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Transcript of Hearing

Date: December 18, 2025
Case: Garrett Gateway Partners, LLC (CU 16-11)

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1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

2 MONTGOMERY COUNTY, MARYLAND

3 _____ X

4 |)

5 In Re:)

6 GARRETT GATEWAY PARTNERS, LLC)

⁷ *See* *id.* at 100 (noting that the *“right to sue”* is a *“right to sue in the name of the state”*); *see also* *id.* at 101 (noting that the *“right to sue”* is a *“right to sue in the name of the state”*).

8 | -----Σ

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11 HEARING

12 Conducted Virtually

13 Before Hearing Examiner Lynn Robeson

14 Thursday, December

200 APP.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

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1 Hearing, held remotely.
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12 Pursuant to agreement, before Adam Schuman,
13 Notary Public in and for the Commonwealth of
14 Virginia.
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1 A P P E A R A N C E S
2

3 ON BEHALF OF PLAINTIFF:

4 NANA YAA JOHNSON, ESQUIRE

5 Montgomery County Office of Zoning and

6 Administrative Hearings

7 100 Maryland Avenue, Room 200

8 Rockville, MD 20850

9 (240) 777-6660

10

11 HEARING EXAMINER:

12 LYNN ROBESON HANNAN

13 Montgomery County Office of Zoning and

14 Administrative Hearings County Office Building

15 100 Maryland Ave, Room 200

16 Rockville, MD 20850

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1 A P P E A R A N C E S

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3 ALSO APPEARING:

4 Jony Ospina, Montgomery County Office of Zoning and
5 Administrative Hearings.

6 Josh Kaye, Montgomery County Planning Department
7 Greg Nichols, Montgomery County Department of
8 Permitting Services

9 Linda Kobylski, Montgomery County Department of
10 Permitting Services

11 Nicole Soltyka, Community Member, via Zoom

12 Patti Simone, Community Member, via Zoom

13 Justin Hughes, Community Member, via Zoom

14 Matt Rooney, Community Member, via Zoom

15 Kimberly Rooney, Community Member, via Zoom

16 Kristin Weinecke, Member of Damascus Residents for
17 Responsible Development

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1 P R O C E E D I N G S

2 (Whereupon, the court reporter was duly
3 sworn.)

4 HEARING EXAMINER HANNAN: -- 16-11, a
5 show-cause hearing for failure -- or for zoning
6 violations.

7 Mr. Packard, I see you're here. You're
8 still under oath, as is Mr. Kaye.

9 The first order that I have to do in
10 this case is we did a site visit on December 6th,
11 and I am required to enter my findings in -- or my
12 observations into the record. And if anyone
13 disagrees with what -- the accuracy of what I saw,
14 then you have the right to challenge it or add to
15 it or anything like that.

16 So these were my observations: We
17 visited the site on December 5th, 2025. It was
18 snowing with a light dusting with temps in the 20s
19 to 30s.

20 I observed a private road that had been
21 completed, a raised garden at approximately midway
22 along the longest portion of the private road,

1 which currently Ts up with the perpendicular stick
2 of townhomes. The perpendicular portion ends in a
3 curb just before a -- it appears to be a graded
4 right of way to the north. And if I have my
5 directions wrong, let me know.

6 There are piles of pavers stacked behind
7 the raised garden. Gravel has been laid for a
8 walkway, but the pavers have not been installed.
9 A path leads to an amenity area that will have a
10 play area. The path is not paved. The play area
11 is to be bordered by a paver pathway with a cement
12 curb. Wooden curb forms have been installed
13 incorrectly, preventing pouring the cement until
14 the work has been corrected.

15 The drive aisle from the public
16 right-of-way appears to be graded, but unfinished.
17 There is a sewer outlet installed in the center
18 that will remain daylighted once paving is
19 installed.

20 Abutting the property, too, is a very
21 large mound approximately 30 feet high -- that's
22 an estimate -- of excavated dirt from the sight.

1 It is unstabilized, and nothing precludes
2 individuals or children from climbing the mound.

3 So I'm going to open -- now, this is
4 what I'm going to do, also: I'm going to state
5 who is here, because I'm going to put everybody
6 under oath to make sure we've covered all our
7 legal bases.

8 I have, from the community, Justin
9 Hughes, Nichole Soltyka, Patti Simone, and Matt
10 Rooney. And of course, Mr. Packard, Mr. Kaye, and
11 Mr. Nichols were previously sworn.

12 So would you kindly -- the people I just
13 called from the community, would you kindly turn
14 your cameras on? Okay. Please raise your right
15 hand and unmute -- and unmute. Thank you. Please
16 raise your right hand. I see right hands raised.

17 (The oath was administered.)

18 COMMUNITY RESIDENTS: I do. Yes.

19 HEARING EXAMINER HANNAN: And you will
20 remain under oath for the remainder of these
21 hearings.

22 Oh. And Kristin Weinecke. I don't know

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1 who that is. Is she --

2 Ms. Weinecki, can you identify yourself?

3 You have to unmute.

4 MS. WEINECKE: Hi. Sorry. Is this a
5 public hearing?

6 HEARING EXAMINER HANNAN: Yes.

7 MS. WEINECKE: Okay. My name is Kristin
8 Weinecke. I'm joining on behalf of Damascus
9 Residents for Responsible Development. We're just
10 tracking Mr. Packard's other professional
11 development matters at the moment. Mr. Packard
12 has --

13 HEARING EXAMINER HANNAN: Okay. Well
14 before -- no, no, no. I can't -- you have to be
15 under oath. So let me do this: Please state your
16 name -- or, no -- raise your right hand. And I
17 think Ms. Rooney just joined.

18 Please turn your camera on, Ms. Rooney.

19 You're mute, Ms. Rooney. There.

20 Please --

21 Both of you, please, Ms. Weinecke and
22 Ms. Rooney, please raise your right hand.

1 Do you solemnly --

2 MR. KAYE: I think there's a Jony
3 Ospina, also, that is on.

4 MR. OSPINA: I'm from OZAH staff. I'm
5 Jony.

6 HEARING EXAMINER HANNAN: Oh. Oh, no;
7 he doesn't get sworn.

8 MR. KAYE: Oh. I'm sorry.

9 HEARING EXAMINER HANNAN: He's not
10 giving testimony. But keep me on my toes; that's
11 fine.

12 Okay, Ms. Weinecke and Ms. Rooney.

13 (The oath was administered.)

14 MS. ROONEY: I do.

15 MS. WEINECKE: Yes. But I have no
16 statements to make.

17 HEARING EXAMINER HANNAN: That's -- it's
18 okay. You never know.

19 Now, please -- Ms. Weinecke, please
20 state your name and business address and email for
21 the record.

22 MS. WEINECKE: My name is Kristin

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1 Weinecke. My business address is 26014 Mt. Vernon
2 at Damascus, Maryland 20872.

3 HEARING EXAMINER HANNAN: And your
4 email, please?

5 MS. WEINECKE: K-I-E-L DOT K-R-I-S-T-I-N
6 at Gmail.com.

7 HEARING EXAMINER HANNAN: K-R-E-L -- can
8 you do the rest again?

9 MS. WEINECKE: Sorry. Yes. Email is
10 K-I-E-L DOT K-R-I-S-T-I-N at Gmail.com

11 HEARING EXAMINER HANNAN: Thank you very
12 much.

13 Okay. Now that we've gotten through
14 some of the formalities -- I appreciate your
15 patience -- does anyone have comments on the
16 statement of my observations that I just read into
17 the record?

18 MS. SIMONE: This is Patti Simone. Good
19 morning. I'm wondering if there are going to be
20 fences around the three ponds when everything's
21 complete.

22 HEARING EXAMINER HANNAN: What I'd like

1 to do now is I'd like Mr. Packard -- this is just
2 any questions on my -- the accuracy of my
3 observations.

4 Okay. Hearing none, what I'd like to do
5 is have Mr. Packard update us. And then he did
6 submit an email yesterday, and I'd like him to
7 enter it into the record here --

8 -- if, Mr. Packard, you could do so. I
9 understand that nothing has been done on the site.

10 MR. PACKARD: Yes. It's been some
11 freezing weather, and workers are not available to
12 come out, you know, as of -- up until now.

13 HEARING EXAMINER HANNAN: Well, you said
14 they refused to work.

15 MR. PACKARD: Well, they didn't want to
16 come out and work in subfreezing weather. Plus,
17 we couldn't pour any concrete. It's just very
18 difficult to work in subfreezing weather.

19 And it looks like the next two weeks is
20 moderating temperatures, so we're resetting for
21 next week to, you know, start with the pavers and,
22 you know, trying to get some concrete poured, you

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1 know, in and around Christmas. So take advantage
2 of the weather while it's good.

3 HEARING EXAMINER HANNAN: Okay. Any
4 questions of Mr. Packard?

5 MR. PACKARD: And I have one other thing
6 I want to add: I've had the electrician out a
7 couple times this week, and he checked the wiring
8 on the lights and -- at the breaker box and has
9 found that there's no issues at the breaker box.

10 And tomorrow, he's going to start
11 pulling the heads off the lights to find where the
12 short -- where the -- there's a wire touching some
13 metal in one of the lights, and the electrician is
14 going to be out there all day tomorrow trying to
15 rectify that until it's finished and on and
16 permanently on.

17 HEARING EXAMINER HANNAN: Okay. Any
18 questions of Mr. Packard?

19 MS. SOLTYKA: Yeah. Nicole Soltyka.
20 Just wondering what the status is of the finances,
21 because that seems to be the new issue now. You
22 know, we were told last year there was enough

1 money to complete everything. Here we are, a year
2 later, and we've not made a lot of progress. So
3 there seems to be some kind of funding issue.
4 Just wanting to press on Dean to get some answers
5 on what that -- what that status is.

6 MR. PACKARD: Well, Mike Hines is -- you
7 know, he's leveraging his company for money to
8 keep things going. And we have a draw that's in
9 for --

10 HEARING EXAMINER HANNAN: Can you
11 explain what a draw is?

12 MR. PACKARD: It is a -- there's a loan
13 on the property next door, and it's -- and it's an
14 additional -- it's an additional cash flow of
15 money to go into the project to -- to, you know,
16 to keep the construction moving forward.

17 So between the two things with Mike
18 Hines and his company and the additional funding
19 that's already been approved -- it just has to be
20 released by the investors -- that will carry us
21 through to finish.

22 HEARING EXAMINER HANNAN: To what? I'm

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1 sorry.

2 MR. PACKARD: That'll carry us through
3 until we get finished. And that's --

4 HEARING EXAMINER HANNAN: What's the
5 estimated timeline for finishing?

6 MR. PACKARD: Estimated timeline is
7 still in January, and, you know, -- and that's
8 weather dependent. So if we have good weather for
9 the next month, we should be able to be -- have
10 the entrance in and be finishing up the last
11 things.

12 So I'm -- you know, I'm, you know, very
13 frustrated with how long this has taken, and I
14 echo everybody's sentiment. But, you know, we got
15 handed this, you know, from ills of the past, you
16 know, from our previous builder and everything
17 else. And not to put the blame on them, but, you
18 know, I am responsible --

19 HEARING EXAMINER HANNAN: I wouldn't put
20 the blame on them.

21 MR. PACKARD: I'm responsible for making
22 sure that this is concluded.

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1 HEARING EXAMINER HANNAN: Okay. So you
2 have an estimated time frame.

3 Any other questions of Mr. Packard?

4 MR. PACKARD: And to -- if I can answer
5 Patti's question, since she asked it.

6 HEARING EXAMINER HANNAN: I'm sorry.
7 About the benches?

8 MR. PACKARD: The fences. There are no
9 fences required or planned for the -- for the
10 ponds. I can't think of a reason --

11 HEARING EXAMINER HANNAN: For what? For
12 what? For the pond?

13 MR. PACKARD: For the stormwater
14 management ponds, where you saw the plantings on
15 the three areas.

16 HEARING EXAMINER HANNAN: Yes, yes.

17 MR. PACKARD: They are -- the
18 County -- I can't say that they don't want
19 fencing, but it's not part
20 of -- micro-bioretention facilities are not
21 supposed to be fenced.

22 MS. SIMONE: Kind of dangerous.

1 HEARING EXAMINER HANNAN: Well, I have a
2 question about the pile of dirt in the back. I
3 mean, one thing that can do -- that's -- I don't
4 know what your state permit says, but I can't
5 believe it says that you can leave it unstabilized
6 and just sitting there. Don't you have a
7 requirement to remove it?

8 MR. PACKARD: There's no timeline line
9 on that. And it is supposed to be stabilized.
10 And grass was growing on all of it until we
11 started moving dirt up onto it. And it was
12 seeded.

13 And, you know, if we need to put up a
14 fence, you know, for safety reasons, if we're not
15 going to be moving any more dirt up there, you
16 know, I can -- Mike and I can do that, make sure
17 it's --

18 HEARING EXAMINER HANNAN: Well, another
19 question is they're looking at a huge mound of
20 dirt.

21 MR. PACKARD: Well, it's -- you know,
22 with the -- with the future work that we're trying

1 to get to, you know, --

2 HEARING EXAMINER HANNAN: I mean, I can
3 revise the conditional use, because it's a visual
4 impact, to require you to remove it.

5 MR. PACKARD: Well, it's supposed to be
6 moved, you know, once we start the next round of
7 plans and construction. It's about a -- it's a
8 probably a hundred-thousand-dollar effort to move
9 it, so we're trying to focus on getting the work
10 done on the site first and moving to the next
11 group homes and then move the dirt as a part of
12 that construction.

13 MS. SOLTYKA: It's a huge visual impact.
14 And, you know, you call -- which has a -- which
15 has a mental and physical and financial impact on
16 all of us, and it's been sitting there for years.

17 And given how long it's given to
18 complete our neighborhood, I can't imagine that
19 it's going to be gone anytime soon. It's not
20 trivial that there's a mountain of dirt in front
21 of our houses.

22 HEARING EXAMINER HANNAN: Mr. Packard,

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1 can you submit your -- what is it -- MDE permit
2 for that -- for the use --

3 MR. PACKARD: Yes. I can put that in
4 the record, yes.

5 HEARING EXAMINER HANNAN: Thank you.

6 Now, I've been canoodling this case
7 and -- does anyone else have any questions of
8 Mr. Packard?

9 Hearing none, you know, there are some
10 things that we can do under the zoning ordinance.
11 But I used to -- you have other remedies other
12 than the enforcement of the -- I'm talking to the
13 citizens. There is an implied warranty for -- I
14 have a background with HOA cases. But there's an
15 implied warranty for a common area for this under
16 the Maryland Homeowners Association Act.

17 I'm not your personal attorney, so I
18 can't give you legal advice. But my concern is
19 that there is a timeline on that warranty. And
20 while we're going through this process slowly, I'm
21 just letting you know that -- you know, I don't
22 want you to miss the timeline.

1 MR. PACKARD: I'm -- I'm aware of my --

2 HEARING EXAMINER HANNAN: And it's

3 11B-110 of the Maryland Homeowners Association
4 Act.

5 Mr. Packard, I'm not trying to -- I'm
6 just worried because this has -- this has taken a
7 long time.

8 And I don't doubt your, at this point,
9 your commitment to getting it done, but the focus
10 has been -- my remedies are to modify or rescind
11 the conditional use. And I can modify it.

12 One thing I was thinking -- and you may
13 also want to contact the Montgomery County Office
14 of Consumer Protection. I'm talking to the
15 citizens now.

16 But, you know, the other thing I was
17 considering is modifying the conditional use to
18 have additional bonding. And I understand your
19 money woes, but this is -- this is a snail's case.

20 MR. PACKARD: I understand.

21 HEARING EXAMINER HANNAN: So I'm just --
22 I don't -- I'm not the citizens' personal

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1 attorney, but I think it fair to advise them that
2 there are other options other than this zoning
3 case.

4 MR. PACKARD: Oh. I'm still committed
5 to finishing this, because, you know, it's -- you
6 know, it wasn't supposed to be on me, but I signed
7 all the paperwork, so I understand that it's on
8 me.

9 HEARING EXAMINER HANNAN: It is supposed
10 to be on you.

11 MR. PACKARD: Oh. Yes. I signed all
12 the paperwork.

13 HEARING EXAMINER HANNAN: So don't --
14 don't say that.

15 MR. PACKARD: Oh. Okay.

16 HEARING EXAMINER HANNAN: I mean, your
17 business arranging is one thing, but the
18 conditional use is separate.

19 MR. PACKARD: I understand.

20 HEARING EXAMINER HANNAN: So I
21 understand. You know, whatever happened
22 business-wise, this is where we are.

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1 MR. PACKARD: Yes.

2 HEARING EXAMINER HANNAN: And I
3 just -- maybe I'm not as patient as Katie
4 (phonetic). But anyway, I appreciated -- I look
5 forward -- since you say it's going to be
6 two -- you said, I think, that it's going to be
7 two weeks before you can get anything done on the
8 site?

9 MR. PACKARD: There should be work being
10 done within the next two weeks, yes. And --

11 HEARING EXAMINER HANNAN: Well, I like
12 your position on modifying the conditional use.
13 You don't have to do it now.

14 MR. PACKARD: Okay.

15 HEARING EXAMINER HANNAN: But I like
16 your position on modifying with conditional use to
17 include an additional bonding element.

18 MR. PACKARD: Okay. Well, let me
19 discuss it with my -- my partner and see
20 what -- and respond to you.

21 HEARING EXAMINER HANNAN: Well, based on
22 my comments, does anyone have any further

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1 comments? And I'm going to give Mr. Packard --

2 Mr. Nichols or Mr. Kaye, do you have any
3 comments?

4 MR. KAYE: No comments at this time.

5 MR. NICHOLS: Not -- other than to
6 confirm what Dean said. I went there yesterday
7 and took a couple of photos for the record. But
8 it's no different than when we were there a couple
9 weeks ago.

10 HEARING EXAMINER HANNAN: Would you
11 kindly submit your photos into the record?

12 MR. NICHOLS: Sure.

13 HEARING EXAMINER HANNAN: Any other
14 comments?

15 Mr. Packard, any follow-up?

16 MR. PACKARD: No. Just the urge to get
17 it done.

18 HEARING EXAMINER HANNAN: I think what
19 we will do is, I am not required -- since we're on
20 the record, I can set a date without sending
21 another notice, okay? So if you -- the new
22 date -- and we can set a date right here without

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1 sending a show cause order. The conditions still
2 apply, all that Kate -- that Ms. Byrne put on.

3 So I would like to set a date. Should
4 we give you two or three weeks instead of meeting,
5 you know, to give you some time to have
6 additional -- you know, to make some changes?

7 MR. PACKARD: Three weeks would be
8 helpful to work around the weather and everything
9 else.

10 HEARING EXAMINER HANNAN: Does anyone
11 have an issue with three weeks? Hearing none, I'm
12 proposing -- now, you will not get a separate show
13 case notice because this is on the record, and
14 under our rules, we don't have to send notice. It
15 will be -- the date will be posted on the website.

16 So I propose January 9th at 9:30. Does
17 anyone have issues with that? Okay. Hearing
18 none, I'm going to schedule this for January 9th
19 at 9:30 a.m., and we will continue to do it
20 remotely.

21 Okay, Mr. Packard, thank you for your
22 responsiveness during this process.

1 And thank you, all citizens, for your
2 involvement. And we will reconvene this hearing
3 on January 9th at 9:30.

4 MR. PACKARD: Thank you.

5 HEARING EXAMINER HANNAN: Thank you.

6 MR. ROONEY: Excuse me. I had my hand
7 up. I wanted to wait until the end.

8 HEARING EXAMINER HANNAN: Oh. Oh. I
9 didn't see. I'm sorry. I didn't see the hand.

10 MR. ROONEY: That's okay. I appreciate
11 your -- the train of thought for -- and
12 suggestions for other remedies. The Office of
13 Consumer Protection actually has already been
14 involved with several of us and more or less
15 struck out, because all they can do is issue fines
16 and citations. And if you're willing to eat those
17 fines and citations, that sort of limit -- that's
18 the limit of their power.

19 What I wanted to say, though, is I
20 appreciate your creative and outside-the-box
21 thinking as far as increasing bonding, because
22 assuming on January 9th that we don't have a

1 complete watershed moment and everything is
2 different than it has been for the last several
3 years, I mean, I would like to request that the
4 County start, kind of, stepping up.

5 I mean, the fact that this site plan was
6 approved with a conditional plan and with lower
7 bonding requirements rather than a full site plan,
8 the County was in control of that process, right?

9 Subsequent to that, Dean -- which I
10 don't blame him for; I don't blame any business
11 owner for trying to limit their bonding -- but
12 applied for and was granted by the County a
13 reduction in bonding even from -- even from the
14 starting point of the lower bonding with the
15 preliminary site plan. So the fact that there's
16 not enough bonding in place right now, that was a
17 process that the County completely controlled.

18 And I get that there was a lot of
19 political -- you know, everyone was excited and
20 they wanted to see this done and all the things.
21 I mean, I can understand the logic at the time.
22 But several years on, I mean, we need to get this

1 done one way or another. And Dean, so far, isn't
2 doing that.

3 And it is tough for us to hear that the
4 rationale for why the County hasn't stepped in yet
5 is that there's not enough bonding when the County
6 itself sets the bonding requirements.

7 And I don't know if the salary is
8 involved alone with all these calls with all the
9 County representatives that have been involved.
10 It would probably have been cheaper just to pay
11 for it at this point than have everybody be
12 constantly on these calls every two weeks for
13 years on end.

14 HEARING EXAMINER HANNAN: Well, first of
15 all, the County is stepping up through this
16 process. This process, as I said, has limited
17 remedies. I do suggest you check
18 out -- because -- and were you here when I talked
19 about the Maryland Homeowners Association Act?

20 MR. ROONEY: Yes. But Dean is -- Dean
21 is still the HOA. We aren't the HOA. We
22 have -- we aren't --

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1 HEARING EXAMINER HANNAN: But you have
2 to call the AG's office. They're responsible. It
3 goes back to the developer.

4 MR. ROONEY: Right. I --

5 HEARING EXAMINER HANNAN: Okay. I'm not
6 going say -- I'm not going to say anything else,
7 because I can't give you legal advice. I'm giving
8 you options.

9 MR. ROONEY: Right. Correct. But I'd
10 like to focus the conversation on the County,
11 though, because we do have Count reps here. And I
12 understand the County not wanting to wade into
13 this. But there are bonds in place. We've been
14 talking about how long it takes to call them.
15 Well, it doesn't take them any longer than how
16 long this has been taking. Let's go ahead and do
17 it. Apply pressure.

18 HEARING EXAMINER HANNAN: Mr. Nichols,
19 do you think Linda Kobylski -- I'm sorry; I think
20 I got that wrong. Could she show --

21 MR. NICHOLS: No, you didn't get that
22 wrong. You didn't get the --

1 HEARING EXAMINER HANNAN: Huh?

2 MR. NICHOLS: You didn't get that wrong.

3 You didn't get that wrong.

4 HEARING EXAMINER HANNAN: Can she come
5 to the next hearing so we can get an idea of where
6 the County is on the bonding?

7 MR. NICHOLS: I'm calling her now. I
8 mean, I'll -- If you don't mind -- if you don't
9 mind, I'll try not to blindside her if she gets
10 on.

11 HEARING EXAMINER HANNAN: Well, she
12 can -- I'll tell you what: I think it may be
13 more -- I don't want to blindside her.

14 MR. NICHOLS: No, she's -- she's good on
15 her feet. She's good on her feet. And she's
16 very -- and she's very aware of this issue, and I
17 think she was under the impression that progress
18 was being made.

19 But again, I will clarify for Mr. Rooney
20 that the County's bonds are for the County right
21 of way and its stormwater management. That's the
22 only bonds we have, from the County's perspective.

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1 Josh Kaye has a small amount for all the
2 private -- she's not coming in -- all the private
3 issues.

4 And as far as the County's concerned,
5 they're very close to being finished.

6 So -- Hey, Linda, you just joined us.

7 MR. ROONEY: Greg --

8 MR. NICHOLS: Linda, I'm -- sorry,
9 Linda.

10 MR. ROONEY: Greg, before you move on,
11 though, the reason why you have limited bonds is
12 because the County chose to not do a full site
13 plan, to approve this off a preliminary plan.

14 MR. NICHOLS: No, sir; no, sir; no, sir.
15 I'm sorry; I'm going to have to disabuse you of
16 that notion. The hearing examiner actually
17 decided that, sir. That --

18 MR. ROONEY: And who does the County --

19 MR. NICHOLS: That's not --

20 MR. ROONEY: And who does the hearing --

21 MR. NICHOLS: That's not for us to
22 debate.

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1 MR. ROONEY: Who does the hearing
2 examiner work for?

3 MR. NICHOLS: Lynn?

4 HEARING EXAMINER HANNAN: Okay. First
5 of all, at this point, I am really hearing your
6 frustration, Mr. Rooney.

7 MR. ROONEY: Okay.

8 HEARING EXAMINER HANNAN: I don't want
9 to blindside (inaudible) side you're on --

10 MR. NICHOLS: No, she's --

11 HEARING EXAMINER HANNAN: -- hopeful. I
12 understand. I don't think that the hearing
13 examiner had anything to do with the bonding,
14 frankly. The hearing examiner was Marty Grossman,
15 and he is detailed to the, T, to the criticism of
16 many in the development community. And the
17 hearing examiner doesn't put the bonds on.
18 Now, --

19 MR. ROONEY: The hearing examiner made
20 the determination to not require a full site plan,
21 though, which impacts the --

22 HEARING EXAMINER HANNAN: No, --

1 MR. ROONEY: -- lack of bonding
2 requirements.

3 HEARING EXAMINER HANNAN: -- that's not
4 true.

5 MR. ROONEY: Greg has said that numerous
6 times.

7 HEARING EXAMINER HANNAN: Who's Greg?

8 MR. ROONEY: Greg Nichols has said we
9 would have more bonds if there was a full site
10 plan. That didn't happen because this was allowed
11 to proceed with just a preliminary plan.

12 HEARING EXAMINER HANNAN: No, that
13 is -- that is so untrue. Now, chill out. The
14 fact is that a site plan -- they revised the 2014
15 zoning ordinance to eliminate site plans for
16 spe -- what they did is there was a lot of push
17 and pull over being ping-ponged. Every time you
18 had a site plan and a special exception, you could
19 get ping-ponged back and forth between the Board
20 of Appeals, who approves special exceptions, and
21 Planning, which approved site plans.

22 So in 2014, they eliminated the

1 requirement that there be a site plan for special
2 exceptions. And they increased the details of the
3 special exception so the special exception is the
4 site plan. So it -- this has nothing to do with
5 requiring a site plan.

6 Now, I don't know the who struck [sic]
7 John of bonding, but it was not OZAH. I mean,
8 we've got to get into -- I don't want to have to
9 get into this backtalk or this -- the bottom line
10 is the site plan wasn't required.

11 Now, why -- I don't know if -- you know,
12 I don't know why the bonds weren't up to keel. I
13 really don't. At this point, I want to solve this
14 case, all right? We've got to solve it.

15 So right now, does anyone have any
16 comments on what I have to offer you?

17 Mr. Packard, do you have any comments
18 for Mr. Rooney's --

19 MR. PACKARD: Between the County and the
20 Planning Commission, we have -- there's
21 approximately \$180,000 worth of bonds that are,
22 you know, in force and outstanding. The Planning

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1 Commission bond is \$92,000.

2 We are really close as, you know,
3 echoing Greg Nichols' comment at our last meeting,
4 really close to a break-even number as far as
5 what's bonded and what's getting to finish. And
6 we're, you know, just committed to finishing
7 everything and keeping it going.

8 HEARING EXAMINER HANNAN: Anyone else
9 have comments on Mr. Rooney's statements?

10 MS. KOBYLSKI: Lynn, it's Linda
11 Kobylski. Hi. I don't think we've met.

12 HEARING EXAMINER HANNAN: Why don't we
13 start talking? We're on the record.

14 MS. KOBYLSKI: That's fine.

15 HEARING EXAMINER HANNAN: So I have to
16 ask you to raise your right hand.

17 (The oath was administered.)

18 HEARING EXAMINER HANNAN: Please state
19 your name, your position, and your business
20 address for the record.

21 MS. KOBYLSKI: My name is Linda
22 Kobylski. I am the division chief for land

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1 development for the Department of Permitting
2 Services for Montgomery County. The business
3 address is 2425 Reedie Drive, 7th Floor, Wheaton,
4 Maryland 20902.

5 HEARING EXAMINER HANNAN: Thank you.

6 MS. KOBYLSKI: You're welcome.

7 HEARING EXAMINER HANNAN: I really
8 am -- and Greg -- well, both of you, thank you so
9 much for reaching out to Linda and bringing her in
10 at the 11th hour. I really appreciate it of both
11 of you. Now, --

12 MS. KOBYLSKI: No problem. I would like
13 to say something very quickly, because I actually
14 have a meeting at 10 o'clock who has come in
15 person. And he is going to get here at any
16 moment, and I'm going to have to go.

17 I believe Greg has already made a
18 statement on behalf of the County's bonding, and
19 that would be for public right of way and
20 stormwater management.

21 My staff have told me repeatedly in
22 recent times that most of the work -- a lot of the

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1 work that we require to get done is being done.
2 There are some things we can't do right now, like
3 paving Garrett Road. It's too cold. That will
4 have to wait until the spring or until warmer
5 weather comes, which might be today. It's going
6 to be in the 50s today.

7 HEARING EXAMINER HANNAN: Well,
8 Mr. Packard just told me he'd be finished by
9 January.

10 MS. KOBYLSKI: Well, I don't know how
11 that's possible, Dean, when you have to pave.

12 But either way --

13 MR. PACKARD: I'm -- hopefully -- let me
14 go on the record and say let me rethink that since
15 it's already January now. So, you know,
16 realistically, you know, it's going to go into
17 February.

18 HEARING EXAMINER HANNAN: Yeah. But is
19 that realistic, Ms. Kobylski?

20 MS. KOBYLSKI: It's -- Dean, you know
21 this better than I do: You cannot pave in cold
22 weather.

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1 MR. PACKARD: Yeah.

2 MS. KOBYLSKI: So it probably -- there
3 may be some days where you can get it in. I don't
4 know. But it's highly unlikely. We're going into
5 winter months now. We're already in it. We've
6 had some snow already.

7 But the bottom line is, we don't want to
8 pave it if it's not -- we don't want it to fail.

9 MR. PACKARD: Right.

10 MS. KOBYLSKI: And I do believe you
11 might still have some street trees for us that you
12 need to put in and maybe a couple of streetlights.
13 But I can't be certain of that without my
14 information sitting in front of me. But the last
15 I was told, I don't think those were done for the
16 County.

17 The storm water management, I believe,
18 is in pretty good shape. I don't know that we've
19 received final as-builts or approved as-builts,
20 but right now, that team is telling me there's no
21 work going on there, either. They're -- probably
22 has to do some plantings -- again, in the

1 spring -- for the storm water management.

2 But honestly, my understanding about all
3 of this, most of the work that was outstanding at
4 the beginning of this process was the internal
5 stuff, the private stuff that was part of the
6 preliminary plan.

7 So I, at this point, am not nearly as
8 concerned as I was at the beginning about pulling
9 bonds. I would like for Mr. Packard to get that
10 work done without pulling bonds and starting that
11 process.

12 But having said that --

13 HEARING EXAMINER HANNAN: Well --

14 MS. KOBYLSKI: Having said that, I have
15 been in touch with the bonding company to let them
16 know when and if we do need to pull it. I've
17 asked that they go ahead and prepare and start
18 looking for quotes and things like that from
19 contractors, because that's how the process works.

20 They will first see if they can find a
21 contractor to do the work. And if not, they will
22 give the County a check, and we would have our

1 Department of Transportation go in and finish it.
2 But I don't think, at this point, that's going to
3 be necessary. So hopefully that helps clear up on
4 the County side of it.

5 HEARING EXAMINER HANNAN: Well, I have a
6 lot of questions, but I know you have to go. So
7 we have scheduled -- and they're not allowed
8 cross -- any questions of her -- what she just
9 said at the next hearing if --

10 Ms. Kobylski, are you available on
11 January 9th at 9:30 remotely?

12 MS. KOBYLSKI: I am.

13 HEARING EXAMINER HANNAN: Okay. Well, I
14 truly appreciate your showing up. Can you --
15 would you please come to that hearing, because
16 I -- I don't have a -- I have some questions.

17 MS. KOBYLSKI: No problem. No problem.

18 HEARING EXAMINER HANNAN: Thank you very
19 kindly.

20 Now, I really -- I understand,
21 Mr. Rooney, about the County and whatever
22 happened. But really, I'd like to just get this

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1 case solved as expeditiously as possible.

2 Okay. Anything -- anything else? Okay.

3 We are going to continue the --

4 Oh. And, Ms. Kobyliski -- Kobyliski --
5 I'm sorry.

6 MS. KOBYLSKI: Kobyliski. That's okay.
7 Kobyliski.

8 HEARING EXAMINER HANNAN: I had a
9 thought -- I can revise the conditional use, and I
10 had a thought of adding additional bonding
11 requirements to cover what wasn't done before. So
12 just think about that. And with that, I am going
13 to continue this hearing to January 9th at
14 9:30 a.m., remotely.

15 Thank you all for your participation,
16 and I really do -- from the County, I do
17 appreciate it, and I know you're trying.

18 MS. KOBYLSKI: Thank you.

19 HEARING EXAMINER HANNAN: So bye.

20 MR. NICHOLS: Happy holidays.

21 (Off the record at 10:11 a.m.)

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2 I, Adam Schuman, the officer

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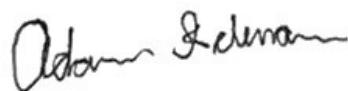
13 outcome.

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15 Notary Registration No.: 7929796

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2 I, Deborah S. Anderson, do hereby certify
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7 2025, in the above-entitled matter; and that I am
8 neither counsel for, related to, nor employed by
9 any of the parties to this case and have no
10 interest, financial or otherwise, in its outcome.

11

12

13 *Deborah Anderson*

14

15 Deborah S. Anderson, CET-998

16 January 2, 2026

17

18

19

20

21

22

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