

Attorney Elizabeth Rogers, on behalf of applicant Notley Assemblage, LLC, requests rezoning from R-200 to the CRNF 1.0,C-0.0, R-1.0, H-60' Zone.

The subject property is 13707, 13711, 13715, 13719, 13727, and 13733 Notley Rd., and 13704 New Hampshire Ave., Silver Spring, MD also known as Part of Lot 1, Part of Lot 2 and Lots, 3-5, 'Price's subdivision' (Tax Account Nos. 05-257477, 05-261218, 05-276130, 05-276141, 05-267465, 05-267454 and 05-267476).

Accepted by OZAH July 8, 2025.

### **H-159 EXHIBIT LIST**

1. OZAH Transmittal
  - a. MNCPPC Checklist
  - b. List of Application Documents
  - c. Transmittal
2. Floating Zone Plan (FZP) Application
3. Local Map Amendment (LMA) Application
  - a. Amended LMA Application
4. Owner Authorization Letter
5. LMA Sign Location Plan
6. Disclosure Statement-Notley Assemblage
7. Disclosure Statement-Zachary Parzow
8. Disclosure Statement-Bernard Kaplan
9. ~~Land Use Report~~ ***(Replaced by Exhibit 38)***
10. Certified Zoning Map
11. Legal Description
12. Forest Conservation Plan Application (FCPA)
13. Preliminary Forest Conservation Plans (PFCP)
  - a. ~~Cover~~ ***(Replaced by Exhibit 39a)***
  - b. ~~Approvals~~ ***(Replaced by Exhibit 39b)***
  - c. ~~Composite~~ ***(Replaced by Exhibit 39c)***
14. ~~Tree Variance Request~~ ***(Replaced with Exhibit 40)***
15. Sign Location Plan
16. Sign Posting
17. ~~Local Area Transportation Report~~ ***(Replaced by Exhibit 41)***

- ~~a. Technical Attachments (*Replaced by Exhibit 41a*)~~
- 18. Simplified Natural Resource Inventory (NRI)
- ~~19. Floating Zone Plans (*Replaced by Exhibit 43 (a-c)*)~~
  - ~~a. Cover Sheet~~
  - ~~b. Floating Zone Plan~~
  - ~~c. Road Sections~~
- ~~20. Open Space Plan (*Replaced by Exhibit 44*)~~
- ~~21. Schematic Stormwater Management Plan (*Replaced by Exhibit 45*)~~
- ~~22. Concept Grading and Utilities Plan (*Replaced by Exhibit 46*)~~
- 23. Surrounding Neighborhood Plan
- ~~24. Recreation Plan (*Replaced by Exhibit 47*)~~
- ~~25. Circulation Plan (*Replaced by Exhibit 48*)~~
- 26. Declaration of Covenants
- ~~27. Fire Access Plan (*Replaced by Exhibit 49*)~~
- 28. 7/8/2025-Applicant's Acceptance for the Requirements of Posting of Signs
- 29. Emails Opposing Application
  - a. Anthony & Jennifer Crisalli
  - b. Jenelle Whitman
  - c. Lorie Saadipour
  - d. Michael Jr
  - e. Michael Persh
  - f. John Chin
  - g. Linda Gurevich
  - h. Destiny Igiebor
  - i. Katie Maslin
  - j. Craig Carter
  - k. Christina Eaglin
  - l. Christine Challingsworth
  - m. Regina Ottiavanj
  - n. Rosemarie Hirsch
  - o. Zsuzsanna Gyorky
  - p. Diane and Allen Fritz
  - q. Laura Danette
  - r. Gramm Richardson

- s. Nancy McCrone
- t. Jonathan Rakowski
- u. Barbara Bruce
- v. Kenneth Clemmer
- w. Jacqueline Clemmer
- x. Carolyn Bauer
- y. Antonio Ramos-Izquierdo
- z. Laurie Checco
- aa. Sara Watson
- bb. Mary Hrutka
- cc. Heidi and Matt Otradovec
- dd. Debra Gonski
- ee. Dung Phan
- ff. Bill Backof
- gg. Wendy Fleit
- hh. Paula and Carl Meads
- ii. Faye Johnson
- jj. Ayana Machen
- kk. Patrick and Karen Corey
- ll. Amanda Dwyer and Francis Choi
- mm. Candace Groudine
- nn. Manan Dalal and Reena Shah
- oo. Debra L. Tipton
- pp. Lorraine and Jacques Nacson
- qq. Avi and Nancy Nath
- rr. Victor Lopez
- ss. Estephanie Aguto
- tt. Stephanie Gyamfi
- uu. Kevin Lufkin
- vv. Sylviane Nguyen
- ww. Steve and Caroline Rothstein
- xx. Eliza Hughes
- yy. Lary Cook Larson
- zz. Dennis Krupa

aaa. Claire Wheeler Desmond  
bbb. Mary Jane Barrow  
ccc. Lisa and Chris Edwards  
ddd. Destiny Kibalama  
eee. Thomas and Catherine Reilly  
fff. David Oliver  
ggg. Ivonne Lindley  
hhh. Oscar and Jessica Navarrete  
iii. Austin and Dana Holloway-Jones  
jjj. Ernesto Torres Almodovar  
kkk. Mohsen and Sasha Roomipoor  
lll. Linda M. Greigg  
mmm. Kathleen Langan  
nnn. Jody Tuel  
ooo. Joel C. Weingarten  
ppp. Laura Boerum  
qqq. Todd Ruby  
rrr. Cheryl Federline  
sss. Alison Canning  
ttt. Daryl Stevens  
uuu. Terry and Bob Sitz  
vvv. Nanoy Navarro  
www. Toni Deboeck

30. Identification PLAT Plan

31. Notice Lists

- a. HOAs and Civic Associations
- b. Adjoining Property Owners
- c. Parties of Interest

32. Party of Record Requests

- a. Keith Nusbaum
- b. Kyle Smiddie
- c. Daniel Wilhelm
- d. Al Carr (includes Comments on Application)

33. 8/14/2025- Subpoena Request from Keith Nusbaum

34. 8/15/2025- Response to Subpoena request from Hearing Examiner, Katy Byrne
35. 9/4/2025- Email response to Keith Nusbaum
36. Signed Letter of Opposition- Candace Anderson
37. Entry Appearance- Michele Rosenfeld, Counsel to GCCA and Mr. Kyle Smiddie
38. Revised Land Use Report
39. PFCP Plans
  - a. Cover
  - b. Approvals
  - c. Composite
40. Tree Variance Request
41. ~~Local Area Transportation Report~~ (**Replaced by 52a**)
  - a. ~~Technical Attachments~~ (**Replaced by 52a(i)**)
42. *Not an Exhibit*
43. ~~Floating Zone Plans~~ (**Replace by 70a-c**)
  - a. ~~Cover Sheet~~
  - b. ~~Floating Zone Plan~~
  - e. ~~Road Sections~~
44. Open Space Plan
45. Schematic Stormwater Management Plan
46. Concept Grading and Utilities Plan
47. Recreation Plan
48. Circulation Plan
49. Revised Fire Access Plan
50. Landscape Plans
  - a. 3D Rendering
  - b. Concept Plan Render
  - c. Landscape Plan
  - d. Precedent Images
  - e. Landscape Section- New Hampshire
  - f. Landscape Section- Notley Rd
51. 9/23/2025- Notice of Public Hearing
52. 10/6/2025- Applicant's Pre-Hearing Statement
  - a. Updated Local Area Transportation Report
    - i. Technical Attachments

53. Letter to Hearing Examiner-Request to Amend Application
  - a. Email from Hearing Examiner-Acceptance of Request To Amend
54. Letter to Hearing Examiner-Additional Disclosures
55. Pre-Hearing Statement Keith Nusbaum
56. Planning Staff Report (Completed 10/20/25)
  - i. Attachments to Staff Report forwarded by Applicant's Attorney
    - a. Floating Zone Plan
    - b. Preliminary Forest Conservation Plan
    - c. Community Correspondence
    - d. Map of Correspondence
    - e. Map of CRNF Zones
    - f. Compatibility
    - g. Schools Methodology for Notley Road
    - h. Existing Photos
    - i. Traffic Approval
    - j. Applicant's Response to Community Comments
57. 10/17/2025- Pre-Hearing Submission from Michele Rosenfeld, Esq
  - a. Letter to Planning (September 17)
  - b. Letter to Planning (October 7)
  - c. Letter to Planning (October 13)
  - d. Correct Neighborhood Delineation
  - e. Staff Report
  - f. Council Resolution (18-405)
  - g. Council Resolution (19-1308)
  - h. Council Resolution (20-197)
  - i. Council Resolution (20-850)
  - j. Resume of Daniel L. Wilhem
58. 10/27/2025- Letter to Hearing Examiner from Applicant's Attorneys; Re: Objection to Qualifications of Daniel L. Wilhem as an Expert
59. 10/27/2025- Letter to Hearing Examiner from Applicant's Attorneys; Re: Objection to various aspects of Pre-Hearing Statement from Keith Nusbaum (Exhibit 55).
60. 10/28/2025- Exhibits filed by Keith Nusbaum
  - a. Example Map of a Pedestrian Route to Recreation Facility
  - b. Example Map of a Radius to Recreation Facility

- c. Map from Site to Grocery Store by Pedestrian Route
  - d. Map from Site to Grocery Store by Radius
  - e. Map from Site to Recreation Facility by Pedestrian Route
  - f. Map from Site to Recreation Facility by Radius
  - g. Mixed Use Definition
  - h. Opposition Presentation
  - i. Montgomery County Mixed-Use Development Study
61. Opposition to Objections filed by Keith Nusbaum
62. Email Exchange between Hearing Examiner Sokoni and Keith Nusbaum; Re: Clarification on Exhibits filed.
63. Montgomery County Planning Board Final Transmittal Letter
- a. Community correspondence received by the Planning Board
  - b. Staff Report Previously Submitted. *(See exhibit 56)*
64. Response to Applicant's Objections to Qualifications of Mr. Wilhelm as an Expert
65. Applicant Letter to Planning Board in response to comments received from the Greater Colesville Citizens Association (“GCCA”)
66. Supplemental Analysis: New Hampshire Avenue and Midland Road Intersection
67. Vehicle Gap Study
68. Applicant's presentation for the hearing.
- a. Supplement to Applicant’s Presentation
69. Decisions for Previous LMA Cases Submitted by Opposition Attorney, Michele Rosenfeld on 11/03/2025
- a. Local Map Amendment Case Number H-141
  - b. Local Map Amendment Case Number H-143
70. Updated Floating Zone Plans Submitted by Applicant's Attorney, Elizabeth C. Rogers on 11/03/2025
- a. Cover Sheet
  - b. Floating Zone Plan
  - c. Road Sections
71. Exhibits Filed by Michele Rosenfeld, Esq on 11/03/2025
- a. Thrive 2050 Excerpted Pages
  - b. Opposition Testimony Map and Address List
  - c. A July 20, 2016, Conceptual Grading Plan for the abutting Wiltshire Estates special exception property
  - d. April 17, 2025, Notley Parking exhibit (prepared by applicant)

- e. March 31, 2020, Council Resolution for LMA H-131 (Kingsview Station)
  - f. H148 DC Corso Corrected
  - g. H131 Kingsview Station
  - h. LMA H-141 White Oak Report
  - i. LMA H-143 Strathmore Report
72. Photo Exhibits submitted by Keith Nusbaum on 11/03/2025
  73. Email from Hearing Examiner Sokoni to parties; Re: Questions to be addressed at hearing sent on 11/03/2025
  74. Aerial View of Neighborhood Boundary
  75. Height Comparison
  76. Prerequisites Analysis (Excerpts from Applicant's Presentation)
  77. Illustration of Green Cover
  78. Illustration of canopy coverage
  79. Supplemental Analysis: New Hampshire Avenue and Midland Road Intersection (November 2025 Traffic Volume)
  80. New Hampshire Avenue Aerial and Streetview Images
  81. Draft Land Use Report (Signed)
  82. Notley Road Massing Exhibit
  83. Objections – Email Exchange Between Mr. Nusbaum and Hearing Examiner
  84. Email sent by the opposition's attorney (The Greater Colesville Civic Association and Kyle Smiddie) to the Hearing Examiner, addressing issues about objections and starting time for the witness's testimony during the hearing.
  85. 12/2/2025- James G. Touhey Jr's Submission
  - ~~86. 01/06/26 Nottingham Woods Certified Plan submitted by Michele Rosenfeld~~ **(Replace by 86a)**
    - a. Nottingham Woods Certified Site Plan
  87. 01/06/26- Email from Michele Rosenfeld confirming 7<sup>th</sup> Floor Hearing Room venue for the January 15<sup>th</sup> hearing.
  88. 01/07/26- Letter to Hearing Examiner with attached documents submitted by Toni Deboeck
    - a. MC Drainage Criteria 10<sup>th</sup> Revised Final Excerpts
    - b. Ellicott City Watershed Master Plan Excerpts
  89. 01/07/26- Exhibits submitted by Michele Rosenfeld
    - a. White Oak Master Plan Excerpts
    - b. 2025 Master Plan of Highways
    - c. Thrive 2050 Excerpts

- d. Commercial Residential Neighborhood Rezoning Comparitors
  - e. Wilhelm Exhibits
    - i. Wilhelm Experience
90. 01/09/26- Exhibits submitted by James G. Touhey, Jr.
    - a. Enlargements of Initial PFCP Sheet 3
    - b. Enlargements of Initial PFCP Sheet 1
    - c. Enlargements of Exhibit 56 (b)
    - d. Enlargements of Exhibit 39 (a)
    - e. Enlargement of Exhibit 18
    - f. Plan Review- Department Review Status
    - g. MDOT SHA Drainage Manual
    - h. MCAtlas Pedestrian Level of Comfort Map Screenshot
    - i. Applicant's Original Land Use Report
    - j. Plan Review- Department Review Status
  91. 01/12/26- Email Exchange between the Hearing Examiner and James G. Touhey, Jr. regarding video link for the 01/15/26 Hearing.
  92. 01/12/26- Video and Audio recording of July 15, 2025, meeting of the Development Review Committee (DRC) submitted by James G. Touhey, Jr.
  93. 01/13/26- Letter of Support submitted by Craig Grunewald
  94. 01/13/26- Letter to Hearing Examiner from Toni F. Deboeck
    - a. OZAH Visual Slides for January 15, 2026, Hearing.
  95. 01/14/26- Email from Heidi Otravodec to Hearing Examiner requesting to testify at the January 27<sup>th</sup> hearing (Email sent after office hours on 01/13/26).
  96. Letter Opposing Application submitted by Lesly Wilson on 01.14.25
  97. Exhibits submitted by James Touhey on 01/20/26 and to be referenced during the hearing on 01/27/26
    - a. MC Planning Brochure About Development Review Process for Applicants and Neighbors
    - b. MC Planning Staff's Report Issued in the Matter of LMA H-148 & PFCP H-148, Corso Chevy Chase
  98. Exhibits submitted by Keith Nusbaum on 01/21/26 and to be referenced during the hearing on 01/27/26
    - a. Bike Lane Photo 1
    - b. Bike Lane Photo 2

- c. Bike Lane Photo 3
  - d. Bike Lane Photo 4
  - e. Bike Lane Photo 5
  - f. Bike Lane Photo 6
  - g. Bike Lane Photo 7
  - h. Bike Route Map
  - i. Housing Excerpt From Community Trends Report
  - j. Diversity Excerpt From Community Trends Report
  - k. Income Excerpt From Community Trends Report
  - l. Land Use Excerpt From Community Trends Report
  - m. Kids Maryland Child Services Contract
  - n. Provider Details-Casa
  - o. Provider Details Colesville Child Center
  - p. School Map
  - q. Recreation Guidelines
  - r. Opposition Presentation
99. Exhibits submitted by Michele Rosenfeld, Esq on 01/21/2026
- a. Thrive 2050 Limited Growth Map Enlarged
  - b. 2025.11.06 Transcript – Wilhelm CAC
  - c. 1997 White Oak Chapter 1
100. Email Exchange Between Hearing Examiner Sokoni and Mr. D. Phan on 1/21/2026
101. Updated Notley Road Sight Distance Evaluation Submitted by Attorney Elizabeth Rogers on 1/22/2026 for Reference in Rebuttal
102. Email from Eyes of Paint Branch and Response from Hearing Examiner Sokoni on 1/22/2026
103. 2/3/2026 - Notice of Continued Public Hearing
104. 2/6/26 Montgomery County Planning Memorandum received on 2/10/2026
105. 2/12/26 Email From Hearing Examiner Sokoni to All Parties Regarding Missing Correspondence for Attorney Michelle Rosenfeld
106. Photographs of Notley Road Taken On January 23, 2026, by Kyle Smiddie
107. Email From James Touhey to the Planning Department on 8/9/2025 Requesting Inclusion as a Party of Record
108. Email Correspondence Between Attorney Michele Rosenfeld and Hearing Examiner Sokoni Concerning The Admission of Additional Exhibits

109. Segment of Page 3 of Exhibit 104, Submitted by Attorney Michele Rosenfeld on 2/20/26, in Justification of Exhibit 107's Admission
110. Emails Regarding the Process for the March 16, 2026, Hearing (Day 4)
  - a. 2/26/26 Email from Hearing Examiner Sokoni to Parties of Record
  - b. Response from Heidi Otradovec to Hearing Examiner Sokoni's email sent on 2/26/26
  - c. 3/5/26 Email from Hearing Examiner Sokoni to the Parties of Record Outlining the Plan for Proceeding During the Hearing
  - d. 3/6/26 Email from Hearing Examiner Sokoni to Clay Nuquist regarding continuity with his testimony
111. Exhibits Submitted by James G. Touhey on 02/26/2026
  - a. Compilation of Additional Photographs Taken on February 20, 2026, to Show the Path and Volume of Surface Water Runoff
  - b. FAQs from the Montgomery County Planning Department Explaining the 2014 Zoning Code Amendments for Approving Local Map Amendments (LMAs) Under Floating Zones
  - c. Montgomery County Council Resolution No. 20-616 (Application No. H-149 for Amendment to Zoning Ordinance Map Submitted by Glenmont Forest Investors, LP)
  - d. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420150440
  - e. Board of Appeals Case No. S-2882 & OZAH Case No. 15-07 (Nov. 10, 2015). Hearing Examiner's Report and Recommendation in Matter of Hawthorne Development LLC (Wilshire Estates project)
112. Supplemental Written Submission Sent by James G. Touhey on 02/27/2026
113. Hearing Examiner's Response to Pamela A. Solomos' Email, Forwarded by Amy Lindsey from Planning on 3/12/26
114. 3/16/26 Email from Hearing Examiner Sokoni Regarding the Next Hearings on April 13 and 17, 2026
115. Letter and Exhibits Submitted by Dung Phan on 03/19/2026, related to his cross-examination of Mr. Sloan's public testimony given on 03/16/2026
  - a. Six Scenarios Showing the Issues of the West Access Point Alignment to the Driveway. The Documents Are Excerpts from Exhibit 48: Circulation Plan.
    - i. Scenario 1
    - ii. Scenario 2
    - iii. Scenario 3
    - iv. Scenario 4

v. Scenario 5

vi. Scenario 6

116. 4/9/26 Email Response From Hearing Examiner Sokoni To Attorney Michele Rosenfeld  
Granting Request For a Continuance

117. Email Transmitting Supplemental Exhibit for Rebuttal Testimony, Sent by the Applicant's  
Attorney to the Hearing Examiner Sokoni on April 8, 2026

a. Washington Suburban Sanitary Commission (WSSC) Letter of Findings Dated April 1,  
2026

118. Email Exchange Between Hearing Examiner and Keith Nusbaum Regarding Objections to  
Rebuttal Evidence

119. Hearing Examiner Notification to Parties Regarding April 7, 2026, Email from Denys M.  
Schubert