

Date: December 17, 2021

Case: Vladimir Gurevich Group Day Care

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Transcript of Hearing Conducted on December 17, 2021

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OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
                                                                                  APPEARANCES
            FOR MONTGOMERY COUNTY, MARYLAND
                                                                        COUNSEL FOR APPLICANT:
                                                                             DAVID BROWN, ESQUIRE
                                                                             KNOPF & BROWN
   VLADIMIR GUREVICH
                                                                             401 Jefferson Street #206
   -----x
                                                                             Rockville, Maryland 20850
                                                                             (301) 345-6100
                       Hearing
                                                                     10 LYNN ROBESON, HEARING EXAMINER
                 Conducted Virtually
                                                                     11 VLADIMIR GUREVICH, APPLICANT
12
               Friday, December 17, 2021
                                                                        JOY JOHNSON, KNOPF & BROWN
13
                    9:36 a.m. EST
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23 Job: 420503
24 Pages: 1 - 28
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25 Transcribed by: Sheila Martin
        Hearing held virtually.
                                                                                         CONTENTS
                                                                                                                  PAGE
                                                                        INTRODUCTIONS
                                                                        TESTIMONY BY VLADIMIR GUREVICH
                                                                                          EXHIBITS
        Pursuant to Notice, before Merinda Evans,
                                                                                         (NONE ENTERED)
   Notary Public in and for the State of North Carolina.
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PROCEEDINGS 2 MS. ROBESON: Vladimir Gurevich for a group daycare of up to 12 people located at 9000 16th Street in the -- Silver Spring in the R-60 zone. Would the parties please state their names and address -- identify themselves for the record? Mr. Brown, you're on mute. 8 MR. BROWN: Good morning, Madam Hearing Examiner. David Brown. I'm here for Vladimir 10 Gurevich, who is the applicant in this case. MS. ROBESON: Okay. The court reporter 11 12 asked for the name of your firm and your business 13 address. If you could kindly state that for the 14 record. 15 MR. BROWN: Right. The firm is called

16 Knopf & Brown, K-N-O-P-F and B-R-O-W-N. 401 East 17 Jefferson Street, Suite 206, Rockville, Maryland 18 20850. And with me today is my legal assistant Joy 19 Johnson, who has done most of the detailed work on 20 this case to keep expenses down and will be available 21 to help me answer any specific questions that you 22 have in addition to Mr. Gurevich, who is here who 23 will now identify himself.

MS. ROBESON: Okay. Mr. Gurevich, can you 25 state your name and address for the record?

you. I'm not going to go in -- Mr. Brown, I don't - not going to go into the usual speech because it's
 just -- it looks like it's just Mr. Gurevich today.
 So with that, is Mr. Gurevich your first witness?
 MR. BROWN: He is.
 MS. ROBESON: Mr. Gurevich, please raise
 your right hand. Okay. Do you solemnly affirm ur

7 your right hand. Okay. Do you solemnly affirm under 8 penalties of perjury that the statements you're about 9 to make are the truth, the whole truth, and nothing 10 but the truth?

MR. GUREVICH: I do.MS. ROBESON: Okay. Go ahead, Mr. Brown.

MR. BROWN: Mr. Gurevich, would you please 14 introduce yourself and provide your summary statement

15 of your -- the purpose of the application and what

16 you hope to accomplish if it's approved.
 MR. GUREVICH: Hi, my name is Vladimir

18 Gurevich and I'm the owner of 9000 16th Street in

19 Silver Spring. I have filed a conditional use number

20 -- it's CU22-02 -- requesting that the daycare

21 currently run in my home be allowed to increase from

22 eight children to 12 children. I've been running

23 daycare since 2002 and on this site since 2020.

The many years the site has been running, 25 there have been no complaints by neighbors, the

25 there have been no complaints by neighbors, the

MR. GUREVICH: My name is Vladimir Gurevich, 9000 16th Street, Silver Spring, Maryland 20910.

4 MS. ROBESON: Thank you. And is there
5 anyone in this hearing that is not going to be called
6 as a witness by Mr. Brown or that opposes this
7 application?

Okay. Hearing none, I'm just going to say
for everybody about Microsoft Teams
Meetings. It's very important not to try and cross
Italk or to -- don't interrupt each other. If you

12 need to speak, I can monitor hands raised. If you 13 need to speak, I will call on you to speak, but try

14 not to interrupt because it messes up the recording

15 for the court reporter.

16 The other thing is we're going to record 17 the meeting. It's recorded anyway because there's a 18 court reporter, but we do it just as backup on the 19 Teams meeting so that there's some -- if they need

19 Teams meeting so that there's some -- if they need 20 help with the transcript. Okay?

Now with that, we'll present your case.

22 The hearing is informal, but it does have certain

23 formalities. Without opposition today, there --

24 there could be cross-examination, but your testimony 25 will be under oath, and I may have some questions for

county or anyone. Along with my application, I have

2 filed supporting documentation demonstrating the site

3 is able to handle this increase while maintaining its

4 good standing with the county and with the

neighborhood.

6

6 My property sits on an irregular shaped 7 triangular lot where 2nd Avenue and 16th Street 8 intersect at about 45 degrees angle in the business

9 district of Silver Springs. The only access is from

10 a 16th Street driveway. There is a wall built at the

11 tip of the property covered in greenery which

12 elevates most noise and traffic issues that might be

13 present with other daycare programs.

And because of the overgrowth and the 15 right of the way, the day care is rendered nearly 16 invisible to any vehicle or foot traffic coming from

17 all directions. The parents come in the driveway and

 $18\,$ have plenty of room to turn and to load or unload

19 without moving out into the roadway or causing

20 queuing on 16th Street. The children are safe when 21 they get out of the cars, and the parents can safely

22 navigate cars without fear of accident from oncoming

23 cars.

24 My daycare's Russian immersion program 25 where students come and learn Russian and most of the

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9	11
1 time leave with the ability to speak Russian	11 MR. GUREVICH: We did answer that in a
2 fluently.	2 supplemental traffic statement. Would you like me to
3 MS. ROBESON: Okay. Let me just	3
4 interrupt. For the record, I put Exhibit 19, the	4 MS. ROBESON: Yeah, but I'd like now
5 staff report, on the screen simply because I wanted	5 that I'm visualizing it, would you mind just going
6 to follow what you were saying about the property.	6 through it for the record?
7 MR. GUREVICH: Very well.	7 MR. GUREVICH: Of course. Would you like
8 MS. ROBESON: Okay. Go ahead.	8 me to read off the statement or just explain
9 MR. GUREVICH: I speak Russian fluently	9 verbally? How would you like me to do that?
10 MS. ROBESON: Now can you tell me where do	10 MS. ROBESON: Just explain well, I
11 they enter? I I'm having trouble seeing a	11 asked Mr. Brown a question about the front and DPS
12 driveway. Is it this	12 said you can't park in the side or the front yard on
13 MR. GUREVICH: Yes, ma'am. That's	13 the grass. Did you see that correspondence?
14 MS. ROBESON: [crosstalk]?	14 MS. JOHNSON: I'm under the understanding
15 MR. GUREVICH: [crosstalk]. Yes,	15 that we can't park in the front.
16 ma'am.	16 MR. GUREVICH: Is that a question to me or
17 MS. ROBESON: For the record, that's on	17 is that a question to Mr. Brown?
18 16th Street just past a set of it looks like tall	18 MR. BROWN: Ms. Robeson, as I read that
19 bushes. Okay. Go ahead.	19 correspondence, the DPS said there's no express
20 MR. GUREVICH: Thank you. I speak Russian	20 prohibition on parking on the grass in the side or
21 fluently and the program maintains complete Russian	21 the rear yard. Are we in agreement on that?
22 language the entire stay of the children every day.	22 MS. ROBESON: Oh, well let me double
23 There is a great need for childcare in this area due	23 check. Are you seeing it up here?
24 to the growing number of children in the area and the	24 MS. JOHNSON: Yes. Not [unintelligible]
25 current decrease in the childcare assistance	25 in the front.
10	12
10 1 currently available because of COVID-19.	1 MS. ROBESON: Okay. You you're
10 1 currently available because of COVID-19. 2 The program is new and innovative and	1 MS. ROBESON: Okay. You you're 2 correct. I apologize for that. I must have missed
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10 MS. ROBESON: Well, I I 11 MR. BROWN: to 16th Street. 12 MS. ROBESON: I thought in the zoning 13 ordinance under front lot line definition, if you go 10 green area flat grass, that's now where he can park? 11 MR. BROWN: That's the rear yard. 12 MS. ROBESON: Yeah. Is that 13 ordinance under front lot line definition, if you go 13 MR. BROWN: And the rear yard would extend
11 MR. BROWN: to 16th Street. 12 MS. ROBESON: I thought in the zoning 13 ordinance under front lot line definition, if you go 14 MR. BROWN: That's the rear yard. 15 MS. ROBESON: Yeah. Is that 16 MR. BROWN: And the rear yard would extend
12 MS. ROBESON: I thought in the zoning 13 ordinance under front lot line definition, if you go 14 MS. ROBESON: Yeah. Is that 15 MR. BROWN: And the rear yard would extend
13 ordinance under front lot line definition, if you go 13 MR. BROWN: And the rear yard would extend
14 to let me let me go to it really quickly. I 14 along would would extend at least from the
15 thought the owner can elect which which line is 15 from the side of the house where it says stone
16 the front. But if you can bear with me a moment. It 16 MS. ROBESON: Correct.
17 said something like on a corner lot I have to go 17 MR. BROWN: So what I would like Mr.
18 to a lot. 18 Gurevich is to show you a picture of that particular
Okay. It says lot line front a lot 19 area, which is part of one of our supplemental
20 line abutting a right-of=way or common open space. 20 exhibits, and ask him whether or not there is room
21 On a corner lot, the owner must elect which lot line 21 behind the behind that side of the house to park
22 is the front lot line. So I thought I don't know 22 two cars.
23 where he has the space to park the car, you know, on 23 MS. ROBESON: Okay.
24 the grass, but he could elect a front lot line that 24 MR. BROWN: That that exhibit

Conducted on December 17, 2021

	December 17, 2021
17 supplemental is it Exhibit 1, do you know, or	19 1 aerial they had exactly it's from a pretty far
	3 report which contains an aerial of the property. And
4 MR. BROWN: That's correct.	4 I see along 16th Street, I see a line. Is that
5 MS. ROBESON: Is that correct? Is this	5 the shrubs shrubs that border the the roadway?
6 the area that you're and when I say this I'm	6 MS. JOHNSON: Yes.
7 pointing to an a grassy area in front of a shed.	7 MR. GUREVICH: And the wall, yes, ma'am.
8 MS. JOHNSON: That's Exhibit 1 she has up.	8 MS. ROBESON: And okay. All right.
9 MR. GUREVICH: That's Exhibit 1.	9 That that's helpful because I just wanted that
MS. ROBESON: Okay. Let me go let me	10 straight in the record so I can say you you need
11 go we must have mislabeled them, so	11 to park in this area, and then DPS won't have a
12 MS. JOHNSON: No, no, she has the right	12 question as to whether it's rear or front or what.
13 exhibit.	13 So I didn't want you to get in trouble.
MR. GUREVICH: Ma'am, it's no, no,	14 MR. BROWN: Mr. Gurevich, I want to ask
15 you're you're right. Yeah, it's just it was cut	15 you also, how many cars are there likely to be in
16 off a little bit somehow. We submitted the exhibit	16 that area that are not these are your personal
17 where you can clearly see what's happening on the	17 cars as opposed to the as opposed to the the
18 greener area.	18 parents of the children coming and going in the
MS. ROBESON: Okay. So it is that green	19 unloading area. How many of your cars are are
20 area in front of the shed that you would like to	20 are expected to be in that parking area?
21 MR. GUREVICH: Right. That's that's	21 MR. GUREVICH: Two at most.
22 it's a further you need I don't know if you can	MR. BROWN: Do you have two cars to park
23 see the full picture in that screen	23 in that area?
24 MS. ROBESON: It's okay.	24 MR. GUREVICH: There do do I have a
25 MR. GUREVICH: but it's a much bigger	25 space to park two cars in that area? Is that the
18	20
1 area if you look further to the right, I guess, from	1 question? Forgive me.
2 the stump and the shed.	2 MR. BROWN: No, do you actually have two
3 MS. ROBESON: For for the record, we're	3 cars that would go in that area?
4 looking at the picture viewing the picture towards	4 MR. GUREVICH: Right now, one. But again,
5 the front of the house. So when Mr. Gurevich says to	5 just in case if we're going to need another one, we
6 the right, that means an area beyond a grassy area.	6 have enough space for it.
7 Is it this area? I'm going back to the the site	7 MR. BROWN: Okay.
8 plan the plat again.	8 MS. ROBESON: Do you have a problem with a
9 MR. GUREVICH: Yes.	9 condition saying you can have two you can park up
MS. ROBESON: On the plat, I see a green	10 to two cars in that grassy area?
11 area fat flat grass.	11 MR. GUREVICH: I have no problem with it
MR. GUREVICH: That's affirmative, ma'am.	12 whatsoever.
13 Yes, ma'am.	MS. ROBESON: Okay. And then your front,
14 MS. ROBESON: Okay. Now is this is	14 your pad, the concrete pad, how many cars can park in
15 there landscaping and things along this area here?	15 there?
MR. GUREVICH: It is a wall along with the	16 MR. GUREVICH: According to the staff
17 trees and shrubs. There's a brick wall	17 report, there's enough space to park perfectly well
MS. ROBESON: Oh, that's that's where	18 about five cars, if I'm not mistaken. But I can look
19 the wall is?	19 it up one more time.
MR. GUREVICH: Yes, the wall goes all	20 MS. ROBESON: Okay. Well
21 around the property.	21 MR. GUREVICH: Four cars, yeah. But
MS. ROBESON: Oh, okay. I wasn't able to	22 there's more space in there. A lady who did the
•	23 measurement were very, very helpful and she said
23 see for some reason on, I went to the wrong place.	23 measurement were very, very herprur and she said
23 see for some reason oh, I went to the wrong place.24 For some reason, I was not able I kept looking at	24 let's just put four cars in here just, you know, but

Conducted on December 17, 2021

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Transcript of Hearing Conducted on December 17, 2021

Conducted on Be	ecember 17, 2021	
MS. ROBESON: Anything else, Mr. Brown? MR. BROWN: No. Only we're just here to answer any further additional specific questions you might have. MS. ROBESON: No, my main concern was the drop off and pick up when I looked at it. And I didn't know you were a Russian immersion program, but l'm not going to try to speak any Russian because it's terrible. MR. GUREVICH: No, I don't think so, it's that terrible. MS. ROBESON: I feel like the ugly American when I try to speak it. Okay. But with that, I will tell you that I think we have everything I need. Mr. Brown, can you submit those plats since you did refer to them, can you submit a copy into the record? It could be a paper copy, or if you and scan scan them that would be great. It's up to you,	CERTIFICATE OF NOTARY PUBLIC I, Merinda Evans, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome. Merinda Evans, Court Reporter Merinda Evans, Court Reporter Merinda Evans, Court Reporter	7
20 MR. BROWN: I have them here. I will down 21 I will download them for you. 22 MS. ROBESON: Okay. And they'll be 23 Exhibits 27 and 28, I believe. So with that, I'm 24 going to leave the record of the case open solely to 25 receive the transcript. And and we had we	20 21 22 23 24 25	0
1 don't get the transcript for ten days. So I'm going 2 to leave the record open till December 27th. And if 3 during that time, Mr. Brown, if you can submit those 4 two exhibits, that would be great. 5 After that I have 30 days to write my 6 decision. You will be notified when the decision is 7 issued, and it will be posted on our website. And 8 for the record, I did speak with Mr. Gurevich. I was 9 in the office and just picked up the phone, but it 10 was solely about how to get into the hearing. So 11 I mean, how to remotely find the link, so I am I 12 disclosing that. Anything else, Mr. Brown? 13 MR. BROWN: No, ma'am. 14 MS. ROBESON: Okay. If you disagree with 15 my decision, Mr. Gurevich, you have ten days to 16 appeal to the Board of Appeals. And the instructions 17 will be on the notification letter. 18 MR. GUREVICH: Thank you, ma'am. 19 MS. ROBESON: Okay. [Russian]. 20 (Off the record at 10:06 a.m.) 21 22 23 24 25	CERTIFICATE OF TRANSCRIBER I, Sheila Martin, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by and of the parties to this case and have no interest, financial or otherwise, in its outcome. Checla Martin SHEILA MARTIN December 22, 2021 16 17 18 19 20 21 22 23 24 25	

A	affirmative	anticipate	asked
ability	18:12	21:4	5:12, 11:11
9:1, 23:11,	after	any	asking
28:5	13:8, 15:11,	5:21, 8:16,	22:12, 23:16,
able	15:23, 26:5	10:8, 10:20,	23:17, 24:2
8:3, 18:22,	again	21:6, 21:8,	assessment
18:24, 23:23	18:8, 20:4,	21:11, 25:3,	13:3
about	21:13, 23:6,	25:8, 27:6	assistance
6:9, 7:8, 8:8,	24:4	anyone	9:25
9:6, 11:11,	age	6:5, 8:1	assistant
12:5, 12:11,	22:15, 22:24	anything	5:18
14:7, 15:18,	agree	14:3, 25:1,	assume
20:18, 23:11,	24:19, 24:22	26:12	16:7, 24:11
26:10	agreement	anyway	audio
absolutely	11:21	6:17	28:5
13:1	ahead	apologize	available
abutting	7:12, 9:8,	12:2, 21:15	5:20, 10:1,
14:20	9:19, 10:14,	appeal	10:7
access	10:18, 22:3,	26:16	avenue
8:9	23:9	appeals	8:7, 15:4, 16:8
accident	all	26:16	В
8 : 22	8:17, 10:6,	applicant	b-r-o-w-n
accomplish	12:12, 13:11,	3:3, 3:11, 5:10	5:16
7:16	13:12, 18:20,	application	back
according	19:8, 21:16,	6:7, 7:15, 8:1,	15:7, 18:7
20:16, 24:1	22:3, 22:18,	10:4, 22:13	backup
across	22:21, 22:22	applies	6:18
14:1, 14:8	allow	15:16	bear
actually	14:25, 22:12	apply	14:16
20:2	allowed	15:14	because
add	7:21	approved	6:14, 6:17,
12:4	along	7:16	7:2, 8:14, 9:5,
addition	8:1, 16:14,	area	10:1, 19:9,
5:22	18:15, 18:16,	9:23, 9:24,	21:7, 25:8
additional	19:4	10:4, 16:10,	been
10:24, 25:3	also	16:19, 17:6,	7:22, 7:24,
address	12:21, 19:15 american	17:7, 17:18,	7:25, 15:10,
5:6, 5:13, 5:25		17:20, 18:1,	15:17, 15:18,
addressed	25:13 angle	18:6, 18:7,	23:1
10:5	8:8	18:11, 18:15, 19:11, 19:16,	before
administrative	another	19:19, 19:20,	2:10, 27:2
1:1	20:5	19:23, 19:25,	begin
adopt	answer	20:3, 20:10,	22:23
24:21	5:21, 10:19,	22:2	behind
aerial	11:1, 13:17,	around	14:3, 14:7,
19:1, 19:3	25:3	18:21	16:21
affirm	answered	artistic	being
7:7	10:6	10:3	21:4
			1

		<u> </u>	
believe	23:10, 23:21,	21:10, 21:18	comments
25:23	24:9, 24:12,	case	12:5
best	25:1, 25:2,	5:10, 5:20,	common
28:5	25:15, 25:20,	6:21, 15:2,	14:20
between	26:3, 26:12,	16:5, 20:5,	complaining
13:2, 21:1,	26:13	24:14, 25:24,	15:18
21:3, 22:14	built	27:6, 28:8	complaints
beyond	8:10, 13:5,	cause	7:25
18:6	13:8, 15:11	21:8	complete
bigger	bushes	causing	9:21
17:25	9:19	8:19	concern
bit	business	certain	10:8, 25:5
17:16	5:12 , 8:8	6 : 22	concerned
block	C	certificate	16:3
12:19	call	27:1, 28:1	concerns
board	6:13, 21:17	certify	10:6
10:7, 10:8,	called	27:3, 28:2	conclusion
21:20, 22:12,	5:15, 6:5,	check	24:20
26:16	12:14	11:23	concrete
book	came	childcare	20:14
12:24	15:9	9:23, 9:25	condition
border	can't	children	20:9, 21:10
19:5	11:12, 11:15,	7:22, 8:20,	conditional
brick	13:16, 15:22	9:22, 9:24,	7:19
18:17	cannot	10:24, 19:18,	conducted
bring	15:8, 15:15,	21:7, 22:11,	1:11
21:7, 23:17	24:1	22:14, 22:19,	confident
brown	capability	23:3, 23:16,	23:22
3:4, 3:5, 3:12,	23:12	23:17, 23:18,	configuration
5:7, 5:8, 5:9,	car	23:20, 23:25,	15:12
5:15, 5:16, 6:6,	10:25, 14:23	24:3	configurations
7:1, 7:5, 7:12,	care	chose	13:2
7:13, 11:11,	8:15	14:5	considered
11:17, 11:18,	cared	clear	14:4
12:4, 12:11,	22:11	21:3	constructed
12:18, 12:24,	carolina	clearly	15:11
13:19, 13:24,	2:11	17:17	contains
14:11, 15:2,	cars	client	19:3
15:15, 15:25,	8:21, 8:22,	13:14	copy
16:2, 16:11,	8:23, 14:7,	code	25:16, 25:17
16:13, 16:17,	16:22, 19:15,	10:5	corner
16:24, 17:4,	19:17, 19:19,	come	14:17, 14:21
19:14, 19:22,	19:22, 19:25,	8:17, 8:25	correct
20:2, 20:7,	20:3, 20:10,	comes	12:2, 16:16,
21:15, 21:19,	20:14, 20:18,	16:5	17:4, 17:5, 28:3
21:25, 22:4,	20:21, 20:24,	comfortable	correspondence
22:21, 23:1,	21:1, 21:3,	23:22	11:13, 11:19
23:6, 23:7,	,,	coming	could
		8:16, 19:18	5:13, 6:24,
		•	J. 1J, U. 21,

	- Conducted on Be-	• • • • • • • • • • • • • • • • • • • •	•
13:20, 14:24,	7:23, 8:13,	district	14:24, 15:3
22:2, 25:17	22:16	8:9	election
couldn't	daycare's	documentation	15:19
18:25	8:24	8:2	electronically
counsel	days	doing	27:4
3:3, 27:5, 28:7	26:1, 26:5,	10:11, 23:2,	elevates
county	26:15	23:24	8:12
1:2, 8:1, 8:4,	deal	done	else
24:1	22:7	5:19, 10:19	25:1, 26:12
couple	december	double	email
12:5	1:12, 26:2,	11:22	12:6
course	28:15	down	employed
11:7, 15:5,	decision	5:20, 25:20	27:6, 28:7
21:25	26:6, 26:15	download	employees
court	decrease	25:19, 25:21	21:2, 21:4
5:11, 6:15,	9:25	downtown	encroachment
6:18, 27:12	defined	10:4	15:23
covered	13:15	dps	english
8:11	definition	11:11, 11:19,	22:24
covid	14:13	16:5, 19:11	enough
10:1	degrees	draw	20:6, 20:17,
сож	8:8	14:1	24:7
21:17	demand	driveway	enter
cross	22:10	8:10, 8:17,	9:11
6:10	demonstrating	9:12	entered
cross-examination	8:2	drop	4:10
6:24	department	10:22, 25:6	entire
crosstalk	13:3	due	9:22, 23:18
9:14, 9:15	depending	9:23	equipment
cu	14:5	during	22:19
7:20	depends	26:3	esquire
current	22:17	E	3:4
9:25	detailed	each	est
currently	5:19		1:13
7:21, 10:1	develop	6:11, 10:5 earlier	evans
cut	22:20	12:20	2:10, 27:2,
17:15	difficult	east	27:12
	10:15	5:16	even
dated	dimensions	educational	15:7, 15:10
12:13	15:5	22:17	ever
david	directions	eight	15:19
3:4, 5:9	8:17	7:22, 23:2,	every
day	disagree	23:12, 23:24	9:22
8:15, 9:22,	26:14	23:12, 23:24 either	everybody
22:16, 22:21,	disclosing	10:8, 13:1,	6:9
22:22	26:12	14:4	everything
daycare	distance	elect	25:14
5:3, 7:20,	19:2	14:15, 14:21,	exactly
3.3, 7.20,		14·1J, 14·21,	19:1

Conducted on December 17, 2021			
examiner	21:24	forgive	10:24, 11:5,
3:10, 5:9, 22:5	fat	20:1	16:8, 18:7,
excellent	18:11	formalities	19:18, 20:5,
10:12	fear	6:23	23:22, 24:13,
except	8:22	forward	25:8, 25:24,
15:9	feed	22:13	26:1
exercise	22:15	four	good
22:18	feel	19:2, 20:21,	5:8, 8:4
exhibit	23:21, 25:12	20:24, 21:6,	grass
9:4, 13:21,	feels	21:10, 22:15,	10:25, 11:13,
16:24, 17:1,	23:11	22:24, 23:16,	11:20, 14:24,
17:2, 17:3,	feet	23:19, 24:3	16:10, 18:11
17:8, 17:9,	15:3, 15:7	friday	grassy
17:13, 17:16	few	1:12	17:7, 18:6,
exhibits	6:9	front	20:10
16:20, 25:23,	figure	11:11, 11:12,	great
26:4	13:16	11:15, 11:25,	9:23, 10:12,
existing	filed	14:2, 14:5,	22:7, 22:10,
23:19	7:19, 8:2, 10:5	14:8, 14:13,	24:25, 25:18,
expanding	financial	14:16, 14:19,	26:4
23:12	27:7, 28:9	14:22, 14:24,	green
expected	find	15:4, 15:6,	16:10, 17:19,
19:20	26:11	15:19, 15:20,	18:10
expenses	finding	16:9, 17:7,	greener
5:20	24:20	17:20, 18:5,	17:18
expert	fine	19:12, 20:13	greenery
24:12, 24:14	22:3	full	8:11
explain	firm	17:23	group
10:23, 11:8,	5:12, 5:15	further	5:3
11:10, 15:8,	first	17:22, 18:1,	growing
22:5	7:4, 10:3,	24:10, 25:3	9:24
express	12:12	G	guess
11:19	fits	given	18:1
extend	10:3	21:7	gurevich
16:13, 16:14	five	go	1:5, 3:11, 4:4,
extending	15:23, 20:18,	7:1, 7:2, 7:12,	5:2, 5:10, 5:22,
14:8	22:15	9:8, 9:19,	5:24, 6:1, 6:2,
F	flat	10:13, 10:17,	7:3, 7:4, 7:6,
faces	16:10, 18:11	14:13, 14:14,	7:11, 7:13,
15:3	fluently	14:17, 17:10,	7:17, 7:18, 9:7,
fact	9:2, 9:9, 9:21	17:11, 20:3,	9:9, 9:13, 9:15, 9:20, 10:11,
13:18	focus	22:3, 23:9	10:15, 10:11,
fairest	22:5	goes	11:1, 11:7,
13:14	follow	18:20	11:16, 14:6,
families	9:6	going	16:6, 16:18,
22:9	foot	6:5, 6:8, 6:16,	17:9, 17:14,
far	8:16	7:1, 7:2, 10:23,	17:21, 17:25,
15:20, 19:1,	foregoing		
	27:3, 28:3		
	1	1	

Conducted on December 17, 2021			
18:5, 18:9,	hereby	interrupt	kindly
18:12, 18:16,	27:3, 28:2	6:11, 6:14, 9:4	5:13
18:20, 19:7,	hi	intersect	knopf
19:14, 19:21,	7:17	8:8	3:5, 3:12, 5:16
19:24, 20:4,	hijacked	intersects	know
20:11, 20:16,	21:14	14:2	12:10, 12:18,
20:21, 21:6,	himself	introduce	12:25, 14:22,
21:12, 22:4,	5:23	7:14	14:23, 15:5,
22:7, 22:22,	home	introducing	15:8, 15:10,
23:4, 23:10,	7:21	22:24	15:20, 16:4,
23:15, 23:24,	hope	introductions	16:5, 17:1,
24:6, 24:13,	7:16	4:3	17:22, 20:24,
24:18, 24:22,	house	investigation	21:2, 21:17,
24:25, 25:10,	13:4, 13:8,	12:12	22:1, 22:2, 25:7
26:8, 26:15,	13:21, 14:2,	invisible	knows
26:18	14:9, 15:3,	8:16	21:18
Н	15:4, 15:11,	irregular	L
hand	15:16, 16:15,	8:6	
7:7	16:21, 18:5	issue	lady 20:22
handle	<u> </u>	12:5, 13:13,	land
8:3		21:9	
hands	identify	issued	13:6, 13:21
6 : 12	5:6, 5:23	26:7	landscaping
happened	imaginary	issues	18:15
13:12	14:8	8:12, 21:8	language
happening	immersion		9:22, 22:18,
17:17	8:24, 22:8,	J	22:25
happy	25:7	jefferson	law
12:14	important	3:6, 5:17	15:22 learn
hearing	6:10	job	
1:10, 2:1,	increase	1:23, 10:12	8:25, 22:9 least
3:10, 5:8, 6:5,	7:21, 8:3,	johnson	
6:8, 6:22, 22:5,	23:16, 24:3	3:12, 5:19,	16:14
26:10	increasing	11:14, 11:24,	leave
hearings	23:19	17:3, 17:8,	9:1, 25:24,
1:1	informal	17:12, 19:6,	26:2
held	6:22	24:5	legal
2:1	information	joy	5:18
help	28:6	3:12, 5:18	less
5:21, 6:20	innovative	jump	16:3 let's
helpful	10:2	23:5	20:24
19:9, 20:23	inspected	K	
here	21:20	k-n-o-p-f	letter
5:9, 5:22,	instructions	5:16	26:17 life
10:20, 11:23,	26:16	keep	13:16
18:15, 20:24,	interest	5:20	
25:2, 25:20	22:8, 27:7,	kept	likely 19:15
	28:8	18:24	13:13

		Cerriber 17, 2021	13
limitations	17:14, 18:12,	messes	N
16:2	18:13, 19:7,	6:14	name
limits	26:13, 26:18	microsoft	5:12, 5:25,
21:10	madam	6 : 9	6:1, 7:17
line	5:8	might	names
14:1, 14:3,	made	8:12, 12:4,	5:5
14:8, 14:13,	12:12, 15:19	15:10, 25:4	nature
14:15, 14:19,	main	mind	10:3
14:20, 14:21,	25:5	11:5	navigate
14:22, 14:24,	maintaining	minimum	8:22
19:4	8:3	15:6	nearly
link	maintains	mislabeled	8:15
26:11	9:21	17:11	necessary
little	major	misread	22:19
17:16	10:21	12:3	need
load	make	missed	6:12, 6:13,
8:18	7:9, 14:25,	12:2	6:19, 9:23,
loading	16:8, 21:16,	mistaken	17:22, 19:10,
21:21	23:23	20:18	20:5, 22:11,
located	many	moment	25:15
5:3	7:24, 19:15,	14:16	needs
location	19:19, 20:14,	monitor	22:17
23:2	21:1, 21:3, 23:1	6 : 12	neighborhood
logical	martin	montgomery	8:5
14:1	1:25, 28:2,	1:2	neighbors
look	28:14	month	7:25, 10:8
13:13, 13:15,	maryland	22:15	neither
13:20, 13:25,	1:2, 3:7, 5:17,	more	27:5, 28:7
14:1, 18:1,	6:2	20:19, 20:22,	new
20:18	math	20:25, 21:6,	10:2
looked	22:18	22:11, 23:25,	nobody
12:12, 13:9,	matter	24:1, 24:6	15:18, 15:19
25:6	21:8	morning	noise
looking	mean	5:8	8:12
18:4, 18:24,	26:11	most	none
19:2	means	5:19, 8:12,	4:10, 6:8,
looks 7:3, 9:18, 13:5	18:6	8:25, 13:25,	15:5, 15:13
lot 13:5	measurement	19:21	north
8:7, 14:13,	20:23 meet	moving	2:11
8:7, 14:13, 14:17, 14:18,	15:5	8:19	notary
14:17, 14:18,	meeting	much	2:11, 27:1
14:19, 14:21,	6:17, 6:19	17:25, 23:25	nothing
15:12	meetings	must	7:9, 13:6,
lynn	meetings 6:10	12:2, 14:21,	24:10
3:10	merinda	17:11 mute	notice
<u>M</u>	2:10, 27:2,	mute 5:7	2:10
	-\big \frac{2:10}{27:12}	mystery	notification
ma'am	∠ / • ⊥∠	13:11	26:17
9:13, 9:16,		10:11	
		1	

notified	23:15, 23:16,	paper	picked
26:6	23:20, 24:3,	25:17	26:9
number	25:20, 24.3,	parents	picture
7:19, 9:24	open	8:17, 8:21,	16:18, 17:23,
0	14:20, 22:16,	19:18, 21:2,	18:4
	25:24, 26:2	21:4, 21:7	place
oath	operation	park	18:23
6:25	22:6, 23:12	10:24, 11:12,	plan
object	opinion	11:15, 12:10,	13:23, 18:8
15:22	13:25, 24:14	14:7, 14:23,	planning
obviously	opp	14:25, 16:10,	10:7, 21:20,
23:15	24:15	16:21, 19:11,	24:15
occurred	opportunity	19:22, 19:25,	plat
13:12	24:16	20:9, 20:14,	
office		20:17, 22:2,	12:13, 12:14,
1:1, 26:9	<pre>opposed 19:17</pre>	24:14	12:19, 12:20,
officer		parking	12:24, 13:5,
27:2	<pre>opposes 6:6</pre>	11:20, 13:13,	13:7, 13:20, 13:21, 13:23,
oh		16:6, 19:20,	15:12, 18:8,
11:22, 13:23,	opposition	21:5, 21:10,	18:10
15:13, 18:18,	6:23	21:21	plats
18:22, 18:23	ordinance	part	
okay	13:9, 14:13	16:19	13:3, 25:15 play
5:11, 5:24,	other	particular	-
6:8, 6:20, 7:7,	6:11, 6:16,	16:18	22:19
7:12, 9:3, 9:8,	8:13, 14:25	parties	please
9:19, 12:1,	otherwise	5:5, 27:6, 28:8	5:5, 7:6, 7:13,
12:16, 12:23,	27:7, 28:9	past	24:22
14:19, 16:23,	out	9:18	plenty
17:10, 17:19,	8:19, 8:21,	penalties	8:18
17:24, 18:14,	13:16	7:8	point
18:22, 19:8,	outcome	people	21:21
20:7, 20:13,	27:8, 28:9	5:3	pointing
20:20, 21:14,	overgrowth		17:7
21:22, 23:5,	8:14	<pre>percent 24:23</pre>	posted
23:14, 24:8,	own		26:7
24:11, 24:24,	24:21	perfectly	premises
25:13, 25:22,	owner	20:17 perhaps	22:19
26:14, 26:19	7:18, 14:15,		present
old	14:21	13:14, 15:9	6:21, 8:13
15:11	P	perjury	pretty
oncoming	pad	7:8	19:1
8:22	20:14, 21:5,	personal	problem
one	21:11	19:16	20:8, 20:11,
15:1, 16:19,	page	phone	21:13
20:4, 20:5,	4:2, 19:2,	26:9	proceed
20:19, 21:5	21:16	physical	22:13
only	pages	22:18	proceedings
8:9, 15:16,	1:24	pick	27:3, 27:4,
		10:22, 25:6	
		<u> </u>	I

	Conducted on Dec	,	I
28:4	raised	report	16:25, 17:5,
program	6:12	9:5, 18:25,	17:10, 17:19,
8:24, 9:21,	re-subdivision	19:3, 20:17,	17:24, 18:3,
10:2, 22:8,	12:19	24:15, 24:17,	18:10, 18:14,
22:17, 23:19,	read	24:20	18:18, 18:22,
25:7	11:8, 11:18,	reporter	19:8, 20:8,
programs	12:3	5:11, 6:15,	20:13, 20:20,
8:13	ready	6:18, 27:12	21:1, 21:9,
prohibition	22:25	requesting	21:14, 21:23,
11:20	really	7:20	22:1, 23:5,
property	14:14, 15:6,	requirement	23:9, 23:14,
8:6, 8:11, 9:6,	24:9	10:5, 15:6	24:8, 24:11,
12:13, 13:2,	rear	resemblance	24:19, 24:24,
18:21, 19:3,	11:21, 12:5,	13:1	25:1, 25:5,
21:20, 23:23	12:7, 13:10,	respond	25:12, 25:22,
provide	13:13, 14:4,	10:7	26:14, 26:19
7:14	15:1, 16:11,	response	rockville
public	16:13, 19:12	10:6	3:7, 5:17
2:11, 27:1	reason	review	room
purpose	18:23, 18:24	24:16	8:18, 16:20
7:15	receive	right	rules
pursuant	25 : 25	5:15, 7:7,	13:10
2:10	record	8:15, 15:25,	run
put	5:6, 5:14,	17:12, 17:15,	7:21
9:4, 16:25,	5:25, 6:16, 9:4,	17:21, 18:1,	running
20:24	9:17, 11:6,	18:6, 19:8,	7:22, 7:24
Q	12:15, 12:17,	20:4, 22:3	russian
question	18:3, 19:10,	right-of=way	8:24, 8:25,
11:11, 11:16,	21:3, 25:17,	14:20	9:1, 9:9, 9:20,
11:17, 19:12,	25:24, 26:2,	roadway	9:21, 10:10,
20:1	26:8, 26:20,	8:19, 19:5	10:16, 10:17,
questioning	28:3	robeson	22:5, 22:8,
21:15	recorded	3:10, 5:2,	22:9, 22:21,
questions	6:17, 27:4,	5:11, 5:24, 6:4,	22:22, 22:23,
5:21, 6:25,	28:4	7:6, 7:12, 9:3,	25:7, 25:8,
10:20, 10:21,	recording	9:8, 9:10, 9:14,	26:19
21:24, 25:3	6:14, 28:6	9:17, 10:10,	S
queuing	records	10:13, 10:16,	safe
8:20	13:4	10:21, 11:4,	8:20
quickly	refer	11:10, 11:18,	safely
14:14	25:16	11:22, 12:1,	8:21
R	regulations	12:9, 12:16,	safety
r	13:10, 24:1	12:23, 13:18,	10:22
5:4	related	13:22, 14:10,	said
raise	27:5, 28:7	14:12, 15:13,	10:17, 11:12,
7:6	remotely	15:21, 16:1,	11:19, 14:17,
/ • · ·	26:11	16:3, 16:12,	20:23, 27:4,
	rendered	16:16, 16:23,	
	8:15		

		,	
28:4	shown	20:17, 20:22,	street
same	15:12	24:5	3:6, 5:4, 5:17,
21:16, 23:18	shrubs	speak	6:2, 7:18, 8:7,
say	18:17, 19:5	6:12, 6:13,	8:10, 8:20,
6:8, 13:4,	side	9:1, 9:9, 9:20,	9:18, 14:3,
17:6, 19:10,	11:12, 11:20,	10:17, 22:9,	14:5, 14:11,
21:12	12:5, 12:7,	22:21, 22:22,	19:4
saying	13:10, 13:13,	25:8, 25:13,	streets
9:6, 15:13,	14:4, 15:1,	26:8	13:1, 15:9,
16:8, 20:9	15:23, 16:15,	specific	15:10
says	16:21	5:21, 25:3	students
12:19, 14:19,	signature-b7fzp	speech	8:25, 23:13
16:9, 16:15,	27 : 10	7:2	stump
18:5	signature-mig2k	spoke	18:2
scan	28 : 12	10:16	submit
25:18	silver	spring	12:14, 12:21,
school	5:4, 6:2, 7:19,	5:4, 6:2, 7:19,	25:15, 25:16,
22:25	8:9, 10:4	10:4	26:3
screen	simply	springs	submitted
9:5, 17:23	9 : 5	8:9	17:16
see	since	staff	suite
11:13, 17:17,	7:23, 23:4,	9:5, 10:7,	5:17
17:23, 18:10,	25:16	18:25, 19:2,	summary
18:23, 19:4,	site	20:16, 21:20,	7:14
21:24	7:23, 7:24,	24:15, 24:17,	supplemental
seeing	8:2, 13:23, 18:7	24:20	11:2, 16:19,
9:11, 11:23	sits	staggering	17:1
seem	8:6	21:8	supporting
21:22	six	standing	8:2, 28:6
services	10:13	8:4	supposedly
22:10	size	start	13:7
set	15:18	22:24	sure
9:18	slowly	state	21:12, 21:16
setback	22:24	2:11, 5:5,	surface
16:4	solely	5:13, 5:25,	21:5
setbacks	25:24, 26:10	13:3, 15:22	surprised
15:14	solemnly	statement	12:25
shaped	7:7	7:14, 11:2,	T
8:6	some	11:8	take
shed	6:19, 6:25,	statements	10:13, 24:15
17:7, 17:20,	18:23, 18:24	7:8	taken
18:2	somehow	statute	27:3
sheila	17 : 16	15:25, 16:2	talk
1:25, 28:2,	something	stay	6:11
28:14	14:17, 16:1	9:22	tall
shouldn't	space	stone	9:18
21:8, 21:13	14:20, 14:23,	16:15	taxation
show	19:25, 20:6,	straight	13:4
16:18		19:10	1.0.4

_		ĺ	
teach	till	20:10, 26:4	13:24, 16:4,
22:23	22:16, 26:2	U	16:5, 16:6,
teams	time	ugly	19:13, 19:14,
6:9, 6:19	9:1, 20:19,	25:12	21:2
tell	21:5, 21:7,	under	wanted
9:10, 12:11,	21:11, 23:18,	6:25, 7:7,	9:5, 19:9,
15:15, 15:16,	26:3	11:14, 14:13,	21:15, 23:7,
18:25, 23:11,	times	15:11, 15:22	23:8, 23:10
24:16, 25:14	22:15	understanding	way
ten	tip	11:14, 21:19	8:15, 13:14,
26:1, 26:15	8:11	unintelligible	14:1
terrible	today	11:24	we'll
25:9, 25:11	5:18, 6:23,	unload	6:21
testify	7:3, 13:7, 13:19	8:18	we're
14:6	towards	unloading	6:16, 18:3,
testimony	18:4	19:19, 21:21	20:5, 22:12,
4:4, 6:24,	traffic	19:19, 21:21 until	23:16, 23:17,
24:12, 24:21	8:12, 8:16,		23:19, 24:2,
th	11:2	14:2	25:2
5:3, 6:2, 7:18,	transcribed	use	website
8:7, 8:10, 8:20,	1:25, 28:5	7:19	26:7
9:18, 14:2,	transcriber	usual	welcome
14:11, 19:4,	28:1	7:2	22:14
26:2	transcript	v	went
thank	6:20, 10:17,	vehicle	18:23
6:4, 9:20,	25:25, 26:1,	8:16	whatsoever
10:9, 24:25,	28:3	verbally	20:12
26:18	trees	11:9	whether
themselves	18:17	view	14:7, 16:20,
5:6	triangular	21:21	19:12
therefore	8:7	viewing	whole
22:12	trouble	18:4	7:9, 23:18
thing	9:11, 16:6,	virtually	without
6:16	19:13	1:11, 2:1	6:23, 8:19,
things	true	visualizing	8:22
18:15	28:3	11:5	witness
think	truth	vladimir	6:6, 7:4
13:12, 13:20,	7:9, 7:10	1:5, 3:11, 4:4,	words
15:12, 15:20, 15:21, 15:22,	l ·	5:2, 5:9, 6:1,	6:9
21:17, 25:10,	try 6:10, 6:13,	7:17	work
25:14	6:10, 6:13, 25:8, 25:13	W	5:19, 10:23,
thinking	The state of the s	wall	23:23
12:6	turn		WOW
thought	8:18	8:10, 18:16,	10:12
_	two	18:17, 18:19,	write
14:12, 14:15, 14:22	13:2, 14:7,	18:20, 19:7	26:5
	16:22, 19:21,	want	
through	19:22, 19:25,	12:10, 12:18,	wrong
11:6	20:2, 20:9,		16:7, 18:23

-	1100		10
Υ	1199	27	
yard	12:14	25:23, 26:2	-
11:12, 11:21,	12	28	10:3
12:6, 12:7,	5:3, 7:22,	1:24, 25:23 2nd	
12:8, 13:13,	23:13, 23:18,		
13:14, 14:4,	23:25, 24:2 15	8:7, 15:3, 16:8	
14:6, 15:6,	12:19	3	
15:19, 15:20,	15.8	30	
15:23, 16:7,	15:3	22:16, 26:5	
16:9, 16:11,	16	301	
16:13	5:3, 6:2, 7:18,	3:8	
<pre>yards 13:10, 13:11,</pre>	8:7, 8:10, 8:20,	345	
13:10, 13:11, 13:15	9:18, 14:2,	3:8	
yeah	14:11, 19:4	36	
11:4, 12:9,	17	1:13	
13:23, 13:24,	1:12	4	
16:12, 17:15,	18	40	
20:21, 21:12	22:14	13:16	
year	1890	401	
13:8	12:20, 13:5,	3:6, 5:16	
years	15 : 12	420503	
7:24, 10:13,	19	1:23	
15:17, 15:24,	9:4, 10:1	45	
22:15, 23:1	1930	8:8	
yourself	13:9, 15:7	6	
7:14	1939	6	
Z	13:5, 13:16	22:16	
zone	1940	60	
5:4	12:13, 13:7,	5:4, 12:24	
zoning	15:7	6100	
1:1, 13:9,	2	3:8	
14:12	20	7	
0	15:7	7	
00	2002	22:16	
22:16	7:23	8	
02	2020	80	
7:20	7:23, 23:4	15 : 17	
06	2021	9	
26:20	1:12, 28:15	9	
1	206	1:13	
10	3:6, 5:17 20850	9000	
26:20	3:7, 5:18	5:3, 6:2, 7:18	
100	20910		
24:23	6: 3		
	22		
	7:20, 28:15		
	1120, 20110		
	1		