



**Planet Depos®**  
We Make It *Happen*™

---

# Transcript of Administrative Hearing

**Date:** September 28, 2018

**Case:** Inspire, LLC

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**www.planetdepos.com**

Transcript of Administrative Hearing  
Conducted on September 28, 2018

1 (1 to 4)

1	1	3
1	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1
2	FOR MONTGOMERY COUNTY, MARYLAND	2
3	-----x	3
4	In Re: :	4
5	INSPIRE, LLP : OZA No. CU18-09	5
6	-----x	6
7		7
8	ADMINISTRATIVE HEARING	8
9	Rockville, Maryland	9
10	Friday, September 28, 2018	10
11	8:30 a.m.	11
12		12
13		13
14		14
15		15
16		16
17		17
18		18
19		19
20		20
21		21
22		22
23	Job No.: 210563	23
24	Pages: 1 - 91	24
25	Transcribed by: Christian Naaden	25
1	2	4
1	Administrative Hearing held at the offices of:	1
2		2
3		3
4	MONTGOMERY COUNTY OFFICE OF ZONING & ADMINISTRATIVE	4
5	HEARINGS	5
6	100 Maryland Avenue	6
7	County Office Building, Room 200	7
8	Rockville, MD 20850	8
9		9
10		10
11		11
12		12
13		13
14	Pursuant to agreement, before Donna Jenkins,	14
15	Notary Public in and for the State of Maryland.	15
16		16
17		17
18		18
19		19
20		20
21		21
22		22
23		23
24		24
25		25
1	2	4
1	CONTENTS	1
2	ADMINISTRATIVE HEARING OF INSPIRE LLP	2
3	By Ms. Breza	3
4		4
5		5
6		6
7		7
8	EXHIBITS	8
9		9
10	Exhibits 1 through 77 were admitted into evidence but not	10
11	individually identified.	11
12		12
13		13
14		14
15		15
16		16
17		17
18		18
19		19
20		20
21		21
22		22
23		23
24		24
25		25

Transcript of Administrative Hearing  
Conducted on September 28, 2018

2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 MR. GROSSMAN: Counsel ready?</p> <p>3 MS. BREZA: Yes, thank you.</p> <p>4 MR. GROSSMAN: All right.</p> <p>5 MS. BREZA: Good morning, Mr. Grossman, how are</p> <p>6 you?</p> <p>7 MR. GROSSMAN: I'm fine thank you. Let me first</p> <p>8 call the case before we get into anything else. Court</p> <p>9 reporter ready? All right, then I'll call the case. This is</p> <p>10 a public hearing in the matter of Inspire LLP, OZA number</p> <p>11 CU18-09, an application for conditional use pursuant to</p> <p>12 zoning ordinance Section 3.4.5; that's educational</p> <p>13 institution private to allow operation of a private</p> <p>14 educational institution in the existing two-story building</p> <p>15 at 4343 Sandy Spring Road, Burtonsville, Maryland.</p> <p>16 The subject site consisting of approximately 2.859</p> <p>17 acres is Parcel 277 on tax map LS11 and is described as</p> <p>18 part of Snowden's Manor and lower subdivision. It is zoned</p> <p>19 R200. A conditional use is required for this type of use in</p> <p>20 the R200 zone. The property is owned by the Silver Spring</p> <p>21 Lodge Number 658, Loyal Order to Moose, and the applicant</p> <p>22 is the contract purchaser. The site is subject to the 1997</p> <p>23 Fairland Master Plan.</p> <p>24 My name is Martin Grossman, I'm the hearing</p> <p>25 examiner. I will take evidence here and write a reporter</p>	<p>7</p> <p>1 firm.</p> <p>2 MR. GROSSMAN: All right.</p> <p>3 MS. BREZA: Mr. Paul Sill, a civil engineer, also</p> <p>4 with Sill Engineering. And Mr. Monty Rahman, the traffic</p> <p>5 engineer.</p> <p>6 MR. GROSSMAN: Okay. And those were all listed, I</p> <p>7 see, previously in --</p> <p>8 MS. BREZA: That is --</p> <p>9 MR. GROSSMAN: -- the previous submissions.</p> <p>10 MS. BREZA: -- correct.</p> <p>11 MR. GROSSMAN: Okay. All right. Is there anybody</p> <p>12 here in addition to witnesses to be called by the applicant</p> <p>13 who wishes to be heard today? I see no answers, so I'll</p> <p>14 take that as a no. All right. Let me explain a little bit</p> <p>15 about the nature of these proceedings.</p> <p>16 It's a combination of formality and informality.</p> <p>17 It's formal in the sense that we operate pretty much the</p> <p>18 way a court operates. There's a court reporter who takes</p> <p>19 everything down. There will be a transcript in about 10</p> <p>20 days, which we will put on our website. All witnesses are</p> <p>21 sworn in; they're subject to cross examination if there</p> <p>22 were somebody here to cross examine.</p> <p>23 And the rules of evidence are similar too but a</p> <p>24 little bit more relaxed than the formal rules in the court</p> <p>25 room in that we allow certain types of reliable and</p>
<p>6</p> <p>1 and decision in the case. Will counsel identify themselves,</p> <p>2 please?</p> <p>3 MS. BREZA: Your Honor, my name is Rachel Breza</p> <p>4 and my co-counsel is Scott Breza. We're with the law firm</p> <p>5 of Hofmeister and Breza. And we represent the petitioner,</p> <p>6 Inspire, LLP.</p> <p>7 MR. GROSSMAN: All right. I noticed there was a</p> <p>8 different attorney who filed something initially in this</p> <p>9 case.</p> <p>10 MS. BREZA: Andrew Winnick is also partner of ours</p> <p>11 in our law firm.</p> <p>12 MR. GROSSMAN: Okay. And he's not part of the</p> <p>13 proceedings today?</p> <p>14 MS. BREZA: Correct.</p> <p>15 MR. GROSSMAN: Okay. And you brought with you how</p> <p>16 many witnesses today?</p> <p>17 MS. BREZA: I brought four witnesses today.</p> <p>18 MR. GROSSMAN: Okay.</p> <p>19 MS. BREZA: Thank you.</p> <p>20 MR. GROSSMAN: And that they are?</p> <p>21 MS. BREZA: They are Miss Sandra Ventura, the</p> <p>22 authorized representative of Inspire, LLP.</p> <p>23 MR. GROSSMAN: Okay.</p> <p>24 MS. BREZA: The second witness is Miss JoAnne</p> <p>25 Carey-Vert, a landscape architect with the Sill Engineering</p>	<p>8</p> <p>1 appropriate hearsay.</p> <p>2 The conditional use, which is what's sought here</p> <p>3 today, is not a variance, as some people used to think of</p> <p>4 it, when it used to be termed a special exception. It is a</p> <p>5 statutorily permitted use if certain conditions are met,</p> <p>6 and they're spelled out in the staff report, both</p> <p>7 conditions that are general that apply to all conditional</p> <p>8 uses and also specific ones that apply to this type of</p> <p>9 conditional use.</p> <p>10 Let me go through a few other preliminary matters.</p> <p>11 We do need an affidavit of posting, that's up to date and</p> <p>12 we have that, Ms. Breza.</p> <p>13 All right. Thank you. We'll call that -- going up</p> <p>14 to 76. Okay. Let me ask you a preliminary matter. Do you</p> <p>15 accept the recommendations of the technical staff as</p> <p>16 amended by the Planning Board?</p> <p>17 MS. BREZA: So, Your Honor, we accept all of the</p> <p>18 conditions but I have some modifications -- and one</p> <p>19 modification, one clarification.</p> <p>20 MR. GROSSMAN: Okay.</p> <p>21 MS. BREZA: Regarding condition number two --</p> <p>22 MR. GROSSMAN: The times --</p> <p>23 MS. BREZA: -- the time --</p> <p>24 MR. GROSSMAN: -- I saw your submission. Let's get</p> <p>25 back to that in a second.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

3 (9 to 12)

<p>9</p> <p>1 MS. BREZA: Okay.</p> <p>2 MR. GROSSMAN: Other than that --</p> <p>3 MS. BREZA: The only other one was number 9, which</p> <p>4 is regarding the sewer. I just want to clarify that the</p> <p>5 petitioner is the contract purchaser and DPS, specifically</p> <p>6 Mr. Jason Fleming, requested that we do some excavation</p> <p>7 work to check if the septic system had a four-foot stone</p> <p>8 base to it, but we have to dig down 18 feet to get to it.</p> <p>9 MR. GROSSMAN: Okay.</p> <p>10 MS. BREZA: And we're not -- as contractor</p> <p>11 purchaser, we're not in a position to be digging through</p> <p>12 the parking lot that now goes over that space. So, what we</p> <p>13 are requesting is that we agree with everything in Mr.</p> <p>14 Fleming's letter, but what we're requesting is that we</p> <p>15 still maintain that right to be able to work with DPS</p> <p>16 because the septic system has been functioning for so long</p> <p>17 it's -- it was last inspected just a couple months -- well,</p> <p>18 not even a couple months ago -- last inspected in August, I</p> <p>19 believe, by the Moose Lodge. We've done an environmental</p> <p>20 phase one assessment on it back in late 2017 --</p> <p>21 MR. GROSSMAN: All right.</p> <p>22 MS. BREZA: -- and there was no evidence of it</p> <p>23 leaking at all.</p> <p>24 MR. GROSSMAN: So, what you're asking for is</p> <p>25 instead of saying prior to approval of the conditional use</p>	<p>11</p> <p>1 with us being able to say, hey, look, normally we're going</p> <p>2 to have 24 people there at any one time --</p> <p>3 MR. GROSSMAN: Okay.</p> <p>4 MS. BREZA: -- we just want the option</p> <p>5 occasionally to be able to host a little bit larger event.</p> <p>6 MR. GROSSMAN: Okay. That exhibit, by the way, is</p> <p>7 67B, as in boy.</p> <p>8 MS. BREZA: That is correct.</p> <p>9 MR. GROSSMAN: Why were the hours of operation</p> <p>10 amended and the outside noise control amended by the</p> <p>11 Planning Board?</p> <p>12 MS. BREZA: My understanding regarding the outside</p> <p>13 noise control was that I wanted it to be more narrowly</p> <p>14 drafted than it was, because it made it sound like you</p> <p>15 couldn't even have a radio outside.</p> <p>16 MR. GROSSMAN: Right.</p> <p>17 MS. BREZA: And I just wanted to be a little bit</p> <p>18 clearer.</p> <p>19 MR. GROSSMAN: So, that was at your request?</p> <p>20 MS. BREZA: That was at my request.</p> <p>21 MR. GROSSMAN: Okay.</p> <p>22 MS. BREZA: And then the hours, I believe what</p> <p>23 happened was the -- essentially miscommunication between me</p> <p>24 and Planning because in my statement of the case I was</p> <p>25 saying the exact hours of the classes versus the reality</p>
<p>10</p> <p>1 you're asking that that condition be changed to prior to</p> <p>2 the issuance of a use and occupancy permit?</p> <p>3 MS. BREZA: Exactly. Yes. Thank you.</p> <p>4 MR. GROSSMAN: Okay.</p> <p>5 MS. BREZA: And that's it.</p> <p>6 MR. GROSSMAN: All right. What about their</p> <p>7 findings, the findings of technical staff, do you agree</p> <p>8 with and adopt those?</p> <p>9 MS. BREZA: Yes, we do.</p> <p>10 MR. GROSSMAN: All right. I should say that I have</p> <p>11 a problem with one aspect of that, and I'm going to get</p> <p>12 back to that in a minute.</p> <p>13 MS. BREZA: Okay.</p> <p>14 MR. GROSSMAN: I have a question about the traffic</p> <p>15 statement. Why was there an amended traffic statement</p> <p>16 issued?</p> <p>17 MS. BREZA: There was some confusion because we</p> <p>18 had 75 people maximum and initially I believe that Planning</p> <p>19 thought that we were going to do that all the time, like</p> <p>20 have 75 people every weekend, that was purely just to be</p> <p>21 able to have some special events and they narrowed it to</p> <p>22 four special events a year.</p> <p>23 MR. GROSSMAN: Right.</p> <p>24 MS. BREZA: So, that change, the need to go into a</p> <p>25 formal traffic study at that point. Planning seems fine</p>	<p>12</p> <p>1 that we face that sometimes a student might stay after for</p> <p>2 a few minutes to talk with the leader or minister and we</p> <p>3 want to -- I just didn't want to create confusion that from</p> <p>4 a neighbor or anybody that we would have to be out of there</p> <p>5 right at 11:00.</p> <p>6 It takes time to clean up the classroom, get</p> <p>7 everybody out, get everyone out of the parking lot and I</p> <p>8 just wanted to make sure that we had ample time to do that</p> <p>9 and it was clear to everybody.</p> <p>10 MR. GROSSMAN: So, but that's as to the changes</p> <p>11 made by the Planning Board.</p> <p>12 MS. BREZA: Yeah.</p> <p>13 MR. GROSSMAN: Now, I see you've requested some</p> <p>14 additional time --</p> <p>15 MS. BREZA: Because Phillip --</p> <p>16 MR. GROSSMAN: -- on --</p> <p>17 MS. BREZA: -- Phillip ac- --</p> <p>18 MR. GROSSMAN: Well, let me finish the question.</p> <p>19 MS. BREZA: Okay. Sure.</p> <p>20 MR. GROSSMAN: You've requested some additional</p> <p>21 time in an exhibit just submitted yesterday or the day --</p> <p>22 yeah, on September 26th for -- and a spreadsheet that you</p> <p>23 submitted, 75A, requesting additional hours. Why is that?</p> <p>24 MS. BREZA: Because Phillip Estes and I were going</p> <p>25 back and forth and I emailed him to request that he put in</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

4 (13 to 16)

<p>13</p> <p>1 the 11:30 prior to the Planning Board approval, but that 2 did not happen. So, that's why I did that. 3 So, when his initial recommendation came down I 4 requested it at that time and then because it's in a 5 spreadsheet format like -- he actually -- I have an email 6 from him showing that communication if you would like to 7 see it. 8 MR. GROSSMAN: Well, I believe you. It's just that 9 -- 10 MS. BREZA: Yeah. 11 MR. GBROSSMAN: -- it creates an additional 12 complication. If you wish to amend your application and you 13 do it at least 10 days before the hearing, we send out 14 notice of an amendment as we did earlier and that gives 15 notice to everybody. If you attempt to do it at the 16 hearing, it's not that it can't be done, but then I have to 17 keep the record open, I have to resubmit it to the Planning 18 Department for its review and commentary. 19 And they said it will -- the statute says, the 20 zoning ordinance says for up to 30 days. And I wouldn't 21 necessarily do it for that long, but is it really that 22 critical that you have this additional change that you'd 23 want to keep the record open before I -- 24 MS. BREZA: I mean, it also goes to the other day. 25 I mean I can talk to my client and we can discuss it.</p>	<p>15</p> <p>1 of thing. 2 MR. GROSSMAN: Okay. 3 MS. BREZA: So, we feel that we were being less 4 impactful than the current use in a way that I don't 5 believe that the neighbors will have any issue with this. 6 The entrance to the Moose Lodge is completely away from any 7 residential areas. We'll show you on the plan or from the 8 houses. 9 And, again, the classes that we're talking about 10 are limited to 20 people with four instructors and I just 11 didn't want there to be any confusion. But right now it 12 does say that we can have the classes scheduled until 13 11:00, it's just I'm trying to prevent any future -- you 14 know, I'm trying to prevent everybody coming back in here - 15 - 16 MR. GROSSMAN: No -- 17 MS. BREZA: -- in a year. 18 MR. GROSSMAN: -- I'm not saying it's a terrible 19 idea -- 20 MS. BREZA: Yeah, yeah. 21 MR. GROSSMAN: -- I don't have an opinion on that 22 per se -- 23 MS. BREZA: Right. 24 MR. GROSSMAN: -- I'm just saying that it will 25 delay things because under the zoning ordinance I must</p>
<p>14</p> <p>1 MR. GROSSMAN: All right. 2 MS. BREZA: One of my objectives was to keep the 3 time consistent through all the different events so that 4 people don't have to try and remember because I think as a 5 practical matter the client really didn't remember 6 necessarily but as the years past if it's all these 7 different times because right now we have a -- 8 MR. GROSSMAN: Well, you didn't make it consistent 9 throughout because on your -- currently -- 10 MR. BREZA: Right. 11 MR. GROSSMAN: -- it's Monday through Friday with 12 the added -- the earlier hours were added by the Planning 13 Board, but then you wanted to change the -- I guess to 14 11:30 from 11:00 and then to 11:30 -- oh, I see, that is 15 the -- from 10:30. So, I see all of those times would be 16 now 11:30. I mean I'm not sure it may have neighborhood 17 impacts being that late, that's unusually late -- 18 MS. BREZA: Well, the -- 19 MR. GROSSMAN: -- for this. 20 MS. BREZA: -- I understand. The existing special 21 exception on the property for the Moose Lodge, they're 22 permitted to go until midnight right now, Monday through 23 Saturday. And they also have hours on Sunday. 24 And I believe they're allowed to go until 1:00 25 a.m. for special events. They host weddings and that kind</p>	<p>16</p> <p>1 resubmit it to the Planning Department for further comment 2 -- 3 MS. BREZA: Okay. 4 MR. GROSSMAN: -- especially since that was one of 5 the issues, the timing was one of the issues changed by the 6 Planning Board, so apparently this proposal was not put 7 forward before them and now -- so they'd have to have 8 another option of going back and saying yay or nay on it. 9 MS. BREZA: Right. 10 MR. GROSSMAN: So, you might -- you want to 11 consult your client -- 12 MS. BREZA: So, we think it'll be -- 13 MR. GROSSMAN: -- and let me know -- 14 MS. BREZA: -- approximately a 30-day -- 15 MR. GROSSMAN: Well -- 16 MS. BREZA: -- delay. 17 MR. GROSSMAN: -- it wouldn't have to be 30 days, 18 that's the outer limit, it's -- 19 MS. BREZA: Okay. 20 MR. GROSSMAN: -- a strange little provision in 21 the zoning ordinance says for not more 30 days but 22 ordinarily, I would give them 10 to 15 days -- 23 MS. BREZA: Okay. 24 MR. GROSSMAN: -- to comment -- 25 MS. BREZA: It's okay.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

5 (17 to 20)

<p>17</p> <p>1 MR. GROSSMAN: -- back and the --</p> <p>2 MS. BREZA: And then table.</p> <p>3 MR. GROSSMAN: Right. And the record would remain</p> <p>4 open in any event until the transcript --</p> <p>5 MS. BREZA: Right.</p> <p>6 MR. GROSSMAN: -- arrives, so it ordinarily would</p> <p>7 be a 10-day time period in any event, but this would might</p> <p>8 further extend it another few days. But -- and if they</p> <p>9 didn't have any comment that they wanted to make -- now, I</p> <p>10 don't know if the Planning Department would feel it</p> <p>11 necessary since the Planning Board opined on the timing</p> <p>12 issue already, the Planning Department might feel it's</p> <p>13 necessary to have the Planning Board itself --</p> <p>14 MS. BREZA: Right.</p> <p>15 MR. GROSSMAN: -- act on it and then it would be</p> <p>16 further delayed, but not for more than 30 days under the</p> <p>17 statute. So --</p> <p>18 MS. BREZA: Right. I mean --</p> <p>19 MR. GROSSMAN: -- it's not a delay that I would</p> <p>20 ordinarily want, but I mean you can talk to your client</p> <p>21 during the break and evaluate.</p> <p>22 MS. BREZA: Okay. Thank you so much.</p> <p>23 MR. GROSSMAN: All right. And the last item that</p> <p>24 concerned me was in reading over the staff report, the</p> <p>25 Planning Department staff report in preparation for this</p>	<p>19</p> <p>1 One is you could ask for a waiver. You're not</p> <p>2 asking for a waiver in terms of the number of parking</p> <p>3 spaces so it doesn't have to be published in the notice, as</p> <p>4 I recall.</p> <p>5 But you can ask for a waiver of those setback</p> <p>6 provisions and/or you could argue that the use as proposed</p> <p>7 would still be compatible and under the zoning ordinance's</p> <p>8 general provision the hearing examiner has authority to</p> <p>9 find that the provisions of Article 6, 59.6 do not require</p> <p>10 for compatibility that there be full compliance with that.</p> <p>11 So, there is kind of a dual way you can approach this, but</p> <p>12 I just wanted to alert you to that --</p> <p>13 MS. BREZA: Sure.</p> <p>14 MR. GROSSMAN: -- because I noticed that and you</p> <p>15 should address it in your evidence.</p> <p>16 MS. BREZA: Excellent.</p> <p>17 MR. GROSSMAN: Okay.</p> <p>18 MS. BREZA: Thank you.</p> <p>19 MR. GROSSMAN: All right. Any other preliminary or</p> <p>20 procedural matters?</p> <p>21 MS. BREZA: No. No, thank you.</p> <p>22 MR. GROSSMAN: All right. Then do you wish to make</p> <p>23 an opening statement?</p> <p>24 MS. BREZA: Yes, a very brief opening statement.</p> <p>25 MR. GROSSMAN: All right.</p>
<p>18</p> <p>1 hearing, I saw that Mr. Estes had found that there was a</p> <p>2 grandfathering provision in the zoning ordinance, it's</p> <p>3 zoning ordinance 59-7.7.1.8.1, I believe, in which he said</p> <p>4 applied here and grandfathered in the current landscaping</p> <p>5 and parking setbacks and so on because it's not going to be</p> <p>6 changed by your client. I don't agree with that legal</p> <p>7 interpretation.</p> <p>8 MR. BREZA: Okay.</p> <p>9 MR. GROSSMAN: I don't believe that that provision</p> <p>10 of the zoning ordinance was intended when a new conditional</p> <p>11 use comes in to grandfather an existing site because the</p> <p>12 new conditional use could have many more impacts on the</p> <p>13 community than the existing one.</p> <p>14 So, I just think that's a misapplication of that</p> <p>15 grandfathering provision, which is not to say that you</p> <p>16 would have more impacts because in this case it appears</p> <p>17 that from what's in the staff report that you would not,</p> <p>18 but you need to address that issue in your evidence because</p> <p>19 I don't agree legally with the conclusion of --</p> <p>20 MS. BREZA: Sure.</p> <p>21 MR. GROSSMAN: -- of the staff on that point. And</p> <p>22 that includes, as I said, the parking setbacks. When I</p> <p>23 looked at the side setbacks for the parking lot they do not</p> <p>24 meet the current standards in the zoning ordinance by quite</p> <p>25 a bit. So, the choice there is twofold.</p>	<p>20</p> <p>1 MS. BREZA: Thank you, Your Honor.</p> <p>2 MR. GROSSMAN: You may proceed Ms. Breza.</p> <p>3 MS. BREZA: Sure. I just wanted to say that the</p> <p>4 petitioner has been using good faith over the past year</p> <p>5 with the Planning Department to comply with all aspects of</p> <p>6 the 2014 zoning ordinance.</p> <p>7 MR. GROSSMAN: Yes.</p> <p>8 MS. BREZA: And we even had a pre-submission</p> <p>9 meeting with the Department of Planning and had about, oh,</p> <p>10 I'd say 8, 10 people there, and really went over all the</p> <p>11 issues that we could come up with, and attempted to submit</p> <p>12 all the documentation to comply with every single thing</p> <p>13 that Planning was asking, that has been the -- our effort</p> <p>14 from the beginning is to been -- to collaborate with</p> <p>15 Planning as best we can.</p> <p>16 We are contract purchaser so there are some</p> <p>17 limitations to what we were able to do with the property.</p> <p>18 At this point, we need this conditional use in order to</p> <p>19 complete the contract of sale, so it is important that we</p> <p>20 do get this and timing may be a factor in that regard.</p> <p>21 MR. GROSSMAN: All right.</p> <p>22 MS. BREZA: We've already discussed the two issues</p> <p>23 that I wanted to raise regarding Planning's comments. And I</p> <p>24 just want to say overall I believe that this use, the new</p> <p>25 use, will be significantly less impactful than the existing</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

6 (21 to 24)

<p style="text-align: right;">21</p> <p>1 Moose Lodge because the character of the usage changing 2 from a social organization that hosts -- that provides 3 food, it provides alcohol, serves alcohol, we're not going 4 to be doing any of that. 5 Also, the size of the events on average are going 6 to be smaller. In addition, we're not even hosting classes 7 every day. Right now the schedule is for us to host classes 8 on Tuesdays, Thursdays, and Saturdays, which Miss Ventura 9 will testify more to that regard. 10 MR. GROSSMAN: All right. 11 MS. BREZA: And so we feel that this is going -- 12 this use will fit very well with the neighboring community 13 and not be in any way against the spirit and intent of the 14 2014 zoning ordinance. 15 MR. GROSSMAN: Okay. 16 MS. BREZA: And then I do have a question. I just 17 wanted to formally submit all of the exhibits at once. 18 MR. GROSSMAN: Usually what we do, the practice 19 here is at the end of the -- 20 MS. BREZA: Okay. 21 MR. GROSSMAN: -- proceeding, you'd move the 22 exhibits into evidence and they're routinely accepted into 23 evidence -- 24 MS. BREZA: Sure. 25 MR. GROSSMAN: -- except to the extent they're</p>	<p style="text-align: right;">23</p> <p>1 you've been working there, that kind of thing. 2 MS. VENTURA: Yes. I am the president of Inspire. 3 I've been with the company for about 16 years we -- since 4 it's opened. I oversee the classes. I oversee staff. 5 As they submit their lesson plans, I approve them, 6 make sure everything goes in order. I delegate. So, 7 basically that's my role there. 8 MR. GROSSMAN: Okay. 9 MS. BREZA: And what is the purpose or mission of 10 Inspire? 11 MS. VENTURA: Inspire is a training center. In the 12 training center we train adults. You know we provide 13 classes, workshops, they are based on biblical principles, 14 seminars and we focus on the person. Our logo is person 15 with a purpose. And we help the community. For instance, we 16 have classes dress for success. 17 A lot of people don't know how to dress for an 18 interview and we come help them out. Some people have 19 regret that they never got their high school diploma so 20 they're looking for a GED, we help them with that. We go 21 through the process and then at the end they get a better 22 job with better finances. We hold a couple conferences. 23 And, I know, if you get married, how do we stay together, 24 how do I cope with this person 24/7. 25 So, we help with that. We have financial seminars.</p>
<p style="text-align: right;">22</p> <p>1 objected to. 2 MS. BREZA: Sure. Okay. Thank you very much. 3 MR. GROSSMAN: Sure. 4 MS. BREZA: And then I believe you have the 5 summary of witnesses already. So, that was it for now and I 6 was going to call Miss Ventura -- 7 MR. GROSSMAN: All right. 8 MS. BREZA: -- one of the representatives for the 9 property -- 10 MR. GROSSMAN: All right then. 11 MS. BREZA: -- if that's okay. 12 MR. GROSSMAN: Miss Ventura? 13 MS. VENTURA: Yes. 14 MR. GROSSMAN: Could you state your full name and 15 address, please? 16 MS. VENTURA: My name is Sandra Ventura. 10107 17 William Street, Laurel, Maryland 20707. 18 MR. GROSSMAN: Would you raise your right hand, 19 please? Do you swear or affirm to tell the truth, the whole 20 truth and nothing but the truth under penalty of perjury? 21 MS. VENTURA: Yes, I do. 22 MR. GROSSMAN: All right. You may proceed. 23 MS. BREZA: Thank you so much. 24 Miss Ventura, will you please tell the court a 25 little bit about your role with Inspire LLP, how long</p>	<p style="text-align: right;">24</p> <p>1 Boy, that's a very successful one because a lot of people 2 like, how do you save money. Or how do I manage my 3 finances. So, we have specific staff that are trained in 4 those areas to come and help the community in that area. 5 We have exercise programs and a lot of people come 6 to us and they've been struggling with weight and they 7 can't do it on their own but once, you know, if there's a 8 whole bunch of people with the same struggle and we make it 9 fun, and so they end up losing the weight and they end up - 10 - they don't have as many health problems and, you know, 11 it's just overall it just helps everybody. 12 And you see them with joy and we get joy for 13 helping the people as well. So, that's just a little of 14 what we do. You know, people come with being 15 procrastinators and we help them set the goals. If you got 16 the goals and we actually see them follow the goals and at 17 the end, hey, done. So, we get great joy for that. 18 MS. BREZA: And when did Inspire start? How long's 19 it been in existence? 20 MS. VENTURA: About 16 years ago we opened up 21 Inspire, LLP. 22 MS. BREZA: And why did you select 4343 Sandy 23 Spring Road as the location that you want to buy? 24 MS. VENTURA: Yeah. So, we've been renting all 25 this time. We've been leasing. Our goal and our dream was</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 always to purchase our own place and have our own. Not too 2 much acreage but a little bit where we call it our own. 3 So we've been saving throughout this year -- 4 throughout all these 16 years and we wanted to save the 5 facilities of Laurel Burtonsville because that's where our 6 clientele is. They walk to us, they take the bus. 4343 7 Sandy Spring is right there in the middle where there's 29. 8 There's 95. There's 200. The bus station's right there. 9 They have the bicycle trail, they do all of that. 10 So when I saw that property actually -- when we 11 saw that property, me and my friends, we said this is 12 perfect. And we were in a position to purchase it. We love 13 it because we have a little bit of acreage, not too much, 14 not too little, it's perfect for us. And we fell in love 15 with the property, basically. I think it's perfect for us, 16 and get to own it and fulfill our dreams. 17 MS. BREZA: Thank you so much. Thank you. 18 MS. VENTURA: You're very welcome. 19 MS. BREZA: Thank you. That's all my questions for 20 Miss Ventura. 21 MR. GROSSMAN: Okay. I have no questions at this 22 time. 23 MS. BREZA: Okay. 24 MS. VENTURA: Thank you. 25 MS. BREZA: So, my next witness -- that's all</p>	<p style="text-align: right;">27</p> <p>1 MS. CAREY-VERT: Yes. I recently graduated from 2 the University of Maryland in 2013 with a degree in 3 landscape architecture. I have worked long enough now in 4 the field that I have become eligible to become a 5 registered landscape architect and I am currently this year 6 taking my examinations to become registered. 7 MR. GROSSMAN: So, are you licensed by the State 8 of Maryland at all -- 9 MS. CAREY-VERT: No. 10 MR. GROSSMAN: -- in this position? 11 MS. CAREY-VERT: I'm an eligible to be licensed 12 and I'm currently taking a series of tests that you need to 13 take in order to become a registered landscape architect. 14 MR. GROSSMAN: Okay. And are you licensed any 15 where -- 16 MS. CAREY-VERT: No. 17 MR. GROSSMAN: -- for that? Okay. All right. Ms. 18 Breza. 19 MS. BREZA: I would like, if possible, Miss Carey- 20 Vert if you could please describe the plan just very 21 briefly. 22 MR. GROSSMAN: Well, let's -- I presume you're 23 introducing this witness as an expert. 24 MS. BREZA: I -- yes. I was -- 25 MR. GROSSMAN: And so do you want to go into her</p>
<p style="text-align: right;">26</p> <p>1 right you -- 2 [talking over each other, inaudible] 3 MS. BREZA: Is this appropriate? This is where -- 4 MR. GROSSMAN: Yes. 5 MS. BREZA: -- witnesses should sit? 6 MR. GROSSMAN: Yes. 7 MS. BREZA: Okay. Thank you. And my next -- 8 MR. GROSSMAN: And if you want she can sit at 9 counsel table with you if you want because there's a second 10 chair there. 11 MS. BREZA: Yeah, absolutely. You're very welcome 12 to sit there too, Sandra if you want to. And I'm going to 13 call Miss JoAnne Carey-Vert to the table. 14 MR. GROSSMAN: Miss Carey-Vert, would you state 15 your full name and address, please? 16 MS. CAREY-VERT: Yep. It's JoAnne Carey-Vert and I 17 live at 3654 Carriage Hill Drive in Frederick, Maryland. 18 MR. GROSSMAN: All right. Would you raise your 19 right hand please? Do you swear or affirm to tell the 20 truth, the whole truth and nothing but the truth under 21 penalty of perjury? 22 MS. CAREY-VERT: Yes, I do. 23 MR. GROSSMAN: All right. You may proceed. 24 MS. BREZA: Miss Carey-Vert will you please tell 25 me about your background in landscape architecture?</p>	<p style="text-align: right;">28</p> <p>1 qualifications in any greater de- -- I don't recall. Is 2 there a -- 3 MS. BREZA: Yes. 4 MR. GROSSMAN: -- resume submitted? 5 MS. BREZA: There is a resume. 6 MR. GROSSMAN: All right. What exhibit is that? 7 MS. BREZA: I believe it's Exhibit Number -- 8 MR. BREZA: 14. 9 MS. BREZA: -- 14. Thank you. Yes. We would like 10 to -- 11 [whispering in background, inaudible] 12 MS. BREZA: -- so we would -- I can ask some more 13 questions if you like, Your Honor. 14 MR. GROSSMAN: I'll leave that up to you. 15 MS. BREZA: Well, how many years have you been 16 involved in landscape architecture? 17 MS. CAREY-VERT: Five. 18 MS. BREZA: Okay. We would like to submit Miss 19 Carey-Vert as an expert in landscape architecture to 20 present the plan. 21 MR. GROSSMAN: Okay. And you're -- I see you -- 22 so, you have the degree from the University of Maryland. 23 And what exactly have you done in that five-year experience 24 of landscape architecture? 25 MS. CAREY-VERT: Land planning. Site analysis.</p>



Transcript of Administrative Hearing  
Conducted on September 28, 2018

8 (29 to 32)

<p>29</p> <p>1 MR. GROSSMAN: Specific projects that you worked 2 on? 3 MS. BREZA: Miss Carey-Vert, can you talk about 4 the project that we did together in Baltimore County where 5 you testified as an expert in that case on Liberty Road -- 6 MS. CAREY-VERT: Yes. 7 MS. BREZA: -- for commercial use? 8 MS. CAREY-VERT: A commercial use for a used car 9 sales place. And I testified in front of Baltimore county's 10 -- 11 MS. BREZA: Correct. 12 MS. CAREY-VERT: -- hearing in -- 13 MS. BREZA: Did you prepare that plan from 14 beginning to end? 15 MS. CAREY-VERT: Yes. 16 MR. GROSSMAN: The -- you said Baltimore county's 17 what? What agency was that? 18 MS. BREZA: Department of Zoning for a special 19 exemption. 20 MR. GROSSMAN: Okay. You were accepted as an 21 expert in that -- 22 MS. CAREY-VERT: Yes. 23 MR. GROSSMAN: -- for that proposition to testify? 24 MS. CAREY-VERT: I've also been in front of the 25 Planning Board at Howard County presenting a couple of</p>	<p>31</p> <p>1 MS. BREZA: Yeah. I believe Mr. Paul Sill would be 2 able to -- 3 MR. GROSSMAN: Pardon me? 4 MS. BREZA: Perhaps we can address that with Mr. 5 Paul Sill -- 6 MR. GROSSMAN: Okay. 7 MS. BREZA: -- the civil engineer. 8 MR. GROSSMAN: Yeah. Not sealed as of yet. 9 MS. BREZA: And I think that's correct. I think 10 it's just a matter of -- 11 MR. GROSSMAN: Of his doing so? 12 MS. BREZA: Timing, yeah. 13 MR. GROSSMAN: All right. That's Exhibit 25 in 14 this case. So, let's make sure that that gets accomplished 15 as well. All right. You may proceed in your questions of 16 Miss Carey-Vert. 17 MS. BREZA: Thank you so much. 18 Well, just very general- -- just very briefly, 19 Your Honor, I'm not sure how familiar you are with the plan 20 at this point. I was going to have Miss Carey-Vert just 21 talk -- 22 MR. GROSSMAN: I looked it over but -- 23 MS. BREZA: Yeah, yeah. As much -- but at least 24 talk maybe just about the main features -- 25 MR. GROSSMAN: All right.</p>
<p>30</p> <p>1 different jobs there as well that needed -- years ago in 2 front of the Planning Board. 3 MR. GROSSMAN: Okay. Yeah. I should -- an expert 4 in -- the law doesn't have to be somebody who's licensed. 5 It's somebody who can offer factual information beyond the 6 ken [sic] of laymen that would be helpful to the fact 7 finder. 8 And I do find that Miss Carey-Vert is in that 9 position and I accept her as an expert in landscape 10 architecture. I should note that there is a requirement -- 11 I didn't check on your plans -- that plans prepared by 12 professionals have to be certified, have a seal from the 13 professional -- I don't know if that's the -- was done in 14 this case. 15 MS. BREZA: My understanding is that Sill 16 Engineering -- 17 MS. CAREY-VERT: That they're not sealed. 18 MS. BREZA: Okay. 19 MR. GROSSMAN: It is a state law -- 20 MS. BREZA: Okay. 21 MR. GROSSMAN: -- that we can't accept a plan 22 prepared by a professional that's not certified. 23 MS. BREZA: Yeah. I believe that Mr. Paul Sill -- 24 MR. GROSSMAN: Okay. So, this is your conditional 25 use plan and --</p>	<p>32</p> <p>1 MS. BREZA: -- for the record. 2 MS. CAREY-VERT: Coming off of Sandy Spring Road 3 you've got an existing bungalow, one-and-a-half story brick 4 building that was built approximately 1927. 5 So, that's what's visible from the road there. And 6 behind that later in the years of the site being here, a 7 barn and some out buildings were put up. Do you want me to 8 go into the history at this point or just describe what's 9 here? 10 MS. BREZA: Yeah. Not necessarily, no. 11 MS. CAREY-VERT: Okay. 12 MS. BREZA: Essentially the main buildings, where 13 they're located in relation to the street and also in 14 relation to the neighbors. 15 MS. CAREY-VERT: Yes. Okay. And that's -- 16 MS. BREZA: Yeah. 17 MR. GROSSMAN: I also see that you submitted many 18 photographs which are in our record. Did you take the 19 photographs that have been submitted here? The ones that 20 are not aerial photos I realize that may be Google -- 21 MS. CAREY-VERT: Right. Yes. 22 MR. GROSSMAN: -- but the ones that are -- 23 MS. CAREY-VERT: The majority of them I took. I 24 believe Rachel took some at one time and Johnny Unitas took 25 some at one time and I had compiled all those too that show</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

9 (33 to 36)

<p>33</p> <p>1 today on this board the least impact on the site from the 2 neighbors. 3 MR. GROSSMAN: Okay. And approximately when were 4 they taken? 5 MS. CAREY-VERT: Over the course of time, end of 6 2017 to probably this summer. 7 MR. GROSSMAN: And did they still accurately 8 reflect the scene as it exists today? 9 MS. CAREY-VERT: Yes. Yes. 10 MR. GROSSMAN: And is that also true of the 11 photographs that are included with the technical staff 12 reporting to the 69 -- 13 MS. CAREY-VERT: Yes. 14 MR. GROSSMAN: -- in this case? All right. All 15 right. 16 MS. CAREY-VERT: Yeah, what I like about that too 17 is because you get both the winter time views -- 18 MR. GROSSMAN: Yes. 19 MS. CAREY-VERT: -- as opposed -- or in 20 conjunction with summertime because summertime obviously 21 plant growth is going to be more of a screen. But this site 22 happens to have a lot of very mature evergreens on it as 23 well, so it screens throughout the entire seasons. 24 MR. GROSSMAN: All right. 25 MS. CAREY-VERT: Okay. And the way that the</p>	<p>35</p> <p>1 MR. GROSSMAN: All right. 2 MS. BREZA: -- we can admit it -- 3 MR. GROSSMAN: So, let's mark that since you're 4 going to be referring to it as Exhibit 77. Would you write 5 that on there, please? 6 MS. CAREY-VERT: Could I do that -- 7 MR. GROSSMAN: And then it's -- 8 MS. CAREY-VERT: -- after we take that down? 9 MR. BESAZ: Oh, that's a good idea. 10 MR. GROSSMAN: You can but I just want to make 11 sure we have -- that we don't forget to do that. 12 MS. CAREY-VERT: Exhibit 77. 13 MR. GROSSMAN: And that is photographs of the 14 site. Okay. 15 MS. CAREY-VERT: And this -- 16 MR. GROSSMAN: Now -- well, hold on one second. 17 You referred to that Exhibit 77 which -- what were you 18 pointing to there? 19 MS. CAREY-VERT: What I've done here -- 20 MR. GROSSMAN: No, I mean the -- 21 MS. BREZA: The screening -- 22 MR. GROSSMAN: -- photographs. 23 MS. BREZA: -- we were started to talk -- 24 MR. GROSSMAN: You were -- you pointed to the 25 photographs for a second.</p>
<p>34</p> <p>1 parking lot is situated where we talked earlier about, you 2 know, people being out there after classes, there's a berm 3 that was built up along Cedar Tree Lane so the site of the 4 parking is -- you can't -- and I could demonstrate -- 5 MR. GROSSMAN: Yes. Why don't you can -- 6 MS. CAREY-VERT: -- on it. 7 MR. GROSSMAN: -- use the Exhibit 25 which is 8 posted, because you don't have a separate landscape plan. 9 The landscaping and lighting and so on are shown on -- 10 MS. CAREY-VERT: Everything's included on there, 11 yes. 12 MR. GROSSMAN: -- Exhibit 25. 13 MS. CAREY-VERT: Yes. 14 MR. GROSSMAN: Okay. 15 MS. CAREY-VERT: So, here, like I said, when you - 16 - the view coming into the site here, you can see some of 17 the mature growth -- 18 MR. GROSSMAN: All right -- 19 MS. CAREY-VERT: -- here. 20 MR. GROSSMAN: -- so, here you have a set of 21 photographs on the board there. Is that a -- is that 22 labeled as an exhibit? I cannot recall if that's part of -- 23 I know I've seen those individual photographs but that 24 entire one document, has that been admitted? 25 MS. BREZA: It has not been admitted --</p>	<p>36</p> <p>1 MS. CAREY-VERT: Well, since you're doing the 2 exhibit -- I just want to say this isn't the site plan per 3 se as much as it's just an exhibit as well to show where 4 the photographs were taken. So do you want that to -- 5 MR. GROSSMAN: Oh, I see. 6 MS. CAREY-VERT: -- be tied in -- 7 MR. GROSSMAN: Yes -- 8 MS. CAREY-VERT: -- with that -- 9 MR. GROSSMAN: -- yes. And that is connection -- 10 MS. CAREY-VERT: -- but do you want that 77A and 11 this 77B? Do you want this 78? 12 MR. GROSSMAN: Well, that could be 77A, I guess, 13 the -- 14 MS. CAREY-VERT: Okay. 15 MR. GROSSMAN: No. The -- 16 MR. BREZA: Yeah -- 17 MS. CAREY-VERT: This one. 18 MR. BREZA: -- leave that 77. Make that 77A. 19 MR. GROSSMAN: Yes. The diagram which shows the 20 locations -- 21 MS. CAREY-VERT: Got it. 22 MR. GROSSMAN: -- will be 77A. 23 MS. CAREY-VERT: Got it. Okay. 24 MR. GROSSMAN: [inaudible] locations of photos. 25 Okay.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

10 (37 to 40)

<p>37</p> <p>1 MS. CAREY-VERT: Okay. So, just to repeat that, so 2 coming in off of Sandy Spring you see the bungalow house 3 and -- 4 MR. GROSSMAN: Okay. So, this the upper left-hand 5 corner photograph. 6 MS. CAREY-VERT: Yes. 7 MR. GROSSMAN: What is that di- -- title under 8 there, I can't see quite that far. 9 MS. CAREY-VERT: View 1. 10 MR. GROSSMAN: View 1, okay. 11 MS. CAREY-VERT: And that ties in with the number 12 1 that's here on this plan. 13 MR. GROSSMAN: On 77A? 14 MS. CAREY-VERT: Yes. View 2 shows the corner, the 15 intersection. Here with Cedar Tree and Sandy Spring -- 16 MR. GROSSMAN: Okay. 17 MS. CAREY-VERT: -- that it's got this very mature 18 growth of evergreens that screens from that intersection. 19 MR. GROSSMAN: All right. 20 MS. CAREY-VERT: This view is -- 21 MR. GROSSMAN: That's view 3? 22 MS. CAREY-VERT: Yes. Parked on Cedar Tree Drive 23 looking into where the parking area would be. 24 MR. GROSSMAN: Looking sort of west -- 25 MS. CAREY-VERT: Yes. And can you see how this is</p>	<p>39</p> <p>1 MS. CAREY-VERT: Okay. 2 MR. GROSSMAN: -- on the record. 3 MS. CAREY-VERT: Sure, sure -- is looking back at 4 this townhouse community. And so you can see here -- 5 MR. GROSSMAN: And that's from southern corner of 6 Cedar Tree looking west on -- towards that community you 7 said? 8 MS. CAREY-VERT: Correct. 9 MR. GROSSMAN: That's -- because your north is not 10 straight up so -- 11 MS. CAREY-VERT: Right. 12 MR. GROSSMAN: -- I'm saying that'd be looking 13 west. 14 MS. CAREY-VERT: Yes. Southwest. 15 MR. GROSSMAN: Up on the -- 16 MS. CAREY-VERT: From the berm back -- 17 MR. GROSSMAN: Right. 18 MS. CAREY-VERT: -- towards the townhouse 19 community. 20 MR. GROSSMAN: Okay. Yes. 21 MS. CAREY-VERT: And you can see there, again, 22 mature trees, evergreens block that. 23 MR. GROSSMAN: Right. 24 MS. CAREY-VERT: This next shot is standing almost 25 in the same location --</p>
<p>38</p> <p>1 bermed? 2 MR. GROSSMAN: I can. 3 MS. CAREY-VERT: So, the evergreen trees kind of 4 stop but then the berm comes up. 5 MR. GROSSMAN: All right. 6 MS. CAREY-VERT: This view number 4 is here 7 standing on top of the berm -- 8 MR. GROSSMAN: All right. 9 MS. CAREY-VERT: -- looking back down to the 10 street. So, again, you can see it drop down and heading 11 traffic -- 12 MR. GROSSMAN: Also on Cedar Tree side from -- 13 MS. CAREY-VERT: Yes. 14 MR. GROSSMAN: -- the Cedar Tree side. 15 MS. CAREY-VERT: Yeah. So, you can see where the 16 berm would come up and the parking would be blocked. 17 MR. GROSSMAN: Okay. 18 MS. CAREY-VERT: This view -- 19 MR. GROSSMAN: Yes. 20 MS. CAREY-VERT: -- is also standing on the berm - 21 - 22 MR. GROSSMAN: This view being labeled -- 23 MS. CAREY-VERT: Number 5. 24 MR. GROSSMAN: Okay. Just for the record, so we're 25 clear --</p>	<p>40</p> <p>1 MR. GROSSMAN: Next shot is view number -- 2 MS. CAREY-VERT: Six. 3 MR. GROSSMAN: Okay. 4 MS. CAREY-VERT: On the berm and just showing the 5 berm coming down and the parking lot being lower in 6 elevation. 7 MR. GROSSMAN: Okay. 8 MS. CAREY-VERT: View 7 is standing where the 9 fence is, the existing fence that's in this open space here 10 looking back at the townhouse community as well. 11 MR. GROSSMAN: Okay. So, that's the far southern 12 end of the property? 13 MS. CAREY-VERT: Yes. 14 MR. GROSSMAN: That is -- has a fence around it. 15 MS. CAREY-VERT: That's -- you can see, it's just 16 this little wire fence. 17 MR. GROSSMAN: Okay. 18 MS. CAREY-VERT: But what I wanted it to show with 19 this photograph is the open space, the amount of space 20 between the townhouses and where the open space is coming 21 back towards the lodge. 22 MR. GROSSMAN: Okay. 23 MS. CAREY-VERT: And, again, a mature tree growth 24 that's along the property lines. 25 MR. GROSSMAN: All right.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

11 (41 to 44)

<p>41</p> <p>1 MS. CAREY-VERT: And then the last one is view 2 number 8 which is standing in that open space and looking 3 back towards the back of the lodge. 4 MR. GROSSMAN: Okay. 5 MS. CAREY-VERT: So, that would be about half way 6 between the townhouses. 7 MR. GROSSMAN: So you're looking essentially 8 north, northeast back towards the property, back towards 9 Sandy Springs Road. 10 MS. CAREY-VERT: And you can see along that 11 property line where there are single family homes that are 12 along here, this is all covered in mature growth as well. 13 MR. GROSSMAN: All right. And in your opinion, 14 does the existing landscaping provide adequate screening 15 for the neighbors considering the activities that are 16 planned for this site? 17 MS. CAREY-VERT: Visual screening? 18 MR. GROSSMAN: Yes. 19 MS. CAREY-VERT: Yes. 20 MR. GROSSMAN: Well, now that you mention visual, 21 is there an auditory -- 22 MS. CAREY-VERT: Well, I just -- 23 MR. GROSSMAN: -- screening vision? 24 MS. CAREY-VERT: -- some people think that trees 25 can block noise. And trees don't block noise.</p>	<p>43</p> <p>1 MS. CAREY-VERT: I think it's about 25. 2 MS. BREZA: No, the actual strip. 3 MS. CAREY-VERT: This? 4 MR. GROSSMAN: The length of the strip? 5 MS. BREZA: The open space strip. With the open 6 space strip here -- 7 MS. CAREY-VERT: Oh, that's the berm. 8 MS. BREZA: That -- 9 MS. CAREY-VERT: That's the berm. 10 MS. BREZA: -- that -- 11 MS. CAREY-VERT: Yeah. 12 MS. BREZA: Okay. And that's -- 13 MS. CAREY-VERT: That's quite a distance from -- 14 MS. BREZA: But we don't -- 15 MS. CAREY-VERT: -- Cedar Tree. 16 MS. BREZA: -- so we -- 17 MS. CAREY-VERT: This isn't -- 18 MS. BREZA: -- we -- 19 MS. CAREY-VERT: -- even on our property. 20 MS. BREZA: Right. 21 MS. CAREY-VERT: Right. 22 MS. BREZA: Project site does not own this piece 23 of property. 24 MS. CAREY-VERT: Right. Right. 25 MS. BREZA: Okay. And approximately how many feet</p>
<p>42</p> <p>1 MR. GROSSMAN: Okay. 2 MS. CAREY-VERT: But I don't think noise is an 3 issue, that's why I just was clarifying. 4 MR. GROSSMAN: Okay. Thank you. 5 MS. BREZA: I have another question for you, 6 JoAnne. Do you believe, in your opinion, that the berm that 7 runs along Cedar Tree Drive, do you believe in your -- that 8 it mitigates the need for us to be concerned about the 9 parking on that side of the property? 10 So, with regard to the setback is what I'm getting 11 to because we're going to be asking for a waiver on the 12 setback, so I want to make sure that in your opinion you 13 believe the berm sufficiently shields that parking -- 14 MS. CAREY-VERT: I do. 15 MS. BREZA: -- from -- 16 MS. CAREY-VERT: Yes. 17 MS. BREZA: -- Cedar Tree Drive. And also will you 18 just point out that there's an open space strip between our 19 -- 20 MS. CAREY-VERT: Here? 21 MS. BREZA: -- subject property -- 22 MS. CAREY-VERT: No. 23 MS. BREZA: -- and Cedar Tree Drive, that's 24 approximately, I'm not quite sure how many feet. That may 25 be 50 or 80 feet.</p>	<p>44</p> <p>1 is it from the edge of our property to the edge of -- 2 MS. CAREY-VERT: About -- 3 MS. BREZA: -- Cedar Tree? 4 MS. CAREY-VERT: -- we've got dimensions on the 5 other drawings, so we could look at that. 6 MS. BREZA: Right. 7 MS. CAREY-VERT: I'm going to guesstimate about a 8 hundred. 9 MR. GROSSMAN: I'm sorry, so what is a hundred 10 feet separating between what and what? 11 MS. CAREY-VERT: Well, there is a 25-foot easement 12 here. 13 MR. GROSSMAN: Here being? 14 MS. CAREY-VERT: Along Cedar Tree drive. 15 MR. GROSSMAN: Okay. 16 MS. CAREY-VERT: And then so it's probably about 17 75 feet from Cedar Tree Drive to our property line. 18 MR. GROSSMAN: Okay. 19 MS. BREZA: And JoAnne, in that strip of open 20 space, can there be any future development based on -- 21 because it's my understanding that is an open strip parcel 22 from the townhomes behind the property -- 23 MS. CAREY-VERT: Correct. 24 MS. BREZA: -- and that that is on their plan? 25 MS. CAREY-VERT: Yes.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

12 (45 to 48)

<p>45</p> <p>1 MR. GROSSMAN: Okay.</p> <p>2 MS. BREZA: Your Honor, it's my intent now to take</p> <p>3 us through all the requirements of the zoning ordinance.</p> <p>4 MR. GROSSMAN: All right. What about the -- you</p> <p>5 talked about screening on the Cedar Tree garage side, the</p> <p>6 parking area, and what about on the -- I don't see -- it's</p> <p>7 northern -- I guess it's the northwestern side of the</p> <p>8 property, screening for the parking lot.</p> <p>9 MS. BREZA: So, JoAnne --</p> <p>10 MS. CAREY-VERT: Yeah. Tell me again which area.</p> <p>11 MR. GROSSMAN: The northwestern side of the</p> <p>12 property, the screening of the parking lot --</p> <p>13 MR. BREZA: Picture 8.</p> <p>14 MS. CAREY-VERT: From back here, all along here,</p> <p>15 this -- I don't know if you can see --</p> <p>16 MR. GROSSMAN: Well, that's the rear. I consider</p> <p>17 the rear of the property --</p> <p>18 MS. CAREY-VERT: Okay.</p> <p>19 MR. GROSSMAN: -- and that setback was more than</p> <p>20 adequate. I'm talking about along -- yes, would be --</p> <p>21 MS. CAREY-VERT: This --</p> <p>22 MR. GROSSMAN: -- the top of the -- of that, which</p> <p>23 is -- I designated the northwestern side, it appears to be.</p> <p>24 MS. CAREY-VERT: Okay. So, that was this last</p> <p>25 photograph here and I was trying to show the length of --</p>	<p>47</p> <p>1 MR. GROSSMAN: I don't.</p> <p>2 MS. BREZA: Okay. Okay. Regarding conditions for</p> <p>3 approval, it's a requirement that the hearing examiner find</p> <p>4 necessary findings for any conditional use application and</p> <p>5 the very first one, this is all from 50- -- Article 59-</p> <p>6 7.3.1.A.1.</p> <p>7 MR. GROSSMAN: Right. They changed the numbering</p> <p>8 system when they put in -- out the new zoning ordinance in</p> <p>9 2014. It used to be much easier to remember. You had a</p> <p>10 couple of dashes in there and --</p> <p>11 MS. BREZA: Right.</p> <p>12 MR. GROSSMAN: -- now everything is a dot and it's</p> <p>13 much harder to remember.</p> <p>14 MS. BREZA: Does the proposed use satisfy any</p> <p>15 applicable previous approval on the site taking into</p> <p>16 consideration that we will be moving on and terminating the</p> <p>17 current special exception which is, I believe, S3.3.8?</p> <p>18 MR. GROSSMAN: Okay.</p> <p>19 MS. BREZA: In your opinion does it --</p> <p>20 MS. CAREY-VERT: Yes.</p> <p>21 MS. BREZA: -- provide [inaudible].</p> <p>22 MS. CAREY-VERT: Yes.</p> <p>23 MS. BREZA: And we'll continue with B. Does the</p> <p>24 use and general satisfy the re- -- now, I would like you to</p> <p>25 answer this in general. Does the use satisfy the</p>
<p>46</p> <p>1 MR. GROSSMAN: All right. That's photograph number</p> <p>2 --</p> <p>3 MS. CAREY-VERT: Eight.</p> <p>4 MR. GROSSMAN: Eight. Okay.</p> <p>5 MS. CAREY-VERT: Yes.</p> <p>6 MR. GROSSMAN: And --</p> <p>7 MS. CAREY-VERT: And also on the site plan itself</p> <p>8 you can see the tree linings, existing tree line that runs</p> <p>9 and then drops down here and comes back up.</p> <p>10 MR. GROSSMAN: Okay. And in your opinion as a</p> <p>11 landscape architect would that screening on that side be</p> <p>12 adequate to properly screen the neighbors visibly --</p> <p>13 MS. CAREY-VERT: Yes.</p> <p>14 MR. GROSSMAN: -- from the parking are?</p> <p>15 MS. CAREY-VERT: Yes.</p> <p>16 MR. GROSSMAN: Okay.</p> <p>17 MS. CAREY-VERT: Oh, yes.</p> <p>18 MR. GROSSMAN: All right.</p> <p>19 MS. BREZA: Your Honor, it's my intent to go</p> <p>20 through Article 59 in the relevant sections --</p> <p>21 MR. GROSSMAN: All right.</p> <p>22 MS. BREZA: -- with Miss JoAnne Carey-Vert. We're</p> <p>23 going to go -- my intent was to go through it relatively</p> <p>24 quickly but if you have any questions, please do not</p> <p>25 hesitate to stop me.</p>	<p>48</p> <p>1 requirements of the zone, the use standards under Article</p> <p>2 59-3, and to the extent the hearing examiner finds</p> <p>3 necessary to ensure compatibility, meet applicable</p> <p>4 requirements also under Article 59-6?</p> <p>5 MS. CAREY-VERT: Yes.</p> <p>6 MR. GROSSMAN: To the extent of your expertise</p> <p>7 because --</p> <p>8 MS. CAREY-VERT: Right.</p> <p>9 MR. GROSSMAN: -- some of these things require, I</p> <p>10 guess, as a land use planner, if you're going to talk about</p> <p>11 the master plan and so on, but -- so I'll accept that</p> <p>12 answer to the extent of your expertise.</p> <p>13 MS. BREZA: And it's my intent to get into those</p> <p>14 specific requirements after we run through the general</p> <p>15 requirements for conditional use.</p> <p>16 C, does the use substantially conform with the</p> <p>17 recommendations of the applicable master plan, which we</p> <p>18 were just discussing, in your opinion --</p> <p>19 MS. CAREY-VERT: Yes.</p> <p>20 MS. BREZA: -- as a landscape architect?</p> <p>21 MR. GROSSMAN: Okay.</p> <p>22 MS. BREZA: Is the use harmonious with and will</p> <p>23 not alter the character of the surrounding neighborhood in</p> <p>24 a manner inconsistent with the plan?</p> <p>25 MS. CAREY-VERT: Yes.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

13 (49 to 52)

<p>49</p> <p>1 MS. BREZA: The use will not, when evaluated in 2 conjunction with the existing and approved conditional uses 3 in any neighboring residential detached zone increase the 4 number, intensity, or scope of conditional uses 5 sufficiently to affect the area adversely or alter the 6 predominantly residential character of the area? 7 MS. CAREY-VERT: It will not. 8 MR. GROSSMAN: By the way, I'd ask Phil Estes and 9 he added this to the exhibit list and email exchange 10 because he had mentioned a landscape architect conditional 11 use, a special exception that was in the area but hadn't 12 listed what it actually was. He supplied that and that is 13 an exhibit number in the exhibit list now. 14 MS. BREZA: Thank you. 15 F, the proposed use will be service -- in your 16 opinion, will be serviced by adequate public services and 17 facilities including schools, police, fire protection, 18 water, sanitary, sewer, public roads, storm drainage and 19 other public facilities? 20 MS. CAREY-VERT: Yes. 21 MS. BREZA: And at this time, no new adequate 22 public facilities test is required for this site. 23 MS. CAREY-VERT: Correct. 24 MR. GROSSMAN: Well, we -- the hearing officer has 25 to make a finding as to the adequacy of public facility</p>	<p>51</p> <p>1 not going to have homes right next to them, they'll have 2 some more open space -- 3 MS. CAREY-VERT: Yes. 4 MS. BREZA: -- because of the size of the 5 property. 6 MR. GROSSMAN: Well, that's not a change, right, 7 then -- 8 MS. BREZA: Correct, no, not a change. But do you 9 believe there will be any issue with traffic, noise, odors, 10 dust, illumination or lack of parking? 11 MS. CAREY-VERT: I do not. I think it will be less 12 impactful and -- 13 MS. BREZA: Okay. 14 MS. CAREY-VERT: -- it's a faith based community 15 coming in. There won't be alcohol or food being served. I 16 think it will be a less impact from its current use. 17 MS. BREZA: And then maybe specifically with 18 regard to parking because the prior use has more parking 19 than we need. 20 MS. CAREY-VERT: Yes. 21 MS. BREZA: And so that's why we intend to 22 restrict parking along that one side, which is why we're 23 asking for a waiver regarding setback because we do not 24 intend to use that space for parking; is that correct? 25 MS. CAREY-VERT: Correct. And the majority of the</p>
<p>50</p> <p>1 unless there is a subdivision in the offing which is not 2 the case here. So, I do have to make a finding about that. 3 MS. BREZA: Okay. Very good. It is our intent, 4 Your Honor, to have Mr. Paul Sill speak specifically about 5 adequate public facilities -- 6 MR. GROSSMAN: All right. 7 MS. BREZA: -- during this testimony. 8 MR. GROSSMAN: Okay. 9 MS. BREZA: G, will not cause undue harm to the 10 neighborhood as a result of the non-inherent adverse effect 11 alone or in combination of an inherent and non-inherent 12 adverse effect at any of the following categories. Number 13 one, the use peaceful enjoyment, economic value or 14 development potential of a butting and confronting 15 properties or the general neighborhood. 16 MS. CAREY-VERT: That's correct. I had to -- 17 MS. BREZA: It is -- 18 MS. CAREY-VERT: Do you want to read all of them? 19 MS. BREZA: Well, basically it's not going to hurt 20 the economic value of 10 acres; is that correct? 21 MS. CAREY-VERT: That's correct. 22 MS. BREZA: Right? If anything do you think it 23 might add to the economic value -- 24 MS. CAREY-VERT: It's going to improve that, yes. 25 MS. BREZA: -- to the neighbors because they're</p>	<p>52</p> <p>1 classes are held at 2-hour different intervals so there's 2 not the entire community coming all at the same time, so 3 less parking spots are needed for each class. 4 MR. GROSSMAN: Okay. 5 MS. BREZA: Thank you. That it will not cause 6 undue harm regarding the health, safety, or welfare of 7 neighboring residents, visitors, or employee? 8 MS. CAREY-VERT: No. 9 MS. BREZA: I'm going to move on to -- well, 10 actually, I'm going to finish up in this regard with 59- 11 7.3, that any structure to be constructed, reconstructed or 12 altered under conditional use in a residential zone must be 13 compatible with the characters of the residential 14 neighborhood. Is it correct we are not intending to impact 15 any of the structures, the exterior of the structures at 16 this time? 17 MS. CAREY-VERT: That's correct. 18 MS. BREZA: Thank you. Now, we're going to get 19 into the specific requirements of the R200 zone and 20 requirements of Article 59-3, which has to do with the 21 educational institution private, which is 59-3.4.5.C2. 22 And I will run through with you, Miss Carey-Vert, 23 those factors. A, that the educational institution private 24 will not cause a nuisance because of traffic, number of 25 students, noise, type of physical activity, or any other</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

14 (53 to 56)

<p>53</p> <p>1 element that is incompatible with the environment and 2 character of the surrounding neighborhood. 3 MS. CAREY-VERT: That's correct. 4 MR. GROSSMAN: And once again this is within your 5 expertise -- 6 MS. CAREY-VERT: Right. 7 MR. GROSSMAN: -- as a landscape architect. Okay. 8 MS. CAREY-VERT: Right. 9 MS. BREZA: Within your expertise as a landscape 10 architect, Miss Carey-Vert, does the -- will this private 11 educational institution be in a building compatible with 12 the residential character of the surrounding neighborhood? 13 MS. CAREY-VERT: Yes. 14 MS. BREZA: And would you explain a little bit 15 about the main lodge building, the height of the building, 16 the design of that building for me? 17 MS. CAREY-VERT: It's a two-story, 35-foot tall 18 high building that -- 19 MS. BREZA: My understanding was the barn 20 structure in the back that's the lodge, is actually only -- 21 is not as tall as that; is that correct? I don't remember. 22 MS. CAREY-VERT: I thought -- Johnny, do you 23 remember what -- 24 MR. GROSSMAN: Well, you can't -- you can -- 25 MS. BREZA: I think it's about 20 -- yeah.</p>	<p>55</p> <p>1 affect adversely or change the present character or future 2 development of the surrounding residential community? 3 MS. CAREY-VERT: No. I think it will, again, be 4 more enhanced and be better suited than its current use. 5 MS. BREZA: And is it correct that the buildings 6 have been there for a significantly long period of time 7 dating back to 1927? 8 MS. CAREY-VERT: Yes. 9 MS. BREZA: D, and this is regarding number of 10 peoples or number of adult students in our case. Miss 11 Carey-Vert, in your opinion, will the number of students on 12 the site at any one time be of a concern? 13 MS. CAREY-VERT: No. 14 MS. BREZA: Specifically, how many students do we 15 intend to have on site at any one time? 16 MS. CAREY-VERT: Twenty-four. 17 MS. BREZA: Twenty-four with the potential to be 18 to 75; is that correct? 19 MS. CAREY-VERT: Correct. 20 MS. BREZA: Okay. 21 MR. GROSSMAN: I mean, the calculations in the 22 staff report as to the number of -- the density of students 23 per acre at -- seems to be well within the -- 24 MS. BREZA: Correct. 25 MR. GROSSMAN: -- the allowed amount without going</p>
<p>54</p> <p>1 MR. GROSSMAN: You'd have to have somebody -- 2 MS. BREZA: Yeah, okay. 3 MR. GROSSMAN: -- if you're going to present that 4 as evidence -- 5 MS. CAREY-VERT: Yeah. 6 MR. GROSSMAN: -- you'd have to have a sworn 7 witness. 8 MS. BREZA: Okay. Yeah. Okay. Is the lodge 9 building taller than the adjacent houses? 10 MS. CAREY-VERT: No. 11 MS. BREZA: Okay. Does it look like a barn? 12 MS. CAREY-VERT: Yes. 13 MS. BREZA: Was it designed to be in a barn-type 14 shape? 15 MS. CAREY-VERT: Yes. 16 MS. BREZA: Okay. Okay. B, or did we already -- 17 yeah, B. Well, to finish up on B, is this educational 18 institution located on a parcel larger than two acres? 19 MS. CAREY-VERT: It is. 20 MS. BREZA: Yes. Okay. 21 MS. CAREY-VERT: We're just under 3 acres. 22 MS. BREZA: Okay. Great. C, the educational 23 institute, in your opinion as a landscape architect, Miss 24 Carey-Vert, the educational institution private will not in 25 and of itself or in combination with other existing uses</p>	<p>56</p> <p>1 through additional gyrations. 2 MS. BREZA: Correct. And that it will -- well, 3 regarding D, A, B and C, -- or sorry, let me restate that. 4 MS. CAREY-VERT: Okay. 5 MS. BREZA: D, small i, A, B, and C, regarding 6 traffic patterns, do you believe that there's any concern 7 with traffic patterns? 8 MS. CAREY-VERT: No, I do not. 9 MS. BREZA: Double little i, adequacy of drop off 10 and pick-up areas will be sufficient and will not create 11 any ques along Sandy Spring Road. 12 MS. CAREY-VERT: Correct. 13 MR. GROSSMAN: And I guess that's more of a 14 question for your transportation -- 15 MS. CAREY-VERT: Right. 16 MR. GROSSMAN: -- planner -- 17 MS. BREZA: Correct. 18 MR. GROSSMAN: -- but you -- 19 MS. BREZA: Yeah, I'm just going to -- 20 MR. GROSSMAN: -- [inaudible]. 21 MS. BREZA: -- roll if that's okay -- 22 MR. GROSSMAN: All right. 23 MS. BREZA: -- and then we'll -- 24 MS. CAREY-VERT: Yeah. 25 MR. GROSSMAN: All right.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

15 (57 to 60)

<p>57</p> <p>1 MS. BREZA: And then the adequacy of -- well, that 2 there won't be any noise -- 3 MS. CAREY-VERT: Correct. 4 MS. BREZA: -- created from the use. And regarding 5 E, which we just discussed, the density here we are -- 6 according to this 59-3, the petitioner is permitted up to 7 87 pupils per acre. We are -- is it correct that we are -- 8 MS. CAREY-VERT: Well underneath. 9 MS. BREZA: -- well below that -- 10 MS. CAREY-VERT: Yes. 11 MS. BREZA: -- because we have 2.8 acres -- 12 MS. CAREY-VERT: Correct. 13 MS. BREZA: -- is that correct? 14 MS. CAREY-VERT: Yes. 15 MS. BREZA: Okay. So, I'll move on from there. And 16 F, the outdoor recreational facilities, in your opinion as 17 a landscape architect, are properly and sufficiently 18 screened from the abutting residential properties in your 19 opinion -- 20 MS. CAREY-VERT: Yes. 21 MS. BREZA: -- are they sufficiently screened? And 22 G, regarding lighting, in your opinion as a landscape 23 architect, is any lighting associated with the outdoor 24 recreational facilities in any way in violation of Section 25 6.4.4?</p>	<p>59</p> <p>1 of events minimal in relationship to the size of the 2 property? 3 MS. CAREY-VERT: They are minimal, yes. 4 MS. BREZA: Okay. Your Honor, I'm now -- 5 MR. GROSSMAN: Well, actually it says that the 6 hearing examiner can limit it and we generally do, we 7 impose conditions that as was suggested by the technical 8 staff and the Planning Board in this area. 9 MS. BREZA: Regarding the general development 10 requirements, which are Article 59-6 of the 2014 Montgomery 11 County zoning ordinance, I would like to highlight a few of 12 those. One is Section 6.2.5.K, is the parking located in a 13 place where it maintains the residential character and the 14 pedestrian-friendly feel of the street? 15 MS. CAREY-VERT: Are you asking? 16 MS. BREZA: Yeah. 17 MS. CAREY-VERT: Okay. 18 MS. BREZA: Sorry. Miss JoAnne Carey-Vert -- I'm 19 sorry. There's just a lot of these and -- 20 MS. CAREY-VERT: I know. 21 MS. BREZA: -- Miss JoAnne Carey-Vert, in your 22 opinion as a landscape architect is the parking located in 23 an area that maintains the residential character and 24 pedestrian-friendly streets? 25 MCV: I believe so based on the screening and the</p>
<p>58</p> <p>1 MS. CAREY-VERT: I don't believe it is. 2 MS. BREZA: Okay. 3 MR. GROSSMAN: I mean, I will say that that's the 4 one area where actually 6.4.4 does say that it doesn't 5 apply if there are no changes in the lighting, as I 6 understand it. Am I correct, there were no planned changes 7 in the -- 8 MS. CAREY-VERT: There are none; that is correct. 9 MS. BREZA: And then H, will the use have an 10 adverse effect again on traffic noise, lighting, parking, 11 intensity, frequency or duration of activities? 12 MS. CAREY-VERT: No. 13 MR. GROSSMAN: Yeah. I should note there, that's 14 another area where I disagree with the staff emphasize that 15 this is not subject to local area of transportation review 16 because the number of trips during the peak hours does not 17 meet that threshold but the -- this particular conditional 18 use requires an inquiry beyond that as to -- in other 19 words, it's not limited to LATR. It also includes any 20 impacts even for after hours, things on traffic and so on. 21 MS. BREZA: Okay. 22 MR. GROSSMAN: So, that can be addressed by your 23 transportation person as well. 24 MS. BREZA: Thank you. And the last in this -- in 25 59-3 is I, that is the number of participants and frequency</p>	<p>60</p> <p>1 berm screening, that yes, it's adequate. 2 MS. BREZA: And then regarding setbacks which was 3 brought up earlier, in your opinion, is the plan in 4 compliance with the setbacks -- and this is in the R200 5 zone, again Section 59.4.4.7, in your opinion is the front 6 setback satisfied at 40 feet? 7 MS. CAREY-VERT: Yes. 8 MS. BREZA: In your opinion is the rear setback 9 satisfied at 30 feet? 10 MS. CAREY-VERT: Yes. 11 MS. BREZA: And is your opinion the side setback, 12 we have two of them, the one on the, what I'll call the 13 northeast side, next to the residential homes, is that over 14 12 feet? 15 MS. CAREY-VERT: Yes. 16 MS. BREZA: And how much is it? 17 MS. CAREY-VERT: To the building, it's 57 feet -- 18 MR. GROSSMAN: Well, twelve feet, that's not the - 19 - 20 MS. BREZA: I'm -- I'm -- I'm -- right. I'm -- 21 MR. GROSSMAN: -- where did that figure come from? 22 MS. BREZA: Well, that was -- that's in the actual 23 R200 zone in general, but then I'm going to talk about the 24 setbacks with regarding the parking setbacks. 25 MR. GROSSMAN: Okay. But I -- my recollection of</p>



Transcript of Administrative Hearing  
Conducted on September 28, 2018

16 (61 to 64)

<p style="text-align: right;">61</p> <p>1 the staff report on setbacks of the R200 zone, you had 40 2 feet -- 3 MS. BREZA: I believe -- well -- 4 MR. GROSSMAN: -- on one side. 5 MS. BREZA: -- what we have is that the minimum 6 side parking setback for the parking setback must equal two 7 times the minimum side setback required for the detached 8 house. 9 MR. GROSSMAN: Right. But I was -- 10 MS. BREZA: Do we have the setback listed on the 11 plan? 12 MS. CAREY-VERT: Yes. 13 MS. BREZA: In the R200? 14 MS. CAREY-VERT: Yes. 15 MS. BREZA: Yeah, I saw it here. 16 MS. CAREY-VERT: Twelve feet. 17 MR. GROSSMAN: Yeah, let's -- 18 MS. BREZA: [inaudible] side setback are we -- 19 MR. GROSSMAN: Let me see, the development 20 standards listed on page 12 of the staff report, he lists 21 minimum building setback side, 40 feet. 22 MS. BREZA: Well, we need to get a copy of the 23 ordinance. 24 MR. GROSSMAN: That's page 12 of the staff report. 25 All right, I mean, that may be entirely incorrect. I'd have</p>	<p style="text-align: right;">63</p> <p>1 that setback is a different area. So, I wouldn't suggest 2 that the building setback is affected because you're not 3 changing the building -- 4 MS. BREZA: Okay. 5 MR. GROSSMAN: -- and that would be grandfathered. 6 But obviously if you're going to use -- if you had an 7 activity that had 200 students out in the backyard, that 8 would be different from one that has 20 students out there, 9 so the impacts in the backyard on the neighbors would be a 10 significant difference and so you know setbacks such as 11 that or the number of cars wouldn't be grandfathered in my 12 opinion depending on the use. But the building, if not 13 changed in the terms of the exterior, that would be 14 grandfathered. So, really, I'm concerned about it in terms 15 of the parking -- 16 MS. BREZA: Parking -- 17 MR. GROSSMAN: -- lot setback -- 18 MS. BREZA: Okay. 19 MR. GROSSMAN: -- and parking lot landscaping, 20 which is another section of the Code, we can get into that, 21 but maybe we just break for five minutes and I'll go take a 22 look at the zoning ordinance unless you happen to have a 23 copy with you. 24 MS. BREZA: I do not. 25 MR. GROSSMAN: Okay.</p>
<p style="text-align: right;">62</p> <p>1 to look back at the zoning ordinance. 2 MS. BREZA: Yes, so would I, actually -- 3 MS. CAREY-VERT: We provide 56.7 feet. 4 MR. GROSSMAN: Yeah, but the question -- the 5 impact of that on the parking lot setbacks, because the 6 provision in 59.K that counsel read requires a double side 7 setback for the parking area and so the question of what's 8 your required setback is from the building -- 9 MS. CAREY-VERT: Understood. 10 MR. GROSSMAN: -- pertains. Because it says here 11 in Mr. Estes' thing says the side setback for accessory 12 buildings is 12 feet. He lists the main building setbacks 13 as 40 feet for side. So, I can check the zoning ordinance 14 during the break and we -- 15 MS. BREZA: Yeah, we can [inaudible] that. 16 MR. GROSSMAN: -- figure that out, but -- 17 MS. BREZA: Okay. Well, then we would be asking 18 for say a waiver because the building's been there so long 19 at this point. 20 MR. GROSSMAN: Well, it's not so much for the -- 21 well, I guess I didn't look at the question. The building 22 is another issue. 23 MS. BREZA: Right. 24 MR. GROSSMAN: The building is grandfathered in 25 terms of the setback. The use of the parking lot and how</p>	<p style="text-align: right;">64</p> <p>1 MS. BREZA: Thank you. 2 MR. GROSSMAN: Let me -- let's break for five 3 minutes -- 4 MS. BREZA: All right. 5 MR. GROSSMAN: -- and let me go look at the zoning 6 ordinance under the R200 zone and see what the setback is. 7 MS. BREZA: Thank you very much. 8 MS. CAREY-VERT: Would that, if there's no parking 9 there, if it's just asphalt but there's no parking -- 10 MS. BREZA: Right. Well, what -- I mean that's an 11 option too but that's handicap parking there because to get 12 handicap access -- and 11 -- so, we arguably already have 13 permission to stay after and be able to clean up, right -- 14 MS. CAREY-VERT: Yeah. 15 MS. BREZA: -- because it's not -- it's no longer 16 a class -- 17 [off record] 18 MR. GROSSMAN: Go back on the record and got a 19 copy for you too. 20 MR. BREZA: Thank you. 21 MR. GROSSMAN: Thank you. All right, back on the 22 record. It looks like the -- what Mr. Estes has listed was 23 the 40 foot setback from the side street, not the building 24 lot setback, which is 12 feet in the R200 zone. 25 [whispering in background, inaudible]</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

17 (65 to 68)

<p>65</p> <p>1 MR. GROSSMAN: So --</p> <p>2 [whispering in background, inaudible]</p> <p>3 MS. CAREY-VERT: Understood.</p> <p>4 MR. GROSSMAN: So, then the statute 59-6.2.5K</p> <p>5 doesn't exactly make clear, I guess, which it's referring</p> <p>6 to. It says minimum side parking setback equals two times</p> <p>7 the minimum side setback required for the detached house.</p> <p>8 I believe they're actually referring to the 12-</p> <p>9 foot one rather than the street setback, so that your</p> <p>10 setback in this case would have to be at least 24 feet and</p> <p>11 it looks like you do meet that according to page 10 of Mr.</p> <p>12 Estes' report. It says that the parking lot is set back 100</p> <p>13 feet from the front property line, 24 feet from the south</p> <p>14 property line, and 28 feet from the north property line,</p> <p>15 and 218 feet from the rear property line.</p> <p>16 So it looks like you do meet the parking lot</p> <p>17 setbacks, I was mis-lead by his indication that the</p> <p>18 setbacks were 40 feet, required setbacks.</p> <p>19 MS. BREZA: Okay, good.</p> <p>20 MR. GROSSMAN: I think you're okay on that aspect</p> <p>21 of it.</p> <p>22 MS. BREZA: Thank you, Your Honor. Okay. So, to</p> <p>23 finish up Section 6.4.4E, specifically the outdoor</p> <p>24 lighting, Miss Carey-Vert, in your opinion is the outdoor</p> <p>25 lighting appropriately directed, shield or screened to</p>	<p>67</p> <p>1 It's parking lot requirements for 10 or more</p> <p>2 spaces, C. I'm not sure what the subheading is, it might be</p> <p>3 6.2. I don't have that exact site, but the requirement is</p> <p>4 that for parking lot requirements for 10 or more spaces in</p> <p>5 the landscaping area.</p> <p>6 So, it's probably 6.2.4C but it refers to how the</p> <p>7 area is to be landscaped, the tree canopy, the perimeter</p> <p>8 planting, the lighting, in other words it's got separate --</p> <p>9 they're separate and additional landscaping requirements</p> <p>10 for parking lots in the zoning ordinance.</p> <p>11 So, the question is, number one, does this parking</p> <p>12 lot meet those standards. And number two, if not, is it</p> <p>13 sufficient to assure compatibility.</p> <p>14 MS. BREZA: So, Miss Carey-Vert, in regard to the</p> <p>15 -- it's Article 59-6.2.4.C, with regard to parking spaces</p> <p>16 of greater than 10 spaces, is it, in your opinion as a</p> <p>17 landscape architect, that the existing parking landscaping</p> <p>18 is sufficient to be compatible with the surrounding</p> <p>19 residential areas such that we don't need to do additional</p> <p>20 landscaping at this time?</p> <p>21 MS. CAREY-VERT: Yes.</p> <p>22 MR. GROSSMAN: A leading question.</p> <p>23 MS. BREZA: Yeah. [laughter]</p> <p>24 MR. GROSSMAN: Well, let's see, sufficient to</p> <p>25 shield the parking lot from view of the neighbors and --</p>
<p>66</p> <p>1 ensure that the illumination of point 1, foot candles or</p> <p>2 less at any lot line, it abuts a lot with the detached</p> <p>3 house is not going to be -- it's not going to exceed the</p> <p>4 required limitations?</p> <p>5 MS. CAREY-VERT: It will stay on site, yeah.</p> <p>6 MS. BREZA: Yes. And the -- and it's my</p> <p>7 understanding, correct, that the lighting has some shields</p> <p>8 on it itself --</p> <p>9 MS. CAREY-VERT: Yes.</p> <p>10 MS. BREZA: -- is that correct --</p> <p>11 MS. CAREY-VERT: Directional.</p> <p>12 MS. BREZA: -- already existing?</p> <p>13 MS. CAREY-VERT: Yes.</p> <p>14 MS. BREZA: Directional lighting away from those</p> <p>15 homes?</p> <p>16 MS. CAREY-VERT: To basically illuminate the</p> <p>17 entrances in the parking area --</p> <p>18 MS. BREZA: Okay.</p> <p>19 MS. CAREY-VERT: -- for safety purposes.</p> <p>20 MS. BREZA: Your Honor, that is the end of the</p> <p>21 questions regarding the specific zoning --</p> <p>22 MR. GROSSMAN: Well, you'd actually want to re- --</p> <p>23 you did address the provisions of 59.6.2.5K which, in terms</p> <p>24 of the pedestrian-friendly street and so on, but you</p> <p>25 haven't addressed the provision of 6.2 -- let's see.</p>	<p>68</p> <p>1 MS. CAREY-VERT: The neighbors into the parking</p> <p>2 lot, yes.</p> <p>3 MR. GROSSMAN: Okay. I mean there're also some of</p> <p>4 the requirements deal with the shading of the parking lot</p> <p>5 to prevent excessive reflection of heat and so on, so</p> <p>6 there's other areas of that.</p> <p>7 MS. BREZA: Your Honor, because the property's</p> <p>8 been in existence for so long and been used by the Moose</p> <p>9 Lodge since 2009 and before that since 1974 by the elks,</p> <p>10 that we did not -- and because we intend to reuse exactly</p> <p>11 what's there --</p> <p>12 MR. GROSSMAN: Right.</p> <p>13 MS. BREZA: -- we did not go that far to start to</p> <p>14 redo everything. Our objective is to reuse the property as</p> <p>15 it is and then over time invest money in it to make it</p> <p>16 nicer and nicer, nicer. But to leave it exactly the same</p> <p>17 right now, that is the objective.</p> <p>18 MR. GROSSMAN: I mean, the key to me in this is,</p> <p>19 and that's the key in the zoning ordinance is compatibility</p> <p>20 --</p> <p>21 MS. BREZA: Yeah.</p> <p>22 MR. GROSSMAN: -- so it gives the hearing examiner</p> <p>23 some overall authority over the requirements of this</p> <p>24 article in 59-6 to ensure compatibility. And so that's my -</p> <p>25 -</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 MS. BREZA: Yeah.</p> <p>2 MR. GROSSMAN: -- overall required finding and so</p> <p>3 that's my -- that would be my final question of this</p> <p>4 witness.</p> <p>5 In your opinion does the combination of</p> <p>6 landscaping and setbacks and the number of cars that will</p> <p>7 be parked in the parking lot ensure that the surrounding --</p> <p>8 that this will be compatible with the surrounding</p> <p>9 neighborhood and will not unduly impact that or its</p> <p>10 consequences on it?</p> <p>11 MS. CAREY-VERT: Yeah. I do feel that way and I</p> <p>12 think they're very fortunate to have this many healthy,</p> <p>13 mature trees on the site too but even if you try to plant</p> <p>14 something today would take 50 years to get that big.</p> <p>15 MR. GROSSMAN: Okay.</p> <p>16 MS. BREZA: Thank you, Your Honor. Miss Carey-Vert</p> <p>17 that is all the questions I have for you.</p> <p>18 MS. CAREY-VERT: Thank you.</p> <p>19 MS. BREZA: Thank you so much. Your Honor, I would</p> <p>20 just like to say that we discussed at the break the time</p> <p>21 and --</p> <p>22 MR. GROSSMAN: Yes.</p> <p>23 MS. BREZA: -- in light of the fact that we'll</p> <p>24 require resubmission to Planning, we do not intend to</p> <p>25 resubmit at this time --</p>	<p style="text-align: right;">71</p> <p>1 MR. SILL: I've been involved in the civil</p> <p>2 engineering and serving field for about 30 years now.</p> <p>3 Worked on thousands of projects, many very similar to this</p> <p>4 one ranging through road constructions plans, site</p> <p>5 development plans, conceptual layouts, well and septic</p> <p>6 plans, water and sewer plans, all aspects of design. I</p> <p>7 achieved my licensure in Maryland in 2005 and have owned</p> <p>8 and operated my own business since 2006.</p> <p>9 MS. BREZA: Have you been qualified as an expert</p> <p>10 before in other testimony in front zoning boards and things</p> <p>11 like that?</p> <p>12 MR. SILL: I have.</p> <p>13 MS. BREZA: I --</p> <p>14 MR. SILL: Not in Montgomery County though.</p> <p>15 MR. GROSSMAN: And I see your resume is listed as</p> <p>16 Exhibit 15 here. And your license number in Maryland is</p> <p>17 32025?</p> <p>18 MR. SILL: Yes, sir.</p> <p>19 MR. GROSSMAN: All right.</p> <p>20 MS. BREZA: Today my main questions for you center</p> <p>21 around adequate public facilities --</p> <p>22 MR. GROSSMAN: But are you offering --</p> <p>23 MS. BREZA: Sorry. I'm sorry --</p> <p>24 MR. GROSSMAN: -- [inaudible].</p> <p>25 MS. BREZA: Yeah, I'm going to be -- yes, Your</p>
<p style="text-align: right;">70</p> <p>1 MR. GROSSMAN: Okay.</p> <p>2 MS. BREZA: -- and we will accept the hours as</p> <p>3 they are --</p> <p>4 MR. GROSSMAN: All right.</p> <p>5 MS. BREZA: -- because it is worded in a way that</p> <p>6 we can --</p> <p>7 MR. GROSSMAN: You can live with it.</p> <p>8 MS. BREZA: -- comply with. Yes.</p> <p>9 MR. GROSSMAN: All right. Thank you.</p> <p>10 MS. BREZA: The next witness I intend to call is</p> <p>11 Mr. Paul Sill, a civil engineer.</p> <p>12 MR. GROSSMAN: Mr. Sill, would you state your full</p> <p>13 name and address, please?</p> <p>14 MR. SILL: Paul Matthew Sill, 11130 Dovetail</p> <p>15 Court, Marriottsville, Maryland 21104.</p> <p>16 MR. GROSSMAN: Would you raise your right hand,</p> <p>17 please? Do you swear or affirm to tell the truth, the whole</p> <p>18 truth and nothing but the truth under penalty of perjury?</p> <p>19 MR. SILL: I do.</p> <p>20 MR. GROSSMAN: All right. You may proceed, Miss</p> <p>21 Breza.</p> <p>22 MS. BREZA: Thank you.</p> <p>23 Mr. Sill, will you please give us some insight</p> <p>24 into your background and how long you've been practicing as</p> <p>25 a licensed civil engineer?</p>	<p style="text-align: right;">72</p> <p>1 Honor. I would like to offer Mr. Paul Sill as an expert in</p> <p>2 civil engineering to discuss adequate public facilities for</p> <p>3 us today.</p> <p>4 MR. GROSSMAN: And based on Mr. Sill's background</p> <p>5 and licensing, I accept him as an expert as such.</p> <p>6 MS. BREZA: Thank you.</p> <p>7 MR. GROSSMAN: Well, before we get off the topic,</p> <p>8 let's deal with this. Mr. Sill, do you happen to have your</p> <p>9 equipment to seal this plan with you sir?</p> <p>10 MR. SILL: I do not.</p> <p>11 MR. GROSSMAN: All right.</p> <p>12 MR. SILL: I can sign it but I can't seal it.</p> <p>13 MR. GROSSMAN: Are you familiar with the Maryland</p> <p>14 law that requires that when you submit a plan to a</p> <p>15 government body it must be sealed?</p> <p>16 MR. SILL: I am familiar with anything that we do</p> <p>17 seal needs the professional certification on it. I was not</p> <p>18 aware that Montgomery County wanted conditional use plans</p> <p>19 sealed. There are some other counties that do not.</p> <p>20 MR. GROSSMAN: Okay. Well, it's a state law that</p> <p>21 should apply to all of the counties. It says that if a</p> <p>22 professional -- not just for engineers but for architects,</p> <p>23 or surveyors and so on, if you submit a plan to a</p> <p>24 government body it's supposed to be signed and sealed and</p> <p>25 certified --</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

19 (73 to 76)

<p>73</p> <p>1 MR. SILL: I can --</p> <p>2 MR. GROSSMAN: -- and [inaudible] --</p> <p>3 MR. SILL: -- seal a set when I get back to the</p> <p>4 office, have it back to you today, if you'd like.</p> <p>5 MR. GROSSMAN: All right. That'll work.</p> <p>6 MR. SILL: Thank you.</p> <p>7 MR. GROSSMAN: And we'll just -- we'll keep it as</p> <p>8 the same exhibit number, but just substitute the sealed</p> <p>9 version assuming it's identical with Exhibit 25 that's in</p> <p>10 the record; is that correct?</p> <p>11 MR. SILL: Understood. It will be.</p> <p>12 MR. GROSSMAN: Okay.</p> <p>13 MS. BREZA: Thank you, Your Honor.</p> <p>14 Let me start with a general question. Do you</p> <p>15 believe there are adequate public facilities located on or</p> <p>16 near this site to accommodate the proposed use as a</p> <p>17 training center?</p> <p>18 MR. SILL: I do.</p> <p>19 MS. BREZA: Now, to get into the connection to the</p> <p>20 public sewer, which if you can describe the location of the</p> <p>21 public sewer manhole in relation to the site and for the</p> <p>22 court.</p> <p>23 MR. SILL: The current end of the public sewer</p> <p>24 extension is in Woottens Lane at the terminance of Woottens</p> <p>25 Lane, about 40 or 50 feet off of our property.</p>	<p>75</p> <p>1 MR. GROSSMAN: Okay. So, you're talking about 17 -</p> <p>2 - let's see, oh, that's [inaudible] conservation law. So,</p> <p>3 18 is the email. So, is there an attachment? This talks</p> <p>4 about -- attachment, is there some letter you're talking</p> <p>5 about from DPS that --</p> <p>6 MS. BREZA: This was all we got from DPS was this</p> <p>7 email from Jason Fleming. There was a lot of back and forth</p> <p>8 with Jason Fleming regarding the existing septic, the size</p> <p>9 of it and whether it was large enough to accommodate the</p> <p>10 new proposed use.</p> <p>11 And then when he received all the water data from</p> <p>12 -- that Miss Ventura provided, he looked at it and said</p> <p>13 that the size of the septic is sufficient to accommodate</p> <p>14 the use.</p> <p>15 The issue that he wanted us to address, which we</p> <p>16 were not able to address at this point, was doing these</p> <p>17 borings underneath because --</p> <p>18 MR. GROSSMAN: Right.</p> <p>19 MS. BREZA: -- the septic system is older, we</p> <p>20 don't have detailed drawings of what exactly was built.</p> <p>21 Even though it was all approved and it was reapproved in</p> <p>22 2009 when the Moose took ownership, because the Moose were</p> <p>23 putting in a commercial kitchen and having a bar and all of</p> <p>24 that, everything was re-inspected by, I believe at that</p> <p>25 time, it was the Department of Health and Human Services,</p>
<p>74</p> <p>1 MS. BREZA: Okay. Do you believe that the existing</p> <p>2 septic that is onsite, which has been inspected by the</p> <p>3 seller as of August and also inspected by the buyer as part</p> <p>4 of the environmental assessment is, in your opinion,</p> <p>5 adequate to accommodate the affluent from the proposed use?</p> <p>6 MR. SILL: Yes. In reviewing the current use from</p> <p>7 the Moose Lodge, the proposed use from Inspire and their</p> <p>8 current uses at their existing site and in working</p> <p>9 [inaudible] program with DPS everything seems to work and</p> <p>10 will continue to work properly.</p> <p>11 MS. BREZA: And is it correct that petitioner</p> <p>12 provided a year's worth of water data to Jason Fleming at</p> <p>13 DPS for his review and upon that review he granted his</p> <p>14 letter saying that he would accept the septic if we did the</p> <p>15 borings down under the parking lot if we can show that four</p> <p>16 foot of --</p> <p>17 MR. SILL: Buffer zone.</p> <p>18 MS. BREZA: -- buffer zone?</p> <p>19 MR. SILL: Yes. That's correct.</p> <p>20 MR. GROSSMAN: What's the exhibit number for that</p> <p>21 letter?</p> <p>22 MS. BREZA: Email from Jason Fleming is DPS --</p> <p>23 yeah, Exhibit 18. And I have a copy -- do we have that --</p> <p>24 where's that? Oh, yes, right there. I'm looking too far</p> <p>25 away. I guess I need my glasses. Oh dear.</p>	<p>76</p> <p>1 is the name -- in 2009. And I believe I have that as an</p> <p>2 exhibit also --</p> <p>3 MR. GROSSMAN: Yeah. I mean, I don't have a</p> <p>4 problem --</p> <p>5 MS. BREZA: -- but --</p> <p>6 MR. GROSSMAN: -- with making the change that you</p> <p>7 asked for at the very beginning saying instead of -- that</p> <p>8 it has to be submitted, the borings and so on --</p> <p>9 MS. BREZA: Okay, perfect.</p> <p>10 MR. GROSSMAN: -- prior to the conditional use</p> <p>11 being approved, to change that to the use and occupancy</p> <p>12 permit.</p> <p>13 MS. BREZA: Perfect.</p> <p>14 MR. GROSSMAN: So --</p> <p>15 MS. BREZA: Okay, great.</p> <p>16 MR. GROSSMAN: -- there's no problem with that as</p> <p>17 long as it ultimately will be before you could occupy it --</p> <p>18 MS. BREZA: Okay, great.</p> <p>19 MR. GROSSMAN: -- it would be certified by</p> <p>20 Department of Permitting Services, I'm fine with that.</p> <p>21 MS. BREZA: So then, Mr. Sill, just to finish up,</p> <p>22 in your opinion are there two good options for handling the</p> <p>23 affluent from this site either reuse of the existing</p> <p>24 septic, which the Moose Lodge are currently using and I</p> <p>25 have no evidence of any failure and/or connection to the</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

20 (77 to 80)

<p>77</p> <p>1 Tier 1 sewer in Woottens Lane?</p> <p>2 MR. SILL: I agree.</p> <p>3 MS. BREZA: Okay. And then one final question</p> <p>4 regarding runoff from the site, water runoff, is there</p> <p>5 adequate public facility in both Cedar Tree Drive and Sandy</p> <p>6 Spring Road to accommodate the runoff from the site?</p> <p>7 MR. SILL: I would agree. There are curb and</p> <p>8 gutter, draining swells, storm drain systems out in the</p> <p>9 street right of ways. It seems -- everything seems to work</p> <p>10 -- function properly and will continue to do so since we're</p> <p>11 not changing the site at all.</p> <p>12 MR. GROSSMAN: And you're not required to fully</p> <p>13 comply with environmental site designs only because you're</p> <p>14 not making any changes or [inaudible] --</p> <p>15 MR. SILL: Correct.</p> <p>16 MR. GROSSMAN: Okay.</p> <p>17 MS. BREZA: Thank you, Your Honor. Thank you, Paul</p> <p>18 Sill. That's --</p> <p>19 MR. GROSSMAN: Is that all from this witness as</p> <p>20 far as any of the other -- I don't know if you have any</p> <p>21 other engineering type of questions that you --</p> <p>22 MS. BREZA: I am going to ask a general question</p> <p>23 that, in listening to Miss Carey-Vert's testimony, do you</p> <p>24 agree with her responses to all the sections of Article 59</p> <p>25 that we referenced?</p>	<p>79</p> <p>1 MR. RAHMAN: Thank you, sir.</p> <p>2 MS. BREZA: So, Mr. Rahman, I believe your resume</p> <p>3 is Exhibit 16. Will you please give us some background on</p> <p>4 your licensure --</p> <p>5 MR. RAHMAN: Yes. I am --</p> <p>6 MS. BREZA: -- for --</p> <p>7 MR. RAHMAN: -- I'm a licensed engineer in the</p> <p>8 state of Maryland, Number 21864. I run my own business. At</p> <p>9 Mars Group we do traffic engineering and environmental</p> <p>10 acoustics, environmental sound. I've been doing that since</p> <p>11 2011 -- 2001, sorry. And have done many, many projects.</p> <p>12 MR. GROSSMAN: All right.</p> <p>13 MS. BREZA: Have you --</p> <p>14 MR. GROSSMAN: Is -- is Mars an acronym for</p> <p>15 something or is it just --</p> <p>16 MR. RAHMAN: It's -- initially it was --</p> <p>17 MR. GROSSMAN: -- a planetary --</p> <p>18 MR. RAHMAN: -- but my son, it's Monty A. Rahman</p> <p>19 and Son --</p> <p>20 MR. GROSSMAN: I see.</p> <p>21 MR. RAHMAN: -- he changed it. That's why it's</p> <p>22 dot, dot, dot. [laughter] But he went into the [inaudible]</p> <p>23 energy field --</p> <p>24 MR. GROSSMAN: I see. Well, you can forgive him</p> <p>25 for that.</p>
<p>78</p> <p>1 MR. SILL: I did pay attention to each one and I</p> <p>2 do agree with her, her responses.</p> <p>3 MR. GROSSMAN: All right.</p> <p>4 MS. BREZA: Okay. So, yes, Your Honor, that's</p> <p>5 sufficient at this time.</p> <p>6 MR. GROSSMAN: All right. Thank you.</p> <p>7 MS. BREZA: Thank you.</p> <p>8 MR. GROSSMAN: Thank you.</p> <p>9 MR. SILL: Thank you.</p> <p>10 MR. GROSSMAN: All right. Your next witness then.</p> <p>11 MS. BREZA: Your Honor, our last witness today is</p> <p>12 Mr. Monty Rahman from the Mars Traffic Group. Mr. Rahman is</p> <p>13 a traffic engineer who reviewed the site and the traffic</p> <p>14 impact associated therewith.</p> <p>15 MR. GROSSMAN: All right. Sir, would you state</p> <p>16 your full name and address, please?</p> <p>17 MR. RAHMAN: Yes, sir. My name is Monty Rahman,</p> <p>18 8507 Horseshoe Road, Ellicott City, Maryland 21043.</p> <p>19 MR. GROSSMAN: All right. Would you raise your</p> <p>20 right hand, please? Do you swear or affirm to tell the</p> <p>21 truth, the whole truth and nothing but the truth under</p> <p>22 penalty of perjury?</p> <p>23 MR. RAHMAN: Yes, I do.</p> <p>24 MR. GROSSMAN: All right. You may proceed, Mr.</p> <p>25 Rahman.</p>	<p>80</p> <p>1 MR. RAHMAN: Yeah, well --</p> <p>2 MR. GROSSMAN: All right.</p> <p>3 MR. RAHMAN: -- you know he can hope for --</p> <p>4 MR. GROSSMAN: Kids, right.</p> <p>5 MR. RAHMAN: -- they decide.</p> <p>6 MR. GROSSMAN: Okay.</p> <p>7 MS. BREZA: Your Honor, will you accept Mr. Rahman</p> <p>8 as an expert in traffic engineering --</p> <p>9 MR. GROSSMAN: Yes.</p> <p>10 MS. BREZA: -- for today's testimony?</p> <p>11 MR. GROSSMAN: Based on his qualifications and his</p> <p>12 resume in Exhibit 16 I accept Mr. Rahman as an expert in</p> <p>13 traffic engineering.</p> <p>14 MR. RAHMAN: Thank you.</p> <p>15 MS. BREZA: Okay. Mr. Rahman, will you present</p> <p>16 your findings from the letter dated August 25th, 2018,</p> <p>17 which I believe it's the second transfer station study</p> <p>18 exemption statement --</p> <p>19 MR. GROSSMAN: Yes. It's Exhibit 67B, as in boy.</p> <p>20 MS. BREZA: -- Exhibit 67B, specifically regarding</p> <p>21 why you found the traffic to be minimal at this site.</p> <p>22 MR. RAHMAN: The requirements by the county are to</p> <p>23 evaluate for transportation studies are really in the peak</p> <p>24 hours.</p> <p>25 And in addition to many questions that needed to</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 be addressed in terms of right of way, if they comply with 2 right of way, if they have adequacy in terms of the roadway 3 across from them being hospitable for pedestrians, bikes 4 and bicyclists and so on, as it -- per the plan. All of 5 these were answered but the just question that directly 6 addresses traffic is in the peak hours. 7 And in that, we are operating as far as the school 8 is operating, it is operating outside of the peak hours, 9 meaning that it will start at 7:30. So, even those that are 10 attending the school will be driving outside of the peak 11 hour within that half hour. 12 MR. GROSSMAN: Right. So, you're not going to have 13 a local area transportation issue -- 14 MR. RAHMAN: That's right. 15 MR. GROSSMAN: -- but, of course, this, as I 16 mentioned earlier in this proceeding, this particular 17 conditional use goes beyond the normal LATR standards for 18 traffic review and requires an overall assessment of 19 traffic impacts even after hours in this particular 20 conditional use. 21 MR. RAHMAN: It might. This would have to be a 22 request. I don't think it would be mandated right at the 23 top because generally when we address adequate facilities 24 we are looking at the local area regulations. 25 But if it was to be requested, additional studies</p>	<p style="text-align: right;">83</p> <p>1 how many cars coming in, how many leaving, the evening 2 operating hours, and so on. That I can't speak to but -- 3 MR. GROSSMAN: Okay. 4 MR. RAHMAN: -- but whether I have done specific 5 analysis, I have not. 6 MR. GROSSMAN: Okay. 7 MS. BREZA: May I ask a follow-up question -- 8 MR. GROSSMAN: Certainly. 9 MS. BREZA: -- with regards to that, Your Honor? 10 The number of students that we're expecting at say 11 a 7:30 class and then later at the 9:00 o'clock, 9:30 12 class, how many students are we expecting at that time? 13 MR. RAHMAN: Twenty-four. 14 MS. BREZA: Well, it will be -- is it correct to 15 say it's 20 students with four -- 16 MR. RAHMAN: Twenty with four instructors. 17 MS. BREZA: -- four instructors. And often the 18 instructors may arrive a few minutes earlier; is that 19 correct to say? 20 MR. RAHMAN: That's correct. 21 MS. BREZA: And also, of those 20 people it is my 22 understanding that not everyone owns cars. Some people 23 actually do come on buses; is that correct? 24 MR. RAHMAN: Yes. But the -- yes, go ahead. 25 MS. BREZA: And with regard to people coming as</p>
<p style="text-align: right;">82</p> <p>1 can be made and there's numerous of them. I mean whether 2 it's at the access point or the -- within the vicinity of 3 it, the exit [inaudible] lanes -- 4 MR. GROSSMAN: Well, we're here today for the 5 evidence, so the question is, as to your evaluation of 6 whether or not this proposed conditional use will create 7 traffic burdens on the community. The specific language in 8 the zoning ordinance, this is in 59-3.5- -- -3.4.5.C.2.H. 9 And that requirement towards the bottom of that 10 paragraph says, in evaluating traffic impacts on the 11 community, the hearing examiner must take into 12 consideration the total cumulative number of expected car 13 trips generated by the regular academic program and the 14 afterschool or summer programs, whether or not the traffic 15 exceeds the capacity of the road. 16 So, what you've addressed so far is road capacity, 17 which is measured by LATR in those peak hours. This is a 18 question of whether or not the proposed activities will 19 unduly impact the community because of traffic. 20 MR. RAHMAN: And as far as the actual studies that 21 have been conducted, I cannot speak to that, but I can tell 22 you that it is anticipated that the traffic should be less 23 or comparable to what was the use before. 24 So, I should not have any adverse impact in 25 addition to what was there in terms of the access point;</p>	<p style="text-align: right;">84</p> <p>1 couples, so that, again, you tend to have less than 20 cars 2 for those 20 students on average, that we tend to have less 3 than that; is that correct? 4 MR. RAHMAN: The assumption are, yes. For the 5 write up that I did I assumed none of that -- 6 MS. BREZA: The cars -- 7 MR. RAHMAN: -- but, yes, you would think that 8 couples would come together and there will be a decrease. 9 Carpooling would be a factor, possibly people with bike 10 because from my understanding talking to -- preparing for 11 this, that there are people that actually walk and there 12 are bicycle commuters as well as carpools. 13 But for specifically for this we have not 14 accounted for them. So, would I be able to give you a 15 number as to how many less than 20, I don't know, but the 16 logic -- 17 MS. BREZA: Un- -- 18 MR. RAHMAN: -- will say it is. Yes, sir? 19 MR. GROSSMAN: But, Mr. Rahman, even if we assume 20 that it was the full 24 arriving and so on, would that, in 21 your opinion, adversely impact the neighbors in terms of 22 the traffic flow? 23 MR. RAHMAN: No. Specifically because the access 24 point is not shared with other neighbors. So, that 25 particular point, I don't think so. Now, they're coming in</p>


Transcript of Administrative Hearing  
Conducted on September 28, 2018

22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 and leaving with their own access on to a major highway, so 2 I do not think there will be an additional impact to the 3 neighborhoods. 4 MR. GROSSMAN: All right. 5 MR. RAHMAN: They're not going through the 6 neighbor. 7 MR. GROSSMAN: And in your opinion is the proposed 8 circulation and access safe and adequate? 9 MR. RAHMAN: For you to have two access points, it 10 does not have two access points; meaning one you can escape 11 another route. But, yes, as far as the actual site and the 12 parking pad can accommodate fire trucks to come in, turn 13 around, leave. Can accommodate garbage collection and so 14 on. So, even heavy vehicles or big tandem trucks can, I 15 think, maneuver their way around the parking area, yes. So, 16 it should be safe. 17 MR. GROSSMAN: Okay. So, let me just ask that 18 question again. Is the, in your opinion, is the proposed 19 traffic access and circulation safe and adequate for the 20 site? 21 MR. RAHMAN: Yes. 22 MR. GROSSMAN: Okay. All right. Any other 23 questions, counselor? 24 MS. BREZA: Just one final question regarding the 25 -- is the traffic, in your opinion, minimal for the size of</p>	<p style="text-align: right;">87</p> <p>1 case, the pre-hearing statement, and today into evidence. 2 MR. GROSSMAN: Yes. Exhibits 1 through 77 and 3 their subparts are admitted into evidence. 4 MS. BREZA: Thank you, Your Honor. Specifically 5 with regard to the waiver, we had discussed earlier for the 6 setback on the southeast corner -- did I ask it right. 7 MR. GROSSMAN: But it does not appear that you 8 would need it and when I look at the evidence overall, if I 9 think that I'm erroneously suggesting that now, I'll 10 consider it in terms of a waiver. I presume that's what 11 you'd want me to do? 12 MS. BREZA: Yes. Yes. 13 MR. GROSSMAN: Or at the very least in terms of 14 compatibility issues. 15 MS. BREZA: Yeah. Yes, Your Honor. 16 MR. GROSSMAN: But it appears from looking at what 17 the zoning ordinance requires for this zone, that it was 18 summarized in a way in the staff report which mislead me 19 into thinking the setback was larger than it actually is. 20 MS. BREZA: Okay. Understood. Your Honor, do you 21 have any other questions for me at this time? 22 MR. GROSSMAN: I don't think I do. You can make a 23 closing argument -- 24 MS. BREZA: Okay. 25 MR. GROSSMAN: -- if you prefer.</p>
<p style="text-align: right;">86</p> <p>1 the site? We have the 2.8 acre site here with a potential 2 density much greater than what we're using, would you 3 consider the [inaudible] traffic from the site to be 4 minimal? 5 MR. GROSSMAN: I don't know what minimal means? 6 MS. BREZA: Right. Well, in relation to the same 7 as or less than the existing use that's there right now. 8 MR. RAHMAN: As, from what I heard about the 9 existing use, yes, I think it -- 10 MS. BREZA: Such -- 11 MR. RAHMAN: -- would be less. 12 MS. BREZA: -- such that we're not over burdening 13 the site with the scale of the proposed use? 14 MR. RAHMAN: That's right. Yes. 15 MR. GROSSMAN: Okay. 16 MS. BREZA: All right. 17 MR. GROSSMAN: All right. Thank you, sir. 18 MS. BREZA: And that's my final question for Mr. 19 Rahman -- 20 MR. GROSSMAN: All right. 21 MS. BREZA: -- Your Honor. 22 [whispering in background, inaudible]. 23 MS. BREZA: Yeah. At this time, if you deem it 24 appropriate, I would like to enter all the exhibits that 25 have been previously submitted in both the statement of the</p>	<p style="text-align: right;">88</p> <p>1 MS. BREZA: Yes, I would like to make a closing 2 statement. 3 MR. GROSSMAN: All right. 4 MS. BREZA: Thank you. Really the main point I 5 want to make is that I believe Inspire LLP, as Miss Sandra 6 Ventura testified, will be a fantastic neighbor in this 7 community. 8 I believe that their impact will almost be 9 unnoticeable by the neighbors because the main door of 10 entry is away from any residential property. I also know 11 that having worked with Inspire LLP over the past year, the 12 organization is professional, respectful. I believe they 13 will probably be well, well liked for many years in this 14 location. Also, the overall impact from the use in 15 comparison to the entire piece of land, that 2.8 acres. 16 This was something that came up in our preliminary 17 meeting with Planning. Planning actually said that one of 18 the missions or one of the goals of the comprehensive plan 19 is to actually not have a lot of residential development, 20 not have sprawl, and by keeping this property in the same 21 use, in the same type of use, in the same building and in a 22 conditional use that services the surrounding residential 23 area, you create a more traditional feel of a community 24 because you don't have to drive to every single thing way 25 out from the suburbs back and forth.</p>

Transcript of Administrative Hearing  
Conducted on September 28, 2018

23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 You have a wonderful use that supports the local 2 community with classes and programming that help them in 3 their daily lives and this is a living classroom, something 4 that people will benefit from in the community. And I 5 believe it will be an excellent benefit for the area. 6 MR. GROSSMAN: All right. Good. Okay. Let's talk 7 about when the record will close. As I say, I usually leave 8 it open long enough to get the transcript, which arrives in 9 seven working days. Let's see, let me pull out a calendar 10 here. 11 So, it's currently September 28th. That would push 12 us to the 8th of October. Well, let's see, if that's seven 13 working days -- five. I guess we'd say the 9th of October 14 the transcript should be in by then. So, shall we have the 15 record close on October 9? 16 MS. BREZA: Yes, Your Honor. 17 MR. GROSSMAN: The only thing that you need to 18 submit at this point is the sealed copy of the conditional 19 use plan. 20 And my reporting decision is due out in 30 days 21 after the record closes, but I almost always file those 22 well in advance of that time period, so I think you can 23 expect that in this case. I mean I have the power to extend 24 that time as well but I almost never do. 25 I once had a hearing that lasted 37 days, so I had</p>	<p style="text-align: right;">91</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Chris Naaden, a transcriber, hereby declare under 3 penalty of perjury that to the best of my ability from the 4 audio recordings and supporting information; and that I am 5 neither counsel for, related to, nor employed by any of the 6 parties to this case and have no interest, financial or 7 otherwise, in its outcome, the above 98 pages contain a 8 full, true and correct transcription of the tape-recording 9 that I received regarding the event listed on the caption 10 on page 1. 11 12 I further declare that I have no interest in the 13 event of the action. 14 15  16 17 October 3, 2018 18 Chris Naaden 19 20 (210563, Administrative Hearing Inspire LLP, 9-28-18) 21 22 23 24 25</p>
<p style="text-align: right;">90</p> <p>1 to do it in that particular case. There was a lot of 2 transcript to summarize. 3 MS. BREZA: Oh, my goodness. Okay. 4 MR. GROSSMAN: All right. So, is there anything 5 else? 6 MS. BREZA: No, Your Honor. 7 MR. GROSSMAN: All right. 8 MS. BREZA: Thank you very much. 9 MR. GROSSMAN: I thank you. We are adjourned. I 10 hope you all have a wonderful weekend. And -- 11 GROUP: Thank you. 12 MR. GROSSMAN: -- a conscientious job you did in 13 pursuing this. 14 MS. BREZA: Well, thank you very much for helping 15 so much along the way. 16 MR. GROSSMAN: Sure. 17 REPORTER: I just wanted to clarify that you would 18 like the transcript in seven business days, correct? 19 MR. GROSSMAN: That's the normal time. 20 REPORTER: Okay. Thank you so much. 21 (Off the record at 11:20 a.m.) 22 23 24 25</p>	