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# Transcript of Hearing

**Date:** January 23, 2017

**Case:** Friends House, In Re:

**Planet Depos**

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2 ON BEHALF OF FRIENDS HOUSE:	2
3 JODY S. KLINE, ESQUIRE	3 LYNN A. ROBESON: Alright, I'm calling the case, this
4 LAW OFFICES OF MILLER, MILLER & CANBY	4 is Public Hearing in the Application of Friends House,
5 200-B Monroe Street	5 Inc., requesting the modification of two special exceptions
6 Rockville, Maryland 20850	6 for housing and related facilities for senior adults and
7 (301) 762-5212	7 persons with disabilities and for a domiciliary care home
8	8 for property consisting of approximately 60 acres in the
9	9 RA-2 zone, located at 17340 Quaker Lane, Sandy Spring,
10	10 Maryland. Umm, is there anyone here, well let me, can the
11	11 parties identify themselves for the record?
12	12 JODY S. KLINE, ESQ: Good morning. My name is Jody
13	13 Kline. I'm an attorney at the law firm Miller, Miller,
14	14 Canby with offices at 200B Monroe Street here in Rockville.
15	15 I'm the attorney for the petitioner, Friends House Inc.
16	16 Umm, we have, I believe by last recollection, eight
17	17 witnesses to call.
18	18 LYNN A. ROBESON: Okay. Umm, is there anyone here
19	19 that is not going to be called by Mr. Kline? I know Mr.,
20	20 Can you please come forward and identify yourself for the
21	21 record?
22	22 THOMAS J. SNIDER: Yes, my name is Thomas J. Snider,
23	23 umm, address is 17201 Norwood Rd, Sandy Spring, Maryland.
24	24 I am the adjacent property owner.
25	25 LYNN A. ROBESON: Okay. Thank you, Mr. Snider. Now,

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2 (5 to 8)

5	<p>1 let me just go through, you can, you are welcome to stay up</p> <p>2 there because you do have the right to ask questions of Mr.</p> <p>3 Kline's witnesses. And you have the right to present of</p> <p>4 course, your own testimony.</p> <p>5 THOMAS J. SNIDER: Okay, thank you.</p> <p>6 LYNN A. ROBESON: Umm, just for Mr. Snider's benefit,</p> <p>7 my name is Lynn Robeson and I'm the hearing examiner in</p> <p>8 this case. In this case, umm, it's a little complicated</p> <p>9 because there's some questions about which zoning ordinance</p> <p>10 applies. Umm, but, assuming that the old zoning ordinance</p> <p>11 applies, umm, that, umm, that my, what I do is make a</p> <p>12 report and recommendation to the Board of Appeals. The</p> <p>13 Board of Appeals, you have, any party that disagrees with</p> <p>14 my decision has the right to request oral argument before</p> <p>15 the Board of Appeals with 10 days of the date of my report.</p> <p>16 The Board of Appeals cannot take new testimony. So</p> <p>17 whatever you want to say, you have to say here. Alright?</p> <p>18 Umm, Mr. Kline, did you put the affidavit posting in the</p> <p>19 record?</p> <p>20 JODY D. KLINE, ESQ: Umm, I believe saw Mrs. Forbes</p> <p>21 put it up there.</p> <p>22 LYNN A. ROBESON: Umm, it is here.</p> <p>23 JODY D. KLINE, ESQ: Exhibit 77.</p> <p>24 LYNN A. ROBESON: Okay. Exhibit 77. Alright. Now,</p> <p>25 umm</p>	7	<p>1 will be here most of the day. So, what I'll do is I've</p> <p>2 reorganized our presentation. We'll start with Mr.</p> <p>3 Harrington to kind of get a little of the operational</p> <p>4 history and at the point in time when Mr. Whipple will</p> <p>5 rise; I'll sort of suspend the logical progression of our</p> <p>6 case. Call a couple of witness to give you some foundation</p> <p>7 with the historic preservation issues that Mr. Snider is</p> <p>8 concerned about. And I'll take care of all of that so he</p> <p>9 can leave when he needs to leave.</p> <p>10 LYNN A. ROBESON: Okay. Alright, any other</p> <p>11 preliminary matters? Seeing none, hearing none, umm, the</p> <p>12 order of presentation, Mr. Snider, for your benefit, is</p> <p>13 that each side gets to make an opening statement. It's not</p> <p>14 testimony. It's just what you're going to prove. But you</p> <p>15 will get a chance to testify. Umm, then the typical order</p> <p>16 is, the applicant puts on its witnesses. We're going to go</p> <p>17 out of order to take Mr. Whipple. Then you get to testify.</p> <p>18 If you need to leave early, then we'll take your testimony,</p> <p>19 umm, before Mr. Kline has finished his case. You do have</p> <p>20 the right to cross examine and ask questions of umm, Mr.</p> <p>21 Kline's witnesses. Okay?</p> <p>22 SNIDER: Yes.</p> <p>23 LYNN A. ROBESON: When you ask questions on cross</p> <p>24 examination, umm, they're only questions. It's not a time</p> <p>25 to testify. Your time will be whenever you, umm, feel like</p>
6	<p>1 JODY S. KLINE ESQ: Could I make two comments please</p> <p>2 on your comments?</p> <p>3 LYNN A. ROBESON: Sure.</p> <p>4 JODY S. KLINE ESQ: Just for a second. Umm, one, umm,</p> <p>5 your comment about the, what is the applicable zoning</p> <p>6 ordinance; we're prepared to put on our case under both to</p> <p>7 show conformance with the standards of both ordinances.</p> <p>8 So, we'll do the old ordinance first, but then we'll go</p> <p>9 through all the development standards of the new ordinance</p> <p>10 and demonstrate how we satisfy all those requirements also.</p> <p>11 Umm, I had hoped that the County Council was going to act</p> <p>12 on a zoning ordinance text that might provide some clarity</p> <p>13 before today's hearing.</p> <p>14 LYNN A. ROBESON: Yes, we had all hoped that.</p> <p>15 JODY S. KLINE ESQ: But it didn't work out that way.</p> <p>16 LYNN A. ROBESON: But that's okay.</p> <p>17 JODY S. KLINE ESQ: So to cover ourselves, we're going</p> <p>18 to present both sides, both aspects of the case.</p> <p>19 LYNN A. ROBESON: Okay. Thank you.</p> <p>20 JODY S. KLINE ESQ: And then secondly, umm, you're</p> <p>21 aware that I did ask for Mr. Whipple from Park and Planning</p> <p>22 to testify.</p> <p>23 LYNN A. ROBESON: Yes</p> <p>24 JODY S. KLINE ESQ: And in order, I understand that</p> <p>25 Mr. Snider cannot stay all day, which, and I think that we</p>	8	<p>1 you need to do it. Okay?</p> <p>2 SNIDER: Yes Ma'am</p> <p>3 LYNN A. ROBESON: Alright.</p> <p>4 JODY S. KLINE ESQ: Umm, one last questions. I know</p> <p>5 we're up to Exhibit 71 but the exhibit list that was</p> <p>6 outside only was through 71. And I think probably that's</p> <p>7 because I filed resumes late Friday afternoon. They</p> <p>8 couldn't get in here in time. I would want to know, did</p> <p>9 you ever receive the planning board resolution.</p> <p>10 LYNN A. ROBESON: No.</p> <p>11 JODY S. KLINE ESQ: On the, you did not. I was told</p> <p>12 it was supposed to be here by Wednesday of this week, umm,</p> <p>13 LYNN A. ROBESON: No. In fact I talked to staff, umm,</p> <p>14 yesterday and they were supposed to figure out what</p> <p>15 happened and I haven't heard a thing.</p> <p>16 JODY S. KLINE ESQ: Well, I would ask at the</p> <p>17 conclusion of the hearing today we leave the record open at</p> <p>18 least to receive that document.</p> <p>19 LYNN A. ROBESON: Yes. And the other, my question to</p> <p>20 you is before, just so I know where we are and what site</p> <p>21 plan we have in front of us. Do you have the site plan</p> <p>22 showing the umm, pathway connecting umm, Phase 4 to the</p> <p>23 Main Campus?</p> <p>24 JODY S. KLINE ESQ: Let me just verify this, but Mr.</p> <p>25 Sekerak, would that be the Revised Campus Master Plan?</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 JOHN SEKERAK: Yes it would.</p> <p>2 JODY S. KLINE ESQ: Okay, so.</p> <p>3 LYNN A. ROBESON: And that would be Exhibit what?</p> <p>4 JODY S. KLINE ESQ: Exhibit 64A.</p> <p>5 LYNN A. ROBESON: Okay. Now the other thing, if you</p> <p>6 haven't already done so. What I am going to ask you to do</p> <p>7 at the, if we leave the record open, which we have to</p> <p>8 because I can't make a decision under the law until I have</p> <p>9 an approved preliminary Forrest Conservation Plan or final</p> <p>10 Forrest Conservation Plan. So, umm, I'm going to ask you,</p> <p>11 if you haven't done so already to give me a list of exactly</p> <p>12 what lighting plan, and what landscape plan, what site</p> <p>13 plans are current.</p> <p>14 JODY S. KLINE ESQ: Okay. Now, now we,</p> <p>15 LYNN A. ROBESON: Because it's, what I've found is when</p> <p>16 there's a lot of revisions, it's very difficult to go back</p> <p>17 and try to piece together. So,</p> <p>18 JODY S. KLINE ESQ: We, we did meet earlier this</p> <p>19 morning in preparation. We've identified all the exhibits</p> <p>20 to answer your question. Yes. We'll have that.</p> <p>21 LYNN A. ROBESON: Thank you. Thank you very much.</p> <p>22 JODY S. KLINE ESQ: And given as you can tell by the</p> <p>23 scope of this case knowing how much time you've been</p> <p>24 reading it. And we ask, if we were able to close, right,</p> <p>25 it would be a miracle if we were able to close the record.</p>	<p style="text-align: right;">11</p> <p>1 JODY S. KLINE ESQ: Mr. Kevin Harrington, please come</p> <p>2 up.</p> <p>3 LYNN A. ROBESON: Mr. Harrington.</p> <p>4 KEVIN HARRINGTON: Yes.</p> <p>5 LYNN A. ROBESON: Please raise your right hand. Do</p> <p>6 you solemnly affirm under penalties of perjury that the</p> <p>7 statements that you're about to make are the truth, the</p> <p>8 whole truth and nothing but the truth.</p> <p>9 KEVIN HARRINGTON: I do.</p> <p>10 LYNN A. ROBESON: Go ahead Mr. Kline.</p> <p>11 JODY S. KLINE ESQ: Mr. Harrington, would you just</p> <p>12 state and spell your name just to make sure we have all</p> <p>13 straight on the record?</p> <p>14 KEVIN HARRINGTON: Kevin Harrington. Kevin, K-e-v-i-</p> <p>15 n. Harrington, H-a-r-r-i-n-g-t-o-n.</p> <p>16 JODY S. KLINE ESQ: And Mr. Harrington, what is your</p> <p>17 job title? What is your,</p> <p>18 LYNN A. ROBESON: He needs his address too.</p> <p>19 JODY S. KLINE ESQ: Oh, I'm sorry. Yes.</p> <p>20 KEVIN HARRINGTON: Business address?</p> <p>21 LYNN A. ROBESON: Yes, that's fine.</p> <p>22 KEVIN HARRINGTON: 17340 Quaker Lane, Sandy Spring,</p> <p>23 Maryland. Zip code 20860.</p> <p>24 JODY S. KLINE ESQ: That address would suggest you</p> <p>25 live on the grounds of Friends House. Is that correct?</p>
<p style="text-align: right;">10</p> <p>1 You still do need something at the conclusion of the</p> <p>2 presentation today.</p> <p>3 LYNN A. ROBESON: Okay. Thank you very much. So with</p> <p>4 that we have a lot of witnesses. And I don't want to rain</p> <p>5 on you eloquent parade, Mr. Kline. But do you have an</p> <p>6 opening statement and, and</p> <p>7 JODY S. KLINE ESQ: I do not have an opening</p> <p>8 statement. I, I know how much you've reviewed the record</p> <p>9 already. I don't feel I need to advise you of anything.</p> <p>10 LYNN A. ROBESON: Flattery will get you everywhere.</p> <p>11 Umm,</p> <p>12 JODY S. KLINE ESQ: So, no, I, I know you know what</p> <p>13 the case is about. We have no opening statement.</p> <p>14 LYNN A. ROBESON: Okay. Thank you. With that, do you</p> <p>15 want to call your, and I don't know what Mr. Whipple looks</p> <p>16 like so I assume that somebody is going to tell me when he</p> <p>17 arrives.</p> <p>18 JODY S. KLINE ESQ: I, I'll,</p> <p>19 LYNN A. ROBESON: I've actually known him in a</p> <p>20 previous, communicated with him in a previous life. But</p> <p>21 I've never met him.</p> <p>22 JODY S. KLINE ESQ: Sure. Well, we'll monitor it when</p> <p>23 he arrives, we'll pick it up.</p> <p>24 LYNN A. ROBESON: Thank you. Okay. Why don't you</p> <p>25 call your first witness?</p>	<p style="text-align: right;">12</p> <p>1 KEVIN HARRINGTON: No, I don't.</p> <p>2 JODY S. KLINE ESQ: Okay. Umm, how about giving us</p> <p>3 your job title and your job function so the Hearing</p> <p>4 Examiner understands your relationship with the applicant.</p> <p>5 KEVIN HARRINGTON: Okay. I'm the executive director</p> <p>6 of Friends House. To function as the executive director,</p> <p>7 I'm responsible and accountable to the board for the</p> <p>8 general management of the business and operations of the</p> <p>9 community. The accountabilities include but are not</p> <p>10 necessarily limited to coordinating the activities for all</p> <p>11 departments to achieve efficiencies in effective operation</p> <p>12 to ensure continuous coverage for emergencies, reporting</p> <p>13 regularly to the boards regarding the overall operations,</p> <p>14 keeping abreast of significant undertakings and trends in</p> <p>15 the fields of senior living, informing boards of the latest</p> <p>16 thinking in the field, instilling the department heads and</p> <p>17 total staff with the policies, philosophies and spirits of</p> <p>18 service established by the board. Representing the</p> <p>19 community in public as needed and the opportunities present</p> <p>20 themselves, nurturing the sense of the community by working</p> <p>21 constructively with the residence and other stake holders,</p> <p>22 providing advice and counsel to the boards in their long</p> <p>23 range planning and development efforts. Sharing sound</p> <p>24 fiscal management, complying with applicable laws,</p> <p>25 overseeing the maintenance of the physical plant and</p>

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4 (13 to 16)

13	<p>1 grounds. Responsible for the employees, including</p> <p>2 training, supervising and evaluating personnel. Overseeing</p> <p>3 fund raising activities, abiding to the standards and</p> <p>4 practice as set forth by Corporate and Client Code of</p> <p>5 Conduct, and other duties as required.</p> <p>6 LYNN A. ROBESON: Thank you.</p> <p>7 JODY S. KLINE ESQ: So, a fairly hefty load. What was</p> <p>8 your role in the planning and the assembly of this</p> <p>9 application? Just a general statement.</p> <p>10 KEVIN HARRINGTON: Umm, well we went through a number</p> <p>11 of different things. We, the community is 50 years old and</p> <p>12 we brought in an outside consultant to give us a, a state</p> <p>13 of the union on the physical plant of the community. And</p> <p>14 from there umm, umm, we engaged a company to help us to do</p> <p>15 strategic planning. And then from there we hired and</p> <p>16 engaged another company to help us with planning and</p> <p>17 finding how to redevelop the community itself. And from</p> <p>18 there we hired architects, civil engineers, umm, went into</p> <p>19 looking for partnerships for affordable housing. And all</p> <p>20 along the line, I was very actively involved in all these</p> <p>21 aspects along with finding general council to help us with</p> <p>22 our land usage.</p> <p>23 JODY S. KLINE ESQ: How long have you been associated</p> <p>24 with Friends House?</p> <p>25 KEVIN HARRINGTON: I've been, a little over seven</p>	15	<p>1 amendments. That basically says ten days after approval of</p> <p>2 the special exception we would have to record those.</p> <p>3 LYNN A. ROBESON: Did you get this to Mr. Snider?</p> <p>4 JODY S. KLINE ESQ: I've got a copy of this for him,</p> <p>5 yes. Because it just doesn't make sense for us to put</p> <p>6 something in the land records if we don't have the approval</p> <p>7 on the maps. So, I'd ask that condition number eight when</p> <p>8 we get to eight, condition number eight be modified umm, to</p> <p>9 handle it that. And then I also have the condition number</p> <p>10 ten has been satisfied already. So, we're obviously agreed</p> <p>11 to that.</p> <p>12 LYNN A. ROBESON: Where's, what's condition?</p> <p>13 JODY S. KLINE ESQ: Condition number ten is the</p> <p>14 landscaping amendment.</p> <p>15 LYNN A. ROBESON: Oh, I see.</p> <p>16 JODY S. KLINE ESQ: And when we get to that part of</p> <p>17 the presentation the specifics will be explained.</p> <p>18 LYNN A. ROBESON: And then you're going to get into</p> <p>19 condition number six later?</p> <p>20 JODY S. KLINE ESQ: Yes, it flows a little better in</p> <p>21 the case then.</p> <p>22 LYNN A. ROBESON: Okay</p> <p>23 JODY S. KLINE ESQ: And based on that long list of</p> <p>24 responsibility, I can interrupt my own flow, umm, the</p> <p>25 witness that you asked about, Mr. Whipple has arrived.</p>
14	<p>1 years with Friends House.</p> <p>2 JODY S. KLINE ESQ: Umm, and are you in a position to</p> <p>3 confirm that umm, Friends House does intend to be bound by</p> <p>4 the testimony as it's presented here today?</p> <p>5 KEVIN HARRINGTON: Yes I am.</p> <p>6 JODY S. KLINE ESQ: Okay. Umm, there are conditions</p> <p>7 that are in the staff report and, but for the ones I'm</p> <p>8 going to ask you specific questions about. Are all those</p> <p>9 conditions acceptable to the applicant?</p> <p>10 KEVIN HARRINGTON: Yes they are.</p> <p>11 JODY S. KLINE ESQ: In particular, the ones I wanted</p> <p>12 to ask you about, umm, condition number six is that, umm,</p> <p>13 you'll, umm, provide an explanation as to why Friends House</p> <p>14 is entitled to an exemption under the Fair Housing Act.</p> <p>15 Can I just reserve that to, to that at a later point in</p> <p>16 time?</p> <p>17 KEVIN HARRINGTON: Yes.</p> <p>18 JODY S. KLINE ESQ: Umm, umm, note number eight says</p> <p>19 that prior to the approval of the special exception, the</p> <p>20 applicant must record covenants on the property. Umm,</p> <p>21 maybe this works better if I just explain my problem with</p> <p>22 this. Umm, we don't want to record covenants in the land</p> <p>23 records before we have the special exception. What I have</p> <p>24 done is I have written up an alternative condition cape,</p> <p>25 sort of plagiarizing what we do in development plan</p>	16	<p>1 LYNN A. ROBESON: Okay.</p> <p>2 JODY S. KLINE ESQ: I'd a, for his, what I would like</p> <p>3 to do is I'd like to complete the testimony umm, of Mr.</p> <p>4 Harrington, if that's okay.</p> <p>5 LYNN A. ROBESON: Okay, its 10:00 so I do think we</p> <p>6 have time and a then we can go into the, a Mr. Whipple's</p> <p>7 testimony.</p> <p>8 JODY S. KLINE ESQ: Well, well, well, let me, let me,</p> <p>9 tell you what I'd like to do.</p> <p>10 LYNN A. ROBESON: Oh, what you would like to do?</p> <p>11 JODY S. KLINE ESQ: And then you tell me. How much,</p> <p>12 LYNN A. ROBESON: If I want to do it. Okay, right.</p> <p>13 JODY S. KLINE ESQ: Okay, right, the record, right.</p> <p>14 Umm, I don't think that umm, well let me rephrase that.</p> <p>15 I'd like you to have a foundation of the understanding of</p> <p>16 the layout that's shown on the plans before we get into the</p> <p>17 specifics of Mr. Snider's comments. So umm,</p> <p>18 LYNN A. ROBESON: Well, I haven't heard Mr. Snider's</p> <p>19 comments, I've seen them but,</p> <p>20 JODY S. KLINE ESQ: Okay, sure.</p> <p>21 LYNN A. ROBESON: Go ahead. So you want to get into</p> <p>22 what?</p> <p>23 JODY S. KLINE ESQ: I'd like you to understand a little</p> <p>24 bit about why the layout is why the layout is. And</p> <p>25 logically, it, I can start with Mr. Harrington but it's</p>

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5 (17 to 20)

<p>17</p> <p>1 going to take another 30 minutes to finish. Maybe its best 2 if I just suspend him, call two witnesses to give you an 3 overview of the layout of the plans and that leads us to 4 the discussion. 5 LYNN A. ROBESON: Okay, what is Mr. Harrington going 6 to testify to? 7 JODY S. KLINE ESQ: All the operational and 8 LYNN A. ROBESON: All the operational. 9 JODY S. KLINE ESQ: All the operational and there's a 10 lot operational, the growth, the plans, the phasing. It 11 would take an hour. 12 LYNN A. ROBESON: Okay, I do think we should suspend 13 him. 14 JODY S. KLINE ESQ: I agree. 15 LYNN A. ROBESON: If you want to call your background 16 witness on the case, unless Mr. Snider, do you want to have 17 a say in this. Do you want to hear the operations first? 18 MR. SNIDER: Umm, 19 LYNN A. ROBESON: He, he's, Mr. Kline is saying it's 20 going to take a half hour to hear the operations. And 21 then, Mr. Kline is, wants to put a background witness on to 22 explain why the lay out is the way it is. And then, I 23 assume we're going to hear from Mr. Whipple. 24 MR. SNIDER: Umm, I was going to get to this through 25 questions, but we can cut straight through it. Last Friday</p>	<p>19</p> <p>1 MR. SNIDER: I do. 2 LYNN A. ROBESON: Okay. Thank you. Go ahead. 3 MR. SNIDER: As a consequence that we had an extended 4 conversation in which, I think I don't have, I don't plan 5 to put words in the mouth. What he was going to be 6 testifying, we actually discussed. 7 LYNN A. ROBESON: Okay. 8 MR. SNIDER: So, I'm actually very comfortable with 9 what the intent and purpose of the layout, why they have 10 the number of buildings. We have a good business 11 discussion about that, my interpretation. So as a 12 consequence, I'm very comfortable with going out of order 13 on this. 14 LYNN A. ROBESON: Okay. 15 MR. SNIDER: I appreciate what you are trying to do. 16 I think it makes a lot of sense. So, that's fine. 17 LYNN A. ROBESON: Okay. So, Mr. Kline, what I'm 18 hearing with the consensus of all the parties is that we 19 take your next witness Mr. Sekerak? 20 JODY S. KLINE ESQ: Mr. Sekerak will testify. 21 LYNN A. ROBESON: I always get that name wrong. 22 JODY S. KLINE ESQ: Yes umm. 23 LYNN A. ROBESON: Mr. Sekerak. 24 JODY S. KLINE ESQ: And before Mr. Harrington leaves, 25 I would ask that, was there anything that you, I was going</p>
<p>18</p> <p>1 on the 20th, umm, my wife and I actually sat down with a, 2 Mr. Harrington and another representative from the Friends 3 House. And actually had a very, in my characterization, a 4 very candid, constructive conversation about sort of where 5 they were going, what the logic is and things of that sort. 6 LYNN A. ROBESON: Okay, let me, if we're going to do 7 this out of an abundance of caution. 8 MR. SNIDER: Yes. 9 LYNN A. ROBESON: Since you are testifying. 10 MR. SNIDER: Yes. 11 LYNN A. ROBESON: So, let me do this. 12 MR. SNIDER: Right. 13 LYNN A. ROBESON: Let me put you under oath. 14 MR. SNIDER: Okay. 15 LYNN A. ROBESON: Umm, if, could you raise your right 16 hand? 17 MR. SNIDER: Yes. 18 LYNN A. ROBESON: Do you solemnly affirm under 19 penalties of prudery that the statements that you're about 20 to make are the truth, the whole truth and nothing but the 21 truth. 22 MR. SNIDER: I do. 23 LYNN A. ROBESON: Thank you. And continue. And umm, 24 now that you're under oath, do you reaffirm the statements 25 you just made?</p>	<p>20</p> <p>1 to say wait until the speech that you just heard. So, I 2 want to say. Was there anything about the meeting with the 3 Sniders last week as part of your outreach effort that you 4 want to amplify on? Or supplement? 5 JOHN SEBERAK, JR: I think we're good. 6 JODY S. KLINE ESQ: That's great. 7 LYNN A. ROBESON: Okay. Thank you. 8 JODY S. KLINE ESQ: My next witness would be Mr. John 9 Sekerak. 10 LYNN A. ROBESON: Mr. Sekerak, after you put that on 11 the stand, do you, do you solemn-, do you, you're raising 12 your right hand for the record. Do you solemnly affirm 13 under penalties of perjury that the statements that you are 14 about to make are the truth, the whole truth and nothing 15 but the truth? 16 JOHN SEKERAK, JR: I do. 17 LYNN A. ROBESON: Okay, go ahead. 18 JODY S. KLINE ESQ: Mr. Sekerak, umm, you heard my, 19 LYNN A. ROBESON: He needs his business address. 20 Whatever address he wants to give. 21 JOHN SEKERAK, JR: Good morning. My name is John 22 Sekerak, S-e-k-e-r-a-k. I'm a land use planner landscape 23 architect for Stantech offices at 20440 Suite 240, in 24 Germantown, MD. 25 JODY S. KLINE ESQ: Now, Mr. Sekerak, can you, have</p>

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21	1 you ever qualified, as before the hearings or as an expert 2 in land use planning and landscape architecture? 3 JOHN SEKERAK, JR: Yes, I have, many times. 4 JODY S. KLINE ESQ: Umm, you have Mr. Sekerak's 5 resume. I provided a copy to Mr. Snider. 6 LYNN A. ROBESON: Yes, I assumed that you're still 7 licensed in the state of Maryland? 8 JOHN SEKERAK, JR: Yes, I am. 9 LYNN A. ROBESON: Mr. Snider, do you have any reason 10 to believe that Mr. Sekerak is not an expert in land use 11 planning. Umm, how did you want to qualify him? 12 JOHN S. KLINE ESQ: Land use, planning and landscape 13 architecture. 14 LYNN A. ROBESON: Umm, do you have any reason to 15 believe? 16 MR. SNIDER: No. 17 LYNN A. ROBESON: Okay. I'm going to qualify him in, 18 as an expert in landscape planning and landscape 19 architecture. 20 JODY S. KLINE ESQ: Thank you. Mr. Sekerak, umm, 21 going back to my introductory comments, umm, what I would 22 like for you to do is just kind of give the hearing 23 examiner an overview of the, I'll call it the early 24 planning, umm, for this and why we ended up with the plans 25 we've got now. You have boards up here. My understanding	23	1 JODY S. KLINE ESQ: Madame Hearing Examiner. Umm, 2 this was an exhibit that was submitted at the time of the 3 initial filing. But I don't, for some reason see it in 4 here. So, I would ask that this be made an exhibit. Oh, 5 I'm sorry, there it is. 4B, Site Plan Existing Condition. 6 LYNN A. ROBESON: Oh, okay. 7 JODY S. KLINE ESQ: And the third board to the far 8 right is umm, Exhibit 64 already in the record. 9 JOHN SEKERAK JR.: But, umm, well, umm, with the 10 exception of, this is the Campus Master Plan for Special 11 Exception. This has been amended to include to include the 12 natural surface trail that we discussed before the trial. 13 LYNN A. ROBESON: And that was Exhibit 64? It's, it 14 has Exhibit 64? 15 JOHN SEKERAK JR.: Umm, right. I may have prematurely 16 put that out, since, is this one in the record? Umm, it's 17 this one. Is this one in the record? 18 JODY S. KLINE ESQ: Umm, that's, that's what I was 19 going to ask you because Exhibit 64A was dated 12/21/16 and 20 I guess I would have thought that the drawing with the 21 pathway would have been generated after that date. 22 LYNN A. ROBESON: Is there a revision date on that? 23 JOHN SEKERAK JR.: Umm, of this month, although we 24 have formally distributed this out to the, after planning 25 board hearing for the purposes of coordinating the power
22	1 is that the one on the left is a new aerial photograph. 2 So, I would ask that that would be made an exhibit in the 3 record of the case. 4 LYNN A. ROBESON: Okay. How would you, umm, Mr. 5 Snider, do you have any objections? Do you have any reason 6 to believe it's falsified or inaccurate? 7 MR. SNIDER: No. 8 LYNN A. ROBESON: Okay. And how would you 9 characterize this Mr. Kline? 10 JODY S. KLINE ESQ: Umm, just an aerial photograph. 11 Umm, Mr. Sekerak, do you have a, a. 12 JOHN SEKERAK, JR: Umm, it's titled Campus Aerial 13 Exhibit. 14 LYNN A. ROBESON: Okay. And that will be 78. 15 JODY S. KLINE ESQ: And beside that, on a second board, 16 you have an exhibit, which I believe is called, or I recall 17 is called Existing Conditions? 18 JOHN SEKERAK, JR: Yes. Labeled, Existing Conditions 19 Exhibit. And I believe that's already in the record. 20 JODY S. KLINE ESQ: And, I'm looking 21 LYNN A. ROBESON: Exhibit 60, umm 22 JODY S. KLINE ESQ: Actually, it's earlier than that. 23 Umm, 24 LYNN A. ROBESON: I'm looking at the one, okay, go 25 ahead.	24	1 force constitution plan with park planning staff. Umm, I 2 would recommend that since this one has the natural surface 3 trail and a January 2017 revision date on it that we give 4 this a new, umm, a new number on it. 5 LYNN A. ROBESON: Okay, and this would be Exhibit 79. 6 And do you have any objections? What they're trying to do 7 is make sure that we have the most recent version of the 8 Campus Site Plan actually in the record. So umm 9 MR. SNIDER: I would really love to have it in the 10 records since I have so many copies that I'm confused as to 11 which 12 JODY S. KLINE ESQ: You're not alone. 13 LYNN A. ROBESON: You're not alone. I feel your pain. 14 JODY S. KLINE ESQ: But it was, I believe emailed to 15 you. 16 JOHN SEKERAK, JR: I think we do, yep. 17 LYNN A. ROBESON: Okay, so how would you characterize 18 that? What's the revision date? 19 JOHN SEKERAK JR.: January, umm, 2017. 20 LYNN A. ROBESON: So Revised Campus Master Plan 21 JOHN SEKERAK JR.: For Special Exception. 22 LYNN A. ROBESON: Dated, revision date? 23 JOHN SEKERAK JR.: January 2017. 24 LYNN A. ROBESON: Okay. Okay. That would be Exhibit 25 Did you mark seventy? Oh, yes you did. Okay. Thank

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<p>25</p> <p>1 you.</p> <p>2 JODY S. KLINE ESQ: Mr., using the exhibits you got in</p> <p>3 and any others you brought with you today I would just like</p> <p>4 you to give the hearing examiner an overview of the</p> <p>5 planning philosophy and the principles that sort of guided</p> <p>6 the layout of units on the on the, at least for the initial</p> <p>7 application and then we'll talk about the changes that were</p> <p>8 made later on.</p> <p>9 JOHN SEKERAK JR.: Mr. Harrington and Friends House</p> <p>10 umm, contacted umm, our offices at this point, close to</p> <p>11 four years ago but at that point they had already been in a</p> <p>12 very productive charrette process with the community</p> <p>13 residence in terms of the studies that Mr. Harrington had</p> <p>14 already indicated.</p> <p>15 LYNN A. ROBESON: When you say community residence,</p> <p>16 are you talking about the surrounding area or the internal</p> <p>17 community?</p> <p>18 JOHN SEKERAK JR.: No, the umm, Friends House</p> <p>19 retirement community residents. Umm, so there was quite</p> <p>20 already a good evolution of there, based on the, the number</p> <p>21 of studies that Mr. Harrington indicated in the charrette</p> <p>22 process of generally how to make this campus work. Umm,</p> <p>23 we'll go into more detail later but one of the umm, but of</p> <p>24 the sketching was the continuity of residency, didn't want</p> <p>25 to displace residence. Umm, so as, umm, before the</p>	<p>27</p> <p>1 of those exhibits?</p> <p>2 JOHN SEKERAK JR.: Umm, it would be your photo in, in</p> <p>3 the Master, first on the Master Plan. It's rather centrally</p> <p>4 located in this, in the lot at the corner of Norwood and</p> <p>5 Norwood.</p> <p>6 LYNN A. ROBESON: Okay. That's all one lot?</p> <p>7 JOHN SEKERAK, JR: Yes.</p> <p>8 LYNN A. ROBESON: That's a large lot. Okay.</p> <p>9 JOHN SEKERAK, JR: Correct. It's a large lot at the</p> <p>10 intersection of the state highway portion of the Norwood</p> <p>11 Road and County portion of Norwood Road. And the red</p> <p>12 structure that you see generally in the middle.</p> <p>13 LYNN A. ROBESON: In the aerial photograph</p> <p>14 JOHN SEKERAK, JR: In the aerial photograph.</p> <p>15 LYNN A. ROBESON: Which is Exhibit 78.</p> <p>16 JOHN SEKERAK, JR: 78 is, is then (inaudible) House.</p> <p>17 Umm, there are other out buildings on the property but, but</p> <p>18 that's the main house. Umm, you can see that the</p> <p>19 orientation of it is towards the Norwood Road, umm, the</p> <p>20 State Highway portion of the Norwood Road. Umm, the Cotter</p> <p>21 property line between the historic property and the subject</p> <p>22 property is, has, umm, a large amount of existing woodland</p> <p>23 on it umm, to the South and to the East of the umm, of the</p> <p>24 historic house. Umm, the area in front of it has a number</p> <p>25 of landscape elements, the large, the small trees, etc.,</p>
<p>26</p> <p>1 existing structure could be removed, there, we did have</p> <p>2 places in place on site for those people to be able to</p> <p>3 continue to be a residence of the, of the umm, umm, of</p> <p>4 Friends House. Umm, so this is one of those development</p> <p>5 barriers down in the Southwest quadrants was, where we</p> <p>6 would like to put the cottages. The existing community has</p> <p>7 a number of cottages. Again, both those have gone, been</p> <p>8 through their effective life cycle and before those are</p> <p>9 removed we would have the cottages for folks to move in to.</p> <p>10 So the lower density of the, of the umm, proposed</p> <p>11 redevelopment was to occur in this area and get those</p> <p>12 constructed and then as existing cottages are removed,</p> <p>13 there's new cottages in place for those.</p> <p>14 JODY S. KLINE ESQ: And since you have those</p> <p>15 sophisticated laser beam, how about just showing us where</p> <p>16 this Southwest kind of, indefinite, umm,</p> <p>17 JOHN SEKERAK, JR: On the aerial photograph, we, we,</p> <p>18 were talking in this area here. So, I won't go over the</p> <p>19 foundation of the Master Plan as a whole, umm, but it, it's</p> <p>20 over in the Southwest corner and why I'm focusing on that</p> <p>21 is that's within the view shed of the historic structure.</p> <p>22 And on the Campus Master Plan, umm, down in that Southwest</p> <p>23 corner, you can see the location of the umm, the cottages.</p> <p>24 LYNN A. ROBESON: Can you point out where this</p> <p>25 historic structure is on umm, either the Master Plan or one</p>	<p>28</p> <p>1 but umm, umm, it affects the view shed, it doesn't alter</p> <p>2 that view shed. Umm, and, and I'd like for you to kind of</p> <p>3 focus on why, why, why we laid things out the way they're</p> <p>4 laid out.</p> <p>5 JODY S. KLINE ESQ: What were the principles of the</p> <p>6 campus as a whole?</p> <p>7 JOHN SEKERAK, JR: Campus as a whole?</p> <p>8 JODY S. KLINE ESQ: Yes.</p> <p>9 JOHN SEKERAK, JR: Umm, a, again the continuity of</p> <p>10 use. No displacement of the residences. Umm, the higher</p> <p>11 density, so to speak, of the umm, umm, is near the existing</p> <p>12 commons area where there, they have dining and communal</p> <p>13 umm, umm, spaces. And then as you radiate out from there</p> <p>14 we get into the lodges, which will be well described later.</p> <p>15 And further out the cottages, that at this point are</p> <p>16 exclusively duplex cottages. There are four existing duplex</p> <p>17 cottages that will remain. Those have, are, have been</p> <p>18 built, constructed much more recently and they are still</p> <p>19 well within their life so, those will remain. And we have</p> <p>20 a, we're introducing a number of new cottages in that same</p> <p>21 area. In terms of the placement of uses, umm, obviously</p> <p>22 the huge defying element is the Northwest Branch Spring</p> <p>23 Valley, umm, that, that a, the campus enjoys. Umm, the</p> <p>24 existing setbacks from both umm, lanes of Norwood Road are,</p> <p>25 umm, umm, characteristic of, of the umm, of the site and</p>



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<p>29</p> <p>1 it's rural setting as a whole, umm, is what we really want 2 to maintain, is that rural setting of the Friends House 3 Campus. Umm, another unifying element is the internal 4 green area where there's a large pond and the community 5 gardens. So that's the Readers Digest version for umm, the 6 overall campus organization. 7 LYNN A. ROBESON: Okay. 8 JOHN SEKERAK, JR: Back to the umm, the in, I'll focus 9 on the umm, the Southwest quadrant of, the, the, the, I'll 10 be describing a lot of the view shed of the historic 11 (inaudible). Obviously views are able to be seen from the 12 historic house 360 degrees. As you can see from the aerial 13 photograph and as indicated, there's umm, significant 14 woodland along the Southern and Eastern property lines. 15 Umm, the more open areas, umm for the views. 16 LYNN A. ROBESON: Is that woodland qualify as forest? 17 JOHN SEKERAK, JR: Yes. Umm, umm, it is on the 18 adjoining property. We haven't analyzed it. 19 LYNN A. ROBESON: Oh. Okay. 20 JOHN SEKERAK, JR: Just based, based on my experience. 21 LYNN A. ROBESON: Right, I understand. 22 JOHN SEKERAK, JR: It's of a, umm, a woody plant 23 material per acre, size, depth, width. So yes, it would 24 qualify as forest. Umm, so, umm, we had always maintained 25 the significant setback, umm, from Norwood Road, both in</p>	<p>31</p> <p>1 LYNN A. ROBESON: Are they cottages or lodges? 2 JOHN SEKERAK, JR: These are cottages. 3 LYNN A. ROBESON: I've got the wrong picture here. 4 No, I have the right picture. 5 JOHN SEKERAK, JR: I can see what you're looking at. 6 That's, that's labeled lodge. 7 LYNN A. ROBESON: Oh, I was looking at. Well, it's 8 okay. I will figure it out. 9 JOHN SEKERAK, JR: Would you like one of the 10 architectures of the 11 LYNN A. ROBESON: No, lets. No, I, let's go with your 12 testimony and umm, I will find it. I know it's labeled so 13 JOHN SEKERAK, JR: It's 14 LYNN A. ROBESON: I found it. Okay. 15 JOHN SEKERAK, JR: It is a one story 16 LYNN A. ROBESON: I've got it. 17 JOHN SEKERAK, JR: small structure, umm, low profile, 18 umm residential structure. Umm, literally one story. Umm, 19 oh, that, when we eliminated the single cottages and umm, 20 made them all duplex's we were able to umm, pull the units 21 ever further back. Umm, umm, the most significant element 22 is that we brought them back to where they are no closer to 23 the Norwood Road than a, a framed view shed from the front 24 of the historic structure. And that's formed by umm, a 25 distinct woodland edge on, that you can see on the umm,</p>
<p>30</p> <p>1 respect to the historical view shed, historic structure, 2 and because of the recommendation to the Master Plan. 3 LYNN A. ROBESON: How much is that set back? 4 JOHN SEKERAK, JR: It is now 300 feet umm, of the 5 nearest cottage to the edge of the, umm, the state portion 6 of Norwood Road. Umm, in the initial application, it was 7 somewhat less than that. But after discussions with Mr. 8 Whipple, umm and other members of the Park and Planning 9 staff, we redesigned that area or we eliminated what was 10 previously single cottages, umm, just one dwelling in a 11 structure umm, and a combined those into exclusively duplex 12 cottages now. So, it made for a more efficient land use. 13 We were able to pull those units even further back to where 14 they are now, 300 foot set back. Umm, but most 15 significantly and umm 16 LYNN A. ROBESON: What's the setback from the, the 17 Northern part of the Southwest quadrant? What's the 18 closest setback of those lodges? 19 JOHN SEKERAK, JR: To, umm, to the street? 20 LYNN A. ROBESON: No. 21 JOHN SEKERAK, JR: Or, or to the side lot or the yard 22 line? 23 LYNN A. ROBESON: The top two, the north, northern 24 most two lodges. What's the setback there? 25 JOHN SEKERAK, JR: To the property line?</p>	<p>32</p> <p>1 lineated on the master plan and also on the umm 2 LYNN A. ROBESON: The campus master 3 JOHN SEKERAK, JR: The Campus Master Plan for Special 4 Exception and the aerial photograph. So, again, the view 5 shed, you can turn your head walk around and see things. 6 But the Southern and Eastern edge of the property is well 7 buffered by the existing woodland. Umm, the edge of that 8 woodland really in frames the view shed from the front of 9 property. If you draw a line from the front of the 10 historical house along that woodland and extend it, the 11 proposed duplexes are behind that view shed. Umm, other 12 elements within that view shed for instance, if you draw 13 that line and it continued off the property, there is a 14 recently constructed solar array on the adjoining property. 15 For instance, that umm, a portion of that solar array umm, 16 nearest Norwood Road is umm, it's, umm rather close and 17 that's within that cone of vision that's in framed by the 18 existing 19 LYNN A. ROBESON: Now the solar array you are 20 referring to is shown on Exhibit 78? 21 JOHN SEKERAK, JR: Correct. 22 LYNN A. ROBESON: Just south of the Southwest quadrant 23 of this property along Norwood Road? 24 JOHN SEKERAK, JR: Correct. 25 LYNN A. ROBESON: We're okay. That's for the record.</p>

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<p>33</p> <p>1 JODY S. KLINE, ESQ: And, and can you explain why, 2 what is there for, who it serves. 3 JOHN SEKERAK, JR: It serves the adjoining umm, Sandy 4 Spring (inaudible) School, as put that on there. Umm, 5 recently constructed, totally on the more, umm, umm, I'm 6 guessing two years ago. So it's only on the more recent 7 aerial photographs and or photographic surveys. Umm, it's 8 also constructed rather elevated. So, at the end towards 9 Norwood Road there's a, umm, umm, a new hill that was for 10 propping those things up. Its probable 20 feet up. So as 11 you stand at the corner of the umm 12 LYNN A. ROBESON: The Northwest corner of the solar 13 field. 14 JOHN SEKERAK, JR: Thank you. Umm, you do have a 15 clear view of the existing, umm, of the historic house and 16 vise a versa, umm, the historic house towards that. As you 17 move umm, eastward and you get to the umm, second or third 18 solar array, that's when you are able to appreciate the 19 effectiveness of that woodland edge that umm, provides that 20 buffer. Umm, the other views of the solar array that's 21 closer with them, more westward, is confused by many of the 22 nice landscape elements that are on the historic property. 23 LYNN A. ROBESON: On Mr. Snider's property. 24 JOHN SEKERAK, JR: On Mr. Snider's property. Umm, but 25 still it's a, umm, once you get back behind that edge, that</p>	<p>35</p> <p>1 LYNN A. ROBESON: Okay, which exhibit is this? 64D. 2 JOHN SEKERAK, JR: Staff members name is (inaudible) 3 Yes. During this whole process, Park and Planning umm, 4 landscape architect Doug Johnson was very helpful. As we 5 discussed our landscape treatments, we umm, we want to 6 maintain those open views from both Norwood, so we, umm, 7 there's no desire or intention to put up walls umm, 8 literally or figuratively in terms of everything. So, umm, 9 we're umm, strategically putting groupings of 10 LYNN A. ROBESON: Okay, so, I just need to figure 11 something out. 12 JOHN SEKERAK, JR: Alright. 13 LYNN A. ROBESON: Is there anything in the record 14 telling me that staff has reviewed this and approved it? 15 You're testifying what? What are you saying you've done 16 with this plan? 17 JOHN SEKERAK, JR: Umm, the only change that, to this 18 plan that has happened since the Planning, umm, since the 19 Planning Board hearing where this condition was discussed 20 was additional evergreen plantings on the Northeastern side 21 of the historic property. I have been discussing that, 22 less of the view shed. Umm, and, my understanding is, that 23 it's not an issue at this point. Umm, but the purpose of 24 that condition of approval recommended by staff and then 25 the planning board was to buffer the historic property from</p>
<p>34</p> <p>1 in frames the view shed. Umm, the views are going to 150 2 to 200 feet of existing woodland before you get to the 3 subject property. And then we have the, umm, the narrow 4 end of that duplex unit oriented towards the historic house 5 with a 25 foot setback of that. And as you'll be shown 6 later on in the testimony, umm, in regards to the landscape 7 plan, there's umm, additional umm, evergreen roofings 8 strategically located to also provide that umm. 9 JODY S. KLINE ESQ: Umm, well let me do it this way 10 Mr. Sekerak, umm, condition number ten does say dense 11 evergreen screen. Actually, I would like you to pull up 12 the most current landscape plan and show what was added to 13 address that condition. And this 14 LYNN A. ROBESON: Has Park and Planning seen that? 15 JODY S. KLINE ESQ: Yes. This plan is in the record. 16 LYNN A. ROBESON: The landscape plan. 17 JODY S. KLINE ESQ: That's correct. 18 LYNN A. ROBESON: Have they reviewed it and commented? 19 I'm required to send any changes back to Park and Planning. 20 Umm, so I guess my question is has staff reviewed the 21 landscaped edge? 22 JOHN SEKERAK, JR: Yes, they have. 23 LYNN A. ROBESON: Well, come on up, Mr., don't be shy 24 back there. 25 JOHN SEKERAK, JR: Going through our many exhibits.</p>	<p>36</p> <p>1 headlights of 2 LYNN A. ROBESON: Right. 3 JOHN SEKERAK, JR: of, of cars using the loop road, so 4 as they were traveling westward, that grouping. 5 LYNN A. ROBESON: Okay. My questions is 6 JOHN SEKERAK, JR: I understand what your question is. 7 JODY S. KLINE ESQ: What's the preparation date on 8 this? 9 JOHN SEKERAK, JR: December 2016. 10 JODY S. KLINE ESQ: So, do we have a specific. Umm, 11 you have Exhibit 64D, the Campus Landscape Master Plan. 12 And so the question is 13 JOHN SEKERAK, JR: If I could see that I would be able 14 to tell you very quickly. 15 LYNN A. ROBESON: You have 64D. 16 JOHN SEKERAK, JR: Well I have what I believe is 64D. 17 JODY S. KLINE ESQ: So we can umm, but you're right, 18 you don't have anything. 19 LYNN A. ROBESON: I don't have. Okay, what I'm going 20 to do, because I don't think we have to, I believe that 21 what I have in my file is, showed that. Cause I looked at 22 that. Umm, but I'm required to get staffs comments. 23 Everything, every revision under the Zoning Ordinance has 24 to be referred back to staff. So, here I have 64D. I do 25 believe it shows, is it Arbor B, I forget what the, it</p>

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<p>37</p> <p>1 does, does that show what's on the exhibit that you're 2 speaking to? 3 JODY S. KLINE ESQ: (inaudible) 4 LYNN A. ROBESON: I just need to keep track of what I 5 need to do to satisfy this by the Zoning Ordinance. 6 JODY S. KLINE ESQ: Well, let me see if we can kind of 7 back into it. Umm, the hearing examiner will receive 8 something from the Park and Planning Commission approving 9 the revised final Forrest Conservation Plan. 10 JOHN SEKERAK, JR: Correct. 11 JODY S. KLINE ESQ: Will that Forrest Conservation 12 Plan show that landscaping on it? 13 JOHN SEKERAK, JR: Not necessarily. 14 JODY S. KLINE ESQ: Okay. Alright. So then we need 15 to have 16 LYNN A. ROBESON: That would have been too efficient. 17 JODY S. KLINE ESQ: Yes. 18 LYNN A. ROBESON: Umm, okay so one, I'm making a to do 19 list. So one of the to do things, we're going to have to 20 leave the record open anyway for the FFCP, Final Forrest 21 Conservation Plan. So, I need to refer 64D back to Park 22 and Planning. Do I have an electronic version of this that 23 I can email to them? 24 JODY S. KLINE ESQ: I'm pretty sure that 64F was a CD 25 of that. Let me just check something.</p>	<p>39</p> <p>1 JOHN SEKERAK, JR: Back to the Southwest, umm, corner 2 of the subject property you can see what appears to be a 3 roadway leading from the cottage, grouping of cottages out 4 to the umm, state portion of Norwood Road. That is simply 5 a fire lane. Umm, that would be a grass creek type of 6 pavement treatment. Umm, and you know, from the ground at 7 any distance at all you wouldn't see it and exclusively is 8 for fire access and emergency access, so hopefully, will be 9 used. Umm, so there's no visual or activity umm, impact in 10 that regard. Umm, there are a number of again naturally 11 located shade trees umm, proposed between Norwood Road and 12 the umm, cottages that will set well back from Norwood Road 13 because right now, Norwood Road does not have a lay of 14 trees as the county portion of Norwood Road does. So, it 15 maintains those open views of a few canopy (inaudible) 16 trees at lower elevation than the cottages so that just 17 helps soften the view of the cottages that are again a 18 whopping 300 feet set back from Norwood Road and then a 19 grouping of evergreens back to the (inaudible) on the north 20 side of the umm, cottage, two duplex cottages closest to 21 this historic property. And those are to additionally 22 intercept any views from the umm, historic house of those 23 cottages. Umm, any views that are able to navigate through 24 the existing woodland forest. It is a deciduous forest umm, 25 so it umm, you know, umm, I was just out there on Saturday</p>
<p>38</p> <p>1 LYNN A. ROBESON: Okay. 2 JODY S. KLINE ESQ: Yes, 64D was a CD of the plan that 3 you are looking at. 4 LYNN A. ROBESON: Okay. Thank you. Okay, go ahead 5 Mr. Sekerak. If I haven't totally disrupted your thought 6 process. 7 JODY S. KLINE ESQ: Well, I guess what I could do, is 8 just, umm, sort of give you a summary repeat of the 9 landscaping plan that staff umm, added to the landscaping 10 plan to address condition number ten. 11 JOHN SEKERAK, JR: Umm, those were the evergreen 12 grouping, umm. 13 LYNN A. ROBESON: What is that evergreen? 14 JOHN SEKERAK, JR: Umm, a combination of (inaudible), 15 American Holly, umm, (inaudible) and umm, Magnolia Grand De 16 Flora. 17 LYNN A. ROBESON: Okay. Now, I've interrupted you 18 again, so I'll try to be quiet and let you keep going. 19 JOHN SEKERAK, JR: So those, umm, that's again, that's 20 the grouping that was the subject of the recommended 21 condition of approval. Umm, and I don't want to speak for 22 anybody, I don't believe that's, I believe we're in 23 agreement to that, umm, umm, technically the treated 24 (inaudible). 25 LYNN A. ROBESON: Okay.</p>	<p>40</p> <p>1 and just to refresh my memory which was a day about as 2 lovely as today. But, umm, not actively raining or 3 anything like that. So, I do have an appreciation of just 4 how much woodland it is going through. So, yes you can 5 see, standing on subject property, you can see the historic 6 site through the woods. It's extremely diffused umm, so 7 that with the combination of the distance, the existing 8 woodland and with the additional setbacks and the 9 additional evergreen buffering it's extremely effective in 10 terms of the umm, umm, a visual impact that these 11 structures have. So, when it comes to a visual impact 12 assessment, you know, it's not direct views of, umm, the 13 direct views are out towards umm, Norwood Road umm, even 14 the solar panels are more within the direct views. And of 15 what else is in the view, I described, what would be deemed 16 viewed, would be, again these small, these one story 17 profiled, senior houses residences and goes further South, 18 of the landscape treatment. So, extremely little impact 19 and (inaudible) laid out in that regard. 20 LYNN A. ROBESON: Okay. 21 JODY S. KLINE ESQ: No further questions of Mr. 22 Sekerak. 23 LYNN A. ROBESON: Okay. Mr. Snider, it's your turn to 24 ask questions of Mr. Sekerak. 25 SNIDER: Are you familiar with the umm, state highway</p>

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11 (41 to 44)

41	<p>1 Norwood road from Layhill Road, Woodlawn Manor through</p> <p>2 Bancroft Estates?</p> <p>3 JOHN SEKERAK, JR: Umm, south to north?</p> <p>4 SNIDER: Well it's actually east to west. Umm, Layhill</p> <p>5 Road is at the corner of the Red Door Store and umm,</p> <p>6 Woodlawn Manor, which is county owned. Umm, so that is</p> <p>7 actually west of the, or east of the property that we're</p> <p>8 discussing. As you move along</p> <p>9 JOHN SEKERAK, JR: Yes, east?</p> <p>10 SNIDER: Norwood State Highway, east. It's, yes, it's</p> <p>11 heading toward the Maryland shore, an atlas, yes.</p> <p>12 JOHN SEKERAK, JR: If you don't mind I grab a</p> <p>13 SNIDER: Please.</p> <p>14 JOHN SEKERAK, JR: map here to make sure I'm not</p> <p>15 misunderstanding.</p> <p>16 SNIDER: I'm glad to see some people still use maps.</p> <p>17 JOHN SEKERAK, JR: (inaudible) maps. So umm,</p> <p>18 SNIDER: where that's woodland</p> <p>19 JOHN SEKERAK, JR: Umm hmmm. Okay. Just as, I think we</p> <p>20 probably better explain where they are.</p> <p>21 LYNN A. ROBESON: Yeah.</p> <p>22 JOHN SEKERAK, JR: First of all let's talk about what</p> <p>23 this is and then</p> <p>24 LYNN A. ROBESON: Thank you.</p> <p>25 JOHN SEKERAK, JR: This is a map book of Montgomery</p>	43	<p>1 JOHN SEKERAK, JR: Gotcha, alright. Got it.</p> <p>2 SNIDER: Are you familiar with that</p> <p>3 JOHN SEKERAK, JR: Yes.</p> <p>4 SNIDER: stretch of the road?</p> <p>5 JOHN SEKERAK, JR: Got it. Sorry, not by name but I'm</p> <p>6 familiar with the</p> <p>7 SNIDER: Okay.</p> <p>8 JOHN SEKERAK, JR: large lot residential</p> <p>9 SNIDER: Okay. Do you know the distance that each of</p> <p>10 the properties that I have just specified, Woodland Road,</p> <p>11 Sandy Springs Friends School, umm, the 17201, or at my</p> <p>12 house called Norwood, and the large frontal street umm,</p> <p>13 frontal property on Bancroft Estates are set back from the</p> <p>14 State Highway?</p> <p>15 JOHN SEKERAK, JR: I, I do not know of those setbacks</p> <p>16 of those homes but I've got an aerial exhibit here with a</p> <p>17 graphic scale on there. It's like, okay</p> <p>18 LYNN A. ROBESON: Okay.</p> <p>19 JOHN SEKERAK, JR: fairly close.</p> <p>20 SNIDER: Please, that would be great. Could you do</p> <p>21 that please?</p> <p>22 JOHN SEKERAK, JR: Umm, the homes nearest that</p> <p>23 intersection</p> <p>24 SNIDER: Umm, you're on the wrong side, the other</p> <p>25 side.</p>
42	<p>1 County, ADC.</p> <p>2 LYNN A. ROBESON: Wow, I haven't seen one of those in</p> <p>3 quite a while.</p> <p>4 JOHN SEKERAK, JR: Very portable, keep it in the</p> <p>5 briefcase for occasions just like this. 2002 edition.</p> <p>6 LYNN A. ROBESON: Oh ok.</p> <p>7 JOHN SEKERAK, JR: Umm, on page 22 and umm, Mr. Snider</p> <p>8 and I have, are the, referring to the corner of Norwood and</p> <p>9 Ednor where the Woodlawn Cultural Park</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JOHN SEKERAK, JR: There Mr. Snider.</p> <p>12 SNIDER: Then moving to the west along Norwood Road,</p> <p>13 State Highway Norwood Road, that's, that is that way.</p> <p>14 JOHN SEKERAK, JR: Okay. I would refer to that strict</p> <p>15 North.</p> <p>16 SNIDER: Okay. Umm, are you familiar with properties</p> <p>17 along that road which goes from Woodlawn to Sandy Springs</p> <p>18 Friends School to the Friends House and then 17201 Norwood</p> <p>19 Road and then beyond where Norwood Road comes into County</p> <p>20 Highway. On the other side of that street is Bancroft</p> <p>21 Estates, at that corner of Dr. Bird Road and Norwood.</p> <p>22 JOHN SEKERAK, JR: So after we, after Norwood turns</p> <p>23 right</p> <p>24 SNIDER: The next adjacent property is called Bancroft</p> <p>25 Estates.</p>	44	<p>1 JOHN SEKERAK, JR: Oh! Bancroft.</p> <p>2 SNIDER: Yes.</p> <p>3 JOHN SEKERAK, JR: Gotcha.</p> <p>4 SNIDER: Sorry.</p> <p>5 JOHN SEKERAK, JR: Along the county portion of</p> <p>6 Norwood?</p> <p>7 SNIDER: No, no, the state road. Right there, there it</p> <p>8 is. That should be it.</p> <p>9 JOHN SEKERAK, JR: So I'm looking at the east side of</p> <p>10 Dr. Bird</p> <p>11 SNIDER: And there's one right on the corner. You see</p> <p>12 it?</p> <p>13 JOHN SEKERAK, JR: That is 220 feet.</p> <p>14 SNIDER: And the next one closer to, come down, right</p> <p>15 there.</p> <p>16 JOHN SEKERAK, JR: That was the closest one.</p> <p>17 SNIDER: I'm now going to go</p> <p>18 LYNN A. ROBESON: You're approaching the exhibit Mr.</p> <p>19 Snider. Thank you!</p> <p>20 SNIDER: Okay, that's it. Yep. That's 200 feet. Thank</p> <p>21 you. So I just pointed at the exhibit.</p> <p>22 LYNN A. ROBESON: You're very good!</p> <p>23 SNIDER: Identified the</p> <p>24 LYNN A. ROBESON: You may have missed your calling.</p> <p>25 (laughter)</p>

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12 (45 to 48)

<p>45</p> <p>1 SNIDER: I'm actually a lawyer. 2 LYNN A. ROBESON: Ahh haa! 3 SNIDER: Umm, largely (inaudible). Umm, 4 LYNN A. ROBESON: So you know about creating a record. 5 SNIDER: Yes, unfortunately. Umm, in that, that 6 visual, that overhead visual does not, or the overhead 7 exhibit, what is Exhibit 78, does not cover the Woodlawn 8 Manor or the umm, Sandy Spring Friends School, correct? 9 JOHN SEKERAK, JR: It shows the northern portion of 10 Friends School. 11 SNIDER: Okay. And how far set back is that one? 12 JOHN SEKERAK, JR: Set back off? 13 SNIDER: Set back from the Norwood State Highway. 14 JOHN SEKERAK, JR: The school buildings? 15 SNIDER: The school buildings themselves. 16 JOHN SEKERAK, JR: Umm, it's, the closest one's are 17 not on these photographs, so 18 SNIDER: Okay. 19 JOHN SEKERAK, JR: If they're 20 SNIDER: If that's, yep, okay. Umm, thank you. Umm, 21 LYNN A. ROBESON: I couldn't hear your answer. What 22 was your answer? 23 JOHN SEKERAK, JR: Umm, they're not shown on the 24 photograph. Umm, 25 LYNN A. ROBESON: Did you have an estimate?</p>	<p>47</p> <p>1 SNIDER: Yes 2 JOHN SEKERAK, JR: perpendicular to the nearest 3 property line? 4 SNIDER: Umm, to the houses under consideration in the 5 southwest corner. 6 LYNN A. ROBESON: I would, okay, Mr. Snider, do you 7 want to approach and show him on the 64D? Which are, that's 8 the middle one? 9 JOHN SEKERAK, JR: This one right here. 10 LYNN A. ROBESON: So you're pointing to, Mr. Sekerak, 11 could you step back one second? You're pointing to, in the 12 southwest quadrant you're pointing to the two northern most 13 cottage-, oh. 14 JOHN SEKERAK, JR: Right, right here. 15 LYNN A. ROBESON: Oh, okay. Umm, I need somebody to 16 describe that for the record. That is the, is that the two 17 most, northern most cottages in the 18 SNIDER: There's a cluster of five cottages that are 19 LYNN A. ROBESON: In the 20 SNIDER: to the southwest of the existing cottage. 21 LYNN A. ROBESON: Okay. Alright. 22 SNIDER: So at that point in time it is literally, 23 what is the thickness of the woods at that 24 LYNN A. ROBESON: At the close, to the closest 25 cottage?</p>
<p>46</p> <p>1 JOHN SEKERAK, JR: It, umm, generously set back. Umm, 2 LYNN A. ROBESON: Okay. 3 SNIDER: I think there's a (inaudible) 4 JOHN SEKERAK, JR: The ballfields are what are closest 5 to the street, the play areas, the solar array. The solar 6 array on the southern portion of the property and so are 7 those elements of the campus that are the closest to the 8 street. The buildings themselves are, umm, the school 9 house-, the school buildings are umm, hundreds of feet. 10 SNIDER: And what is the setback for umm, umm, the 11 Norwood house, the historic property? 12 LYNN A. ROBESON: Your house? 13 SNIDER: My house, yes. 14 JOHN SEKERAK, JR: 410 feet from the state portion. 330 15 feet from the county portion. 16 SNIDER: Okay. Thank you. Umm, and while you're at 17 that map could you actually umm, please tell me the, the 18 width of the forest separating the umm, I guess it's the 19 south side property line, the property line under 20 consideration? 21 JOHN SEKERAK, JR: It would depend on where the 22 measurement is taken. Anywhere 23 SNIDER: Actually so we, we should do it, so 24 perpendicular to the property line. 25 JOHN SEKERAK, JR: Oh, okay. So straight</p>	<p>48</p> <p>1 SNIDER: The closest cottage, which is right there. 2 LYNN A. ROBESON: Closest proposed cottage, I guess. 3 Wait, I can't see what strip you're measuring. 4 SNIDER: I'll be right with 5 LYNN A. ROBESON: Okay. 6 JOHN SEKERAK, JR: So if I draw a line from the front 7 door to the 8 LYNN A. ROBESON: A line from where? 9 JOHN SEKERAK, JR: from the front door of the historic 10 LYNN A. ROBESON: Okay. 11 JOHN SEKERAK, JR: to the closest cottage. Yeah, the 12 closest proposed duplex. 13 LYNN A. ROBESON: Okay. 14 JOHN SEKERAK, JR: So it's, umm, it's 15 LYNN A. ROBESON: I can't, I'm sorry, I can't have two 16 conversations going on. Go ahead Mr. Sekerak. 17 JOHN SEKERAK, JR: It's an organic edge to the forest 18 and what we're looking at is monkey lines from aerial 19 photographs. So it's, the distinct edge of the, so to 20 characterize it as opposed to give it actual dimension. 21 Umm, it's as little as 120 feet, as much as 180 feet from, 22 of what's indicated as for, umm, woodland on the 23 topographic survey and it's measured from, a long the line 24 from the front door of the historic house to the property 25 line.</p>

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13 (49 to 52)

<p>49</p> <p>1 SNIDER: In the 2 LYNN A. ROBESON: So it's not 300 feet at that point? 3 SNIDER: No. 4 JOHN SEKERAK, JR: No, no. There's 300 feet, when I 5 said 300 feet that was the set back of the homes to Norwood 6 Road. 7 SNIDER: Umm, in the proposed plan it states that you 8 are going to remove how much of that woodland, for the 9 construction, for purposes of construction? 10 JOHN SEKERAK, JR: There's a small portion of woodland 11 along, called the northern edge of the southwest panhandle 12 of the subject property. 13 SNIDER: How many acres? 14 JOHN SEKERAK, JR: And so, just some, 15 LYNN A. ROBESON: Can you move to the, I don't know, 16 yeah, okay. 17 SNIDER: Switch sides, sorry. 18 LYNN A. ROBESON: Can you see Mr? 19 SNIDER: Yes. 20 LYNN A. ROBESON: Okay, go ahead. 21 JOHN SEKERAK, JR: So it's in the area of the umm, 22 second duplex structure. 23 LYNN A. ROBESON: The second duplex on the northern 24 side of the roadway closest to 25 JOHN SEKERAK, JR: The existing duplexes.</p>	<p>51</p> <p>1 didn't have the plan. They didn't have a resolution that 2 had the proper language in the plan. 3 LYNN A. ROBESON: Okay. 4 JODY S. KLINE ESQ: So the plan wasn't the problem. In 5 fact they could, they approved the plan. They just couldn't 6 adopt a resolution. 7 LYNN A. ROBESON: Okay. So we'll go with, you know 8 I'll get con-, confirmation from staff. So can you tell me 9 the exhibit because they're getting further and further 10 away and it's in red? So can you, what exhibit are we 11 looking at? 64 12 JODY S. KLINE ESQ: Umm, Campus Amendment to file 13 Forest Conservation Plan, Exhibit 64B. 14 LYNN A. ROBESON: Okay. 15 JODY S. KLINE ESQ: As long as that's sheet one of 16 two, right? 17 JOHN SEKERAK, JR: Yes. 18 LYNN A. ROBESON: Before you get into that I have one 19 question. When these measurements of 120 to 180 feet, is 20 that the existing woodland buffer or is that the woodland 21 buffer on Mr. Snider's property? 22 JOHN SEKERAK, JR: That's the woodland buffer that's 23 on Mr. Snider's property. 24 LYNN A. ROBESON: You'll get a chance to testify. 25 Okay, go ahead Mr. Sekerak, Sekerak.</p>
<p>50</p> <p>1 LYNN A. ROBESON: Okay. 2 JODY S. KLINE ESQ: Mr. Sekerak, you're bringing up a 3 new plan. What do we have here? 4 JOHN SEKERAK, JR: This is the final Forest 5 Conservation Plan. Umm, can add this amendment to the final 6 Forest 7 LYNN A. ROBESON: Well has that been approved? 8 JOHN SEKERAK, JR: Yes. 9 LYNN A. ROBESON: Okay. So I'll put that in the 10 record. Umm, 11 JODY S. KLINE ESQ: (inaudible) let me show you umm, 12 Mr. Sekerak, Exhibit 64B is sheet one of two of the campus 13 amendment to the final Forest Conservation Plan. Is that 14 the document that you have? 15 JOHN SEKERAK, JR: Yes. This is the, this is the 16 document that was before the planning board and they turned 17 it, the discussion of the planning board, the issue of the 18 natural surface trail came up. 19 LYNN A. ROBESON: Okay, so this isn't the approved 20 final Forest Conservation Plan because I understand that 21 that wasn't approved until January. 22 JOHN SEKERAK, JR: So yeah, so this is, this does have 23 that amendment and this is what they approved, what came 24 back for approval in January. 25 JODY S. KLINE ESQ: The problem was not that they</p>	<p>52</p> <p>1 JOHN SEKERAK, JR: The umm, the amount of forest in 2 that area on the Friends House property that is being 3 cleared is 0.62 acres. 4 LYNN A. ROBESON: Okay. 5 SNIDER: Could you please go up where, and umm, and 6 measure on the exhibit that's 64B, umm, the width of the 7 forest umm, with the removed forest umm, now, please? 8 JOHN SEKERAK, JR: It would be the same amount. The 9 dimensions I was giving you before was in forest entirely 10 on the historic property. So it's, it was measuring it to 11 the property line. 12 SNIDER: Could you please do it again? 13 JOHN SEKERAK, JR: Draw the line from the front door 14 of the umm, the proposed duplex cottages, cottages that are 15 closest to the existing duplex cottages. Again, along 16 organic edge so it's consistent. It's the same 17 topographical information that used and I was referencing 18 the Campus Master Plan for Special Exception. 19 SNIDER: And the distances are? 20 JOHN SEKERAK, JR: Umm, 120 to 180. Yes. 21 SNIDER: Thank you. Umm, are you familiar with Emerald 22 Ash Borer? 23 JOHN SEKERAK, JR: Umm, I am, yes. 24 SNIDER: And what's the consequence of Emerald Ash 25 Borer on Ash trees?</p>

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14 (53 to 56)

<p>53</p> <p>1 JOHN SEKERAK, JR: It's umm, it's an affliction on Ash 2 trees in this area. 3 SNIDER: Do you know what percentage of the forest 4 that's there is, consists of ash trees? 5 JOHN SEKERAK, JR: I do not. 6 SNIDER: Thank you. Umm, have you been on the property 7 at night? 8 JOHN SEKERAK, JR: On the property at night? 9 SNIDER: Yes, to 10 JOHN SEKERAK, JR: On, on Friends House property? 11 Absolutely. 12 SNIDER: To, to look at the, the umm, I think your 13 term is the vision shed. 14 JOHN SEKERAK, JR: View shed? Umm, no. 15 SNIDER: View shed. 16 JOHN SEKERAK, JR: No. 17 SNIDER: Okay, sorry. So you do not have any data in 18 terms of the light penetration through the forest in the 19 evening? 20 JOHN SEKERAK, JR: I do not. 21 SNIDER: Umm, you, could you define view shed for me 22 please? 23 JOHN SEKERAK, JR: The visual impact assessment that a 24 number of, number of evidence and it's all relative to the 25 context. Umm, so the view shed from a high (inaudible)</p>	<p>55</p> <p>1 JOHN SEKERAK, JR: Not at night. 2 SNIDER: Thank you. That's all. Thank you. 3 LYNN A. ROBESON: Any further questions? 4 SNIDER: No thank you. 5 LYNN A. ROBESON: Okay. Any redirect? 6 JODY S. KLINE ESQ: No ma'am. 7 LYNN A. ROBESON: Okay, umm- 8 JODY S. KLINE ESQ: I would like to call the second 9 witness as to sort of the address these sort of issues from 10 the technical side as compared to the land use side. 11 LYNN A. ROBESON: Umm, well, how long do you think 12 that's going to take? 13 JODY S. KLINE ESQ: Direct testimony, 10 minutes. 14 LYNN A. ROBESON: Okay, you can present that witness. 15 JODY S. KLINE ESQ: Ms. Lenhardt, if you would like to 16 get ready while Mr. Sekerak, and do you have any exhibits? 17 Why don't you bring up the cottage elevations with you? 18 JODY S. KLINE ESQ: Well, leave, leave off one of the 19 site plans, because I think you've still got, because I'm 20 still going to ask you question that I have. 21 JOYCE LENHARDT: Were they over here? 22 JODY S. KLINE ESQ: It's okay. 23 LYNN A. ROBESON: Alright, please raise your right 24 hand. Do you solemnly affirm under penalties of perjury 25 that the statement you're about to make are the truth, the</p>
<p>54</p> <p>1 would be much greater than a view shed in a more urban 2 setting. Umm, and it's affected by, what, what, what's 3 visual, visually available. The number of other elements, 4 other, within that view shed, how, umm, focused the view 5 shed would be. Is there some element that is drawing the 6 attention to one direction or another? So it's, it's umm, 7 I, I can't come up with a, umm, a single mathematical 8 equation but in this case I'm using it as that area that's 9 in framed by, from the front of the historic home, by the 10 edge of the existing woodland. Not that that's the only 11 thing that's visually available or that entire view shed is 12 of equal importance. But in this context that's how I've 13 determined it. 14 SNIDER: And looking at the existing, there are 15 existing structures to the east of the historic home. 16 JOHN SEKERAK, JR: Yes. 17 SNIDER: Is that correct? 18 JOHN SEKERAK, JR: Now are you referring to the four 19 umm, combinations of duplexes? 20 SNIDER: Yes. 21 JOHN SEKERAK, JR: Four structures, eight units. 22 SNIDER: And have you been at the rear of those facing 23 the historic structure? 24 JOHN SEKERAK, JR: Yes I have. 25 SNIDER: At night?</p>	<p>56</p> <p>1 whole truth and nothing but the truth? 2 JOYCE LENHARDT: I do. 3 JODY S. KLINE ESQ: Ms. Lenhardt, would you please 4 state and spell your name? 5 JOYCE LENHARDT: My name is Joyce Lenhardt. J-O-Y-C-E 6 L-E-N-H-A-R-D-T. 7 JODY S. KLINE ESQ: And your address, your 8 professional address? 9 JOYCE LENHARDT: 438 South Bethlehem Pike, Fort 10 Washington, PA 19034. 11 JODY S. KLINE ESQ: And what is your profession? 12 JOYCE LENHARDT: I'm an architect. 13 JODY S. KLINE ESQ: How long have you been an 14 architect? 15 JOYCE LENHARDT: Umm, 30 years, 31 actually. 16 JODY S. KLINE ESQ: Umm, have you ever qualified as an 17 expert in the field of architecture before a board 18 commission like this or in a court of law? 19 JOYCE LENHARDT: Umm, yes. 20 JODY S. KLINE ESQ: Umm, not in Montgomery County I 21 take it? 22 JOYCE LENHARDT: Not in Montgomery County. 23 JODY S. KLINE ESQ: Could you just give the Hearing 24 Examiner just sort of a flavor of what cases you have been 25 qualified as an expert in?</p>

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15 (57 to 60)

<p>57</p> <p>1 LYNN A. ROBESON: Well let me ask you this. Are you 2 licensed in Maryland? 3 JOYCE LENHARDT: My business partner is licensed in 4 Maryland and we are working on the project here. 5 LYNN A. ROBESON: Okay. Umm, Mr. Snider, has Mr. Kline 6 shared her resume? 7 SNIDER: Yes. 8 LYNN A. ROBESON: Okay, do you have any reason to 9 believe that she is not an expert in the field of 10 architecture? 11 SNIDER: No. 12 LYNN A. ROBESON: Ok, I, I will qualify her as an 13 expert in the field of architecture. 14 JODY S. KLINE ESQ: Ms. Lenhardt, I'd like to take you 15 back, just a little bit of your involvement in the 16 original, sort of- 17 LYNN A. ROBESON: Well, wait. I mean, I got to cut to, 18 you know, we need to get through this hearing today. So, as 19 far as her involvement, if she could focus on what the plan 20 does that would be good. You know, why the plan is, okay, 21 I'll let you go forward but just keep in mind- 22 JODY S. KLINE ESQ: You're, you're doing pretty well. 23 (laughter). It's the same direction I'm going. 24 LYNN A. ROBESON: Okay. I didn't know what involvement 25 meant. I'm sure you've been to the property and I'm sure</p>	<p>59</p> <p>1 rules, and because of the phasing of the, of the moves on 2 the campus, it was a pretty complicated umm, umm, process. 3 And so there was umm, a, umm, we worked with the 4 (inaudible). We had num-, exported a lot of options for how 5 to organize the campus. Umm, ultimately the, one of the big 6 priorities, and this is my firm, we do a lot of senior 7 living projects and this is you know, umm, I, this and in 8 other, on other campuses. It's very important to think 9 about how far residents need to travel, walking distances, 10 and as you probably know in a CCRC, Continuing Care 11 Retirement Community, there are all different, there are 12 many different housing situations. You know, from skilled 13 nursing to assisted living to umm, apartments and then, 14 umm, in our case the lodges and the cottages. And the 15 people who live in the cottages tend to be the most 16 capable, can walk the furthest. Umm, the ones who are in 17 the skilled nursing and assisted living are the ones that 18 are going need to be the closest. And generally people who 19 live in apartments, umm, umm, we try to keep them connected 20 to the commons because as people age they tend to want to 21 be closer to dining, to all the amenities that the 22 community offers. 23 JODY S. KLINE ESQ: Can you go back and explain the 24 commons. Is that sort of a décor? 25 JOYCE LENHARDT: The commons would be where the dining</p>
<p>58</p> <p>1 you've been to the neighborhood. Am I correct? 2 JOYCE LENHARDT: Absolutely. 3 LYNN A. ROBESON: Okay. 4 JODY S. KLINE ESQ: Umm, I'd, I'd like you to just 5 explain the organization of the components. Why they are 6 placed where they are placed, in the beginning, and then 7 what you did when you changed them. 8 LYNN A. ROBESON: Okay. 9 JOYCE LENHARDT: Umm, I believe John Sekerak 10 referenced the (inaudible) process. I was engaged by 11 Friends House lawyer early on and worked with the 12 community, umm, the residents and other stakeholders, to, 13 in the development of the Campus Master Plan. We began with 14 an evaluation of the campus and once it was determined that 15 the existing buildings were under useful life and needed to 16 be demolished we set up an umm, an understanding of what 17 the future development program was going to be in the 18 numbers of apartments, cottages, lodges, which is a small 19 apartment building. Umm, we worked with the, a very large 20 group of stakeholders to establish rules, as already 21 mentioned, that it was Friends House, absolutely did not 22 want to have to ask anyone to leave the campus. Umm, and, 23 in the case of the cottages, not move, that they would be 24 able to live in the umm, in the cottages throughout, as 25 long as they were there. And so we developed a set of</p>	<p>60</p> <p>1 is, where the fitness center is, where the library, where 2 the computers, all, all the, the, in this case they have a 3 large auditorium, umm, and those, yeah, so that would be 4 the shared common areas. Umm, so in kind of understanding 5 what all the goals were we worked, developed the plan that 6 you see before you, which was- 7 JODY S. KLINE ESQ: And you're referring to Exhibit 8 number- 9 JOYCE LENHARDT: I'm referring to Exhibit 64D. Umm, 10 the umm, the commons is in this location currently and will 11 remain in that location that- 12 JODY S. KLINE ESQ: Can you give us some kind of 13 identification? Is it marked or how is it- 14 LYNN A. ROBESON: Is it marked as commons? 15 JOYCE LENHARDT: It's marked as commons, yes. 16 LYNN A. ROBESON: Okay. 17 JOYCE LENHARDT: Yeah, on the, on the, on the plan. 18 Umm, and maybe it might be helpful to show the existing- 19 LYNN A. ROBESON: You're looking at the area of, 20 photograph Exhibit 78. 21 JOYCE LENHARDT: Exactly. Umm, so the umm, (inaudible) 22 with the commons is, is like I say location and from the 23 commons extends all of the T-shaped existing apartment 24 buildings that will be removed. Umm, and, and also from the 25 commons extends the assisted living building and the</p>



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16 (61 to 64)

<p>61</p> <p>1 skilled nursing building so they're all connected. So, back 2 to the drawing, which I think is easier to- 3 LYNN A. ROBESON: And that's 64D? 4 JOYCE LENHARDT: Back to 64D, umm, we explored many 5 options for the location of the affordable housing 6 building, which is eighty apartments for the, the residents 7 who currently live in those T-shaped apartment buildings 8 that I referenced, that will ul-, will be be demolished, 9 umm, eventually. So this location was determined to really 10 be almost the only place that we were able to get those 11 eighty apartments connected to the commons. And that comes 12 at the stage where the locations of many of the other 13 components umm, you know, the apartments, future apartments 14 connected to that commons and then, if I can jump back to 15 the existing aerial photograph. Umm, the parameter of the 16 site currently has three developments of cottages. Umm, we 17 kind of refer to them as the 70s cottages, umm, along 18 Quaker Lane, the 80s cottages on Quaker Knoll and then the 19 90s cottages along Friends House Road. So umm, we recognize 20 that, that some of, you know, these locations were actually 21 fairly close to the commons so they became logical 22 locations for buildings that were more con-, you know, 23 where the more independent residents umm, could, could live 24 long, in long term. We also recognized that the, what's 25 referred to as the Christmas tree lot, and some places</p>	<p>63</p> <p>1 home, that's, as we worked on the umm, the development of 2 the layout there, we, we had compromised a bit, on the 3 solar orientation. 4 JODY S. KLINE ESQ: Specifically, from an 5 architectural point of view, what changes did you make to 6 the dup-, I'm sorry, to the cottages to try and mitigate 7 the perceived impact on the historic site? 8 JOYCE LENHARDT: Well, we did a number of things. Umm, 9 initially our plans included some single cottages which 10 take up more space, umm, because, umm, space between them. 11 So we decided collectively that we could eliminate the 12 single cottages so now we only have duplex cottages. We 13 also umm, pulled them back and, and adjusted them out of 14 that solar array location that we were preferring, umm, in 15 order to, you know, to consolidate umm, and get ourselves 16 behind that tree line. 17 LYNN A. ROBESON: How many dwelling units are in, are 18 those cottages and they're the independent units, correct? 19 JOYCE LENHARDT: They are. 20 LYNN A. ROBESON: So how many dwelling units are 21 actually in that loop? Two, four, six, eight, ten? 22 JOYCE LENHARDT: Well there's a total of twenty-four. 23 So, there's ten on the inside and ten on the outside and 24 then the four. 25 LYNN A. ROBESON: Okay, keep going.</p>
<p>62</p> <p>1 worried that, umm- 2 LYNN A. ROBESON: The southwest quadrant? 3 JOYCE LENHARDT: The southwest quadrant that was 4 referenced earlier, that that was umm, a umm, an ideal 5 location for new construction that would allow residents to 6 continue to live in their, in their cottages, to make that 7 phasing work. It also is, you know, further from, further 8 from the commons and may be umm, and was umm, a logical 9 location for the more independent residents to umm, to 10 live. And, so that, umm, became the umm, the logical 11 location for new umm, cottages and so in some of our 12 earlier scenes actually were inspired by the umm, by the 13 solar array that's in, on the umm, and we knew it was 14 coming even though it was not there when we initially 15 started. But there were, there was a desire to umm, create 16 a sustainable community amongst the goals that the Friends 17 House residents have developed, umm, they have, umm, we 18 have a, all the buildings will be built to meet goals, be 19 for homes (inaudible) standards. Umm, and so there was a 20 desire to create a sustainable community. We actually had 21 the cottages more ready, rigidly oriented to the ideal to, 22 for solar orientation and they extended umm, well much 23 further than they, than they have (coughs) ultimately 24 landed. And, but then recognizing that we, the importance 25 of maintaining umm, open area here because of the historic</p>	<p>64</p> <p>1 JODY S. KLINE ESQ: Actually, I have no further 2 questions. 3 LYNN A. ROBESON: Mr. Snider? 4 SNIDER: At what point in time were you contacted to 5 umm, by the Friends House initially? 6 JODY S. KLINE ESQ: Objection. I'm just not sure 7 that's relevant to the questions. Her testimony- 8 LYNN A. ROBESON: Well she raised her involvement, so 9 it's- 10 JOYCE LENHARDT: I, I actually am not sure. 11 LYNN A. ROBESON: Guesstimate. Can you guesstimate? 12 JOYCE LENHARDT: It's been- 13 JODY S. KLINE ESQ: You have to speak up so they can 14 hear you. 15 JOYCE LENHARDT: I'm saying four years? 16 LYNN A. ROBESON: To the best of your recollection. 17 JOYCE LENHARDT: Yeah. 18 LYNN A. ROBESON: Okay. 19 SNIDER: Did you organize the original (inaudible)? 20 JOYCE LENHARDT: Umm, well I, Friends House organized 21 it but it was through discussions with them that umm, 22 SNIDER: Who were the original participants in the 23 (inaudible)? 24 JODY S. KLINE ESQ: Objection. 25 LYNN A. ROBESON: She raised it. I'm going to let him</p>

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<p>65</p> <p>1 question on it.</p> <p>2 JOYCE LENHARDT: Participants in the (inaudible) were</p> <p>3 SNIDER: No names, just-</p> <p>4 JOYCE LENHARDT: stakeholders. They were residents,</p> <p>5 future residents, umm, that Friends House had identified.</p> <p>6 SNIDER: Were any adjacent property owners invited to</p> <p>7 the (inaudible)?</p> <p>8 JOYCE LENHARDT: I, I don't think so.</p> <p>9 LYNN A. ROBESON: No, you can't, you don't think so?</p> <p>10 JOYCE LENHARDT: I don't think so. I don't think so.</p> <p>11 LYNN A. ROBESON: Okay.</p> <p>12 JOYCE LENHARDT: I don't think so.</p> <p>13 SNIDER: Did you recommend that any of the neighboring</p> <p>14 property owners be invited to the (inaudible)?</p> <p>15 JOYCE LENHARDT: Umm, no.</p> <p>16 SNIDER: Thank you. That's all.</p> <p>17 LYNN A. ROBESON: Any redirect?</p> <p>18 JODY S. KLINE ESQ: No ma'am.</p> <p>19 LYNN A. ROBESON: Alright umm, thank you. You may be</p> <p>20 excused for the time being.</p> <p>21 JODY S. KLINE ESQ: That's good, I should have warned,</p> <p>22 I would like to reserve Mr. Sekerak to-</p> <p>23 LYNN A. ROBESON: I understand.</p> <p>24 JODY S. KLINE ESQ: At that point in time I think on</p> <p>25 this subject, umm, that's all I wanted to do is lay a</p>	<p>67</p> <p>1 proposal of Friends House as it relates to the integrity of</p> <p>2 the historic site, adjacent to the historic site.</p> <p>3 SCOTT WHIPPLE: Yes, I was.</p> <p>4 JODY S. KLINE ESQ: And, I've got a copy of a report</p> <p>5 dated April 5, 2016, umm, you're the author of that report,</p> <p>6 I believe that's an attachment to the staff report?</p> <p>7 SCOTT WHIPPLE: Yes, yes it is.</p> <p>8 JODY S. KLINE ESQ: What I'd like you to do is just</p> <p>9 umm, describe for us your initial review of the application</p> <p>10 and any recommendations that were made and how those</p> <p>11 recommendations were addressed by the applicant.</p> <p>12 SCOTT WHIPPLE: Sure. So, so, my sort of top line</p> <p>13 questions that I try to answer is whether the property</p> <p>14 involves a designated historic resource. Umm, in which</p> <p>15 case the project would be subject to the county's Historic</p> <p>16 Preservation Ordinance and it would have to be reviewed by</p> <p>17 the county's Historic Preservation Commission. Umm, in</p> <p>18 this case, umm, that wasn't the case so that the subject</p> <p>19 property is not historic. Umm, from there I move on to</p> <p>20 whether there are any designated resources in proximity to</p> <p>21 the subject property. And umm, and umm, there is a, this</p> <p>22 property is adjacent to a designated historic resource so,</p> <p>23 umm, my job then is to see if the proposal will have an</p> <p>24 adverse impact and to try to make recommendations that</p> <p>25 would mitigate umm, mitigate that, any impact. Umm, and</p>
<p>66</p> <p>1 foundation and would like to see Mr. Whipple called up.</p> <p>2 LYNN A. ROBESON: Ok, Mr. Whipple?</p> <p>3 LYNN A. ROBESON: Please raise your right hand. Do you</p> <p>4 solemnly affirm under penalties of perjury that the</p> <p>5 statement that you're about to make are the truth, the</p> <p>6 whole truth and nothing but the truth?</p> <p>7 SCOTT WHIPPLE: I do.</p> <p>8 LYNN A. ROBESON: Please state your name and business</p> <p>9 address for the record.</p> <p>10 SCOTT WHIPPLE: My name is Scott Whipple. And my</p> <p>11 address is the Planning Department 8787 Georgia Avenue,</p> <p>12 Silver Springs.</p> <p>13 LYNN A. ROBESON: The Montgomery County Planning</p> <p>14 Department.</p> <p>15 SCOTT WHIPPLE: Yes.</p> <p>16 LYNN A. ROBESON: Okay. Mr. Kline.</p> <p>17 JODY S. KLINE ESQ: Umm, Mr. Whipple, you've been</p> <p>18 here, I think during the testimony for Mr. Sekerak and Mrs.</p> <p>19 Lenhardt about their well, (inaudible)</p> <p>20 SCOTT WHIPPLE: Yes.</p> <p>21 JODY S. KLINE ESQ: But I noticed you were in a</p> <p>22 location where maybe all of the boards weren't available to</p> <p>23 you. So, if you need anything, just let us know and we'll</p> <p>24 get it for you. But umm, you were asked as a staff person</p> <p>25 of the Park and Planning Commission to comment on the</p>	<p>68</p> <p>1 so, initially, as proposed umm, umm, the project had, I was</p> <p>2 looking primarily at two portions of the project. Umm,</p> <p>3 first, those, those larger buildings that I think were in</p> <p>4 Section A-</p> <p>5 JODY S. KLINE ESQ: Umm, let me. Umm, so we have</p> <p>6 Exhibit 64D here and I'm going to wonder, you are referring</p> <p>7 to the four existing cottages on the East side of the</p> <p>8 Norwood side?</p> <p>9 SCOTT WHIPPLE: A, no, I was looking at umm,</p> <p>10 (inaudible). Ma'am?</p> <p>11 LYNN A. ROBESON: Yes.</p> <p>12 SCOTT WHIPPLE: There were umm, large buildings that</p> <p>13 proposed, that were-</p> <p>14 JODY S. KLINE ESQ: I see, I see what you're saying.</p> <p>15 SCOTT WHIPPLE: for here.</p> <p>16 LYNN A. ROBESON: Okay. So, okay here is the</p> <p>17 Northwest quadrant close to umm-</p> <p>18 JODY S. KLINE ESQ: Norwood Road.</p> <p>19 LYNN A. ROBESON: All of a sudden, I'm blanking out on</p> <p>20 the name of the road.</p> <p>21 JODY S. KLINE ESQ: Norwood Rd.</p> <p>22 LYNN A. ROBESON: Okay.</p> <p>23 SCOTT WHIPPLE: And I raised in my report some</p> <p>24 concerns umm, umm, about those and the impact that they</p> <p>25 would have on the adjacent historic resource to the South.</p>

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69	1 And then I raised some concerns about the arrangement and 2 orientation of the umm, cottages that were proposed in, are 3 we calling this the lower, the Southern part? 4 LYNN A. ROBESON: The Southwest quadrant. 5 SCOTT WHIPPLE: The Southwest quadrant. Umm, and I 6 was concerned with, that umm, those umm, would have, could 7 have umm, and impact on the view into the historic 8 resource. And so, umm, I raised those concerns during 9 initial conversations with Mr. Kline and his clients. Umm, 10 they revised the plans umm, such that umm, I felt that the 11 impact of this new construction umm, we be lesser on the 12 historical resource. 13 LYNN A. ROBESON: And, and how, what, how did you 14 recommend revising the plan? 15 SCOTT WHIPPLE: Umm, umm, at- 16 LYNN A. ROBESON: Oh, is that in your report? 17 SCOTT WHIPPLE: Yes. 18 LYNN A. ROBESON: Okay, go ahead. 19 JODY S. KLINE ESQ: It would be an attachment to the 20 staff report. 21 LYNN A. ROBESON: I had it marked. 22 JODY S. KLINE ESQ: It's in the Attachment B section. 23 LYNN A. ROBESON: Right. Okay, I've got it. 24 SCOTT WHIPPLE: So, I, are you ready? 25 LYNN A. ROBESON: Yes.	71	1 that the revisions of the plans as shown on the exhibits 2 umm, and the testimony as heard here today are respectful 3 of the historic, the existing historic site? And do not 4 have an adverse effect on that site. 5 SCOTT WHIPPLE: Correct. 6 JODY S. KLINE ESQ: Thank you. No further questions 7 for Mr. Whipple. 8 LYNN A. ROBESON: I have a question. I thought and 9 then I'll open it up to cross examination. I thought I 10 understood you to say, is your concern primarily the view 11 into the historic resource, is that what you said? 12 SCOTT WHIPPLE: Correct. 13 LYNN A. ROBESON: Okay, can you just explain what that 14 means, the view from where? From the road? 15 SCOTT WHIPPLE: Well, umm, umm, I thought that by umm, 16 increasing the setback along, I think that you're referring 17 to it as State Norback, umm- 18 JODY S. KLINE ESQ: Norwood. 19 LYNN A. ROBESON: How's it marked on, how's it marked 20 on the exhibit and so we don't have five names for it? 21 Here, I'll get it, I'll get it. 22 SCOTT WHIPPLE: It's referred to as Norwood Road 23 (Maryland Route 182). 24 LYNN A. ROBESON: Okay. 25 SCOTT WHIPPLE: So, I told you that by increasing the
70	1 SCOTT WHIPPLE: So, I had suggested umm, realigning 2 umm, the buildings in what they referred to as Cottage Area 3 <b>A. That's the first area that I was pointing to. At the-</b> 4 LYNN A. ROBESON: At the Northwest. 5 SCOTT WHIPPLE: At the Northwest of this, Northwest 6 quadrant I guess. 7 LYNN A. ROBESON: Corner on- 8 SCOTT WHIPPLE: Closer to Norwood, County Norwood 9 Road. And I suggested umm, additional screening, plantings 10 and then umm, umm, I suggested that umm, in the Southwest 11 quadrant umm, umm, that umm, changes to the site plan 12 consolidating the umm, the cottages in that area and 13 pulling, and increasing the setback would help to mitigate 14 their impact on the historic resource. 15 LYNN A. ROBESON: Okay. 16 JODY S. KLINE ESQ: I would just clarify on one thing. 17 I gave him memo of April 5, 2016. I see in fact what is 18 attached to the staff report is a subsequent memo after the 19 changes had been made that he (inaudible). 20 SCOTT WHIPPLE: So, I had written two memos. The 21 first dated April 5, umm, in response to the initial plans 22 and then a second dated September 30th, umm, that was, umm, 23 in response to the revised plans. 24 LYNN A. ROBESON: Okay, thank you. 25 JODY S. KLINE ESQ: Mr. Whipple, then, do you feel	72	1 setback of the umm, of the cottages that were proposed in 2 this Southwest quadrant umm, would help to umm, maintain 3 more of the character along the road and therefore the view 4 into the historic site. 5 LYNN A. ROBESON: Okay, so when you reviewed these 6 plans, I'm just trying to get a sense of what you reviewed 7 these plans for, okay. So, when you reviewed these plans, 8 you look at these historic resources kind of from the 9 outside in. You look for what people can see of the 10 resource, or you know. Can you, I don't know if I'm being 11 really clear in what I'm trying to say. But can you just 12 describe how you evaluate a historic resource. 13 SCOTT WHIPPLE: Well, it, it, it isn't only from the 14 umm, the outside in or the inside out because I was also 15 looking at the impact umm, that the, that the buildings in 16 the Northwest quadrant would have on the historic site. 17 LYNN A. ROBESON: And why did you think that the 18 Northquest, Northwest quadrant, why did you recommend 19 against them? 20 SCOTT WHIPPLE: Umm, because they were larger 21 buildings and they have a greater visual impact, potential 22 for greater visual impact on a historic resource. And they 23 were, as originally proposed, they were spread out and so 24 they were quite visible. Umm, the revised proposal had 25 them one behind another. First of all, I think there were

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<p>73</p> <p>1 fewer of them. I think they went from four to two if I'm 2 not mistaken and they were behind each other and so the 3 visual impact was umm, created by the first one closest to 4 the property. The second one was behind the first one. 5 So, umm, umm, I thought that addressed the points that I 6 had raised in originally. 7 LYNN A. ROBESON: Okay. 8 SCOTT WHIPPLE: And then, umm, in the Southwest 9 quadrant, I thought that by the changes that were made 10 which reduced the overall area of the cottages. 11 LYNN A. ROBESON: Umm hmmm. 12 SCOTT WHIPPLE: Umm, realigned them slightly umm, and 13 umm, pulled them together into duplexes. 14 LYNN A. ROBESON: Umm hmmm. 15 SCOTT WHIPPLE: And pushed them further off of umm, 16 increased the setback umm, all served to reduce the visual 17 impact umm, through the forest end, umm, the wooded area 18 that you heard testimony about previously and pulled it 19 back farther from the road which made it umm, less visible 20 from the road. 21 LYNN A. ROBESON: Okay. Thank you. Mr. Snider, do you 22 have any questions of Mr. Whipple? 23 MR. SNIDER: Yes. Mr. Whipple, umm, could you define 24 or tell me how you define adverse impact? 25 SCOTT WHIPPLE: An adverse impact in this case was</p>	<p>75</p> <p>1 then I went into the campus and umm, parked and walked umm, 2 in the vicinity of those existing cottages and then, umm, 3 and then to the area where the proposed cottages are to go. 4 MR. SNIDER: If we were to plant large numbers of 5 trees around the parameter of our property, having the 6 consequence of blocking all views, would that be considered 7 adverse impact? 8 SCOTT WHIPPLE: Umm, umm, the Historic Preservation 9 Commission typically, so, changes to your property are 10 regulated under the Historic Preservation Ordinance. And 11 so, the review is different than the review that I applied 12 for this project. That said, the Historic Preservation 13 Commission typically doesn't umm, review umm, planting 14 trees and so umm, umm, so umm, by that standard, no I would 15 say that it isn't an adverse effect because the Historic 16 Preservation Commission wouldn't regulate the change. 17 LYNN A. ROBESON: Well, let me just ask you out of 18 curiosity. Forget what the Historic Preservation 19 Commission, what their jurisdiction is and what their 20 policy is. As a historic planner, if Mr. Snider planted 21 trees, a solid wall of trees, around the perimeter of the 22 property, would that adversely impact the character of the 23 area and the historic resources? 24 SCOTT WHIPPLE: I think yes, it would change the 25 visual characteristics of the resource. In fact, what, one</p>
<p>74</p> <p>1 something that was going to change the visual character of 2 the historic resource in a significant way. 3 MR. SNIDER: Picking up on the examiner's questions, 4 from the outside? 5 SCOTT WHIPPLE: Well, I actually said both. Because 6 in the case of the larger buildings in the Northwest, I 7 would say that was from the inside in essence. Umm, so it 8 isn't necessarily just from, the view of your property from 9 the street. Umm, I was looking also at the view into your 10 property from the subject property. 11 MR. SNIDER: Have you been on our property? 12 SCOTT WHIPPLE: I didn't go on your property, but I 13 went on the subject property. 14 MR. SNIDER: Okay, so are you familiar with the view 15 from our property? 16 SCOTT WHIPPLE: I'm not familiar, I haven't been on 17 your property and so I'm not familiar with the view from 18 your property to the street or into the subject property. 19 MR. SNIDER: So, the only view that you know is from 20 the exterior looking in rather than the- 21 SCOTT WHIPPLE: That's correct. Yes, that is correct. 22 MR. SNIDER: And that's from both the Northeast, or 23 Northwest and the, or Northeast and Southwest corners. 24 SCOTT WHIPPLE: Yes, I did a site visit and I drove 25 the streets, so looking at the view from the streets but</p>	<p>76</p> <p>1 of the things that we talked about with these plans was 2 encouraging the applicant to not, to put a wall of trees to 3 try to shield this development from the street, but to, but 4 to be thoughtful in the placement of trees so that it would 5 remain more of a natural umm, characteristic and not like 6 an engineered designed landscape. 7 LYNN A. ROBESON: Okay. 8 MR. SNIDER: In terms of the adverse impact, does the 9 context of a historic property, changing the context of a 10 historic property, does that constitute an adverse impact? 11 SCOTT WHIPPLE: Umm, I don't understand your question, 12 could you say it again? 13 MR. SNIDER: In considering adverse impact, does 14 changing the context in which that property is found, 15 effect whether or not something has an adverse impact? 16 SCOTT WHIPPLE: Are you asking that in the context of 17 the Historic Preservation Ordinance? 18 MR. SNIDER: Yes. 19 SCOTT WHIPPLE: Well, the, so the Historical 20 Preservation, there's a bright line on what the Historic 21 Preservation Commission reviews. They review designated 22 properties and not undesignated properties. So they're, 23 they would, they're only looking at designated properties 24 and umm, they umm, what Chapter 24A of the County Code, 25 umm, establishes is that they are umm, looking for</p>

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20 (77 to 80)

77	<p>1 compatibilities. Making sure the change is compatible with 2 the historic resource. 3 MR. SNIDER: Did the Historic Preservation, your 4 group, umm, assess the Bancroft Estate property on the 5 other side and was it at the corner of Dr. Bird and umm, 6 Norwood County Road? 7 SCOTT WHIPPLE: Umm, I don't know the answer to that. 8 Certainly not under the well, umm, I don't believe so. Not 9 in my recollection during my tenure that umm, I may not be 10 remembering or it may have happened before my tenure, but I 11 don't know. 12 MR. SNIDER: Okay. Okay. That's all. Thank you. 13 LYNN A. ROBESON: Redirect Mr. Kline? 14 JODY S. KLINE ESQ: No, no, none at all. 15 LYNN A. ROBESON: Okay, Mr. Whipple, thank you for 16 coming. 17 SCOTT WHIPPLE: You're welcome. 18 LYNN A. ROBESON: Alright, now with that Mr. Snider, 19 umm, let's do this; let's take a ten minute break. 20 MR. SNIDER: Okay. 21 LYNN A. ROBESON: Mr. Snider, during the break think 22 about whether you wish to present your testimony now and 23 umm, then we'll proceed from there. So, we'll be back at 24 11:30. Alright? 25 MR. SNIDER: Okay.</p>	79	<p>1 we could, other than the infrastructure, umm, and to really 2 appreciate in value its historic significance. In the 3 process of doing that we worked with a very well-known 4 historic architect and we came to realize that our role was 5 very different than we thought. We were not a fine house 6 that, in fact, we were becoming trustees of very important 7 historic property and that hopefully we were going to be 8 holding it for a while and at some point in time it would 9 pass on to the future, umm, maybe in our family, maybe not. 10 That didn't matter. But, from a mission point of view our 11 mission really changed and we ended up doing a number of 12 things in the restoration process to really try to preserve 13 and enhance its historic character. Umm, in many cases 14 things, they were adverse from an economic point of view to 15 us but, but we felt that from a preservation point of view, 16 and honoring the past, it was very important. So, we come 17 to the table today in the context of continuing that 18 mission of really trying to respect the past and the 19 heritage and preserving for the future. So when we, as we, 20 in my questioning of umm, umm, Mr. Harrington earlier, and 21 I raised the point that we had a meeting last Friday and 22 really for the first time, heard really the larger context 23 background and everything of the Friend's House expansion. 24 What became clear to me was that there's now a, umm, a 25 clash of objectives and values here. Umm, as I said we very</p>
78	<p>1 LYNN A. ROBESON: Okay, nine minute break. 2 LYNN A. ROBESON: and the court reporter. We're back 3 on the record at 11:35. Umm, Mr. Snider, did you determine 4 which, are you prepared to testify now? 5 SNIDER: Yes. 6 LYNN A. ROBESON: Okay. Mr. Kline, we will take Mr. 7 Snider's testimony now. Okay. I believe I already swore you 8 in, so you're still under oath. Go ahead. 9 SNIDER: Umm, thank you and thank you for allowing me 10 to be here today, umm, to express umm, our view as to the 11 development of Friends House. Umm, first of all, I'm very 12 sorry that we're at this stage in an adversarial process. 13 Umm, we consider the Friends House to be a very good 14 neighbor. Umm, we believe in the mission and umm, we also 15 understand the economics of the challenges that they're 16 facing and their good intent in terms of trying not to 17 displace people. So, we're very sorry to be on the opposite 18 side of the table, although we're sitting next to you, umm, 19 in this process. When we bought our house in 1988 umm, we 20 had been living in the city and we came across, at that 21 point in time, the house had been, umm, was in 22 receivership. We looked at it, we loved the setting, it was 23 beautiful and the Sandy Spring area was a very rural 24 context. We then began a process to restore it with a 25 commitment to try to remove as much of the 20th century as</p>	80	<p>1 strongly believe in the mission of what Friend's House is 2 all about, including their commitment to affordable 3 housing. Umm, and at the same time I think they understand 4 that we have a very important mission in terms of trying to 5 preserve the past and carry it over to the future. And the 6 question at this stage of the game is sort of how do you 7 reconcile these two issues. When we start to umm, umm, when 8 I started to think about things after our meeting, one of 9 the unfortunate things was umm, that the planning process 10 of the Friend's House began four years ago and we really 11 became aware of this process this year. And as a 12 consequence there was no ability on our part to sit down 13 with them and really find common ground. And what's passed 14 is passed. Umm, I'm sorry about that because I think if we 15 had been able to consult we might've been able to find some 16 areas where we could work together so we could satisfy the 17 mutual missions. We've now moved beyond that. It seems to 18 me that one of the things that's striking about the road 19 from Ednor Layhill Road which is (inaudible) with Woodlawn 20 Manor, just not on here, which is, relates to the earlier 21 testimony, out past the Bancroft Estate which is to the 22 west and north of our property umm, on the corner of Doctor 23 Bird Road and Norwood County Road, is that what you see is 24 large expanses of open property with the houses and 25 buildings set way back from the road so that when you're</p>

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21 (81 to 84)

<p>81</p> <p>1 driving in there, Woodlawn, which is also historic property 2 and the Bancroft new houses built there all fit within a 3 character of Sandy Spring being in a historic community and 4 a rural community. What we find with the proposed Southwest 5 quadrant, and that is what I focus today, the Southwest 6 quad-, quadrant is that that changes and is inconsistent 7 with that mile long stretch of road umm, and changes the 8 character. And it just doesn't change the character from 9 the outside. It changes the character in terms of you are 10 moving along these open spaces, property set way back to 11 this one space which is going to have a high density 12 housing. They have moved from single family to duplexes but 13 at the same time it is going to be essentially a suburban 14 development that is going to be very visible from the road, 15 from the exterior, and as you're driving down the road it 16 is going to stand out in a very dramatic way. If I had a 17 chance to go back with the solar panels, I was never 18 consulted, I was never asked and didn't find out about it 19 until it was constructed, I'd probably be here testifying 20 the same thing. That's now water over the dam. What I can 21 say with this is this going to be a very different view, 22 umm, right next to one of the most important historic 23 buildings in Montgomery County. In addition to that, and we 24 was talking about whether it's from the view shed point of 25 view or the testimony of Mr. Whipple in terms of the</p>	<p>83</p> <p>1 property that are not counted as part of that woods, that 2 have all been infected with (inaudible) and basically our 3 tree people have said they're dead or will be dead by 4 spring time at which point in time the filtering is going 5 to be a large number of dead trees. Now maybe in sixty year 6 there will be new trees that will replace them that will 7 not be infected by something, but in the meantime what 8 you're going to have is a much thinner filter and on top of 9 that they're going to be moving two thirds of an acre of 10 more trees which are part of the filtering process. And if 11 you actually go to the woods, that two thirds of an acre 12 are actually some of the larger trees. They're walnuts, 13 umm, they're maples, so it's even going to thin things out 14 more. The consequence of that is that the view shed, or the 15 view shed, umm, is actually going to be, it's going to be 16 very clear there are houses there. It's going to be looking 17 at a suburban environment. From outside you're going to 18 drive along, you're going to see suburbs and from our 19 property you're going to also see both, umm, umm, suburbs. 20 So the entire historic character of the property is going 21 to be changed because of that. And the interesting context 22 is a new development that I've referred to the Bancroft 23 Estate. They're the developer in response two feet back, 24 designed it so that there was one large house that was very 25 consistent with Woodlawn with Norwood and built on the</p>
<p>82</p> <p>1 adverse impact, the thing that is striking is the comments 2 are from the exterior as opposed from outside looking in as 3 opposed to the inside looking out. When you are at our 4 property, and we have opened it up to many groups within 5 the community, historic home tours and things of that sort, 6 one of the characteristics of it is when you look around, 7 literally, panoramic view looking around, you see the wide 8 open rural spaces. That is going to be changed dramatically 9 with this. And we heard about minimized, we've heard about 10 umm, filtered. When you're there and you're looking out, 11 you're in the summer when all the leaves are out, you have 12 one view. For six months of the year when the leaves are 13 not out it is a very, very different view and it is going 14 to change the character. In addition to that, there is a 15 big difference between day and night and they've done a 16 very good job in terms of the overhead lighting and the 17 screens but houses with windows, unless they're going to 18 have black windows which they are not going to have, it's 19 going to light up the neighborhood when people turn on 20 their lights. So, when you look from the house you're going 21 to see a suburb, not the rural area that we're talking 22 about. And in addition to that, that woods that everybody 23 has been discussing, that is the barrier to this, is 24 actually twenty-five to thirty percent Ashe trees and the 25 Ashe trees are large. We have fifteen Ashe trees on our</p>	<p>84</p> <p>1 property, over two hundred feet set back, but in an eleven 2 acre zone. So it was a single house set back from the road 3 very much within the context of what Norwood road is all 4 about. And that's an example that's in sharp contrast to 5 essentially the suburban development. So, from our 6 prospective we've tried to end earlier submissions, tried 7 to point out an area that we have a serious problem with. 8 It's five, umm buildings in the south west quadrant that we 9 feel really should not be approved; the rest of the 10 property is fine. 11 Lynn A. Robeson: Okay, thank you. Can you, umm, point 12 out to me the five buildings, umm, that you don't think 13 should be approved? I assume it's the two on the northern 14 loop. 15 Snider: It's the two that are closest to our property. 16 Lynn A. Robeson: Okay. 17 Snider: The one that is closest to Norwood Road. 18 Lynn A. Robeson: On the southern end of that fire 19 access road? 20 Snider: On the south end of the property, yes. And the 21 two on the inner circle that are umm, I don't know how you 22 would describe it. 23 Lynn A. Robeson: Closest to your property or furthest 24 west? 25 Snider: Furthest west, yea that would be the good</p>

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22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 example.</p> <p>2 Lynn A. Robeson: Okay, thank you. Umm, Mr. Kline, do</p> <p>3 you have any questions?</p> <p>4 Mr. Kline: Yea umm, Mr. Snider how, why was it that</p> <p>5 you only got involved in the Friends House matter this year</p> <p>6 I think was your phrase. Umm, I believe you had received</p> <p>7 invitations, umm, umm, notices of the events previously but</p> <p>8 did not elect to take advantage of them.</p> <p>9 Snider: Umm, to the best of our knowledge no we did</p> <p>10 not receive anything prior to that. We, I first read about</p> <p>11 the expansion in the local replacement for the lonely</p> <p>12 gazette or whatever it is. Umm, and that was the first</p> <p>13 notice that either of us received.</p> <p>14 Mr. Kline: Umm, I don't have Mr. Sekerak's map but, if</p> <p>15 we are starting at the Red Door Store at the corner of</p> <p>16 Ednor and Layhill and moving all the way up to Norwood and</p> <p>17 Doctor Bird, there certainly are buildings on probably on</p> <p>18 both sides of the road that are closer than anything umm,</p> <p>19 that the Friends House is proposing. Is there not?</p> <p>20 Snider: There's one Gray house that was originally a</p> <p>21 farm house on the right side that is between what is umm,</p> <p>22 there are two solar arrays for the Sandy Spring Friends</p> <p>23 School and the first one is right next to Woodlawn.</p> <p>24 Mr. Kline: Let's see, explain where Woodlawn is.</p> <p>25 Snider: Woodlawn is at the Corner of Ednor and umm,</p>	<p style="text-align: right;">87</p> <p>1 gave us was all on what I call the east side of the road.</p> <p>2 Snider: Yes</p> <p>3 Mr. Kline: Or the right hand side as you're moving out.</p> <p>4 Snider: Correct.</p> <p>5 Mr. Kline: But umm on the left hand side are there not</p> <p>6 structures within that same set back? Much closer actually</p> <p>7 to Norwood road than anything. (Inaudible)</p> <p>8 Snider: There, there is on, on the left side you have</p> <p>9 the Red Door store and a large open farm, and then you have</p> <p>10 a umm, horse stable and umm, umm, umm, a umm, old house</p> <p>11 that has been set way back umm, and then you have a</p> <p>12 development that was built I don't know when. Umm, and</p> <p>13 then you have a, umm, and that has some houses that move</p> <p>14 fairly, there sort of barriered off but that, it moves</p> <p>15 fairly close. And then you move into a large, directly</p> <p>16 opposite the Christmas tree lot and our property, there is</p> <p>17 a large lot that has a road that goes down to a development</p> <p>18 that's set way back and there's a single house that's, I</p> <p>19 think it's on a fifteen acre umm, umm, fifteen acre</p> <p>20 property and then you hit Doctor Bird Road.</p> <p>21 Mr. Kline: I have no further questions Your Honor.</p> <p>22 Lynn A. Robeson: Alright, Thank you Mr. Snider. Umm,</p> <p>23 Mr. Kline if you, yes?</p> <p>24 Snider: Ahh, It was just, I, I should have apologized.</p> <p>25 Lynn A. Robeson: You do get redirect, so.</p>
<p style="text-align: right;">86</p> <p>1 Norwood Road State Road.</p> <p>2 Mr. Kline: And that's a Park and Planning facility?</p> <p>3 Snider: Yes, that is a Park and Planning facility and</p> <p>4 it was built by the same family that built Norwood and his</p> <p>5 18 century house also. Umm, then there is the ropes course</p> <p>6 and solar array that's owned by Sandy Spring Friends,</p> <p>7 that's the Sandy Spring Friends property line. Then next</p> <p>8 to that is a grey and white old farm house that is also</p> <p>9 Sandy Springs Friends property. Umm, usually faculty</p> <p>10 members are allowed to live there. They do have the</p> <p>11 entrance to Sandy Spring Friends School and its playing</p> <p>12 fields are out in front. Then you have the new Sandy Spring</p> <p>13 array that's on top of the artificial hill that was dug out</p> <p>14 when they did some building. Umm, then you have the south</p> <p>15 west, I can't remember somebody had some cute name for it</p> <p>16 that I thought was good.</p> <p>17 Mr. Kline: The Christmas Tree lot.</p> <p>18 Snider: The Christmas Tree, umm, umm lot. Then you</p> <p>19 have Norwood and then you have Doctor, well Norwood turns</p> <p>20 into, bares right and goes into the county road and across</p> <p>21 and turns, if you go straight it goes in-, it turns into</p> <p>22 Doctor Bird Road and at that corner you have the Bancroft</p> <p>23 Estate property, it's not property it's the whole</p> <p>24 (inaudible).</p> <p>25 Mr. Kline: So I think umm, your travel log you just</p>	<p style="text-align: right;">88</p> <p>1 SNIDER: No, no, I just-</p> <p>2 Mr. Kline: Of himself?</p> <p>3 Snider: My wife asked me how I was going to ask myself</p> <p>4 questions. No, I just, I had a long time planned meeting</p> <p>5 this afternoon. I didn't, I am not an estate lawyer or</p> <p>6 property land use lawyer so I actually didn't know the</p> <p>7 procedure was today. I have to leave here by one o'clock.</p> <p>8 Lynn A. Robeson: I, you said that. So, my, my next</p> <p>9 question following up on that, is if you plan to recall Mr.</p> <p>10 Whipple, umm I'd like Mr. Schneider to be here otherwise I</p> <p>11 am going to excuse Mr. Whipple and he can leave.</p> <p>12 Mr. Kline: I had no intentions myself of calling Mr.</p> <p>13 Whipple, if he heard something else he feels he would like</p> <p>14 to comment on I'd certainly allow him to do so.</p> <p>15 Lynn A. Robeson: No, seeing him shake his head no, Mr.</p> <p>16 Whipple you can leave now, alright? Umm, and I, so, I am</p> <p>17 not going to let him come back as a witness if Mr.</p> <p>18 Schneider is not here. Alright, with that, thank you very</p> <p>19 much for your time and everyone's time. We will proceed</p> <p>20 with umm, Mr. Kline's next witness. Is there anyone else</p> <p>21 that wishes to testify that has to leave? Okay seeing</p> <p>22 none-</p> <p>23 Mr. Kline: (laughter) I was going to say a lot of</p> <p>24 hands might go up. (laughter)</p> <p>25 Lynn A. Robeson: I didn't say do you want to, yes I</p>

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23 (89 to 92)

<p>89</p> <p>1 didn't say do you want to leave. Go ahead Mr. Kline. 2 Mr. Kline: Well I would return to umm, Mr. Harrington 3 then and go back to kind of where we were in the beginning. 4 Lynn A. Robeson: Thank you Mr. Whipple. Mr. 5 Harrington you're still under oath. Now before you get 6 into it I do have a question umm, about the operations 7 before you get into that. Is, how critical are those ten 8 units there? They're duplexes correct? 9 Mr. Harrington: yes, there very critical to the 10 financial (inaudible) the process, the project. 11 Lynn A. Robeson: And can you explain that? 12 Mr. Harrington: Okay, those ten duplexes are in what 13 we call our first phase, umm, and they are going to help 14 finance the common area, the renovation of the common area. 15 Mr. Kline: Don't go any more. I want to see if I can 16 find the- 17 Lynn A. Robeson: Well can you change the, I mean I 18 know that you have worked on this for four years but I have 19 to make a compatibility finding. And I guess my question 20 is, you know, is there, you know you've had this plan for 21 four years. 22 Mr. Harrington: We haven't had the plan for four 23 years, we discussed the plan, the plan has gone through 24 many renovations over the last four years. 25 LYNN A. ROBESON: Umm hmmm</p>	<p>91</p> <p>1 LYNN A. ROBESON: Okay, go ahead Mr. Harrington. 2 JODY S. KLINE ESQ: Mr., Mr. Harrington, umm, what I'd 3 like you to do is start off and identify what's there today 4 or, and then kind of walk us through the phases and- 5 KEVIN HARRINGTON: I guess I'll go back to this aerial 6 view- 7 JODY S. KLINE ESQ: Okay, and just- 8 LYNN A. ROBESON: And that's Exhibit 78, correct? 9 KEVIN HARRINGTON: Correct. 10 LYNN A. ROBESON: Okay. 11 KEVIN HARRINGTON: I'm sorry, would you- 12 JODY S. KLINE ESQ: No that's okay. As long as you 13 explain kind of, as you point to each thing you're going to 14 have to somehow identify it. 15 KEVIN HARRINGTON: Okay. So the one, there's two roads 16 into the community, off of County State Road Norwood. First 17 is Quaker Lane. 18 LYNN A. ROBESON: Before you start, can you explain 19 the County State (inaudible)? 20 KEVIN HARRINGTON: (laughter) 21 LYNN A. ROBESON: I mean, what does that mean, County 22 State? I don't know what that mean. 23 KEVIN HARRINGTON: The road here- 24 LYNN A. ROBESON: On the southern- 25 KEVIN HARRINGTON: On the southern part of the</p>
<p>90</p> <p>1 KEVIN HARRINGTON: In December of 2015 when we were 2 first starting with Parks and Planning we posted a sign in 3 front of the property that we had this project and we sent 4 letters to all the neighbors including the Schneider's. We 5 met with the Sandy Springs Civic Association three times. 6 LYNN A. ROBESON: Umm hmmm 7 KEVIN HARRINGTON: And, it wasn't something that we 8 were hiding from anybody. It was to the- 9 LYNN A. ROBESON: Okay. 10 KEVIN HARRINGTON: We didn't meet with anybody until 11 the plan materialized. 12 LYNN A. ROBESON: Okay. Now go back to my question 13 about how critical these are. 14 JODY S. KLINE ESQ: Umm, Mr. Harrington, first of all, 15 I put up on the board something that we've created for this 16 hearing. All of this information is in the record and the 17 staff report but it's not in this exhibit form. So I'd ask 18 that these, all four phases be made an exhibit in the 19 record, please. 20 LYNN A. ROBESON: Do you have any objection, Mr. 21 Snider, while you're here? 22 SNIDER: No. 23 LYNN A. ROBESON: Okay, I will put it in as I think 24 we're on 80. And how would you describe that? 25 JODY S. KLINE ESQ: I would call it Phasing Exhibit.</p>	<p>92</p> <p>1 community, that means the state takes care of that road, 2 plowing, repaving- 3 LYNN A. ROBESON: So it's a state road? 4 KEVIN HARRINGTON: It's a state road. 5 LYNN A. ROBESON: Okay, so- 6 KEVIN HARRINGTON: And the one that comes up north- 7 LYNN A. ROBESON: On the northern property boundaries- 8 KEVIN HARRINGTON: Is a county maintained road. 9 LYNN A. ROBESON: Okay. 10 KEVIN HARRINGTON: In other words, the county would 11 plow it, repair it, etc. 12 LYNN A. ROBESON: I just didn't know what it meant. 13 JODY S. KLINE ESQ: And just to, (inaudible) clear it 14 up already to confuse you more, umm, the extension of Nor-, 15 Norwood Road beyond the county version is called a 16 different name. 17 KEVIN HARRINGTON: Doctor Bird. 18 JODY S. KLINE ESQ: Doctor Bird. And that's a state 19 road also, right? 20 KEVIN HARRINGTON: That's a state road also. There is 21 a traffic light the state put in a year and half ago, two 22 years ago, umm, at that intersection because there's a 23 concern about people coming up Norwood County at the State 24 and there was too many accidents. There is a light right 25 outside the Snider's property that people can turn left on</p>



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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 Norwood and not be, the issue was people coming down Doctor 2 Bird onto Norwood and was coming too fast, people couldn't 3 get out onto the road. So right in here there's a new 4 light. 5 LYNN A. ROBESON: Okay. I was just confused by the 6 terminology. 7 JODY S. KLINE ESQ: It's strictly a maintenance 8 designation. 9 LYNN A. ROBESON: Okay. Go ahead. 10 KEVIN HARRINGTON: Alright, so coming up Quaker, umm, 11 Quaker Lane umm, there is five buildings that were 12 purchased and were built in late 1960s under a two hundred 13 and two (inaudible) and of those five buildings, four were 14 residential and one was this common area. The first 15 building you hit coming up is building eight, which each, 16 we have a hundred (inaudible), and in each of those four 17 buildings, twenty-five units exist, or twenty-five 18 apartments. (inaudible) you're now going to take it down 19 and put a tax credit building in for affordable housing, 20 then the next building, which are building A, which is our 21 Common Area building or our dining, administrative offices 22 umm, library, recreational area for our residents. 23 LYNN A. ROBESON: So there's no residential units in 24 the Commons? 25 KEVIN HARRINGTON: No-</p>	<p style="text-align: right;">95</p> <p>1 common area, which was our old skilled nursing originally. 2 Umm, that was built soon after these, the Commons were 3 built in the late 60s. Umm, and then we have Stabler Hall 4 and Thomas Hall. Stabler Hall was built in the 70s, or late 5 70s. Thomas Hall was built in umm, 2005. That's where our 6 skilled nursing is. So, we have eighty-two skilled nursing 7 beds. Fifty-three are in Stabler and Hall. Twenty-eight are 8 in Thomas Hall. And then we turned Havelyn Hall into 9 twenty-one assisted living units. So we run, we part, we 10 have been licensed under CCRC, a Continuing Care Retirement 11 Community, licensed through the Department of Aging in 12 Maryland and that happened about seven years ago. Umm, they 13 licensed the cottages, the assisted living and skilled 14 nursing care. They do not license the HUD building because 15 that's under the guys of HUD. Umm, so we, I said earlier, 16 we looked at this campus and thought we need to redevelop 17 because our existing HUD building has sixty studio 18 apartments, forty-one bedroom apartments. The studio 19 apartments are 365 square feet. The one bedrooms are under 20 600 square feet and looking at the future and the design of 21 those buildings and the physical plan of, umm, the boilers 22 and so forth, that they were at their useful end of life 23 and we need a new building to carry on our mission of low 24 income housing. But to also carry on this mission our, our 25 debt to HUD or our loan to HUD was paid off in December of</p>
<p style="text-align: right;">94</p> <p>1 LYNN A. ROBESON: Okay. 2 KEVIN HARRINGTON: not in the Commons. Umm, then 3 there's three other buildings back here, B, C, and D, which 4 are residential units. Each of those have twenty-five in 5 it. So there's a hundred HUD apartments. In the last year 6 through attrition we haven't brought in anybody new and 7 we're down, our census in those buildings right now are 8 seventy-four. That's allowed us to vacate building need to 9 allow us to bring that down and build the tax credibility. 10 Umm, while we're coming down Quaker Lane is our cottages 11 and those, over time, in the early 70s, were built by 12 Quaker families who came in, through a donation agreement 13 where they would live there. Once they passed on it would 14 revert back to the community. Those were built in the early 15 70s. And then Quaker Knoll has umm, other com-, or other 16 six cottages on those, which were built in the 80s. And 17 Friends House Road has four buildings where eight duplexes 18 on it, that were built in the 90s. Okay? 19 LYNN A. ROBESON: And those are the ones that are 20 going to stay? 21 KEVIN HARRINGTON: Those are going to be the ones that 22 we're renovating. The other buildings were built to the 23 specifications of people coming in. No ADA compliance, not 24 built for seniors, not wide hallways to allow wheel chair 25 access. Umm, then we have Havelyn Hall that comes off our</p>	<p style="text-align: right;">96</p> <p>1 this year. We're going to have to acquire new debt. And in 2 acquiring new debt we need a revenue stream and that would 3 be these new market rate cottages. And that's where we get 4 into the phase one coming back to this- 5 JODY S. KLINE ESQ: You're referring to Exhibit 80 now 6 and in the upper left hand corner we have phase- 7 LYNN A. ROBESON: But you need new debt for the 8 Commons but not necessarily the tax credit housing. 9 KEVIN HARRINGTON: Because that's going to come 10 through the- 11 LYNN A. ROBESON: The low income tax credit- 12 KEVIN HARRINGTON: Right. 13 LYNN A. ROBESON: investors. 14 KEVIN HARRINGTON: Right. And also we're be-, we're 15 developing a campus that's going to be a wide variety of 16 incomes between low income to umm, market rate income and 17 (inaudible) income. We're going to have three but we want 18 everybody with our values to share in our common spaces. So 19 the people that live in the tax credit building will be 20 able to use the dining, the exercise room, the library, 21 etc. Umm, so we wanted, we went to the county, or we're 22 going to the county to get approval for a master plan that 23 will stretch for a number of years. But we built it out in 24 phases and phases that needed to be financially sound on 25 each phase because if we don't go past this phase one, I</p>

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25 (97 to 100)

<p>97</p> <p>1 guess it's not bringing in the right amount of cash flow to 2 meet that service we're in trouble. So we know the market 3 rate cottages and lodges would be what we needed to bring 4 in. And we had existing buildings already here and we 5 didn't want to build an existing, new assisted living that 6 narrowed the scope of where we can put this. And on the 7 wooden, the, the, which side-</p> <p>8 LYNN A. ROBESON: The eastern-</p> <p>9 KEVIN HARRINGTON: The east side, umm, we had umm, 10 stream (inaudible) buffer and flood plain issues that we 11 couldn't push anything to this and we added existing 12 cottages that lived there and we made promises to our 13 existing residents that live in these cottages that nobody 14 would ever be forced out and that when they turn over is 15 when we would execute the other parts of these plans. Umm, 16 so we need all of these red circled area cottages to make 17 this, this plan work, fiscally.</p> <p>18 JODY S. KLINE ESQ: So the loss of ten cottages would 19 have significant, significant negative affect on the pro 20 farm or the readiness stream necessary to implement your 21 plan?</p> <p>22 KEVIN HARRINGTON: Correct.</p> <p>23 JODY S. KLINE ESQ: Now let me just kind of take it in 24 a different way then. Okay, don't give them up. Can you 25 relocate them? Is there any opportunity, based on all the</p>	<p>99</p> <p>1 umm, that's a staff report but it is not in the record and 2 ask that, this is a rendered plan. It's basically our site 3 plan superimposed over an aerial photograph.</p> <p>4 LYNN A. ROBESON: So it's a rendered site plan-</p> <p>5 JODY S. KLINE ESQ: And I think I've got it 6 upside down.</p> <p>7 LYNN A. ROBESON: Eighty-one, Mr. Snider, do you have 8 an objection?</p> <p>9 SNIDER: I actually can't see it.</p> <p>10 JODY S. KLINE ESQ: It's, it's,-</p> <p>11 SNIDER: We have a lot of bodies standing-</p> <p>12 JODY S. KLINE ESQ: I'll get out of your way in a 13 moment.</p> <p>14 SNIDER: No, I understand. That's why I was-</p> <p>15 JODY S. KLINE ESQ: Umm, it's called Campus Master 16 Plan Rendering for Special Exemptions.</p> <p>17 LYNN A. ROBESON: Okay, that will be 81.</p> <p>18 JODY S. KLINE ESQ: Mr. Harrington, umm, stepping 19 back, again, show us again where the, the garden will 20 remain after, let me rephrase that. This is, this exhibit 21 represents the, sort of end building state after you 22 complete everything. Is that correct?</p> <p>23 KEVIN HARRINGTON: Correct. We currently, you see 24 these paths that are here? We currently have some paths, 25 walking trails, paths. It sits right here in between these,</p>
<p>98</p> <p>1 discussions you've had eternally as to where they could be 2 located.</p> <p>3 KEVIN HARRINGTON: Now, we have a garden that's up 4 here, a three acre garden-</p> <p>5 JODY S. KLINE ESQ: Can you just sort of highlight 6 what you're talking about?</p> <p>7 KEVIN HARRINGTON: Umm, it would be in this area right 8 in here.</p> <p>9 LYNN A. ROBESON: Umm, that is just south of the 10 Commons?</p> <p>11 KEVIN HARRINGTON: Right.</p> <p>12 LYNN A. ROBESON: Is it the Common or the Commons?</p> <p>13 KEVIN HARRINGTON: Commons and, and Havelyn Hall.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 KEVIN HARRINGTON: Umm, that is sacred ground to our 16 residents. Umm, and umm, you know gardening is a big part 17 of our annual, or our activities for residents and so 18 forth. So umm, and it's not that big of a plot. It's only 19 three acres. Umm, other areas down here, this is where 20 everything kind of, we don't have sewers or anything. Water 21 runs down these hills into this pond, collect in the pond 22 and then umm, once it rises, comes through, into the, the 23 stream area, that it would be just too bright of an area 24 to, to build any additional housing in that green space.</p> <p>25 JODY S. KLINE ESQ: I'm going to put up an exhibit,</p>	<p>100</p> <p>1 this U-shaped path.</p> <p>2 JODY S. KLINE ESQ: Umm, I see that there's 3 essentially a framework of buildings around the open space.</p> <p>4 Umm, is that a reason why you don't want to infringe in 5 that open space? You can elaborate on that.</p> <p>6 KEVIN HARRINGTON: It, it just gives us like a common 7 green for, within the community, for our residents to be 8 able to walk the campus. Umm, you know, it allows them to 9 umm, exercise and to walk interiorly, the campus and get 10 umm, and we had a memorial garden here too umm, where a lot 11 of our residents, when they passed their ashes were spread 12 in the memorial garden.</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 JODY S. KLINE ESQ: Umm, I believe you've kind of 15 alluded to this but I'm going to kind of jump ahead among 16 some of the questions that I thought I was going to be 17 asking and that is, just kind of explain. What's the 18 driving force for this Master Plan as you call it? What is 19 it that you want to accomplish with Friends House?</p> <p>20 KEVIN HARRINGTON: Well, we've been there fifty years 21 and want to be there for another fifty years and umm, the, 22 the, and it's not to increase our size but to make our size 23 still look, we're a small community but we want to make it, 24 increase it enough so that the economy, it scales and 25 fiscally that this community can work. Umm, and you know,</p>

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26 (101 to 104)

<p>101</p> <p>1 the goal is to be in tune with nature and build, and you 2 know, Quak-, we are a Quaker community that you know, umm, 3 one of their values is simplicity and we want a simple 4 campus that's umm, and that it, I think Joyce mentioned it 5 earlier, Joyce Lenhardt mentioned it earlier that we use 6 the, the area and the footprint of the community in a 7 stewardship type of, resourceful type of area. In other 8 words, all of these one buildings that we have are all one 9 story and we're starting to build in the back part of the 10 campus in here, two or three stories.</p> <p>11 LYNN A. ROBESON: When you say back you pointed to the 12 eastern side.</p> <p>13 KEVIN HARRINGTON: Correct. Umm, these new apartment 14 buildings would be two stories. This, the tax credit would 15 be three, stepping down to two. Umm, where currently HUD 16 housing had a taken up a gigantic portion of the campus 17 and we're now going to just have it in where one main 18 originally had, had sat. We want to create more green space 19 within the entire community.</p> <p>20 LYNN A. ROBESON: Although by creating the greenspace 21 you're pushing it to the edges of, what do you say to Mr. 22 Snider's testimony that thirty percent of his forest is 23 likely going to be gone?</p> <p>24 JODY S. KLINE ESQ: Can I ask if we defer the answer 25 of that to the expert on this subject? The landscape</p>	<p>103</p> <p>1 or umm, I'm balancing compatibility concerns.</p> <p>2 KEVIN HARRINGTON: Okay.</p> <p>3 JODY S. KLINE ESQ: Mr. Harrington, I'm just going to 4 move some boards around. This seems to be a good example of 5 our exhibit hold up but I want to go back to the phase 6 exhibit because I wanted to have you talk a little bit 7 about what I call the kick off project because you 8 mentioned the tax credit finance building. So umm, on the 9 drawing you've highlighted the, the yellow circled, I'm 10 sorry, the red circled areas where there are cottages but 11 you've also got circled as blue for print up. That's the 12 tax credit building, right?</p> <p>13 KEVIN HARRINGTON: Right.</p> <p>14 JODY S. KLINE ESQ: Okay.</p> <p>15 KEVIN HARRINGTON: That's correct.</p> <p>16 JODY S. KLINE ESQ: Explain to the Hearing Examiner 17 the relationship you have with Housing for America and 18 what's going to occur there. What's going to come down, 19 what's going to go in?</p> <p>20 KEVIN HARRINGTON: Okay. We, we made a, we are in 21 partnership with Homes for America, a tax credit developer. 22 Originally when we were starting to think about how we 23 would replace the HUD building we, umm, engaged a company 24 called Ventas, to help us in their development and in 25 engaging we went and visited umm, some of the state</p>
<p>102</p> <p>1 architect will be testifying later.</p> <p>2 LYNN A. ROBESON: Sure.</p> <p>3 JODY S. KLINE ESQ: I don't mind if he wants to get a, 4 take a shot at it but I know I can get you a better 5 technical answer.</p> <p>6 LYNN A. ROBESON: Okay.</p> <p>7 KEVIN HARRINGTON: I mean, that was important to us 8 that you know, umm, and important to our, our, our 9 residents umm, in regards to trees.</p> <p>10 LYNN A. ROBESON: I do understand, I certainly 11 understand their concerns.</p> <p>12 KEVIN HARRINGTON: And, and you know, they're, 13 Stantech did do a forestry plan and all of our trees are 14 listed. Umm, we have plans-</p> <p>15 LYNN A. ROBESON: No I, I understand that. I guess 16 your own expert used Mr. Snider's forested buffer as a 17 basis for being compatible with his property. But I think 18 what Mr. Snider is raising is that that forested buffer is 19 not going to be as robust as it is now. So, but you don't 20 have to answer. I'm throwing out these questions so that 21 you can think about it.</p> <p>22 JODY S. KLINE ESQ: Mr. Kennedy who will be 23 testifying-</p> <p>24 LYNN A. ROBESON: And I'm not, Mr. Harrington, I'm not 25 criticizing any of the goals or missions of Friends House</p>	<p>104</p> <p>1 representatives who do tax credit building. We talked to 2 people who do HUD financing and basically HUD, there was no 3 money in HUD for loans. Umm, so we wanted to do tax credit 4 so we came down here and met with the county and met with 5 the state and everybody who we met with said we needed to 6 get a tax credit developer. You don't have the expertise to 7 do that and we went out and umm, met with three to four 8 candidates and umm, interviewed them and over a period of 9 time and seeing their projects we entered into an agreement 10 with Homes for America to develop this property. And we 11 will own the land and we will be in a partnership with 12 them. Umm, they will, they're res-, we are, our 13 responsibility to give them the pad, basically and their 14 responsibility is to do the front financing and, and 15 construction of that building umm, with some oversight of 16 how it looks from the outside on our part so it matches 17 what we're building throughout the community and they will 18 bring on, with our help, bring on a management team to 19 manage that. We will not manage it ourselves because being 20 a tax credit building, its, concerns are raised about 21 qualifying people. Umm, we may in the future do, we haven't 22 gotten there but we may sell them some services such as 23 maintenance or housekeeping or something to that effect. 24 Umm, umm, but we're still in the beginning stages of this 25 agreement. They have gone out and engaged an architect that</p>

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27 (105 to 108)

<p>105</p> <p>1 you will hear from Grimm and Parker today to, who has 2 experience with tax credit buildings also. And you will 3 from Homes for America today also. 4 LYNN A. ROBESON: Okay. 5 JODY S. KLINE ESQ: Umm, maybe we don't want to go 6 into all of phase four but let's just, just give us a 7 highlight of what happens when phase, well let's put it 8 this way. What do you think is the duration of the 9 implementation of the phase one? 10 KEVIN HARRINGTON: Umm, phase one will probably start 11 in umm, 2018. Umm, more, we are hoping more in the spring 12 but it will probably be more in the fall. Umm, we have an 13 issue here where we have to get approval from the county- 14 LYNN A. ROBESON: Right. 15 KEVIN HARRINGTON: and then we have the other issue. 16 We have to get approval from the Department of Aging on 17 this too. 18 LYNN A. ROBESON: Yes. And if you could just give me, 19 I'm getting concerned about the time. I'd like to finish 20 this. I don't mean to cut you off. I'd like to finish this 21 hearing, you know, the testimony at least today. So umm, so 22 you can give me general numbers. 23 KEVIN HARRINGTON: Okay. 24 LYNN A. ROBESON: As far as what you think, because I 25 know they're subject to many, you know, a lot of</p>	<p>107</p> <p>1 LYNN A. ROBESON: Three. 2 KEVIN HARRINGTON: In other, what we're thinking is 3 that we would bring down Havelyn Hall. It's a one story 4 building and build new. Umm, the first floor would be 5 common areas, second floor would be more umm, independent 6 living or residential living apartments. 7 LYNN A. ROBESON: Okay. 8 JODY S. KLINE ESQ: We'll have you put on some track 9 shoes and to kind of speed things up a little bit. So umm, 10 let's go ahead and jump to the end state. Umm, when your 11 all finished how many dwelling units will you have in that 12 community? 13 KEVIN HARRINGTON: Umm, 14 JODY S. KLINE ESQ: And a break down I guess between 15 the two different components of nursing assistance- 16 KEVIN HARRINGTON: And I have that here. Okay, total 17 we should have a total of 446 units of which would be umm, 18 126 new independent living apartments, umm, 158 lodge 19 apartment units, thirty-two duplex cottages, forty-eight 20 assisted living and the eighty-two skilled nursing beds. 21 LYNN A. ROBESON: I'm sorry, how many assisted living? 22 KEVIN HARRINGTON: Forty-eight. 23 LYNN A. ROBESON: And then skilled nursing? 24 KEVIN HARRINGTON: Eighty-two. It would remain the 25 same-</p>
<p>106</p> <p>1 construction variables. When is, when do you anticipate 2 phase two? 3 KEVIN HARRINGTON: Umm, phase two would probably be 4 umm, 2019, 2020. And phase two really umm, the biggest 5 thing in phase two is the assisted living building that you 6 see here. 7 JODY S. KLINE ESQ: And you're, you're pointing to 8 exhibit number what? 9 KEVIN HARRINGTON: Exhibit #80. 10 JODY S. KLINE ESQ: And the building is colored in 11 purple. 12 JODY S. KLINE ESQ: Purple. 13 KEVIN HARRINGTON: Umm, once those folks, once that 14 building is built we would locate people from our existing 15 assisted living and Havelyn Hall and move them there and 16 then we would then go into phase three, which would then 17 increase our common space. In other words we would take 18 that Havelyn Hall and make that more com-, more dining 19 rooms, more meeting areas and so forth. And then we would 20 build a, an apartment building where C/D wings exist today 21 and that's in phase three on the Exhibit #80. And those are 22 in this blue area here. 23 LYNN A. ROBESON: So Havelyn Hall would provide more 24 common services in phase- 25 KEVIN HARRINGTON: Three.</p>	<p>108</p> <p>1 LYNN A. ROBESON: Okay. Thank you. 2 JODY S. KLINE ESQ: And that 446, in terms of 3 (inaudible) translates into what do you assume, a one and 4 half people per unit? Do you have a formula? 5 KEVIN HARRINGTON: Umm, I would have that formula most 6 likely for the independent living, or res-, what I call 7 residential living, those people being apartments. Umm, 8 duplexes or lodges but most likely skilled nursing would be 9 one person and umm, assisted living most likely would be 10 one person, unless we billed, had a husband and wife, which 11 usually isn't the case. 12 JODY S. KLINE ESQ: The staff report does have a table 13 to sort of tighten up the staff increases. Tell us, how 14 many staff people do you have today on the property? 15 KEVIN HARRINGTON: Umm, we are twenty-four hour, seven 16 day a week business. We have on, in our payroll 198 17 employees. Most of them reside in the assisted living, 18 skilled nursing area and most of them, like I said work 19 twenty-four, seven. Umm, on the residential living side we 20 have fifteen folks who are, work with residential living 21 and also other services such as your county people do the 22 entire house, kind of. There, they, they work on both 23 health care and independent living. Umm, and housekeeping 24 would be included in that too. 25 JODY S. KLINE ESQ: So what happens we ramp up, I</p>

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<p>109</p> <p>1 don't think I asked you how many employees you're going to</p> <p>2 add every time you add a certain building. So let's just</p> <p>3 talk about-</p> <p>4 LYNN A. ROBESON: There's a phasing schedule in the</p> <p>5 staff-</p> <p>6 JODY S. KLINE ESQ: Yes, there is but it's not easy to</p> <p>7 understand. So-</p> <p>8 LYNN A. ROBESON: Oh, okay.</p> <p>9 JODY S. KLINE ESQ: But I'm just going to say-</p> <p>10 KEVIN HARRINGTON: In phase one we probably add umm,</p> <p>11 three full-time and umm, two, three full-time people and</p> <p>12 then five to six part-time people. Umm, phase two we would</p> <p>13 have umm, twenty full-time additional staff members and</p> <p>14 that would be because of the assisted living. We're going</p> <p>15 from a twenty-one unit, umm, assisted living to forty-</p> <p>16 eight, which we, you know, increased-</p> <p>17 JODY S. KLINE ESQ: Umm,</p> <p>18 LYNN A. ROBESON: Well who is going to staff, you mean</p> <p>19 even with the tax cred-, the tax credit building is in</p> <p>20 phase one, right?</p> <p>21 KEVIN HARRINGTON: Correct.</p> <p>22 LYNN A. ROBESON: So,</p> <p>23 KEVIN HARRINGTON: You, probably just one management</p> <p>24 person there who is-</p> <p>25 LYNN A. ROBESON: Is that independent living? The tax</p>	<p>111</p> <p>1 living, 316 units umm, and eighty percent of that umm, gets</p> <p>2 us to roughly twenty-five or twenty, I have this written</p> <p>3 down-</p> <p>4 JODY S. KLINE ESQ: Well it's enough that you can say</p> <p>5 we will satisfy the twenty percent-</p> <p>6 KEVIN HARRINGTON: We will, we will definitely satisfy</p> <p>7 the twenty percent. There's a letter in, from Ms. Swartz of</p> <p>8 the County saying that her calculations see that we exceed</p> <p>9 the necessary twenty percent.</p> <p>10 JODY S. KLINE ESQ: And those units will all be</p> <p>11 provided in which phase and in which structure?</p> <p>12 KEVIN HARRINGTON: Umm, mostly in phase one. We have</p> <p>13 the tax credit building built.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 JODY S. KLINE ESQ: Umm, getting to some of the more</p> <p>16 technical stuff in the zoning ordinance. Umm, the zoning</p> <p>17 ordinance not only allows but actually kind of expects that</p> <p>18 Friends House provides certain services to its residents.</p> <p>19 So tell us what, sort of amenities or services you have on</p> <p>20 campus or will have in the future.</p> <p>21 KEVIN HARRINGTON: Umm, currently we have dining so</p> <p>22 residents eat, can eat breakfast, lunch or dinner. It's up</p> <p>23 to their choice. Umm, we do currently have most people</p> <p>24 participating in the dinner program. Umm, we have</p> <p>25 housekeeping services. Umm, we have laundry services umm,</p>
<p>110</p> <p>1 credit-</p> <p>2 KEVIN HARRINGTON: Correct.</p> <p>3 LYNN A. ROBESON: Okay, I understand.</p> <p>4 JODY S. KLINE ESQ: I was going to say, jump ahead.</p> <p>5 What, what do you think when it's all finished. Where are</p> <p>6 you going to end up to the total number of employees?</p> <p>7 KEVIN HARRINGTON: Umm,</p> <p>8 JODY S. KLINE ESQ: Because you're not really sure</p> <p>9 what, what accommodations you're going to have.</p> <p>10 KEVIN HARRINGTON: Sixteen, thirty-six, about fifty-</p> <p>11 seven, all said and done.</p> <p>12 JODY S. KLINE ESQ: Additional new employees?</p> <p>13 KEVIN HARRINGTON: Yeah.</p> <p>14 JODY S. KLINE ESQ: Okay. Umm, umm, Mr. Harrington,</p> <p>15 the zoning ordinance has a requirement that when you're</p> <p>16 going through housing for the elderly special exceptions</p> <p>17 you need to provide a certain amount of affordable housing.</p> <p>18 Would you explain how you, how and where you will satisfy</p> <p>19 the requirements if you're elected to pursue, which I</p> <p>20 understand is the twenty percent of the low income housing.</p> <p>21 KEVIN HARRINGTON: Right. So if you take the, if we</p> <p>22 were to umm, that number</p> <p>23 JODY S. KLINE ESQ: You don't have to explain the</p> <p>24 math, you can just say that you will be providing-</p> <p>25 KEVIN HARRINGTON: We, we, we will have independent</p>	<p>112</p> <p>1 that are existing now. Umm, we have two busses that</p> <p>2 residents can take, to use for activities. Umm, we have a</p> <p>3 very res-, strong residents association umm, and they kind</p> <p>4 of run their own activities and basically you know, take</p> <p>5 the busses when they need them. Umm, in the fu-, we do have</p> <p>6 ride on and umm, metro access come to the community also</p> <p>7 for residents. Umm, we have a, a, what we call aging well</p> <p>8 with friends that we have a part-time social worker who</p> <p>9 works with residents and we use all the free ride program,</p> <p>10 along with the free ride program are the campus pro</p> <p>11 residents. Umm, it also has other programming things but we</p> <p>12 feel that probably in the future we'll have some more</p> <p>13 transportation needs than what we have existing. But every</p> <p>14 week ride on comes on the community on Wednesday to take</p> <p>15 the residents to a supermarket on the, for their shopping</p> <p>16 needs. We have a country store on our community which we</p> <p>17 have tea pod which giant supermarkets come in and we stock</p> <p>18 it with juices, milk, breads, umm, sundry items that they</p> <p>19 can go purchase that any day of the week. I think it's one</p> <p>20 day a week it's closed. Umm,</p> <p>21 JODY S. KLINE ESQ: I didn't hear you talk about a</p> <p>22 second hand store, there's a-</p> <p>23 KEVIN HARRINGTON: (inaudible) that the residents run</p> <p>24 umm, and from that they, that, the money they receive from</p> <p>25 that helps, goes to the Resident's Association that allows</p>

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29 (113 to 116)

<p>113</p> <p>1 them to do their activities they, that they raise anywhere 2 from a thousand to two thousand a month out of that second 3 hand shop. Umm, and so, it's been quite successful and 4 allows the residents to umm, we have a greenhouse on the 5 community also. The Garden Committee, every little 6 committee, we have some thirty odd committees gets some 7 budgets out of that money and they can run and do what they 8 want from, from that money. 9 JODY S. KLINE ESQ: When you're talking about all the 10 transportation availability umm, put that in the context of 11 the Zoning Ordinance requirement. Are the services needed 12 by people of this age group readily available to the 13 residents? Explain how they, how they take advantage of 14 those services. 15 KEVIN HARRINGTON: Well, again, there's, there's 16 activities that they kind of run themselves and there is 17 activity posting so they make a requisition that I need to 18 borrow the bus. I need to, you know, we need somebody to 19 help us drive, you know, so we know way in advance. It's 20 not like they came, they come up that day, umm, and you 21 know, it's a sign up sheet of using various rooms for their 22 meetings to using umm, vehicles and so forth. Umm, the 23 Aging Well With Friends is kind of working outside the 24 community now and bringing people from the outside in and 25 us going to umm, the civic, the senior center that's in, in</p>	<p>115</p> <p>1 too. 2 LYNN A. ROBESON: Okay. 3 JODY S. KLINE ESQ: Umm, dining? 4 KEVIN HARRINGTON: Yes. We have a dining- 5 JODY S. KLINE ESQ: Well off, I'm concerned about off 6 campus. 7 KEVIN HARRINGTON: Oh, off campus. Umm, less than a 8 mile is the Ale House and on the, there's a number of 9 restaurants, even in Sandy Springs. There's a number, Urban 10 Barbeque, a number of restaurants within walking distance 11 too. 12 JODY S. KLINE ESQ: And the new development director, 13 (inaudible) asked me to say, what do you do for our 14 cultural needs? 15 KEVIN HARRINGTON: Well, umm, we invite people in. 16 They also go out. They all meet less than a mile away. Umm, 17 but, umm, there's big, residents are big into umm, doing 18 their own presentations which also means moving, bringing 19 in people. They're, family members who are sons and 20 daughters who come talk about what they do. Umm, also there 21 is an activity, one of our residents just came back from 22 Vietnam and Saigon and did a presentation and slide show in 23 his experiences, and his travels. So, there's a lot of 24 various type of activities. I can put an activity calendar 25 is as pretty filled.</p>
<p>114</p> <p>1 Sandy Spring (inaudible), the senior center there and umm, 2 really we, we work with the new Sandy Spring Museum, and so 3 forth, for various activities. Even the school next door, 4 Sandy Springs Friends School, we have activities go back 5 and forth with them. Umm, so there's umm, and people, our 6 residents, even though the average age is about eighty-two, 7 there are a number of residents that have their own 8 vehicle. 9 LYNN A. ROBESON: Okay, thank you. 10 JODY S. KLINE ESQ: Umm, following up on some more of 11 those off site notes, umm, grocery shopping is close, 12 relatively close? 13 KEVIN HARRINGTON: Within, I'd say a mile, a mile and 14 half. Umm, (inaudible) there's a Safeway, a Giant, a 15 Shoppers and a Harris Teeters. There's four supermarkets. 16 JODY S. KLINE ESQ: Medical care? 17 KEVIN HARRINGTON: Umm, Montgomery, Med-Star 18 Montgomery is within a mile and there's doctor offices 19 there. We had opened up this year, we took one of our 20 vacant HUD units and made it a clinic and we have an 21 outside umm, doctor come in every Tuesday to see patients. 22 He has an exam table along with scales and everything else. 23 You know, it's just like a doctor's office. Umm, we also 24 are in partnership with Med-Star Montgomery where they 25 (inaudible) almost every day in our skilled nursing area</p>	<p>116</p> <p>1 LYNN A. ROBESON: I believe you. It, does this go to 2 a criteria for, or in the old ordinance? 3 JODY S. KLINE ESQ: That is true, that is where that's 4 coming from. 5 LYNN A. ROBESON: Okay, that's what I- 6 JODY S. KLINE ESQ: I- 7 LYNN A. ROBESON: I was just looking for my old 8 ordinance. 9 JODY S. KLINE ESQ: Yes, you need your- 10 LYNN A. ROBESON: I believe you. 11 JODY S. KLINE ESQ: There is actually the exhibit we 12 will be showing you that shows you kind of where all these 13 services are. And talking about the criteria of the old 14 ordinance, are there any employees other than yourself who 15 live on the campus? 16 KEVIN HARRINGTON: No, not any longer since I, prior 17 to becoming the executive director, the former executive 18 directors have lived on campus. Umm, I did not, I lived 19 four miles from the community in the Norbeck Estates area. 20 Umm, we have taken that umm, that umm, Executive Director's 21 house and turned it into other common space for people to 22 use. 23 JODY S. KLINE ESQ: And Mr. Harrington, what provision 24 of the Fair Housing Act allows you to basically restrict 25 occupancy just to the people in the categories you wrote</p>

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30 (117 to 120)

<p>117</p> <p>1 down, those over sixty-two years of age?</p> <p>2 KEVIN HARRINGTON: Right, umm, we are a senior</p> <p>3 community and we are licensed under the Department of Aging</p> <p>4 and has to be sixty-two years and older. Umm, if you have</p> <p>5 husband, wife came in and the husbands over sixty-two but</p> <p>6 the wife is under, then we could admit that person into our</p> <p>7 community.</p> <p>8 JODY S. KLINE ESQ: Looking at the findings the</p> <p>9 Hearing Examiner and the Board of Appeals have to look at,</p> <p>10 based on your experience and familiarity with the proposal,</p> <p>11 do you believe that the proposal before the hearing</p> <p>12 examiner today will be in harmony with the general</p> <p>13 character of the surrounding neighborhood?</p> <p>14 KEVIN HARRINGTON: I believe it will be. Umm, we, as</p> <p>15 I said, we had pre-meetings with the Sandy Springs Civic</p> <p>16 Association and umm, went through in detail where umm, the</p> <p>17 architect, the civil engineer, Mr. Kline had attended those</p> <p>18 meetings and that was one of the things we were raised in</p> <p>19 something that we kind of basically went through with them</p> <p>20 and showed any renderings and our planning, plans to those</p> <p>21 folks.</p> <p>22 JODY S. KLINE ESQ: Do you feel that the modifications</p> <p>23 that have been made to the plan are respectful to the</p> <p>24 character of, the historic character of the adjacent</p> <p>25 historic resource?</p>	<p>119</p> <p>1 KEVIN HARRINGTON: Umm, where our generators are</p> <p>2 located on the other side of the campus.</p> <p>3 LYNN A. ROBESON: When you say, other side, which side</p> <p>4 is that?</p> <p>5 KEVIN HARRINGTON: They would be, there's one right</p> <p>6 here outside Building A.</p> <p>7 JODY S. KLINE ESQ: Why don't you do this, use Exhibit</p> <p>8 81 and umm, where are they going to be when that plan is</p> <p>9 implemented?</p> <p>10 KEVIN HARRINGTON: I believe they're going to stay in</p> <p>11 the same location where they are now. Umm, there's one</p> <p>12 right here.</p> <p>13 LYNN A. ROBESON: Umm, when you say here, can you tell</p> <p>14 me what that is?</p> <p>15 KEVIN HARRINGTON: Exhibit 81, behind Building A.</p> <p>16 LYNN A. ROBESON: Okay.</p> <p>17 KEVIN HARRINGTON: Umm, there's one up here by Thomas</p> <p>18 Hall. Umm, and then there's one back by Steve B wing. Umm,</p> <p>19 sometimes they are kind of loud and residents have</p> <p>20 complained to me and we have put up some fencing around</p> <p>21 them to deafen them. They don't, they only come on when the</p> <p>22 power goes off, it's important, they feel it's important</p> <p>23 that we have them run, because there are some people on</p> <p>24 oxygen that need to have these concentrators that need to</p> <p>25 run to get them their oxygen. And you know, that lights</p>
<p>118</p> <p>1 KEVIN HARRINGTON: I believe so.</p> <p>2 JODY S. KLINE ESQ: Is there anything from an</p> <p>3 operational point of view that would be detrimental to the,</p> <p>4 or adverse to the people living on the property, visiting</p> <p>5 the property or who live around the property?</p> <p>6 KEVIN HARRINGTON: Not totally understanding the</p> <p>7 question Sir.</p> <p>8 JODY S. KLINE ESQ: I mean is there some activity on</p> <p>9 the property-</p> <p>10 LYNN A ROBESON: Just say yes.</p> <p>11 JODY S. KLINE ESQ: No.</p> <p>12 LYNN A ROBESON: No, say no.</p> <p>13 KEVIN HARRINGTON: There's nothing going on that</p> <p>14 should be adverse to anybody. I mean umm, again our, our</p> <p>15 seniors, they're up early, to bed early umm, there's no</p> <p>16 wild parties, anything to that effect.</p> <p>17 1:01:56?: I have to disagree with that. (laughter)</p> <p>18 KEVIN HARRINGTON: Occasionally, may have an ambulance</p> <p>19 or a fire truck show up somebody has, experiences some kind</p> <p>20 of problem.</p> <p>21 JODY S. KLINE ESQ: So human activity doesn't seem to</p> <p>22 be a bother to anybody. But is there anything mechanical,</p> <p>23 the pickup of the dumpsters, the generators kicking in, any</p> <p>24 of that, that would be bothersome to either on campus or</p> <p>25 adjacent to the campus?</p>	<p>120</p> <p>1 the hall ways and so forth. Umm, other than the</p> <p>2 generators, the trash pickup, we have trash dumpsters for</p> <p>3 here.</p> <p>4 LYNN A. ROBESON: And here?</p> <p>5 KEVIN HARRINGTON: Building A, again close to the</p> <p>6 generators, where the generators are located. And we've</p> <p>7 asked them to come, they generally come around lunch time</p> <p>8 and pick up their, the dumpsters then. Umm, and they come</p> <p>9 six days a week.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JODY S. KLINE ESQ: I have no further questions Mr.</p> <p>12 Harrington.</p> <p>13 LYNN A. ROBESON: Thank you. Any cross examination?</p> <p>14 MR. SNIDER: Umm, yes, I have just one question. Umm,</p> <p>15 how many acres are covered by the five duplexes that umm,</p> <p>16 we've indicated that we are (inaudible) in the Southwest</p> <p>17 (inaudible)?</p> <p>18 KEVIN HARRINGTON: I really don't know, I guess I</p> <p>19 would have to ask John Sekerak or Joyce to answer that</p> <p>20 question.</p> <p>21 JODY S. KLINE ESQ: Umm, could, could to get you the</p> <p>22 answer, do you, could we reinsert call Mr. Sekerak?</p> <p>23 LYNN A. ROBESON: Sure, Mr. Sekerak, why don't you</p> <p>24 come up? You're still under oath.</p> <p>25 JOHN SEKERAK, JR: I understand.</p>

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31 (121 to 124)

121	1 JOHN SEKERAK, JR: When referring to Exhibit 79, and 2 I'm going to draw a polygon around the five units so right 3 along the edge of the building umm, a polygon that, and 4 then all five of those units would be inside that polygon, 5 and very course measurement of that polygon, roughly a 300 6 foot by 200 foot polygon is roughly 1.4 acres. 7 LYNN A. ROBESON: Okay. 8 JODY S. KLINE ESQ: Thank you. 9 LYNN A. ROBESON: Any other questions? 10 MR. SNIDER: No further questions. Umm, the one thing 11 that it would be, if it's acceptable, I would just like to 12 in closing kind of before I have to run. 13 LYNN A. ROBESON: Yes, I'm going to let him. 14 JODY S. KLINE ESQ: No objections. 15 MR. SNIDER: Thank you. Umm, I appreciate again the 16 umm, time, umm, to talk on this. I think that it's been a 17 very educational process. Umm, we're currently the owners 18 and trustees of a property that was built 266 years ago, 19 umm, twenty-five years before the Declaration of 20 Independence. It's older that Williamsburg and in terms of 21 what Williamsburg has been designed to create. Umm, but 22 unlike Williamsburg, it's real. Umm, and as I indicated in 23 my opening, we're really served the trustees to preserve it 24 for future generations. And there is clearly a conflict of 25 what we're trying to do with what's being done here. It's	123	1 after the hearing to receive those items. I don't know, 2 one thing I'm going to do at lunch is call staff and see 3 how long they need me to keep the record open so they can 4 review those items and find out where one of the items is, 5 the Final Forest Conservation Plan. So, that is the follow 6 up. Umm, and I'm sure Mr. Kline we will set the date that 7 the record remains open at the end of this hearing in case 8 there are any other loose ends. I get thirty days to write 9 my recommendation or decision. Ten days after I issue 10 that, it's appealable to the Board of Appeals. 11 MR. SNIDER: Okay. 12 LYNN A. ROBESON: Appealable, you request for an 13 appeal. 14 MR. SNIDER: Okay, I see. Great. Thank you very 15 much. 16 LYNN A. ROBESON: Thank you. 17 MR. SNIDER: Thank you. 18 LYNN A. ROBESON: Thank you for showing up. Okay, 19 with that umm, can you remind me, you finished Mr. 20 Harrington? Okay, why don't we do this. We could, I just 21 see a lot of witnesses here and I don't know how many you 22 are going to recall. So, I think what we'll do now is take 23 an hour for lunch. What I'm going to ask you to do is in 24 your witnesses testimony, highlight you know, the staff 25 report, if you feel like anything, if you think about
122	1 our proposition that building the units in the Southwest 2 corner will fundamentally change the context in which the 3 property sits as well as the view shed of the property, umm 4 forever. Umm, it's not something that can be undone and I 5 think at that point and time the reason that I was asking 6 about the acreage, as I very much appreciate the valuing of 7 green space and gardens and the importance of that to the 8 people who reside there, but I think in terms of trying to 9 juggle spaces, the idea of moving those units into that 10 space while preserving a historic property that the entire 11 community and the state value is a fair trade off on that. 12 So with that, I appreciate your time. I also appreciate 13 everybody's tolerance for my time schedule today. Thank 14 you very much. 15 LYNN A. ROBESON: That's fine. Thank you very much. 16 MR. SNIDER: Can I ask a question then? 17 LYNN A. ROBESON: Yes. 18 MR. SNIDER: What's the next, do you have to present 19 at the hearing, are we supposed to submit written responses 20 to today? 21 LYNN A. ROBESON: No. Umm, what I'm going to do. We 22 have a couple of check lists of items that still need to be 23 filed in the record. 24 MR. SNIDER: Right. 25 LYNN A. ROBESON: I'm going to leave the record open	124	1 whether you want them to adopt the findings of the staff 2 report does their own and whether they have anything to add 3 to it. Umm, Mr. Harrington you are on the hot spot, thank 4 you for your flexibility. Umm, but I'm just want to see if 5 we can get, if we can't we're going to hear everything and 6 we'll take another day. But I do see a lot of witnesses, 7 so umm, I was thinking one way to handle this would be to 8 the extent you differ from the staff report focus on those 9 things. Okay. 10 JODY S. KLINE ESQ: Could you give me an estimate of 11 how long you would be willing to sit today and I'll pace 12 myself so that we complete within that. 13 LYNN A. ROBESON: Well, that's why I'm concerned, 14 because I leave at 4:40. I have to leave early and it's 15 umm, a viewing so I can't. I can't make the funeral so I 16 have to leave at 4:45 which is earlier that we typically 17 go. 18 JODY S. KLINE ESQ: Well, I'll. 19 LYNN A. ROBESON: I'll be happy if you want, I'll be 20 happy to schedule another. 21 JODY S. KLINE ESQ: No, I'll just go a little bit more 22 superficial and not dwell on every word and every second 23 word. 24 LYNN A. ROBESON: To the extent you feel comfortable 25 in proving your case, because, I'll go as long as you want



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32 (125 to 128)

125	<p>1 on a, I feel bad that I didn't realize that this was going</p> <p>2 to be this many witnesses and have this level of cross</p> <p>3 examination. So-</p> <p>4 JODY S. KLINE ESQ: I understand. Okay.</p> <p>5 LYNN A. ROBESON: Okay, so with that, we're going to</p> <p>6 be back from lunch at 1:45. Alright, we're off the record.</p> <p>7 Thank you.</p> <p>8 LYNN A. ROBESON: if the court reporter was, one</p> <p>9 second, are you ready? Thank you. Umm, we're back on the</p> <p>10 record. I apologize, technical staff politics as I was</p> <p>11 ready to come back in about the timing. So, let's keep</p> <p>12 going and umm, Mr. Kline, your next witness.</p> <p>13 JODY S. KLINE ESQ: I'd like to call Ms. Kathy Ebner.</p> <p>14 LYNN A. ROBESON: Okay, please raise your right hand.</p> <p>15 Do you solemnly affirm under penalties of perjury that the</p> <p>16 statement you're about to make are the truth, the whole</p> <p>17 truth and nothing but the truth?</p> <p>18 KATHY EBNER: I do.</p> <p>19 LYNN A. ROBESON: Okay, state your name and address for</p> <p>20 the record please.</p> <p>21 KATHY EBNER: Yep. It's Kathy Ebner. It's K-a-t-h-y E-B</p> <p>22 as in boy-N-E-R. Umm, address at Homes for America is 318</p> <p>23 6th Street, and that's Annapolis, Maryland 21403.</p> <p>24 JODY S. KLINE ESQ: And you're obviously associated</p> <p>25 with Homes for America?</p>	127	<p>1 the financing, and then once we do that we'll hire the</p> <p>2 general contractor, and then we'll provide oversight of his</p> <p>3 work; and then upon completion, we will hire a property</p> <p>4 management company, because we always utilize third party</p> <p>5 property management companies, umm, umm, to provide</p> <p>6 services in our communities. And, we will provide oversight</p> <p>7 of their work, umm, as well as provide oversight of</p> <p>8 resident, administration of resident services and programs</p> <p>9 to the residents.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JODY S. KLINE ESQ: Umm how many units will there be in</p> <p>12 the building?</p> <p>13 KATHY EBNER: There'll be a total of eight one and two</p> <p>14 bedroom apartments.</p> <p>15 JODY S. KLINE ESQ: And this, in essence, is to replace</p> <p>16 the structure that's being removed?</p> <p>17 KATHY EBNER: That's correct. This-</p> <p>18 JODY S. KLINE ESQ: And, will the umm, I, I guess I was</p> <p>19 going to use the word "rent", I'm not sure that's the right</p> <p>20 term. Will basically, umm, your program to serve the</p> <p>21 tenants umm, explain how that's satisfies the requirement</p> <p>22 for the Affordable Housing Requirement and zoning</p> <p>23 ordinance?</p> <p>24 KATHY EBNER: Yeah, so the financing that will be</p> <p>25 utilized, umm, will be umm, long term housing tax credit</p>
126	<p>1 KATHY EBNER: I am. I'm president and CEO of the</p> <p>2 organization.</p> <p>3 LYNN A. ROBESON: Okay.</p> <p>4 JODY S. KLINE ESQ: Umm, so I guess your job function</p> <p>5 basically puts you in charge of all this.</p> <p>6 KATHY EBNER: Yes, it does.</p> <p>7 JODY S. KLINE ESQ: (chuckles) Okay. Well, the hearing</p> <p>8 examiner has already been introduced to Housing for America</p> <p>9 and its role in this application. So, umm, umm, since we</p> <p>10 don't have any site plan order, just basically explain your</p> <p>11 relationship with Friends House, what are your roles.</p> <p>12 KATHY EBNER: Sure. And so, my organization, we're a</p> <p>13 regional housing developer, umm, and we've been around</p> <p>14 about twenty-four years, and have developed seventy-five</p> <p>15 properties, totaling about six thousand apartments, and we</p> <p>16 are really work just in the Mid-Atlantic states of</p> <p>17 Maryland, Pennsylvania, Delaware, and Virginia. And, we</p> <p>18 often partner with other groups in the development of our</p> <p>19 properties, and really happy to be doing this one with the,</p> <p>20 umm, the Friends House. So, umm, what we'll be doing is</p> <p>21 umm, joining into a partnership with the Friends House, and</p> <p>22 Homes for America will be responsible for the entire</p> <p>23 development of the credit building. So, we will apply for</p> <p>24 the financing; umm, we will work with the architect and</p> <p>25 engineer in design of the building, and then we'll close on</p>	128	<p>1 program, along with umm, state, umm, umm, low interest</p> <p>2 loans, and the tax credit program does require an income</p> <p>3 restriction on the residents that occupy the building.</p> <p>4 JODY S. KLINE ESQ: And, that income restriction would</p> <p>5 satisfy the zoning ordinance of twenty percent low income</p> <p>6 housing?</p> <p>7 KATHY EBNER: Yes. Actually, it will be more</p> <p>8 restrictive than that. Umm, we, we anticipate that, umm,</p> <p>9 between seventy-two to eighty of the units will be</p> <p>10 restricted affordable. Umm, the tax credit program itself</p> <p>11 requires at least forty percent at sixty percent of AMI,</p> <p>12 but we're going to go at least seventy-two if not eighty.</p> <p>13 LYNN A. ROBESON: Umm, at or below sixty percent of</p> <p>14 AMI?</p> <p>15 KATHY EBNER: That's what it requires.</p> <p>16 LYNN A. ROBESON: Okay.</p> <p>17 JODY S. KLINE ESQ: Ms. Ebner, based on your</p> <p>18 experience, umm, management of the portfolio you talked</p> <p>19 about owning, is there anything umm, that you can see for</p> <p>20 the Housing for America building that would be inconsistent</p> <p>21 with the campus that's there? Incompatible with the campus,</p> <p>22 either, umm, architecturally, or operationally?</p> <p>23 KATHY EBNER: No, in fact I think it's going to be very</p> <p>24 attractive and add to it. Essentially, it's replacing</p> <p>25 what's already there, so we'll be demolishing the buildings</p>

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33 (129 to 132)

<p>129</p> <p>1 that are currently in that footprint, and then rebuilding 2 as you can see, umm, the renderings you have before you. 3 LYNN A. ROBESON: Is it staying approximately within 4 the same footprint, or- 5 KATHY EBNER: We do have the architect that will be 6 testifying, but to the best, to the best of my knowledge, 7 yes. 8 LYNN A. ROBESON: Okay. 9 KATHY EBNER: And then, I guess the other, other unique 10 feature to point out is that the building will actually be 11 physically attached to the Commons, of the Friends House. 12 LYNN A. ROBESON: Okay. 13 KATHY EBNER: So that the residents within the tax 14 credit building will have free access to the Commons, and 15 vice versa. And, umm, and we will as in all our 16 communities, we're going to have a number of common areas 17 within the building, so there will be multi-purpose room, 18 and lounges, and computer room, and all that will available 19 to, you know, to everybody living on the campus. 20 LYNN A. ROBESON: Okay. 21 JODY S. KLINE Esq: I have no further questions for Ms. 22 Ebner. 23 LYNN A. ROBESON: Okay. 24 JODY S. KLINE Esq: What I was going to do is call her 25 architect, and have him go through some, but I'll just keep</p>	<p>131</p> <p>1 JODY S. KLINE Esq: Okay. Umm, have you ever qualified 2 as before as expert in architecture before a board of 3 commission like this, or a court? 4 DAVID M. STEMBELL III: Yes, I have. Not in this 5 jurisdiction. 6 JODY S. KLINE Esq: Okay, just give us an example. 7 DAVID M. STEMBELL III: Umm, in suburban umm, 8 Philadelphia, I umm, qualified as an expert. 9 LYNN A. ROBESON: Are you licensed to practice in 10 Maryland? 11 DAVID M. STEMBELL III: Yes, I am. 12 LYNN A. ROBESON: Okay. I have no problem qualifying 13 him as an expert in architecture. 14 JODY S. KLINE Esq: Thank you. Umm, Mr. Stembell, we 15 put up on the boards what are Exhibits 5a and b, which are 16 the elevations of the building, and two perspective umm, 17 maybe even three perspectives. So what I would like you to 18 do is familiarize the hearing examiner, I guess, first of 19 all remind her the location of where it's going to be, 20 which may need a site plan to do that. 21 LYNN A. ROBESON: This is the phase one, one of the 22 phase one improvements, correct? 23 JODY S. KLINE Esq: That is, that is correct. And then 24 you're looking at Exhibit number... 25 DAVID M. STEMBELL III: Seventy-nine.</p>
<p>130</p> <p>1 her here in case something comes up. 2 LYNN A. ROBESON: That's fine. Thank you. 3 JODY S. KLINE Esq: Mr. Stembell, could you please come 4 up? 5 LYNN A. ROBESON: Are these in the record, Mr. Kline? 6 JODY S. KLINE Esq: Yes, ma'am. And I'm gonna go get 7 you the number right now, and Mr. Stembell's resume is in 8 the record, too, but I'm still qualifying. 9 LYNN A. ROBESON: Mr. Stembel, please raise your right 10 hand. Do you solemnly affirm under penalties of perjury, 11 that the statements you're about to make are the truth, the 12 whole truth, and nothing but the truth? 13 DAVID M. STEMBELL III: I do. 14 LYNN A. ROBESON: Please state your name and address 15 for the record. 16 DAVID M. STEMBELL III: (clears throat) Excuse me. My 17 name is David Stembell, S-T-E-M-B as in boy-E L. I am with 18 Grimm and Parker Architects, and Grimm and Parker's address 19 is (laughter) 11720 Beltsville Drive, Suite 600, Calverton, 20 Maryland 20705. 21 LYNN A. ROBESON: Okay. 22 JODY S. KLINE Esq: Umm, Mr. Stembell, you are an 23 architect by training? 24 25 DAVID M. STEMBELL III: That's correct.</p>	<p>132</p> <p>1 JODY S. KLINE Esq: And you're putting your finger on... 2 DAVID M. STEMBELL III: I'm putting finger on the 3 Commons, which are very close to the, to umm, well, the 4 existing Commons are right here. The existing footprint 5 that you mentioned is essentially where one of the wings 6 is. 7 LYNN A. ROBESON: Okay. 8 DAVID M. STEMBELL III: In the planned building. The 9 planned building is "U" shaped. Umm, it is a combination of 10 three stories, and gesturing at the aerial perspective, it 11 steps down to two stories closest to Norwood Road. 12 JODY S. KLINE Esq: And that's because? 13 DAVID M. STEMBELL III: We felt it was important to 14 respect the rural character of the community and the road 15 and to step it down in the portions of the building closest 16 to Norwood Road. 17 JODY S. KLINE Esq: And I'm anticipating something 18 you're about to say, but is the umm, configuration of the 19 building to accomplish that also? That as well called the 20 "U" shape? 21 DAVID M. STEMBELL III: The "U" shape also was to make 22 sure that the mass, the least amount of mass to the 23 building is as closest to the road as possible, as well as 24 to create a courtyard, which is a both visual and physical 25 amenity for as many residents as possible.</p>

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133	<p>1 JODY S. KLINE Esq: Sorry, if you don't, go ahead.</p> <p>2 However you'd like to pursue this.</p> <p>3 DAVID M. STEMBELL III: Umm, one other important</p> <p>4 feature of the wings, you'll notice that the wings of the</p> <p>5 planned Homes for America building are unequal. The wing</p> <p>6 closest to the front entry is twenty-four feet further</p> <p>7 back. We also felt it was important in terms of the rural</p> <p>8 character to not have them be perfectly umm, equal and</p> <p>9 symmetrical. By stepping it back it gives more space</p> <p>10 closest to the front door. It gives the feeling of more</p> <p>11 open space, and it makes the umm, makes the courtyard a</p> <p>12 visual, more of a visual amenity for those entering the</p> <p>13 campus as well as a visual amenity and physical amenity for</p> <p>14 the residents.</p> <p>15 LYNN A. ROBESON: Okay.</p> <p>16 JODY S. KLINE Esq: Umm, using the other exhibits, just</p> <p>17 give us a sense of the materials, the palette of colors,</p> <p>18 what you are trying to accomplish with the articulation of</p> <p>19 the building.</p> <p>20 DAVID M. STEMBELL III: Sure. The, umm, outer materials</p> <p>21 is a combination of, the roofs would be clad in an</p> <p>22 architectural grade asphalt shingle, which is appropriate</p> <p>23 for the area. Umm, the umm, elevations consist of a</p> <p>24 combination of hardy, umm, cementitious siding in multiple</p> <p>25 colors, as well as umm, brick veneer, umm, and the umm, you</p>	135	<p>1 Eapen, please raise your right hand. Do you solemnly affirm</p> <p>2 under penalties of perjury that the statements you are</p> <p>3 about to make are the truth, the whole truth, and nothing</p> <p>4 but the truth?</p> <p>5 CHERIAN EAPEN: I do.</p> <p>6 LYNN A. ROBESON: Okay. State your name and address for</p> <p>7 the record.</p> <p>8 CHERIAN EAPEN: Umm, my name is Cherian Eapen, first</p> <p>9 name C-H-E-R-I-A-N, last name E-A-P as in Peter-E-N, under</p> <p>10 principle the consulting firm, Temoss, LLC. Umm, my address</p> <p>11 is 23118 Birch Mead Rd. Clarksburg, Maryland 20861.</p> <p>12 JODY S. KLINE Esq: And your profession, Mr. Eapen, is</p> <p>13 what?</p> <p>14 CHERIAN EAPEN: Umm, I'm a transportation planner,</p> <p>15 traffic engineer.</p> <p>16 LYNN A. ROBESON: I refuse to accept this man as an</p> <p>17 expert (laughter). No, go ahead. Umm, are you qual-, are</p> <p>18 you, okay, I'll let you do it.</p> <p>19 JODY S. KLINE Esq: Well, the City of Frederick would</p> <p>20 be sorry to hear that, since he is. (laughter)Umm, yes you</p> <p>21 have Mr. Eapen's resume. I have the sense that you have</p> <p>22 probably had him appear before you?</p> <p>23 LYNN A. ROBESON: I believe you have. Have you</p> <p>24 qualified as an expert before OSA before? I think I have</p> <p>25 one case where you couldn't make it and someone else</p>
134	<p>1 would you would notice that each apartment either a first</p> <p>2 floor patio or an upper level balcony.</p> <p>3 LYNN A. ROBESON: Okay.</p> <p>4 JODY S. KLINE Esq: Umm, do the umm, the architectural</p> <p>5 features you're showing in the elevations, can they be</p> <p>6 found in other structures, residential structures in the</p> <p>7 neighborhood?</p> <p>8 DAVID M. STEMBELL III: The, the siding and the brick</p> <p>9 material is found throughout the community, and the simple,</p> <p>10 straightforward architecture is very appropriate for the</p> <p>11 existing campus and the planned additions to the campus.</p> <p>12 JODY S. KLINE Esq: Mmm hmm. Umm, in your opinion is</p> <p>13 this architectural scheme harmonious with the character of</p> <p>14 the surrounding area.</p> <p>15 DAVID M. STEMBELL III: Yes, that is my opinion.</p> <p>16 JODY S. KLINE Esq: And in keeping with the rustic</p> <p>17 character of Norwood Road and the surrounding area.</p> <p>18 DAVID M. STEMBELL III: Yes, that is my opinion.</p> <p>19 JODY S. KLINE Esq: I have no further questions for Mr.</p> <p>20 Stembell.</p> <p>21 LYNN A. ROBESON: Okay. That was fast. Thank you, Mr.</p> <p>22 Stembell. I appreciate it. Umm, you may be excused.</p> <p>23 JODY S. KLINE Esq: I'd like to call Mr. Cherian Eapen</p> <p>24 as a witness.</p> <p>25 LYNN A. ROBESON: Yes. Mr. Eapen. Oh, I'm sorry. Mr.</p>	136	<p>1 testified.</p> <p>2 CHERIAN EAPEN: There were a couple of cases. Mr. Ron</p> <p>3 Valky represented, was here on behalf of me for a for the</p> <p>4 Mount Jasper (inaudible) housing project, and I personally</p> <p>5 appeared before you, I think, for the Langmire Townhomes,</p> <p>6 Creekside of Chevy Chase.</p> <p>7 LYNN A. ROBESON: Oh, that was Marty. Okay.</p> <p>8 CHERIAN EAPEN: Yes.</p> <p>9 LYNN A. ROBESON: And, so, I will accept you as an... are</p> <p>10 you both a transportation planner and an engineer?</p> <p>11 CHERIAN EAPEN: Umm, that's correct.</p> <p>12 LYNN A. ROBESON: Okay, I'll accept you as an expert in</p> <p>13 those fields.</p> <p>14 JODY S. KLINE Esq: Traffic engineer, right?</p> <p>15 LYNN A. ROBESON: Traffic engineer, right. Thank you.</p> <p>16 JODY S. KLINE Esq: Well, Mr. Eapen, you always make it</p> <p>17 easy for me, so, umm, were you asked to prepare a traffic</p> <p>18 impact analysis of the proposed umm, special exception?</p> <p>19 CHERIAN EAPEN: That is correct. Umm, based on the</p> <p>20 additional units that we were being proposed as part of the</p> <p>21 master plan of data for the Friends House campus, we looked</p> <p>22 at the additional traffic impact on the new units that are</p> <p>23 being proposed, above the existing units that are in place</p> <p>24 already, and a determination was made as per the County</p> <p>25 guidelines, the local area transportation review umm,</p>

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137	<p>1 policy area Mobiliture review, a guideline that a traffic 2 study is necessary. And, the study was, scope was discussed 3 with Park and Planning staff, Transportation Planning 4 staff, and a scope was left and accrued back in November of 5 2015, and we proceeded to prepare a traffic study, per the 6 County requirements, and, and was submitted umm, December 7 2015 to staff, and the study was reviewed and approved by 8 umm, Park and Planning staff, Montgomery County DOT staff, 9 and Maryland State Highway Administration, because at least 10 one of the roads or intersections were part of their 11 jurisdiction as well. 12 JODY S. KLINE Esq: Mr. Eapen, your traffic, the umm, 13 exhibit is called a traffic statement, but your traffic 14 report is Exhibit 9 in the record, umm, here's that. And, 15 what I'd ask you to just briefly summarize you're your 16 process and your findings and conclusions. 17 CHERIAN EAPEN: Umm, certainly. So the study basically 18 included based on this pin of the scope that was prepared 19 with the Park and Planning staff when they looked at the 20 two umm, exterior intersections that were per the 21 guidelines that were required we looked at. So the first 22 one is a Doctor Bird Rd., Norwood Road, or called Maryland 23 182, intersection with the County portion of Norwood Road 24 and further north to Maryland 108 Old New Sandy Spring 25 Road, intersection with Norwood Road, so those were the two</p>	139	<p>1 uses that were filed, umm, and my question is, have you 2 looked at all, there are some LATR guidelines, have you 3 looked at all at whether your conclusions would change 4 based on the new subdivision staging policy? 5 CHERIAN EAPEN: To the best on, based on my initial, 6 and, and the staff is in the process of, they're looking at 7 the new guidelines based on the new subdivision staging 8 policy. 9 LYNN A. ROBESON: Right. 10 CHERIAN EAPEN: Umm, however, the property being in 11 umm, the rural east policy area, I do not believe there are 12 significant changes to the findings that may be made as for 13 us... 14 LYNN A. ROBESON: Okay. 15 CHERIAN EAPEN: As a result of the new guidelines... 16 LYNN A. ROBESON: Okay. What, umm, do they, is there a 17 CLV cap in the rural east, a maximum CLV? Do you recall? 18 CHERIAN EAPEN: I do not recall. I do not think that's 19 changing with the new, umm, again maybe something if you 20 need additional information, somebody can look into it for 21 you. 22 LYNN A. ROBESON: Okay. Just out of an abundance of 23 caution, because we have the issue raised in some zoning 24 cases and some other cases as to which umm, you know, the 25 subdivision, the new one is currently in effect. Umm,</p>
138	<p>1 big stalling intersections that were in included in the 2 study, and, and we also included the existing side access 3 points, point intersection with Norwood Road and the 4 proposed two intersections... 5 LYNN A. ROBESON: Okay. 6 CHERIAN EAPEN: With the Norwood Road. So basically 7 that formed the study area and the basis to look at what 8 impacts as far as the additional density on the site, so 9 umm, it, it, the assessment was based on the 178 new 10 independent living units that are being proposed and the 11 twenty-five assisted, twenty-seven assisted living units 12 that are so, it's five units more than what's the...the study 13 included five more units than what is currently on the 14 plan. 15 LYNN A. ROBESON: Okay. 16 CHERIAN EAPEN: Umm, because the unit would drop later 17 on. So, based on that, the additional traffic impact were 18 thirty-seven total peak hour trips in the morning, and 19 forty-six peak hour trips in the evening peak hour. Umm, I 20 can peer at the splits inbound versus outbound were all 21 part of the traffic study, as of, but I can go into more 22 detail if you would like. 23 LYNN A. ROBESON: Well, I just have one question: we 24 now have a new subdivision staging policy, and it doesn't 25 say anything about whether it should apply to conditional</p>	140	<p>1 JODY S. KLINE Esq: Well, we'll sort of know. 2 LYNN A. ROBESON: Well, there's no guidelines. 3 JODY S. KLINE Esq: That that is true. But, but there 4 is specific language as to what it's supposed to apply to. 5 CHERIAN EAPEN: Exactly. 6 JODY S. KLINE Esq: And, I'll, I'll let Cherian explain 7 that. 8 CHERIAN EAPEN: Again, as since these guidelines have 9 been formulated at this point, umm, in something to 10 probably go back to staff and verify, and, and typically 11 going back to previous subdivision staging policies where 12 changes have been in effect they would apply to new 13 applications that were filed after certain dates. 14 LYNN A. ROBESON: After January first. 15 CHERIAN EAPEN: After January first, and in this case, 16 this is as a pre filed... 17 LYNN A. ROBESON: Do you know if that was the policy, 18 how special exceptions have been treated before park and 19 planning? Do you recall? 20 CHERIAN EAPEN: The best case I can think of is umm, 21 umm, the the Advantist relocation to White Oak, and the, if 22 I recall correctly, umm, there was a lot of discussion as 23 to which umm, this this policy should apply, and the the 24 determination was that as a special exception case you 25 could go back and look at the old...</p>

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141	<p>1 LYNN A. ROBESON: The old one.</p> <p>2 CHERIAN EAPEN: The old one. But, again, within the</p> <p>3 context of today's hearing I was basically pretty much</p> <p>4 referring to what the staff had reviewed and approved and</p> <p>5 the agencies had reviewed and approved, and, and staff had,</p> <p>6 to it's end, we just went through the planning board</p> <p>7 hearing process, and, and, and the new guidelines were not</p> <p>8 umm, reviewed as part of that. The findings the staff</p> <p>9 presented to the planning board, and probably part of their</p> <p>10 point of view...</p> <p>11 LYNN A. ROBESON: Okay.</p> <p>12 CHERIAN EAPEN: their point of view based on the study</p> <p>13 that was prepared.</p> <p>14 LYNN A. ROBESON: Were you at the planning board? When</p> <p>15 were you at the planning board here at this case?</p> <p>16 CHERIAN EAPEN: No, I was not.</p> <p>17 LYNN A. ROBESON: I mean, umm, when was the case</p> <p>18 presented to the planning board?</p> <p>19 CHERIAN EAPEN: It was December 8th, I think.</p> <p>20 JODY S. KLINE Esq: Umm, It was in December.</p> <p>21 LYNN A. ROBESON: It was in December? That's all I</p> <p>22 need.</p> <p>23 CHERIAN EAPEN: December 8. December 8, 2016.</p> <p>24 LYNN A. ROBESON: Okay. Okay. Alright, thanks.</p> <p>25 JODY S. KLINE Esq: And if I can give you a safety net,</p>	143	<p>1 CHERIAN EAPEN: And, the second part of the test was</p> <p>2 the umm, the TPAR, in umm, you're probably getting all my</p> <p>3 umm, terminology mixed up here. Umm, it did, umm, satisfy</p> <p>4 the TPAR requirements of the APF desk audit.</p> <p>5 LYNN A. ROBESON: Okay.</p> <p>6 CHERIAN EAPEN: As, because it's in the rural east</p> <p>7 policy area.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 CHERIAN EAPEN: They're exempt from, the test.</p> <p>10 LYNN A. ROBESON: Alright. Great. Thank you.</p> <p>11 JODY S. KLINE Esq: Mr. Eapen, there's a condition in</p> <p>12 the staff report talking about, umm, talking about umm,</p> <p>13 basically markings, and traffic control markings. Can you</p> <p>14 advise the hearers what you will be recommending what</p> <p>15 should be done to facilitate pedestrian movement across</p> <p>16 Norwood Road to a, umm, bus pick up location?</p> <p>17 CHERIAN EAPEN: Certainly, sir. That's something that</p> <p>18 will be coordinated with the Montgomery County DOT. It's a</p> <p>19 County jurisdiction, that portion of Norwood Road. Any</p> <p>20 crossing that will be from a sight distance standpoint,</p> <p>21 make sure that the crossing is adequate. It's safe, and</p> <p>22 appropriate from any location that will be provided and and</p> <p>23 and we'll seek their approval before something is put</p> <p>24 down.</p> <p>25 LYNN A. ROBESON: Okay.</p>
142	<p>1 also. We will be subdividing the property, so we will be</p> <p>2 going through subdivision, so there will be another traffic</p> <p>3 review at the time, and I'll explain at the time I get back</p> <p>4 to Mr. Sekerak, what that is.</p> <p>5 LYNN A. ROBESON: Okay. Okay.</p> <p>6 JODY S. KLINE Esq: But there will be another traffic</p> <p>7 review-</p> <p>8 LYNN A. ROBESON: Okay. Okay. Well, that's important.</p> <p>9 JODY S. KLINE Esq: to guarantee.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 CHERIAN EAPEN: And umm, basically in conclusion, the</p> <p>12 finding part of this all, the, the intersections that were</p> <p>13 tested for adequacy were found to be well below the</p> <p>14 standards, that were applicable to those intersections, to</p> <p>15 the two signal lights intersections, on these two state</p> <p>16 intersections that I mentioned that are on state roadways</p> <p>17 are part of the only policy area, so they have a, so they</p> <p>18 do, both of them have a higher umm, umm, threshold umm,</p> <p>19 LYNN A. ROBESON: Okay.</p> <p>20 CHERIAN EAPEN: Oak Ridge is 1450 CLV, compared to the</p> <p>21 access driveway intersections with Norwood, which is within</p> <p>22 the rural east policy area with a lower threshold, which is</p> <p>23 1350. Umm, the study found that, umm, this intersection</p> <p>24 operated well below those, umm, testing thresholds.</p> <p>25 LYNN A. ROBESON: Okay.</p>	144	<p>1 JODY S. KLINE Esq: There was no requirement. Let me</p> <p>2 rephrase that. How many driveway does the campus have on</p> <p>3 County Norwood Drive?</p> <p>4 CHERIAN EAPEN: Previously it had two, and under the</p> <p>5 new plan the two existing will be consolidated to a single</p> <p>6 monumental access point, and a new access point will be</p> <p>7 created for the north.</p> <p>8 JODY S. KLINE Esq: Alright. And, and-</p> <p>9 LYNN A. ROBESON: For Phase four you mean? For phase</p> <p>10 four, or?</p> <p>11 JODY S. KLINE Esq: Yeah, no.</p> <p>12 LYNN A. ROBESON: Two access points, are you counting</p> <p>13 the fire access?</p> <p>14 CHERIAN EAPEN: No.</p> <p>15 JODY S. KLINE Esq: (laughter)</p> <p>16 LYNN A. ROBESON: I'm sorry.</p> <p>17 JODY S. KLINE Esq: It was bad phraseology on my part,</p> <p>18 yes. Umm, umm, let me do this Madam Chair, umm, I've got</p> <p>19 the campus circulation plan, which is Exhibit 21h posted on</p> <p>20 the board. And, today Mr. Eapen we have driveways from the</p> <p>21 campus to the County portion of Norwood Road in what</p> <p>22 locations?</p> <p>23 CHERIAN EAPEN: Umm, there are two access points, one</p> <p>24 is, I'm going to determine that's the southern access</p> <p>25 point, which provides access to the nursing umm, pharmacy</p>

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<p>145</p> <p>1 area, I believe, and the second access point umm, is the 2 umm, what's the name of the road? 3 JODY S. KLINE Esq: Well, this goes through there. In 4 any event, they're being consolidated to create a single 5 access point. 6 CHERIAN EAPEN: Single access point. 7 LYNN A. ROBESON: Oh, I'm sorry. I see what you're, I 8 understand what you're saying. 9 JODY S. KLINE Esq: Right. 10 LYNN A. ROBESON: At the, at the circular. Okay. I 11 understand. 12 JODY S. KLINE Esq: And, what I was leading up to was 13 why is, why are we not showing any 14 acceleration/deceleration lights, because normally the 15 County and the State would say if you're going to 16 consolidate driveways, that's the kind of terrain that 17 would improve the flow of traffic. Why was that not done in 18 this location? 19 CHERIAN EAPEN: So, that was point of discussion among 20 the staff and the common backing. Umm, going back to the 21 master plan recommendation and to some extent the visual 22 impact and umm, impact on existing street trees. For trees 23 that are along the frontage of the property, the 24 determination was any widening, additional widening to 25 provide acceleration/deceleration lane or left only into</p>	<p>147</p> <p>1 Sekerak, testified to that. It's my recollection. 2 JODY S. KLINE Esq: The state will require you to get 3 an access permit, umm, even though it's just for a limited 4 emergency use. 5 CHERIAN EAPEN: That's correct. That's my 6 understanding, when have reviewed that with the state. 7 During the review Committee and Department of Planning, and 8 umm, there was discussion, and it, it's something 9 they've agreed. 10 LYNN A. ROBESON: Okay. 11 JODY S. KLINE Esq: Umm. 12 LYNN A. ROBESON: Do you foresee any issues with an 13 access permit for phase four? 14 CHERIAN EAPEN: I do not. 15 LYNN A. ROBESON: Okay. 16 CHERIAN EAPEN: The, typically the concerns will be... 17 LYNN A. ROBESON: Sight distance. 18 CHERIAN EAPEN: Sight distance, and being that at 19 corner there is adequate sight distance... 20 LYNN A. ROBESON: that's what I wondered. 21 CHERIAN EAPEN: to both directions. 22 LYNN A. ROBESON: Go ahead, Mr. Kline. 23 JODY S. KLINE Esq: 21h that's up on the board has 24 highlighted the interior circulation plans, and green on 25 green, I believe is the pedestrian circulation plan. Umm,</p>
<p>146</p> <p>1 the property would mean that there will be additional 2 impact on the property which may require umm, removal of 3 trees that are providing some buffer into the property. The 4 second aspect of it, we also looked at the number of times 5 through traffic on Norwood Road and the number of times it 6 actually making those turns to those driveway, and, and 7 based on the numbers that we looked said there is no need 8 to provide separate lanes, so the staff had found those 9 needs, and there is no need for providing additional turn 10 lanes. 11 JODY S. KLINE Esq: To follow up on a question the 12 hearing examiner started to ask, down in the lower left 13 hand corner of Exhibit 21h, there's a little yellow line, 14 and that re-umm, refers to the driveway that connects to 15 the state portion of Norwood Road. Umm, explain what that 16 is, what its purpose is, what its construction 17 characteristics will be. 18 CHERIAN EAPEN: Umm, certainly. The, the access that is 19 shown in LO to Norwood Road, the state portion of Norwood 20 Road, is a fire access, which will have minimal use; only 21 on, in an emergency umm, situation. And, I'm not sure 22 they'd be umm, the design of it, from, from a standpoint of 23 what kind of pavement structure it may have. Umm, 24 JODY S. KLINE Esq: Okay. 25 LYNN A. ROBESON: I think someone else, I think Mr.</p>	<p>148</p> <p>1 in your professional opinion, is that circulation system, 2 safe, adequate, efficient to move vehicles through the 3 property, taking into account the sort of, special nature 4 of the residence? 5 CHERIAN EAPEN: I certainly do believe that it's 6 safe, umm, and, and will provide adequate circulation 7 within the campus. Umm, and and, umm, I believe it's a 8 significant enhancement over what the campus had prior, umm 9 to grade up in the site. It's an upgrade system that's 10 really beneficial umm, to get people, the vehicles around, 11 as well as, there is, in that peripheral sidewalks system 12 that's provided for the occupants to use. 13 LYNN A. ROBESON: Okay. 14 JODY S. KLINE Esq: To someone potentially, is it your 15 professional opinion that the umm, transportation network 16 is adequate to accommodate the additional traffic generated 17 by this proposed use in its end state development. 18 CHERIAN EAPEN: Yes. 19 JODY S. KLINE Esq: No further questions of Mr. Eapen. 20 LYNN A. ROBESON: Okay. Thank you, Mr. Eapen. 21 CHERIAN EAPEN: You're welcome. 22 LYNN A. ROBESON: (laughter) Please raise your right 23 hand. Do you solemnly affirm that the statements that you 24 are about to make are the truth, the whole truth, and 25 nothing but the truth?</p>

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149	<p>1 FERNANDO VENITEZ: I do.</p> <p>2 LYNN A. ROBESON: Please state your name and address</p> <p>3 for the record.</p> <p>4 FERNANDO VENITEZ: Fernando Venitez, spells F-E-R-N-A-</p> <p>5 N-D-O V-N...V-E-N-I-T-E-Z. Address is 20440 Center Boulevard,</p> <p>6 Suite 240, Germantown, 20874.</p> <p>7 JODY S. KLINE Esq: And what is your profession, Mr.</p> <p>8 Venitez.</p> <p>9 FERNANDO VENITEZ: I'm a certified civil engineer, for</p> <p>10 Stentech.</p> <p>11 LYNN A. ROBESON: Are you licensed in the state of</p> <p>12 Maryland.</p> <p>13 FERNANDO VENITEZ: Yes, I am licensed in the state of</p> <p>14 Maryland.</p> <p>15 JODY S. KLINE Esq: You have Mr. Venitez resume there</p> <p>16 as an exhibit. Mr. Venitez, have you ever qualified as an</p> <p>17 expert in civil engineering before a board of commission</p> <p>18 like this one?</p> <p>19 FERNANDO VENITEZ: Not in this setting, but in a</p> <p>20 circuit court setting.</p> <p>21 JODY S. KLINE Esq: Circuit court setting. Umm, and</p> <p>22 they qualified you as a civil engineer?</p> <p>23 FERNANDO VENITEZ: Correct.</p> <p>24 JODY S. KLINE Esq: Can explain to the hearing examiner</p> <p>25 to make sure that it matters.</p>	151	<p>1 treatment capacity problems for sewer fore by as a result</p> <p>2 of the additional development?</p> <p>3 FERNANDO VENITEZ: Umm, there are no known indicators</p> <p>4 right now that that would be an issue, but at the time of</p> <p>5 submission for a hydraulic plan analysis with the WOCC,</p> <p>6 then that could be determined.</p> <p>7 JODY S. KLINE Esq: Okay. Umm, Mr. Sekerak made</p> <p>8 our jobs easy by putting up a copy of the Storm Water</p> <p>9 Management Concept Plan. Can you give the examiner just an</p> <p>10 overview of the Storm Management Concept Plan? The concept?</p> <p>11 FERNANDO VENITEZ: Well, umm, one of the main</p> <p>12 regulations for storm water for the current regulations for</p> <p>13 storm water management is to umm, to maintain the sixty</p> <p>14 drainage patterns for any given site. So, therefore, that</p> <p>15 was applied to this, to this umm, site, storm water design.</p> <p>16 Umm, during the process of storm water development, it was</p> <p>17 found because of the drainage air patterns, this section</p> <p>18 right here, the north forty, was going to be an isolated</p> <p>19 section for storm water. It's its own little watershed</p> <p>20 flowing into the stream. Then we have, in, in that, in our</p> <p>21 storm water's cross section, the, this area right here,</p> <p>22 divided by this right...</p> <p>23 JODY S. KLINE Esq: It's probably, just, maybe give it</p> <p>24 a little bit more rein than this is the area of the new...</p> <p>25 LYNN A. ROBESON: Yeah, we're on a transcript, and the</p>
150	<p>1 FERNANDO VENITEZ: There's a, a, a a homeowner</p> <p>2 contesting a, a developer, and it kind of just, trying to</p> <p>3 justify the cost of the residential home, so they needed to</p> <p>4 umm, they needed an expert that everything was designed in</p> <p>5 accordance to state regulations and county regulations.</p> <p>6 LYNN A. ROBESON: Okay.</p> <p>7 FERNANDO VENITEZ: And, and cost estimations.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 JODY S. KLINE Esq: I I'm please to go through them</p> <p>10 more if you want.</p> <p>11 LYNN A. ROBESON: No, that's fine. I'll accept him as an</p> <p>12 expert in civil engineering.</p> <p>13 JODY S. KLINE Esq: You can tell we're doing kind of a</p> <p>14 fast version, is here. Is the, is the project going to be</p> <p>15 served by adequate public sewer and water service, and by</p> <p>16 that I mean, well, go ahead. Answer that question first.</p> <p>17 FERNANDO VENITEZ: Yes. And umm, staff reports also</p> <p>18 stated that the current site is under Category I for water.</p> <p>19 Category I for sewer, and that that basically means that</p> <p>20 there is public system you know, service in the apartments.</p> <p>21 JODY S. KLINE Esq: So, it's presently served by public</p> <p>22 sewer and water.</p> <p>23 FERNANDO VENITEZ: Correct.</p> <p>24 JODY S. KLINE Esq: And, is there any information at</p> <p>25 this time that would show that there's any transmission or</p>	152	<p>1 transcript when it goes up, it doesn't know where "here"</p> <p>2 is.</p> <p>3 JODY S. KLINE Esq: And, and before, before you go back, you</p> <p>4 used the phrase the "north forty" which is explain for the</p> <p>5 examiner where that little cute phrase, came from or what</p> <p>6 it applies to.</p> <p>7 FERNANDO VENITEZ: Well, I don't know where it came</p> <p>8 from how it acted. It's been said too many times, so that's</p> <p>9 the idea that I've give it.</p> <p>10 JODY S. KLINE Esq: It has become the nickname for that</p> <p>11 detailed parcel of land.</p> <p>12 LYNN A. ROBESON: Okay. That is now connected.</p> <p>13 JODY S. KLINE Esq: Pedestrian wise, anyway. I'm sorry.</p> <p>14 Go ahead, Mr. Venitez.</p> <p>15 FERNANDO VENITEZ: So, so on the northeast quadrant of</p> <p>16 the site, we have this area here that is served by umm,</p> <p>17 bioretentioncy facilities for storm water that is isolated</p> <p>18 on its own to, to provide treatment for what is required,</p> <p>19 and I think we're providing over ten percent of that in in</p> <p>20 this storm water concept. Then we come to the main site,</p> <p>21 and we have this area here that is called Section A for us,</p> <p>22 for storm water, then this all-</p> <p>23 LYNN A. ROBESON: Wait. Is that labeled anywhere on the</p> <p>24 plan, or just?</p> <p>25 FERNANDO VENITEZ: No, this is labeled in the detailed</p>

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<p>153</p> <p>1 plan of the storm water.</p> <p>2 LYNN A. ROBESON: Then, can you just describe what</p> <p>3 you're pointing to?</p> <p>4 FERNANDO VENITEZ: Okay, so it's, it's umm, the section</p> <p>5 on the plan, it's really on the west side of the, of the</p> <p>6 site, and, and it is-</p> <p>7 LYNN A. ROBESON: It looks like it's surrounding the</p> <p>8 umm, not the HUD building.</p> <p>9 JODY S. KLINE Esq: (inaudible)</p> <p>10 LYNN A. ROBESON: the tax credit incentive building.</p> <p>11 JODY S. KLINE Esq: (inaudible)</p> <p>12 FERNANDO VENITEZ: Yeah. Yeah, so it's basically the</p> <p>13 frontage of the entire site that is what is called umm. .</p> <p>14 LYNN A. ROBESON: The front along Norwood County.</p> <p>15 FERNANDO VENITEZ: The front along Norwood County, is</p> <p>16 what we are calling in our storm water a Section A. Umm-</p> <p>17 JODY S. KLINE Esq: Let me ask you: how many sections</p> <p>18 have you created?</p> <p>19 FERNANDO VENITEZ: Four.</p> <p>20 JODY S. KLINE Esq: Four. Okay.</p> <p>21 FERNANDO VENITEZ: So, this will be section A; this</p> <p>22 here will be Section B. Like I said before-</p> <p>23 LYNN A. ROBESON: Well, you've got to describe this</p> <p>24 here.</p> <p>25 FERNANDO VENITEZ: Oh, I'm sorry. So section A is the</p>	<p>155</p> <p>1 storm water management concept plan sensitive to those</p> <p>2 environmental features, and will not, in that way not harm</p> <p>3 them, but maybe support them in some fashion?</p> <p>4 FERNANDO VENITEZ: Sure. Umm, currently the existing</p> <p>5 site is served by one known storm water management feature</p> <p>6 right in front of Norwood, I would say west, northwest of</p> <p>7 the site, and that's the only known storm water facility</p> <p>8 there. It's treating the runoff during existing conditions.</p> <p>9 Now, with the new approach, with the new site, you're going</p> <p>10 to have sixty-seven environmental site assigned fixtures</p> <p>11 that will treat any runoff from the site that will outflow</p> <p>12 into the receiving street. So, yes. In my professional</p> <p>13 opinion this new design, it's going way beyond in</p> <p>14 providing, you know, quality for,</p> <p>15 JODY S. KLINE Esq: So you actually sixty-seven little</p> <p>16 individual bio habitats protection. .</p> <p>17 FERNANDO VENITEZ: Yes. Umm, umm, within those sixty-</p> <p>18 seven we also have about a quarter of an acre of coarse</p> <p>19 paving.</p> <p>20 LYNN A. ROBESON: Of what?</p> <p>21 FERNANDO VENITEZ: Coarse paving.</p> <p>22 LYNN A. ROBESON: Oh, okay.</p> <p>23 FERNANDO VENITEZ: Yes.</p> <p>24 JODY S. KLINE Esq: Well, umm, trying to jump in there.</p> <p>25 In your professional opinion, umm, from an engineering</p>
<p>154</p> <p>1 ninety percent of the frontage of Norwood County Road.</p> <p>2 Section B is basically the core of the site and the center,</p> <p>3 about where the dry pond, farm pond is. It's literally in</p> <p>4 in the middle of the site. Now section C is the section</p> <p>5 that we've been discussing all morning.</p> <p>6 LYNN A. ROBESON: The Southwest</p> <p>7 FERNANDO VENITEZ: The southwest quadrant umm, of the</p> <p>8 site. So those are the basically four sections the storm</p> <p>9 water was subdivided by. It's totally, it's a total of</p> <p>10 sixty-seven umm environmental sites assigned, so, the</p> <p>11 current assigned of those actually is more than what is</p> <p>12 required for treatment for somewhat.</p> <p>13 JODY S. KLINE Esq: Well, let me just jump ahead. Tell</p> <p>14 me the status of your concept plan has been reviewed and</p> <p>15 approved by the County?</p> <p>16 FERNANDO VENITEZ: Yes. So it was first amended, back</p> <p>17 in, I think April, if I recall correctly, and it was</p> <p>18 approved on August 25th-</p> <p>19 LYNN A. ROBESON: Okay.</p> <p>20 FERNANDO VENITEZ: by the County of Fredrick Planning</p> <p>21 Service.</p> <p>22 LYNN A. ROBESON: Okay.</p> <p>23 JODY S. KLINE Esq: Umm. There's been some testimony</p> <p>24 talking about the sensitive environmental features around</p> <p>25 the property, so in your professional opinion, is this</p>	<p>156</p> <p>1 perspective is there anything about the development of the</p> <p>2 property that would have an adverse effect on surrounding</p> <p>3 properties or on the people who reside there or visit the</p> <p>4 property?</p> <p>5 FERNANDO VENITEZ: I don't see, I think it, it, it, in</p> <p>6 fact it will enhance, because a lot of this umm sixty, a</p> <p>7 lot of this storm water facilities, they contain the higher</p> <p>8 storms, so they will see less runoff and erosion along the</p> <p>9 stream. So, in fact, it's actually improving the lifespan</p> <p>10 of the stream.</p> <p>11 JODY S. KLINE Esq: No further questions for Mr.</p> <p>12 Venitez.</p> <p>13 LYNN A. ROBESON: Thank you.</p> <p>14 JODY S. KLINE Esq: Mr. Kennedy? Do you want to take a</p> <p>15 second and put up any boards you want to?</p> <p>16 DEVIN KENEDY: Yeah.</p> <p>17 JODY S. KLINE Esq: Do umm, just put all your stuff</p> <p>18 over there. Madam Hearings Examiner, there was a question</p> <p>19 you asked that I suggested we defer until the landscape</p> <p>20 architect got here, and I want to make sure I remember it.</p> <p>21 Do you remember what it was about?</p> <p>22 LYNN A. ROBESON: Umm, one was exactly what the green</p> <p>23 screen that was required by condition 10-</p> <p>24 JODY S. KLINE ESQ: Sure, but-</p> <p>25 LYNN A. ROBESON: consisted of?</p>



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157	<p>1 JODY S. KLINE ESQ: That one I know for sure. Yeah,</p> <p>2 okay.</p> <p>3 LYNN A. ROBESON: Please raise your right hand. Do you</p> <p>4 solemnly affirm under penalties of perjury that the</p> <p>5 statement that you're about to make are the truth, the</p> <p>6 whole truth and nothing but the truth?</p> <p>7 DEVIN KENNEDY: I do.</p> <p>8 LYNN A. ROBESON: Okay. Umm, please state your name</p> <p>9 and address for the record.</p> <p>10 DEVIN KENNEDY: Umm, my name is Devin Kennedy. Address</p> <p>11 is 2044, sorry, umm, 20440 Century Blvd., Suite 240,</p> <p>12 Germantown, Maryland, 20874.</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 JODY S. KLINE ESQ: Good thing they let you transfer</p> <p>15 your telephone number, right?</p> <p>16 DEVIN KENNEDY: Yes.</p> <p>17 LYNN A. ROBESON: I wonder why everybody was looking</p> <p>18 at their cards.</p> <p>19 DEVIN KENNEDY: It's only one number off.</p> <p>20 LYNN A. ROBESON: Okay.</p> <p>21 DEVIN KENNEDY: It's not, you know (inaudible).</p> <p>22 JODY S. KLINE ESQ: Mr. Kennedy, what is your</p> <p>23 profession?</p> <p>24 DEVIN KENNEDY: Umm, I'm a landscape architect and ISA</p> <p>25 certified arborist.</p>	159	<p>1 of landscape architect and arborist experience. Umm,</p> <p>2 additionally I am a Maryland Department of Natural</p> <p>3 Resources Forest Conservation Qualified Professional,</p> <p>4 sorry. That's a,</p> <p>5 JODY S. KLINE ESQ: That sounds like a rather select</p> <p>6 group.</p> <p>7 DEVIN KENNEDY: It, yeah. It's, it's a qualification</p> <p>8 so it's not a license.</p> <p>9 LYNN A. ROBESON: What does that mean?</p> <p>10 DEVIN KENNEDY: So you, you go, they offer training</p> <p>11 courses and you go get trained at this, this example was a,</p> <p>12 at a, you know, a community course. It's approximately, I</p> <p>13 think it was a three week course.</p> <p>14 LYNN A. ROBESON: So what did they teach you?</p> <p>15 DEVIN KENNEDY: So they teach you how to prepare NRIs.</p> <p>16 And for-</p> <p>17 LYNN A. ROBESON: Oh okay.</p> <p>18 DEVIN KENNEDY: and forest conservation plans. So</p> <p>19 really, in the state of Maryland you have to be a qualified</p> <p>20 professional. One of those qualified professionals, sorry,</p> <p>21 qualified professional to do a forest conservation plan.</p> <p>22 Umm, one of them is considered, is called a Forest</p> <p>23 Conservation Qualified Professional. So it's specific to</p> <p>24 forest conservation plans and NRIs.</p> <p>25 LYNN A. ROBESON: The forest conservation. Okay.</p>
158	<p>1 LYNN A. ROBESON: Okay.</p> <p>2 JODY S. KLINE ESQ: Okay. Umm, have you ever qualified</p> <p>3 as an expert in landscape architecture before a forum like</p> <p>4 this?</p> <p>5 DEVIN KENNEDY: Umm, no.</p> <p>6 JODY S. KLINE ESQ: Okay.</p> <p>7 DEVIN KENNEDY: This will be the first forum</p> <p>8 JODY S. KLINE ESQ: Well let's just start, how, how</p> <p>9 long have you been doing this?</p> <p>10 DEVIN KENNEDY: So, I've been doing landscape</p> <p>11 architecture and arborist related work for about nine</p> <p>12 years.</p> <p>13 LYNN A. ROBESON: Can you, umm, hold on one minute-</p> <p>14 JODY S. KLINE ESQ: I'll bring you an extra copy of</p> <p>15 the resume.</p> <p>16 LYNN A. ROBESON: while I get your, I can get it. I'm</p> <p>17 almost, here it is.</p> <p>18 JODY S. KLINE ESQ: Okay.</p> <p>19 LYNN A. ROBESON: Oh no, that was Mr. Venitez. Okay,</p> <p>20 thank you.</p> <p>21 JODY S. KLINE ESQ: Yeah, also, (inaudible) so, umm,</p> <p>22 just tell us about your graduate degrees from what-</p> <p>23 DEVIN KENNEDY: Umm, so umm, Penn State University</p> <p>24 undergraduate. Umm, I've been a PLA, (inaudible) Landscape</p> <p>25 Architect since 2014. Umm, I have, like I said, nine years</p>	160	<p>1 JODY S. KLINE ESQ: So the state accepts you as a</p> <p>2 qualified person to probably certify-</p> <p>3 DEVIN KENNEDY: Right.</p> <p>4 JODY S. KLINE ESQ: a natural resource inventory?</p> <p>5 DEVIN KENNEDY: That's correct. I mean a landscape</p> <p>6 architect is also qualified but this was, I was this before</p> <p>7 you know, I had my official landscape architects. But I've</p> <p>8 been still part of the experience.</p> <p>9 JODY S. KLINE ESQ: And you said you've been doing</p> <p>10 this eight or nine years?</p> <p>11 DEVIN KENNEDY: Nine years.</p> <p>12 JODY S. KLINE ESQ: Okay. And your daily work, it</p> <p>13 involves what?</p> <p>14 DEVIN KENNEDY: Umm, I mainly specifically responsible</p> <p>15 for the forest conservation aspect of all of our</p> <p>16 development projects and applications, umm, NRIs, tree</p> <p>17 variances. Generally speaking, the environmental sort of</p> <p>18 portions of, of the developmental</p> <p>19 LYNN A. ROBESON: Okay. Mr. Kline, what expertise do</p> <p>20 you want to, are you-</p> <p>21 JODY S. KLINE ESQ: As a landscape architect.</p> <p>22 JODY S. KLINE ESQ: Okay, I'll, and you're, I see</p> <p>23 you're licensed in the state of Maryland currently?</p> <p>24 DEVIN KENNEDY: Yes ma'am.</p> <p>25 LYNN A. ROBESON: Okay, I'll accept him as an umm,</p>

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<p>161</p> <p>1 expert in landscape architecture. 2 JODY S. KLINE ESQ: Umm, jump right off with it. Umm, 3 umm, we need to have some tree variances because we 4 removing some trees on the property. 5 DEVIN KENNEDY: Specimen trees. 6 JODY S. KLINE ESQ: Specimen trees, okay. And just 7 describe the process of where that is and did we get 8 approval from the county and Park and Planning Commission 9 to remove those trees. 10 DEVIN KENNEDY: Yes. Umm, so specifically there is a 11 variance within the Montgomery County Forest Conservation 12 Ordinance, Section 22A-21 is the variance provision. Umm, 13 so this is what umm, by coordinating with Park and Planning 14 on umm, you know documenting the impacts to the specimen 15 trees, you have to provide undue hardship qualifications 16 and so 17 LYNN A. ROBESON: We, we have had testimony- 18 DEVIN KENNEDY: Yes. 19 LYNN A. ROBESON: on that process. 20 DEVIN KENNEDY: Ok, sorry. I will, it's umm, 21 effectively coordinating with Park and Planning to figure 22 out what the, the best umm, way to do the variance and then 23 they have a recommendation or they effectively forward it 24 to the arborist, the county arborist and the arborist 25 offers a, you know, a recommendation to the Planning Board.</p>	<p>163</p> <p>1 JODY S. KLINE ESQ: (inaudible) 2 LYNN A. ROBESON: Oh, it's a natural surface path? 3 DEVIN KENNEDY: It's a natural surface path which is 4 allowed within county (inaudible) conservation easement. 5 LYNN A. ROBESON: Okay. Umm, I did talk to staff and 6 staff says they still need a final sign Forest 7 Conservation, a signed final Forest Conservation Plan from 8 you. 9 DEVIN KENNEDY: That's in the mail. 10 LYNN A. ROBESON: Okay. 11 DEVIN KENNEDY: It was just signed 12 LYNN A. ROBESON: And the other thing they told me is 13 that the path is shown on the site plan but it's not shown 14 on the landscape, let me get my notes. It's not shown on 15 the landscape plan and they need it to be shown on the 16 landscape plan as well. I'm just the messenger. 17 JODY S. KLINE ESQ: (laughter) Well, I apologize 18 because you're not, that's not your job. That's, somebody 19 should have called me. 20 LYNN A. ROBESON: No. I, I called them to see- 21 JODY S. KLINE ESQ: I know but- 22 LYNN A. ROBESON: how long it would take them to- 23 JODY S. KLINE ESQ: that's not your job. 24 LYNN A. ROBESON: review it. 25 JODY S. KLINE ESQ: We should have had that-</p>
<p>162</p> <p>1 JODY S. KLINE ESQ: Were you the principle preparer of 2 the revise Forest Conservation Plan showing the pedestrian 3 linkage to the north forty's? Do they call that? 4 DEVIN KENNEDY: Yes. 5 JODY S. KLINE ESQ: Okay. 6 DEVIN KENNEDY: Yes. 7 JODY S. KLINE ESQ: Well what did you have to do in 8 order to amend the plan in order to satisfy the chairman's 9 desire to link the two components to the property? 10 DEVIN KENNEDY: So specific to the Forest Conservation 11 Plan was just adding the graphical representation of where 12 that umm, access path will, will be and then a note 13 describing it and effectively that's the only change to the 14 Forest Conservation Plan. I didn't impact any substantive, 15 you know, measure of the plan itself. 16 JODY S. KLINE ESQ: So when we go to implement it 17 you'll just go out in the field and kind of do a, mark it 18 off in field and work with staff at Park and Planning? 19 DEVIN KENNEDY: Umm, I don't think that, I, I, I'm not 20 aware of any in field requirements and this is effectively, 21 you know, sort of, umm, yeah I don't, yeah I don't recall 22 any discussion regarding any of that. 23 JODY S. KLINE ESQ: But it will be a natural surface 24 path? 25 DEVIN KENNEDY: Right.</p>	<p>164</p> <p>1 LYNN A. ROBESON: And we said the resolution has been 2 adopted. 3 JODY S. KLINE ESQ: Oh okay. 4 LYNN A. ROBESON: But they need the final FFCP signed 5 from you. 6 JODY S. KLINE ESQ: Okay. Umm, so does that tell us 7 we're going to end up revising the landscape plan again? 8 DEVIN KENNEDY: If we are adding umm, you know, the 9 note and, yeah that would- 10 LYNN A. ROBESON: Yes you are adding to- 11 JODY S. KLINE ESQ: (inaudible) 12 LYNN A. ROBESON: that's what staff has- 13 JODY S. KLINE ESQ: so that will be something else- 14 LYNN A. ROBESON: Right. 15 JODY S. KLINE ESQ: Umm, bottom line is, in your 16 professional opinion- 17 LYNN A. ROBESON: Is it redundant? I can't, I'm not 18 commenting. I just know that that's- 19 JODY S. KLINE ESQ: No, I mean- 20 LYNN A. ROBESON: they felt they needed it. 21 JODY S. KLINE ESQ: We want them to be in sync. 22 There's no argument with that. I'm just sorry that we 23 didn't know this earlier so we could have gotten it done. 24 LYNN A. ROBESON: Right. 25 JODY S. KLINE ESQ: Mr. Kennedy, I, in your</p>

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<p>165</p> <p>1 professional opinion though is the for-, does the Forest 2 Conservation, let me rephrase that. Your Forest 3 Conservation Plan comply with the requirements of Chapter 4 22A, the County law for Forest Conservation Plan? 5 DEVIN KENNEDY: Umm, yes. I believe it does. 6 JODY S. KLINE ESQ: Okay, that's fine. Umm, what I'd 7 like you to do is bring out the landscaping plan and just 8 give the Hearing Examiner a flavor for what's the sort of 9 theme or ideas across- 10 LYNN A. ROBESON: Umm, before, is Phase four active 11 living, active units? 12 JODY S. KLINE ESQ: They are. They are lodges. They 13 would be independent living. 14 LYNN A. ROBESON: Yeah, I mean independent living. 15 That's what I meant to say. 16 JODY S. KLINE ESQ: And that was part of- 17 LYNN A. ROBESON: I was just like, if it's not 18 independent living why are we putting a path but if it's 19 umm, okay. 20 JODY S. KLINE ESQ: If you'll let me get on my soapbox 21 for a second. One, because it is independent living the 22 chairman felt that it should be connected. And I wouldn't 23 say we, we disagree with that. We were just always told 24 it's Category one in between- 25 LYNN A. ROBESON: And never put-</p>	<p>167</p> <p>1 sort of been discussed. 2 JODY S. KLINE ESQ: You're talking about the Snider's 3 property? 4 DEVIN KENNEDY: Right, by the Snider's property. So, 5 so we're adding you know, evergreen filtered buffers, 6 naturalized umm- 7 LYNN A. ROBESON: And what is, what is it exactly? Can 8 you say? 9 DEVIN KENNEDY: Species or-? 10 LYNN A. ROBESON: Yeah, yes. 11 DEVIN KENNEDY: So the general down here is the 12 (inaudible) American Hollies and the umm, where you know, 13 we're trying to block headlights that could potentially be 14 you know, trespassing is, American Holly as well as 15 (inaudible) and then Southern Magnolia. So,- 16 LYNN A. ROBESON: Okay. 17 DEVIN KENNEDY: I wanted to give, you know, somewhat 18 of a variety in that naturalized umm, planting, umm- 19 LYNN A. ROBESON: So it doesn't look like old hedge? 20 DEVIN KENNEDY: Right. So you don't want to just see a 21 green screen type of deal. It's, it's supposed to look more 22 natural. Umm, so that, you know, that was towards the 23 Snider's property. Additionally for the northern section 24 you know, we provided as well, buffering along the 25 structures and umm, property line for the parking lots. So</p>
<p>166</p> <p>1 JODY S. KLINE ESQ: and you can't go through there. 2 LYNN A. ROBESON: Right. 3 JODY S. KLINE ESQ: Umm, I am told that as a result of 4 the chairman's insistence, that is now the policy of Park 5 and Planning Commission where you have detached parcels 6 notwithstanding, intervening Category One. Find a way to 7 connect them and I was told that by an engineer who's now 8 had to revise two plans because the chairman is now making 9 that a policy of the Planning Board and not a bad policy. 10 We just didn't feel we had the clearance to do that before. 11 LYNN A. ROBESON: Okay. 12 JODY S. KLINE ESQ: Umm, in any event the landscaping 13 plan, just give us the theme and at that time I'm going to 14 have you take me down the southwest area. But just kind of 15 give the overall planting concept. 16 DEVIN KENNEDY: Sure. So umm, right here is the 17 landscape plan. 18 LYNN A. ROBESON: Umm, that's 64D. 19 DEVIN KENNEDY: Yes, sorry, Exhibit 64D, Landscape 20 umm, Campus Landscape Master Plan. Umm, so in general what 21 we have here is just sort of a skeletal umm, planting plan 22 in order to fulfill the functions desired, such as the 23 buffering, umm, shading and just umm, various enhancements. 24 So what I mean by buffering is you know, for anything in 25 proximity to you know, to a property line which has already</p>	<p>168</p> <p>1 that's mainly for the evergreen buffers. Additionally on 2 the frontage, road frontages in keeping with the theme of 3 setbacks but also filtered, naturalized screens is, is you 4 know, sort of a, an again, naturalized plantings with shade 5 trees, deciduous trees. So that's, it's more, instead of 6 blocking vision it's more filtering it and giving it a more 7 of a concealed umm, look without blocking it, I guess you 8 would say. Umm, so that's the function of, of umm, 9 buffering, umm, separately shading. So shading you know, we 10 have sort of fragmented parking areas. So small, wi-, you 11 know, not huge parking areas so that, you know, we provided 12 umm, canopy coverage via shade trees. These are all native 13 umm, shade trees where we could, where it was deemed 14 appropriate. Pretty much every available spot that can be 15 used to shade the parking spots was used for a tree. Umm, 16 and also additionally the storm water ponds, we wanted, you 17 know, we provide southern exposure shading to provide 18 shading for the, for that as well, umm, and the just as far 19 as enhancements, nothing major. We just thought it was 20 important to sort of parallel the, a tree lane along 21 Norwood and sort of continue amongst the internal access. 22 JODY S. KLINE ESQ: You better, you better get a 23 little more detailed about the outlay of trees- 24 DEVIN KENNEDY: Yes. 25 JODY S. KLINE ESQ: on Norwood Road because that is a,</p>

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<p style="text-align: right;">169</p> <p>1 is a-</p> <p>2 DEVIN KENNEDY: Yes.</p> <p>3 JODY S. KLINE ESQ: a feature that shows-</p> <p>4 LYNN A. ROBESON: Yeah, I'm confused-</p> <p>5 DEVIN KENNEDY: a feature of the site.</p> <p>6 LYNN A. ROBESON: What are those, what's that double</p> <p>7 row of trees, right at the road? Are they in the right of</p> <p>8 way or-?</p> <p>9 DEVIN KENNEDY: That's the exist, yeah, those are the</p> <p>10 ones that are sort of umm, the opacity is you know,</p> <p>11 LYNN A. ROBESON: Yes.</p> <p>12 DEVIN KENNEDY: Those are existing.</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 DEVIN KENNEDY: So that's already out there. Umm, you</p> <p>15 know, these are thirty plus inch, like sycamores, very,</p> <p>16 very prominent feature of the sight for sure. So we, we</p> <p>17 wanted to sort of replace the ones that were dying, or</p> <p>18 dead, but you know, just to continue the cadence and then</p> <p>19 we also just kind of wanted to repeat that interior to the</p> <p>20 sight, which also provides addition, you know, adds to the</p> <p>21 filtered buffer along Norwood Road. Umm, so ov-, so that's</p> <p>22 generally a scale of what we would consider a skeletal</p> <p>23 component. We're not, you know, there's, there's landscape</p> <p>24 and garden committees within Friends House that will, I'm</p> <p>25 sure, you know, once you enhance in their own ways.</p>	<p style="text-align: right;">171</p> <p>1 JODY S. KLINE ESQ: That was the variety of it.</p> <p>2 JODY S. KLINE ESQ: (inaudible) We met with Doug</p> <p>3 Johnson. Sat down and this is sort of the umm, you know,</p> <p>4 design that, that we-</p> <p>5 JODY S. KLINE ESQ: Mr. Johnson is an Environmental</p> <p>6 Planner of Park and Planning?</p> <p>7 DEVIN KENNEDY: Landscape Architect umm, I'm not sure</p> <p>8 an Environmental Planner. I don't know his official title</p> <p>9 but he is a landscape architect as well.</p> <p>10 JODY S. KLINE ESQ: Umm, you heard Mr. Snider's test-,</p> <p>11 your, Mr. Snider's testimony today and you, you have</p> <p>12 visited the site down in the southwest corner?</p> <p>13 DEVIN KENNEDY: That's correct.</p> <p>14 JODY S. KLINE ESQ: I'm, I'm not second guessing his</p> <p>15 call about a thirty percent or so ashes in there, but</p> <p>16 describe the character as you observe it, of the forest,</p> <p>17 the intervening forest between the campus and the Norwood</p> <p>18 res-, historic residence.</p> <p>19 DEVIN KENNEDY: Umm, I, I, you know, I would need to,</p> <p>20 to speak detailed on ones that I, you know, I would have to</p> <p>21 have done in a stand analysis but from what I recall it's,</p> <p>22 it's not just stand. And so it's not just, I would probably</p> <p>23 you know, it's more, I remember lots of white pines on the</p> <p>24 north section. Umm-</p> <p>25 LYNN A. ROBESON: By the county Norwood?</p>
<p style="text-align: right;">170</p> <p>1 LYNN A. ROBESON: Can you describe how big that</p> <p>2 landscaping at the end of umm, I forget the road, the</p> <p>3 northern roadway, that additional landscaping you put in</p> <p>4 for, to protect from lights umm,</p> <p>5 DEVIN KENNEDY: Are you talking of going to the umm-,</p> <p>6 LYNN A. ROBESON: 681-</p> <p>7 DEVIN KENNEDY: rendering exit, you're talking about</p> <p>8 here?</p> <p>9 LYNN A. ROBESON: That's correct.</p> <p>10 DEVIN KENNEDY: So these we've got the smaller or the,</p> <p>11 umm, (inaudible), American Holly, you know, they can, you</p> <p>12 know, fifteen foot roughly radius, or sorry, diameter and</p> <p>13 they'll get twenty, thirty feet high, max. Criptemera, a</p> <p>14 bit larger. You can get up to forty foot umm, diameter.</p> <p>15 They'll grow a little bit taller. And then, Southern</p> <p>16 Magnolia, you know, those get pretty large, probably</p> <p>17 similar to Criptemera, maybe even a little bit bigger. So,</p> <p>18 you know, the ideal is kind of have a screen but with also</p> <p>19 you know, a bit of a cadence to it, small to large type,</p> <p>20 you know, do a variety I guess. So instead of just</p> <p>21 planting, I, I know the initial comment I think, was add</p> <p>22 umm, American Holly, umm, I forget what the phrasing was.</p> <p>23 JODY S. KLINE ESQ: The staff report said a dense</p> <p>24 evergreen screen.</p> <p>25 DEVIN KENNEDY: Right. Sorry.</p>	<p style="text-align: right;">172</p> <p>1 DEVIN KENNEDY: So this area along the county Norwood</p> <p>2 here. These are relatively you know, decent size white</p> <p>3 pines and then it sort of tapers off to smaller, there,</p> <p>4 there were some ash trees. Umm, I do recall that. Umm, but</p> <p>5 it's sort of a mix. There's maples, there's ash, there's</p> <p>6 black gum, there's also herbaceous invasive material in</p> <p>7 there as well. Umm, so as far as what he was saying, you</p> <p>8 know I don't re-, specifically recall, you know, an</p> <p>9 infestation. There's nothing really jump out to me as, but</p> <p>10 I didn't go into the interior of this.</p> <p>11 LYNN A. ROBESON: Right.</p> <p>12 DEVIN KENNEDY: I just saw from walking around the</p> <p>13 perimeter.</p> <p>14 LYNN A. ROBESON: Right.</p> <p>15 DEVIN KENNEDY: But generally speaking, ash trees.</p> <p>16 It's not shocking that they would have (inaudible), so</p> <p>17 that's generally, umm, you know, it, there, there was a</p> <p>18 unique mix of species. Like there is a (inaudible) tree</p> <p>19 down here, red maple, umm, umm,</p> <p>20 LYNN A. ROBESON: But you can't say what the mix is</p> <p>21 particularly?</p> <p>22 DEVIN KENNEDY: Well just what I', sort of mix-,</p> <p>23 saying now. I mean that's,</p> <p>24 LYNN A. ROBESON: Yeah. Okay.</p> <p>25 DEVIN KENNEDY: it's hard for to, traditional, like</p>

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<p>173</p> <p>1 it, it's not a traditional forest stand that you would see 2 in a naturalized, undisturbed forest. So you can tell that 3 this has been, you know, either, you know, planted 4 supplementally or cut down or how did, you know, I don't 5 know what the history of the site is. 6 LYNN A. ROBESON: Right. 7 DEVIN KENNEDY: Obviously- 8 LYNN A. ROBESON: No it's fine. You don't have to 9 speculate. 10 DEVIN KENNEDY: Sure. So but, yeah, generally speaking 11 that's, you know, it, it's dense. I mean it provides a, a 12 buffer for sure, a visual buffer no doubt about that. 13 JODY S. KLINE ESQ: Umm, are there measures that can 14 be taken to either arrest or reverse the ash bore 15 phenomenon? 16 DEVIN KENNEDY: Umm, I, I would, you know the degree 17 of the infestation but yeah, generally speaking there's 18 umm, integrated pest management measures you can do that 19 have varying degrees of umm, you know, umm effectiveness. 20 Umm, I would recommend, honestly, if I had, if I had ash 21 trees in my back yard as relying on them as a buffer, I 22 would be supplementing those plantings like now. Like just, 23 in the few, you know, so because over time those will die 24 back. To how quick, one year, five years, thirty years, you 25 know, that's to be determined. But I would be, you know I</p>	<p>175</p> <p>1 what I'm saying. It's your burden to buffer your 2 development. 3 DEVIN KENNEDY: Right. Yeah, and- 4 LYNN A. ROBESON: That's the danger of relying on 5 someone else's buffer. 6 DEVIN KENNEDY: Yes. Umm- 7 LYNN A. ROBESON: And I don't see any, I really don't 8 see much landscaping behind the existing cottages. Umm- 9 DEVIN KENNEDY: I mean you also have to see you know, 10 how, what, where are the ash trees located. Where would 11 they, if they died what would they impact. 12 LYNN A. ROBESON: Well, twenty-five to thirty percent- 13 DEVIN KENNEDY: Umm, yeah, I, I can't speak to the 14 percentage but yeah, I mean that does, it's, you know you 15 would have, you would have to have a sort of in-, you know, 16 inventory. You would have to understand what are the most 17 at risk areas. What are the, you know, where would the die 18 back be most prominent. Like that type of, you know, there, 19 there, you'd have to be- 20 LYNN A. ROBESON: Okay. 21 DEVIN KENNEDY: Have a pretty decent analysis. 22 JODY S. KLINE ESQ: I, I have pictures that were taken 23 on the site yesterday and I don't really want to, sort of 24 undercut Mr. Snider's- 25 LYNN A. ROBESON: Yeah because he's not here.</p>
<p>174</p> <p>1 would be wanting to sort of supplement those, just doing 2 plantings now, ahead of time, I guess. 3 JODY S. KLINE ESQ: And lastly there is a lighting 4 plan that is part of the application. Would you basically 5 just tell us the, the general over lighting concept? 6 DEVIN KENNEDY: Yes. 7 JODY S. KLINE ESQ: And then confirm for us that it 8 meets the zoning ordinance standards. 9 DEVIN KENNEDY: Yes. So the light-, so I have the 10 lighting plan actually. Umm, 11 LYNN A. ROBESON: How expensive are those integrated 12 management plans? I mean, essentially he's trying to buffer 13 what you're putting there so I guess umm, 14 DEVIN KENNEDY: It's- 15 LYNN A. ROBESON: If, if you weren't there he wouldn't 16 need to bu-, he wouldn't need the buffer as critically. 17 DEVIN KENNEDY: Umm, I mean- 18 LYNN A. ROBESON: If you don't have experience, you 19 don't have experience. I'm just making the point that it's 20 not his res-, I mean, it's a mixed bag- 21 DEVIN KENNEDY: Yes. 22 LYNN A. ROBESON: is what I'm saying. 23 DEVIN KENNEDY: Yes. Understood. 24 LYNN A. ROBESON: He wouldn't care as much about the 25 buffer. It's not his burden to buffer your development is</p>	<p>176</p> <p>1 JODY S. KLINE ESQ: Yeah, but nevertheless it's umm, I 2 mean I think, I'm asking sort of a technical question. I 3 guess I should make these exhibits on record. So- 4 LYNN A. ROBESON: Eighty-two. What would you call 5 this? 6 JODY S. KLINE ESQ: Umm, Photographs from Our Property 7 Line. 8 JOHN SEKERAK, JR: Yes. There's a Saturday on that 9 desk. 10 LYNN A. ROBESON: Photographs of toward Norwood from 11 the common property line of Friends House. 12 LYNN A. ROBESON: Okay. But you aren't going to ask 13 him to identify the trees from this? 14 JODY S. KLINE ESQ: I, I actually was going to ask 15 could he tell if any of those were Ash and my guess is he'd 16 say I can't tell without a little more detail. 17 LYNN A. ROBESON: I'm just uncomfortable because- 18 JODY S. KLINE ESQ: I (inaudible) 19 LYNN A. ROBESON: Umm- 20 JODY S. KLINE ESQ: Tell you what. Let, let's 21 LYNN A. ROBESON: Let's- 22 JODY S. KLINE ESQ: (inaudible) 23 LYNN A. ROBESON: Okay. 24 JODY S. KLINE ESQ: We'll let it just stand on the 25 record. I have, umm, we were talking about umm, lighting.</p>

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<p>177</p> <p>1 DEVIN KENNEDY: Yes. So umm, umm, I'm gesturing to the</p> <p>2 lighting plan. I'm not sure what exhibit that is.</p> <p>3 JODY S. KLINE ESQ: It would be 6G.</p> <p>4 DEVIN KENNEDY: So umm, Exhibit 6G, the Lighting Plan,</p> <p>5 umm, well first off the general umm, character of the</p> <p>6 community is, is a naturalized rural, rural communities.</p> <p>7 So, you know, Mr. Harrington described earlier, you know</p> <p>8 the Quaker faith are simplistic, umm, they you know, they</p> <p>9 are appreciative of natural resources. They enjoy dark</p> <p>10 night skies so they were very much interested in keeping a</p> <p>11 low light level umm, identity, I guess. With that being</p> <p>12 said, the proposed lights are umm, (inaudible) pole lights</p> <p>13 and more pedestrian oriented, way finding (inaudible). Umm,</p> <p>14 so critically, so the idea was to provide umm, you know,</p> <p>15 the critical elements, so safety, security, umm, way</p> <p>16 finding, umm, the essential umm, the essentials. So we have</p> <p>17 our pole lights at the parking umm, locations and umm, you</p> <p>18 know, critical (inaudible) nodes and then our bollards are</p> <p>19 for the internal pedestrian circulations.</p> <p>20 JODY S. KLINE ESQ: Umm, and do the, the umm, you had</p> <p>21 it studied by a firm that's determined the foot candles at</p> <p>22 the perimeter of the property will satisfy the County</p> <p>23 Zoning Ordinance?</p> <p>24 DEVIN KENNEDY: Umm, yes, that's correct. So the, I</p> <p>25 have-</p>	<p>179</p> <p>1 it since he's the land planner.</p> <p>2 LYNN A. ROBESON: Yeah.</p> <p>3 JODY S. KLINE ESQ: Mr. Sekerak, can you come back up</p> <p>4 here?</p> <p>5 JOHN SEKERAK, JR: Oh, and I'm still under oath?</p> <p>6 LYNN A. ROBESON: Yes you are.</p> <p>7 JOHN SEKERAK, JR: Regarding the neighborhood?</p> <p>8 LYNN A. ROBESON: The delineation and character.</p> <p>9 JOHN SEKERAK, JR: Umm, and, let's see. I agree with</p> <p>10 staff's characterization of the, of the character, the</p> <p>11 general characterization.</p> <p>12 LYNN A. ROBESON: Okay.</p> <p>13 JOHN SEKERAK, JR: It's made up of large lot</p> <p>14 residential; it has a lot of park land-</p> <p>15 LYNN A. ROBESON: How large is large lot? RE1 or 2?</p> <p>16 JOHN SEKERAK, JR: Well it's a predominately RE2 and</p> <p>17 RNC. So-,</p> <p>18 LYNN A. ROBESON: What's RN, or-,</p> <p>19 JOHN SEKERAK, JR: Rural neighborhood cluster.</p> <p>20 LYNN A. ROBESON: Okay.</p> <p>21 JOHN SEKERAK, JR: So that's kind of cluster</p> <p>22 development on steroids.</p> <p>23 LYNN A. ROBESON: With larger reserve-</p> <p>24 JOHN SEKERAK, JR: Yeah there are some smaller lots</p> <p>25 but the, the density is low.</p>
<p>178</p> <p>1 LYNN A. ROBESON: Even in that southwest corner?</p> <p>2 DEVIN KENNEDY: I now just turned to the photometric</p> <p>3 plan umm, which has our foot candle allocations here and so</p> <p>4 it's at zero-</p> <p>5 LYNN A. ROBESON: Okay.</p> <p>6 DEVIN KENNEDY: all along the whole property line.</p> <p>7 LYNN A. ROBESON: Alright.</p> <p>8 DEVIN KENNEDY: Umm, so even, all things considered,</p> <p>9 this is, you know, a pretty low lit umm, site.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JODY S. KLINE ESQ: Umm, no further questions of Mr.</p> <p>12 Kennedy.</p> <p>13 LYNN A. ROBESON: Thank you.</p> <p>14 DEVIN KENNEDY: Alright. Thank you. Umm, (inaudible)</p> <p>15 to be released?</p> <p>16 JODY S. KLINE ESQ: If you want to leave (inaudible).</p> <p>17 LYNN A. ROBESON: Thank you.</p> <p>18 JODY S. KLINE ESQ: Will make it (inaudible).</p> <p>19 LYNN A. ROBESON: No, we're going to make it. Umm, one</p> <p>20 thing I realized in thinking through what's been covered,</p> <p>21 usually we have a characterization of the neighborhood.</p> <p>22 Umm, and if you agree with staff's characterization, that's</p> <p>23 fine. But if you disagree, just, Mr. Sekerak can come back</p> <p>24 up.</p> <p>25 JODY S. KLINE ESQ: I think that's the best way to do</p>	<p>180</p> <p>1 LYNN A. ROBESON: Right.</p> <p>2 JOHN SEKERAK, JR: Umm, umm, and umm, and RE2 here</p> <p>3 (inaudible). Umm, but institutional uses, Friends School</p> <p>4 right next door and the umm, horse facility right across</p> <p>5 the, in the umm, Norwood-</p> <p>6 LYNN A. ROBESON: What's to the east?</p> <p>7 JOHN SEKERAK, JR: The umm, the aerial photo here, and</p> <p>8 this certainly doesn't cover the entire-</p> <p>9 LYNN A. ROBESON: Neighborhood.</p> <p>10 JOHN SEKERAK, JR: Neighborhood.</p> <p>11 JOHN SEKERAK, JR: So to the east is (inaudible). It's</p> <p>12 part of the northwest branch and the greenway-</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 JOHN SEKERAK, JR: Indicated in The Master Plan, is</p> <p>15 off the site, over in this area. Umm, off the image area</p> <p>16 is, are some RXE properties where, low density but small</p> <p>17 lots.</p> <p>18 LYNN A. ROBESON: Right.</p> <p>19 JOHN SEKERAK, JR: Umm, with generous open spaces.</p> <p>20 Umm, Friends School to the south, large lot, the horse barn</p> <p>21 that I mentioned, more RNC property here. The umm, it does</p> <p>22 include going down to Woodlawn-</p> <p>23 LYNN A. ROBESON: Okay.</p> <p>24 JOHN SEKERAK, JR: And as far, and, and up to umm, to</p> <p>25 and including Sherwood High School.</p>

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<p>181</p> <p>1 LYNN A. ROBESON: Okay.</p> <p>2 JOHN SEKERAK, JR: Umm, so the staff's is umm, on</p> <p>3 page-</p> <p>4 LYNN A. ROBESON: Six I think.</p> <p>5 JOHN SEKERAK, JR: And I don't know if you want to go</p> <p>6 into detail at this time.</p> <p>7 LYNN A. ROBESON: No.</p> <p>8 JOHN SEKERAK, JR: I would, I wouldn't have taken the</p> <p>9 neighborhood as far east-</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JOHN SEKERAK, JR: But it doesn't change any of my</p> <p>12 conclusions.</p> <p>13 LYNN A. ROBESON: Where would you have ended it?</p> <p>14 JOHN SEKERAK, JR: There, the umm-</p> <p>15 LYNN A. ROBESON: The stream valley?</p> <p>16 JOHN SEKERAK, JR: And I have an exhibit, umm, let's</p> <p>17 go that way to-</p> <p>18 JOHN SEKERAK, JR: I need a new exhibit number.</p> <p>19 LYNN A. ROBESON: But your testimony is, regardless of</p> <p>20 the delineation, I'm just going to add that as eighty-</p> <p>21 three, which is Applicant's Delineation of Surrounding</p> <p>22 Area.</p> <p>23 JOHN SEKERAK, JR: So the northeast corner of the</p> <p>24 neighborhood, the staff had taken it to the RNC residential</p> <p>25 development to the east of Sherwood High School.</p>	<p>183</p> <p>1 JOHN SEKERAK, JR: Well said.</p> <p>2 LYNN A. ROBESON: No.</p> <p>3 JOHN SEKERAK, JR: But I, I do not disagree with any</p> <p>4 other aspects of the staff's-</p> <p>5 LYNN A. ROBESON: So you don't disagree with the</p> <p>6 characterization but perhaps the delineation is too large?</p> <p>7 JOHN SEKERAK, JR: I agree, that is correct.</p> <p>8 LYNN A. ROBESON: Okay. I just had that question.</p> <p>9 Umm, go ahead.</p> <p>10 JODY S. KLINE ESQ: Yes, you had your hand on the</p> <p>11 plan, that's where I wanted you to go. I'm going to try</p> <p>12 and do the big picture stuff and get that out of the way.</p> <p>13 So, umm, what's in the Master Plan that's instructive on</p> <p>14 what should happen on this property, umm, for instance</p> <p>15 preservation of open space. What's the plan recommend we</p> <p>16 achieve the plans recommendations?</p> <p>17 JOHN SEKERAK, JR: The recognized, the best plan</p> <p>18 recognizes Friends House. It's been here for fifty years.</p> <p>19 Umm, and it is a, in a rural setting for a continuing care</p> <p>20 community. It's arranged in a very rural setting, both on</p> <p>21 campus and the surrounding areas. Umm, characterized by</p> <p>22 the umm, substantial setbacks and open views along the two</p> <p>23 stretches of Norwood Road. Primarily the county portion of</p> <p>24 Norwood Road it recognized the mature sycamore, holly and</p> <p>25 views into the campus. Umm, (inaudible) maintain that.</p>
<p>182</p> <p>1 LYNN A. ROBESON: Okay.</p> <p>2 JOHN SEKERAK, JR: And you see that there? Umm, and</p> <p>3 actually it just included the back portion of that</p> <p>4 neighborhood and not the front portion of it.</p> <p>5 LYNN A. ROBESON: I see.</p> <p>6 JOHN SEKERAK, JR: Whether or not that neighborhood is</p> <p>7 included is an incremental change between our two</p> <p>8 delineations but I certainly wouldn't include just half of</p> <p>9 that dead end cul-de-sac.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 JOHN SEKERAK, JR: And similarly to the umm, southeast</p> <p>12 corner, you see a difference umm, along, I did not include</p> <p>13 those lots along Alexander Manner-</p> <p>14 LYNN A. ROBESON: I see the-</p> <p>15 JOHN SEKERAK, JR: All those residential lots are on</p> <p>16 the other side of that greenway that we,</p> <p>17 LYNN A. ROBESON: Right.</p> <p>18 JOHN SEKERAK, JR: And part of that stream buffer and</p> <p>19 greenway that we just (inaudible). There's no visual</p> <p>20 relationship between the two properties and umm, the</p> <p>21 traveling public would, leaving Friends House, taking a</p> <p>22 left, left on, left on umm, Norwood, left on Ednor then</p> <p>23 another left on, it's just, it's a little too-</p> <p>24 LYNN A. ROBESON: (inaudible) or actually I shouldn't</p> <p>25 substitute words for you. (laughter).</p>	<p>184</p> <p>1 Umm, to maintain, we're recommending maintaining sixty</p> <p>2 percent open space and that's usually achieved by the umm,</p> <p>3 substantial security buffer, security (inaudible) of</p> <p>4 Northwest Branch that umm, takes up much of the property,</p> <p>5 that and the two frontages and the interior green. We were</p> <p>6 able, umm, umm, to satisfy umm, that recommendation. And</p> <p>7 then in terms of designing umm, guidelines to preserve</p> <p>8 those views, we've done umm.</p> <p>9 JODY S. KLINE ESQ: So, specifically, page thirty-</p> <p>10 eight, Protest Retirement Community and Sandy Spring School</p> <p>11 rural open space should be located along Norwood Road. New</p> <p>12 structures and parking should blend in with the rural</p> <p>13 landscape. That's where we've done the substantial</p> <p>14 setbacks. Umm, no parking would be appreciated from either</p> <p>15 umm, either branches of Norwood Road and umm, complimented</p> <p>16 the existing landscape treatments out there with umm, a</p> <p>17 cadence of the, of the Alaza trees, and kindly made by Mr.</p> <p>18 Stembell, about stepping down the buildings when they did</p> <p>19 get close to the road. All this contributes to the rural</p> <p>20 rustic character of the road.</p> <p>21 JOHN SEKERAK, JR: Absolutely, Mr. Stembell said it</p> <p>22 much more eloquently than I could. But umm, the umm, the</p> <p>23 (inaudible) and statically oriented so that the, umm, nero</p> <p>24 facades are oriented towards Norwood Road. Umm, and</p> <p>25 (inaudible) that two stories and up to three stories as you</p>

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<p>185</p> <p>1 get further away from Norwood Road. Similarly up in the 2 umm, effectually referred to area of North 40, umm, those 3 Phase 4 lodges, the lodge closest to Norwood Road and 4 closest to neighboring single family homes is a two story 5 umm, lodge, (inaudible) two or three stories. You get the 6 umm, umm, umm, the cottages that, down in the Southwest 7 umm, portion of the site, umm, they're duplexes, but umm, 8 combined their footprint is similar to maybe the single 9 family homes we have in the neighborhood. But these are 10 only one story in height. So, with a substantial 300 foot 11 setback and the small massing certainly is less intrusive 12 than let's say, the horse barn, right across the street at 13 that same place which is much closer to Norwood. Umm, 14 let's go, North bound, Norwood Road up towards Sandy Spring 15 umm, single family homes are, are a, a, typical distance 16 from, oriented towards the road, driveways on the road and 17 footprints about the same size as our duplexes and much 18 closer to the road. I could go on all day regarding the 19 other design elements of this, entrances. Where would you 20 like for me to continue Mr. Kline? 21 JODY S. KLINE ESQ: Umm, I, I think. 22 LYNN A. ROBESON: He's thinking about it. Well, let 23 me help you out. I'll help you out. 24 JODY S. KLINE ESQ: This whole thing is just answering 25 your questions.</p>	<p>187</p> <p>1 certainly not from anything that's being proposed by this. 2 LYNN A. ROBESON: And why do you say those two down 3 that are more, that are closer to the view shed wouldn't 4 have an impact? 5 JOHN SEKERAK, JR: Further removed, further away, just 6 the sheer distances is, is, very effective. And we're 7 already proposing the supplemental plantings for those. So 8 even if that, you know, twenty-five to thirty percent of 9 that forest did decline or thin out due to natural forest 10 regeneration, before supplemental plantings and the 11 filtered view over that substantial distance was thinner, 12 we're still providing naturalized groupings of evergreens 13 for our proposed. So that, that result is umm, I mean if 14 somebody is standing on the umm, Friends House property, 15 holding a candle, if you it wasn't right behind a tree, you 16 might be able to see it. So, we're not trying to umm, umm, 17 not saying that we're doing invisible or, or, nonvisible, 18 umm, facilities, but in terms of the standards of impact 19 for changing the character, I strongly disagree that we're 20 change the character of the Norwood site. Umm, the view 21 shed from out his front door is, is, umm, is through a 22 corridor to the state highway includes solar array and 23 large stark houses across the street that certainly 24 wouldn't lend itself to historic view. Umm, that's where 25 the visual impact is, not the subject property.</p>
<p>186</p> <p>1 LYNN A. ROBESON: I guess what I'm, I'm really having 2 a little bit of trouble with the buffering, or the historic 3 house. Umm, and, and I understand you know, the economic 4 importance of them. And I certainly don't want the 5 residence to lose their garden. Umm, I guess my question 6 and my concern is that if there is a relatively significant 7 degradation of that forested buffer, my question is, would 8 additional landscaping screened by the Eastern cottages 9 there, not Eastern, umm, Western, the existing cottages, 10 would additional screening, and I, we've been through many. 11 I understand that you know, we get many landscape 12 architects here and they say you don't want a green wall 13 and so they mix it up with different species and they have 14 three tiers and you know, however you want to do it. I 15 understand, but would that be something that could address 16 greater buffering for the houses as far as the lights, you 17 know Mr. Snider mentioned the lights, umm especially in the 18 event that he does lose the ash umm. I know you don't want 19 to change the plan at this stage Mr. Harrington is looking 20 exhausted. Never the less, umm, you know it is a historic 21 resource and I, so I'm throwing that out there. 22 JOHN SEKERAK, JR: I would agree, that, that if the 23 existing forest declined without supplementation, the 24 greatest impact would be from the existing units on there 25 that umm, have been there for twenty some years. And umm,</p>	<p>188</p> <p>1 JODY S. KLINE ESQ: Umm, you know, I would like to put 2 these in record again. This time, no characterization at 3 all other that just have Mr. Sekerak to explain where each 4 of these are and then let them view what they are. 5 LYNN A. ROBESON: Is that the photos? 6 JODY S. KLINE ESQ: Yes, the same photos that I showed 7 you a minute ago. 8 LYNN A. ROBESON: Umm, I'll let them in. 9 JODY S. KLINE ESQ: Okay. Mr. Sekerak, what I would 10 like for you to do is hand these to the hearing examiner 11 and explain what each of these are. 12 JOHN SEKERAK, JR: I follow you. 13 LYNN A. ROBESON: I'm going to umm, where are we 84? 14 So. Oh no. I already have them marked as 82, and I didn't 15 delete it, so a. 16 JODY S. KLINE ESQ: And I need to add one more to it. 17 LYNN A. ROBESON: Okay, so let me number them a, b. 18 JODY S. KLINE ESQ: So, so would you just describe, 19 you can see the numbers are on there, just try to explain, 20 try to put them in some sort of logical order, either from 21 the closest to the- Umm, let's start with this one since 22 it's the furthest out. 23 JOHN SEKERAK, JR: Eighty-two A is taken from umm, 24 standing up on the elevated portion of the umm, where the 25 solar panels are. Umm, so, just outside that fenced area.</p>



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<p>189</p> <p>1 Umm, this one is about where the umm, third or fourth umm, 2 row from Norwood. 3 LYNN A. ROBESON: Fourth row. 4 JOHN SEKERAK, JR: Fourth row from Norwood. 5 LYNN A. ROBESON: Okay. 6 JOHN SEKERAK, JR: (inaudible) and Mr. Kline's 7 pointing on Exhibit 78 again, that further fourth row of 8 (inaudible) So, as you're looking towards the Norwood 9 structure, umm, there are you, umm, at that location the 10 sight line is through the forested portion that I was 11 describing earlier in my testimony. Umm, and it was not a 12 lovely day, but it wasn't attributably raining, it was 1:00 13 so it's not, it's not dusk or dawn. 14 LYNN A. ROBESON: Okay. 15 JOHN SEKERAK, JR: And you can see the, barely see 16 through the trees where you might be able to see a little 17 bit of a suggestion of the structure. Thank heavens, it has 18 a red roof. 19 LYNN A. ROBESON: Okay. 20 JOHN SEKERAK, JR: The next, eighty-two B, C, D and G 21 were taken along the common property line between umm, 22 Friends House. 23 LYNN A. ROBESON: Common Southern property line. 24 JOHN SEKERAK, JR: Umm, of Norwood, yes. 25 LYNN A. ROBESON: Oh, or Norwood.</p>	<p>191</p> <p>1 JOHN SEKERAK, JR: And just interrupted by the 2 individual plant materials that umm, (inaudible) on the 3 property. 4 LYNN A. ROBESON: Okay. 5 JOHN SEKERAK, JR: If I were to walk along that common 6 property line further to the West away from Norwood Road. 7 JODY S. KLINE ESQ: Further to the East. 8 JOHN SEKERAK, JR: Thank you. Further to the East. 9 LYNN A. ROBESON: And move to. 10 JOHN SEKERAK, JR: You would be experiencing the view 11 as you see in eighty-two C and eighty-two B. 12 LYNN A. ROBESON: Okay. Okay. 13 JOHN SEKERAK, JR: So in the dead of Winter at 1:00, 14 yes the structures would be visible and keep in mind the 15 proposed cottages would be another 25 feet behind where 16 I've taken these pictures from. (inaudible) to the nearest 17 ones. 18 LYNN A. ROBESON: What's the set back there? 19 JOHN SEKERAK, JR: They're approximately 25 feet of 20 the property line, enough to provide supplemental evergreen 21 planting. 22 LYNN A. ROBESON: Okay, I'm sorry. Let me make sure I 23 have this straight. So D is the furthest West portion of 24 the forest edge. That's the edge of the wooded area. 25 JOHN SEKERAK, JR: Correct.</p>
<p>190</p> <p>1 JOHN SEKERAK, JR: Yes, yes correct. 2 LYNN A. ROBESON: Okay. 3 JOHN SEKERAK, JR: So, and these were taken, they're a 4 little out of order at this point, but in sequence, so you 5 can get an appreciation of the view, outside that forest 6 edge and once you get. 7 LYNN A. ROBESON: Umm, I'm confused where you are so. 8 JOHN SEKERAK, JR: Outside that forest edge. 9 LYNN A. ROBESON: Let me, let me see, umm, I'm looking 10 at eighty-three D. Is there any way you can pinpoint more 11 exactly where this is? 12 JOHN SEKERAK, JR: Yes. If you drew a line from the 13 front door of Norwood. 14 LYNN A. ROBESON: Of the house? 15 JOHN SEKERAK, JR: Followed along the forest edge 16 line. 17 LYNN A. ROBESON: Okay. 18 JOHN SEKERAK, JR: That I've been describing that's 19 the forest edge that you see in the middle of the 20 photograph that you're holding. 21 LYNN A. ROBESON: Okay. 22 JOHN SEKERAK, JR: If I walked towards Norwood Road, 23 from that, the view of Norwood would just get more open, 24 more clear. 25 LYNN A. ROBESON: Okay.</p>	<p>192</p> <p>1 LYNN A. ROBESON: Okay. 2 JOHN SEKERAK, JR: You can still see the forest edge 3 to the left of the picture. 4 LYNN A. ROBESON: Okay. Now this is the furthest 5 West, correct? 6 JOHN SEKERAK, JR: That's correct. 7 LYNN A. ROBESON: Okay. 8 JOHN SEKERAK, JR: That's where the forest edge is in 9 the middle of the picture. 10 LYNN A. ROBESON: And then C is moving slightly East, 11 and you can see, with the forest edge still this is 12 slightly East with the forest edge still visible. 13 JOHN SEKERAK, JR: Yes. 14 LYNN A. ROBESON: Okay, and then what? And this is. 15 JOHN SEKERAK, JR: Eighty-two B is to the further East 16 and where the forest edge is no longer visible. 17 LYNN A. ROBESON: And to the. 18 LYNN A. ROBESON: Okay. 19 JOHN SEKERAK, JR: So our proposed cottages are 20 protected digitally by. 21 LYNN A. ROBESON: Well, he said he wasn't going to 22 have you characterize them so. 23 JOHN SEKERAK, JR: Okay. 24 LYNN A. ROBESON: So, we'll stick with the location. 25 JOHN SEKERAK, JR: It's a deal.</p>

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<p>193</p> <p>1 LYNN A. ROBESON: Okay. That, you know, that was my 2 main question, so. 3 JOHN SEKERAK, JR: Well, let me just follow one, I 4 mean, (inaudible). The center of the plan says, sort of 5 says, why not here and from a land use planning point of 6 view or some maybe environmental point of view, why is that 7 core not appropriate for relocation of cottages? Part of 8 the 60% open space is consumed largely to the existing farm 9 pond and therefore, as well as Friends House has been and 10 the community gardens add such an important component to 11 the community, we're introducing the interior (inaudible)? 12 Path way where doesn't currently exist. So this is where 13 umm, you know, the community. 14 JODY S. KLINE ESQ: The Planning group just has to 15 achieve how much open space on the property. 16 JOHN SEKERAK, JR: 60% 17 JODY S. KLINE ESQ: And you did a drawing and you 18 showed all that stuff in the center as open space, 19 established that we, we agree to reach 60% of that area. 20 JOHN SEKERAK, JR: Yes. And the street buffer, umm, 21 the street (inaudible) the setbacks and umm, that interior 22 green satisfies the primary condition. 23 JODY S. KLINE ESQ: So, the dilemma the hearing 24 examiner is having is the same one you've had is balancing 25 all these different components and introduce another road</p>	<p>195</p> <p>1 JODY S. KLINE ESQ: you just don't have the right 2 (inaudible) from 3 LYNN A. ROBESON: Right. 4 JODY S. KLINE ESQ: And that's Miss (inaudible) you're 5 talking about? 6 LYNN A. ROBESON: Yes. 7 LYNN A. ROBESON: Well, let me complicate your life. 8 In order, if we were to propose that we would like to amend 9 the landscaping plan, umm, I would have to have some time 10 to get that done and then be submitted to staff Park and 11 Planning Commission, so it would come back with everything 12 else. 13 LYNN A. ROBESON: Okay. 14 JODY S. KLINE ESQ: Umm, so I think the answer to the 15 rhetorical question 16 LYNN A. ROBESON: Okay, in what way do you want to 17 amend it? Oh, for that Norwood umm 18 JODY S. KLINE ESQ: Yes, we, we, we thought we, we 19 thought we heard you encouraging us to 20 LYNN A. ROBESON: You did. 21 JODY S. KLINE ESQ: look into that and umm, the only 22 question while you were out was we were mostly debating is, 23 where did, where did she think it was needed. There was 24 some difference of opinion as to what you thought were the 25 sensitive areas that need some supplemental planning.</p>
<p>194</p> <p>1 to the, that interior, eliminate the garden space umm, for 2 unnecessarily. 3 JOHN SEKERAK, JR: Okay. 4 LYNN A. ROBESON: That's why I thought maybe some 5 additional landscaping might be, you know, I know that it 6 is not those existing cottages, I don't know it was a 7 thought. Because I know the last option is to bomb this 8 plan with new construction in the middle of the open space. 9 JODY S. KLINE ESQ: May we have a five minute recess? 10 LYNN A. ROBESON: Yes, you may. And I'm going to come 11 back with a calendar maybe we can set the record. 12 JODY S. KLINE ESQ: Okay, sure. 13 LYNN A. ROBESON: Okay, I talked to staff again and 14 they think 15 JODY S. KLINE ESQ: Now what do we have to revise? 16 LYNN A. ROBESON: Umm, they, they can, they think they 17 can do a turnaround of the landscape plan in two weeks of 18 the, what you made, the changes you made. 19 JODY S. KLINE ESQ: Okay. 20 LYNN A. ROBESON: I'm talking about, there's a time 21 for the record to be 22 JODY S. KLINE ESQ: Yeah no, I, I understand. You're 23 done with the materials that we have already, I think 24 submitted to them but which 25 LYNN A. ROBESON: Right.</p>	<p>196</p> <p>1 LYNN A. ROBESON: I would go, I can see even from umm, 2 these photos, 80 3 JODY S. KLINE ESQ: Yeah, 83. 4 LYNN A. ROBESON: 82 5 JODY S. KLINE ESQ: 82, yeah. 6 LYNN A. ROBESON: I'm placing, I'm placing that, those 7 buildings on top of this, which is where you told me the 8 photos were. 9 JODY S. KLINE ESQ: So you tell me what you're looking 10 at. 11 LYNN A. ROBESON: See, see the, the second, I think 12 more could be done, frankly, and I know right in that ar-, 13 umm, in that area and even between the two new buildings 14 because that would mitigate more of the, of the views of 15 those two interior units. And it would mitigate the, any 16 view of the unit furthest to the south, the southwest, 17 southwe-, keep going, one more down, that one. So that's 18 what I was thinking. If you go up behind the existing units 19 you're going to capture view sheds of a lot of that lower 20 area in the hor-, the new horseshoe, what do you call it, 21 the Christmas tree? And then perhaps around, so you don't 22 have a solid screen, maybe on the roadway, but between the 23 two top most units. You know, if you don't want a solid 24 landscape edge, maybe something there? I mean I'm gonna 25 leave that to you but those were the areas that I thought</p>

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<p>197</p> <p>1 it would be</p> <p>2 JODY S. KLINE ESQ: The roadway at the top, top two</p> <p>3 most units are two (inaudible)</p> <p>4 LYNN A. ROBESON: That,</p> <p>5 JODY S. KLINE ESQ: Right there.</p> <p>6 LYNN A. ROBESON: Yeah, the, something in between</p> <p>7 those</p> <p>8 JODY S. KLINE ESQ: Back there?</p> <p>9 LYNN A. ROBESON: those two, no, down in the south.</p> <p>10 JODY S. KLINE ESQ: Gotcha. Okay. You're satisfied</p> <p>11 with</p> <p>12 LYNN A. ROBESON: I'm satisfied with that because</p> <p>13 we've had a lot of, I'm satisfied with that. I think Mr.</p> <p>14 Snider's objection is the additional density and lights</p> <p>15 from this more intense area down at the bottom. So I was</p> <p>16 suggesting maybe the first one or two existing cottages,</p> <p>17 and that would take care of any view shed of the southern</p> <p>18 part and then in between the two northern cottages.</p> <p>19 JODY S. KLINE ESQ: Mr. Sekerak, what do you have up</p> <p>20 there?</p> <p>21 JOHN SEKERAK, JR: I put the</p> <p>22 LYNN A. ROBESON: He's got</p> <p>23 JOHN SEKERAK, JR: Exhibit 64D, the Landscape Plan,</p> <p>24 just to make sure</p> <p>25 LYNN A. ROBESON: Right. So if you</p>	<p>199</p> <p>1 suburbia. I know, you disagree and I'm just saying, umm.</p> <p>2 But you know, you're the one that started out saying, this</p> <p>3 is this big natural buffer we don't, we have that's going</p> <p>4 to protect the historic resource. So, say that that pre-</p> <p>5 existing, I don't know what you're whispering but, can you</p> <p>6 not talk when I'm talking? So I'm just suggesting, and it's</p> <p>7 up to you, but I would suggest at least some additional</p> <p>8 buffering in here and some additional buffering through</p> <p>9 here. That's my suggestion.</p> <p>10 JODY S. KLINE ESQ: We, we accept your suggestion and</p> <p>11 it's narrowed, the professionals coming up, we've already</p> <p>12 talked to them about the process. We'll come up with a</p> <p>13 scheme and we'll go talk to Doug Johnson at Park and</p> <p>14 Planning Commissions, the landscape architect, we'll come</p> <p>15 up with a scheme, we'll submit it and we will revise the</p> <p>16 application.</p> <p>17 LYNN A. ROBESON: I mean, I don't know how extensive</p> <p>18 this is but even if you can do continuations of that mix,</p> <p>19 because I know from other testimony that the hollies do</p> <p>20 provide, the American Hollies, I think Mr. Johnson testified</p> <p>21 the holly's get very wide umm, and significantly tall but</p> <p>22 most</p> <p>23 JODY S. KLINE ESQ: And they are full year round.</p> <p>24 That's the beauty of it.</p> <p>25 LYNN A. ROBESON: Exactly. Am I incorrect on that?</p>
<p>198</p> <p>1 JOHN SEKERAK, JR: of our conversation</p> <p>2 LYNN A. ROBESON: So, see the, the, I keep calling it</p> <p>3 a horseshoe but it's a loop in the southwest corner.</p> <p>4 JOHN SEKERAK, JR: Umm hmm,</p> <p>5 LYNN A. ROBESON: Okay. What I'm suggesting is</p> <p>6 additional screening behind the southwest most, umm no,</p> <p>7 well yes. Hold on, just, umm I had, for some reason my</p> <p>8 mouth is not talking anymore. The two most existing</p> <p>9 cottages, this is my suggestion. The two southern most</p> <p>10 existing cottages, because that's going to take care of any</p> <p>11 view, view shed down through here and then right there,</p> <p>12 whether it's on the road to break up the hedge like field</p> <p>13 or something back in another row, back in here, and that's</p> <p>14 going to take care of this, this area. If I'm wrong, in my,</p> <p>15 if I'm wrong it's going to screen more of this area right</p> <p>16 here. You're the expert so you can tell me if you think I'm</p> <p>17 all wet but I thought that if you have something in here</p> <p>18 that, that is mitigating the area through here and I know</p> <p>19 you say, okay Hearing Examiner, it's not necessary.</p> <p>20 JOHN SEKERAK, JR: It would reduce the opportunity,</p> <p>21 the greater opportunity for him to see lights of, through</p> <p>22 windows that don't have curtains on them. It would reduce</p> <p>23 the opportunity for that to happen.</p> <p>24 LYNN A. ROBESON: Yeah, I get that and that's what</p> <p>25 part of what he said, is he doesn't want to look on</p>	<p>200</p> <p>1 They said they're 15 feet wide, in the past I recollect 15</p> <p>2 feet wide and umm, maybe 20, 30</p> <p>3 JODY S. KLINE ESQ: Mr. Kennedy, how, how big to they</p> <p>4 get?</p> <p>5 DEVIN KENNEDY: That, that, that's a, that's a good</p> <p>6 approximation depending on the situation where it's</p> <p>7 growing. But yeah, 15-20 feet, 20 feet, 30 feet max. That</p> <p>8 would be</p> <p>9 JOHN SEKERAK, JR: It's, it's one of the rare</p> <p>10 evergreen tree/shrubs that we have on our pallet that does</p> <p>11 well under story or forest edge situations.</p> <p>12 LYNN A. ROBESON: That's what I've heard also.</p> <p>13 JOHN SEKERAK, JR: So it's, it's, so excellent</p> <p>14 selection.</p> <p>15 LYNN A. ROBESON: Well, no, I'm not. I really, I</p> <p>16 really don't want to dictate it but I also want to protect</p> <p>17 that environment both internal to the site umm, external</p> <p>18 what, as far as the tip on the end. That's not concerning</p> <p>19 me as much because what I heard Mr. Whipple say is that he</p> <p>20 wanted it more open so you could see the views of the</p> <p>21 house. So, that's, that's not concerning me as much. Umm,</p> <p>22 and it's just a, it's just a suggestion.</p> <p>23 JODY S. KLINE ESQ: I understand.</p> <p>24 LYNN A. ROBESON: Umm,</p> <p>25 JODY S. KLINE ESQ: Will the applicant, it's closing</p>

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51 (201 to 204)

201	<p>1 here and we will ask that you leave the record open to</p> <p>2 allow us the opportunity to revise the plan and come back</p> <p>3 with a plan that Park Planning thinks would address what</p> <p>4 you, we've talked about.</p> <p>5 LYNN A. ROBESON: Okay.</p> <p>6 JODY S. KLINE ESQ: Okay? I'm going to try and wrap</p> <p>7 this up real quickly.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 JODY S. KLINE ESQ: Umm, Mr. Sekerak, umm, you're</p> <p>10 familiar with the provisions the zoning ordinance dealing</p> <p>11 with general and special conditions for granting special</p> <p>12 exceptions for housing for the elderly and nursing homes?</p> <p>13 JOHN SEKERAK, JR: Yes I am.</p> <p>14 JODY S. KLINE ESQ: So is this application to umm,</p> <p>15 basically, let me rephrase that. As noted in the staff</p> <p>16 report is this recommendation consistent with the general</p> <p>17 conditions for the granting of a special exception 59G1.21?</p> <p>18 JOHN SEKERAK, JR: Yes. I've reviewed the staff report</p> <p>19 and I agree with their conclusions that it is consistent</p> <p>20 with, with those findings.</p> <p>21 JODY S. KLINE ESQ: Is the application who you</p> <p>22 (inaudible) accordance with the umm, specific standards for</p> <p>23 the housing for the elderly and 59G2.35?</p> <p>24 JOHN SEKERAK, JR: Yes. Umm, staff report includes a</p> <p>25 tabulation of that and it's old code, new code. Umm,</p>	203	<p>1 they are compliant with the new standards.</p> <p>2 JOHN SEKERAK, JR: That, that's correct. That's</p> <p>3 correct.</p> <p>4 JODY S. KLINE ESQ: I have no further questions for</p> <p>5 Mr. Sekerak.</p> <p>6 LYNN A. ROBESON: Thank you Mr. Sekerak. You're off</p> <p>7 the hook now. (laughter)</p> <p>8 JODY S. KLINE ESQ: I have one more, just to</p> <p>9 LYNN A. ROBESON: Okay.</p> <p>10 JODY S. KLINE ESQ: You are, but, but don't worry</p> <p>11 about cleaning up all of the exhibits right now. Ms.</p> <p>12 Lenhardt, can you please, have we, yeah, we have called you</p> <p>13 JOYCE LENHARDT: Yes. Yes.</p> <p>14 JODY S. KLINE ESQ: Umm, so you're already, umm, umm,</p> <p>15 (inaudible) a very material role in basically the</p> <p>16 organization of buildings and their design. I basically</p> <p>17 would like for you to just kind of quickly, not so much</p> <p>18 individually, but how they're all supposed to blend</p> <p>19 together, the choice of materials, design, to be a cohesive</p> <p>20 entity and to be compatible with the surrounding</p> <p>21 neighborhood. So it's kind of freelance, go do it.</p> <p>22 JOYCE LENHARDT: Well, our goal, obviously we have a</p> <p>23 lot of existing buildings umm, and that will still remain,</p> <p>24 the, the nursing home in particular and the commons but we,</p> <p>25 so we're taking, which are largely bricks, so we're using</p>
202	<p>1 currently the Master Plan for Special Exceptions, Campus</p> <p>2 Master Plan for Special Exception has a (inaudible)</p> <p>3 standards tabulation based on the new code. Umm,</p> <p>4 JODY S. KLINE ESQ: Well let me, let me, let me get</p> <p>5 through the old code first, umm, but that's why I'm</p> <p>6 referring to the ma-, to the, to the staff report and not</p> <p>7 the current</p> <p>8 JOHN SEKERAK, JR: Right.</p> <p>9 JODY S. KLINE ESQ: and previous versions of the, umm,</p> <p>10 Campus Master Plan did also include that tabulation. So</p> <p>11 yes, umm, the plan meets all of the standards of that and</p> <p>12 the, umm, and the revisions that happened after the plan</p> <p>13 that included that tabulation, umm, any revisions have</p> <p>14 maintained conformance with those tabulations also where</p> <p>15 they meets or exceeds the umm, the old code and all of its</p> <p>16 standards. And the same is true for the nursing homes,</p> <p>17 59G2.37?</p> <p>18 JOHN SEKERAK, JR: Yes, as this plan umm, has gone</p> <p>19 through the process we, we were careful to address the</p> <p>20 provisions of both those umm, special exception revisions.</p> <p>21 JODY S. KLINE ESQ: And the Exhibit 79, does have the</p> <p>22 tabular information showing conformance of the pending plan</p> <p>23 with the restrictions of the new zoning ordinance. Correct?</p> <p>24 JOHN SEKERAK, JR: Correct.</p> <p>25 JODY S. KLINE ESQ: Okay, great. And in all regards</p>	204	<p>1 that as umm, as an accent material on the, on the new</p> <p>2 buildings to create a cohesive look to the community. Umm,</p> <p>3 and we're using, influenced by the local vernacular umm, so</p> <p>4 our buildings, we believe are, you know, have similar</p> <p>5 residential massing, umm, umm, some design and some</p> <p>6 features that you see in the local, local buildings. Umm,</p> <p>7 and our, umm, but our, obviously we now are going to have</p> <p>8 umm, you know, the many different choices of living</p> <p>9 situations with the apartments and the lodges and the</p> <p>10 cottages but they will all have a, umm, a cohesive theme</p> <p>11 and it's all influenced by the Friends House decision to</p> <p>12 umm, develop a sustainability umm, guidelines. They've been</p> <p>13 umm, very thoughtful in the development of the, of the</p> <p>14 standards for sustainability. So the, the buildings will be</p> <p>15 umm, solid, well designed, simple, elegant. Does that</p> <p>16 answer your question?</p> <p>17 JODY S. KLINE ESQ: Umm, yeah. Well, and so umm, would</p> <p>18 you say from a professional point of view, they are</p> <p>19 harmonious within the campus and they're in character with</p> <p>20 the surrounding neighborhood?</p> <p>21 JOYCE LENHARDT: Yes. Yeah.</p> <p>22 LYNN A. ROBESON: Alright, thank you.</p> <p>23 JODY S. KLINE ESQ: Umm, I have no further questions</p> <p>24 of Ms. Lenhardt and that does conclude our presentation.</p> <p>25 LYNN A. ROBESON: Thank you and I appreciate your kind</p>

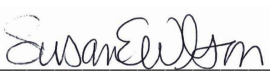
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<p>205</p> <p>1 of, adapting your testimony and taking Mr. Snider out of 2 order. I do appreciate that. Umm, with that umm, I guess I 3 should ask you when do you think you can submit a revised 4 landscape plan. 5 JODY S. KLINE ESQ: Okay, I'll, I'll have a 6 conversation with the land planner, with the Stantech 7 folks. We, we can contact Mr. Johnson tomorrow and set up 8 an appointment, this, this, as soon as possible. So, having 9 (inaudible) his schedule of, 10 JOHN SEKERAK, JR: Let's say a week and umm, it would 11 just, the mechanics of it give us another week after that. 12 Umm, umm, a, a, finished product to Mr. Johnson and the 13 Department of Planning staff and then it's in their court. 14 JODY S. KLINE ESQ: Right. 15 JOHN SEKERAK, JR: So hopefully they would keep the 16 same two week schedule 17 LYNN A. ROBESON: I, I think they will. I talked to 18 Elsebit, who I was speaking with on the phone and they said 19 they would be committed to getting this out of their, 20 they're not going to umm, just sit and wait for two weeks. 21 They're gonna review it as soon as they can and get it out 22 of there. 23 JOHN SEKERAK, JR: Okay. 24 LYNN A. ROBESON: And also, I'm just going to say that 25 these timelines are just for a guesstimate of, I'm going to</p>	<p>207</p> <p>1 reports. Umm, could you, would you kindly send Mr. Snider a 2 copy as well? 3 JODY S. KLINE ESQ: Yes. 4 LYNN A. ROBESON: Okay. So with that I'm going to 5 adjourn the hearing but leave the record open until the 6 close of business, 5 o'clock on Monday, February 13th, 2017. 7 Oh wait, is that President's day? 8 JODY S. KLINE ESQ: No it's the next, that's next 9 week, the 20th. 10 LYNN A. ROBESON: Okay, thank you. Monday, February 11 13th, 2017. We're going to, we're not going, we'll try to 12 expedite it umm, sooner than that. Okay? 13 JODY S. KLINE ESQ: Umm, can I go back and, is there 14 any coordination you need from the applicant or anything 15 else that needs to come to you like 16 LYNN A. ROBESON: I was thinking that 17 JODY S. KLINE ESQ: Forest Conservation Resolution. 18 LYNN A. ROBESON: I need umm, the plan, I ca-, by law 19 I can't make a decision until I have the planning board's 20 resolution on the final Forest Conservation Plan. 21 JODY S. KLINE ESQ: I think I just answered my own 22 question because you did tell us what we needed to do for 23 them to be able to release 24 LYNN A. ROBESON: Yeah so I think Mr. Kennedy said 25 that you, they were waiting for your signed copy of the</p>
<p>206</p> <p>1 be conservative about the time leaving the record open. 2 Umm, it sounds to me like what you're saying is two weeks 3 for you to get it to them and two weeks for them to review 4 it and get it back to me. I don't get the transcript for 5 ten calendar days so that timeframe doesn't delay, the 6 minute I get the transcript I can, well, umm, start 7 drafting the decision. So I don't, what I'm saying is just 8 keeping the record open is not necessarily going to be a 9 huge delay in getting the decision out. Because we have to 10 keep the re-, record open for ten days anyway because we 11 don't have the transcript for that period of time. So with 12 that, it sounds to me like we're going to shoot for a month 13 but hope for short, a shorter time frame. Umm, so a month 14 would be, I have it as Monday, February 13th? 15 JODY S. KLINE ESQ: Yes ma'am. 16 LYNN A. ROBESON: Okay, so I'm going to leave it open 17 until Monday, February 13th. I'm going to ask staff to 18 review the plan within, or I'm going to ask you to submit a 19 plan within two weeks of today. I'm going to ask staff to 20 review it within two weeks of its submission and then close 21 the record on the 13th. Umm, would you kindly send Mr. 22 Snider, if you have it elect-, well I'm going to need an 23 electronic version of the plan anyway 24 JODY S. KLINE ESQ: Sure. 25 LYNN A. ROBESON: because we need that for our</p>	<p>208</p> <p>1 plan, the FFCP and once they get that they'll forward to me 2 the adopted planning board resolution. 3 JODY S. KLINE ESQ: Okay. 4 LYNN A. ROBESON: And then the landscape plan was the 5 other outstanding item I have and that's going to go back 6 to, as we just discussed. Umm, a revised plan will be 7 submitted. 8 JODY S. KLINE ESQ: Okay. When we revise the 9 landscaping plan do we have to revise anything else, Forest 10 Conservation Plan or anything else? I just want to make 11 sure we get everything. 12 JOHN SEKERAK, JR: Umm, the Master Plan for Special 13 Exception, there was a condition of approval that we put a 14 note on there regarding the 20% 15 LYNN A. ROBESON: Oh that's right. You're right. And 16 you had an objection and you gave me a revised, no. 17 JODY S. KLINE ESQ: I, I did. 18 LYNN A. ROBESON: That's for the covenant. 19 JOHN SEKERAK, JR: Di-, different (inaudible). 20 LYNN A. ROBESON: Right. You had a problem with six, 21 condition six, which you said you would address later. 22 JODY S. KLINE ESQ: Umm, and Mr. Harrington did 23 explain the exemption that they're entitled to. I just was 24 going to do an oral rather than writing. So I 25 LYNN A. ROBESON: Yeah, I don't see the need, I guess</p>

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<p>209</p> <p>1 I don't see the need for condition number six unless I'm 2 missing something. 3 JODY S. KLINE ESQ: I think 4 LYNN A. ROBESON: Written proof that the age 5 restrictions, I'm, I'm, she, umm, I can't remember her name 6 from 7 JODY S. KLINE ESQ: Ms. Ebner? 8 LYNN A. ROBESON: Yes. She testified so I'm, I'm fine 9 with that. I don't think you need written proof. You gave 10 me the alternative condition for condition eight and then 11 condition ten is addressed by the revised landscape plan 12 JODY S. KLINE ESQ: That we will be submitting. 13 LYNN A. ROBESON: that's going to be submitted. And 14 the last thing I recall is that they want the pathway to be 15 shown, the pathway from phase four, the connecting pathway 16 to be shown on the landscape plan as well. 17 JODY S. KLINE ESQ: Okay. 18 LYNN A. ROBESON: So the landscape plan is the key. 19 JODY S. KLINE ESQ: (laughter) 20 JOHN SEKERAK, JR: Umm, I'm sorry, to return to 21 condition number seven, would you like the Master Plan 22 revised to that effect or does that also, is similar to 23 item six? 24 JODY S. KLINE ESQ: Well I'm going to be submitting a 25 covenant into the record so you know</p>	<p>211</p> <p>1 submitting the actual revised plan. So that's how I come 2 down- 3 JODY S. KLINE ESQ: That's for me too. 4 LYNN A. ROBESON: I don't think you need the note on 5 the, on the site plan. 6 JODY S. KLINE ESQ: Right. 7 LYNN A. ROBESON: Thank you very much for your 8 cooperation and umm, with that the hearing is adjourned and 9 we'll look forward to the rest of the submissions. 10 JODY S. KLINE ESQ: Very good. Thank you. 11 LYNN A. ROBESON: After, I'm going to give Mr. Snider 12 five days after you submit it to Park and Planning. 13 JODY S. KLINE ESQ: I understand. 14 LYNN A. ROBESON: Can you send, you'll send a copy to 15 Mr. Snider when you submit it to Park and Planning. I'm 16 going to give him five days to comment. 17 JODY S. KLINE ESQ: Okay. 18 LYNN A. ROBESON: Alright? 19 JODY S. KLINE ESQ: Is the ten day vendor rule only 20 applicable pre-hearing rather than post-hearing? In other 21 words, when I submit something- 22 LYNN A. ROBESON: No, you, we don't have to do a 23 formal amendment, no. 24 JODY S. KLINE ESQ: Very good. Not a problem. 25 LYNN A. ROBESON: Okay. Thank you.</p>
<p>210</p> <p>1 LYNN A. ROBESON: Well I, I, I mean I have, we, one of 2 our standard conditions is that you're bound by the, you 3 know it Mr. (inaudible), you're bound by the 4 representations of your witnesses and your attorneys and 5 Ms. Ebner again testified that the umm, you're going to 6 meet that requirement. So I don't think, that was seven? 7 JODY S. KLINE ESQ: Yes. 8 JOHN SEKERAK, JR: So that is the- 9 LYNN A. ROBESON: So I'm, I don't think that's a 10 necessary condition 11 JOHN SEKERAK, JR: (inaudible) the umm, Master Plan 12 for Special Exception that we presented to you today and 13 enter that into the record and a revision to that won't be 14 necessary then. 15 LYNN A. ROBESON: Right, for that note. You mean, 16 JOHN SEKERAK, JR: The Master Plan currently does not 17 have that note. It does have the natural surface trail on 18 it. 19 LYNN A. ROBESON: Okay, I'm getting con-, I get Master 20 Plan confused. You mean the site plan for this case. The 21 Campus Master Plan, not the Master Plan, the Master Plan. 22 Okay, umm, okay, what I'm saying is you don't need six. You 23 don't need seven. I don't have a problem changing eight to 24 what Mr. Kline suggested. And ten is sort of moot because, 25 well it isn't moot but we don't need ten because you're</p>	<p>212</p> <p>1 (The hearing was concluded.) 2 3 CERTIFICATE OF TRANSCRIBER 4 I, Susan E. Wilson, do hereby certify that the 5 foregoing transcript is a true and correct record of the 6 recorded proceedings; that said proceedings were 7 transcribed to the best of my ability from the audio 8 recording as provided; and that I am neither counsel for, 9 related to, nor employed by and of the parties to this case 10 and have no interest, financial or otherwise, in its 11 outcome. 12 13 14  15 16 SUSAN E. WILSON 17 18 19 20 21 22 23 24 25</p>

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