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Transcript of Hearing, Continued

Date: May 25, 2023

Case: Diener School (CU 23-06)

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Transcript of Hearing, Continued
Conducted on May 25, 2023

1 (194 to 197)

<p>194</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3</p> <p>4 -----x</p> <p>5 IN RE: :</p> <p>6 THE DIENER SCHOOL, : Case No. CU 23-06</p> <p>7 Applicant. :</p> <p>8 -----x</p> <p>9</p> <p>10 CONTINUATION OF HEARING</p> <p>11 Before Hearing Examiner Lynn Robeson Hannan</p> <p>12 Conducted Virtually</p> <p>13 Thursday, May 25, 2023</p> <p>14 9:30 a.m.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 493279</p> <p>24 Pages 194 - 223</p> <p>25 Transcribed by: Jo Ann Pawela</p>	<p>196</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 HEARING EXAMINER:</p> <p>4 Lynn Robeson Hannan</p> <p>5</p> <p>6 ON BEHALF OF THE APPLICANT:</p> <p>7 Francoise M. Carrier, Esq.</p> <p>8 Bregman, Berbert, Schwartz & Gilday, LLC</p> <p>9 7315 Wisconsin Avenue, Suite 800 West</p> <p>10 Bethesda, Maryland 20814</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 Allen Myers, Maplewood Citizens Association</p> <p>14 Katie Wagner, Traffic Engineer</p> <p>15 Dylan Macro, Civil Engineer</p> <p>16</p> <p>17 From The Diener School:</p> <p>18 Beth Freedman</p> <p>19 Kathy Chumas</p> <p>20 Laurie Aaronson</p> <p>21 Sherry Rutherford</p> <p>22</p> <p>23 From JM Zell:</p> <p>24 Jason Zell</p> <p>25 Bob Neuman, Project Manager</p>																
<p>195</p> <p>1 HEARING, before Lynn Robeson Hannan,</p> <p>2 conducted virtually.</p> <p>3</p> <p>4</p> <p>5 Pursuant to Notice, before Brendon Cuenca,</p> <p>6 Notary Public for the State of Maryland.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>197</p> <p>1 C O N T E N T S</p> <p>2</p> <table><tr><td>3 HEARING</td><td>PAGE</td></tr><tr><td>4 Preliminary Matters</td><td>199</td></tr><tr><td>5 Testimony of Dylan Macro</td><td>202</td></tr><tr><td>6 Testimony of Katie Wagner</td><td>206</td></tr><tr><td>7 Testimony of Kathy Chumas</td><td>214</td></tr><tr><td>8 Testimony of Allen Myers</td><td>215</td></tr></table> <p>9</p> <p>10 E X H I B I T S</p> <p>11 (Retained)</p> <table><tr><td>12 EXHIBIT</td><td>PAGE</td></tr><tr><td>13 Exhibit Number 52 - Final TMP Plan</td><td>209</td></tr></table> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	3 HEARING	PAGE	4 Preliminary Matters	199	5 Testimony of Dylan Macro	202	6 Testimony of Katie Wagner	206	7 Testimony of Kathy Chumas	214	8 Testimony of Allen Myers	215	12 EXHIBIT	PAGE	13 Exhibit Number 52 - Final TMP Plan	209
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2 (198 to 201)

<p>198</p> <p>1 PROCEEDINGS</p> <p>2 MS. HANNAN: This is a public hearing in</p> <p>3 the matter of CU 23-06, the application of The</p> <p>4 Diener School requesting the conditional use for</p> <p>5 property located at 9312 Old Georgetown Road,</p> <p>6 Bethesda, Maryland, 20814 to operate a private</p> <p>7 educational institution under Section 59-3.4.5</p> <p>8 of the Zoning Ordinance.</p> <p>9 For those of you who don't know, my name is</p> <p>10 Lynn Hannan. I will take all the evidence and</p> <p>11 testimony in the case today and issue a written</p> <p>12 decision. You may request oral argument before</p> <p>13 the Board of Appeals if you disagree with my</p> <p>14 decision. But, oral argument is on the record</p> <p>15 that we make here, so everything you wish to say</p> <p>16 should be said here.</p> <p>17 The hearing today is being held remotely</p> <p>18 via Microsoft Teams and we do have some rules</p> <p>19 for hearings on this platform.</p> <p>20 You can't interrupt each other because that</p> <p>21 garbles the recording, the transcript. So, when</p> <p>22 possible, if you wish to talk, at the top of the</p> <p>23 screen, there's a Raise-Your-Hand button.</p> <p>24 If you need to object, you can do so, but</p> <p>25 then once you've said you wish to object, then</p>	<p>200</p> <p>1 MS. HANNAN: All right. Is there anyone --</p> <p>2 I see Mr. Myers. Is there anyone that -- since</p> <p>3 you're a party from the prior hearing, Mr.</p> <p>4 Myers, can you identify yourself for the record?</p> <p>5 MR. MYERS: Yes. Allen Myers, President of</p> <p>6 the Maplewood Citizens Association and residing</p> <p>7 at 9319 Fresno Road in Bethesda, Maryland.</p> <p>8 MS. HANNAN: Thank you. Well, everybody</p> <p>9 here seems to be an old-timer. I didn't</p> <p>10 recognize some of the names, but --</p> <p>11 Let me just say a little bit about the</p> <p>12 nature of the proceeding. You're -- it's</p> <p>13 informal with certain formalities. Testimony is</p> <p>14 under oath and subject to cross-examination.</p> <p>15 I believe that the hearing order today --</p> <p>16 it sounds like you've gotten some good news.</p> <p>17 We're going to let the Applicant present any</p> <p>18 updates, and then I'd like to hear from Mr.</p> <p>19 Myers, any comments from Mr. Myers, or if</p> <p>20 there's anyone else from the community.</p> <p>21 Is there any other procedural matters?</p> <p>22 MS. CARRIER: I have a question about</p> <p>23 whether you'd like to hear a certain bit of</p> <p>24 testimony, so I guess we could consider that a</p> <p>25 procedural matter.</p>
<p>199</p> <p>1 you must stop talking and I will hear the</p> <p>2 objection out.</p> <p>3 Also, do not use the Chat function. I</p> <p>4 cannot have ex parte conversations and I cannot</p> <p>5 address the chat in real time, so do not use it.</p> <p>6 Okay. For the record, please identify</p> <p>7 yourself, the parties.</p> <p>8 MS. CARRIER: This is Francoise Carrier.</p> <p>9 I'm an attorney with the law firm of Bregman,</p> <p>10 Berbert, Schwartz & Gilday, representing the</p> <p>11 Applicant, The Diener School.</p> <p>12 I'm accompanied here by Beth Freedman,</p> <p>13 Kathy Chumas and Laurie Aaronson of The Diener</p> <p>14 School. Also, their Project Manager, Bob Neuman</p> <p>15 from JM Zell; and our Traffic Engineer, Katie</p> <p>16 Wagner; one of our Civil Engineers, Dylan Macro.</p> <p>17 And I think I'm missing somebody. No, maybe</p> <p>18 that's it.</p> <p>19 MS. HANNAN: Ms. Rutherford?</p> <p>20 MS. CARRIER: Oh, yeah. Sherry Rutherford</p> <p>21 -- I didn't see that name -- is also associated</p> <p>22 with The Diener School. And you'll also see a</p> <p>23 gentleman named Jason Zell, also with JM Zell,</p> <p>24 and I believe he is here observing on behalf of</p> <p>25 the seller of the property.</p>	<p>201</p> <p>1 We submitted two days ago signed and sealed</p> <p>2 site plans for the conditional use. And as I</p> <p>3 indicated in my transmittal letter, in preparing</p> <p>4 those plans, the engineers discovered there was</p> <p>5 an error in some of the measurements of the</p> <p>6 setbacks, so we have -- so those were corrected.</p> <p>7 So, the signed and sealed versions of the</p> <p>8 plans are just slightly different from the ones</p> <p>9 that were previously in the record. If it would</p> <p>10 be helpful, we have an engineer here who can</p> <p>11 point those corrections out and explain that for</p> <p>12 the record.</p> <p>13 MS. HANNAN: Okay. That's probably a good</p> <p>14 thing to do. Let me --</p> <p>15 MS. CARRIER: It might be -- if you don't</p> <p>16 mind, it might be easier if he were to pull up</p> <p>17 his screen because then he can use the cursor.</p> <p>18 MS. HANNAN: That's fine.</p> <p>19 MS. CARRIER: And I believe he is prepared</p> <p>20 to do that, so I would like to ask Dylan Macro</p> <p>21 as my first witness then.</p> <p>22 MS. HANNAN: Okay.</p> <p>23 MR. MACRO: Good morning, everyone.</p> <p>24 MS. CARRIER: Good morning. Please raise</p> <p>25 your right hand. I can't see you raise your</p>

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3 (202 to 205)

<p>202</p> <p>1 hand. Put it -- yeah, there you go. Thank you. 2 (Whereupon, DYLAN MACRO was sworn to 3 testify to the truth, the whole truth, and 4 nothing but the truth.) 5 MS. HANNAN: Okay. Please state your name 6 and address for the record. You don't need to 7 give -- I think we have your email address, but 8 for the purpose of this proceeding, any 9 communications will go to Ms. Carrier. So, 10 please state your name and address for the 11 record. 12 MR. MACRO: Okay. My name's Dylan Macro, 13 and my address is 9220 Wightman Road, Suite 120, 14 Montgomery Village, Maryland, 20886. 15 MS. HANNAN: Thank you. Go ahead, Ms. 16 Carrier. 17 EXAMINATION OF DYLAN MACRO 18 BY COUNSEL FOR THE APPLICANT 19 BY MS. CARRIER: 20 Q Mr. Macro, what company do you work 21 for? 22 A MHG, Macris Hendricks & Glascock. 23 Q And what is your position at MHG? 24 A Project Manager. 25 Q Did you participate in preparing the</p>	<p>204</p> <p>1 MS. HANNAN: When you say back of the site, 2 you have to be specific. The transcript doesn't 3 recognize what back of the site is. 4 WITNESS: Sorry. 5 MS. HANNAN: So can you say the measurement 6 error is the parking spaces on the west side of 7 the site -- 8 WITNESS: Yeah. 9 MS. HANNAN: -- or something like -- 10 WITNESS: Yeah. The measurement error was 11 related to the parking at the rear of the -- at 12 the west side of the site, at the rear of the 13 property, and is -- was related to the rear 14 parking setback requirements. 15 MS. HANNAN: Okay. Thank you. 16 WITNESS: So I'll zoom in here for 17 everyone. 18 The measurement that we had taken for both 19 Phase 1 and Phase 2 from the property line to 20 the parking spaces was measured from the 21 property line to the face of the parking spaces 22 when in fact the County has recently asked for 23 connecting drive aisles that connect two 24 separate bays of parking within a parking 25 facility, that the drive aisle connecting the</p>
<p>203</p> <p>1 conditional use site -- well, let me back up. 2 Are you an engineer? 3 A Not by schooling, but I've been in the 4 engineering field for going on 20 years now. 5 Q Got it. Did you participate in 6 preparing the conditional use site plans for The 7 Diener School application? 8 A Yes, I did. 9 Q Did MHG recently prepare signed, 10 sealed versions of the conditional use site 11 plans and discover two measurement errors that 12 needed to be corrected? 13 A Yes, we did. 14 Q Please pull up your screen. I think 15 -- I see you've already pulled up on your screen 16 the plans, which are marked as Exhibit 48A. 17 Please identify what changes were made to 18 correct those errors. 19 A I'm just going to zoom out here for 20 you. This is a plan view of the overall site. 21 For everyone, this is Old Georgetown Road here 22 on the east side of the plan. 23 The two measurement errors that we found 24 were in the rear parking setbacks here at the 25 back of the site.</p>	<p>205</p> <p>1 two be measured as the rear parking setback, not 2 the actual parking space. So, we have revised 3 our plan to show the setback from the actual 4 drive aisle connecting the two parking bays to 5 the property line in both Phase 1 and Phase 2. 6 BY MS. CARRIER: 7 Q And does that setback as corrected 8 still satisfy the Zoning Ordinance requirement? 9 A It does. The minimum required setback 10 is 20 feet and we're providing 30 feet in Phase 11 1 and 32 feet in Phase 2. 12 MS. CARRIER: Thank you very much. 13 MS. HANNAN: All right. 14 MS. CARRIER: That completes my questions 15 for Mr. Macro. 16 MS. HANNAN: Thank you. Any questions 17 from, I guess, Mr. Myers? Do you have any 18 questions about this? 19 MR. MYERS: No. This is in our 20 neighborhood and I don't have any issues. 21 MS. HANNAN: Okay. Thank you. 22 Okay, Ms. Carrier. Go to your next 23 witness, please. 24 MS. CARRIER: May Mr. Macro be excused? 25 MS. HANNAN: Yes. I apologize. Yes, you</p>

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4 (206 to 209)

<p>206</p> <p>1 may be excused.</p> <p>2 MS. CARRIER: Thank you. My next witness</p> <p>3 is Katie Wagner, or Katherine Wagner. I'm not</p> <p>4 used to using her full name.</p> <p>5 MS. WAGNER: Hello.</p> <p>6 MS. HANNAN: Okay. Ms. Wagner, this is a</p> <p>7 continuation of the prior hearing, so you're</p> <p>8 still under oath. Thank you.</p> <p>9 (KATIE WAGNER, having been previously sworn</p> <p>10 to testify to the truth, the whole truth, and</p> <p>11 nothing but the truth, testified as follows:)</p> <p>12 EXAMINATION OF KATIE WAGNER</p> <p>13 BY COUNSEL FOR THE APPLICANT</p> <p>14 BY MS. CARRIER:</p> <p>15 Q Ms. Wagner, would you please share on</p> <p>16 your screen the letter from the State Highway</p> <p>17 Administration that's marked as Exhibit 51?</p> <p>18 A Yes. On my screen, I have Exhibit 51</p> <p>19 pulled up.</p> <p>20 Q I can't see it. Oh, there it is.</p> <p>21 A Great.</p> <p>22 Q Does this letter provide State</p> <p>23 Highway's approval for the proposed project?</p> <p>24 A Yes. This letter dated May 24th is</p> <p>25 from the State Highway Administration. And in</p>	<p>208</p> <p>1 MS. HANNAN: I thought it was -- I did</p> <p>2 think it was going to be made, but --</p> <p>3 MS. CARRIER: Yeah. So I just want to make</p> <p>4 sure the correct version gets in the record so</p> <p>5 that's --</p> <p>6 MS. HANNAN: Right.</p> <p>7 MS. CARRIER: That's not this one because</p> <p>8 this one still has the references to eastbound.</p> <p>9 MS. HANNAN: Yeah.</p> <p>10 MS. CARRIER: So, Ms. Wagner, do you --</p> <p>11 MS. HANNAN: Understood.</p> <p>12 MS. CARRIER: Do have the correct one?</p> <p>13 MS. HANNAN: I got it from you, but I don't</p> <p>14 see it on the website.</p> <p>15 MS. CARRIER: Right, exactly. So, I don't</p> <p>16 know what the -- obviously, it's your call</p> <p>17 whether you want to renumber this or --</p> <p>18 MS. HANNAN: You know what? I think at</p> <p>19 this point it's better to renumber it since</p> <p>20 we're having the hearing and --</p> <p>21 MS. CARRIER: Right.</p> <p>22 MS. HANNAN: So, I'm going to add it as --</p> <p>23 where are we, Exhibit 52?</p> <p>24 MS. CARRIER: Yes.</p> <p>25 MS. HANNAN: So I'm going to add it as</p>
<p>207</p> <p>1 the second --</p> <p>2 MS. HANNAN: For the record, we're looking</p> <p>3 at Exhibit 51.</p> <p>4 WITNESS: Yes, Exhibit 51.</p> <p>5 MS. HANNAN: Go ahead.</p> <p>6 A Exhibit 51 states that SHA</p> <p>7 conditionally approves the project with the</p> <p>8 conditions that have been added to the revised</p> <p>9 TMP that we've been working on with SHA and the</p> <p>10 Community for the last two weeks.</p> <p>11 Q Would you please pull up the latest</p> <p>12 revised version of the TMP?</p> <p>13 A Yes. This is --</p> <p>14 MS. HANNAN: This is Exhibit 48B.</p> <p>15 MS. CARRIER: Well, as of 10:00 o'clock</p> <p>16 last night, it was not 48B. I'm just checking</p> <p>17 to see whether a substitution was made this</p> <p>18 morning. We had submitted a revised version of</p> <p>19 the TMP after 48B was initially submitted and it</p> <p>20 was to be a substitute exhibit. As of last</p> <p>21 night, that substitution had not been made.</p> <p>22 Yeah, it still has not been made. So, I know it</p> <p>23 was the intention for it to be --</p> <p>24 MS. HANNAN: Yeah.</p> <p>25 MS. CARRIER: -- a substitute.</p>	<p>209</p> <p>1 Final TMP Plan.</p> <p>2 MS. CARRIER: Very good.</p> <p>3 MS. HANNAN: Do you have any -- does anyone</p> <p>4 have any objections to admitting this?</p> <p>5 (No response.)</p> <p>6 MS. HANNAN: Okay. Hearing none, we'll</p> <p>7 admit it as Exhibit 52.</p> <p>8 (Exhibit Number 52 is admitted.)</p> <p>9 MS. CARRIER: Thank you very much.</p> <p>10 BY MS. CARRIER:</p> <p>11 Q First let's provide a little</p> <p>12 background. Ms. Wagner, did you participate in</p> <p>13 a meeting with the State Highway Department,</p> <p>14 County Department of Transportation Planning</p> <p>15 Department and Allen Myers of the Maplewood</p> <p>16 Citizens Association recently?</p> <p>17 A Yes, I participated in that meeting.</p> <p>18 Q Can you give us the date or the</p> <p>19 approximate date if you don't recall?</p> <p>20 A It was last Friday, so whatever day</p> <p>21 last Friday was.</p> <p>22 Q I think it might have been 19th.</p> <p>23 A Nineteenth. Yes, May 19th.</p> <p>24 Q What was the outcome of that meeting</p> <p>25 in terms of SHA approval for this project?</p>

<p style="text-align: right;">210</p> <p>1 A We discussed SHA's outstanding 2 concerns related to the topics -- the delays and 3 queues that we discussed at last -- at the 4 hearing previously, and we discussed how -- what 5 responsibility the Applicant has to mitigate 6 these existing delays and queues and how SHA and 7 the Community can work together to be able to 8 feel comfortable with this application moving 9 forward. 10 And so what we discussed was the 11 Community's objection to the mitigation measures 12 that SHA was exploring be implemented as part of 13 this project. Those included the left turn 14 restrictions, the U-turn restrictions. And 15 instead, we amend the TMP to include a follow-up 16 report. And so in the TMP, on the last page of 17 the TMP, we have added in a follow-up reporting 18 mechanism where, once the school is in 19 operation, there will be a report issued where 20 it analyzes the school ingress and egress access 21 points. It will look at the westbound movement 22 at Spruce Tree and Old Georgetown Road, and 23 eastbound and westbound delays and queues at 24 Alta Vista on Old Georgetown Road. And, so, 25 that was the agreed-upon mechanism for SHA to be</p>	<p style="text-align: right;">212</p> <p>1 be done, and that was SHA's request to change 2 that from what we had originally proposed to be 3 within 12 months of the school's opening. 4 And Mr. Myers asked that the report be 5 submitted to both the Maplewood Citizens 6 Association, as well as the Wyngate Citizens 7 Association, and that is included -- 8 MS. HANNAN: So Mr. Myers -- 9 A -- in this last -- 10 MS. HANNAN: Did Mr. Myers attend this 11 meeting? So Mr. Myers was at this meeting? 12 MS. CARRIER: He was. He had -- 13 MS. HANNAN: Okay. 14 MS. CARRIER: -- offered -- he had offered 15 to attend. And, you know, it's slightly 16 unusual, but Diener felt it would be helpful to 17 have him there. 18 MS. HANNAN: Okay. Great. 19 MS. CARRIER: And the agencies did not 20 object, so yes -- 21 MS. HANNAN: Okay. Great. 22 MS. CARRIER: -- he was part of the 23 meeting. 24 MS. HANNAN: Great. 25 WITNESS: And he provided the review of</p>
<p style="text-align: right;">211</p> <p>1 able to issue their approval letter. 2 Q Were the Planning Department staff and 3 MCDOT staff supportive of this outcome? 4 A Yes. They did not believe that the 5 delays and queues that SHA was requiring this 6 Applicant to mitigate were the responsibility of 7 this Applicant, and as a whole, we needed to be 8 looking -- SHA needed to be looking at the 9 corridor not because of this one particular 10 project, but really focusing on access 11 management. So, they were supportive of this 12 application and this process to move forward. 13 Q Did the Applicant revise the TMP to 14 respond to SHA's directive for a follow-up 15 study? 16 A Yes. As shown on this last page, and 17 as I just previously walked through, follow-up 18 report has been added to the TMP. 19 Q Did you send that revised TMP to SHA 20 and to Mr. Myers? 21 A Yes. We sent this revised TMP to SHA 22 and to Mr. Myers. Both reviewed and provided 23 minor comments. 24 And we have addressed those comments in the 25 length of time that the reporting was going to</p>	<p style="text-align: right;">213</p> <p>1 this TMP to make sure that they were comfortable 2 with it. 3 MS. HANNAN: Okay. 4 BY MS. CARRIER: 5 Q Ms. Wagner, based on your experience 6 with development approvals in Montgomery County, 7 assuming that the conditional use is approved, 8 when we get to preliminary plan review, do you 9 expect that the Planning staff and the Planning 10 Board will find the resolution that was reached 11 with SHA to do a follow-up study to be 12 acceptable? 13 A Yes. We are already working with 14 Planning staff to discuss the preliminary plan 15 process and the report that they would be 16 issuing, so we -- yes, I do believe so. 17 MS. CARRIER: Great. That completes my 18 questions for Ms. Wagner. Thank you. 19 MS. HANNAN: Okay. Any questions from 20 anyone? 21 (No response.) 22 MS. HANNAN: Hearing none, Ms. Wagner, you 23 may be excused. 24 WITNESS: Okay. 25 MS. HANNAN: Okay. Ms. Carrier, do you</p>

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6 (214 to 217)

<p>214</p> <p>1 have any other witnesses?</p> <p>2 MS. CARRIER: I do have one witness I'd</p> <p>3 like to call briefly -- Kathy Chumas, Head of</p> <p>4 School for The Diener School.</p> <p>5 MS. HANNAN: Okay. Ms. Chumas, you are</p> <p>6 still under oath. Go ahead.</p> <p>7 MS. CARRIER: Thank you.</p> <p>8 MS. HANNAN: Or Ms. Carrier, you go ahead.</p> <p>9 MS. CARRIER: Okay.</p> <p>10 (KATHY CHUMAS, having been previously sworn</p> <p>11 to testify to the truth, the whole truth, and</p> <p>12 nothing but the truth, testified as follows:)</p> <p>13 EXAMINATION OF KATHY CHUMAS</p> <p>14 BY COUNSEL FOR THE APPLICANT</p> <p>15 BY MS. CARRIER:</p> <p>16 Q Ms. Chumas, are you -- given the</p> <p>17 importance of the TMP to getting to approval</p> <p>18 with the State Highway Administration, I'd like</p> <p>19 to ask you on the record whether you are</p> <p>20 familiar with what's in the TMP and the new</p> <p>21 provision regarding a follow-up study.</p> <p>22 A Yes. I am familiar with it and have</p> <p>23 read it in its entirety.</p> <p>24 Q And is The Diener School prepared to</p> <p>25 make a commitment to implement all of the</p>	<p>216</p> <p>1 to clear the air from where we left off in the</p> <p>2 past hearing, which also explains why I was at</p> <p>3 the meeting on the 19th.</p> <p>4 We had a civic association meeting on the</p> <p>5 17th. The School and its representatives</p> <p>6 attended. And as I expected, the neighborhood</p> <p>7 objected to having the restrictions, the U-turn</p> <p>8 restrictions, in place on Old Georgetown Road</p> <p>9 and the left-turn restrictions and voted in</p> <p>10 opposition to them.</p> <p>11 The one -- during the discussion, one of</p> <p>12 the residents of Spruce Tree Road spoke. He</p> <p>13 said we've lived with this for a long time. We</p> <p>14 know there's going to be a problem getting out</p> <p>15 and making a left turn, but the light signals --</p> <p>16 there's a space between the signalization of the</p> <p>17 lights at Beech Avenue and West Cedar Lane that</p> <p>18 allows us to get out. We just have to wait a</p> <p>19 little bit and we get out, and we don't have a</p> <p>20 problem. And they all said basically we don't</p> <p>21 see a need for the restrictions and we would</p> <p>22 object to them, and that's what I brought to the</p> <p>23 meeting on the 19th.</p> <p>24 MS. HANNAN: Okay. Great. Anything else</p> <p>25 you want to comment on?</p>
<p>215</p> <p>1 provisions of that TMP?</p> <p>2 A Yes, we are.</p> <p>3 MS. CARRIER: Thank you. That's all I</p> <p>4 have.</p> <p>5 MS. HANNAN: I had a question. Do you</p> <p>6 object to a condition on the conditional use</p> <p>7 stating that you will comply with the TMP?</p> <p>8 WITNESS: Not at all.</p> <p>9 MS. HANNAN: Okay. Great. All right.</p> <p>10 Any questions for Ms. Chumas?</p> <p>11 (No response.)</p> <p>12 MS. HANNAN: Okay. Hearing none, you may</p> <p>13 be excused, Ms. Chumas. Thank you.</p> <p>14 Okay. Ms. Carrier, any other --</p> <p>15 MS. CARRIER: No. I have no further</p> <p>16 witnesses.</p> <p>17 MS. HANNAN: Okay. Mr. Myers, do you want</p> <p>18 -- I'd like to hear your comments on this.</p> <p>19 MR. MYERS: Yeah.</p> <p>20 MS. HANNAN: You're still under oath.</p> <p>21 TESTIMONY OF ALLEN MYERS</p> <p>22 (ALLEN MYERS, having been previously sworn</p> <p>23 to testify to the truth, the whole truth, and</p> <p>24 nothing but the truth, testified as follows:)</p> <p>25 MR. MYERS: I thought it would just be best</p>	<p>217</p> <p>1 MR. MYERS: No. I appreciate -- I think we</p> <p>2 -- as a neighborhood, I think there's a -- we</p> <p>3 understand the need for the school and we're</p> <p>4 hopeful that the studies don't show any problems</p> <p>5 and we don't wind up having to deal with the</p> <p>6 issues, these issues, again, and I hope that</p> <p>7 everything goes smoothly.</p> <p>8 MS. HANNAN: Well, I hope that SHA looks at</p> <p>9 this globally to alleviate concerns, but that's</p> <p>10 just me and not SHA. So, I do appreciate all</p> <p>11 your input and working with the Applicant.</p> <p>12 MR. MYERS: I appreciate you giving me the</p> <p>13 opportunity.</p> <p>14 MS. HANNAN: All right. Any questions of</p> <p>15 Mr. Myers?</p> <p>16 MS. CARRIER: No. I'd just like to thank</p> <p>17 Mr. Myers for being such a productive part of</p> <p>18 this process, representing his community's</p> <p>19 interest, and at the same time really being, you</p> <p>20 know, very cooperative with trying to get to a</p> <p>21 solution.</p> <p>22 MS. HANNAN: All right. Thank you. Is</p> <p>23 there anything else?</p> <p>24 MS. CARRIER: I just wanted to mention that</p> <p>25 we will be submitting the rest of our signed,</p>

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<p>218</p> <p>1 sealed plans. The landscape plans have been 2 signed and sealed and will be submitted today. 3 The architectural plans we expect to be ready, 4 you know, any day. 5 Will you be holding the record open to get 6 your transcript? 7 MS. HANNAN: Yes. We'll hold -- we hold it 8 open for, as you probably know, 10 days. 9 MS. CARRIER: Okay. We'll -- 10 MS. HANNAN: Wait. Let me just double 11 check when the 10 days is. I think it would be 12 June 5th. Now, there is a holiday in that time, 13 but it's up to you. 14 MS. CARRIER: No. We don't need extra 15 time. I mean, I expect the architectural plans 16 will be ready this week. 17 MS. HANNAN: Now, why are you submitting -- 18 were they not sealed before? 19 MS. CARRIER: Correct. 20 MS. HANNAN: Okay. All right. 21 MS. CARRIER: When they were submitted 22 before, they were not -- 23 MS. HANNAN: But there's no changes? 24 MS. CARRIER: -- signed and sealed. No 25 changes.</p>	<p>220</p> <p>1 days from the last -- the record closing of the 2 last hearing. It would actually be -- the last 3 hearing was -- 4 MS. CARRIER: May 12. 5 MS. HANNAN: Yeah, but I just got the 6 transcript, so -- 7 MS. CARRIER: Right. 8 MS. HANNAN: -- it'd be 30 days from when 9 we received the transcript. And I'm going to 10 commit to really work to try and do that. 11 MS. CARRIER: We're very grateful if you 12 could do that. I know that's a challenge when 13 you have a shot clock case, but we would 14 appreciate anything -- 15 MS. HANNAN: It's all good. 16 MS. CARRIER: -- you can do. Yeah. 17 MS. HANNAN: It's all good. 18 MS. CARRIER: Okay. 19 MS. HANNAN: Thank you so much. And with 20 that, I am going to close or adjourn this 21 hearing. The record is going to remain open 22 until June 5th to receive the -- solely to 23 receive the items mentioned by Ms. Carrier and 24 not additional testimony or new topics, and to 25 receive the transcript.</p>
<p>219</p> <p>1 MS. HANNAN: Okay. That's fine. That's 2 fine. 3 MS. CARRIER: They just needed to be 4 sealed. 5 MS. HANNAN: Okay. That's fine. 6 MS. CARRIER: Great. And so we'll submit 7 them in the next few days, and certainly well 8 before the close of the record. 9 I wanted to thank you for all the effort 10 you've put into this case, and will since your 11 work is certainly not done. We appreciate the 12 careful and fair-minded approach that you take. 13 For scheduling purposes, I wonder if I 14 could ask if you have a sense of when your 15 report, your decision, will likely be issued? 16 MS. HANNAN: I don't. I don't. We just 17 got a shot clock case. But, I made the 18 commitment that I would not delay it from the 19 prior hearing, so I'm hoping, really hoping, to 20 meet that. 21 For the record, the shot clock is a 22 telecommunications case that has to be heard in 23 an abbreviated time. But, I'm going to really 24 work to keep my commitment at the last meeting 25 that you would have a decision no later than 30</p>	<p>221</p> <p>1 So, with that, I'm going to adjourn the 2 hearing and we will try to get the decision out 3 promptly. 4 MS. CARRIER: Thank you very much. 5 MS. HANNAN: Thank you. 6 (The Hearing adjourned at 10:02 a.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Brendon Cuenca, the officer before whom
the foregoing proceedings were held, do hereby
certify that said proceedings were
electronically recorded by me; and that I am
neither counsel for, related to, nor employed by
any of the parties to this case and have no
interest, financial or otherwise, in its
outcome.

IN WITNESS WHEREOF, I have hereunto set my
hand this 31st day of May, 2023.



Brendon Cuenca, Court Reporter
Notary Public, State of Maryland

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CERTIFICATE OF TRANSCRIBER

I, Jo Ann Pawela, do hereby certify that
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related to, nor employed by any of the parties
to this case and have no interest, financial or
otherwise, in its outcome.



JO ANN PAWELA

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