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Transcript of Hearing

Date: June 12, 2017

Case: Nichols Development Company, LLC, In Re:

Planet Depos

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1 (1 to 4)

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2 (5 to 8)

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| <p>5</p> <p>1 LYNN A. ROBESON: Well you have to go, if it needs to 2 be notarized and our notary just retired so you have to go 3 to Ms. (inaudible) in the Board of Appeals Office. I don't 4 see it in the record but I just glanced. So we are going to 5 need that.</p> <p>6 FRANCOISE M. CARRIER: Does that need to be submitted 7 today?</p> <p>8 LYNN A. ROBESON: It can be submitted later if you 9 wish. I can leave the record open to get it.</p> <p>10 FRANCOISE M. CARRIER: Typically, do you leave the 11 record open for 10 days for the transcript?</p> <p>12 LYNN A. ROBESON: Right.</p> <p>13 FRANCOISE M. CARRIER: So we will submit it in the 14 next couple of days. I apologize that we don't have it 15 today.</p> <p>16 LYNN A. ROBESON: Ok. With that just so you know there 17 is an order to the proceeding. The applicant's witnesses, 18 there is an opening statement that is not time for 19 testimony that is just what you are going to show. You 20 don't have to make the opening statement. The applicant 21 goes first with its witnesses. You have a chance to respond 22 and the applicant gets rebuttal right and then you get 23 (inaudible) rebuttal. The application is governed by the 24 State Law and the Montgomery County Zoning Ordinance. The 25 findings that the Hearing Examiner has to make are listed</p> | <p>7</p> <p>1 LYNN A. ROBESON: I need to get through this hearing. 2 Trust me there will be other breaks.</p> <p>3 FRANCOISE M. CARRIER: Ok.</p> <p>4 LYNN A. ROBESON: We are under a duty to streamline 5 our proceedings. Alright. So she is going to make you a 6 copy of the statement. Does anyone have any other 7 preliminary matters? Ok I have a couple, some of which I 8 have sent you already and you responded. My major concern 9 looking through the findings that I have to make is that 10 you are showing unjustified, as staff put it, encroachment 11 into the stream valley buffer and that you know you can 12 leave a lot I agree, to preliminary plan and site plan but 13 there is a threshold finding plus the masterplan. I reread 14 the masterplan over the weekend and they have a pretty 15 strong emphasis on environmental protection, watershed 16 protection, and so I would like you to address that as well 17 as some of the other issues.</p> <p>18 FRANCOISE M. CARRIER: We are prepared to do so.</p> <p>19 LYNN A. ROBESON: Ok. So that is my preliminary 20 comment. So we will- Do you want to present an opening 21 statement? Does anybody want to present an opening 22 statement?</p> <p>23 FRANCOISE M. CARRIER: I will just state briefly that 24 we are bringing what we think is a very positive 25 development for Ashton, we think that it is very much</p> |
| <p>6</p> <p>1 in the Planning Staff Report. Have you had, why don't you 2 identify yourselves for the record please.</p> <p>3 THEDA MEYER: I am Theda Meyer. My husband Fred and I 4 own the property adjoining the 17825 Border Road.</p> <p>5 LYNN A. ROBESON: Ok. I need your address.</p> <p>6 THEDA MEYER: I currently live at 1825 Utah Place that 7 we own, (inaudible).</p> <p>8 LYNN A. ROBESON: And that is your same address and 9 can you state your name for the record?</p> <p>10 FREDERICK WILLIAM MEYER: Yes. It is Frederick William 11 Meyer. (Inaudible)</p> <p>12 LYNN A. ROBESON: And have you had the opportunity to 13 review the Staff Report?</p> <p>14 FREDERICK WILLIAM MEYER: No.</p> <p>15 LYNN A. ROBESON: Ok. What I am going to do is the 16 criteria for approval are set out in the Staff Report. I am 17 going to lend you my copy and we are just going to take a 2 18 minute, the microphone is broken, so we are going to take a 19 2 minute break. I am going to have Staff make a copy for 20 your own use and take a look at that and we will be right 21 back. Are we ready?</p> <p>22 FRANCOISE M. CARRIER: Ms. Robeson.</p> <p>23 LYNN A. ROBESON: Yeah.</p> <p>24 FRANCOISE M. CARRIER: Can I request an additional 25 recess so that my client can speak with these witnesses?</p> | <p>8</p> <p>1 consistent with the Olney Sandy Spring Ashton Masterplan 2 and that it is really the kind of development that Ashton 3 needs to serve the really the future development of the 4 area and we saw that there was a letter from the local 5 civic association in opposition but there is also a lot of 6 letters in support. We held 3 community meetings or 7 participated in 3, held 1 of them ourselves and had a great 8 deal of community support which we are very pleased with 9 and we have witnesses who are prepared to present evidence 10 that I believe will fully show that the conditions required 11 in the zoning code and the environmental guidelines are 12 satisfied.</p> <p>13 LYNN A. ROBESON: Now, what- did you see the letter 14 that came in last Friday?</p> <p>15 FRANCOISE M. CARRIER: I did.</p> <p>16 LYNN A. ROBESON: Ok.</p> <p>17 FRANCOISE M. CARRIER: We will specifically address 18 the height concern that was raised in that letter and the 19 density concerns.</p> <p>20 LYNN A. ROBESON: Ok. Alright. I thought I saw Stream 21 Valley concerns too. Sounds like you are going to address 22 that too.</p> <p>23 FRANCOISE M. CARRIER: We are definitely going to 24 address that as well.</p> <p>25 LYNN A. ROBESON: Ok. With that do you want to call</p> |

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3 (9 to 12)

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| <p>9</p> <p>1 your first witness?</p> <p>2 FRANCOISE M. CARRIER: I would be happy to. I would</p> <p>3 like to call Joshua Sloan.</p> <p>4 LYNN A. ROBESON: Now I would, just a second. I would</p> <p>5 like you to take some time to review that. If you want a</p> <p>6 recess I would like them to use the recess not to talk to</p> <p>7 your client but to look at the Staff Report and</p> <p>8 unfortunately people get all the way to our hearing and</p> <p>9 have never seen the Staff Report. So I would like them to</p> <p>10 take a moment to get the Staff Report. Now we can do it,</p> <p>11 you can review the Staff Report on recess or while this</p> <p>12 witness is talking. Do you want to take a 10 minute break</p> <p>13 and look at the Staff Report? (Inaudible)Ok. Alright. Mr.</p> <p>14 Sloan. You can get up if you want. Just a second.</p> <p>15 FREDERICK WILLIAM MEYER: This is new to us. Can we ask</p> <p>16 questions during this?</p> <p>17 LYNN A. ROBESON: You will be after to after his</p> <p>18 testimony.</p> <p>19 FREDERICK WILLIAM MEYER: After the testimony.</p> <p>20 LYNN A. ROBESON: Mr. Sloan please raise your right</p> <p>21 hand. Do you solemnly affirm under penalties of perjury</p> <p>22 that the statements you are about to make are the truth,</p> <p>23 the whole truth, and nothing but the truth?</p> <p>24 JOSHUA SLOAN: Yes ma'am.</p> <p>25 LYNN A. ROBESON: Ok. Please state your name and</p> | <p>11</p> <p>1 FRANCOISE M. CARRIER: Thank you very much. Mr. Sloan,</p> <p>2 please feel free to use the exhibits that we have submitted</p> <p>3 earlier or the ones that we have brought with us during</p> <p>4 your testimony. Please give us a very general description</p> <p>5 of the project that we are proposing as part of this</p> <p>6 application.</p> <p>7 JOSHUA SLOAN: Ok. Do you want me to label these as we</p> <p>8 talk through them as exhibits?</p> <p>9 LYNN A. ROBESON: Well, are they already in the file?</p> <p>10 Are they already in exhibits?</p> <p>11 FRANCOISE M. CARRIER: All except this one.</p> <p>12 LYNN A. ROBESON: Which one, this one?</p> <p>13 JOSHUA SLOAN: This has been revised for the binding</p> <p>14 elements.</p> <p>15 LYNN A. ROBESON: Oh ok. Alright. I don't have an</p> <p>16 exhibit list here. Hold on. These are the copies so, Mr.</p> <p>17 Meyer and I am sorry I didn't get your last name?</p> <p>18 THEDA MEYER: Meyer also.</p> <p>19 LYNN A. ROBESON: Oh. Alright these are copies if you</p> <p>20 can return my original that would be helpful.</p> <p>21 THEDA MEYER: Oh I apologize.</p> <p>22 LYNN A. ROBESON: You marked it up?</p> <p>23 THEDA MEYER: I have a couple of arrows.</p> <p>24 LYNN A. ROBESON: Well I tell you what, it is alright.</p> <p>25 It is all good. Those are yours, this is mine, we are all</p> |
| <p>10</p> <p>1 address for the record.</p> <p>2 JOSHUA SLOAN: Joshua Sloan. I am the Director of</p> <p>3 Planning and Landscape Architecture with Vika Maryland at</p> <p>4 20251 Century Blvd Suite 400 Germantown Maryland, 20874.</p> <p>5 LYNN A. ROBESON: Ok.</p> <p>6 FRANCOISE M. CARRIER: Mr. Sloan, what is your</p> <p>7 profession and what professional certifications do you</p> <p>8 have?</p> <p>9 JOSHUA SLOAN: I am a landscape architect and urban</p> <p>10 planner. I have got a license as landscape architect in</p> <p>11 Virginia and Maryland. I am a certified planner by the</p> <p>12 AICP, American Institute of Certified Planners and I have</p> <p>13 environmental certifications in lead for neighborhood</p> <p>14 development and sites.</p> <p>15 LYNN A. ROBESON: If you are going to, he has</p> <p>16 testified as an expert here before. Mr. Meyer do you have</p> <p>17 any reason to- What are you going to qualify him as?</p> <p>18 FRANCOISE M. CARRIER: Land planning.</p> <p>19 LYNN A. ROBESON: Land planning.</p> <p>20 FRANCOISE M. CARRIER: Landscape architect and land</p> <p>21 planner.</p> <p>22 LYNN A. ROBESON: Ok. Do you have any reason to feel</p> <p>23 that his qualifications are not sufficient? Ok. I am going</p> <p>24 to qualify him as a land planner which he was before I</p> <p>25 believe and a landscape architect. Go ahead.</p> | <p>12</p> <p>1 good. Ok. So what is this exhibit?</p> <p>2 JOSHUA SLOAN: This would be exhibit 33.</p> <p>3 LYNN A. ROBESON: 33.</p> <p>4 JOSHUA SLOAN: The revised (inaudible) zoning plan.</p> <p>5 LYNN A. ROBESON: Any objections? Ok. I see none. Go</p> <p>6 ahead Mr. Sloan.</p> <p>7 JOSHUA SLOAN: So the project proposes looking at</p> <p>8 exhibit 33 up to 20 townhouses, open space, road</p> <p>9 improvements along Porter road, and a small mixed use</p> <p>10 building about 6800 square feet of retail at 3 units per</p> <p>11 the top floor.</p> <p>12 FRANCOISE M. CARRIER: Would you please describe the</p> <p>13 location of the property and you might want to use the</p> <p>14 aerial photograph for that.</p> <p>15 JOSHUA SLOAN: So the aerial is exhibit 11. Exhibit 11</p> <p>16 is the aerial. The property is along Olney Sandy Spring on</p> <p>17 both sides of Porter Road, south of (inaudible) Sandy</p> <p>18 Spring Road. It is about a couple hundred feet from the</p> <p>19 intersection of to the west of the intersection with New</p> <p>20 Hampshire Avenue.</p> <p>21 FRANCOISE M. CARRIER: What is the closest landmark to</p> <p>22 the west of this property?</p> <p>23 JOSHUA SLOAN: The closest landmark to the west?</p> <p>24 FRANCOISE M. CARRIER: Is there an institutional use?</p> <p>25 JOSHUA SLOAN: There is a school just to the west a</p> |

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4 (13 to 16)

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| <p>13</p> <p>1 couple hundred feet.</p> <p>2 FRANCOISE M. CARRIER: Thank you.</p> <p>3 LYNN A. ROBESON: What school is it?</p> <p>4 JOSHUA SLOAN: Sherwood High School.</p> <p>5 FRANCOISE M. CARRIER: We got a lot of volunteers.</p> <p>6 LYNN A. ROBESON: I know that is helpful but he has</p> <p>7 got to answer it but I will take it that it is Sherwood</p> <p>8 High School to the best of your knowledge?</p> <p>9 JOSHUA SLOAN: Yes. It is showing on the vicinity map</p> <p>10 on the exhibit.</p> <p>11 LYNN A. ROBESON: Ok.</p> <p>12 FRANCOISE M. CARRIER: Mr. Sloan is the applicant</p> <p>13 seeking rezoning for the entire property that is shown on</p> <p>14 these drawings or just for part of it?</p> <p>15 JOSHUA SLOAN: So, I am going to refer to-</p> <p>16 FRANCOISE M. CARRIER: You may be looking for the</p> <p>17 property description. If you can't find it there I have a</p> <p>18 small sided one you can use.</p> <p>19 JOSHUA SLOAN: So the rezoning would only apply to 2</p> <p>20 or 4 parcels and 1 part of the CRT zone to parcel. It does</p> <p>21 not apply to a lot that we propose running on. Olney Sandy</p> <p>22 Spring to the east of Porter Road.</p> <p>23 FRANCOISE M. CARRIER: Please describe the location</p> <p>24 and physical features of the site.</p> <p>25 JOSHUA SLOAN: So we haven't approved natural</p> | <p>15</p> <p>1 (inaudible) along it also but that does come along with the</p> <p>2 (inaudible) that I know of. We will be talking about and we</p> <p>3 have delineated here for this use class stream. Importantly</p> <p>4 the property has quite a significant grade change. It is</p> <p>5 about a story difference from Olney Sandy Spring Road going</p> <p>6 down about a story when you come in.</p> <p>7 LYNN A. ROBESON: How many feet is that?</p> <p>8 JOSHUA SLOAN: It is about 10 feet down when you get</p> <p>9 to the bottom of the parcel that we are proposing to remain</p> <p>10 the CR commercial residential (inaudible).</p> <p>11 FRANCOISE M. CARRIER: Mr. Sloan, would you please</p> <p>12 identify the surrounding area for this application and</p> <p>13 describe its character?</p> <p>14 JOSHUA SLOAN: So I will again refer to the aerial</p> <p>15 image. Directly to the east of the property (inaudible).</p> <p>16 LYNN A. ROBESON: Do you have anything that shows the</p> <p>17 actual, the whole are that you are going- First of all what</p> <p>18 is the boundary of the surrounding area? Let's start there.</p> <p>19 Do you have that?</p> <p>20 FRANCOISE M. CARRIER: May Mr. Sloan be permitted to</p> <p>21 the refer to the Staff Report?</p> <p>22 LYNN A. ROBESON: Sure.</p> <p>23 FRANCOISE M. CARRIER: The Staff Report has an image</p> <p>24 that shows that has a suggested surrounding area.</p> <p>25 LYNN A. ROBESON: Do you agree with that Mr. Sloan?</p> |
| <p>14</p> <p>1 resources inventory that this existing conditions is based</p> <p>2 on and I am referring to.</p> <p>3 LYNN A. ROBESON: Do you know what exhibit that is?</p> <p>4 FRANCOISE M. CARRIER: 18B. Am I allowed to help him</p> <p>5 with exhibits?</p> <p>6 LYNN A. ROBESON: Not so much but that is ok.</p> <p>7 JOSHUA SLOAN: Do you want me to label them?</p> <p>8 LYNN A. ROBESON: Only if they are not in the record.</p> <p>9 I don't need them labeled I just need to know what exhibit</p> <p>10 for the transcript.</p> <p>11 JOSHUA SLOAN: Ok. So the 2 front lots on Porter Road</p> <p>12 to the east are currently developed with a 1 story</p> <p>13 restaurant that is vacant now and there is quite a bit of</p> <p>14 parking that runs from the building up to Olney Sandy</p> <p>15 Spring. It runs around the back of the building and there</p> <p>16 is a large gravel area that encompasses a couple of the</p> <p>17 parcels. On the west side of Porter Road there is one</p> <p>18 residence and then there is a vacant parcel. It has an</p> <p>19 existing forest stand. It is quite degraded. It has a</p> <p>20 number of invasive. A lot of area that is eroded. There is</p> <p>21 a small channel stream channel on the southwest of the</p> <p>22 property. It really picks up on the west side of Porter</p> <p>23 Road where a culvert that drains the eastern properties. It</p> <p>24 comes into the property and then that travels down to the</p> <p>25 southwest corner. That area has significant erosion and</p> | <p>16</p> <p>1 JOSHUA SLOAN: I think it is fine, yes.</p> <p>2 LYNN A. ROBESON: Ok. So you agree with Staff's</p> <p>3 delineations of the boundary?</p> <p>4 JOSHUA SLOAN: Yes I do. I was just looking at it</p> <p>5 again. So unlike a conditional use my understanding is that</p> <p>6 the surrounding neighborhood is really to establish the</p> <p>7 contest of land use and general densities uses and</p> <p>8 character and I agree with that.</p> <p>9 LYNN A. ROBESON: I don't understand that. I am not</p> <p>10 aware of any differentiation between the zoning surrounding</p> <p>11 neighborhood and a conditional use surrounding</p> <p>12 neighborhood.</p> <p>13 JOSHUA SLOAN: Well there is no surrounding</p> <p>14 neighborhood required to be defined in the ordinance for</p> <p>15 rezoning.</p> <p>16 LYNN A. ROBESON: Well, it is not required and that is</p> <p>17 how the case law judges compatibility.</p> <p>18 JOSHUA SLOAN: Yes. So for compatibility comparisons I</p> <p>19 agree with them.</p> <p>20 LYNN A. ROBESON: The surrounding area in case law is</p> <p>21 the area that is going to be directly impacted by the</p> <p>22 proposed use. So I guess my question is do you agree based</p> <p>23 on that standard with Staff's delineation?</p> <p>24 JOSHUA SLOAN: My opinion it would be a little broad</p> <p>25 for direct impacts from a project this small.</p> |

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5 (17 to 20)

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| <p>17</p> <p>1 LYNN A. ROBESON: So do you have a revised surrounding</p> <p>2 area?</p> <p>3 JOSHUA SLOAN: So, they established this as 1500 foot</p> <p>4 radius.</p> <p>5 LYNN A. ROBESON: I think that is generally walking.</p> <p>6 That is what they used to define walking.</p> <p>7 JOSHUA SLOAN: Right. Quarter mile pedestrian</p> <p>8 (inaudible) I think direct impacts would be more like 1,000</p> <p>9 square feet or 1,000 feet but I think 1,500 is fine for</p> <p>10 these.</p> <p>11 LYNN A. ROBESON: Well usually you go through natural</p> <p>12 boundaries to define the well let's just- Usually you use</p> <p>13 natural boundaries to determine the finite ends of the</p> <p>14 neighborhood but-</p> <p>15 JOSHUA SLOAN: Right. There are none really here that</p> <p>16 blend themselves well. Going to the west side, going to</p> <p>17 Sherwood makes sense. To the north I would think the</p> <p>18 boundary would actually be the townhouses and the</p> <p>19 commercial development (inaudible) the properties beyond.</p> <p>20 LYNN A. ROBESON: Can you mark where that is on this</p> <p>21 exhibit? You are welcome to come up while we mark it so you</p> <p>22 can see it too. Ok you are welcome to see it. Can you</p> <p>23 characterize and why did you pick that boundary?</p> <p>24 JOSHUA SLOAN: That is the boundary where it maybe are</p> <p>25 visually seen or also where any impact from people walking</p> | <p>19</p> <p>1 lots and townhouses and then beyond that to the west is</p> <p>2 Sherwood elementary. Along the north side of Olney Sandy</p> <p>3 Spring confronting those properties that are directly to</p> <p>4 the west are some detached homes with long deep ruts near</p> <p>5 frontages.</p> <p>6 LYNN A. ROBESON: Ok.</p> <p>7 FRANCOISE M. CARRIER: Thank you. Would you please</p> <p>8 describe in more detail now what the applicant proposes</p> <p>9 for-</p> <p>10 LYNN A. ROBESON: Well wait. Sorry to interrupt. How</p> <p>11 would you characterize this area? What is the context?</p> <p>12 JOSHUA SLOAN: I would characterize it as a village in</p> <p>13 name only at this point.</p> <p>14 LYNN A. ROBESON: A village. What does that mean?</p> <p>15 JOSHUA SLOAN: The masterplan recommends they build</p> <p>16 character. So a village would be a small community, small</p> <p>17 town community with a defined center typically at a</p> <p>18 crossroads with a mix of uses, housing at a little bit</p> <p>19 higher densities, and before getting to the more rural</p> <p>20 areas.</p> <p>21 LYNN A. ROBESON: Ok. What is it actually? Not what it</p> <p>22 is going to be. What is it actually now?</p> <p>23 JOSHUA SLOAN: What it is actually right now is a</p> <p>24 crossroads with your standard retail single use buildings,</p> <p>25 surface parking, large roads.</p> |
| <p>18</p> <p>1 or riding their bikes going to the local institutional or</p> <p>2 commercial uses may go and it also ends at about where the</p> <p>3 low density zones pick up.</p> <p>4 LYNN A. ROBESON: Ok. Can you approach one more time?</p> <p>5 Do you think the boundary should include these properties</p> <p>6 on the north side of Olney Sandy Spring Road? Because they</p> <p>7 are going to get traffic impact.</p> <p>8 JOSHUA SLOAN: Ok. That is a good point. (Inaudible)</p> <p>9 LYNN A. ROBESON: Ok. Anything else?</p> <p>10 FRANCOISE M. CARRIER: Mr. Sloan, would you please</p> <p>11 describe the kinds of land uses that exist in the</p> <p>12 surrounding area that you have now defined?</p> <p>13 JOSHUA SLOAN: So to the north there is a subdivision</p> <p>14 of townhouses and a commercial development with strip</p> <p>15 retail and surface parking. To the northeast there is a new</p> <p>16 drugstore and surface parking. To the west across 650 is a</p> <p>17 mostly vacant set of parcels that surround a bank on the</p> <p>18 corner, freestanding pad site, and again surface parking</p> <p>19 and a drive through. Directly to the east on the west side</p> <p>20 of New Hampshire Avenue is a service station, an office</p> <p>21 building, a small commercial properties and institutional</p> <p>22 use church. To the south of the property there is a vacant</p> <p>23 lot and then a couple 3 or 4 single family detached homes.</p> <p>24 Directly to the west of the property (inaudible) along our</p> <p>25 property line are single family detached homes on small</p> | <p>20</p> <p>1 LYNN A. ROBESON: There is a residential component</p> <p>2 wouldn't you say?</p> <p>3 JOSHUA SLOAN: There is. So that is just at the</p> <p>4 center. The 4 quadrants really define this as the center of</p> <p>5 the village. Those are all single use, (inaudible) oriented</p> <p>6 commercial uses and then around that you have a community</p> <p>7 of townhouses, small lot detached houses, townhouses again.</p> <p>8 They start to pick up a little bit at the residential</p> <p>9 neighborhood character, the institutional use and then some</p> <p>10 low density houses to the south.</p> <p>11 LYNN A. ROBESON: Ok.</p> <p>12 FRANCOISE M. CARRIER: Would you please describe in</p> <p>13 more detail what the applicant proposes for the subject</p> <p>14 property?</p> <p>15 JOSHUA SLOAN: So again I will refer to exhibit 33</p> <p>16 which is the revised floating zone plan. The northeast part</p> <p>17 of the project would be a mixed use building. It is a</p> <p>18 building that fronts directly onto Olney Sandy Spring.</p> <p>19 LYNN A. ROBESON: Well that is not part of this</p> <p>20 project correct, this rezoning?</p> <p>21 FRANCOISE M. CARRIER: If you would Mr. Sloan, please</p> <p>22 start by describing the project only on the land that is</p> <p>23 proposed for rezoning.</p> <p>24 JOSHUA SLOAN: So the proposed rezoning will start</p> <p>25 below the proposed mixed use building will have a new</p> |

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6 (21 to 24)

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| <p>21</p> <p>1 parcel and a set of lots for townhouses. The townhouses run 2 along the east side of the property and the south side of 3 the property. They are served by a drive aisle and alley 4 that will provide parking. So these are all rear loaded 5 units. These are established to set up a central open space 6 that maximizes its area and usability for the neighborhood. 7 There are sidewalks that connect all of these properties 8 front doors to a new sidewalk along that improved section 9 of Porter Road. At the end of Porter Road along our 10 improvement area, not the area that we will be putting into 11 forest conservation there is a turnaround we assume will be 12 required a preliminary plan to provide the necessary 13 termination for the code for that road before it turns into 14 more of like a drive mile for the houses to the south. On 15 the west side there is a series of townhomes that front 16 onto Porter Road and again have sidewalks that come out to 17 the sidewalk that runs up Porter Road to Olney Sandy 18 Spring. These are also rear loaded, served by an alley that 19 runs behind the property. Then there are 4 townhouses in 20 the northwest corner. They front onto Olney Sandy Spring. 21 They are rear loaded and have access walkways to a new 22 proposed sidewalk along Olney Sandy Spring. Olney Sandy 23 Spring frontage would be improved for this sidewalk and new 24 tree plantings to remove the existing sidewalk from the 25 curb location back and provide a nicer streetscape.</p> | <p>23</p> <p>1 site layout for the project if the existing entrance to 2 Porter Road had to be shifted to be directly in line with 3 the driveway across the street. 4 JOSHUA SLOAN: So I will address really quickly. When 5 you draw the center line of Porter Road as it is proposed 6 and the center line of the road confronting where it comes 7 out we have about a 4 foot difference because of the angle 8 of the road which is slightly off perpendicular with Olney 9 Sandy Spring, Porter that is. There really is no, in my 10 mind, visual concern about that which our transportation 11 planner will speak to more of. Shifting this that 4 feet 12 would require a realignment of the existing right of way. 13 The existing right of way is what we used to base our plan 14 on and that would shift everything over a little bit to the 15 right. That would compromise the ability to grade and put 16 this building in with the covered porch, the outdoor 17 spaces, and the entrance on Olney Sandy Spring that we 18 would really like to improve the walkability and the 19 character of this property along Olney Sandy Spring. 20 Further it would also push these, (inaudible) with the 21 right away it pushes the truncation. So it significantly 22 compromises the building and the ability to grade this 23 basically, as I described it, one story down. It allows us 24 to put the parking below and behind the building using that 25 story grade as the master plan design guidelines.</p> |
| <p>22</p> <p>1 Importantly, all of this is established to set up fronts 2 along open spaces and roads to enhance the walkability of 3 the area and to maximize the open space and connectivity of 4 the open space to the units. 5 LYNN A. ROBESON: Does that (inaudible)- Does the plan 6 show the road improvements that DOT mentioned they are 7 going to required or no? 8 JOSHUA SLOAN: It does. During our development review 9 committee it does, we did have a discussion with them and 10 while they said they will provide formal comments of course 11 it is preliminary plan they did put us on notice, so to 12 speak, of a couple of things they were looking for. So we 13 wanted to address those now to make sure this was a viable 14 rezoning plan and that does include the turnaround. There 15 will be a couple design exceptions required. For example, 16 the curbs along the road that we are proposing. 17 LYNN A. ROBESON: Wait, I have one more question. I 18 read that there is a recommendation that the Porter Road 19 line up with Porter Road across the street because SHA or 20 DOT doesn't normally permit that off center access. 21 FRANCOISE M. CARRIER: If I may interject, we have a 22 transportation planner who intends to address that from a 23 transportation perspective but Mr. Sloan can certainly 24 address it and I intended to have him do so from a site 25 planning perspective with regard to how it would affect the</p> | <p>24</p> <p>1 FRANCOISE M. CARRIER: Mr. Sloan is it your 2 understanding that the applicant intends to discuss this 3 recommendation (inaudible) plan? 4 JOSHUA SLOAN: We will. We will take all of this up, 5 provide the proper site distance analysis and the turn 6 movements and everything necessary to DOT and SHA. 7 LYNN A. ROBESON: Well I guess the upset is if you are 8 not successful in convincing them what is the impact on- 9 what is the impact on what is in the zoning case not the 10 front building but what is the impact on the rezoning case? 11 FRANCOISE M. CARRIER: Would it affect the open space, 12 the number of units? 13 JOSHUA SLOAN: So we would probably have to shift this 14 road over with a proper radius to align it. 15 LYNN A. ROBESON: When you say over you are speaking 16 to the east? 17 JOSHUA SLOAN: To the east. So we would sort of S- 18 curve Porter Road to the proper horizontal requirements to 19 align it which would decrease our open space and- 20 LYNN A. ROBESON: Well it would decrease the quad but 21 you would add open- Would you still have 10% open space? 22 JOSHUA SLOAN: We probably would have 10% open space. 23 FRANCOISE M. CARRIER: Is that large open space 24 currently a little bit over 10%? 25 JOSHUA SLOAN: It is very close.</p> |

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7 (25 to 28)

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| <p>25</p> <p>1 LYNN A. ROBESON: Up or down very close?</p> <p>2 JOSHUA SLOAN: It is just a little bit over I believe.</p> <p>3 LYNN A. ROBESON: Over.</p> <p>4 FRANCOISE M. CARRIER: There were some additional</p> <p>5 points that Transportation Planning Staff raised. Ms.</p> <p>6 Robeson I did intend to bring them into a later point in</p> <p>7 the testimony but I am happy to bring them up now if you</p> <p>8 would like.</p> <p>9 LYNN A. ROBESON: No. Let's just go with the flow. Ok.</p> <p>10 FRANCOISE M. CARRIER: Mr. Sloan did you complete your</p> <p>11 description of the land uses and structures proposed the</p> <p>12 property for which rezoning is requested?</p> <p>13 LYNN A. ROBESON: I apologize for interrupting. Do you</p> <p>14 have exhibit- I can't see the fine print of that. Do you</p> <p>15 have an extra of the new one or is there anything different</p> <p>16 except the binding element?</p> <p>17 FRANCOISE M. CARRIER: Everything is the same except</p> <p>18 for the binding elements. Mr. Sloan would you please point</p> <p>19 out where the forest conservation area is proposed on that</p> <p>20 photo (inaudible)?</p> <p>21 JOSHUA SLOAN: So-</p> <p>22 LYNN A. ROBESON: Are you going to use a different</p> <p>23 exhibit for that?</p> <p>24 JOSHUA SLOAN: I am going to use a different exhibit</p> <p>25 just because it is a little bit easier to read the</p> | <p>27</p> <p>1 LYNN A. ROBESON: Where do they turn around?</p> <p>2 JOSHUA SLOAN: They would turn around at Porter Road</p> <p>3 and come back out.</p> <p>4 FRANCOISE M. CARRIER: Is there a circulation exhibit</p> <p>5 that you can use that will perhaps illustrate this?</p> <p>6 JOSHUA SLOAN: So the circulation plan is exhibit</p> <p>7 21CIII. So service vehicles will come from Onley Sandy</p> <p>8 Spring whether from the east or the west. They will turn</p> <p>9 onto Porter Road and then turn left into the parking area.</p> <p>10 They will provide their drop-off and what not in the</p> <p>11 parking area itself and then they will back out onto Porter</p> <p>12 Road and then up to Onley Sandy Springs.</p> <p>13 FRANCOISE M. CARRIER: Will there be a designated</p> <p>14 loading area?</p> <p>15 JOSHUA SLOAN: We don't propose a specific designated</p> <p>16 loading area.</p> <p>17 FRANCOISE M. CARRIER: Is there a zoning requirement</p> <p>18 for a loading area?</p> <p>19 JOSHUA SLOAN: Not for a building this size.</p> <p>20 FRANCOISE M. CARRIER: Ms. Robeson, if you would like</p> <p>21 I can give the witness a copy of the parking section zoning</p> <p>22 code if you would like that admitted to the record?</p> <p>23 LYNN A. ROBESON: No. that is ok. Thank you.</p> <p>24 FRANCOISE M. CARRIER: In your professional opinion</p> <p>25 Mr. Sloan, will the activities of the delivery trucks</p> |
| <p>26</p> <p>1 differences in the areas. You can see the forest</p> <p>2 conservation-</p> <p>3 FRANCOISE M. CARRIER: What is the name of that</p> <p>4 exhibit?</p> <p>5 JOSHUA SLOAN: This is the concept illustrative</p> <p>6 landscape. 21CV. So where we have the street valley buffer</p> <p>7 in the southwest corner of the area we are proposing to put</p> <p>8 this area into a perpetual category I conservation easement</p> <p>9 to both protect the stream this is actually although it</p> <p>10 drains from the east side the drainage that comes through</p> <p>11 and out falls at this culvert really becomes more of a</p> <p>12 stream where there is a spring head on this side of the</p> <p>13 property. So what we are proposing is to put that into</p> <p>14 category forest conservation and I don't know if we want to</p> <p>15 go into the stream valley issues now.</p> <p>16 FRANCOISE M. CARRIER: No I have a separate section of</p> <p>17 questions on that. The mixed use building is not part of</p> <p>18 the rezoning application but to paint a complete picture of</p> <p>19 the combined project I would like to ask you some questions</p> <p>20 about how it will operate. How will commercial delivery</p> <p>21 trucks access the property to serve the restaurant and</p> <p>22 retail use?</p> <p>23 JOSHUA SLOAN: Commercial deliveries will come down</p> <p>24 Porter Road and turn in to the parking behind and below the</p> <p>25 building to serve the drop-off.</p> | <p>28</p> <p>1 accessing the mixed use building have an adverse impact on</p> <p>2 the townhouses?</p> <p>3 JOSHUA SLOAN: No. we are taking care of that in a</p> <p>4 couple of ways. One the layout by the design of the</p> <p>5 location of the townhouses and then also referring back</p> <p>6 again to the concept illustrative plan, providing the</p> <p>7 proper screening on both. Probably a fence, probably</p> <p>8 evergreens so that they are protected from noise and views.</p> <p>9 LYNN A. ROBESON: That screening is going to protect</p> <p>10 from noise?</p> <p>11 JOSHUA SLOAN: What we are thinking now is that we are</p> <p>12 because we are not too far along the schematic design but</p> <p>13 by putting in a fence along this side one will have a</p> <p>14 safety concern because we have a playground so we want to</p> <p>15 fence that area off anyway. So if we did a board on board</p> <p>16 fence along this side with a nice planting on the north so</p> <p>17 that visually you have a nice planting and then a board on</p> <p>18 board fence and then the evergreen backdrop that will-</p> <p>19 LYNN A. ROBESON: What about the people across to the</p> <p>20 west?</p> <p>21 JOSHUA SLOAN: This area?</p> <p>22 LYNN A. ROBESON: No.</p> <p>23 JOSHUA SLOAN: To the west?</p> <p>24 LYNN A. ROBESON: Yes.</p> <p>25 JOSHUA SLOAN: This is a public road and so trucks and</p> |

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| <p>29</p> <p>1 cars and vehicles are anticipated. Most of these are front 2 units. Typically what we are looking to ensure that we have 3 got the 65 decibels is in their (inaudible). So we may have 4 to do something again like a wing wall which would be a 5 small fence element that comes out from the townhouse and 6 protects that ground level sound. 7 LYNN A. ROBESON: How many of these deliveries do you 8 anticipate? 9 JOSHUA SLOAN: I don't know if there are 2 restaurants 10 and a retail pad. 11 FRANCOISE M. CARRIER: Mr. Sloan you are welcome to 12 leave the question to the transportation planner if you 13 like. 14 LYNN A. ROBESON: I get to tell him what he can 15 answer. You are not the hearing examiner anymore. Ok you 16 can leave it if you want. I do have a question, where is 17 your pad site projected to be and where is the what did you 18 say there is a pad site and something else? 19 JOSHUA SLOAN: The pad side is around the property. We 20 don't have an estimate. 21 LYNN A. ROBESON: You don't. 22 JOSHUA SLOAN: No. 23 LYNN A. ROBESON: Ok. I lost my train of thought. Then 24 what about the front townhouses that are back loaded- 25 JOSHUA SLOAN: That face Onley Sandy Springs?</p> | <p>31</p> <p>1 LYNN A. ROBESON: Yeah. 2 JOSHUA SLOAN: I would love to get department of 3 transportation to agree to something like a raised 4 crosswalk or a speed bump there. That would be a design 5 exception. Otherwise, we do provide a regular crosswalk. 6 LYNN A. ROBESON: Ok. 7 FRANCOISE M. CARRIER: Across the street, across Onley 8 Sandy Springs Road there is a development that you 9 described that has a strip mall and a large quantity of 10 townhouses. Is there similar relationship on that side, on 11 that development with- 12 LYNN A. ROBESON: Where is that, on the north side? 13 FRANCOISE M. CARRIER: On the north side of Onley 14 Sandy Spring Road you may be able to see that on the aerial 15 image exhibit 11. 16 JOSHUA SLOAN: So the first string of townhouses that 17 face onto Onley Sandy Spring is similar, it is parallel to 18 Onley Sandy Spring and which puts it perpendicular to the 19 commercial shopping center. I think that is much more 20 preferred then turning the townhouses to protect them from 21 the minimal amount of action behind the retail and have 22 back perpendicular to Onley Sandy Spring where there is 23 more (inaudible)and visibility. 24 FRANCOISE M. CARRIER: Thank you Mr. Sloan. Ms. 25 Robeson I hesitate to interrupt the testimony of my witness</p> |
| <p>30</p> <p>1 LYNN A. ROBESON: Yeah. What about the impacts on 2 them? 3 JOSHUA SLOAN: Well like I said we can do 2 things. 4 One we can do special treatment of this side both at the 5 ground level with something like a wing wall or fencing 6 and/or plantings for visual screening and I actually live 7 in a very similar situation but I have my deck on the back 8 as a screen that goes up on my deck and stuff. 9 LYNN A. ROBESON: But it is not a noise attenuation. 10 JOSHUA SLOAN: Minimally. 11 LYNN A. ROBESON: Don't tell me it is a noise 12 attenuation. 13 JOSHUA SLOAN: No. it is more like a (inaudible) 14 FRANCOISE M. CARRIER: Mr. Sloan is it a usable to 15 have townhouses in a situation where they are next to a 16 public road that has a variety of vehicles on it including 17 trucks? 18 JOSHUA SLOAN: You can see to our west on the aerial 19 image that we have already mentioned there are a set of 20 townhouses that run perpendicular to the public road where 21 buildings may come again where trucks can come or whatever. 22 It is just unusual. 23 LYNN A. ROBESON: What about people crossing from the 24 western bank stick of townhouses to the open space? 25 JOSHUA SLOAN: Here? You mean across Porter Road?</p> | <p>32</p> <p>1 but there is at least one person here who would like to 2 give a short statement in support of the project and would 3 prefer not to stay for the rest of the hearing. Are you 4 amendable to an interruption for that purpose? 5 LYNN A. ROBESON: Why don't you come forward? 6 TOM DUNWOODY: Thank you. 7 LYNN A. ROBESON: Keep your questions in mind. 8 TOM DUNWOODY: Where would you like me? Here we go. 9 LYNN A. ROBESON: Please raise your right hand. Do you 10 solemnly affirm under penalties of perjury that the 11 statements you are about to make are the truth, the whole 12 truth, and nothing but the truth? 13 TOM DUNWOODY: I do. 14 LYNN A. ROBESON: Please state your name and address 15 for the record. 16 TOM DUNWOODY: My name is Tom Dunwoody. I live at 18- 17 LYNN A. ROBESON: Can you spell Dunwoody? 18 TOM DUNWOODY: Yes ma'am. 19 LYNN A. ROBESON: I am not up to guessing. 20 TOM DUNWOODY: It is not that tough of a one. 21 Dunwoody. 22 LYNN A. ROBESON: Ok. Did you say your address? 23 TOM DUNWOODY: Yes, I am going to. 18916 Celebrity 24 Lane in Sandy Spring. I have been there for 17 years. 25 LYNN A. ROBESON: Ok. Go ahead.</p> |

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| <p>33</p> <p>1 TOM DUNWOODY: I appreciate the opportunity to come in 2 and speak to you this morning. I have tried to make some 3 notes so I am somewhat logical here. As I said I have been 4 in the neighborhood. I have raised- My wife and I have 5 raised 3 children in Sandy Spring. Two have left the nest 6 but keep coming back, college and one is 13. So I have been 7 there quite some time.</p> <p>8 LYNN A. ROBESON: You are a great man then.</p> <p>9 TOM DUNWOODY: Pardon me?</p> <p>10 LYNN A. ROBESON: A 13 and then anyway, go ahead.</p> <p>11 TOM DUNWOODY: Busy. We stay busy, thank god. To me, 12 the need for a community center is overwhelming. You don't 13 have to be a genius to take a look at what is going on in 14 our greater community around Washington and Baltimore that 15 town centers, community centers whatever you want to call 16 them, it is the rage. Why is it the rage? Because people 17 are tired of running around. So for 17 years if my kids 18 wanted to go to an area where young kids can congregate 19 maybe have an ice cream cone or whatever, go to the movies 20 mom and dad are the taxis. They are going into Rockville, 21 they are going now the big rage is Rockville town center, 22 Crown Town center all makes perfect sense. That would be a 23 little overwhelming that size for Onley Sandy Spring but 24 the need and desire is still there. It is a very logical 25 direction our society is taking which is why we are driving</p> | <p>35</p> <p>1 is what they do, they produce attractive properties. I take 2 a look at what is in the community now, the CVS property 3 that was just developed and the existing Ashton Plaza. 4 These are not properties that anybody goes to. Now I 5 realize that the Ashton Plaza was developed in a time 6 period where everything was just how much concrete can we 7 pour and that was unfortunate but the CVS plaza, there is 8 no sense of community there. It is a nice building but 9 there is no fulfillment of what we are talking about in the 10 CVS plaza. Again I have been there for 17 years. I navigate 11 that road every day as does my family. Is it a somewhat 12 congested road, probably moderate by Montgomery County 13 standards? We live in Montgomery County. I have had no 14 problem coming onto that road from either direction. If you 15 come out of Christopher's Hardware obviously a right is 16 easier than a left. If you want to take a right you are 17 going to be able to go right within 10 seconds. If you want 18 to take a left you might have to be patient. You might have 19 to wait 30 or 40 seconds but to a reasonable person traffic 20 congestion is not a problem and I don't see the size of 21 this being effecting that in any way. I have come back to 22 my final statement which is this is what we need. I have 23 obviously discussed this with many of my neighbors. We all 24 built up there 17 years ago, so we are overly social. We 25 talk to each other. I haven't had one person who came to</p> |
| <p>34</p> <p>1 all over the place in our personal time. So then I take a 2 look at what is being proposed. I think what is being 3 proposed is a tremendous step in the right direction. I 4 have looked in detail at the combination of retail, 5 residential, and restaurant. Quite frankly, here we go 6 again. To go to a restaurant I am going to one of the town 7 centers that I just mentioned. I would love to go to one 2 8 minutes from my house instead of 20 to 30 minutes from my 9 house. I think the combination of everything that is being 10 proposed by Nichols Contracting gives the opportunity for 11 someone to go to a restaurant or to a retail and congregate 12 there, talk to your neighbors, be a community. So then we 13 look at what is Nichols Contracting Track record. Anybody 14 can come in and say they are going to do something. What 15 have they actually done? If you take a look at the 2 16 properties that Nichols Contracting completed 2 or 3 years 17 ago. 1 being the Nichols Building the other being currently 18 Christopher's Hardware, they are awesome. They are lovely. 19 They are exactly what a community building should look 20 like. They are very aesthetically pleasing when you drive 21 by. It is not a typical hardware store. It is somewhere you 22 would want to go. It has got a front porch, it is a 40 year 23 throwback. That is what we want in Sandy Spring and yet it 24 is a very effective building. So my point is the track 25 record for Nichols Contracting speaks to the fact that this</p> | <p>36</p> <p>1 the public hearing, looked at the plans with me have 2 anything negative to say about it. This is what we need. A 3 place to go out to dinner or our kids to go down there. 4 Hopefully there will be an ice cream shop or something in 5 one of those retail stores and someplace to sit and talk to 6 your neighbors in a nice environment. So I am 7 overwhelmingly in support of this.</p> <p>8 LYNN A. ROBESON: Thank you. Mr. And Mrs. Meyers, do 9 you have any questions of Mr. Dunwoody? I am sorry.</p> <p>10 TOM DUNWOODY: You are doing great.</p> <p>11 LYNN A. ROBESON: Do you have any questions of Mr. 12 Dunwoody?</p> <p>13 THEDA MEYER: In Sandy Spring you live off of the 14 runway or?</p> <p>15 TOM DUNWOODY: No. I live on Celebrity Lane. So I live 16 up Brook and then Celebrity is up under New Hampshire kind 17 of.</p> <p>18 THEDA MEYER: Just curious.</p> <p>19 TOM DUNWOODY: Yes ma'am.</p> <p>20 FRANCOISE M. CARRIER: May I ask Mr. Dunwoody a 21 question?</p> <p>22 LYNN A. ROBESON: Well, does it relate to where he 23 lives?</p> <p>24 FRANCOISE M. CARRIER: It was just to clarify 25 something in his testimony.</p> |

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| <p>37</p> <p>1 LYNN A. ROBESON: Well it is limited to what he had on 2 cross. 3 FRANCOISE M. CARRIER: So I guess I wasn't thinking of 4 it as my witness since I didn't question him to begin with. 5 I just wanted him to clarify the location of something he 6 mentioned but if you don't want me to ask I won't. 7 LYNN A. ROBESON: Go ahead. 8 FRANCOISE M. CARRIER: You mentioned Ashton Plaza, 9 where is that? 10 TOM DUNWOODY: Ashton Plaza is at the corner of New 11 Hampshire and 108. So from the property being discussed a 12 couple hundred yards. That is the retail space in Sandy 13 Spring Ashton and my point is if you go, you can go there 14 anytime there is no community sense to it, there is nobody 15 hanging out there, it is void of anything that would make 16 you want to do that. 17 LYNN A. ROBESON: Any further questions based on what 18 he just said? Ok. Thank you. 19 TOM DUNWOODY: Thank you for your time. 20 FRANCOISE M. CARRIER: Ms. Robeson, there are 2 other 21 gentlemen I have learned would also like to speak if that 22 is acceptable to you? 23 LYNN A. ROBESON: Do you have any objections? 24 THEDA MEYER: Nope. 25 LYNN A. ROBESON: Alright. Why don't you send in-</p> | <p>39</p> <p>1 everything. That closed roughly 8 years ago. I am not 2 exactly sure on that and there hasn't been a good place for 3 that to be. It is in disrepair, god knows what is living in 4 the building right now. So it needs to be done. Across the 5 street. So if you are coming to New Hampshire going north 6 to 108 you turn left. The first building is the gas station 7 and the next one would be the new development. Right now 8 that has just got a wire across it that people can't park 9 there and it is an eye sore. So it needs to be redone. 10 Directly across the street is the strip center with the 7- 11 11 and a couple of different restaurants in there. So we 12 are in support of it. 13 LYNN A. ROBESON: Ok. I guess what I am hearing is 14 support for the commercial building. Do you have anything 15 in particular to say about both Mr. Dunwoody and you are 16 supportive of the commercial building. Do you have 17 anything- and that is not in front of me today. Do you have 18 anything to say about the townhouse development? 19 WILLIAM RODZK: Well, I think it would go real well in 20 the neighborhood there as the other gentleman says Mr. 21 Nichols has a good track record for building good places 22 that go with the village, with the town there. So it would 23 be a good place for families. It is close to Sherwood High 24 School which is a plus and I think it would be very good. 25 LYNN A. ROBESON: Ok, what I am going to do, why don't</p> |
| <p>38</p> <p>1 Thank you Mr. Dunwoody. Good morning. Please raise your 2 right hand. Do you solemnly affirm under penalties of 3 perjury that this statement that you are about to make are 4 the truth, the whole truth, and nothing but the truth? 5 WILLIAM RODZK: I do. 6 LYNN A. ROBESON: Please state your name and address 7 for the record. 8 WILLIAM RODZK: William Rodzk. 17329 Avenleigh Drive 9 in Ashton, 20861. 10 LYNN A. ROBESON: Ok. 11 WILLIAM RODZK: So I am here in support of the 12 project. My kids have gone to Sherwood. My last one just 13 graduated last week. I hear you are 3 kids, I have had 5. 14 So that goes to my common sense part. 15 LYNN A. ROBESON: You are even braver. 16 WILLIAM RODZK: Yes ma'am 17 LYNN A. ROBESON: I am not sure I trust your 18 testimony. I am just joking. 19 WILLIAM RODZK: I have heard that. We used to go to 20 what use to be the (inaudible) constantly. There was a lot 21 of traffic there, great place, and is- 22 LYNN A. ROBESON: That was a restaurant? 23 WILLIAM RODZK: Yes ma'am. So there was a lot of 24 traffic in there. It was a great place. It was a good 25 neighborhood place. Everyone had birthday parties and</p> | <p>40</p> <p>1 I give you a chance, do you have any follow-up questions 2 and then they can just cross? 3 FRANCOISE M. CARRIER: I do not have any follow-up. 4 Thank you. 5 LYNN A. ROBESON: Ok. Mr. and Mrs. Meyers do you have 6 any questions of this witness? 7 FREDERICK WILLIAM MEYER: No. 8 LYNN A. ROBESON: No. Ok. Thank you very much. You may 9 be excused. 10 WILLIAM RODZK: Thank you. 11 LYNN A. ROBESON: I take it there is one more? 12 THEDA MEYER: One more. 13 LYNN A. ROBESON: Please raise your right hand. Do you 14 solemnly affirm under penalties of perjury that the 15 statements that you are about to make are the truth, the 16 whole truth, and nothing but the truth? 17 TOM CHRISTOPHER SR: I do. 18 LYNN A. ROBESON: Please state your name and address 19 for the record. 20 TOM CHRISTOPHER SR: My name is Thomas Christopher Sr. 21 My address is 5138 Perry Road Mount Airy Maryland, 21771. I 22 also own property and a business at 500 Onley Sandy Spring 23 Road, Sandy Spring Maryland. I am here in support of this 24 property not from a perspective of a traditional homeowner 25 with kids even though I did raise several kids in the Onley</p> |

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| <p>41</p> <p>1 area after a private moving but more so is a person who is 2 involved in the shreds for the Parking Planning Commission 3 and the relaying out of the masterplan (inaudible) area, as 4 well a business owner. My standpoint there are many things 5 to examine when you are seeing both the residential and the 6 commercial side of this. From a residential side I think 7 there is a big need for homes that are under 6-7-800,000 8 dollars which is not uncommon in the Sandy Spring Ashton 9 area. This would make more affordable alternative to a lot 10 of people to move into the area. The entire Sandy Spring 11 Ashton area would greatly benefit from a project like this. 12 Residences are needed in order to support the existing 13 businesses and the future businesses that are to come out 14 of this project and also that are such as mine. I think 15 that if you are to look at the masterplan you will see that 16 there is a good indication as to what Park and Planning 17 intended for what would be a cohesive statement 18 architecturally in that corridor. These buildings would 19 blend well with my building. The Nichols building, the yet 20 to be built Olive Branch Church, and the Sandy Spring 21 Museum. You will be creating something that would make 22 people want to stop and patronize the area and potentially 23 live there rather than just pass through. I think that in a 24 community where you have centers where you can meet, 25 gather, live it is far preferable then just having</p> | <p>43</p> <p>1 THEDA MEYER: Nope. 2 LYNN A. ROBESON: Ok. Thank you. 3 FRANCOISE M. CARRIER: Thank you very much Ms. Robeson 4 for allowing that interruption. I would like Mr. Sloan to 5 some back up. So in your earlier testimony Mr. Sloan we 6 established some background about the property and the 7 proposed project. Now I would like to ask you some 8 questions regarding the compliance with the requirements 9 for the floating zone in the County Zoning Code. First I 10 will address the Floating Zone intent statement which is 11 section 59.5.1.2. In your professional opinion does the 12 proposed project further the goals of the general plan and 13 any applicable functional masterplans? 14 JOSHUA SLOAN: Usually when we are doing projects like 15 this planning from the ground up something isn't there. we 16 looked to the general plan for general guidance on things 17 like land use transportation, environmental aspects and in 18 this case I think it does support the general plan because 19 it provides a mix of uses and provides a new building type 20 in an area that is- 21 LYNN A. ROBESON: Well this, what I am looking at only 22 provides residential right? 23 JOSHUA SLOAN: Right but it provides the townhouses 24 towards the center of the area that is supposed to have one 25 of these so called (inaudible) the general plan, the</p> |
| <p>42</p> <p>1 something like an uninhabited eye sore siting there. I was 2 in the shopping center to the north in Ashton for 17 years 3 prior to acquiring the property down the street and moving. 4 I had been in the hardware business in Montgomery County 5 for 37 years as an owner. 42 in total and 22 in the Ashton 6 Sandy Spring area. Seen a lot of changes and from the 7 standpoint of traffic there has been many things that have 8 positively affected traffic and negatively affected traffic 9 going through there. I look at what CVS and their 10 construction. One of the concerns was how that was going to 11 affect traffic. I don't know what their traffic, how it is. 12 It has to be somewhat significant in order to sustain a 13 business of that size and it hasn't really had a huge 14 impact on the traffic. In my store I have between I would 15 estimate between 300 and 800 cars a day that come in and 16 out of my store not including UPS deliveries, tractor 17 trailer deliveries which I receive many of a day and that 18 even by itself I am sure far exceeds the traffic that would 19 be coming out of this development and I don't think that 20 what we have put in has had a serious effect on the traffic 21 load on 108. But anyway, I just think that overall it would 22 be a very very nice addition to the you know, looking 23 forward to the future and building a positive area. 24 LYNN A. ROBESON: Ok thank you. Just a second. Mr. And 25 Mrs. Meyers, do you have any questions?</p> | <p>44</p> <p>1 village center is to be created. So that provides a little 2 bit of activity and vitality to the area in concert with 3 the land use recommendations along corridors for the 4 general plan. It provides the improvements to Onley Sandy 5 Spring and Porter Road which are parts of general and 6 functional plans as well as the area masterplan and it 7 provides it will provide a significant improvement in storm 8 water management which improves water quality and then 9 through mitigation that we are proposing that we will 10 discuss with Environmental Planning Staff the (inaudible) 11 quality. 12 LYNN A. ROBESON: I just noticed that your storm water 13 management is in the (inaudible) 14 JOSHUA SLOAN: Correct. Some of it is. 15 LYNN A. ROBESON: So I guess at some point do you have 16 a separate environmental witness here? 17 FRANCOISE M. CARRIER: No. Mr. Sloan is going to speak 18 about the environmental guidelines and describe like the 19 standards are and also describe some of the discussion that 20 the applicant has had with the staff at Park and Planning 21 the project has already gone through a few different 22 iterations, driven in part by this topic. So we would like 23 to describe that for the benefit of the Hearing Examiner. I 24 was trying to get through the requirements for the Floating 25 Zone before we got to the specific requirements. The</p> |

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12 (45 to 48)

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| <p>45</p> <p>1 environmental issue will come up. I was just trying to get 2 though the masterplan first but we will definitely get 3 there. 4 LYNN A. ROBESON: Yes? 5 FREDERICK WILLIAM MEYER: Since you asked earlier 6 about did we have any problems with his qualifications as a 7 land planner architect no but on environmental issues I 8 would like to know what his qualifications are because we 9 see a lot of impact to the environment based on this 10 development, the (inaudible) development (inaudible) 11 LYNN A. ROBESON: Ok. The only expertise he is 12 qualified for right here, he is not qualified as an 13 Environmental Planner. He is qualified as a Land Planner 14 and a Landscape architect. Never the less, I am going to 15 let you when it comes your time to ask questions I am going 16 to let you ask him those questions about if he is going to 17 testify as a non-expert on the environment. I am going to 18 let you ask him questions on whether what his expertise is. 19 FRANCOISE M. CARRIER: It is my intention to ask only 20 factual questions with regard to the environmental matters. 21 LYNN A. ROBESON: But it does go to the weight of his 22 testimony. 23 FRANCOISE M. CARRIER: Of course. 24 LYNN A. ROBESON: So if you can be patient for a 25 moment more and you have been very patient. I am going to</p> | <p>47</p> <p>1 that. We could dedicate the land that we needed to. 2 LYNN A. ROBESON: Ok. 3 FRANCOISE M. CARRIER: Anything else you wanted to add 4 about the Masterplan? 5 JOSHUA SLOAN: I think the only thing that we also had 6 looked at, I guess we will get into more detail is the 7 environmental issues, the conservation- 8 LYNN A. ROBESON: Yeah it has a lot of environmental 9 language. It has a whole chapter. So at some point when are 10 going to get into that? 11 FRANCOISE M. CARRIER: If you would like to do that 12 now we can do that now? 13 LYNN A. ROBESON: I will go with your- Ok keep going. 14 FRANCOISE M. CARRIER: It is absolutely fine. 15 LYNN A. ROBESON: No. Just keep going. 16 FRANCOISE M. CARRIER: I don't want you to have to 17 remain curious about that. It is an important issue. So we 18 will definitely address- 19 LYNN A. ROBESON: Well I guess- 20 FRANCOISE M. CARRIER: I was going to address the 21 townhouse height issue because height is one of the issues 22 that is addresses in the Masterplan and I wanted Mr. Sloan- 23 LYNN A. ROBESON: Go to the height because I have some 24 questions on the height. 25 FRANCOISE M. CARRIER: Ok. Mr. Sloan, what is the</p> |
| <p>46</p> <p>1 let you ask questions when it is your turn. So keep those 2 questions there. Ok? 3 FRANCOISE M. CARRIER: Ok. Mr. Sloan, in your opinion 4 is the proposed project consistent with the 1998 Sandy 5 Spring Ashton Masterplan? 6 JOSHUA SLOAN: I think it is consistent with the 7 existing Masterplan. It provides the walkable street 8 activated uses for the townhouses along Onley Sandy Spring 9 and on Porter Road. It provides the improvements to bring 10 the road up to standard and it provides the open space and 11 the little bit of activity that the Village Center is 12 proposing. 13 LYNN A. ROBESON: Well you are not in- This is- Ok. 14 Now what if- That is a state road right, Onley Sandy 15 Spring? 16 JOSHUA SLOAN: Onley Sandy Spring is a state road. 17 LYNN A. ROBESON: What if they require a diesel lane, 18 what happens to your walkability? 19 JOSHUA SLOAN: To the walkability? 20 LYNN A. ROBESON: Along the frontage. 21 JOSHUA SLOAN: It would not have an impact. You have 22 got enough room from the curb to where our frontage is and 23 the sidewalk that you could provide say a 10 foot diesel 24 lane but they would also have to remove existing 25 improvements that are in the gas station property to do</p> | <p>48</p> <p>1 maximum height that is requested on this Floating Zone Plan 2 for the townhouses? 3 JOSHUA SLOAN: The maximum height for the townhouses 4 is 40 feet which is now allowed under the recently approved 5 Zoning Text Amendment that the County Council approved 6 allowing 40 feet of height be the site plan review to 7 ensure compatibility. 8 FRANCOISE M. CARRIER: Was that- that was done through 9 a zoning text amendment to what part of zoning code? 10 JOSHUA SLOAN: The overlay zone for Ashton Sandy 11 Spring. 12 FRANCOISE M. CARRIER: And that overlay zone that ZTA 13 allowed 40 feet in height for properties in what zone? 14 JOSHUA SLOAN: In the residential zones. 15 FRANCOISE M. CARRIER: Ok. Do you believe that the 16 County Council was making a policy decision that a 40 foot 17 height was acceptable? 18 LYNN A. ROBESON: Well he doesn't know what the County 19 Council, the legislation speaks for itself. I am not going 20 to let him testify on the County Council's behalf. 21 FRANCOISE M. CARRIER: I mostly wanted to make sure 22 that it was in the record that there was a ZTA adopted very 23 recently. 24 LYNN A. ROBESON: I am fully aware. 25 FRANCOISE M. CARRIER: Ok. So let's turn to the</p> |

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13 (49 to 52)

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| <p>49</p> <p>1 environmental-</p> <p>2 LYNN A. ROBESON: Well before we leave the property is</p> <p>3 immediately to the west how tall are they?</p> <p>4 JOSHUA SLOAN: They are 2 ½ story buildings.</p> <p>5 LYNN A. ROBESON: Those 3 at the top? Is it 3</p> <p>6 buildings? Yeah.</p> <p>7 JOSHUA SLOAN: There are 3 that would overlap where</p> <p>8 our (inaudible)</p> <p>9 LYNN A. ROBESON: Ok. So they are 2 ½ stories?</p> <p>10 JOSHUA SLOAN: They vary. They are actually very</p> <p>11 difficult to see because of a lot of growth that is around</p> <p>12 them and determining their (inaudible)curious but they have</p> <p>13 2 full stories and they got what looks like, I think, some</p> <p>14 living space up in the 3rd one. (Inaudible) down the road.</p> <p>15 LYNN A. ROBESON: Now the middle one, how close is</p> <p>16 that to these townhouses?</p> <p>17 JOSHUA SLOAN: So this is the back of this house what</p> <p>18 I think is the back because this driveway comes from Onley</p> <p>19 Sandy Spring it is an along our property and it turns,</p> <p>20 there is a little shed and then there is sort of that,</p> <p>21 maybe a side of that building.</p> <p>22 LYNN A. ROBESON: But you don't know for sure?</p> <p>23 JOSHUA SLOAN: It doesn't have a really good door kind</p> <p>24 of that, it looks like a front door to me. It has some</p> <p>25 doors to the building but the deck is here. So that is kind</p> | <p>51</p> <p>1 8. So that is an 8 feet difference here and here to 4 feet</p> <p>2 down here, here, here.</p> <p>3 FRANCOISE M. CARRIER: That was not so clear to me. I</p> <p>4 am sorry-</p> <p>5 LYNN A. ROBESON: Ok. I need you to identify for the</p> <p>6 transcript it is here to here can you please identify what</p> <p>7 you are looking at and what two points you are looking at</p> <p>8 and what the grade differential is?</p> <p>9 JOSHUA SLOAN: So I am looking at the budding building</p> <p>10 to-</p> <p>11 LYNN A. ROBESON: Northern most-</p> <p>12 JOSHUA SLOAN: The northern most budding building.</p> <p>13 LYNN A. ROBESON: On the western side.</p> <p>14 JOSHUA SLOAN: On the west side.</p> <p>15 LYNN A. ROBESON: So that to what point?</p> <p>16 JOSHUA SLOAN: There are 2 contours which each</p> <p>17 represent a fall of 2 feet.</p> <p>18 LYNN A. ROBESON: I want you to go due west. I mean</p> <p>19 due east. There.</p> <p>20 JOSHUA SLOAN: So we are about, so I am going to use</p> <p>21 the, just the conditions plan that was approved in RI.</p> <p>22 There is about a given the contours there is about a 10</p> <p>23 foot differential going down from the budding building</p> <p>24 northwest building on the west side down to the existing</p> <p>25 residents which is about where the side of our building</p> |
| <p>50</p> <p>1 of like a rear but it also gives access out onto this road</p> <p>2 here. That is almost 90 feet away.</p> <p>3 LYNN A. ROBESON: Ok. Talk to me about the</p> <p>4 compatibility of- I would like your opinion on the 4 story</p> <p>5 building. How close is the top one?</p> <p>6 JOSHUA SLOAN: This is 70 something feet from their</p> <p>7 garage just the outbuilding here whatever that is, the</p> <p>8 addition.</p> <p>9 LYNN A. ROBESON: Then ok so 70. I would like you to</p> <p>10 just address why 40 feet is compatible would you ever</p> <p>11 consider a binding element reducing the townhouse, the</p> <p>12 western most townhouse on the northern most road to 35</p> <p>13 feet?</p> <p>14 FRANCOISE M. CARRIER: May I interject first to ask</p> <p>15 Mr. Sloan to please explain the impact of the topography of</p> <p>16 this site on the appearance of the height of these</p> <p>17 townhouses?</p> <p>18 JOSHUA SLOAN: Certainly from the road when you look</p> <p>19 down to these townhouses these are sitting 10 feet below</p> <p>20 Onley Sandy Spring.</p> <p>21 LYNN A. ROBESON: Right.</p> <p>22 JOSHUA SLOAN: And several feet below these buildings</p> <p>23 up here.</p> <p>24 LYNN A. ROBESON: How many feet?</p> <p>25 JOSHUA SLOAN: They are about equal. Contours 2, 4, 6,</p> | <p>52</p> <p>1 ends. So it is probably 18-24 inches down.</p> <p>2 LYNN A. ROBESON: Ok. And then the second one. The one</p> <p>3 south of the-</p> <p>4 JOSHUA SLOAN: The one just to the south coming</p> <p>5 across. That is a contour comes in and so it will vary from</p> <p>6 about almost equal to 24 inches down.</p> <p>7 LYNN A. ROBESON: So 2 feet. And the third house to</p> <p>8 the southwest.</p> <p>9 JOSHUA SLOAN: The third house is actually up on a</p> <p>10 little bit of a rise because there is a drainage culvert</p> <p>11 that is graded behind these buildings that goes down.</p> <p>12 LYNN A. ROBESON: Yes.</p> <p>13 JOSHUA SLOAN: So that is 2, 4, it is 4 feet.</p> <p>14 LYNN A. ROBESON: Ok.</p> <p>15 JOSHUA SLOAN: About 2-4 feet.</p> <p>16 LYNN A. ROBESON: Ok. So 2-4 feet in general.</p> <p>17 FRANCOISE M. CARRIER: So with that established will</p> <p>18 you please-</p> <p>19 LYNN A. ROBESON: Well it is not established but ok go</p> <p>20 ahead.</p> <p>21 FRANCOISE M. CARRIER: With that testimony in the</p> <p>22 record would you please then respond to the Hearing</p> <p>23 Examiners question about how you, whether you consider</p> <p>24 those structures to be compatible with that height</p> <p>25 differential?</p> |

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14 (53 to 56)

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| 53 | <p>1 JOSHUA SLOAN: Given the distance the amount of</p> <p>2 vegetation, the existing driveway and proposed driveway the</p> <p>3 relationship of that to what I think is the side</p> <p>4 technically.</p> <p>5 LYNN A. ROBESON: What is the front one? You think it</p> <p>6 is the side, what is the top one orientation? Is that- Can</p> <p>7 you tell?</p> <p>8 JOSHUA SLOAN: The top one does not have a direct lead</p> <p>9 walk out to Onley Sandy Spring but most of the activity</p> <p>10 takes place with a walkway that goes actually over to the</p> <p>11 sidewalk that runs perpendicular to Onley Sandy Spring on</p> <p>12 the west side of it but I would consider this a side, a</p> <p>13 front on Onley Sandy Spring.</p> <p>14 LYNN A. ROBESON: Ok.</p> <p>15 JOSHUA SLOAN: So on the top case, the northern most</p> <p>16 case you have got a side building to a side building to a</p> <p>17 side building and on the one just below it you have got a</p> <p>18 side flush rear to rear and then a rear to rear.</p> <p>19 Relationship wise that is typical having typical types of</p> <p>20 yards, having driveways and driveways next to each other.</p> <p>21 Those are compatibility, compatible in terms of the like to</p> <p>22 like relationship. Height wise-</p> <p>23 LYNN A. ROBESON: Wait. What was the like to like</p> <p>24 relationship?</p> <p>25 JOSHUA SLOAN: A side to side, a driveway to driveway,</p> | 55 | <p>1 treatments and also we can provide fencing and landscaping</p> <p>2 along that area for visual buffer and to create a</p> <p>3 psychological sense of distance.</p> <p>4 LYNN A. ROBESON: Is that one of the binding elements</p> <p>5 you added?</p> <p>6 JOSHUA SLOAN: To provide a buffer in the fencing?</p> <p>7 LYNN A. ROBESON: Yeah.</p> <p>8 JOSHUA SLOAN: No. we do not provide that.</p> <p>9 FRANCOISE M. CARRIER: Is that something you would</p> <p>10 expect if additional buffering of some kind is required at</p> <p>11 (inaudible) would the applicant be prepared to provide?</p> <p>12 JOSHUA SLOAN: Yes. We provide the more schematic</p> <p>13 design plans we will be talking to Staff about</p> <p>14 compatibility issues in more detail with façade treatments</p> <p>15 that will be part of the plan, the actual certified plan;</p> <p>16 fencing, planting materials, those kind of things.</p> <p>17 FRANCOISE M. CARRIER: Does the conceptual landscape</p> <p>18 plan include any screening in that area?</p> <p>19 JOSHUA SLOAN: It does. We do have screening but we</p> <p>20 have designed-</p> <p>21 LYNN A. ROBESON: I don't think it goes all the way to</p> <p>22 the road.</p> <p>23 FRANCOISE M. CARRIER: No.</p> <p>24 JOSHUA SLOAN: No. we didn't show this because frankly</p> <p>25 I didn't see a particular issue with compatibility here.</p> |
| 54 | <p>1 a back to back.</p> <p>2 LYNN A. ROBESON: I see. Ok go ahead.</p> <p>3 JOSHUA SLOAN: So that is your standard- the quarter</p> <p>4 road comes down like this you anticipate backs to backs and</p> <p>5 this is what we have provided. The Onley Sandy Spring where</p> <p>6 you have a corner condition you have to pick a side where</p> <p>7 you want the back and I think it is more appropriate to put</p> <p>8 the fronts on Onley Sandy Spring for the relationship, for</p> <p>9 the masterplan recommendation for the walkability, the</p> <p>10 fronts, activity that kind of thing. So again you have a</p> <p>11 side to side relationship. So those are quite compatible.</p> <p>12 There is also the height it is a 70 something feet and 90</p> <p>13 something feet and even more to the bottom. That is</p> <p>14 generous. Most of these are closer to each other although</p> <p>15 of similar heights. 40 feet from 90 feet away I don't think</p> <p>16 a decrease to 30 feet would-</p> <p>17 LYNN A. ROBESON: 35.</p> <p>18 JOSHUA SLOAN: 35 would make much of a visual</p> <p>19 difference. I think the treatment of it is the most</p> <p>20 important thing to make it compatible.</p> <p>21 FRANCOISE M. CARRIER: What do you mean by treatment?</p> <p>22 JOSHUA SLOAN: Because the architect will explain the</p> <p>23 use of materials, rooflines, windows, the articulation of</p> <p>24 the building to decrease any sense of mass. It is certainly</p> <p>25 not something that can be taken care of with those kind of</p> | 56 | <p>1 FRANCOISE M. CARRIER: When you say here Mr. Sloan</p> <p>2 could you describe that?</p> <p>3 JOSHUA SLOAN: Along the northern most townhouses that</p> <p>4 front onto 108 because of the distance, because of the</p> <p>5 amount of plantings that they have on their property but we</p> <p>6 can certainly have plantings-</p> <p>7 LYNN A. ROBESON: Well their property is not the</p> <p>8 buffer that we would consider because that can change but</p> <p>9 go ahead.</p> <p>10 JOSHUA SLOAN: Well they also have because the lot</p> <p>11 below them is a pipestone lot. They can't do much over. We</p> <p>12 have got a separation that is required by this driveway.</p> <p>13 That is their drive- both properties to the northern side.</p> <p>14 LYNN A. ROBESON: Northwestern.</p> <p>15 JOSHUA SLOAN: Northwestern have their access off of</p> <p>16 this driveway. I don't see how that could go away.</p> <p>17 LYNN A. ROBESON: No I mean any screening that you are</p> <p>18 saying is on theirs?</p> <p>19 JOSHUA SLOAN: (inaudible)</p> <p>20 LYNN A. ROBESON: Right.</p> <p>21 FRANCOISE M. CARRIER: Do you consider it necessary</p> <p>22 from a compatibility standpoint that a single family home</p> <p>23 not be able to see the side of the townhouse?</p> <p>24 JOSHUA SLOAN: No. that condition is around in this</p> <p>25 area. All of these units themselves they can see the</p> |

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15 (57 to 60)

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| <p>57</p> <p>1 townhouses that are perpendicular to the road to the west 2 and that condition exists on the north side of Porter Road 3 also. 4 LYNN A. ROBESON: Ok. Thank you. 5 FRANCOISE M. CARRIER: I would actually like to ask 6 you a few more detailed questions about the masterplan. 7 Does the masterplan have any recommendations about building 8 design? 9 JOSHUA SLOAN: It has quite a number of 10 recommendations to get to the building design. Primarily 11 the character of the buildings because it is a rural 12 village overlay there are design guidelines that are 13 enumerated in the masterplan that as we get into schematic 14 development we will work with in terms of massing the 15 creation of stoops and fronts and porches, outdoor spaces 16 and activity and doors along the road. So we have got 17 townhouses with stoops that need walks and then we can deal 18 with roof issues, landscaping, the front that will make 19 this a much more attractive front. 20 LYNN A. ROBESON: If you are taking the position that 21 fences and buffering never happen at the zoning stage I 22 just had a case where a fence was a binding element in that 23 at the zoning stage. So I am just saying you don't have, I 24 am not saying it is appropriate for this case but I don't 25 think it is out of bounds. So I just wanted to point that</p> | <p>59</p> <p>1 am just suggesting that it is not impossible and I am 2 asking you guys to think about it. That is all. Ok? 3 FRANCOISE M. CARRIER: Ok. I guess we will discuss 4 that at a recess and see if we want to come back. 5 LYNN A. ROBESON: Now are we at the stream valley 6 buffer? 7 FRANCOISE M. CARRIER: We can be. 8 LYNN A. ROBESON: Well where else do you want to go? 9 FRANCOISE M. CARRIER: I have adequate public 10 facilities including schools. I was planning to put the 11 school's test into the record. Circulation networks, land 12 use patterns. There are other findings in the Floating Zone 13 intent clause. Then there is the prerequisites. Then there 14 is the village overlay zone. Then there is the Floating 15 plan necessary findings. 16 LYNN A. ROBESON: Ok. Let me just- 17 FRANCOISE M. CARRIER: And other issues raised in your 18 email that I haven't gotten to yet. 19 LYNN A. ROBESON: Let me ask the Meyers, where are you 20 timing schedule wise? Do you have, it is going to take a 21 while to go through all of that. Do you have all day or is 22 there a particular issue you are interested in? 23 THEDA MEYER: There is actually, would it be possible 24 to take a 2 or 3 minute recess so that we can discuss- Can 25 we make it 5 or 10?</p> |
| <p>58</p> <p>1 out because I see it a thing here saying we don't, you 2 know, you got to let most of this go to site plan or 3 preliminary plan but I don't think it means that you can't 4 address it at the rezoning stage. Whether you want to 5 address it or not for various reasons but I am just 6 throwing that out there. 7 FRANCOISE M. CARRIER: Ms. Robeson with all respect we 8 did add a large number of binding elements in response to 9 your email. 10 LYNN A. ROBESON: I saw that. 11 FRANCOISE M. CARRIER: We did that to be responsive to 12 concerns that you had addressed. 13 LYNN A. ROBESON: I am not attacking. 14 FRANCOISE M. CARRIER: And I am aware that certainly 15 there are, it is not uncommon to have buffering elements 16 included at the rezoning stage. It is in my experience that 17 has happened when there are uses that are different in kind 18 or when there is something that really creates an 19 incompatible situation. It is the applicant's view that 20 this is not an incompatible situation. 21 LYNN A. ROBESON: I understand that. 22 FRANCOISE M. CARRIER: Therefore, we would prefer not 23 to the binding elements. 24 LYNN A. ROBESON: I wasn't- I am not attacking. This 25 isn't the time for closing argument. I am not attacking. I</p> | <p>60</p> <p>1 LYNN A. ROBESON: Let's make it 10 minutes and you can 2 discuss and you can take a look at the Staff Report. So we 3 will be back at 11:15. 4 THEDA MEYER: Thank you. 5 LYNN A. ROBESON: Back on the record. Is everyone 6 ready? 7 THEDA MEYER: Yes. 8 FRANCOISE M. CARRIER: Yes. 9 LYNN A. ROBESON: Ok. Do you wish- What is your 10 preference? 11 THEDA MEYER: We would like to make a statement. 12 LYNN A. ROBESON: You are sure? Well you don't have 13 to. You can disagree. 14 FREDERICK WILLIAM MEYER: I will start just saying- 15 LYNN A. ROBESON: Well wait, before you start just one 16 second. Please- Why don't we do this, why don't both of you 17 raise your right hand. Do you solemnly affirm under 18 penalties of perjury that the statements you are about to 19 make are the truth, the whole truth, and nothing but the 20 truth? 21 THEDA MEYER: Yes. 22 FREDERICK WILLIAM MEYER: Yes. 23 LYNN A. ROBESON: Ok. I think you have already gave us 24 your names and address for the record. So let's hear what 25 you have to say and if we can accommodate you we will.</p> |

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16 (61 to 64)

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| <p>61</p> <p>1 FREDERICK WILLIAM MEYER: First I will say what the 3 2 gentlemen that testified from the neighborhood about the 3 impact of the community having the retail space, restaurant 4 improved put back into place of better than it was before, 5 we are incredibly supportive of that and we would be 6 grateful of the neighborhood. 7 THEDA MEYER: Our concern is about the townhouses. 8 LYNN A. ROBESON: Yes. And that is what is the subject 9 of this today. 10 THEDA MEYER: Exactly. But in terms of the (inaudible) 11 management and the effect on our property we requested 12 there be litigation for that. 13 LYNN A. ROBESON: Can you ok- Can you tell me where 14 you're- Can you show me- Does your property- Can you go up 15 and your property is can you describe it? 16 FREDERICK WILLIAM MEYER: We have a cape cod. We have 17 lived here for- 18 THEDA MEYER: Over 30 years. 19 FREDERICK WILLIAM MEYER: Over 30 years. 20 LYNN A. ROBESON: And it is immediately south of the 21 eastern half, the portion east of Porter Road? 22 FREDERICK WILLIAM MEYER: That is correct. 23 LYNN A. ROBESON: Ok. 24 FREDERICK WILLIAM MEYER: So it is the adjoining lot 25 and we own the adjoining lot that is undeveloped. So south</p> | <p>63</p> <p>1 to find that that property is going to be able to support 2 20 townhouse units plus open space plus the road plus storm 3 water management. So are you saying that Mr. Nichols is- 4 Why don't you have a seat for one moment and I will ask Mr. 5 Nichols to come up? 6 FRANCOISE M. CARRIER: Might I suggest that this might 7 be clarified if we could present Mr. Sloan's testimony 8 about the environmental issues and he could describe the 9 storm water management and the situation with the 10 environmental buffer. I think he would bring information 11 that the Meyers may not be aware of. 12 LYNN A. ROBESON: Ok. Mr. And Mrs. Meyers do you mind 13 staying because it is not ok that- For my finding I need to 14 know that this property can handle its own storm water. 15 Whatever is worked out in the future unless there is a 16 binding element to do it offsite I can't look at? So what I 17 am looking at now is the Staff Report that says there is no 18 justification for encroaching on the stream valley buffer 19 at this point and I am looking at a Floating Zone plan that 20 encroaches on the stream valley proper and it is not for my 21 consideration unless it is a binding element that they will 22 put part in the storm water management on your property. So 23 if you don't mind staying we will take Mr. Sloan's 24 testimony and maybe- you've obviously had conversations 25 outside that I don't know about and that is fine but I need</p> |
| <p>62</p> <p>1 of the property. 2 LYNN A. ROBESON: Ok. So both are your properties? 3 FREDERICK WILLIAM MEYER: Both of them are our 4 property. 5 LYNN A. ROBESON: Ok. And that is the stream, there is 6 a stream valley (inaudible) 7 FREDERICK WILLIAM MEYER: There is a stream here going 8 here and that is what our concern is, is the artscaping 9 here but we understand. We have a better idea. We were 10 uninformed about what was going on with this until just 11 recently. 12 LYNN A. ROBESON: Why don't you tell me what is going 13 on there because they have got their storm water management 14 right now in the stream valley buffer? So which is not a 15 convincing place to say it is going to happen there. 16 FREDERICK WILLIAM MEYER: Well, with our property part 17 of it and that is something we have talked to Mr. Nichols 18 about we think that is going to be, that is a fair 19 mitigation for it without going into the science. 20 LYNN A. ROBESON: What is? 21 FREDERICK WILLIAM MEYER: The storm water if he 22 handles it, uses part of our property for some of that. 23 LYNN A. ROBESON: Wait. Wait. Wait. Ok. Why don't you 24 tell me exactly what you- I can't consider your property as 25 part of their problem. So they in this zoning case I have</p> | <p>64</p> <p>1 to be educated. I think it is more appropriate if you can 2 see your way to staying a little bit while we go through 3 this process so I know as much as you do. Ok? 4 FREDERICK WILLIAM MEYER: That is fine. 5 THEDA MEYER: Ok. 6 LYNN A. ROBESON: Thank you. Ok Mr. Sloan, go ahead. 7 FRANCOISE M. CARRIER: Mr. Sloan could I ask you to 8 hand out to, well first identify this document. 9 JOSHUA SLOAN: So this is a- 10 LYNN A. ROBESON: What is? 11 JOSHUA SLOAN: What I am putting up which I guess will 12 be a new exhibit into the record was part of the hearing 13 presentation to the Planning Board. 14 LYNN A. ROBESON: Yeah. 15 JOSHUA SLOAN: That we provided. 16 LYNN A. ROBESON: I am sorry- 17 FRANCOISE M. CARRIER: Could you please give another 18 copy to the Hearing Examiner. 19 LYNN A. ROBESON: I can't see it very well. Thank you. 20 Ok so I will mark this as 34. Do you have any objections to 21 this coming in? 22 FRANCOISE M. CARRIER: I have another copy if you 23 would like to see it. 24 LYNN A. ROBESON: How would you describe this? 25 JOSHUA SLOAN: This is a design evolution exhibit.</p> |

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17 (65 to 68)

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| <p>65</p> <p>1 FRANCOISE M. CARRIER: Would you describe what each of 2 these drawings should depict? 3 JOSHUA SLOAN: So this exhibit shows 3 versions of an 4 illustrative plan for the site. The one on the far left is 5 the original submit that we presented to Planning Staff and 6 it is quite similar to what we provided except for the 7 location of 3 townhomes which were put northward of the 8 stream valley buffer with a curving alley behind them which 9 specifically worked to limit our encroachments into the 10 stream valley buffer. When we presented this we sat down, 11 we spoke with staff about it and they came back and said 12 that (inaudible)meeting the letter of the law is one thing 13 but there is something about the open space that we think 14 could be improved and they suggested an alternative. 15 LYNN A. ROBESON: Is that B? 16 JOSHUA SLOAN: Which is the second exhibit. 17 LYNN A. ROBESON: The middle one? 18 JOSHUA SLOAN: The middle one. And in further 19 discussions we agreed with them that there could be a 20 better way to reconfigure the open space but we went 21 through a lot of discussion about basically the 22 incompatible and inefficient situation that they proposed 23 with the backs of townhomes to the back of our retail put 24 those retailer introverted. 25 LYNN A. ROBESON: Why are micro- if you say as the</p> | <p>67</p> <p>1 that where we flipped our 3 units back down and did as our 2 submitted plan shows bring the dry valley off of Porter 3 Road where it would be in the stream valley buffer. So that 4 was the proposal that we put forward and submitted and I 5 think what Staff said is that justification hasn't been 6 provided so far but they would look at it. 7 LYNN A. ROBESON: But that is a threshold finding. 8 There is not that many things you have to prove on rezoning 9 but that is one of them. 10 JOSHUA SLOAN: Right. 11 FRANCOISE M. CARRIER: Mr. Sloan, may I ask you to 12 show the Hearing Examiner I believe this may be a new 13 exhibit. It is in the Staff Report but I don't believe that 14 we have previously submitted it. 15 LYNN A. ROBESON: Well if it is in the Staff Report. 16 Is it the multiple versions? 17 FRANCOISE M. CARRIER: It is the Porter Road Stream 18 Valley Buffer impact exhibit. 19 LYNN A. ROBESON: Yeah I saw that. 20 FRANCOISE M. CARRIER: It breaks down the stream 21 valley buffer impacts into smaller pieces. So I was going 22 to ask Mr. Sloan to describe that and to also describe the 23 mitigation that the applicant proposed in exchange for the 24 encroachment. 25 LYNN A. ROBESON: But nobody has even taken a look at</p> |
| <p>66</p> <p>1 Planning Board said all of these can be left for site plan 2 why are they micro designing it now? 3 JOSHUA SLOAN: They have a specific directive and 4 person in their office now who is looking at urban design 5 issues early and in detail. 6 LYNN A. ROBESON: Well, ok alright. 7 JOSHUA SLOAN: So we- 8 LYNN A. ROBESON: So they are saying you can look at 9 the urban design issues now but I can't look at the stream 10 valley buffer? 11 JOSHUA SLOAN: I don't think they are saying that. 12 Well I think- 13 LYNN A. ROBESON: I don't care where the open space 14 goes. I want you to remove this. I have never taken a 15 floating zone plan to the county council that encroaches in 16 the stream valley buffer without justification. 17 FRANCOISE M. CARRIER: Mr. Sloan would you please 18 describe- 19 LYNN A. ROBESON: Let him finish where he was going. I 20 interrupted but keep going. So you are on plan B? 21 JOSHUA SLOAN: We are on plan B, we took that idea, we 22 liked the open space and the configuration of the units and 23 relationship to the open space but we had concerns about 24 where they moved 3 units. So we took the configuration and 25 presented to the Planning Board basically a mirror image of</p> | <p>68</p> <p>1 it. 2 FRANCOISE M. CARRIER: Well, I am hesitant to say 3 things that might be better for closing argument because I 4 am not a witness. The Staff Report does indicate that they 5 intend to discuss these issues at (inaudible) 6 LYNN A. ROBESON: Well basically- 7 FRANCOISE M. CARRIER: I was surprised at the level of 8 detail that they went into in this report because these 9 issues are typically discussed at a later stage but they 10 chose to raise it. 11 LYNN A. ROBESON: I have a threshold burden to ensure, 12 I say ensure the integrity of all environmental guidelines 13 and regulations. So I don't want you to answer. I want Mr. 14 Sloan to answer. How are you going to ensure not say of 15 course we will look at it later. How are you going to 16 ensure that that stream valley buffer and all the storm 17 water management and I don't want to hear that the storm 18 water management is going to be offsite because that is not 19 what I had in front of me- 20 FRANCOISE M. CARRIER: That is not part of our 21 application. 22 LYNN A. ROBESON: Ok. So how are you going to ensure 23 that the environment is going to be protected based on that 24 plan? 25 JOSHUA SLOAN: As I described the entire site drains</p> |

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18 (69 to 72)

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| <p style="text-align: right;">69</p> <p>1 towards the southwest towards the stream and it (inaudible)</p> <p>2 in an area forest. We are providing storm water management</p> <p>3 in several locations to take care of the impervious areas</p> <p>4 of the roofs and the drives and the sidewalks. There are</p> <p>5 some areas that are in right of way that are considered as</p> <p>6 usual infrastructure improvements. There will be storm</p> <p>7 drain and other infrastructure improvements that run down</p> <p>8 the road. Those are specifically allowed in the</p> <p>9 environmental guidelines.</p> <p>10 LYNN A. ROBESON: But they only treat the road right?</p> <p>11 JOSHUA SLOAN: The pipes will actually be taking storm</p> <p>12 water from the property also and then running off site.</p> <p>13 Some will be able to go out to Onley Sandy Spring but only</p> <p>14 for these upper buildings. Most will be coming, storm water</p> <p>15 will be collected in what we have schematically laid out 3</p> <p>16 bio retention facilities that meet the state requirement</p> <p>17 for environmental site design. So we have these 3</p> <p>18 facilities at our low points to collect the impervious</p> <p>19 areas. Right now those are all preliminarily sized to meet</p> <p>20 our full environmental site design requirement on our site</p> <p>21 and as you-</p> <p>22 LYNN A. ROBESON: Where are they in the road and then</p> <p>23 at the bottom? But that is what is running into the stream</p> <p>24 valley proper.</p> <p>25 FRANCOISE M. CARRIER: Mr. Sloan can you-</p> | <p style="text-align: right;">71</p> <p>1 done stream valley buffer impacts on many projects, not</p> <p>2 necessarily in a rezoning but what we do is we calculate</p> <p>3 the area of encroachment and then we provide a 2 to 1</p> <p>4 minimum mitigation plan.</p> <p>5 LYNN A. ROBESON: Well all I have now is a Staff</p> <p>6 Report that says it is in there without justification.</p> <p>7 JOSHUA SLOAN: Yes.</p> <p>8 LYNN A. ROBESON: The only technical staff comment</p> <p>9 except we will work it out later.</p> <p>10 JOSHUA SLOAN: We did present this, we did present</p> <p>11 this to the Planning Board and I think when the Planning</p> <p>12 Board made their recommendation-</p> <p>13 LYNN A. ROBESON: Do you need some water?</p> <p>14 JOSHUA SLOAN: Thank you. They did understand this. We</p> <p>15 went through this. We showed them the numbers. We showed</p> <p>16 them the Planning Board our strategy for mitigation through</p> <p>17 replanting nonnative invasive species removal and bank</p> <p>18 stabilization. All of which are surely needed in this area</p> <p>19 to make it a more viable ecological habitat. They looked at</p> <p>20 this and on the record stated we understand that and we</p> <p>21 think that there are, they stated on the record that there</p> <p>22 needs to be balance between the benefits and the design</p> <p>23 features for the community and the neighborhood and the new</p> <p>24 residents and the environmental issues. (Inaudible)When we</p> <p>25 do provide the detail on this will be that there will be no</p> |
| <p style="text-align: right;">70</p> <p>1 LYNN A. ROBESON: No don't, let him answer.</p> <p>2 JOSHUA SLOAN: One here and one here. Parts of these 2</p> <p>3 at the bottom southern end of our developed area are within</p> <p>4 the stream buffer. Now the section of the environmental</p> <p>5 guidelines specifically lays out basically 3 steps when you</p> <p>6 are dealing with stream buffers if you are going to</p> <p>7 encroach and that is the threshold question and that is can</p> <p>8 you avoid them by other means, can you minimize your</p> <p>9 impacts or when you can't for whatever reason and can you</p> <p>10 then provide mitigation. So it lays out those 3 things and</p> <p>11 it does call out in a specific paragraph how storm water</p> <p>12 management can be in a stream valley buffer given various</p> <p>13 environmental considerations. The things that we are really</p> <p>14 looking at are collecting the water, reducing runoff,</p> <p>15 reducing both the flow and the velocity of any runoff,</p> <p>16 collecting that through an overflow system so that water</p> <p>17 that is collected here if it gets to a certain height</p> <p>18 doesn't keep washing down but gets collected in pipes and</p> <p>19 piped out. So then the question is are we providing, do</p> <p>20 these micro bio retention anything detrimental and in fact</p> <p>21 I think we are not. We are improving water quality because</p> <p>22 we are collecting a significant amount of water which will</p> <p>23 go ground water recharge which will then actually help</p> <p>24 serve this stream head for recharge and then the mitigation</p> <p>25 is typically when we have worked with Staff and we have</p> | <p style="text-align: right;">72</p> <p>1 negative impacts.</p> <p>2 LYNN A. ROBESON: I have no- I understand. Ok.</p> <p>3 FRANCOISE M. CARRIER: Ms. Robeson, should we request</p> <p>4 from Staff some kind of-</p> <p>5 LYNN A. ROBESON: I will. Because right now I am very</p> <p>6 concerned. I have got a record- I know that you are saying</p> <p>7 you think it is justified and it may be justified but I</p> <p>8 don't have anything from Staff except we will look at it</p> <p>9 later and to me that doesn't quite get you through your</p> <p>10 threshold burden of ensuring how this is going to-</p> <p>11 FRANCOISE M. CARRIER: Satisfy.</p> <p>12 LYNN A. ROBESON: Exactly.</p> <p>13 JOSHUA SLOAN: Ok.</p> <p>14 LYNN A. ROBESON: So I will ask them for some kind of</p> <p>15 justification or to be honest I don't know why you would</p> <p>16 either that or just pull it out because in my mind pull</p> <p>17 everything out because in my mind the details of I have got</p> <p>18 10% open space that I have to make a finding on but I don't</p> <p>19 have is this does this meet the current urban design</p> <p>20 standard. That is not a finding I make. What I do look at</p> <p>21 is the impacts on adjacent property and internal safety</p> <p>22 impacts. I mean just pull it out.</p> <p>23 FRANCOISE M. CARRIER: Mr. Sloan may I ask you to give</p> <p>24 Ms. Robeson a flavor for the discussion among the Planning</p> <p>25 Board members about this issue, about the 3 different</p> |

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19 (73 to 76)

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| <p>73</p> <p>1 layouts and the environmental impact verses the urban 2 designs you just mentioned?</p> <p>3 LYNN A. ROBESON: If you prefer we can do it either 4 way. You can either pull it out or I can send them a 5 request maybe it is better rather than you repeating their 6 discussions because the transcript is not in the record. I 7 can send them a request and say I need more information on 8 either whether this is approvable or you know more 9 justification because the record right now says there is no 10 justification. I either need more justification that it is 11 approvable or I am asking them to pull it out. I can do 12 that and it is probably better coming from me then coming 13 from you. So rather than repeating their conversations 14 unless you want to bring in the transcript.</p> <p>15 FRANCOISE M. CARRIER: Would it be acceptable to the 16 Hearing Examiner to have a binding element fashioned in 17 some way that would say either the applicant would remove 18 all structures from the stream valley buffer or structures 19 and pavement I suppose you might want to add too or provide 20 whatever mitigation is required by the Planning Board at 21 site plan? I don't know if that is acceptable.</p> <p>22 LYNN A. ROBESON: You know I thought about that and I 23 think there is some basic level where I don't want to take 24 a plan that is, the plan is illustrative even though they 25 are making you do the urban design right now but I don't</p> | <p>75</p> <p>1 FRANCOISE M. CARRIER: At some point I would like the 2 chance to confer with my client about how they would like 3 to address this before today is over because there is a 4 time aspect to this. There is no telling how long it would 5 take Planning Staff to respond to your-</p> <p>6 LYNN A. ROBESON: Well I don't want him to do it- Ok. 7 Well I make them. I can refer things back and I can set a 8 deadline and they have to do it. It is not a matter of how 9 long it is going to take them to do it and I don't need a 10 full review.</p> <p>11 FRANCOISE M. CARRIER: We also don't have the 12 opportunity to come back before you once they have 13 submitted what they submit. So there is a level of 14 uncertainty that I would like to discuss with my client 15 before we finish today.</p> <p>16 LYNN A. ROBESON: Well that is fine. You are always 17 given an opportunity to comment or you can ask for another 18 hearing. You are always welcome to do that. The way we work 19 it is if we get comments from Staff you have the 20 opportunity to reply in writing to whatever Staff says. You 21 also have the opportunity to have another hearing. Now I 22 know you don't want to do that but-</p> <p>23 FRANCOISE M. CARRIER: Only because there is a time 24 element.</p> <p>25 LYNN A. ROBESON: Yes but I am not going to leave the</p> |
| <p>74</p> <p>1 want to take a plan to the council unless I know it is 2 capable of being otherwise we are just spinning our wheels 3 and it is very hard for me to determine impacts if I have 4 no clue about what is going to go on. I would prefer at 5 this point and we will see what they say to get something 6 in the record saying there is a possibility of a waiver or 7 you know justification you know apparently park and 8 planning wants to do what it wants to do. What I am hearing 9 is you are getting caught between the two of us but I do I 10 can't- at this point what I have in the record I am very 11 uncomfortable when I go in front of the council I think you 12 haven't quite got to the what gotten to the level of proof 13 you need to get to. Now whether it is you can craft a 14 binding element. I will look at that. But I am also going 15 to ask them to say I need more of a justification, well I 16 have got a record that says there is no justification. So 17 you know I can't, I am very uncomfortable taking that to 18 the council. Alright? So that is kind of where I stand on 19 it. It is conceived what you are saying is there is a 20 possibility in the rules that it can happen because the 21 rules allow some variability it sounds like but what I need 22 is something, it is a threshold burden. There are only 4 or 23 5 things you have to prove at rezoning. Unfortunately, the 24 configure of the open space is not one of them but the 25 environmental is. So I guess-</p> | <p>76</p> <p>1 record open indefinitely because I have, we have time 2 elements too.</p> <p>3 FRANCOISE M. CARRIER: I appreciate that.</p> <p>4 LYNN A. ROBESON: This is why I didn't want to recess 5 to let you talk because I am getting through this hearing 6 in one day if it kills us all. Who needs terrorism?</p> <p>7 JOSHUA SLOAN: Is there any-</p> <p>8 LYNN A. ROBESON: Well let me ask you something, how 9 about the other environmental guidelines? We have talked 10 about a waiver for storm water management but you have got 11 a road in there too. What about forest conservation?</p> <p>12 JOSHUA SLOAN: So we are providing, we will be 13 providing the bulk of our forest conservation requirement 14 by putting a category 1 easement over the southwestern 15 portion of the property around most of the stream valley 16 buffer. There might be a little bit that we do not meet by 17 protective forest and so what we are going to be doing is 18 calculating both tree canopy and landscape credit and if 19 necessary a (inaudible).</p> <p>20 LYNN A. ROBESON: Ok. How much do you think you don't, 21 just an estimate, how much do you think you are under by?</p> <p>22 JOSHUA SLOAN: It is a matter of tenths (inaudible)</p> <p>23 LYNN A. ROBESON: Tenths of an acre?</p> <p>24 JOSHUA SLOAN: Yeah.</p> <p>25 LYNN A. ROBESON: Ok. Alright.</p> |

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20 (77 to 80)

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| <p>77</p> <p>1 JOSHUA SLOAN: In regarding the approvability of 2 encroachments we will kind of wait do precedence you know 3 other cases where we have had stream valley buffer and 4 provided mitigation and gotten them approved by the 5 Planning Board. 6 LYNN A. ROBESON: I guess I will look at that. I 7 wanted, I would like to hear from Staff. 8 JOSHUA SLOAN: Ok. 9 LYNN A. ROBESON: So is there anything else on the 10 environment that you want to cover? 11 JOSHUA SLOAN: (inaudible) 12 LYNN A. ROBESON: Ok. Mr. and Mrs. Meyers if you are 13 not shell-shocked by now, do you have any questions of Mr. 14 Sloan? 15 THEDA MEYER: No. 16 LYNN A. ROBESON: I really can't consider putting the 17 storm water on your property and that is- 18 THEDA MEYER: I have a question. When you request from 19 Staff- 20 LYNN A. ROBESON: You will get a copy. Everybody that 21 has testified will get a copy. You will also have the 22 opportunity to comment. 23 THEDA MEYER: Ok. That is all (inaudible) 24 FREDERICK WILLIAM MEYER: Thank you. 25 LYNN A. ROBESON: Alright.</p> | <p>79</p> <p>1 it is compatible. 2 FRANCOISE M. CARRIER: Do they have to make a 3 masterplan finding too? 4 JOSHUA SLOAN: They have to specifically find that it 5 is compatible with the intent of the masterplan. 6 FRANCOISE M. CARRIER: Ok thank you. Would the 7 proposed project be in balance with and supported by 8 existing and planned infrastructure and applicable public 9 facilities requirements? 10 JOSHUA SLOAN: It will be. 11 LYNN A. ROBESON: Do you want to- do you have findings 12 as to schools and police and all of that? 13 FRANCOISE M. CARRIER: We are getting there. 14 LYNN A. ROBESON: Oh ok. 15 FRANCOISE M. CARRIER: I don't have anything specific 16 on police. I believe the Staff Report covered that. Would 17 you please address public water and public sewer? 18 JOSHUA SLOAN: Some of the properties are currently 19 served by both water and sewer. Some of them do not have 20 sewer yet but they are recommended in the masterplan for a 21 category change to obtain sewer connection and we are 22 processing that category change now. 23 LYNN A. ROBESON: Ok. I have a question that the 24 zoning ordinance says adequacy in public facilities and 25 doesn't that require an S3? You are S6 right? What is your</p> |
| <p>78</p> <p>1 THEDA MEYER: That is it for us. 2 LYNN A. ROBESON: Thank you for coming. 3 FRANCOISE M. CARRIER: May I ask one question of the 4 Meyers? 5 THEDA MEYER: Yes. 6 FRANCOISE M. CARRIER: Do you still live at the 7 property you own on Porter Court? 8 THEDA MEYER: No we do not. 9 FRANCOISE M. CARRIER: What is the use of the Porter 10 Court property at this point? 11 THEDA MEYER: It is vacant at this point. Our son 12 lived there until (inaudible) 13 FRANCOISE M. CARRIER: Thank you. 14 THEDA MEYER: Ok. 15 FRANCOISE M. CARRIER: Ok. I had one question left on 16 the (inaudible) 17 LYNN A. ROBESON: Is that all? I am teasing. Go ahead. 18 FRANCOISE M. CARRIER: I wish I could say so. I had 19 one question left regarding the height of the townhouses. 20 In light of the zoning text amendment that was adopted and 21 the language of the overlay zone is a 40 foot height on 22 automatically something to which a property owner is 23 entitled during the overlay zone? 24 JOSHUA SLOAN: No. the 40 foot height is only allowed 25 under site plan review when the Planning Board finds that</p> | <p>80</p> <p>1 answer to that? 2 JOSHUA SLOAN: It will require the category change, 3 yes. 4 LYNN A. ROBESON: Ok. But you haven't filed it or 5 anything? 6 JOSHUA SLOAN: We have. 7 LYNN A. ROBESON: You have? 8 JOSHUA SLOAN: Yes. 9 LYNN A. ROBESON: When do you find out about that? 10 JOSHUA SLOAN: I don't know. 11 FRANCOISE M. CARRIER: Has there been activity about 12 that application on the part of the reviewing agencies? 13 JOSHUA SLOAN: Under intake and under review I don't 14 believe so. 15 FRANCOISE M. CARRIER: But it is under review? 16 JOSHUA SLOAN: It is under review. 17 FRANCOISE M. CARRIER: I am going to hand you a 18 document. I would like you to identify it if you can. 19 JOSHUA SLOAN: Subdivision staging policy results of 20 school test for fiscal year 2017. 21 FRANCOISE M. CARRIER: Can you tell from the face of 22 that document what the source of it is? 23 JOSHUA SLOAN: It is from the capital budget and 24 capital improvements program 2017. 25 FRANCOISE M. CARRIER: Can you describe what it is and</p> |

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21 (81 to 84)

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| <p>81</p> <p>1 what it says?</p> <p>2 JOSHUA SLOAN: So it lists the school test outcomes</p> <p>3 for schools that are in moratorium over 120% utilization.</p> <p>4 That is it.</p> <p>5 FRANCOISE M. CARRIER: Ok. Are there any, do you</p> <p>6 recognize any schools listed as being in the cluster that</p> <p>7 where this property is located?</p> <p>8 JOSHUA SLOAN: None of the schools are in our cluster.</p> <p>9 FRANCOISE M. CARRIER: Is this consistent with the</p> <p>10 finding on school adequacy in the Planning Staff Report?</p> <p>11 JOSHUA SLOAN: Yes it is.</p> <p>12 FRANCOISE M. CARRIER: Ms. Robeson I would ask that</p> <p>13 this document be entered into the record.</p> <p>14 LYNN A. ROBESON: Ok. How would you describe it?</p> <p>15 JOSHUA SLOAN: Just the results of school tests for</p> <p>16 fiscal year 2017.</p> <p>17 LYNN A. ROBESON: Ok. Why don't you bring it up? Thank</p> <p>18 you. That will be 35. Ok.</p> <p>19 FRANCOISE M. CARRIER: Mr. Sloan will this project be</p> <p>20 integrated into circulation networks, land use patterns,</p> <p>21 and natural features within and connected to the property?</p> <p>22 JOSHUA SLOAN: It will. The transportation network</p> <p>23 will be improved, the frontage of Onley Sandy Spring and</p> <p>24 the entrance to Porter Road will be improved. Truncation</p> <p>25 will be dedicated, an additional right of way will be</p> | <p>83</p> <p>1 the 3 townhouses, there is 20 feet.</p> <p>2 LYNN A. ROBESON: You need that for fire access?</p> <p>3 JOSHUA SLOAN: (inaudible)</p> <p>4 LYNN A. ROBESON: Ok.</p> <p>5 FRANCOISE M. CARRIER: Mr. Sloan in your professional</p> <p>6 opinion does this application encourage the appropriate use</p> <p>7 of land?</p> <p>8 JOSHUA SLOAN: It does. I think this is appropriate as</p> <p>9 the village center starts to take shape both uses-</p> <p>10 LYNN A. ROBESON: Appropriate, you mean compatible?</p> <p>11 JOSHUA SLOAN: I guess it certainly is compatible.</p> <p>12 LYNN A. ROBESON: Ok. Go ahead.</p> <p>13 FRANCOISE M. CARRIER: The phrase came from the</p> <p>14 floating zone-</p> <p>15 LYNN A. ROBESON: Right I remembered. So go ahead.</p> <p>16 JOSHUA SLOAN: Yeah. Sorry. I think it is appropriate</p> <p>17 to provide a moderate increase in density and tying it</p> <p>18 together with the nonrezoning part of the application a</p> <p>19 little bit of vitality to the village center.</p> <p>20 FRANCOISE M. CARRIER: Thank you. Continuing with the</p> <p>21 floating zone (inaudible) is it your opinion that this</p> <p>22 project will allow uses that serve a diverse and evolving</p> <p>23 population?</p> <p>24 JOSHUA SLOAN: We will. I think a key part of this and</p> <p>25 I don know if I can refer to the testimony of some of the</p> |
| <p>82</p> <p>1 dedicated both on Onley Sandy Spring and on Porter Road to</p> <p>2 bring them up with the county standards for this respective</p> <p>3 road types and new entrances will comply with any</p> <p>4 requirements. It will be under review on preliminary plan.</p> <p>5 (Inaudible) any land use patterns and certainly fits the</p> <p>6 next use of (inaudible) for the rezoning. The residential</p> <p>7 uses around the village center with moderately increased</p> <p>8 density and-</p> <p>9 FRANCOISE M. CARRIER: The third component was natural</p> <p>10 features within and connected to the property.</p> <p>11 JOSHUA SLOAN: Natural features are being taken into</p> <p>12 consideration specifically with the grading. We will be</p> <p>13 following the existing grades so that we can tie out any</p> <p>14 regrading of the property by the property edge without a</p> <p>15 significant retaining walls except for some cut, well that</p> <p>16 is not what we are rezoning. There will be some walls along</p> <p>17 the adjacent commercial properties to the northeast but</p> <p>18 otherwise following topography and natural drainage</p> <p>19 patterns.</p> <p>20 LYNN A. ROBESON: How wide are those drive aisles in</p> <p>21 the southern portion of the southeastern portion?</p> <p>22 JOSHUA SLOAN: These drive aisles are 16 feet which is</p> <p>23 the minimum allowed.</p> <p>24 LYNN A. ROBESON: They are already 16, ok.</p> <p>25 JOSHUA SLOAN: And this is- There is a section behind</p> | <p>84</p> <p>1 speakers but I am in support-</p> <p>2 LYNN A. ROBESON: Well no. just you tell me what your</p> <p>3 opinion is.</p> <p>4 JOSHUA SLOAN: This is providing a unit type that is</p> <p>5 in high demand. It is less expensive then detached houses.</p> <p>6 LYNN A. ROBESON: You mean a townhouse unit right?</p> <p>7 JOSHUA SLOAN: The townhouse unit. It will be in</p> <p>8 conjunction with the other portion that is not being</p> <p>9 rezoned, provide affordable housing for their MPDU</p> <p>10 requirements.</p> <p>11 LYNN A. ROBESON: What happens if your units go below</p> <p>12 20? Are you still going to put MPDU's on the other portion</p> <p>13 or I think 20 is the threshold for MPDUs? Are you still</p> <p>14 going to put the MPDUs?</p> <p>15 FRANCOISE M. CARRIER: I think that is something that</p> <p>16 the applicant would have to consider at that time.</p> <p>17 LYNN A. ROBESON: So possibly not.</p> <p>18 FRANCOISE M. CARRIER: It is not something that has</p> <p>19 been discussed because there is no intention of dropping</p> <p>20 below 20 in the combined project and that preliminary plan</p> <p>21 it will be the full project. So even if a townhouse unit</p> <p>22 had to drop out for some reason it would still be above 20</p> <p>23 units including the 3 multifamily units.</p> <p>24 LYNN A. ROBESON: I understand. Ok. Alright. Go ahead.</p> <p>25 JOSHUA SLOAN: Do you have any other questions?</p> |

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22 (85 to 88)

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| <p>85</p> <p>1 FRANCOISE M. CARRIER: It was what other project will 2 serve you serve, allow uses that serve a diverse and 3 evolving population? Did you finish that answer? 4 JOSHUA SLOAN: Generally. We consider townhouse units 5 in highly detached unit areas something of a missing bill 6 type unit that allows for empty nesters downsizing as well 7 as upsizing from apartments for young couples. So I think 8 it will provide that diverse market. 9 FRANCOISE M. CARRIER: Ok. I think we have already 10 discussed as much as we can today the basic assistant 11 ability requirements part of the floating zone intent 12 clause and for the last component of the floating zone 13 intent clause would it be your opinion that the buildings 14 entities and uses proposed in this project would be 15 compatible with existing land uses in the surrounding area? 16 You have already testified to this but please just a brief 17 reminder of your testimony. 18 JOSHUA SLOAN: Briefly the uses and the sizes are 19 compatible given the distances and relationships to the 20 adjacent residential detached properties. The size of the 21 unit is compatible. There are townhouses further away from 22 the village center to the west and there are townhouses to 23 the north. So it is not something unusual for this 24 neighborhood. 25 FRANCOISE M. CARRIER: Do you consider the proposed 10</p> | <p>87</p> <p>1 LYNN A. ROBESON: It should be on the sign up list. 2 FRANCOISE M. CARRIER: Ok. 3 LYNN A. ROBESON: Hopefully it is on the sign up list. 4 I think it is. Next Mr. Sloan I would like to address the 5 required findings under code section 59-5.1.3.d the 6 floating zone prerequisites. Is the property for which 7 rezoning is requested recommended for a floating zone in 8 the applicable masterplan? 9 JOSHUA SLOAN: No. it is not. 10 FRANCOISE M. CARRIER: What are the implications of 11 that? 12 JOSHUA SLOAN: For the portion that is already zoned 13 in the commercial residential area there are no specific 14 implications. For the area that is R90 there are very 15 specific limitations on what you can ask for both in terms 16 of density and building types and uses. 17 FRANCOISE M. CARRIER: Are there any prerequisites in 18 the zoning code that need to be met? 19 JOSHUA SLOAN: So for the commercial area no. for the 20 residential there are prerequisites. You have to meet 2 of 21 3 categories. They are all laid out in the Staff Report 22 which- 23 LYNN A. ROBESON: Let me ask you this on the 24 prerequisites I have read the Staff Report. Do you have and 25 this is just to so you don't have to go through every</p> |
| <p>86</p> <p>1 houses compatible with the commercial development existing 2 to the east? 3 JOSHUA SLOAN: Yes. This is a transitional use between 4 not necessarily tenths but certainly different type of use 5 with the office and gas station and the orientation spacing 6 currently designed to be compatible. We have alleys against 7 the back and we have a distance of screening already 8 provided. 9 FRANCOISE M. CARRIER: On the subject to screening, 10 during the recess we had a chance to confer and the 11 applicant is willing to add a binding element regarding 12 screening. 13 LYNN A. ROBESON: What if it is not specific and says 14 screening and/or buffering will be provided and then in 15 site plan whether it is a fence? 16 FRANCOISE M. CARRIER: That is precisely what I was 17 going to suggest. 18 LYNN A. ROBESON: Ok. 19 FRANCOISE M. CARRIER: Because then fence, trees, some 20 combination of the 2 might be developed on site plan. 21 LYNN A. ROBESON: Why don't you draft something and 22 send it to me with copies to the Meyers because they are 23 parties. 24 FRANCOISE M. CARRIER: I don't have their contact 25 information.</p> | <p>88</p> <p>1 prerequisite. Do you agree with the findings on the 2 prerequisites in the Staff Report and do you wish to adopt 3 them as your own testimony? If it is harder to do that then 4 go through them all that is up to you. I just thought it 5 might save some time. 6 JOSHUA SLOAN: No they concur with what we submitted 7 and I believe it is correct. 8 FRANCOISE M. CARRIER: Ok. Does the development 9 proposed on the portion of the property for which the 10 applicant seeks the TF zone conform to the development 11 standards for the zone which are outlined in the Staff 12 Report as well as in the statement of justification? 13 JOSHUA SLOAN: It does. 14 FRANCOISE M. CARRIER: Would you like Mr. Sloan to go 15 through the development standards for this zone? 16 LYNN A. ROBESON: Well let me just ask you is it, are 17 your findings do you have any disagreement and please speak 18 up because we will take the time if you feel it necessary. 19 Do you have any disagreement with what is in the Staff 20 Report? You can take a minute. 21 FRANCOISE M. CARRIER: About the development standards 22 particularly. 23 JOSHUA SLOAN: About the development standards 24 particularly. I agree with those. 25 LYNN A. ROBESON: Ok what about- this is the one that</p> |

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23 (89 to 92)

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| <p>89</p> <p>1 always gets me. What about the developments, the 2 requirement in 59-4.1.8 which deals with the angle of the 3 plane of the adjoining properties, can you address that? 4 Are you familiar with that compatibility- that is a 5 compatibility requirement? 6 FRANCOISE M. CARRIER: Mr. Sloan wrote that language. 7 He is very familiar with it. 8 LYNN A. ROBESON: Yeah I know. Why did you do that? 9 Just tell me why? You wouldn't believe some of the staff 10 answers I get on that. 11 JOSHUA SLOAN: So it was specifically to address 12 things like a 40 foot height being allowed next to a 30 13 foot height because the overlay zone allows you to have 14 zero footstep backs. You could theoretically put a building 15 right on your property line and if you did that a 40 foot 16 building right on your property line might have some kind 17 of issue with your neighbor. So the angular plane 18 establishes a, it ensures that compatible light and air is 19 provided to your neighbor when your zoning might be much 20 more intense than theirs. 21 LYNN A. ROBESON: Right. So what do we have here? 22 JOSHUA SLOAN: So in this case- 23 LYNN A. ROBESON: For the record I want- 24 JOSHUA SLOAN: In this case is you take the required 25 setback which there isn't one but we are providing some.</p> | <p>91</p> <p>1 consistent with the purpose of the overlay zone? 2 JOSHUA SLOAN: It is compatible with the purpose of 3 the overlay zone. It is providing the rezoning itself isn't 4 providing the next of uses but it is providing unit type 5 and a little bit of density to because I noted the increase 6 the vitality and ability for the village center to start 7 taking shape. 8 FRANCOISE M. CARRIER: Will the lots be connected to 9 community water and sewer? That has already been covered. 10 LYNN A. ROBESON: Yeah. 11 JOSHUA SLOAN: Yes they will be. 12 FRANCOISE M. CARRIER: I just wanted to make sure it 13 was in there. Does the applicant propose any of the uses 14 that are prohibited in the overlay zone? 15 JOSHUA SLOAN: No, we have provided additional 16 (inaudible) binding elements to disallow certain uses. 17 FRANCOISE M. CARRIER: Do the proposed townhouses 18 satisfy the applicable development standards of the overlay 19 zone? 20 JOSHUA SLOAN: They do. 21 FRANCOISE M. CARRIER: Does the applicant intend to 22 proceed to site plan review as required in the overlay 23 zone? 24 JOSHUA SLOAN: We certainly hope so. 25 LYNN A. ROBESON: You have no choice. You are caught.</p> |
| <p>90</p> <p>1 LYNN A. ROBESON: Well take- I think the perimeter 2 setbacks have to be set here in zoning. 3 JOSHUA SLOAN: So we have taken an 8 foot setback from 4 any lot, our lot itself to the property line as our minimum 5 as a binding element and then an additional 4 feet. So we 6 have to be at least 12 feet off. So at that point you go up 7 at the setback that is required and you go up then at the 8 building height of the adjacent property you take a 45 9 degree angle and your building has to be under that angular 10 plane. 11 LYNN A. ROBESON: And have you done that? 12 JOSHUA SLOAN: We are within that for the buildings 13 that we are building as residential properties. 14 LYNN A. ROBESON: You have actually performed that 15 calculation and you meet that calculation? 16 JOSHUA SLOAN: Well so every 5 feet off that you can 17 go 5 feet up and so if you are more than 5 feet away you 18 can be above the 35 feet. 19 LYNN A. ROBESON: Ok. Thank you. 20 FRANCOISE M. CARRIER: Now I would like to ask you a 21 few questions about compliance with the Sandy Spring Ashton 22 Rural Village Overlay Zone. You may wish to refer to the 23 Staff Report to refresh your recollection of the exact 24 requirements of the zone. They do have all the requirements 25 set out in the Staff Report. Would the proposed project be</p> | <p>92</p> <p>1 FRANCOISE M. CARRIER: We hope to get there. Does the 2 applicant seek approval for on street parking or for 3 commercial parking on residentially zoned property? 4 JOSHUA SLOAN: No. 5 FRANCOISE M. CARRIER: Ok. Next I will like to ask 6 some questions related to section 59.7.2.1.- 7 LYNN A. ROBESON: Are you sure this zoning ordinance 8 is shorter than the other one? I am just saying. 9 JOSHUA SLOAN: In number of pages. 10 FRANCOISE M. CARRIER: It is. Is is only about 1/3rd of 11 the size. 12 LYNN A. ROBESON: Yes but we will talk later about 13 this. I think we will talk later. Anyway, go ahead. 14 FRANCOISE M. CARRIER: I am just guessing at your 15 feelings about certain parts of the zoning code. 16 LYNN A. ROBESON: Well, go ahead. 17 FRANCOISE M. CARRIER: Ok. So going onto the floating 18 zone plan necessary findings. 59.7.2.1.E I am not going to 19 ask you again about the masterplan, the intent and 20 standards of the TF zone or compatibility because you have 21 already testified. 22 LYNN A. ROBESON: That is fine. I am satisfied. 23 FRANCOISE M. CARRIER: Regarding those matters. So 24 there are only a couple other things left in that section. 25 In your opinion would the proposed project further the</p> |

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24 (93 to 96)

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| <p>93</p> <p>1 public interest?</p> <p>2 JOSHUA SLOAN: I think the proposed project will</p> <p>3 further the public interest for several reasons. One the</p> <p>4 infrastructure improvements that are being proposed for</p> <p>5 transportation and for utilities. The improvements of the</p> <p>6 road frontage, the dedications of right of way, the</p> <p>7 inclusion of utility easements all of which provide</p> <p>8 connectivity of utilities to the southern properties should</p> <p>9 they ever not be developed. (Inaudible) will be there to</p> <p>10 provide housing of a different type and have the</p> <p>11 appropriate density for new residents and provide open</p> <p>12 space and as I have discussed in my opinion will benefit</p> <p>13 environmentally to the area (inaudible)</p> <p>14 FRANCOISE M. CARRIER: Thank you very much. Are you</p> <p>15 aware of any approved adjacent or nearby developments?</p> <p>16 JOSHUA SLOAN: No. nothing that is pending</p> <p>17 construction.</p> <p>18 FRANCOISE M. CARRIER: Ok. I have some additional</p> <p>19 questions related to issues raised in the planning Staff</p> <p>20 Report. Will this project comply with any applicable</p> <p>21 requirements for MPDU use?</p> <p>22 JOSHUA SLOAN: It will.</p> <p>23 FRANCOISE M. CARRIER: How do you expect that to</p> <p>24 happen?</p> <p>25 JOSHUA SLOAN: So we will provide MPDU's when it is</p> | <p>95</p> <p>1 We are 39 to 20 something to 140 feet. 145 is the longest</p> <p>2 and when we actually did this revised layout it greatly</p> <p>3 improved our access to some of these units.</p> <p>4 LYNN A. ROBESON: Because they front toward the open</p> <p>5 space.</p> <p>6 JOSHUA SLOAN: Right and they can walk directly on the</p> <p>7 sidewalk and there is no question of- addressing will be</p> <p>8 much simpler with this. We have the required raid and</p> <p>9 distances that they allow us to turn around in and now that</p> <p>10 I am thinking about it we may actually be able to do this</p> <p>11 section of driveway in 16 feet because we don't need this</p> <p>12 for turnaround anymore. We wanted to reduce our environment</p> <p>13 (inaudible) so we took our turnaround further up the road.</p> <p>14 So we might actually be able to shave 4 feet off of that.</p> <p>15 LYNN A. ROBESON: I thought that was the T turnaround.</p> <p>16 JOSHUA SLOAN: We don't need it. I forgot that we</p> <p>17 actually, this layout is better for us. They will drive</p> <p>18 down to a place where they can turnaround within 150 feet</p> <p>19 and back out. So that got us close enough to this entrance</p> <p>20 and we don't need this anymore for turnaround because when</p> <p>21 we are looking at it-</p> <p>22 LYNN A. ROBESON: You could pull it out of the stream</p> <p>23 valley proper.</p> <p>24 JOSHUA SLOAN: We could move it up 4 feet. We could</p> <p>25 get, that is a lot of square footage we could probably give</p> |
| <p>94</p> <p>1 considered as a whole, as one preliminary site plan which</p> <p>2 we assume will be jointly considered and we are working</p> <p>3 with DHCA already on how we will provide those MPDU's.</p> <p>4 FRANCOISE M. CARRIER: Ok. So I guess that answers the</p> <p>5 question. How will this project satisfy requirements for</p> <p>6 emergency vehicle access? Has that been answered to your</p> <p>7 satisfaction? I guess you discussed trucks but not</p> <p>8 emergency vehicles.</p> <p>9 JOSHUA SLOAN: Right.</p> <p>10 FRANCOISE M. CARRIER: Give us an idea of how</p> <p>11 emergency vehicles-</p> <p>12 LYNN A. ROBESON: I am most concerned with that stick</p> <p>13 of townhouses furthest to the east. How would (inaudible)</p> <p>14 get to them?</p> <p>15 JOSHUA SLOAN: So-</p> <p>16 FRANCOISE M. CARRIER: Are you referring to the fire</p> <p>17 access plan?</p> <p>18 JOSHUA SLOAN: I am. I am referring to the fire access</p> <p>19 plan.</p> <p>20 FRANCOISE M. CARRIER: Could you please indicate to</p> <p>21 the Hearing Examiner what exhibit number that is?</p> <p>22 JOSHUA SLOAN: 21CIV. So we have a list of standards</p> <p>23 that we work with the Fire Marshal's office on and we have</p> <p>24 laid out our existing turnaround areas, our dimensions. We</p> <p>25 have to be within 150 feet of the truck to any front door.</p> | <p>96</p> <p>1 back. So we do meet requirements for access.</p> <p>2 LYNN A. ROBESON: How much are you in the stream</p> <p>3 valley buffer there?</p> <p>4 JOSHUA SLOAN: So we have in the environmental</p> <p>5 strategy exhibit that we added to the record.</p> <p>6 LYNN A. ROBESON: Yeah I can't see that one. I am</p> <p>7 looking-</p> <p>8 FRANCOISE M. CARRIER: It is attached-</p> <p>9 LYNN A. ROBESON: Can you wait one minute while I find</p> <p>10 it so I know what you are talking about. Oh ok thank you.</p> <p>11 Now I don't have this marked. Is this-</p> <p>12 FRANCOISE M. CARRIER: It was attached.</p> <p>13 LYNN A. ROBESON: This is part of 34. Ok. I am going</p> <p>14 to make the design evolution 34a and the environmental</p> <p>15 strategy 34b. Ok. It is the encroachment on the west side</p> <p>16 they don't like right based on what I have read?</p> <p>17 JOSHUA SLOAN: Which is curious because we have maybe</p> <p>18 20 square feet of impervious in that area and I think a</p> <p>19 nice solution for ground water recharge and slowing down</p> <p>20 runoff there.</p> <p>21 LYNN A. ROBESON: Alright. I am sorry I didn't mean to</p> <p>22 interrupt. Ok. This probably takes care of that. Are they</p> <p>23 going to make you widen the road all the way to the I</p> <p>24 guess, the last drive mile?</p> <p>25 JOSHUA SLOAN: Yeah. We are going to have to widen the</p> |

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25 (97 to 100)

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| <p>97</p> <p>1 road to provide the proper all the terminus here with a 2 public improvement easement over part of our property. 3 LYNN A. ROBESON: So that T turnaround might have to 4 stay? 5 JOSHUA SLOAN: That will most certainly have to stay. 6 The alternative is providing a cul-de-sac which would be 7 just nuts. 8 LYNN A. ROBESON: Yeah. I doubt, that would not be 9 good (inaudible) 10 JOSHUA SLOAN: This meets code for proper terminus for 11 a public road on a hill these properties to the south they 12 have a (inaudible) they have to continue the road and then 13 this improvement would actually come back out of the stream 14 valley buffer. 15 LYNN A. ROBESON: What would come out of the stream 16 valley buffer? 17 JOSHUA SLOAN: The hammerhead piece of the road. You 18 would have a lot of other impacts. We would of course you 19 have a whole bunch of pavement but the piece that we built 20 would come back out. 21 LYNN A. ROBESON: Right. 22 FRANCOISE M. CARRIER: What sidewalk improvements does 23 the applicant propose on 108 and Porter Road? 24 JOSHUA SLOAN: On 108 we proposed to move the sidewalk 25 from its current location adjacent to the curb back so that</p> | <p>99</p> <p>1 JOSHUA SLOAN: It will. The townhouses wont 2 (inaudible) we will have parking. We will probably put a 3 couple of bike racks by the playground in the open space 4 above our own environment. 5 FRANCOISE M. CARRIER: Transportation Planning Staff 6 has also recommended providing a pedestrian connection 7 across the private property at the end of the right of way 8 extending southwest from Porter Road to Hidden Garden Lane. 9 If gravity sewer is extended through the area. Would you 10 please indicate on the aerial photo where that what that 11 would entail? I don't know if you can show it on this one. 12 JOSHUA SLOAN: So our sewer line is going to come down 13 Porter Road right of way and then there is an odd section 14 of dedicated right of way just to the south of our property 15 that is continuous with the Porter Road right of way. There 16 is no property line there. The house to the south is 17 separated by this little bit of right of way. That is where 18 our pipes will run for a storm drain. There is a manhole 19 that will be connecting to before you get to this street. 20 Strangely their right of way doesn't run all the way 21 through to the street. There is a residential property that 22 on paper at least blocks the access to the street. If 23 necessary we could put a sidewalk along that disturbed area 24 but we would rather not. We would have to get easements 25 from that adjacent property owner to do so and given the</p> |
| <p>98</p> <p>1 we could provide a proper tree panel and a new sidewalk 5 2 feet wide that lines up with the sidewalk to our west and 3 runs across our entire frontage, expands a little bit onto 4 our property by the mixed use building and then comes down 5 to the sides of Porter Road to the units so that they are 6 all accessible by pedestrians on a sidewalk. We don't 7 propose providing along our full frontage because the 8 environmental impacts that aren't necessary. 9 FRANCOISE M. CARRIER: Transportation Planning Staff 10 noted that the applicant will need to provide justification 11 for curbs and gutters on Porter Road. Can you tell us what 12 that is about? What is that related to? 13 JOSHUA SLOAN: Part of our designation for Porter Road 14 is a cursory road and while we are dedicating a full right 15 of way a standard in this area would typically require an 16 open section road which means no curves. The runoff would 17 just go to a swell and run down along the sides but we 18 think it is going to be more appropriate visually and also 19 to property collect and divert storm water into our 20 facilities. To provide a curb to provide a treatment or to 21 provide the sidewalks that are more like a village 22 neighborhood character that we would like to start 23 developing. 24 FRANCOISE M. CARRIER: Would the project comply with 25 requirements for short-term and long term bicycle parking?</p> | <p>100</p> <p>1 overall context of circulation patterns and where people 2 walk especially to get to the school to the west this is 3 not a direct root for anybody. People would walk from the 4 south or they would walk actually, it is quicker to walk up 5 to Porter Road to Onley Sandy Spring Road. 6 FRANCOISE M. CARRIER: Is this something that the 7 applicant intends to discuss further with department 8 planning a preliminary point of view? 9 JOSHUA SLOAN: We will discuss it with them. 10 LYNN A. ROBESON: Yeah I don't see the connection. I 11 don't. The Planning Board likes, your primary connectivity 12 that I am concerned about is the roadways and the 13 sidewalks. (Inaudible) 14 FRANCOISE M. CARRIER: Well you will be glad to know 15 that that completes my questions for Mr. Sloan. 16 LYNN A. ROBESON: With that I am going to break for 17 lunch. I am not like Marty I can't make it through. So we 18 will come back at 1:30 and you can discuss what- Before we 19 leave Mr. Sloan have you done any preliminary look at 20 justifying these encroachments in the stream valley buffer? 21 JOSHUA SLOAN: We have and you know I don't want to 22 voice that very much but we did provide them our strategy 23 including the 2 to 1 the area that we suggest to mitigate 24 for these encroachments. It was informal but we can do 25 something more formal.</p> |

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26 (101 to 104)

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| 101 | <p>1 LYNN A. ROBESON: Perfect. That was my question.</p> <p>2 Alright with that we will come back at 1:30 and we are off</p> <p>3 the record now. Thank you.</p> <p>4 LYNN A. ROBESON: We are back on the record.</p> <p>5 FRANCOISE M. CARRIER: Ok I would like to call</p> <p>6 Courtenay Wallace, Courtenay Dean Wallace as my next</p> <p>7 witness.</p> <p>8 LYNN A. ROBESON: Ok. Please raise your right hand. Do</p> <p>9 you solemnly affirm under penalties of perjury that the</p> <p>10 statements you are about to make are the truth, the whole</p> <p>11 truth, and nothing but the truth?</p> <p>12 COURTENAY DEAN WALLACE: Yes I do.</p> <p>13 LYNN A. ROBESON: Ok.</p> <p>14 FRANCOISE M. CARRIER: Mr. Wallace what is your</p> <p>15 profession and do you have any professional certifications?</p> <p>16 LYNN A. ROBESON: I am sorry, state your name and</p> <p>17 address.</p> <p>18 FRANCOISE M. CARRIER: Sorry. I thought you already</p> <p>19 asked him that.</p> <p>20 LYNN A. ROBESON: I know we are moving fast.</p> <p>21 COURTENAY DEAN WALLACE: My name is Courtenay Dean</p> <p>22 Wallace and my address is 12698 Scagsville Road Highland</p> <p>23 Maryland, 20777.</p> <p>24 LYNN A. ROBESON: Ok.</p> <p>25 FRANCOISE M. CARRIER: What is the name of your</p> | 103 | <p>1 which is near Boston. I was in charge of running projects</p> <p>2 day to day issues. I was in charge of design development</p> <p>3 for all the projects that were assigned to me. Schematic</p> <p>4 (inaudible) construction, administration.</p> <p>5 FRANCOISE M. CARRIER: What kind of projects did you</p> <p>6 work on?</p> <p>7 COURTENAY DEAN WALLACE: I worked on some historic</p> <p>8 renovations, multifamily, and some condominium projects.</p> <p>9 FRANCOISE M. CARRIER: How long were you with the</p> <p>10 architectural team?</p> <p>11 COURTENAY DEAN WALLACE: I was with them for 6 years.</p> <p>12 FRANCOISE M. CARRIER: Where did you work after that?</p> <p>13 COURTENAY DEAN WALLACE: At Bergmeyer Associates which</p> <p>14 is located in Boston Massachusetts.</p> <p>15 FRANCOISE M. CARRIER: What was your position and your</p> <p>16 (inaudible) responsibilities?</p> <p>17 COURTENAY DEAN WALLACE: I was a project architect and</p> <p>18 designer there. I was in charge of design and development</p> <p>19 there as well creating project budgets for clients, meeting</p> <p>20 with clients. Basically everything from schematic design</p> <p>21 all the way to final design.</p> <p>22 FRANCOISE M. CARRIER: What kind of projects did you</p> <p>23 work on?</p> <p>24 COURTENAY DEAN WALLACE: I worked on retail projects</p> <p>25 there as well as multifamily housing.</p> |
| 102 | <p>1 company?</p> <p>2 COURTENAY DEAN WALLACE: It is Illusions Designs.</p> <p>3 FRANCOISE M. CARRIER: What is your profession and</p> <p>4 have you had any professional certifications?</p> <p>5 COURTENAY DEAN WALLACE: I am an architectural</p> <p>6 designer and I am a member of AIA which is American</p> <p>7 Institute of Architect's.</p> <p>8 FRANCOISE M. CARRIER: Would you please describe your</p> <p>9 educational background?</p> <p>10 COURTENAY DEAN WALLACE: I have a BA in architecture</p> <p>11 from the University of Kentucky.</p> <p>12 LYNN A. ROBESON: Have you ever testified as an expert</p> <p>13 in a court as an expert in architecture?</p> <p>14 COURTENAY DEAN WALLACE: No.</p> <p>15 LYNN A. ROBESON: Ok go ahead.</p> <p>16 FRANCOISE M. CARRIER: That is what I was-</p> <p>17 LYNN A. ROBESON: Is his resume in the record?</p> <p>18 FRANCOISE M. CARRIER: His resume is in the record. It</p> <p>19 is attached to the statement of justification.</p> <p>20 LYNN A. ROBESON: Ok.</p> <p>21 FRANCOISE M. CARRIER: So let's run through your</p> <p>22 professional work experience. What was your first job after</p> <p>23 college and briefly what were your responsibilities?</p> <p>24 COURTENAY DEAN WALLACE: I was a project architect and</p> <p>25 designer at Architectural Team in Chelsea Massachusetts</p> | 104 | <p>1 FRANCOISE M. CARRIER: How long were you with them?</p> <p>2 COURTENAY DEAN WALLACE: I was there for 3 years.</p> <p>3 FRANCOISE M. CARRIER: What was your primary</p> <p>4 employment after Bergmeyer?</p> <p>5 COURTENAY DEAN WALLACE: After Bergmeyer I focused on</p> <p>6 my professional company which is not Evolution Designs.</p> <p>7 FRANCOISE M. CARRIER: How many years have you been</p> <p>8 working at Evolution Designs?</p> <p>9 COURTENAY DEAN WALLACE: 18 years. I started when I</p> <p>10 was actually working at the Architectural Team. So I was</p> <p>11 doing projects for Evolutions as well as the Architectural</p> <p>12 Team.</p> <p>13 FRANCOISE M. CARRIER: Are you licensed in Maryland?</p> <p>14 COURTENAY DEAN WALLACE: I am not. I have a partner</p> <p>15 that is licensed here. He reviews all drawings before they</p> <p>16 go out.</p> <p>17 LYNN A. ROBESON: I am satisfied that he is qualified</p> <p>18 as an expert. It is expert architect correct?</p> <p>19 FRANCOISE M. CARRIER: That is the designation I would</p> <p>20 seek, yes.</p> <p>21 LYNN A. ROBESON: Ok thank you very much.</p> <p>22 FRANCOISE M. CARRIER: Mr. Wallace we have a board up</p> <p>23 with conceptual design for the mixed use building that is</p> <p>24 proposed as part of this project. Did you design that</p> <p>25 building?</p> |

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27 (105 to 108)

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| <p>105</p> <p>1 COURTENAY DEAN WALLACE: Yes I did.</p> <p>2 FRANCOISE M. CARRIER: Now Ms. Robeson I know that</p> <p>3 building is not part of the rezoning but for the sake of</p> <p>4 context I was just going to have a few questions about how</p> <p>5 that building will operate.</p> <p>6 LYNN A. ROBESON: Alright.</p> <p>7 FRANCOISE M. CARRIER: To give you a general</p> <p>8 understanding of it.</p> <p>9 LYNN A. ROBESON: I am sorry, is that in the record? I</p> <p>10 don't remember.</p> <p>11 FRANCOISE M. CARRIER: It is.</p> <p>12 LYNN A. ROBESON: Ok.</p> <p>13 FRANCOISE M. CARRIER: Let's see. That is exhibit 12.</p> <p>14 LYNN A. ROBESON: Ok.</p> <p>15 FRANCOISE M. CARRIER: Would you please walk us</p> <p>16 through here and the various uses that will be in this</p> <p>17 building and you can point to the, use the exhibit however</p> <p>18 you like.</p> <p>19 COURTENAY DEAN WALLACE: So this is the building we</p> <p>20 are speaking about.</p> <p>21 LYNN A. ROBESON: And that is the left hand picture on</p> <p>22 that exhibit?</p> <p>23 COURTENAY DEAN WALLACE: Yes. Left hand image, yes.</p> <p>24 Just for context this is 108.</p> <p>25 LYNN A. ROBESON: Ok. The transcript doesn't</p> | <p>107</p> <p>1 there are doors that lead into each space and that is</p> <p>2 including the restaurant. If you continue to the rear of</p> <p>3 the building there is a walkway this is the rear of the</p> <p>4 building but the image below the rendered image here you</p> <p>5 will see there is a set of stairs that are from the ground</p> <p>6 parking area and also access from the street area, 108</p> <p>7 which allows a pedestrian to access the commercial portion</p> <p>8 of the building or if you are a resident you will be able</p> <p>9 to access a door that will allow you into an elevator lobby</p> <p>10 which will allow you to go to the second floor which is</p> <p>11 residential.</p> <p>12 FRANCOISE M. CARRIER: Mr. Wallace when you set out to</p> <p>13 design this building how did you assess its context and the</p> <p>14 architectural features it should have?</p> <p>15 COURTENAY DEAN WALLACE: I walked around the</p> <p>16 surrounding area to look at the existing architecture and</p> <p>17 that became case study. So taking in the architectural</p> <p>18 characteristics basically making a list and trying to</p> <p>19 create that list of characteristic within the design of the</p> <p>20 proposed building.</p> <p>21 FRANCOISE M. CARRIER: What are some of the</p> <p>22 characteristics that were design goals for you?</p> <p>23 COURTENAY DEAN WALLACE: So we wanted to create a good</p> <p>24 building with a great design but as far as characteristics</p> <p>25 we tried to make the building itself look like it is a</p> |
| <p>106</p> <p>1 understand this or here so you have to think of some way to</p> <p>2 describe it. You can say the road in front of the building</p> <p>3 or something like that but you can't say this or here. The</p> <p>4 record will understand.</p> <p>5 COURTENAY DEAN WALLACE: Ok. So the street that is in</p> <p>6 the foreground of the image is 108 and for context all the</p> <p>7 way to the left of the image is a service station. All the</p> <p>8 way to the right of the image this area would be Porter</p> <p>9 Road.</p> <p>10 LYNN A. ROBESON: Ok.</p> <p>11 COURTENAY DEAN WALLACE: So pedestrian traffic at the</p> <p>12 front of the building, I want to tell you what is in the</p> <p>13 building first. So the first floor is all commercial space</p> <p>14 and then the second floor is residential space. There are 3</p> <p>15 units. 3 apartments that range from 800 to 950 square feet.</p> <p>16 Then there is 3; 1, 2, 3 through bays meaning that you can</p> <p>17 enter the front and exit the rear of the building.</p> <p>18 LYNN A. ROBESON: OK.</p> <p>19 COURTENAY DEAN WALLACE: Then there is all the way to</p> <p>20 the left near the service station is a restaurant component</p> <p>21 to the commercial.</p> <p>22 FRANCOISE M. CARRIER: Great. Where are the vehicular</p> <p>23 pedestrian access points to the building?</p> <p>24 COURTENAY DEAN WALLACE: Ok. Pedestrian access points</p> <p>25 to the building at the front of the building closest to 108</p> | <p>108</p> <p>1 residential feel to it as opposed to like a modern or a</p> <p>2 strip mall kind of feeling to it. So the gabled roofs I am</p> <p>3 pointing to the rendered image at the top on the left. So</p> <p>4 the gabled roof, the windows, the style of windows, the</p> <p>5 four over ones, the shutters, the covered porch area, the</p> <p>6 (inaudible) and also the building materials are mimicked</p> <p>7 through the-</p> <p>8 LYNN A. ROBESON: Can you show me what the corner say</p> <p>9 again?</p> <p>10 COURTENAY DEAN WALLACE: Sure. It is this area here.</p> <p>11 Can you see that?</p> <p>12 LYNN A. ROBESON: I am not seeing the (inaudible)</p> <p>13 COURTENAY DEAN WALLACE: Yeah I know. I got to stand.</p> <p>14 So the area-</p> <p>15 LYNN A. ROBESON: East of the gabled roofing.</p> <p>16 COURTENAY DEAN WALLACE: So it is the portion of the</p> <p>17 building that is the center of the building. So we have the</p> <p>18 gabled roof all the way to the right and then we have the</p> <p>19 (inaudible) which is in the center of the building and then</p> <p>20 we also have a shingled roof that has door roofs all the</p> <p>21 way to the left. So this story that is above the restaurant</p> <p>22 it is actually empty. So it would house mechanical.</p> <p>23 LYNN A. ROBESON: I see.</p> <p>24 FRANCOISE M. CARRIER: That answered the question. Do</p> <p>25 you feel you achieved your design goals for this building?</p> |

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28 (109 to 112)

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| 109 | <p>1 COURTENAY DEAN WALLACE: I do.</p> <p>2 FRANCOISE M. CARRIER: In your opinion is the building</p> <p>3 design compatible with the surrounding area?</p> <p>4 COURTENAY DEAN WALLACE: Yes I do again because I did</p> <p>5 an initial walk around the surrounding area to get those</p> <p>6 characteristics and try to instill them into our building.</p> <p>7 FRANCOISE M. CARRIER: Do you think it is compatible</p> <p>8 in scale?</p> <p>9 COURTENAY DEAN WALLACE: I do. As far as the building</p> <p>10 heights it is really a two story building which mimics the</p> <p>11 surrounding area. I am pointing to Arial photograph. So the</p> <p>12 building site that is here closest to street 108 which is</p> <p>13 at the top of the image diagonal north of the site there is</p> <p>14 a residential component that consists of townhome</p> <p>15 prototypes. So the scale of those townhomes as well as the</p> <p>16 surrounding single family residential components match what</p> <p>17 we were trying to do here with the scale.</p> <p>18 FRANCOISE M. CARRIER: We also have a board up with a</p> <p>19 conceptual design for the townhouses we chose for this</p> <p>20 site. Did you prepare that design?</p> <p>21 COURTENAY DEAN WALLACE: No I did not.</p> <p>22 FRANCOISE M. CARRIER: Based on your familiarity with</p> <p>23 the area and your experience in architectural design are</p> <p>24 you in position to opine as to whether that design would be</p> <p>25 compatible with the surrounding area?</p> | 111 | <p>1 Etemadi. Do you solemnly affirm under penalties of perjury</p> <p>2 that the statements you are about to make are the truth,</p> <p>3 the whole truth, and nothing but the truth?</p> <p>4 SHAHRIAR ETEMADI: I do.</p> <p>5 LYNN A. ROBESON: Ok. Please state your name and</p> <p>6 address for the record.</p> <p>7 SHAHRIAR ETEMADI: My name is Shahriar Etemadi. I am</p> <p>8 with the STS Consulting. The address is 6449 Red Keel</p> <p>9 Columbia Maryland, 21044.</p> <p>10 FRANCOISE M. CARRIER: Mr. Etemadi what is your</p> <p>11 profession and do you have any professional certifications?</p> <p>12 SHAHRIAR ETEMADI: Yes. I am a transportation planner.</p> <p>13 I am a PTP, professional transportation planner</p> <p>14 certification from Institute of Transportation in juniors.</p> <p>15 I have practiced traffic and (inaudible) transportation</p> <p>16 planning for the past 30 years.</p> <p>17 FRANCOISE M. CARRIER: Mr. Etemadi, have you</p> <p>18 previously qualified as a witness in this form?</p> <p>19 SHAHRIAR ETEMADI: Yes.</p> <p>20 FRANCOISE M. CARRIER: Ms. Robeson, Mr. Etemadi's</p> <p>21 resume was submitted as an attachment to the statement</p> <p>22 justification and I would request that he be qualified as</p> <p>23 an expert in traffic engineering and transportation</p> <p>24 planning.</p> <p>25 LYNN A. ROBESON: He may.</p> |
| 110 | <p>1 COURTENAY DEAN WALLACE: Yes. I think it does. Again</p> <p>2 specifically because of the townhome prototype that is used</p> <p>3 here is also exemplified in the adjacent residential</p> <p>4 townhomes north of the site. So it is kind of off the</p> <p>5 paper, it is up here.</p> <p>6 FRANCOISE M. CARRIER: Do you have a view about the</p> <p>7 compatibility of the proposed townhouses with the two homes</p> <p>8 that are on the to the west that are closest to Maryland</p> <p>9 108? There was a lot of testimony about that from Mr.</p> <p>10 Sloan. Do you have a view about that compatibility, that</p> <p>11 relationship?</p> <p>12 COURTENAY DEAN WALLACE: Again, yes I think the scale</p> <p>13 of it because of the decline that starts at 108 to the back</p> <p>14 portion of the site. I think that these townhomes will fit</p> <p>15 perfectly in there. The height I think is going to be</p> <p>16 contextually similar to what it is located in that.</p> <p>17 FRANCOISE M. CARRIER: Ok. That completes my</p> <p>18 questions. Mr. Wallace, thank you very much.</p> <p>19 COURTENAY DEAN WALLACE: You are very welcome. May Mr.</p> <p>20 Wallace be excused?</p> <p>21 LYNN A. ROBESON: Yes.</p> <p>22 COURTENAY DEAN WALLACE: Thank you very much.</p> <p>23 FRANCOISE M. CARRIER: Next I would like to call</p> <p>24 Shahriar Etemadi.</p> <p>25 LYNN A. ROBESON: Please raise your right hand Mr.</p> | 112 | <p>1 FRANCOISE M. CARRIER: Thank you very much. Mr.</p> <p>2 Etemadi did you prepare a traffic statement for this</p> <p>3 application?</p> <p>4 SHAHRIAR ETEMADI: Yes.</p> <p>5 FRANCOISE M. CARRIER: What conclusion did you reach</p> <p>6 in your statement regarding vehicular trip generation by</p> <p>7 the proposed townhouses?</p> <p>8 SHAHRIAR ETEMADI: The proposed townhouses will</p> <p>9 generate 10am and 10, I am sorry 9am and 10pm peak hour</p> <p>10 trips.</p> <p>11 FRANCOISE M. CARRIER: May I give Mr. Etemadi a copy</p> <p>12 of his statement in case he needs to refresh his</p> <p>13 recollection on the numbers?</p> <p>14 LYNN A. ROBESON: Yes.</p> <p>15 FRANCOISE M. CARRIER: Is this your statement?</p> <p>16 SHAHRIAR ETEMADI: Yes.</p> <p>17 FRANCOISE M. CARRIER: Mr. Etemadi what is the date on</p> <p>18 that?</p> <p>19 SHAHRIAR ETEMADI: April 3rd 2017.</p> <p>20 FRANCOISE M. CARRIER: Ok. So you testified that the</p> <p>21 maximum is 10 vehicular trips during the pm peak. What does</p> <p>22 that translate into in terms of person trips under the new</p> <p>23 LATR guidelines?</p> <p>24 SHAHRIAR ETEMADI: It is 14 in the morning and 16 in</p> <p>25 the afternoon.</p> |

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29 (113 to 116)

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| <p>113</p> <p>1 FRANCOISE M. CARRIER: What is the threshold for 2 traffic study? 3 SHAHRIAR ETEMADI: 50 person trip. 4 FRANCOISE M. CARRIER: Ok. Did you cover any other 5 issues in the traffic statement? 6 SHAHRIAR ETEMADI: Yes. We took traffic counts at 2 7 locations. Maryland 108 and Maryland 650 and also at 8 Maryland 108 and Sherwood High School. 9 FRANCOISE M. CARRIER: What was the purpose of those 10 intersection counts? 11 SHAHRIAR ETEMADI: It was the prerequisite for 12 conducting traffic counts at signalized intersections 13 within 1/4th of a mile as a prerequisite for floating zone. 14 FRANCOISE M. CARRIER: Did you reach a conclusion 15 regarding the functioning of those intersections? 16 SHAHRIAR ETEMADI: Yes. Although we didn't have to 17 really do an analysis of the intersection capacity analysis 18 but we did that and both intersections operate well within 19 congestion standards of the rural east policy A. 20 LYNN A. ROBESON: What about Staff's comments that 21 your counts appear low? 22 SHAHRIAR ETEMADI: Ok. The Staff compared our traffic 23 counts with traffic counts that were taken by consultant 24 from state highway administrations. The state highway 25 administrations counts were taken in November of 2015 which</p> | <p>115</p> <p>1 cams. However, the staff has told us that we have to give 2 them validations of our traffic counts and I intend to give 3 them the reasoning for our traffic counts being a little 4 bit lower than the state. By the way, the one more thing 5 that I have to add here is that for example for the peak 6 hours we have to show our traffic counts at every 15 7 minutes intervals. So for 2 hours in the am and pm we have 8 8 intervals, 8 15 minutes. For our traffic cams out of 9 those 8 only 3 15 minutes were 10 or 15 or 17, 1 case was 10 lower than SHA. 11 FRANCOISE M. CARRIER: You mean percent. 12 SHAHRIAR ETEMADI: Percent, correct. 13 LYNN A. ROBESON: Now I don't have- do you know the 14 exhibit number of your statement? How much lower are you 15 from the threshold? How close to the threshold- 16 FRANCOISE M. CARRIER: It is 21b. 17 SHAHRIAR ETEMADI: You mean the congestion? The level 18 of service there? 19 LYNN A. ROBESON: Yeah how close were you to the 20 threshold, I think the threshold is 13.50 or something. 21 SHAHRIAR ETEMADI: Correct. So the highest number, we 22 tested in different ways because the staff wanted us to 23 look at different ways of doing that. The worst case 24 scenario ours was 1,195. 25 LYNN A. ROBESON: Ok so that is-</p> |
| <p>114</p> <p>1 is very close to the holidays. Our traffic counts were 2 taken in the middle of January of 2017. I have to note 3 that- 4 LYNN A. ROBESON: Did you do actual counts? 5 SHAHRIAR ETEMADI: Yes. 6 LYNN A. ROBESON: Ok. 7 SHAHRIAR ETEMADI: The traffic fluctuates within a 8 year, within months, even in days because of many factors 9 that I don't want to take too much time here to explain. 10 One of the issues for example if you take traffic counts in 11 November or December the traffic is much higher than in 12 January when people don't really go on holidays or 13 shopping. 14 LYNN A. ROBESON: We are all depressed. 15 SHAHRIAR ETEMADI: Yeah. They haven't spent all of 16 their money already so. Anyways, so it is very natural that 17 you have a lower traffic counts in January rather than in 18 November. Another thing that I have to say is that not a 19 higher traffic counts always is more valid than the lower 20 counts. So I will leave it at that. 21 LYNN A. ROBESON: Well at preliminary plan I take it 22 you would have to repeat these counts, correct? 23 SHAHRIAR ETEMADI: No. if we do have, if we have to do 24 a traffic study and our traffic counts is within a year is 25 no older than 1 year then we don't have to take traffic</p> | <p>116</p> <p>1 SHAHRIAR ETEMADI: That is compared to 1350. 2 LYNN A. ROBESON: Right alright. So you are about 10% 3 under the threshold at the worst case scenario. 130 trips 4 below the threshold. 5 SHAHRIAR ETEMADI: Yes, correct. 10%. 6 LYNN A. ROBESON: Ok. 7 SHAHRIAR ETEMADI: I may, can I tell you one thing? 8 LYNN A. ROBESON: Sure. Go ahead. 9 SHAHRIAR ETEMADI: It says that we are saying that it 10 is 10% below. However, we have to remember that every 11 additional trips doesn't translate into one critical lay in 12 volume. Because it depends on- 13 LYNN A. ROBESON: They are conflicting. 14 SHAHRIAR ETEMADI: Yes exactly. They are conflicting 15 or it is the direction of peak or not. So it doesn't- so we 16 probably have to have 3-400 more trips in order to add 120 17 COV's. 18 LYNN A. ROBESON: I get it. I mean I understand. 19 SHAHRIAR ETEMADI: Ok. 20 FRANCOISE M. CARRIER: Thank you Mr. Etemadi that was 21 helpful. You completed your line of questioning on that Ms. 22 Robeson? 23 LYNN A. ROBESON: Yeah. 24 FRANCOISE M. CARRIER: Have you examined the proposed 25 site layout?</p> |

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30 (117 to 120)

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| <p>117</p> <p>1 SHAHRIAR ETEMADI: Yes.</p> <p>2 FRANCOISE M. CARRIER: Do you have an opinion</p> <p>3 regarding vehicular site access?</p> <p>4 SHAHRIAR ETEMADI: Well, actually I have been there on</p> <p>5 few occasions and last week I went there again to visit the</p> <p>6 site on purpose to prepare for this hearing and I have paid</p> <p>7 attention to some of the issues and questions that have</p> <p>8 been raised. The access is safe and the traffic will</p> <p>9 operate efficiently. There is a good site distance.</p> <p>10 LYNN A. ROBESON: That was one of my questions and</p> <p>11 also the proximity to the intersection to the east. There</p> <p>12 are no issues as far as needing a waiver to get that, if</p> <p>13 you align it with Porter Road on the other side you don't</p> <p>14 have any issues being too close to the intersection to the</p> <p>15 east?</p> <p>16 SHAHRIAR ETEMADI: No. well this is an existing road.</p> <p>17 We are not going to be able to shift it 10 or 15 or 20</p> <p>18 feet. So this is an existing road that when it was</p> <p>19 authorized to have this intersection they have looked at</p> <p>20 the site distance and other issues relating to a spacing</p> <p>21 between the intersections and therefore I doubt there is no</p> <p>22 problem regarding that spacing here.</p> <p>23 FRANCOISE M. CARRIER: Mr. Etemadi did you have a</p> <p>24 chance to observe the relationship between the entrance to</p> <p>25 Port Road and the driveway across the street? I am sorry</p> | <p>119</p> <p>1 LYNN A. ROBESON: Did you go to DRC on this?</p> <p>2 SHAHRIAR ETEMADI: Yes.</p> <p>3 LYNN A. ROBESON: Ok.</p> <p>4 SHAHRIAR ETEMADI: Basically I don't think SHA is</p> <p>5 going to really have, well I shouldn't make that judgment</p> <p>6 right now.</p> <p>7 LYNN A. ROBESON: Never say never on that because you-</p> <p>8 SHAHRIAR ETEMADI: Yes but based on my experience I</p> <p>9 don't believe they are going to have an issue to that.</p> <p>10 LYNN A. ROBESON: Well let me ask- Ok and it is your</p> <p>11 opinion that as aligned now they can each operate that the</p> <p>12 intersection will operate safely?</p> <p>13 SHAHRIAR ETEMADI: Correct.</p> <p>14 LYNN A. ROBESON: Just from the testimony on the other</p> <p>15 case the problem was the conflicting the left turn, well</p> <p>16 this would be the opposite scenario but it was the cross</p> <p>17 turns. Do you see that being an issue here?</p> <p>18 SHAHRIAR ETEMADI: No. because as Mr. Sloan indicated</p> <p>19 this morning I think we have 3 or 4 feet off center and as</p> <p>20 I said when you are there you do not see actually the roads</p> <p>21 are not aligned. So it is not creating 3 or 4 feet is not</p> <p>22 creating a conflicting situation where turning traffic are</p> <p>23 going to have a safety issue.</p> <p>24 LYNN A. ROBESON: Ok. Thank you.</p> <p>25 SHAHRIAR ETEMADI: Sure.</p> |
| <p>118</p> <p>1 let me ask another question. Is that across the street is</p> <p>2 that a public road or is that a driveway?</p> <p>3 SHAHRIAR ETEMADI: That is a driveway.</p> <p>4 FRANCOISE M. CARRIER: Ok. Have you had a chance to</p> <p>5 look at the relationship between that driveway and the</p> <p>6 entrance to Porter Road?</p> <p>7 SHAHRIAR ETEMADI: You mean alignment?</p> <p>8 FRANCOISE M. CARRIER: Right with regard to the</p> <p>9 question of realignment do you think the realignment would</p> <p>10 be beneficial?</p> <p>11 SHAHRIAR ETEMADI: No. actually again last week when I</p> <p>12 was there I paid very careful attention to the alignment to</p> <p>13 the 2 roads. When you are there you cannot actually see the</p> <p>14 off-center so relocating it or realigning it will not make</p> <p>15 any difference in safety or the operation of traffic by the</p> <p>16 way this road has been existing for many many years and the</p> <p>17 driveway the same way and this intersection has worked very</p> <p>18 well. So I don't see any reason for realigning it.</p> <p>19 LYNN A. ROBESON: I guess you have to get- I had a</p> <p>20 whole case that was about 2 driveways. Now they were</p> <p>21 opposite of yours but I guess you have to get SHA to go</p> <p>22 along with you.</p> <p>23 FRANCOISE M. CARRIER: Has there been any comment from</p> <p>24 SHA on this issue?</p> <p>25 SHAHRIAR ETEMADI: No.</p> | <p>120</p> <p>1 FRANCOISE M. CARRIER: What impact would aligning the</p> <p>2 driveway and Porter Road have on the rest of Porter Road?</p> <p>3 SHAHRIAR ETEMADI: Well if you want to realign it with</p> <p>4 the opposite driveways then portion of the road has to be</p> <p>5 relocated which again is not going to make any difference</p> <p>6 in the safety or operation of it. If you cannot relocate it</p> <p>7 then you have to bend it in a way that is not going to come</p> <p>8 at 90 degree angle intersection with 108 and that in itself</p> <p>9 is not any safer or better solution.</p> <p>10 LYNN A. ROBESON: What does the driveway to the north,</p> <p>11 what is at the end of the driveway? What is the access for?</p> <p>12 Is it homes?</p> <p>13 SHAHRIAR ETEMADI: No. it is going into that plaza.</p> <p>14 LYNN A. ROBESON: Ok the strip center. Ok I got it.</p> <p>15 SHAHRIAR ETEMADI: It goes behind it actually if you</p> <p>16 go straight.</p> <p>17 LYNN A. ROBESON: Yeah I saw that in the Staff Report.</p> <p>18 Ok go ahead.</p> <p>19 FRANCOISE M. CARRIER: I would like to ask you also</p> <p>20 about the proposed onsite traffic circulation. Do you find</p> <p>21 the onsite circulation to be adequate?</p> <p>22 SHAHRIAR ETEMADI: Absolutely. I think that the design</p> <p>23 that has been proposed here is providing for a maximum</p> <p>24 safety and efficient circulation of traffic.</p> <p>25 FRANCOISE M. CARRIER: Did you observe on the-</p> |

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31 (121 to 124)

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| <p>121</p> <p>1 LYNN A. ROBESON: You don't have any issues with truck 2 circulation?</p> <p>3 SHAHRIAR ETEMADI: No. actually when Mr. Sloan was 4 telling giving us the circulation for the trucks I think 5 the design of the streets are working in a way of being 6 hammerhead circulation or turnarounds. So if your truck is 7 coming behind the commercial area they can back into Porter 8 Road and go out efficiently so.</p> <p>9 LYNN A. ROBESON: Ok.</p> <p>10 FRANCOISE M. CARRIER: do you have an opinion 11 regarding pedestrian access and circulation?</p> <p>12 SHAHRIAR ETEMADI: Yes. The site is designed with 13 providing sidewalks for pedestrian to every home and on 14 Porter Road and also on the Maryland 108 sidewalks will be 15 provided along its frontage.</p> <p>16 FRANCOISE M. CARRIER: Do you find that the parking 17 provided is accurate to the townhouses?</p> <p>18 SHAHRIAR ETEMADI: Ys. Correct. Meeting the 19 requirements set for zone.</p> <p>20 LYNN A. ROBESON: Ok.</p> <p>21 FRANCOISE M. CARRIER: Did you prepare a supplemental 22 letter in response to a request from the Hearing Examiner 23 for information concerning the mixed use building?</p> <p>24 SHAHRIAR ETEMADI: Yes.</p> <p>25 FRANCOISE M. CARRIER: What conclusions did you come</p> | <p>123</p> <p>1 location and type of retail and things like that. So I 2 didn't want to make an assumption that may not be accurate.</p> <p>3 LYNN A. ROBESON: Ok thank you.</p> <p>4 FRANCOISE M. CARRIER: To put the trip generation 5 numbers that you have just given into some context Mr. 6 Etemadi, would you be able to tell me the average number of 7 vehicle trips on this stretch of Maryland 108 during say 8 the pm peak hour which is the heaviest traffic time?</p> <p>9 SHAHRIAR ETEMADI: During the am and pm peak hours at 10 the number of traffic that is going to pass by the site is 11 well let's put it another way. The number of trips that 12 will be generated from the site is 3% or less than the 13 total traffic on Maryland 108 passing by the site.</p> <p>14 FRANCOISE M. CARRIER: Ok thank you very much. What 15 did the vehicular trips for the full project translate 16 into- I am sorry I need to back up. I have a feeling that I 17 may have asked you- The numbers that you gave us were they 18 just for the mixed use building or were they for the whole 19 project townhouses plus mixed use building?</p> <p>20 SHAHRIAR ETEMADI: The last number I gave you was for 21 everything. For townhouses and the commercial.</p> <p>22 FRANCOISE M. CARRIER: What did those vehicular trips 23 translate into in terms of person trips under the new 24 guidelines?</p> <p>25 SHAHRIAR ETEMADI: There will be 45 in the morning and</p> |
| <p>122</p> <p>1 to regarding vehicular trip generation for the full 2 project?</p> <p>3 SHAHRIAR ETEMADI: For the full project, 32 am and 44 4 pm trips and I have to add that this is a very conservative 5 estimate because we have a provision that is called pass by 6 trips that are actually trip credits and pass by trip means 7 that the cars the traffic that is already on the road stops 8 at this location and then continues on their way to their 9 destinations. So those are not additional trips but this 10 numbers I am giving you are very conservative because I 11 have-</p> <p>12 LYNN A. ROBESON: Are you saying that a lot of trips 13 from the commercial road you pass by?</p> <p>14 SHAHRIAR ETEMADI: Correct.</p> <p>15 FRANCOISE M. CARRIER: Did your account for the pass 16 by trips?</p> <p>17 SHAHRIAR ETEMADI: No.</p> <p>18 FRANCOISE M. CARRIER: With those numbers you just 19 gave?</p> <p>20 SHAHRIAR ETEMADI: No.</p> <p>21 LYNN A. ROBESON: So you didn't adjust for the pass 22 by?</p> <p>23 SHAHRIAR ETEMADI: Correct and the reason I didn't 24 adjust is because we can do a pass by trip between 25 to 25 40% but it is something for staff to agree depending on the</p> | <p>124</p> <p>1 54 in the evening.</p> <p>2 FRANCOISE M. CARRIER: So if those are the same 3 numbers that you use during preliminary plan review 4 wouldn't the applicant be required to submit a full traffic 5 study?</p> <p>6 SHAHRIAR ETEMADI: Probably.</p> <p>7 FRANCOISE M. CARRIER: Are you sure that those are the 8 trip generation numbers that will be use?</p> <p>9 SHAHRIAR ETEMADI: No. The reason for that is that for 10 the commercial part of this development there are say 15-20 11 different land use categories in the IT trip generation 12 manual that you can use for retail. The one that I assumed 13 was for a retail establishment such as flower shop or real 14 estate office.</p> <p>15 LYNN A. ROBESON: Which has also got a restaurant.</p> <p>16 SHAHRIAR ETEMADI: Yes exactly. But this can be 17 different. For example the applicant can tell us no we are 18 going to have tenants that are different then what I have 19 assumed or the staff at the time of preliminary planning if 20 we have to do a traffic study may say that we have to use a 21 different category of land uses for retail. So depends on 22 what would be the final agreement on the category of land 23 uses the number of trips will be different then what I have 24 assumed here.</p> <p>25 FRANCOISE M. CARRIER: Will the applicants satisfy all</p> |

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32 (125 to 128)

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| <p>125</p> <p>1 requirements for adequate public (inaudible) 2 SHAHRIAR ETEMADI: Yes. 3 FRANCOISE M. CARRIER: Thank you that completes my 4 questions. 5 LYNN A. ROBESON: I am sorry. Those were variables as 6 to the retail but the trip generations won't change as to 7 this to add to the townhouses? 8 SHAHRIAR ETEMADI: Correct. 9 LYNN A. ROBESON: I am sorry. Go ahead. 10 FRANCOISE M. CARRIER: That completes my questions 11 regarding your traffic statement and the subsequent letter 12 but I would like to ask you some additional questions about 13 issues that the staff at parking planning raised to be 14 addressed at preliminary plan and site plan. We have 15 already talked about the alignment question. Do you have 16 any observations regarding transportation staffs suggestion 17 that the applicant should study east bound cueing at the 18 intersection of Maryland 108 and (inaudible)? 19 SHAHRIAR ETEMADI: Ok. If at the time of preliminary 20 plan review we are required to do a traffic study and the 21 traffic study shows that he intersection operates within 22 the congestion standard then the applicant is not required 23 to do any additional study including cueing or doing any 24 improvements. Based on our analysis today it shows that the 25 intersection operates within the congestion standards. So I</p> | <p>127</p> <p>1 site plan is filed with the layout shown on the floating 2 zone plan, the Planning Board has to find in compliance 3 with the environmental guidelines. If they don't find that 4 then all site paving and buildings will be removed from the 5 stream valley buffer excluding what is necessary for the 6 road and utilities. 7 LYNN A. ROBESON: I understand that. I still want a 8 reading from staff as to whether it is even if we are just- 9 I want to know whether it is probable. 51% I just want to 10 know by preponderance will we be able to get it. It doesn't 11 have to be designed. I just want to know that it is 12 possible and I will take a look if you can write the 13 binding element up and submit it. 14 FRANCOISE M. CARRIER: Sure I will. 15 LYNN A. ROBESON: I want staff who are my objective 16 observers or objective experts to comment on it. 17 FRANCOISE M. CARRIER: If I may suggest you might 18 consider asking for an opinion from the Planning Board as 19 well because they may have a different insight into what is 20 likely to be approved. 21 LYNN A. ROBESON: Well I usually leave that to staff. 22 But if they you know I guess it depends on if you want to, 23 that is an additional big delay. So I would like to just 24 refer it to staff whether then having to get on the 25 Planning Board's schedule before August. So I am just going</p> |
| <p>126</p> <p>1 don't expect a cueing test is required. Thus one reason. 2 Another thing is that based on the formula that we use for 3 distribution of traffic most of the site generated trips 4 from this area of the site is going to be traveling west 5 toward Rockville and employment centers there. So a very 6 small percentage of that traffic from the site is going to 7 go to this intersection to make any difference in the 8 cueing on the east bound movement. 9 FRANCOISE M. CARRIER: Thank you. You have already 10 testified about truck circulation on the site. The final 11 item on the transportation staff's list of preliminary plan 12 issues was already discussed too which is the validity of 13 the traffic counts. So (inaudible) that completes my 14 questions for Mr. Etemadi. 15 LYNN A. ROBESON: Ok. Thank you Mr. Etemadi. 16 SHAHRIAR ETEMADI: Thank you. 17 LYNN A. ROBESON: You may be excused. 18 SHAHRIAR ETEMADI: Appreciated. 19 FRANCOISE M. CARRIER: We would like to propose a 20 binding element. 21 LYNN A. ROBESON: Ok. 22 FRANCOISE M. CARRIER: Related to the environmental 23 guidelines issue. Shall I read it to you orally? 24 LYNN A. ROBESON: Well just give me the jest of it. 25 FRANCOISE M. CARRIER: Ok. The jest is that if the</p> | <p>128</p> <p>1 to refer it to staff and I will take what they say. I 2 understand your binding element but it is sort of like you 3 want to know, I have sat through this hearing and I am 4 going to make findings based on this plan and I don't even 5 know if this plan is possible. 6 FRANCOISE M. CARRIER: My concern if I may speak 7 openly, is that I suspect that staff may not be willing to 8 opine as to whether it is probable that it can be approved 9 because they have, we have not submitted the detailed plans 10 that they will expect to get in order to make that 11 determination. We haven't submitted a preliminary plan 12 application or site plan. 13 LYNN A. ROBESON: Well let me see how they respond. 14 But I guess my reluctance is this, you have got a master 15 plan finding of pretty strong language in the masterplan. I 16 frankly I am a little surprised that I would even get a 17 floating zone plan that encroaches without any further 18 analysis into the stream valley buffer when I have got this 19 language in the masterplan and I have got a specific 20 finding I would have to make. As I said our job is not the 21 urban design. That can come later. It is site plan but I 22 have never had this left so open and we are going to the 23 council and there is a council mandate both in the zoning 24 ordinance and in the masterplan to fix you know to make 25 sure that it can meet all the- so I try to word it to staff</p> |

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33 (129 to 132)

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| <p>129</p> <p>1 that it is not a full review. You know I am not expecting-</p> <p>2 I just want to know is there an argument or is there a</p> <p>3 probability that this plan can actually happen because this</p> <p>4 is what I am making my findings on and if I don't know it</p> <p>5 can happen why are we even here.</p> <p>6 FRANCOISE M. CARRIER: Our hope was that with the</p> <p>7 binding element that we proposed you would feel comfortable</p> <p>8 that either it would be built this way based on the</p> <p>9 findings that the environmental guidelines are satisfied by</p> <p>10 the mitigation that we are proposing and that the Planning</p> <p>11 Board makes a determination that the balance, on balance it</p> <p>12 is better for the environment to have the mitigation in the</p> <p>13 stream valley on the west side where it is another</p> <p>14 contiguous portion of the stream valley that is more</p> <p>15 valuable to the functions more like a stream then to save</p> <p>16 the very small portion of the stream that is cut off by the</p> <p>17 road.</p> <p>18 LYNN A. ROBESON: I know but my- I understand your</p> <p>19 argument, I really do but what I am looking at is a record</p> <p>20 that says there is no justification for it. so I was</p> <p>21 actually surprised why are you sending me a floating zone</p> <p>22 plan and it is not you it is just why am I looking at a</p> <p>23 floating zone plan where there is no justification for this</p> <p>24 threshold finding.</p> <p>25 FRANCOISE M. CARRIER: We were very surprised by that</p> | <p>131</p> <p>1 FRANCOISE M. CARRIER: No. mostly what I am aware of</p> <p>2 is all the things that I wasn't aware of in the cases that</p> <p>3 came before me. There were lots of things that happened</p> <p>4 that-</p> <p>5 LYNN A. ROBESON: Oh I know. You know that is but I</p> <p>6 guess what I want to know from staff is what is their take</p> <p>7 on it. That is pretty strong language in there.</p> <p>8 FRANCOISE M. CARRIER: It is very strong language.</p> <p>9 LYNN A. ROBESON: I know that you weren't expecting on</p> <p>10 it. I don't know where the disconnect, anyway that is</p> <p>11 another story. Now what I am going to do is give them, we</p> <p>12 have to leave the record open for 10 days anyway. I am</p> <p>13 going to give them 2 weeks to respond. If they need more</p> <p>14 information from Mr. Sloan they can ask for that and then I</p> <p>15 am going to give you a week, both parties a week to</p> <p>16 comment. So let me do this, I did not bring- our trusty</p> <p>17 staff person retired. So I need- (inaudible) I need the</p> <p>18 officer calendar. So just one second I apologize. We will</p> <p>19 go off the record and I will be right back. We are back on</p> <p>20 the record. I just did briefly talk to (inaudible) a bit.</p> <p>21 Testify who is the planner who is assigned to this case. I</p> <p>22 say that for the record if it goes up. So 2 weeks from now,</p> <p>23 I asked her for 2 weeks. So that would be the 26th. If staff</p> <p>24 Mr. Sloan if staff asks you for additional information I</p> <p>25 would like you, I did check the Meyers did put their emails</p> |
| <p>130</p> <p>1 language. Based on our meetings with the staff and based on</p> <p>2 the discussion of the Planning Board that language-</p> <p>3 LYNN A. ROBESON: As I said I agree with you that this</p> <p>4 is not there is not that much you have to prove but you</p> <p>5 have it both as a masterplan issue and as a purpose clause</p> <p>6 issue. It is in the purpose clause of I can't remember if</p> <p>7 it is the residential floating zones or offloading zones.</p> <p>8 But anyway, it is probably all floating zones. It is all</p> <p>9 floating zones. So it is the threshold issue and I</p> <p>10 understand your argument completely.</p> <p>11 FRANCOISE M. CARRIER: Would it be helpful to have Mr.</p> <p>12 Sloan prepare a written documentation of what he testified</p> <p>13 today about the environment mitigation that would be-</p> <p>14 LYNN A. ROBESON: It may be. Let me throw it back to</p> <p>15 staff and staff may ask for it.</p> <p>16 FRANCOISE M. CARRIER: Ok.</p> <p>17 LYNN A. ROBESON: I just I have never had a floating</p> <p>18 zone plan that encroaches into the stream valley buffer</p> <p>19 without any justification.</p> <p>20 FRANCOISE M. CARRIER: May I suggest that it may not</p> <p>21 have been singled out. There have been encroachments that</p> <p>22 were not considered that were not singled out by the staff</p> <p>23 in this way and so-</p> <p>24 LYNN A. ROBESON: Well I have never seen one. But you</p> <p>25 may have been here longer than I.</p> | <p>132</p> <p>1 on the signup list. So I would like you, I am asking you to</p> <p>2 copy the Meyers on that and I will give, we can do it this</p> <p>3 way, I will give I can give all parties a week to respond</p> <p>4 to staff comments which would be July 5th and I am going to</p> <p>5 send an email today to (inaudible) and the Meyers will all</p> <p>6 be cc-ed. Then the record will close on the 5th and what I</p> <p>7 would try to do is not take the full 30 days because I can,</p> <p>8 I have 30 days to write the report and recommendation or 45</p> <p>9 days to write the report and recommendation. I will do my</p> <p>10 best not to take the full time because I can work on it</p> <p>11 while I am waiting for the response on this issue and but</p> <p>12 at you will get a notification when it comes out and a</p> <p>13 notification will spell out any you do have a right to</p> <p>14 request oral argument before the county council. The</p> <p>15 notification will spell out those rights. Alright. So with</p> <p>16 that I am going to leave the record open until July 5th.</p> <p>17 Staff's response on the environment will be due on June</p> <p>18 26th. Comments from any other party will be due on July 5</p> <p>19 and the record will close on July 5th.</p> <p>20 FRANCOISE M. CARRIER: Ms. Robeson if you are so kind</p> <p>21 I would like to be able to bring Mr. Sloan back up just to</p> <p>22 talk briefly about the portion of the standards for the</p> <p>23 floating zone intensity that address environmental issues.</p> <p>24 I don't think we directly addressed that in his testimony.</p> <p>25 I think it might be helpful. I also would like to give you</p> |

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34 (133 to 136)

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| <p>133</p> <p>1 (inaudible)which is the sealed copy of the revised floating 2 zone plan with the binding elements and also a CD that has 3 this plan and a word version of the- 4 LYNN A. ROBESON: Now I haven't seen, I haven't looked 5 at the binding elements but while the record is open if I 6 have any questions. I mean I haven't seen the new plan that 7 is right there. So if I have questions on the binding 8 elements I am going to allow that during the time that the 9 record is open. So this would be exhibit 36. 10 FRANCOISE M. CARRIER: They are the same binding 11 elements that my letter. 12 LYNN A. ROBESON: Oh they are. Oh ok. 13 FRANCOISE M. CARRIER: (inaudible) would be submitted 14 we just didn't have the time to get it typed up and get it 15 submitted before the hearing. 16 LYNN A. ROBESON: I am not sure I- let me just make 17 myself a little room. I am not- So I will accept this with 18 the binding elements and the CD into the record. Thank you 19 for sealing it. Alright. Mr. Sloan. 20 FRANCOISE M. CARRIER: So Mr. Sloan there is a section 21 of let's see this is under the floating zone intense 22 statement section 5.1.2 there is a pretty extensive and 23 intense statement for the floating zones and one of them 24 says part of the intent is to encourage the appropriate use 25 of land by several things. Would you please read us number</p> | <p>135</p> <p>1 LYNN A. ROBESON: That was a fun one. So I guess my 2 question is have you done any other rezoning cases under 3 the new code? 4 JOSHUA SLOAN: Yes. 5 LYNN A. ROBESON: Ok I will let it go in for the 6 weight it deserves. So go ahead how do you approach it Mr. 7 Sloan? 8 JOSHUA SLOAN: So we look at sustainability on balance 9 and it is a little beyond I guess the typical landscape 10 architects preview because I was working on the ordinance. 11 The protection, the environmental protection mitigation was 12 put in specifically so that we could look at the project as 13 a whole and on balance find the best public interest and if 14 there were negative impacts provide mitigation for them 15 that on- 16 LYNN A. ROBESON: Do you have this in the legislative? 17 There is an extensive legislative history. Do you have this 18 in the legislative history somewhere? 19 JOSHUA SLOAN: If we needed to we would probably go 20 back to the testimony before the Planning Board and 21 council. 22 LYNN A. ROBESON: Well why don't you do this, instead 23 of testifying, I had this once with Perry Burman. If there 24 is something in the legislative history that supports your 25 position you are free to submit that by the 26th, not the</p> |
| <p>134</p> <p>1 3? 2 JOSHUA SLOAN: It says a third under the appropriate 3 use of land, 3rd intent is ensuring the development 4 satisfies basic sustainability requirements including open 5 space standards and environmental protection and 6 mitigation. 7 FRANCOISE M. CARRIER: What do you interpret that to 8 mean? 9 LYNN A. ROBESON: Well he is not an attorney. You know 10 you can argue it if you want. 11 FRANCOISE M. CARRIER: I guess I was going to ask him 12 as a landscape architect and planner how he approaches 13 applying that language. If you don't consider it 14 appropriate I will withdraw the question. 15 LYNN A. ROBESON: I mean you can testify. I don't know 16 how much weight I am going to give it. You can say what you 17 how you approach it. I am not sure that is you know hugely 18 persuasive but I will let you testify. 19 FRANCOISE M. CARRIER: I guess maybe the pertinent 20 question is how is the question of environmental protection 21 and mitigation normally approached in the context of 22 reviewing a development project with- 23 LYNN A. ROBESON: Well wait, this is rezoning. I have 24 had him on one DPA case correct? Montgomery Village? 25 JOSHUA SLOAN: Yeah. That was a fun one.</p> | <p>136</p> <p>1 5th, the 26th. Ok. 2 JOSHUA SLOAN: So other than that particular history 3 of this when if I looked at this just fresh I would look at 4 the specific language allowing for environmental protection 5 and mitigation and put that into my calculus for laying out 6 a site and designing it. 7 LYNN A. ROBESON: Ok. But you have also got the 8 masterplan which as pretty strong language too. The plans 9 emphasis on preserving the lower, low density rural 10 character is the most important law. See it talks about 11 protection of environmental resources in the northwest 12 branch and (inaudible) river watersheds. 13 FRANCOISE M. CARRIER: Mr. Sloan would you consider 14 the question of the combination of stream valley buffer 15 encroachment and mitigation to be something that can be 16 achieved while meeting the goals of protecting the 17 pertinent watershed? 18 JOSHUA SLOAN: I think we can maintain and improve 19 water quality with this (inaudible) northwest branch with 20 the proposed design. 21 LYNN A. ROBESON: Ok. 22 FRANCOISE M. CARRIER: Thank you for the leeway to ask 23 additional- 24 LYNN A. ROBESON: Ok we are going to leave it like 25 that and with that the record is going to close on July 5th.</p> |

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35 (137 to 140)


137

1 I will definitely not, hopefully not make you have to wait.
2 If anything comes up and you feel like you need more time
3 you can file you can request an extension of time and I
4 will definitely try attempt not to take the full 45 days to
5 get my report out. Hopefully. So and we will leave it like
6 that. Thank you. Off the record.
7 (Off the record.)
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138

1 CERTIFICATE OF TRANSCRIBER

2 I, Susan E. Wilson, do hereby certify that the
3 foregoing transcript is a true and correct record of the
4 recorded proceedings; that said proceedings were
5 transcribed to the best of my ability from the audio
6 recording as provided; and that I am neither counsel for,
7 related to, nor employed by and of the parties to this case
8 and have no interest, financial or otherwise, in its
9 outcome.
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13 _____
14 Susan E. Wilson
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Transcript of Administrative Hearing, Day 2

Date: September 11, 2017

Case: Nichols Development Company, LLC, In Re:

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Transcript of Administrative Hearing, Day 2
Conducted on September 11, 2017

1 (139 to 142)

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|---|--|
| <p>139</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 Nichols Development : Case No. LMA G-119</p> <p>6 Company, LLC :</p> <p>7 -----x</p> <p>8</p> <p>9 HEARING</p> <p>10 Before Hearing Examiner Lynn A. Robeson</p> <p>11 Rockville, Maryland</p> <p>12 Monday, September 11, 2017</p> <p>13 9:46 a.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 159490</p> <p>24 Pages: 139 - 363</p> <p>25 Transcribed by: Molly Bugher</p> | <p>141</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FRANCOIS CARRIER, ESQ.</p> <p>4 BREGMAN, BERBERT, SCHWARTZ & GILDAY</p> <p>5 FOR THE APPLICANT</p> <p>6 JOSHUA SLOAN</p> <p>7</p> <p>8 SHAHRIAR ETEMADI, Traffic Expert</p> <p>9</p> <p>10 TRACY BERGAN</p> <p>11 CARRIE QUIGLEY & ASSOCIATES</p> <p>12 SIGN LANGUAGE INTERPRETER</p> <p>13</p> <p>14 MARY DARNELL</p> <p>15 SIGN LANGUAGE INTERPRETER</p> <p>16 CARRIE QUIGLEY & ASSOCIATES</p> <p>17</p> <p>18 PATRICIA MANGUS</p> <p>19</p> <p>20 STEPHEN EVERETT SCOVILLE</p> <p>21 17801 Porter Road</p> <p>22</p> <p>23 DANIEL RUSSELL SELLMAN</p> <p>24 17511 Hidden Garden Lane</p> <p>25 Ashton, Maryland 20861</p> |
| <p>140</p> <p>1 C O N T E N T S</p> <p>2 PAGE</p> <p>3 OPENING STATEMENTS 145</p> <p>4 TESTIMONY OF JOSHUA SLOAN 150, 348</p> <p>5 TESTIMONY OF STEVE BOLEN 162</p> <p>6 TESTIMONY OF JOY TURNER 171</p> <p>7 TESTIMONY OF JOHN RICHARDSON 190</p> <p>8 TESTIMONY OF LIAHONA CROMPTON 194</p> <p>9 TESTIMONY OF WALT FENNELL 201</p> <p>10 TESTIMONY OF KATHLEEN WHEELER 217</p> <p>11 TESTIMONY OF MARY JUDGE 222</p> <p>12 TESTIMONY OF JEFF SCHWARTZ 227</p> <p>13 TESTIMONY OF SHAHRIAR ETEMADI 292</p> <p>14 TESTIMONY OF NANCY FENNELL 345</p> <p>15 TESTIMONY OF PAULA GLENDENNING 348</p> <p>16 TESTIMONY OF DAN SELLMAN 352</p> <p>17 CLOSING STATEMENT - FRANCOISE CARRIER 356</p> <p>18 CLOSING STATEMENT - WALT FENNELL 357</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>142</p> <p>1</p> <p>2 STEVE BOLEN</p> <p>3 17508 Skyline Drive</p> <p>4 Ashton, Maryland</p> <p>5</p> <p>6 JOY TURNER</p> <p>7 17501 Norwood Road</p> <p>8 Sandy Spring, Maryland</p> <p>9</p> <p>10 MARY DARNELL</p> <p>11</p> <p>12 JOHN RICHARDSON</p> <p>13 1514 Lost Creek Drive</p> <p>14 Ashton, Maryland 20861</p> <p>15</p> <p>16 LIAHONA CROMPTON</p> <p>17 17805 Hidden Garden Lane</p> <p>18</p> <p>19 WALT FENNELL</p> <p>20 17513 Hidden Garden Lane</p> <p>21 Ashton, Maryland</p> <p>22</p> <p>23 KATHLEEN WHEELER</p> <p>24 17609 Country View Way</p> <p>25 Ashton, Maryland 20861</p> |

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2 (143 to 146)

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| 143 | | | 145 | | |
| 1 | | | 1 | P R O C E E D I N G S | |
| 2 | MARY JUDGE | | 2 | | |
| 3 | 271 Brentwood Road | | 3 | LYNN A. ROBESON: Is the court -- the court reporters | |
| 4 | Brookville, Maryland 20833 | | 4 | ready? Say -- you have to say yes. | |
| 5 | | | 5 | COURT REPORTER: Yeah, we're ready. We're good. | |
| 6 | JEFF SCHWARTZ | | 6 | LYNN A. ROBESON: Okay. I'm calling the case of local | |
| 7 | 17701 New Hampshire Avenue | | 7 | map amendment H-119, application of Nichols Development | |
| 8 | | | 8 | Company requesting a local map amendment to rezone several | |
| 9 | STEPHEN EVERETT SCOVILLE | | 9 | properties from approximately 2.56 acres from the R90 and | |
| 10 | 17810 Porter Road | | 10 | CRT zones to the TF townhouse floating 10 zone. The three | |
| 11 | | | 11 | properties are identified as parcels 393 and P447, addition | |
| 12 | NANCY FENNELL | | 12 | to Charlie's Forest Subdivision part of parcel 395 and | |
| 13 | 17513 Hidden Garden Lane | | 13 | parcels N417 and N449, EC Thomas Subdivision, parcel N17. | |
| 14 | | | 14 | Now, that was really interesting, wasn't it? For -- this is | |
| 15 | PAULA GLENDENNING | | 15 | a continuation of a hearing that we had earlier. We | |
| 16 | 103 Country View Court | | 16 | discovered that the signs had been down and that many | |
| 17 | Ashton, Maryland | | 17 | people didn't know of the public hearing, so we are | |
| 18 | | | 18 | convening this hearing today. This hearing is scheduled on | |
| 19 | JOHN RICHARDSON | | 19 | behalf of the Board of Appeal. My name is Lynn Robeson. I | |
| 20 | 1514 Lost Creek Drive | | 20 | am the Hearing Examiner. And what happens today as I take | |
| 21 | Ashton, Maryland 20861 | | 21 | all the testimony and evidence. So whatever you want to | |
| 22 | | | 22 | say, please say it here because I make a -- write a | |
| 23 | LIAHONA CROMPTON | | 23 | recommendation to the County Council who makes the final | |
| 24 | 17805 Hidden Garden Lane | | 24 | decision, but the County Council does not take any new | |
| 25 | | | 25 | evidence. So we'll try -- we're going to work really hard | |
| 144 | | | 146 | | |
| 1 | E X H I B I T S | | 1 | to get everyone in. Before I -- well, first let me do this; | |
| 2 | | | 2 | we have two sign language interpreters here today. Let me | |
| 3 | NO. | PAGE | 3 | swear them in. Now, can you sign and raise your right hand | |
| 4 | | | 4 | or no? | |
| 5 | 79 | Original plat of Edward | 5 | FEMALE VOICE: (inaudible). | |
| 6 | | Thomas Subdivision 179 | 6 | LYNN A. ROBESON: No, just -- I believe you, okay? Are | |
| 7 | 80A-D | Photos of traffic by Mr. Fennell 209 | 7 | you certified by the Maryland Administrative Office of the | |
| 8 | | | 8 | courts or any member of the Council for language access | |
| 9 | | | 9 | coordinators? | |
| 10 | | | 10 | TRACY BERGAN: No. | |
| 11 | | | 11 | MARY DARNELL: No. | |
| 12 | | | 12 | LYNN A. ROBESON: No, okay. Have you successfully | |
| 13 | | | 13 | completed an orientation program by the Maryland member of | |
| 14 | | | 14 | the Council? | |
| 15 | | | 15 | TRACY BERGAN: (inaudible). | |
| 16 | | | 16 | LYNN A. ROBESON: Okay. Can you please state your | |
| 17 | | | 17 | names and address for the record? | |
| 18 | | | 18 | TRACY BERGAN: Tracy Bergan, address is 9603 50th | |
| 19 | | | 19 | Place, College Park, Maryland, 20740. | |
| 20 | | | 20 | LYNN A. ROBESON: Thank you. | |
| 21 | | | 21 | MARY DARNELL: Mary Darnell, 84 (inaudible) Court, | |
| 22 | | | 22 | Laurel, Maryland, 20723. | |
| 23 | | | 23 | LYNN A. ROBESON: Thank you. Where are you employed? | |
| 24 | | | 24 | TRACY BERGAN: Carrie Quigley & Associates. | |
| 25 | | | 25 | LYNN A. ROBESON: Okay. | |

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3 (147 to 150)

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| <p>147</p> <p>1 MARY DARNELL: Carrie Quigley & Associates. 2 LYNN A. ROBESON: Okay. How long have you known sign 3 language? 4 TRACY BERGAN: All my life. 5 LYNN A. ROBESON: That's -- well, you're young, so I 6 guess I will qualify you. Go ahead. 7 MARY DARNELL: More than 45 years. 8 LYNN A. ROBESON: Okay. Do you have any prior 9 knowledge of the individual requesting a sign language 10 interpreter? 11 TRACY BERGAN: No, not at all. 12 MARY DARNELL: No. 13 LYNN A. ROBESON: Okay. Then I'm going to -- I find 14 you qualified. I'm going to ask you both to take an oath. 15 Do you solemnly affirm under penalties of perjury, to 16 interpret accurately, completely, and impartially and to 17 refrain from knowingly disclosing confidential or 18 privileged information obtained while serving in the 19 proceeding? 20 TRACY BERGAN: I do. 21 MARY DARNELL: I do. 22 LYNN A. ROBESON: Thank you, very much. All right. 23 Now, will the parties kindly identify themselves for the 24 record? 25 FRANCOIS CARRIER: I'm Francois Carrier with the law</p> | <p>149</p> <p>1 It's not a time to testify, but if you have questions on 2 what they say, you can ask them. Sometimes when we have 3 opposition, we ask somebody to be a spokesman to sit at the 4 table to, you know, funnel the questions, or ask the 5 questions. You have the ability to do that. If anyone would 6 like to sit up at the table, you also have an opportunity 7 to object to things coming in. That type of thing. So is 8 there anyone that would like to be a spokesman and sit at 9 the table and just coordinate responses? I see no hands. 10 Okay. Well, if you change your mind, please let me know, 11 all right? All right. So, I'm going to ask the applicant to 12 present the changes to the floating -- there are now two 13 alternative floating zone plans; floating zone Plan A, and 14 floating zone Plan B. Before I begin, has everyone -- has 15 anyone or everyone read the Staff Report in this case? Yes, 16 okay. I see shaking -- nodding of heads. The other thing, 17 and your testimony -- yeah, someone is raising it. The 18 other thing in your testimony is, we are on a transcript 19 today. So if you are talking and pointing to the plan, try 20 to keep in mind that the transcript doesn't understand, 21 here or there. When it goes to the County Council, they 22 won't know where here or there is. So try to put in -- if 23 you want to say, I live to the Northwest or Southeast, try 24 to identify what you are talking about in the record. All 25 right? Okay. With that, I'm going to ask Mr. Sloan. Mr.</p> |
| <p>148</p> <p>1 firm of Bregman, Berbert, Schwartz and Gilday representing 2 the applicant, Nichols Development. We have an affidavit of 3 posting. 4 LYNN A. ROBESON: Oh, thank you. So that's going to be 5 Exhibit 78. 6 FRANCOIS CARRIER: There are several individuals here 7 who would like to speak in support of the application and 8 they would like to speak sooner rather than later as they 9 have other appointments and don't care to wait to listen to 10 the expert witnesses. 11 LYNN A. ROBESON: Okay. Is there anyone here that 12 opposes the application? Okay, I see several hands. Is 13 there anyone who opposes the application that -- what we 14 are going to do today, the applicant has changed its 15 proposal and I was going to have the applicant show -- just 16 basically, describe the changes first to let you know what 17 the current proposal is. If anyone has to leave before or 18 early, I can -- we are going to arrange the schedule to 19 accommodate everybody who has to leave. So -- but I thought 20 it would be beneficial if everyone knew the changes before 21 they do their own testimony. So if anyone needs to leave, 22 please let me know, okay? Now, the -- a little bit about 23 the process. Your testimony is under oath and subject to 24 cross-examination. You have the ability to ask the 25 applicant's witnesses questions. That's cross-examination.</p> | <p>150</p> <p>1 Sloan, you are still under oath from the prior hearing. 2 JOSHUA SLOAN: Understood. 3 LYNN A. ROBESON: Would you kindly summarize the 4 changes to the plan? 5 JOSHUA SLOAN: Sure. So Exhibit 33 was the original 6 floating zone plan. 7 PATRICIA MANGUS: Excuse me. (inaudible) in the room. 8 Can you turn it so that you -- 9 LYNN A. ROBESON: We don't have high tech, 10 unfortunately. 11 PATRICIA MANGUS: (inaudible) just so we can see it. 12 LYNN A. ROBESON: Can you -- 13 PATRICIA MANGUS: Oh yeah. 14 LYNN A. ROBESON: Yeah, but then I can't see. 15 PATRICIA MANGUS: But you can't -- oh right. 16 LYNN A. ROBESON: No, let's -- why don't you move the 17 easel back real quick and see if we can get a better -- 18 actually, let me do this because I have it here. 19 JOSHUA SLOAN: (inaudible). 20 FRANCOIS CARRIER: He needs to be able to point things 21 out. So having the witness hold it is not -- 22 LYNN A. ROBESON: Okay. There you go. 23 FRANCOIS CARRIER: -- very practical. 24 LYNN A. ROBESON: Thank you. Okay. Continue Mr. Sloan. 25 JOSHUA SLOAN: (inaudible).</p> |

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4 (151 to 154)

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| <p>151</p> <p>1 LYNN A. ROBESON: You didn't think you signed up for 2 this, did you question 3 JOSHUA SLOAN: No, (inaudible). 4 LYNN A. ROBESON: Okay. Go ahead. 5 JOSHUA SLOAN: How many years of school for that? 6 Exhibit 33, to which I'm referring now, is the original 7 floating zone plan. Twenty townhouse units are part of the 8 rezoning. A separate portion, a multiuse building on a 9 piece of property that will remain in the CRT zone. So I 10 will now refer to what has been recorded as Exhibit 72C. 11 That's what we call the floating zone Plan A. We have the 12 same number of units, 20 townhouse units. The CRT zoned 13 portion does not change at all. The road, Porter Road, the 14 dedication and the alignment does not change at all. What 15 we have done is we have changed the alley access for the 16 units on the west side of Porter Road. We've reduced paving 17 and reduced some areas of unnecessary space to shift all of 18 those units to the north; reallocated storm water 19 management space outside of the stream valley buffer. This 20 allows us to reduce or to eliminate all stream valley 21 buffer reproachments on the property except for an area 22 that we had in the previous plan, which is necessary for 23 determination of a public road, which will be worked out 24 with DOT at that preliminary plan. This is our anticipated 25 encroachment for a public improvement easement for that</p> | <p>153</p> <p>1 FRANCOIS CARRIER: Shahriar, maybe if you step 2 forward. Shahriar, you step forward. 3 LYNN A. ROBESON: Why don't you come here and then let 4 him stand in the- 5 FRANCOIS CARRIER: Shahriar, if you could step forward 6 a little bit and then Josh could stand a little more to the 7 side. 8 LYNN A. ROBESON: Can you see now? Okay. 9 FRANCOIS CARRIER: There are a couple of seats. Well, 10 one of them is taken now. There is a chair next to the 11 court reporter. I don't know somebody wants to sit in that. 12 JOSHUA SLOAN: Okay. Exhibit 72D is floating zone Plan 13 B. It has the identical configuration on the west side. On 14 the east side however, we went back to the configuration 15 that was discussed with Planning Staff early on, which 16 pushes the units to the north, the three units, lots 11, 17 12, and 13, to the north, brings the alley access in just 18 north of the stream valley buffer, and it shifts all 19 encroachments out of the stream valley buffer. So there's 20 no change in units. It's a change in configuration 21 primarily to units 11 through 13 and the open space which 22 is split into two contiguous spaces which we plan on having 23 lawn in one area and playground in another area. 24 LYNN A. ROBESON: Okay. Anything else you would like 25 to- Now, I will say Planning Staff- Is that your hand</p> |
| <p>152</p> <p>1 turnaround. At any time in the future when Porter Road goes 2 through further and there is anything done to the south, 3 this would be eliminated. The other thing we have done in 4 this plan, is we have shifted our storm water management 5 facilities in our unit and unit configuration and reduced 6 our alley to the minimum width allowed under the zone to 7 remove all storm water management facilities from the 8 stream valley buffer and reduce our encroachment in the 9 buffer through the paving and building shifts. 10 LYNN A. ROBESON: Does that improve or make fire 11 access more difficult? 12 JOSHUA SLOAN: The fire access will be the same; fire 13 access for all these cases. The truck will come down Porter 14 Road. It's within the turnaround distance that the Fire 15 Marshal allows to come down to what is lot 11, access the 16 units within 150 feet of that, and then the turnaround is 17 actually in the commercial area to go back out to Olney 18 Sandy Springs. So there's no change in any of the cases to 19 fire access. 20 LYNN A. ROBESON: Okay. 21 JOSHUA SLOAN: Now we look at the other option, Plan 22 B, Exhibit 72D. 23 KATHLEEN WHEELER: Excuse me. Is there any way you 24 could stand back? Because we can't see (inaudible) exhibit 25 at all.</p> | <p>154</p> <p>1 raised to ask a question? 2 STEPHEN EVERETT SCOVILLE: Yes. 3 LYNN A. ROBESON: Okay. Why don't you- You have to 4 come forward and state your name and address. We're crowded 5 in here. Is it- Well, first of all, is there anything else 6 you would like to point out Mr. Sloan? Are you finished 7 with your presentation before I start taking questions? 8 JOSHUA SLOAN: (inaudible). 9 FRANCOIS CARRIER: Mrs. Robeson, the applicant will 10 have additional evidence from this witness, but in respect 11 for your desire of how to present the hearing today, this 12 is just a limited presentation of the changes to the plan. 13 LYNN A. ROBESON: Okay. Do you have any questions just 14 on the changes to the plan? They're going to get into- I 15 assume they're going to get into Master Plan compliance and 16 that, those issues later. 17 STEPHEN EVERETT SCOVILLE: I have a generic question 18 on the stream valley buffer. 19 LYNN A. ROBESON: Go- 20 STEPHEN EVERETT SCOVILLE: What it is and when it got 21 incited. When did it come, and when did it become created? 22 What are the restrictions for the stream valley buffer? 23 JOSHUA SLOAN: Okay. I'll just refer, because it's the 24 same on all plans, to 72D. So we did a natural resources 25 inventory, Forest (inaudible) delineation plan with Park</p> |

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5 (155 to 158)

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| <p>155</p> <p>1 and Planning Staff which they approved. I believe we've 2 give got the original, but I'm not sure. Within the last 3 year, they approved our location of- 4 LYNN A. ROBESON: Well, why don't you tell them what 5 the NRIFSD does? 6 JOSHUA SLOAN: Okay. So the NRIFSD, it establishes all 7 of the natural resources on the site. We have to map out 8 trees of a certain size. We have to map out existing forest 9 conditions. We have to map out any environmental issues 10 such as the stream that we found here. This had not been a 11 previously identified tributary, but we did identify a 12 stream which starts just to the west of Porter Road. And 13 then we established, based on slope conditions, where that 14 stream valley buffer is. So we established that; Park and 15 Planning confirms it and they approved that. The stream 16 valley buffer is a buffer area that is subject to the 17 environmental guidelines adopted by the Planning Board and 18 does dictate what you can and can't do, how you approach 19 conservation in that area, how you approach any 20 preservation, for example, the forest we're saving here. 21 And how you approach any encroachments in mitigation. 22 LYNN A. ROBESON: Is the stream valley buffer, 23 protecting the stream valley buffer, is that to promote 24 water quality- 25 JOSHUA SLOAN: It's primarily (inaudible).</p> | <p>157</p> <p>1 are not part of the application ever develop. There would 2 have to be a road through there anyway. I'm just letting 3 you know what their position was on the amended plan. All 4 right. Any other questions? Come forward. Now, can you 5 state your name? No, you have to come forward. Can you come 6 forward to the seat here? Can you provide your name and 7 address for the record? 8 DANIEL RUSSELL SELLMAN: (BY INTERPRETER) My name is 9 Daniel Russell McMahon. Sellman, I'm sorry. Daniel Sellman. 10 LYNN A. ROBESON: And address? 11 DANIEL RUSSELL SELLMAN: 17511 Hidden Garden Lane, 12 Ashton, Maryland 20861. 13 LYNN A. ROBESON: Thank you. 14 DANIEL RUSSELL SELLMAN: You're welcome. For the 15 comparison purposes, would you mind looking at the two 16 exhibits, the original, and the Plan A side-by-side, so 17 that we could see the comparison from a visual purpose if 18 possible? Thank you. 19 LYNN A. ROBESON: Can you do that? Okay, for the 20 record, we are now putting Exhibit 33, which was the 21 original FCP, against Plan A, which is Exhibit 72C. 22 DANIEL RUSSELL SELLMAN: So that- As the hearing goes, 23 it might be easier for us to look at it in that manner. I 24 couldn't see the little differences between the two 25 exhibits. So if we can leave those open for now if</p> |
| <p>156</p> <p>1 LYNN A. ROBESON: Of this, the north- Well, in this 2 case, the Northwest Branch Tributary to the Anacostia 3 River? 4 JOSHUA SLOAN: It is primarily a water quality 5 measure. 6 LYNN A. ROBESON: Now, he's going to come back and I'm 7 going to allow some additional questions, but for the time 8 being, does anyone else have any questions just on the 9 reamendments to the plan? Okay. I do see none. I do want 10 everyone to know that we did get a response from Planning 11 Staff at Exhibit 76- Or I'm sorry, 75A, about the amended 12 plans. They go back to FCP, the- 13 FRANCOIS CARRIER: Plan A. 14 LYNN A. ROBESON: Plan A, yeah. 15 JOSHUA SLOAN: (inaudible). 16 FRANCOIS CARRIER: No, that's right. 17 JOSHUA SLOAN: (inaudible). 18 LYNN A. ROBESON: 72C. 19 FRANCOIS CARRIER: Yeah. 20 LYNN A. ROBESON: Planning Staff indicated that the 21 movement out of the west side of the buffer was, yeah, the 22 west side of the buffer was acceptable to them because the 23 stream valley buffer to the east is already compromised. 24 And I can't remember why. That's terrible. It would already 25 be compromised because of those two lots at the south that</p> | <p>158</p> <p>1 possible. 2 LYNN A. ROBESON: I don't know if Mr.- 3 FRANCOIS CARRIER: Etemadi. 4 LYNN A. ROBESON: And we may- Or actually, this is 5 Nanna (phonetic) Johnson, she is our administrative 6 specialist. Maybe she could stand in. She didn't know she 7 was going to have to do this, but maybe you can stand in. 8 SHAHRIAR ETEMADI: I don't mind standing. 9 LYNN A. ROBESON: No, it's okay. 10 SHAHRIAR ETEMADI: (inaudible). 11 LYNN A. ROBESON: Let her do it and you have a seat 12 Mr. Etemadi. 13 SHAHRIAR ETEMADI: (inaudible) switch when they- 14 LYNN A. ROBESON: Yeah, feel free to. Yeah, feel free 15 to switch when you need to. You don't have to alert me. All 16 right. Thank you, Ms. Johnson. Okay. Any- Are there any 17 other questions? 18 STEPHEN EVERETT SCOVILLE: Yes, you implied that there 19 would be a road on the other two lots that are currently 20 non-developed. Not there, to the right. 21 LYNN A. ROBESON: Southeast. 22 JOSHUA SLOAN: To the right (inaudible). 23 STEPHEN EVERETT SCOVILLE: Those two lots where your 24 finger are that are in the stream valley buffer. What is 25 the road? What are you referring to there?</p> |

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| <p>159</p> <p>1 LYNN A. ROBESON: That- The main spine is Porter Road.</p> <p>2 STEPHEN EVERETT SCOVILLE: Right, but you are</p> <p>3 referring to a road in the stream valley buffer on lots-</p> <p>4 LYNN A. ROBESON: Oh, I see what you're saying. Mr.</p> <p>5 Sloan, can you answer that?</p> <p>6 STEPHEN EVERETT SCOVILLE: I guess it would be Edwards</p> <p>7 Thomas, lots 3 and 4. Right? Those two.</p> <p>8 JOSHUA SLOAN: So these two lots, one is vacant right</p> <p>9 now. One does actually have a detached house on it. Porter</p> <p>10 Road is built all the way through. There is a public</p> <p>11 dedication already. It's not built to public road</p> <p>12 standards, but there is a road that- And this culvert that</p> <p>13 collects all the drainage from this area is actually</p> <p>14 already built underneath an existing road, roadway. That's</p> <p>15 what Park and Planning Staff is referring to. When this</p> <p>16 gets brought up to code at any time and these redevelop or</p> <p>17 subdivide or anything else, this gets built out. The</p> <p>18 frontage improvements will have to be made and this road</p> <p>19 will again be- You can see it, maybe you can it in this</p> <p>20 hatched area. This is area that's dedicated for public use</p> <p>21 in the future. This applicant is improving up to their</p> <p>22 frontage improvements on the west and east side where their</p> <p>23 alley access is, but there would be further improvements in</p> <p>24 this publicly dedicated right-of-way of Porter Road down in</p> <p>25 the future.</p> | <p>161</p> <p>1 LYNN A. ROBESON: And does it show a single-family</p> <p>2 dwelling?</p> <p>3 JOSHUA SLOAN: It has a single-family dwelling and has</p> <p>4 a driveway on Porter Road just to the southeast of the</p> <p>5 subject property.</p> <p>6 LYNN A. ROBESON: Thank you. Thank you. Any other</p> <p>7 questions? All right. Seeing none, we're going to allow</p> <p>8 some questions later. I thought it would be helpful if the</p> <p>9 parties knew of the changes and you could address- Have the</p> <p>10 opportunity to address your testimony to the changes. Okay.</p> <p>11 Now that we've done that, do you have people- Before we</p> <p>12 head into- You had the ability to put your case in chief on</p> <p>13 at the last hearing. I will allow some additional testimony</p> <p>14 for your case in chief. Do you have people that need to</p> <p>15 leave?</p> <p>16 FRANCOIS CARRIER: Yes.</p> <p>17 LYNN A. ROBESON: How many?</p> <p>18 FRANCOIS CARRIER: Is it five? Raise your hands. One,</p> <p>19 two- Okay I only see two who need to leave. Okay. I know</p> <p>20 Mr. Bolen does and I'm sorry ma'am-</p> <p>21 JOY TURNER: Joy.</p> <p>22 FRANCOIS CARRIER: Joy Turner.</p> <p>23 LYNN A. ROBESON: Okay.</p> <p>24 FRANCOIS CARRIER: So Steve Bolen and Joy Turner.</p> <p>25 LYNN A. ROBESON: We are tight quarters here, but</p> |
| <p>160</p> <p>1 LYNN A. ROBESON: Sir, I didn't have you identify,</p> <p>2 name, identify your name and address for the record would</p> <p>3 you kindly do that now?</p> <p>4 STEPHEN EVERETT SCOVILLE: Yes, my name is Stephen</p> <p>5 Everett Scoville. I'm the owner of 17810 Porter Road known</p> <p>6 as Lot 8, Edward C. Thomas Subdivision.</p> <p>7 LYNN A. ROBESON: Is your property on those exhibits?</p> <p>8 STEPHEN EVERETT SCOVILLE: Yes.</p> <p>9 LYNN A. ROBESON: Would you please come forward and</p> <p>10 point to which property those are?</p> <p>11 STEPHEN EVERETT SCOVILLE: I'm right here.</p> <p>12 LYNN A. ROBESON: Okay. Wait, it doesn't understand</p> <p>13 here. So let me try to-</p> <p>14 STEPHEN EVERETT SCOVILLE: I am Lot 8 Edward Thomas</p> <p>15 Subdivision.</p> <p>16 LYNN A. ROBESON: Oh, is the lot on there?</p> <p>17 STEPHEN EVERETT SCOVILLE: On Porter Road.</p> <p>18 FRANCOIS CARRIER: Mr. (inaudible). Mr. Sloan, could</p> <p>19 you describe that by- In comparison to its proximity, the</p> <p>20 direction compared to the subject property?</p> <p>21 JOSHUA SLOAN: Lot 8 is on the west side of Porter</p> <p>22 Road. It is confronting a piece of- Confronting our</p> <p>23 property across a piece of right-of-way that was presumably</p> <p>24 dedicated for utilities for Porter Road, the storm</p> <p>25 (inaudible).</p> | <p>162</p> <p>1 please come forward.</p> <p>2 FRANCOIS CARRIER: Why don't you take a seat and Ms.</p> <p>3 Turner, if you could just wait for a moment when Mr. Bolen</p> <p>4 is finished.</p> <p>5 LYNN A. ROBESON: Okay. We found a new mechanism to</p> <p>6 display-</p> <p>7 FRANCOIS CARRIER: Excellent.</p> <p>8 LYNN A. ROBESON: The floating zone plan. Can people</p> <p>9 see it? Okay. Nanna, if you want to take an opportunity to</p> <p>10 said, you can set up here because we are out of chairs I</p> <p>11 think, in the audience.</p> <p>12 NANNA JOHNSON: (inaudible).</p> <p>13 LYNN A. ROBESON: It's better to have not so much</p> <p>14 travel. Okay.</p> <p>15 STEVE BOLEN: Can I have some water?</p> <p>16 FRANCOIS CARRIER: Yeah, sure.</p> <p>17 LYNN A. ROBESON: But thank you. Okay. Please raise</p> <p>18 your right hand. Do you solemnly swear under penalties of</p> <p>19 perjury that the statements you are about to make or the</p> <p>20 truth, the whole truth and nothing but the truth?</p> <p>21 STEVE BOLEN: I do.</p> <p>22 LYNN A. ROBESON: Go- please state your name and</p> <p>23 address for the record.</p> <p>24 STEVE BOLEN: Okay. My name is Steve Bolen, B-O-L-E-N.</p> <p>25 And my address is 17508 Skyline Drive in Ashton, Maryland.</p> |

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7 (163 to 166)

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| <p>163</p> <p>1 LYNN A. ROBESON: Okay.</p> <p>2 STEVE BOLEN: Okay.</p> <p>3 FRANCOIS CARRIER: I don't have-</p> <p>4 LYNN A. ROBESON: Oh, he's not your witness?</p> <p>5 FRANCOIS CARRIER: I don't have questions for this</p> <p>6 witness.</p> <p>7 LYNN A. ROBESON: Oh, okay.</p> <p>8 FRANCOIS CARRIER: So I-</p> <p>9 LYNN A. ROBESON: Go ahead.</p> <p>10 STEVE BOLEN: So I'm here to support the proposed</p> <p>11 rezoning, the additional development density that Mr.</p> <p>12 Nichols has proposed. I'm a long time Ashton resident. Both</p> <p>13 of my children went to Sherwood High School not 250 yards</p> <p>14 from the Porter Road project. I'm here not as an investor</p> <p>15 in Mr. Nichols' projects, I've never invested in one of his</p> <p>16 projects, but as a 30-year commercial real estate investor</p> <p>17 with my private equity firm I invest in projects like this</p> <p>18 all over the country and all over the world. Our country-</p> <p>19 Our company has about \$60 billion of assets that we've</p> <p>20 invested in. And whenever there is a real estate project in</p> <p>21 my community, I take special interest, not as an investor,</p> <p>22 but as somebody who lives there, is in this business, and</p> <p>23 always has an interest. When I started reading the articles</p> <p>24 about this project, I contacted Mr. Nichols who I know from</p> <p>25 the community, and I asked him a lot of questions. After</p> | <p>165</p> <p>1 necessary, one of the answers he-</p> <p>2 LYNN A. ROBESON: Well, this is hearsay. You're</p> <p>3 repeating what-</p> <p>4 STEVE BOLEN: All right. Well-</p> <p>5 LYNN A. ROBESON: Mr. Nichols told you. So I-</p> <p>6 STEVE BOLEN: Well, you can ask Mr. Nichols if you</p> <p>7 want.</p> <p>8 LYNN A. ROBESON: I will, but can you address your own</p> <p>9 feeling or your own experience with the project and not</p> <p>10 repeat what Mr. Nichols said?</p> <p>11 STEVE BOLEN: Sure. Sure. So my experience with this</p> <p>12 product goes way back to when it was a functioning</p> <p>13 restaurant on the site and my children's teams would end up</p> <p>14 at the Sole D'Italia after games to either celebrate or</p> <p>15 look not to fondly upon the results. And what I've watched</p> <p>16 over time, sadly, is that this, what was once a gathering</p> <p>17 place in our community, has become an awful eyesore. So</p> <p>18 when I heard that the project was going to be redeveloped,</p> <p>19 I took a keen interest as somebody who actually used this</p> <p>20 property on many, many occasions, and drive by it</p> <p>21 frequently and just get irritated every time I drive by it</p> <p>22 for how unsightly it has become. So when I studied and read</p> <p>23 about what was proposed for it, it looked fantastic. I saw</p> <p>24 the video. I liked the- What is going to become. I like</p> <p>25 having additional commercial uses in our community that's</p> |
| <p>164</p> <p>1 getting answers to my questions, I am 100 percent</p> <p>2 supportive of the project as a person who lives and is very</p> <p>3 active in my community. As I understand it at a very high</p> <p>4 level, and I have not gotten down into the weeds of the</p> <p>5 various zoning ordinances and I've not studied too much of</p> <p>6 the history of this project. I asked high-level questions</p> <p>7 and my understanding at a very high level, is that the</p> <p>8 proposal in front of you is to add an additional 5 to 6</p> <p>9 residential dwelling units above and beyond the by right</p> <p>10 development density. So I challenged-</p> <p>11 LYNN A. ROBESON: Well, explain that.</p> <p>12 STEVE BOLEN: Explain that? Well, my understanding is</p> <p>13 that there is a certain number of units allowed and what's</p> <p>14 been proposed is more than what's allowed. I would think</p> <p>15 the question before you and others that are looking at this</p> <p>16 is whether that additional density is negatively impactful</p> <p>17 on the community.</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 STEVE BOLEN: I think the units- I think it's 5 to 6</p> <p>20 units above and beyond what would be developable by right.</p> <p>21 Maybe it's four.</p> <p>22 FRANCOIS CARRIER: We will be presenting testimony on</p> <p>23 that later.</p> <p>24 STEVE BOLEN: Okay. So anyway, when I asked Mr.</p> <p>25 Nichols why that additional development density was</p> | <p>166</p> <p>1 some of the local high school kids and college kids can</p> <p>2 work in. I like having additional housing stock. If you</p> <p>3 spent time in Ashton, you know we don't really have too</p> <p>4 much new housing stock coming online anytime soon. I think</p> <p>5 this is going to be an interesting price point that's going</p> <p>6 to meet a need in our community. It is consistent with some</p> <p>7 of the use-</p> <p>8 LYNN A. ROBESON: Do you know the price point?</p> <p>9 STEVE BOLEN: Well, I suspect they are going to be</p> <p>10 higher end townhouses. It will probably be a range of</p> <p>11 pricing depending on the width of the townhouses, but I</p> <p>12 think they are going to be probably affordable by</p> <p>13 Montgomery County standards, let's put it that way. They</p> <p>14 are not going to be- I don't suspect they're going to be</p> <p>15 million dollars and up which is what it costs in many cases</p> <p>16 to buy a house in Ashton. There are some more affordable</p> <p>17 options, but much of the stock is very expensive. So it be</p> <p>18 nice entry-level point for kids like my children who want</p> <p>19 to move back into this community at some point.</p> <p>20 LYNN A. ROBESON: But you don't know at that point is.</p> <p>21 STEVE BOLEN: Well, I suspect it's going to be a high</p> <p>22 price point.</p> <p>23 LYNN A. ROBESON: Well, give me an (inaudible).</p> <p>24 STEVE BOLEN: I'm not a-</p> <p>25 LYNN A. ROBESON: 800?</p> |

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| <p>167</p> <p>1 STEVE BOLEN: I don't know.</p> <p>2 LYNN A. ROBESON: 700?</p> <p>3 STEVE BOLEN: I don't know. Probably 6 to 7, 6 to 800,</p> <p>4 but maybe less. I don't know, but it's going to be more</p> <p>5 affordable than some of the single-family, detached, newer</p> <p>6 housing stock that's in our community. But my point, I</p> <p>7 don't- Again, my point in supporting this project is that</p> <p>8 it's going to introduce townhomes which are consistent with</p> <p>9 some of the uses in our little town of Ashton. So it's not</p> <p>10 an out of character use for the housing stock that is in</p> <p>11 place now.</p> <p>12 LYNN A. ROBESON: Well, I think the existing</p> <p>13 townhouses are much lower density. I think that's some of</p> <p>14 the issue here.</p> <p>15 STEVE BOLEN: Well, and I think that part of the</p> <p>16 density request, and you can ask Mr. Nichols yourself about</p> <p>17 this, has to do with making this project financially</p> <p>18 feasible. What I do all day is try to find commercial real</p> <p>19 estate projects that can be accretive to the community and</p> <p>20 yet attractive enough from a return perspective that you</p> <p>21 can attract the equity investors to make the deal happen.</p> <p>22 So without equity investors-</p> <p>23 LYNN A. ROBESON: But you don't know the exact</p> <p>24 economics.</p> <p>25 STEVE BOLEN: I have talked about the exact economics</p> | <p>169</p> <p>1 STEPHEN EVERETT SCOVILLE: There are 20 properties.</p> <p>2 LYNN A. ROBESON: This is not your time. Try to keep</p> <p>3 that in mind. We don't allow crosstalk. It's called</p> <p>4 crosstalk. It's especially important because we have an</p> <p>5 interpreter. We will get to your questions and we will get</p> <p>6 your testimony, okay? Thank you.</p> <p>7 STEVE BOLEN: And what I- To be clear, what I'm</p> <p>8 talking about is the incremental traffic. If by right, 15</p> <p>9 units are allowed and what is granted is 20 units, it's</p> <p>10 five incremental units-</p> <p>11 LYNN A. ROBESON: Times-</p> <p>12 STEVE BOLEN: That we are talking about. I just want</p> <p>13 to make sure that my testimony is clear to everybody in the</p> <p>14 room. So it's those five incremental users of roads and</p> <p>15 schools and services that I would think would be relevant</p> <p>16 in thinking about this variance. To me, I drive those roads</p> <p>17 all the time. My wife drives those roads all the time. I</p> <p>18 don't know that five additional cars coming in and out in</p> <p>19 the morning and in the evening would make any difference.</p> <p>20 That's my opinion. And one of the- I'll wrap up by saying</p> <p>21 that one of the strong advantages of my investments around</p> <p>22 the country and my investment activity and development</p> <p>23 activity around the country, is anytime I have an</p> <p>24 opportunity to partner my institutional equity with local</p> <p>25 developers, it's a huge advantage. Often times that I'm</p> |
| <p>168</p> <p>1 with Mr. Nichols and he has assured me that that is part</p> <p>2 and parcel to this request, but you can ask him that</p> <p>3 yourself later on today. So I have no discomfort with</p> <p>4 introducing more townhouses. It's a fairly small number to</p> <p>5 begin with. When I pressed those active in this project</p> <p>6 about the improvement height variance that is being</p> <p>7 requested, as I understand it, it seems to me that I don't</p> <p>8 know that I would even notice whether a building height is</p> <p>9 30 feet versus 35 feet or 35 feet versus 40 feet. Adding 5</p> <p>10 feet of building height to the improvements, I do not</p> <p>11 believe would be unattractive in our community and</p> <p>12 honestly, I don't even know that I would notice it if I</p> <p>13 were driving down the street. So if that's what's necessary</p> <p>14 to make this project happen, if that's what's necessary to</p> <p>15 generate the returns to attract the equity investors to</p> <p>16 make this project happen, I would fully support it as long</p> <p>17 as it's attractive and it is in keeping with the standards</p> <p>18 of the community. Then I think about the additional to the</p> <p>19 extent additional density is granted on this site. It's not</p> <p>20 going to be much. It's not going to create heavy to-</p> <p>21 LYNN A. ROBESON: But you don't know how much.</p> <p>22 STEVE BOLEN: Well, if it's five units above and</p> <p>23 beyond what is by right, it's five additional cars going</p> <p>24 out in the morning, five additional cars coming in in the</p> <p>25 morning.</p> | <p>170</p> <p>1 developing in the southeast, I'm developing with a regional</p> <p>2 Southeast developer. It's very, very rare and highly,</p> <p>3 highly positive that you have a local developer that lives</p> <p>4 a couple of miles from the site like I do, who shops in the</p> <p>5 same grocery stores that we do, eats in the same</p> <p>6 restaurants that we do, and I think because of that, as-</p> <p>7 Will take a personal stake above and beyond in making sure</p> <p>8 that this project is attractive, functions well, and is</p> <p>9 truly accretive to the community. He's done it before. He</p> <p>10 did it just down the road across from the Valero gas</p> <p>11 station where he took another eyesore in our community and</p> <p>12 converted it into a true community asset. I think it's</p> <p>13 going to do it down here. All of the questions that I asked</p> <p>14 of him had very sound and reasoned answers and that's why</p> <p>15 I'm supportive of the project.</p> <p>16 LYNN A. ROBESON: Thank you (inaudible). Are there any</p> <p>17 questions question okay. Seeing none, you may be excused.</p> <p>18 STEVE BOLEN: Great. Thank you.</p> <p>19 LYNN A. ROBESON: Thank you for your testimony.</p> <p>20 FRANCOIS CARRIER: (inaudible).</p> <p>21 STEVE BOLEN: (inaudible) thank you.</p> <p>22 FRANCOIS CARRIER: Thank you. Mrs. Turner.</p> <p>23 LYNN A. ROBESON: Please raise your right hand. Do</p> <p>24 solemnly affirm under penalties of perjury, that the</p> <p>25 statements you're about to make are the truth, the whole</p> |

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| <p>171</p> <p>1 truth, and nothing but the truth?</p> <p>2 JOY TURNER: I do.</p> <p>3 LYNN A. ROBESON: Go- Please state your name and</p> <p>4 address for the record.</p> <p>5 JOY TURNER: My name is Joy Turner. I live at 17501</p> <p>6 Norwood Road in Sandy Spring, Maryland, which is about a</p> <p>7 mile away from the development.</p> <p>8 LYNN A. ROBESON: Okay. Go ahead.</p> <p>9 JOY TURNER: Okay.</p> <p>10 LYNN A. ROBESON: What would you like to say?</p> <p>11 JOY TURNER: I have been- Since birth, I have lived in</p> <p>12 Sandy Spring, Ashton area. Moved away after college for</p> <p>13 several years and came back. I am very active in the</p> <p>14 community. I am a member of the Sandy Spring's Civic</p> <p>15 Association and a past member, and the past president of</p> <p>16 that Association for several years. I also worked on the</p> <p>17 Sandy Spring's (inaudible) during my presence in tenure.</p> <p>18 I'm very familiar with the community and how it's grown and</p> <p>19 how it's developed and it was during my tenure that we</p> <p>20 became established as a historic district in Sandy Spring.</p> <p>21 I'm in support of the Porter Road project and the</p> <p>22 development in its entirety with the extra houses. The</p> <p>23 townhouses will provide, in my opinion, much needed diverse</p> <p>24 living options within the community. I believe it fits the</p> <p>25 Master Plan that develops a walk able village center within</p> | <p>173</p> <p>1 jobs between Howard County, Montgomery County, and D.C. So</p> <p>2 the timeframe of those cars coming out is not consistent.</p> <p>3 It's during morning and afternoon. There are also turn</p> <p>4 lanes. Well, there is one that goes-</p> <p>5 LYNN A. ROBESON: Why do you think they won't come out</p> <p>6 during the rush hours?</p> <p>7 JOY TURNER: No, no, no. I do think that they will</p> <p>8 come out during the rush hour. I'm saying that the majority</p> <p>9 of the traffic, adding 80 presumably to that traffic that's</p> <p>10 coming through, is not hugely significant when you've got</p> <p>11 developments in Olney and our surrounding communities that</p> <p>12 have huge, single-family homes that have 4 and 5 cars that</p> <p>13 are getting their people back and forth, which are much,</p> <p>14 much larger with 100 plus house is going through. So my</p> <p>15 point is just that the traffic increase by let's say 80, is</p> <p>16 not, in my opinion, the main reason that that intersection,</p> <p>17 that roadway, is so congested.</p> <p>18 LYNN A. ROBESON: I see.</p> <p>19 JOY TURNER: And again, as the previous speaker said,</p> <p>20 Mr. Nichols has done some very good development in the</p> <p>21 community and it's been very accessible to the residents</p> <p>22 and I just feel like before some of this development came</p> <p>23 in, Mr. Nichols and others, we were looking at a town that</p> <p>24 was failing. Everything was falling down and yes, it was</p> <p>25 rural, but that type of rural did not provide the kind of</p> |
| <p>172</p> <p>1 the community and preserves the intent of the founders of</p> <p>2 the Sandy Spring, Ashton community. In fact, on that very</p> <p>3 corner where this project is going to be built, it was a</p> <p>4 diverse living development in the 1700s. There was a store</p> <p>5 and there were houses surrounding that store. So therefore,</p> <p>6 I believe that the spirit of this project fulfills the</p> <p>7 founders' recommendations and I believe that this project,</p> <p>8 with the houses that it's having on it, 20 plus the mixed-</p> <p>9 use development; in addition, it maintains the rural</p> <p>10 character of the community. The new residents of the</p> <p>11 townhouses I believe will support the local businesses in</p> <p>12 our community and it allows the small business owners to</p> <p>13 gain new customers, to become greater viable businesses in</p> <p>14 the community, and to provide jobs, which is something that</p> <p>15 we need in the Sandy Spring, Ashton community. We are</p> <p>16 talking about a very small number of vehicles. Everybody's</p> <p>17 talking about the traffic that comes through. My thought is</p> <p>18 that this development's, 20 houses, 80 cars coming out</p> <p>19 during times- I mean, just assuming that it's 80 cars if</p> <p>20 you kind of go with kids having cars and all that. Those</p> <p>21 kids coming out and people going back and forth are during</p> <p>22 specific times. For me, having lived there all my life, the</p> <p>23 greater traffic has come from the larger single-family</p> <p>24 developments that surround the community in Olney and</p> <p>25 Howard County because that road, 108, is a transport for</p> | <p>174</p> <p>1 services that we needed. When I grew up it was a cow town</p> <p>2 and quite honestly, I couldn't wait to get out. Love it,</p> <p>3 but you need amenities and I believe that this does that.</p> <p>4 LYNN A. ROBESON: Okay. Thank you. Any questions?</p> <p>5 Okay, seeing none, you may be excuse.</p> <p>6 JOY TURNER: Thank you very much.</p> <p>7 LYNN A. ROBESON: Thank you.</p> <p>8 FRANCOIS CARRIER: Thank you.</p> <p>9 LYNN A. ROBESON: Now, is there anyone else here that</p> <p>10 needs to leave? Okay, with that, I'm going to let those who</p> <p>11 did not appear at the earlier hearing, to testify and then</p> <p>12 the applicant will have a chance to respond. I have one</p> <p>13 more- I think for the applicant before I forget. I'm a</p> <p>14 little confused on the density. Not- Don't do it now. You</p> <p>15 don't have to answer it now, but as I read the Master Plan,</p> <p>16 it's either at Page 30 or Page 33; the Master Plan says 1.5</p> <p>17 to 5.</p> <p>18 FRANCOIS CARRIER: You will hear testimony from Mr.</p> <p>19 Sloan regarding all of the reasons why he believes that the</p> <p>20 Master Plan fully supports the density requested in this</p> <p>21 application. He looks at multiple pages in the Master Plan.</p> <p>22 We are fully aware of the map on Page 30.</p> <p>23 LYNN A. ROBESON: Because I notice that Staff said</p> <p>24 there was no specific recommendation. Staff of the Planning</p> <p>25 Department said there was no specific recommendation, but</p> |

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| <p>175</p> <p>1 there is a specific-</p> <p>2 FRANCOIS CARRIER: Staff's discussion of the Master</p> <p>3 Plan was, unfortunately, very brief.</p> <p>4 LYNN A. ROBESON: Okay.</p> <p>5 FRANCOIS CARRIER: So they did not provide-</p> <p>6 LYNN A. ROBESON: But what is-</p> <p>7 FRANCOIS CARRIER: They opined that it was consistent,</p> <p>8 but they do not provide much in the way of analysis to</p> <p>9 explain the basis for that opinion. We did submit-</p> <p>10 LYNN A. ROBESON: I saw-</p> <p>11 FRANCOIS CARRIER: Exhibit 72A which discusses some</p> <p>12 aspects of the Master Plan, but Mr. Sloan is prepared to go</p> <p>13 through on a detailed basis and cite several elements of</p> <p>14 the Master Plan that he believes support this rezoning.</p> <p>15 LYNN A. ROBESON: Okay. You don't- You said- You're</p> <p>16 saying it's coming.</p> <p>17 FRANCOIS CARRIER: It's coming.</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 FRANCOIS CARRIER: We are happy to do now if you like.</p> <p>20 It's up to- It's up to you.</p> <p>21 LYNN A. ROBESON: I've looked at what the R90 zone</p> <p>22 would permit and it looks like it's 4.39. So-</p> <p>23 FRANCOIS CARRIER: We also have- We also would be</p> <p>24 happy to have Mr. Sloan go to what the existing zoning</p> <p>25 would allow by right so you can make the comparison for the</p> | <p>177</p> <p>1 LYNN A. ROBESON: Can you spell that last name?</p> <p>2 STEPHEN EVERETT SCOVILLE: S-C-O-V as in Victor, I-L-</p> <p>3 L-E.</p> <p>4 LYNN A. ROBESON: Thank you.</p> <p>5 STEPHEN EVERETT SCOVILLE: I have been a resident of</p> <p>6 Edward C. Thomas subdivision since 1999. I have not really</p> <p>7 received much about this project. I did receive notice of</p> <p>8 the first hearing. I did not receive notice of the second</p> <p>9 hearing.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 STEPHEN EVERETT SCOVILLE: I have not been in contact</p> <p>12 with much of this development at all; with the planners.</p> <p>13 They have not included everybody in the subdivision.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 STEPHEN EVERETT SCOVILLE: Okay. Having found out</p> <p>16 about the project, I contacted Park and Planning. We</p> <p>17 currently reside on Porter Road. We get our mail and our</p> <p>18 trash at the corner of Porter Road and New Hampshire</p> <p>19 Avenue. Park and Planning has no idea how this development</p> <p>20 is going to impact our existing services. I have contacted</p> <p>21 WSSC to find out where our storm- Where sewer and water</p> <p>22 will be coming through. The current plan does not detail</p> <p>23 where storm- Where sewer and water sources are coming to</p> <p>24 feed these units. It's a mystery. Currently, there is a</p> <p>25 traffic problem, congestion, at Porter Road and New</p> |
| <p>176</p> <p>1 area to be rezoned and for the full project site.</p> <p>2 LYNN A. ROBESON: Okay. With that- Thank you. With</p> <p>3 that, we're going to take testimony from those who were not</p> <p>4 able or did not know of the first hearing. So whoever wants</p> <p>5 to start, you-</p> <p>6 MARY DARNELL: Do you want me to go back to my seat?</p> <p>7 LYNN A. ROBESON: I'm sorry?</p> <p>8 MARY DARNELL: Should I go back to my seat.</p> <p>9 FRANCOIS CARRIER: He's asking.</p> <p>10 MARY DARNELL: I don't need to stay at the table.</p> <p>11 LYNN A. ROBESON: Not unless you wish to testify. If</p> <p>12 you want to testify, you are- You can sit up there and we</p> <p>13 could start with you.</p> <p>14 MARY DARNELL: Oh, no, no, no. No, I'm not prepared</p> <p>15 for it right now. Okay?</p> <p>16 LYNN A. ROBESON: Okay. Thank you. Okay. Is- Would</p> <p>17 anyone like to testify that did not? Okay. We already have</p> <p>18 your name and address. Let's- Please raise your right hand.</p> <p>19 Do solemnly affirm under penalties of perjury that the</p> <p>20 statements you're about to make or the truth, the whole</p> <p>21 truth, and nothing but the truth?</p> <p>22 STEPHEN EVERETT SCOVILLE: I do.</p> <p>23 LYNN A. ROBESON: Okay. Go ahead.</p> <p>24 STEPHEN EVERETT SCOVILLE: Okay. Once again, my name</p> <p>25 is Stephen Everett Scoville. I am the owner-</p> | <p>178</p> <p>1 Hampshire Avenue. I come down the road every single day. I</p> <p>2 usually approach from the east and I come across 108 and</p> <p>3 try to turn left into Porter Road. Traffic is backed up. So</p> <p>4 if you look at the picture-</p> <p>5 LYNN A. ROBESON: Exhibit 33. You are coming east on</p> <p>6 what road?</p> <p>7 STEPHEN EVERETT SCOVILLE: On New Hampshire Avenue.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 STEPHEN EVERETT SCOVILLE: And you try to turn left</p> <p>10 onto Porter Road-</p> <p>11 LYNN A. ROBESON: Is it 108 or New Hampshire.</p> <p>12 STEPHEN EVERETT SCOVILLE: Sorry, 108.</p> <p>13 LYNN A. ROBESON: Okay. That's where I was confused.</p> <p>14 STEPHEN EVERETT SCOVILLE: Okay. So heading-</p> <p>15 LYNN A. ROBESON: And then you are trying to turn left</p> <p>16 onto Porter?</p> <p>17 STEPHEN EVERETT SCOVILLE: Heading westbound on 108,</p> <p>18 turning into Porter Road, is usually congested. There- It's</p> <p>19 very difficult to come across the road due to back-up from</p> <p>20 Route 108. I mean, from the intersection of 108 and 650.</p> <p>21 LYNN A. ROBESON: Okay. Now I understand.</p> <p>22 STEPHEN EVERETT SCOVILLE: Okay. Coming out of Porter</p> <p>23 road and trying to make a left-hand turn is nearly</p> <p>24 impossible.</p> <p>25 LYNN A. ROBESON: For the same reason? For the back-</p> |

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11 (179 to 182)

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| <p>179</p> <p>1 up?</p> <p>2 STEPHEN EVERETT SCOVILLE: Due to the back-up and then</p> <p>3 the oncoming traffic coming from the right hand.</p> <p>4 LYNN A. ROBESON: So there is queuing to the- There is</p> <p>5 a back-up from the intersection plus you're dealing with</p> <p>6 the traffic from the heavy volume from the other section.</p> <p>7 STEPHEN EVERETT SCOVILLE: Correct.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 STEPHEN EVERETT SCOVILLE: Okay. The concern that</p> <p>10 adding 20 more units, at least 50 more cars, all trying to</p> <p>11 turn, all trying to exit, is going to be nonfactor,</p> <p>12 unfunctional.</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 STEPHEN EVERETT SCOVILLE: Okay. Additional, there is</p> <p>15 a water runoff problem. It has been there for a number of</p> <p>16 years. The water is-</p> <p>17 LYNN A. ROBESON: From this property?</p> <p>18 STEPHEN EVERETT SCOVILLE: From the commercial</p> <p>19 property. The one that is to my right up on the front.</p> <p>20 LYNN A. ROBESON: The northeast corner.</p> <p>21 STEPHEN EVERETT SCOVILLE: The northeast. Water is</p> <p>22 currently running off of the road and it's running down</p> <p>23 Porter Road. There is no storm water management plan as</p> <p>24 part of the subdivision to address that problem.</p> <p>25 LYNN A. ROBESON: Okay. Now, they do have storm water</p> | <p>181</p> <p>1 LYNN A. ROBESON: Okay. When you say forward, can you</p> <p>2 explain that? You can approach the exhibit. Just so I</p> <p>3 understand what you're saying.</p> <p>4 STEPHEN EVERETT SCOVILLE: It appears to me the storm</p> <p>5 water has been moved here. We have townhouses-</p> <p>6 LYNN A. ROBESON: When you say here, it's in the-</p> <p>7 STEPHEN EVERETT SCOVILLE: Open space.</p> <p>8 LYNN A. ROBESON: Yes, it's in the northwestern- Or</p> <p>9 southwestern side of that open space area.</p> <p>10 STEPHEN EVERETT SCOVILLE: Southwestern side, right.</p> <p>11 There are townhouses behind the storm water buffer. There</p> <p>12 is a road behind the storm water buffer. Water is going to</p> <p>13 flow.</p> <p>14 LYNN A. ROBESON: I see what you're saying. It will</p> <p>15 come- Yes, you're concerned about the stick of townhouses</p> <p>16 on the eastern and southern sides and the roadways there.</p> <p>17 STEPHEN EVERETT SCOVILLE: Correct.</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 STEPHEN EVERETT SCOVILLE: We are concerned about the</p> <p>20 entire development. The storm water seems- Management plan</p> <p>21 seems lacking to me given the flow of water that is coming</p> <p>22 through.</p> <p>23 LYNN A. ROBESON: Okay.</p> <p>24 STEPHEN EVERETT SCOVILLE: I'd like to point out that</p> <p>25 there appears to be no right hand turn lane as part of this</p> |
| <p>180</p> <p>1 retention facilities.</p> <p>2 STEPHEN EVERETT SCOVILLE: I see that. I see under one</p> <p>3 of the plans, it's hard to tell which one they're going to</p> <p>4 implement. They put two here. I'm not sure which one is</p> <p>5 current. One of the plans, the storm water management has</p> <p>6 been moved up out of the spring buffer on the right. The</p> <p>7 road is behind it. All of the water will run down there and</p> <p>8 onto Porter road and into my yard.</p> <p>9 LYNN A. ROBESON: I see. Ms. Johnson, can you put up</p> <p>10 72? Is there another one behind there? Just so we can</p> <p>11 understand. Thank you, Mr. Sloan. Okay. This is 72C. So</p> <p>12 you're saying it's going to drain to Porter Road.</p> <p>13 STEPHEN EVERETT SCOVILLE: Right.</p> <p>14 LYNN A. ROBESON: And is that what the existing- The</p> <p>15 old Sole D'Italia site?</p> <p>16 STEPHEN EVERETT SCOVILLE: The old Sole D'Italia is up</p> <p>17 in the northern- right up on Route 108.</p> <p>18 LYNN A. ROBESON: Northeast.</p> <p>19 STEPHEN EVERETT SCOVILLE: So that is straining down</p> <p>20 on Porter Road. This will be an additional load due to the</p> <p>21 current grade. All this development it's water will drain</p> <p>22 somewhere. In this current plan, there is no storm water</p> <p>23 buffer on the right-hand side under it, behind the</p> <p>24 commercial building where those townhouses are. The storm</p> <p>25 water buffer has been moved forward.</p> | <p>182</p> <p>1 development project. If you look in front of Spring Along</p> <p>2 Farm, or Spring Along- Let me back up. This development</p> <p>3 here-</p> <p>4 LYNN A. ROBESON: And you're pointing to the north-</p> <p>5 the single-family homes on the western side.</p> <p>6 STEPHEN EVERETT SCOVILLE: Correct. This is, I</p> <p>7 believe, Hidden Garden. There is a right-hand turn lane</p> <p>8 that is right here to help with ingress into the community.</p> <p>9 The right hand turn lane stops right here. As far as I can</p> <p>10 tell, Park and Planning couldn't tell. This looks like</p> <p>11 green space. I see trees on the drawing. So we don't have a</p> <p>12 right hand turn lane.</p> <p>13 LYNN A. ROBESON: Okay. I understand. So you're saying</p> <p>14 eastbound on a 108, there won't be a dedicated right turn</p> <p>15 lane.</p> <p>16 STEPHEN EVERETT SCOVILLE: That's correct. Nor will</p> <p>17 there be an improvement to fix this (inaudible)-</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 STEPHEN EVERETT SCOVILLE: With the subdivision being</p> <p>20 pushed forward.</p> <p>21 LYNN A. ROBESON: Okay. I understand.</p> <p>22 STEPHEN EVERETT SCOVILLE: Okay. I would like to</p> <p>23 submit one of the original subdivision plots for Edward C</p> <p>24 Thomas subdivision.</p> <p>25 LYNN A. ROBESON: Can you show it to Ms. Carrier?</p> |

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| <p>183</p> <p>1 STEPHEN EVERETT SCOVILLE: It's in the land records. 2 It shows that this lot right here- 3 LYNN A. ROBESON: Wait. It has to be admitted first. I 4 know I'm slowing you up, but I appreciate it. 5 FRANCOIS CARRIER: That's okay. I'm familiar with it. 6 LYNN A. ROBESON: Okay. I'm going to mark that as 7 Exhibit 79. No objections Ms. Carrier? 8 FRANCOIS CARRIER: No, no objections. 9 LYNN A. ROBESON: I have to keep this. 10 STEPHEN EVERETT SCOVILLE: That's good. 11 LYNN A. ROBESON: This is a subdivision plat for 12 Edward Thomas subdivision. 13 STEPHEN EVERETT SCOVILLE: That is correct. 14 LYNN A. ROBESON: Okay. Now, don't walk out with that. 15 STEPHEN EVERETT SCOVILLE: I'm not (inaudible). 16 LYNN A. ROBESON: You can keep it to reference, but- 17 STEPHEN EVERETT SCOVILLE: All right. Subdivision was 18 created July 29, 1941. It was to serve a residential 19 community of, it looks to be about eight lots. My family 20 and the residents of Porter Road have maintained Porter 21 Road all along with private funding. It is part of our 22 community. Not included in the Porter Road subdivision, is 23 this lot that they are proposing the commercial building. 24 LYNN A. ROBESON: Where Sole D'Italia used to be. 25 STEPHEN EVERETT SCOVILLE: Where Sole D'Italia used to</p> | <p>185</p> <p>1 here. 2 LYNN A. ROBESON: Okay. 3 STEPHEN EVERETT SCOVILLE: Given that it was for the 4 Edward C. Thomas subdivision and those properties are not 5 part of the subdivision. 6 LYNN A. ROBESON: Okay. Thank you. 7 STEPHEN EVERETT SCOVILLE: For the record, I would 8 like to state that all of the people under this exhibit 9 list- 10 LYNN A. ROBESON: This exhibit list, is that one for 11 this case? 12 STEPHEN EVERETT SCOVILLE: Yeah, the names and the 13 people who were in support of this project do not live in 14 this community, in the immediate community. They are not 15 part of the Edward C. Thomas subdivision and as far as I 16 can tell, I don't think they're part of the community on- 17 Right to the west of it. 18 LYNN A. ROBESON: Okay. All right. 19 STEPHEN EVERETT SCOVILLE: I have invested into this 20 community. Not as a single- Not as a townhouse community, 21 but as a single-family home community, which it has been 22 since the day of the subdivision. I don't believe that the 23 traffic warrants the (inaudible) townhouses in here. I 24 don't think the storm water management plan is adequate for 25 this level of development. I don't think that they have</p> |
| <p>184</p> <p>1 be. Not included in the Porter Road division is this lot. 2 LYNN A. ROBESON: And that's the narrow- That's 3 actually a couple of lots, but on the western side. 4 STEPHEN EVERETT SCOVILLE: This is currently one 5 building lot (inaudible). 6 LYNN A. ROBESON: Okay. On the- So the whole area on 7 the western side. 8 STEPHEN EVERETT SCOVILLE: Right. The point I'm trying 9 to make is that Porter Road was created to serve a single- 10 family home community consisting of eight, half-acre 11 building lots zoned R90 with existing homes built on the 12 community, not a townhouse subdivision. 13 LYNN A. ROBESON: Okay. I understand. 14 STEPHEN EVERETT SCOVILLE: If you look in the area, we 15 don't have townhouses. The current area- 16 FEMALE VOICE: (inaudible). 17 LYNN A. ROBESON: Just no crosstalk. 18 STEPHEN EVERETT SCOVILLE: This current block is 19 single-family homes. 20 LYNN A. ROBESON: To the west you mean? 21 STEPHEN EVERETT SCOVILLE: Right here. Right here. 22 LYNN A. ROBESON: Okay. 23 STEPHEN EVERETT SCOVILLE: Right in here. I would like 24 to question the use of Porter Road for the commercial 25 subdivision, I mean the commercial building and at this lot</p> | <p>186</p> <p>1 proper access to Porter Road to serve this development. 2 LYNN A. ROBESON: Because of the plat? 3 STEPHEN EVERETT SCOVILLE: Yeah, that Porter Road was 4 part of the Edward C. Thomas division, not the commercial 5 property, and not the tract to the west. 6 LYNN A. ROBESON: Okay. 7 STEPHEN EVERETT SCOVILLE: Porter Road was to- Was 8 originally dedicated to serve the eight houses that are 9 there. 10 LYNN A. ROBESON: Okay. 11 STEPHEN EVERETT SCOVILLE: Or the eight residential 12 lots. 13 LYNN A. ROBESON: It is a public road though. 14 STEPHEN EVERETT SCOVILLE: Right, but it was never 15 maintained by the public. It's been maintained by the 16 residents of Edward C. Thomas and it was to serve, the 17 original intent is to serve the Edward C. Thomas residents. 18 LYNN A. ROBESON: It's privately maintained? 19 STEPHEN EVERETT SCOVILLE: It has been privately 20 maintained since '41 or the subdivision time. 21 LYNN A. ROBESON: Okay. 22 STEPHEN EVERETT SCOVILLE: That's roughly 40, 60, how 23 many years is that? 24 FRANCOIS CARRIER: 76. 25 STEPHEN EVERETT SCOVILLE: Yeah. So.</p> |

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| <p>187</p> <p>1 LYNN A. ROBESON: Interesting. That's unusual.</p> <p>2 STEPHEN EVERETT SCOVILLE: Right. So for the traffic</p> <p>3 congestion that this is going to prepare- Or to- and put on</p> <p>4 to my subdivision, the increased water flow that does not</p> <p>5 seem to be addressed with storm water management, with lack</p> <p>6 of details as far as where the sewer is going to become or</p> <p>7 where the sewer is going to run for this project-</p> <p>8 LYNN A. ROBESON: Why does the sewer make a</p> <p>9 difference? I mean, I seem I assume it's going to be hooked</p> <p>10 up to a public sewer.</p> <p>11 STEPHEN EVERETT SCOVILLE: It has to be somehow. Where</p> <p>12 is he going to be? It's not detailed.</p> <p>13 LYNN A. ROBESON: Oh, on the plan?</p> <p>14 STEPHEN EVERETT SCOVILLE: Right.</p> <p>15 LYNN A. ROBESON: I see, okay.</p> <p>16 STEPHEN EVERETT SCOVILLE: If not detailed. The</p> <p>17 townhouse community is kind of out of place with the</p> <p>18 existing residential, single-family homes zoned R90.</p> <p>19 LYNN A. ROBESON: Is it the fact that it's townhouses</p> <p>20 or the density of the townhouses?</p> <p>21 STEPHEN EVERETT SCOVILLE: It's both. It's townhouses</p> <p>22 and the density. Currently, surrounded by single family</p> <p>23 homes. Would you want to live next to a bunch of</p> <p>24 townhouses?</p> <p>25 LYNN A. ROBESON: Well, my opinion doesn't count.</p> | <p>189</p> <p>1 STEPHEN EVERETT SCOVILLE: Porter Road is currently</p> <p>2 paved all the way out to Porter Court.</p> <p>3 LYNN A. ROBESON: Okay. From your house, all the way</p> <p>4 up.</p> <p>5 STEPHEN EVERETT SCOVILLE: And the whole entire</p> <p>6 subdivision; if you look at the plat that I just gave you.</p> <p>7 LYNN A. ROBESON: Oh, I see. Okay. All right.</p> <p>8 STEPHEN EVERETT SCOVILLE: That was done in maybe</p> <p>9 2001, 2002.</p> <p>10 LYNN A. ROBESON: Okay. Thank you.</p> <p>11 STEPHEN EVERETT SCOVILLE: Not maintained by the</p> <p>12 county.</p> <p>13 LYNN A. ROBESON: All right. All right. Anything else?</p> <p>14 STEPHEN EVERETT SCOVILLE: I believe I've covered it.</p> <p>15 LYNN A. ROBESON: Okay. Ms. Carrier, do you have any</p> <p>16 questions?</p> <p>17 FRANCOIS CARRIER: I do not.</p> <p>18 LYNN A. ROBESON: Okay. Thank you. You may be excused.</p> <p>19 STEPHEN EVERETT SCOVILLE: Thanks.</p> <p>20 LYNN A. ROBESON: Thank you for taking the time to</p> <p>21 testify. Okay. Who would like to go next? Is there anyone</p> <p>22 that wants to testify? Okay. You may come forward and then</p> <p>23 we'll do. I say you because I don't know your name. So go</p> <p>24 ahead. Can you sit over here please?</p> <p>25 JOHN RICHARDSON: Oh, sure.</p> |
| <p>188</p> <p>1 Okay.</p> <p>2 STEPHEN EVERETT SCOVILLE: I would like to further</p> <p>3 state once again, that the people in support of this</p> <p>4 project do not live in the neighborhood.</p> <p>5 LYNN A. ROBESON: I understand your point.</p> <p>6 STEPHEN EVERETT SCOVILLE: One of them was a</p> <p>7 commercial investor. I don't believe that it is correct for</p> <p>8 a commercial investor to come in here and profit by-</p> <p>9 LYNN A. ROBESON: Well he- I think he said that he</p> <p>10 didn't have any equity in the project.</p> <p>11 STEPHEN EVERETT SCOVILLE: Sure.</p> <p>12 LYNN A. ROBESON: If I'm not mistaken.</p> <p>13 STEPHEN EVERETT SCOVILLE: Right. Well, I'm not saying</p> <p>14 him directly. I'm saying that we have an existing R90</p> <p>15 community with people who have invested in there to live in</p> <p>16 a single-family home neighborhood and we have a developer</p> <p>17 who is coming in here and is going to maximize his profits</p> <p>18 by going even over the density of townhouses.</p> <p>19 LYNN A. ROBESON: Is Porter Road- So Porter Road; see</p> <p>20 that T-turnaround where this subdivision is?</p> <p>21 STEPHEN EVERETT SCOVILLE: Right.</p> <p>22 LYNN A. ROBESON: Is Porter Road improved to the south</p> <p>23 of that?</p> <p>24 STEPHEN EVERETT SCOVILLE: To the south?</p> <p>25 LYNN A. ROBESON: To the-</p> | <p>190</p> <p>1 FRANCOIS CARRIER: I believe this gentleman is</p> <p>2 testifying in support.</p> <p>3 LYNN A. ROBESON: Oh, are you in support. Okay.</p> <p>4 JOHN RICHARDSON: Is that okay?</p> <p>5 LYNN A. ROBESON: Yes.</p> <p>6 JOHN RICHARDSON: (inaudible).</p> <p>7 LYNN A. ROBESON: Please raise your right hand. Do</p> <p>8 solemnly affirm under penalties of perjury, that the</p> <p>9 statements you're about to make are the truth, the whole</p> <p>10 truth, and nothing but the truth?</p> <p>11 JOHN RICHARDSON: I do.</p> <p>12 LYNN A. ROBESON: Please state your name and address</p> <p>13 for the record.</p> <p>14 JOHN RICHARDSON: John Richardson at 1514 Lost Creek</p> <p>15 Drive, Ashton, Maryland 20861. And that address is about a</p> <p>16 mile south of Ashton. I thank you for the opportunity to</p> <p>17 share some comments. I'm probably one of the few residents</p> <p>18 in Ashton that are- Is a native. Born in Ashton. Been on</p> <p>19 the same property for 80 years in December. So I've seen a</p> <p>20 lot going on in Ashton. I'm through there four or five</p> <p>21 times a week. I shop there; eat there every week a couple</p> <p>22 of times. So you can imagine that over the years I've seen</p> <p>23 so much change, mostly for the better. I continue to see</p> <p>24 change in the future and I think we need it to improve.</p> <p>25 Ashton has really been deteriorated in the last figures and</p> |

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| <p>191</p> <p>1 we do need some new development which this is part of. Some 2 of the addresses I've heard spoken today, people have 3 gotten to Ashton, the residents here, through change, 4 through zoning changes. So they were able to come into this 5 community because of new development. And they're here now 6 and I would hope they would support for new development. 7 The project is, I think, very important to Ashton 8 community. As you've heard, the current status is- Of the 9 property is deplorable. It's an eyesore. 10 LYNN A. ROBESON: Wait. You're talking about Sole 11 D'Italia. 12 JOHN RICHARDSON: The- That- 13 LYNN A. ROBESON: The old Sole D'Italia property. 14 JOHN RICHARDSON: And the property next door to that, 15 which is part of the new townhouse. 16 LYNN A. ROBESON: (inaudible). 17 JOHN RICHARDSON: On the western side. It's a 18 disaster. It's embarrassing to tell people I live in Ashton 19 and going by that site. Having it cleared and developed 20 with the proposed plan of townhomes and the commercial 21 building, I think would be a major enhancement to our 22 community. The number of units that I hear being proposed, 23 I think are very reasonable for the area and they are 24 compatible. There are townhouses across the street that 25 have not created any issues that I'm aware of all the years</p> | <p>193</p> <p>1 D'Italia to make a right on New Hampshire. That is not from 2 Hidden Garden down, but it is from Sole D'Italia to New 3 Hampshire. And I think that development fits well next to 4 the adjacent property on Hidden Garden Lane. That was 5 developed a few years ago and I think this lot now will 6 infill perfectly with the townhouse units in that space and 7 it will complete development from New Hampshire Avenue to 8 Sherwood High school that now will be completed and not a 9 mishmash area. So in summary, I honestly believe this 10 project will greatly enhance our community and everyone 11 that I've spoken with in my community is excited about this 12 project and can't wait for it to be implemented. And I 13 encourage you to recommend an approval of this project. 14 LYNN A. ROBESON: All right. Thank you. 15 JOHN RICHARDSON: I thank you very much. 16 LYNN A. ROBESON: Anyone have any questions? All 17 right. You may be excused. 18 FRANCOIS CARRIER: Thank you. 19 LYNN A. ROBESON: Is there anyone else that wants to 20 testify in opposition? Yes, come forward. 21 LIAHONA CROMPTON: Well, I don't (inaudible). I 22 wouldn't put myself in one camp or the other. I just have 23 some things to say. 24 LYNN A. ROBESON: Oh, that's fine. 25 LIAHONA CROMPTON: Okay.</p> |
| <p>192</p> <p>1 of being there. And based on the size of the land, I think 2 the number of houses seem to be very appropriate. The 3 height, as I understand, there is a high request. Every 4 townhome I've seen in the last ten years has been at least 5 three levels. Our neighbors in Howard County, I noticed 6 those townhouses over there are four level homes. So- 7 LYNN A. ROBESON: You're talking about Maple Lawn. 8 JOHN RICHARDSON: Maple Lawn, yeah. They're four 9 levels and- 10 LYNN A. ROBESON: Yeah. They are- That- 11 JOHN RICHARDSON: They are tall. These three level 12 townhouse with a parking under is very reasonable. That's 13 what's mostly been built in the past 10 years that I've 14 noticed. I do not- We talked about traffic. Well, the 15 traffic is bad. It took me- I'm about 12 miles from this 16 building. It took me 50 minutes to get here today. So 17 traffic is bad everywhere. 18 LYNN A. ROBESON: Me too. Go ahead. 19 JOHN RICHARDSON: And for the number of units there; 20 and I know the traffic on 108 and New Hampshire. I'm there 21 every day. I cannot see the number of townhouses here being 22 any major impact based on all the traffic that's already 23 there. I don't see that creating any additional issues. The 24 gentleman mentioned there was no right-hand turn lane, but 25 I use a right-hand turn lane every day in front of Sole</p> | <p>194</p> <p>1 LYNN A. ROBESON: Please raise your right hand. Do 2 solemnly affirm under penalties of perjury that the 3 statement you are about to make is the truth, the whole 4 truth, and nothing but the truth? 5 LIAHONA CROMPTON: Yes. 6 LYNN A. ROBESON: Okay. Please state your name and 7 address for the record. 8 LIAHONA CROMPTON: Liahona Crompton, I live at 178- 9 LYNN A. ROBESON: Okay. 10 LIAHONA CROMPTON: Liahona; do you need me to spell 11 it? 12 LYNN A. ROBESON: Yes, I do. For the court reporter 13 because I- 14 LIAHONA CROMPTON: L-I-A-H-O-N-A. Crompton, C-R-O-M-P- 15 T-O-N. And I live at 17805 Hidden Garden Lane, which is on 16 the map on 72C. It's one of the lots that is adjacent to 17 the proposed development. 18 LYNN A. ROBESON: Can you just identify which lot it 19 is? 20 LIAHONA CROMPTON: Yeah, I'm behind the protected area 21 so I'm here. 22 LYNN A. ROBESON: Behind the stream buffer? 23 LIAHONA CROMPTON: Yes. 24 LYNN A. ROBESON: So you are two lots above Mr. 25 Scorille (sic).</p> |

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15 (195 to 198)

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| <p>195</p> <p>1 FRANCOIS CARRIER: Scoville. 2 STEPHEN EVERETT SCOVILLE: Scoville. 3 LYNN A. ROBESON: Scoville. 4 LIAHONA CROMPTON: So he's here I believe. 5 LYNN A. ROBESON: Yes. 6 LIAHONA CROMPTON: And I'm here so I can see through 7 my backyard. 8 LYNN A. ROBESON: Okay, but- Okay. I need it for the 9 transcript, but I get it. 10 LIAHONA CROMPTON: Second from the south. Second lot 11 from the south on Hidden Garden Lane. 12 LYNN A. ROBESON: Okay. Thank you. 13 LIAHONA CROMPTON: Yes. Okay. In general, I am in 14 favor of this project. I like the idea of having something 15 new in the Sole D'Italia lot because as we have heard many 16 times before, it is an eyesore and I like for Ashton to be 17 more- A little more beautiful place to live and also had 18 more opportunity for the residents et cetera. 19 LYNN A. ROBESON: (inaudible). 20 LIAHONA CROMPTON: My main concerns, as have been 21 brought up before, and as a resident who lives in the area, 22 are traffic and access to the- Through that intersection. 23 Right now, we've been basing our conversation just on this 24 one intersection, but what might not be apparent from the 25 map (inaudible).</p> | <p>197</p> <p>1 just, it's hard. Then during regular rush-hour times, which 2 can be anywhere from 7:00 to 9:00 and then 5:00 6:30, there 3 is just- It can often take several minutes for me to be 4 able to make a left-hand turn out of Hidden Garden Lane 5 westbound onto 108. So that's the traffic as it currently 6 is. I do have the right-hand turn lane where there is an 7 extra little space for me to be able to make a right-hand 8 turn if need be. 9 LYNN A. ROBESON: But that's eastbound or- 10 LIAHONA CROMPTON: Eastbound. 11 LYNN A. ROBESON: Eastbound. 12 LIAHONA CROMPTON: So that eases things somewhat, but 13 not necessarily. You eventually have to merge in the next 14 50 feet anyway. And once we merge, we're going to have a 15 whole another set of cars from the Porter Road development 16 trying to turn right, trying to turn left. I hear that a 17 traffic study has been done. I do not see- Or heard about 18 exactly what the results of that traffic study were. I'm 19 just concerned about the number of units and how anybody 20 thinks that this is going to be okay and not add to the 21 existing problem and how people are going to want to visit 22 these commercial properties if it is such a pain getting in 23 and out. I mean, it just will be. So those are my main 24 concerns and if there's a way to address those concerns, 25 then I'm happy to go along with it, but right now, I don't</p> |
| <p>196</p> <p>1 LYNN A. ROBESON: You're talking about Porter Road- 2 LIAHONA CROMPTON: The Porter Road, 108 intersection. 3 LYNN A. ROBESON: Okay. 4 LIAHONA CROMPTON: But what might not be apparent, 5 because is not shown explicitly on the map, is that New 6 Hampshire and 108 is immediately to the east and Hidden 7 Garden Lane and 108 is immediately to the west. And the 8 shopping center is immediately to the north. 9 LYNN A. ROBESON: Right. 10 LIAHONA CROMPTON: So getting in and out of this 11 intersection is going to be very difficult and it's also 12 going to impact the neighborhoods that are immediately to 13 the west such as my neighborhood and also the townhouses 14 that are just to the northwest across 108. 15 LYNN A. ROBESON: Okay. 16 LIAHONA CROMPTON: So there's a whole- 17 LYNN A. ROBESON: What kind of- Can you describe what 18 kind of problems you would experience? 19 LIAHONA CROMPTON: So especially in times where 20 Sherwood High School is about to begin or end, there is- 21 LYNN A. ROBESON: When is that? 22 LIAHONA CROMPTON: So school starts at 7:45. So it can 23 be anywhere from 7:20 all the way up to 7:00 or 7:15 all 24 the way up to 7:45 and then it gets out at 2:30. So any 25 time for 15, 20 minutes after that, there is constant; it's</p> | <p>198</p> <p>1 hear anything from the County kicking in with an extra lane 2 or extra bike access so people can actually bike from Olney 3 to Ashton or make it safe for walkers because there are big 4 gaps of no bike paths, no walking paths between Olney and 5 Ashton, which I would love to have happen as well. I 6 haven't seen answers to that and as a resident living right 7 next door, you know, I will put aside concerns about 8 environmental impact and things because other people have 9 brought that up; although, they exist for me, this is the 10 main concern I would like to dress today. 11 LYNN A. ROBESON: Okay. Thank you. The applicant does 12 have a traffic expert and you may want- I don't know how 13 long you can stay. You may want to hang around for his 14 testimony. You will be able to ask him questions. 15 LIAHONA CROMPTON: Okay. 16 LYNN A. ROBESON: So I'm just telling you in advance. 17 Ms. Carrier, do you have any questions of Ms. Crompton? 18 FRANCOIS CARRIER: I do not. I think some of her 19 concerns might be addressed better at preliminary plan, but 20 I don't really have a- It's not really appropriate to 21 question her about that. 22 LYNN A. ROBESON: Well, there is a traffic expert 23 here. 24 FRANCOIS CARRIER: Yes, but some of the nitty-gritty 25 details like whether there might be an access lane, we just</p> |

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16 (199 to 202)

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| <p>199</p> <p>1 don't know that now. That might be something that happens 2 later. 3 LYNN A. ROBESON: If there was- Well, I'll ask when 4 Mr. Sloan- My question, Mr. Sloan, is going to be; if there 5 is an access lane required, what's that going to do? Isn't 6 that going to push those- That northern- Northwestern stick 7 of town houses south? I'm just asking now, okay? So- And 8 then do you lose that sidewalk? I'm just asking now. Are- 9 Do you have anything else? 10 LIAHONA CROMPTON: Yeah, well, and I wish I knew more 11 about the County's Master Plan for roadways, et cetera, and 12 things like that, but if we are adding things at the rate 13 we are, which I understand we need to do because growth 14 needs to happen, et cetera, are there plans in place to 15 accommodate all of these extra people, vehicles, et cetera? 16 And are we also thinking of things that we can do to 17 mitigate car traffic by improving bike lanes, walker- 18 making it a walk able, bike-able town center so where that 19 I can actually send my kids on their bikes down to these 20 places instead of fearing that, with all of these cars 21 going in so many directions, they might get killed like you 22 know, in the two blocks it would take for them to get to 23 these new shops. You know, so those- Do we have a long-term 24 plan for that as well but that might be all another hearing 25 and questions.</p> | <p>201</p> <p>1 LYNN A. ROBESON: Please state your name and address 2 for the record. 3 WALT FENNELL: Walt, W-A-L-T, Fennell, F like in 4 Frank, E-N-N-E-L-L. I live at 17513 Hidden Garden Lane, 5 Ashton, Maryland. 6 LYNN A. ROBESON: Thank you. Go ahead. 7 WALT FENNELL: So I'm a newer resident to Ashton; five 8 years. So I suppose I'm one of the individuals who has 9 benefited from some of the changes over the past. Before my 10 wife and I moved to Ashton, we did pull out the Master 11 Plan. We went online, looked at the Master Plan for Ashton 12 and Sandy Spring because we wanted to understand what was 13 the overall plan for the community. Was it going to stay a 14 rural and open space community or was it going to become a 15 Maple Lawn such as in Howard County. That was something 16 that we were wanting to avoid. Read through the Master 17 Plan. We were very encouraged by a lot of the references to 18 the rural concept of Sandy Spring and Ashton. When I was 19 reviewing the PDF file yesterday, I think there's over 600 20 uses of the word rural in the Master Plan. It's only 21 roughly 150 pages long so that's a lot of uses of the word 22 rural in 150-page document. Right now, as has been 23 discussed, yeah, Sole D'Italia stinks. It's an eyesore. I'm 24 a little confused I guess I don't quite understand perhaps 25 the financing I suppose as to why the redevelopment of that</p> |
| <p>200</p> <p>1 LYNN A. ROBESON: That might be. That's a good 2 question to ask to the extent I'm curious to know if- 3 LIAHONA CROMPTON: Is it wise to put townhouses 4 (inaudible)? 5 LYNN A. ROBESON: It's a state road so I guess I'm 6 curious to know if the State has some capital improvements 7 coming in at some point. 8 LIAHONA CROMPTON: Well, they have said that they 9 have, but it's low priority, at least as far as I've heard 10 when we asked about these things in the past. 11 LYNN A. ROBESON: Okay. Well, thank you. Any questions 12 based on what she just said? 13 FRANCOIS CARRIER: No. 14 LYNN A. ROBESON: Okay. Thank you. 15 LIAHONA CROMPTON: Thank you. 16 LYNN A. ROBESON: Okay. Anyone else who- Come forward 17 please. 18 WALT FENNELL: Hi. 19 LYNN A. ROBESON: Please raise your right hand. 20 WALT FENNELL: Yes, ma'am. 21 LYNN A. ROBESON: Do you solemnly affirm under 22 penalties of perjury that the statements you are about to 23 make are the truth, the whole truth, and nothing but the 24 truth? 25 WALT FENNELL: Yes.</p> | <p>202</p> <p>1 property, which is zoned for commercial mixed-use, why we 2 have to somehow combine that or connect that to rezoning 3 what's now R90 two whatever is going to be in the future or 4 imposing the floating townhouse concept on top of it. 5 LYNN A. ROBESON: Well, let me just say, the- That is 6 not part of my review; the- Whether the need for financing- 7 We do have people come in and say that sometimes. I think 8 there is some language in the Master Plan, I could be 9 wrong, about revitalizing the village centers, but- 10 WALT FENNELL: There is. 11 LYNN A. ROBESON: But we generally don't get into- We 12 look at the zoning and all the regulations to see whether 13 it's appropriate. 14 WALT FENNELL: And so I guess that's maybe why that 15 confuses me. Although it was here when I arrived, there is 16 a Sandy Spring Bank on the southwest corner of 650 and 108 17 and I think that's relatively new. I don't know that they 18 had to put in a lot of townhomes to support that. The CVS 19 that's on the northeast corner of 108 and New Hampshire, 20 that's very new. They didn't have to change housing zoning 21 for that as far as I know. So I look at the Master Plan. 22 You know, there are- The Master Plan when it was renewed in 23 1998. It was- There is some discussion at the front about 24 how there was a lot of interest in the Master Plan. I think 25 there were over 100- I think I counted nearly 100 changes</p> |

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17 (203 to 206)

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| <p>203</p> <p>1 that were articulated in the Master Plan, the 1998 Master 2 Plan, compared to the 1980 one, including changes to this 3 part of Ashton. None of those changes seem to indicate that 4 there was a need to change the zoning. It remained as R90. 5 There are actually some specific changes that were made. I 6 think there was something called a cuff property I saw in 7 the zoning and that's in this very area. That zoning was 8 changed, but as it relates to this particular part of 9 Ashton in the village, there weren't any recommended 10 changes. Given the fact that there were over 100 changes 11 proposed in the Master Plan, it seems like they were 12 probably pretty thorough in making their changes. There is 13 a lot of discussion in the Master Plan, and it seems to be 14 plain English, about the new housing will be primarily 15 single-family detached with a range of sizes. The plan 16 makes for the preservation and enhancement of the areas 17 rural character a top priority. The rural concept was 18 proposed when you gets Page 30, I think you referenced it 19 earlier. The property in question, at least on the chart 20 that's in there, is specifically denoted as residential 21 single-family, 1.5 to 5 dwelling units per acre. There is 22 an encouraged- On Page 31, they talk about encouraging 23 land-use, mix of stores and homes, and maintaining the 24 existing mix of commercial and residential zoning within 25 the village centers. And I guess I would emphasize,</p> | <p>205</p> <p>1 radius, something like that. 2 LYNN A. ROBESON: It is. 3 WALT FENNELL: So I think if I was looking on Google 4 maps correctly, there is roughly 200 residential units 5 inside that radius. So if you add 20-ish, I guess townhomes 6 inside that radius, that's an increase of roughly 10 7 percent residential units. I think that's a pretty 8 significant increase. I think most people would agree, if 9 their retirement portfolio dropped by 10 percent, they 10 would consider that to be significant. If it increased by 11 10 percent, they would consider that to be significant. If 12 you shrink that circle down just to get a little bit closer 13 around the Ashton Village itself- So just trying to keep in 14 mind that I couldn't- I don't have those tools that the 15 Staff Plan has to do this radius thing, but I tried to 16 focus the areas directly to the north of 108, including the 17 townhomes that are behind the current Ashton Village 18 Center, the townhomes that are currently to the west and on 19 the north side of Route 108 of the Ashton Center, a little 20 bit of the Hidden Garden Lane development, and then extend- 21 Continue to try to continue the circle around the other 22 side. Again, if I was doing the counts right looking at 23 Google Earth or Google maps, that was about 100 residential 24 units, so now you're talking about 22, 20 homes, sorry, on 25 top of 100 residential units. That's- Now you're talking</p> |
| <p>204</p> <p>1 personally, the existing mix of residential and business. 2 Something like this, I think does change that mix or that 3 ratio. The 1980 plan did recommend moderate to low density 4 residential use. That was unchanged in the '98 plan. Page 5 38 calls out, as an objective of the plan, to maintain the 6 existing scale of the Aston Village Center. It does say to 7 encourage improvements to its character. I mean, that's one 8 of the objectives. There were, as I mentioned before, the 9 were some changes that were recommended in that plan. 10 They're reflected in Figure 14 and Figure 32, but no 11 changes were proposed to the property in question. So 12 again, they would do a lot of work to do this thing and 13 they didn't look at any changes. Perhaps, I guess- 14 LYNN A. ROBESON: Can you- 15 WALT FENNELL: Yes, ma'am. 16 LYNN A. ROBESON: Can you be specific about what 17 aspects do you feel, is it the density? 18 WALT FENNELL: Sure. 19 LYNN A. ROBESON: Is it the fact that it's townhouses? 20 WALT FENNELL: Sure. 21 LYNN A. ROBESON: Or is it the height? 22 WALT FENNELL: Okay. So in the Staff Plan, they have 23 this radius drawn around the Ashton Center. 24 LYNN A. ROBESON: Yes. 25 WALT FENNELL: I don't know if it's like a 1500 foot</p> | <p>206</p> <p>1 about a 20 percent increase in residential units. I think 2 both of those amounts are significant. It is zoned R90 and- 3 LYNN A. ROBESON: What is the first stick of 4 townhouses? The Northwestern stick of townhouses was 5 reduced in height? 6 WALT FENNELL: Yes, ma'am. So the height thing, you 7 know, the Master Plan is specific about the height as well 8 and I'm not a zoning person and I tried to make my way 9 through Chapter 59 of the Code over the last couple of 10 weeks and it's lengthy and it's dense and there's a lot of 11 references to other things that I was having a hard time 12 finding online. 13 LYNN A. ROBESON: Okay. When you know you're having a 14 bad time, your reading Chapter 59. 15 WALT FENNELL: Well, you know, I'm a CPA so I have to 16 read accounting standards. So it's just as bad. You know, 17 CPAs and land attorneys; I guess they are kindred spirits. 18 I suppose they like to confuse everybody, who's not one of 19 them including accounts. So there is a lot of discussion of 20 height restriction in the Master Plan. I think it's 30 feet 21 and I think they reference to look at the other existing 22 buildings to keep stuff, I guess, in perspective and scale. 23 I saw in the testimony from the June hearing, there was 24 this discussion of the 45-degree plane and setbacks and 25 noted that you indicated that sometimes people get confused</p> |

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18 (207 to 210)

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| <p style="text-align: right;">207</p> <p>1 by that, and I was one of them. I tried to look online in 2 Chapter 59 yesterday to understand that. They had some 3 graphics that do help with understanding the concept, but I 4 guess it still if you go above 30 feet, it is a dramatic 5 difference. And the only thing I can point to come is not 6 empirical, it will be soon, is down at Sandy Spring 7 Village, which is about a mile and half away, their 8 building new townhomes down there. I think it's about 20 9 new units down there. So that's on the south side of 108. 10 LYNN A. ROBESON: How tall are they? Do you know? 11 WALT FENNELL: I don't know, but here's what I noticed 12 when I drove by this morning because construction has 13 started. So this is on the south side of 108 near Norwood. 14 And if you travel southbound on Norwood, there's already an 15 existing townhome development there. They appear to be two- 16 story townhomes. It appears, from just the limited 17 construction that's going on right now in Sandy Springs, 18 that they are going to be three-story townhomes and you can 19 already, without the roofs on the townhomes, you can see a 20 significant difference in height there. So that is what it 21 is. I can't- I don't have photos of that. I don't have the 22 documents to say what the height difference is and I don't 23 know about this 45-degree angle thing and the setback so I 24 can't really speak to that, but the Master Plan is clear 25 that it's 30 feet. I think I saw some stuff that there was-</p> | <p style="text-align: right;">209</p> <p>1 LYNN A. ROBESON: Just a- Just a sec. 2 WALT FENNELL: Sure. 3 LYNN A. ROBESON: Well, I tell you what. If you don't 4 mind I'm going to- 5 WALT FENNELL: Sure. 6 LYNN A. ROBESON: Give her five minutes. 7 WALT FENNELL: Sure. 8 LYNN A. ROBESON: We'll take a five-minute break so 9 she can look at- Did you- Have you seen these before Ms. 10 Carrier? 11 FRANCOIS CARRIER: I have not. 12 WALT FENNELL: No, she hasn't. 13 LYNN A. ROBESON: Okay. Let's take a five-minute break 14 and she can look at the photos and we will be back at about 15 11:26. 16 (Off the record.) 17 FRANCOIS CARRIER: (inaudible). 18 MALE VOICE: Thank You. 19 LYNN A. ROBESON: Is the court reporter ready? Are the 20 interpreters ready? I see a thumbs up from the interpreters 21 and the court reporter. It looks like an emoji response. 22 All right. So have you had a chance to look at Mr. 23 Fennell's photos? 24 FRANCOIS CARRIER: Yes, and I have no objection. 25 LYNN A. ROBESON: Okay. If you don't-</p> |
| <p style="text-align: right;">208</p> <p>1 maybe there is a variance for 35 feet and again it got 2 complicated with the grade of the land and the average 3 height of the buildings and eaves and gables and things of 4 that nature. But the height issue, they will stand- If 5 these homes, those buildings are 40 feet, it will stand in 6 stark contrast to the rest of the buildings in Ashton. 7 LYNN A. ROBESON: How tall are the buildings- There 8 are some to, I think the west of the CVS. 9 WALT FENNELL: So the shopping center that's- 10 LYNN A. ROBESON: There are townhomes. 11 WALT FENNELL: Yeah, so the townhomes, so there is the 12 Ashton Village Center directly across the street from this 13 property. That's a single-story development. The townhomes 14 that are to the west, I don't know what the name of that 15 road is off of 16 FRANCOIS CARRIER: Ashton Club Way. 17 WALT FENNELL: Ashton Club Way; those townhomes are 18 two-story townhomes. There are townhomes that are sort of 19 behind the Ashton Village Center as well. I believe those 20 are two-story townhomes also. I'm not quite as familiar 21 with those townhomes. So everything in the area right now 22 is either single-story or two-story structures. 23 LYNN A. ROBESON: Okay. All right. Anything else? 24 WALT FENNELL: The traffic, as has been mentioned, the 25 traffic is an issue. I did bring some photos.</p> | <p style="text-align: right;">210</p> <p>1 FRANCOIS CARRIER: (inaudible) he gave me a copy. 2 LYNN A. ROBESON: Oh, good. Okay. Thank you. Why don't 3 you bring this up and let us know what- 4 WALT FENNELL: Sure. 5 LYNN A. ROBESON: What these pictures are. Just for 6 the record, this will be- my exhibit list has strayed. 7 FRANCOIS CARRIER: 80 I believe. 8 LYNN A. ROBESON: Okay. Okay. 9 FRANCOIS CARRIER: Would you like an extra? 10 LYNN A. ROBESON: What? 11 FRANCOIS CARRIER: Do you want an extra exhibit list? 12 LYNN A. ROBESON: No, because I hand wrote exhibits 13 already. So thank you though. Your efficiency is legendary. 14 FRANCOIS CARRIER: Thanks. 15 LYNN A. ROBESON: She used to be the Hearing Examiner 16 here. Okay, 80 is- how would you describe these? Photos of- 17 WALT FENNELL: So it's a series of eight photos. The 18 photos were taken- I was standing just to the west of 19 Hidden Garden Lane looking east bound along Route 108 20 towards New Hampshire Avenue. I wasn't standing in the 21 exact same spot in all eight photos, but generally, all 22 eight photos were taken standing on the westbound side- Or 23 West side of Hitting Garden Lane on the south side of Route 24 108 looking eastbound towards New Hampshire Avenue. 25 LYNN A. ROBESON: Okay.</p> |

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19 (211 to 214)

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| <p>211</p> <p>1 WALT FENNELL: The purpose of the photos, the first, 2 one, two- 3 LYNN A. ROBESON: Well, let me do this- 4 WALT FENNELL: Sure. 5 LYNN A. ROBESON: I'm going to label these page by 6 page. 7 WALT FENNELL: Okay. 8 LYNN A. ROBESON: I'm going to label it, 80A is the 9 first page with photos 1 and 2, 80B is the second page with 10 photos 3 and 4, 80C with photo 5 and 80D with photo 6. All 11 right? So looking at 80A- 12 WALT FENNELL: Yes, ma'am. 13 LYNN A. ROBESON: Photographs 1 and 2, what you tell 14 us what those are? 15 WALT FENNELL: The main reason for the photographs was 16 just to demonstrate the queuing that occurs on the 17 eastbound lane of Route 108 as you approach New Hampshire 18 Avenue, just to evidence that the queuing does extend past 19 Porter Road all the way back to Hidden Garden Lane and in 20 some cases even beyond Hidden Garden Lane. 21 LYNN A. ROBESON: And that street sign in the right- 22 hand side of Photo 1 is that the street sign for Hidden 23 Garden Lane? 24 WALT FENNELL: Yes, ma'am. 25 LYNN A. ROBESON: Okay.</p> | <p>213</p> <p>1 left into Hidden Garden Lane? 2 WALT FENNELL: No, ma'am. I think that was the queuing 3 that was headed towards the West. The reason why the 4 queuing happens towards the West is there is a stoplight at 5 Sherwood High School to the west of the development. 6 LYNN A. ROBESON: Oh, I see. 7 WALT FENNELL: And there is a stoplight at Hampshire 8 and 108. So you have stoplights on both sides, east and 9 west. 10 LYNN A. ROBESON: Oh, okay. 11 WALT FENNELL: So depending on when those lights turn 12 red and what the traffic volume is at any given point in 13 time, that's what causes the queuing. So the queuing can 14 occur if you are eastbound or westbound. 15 WALT FENNELL: I see. 16 WALT FENNELL: Which complicates turning out of Hidden 17 Garden Lane, which complicates turning out of Porter Road, 18 which complicates turning out of Ashton Club, which 19 complicates turning out of the Ashen Village Center because 20 all four those entrances and exits are between those two 21 stoplights, the one at New Hampshire and 108 and the one at 22 Sherwood High School. So that's why you get this queuing 23 that goes in both directions which does complicate- 24 Especially if you're making a left-hand turn out of any one 25 of those entrances or exits.</p> |
| <p>212</p> <p>1 WALT FENNELL: So essentially, it's just a series of 2 photos. They show essentially the same thing. The first 3 five photos were all taken on the 31st of August around 4 5:30, 5:20, 5:30. 5 LYNN A. ROBESON: Was school in session at this time? 6 WALT FENNELL: On August 31st, no ma'am. School didn't 7 start until after Labor Day of this year. 8 LYNN A. ROBESON: So these are- Okay. Keep going. 9 WALT FENNELL: So they are essentially taken at the 10 same time. I don't- Unfortunately, I have a real job so I 11 can't just stand out there and take photos, but I did walk 12 out this evening and take photos. So these were in 13 quote/unquote evening rush hour type photos is I guess how 14 you can think of them. Photos 7, 7, and 8 were taken 15 during I guess you would say the morning rush hour, 16 roughly 7:40 in the morning. I was standing in 17 approximately the same location. And these, in photo 6, you 18 do see traffic which is westbound, but photos 7 and 8 do 19 also show the queuing that occurs even during the morning 20 rush hour when you are eastbound as well. So the queuing 21 does happen in both directions on Route 108. 22 LYNN A. ROBESON: Why in number 7- 23 WALT FENNELL: Yes, ma'am. 24 LYNN A. ROBESON: Is that car that is, I guess it 25 would be westbound, the darker car, is that waiting to turn</p> | <p>214</p> <p>1 LYNN A. ROBESON: Okay. All right. I understand. Okay. 2 I'm getting a- 3 WALT FENNELL: Oh, no, that's fine. 4 LYNN A. ROBESON: No, go ahead. 5 WALT FENNELL: No, I- 6 LYNN A. ROBESON: I didn't mean that you could- I'll 7 figure it- 8 WALT FENNELL: No, that's fine. 9 LYNN A. ROBESON: No, I do understand. I just wanted 10 to make sure I was right. 11 WALT FENNELL: Sure. 12 LYNN A. ROBESON: Okay. 13 WALT FENNELL: The only other thing that I had the 14 same regards the traffic, recognizing we are here talking 15 about this particular project right now. The Master Plan 16 that was alluded to previously, it's the Sandy Spring, 17 Ashton Master Plan, at least the one that I was looking at. 18 Sandy Spring and Ashton are within a mile of each other I 19 think, a mile and a half of each other, the two villages. 20 There is construction so I'm concerned about the additional 21 traffic flow from the increased density here with the 22 proposed plan. There are at least two other projects that 23 are ongoing right now in Sandy Spring that I do think they 24 are on the traffic issue as it relates to Ashton. There is 25 a townhouse development that's being built in Sandy Spring.</p> |

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20 (215 to 218)

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| <p style="text-align: right;">215</p> <p>1 I guess the closest roads would be Norwood and Route 108. I 2 alluded to them earlier. I believe it's 20 townhomes. It's 3 an NV (phonetic) development. So once that development is 4 completed, obviously that will result in increased traffic 5 along Route 108. I can't suppose that they are all going to 6 go to Olney. You know, that would be great if they did 7 because then they wouldn't come through Ashton, but, you 8 know, they will go both directions I would assume. There's 9 also a church that's being built on 108 just west of 10 Sherwood High School. Olive Branch I think is the name of 11 it. 12 FRANCOIS CARRIER: Yes. 13 WALT FENNELL: I think if I was looking at the plans 14 correctly, it will have a parking lot that accommodates 50, 15 but I think also read in the plan that the church may be 16 able to accommodate 200. So I'm not sure where all those 17 additional people- Maybe they are all coming in the same 18 car. My family travels together in one car usually. 19 Sometimes my son is late so he comes in his own car, but 20 maybe that would park in Sherwood. I don't know, but that 21 would be an additional traffic flow along Route 108 as 22 well. So I suppose this is one of the tricky things with 23 development and zoning is- I understand we are here to talk 24 about this, but there are a few other pieces that are in 25 play right now.</p> | <p style="text-align: right;">217</p> <p>1 the traffic again. So it's pick your poison on that one I 2 suppose. 3 LYNN A. ROBESON: Okay. Thank you. Anything else? 4 WALT FENNELL: I wish I was an environmental person so 5 I could speak to the environmental issues, but I'm not. 6 LYNN A. ROBESON: Thank you (inaudible). 7 WALT FENNELL: So I'll leave that the people that are 8 more qualified than me. 9 LYNN A. ROBESON: Let me ask; do you have any 10 questions? 11 FRANCOIS CARRIER: No. 12 LYNN A. ROBESON: Okay. 13 WALT FENNELL: Thank you. 14 LYNN A. ROBESON: Thank you. Anyone else? Yes, ma'am. 15 Please come forward. Please raise your right hand. Do 16 solemnly affirm under penalties of perjury that the 17 statements you are about to make are the truth, the whole 18 truth, and nothing but the truth? 19 KATHLEEN WHEELER: Yes. 20 LYNN A. ROBESON: Please state your name and address 21 for the record. 22 KATHLEEN WHEELER: My name is Kathleen Wheeler and my 23 address is 17609, Country View Way, Ashton, Maryland, 24 20861. 25 LYNN A. ROBESON: Okay. Is that Kathleen with a C or a</p> |
| <p style="text-align: right;">216</p> <p>1 LYNN A. ROBESON: Well, you can talk about the impact 2 to the general area. 3 WALT FENNELL: So I think that those two ongoing 4 projects combined with this; now you're talking about more 5 than just how many cars and trips are associated with this. 6 You are talking about cars and trips associated with the 7 church. You're talking about cars and trips associated with 8 the other townhome development. When I read through the 9 testimony of the June hearing, I think the references to 10 the commercial property was, I saw a flower shop and a real 11 estate shop and I'm not sure if that's what's going to go 12 in there. I don't know if anybody knows. I think everybody 13 is maybe assuming it's going to be another restaurant. If 14 it's a restaurant, I would assume that that's going to be 15 increased traffic. I did not live in Ashton when Sole 16 D'Italia was there Ayers I don't know what the traffic flow 17 was like when Sole D'Italia was there. I know at Urban 18 Barbecue which is down in Sandy Spring, in the evenings, 19 there is roughly 30 to 40 cars in the parking lot. I think 20 that's a point of reference to, if there's going to be a 21 restaurant put back into this location, which would be 22 great, that's an additional burden on the road system that 23 we don't have right now. We have the eyesore, not good, but 24 we don't have the traffic associated with it. When it gets 25 fixed up, okay, that's good, but now that just increases</p> | <p style="text-align: right;">218</p> <p>1 K? 2 KATHLEEN WHEELER: With a K. 3 LYNN A. ROBESON: Okay. 4 KATHLEEN WHEELER: And Wheeler just like an 18 5 wheeler. 6 LYNN A. ROBESON: You don't look like a wheel. But 7 anyway, go ahead. 8 KATHLEEN WHEELER: You would be amazed at how many 9 ways can be spelled and pronounced. So I am president of 10 the Springlawn Farm Homeowners' Association. 11 LYNN A. ROBESON: Okay. 12 KATHLEEN WHEELER: And we are located just south of 13 the New Hampshire, 108 intersection. I was also president 14 of the Springlawn Farm Homeowners' Association when the 15 Master Plan was developed. We were very active in that 16 process. 17 LYNN A. ROBESON: Okay let me just say that you can 18 testify. You have to have an attorney if you are 19 representing an association. 20 KATHLEEN WHEELER: Even if I'm president. 21 LYNN A. ROBESON: Yes, but you can say your feeling. 22 KATHLEEN WHEELER: Okay. 23 LYNN A. ROBESON: Okay. 24 KATHLEEN WHEELER: Which might happen to be consistent 25 with the rest of the neighborhood.</p> |

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21 (219 to 222)

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| <p>219</p> <p>1 LYNN A. ROBESON: Yes. Okay, go ahead.</p> <p>2 KATHLEEN WHEELER: Okay. So we have some concerns some</p> <p>3 of which have been already expressed. One of our chief</p> <p>4 concerns is obviously the traffic, which has only got</p> <p>5 worse. I've been a resident of the greater area for 30</p> <p>6 years and of Ashton for 24. During that time, the traffic</p> <p>7 has just gotten worse and worse. Our concern is that this</p> <p>8 additional development will create additional traffic as</p> <p>9 Mr. Fennell (inaudible) just now mentioned, there's also a</p> <p>10 lot of additional development going on in Sandy Spring,</p> <p>11 which also contributes. I would like to say at the outset</p> <p>12 that we strongly support the redevelopment of the Sole</p> <p>13 D'Italia restaurant site. As others have mentioned, it's an</p> <p>14 eyesore and we are all for redevelopment and looking at the</p> <p>15 plans that they put forth. That part of the plan looks</p> <p>16 great and we are very supportive. But we feel that the</p> <p>17 additional development of the townhouses above what was</p> <p>18 there before is not consistent with what we feel like the</p> <p>19 Master Plan put in place in terms of scale and scope. We</p> <p>20 don't agree with the higher building heights and we don't</p> <p>21 agree with the additional number of units. We also feel</p> <p>22 like the parking that has been identified for the</p> <p>23 commercial part of the site is inadequate. We are very</p> <p>24 hopeful that if restaurants go in, that they are equally</p> <p>25 successful as Urban Barbecue is in Sandy Spring, but the</p> | <p>221</p> <p>1 LYNN A. ROBESON: Okay.</p> <p>2 KATHLEEN WHEELER: And we're also concerned that this</p> <p>3 is going to set a precedent for additional rezoning other</p> <p>4 sites around Ashton and the Master Plan was apparently in</p> <p>5 place, specifically talked about maintaining the character</p> <p>6 of Ashton City Village. It's different than Sandy Springs.</p> <p>7 Sandy Spring is a town historically, Ashton was more a</p> <p>8 (inaudible) community, and it's not envisioned at the same</p> <p>9 level of development. And-</p> <p>10 LYNN A. ROBESON: When did the height- Well, aside</p> <p>11 from the traffic, as to the scale, what if the height of</p> <p>12 the townhouses closest to 108 were reduced?</p> <p>13 KATHLEEN WHEELER: We would support reducing the</p> <p>14 height level and maintaining- There is townhouse buildings</p> <p>15 (inaudible) on the north side. There's townhouses on the</p> <p>16 west side. These are not consistent with the existing</p> <p>17 townhouses. The lot sizes are much smaller and the heights</p> <p>18 are much greater. There's been allusion to, you know, what</p> <p>19 could be developed today on the site without this rezoning</p> <p>20 and I don't know what the number is on that, but any</p> <p>21 decrease in the number would be very helpful.</p> <p>22 LYNN A. ROBESON: Okay.</p> <p>23 KATHLEEN WHEELER: And there's also been allusion to</p> <p>24 the need for additional townhouse stock in Ashton, but I</p> <p>25 would say that there is a significant amount of townhouse</p> |
| <p>220</p> <p>1 number of spaces that have been identified are not adequate</p> <p>2 and that's going to put pressure on the surrounding</p> <p>3 neighborhoods and as well as other commercial developments.</p> <p>4 LYNN A. ROBESON: Now, all I have- This is an unusual</p> <p>5 situation because all I have before me is the 20 townhomes.</p> <p>6 So it's kind of hard to- The cumulative impacts of both</p> <p>7 uses. So you may want to address just the townhomes.</p> <p>8 KATHLEEN WHEELER: Right, and we do feel like they are</p> <p>9 going to- It's unusual. This may have been different 30</p> <p>10 years ago, but today, it's very unusual to not have two</p> <p>11 cars per house. And if you've got teenagers that's more</p> <p>12 likely going to be three. And so these 20 townhouses will</p> <p>13 produce impacts on the traffic and we also- I feel also it</p> <p>14 will create a safety issue in terms of cars trying to get</p> <p>15 out (inaudible) traffic. It's awfully close to the New</p> <p>16 Hampshire, 108 intersection and it's- I walk there</p> <p>17 sometimes and it's difficult to see how people are going to</p> <p>18 be able to get out of there safely, because part of that is</p> <p>19 also there's a curb as you come up going westbound on 108</p> <p>20 and so cars are hurrying to get through that intersection</p> <p>21 with 108 and New Hampshire. And so cars trying to get out</p> <p>22 of Porter Road are going to have a very difficult time. And</p> <p>23 unfortunately sometimes intersection improvements are tied</p> <p>24 to traffic accidents and I'm hoping that's not going to be</p> <p>25 the case in this situation.</p> | <p>222</p> <p>1 stock available just three miles away in Olney.</p> <p>2 LYNN A. ROBESON: Okay. Thank you. Any questions Ms.</p> <p>3 Carrier?</p> <p>4 FRANCOISE CARRIER: No, ma'am.</p> <p>5 LYNN A. ROBESON: Thank you. Anyone else that did not</p> <p>6 get a- Okay. Please come forward. Please raise your right</p> <p>7 hand. Do you solemnly affirm under penalties of perjury</p> <p>8 that the statements you're about to make are the truth, the</p> <p>9 whole truth and nothing but the truth?</p> <p>10 MARY JUDGE: I do.</p> <p>11 LYNN A. ROBESON: Okay.</p> <p>12 MARY JUDGE: My name is that Mary Judge, like here comes</p> <p>13 the Judge. And I do not live in Ashton. I live in</p> <p>14 Brookville. I live two miles, 271 Brentwood Road,</p> <p>15 Brookville, Maryland 20833. I'm one of those neighbors who</p> <p>16 probably spends as much time in Ashton as a lot of people</p> <p>17 who live in Ashton. I have friends in Ashton. I have- I go</p> <p>18 to the dry cleaners, Dempseys. I'm there a lot. My kids all</p> <p>19 went to Sherwood High School. I was very involved at</p> <p>20 Sherwood when Hidden Garden was being built and people</p> <p>21 complained from that neighborhood about the baseball field</p> <p>22 that had already been there. I was there when the cross-</p> <p>23 country guys came running through and make complained about</p> <p>24 that, and we all had to learn to work together because it's</p> <p>25 called community. And I'm a true advocate for community. I</p> |

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22 (223 to 226)

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| <p>223</p> <p>1 love where I live. I love going into Ashton. I was a huge 2 Sole D'Italia person. I organized the pizza for Sherwood, 3 and I knew the owner. I mean it was a great- But there was 4 always going to be traffic because the State Highway 5 Administration needs to come in and do something about 108 6 and New Hampshire. It's a pain. But it was, before Hidden 7 Garden was built, it was a pain because there wasn't a 8 traffic light at Sherwood. People don't realize that that 9 whole, you know, from Olney to Sandy Spring to Ashton has 10 always been- It's real narrow in Sandy Spring. Then all of 11 a sudden, it widens a little bit and it's just a narrow 12 road, but somehow we've made it work. Yes, it's slow 13 through there. You need to time the light so you get a pick 14 coming out of Hidden Garden. I know. I visit a friend and 15 that's what I have to do. If you're going right, it's easy 16 so I do the big loop around sometimes, but I know that this 17 development will be beautiful because the person who is 18 involved is a community person and he wants only the best 19 for our community. He's already proven it. The eyesore 20 there has been there way too long. We allowed CVS in there 21 and they never changed the pole that's in the middle of the 22 road it so when I'm coming west to go right on New 23 Hampshire, I mean, that's the most dangerous turn going, 24 but nobody complained about that and somehow CVS was 25 allowed to put that pole in their development. So if you</p> | <p>225</p> <p>1 problem when Hidden Garden was built. They had these little 2 colleges in the front of which a lot of us called doll 3 houses, which are cute, but they are as big as a townhouse. 4 It's just that they are single-family and they have yards 5 which means they have to mow and a lot of us aging, I call 6 baby boomers, are now getting excited because we have 2 7 acre lots and it's like, gee, what's the best next step. 8 Going to a non-mowable, you know, no mowing, living in a 9 townhome and maybe staying in our community. So I'm 10 supporting it and like I said, we are a community. We've 11 all work together and when Hidden Garden was built, when 12 all these other houses have been built. I mean, there's a 13 few single families across from Sherwood which kind of are 14 sad because there's no sidewalk, but again, we're talking 15 about the highway. The 108 is a state Highway and has not 16 been maintained to- For any of these houses to come in. So 17 again, that is why I support it. 18 LYNN A. ROBESON: Thank you very much. 19 FRANCOIS CARRIER: Thank you. 20 LYNN A. ROBESON: Just a second. Does anyone have any 21 questions of Ms. Judge? 22 STEPHEN EVERETT SCOVILLE: Yes. Ms. Judge, do you live 23 in the community? 24 MARY JUDGE: Yes, I do. 25 STEPHEN EVERETT SCOVILLE: Do you drive out of Porter</p> |
| <p>224</p> <p>1 want to talk about the highway, which is not why we're 2 here, that's a whole another issue. That's all we are 3 hearing is everybody's worried about the traffic. Well, I 4 don't believe that these townhomes are going to impact it 5 any more than we already have. We already have traffic and 6 Sherwood is getting out and yes, they add to it. The height 7 of a building; we don't have ocean views around here so I'm 8 not really- 9 LYNN A. ROBESON: Thank heavens. 10 MARY JUDGE: So I guess when I hear the word height, I 11 think of ocean views. I think I can understand it if I used 12 always have an ocean view and somebody puts up something in 13 front of me. I don't really understand it. I do- I'm sure- 14 LYNN A. ROBESON: Now technically though, and this- 15 MARY JUDGE: Okay. 16 LYNN A. ROBESON: I'm going to tell you this. We are 17 not here about Sole D'Italia either. 18 MARY JUDGE: I know that. 19 LYNN A. ROBESON: There is sort of an undercurrent 20 that if we- What I'm hearing is if we don't approve this, 21 you're not going to get Sole D'Italia, but Sole D'Italia is 22 not part of this application. 23 MARY JUDGE: Correct. It's next to it, but all of that 24 area will be- It will be beautiful. I believe that 100 25 percent and I think that Hidden Garden coming out was a</p> | <p>226</p> <p>1 Road every day? 2 MARY JUDGE: No, I don't. 3 STEPHEN EVERETT SCOVILLE: Do turn left out of Porter 4 Road every day? 5 MARY JUDGE: No, I do not. 6 STEPHEN EVERETT SCOVILLE: Do try to turn right out of 7 Porter Road every day? 8 MARY JUDGE: No, I do not. 9 STEPHEN EVERETT SCOVILLE: Thank you. 10 MARY JUDGE: How many people do? 11 LYNN A. ROBESON: No, you can't ask him questions, 12 okay. 13 MARY JUDGE: Oh, I didn't know the rules. 14 LYNN A. ROBESON: That's okay. Anyone else that did 15 not get a chance to speak at the first hearing? Yes, sir. 16 Please come forward. Please raise your right hand. Do 17 solemnly affirm under penalties of perjury that the 18 statements you are about to make are the truth, the whole 19 truth, and nothing but the truth? 20 JEFF SCHWARTZ: Yes, ma'am. 21 LYNN A. ROBESON: Please state your name and address 22 for the record. 23 JEFF SCHWARTZ: Jeff Schwartz, and the address is 24 17701 New Hampshire Avenue. I'm the business owner and 25 property owner that operates the landscaping company Ashton</p> |

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23 (227 to 230)

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| <p>227</p> <p>1 Manor Environmental in Ashton. For background, I have an 2 undergrad in environmental science with land-use planning 3 concentration. I have a Masters degree from Johns Hopkins 4 in the environmental science and I spent most of my adult 5 life living in Ashton. I actually purchased my first home 6 in one of the townhouses behind the shopping center on the 7 other side of the road and it served me and my family very 8 well. Up until two weeks ago, I lived in Ashton. I've since 9 moved 6 miles north to Brookville, but as a business owner 10 in Ashton, I'm here to support the changes needed to get 11 the additional density on the residential townhomes. These 12 townhomes are within walking distance of my office where I 13 employ over 100 people and I would love to employee over 14 130 people. We have a help wanted sign out. We've had it 15 out for 3 to 4 months and we still are 20 to 30 people 16 short. I believe we could potentially have people walk from 17 these townhouses to our place of employment. I know several 18 of the business owners in Ashton. I don't think there is 19 one there that would tell you they don't want more local 20 citizens that can walk to their place of business. None of 21 them are turning people away today. In addition to this, I 22 think there's been a lot of confusing discussion today, for 23 me, hearing about the traffic, the environmental issues. 24 I'm very familiar with the Montgomery County planning 25 process. I have a lot of confidence in the process that all</p> | <p>229</p> <p>1 LYNN A. ROBESON: Okay. Thank you very much. Are there 2 any questions? Okay, seeing none, you may be excused. 3 JEFF SCHWARTZ: Thank you. 4 LYNN A. ROBESON: Or hang around, whichever you 5 prefer. 6 FRANCOIS CARRIER: Thank you very much (inaudible). 7 LYNN A. ROBESON: Okay. Anyone else that wants to 8 testify that was not present at the June hearing? Okay, 9 seeing none, what I'm going to do, for the people here in 10 opposition, I'm going to take a lunch break. You may get- 11 The applicant is going to make a presentation based on the 12 issues you have raised and so you may want to stick around 13 to hear. I know it's a day off from work, but you may want 14 to stick around to hear what they have to say. And you will 15 be able to ask them questions when they present their 16 testimony. All right. So we're going to break until 1:00. 17 Do you have a question? 18 MARY JUDGE: Yeah, I do have a question. I would like 19 to know the reason- 20 MALE VOICE: The rationale. 21 MARY JUDGE: Rationale, I'm sorry, for making changes 22 to start- the people who started this morning. 23 MALE VOICE: The original exhibit this morning. 24 MARY JUDGE: Oh, I'm sorry. 25 LYNN A. ROBESON: Okay. Mr. Sloan, do you want to</p> |
| <p>228</p> <p>1 the issues that have been brought today, should we get the 2 zoning change made; these issues will be fleshed out ad 3 nauseam over the next few months or years; hopefully not 4 years. I think it's also important through my formal 5 training and my business in Montgomery County. I sit on the 6 forest conservation advisory committee and the County. We 7 are also a local, certified business in Montgomery County. 8 We need more people in this County and my opinion is that 9 what we're talking about here, if you go to the Master 10 Plan, the term, smart growth, is repeated many, many times. 11 Walk ability is repeated many times; brown fields versus 12 green fields. And this development meets all of those 13 bigger picture, higher level goals whether it's Master 14 Planning or the County executive. 15 LYNN A. ROBESON: Well, I'm not sure it's brown 16 fields. And usually- 17 JEFF SCHWARTZ: Gray? 18 LYNN A. ROBESON: Usually- Well, go ahead. 19 JEFF SCHWARTZ: I understand your point. Let's say 20 that I wouldn't consider this green field development. It's 21 in field development which is certainly the political and 22 the consumer demand in this County from what I've seen. I 23 think this zoning amendment and adding the extra density 24 will benefit the large majority of the community and that's 25 why I'm supporting it.</p> | <p>230</p> <p>1 explain? Can you come up again and explain the rationale 2 for making the changes? Excuse me, is the question why 3 changes were made or what the changes were? 4 MARY JUDGE: Why did you make the changes? 5 FRANCOISE CARRIER: Can you explain why we made 6 changes to the plan that was presented in June? 7 JOSHUA SLOAN: The changes were made primarily to 8 address environmental concerns. We moved the townhouses on 9 the east side of Porter Road and the storm water 10 management. 11 MALE VOICE: West. 12 FRANCOIS CARRIER: West. 13 JOSHUA SLOAN: I'm sorry. West side of Porter Road and 14 the storm water management out of the Stream Valley offer 15 to address the area. It was a higher priority to Technical 16 Staff and we reduced the paving on the east side of Porter 17 Road and removed the storm water management that was along 18 the property line to the south out of the buffer also to 19 reduce impacts to the Stream Valley buffer. This left us 20 more area of pervious space and area to plant. 21 LYNN A. ROBESON: Anything else while we have Mr. 22 Sloan here? Mr. Sloan, are you going to address some of the 23 storm water management concerns that have been raised here 24 today when we come back? 25 JOSHUA SLOAN: I can. Certainly.</p> |

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24 (231 to 234)

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| <p style="text-align: right;">231</p> <p>1 LYNN A. ROBESON: Okay. Let's- Are you saying Mr.-</p> <p>2 STEPHEN EVERETT SCOVILLE: Scoville.</p> <p>3 MALE VOICE: (inaudible).</p> <p>4 LYNN A. ROBESON: I don't know why I can't get it. Are</p> <p>5 you willing to come back or-</p> <p>6 STEPHEN EVERETT SCOVILLE: Well, I would like to bring</p> <p>7 up the point that I think we have a spring valley buffer</p> <p>8 situation due to the water runoff that is currently coming</p> <p>9 from where the from where the Sole D'Italia was and off of</p> <p>10 Route 108. It's a the water flow problem that is coming off</p> <p>11 the state highway and the commercial property. It's coming</p> <p>12 down the road which is not addressed by this plan.</p> <p>13 LYNN A. ROBESON: Well, if-</p> <p>14 STEPHEN EVERETT SCOVILLE: It's just going to keep</p> <p>15 rolling. I don't see how the water flow is going to be-</p> <p>16 Where it's going and where it's going to be captured.</p> <p>17 LYNN A. ROBESON: Well-</p> <p>18 STEPHEN EVERETT SCOVILLE: All this water ultimately</p> <p>19 impacts the back of my property and the back of my</p> <p>20 neighbor's property who lives in, I believe Springlawn Farm</p> <p>21 and the water should not be allowed to run off into our</p> <p>22 property.</p> <p>23 LYNN A. ROBESON: Well, let me do this-</p> <p>24 STEPHEN EVERETT SCOVILLE: It's probably- You know,</p> <p>25 it's not-</p> | <p style="text-align: right;">233</p> <p>1 JOSHUA SLOAN: Because of the species of plants that</p> <p>2 are around the area, the soils that are in the area, and</p> <p>3 the presence of water.</p> <p>4 STEPHEN EVERETT SCOVILLE: The water is present from</p> <p>5 the runoff.</p> <p>6 JOSHUA SLOAN: Not always, because even in dry periods</p> <p>7 there are some wet areas that remain here.</p> <p>8 STEPHEN EVERETT SCOVILLE: You should see the runoff.</p> <p>9 JOSHUA SLOAN: Well, I know there is a lot of runoff</p> <p>10 and I think that's one of our primary concerns.</p> <p>11 LYNN A. ROBESON: Wait. Try- Let's let him talk and</p> <p>12 then I'll let you ask questions. Go ahead.</p> <p>13 JOSHUA SLOAN: So the buffer itself is for protection</p> <p>14 of the water quality that's coming out of this and turning</p> <p>15 into a tributary going down to the Northwest branch. The</p> <p>16 runoff that is coming across now, is untreated from Olney,</p> <p>17 Sandy Spring, all the way down to the south (inaudible)</p> <p>18 property. As part of our application we will have to treat</p> <p>19 not only the runoff from the roofs and alleys of the</p> <p>20 property, both the mixed-use property and the townhouses,</p> <p>21 but also the road itself. And so through grading</p> <p>22 techniques, stream, or storm water management areas, we</p> <p>23 will pipe water from roofs, we will collect water from</p> <p>24 driveways, and we will have to meet the storm water</p> <p>25 requirement. We can't increase the water flow off of our</p> |
| <p style="text-align: right;">232</p> <p>1 LYNN A. ROBESON: I understand.</p> <p>2 STEPHEN EVERETT SCOVILLE: Right.</p> <p>3 LYNN A. ROBESON: Let me do this. If your stomachs can</p> <p>4 take it-</p> <p>5 STEPHEN EVERETT SCOVILLE: Yes.</p> <p>6 LYNN A. ROBESON: Let me have- Mr. Sloan, can you</p> <p>7 state whether this development is going to be able to</p> <p>8 handle the runoff that Mr. Scoville-</p> <p>9 STEPHEN EVERETT SCOVILLE: Scoville.</p> <p>10 LYNN A. ROBESON: Describes?</p> <p>11 JOSHUA SLOAN: Yes, and I can understand the concern</p> <p>12 because these properties that were developed some time ago</p> <p>13 to the south, below the south of our subject property, they</p> <p>14 are all within the stream valley buffer. They are in the</p> <p>15 low area. They were built in an area that would not be</p> <p>16 allowed to be built-in today. The spring itself is actually</p> <p>17 on the west side. If this was only catching runoff, this</p> <p>18 not be considered a stream. It would simply be a femoral.</p> <p>19 It wouldn't be femoral.</p> <p>20 LYNN A. ROBESON: Well, explain femoral.</p> <p>21 STEPHEN EVERETT SCOVILLE: Explain spring.</p> <p>22 JOSHUA SLOAN: So there's actually some perennial</p> <p>23 water that is coming out of the ground. Perennial meaning</p> <p>24 almost all the time.</p> <p>25 STEPHEN EVERETT SCOVILLE: How can you tell?</p> | <p style="text-align: right;">234</p> <p>1 property. We have to treat it and we have to treat it under</p> <p>2 environmental site design provisions through the state of</p> <p>3 Maryland that state of Maryland has set. Those require that</p> <p>4 basically, we produce an infiltration of the rainwater into</p> <p>5 the ground that meets the same conditions as if this was</p> <p>6 for a set land. It's a very high threshold. Most of these</p> <p>7 facilities that we've started to identify around, and we do</p> <p>8 have them around the multiuse building also, are very</p> <p>9 large, complicated facilities. They are about 6 feet deep.</p> <p>10 They have under drain piping. They are depressions that are</p> <p>11 planted with native plants that they can take inundated</p> <p>12 water with that the dry periods. Then those under drains</p> <p>13 are actually popped out to a system that doesn't exist now.</p> <p>14 LYNN A. ROBESON: Will it exist?</p> <p>15 JOSHUA SLOAN: It will. It will have to. So if we are</p> <p>16 very lucky, we will get very good infiltration rates and we</p> <p>17 will be able to actually recharge the groundwater better</p> <p>18 through the systems, which is going to be- On this side, it</p> <p>19 won't have a large impact for the stream because of the</p> <p>20 roadbed and the consolidated soils below that, but in some</p> <p>21 cases, we will get rainwater down into the ground, recharge</p> <p>22 the spring, and improve the health of this. We also be</p> <p>23 decreasing the- Increasing the time period and decreasing</p> <p>24 the amount of water that's let out over time.</p> <p>25 FRANCOIS CARRIER: Mr. Sloan, when is- When are the</p> |

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| <p style="text-align: right;">235</p> <p>1 details of the storm water management plan normally 2 developed? 3 JOSHUA SLOAN: So if we get our rezoning plan, we will 4 provide a what's called a stage I and stage II storm water 5 management concept with our preliminary plan of 6 subdivision, which would create the lots, create the 7 easements, and test our storm water concept and the site 8 plan which is the stage II piece of that, which is even 9 more detailed. So all of our drainage area, including on- 10 site, will be tested to see how much water is coming 11 through the property, how much we have to treat, and how we 12 have to pipe it to a new storm drain system. Then we have a 13 third- 14 STEPHEN EVERETT SCOVILLE: Where will the water be 15 piped? 16 JOSHUA SLOAN: So currently, there is an open right- 17 of-way through here. Our guess is that our storm drain 18 system is going to come through this and tie into a manhole 19 that's just off of this Exhibit 72 in the southwest corner. 20 STEPHEN EVERETT SCOVILLE: Where is the manhole? 21 JOSHUA SLOAN: It is- 22 STEPHEN EVERETT SCOVILLE: What road is the manhole 23 on? 24 JOSHUA SLOAN: It's not on a road. It's actually just 25 off of Hidden Garden to the east of it.</p> | <p style="text-align: right;">237</p> <p>1 you how far you would like to go. 2 LYNN A. ROBESON: While I'd like to (inaudible). 3 FRANCOIS CARRIER: But the storm water concept plan 4 has not been prepared at the level of detail that some of 5 Mr. Scoville's questions may require. 6 LYNN A. ROBESON: I- 7 STEPHEN EVERETT SCOVILLE: Nor has the sewer plan. 8 LYNN A. ROBESON: Just a second. Just a second. It is 9 a sequential process, but I would like to address concerns 10 to the extent we can here. They do not have to plan in 11 detail, their storm water concept plan until- If your 12 question is about storm water, they do not have to address 13 it until later in the process. They have to still go- The 14 rezoning stage is sort of a broader stage of, is it 15 compatible. Does it comply with the Master Plan? They will 16 go through a preliminary plan, which is going to make them 17 get to the details of engineering all this stuff. Mr. Sloan 18 is an expert. He is qualified as an expert in, I can't 19 remember. Landscape- 20 FRANCOIS CARRIER: Landscape, architecture, and 21 planning. 22 LYNN A. ROBESON: And land planning. So there is a 23 secondary process. I guess what I want to know is, at the 24 end of the day, is the runoff going to be better on Mr. 25 Scoville's property or worse. That's what I want to know.</p> |
| <p style="text-align: right;">236</p> <p>1 LYNN A. ROBESON: Mr. Sloan, you referenced right-of- 2 way. Can you explain what you mean when you use that term? 3 Is that publicly owned land? 4 JOSHUA SLOAN: Yes. Porter Road, in addition to having 5 the regular right-of-way that comes down along both sides 6 of the road and goes down to the Court, it also has a spur, 7 a kind of triangular shaped spur that's just south of our 8 property on the west side of Porter Road. That's publicly 9 dedicated land and these properties were recommended in the 10 Master Plan for an upgrade of their water and sewer system. 11 Right now, they don't have any. Part of that upgrade is 12 piping water- Well, piping water to the facility, and then 13 piping sewer out and this right-of-way will accommodate 14 both the sewer pipes and the storm drain pipes that will 15 have to accommodate the facility. 16 STEPHEN EVERETT SCOVILLE: I'm not sure where the 17 storm water is going to go. It can't go down into the 18 sewer. 19 JOSHUA SLOAN: No, it will go (inaudible). 20 STEPHEN EVERETT SCOVILLE: Hidden Garden is a road 21 with storm drains in it, but it is at a higher grade than 22 that current right-of-way. There is no storm water 23 management pond. 24 FRANCOIS CARRIER: Ms. Robeson, I would suggest this 25 is a level of detail that- You know, it is certainly up to</p> | <p style="text-align: right;">238</p> <p>1 JOSHUA SLOAN: The runoff will not increase. We are- 2 This unit, lot 11 on the east side of Porter Road, is about 3 10 feet above the estimated location of the manhole, which 4 I don't have on the plan. So there is a significant grade 5 down Porter Road and Hidden Garden. And also, the actual 6 pipes may run counter to grade so the- when we look at the 7 pipe system, we will ensure that we can tie into the storm 8 drain system that takes care of Hidden Garden Lane and that 9 there is adequate outfall which means that the capacity is 10 there to take any pipes now because there are none 11 (inaudible). 12 LYNN A. ROBESON: Now, are you going to- Okay. I'm 13 still trying to get to the bottom of my question. Are you 14 going to treat for the Sole D'Italia site too? 15 JOSHUA SLOAN: We're going to treat for the Sole 16 D'Italia site and the rezoned portion of the property to 17 meet our storm water requirements and improve water. 18 LYNN A. ROBESON: Do you have any opinion as to 19 whether Mr. Scoville's property, given that you're treating 20 Sole D'Italia, will it have less to your- Based on what 21 you've heard today, less storm water? 22 JOSHUA SLOAN: There will be decreased storm water for 23 the majority of events, rain events. We treat- 24 LYNN A. ROBESON: Like the hundred-year storm. 25 JOSHUA SLOAN: We treat 10-year storms. So</p> |

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| <p style="text-align: right;">239</p> <p>1 (inaudible).</p> <p>2 LYNN A. ROBESON: Oh, 10 years. Not 500 years?</p> <p>3 JOSHUA SLOAN: No.</p> <p>4 LYNN A. ROBESON: But it-</p> <p>5 JOSHUA SLOAN: No.</p> <p>6 LYNN A. ROBESON: Okay. But he still may have some</p> <p>7 impact from the perennial stream.</p> <p>8 JOSHUA SLOAN: Yes, it- Unfortunately, the two</p> <p>9 properties just to the southwest and just south of us, they</p> <p>10 are in the buffer area, which indicates they are low-lying-</p> <p>11 LYNN A. ROBESON: I'll get you in one second.</p> <p>12 JOSHUA SLOAN: Location.</p> <p>13 LYNN A. ROBESON: And is- Will the runoff from the</p> <p>14 perennial stream be affected by this development? Would it</p> <p>15 exacerbate the runoff?</p> <p>16 JOSHUA SLOAN: No. No, part of our- Part of our</p> <p>17 proposed, overall vision, is that, for reasons that we will</p> <p>18 probably talk about later, urban designs and planning</p> <p>19 reasons, if we go ahead with Plan A, there is some</p> <p>20 disturbance in the stream valley buffer. Under the</p> <p>21 environmental guidelines, mitigation has to be provided for</p> <p>22 that. We typically provide mitigation at a rate of two</p> <p>23 times the impact that we have and our goal is to use that</p> <p>24 mitigation to actually stabilize some of the eroded areas,</p> <p>25 improve the water quality, decreased silting, and remove</p> | <p style="text-align: right;">241</p> <p>1 108, a state highway problem. This is only going to add to</p> <p>2 the problem. And once again, I do have a background in</p> <p>3 residential construction. I did personally work with WSSC</p> <p>4 and run that sewer in there for this property that I</p> <p>5 currently live in. So I too am an expert. I do not see that</p> <p>6 there is actually a spring in that property. I may take his</p> <p>7 word for it. I believe all the water that is flowing</p> <p>8 through there is due to the existing runoff problem.</p> <p>9 LYNN A. ROBESON: Well, what if he treats the runoff?</p> <p>10 STEPHEN EVERETT SCOVILLE: That will be better. I just</p> <p>11 don't think that there is enough in that little corner with</p> <p>12 a piping plan is not even in effect to address this issue.</p> <p>13 It is a big issue. There is a significant amount of water.</p> <p>14 It looks like a river going through there.</p> <p>15 LYNN A. ROBESON: Okay.</p> <p>16 STEPHEN EVERETT SCOVILLE: Okay. It is that bad when</p> <p>17 we do have a storm. Another question I have for the</p> <p>18 developer, is part of that commercial property I believe is</p> <p>19 to include some apartments which would be additional</p> <p>20 housing.</p> <p>21 MALE VOICE: Correct.</p> <p>22 STEPHEN EVERETT SCOVILLE: Okay. There is commercial</p> <p>23 buildings with restaurants. I do not see any parking for</p> <p>24 this commercial building.</p> <p>25 FRANCOIS CARRIER: Ms. Robeson, that is outside the</p> |
| <p style="text-align: right;">240</p> <p>1 some of the invasives and replant it in this area so this</p> <p>2 should be a better health of the stream and the water</p> <p>3 quality.</p> <p>4 LYNN A. ROBESON: Like channelize the stream better.</p> <p>5 JOSHUA SLOAN: Yeah, there are some eroded areas that</p> <p>6 are muddy and that siltation is problematic. We would like</p> <p>7 to stabilize those, get a cleaner, healthier streambed.</p> <p>8 LYNN A. ROBESON: Okay. Mr. Scoville, I know you have</p> <p>9 a question.</p> <p>10 STEPHEN EVERETT SCOVILLE: Like- Mr. Sloan?</p> <p>11 JOSHUA SLOAN: Yes.</p> <p>12 STEPHEN EVERETT SCOVILLE: Okay. As, Mr. Sloan, I too</p> <p>13 have advanced degrees and Masters Degrees and I too have a</p> <p>14 background in residential construction. It's in my blood.</p> <p>15 I've done it for my entire life. I and was the one who ran</p> <p>16 the sewer. The manhole he is talking about is not a storm</p> <p>17 water management manhole. It is a sewer drain. You do not</p> <p>18 run storm water runoff into the sewer. The grade is low in</p> <p>19 there. They will have to go back up approximately 10 or 15</p> <p>20 feet to get to a storm water management area, which is off</p> <p>21 of Hidden Garden Road. Directly behind my property on the</p> <p>22 other side of Hidden Garden Road, is a sediment pond which</p> <p>23 is used to take storm water runoff. There is no sediment</p> <p>24 pond in this development to actually capture the water flow</p> <p>25 and it is significant. A lot of it is coming off of Route</p> | <p style="text-align: right;">242</p> <p>1 scope of this rezoning, have to suggest.</p> <p>2 STEPHEN EVERETT SCOVILLE: The Alloway building that</p> <p>3 Mr. Nichols did a wonderful job building, it's a beautiful</p> <p>4 building, is right over there. There are issues-</p> <p>5 LYNN A. ROBESON: Where?</p> <p>6 JOSHUA SLOAN: It's abutting the southeast corner of</p> <p>7 the property in the front side of New Hampshire.</p> <p>8 STEPHEN EVERETT SCOVILLE: I believe there are issues</p> <p>9 with parking. They end up parking at the church because</p> <p>10 there is not adequate parking for that commercial building.</p> <p>11 I would imagine this commercial building, people are going</p> <p>12 to be parking across the street near the 7/11 and have to</p> <p>13 cross the busy, impacted traffic congestion, what a way to</p> <p>14 get to the building or they're going to park along route-</p> <p>15 Porter Road. I just don't see where they're having parking.</p> <p>16 If there is underground parking, how many spaces for the</p> <p>17 building? For commercial building?</p> <p>18 FRANCOIS CARRIER: Ms. Robeson, do you wish us to</p> <p>19 provide testimony on that level of detail about the</p> <p>20 proposed mixed-use building? We have the data on plan for</p> <p>21 your consideration.</p> <p>22 LYNN A. ROBESON: Okay. What we're going to do is</p> <p>23 break for lunch.</p> <p>24 FRANCOIS CARRIER: We did provide that at the first</p> <p>25 hearing.</p> |

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| <p>243</p> <p>1 LYNN A. ROBESON: Be prepared- I know that. Be 2 prepared and I'm going to break or an hour for lunch and 3 will come back at 1:20. All right. Thank you all for your 4 input. All right. 5 FRANCOIS CARRIER: Would you like us to cover that? To 6 recover that ground in the afternoon? 7 LYNN A. ROBESON: (inaudible). 8 FRANCOIS CARRIER: I just want my witness to be 9 prepared. 10 LYNN A. ROBESON: Yes, stick around. 11 FRANCOIS CARRIER: It was the- It was the architect 12 who I think testified about that. 13 LYNN A. ROBESON: Is he here today? 14 FRANCOIS CARRIER: We did not bring him because we 15 didn't think we were going back over that ground. Well, I 16 can ask Mr. Sloan to do it again. 17 LYNN A. ROBESON: You can't say that you didn't- I 18 mean, these people didn't get a chance to raise all these 19 concerns the first time. So it's hard to predict what we 20 are going to go over and what we aren't. So we will come 21 back at 1:20. What I would like to do- What I would like to 22 do is get into the Master Plan and the traffic and then we 23 will try to address the parking concerns. It's my 24 understanding that the parking for the commercial building, 25 and I'm going- Do you have a copy of the Staff Report? Why</p> | <p>245</p> <p>1 LYNN A. ROBESON: All right. Mr. Sloan, I'd like to 2 hear the applicant's arguments on why this complies with 3 the Master Plan. 4 FRANCOIS: Ms. Robeson, we also have testimony from 5 Mr. Sloan regarding some of the environmental questions 6 that you raised in your emails to us. 7 LYNN A. ROBESON: Yes. 8 FRANCOISE CARRIER: If you would like us to we can 9 certainly address the Master Plan first. Is that your 10 preference? 11 LYNN A. ROBESON: I would like it because I think that 12 a lot of the people here are concerned about that, and then 13 if we have to get into the environmental things first we 14 can do that. 15 FRANCOISE CARRIER: Okay. 16 LYNN A. ROBESON: So thank you for asking. Mr. Sloan, 17 can you address the Master Plan? 18 FRANCOISE CARRIER: Do you mind if I go with my list of 19 questions? 20 LYNN A. ROBESON: No. It's not a -- 21 FRANCOISE CARRIER: So, to start, Mr. Sloan. Mr. Sloan, 22 in your opinion is the proposed project consistent with the 23 Master Plan? 24 JOSHUA SLOAN: Yes. 25 FRANCOISE CARRIER: Do you have a primary principle in</p> |
| <p>244</p> <p>1 don't you take my copy of the Staff Report over and then 2 you can read what they said about the parking, but I would 3 like to get to the Master Plan and traffic and then we will 4 address- Let me just make sure I didn't- and we will 5 address all the issues. Let me- let me print you out a 6 copy, all right. Then I'll have- you can ask Nanna in our 7 office if she will have a copy of it, okay? So we're going 8 to break for an hour for lunch. We will be back at 1:20. 9 (Off the record.) 10 MALE VOICE: Good to go. 11 LYNN A. ROBESON: You're ready? Okay. Are the 12 interpreters ready? 13 INTERPRETER: Yes. 14 THE COURT: Okay. Thank you. Okay. We're back on the 15 record. What I'd like to do; Mr. Scoville was your concern, 16 have you had a chance to read the Staff Report? 17 MR. SCOVILLE: I'm looking at it. 18 LYNN A. ROBESON: Okay. 19 MR. SCOVILLE: Speak for a minute? 20 LYNN A. ROBESON: You -- can you come forward? I'm 21 going to, if you want to peruse it more, what I'd like to 22 do is get to the testimony on the Master Plan. 23 STEVEN EVERETT SCOVILLE: Okay. Go ahead. 24 LYNN A. ROBESON: If you can listen at the same time. 25 MR. SCOVILLE: Mm-hmm.</p> | <p>246</p> <p>1 mind when you apply a Master Plan that is nearly 20 years 2 old? 3 JOSHUA SLOAN: We first look at the specific language 4 of the Master Plan itself and in the beginning of the 5 Master Plan it notes that most plans are done for a 5 or 10 6 year. As this required under state law, but they try to 7 look out about 20 years into the future for land use, 8 transportation, environmental recommendations. So -- 9 LYNN A. ROBESON: And that's on Page VII, I think. 10 JOSHUA SLOAN: That's before the introduction of the 11 plan. 12 LYNN A. ROBESON: Notice to Readers. 13 JOSHUA SLOAN: Notice to Readers. So as a reader, we 14 are put on notice that the Master Plan itself recognizes 15 that things change over time and for this 20 year horizon 16 we look at things a little bit different -- differently. 17 And in this case we look more towards the general goals of 18 the plan and there are specific recommendations about the 19 character of the village center, the acknowledgment that a 20 mix of uses is appropriate at this area -- in this area. 21 That different building types are allowed, even in the R90 22 zone it acknowledges that townhouses are allowed to be 23 provided and it also talks about low to moderate density in 24 this area, so we tried to quantify those things and come up 25 with a plan that meets the general vision of the -- and the</p> |

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| <p style="text-align: right;">247</p> <p>1 intent of the Master Plan.</p> <p>2 FRANCOISE CARRIER: Would you please walk us through</p> <p>3 why you consider the proposed project consistent with the</p> <p>4 matter plan and feel free to refer to whatever sections of</p> <p>5 the Master Plan you would like as you testify.</p> <p>6 JOSHUA SLOAN: So I think the first thing that we</p> <p>7 looked at was the types of uses. How, or whether the Master</p> <p>8 Plan recommended single-family attached only, or recognize</p> <p>9 that townhouses would be allowed and would be compatible.</p> <p>10 And we found on, I think it's the map on Page 30, and that</p> <p>11 the Master Plan does, in fact, note that -- oh, sorry. It's</p> <p>12 not a Page 30.</p> <p>13 LYNN A. ROBESON: Yeah, it is.</p> <p>14 JOSHUA SLOAN: It's on -- it's on page 33 for the --</p> <p>15 the zoning plan for the village centers.</p> <p>16 LYNN A. ROBESON: Oh. I'm sorry. Okay.</p> <p>17 JOSHUA SLOAN: That R90 can include townhouses and</p> <p>18 there are townhouses around in the R 90 zone, as well as</p> <p>19 the PD five zone which is across the (inaudible) Sandy</p> <p>20 Spring and actually isn't included in the village center</p> <p>21 area. Then we look at the character, which is spelled out</p> <p>22 in a relatively short section on Pages 38 to 39; about</p> <p>23 expanding Kimball's Market that is not part of this; of the</p> <p>24 rezoning, but that is a piece that -- on which this</p> <p>25 rezoning personally relies because there is commercial</p> | <p style="text-align: right;">249</p> <p>1 FRANCOISE CARRIER: Take your time to find it.</p> <p>2 JOSHUA SLOAN: Okay.</p> <p>3 LYNN A. ROBESON: But where do you get the idea that</p> <p>4 it's low to moderate this what I'm asking you.</p> <p>5 JOSHUA SLOAN: So the very introduction, 1980 plan</p> <p>6 recommendations for limited commercial use and moderate to</p> <p>7 low density residential uses are confirmed, with changes</p> <p>8 primarily --</p> <p>9 FRANCOISE CARRIER: What page are you reading from, Mr.</p> <p>10 Sloane?</p> <p>11 JOSHUA SLOAN: On Page 38.</p> <p>12 LYNN A. ROBESON: Oh, 38. Okay. Hold on one second, let</p> <p>13 me get there. I'm -- and can you tell me where is that?</p> <p>14 JOSHUA SLOAN: It's the paragraph, second sentence</p> <p>15 under the paragraph under the Ashton Village Center.</p> <p>16 LYNN A. ROBESON: Oh, the 1980 plan recommendations,</p> <p>17 that one?</p> <p>18 JOSHUA SLOAN: Yes.</p> <p>19 LYNN A. ROBESON: Okay. But that refers back to the</p> <p>20 1980s plan recommendations.</p> <p>21 FRANCOISE CARRIER: Does it say that those</p> <p>22 recommendations are confirmed?</p> <p>23 LYNN A. ROBESON: Yes.</p> <p>24 JOSHUA SLOAN: Yeah. Confirmed for moderate to low</p> <p>25 density residential uses.</p> |
| <p style="text-align: right;">248</p> <p>1 zoning that's being changed to residential zoning by the</p> <p>2 Application. It talks more about the --</p> <p>3 LYNN A. ROBESON: Wait, I missed that point. I'm sorry.</p> <p>4 I didn't understand what you mean when you (inaudible)</p> <p>5 JOSHUA SLOAN: So part of the rezoning of this</p> <p>6 property during the Master Plan actually put some</p> <p>7 residential into the then, I think, C1 zone, which then</p> <p>8 became CRN zoning. So part of that, it does apply and so</p> <p>9 looking at those land uses, looking at the idea of</p> <p>10 revitalization, of what kind of character should be on the</p> <p>11 roads and how do you get there from where we are today. The</p> <p>12 other question is, of course, the density that's been</p> <p>13 raised. And the plan does indicate a specific zoning</p> <p>14 designation, R90, which has a specific density allowed, but</p> <p>15 then it talks about allowing some expansion of commercial</p> <p>16 and other uses here. And the idea that you need low to</p> <p>17 moderate density to create a village center.</p> <p>18 LYNN A. ROBESON: Where are you getting low to</p> <p>19 moderate?</p> <p>20 JOSHUA SLOAN: That will take me a little bit to find.</p> <p>21 A lot of the testimony that I read that word the letters</p> <p>22 talked quite a bit about the open space and the low</p> <p>23 density.</p> <p>24 LYNN A. ROBESON: I -- yeah. I looked at that.</p> <p>25 JOSHUA SLOAN: I indicated --</p> | <p style="text-align: right;">250</p> <p>1 FRANCOISE CARRIER: Would that indicate to you that</p> <p>2 they're trying to say that in the -- in this 1990 plan they</p> <p>3 were confirming and continuing that aspect of the 1980</p> <p>4 plan?</p> <p>5 JOSHUA SLOAN: Yes. Recommendation stands, and what we</p> <p>6 -- it's what we need to conform to, substantially conform</p> <p>7 to.</p> <p>8 LYNN A. ROBESON: Which is, in the prior sentence, the</p> <p>9 -- where was the -- oh I see, moderate to low density. So</p> <p>10 you're saying today's low to moderate density is this</p> <p>11 density?</p> <p>12 JOSHUA SLOAN: Well, we have a specific zoning</p> <p>13 designation now of townhouse low-density zone which allows</p> <p>14 about eight units per acre and the medium density townhouse</p> <p>15 zone allows, I believe, 12 units per acre and then high</p> <p>16 density areas, we start at about 15 units per acre and</p> <p>17 above. So we are at about eight units per acre on the</p> <p>18 rezoned portion of the site. We did look at the capacity of</p> <p>19 the existing zoning and taking into account the stream</p> <p>20 valley buffer which knocks out a bunch of property that</p> <p>21 could be developed under today's rules you could develop a</p> <p>22 -- you could lot out one, two, three, four, five detached</p> <p>23 homes on the R90 portion of the property that's been</p> <p>24 rezoned, and six townhomes on the CRT zoned property which</p> <p>25 we're asking for rezoning.</p> |

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29 (251 to 254)

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| <p>251</p> <p>1 LYNN A. ROBESON: But that's not part of this 2 application. 3 FRANCOISE CARRIER: No. 4 JOSHUA SLOAN: Part of it is. So- 5 LYNN A. ROBESON: Oh, the -- I'm sorry. 6 JOSHUA SLOAN: The one lot is CRT. 7 LYNN A. ROBESON: On the east side. 8 JOSHUA SLOAN: On the east side. 9 LYNN A. ROBESON: Yeah. 10 JOSHUA SLOAN: So you could, in just that area alone, 11 you could do about 11 homes under what's the existing 12 zoning. But that layout and that idea of creating a village 13 center, at some point you need a they are there. You can 14 have the rural landscape around that's discussed in great 15 detail on the Master Plan. But a village center has a 16 little bit different character. It has a little bit higher 17 density. It has a mix of uses. It has your more traditional 18 streets with the buildings closer to the lot lines, to the 19 right of way. It has, you know, tree-lined areas. It has 20 sidewalks. It has some of the things that are missing now. 21 It has a little gathering spaces that the residential 22 portion of the property would support. 23 LYNN A. ROBESON: I guess -- well, maybe it's because 24 I'm from Accident, Maryland, in Garrick County. 25 MALE VOICE: I know where that is.</p> | <p>253</p> <p>1 keys that we look for for character, and that is the active 2 fronts on buildings, porches, street entrances, the land 3 use of mixed stores and homes. 4 LYNN A. ROBESON: But what about scale? Because there 5 is language, I think, that Finales (phonetic) pointed out 6 that there is language allowing an increase in commercial 7 height to 30 feet. 8 JOSHUA SLOAN: Well, we recently had -- 9 LYNN A. ROBESON: Well, how did we get from 30 to 40? 10 JOSHUA SLOAN: We recently had the zoning text 11 amendment that the County Council past to change the 12 overlay zone to allow this for compatibility reasons. 13 LYNN A. ROBESON: But that doesn't mean it's by right. 14 JOSHUA SLOAN: It's not by right. You have to find 15 that it's compatible. 16 LYNN A. ROBESON: Well, I think what I have to find -- 17 FRANCOISE CARRIER: Does that finding happen here, or 18 at the planning board? 19 JOSHUA SLOAN: During -- 20 LYNN A. ROBESON: Well, I'll -- 21 JOSHUA SLOAN: -- the site plan. 22 LYNN A. ROBESON: Well, I don't know because the Master 23 Plan -- no, the overlay zone says that the height is 24 required to meet the intention of the Master Plan. That's 25 what the overlay zone says.</p> |
| <p>252</p> <p>1 LYNN A. ROBESON: But -- 2 JOSHUA SLOAN: Accident? 3 LYNN A. ROBESON: Yes. But this isn't like any village 4 center I ever have seen in rural -- in a rule neighborhood. 5 Not before story townhouses, and not the block 6 construction. This -- what I'm hearing, is this is the 7 planning concept for a village center, where you have these 8 little grids and open spaces and things like that. I could 9 show you some rural village centers, but -- 10 JOSHUA SLOAN: Yeah, what we looked at -- 11 LYNN A. ROBESON: I guess, you know, I guess it's the 12 height, right up against the road -- 13 JOSHUA SLOAN: Well -- 14 LYNN A. ROBESON: -- which I know is the current 15 planning desire du jour. There is another section in here 16 that says make sure it doesn't get suburbanites to. And I 17 think I wrote it down. 18 JOSHUA SLOAN: Mm-hmm. 19 LYNN A. ROBESON: So why isn't this suburbanized? How 20 does this resist pressure to prevent Ashton Village Center 21 to continue to grow into a suburban crossroads? 22 JOSHUA SLOAN: So, suburban my understanding of how 23 it's used in the Master Plan is large lot, single use 24 subdivision. It is not providing walk able fronts. The 25 things that are listed in particular on Page 31 are the</p> | <p>254</p> <p>1 JOSHUA SLOAN: In this case -- 2 LYNN A. ROBESON: So why is this height necessary to 3 meet the intention of the Master Plan? 4 JOSHUA SLOAN: I don't think that the height is a 5 necessary to meet the intent, but I think the height to be 6 there is appropriate. 7 LYNN A. ROBESON: But that's your burden of proof. It's 8 not whether it's appropriate, it's whether it meets the 9 intent, is necessary to meet the intention of the Master 10 Plan. So just because they passed an overlay zone that 11 allows up to 40 feet, you have -- there's something saying, 12 okay, how does this further the intention of the Master 13 Plan? 14 JOSHUA SLOAN: I -- the -- there are a couple of 15 things that that I would look at. I would look at the width 16 of Olney Sandy Spring Road and when you try to make 17 something scaled for more comfort for the pedestrian you're 18 typically trying to put a relationship of about 2 to 1 the 19 width to the height is a more comfortable streetscape. It's 20 more of a regular village, a rural village, or a rural 21 village center. In this case, we actually have a slope that 22 comes from Olney Sandy Spring down Porter Road and so the 23 units that are actually facing Olney Sandy Spring, they 24 will probably be about 35 feet in the front because we are 25 coming into the hill with the garages and partially burying</p> |

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30 (255 to 258)

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| <p>255</p> <p>1 them. So a restriction on those units at 35 feet to allow 2 for that buried garage, partially buried garage would be, I 3 think that would be fine. It would also match the height of 4 the commercial building which is allowed to be about -- is 5 allowed to be 30 feet. 6 LYNN A. ROBESON: Okay. 7 JOSHUA SLOAN: So I think that would create a better 8 streetscape. You have the front walks coming out to a 9 sidewalk, an ample tree panel. If State Highway in the 10 future wants to add a lane there, they have a significant 11 right-of-way, they can. That turn lane could go all the way 12 down. 13 LYNN A. ROBESON: How big is the paved width there? 14 JOSHUA SLOAN: It's 3 lanes, probably 36 to 38 feet of 15 paving. There are two lanes going -- 16 LYNN A. ROBESON: Three lanes? 17 JOSHUA SLOAN: There are two lanes going west and one 18 going east. 19 LYNN A. ROBESON: Eastbound. Okay. 20 JOSHUA SLOAN: So you could -- State Highway could 21 decide to turn a -- make that a turn lane from Hidden 22 Garden all the way down if they wanted. They have the right 23 of way; we're dedicating it. 24 LYNN A. ROBESON: So you're saying, as I understand it, 25 that assuming this plan is all low to moderate density --</p> | <p>257</p> <p>1 JOSHUA SLOAN: The single use large lot at a village 2 center that this is intended to be would be a more suburban 3 so use chrome from now own pattern. The CDS is a great 4 example. It brings very little to creating the active walk 5 able, livable crossroads that this was intended to be. 6 LYNN A. ROBESON: I see aerial footages, is it all 7 surface parking lot mostly? 8 JOSHUA SLOAN: Yes. 9 LYNN A. ROBESON: Okay. Okay. So how, in your opinion - 10 - I mean how do you -- this would be like the westbound 11 edge as I understand it of the Ashton Village Center, 12 correct? 13 JOSHUA SLOAN: The Village Center in the map is set on 14 the west side of Hidden Valley -- Hidden Garden Valley, 15 Hidden Garden Lane properties. 16 LYNN A. ROBESON: Okay. Okay. 17 JOSHUA SLOAN: So it's an edge that starts with 18 smaller lot, detached townhouses, and then the commercial 19 center. 20 LYNN A. ROBESON: Okay. So, I apologize for -- I've 21 been, like picking this thing apart so I've been -- 22 apologize if I'm asking you more questions, but if you want 23 to say anything else about consistency with the Master Plan 24 I'd like to hear what you have to say. In your -- 25 JOSHUA SLOAN: In terms of density, building type, the</p> |
| <p>256</p> <p>1 so you're actual -- and you're DU, dwelling units per acre 2 is eight? 3 JOSHUA SLOAN: Eight over the rezoned portion. It's a 4 -- yeah. 5 LYNN A. ROBESON: But that includes the floodplain. 6 JOSHUA SLOAN: Oh sure, yes. 7 LYNN A. ROBESON: And what would your -- as I 8 calculated your DU per -- dwelling unit per acre would be 9 4.39 under the R90, with a townhouse cluster option. If you 10 haven't done that calculation -- 11 JOSHUA SLOAN: I think that's what's allowed by the 12 MPDU or cluster option, 4.93. 13 LYNN A. ROBESON: I think it's the optional -- both the 14 optional method and there's another cluster option that's - 15 - 16 JOSHUA SLOAN: Yeah. 17 LYNN A. ROBESON: Okay. 18 FRANCOISE CARRIER: Do you -- 19 LYNN A. ROBESON: So can you -- I'm sorry. Can you -- 20 so how -- can you just explain for me how this does resist? 21 What -- there was somebody that complained about the creek. 22 The expansion of the is that there is other townhouse 23 units. How does this resist the pressure to prevent Ashton 24 Village Center to continue -- oh, you said it's the single- 25 family detached building type, is that --</p> | <p>258</p> <p>1 uses that are proposed I think I've gone through those and 2 unless there are any other questions or something I should 3 follow up on -- 4 LYNN A. ROBESON: But why is the commercial density 5 lower than -- usually when you have these village centers, 6 you have, like a little tenting effect. These are going to 7 be taller than what's permitted in the commercial center. 8 FRANCOISE CARRIER: Well, is that consistent with the 9 overlay zone? 10 JOSHUA SLOAN: It is allowed by the zoning. 11 LYNN A. ROBESON: What is allowed? 12 FRANCOISE CARRIER: But does the overlay zone have -- 13 JOSHUA SLOAN: The higher -- 14 FRANCOISE CARRIER: -- does the overlay zone have a 15 lower height for commercial buildings than it does for 16 residential? 17 JOSHUA SLOAN: It does. It's a curious thing, but it 18 does. It sets even before the zoning text amendment it set 19 the commercial building height below what was allowed to be 20 approved by the Planning Board for residential. I think 21 that's partially because you very rarely have two story, 22 unless it's an office building, two story or more 23 commercial uses and they didn't expect this to be a large 24 office supplied area. So that's a quirk of the zoning that 25 I think you have to meet with design of the buildings to</p> |

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31 (259 to 262)

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| <p>259</p> <p>1 address.</p> <p>2 LYNN A. ROBESON: Well, also, is it a village though if</p> <p>3 you -- I mean the zoning is what's permitted. But from a</p> <p>4 compatibility standpoint which is a standard here. Let me</p> <p>5 just double check the standards.</p> <p>6 JOSHUA SLOAN: Mm-hmm</p> <p>7 LYNN A. ROBESON: From a compatibility standpoint is</p> <p>8 that something you want to have the residential taller than</p> <p>9 the commercial in a village center?</p> <p>10 JOSHUA SLOAN: Well, these will be about 10 feet below</p> <p>11 so there is about a story that we lose because of the grade</p> <p>12 of Porter Road so the --</p> <p>13 LYNN A. ROBESON: Oh, because it's going down and --</p> <p>14 JOSHUA SLOAN: It's going down and --</p> <p>15 LYNN A. ROBESON: -- because of stream valley buffer.</p> <p>16 JOSHUA SLOAN: And --</p> <p>17 FRANCOISE CARRIER: But not into the stream valley</p> <p>18 buffer.</p> <p>19 JOSHUA SLOAN: Well, the road goes into the Spring</p> <p>20 Valley buffer.</p> <p>21 LYNN A. ROBESON: I was going to ask you about that. I</p> <p>22 --</p> <p>23 FRANCOISE CARRIER: The site goes down.</p> <p>24 JOSHUA SLOAN: The site does decrease</p> <p>25 LYNN A. ROBESON: The slope -- the slope is going</p> | <p>261</p> <p>1 like in the record -- well, what -- so why is the</p> <p>2 additional height -- well, you're not asking for additional</p> <p>3 height; 35 feet is the height limit in the R90 zone.</p> <p>4 JOSHUA SLOAN: Mm-hmm</p> <p>5 LYNN A. ROBESON: And you're asking for the additional</p> <p>6 height for the rear units, I mean the southern units. So</p> <p>7 how does that meet the intention of the Master Plan?</p> <p>8 JOSHUA SLOAN: So if they are four stories along</p> <p>9 Porter Road and to the south and east of the open space,</p> <p>10 from an urban design point of view I think it creates the</p> <p>11 proper relationship of open space to building for framing.</p> <p>12 So --</p> <p>13 LYNN A. ROBESON: I don't know what that means.</p> <p>14 JOSHUA SLOAN: So the --</p> <p>15 LYNN A. ROBESON: Talk in baby talk.</p> <p>16 JOSHUA SLOAN: The relatively long distance between</p> <p>17 the building fronts, you feel more comfortable when there's</p> <p>18 an appropriate height on the edges.</p> <p>19 LYNN A. ROBESON: Okay.</p> <p>20 JOSHUA SLOAN: When we were walking down to lunch, we</p> <p>21 were talking about how the new mixed use building was put</p> <p>22 in between the theater and the town center --</p> <p>23 LYNN A. ROBESON: Wait, wait. Here in Rockville?</p> <p>24 JOSHUA SLOAN: In Rockville just walking down --</p> <p>25 LYNN A. ROBESON: Oh, okay.</p> |
| <p>260</p> <p>1 downward.</p> <p>2 JOSHUA SLOAN: And it's also a building typology that</p> <p>3 wasn't built 20 years ago. Townhouses are typically now,</p> <p>4 four stories because they park underground, under -- in the</p> <p>5 garage and then they have living space above. Some of these</p> <p>6 may be height restricted because of how this all works, so</p> <p>7 they will actually look 30 to 35 feet.</p> <p>8 FRANCOISE CARRIER: And is that building type with --</p> <p>9 for townhouses with garages underneath, is that something</p> <p>10 that the Planning Department encourages or discourages</p> <p>11 today?</p> <p>12 JOSHUA SLOAN: It's very much encouraged. This allows</p> <p>13 us to so call, make them so called rear loaded so that you</p> <p>14 can get a stoop, a porch, and steps onto a sidewalk.</p> <p>15 LYNN A. ROBESON: They want the activated street front.</p> <p>16 I know what they --</p> <p>17 JOSHUA SLOAN: So the four-story accommodates that.</p> <p>18 LYNN A. ROBESON: Would you be willing to have a</p> <p>19 binding element that that northernmost stick would be 35</p> <p>20 feet?</p> <p>21 FRANCOISE CARRIER: I have consulted with my client on</p> <p>22 that and they are agreeable to 35 feet on that northernmost</p> <p>23 stick.</p> <p>24 LYNN A. ROBESON: Okay. Okay. Now that I've cross-</p> <p>25 examined you, is there anything else -- now I still would</p> | <p>262</p> <p>1 JOSHUA SLOAN: And before that was built it felt like</p> <p>2 a very far away way and it looked uncomfortable to walk</p> <p>3 down. But when it's built it seems shorter and it also</p> <p>4 feels more comfortable to walk along the road. It's just a</p> <p>5 part of the psychology of the spatial boundaries that we're</p> <p>6 putting on things. With this layout we're able to create a</p> <p>7 large open space that's self-contained and it can -- it's</p> <p>8 much more usable. But it's larger and I think the four</p> <p>9 story will nicely frame that area.</p> <p>10 LYNN A. ROBESON: Okay. And that complies with the</p> <p>11 Master Plan because? Aside from an urban design standpoint</p> <p>12 I'm --</p> <p>13 FRANCOISE CARRIER: Does that contribute to any of the</p> <p>14 Master Plan's goals with regard to creating a viable town</p> <p>15 village center?</p> <p>16 JOSHUA SLOAN: It allows us to create active fronts</p> <p>17 because we can rear load the garages and put our livable</p> <p>18 space one level higher. It allows us to create a more walk</p> <p>19 able streetscape, provide the off street parking, out of</p> <p>20 view --</p> <p>21 LYNN A. ROBESON: You're saying it gives you the design</p> <p>22 flexibility to -- well, I don't want to put words in your</p> <p>23 mouth. Is -- okay.</p> <p>24 JOSHUA SLOAN: To meet the bullets that are</p> <p>25 specifically laid out on 31 and 32 --</p> |

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32 (263 to 266)

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| <p>263</p> <p>1 LYNN A. ROBESON: Yeah.</p> <p>2 JOSHUA SLOAN: That 40 feet of height allows us to</p> <p>3 work with a building that we can address those things with</p> <p>4 much more easily than a three-story product would.</p> <p>5 LYNN A. ROBESON: The flexibility -- or what bullets?</p> <p>6 Oh, the active fronts?</p> <p>7 JOSHUA SLOAN: The active fronts on buildings, the</p> <p>8 porches, street entrances --</p> <p>9 LYNN A. ROBESON: And why does the extra height let you</p> <p>10 do that?</p> <p>11 JOSHUA SLOAN: So we can park in the rear. We can take</p> <p>12 up spaces with the garage and that side.</p> <p>13 LYNN A. ROBESON: Oh, I get it.</p> <p>14 JOSHUA SLOAN: We can have a front room then in front</p> <p>15 of that garage space that then walks down to the --</p> <p>16 LYNN A. ROBESON: I get it.</p> <p>17 JOSHUA SLOAN: -- to the sidewalk.</p> <p>18 LYNN A. ROBESON: So you can bring the parking out of</p> <p>19 sight and have the taller building.</p> <p>20 JOSHUA SLOAN: Right.</p> <p>21 LYNN A. ROBESON: Or still have a three level --</p> <p>22 JOSHUA SLOAN: Right. Most of the townhouses, for</p> <p>23 example, on the other side they're surface parked and you</p> <p>24 know they're really kind of a little enclave that doesn't</p> <p>25 encourage people to walk through the neighborhood to --</p> | <p>265</p> <p>1 JOSHUA SLOAN: I don't know. I think any of the other</p> <p>2 things were dealing with environmental issues which we can</p> <p>3 get to. My general concept when I was looking through this</p> <p>4 and even before when I was on staff is what was going to</p> <p>5 happen here. What's worked over the last --</p> <p>6 LYNN A. ROBESON: When you say on staff can you explain</p> <p>7 that for the --</p> <p>8 JOSHUA SLOAN: When I was at Park and Planning and in</p> <p>9 the Development Review Division I worked on plans that were</p> <p>10 brought forward in this area. And revisiting, having a</p> <p>11 chance to revisit it from the design point of view and the</p> <p>12 planning perspective I was really looking at what's worked</p> <p>13 here and what hasn't. And the hard fact was that nothing</p> <p>14 had happened here except recently the CDS and the decline</p> <p>15 of some of the commercial properties because there is no</p> <p>16 vitality and the -- some kind of density to support those</p> <p>17 uses locally. It's hard to capture these trips.</p> <p>18 LYNN A. ROBESON: So you're saying on Page 31, it</p> <p>19 says, encourage development and revitalization of the</p> <p>20 village center and you're --</p> <p>21 JOSHUA SLOAN: And it hasn't happened. And we need to</p> <p>22 find a better way to do it.</p> <p>23 LYNN A. ROBESON: Just a -- you're going to -- I want</p> <p>24 to make sure -- let me do this. I'd like him to move into</p> <p>25 some of the environmental stuff. Hold your -- okay. Can you</p> |
| <p>264</p> <p>1 well, you can't really because you have a lot of surface</p> <p>2 parking.</p> <p>3 FRANCOISE CARRIER: So does this create a more walk</p> <p>4 able environment because of the 40 foot height?</p> <p>5 JOSHUA SLOAN: This does.</p> <p>6 LYNN A. ROBESON: Okay.</p> <p>7 FRANCOISE CARRIER: Are there places in the Master Plan</p> <p>8 that talk about open space and low density and what do they</p> <p>9 apply to? Do they apply to this area or are those talking</p> <p>10 about other parts of the Ashton Sandy Spring area?</p> <p>11 JOSHUA SLOAN: The discussion about the low density</p> <p>12 and 75 to 80 percent open space do not apply to this area,</p> <p>13 this zoning, or the village center. They apply to the rural</p> <p>14 cluster areas around; and the clustering is specifically so</p> <p>15 they can keep that 75, 80 percent and move their density</p> <p>16 into little clustered areas. But they're not pertinent to</p> <p>17 this space. The subject property.</p> <p>18 LYNN A. ROBESON: Okay. That was in the item you</p> <p>19 submitted, right?</p> <p>20 FRANCOISE CARRIER: Yes. Yes.</p> <p>21 LYNN A. ROBESON: Okay.</p> <p>22 FRANCOISE CARRIER: Okay. I don't have any additional</p> <p>23 questions, Mr. Sloan is there anything else you want to</p> <p>24 flip through the Master Plan and make sure there isn't</p> <p>25 anything you missed?</p> | <p>266</p> <p>1 address some of the environmental issues that we have</p> <p>2 spoken about?</p> <p>3 FRANCOISE CARRIER: If I may, Ms. Robeson, before he</p> <p>4 does I'd like to ask Mr. Sloan some questions about his</p> <p>5 background and his experience regarding environmental</p> <p>6 issues. He was qualified as an expert in land planning and</p> <p>7 landscape architecture, and I don't intend to ask for an</p> <p>8 additional expert designation, but I do think that getting</p> <p>9 on the record some information about his background in both</p> <p>10 educational and professional --</p> <p>11 LYNN A. ROBESON: (crosstalk)</p> <p>12 FRANCOISE CARRIER: -- will go to the weight that you</p> <p>13 may feel comfortable giving his testimony.</p> <p>14 LYNN A. ROBESON: I'll allow you to do that.</p> <p>15 FRANCOISE CARRIER: Thank you. Mr. Sloan, does your</p> <p>16 role as a land planner and a landscape architect include</p> <p>17 designing or participating in the design of the</p> <p>18 environmental conservation and mitigation elements of a</p> <p>19 site plan?</p> <p>20 JOSHUA SLOAN: Yes. And so I noted that I was on</p> <p>21 Parking Planning staff. I was on staff for seven years and</p> <p>22 was a supervisor often area team, and all forest</p> <p>23 conservation plans, mitigation plans were signed off by me</p> <p>24 before they went to the Planning Board for approval, or</p> <p>25 finally to our division chief for certification. And now,</p> |

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33 (267 to 270)

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| <p>267</p> <p>1 before and after that time I have done -- prepared plans 2 that are for natural resources inventories. I've prepared 3 those, or supervised and signed those, forest conservation 4 plans, environmental mitigation plans, and in some 5 jurisdictions we have to do a -- we have to comply with the 6 Chesapeake Bay Act which also has specific environmental 7 requirements for mitigation and conservation. 8 FRANCOISE CARRIER: Do you have any educational 9 background that helps you address environmental 10 conservation and mitigation issues? 11 JOSHUA SLOAN: My BA is in biology, and it was 12 specifically in plants and community ecology. I always 13 thought I was going to go into ecological restoration, and 14 kind of came at that way a little bit differently through 15 landscape architecture afterwards. 16 FRANCOISE CARRIER: And do you have any relevant 17 professional certifications? 18 JOSHUA SLOAN: I have two certifications that are 19 applicable. One more to the urban design community design 20 aspects of it which is LEED, The Leadership for Energy and 21 Environmental Design Neighborhood Development which focuses 22 on larger scale community issues, green infrastructure, 23 walk ability tree shaded streets, those kind of things. I 24 also have a certification at what's called sustainable 25 sites which is a recent program that was developed by the</p> | <p>269</p> <p>1 earlier at the beginning of this hearing session Plan A and 2 Plan B and does the -- and you described the differences 3 between them and their impacts on the stream valley of her. 4 Does the applicant have a preference between Plan A and 5 Plan B? 6 JOSHUA SLOAN: Yes. We think Plan A is superior. 7 FRANCOISE CARRIER: And why is that? 8 JOSHUA SLOAN: Plan A affords us the ability to create 9 a better design for the site with the open space, the 10 active recreation, and sense of community and formal 11 character that a traditional village center would have. It 12 also allows us to while completely removing our impacts on 13 the west side decrease them on the east side to the point 14 where we can provide ample mitigation for those 15 encroachments where we're not directly, because of the road 16 bed, on the stream itself. So we can also provide some 17 mitigation through that encroachment to help clean up and 18 improve the water quality of the stream. 19 FRANCOISE CARRIER: And what -- 20 LYNN A. ROBESON: Which way does the -- is the drainage 21 different between the east side and the west side? 22 JOSHUA SLOAN: So I'm now up at Exhibit 72C. All the 23 drainage for the site comes from the northeastern corner. 24 It comes down towards the southwest -- 25 LYNN A. ROBESON: Okay.</p> |
| <p>268</p> <p>1 American Society of Landscape Architects, the US Botanical 2 Gardens and Lady Bird Johnson Wildflower Center. And 3 sustainable sites practitioners are specifically trained to 4 focus on sustainability of soils, plants, water quality, 5 and conservation, human health and well-being and material 6 resources and such. So it's a much more focused part of 7 landscape architecture towards more sustainable 8 environmental design. 9 LYNN A. ROBESON: Okay. Ms. Carrier, I'd like to -- we 10 still have traffic and some parking and storm water so can 11 -- have you established his -- the weight of his testimony 12 -- 13 FRANCOISE CARRIER: That will be -- 14 LYNN A. ROBESON: -- to your satisfaction? 15 FRANCOISE CARRIER: That will be for you to judge in 16 the end. Can I just -- can I ask one more question? I'll 17 skip my last one. 18 FEMALE VOICE: Can you speak up? It's kind of hard to 19 hear. 20 FRANCOISE CARRIER: Meaning both of the witnesses or -- 21 (crosstalk) you know, I think we've got some noise suddenly 22 from the HVAC system. Well, I think we'll just move on. 23 LYNN A. ROBESON: That's a good answer. 24 FRANCOISE CARRIER: Yeah, I think that was maybe the 25 answer you were looking for. So Mr. Sloan, you discussed</p> | <p>270</p> <p>1 JOSHUA SLOAN: And then turns, follows the stream 2 channel and then continues on. 3 LYNN A. ROBESON: Okay. 4 FRANCOISE CARRIER: So I think you've started to answer 5 this question, but you've -- how would you justify the 6 modest encroachments that Plan A is proposing on the east 7 side of Porter Road? 8 JOSHUA SLOAN: So we looked specifically at the 9 environmental guidelines and the environmental guidelines 10 have a five point way of addressing impacts and stream 11 valley buffers. To boil them down a little bit they are 12 avoid when you can, reduce your impacts when you can't 13 avoid and then mitigate for those impacts. And that's been 14 a policy that Park and Planning has followed through all 15 the cases that I'm familiar with. So we avoided to the 16 extent that we could, talking with Staff about what was a 17 more reasonable design for this area; balance of those 18 things out, reduced the paving, where we could. Shifted 19 storm water facilities and shifted the units a little bit. 20 And then we -- so that's our avoidance, and then our 21 avoidance on the west side also, and then our mitigation, 22 and that's the plan we will develop for them about 23 restoring some of the stream channel and cleaning out some 24 of the invasives. 25 FRANCOISE CARRIER: Mr. Sloan, what is your experience</p> |

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| <p>271</p> <p>1 with Montgomery County's environmental guidelines?</p> <p>2 JOSHUA SLOAN: Over the 12, 13 years of work in the</p> <p>3 county overseeing their either recommendations based on</p> <p>4 them or plans developed under their recommendations.</p> <p>5 FRANCOISE CARRIER: So do you consider yourself</p> <p>6 familiar with how the Planning Board and their staff</p> <p>7 applied those guidelines?</p> <p>8 LYNN A. ROBESON: Well, I don't want him to testify as</p> <p>9 to what the Planning Board and Planning Staff will or won't</p> <p>10 to do.</p> <p>11 FRANCOISE CARRIER: Okay.</p> <p>12 LYNN A. ROBESON: That's --</p> <p>13 FRANCOISE CARRIER: All right. Then I'll just ask your</p> <p>14 opinion. Do you, in your view --</p> <p>15 LYNN A. ROBESON: That's what --</p> <p>16 FRANCOISE CARRIER: -- is the combination of stream</p> <p>17 valley encroachment and mitigation, as well as the stream</p> <p>18 valley buffer enhancement proposed in connection with Plan</p> <p>19 A consistent with the environmental guidelines?</p> <p>20 JOSHUA SLOAN: Absolutely.</p> <p>21 FRANCOISE CARRIER: Have I already -- have you already</p> <p>22 testified as to which plan you consider superior from an</p> <p>23 urban planning standpoint?</p> <p>24 LYNN A. ROBESON: Yes, he did.</p> <p>25 JOSHUA SLOAN: Yes.</p> | <p>273</p> <p>1 JOSHUA SLOAN: Plan A has minute changes but still</p> <p>2 fits within- would still be approvable through those- with</p> <p>3 those plans.</p> <p>4 FRANCOISE CARRIER: Now, we have not submitted those</p> <p>5 three plans with regard to Plan B. There would be slight</p> <p>6 differences. If the Hearing Examiner would like we can</p> <p>7 certainly do so. Would you mind being over to 72D?</p> <p>8 LYNN A. ROBESON: Why don't you do that since the</p> <p>9 Council may want it?</p> <p>10 FRANCOISE CARRIER: Okay. What we can-</p> <p>11 LYNN A. ROBESON: Okay.</p> <p>12 FRANCOISE CARRIER: We can. We can.</p> <p>13 LYNN A. ROBESON: Okay. I think that would be prudent.</p> <p>14 FRANCOISE CARRIER: If that would be helpful. Yeah,</p> <p>15 that's not difficult. Mr. Sloan, would- before today, just</p> <p>16 for the Hearing Examiner's edification would you please</p> <p>17 indicate the fire access plan, how it would apply to this</p> <p>18 layout on 72D?</p> <p>19 LYNN A. ROBESON: I think he already did that. Well,</p> <p>20 (crosstalk)</p> <p>21 FRANCOISE CARRIER: Well-</p> <p>22 JOSHUA SLOAN: It would go over-</p> <p>23 FRANCOISE CARRIER: I think he did it for Plan A. I</p> <p>24 don't think he did it for Plan B.</p> <p>25 JOSHUA SLOAN: Strangely, it works exactly the same.</p> |
| <p>272</p> <p>1 FRANCOISE CARRIER: I think you did. And I believe you</p> <p>2 already testified as to which one you think is more in</p> <p>3 conformance with the Master Plan?</p> <p>4 JOSHUA SLOAN: Yes, A.</p> <p>5 FRANCOISE CARRIER: And then I have two questions that</p> <p>6 are just for the record because we have submitted new plans</p> <p>7 to make sure we've gotten this into the record. During the</p> <p>8 first hearing in this case you testified in detail about</p> <p>9 how the original floating zone plan submission satisfied</p> <p>10 the intent clause of the floating zone, the floating zone</p> <p>11 prerequisites, the rural village over zone and the floating</p> <p>12 zone plan necessary findings concerning compatibility and</p> <p>13 the public interest. Does your previous testimony on those</p> <p>14 topics apply equally well to floating zone Plan A and to</p> <p>15 Plan B?</p> <p>16 JOSHUA SLOAN: Yes.</p> <p>17 FRANCOISE CARRIER: And the applicant submitted earlier</p> <p>18 open space access plan at 21C3 a circulation plan at 21D3.</p> <p>19 I'm sorry. The open space was 21C2. Circulation plan at D3,</p> <p>20 and the fire access plan at 21D4 do all of those fit with</p> <p>21 Plan A?</p> <p>22 LYNN A. ROBESON: When you say fit-</p> <p>23 FRANCOISE CARRIER: Do they support Plan A?</p> <p>24 JOSHUA SLOAN: Yes.</p> <p>25 FRANCOISE CARRIER: Seventy-two C.</p> | <p>274</p> <p>1 The fire truck will come down Porter Road, but instead of</p> <p>2 walking for some of the southeastern lots, in front of the</p> <p>3 units that are perpendicular to Porter Road they will walk</p> <p>4 behind to get their access. The access for all the others</p> <p>5 is the same. On Olney Sandy Spring, on Porter Road, off of</p> <p>6 Porter Road both to east and west for most of the lots.</p> <p>7 LYNN A. ROBESON: Okay.</p> <p>8 FRANCOISE CARRIER: Okay. Thank you. So- Well, I'll</p> <p>9 ask a question that some people might have wondered which</p> <p>10 is why did the applicant submit Plan B?</p> <p>11 JOSHUA SLOAN: Plan B is offered in case the Hearing</p> <p>12 Examiner or the Council finds that that the encroachments</p> <p>13 on the east side are still not acceptable.</p> <p>14 FRANCOISE CARRIER: At the first hearing you testified</p> <p>15 regarding a finding required at rezoning that the proposal</p> <p>16 satisfies basic sustainability requirements including open-</p> <p>17 space standards and environmental protection of the</p> <p>18 mitigation. In your opinion, it does Plan A satisfy these</p> <p>19 basic sustainability requirements?</p> <p>20 JOSHUA SLOAN: It does better than the original one.</p> <p>21 FRANCOISE CARRIER: And is there anything that you</p> <p>22 would like to add with regard to environmental issues?</p> <p>23 JOSHUA SLOAN: I think we have covered it.</p> <p>24 LYNN A. ROBESON: Okay. Thank you. I just have one</p> <p>25 question on- I'm going back to storm water a little bit.</p> |

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| <p style="text-align: right;">275</p> <p>1 Now, that something that is addressed at either site plan 2 or preliminary plan. But there is an adequate public 3 facilities finding in the purpose clause of the residential 4 floating zones. So I guess my question is, do you have 5 knowledge that, of what Mr. Scoville was speaking of to 6 take the storm water out through the easement? 7 JOSHUA SLOAN: During the break, I did double check 8 and there is storm drain- There are inlets all along Hidden 9 Garden and that's a system that we can tie into. 10 LYNN A. ROBESON: Okay. Even though it may not go into 11 the manhole? 12 JOSHUA SLOAN: The- Yeah, the manhole is for sewer. 13 That's correct. The storm drain system is on hidden garden 14 and it goes down, as noted, to a, there's a pond and a sand 15 trap much further down. And we're simply not allowed to 16 build those kind of things anymore. We have to treat our 17 areas at a maximum 20,000 square foot area at a time, and 18 that's why we have lots of little storm water devices 19 around the property rather than one large- 20 LYNN A. ROBESON: The bio retention facility. 21 JOSHUA SLOAN: One large bio retention pond that used 22 to be required. 23 LYNN A. ROBESON: I'm sorry. All right. Is that- 24 FRANCOISE CARRIER: Those are all of- 25 LYNN A. ROBESON: Finish what you had on (inaudible)?</p> | <p style="text-align: right;">277</p> <p>1 compatible or not you need to have adequate parking. You 2 need to have adequate sewer. You have to have adequate 3 traffic. You have to have- When you do a development. Now, 4 if you- Part of the reason why they want 40 feet is so they 5 can park the cars, I guess, under the townhouses because 6 their condensing this so much there isn't enough space to 7 park. 8 FRANCOISE CARRIER: May I request that Mr. Scoville 9 ask questions? 10 STEPHEN EVERETT SCOVILLE: Now if you lower- 11 FRANCOISE CARRIER: Perhaps if he's going to testify- 12 LYNN A. ROBESON: Just a second. Just a second. 13 STEPHEN EVERETT SCOVILLE: It's my turn. If you lower 14 that- 15 LYNN A. ROBESON: Okay. 16 STEPHEN EVERETT SCOVILLE: Where are they going to 17 park for those four units across the (inaudible) 18 LYNN A. ROBESON: Okay. Okay, there's a question. 19 JOSHUA SLOAN: Is so each of the units, looking at 20 Exhibit 72C, each of the units has two garage spaces and 24 21 driveway spaces so they're able to park up to four cars. 22 The units lots 1 through 4 that face Olney Sandy Spring 23 Road, they will also have garage spaces and the driveway 24 spaces. The height is because it's measured from the front. 25 These garages and the basement floor will be tucked into</p> |
| <p style="text-align: right;">276</p> <p>1 FRANCOISE CARRIER: Those are- 2 LYNN A. ROBESON: Okay. 3 FRANCOISE CARRIER: Those are all the questions I had 4 for Mr. Sloan. 5 LYNN A. ROBESON: I'm going to let Mr. Scoville, do 6 you have questions for Mr. Sloan? 7 STEPHEN EVERETT SCOVILLE: Yeah. You mentioned 8 changing the height of the four townhouses that are on 9 Route 108 from 40 feet to 35. Was that correct? 10 JOSHUA SLOAN: Right. 11 STEPHEN EVERETT SCOVILLE: You mentioned that that 12 being one of the mitigations. 13 LYNN A. ROBESON: Yes. 14 STEPHEN EVERETT SCOVILLE: That- 15 FRANCOISE CARRIER: Sorry, that would not be- That's 16 not in- 17 STEPHEN EVERETT SCOVILLE: Your client had (crosstalk) 18 FRANCOISE CARRIER: That's not a mitigation but that 19 is- 20 LYNN A. ROBESON: That- Okay. 21 STEPHEN EVERETT SCOVILLE: Right. 22 FRANCOISE CARRIER: It- 23 LYNN A. ROBESON: Technically it's not a mitigation. 24 But it's to make it more compatible. 25 Stephen EVERETT Scoville: Right. Well, one of the</p> | <p style="text-align: right;">278</p> <p>1 the hill, which is why they're lower; rather than asking 2 for an additional high, an additional story, and making 3 them, you know, under the zoning ordinance allowed to go up 4 to 40 feet from the road, the 35 feet from the road will 5 restrict those buildings a little bit, but will still be 6 able to park under the units. 7 STEPHEN EVERETT SCOVILLE: Okay. This plan has 8 mentioned off street parking, or on street parking. Where 9 will that parking be? 10 JOSHUA SLOAN: I don't believe it does recommend any 11 on street parking on Porter Road. We have parking for the 12 commercially zoned piece on their drive aisle and under the 13 building. We don't have any on street parking for Porter or 14 108. 15 STEPHEN EVERETT SCOVILLE: You had mentioned tying in 16 where the little County strip of property adjacent to mine 17 for your storm water management. Currently that looks like 18 that's under the stream buffer. 19 JOSHUA SLOAN: It is. 20 STEPHEN EVERETT SCOVILLE: So all of that will be 21 disturbed in order to run, number 1, sewer, and then number 22 2 the storm water management. If you do run storm water 23 management through there you have a grade where you're 24 going to have to go uphill, probably about 10 feet to get 25 up to Hidden Garden. Water might get pumped uphill, but it</p> |

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| <p style="text-align: right;">279</p> <p>1 doesn't roll downhill.</p> <p>2 FRANCOISE CARRIER: May I ask-</p> <p>3 STEPHEN EVERETT SCOVILLE: So I don't know where the</p> <p>4 water will flow.</p> <p>5 LYNN A. ROBESON: I believe that was the question.</p> <p>6 Where will the water flow?</p> <p>7 STEPHEN EVERETT SCOVILLE: Other than into my</p> <p>8 backyard, and my neighbor's backyard? You mentioned the-</p> <p>9 LYNN A. ROBESON: Well, just- (inaudible) let me-</p> <p>10 STEPHEN EVERETT SCOVILLE: (Inaudible) traps with</p> <p>11 pipes. The pipes will have to flow somewhere.</p> <p>12 LYNN A. ROBESON: Okay.</p> <p>13 STEPHEN EVERETT SCOVILLE: You didn't mention where.</p> <p>14 LYNN A. ROBESON: Okay. I need him, I think he</p> <p>15 understands the question. We need to let him answer now.</p> <p>16 Okay.</p> <p>17 JOSHUA SLOAN: I'm- I have to say I'm presuming,</p> <p>18 because I've not stood out here during a rainstorm, but I</p> <p>19 don't believe the water ponds here and never makes it over</p> <p>20 to Hidden Garden where the storm drain. So there is a storm</p> <p>21 drain system in Hidden Garden and that road system is not</p> <p>22 in this area. We're not- We don't have to go up to Olney</p> <p>23 Sandy Spring with the water. We have to tie into a system</p> <p>24 that continues to go down stream. So if you're saying that</p> <p>25 water comes down here to this point at the end of this</p> | <p style="text-align: right;">281</p> <p>1 water in and then to go up to get to it kind of facility on</p> <p>2 Porter Road. You also mentioned they're not allowed to have</p> <p>3 water leaves the site and not be treated at the site. You</p> <p>4 mentioned the water is flowing this way leaving the site.</p> <p>5 He mentioned he had storm water management things here with</p> <p>6 pipes underground, that we do not know where they go. He</p> <p>7 doesn't have a plan for where they go other than their</p> <p>8 catch some water, water will run out and go on down to</p> <p>9 here. It will be in my backyard, disturbing my property.</p> <p>10 Not cool.</p> <p>11 LYNN A. ROBESON: Okay. Let me just say this. I</p> <p>12 understand at the rezoning- They've got two more approvals,</p> <p>13 as I said. There is a preliminary plan and a Site Plan and</p> <p>14 the real hard engineering is at Site Plan of all the storm</p> <p>15 water management. They are not- They are supposed to have</p> <p>16 at the rezoning stage a storm water management strategy.</p> <p>17 And so, I guess I'm not sure that this is, and I haven't</p> <p>18 decided but I'm not sure that this is the stage that we can</p> <p>19 address the actual how it's going to work because they</p> <p>20 haven't looked at it. They're not supposed to look at it.</p> <p>21 There will be a preliminary plan and a site plan. And at</p> <p>22 the preliminary plan stage they will need a storm water</p> <p>23 management concept approved. So I'm just saying to you they</p> <p>24 may not have the engineering and field engineering to</p> <p>25 address what you're saying because they're not required to</p> |
| <p style="text-align: right;">280</p> <p>1 right-of-way and then goes up, has to go up 10 feet, then</p> <p>2 we've got a much bigger problem because of them that means</p> <p>3 this whole area would be flooded all the way up to, well to</p> <p>4 the stream valley buffer edge really because that's about</p> <p>5 10 foot of fall right now. And all of these houses would be</p> <p>6 underwater. I don't think that's how the grades have worked</p> <p>7 in this area. I do believe that there is a storm drain</p> <p>8 system in Hidden Garden and that tying into that at this</p> <p>9 point will be lower than our property. I have- We have not</p> <p>10 done these studies yet, that's the next step. There would</p> <p>11 be no- There's no reason or requirement to do them before</p> <p>12 we even have the zoning that would allow this development</p> <p>13 to test those things.</p> <p>14 LYNN A. ROBESON: And-</p> <p>15 JOSHUA SLOAN: We do know we have to get the water</p> <p>16 out. If we can't, we stopped.</p> <p>17 LYNN A. ROBESON: Yes.</p> <p>18 STEPHEN EVERETT SCOVILLE: I'm an expert. I live here.</p> <p>19 This is my house.</p> <p>20 LYNN A. ROBESON: Yes, I understand.</p> <p>21 STEPHEN EVERETT SCOVILLE: All right. I live here. I</p> <p>22 know this. This lot- There's a retaining wall here; it</p> <p>23 comes up about 4 or 5 feet. You walk down here, it goes</p> <p>24 flow. You walk up to get to Hidden Garden Road. You have to</p> <p>25 walk up. Okay. So I'm not sure how they're going to tie</p> | <p style="text-align: right;">282</p> <p>1 submit that at this stage. Yes, ma'am?</p> <p>2 KATHLEEN WHEELER: Can I ask a couple of questions?</p> <p>3 LYNN A. ROBESON: Can you state your name again? It's</p> <p>4 Wheeler?</p> <p>5 KATHLEEN WHEELER: It's Kathleen Wheeler. So earlier</p> <p>6 Mr. Sloan mentioned when he was talking--</p> <p>7 FRANCOISE CARRIER: I think this is (inaudible)</p> <p>8 LYNN A. ROBESON: Come up- Can you come up because</p> <p>9 this is a recording mic.</p> <p>10 KATHLEEN WHEELER: And I'm just trying to understand</p> <p>11 (inaudible) so Mr. Sloan when he was pointing to that said</p> <p>12 if they were super lucky that the water was going to go</p> <p>13 down. And so one of my questions, I guess, is- And then it</p> <p>14 was going to somehow recharge the spring. So when it</p> <p>15 recharges the spring what does that mean? And also, by</p> <p>16 having that much of the property covered with buildings and</p> <p>17 with pavement and everything, how does that affect the</p> <p>18 amount of storm water that's going to be coming off the</p> <p>19 site?</p> <p>20 JOSHUA SLOAN: So the recharge will be water that</p> <p>21 comes in, whether it's piped from a roof or from a parking</p> <p>22 area inlet that captures the water that runs over the</p> <p>23 surface. That water gets into the storm water facility and</p> <p>24 then it goes down through a specially engineered soil</p> <p>25 medium and then a drainage layer and depending on how the</p> |

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37 (283 to 286)

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| <p style="text-align: right;">283</p> <p>1 soils are out there as the water goes down it can go out 2 through the sides of the facility or down through the 3 bottom of the facility into the groundwater that's in the 4 soil around. If the infiltration rates because of clay 5 soils or rock or something are bad then we have to design 6 it so that it actually captures the water after it goes 7 through this medium slowing the rate at which we pipe it 8 out, but still it captures in a pipe and goes to a storm 9 drain system. The amount of runoff, if this was untreated, 10 it would increase with paving and roofs. It always does. 11 That's why we have to provide these storm water facilities 12 to capture that rainwater, and not allow it to run off 13 site. 14 KATHLEEN WHEELER: And by recharging the stream, the 15 spring does that create more water going down the stream or 16 what does that mean? 17 JOSHUA SLOAN: No. It will be more water. It will be 18 the same drainage areas are there. We are not changing the 19 drainage area, so the total volume will not increase into 20 the stream. It will, for whatever is captured and actually 21 infiltrates into the ground it will be less, but it will 22 certainly be- The water will be raised from our site over a 23 longer period of time than it is today, which actually 24 decreases the rate of runoff and the ability for the stream 25 to the road and those flood events that can overtake the</p> | <p style="text-align: right;">285</p> <p>1 point, of getting the rezoning. I'm just trying to 2 ascertain whether you're requesting that we have an 3 engineer- 4 LYNN A. ROBESON: No. I wasn't- 5 FRANCOISE CARRIER: Prepare a storm water- 6 LYNN A. ROBESON: I guess what I'm looking- 7 FRANCOISE CARRIER: (crosstalk) 8 LYNN A. ROBESON: I guess what I'm looking for is 9 something that says we can do it, or we will do it. 10 FRANCOISE CARRIER: Well, I think the truth is that 11 the- If we get the rezoning we will only be able to build 12 as much as we can treat properly in the storm water 13 management system. 14 LYNN A. ROBESON: Well, that's true. That is true. 15 FRANCOISE CARRIER: If we cannot- If the team, you 16 know, the engineers at that point will design a storm water 17 concept plan, and if they cannot design one that treats 18 everything from all of these buildings, well, then, some of 19 these buildings will have to go. 20 LYNN A. ROBESON: Okay. 21 FRANCOISE CARRIER: So if that would be helpful we can 22 have someone who is not a lawyer say that. In writing even. 23 STEPHEN EVERETT SCOVILLE: Their proposed hypothesized 24 idea of a storm water management plan entails going through 25 the stream valley buffer.</p> |
| <p style="text-align: right;">284</p> <p>1 edges of the stream. 2 LYNN A. ROBESON: Thank you. Let me do this. I haven't 3 decided at the moment about the extent to which I can look 4 at storm water management. I think I can a little bit but 5 what I'd like you to do is, Mr. Sloan, can you look at this 6 issue and provide something in writing just to, well, to 7 everyone and you have the ability to, Mr. Scoville, you 8 have the ability to respond. And maybe- I'm concerned about 9 getting to traffic because I know what I heard earlier was 10 there's a lot of concern about traffic. So I would like to 11 try and get to traffic. Mr. Sloan, if you have anything 12 else you would like to submit, we usually keep the record 13 open for 10 days, and then I will give you 5 days to 14 comment on what he says. 15 FRANCOISE CARRIER: May I ask what the Hearing 16 Examiner's looking for? 17 LYNN A. ROBESON: I'm looking for- And again, I don't 18 know if it's totally within my purview, but if there's any 19 reassurance that you can provide to Mr. Scoville that it is 20 possible to have storm water come down that utility 21 easement. 22 FRANCOISE CARRIER: I'm not sure that we can provide 23 anything more than what was in Mr. Sloan's testimony 24 without incurring engineering expenses that it might not be 25 prudent for the applicant, given the uncertainty at this</p> | <p style="text-align: right;">286</p> <p>1 LYNN A. ROBESON: Yes. 2 STEPHEN EVERETT SCOVILLE: Further disturbance in the 3 stream valley buffer. 4 LYNN A. ROBESON: But that is an exception, I believe, 5 in the end of environmental guideline. 6 JOSHUA SLOAN: Yes. Infrastructure is allowed. 7 STEPHEN EVERETT SCOVILLE: As well as sewer. 8 LYNN A. ROBESON: Yes. I understand that. But that is, 9 as I said, that is an- 10 STEPHEN EVERETT SCOVILLE: Which will result in more 11 forest decomposition as they tear up more trees and that 12 the forest retention area now gets diminished as the trees 13 get cut down in order to run the sewer, storm sewer and 14 sewer through there. 15 LYNN A. ROBESON: Mr. Sloan, do you want to answer 16 that? Is that there more disturbance? Or do you mitigate 17 by replanting? 18 STEPHEN EVERETT SCOVILLE: Well, they have to cut the 19 big trees down to put the sewer in. And the storm sewer 20 (crosstalk) 21 LYNN A. ROBESON: Well, let him answer. 22 JOSHUA SLOAN: We would have to mitigate for any 23 removal of trees over 30 inches, and the intent is to 24 provide that entire southern leg of the property on the 25 western side as forest conservation area, put into an</p> |

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38 (287 to 290)

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| <p>287</p> <p>1 easement, which it does not have now. So we won't be 2 decreasing our area of conservation. 3 LYNN A. ROBESON: Mr. Sloan, what are the further 4 approvals in this case? 5 JOSHUA SLOAN: So when- 6 LYNN A. ROBESON: When will storm water be looked at 7 in detail? Engineered? 8 JOSHUA SLOAN: In detail it will be engineered at the 9 site plan. The initial concept will be part of preliminary 10 plan. We assume they will be allowed to run concurrently so 11 we will have a detailed storm water downstream analysis as 12 well at the time of site plan that shows that the amounts, 13 the grades, the pipe sizes, all work to convey the storm 14 water properly. 15 LYNN A. ROBESON: And what happens if you- Who do you 16 have to show that to? 17 JOSHUA SLOAN: That goes through the Department of 18 Permitting Services for their recommendation and the 19 Planning Board also has a finding related to storm water. 20 LYNN A. ROBESON: Okay. 21 STEPHEN EVERETT SCOVILLE: One more point, and I'm 22 trying to be helpful. 23 LYNN A. ROBESON: No, I know you are. 24 STEPHEN EVERETT SCOVILLE: Part of your development 25 is-</p> | <p>289</p> <p>1 like to do now; I really do understand your concerns 2 because you live it and you breathe it. 3 STEPHEN EVERETT SCOVILLE: Right. 4 LYNN A. ROBESON: And you watch it, I'm sure. 5 STEPHEN EVERETT SCOVILLE: Let's go to the traffic. 6 LYNN A. ROBESON: But I think I really am not sure how 7 much I can address that because they're not required to 8 bring in the details of how they're going to, how they're 9 going to handle storm water except that they have, you 10 know, they're mitigating there on site where it eventually 11 it's going to go, that's another issue. So I will look at 12 that, if I feel like I need more on it. But it is true that 13 the approval process is going to deal with that specific 14 question at another stage. And I know that's no comfort to 15 you now, but there is- And I encourage you- I don't know 16 why you want on the notice. And I would ask the applicant 17 to make sure you provide Mr. Scoville notice of the 18 preliminary plan approval because that's when the details 19 of this is going to- 20 FRANCOISE CARRIER: I'm sorry to say that the Planning 21 Board does not require notice of their hearings to be sent 22 to neighbors, but we will have a meeting to which we will 23 invite the public- 24 LYNN A. ROBESON: No, no. That's not good enough. Or, 25 I didn't mean to say it that way. What I'd like you to do,</p> |
| <p>288</p> <p>1 LYNN A. ROBESON: Wait. 2 MALE VOICE: Sorry, I-- 3 LYNN A. ROBESON: You can't say your. Part of Ms. 4 Wheeler's development, Spring (crosstalk) 5 STEPHEN EVERETT SCOVILLE: Oh. Immediately behind me 6 is a another property which I believe is part of Springlawn 7 Farm. 8 KATHLEEN WHEELER: It is part of (inaudible) 9 STEPHEN EVERETT SCOVILLE: And the whole back where a 10 lot of this water is flowing is currently under forest- A 11 forest easement. In other words it cannot be disturbed. 12 LYNN A. ROBESON: A Category I Forest Conservation. 13 STEPHEN EVERETT SCOVILLE: Yeah. It cannot be 14 developed and this is where all this kind of water is 15 flowing. So the idea of a sediment pond or anything there 16 is going to be contradicted by this Forest Conservation- 17 LYNN A. ROBESON: Well, there's no sediment pond 18 that's going- 19 STEPHEN EVERETT SCOVILLE: The water that flows, as 20 he's mentioned, flows all down there. It all flows down the 21 side in the back of where my house and it all goes into 22 that Forest Conservation area, which is talking about 23 trying to go through to get to Hidden Garden for storm 24 water management. Potentially. 25 LYNN A. ROBESON: Okay. Well, I think what I would</p> | <p>290</p> <p>1 you- 2 FRANCOISE CARRIER: Of the application but not of the 3 Planning Board meeting. 4 LYNN A. ROBESON: Right. But what I would like the 5 applicant to do is to notify Mr. Scoville when you file the 6 preliminary- 7 FRANCOISE CARRIER: Absolutely that is a legal 8 requirement. 9 LYNN A. ROBESON: Plan so you can go- 10 FRANCOISE CARRIER: Sure. 11 LYNN A. ROBESON: Into Staff, you can find out when 12 the Planning Board hearing is. I don't know why you didn't 13 get notice for this hearing, but I want to make sure that 14 you will get notice of the next hearing and that's a more 15 specific inquiry into the storm water management aspect. 16 STEPHEN EVERETT SCOVILLE: Right. Just we'll- We'll 17 very quickly. The applicant has noted and said that all of 18 the water flow is going from the northeast down- Northeast 19 down to the south west across the property. All of that is 20 flowing into the stream buffer valley, all of it. 21 LYNN A. ROBESON: You mean even through Hidden Garden 22 Lane? 23 STEPHEN EVERETT SCOVILLE: It's not even getting to 24 Hidden Garden Lane. It's all flowing from there down into 25 the stream valley buffer.</p> |

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| <p>291</p> <p>1 LYNN A. ROBESON: But I thought he said it would be 2 taken to stream valley- 3 STEPHEN EVERETT SCOVILLE: It goes through some 4 sediment control plans that may handle it, may not, but it 5 would be piped out somewhere, who knows where, possibly a 6 storm sewer that would run down Porter Road across into the 7 little County over to Hidden Garden, but all of that flow 8 is going into the stream valley buffer. 9 LYNN A. ROBESON: Okay. 10 STEPHEN EVERETT SCOVILLE: Would you agree with that 11 Mr. Sloan? 12 LYNN A. ROBESON: No. No. 13 STEPHEN EVERETT SCOVILLE: The current flow. 14 LYNN A. ROBESON: No, no, no. No. I think we- 15 STEPHEN EVERETT SCOVILLE: It's a current (inaudible) 16 LYNN A. ROBESON: I think we've all- I understand what 17 both of you are saying, and I do understand why you're so 18 concerned. But I'd really like to do, I heard a lot of 19 people talk about traffic. I'd like to turn it over to the 20 applicant to deal with all those questions on traffic which 21 I'm really concerned about. So Ms. Carrier, Mr. Sloan, you 22 can be excused. I encourage you, as I have a feeling you 23 will be, to speak directly to Mr. Scoville or the applicant 24 to speak directly to Mr. Scoville so he knows, you know, as 25 the application progresses where you are. All right. Mr.</p> | <p>293</p> <p>1 FRANCOISE CARRIER: You know, I think there's- 2 SHAHRIAR ETEMADI: And the Porter Road that- 3 FRANCOISE CARRIER: There's another exhibit that might 4 be more helpful to us, which unfortunately we do not have 5 an large size. Ms. Robeson, I don't know how difficult it 6 would- We have a small one of Exhibit 9. I don't know if 7 you have a larger one that you can actually get at without 8 too much trouble. It shows a larger area. It's the one with 9 the- 10 LYNN A. ROBESON: I have the zoning map. 11 FRANCOISE CARRIER: The radius that the- No. 12 LYNN A. ROBESON: You're talking about the vicinity 13 map? 14 FRANCOISE CARRIER: It is. It was the cover sheet for 15 the- 16 LYNN A. ROBESON: Okay. 17 FRANCOISE CARRIER: Floating zone. And it has a radius 18 showing the surrounding area. 19 LYNN A. ROBESON: Do you know what exhibit that- Oh, 20 that was with the original. 21 FRANCOISE CARRIER: It's Exhibit 9. 22 LYNN A. ROBESON: Okay. Existing conditions. No, 23 that's 18. Let me see if this will do it. This is Exhibit 24 18, but I believe it's the same- 25 SHAHRIAR ETEMADI: Yes, that's it.</p> |
| <p>292</p> <p>1 Etemadi. 2 SHAHRIAR ETEMADI: Yes, ma'am 3 LYNN A. ROBESON: You're still under oath. 4 SHAHRIAR ETEMADI: Yes ma'am 5 LYNN A. ROBESON: You've got a lot of questions. 6 FRANCOISE CARRIER: Weren't you going to put up 7 Exhibit 11? 8 SHAHRIAR ETEMADI: Yes. 9 LYNN A. ROBESON: I have a lot of questions. If anyone 10 wants to ask traffic questions- Mr. Fennell? 11 WALT FENNELL: Yes, ma'am 12 LYNN A. ROBESON: You're more familiar with the area 13 than me. Would you mind coming forward so the recording mic 14 can hear you? 15 FRANCOISE CARRIER: No, don't sit down. 16 SHAHRIAR ETEMADI: Yeah, this is fine. Okay. Right. 17 LYNN A. ROBESON: Okay. 18 FRANCOISE CARRIER: So Mr. Etemadi, first, would you 19 please orient us on the map to the places that will be most 20 important in your testimony; the proposed townhouses; the 21 nearby shopping center; the nearby intersections. 22 SHAHRIAR ETEMADI: Okay. I'm referring to Exhibit 11. 23 The townhouses, the subject property is on the south side 24 of Maryland 108. It's west of New Hampshire Avenue, which 25 is Maryland 650; and so is that sufficient?</p> | <p>294</p> <p>1 LYNN A. ROBESON: Another version of the- 2 FRANCOISE CARRIER: Yes, that's the same thing. Thank 3 you very much. 4 SHAHRIAR ETEMADI: Thank you. 5 FRANCOISE CARRIER: Okay. So now I think you could 6 show us where is the subject site. 7 LYNN A. ROBESON: Can, you know what. I'm going to 8 move over here a little bit so I can see it and you can see 9 it. 10 SHAHRIAR ETEMADI: Okay. 11 FRANCOISE CARRIER: It's taped. 12 SHAHRIAR ETEMADI: Yeah. 13 LYNN A. ROBESON: Okay. Can we untape it? 14 FRANCOISE CARRIER: Thank you. 15 LYNN A. ROBESON: Okay. Thanks. Can everyone see that 16 exhibit? I see nodding heads. Okay. 17 FRANCOISE CARRIER: All right. So where is the subject 18 site? 19 SHAHRIAR ETEMADI: Okay. The subject site is on the 20 south side of Maryland 108 which is Olney Sandy Spring Road 21 and it is west of New Hampshire Avenue. Porter Road that 22 goes in between where the subject property is going to be 23 developed is going north-south just south of Maryland 108. 24 So that's- 25 FRANCOISE CARRIER: Okay.</p> |

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| <p>295</p> <p>1 SHAHRIAR ETEMADI: Okay.</p> <p>2 FRANCOISE CARRIER: In your traffic statement for this</p> <p>3 application how many trips did you estimate the proposed</p> <p>4 townhouse development would generate during the peak hours?</p> <p>5 SHAHRIAR ETEMADI: Nine a.m. in the a.m. peak hour,</p> <p>6 and 10 trips in the p.m. peak hour.</p> <p>7 FRANCOISE CARRIER: So can you please explain to us</p> <p>8 how you got to those number? First what does-</p> <p>9 LYNN A. ROBESON: Well, first explain what-</p> <p>10 FRANCOISE CARRIER: What does a peak hour mean?</p> <p>11 LYNN A. ROBESON: Yeah. That's what I was going-</p> <p>12 SHAHRIAR ETEMADI: Okay. The peak hour means that when</p> <p>13 we conduct a traffic count during the whole day, typically</p> <p>14 is done from Tuesday, Wednesday, Thursdays which most of</p> <p>15 the traffic is (inaudible). The highest peak hour in the</p> <p>16 morning and in the afternoon that is generating traffic on</p> <p>17 the road or at the intersection, that is the peak hour.</p> <p>18 FRANCOISE CARRIER: And is there- Is that the same all</p> <p>19 over the county? Or is that- Do you- Is that based on at</p> <p>20 this location, it's the 60 minute period that you have the</p> <p>21 most trips?</p> <p>22 SHAHRIAR ETEMADI: Okay. We actually look at a period</p> <p>23 of three hours which we call peak period. It is done</p> <p>24 between 6:30 a.m. and 9:30 a.m. and between 4:00 and 7:00</p> <p>25 p.m. and then between those three hours of peak period we</p> | <p>297</p> <p>1 about one car every six minutes.</p> <p>2 FRANCOISE CARRIER: Based on those estimates, and your</p> <p>3 experience as a transportation planner, in your judgment</p> <p>4 what impact will the traffic generated by the proposed</p> <p>5 townhouses have on traffic conditions at the intersection</p> <p>6 of Porter Road and the Olney Sandy Spring Road?</p> <p>7 SHAHRIAR ETEMADI: Okay. Right now in the a.m. we have</p> <p>8 about 1,000 cars going in two different directions in that</p> <p>9 area. In the afternoon it's probably 1300 and when you add</p> <p>10 one--</p> <p>11 LYNN A. ROBESON: That's total volume east and</p> <p>12 westbound?</p> <p>13 SHAHRIAR ETEMADI: Yes, correct.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 SHAHRIAR ETEMADI: During the p.m. peak hour-</p> <p>16 LYNN A. ROBESON: P.m. and a.m.</p> <p>17 SHAHRIAR ETEMADI: A.m. peak hour. And if you're</p> <p>18 adding 10 trips to say 1000 cars basically when you're</p> <p>19 using any kind of methodology to quantify the amount of</p> <p>20 congestions or delay or queuing it really doesn't show up.</p> <p>21 It just- The number of trips that are being generated from</p> <p>22 the (inaudible) is too few to make a difference in total</p> <p>23 overall traffic operation for this segment of the road.</p> <p>24 FRANCOISE CARRIER: Will the additional traffic to and</p> <p>25 from this townhouse community make it more difficult for</p> |
| <p>296</p> <p>1 analyze traffic for the highest peak during that three</p> <p>2 hours.</p> <p>3 FRANCOISE CARRIER: So how does, how and where do the</p> <p>4 trip generation of 9 trips in the peak morning hour and 10</p> <p>5 in the peak evening hour, where do those numbers come from?</p> <p>6 SHAHRIAR ETEMADI: It comes from the Institute of</p> <p>7 Transportation (inaudible) trip generation manual. This is</p> <p>8 a document where it includes results of thousands of</p> <p>9 studies around the country, nationwide for different</p> <p>10 categories of land uses, like residential, commercial,</p> <p>11 office, all kinds of land uses that maybe applicable. And</p> <p>12 for the townhouses for example we have hundreds of studies</p> <p>13 that are done around the country and this manual trip</p> <p>14 generation manual is a document that all traffic engineers</p> <p>15 around the country are using to estimate trip generation</p> <p>16 for different category of land uses.</p> <p>17 FRANCOISE CARRIER: And is that what Montgomery County</p> <p>18 requires you to use?</p> <p>19 SHAHRIAR ETEMADI: Correct.</p> <p>20 FRANCOISE CARRIER: One more question about that trip</p> <p>21 generation count. Nine trips in the morning, 10 in the</p> <p>22 afternoon, how many trips is that every 5 minutes or every</p> <p>23 10 minutes?</p> <p>24 SHAHRIAR ETEMADI: Okay. Well, basically if we look at</p> <p>25 the afternoon, which is higher, it's 10 trips that comes to</p> | <p>298</p> <p>1 residents of the townhouse community across Olney Sandy</p> <p>2 Spring to enter and exit their community?</p> <p>3 SHAHRIAR ETEMADI: No. Again, if we think about one</p> <p>4 car every six minutes added to all the traffic that is</p> <p>5 going east and west it's not- The difference is not going</p> <p>6 to be noticeable because the number of trips being</p> <p>7 generated during the peak hour from the townhouse community</p> <p>8 is just too few to make a difference.</p> <p>9 FRANCOISE CARRIER: And the townhouse community across</p> <p>10 the street do they have their own entrance road?</p> <p>11 SHAHRIAR ETEMADI: Correct. They have an entrance road</p> <p>12 and they have de-acceleration and acceleration lanes.</p> <p>13 FRANCOISE CARRIER: What about the shopping center</p> <p>14 across the street. Would- Well, if there are cars trying to</p> <p>15 enter Porter Road, you know, the additional cars trying to</p> <p>16 enter and leave Porter Road, will they make it more</p> <p>17 difficult to enter and exit the shopping center?</p> <p>18 SHAHRIAR ETEMADI: Well, it depends on where they are</p> <p>19 going. For example, if we are at the shopping center and we</p> <p>20 want to go north south from New Hampshire Avenue or going</p> <p>21 east on Maryland 108, probably it would be very reasonable</p> <p>22 to assume that most of that traffic, or maybe all of them,</p> <p>23 will use the access point on New Hampshire Avenue to the</p> <p>24 shopping center. So the people coming out of the shopping</p> <p>25 center on to New Hampshire Avenue going north or south or</p> |

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41 (299 to 302)

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| <p>299</p> <p>1 going east on Maryland 108 at the intersection of 108 and 2 650 the- So I don't believe that somebody who wants to go 3 north, south, on New Hampshire Avenue or going east on 4 Maryland 108 wants to come out from the access point on 5 Maryland 108 and make a left turn. That would be more 6 difficult and I think it's something that drivers are not 7 going to do. So- 8 FRANCOISE CARRIER: So does that mean that you think 9 that most of the traffic leaving the shopping center using 10 the 108 access point turns right? 11 SHAHRIAR ETEMADI: Exactly. Yes. If not all of them. 12 LYNN A. ROBESON: Wait. Say that again. The- 13 SHAHRIAR ETEMADI: So if- Most, if not all, of the 14 traffic coming out of the shopping center from the access 15 point on Maryland 108 are going to make a right turn. 16 Because the rest of the traffic that is going north herself 17 on Maryland 650 and east are going to use the traffic 18 access point on Maryland 650. 19 FRANCOISE CARRIER: Okay. Does the shopping center 20 have a second access point. You've already said. 21 SHAHRIAR ETEMADI: Correct. 22 FRANCOISE CARRIER: And do you expect the traffic 23 generated by this townhouse community to result in any 24 additional queuing on the Olney Sandy Spring Road? 25 SHAHRIAR ETEMADI: Okay. I have done some preliminary</p> | <p>301</p> <p>1 reducing the conflicting points, and when we reduce or 2 eliminate conflicting turning movements in fact we are 3 increasing the safety and more efficient operation of the 4 traffic. So those turning lanes, deceleration and 5 acceleration lanes actually is going to help with the 6 safety and also efficiency of traffic operation. 7 LYNN A. ROBESON: Wait. Are you- you're not adding 8 accel, deaccel lanes? 9 SHAHRIAR ETEMADI: No. It is already there. We are 10 talking about the shopping- 11 FRANCOISE CARRIER: I asked about the ones- 12 LYNN A. ROBESON: Just- 13 FRANCOISE CARRIER: I asked about the ones- 14 LYNN A. ROBESON: Just a second. I'm sorry. You mean 15 the ones for the shopping center? 16 FRANCOISE CARRIER: Yes, that was my question. 17 LYNN A. ROBESON: Okay. Go ahead. 18 SHAHRIAR ETEMADI: So, I think I explained that. 19 FRANCOISE CARRIER: No, that completes my questions 20 for Mr. Etemadi. 21 LYNN A. ROBESON: Okay. I guess my discomfort, see, 22 it's not just LATR- 23 SHAHRIAR ETEMADI: Correct. 24 LYNN A. ROBESON: That we look at. Traffic is part of 25 compatibility. And I guess my discomfort comes from the</p> |
| <p>300</p> <p>1 distribution of that traffic to see how- Roughly 60 percent 2 of the traffic generated to the site is going or coming 3 from the west. And 40 percent are going east, north, or 4 south from this location. So if in the afternoon, for 5 example, which is the higher traffic we have 10 trips that 6 will be generated to the site for the townhouses. About six 7 of them coming from the west, which is making a right turn 8 into the site, and about four of them coming from east and 9 making a left turn into Porter Road. So four cars during 10 the peak hour that comes to about 1 car every 15 minutes. 11 So if we have 1 car every 15 minutes making a left turn 12 onto Porter Road I do not believe it is going to be making 13 a significant impact on the delay or queuing or congestion. 14 FRANCOISE CARRIER: Mr. Etemadi, is there a westbound 15 deceleration line on Olney Sandy Spring Road for vehicles 16 entering the shopping center? 17 SHAHRIAR ETEMADI: Yes. 18 FRANCOISE CARRIER: And is there an acceleration lane 19 for vehicles exiting heading west? 20 SHAHRIAR ETEMADI: Yes. 21 FRANCOISE CARRIER: What's the- How does that affect 22 traffic circulation on this stretch of Olney Sandy Spring 23 Road? 24 SHAHRIAR ETEMADI: Well, in any conditions that we can 25 separate turning movements from true movements, we are</p> | <p>302</p> <p>1 fact that it's kind of weird because the townhouse- Really 2 this is a- It's also the commercial. Even though, you know, 3 we say we need the townhouses because we want to revitalize 4 the commercial, but we can't look at the townhouses when- 5 Or we can't look at the commercial when we're dealing with 6 traffic. Now, I know that you submitted something I think 7 on the (inaudible) with the commercial development. 8 SHAHRIAR ETEMADI: Correct. 9 LYNN A. ROBESON: So, that's a peak hour analysis. 10 SHAHRIAR ETEMADI: Correct. 11 LYNN A. ROBESON: A traffic statement. Well, why don't 12 you just remind people what the figures are of that. My 13 concern is the queuing. I have these visions of people 14 coming at 6:00 on a Friday night queuing to go into 15 whatever the new restaurant is. 16 SHAHRIAR ETEMADI: Correct. 17 LYNN A. ROBESON: So, I'm concerned that the queuing 18 will- Well, is that a valid concern or no? 19 SHAHRIAR ETEMADI: Yes, it is. I think so. Let me 20 explain the traffic that is being generated to commercial. 21 Specifically to retail establishments. 22 LYNN A. ROBESON: In this development? 23 SHAHRIAR ETEMADI: In every development. 24 LYNN A. ROBESON: Okay. 25 SHAHRIAR ETEMADI: There is a phenomenon that we call</p> |

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42 (303 to 306)

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| <p>303</p> <p>1 pass by trips meaning that say I'm traveling on Maryland 2 108 going east to my home. And there is a, say a dry- 3 cleaning area here at this commercial. I stopped the dry- 4 cleaning, drop off my clothes and then continue on my 5 journey. So that is a pass by trip. Meaning I'm already on 6 the road, I'm not changing my direction of travel. I come 7 here, drop something, and then continue on. Okay, so that's 8 call pass by trip. Retail development, the rules allows for 9 40 percent trip reduction for that, in the p.m. peak hours. 10 Okay. So for the entire development with the commercial and 11 the townhouses I'm giving you a numbers but this can be 12 different at the time of preliminary plan, and I tell you 13 why is that later. But in the morning the total trips will 14 be 33 and in the afternoon it will be 45 trips. But about 15 40 percent of that 45 trips, or is about 18 of them, is 16 pass by trip meaning that the cars are already on the road, 17 they just stop by here and then continue on their trip. So 18 that comes to about 28 trips in the afternoon for the 19 commercial and the townhouses altogether. Okay. 20 LYNN A. ROBESON: But even if you get the pass by 21 reduction- 22 SHAHRIAR ETEMADI: Correct. 23 LYNN A. ROBESON: For LATR, that has a more 24 significant impact on the queues that they are 25 experiencing</p> | <p>305</p> <p>1 LYNN A. ROBESON: Because westbound you've got- If 2 somebody is silly enough to come out that access from the 3 shopping center to the north you've got queuing going just 4 past that access road, right? 5 SHAHRIAR ETEMADI: Queuing you mean- 6 LYNN A. ROBESON: Queuing I- Westbound- 7 SHAHRIAR ETEMADI: You mean eastward? 8 LYNN A. ROBESON: No. Westward. 9 SHAHRIAR ETEMADI: The queuing eastward. Queuing thus 10 to the east, or queuing to the west? Queuing to the east? 11 LYNN A. ROBESON: Yes. 12 SHAHRIAR ETEMADI: Okay. All right. 13 LYNN A. ROBESON: So you've got queuing to- You're 14 right. Queuing to the east. 15 SHAHRIAR ETEMADI: Correct. 16 LYNN A. ROBESON: You've got the northern shopping 17 center entrance, whatever it is. 18 SHAHRIAR ETEMADI: Correct. 19 LYNN A. ROBESON: And then you've got stopped trying 20 to get into the restaurant. 21 SHAHRIAR ETEMADI: (inaudible) correct. So. I'm going 22 to count- Actually when we're looking at the pass by trip 23 we can look at this one, but when we are doing the queuing 24 that would be a different number here for making a left 25 turn. So, based on the numbers that we have, that comes to</p> |
| <p>304</p> <p>1 SHAHRIAR ETEMADI: And actually, but not quite. 2 Because- Well, it depends on how you look at it. But if 3 I'm, and stopping here, and then coming out and making a 4 right- 5 LYNN A. ROBESON: When you say here, you're saying at 6 the restaurant, proposed restaurant. 7 SHAHRIAR ETEMADI: Yes. Say if there is a restaurant 8 here or is a retail establishment, whatever it is. 9 LYNN A. ROBESON: I think you better put a restaurant 10 there because- 11 SHAHRIAR ETEMADI: Okay. 12 LYNN A. ROBESON: I think that's what everybody wants, 13 but- 14 SHAHRIAR ETEMADI: Actually I have estimated for 15 restaurant. 16 LYNN A. ROBESON: Okay. 17 SHAHRIAR ETEMADI: These numbers that I'm giving. But 18 if I'm going east on Maryland 108 I'm going to just turn 19 right into Porter Road in and I come out and make a right 20 turn again and continue. 21 LYNN A. ROBESON: But what about westbound? 22 STEPHEN EVERETT SCOVILLE: But what if you're going 23 west? 24 SHAHRIAR ETEMADI: Westbound is- Yes. That's another 25 issue that it makes a difference, correct.</p> | <p>306</p> <p>1 about- It comes to about 15, 16 cars per hour, during the 2 peak that is going to make that left turn. Okay. 3 LYNN A. ROBESON: What about westbound? 4 SHAHRIAR ETEMADI: Per hour. That's what I'm talking 5 about. 6 LYNN A. ROBESON: No. I- all of a sudden I'm- 7 SHAHRIAR ETEMADI: Eastbound. 8 LYNN A. ROBESON: Getting westbound and eastbound 9 mixed up. 10 FRANCOISE CARRIER: It's late in the day. 11 LYNN A. ROBESON: Westbound is where Sherwood High 12 school is, right? 13 SHAHRIAR ETEMADI: Correct. 14 LYNN A. ROBESON: Okay. 15 SHAHRIAR ETEMADI: Correct. 16 LYNN A. ROBESON: So- I mean I'm coming from Sherwood 17 High School. 18 SHAHRIAR ETEMADI: Correct. 19 LYNN A. ROBESON: Wait a minute. I'm sorry. I 20 apologize. 21 SHAHRIAR ETEMADI: That's all right. 22 LYNN A. ROBESON: Eastbound you're saying 15, 16 cars? 23 SHAHRIAR ETEMADI: No. Actually I was talking about 24 westbound. 25 LYNN A. ROBESON: Okay. Westbound is 15, 16 cars.</p> |

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43 (307 to 310)

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| <p>307</p> <p>1 SHAHRIAR ETEMADI: Approximately, 60 percent of say 28 2 cars, 14, oh it becomes 15 cars, 16 cars, yes. 3 LYNN A. ROBESON: Okay. Now tell me eastbound. 4 SHAHRIAR ETEMADI: So, now let's finish that. 5 LYNN A. ROBESON: Okay. Let's- 6 SHAHRIAR ETEMADI: Fifteen cars making a left turn 7 here. Okay. 8 LYNN A. ROBESON: Yes. 9 SHAHRIAR ETEMADI: That's about one car every four 10 minutes. Okay. 11 LYNN A. ROBESON: Yes. 12 SHAHRIAR ETEMADI: So. And then we have hundreds of 13 cars going westbound. Four cars added to say 6 or 700 cars, 14 it cannot be really quantifiable in the terms of queuing or 15 delay or congestion. It is some impact, but it is so small 16 as compared to the total number of cars there that it is 17 not very quantifiable. Because if only one car every four 18 minutes wants to make a left turn, adding to hundreds of 19 cars is just too few to make a huge difference in the 20 amount of queue that we have seen. 21 LYNN A. ROBESON: Well, do you know what the queue is 22 from Porter Road to eastbound? Does it extend to the 23 intersection? 24 SHAHRIAR ETEMADI: Actually the picture that this 25 gentleman has shown us, it shows some queuing backing up,</p> | <p>309</p> <p>1 SHAHRIAR ETEMADI: Well, the only thing I can tell 2 you, because I haven't really taken a traffic count at 3 Hidden Garden Avenue or, you know, those other 4 intersections. Well, we have, actually at the Sherwood High 5 School access point, we have taken traffic counts. And at 6 the intersection of New Hampshire Avenue and Maryland 108. 7 In general terms the only thing I can say is that adding a 8 few cars during one hour of to the hundreds of cars on the 9 road, in my opinion, is not going to be significant change 10 in the level of safety- 11 LYNN A. ROBESON: Existing conditions. 12 SHAHRIAR ETEMADI: Or traffic operation. 13 LYNN A. ROBESON: Okay. 14 SHAHRIAR ETEMADI: It just is not quantifiable. I 15 can't tell you yes, it's going to increase the safety by 10 16 percent or 5 percent. 17 LYNN A. ROBESON: Do you have to do an HCM analysis? 18 A preliminary plan? 19 SHAHRIAR ETEMADI: Yes. Well, we- 20 LYNN A. ROBESON: Have you done that analysis yet? 21 SHAHRIAR ETEMADI: No. First of all, in this area of 22 the county we are not required to use Highway Capacity 23 Manual to do volume capacity analysis. This area of the 24 county, because it's a rural or east area we use another 25 methodology that is called (inaudible).</p> |
| <p>308</p> <p>1 yes- 2 STEPHEN EVERETT SCOVILLE: What about- 3 SHAHRIAR ETEMADI: For a few minutes in the morning 4 and in the afternoon. 5 LYNN A. ROBESON: Just a sec. I'm going to let him 6 finish. Okay. 7 SHAHRIAR ETEMADI: The pictures shows that there are 8 queuing in, I think, four or five locations during the a.m. 9 and p.m. peak hours. 10 LYNN A. ROBESON: Well, what's your- 11 WALT FENNELL: As well, just to be clear. I didn't 12 stand there for the full three hours, peak hours. 13 LYNN A. ROBESON: Wait. Wait. Wait. No, you don't 14 interrupt, okay. 15 WALT FENNELL: Sorry. Okay. 16 LYNN A. ROBESON: No, no, you'll get it. You'll get 17 it. 18 KATHLEEN WHEELER: Okay. I'm sorry. 19 LYNN A. ROBESON: Well, what's- Then I guess the thing 20 is, what's your opinion on the safety of, if you already 21 have queues queuing back to the intersection and then over 22 to Sherwood, and then you've also got Hidden Valley or-- Is 23 that Hidden Garden. Hidden Garden Lane trying to get out, 24 what is your opinion of the safety and circulation in that 25 area?</p> | <p>310</p> <p>1 LYNN A. ROBESON: Oh, you use the CLD. 2 SHAHRIAR ETEMADI: Correct. Correct. And we have 3 already done that for this intersection, and (inaudible) is 4 well within the congestion standard. I know that people- 5 LYNN A. ROBESON: Yeah, it's just that the- It's not 6 so much the conflicting movement that I'm concerned about 7 it's the queues. 8 SHAHRIAR ETEMADI: It's delays. Correct. Correct. If 9 we want to do, yes. We have to use another methodology, 10 another software like Highway Capacity Manual that you 11 mentioned for central analysis. But I can assure you if I 12 did that I'm not going to be able to bring here and show 13 you any significant difference between what is existing and 14 what will be in the future with this development because as 15 I said- 16 LYNN A. ROBESON: I understand. 17 SHAHRIAR ETEMADI: It's just too many- Too few cars to 18 make a significant change to show on the calculation. 19 LYNN A. ROBESON: Are there road improvements planned 20 at any point for 108? 21 SHAHRIAR ETEMADI: Well, actually the Master Plan says 22 that this road has to be a two-lane highway. It's a 23 arterial. I'm talking about Maryland 108. 24 LYNN A. ROBESON: Right. 25 SHAHRIAR ETEMADI: And-</p> |

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44 (311 to 314)

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| <p>311</p> <p>1 LYNN A. ROBESON: Oh, that's right. They want it 2 rural. 3 SHAHRIAR ETEMADI: Yeah. However every Master Plan has 4 a language that indicates that intersections can be 5 improved or can be widened. So- But again, because we have 6 done the analysis for the intersection because it operates 7 within the congestion standards it does not require any 8 widening. 9 LYNN A. ROBESON: How far under the congestion 10 standards are you? The maximum CLD? 11 SHAHRIAR ETEMADI: Well we, actually we did it in 12 different ways because Staff- By the way, these numbers 13 that I'm giving you they are all verified by Park and 14 Planning. 15 LYNN A. ROBESON: Yes, I know that. Yeah. 16 SHAHRIAR ETEMADI: The Staff. But the congestion 17 standard for this area, for this intersection is 1350. 18 LYNN A. ROBESON: Okay. 19 SHAHRIAR ETEMADI: Critical lane volume. Staff has 20 asked us to do a thing different, doing a different 21 calculations to see how the result comes out. And I have 22 done it three ways as they have. And the highest CLV that I 23 got was 1195. 24 LYNN A. ROBESON: Okay. 25 SHAHRIAR ETEMADI: And the congestion standard is</p> | <p>313</p> <p>1 LYNN A. ROBESON: I have one more question. 2 SHAHRIAR ETEMADI: Yes, ma'am. 3 LYNN A. ROBESON: Is there room for a deaccel lane? 4 SHAHRIAR ETEMADI: Right turn lane? Oh. 5 LYNN A. ROBESON: A right turn only lane. 6 SHAHRIAR ETEMADI: Good, good point. Yes. Actually as 7 part of this application we are dedicating 20 feet of 8 right-of-way, initial right-of-way. 9 LYNN A. ROBESON: Yeah. 10 SHAHRIAR ETEMADI: That can accommodate a turn lane, 11 sidewalks, tree panels, landscaping whatever we have and 12 then at the time of rezoning the State Highway 13 Administration that has the jurisdiction over Maryland 108- 14 LYNN A. ROBESON: Preliminary plan you mean. 15 SHAHRIAR ETEMADI: Well, at this time, at the 16 rezoning- 17 LYNN A. ROBESON: Oh. 18 SHAHRIAR ETEMADI: They don't review it. 19 LYNN A. ROBESON: Right. 20 SHAHRIAR ETEMADI: At the time of preliminary they're 21 going to get involved and review it. And we're going to 22 work with them to see if we can get those turn lanes. 23 LYNN A. ROBESON: Okay. 24 SHAHRIAR ETEMADI: Okay. 25 LYNN A. ROBESON: Thank you. Okay. Gentleman. Mr.</p> |
| <p>312</p> <p>1 1350. 2 LYNN A. ROBESON: Does that take into- That would take 3 into account the developments that are already under 4 construction, correct? 5 SHAHRIAR ETEMADI: No. You mean the background 6 traffic? Background development. 7 LYNN A. ROBESON: Yeah. 8 SHAHRIAR ETEMADI: No. That is not. This is just for 9 existing condition. However, I think what I heard this 10 morning the number of trips that will be generated from 11 additional residential this critical lane volume is not 12 going to go over 1350, the standard, congestion standards. 13 LYNN A. ROBESON: Okay. But you would have to take 14 into account the background traffic at preliminary plan, 15 correct? 16 SHAHRIAR ETEMADI: Correct. If we have to do a traffic 17 study, yes, we have to do that. 18 LYNN A. ROBESON: Okay. Do you have anything else you 19 would like to comment on before I turn it over to the 20 wolves here? I'm joking, sorta. 21 SHAHRIAR ETEMADI: No. Actually I- 22 LYNN A. ROBESON: No, I'm really joking. 23 SHAHRIAR ETEMADI: I know. Actually I think they, 24 seriously I think their questions are very valid and I'm 25 here to answer them as much as, as best as I can.</p> | <p>314</p> <p>1 Fennell, Mr. Scoville. 2 STEPHEN EVERETT SCOVILLE: So when you did-- 3 WALT FENNELL: I'm sorry. There were so many numbers 4 that I was trying to keep straight in my head and there 5 were hour numbers and there were day numbers, and minute 6 the numbers, so I couldn't keep them all straight. So I'm 7 sorry. 8 SHAHRIAR ETEMADI: Right. 9 WALT FENNELL: When you did your traffic studies you 10 did the counts at New Hampshire and 108 and at Sherwood 11 High School and 108. 12 SHAHRIAR ETEMADI: Correct. 13 WALT FENNELL: How do you do those counts? The 14 somebody just in there one, two, three, four- 15 SHAHRIAR ETEMADI: Actually- 16 WALT FENNELL: Or is it some mechanical device that's 17 put across the street that does the counts? 18 SHAHRIAR ETEMADI: Well, there are so many different 19 ways to do that, and different companies do it differently. 20 They have people who stand actually at the intersection and 21 take the counts, and then we have the tubes that takes 22 counts, and we also use video of the counts. So then when 23 the video is taken we actually have people who count it, or 24 there is a company that you send the video and they convert 25 it for you into a turning movement counts. And even when we</p> |

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45 (315 to 318)

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| <p>315</p> <p>1 get that that we actually do some quality control of that 2 by looking at different time of peak period, like say every 3 15 minutes to see if the numbers really make really make 4 sense to what we have. Even when the video is there, our 5 technicians and sometimes myself actually put this one, I 6 went there myself; stayed there for an hour or two in the 7 p.m. to make sure that, you know, I'm taking account while 8 the video is taking a count and the people, the 9 technicians, were taking a count and I will just kind of, 10 you know, cross reference and make sure that our counts are 11 valid. 12 WALT FENNELL: So you were there at- So the counts 13 were for the peak, the full three hour peak periods? 14 SHAHRIAR ETEMADI: Actually it was for more than that, 15 but yeah, we just look at the peak period and then 16 determine what the peak hour is. We put it there, say from 17 5 o'clock in the morning or 6 o'clock in the morning until 18 8 o'clock at night, and then when we bring it we just look 19 at the peak periods. 20 WALT FENNELL: And the purpose of the study was to 21 determine how frequently the queuing occurs? 22 SHAHRIAR ETEMADI: Correct. 23 WALT FENNELL: Okay. 24 SHAHRIAR ETEMADI: The zoning orders requires that we 25 have valid traffic counts and (inaudible) intersection, the</p> | <p>317</p> <p>1 they are out of the way for the true movements, so they 2 turn right into the shopping center. And the ones that are 3 going through, they don't have any obstruction so they can 4 just keep on going. I don't think that the queuing this way 5 would be an issue, but I think coming here and behind the 6 traffic light, and then we have to remember at this 7 intersection going eastbound we have, I would say, 2½ lanes 8 because the right turn lane is very short. So the number of 9 trips- The amount of traffic that is being accumulated 10 eastbound at New Hampshire Avenue is kind of divided 11 between three lanes. So- 12 WALT FENNELL: Yeah, it's tough because the striping 13 is not appropriate anywhere in this whole area and you 14 frequently- Okay. So when I'm going eastbound, and I'm 15 sorry I- I'm sorry because I confuse making questions with 16 statements, and so I apologize because I don't know how to 17 phrase the question, but I'll try to rephrase the question. 18 Is it possible that individuals who are going eastbound 19 because of the inappropriate markings there that you have 20 some confusion? Should I be in the left lane to turn left? 21 Should I be in the left lane to go straight? Should I be 22 in the right lane to go straight? Should I be in the right 23 lane to turn right? Is that a possibility that that could 24 happen? 25 SHAHRIAR ETEMADI: You are- The reason we did three</p> |
| <p>316</p> <p>1 closest intersections to the property and- 2 FRANCOISE CARRIER: Do you mean the closest signalized 3 intersection? 4 SHAHRIAR ETEMADI: Yes, thank you. Closest signalized 5 intersection to the property and making sure that the 6 existing condition is within the congestion standards. 7 WALT FENNELL: do you know approximately how far 8 Porter Road is from New Hampshire Avenue? 9 SHAHRIAR ETEMADI: I would say probably 60, 70, 100- 10 LYNN A. ROBESON: No. 11 SHAHRIAR ETEMADI: Okay. I'm wrong. Well, we can 12 measure it. 13 WALT FENNELL: Sure. I was just wondering how many 14 cars would it take, approximately, to form a queue; either 15 eastbound or westbound between New Hampshire Avenue and 16 Porter Road. It seems like somewhere between probably 8 to 17 10 cars is all it would take to cause a queue to form if 18 you are headed eastbound, for the queue to form from Porter 19 Road to New Hampshire. Perhaps more importantly if you were 20 headed westbound it would only take about 10 cars to queue 21 before you would actually be impacting the intersection at 22 108 and New Hampshire. 23 SHAHRIAR ETEMADI: Actually westbound wouldn't be a 24 problem because westbound, if they are going to the 25 shopping center they're going in the deceleration lying and</p> | <p>318</p> <p>1 different capacity analysis for that intersection is 2 exactly because what you just described. Because people are 3 even there is a marking for each lane, people use it in a 4 different ways. That's why Staff asked us to do it 5 different. Three different ways depending on how drivers 6 are behaving. 7 LYNN A. ROBESON: I- 8 WALT FENNELL: And conversely- 9 SHAHRIAR ETEMADI: Correct. 10 WALT FENNELL: I'm sorry. I'm going to- a personal 11 statement. When I am making a left-hand turn off of Route 12 108 I am westbound on 108 making a left-hand turn onto 13 Hidden Garden Lane. I frequently will watch people sit 14 behind me rather than using the acceleration and 15 deceleration lane that is available to them to go around 16 me. So that's why I'm concerned that the same thing, now we 17 just back up closer to the intersection, the same thing 18 could occur. 19 SHAHRIAR ETEMADI: Yeah. 20 WALT FENNELL: With people not using the acceleration 21 and deceleration lanes as- 22 SHAHRIAR ETEMADI: Yeah. I think that's a valid 23 question. I don't know- I cannot really quantify here how 24 that could affect safety or, you know, I'm assuming that- 25 LYNN A. ROBESON: Are you- Did you say you're going to</p> |

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46 (319 to 322)

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| <p>319</p> <p>1 have to do a delay analysis at preliminary plan? Or you 2 don't know yet? 3 SHAHRIAR ETEMADI: I don't know. I don't know; we have 4 to do a scope of work with the Staff and whatever they 5 request we have to do it. But I- But in this area of the 6 County we are not required to do that. 7 LYNN A. ROBESON: Right. 8 WALT FENNELL: There was a lot of discussion about the 9 grade of the land. Sloping southward from Route 108. 10 SHAHRIAR ETEMADI: Correct. 11 WALT FENNELL: So the development if the zoning goes 12 through, obviously my point of view on that is known, but 13 if the rezoning goes through and now we have all these 14 additional townhomes back there, we also have commercial 15 vehicles, or individuals who are visiting the commercial 16 property who are parked behind it are going to have to exit 17 out onto 108 from Porter Road. The grade slopes away from 18 108. 19 SHAHRIAR ETEMADI: Yeah. 20 WALT FENNELL: Which seems to me, I'm not a traffic 21 expert, but it seems to me that that would make it 22 difficult because of the grade of the road to get an 23 adequate site line if you're sitting there trying to make a 24 left-hand turn onto 108 and there is a line of traffic 25 coming, and the line of traffic is queuing from New</p> | <p>321</p> <p>1 SHAHRIAR ETEMADI: Yes. Actually I believe that. 2 WALT FENNELL: But there would be more volume entering 3 and exiting Porter Road as well. 4 SHAHRIAR ETEMADI: Well- 5 STEPHEN EVERETT SCOVILLE: Well, how would the sight 6 distance improve if the houses are pushing to the highway? 7 SHAHRIAR ETEMADI: Well, because first of all we have- 8 first of all we have to make sure that we have a sight 9 distance. We have to provide documentation for that. 10 Secondly, I think with the width of the pavement, more 11 standard roadways, the bringing back probably some of the 12 sidewalks, and the right-of-way that we are dedicating, 13 another 20 feet brings the- makes it easier to see. Say, 14 for example, right now the existing right-of-way is about 15 here, 20 feet north of where it's going to be. And then 16 this 20 feet of right-of-way, extra right-of-way, provides 17 better sight distance, both ways. 18 LYNN A. ROBESON: Have you done the sight distance 19 analysis? 20 SHAHRIAR ETEMADI: For this, no. But I have been 21 visiting the site and I can tell you there will be 22 sufficient sight distance. That's for (inaudible) I mean we 23 haven't got this- 24 LYNN A. ROBESON: What about the spacing between 25 Hidden Garden Lane and Porter Road?</p> |
| <p>320</p> <p>1 Hampshire back to the west to have an appropriate site line 2 to see what else is coming from east to west to know that 3 it's going to be safe to pull out. It's hard enough on flat 4 surface- 5 SHAHRIAR ETEMADI: Yeah. 6 WALT FENNELL: But then when you add the grade that 7 everybody's been talking about that, you know, is so steep 8 it seems that that makes it even more difficult. 9 SHAHRIAR ETEMADI: Actually you are right. I don't 10 think that the grade at the intersection of Porter Road and 11 Maryland 108- I have been there many times. I- because I 12 had to prepare for this and I don't think the grade is deep 13 enough to make it extremely difficult, but more importantly 14 when we are doing this at the time of preliminary planning 15 we have to make sure. We have to actually provide 16 documentation to the state to show that there are 17 sufficient sight distance for traffic getting out. 18 FRANCOISE CARRIER: Are there specific sight distance 19 standards- 20 SHAHRIAR ETEMADI: Yes. 21 FRANCOISE CARRIER: That you have to comply with? 22 SHAHRIAR ETEMADI: Correct. Correct. 23 FRANCOISE CARRIER: And do you expect that if this 24 development goes forward the sight distance for people 25 entering and exiting Porter Road will actually improve?</p> | <p>322</p> <p>1 SHAHRIAR ETEMADI: Well, that's another issue with the 2 state to look at. 3 LYNN A. ROBESON: Do you have the tangent, or are you 4 going to have any issues there? 5 SHAHRIAR ETEMADI: No. There is no issue with the 6 spacing. But that is going to be looked at by the State. 7 The Maryland State Highway Administration. I do not believe 8 the spacing here is an issue. 9 LYNN A. ROBESON: Okay. 10 STEPHEN EVERETT SCOVILLE: You mentioned the impact of 11 the cars coming off of Porter not being measurable to the 12 two lane traffic of 108. 13 LYNN A. ROBESON: Statistically, I think (crosstalk) 14 STEPHEN EVERETT SCOVILLE: But we know quantitatively 15 that it's going to increase. 16 SHAHRIAR ETEMADI: Yes. (inaudible) 17 STEPHEN EVERETT SCOVILLE: And we may statistically 18 say that with this development and that development and 19 that development and then we end up with a traffic 20 situation getting (inaudible) from the County. Now, that's 21 one point. 22 LYNN A. ROBESON: Well- 23 STEPHEN EVERETT SCOVILLE: The other thing is the cars 24 coming off of Porter Road turning left, you mentioned a 25 significant number. How many was it per hour, per minute,</p> |

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47 (323 to 326)

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| <p>323</p> <p>1 per whatever?</p> <p>2 SHAHRIAR ETEMADI: Coming-</p> <p>3 STEPHEN EVERETT SCOVILLE: It was a fairly large</p> <p>4 amount and it was the commercial plus the residential.</p> <p>5 SHAHRIAR ETEMADI: No, actually I think it was-</p> <p>6 FRANCOISE CARRIER: Was it 15, 16.</p> <p>7 SHAHRIAR ETEMADI: Mm-hmm.</p> <p>8 STEPHEN EVERETT SCOVILLE: Well, 16 cars, right?</p> <p>9 LYNN A. ROBESON: No. Don't. Let them answer. Give</p> <p>10 them-</p> <p>11 SHAHRIAR ETEMADI: For the townhouses in the morning</p> <p>12 there will be eight coming out, 40 percent going this way,</p> <p>13 60 percent going that way. So-</p> <p>14 FRANCOISE CARRIER: And what about for the project as</p> <p>15 a whole?</p> <p>16 SHAHRIAR ETEMADI: And so four going- Four or five</p> <p>17 going west and three or four going east.</p> <p>18 FRANCOISE CARRIER: And for the project as a whole?</p> <p>19 SHAHRIAR ETEMADI: I'm sorry?</p> <p>20 FRANCOISE CARRIER: For the project as a whole</p> <p>21 including the mixed use building?</p> <p>22 SHAHRIAR ETEMADI: No. This is just for the townhouse.</p> <p>23 FRANCOISE CARRIER: Would you mind giving us those</p> <p>24 numbers again for the project as a whole?</p> <p>25 STEPHEN EVERETT SCOVILLE: Can you do the afternoon</p> | <p>325</p> <p>1 LYNN A. ROBESON: I'm going to get to you after Mr.</p> <p>2 Scoville's question.</p> <p>3 SHAHRIAR ETEMADI: Okay. In the afternoon actually I</p> <p>4 think it will, there will be a total of 34 cars coming in</p> <p>5 and out. About 20 of them coming in, so that would be about</p> <p>6 8 going east and 12 going west.</p> <p>7 LYNN A. ROBESON: Going in-</p> <p>8 STEPHEN EVERETT SCOVILLE: West?</p> <p>9 SHAHRIAR ETEMADI: West.</p> <p>10 LYNN A. ROBESON: Into the site?</p> <p>11 SHAHRIAR ETEMADI: No, coming out.</p> <p>12 LYNN A. ROBESON: Coming out.</p> <p>13 SHAHRIAR ETEMADI: Coming out, during the peak hour.</p> <p>14 So that's about six- A car every six minutes.</p> <p>15 LYNN A. ROBESON: Is that just the townhouses or the-</p> <p>16 SHAHRIAR ETEMADI: No, no. This is for the whole</p> <p>17 thing.</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 SHAHRIAR ETEMADI: I'm sorry. This was for the</p> <p>20 commercial. For the commercial, so we have to at the</p> <p>21 townhouses.</p> <p>22 LYNN A. ROBESON: What's the combined, do you mind?</p> <p>23 SHAHRIAR ETEMADI: Okay. The combined would have been</p> <p>24 like- In the afternoon I'm looking at the afternoon which</p> <p>25 is the highest traffic.</p> |
| <p>324</p> <p>1 because those were higher.</p> <p>2 SHAHRIAR ETEMADI: Okay. Yes. The afternoon is</p> <p>3 basically the very close. It's- So in the afternoon it</p> <p>4 would be about six again and four.</p> <p>5 LYNN A. ROBESON: Is that-</p> <p>6 SHAHRIAR ETEMADI: Six making a left and four going</p> <p>7 east.</p> <p>8 FRANCOISE CARRIER: And those are cars exiting the</p> <p>9 site?</p> <p>10 SHAHRIAR ETEMADI: Yes. Just for the townhouses.</p> <p>11 LYNN A. ROBESON: Just for the townhouses.</p> <p>12 STEPHEN EVERETT SCOVILLE: And then the commercial?</p> <p>13 SHAHRIAR ETEMADI: Oh and it-</p> <p>14 STEPHEN EVERETT SCOVILLE: It was a lot more.</p> <p>15 LYNN A. ROBESON: Just-</p> <p>16 SHAHRIAR ETEMADI: In the commercial, yes.</p> <p>17 LYNN A. ROBESON: Just let him answer.</p> <p>18 SHAHRIAR ETEMADI: In the commercial (inaudible) here.</p> <p>19 By the way this is- So it would be-</p> <p>20 FRANCOISE CARRIER: Do you need a pen? It looks like</p> <p>21 you want to do math.</p> <p>22 SHAHRIAR ETEMADI: Thank you.</p> <p>23 LYNN A. ROBESON: Ms. Wheeler, do you have a question</p> <p>24 as well?</p> <p>25 KATHLEEN WHEELER: I (inaudible)</p> | <p>326</p> <p>1 LYNN A. ROBESON: Right.</p> <p>2 SHAHRIAR ETEMADI: Okay. About 16 going left</p> <p>3 altogether; 16 or 17, and then maybe 13 or 14 going east.</p> <p>4 STEPHEN EVERETT SCOVILLE: Where all those cars going</p> <p>5 to queue on Porter Road?</p> <p>6 SHAHRIAR ETEMADI: On Porter Road.</p> <p>7 STEPHEN EVERETT SCOVILLE: Sixteen cars all backed up</p> <p>8 coming out of here. Where are they going to go?</p> <p>9 SHAHRIAR ETEMADI: That's during one hour.</p> <p>10 LYNN A. ROBESON: Don't-</p> <p>11 SHAHRIAR ETEMADI: That said during one hour of peak.</p> <p>12 LYNN A. ROBESON: So how many cars per minute?</p> <p>13 SHAHRIAR ETEMADI: So that will be one every four</p> <p>14 minutes. Something like that.</p> <p>15 LYNN A. ROBESON: Do you anticipate a queue on Porter</p> <p>16 Road for cars exiting the property in the peak hour?</p> <p>17 SHAHRIAR ETEMADI: I have not done the analysis to</p> <p>18 give you a straight answer, but I don't think that the</p> <p>19 queuing is going to be more than two or three cars at a</p> <p>20 time.</p> <p>21 LYNN A. ROBESON: And what do you base that on?</p> <p>22 SHAHRIAR ETEMADI: Because we have 15 cars, say,</p> <p>23 coming out. Okay. So 15 cars every four minutes, 15, yes.</p> <p>24 LYNN A. ROBESON: No.</p> <p>25 SHAHRIAR ETEMADI: I'm sorry. One car every four</p> |

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48 (327 to 330)

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| <p>327</p> <p>1 minutes.</p> <p>2 LYNN A. ROBESON: Right.</p> <p>3 SHAHRIAR ETEMADI: So every four minutes they get</p> <p>4 enough gap to get out within 15 minutes. So I don't think</p> <p>5 three or four cars are going to wait there for more than 15</p> <p>6 minutes to get out.</p> <p>7 LYNN A. ROBESON: Because you think there are</p> <p>8 sufficient gaps?</p> <p>9 SHAHRIAR ETEMADI: Yes.</p> <p>10 LYNN A. ROBESON: But you- Okay, I'm not (inaudible)</p> <p>11 SHAHRIAR ETEMADI: There are sufficient gaps here at</p> <p>12 the intersection of Maryland 650 and 108 to provide that</p> <p>13 gap for them to make a left. Even looking at the</p> <p>14 photographs that we were provided this morning you can see</p> <p>15 when the queuing is there, still people are making a left</p> <p>16 or right turn there. People allowing them to do that.</p> <p>17 LYNN A. ROBESON: Oh, I see.</p> <p>18 SHAHRIAR ETEMADI: When the queue is extended beyond</p> <p>19 the Porter Road.</p> <p>20 LYNN A. ROBESON: The intersection.</p> <p>21 SHAHRIAR ETEMADI: Correct.</p> <p>22 STEPHEN EVERETT SCOVILLE: All of the cars exiting</p> <p>23 will be on one lying, correct?</p> <p>24 SHAHRIAR ETEMADI: Correct.</p> <p>25 STEPHEN EVERETT SCOVILLE: There's not a two lane-</p> | <p>329</p> <p>1 KATHLEEN WHEELER: Go ahead.</p> <p>2 SHAHRIAR ETEMADI: But based on my experience with the</p> <p>3 amount of traffic at that intersection I would say</p> <p>4 somewhere between 60 or 80 seconds, the cycle light; based</p> <p>5 on the amount of traffic that is going through the</p> <p>6 intersection, that would be probably the most efficient way</p> <p>7 to time the signal.</p> <p>8 KATHLEEN WHEELER: That's interesting, from driving</p> <p>9 that.</p> <p>10 SHAHRIAR ETEMADI: Oh, you think it's more?</p> <p>11 KATHLEEN WHEELER: Yeah, I do think it's (inaudible)</p> <p>12 MALE VOICE: Could you speak up a little bit, you're-</p> <p>13 KATHLEEN WHEELER: Oh, I'm sorry. I think that is a</p> <p>14 little bit longer cycle.</p> <p>15 SHAHRIAR ETEMADI: Okay. It could be.</p> <p>16 KATHLEEN WHEELER: So I guess another question is to</p> <p>17 what extent when traffic is queued, so basically like it's</p> <p>18 not moving very much and it's queued it back into Sandy</p> <p>19 Spring and whatever. How does that affect your traffic</p> <p>20 counts?</p> <p>21 SHAHRIAR ETEMADI: I don't think that would- I'm not</p> <p>22 sure I understand the question correctly. But I think when</p> <p>23 we are taking traffic counts for the peak period, three</p> <p>24 hours, then I think we are counting for the high peak of</p> <p>25 one hour, even if we have a queuing because the traffic</p> |
| <p>328</p> <p>1 There's not like a right-hand turn coming off of Porter</p> <p>2 Road?</p> <p>3 SHAHRIAR ETEMADI: No. Correct.</p> <p>4 STEPHEN EVERETT SCOVILLE: So both right and left will</p> <p>5 have to sit on that lane to get (inaudible) of the-</p> <p>6 SHAHRIAR ETEMADI: Right.</p> <p>7 LYNN A. ROBESON: Do you anticipate the requirement</p> <p>8 for an accel lane for cars turning right?</p> <p>9 SHAHRIAR ETEMADI: Do we have a requirement?</p> <p>10 LYNN A. ROBESON: No. Do you anticipate?</p> <p>11 SHAHRIAR ETEMADI: I cannot say for sure because that-</p> <p>12 LYNN A. ROBESON: Too early.</p> <p>13 SHAHRIAR ETEMADI: Is the State Highway</p> <p>14 Administration's decision to require a turn lane there or</p> <p>15 not.</p> <p>16 LYNN A. ROBESON: Okay. Anything else, Mr. Scoville?</p> <p>17 Then I'll let Ms. Wheeler asked a question.</p> <p>18 STEPHEN EVERETT SCOVILLE: That's it for now.</p> <p>19 LYNN A. ROBESON: Ms. Wheeler.</p> <p>20 KATHLEEN WHEELER: do you have an estimate of what the</p> <p>21 cycle time is from the light at New Hampshire and 108?</p> <p>22 SHAHRIAR ETEMADI: No, I don't have the cycle</p> <p>23 (inaudible)</p> <p>24 KATHLEEN WHEELER: Okay. And then the-</p> <p>25 SHAHRIAR ETEMADI: But-</p> | <p>330</p> <p>1 gets through the intersection. And I say that based on the</p> <p>2 level of service for this intersection. The level of</p> <p>3 congestion, which is critical lane volume, which is very</p> <p>4 low. Meaning that every cycle all the cars get through.</p> <p>5 KATHLEEN WHEELER: So there's no queuing?</p> <p>6 SHAHRIAR ETEMADI: So- No, there is a queuing.</p> <p>7 KATHLEEN WHEELER: Oh, okay.</p> <p>8 SHAHRIAR ETEMADI: But each cycle the whole traffic</p> <p>9 gets through the intersection. It-</p> <p>10 LYNN A. ROBESON: I-</p> <p>11 KATHLEEN WHEELER: What do you mean by whole traffic?</p> <p>12 That's what I'm getting (crosstalk)</p> <p>13 LYNN A. ROBESON: The-</p> <p>14 SHAHRIAR ETEMADI: Okay, the whole traffic-</p> <p>15 FRANCOISE CARRIER: Mr. Etemadi, do you mean that each</p> <p>16 time that, if cars are heading eastbound on 108 that when</p> <p>17 they get a green light all the cars that have been waiting</p> <p>18 to go east through that intersection make it through the</p> <p>19 intersection on one green?</p> <p>20 SHAHRIAR ETEMADI: Correct. Correct.</p> <p>21 KATHLEEN WHEELER: So that when the light turns red</p> <p>22 there's no further queuing?</p> <p>23 SHAHRIAR ETEMADI: Well, it may happen-</p> <p>24 LYNN A. ROBESON: What he means is that-</p> <p>25 KATHLEEN WHEELER: I'm sorry to be dense.</p> |

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49 (331 to 334)

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| <p>331</p> <p>1 LYNN A. ROBESON: Okay. Say you have a queue that's, I</p> <p>2 don't know, 50 feet long. And the- When the light turns</p> <p>3 green everybody within that 50 feet gets to go through the</p> <p>4 intersection. The traffic counts get messed up when they're</p> <p>5 artificially low; when all the traffic doesn't get through-</p> <p>6 KATHLEEN WHEELER: Right.</p> <p>7 LYNN A. ROBESON: When it's green.</p> <p>8 KATHLEEN WHEELER: And that was my question.</p> <p>9 LYNN A. ROBESON: Right.</p> <p>10 KATHLEEN WHEELER: Because routinely, routinely the</p> <p>11 traffic backs up and our neighborhood is south of the</p> <p>12 intersection of 108 and New Hampshire and in the afternoon</p> <p>13 I frequently walk my dogs up to New Hampshire before I turn</p> <p>14 around and go back and traffic is beyond our neighborhood</p> <p>15 back over the hill and so there's, at that intersection</p> <p>16 cars are not getting through. The queue extends past every</p> <p>17 cycle.</p> <p>18 STEPHEN EVERETT SCOVILLE: I agree with that.</p> <p>19 LYNN A. ROBESON: Well, okay.</p> <p>20 KATHLEEN WHEELER: So that was my question-</p> <p>21 LYNN A. ROBESON: All right.</p> <p>22 KATHLEEN WHEELER: In terms of how is that impacting</p> <p>23 your traffic counts?</p> <p>24 SHAHRIAR ETEMADI: Well, the traffic counts is</p> <p>25 counting constantly. It's not missing any traffic, if</p> | <p>333</p> <p>1 KATHLEEN WHEELER: The are times when it backs up</p> <p>2 clear to Olney.</p> <p>3 STEPHEN EVERETT SCOVILLE: Yeah.</p> <p>4 SHAHRIAR ETEMADI: Yeah.</p> <p>5 KATHLEEN WHEELER: And so it's not one or two cycles,</p> <p>6 it takes you about 20 minutes to a half an hour to get from</p> <p>7 Olney to Ashton.</p> <p>8 WALT FENNELL: Yes.</p> <p>9 KATHLEEN WHEELER: And the other thing, I guess my</p> <p>10 question in terms of the cycling of the light there at New</p> <p>11 Hampshire and 108 is that if you have a car every four</p> <p>12 minutes and that car is not able to turn in within that</p> <p>13 four minutes then you're going to get a queuing.</p> <p>14 SHAHRIAR ETEMADI: Yes. That's true. That can happen.</p> <p>15 But how often that happens during the day actually? I mean</p> <p>16 we are-</p> <p>17 STEPHEN EVERETT SCOVILLE: I do think that-</p> <p>18 SHAHRIAR ETEMADI: I mean we are looking-</p> <p>19 LYNN A. ROBESON: Just don't interrupt, please.</p> <p>20 SHAHRIAR ETEMADI: We are looking at the worst</p> <p>21 possible scenario which is the peak hours. Two hours of</p> <p>22 peak in the a.m. and p.m. but for another 22 hours of the</p> <p>23 day I don't think that happens.</p> <p>24 KATHLEEN WHEELER: I just know if you're coming up 108</p> <p>25 turning left to go south-</p> |
| <p>332</p> <p>1 that's what you're saying because we are counting for</p> <p>2 hours, maybe 13, 14 hours a day.</p> <p>3 KATHLEEN WHEELER: Okay.</p> <p>4 SHAHRIAR ETEMADI: So we are not missing any number of</p> <p>5 cars going through the intersection. But your question is</p> <p>6 different than the traffic counts. I think you're talking</p> <p>7 about whether the traffic can get through the intersection</p> <p>8 in one cycle or not.</p> <p>9 KATHLEEN WHEELER: It's a two-prong question.</p> <p>10 SHAHRIAR ETEMADI: And I'm saying that I have not done</p> <p>11 that analysis to tell you. Based on the level of congestion</p> <p>12 and the critical lane of volume analysis that we have done,</p> <p>13 which is a level of service C, it tells me that the traffic</p> <p>14 gets through the intersection every cycle. There are some</p> <p>15 occasions where that doesn't happen. I cannot guarantee</p> <p>16 that every time, but-</p> <p>17 LYNN A. ROBESON: Does it have any bearing on how many</p> <p>18 people are in the queue every cycle? No. You can't tell</p> <p>19 that?</p> <p>20 SHAHRIAR ETEMADI: I cannot because I haven't done</p> <p>21 really that analysis.</p> <p>22 LYNN A. ROBESON: Right.</p> <p>23 SHAHRIAR ETEMADI: However, I'm sure if somebody is</p> <p>24 waiting for two cycles to get through the intersection that</p> <p>25 is a delay.</p> | <p>334</p> <p>1 LYNN A. ROBESON: What time?</p> <p>2 KATHLEEN WHEELER: This was Saturday and it was about</p> <p>3 1:00 in the afternoon, and we were trying to turn left to</p> <p>4 go south on one New Hampshire Avenue and we barely made it</p> <p>5 through when the light turned green and we were the first</p> <p>6 one in line because of all the traffic coming eastbound on</p> <p>7 108; and that was on a Saturday.</p> <p>8 WALT FENNELL: Because there's no advance green arrow.</p> <p>9 SHAHRIAR ETEMADI: Correct.</p> <p>10 KATHLEEN WHEELER: I mean part of it is the</p> <p>11 intersection needs to be revised. Part of it is the volume</p> <p>12 of traffic.</p> <p>13 SHAHRIAR ETEMADI: Correct.</p> <p>14 KATHLEEN WHEELER: And I guess there was one other</p> <p>15 question, and I can't think of what it was.</p> <p>16 STEPHEN EVERETT SCOVILLE: Kathleen, can you ask him</p> <p>17 what date traffic-</p> <p>18 KATHLEEN WHEELER: That's what the question was. When</p> <p>19 was your traffic study conducted?</p> <p>20 SHAHRIAR ETEMADI: Yeah. Very good. Very good</p> <p>21 question.</p> <p>22 KATHLEEN WHEELER: And what were the weather</p> <p>23 conditions?</p> <p>24 SHAHRIAR ETEMADI: Actually it was January 11th, I</p> <p>25 believe.</p> |

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| <p>335</p> <p>1 KATHLEEN WHEELER: Which was what day of the week?</p> <p>2 SHAHRIAR ETEMADI: That was a Thursday.</p> <p>3 LYNN A. ROBESON: I believe they have-</p> <p>4 KATHLEEN WHEELER: It has to be a Tuesday through</p> <p>5 Thursday.</p> <p>6 LYNN A. ROBESON: Correct.</p> <p>7 SHAHRIAR ETEMADI: Okay. Yeah. Yeah. I have it here.</p> <p>8 Okay. It was January 11 and it was Wednesday.</p> <p>9 KATHLEEN WHEELER: Okay. And school was in session</p> <p>10 that day.</p> <p>11 SHAHRIAR ETEMADI: It was. Correct.</p> <p>12 KATHLEEN WHEELER: Okay. Thanks.</p> <p>13 LYNN A. ROBESON: Now, I have one more question.</p> <p>14 SHAHRIAR ETEMADI: Yes, ma'am.</p> <p>15 LYNN A. ROBESON: Given what you just heard about the</p> <p>16 existing delays, is it still your opinion that the- Well,</p> <p>17 let me just say answer it please, once for the combined</p> <p>18 development and once for the just the townhouses. Is it</p> <p>19 still your opinion that this is it going to exacerbate</p> <p>20 existing conditions?</p> <p>21 SHAHRIAR ETEMADI: Well, in my opinion, the number of</p> <p>22 trips are going to go up, there's no doubt about that.</p> <p>23 Okay. However, the number of trips to being generated from</p> <p>24 this site is not significant enough to impact to the</p> <p>25 existing condition. We may have an existing condition that</p> | <p>337</p> <p>1 before and compared it to today what we are proposing here,</p> <p>2 actually the impact is a wash. It's not a significant-</p> <p>3 LYNN A. ROBESON: Well, for the retail component.</p> <p>4 SHAHRIAR ETEMADI: For the retail, actually yes. So if</p> <p>5 we have that restaurant coming back online and being</p> <p>6 operational then the traffic that will be from that is the</p> <p>7 same as, or maybe more, than what we are proposing here.</p> <p>8 LYNN A. ROBESON: I understand. One more.</p> <p>9 STEPHEN EVERETT SCOVILLE: Okay. I would like to point</p> <p>10 out that the existing Sole D'Italia restaurant-</p> <p>11 LYNN A. ROBESON: Yes.</p> <p>12 STEPHEN EVERETT SCOVILLE: Having lived in the</p> <p>13 community for 17 years, and driven out of Porter Road for</p> <p>14 17 years, and turned the left into Porter Road every day</p> <p>15 for 17 years, the existing port on Sole D'Italia</p> <p>16 restaurant, the entry to the restaurant was not on Porter</p> <p>17 Road. It came directly. They had the whole front footage of</p> <p>18 Sole D'Italia to turn right and to turn left into the</p> <p>19 restaurant.</p> <p>20 SHAHRIAR ETEMADI: Correct.</p> <p>21 STEPHEN EVERETT SCOVILLE: So you can have multiple</p> <p>22 people turning left into Sole D'Italia and you could have</p> <p>23 multiple people turning right out of Sole D'Italia at the</p> <p>24 same time. Under the current plan there is no road footage</p> <p>25 each into the new development. All of that traffic is</p> |
| <p>336</p> <p>1 we are not happy with, but the point here is is this</p> <p>2 development going to make it a lot worse. I'm saying that</p> <p>3 it's not going to make it worse because the number of trips</p> <p>4 being generated is too few to make a difference.</p> <p>5 LYNN A. ROBESON: Okay.</p> <p>6 SHAHRIAR ETEMADI: There is one more thing that I</p> <p>7 would like to add here</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 SHAHRIAR ETEMADI: The side that we had a restaurant</p> <p>10 in the past. I believe it can be occupied with the same</p> <p>11 kind of uses that was before, correct?</p> <p>12 LYNN A. ROBESON: Oh, the Sole D'Italia site.</p> <p>13 SHAHRIAR ETEMADI: Correct.</p> <p>14 LYNN A. ROBESON: You mean for the purposes of LATR?</p> <p>15 SHAHRIAR ETEMADI: Say for the sake of argument that</p> <p>16 we don't have this rezoning and were not going to develop</p> <p>17 this and were just going to have the restaurant that was</p> <p>18 before. So that trip is actually vested in this</p> <p>19 development. Okay.</p> <p>20 LYNN A. ROBESON: Yes.</p> <p>21 SHAHRIAR ETEMADI: We- So there is no need to get</p> <p>22 permit for or do a traffic study or any tests for adequate</p> <p>23 public facilities.</p> <p>24 LYNN A. ROBESON: I understand.</p> <p>25 SHAHRIAR ETEMADI: Okay. So if we go to what it was</p> | <p>338</p> <p>1 routed onto Porter Road. There will be more of a bottleneck</p> <p>2 there. So under the-</p> <p>3 LYNN A. ROBESON: Well-</p> <p>4 STEPHEN EVERETT SCOVILLE: So under- There is- You're</p> <p>5 comparing an apple to a banana. There is- You cannot make-</p> <p>6 LYNN A. ROBESON: I do-</p> <p>7 STEPHEN EVERETT SCOVILLE: You cannot make that</p> <p>8 statement-</p> <p>9 SHAHRIAR ETEMADI: Can I respond?</p> <p>10 LYNN A. ROBESON: Yes.</p> <p>11 STEPHEN EVERETT SCOVILLE: Our expert has just stated</p> <p>12 to me-</p> <p>13 SHAHRIAR ETEMADI: Actually, in terms of the number of</p> <p>14 trips being on Maryland 108 adding to the queue delay or</p> <p>15 congestion, what you just described it doesn't make a</p> <p>16 difference. Because the people going to the restaurant,</p> <p>17 that former restaurant, whether they are going to Porter</p> <p>18 Road are going in front of the building they have to make</p> <p>19 those turns. They are going to be on the road. So in fact,</p> <p>20 what you described, the situation that you described, I</p> <p>21 don't think makes a difference in what I said.</p> <p>22 STEPHEN EVERETT SCOVILLE: I disagree because-</p> <p>23 LYNN A. ROBESON: Okay.</p> <p>24 STEPHEN EVERETT SCOVILLE: Because they have the</p> <p>25 entire road-</p> |

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| <p>339</p> <p>1 LYNN A. ROBESON: No.</p> <p>2 STEPHEN EVERETT SCOVILLE: Frontage.</p> <p>3 LYNN A. ROBESON: Mr. Scoville-</p> <p>4 STEPHEN EVERETT SCOVILLE: Okay.</p> <p>5 LYNN A. ROBESON: I get- I understand you disagree. Is</p> <p>6 there anybody else with questions for Mr. Etemadi? Okay.</p> <p>7 Seeing none, we're going to take a five minute break. Do</p> <p>8 you have any other witnesses?</p> <p>9 FRANCOISE CARRIER: I do not.</p> <p>10 LYNN A. ROBESON: Okay. Is there anyone else that</p> <p>11 wants to testify? Okay. I- We're going to take a five-</p> <p>12 minute break and I'm looking at my calendar and we're going</p> <p>13 to talk about the submissions that we've agreed you're</p> <p>14 going to make and the timing. Yes, Ms. Wheeler?</p> <p>15 KATHLEEN WHEELER: (inaudible)</p> <p>16 LYNN A. ROBESON: In five minutes. I will- We will</p> <p>17 come back and talk about parking too. Okay. Thank you.</p> <p>18 FRANCOISE CARRIER: I think you're done.</p> <p>19 LYNN A. ROBESON: Mr.- Well, just a second. Are- Is it</p> <p>20 Mr. Sloan that's the parking person or Mr. Etemadi?</p> <p>21 SHAHRIAR ETEMADI: (inaudible)</p> <p>22 LYNN A. ROBESON: Mr. Sloan?</p> <p>23 FRANCOISE CARRIER: Yeah.</p> <p>24 LYNN A. ROBESON: Okay. You may be excused then.</p> <p>25 SHAHRIAR ETEMADI: Thank you.</p> | <p>341</p> <p>1 FRANCOISE CARRIER: Oh. Okay. Because I-</p> <p>2 LYNN A. ROBESON: It will make some difference.</p> <p>3 FRANCOISE CARRIER: I believe what I heard Mr. Etemadi</p> <p>4 testify was that he did not believe this development would</p> <p>5 make a significant difference in congestion and queuing</p> <p>6 conditions.</p> <p>7 LYNN A. ROBESON: Okay. I guess my question is and the</p> <p>8 same thing for the Porter Road, your analysis of Porter</p> <p>9 Road is that people can make right-- The Porter Road queue</p> <p>10 that people can make right turns one every four minutes but</p> <p>11 that doesn't take- I mean one every six minutes, whatever</p> <p>12 it was.</p> <p>13 SHAHRIAR ETEMADI: Something like that.</p> <p>14 LYNN A. ROBESON: But that doesn't take account if</p> <p>15 there's a queue. And I guess my question is go- I want to</p> <p>16 finish. Let me just ask it. I don't want to belabor it,</p> <p>17 believe it or not. But one of my questions is are you</p> <p>18 going- How do we know whether- We don't know at all whether</p> <p>19 you'll be able, be required to do a queuing analysis. You</p> <p>20 know, I would say defer it to- Because what if it's stacked</p> <p>21 up so much from the big intersection New Hampshire and 108</p> <p>22 to the west that nobody can make a right-hand turn out of</p> <p>23 there?</p> <p>24 SHAHRIAR ETEMADI: Okay. My response to that was there</p> <p>25 will be enough gap for the traffic to make a turn from</p> |
| <p>340</p> <p>1 (Off the record.)</p> <p>2 LYNN A. ROBESON: I guess before- Mr. Etemadi, I'm</p> <p>3 sorry. Can you come back up?</p> <p>4 SHAHRIAR ETEMADI: Yes.</p> <p>5 LYNN A. ROBESON: I guess I am a little concerned</p> <p>6 about this. Your position is that that statistically it's</p> <p>7 not going to make a huge difference in existing conditions,</p> <p>8 that's your testimony?</p> <p>9 SHAHRIAR ETEMADI: Correct.</p> <p>10 LYNN A. ROBESON: But you don't know if you'll be</p> <p>11 required to do queuing. And what about-</p> <p>12 FRANCOISE CARRIER: I'm sorry to interrupt, but the</p> <p>13 testimony that I heard was not the word huge, more like</p> <p>14 significant. And I think there is a difference. Mr.</p> <p>15 Etemadi-</p> <p>16 LYNN A. ROBESON: I- No, I didn't say huge. I said</p> <p>17 queue.</p> <p>18 SHAHRIAR ETEMADI: No, no, no. She didn't say, she</p> <p>19 said queue, not huge.</p> <p>20 FRANCOISE CARRIER: Oh, I'm sorry. I thought you said</p> <p>21 not going to make a huge difference.</p> <p>22 SHAHRIAR ETEMADI: No, no, no.</p> <p>23 FRANCOISE CARRIER: Beg your pardon.</p> <p>24 SHAHRIAR ETEMADI: Okay.</p> <p>25 LYNN A. ROBESON: Wait. Wait. No, I did say that.</p> | <p>342</p> <p>1 Porter Road.</p> <p>2 LYNN A. ROBESON: But that's based on-</p> <p>3 SHAHRIAR ETEMADI: And-</p> <p>4 LYNN A. ROBESON: What Ms. Wheeler said is there's</p> <p>5 multiple, you have to wait for multiple light cycles to</p> <p>6 get- Let me ask Ms. Weaver again were you testifying the</p> <p>7 multiple light cycles, was that from- was that eastbound</p> <p>8 approaching the intersection?</p> <p>9 KATHLEEN WHEELER: Yes. And it can be westbound as</p> <p>10 well.</p> <p>11 LYNN A. ROBESON: Okay. So given what she said that</p> <p>12 there's multiple light cycles going eastbound, that's, I</p> <p>13 guess that is a concern.</p> <p>14 SHAHRIAR ETEMADI: Well, my response was, in my</p> <p>15 testimony, that based on the level of congestion at that</p> <p>16 intersection-</p> <p>17 LYNN A. ROBESON: Which is the (crosstalk)</p> <p>18 SHAHRIAR ETEMADI: Which is a 11- Yeah; 1195, the</p> <p>19 worst scenario that we have looked at. With that critical</p> <p>20 lane volume at that intersection it should not be congested</p> <p>21 to a point where people cannot get through the intersection</p> <p>22 within one cycle.</p> <p>23 LYNN A. ROBESON: But she's saying it is.</p> <p>24 SHAHRIAR ETEMADI: Okay. I understand. But I'm saying</p> <p>25 I have not done the queuing to tell you if it happens or</p> |

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| <p>343</p> <p>1 not.</p> <p>2 LYNN A. ROBESON: But you may-</p> <p>3 SHAHRIAR ETEMADI: It may happen. I'm not arguing. I'm</p> <p>4 saying that based on the number of- The level of congestion</p> <p>5 that we have there which is really not much; everybody</p> <p>6 should be able to get through the intersection in one</p> <p>7 cycle.</p> <p>8 FRANCOISE CARRIER: May I interject a question? Let's</p> <p>9 just assume that Ms. Wheeler's anecdotal experience does</p> <p>10 happen at times.</p> <p>11 SHAHRIAR ETEMADI: Correct.</p> <p>12 FRANCOISE CARRIER: I don't think she's making it up.</p> <p>13 SHAHRIAR ETEMADI: No, it's going to happen.</p> <p>14 FRANCOISE CARRIER: But let's just assume that</p> <p>15 sometimes there's a queue at that intersection and it backs</p> <p>16 up past Porter Road.</p> <p>17 SHAHRIAR ETEMADI: Correct.</p> <p>18 FRANCOISE CARRIER: What then is likely to happen to</p> <p>19 somebody who's trying to turn right into this eastbound</p> <p>20 queue from Porter Road?</p> <p>21 SHAHRIAR ETEMADI: Exactly. I am saying that it can</p> <p>22 happen, not very often, and then there is enough gap to be</p> <p>23 created when the traffic signal changes at New Hampshire</p> <p>24 Avenue and the Maryland 108-</p> <p>25 LYNN A. ROBESON: As part of-</p> | <p>345</p> <p>1 NANCY FENNEL: Nancy Fennell, 17513 Hidden Garden</p> <p>2 Lane. And so I'm (inaudible) this into a question. It's in</p> <p>3 regards to the picture that you're referring to that Walt</p> <p>4 Fennell-</p> <p>5 SHAHRIAR ETEMADI: Yes.</p> <p>6 NANCY FENNEL: Submitted with the gaps of traffic. As</p> <p>7 someone that-</p> <p>8 LYNN A. ROBESON: Okay. I'll do this.</p> <p>9 NANCY FENNEL: How do I do this?</p> <p>10 LYNN A. ROBESON: Raise your right hand.</p> <p>11 NANCY FENNEL: Okay.</p> <p>12 LYNN A. ROBESON: Do you solemnly affirm under</p> <p>13 penalties of perjury that the statements you're about to</p> <p>14 make our the truth, the whole truth, and nothing but the</p> <p>15 truth?</p> <p>16 NANCY FENNEL: I do.</p> <p>17 LYNN A. ROBESON: Okay. Say what you want to say,</p> <p>18 quickly.</p> <p>19 NANCY FENNEL: Turn-</p> <p>20 LYNN A. ROBESON: And then-</p> <p>21 NANCY FENNEL: I'm sorry.</p> <p>22 LYNN A. ROBESON: Oh that's (inaudible)</p> <p>23 NANCY FENNEL: So turning out onto a road that does</p> <p>24 have gaps where as many kind residents that want to allow</p> <p>25 you to make gaps, at that very same time there is an</p> |
| <p>344</p> <p>1 SHAHRIAR ETEMADI: During that timing the signal</p> <p>2 changes for east/west, and north/south, there is enough gap</p> <p>3 for people to get through, one. Secondly based on the</p> <p>4 photos that I have seen today you can see that actually</p> <p>5 people are waiting for people to get out of Porter Road.</p> <p>6 They are giving them that chance. So people are not</p> <p>7 constantly blocking Porter Road not to let people in and</p> <p>8 out. The photo shows that, that people are getting through.</p> <p>9 So the point I'm trying to make, the general comment is</p> <p>10 that that we are looking at this proposed townhouse</p> <p>11 development, it's going to make the existing situation</p> <p>12 worse. And my answer is no because the number of trips that</p> <p>13 will be generated from the townhouses are so small it's not</p> <p>14 going to be quantifiable. And it's not going to be</p> <p>15 noticeable.</p> <p>16 LYNN A. ROBESON: I see. Okay. I hesitate to say this,</p> <p>17 but are there any questions based on my question? Do you-</p> <p>18 NANCY FENNEL: I don't know if I- Yes.</p> <p>19 LYNN A. ROBESON: Oh. Well. First you have to come</p> <p>20 forward.</p> <p>21 NANCY FENNEL: (inaudible)</p> <p>22 LYNN A. ROBESON: I'm going a little out of turn, but</p> <p>23 I need to bring this to a conclusion if we're going to get</p> <p>24 to parking. So, please state your name and address for the</p> <p>25 record.</p> | <p>346</p> <p>1 acceleration, deceleration lane turning in. I have, on many</p> <p>2 occasions, had someone try to stop and allow me in and</p> <p>3 someone will go behind that person who has stopped and</p> <p>4 speed up and almost hit me and- Frequently. So much so that</p> <p>5 it frightens me and I have to tell the person no. Don't let</p> <p>6 me in because it's- That's been my experience, both coming,</p> <p>7 making a right onto 108 and also when I am returning home,</p> <p>8 if I'm making a left off of Route 108 going westbound and</p> <p>9 making a left onto Hidden Garden Lane I experience the same</p> <p>10 thing where a car will be kind enough to say come on, you</p> <p>11 can turn onto the road and because of that acceleration</p> <p>12 deceleration lane the person behind the one that is</p> <p>13 allowing me to go on will speed up and basically almost hit</p> <p>14 me. So I have to decline the kind offer to turn into my</p> <p>15 road.</p> <p>16 LYNN A. ROBESON: Okay. Do you have questions?</p> <p>17 FRANCOISE CARRIER: I do not.</p> <p>18 LYNN A. ROBESON: Okay. I'm going to let Mr. Etemadi</p> <p>19 respond.</p> <p>20 SHAHRIAR ETEMADI: Well, I cannot make a statement</p> <p>21 here where in every condition how the driver's behave is</p> <p>22 not a factor. I cannot say that. Drivers behaving in ways</p> <p>23 that most of us every day experience and we don't like it.</p> <p>24 And they are not safe and they are reckless. We cannot</p> <p>25 solve that problem, driver's behavior. The point we are</p> |

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| <p>347</p> <p>1 trying to make here if the number of trips being generated 2 from this site; 9 in the morning and 10 in the afternoon, 1 3 every 6 minutes, is going to make that situation worse? And 4 my- In my opinion it doesn't. If we are put that in an 5 model and analyze it and get the results the result doesn't 6 show much difference, or any difference between the 7 existing condition and with the number of trips that will 8 be generated from the site. So that's what I have to 9 present to you. I cannot quantify or qualify every 10 condition and a driver's behavior. 11 LYNN A. ROBESON: I understand. 12 NANCY FENNEL: And that is completely fair, but I 13 just wanted to say that in regards to your statement that 14 there are gaps. 15 SHAHRIAR ETEMADI: Yes. 16 NANCY FENNEL: I'm saying those gaps are not safe 17 gaps. You have to wait until the queue is gone. 18 LYNN A. ROBESON: I understand. 19 NANCY FENNEL: So that's my point, my thought. 20 LYNN A. ROBESON: I understand. Well, thank you for 21 making that. 22 NANCY FENNEL: Okay. 23 LYNN A. ROBESON: Okay. I think you can be excused 24 now. 25 SHAHRIAR ETEMADI: You sure? Okay.</p> | <p>349</p> <p>1 question. 2 LYNN A. ROBESON: Okay. 3 PAULA GLENDENNING: where do you foresee guest parking 4 if someone has more than two guests and they have two cars? 5 MR. SLOAN: So right now we are- We were thinking 6 about that a little bit and haven't developed it completely 7 whether or not they can use some of the commercial 8 building, or whether or not, because it will be evening, 9 and weekend typically for events, the commercial building 10 that's owned by the applicant also, we may set up a shared 11 parking agreement with the HOA that is going to be 12 responsible for these properties. 13 LYNN A. ROBESON: When you say shared parking, you 14 mean that people can use some of the rear loaded spots? 15 MR. SLOAN: Right. This is a commercial building 16 primarily used during the weekday hours, and it has some 17 availability during the weekends and evenings that could be 18 shared with this property. 19 FRANCOISE CARRIER: Are you suggesting that office 20 users would also have the ability to use the townhouse 21 almost parking? 22 MR. SLOAN: No. 23 FRANCOISE CARRIER: This is a one-way sharing 24 envisioned? 25 MR. SLOAN: Yes.</p> |
| <p>348</p> <p>1 LYNN A. ROBESON: Okay. Mr. Sloan, parking. Do you 2 have enough parking? You, as I read the Staff Report you 3 meet the code requirements. Am I correct? 4 FRANCOISE CARRIER: You are correct. 5 MR. SLOAN: Yes. So we're required for the townhouses 6 to have two spaces per unit and we're providing four spaces 7 per unit. Two in the garage and two in a driveway, a full 8 length driveway. For the commercial property we're required 9 under what we developed 3.5 spaces per 1000 square feet of 10 retail, which also covers restaurant uses and then the 11 three apartments, we are required to have 25, well, rounded 12 up to 26, and we're providing 30 by come underneath the 13 building, parking below providing additional spaces. So we 14 exceed the parking requirement under the zoning ordinance. 15 LYNN A. ROBESON: Okay. Any questions? Yes, ma'am? 16 Can you state your- Can you come- I hate to ask you, but 17 the transcript doesn't pick it up. 18 PAULA GLENDENNING: Sure. I'm Paula Glendenning. You 19 need my address? 20 LYNN A. ROBESON: Yes. 21 PAULA GLENDENNING: 103 Country View Court in Ashton. 22 LYNN A. ROBESON: Okay. 23 PAULA GLENDENNING: I need to- 24 LYNN A. ROBESON: Well, are you just asking questions? 25 PAULA GLENDENNING: I just have a question. Just a</p> | <p>350</p> <p>1 LYNN A. ROBESON: Yes, Ms. Wheeler. 2 KATHLEEN WHEELER: So earlier there was (inaudible) 3 that Urban Barbecue has about 40 plus or minus cars at a 4 time on their parking lot. And if this is 25 to 30 parking 5 spaces and hopefully if there's a couple of establishments 6 in there, they will generate some traffic that's about 7 equivalent to Urban Barbecue. So where will these extra 8 cars park? 9 LYNN A. ROBESON: Well. Okay. Parking is determined by 10 the size of the building. 11 KATHLEEN WHEELER: I know. It's (inaudible) 12 LYNN A. ROBESON: Do you know how big Urban Barbecue 13 is? 14 KATHLEEN WHEELER: I don't. But I would think it would 15 be roughly about the same size. 16 LYNN A. ROBESON: How big is the restaurant here? 17 MR. SLOAN: We've got 3500 square feet. And I don't 18 know if it's going to be one user, two users, it's- 19 LYNN A. ROBESON: What's the code require? 20 MR. SLOAN: We're at 3.5. 21 LYNN A. ROBESON: Per thousand- 22 MR. SLOAN: Per thousand square feet. 23 FRANCOISE CARRIER: So does this plan exactly meet the 24 requirements of the code? 25 MR. SLOAN: No. We're slightly over the requirement.</p> |

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| <p>351</p> <p>1 KATHLEEN WHEELER: By how much?</p> <p>2 MR. SLOAN: Four spaces.</p> <p>3 KATHLEEN WHEELER: And do you have enough- Do you have</p> <p>4 experience with how these things work out in real life?</p> <p>5 Does it tend to be enough parking if you're a little bit</p> <p>6 over the code requirement?</p> <p>7 MR. SLOAN: It really varies place by place and it</p> <p>8 will depend on whether it's a fast casual, or if it's sit</p> <p>9 down, what kind of capacity they have. Once you take out</p> <p>10 the kitchens and things the 3500 square feet is not going</p> <p>11 to be for patron area. And again, we see this more as a</p> <p>12 evening and weekend generator of traffic and I think will</p> <p>13 work with Staff if they think that there needs to be</p> <p>14 additional. We do have the ability to come up with some</p> <p>15 other arrangements if we need to. But I don't know if it's</p> <p>16 needed until we really were down into the details of this.</p> <p>17 LYNN A. ROBESON: Until you know what the uses are</p> <p>18 going to be there. Okay. Thank you. Anyone else? This is</p> <p>19 your last chance to take a shot at Mr. Sloan.</p> <p>20 MALE VOICE: About parking?</p> <p>21 LYNN A. ROBESON: Or-</p> <p>22 MR. SLOAN: Or any reason.</p> <p>23 LYNN A. ROBESON: Well, we do have to- Yes.</p> <p>24 DAN SELLMAN: Repeat my name again? This is Dan</p> <p>25 Sellman, 17511 in Ashton, Maryland.</p> | <p>353</p> <p>1 LYNN A. ROBESON: I see. Okay.</p> <p>2 DAN SELLMAN: So I found that a little strange. I</p> <p>3 don't know if I feel comfortable with that arrangement. If</p> <p>4 it was- The townhouses were behind the restaurant it would</p> <p>5 make more sense, but the townhouses- The restaurant is</p> <p>6 asking- The developer is asking the church to let them, to</p> <p>7 let the restaurant consumers use the parking.</p> <p>8 LYNN A. ROBESON: I understand. I'm not sure the</p> <p>9 developer here is doing that right now. I think because</p> <p>10 they don't know what the uses are that are going to be in</p> <p>11 that building. If I am correct.</p> <p>12 FRANCOISE CARRIER: Mr. Sloan, did you mentioned the</p> <p>13 possibility of using parking spaces at a church or at an</p> <p>14 office building that the same developer owns?</p> <p>15 MR. SLOAN: Yeah. I'm looking at the aerial now, the</p> <p>16 church is actually further down-</p> <p>17 LYNN A. ROBESON: What exhibit is that? Do you have a</p> <p>18 number?</p> <p>19 MR. SLOAN: It's 11. Exhibit 11, the aerial map. The</p> <p>20 church is further south of the property. There is an</p> <p>21 existing office building that is directly abutting our</p> <p>22 property in between the townhouses, the restaurant area,</p> <p>23 and the church. This is the parking that is under the</p> <p>24 applicant's control.</p> <p>25 LYNN A. ROBESON: When you say this is-</p> |
| <p>352</p> <p>1 LYNN A. ROBESON: Okay. I need you to- I don't think I</p> <p>2 swore you in last time. Can you raise your right hand? Do</p> <p>3 you solemnly affirm under penalties of perjury that the</p> <p>4 statements you're about to make our the truth, the whole</p> <p>5 truth, and nothing but the truth?</p> <p>6 DAN SELLMAN: I do.</p> <p>7 LYNN A. ROBESON: Thank you.</p> <p>8 DAN SELLMAN: So I find it a little unusual that a</p> <p>9 developer is asking a church on New Hampshire Avenue to</p> <p>10 allow a restaurant customer to use their- To park behind</p> <p>11 the restaurant if the restaurant is full, parking is full.</p> <p>12 That's just a little strange. That has happened. It's nice</p> <p>13 of the church to allow that, but it just seems a little</p> <p>14 strange. Is that appropriate?</p> <p>15 FRANCOISE CARRIER: It's not a church.</p> <p>16 LYNN A. ROBESON: Wait, just a second. Are you</p> <p>17 referring to a particular situation in the neighborhood?</p> <p>18 DAN SELLMAN: Yes.</p> <p>19 LYNN A. ROBESON: Or are you referring to that's what</p> <p>20 this property is going to do?</p> <p>21 DAN SELLMAN: Specifically the restaurants on Porter</p> <p>22 that you mentioned early this morning that if the parking</p> <p>23 was full behind the restaurant on Porter Road, if</p> <p>24 everything was full that you might- The church might allow</p> <p>25 for some overfill parking.</p> | <p>354</p> <p>1 MR. SLOAN: It's surrounding the office building</p> <p>2 directly abutting, not the church property.</p> <p>3 DAN SELLMAN: Excuse me if I must understood it. I</p> <p>4 thought I heard you might be using the church parking, and</p> <p>5 so it's okay. Thank you.</p> <p>6 LYNN A. ROBESON: No, that's fine. Thank you. Anyone</p> <p>7 else?</p> <p>8 WALT FENNELL: Yeah. I'm sorry, Mr. Sloan. How would</p> <p>9 they get from the townhouse over to that parking lot to-</p> <p>10 for use purposes?</p> <p>11 MR. SLOAN: Well, they don't have the best sidewalk</p> <p>12 across the gas station that's true. So we had looked at</p> <p>13 whether or not we can do some kind of steps or path down</p> <p>14 here. Those are, until we do a detailed grading plan, I'm</p> <p>15 not sure.</p> <p>16 WALT FENNELL: okay. So it wouldn't mean that they</p> <p>17 would, okay. Drive into the townhouse area see that</p> <p>18 everything is full, I don't have anywhere to park, so it's</p> <p>19 not that there's going to be some type of road or something</p> <p>20 that connects that.</p> <p>21 MR. SLOAN: Right. Right.</p> <p>22 WALT FENNELL: Okay, I've got to go back out, go back</p> <p>23 out on the street onto 108, make a right-hand turn, make a</p> <p>24 right-hand turn onto New Hampshire and then turn into that</p> <p>25 office parking lot. Sort of know that that's what they're</p> |

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| <p>355</p> <p>1 supposed to be doing, and then, you said, there'll be some 2 type of walkway or something that, you know, presumably so 3 they're not falling down in the middle of the woods there 4 getting back to the townhomes. 5 MR. SLOAN: Correct. Yeah. On one of those folks that 6 lives in a townhome and when I have people over I have to 7 tell them where to park. 8 WALT FENNELL: Right. 9 MR. SLOAN: Because it is appropriate. 10 WALT FENNELL: Right, because the County only says two 11 parking spaces for a townhome and not thinking anybody's 12 ever going to invite somebody over to their house. Okay. 13 LYNN A. ROBESON: Okay. That got beyond a question, 14 but okay. 15 WALT FENNELL: Sorry. 16 LYNN A. ROBESON: Let me just- 17 WALT FENNELL: I'll retract it. 18 LYNN A. ROBESON: No, you don't have to. Let me just 19 say some of these issues stay tuned because this is the 20 first of three approvals this developer has to go through. 21 All right. This is- We have certain things that we look at 22 here. Then the plan becomes more detailed at these two 23 other approvals. So I think- Well, I hope that the 24 developer would notify everyone that's testified here what, 25 when he files for the other two approvals. Because that's</p> | <p>357</p> <p>1 would produce close to the same residential yield but none 2 of the commercial uses that the Master Plan calls for. 3 Regarding traffic, I appreciate the anecdotal testimony 4 about traffic congestion, but there is no evidence that the 5 proposed development will make a noticeable difference in 6 those conditions, and that there has been ample expert 7 evidence that there will not be a significant difference, 8 even if you include the proposed mixed-use building. The 9 applicant submitted two revised plans to respond to 10 environmental concerns, both of them completely protect the 11 most important area of the stream valley buffer on the west 12 side of Porter Road. We believe that the urban design 13 benefits of Plan A and the ability to better meet the 14 Master Plan goals for the Village Center outweigh the 15 modest encroachment into the stream valley buffer on the 16 east side of Porter Road. And so we very much hope that you 17 will recommend approval of the requested rezoning with 18 floating zone Plan A. 19 LYNN A. ROBESON: All right. Thank you. Would you like 20 to make a closing statement? 21 WALT FENNELL: I would appreciate the opportunity. 22 LYNN A. ROBESON: Come on up. 23 WALT FENNELL: On Page 31 of the current Master Plan 24 there is a specific bullet point that talks about 25 encouraging the land use mix of stores and homes by</p> |
| <p>356</p> <p>1 when they're going to get down to the nitty gritty of 2 access and things like that, if, if the Council approves 3 it. Which I don't- You know that is I don't know. All 4 right. So, with that is there anyone else? Okay, seeing 5 none- 6 FRANCOISE CARRIER: May I have the opportunity for a 7 very brief closing statement? 8 LYNN A. ROBESON: Yes. 9 FRANCOISE CARRIER: Now? 10 LYNN A. ROBESON: Yes. Yeah. 11 FRANCOISE CARRIER: Okay. Just a couple of points to 12 some up. The Master Plan vision for the village center 13 really requires two things. It requires commercial uses two 14 meet the daily needs of the community and also residents to 15 support those uses. The fundamental recommendation for the 16 Ashton Village Center was for moderate to low density, and 17 as Mr. Sloan said, under the zoning code today have those 18 terms pretty specifically defined. In the townhouse context 19 low density is 9 dwelling units per acre and medium is 12. 20 So we are right in there at low to moderate density. Also, 21 on the current zoning, you know, the applicant could build 22 11 dwelling units on the area for which rezoning is 23 currently requested. Five single-family detached and six 24 townhouses, and another six townhouses on the property that 25 was formerly occupied by Sole D'Italia. You know, that</p> | <p>358</p> <p>1 maintaining existing mix of commercial and residential 2 zoning within the village centers. It does not talk about 3 changing the existing mix of commercial and residential 4 zoning. On Page 38, maintain the existing scale of Ashton 5 Village Center and encourage improvements to its character. 6 We previously heard the paragraph that was just prior to 7 that read. I'd like to read the paragraph just after that. 8 This plan confirms the 199- the 1980 plan land use 9 recommendations and the existing zoning patterns in Ashton 10 Village Center, with the following changes that are 11 reflected in Figure 14 and Figure 32. Neither Figure 14, 12 nor Figure 32 recommend changes in zoning for the property 13 under question. To the point that changing the zoning would 14 result in not a measurable increase in potential 15 residential units being built, I would put forward if 16 that's the case then we don't really need to change the 17 zoning. If it's only going to be a matter of a few houses, 18 why change the zoning? If they can put 15, 16 units on the 19 existing zoning as it currently exists, go ahead and do it. 20 Thank you. 21 LYNN A. ROBESON: Thank you. You get the last word. Do 22 you have any follow-up for that? 23 FRANCOISE CARRIER: No. I don't think there's- No. 24 Thank you. 25 LYNN A. ROBESON: Okay. All right. So. How long do you</p> |

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| <p>359</p> <p>1 think- There's a number of plans like the fire access plan, 2 how long do you think it will take you? 3 FRANCOISE CARRIER: Fire access circulation and open 4 space. How long do we need to get those in (crosstalk) 5 LYNN A. ROBESON: For Plan B. For option B. 6 FRANCOISE CARRIER: Plus a revised versions of Plan A 7 and Plan B with the additional (inaudible) element? 8 MR. SLOAN: Friday. 9 FRANCOISE CARRIER: Friday, of this week? 10 LYNN A. ROBESON: Okay. 11 MALE VOICE: I'm glad it's not me that's doing it. 12 LYNN A. ROBESON: Well, we keep the record open for 10 13 calendar days because we don't have the transcript until- 14 that's the County contract. So 10 days. 15 FRANCOISE CARRIER: Well, if the Hearing Examiner is 16 going to allow time for people to respond to what we 17 submit- 18 LYNN A. ROBESON: Yeah. 19 FRANCOISE CARRIER: Then I think we'd like to stick 20 with Friday so that we compress- 21 LYNN A. ROBESON: Okay. 22 FRANCOISE CARRIER: The amount of time. 23 LYNN A. ROBESON: Okay. What I'll do is this. I'll 24 have- Make the applicant's- she's making some revisions to 25 these plans, a binding element and then submitting</p> | <p>361</p> <p>1 my recommendation to the District Council. Everybody who 2 testified today will receive a notification of my decision 3 and it's published on OZAH's website. 4 MALE VOICE: OSA is OS? 5 LYNN A. ROBESON: If you- O-Z-A-H. 6 MALE VOICE: Thank you. 7 LYNN A. ROBESON: If anyone disagrees with my 8 recommendation either the applicant or anyone opposing the 9 application you have the ability to request oral argument 10 before the Board of- Board of Appeals. Before the County 11 Council. All right. And when- We will send you a notice 12 when my recommendation is issued. I think you have 10 days 13 to request oral argument in writing, but there will be 14 instructions on the notice I send you about how to request 15 oral argument if you would like to do that. Okay. So with 16 that- 17 FRANCOISE CARRIER: Ms. Robeson, would you still like 18 us to submit something regarding storm water management or 19 do you feel it was covered during the hearing? 20 LYNN A. ROBESON: Well, is it your position that you 21 can't give an answer until you do engineering? 22 MR. SLOAN: A definitive answer, yes. We will- we can 23 address the preliminary (crosstalk) 24 LYNN A. ROBESON: I mean if you want to- If you could 25 do that I may refer some of this- some of it to Staff.</p> |
| <p>360</p> <p>1 additional, or revised Plan Bs and Plan As to show the fire 2 access and some other requirements. She has to do that. The 3 applicant has to do that by the 15th, which is this Friday. 4 The record would normally close on the 21st. If anyone would 5 like to comment on the revised plans then they would have 6 to submit that by September 20th. All right. Okay. And then- 7 FRANCOISE CARRIER: Excuse me, Ms. Robeson. I assume 8 that we should send an electronic copy of our submissions 9 to everyone who signed up on the sheet? 10 LYNN A. ROBESON: Yes. Let me ask you something. Did 11 everyone who talked today sign up on the signup sheet with 12 your email address? 13 KATHLEEN WHEELER: There was no space, it was full. 14 LYNN A. ROBESON: Okay. Okay. Before you leave, I will 15 get you a second sheet and please sign it up because you're 16 entitled, just a second. You're entitled to get copies of 17 what the applicant is going to submit and you're entitled 18 to get notice when the, my recommendation is issued. Okay. 19 So please don't leave until you sign that up. Write your 20 name and address clearly and your email address. That's the 21 easiest way for us to get all this information. And then 22 the applicant will make- will email you copies of the 23 revised plans and you can email in any comments that you 24 have. All right. Okay. With that a word about the process 25 after. I have 40 days, 45 days from September 21st to write</p> | <p>362</p> <p>1 FRANCOISE CARRIER: We can give whatever preliminary 2 answer we can give. 3 LYNN A. ROBESON: Well, why don't you do that but- 4 Okay. Why don't you do that by the 15th. And I'll ask- 5 FRANCOISE CARRIER: Yeah. 6 LYNN A. ROBESON: Ask Staff if they can- Staff and 7 everybody here can send back comments by the 20th. All 8 right. All right. With that, I'm going to adjourn the 9 hearing. I'll look forward to revised plans and storm water 10 management information and then any comments that you want 11 to submit. And thank you all for spending so much time 12 today. And I'm going to adjourn this hearing. Okay. 13 FRANCOISE CARRIER: Thank you. 14 (Off the record at 4:20 p.m.) 15 16 17 18 19 20 21 22 23 24 25</p> |


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CERTIFICATE OF TRANSCRIBER

I, MOLLY BUGHER, 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.



Molly Bugher

DATE: September 20, 2017