

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

<b>IN THE MATTER OF THE APPLICATION</b>	<b>:</b>	
<b>OF HOLTON ARMS SCHOOL, INC. FOR A</b>	<b>:</b>	<b>Conditional Use Application</b>
<b>MAJOR MODIFICATION OF SPECIAL</b>	<b>:</b>	<b>Nos. CBA-1174-E, S-2467-A</b>
<b>EXCEPTION FOR A PRIVATE</b>	<b>:</b>	<b>S-2503-B, S-516, &amp; S-729</b>
<b>EDUCATIONAL INSTITUTION</b>	<b>:</b>	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG  
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

In accordance with Section 3.5 of the Rules of Procedure of the Office of Zoning and Administrative Hearings, this Pre-Hearing Submission is submitted by William J. Chen, Jr., on behalf of Vivian Riefberg who owns and resides at 8504 Beech Tree Court, Bethesda, Montgomery County, Maryland 20817, and the Bradley Boulevard Citizens Association ("BBCA"). Ms. Riefberg is the owner/resident of real property that abuts and is adjacent to the property on which the Holton Arms School is located. The BBCA is a civic association for neighborhoods that abut the western and part of the northern edge of the Holton Arms school property.

Ms. Riefberg and the BBCA oppose the application filed by the Holton Arms School for a major modification of its Private Educational Institution Special Exception.

**1. Statement of Grounds for Opposing the Application**

- A.** The proposed major modification does not comply with the applicable requirements of the Zoning Ordinance for the requested special exception modification.
- B.** The proposed major modification is not in conformance with the goals, objectives, and recommendations of the Approved and Adopted 1990 Bethesda-Chevy Chase Master Plan.
- C.** The proposed major modification is not compatible with the neighborhood.

- D. The proposed major modification will cause traffic congestion and safety hazards.
- E. The proposed major modification will adversely effect the economic value of abutting, adjacent properties.
- F. The proposed major modification will create/result in non-inherent adverse effects as to abutting/adjacent properties.
- G. The bases upon which the Applicant relies in support of its application, including, but not limited to, legal and planning grounds, are not meritorious.
- H. Approval of this major modification will cause further detriment to the neighborhood and its residents because it will become the basis for another modification request for additional traffic access to the school campus from neighborhood streets as a result of the expanded student body, expanded summer camp registration, and lifting of restrictions on the rental of school facilities to outside organizations.

2. **Reports**

Written statements prepared by the identified expert witnesses are submitted with this pre-hearing submission. Ms. Riefberg and the BBCA reserve the right to submit additional reports as deemed necessary.

3. **Experts**

- A. Joseph R. Davis, 172 Tuckers Road, Pawleys Island, SC 29585. Mr. Davis is a land planner and will testify as an expert witness. He will testify about compliance with the applicable provisions of the Zoning Ordinance and Master Plan as well as the compatibility of the proposed special exception modification in the affected neighborhood. He will address zoning and land use requirements for the site. He will respond to evidence before the Hearing Examiner and that presented by the Applicant. Submitted herewith is Mr. Davis's resume and a testimony summary.

- B.** Lawrence Green, 1329 Mackinaw Drive, Wake Forest, NC 27587. Mr. Green is a traffic engineer and will testify about the adequacy and merit of traffic study submitted by the Applicant, the traffic situation at the intersection of River Road and Royal Dominion Drive, traffic impact, and congestion. He will also respond to evidence before the Hearing Examiner and that is presented by the Applicant. Submitted herewith is Mr. Green's resume and a testimony summary.
- C.** James J. Demma, Esq., Miles & Stockbridge P.C., 915 Meeting Street, Suite 119, North Bethesda, MD 20852. Mr. Demma is an expert in researching and examination of Land Records and explaining such records. He has conducted a search of the Land Records of Montgomery County to identify properties owned by Holton Arms and will explain those records, particularly records that result from a Neighborhood Reconciliation Agreement that was submitted to the Board of Appeals by Holton Arms as part of its application for a modification of its special exception in Case No. CBA-1744-C. Those records pertain to the Holton Arms properties and covenants and include a sketch illustrating those properties. He will respond to evidence before the Hearing Examiner, including evidence presented by the Applicant. Copies of Land Records that pertinent to the Holton Arms properties and covenants will be presented as well as the aforementioned sketch. Submitted herewith is Mr. Demma's resume and report.
- D.** Suburban Title & Abstract Co., Inc., 77 S. Washington Street, Suite 302, Rockville, MD 20850. A representative of Suburban Title, Maggie Abner or Dave Shannon, will testify as to an examination of the Land Records of Montgomery County to find records of properties owned by the Holton Arms School and covenants that encumber any of those properties, including identification of properties that are not encumbered by covenants. Copies of Land Records pertinent to the aforesaid properties and covenants will be presented as well as a sketch illustrating those properties. The witness will respond to evidence before the Hearing Examiner that is represented by the Applicant.

The Applicant filed a pre-hearing submission on October 17, 2025. The experts will address that pre-hearing submission, including, but not limited to, the new, revised, supplemented, and updated traffic material.

4. **Witnesses**

- A. Vivian Riefberg, 8504 Beech Tree Court, Bethesda, Maryland 20817
- B. A representative of the Bradley Boulevard Citizens Association may testify as to the organization's opposition to the application.

5. **Documents ("Opposition Exhibits"<sup>1</sup>)**

- A. Resolution of the Board of Appeals for Montgomery County, Case No. CBA-1174, effective September 7, 2001
- B. Opinion of the Board of Appeals for Montgomery County, Case No. CBA-1174-C, effective May 29, 2002, including:
  - B(a). Exhibit 173, Supplemental Report dated October 26, 2001, of M-NCPPC Technical Staff
  - B(b). Exhibit No. 180 (Neighborhood Reconciliation Agreement)
  - B(c). Exhibit E (Transportation Management Plan) to Exhibit 180
- C. Resolution of the Board of Appeals for Montgomery County, Case Nos. CBA-1174-D, S-2467 and S-2503-A, effective June 26, 2008
  - C(a). Exhibit No. 121 Letter dated December 13, 2007, from People's Counsel (with attached documents)
- D. Resume of James J. Demma
- E. Report of James J. Demma
  - E(a). Plat No. 24741
  - E(b). Covenant made August 13, 2002, Liber 21695, Folio 195

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<sup>1</sup> The documents filed with this pre-hearing submission will be referenced as "Opposition Exhibits" in accordance with the alphabet letter assigned to the document. In other words, Opposition Exhibit A is the Resolution of the Board of Appeals for Montgomery County, Case No CBA-1174, effective September 7, 2001.

- E(c).** Covenant Emergency Access Road made August 13, 2002, Liber 21695, Folio 207
- E(d).** Conservation Easement Agreement made December 12, 2002, Liber 22514, Folio 656
- E(e).** Declaration of Covenants made January 6, 1988, Liber 8103, Folio 677
- E(f).** Deed made November 27, 2018, Book 56981, Page 42
- E(g).** Deed made April 25, 2007, Liber 34262, Folio 613
- E(h).** Deed made October 31, 2000, Liber 18561, Folio 095
- E(i).** Deed made August 2, 2004, Liber 28063, Folio 582
- E(j).** Deed made April 17, 2024, Book 67955, Page 293
- E(k).** Deed made June 21, 2005, Liber 30295, Folio 077
- E(l).** Deed made May 9, 2007, Liber 34290, Folio 146
- E(m).** Corporate Deed made December 29, 1997, Liber 15417, Folio 146
- F.** Resume of Lawrence Green
- G.** Lawrence Green summary statement
- H.** LATR Guidelines, June 2025 (excerpts)
- I.** April 10, 2025, letter from MDOT, SHA
- J.** M-NCPPC staff email comments of March 25, 2025
- K.** January 24, 2025, letter from MDOT, SHA
- L.** MPIA #25-1667 response of M-NCPPC.
- M.** ITE Trip Generation Manual (12<sup>th</sup> Ed.) estimate for Private School (K-12)

- N.** Annual Report for Holton-Arms School 2020
- O.** Annual Report for Holton-Arms School 2018
- P.** Letter from Miller, Miller & Canby Updating the Board of Appeals regarding enrollment Cap Issues, May 15, 2018
- Q.** Annual Report for Holton-Arms School 2017
- R.** Annual Report for Holton-Arms School 2016
- S.** Annual Report for Holton-Arms School 2015
- T.** Annual Report for Holton-Arms School 2014
- U.** Annual Report for Holton-Arms School 2013
- V.** Annual Report for Holton-Arms School 2012
- W.** Annual Report for Holton-Arms School 2011
- X.** Annual Report for Holton-Arms School 2010
- Y.** Annual Report for Holton-Arms School 2009
- Z.** Annual Report for Holton-Arms School 2008
- AA.** Annual Report for Holton-Arms School 2007
- BB.** Annual Report for Holton-Arms School 2006
- CC.** Resume of Joseph R. Davis
- DD.** Joseph Davis summary of testimony
- EE.** Ordinance No. 14-11 enacting Zoning Text Amendment No. 99004, by the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, adopted November 16, 1999

- FF.** Recommendation of the M-NCPPC Technical Staff on Zoning Text Amendment No. 99004 dated May 28, 1999
- GG.** Ordinance No. 14-46 enacting Zoning Text Amendment No. 02-01, by the County Council for Montgomery County, Maryland, sitting as the District Council for that Portion of the Maryland-Washington Regional District within Montgomery County, Maryland
- HH.** 1990 Bethesda-Chevy Chase Master Plan (excerpts)
- II.** Aerial photo of neighborhood
- JJ.** Photo (2/22/25, 5:31 p.m.)
- KK.** Photo (2/22/25, 5:48 p.m.)
- LL.** Photo (3/31/25, 5:25 p.m.)

In addition to the documents listed, Ms. Riefberg and the BBCA reserve the right to use or submit any and all documents contained in the files of the Board of Appeals for Montgomery County and OZAH on the special exception held by the Holton Arms School, including all modifications, and as may be appropriate in light of the Applicant's pre-hearing submission or other filings.

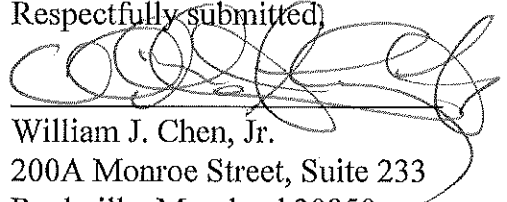
**6. Estimated Time for Presentation**

It is anticipated that the case presentation of Vivian Riefberg and the BBCA will take 1.5 days.

**7. Reservation of right to supplement**

Vivian Riefberg and the BBCA reserve the right to supplement this filing before or during the OZAH hearing.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

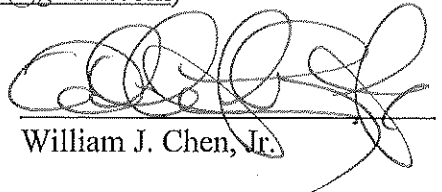
I HEREBY CERTIFY that on this 24<sup>th</sup> day of October, 2025, a copy of the foregoing "Pre-Hearing Submission of Vivian Riefberg and Bradley Boulevard Citizens Association" was transmitted by email and first class mail, postage prepaid, to:

Office of Zoning and Administrative Hearings  
Stella B. Warner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Soo-Lee Cho, Esq.  
Bregman, Berbert, Schwartz & Gilday, LLC  
7315 Wisconsin Avenue, Suite 800 West  
Bethesda, MD 20814

and transmitted by email, to:

Vivian Riefberg ([vivianriefberg@gmail.com](mailto:vivianriefberg@gmail.com))  
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