

To the honorable Director & Hearing Examiner Ms Lynn Robeson Hannan,

We, the undersigned and residents of the Valley Stream Estates community, present to you this written testimony regarding the Conditional Use Application CU 23-12 pertaining to the Brookstone Senior Living development. We kindly request you review and take into consideration the following concerns regarding this development as well as the proposed amendments to the applicant's plans.

Traffic

A traffic study was last conducted at the Dino Drive/198-Old Sandy Spring Road intersection in September 2021. At that time, the COVID pandemic still had an impact on the frequency of travel for many people living and working in Maryland.

Since that time, more people have returned to work and school in person. Moreover, several new businesses and organizations have been established or expanded in the Star Pointe Lane/Dino Drive industrial-commercial complex. Among these include:

- A private transportation service, with a fleet of buses, shuttles, SUVs, sedans, and other transportation vehicles (several of which are oversized vehicles that cause even more serious backups at the intersection than personal cars);
- A dance studio, which attracts high volumes of travelers in the evenings;
- Two churches, with growing congregations, that meet on weekend days;
- A party/banquet hall for events that hosts events well into the evening, often past midnight; and,
- A 24/7 storage facility with the only entrance being through Dino Drive.

Additionally, Montgomery County plans to relocate and expand the Burtonsville Elementary School, which will surely expand bus routes and access points east of US-29 along Route 198, thereby having a significant impact on the flow of traffic there. The intersection is commonly used for U-turns on 198, either back towards the Burtonsville Crossing or US-29 direction or east toward Laurel. Accidents at this intersection often occur due to these unprotected turns, not to mention the unprotected exit from Dino Drive onto a main road. The safety rails in the median along 108 create blind spots for cars turning left.

Per the Montgomery County Predictive Safety Analysis Report¹ from July 2022, left-turn crashes are highest risk in suburban areas, such as the Valley Stream Estates and McKnew neighborhoods off 198. Suburban areas are also prone to “the most severe injuries and fatalities.”

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<https://montgomeryplanningboard.org/wp-content/uploads/2022/07/Attachment-A.-PSA-Final-Report-July-2022.pdf>

In the 2023 calendar year alone, there were no fewer than 3 major crashes at the Dino Drive/198 blinking signal light. When we have broached this subject with MDOT, we were told that police data would drive the installation of a fully functioning signal; however, this same 2022 report urges that “prioritizing safety treatments based solely on locations with a history of severe injury and fatal crashes could result in unmitigated crash risk,” with 45% of fatalities and 54% of severe injuries occurring outside the top 200 intersections (of which Dino Drive/198 is not one).

None of this accounts for the proposed Brookstone Senior Living Center, which will add travel at all hours of the day between shuttling residents to nearby shopping centers, visitors, staffers (including overnight), and emergency vehicles that are called into the area to attend to medical situations.

To complicate things further, the entrance to the property is off the Valley Stream Estates road, Valley Stream Avenue, which is likely to cause increased traffic at the end of the cul-de-sac as people miss the tight turn and/or get confusing directions to the facility. We already have people who speed down our cul-de-sac for a turnaround when they get lost on their way to the other businesses in the Star Pointe Lane/Dino Drive area. An increase in such traffic increases the risk to our children who play outdoors and residents who daily walk the sidewalk-less street for exercise in this otherwise quiet neighborhood.

With these facts in consideration, we urge that a new traffic study be conducted—before any permits are issued—which focuses on these peak travel hours/days and accounting for new businesses and their contributions to the traffic off Dino Drive, to include the senior living facility. Based on the Montgomery County PSA report, a fully protected left-turn signal should be installed at the Dino Drive/198 intersection.

We strongly request that the entrance to the facility be off Dino Drive rather than Valley Stream Avenue to reduce increased traffic to the end of the street.

Environment

We have several concerns that we have previously brought before the Board regarding the environmental impact this development will have on our microcosmic environment.

The applicant proposes to deforest nearly 4 acres of land with a requirement imposed to only reforest .5 acres in the immediate area. We have received no indication where the remaining, required, 1.1 acres of reforestation will occur and express our deep dismay that our community—which already borders a major thoroughfare and several industrial and commercial entities—will further lose the benefits of healthy, dense forest.

How will the applicant reduce the increased heat output in the summer that results from the larged, paved parking area immediately abutting our neighborhood? How will the valley stream buffer be sufficiently protected and able to channel stormwater when much of the surrounding area is now given to impermeable pavement and building structures? What will be done to mitigate the increase in air pollution that results not only from a loss of tree coverage but also the increased car traffic in and around our neighborhood? What recourse will be made to prevent wildlife, whose habitats will be destroyed in the process, from moving into the residential areas nearby?

The applicant has proposed to only retain .74 acres, a mere 17.7% of the existing forest cover, with 1.63 acres of reforestation required. However, the approved FCP indicates that only .52 acres of that reforestation will happen in the Valley Stream Estates vicinity, with the rest covered by a Fee-in-Lieu for planting elsewhere in the county. This is neither fair nor equitable to the residents of the existing area, the flora and fauna, and Montgomery County writ large.

*Regarding the Forest Conservation Plan, we insist that Montgomery County require more acreage of reforestation be prioritized in the surrounding area. Potential areas for reforestation include along the sidewalks on Dino Drive (abutting the private transportation company lot), **increased plantings between the senior care facility parking lot and Valley Stream Estates residents, and/or the installation of a green roof on top of the building.** Doing these things would drastically mitigate the impact of air pollution and immediate stormwater runoff in our local area.*

Additionally, we have expressed concerns regarding the light pollution that comes from the parking lot and building. Although the Forest Conservation Plan proposes to line the parking lot with trees, the fact remains that unless these plantings are extremely dense and mature at the time of construction, abutting residential properties will be exposed to the bright lights of the parking structure. The radiuses of the lights may be in line with Montgomery County Code, but they still have an impact on people's lives.

Rutgers University has identified the following concerns vis-à-vis light pollution:

- “Interferes with wildlife migratory and breeding patterns, impacting nighttime ecosystems and biodiversity.²
- Wastes energy and contributes to greenhouse gas emissions.
- Leads to glare issues and unsafe driving conditions, particularly for older motorists.
- Impacts human metabolism and disrupts sleep through constant exposure to artificial light, particularly light from the blue end of the spectrum³...

² <http://dx.doi.org/10.1098/rstb.2014.0133>

³ http://darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

- Causes a nuisance to neighboring properties by casting unwanted nighttime glare into windows.”

When we have previously broached concerns regarding light pollution, we were, at different times, dismissed by the applicant (“The lights will point down”) or told that the plot sits lower topographically than our neighborhood. Both of these are categorically problematic explanations that defy even the simplest logic. First, the proposed structure is four stories tall (estimated 50 feet), far taller than any neighboring residential properties. Second, the plot of land does not sit significantly lower than the residential area and as such it is unreasonable to assume that the building will be hidden behind horizon lines or tree cover (as evidenced in the applicant’s perspective views). In that vein, the building has several outward-facing windows that could be lit at any given time, day or night, and those lights, too, contribute to overall light pollution.

To that end, we ask for the following adjustments to the existing lighting plan:

- *Parking lot and outdoor and outward-facing lights are required to be warm LED bulbs only, as opposed to blue light LEDs, which are harsh and contribute to wildlife issues and greater light pollution.*
- *Parking lot luminaires use a more shielded model, as the currently proposed option features no shielding below the bulb itself (despite being aimed downward).*
- *Dimmers, timers, or motion-activation be installed on lights closest to the residential properties.*
- *Internal hallway lights that are not critical are dimmed or blinds installed over the outward-facing windows.*
- *Use DarkSky certified products⁴ wherever possible, especially outdoors.*

Additional Concerns

Power Lines

The power lines for the abutting residential properties run about 10 feet into the applicant’s proposed plan. We have not seen how or if those would be relocated based on the existing parking lot and landscaping structures, which seemingly leave no room for these lines. We insist the applicant provide a clear explanation of how they will deal with these power lines and be required to minimize interruptions to residential properties.

Fairland Master Plan

At the January 25, 2024 FCP hearing, several references were made to the 1997 Fairland Master Plan as a foundational document establishing the existence of a senior living facility behind the Valley Stream Estates neighborhood. However, neither the most updated Fairland/Briggs Chaney

⁴ <https://darksky.org/what-we-do/darksky-approved/>

Master Plans nor the 1997 variety show that to be consistent with the zoning: instead they were designated for single-family housing, which is still a critical need in a county that attracts young families and employees to a variety of job opportunities. The plot of land in question was zoned R-200 for this purpose and the need to apply for a conditional use permit emphasizes that this is *not* part of the plan.

Housing Crisis in Montgomery County

And to that point, a conditional use application was previously granted for this land to establish a senior living facility but the developer—the same one submitting today—ended the project without proceeding. Nearly 20 years later, the needs of this area have shifted and certainly a more compatible, responsible choice would be to either build single-family homes or critical Missing Middle housing⁵ duplexes/townhouses/etc. to help alleviate the housing crisis in this county.

We strongly urge the Board to consider that this plot of land be used to provide Missing Middle, accessible housing rather than expensive, luxury senior living care. This is crucial to preserving the diversity of this neighborhood and area in Montgomery County.

Procedural

Over the course of this process, several procedural issues have limited the Valley Stream Estates residents' ability to plan and prepare for upcoming hearings.

Notices for the Forest Conservation Plan hearing on January 25, 2025 only arrived 5 business days before the hearing itself. No updates were made to the sign posted on the property near the entrance to Valley Stream Estates.

Likewise, residents in Valley Stream Estates have experienced highly inconsistent communication from the applicant and the county regarding the Conditional Use application process. As an example, not all abutting property owners received the Montgomery County planning board approval for the FCP in the mail. Moreover, the applicant has provided certain documentation to only certain property owners.

While the signs for the CU application have been posted, receiving information about ever-changing dates of the hearing has been nearly impossible. Although updates were requested by numerous residents from the County, we had to rely on checking the OZAH website for the hearing agenda, which frequently delayed the hearing and thus impacted our ability to efficiently prepare and organize.

⁵ <https://montgomeryplanning.org/planning/housing/attainable-housing-strategies-initiative/missing-middle-housing/>

Signatures

Respectfully,

The residents of Valley Stream Estates

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Signatures

Respectfully,

The residents of Valley Stream Estates

A handwritten signature in black ink, appearing to read "Arpan Ghosh". The signature is written in a cursive style with a prominent loop at the end.

ARPAN GHOSH
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