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# Transcript of Public Hearing

**Date:** December 8, 2021

**Case:** Public Hearing for Denton Road and Hampden Lane

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1 MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

2 DIVISION OF TRANSPORTATION ENGINEERING

3 -----x

4 In re: :

5 Denton Road and : No.: AB 778

6 Hampden Lane, :

7 Applicant :

8 -----x

9  
10 Public Hearing

11 Held Virtually

12 Wednesday, December 8, 2021

13 2:03 p.m.  
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23 Job: 418655

24 Pages 1-34

25 Transcribed by: Jo Ann Pawela

1 Public hearing, held virtually.

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6 Pursuant to Section 49-62(f) of the  
7 Montgomery County Code, before Adam Schuman,  
8 Court Reporter and Notary Public for the  
9 Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF MONTGOMERY COUNTY:

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MONTGOMERY COUNTY  
DEPARTMENT OF TRANSPORTATION  
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ON BEHALF OF THE APPLICANT:

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(301) 841-3832

ALSO PRESENT:

Jose Taomanna, Hearing Examiner  
Tiara McCray, MDOT Technician  
Dorian Patchin, Edgemoor Club  
Eric Tidd, CAS Engineering

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1 P R O C E E D I N G S

2 MR. WILLIS: Thank you all for joining  
3 today. My name is Eric Willis. I'm from the  
4 Property Acquisition Section. We're here on the  
5 request to abandon portions of Denton Road and  
6 Hampden Lane in proximity to the Edgemoor Club,  
7 Swim and Tennis Club.

8 And, so, at this point, I think I'll turn  
9 things over to our hearing examiner, or  
10 introduce our hearing examiner, Mr. Jose  
11 Taomanna, and he can pick it up from there.

12 MR. TAOMANNA: All right. Well, greetings  
13 and good afternoon to all of you. It is now  
14 2:03 p.m. on the 8th of December, 2021. My name  
15 is Jose Taomanna. I'm here conducting this  
16 virtual hearing -- this hearing virtually via  
17 Zoom.

18 We're here for a public hearing on  
19 abandonment petition AB778 to consider an  
20 application received from Edgemoor Club, Inc. to  
21 abandon portions of the public rights of way  
22 known as Denton Road and Hampden Lane in the  
23 Edgemoor neighborhood of Bethesda.

24 My name is Jose Taomanna, and I am the  
25 County Executive's designated hearing officer

1 with the County's Department of Transportation.  
2 This right of way abandonment hearing is being  
3 conducted pursuant to Section 49-62(f) of the  
4 Montgomery County Code. My role in the  
5 abandonment process is to receive testimony  
6 concerning the abandonment request and then  
7 write a report and recommendation to the County  
8 Executive concerning the Applicant's Petition  
9 for Abandonment.

10 In order to do this, I will be considering  
11 statements made at the hearing, written comments  
12 received within the comment period -- and  
13 comments will be received up until December  
14 22nd, 2021 at 5:00 p.m. -- and documents  
15 submitted to support or explain a position.

16 My report and recommendation will then be  
17 forwarded to the County Executive for  
18 consideration, and the Executive will then  
19 forward the report to the County -- with the  
20 County Executive's recommendation to the County  
21 Council. It is the County Council that will  
22 decide whether to grant or deny the applicant's  
23 Petition for Abandonment.

24 For those who wish to submit written  
25 comments, please submit them to Eric Willis at

1 the Montgomery County Department of  
2 Transportation, 100 Edison Park Drive, 4th  
3 Floor, Gaithersburg, Maryland, 20878; or email  
4 them to eric.willis@montgomerycountymd.gov by  
5 December 22nd, 2021.

6 There are a few ground rules that we must  
7 cover before Mr. Willis introduces the  
8 abandonment exhibits into the record.

9 First, please turn off or silence your cell  
10 phones.

11 Second, as an issue of decorum, all  
12 participants must be given their due  
13 consideration. Those seeking to offer comment  
14 following the close of Petitioner's case for  
15 abandonment are asked to be mindful of time and  
16 to limit their comments to relevant matters.  
17 Such comments should be confined to less than  
18 three minutes.

19 We have a standard group here, so I don't  
20 think we'll need any of the following comments,  
21 but I'm going to read it out anyway.

22 If an interruption occurs, I will give that  
23 individual their first warning.

24 If there is a second interruption, I will  
25 give that individual a second warning and they



1 will be muted.

2 If that same individual receives a third  
3 warning, that person will be removed from the  
4 call.

5 And if there are several people making  
6 interruptions, I may have to close the hearing.

7 Following Mr. Willis' introduction, the  
8 application will -- the applicant will submit  
9 its case for why it believes the right of way  
10 should be abandoned.

11 After the applicant has completed its case,  
12 those who have registered to speak will be  
13 afforded the opportunity to make relevant  
14 comments.

15 With that, I'll turn it back over to Eric  
16 to start with the exhibits.

17 PRESENTATION ON BEHALF OF MONTGOMERY COUNTY DOT

18 MR. WILLIS: Thank you, Mr. Taomanna.  
19 Again, my name is Eric Willis. I'm the Chief of  
20 the Property Acquisition Section with MCDOT. My  
21 section is responsible for administering the  
22 requests to abandon public right of way. As Mr.  
23 Taomanna mentioned, the process is governed by  
24 the County Code, Article 49, Section 6.

25 The standard for abandonments, the County

1 Council may abandon a public right of way if it  
2 finds that the right of way is no longer needed  
3 for present or anticipated future public use;  
4 or, two, the abandonment is necessary to protect  
5 the health, safety, and welfare of residents  
6 near the right of way to be abandoned.

7 In this case, the applicant, which is  
8 Edgemoor Club, Incorporated, is seeking the  
9 abandonment of portions of previously dedicated  
10 rights of way, known as Denton Road and Hampden  
11 Lane.

12 As I understand it, the request is being  
13 brought in order to keep -- clear up boundary  
14 issues between the Applicant's property and the  
15 subject rights of way. There are a number of  
16 representatives here for the Applicant, and so  
17 I'm sure they'll be making presentation shortly  
18 that will address those issues and set forth  
19 their case for why they believe those subject  
20 rights of way should be abandoned.

21 This hearing is being conducted in  
22 accordance, again, with the County Code. And as  
23 part of that administrative process, my Section  
24 has provided the requisite notices to other  
25 public agencies, abutting property owners, and

1 the public at large. As part of that process,  
2 we've collected a number of exhibits, and I'll  
3 now introduce those exhibits into the record.

4 If, Tiara, you can pull those up and we can  
5 go through them, those exhibits.

6 (Exhibit A is introduced.)

7 So, Exhibit A is the Applicant's letter  
8 addressed -- it's from Patricia Harris at the  
9 law firm of Lerch Early, representing Edgemoor  
10 Club, addressed to our DOT Director, Mr. Chris  
11 Conklin. It's a letter setting forth the  
12 rationale behind the request, as well as  
13 attaching various exhibits, which include a  
14 sketch and description of the subject rights of  
15 way to be abandoned.

16 There is a historical subdivision plats  
17 showing how the -- for relationship between the  
18 rights of way and the Applicant's property has  
19 evolved over the course of several decades,  
20 frankly.

21 There are some site photos, area maps, as  
22 we're seeing right now, and then, again, several  
23 site photos.

24 (Exhibit B is introduced.)

25 MR. WILLIS: Okay. Exhibit B is the

1 Executive Order that authorized today's public  
2 hearing.

3 (Exhibit C is introduced.)

4 MR. WILLIS: Exhibit C is the proof of  
5 publication in the Washington Times  
6 advertisement. This advertisement ran on  
7 November 26th and December 3rd, two successive  
8 weeks, setting forth notice to the public of  
9 this hearing.

10 (Exhibit D is introduced.)

11 MR. WILLIS: Exhibit D is the sign that was  
12 posted right at the corner of Hampden and Denton  
13 Lane. It provides the date of the -- provides  
14 notice of the hearing, date of it, and provides  
15 a QR code that can be scanned for registration  
16 for the hearing.

17 (Exhibit E is introduced.)

18 MR. WILLIS: Exhibit -- I believe we're on  
19 E. Exhibit E is my letter to the President of  
20 the Edgemoor Citizen's Association providing  
21 notice of the hearing. The second page of this  
22 letter attaches a formal notice with that same  
23 QR code attached to it.

24 (Exhibit F is introduced.)

25 MR. WILLIS: Exhibit F, I believe, is a

1 memo from the Development Review Team in the  
2 Director's Office at DOT, recommending approval  
3 of the requested abandonment subject to certain  
4 conditions; those conditions including that  
5 should the site ever redevelop, the Applicant  
6 would dedicate to public right of way the full  
7 width of the street frontages along Denton and  
8 Hampden Lane per the complete street guidelines  
9 and other standards acceptable to DOT.

10 I believe it was also subject to  
11 (indiscernible). I believe its existing  
12 sidewalk will remain within the right of way,  
13 and there are a couple of other conditions  
14 related to storm drains and easements, or -- and  
15 utility easements.

16 (Exhibit G is introduced.)

17 MR. WILLIS: Exhibit G is the memorandum  
18 from the Maryland-National Park and Planning  
19 Commission. It's a fairly comprehensive  
20 memorandum in which they ultimately recommend  
21 approval of the subject Request for Abandonment  
22 -- Request to Abandon, subject to a condition  
23 that if the property ever develops in the future  
24 that the full width of the master plan rights of  
25 way be dedicated, but approving the abandonment

1 based on the existing conditions as they are  
2 today.

3 (Exhibit H is introduced.)

4 MR. WILLIS: Exhibit G (sic) is an email I  
5 received from Marie LaBaw of the Fire Department  
6 Access and Water Supply Unit at DPS, saying no  
7 objections to the requested abandonment.

8 MS. MCCRAY: This is Exhibit H, Eric.

9 MR. WILLIS: I'm sorry, H.

10 MS. MCCRAY: No worry.

11 (Exhibit I is introduced.)

12 MR. WILLIS: Exhibit I is an email I  
13 received from PEPCO, advising that they -- well,  
14 maybe I'll just read it out loud.

15 Good morning. After reviewing this  
16 request, PEPCO does not agree to give up the  
17 easement of right of way. As of right now, we  
18 have a few poles with primary at the northeast  
19 corner of Denton Road and Hampden Lane. Please  
20 let me know if you have any further questions.

21 I believe the Applicant is going to address  
22 the PEPCO issues through their presentation.

23 (Exhibit J is introduced.)

24 MR. WILLIS: This is Exhibit J, is an email  
25 I received from Fred Taft at Verizon letting us

1 know that they did have some aerial facilities,  
2 wires attached to the PEPCO poles, along the  
3 existing utility easement; and just noting that  
4 if those utilities have to be relocated, they  
5 would assume they would make use of the existing  
6 PUE. I don't believe any of the utilities are  
7 being relocated as a result of this abandonment  
8 request.

9 And I believe that is all the exhibits we  
10 have. At this point, I'll turn it over to the  
11 Applicants and your team to present your case.

12 MS. MCCRAY: Eric, did you want to add the  
13 Applicant's presentation as another exhibit?

14 MR. WILLIS: Yes. Actually, that'd be  
15 helpful. You can send us a PowerPoint  
16 presentation and we should have that as a final  
17 exhibit. I guess that would be Exhibit K?

18 MS. MCCRAY: Yes.

19 (Exhibit K is identified for the record.)

20 MR. WILLIS: Okay.

21 MS. MCCRAY: Thank you.

22 MR. WILLIS: Thank you.

23 PRESENTATION ON BEHALF OF THE PETITIONER,  
24 EDGEMOOR CLUB

25 MS. HARRIS: Good afternoon. Pat Harris

1 with Lerch, Early and Brewer on behalf of the  
2 Applicant, the Edgemoor Club. With me are  
3 Dorian Patchin, representing the Edgemoor Club,  
4 and Eric Tidd, Civil Engineer at CAS  
5 Engineering. I'm going to make some  
6 introductory remarks, and then we will call both  
7 Mr. Patchin and Mr. Tidd for testimony.

8 And as this -- with respect to Exhibit K  
9 that was just submitted, everything that we  
10 submitted on the PowerPoint actually was  
11 previously submitted. It's just a compilation  
12 in the order that we're going to present it  
13 because I thought it would be easier to present,  
14 but no new information is included there.

15 This request is for the abandonment of  
16 2,453 square feet along the Denton Road and  
17 Hampden Lane rights of way, abutting the  
18 Edgemoor Club.

19 So, the Edgemoor Club is just a just over  
20 two-acre property. It is bounded by -- on the  
21 south by Hampden Lane, on the west by Exeter  
22 Road, on the east by Denton Road, and then on  
23 the north by three single-family -- the  
24 backyards of -- back property line of three  
25 single-family homes that front on Edgemoor Lane.



1           The property is zoned R60. And as we will  
2           -- as Eric will -- Mr. Tidd will testify in more  
3           detail, the areas that are subject to this  
4           abandonment are at the corner of Hampden Lane  
5           and Denton Road.

6           The Edgemoor Club was established in 1920,  
7           and this abandonment addresses encroachments of  
8           certain existing improvements into the right of  
9           way. As you will hear, and as Park and Planning  
10          actually did a good job in their staff report  
11          detailing, it appears that some of these  
12          improvements may have dated back to the  
13          establishment of the Club, which occurred in  
14          1920, and we'll go through that history a little  
15          bit further.

16          In connection with maintenance and repairs  
17          that were needed to the existing tennis courts,  
18          it came to light that some of the existing  
19          improvements are encroaching into the right of  
20          way. And after several meetings with both  
21          Montgomery County DPS, Department of Permitting  
22          Services, and Department of Transportation, the  
23          attorney for the Department of Transportation  
24          recommended that we pursue an abandonment to  
25          address this issue.

1           And as the Park and Planning memo made  
2 clear, really what this abandonment will do is  
3 affirm the status quo. There will be no change  
4 in either visibly or operationally of the  
5 conditions that have existed for decades. And,  
6 for that reason, I believe that's why, except  
7 for the one call that Mr. Willis had yesterday,  
8 why we're not hearing from any of the neighbors,  
9 because there's really no change involved here.

10           So, you will hear from our witnesses and we  
11 will demonstrate that the abandonment satisfies  
12 the conditions of the County Code, Section 49-  
13 63(c)(1) in that the abandonment of the right of  
14 way, we will show that that portion of the right  
15 of way is not currently needed, and nor is it  
16 needed in the foreseeable future for public use.

17           So, with that, I will call Mr. Dorian  
18 Patchin.

19           Mr. Hearing Examiner, I didn't know whether  
20 -- does he need -- do you swear him in? I  
21 didn't -- I wasn't clear on the procedures here.

22           MR. TAOMANNA: No, I don't believe --

23           MS. HARRIS: Okay. I'm getting -- I know  
24 with the ZHE, they do. The zoning hearing  
25 examiner does that, so I wasn't sure whether

1 that was necessary or not. Thank you.

2 TESTIMONY OF MR. DORIAN PATCH

3 BY MS. HARRIS:

4 Q Mr. Patchin, can you please state your  
5 address -- name and address for the record?

6 A Sure. Dorian Patchin, and I actually  
7 live at 7803 Tilbury Street in Bethesda,  
8 Maryland, 20814.

9 Q And what is your involvement with the  
10 Edgemoor Club?

11 A I am the Vice President of House and  
12 Grounds.

13 Q And can you please provide just a very  
14 brief history of the Club in terms of when it  
15 was established? And then based on the exhibit  
16 on the screen, can you share with the hearing  
17 examiner what the current improvements are on  
18 the property?

19 A Sure. So, we were established in  
20 1920, and the -- what we're doing as far as in  
21 maintenance and improvements of our current  
22 tennis courts is really just actually improving  
23 the actual tennis courts that you see on the  
24 screen. We're not increasing or decreasing in  
25 any way, shape or form. We're just improving

1 what you see there. They --

2 And a little background there, the tennis  
3 courts haven't been updated in many years;  
4 probably since the early '70s. So, all we're  
5 doing is updating the tennis courts into more  
6 modern facilities.

7 Q And are they clay courts?

8 A They are considered clay courts. It's  
9 a new version of a clay court, yes.

10 Q Okay. And that requires irrigation?

11 A It does require irrigation. And  
12 actually what we are doing with this maintenance  
13 and improvement is actually improving the  
14 irrigation.

15 Q In connection with Park and Planning  
16 staff report, they proposed one condition, and  
17 that condition reads as follows:

18 No new structures or new improvements shall  
19 be permitted to be constructed within the  
20 subject abandonment. This does not preclude  
21 maintenance of the existing structures and  
22 improvements.

23 Would the Club accept this condition as an  
24 approval of the abandonment?

25 A Yes.

1           Q     And then the Department of  
2     Transportation presented four conditions, and I  
3     will read those, and then I wanted to know  
4     whether the Club will accept those conditions,  
5     as well.

6           The first condition is: Should the site  
7     ever redevelop, the Applicant will dedicate to  
8     public right of way the full width of the street  
9     frontages along Denton Road and Hampden Lane per  
10    the complete street design guidelines or other  
11    applicable roadway design standards acceptable  
12    to MCDOT.

13          Two: The storm drain system should be  
14    within the right of way or a proposed storm  
15    drain easement. The storm drain easement should  
16    be sized per the design drainage criteria  
17    manual.

18          Three: The existing sidewalk is to remain  
19    within the right of way.

20          And then, four: All existing utilities, if  
21    any, along the proposed abandonment portions of  
22    Denton Road and Hampden Lane shall remain in  
23    place within a proposed public utility easement,  
24    or relocated at the Applicant's expense. If the  
25    existing utility is relocated, it should be

1 within the right of way or a proposed public  
2 utility easement.

3 Are those acceptable to the Edgemoor Club?

4 **A They are. They are with the caveat**  
5 **that our current improvements -- well,**  
6 **improvements made to the Club to continue its**  
7 **use as a swim and tennis club do not constitute**  
8 **redevelopment because it truly is maintenance.**

9 Q Thank you. And I -- is there anything  
10 else you would like to add?

11 **A Not at this time.**

12 **MS. HARRIS: So I have no further questions**  
13 **for Mr. Patchin.**

14 And then I -- our next witness, if there's  
15 no questions, is Mr. Tidd.

16 **TESTIMONY OF MR. ERIC TIDD**

17 **BY MS. HARRIS:**

18 Q Mr. Tidd, can you please state your  
19 name, profession, and business address for the  
20 record?

21 **A Sure. My name is Eric Tidd. I'm a**  
22 **Professional Civil Engineer at CAS Engineering,**  
23 **and our address is 10 South Bentz Street,**  
24 **Frederick, Maryland, 21701.**

25 Q And what has been your involvement

1 with the abandonment matter?

2           **A**     We were engaged to prepare a sediment  
3 control plan for the tennis court maintenance,  
4 slash, repair. In connection with preparation  
5 of plans, existing encroachments were discovered  
6 and we surveyed to determine the extent of those  
7 encroachments. And my office participated in  
8 meetings with you and key -- and Park and  
9 Planning and DPS on how to remedy the situation.

10           **Q**     And then can you please describe in  
11 more detail the encroachments? And I'm going to  
12 turn to Page 3 of Exhibit K. And if I need to  
13 enlarge the screen, please let me know.

14           **A**     Sure. So, the encroachments include  
15 -- or certainly are limited along portions of  
16 the Hampden Lane right of way between Exeter  
17 Road and Denton Road, and portions of the Denton  
18 Road right of way between Hampden Lane and  
19 Edgemoor Lane, totaling approximately 2,453  
20 square feet.

21           Existing improvements include portions of  
22 four clay tennis courts and perimeter fencing,  
23 onsite storm drainage facilities, and wooden  
24 retaining walls.

25           **Q**     And can you explain where those wooden

1 retaining walls are located?

2           **A**     **They're -- the largest of the**  
3     **retaining walls exist at the intersection of**  
4     **Hampden Lane and Denton Road, although there are**  
5     **very small, I would call them landscape walls as**  
6     **you proceed north on Denton Road. Those**  
7     **landscape walls generally vary from six inches**  
8     **to we'll call it 18 inches, and are there for**  
9     **landscape retention.**

10           **Q**     And six inches to 18 inches high is  
11 what you --

12           **A**     **Correct. That's correct, yes.**

13           **Q**     Okay. And do you have any information  
14 regarding the establishment of these  
15 encroachments?

16           **A**     **Very limited. Based on plat history,**  
17     **the tennis courts may have been in existence at**  
18     **the time of the abandonment. The property was**  
19     **originally platted in 1912 on plat 146. As you**  
20     **can see, the right of way arced out into Denton**  
21     **Road and Hampden Lane. And then in --**

22                   **The Club was established, as Mr. Patchin**  
23     **said, in 1920.**

24                   **The property was replatted in 1924 by plat**  
25     **240 -- or 284 when there was a reconfiguring of**



1 the intersection. The Club at the time owned  
2 the property but did not sign the plat, so it's  
3 assumed that the Edgemoor Club -- or Edgemoor,  
4 the property was -- basically, they didn't sign  
5 the plat, so it was signed by others. So, it's  
6 believed that that's the time when the  
7 dedication created the encroachments.

8 Q Thank you. And in your opinion, is  
9 there a present public use for the area of the  
10 right of way occupied by the encroachments?

11 A No. The existing condition has  
12 existed, as stated previously, without issue for  
13 decades. Club --

14 The Club and the County were apprised of  
15 the encroachments as part of our permit  
16 applications for the tennis court maintenance  
17 and repair.

18 There's adequate sidewalk length both  
19 Hampden Lane and Denton Street, and the sidewalk  
20 is four feet wide. Existing sidewalks,  
21 comparable in width to other sidewalks  
22 throughout the neighborhood where -- at least  
23 where sidewalk exists. Many blocks do not have  
24 sidewalks. For example, the south side of  
25 Hampden Lane, which is on the left side of the

1 screen here shown.

2 And, then, ultimately, the agencies that  
3 make the decision regarding the need for public  
4 improvements or public space, Department of  
5 Transportation and Park and Planning, both  
6 support the abandonment.

7 Q And what is the existing right of way  
8 of the -- of Hampden Lane and Denton?

9 A Both are 50 feet wide, platted at 50  
10 feet wide and are considered --

11 Q And does that meet a County  
12 requirement?

13 A That does, yes, as they both are  
14 classified as secondary residential roads.

15 Q Thank you. The DOT condition requires  
16 that the storm drain should be within the right  
17 of way or a proposed storm drain easement.

18 What is the current situation of the storm  
19 drain?

20 A Current storm drain is within the  
21 existing public right of way and will be  
22 unimpacted by the abandonment.

23 Q And then another DOT condition is that  
24 the existing sidewalk be within the right of  
25 way. Is that condition -- is that the current

1 condition?

2 **A That is the current condition, and the**  
3 **abandonment will not impact the location of**  
4 **those sidewalks. They will remain in the public**  
5 **right of way.**

6 Q And then finally, the other DOT  
7 condition is, are there any -- relates to  
8 utilities within the right of way. So, the  
9 question is, are there any existing utilities  
10 within the area to be abandoned?

11 **A There is a -- one overhead pole that**  
12 **serves the Club, and that is existing within an**  
13 **existing public utility easement and will remain**  
14 **within that public utility easement. That pole**  
15 **is not intended to be removed or relocated.**

16 Q And does that public utility easement  
17 run the entire length of Denton Road?

18 **A As -- yes, it does, as well as Hampden**  
19 **and ultimately Exeter Road, as well.**

20 Q So, just to reiterate, that -- the  
21 existing pole, though, is within the existing  
22 PUE?

23 **A Yes, that is correct.**

24 Q And the abandonment won't change that  
25 situation?

1           **A     That is correct, yes.**

2           Q     Okay. And then are you aware of  
3           PEPCO's response to the abandonment request?

4           **A     We are, yes.**

5           Q     And Mr. Willis read this, but I'm  
6           going to read it one more time.

7                     After reviewing this request, PEPCO does  
8           not agree to give up the easement of right of  
9           way. As of right now, we have a few poles with  
10          primary at the northeast corner of Denton Road  
11          and Hampden Lane. Please let us know if you  
12          have any further questions. Thank you.

13                    Will the abandonment result in PEPCO giving  
14          up any easement or any interest in the right of  
15          way?

16           **A     No. PEPCO has -- as I stated**  
17          **previously and as indicated on the picture,**  
18          **PEPCO has one pole located on the property**  
19          **within an existing PUE. Additional poles and**  
20          **overhead lines are located adjacent to the**  
21          **property along Hampden Lane, but are well beyond**  
22          **the limits of the proposed abandonment areas.**

23           Q     And those are shown on, again, Sheet 3  
24          of Exhibit K.

25                    And I believe you already stated this, but

1 the pole within the PUE will continue to be  
2 located within the PUE; correct?

3 **A That is correct, yes.**

4 Q And will not be impacted by the  
5 abandonment?

6 **A That is correct, yes.**

7 Q Okay. And then PEPCO also referenced  
8 poles at the northeast corner of Denton Road and  
9 Hampden Lane. Can you identify where these  
10 poles are located, assuming you know what  
11 they're referring to, and indicate any impact  
12 that may have?

13 **A Sure. Our interpretation of their**  
14 **comments is that the poles that they are**  
15 **discussing are along -- located along the east**  
16 **side of Denton Road, and opposite -- so they're**  
17 **opposite the Club's property.**

18 So, you can see them on the right. Yeah,  
19 so that would be the picture -- yes. And then  
20 heading to the left off the picture, off the  
21 page, we believe that -- we believe that those  
22 are the poles that they are talking about with  
23 the primary service. They are on, again,  
24 opposite side of the right of way. They will  
25 remain unimpacted by the proposed abandonment.

1 Q And so the abandonment -- and will the  
2 abandonment in any way impact these poles?

3 A No.

4 Q Okay. And do you have anything else  
5 to add?

6 A I do not at this time.

7 MS. HARRIS: Thank you. That concludes our  
8 witnesses' testimony.

9 CLOSING REMARKS

10 MS. HARIS: Our original application was  
11 fairly detailed.

12 I believe Park and Planning did an  
13 excellent job in their staff report that  
14 reiterated and provided additional information.

15 I believe that the information in the  
16 record and the testimony supports the finding  
17 that the public -- that the abandonment areas  
18 are not currently needed for public use, and nor  
19 will they be needed in the foreseeable future  
20 for public use.

21 I would ask -- and this -- I'm picking up  
22 on Mr. Patchin's testimony. If the -- I think  
23 it may be helpful if the hearing examiner could  
24 clarify the one condition by DOT that said that  
25 if there's any redevelopment that dedication

1 would need to occur.

2 And, I want to make sure that if we have a  
3 situation, for instance, where it's either  
4 maintenance to an existing structure, or assume  
5 for a moment that the bathhouses that are  
6 located, you know, in the northwest corner of  
7 the property are renovated or redeveloped, that  
8 that would not trigger an abandonment along  
9 Denton Road or Hampden Lane since it's  
10 unrelated.

11 And, I'd note that the Park and Planning  
12 condition that says no new structures could be  
13 constructed on Denton Road or Hampden Lane would  
14 it -- protects any situation or any potential  
15 for ambiguity in that request, but I think it  
16 would be helpful to just clarify that the  
17 condition for full-out dedication would occur in  
18 connection with redevelopment, not continued use  
19 of the existing Club or maintenance of the  
20 existing facilities.

21 And with that, we complete our case and are  
22 happy to answer any questions.

23 MR. TAOMANNA: Thank you. Regarding the  
24 comment made about the MCDOT comment, again,  
25 I'll have to go back and confirm with them, but

1 based on what I read, I'm understanding that  
2 it's redevelopment of the entire site were to  
3 happen. But, again, we would have to reconsider  
4 -- I'll go back to the design team and reconfirm  
5 that comment. And if there are any changes to  
6 that, we'll make that known.

7 So, I don't -- do we have anybody that has  
8 signed up to speak? Or anybody else that is  
9 here to provide comment?

10 MR. WILLIS: Well, I -- I would say that  
11 there was -- on the registration form for the  
12 hearing, there was an additional person who had  
13 signed up to attend the hearing. I sent that  
14 person an invite, the link, inviting her to the  
15 hearing today. I do not see that she has  
16 joined. I know Ms. McCray has been checking the  
17 waiting room to see if anyone else is joining,  
18 so I'm assuming that she elected not to  
19 participate.

20 So, with that, we don't have anybody else.

21 MR. TAOMANNA: Okay. And just as a  
22 reminder, you know, the public comment period  
23 is, written comment period, is still open and  
24 we'll be accepting comments until December 22nd,  
25 2021 at 5:00 p.m.



1           So, if there's no other comments at this  
2 time, we can conclude the public hearing and --

3           MS. HARRIS: But the record will officially  
4 close on December 22nd; correct?

5           MR. TAOMANNA: December 22nd at 5:00 p.m.,  
6 yes.

7           MS. HARRIS: Okay. Thank you. We  
8 appreciate your time.

9           MR. TAOMANNA: Thank you.

10          MS. HARRIS: Thank you.

11          MR. WILLIS: Thank you all.

12          (The public hearing concluded at 2:36 p.m.)

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2

3 I, Adam Schuman, the officer before whom  
4 the foregoing hearing was held, do hereby  
5 certify that said proceedings were  
6 electronically recorded by me; and that I am  
7 neither counsel for, related to, nor employed by  
8 any of the parties to this case and have no  
9 interest, financial or otherwise, in its  
10 outcome.

11 IN WITNESS WHEREOF, I have hereunto set my  
12 hand this 15th day of December, 2021.

13

14

15 

16

17 Adam Schuman, Court Reporter

18 Notary Public, State of Maryland

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I, Jo Ann Pawela, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



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JO ANN PAWELA

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