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Transcript of Hearing

Date: October 4, 2019

Case: Application of Ana David for a Group Day Care

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1 (1 to 4)

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Transcript of Hearing
Conducted on October 4, 2019

2 (5 to 8)

5	<p>1 NO. DESCRIPTION</p> <p>2 15 SDAT Information</p> <p>3 16 Photos</p> <p>4 a. Picture of vehicle</p> <p>5 b. Playground for infant and toddler</p> <p>6 c. Terrace and back door daycare</p> <p>7 d. Backyard daycare</p> <p>8 e. Entrance and number, lights of daycare</p> <p>9 f. Playground for preschool and toddlers</p> <p>10 g. 2 parking space outside of daycare on street</p> <p>11 17 Flash Drive</p> <p>12 18 6/5/19 - Applicant's acceptance of requirement for</p> <p>13 posting of signs</p> <p>14 19 8/19/19 - Notice of public hearing set for Friday</p> <p>15 October 4, 2019</p> <p>16 20 9/12/19 - Technical Staff Report recommending approval</p> <p>17 with conditions</p> <p>18 21 9/26/19 - Planning Board letter of 9/26/19 recommending</p> <p>19 approval of the Conditional Use</p> <p>20 EXHIBITS INTRODUCED AT HEARING:</p> <p>21 NO. DESCRIPTION PAGE</p> <p>22 22 SDAT showing owner as Ana David Nunez 10</p> <p>23 23 Affidavit of Posting 11</p> <p>24 24 Passport and driver's license of applicant 12</p> <p>25 25 Sample conditions 14</p>	7
6	<p>1 PROCEEDINGS</p> <p>2 MR. GROSSMAN: Okay. Ms. David?</p> <p>3 MS. DAVID: Yes. Hi, how are you?</p> <p>4 HEARING EXAMINER GROSSMAN: Good morning. Are you</p> <p>5 ready to proceed?</p> <p>6 MS. DAVID: Yes.</p> <p>7 HEARING EXAMINER GROSSMAN: All right. Then I'll</p> <p>8 call the case.</p> <p>9 Court reporter ready?</p> <p>10 THE COURT REPORTER: I am.</p> <p>11 HEARING EXAMINER GROSSMAN: All right. This is a</p> <p>12 public hearing in the matter of Ana David New Angles Group</p> <p>13 Daycare. OZHA number CU 19-08, an application for a</p> <p>14 conditional use pursuant to zoning ordinance section</p> <p>15 59 3.4.4 D to allow expansion of an existing family daycare</p> <p>16 into a group daycare for up to 12 children in her home at</p> <p>17 9408 Weaver Street in Silver Spring, Maryland. The subject</p> <p>18 site is Lot 5 Block E, Franklin Vale Subdivision and it is</p> <p>19 zoned R60.</p> <p>20 A conditional use is required for a childcare</p> <p>21 facility for nine or more children in the R 60 zone. The</p> <p>22 site is in the area subject to the 2000 East Silver Spring</p> <p>23 Master Plan, and the tax ID is 13-01402392.</p> <p>24 My name is Martin Grossman and I'm the hearing</p> <p>25 examiner which means I'll take evidence here and write a</p>	8
	<p>1 report and decision in this case. Will you please identify</p> <p>2 yourself for the record?</p> <p>3 MS. DAVID: Yes. My name is Ana David and I live</p> <p>4 in 940 Weaver Street, Silver Spring, Maryland and the ZIP</p> <p>5 Code is 20901.</p> <p>6 HEARING EXAMINER GROSSMAN: Okay. Let me explain</p> <p>7 a little bit about the procedures here. And I see nobody</p> <p>8 else in the audience here. Ordinarily, at this point I would</p> <p>9 ask if anybody else wishes to be heard today but you are the</p> <p>10 only one here. This kind of proceeding is pretty much the</p> <p>11 way you see a court room. It is a combination of formality</p> <p>12 and informality. We are formal in the sense that we take</p> <p>13 evidence. All witnesses are sworn in. They are subject to</p> <p>14 cross-examination, if there were anybody here to cross-</p> <p>15 examine you.</p> <p>16 We follow rules of evidence. Everything is taken</p> <p>17 down by a court reporter. There will be a transcript of</p> <p>18 these proceedings which we post on our website. So it's a</p> <p>19 formal proceeding, but a little bit more relaxed than a</p> <p>20 courtroom. It's my job to make sure that the statutory</p> <p>21 conditions of the zoning ordinance are met. It's not a</p> <p>22 question of what's popular or not popular. It's a question</p> <p>23 of whether the application meets all the requirements of the</p> <p>24 zoning ordinance. Okay?</p> <p>25 All right. Let me turn to some preliminary</p>	

Transcript of Hearing
Conducted on October 4, 2019

3 (9 to 12)

9	11
1 is we'll ask Nana to make a copy of your passport so it	1 MS. DAVID: Yes.
2 identifies you as the owner of the property. Is there any	2 HEARING EXAMINER GROSSMAN: Do you swear or affirm
3 reason why you submitted this application --	3 to tell the truth, the whole truth, and nothing but the truth
4 MS. DAVID: And my ID, my driver's license.	4 under penalty of perjury?
5 HEARING EXAMINER GROSSMAN: Okay. Is there any --	5 MS. DAVID: Yes, I swear.
6 thank you. Well, we can do that too.	6 HEARING EXAMINER GROSSMAN: Okay. All right. Do
7 MS. DAVID: Okay.	7 we have an affidavit of posting? Do you have an affidavit
8 HEARING EXAMINER GROSSMAN: Is there any reason	8 that you signed indicating that you've posted the property?
9 why you submitted the application under the name Ana David	9 MS. DAVID: The posting?
10 instead of Ana David Nunez?	10 HEARING EXAMINER GROSSMAN: Yes. Did Nana have an
11 MS. DAVID: I didn't know that's going to be any	11 affidavit for you to sign?
12 issue.	12 MS. DAVID: This one?
13 HEARING EXAMINER GROSSMAN: Right.	13 HEARING EXAMINER GROSSMAN: Oh, yes.
14 MS. DAVID: Because normally, in this country,	14 MS. DAVID: Uh-huh, yeah.
15 they always use only one last name.	15 HEARING EXAMINER GROSSMAN: Would you bring that
16 HEARING EXAMINER GROSSMAN: Okay.	16 up, please?
17 MS. DAVID: Then I thought that's not going to be	17 MS. DAVID: Oh, I'm sorry. I didn't know what it
18 any issue. But if I have to, you know, produce the proof	18 is.
19 because when -- always when I go any place they say, no, no,	19 HEARING EXAMINER GROSSMAN: Okay. Thank you. And
20 not two last names, just one. Your name and your last name,	20 the Affidavit of Posting is Exhibit 23. Okay. All right.
21 that's it. One.	21 Now, you should have received a copy of a report
22 HEARING EXAMINER GROSSMAN: Okay.	22 from the Technical Staff, which is Exhibit 20, in this case
23 MS. DAVID: And then that was the reason I thought	23 from the Planning Department. You did receive that?
24 that this one is not going to be any issue for presented.	24 MS. DAVID: Yes, the thing, yes. I received that.
25 But the proof is there.	25 HEARING EXAMINER GROSSMAN: Did you also receive a
10	12
1 HEARING EXAMINER GROSSMAN: Okay.	1 copy of the letter from the Planning Board, which is Exhibit
2 MS. DAVID: That is the reason.	2 21?
3 HEARING EXAMINER GROSSMAN: It's not going to be	3 MS. DAVID: Yes, I did.
4 an issue, I just wanted to make sure. One of the	4 HEARING EXAMINER GROSSMAN: Okay. All right. So
5 requirements here is that we make sure that the owner of the	5 have you had a chance to review this report, Exhibit 20?
6 property agrees to the application because sometimes the	6 MS. DAVID: Yes.
7 applicant for a conditional use is not the owner of the	7 HEARING EXAMINER GROSSMAN: Okay. Thank you. All
8 property.	8 right. And I'm going to mark Exhibit Number 24. It is a
9 MS. DAVID: I understand.	9 copy of Applicant's passport and driver's license identifying
10 HEARING EXAMINER GROSSMAN: And in this case, it's	10 her as Ana David Nunez, property owner. Okay.
11 one and the same, but the names are different in terms of the	11 Would you take a look at this copy, please?
12 property records. So that's all, I wanted to make sure. So	12 MS. DAVID: Yes.
13 what I will do is I'm going to list the SDAT records as	13 HEARING EXAMINER GROSSMAN: Is this copy of your
14 Exhibit 22. And that's property records of SDAT showing	14 driver's license and your passport; an accurate copy,
15 owner as Ana David Nunez. Okay.	15 correctly reflecting your full name?
16 And why don't we -- we'll break for a second so we	16 MS. DAVID: Yes.
17 make sure to get this back, I'm going to ask Nana to make a	17 HEARING EXAMINER GROSSMAN: All right. Thank you.
18 copy so that we can put the copy in the record as well.	18 MS. DAVID: You're welcome.
19 We'll recess for two minutes here.	19 HEARING EXAMINER GROSSMAN: All right. So now we
20 (A recess was taken from 9:40 a.m. to 9:41 a.m.)	20 turn back to Exhibit 20, the Technical Staff area and it
21 HEARING EXAMINER GROSSMAN: All right. We're back	21 makes certain recommendations, it recommends a number of
22 on the record and Nana will make a copy of that for you.	22 conditions. Then it also makes findings about your property,
23 Okay. Let me swear you in because you're going to have an	23 and compliance with the zoning ordinance. Do you accept
24 opportunity to testify here. Would you raise your right	24 Technical Staff's findings as part of your evidence in the
25 hand, please?	25 case?

Transcript of Hearing
Conducted on October 4, 2019

4 (13 to 16)

13	1 MS. DAVID: Yes. 2 HEARING EXAMINER GROSSMAN: Do you agree with the 3 findings there? 4 MS. DAVID: Yes. 5 HEARING EXAMINER GROSSMAN: Okay. And do you 6 agree with the conditions that the Technical Staff 7 recommended? 8 MS. DAVID: Yes. 9 HEARING EXAMINER GROSSMAN: Okay. One of the 10 things that's indicated in that report, Exhibit 20, is that 11 you don't plan any new lighting; is that correct? You're not 12 going to add any other lights around your property? Any 13 more -- you have a certain amount of lighting around your 14 property. 15 MS. DAVID: Yes, yes. 16 HEARING EXAMINER GROSSMAN: Are you going to add 17 any more lighting? 18 MS. DAVID: No, no. 19 HEARING EXAMINER GROSSMAN: Okay. Are you going 20 to make any other external changes around your property? 21 MS. DAVID: No. No, external changes. 22 HEARING EXAMINER GROSSMAN: Okay. And do you plan 23 any signage? Any sign for your property? 24 MS. DAVID: No. I don't plan -- right now, plan 25 any signs.	15	1 Okay, let me let you take a look at this. 2 MS. DAVID: Yes. 3 HEARING EXAMINER GROSSMAN: You're getting your 4 exercise here, right? 5 MS. DAVID: Oh, that's all right. It's good for 6 me. 7 HEARING EXAMINER GROSSMAN: Take a minute to look 8 that over. 9 MS. DAVID: The number 12, can you clarify for me? 10 HEARING EXAMINER GROSSMAN: Sure. Number 12. 11 Yeah. That's a standard provision that we put in all of our 12 conditional use cases. That is, essentially, that you have 13 to follow all the applicable county regulations and state 14 regulations. Get all the permits that are required and then 15 there's a fee that the Department of Permitting Services 16 collects every year for a conditional use, and you have to 17 make that payment. 18 MS. DAVID: Okay. 19 HEARING EXAMINER GROSSMAN: So it's a standard 20 condition in every conditional use that we grant. 21 MS. DAVID: Okay. No problem. Thank you for 22 clarifying. 23 HEARING EXAMINER GROSSMAN: Okay. Do you have any 24 questions about it? 25 MS. DAVID: No, that's only the one -- clarified.
14	1 HEARING EXAMINER GROSSMAN: Okay. All right. You 2 understand that if you did have a sign you would have to have 3 that approved? Any signage would have to be approved by the 4 Department of Permitting Services and they would have to be 5 passed by this office as well? 6 MS. DAVID: If, for example, I say I need to put 7 signs on my property? 8 HEARING EXAMINER GROSSMAN: Yes, if you want to 9 put a sign there you have to have it approved first. You 10 can't just post a sign for a business in a residential 11 neighborhood. 12 MS. DAVID: I understand. 13 HEARING EXAMINER GROSSMAN: You have to have it 14 approved first. 15 MS. DAVID: You have to have it approved, okay. 16 HEARING EXAMINER GROSSMAN: Okay, but you don't 17 plan that right now so, okay. All right. Now, as you know, 18 there were some conditions recommended by the Technical 19 Staff. I usually have some additional conditions in a 20 childcare case, and I'm going to give you a sheet of paper 21 that's going to show you a sample of conditions that I 22 ordinarily have in a daycare case. It may be modified 23 slightly; I just want to make sure that you don't have a 24 problem with any of these conditions. This will be Exhibit 25 25, sample conditions.	16	1 HEARING EXAMINER GROSSMAN: Okay. All right. 2 MS. DAVID: Can I keep this? 3 HEARING EXAMINER GROSSMAN: Yes, absolutely. 4 MS. DAVID: Thank you. 5 HEARING EXAMINER GROSSMAN: All right. Now, 6 that's not official yet. It hasn't been -- what will happen 7 here after we complete the hearing and we get a transcript we 8 close the record and then within 30 days thereafter I issue 9 my report and decision. That's when those conditions, or any 10 conditions that were imposed, will become official. 11 MS. DAVID: Okay. 12 HEARING EXAMINER GROSSMAN: That's just a sample 13 for you to look at. 14 MS. DAVID: Thank you. 15 HEARING EXAMINER GROSSMAN: Okay. All right. 16 Now, this is an opportunity for you to say whatever you want 17 to say or testify about in this case as to why you should get 18 this conditional use. 19 MS. DAVID: Okay. The reason I want to get the 20 conditional use is right now, I, being a part of the 21 community to help the parents to be more easy, more facility 22 because this around of the neighborhood they can drop off 23 their child and get it more easy to go to her work. They 24 really happy with my work. And that's represented of the 25 letter they sent.

Transcript of Hearing
Conducted on October 4, 2019

5 (17 to 20)

<p>17</p> <p>1 HEARING EXAMINER GROSSMAN: Yes.</p> <p>2 MS. DAVID: You know, to confirm they happy. The</p> <p>3 job I'm doing right now and they really satisfied and they</p> <p>4 really support me. And --</p> <p>5 HEARING EXAMINER GROSSMAN: You're talking about</p> <p>6 the two letters in Exhibit 10? 10-a and 10-b, one from</p> <p>7 Eunice Stefan and another from Matthew and Kris Hale?</p> <p>8 MS. DAVID: Yes.</p> <p>9 HEARING EXAMINER GROSSMAN: Okay.</p> <p>10 MS. DAVID: And they're happy and they was, you</p> <p>11 know, they proposed to get a more long-term the child, you</p> <p>12 know, to do that. And they -- for that reason because they</p> <p>13 wanted in the future have more children than this one growing</p> <p>14 up and they can stay in the same facility at the same time.</p> <p>15 I just always liked to loving and caring and</p> <p>16 that's -- I don't feel like it's a job. I feel like it's</p> <p>17 make me happy. And I feel like, you know, when you love your</p> <p>18 job you don't feel like it's a job. It's -- you feel like</p> <p>19 you take care your thing and you -- I try to do the best</p> <p>20 thing. And all I think I can add in that I have two years</p> <p>21 without any complaint about the license, inspections always</p> <p>22 is passed clear; not any problem, not any issue. Then I want</p> <p>23 to keep it like that.</p> <p>24 I want to keep giving you good service to the</p> <p>25 community because it really I understand there is a lot of</p>	<p>19</p> <p>1 MS. DAVID: Yes.</p> <p>2 HEARING EXAMINER GROSSMAN: And the Department of</p> <p>3 Education for a childcare for this number of children?</p> <p>4 Because I understand right now your license is up to eight</p> <p>5 children, correct?</p> <p>6 MS. DAVID: It's at eight, correct.</p> <p>7 HEARING EXAMINER GROSSMAN: So you have to get</p> <p>8 licensing for up to the 12 children.</p> <p>9 MS. DAVID: Yes, I want to let you know. I will</p> <p>10 be under orientation for the license.</p> <p>11 HEARING EXAMINER GROSSMAN: Okay.</p> <p>12 MS. DAVID: Because you can do the orientation --</p> <p>13 of a year.</p> <p>14 HEARING EXAMINER GROSSMAN: Okay.</p> <p>15 MS. DAVID: Then, they already told me everything</p> <p>16 I needed, everything I have to do. All the pursuits. Then,</p> <p>17 you know, it's a step-by-step. But I know what they ask for</p> <p>18 because I went to the --</p> <p>19 HEARING EXAMINER GROSSMAN: Okay. I just wanted</p> <p>20 you to understand that this hearing is for land use matters.</p> <p>21 MS. DAVID: I understand.</p> <p>22 HEARING EXAMINER GROSSMAN: It's not the actual</p> <p>23 supervision of the childcare facility.</p> <p>24 MS. DAVID: No, I understand.</p> <p>25 HEARING EXAMINER GROSSMAN: That's the state</p>
<p>18</p> <p>1 people have a lot of, you know, problem and all that stuff</p> <p>2 but I want to be the difference. You know, in the community</p> <p>3 you have to step up. You have to do the best for your</p> <p>4 community, for everything. And then when you love your job,</p> <p>5 when you have passion in that, when you love what you do and</p> <p>6 you do well, not only because I say this, it's because the</p> <p>7 people say. And you can see my neighborhood is happy and</p> <p>8 they no show up because they agree what I doing and they</p> <p>9 think I do a good job.</p> <p>10 Then if I have anything (inaudible), the people</p> <p>11 show up. The people you going -- but they happy what I doing</p> <p>12 and they support me what I doing. And I want to just tell</p> <p>13 you I want to do my best. I don't want to do bad. I don't</p> <p>14 want to let you down. I want to be better for the community,</p> <p>15 help my neighborhood and do a good job for the little kid.</p> <p>16 Because if you do a good job you have a strong foundation to</p> <p>17 the child and when they ready to go do kindergarten they be</p> <p>18 strong.</p> <p>19 Then, because it's not only caring and loving it's</p> <p>20 education. It's everything combined and I want to be the</p> <p>21 difference to other people. I want to be the best what I can</p> <p>22 do.</p> <p>23 HEARING EXAMINER GROSSMAN: Okay. And you</p> <p>24 understand that, assuming this conditional use is granted,</p> <p>25 you still have to get a license from the state.</p>	<p>20</p> <p>1 department of education.</p> <p>2 MS. DAVID: Yes.</p> <p>3 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>4 Let's go back to identify some of the items in the file here,</p> <p>5 which include your site plan, which is Exhibit 12. So I'll</p> <p>6 take this out. I'm going to show you Exhibit 12 in this</p> <p>7 case, labeled your site plan. Does this accurately depict</p> <p>8 the plan for your property?</p> <p>9 MS. DAVID: Correct.</p> <p>10 HEARING EXAMINER GROSSMAN: Called the site plan.</p> <p>11 Okay. And then does Exhibit 13 which is listed as your floor</p> <p>12 plan. And does this accurately depict the floor plan in your</p> <p>13 property? This is the floor on which you would conduct the</p> <p>14 childcare?</p> <p>15 MS. DAVID: Yes.</p> <p>16 HEARING EXAMINER GROSSMAN: Okay. Is that your</p> <p>17 first floor, a basement floor; what level is that?</p> <p>18 MS. DAVID: It's basement and first floor.</p> <p>19 HEARING EXAMINER GROSSMAN: Basement and first</p> <p>20 floor.</p> <p>21 MS. DAVID: Yes, correct.</p> <p>22 HEARING EXAMINER GROSSMAN: Okay. They're all</p> <p>23 depicted on one floor plan? Okay. All right.</p> <p>24 Now then, let's turn to -- I guess they are</p> <p>25 separately shown here. I have some photographs and I'll have</p>

Transcript of Hearing
Conducted on October 4, 2019

6 (21 to 24)

21	<p>1 you identify the photographs if I can get them out of here.</p> <p>2 Okay. These are photographs that you submitted with your</p> <p>3 application. Would you identify -- this is Exhibit 16-a. It</p> <p>4 says, identified as a picture of vehicle; would you identify</p> <p>5 that?</p> <p>6 MS. DAVID: Yes, I identify it.</p> <p>7 HEARING EXAMINER GROSSMAN: And what is it?</p> <p>8 MS. DAVID: It's like the entrance to my parking</p> <p>9 lot.</p> <p>10 HEARING EXAMINER GROSSMAN: Okay. Your driveway?</p> <p>11 MS. DAVID: Yeah, my driveway, yes.</p> <p>12 HEARING EXAMINER GROSSMAN: Okay. And I see</p> <p>13 there's a car. Is that your car?</p> <p>14 MS. DAVID: It's mine, yeah.</p> <p>15 HEARING EXAMINER GROSSMAN: So that's the side of</p> <p>16 your house?</p> <p>17 MS. DAVID: Yes, one side, yes.</p> <p>18 HEARING EXAMINER GROSSMAN: Okay. Did you take</p> <p>19 these photos, by the way, in Exhibit 16? Did you take the</p> <p>20 photographs?</p> <p>21 MS. DAVID: I took them.</p> <p>22 HEARING EXAMINER GROSSMAN: You took them. Okay.</p> <p>23 MS. DAVID: And we was --</p> <p>24 HEARING EXAMINER GROSSMAN: All right. When did</p> <p>25 you take them?</p>	23	<p>1 HEARING EXAMINER GROSSMAN: Okay.</p> <p>2 MS. DAVID: One for the little ones and one for</p> <p>3 the toddler.</p> <p>4 HEARING EXAMINER GROSSMAN: All right.</p> <p>5 MS. DAVID: Because they play different, you know.</p> <p>6 And then this one is more higher, you know, for the they can</p> <p>7 enjoy. And the other one that you showed me first is for the</p> <p>8 little, little ones for the one you say is --</p> <p>9 HEARING EXAMINER GROSSMAN: So the one it says</p> <p>10 terrace and back door daycare, that's for the -- the terrace</p> <p>11 is for the infants?</p> <p>12 MS. DAVID: The little ones, the infants.</p> <p>13 HEARING EXAMINER GROSSMAN: Okay. And 16-d</p> <p>14 represents the playground area for --</p> <p>15 HEARING EXAMINER GROSSMAN: The 2 and up.</p> <p>16 HEARING EXAMINER GROSSMAN: Okay. Okay. All</p> <p>17 right. Now we have Exhibit 16-e, and what is that?</p> <p>18 MS. DAVID: That is the lighting.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay.</p> <p>20 MS. DAVID: This is to present to you to see the</p> <p>21 lighting.</p> <p>22 HEARING EXAMINER GROSSMAN: Okay.</p> <p>23 MS. DAVID: And the entrance door.</p> <p>24 HEARING EXAMINER GROSSMAN: It says the entrance</p> <p>25 to your home 9408?</p>
22	<p>1 MS. DAVID: I take them this year.</p> <p>2 HEARING EXAMINER GROSSMAN: Okay.</p> <p>3 MS. DAVID: And they still accurately represent</p> <p>4 the area?</p> <p>5 MS. DAVID: Yes, sir.</p> <p>6 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>7 Let's go to 16-b. It says playground for infant and toddler.</p> <p>8 Is this a photograph that you took?</p> <p>9 MS. DAVID: Yes.</p> <p>10 HEARING EXAMINER GROSSMAN: And does that</p> <p>11 accurately represent your playground?</p> <p>12 MS. DAVID: Yes.</p> <p>13 HEARING EXAMINER GROSSMAN: Okay. And now, we'll</p> <p>14 go to 16-c. Can you tell me what this is?</p> <p>15 MS. DAVID: This one is like a little patio area,</p> <p>16 cement. And normally, for example, for the little one, we</p> <p>17 put like a mat, like a fold, like when you do like a jogger</p> <p>18 and we put a blanket for the little ones so can be outside in</p> <p>19 the air and everything.</p> <p>20 HEARING EXAMINER GROSSMAN: Okay. And so it's</p> <p>21 listed here as terrace and back door of your daycare?</p> <p>22 MS. DAVID: Correct.</p> <p>23 HEARING EXAMINER GROSSMAN: Okay. And then on to</p> <p>24 16-d. Is this --</p> <p>25 MS. DAVID: Yes. Because I have two playground.</p>	24	<p>1 MS. DAVID: Correct.</p> <p>2 HEARING EXAMINER GROSSMAN: Okay. And we have f.</p> <p>3 MS. DAVID: Yeah, it's the playground more close.</p> <p>4 HEARING EXAMINER GROSSMAN: Close up of the</p> <p>5 playground for preschool and toddlers.</p> <p>6 MS. DAVID: Correct.</p> <p>7 HEARING EXAMINER GROSSMAN: Okay. And somehow I</p> <p>8 buried g in here somewhere. Okay. And 16-g, can you tell me</p> <p>9 what that depicts?</p> <p>10 MS. DAVID: That is the sidewalk.</p> <p>11 HEARING EXAMINER GROSSMAN: Okay.</p> <p>12 MS. DAVID: In front of my house.</p> <p>13 HEARING EXAMINER GROSSMAN: And it's a parking</p> <p>14 area in front of your house?</p> <p>15 MS. DAVID: Yeah. We have a -- they can park two</p> <p>16 cars.</p> <p>17 HEARING EXAMINER GROSSMAN: Okay. A parking area</p> <p>18 for two cars?</p> <p>19 MS. DAVID: Yes.</p> <p>20 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>21 Would you have your -- who will park there? Would that be</p> <p>22 where your --</p> <p>23 MS. DAVID: No. My employee they is close to the</p> <p>24 neighbor then they walk.</p> <p>25 HEARING EXAMINER GROSSMAN: Okay.</p>

Transcript of Hearing
Conducted on October 4, 2019

7 (25 to 28)

25	<p>1 MS. DAVID: They don't have a car. They prefer to</p> <p>2 walk because it's more easy for them.</p> <p>3 HEARING EXAMINER GROSSMAN: Okay.</p> <p>4 MS. DAVID: You have one they will drop her off.</p> <p>5 She's not driving. The husband -- they only have one car and</p> <p>6 the husband drop her off, and pick up her.</p> <p>7 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>8 MS. DAVID: And she is coming before the daycare</p> <p>9 start.</p> <p>10 HEARING EXAMINER GROSSMAN: The non-resident staff</p> <p>11 member?</p> <p>12 MS. DAVID: Uh-huh.</p> <p>13 HEARING EXAMINER GROSSMAN: Okay. All right. Let</p> <p>14 me turn to the Technical Staff Report, which contains also,</p> <p>15 photograph on page 2 of the Technical Staff Report, figure 1,</p> <p>16 view of site from Weaver Street looking west. Does that</p> <p>17 photograph on page 2 accurately depict your home?</p> <p>18 MS. DAVID: Yes.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay. And then --</p> <p>20 well they have an aerial photograph of the whole area. All</p> <p>21 right. And then on page 5 they have a copy of figure 3, your</p> <p>22 site plan and figure 4, your floor plan. That is the same as</p> <p>23 you identified --</p> <p>24 MS. DAVID: Correct. Yes, this is correct.</p> <p>25 HEARING EXAMINER GROSSMAN: Okay. And on page 8</p>	27	<p>1 HEARING EXAMINER GROSSMAN: -- and B, your floor</p> <p>2 plan?</p> <p>3 MS. DAVID: It is.</p> <p>4 HEARING EXAMINER GROSSMAN: Okay. Okay. Now, I</p> <p>5 notice attached to the Staff Report, first of all, you have</p> <p>6 something identified in the attachment B, b as in boy from</p> <p>7 a -- one of the planning coordinators to the planner for</p> <p>8 this, to Ashley Phelps. And it refers to Board of Appeals</p> <p>9 Petition Number CU 2019-08, and then your property address</p> <p>10 regarding transportation adequacy here.</p> <p>11 You know, it identifies it as Board of Appeals</p> <p>12 petition number. You understand this is -- nothing in here</p> <p>13 goes to the Board of Appeals? I know this isn't something</p> <p>14 you wrote. But I just want to -- since they identified it</p> <p>15 that way I want to make sure you understand. It all stays in</p> <p>16 this office unless somebody appeals to the Board of Appeals.</p> <p>17 MS. DAVID: I understand.</p> <p>18 HEARING EXAMINER GROSSMAN: So it was incorrectly</p> <p>19 labeled here as I see it. It's not that you did it.</p> <p>20 MS. DAVID: No.</p> <p>21 HEARING EXAMINER GROSSMAN: But somebody in the</p> <p>22 Planning Department labeled it Board of Appeals. Apparently</p> <p>23 they don't understand that it doesn't go to the Board of</p> <p>24 Appeals unless somebody appeals it.</p> <p>25 MS. DAVID: Oh, okay.</p>
26	<p>1 of the Technical Staff Report they have another photograph.</p> <p>2 Parking is unrestricted along both sides of Weaver Street and</p> <p>3 in front of the site and do you recognize that?</p> <p>4 MS. DAVID: I recognize this.</p> <p>5 HEARING EXAMINER GROSSMAN: And what is that?</p> <p>6 MS. DAVID: That is my -- can I move more close?</p> <p>7 HEARING EXAMINER GROSSMAN: Sure. You should have</p> <p>8 a copy there. You don't have a copy?</p> <p>9 HEARING EXAMINER GROSSMAN: Okay.</p> <p>10 MS. DAVID: Yes, I have a copy.</p> <p>11 MS. DAVID: Yes, that is my, you know, this one is</p> <p>12 my house, right here.</p> <p>13 HEARING EXAMINER GROSSMAN: Okay.</p> <p>14 MS. DAVID: They do the picture for you can see</p> <p>15 the --</p> <p>16 HEARING EXAMINER GROSSMAN: A little wider --</p> <p>17 MS. DAVID: Yes, sir. More wider.</p> <p>18 HEARING EXAMINER GROSSMAN: Okay. So it depicts</p> <p>19 your house and the street in front of it?</p> <p>20 MS. DAVID: Yeah.</p> <p>21 HEARING EXAMINER GROSSMAN: They also seem to</p> <p>22 attach plenty of copies of your site plan. At the very end</p> <p>23 there's an attachment A and it appears to include, once</p> <p>24 again, a copy of your site plan. Is that accurately --</p> <p>25 MS. DAVID: Yeah.</p>	28	<p>1 HEARING EXAMINER GROSSMAN: I just want to make</p> <p>2 sure you weren't confused about that.</p> <p>3 MS. DAVID: Yes, thank you for clarifying.</p> <p>4 HEARING EXAMINER GROSSMAN: It stays in the Office</p> <p>5 for Zoning and Administrative hearings. Okay. And then,</p> <p>6 there's also attached as attachment C, a preliminary design</p> <p>7 consultation for a conditional use applicant. Pardon me,</p> <p>8 from the Department of Permitting Services. And it indicates</p> <p>9 that you participated in this design consultation. What was</p> <p>10 the outcome of that?</p> <p>11 MS. DAVID: The design consultation?</p> <p>12 HEARING EXAMINER GROSSMAN: Did you have a meeting</p> <p>13 with the Department of Permitting Services?</p> <p>14 MS. DAVID: Yes. Yes, I have.</p> <p>15 HEARING EXAMINER GROSSMAN: And what did they</p> <p>16 ultimately tell you?</p> <p>17 MS. DAVID: Well, normally they review the plan I</p> <p>18 offer to them. And they, you know, see if they don't agree on</p> <p>19 something or I need to fix something and that's -- it was the</p> <p>20 meeting on that.</p> <p>21 HEARING EXAMINER GROSSMAN: Okay. And did they</p> <p>22 tell you you had to fix anything?</p> <p>23 MS. DAVID: No. No, no. Just something in</p> <p>24 writing or something like that, but no fix any condition on</p> <p>25 the house.</p>

Transcript of Hearing
Conducted on October 4, 2019

8 (29 to 32)

<p>29</p> <p>1 HEARING EXAMINER GROSSMAN: Okay.</p> <p>2 MS. DAVID: And they talk about what I write in my</p> <p>3 plan.</p> <p>4 HEARING EXAMINER GROSSMAN: Okay. And did they</p> <p>5 indicate you to fire code compliance permit for the</p> <p>6 current --</p> <p>7 MS. DAVID: Yes.</p> <p>8 HEARING EXAMINER GROSSMAN: -- for the current</p> <p>9 family childcare operation has expired.</p> <p>10 MS. DAVID: No, it's not expired. I already</p> <p>11 renovated.</p> <p>12 HEARING EXAMINER GROSSMAN: Okay.</p> <p>13 MS. DAVID: It was in this year, January. I don't</p> <p>14 know, see they no add it but I have a copy already confirmed.</p> <p>15 HEARING EXAMINER GROSSMAN: Okay. Do you have</p> <p>16 that with you, by any chance?</p> <p>17 MS. DAVID:</p> <p>18 MS. DAVID: No, but I can email it to you if you</p> <p>19 want.</p> <p>20 HEARING EXAMINER GROSSMAN: Okay.</p> <p>21 MS. DAVID: Or I can -- let me see if you want I</p> <p>22 can -- somebody can send me a picture and I can show it to</p> <p>23 you. But is even -- I have to have that ready for my</p> <p>24 inspection.</p> <p>25 HEARING EXAMINER GROSSMAN: Right.</p>	<p>31</p> <p>1 get that to me?</p> <p>2 MS. DAVID: Today.</p> <p>3 HEARING EXAMINER GROSSMAN: Okay. That's fine.</p> <p>4 MS. DAVID: Before -- I can -- somebody can email</p> <p>5 it to me right now.</p> <p>6 HEARING EXAMINER GROSSMAN: Okay, all right. All</p> <p>7 right, and let's see. I see also here in addition to what</p> <p>8 you had filed directly with us, there's a letter of support</p> <p>9 from Katie Lafen and Julien Xavier, also attached here.</p> <p>10 MS. DAVID: Exactly.</p> <p>11 HEARING EXAMINER GROSSMAN: Okay. And you have a</p> <p>12 request for a waiver of a bicycle space requirement.</p> <p>13 MS. DAVID: Yes.</p> <p>14 HEARING EXAMINER GROSSMAN: Which the Staff</p> <p>15 recommends and the Planning Board recommends approval of.</p> <p>16 Okay. Let me see if there's anything else on the</p> <p>17 agenda here. All right. Is there anything else that you</p> <p>18 wanted to add?</p> <p>19 MS. DAVID: No. I want to -- they give me the</p> <p>20 email in my information for I can give you today, right now.</p> <p>21 HEARING EXAMINER GROSSMAN: Okay.</p> <p>22 MS. DAVID: I will do it when we finish over here.</p> <p>23 HEARING EXAMINER GROSSMAN: Okay. Do you have any</p> <p>24 closing statement you wish to make? Any further statement</p> <p>25 you wish to make?</p>
<p>30</p> <p>1 MS. DAVID: It's already passed and you can check</p> <p>2 online. Online they see on the fire department, the</p> <p>3 certificate.</p> <p>4 HEARING EXAMINER GROSSMAN: Why don't we have you</p> <p>5 email me a copy?</p> <p>6 MS. DAVID: I will.</p> <p>7 HEARING EXAMINER GROSSMAN: Okay. Because</p> <p>8 ordinarily I wouldn't do that except that since this document</p> <p>9 is attached and it says that it's expired I want to make sure</p> <p>10 that you have something that's current.</p> <p>11 MS. DAVID: Yeah. No, but maybe --</p> <p>12 HEARING EXAMINER GROSSMAN: And the date on this</p> <p>13 is 2018, December of 2018.</p> <p>14 MS. DAVID: Exactly.</p> <p>15 HEARING EXAMINER GROSSMAN: So you had it renewed</p> <p>16 after that?</p> <p>17 MS. DAVID: In January 2019.</p> <p>18 HEARING EXAMINER GROSSMAN: Okay.</p> <p>19 MS. DAVID: I have it.</p> <p>20 HEARING EXAMINER GROSSMAN: All right so just --</p> <p>21 MS. DAVID: And maybe it's -- I have --</p> <p>22 HEARING EXAMINER GROSSMAN: Make a copy of it and</p> <p>23 email it to me.</p> <p>24 MS. DAVID: I will. I have it.</p> <p>25 HEARING EXAMINER GROSSMAN: Okay. When can you</p>	<p>32</p> <p>1 MS. DAVID: Well, just only I want to say thank</p> <p>2 you.</p> <p>3 HEARING EXAMINER GROSSMAN: All right.</p> <p>4 MS. DAVID: For the time and thank you and I hope</p> <p>5 you support me. Then, I try to do my best.</p> <p>6 HEARING EXAMINER GROSSMAN: All right. I take it</p> <p>7 you want all of these exhibits into evidence so we will admit</p> <p>8 Exhibits 1 through 25 and their subparts into evidence. And</p> <p>9 we'll also admit into evidence the copy of the fire</p> <p>10 authorization that you're going to email to me today.</p> <p>11 What we'll do is we'll ask for the transcript on a</p> <p>12 48-hour turnaround, please, 48 business hours. And we'll say</p> <p>13 the record in this case will close on October 9. That's next</p> <p>14 week.</p> <p>15 MS. DAVID: Okay.</p> <p>16 HEARING EXAMINER GROSSMAN: That gives you a</p> <p>17 little bit of leeway in getting me the copy of the fire</p> <p>18 department --</p> <p>19 MS. DAVID: It will be today.</p> <p>20 HEARING EXAMINER GROSSMAN: Okay. Is that enough</p> <p>21 time for you to get it?</p> <p>22 MS. DAVID: I don't think so -- I think I can give</p> <p>23 it to you right now.</p> <p>24 HEARING EXAMINER GROSSMAN: Okay.</p> <p>25 MS. DAVID: I just will need my phone.</p>

Transcript of Hearing
Conducted on October 4, 2019

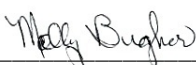
9 (33 to 36)

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1 HEARING EXAMINER GROSSMAN: Okay.
2 MS. DAVID: They email it and I can give it to you
3 right now.
4 HEARING EXAMINER GROSSMAN: Okay. All right. So
5 you have the email address for Nana?
6 MS. DAVID: Yes. I just only have to -- yes, I
7 have it just --
8 HEARING EXAMINER GROSSMAN: All right. And so the
9 record will close on October 9 and my report and decision
10 will be issued thereafter within 30 days. And a copy of that
11 will also be posted online, but you'll also receive written
12 notification of that.
13 MS. DAVID: Thank you.
14 HEARING EXAMINER GROSSMAN: Okay. All right. If
15 there is nothing else, then we are adjourned.
16 MS. DAVID: Thank you.
17 HEARING EXAMINER GROSSMAN: Thank you very much.
18 You have a good weekend.
19 MS. DAVID: You too.
20 (Off the record at 10:14 a.m.)
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1 CERTIFICATE OF TRANSCRIBER
2 I, Molly Bugher, do hereby certify that the foregoing
3 transcript is a true and correct record of the recorded
4 proceedings; that said proceedings were transcribed to the
5 best of my ability from the audio recording and supporting
6 information; and that I am neither counsel for, related to,
7 nor employed by any of the parties to this case and have no
8 interest, financial or otherwise, in its outcome.
9

10 
11 _____

12 Molly Bugher

13 DATE: October 6, 2019
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