AFFIDAVIT

In conjunction with the filing of a Conditional Use application to develop a 5.86-acre property located in the R-200/TDR 3.0 Zone located at the southwest corner of Dino Drive and Valley Stream Avenue in Burtonsville with up to 88 independent senior living units, 64 assisted living beds and 27 memory care beds, I hereby attest to the following:

- 1. A pre-application meeting with neighbors was conducted on the evening of <u>Thursday</u>, <u>May 26, 2022 at 6:30pm</u> via the Zoom web-based platform.
- 2. A copy of the letter of invitation to attend the pre-application meeting is attached (**Exhibit A**).
- A list of all those who received copies of the letter invitation is attached (<u>Exhibit B</u>).
 This list includes all adjoining and confronting property owners; all civic, community, condominium and homeowners associations within a half-mile radius of the site; and M-NCPPC's Intake Review Division.
- 4. A typed list of meeting attendees is attached (Exhibit C).
- 5. Minutes of the discussion at the pre-application meeting are attached (Exhibit D).
- 6. At least 15 days prior to the scheduled meeting, a notice sign regarding the preapplication meeting was posted along the property's frontage on Dino Drive and Valley Stream Avenue (Exhibit E).

Elizabeth Norris

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 12 day of November, 2022.

day of TACVETICE 1, 2022

Exhibit 6 OZAH Case No: CU 23-12 **Notary Public**

My Commissibit expiresir<u>res</u> Notary Public Montgomery County Maryland

MY COMMISSION EXPIRES SEPTEMBER 11, 2023

Soo Lee-Cho (MD CA) sleecho@bregmanlaw.com



Bregman, Berbert, Schwartz & Gilday, LLC

T: 301-656-2707 F: 301-961-6525

May 6, 2022

Dear Neighbor,

Our client, ElderHome Senior Living, LLC, will soon be filing a Residential Care Facility Conditional Use application with the Office of Zoning and Administrative Hearings (OZAH) to develop a 5.86-acre property located in the R-200 Zone, at the southwest corner of Dino Drive and Valley Stream Avenue in Burtonsville, with up to 96 independent senior living units, 60 assisted living beds and 24 memory care beds. We are pleased to invite you to attend a Pre-Filing Community Meeting to discuss and learn more about the development plans.

In light of the current social distancing guidelines, the meeting will be held virtually using the Zoom platform on Thursday, May 26th at 6:30 p.m.

The meeting can be accessed via computer by using the following link https://zoom.us/j/97349784550?pwd=UWZMamVNNnZvTUM3RktpeEVRck1ldz09 or by entering Meeting ID 973 4978 4550 and Passcode 515500. Alternatively, for those who would prefer to participate by phone, please use the following dial-in number (+1 301-715-8592) and enter the same Meeting ID/Passcode.

To attend, please RSVP by contacting Elizabeth Norris at liz@tlgroup1.com or at (240) 786-5691.

We hope you can join us on May 26th.

Sincerely Yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

ElderHome Senior Living -- DINO DR -- Mailing List 11-03-2022

Adjoining and Confronting Property Owners	ırs				
Owner Name (First)	Owner Name (Second)	Mailing Address	City	State	Zip
Extra Space Properties 132 LLC		P.O. Box # 71870 6890 S 2300 E Salt Lake City	Salt Lake City	TU	84171
Krouse George E	Krouse Claudia E	4540 Dustin Rd	Burtonsville	MD	20866
Singh Piara	Harbhajan Kaur	4300 Valley Stream Ave	Burtonsville	MD	20866
Rodriguez Edward		4303 Valley Stream Ave	Burtonsville	MD	20866
Saleem Muhammad & S		4309 Valley Stream Ave	Burtonsville	MD	20866
Borges Nucamendi Deisy Adriana	Rodriguez Martinez Jose M	4317 Valley Stream Ave	Burtonsville	MD	20866
Beck N Ellen Et Al Trustees		4325 Valley Stream Ave	Burtonsville	MD	20866
Smith James T & K M		4327 Valley Stream Ave	Burtonsville	MD	20866
Essick James N & C M		4214 Woottens Lane	Burtonsville	MD	20866
Preister Dana P	Preister Inna K	4218 Red Cedar Ln	Burtonsville	MD	20866
Montgomery County Md		101 Monroe St	Rockville	MD	20850
DFM LLC		4100 Star Point Dr	Burtonsville	MD	20866
Dino Burt LLC	Second Plum Associates LLC 7811 Montrose Rd Ste 420	7811 Montrose Rd Ste 420	Potomac	MD	20854

| Parcel / Lot | N946 / N/A | N946 / N/A | N/A / 17 | N/A / 14 | N/A / 14 | N/A / 14 | N/A / 13 | N/A / 14 | N

0 Sandy Spring Rd
4300 Valley Stream Ave
N 4303 Valley Stream Ave
N 4309 Valley Stream Ave
N 4325 Valley Stream Ave
N 4327 Valley Stream Ave
N 4218 Red Cedar Ln
N 4218 Red Cedar Ln
N 4210 Star Pointe Ln
N 105204 Dino Dr

Homeowners' Associations and Civic Gro	d Civic Groups Registered with M-NCPPC	CPPC				
Association Name	Position	Name	Address 1	City	State Zip	Zip
Blackburn Village Homeowners Assn Inc	Primary Contact - Owner	Brady Payen	3704 Berleigh Hill Court	Burtonsville	MD	20866
Blackburn Village Homeowners Association	Primary Contact - Owner	Barbara Jennings	15020 Blackburn Road	Burtonsville	ДW	20866
Blackburn Village Homeowners Association	Administrative Agent	Shiela Curry	7484 Candlewood Road	Hanover	MD	21076
Cloverly/Fairland/White Oak CAC		Dan Wilhelm	904 Cannon Road		MD	20904
Cloverly/Fairland/White Oak CAC		Quentin Remein	201 Bryants Nursery Rd	Silver Spring	ДW	20905
East County Citizens Advisory Board	Chair	Rachel Evans	3300 Briggs Chaney Road	Silver Spring MD	MD	20904
Fairwood Crossing Homeowners Association	Primary Contact - Owner	David Middleton		Burtonsville	QΜ	20866
Fairwood Crossing Homeowners Association	Administrative Agent	Gene Stevens		Silver Spring	ДW	20904
Greater Ashton Community Association	Secretary	Susan Berkheimer	4805 Brightwood Circle	Olney	MD	20832
Montgomery County Civic Federation*	President	Bailey Condrey	10205 Parkwood Driver		MD	20895
Montgomery County Renters Alliance	Chair - Treasurer	William Roberts, Esq	P.O. Box 7773-7773	Silver Spring	ДW	20907
Montgomery County Renters Alliance	Director	Matthew G. Losak	1001 Spring Street Apt. 316	ing	ДW	20910
Montgomery County Taxpayers League	President	Joan Fidler	7400 Pyle Road	Bethesda	MD	20817
Montgomery County Taxpayers League*	President	Joan Fidler	P.O. Box 532	cho	MD	20812
Northern Montgomery County Alliance	Chair	Julius Cinque	22300 Slidell Road	Boyds	MD	20841
Oak Fair Homeowners Association	President	Jean Simpson	14822 Mcknew Road		MD	20866
Oak Fair Homeowners Association	Main Street Property Mgmt.	Regina Wright	9 Park Avenue	Gaithersburg	MD	20877
Patuxent Watershed Protective Assn.	Representative	Chamberlain Donald	4624 Dustin Rd	Burtonsville	MD	20866
Patuxent Watershed Protective Assn.	Treasurer	James Putman	4617 Dustin Rd	Burtonsville	MD	20866
Patuxent Watershed Protective Assn.	President	Luigi Faustini	4505 Dustin Rd		MD	20866
Saddle Creek Homeowners Association Inc	Administrative Agent	Guisela Deering,	12051-B Tech Road	Silver Spring	MD	20904
Saddle Creek Homeowners Association Inc	Primary Contact	Raymond Lee	4400 Meanderwood Drive	le	MD	20866
Sierra Club - Montgomery County Group	Treasurer	Jennifer Rossmere	P.O. Box 4024	Rockville	MD	20849
Timber Hill Civic Association	President	George Krouse	4540 Dustin Road		MD	20866
Valley Stream Estates HOA	Administrative Agent	Gene Stevens	12051 B Tech Road	Silver Spring	MD	20904
Valley Stream Estates HOA	Management Contact	Gene Stevens	12051 Tech Road Suite B	Silver Spring MD	MD	20904
Valley Stream Estates HOA	President	Walter Cruickshark	15122 Red Cedar Drive	Burtonsville	ДW	20886

M-NCPPC and Development Leam						
Name	Job Title	Address Line 1	Address Line 2	City	State Zip	Zip
M-NCPPC DARC	Intake Review	2425 Reedie Drive, 14th Floor		Wheaton	MD	20902
		Bregman, Berbert, Schwartz &	7315 Wisconsin Avenue,			
Soo Lee-Cho	Counsel	Gilday	Suite 800 West	Bethesda	MD	20814

^{*} Notice not mailed to these addresses because previous mail was returned to us.

Brookstone Senior Living Project in Burtonsville, Maryland

MEETING ATTENDANCE SHEET

Meeting Topic: Pre-Submittal Meeting for the Conditional Use Application

Organizer: Soo Lee-Cho, Esq., BBS&G Date: Thursday, May 26, 2022

Time: 6:30 to 8:00 p.m.

DESCRIPTION	ATTENDEE NAME	COMPANY/AFFILIATION
Zoning Attorney	Soo Lee-Cho, Esq.	Bregman, Berbert, Schwartz & Gilday, LLC
Architects	David Banta Collin Koonce Chris Palkowitsch	Associate Partner and Senior Lead Architect, BKV Group Urban Planner and Landscape Architect, BKV Group Partner, BKV Group
Civil Engineer	Dean Packard	Packard Associates
Traffic Consultant	Carl Wilson	Principal, The Traffic Group
Operator	Joe Jedlowski Chris Hoard	Principal, Distinctive Living Director, Construction Management
Owner	Thomas Norris Elizabeth Norris Kimberly Seeley	President, ElderHome Land, LLC Vice President, ElderHome Land, LLC Project Assistant, ElderHome Land, LLC

Civic, Community, Condominium Associations, Homeowners' Associations and Municipalities:

	Donald Chamberlain Peter Myo Khin Dan Wilhelm Bernadine Karns Cicero Salles	Timber Hill Civic Association Tamarack Triangle Civic Association Cloverly/Fairland/White Oak Civic Association Calverton Civic Association Montgomery County, White Oak Planning Manager
Property Owners	Mr. Roudeyna Ayoub Mrs. Ayoub Jatinder Singh Arpan Ghosh Eileen Taylor D. Meyer Ellen Beck Kathy Smith Joan Rackey James Essick	15321 Dino Drive Burtonsville, MD 20866 15321 Dino Drive Burtonsville, MD 20866 4300 Valley Stream Ave., Burtonsville, MD 20866 4308 Valley Stream Ave., Burtonsville, MD 20866 4320 Valley Stream Ave, Burtonsville, MD 20866 4324 Valley Stream Ave, Burtonsville, MD 20866 4325 Valley Stream Ave, Burtonsville, MD 20866 4327 Valley Stream Ave, Burtonsville, MD 20866 4328 Valley Stream Ave, Burtonsville, MD 20866 4214 Woottens Lane, Burtonsville, MD 20866

Brookstone Senior Living Project in Burtonsville, Maryland

Minutes of Pre-Submittal Meeting

for the Conditional Use Application Thursday, May 26, 2022

A. Opening

On May 26, 2022, at 6:30 p.m., a Pre-Filing Community Meeting was held via Zoom, which was organized by Ms. Soo Lee-Cho, Esq. of Bregman, Berbert, Schwartz & Gilday, LLC. Prior to the presentation, Ms. Lee-Cho requested that each attendee identify themselves and provide their mailing or email address, and asked whether they wanted to be added to the notice list.

B. Team Members Present

Zoning Attorney: Soo Lee-Cho, Esq., BBS&G

Architects: BKV Group:

David Banta, Associate Partner and Senior Lead Architect
 Collin Koonce, Urban Planner and Landscape Architect

Chris Palkowitsch, Partner

Civil Engineer: Dean Packard, Packard Associates
Traffic Consultant: Carl Wilson, The Traffic Group

Operator: Distinctive Living:

Joe Jedlowski, Principal

• Chris Hoard, Construction Management

Owner: ElderHome Senior Living, Inc.:

Thomas Norris, President

• Elizabeth Norris, Vice President

Kimberly Seeley, Project Assistant

C. Guests Present

Civic, Community, Condominium Associations, Homeowners' Associations and Municipalities:

Donald Chamberlain, Timber Hill Civic Association Peter Myo Khin, Tamarack Triangle Civic Association

Dan Wilhelm, Cloverly/Fairland/White Oak Civic Association

Bernadine Karns, Calverton Civic Association

Cicero Salles, Montgomery County, White Oak Planning Manager

Property Owners: Mr. and Mrs. Roudeyna Ayoub, 15321 Dino Drive Burtonsville, MD 20866

Jatinder Singh, 4300 Valley Stream Ave., Burtonsville, MD 20866 Arpan Ghosh, 4308 Valley Stream Ave., Burtonsville, MD 20866 Eileen Taylor, 4320 Valley Stream Ave, Burtonsville, MD 20866 D. Meyer, 4324 Valley Stream Ave, Burtonsville, MD 20866 Ellen Beck, 4325 Valley Stream Ave, Burtonsville, MD 20866 Kathy Smith, 4327 Valley Stream Ave, Burtonsville, MD 20866 Joan Rackey, 4328 Valley Stream Ave, Burtonsville, MD 20866 James Essick, 4214 Woottens Lane, Burtonsville, MD 20866

D. Introduction

Ms. Lee-Cho opened the meeting by describing the senior housing project to be built and asked that the project team members introduce themselves.

E. Presentation by Architects

The Architects, Mr. David Banta and Mr. Chris Palkowitsch, of BKV Group, gave a PowerPoint presentation showing the building renderings, various elevations from different views, as well as landscape and site plans. They also discussed the exterior material that will be used to build the facility and the various landscape screening designed for the project.

Following the Architects' presentation, Ms. Lee-Cho opened the floor for questions and comments from attendees.

F. Discussion

The questions and discussion can be reduced to four categories, which are discussed below: building design, site layout, traffic, and other.

1. Building Design:

Construction Time-Line: Donald Chamberlain asked whether the building would be completed all at one time or whether it would be done in phases. Ms. Lee-Cho responded that the building would be built all at one time. There may be a phased occupancy, but the intent is to complete the building at one time. An attendee later asked about how long construction would take and a team member answered 20-24 months.

Amenities: Ms. Karns inquired about the kind of amenities that will be available to the residents. She asked, will there be a little store? Post Office? Bus/transportation services? Mr. Jedlowski answered yes to all of those questions. There will be mailboxes for the residents (outgoing/incoming), a general store/pantry for residents to purchase small items as needed, as well as amenities such as a bistro, dining room, beauty salon, and physician's office. The shuttle bus will be used mainly for physician appointments but will also take residents to shopping malls, theater and other outings. He explained they have residents living in buildings like this who are very happy and engaged. Dan Wilhelm, from the Cloverly/Fairland/White Oak Civic Association, followed up that the shuttle bus can also take them to the Bus Rapid Transit (BRT) Station and Park and Ride.

Light Pollution: A neighbor, Ms. Meyer, brought up her concern of light pollution. Mr. Banta, the Architect, responded that lighting fixtures will be oriented to direct light downward, not outward from the site, as required by the County.

Noise Pollution: Some neighbors asked about noise and sirens, in particular. Ms. Lee-Cho answered that there will be construction noise but no other significant amount of noise. Mr. Jedlowski, the Operator, responded that, in most cases when 9-1-1 is called, there is already medical staff on site. In addition, it is very rare to hear an ambulance siren coming into any of these buildings. Ms. Karns from the Calverton Civic Association responded that ambulances turn their sirens off when they get close to Riderwood in Calverton. The only time the sirens are on is when there is some type of fire issue in a building.

Marketing Strategy: Mr. Ghosh asked about marketing efforts to find residents. Mr. Jedlowski, the Operator, responded that 80-90% leads will be digital. The remaining will be grassroots marketing. They will be hiring marketing staff during construction and will build relationships with hospitals, skilled nursing facilities, and others. Some print media will be used along with the opening at some point. Mr. Ghosh also asked about the project's compliance with affordable housing requirements. Ms. Lee-Cho answered there will be 12.5% MPDUs among the independent living units.

Room/unit rates: Ms. Taylor asked about the rental rate of the units. Mr. Jedlowski responded that the rent will vary because the project will allow for the continuum of care in this community. The lowest entry point would be Independent Living, then the price goes higher as resident goes through increased needs of care. The price also depends on competition and staffing costs. They will fine tune rates during the construction process.

Green Building: There was some discussion about whether the facility will be going for LEED certification. Mr. Banta responded that the project will comply with LEED sustainability standards as required.

HVAC System: Another neighbor asked about the heating and air conditioning to be used and the fuel source. Mr. Banta replied that they have not gone that far into the design yet and will be exploring many options. Certain materials are not used because of its environmental impact. Asked if the HVAC units were loud, Mr. Banta replied that they are not. Also, the units will be screened and out of sight.

Power Outages and Storms: A homeowner raised concerns about power outages in a storm and whether a contingency plan was in place. Mr. Banta responded that residents will have protection during storms. There will be a generator to power up certain parts of the building including the dining room, heating and air conditioning, and kitchen for meal preparation. They will power up larger spaces so residents have access

to air conditioning and/or heating. Mr. Palkowitsch, the Architect, added that this project falls under the guidelines for senior living areas of refuge.

2. Site Layout:

Safety: A neighbor, Mr. Essick, stated that he loved the presentation and informed that kids are cutting through his backyard to get to the townhome development behind him. He asked whether this project would stop this from occurring. Mr. Banta responded that they were not aware of this issue and they would need to assess where the issue is and where to target but will work to address his concerns. Some natural occurrences prevent any fencing, along the South side.

Property Values: Mr. Essick stated that Google search showed him that property values plummet if a senior citizen home is built next door. Ms. Lee-Cho responded that the project team's experience is just the opposite, especially with a project, such as this, with this high level of quality, aesthetics, and design considerations and details for the surrounding neighborhood. This facility is the next generation of architecture with elevated design aesthetics. She believes this project will uplift the aesthetic quality and enhance the surrounding community.

Wildlife: Mr. Essick was concerned about the effect of this project on wildlife, and whether critters would be traveling through his backyard at night. Mr. Banta responded that at his house north of Baltimore, he sees deer in his backyard every day – foxes run through and even turkeys go on his patio. They are going to go where they want to go. However, there is still plenty of forest that they can go to. It is something we all have to live with at this point. Deer are all over, even in Washington, D. C. and urban areas.

Project Density: Mr. Ghosh asked about the density of the facility. Ms. Lee-Cho responded it is currently proposed to include 92 independent living, 60 assisted living, and 24 memory care and stated that calculations show the project to be below the maximum density for this use category.

Parking: Ms. Taylor asked about the number of parking spaces. Mr. Banta responded approximately 141 spaces, including the required ratios for assisted living/memory care, independent living, and staff/employee parking. Ms. Beck was also concerned about the parking spaces and roadway abutting existing homes. Mr. Banta replied that the border will be heavily screened and treed and there will be a landscape buffer.

Building Height: Ms. Beck stated that she is concerned about the height of the building and whether it would overshadow homes that abut facility. Mr. Banta responded that the 50-foot height is allowed in this residential area. He stated that the building is set as far back as possible--a good 80-100 feet off her property line before the bulk of the

project starts. Most of the building is on the opposite side, furthest away from her property line, which will be bordered by trees and residential buffer.

Deforestation: An attendee asked about deforestation and its environmental impact. Ms. Lee-Cho responded that Montgomery County has rigorous forest conservation laws and reforesting requirements. Mr. Packard, the Civil Engineer, added that any development in the County has to follow forest conservation laws and that the project will fully comply with County requirements. We are also trying to save as much forest and add additional landscaping, shrubs, and buffering, as needed. Mr. Chamberlain also added that when trees are cleared, the County has established requirements to plant trees off-site.

3. Traffic:

Traffic Light: Mr. Essick asked whether there were any plans to install a traffic light at Dino Drive and Route 198. Mr. Banta responded that there were currently no plans to install a traffic light in the area. The facility is a relatively small trip generator.

Increase in Trips: Some homeowners expressed concern about an increase in traffic and expressed difficulty in getting out of the subdivision during traffic time. A team member responded that in a use like this, residents are not in the work force and do not drive, especially during peak hours. They use the shuttle bus and other transportation provided. Mr. Carl Wilson, the Traffic Engineer, responded that a traffic study does not come into play unless a project site is anticipated to generate more than 50 peak person hour trips. Mr. Ghosh responded that they needed to look at traffic of the entire surrounding are, not just this facility.

Traffic Analysis: There was some discussion about whether a traffic study is required. Mr. Wilson, the Traffic Engineer, responded that the site will generate fewer than 50 peak hour person trips and is exempt from doing a full traffic study. Asked if/when a full traffic study was done for the area, Mr. Wilson referenced a study done by the Maryland State Highway Administration that was not connected to this project. Some homeowners expressed concern that the traffic study was completed during the Covid shutdown, and that another traffic study was needed to reflect current traffic. Mr. Wilson replied that the threshold to require a traffic study does not apply because of the low flow of traffic for this use. Many residents who will live in this facility do not have cars. Independent residents who have cars are not driving during peak hours. These residents typically try to avoid traffic. The total trips in a 24-hour period is 390 total trips inbound and outbound.

Traffic from Other Facilities: Mr. Ghosh stated that there are other businesses and a couple churches nearby that also generate traffic. It would be good to look at traffic of

the entire surrounding area, not just this facility. The Traffic Engineer stated they would follow all of the County's rules and regulations regarding traffic.

Threshold: Mr. Ghosh asked if the traffic threshold has changed since 2005 and whether there was a website that could be provided. Mr. Wilson responded that it has changed and provided the following website that takes you to the Local Area Transportation Review Guidelines (LATR):

https://montgomeryplanning.org/wp-content/uploads/2022/03/2022-LATR-Guidelines-Update-FINAL.pdf

4. Other:

Build on Another Nearby Tract of Land: A neighbor stated that there is a large tract of land on the other side of Dino Drive, and asked if any consideration was given to build the senior housing facility on that site. Ms. Lee-Cho responded that the property referenced is owned by someone else. That property is zoned commercial and the owners are believed to have another use planned for it.

Similar Project: Some neighbors asked if there was a similar project building nearby so that they can drive around and get a feel for the project. Mr. Banta replied not in this area. This is a unique design that they created. They work across the country, but don't have anything locally.

Start Date: An attendee asked about the projected start date for construction. Ms. Lee-Cho responded that an application needs to be filed, and then 5-6 months for conditional use approval. The entitlement process is a year and filing for construction/building permits could take another 4-5 months. Once construction starts, it is a 20- to 24-month construction period – so in all, approximately three years out until residents live in the facility.

Zoning: A couple of homeowners asked about the zoning, what is allowed, and whether changes are being made to the zoning. Ms. Lee-Cho replied, the site is R-200 and they are not changing the zoning. They will be applying for a conditional use (formerly called a special exception) application, which will be reviewed by the Office of Zoning and Administrative Hearings.

Upcoming Hearings: An attendee asked if the residents will be informed of the hearing dates. Ms. Lee-Cho replied, yes. Residents who signed up will be informed of upcoming meetings.

G. Adjournment

Ms. Lee-Cho thanked everyone for attending the Pre-Submittal Meeting. All of the attendees were cordial and polite and the meeting was productive. The meeting was adjourned at 8:00 p.m.

UBMITAL METING

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26, 2022 at 6:3 9734978455

information please Focess and hearing

w.montgomeryplanning.org/develop (301) 495-4550 yland-National Capital Park & Planning 2425 Reedie Drive, Wheaton, MD 209 ryland-National Cap

