

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings

100 Maryland Avenue, Room 200

Rockville, Maryland 20850

IN THE MATTER OF:)

SPECTRUM RETIREMENT)

Petitioner.)

Michael Longfellow)

Joshua Sloan)

Jeff Amateau)

Logan Kelso)

Brian Van Winkle)

Nancy Randall)

Donald S. Boucher)

For the Application.)

Steven A. Robins, Esquire)

Elizabeth C. Rogers, Esquire)

Attorneys for the Petitioner.)

Conditional Use No. CU 20-05

PETITIONER'S UPDATED PRE-HEARING STATEMENT

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Conditional Use Cases, Spectrum Retirement Communities (the "Petitioner") submits this updated Pre-Hearing Statement (the "Statement") in connection with its request for approval of a Residential Care Facility (Over 16 Persons) on the Property located at 9545 River Road in Potomac, Maryland (the "Property"). The Petitioner incorporates by reference its Land Use Report.

This Statement has been updated to reflect the revised Application submitted to OZAH on November 24, 2020. Over the past several months, the parties of record, including the eleven neighbors in opposition and the West Montgomery County Citizens Association ("WMCCA"), have collectively engaged in substantial discussions regarding the Project and its impact on the surrounding community, resulting in their withdraw of all opposition related to the Application. While the Petitioner firmly believes that the original application was compatible with the neighborhood, the Petitioner, as a long-term owner and operator, is committed to ensuring that the surrounding community feels the same. As such, the Petitioner submitted an amended

Application to address specific concerns raised by the close-in neighbors and the WMCCA. Notably, the revised Application eliminates the third-story component of the building. To make up for some of this lost floor area, the building footprint has somewhat expanded – the Petitioner worked closely with the neighbors on how best to accommodate the expanded building area on-site. The revised Application also includes substantial, additional perimeter landscaping to screen the building. As shown on the amended Landscape Plans, the Petitioner has not only increased the number of plantings but also incorporated larger/ more mature trees. The grading, limits of disturbance, and landscaping along River Road and along the Property boundaries also has been refined to provide additional screening of the building (*e.g.* berms, protection of existing trees, and additional, mature plantings), as viewed from the street, while maintaining safe and adequate vehicular site access. Lastly, the Petitioner has slightly modified the building architecture (particularly the colors of the materials) to provide a more tonal design that responds to specific comments from the community. Collectively, the modifications incorporated through the revised Application will further promote compatibility of the Project with the surrounding community, while continuing to ensure conformance with the requirements of the Zoning Ordinance and goals and objectives of the Master Plan.

I. STATEMENT OF GROUNDS UPON WHICH THE CASE IS BASED AND JUSTIFICATION FOR THE CONDITIONAL USE APPLICATION.

The Property subject to Conditional Use Application No. CU 20-05 (the "Application") currently consists of approximately 258,226 square feet (or 5.93 acres) of land located along River Road, approximately 0.5 miles south of the Potomac Village, which is situated at the intersection of River Road and Falls Road. The Property will have a net lot area of 219,757 square feet (or 5.04 acres), following dedication of additional right-of-way for River Road.

The Property is currently zoned Residential Estate-2 ("RE-2") and is improved with aging commercial buildings and structures, operated as a nursery/garden center.¹ The existing buildings have a tired and worn appearance that is inconsistent with the quality of the surrounding community. Existing landscaping is sparse and in poor condition. There is an existing 8' tall perimeter fence but many segments of the fence are decaying and falling down. Vehicular access to the Property is currently not well defined and is unsafe, with two very wide access points directly into the parking area off River Road that permit vehicles to circulate in unpredictable and haphazard fashion. The Property is mostly impervious in nature with no approved stormwater management in place.

The Application seeks to redevelop this underutilized commercial site with a compatible, residential use. The Project provides significant environmental benefits. The Project will substantially improve stormwater management by providing stormwater management treatments

¹ Behnke's Nursery, which originally opened a store on the Property in 1998, closed their Potomac location in July 2014. Potomac Petals currently operates a smaller scale flower and garden center on the Property.

on-site, where there currently is none. The Petitioner has submitted an amended Stormwater Concept Plan to the Montgomery County Department of Permitting Services for approval, which reflects the revised building footprint.² The Project also will substantially reduce the amount of impervious area on-site by approximately 40%. The Project also satisfies all forest conservation requirements. The Project meets the forest conservation requirements, in part, through the creation of forest stands along the side and rear Property lines. The Petitioner is providing 1.05 acres of afforestation requirements on-site (out of the 1.20 acres required) through Category I Forest Conservation Easements. The creation of these forest stands along the side and rear Property lines will provide a significant buffer from the surrounding residential properties. Additionally, the Project provides 0.15 acres off-site through forest banking. These, and other environmental benefits, are discussed in greater detail in the Petitioner's Land Use Report. Additionally, the Project creates two controlled vehicular access points that have been strategically located to maximize intersection spacing and to ensure adequate site distance (as compared to the largely unfettered vehicular access provided today). And the existing 8' tall fence, which has fallen into a state of disrepair, will be replaced with a new 8' tall privacy fence. As such, the Project provides an opportunity to significantly improve every aspect of the existing conditions on the Property.

As depicted on the Conditional Use Plan and discussed in detail in the Land Use Report, the Application satisfies the requirements of the Zoning Ordinance and all necessary findings contained in Zoning Ordinance Section 7.3.1.E, for approval of a Conditional Use. Pursuant to Section 3.1.6 of the Zoning Ordinance, a Residential Care Facility (Over 16 Persons) is an allowed Conditional Use within the RE-2 Zone. As outlined in the Petitioner's updated Land Use Report, the Applicant satisfies the requirements for a Residential Care Facility (Over 16 Persons) contained in Section 3.3.2.E of the Zoning Ordinance and also satisfies all purposes and requirements of the RE-2 Zone (Zoning Ordinance, Section 59-4.4.4). The Project will exceed all minimum setbacks required. To the rear, the building is setback a minimum of approximately 45 feet (as compared to the required 35 foot minimum setback), for an approximately 25 foot segment of the building – the remaining portion of the building is setback at least 87 feet from the rear property boundary, with a maximum setback of approximately 140 feet. The required 25-foot minimum side-yard setback is significantly exceeded with setbacks of at least 80 feet to the north and 88 feet to the south. The front of the building is setback approximately 50 feet from the Property boundary and 120 feet from the existing curb (as compared to the minimum 50 foot setback). The Petitioner also is proposing to significantly increase the landscape buffers that surround the Property along the northern, eastern and southern property boundaries in order to provide additional screening of the Project from the surrounding residential homes.

² Although not required at this point in the process, because a Preliminary Plan of Subdivision will be required, the Petitioner obtained Department of Permitting Services approval a SWM Concept for the previous iteration of the Project.

Furthermore, the Petitioner has worked closely with the immediately surrounding neighbors to identify strategic locations for enhanced, more mature plantings that will provide additional screening for key view corridors. On the southeast property line, the Petitioner has designed a retaining wall that will reduce the limits of disturbance and protect the existing trees.

In addition to the substantial landscape screening, the Petitioner also is proposing to replace the existing 8' tall fence that has fallen into a state of disrepair with a new 8' tall privacy fence. The 8' high fence was specifically requested by the immediately surrounding neighbors through the collaborative working discussions and is reflected on the Amended Conditional Use Plan. The Department of Permitting Services has confirmed that the existing 8' tall fence is grandfathered and can be replaced with a new 8' tall privacy fence in connection with the Project, without requiring variance approval.³ The proposed fence will provide additional screening for the neighbors, whose properties generally sit lower than the Property and, as such, will further promote compatibility. Collectively, the building setbacks, perimeter landscaping and fence will provide extensive screening from the surrounding residential uses and ensure compatibility of the Project with the surrounding neighborhood.

The Application also is in substantial conformance with the *2002 Approved and Adopted Potomac Subregion Master Plan* (the "Master Plan"). Importantly the Project provides desired, additional senior housing in the Potomac Subregion, which the Master Plan specifically recognizes is needed to meet the Subregion's aging population. Additionally, the Project complied with the specific guidelines, established by the Master Plan, for reviewing Special Exceptions. The proposed building architecture incorporates a variety of materials, colors, projections and recesses to break down the perceived mass of the building. The building has been designed to have a residential appearance – to this end, the façades incorporate traditional residential elements that harmonize with and reinforce the human psychology of "home." Uniquely, the Petitioner is proposing to locate the majority of on-site parking in a concealed parking structure, with only a limited amount of handicap and visitor parking located in front of the building, which will be largely screened from view by a carefully designed landscape buffer. And, as previously mentioned, the Project proposes significant landscape buffers along the perimeter of the Property. The Project's conformance with the Master Plan is further discussed in the Petitioner's Land Use Report.

For the reasons discussed herein, and in the Petitioner's reports, the proposed development also will be compatible with its surroundings. The senior living facility will be operated in a manner that ensures compatibility and preservation of the residential character of the surrounding neighborhood. The proposed setbacks and perimeter landscaping will provide an appropriate and significant buffer from the adjacent single-family residential uses.

³ Petitioner's Amended Land Use Report indicated that a variance would be needed for the 8' fence. DPS subsequently confirmed that the replacement fence would be grandfathered without the need for a variance.

Additionally, the building architecture has been designed to promote compatibility with the surrounding neighborhood. Additionally, the Applicant has engaged a certified real estate appraiser to prepare an evaluation report (the “Report”), which confirms that the proposed development will not have any adverse impacts in terms of economic value or development potential on abutting or confronting properties, or the general neighborhood. While we do not believe this analysis is necessary, since there are no non-inherent adverse impacts associated with the proposed Residential Care Facility (as Technical Staff of the Maryland-National Capital Park and Planning Commission, and the Montgomery County Planning Board similarly found), we are nonetheless providing this Report should it become relevant.⁴

A Traffic Impact Analysis was prepared by the Applicant’s traffic consultant, Wells + Associates, and submitted with the Application. Utilizing the updated LATR trip generation methodology, the conclusion of the Traffic Analysis prepared by Wells + Associates was that the proposed development will not exceed the applicable LATR standards. Wells + Associates concluded that, as compared to the existing garden center/nursery use, the Application will result in a reduction of traffic on River Road by generating 21 fewer AM peak hour and 115 fewer PM peak hour person trips. VIKA also prepared a site distance analysis in order to confirm that visibility to and from the site is adequate pursuant to the requirements issued by the Maryland State Highway Administration (since River Road is a state road).

Adequate public facilities and services will be available to serve the Residential Care Facility. The roadway network surrounding the Property and the proposed vehicular and pedestrian circulation are safe, adequate and efficient. The Property will be served by existing water and sewer mains. Electric, gas and telecommunications services are also available to serve the Property. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Project. A Stormwater Management Concept Plan, showing the revised layout, has been submitted to the Department of Permitting Services for approval, well in advance of the Preliminary Plan of Subdivision (which will follow this Conditional Use), which demonstrates that stormwater management will be adequate for the Project.

The evidence to be presented will demonstrate: (1) that the Conditional Use Application satisfies the development standards of the RE-2 Zone; (2) that the Conditional Use Application satisfies the use standards contained in Section 59-3.3.2.E for a Residential Care Facility (Over 16 Persons) (3) that the available public facilities and services will be adequate to serve the proposed development; (4) that the Conditional Use substantially conforms with the recommendations of the Master Plan; and (5) that approval of the Conditional Use complies with the required general and specific findings contained in Zoning Ordinance Section 59-7.3.1.E.

⁴ The analysis under Section 7.3.1.g.i of the Zoning Ordinance is only required if and when there are non-inherent adverse impacts associated with the proposed Residential Care Facility.

II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING

1. Land Use Report;
2. Statement of Operations;
3. Traffic Statement prepared by Wells + Associates; and
4. Supplemental Environmental Statement prepared by VIKA⁵;
5. Supplemental Design Narrative prepared collaboratively by VIKA Maryland and Vessel Architecture and Design⁵; and
6. Evaluation Report prepared by Donald S. Boucher, SRA.

These reports already have been submitted into the record.

III. SUMMARY OF EXPERT TESTIMONY

At the present time, the Petitioner intends to call the following expert witnesses to testify in support of the Conditional Use application:

1. Mr. Jeff Amateau, P.E. and/or Mr. Logan Kelso, P.E., Civil Engineer(s) with VIKA Maryland will testify as to among other things, the physical characteristics and natural environmental features of the Property (including testimony related to the approved Natural Resources Inventory/Forest Stand Delineation and the Preliminary Forest Conservation Plan), and the proposed Stormwater Management Concept Plan and storm drain measures for the redevelopment of the Property. They also will testify regarding the site distance analysis for the Project.
2. Mr. Joshua Sloan, ASLA, AICP, Landscape Architect and Certified Land Planner, will testify as to the proposed development's compliance with the intent, applicable development standards, and all requirements of the Zoning Ordinance for Residential Care Facilities for more than 16 individuals (*e.g.* building placement, parking, green area, landscaping, screening etc.), the proposed landscape design, and Preliminary Forest Conservation and Stormwater Management Plans for the Property. He also will provide testimony regarding the proposed development's substantial conformance with the Master Plan and compatibility with the surrounding neighborhood.
3. Mr. Brian Van Winkle, AIA, with Vessel Architecture and Design, will testify as to the architectural and design elements of the proposed senior living residence and the Project's compatibility with the surrounding neighborhood.

⁵ Although these Reports have not been updated to reflect the revised layout and application materials submitted on November 24, 2020, the discussions and conclusions contained therein remain relevant.

4. Ms. Anne Nancy Randall, transportation planner with Wells + Associates, will testify as to traffic and transportation planning issues (including trip generation and site access), in accordance with the Traffic Statement prepared for the Conditional Use Application.
5. Mr. Donald S. Boucher, SRA, Maryland State Certified General Real Estate Appraiser with Boucher & Boucher, Inc., will testify as to the Project's impact on the peaceful enjoyment, economic value, and development potential of abutting and confronting properties and more broadly, the general neighborhood.

The resumes of the above-identified expert witnesses have already been submitted into the record but are being resubmitted into the record concurrently with this Statement (*see* Attachment "A"). The Petitioner reserves the right to call additional expert witnesses if it deems necessary.

IV. OTHER WITNESSES WHO WILL TESTIFY

In addition to the above expert witnesses, the Petitioner will also have the following witness testify:

1. Michael Longfellow, AIA, NCARB, Senior Vice President of Construction & Development, Spectrum Retirement Communities, LLC, will testify as to the proposed use and operations, as well as some planning and design aspects of the Project. Mr. Longfellow also is an architect and may offer testimony on the design of the building and its compatibility with the surrounding neighborhood.

V. ESTIMATED TIME REQUIRED FOR PRESENTATION

The Petitioner anticipates that, excluding questions, the presentation of its case-in-chief for the proposed Conditional Use will take approximately three (3) to five (5) hours.

This submission is intended to satisfy the requirement of the Rules of Procedure for Conditional Use Cases. If it is subsequently determined that new or supplemental information is necessary, the Petitioner will make a supplemental submission in a timely fashion.

Respectfully submitted,

By:  _____

Steven A. Robins

By:  _____

Elizabeth C. Rogers

ATTACHMENT “A”



VIKA Maryland, LLC
20251 Century Blvd.
Suite 400
Germantown, MD 20874
301.916.4100
vika.com

Jeffrey Amateau, P.E.

Director of Engineering

Mr. Amateau has overseen, directed and managed more than 100 residential, commercial and mixed-use developments. His considerable background in both site/civil engineering and water resources enables him to coordinate large site/civil projects through the design, review, permitting, and construction process. His knowledge of all aspects of site engineering, including grading, drainage, stormwater management, soils engineering, and erosion and sediment control, coupled with his environmental permitting background uniquely qualifies him to facilitate the design and permitting of projects.

Areas of Professional Competence:

- Prepare construction plans for private, public, municipal, federal, residential, commercial and mixed-use developments projects
- Design of above ground and below grade stormwater management facilities
- Engineering and development of feasibility analysis
- Roadway and pavement improvements
- Design Low Impact Development (LID) systems
- Environmental assessment
- Design of sediment and erosion control plans
- Design of public streets including grade establishments and storm drain and paving
- Design of sanitary sewer and water distribution systems
- Provides quality control and quality assurance plan reviews
- Traffic control plans
- Land development engineering
- Utility Coordination including relocations, preliminary construction cost estimating
- Hydrologic and hydraulic studies including TR-55, TR-20, and HEC-EAS
- Construction inspections and observation

Professional Experience:

- Pike & Rose, North Bethesda, MD
- 8021 Georgia Ave, Silver Spring, MD
- The Monty, Bethesda, MD
- Park Potomac, Potomac, MD

Professional Degrees and Registrations, Year Obtained:

- Bachelor of Science, Civil Engineering, University of Maryland, Tau Beta Pi, Chi Epsilon 1988
- Maryland: Professional Engineer #20510, 1994
- District of Columbia: Professional Engineer #905527, 2009
- Prince Georges County: Accredited Third Party Reviewer

Our Site Set on the Future.





VIKA Maryland, LLC
20251 Century Blvd.
Suite 400
Germantown, MD 20874
301.916.4100
vika.com

Logan Kelso, PE

Associate

Logan is a licensed Professional Engineer in the state of Maryland. His professional engineering experience includes: Commercial, Retail, Hospitality, Mixed-Use, Residential, Senior/Assisted Living, Public Storage development and redevelopment. Logan's jurisdictional experience includes Montgomery County, City of Rockville, City of Gaithersburg, Maryland State Highway Administration, Maryland Department of Environment, Washington Sanitary Sewer Commission and Federal Aviation Administration. He focuses on Client and Jurisdictional relationships while successfully coordinating with consultants to pro actively achieve project goals. Logan emphasis on sustainable design and schedule awareness allows him to successfully achieve project milestones.

Areas of Professional Competence:

- Water and Sewer Hydraulic Planning
- Storm Drain Safe Conveyance studies including TR-55 and TR-20
- Design of Soil Erosion and Sediment Control
- Design of Sanitary Sewer and Water Distribution Systems
- Environmental Site Design to the Maximum Extent Practicable
- Design of Street Grade Establishment Plans
- Right of Way Improvements including Storm Drain and Paving Plans
- Maintenance of Traffic, Street Lighting and Street Tree Plans
- Preparation of Construction Documents for commercial and residential developments
- Construction Inspections, Observations and Punch Lists
- As-Built Construction Documents and Permit Release

Professional Experience:

- Montgomery Row, North Bethesda, MD
- Reserve at Tower Oaks, Rockville, MD
- The Chase at Quince Orchard, Gaithersburg, MD
- Ingleside at King Farm, Rockville, MD
- ezStorage Westbard, Bethesda, MD

Professional Degrees and Registrations, Year Obtained:

- Bachelor of Science, Civil Engineering with High Distinction, The Pennsylvania State University
- Bachelor of Science Engineering Mathematics, Waynesburg University





VIKA Maryland, LLC
20251 Century Blvd.
Suite 400
Germantown, MD 20874
301.916.4100
vika.com

Joshua Sloan, RLA, ASLA, AICP, LEED AP ND, Sites AP

Vice President / Director of Planning and Landscape Architecture

Josh Sloan is a respected, seasoned professional with over 23 years of experience in project design and oversight. He began his career in the design/build arena of the private sector on landscape crews, as a designer, and business owner. This experience provided him with a strong background in the construction and permitting processes, project management, and business practices. He then spent seven years with the Montgomery Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC), rising to the level Planning Supervisor. During his tenure at the Commission, he participated directly in development review, master planning, zoning, and community relations. Josh is most noted for his significant leadership and contributions to the Montgomery County Zoning Ordinance Rewrite project. This project entailed the complete revision and drafting of a zoning ordinance for a county of more than 500 square miles with more than 1,000,000 residents.

Areas of Professional Competence:

- Master Planning
- Landscape Architecture
- Urban Design
- Entitlement Plans
- Zoning & Regulatory Review
- Land Use Planning
- Environmental Planning
- Concept & Feasibility Studies
- Construction Documents & Administration

Professional Experience:

- Greater Cheverly Sector Plan, Prince George's County, MD
- Montgomery Row, Montgomery County, MD
- Brandywine Senior Living At Potomac, Montgomery County, MD
- The Neighborhoods Of Crown, Montgomery County, MD
- Tower Oaks, Montgomery County, MD
- Pike and Rose, Montgomery County, MD
- Park Potomac, Montgomery County, MD
- Signature Club, Prince George's County, MD

Professional Degrees and Registrations, Year Obtained:

- Master of Landscape Architecture, Graduate Studies in Philosophy, 1996
- State University of New York College of Environmental Science and Forestry & Syracuse University.
- Bachelor of Arts in Biology, St. Mary's College of Maryland
- Maryland: Registered Landscape Architect

Our Site Set on the Future.



Brian L Van Winkle, AIA

Principal & Founding Partner of Vessel Architecture



After completing his Bachelor of Architecture at the University of Kansas School of Architecture in 1997, Brian and his wife Heidi moved to Dallas. He spent four years learning design from Rick del Monte, FAIA now Chief Design Officer at Beck Group and professional practice from Kip Daniel, now Managing Director at Beck Group. That environment was a tremendous launching pad for a young architect, giving Brian unique opportunities to learn and grow very early in his career. At the same time he applied his tremendous work ethic and discipline towards earning a Master of Arts degree in Biblical Studies from Dallas Theological Seminary.

Four years later, in 2001, his family (Heidi and two little girls) moved to St. Louis to pursue specialized church architecture experience and practice architecture with his close friend from college, Peter J. Schwartz. They practiced architecture together at SLDA, specializing in churches and hotels.

In 2004 Brian made the decision to take his career in a challenging new direction by co-founding Vessel with Pete. They resolved to found their own firm built on their enduring friendship and complementary professional strengths. With help from friends, they cleaned and painted Pete's house to get it ready to serve as the first office. Vessel Architecture & Design, Inc. made its official debut on May 4, 2004 in Pete's Living Room which was painted with Vessel's signature crimson and blue accents. They completed their first projects with brand new laptops on desks made out of doors and wire shelves. The firm designed churches, multi-family residential, boutique retail, industrial, and single-family residential projects. Clients came by word of mouth and business expanded, as did their reputation for delivering large-firm quality with small-firm personal attention and fees. That winning recipe characterizes Vessel to this day.

Brian always hoped for the opportunity to design for elders and that opportunity came in 2008. Leveraging his experience in hospitality design with Marriott hotels, Brian helped Spectrum Retirement develop the prototype for their major national roll-out of Assisted Living facilities. From the beginning he understood the importance of implementing processes to capture lessons learned and apply them on each successive project. Several additional clients and more than 40 projects later, Brian is an extremely well-connected industry leader with deep knowledge, practical experience, and sage wisdom in Senior Living.

Personal Bio

Brian married Heidi, his high school sweetheart, in 1995. They keep up with their five kids (most days) and love hiking and the beach. Brian is an avid tennis player and competes in USTA leagues throughout the year.

Responsibilities

As a founding principal, Brian is responsible for providing primary leadership in vision, marketing, and individual service for our clients.

Credentials

American Institute of Architects

NCARB certified

Licensed Architect in Missouri, Illinois, Ohio, New Mexico, Michigan, Washington, Kansas, Florida, Indiana

Education

Bachelor of Architecture | University of Kansas | 1997 | emphasis in communications

Master of Arts | Dallas Theological Seminary | 2001 | emphasis in communications





**ANNE (NANCY) M. RANDALL, AICP
PRINCIPAL ASSOCIATE**

PROFILE: Ms. Randall has over 35 years of experience in the traffic and transportation planning fields for both private and public-sector clients. This experience includes conducting and overseeing the preparation of traffic impact studies, corridor studies, signal warrant analyses, Traffic Demand Management programs, site circulation reviews, parking policy and needs studies, and feasibility analyses.

EXPERIENCE: **Traffic Impact Studies.** Conducted numerous traffic impact studies for residential, retail, commercial, industrial, institutional, and mixed-use properties in Maryland, Virginia, and Washington D.C. This includes analysis of data, preparation of reports, and expert testimony in support of rezoning, special exception/use permits, and site plan/subdivision plat approvals.

Large Scale Mixed-Use & Multi-Modal Developments. Conducted multi-modal transportation studies for a number of large residential, office, and retail projects, including: North Bethesda Town Center (White Flint Metro Station), White Flint Mall, and Mid-Pike Plaza in White Flint, Maryland; Twinbrook Commons and Twinbrook Station at the Twinbrook Metro Station in Rockville, Maryland; Geico Headquarters in Friendship Heights, Maryland; Bethesda Theater in Bethesda, Maryland; Riverdale Park Station-Cafritz, Riverdale Park Maryland; West Hyattsville Metro Station, Largo Town Center at the Largo Metro Station, Town Center at Camp Springs at the Branch Avenue Metro Station, and Fairwood in Prince George's County, Maryland; and Russett Center, Parole Town Center and Anne Arundel Medical Center in Anne Arundel County, Maryland.

Transportation Master Plans and Corridor Studies. Preparation of Transportation Master Plans for the City of Annapolis and Anne Arundel County Maryland. Preparation of the transportation elements for several Sector Plan and Sectional Map Amendment Plans for several sub-region zones within Prince George's County Maryland, including: Sub-Region I Route I Corridor Master Plan, Bladensburg Master Plan, Branch Avenue Master Plan and Port Towns Master Plan. Provided the analysis



and recommendations for the Transportation Master Plan for Fort Meade, Maryland. Conducted corridor studies in the city of Annapolis, Prince George's County, Historic District of the City of Fairfax, Virginia and MD Route 32/NSA for the MD State Highway Administration.

Feasibility Analysis. Prepared site assessments for projects in Montgomery, Anne Arundel, Prince George's, Howard, Charles, Calvert, Kent, St. Mary's, Allegany, Frederick, Carroll, Talbot and Baltimore Counties, Maryland and the City of Alexandria and Fairfax County, Virginia.

Parking Studies. Conducted parking policy, size requirements, needs, feasibility, and shared-use studies for private developers and for public agencies, including the City of Annapolis, Anne Arundel County, Anne Arundel Medical Center, Centex, CentreMark Properties, Lerner Enterprises, LCOR, Federal Realty Investment Trust and Archstone Smith.

Expert Witness Testimony. Qualified as an expert witness in Federal District Court, and Circuit Court in Anne Arundel County in Maryland; Qualified in Maryland before District Council, MNCPPC Planning Board and Zoning Hearing Officer in both Montgomery County and Prince Georges County; Planning Board and City Council in City of Rockville; Hearing Officer/Zoning Hearing Commissioner in Baltimore County; Zoning Hearing Officer and Board of Appeals in Anne Arundel County; Planning Board, Board of Appeals and City Council in City of Annapolis; Board of Appeals in Charles County; Anne Arundel County Board of Appeals, County Commissioner and Planning Commission in St. Mary's and Calvert Counties; City Council in the City of Greenbelt; Planning Board in the City of Laurel; Planning Advisory Board, and the City Council of Bowie; and the Planning Commission in Carroll County.

Special Event Transportation Planning. Designed and coordinated traffic operations for special events in the City of Annapolis, Maryland, including U.S. Boat Shows, 1984 Summer Olympic Trials and NATO conferences.

EDUCATION: Bachelor of Arts, Behavioral and Social Sciences, University of Maryland, College Park, 1975.

AFFILIATIONS: Member of the Institute of Transportation Engineers
American Planning Association
Member of the American Institute of Certified Planners (AICP)

EMPLOYMENT HISTORY:

- 1995 – Present** **Wells + Associates, Inc.**
McLean, Virginia
Principal
Branch Manager of Wells & Associates, Inc. Silver Spring Office, responsible for business development, management of professional, technical, and clerical staff, project management for transportation planning studies, including technical analysis, report preparation, public presentation, and expert testimony.
- 1989-1995** **The Traffic Group, Inc.**
Towson, Maryland
Senior Associate
Responsible for the transportation planning studies, project management, technical analysis, management of technical staff, business development, documentation, and expert testimony.
- 1986-1989** **Greenhorn & O'Mara, Inc.**
Greenbelt, Maryland
Responsibilities included transportation planning studies, technical analysis, documentation, business development, administration, and management of technical staff, and expert testimony.
- 1981-1986** **City of Annapolis**
Department of Public Works
Annapolis, Maryland
Engineering Analyst
Provided transportation planning and traffic engineering services for the City of Annapolis, including; review of subdivision, zoning, and development plans for compliance with the City Code, review of traffic impact studies, special event planning, technical review of transportation plans, city wide traffic control design and implementation.
- 1979-1980** **Development Facilitators, Inc.**
Severna Park, Maryland
Engineering Analyst
Responsible for business development, management of technical staff, technical analysis, and preparation of traffic engineering reports and plans.
- 1976-1979** **Anne Arundel County**
Department of Public Works
Traffic Engineering Division

Traffic Analyst

Responsible for review of subdivision zoning and development plans for compliance with County Code requirements, parking lot layout, street design and street lighting. Review of impact studies submitted for subdivision and rezoning applications. Prepared and drafted portions of the 1978 transportation text of the Adequate Public Facilities Ordinance for Anne Arundel County, Maryland.

QUALIFICATIONS OF THE APPRAISER

Donald S. Boucher, SRA
President
Boucher & Boucher, Inc.
4200 Wisconsin Avenue, NW
Suite #106-261
Washington, D.C. 20016-2143
Office: (301) 654-3471
Fax: (301) 654-0743
Cell: (202) 744-3246
E-MAIL: donboucher@msn.com

Education:

Attended the University of Maryland in College Park and American University in Washington, D.C. (no Degree). Acquired certificates of completion for appraisal courses: IA, IB, II, IV, and VIII of the American Institute of Real Estate Appraisers (now the Appraisal Institute). Graduate level courses include Investment Analysis, Finance, Real Estate Law and Litigation Valuation. Courses, seminars and other educational offerings completed within the past nine years include: The Uniform Appraisal Dataset seminar – 2011; Residential Appraisal Update – Staying Competent in a New Decade - 2011; Litigation Appraising Specialized Topics and Applications – 2013; Appraising the Appraisal Review: Residential – 2013; Condemnation Appraising: Principles and Applications – 2014; 7-Hour USPAP Update – 2014, 2015 and 2017; IRS Valuation Summit – 2014 (Co-Chair); The Appraiser as an Expert Witness: Preparation and Testimony – 2015; Residential & Commercial Valuation of Solar – 2015; Case Studies in Appraising Green Residential Buildings – 2017; Income Approach for Residential Appraisers – 2017; Business Practices and Ethics – 2017; Cool Tools: New Technology for Real Estate Appraisers; Appraising Condos, coops and PUD's – 2018; Valuation Resources for Solar Photovoltaic Systems – 2018; Appraisal Institute 2018 Annual Conference – Various seminars during the two day conference where I was also a speaker; Metro D.C. Chapter 2018 Appraisal Conference – Various seminars during this one day conference where I was also a speaker. I have completed all of the re-certification requirements for the continuing education program of the Appraisal Institute.

Positions:

President, Boucher and Boucher, Inc. (1999 to present). Sole proprietor, Donald S. Boucher and Associates (1995 to 1999). Co-founder of Horstman, Boucher & McKnight (1992 to 1995). Formerly President and CEO of C. Robert Boucher & Associates Inc., a full service appraisal and consulting firm founded in 1947 (1972 to 1992). An appraiser since 1972, I received RM designation from the American Institute of Real Estate Appraisers (AIREA) in 1978, which converted to the SRA designation in 1990, following merger of the AIREA and the Society of Real Estate Appraisers (SREA).

Organizations, Committees and Licenses:

Senior Residential Appraiser (SRA) member, Appraisal Institute #1193;
District of Columbia, Certified General Appraiser #10064 (Expires 2/28/20);
State of Maryland, Certified General Appraiser #10212 (Expires 9/3/19).
Chair External Relations - Washington Metropolitan Chapter of the Appraisal Institute (2006 - 2015)
Member, Board of Directors, Appraisal Institute, D.C. Chapter (2008 to 2013);
Secretary of the Appraisal Institute, D.C. Chapter (2009);
Treasurer of the Appraisal Institute, D.C. Chapter (2010);
Vice President of the Appraisal Institute, D.C. Chapter (2011);
President of the Appraisal Institute, D.C. Chapter (2012);
Immediate Past President of the Appraisal Institute, D.C. Chapter (2013)
Member of the National Government Relations Committee of the Appraisal Institute (2010 to 2016);
Vice-Chair of the Government Relations Committee (GRC) of the Appraisal Institute (2015 - 2016);
Member, the Appraisal Designation and Qualification and Committee (ADQC) – Appraisal Institute (2017 - 2019);
Member of the Residential Project Appraisal Team (RAPT) – Appraisal Institute (2017 - 2019)
Member, Residential Comprehensive Exam Sub-Committee, Appraisal Institute (1997 to 2000);
Member, National Residential Admissions Committee, Appraisal Institute (1990 to 1992);
Vice-Chairman, National Residential Experience Review Subcommittee, Appraisal Institute (1990 to 1992);
Member, Board of Directors, America Institute of Real Estate Appraisers Chapter 18 (Metro Washington, 1986 to 1990);

Member and Chairman, External Affairs Committee, AIREA Chapter 18 (1984 to 1987);

Member, Board of Directors, Washington D.C. Association of Realtors (1975 to 1981), and Treasurer (1984 to 1985);

Member, Board of Directors, Dominion National Bank (1988 to 1990);

Awards and Recognition:

Was awarded the Lifetime Achievement Award by the Appraisal Institute in 2017.

The **Lifetime Achievement Award** is presented to an AI professional who best demonstrates high ethical standards; contributed to the Appraisal Institute at the chapter, regional, national and/or international level(s); provided service to his or her community; and contributed to the appraisal profession. A minimum of 20 years of service is recommended to be eligible for this award.

Professional Development Program Registry:

Is list on the Appraisal Institute's web site Litigation Registry. This Registry only lists Appraisal Institute Designated members who have successfully passed the *Litigation Professional Development Program* (formerly called *Litigation Certificate of Completion Program*) examinations.

Appraisal and Consulting Assignments Completed for:

Numerous lending institutions, law firms, employee relocation companies, and individuals.

References provided on request.

Area of Appraisal Expertise:

Single-family houses; individual condominium and cooperative apartments; 2-4 family investment properties; rental apartments; condominium projects; planned unit developments; residential subdivisions; estates; farm acreage; historic properties; relocation appraisals, and; litigation support.

Geographical Area of Expertise:

District of Columbia, Montgomery County (MD), Prince George's County (MD), Anne Arundel County (MD) and Calvert County (MD).

Qualified Expert Witness/Approved Appraiser:

Superior Court of the District of Columbia; Internal Revenue Service; U.S. Justice Department; U.S. Bankruptcy Court (VA, DC, MD); Circuit Courts for Montgomery and Prince George's counties; Philadelphia Federal Court.