

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850

IN THE MATTER OF:)
GLENMONT FOREST)
Applicant.)
)
Brian Alford)
Gary Unterberg)
Matt Leakan)
Randall Rentfro)
Steven Allison)
Nancy Randall)
)
)
For the Application.)
)
Steven A. Robins, Esquire)
Elizabeth C. Rogers, Esquire)
Attorneys for the Applicant.)

Zoning Application No. H-149

APPLICANT'S CLOSING STATEMENT

On behalf of the Applicant, Glenmont Forest Investors, LP, we are submitting this Closing Statement (the "Statement") in connection with the above-reference Local Map Amendment ("LMA") Application, which seeks to re-zone the property located at 2300 Glenmont Circle (the "Property") to CRF 1.75, C-0.25, R-1.5, H-75'. The rezoning will facilitate the much-anticipated redevelopment of the aging garden apartment complex on the Property with a modern, mixed-use, predominately residential development (the "Project").

Through the extensive testimony of expert witnesses during the Office of Zoning and Administrative Hearings ("OZAH") public hearing on June 14, 2024, plus the information in the Record, including the Land Use Report, Local Area Transportation Review ("LATR") Traffic Study (Exhibit 40), the Staff Report (Exhibit 46), and the Planning Board's recommendation of approval, as set forth in the Board's Transmittal Letter (Exhibit 46), the Applicant has demonstrated that the proposed LMA Application satisfies all of the Zoning Ordinance

Exhibit 69
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requirements, including the findings contained in Section 7.2.1 of the Zoning Ordinance that are required for the District Council to approve the LMA.

This rezoning is essential for implementing the goals of the County, as expressed through the *December 2013 Approved and Adopted Glenmont Sector Plan* (the “Sector Plan”) and Thrive Montgomery 2050. The Sector Plan very clearly lays out a vision for the transformation of Glenmont and the redevelopment of the Property. As is documented in the Record, the Project directly implements all of the goals and recommendations of the Sector Plan, which includes a significant emphasis on meeting housing needs in the area and providing additional connectivity. The Project includes a variety of unit sizes and layouts, including multi-family units of various sizes and the flexibility to provide for townhouses; implements the anticipated connection to Erskine Avenue, which the Sector Plan expressly calls for; proposes a significant amount of open space, including an approximately 1.0 acre neighborhood green; retains 1.78 acres of existing forest on-site and provides 3.33 acres of forest planting (with a total of 4.65 acres of Forest Conservation Easement, where none exists today¹); and re-forests and protects the 3.28 acre stream valley buffer, where no protection exists today. As confirmed by Binding Element No. 3 (*see* Exhibit 30), the Project also provides 15% Moderately Priced Dwelling Units (“MPUDs”), where no government regulated affordable housing exists today. The Applicant has also committed to working with the Department of Housing and Community Affairs (“DHCA”) to provide an additional 10 percent market-rate affordable units (for households earning at or below 80% Area Median Income) through Rental Agreements, subject to DCHA approval and County budgetary allowances. As described in detail by the Applicant’s experts, the proposed Project, including the density, transit-oriented development, housing diversity, internal and external connectivity, significant open space and environmental preservation, is exactly what the Sector plan calls for. The community members that attended the hearing did not contend that the LMA is not in substantial conformance with the Sector Plan. Rather, what came across was a common theme - they do not like the recommendations contained in the Sector Plan or the vision the County has set out for the Core Area in Glenmont (as identified in the Sector Plan). As the Hearing Examiner certainly understands and appreciates, the contents of the Sector Plan are not up for debate at this time. Rather, it is the Hearing Examiner and ultimately the District Council’s responsibility to ensure that the proposed rezoning substantially conforms to the goals and recommendations of the Sector Plan. *See* Zoning Ordinance Section 7.2.1.E.2.a (requiring the District Council to find, when approving a floating zone, that the floating zone plan will “... substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans...”) and *Richmarr Holy Hills, Inc. v. American PCS, L.P.*, 117 Md. App. at 637, 701 A.2d at 894 (1997) (providing that floating zones are generally “plan-implementation mechanisms” though which zoning decision-makers (*i.e.*, the Hearing Examiner

¹ This 4.65 acres does not include the additional 0.46 acres of forest located within existing utility easements and right-of-way, which is not being disturbed by this Project.

and ultimately the District Council) may carry out planning goals). As illustrated by the Land Use Report and the Applicant's presentation (*See* Pages 14 to 18 of Exhibit 45; and Page 8 of Exhibit 47), the LMA explicitly follows the Council's directives by implementing the Sector Plan recommendations.

The LMA is the first step in providing an excellent use for the Property. Once approved, the LMA will assist in providing the desired reinvestment in Glenmont, and supporting the public's investment in Metro by providing new residential units within walking distance of the Glenmont Metro Station. For all the reasons articulated by the Applicant's expert witnesses and for the reasons set forth in this Closing Statement, the LMA meets all of the statutory requirements for approval and is in the public interest.

The Applicant would like to specifically respond to a few of the issues raised by certain community members during the public hearing, including: (1) Stormwater Management; (2) the connection of Erskine Avenue; (3) Notice for the Local Map Amendment Application; and (4) responses to the specific questions raised by Linda Bidlack.

I. Stormwater Management

At the hearing, certain community members raised concerns regarding stormwater impact on their property. As the Applicant's civil engineering expert, Mr. Randall Rentfro, testified, the LMA and ultimately, the Project, will substantially improve the existing conditions by providing modern stormwater management on-site, where none currently exists. Stormwater management will be provided in accordance with all County and State requirements and will address both quantity and quality control. As Mr. Rentfro testified during the OZAH hearing, the Project will implement environmental site design ("ESD") to the maximum extent practicable ("MEP") through the use of micro bioretention facilities, bio swales and non-rooftop disconnects. In addition to these ESD practices, the Project also will include structural systems for storage and filtration, consistent with MDE approvals. Although only a stormwater strategy narrative is required at the time of Local Map Amendment, the Applicant has proactively advanced the preparation of a stormwater management concept plan. The stormwater management concept plan has been prepared, submitted to the Department of Permitting Services ("DPS"), and already gone through several rounds of review with DPS. The stormwater concept plan will be finalized during the subsequent regulatory review processes. As noted at the hearing, community members will have ample opportunity to raise any concerns they have as part of future applications. The final approval of the stormwater management concept plan is a prerequisite for Planning Board approval of a Preliminary Plan and Site Plan.

As Mr. Rentfro testified, based on his study of the exiting drainage patterns, the Property contributes very little water to the surrounding residential neighborhood's water runoff, with the majority of the runoff coming from the existing forest. Many of the homes on Wallace Avenue are located in a floodplain and/or stream valley buffer. Notable, as Mr. Rentfro testified, the

majority of the water impacting properties on the south side of Wallace Avenue is coming from the residential properties just to the north, and not this Property.

No water from the proposed developable portion of the Property will flow toward the existing homes on Wallace Avenue. The proposed development only will improve the existing conditions, as the eastern forest edge will be fortified with the redevelopment, to further reduce the limited intensity of runoff from the Property. The water from the developable portion of the Property will be treated on-site via modern stormwater management practices for both quantity and quality control (again, where no stormwater management currently exists today) and eventually conveyed to the stream. The stormwater leaving the Property toward Erskine Avenue will be conveyed via pipes and a stormdrain system. As such, the proposed development will improve the existing conditions and have no adverse impacts in terms of stormwater on the surrounding properties.

At the Public Hearing, the Applicant was provided with a copy of a report prepared by Bramel Engineering on behalf of Mr. Richard Takamoto, a neighbor residing on Wallace Avenue. We renew our objection that was raised during the hearing regarding the weight that this report be given, based on the fact that the Applicant was not afforded any opportunity to review this report or question Ms. Tara Pase and Mr. Brian Bramel, who prepared and reviewed the report. Additionally, given that this report was not provided to the Applicant in advance of the hearing, the Applicant's civil engineer also was unable to respond to the points raised therein. We urge the Hearing Examiner to minimize any weight given to that report and certainly not granting the authors of this Report expert status.

Having now had the opportunity to review the Bramel Engineering report, we note a few points that call into question the conclusions reached in the report. First, the report states that "a large area of fill is planned which will increase the length of the steep slope leading runoff onto the Takamoto property." (*See* Bramel Report, page 8). We are not clear on what "fill" is being referred to, as the area closest to Mr. Takamoto's Property is proposed to be retained in its natural conditions and protected by a Forest Conservation Easement. Even so, the grading plan is not finalized until Site Plan. Secondly, Mr. Rentfro provided detailed and uncontroverted testimony that no water from the developable portion of the Property will be directed toward the homes on Wallace Avenue (where Mr. Takamoto resides). We simply do not see a factual basis in Bramel Engineering's conclusion that more runoff will be directed to Mr. Takamoto's property. Additionally, this seems contrary to the statement in the report that the "background graphics suggest that the stormwater at the higher elevation (above 418') will be directed into a surface drain where it is directed to outfall at the stream, southwest of the Takamoto Property" and that "[t]his improvement should reduce the drainage area toward the Takamoto property by 17% resulting in a lower volume of total water directing toward the open channel and potentially carried across property lines." (Emphasis added) (*See* Bramel Report, page 7). Lastly, the Bramel Report acknowledges that the "...plan does not have enough information regarding the

stormwater systems proposed...” (See Bramel Report, page 7). This is indicative of the stage of approval – the LMA seeks to rezone the Property and is not the process for a detailed evaluation of matters like stormwater management. While the Applicant has advanced their preparation of a Stormwater Concept Plan beyond what is required at this stage, those engineering details will be finalized at the time of Preliminary and Site Plan. This is not an LMA issue. As Mr. Rentfro testified, the Applicant already has gone through two rounds of review on the Stormwater Management Concept plan with the Department of Permitting Services and fully expects the stormwater strategy to be accepted by DPS.

II. Vehicular Connection to Erskine Avenue

As confirmed by the Applicant’s expert transportation planner, Ms. Nancy Randall, and Mr. Matthew Leakan, the Applicant’s expert land planner, the connection to Erskine Avenue is expressly recommended by the Sector Plan. The recommendations contained in the Sector Plan are the result of an extensive public process that spanned almost two years, and involved many visioning workshops, community meetings, public hearings and discussions, both before the Planning Board and the County Council. The Sector Plan process would have been the appropriate time to raise concerns about this connection. That time has passed and the County Council has clearly and unequivocally spoken regarding the County’s vision and expectation for this connection.

As the Hearing Examiner is aware, Zoning Ordinance Section 7.2.1.E.2.a requires the District Council to find, when approving a floating zone, that the floating zone plan will “... substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans...” Generally, Maryland courts have found that for floating zone cases, compatibility is demonstrated through satisfaction of the required findings and applicable code requirements. *See, Floyd v. County Council of Prince George’s County*, 55 Md. App. 246, 461 A.2d 76 (1983) (providing that “compatibility is shown by the applicant’s conformance to express ordinance standards” in floating zone cases). The connection to Erskine Avenue is one factor that demonstrates substantial conformance with the Sector Plan and thus satisfies the required finding for LMA approval. As such, this connection is deemed compatible with the surrounding community.

Furthermore, we think it is important to point out that this connection was first envisioned nearly a century ago. The original subdivision for the adjacent residential community stubbed the public road connections of Erskine and Wallace to the eastern boundary of the Property (See Plat No. 594 dated July 8, 1935).² Although perhaps not visually evident to a lay person, Erskine Avenue is currently a 60’ wide county-owned right-of-way. The fact that the

² The Plat retained a “two foot reservation” that would be automatically dedicated at such time as street extensions were dedicated on the adjacent property.

residents have enjoyed the benefit of the unimproved portions of that County owned land, does not (and cannot) provide a right to continue to do so in perpetuity and cannot be used as a basis for determining that an eventual connection is not compatible. Also, contrary to some of the community concerns expressed in the Record, no on-site forest, as defined by the Montgomery County Forest Conservation Law, will be removed in connection with the extension of Erskine Avenue.

Separate and apart from the LMA, final determination regarding the design and character of the extension of Erskine Avenue actually will occur later in the development entitlement process. While the Floating Zone plan must show the proposed circulation, the precise design and location of the access points will not be finalized until the subsequent Preliminary Plan, which also requires a public hearing process. It is the Applicant's expectation that the Planning Board will retain the Erskine connection in its current design given that the Planning Board, despite already having heard select community correspondence opposed to the Erskine connection, voted to recommend approval of the LMA in its current form and with the connection.

Lastly, the extension of Erskine Avenue is in the public interest. As Ms. Randall also testified, this connection becomes essential if the Montgomery County Department of Transportation were ultimately not to approve the existing right-in right-out currently proposed on Randolph Road with the subsequent Preliminary Plan application. Additionally, as Ms. Randall testified, the connection provides an important means of access to the proposed development, as well as a connection for the surrounding community to the Project. A long standing County priority has been to provide connections and not wall off communities. A case in point is the approval of the Poplar Run development, located on the former Indian Springs Country Club property off Layhill Road. While not a re-zoning, in the Poplar Run case, the Master Plan specifically recommended that the main road within Poplar Run cross over the northwest tributary (via a bridge) and connect the Poplar Run community with the abutting community (and ultimately to Randolph Road). This was a hotly contested issue in which community members equally opposed the connection. The Planning Board, being charged with finding substantial conformance with the Master Plan, ultimately mandated the connection (despite the opposition and added environmental issues). The same logic applies here.

In this case, the District Council already made the determination that the road connection is compatible with the surrounding area and in the public interest. Conformance to that express recommendation in the Sector Plan cannot now be used to argue this LMA is not compatible with the surrounding neighborhood.

III. Notice

The Hearing Examiner specifically asked the Applicant to provide an overview of the notice requirements for an LMA application. Notice requirements are governed by Division 7.5

of the Zoning Ordinance. For a Local Map Amendment, Section 7.5.1 of the Zoning Ordinance requires an (1) Application Sign, (2) Hearing Notice, and (3) Website Posting. Although a community meeting is not required for a LMA application, the Applicant did voluntarily meet with the Glenmont Exchange, a neighborhood non-profit that covers the Glenmont area. Several community members and commercial representatives attended that meeting.

As confirmed by the Affidavit of Posting, submitted into the record at Exhibit 57, notice signs were posted on the Property on January 30, 2024. As required by Section 7.5.2.C.1, one sign was posted along every frontage (every 500 feet, if the frontage is longer than 500 feet). Frontage is defined as “[a] property line shared with an existing or master-planned public or private road, street, highway, or alley right-of-way, open space, or easement boundary.” (*See* Zoning Ordinance Section 1.4.2). The notice signs were conservatively posted along every frontage, including the stubbed right-of-ways of Wallace Avenue and Erskine Avenue and the paper street (known as “Starling Drive”) to the south.

Per Section 7.5.2.E, the Applicant prepared and submitted a notice list that includes all abutting and confronting property owners; civic, homeowners and renters associations that are registered with the Planning Board and located within ½ mile of the site; and any municipality within ½ mile of the site.

Section 1.4.2 defined abutting as “2 properties are abutting if they share a property line or easement line” and confronting as “[p]roperties that are directly across a right-of-way with a master plan width of less than 80 feet from each other based on a line between the 2 properties that is drawn perpendicular to the right-of-way. Properties within a 45 degree diagonal across an intersection are also confronting.” The Applicant included all abutting and confronting property owners, as required by the Zoning Ordinance, and conservatively included a few additional homes on Wallace and Erskine Avenue.

Per Section 7.5.2.E, the Planning Board must mail notice of the Planning Board hearing a minimum of 10 days before the scheduled hearing date; and the Hearing Examiner must mail notice a minimum of 30 days before the scheduled hearing date. It is the Applicant’s understanding that both of these required deadlines were satisfied by the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and OZAH, respectively. Notice was proper and is not an issue.

IV. Response to Neighbor Questions

Ms. Linda Bidlack submitted an email with questions during the OZAH public hearing. While most, if not all, of the questions were addressed during the Applicant’s case in chief through expert testimony, as requested by the Hearing Examiner, the Applicant is providing responses to the questions raised. The paragraphs below follow the order of questions in Ms. Bidlack’s email:

1. While much of the development is only conceptual at the time of LMA, the external property setbacks are one of the few standards set by the Floating Zone Plan. As the Applicant's experts testified, the Applicant has conservatively treated the eastern property boundary as a "rear property boundary," which results in a minimum setback of 37.5 feet (as opposed to a side property boundary, which would have required a minimum setback of only 12 feet). Furthermore, the Floating Zone Plan exceeds this conservative setback and shows a generous setback of 45 feet from the eastern property boundary. The future development must respect this setback. Additionally, the Applicant has committed, via a Binding Element, to restrict development within 100 feet from the eastern property line of the Property to no greater than 45 feet in height (*see* Binding Element No. 1 on the Floating Zone Plan, Exhibit 30). This too is mandated by the Sector Plan and further illustrates that the LMA is in substantial conformance with the Sector Plan and is compatible with the surrounding area. While the proposals for buildings are conceptual at this time and will be further refined through the various land use entitlement processes (*i.e.*, Sketch, Preliminary and Site Plans), the minimum setback (*i.e.* 45 feet) and Binding Element will remain in place so that any building, whether it be townhouses and/or multi-family buildings, must be located a minimum of 45 feet away from the eastern property boundary; and any building located within the 100 foot height restriction area cannot exceed 45 feet in height. Once the Floating Zone Plan is approved by the District Council, all further entitlements must adhere to external setbacks and Binding Elements contained on the Floating Zone Plan (the Binding Elements will also be reflected in the Declaration of Covenant that will be recorded in the Land Records). These subsequent entitlement processes all require public notice and ultimately a public hearing before the Montgomery County Planning Board, giving the community ample additional opportunities to participate in the process and comment on the proposed building and site design.

The Glenmont Sector Plan specifically recommends rezoning the Property to the CR 1.75 C 0.25 R 1.5 H 75' and CRN 1.5, C 0.25, R 1.5, H 45 or similar zones (*See* page 29). As noted by Mr. Leakan (and referenced above), the Binding Element accomplishes the Sector Plan's goal of limiting the height on the eastern portion of the Property to 45 feet for a distance of 100 feet. As such, the singular zone strategy proposed by the Applicant accomplishes exactly what the Sector Plan sought to achieve in terms of providing a compatible transition in height to the surrounding community and is appropriate for the Property. The Floating Zone is not a "radical" zone, as suggested by Ms. Bidlack; rather, it is a stable and appropriate zone that will allow the Applicant to implement the zoning and redevelopment goals envisioned for this Property by the Sector Plan, Thrive 2050 and current County growth policies.

2. The height is regulated by the zoning placed on the property, in this case 75 feet. Typically, a 75 feet building can accommodate 6 – 7 floors, depending on the floor to

- ceiling heights within the building. Under the requested zoning, the Applicant will not be able to exceed the 75 foot height maximum except in limited circumstances as prescribed in the Zoning Ordinance, one of which is related to the provision of more Moderately Priced Dwelling Units (above that required by law). The Applicant must follow the approved Floating Zone Plan and the requirements of the Zoning Ordinance. Again, there are several other development entitlements required for the Project, including Sketch, Preliminary and Site Plans, which all require public hearings before the Montgomery County Planning Board.
3. The Applicant's proposal is that the areas identified as Areas D, E, F, G & H on the Floating Zone Plan could be slated for apartments and/or townhouses, with a cap of 250 townhouses on the overall Property. The design and placement of any of the buildings and/or townhouses would be reviewed, in detail, at the Preliminary and Site Plan stages, which will require public notice and a public hearing before the Planning Board.
 4. Glenmont Forest is identified as one of the priority sites in the Sector Plan area for redevelopment. The Council was fully aware of the other various sites that could/will be developed and expressly made a determination that the Glenmont Forest site could be redeveloped at the density levels proposed in the LMA application. As the Applicant's experts testified, the Growth and Infrastructure Policy (which establishes growth policies for the County and is approved by the County Council) indicates that public facilities are adequate to accommodate the development. Furthermore, as Ms. Randall testified to, the approved but un-built developments, such as the Glenmont Metro Center, already have been accounted for in the LATR Study. As such, these background developments have already been factored in when determining the adequacy of transportation and school facilities to accommodate the proposed development. The final determination of adequacy of public facilities will be made by the Planning Board, at the time of Preliminary Plan.
 5. The 100 foot measurement is not measured from Ms. Bidlack's property. Rather, it is measured from the eastern property boundary, and inward. Again, what the Binding Element confirms is that any building located within 100 feet of the eastern property boundary will not exceed 45 feet in height. This ensures that any proposed development is compatible with the surrounding neighborhood.
 6. As previously discussed, connectivity among neighborhoods is one of the County's top transportation priorities and is looked at carefully during the planning process. The Sector Plan specifically recommends to "[c]onnect new internal streets with Erskine and/or Wallace Avenues." (See page 30). This is not a proposed connection that was initiated by the Applicant. It is specifically spelled out in the Sector Plan

and, as noted above, the LMA requires the District Council to make a finding of “substantial conformance” with the Sector Plan.

The Applicant is only proposing the one connection to Erskine Avenue, given the environmental and topographic challenges with connecting Wallace Avenue. M-NCPPC Staff and the Planning Board endorsed this approach. As discussed above, the right of way already exists for the connection, as Erskine Avenue was stubbed to the Property boundary for an eventual connection. Many of the neighbors expressing concerns over this connection owned their homes after the right of way was established for the connection pursuant to the record plat referenced herein but before the Sector Plan was approved in 2013. That was the time for these community members to debate the desirability of the connection, not now at the time of the LMA. The Council heavily vetted this Sector Plan and made an informed decision that this connection would be compatible with the surrounding area and be in the public interest.

Additionally, Ms. Randall testified in great detail regarding the importance of the Erskine connection. She confirmed in her testimony that the queues on Glenallan Avenue met the LATR standards and would not exceed the standards with the proposed development and connection to Erskine Avenue. She also confirmed that the development would generate a substantial off-site proportionate share for public infrastructure improvements that would address community concerns raised at the hearing (e.g. potential pedestrian crossings, sidewalk improvements, street lighting, etc.). As Ms. Randall testified, this Project unquestionably will make the area safer and more desirable from a vehicular, transit, walking and biking experience. She confirmed that all of the LATR standards for each of the various tests would be satisfied. Her testimony, together with Messrs. Rentfro and Leakan, confirmed that public facilities would be adequate to accommodate the Project.

7. The amount of density proposed by this LMA is fully consistent with the County vision for this Property, as expressed through the Sector Plan. As noted above, the Sector Plan specifically recommends that the Property could be rezoned at the precise density levels requested through this LMA. Furthermore and of great importance, since the Sector Plan was adopted in 2013, much focus by the County has been placed on increasing housing production to meet current and forecasted demands. And, the County has been crystal clear about its desire to encourage development in Glenmont as a top priority. The Project is fully in-line with and promotes these County goals and objectives, as expressed through the Sector Plan and Thrive Montgomery 2050.

V. Conclusion

As evidenced by the information contained in the Record and the expert testimony during the OZAH hearing, the Applicant has satisfied its burden of proof and convincingly demonstrated that the proposed LMA meets the findings set forth in Section 7.2.1. of the Zoning Ordinance. As detailed in the Record, the LMA substantially conforms to the recommendations of the Sector Plan and Thrive 2050, by developing needed additional housing on this transit-oriented property. The LMA ensures a compatible transition in height to the surrounding community and provides the internal and external connectivity specifically recommended by the Sector Plan. Mr. Leakan testified in detail during the OZAH hearing regarding the LMA's substantial conformance with the Sector Plan and how the LMA ensures compatibility with the surrounding neighborhood. The LMA also provides substantial environmental benefits through the preservation of 1.78 acres of forest on-site;³ reforestation and protection of the stream valley buffer;⁴ and the provision of modern stormwater management on-site, where none currently exists. In total, the Project will provide 4.65 acres of Forest Conservation Easement on-site (again, where none currently exists). This proposal is clearly in the public interest. It is the duty of the Planning Board, the Hearing Examiner and the County Council to promote that public interest, which is documented through the County's planning and policy documents (like the Sector Plan), even when that broader public interest is at odds with the specific desires of a select few community members. The Project satisfies all the intents and purposes of the Commercial Residential Floating zone and does not generate traffic that exceeds the critical lane volume or volume/capacity ratio standards of the LATR Guidelines. School capacity also is not an issue for approval of the LMA. The testimony of record supports the finding that there is adequate school capacity to accommodate the proposed levels of development. By virtue of meeting these standards and requirements of the Zoning Ordinance, and as thoroughly documented in the Record, the Project is compatible with the surrounding area and importantly, advances the County's long-awaited vision for Glenmont. For all of these reasons, we respectfully request the Hearing Examiner recommend approval of the LMA application.⁵

³ This includes 1.32 acres of forest retention with an additional 0.46 acres of forest located within existing utility easements and right-of-way that are not being disturbed by the Project.

⁴ Currently 1.12 acres of forest exists in the stream valley buffer with 0.84 acres of infrastructure existing in the stream valley buffer. The Project proposes to reforest with stream valley buffer with a total of 2.97 acres of forest and no infrastructure.

⁵ The Applicant would like to confirm that all of the Exhibits produced prior to and at the public hearing, as well as this Closing Statement, be admitted to the record.

Respectfully submitted,

By: 
Steven A. Robins

By: 
Elizabeth C. Rogers