

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY**

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PETITION OF HERITAGE CARE, INC.	:	Case No. CU 15-07
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A hearing in the above-entitled matter was held on October 9, 2015, commencing at 9:29 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rita Davidson Memorial Hearing Room, Rockville, Maryland 20850 before:

**Lynn A. Robeson
Hearing Examiner**

Page 2 A P P E A R A N C E S On Behalf of the Petitioner: Kyle Rene, Esq. Witnesses: Direct Ryan Boughner 7 Maya Conteh 22 Jason Fabritz 29 E X H I B I T S <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Exhibit No.</th> <th style="text-align: right;">Marked/Received</th> </tr> </thead> <tbody> <tr> <td>47 Affidavit of Posting</td> <td style="text-align: right;">5</td> </tr> <tr> <td>48 8 1/2 x 11 Site Plan</td> <td style="text-align: right;">7</td> </tr> <tr> <td>49 Jason Fabritz written statement</td> <td style="text-align: right;">31</td> </tr> </tbody> </table>	Exhibit No.	Marked/Received	47 Affidavit of Posting	5	48 8 1/2 x 11 Site Plan	7	49 Jason Fabritz written statement	31	Page 4 1 resident. 2 MS. ROBESON: Okay. Why don't you all have a 3 seat, what is your last name again? I'm sorry. 4 MR. FABRITZ: Fabritz. That's spelled F as in 5 Frank A as in apple, B as in boy, R-I-T-Z. 6 MS. ROBESON: Okay. Fabritz. Okay. I wasn't 7 sure. Now you have the opportunity to come sit up here. 8 MR. FABRITZ: Okay. 9 MS. ROBESON: My name is Lynn Robeson, I'm the 10 Hearing Examiner and what I do is take all the testimony and 11 evidence. Everything is transcribed and I write a decision 12 in the case. If you disagree with the decision you have the 13 right to request oral argument before the Board of Appeals. 14 And just for your information it's an informal proceeding, 15 but we do have certain formalities, the testimony is under 16 oath, subject to cross-examination and so you're just 17 testifying on your own behalf? Okay. 18 MR. FABRITZ: Yes. 19 MS. ROBESON: All right. Now I did get an 20 affidavit of posting, that means they're saying that the 21 sign has been up on the property. Does anyone have an 22 objection to that coming in the record? 23 MR. FABRITZ: No. 24 MS. ROBESON: Okay. All right. So that will be 25 Exhibit 47.
Exhibit No.	Marked/Received								
47 Affidavit of Posting	5								
48 8 1/2 x 11 Site Plan	7								
49 Jason Fabritz written statement	31								
Page 3 1 P R O C E E D I N G S 2 MS. ROBESON: All right. I am calling the case of 3 CU 15-07, Heritage Care, Inc. requesting a conditional use 4 for a daycare center on approximately 1.9 acres in the R-60 5 Zone. The property is located at 4011 Randolph Road, Silver 6 Spring, Maryland. Will the parties identify themselves for 7 the record? 8 MR. RENE: Yes, good morning Kyle Rene, and I'm 9 representing Heritage Care as the attorney today. 10 MS. ROBESON: Okay. 11 MR. BOUGHNER: Ryan Boughner, I'm representing 12 Juan Caicedo, Director of Heritage Care. 13 MS. ROBESON: Okay. Are you an attorney or -- 14 MR. BOUGHNER: No, I'm not, just a representative. 15 MS. ROBESON: You're a witness? 16 MR. BOUGHNER: Uh-huh. 17 MS. ROBESON: Okay. Just checking the 18 representation thing because we have to be careful. I 19 understand what you're saying. 20 MS. CONTEH: Maya Conteh, I'm representing 21 Christine Bailey, I mean the Director, I'm the Assistant 22 Director. 23 MS. ROBESON: Okay. And I see a person standing 24 over here. 25 MR. FABRITZ: Jason Fabritz, I'm a neighbor,	Page 5 1 (Hearing Exhibit No. 47 was 2 marked for identification.) 3 MS. ROBESON: Now are there any preliminary 4 matters? 5 MR. RENE: We can provide an opening statement, if 6 you'd like. 7 MS. ROBESON: Well, given that there's only four 8 of us here, I take it you're going to be introducing a new 9 Site Plan? 10 MR. RENE: Yes, we have a copy here. 11 MS. ROBESON: Do you have a large one or a little 12 one? 13 MR. RENE: It's a smaller one, we did provide a 14 larger one to the Zoning Board to Mr. Brown, so that the 15 Zoning Board does have a larger copy of it. 16 MS. ROBESON: Okay. We need the big one. 17 MR. RENE: Okay. 18 MS. ROBESON: Because what happens from here for 19 your information is whatever comes in this record is what 20 they're going to look at when you get the rest of your 21 approvals. 22 MR. RENE: Okay. 23 MS. ROBESON: Okay. So we need the big copy here. 24 So if you can get the 36 by 24, and we're going to have to 25 leave the record, well, I don't know, we may need to leave								

Page 6 1 the record open. So let's take what you have today into the 2 record. Do you have any objection? 3 MR. FABRITZ: No. 4 MS. ROBESON: Have you see this plan? 5 MR. FABRITZ: Not this revised. 6 MR. RENE: There that's better. That's Randolph 7 Road at Colie. 8 MR. FABRITZ: It appears to be very similar, what 9 has changed from what was submitted to the Planning Board? 10 MR. BOUGHNER: What was submitted to the Planning 11 Board was an old copy, it didn't have the correct number of 12 parking spaces. 13 MR. FABRITZ: Okay. 14 MR. BOUGHNER: It was several years old. So we 15 had a new Site Plan created. 16 MS. ROBESON: Okay. 17 MR. FABRITZ: So reading this -- 18 MS. ROBESON: Before we get into this, let me do 19 this. Why don't you both raise your right hands? I'm going 20 to swear you in. Okay. Do you solemnly affirm under 21 penalties of perjury that the statements you're about to 22 make are the truth, the whole truth and nothing but the 23 truth? 24 MR. BOUGHNER: I do. 25 MS. ROBESON: Okay. Do you solemnly affirm under	Page 8 1 Exhibit 14. Is it this one? 2 MR. BOUGHNER: Uh-huh. 3 MS. ROBESON: Okay. 4 MR. BOUGHNER: And there was a lot, it's very old 5 and very unclear. 6 MS. ROBESON: Yes. 7 MR. BOUGHNER: And the parking spots were not 8 identified. 9 MS. ROBESON: Exactly. Okay. Go ahead. 10 MR. BOUGHNER: So the new one that I had created 11 was specifically to identify the parking lots as they are 12 today. 13 MS. ROBESON: Okay. 14 MR. BOUGHNER: With the circle drive for the 15 daycare drop off it wasn't noted on the last drawing, it's 16 now noted on this drawing. 17 MS. ROBESON: Right. Okay. So all right, can you 18 just go through looking at Exhibit 48, which is the more 19 recent Site Plan, can you just describe what's on here, 20 generally? 21 MR. BOUGHNER: Well you've got the building layout 22 itself. 23 MS. ROBESON: Yes. 24 MR. BOUGHNER: You've got the property line. You 25 have the connecting roads.
Page 7 1 penalties of perjury, Mr. Fabritz, that the statements 2 you're about to make are the truth, the whole truth and 3 nothing but the truth? 4 MR. FABRITZ: Yes. 5 MS. ROBESON: Now let me ask you this. Do you 6 have any objections subject to some questions about it, do 7 you have any objection to this coming in the record? 8 MR. FABRITZ: No, I do not. 9 MS. ROBESON: Okay. Why don't we get it in the 10 record and this will be 48. 11 (Hearing Exhibit No. 48 was 12 marked for identification.) 13 MS. ROBESON: And this is the current 8 1/2 by 11 14 Site Plan. Okay. Now do you want to go through your 15 witnesses and we'll figure out what this is and what it 16 shows? 17 MR. RENE: Sure. I can basically just open the 18 floor for Mr. Boughner to talk about how this differs from 19 previous Site Plan that as he mentioned prior to going under 20 oath was amended and what the differences are between them. 21 MS. ROBESON: Okay. Why don't you take us through 22 what your background is on this? 23 MR. BOUGHNER: Okay. Well the original Site Plan 24 that Juan Caicedo submitted was from the early 2000's. 25 MS. ROBESON: Is that this? I know have this as	Page 9 1 MS. ROBESON: Take me through the parking spaces. 2 Can you tell me how many parking spaces you show? 3 MR. BOUGHNER: 67 on that Site Plan. 4 MS. ROBESON: Okay. So you're saying there are 5 not 71? 6 MR. BOUGHNER: Not 71, 67. 7 MR. RENE: And also you can discuss that what 8 interactions you've had with the Board as far as visiting 9 the site. 10 MS. ROBESON: Planning staff is who you -- 11 MR. RENE: The planning staff. 12 MS. ROBESON: Okay. Go ahead. 13 MR. BOUGHNER: Okay. We met with Michael Brown 14 with the Site Plan that we just submitted and we walked the 15 site. We counted each and every parking spot, made sure 16 that they were accurate as well as the playground that's 17 noted on there. 18 MS. ROBESON: Okay. So you don't know where he 19 came up with 71? 20 MR. BOUGHNER: No. 21 MS. ROBESON: Have you seen the Staff Report on 22 this? The planning staff's report? 23 MR. RENE: If you look at page -- 24 MS. ROBESON: I think you're looking at it now. 25 MR. BOUGHNER: This one.

Page 10 1 MS. ROBESON: Have you had the opportunity to read 2 that? 3 MR. BOUGHNER: Yes. Yes, I read through this. 4 MS. ROBESON: Do you agree with all of the 5 findings, some of the findings -- 6 MR. BOUGHNER: All but the 71 -- 7 MS. ROBESON: -- it says you had 71. 8 MR. BOUGHNER: Yes, it does say that we have 71. 9 MS. ROBESON: But you say 67? 10 MR. BOUGHNER: 67. 11 MS. ROBESON: Okay. Do you agree with the 12 remainder of the findings? 13 MR. BOUGHNER: Yes. 14 MS. ROBESON: Okay. All right. So this Site 15 Plan, Exhibit 48, are you here to testify as to operations, 16 where the cars are going to park or is that another witness? 17 MR. BOUGHNER: No, I can talk about it. 18 MS. ROBESON: Okay. Why don't you take us through 19 sort of the circulation and how, I mean you're 24 spaces 20 below what is required. 21 MR. BOUGHNER: Uh-huh. 22 MS. ROBESON: So why don't you talk about how 23 people are going to park, where they're going to park, that 24 kind of thing? 25 MR. BOUGHNER: Okay. Well we did for the nursing	Page 12 1 policy with NMS Healthcare for our employees that we have 2 dedicated spaces for visitors only because this is a nursing 3 home, we like to leave especially those that are really 4 close to the entrance of the buildings, we leave those 5 available for visitors for the family members of the 6 residents. 7 MS. ROBESON: Okay. 8 MR. BOUGHNER: For Heritage Care we also have a 9 policy in place that no staff actually parks on site. So 10 and they either take public transportation, they carpool 11 together and park on street parking that's available. We 12 went through, we went through the highest staffed shift 13 which is the dayshift -- 14 MS. ROBESON: Right. 15 MR. BOUGHNER: -- which is the 7:00 a.m. to 3:00 16 p.m., that number was about, I think 26, it was, yeah, the 17 highest number of actual employees that are actually, for 18 the nursing home at that time. 19 MS. ROBESON: Okay. All right. So all the 20 employees are going to park offsite here? 21 MR. BOUGHNER: Offsite or carpool. Yeah, if they 22 drive, they park offsite. 23 MS. ROBESON: Okay. So the only people that will 24 be using the parking lot are drop-offs and pickups of 25 children?
Page 11 1 home, I can speak on the nursing home, we went through each 2 department, such as housekeeping, dietary staff, nursing, 3 maintenance and administration. And we did a survey on how 4 many people carpool, how many people take public 5 transportation, how many people might even walk. 6 MS. ROBESON: And when was this? 7 MR. BOUGHNER: This was about two months ago, mid- 8 summer. 9 MS. ROBESON: And for whom do you work? 10 MR. BOUGHNER: NMS Healthcare. 11 MS. ROBESON: And who are they in relation to this 12 application? 13 MR. BOUGHNER: The owner of the nursing home. 14 MS. ROBESON: Okay. Okay. So when did you do the 15 survey? 16 MR. BOUGHNER: It was a couple of months ago. 17 MS. ROBESON: Okay. 18 MR. BOUGHNER: That information was also submitted 19 by Juan Caicedo to Michael Brown. 20 MS. ROBESON: Well, okay. Okay. I don't know it 21 unless they give it to me, but that's okay, we have some new 22 staff there so anyway. So you did a survey a couple of 23 months ago. Okay. Keep going. 24 MR. BOUGHNER: Okay. And I don't have those 25 results in front of me. But we found out and we also have a	Page 13 1 MR. BOUGHNER: For the daycare, yes. 2 MS. ROBESON: For the daycare. Okay. Why don't 3 you show me, I think I read that you're going to reserve two 4 spots for -- 5 MR. BOUGHNER: Correct. 6 MS. ROBESON: -- why don't you mark those on 7 Exhibit 48, please. Now if you have questions, you know, 8 I'll defer to your questions, if you would like. I just had 9 some questions about the parking. 10 MR. RENE: Sure. Sure. Well if there's any 11 information that he doesn't cover while you're questioning I 12 can certainly follow up. 13 MS. ROBESON: Okay. So you've marked in, why 14 don't you take my blue pen and just you mark it there. 15 Okay. That's good. All right. So there are two parking 16 spots marked with blue pen on Exhibit 48. Thanks. Okay. 17 So what were the results, don't give me specific numbers if 18 you don't have them, but in general, can you characterize 19 the results of your survey? 20 MR. BOUGHNER: I do not have the specific numbers 21 in front of me, but the result was very low on actual staff 22 parking. 23 MS. ROBESON: Okay. 24 MR. BOUGHNER: Number of staff commuting and 25 driving and leaving their cars within the vicinity.

Page 14 1 MS. ROBESON: Okay. Now staff has limited, well 2 maybe this is a question for another witness, but staff has 3 limited you or the daycare to I forget how many trips an 4 hour, a certain number of trips an hour drop-offs an hour, 5 drop-offs and pickups. And I guess the question is how are 6 you going to monitor that but I'm thinking that's a question 7 for -- 8 MS. CONTEH: I can. 9 MS. ROBESON: No, don't answer yet. 10 MS. CONTEH: Okay. 11 MS. ROBESON: Okay. Well I'm going to defer to 12 you, Mr. Rene, and let you ask questions and then if I have 13 anything else I will, I just want to make sure I have the 14 results of that survey in here to document. How does the 15 parking work now? Do you ever have congestion out there? 16 MR. BOUGHNER: No, we do not. We always have 17 available spots for free spaces. 18 MS. ROBESON: How many people are in the nursing 19 home? I mean how much staff is in the nursing home? 20 MR. BOUGHNER: (No audible response.) 21 MS. ROBESON: Okay. Let me ask you something. 22 Can you walk up here for a moment? 23 MR. BOUGHNER: Uh-huh. 24 MS. ROBESON: I'm showing you what is marked as 25 Attachment 5 on the Staff Report which is Exhibit 41. Is	Page 16 1 MR. RENE: Okay. And in your discussions with Mr. 2 Brown, did they come up with a determination of how many 3 parking spots were available on Colie Drive where it abuts 4 the actual property? And this on street parking. 5 MR. BOUGHNER: On street parking was a 11 6 available spots. 7 MR. RENE: Okay. When you visit the site are you 8 able to see whether or not there are open spaces on Colie 9 Drive? 10 MR. BOUGHNER: Yes. I typically park on Colie. 11 MR. RENE: Okay. And can you recall any 12 congestion on Colie Drive based on parking? 13 MR. BOUGHNER: No. 14 MR. RENE: Okay. That's all. 15 MS. ROBESON: That's all you have? 16 MR. RENE: Yes. 17 MS. ROBESON: All right. If we have more, you 18 know, don't leave yet. I don't think you were planning to, 19 but -- 20 MR. RENE: There is actually one last question I 21 forgot to mention. 22 MS. ROBESON: Okay. 23 MR. RENE: And that is that it's my understanding 24 based on the map that was provided as Exhibit 48, that one 25 of the parking spots reserved for childcare pickup and drop-
Page 15 1 that the survey results? 2 MR. BOUGHNER: No, this is the schedule for drop- 3 off, drop-offs and pickups. 4 MS. ROBESON: All right. Well I'll see if it's in 5 here somewhere else. Hopefully it is. Okay. Why don't you 6 go ahead, Mr. Rene and with any other questions you have. 7 MR. RENE: Yes. Just to kind of reiterate so 8 we're all clear. So how often do you visit the site in a 9 given month typically? 10 MR. BOUGHNER: Five to six times a month. 11 MR. RENE: Okay. And how long have you been doing 12 that? 13 MR. BOUGHNER: Since the acquisition in November 14 of 2013. 15 MR. RENE: Okay. When you visit, just if you 16 could just give a ballpark figure, approximately how many 17 parking spots are, you mentioned that there is no 18 congestion. Approximately how many parking spots would you 19 say are open in the lots that are available? Is it less 20 than 10? 21 MR. BOUGHNER: Probably 10 or more. 22 MR. RENE: Okay. And -- 23 MR. BOUGHNER: And I, and I visit, to go on 24 record, I visit at all times of the day. Early mornings, 25 afternoons, late nights.	Page 17 1 off is going to be on a circular ring on Colie Drive. Is 2 that ring used for parking now? Do staff park there 3 typically? 4 MR. BOUGHNER: No, it is not used for parking. 5 MR. RENE: Okay. Thank you. 6 MS. ROBESON: So is that shown as a parking spot 7 on this, in your count that you did, the 67, is that spot 8 included in the 67? 9 MR. BOUGHNER: No, those two spots that I marked 10 with the blue pen in Exhibit 48, are not included in the 67 11 count parking spaces. 12 MS. ROBESON: Are they shown on the Site Plan? 13 MR. BOUGHNER: Yes, they are. They will probably 14 be more visible with the larger copy. 15 MS. ROBESON: Okay. So you could say that you had 16 69 spots. 17 MR. BOUGHNER: 69. 18 MS. ROBESON: With the two extra spots? 19 MR. BOUGHNER: Uh-huh. 20 MS. ROBESON: So we're down to two uncertain 21 spots. Okay. All right. Would you have the opportunity, 22 if you have the survey results, I didn't see them in this 23 file and we need them for our record, because our record is 24 the official record that goes up. In addition to the 25 larger, I can't even see the building outline in this

Page 18 1 exhibit 48, so I'm going to need the larger version with the 2 two spots shown. And then if you could provide to me the 3 results of the survey. Oh they are in there. 4 MR. RENE: Yes, it's Attachment 7. 5 MS. ROBESON: Okay. I see. Okay. 6 MR. RENE: Yes. I thought we had them. Okay. 7 MS. ROBESON: All right. Okay. Is that your, are 8 you finished with -- 9 MR. RENE: Yes. 10 MS. ROBESON: Okay. Mr. Fabritz, you get to ask 11 any questions that you wish of Mister, is it Boughner? 12 MR. BOUGHNER: Boughner. 13 MS. ROBESON: Boughner. 14 MR. BOUGHNER: Uh-huh. 15 MR. FABRITZ: Well I guess the question I would 16 have is being a neighbor and being rather familiar with the 17 neighborhood, I understand that there is a premium on 18 parking. I just wanted to let you know that that -- 19 MS. ROBESON: No -- 20 MR. FABRITZ: No? I'm sorry. 21 MS. ROBESON: You'll get to testify in a minute. 22 MR. FABRITZ: Okay. 23 MS. ROBESON: So if all you do now is just, if you 24 have any questions based on what he said, if you think he's 25 wrong about something he said just now.	Page 20 1 marked with an X which is in the lower parking lot. 2 MS. ROBESON: I don't know what you mean by lower. 3 Is there a grade on the property? 4 MR. BOUGHNER: Yes, there is a grade. 5 MS. ROBESON: And which direction does it run? 6 You don't know the directions? 7 MR. BOUGHNER: No. 8 MS. ROBESON: Okay. Here is that a north arrow? 9 Okay. If you can come up. 10 MR. BOUGHNER: Uh-huh. 11 MS. ROBESON: North is up, north is this way. See 12 that north area. 13 MR. BOUGHNER: Okay. So this is west, so this is 14 the west parking lot that you asked about, this is the one 15 reserved parking spot that's not included in the 67 count. 16 MS. ROBESON: And where is the other one? 17 MR. BOUGHNER: The other one is here on, I assume 18 this would be the south side of the building which is 19 actually not in the parking lot, it's off of Colie Drive. 20 MS. ROBESON: Okay. But it's in the circle? In 21 the semi-circle? 22 MR. BOUGHNER: Uh-huh. 23 MS. ROBESON: Okay. And when you said you had 10 24 spots available, is that through the whole place? 25 MR. BOUGHNER: The whole place.
Page 19 1 MR. FABRITZ: Okay. Well I do have a question 2 having, I can't testify, but the Staff Report said there 3 would be two parking places reserved in the west parking lot 4 for drop-off in daycare for overflow. That is my 5 understanding, for outside of the Colie Drive circle, is 6 that correct? 7 MR. BOUGHNER: Outside of Colie Drive? 8 MR. FABRITZ: So if I understand, please help me 9 understand that the Colie Drive is the primary drop-off and 10 pickup for the daycare. 11 MR. BOUGHNER: Uh-huh. 12 MR. FABRITZ: If I understand the Staff Report 13 correct, it was the intent that you would reserve two 14 parking places in the parking lot on west side adjacent to 15 that part of the building for drop-off and pickup, is that 16 correct? 17 MR. BOUGHNER: I don't know. 18 MS. ROBESON: If you want to, well you answer -- 19 MR. BOUGHNER: Uh-huh. 20 MS. ROBESON: -- and if you want to come look, he 21 marked the spaces here. But you need to answer, Mr. 22 Boughner. 23 MR. BOUGHNER: Yes. I don't want to go on record 24 on what's north, south, east and west, because I'm not 25 familiar, but there is one in the actual parking lot that I	Page 21 1 MS. ROBESON: Okay. All right. Okay. Thanks. 2 MR. BOUGHNER: Uh-huh. 3 MS. ROBESON: Anything else, Mr. Fabritz? 4 MR. FABRITZ: One very quick question. Were you 5 planning on encouraging employees to park on Downer Drive? 6 MR. BOUGHNER: That's to the west. Yes, Downer 7 Drive. We're not encouraging specific streets for people to 8 park on, I will say that. We are saying staff were not 9 permitted to park in visitor parking spots. 10 MS. ROBESON: Well you're saying staff is not able 11 to park on site, correct? They're not allowed to park in 12 the parking lot on the property. 13 MR. FABRITZ: There are designated visitor parking 14 spots on the site. There is available parking in the lower, 15 which is the west wing that staff are available to park on 16 if they're free. 17 MS. ROBESON: Okay. So wait a minute. 18 MR. BOUGHNER: The Heritage Care staff are not 19 allowed to park on site. 20 MS. ROBESON: Okay. So none of their seven, I 21 think their maximum shift is seven people -- 22 MR. BOUGHNER: Seven. 23 MS. ROBESON: -- are going to be parking on site. 24 MR. BOUGHNER: Yes. 25 MS. ROBESON: Correct?

Page 22 1 MR. BOUGHNER: Correct. 2 MS. ROBESON: Okay. Any other questions? Okay. 3 Thank you. 4 MR. BOUGHNER: Uh-huh. 5 MS. ROBESON: Do you have any follow up? 6 MR. RENE: Just to clarify, based on your 7 experience with the facility and the availability of parking 8 on Colie Drive and the anticipated staff, maximum staff of 9 seven at Heritage Care, do you anticipate there being any 10 need for Heritage Care staff to ever park on Downer Drive? 11 MR. BOUGHNER: I do not see the need. 12 MS. ROBESON: Where would they park on Colie 13 Drive? 14 MR. BOUGHNER: They could park on Colie Drive, 15 there is available parking. 16 MS. ROBESON: Okay. All right. Anything else? 17 MR. RENE: That's it. 18 MS. ROBESON: Okay. Thank you. And your next 19 witness? 20 MR. RENE: Yes. 21 MS. CONTEH: Maya. 22 MR. RENE: State your name, your full name. 23 MS. CONTEH: Maya Conteh. 24 MR. RENE: And Ms. Conteh, what's your role going 25 to be with --	Page 24 1 drop-off it's usually five children per every 15 minutes, so 2 it's not like congestion on it. 3 MS. ROBESON: Okay. But how do you ensure that, 4 you mean that just happens naturally? 5 MS. CONTEH: Yes, it happens naturally. When they 6 enroll they give us the set times that they come in and they 7 usually follow those times that they come in. 8 MS. ROBESON: Okay. But there is a condition 9 saying that you have to include in the contract with the 10 parents -- 11 MS. CONTEH: Okay. 12 MS. ROBESON: -- you have to give them a specific 13 window of time. 14 MS. CONTEH: I think Christine Bailey has the 15 answer to that question. I'm not really sure about that. 16 MS. ROBESON: Okay. Okay. 17 MR. RENE: And unfortunately, Your Honor, I could 18 not get Ms. Bailey to come in today. She, as far as I know, 19 and Maya can speak to this, she did explain her familiarity 20 and I would open the floor to what she explained to you 21 about her knowledge of the conditions and her knowledge of 22 any proposed plans that were going to be implemented. 23 MS. CONTEH: She said that for our parent policy 24 that it would be included in the policy of how the drop-off 25 and pickup times would be. But that's the only thing that
Page 23 1 MS. ROBESON: I just need her address. 2 MR. RENE: Okay. 3 MS. ROBESON: Business address. 4 MS. CONTEH: My business address, 4922 LaSalle 5 Road, Heritage Care. 6 MS. ROBESON: Okay. 7 MR. RENE: And what role are you going to be 8 serving with Heritage Care at the proposed site? 9 MS. CONTEH: I will be at the, the site that's 10 open now, I won't be at the proposed site. But Christine 11 Bailey will be at the proposed site. 12 MR. RENE: Are you familiar with the proposed 13 operations at the new site? 14 MS. CONTEH: Yes, I am. 15 MR. RENE: Okay. I would open the floor to 16 questions from the Hearing Examiner if you have any? 17 MS. ROBESON: Well let me ask you something. Well 18 first my major question is how are you going to, there is a 19 requirement in here that people have staggered, they don't 20 want the whole school, all the parents bringing in 40 kids 21 at one time. And they have a recommendation to stagger 22 drop-offs and pickups every, I think it's 10 minutes or 15 23 minutes. How do you enforce that? Do you have that at the 24 location you work at now? 25 MS. CONTEH: Yes, right now. Looking how the	Page 25 1 she explained to me. 2 MS. ROBESON: Well how are you going to monitor 3 how this happens? 4 MS. CONTEH: Well, actually I'll be at the -- 5 MS. ROBESON: I know I mean how is she going to 6 monitor how this happens? 7 MS. CONTEH: I'm not sure. 8 MS. ROBESON: Okay. How big is your facility 9 where you work? 10 MS. CONTEH: We have 50 children, we have 15 staff 11 members. I'm not sure of the amount of, we have two, we 12 have three toddler rooms, one infant room and one preschool 13 room. 14 MS. ROBESON: And over what period do drop-offs 15 occur? 16 MS. CONTEH: The drop-offs are in the morning, 17 it's from 6:45 a.m. to 9:00 a.m., the, most kids come in, 18 they come in from, we have a couple that come in at 6:45 19 a.m. and then we have some 8:00 a.m., between 8:00 a.m. and 20 -- 21 MS. ROBESON: But you don't have counts of when 22 they come in? 23 MS. CONTEH: We do have a count, but I don't have 24 it with me. 25 MS. ROBESON: Okay. Well are you authorized to

Page 26 1 say there is a condition in the Staff Report requiring you 2 to stagger times and to put it in the contract with each 3 parent? 4 MS. CONTEH: Yes, I am. 5 MS. ROBESON: Are you authorized to say that's 6 acceptable? 7 MS. CONTEH: Yes, I am. 8 MS. ROBESON: Okay. All right. Have you read the 9 Staff Report? 10 MS. CONTEH: Just parts of it. 11 MS. ROBESON: Okay. All right. Is the applicant 12 contesting any of the operational stuff that's in the Staff 13 Report? 14 MR. RENE: No, Your Honor. 15 MS. ROBESON: Okay. All right. So let's move on. 16 Do you have any further questions for her? 17 MR. RENE: Which parts of the Staff Report did you 18 have an opportunity to review? 19 MS. CONTEH: The amount of staff, the, the drop- 20 off, the amount of kids dropped off in the morning and 21 picked up in the afternoon. 22 MS. ROBESON: Okay. But not hours of operation -- 23 MS. CONTEH: Oh the hours of operation 6:45 a.m. 24 to 6:00 p.m. 25 MS. ROBESON: Did you have a chance to read one	Page 28 1 other restrictions? 2 MS. CONTEH: Yes. 3 MS. ROBESON: Okay. And do you agree to abide by 4 those conditions? 5 MS. CONTEH: Yes. 6 MS. ROBESON: Okay. Mr. Boughner, what about, 7 where is the bicycle space going to be? 8 MR. BOUGHNER: That was never clarified. 9 MS. ROBESON: Okay. That has to, believe it or 10 not, that has to be shown on the Site Plan. 11 MR. BOUGHNER: Okay. 12 MS. ROBESON: I don't care how you show it. You 13 know I don't even know, the Code has requirements about how 14 much size this bicycle space has to be. So whatever you 15 submit when you submit the revised plan, if you would kindly 16 show the bicycle space? 17 MR. BOUGHNER: Absolutely. 18 MS. ROBESON: Now are you in agreement that you're 19 going to have a sign at the two reserved spaces that says 20 reserved for drop-off and pickup, Heritage Care drop-off and 21 pickup? 22 MR. BOUGHNER: Uh-huh. 23 MS. ROBESON: And then the hours? 24 MR. BOUGHNER: Correct, we already have those 25 signs. They're not set up but we have them available.
Page 27 1 thing we need to know is whether you agree with all of these 2 conditions that are on page, I'm trying to find it, page 2, 3 I think? 4 MS. CONTEH: Yeah. 5 MS. ROBESON: Of the Staff Report? 6 MR. RENE: Yes. 7 MS. ROBESON: Do you agree to be bound by those? 8 MS. CONTEH: Yes. 9 MS. ROBESON: Okay. Now I have another and this 10 may be for the property owner, the other requirement is that 11 there is a process to abandon the elderly care, you have to 12 file to have it revoked. There is a Condition 2 in the 13 report that says the elderly care special exception must 14 cease. You have to file a procedure here to formally revoke 15 it. Do you have a problem with that? 16 MR. BOUGHNER: No, we do not. 17 MS. ROBESON: Okay. Now there is also a procedure 18 where you're going to have to come back and amend the 19 special exception S367A to reflect this use. Do you have a 20 problem, do you agree with that? 21 MR. BOUGHNER: Agreed. 22 MS. ROBESON: Okay. Now for you, have you read 23 these 11 conditions -- 24 MS. CONTEH: Yes. 25 MS. ROBESON: -- about playtime and a number of	Page 29 1 MS. ROBESON: Okay. Okay. All right. With that, 2 I will go, do you have anything else, Mr. Rene, do you have 3 anything else? 4 MR. RENE: No. 5 MS. ROBESON: Okay. Mr. Fabritz, you've been 6 patient. What would you like to tell us? First state your 7 name and I don't think I got your address. 8 MR. FABRITZ: Jason Fabritz and I live on 3910 9 Ilford Road, which is bounds the northern property of. 10 MS. ROBESON: Right it backs up to the rear of the 11 nursing, your property backs up the rear of the nursing 12 home? 13 MR. FABRITZ: Yes. 14 MS. ROBESON: Okay. Go ahead. 15 MR. FABRITZ: I did have a small prepared 16 statement, if you would like. 17 MS. ROBESON: Sure. Go ahead. 18 MR. FABRITZ: So I spoke to, I was present at the 19 Planning Board meeting -- 20 MS. ROBESON: Okay. 21 MR. FABRITZ: -- a couple of weeks ago and so here 22 is my statement. I wish to follow up regarding my testimony 23 to the Planning Board review of Heritage Daycare's use 24 application. During the Planning Board's meeting I had 25 expressed my problems with the noise impact of deliveries

Page 30 1 made to the loading area during quiet hours and my concerns 2 regarding the potential for this problem to worsen once the 3 daycare center commences operation. In the past we were, in 4 the recent past we were often woken early in the morning, 5 sometimes as early as 4:30 a.m. by the caution being emitted 6 by the delivery vehicles backing into the loading dock at 7 the facility. Since this sound is designed to be an 8 alarmed, it's not surprising it has the effect of one. 9 We were concerned there would be pressure to move 10 deliveries yet earlier into the morning to avoid delivery 11 traffic near the child drop overflow reserved parking spaces 12 during child drop-off times. This site is compact so 13 comingling of some operations is inevitable. 14 MS. ROBESON: Yes. 15 MR. FABRITZ: Fortunately, Mr. Brown from the 16 Planning Department placed us in contact with Mr. Caicedo 17 from Heritage Care, who in turned forwarded our concerns to 18 the NMS administrative team as of September 28th there were 19 to be no delivery trucks arriving before 8 o'clock in the 20 morning. I'm happy to say that this has been a wonderful 21 relief. The only remaining issue in this regard which we 22 collectively missed was communicating with the trash 23 removal company but I think we can work through that 24 problem. 25 I can also provide a written copy of my statements	Page 32 1 MR. FABRITZ: In the correspondence with him. 2 MS. ROBESON: And what's your position on that? 3 Do you have a problem making it 8 o'clock? 4 MR. BOUGHNER: Deliveries after 8:00 a.m.? 5 MS. ROBESON: Truck deliveries. 6 MR. BOUGHNER: I don't have a problem with that. 7 No, we can make that work. 8 MS. ROBESON: Okay. 9 MR. RENE: And we can make that work even in spite 10 of pickup and drop-off of children? 11 MR. BOUGHNER: Yes. 12 MR. RENE: Okay. 13 MS. ROBESON: All right. Anything else you'd like 14 to say? 15 MR. FABRITZ: Only about lesser issue is to let 16 Heritage Care and NMS know that Downer Drive is a narrow 17 street. So I'd ask that you not encourage, it's public 18 parking, I understand that. But it is very constrained and 19 it serves three streets leading onto Colie Drive which in 20 turn leads to Randolph. 21 MR. BOUGHNER: Uh-huh. 22 MR. FABRITZ: Just to please keep that in mind. 23 That's my only other statement. 24 MR. BOUGHNER: Okay. 25 MS. ROBESON: Okay. Do you have any questions of
Page 31 1 to the Board, if you would wish to see them. 2 MS. ROBESON: Sure. Do you have any objection -- 3 MR. RENE: Not at all. 4 MS. ROBESON: Okay. Why don't you bring it up and 5 I'll mark it as an exhibit. It'll be Exhibit 49. 6 (Hearing Exhibit No. 49 was 7 marked for identification.) 8 MR. RENE: Just as one issue with this though. 9 MS. ROBESON: Yes. 10 MR. RENE: I haven't received a copy of this and 11 may wish to recall Mr. Boughner to speak to deliveries, 12 anticipated deliveries based on the fact that I didn't have 13 an opportunity to review this and so didn't question him 14 about. 15 MS. ROBESON: Okay. All right, that's fine. 16 MR. RENE: But we can do that after Mr. Fabritz is 17 done. 18 MS. ROBESON: All right. Anything else? Now the 19 Planning Board recommended a condition, I think they said no 20 deliveries before, oh may not occur before 6:30 a.m. But 21 you're saying 6:30 a.m. is too early? 22 MR. FABRITZ: Well that is what my recollection of 23 what the Planning Board said. I think Mr. Caicedo made it 8 24 o'clock out of courtesy. 25 MS. ROBESON: Okay.	Page 33 1 Mr. Fabritz? 2 MR. RENE: No, I think we clarified any questions 3 from our end. 4 MS. ROBESON: Okay. Do you want a minute to read 5 the testimony? I can go off the record for a couple of 6 minutes. 7 MR. RENE: I may just want to review it just in 8 case. If you can give me just a minute just to read through 9 just to make sure -- 10 MS. ROBESON: Okay. 11 MR. RENE: -- there are no other issues that I 12 should be asking Mr. Boughner about. I just want to make 13 sure there is no other. Okay. 14 MS. ROBESON: All right? 15 MR. RENE: Yes. 16 MS. ROBESON: Okay. Well this is what we have to 17 do now. I have to because there is a discrepancy in the 18 number of parking spaces and you're under, if you were over 19 the amount required that would be one thing, but you're 20 under the amount required. So I have to send it, what you 21 need to do as soon as possible is get a revised Site Plan 22 showing the two spaces for drop-off and pickup. All right. 23 And does your Site Plan show ADA spaces? 24 MR. BOUGHNER: Not indicated. I can provide. 25 MS. ROBESON: What?

Page 34 1 MR. BOUGHNER: I can provide the indication for 2 ADA. 3 MS. ROBESON: Just if you're going to need it 4 anyway when you go through the use and occupancy permit. So 5 you may just want to save yourself some trouble and show it 6 on the plan. The other thing is so if you could get an 7 updated plan to staff, how soon do you think you can do 8 that? 9 MR. BOUGHNER: 36 by 44, I can provide a digital 10 copy today. 11 MS. ROBESON: 24. I think. 12 MR. BOUGHNER: 36 by 24. 13 MS. ROBESON: You know the large -- 14 MR. BOUGHNER: The 50 percent 15 MS. ROBESON: -- there is a standard size. 16 MR. BOUGHNER: I call it 50 percent, yes, it's 36 17 by -- 18 MS. ROBESON: Yes. Okay. All right. 19 MR. BOUGHNER: Very well. I can provide a digital 20 copy today and then you know I'll get a printed copy. I can 21 probably get one dropped off at the office today. 22 MS. ROBESON: Do you have a CAD at your work? 23 MR. BOUGHNER: No, I go to Kinko's. 24 MS. ROBESON: Okay. 25 MR. BOUGHNER: Yes, I can get a copy there.	Page 36 1 thing, before I close up can someone describe the 2 landscaping because I don't think legally it's part, staff 3 held that it was part of the site design that's 4 grandfathered. I disagree it's not part of the, landscaping 5 is not part of site design. Site design is things you can't 6 change, like you know say you have a driveway access with 7 the old type radius, that would be site design. There is an 8 alternative method of compliance that says okay I've got a 9 board on board fence, I've got you know mature pine trees 10 and so because of these existing conditions they serve as a 11 sufficient buffer. So if you could just take a minute, Mr. 12 Boughner and go through what the landscaping is on the site. 13 Because I wasn't clear on what the landscaping is. Are any 14 of the parking lots landscaped? 15 MR. BOUGHNER: Yes. 16 MS. ROBESON: Okay. Can you describe the 17 landscaping of the parking lots and the landscaping on the 18 perimeter? 19 MR. BOUGHNER: Okay. The parking lot, we'll start 20 with what I call the upper parking lot which was -- 21 MS. ROBESON: Which was the east side. 22 MR. BOUGHNER: -- the east side parking lot. It 23 is actually two separate parking spots divided by a line of, 24 I don't want to go on the record what type of tree. 25 MS. ROBESON: No, we'll first give you, is it big,
Page 35 1 MS. ROBESON: Okay. 2 MR. BOUGHNER: 36 by 24. 3 MS. ROBESON: Okay. So if you can get that I have 4 to leave the record open for a certain period of time to 5 give staff time to comment on them. 6 MR. BOUGHNER: Uh-huh. 7 MS. ROBESON: And the two things what I would like 8 is a statement from Miss -- 9 MR. RENE: Bailey? 10 MS. ROBESON: Yes. The one that couldn't come in. 11 MR. RENE: Yes. 12 MS. ROBESON: That is going to be the operator 13 telling me how she's going to enforce this limitation on how 14 many can drop off and pick up. Now copies have to go to Mr. 15 Fabritz. 16 MR. RENE: Okay. 17 MS. ROBESON: All right. So what I'm going to do 18 copy me when you send the digital plan in to staff we're 19 going to need a paper copy. When you send the digital plan 20 into staff, send me and Mr. Fabritz a copy as well. All 21 right. 22 MR. BOUGHNER: Sure. 23 MS. ROBESON: Then I'm going to let staff review 24 it, staff will respond with any additional comments. I'm 25 not sure I agree with staff on your -- well that's one	Page 37 1 is it little, is it deciduous? 2 MR. BOUGHNER: Yeah, probably 18 to 24 inch base 3 trees. 4 MS. ROBESON: Okay. 5 MR. BOUGHNER: So very tall hardwood trees, and 6 that's divided down the center of both parking spots on the 7 east side. 8 MS. ROBESON: Okay. 9 MR. BOUGHNER: And then around the perimeter we 10 have a mixture of evergreens and another assortment of 11 trees, I don't know exactly what species. 12 MS. ROBESON: Okay. Now Mr. Rene sent me 13 yesterday a series of photos. If you could just come up 14 here for one second. I think these are some of them. Does 15 the landscaping show, I'm showing you Exhibit 44-A-1, if you 16 could take a look at 44-A-1. Is there landscaping shown on 17 that? 18 MR. BOUGHNER: This is our facility. 19 MS. ROBESON: Is this the landscaping, these 20 bushes? 21 MR. BOUGHNER: Yes, they are there, we've got 22 these large trees down through here. 23 MS. ROBESON: Okay. 24 MR. BOUGHNER: It doesn't, this -- 25 MS. ROBESON: So when you say these large trees,

Page 38 1 you're talking to the ones that are sort of lining the 2 middle of the picture? 3 MR. BOUGHNER: Correct. Uh-huh. 4 MS. ROBESON: Okay. So 44-A-2 can you point out 5 where your landscaping is here? 6 MR. RENE: Do you mind if I approach just so I can 7 see? 8 MS. ROBESON: Not at all. 9 MR. RENE: Okay. 10 MS. ROBESON: Everybody. 11 MR. BOUGHNER: These are the same trees as the 12 previous photo. 13 MS. ROBESON: And you're pointing to the left hand 14 side of the picture as you face it above the blue car? 15 MR. BOUGHNER: Yes. 16 MS. ROBESON: Okay. And then these, can you show 17 me that? Is that the same view? 18 MR. BOUGHNER: It's the same view, just farther 19 down Colie Drive. 20 MS. ROBESON: Okay. So around the perimeter on 21 Colie Drive you have these deciduous trees? Okay. Now did 22 you submit these to show that there are parking spots on 23 Colie Drive? 24 MR. RENE: Yes. 25 MS. ROBESON: Okay. So these are all the same	Page 40 1 the east? 2 MR. BOUGHNER: The corner of the parking lot. 3 MS. ROBESON: All the way to the corner. Okay. 4 And are there trees the whole length of the fence? 5 MR. BOUGHNER: Correct. Uh-huh. 6 MS. ROBESON: Okay. What's on Downer Drive? Do 7 you have any -- 8 MR. BOUGHNER: A couple more deciduous trees. 9 MS. ROBESON: Deciduous trees similar to the ones 10 on Colie Drive? 11 MR. BOUGHNER: Yes, very similar. 12 MS. ROBESON: Okay. Now on I'm getting, yes, on 13 the east side what's along the property boundary? 14 MR. BOUGHNER: Smaller deciduous trees. 15 MS. ROBESON: Okay. And then what about Randolph 16 Road? Is it the same type of trees on Colie Drive? 17 MR. BOUGHNER: No. There's only a couple just 18 landscaping trees, one large one on the west side of the 19 entrance drive. 20 MS. ROBESON: Okay. All right. 21 MR. BOUGHNER: This is where I was talking of the 22 parking spot on the east side is split down the center of 23 this here. 24 MS. ROBESON: And there is a line of trees through 25 there.
Page 39 1 shots. Now let me get Exhibit 48 again. So those large 2 deciduous trees were along Colie Drive on the southern 3 southeast portion of the site, correct? 4 MR. BOUGHNER: Correct. 5 MS. ROBESON: Okay. So can you describe what's on 6 the rear of the site? 7 MR. BOUGHNER: The rear of the site will be 8 approximately the same sized trees, staggered along the 9 fence line, a mixture of evergreens and -- 10 MS. ROBESON: Deciduous? 11 MR. BOUGHNER: -- deciduous, yes. 12 MS. ROBESON: Okay. And what kind of fence? How 13 tall is that fence? Do you know? 14 MR. BOUGHNER: No, I'm not sure. 15 MS. ROBESON: Is it taller than you? 16 MR. BOUGHNER: Possibly on the east parking lot 17 there is a fence here that's taller than me. I can't see 18 over that fence I know that for sure. On the northwest side 19 of the facility, I'm not sure how tall that fence is. 20 MS. ROBESON: Okay. Is the fence marked on the 21 Site Plan? 22 MR. BOUGHNER: Yes correct. 23 MS. ROBESON: Okay. 24 MR. BOUGHNER: The dotted line. 25 MS. ROBESON: Okay. And how far does it extend to	Page 41 1 MR. BOUGHNER: Uh-huh. 2 MS. ROBESON: So the middle section of parking 3 there is a -- 4 MR. BOUGHNER: A tree line. 5 MS. ROBESON: -- tree line. Okay. All right. 6 I'm going to have to ask them to review that under a 7 different legal standard. 8 MR. RENE: Okay. 9 MS. ROBESON: But it doesn't mean you know that it 10 won't, I don't know what he's going to say but it doesn't 11 mean that it won't get approved. I think you just applied 12 the wrong standard. 13 MR. RENE: And that's the standard you're looking 14 for is the alternative method of compliance? 15 MS. ROBESON: Exactly. 16 MR. RENE: Yes. 17 MS. ROBESON: 6.8.1. 18 MR. RENE: Right. Okay. If you'd like me to 19 speak to that, I possibly could. 20 MS. ROBESON: Go wild. 21 MR. RENE: Okay. Really the bottom line is, is 22 that so there is obviously four standards under -- 23 MS. ROBESON: Exactly. 24 MR. RENE: -- that provision. The first one is 25 that it must satisfy the intent of the applicable

Page 42 1 subdivision. Really the only issue I could see there being 2 with there being trees there is blockage of sunlight to 3 local residences and potentially interference with 4 groundwater for the purposes of planting. I haven't heard, 5 we've heard no objections related to that whatsoever and 6 also based on how the property is situated, you know some 7 light from sunrise to sunset is really, it's able to get 8 through. Most of the trees that we spoke of are actually 9 kind of over the top of the building itself so there's 10 really not much blockage there. 11 MS. ROBESON: But they provide, if they're over 12 the top of the building they probably screen the building 13 very well, is that correct? 14 MR. RENE: Yes. Yes, that as well, I was going to 15 touch on that point, you know, just subsequently. As far as 16 points B and C of the applicable provision, which touched on 17 modifying applicable functional results or performance 18 standards, the minimal necessary to accommodate constraints 19 and then also providing necessary mitigation alleviating 20 (phonetic sp.) any adverse impacts. I would say those 21 points don't really necessarily apply directly here since we 22 can't, the only way that we could mitigate this is by 23 cutting the trees down which I would argue that would 24 actually interfere with the intent of the subdivision and 25 certainly it's in the public interest, especially in this	Page 44 1 staff gets that, I'm going to ask staff to review it for the 2 landscaping for the alternative compliance and he's going to 3 need, since have a different numbers on the parking he's 4 going to need to just relook at that waiver section. And 5 then he'll provide comments to me. All right. So I'm going 6 to leave the record open for, I haven't had a chance to talk 7 to staff, I'll leave the record open for three weeks. I 8 don't think we're going to need it, so hopefully it won't 9 delay a decision in the case, but I'm going to leave the 10 record open for three weeks so you can get that Site Plan 11 in, I can get comments back from staff, and so today is the 12 9th, I'm going to try to have staff review the plan and 13 comment by the 23rd. All right? So you need to get it to 14 staff to give them the time to review and comment. Then I'm 15 going to give everybody, depending on what staff says, I'm 16 going to give everybody a chance to comment and that will be 17 the third week so by the 29th if anybody has anything else 18 to say they can submit it and I would also like the 19 statement from the facility manager as to how she's going to 20 enforce the drop-off and pickup, the staggered drop-off and 21 pick up. Okay. 22 MR. RENE: Okay. 23 MS. ROBESON: All right. So with that, I'm going 24 to leave the record open until October 29th. If for some 25 reason, I didn't bring my calendar with me, if for some
Page 43 1 particular subdivision to have trees that have character and 2 add character to the neighborhood. I don't think any 3 neighbors would object to the fact that there is you know, 4 this facility there with, you know, large trees around it 5 that enhance the character of the area. 6 MS. ROBESON: Okay. All right. Would you like to 7 say anything on that, Mr. Fabritz? 8 MR. FABRITZ: I can probably give some anecdotal 9 observations. The trees are very nice, they are, I think 10 cedars and they have aged over the years, so they are 11 screening properties visually are severely diminished 12 because you know recently they've been cleaned up and they 13 clear about four feet of height above the fence, which I 14 believe is around five and a half to six feet tall through 15 the northern length of the property. 16 MS. ROBESON: Okay. 17 MR. FABRITZ: So for my personal taste, I cannot 18 speak for my neighbors, it's does a screening job. 19 MS. ROBESON: Okay. All right. Okay. So back to 20 what we're going to do. I need you to get a revised Site 21 Plan showing the bicycle space meeting the standards in the 22 zone. There is a section in the Zoning Ordinance and I 23 think it's Chapter 6 somewhere that tells you what the 24 bicycle spaces have to be like. And I also need you to mark 25 off the spaces for the drop-off and pickup and then once	Page 45 1 reason that falls on a Saturday or a holiday then it would 2 just be the following, everything would be due the following 3 business day. All right. So everybody clear? Well I do 4 appreciate you all coming and I'll look forward to getting 5 the plans. Thank you. 6 MR. BOUGHNER: Thank you. 7 MR. RENE: Thank you. 8 MR. FABRITZ: Thank you. 9 MR. RENE: Do you have an e-mail address where we 10 can send this? 11 MR. FABRITZ: Yes. 12 (Whereupon, at 10:25 a.m., the hearing was 13 concluded.) 14 15 16 17 18 19 20 21 22 23 24 25

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that
the attached pages represent an accurate transcript of the
electronic sound recording of the proceedings before the
Office of Zoning and Administrative Hearings for Montgomery
County in the matter of:

Petition of Heritage Care, Inc.

Case No. CU 15-07

By:

Diane Wilson, Transcriber

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