you, Mr. Baumgardner. Thank you, Mr. 4 Neill. I'd like to call Bill Spack, please, as our next 5 witness. 6 HEARING OFFICER BAUMGARDNER: Mr. Spack, if you can 7 unmute yourself? 8 MR. SPACK: I'm unmuted. 9 HEARING OFFICER BAUMGARDNER: Thank you very much, sir. 10 Please raise your right hand. Sir, do you swear or affirm 11 under penalties of perjury that the testimony you're about 12 to give us the truth, the whole truth, and nothing but the 13 truth? 14 MR. SPACK: I do. 15 HEARING OFFICER BAUMGARDNER: Please provide your name 16 and your affiliation with this application. We already have 17 your full name, your business address, and your email 18 address for the record. So just your full name and your 19 affiliation, please. 20 MR. SPACK: The full name William Leslie Spack. I'm 21 affiliated with Cox, Graae, and Spack architects. I'm a 22 principal at the firm and our -- we are the architects 23 providing master planning services for the Landon School. 24 HEARING OFFICER BAUMGARDNER: Okay. Thank you very 25 much, sir. Mr. O'Neil, the floor is yours.</p>
<p style="text-align: right;">42</p> <p>1 can imagine, between virt- -- fully virtual, hybrid, 2 different about four different versions of hybrid, fully in 3 person. 4 So I would say that for much of the last year that have 5 been students on campus, faculty on campus, and then by the 6 end of the year, it was fully -- the opportunity for every 7 student who wanted to be on campus to be on campus was 8 there. 9 So it's been a complicated array of options. And but 10 we've done our best to provide in-person, education for 11 students. We're recognizing the benefits of that from social 12 and emotional perspective, as well as an academic 13 perspective. 14 HEARING OFFICER BAUMGARDNER: Thank you. Are there any 15 questions from anyone from the community or anyone else who 16 is currently logged in that would like to ask Mr. Neill, any 17 questions you can raise your virtual hand, raise your 18 physical hand, or otherwise indicate to me that you would 19 like to ask some questions of Mr. Neill regarding his 20 testimony. 21 Just wait five, 10 seconds to see if anyone pings in, 22 raises their hand. And not seeing any one, we thank Mr. 23 Neill for your testimony. I'll turn it back over to Mr. 24 O'Neil. I'm going to mess that up. 25 MR. O'NEIL: Thank you.</p>	<p style="text-align: right;">44</p> <p>1 MR. O'NEIL: Thank you. Mr. Spack, how long have you 2 been employed as an architect? 3 MR. SPACK: So I've been practicing architecture for 4 over 39 years. 5 MR. O'NEIL: And at Cox, Graae, and Spack, how long 6 have you been there? 7 MR. SPACK: So I've been at Cox, Graae, and Spack for 8 36 of those 39 years. 9 MR. O'NEIL: And what is your position at Cox, Graae, 10 and Spack? 11 MR. SPACK: So I'm a -- a founding principal and 12 managing principal of the firm. So I'm responsible for 13 overview of all our office operations. I also have specific 14 project responsibilities including managing the Landon 15 School master plan project. 16 MR. O'NEIL: And can you please describe your 17 professional educational background and any professional 18 designations, certifications, or licensing that you've 19 obtained? 20 MR. SPACK: Sure. I have a Bachelor of Architecture 21 degree from the University of Maryland College Park. 22 Licensed to practice in the state of Maryland, as well as 23 the State of Virginia, Pennsylvania, and the District of 24 Columbia. I'm a member in good standing with the American 25 Institute of Architects has concluded a stint on [inaudible]</p>

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12 (45 to 48)

<p>45</p> <p>1 chapter. I am [inaudible] certified in the State of Virginia 2 as well. 3 MR. O'NEIL: Have you ever testified expert before the 4 Montgomery County Office of Zoning Administrative Hearing? 5 MR. SPACK: I have not. 6 MR. O'NEIL: And do you have other responsibilities in 7 Montgomery County that would bring you before the board? 8 MR. SPACK: Actually, no. As far as I know, we do -- we 9 do a lot of work in Montgomery County, work with a lot of 10 independent schools, my specific experiences generally with 11 schools that have had religious exemption so I've -- so I've 12 not been through a number of these processes. 13 MR. O'NEIL: Did you submit a copy of your resume as 14 part of the petitioner special exception application? 15 MR. SPACK: Yes, I did. I believe it's part of Exhibit 16 7. 17 MR. O'NEIL: Did you prepare this resume and does it 18 accurately summarize your professional work, expertise, 19 educational background, and qualifications? 20 MR. SPACK: Yes, it does. 21 MR. O'NEIL: Mr. Baumgardner, we move that Mr. Spack be 22 admitted as an expert in architecture at this time. 23 HEARING OFFICER BAUMGARDNER: Having reviewed the 24 resume and the witnesses testimony, he is so admitted as an 25 expert in -- are we going to do architecture or are we going</p>	<p>47</p> <p>1 about our role in some of the conclusions and 2 recommendations that we've drawn from that. Mr. Baumgardner, 3 if -- if appropriate, I'm happy to share my screen. I'll 4 reference a few exhibits that I've sort of consolidated. It 5 might be easier to go through with it? 6 HEARING OFFICER BAUMGARDNER: That's fine with me. 7 MR. SPACK: Sure. 8 HEARING OFFICER BAUMGARDNER: When you introduced the 9 exhibit, just make sure to let me know which exhibit number 10 so that we have -- that we have that clear for the record, 11 but you're welcome to share screen. 12 MR. SPACK: Okay. Certainly let me give this a shot, 13 ensure that we have this. Are you able to see my screen? 14 This is the cover of the master plan. 15 HEARING OFFICER BAUMGARDNER: Yes, I can. 16 MR. SPACK: Okay, excellent. So I will reference 17 Exhibit 22. This is the cover sheet, and I just simply use 18 this as a -- as a jumping off point for the discussion about 19 our work on the master plan. This effort began in -- in 2000 20 -- 21 MR. O'NEIL: And -- and I'm sorry -- and I'm sorry, Mr. 22 Spack -- 23 MR. SPACK: Sure. 24 MR. O'NEIL: Make sure that the -- Mr. Baumgardner's 25 properly oriented to the exhibit. The -- the exhibit is a</p>
<p>46</p> <p>1 to do architectural planning, architecture as it refers to 2 master planning? What's the specific area of architecture 3 that we're looking to admit this particular witness? 4 MR. O'NEIL: I think it would be architecture generally 5 if I would -- it would -- can -- as an umbrella cover all 6 the other aspects that you referred to. 7 HEARING OFFICER BAUMGARDNER: So Mr. Spack is admitted 8 as an expert in architecture for the purposes of this 9 hearing. 10 MR. O'NEIL: Mr. Spack, are you familiar with special 11 exception case number S686D? 12 MR. SPACK: I am. 13 MR. O'NEIL: Can you describe your responsibilities 14 with regard to the special exception application that the 15 petition has put forth? 16 MR. SPACK: Sure. So I mentioned, I -- I led the effort 17 related to the master plan. So in that regard had broad 18 responsibilities relative to preparing the actual master 19 plan, working on the specific buildings as architect of 20 record and pro- -- providing all the exhibits related to 21 rendering and plans associated with the application. 22 MR. O'NEIL: And you -- you referenced the campus 23 master plan work. What was your work in regard to that? 24 MR. SPACK: So I'd -- I'd like to talk a little bit 25 about master plan, if I may. And -- and speak a little bit</p>	<p>48</p> <p>1 large one, and there were some challenges in being able to 2 have that exhibit uploaded on -- for this application 3 exhibit list. 4 So I think that number 22 has been superseded in favor 5 of the same exhibit that was submitted as part of the 6 planning board draft or I'm sorry, planning board staff 7 draft. 8 Staff report. I'm sorry, for the -- for the property. 9 So that's identified as exhibit 41D and E. So it may be 10 helpful just for purposes of this discussion, that -- that - 11 - so that when the record follows it, Mr. Spack, that you 12 indicate a page, because the -- the exhibit is -- is divided 13 in two parts in 41. 41D and E, again. 14 MR. SPACK: And then you'd like me to reference exhibit 15 41 I mean, 40 -- 22 as part of the discussion, just do that? 16 MR. O'NEIL: That might be a little bit confusing in -- 17 in -- in terms of -- because you don't know exactly where 18 the demarcation line is between E and D and E. So if -- if - 19 - if a page number reference would be sufficient for you to 20 follow Mr. Baumgardner, that's my suggestion. 21 HEARING OFFICER BAUMGARDNER: That's fine for me. So we 22 can do -- pulling up the exhibit on my end to see if the -- 23 just to make sure it matches what's up on my screen so that 24 we're both on the same page here. 25 MR. O'NEIL: If -- if you call exhibit E first, then</p>

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13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 they're a little bit out of order. So the E would be the 2 first part and then D would be the second part. 3 HEARING OFFICER BAUMGARDNER: Okay. Let's see. Just 4 give me one minute while this loads. 5 MR. O'NEIL: No problem. 6 HEARING OFFICER BAUMGARDNER: Yes. So I'm looking at -- 7 so one OSCs [ph] exhibit list. I see exhibit 22 is grayed 8 out because of the size of the file. But just to follow up 9 on Mr. O'Neil and Mr. Spack's testimony, or suggestion here, 10 I'm looking at exhibit 41E and that is the cover page for 11 the Landon School campus master plan that Mr. Spack is 12 currently testifying about. 13 So I had that on my screen and matches what is being 14 showed by Mr. Spack's screen as exhibit 41E the campus 15 master plan. You can feel free to go forward with your 16 testimony, sir. 17 MR. SPACK: Thank you. So -- so again, as I mentioned, 18 starting around 2017, 2018, as Jim mentioned, this master 19 planning effort was aligned with the school's reexamination 20 of their strategic plan. 21 And one of the six pillars of their strategic plan had 22 to do with upgrading facilities to create spaces that were 23 commencement with the educational -- that they provided to 24 the students on campus. In terms of the quality of the 25 spaces, the quantity of the spaces, and the use of the</p>	<p style="text-align: right;">51</p> <p>1 And the Landon School does an incredible job, doing 2 what they do within these existing and outdated facilities. 3 So -- so these are the existing conditions we dealt 4 with, a series of buildings built on bank -- incrementally 5 over time, you know, frankly, without a broad vision for how 6 they add up to a whole on this campus site. 7 The next exhibit that we reference is page 32, which 8 speaks to needs. One of the early aspects of the project is 9 -- is to talk about goals and needs and priors to the plan. 10 And I think Mr. Neill's talked specifically about goals 11 of the plan. We went through a really extensive process 12 working with the community to identify needs and -- and the 13 needs were many. 14 But I think if you were to distill those down into kind 15 of some broad needs that are addressed as part of the plan 16 for the purpose of discussion, I would identify eight. They 17 deal with the whole entrance experience and a libel -- the 18 edge along Wilson Lane and how one comes onto the campus, 19 certainly enhancing campus security, which is an issue for 20 any campus these days. 21 But the conflict of vehicular traffic and how it 22 currently weaves through the center of campus. And -- and 23 specifically separating vehicular traffic and student 24 traffic. Right now there are no walkways along the campus. 25 So along with drives that -- that thread through the center</p>
<p style="text-align: right;">50</p> <p>1 spaces. 2 As a vehicle, then, the goal of the master plan was to 3 assess existing facilities relative to the needs and -- and 4 priorities for facilities to become a roadmap for the 5 incremental growth of campus growth and change. And then -- 6 and then largely to be a vision for what the campus could 7 be, how it could evolve and keep pace with 21st century 8 learning paradigms. 9 I am going to transition to page 13 of the exhibit, 10 which should be consistent with -- with your exhibit. Just 11 add a little bit of color to Jim's description of the 12 existing campus, just over 70 acres, about 75 acres on the 13 campus there, roughly 16 buildings that range in age from 14 the early 1800s to 1999. 15 And it's important to sort of note that the newest 16 building on the campus is over 22 years old. So there hadn't 17 been much growth and change over -- over the last period of 18 time. 19 Currently there's about 245,000 square feet of space on 20 the campus. And, you know, we believe and certainly the 21 school believes that that is really inadequate to meet 22 modern educational needs. 23 You know, these buildings were built at a different 24 time, relatively a different focus relative to student 25 education.</p>	<p style="text-align: right;">52</p> <p>1 of the academic space, students are simply walking on the 2 roadway. It creates a really unsafe condition. 3 We -- we talk about a need to identify specific 4 academic core, related to academics, improving both the 5 quality, as well as the quantity of learning spaces, just 6 generally upgrading building operations and systems. 7 These are very old buildings. And -- and then in 8 conjunction with all of this implementing some green 9 building site strategies as well. 10 So those are the sort of eight were just sort of 11 distilled tremendously down to -- to eight. Those were the 12 needs that we were looking to address broadly as part of the 13 master plan. If we move to page 37, which I believe this 14 might now transition into 41D, Mr. Baumgardner, you might 15 check. 16 This is -- this is the vision of the master plan. And - 17 - and Jim's talked a little bit about some of the 18 initiatives that we've described. 19 I think this -- this illustrates that I -- I describe 20 it in broad terms, and -- and we often talk about this as a 21 series of sort of concentric moves. 22 Part of the campus currently occupied by students in 23 the car has been cleared of vehicles and it becomes truly a 24 pedestrian zone. That the effort here was to connect the 25 buildings in a way that the boys could walk between</p>

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14 (53 to 56)

<p>53</p> <p>1 facilities without crossing lines of traffic, simply put. 2 The next ring is one of the roadway network. And we 3 described how the -- the roads, with actually just a few -- 4 a few moves of connections to existing roadways, create a 5 loop around this center of pedestrian core. 6 And then the third ring is athletic facilities, the 7 stadium and its current place of field baseball stadium, 8 moving the tennis courts out to that outer rim so that we 9 have this sort of outer layer of related to and -- and 10 focused on recreation and athletics. 11 So the student core, a ring road and -- and athletics. 12 So the heart of this, we're developing something called bear 13 circle, which is kind of right -- right in the center. 14 This is the -- the hub. We can call that the spiritual 15 heart of the school, all -- all these activities radiating. 16 And in fact, one of the other organizational elements we've 17 talked about that conceptually related to the development of 18 the whole boy is this notion of mind, body, and spirit. 19 Developing zones related to an academic core, the mind, 20 the ath- -- an athletic note, the body and -- and the arts, 21 performing and visual arts, the spirit. 22 So it's all sort of aligned conceptually with the 23 school's notion of educating the -- the whole boy. We are 24 adding approximately 150,000 -- 115,000 square feet. So the 25 new plan w- -- in its full execution is about 361,000 square</p>	<p>55</p> <p>1 initiatives that Jim referenced. One we felt -- 2 MR. O'NEIL: Sorry -- I'm sorry, to clarify, it's -- 3 it's page 51 of the same exhibit; correct? 4 MR. SPACK: I'm sorry, yes. Same -- same exhibit. This 5 is page 51. 6 MR. O'NEIL: Thank you. 7 MR. SPACK: This -- this illustrates a view of the 8 campus after completion of the first two initiatives. One 9 we're calling phase zero and one we're calling phase one. 10 Phase zero is the front end improvement related to the fence 11 line along the Wilson Lane. This is currently kind of an old 12 chain link fence and really improving the quality of that 13 edge with a metal picket fence with brick piers. 14 And then development of the entrance road in a manner 15 that -- that brings security much closer into the front 16 entrance, creates enclosure, enhances the landscaping and 17 lighting to really enhance the front of the campus. This 18 phase zero, just as an aside, was the subject of a recent 19 administrative approval by the board of appeals, which was 20 granted at that process moving forward. 21 The phase one project, which is up here at the academic 22 core, involves, one, just the relocation of the roadway. 23 Just the simple move gets that roadway out of the center of 24 the campus and really separates the boys from the -- from 25 the vehicles on campus. And then it's a series of -- of both</p>
<p>54</p> <p>1 feet compared to what they have now. 2 And as I mentioned, uh, that largely is right size in 3 the educational spaces. So it's important to just emphasize 4 again, that we're not looking to -- to add students beyond 5 the current cap. This is just to accommodate the educational 6 needs of the students that are on their campus. 7 We -- we transition to the next sheet, which is same 8 exhibit, page 49. The nature of any master plan is -- is 9 that it needs to be done incrementally; right? This is about 10 incremental growth and change. 11 And so, once we develop the -- the whole vision, we had 12 detailed discussion for the school about execution. And -- 13 and the way we went about that was we initially carved all 14 the projects into a series of related initiatives. 15 There was 16 of these. We called them the puzzle pieces 16 and then worked with the school to prioritize where the 17 focus should be as the first move of the -- of the master 18 plan. 19 And at the end of the day, the conclusion was the 20 initiatives to relate to safety and security, and the -- the 21 r- -- the initiatives should focus primarily on education 22 and enhancing spaces related to the education of these young 23 men. 24 So from these puzzle pieces, what -- what came from 25 that? And I'll transition to exhibit 51, are the two</p>	<p>56</p> <p>1 renovations and new construction. 2 And I -- I would describe these in sort of a -- a 3 clockwise manner. We are renovating the existing middle 4 school for the lower school and moving students that are in 5 this building, the Wilson building, into that building on 6 this new academic hall. 7 We are renovating the building we call the BAC, the 8 Banfield Academic Center and making that currently, which is 9 the upper school and making that the new middle school with 10 some upper school function. 11 We are building a new -- a new upper school building in 12 yellow here. We are relocating the Andrews House, which is 13 an administrative building, and I'll -- I'll touch on that - 14 - the nature of that relocation in just a second. 15 And then we are creating a visual arts facility in the 16 old public school that's been vacated as we renovate around 17 the circle. So it's largely the shift of academic programs 18 with the goal of creating an academic core with some 19 strategic renovations and new construction to develop this 20 enclosed quadrangle, and some adjacent site work associated 21 with that. So -- so that's really the focus. Some of the -- 22 the future moves, moving the tennis courts, some other 23 further additions are considered to be part of future 24 phases. 25 Wanted to just mention Andrews House. So, you know, Jim</p>

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<p>57</p> <p>1 had mentioned as well that Andrews is currently located 2 right about where the little hand is located on the screen. 3 And the intent of this project is to move Andrews about 100 4 feet, plus or minus, to the southwest. 5 Well, why -- why are we doing that? One, right now, it 6 is kind of located in the center of what is considered to be 7 a prime area for the new upper school, which forms the edge 8 of the academic quad. 9 There were some discussions about simply demolishing 10 that building, but it plays an important role. It was one of 11 the early structures on the campus, I think it's kind of the 12 -- the visual heart of the administrative space. 13 It has a view as one comes up the drive, and -- and it 14 was deemed, you know, important to -- to keep that as a 15 structure. 16 Important enough that we all agreed on a plan, we're 17 going to simply pick it up and -- and move it over so that 18 we'd retain it, but put it in a better position relative to 19 the future operations of the campus. It does have some 20 historic value in it, and I wanted to touch a little bit, if 21 I could, on the historic resources on the campus. 22 Because I think they're -- they're relevant to some of 23 the moves that we're making. And I think they're relevant to 24 some of the approval process that we've been through over 25 the last several months.</p>	<p>59</p> <p>1 38. And -- and this illustrates I think two important 2 aspects to the site from a historic standpoint. 3 One is that in 1990, the original Lansdale House and -- 4 and 11 acres of the land site were designated as a local 5 historic use shed by the Montgomery County Historic 6 Preservation Committee. 7 So not only in this dark green area received formal 8 designation with -- on -- within Montgomery County as a 9 historic use shed, it includes both the site area 11 acres, 10 as well as the Lansdale Farmhouse, and -- and the barn as 11 well. 12 And this is significant because our phase zero project, 13 the new roadway actually traverses the eastern edge of that 14 historic designation -- designated site. So we met with the 15 historic preservation commission. 16 Actually we -- we had a hearing on -- on March 24th. 17 And through that process, we received their approval for a 18 historic area work permit which is commonly considered 19 [inaudible] through that process, and received approval for 20 our phase zero through that commission. 21 But also related to the historic nature of the site, in 22 2002, and this was an association with an impact study 23 related to some roadway work on Wilson Lane. 24 There -- there was a study of the structures done by 25 the state historic preservation office, and they concluded</p>
<p>58</p> <p>1 So I'd like to transition. The next image is Exhibit 2 11. This is the cover sheet of the historic summary 3 evaluation. Mr. Baumgardner, if you'd like to catch up with 4 that for a second. Let me know when you're ready. 5 HEARING OFFICER BAUMGARDNER: I am ready to go. 6 MR. SPACK: Okay. Excellent. So we hired a group called 7 EHT Traceries, they are historic preservation consults in 8 the District of Columbia with a great reputation for what 9 they do. 10 To survey the site, and -- and provide a report for us 11 which they did in October of 2020. If we turn to the next 12 page, their analysis identified of the 18 buildings on 13 campus, that they were built in the beginning of the late 14 1800s with the original farm building. 15 This is called the Lansdale Farmhouse, and it's a barn 16 located in red. Shortly thereafter in -- in the 1910s was 17 the Andrews House and an auxiliary building related called 18 Torrey Hall. 19 And then a very -- variation of buildings built kind of 20 incrementally over time after the site became a school in -- 21 in the mid '30s. So -- so their report identifies these -- 22 these particular buildings and -- and their age and their 23 condition. 24 I've -- I've transitioned to exhibit -- the next 25 exhibit which is page 6 -- I'm sorry. This is [inaudible]</p>	<p>60</p> <p>1 that many of the buildings on the site, particularly those 2 identified in yellow on this plan, had potential historic 3 significance, as opposed to the red structures which did 4 not. And they determined that these yellow structures were 5 eligible for the Maryland Inventory of Historic Places, as 6 well as eligible for the National Register of Historic 7 Places. 8 I think what's key about that was these were not 9 formally designated, but they were deemed eligible. So I 10 think that elevates their significance in -- certainly in 11 our minds as -- as we think about how they relate to the 12 plan. So as a consequence of that, their eligibility, we met 13 again with the Historic Preservation Commission and this was 14 on April 28th. 15 This was actually a voluntary session where we came in 16 and said, hey, we recognize that these buildings are 17 significant, we -- we know that you're interested in them, 18 let's talk about our plan, and -- and we'd like to get your 19 feedback about some of the initiatives. 20 And -- and that was a very positive discussion, and 21 they were generally supportive of everything we're doing. 22 The one aspect of the plan that -- that did generate some 23 discussion was the nature of what I described as this 24 auxiliary building to the Andrews House. 25 It's a building called Torrey Hall. Torrey, in our</p>

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16 (61 to 64)

<p>61</p> <p>1 master plan, is being demolished as part of the plan, 2 because it's in the middle of the academic quad. The -- the 3 board recognized that, the commission recognized that. But 4 at the same time said, well, you know, the report deems this 5 as having some potential significance. 6 So -- so at the end of the day, after a lot of 7 discussion they agreed that it was appropriate to demolish 8 Torrey, but that we agreed to what they call -- what they 9 call a creative mitigation; which is a historic preservation 10 term to say, hey, we -- we're going to make up for the loss 11 of Torrey through some other methodologies, creative mi -- 12 mitigation. So they identified that in their letter of May 13 19th. 14 In fact, I think this is condition number 21 of the 15 staff report that speaks to measures the school will take 16 programmatically, some of which are yet to be determined. We 17 need to circle back with the Historic Preservation Committee 18 -- Commission to mitigate the loss of Torrey. So I just 19 wanted to sort of touch on that element from a historic 20 preservation standpoint. 21 I'm going to just transition back to page 37, and -- 22 and Mr. O'Neil I -- I believe that concludes my description 23 of the master plan. 24 MR. O'NEIL: Couple questions, or -- or clarification 25 for Mr. Baumgardner. That the letter, that historic</p>	<p>63</p> <p>1 Mr. Spack, the -- the plan has evolved a little bit 2 over time since we began the -- the review process. Is that 3 correct? 4 MR. SPACK: That's correct. 5 MR. O'NEIL: And have there any -- as a result of that, 6 what if any changes to the master plan have occurred? 7 MR. SPACK: Yeah. Relative to the submission, I -- I 8 think really nothing of great substance, perhaps a couple of 9 exceptions. 10 And I know in reference to this exhibit Jim mentioned 11 that the master plan called for a paved parking lot just to 12 the south of the stadium. Through discussions with the 13 neighbors, that parking lot has been eliminated. So that's 14 no longer part of the plan. 15 The only other thing I -- I can maybe think about was - 16 - again it's related to discussions with the neighbors, was 17 some focus on this field house addition to the Barton 18 Gymnasium. 19 This was always considered a bit down the road from a 20 basic standpoint, so it wasn't thoroughly kind of defined as 21 part of this, it was really a placeholder. So the neighbors 22 horribly I think wanted to get a little bit more definition 23 of that. So I think for the record, we have now defined this 24 box on a couple of fronts. 25 One, they wanted to be clear and -- and this is the</p>
<p>62</p> <p>1 preservation letter that had recommendations, is contained 2 within the -- the 41F attachments that -- that need to get 3 caught up to the -- to the exhibit list and the record. 4 So you'll -- you'll be able to find the letter there. I 5 don't -- remember, that's identified as attachments G 6 through I to the staff report. 7 HEARING OFFICER BAUMGARDNER: Understood. 8 MR. O'NEIL: Lastly, did -- did the recommendations of 9 the Historic Preservation Commission get formalized in any 10 way as a condition for this application, Mr. Spack? 11 MR. SPACK: I believe they did. Well, the -- the -- the 12 condition was formalized, the -- the actual methodology is 13 still to be discussed. That's the creative part of the 14 creative mitigation. And the focus is -- is using the Torrey 15 Hall as an -- as an educational opportunity for students. 16 Those interested in architecture perhaps, those 17 interested in photography perhaps, to develop a program that 18 helps to document and understand the role of this building 19 on the campus. So the specific plan has yet to be determined 20 and we're working on that now. 21 MR. O'NEIL: And then the -- if I could, for the 22 record, direct the hearing examiner's attention to condition 23 number 21 of the staff report, planning staff report that 24 does have a specific condition to address that -- that 25 issue.</p>	<p>64</p> <p>1 intent that this would be an enclosed space. Whatever 2 activity, yet to be determined, happens to be in an enclosed 3 volume there. The height of that volume will be no greater 4 than the existing ridge of the existing building. 5 And then third, that relative to the western facing 6 facade, we would work as part of the development of the 7 design to ensure that we mitigate the leakage of light 8 across the property line among -- for those neighbors on 9 that edge. 10 MR. O'NEIL: And for the record, Mr. Baumgardner, in 11 exhibit 42, the -- the narrative description of that 12 athletic -- future athletic facility is -- is contained in 13 the -- and was part of the agreement with neighbors as it 14 relates to understandings between the two parties. 15 HEARING OFFICER BAUMGARDNER: Go back through that one 16 more time, Mr. O'Neil, just in terms of how that impacts 17 this application and any possible approval. 18 MR. O'NEIL: It merely -- it -- from our perspective, 19 it's -- it's a for the record indicating that we've had 20 discussions with the community, provided a description at 21 their request as to what the future construction of that 22 site might be, so that there's some comfort that -- the 23 unknown was the problem with -- with staff -- with the -- 24 the community. 25 That we don't know what this is going to be, this could</p>

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17 (65 to 68)

<p style="text-align: right;">65</p> <p>1 be anything, and please provide some parameters to it. Which</p> <p>2 we did.</p> <p>3 HEARING OFFICER BAUMGARDNER: Okay. I understand.</p> <p>4 MR. O'NEIL: Mr. Spack, the -- can you talk -- if you</p> <p>5 have I apologize, but can you talk a little bit about any</p> <p>6 architectural features associated with -- with the plan?</p> <p>7 MR. SPACK: Sure. This plan illustrates the -- the</p> <p>8 nature of construction. The white buildings where we're</p> <p>9 doing work are largely interior renovations, both modest as</p> <p>10 well as extensive, depending on the nature of the building.</p> <p>11 In those cases, any exterior improvements are simply</p> <p>12 replacing conditions that -- that exist. The yellow boxes</p> <p>13 represent new construction, specifically the upper school.</p> <p>14 And -- and the goal in those cases is to create an</p> <p>15 architecture that is appropriate and compatible with the</p> <p>16 nature of the existing campus. So to that end, the buildings</p> <p>17 are brick, they have sloped roofs which are slate, which are</p> <p>18 very consistent with the architecture of the campus.</p> <p>19 They are -- they buildings of their time, so there are</p> <p>20 some more modern elements. But the intent is that from a</p> <p>21 material standpoint, from a massing and scale standpoint,</p> <p>22 these buildings are very compatible with the existing</p> <p>23 architecture. And they are exhibits -- I don't have them</p> <p>24 pulled up here, that illustrate the nature of the proposed</p> <p>25 design.</p>	<p style="text-align: right;">67</p> <p>1 the reasons why. But if you could take a moment to just</p> <p>2 articulate perhaps the reasons for reaching that -- that</p> <p>3 conclusion.</p> <p>4 MR. SPACK: I'm -- so we're breaking up a little bit.</p> <p>5 But I -- but I believe the question was to sort of</p> <p>6 articulate why we feel these changes don't impact or affect</p> <p>7 the surrounding neighborhood. Is that --</p> <p>8 MR. O'NEIL: Correct.</p> <p>9 MR. SPACK: -- the question?</p> <p>10 MR. O'NEIL: Yes.</p> <p>11 MR. SPACK: Again, I -- I think the -- the changes are</p> <p>12 modest. While we are increasing the square footage by</p> <p>13 necessity, we're doing it in a way that is separated from</p> <p>14 the perimeter of the campus, and -- and focused on the core.</p> <p>15 You know, and I think that the architecture is of a</p> <p>16 scale and of materials that -- that is consistent frankly</p> <p>17 with -- with the both the campus and -- and the surrounds.</p> <p>18 Focused in the center, I think the -- the roadway work</p> <p>19 separated, again as well.</p> <p>20 So I think -- I think largely we are compatible. You</p> <p>21 know, and consistent with the current use. And even with</p> <p>22 some significant gains in square footage, we are not</p> <p>23 impacting the surrounding area in any way architecturally.</p> <p>24 MR. O'NEIL: Is there anything else you would like to</p> <p>25 add?</p>
<p style="text-align: right;">66</p> <p>1 MR. O'NEIL: And the -- the design you -- you've</p> <p>2 focused on for the campus, how do they relate to the</p> <p>3 surrounding residential community?</p> <p>4 MR. SPACK: Well, I think -- I think they -- they</p> <p>5 relate well. I think there's very little if any impact on --</p> <p>6 on the campus. You can see that the architecture is -- is</p> <p>7 concentrated on the campus core by intent.</p> <p>8 So while it's -- while there's an increase in -- in</p> <p>9 facilities, a needed increase, it's modest, and it's focused</p> <p>10 to the center. You know, I mentioned no increase in -- in</p> <p>11 enrollment as part of that.</p> <p>12 I think that the circulation that we described is -- is</p> <p>13 about safety, and -- and the walk -- the separation of</p> <p>14 walkways. More, again, focused on the center of the core.</p> <p>15 We're respectful to historic resources there.</p> <p>16 So I -- so I think, you know, we're -- we're compatible</p> <p>17 with the surrounding structures. And architecturally, have</p> <p>18 little if any impact on them.</p> <p>19 MR. O'NEIL: Thank you. In your opinion, do -- do the</p> <p>20 master plan, proposed building plans, circulation changes in</p> <p>21 historic preservation impacts change the nature, character,</p> <p>22 or intensity of the current use or affect the immediate</p> <p>23 neighborhood?</p> <p>24 MR. SPACK: No. I don't believe they do.</p> <p>25 MR. O'NEIL: Can -- you've already testified to -- to</p>	<p style="text-align: right;">68</p> <p>1 MR. SPACK: No.</p> <p>2 MR. O'NEIL: I have no further questions at this time.</p> <p>3 HEARING OFFICER BAUMGARDNER: Just a couple questions</p> <p>4 from me. This might be a question for the civil engineer</p> <p>5 which we'll get to in a little bit. But for Mr. Spack, I'm</p> <p>6 looking at the buildings that are currently on a strain from</p> <p>7 exhibit -- I lost my number.</p> <p>8 MR. O'NEIL: It might be 41E -- I'm sorry, D, 41D.</p> <p>9 HEARING OFFICER BAUMGARDNER: I -- I believe so. Yes.</p> <p>10 The master plan key with the -- the post new buildings in</p> <p>11 yellow. Can you provide just approximate distances between</p> <p>12 those buildings and the surrounding community?</p> <p>13 Just in a general sense, I'm trying to get an idea. I</p> <p>14 mean, I can see the shading obviously with the surrounding</p> <p>15 communities. But I'd like to know how close the buildings</p> <p>16 are going to be to the neighborhoods that surround the</p> <p>17 campus.</p> <p>18 MR. SPACK: Sure. Mr. Baumgardner, if you will, I know</p> <p>19 that Aaron Smith, civil engineer, has -- has very specific</p> <p>20 dimensions that he's developed from there. And I -- rather</p> <p>21 than just speculate and estimate, I think it'd be</p> <p>22 appropriate if he gives you those very specific dimensions.</p> <p>23 HEARING OFFICER BAUMGARDNER: Yep. That's fine with me.</p> <p>24 And we'll get to that testimony when Mr. O'Neil gets there.</p> <p>25 That's fine with me.</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 The -- with regards to the historic preservation 2 issues, are these changes that are going to have to be 3 formalized with the commission and then come back possibly 4 before an OSA hearing? 5 Or are these changes that will be implemented or 6 approved -- strike that. If the application is approved as 7 it is, are there formal approvals that will have to be 8 thought for the historic preservation issues? 9 Or are they simply details that have to be worked out 10 that -- that do not require any formal approval or 11 disapproval from any historic preservation commissions? 12 MR. SPACK: So -- so because the front part of the 13 site, the 11 acres, was a formally designated historic 14 district in Montgomery County, that required a formal 15 process which we went through and received. 16 But the -- for the rest of the campus, because those 17 buildings were deemed eligible but not formally designated 18 there was really no formal vehicle to -- to go through and 19 get approved. 20 But we chose voluntarily to talk to the Historic 21 Preservation Committee, we value their opinions. From that - 22 - from those discussions, they were -- they were -- they 23 approved, and were accepting, and are frankly excited about 24 the things that we're doing on campus. 25 And -- and the only caveat to that was some discretion</p>	<p style="text-align: right;">71</p> <p>1 You had testified that they're going to be brick with 2 slate roofing for new structures. And I'm -- I'm -- I'm 3 getting from your testimony that any exterior construction 4 will be improvements to existing buildings that will match 5 their current construction. 6 Are there any architectural or design elements that are 7 being added that are outside of those boundaries? If that 8 makes sense as a question. 9 MR. SPACK: I think so. Let me -- let me give it a shot 10 and you can tell me if I'm going in the wrong direction. 11 HEARING OFFICER BAUMGARDNER: Sure. 12 MR. SPACK: As I mentioned, there are five building 13 initiatives on -- on the campus ranging from light 14 renovation to new construction. 15 On this -- on this map, I would characterize the -- the 16 renovation of the Wilson Building as a light interior 17 renovation, of changing use for the lower school to an arts 18 facility. Minor interior reconfiguration, exterior work 19 limited to things like new windows which will match the 20 existing windows that kind of [inaudible] 21 This building, this is actually the newest building on 22 campus, the current middle school built in 1999. This will 23 be renovated to the new lower school. 24 So again, very light interior renovation, it's mostly 25 kind of a plug and play program. But we will be replacing</p>
<p style="text-align: right;">70</p> <p>1 about Torrey Hall. And -- and my understanding on -- on that 2 was we have agreed to -- in concept to creative mitigation 3 to -- for the -- the purpose of removing Torrey. 4 And they just simply asked that we come back to them 5 with a -- with a plan. But kind of a formal plan that we 6 could lead with. So I don't believe that that in any way 7 sort of inhibits the process of moving forward, or the 8 approvals of this. 9 It's just simply a step along the way where we'll 10 circle back with them and -- and have another discussion, 11 and reach consensus on what that mitigation brings. So -- 12 HEARING OFFICER BAUMGARDNER: Okay. 13 MR. SPACK: That's the -- 14 HEARING OFFICER BAUMGARDNER: And there's no -- and 15 there's no effort at this point to formally designate any 16 other structures on the campus as historic through the -- 17 the state of Maryland, the county, or the national registry? 18 Okay. 19 MR. SPACK: There is not. 20 HEARING OFFICER BAUMGARDNER: All right. And then 21 lastly, you had touched on this a little bit. But just the 22 compatibility of the new buildings and any exterior 23 construction on any existing buildings as being compatible 24 with both -- both internally on campus, and with the 25 surrounding neighborhoods.</p>	<p style="text-align: right;">72</p> <p>1 windows on that -- on that structure to match the existing. 2 So these two, in terms of the exterior expression, will be 3 unchanged. 4 The BAC building, which is the current upper school, 5 will undergo a more extensive interior renovation, a 6 reconfiguration of the interior spaces. And -- and a couple 7 of modest additions, kind of changing the entrance point 8 from the corners to -- to the front. 9 There is a brand addition proposed in the back as part 10 of the master plan which won't be executed as part of phase 11 one. That -- that is a future phase that'll happen way down 12 the road. 13 The -- the relocation of Andrews, currently where my 14 hand is, moving to the south and the west. This is simply 15 picking that building up and moving it, light renovation on 16 the interior, no change to the windows or the roof. That is 17 just simply relocating the building -- that building. 18 And then last, from an architectural standpoint, the 19 most significant is all new construction. It's about 48,000 20 square feet of the -- the new upper school. 21 And -- and again, this is meant to be compatible in 22 terms of material, scale, and expression, and also the 23 campus architecture. 24 So it is -- it is only a two story building with slate 25 roofs, sloping slate roofs, and brick exterior, and windows</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 to -- to replicate the character in the openings and scale 2 of windows on the buildings. Is that -- does that answer the 3 question? 4 HEARING OFFICER BAUMGARDNER: Yes. It does. I was just 5 -- I was curious if there were any design elements -- 6 sometimes with these types of projects, there will be one 7 design element that's a new feature, or something that 8 simply just didn't exist 100 years ago. 9 So sometimes there's one design feature that will 10 greatly stand out, that will be -- and sometimes, you know, 11 those things can be objectionable. 12 Even though they might serve the campus very well, they 13 might be out of line with -- you could argue they might be 14 out of line with incompatibility analysis. So I was just 15 curious if there was anything like that that was planned for 16 this particular project. 17 MR. SPACK: I would say that, you know, there are -- 18 these are buildings that are being built up on time. They -- 19 as for each of the buildings as between 1900 and 1999, you 20 know, these were built -- buildings built that specific 21 time. 22 And -- and while there -- there's a compatibility I 23 think, they -- they are -- they are expressions of -- of 24 when they were built, whether it was in the '40s, the '50s, 25 the '60s, or today. So there are some, you know, sort of</p>	<p style="text-align: right;">75</p> <p>1 HEARING OFFICER BAUMGARDNER: Sure. Okay. 2 MR. SPACK: And that's -- that's a good question for 3 Aaron, too. As -- as I know he spent some time looking at 4 that point. 5 MR. O'NEIL: If I -- if I can proffer for the civil 6 engineer's testimony that -- that the setback requirements 7 that require us to be set back from single family 8 residential lots will be covered in his testimony. 9 In addition he's also going to cover the -- the fact 10 that the special exception property is -- does not encompass 11 all of Landon-owned property. 12 There -- there are a few single family lots that Landon 13 owns that have faculty and -- and Jim lives in one of them, 14 I believe. That are part of Landon in -- in -- as a holistic 15 way. But not part of the special exception application. 16 HEARING OFFICER BAUMGARDNER: Understood. It just stood 17 out to me that there's this, you know -- it's a relatively 18 contiguous property throughout. Then there's this little 19 chunk. 20 MR. O'NEIL: Yeah. 21 HEARING OFFICER BAUMGARDNER: You know, that was -- at 22 some point in history was excluded for some reason. But that 23 is just a -- 24 MR. O'NEIL: Or -- or probably hasn't been able to be 25 included yet.</p>
<p style="text-align: right;">74</p> <p>1 elements that -- some new entrance elements that are largely 2 on the quadrangle side. 3 But none of these are -- are kind of big, modern 4 expressions that I think change the nature of the campus. 5 HEARING OFFICER BAUMGARDNER: Thank you. And lastly, 6 and this is out of my own curiosity, on the master plan key 7 that is in front of me that's on your screen right now, I've 8 just kind of noticed this. 9 But on the northeast corner, there is a parking lot 10 area, and then there is a chunk of land, it looks like a 11 single lot that is grayed out. Yeah. What is that property? 12 MR. SPACK: So -- so that is -- I -- I might let Jim 13 Neill speak to that relative to the -- this position of this 14 property and Wilson's new campus. 15 MR. NEILL: That is a residence. Can you hear me? 16 HEARING OFFICER BAUMGARDNER: Yes. 17 MR. NEILL: This is Jim Neill [inaudible] that is a 18 residence that does not belong to Landon. The properties on 19 either side of it do belong to Landon. 20 HEARING OFFICER BAUMGARDNER: And it looks like that 21 property -- I mean, does it actually touch that parking lot 22 as planned? 23 MR. NEILL: No. I think -- I think the lot is actually 24 pulled back a little bit. You know, this is at a -- kind of 25 a big scale.</p>	<p style="text-align: right;">76</p> <p>1 HEARING OFFICER BAUMGARDNER: Better that -- that's 2 probably a much better -- a much better explanation, or a 3 better histogram truth -- okay. Any other questions based 4 off my questions, Mr. O'Neil, or Mr. Spack? 5 MR. O'NEIL: None from me. 6 HEARING OFFICER BAUMGARDNER: Okay. 7 MR. SPACK: None from me. 8 HEARING OFFICER BAUMGARDNER: Opening it up to anyone 9 from the community, or anyone else who is logged in that has 10 any questions for Mr. Spack, the architect for this 11 particular case, please raise your virtual hand, or 12 otherwise indicate to me that you have a question that you 13 would like to ask this witness. I'll give it a minute or so 14 to make sure folks heard the question. 15 Again, any questions for Mr. Spack who's the architect 16 for this case. Seeing no questions, no virtual hands, or 17 physical hands raised, we thank Mr. Spack for his testimony. 18 Turn it back over to Mr. O'Neil for your next witness. 19 MR. O'NEIL: Thank you. Thank you, Mr. Spack. We are 20 prepared to go forward by calling Aaron Smith as our next 21 witness. 22 MR. SMITH: Good morning. 23 HEARING OFFICER BAUMGARDNER: Mr. Smith, can you -- 24 good morning, sir. Can you please raise your right hand? 25 And, sir, do you swear or affirm under the penalties of</p>

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20 (77 to 80)

<p>77</p> <p>1 perjury that -- that the testimony you're about to give is 2 the truth, the whole truth, and nothing but the truth? 3 MR. SMITH: I do. 4 HEARING OFFICER BAUMGARDNER: All right. And, sir, we 5 do have your name, and your business address, and your e- 6 mail. For the record, if you can simply just provide your 7 name and then your -- your affiliation with this project, 8 please. 9 MR. SMITH: My name is Aaron Buckley Smith, I am the 10 civil engineer of record as part of this application working 11 for the Landon School. 12 HEARING OFFICER BAUMGARDNER: Great. I'll turn it over 13 to you, Mr. O'Neil. 14 MR. O'NEIL: Thank you. You indicated previously that 15 you work with A. Morton Thomas and Associates? Is that 16 correct? 17 MR. SMITH: That is correct. 18 MR. O'NEIL: And how long have you been employed by A. 19 Morton Thomas? 20 MR. SMITH: I've been with A. Morton Thomas 19 years 21 and been practicing civil engineering in the area for 24 22 years. 23 MR. O'NEIL: Can you describe your professional 24 educational background and any professional designations or 25 accreditations you've received?</p>	<p>79</p> <p>1 MR. O'NEIL: Thank you. Mr. Smith, are you familiar 2 with the special exception application which is before the 3 hearing examiner? 4 MR. SMITH: Yes. I am. 5 MR. O'NEIL: Can you describe your responsibilities 6 with regard to the special exception application? 7 MR. SMITH: Yes. I've been responsible preparing -- 8 preparing various special exception application materials, 9 including the -- the special exception site plan, fire 10 access plan, and storm water management materials. 11 MR. O'NEIL: Is -- 12 MR. SMITH: As well as, sorry, the preparation of the 13 NRI/FSD, and forest conservation applications. 14 MR. O'NEIL: Thank you. They -- can you describe the 15 location of the property and the surrounding area from your 16 perspective to help flesh out the description for the 17 hearing examiner? 18 MR. SMITH: Sure. If we could maybe pull up exhibit 47 19 again, the aerial. 20 HEARING OFFICER BAUMGARDNER: Sure. One second. 21 MR. SMITH: Thank you. 22 HEARING OFFICER BAUMGARDNER: It should be on your 23 screen now. 24 MR. SMITH: Yep. Thank you. So Mr. Neill did a very 25 good job of, I think, explaining the existing conditions</p>
<p>78</p> <p>1 MR. SMITH: Sure. I have a bachelor's in civil 2 engineering from the University of Notre Dame, a master's of 3 civil engineering from the University of Maryland. I'm a 4 lead, accredited professional and a registered professional 5 engineer in Maryland, D.C., and Virginia. 6 MR. O'NEIL: And what is your current position at A. 7 Morton Thomas? 8 MR. SMITH: I am currently -- currently the director of 9 site civil engineering, which entails managing a staff of 10 approximately eight engineers working on site development 11 projects in the Maryland, D.C. and Virginia area. 12 MR. O'NEIL: Have you ever testified as an expert 13 before the Montgomery County Office of Zoning in 14 administrative hearings? 15 MR. SMITH: Yes. I have. 16 MR. O'NEIL: And if -- if so, what capacity have you 17 been admitted as a -- as an expert? 18 MR. SMITH: As a civil engineer. 19 MR. O'NEIL: And I note that Mr. Thomas -- I'm sorry 20 Mr. Smith has his resume included in exhibit 7, and we move 21 -- at this time to have him admitted as an expert in civil 22 engineering. 23 HEARING OFFICER BAUMGARDNER: He is so designated and 24 admitted as an expert in civil engineering for the purposes 25 of this hearing.</p>	<p>80</p> <p>1 from my perspective. I'll try not to be redundant. 2 But just to reiterate, it's a -- it's a 70 acre 3 recorded partial located at 6101 Wilson Lane in Bethesda 4 Maryland. It is, as stated previously, surrounded by single 5 family residences, and there is a school located to the west 6 of the property, Thomas Pyle Middle School. 7 HEARING OFFICER BAUMGARDNER: Sorry, Mr. Smith. If I 8 could -- I'm not seeing the aerial on the screen. Is -- is 9 that my deficiency, or are others experiencing that? 10 MR. SMITH: I'm able to see it on mine. 11 MR. NEILL: I'm able to see it. 12 MR. SPACK: I can see it, as well. 13 MR. O'NEIL: I can see it. 14 HEARING OFFICER BAUMGARDNER: Okay. Then it's -- it's - 15 - I -- I can live with it being my deficiency. So please 16 move forward. 17 MR. SMITH: Okay. So as again previously stated, the -- 18 the operations of the existing campus are really central to 19 the property. 20 And given its large size, the 70 acre size of the 21 property, it's really able to be insulated somewhat from the 22 surrounding community. The west, north, and east sides all 23 have a forested buffer associated with them, and as stated 24 previously, there's a -- in addition a stream that runs down 25 the west side.</p>

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21 (81 to 84)

<p>81</p> <p>1 The -- again, also as previously stated, the -- in 2 terms of its compatibility with the surrounding area, it's 3 been used historically as an amenity for the surrounding 4 community and will continue to do so under this application. 5 And then one other item with regard to the surrounding 6 community, and as documented in the staff report, there are 7 four other special exception -- special exceptions in the 8 area. 9 Three of those are accessory apartments, and one is a 10 home occupation. If we could switch to the -- to exhibit 13. 11 Or I -- I can pull it up if that is easier. 12 HEARING OFFICER BAUMGARDNER: That's all right. I can 13 get it right here. 14 MR. SMITH: Okay. 15 HEARING OFFICER BAUMGARDNER: Exhibit 13 should be 16 coming up on your screen momentarily. 17 MR. SMITH: So this is just, again, describing the 18 location of the property, this is specific to the -- to the 19 zoning of the property. 20 It is zoned R-90, and is subject to TDR 8 Overlay zone 21 along the east side of the property. That is related to the 22 potential to increase the residential density on the site, 23 but there is -- that is not part of this application. 24 There's no interest in -- in increasing residential 25 density at this time. I think this would be also a good</p>	<p>83</p> <p>1 Boulevard to the south and east, that's the school's 2 frontage there. Passing to the other side, that first 3 property fronting on Bradley Boulevard is also owned by 4 Landon. 5 And then if you continue to scroll to the east along 6 Bradley Boulevard, that property is not owned by Landon. 7 That was the one identified by you, Mr. Baumgardner, as not 8 being shaded on the master plan. 9 And if you go to the next property to the east with the 10 kind of long triangular section, that partial is also owned 11 by -- by Landon. 12 HEARING OFFICER BAUMGARDNER: Understood. And Mr. 13 Smith, if you know, I have my cursor over Bradley Boulevard 14 with a property that was -- that you had just testified, or 15 that you just indicated was owned by Landon School. Is this 16 an entrance to the campus? 17 MR. SMITH: It is an entrance to the campus. The -- the 18 campus has two entrances, the main one being off of Wilson 19 Lane, and the second -- secondary one being off -- off of 20 Bradley Boulevard where you're indicating now. 21 HEARING OFFICER BAUMGARDNER: Okay. Thank you. 22 MR. SMITH: Mm-hmm. 23 MR. O'NEIL: So, Mr. Smith, have you made a personal 24 inspection of the subject property? 25 And if so can you describe the existing improvements?</p>
<p>82</p> <p>1 opportunity to identify the properties that are owned by 2 Landon, but are not part of the subject partial. 3 So on the -- if -- on the north side of the property 4 immediately adjacent to the left of where your cursor is, 5 and -- and north of the arts building, that property is -- 6 that property there directly north is -- is owned by the 7 school, but not part of the subject partial. 8 Similarly, if you scroll to the east, the L-shaped 9 residence that sits on multiple partials is also owned by 10 Landon, but not part of the subject partial. Scrolling down 11 -- 12 HEARING OFFICER BAUMGARDNER: I'm sorry, sir. And for 13 the record, I'm -- I'm simply moving my cursor along what's 14 marked as Alcott Road on -- for the first property that was 15 mentioned. And then the L-shaped property looks like -- I 16 can't tell if it properly fronts on Bradley Boulevard, or it 17 properly fronts on whatever this section is. 18 MR. SMITH: Bradley. 19 HEARING OFFICER BAUMGARDNER: Poe Road and Alcott Road 20 do this very odd intersection. But simply for the record 21 stating where my cursor is indicating on these properties 22 that the witness is testifying are part of the Landon 23 property, but are not subject to this particular 24 application. Mr. Smith, you may continue. 25 MR. SMITH: And then scrolling then along Bradley</p>	<p>84</p> <p>1 And -- and I apologize if you've done that. I actually was 2 kicked out of the -- the hearing for a little bit. So if I 3 missed it, I apologize. But that was what I was trying to 4 elicit from you. 5 MR. SMITH: Now if I could -- if you -- if we could go 6 back to exhibit 47, I will talk a little bit more about the 7 -- and I -- yes. I have done a personal expend -- inspection 8 of the property. 9 And as, again, previously stated, it's comprised of a 10 mixture of academic, administrative, and athletic 11 facilities, all -- and including the athletic fields, all 12 supporting the academic mission of the school. 13 There are five residential structures on the campus 14 property that are used by faculty and staff. There's a total 15 off 370 parking spaces on the property. 16 Again, I think Mr. Neill did a good job of walking 17 through where there's -- where they're dispersed throughout 18 the campus with some parallel parking along the main 19 driveway. 20 And again, the -- the main developed area of campus is 21 in the center of the property, consists of a manicured lawn 22 and landscape area, athletic fields with some mature trees. 23 And again, the north, and east, and west edges of the 24 property also consist of -- well, they do consist of mature 25 forested area which helps buffer the -- the property from</p>

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22 (85 to 88)

<p>85</p> <p>1 the surrounding community.</p> <p>2 And again, as stated previously, there's a tributary of</p> <p>3 Booze Creek running along the -- the western edge. The</p> <p>4 western edge of the property, again, providing a nice buffer</p> <p>5 for the main campus.</p> <p>6 MR. O'NEIL: And you're -- you're referencing some of</p> <p>7 the environmental features that are on the campus.</p> <p>8 MR. SMITH: Mm-hmm.</p> <p>9 MR. O'NEIL: What -- what, if any, environmental</p> <p>10 approvals were sought as part of this application?</p> <p>11 MR. SMITH: So the -- there was a -- there's an</p> <p>12 approved NRI/FSD as part of the application. And also an</p> <p>13 approved forest conservation exemption as part of the</p> <p>14 property that was approved under section 22A of the -- of</p> <p>15 the county code as a developed non-residential property.</p> <p>16 MR. O'NEIL: Thank you. And what is the proposed use of</p> <p>17 the site pursuant to the special exception application if --</p> <p>18 if it -- if it wasn't already obvious?</p> <p>19 MR. SMITH: It -- the proposed use as a private</p> <p>20 educational institution as it exists today. And as described</p> <p>21 by others, it's -- there'll be some renovations and</p> <p>22 improvements related to some site-specific issues. There's</p> <p>23 also a summer camp, again, as previously stated.</p> <p>24 MR. O'NEIL: And if we can turn our direction to the</p> <p>25 special exception application. And I ask that you provide an</p>	<p>87</p> <p>1 MR. O'NEIL: There it is.</p> <p>2 HEARING OFFICER BAUMGARDNER: So I am seeing what we</p> <p>3 are marking -- or what's been pre-marked, but what we're</p> <p>4 going to be moving to admit as exhibit 49, an updated site</p> <p>5 plan.</p> <p>6 MR. O'NEIL: So with -- with using this as a -- as a</p> <p>7 baseline, can you walk us through the changes that are being</p> <p>8 sought in this special exception application?</p> <p>9 MR. SMITH: Sure. So again, as stated by others, the</p> <p>10 primary goal of the application is to establish a new</p> <p>11 academic core on the north side of the campus, and we're</p> <p>12 [inaudible] separate pedestrians and students on campus from</p> <p>13 -- from vehicles. And as part of that, it's the</p> <p>14 establishment of this perimeter road going around the</p> <p>15 outside of the developed area of the campus.</p> <p>16 As part of that, the pedestrian -- or, as part of the -</p> <p>17 - the perimeter road, we'll also be introducing side walks</p> <p>18 along the -- the edge of the road. Again, to, you know,</p> <p>19 enhance the pedestrian safety and -- and walkability of the</p> <p>20 campus.</p> <p>21 Specifically with regard to parking, I'd like to kind</p> <p>22 of walk through in a little more detail the parking</p> <p>23 improvements.</p> <p>24 The -- for the most part, we are again, and -- and I'll</p> <p>25 say in general, in terms of the -- the proposed application,</p>
<p>86</p> <p>1 overview of the changes that are being sought in the</p> <p>2 application.</p> <p>3 MR. SMITH: Sure. If we could -- I guess we would be</p> <p>4 introducing exhibit 49 which is the updated site plan.</p> <p>5 HEARING OFFICER BAUMGARDNER: Pulling it up right now.</p> <p>6 MR. O'NEIL: Yeah. This is -- this is a -- an exhibit</p> <p>7 that has been submitted and marked as exhibit 49. And -- and</p> <p>8 at the end, I -- I'm going to move to have all the exhibits</p> <p>9 that are introduced be admitted into the record.</p> <p>10 HEARING OFFICER BAUMGARDNER: Understood. Which should</p> <p>11 be appearing on your screen whenever it appears on mine. It</p> <p>12 looks like it's still loading. It's an updated site plan, I</p> <p>13 believe. We'll see if it loads properly.</p> <p>14 MR. O'NEIL: Just as a backup, Mr. Smith, I -- I don't</p> <p>15 know if you have --</p> <p>16 MR. SMITH: I do. I can -- if there's an issue, I'm</p> <p>17 happy to pull it up on my screen.</p> <p>18 HEARING OFFICER BAUMGARDNER: It might be a bandwidth</p> <p>19 issue from my -- my Wi-Fi. If you can pull it up on your</p> <p>20 screen, Mr. Smith, that would be helpful. Instead of waiting</p> <p>21 for --</p> <p>22 MR. SMITH: Okay.</p> <p>23 HEARING OFFICER BAUMGARDNER: -- my Internet to</p> <p>24 cooperate. Let me un-share, and you should be able to share</p> <p>25 your screen whenever you're ready.</p>	<p>88</p> <p>1 the development is -- is very much a redevelopment of the</p> <p>2 existing developed area.</p> <p>3 So in that sense, the -- the school is being very --</p> <p>4 being good stewards of the environment in terms of working</p> <p>5 with an area that's -- that's already developed.</p> <p>6 And following that same approach, we've also focused</p> <p>7 really the -- the parking and the perimeter road with a few</p> <p>8 exceptions in areas where there is already parking and</p> <p>9 roadway.</p> <p>10 There is a -- a new parking lot being introduced</p> <p>11 adjacent to, and to the -- the east of the new upper school</p> <p>12 building, and below the existing middle school building,</p> <p>13 that is probably the largest addition in terms of new</p> <p>14 parking on -- on the campus as part of this application.</p> <p>15 And then moving to the -- slightly to the north and</p> <p>16 east, there is some additional head-in parking along the --</p> <p>17 the perimeter road that they introduced.</p> <p>18 And this actually a reduction both from -- to -- to</p> <p>19 your question previously, Mr. Baumgardner, about the -- the</p> <p>20 parking shown on the master plan, this is a reduction from</p> <p>21 the master plan obviously in terms of parking in this area.</p> <p>22 Also, a -- a reduction of parking from the existing</p> <p>23 condition, as well as moving the parking further away from</p> <p>24 the property line in this location. I will say that we are</p> <p>25 meeting the setback requirements in all cases.</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 And that was one of the -- in working with staff, we 2 did end up moving a couple spaces around in this area in 3 order to make sure that we met the setback requirements in 4 this location. 5 Moving around the campus in a -- in a counter-clockwise 6 direction, there's some existing parking just to the north 7 of the middle school building. And then moving west, we are 8 preserving the large -- the area of the large existing 9 parking -- gravel parking lot on campus. It's actually being 10 reduced, but the general location's being maintained. 11 And then moving west around the arts building, the 12 Mondzac building, this was an area where we spent a lot of 13 time with the neighboring community with regard to the 14 parking in this area. 15 There is existing parking, but it is parallel parking. 16 And as part of this application, we're looking to convert 17 that to head-in parking, where it would only be an increase 18 of approximately of eight spaces as part of that transition 19 from parallel parking to -- to head-in parking. 20 And as part of that -- as part of those improvements, 21 and again, in coordination with the neighbors, there'll be 22 screening introduced in this area, in terms of it'll -- it 23 would be landscaped screening and fencing to address their 24 concerns. 25 MR. O'NEIL: What were their specific concerns?</p>	<p style="text-align: right;">91</p> <p>1 to the west of the athletic building. 2 West and south, we're introducing some -- a small 3 amount of additional parking to the south to -- in the 4 future to help serve the -- the new -- the relocation of the 5 tennis courts and the athletic facilities on the south side. 6 And then circling back around, we -- there's existing 7 parking in this area now to the -- along the perimeter road 8 on the south end of campus. We'll be just shifting some of 9 those parking spaces to the south side of the road. 10 And then ultimately, which has, again, been stated 11 previously, there -- there is as part of the application, an 12 underground parking garage proposed in the center of campus 13 underneath the athletic field. 14 MR. O'NEIL: The -- Mr. Neill had testified about new 15 parking -- I'm sorry, new roads that are being introduced as 16 part of the special exception amendment. And he referenced 17 an area in the northeast portion of -- of the site. Is there 18 other additional new parking being proposed in the -- 19 regarding -- I'm referring to area in the -- the area around 20 the athletic facility? 21 MR. SMITH: Yes. There is. So in -- in terms of new 22 roadway, or relocation of existing roadway, in addition to 23 the area on the -- on the northeast side there's a slight 24 modification proposed, it's really a straightening of the 25 roadway in the area to the west of the athletic building.</p>
<p style="text-align: right;">90</p> <p>1 MR. SMITH: Their specific concerns with regard to 2 parking were additional traffic, but primarily the 3 headlights associated with head-in parking as opposed to 4 parallel parking. 5 And so the -- the -- those fences and landscaping will 6 deal with the headlights as well as any -- they're intended 7 to be -- intended to deal with any noise that may be 8 generated as well. 9 MR. O'NEIL: I -- I cut you off your -- your trip 10 around. I cut him off on his trip around campus, so please 11 continue. 12 MR. SMITH: Okay. Thank you. So in terms of, again, 13 parking and operations, there's an existing parking lot on 14 the west side of campus, immediately west of the Wilson 15 Building. It's currently -- it's currently functioning as a 16 parking lot. 17 This is in -- in the ultimate buildout of the campus 18 will become more of a loading and unloading zone that will 19 serve the entire campus. And again, as part of the 20 application, we're proposing fencing and additional 21 landscaping in this area. Again, to address concerns from 22 the neighboring community. 23 Moving around and then again, counter-clockwise to the 24 south, we're maintaining a -- more or less maintaining 25 existing parking adjacent to the athletic building to the --</p>	<p style="text-align: right;">92</p> <p>1 And that's to accommodate the proposed building addition 2 discussed by Mr. Spack. 3 MR. O'NEIL: Overall, the -- the -- the parking that's 4 being proposed in comparison to existing parking, how does 5 it affect or address parking throughout the campus in terms 6 of location and flexibility of use? 7 MR. SMITH: So again, the -- the intent was to really 8 use the existing parking and -- and -- as much as possible, 9 but also, any sort of parking improvements in the same 10 general areas. 11 And again, it's dispersed throughout campus in order to 12 serve all those various facilities and -- and buildings. The 13 existing parking on campus, which has been -- been stated 14 previously, is -- has been adequate for the school's needs 15 will -- is 370 parking spaces. 16 At no time will -- will the campus be less than 370, 17 and ultimately it's proposed to be at 386 under the full 18 buildout and addition. 19 MR. O'NEIL: And have you addressed the zoning 20 ordinance requirements related to -- to minimum parking at 21 the site in -- in -- in the data table? 22 MR. SMITH: Yes. Yes, we have. And I can zoom in on 23 that if that's helpful. So in terms of the parking 24 requirements, the parking requirements under the -- under 25 the zoning code is 301 parking spaces. As previously stated,</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 there's 370 existing. Under phase one, there'd be 383 2 spaces, and on phase two there'll be 386. 3 MR. O'NEIL: Thank you. And what -- what bicycle 4 parking amenities or opportunities are being included in 5 this brand? 6 MR. SMITH: So there's 20 parking -- bicycle parking 7 spaces required, and we've proposed to provide 20. 8 And there -- proposed -- there's 10 parking -- bicycle 9 parking spaces proposed near the -- the new upper school 10 building. And then I believe the other 10 are proposed 11 adjacent to the existing athletic building. 12 MR. O'NEIL: Thank you. And what, if any, dedications 13 are anticipated as a result of the application? 14 MR. SMITH: There's a dedication associated with Wilson 15 Lane. So -- which is a state -- state road, it's managed by 16 the state highway. 17 We coordinated with them extensively as part of this 18 application, and ultimately there's a requirement that 19 currently the property line extends out into Wilson Lane. 20 I'm going to zoom in to over here. 21 So currently the property line extends out into Wilson 22 Lane, and is currently part of the school's property. So as 23 part of this application, and it coordinates with state 24 highway, there's a -- there will be a dedication to meet the 25 master plan width of 80 feet.</p>	<p style="text-align: right;">95</p> <p>1 testimony from Mr. Spack about the -- the scope and scale of 2 this school. From your perspective, what if any impact does 3 the proposed brand have on current and future compatibility 4 with the neighborhood? 5 MR. SMITH: There's -- 6 HEARING OFFICER BAUMGARDNER: Looks like we have a 7 freeze on Mr. Smith's testimony. Is anyone else hearing 8 that? 9 MR. O'NEIL: Yeah. It looks like he just -- yeah. I -- 10 I heard the freeze, but it looks like he's unfrozen now. 11 MR. SMITH: I'm sorry. Did I get cut off? 12 MR. O'NEIL: You were -- you froze for a moment, but it 13 looks like you're back with us. So in -- in response to the 14 question about the compatibility. 15 MR. SMITH: Yes. 16 MR. O'NEIL: Teams does not want you to answer this 17 question, I don't think. 18 MR. SMITH: Hold on. Let me -- let me stop sharing and 19 see if that helps. 20 HEARING OFFICER BAUMGARDNER: Yeah. Things that -- to 21 decrease band -- to decrease the load on the -- on the 22 platform generally help with those sorts of things. 23 MR. SMITH: So I'm sorry. Could you -- could you ask 24 the question again? 25 MR. O'NEIL: The -- the scope and scale has been</p>
<p style="text-align: right;">94</p> <p>1 So 40 feet from the center line of Wilson Lane, the 2 lane inside of the -- the roadway will be dedicated. 3 MR. O'NEIL: Are there any bus stop improvements that 4 are being proposed? 5 MR. SMITH: There are. There's an existing bus stop 6 along Wilson Lane, there's no proposed changes to that. 7 But again, as -- as part of working with staff, we are 8 making improvements to the bus stop along Bradley Boulevard. 9 We'll be adding a concrete pad, as well as ADA compliant 10 access. 11 MR. O'NEIL: The hearing examiner had asked about 12 distances between buildings and the existing neighborhood. 13 Is -- is that something you can talk to? Or -- or is there 14 another exhibit you want to refer to? 15 MR. SMITH: No. I can talk to it here. So I -- I 16 believe the question was primarily focused on the new 17 buildings that are proposed as part of the application. So 18 this is the -- the primary new building is the upper school. 19 So that -- the distance from that building to the 20 nearest property line is -- is approximately 386 feet. 21 Similarly, the addition to the athletic building -- and let 22 me just zoom in so I don't [inaudible] similarly the 23 distance from that addition to the nearest property line is 24 368 feet. 25 MR. O'NEIL: Thank you. The -- you commented on prior</p>	<p style="text-align: right;">96</p> <p>1 testified to by Bill Spack of the proposed project. And I'm 2 interested for you to opine on what, if any, impact the plan 3 has from your perspective on the compatibility of the 4 neighborhood. 5 MR. SMITH: We -- we don't see any impact to the 6 compat- -- compatibility of the neighborhood. It's -- you 7 know, the -- the proposed use is consistent with the 8 existing use. So it would just -- already has been -- 9 previously has been found to be compatible. 10 MR. O'NEIL: And you also mentioned a number of special 11 exceptions in the area. Is the -- what, if any, impact does 12 the proposed special exception modification have on 13 increasing the special exception numbers in the area? 14 MR. SMITH: Again, it has -- has no impact. It's an 15 existing special -- special exception for the property. 16 There's no significant change proposed. 17 MR. O'NEIL: And Mr. Spack testified about the 18 incremental road. That the master plan is not intended to be 19 built at once. Is -- what, if any, phasing plan exists for 20 the -- the application? 21 MR. SMITH: There -- there -- there is a phasing plan 22 and it's a part of the record. It's exhibit 38B, I believe. 23 I'm going to attempt to pull it up. Is it -- are they -- 24 MR. O'NEIL: Yeah. So -- okay. I recall there's a lot 25 of bandwidth on them. So hopefully you can stay with us.</p>

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 MR. SMITH: Okay. Can you hear me?</p> <p>2 MR. O'NEIL: Yes.</p> <p>3 MR. SMITH: Okay. So I'll do this quickly. So this is -</p> <p>4 - there are three phases as previously stated. There's phase</p> <p>5 zero which was approved under a separate administrative</p> <p>6 modification.</p> <p>7 It's shown in red, and into the 38B. And is -- has to</p> <p>8 do with the improvements along the -- the frontage, and the</p> <p>9 entrance drive, including the relocation of the existing</p> <p>10 guard house on the property.</p> <p>11 Moving to the second of three sheets in exhibit 38B,</p> <p>12 phase one is illustrated in blue. And that is the</p> <p>13 construction and establishment really of this academic quad</p> <p>14 on the north side of campus, and the construction of the new</p> <p>15 roadway on the northeast side of campus to create that</p> <p>16 separation from pedestrians and vehicles, and establish at</p> <p>17 least the beginnings of the perimeter road on the -- on the</p> <p>18 -- east side of campus.</p> <p>19 And then we'll -- what's being called phase two is</p> <p>20 essentially the construction of the rest of the improvements</p> <p>21 under this application. Which would be the completion of the</p> <p>22 perimeter road along the -- the north side, and -- and down</p> <p>23 the west side, and around.</p> <p>24 And the other improvements which have been described,</p> <p>25 shifting of the tennis courts to the south end of campus,</p>	<p style="text-align: right;">99</p> <p>1 MR. O'NEIL: And in your opinion, does the special</p> <p>2 exception application comply with the development standards</p> <p>3 for the R-90 zone and special exception private educational</p> <p>4 institution requirements?</p> <p>5 MR. SMITH: Yes. It does. And we were responsible for</p> <p>6 preparing the development table that addresses these</p> <p>7 requirements on the site plan.</p> <p>8 MR. O'NEIL: And that's, again, referring to site --</p> <p>9 the site plan 49 -- exhibit 49. I'm now going to ask you a</p> <p>10 series of questions about your knowledge of the zoning</p> <p>11 ordinance.</p> <p>12 And it's a little tedious, but I ask you to bear with</p> <p>13 me to make sure that we have the benefit of your opinion in</p> <p>14 regard to some important conclusions that the hearing</p> <p>15 examiner needs to make.</p> <p>16 And this includes the general and specific requirements</p> <p>17 for special exception approval, and the -- your familiarity</p> <p>18 with the project, and your professional expertise. Is the</p> <p>19 special exception use allowed in the R-90 zone?</p> <p>20 MR. SMITH: Yes. It is.</p> <p>21 MR. O'NEIL: And does the special exception comply with</p> <p>22 the zoning ordinance standards and requirements for a</p> <p>23 private educational institution?</p> <p>24 MR. SMITH: Yes. It does, as -- as conditioned.</p> <p>25 MR. O'NEIL: Will the special exception be consistent</p>
<p style="text-align: right;">98</p> <p>1 improvements to the -- addition to the athletic building,</p> <p>2 and potentially the -- the new parking garage under the</p> <p>3 athletic field in the center of campus.</p> <p>4 MR. O'NEIL: Thank you. And are you familiar with the</p> <p>5 1990 Bethesda-Chevy Chase master plan?</p> <p>6 MR. SMITH: Yes. I am.</p> <p>7 MR. O'NEIL: Does the master plan apply to the subject</p> <p>8 property?</p> <p>9 MR. SMITH: It does.</p> <p>10 MR. O'NEIL: Also, have you re -- have you reviewed the</p> <p>11 official zoning vicinity map for the property and the</p> <p>12 surrounding area, and know the applicable zoning for the</p> <p>13 property?</p> <p>14 MR. SMITH: Yes. I do, as discussed previously.</p> <p>15 MR. O'NEIL: And I believe that's -- my official zoning</p> <p>16 map is in the record as 13, exhibit 13. Are you familiar</p> <p>17 with the zoning ordinance for Montgomery County, including</p> <p>18 provisions related to the R-90 zone?</p> <p>19 MR. SMITH: Yes. I am.</p> <p>20 MR. O'NEIL: Are you familiar with the zoning ordinance</p> <p>21 requirements for special exception approvals?</p> <p>22 MR. SMITH: Yes. I am.</p> <p>23 MR. O'NEIL: Including the private educational</p> <p>24 institution specific requirements?</p> <p>25 MR. SMITH: Yes. I am.</p>	<p style="text-align: right;">100</p> <p>1 with the master plan?</p> <p>2 MR. SMITH: Yes. It is, just maintaining the use that</p> <p>3 was previously identified in the master plan.</p> <p>4 It's going to retain the -- the scope and scale with</p> <p>5 regarding compat- -- compatibility with the surrounding</p> <p>6 neighborhood. And it's preserving as -- as Mr. Spack</p> <p>7 testified to, it's preserving the historic elements on the</p> <p>8 campus, as well.</p> <p>9 MR. O'NEIL: Will the special exception be in harmony</p> <p>10 with the general character of the neighborhood?</p> <p>11 MR. SMITH: So as referenced in the staff report, and</p> <p>12 defined in the zoning ordinance, harmony is defined by a</p> <p>13 number of factors, including population density, design,</p> <p>14 scale, and bulk of the proposed buildings, the intensity and</p> <p>15 character of activity, traffic, parking conditions, and</p> <p>16 numbers of other uses.</p> <p>17 The -- in my opinion, the -- the -- the application has</p> <p>18 no effect on the residential population density.</p> <p>19 As previously stated, the design, scale, and bulk of</p> <p>20 the proposed buildings will be compatible with the</p> <p>21 surrounding residential community. The intensity, character</p> <p>22 of activity is compatible to the existing conditions, which</p> <p>23 has been approved previously under a special exception.</p> <p>24 Traffic will be discussed by the traffic engineer in</p> <p>25 her testimony. Parking conditions, again as previously</p>

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26 (101 to 104)

<p>101</p> <p>1 stated, there's sufficient parking on campus now, and will -</p> <p>2 - there'll continue to be sufficient parking on campus</p> <p>3 moving forward.</p> <p>4 And then there's no impact on the overall number of</p> <p>5 similar uses in the area. And again, I just reiterate that</p> <p>6 the campus changes will be interior to the school campus,</p> <p>7 and will not impact the surrounding neighborhood.</p> <p>8 MR. O'NEIL: Will the special exception impact the use,</p> <p>9 peaceful enjoyment, economic value, or development of</p> <p>10 surrounding properties of the general neighborhood?</p> <p>11 MR. SMITH: No. The -- and the county's previously</p> <p>12 determined that the school use on the property is -- is not</p> <p>13 detrimental to the -- to the use, peaceful enjoyment, or</p> <p>14 economic value, or development of the surrounding</p> <p>15 properties. And there should be no impact to the ec --</p> <p>16 economic value of the surrounding properties as a result of</p> <p>17 the application.</p> <p>18 MR. O'NEIL: So the -- the -- we -- we've heard</p> <p>19 testimony that the -- the operations for both the school and</p> <p>20 the camp will remain the same.</p> <p>21 Are there any features in place to ensure that any</p> <p>22 potential increase in intensity are mitigated at the camp</p> <p>23 level which is -- which is increasing in numbers?</p> <p>24 MR. SMITH: So there -- then -- from -- with regards to</p> <p>25 the camp, there's a -- again, a traffic study that's been</p>	<p>103</p> <p>1 separated from the property lines to protect the --</p> <p>2 surrounded by the community.</p> <p>3 MR. O'NEIL: Will the special exception impact the</p> <p>4 health, safety, security, morals, or general welfare of</p> <p>5 residents, visitors, or workers?</p> <p>6 MR. SMITH: No. It will not. And -- and actually, as</p> <p>7 part of this application and -- and again, as previously</p> <p>8 stated, there has not been any development on the campus for</p> <p>9 a number of years. So as part of this application, the --</p> <p>10 there'll be an enhancement of storm water management</p> <p>11 facilities on site. And so there will be improvements to the</p> <p>12 environmental conditions as a result.</p> <p>13 MR. O'NEIL: Will the special exception be served by</p> <p>14 adequate public facilities and services including schools,</p> <p>15 police, and fire protection, or other sanitary, sewer,</p> <p>16 public roads storm drains, etcetera?</p> <p>17 MR. SMITH: Yes. It will. Again, with regard to</p> <p>18 traffic, a traffic engineer will testify to that. The</p> <p>19 property's already served by -- by water and sewer. There --</p> <p>20 there's no request for additional students, they're not</p> <p>21 increasing enrollment as a result of this application. And</p> <p>22 the property is located in close proximity to both police</p> <p>23 and fire stations.</p> <p>24 MR. O'NEIL: Will the special exception comply with the</p> <p>25 normal standards for the R-90 zone?</p>
<p>102</p> <p>1 provided. And -- and the traffic engineer will discuss that.</p> <p>2 In addition, there's been an agreement with regard to</p> <p>3 the distance of any outdoor activities, with regard to</p> <p>4 groups of students of 25 or more being a certain distance</p> <p>5 away from the edges of the property line to respect the</p> <p>6 surrounding community.</p> <p>7 MR. O'NEIL: Thank you. Will the special exception</p> <p>8 project any objectionable noises, vibrations, fumes, odors,</p> <p>9 dust, or glare, or physical activity?</p> <p>10 MR. SMITH: No. And again, county's previously</p> <p>11 determined that a private educational institution at this</p> <p>12 location will not cause any objectionable noise, vibration,</p> <p>13 fumes, odors, dust, glare, or physical activity.</p> <p>14 And the -- again, the application is -- is not going to</p> <p>15 generate any more impact than what's there under the</p> <p>16 existing conditions.</p> <p>17 And there are measures being taken as part of the</p> <p>18 application to kind of further reduce the possibility of --</p> <p>19 of any impact, including cutoff lighting, and along -- and</p> <p>20 make sure that -- that there's no light spillage at the</p> <p>21 property lines. Which will also be tested out to the range,</p> <p>22 give or take.</p> <p>23 And then again, as -- as I mentioned as part of the</p> <p>24 conditions, the camp activities will -- will be -- will be -</p> <p>25 - the school will ensure that camp activities will be</p>	<p>104</p> <p>1 MR. SMITH: Yes. It will, as discussed previously. And</p> <p>2 as indicated on our submitted plans.</p> <p>3 MR. O'NEIL: Is the -- is a storm water management</p> <p>4 concept plan required for the project?</p> <p>5 MR. SMITH: Yes. There is. It's been submitted and</p> <p>6 approved by the Department of Permitting Services. And we</p> <p>7 have also addressed the phasing component of the application</p> <p>8 with DPS. So the -- the storm water management concept has</p> <p>9 been approved for the overall campus buildout as one concept</p> <p>10 approval, and then it will be approved. The -- the final</p> <p>11 stormwater management and erosion [inaudible] control</p> <p>12 applications will be approved in five days.</p> <p>13 MR. O'NEIL: Does a special exception require</p> <p>14 preparation of a preliminary forest conservation fund?</p> <p>15 MR. SMITH: No. It does not. As previously stated it's</p> <p>16 qualified for a forest conservation exemption.</p> <p>17 MR. O'NEIL: Is a special exception site subject to an</p> <p>18 approved water quality plan?</p> <p>19 MR. SMITH: No. It is not. It is not in an special</p> <p>20 protection area.</p> <p>21 MR. O'NEIL: Regarding compliance with private</p> <p>22 educational institutions special exception requirements, do</p> <p>23 the proposed changes create any nuisances, which is a</p> <p>24 nuisance which is incompatible with the environment and</p> <p>25 character of the surrounding neighborhood?</p>

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27 (105 to 108)

<p>105</p> <p>1 MR. SMITH: No. The school and camp will continue to 2 operate in the same way as it does today. Our transportation 3 engineer will talk about the summer camp numbers and -- and 4 how transportation will be handled as part of the summer 5 camp enrollment increase. 6 And again the camp activities that schools agreed to 7 maintaining smaller groups of campers approximately 25 8 dispersed throughout the campus during the -- the camp 9 activities. And again, keeping them back from the property 10 lines. 11 MR. O'NEIL: Would the proposed changes adversely 12 affect or change the present character or future development 13 of the surrounding residential community? 14 MR. SMITH: No. Again, as -- as discussed previously, 15 the scope and scale of the proposed improvements are -- are 16 consistent with the special exception that's already in 17 place and has previously been deemed to be compatible with 18 the surrounding neighborhood. 19 MR. O'NEIL: Do the proposed changes make the 20 development standards app- -- applicable to private 21 educational institutions? 22 MR. SMITH: Yes. They do. 23 MR. O'NEIL: Will the summer camp changes have any 24 adverse effect on the neighborhood due to traffic noise, 25 lighting, parking, or intensity, frequency or duration of</p>	<p>107</p> <p>1 MR. O'NEIL: In your professional opinion, does the 2 special exception satisfy all applicable code requirements? 3 MR. SMITH: Yes. It does. 4 MR. O'NEIL: And is there anything else you'd like to 5 add? 6 MR. SMITH: No. There's not. 7 MR. O'NEIL: No further questions for me at this time. 8 HEARING OFFICER BAUMGARDNER: Now Mr. Smith, the 9 underground parking garage you mentioned, where's that to be 10 located? 11 MR. SMITH: It's supposed to be located in the center 12 of campus, immediately east of the athletic building. So 13 between the athletic building and the football stadium. 14 HEARING OFFICER BAUMGARDNER: And what will be above 15 it? 16 MR. SMITH: It will continue to serve as an athletic 17 field. 18 HEARING OFFICER BAUMGARDNER: Got it. And lastly, if 19 you know, the -- your roadway dedication along Wilson Lane; 20 I see a lot of these issues pop up in Montgomery County that 21 I have not seen in other jurisdictions where there is -- I 22 don't know if it's a requirement, but there's a dedication 23 of private property for public use along major roads. 24 Is there a reason for that, if you're aware, of why 25 this pops up pretty frequently in Montgomery County that</p>
<p>106</p> <p>1 activities? 2 MR. SMITH: No. And again, our -- our transportation 3 engineer will -- will go into detail on the transportation 4 elements of the summer camp changes. And that's [inaudible] 5 will have no adverse impacts on the surrounding area. 6 MR. O'NEIL: Had the applicant submitted a site plan 7 and complied with the site plan requirements for private 8 educational facilities? 9 MR. SMITH: Yes. We have and it's been introduced -- an 10 updated version of it has been introduced today as Exhibit 11 49. 12 MR. O'NEIL: And in regard to the -- that the updated 13 version that's -- that's submitted, what if any changes have 14 occurred to the site plan over the course of your view and - 15 - and that -- that prompted the site plan that we have 16 today? 17 MR. SMITH: So the changes are relative to primarily 18 conversations with the surrounding community and -- and -- 19 and staff comments, but the most recent site plan addresses 20 and coordinates with the landscape plan, which our landscape 21 architect will discuss. 22 And also the batting cage locations which again has 23 previously been discussed. So the -- the changes, again, had 24 more to do with just making sure the surrounding communities 25 is -- is happy with the application.</p>	<p>108</p> <p>1 might not pop up in other jurisdictions? 2 MR. SMITH: I -- I -- I am not familiar with why this 3 happens more in Montgomery County but i- -- i- -- it does -- 4 it does come up for us as well, frequently. 5 HEARING OFFICER BAUMGARDNER: Just curious, it's just 6 something I've noticed in my time that doesn't come up in 7 other jurisdictions as frequently as it does in our county. 8 Those were -- those were the only follow-up questions I had. 9 Mr. O'Neil, any questions based on my questions, sir? 10 MR. O'NEIL: The only question, I would need a little 11 elaboration on the -- the reason the dedication issue 12 emerges more frequently in Montgomery County. 13 HEARING OFFICER BAUMGARDNER: Sure. Let me just ask one 14 more question of the field. Were there any questions for Mr. 15 Smith from anyone else who's currently logged in from the 16 community or anyone else that's currently logged in, please 17 raise your virtual or your physical hand? Seeing none, we 18 will conclude Mr. Smith's testimony. 19 And yes, Mr. Neil if you can, elucidate to me on why 20 Montgomery seems to have a road dedication issue with almost 21 every application that I hear? 22 MR. O'NEIL: There -- there's a cynical response and 23 then a more objective response. The -- the more objective 24 response is that, that there are -- the county is very 25 active in master planning. And the master plan occurs not</p>

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28 (109 to 112)

<p>109</p> <p>1 only in the -- the regional geographic area associated with 2 -- with the under- -- the underlying geography, the master 3 plan. 4 But there are also a variety of additional master 5 plans, including bikeway master plans, streetscape master 6 plans, all of which go into master plan conformance when -- 7 when Montgomery County bodies are reviewing applications. 8 And any updates that have occurred since the last time 9 the property has been through a regulatory review are now 10 subject to a variety of master plans except the one in place 11 as recently as a few years ago. 12 HEARING OFFICER BAUMGARDNER: Interesting. Since we're 13 on the record, I won't go -- I won't ask you about the 14 central -- 15 MR. O'NEIL: Thank you. 16 HEARING OFFICER BAUMGARDNER: Were there any other 17 questions for Mr. Smith? I guess kind of hearing none; we 18 will close his testimony. The time is now 12:02 p.m. 19 We will take a break for lunch. Is there any objections 20 to taking an hour at this time? If you want to go to one 21 more witness? If you want a shorter break, a longer break? 22 Any thoughts on that? 23 MR. O'NEIL: I -- I estimate that that we would 24 probably have 45 minutes or an hour left at -- at most so 25 however you want to spend that time is -- is we're -- we're</p>	<p>111</p> <p>1 the recording again right now. It should begin momentarily. 2 There it is. 3 So in the morning session we heard from the applicant's 4 three first witnesses. We have two or three there's two 5 witnesses to go, Mr. Stephenson and Ms. Wagner I think that 6 is our -- our five witnesses. 7 Going down roll of folks who have logged in I don't see 8 any new names. So we are officially back on the record. I'll 9 turn it back over to Mr. O'Neil to continue his examination 10 of witnesses in his case. 11 MR. O'NEIL: Thank you very much. This time we call 12 Katie Wagner as our witness. 13 HEARING OFFICER BAUMGARDNER: Ms. Wagner, if you can 14 unmute yourself and raise your right hand, please? And 15 ma'am, do you swear or affirm under the penalties of perjury 16 that the testimony you give -- are about to give is the 17 truth, the whole truth and nothing but the truth? 18 MS. WAGNER: I do. 19 HEARING OFFICER BAUMGARDNER: Thank you. We have your 20 name, your business address and your email address for the 21 record. But if you can just restate your name and your 22 affiliation, please. 23 MS. WAGNER: Yes. My name is Katie, or Katherine 24 Wagner. I am an employee of Gorove-Slade and Associates, and 25 I actually think I forgot to say my email address, but for</p>
<p>110</p> <p>1 ready to go at your discretion. 2 HEARING OFFICER BAUMGARDNER: Okay. Let's take an hour 3 break for lunch. The time is now 12:02 so we'll be back 4 around 1:05 or so if that works for everyone. So we will 5 recess -- off the record until 1:05 when we'll reconvene to 6 hear the remaining testimony in this case. Thank you all 7 very much. 8 MR. O'NEIL: Thank you. Do we stay on -- 9 (Off the record at 12:03:36 p.m.) 10 (Back on the record at 1:05:27 p.m.) 11 HEARING OFFICER BAUMGARDNER: It's entirely up to you. 12 I would recommend if you log off to log back in a little -- 13 a little bit early, just to make sure there's no technical 14 issues getting back on and remain on if you wish. Just 15 definitely go off camera and -- and mute yourselves., I will 16 keep the screen [inaudible] to check in on our court 17 reporter to see if he is also back. 18 MR. O'NEIL: I am here and I have -- it's allowed me to 19 unmute. I am here. 20 HEARING OFFICER BAUMGARDNER: Okay, perfect. Then we 21 are going to go back on the record. 22 Today is August 2nd, 2021. We're going back on the 23 record, the afternoon session. This is a modification of a - 24 - a major modification of a previously approved special 25 exception S686D for the Landon School. I'm going to start</p>	<p>112</p> <p>1 the record, my email address is k-l-w@gorove, g-o-r-o-v- 2 eslade.com. 3 HEARING OFFICER BAUMGARDNER: Thank you very much. Mr. 4 O'Neil, the witness is yours. 5 MR. O'NEIL: Thank you. Thank you Ms. Wagner. How long 6 have you been employed as a transportation engineer? 7 MS. WAGNER: 12 years. 8 MR. O'NEIL: And how long have you been employed with 9 Gorove-Slade? 10 MS. WAGNER: Six years. 11 MR. O'NEIL: And what are your professional response -- 12 or your responsibilities at Gorove-Slade? Your position and 13 responsibilities? 14 MS. WAGNER: Yes. I am a director of planning and 15 engineering at our DC office. So I am responsible for 16 overseeing a staff of about 10 people. And help -- help 17 prepare technical memorandum, traffic studies and address 18 transportation issues for different development projects 19 throughout the area. 20 MR. O'NEIL: Please describe your professional 21 educational background. Any professional designations or 22 licensure that you have? 23 MS. WAGNER: Yes. I am a -- I have my bachelors of 24 science in civil engineering from Gonzaga University. I am 25 also a licensed professional engineer in the state of</p>

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113	<p>1 Maryland, DC, Virginia, and Oregon. And I am also a licensed</p> <p>2 profess- -- P- -- I have my PTOE license. Which is</p> <p>3 professional transportation operations engineer and I've had</p> <p>4 that since 2016.</p> <p>5 MR. O'NEIL: Have you ever testified as an expert</p> <p>6 before Montgomery County Regulatory Agency?</p> <p>7 MS. WAGNER: Yes. I have.</p> <p>8 MR. O'NEIL: And if so, can you please describe the</p> <p>9 circumstances in which you were testifying as an expert?</p> <p>10 MS. WAGNER: Yes. Both special exceptions. One was for</p> <p>11 an assisted living facility off Liberty Mill Road. And the</p> <p>12 second one was another school project, the French</p> <p>13 International School.</p> <p>14 MR. O'NEIL: At this time we move to have Ms. Wagner</p> <p>15 admitted as a expert in transportation engineering. And I</p> <p>16 note that her resume is identified as -- in Exhibit 7.</p> <p>17 HEARING OFFICER BAUMGARDNER: She said as an expert in</p> <p>18 transportation engineering or traffic engineering for the</p> <p>19 purposes of this hearing.</p> <p>20 MR. O'NEIL: Thank you. Ms. Wagner, are you familiar</p> <p>21 with special exception case number S686D?</p> <p>22 MS. WAGNER: Yes.</p> <p>23 MR. O'NEIL: Can you describe your responsibilities</p> <p>24 with regard to the special exception application the</p> <p>25 petitioner's put forth?</p>	115	<p>1 available at that time. And so that's why the initial study</p> <p>2 was prepared to be submitted with that application.</p> <p>3 MR. O'NEIL: Thank you. And have you made a personal</p> <p>4 inspection of the special exception site?</p> <p>5 MS. WAGNER: Yes. I have.</p> <p>6 MR. O'NEIL: And are you familiar -- you're familiar</p> <p>7 with it and the surrounding area as well?</p> <p>8 MS. WAGNER: Yes. Again, as I stated, we kind of had to</p> <p>9 do traffic -- do the traffic study a little bit differently</p> <p>10 than what we typically do with the pandemic.</p> <p>11 I -- we luckily had a site tour of the school in</p> <p>12 February of 2020, so we was able to observe the operations</p> <p>13 of the campus before the pandemic took -- took effect on the</p> <p>14 school.</p> <p>15 And then we were able to interview teachers and heads</p> <p>16 of schools to get a better understanding of the typical</p> <p>17 traffic operations when we were preparing our traffic study.</p> <p>18 We also were able to utilize the [inaudible] cameras at</p> <p>19 the entrances to this campus. And so we were able to use the</p> <p>20 historical data that was stored on -- with those cam- --</p> <p>21 with those cameras to observe the number of cars that were</p> <p>22 coming in and out of the campus prior to the pandemic. In</p> <p>23 addition, I lived very close to this school and -- and very</p> <p>24 familiar with all the -- the roads as well as campus</p> <p>25 operations before the pandemic began or when we started</p>
114	<p>1 MS. WAGNER: Yes. We were responsible for reviewing the</p> <p>2 proposed vehicular circulation on campus as it also related</p> <p>3 to pedestrians and other activities that were happening on</p> <p>4 the campus.</p> <p>5 We observed traffic and queuing both under existing and</p> <p>6 proposed conditions. We worked with the project team to</p> <p>7 develop a circulation plan for the campus master plan in</p> <p>8 both the initial phasing and then the final completion of</p> <p>9 the campus master plan.</p> <p>10 And then we also prepared a LATR, local area</p> <p>11 transportation report for the proposed summer camp, as well</p> <p>12 as a transportation management plan for the summer camp.</p> <p>13 MR. O'NEIL: I'll ask you in a moment to elaborate, but</p> <p>14 did you also prepare a traffic statement for the</p> <p>15 application?</p> <p>16 MS. WAGNER: Yes. We did prepare a traffic statement.</p> <p>17 MR. O'NEIL: Thank you.</p> <p>18 MS. WAGNER: And that statement was at the time the</p> <p>19 application was being submitted for this project was in</p> <p>20 April or August of 2020. And at that time traffic studies</p> <p>21 were not able to be conducted due to the pandemic and the</p> <p>22 altered roadway conditions.</p> <p>23 And so we prepared a study that was -- that looked at</p> <p>24 what the impacts of an -- of a larger summer camp, on the</p> <p>25 roadway intersections with the traffic counts that were</p>	116	<p>1 doing our traffic study.</p> <p>2 MR. O'NEIL: So based upon those observations in your</p> <p>3 professional experience, what was your analysis regarding</p> <p>4 campus circulation?</p> <p>5 MS. WAGNER: We definitely identified as well as the --</p> <p>6 that was indicated in the campus master plan that there were</p> <p>7 pedestrian and vehicular conflict points throughout campus,</p> <p>8 which really altered the pickup and drop off operations as</p> <p>9 well as pedestrian safety throughout campus even outside of</p> <p>10 those pickup and drop-off time periods.</p> <p>11 And so the campus master plan really addresses those</p> <p>12 issues and -- and because of this -- because of those</p> <p>13 conflicts pedestrian -- students would get dropped off and</p> <p>14 picked up kind of wherever was convenient for a parent or a</p> <p>15 student and not necessarily follow the previous circulation</p> <p>16 plan that was supposed to be in place.</p> <p>17 MR. O'NEIL: I am going to ask either you or the</p> <p>18 hearing executor to bring up exhibits that have been</p> <p>19 introduced into the record that is I'm a little unclear as</p> <p>20 to which ones to begin with.</p> <p>21 So could you maybe direct the -- the question I'm going</p> <p>22 to ask you -- and in relation to the applicable exhibits to</p> <p>23 be submitted, or what is the proposed circulation plan as we</p> <p>24 are proposing in the campus master plan that you have put</p> <p>25 forth?</p>

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<p>117</p> <p>1 MS. WAGNER: Yes. That would be Exhibit 54, the -- oh, 2 sorry. Excuse me, Exhibit 56. The LATR. 3 HEARING OFFICER BAUMGARDNER: It should be coming up on 4 your screen shortly. Should be there now. 5 MS. WAGNER: And then yes. We can see that. And then 6 page 20- -- 25 of the PDF. 7 HEARING OFFICER BAUMGARDNER: So showing page 25 of the 8 PDF. I don't know whether that's page number 25 or 25. 9 MS. WAGNER: That's perfect. Yeah. That's great. 10 HEARING OFFICER BAUMGARDNER: Great. Showing a vehicle 11 circulation. 12 MS. WAGNER: Yes. If you could zoom out just a little 13 bit? 14 Okay. 15 MR. O'NEIL: So my question is for you to describe the 16 circulation plan that is proposed for the special exception. 17 MS. WAGNER: Yes. So I'll propose -- I'll -- I'll talk 18 about both. So this is Phase 1 of the campus master plan and 19 the circulation patterns are very similar. 20 So all vehicles will enter off of Wilson Lane which is 21 on the south entrance to the campus. They will -- vehicles 22 will pass through a security gate. The security gate will 23 have a through lane for vehicles that are registered on 24 campus. 25 And then any vehicle that's not registered on campus</p>	<p>119</p> <p>1 queuing delays. 2 Then vehicles are a -- vehicles associated with the 3 upper and middle school that have already dropped off 4 students can exit out onto Bradley Boulevard. As you can see 5 in this exhibit there are little red people shown on the 6 plan and those are traffic control personnel. 7 These are off-duty police officers that the school 8 utilizes now that help vehicles exit out of the campus. 9 There is a outbound turn restriction at Bradley Boulevard. 10 And so that a lot prevents again queuing on campus. 11 The vehicles are only allowed to turn right out of the 12 campus. And then vehicles that need to drop off -- the lower 13 school will drop off there is a larger drop off zone for 14 lower school students, as they're a little bit slower. 15 More students are being dropped off in that area. And 16 so students will be dropped off there. And then a parent 17 that has dropped off for the lower school will then continue 18 to circulate around campus and they have the choice to 19 continue back to Bradley Boulevard or they can ex- -- exit 20 out onto Wilson Lane. 21 One thing to note since the time that our LATR was 22 prepared there will be two-way circulation allowed on just 23 the Southern portion of the campus circulation road, where 24 there's some parking proposed at that -- in that lower area 25 where vehicles don't have to circulate all the way around</p>
<p>118</p> <p>1 will be required to stop at that security gate. The two 2 lanes was intentional to make sure that there was no delays 3 or queuing onto Wilson Lane when vehicles were entering into 4 the campus. 5 Vehicles will proceed in a counter-clockwise 6 circulation pattern. The first yellow box, the vehicles will 7 -- that's on this plan that shows the first yellow box by 8 the upper school is where upper school students will be 9 dropped off in the morning. 10 There again will be a bypass lane for that drop-off 11 zone, where parents that are dropping off to the middle 12 school and lower school will not have to stop at that upper 13 school and will be able to continue around. 14 Again, this helps with commute issues and keeping 15 vehicles circulating on campus. Buses will drop off in the 16 parking lot that is in between the upper and middle school. 17 Lower school students will be -- there will be pedestrian 18 walkways connecting all of the schools. 19 And so all students will be able to get to their 20 respective schools without having to walk on roads or 21 circulate around. There will be very direct connections. 22 Then in front of the middle school, similar to the 23 upper school, there is a drop-off zone for middle school 24 students and any stud- -- any vehicle that is not dropping 25 off students is able to bypass that drop-off area to prevent</p>	<p>120</p> <p>1 campus. 2 And the roadway is wide enough for vehicles to get to 3 those ? to -- to accommodate to circulation in that area. 4 And that was requested by the neighbors and so the school 5 was able to accommodate that. The next page, page 26 shows a 6 very similar circulation pattern. 7 I won't go through all of it for the full build out of 8 the campus master plan where turn restrictions, circulation 9 are -- are very similar to what they are in Phase 1. As well 10 as this is very similar to existing conditions, whereas that 11 [inaudible] counter-clockwise circulation. 12 MR. O'NEIL: What if any accommodations are made in the 13 circulation plans to accommodate vehicles, not wanting to 14 drop off a student at one of the locations you've 15 identified? 16 MS. WAGNER: They will -- there are the lay-by lanes 17 that I talked about where if a vehicle is not dropping off, 18 they are able to bypass the -- the queue for the drop-off. 19 So there will be enough roadway width for two vehicles to 20 bypass each other. 21 MR. O'NEIL: Thank you. And was there a similar 22 analysis in circulation regarding pick up time frames at the 23 school? 24 MS. WAGNER: Yes. And then that -- the next page will 25 show that. Again, this is Exhibit 56.</p>

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<p>121</p> <p>1 MR. O'NEIL: Page 22 of the exhibit.</p> <p>2 MS. WAGNER: So this shows the afternoon pickup.</p> <p>3 Circulation remains similar to the morning drop-off where</p> <p>4 counter-clockwise flow vehicles restricted to coming off of</p> <p>5 Wilson Lane, exiting out onto Bradley.</p> <p>6 Lower school picks up at the same place that it did in</p> <p>7 the morning, but the thing that's different in the afternoon</p> <p>8 is that middle schoolers and high schoolers are required to</p> <p>9 participate in after school activities.</p> <p>10 So you will note that the middle school pickup location</p> <p>11 has shifted from in front of the middle school, where they</p> <p>12 drop off in the morning to south of the -- on the campus.</p> <p>13 And that is next to the athletic facility.</p> <p>14 This is similar to what happens now for middle school</p> <p>15 students is that they're picked up near the athletic</p> <p>16 facility and so there again has been a designated pickup</p> <p>17 zone for middle-schoolers.</p> <p>18 And it will be also staffed with members helping</p> <p>19 students get into their cars. High school pickup is a little</p> <p>20 bit not quite as prescribed.</p> <p>21 There is a designated pickup zone for buses and for</p> <p>22 students on the west side of campus and the up -- but high</p> <p>23 school students tend to get picked up near their athletic</p> <p>24 facilities that the sport's changed throughout the season.</p> <p>25 And so students get picked up in different places and at</p>	<p>123</p> <p>1 circulation to pick up?</p> <p>2 MS. WAGNER: Yes. That's the next stage. And again,</p> <p>3 this remains very consistent with the Phase 1 of the campus</p> <p>4 master plan of where students are picked up and dropped off.</p> <p>5 The only difference showing that the middle school pick up</p> <p>6 zone has shifted from the Southern frontage of the athletic</p> <p>7 facility to the Western frontage of that facility.</p> <p>8 MR. O'NEIL: Thanks. And that you had mentioned that</p> <p>9 the care that was taken to avoid queuing on campus, can you</p> <p>10 give us a broader understanding of what queuing analyses</p> <p>11 were done for the project?</p> <p>12 MS. WAGNER: Yes. We looked at the gatehouse that we --</p> <p>13 staff was very concerned about what -- because the gatehouse</p> <p>14 is located so close to Wilson Boulevard -- Wilson Lane,</p> <p>15 excuse me -- if that would cause any delays in queues. And</p> <p>16 most vehicles that enter campus are registered vehicles and</p> <p>17 so there are no anticipated queues caused by that security</p> <p>18 gate that the two lanes really support that.</p> <p>19 We then also looked at the queues associated with each</p> <p>20 of the different drop-off zones and pick up zones and do not</p> <p>21 anticipate any queuing issues related to that.</p> <p>22 That is specifically why Bradley Boulevard is limited</p> <p>23 to a outbound only access point; is that we were concerned</p> <p>24 that lower school parents would try to kind of jump the</p> <p>25 queue and interrupt Bradley Boulevard and cause queuing</p>
<p>122</p> <p>1 different times for the high school students.</p> <p>2 MR. O'NEIL: While we're on this plan, that hearing</p> <p>3 examiner had asked about the numbers of seniors driving to</p> <p>4 campus, and maybe it'd be also helpful to identify where</p> <p>5 they tend to park, if you know.</p> <p>6 MS. WAGNER: I do not know where they tend to park. I</p> <p>7 can provide more guidance on where that -- that percentages</p> <p>8 of students, we looked at how students get to and from</p> <p>9 campus and provided overall percentages.</p> <p>10 So about 16 percent of the student population drives to</p> <p>11 campus. 48 percent of the students are driven by a parent</p> <p>12 and then 14 percent of the students either walk by or take</p> <p>13 transit.</p> <p>14 As far as staff members, 80 percent -- 87 percent of</p> <p>15 staff members drive. And then 13 percent of staff again, use</p> <p>16 that some sort of non-auto transportation to get to campus.</p> <p>17 MR. O'NEIL: And in the percentage that -- that you</p> <p>18 talked about are obviously not broken down by student per</p> <p>19 se, just how the -- the entire student body gets to school.</p> <p>20 And -- and some students, for example, middle and</p> <p>21 elementary school students could be driven by an older -- an</p> <p>22 older brother who's a -- who's a senior at the school or --</p> <p>23 or a driving [inaudible].</p> <p>24 MS. WAGNER: Yes.</p> <p>25 MR. O'NEIL: Is there a Phase 2 component to the</p>	<p>124</p> <p>1 issues on -- on Bradley Boulevard and the -- the access road</p> <p>2 into the school.</p> <p>3 And so that's why there's quite a bit of queuing</p> <p>4 distance between the -- any of the schools before they --</p> <p>5 any of the school drop off zones before Wilson Lane.</p> <p>6 MR. O'NEIL: Got it. Is there a busing program at the</p> <p>7 school?</p> <p>8 MS. WAGNER: Yes. The school operates currently six bus</p> <p>9 routes. There is busing provided for the morning time</p> <p>10 periods. So students are dropped off around -- between 7:35</p> <p>11 and 7:50 in the morning.</p> <p>12 And then there are two bus routes provided in the --</p> <p>13 six bus routes at two different time periods in the</p> <p>14 afternoon. One at 4:00 p.m. and then one at 6:00 p.m., 10:00</p> <p>15 p.m. At that 6:00 p.m., 10:00 p.m. there's currently only</p> <p>16 five bus routes program for that time.</p> <p>17 MR. O'NEIL: Is there a transportation management plan</p> <p>18 associated with the school operations?</p> <p>19 MS. WAGNER: Yes. There is.</p> <p>20 MR. O'NEIL: Is there -- is that in the record or a</p> <p>21 part of the prior approval for the special exception?</p> <p>22 MS. WAGNER: I believe that that is not in the record</p> <p>23 but it was part of the previous special exception.</p> <p>24 MR. O'NEIL: And what, if any changes are occurring as</p> <p>25 a result of this special exception?</p>

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<p>125</p> <p>1 MS. WAGNER: We reviewed the -- the TMP -- the</p> <p>2 transportation management plan and did not see a need to</p> <p>3 change anything as part of that. But again, this talked</p> <p>4 about the school enrollment numbers are not changing as well</p> <p>5 as the circulation pattern and we analyzed the TMP and</p> <p>6 believe that it fully addresses the changes to address the</p> <p>7 circulation pattern.</p> <p>8 MR. O'NEIL: What are the key features of that</p> <p>9 transportation management plan?</p> <p>10 MS. WAGNER: That it talks about carpooling, the bus</p> <p>11 program that I described and how the bus program adapts to</p> <p>12 the student enrollment in -- in the TMP there's only one</p> <p>13 prescribed bus route, but to need to adjust to the -- to the</p> <p>14 enrollment numbers.</p> <p>15 And as we can -- we -- as I said, that there are now</p> <p>16 six bus programs, so it definitely is being addressed and</p> <p>17 then it talks about on-site monitors as well as off duty</p> <p>18 police officers at the access points. And so all of these</p> <p>19 features were identified to be in compliance with the TMP.</p> <p>20 MR. O'NEIL: I see. We talked briefly about the traffic</p> <p>21 statement that was originally submitted and -- and you were</p> <p>22 explaining that that's been supplanted by traffic impact</p> <p>23 statement or local area transportation review analysis.</p> <p>24 And can you explain in conjunction with -- with both --</p> <p>25 both documents why the traffic transportation impact</p>	<p>127</p> <p>1 there is potential for future enrollment and to not end up</p> <p>2 in the same position where they found themselves with --</p> <p>3 with this -- as part of this special exception.</p> <p>4 MR. O'NEIL: Thank you for that explanation. Are you</p> <p>5 able to summarize the findings for the local area</p> <p>6 transportation study that we're still referring to Exhibit</p> <p>7 56 I believe in the -- that's been marked as Exhibit 56?</p> <p>8 MS. WAGNER: Yeah. So we looked at six study area</p> <p>9 intersections in the -- near the school consistent with what</p> <p>10 was done for the previous special exception. We again were</p> <p>11 working in a time of COVID and so I'll describe this a</p> <p>12 little bit, how we -- how we were able to do that traffic</p> <p>13 study.</p> <p>14 There were counts that were done at study area</p> <p>15 intersections near the school that were in compliance with</p> <p>16 the counties adopted policy.</p> <p>17 Where you're able to collect use counts that were</p> <p>18 collected within three years of your submittal date. And so</p> <p>19 we were able to use that at most of our study intersections.</p> <p>20 And then we also use counts that were collected in 2020 with</p> <p>21 the approved adjustment factor.</p> <p>22 And then we looked at all those intersections and all</p> <p>23 the study intersections operate within the county's plan</p> <p>24 standard.</p> <p>25 MR. O'NEIL: And what was that -- what agencies</p>
<p>126</p> <p>1 statement or the LATR study was required?</p> <p>2 MS. WAGNER: Yeah. So early on in the process, we --</p> <p>3 that site tour that we participated in, in February of 2020</p> <p>4 parking planning staff was also at that site tour and we're</p> <p>5 able to talk about what they would expect to see as part of</p> <p>6 this campus plan submittal.</p> <p>7 And since there is no increase in enrollment, we've</p> <p>8 talked about keep providing queuing analysis and just</p> <p>9 describing overall operations of the -- of the campus at</p> <p>10 that time.</p> <p>11 Landon became -- started reviewing previous approvals</p> <p>12 and became -- became aware that the summer camp that was</p> <p>13 approved previously had a limit of 700 summer camp</p> <p>14 participants and had been operating above that capacity with</p> <p>15 about 960 students at the -- at a maximum time during the</p> <p>16 summer.</p> <p>17 And so staff requested a LATR to be prepared to address</p> <p>18 that enrollment since it was not in compliance with the</p> <p>19 previous special exception.</p> <p>20 And so the LATR that was prepared reviews of the items</p> <p>21 that we discussed with staff as well as the impact to the</p> <p>22 roadways for that enlarged summer camp enrollment. So the</p> <p>23 LATR looks at an enrollment of 1200 summer camp students.</p> <p>24 Well, this number is not actually what the school plans</p> <p>25 on offering anytime soon they just wanted to make sure that</p>	<p>128</p> <p>1 reviewed and ultimately approved that transportation study?</p> <p>2 MS. WAGNER: Parking plan [inaudible] staff reviewed</p> <p>3 our study; MCDOT, Montgomery County Department of</p> <p>4 Transportation reviewed our study; as well as the state</p> <p>5 highway administration.</p> <p>6 MR. O'NEIL: You mentioned a camp transportation</p> <p>7 management plan -- or did you mention that? And I might've</p> <p>8 jumped the gun on that.</p> <p>9 MS. WAGNER: I did not mention it, but we talked about</p> <p>10 the -- the regular school transportation management plan. So</p> <p>11 as part of this application, we also have prepared a camp</p> <p>12 transportation management plan to specifically address the</p> <p>13 larger student enrollment.</p> <p>14 This is Exhibit 53 and it is very similar to the</p> <p>15 school's transportation management plan that has been</p> <p>16 sufficient to address circulation on campus. And so we also</p> <p>17 worked at that document.</p> <p>18 MR. O'NEIL: And a -- as you did with the -- the --</p> <p>19 the school TMP or transportation management plans can you</p> <p>20 just give a brief overview of what this plan accomplishes?</p> <p>21 MS. WAGNER: Yes. That it talks about carpooling. It</p> <p>22 talks about time staff should come to and from campus. It</p> <p>23 talks about the circulation on campus, encouraging</p> <p>24 carpooling bus programs that will be used for the summer</p> <p>25 camp enrollment. And --- and then anybody that needs to help</p>

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<p>129</p> <p>1 with managing traffic on campus.</p> <p>2 MR. O'NEIL: Okay. There are a number of other</p> <p>3 exhibits that we have submitted related to the</p> <p>4 transportation and analysis specifically, exhibits that are</p> <p>5 about 54, 55 and 57. Can you describe what those are for the</p> <p>6 record?</p> <p>7 MS. WAGNER: Yes. Those are as you -- as we discussed</p> <p>8 SJ and MCDOT reviewed our LATR. And they had comments</p> <p>9 related to the LATR and so those exhibits just address their</p> <p>10 comments -- and address their comments that they had -- and</p> <p>11 that then ultimately led to the approval of the LATR and</p> <p>12 TMP.</p> <p>13 MR. O'NEIL: In your opinion, will the special</p> <p>14 exception modifications change the nature and character or</p> <p>15 intensity of the special exception use or its effect on the</p> <p>16 immediate neighborhood?</p> <p>17 MS. WAGNER: No.</p> <p>18 MR. O'NEIL: And on what basis do you make that</p> <p>19 finding?</p> <p>20 MS. WAGNER: That consistent with my previous testimony</p> <p>21 that the campus master plan looks to address safety of</p> <p>22 pedestrians and students on campus and will not have an</p> <p>23 effect on the transportation networks surrounding the school</p> <p>24 property.</p> <p>25 MR. O'NEIL: And in your professional opinion, does the</p>	<p>131</p> <p>1 presuming that you're going to host teams from other</p> <p>2 schools.</p> <p>3 I'm also assuming that parents and students from other</p> <p>4 schools will be driving onto campus that will not be in</p> <p>5 vehicles that are registered. Was that considered in terms</p> <p>6 of queuing? You know, if there's a big football game or</p> <p>7 soccer game or field hockey, or I guess not field hockey.</p> <p>8 But other competitions, the basketball game that you're</p> <p>9 going to have that the school could potentially have queuing</p> <p>10 on Wilson Lane from parents and students coming for either</p> <p>11 special events or athletic competitions.</p> <p>12 MS. WAGNER: I think that I will ask Jim to</p> <p>13 specifically address that just as I don't want to speak</p> <p>14 about how security is handled for the special events.</p> <p>15 MR. NEILL: Yeah. So this is Jim Neill and I'm happy to</p> <p>16 get some texture there. When we do have those kinds of</p> <p>17 events we would sort of bypass some of the bypass lane</p> <p>18 things as it were.</p> <p>19 And we'd have security further on campus, just kind of</p> <p>20 directing par- -- parking to various places on campus so</p> <p>21 that we wouldn't have any queuing on Wilson Lane.</p> <p>22 So that- -- that's an end of the day kind of thing and</p> <p>23 it doesn't involve morning carpooling or anything like that.</p> <p>24 So yeah, we'd have a different operational setup for it to</p> <p>25 avoid queuing on Wilson.</p>
<p>130</p> <p>1 proposed modification satisfy the local area transportation</p> <p>2 review guidelines since they have no adverse effect on</p> <p>3 nearby roadway conditions, or pedestrian, and bicycle</p> <p>4 facilities?</p> <p>5 MS. WAGNER: Yes.</p> <p>6 MR. O'NEIL: And in your professional opinion does this</p> <p>7 proposed special exception modification improve the safety</p> <p>8 of vehicular or pedestrian traffic?</p> <p>9 MS. WAGNER: Yes. As we discussed that there were</p> <p>10 previously quite a few pedestrian particular conflict</p> <p>11 points. And so this campus master plan addresses that as</p> <p>12 well as there are improvements to the transportation -- the</p> <p>13 transit stops on Bradley Boulevard.</p> <p>14 MR. O'NEIL: Is there anything else you would like to</p> <p>15 add?</p> <p>16 MS. WAGNER: Nope.</p> <p>17 MR. O'NEIL: No further questions from me.</p> <p>18 HEARING OFFICER BAUMGARDNER: Just one follow-up</p> <p>19 question. You had mentioned queuing on Wilson Lane, I</p> <p>20 believe.</p> <p>21 Looking at the site plan in the various plans that we</p> <p>22 have here in the record, there are a number of athletic</p> <p>23 fields and facilities presuming that Landon School competes</p> <p>24 against other schools for various games and matches and</p> <p>25 athletic events. The school -- and I'm ? again -- I'm</p>	<p>132</p> <p>1 HEARING OFFICER BAUMGARDNER: Okay. Thank you. That was</p> <p>2 my only follow-up question for Ms. Wagner. Mr. O'Neil, was</p> <p>3 there any other questions based on my question?</p> <p>4 MR. O'NEIL: No follow-up from me.</p> <p>5 HEARING OFFICER BAUMGARDNER: Okay. Anyone who has</p> <p>6 logged in or called in does anyone have any questions for</p> <p>7 Ms. Wagner at this time? Raise your virtual hand or your</p> <p>8 physical hand. Seeing none, we thank this witness for her</p> <p>9 testimony and turn it back over to counsel for the remainder</p> <p>10 of your case.</p> <p>11 MR. O'NEIL: Thank you, Mr. Baumgardner. The last</p> <p>12 witness that we have scheduled is Brian Stephenson.</p> <p>13 HEARING OFFICER BAUMGARDNER: Mr. Stephenson, can you</p> <p>14 please raise your right hand? And sir, do you swear or</p> <p>15 affirm under penalties of perjury that the testimony you're</p> <p>16 about to give is the truth, the whole truth and nothing but</p> <p>17 the truth?</p> <p>18 MR. STEPHENSON: I do.</p> <p>19 HEARING OFFICER BAUMGARDNER: Thank you. We have your</p> <p>20 full name and business address and email address for the</p> <p>21 record. If you can just again, state your name and your</p> <p>22 affiliation with this project.</p> <p>23 MR. STEPHENSON: I am Brian Stephenson. I am the</p> <p>24 landscape architect for the project.</p> <p>25 HEARING OFFICER BAUMGARDNER: Thank you, sir. Mr.</p>

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<p>133</p> <p>1 O'Neil, the floor is yours.</p> <p>2 MR. O'NEIL: Thank you. How long have you been a</p> <p>3 landscape architect?</p> <p>4 MR. STEPHENSON: 44 years.</p> <p>5 MR. O'NEIL: And who's your current employer?</p> <p>6 MR. STEPHENSON: I'm self-employed, Brian J. Stephenson</p> <p>7 and Company.</p> <p>8 MR. O'NEIL: Are there any other employees associated</p> <p>9 with the Brian J. Stephenson and Company?</p> <p>10 MR. STEPHENSON: Yes. I have two employees.</p> <p>11 MR. O'NEIL: And what are your responsibilities as the</p> <p>12 -- the owner and employer?</p> <p>13 MR. STEPHENSON: I am the principal in the firm. I have</p> <p>14 direct responsibility for all of the product that we</p> <p>15 produce.</p> <p>16 MR. O'NEIL: Have you ever testified as an expert</p> <p>17 before the Montgomery County office of zoning and</p> <p>18 administrative hearings?</p> <p>19 MR. STEPHENSON: Yes. I have.</p> <p>20 MR. O'NEIL: And if so, what as if?</p> <p>21 MR. STEPHENSON: As a landscape architect.</p> <p>22 MR. O'NEIL: Or other -- can you give us an idea of</p> <p>23 other cases in which you've been admitted as an expert?</p> <p>24 MR. STEPHENSON: Yes. They've both been independent</p> <p>25 schools. I have testified for the [inaudible] school and for</p>	<p>135</p> <p>1 participate with the project team in developing the site</p> <p>2 plan and then specifically to develop the landscape plan and</p> <p>3 the site lighting plan.</p> <p>4 MR. O'NEIL: And what was your approach in preparing --</p> <p>5 that let's start with site lighting. What was your approach</p> <p>6 to preparing site lighting plans?</p> <p>7 MR. STEPHENSON: The approach was to provide adequate</p> <p>8 site lighting in a way that provides no impacts to the</p> <p>9 adjacent community.</p> <p>10 MR. O'NEIL: And was there a site lighting plan that</p> <p>11 was submitted with the application?</p> <p>12 MR. STEPHENSON: Yes. There was. [Inaudible].</p> <p>13 MR. O'NEIL: And what if any -- and what, if any ways</p> <p>14 has that changed as a result of the regulatory re- -- review</p> <p>15 process with the planning staff?</p> <p>16 MR. STEPHENSON: The underlying site plan changed a lot</p> <p>17 along with, you know, the deletion of some parking lots and</p> <p>18 the rea- -- rearrangement of some parking lots, but</p> <p>19 essentially the site lighting plan remains the same as</p> <p>20 originally submitted.</p> <p>21 MR. O'NEIL: And you also mentioned you prepared a</p> <p>22 landscape plan for the property. Can you describe your</p> <p>23 approach in preparing that plan?</p> <p>24 MR. STEPHENSON: Yes. The approach there was to</p> <p>25 essentially build upon the existing campus landscape while</p>
<p>134</p> <p>1 the German School of Washington.</p> <p>2 MR. O'NEIL: Did you submit a copy of your -- your</p> <p>3 resume as part of the petition and special exception</p> <p>4 application?</p> <p>5 MR. STEPHENSON: Well, I thought it did, but apparently</p> <p>6 it didn't get in. So I sent you one yesterday to submit</p> <p>7 today.</p> <p>8 MR. O'NEIL: So that's identified as Exhibit 48?</p> <p>9 MR. STEPHENSON: Yes. Let me check the exhibit</p> <p>10 [inaudible].</p> <p>11 HEARING OFFICER BAUMGARDNER: I do have it confirmed as</p> <p>12 Exhibit 48, which has not been admitted yet, but we do have</p> <p>13 [inaudible].</p> <p>14 MR. O'NEIL: That is it; thank you. At this time, we</p> <p>15 move that Mr. Stephenson be admitted as a expert landscape</p> <p>16 architect for the project.</p> <p>17 HEARING OFFICER BAUMGARDNER: He is -- Mr. Stephenson</p> <p>18 is so admitted as a expert in the field of landscape</p> <p>19 architecture.</p> <p>20 MR. O'NEIL: Mr. Stephenson are you familiar with the</p> <p>21 special exception case number S686D?</p> <p>22 MR. STEPHENSON: Yes, I am.</p> <p>23 MR. O'NEIL: Can you describe your responsibilities</p> <p>24 with regard to the special exception application?</p> <p>25 MR. STEPHENSON: My responsibilities generally were to</p>	<p>136</p> <p>1 accommodating the new buildings, the road and walkway</p> <p>2 [inaudible] changes, and maintaining the character of the</p> <p>3 site.</p> <p>4 The Land- -- Landon School came to the site when it</p> <p>5 was a country estate; and to this day the site still has</p> <p>6 that feel to it. You know, the broad lawns you see off of</p> <p>7 Wilson Lane leading into the site.</p> <p>8 Almost all the campus buildings that are at the back of</p> <p>9 the site. And all of the development sits on a ridge. You</p> <p>10 know, the -- the landscape woodlands on the perimeter of the</p> <p>11 site are generally on down slopes.</p> <p>12 So it offered a great opportunity to really not mess</p> <p>13 with that very much, because it's very nice the way it is.</p> <p>14 And the job was really to -- to accommodate the proposed new</p> <p>15 development in a way that is consistent with that</p> <p>16 [inaudible] existing site [inaudible].</p> <p>17 Some of the features of that are [inaudible] the</p> <p>18 existing woodlands that separate the screen and campus from</p> <p>19 adjacent new ones. Adding new shade evergreen ornamental</p> <p>20 trees to replace [inaudible] campus quad [inaudible] trees</p> <p>21 disturbed by the [inaudible] work, gently -- call it a</p> <p>22 landscape replacement plan.</p> <p>23 A lot -- a lot of existing trees in the center of the</p> <p>24 campus are pretty old. They date back to the 1920s, if not</p> <p>25 earlier, and they are near the end of their natural life</p>

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<p>137</p> <p>1 cycle. So part of the landscape plan includes if you will, 2 advance replacement or infill replacement of those trees. 3 Not taking them down but planting the next generation 4 of trees that can take their place. We are also adding new 5 shade and evergreen screens in parking lots, including 6 [inaudible], canopy, and interior parking requirements. 7 These all means the county's zoning requirements. We'd 8 be maintaining the existing athletic fields essentially in 9 their current location and condition. 10 And also it's a -- it's a small point, but maintaining 11 the landscape character of the CW Lansdale House and Barn, 12 those buildings that are in the historic setting; there's 13 some big old trees around this -- in the Lansdale House -- 14 big American elm tree -- but the school is currently doing a 15 really good job of keeping the Elm disease [inaudible] 16 protection in that. 17 And they check it on a yearly. So we want to be able 18 to keep that character as it remains because of the historic 19 setting. 20 MR. O'NEIL: Did there come a time when you were asked 21 to modify your original landscape plan for the second 22 application? 23 MR. STEPHENSON: Yes. There were a couple of occasions 24 in -- in conjunction with speaking to the adjacent 25 [inaudible], where we --</p>	<p>139</p> <p>1 that remain so that we're infilling the screening. 2 Can we move to another exhibit now? This is Exhibit 3 42C. We had a round of discussions with the neighbors who 4 lived west of the campus, the Woodhaven neighborhood. 5 They were very concerned about the parking around the 6 Mondzac Building that move from parallel parking to head-in 7 parking. They were concerned about lights from these cars in 8 the winter hours shining into their neighborhood. 9 The -- the woodlands that are all on this side of the 10 campus are -- are big and dense but they're primarily 11 deciduous trees. So in the winter the screening effect that 12 they provide is reduced. 13 In response to that, we added more evergreen screening 14 and continued the [inaudible] fence -- zoom in here, if I 15 may -- and continued additional length of forward fencing so 16 that no light from the headlights of cars heading in this 17 parking would go beyond the edge of this parking lot. 18 At the same time, we were requested to provide 19 additional screening for vehicles that would be coming 20 around the perimeter road of the campus. Again, referring to 21 the existing Woodland, being mostly deciduous, the school 22 year -- a good portion of the school year is in the period 23 of time when those leaves are not there. 24 So we complied with that request by adding evergreen 25 edge screening, to the existed woodlands, with the exception</p>
<p>138</p> <p>1 MR. O'NEIL: Would it help -- would it help to refer to 2 a plan in regard to? 3 MR. STEPHENSON: Yeah. I think I [inaudible]. Mr. 4 Baumgardner. 5 HEARING OFFICER BAUMGARDNER: Sure. Yes, sir. 6 MR. STEPHENSON: Open Exhibit 33A, I may have it here. 7 So this is Exhibit 33A and this represents a change from the 8 initial -- initial landscape plan. There are a couple of 9 site planning changes. 10 You can see my cursor we took out the parking lot. It 11 was between the football field and the baseball field. But 12 we also added the Southeast portion of the campus some new 13 evergreen landscape screening. 14 Sometime in, I believe, like the 1970s, the school 15 planted a double row of white pine trees along this 16 perimeter to essentially screen the property from the 17 neighbors along the adjacent road here. 18 Over the years as white pine trees broke through, they 19 -- they moved from being screening trees to becoming canopy 20 trees and essentially lost their screening value. We were 21 asked to restore that property line screening and that's 22 what this plan showed us. 23 It's essentially evergreen trees, some mixed species, 24 [inaudible] about 50 feet on center. And we would field 25 locate these in and amongst the existing white pine trees</p>	<p>140</p> <p>1 of the small area and evergreen hedge here, and we didn't 2 want to screen out the -- the landscape area in front of 3 Hendricks House. 4 And now showing red on this plan and -- and here -- 5 there was a final request from our neighborhood that we 6 responded to and I'm going to go to a new plan that I think 7 has been identified as a new exhibit number. 8 [Inaudible] Exhibit 50, or is it -- I'm sorry, 52 is 9 the overall. Yeah. It's 52. With this sort of summary plan, 10 it shows the -- the additional screening on the Southeast 11 that we previously discussed. It shows the additional 12 screening on the west side we previously discussed. 13 Well, this has to do with an issue that actually came 14 up recently that had to do with existing batting cages. 15 Around the two baseball fields, there are two batting cages 16 by the varsity field, and there are two batting -- no. 17 Zoom in a little closer there, two existing batting 18 cages that are right up against the property line fence 19 along Merrick Road. I had a request to see if we could move 20 those batting cages away from this edge so the people 21 driving on this road didn't have to see them. They're not 22 the greatest looking things. 23 And what this plan does is we've shown a relocated area 24 for the batting cages just to the south of the JV baseball 25 field, and that these would be taken out of here and moved</p>

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<p>141</p> <p>1 there.</p> <p>2 We're also showing an additional landscape screening</p> <p>3 in green on both of those batting cages, essentially a green</p> <p>4 wall, so that people driving on Merrick Road won't see them</p> <p>5 and this neighborhood won't see them as well.</p> <p>6 MR. O'NEIL: And are there other details associated</p> <p>7 with that plan?</p> <p>8 MR. STEPHENSON: Not with this plan, but 42, 33A, I'll</p> <p>9 go back to that. Added from the original submission were</p> <p>10 some detailed plan showing the requirements for interior</p> <p>11 parking landscape canopy and screening around all the</p> <p>12 existing parking lots.</p> <p>13 These all meet or exceed the county zoning</p> <p>14 departments. So here is on the north end of the site and</p> <p>15 there's on the south end of the site. And as you can see,</p> <p>16 those are detailed. There are lots of technical calculations</p> <p>17 that show on these plans.</p> <p>18 MR. O'NEIL: So are those details carried forward in</p> <p>19 the -- the new changes that are being submitted 50, as</p> <p>20 exhibit 52?</p> <p>21 MR. STEPHENSON: Yes. But they're -- they're exactly</p> <p>22 the same.</p> <p>23 MR. O'NEIL: Have those been identified as Exhibit 50</p> <p>24 and 51 as new exhibits that we have introduced that we have</p> <p>25 marked, but not yet been introduced?</p>	<p>143</p> <p>1 MR. STEPHENSON: Yeah. I think what I'd really like to</p> <p>2 add is unlike some other projects I've worked on, I really</p> <p>3 appreciate the dialogue we were able to have with the</p> <p>4 neighborhood groups.</p> <p>5 And -- and the ability to address their concerns in a</p> <p>6 constructive way, rather than a combative way.</p> <p>7 MR. O'NEIL: That's -- hopefully Mr. Baumgardner likes</p> <p>8 hearing that. I certainly do. Thank you for that.</p> <p>9 MR. STEPHENSON: Well, I mean, they -- they work really</p> <p>10 well. They -- they -- they give us their concerns. They were</p> <p>11 willing to listen to our responses. It was a good</p> <p>12 experience.</p> <p>13 MR. O'NEIL: Thank you and any -- I had no further</p> <p>14 questions at this time.</p> <p>15 HEARING OFFICER BAUMGARDNER: And Mr. Stephenson going</p> <p>16 back to Exhibit 17, which is the lighting, the photometric,</p> <p>17 is that the most updated photometric plan that we have with</p> <p>18 respect to the application?</p> <p>19 MR. STEPHENSON: No. There is a 33-foot which I will</p> <p>20 pull up here if you want. And essentially it only shows the</p> <p>21 changes in underlying site plan. So for instance, the</p> <p>22 parking lot has gone here, so we don't need to light it</p> <p>23 anymore.</p> <p>24 HEARING OFFICER BAUMGARDNER: Got it. And in that</p> <p>25 [inaudible] I'm not seeing -- I'm not seeing any indication</p>
<p>142</p> <p>1 MR. STEPHENSON: Okay.</p> <p>2 MR. O'NEIL: Is that a yes?</p> <p>3 MR. STEPHENSON: Yes.</p> <p>4 MR. O'NEIL: But again to belabor the point, but just</p> <p>5 to be clear, that the Exhibit 50, 51 to 52 comprise the</p> <p>6 final landscape plan for the special exception, is that</p> <p>7 accurate?</p> <p>8 MR. STEPHENSON: That is accurate.</p> <p>9 MR. O'NEIL: Okay. In your opinion, do the landscape</p> <p>10 plans and the community plans as modified change the nature,</p> <p>11 character, intensity of your current use or affect the</p> <p>12 immediate neighborhood?</p> <p>13 MR. STEPHENSON: Only in a positive way. I think we've</p> <p>14 taken existing screening and enhanced it with evergreen</p> <p>15 trees to provide more year-round screening.</p> <p>16 MR. O'NEIL: Okay. Is there any benefit or -- the fact</p> <p>17 that the screening improvements have for potential noise</p> <p>18 emanating?</p> <p>19 MR. STEPHENSON: If they are, there's minimal. My</p> <p>20 expertise is not on noise abatement, but I've been told by</p> <p>21 acoustic engineers that the -- the woodlands and especially</p> <p>22 when they have leaf on them, can have some effect on</p> <p>23 [inaudible], but it's not a noise barrier.</p> <p>24 MR. O'NEIL: Is there anything else you'd like to add</p> <p>25 for the special sector application?</p>	<p>144</p> <p>1 of, like, foot candles and similar references. There we go.</p> <p>2 MR. STEPHENSON: [Inaudible]. So tho- -- tho- -- those</p> <p>3 are some of the detail plans for north and south -- and I'm</p> <p>4 just going to zoom in here.</p> <p>5 We're benefited greatly by the setbacks that the school</p> <p>6 has from the property line. We are essentially putting in</p> <p>7 most areas, no light at the property line and even in a</p> <p>8 closed situation like this, you know, a tenth of a foot</p> <p>9 candle, which is within county -- county allowances.</p> <p>10 HEARING OFFICER BAUMGARDNER: That was the only</p> <p>11 follow-up question I had for Mr. Stephenson, I believe. Let</p> <p>12 me check my notes real quick.</p> <p>13 MR. STEPHENSON: Sure.</p> <p>14 HEARING OFFICER BAUMGARDNER: I'm good. Any follow-up</p> <p>15 questions from my question Mr. O'Neil?</p> <p>16 MR. O'NEIL: Not from me.</p> <p>17 HEARING OFFICER BAUMGARDNER: Okay. Turning it over to</p> <p>18 the rest of the listening world. Is there anyone logged in</p> <p>19 who has any questions for Mr. Stephenson at this time</p> <p>20 regarding the landscaping for this project?</p> <p>21 Please raise your virtual hand or your physical hand or</p> <p>22 otherwise indicate to me that you'd like to ask this witness</p> <p>23 a question. Seeing none, we thank him for his testimony and</p> <p>24 I will turn it back over to counsel for any further</p> <p>25 witnesses or testimony or any closing remarks he would like</p>



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<p>145</p> <p>1 to make.</p> <p>2 MR. O'NEIL: No further witnesses or testimony that --</p> <p>3 that we have at this time. I would want to make sure that --</p> <p>4 that the exhibits that have been introduced are not yet</p> <p>5 entered be entered into the record. And in particular, I'm</p> <p>6 referring to Exhibit 47 through 57?</p> <p>7 HEARING OFFICER BAUMGARDNER: Yes. That is what I have.</p> <p>8 So the -- the current exhibit, the exhibits that are already</p> <p>9 in the record are Exhibits 1 through 46. Those are all</p> <p>10 admitted. Noting that Exhibit 41F is listed correctly, but</p> <p>11 the link on our website is missing the exhibit.</p> <p>12 We talked about that this morning. So that will be</p> <p>13 corrected, but we do have that marked correctly. So 1</p> <p>14 through 46 are admitted as previously being submitted. And</p> <p>15 then it'd be new exhibits on 47 through 57, as Mr. O'Neil</p> <p>16 just stated. Those are also admitted.</p> <p>17 Hearing no objections from anyone, admitting those into</p> <p>18 this record. Any other issues that need to be addressed?</p> <p>19 MR. O'NEIL: The -- the only issues that I had noted</p> <p>20 were we owe you an affidavit of posting for the application.</p> <p>21 And I suggest that we submit conditioned language regarding</p> <p>22 the -- the prohibition against using the area between the</p> <p>23 football stadium and the -- the baseball field for a</p> <p>24 parking.</p> <p>25 We'll submit the proposed language consistent with our</p>	<p>147</p> <p>1 that's it. [Inaudible].</p> <p>2 HEARING OFFICER BAUMGARDNER: Yes. This is the one. 42B</p> <p>3 is -- is the one that I was referring to. I mean, things</p> <p>4 like backing -- like backing the buses into the parking lot</p> <p>5 and things like that are going to be acceptable.</p> <p>6 MR. O'NEIL: Yeah. That- - that's -- again -- those are</p> <p>7 part of our -- our commitment to the community.</p> <p>8 HEARING OFFICER BAUMGARDNER: Okay.</p> <p>9 MR. O'NEIL: So just that -- just that at -- at least;</p> <p>10 I'm hesitating on how to phrase it because the- -- some</p> <p>11 things are explaining. Explanatory as to why we are</p> <p>12 committing to certain things and others are -- are more</p> <p>13 clear as to -- to them being commitments.</p> <p>14 For the -- the one that comes to mind is -- is a</p> <p>15 aspirational desire to bring cars off of the internal</p> <p>16 circulation to Bradley, to direct them in that direction as</p> <p>17 much as possible.</p> <p>18 But tho- -- those are commitments that have been made</p> <p>19 by the design that are contained in the plan. We can't</p> <p>20 quantify the numbers where we've just heard the neighbors</p> <p>21 loud and clear and -- and have done everything we can, we</p> <p>22 think in the current special exceptions to achieve that</p> <p>23 objective.</p> <p>24 So to the extent there's a distinction between a</p> <p>25 specific commitment and an explanation of commitment. I'd</p>
<p>146</p> <p>1 discussions with the -- the Merrick Road neighbors.</p> <p>2 HEARING OFFICER BAUMGARDNER: And to kind of follow</p> <p>3 along with that there was an exhibit, let me pull up that --</p> <p>4 it was the list of -- I'll call, I'll call them commitments</p> <p>5 because that's the language that was used in the letter from</p> <p>6 the community association in Landon.</p> <p>7 Were there any other of those that you wanted to</p> <p>8 address that were either unclear or that you were not</p> <p>9 included with planning conditions -- conditions or that you</p> <p>10 were opposed to for any reason, just so that I have an</p> <p>11 understanding moving forward?</p> <p>12 MR. O'NEIL: But that -- that message you received a</p> <p>13 belief is -- I think it's in a number of places but it is</p> <p>14 identified in -- at Exhibit 42 among other places.</p> <p>15 That -- that is an accurate representation of our</p> <p>16 communications and commitment with the Woodhaven residents</p> <p>17 and -- and I believe it reflects certainly an effort if not</p> <p>18 a vote that was taken by informal community association, but</p> <p>19 for a number of people who were engaged in the process that</p> <p>20 ceded to the commitments that have been put forth.</p> <p>21 HEARING OFFICER BAUMGARDNER: Okay. All right. Going</p> <p>22 through that exhibit right now, just to make sure we have</p> <p>23 it. Because I see the email chain but I'm -- I'm trying to</p> <p>24 find there was a specific attached --</p> <p>25 MR. O'NEIL: I think it's 42B, is that -- if that's --</p>	<p>148</p> <p>1 ask to hear the hearing examiner [inaudible] of that.</p> <p>2 HEARING OFFICER BAUMGARDNER: So and that's what I was</p> <p>3 trying to avoid is incorporating that whole document</p> <p>4 wholesale and then creating a problem for everyone in the</p> <p>5 future, if something was vague or unclear to the detriment</p> <p>6 of either the community or the applicant.</p> <p>7 But I'll go through those to -- to -- to make sure that</p> <p>8 they match what the planning commission had recommended and</p> <p>9 things that are clearly -- you can't physically attach to an</p> <p>10 application especially things for like future plans that</p> <p>11 aren't in front of me today. They will not be included in</p> <p>12 this particular application.</p> <p>13 But I -- I -- I just wanted to be clear that that</p> <p>14 document as a whole was not -- it's certainly coming in as</p> <p>15 an exhibit, but it's not going to be copying and pasting a</p> <p>16 list of conditions without going through them individually.</p> <p>17 MR. O'NEIL: Yes. We appreciate that. That's -- the --</p> <p>18 the one thing to note that -- that is included there and --</p> <p>19 and I think as -- as part of the experience that -- that any</p> <p>20 school has in special exception conditions, what seems to be</p> <p>21 the right communication plan at the time of the special</p> <p>22 exception approval becomes outdated or dies on the vine</p> <p>23 because of -- of a lack of engagement once we've gotten</p> <p>24 through this -- this focused time.</p> <p>25 So we're committed to use that, again, as an example --</p>

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<p>149</p> <p>1 we're committed to the communication plan that -- that has 2 been suggested and actually is working. It -- it asks for 3 community members to sign up in a website for -- for Landon 4 and then you become eligible to receive communications from 5 Landon on a consistent basis. 6 But again, the danger for -- for ou- -- outside of -- 7 of the commitment to engage in new ways with -- with the 8 community I think at this stage is to put strict parame- -- 9 not dangerous but it becomes cumbersome and -- and achieves 10 a undesired effect if -- if you try to get too much in the 11 weeds on that. 12 Because that's -- that's an exploratory process at this 13 point, anyway. 14 HEARING OFFICER BAUMGARDNER: Sure. Understood. Any 15 final thoughts or closing remarks with respect to this 16 application? 17 MR. O'NEIL: For us, I would just appreciate your -- 18 your -- your time and -- and the commitment of the -- the 19 many agencies that have looked at this application and -- 20 and waiting from their various perspectives, the engagement 21 from the community that Brian Stephenson articulated so well 22 as -- as a really collaborative back and forth that was 23 reasonable on all sides. 24 And wanting the best for the community and -- and we 25 think we've achieved that in a special exception that you</p>	<p>151</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Jesse Greer, the officer before whom the 3 foregoing proceedings were taken, do hereby certify that 4 said proceedings were electronically recorded by me; and 5 that I am neither counsel for, related to, nor employed 6 by any of the parties to this case and have no interest, 7 financial or otherwise, in its outcome. 8 9 10 11  12 Jesse Greer, Court Reporter 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>150</p> <p>1 had before us and -- and we look forward to in approval if 2 the hearing examiner sees fit, and then ultimately in 3 approval by the board of appeals in its jurisdiction in this 4 application. 5 HEARING OFFICER BAUMGARDNER: Great. We will hold this 6 application open for an additional 10 days to receive the 7 transcript. That puts us at a date of August 12th for any 8 supplemental exhibits that will come in. 9 OZA then has 30 days to issue its report and 10 recommendation, which is transmitted to the board of 11 appeals. 12 If anyone is dissatisfied with that report and 13 recommendation you will have 10 days from the date in which 14 we submitted to the board to request for arguing in front of 15 the board. 16 The only other -- I think that is it. We thank everyone 17 for your time and testimony. If you have any questions, 18 please give our -- our office a phone call and I hope 19 everyone enjoys the rest of your day. 20 MR. O'NEIL: Thank you very much. 21 MR. GREER: Thank you and we are off the record at this 22 time. 23 (Off the record at 3:27:52 p.m.) 24 25</p>	<p>152</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Christian Naaden, do hereby certify that the foregoing 3 transcript is a true and correct record of the recorded 4 proceedings; that said proceedings were transcribed to the 5 best of my ability from the audio recording and supporting 6 information; and that I am neither counsel for, related to, 7 nor employed by any of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10 11  12 Christian Naaden 13 DATE: August 10, 2021 14 15 16 17 18 19 20 21 22 23 24 25</p>

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