

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

Stella B. Werner Council Office Building

100 Maryland Avenue

Room 217

Rockville, Maryland 20850

IN THE MATTER OF:

CU 25-06, Torcato Romano, Landscape Contractor

4301 Comus Road, Clarksburg, MD 20871

Parcel 420 – Pleasant Plain

Pre-Hearing Submission Filed On Behalf Of Applicant

Mr. Torcato Romano (the “Applicant”), by and through undersigned counsel, submits this Pre-Hearing Submission In Support of the above-captioned application (the “Application”).

I. Statement of Grounds in Support of CU 25-06

Consistent with the information stated in the Applicant’s combined Amended Statement of Justification and Statement of Operations dated July 7, 2025 [OZAH Exhibit 32], which is hereby fully incorporated by reference, the Applicant makes the following statement of grounds in support of the Application.

The Applicant is seeking approval for a Landscape Contractor conditional use for the purpose of carrying out landscaping and other activities consistent with the business of a Landscape Contractor as set forth in Montgomery County Zoning Code¹ § 3.5.5. Landscape Contractor. The Applicant’s proposed use will not include Lawn Maintenance Services.

In general, the Applicant will operate between the hours of 5:30 AM and 9:00 PM, Monday through Saturday, with seasonal variations, but still within the above-stated times. Most on-site activity will occur in the early morning, and again later in the afternoon and into the early evening.

¹ All subsequent references hereinafter to the Montgomery County Zoning Code will be simply noted as the “Code.”

There will be minimal, if any, vehicular trips to or from the site during the middle of the workday. During the winter months, the hours of operation will occasionally be extended to include nighttime activity related to the Applicant's snow and ice removal activities.

The site will host a maximum of 25 employees, including 4 on-site employees who will work on-site within the above identified hours of operation. The remaining employees will consist of a maximum of 21 landscapers, who will depart from and return to the site in no more than 6 crews of 3-4 people each. Employees will also use the site to access snow removal trucks and other equipment that will be used off-site to carry out the Applicant's occasional snow and ice removal activities in the winter months. One mechanic (8:00 AM – 5:00 PM) and three administrative staff (9:00 AM – 5:00 PM) will work at the site.

These employees will generate fewer than 30 peak-hour trips as explained in the Applicant's Traffic Memorandum dated May 21, 2025, prepared by Nick Driban, P.E., PTOE. OZAH Ex. 33.

Vehicles and equipment will be stored outdoors and/or inside the garage area. The parking plan and equipment list is shown on OZAH Exhibit 40 (Equipment Storage).

In support of its request for approval of this Conditional Use Application, the Applicant also relies on the following exhibits previously filed in this matter:

1. An approved NRI/FSD prepared by Mike Norton, LA and Maryland Licensed Tree Expert (OZAH Exhibits 13a, 13b, 13c (NRI Plan sheets); September 23, 2024 letter from Doug Johnson, MNCPPC Planner III confirming approval of NRI/FSD (OZAH Exhibit 14);
2. The Applicant's neighborhood delineation (OZAH Exhibit 16);
3. The Applicant's Landscaping and Lighting Plan (OZAH Exhibit 19);
4. The Applicant's SWM Concept Plan (OZAH Exhibits 20a- 20c (inclusive) and SWM Concept Plan approval letter (OZAH Exhibit 21);
5. The Applicant's Fire Access Plan and the Fire Marshal's approval letter (OZAH Exhibit 31).

The Applicant also relies on all remaining supporting exhibits filed in the record of this case, which primarily document compliance with procedural requirements (*e.g.*, notice and signage requirements) and property conditions (*e.g.*, Certified Zoning Map, existing site conditions, *etc.*), which are incorporated herein by referenced and may be relied upon by any of the Applicant's witnesses during the course of the public hearing in this case.

II. Names of All Expert Witnesses

The Applicant intends to call the following expert witnesses:

A. Douglas Tilley, P.E., R.P.L.S.

Mr. Douglas Tilley, P.E., R.P.L.S. of O'Connell & Lawrence, Inc. ("OC&L") will testify that the Application satisfies the zoning standards for a Landscape Contractor under Article 59-3 of the Code as set forth fully on the Proposed Conditions Plan (OZAH Exhibit 38), including the Zoning and Parking standards criterion set forth in the tables on the Proposed Conditions Plan and as described more fully in the Land Use and Zoning Report last updated May 28, 2025 (OZAH Exhibit 45). Mr. Tilley also will testify that the Application satisfies the general requirements under Article 59-6 of the Code as set forth in the Parking and Loading Requirements section of the OC&L Report and detailed more fully on the Proposed Conditions Plan, and the specific requirements for a Landscape contractor under Code Section 3.7.1.

Additionally, Mr. Tilley will testify about any additional zoning code and/or site plan issues raised during the course of these proceedings in connection with the Application, the Proposed Conditions Plan, and/or the OC&L Report.

A copy of Mr. Tilley's Report has been filed in this case and identified in the online case materials as OZAH Exhibit 45. Mr. Tilley's CV is included with this submission as Attachment 1.

B. C. Nick Driban, P.E., PTOE.

Mr. C. Nick Driban, P.E., P.T.O.E. of Lenhart Traffic Consulting, Inc., will testify in support of the Traffic Memorandum dated May 21, 2025 (OZAH Exhibit 33) which will serve as his written report. Mr. Driban's Traffic Memorandum confirms that the Application project is exempt from LATR traffic study requirements, and that site ingress/egress is safe and efficient. Mr. Driban will also testify about any additional traffic and/or ingress/egress issues raised during the course of these proceedings in connection with the Application and/or the Traffic Statement.

A copy of Mr. Driban's Traffic Statement has been filed in this case and is identified in the online case materials as OZAH Exhibit 45. Mr. Driban's CV is included with this submission as Attachment 2.

C. Michael A. Norton, L.A., ISA Certified Arborist, MD Licensed Tree Expert.

Mr. Norton, of Norton Land Design LLC, will testify as to the Preliminary Forest Conservation Plan, confirming its conformance to Chapter 22A (Forest Conservation Law) of the Montgomery County Code and that it has been accepted and approved by Planning Department staff, and to the proposed landscaping plan. Mr. Norton has not prepared a written report.

By the time of the OZAH hearing, the Applicant expects that it will have secured Planning Board approval of the Preliminary Forest Conservation Plan.

The Preliminary Forest Conservation Plan and the landscaping plan have been filed in this case and are identified in the online case materials as OZAH Exhibit No. 39(a)-(e) (inclusive) and Exhibit No. 19, respectively. Mr. Norton's CV is included with this submission as Attachment 3.

III. All Other Witnesses Who Will Testify

A. Mr. Anthony Romano

Mr. Anthony Romano will testify as a fact witness on behalf of the Applicant as to the proposed use and operations in connection with the Application.

IV. Estimated Time Required For Presentation

The Applicant estimates that its opening statement, case-in-chief, and closing argument will take 1.5 hours.

Respectfully submitted,

Michele McDaniel Rosenfeld

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