

**BEFORE THE OFFICE OF ZONING AND
ADMINISTRATIVE HEARINGS OF
MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION)	
)	
OF JEFFREY B. WALCOFF, DVM AND)	Special Exception Amendment
)	S-2659-A
SHERRY DERRYBERRY WALCOFF FOR)	
)	
AMENDMENT OF A SPECIAL EXCEPTION)	
)	
FOR A VETERINARY HOSPITAL)	

PETITIONERS' PRE-HEARING SUBMISSION

The Petitioners in the above-referenced case, Dr. Jeffrey B. Walcoff, DVM and Sherry Derryberry Walcoff (“Petitioners”), in accordance with Rule 3.4 of the Rules of Procedure for the processing of a special exception amendment application, submits the following information:

A. Statement of the Grounds for Approval of the Application

As part of its application materials, as amended, the Petitioners have submitted a Statement of Justification setting forth the grounds for approval of the application. The Petitioners incorporate that document herein by reference thereto.

At the public hearing, the Petitioners will present testimony and evidence demonstrating how the proposed use will satisfy the following requirements for the proposed use:

1. The standards contained in Section 59-G-1.21 of the Zoning Ordinance authorizing the granting of a special exception.
2. The requirements contained in Section 59-G-2.32 being a precondition for the granting of a special exception, or the amendment of a special exception, for a veterinary hospital.

**Exhibit 23
S-2659-A**

3. The requirements of Section 59-E of the County Zoning Ordinance regarding numerous landscaping requirements associated with this use.
4. Compliance with the general standards for the granting of a special exception set forth in Section 59-G-1.21(a)(3) – (9) of the Zoning Ordinance to include:
 - a. In accordance with the recommendations of the area master plan
 - b. Will be in harmony with the general character of the neighborhood
 - c. Will not be detrimental to the use or peaceful enjoyment of surrounding properties
 - d. Will cause no objectionable condition to exist
 - e. Will not alter the character of the surrounding neighborhood
 - f. Will not adversely affect health, safety and welfare
 - g. Will be served by adequate public facilities
 - h. Will comply with the provisions of Chapter 22A (“Forest Conservation”) of the County Code

B. Copies of all reports intended to be introduced at the OZAH hearing

The Petitioners will submit only two reports for consideration by the Hearing Examiner. These include a Traffic Statement prepared by STS Consulting which is already in the record as Exhibit 12.

A report was prepared by an acoustical engineer which was provided to staff at MNCPPC and is found as Attachment D to the Staff's Report and Recommendation dated September 20, 2024. A copy of that report from Mr. Kevin C. Miller is attached.

C. **The names of all experts expected to testify at the hearing, their resumes and a summary of their respective testimony**

1. Gerald Lee Miller, Jr., Terra Solutions Engineering

Mr. Miller's firm has been responsible for preparation of all plans associated with this special exception amendment application and Mr. Miller supervised and reviewed all of the plans in the record of Case No. S-2659-A. Mr. Miller will testify about all engineering matters associated with this case including a) the Montgomery County Fire and Rescue Service Access Plan, b) Stormwater Management Plan and c) the Water Quality Plan. Based on his supervision of preparation of the Forest Conservation Plan, Mr. Miller will testify how the FCP satisfies the requirements of Chapter 22A of the County Code. And Mr. Miller will explain how the proposal satisfies the dimensional requirements of the underlying zone and the use category itself.

2. Alan Clapp, Architectural Concepts

Mr. Clapp will testify as an expert in the field of architecture. He will explain how the proposed addition will a) blend with the existing structure both internally and externally, b) will meet the dimensional requirements of both the zone and the use category, and c) how that addition will be compatible with its surroundings.

3. Shahriar Etemadi, STS Consulting

Mr. Etemadi will qualify as an expert in traffic engineering and transportation planning. Mr. Etemadi will testify that the trip generation from the proposed use is at a level that makes the project exempt from full compliance with the Local Area Transportation Review requirements and that his Traffic Statement demonstrates that the proposed addition will not cause any stress to the surrounding transportation network. Mr. Etemadi will also explain that the on-site vehicular circulation system will operate in a safe, adequate and efficient manner and that parking for the use will be adequate for its intended purpose.

4. Kevin C. Miller, Miller, Beam & Paganelli

Mr. Miller will testify as an expert in acoustical engineering and will explain how certain upgrading of construction techniques and building materials will ensure that the proposed addition will achieve noise emission levels that will comply with the requirements of the County Noise Ordinance, Chapter 31B of the County Code.

D. Other Witnesses

In addition to the expert witnesses listed above, the co-Petitioner, Dr. Jeffrey Walcoff, will testify about the history of Bennett Creek Animal Hospital, the success that it has achieved, the reasons for the proposed expansion and all matters associated with the operation of the Animal Hospital.

E. Estimated Time for Presentation

The Applicants estimate that it will take four (4) hours to present its case.

Respectfully submitted,

MILLER, MILLER & CANBY



Jody S. Kline, Esq.
200-B Monroe Street
Rockville, MD 20850
(301) 762.5212
jskline@mmcanby.com
Counsel for Bennett Creek Animal Hospital

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of September, 2024, a copy of the foregoing Applicants' Pre-Hearing Submission was mailed, first class, postage prepaid to:

Mark Beall
Planner Coordinator
MNCPPC
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902



Jody S. Kline

Attachment D



MILLER, BEAM & PAGANELLI, INC.
CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

May 17, 2024

Jeff Walcoff, DVM,
Bennett Creek Animal Hospital,
2416 Frederick Road,
Clarksburg, MD 20871

RE: BENNETT CREEK ANIMAL HOSPITAL EXPANSION

Dear Dr. Walcoff:

An acoustical analysis was conducted of the proposed expansion facility for the Bennett Creek Animal Hospital in Clarksburg, MD. The primary purpose of this analysis was to evaluate potential adverse noise impact on the surrounding community specifically addressing the stringent County noise requirements. As a background, the original facility was evaluated and design recommendations developed to accommodate the above noted noise impact concerns and associated County requirements. This assessment has incorporated the basic design concepts/approaches utilized in the original assessment.

As noted in the original assessment, the potential for indoor levels can vary substantially depending on conditions and locations/uses of the various interior portions of the facility. For kennel locations, where the animals may be together as a group, on occasion, dogs can reach relatively high noise levels. These levels are not continuous, but only occur when the dogs are excited. Upgraded construction was incorporated in the kennel area to address these occasional high peak levels.

As previously noted for the original design, dogs do not normally continuously bark. They will typically bark only when excited such as feeding time with the barking typically limited to a modest period of time. When on a leash, in an individual containment such as an examination or surgery room and of course when sedated, dogs normally do not bark. Potentially, when recovering from surgery, some dogs may occasionally "whine" with resulting levels noticeably lower than barking and also a different (higher) frequency content which can more easily be contained utilizing standard construction. Although very infrequent, the potential occasional "whining" levels would be anticipated in the elevated conversational range of 70 dBA. As noted in the original design assessment, it is possible on rare occasions for a dog to bark briefly in the exam room space with a level of 80 dBA used as a design parameter for these type of spaces.

The special exception documents note that levels must not exceed 60 dBA during daytime hours, and 50 dBA during nighttime hours at the residential property line. The special exception also notes that exterior levels should not exceed 40 dBA from interior sources at 10' from the structure. This is an unusually low requirement and uniquely different from the above noted nighttime code requirement of 50 dBA at the property line.

Normally, the 50 dBA stricter nighttime property line requirement would be the governing element.

The proposed brick wall construction should provide a performance in the 50-55 STC (Sound Transmission Class) range. The proposed window construction performance will be dependent on the glazing selected. Standard 1" insulated glass provides a performance of slightly over 30 STC. The proposed roof construction should also provide a performance in the 45-50 STC range.

It is important to understand in evaluating the above performance that the STC system is based on the decibel scale which is logarithmic. A 3 dB change represents $\frac{1}{2}$ or twice the energy such as increasing a hi-fi amplifier from 5 W to 10 W. Subjectively, however, a 3 dB change is only slightly perceptible. A 10 dB change represents 1/10 or 10 times the energy such as decreasing an amplifier from 50 W to 5W and subjectively will appear $\frac{1}{2}$ or twice as loud. Thus with a 10 STC improvement in building performance, the resulting noise penetration should appear approximately $\frac{1}{2}$ as loud.

Based on the above assessment, the windows will be the dominant noise path. It is also important to understand that the side windows represent only a small portion, or percentage of the total side building shell, and thus total noise penetration is dependent on not only the performance of each component, but also the percentage that each component represents of the total building face. The front, however, incorporates a higher percentage of glazing and thus a further upgrade of window performance may be necessary. Because, as noted above, this performance is logarithmic, calculating the building shell composite is complex.

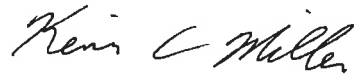
Thus the side windows should be upgraded to incorporate 1 pane of $\frac{1}{4}$ " laminated glass in a standard 1" insulating glass assembly. This will improve the side window performance to a nominal 35 STC rating. For the front glazing, both panes should incorporate laminated glass which should improve the glazing system performance to slightly under 40 STC.

Utilizing the potential occasional 70-80 dBA levels, this upgraded construction should comfortably result in levels less than 50 dBA at the property lines, but may marginally exceed the significantly more stringent 40 dBA at 10'. As previously noted, 40 dBA is generally lower than the exterior ambient noise in this area. This approach is comparable to what was utilized in the original facility and thus resulting performance and associated resulting noise levels should also be similar.

Thus in summary, the proposed expansion facility should meet the County requirements under normal operating conditions with moderately upgraded glazing that provides a minimum 35 STC rating for the side glazing and 39 STC for the front glazing. It is important to understand that there is the rare possibility that a dog could bark in any of these exam/operating rooms that may slightly exceed the more stringent 40 dBA requirement at 10'.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Kevin C. Miller". The signature is written in a cursive style with a large, sweeping "K" and "M".

Kevin C. Miller
President

KCM/ik



Sustainable Planning • Engineering • Transportation Solutions, LLC

Shahriar Etemadi Principal



Mr. Etemadi has 30 years of supervisory, management and technical experience in planning and engineering in the public and private sectors. He has extensive experience in managing master planning, land development, land use and zoning, urban design, environmental planning, Environmental Impact Statements (EIS), transportation planning and traffic engineering in Maryland, Washington DC, Virginia, Pennsylvania, California and New York. He also has

extensive professional, management-level experience in developing growth policy programs, among the most innovative and progressive programs in the Country and creation of the Adequate Public Facilities programs and ordinances in two jurisdictions. He is the recipient of several planning awards including the American Planning Association (APA) National Capital Chapter Awards for "Excellence in Policy Planning" and the "Transitway and HOV Network Master Plan" while working for the Maryland-National Capital Park and Planning Commission (M-NCPPC), Montgomery County, Maryland Planning Department. As a principal author of the Town of Geneva Comprehensive Plan, he also received 2016 New York Upstate APA Chapter Award for "Outstanding Comprehensive Planning". He has extensive experience in negotiating and facilitating project implementation.

EMPLOYMENT HISTORY:

STS Consulting 2014-Present Principal

As a Principal of STS Consulting Company, winner of 2016 New York Upstate Chapter Award for Comprehensive Planning, he has provided sustainable solutions to the challenging urban planning, master planning, traffic engineering and transportation projects for our clients. Mr. Etemadi is currently being retained by some of the major land development companies in the Washington, D.C. region, in Pennsylvania and Virginia and a smaller project in California; (1) to facilitate the entitlement activities for major mixed-use developments, (2) to prepare master plans, land use, zoning, and special use permits plans, and (3) to evaluate the land use/transportation impact of master plan updates by public agencies. He has been responsible for overall management of master plans preparation, development of growth policy initiatives, subdivision, zoning change and special use permits, traffic impact studies, corridor studies, parking studies and transit planning and leading efforts to develop Transportation Demand Management (TDM) strategies for complex community redevelopment projects.

Wells + Associates, Inc. 2011-2014 Senior Associate

Responsible for management of technical analyses relating to long range land use/transportation planning and traffic engineering, traffic impact studies, business development, project budget and administration, management of professional engineers and planners, quality control and documentation, and expert witness testimony.

EDUCATION

Master of Community and Regional Planning
University of Nebraska, 1986

Bachelor of Science, Business Administration
Nebraska Wesleyan University, 1982

SPECIALTIES

- Comprehensive Planning
- Growth Management
- Environmental Impact Statements (EIS)
- Zoning, Subdivision and Land Use
- Transportation Demand Management (TDM)
- Traffic Impact Studies
- Transit Planning
- Pedestrian and Bicycle Planning
- Parking Studies
- Corridor Studies

PROFESSIONAL AFFILIATIONS

Institute of Transportation Engineers, ITE
Professional Transportation Planner, PTP,

AWARDS/CERTIFICATIONS

- American Planning Association (APA), National Capital Area Chapter*
- Excellence in Planning Award for Transportation Planning
 - Excellence in Policy Planning
 - NY Upstate APA Chapter award for Comprehensive Plan
- Montgomery County Government, Maryland*
- Certificate of Appreciation from Montgomery County Executive for making significant contribution to work for BRAC
 - Certificate of Appreciation from Planning Board for making significant contribution in development of Transit and HOV Network Master Plan
 - Divisional Achievement Award for significant contribution to completion of Rustic Road Master Plan
- National Highway Institute (FHWA)*
- Certificate of Training-TRAF-NETSIM
 - Certificate of Training-The role of Driver Expectancy and Behavior in Highway Design and Traffic Control
 - Certificate of HOV: Planning, Design, and Operations
 - Certificate of Introduction to Urban Transportation Planning Procedures

CONTACT

(410) 718-8660
etemadi.sts@gmail.com
www.stsconsultngus.co

Maryland-National Capital Park & Planning Commission (M-NCPPC) 2004 - 2011
Montgomery County Planning Department, Maryland
Planning Supervisor

Supervised architects, planners and engineers working in the areas of master planning, land development, land use, zoning, urban design, environmental and transportation planning for the I-270 Technology Corridor in Montgomery County, Maryland. Playing major role in development of the County's Annual Growth Policy (AGP) and responsible for updating and enforcing the countywide transportation Adequate Public Facilities Ordinance (APFO). Responsible for implementation of recommendations contained in the Great Seneca Science Corridor (GSSC) Master Plan, Twinbrook and White Flint Master Plans. These plans required creation of development staging policies for significant future development projects, implementation plans and public/private partnership of financing recommended improvements in the plans.

Maryland-National Capital Park & Planning Commission (M-NCPPC) 1993 - 2004
Montgomery County Planning Department, Maryland
Planning Coordinator

Responsible for solving difficult and complex planning issues and conducting in-depth negotiations involving review and recommendations on the transportation impact of major development proposals, preparing master plans, conducting travel demand forecasting and preparation of the countywide Transitway/HOV Network Master Plan and area master plans. Coordinating major investment transportation projects with Washington Council of Governments (Washington MPO), Maryland Department of Transportation and Montgomery County Department of Transportation. Preparing comprehensive traffic studies for major road and transit projects such as Montrose Parkway and "Purple Line" light rail corridor and station planning and design in Montgomery County, Maryland

Department of Planning and Zoning 1990 - 1993
Harford County, Maryland
Chief, Transportation & Community Planning

Supervised professional planners and architects working in the areas of community facilities projects, transportation planning, rural planning, and data management and County's demographic projections. He served on the Technical and Programming Committees of the Baltimore Council of Governments (Baltimore MPO) preparing budget for major regional projects, LRTP and TIP. He managed a team of professionals to develop standards for the County's first Adequate Public Facilities programs that included Transportation, Schools, Water, Sewer, Parks, Libraries and Public Safety. He managed operation of newly created local public transit system in Harford County.

Office of Planning & Zoning 1987 - 1990
Prince William County, Virginia
Senior Transportation Engineer

Responsible for master planning, technical review of major land development projects, roadway design and provide recommendations and making presentations to citizen groups and elected officials on subject projects. He worked with the Washington MPO on regional issues and served on its TSM/TDM subcommittee. worked with State and surrounding jurisdictions to plan and design HOV lanes on I-95 and I-66. Prepared the traffic impact study of proposed HOV lanes on VA 234 north of Manassas and prepared traffic impact study for the planned transit center in Woodbridge, VA. He supervised transportation planners and technicians in preparation of special transportation studies involving traffic operations, pedestrian, bicycle and vehicular traffic safety and travel demand forecasting,

Lancaster County Planning Commission 1986 - 1987
Lancaster, Pennsylvania
Transportation Planner

Managed the Lancaster Area Metropolitan Planning Organization transportation planning program. Supervised planners and technicians to prepare master plans, traffic impact studies and travel demand modeling to determine the feasibility of installing traffic signal, goods movement planning and traffic safety operation.

RESUME



MILLER, BEAM & PAGANELLI, INC. CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

KEVIN C. MILLER
President

EDUCATION

University of Maryland
Physics

PROFESSIONAL AFFILIATIONS

Member, Acoustical Society of America
Member, American Society for Testing and Materials
Member, Interfaith Forum on Religion, Art and Architecture

PROFESSIONAL EXPERIENCE

Over 40 years of professional consulting experience in the following:

Architectural Acoustics
Mechanical Equipment Noise and Vibration
Environmental Acoustics
Occupational Noise
Vibration
LEED/CHPS/WELL
Expert Witness/Lecturer
Audiovisual System Design

Miller, Beam & Paganelli integrates the experienced judgment and diverse engineering, science, and architectural backgrounds of its Principals and Consultants to achieve innovation and project reliability. We are committed to the development of acoustical and audiovisual designs that meet both the client's needs and budget.



Representative Projects

The World Bank

Federal Reserve Board

Securities & Exchange Commission

Fairfax County Judicial Center

US Environmental Protection Agency

Neustar

Capital One

Storey Park

Hoffman Town Center

Loudoun Station Building C

Patriot Ridge Office Complex

Lockheed Martin

WHS (BRAC 133 @ Mark Center)

NASA

K2M

VCU School Of Allied Health Professions Building