



Transcript of Hearing - Day 3

Date: January 15, 2026

Case: Notley Assemblage, LLC (H-159)

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Transcript of Hearing - Day 3
 Conducted on January 15, 2026

<p style="text-align: center;">1</p> <p>1 BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND</p> <p>2 Office of Zoning and Administrative Hearings</p> <p>3 100 Maryland Avenue, Suite 200</p> <p>4 Rockville, Maryland 20850</p> <p>5</p> <p>6 IN THE MATTER OF:)</p> <p>7 NOTLEY ASSEMBLAGE LLC,)</p> <p>8 Applicant.) Zoning Application No. H-159</p> <p>9 -----)</p> <p>10</p> <p>11</p> <p>12 Day 3</p> <p>13 HEARING</p> <p>14 Rockville, Maryland</p> <p>15 Thursday, January 15, 2026</p> <p>16 9:35 a.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No.: 614237</p> <p>24 Pages: 1 - 291</p> <p>25 Transcribed by: Jerome E. Harris, Stenographer.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 ON BEHALF OF THE APPLICANT:</p> <p>2 ELIZABETH C. ROGERS, ESQUIRE</p> <p>3 ERIN E. GIRARD, ESQUIRE</p> <p>4 LERCH, EARLY & BREWER</p> <p>5 7600 Wisconsin Avenue, Suite 700</p> <p>6 Bethesda, Maryland 20814</p> <p>7 (301) 841-3845</p> <p>8</p> <p>9</p> <p>10 ON BEHALF OF THE KYLE SMIDDIE and GREATER COLESVILLE</p> <p>11 CITIZENS ASSOCIATION:</p> <p>12 MICHELE M. ROSENFELD, ESQUIRE</p> <p>13 THE LAW OFFICE OF MICHELE ROSENFELD LLC</p> <p>14 1 Research Court, Suite 450</p> <p>15 Rockville, Maryland 20850</p> <p>16 (301) 204-0913</p> <p>17</p> <p>18 JONY ALEXANDER GUISAO-OSPINA</p> <p>19 MONTGOMERY COUNTY OFFICE OF ZONING AND</p> <p>20 ADMINISTRATIVE HEARINGS</p> <p>21 100 Maryland Avenue</p> <p>22 County Office Building, Room 200</p> <p>23 Rockville, Maryland 20850</p> <p>24 (240) 777-6660</p> <p>25</p>																																																
<p style="text-align: center;">2</p> <p>1 Hearing, before HEARING EXAMINER KHANDIKILE</p> <p>2 MVUNGA SOKONI, held at the offices of:</p> <p>3</p> <p>4</p> <p>5</p> <p>6 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>7 100 Maryland Avenue</p> <p>8 Suite 200</p> <p>9 Rockville, Maryland 20850</p> <p>10 (240) 777-7900</p> <p>11</p> <p>12</p> <p>13</p> <p>14 Pursuant to notice, before Austin Costello, AAERT</p> <p>15 CER, Notary Public in and for the State of Maryland.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">2 SPEAKERS</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr><td>3 James Touhey</td><td style="text-align: right;">14</td></tr> <tr><td>4 Tony Deboeck</td><td style="text-align: right;">27</td></tr> <tr><td>5 Destiny Kibalama</td><td style="text-align: right;">55</td></tr> <tr><td>6 Larry Checco</td><td style="text-align: right;">68</td></tr> <tr><td>7 Ayana Machen</td><td style="text-align: right;">71</td></tr> <tr><td>8 Regina Ottaviani</td><td style="text-align: right;">78</td></tr> <tr><td>9 Terry Sitz</td><td style="text-align: right;">87</td></tr> <tr><td>10 Sara Watson</td><td style="text-align: right;">102</td></tr> <tr><td>11 Greg Golden</td><td style="text-align: right;">105</td></tr> <tr><td>12 Austin Holloway-Jones</td><td style="text-align: right;">119</td></tr> <tr><td>13 Paula Lincoln</td><td style="text-align: right;">125</td></tr> <tr><td>14 Reena Shah</td><td style="text-align: right;">129</td></tr> <tr><td>15 Candace Anderson</td><td style="text-align: right;">134</td></tr> <tr><td>16 Bob Eller</td><td style="text-align: right;">173</td></tr> <tr><td>17 Patrick Corey</td><td style="text-align: right;">186</td></tr> <tr><td>18 Craig Grunewald</td><td style="text-align: right;">194</td></tr> <tr><td>19 Debra Gonski</td><td style="text-align: right;">197</td></tr> <tr><td>20 Ed French</td><td style="text-align: right;">210</td></tr> <tr><td>21 William Kassman</td><td style="text-align: right;">226</td></tr> <tr><td>22 Michele Mead</td><td style="text-align: right;">234</td></tr> <tr><td>23 Susan Cornell</td><td style="text-align: right;">236</td></tr> <tr><td>24 Doug Phan</td><td style="text-align: right;">242</td></tr> <tr><td>25 Laura Boerum</td><td style="text-align: right;">248</td></tr> </tbody> </table>	2 SPEAKERS	PAGE	3 James Touhey	14	4 Tony Deboeck	27	5 Destiny Kibalama	55	6 Larry Checco	68	7 Ayana Machen	71	8 Regina Ottaviani	78	9 Terry Sitz	87	10 Sara Watson	102	11 Greg Golden	105	12 Austin Holloway-Jones	119	13 Paula Lincoln	125	14 Reena Shah	129	15 Candace Anderson	134	16 Bob Eller	173	17 Patrick Corey	186	18 Craig Grunewald	194	19 Debra Gonski	197	20 Ed French	210	21 William Kassman	226	22 Michele Mead	234	23 Susan Cornell	236	24 Doug Phan	242	25 Laura Boerum	248
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<p>5</p> <p>1 Christina Eaglin 256 2 Clay Nuquist 268 3 Lisa Edwards 283 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>7</p> <p>1 (Inaudible.) 2 HEARING EXAMINER SOKONI: Good morning. On 3 Zoom, if you can hear us, could you give a thumb's up. 4 (Inaudible.) 5 HEARING EXAMINER SOKONI: I also just want to 6 suggest, I'm hoping in the room we're not connected to 7 Zoom, are we? No? Okay. 8 MR. GUISAO-OSPINA: Try now. 9 HEARING EXAMINER SOKONI: Good morning. Do we 10 still have the echo? Yes. 11 MR. GUISAO-OSPINA: Try again. 12 Sounds like they are -- 13 HEARING EXAMINER SOKONI: Let's recess and go 14 off the record just so we can straighten out things. 15 (A brief recess was taken.) 16 HEARING EXAMINER SOKONI: Are we on the record 17 yet? Okay. 18 Good morning. Thank you for your patience as 19 we worked out these technical issues. Good morning, 20 everyone again, and happy to see there's no or hear 21 there's no echo. A reminder to everyone on Zoom, please 22 mute yourself. You do not have to -- you're welcome to 23 have your camera on. You don't have to have your camera 24 on unless you are speaking, but you absolutely should 25 mute yourself unless you're speaking.</p>
<p>6</p> <p>1 PROCEEDINGS 2 HEARING EXAMINER SOKONI: Good morning. 3 We're getting an echo. 4 Good morning. 5 MS. ROGERS: Good morning. 6 MS. GIRARD: Good morning. 7 MS. ROSENFELD: Good morning. 8 HEARING EXAMINER SOKONI: Check with the -- I 9 think we're still getting the echo. 10 (Pause.) 11 MR. GUISAO-OSPINA: All right now. 12 HEARING EXAMINER SOKONI: Good morning. Okay. 13 I think we're good. 14 Thank you for your patience as we -- I will 15 note the technical issues. 16 Just checking the court reporter, are we on the 17 record mare we good? Okay. 18 Can I just have a Zoom, I hear -- I can see 19 someone on Zoom saying no sound, no sound. 20 There on Zoom-- on Zoom, they're not hearing 21 anything. 22 (Inaudible.) 23 HEARING EXAMINER SOKONI: On Zoom, can you hear 24 us? No. 25 On Zoom can you hear us? No.</p>	<p>8</p> <p>1 Today is January 15, Thursday, January 15. We 2 are gathered here for day 3, , continuation of the 3 public hearing on the Application H-159, the application 4 of Notley Assemblage LLC. 5 The first public hearing on this matter was 6 held on November 6th, 2025, we then had a second hearing 7 in December, and this is the third day of hearings. 8 This is a Local Map Amendment Application filed 9 by Notley Assemblage LLC seeking to reclassify the 10 property from an R-200 zone to a CRNF-1.0, C-0.0, R-1.0, 11 with a height of 50 feet. The property that is the 12 subject of this location is part of Lot 1, part of Lot 13 2, and Lots 3-5 in the Price◆s Subdivision as recorded 14 among the Montgomery County records at Plat No. 1767 and 15 two unrecorded parcels at P500 and P525 in Beall◆s 16 Manor, located at 13707, 13711, 13715, 13719, 13727, and 17 13733 Notley Road, and 13704 New Hampshire Avenue, 18 Silver Spring, Maryland 20904. The Applicant presented 19 a Floating Zone Plan issued on April 7th, 2025, bearing 20 the Professional Sale Number 3716 of Joshua C. Sloan. 21 By way of introduction, my name is Khandikile 22 Sokoni, I'm sitting as Hearing Examiner in this case, 23 which means that I will listen to the testimony, I will 24 review the evidence, and render a report and 25 recommendation to the County Council sitting as District</p>

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<p style="text-align: right;">9</p> <p>1 Council, and they will make a final determination on 2 this application. 3 We are bound by the standards set forth in 4 Article 59 7.2.1 of the Montgomery County Zoning 5 Ordinance. My report and recommendation is due to be 6 issued within 45 days of the close, after the close of 7 the record in this matter. Any party of record or 8 aggrieved party may within ten days after the Hearing 9 Examiner issues the report and recommendation file a 10 written request with the District Council to present 11 oral argument. Any party who submits a request for oral 12 argument must send a copy of the request to all parties 13 of record. 14 Like I said earlier, this is day 3 in the 15 series of hearings in this case with the first one 16 having been on November 6th, day 2 of hearings was on 17 December 2nd, and today is day 3 in the series of 18 hearings. 19 If needed, we will continue the hearings on 20 January 27, 2026 at 9:30 a.m. in this same 7th floor 21 hearing room in the Council Office Building here at 100 22 Maryland Avenue in Rockville. That would be venue of 23 day 4 of hearings if needed. 24 At this point, I'd like to ID the parties 25 present. Could I just start with the Applicant and</p>	<p style="text-align: right;">11</p> <p>1 case in chief. 2 As far as the order of things, today being day 3 3, I will explain the process I'm inclined to follow, 4 and if there are any objections, please let me know. 5 I'm inclined to start today's hearing with an 6 opportunity for community testimony. People have taken 7 time off from work and made all kinds of accomo -- 8 scheduling changes in order to be able to speak. So my 9 understanding is we would start today with community 10 testimony, unless there's any objection. To grant 11 people the opportunity to do so. 12 There are some outstanding matters that need to 13 be disposed of related to opposing party's wishing to 14 cross-examine the Applicant's traffic engineer and land 15 use expert in connection with some exhibits that the 16 Applicant's counsel introduced very close in time to the 17 last hearing. Ms. Rosenfeld did not object to the 18 inclusion of those late additions on condition that she 19 would have an opportunity to cross-examine those 20 witnesses during day 3 of hearings. That would be -- 21 that that would be today, so that would be our order of 22 business. 23 Lastly, I believe Ms. Rosenfeld's presentation 24 of her case in chief -- in connection with Ms. 25 Rosenfeld's presentation of her case in chief, it is</p>
<p style="text-align: right;">10</p> <p>1 Applicant's counsel. 2 MS. ROGERS: Good morning. Elizabeth Rogers 3 with Lerch, Early & Brewer on behalf of the Applicant. 4 MS. GIRARD: Erin Girard, also with Lerch, 5 Early, also on behalf the Applicant. 6 MS. ROSENFELD: Good morning. Michele Rosenfeld 7 with the Law Office of Michele Rosenfeld, LLC, here on 8 behalf of Kyle Smiddie and the Greater Colesville 9 Citizens Association. 10 HEARING EXAMINER SOKONI: Thank you. 11 I also would like to remind everyone present 12 physically in the room that we have a sign-in sheet at 13 the entrance. Please clearly print your name and your 14 contact information and indicate whether you're 15 accepting service of all, any records via email. 16 It's -- it's day 3, so I will just gloss over 17 some of the formalities except to reiterate some 18 administrative proceedings. So we're somewhat informal 19 when contrasted with traditional trial, but we are bound 20 by some rules of procedure, and there are some 21 formalities. 22 All testimony is taken under oath. And -- and 23 the order of things is the Applicant started with their 24 case in chief, and their witnesses were cross-examined. 25 The Opposition also gets an opportunity to present their</p>	<p style="text-align: right;">12</p> <p>1 also my expectation that your proposed expert witness 2 would testify with regard to his qualifications as an 3 expert and that the Applicants will have an opportunity 4 to cross-examine. 5 MS. ROSENFELD: That's correct. 6 HEARING EXAMINER SOKONI: Does that order of 7 things sound okay with the parties? 8 So once we dispose of all of that, then -- then 9 we'll jump into the Opposition's case in chief. 10 Is Mr. Nusbaum present? 11 MS. ROSENFELD: Mr. Nusbaum advised me he is 12 unavailable to attend today. He had a conflict come up. 13 I do expect he will be here on day 4 should there be a 14 day 4. 15 HEARING EXAMINER SOKONI: Okay. 16 MS. ROSENFELD: But he had an unavoidable 17 conflict. 18 HEARING EXAMINER SOKONI: Okay. 19 MS. ROSENFELD: We did clear those dates with 20 him before setting this date, but something came up. 21 HEARING EXAMINER SOKONI: Okay. Thank you. 22 All right, then. As far as starting with the 23 community testimony, maybe just for convenience, let's 24 start with people the room, and then, we'll switch over 25 to Zoom. When you please come forward, I ask that -- I</p>

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<p style="text-align: right;">13</p> <p>1 will administer an oath, and if you could kindly 2 identify yourself, give your full name. 3 So please come forward. I have to remind 4 myself in -- in this hearing room, it's always opposite 5 day, so when you -- to turn on the microphone, you get a 6 red -- the red button signals that you go. And after 7 this hearing, don't take that onto the streets because 8 it doesn't work out too well. 9 So just please come forward. In no particular 10 order, let's just -- anyone who wishes to speak, you 11 know, just please come forward, turn on the microphone, 12 identify yourself, and I'll administer the oath. 13 I should also mention a number of people 14 planning to speak this morning or during the course of 15 today have exhibits that they wish to refer to, and 16 those have been provided ahead of time. If you -- if in 17 your testimony, you feel like you need to refer to 18 something in the record, please just point it out to me, 19 and our Zoom operator will assist with pulling that out. 20 You may sit, sir. 21 If you could kindly raise your right hand. 22 Whereupon. 23 JAMES TOUHEY, 24 being first duly sworn or affirmed to testify to the 25 truth, the whole truth, and nothing but the truth, was</p>	<p style="text-align: right;">15</p> <p>1 but in the last year, I've taken inactive status, so I'm 2 no longer a practicing attorney. 3 As I said, my wife and I have lived in 4 Colesville at the same place for 29 years, almost 30 5 years. We bought the place from a gentleman by the name 6 of Ned Bayley. Ned Bayley is kind of a famous 7 personality. He passed away about ten years ago, 2015. 8 But he was the author of the sort of the standard history 9 of the community of Colesville. And he wrote that book 10 right about the time he sold the place to us. He also 11 was instrumental in arranging for Park and Planning 12 Commission to establish the Colesville Manor 13 Neighborhood Park that's on Notley Road. A place I 14 frequently walk to and will kinda discuss. 15 I -- before the last hearing, I supplied a 16 written statement which I plan to follow roughly in my 17 testimony, and then, at the end add some additional 18 points. 19 I would like to ask, I assume that my 20 submission of the hard copy of this along with the tabs 21 at the last hearing satisfied that requirement. Now, 22 there are a number of additional exhibits that I have 23 sent to the Hearing Examiner since then. And I haven't 24 supplied hard copies of those. I -- unfortunately, I'm 25 not in a position to supply hard copies of all of this</p>
<p style="text-align: right;">14</p> <p>1 examined and testified as follows: 2 HEARING EXAMINER SOKONI: Your name, sir? 3 MR. TOUHEY: James Touhey. 4 HEARING EXAMINER SOKONI: Thank you. 5 And if -- and if the court reporter needs any 6 name spellings, please just let me know. 7 THE COURT REPORTER: I -- well, for future 8 spellings, yes. 9 HEARING EXAMINER SOKONI: Okay. Sure. Thank 10 you. 11 Mr. Touhey, you may go ahead with your 12 testimony. 13 MR. TOUHEY: Thank you. 14 By way of introduction, my name is James 15 Touhey, I'm 69 years old. I've been a resident of 16 Colesville for 29 years, almost 30 years. We've moved 17 -- my wife and I moved into our home on December 31st, 18 1986. I'm sorry, is that '86 or '96? I think it's '96. 19 And so you can do the math. 20 I am retired. I retired a year and two days 21 ago. For 39 years, I was an attorney at the Department 22 of Justice. Last 12 to 13 of which I was in charge of 23 all the -- the defense of all the tort litigation 24 against the United States nationwide. I was a member of 25 the Bar of the State of Maryland, was admitted in 1982,</p>	<p style="text-align: right;">16</p> <p>1 today. I have a couple of them and the Hearing Examiner 2 has been very kind and indulgent with me because I've 3 done this over by email sometimes failing to copy all 4 the other parties. That was inadvertent, but 5 nevertheless, I apologize for it. 6 Can I have till the close of business tomorrow 7 to try to get you all the hard copies of all the 8 exhibits I've sent in electronically in over the course 9 of the last month or so? 10 HEARING EXAMINER SOKONI: Yes, you may. And 11 feel free to coordinate with staff, if there's a 12 hardship in getting us the hard copies, please work with 13 staff to figure out what is missing. But I should just 14 mention we maintain the electronic version, but we also 15 keep a physical copy. Some people just for whatever 16 reason are not able to track things on line, and they 17 will come in and want to look at the physical file. But 18 please work with staff to figure out what's missing, and 19 we will work with you. 20 MR. TOUHEY: Thank you very much. I'll make 21 every effort, though, to get everything compiled, go to 22 Staples to get color copies where necessary and get them 23 to you by COP tomorrow. If I can't do that, I'll get it 24 done as soon as possible. 25 Okay. Kinda like to start off with my</p>

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<p style="text-align: right;">17</p> <p>1 testimony. As I've pointed out, I've lived at the same 2 place, and it's 13905 Overton Lane since for 29 years. 3 Our home is situated on a parcel that consists of almost 4 three acres of land over much of which a conservation 5 easement was granted to the County by Mr. Bayley and his 6 wife before they sold the property to us. The property, 7 almost half of which is what I mentioned, is bisected by 8 a stream that flows from east to west and is a tributary 9 of -- or tributary, rather, of the northwest branch. 10 And a marked up copy of the plat of our property is 11 attached or to the written statements that I supplied 12 during the last hearing at tab A. 13 I would mention that that stream that flows 14 through my property is a perennial stream; it has water 15 in it year round. Most of the time, it's fed by ground 16 water, and that's the reason why it's got water in it 17 all the time. But occasionally, it's fed by water that 18 comes across the surface, and that's at times stormwater 19 that results from precipitation. It doesn't soak into 20 the ground and become groundwater; it flows across the 21 surface or through channels to my property, which is the 22 elevation which is almost exactly a hundred feet below 23 the elevation of the subject property that the Applicant 24 wants to build 130 townhouses on. 25 Now, I had on, August 9th, 2025, sent an email</p>	<p style="text-align: right;">19</p> <p>1 happened, and what I discovered, because I remembered 2 how I came to send this. This particular email was sent 3 after the Greater Colesville Citizens Association sent 4 out an e -- published an announcement on its website. 5 I'm a member of the Greater Colesville Citizens 6 Association. And they sent out an email asking members 7 to send an email to Mr. Leftwich copying Ms. Lindsey. 8 And they basically gave us -- gave me something 9 to black equip -- or blacken and include in your email, 10 including the subject line. And lo and behold, when I 11 went back and tried to figure this out, the subject line 12 that they had in that announcement was include me as a 13 party of record in Colesville LMA H19, and the correct 14 reference to the -- the preliminary Forest Conservation 15 Plan. 16 So I think that's what accounts for why I 17 wasn't included. But it did strike me that A, I still 18 should have been included. I understand why I don't 19 bear any animus toward anybody, but I at least had the 20 correct reference to the preliminary Forest Conservation 21 Plan. 22 But something else struck me. I wonder how 23 many other people did send an email like I did, and it 24 didn't get included, and they weren't made part of this 25 record. So I think that that resulted in a substantial</p>
<p style="text-align: right;">18</p> <p>1 to Mr. Leftwich of the Planning staff, and copied Ms. 2 Lindsey, Planning staff, expressing my strong opposition 3 to the Applicant's proposed development of the property. 4 And I got no response. I had requested to be made a 5 party of record. I was not made a party of record. And 6 so as a result, I didn't really get -- I didn't get to 7 participate in the proceedings until these proceedings. 8 Now, I was kind of befuddled by what had 9 happened and -- what had happened. And so I've kept 10 looking into it. I kept looking into it even after I 11 composed this written statement. And I think I figured 12 out what happened. And candor requires me to explain 13 why I think it happened. 14 If you turn to tab B, which is a copy of the 15 email I sent, and look at the subject line, it says, 16 Include me as a party of record for Colesville LMA H19. 17 Not 159. And then, it continues, and -- and it gives 18 the preliminary Forest Conservation Planning number, 19 which is correct. But I think the fact that that 20 subject line didn't have the correct reference to H-159, 21 and instead to H19 is probably what accounts for me not 22 being made a party of record in and not getting on the 23 email sort of chain during the Planning board stage of 24 the proceedings. 25 And you know, I've dug deeper into how that</p>	<p style="text-align: right;">20</p> <p>1 sort of undercount of the members of the community who 2 wanted to oppose this and wanted to participate. 3 I did go back and kinda word search the various 4 collections in the record of what was submitted by 5 members of the community to the Planning staff, and I 6 couldn't find anywhere where there were subject lines or 7 any reference in those emails to H19 LMA. And so I 8 think that accounts for why I wasn't included, and I bet 9 a bunch of other people did that as a result of trying 10 to send an email to request that they be made parties of 11 record. 12 So I wanted to point that out. I figured that 13 out after I composed this email because I -- it kept 14 troubling me what had happened, and that's what I 15 figured out happened. 16 I have a copy of the announcement from the 17 Greater Colesville Citizens Association, the 18 announcement that sort of resulted in this, and if you 19 want me to enter it into the record, I'm happy to supply 20 it. So -- 21 HEARING EXAMINER SOKONI: I'll leave it up to 22 you if you want to include it in the record. I should 23 just mention it's -- it's, you know, I'm following and I 24 see how it looks like there was a 5 accidentally left 25 out of the announcement from the Association.</p>

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<p style="text-align: right;">21</p> <p>1 That said, I just want to emphasize for the 2 benefit of yourself and everyone present, the hearing 3 before OZAH is a separate proceeding from the hearing 4 before Planning. I'm not trying to discredit the 5 importance of the Planning process because that leads up 6 to this. You know, you have an opportunity there to 7 voice your concerns or express yourself. That said, the 8 OZAH proceeding, we start a clean slate, notice is sent 9 to all the required parties. So I just want to make 10 sure that that's clear. 11 MR. TOUHEY: I understand completely. 12 HEARING EXAMINER SOKONI: Okay. 13 MR. TOUHEY: My point is that I and perhaps all 14 the people like me were deprived of the opportunity to 15 participate at the Planning Board stage -- 16 HEARING EXAMINER SOKONI: Understood. 17 MR. TOUHEY: -- and voice our positions and 18 participate in that proceeding. And you know, I would 19 hope that if we've been able to do that, it may have 20 affected the outcome. And it didn't. And so you know, 21 my point, but I did want to make the record clear that I 22 didn't want to mislead anybody that you know, I thought 23 I was deliberately excluded. You know, if I left that 24 suggestion in my -- the original version of my written 25 statement, having now ascertained what I think happened,</p>	<p style="text-align: right;">23</p> <p>1 I think I probably wrote it down wrong, because if I 2 look at the exhibit list that I picked up the at the 3 door, let me -- if you can go to that, I can confirm 4 HEARING EXAMINER SOKONI: If our Zoom operator 5 would kindly pull up -- 6 MR. TOUHEY: 85. 7 HEARING EXAMINER SOKONI: -- Exhibit 85. 8 MR. TOUHEY: That was -- 9 HEARING EXAMINER SOKONI: 85. 10 MR. TOUHEY: Yeah. All right. Now, do you want 11 me to sort of pause -- 12 HEARING EXAMINER SOKONI: No, that -- whatever 13 flow works for you. I was pointing that out for the 14 benefit of anyone wishing to follow along. 15 MR. TOUHEY: I'm interested in communicating to 16 you. 17 HEARING EXAMINER SOKONI: Yes, don't worry. 18 I've put it up on my screen, I read it ahead of time and 19 I'm -- 20 MR. TOUHEY: All right. 21 HEARING EXAMINER SOKONI: -- but I'm following 22 along. 23 MR. TOUHEY: Okay. Now, in contrast to what the 24 Planning staff's delineation of the surrounding 25 neighborhood was, if you look at the Applicant's</p>
<p style="text-align: right;">22</p> <p>1 A, I didn't mean it in the first place, but B, it's 2 clear to me what happened here and why it happened. 3 I think the point, though, is that I still was 4 deprived of the opportunity to participate, and I bet a 5 bunch of other people were deprived of the opportunity 6 to participate, and our voices weren't heard. 7 Now let me return to basically, you know, the 8 written statement that I prepared and delivered as my 9 testimony here. 10 Our home is located about a quarter, just a 11 little more than a quarter of a mile away as the crow 12 flies from the subject party. Or at least the point of 13 the subject property that I think is closest to us, 14 which is kind of the northwest corner of the subject 15 property. Draw a line down to my property, it's about 16 .27 miles away. And the property is located within the 17 area that the Planning staff thought was the surrounding 18 neighborhood. And if you consult the tabs here attached 19 to my email, you'll see tab C is a diagram that where I 20 measured it on Google Maps probably. 21 HEARING EXAMINER SOKONI: And just so everyone 22 can follow along, I believe what you are referring to as 23 your written presentation appears in the record as 24 Exhibit 85? 25 MR. TOUHEY: Yeah, I have 86 written on it, but</p>	<p style="text-align: right;">24</p> <p>1 delineation of the surrounding neighborhood, and that's 2 depicted in a detail that was made from their 3 surrounding neighbor delineation, or at least a part of 4 it at tab A. My property falls just outside of it. In 5 fact, it's like you look at the stream which is denoted 6 by the meandering blue line that runs sort of from 7 northwest to southeast across tab A. And there's a 8 black hash, hashmark that denotes the limits of their 9 surrounding neighborhood delineation. 10 They made -- they followed the stream until it 11 gets to about 65 feet from my property. And then, they 12 abruptly turned down Leibig Road to exclude my property 13 from the surrounding neighborhood delineation. That I 14 thought was deliberate, and I still do, given what's 15 going on with the runoff from that property. And so I 16 wanted to point that out. 17 HEARING EXAMINER SOKONI: Mr. Touhey, I 18 apologize for the interruption. I've just been alerted 19 to an issue which requires us to relocate to the second 20 floor. I'll spare you the details, but it turns out 21 that apparently there are two other meetings going on, 22 and if we stayed in this room, it would interrupt the 23 Zoom feed. We -- we could stay in the room physically, 24 but the people on Zoom would not be. Apparently, 25 there's only capacity for two meetings to be</p>

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<p style="text-align: right;">25</p> <p>1 live-streamed, and we are the third. 2 So apologies to everyone. I will call for a -- 3 I'll call for a 20-minute recess until 10:30 a.m. and 4 invite everyone to relocate to our original location 5 second floor hearing room, which is being set up right 6 now. 7 MR. GUIASAO-OSPINA: Thank you. 8 (A brief recess was taken.) 9 HEARING EXAMINER SOKONI: Good morning. Good 10 morning. Good morning, everyone. 11 MR. GUIASAO-OSPINA: Quiet. 12 HEARING EXAMINER SOKONI: I'm getting ideas now. 13 Maybe I need a double over there. 14 MS. ROSENFELD: As a preliminary matter, I know 15 Mr. Touhey is in the middle of his testimony, and I have 16 spoken with him, and with opposing counsel as well. 17 There are a number of people both in the room and online 18 who have now taken a third day off from work to attend. 19 And Mr. Touhey is available all day. Some of these 20 other witnesses have only taken off a half a day. And 21 Mr. Touhey have graciously agreed to allow other people 22 who have time constraints to testify first. He -- he is 23 available to be here all day. So I would ask the 24 Hearing Examiner if you would consider reordering the 25 witness list to allow people who cannot stay the whole</p>	<p style="text-align: right;">27</p> <p>1 kindly raise your right hand. 2 Whereupon, 3 TONY DEBOECK, 4 being first duly sworn or affirmed to testify to the 5 truth, the whole truth, and nothing but the truth, was 6 examined and testified as follows: 7 HEARING EXAMINER SOKONI: Thank you. 8 MR. DEBOECK: Good morning, Hearing Examiner 9 Sokoni, and members of the hearing. My name is Tony 10 Deboeck, and I live at 13811 Shannon Drive, directly 11 downhill from the proposed Notley Road rezoning site. 12 I'm here on behalf of my family and my neighbors to 13 testify. 14 I have submitted several items that were 15 already in the record. My letter is included in Exhibit 16 29, Subsection WWW. That's just for your benefit, but 17 I'm not gonna bring that actual exhibit up. I've got 18 another exhibit, Exhibit 94A, which shows the slot -- 19 show the pictures that were in that letter. 20 In addition, I've submitted excerpts from two 21 County documents; Exhibit 88A, which is the Montgomery 22 County Drainage Criteria, and Exhibit 88B, the Ellicott 23 City Watershed Master Plan. 24 I will also be referencing materials submitted 25 by the Applicant, including Exhibit 81, the Land Use</p>
<p style="text-align: right;">26</p> <p>1 day to testify before he completes his testimony. 2 HEARING EXAMINER SOKONI: That sounds perfectly 3 reasonable, and thank you so much for graciously 4 agreeing to do that. The issue now is how would we 5 track -- I'll -- I'm hoping people would just come 6 forward or -- so do we just -- by show of hands in the 7 room, people with time constraints. 8 Okay. So that's I'm seeing four hands in the 9 room. Let's start with people in the room, and then, 10 I'll turn it over to Zoom. And there too, do we have a 11 Zoom check? People can people in Zoom hear us? 12 MR. GUIASAO-OSPINA: We do have a preference -- 13 FEMALE SPEAKER: Yes, we can hear you. 14 HEARING EXAMINER SOKONI: Oh, my God. 15 FEMALE SPEAKER: Yes. 16 HEARING EXAMINER SOKONI: Thank you. 17 So I will just ask the next anyone before in 18 the room to come forward. 19 Your name, please. 20 MR. DEBOECK: Tony Deboeck. 21 HEARING EXAMINER SOKONI: Here we are back to 22 green is go and red is stop. Okay. 23 MR. DEBOECK: Okay. Here we go. 24 Tony -- my name is Tony Deboeck. 25 HEARING EXAMINER SOKONI: Thank you. May you</p>	<p style="text-align: right;">28</p> <p>1 Report, and Exhibit 45, the Schematic Stormwater 2 Management Plan. 3 The purpose of my testimony is to explain why 4 existing stormwater conditions downhill from the subject 5 property are relevant to the zoning request before you. 6 My comments are based on firsthand experience, 7 photographs already in the record, and County adopted 8 guidance as it relates to this zoning request. 9 My focus is on site suitability and development 10 intensity. And when I say the term, development 11 intensity, I want everyone to hear that what I'm saying 12 is I'm referring to the amount of development proposed 13 on the site including building density and impervious 14 surface. 15 Okay. And if you could please bring up Exhibit 16 94A, and show slide number 2. 17 MR. GUIASAO-OSPINA: This slide? 18 MR. DEBOECK: The next slide, thank you. 19 Slide 2 shows the existing drainage features 20 downhill from the subject property. The subject 21 property is there in green. My property is the little 22 black rectangle there. So you can see that on this -- 23 on this chart, there is a drainage ditch that runs 24 parallel to Greenspring, and then, runs down Shannon 25 Drive in front of my property. There are also two</p>

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<p style="text-align: right;">29</p> <p>1 conveyance pipes that I've noted there. One is under 2 our -- under my driveway, and then, there is a 3 conveyance pipe that carries stormwater runoff under 4 Shannon Drive. 5 During heavy rain, runoff enters these features 6 and is conveyed downhill toward our property and the 7 street. I should amend that a little bit. A portion of 8 the stormwater runoff is handled by that drainage 9 system. 10 If you will go ahead and switch to slide 3. 11 So slide 3 shows what typically happens during 12 a storm. I should switch my page too. 13 So during moderate to heavy rainfall events, 14 the runoff does not remain spread evenly across the 15 landscape. As rainfall continues, it concentrates into 16 defined pathways along driveway s, lawn edges, and low 17 points. Once the runoff concentrates in this way, it 18 behaves s very differently than diffuse surface flow. I 19 believe it's referred to as sheet flow is what -- so 20 this is it not sheet flow. It places significantly 21 greater stress on downstream drainage features. 22 When these features cannot accommodate the 23 volume of water, runoff backs up and spreads into 24 adjacent yards and low areas as shown here. You can see 25 the blue ovals show where we have pooling of the water.</p>	<p style="text-align: right;">31</p> <p>1 image to establish that downstream flooding is a 2 longstanding existing condition; it's not a recent or 3 temporary circumstance. 4 Okay. Next slide, please. 5 Now you can see where this exhibit came from. 6 The next slide shows how runoff converges and moves 7 through our backyard before reaching the front yard 8 flooding that I showed previously. The left-hand 9 picture shows two converging streams, one which is at 10 the basically the where you see that fence line is one 11 converging stream. The other one follows our footpath 12 through the -- through our backyard. You can see the 13 mulched area that is affected by that, that runoff. 14 The photograph on the right is at the border 15 between our property and a house that is in our backyard 16 basically. And the water is streaming through, and you 17 can see that it's -- this is the stream that that 18 footpath -- that connects to that footpath that I showed 19 you. 20 So runoff is converging from multiple 21 directions and defined channels. Over time these 22 repeated flows have resulted in visible erosion on these 23 paths. We've lost soil, mulch, landscaping materials. 24 We've also -- we've also lost trees. We've had two 25 trees at least that were lost due to compromised root</p>
<p style="text-align: right;">30</p> <p>1 These concentrated flows are what reach the ditch and 2 pipes that are shown on the previous slide. 3 Now I can move on just to show you what happens 4 when we get that -- that kind of runoff. Please show 5 slide number 4. 6 So this is the same photograph that appears in 7 the record as Exhibit 29, Attachment C1. 8 Excuse me, can you pass me my water bottle. 9 I've got a lot to say so no -- no point doing this on a 10 dry mouth. 11 So this photograph was taken June 27th, 2015. 12 We had just moved into the house in September of 2014. 13 And so that shows, documents our front yard flooding 14 during that storm. And that's Shannon Drive there that 15 you see where the -- right before the water is. And 16 sometimes this water actually over -- even flows more 17 than this and flows into Shannon Drive. So and we've 18 seen this repeatedly over the last 12 years that we've 19 lived at this property. And our additional photographs 20 I think that included in the letter I submitted that 21 show that. 22 So this was occurring well before any new 23 development occurred in the area. I think the most 24 recent new development was the Wilshire retirement 25 community in 2019. So this is I'm referencing this</p>	<p style="text-align: right;">32</p> <p>1 systems. 2 These photographs illustrate how stormwater 3 behaves under existing conditions and the cumulative 4 impacts over -- over time. 5 Next slide, please. 6 So slide 6 contains two photographs also taken 7 during the storm on July 19th, 2025. I should note that 8 that was the heaviest, the heavier of the two storms. 9 There was a storm a week prior to that that produced 10 similar amount of rainfall. I don't have photographs of 11 that earlier storm. 12 So the first photograph on the left shows 13 stormwater flowing across Shannon Drive during a storm 14 extending across the travel surface of the roadway and 15 limiting -- limiting its normal use. The second 16 photograph shows that same runoff after it has past 17 through our backyard, those converging streams. At this 18 point, the concentrated flow is passings less than five 19 feet from our house before continuing downhill. In 20 fact, we have had to keep our -- we have a -- you can't 21 see the fence there, but we have a wooden gate that we 22 basically now keep propped open all the time because 23 without that gate being opened, we get basement 24 flooding. 25 So the repeated exposure to this runoff has</p>

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1 resulted in several inches of standing water collecting
2 immediately adjacent to our basement. Over time, this
3 persistent high water has caused deterioration of the
4 basement door and surrounding materials, and in 2020, we
5 had to replace that basement door due to repeated
6 moisture exposure.

7 So these images demonstrate the close proximity
8 of exiting runoff to residential structures and the real
9 recurring impact that result under current conditions.

10 I'd now like to move on to talking about the
11 Land Use Report and the Stormwater Management Plan.

12 You can bring up Exhibit 45, but I really don't
13 I -- I mean, that's purely for reference.

14 So given these existing impacts, understanding
15 how stormwater management is addressed in the zoning
16 materials is relevant to the decision before you. So
17 these materials include the Land Use Report, Exhibit 81,
18 and the Schematic Stormwater Management Plan, Exhibit
19 45.

20 As a layperson reviewing these materials
21 together, what stands out to me is that they emphasize
22 conveyance moving stormwater through underground pipes
23 toward the New Hampshire Avenue system.

24 Excuse me.

25 At the December 2nd hearing, the Applicant's

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1 civil engineer, Mr. Logan, testified that underground
2 stormwater storage vaults would be required to attenuate
3 runoff for the new impervious area. He further
4 clarified that these vaults are not part of what is
5 shown in the Land Use Report, and would be developed
6 later during the design phase. I should note that the
7 Schematic Stormwater Management Plan also does not
8 depict any stormwater storage vaults.

9 The issue here is one of timing. It was
10 previously mentioned, I think Ms. -- Ms. Rogers
11 mentioned that stormwater design is part of preliminary
12 plan, not part of zoning. So this rezoning request is
13 being considered before the stormwater element
14 acknowledges necessary has been defined or evaluated in
15 the context of existing downstream flooding. Where
16 flooding already occurs downhill from a site, the timing
17 of those decisions is relevant to whether the proposed
18 development intensity can be supported.

19 Now, I remind you, by development intensity,
20 I'm saying the number of townhouses, the amount of
21 impervious surface.

22 I'd now like to reference the Montgomery County
23 Drainage Criteria, which appear in the record as Exhibit
24 88A.

25 And if you could scroll down to table 37,

35

1 please. Thank you. It's two -- it's the table spans
2 two pages, so I'll tell you when to keep scrolling.

3 Thank you.

4 So at the December 2nd hearing, I asked the
5 Applicant's civil engineer what rainfall corresponds to
6 a ten-year storm, because that's what they are designing
7 for. In response, he appropriately referenced Table 37
8 of the County Drainage Criteria and identified an
9 intensity value from that table. I believe he said
10 seven inches per -- per hour. What Table 37 reflects is
11 that stormwater design is not based on a single number.
12 It provides rainfall intensities across different storm
13 durations. The total volume of stormwater depends not
14 only on how intense the rainfall is, but also on how
15 long it lasts. Those duration related assumptions
16 affect how much water must be stored or managed.

17 If you could please scroll down to the bottom
18 of the table.

19 Thank you.

20 And if you look at the footnote on the bottom
21 of that table, I'd like to point out that the rainfall
22 data is from 1988. Several decades old. I question how
23 the older assumptions align with current conditions,
24 particularly where downstream flooding already exists.

25 The stormwater criteria assumptions that affect total

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1 rainfall runoff are relevant when rezoning is considered
2 before the stormwater design is known.

3 And lastly, I -- I'd like to reference Exhibit
4 88B that shows excerpts from the Ellicott City Watershed
5 Master Plan. That plan was developed following multiple
6 severe flooding events which led the County to reexamine
7 assumptions about downstream conveyance and cumulative
8 effects of development.

9 Are you familiar with what happened in Ellicott
10 City?

11 HEARING EXAMINER SOKONI: For the record, if you
12 could please explain.

13 MR. DEBOECK: Certainly. So in 2016, Ellicott
14 City experienced massive flash flooding through the
15 downtown. It caused major street damage, it caused --
16 it caused damage to the businesses, there were cars
17 floating down Main Street, and people died.

18 Subsequently, there was a -- the county, Howard County,
19 started investigating this. They also had the Army
20 Corps of Engineers investigate this. They started on
21 this -- this -- this drainage plan, this watershed plan,
22 to try and remediate the problem that was caused. When
23 in 2018, they were struck with a second flood, I believe
24 that flood, the rainfall was accumulative of six inches,
25 and the same thing happened as in 2016.

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1 What they found in looking at -- in
2 investigating these floods is that all of the developed
3 properties that were uphill from Downtown Ellicott City
4 were compliant with the stormwater management plan at
5 the time of development. However, the downstream
6 capacity of the systems that they have had could not
7 handle the cumulative stormwater effects that came from
8 Ellicott City.

9 Now, I'm not comparing the scale of this site
10 to Ellicott City. The comparison is one of principle,
11 not of magnitude. The one -- one of principle, not of
12 magnitude. No one has died yet. The principle
13 reflected in Ellicott City watershed Master Plan said,
14 Flooding risks can result from cumulative development
15 from assumptions that downstream systems can always
16 accommodate additional runoff. And that those
17 considerations are appropriate early in land use
18 divisions.

19 That same principle is relevant here where
20 downstream flowing already exists and where rezoning is
21 being considered before stormwater design assumptions
22 are resolved.

23 I would also note that when they looked into
24 the -- the stormwater compliance of upstream properties,
25 they were using design criteria just like the Montgomery

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1 County design criteria and they -- the rainfall amounts
2 assumed in that criteria were not necessarily aligned
3 with the -- what was experienced currently. In fact,
4 there's a quote in this report that says that the
5 National Oceanic Administration -- Oceanic and
6 Atmospheric Administration, NOAA, projects that rainfall
7 events are going to become more pronounced and frequent
8 in the northeast.

9 In closing, my testimony has focused on
10 existing conditions and timing of decisions, not on
11 technical design. I have shown that downstream flowing
12 already occurs under current development, and that
13 stormwater routinely concentrates into residential yards
14 and public streets. I've also explained that the
15 stormwater material submitted with this zoning request
16 emphasized conveyance, while key stormwater elements
17 acknowledged by the Applicant is necessary would be
18 developed later during the design phase.

19 The Montgomery County Drainage Criteria
20 appropriately provides a framework for stormwater
21 design, but their application depends on assumptions
22 about stormwater storm duration and runoff volume that
23 are typically resolved late during the design phase.

24 The Ellicott City Water -- Watershed Master
25 Plan reflects a broader planning principle that

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1 cumulative development and the reliance on downstream
2 conveyance should be considered early in land use
3 decisions particularly where flooding already exists.
4 Here rezoning is being considered before those
5 stormwater assumptions are known in a location where
6 downstream flooding is already a documented condition.

7 For these reasons, I respectfully ask that
8 existing drainage conditions, record clarity, and the
9 sequencing of stormwater decisions be carefully weighed
10 when considering whether the proposed development
11 intensity is appropriate for this site.

12 Thank you very much.

13 HEARING EXAMINER SOKONI: Did you have any
14 questions for --

15 MS. ROGERS: Yeah, just a few.

16 HEARING EXAMINER SOKONI: Yeah.

17 MS. ROGERS: Deboeck?

18 MR. DEBOECK: Deboeck.

19 MS. ROGERS: Deboeck. Okay Mr. Deboeck.

20 MR. DEBOECK: Like the book is on the shelf.

21 MS. ROGERS: Great. That's an easy way to
22 remember it.

23 MR. DEBOECK: Yes, it is.

24 MS. ROGERS: Just a few questions for you.
25 The exhibits you presented today --

40

1 MR. DEBOECK: Um-hum.

2 MS. ROGERS: -- were those prepared or reviewed
3 by any engineer?

4 MR. DEBOECK: No.

5 MS. ROGERS: And you don't have any formal
6 training in stormwater management?

7 MR. DEBOECK: Have no formal training in
8 stormwater management.

9 MS. ROGERS: And are you familiar with the
10 County's stormwater process and kind of the different
11 levels of review that the project will go through?

12 MR. DEBOECK: I am not.

13 MS. ROGERS: Okay. Are you aware of the
14 drainage area that serves your property and kind of
15 where that is on a map and what properties are included
16 in that? In terms of how water is getting to your
17 property, are you aware of what -- where that drainage
18 area is?

19 MR. DEBOECK: Not the technical details of that.

20 Most of my -- most of my testimony is based on the
21 observations we've had of stormwater flowing through our
22 yard.

23 MS. ROGERS: Okay.

24 MR. DEBOECK: It is kind of scary -- it's kind
25 of scary when it does.

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1 MS. ROGERS: I understand that and I was just --
2 I guess what my question was gonna get at is do you have
3 any way to quantify how much of the water that you're
4 observing in these photos is coming from this property
5 today?
6 MR. DEBOECK: It's a good question, because you
7 know, the -- one of the things that's in this -- in this
8 request says that the stormwater design is going to
9 substantially improve the -- the flow characteristics
10 off of these properties. If you go back and look at
11 exhibits -- my Slide 94A and go to Slide 1, please. And
12 you might have to zoom it in a little bit to see -- to
13 be able see that. So I have annotated on here the
14 elevations above sea level, and you can see that the --
15 the subject property has -- is at a peak, actually; it's
16 at 140 meters. And then, the rest, so the flow as
17 Planning Board has already identified actually goes into
18 two different drainage areas. It goes westwards towards
19 northwest branch, and it goes eastwards toward Paint
20 Branch, so it -- the stormwater flow is basically split.
21 And so only really I would estimate that --
22 again, I'm not a civil engineer, I'm not a stormwater
23 engineer, but it looks to me like maybe about half, if
24 you take that block of the -- if it's an L right at the
25 -- the short end of the L, those are the two vacant

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1 properties right now, I'd say maybe about half of that
2 my guess is -- is stormwater is -- is stormwater that's
3 coming off of the site and flowing down into our yard.
4 The rest of the stormwater, obviously, you have to take
5 into consideration that there are other properties where
6 stormwater is coming as well.
7 So while the, you know, while the proposed
8 solutions for stormwater management on this site could
9 reduce the amount of stormwater that we're seeing
10 through our yard, I don't think it will completely
11 eliminate it. And that's why I think we have a more
12 comprehensive assessment of the drainage in this area.
13 MS. ROGERS: Okay. But just -- and just to kind
14 of confirm for the record, you -- these are your
15 estimates? You have nothing to confirm the quantity
16 that's --
17 MR. DEBOECK: Yeah.
18 MS. ROGERS: -- currently coming to your
19 property?
20 MR. DEBOECK: I -- well, I can, and the other
21 thing you can, I mean, someone could go in and take that
22 first photograph that I have -- can you please -- can
23 you please go to the -- the fourth slide.
24 So what's not shown on this where you see the
25 mailbox there on the -- on the -- on the property, there

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1 is a conveyance right there. I've measured that
2 conveyance by it's 16 inches. So whatever I mean --
3 HEARING EXAMINER SOKONI: Are we -- are we on
4 the right slide?
5 MR. DEBOECK: No. Sorry. Keep going.
6 MR. GUISAO-OSPINA: That's the last slide.
7 MR. DEBOECK: No, go back, go back two slides,
8 please.
9 So to the left of that -- to the left of that
10 mailbox, there's a conveyance pipe that goes under our
11 driveway. The diameter of that pipe is 16 inches. So
12 that gives you whatever that equates to in terms of flow
13 rates, obviously it can't accommodate that. So that's
14 that gives you an idea of how you might estimate what
15 the volume of water is that we're dealing with.
16 MS. ROGERS: Okay. Are you aware that this
17 project must obtain approval of a stormwater management
18 concept plan prior to approval of any preliminary plan
19 or site plan?
20 MR. DEBOECK: I am.
21 MS. ROGERS: Okay. And are you aware that a
22 final stormwater design plan must then be approved prior
23 to issuance of any land disturbance or building permits?
24 MR. DEBOECK: Yes.
25 MS. ROGERS: So you would agree that before any

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1 permits could be approved for this property, the County
2 mutt confirm that this project satisfies county and
3 state stormwater management laws and regulations?
4 MR. DEBOECK: Yes.
5 MS. ROGERS: And I think in your letter, your
6 written correspondence, you had mentioned something
7 about maintenance. Are you aware that the stormwater
8 permits will also require stormwater easements and
9 covenants that will be recorded in the land records
10 provide for and spell out the long-term maintenance of
11 those facilities?
12 MR. DEBOECK: Yes, and that's something that's a
13 relevant point because I was talking to someone about
14 this. So if -- if the proposal is to put storage vaults
15 in to -- to control the stormwater runoff, one of the
16 things that's important there is to have maintenance,
17 because if you don't maintain those stormwater vaults,
18 sedimentation can reduce the volume of those stormwater
19 vaults and then you start having overflow issues because
20 they no longer are being operating at design capacity.
21 So my understanding is that from what I read in the
22 testimony from December 2nd, that those maintenance
23 plans would be developed when the design was performed.
24 Is that correct?
25 MS. ROGERS: So I'm not answering --

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1 MR. DEBOECK: I'm sorry.
2 MS. ROGERS: -- questions, but my question for
3 you is just that -- that you're aware that there will be
4 easements and covenants that provide for the long-term
5 maintenance that must be recorded prior to issuance of
6 any of the permits.
7 And your property is located to the northwest
8 of the subject property, correct?
9 MR. DEBOECK: Correct.
10 MS. ROGERS: Are you aware that as part of the
11 stormwater review in the various permits, a downstream
12 analysis will be required for this project?
13 MR. DEBOECK: Yes.
14 MS. ROGERS: And that to issue these permits,
15 the County must find that there is a adverse impacts in
16 terms of runoff to adjacent properties?
17 MR. DEBOECK: Yes, and my issue right now is
18 that there are already adverse effects, so --
19 MS. ROGERS: And are you aware that with the
20 Applicant's conceptual stormwater management plans and
21 grading plans, they're proposing to decrease the amount
22 of water that's draining to the northwest?
23 MR. DEBOECK: Yes. I realize that the way --
24 the way it's designed, any of the rainfall that is --
25 that is gonna fall onto the property -- on to the

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1 subject property will be redirected so that instead of
2 flowing west -- westwards toward our property, it would
3 flow eastwards and eventually into the New Hampshire
4 system, which raises the prospect that if -- if this
5 design doesn't work, then you're gonna end up with
6 flooding on New Hampshire instead of on Shannon Drive.
7 MS. ROGERS: But before any permits will be
8 issued, you agree that the County and State have to
9 confirm that the system works and that it meets all laws
10 and regulations?
11 MR. DEBOECK: Yes.
12 MS. ROGERS: Okay. Those are all my questions.
13 Thank you. Thank you.
14 MS. ROSENFELD: Excuse me, I have some questions
15 as well.
16 HEARING EXAMINER SOKONI: Um-um.
17 MS. ROSENFELD: I did hear your testimony that
18 you understand that the Applicant at vary stages in the
19 process are going to need to satisfy County's stormwater
20 management laws; is that correct?
21 MR. DEBOECK: Yes.
22 MS. ROSENFELD: Do I also correctly understand
23 your testimony that it's your opinion that even if they
24 comply, you have concerns that the proposed stormwater
25 management plans will not be able fully capture runoff

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1 from the site?
2 MR. DEBOECK: Yes, I -- I think it will not
3 capture the full flow that currently comprises the
4 runoff that we see in our property.
5 MS. ROSENFELD: And have you heard any testimony
6 or seen any evidence in the record that for larger
7 storms, that the stormwater management facilities would
8 be able to fully capture the runoff from those larger
9 storms?
10 MR. DEBOECK: The stormwater facilities that
11 they're -- that they're proposing?
12 MS. ROSENFELD: They have proposed, correct.
13 Have you seen any ref --
14 MR. DEBOECK: I haven't --
15 MS. ROSENFELD: -- evidence in the record.
16 MR. DEBOECK: -- I haven't -- I haven't -- I
17 have -- I have not seen any evidence in the record of
18 that, no.
19 MS. ROSENFELD: And you have seen no evidence in
20 the record whatsoever about the capacity of the proposed
21 holding tanks; is that correct?
22 MR. DEBOECK: That's correct. To my
23 understanding, the stormwater storage vaults were only
24 introduced verbally at the December 2nd hearing.
25 There's no -- there's no mention of those in the Land

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1 Use Report, there's no mention of those in the Schematic
2 Stormwater Management Plan.
3 MS. ROSENFELD: And based on your review of the
4 analysis provided in connection with the Ellicott City
5 Master Plan, is it your opinion that even if the
6 stormwater management facilities were fully designed to
7 1988 water standards, that they would be inadequate for
8 today's level of rain events?
9 MR. DEBOECK: Yes, so I did an analysis, and
10 it's in my -- I did a very -- I'm again, I'm not a
11 stormwater engineer, but I did took -- take a look at
12 the rainfall amounts that have occurred in the -- in the
13 Silver Spring area over the last ten years, and -- there
14 it is.
15 So over the last ten years, I've recorded
16 numerous events that rain -- where rainfall exceeds 2
17 inches maximum over a 24-hour period. So if that's the
18 -- if that was a barometer of storms, we see those types
19 of storms about 11 times a year. So again, that's my
20 nonexpert evaluation of current rainfall amounts, but I
21 think that that needs to be corroborated with against
22 what's in the drainage criteria.
23 MS. ROSENFELD: Okay. And in your view, in
24 these larger storm events, should those runoffs be
25 greater as a result of increased impervious, would that

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1 that -- would the proposed development be compatible
2 with your property?
3 MR. DEBOECK: So if -- so right now, the way the
4 site is --
5 MS. ROGERS: I think we need to object. She's
6 -- she's not asking him questions about him testimony.
7 She's leading him into different areas that were not
8 testified to and asking his opinion on compatibility
9 when he didn't even speak is no credibility.
10 HEARING EXAMINER SOKONI: So let's focus on --
11 on maybe ask Mr. -- ask the witness questions about his
12 testimony.
13 MS. ROSENFELD: Is it -- would you please
14 explain whether or not you believe that the proposed
15 stormwater management facilities as shown and described
16 in the application has the potential to adversely affect
17 your property?
18 MR. DEBOECK: Okay. So the current property is,
19 you know, it's green space, it's forested, it's
20 permeable property, so I don't know what coefficient you
21 put in that in terms of how much rainfall gets absorbed
22 into the ground versus what runs off, but I know that --
23 I know that if you go and take 10 acres of land and you
24 pave it over like what is proposed, all of that water
25 has to be handled somehow. And if the grading on the

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1 property -- so the proposed plan relies heavily on
2 properly grading the -- the site so that everything
3 starts flowing eastward instead of westward. If that's
4 not done properly, then yes, we would could end up with
5 more stormwater affecting our property.
6 MS. ROSENFELD: Okay. Thank you. I have no
7 further questions.
8 MR. DEBOECK: Thank you.
9 HEARING EXAMINER SOKONI: You may stand down.
10 MR. TOUHEY: I have a few.
11 HEARING EXAMINER SOKONI: Oh, you have a -- you
12 have a question for the witness?
13 MR. TOUHEY: Yes. Just he referenced in his
14 testimony just now his analysis, and but he didn't say
15 where that analysis was. I believe it may --
16 MR. DEBOECK: The analysis --
17 MR. TOUHEY: -- the analysis is in 28, is it
18 not?
19 MR. DEBOECK: The rainwater analysis is in the
20 letter 29 WWW.
21 MR. TOUHEY: 29, rather. So I just wanted the
22 record to be clear that he was testifying and referring
23 to something that is already in the record.
24 HEARING EXAMINER SOKONI: Okay. I was being
25 alerted by our Zoom operator that there is somebody on

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1 the Zoom with a raised hand. Is there somebody someone
2 on Zoom who has a question for the witness.
3 MR. NUSBAUM: Yes, Hearing Examiner, this Dr.
4 Nusbaum.
5 HEARING EXAMINER SOKONI: Okay.
6 MR. NUSBAUM: I just have one question in
7 followup.
8 Mr. Deboeck, are you aware that despite the
9 additional approvals that were sited by the Applicant
10 that are necessary before a permit can be issued, that
11 this hearing is the only opportunity that the District
12 Council has to evaluate whether or not this project
13 satisfies the stormwater requirements of the code?
14 MR. DEBOECK: Yes, and that's exactly my point,
15 is that we need to look at this land use as a cumulative
16 thing rather than -- rather than trying -- trying to
17 fit, trying to make sure that one particular design
18 works or not. It's and it's really a matter of strategy
19 rather than individual site approval.
20 MR. NUSBAUM: Okay. Thank you.
21 No other questions.
22 HEARING EXAMINER SOKONI: Do we have another
23 hand on Zoom?
24 MR. GOLDEN: I have my hand raised.
25 HEARING EXAMINER SOKONI: Okay. Mr. Greg

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1 Golden, you may -- you have a question for the witness?
2 MR. GOLDEN: Yes, we're trying to figure if I
3 can get my camera working so I'm at least trying. So --
4 HEARING EXAMINER SOKONI: Could you kindly. We
5 actually do have a rule that to speak, you need to have
6 your camera on.
7 MR. GOLDEN: Well, okay, it had been. Okay
8 there we go.
9 HEARING EXAMINER SOKONI: Thank you.
10 MR. GOLDEN: So keeping in the tone -- two
11 questions I think keeping in the tone of are you aware
12 of through testimony. Are you aware that to the east of
13 the State Highway Administration manage drainage system,
14 as far as I know, and part 2 of that first question, are
15 you aware that nobody has talked about stormwater
16 facilities, direction of flow, stream classification or
17 stream condition downstream of that?
18 MR. DEBOECK: That's correct. We haven't -- all
19 of the testimony is with respect to the flow that we see
20 to the westwards. Obviously with the proposed design,
21 we would be -- the design would significantly alter the
22 flow to the east.
23 MR. GOLDEN: Okay. Second question, are you
24 aware that many of the properties to east have not been
25 included in the study area and that those residents may

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1 have the same flooding concerns you did as far as the
2 attenuation limitation on these large storms, and that
3 such attenuation limitations should be studied for the
4 flow going to the east as well as what you have
5 demonstrated as a vault to the west?
6 HEARING EXAMINER SOKONI: Mr. -- Mr. Golden, is
7 there an aspect of his testimony that you are asking a
8 question about? Are you asking a question about
9 something he testified to or something he spoke about?
10 MR. GOLDEN: Yes, I did. Could it be expected
11 that his concerns do apply to those that are to the east
12 that have not been included in the study and probably
13 not aware of this conversation going on? That's my
14 question, by the way so could you --
15 MS. ROGERS: Just for record, we would object.
16 Mr. Golden will have an opportunity to testify, but Mr.
17 Deboeck did not testify about properties to the east or
18 what the study area was.
19 MR. GOLDEN: He testified to water going to New
20 Hampshire.
21 HEARING EXAMINER SOKONI: That's sustained. He
22 testified about his property and the, you know, the
23 impact to his property and his direct area, so I think
24 it's fair to say that question flows outside of your
25 testimony.

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1 MR. DEBOECK: Yes, I think so. I will say that
2 in the letters, there are numerous other neighbors that
3 have raised stormwater concerns. Some of who will
4 testify today.
5 HEARING EXAMINER SOKONI: Correct.
6 MR. DEBOECK: So I think there will be other
7 opportunities to addressing those questions.
8 HEARING EXAMINER SOKONI: Understood. And I'm
9 trying to manage -- we want to make sure everybody gets
10 their opportunity to speak, so people will test --
11 people will speak, the questions should be posed with
12 regard to what they have testified about.
13 MR. DEBOECK: Uh-hum.
14 HEARING EXAMINER SOKONI: Thank you. You may --
15 I'm not seeing no more hands up there.
16 So folks on Zoom, you can raise your hand just
17 in case if you feel we've missed you, you can unmute
18 yourself and speak.
19 But next -- next person.
20 Yes, ma'am, your name, please.
21 MS. KIBALAMA: Hi. My name is Destiny Kibalama.
22 HEARING EXAMINER SOKONI: Thank you. Can you
23 spell.
24 MS. KIBALAMA: Yeah. K-I-B, as in boy, A-L-A-M,
25 as in Mary, A.

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1 HEARING EXAMINER SOKONI: Kindly raise your
2 right hand.
3 Whereupon,
4 DESTINY KIBALAMA,
5 being first duly sworn or affirmed to testify to the
6 truth, the whole truth, and nothing but the truth, was
7 examined and testified as follows:
8 HEARING EXAMINER SOKONI: Thank you.
9 MS. KIBALAMA: All right. So first of all,
10 thank you so much for this opportunity. I am from
11 Uganda originally, and it's rare that citizens can speak
12 up, and I'm excited that we can voice our opinions,
13 so --
14 Anyway, I live at 313 Greenspring Lane, and
15 thanks to Mr. Deboeck, I'd love to pull up Exhibit 94A,
16 Slide 3, which shows exactly where I live.
17 MR. GUISAO-OSPINA: This one? Which slide?
18 MS. KIBALAMA: Slide 3, the map that shows --
19 that one. Perfect.
20 So I live one house above Mr. Deboeck. So all
21 of the water that you see in his yard starts in my yard,
22 and ends up in his yard. So and I think at some point
23 he talked about a neighboring house, that's my house.
24 And anyway, I have lived at my house since
25 December of 2023, and our first spring there, we

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1 literally panicked because our front yard was literally
2 full of water. And you know, we've had retaining walls,
3 we have tried to put up a dry well, and nothing has
4 actually helped. Actually, I'll show -- I don't know if
5 we can do video. I happened to take a recording of the
6 water at some point.
7 Anyway, I am very concerned that with this
8 development, if water is not an issue, that we will have
9 major impacts to our home. Then, knock on wood, we have
10 not had any flooding yet, but I definitely want to make
11 sure that it is heard that there's a water issue. And
12 yes, there's systems to make sure that the state and the
13 County and all of these people, you know, assess water
14 movement and stormwater, but the reason I'm testifying
15 is because I've never really talked to anyone about what
16 happens in my front yard. There is the first time that
17 I get to share that. And I think it makes an impact on
18 the decisions that will be made.
19 So anyway, so with where I live, two things.
20 Water not only comes directly down, kinda downhill from
21 this proposed development, also from the side, if any
22 water flows into the playground which is that empty slot
23 -- can I --
24 HEARING EXAMINER SOKONI: Yes.
25 MS. KIBALAMA: -- step up?

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1 HEARING EXAMINER SOKONI: Yes.
2 MS. KIBALAMA: So water basically flows downhill
3 coming this way. However, any water that is not managed
4 from here is also going to flow into the playground.
5 From the playground, if any of you know, there is a
6 slope that also slopes towards our houses. And so for
7 me, I have water, it's a double whammy, I'm getting hit
8 from this side and from this side as well. So not only
9 do we need to make sure water is managed from here,
10 whatever is flowing on this side also needs to be
11 managed.
12 And I'm gonna expect but I just seen -- so my
13 house is right here. So and it's all downhill, by the
14 way. And so for me, anything downhill kind of stops
15 right here and it's flooding my garage, flooding my
16 whole front yard. You know, we tried everything, a
17 retainer wall that was completely useless. So as a
18 matter of fact, there's like tunnels that the water is
19 kinda guided through at this point because it's flowing
20 so much that it's almost like a stream that is flowing
21 down our property.
22 So anyway, so -- so needless to say flooding
23 may impact us. So that's the one issue.
24 The other thing that I wanted to talk about is
25 schools. So I am a mom of three, I have a five-year-old

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1 and two-and-a-half-year-old twins. Part of the reason
2 that I moved into this neighborhood was because of
3 Westover Elementary. I actually lived three miles down
4 the road before, and needed a bigger house, and so on
5 and so forth.
6 Anyway, I am very concerned that by adding a
7 development for 130 homes, that Westover which I think I
8 heard is already overcrowded --
9 MALE AUDIENCE: 37 percent.
10 MS. KIBALAMA: -- okay, is going to be even more
11 overcrowded. I don't know how the studies are made, but
12 I know from my neighbors that there has been
13 conversation about having more kids in the neighborhood.
14 And so if that is true that there it already more kids
15 in the neighborhood, which I know at least 15 at this
16 point, plus a development that, of course, they'll have
17 children, I don't know how that math will work. The --
18 it sounds like yes, Westover is overcrowded and we're
19 asking the school to overextend and add more students.
20 I'm not an expert, but I think we in Montgomery
21 County take pride in the quality of schools that we
22 have, and by overcrowding a school, we are definitely
23 impacting the quality of academics, and you know,
24 feedback and all of the things that make a good school,
25 especially at an elementary level where if the kids

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1 don't have a great foundation in elementary, then that
2 definitely impacts middle and high school and the
3 overall quality of our schools in Montgomery County. So
4 -- so that's that for schools.
5 Traffic and parking. So again, I'm gonna walk
6 up to this map just so I can show you.
7 HEARING EXAMINER SOKONI: I was going to suggest
8 to you.
9 MS. KIBALAMA: So there is a drawing, so as you
10 can see from Greenspring to my house, I don't have
11 there, so there's like a really long driveway that kind
12 of comes to my property. So it serves this house and
13 this house. Okay. Yes.
14 So for parking, why do I hope there's ample
15 parking, cross my fingers. What is already happening is
16 that when people need to come to the playground, they
17 kinda walk down our driveway through our front yard and
18 to the playground. But also the reverse has happened.
19 Anyway, if there's not enough parking, all of these
20 people definitely on my driveway will probably try and
21 park on Greenspring Lane. And they are going to walk
22 through our driveway and try and cross into this
23 development. I don't know if it will have a fence, I
24 don't know what access will look like, but that is
25 definitely a concern for me and my family.

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1 So technically, between our houses is all
2 private property. We have actually never set up a path.
3 Now people walk through and will be okay with the
4 traffic of our small neighborhood, yeah, it's fine. But
5 with having these additional people, we worry that there
6 will be increased traffic and also parking a parking
7 issue, so --
8 I'm sure there's a lot of other --
9 HEARING EXAMINER SOKONI: May I ask what the
10 address is because I know --
11 MS. KIBALAMA: For my house?
12 HEARING EXAMINER SOKONI: Yes.
13 MS. KIBALAMA: 313 Greenspring Lane.
14 HEARING EXAMINER SOKONI: Okay. And I ask just
15 because I know you kept referring to next to --
16 MS. KIBALAMA: Yeah.
17 HEARING EXAMINER SOKONI: -- Mr. Deboeck, so I
18 wanted --
19 MS. KIBALAMA: Yeah, you know.
20 HEARING EXAMINER SOKONI: Thank you.
21 MS. KIBALAMA: And then, just compatibility.
22 You know, one of my favorite views in my house is
23 literally sitting in my front yard as the sun comes up,
24 and it kinda -- the sun literally filters right into my
25 living room, and with a 50 foot development,

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1 unfortunately that will not happen anymore. So is it a
2 small thing? Probably, but it just doesn't quite fit
3 the neighborhood.
4 And so for all of those reasons, I ask that the
5 rezoning be that it's not approved. And that is all I
6 have.
7 Oh, I have a video. Can I show this video of
8 the flooding?
9 HEARING EXAMINER SOKONI: It's --
10 MS. KIBALAMA: It's already in testimony, so I
11 don't likely will need to show it, but there I have
12 pictures of what my front yard looks like with water.
13 And my testimony is --
14 HEARING EXAMINER SOKONI: Is that -- sorry. Is
15 that a video we already have on --
16 MS. KIBALAMA: I think, yes.
17 HEARING EXAMINER SOKONI: -- in the record?
18 MS. KIBALAMA: Yes. So this is my letter is --
19 HEARING EXAMINER SOKONI: Oh, yeah.
20 MS. KIBALAMA: -- 29 DDD.
21 So further down, there's -- there's a number of
22 -- it's closer to the end. Okay. Pause.
23 HEARING EXAMINER SOKONI: I'm not sure we can
24 get to a video through the letter.
25 MS. KIBALAMA: Yep, that's it. What page is

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1 that?
2 FEMALE AUDIENCE: Page 117.
3 MS. KIBALAMA: 117. There you go.
4 So that is what my front yard looks like.
5 Okay. So unfortunately for us, we're in the process of
6 building a dry well, you can see we tried to put up
7 retainer walls, but as you can see, all of this water is
8 draining from what the proposed development would be.
9 So that's what those arrows indicate.
10 And if possible to play a video. Maybe not.
11 Anyway --
12 HEARING EXAMINER SOKONI: It's my understanding
13 that the County system will only if it's a -- if it's a
14 video from a public hearing --
15 MS. KIBALAMA: Got it.
16 HEARING EXAMINER SOKONI: -- it's publicly
17 available; otherwise, we need a YouTube link I believe
18 is -- I believe that's the guidance I have received,
19 but --
20 MS. KIBALAMA: Okay, not a problem. But at
21 least you get an idea of what my front yard looks like.
22 And if you scroll to the other picture, that's kinda all
23 of that water then going into my garage, so --
24 And that is all I have. Thank you.
25 HEARING EXAMINER SOKONI: If you could kindly

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1 stay in place. Any questions?
2 MS. KIBALAMA: Yeah.
3 MS. ROGERS: Hi, good morning.
4 MS. KIBALAMA: Good morning.
5 MS. ROGERS: You testified that you're afraid
6 that stormwater is gonna increase and impact your
7 property, but do you have any expert basis for that
8 opinion or is that just your --
9 MS. KIBALAMA: I am a --
10 MS. ROGERS: -- concern?
11 MS. KIBALAMA: -- layperson, and from I just see
12 there's a lot of water, and from basic geography,
13 history, back-in-the-day class, is that just worry that
14 with all of this green space being taken away and
15 covered by concrete, pavement, I just worry that there
16 will be more water. That's not an expert opinion. I'm
17 just it just worries me.
18 MS. ROGERS: And have you ever -- you've
19 expressed concerns about, you know, playing that you're
20 experiencing. Have you ever contacted the County about
21 those issues?
22 MS. KIBALAMA: Not yes.
23 MS. ROGERS: And have you ever had an engineer
24 come out to evaluate the concerns?
25 MS. KIBALAMA: No, not yet.

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1 MS. ROGERS: And you mentioned that you are
2 afraid of school overcrowding, but again, do you -- do
3 you have -- are you aware of how the County calculates
4 student generation rates and what their annual school
5 test is?
6 MS. KIBALAMA: I have no idea. All I know is
7 that I'm a mother of three with three children going to
8 elementary school, so --
9 MS. ROGERS: So these are just your generalized
10 concern and not based on facts?
11 MS. KIBALAMA: Yeah. My hope is that somebody
12 else will study this and kind of assess this. I'm not
13 the expert.
14 MS. ROGERS: And are you aware that school
15 enrollment trends are kind of declining and that's been
16 documented by MCPS?
17 MS. KIBALAMA: Uhm-uhm. I did not know that,
18 no.
19 MS. ROGERS: And regarding parking --
20 MS. KIBALAMA: You mind me asking --
21 MS. ROGERS: -- are you -- you don't get to ask
22 me a question.
23 MS. KIBALAMA: Got it. Okay. Sorry.
24 MS. ROGERS: Are you -- regarding parking, you
25 have expressed concerns about that, but are you aware

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1 that this project significantly exceeds the parking
2 requirements that are in the zoning ordinance?
3 MS. KIBALAMA: You know, I am, but can I also
4 say something about that? I'm not gonna ask you a
5 question.
6 MALE AUDIENCE: She won't answer.
7 MS. KIBALAMA: We live in a community where we
8 have public holidays, we have special events where
9 granted we all have enough -- technically, we have
10 enough parking, but we already see when we have a
11 birthday, or we have Christmas, or we have whatever
12 parties, and suddenly everyone is parking everywhere.
13 So while I understand the development may have three or
14 four assigned parking spots, I also know they have
15 lives, and they will have parties, and they will have
16 all of these things that will happen that will then
17 impact us, so yeah.
18 MS. ROGERS: Those are all my questions. Thank
19 you.
20 MS. KIBALAMA: All right. Thank you.
21 HEARING EXAMINER SOKONI: Before you -- before
22 you leave, any other questions? On Zoom? One person on
23 -- oh, in the room first.
24 MR. ELLER: Yes. My name is Bob Eller.
25 The Cambodian church has festivals frequently.

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1 MS. KIBALAMA: Um-hum
2 MR. ELLER: How has that impacted your travels,
3 your parking?
4 MS. KIBALAMA: So great question. And so while
5 because there's no way through from our -- from directly
6 near off Greenspring, but off of Shannon Drive, they'll
7 park down that street and suddenly there's only one road
8 car can go through, it's backed up, so they're parking
9 on Notley, which is crazy --
10 MR. ELLER: Both sides, right?
11 MS. KIBALAMA: Both sides of Notley, and so
12 that's -- and Notley doesn't have sidewalks, so it's
13 just a little scary when we have those.
14 MR. ELLER: Do you have any idea how often they
15 have these festivals?
16 MS. KIBALAMA: You know, I don't. I tend to
17 stay in my house quite often so I -- I don't, so --
18 HEARING EXAMINER SOKONI: Okay. Thank you very
19 much.
20 MS. KIBALAMA: All right. Thank you.
21 HEARING EXAMINER SOKONI: Oh, sorry, sorry,
22 before you leave, there was somebody on Zoom. Is that
23 Mr. Golden?
24 MR. GUISSAO-OSPINA: It's Mr. Golden, yes.
25 HEARING EXAMINER SOKONI: You are -- I believe

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1 you are muted, Mr. Golden.
2 MR. GOLDEN: I'm sorry about that. Have you --
3 has your testimony been, have you checked yet to see if
4 Wilshire Estates Development, they drain your way also?
5 MS. KIBALAMA: I have no idea. Sorry.
6 MR. GOLDEN: Okay. Thank you.
7 HEARING EXAMINER SOKONI: Thank you very much.
8 MS. KIBALAMA: Thank you, everyone.
9 HEARING EXAMINER SOKONI: Anyone else in the
10 room? Anyone else in the room, please come forward.
11 Your name, sir.
12 MR. CHECCO: Larry Checco, C-H-E-C-C-O.
13 HEARING EXAMINER SOKONI: Kindly raise your
14 right hand.
15 Whereupon,
16 LARRY CHECCO,
17 being first duly sworn or affirmed to testify to the
18 truth, the whole truth, and nothing but the truth, was
19 examined and testified as follows:
20 HEARING EXAMINER SOKONI: Thank you.
21 THE COURT REPORTER: I'm sorry, sir, could you
22 please repeat your name one more time.
23 MR. CHECCO: Sure. Checco, C-H-E-C-C-O.
24 THE COURT REPORTER: First name?
25 MR. CHECCO: Larry.

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1 THE COURT REPORTER: Okay.
2 MR. CHECCO: Basically, I've got a statement and
3 a couple of recommendations. I'm not gonna be as
4 technical as some of these past folks have been.
5 I think you've already heard a lot about the
6 liabilities that are possible with this -- with this
7 project. Especially the runoff. You've -- this young
8 lady started to talk about traffic density, schools.
9 My wife and I have lived at 508 Scott Drive for
10 34 years. I'm 77, she's 70. So we have a stake in the
11 neighborhood. We were there when -- we were there when
12 Westover, our kids went there, and they did a -- a
13 survey. We did a survey as -- as people in the
14 neighborhood to find out if the population was growing
15 or not. Kid population. And we discovered after going
16 house to house to house that there was an increase in
17 population although the County did not accept it. And
18 so now we're stuck with all these portable schools
19 because they rejected our -- our projection of the
20 population.
21 But that's a different story. My -- my
22 statement is my observation is that if these liabilities
23 do come to fruition, if, in fact, we are proven right,
24 whether with one or two, or all of them, that if you go
25 through with this development, we are going to be stuck

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1 with tease liabilities, and you're gonna walk away, or
2 the Applicant is gonna walk away with profits, and
3 that's gonna be it, you know. That's gonna be it for
4 them, we won't see them again. But we will be stuck
5 with the runoff, the traffic, the density, and all the
6 rest of this.

7 I'm recommending two things. 1, that you
8 dramatically scale back this project from 130 to
9 hopefully less than 50. That would be the least you can
10 do. But the other thing I would recommend is if the
11 Applicant wants to put its money where its mouth is,
12 because they have been projecting such great outcome for
13 this project, can we somehow establish an escrow
14 account, or a trust fund, or some slush fund, something
15 that if these things do come to fruition, especially the
16 water runoff, that people have a resource to go to.
17 Because these things, as we know, we're all homeowners,
18 these kinds of liabilities cost thousands of dollars.
19 And if they get worse with these people, it's -- it's
20 only going to get worse financially. When this young
21 lady brought -- testified before me is already probably
22 spending thousands of dollars putting up retaining walls
23 and all the rest of that. If it gets worse, it will be
24 more expensive, so reduce the number of -- of apartments
25 or units. But can we establish some recompense for

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1 these folks if they do go wrong. And I hate to say it
2 but you know, the likelihood of that happening is very,
3 very high.

4 I don't really have anything else to say.
5 That's about it. I'm taking it from a practical point
6 of view, not a technical point of view. And you know, I
7 just we live in a lovely neighborhood. We bought there
8 34 years ago, and we have loved living there, and we
9 like it the way it is, and that's it. I don't have
10 anything else.

11 HEARING EXAMINER SOKONI: Thank you. Any
12 questions for Mr. Checco?

13 MR. CHECCO: Checco. No? Oh, come on. I was
14 hoping you would. I'm not a lawyer, I don't play one on
15 TV, I mean, but you know, I figured you had some banter
16 here, let's get going.

17 All right. Anyway, that's it.

18 HEARING EXAMINER SOKONI: Okay. Thank you very
19 much.

20 Nothing on Zoom. So our next -- next person,
21 please come through.

22 Yes, ma'am, your name, please.

23 MS. MACHEN: My name is Ayana Machen.

24 THE COURT REPORTER: If you could spell that.

25 MS. MACHEN: A-Y-A-N-A M-A-C-H-E-N.

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1 I've lived at Petwyn Court, directly across
2 from the proposed site for 18 years, almost 19. My
3 husband and I love Colesville and have raised our sons
4 here. I have nothing against townhouses. In fact, I
5 lived in a townhouse when I was growing up. But this is
6 not the right place to shoehorn in 130 of them.

7 My main concern is overflow parking. Every
8 year, there is a festival about one block up on New
9 Hampshire Avenue. For two days each year, I can barely
10 get out of my street due to the cars parked on both
11 sides of Petwyn Court. If these townhouses are built,
12 that would be my reality and the reality of my neighbors
13 every day. Anyone looking at the development map can
14 see that there is not adequate parking for residents
15 much less for guests of those residents. Many who buy
16 will have more than two cars because they have teenagers
17 who drive, or because they have parents living with
18 them. Where are these additional cars going to go?
19 There are literally no shoulders on the majority of
20 Notley Road, so that leaves our cul-de-sac across the
21 street to serve as overflow parking.

22 What will be our recourse when we cannot park
23 in front of our own homes or have any guests over due to
24 lack of parking. Will we be able to call the Planning
25 Board, the police, the County Council? I really would

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1 like to know.

2 When I asked this question during the hearing
3 on December 2nd, the attorney for the developer in
4 essence indicated that we suck it up because our
5 cul-de-sac is quote, A public street. This is just one
6 of the many demonstrating -- demonstrations of the utter
7 lack of caring about the community or anything besides
8 their bottom line that shows why this developer's
9 application should be categorically denied.

10 In addition to the parking nightmare that will
11 be created by plunking 130 townhouses at the end of a
12 single lane road, the traffic will go from bad to
13 unbearable. Already during rush hours, traffic blocks
14 up on Notley, past Petwyn Court making it difficult and
15 dangerous to get in and out of my street and in and out
16 of existing homes on that part of Notley Road. I cannot
17 imagine how putting at least 130 more cars and likely
18 closer to 260 or more will further small the
19 intersection of Notley and New Hampshire Avenue.

20 I invite all who support this proposed
21 development to come to the site at Notley Road at 8 a.m.
22 or 5 p.m., and then explain to me how 130 to 300 more
23 cars are gonna empty into that area safely.

24 When school children at the bus stop, our
25 neighbors walking dogs are injured, or goodness forbid

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1 worse due to this nightmare congestion that will be
2 created, again, I ask what will be the recourse?
3 There's no traffic light in the road that will make it
4 safe. In fact, the traffic light will increase the
5 cut-through traffic on Notley thus exacerbating the
6 problem.
7 At the planned board hearing, I noticed that
8 the people who spoke on behalf of the developer who are
9 probably well-intentioned did not live on Notley Road.
10 They likely bought into the developer's tag line of
11 we're building affordable housing and the neighbors are
12 opposing it. This is ludicrous. Since when are new
13 construction townhouses considered affordable? Based on
14 other new construction in our zip code, these will start
15 in the 700,000s. No schoolteacher or police officer
16 will be able to afford that.
17 This is not about opposing affordable housing.
18 Most of us in the neighborhood are regular folks who
19 bought in the community at least a decade ago because we
20 dreamed of a house with a yard for our kids to play in.
21 We've been faithfully paying our mortgage, paying our
22 taxes, and making improvements here and there when we
23 can afford them. Now we just want to enjoy the fruits
24 of our labor, not be punished and blind sighted by
25 rezoning that makes no common sense.

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1 We want our children and our grandchildren to
2 come and visit us and have a place to park. We want
3 them to be able to arrive and depart safely. We love
4 watch to watch our grandkids play in our yards and ride
5 their bikes in front of our houses without worrying
6 about a cut-through driver speeding through and harming
7 them. We don't think that's unreasonable to expect.
8 We're asking for zoning that considers our years of
9 investment into the community and prioritizes our
10 interests, not those of a developer who only cares about
11 dollar signs, and outsiders who frankly have no idea
12 what it means to live on Notley Road.
13 We're asking that you prioritize those who have
14 to live with this decision over those who will take
15 their money and walk away without dealing with any
16 consequences. We're asking you to not make our
17 community unsafe and unbearable to live in to help a
18 developer who will make millions at our expense.
19 Whoever is building this site needs to have low
20 enough density to avoid creating an inflammatory
21 overflow parking situation, be safe for existing and new
22 residents, not make an already difficult traffic
23 situation exponentially worse, and fit into the
24 character of Notley Road which is exclusively single
25 family homes.

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1 In conclusion, I strongly oppose 130 town homes
2 plopped onto to the end of a busy, dangerous
3 intersection without adequate parking for residents, let
4 alone their visitors.
5 Thank you.
6 HEARING EXAMINER SOKONI: Questions for Ms.
7 Machen anything on Zoom, any questions?
8 MS. ROGERS: I have questions, yes.
9 If we could go to Exhibit 10, please. I'd like
10 you to just to orient the Hearing Examiner where Petwyn
11 is located.
12 MS. MACHEN: Sure.
13 MS. ROGERS: And would you either be able to go
14 up to the screen or describe verbally where -- where
15 Petwyn is. And perhaps you can start by showing where
16 the subject property is.
17 MR. ELLER: It's going to be on the side of the
18 street.
19 MS. MACHEN: This is Petwyn Court, and this is
20 the subject property. So obviously any -- any part of
21 it can't be handled here would pass the natural
22 development, the natural place where people would go
23 because that's where the opening development is gonna
24 be.
25 MR. ELLER: It's a great place to park.

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1 MS. ROGERS: And if we could, if we could also
2 take a look at Exhibit 70A, please: And you had
3 mentioned that the entrance to the development would be
4 right across from -- is that the Floating Zone Plan?
5 I'm sorry. I'm sorry, 70B. 70B. Which is the Floating
6 Zone Plan that's currently in the -- in the exhibits.
7 Would you be able to show the Hearing Examiner where the
8 entrance to the proposed development is in relationship
9 to Petwyn. And perhaps if you could move the exhibit so
10 you can see lower down on the page.
11 MS. MACHEN: So this is the entrance, I believe,
12 and Petwyn Court is right here.
13 MS. ROGERS: Okay. And where -- where do you
14 live if it's shown on that map? Are you further down
15 the cul-de-sac?
16 MS. MACHEN: I'm directly across from the
17 entrance so I'm at the end.
18 MS. ROGERS: All right. Thank you. I have no
19 more questions.
20 HEARING EXAMINER SOKONI: I don't see any
21 questions on Zoom. Oh.
22 MALE AUDIENCE: One question.
23 HEARING EXAMINER SOKONI: Okay. On Zoom, please
24 turn on your camera and identify yourself, please.
25 MS. OTTAVIANI: Hello. I just wanted to check.

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<p style="text-align: right;">77</p> <p>1 I have a meeting at 12:00. I don't know if I would be 2 able to do my testimony before or when that meeting is 3 done at 12:45. 4 HEARING EXAMINER SOKONI: I see no more 5 questions on the Zoom. Because I mean you could go next 6 if you think you are able to. You can go next. 7 MS. OTTAVIANI: That's great. Yes. So should 8 I go now. 9 HEARING EXAMINER SOKONI: Yes, please. 10 MS. OTTAVIANI: Okay. Thank you. 11 HEARING EXAMINER SOKONI: Please -- please 12 kindly -- please provide your full name please. 13 MS. OTTAVIANI: Yes. My name is Regina 14 Ottaviani. Should I spell that? 15 HEARING EXAMINER SOKONI: Yes, please. 16 MS. OTTAVIANI: Okay. R-E-G-I-N-A O-T-T-A-V, an 17 in Victor, I-A-N-I. 18 19 HEARING EXAMINER SOKONI: Spelled exactly how it 20 sounds. 21 If you could kindly raise your right hand. 22 Whereupon, 23 REGINA OTTAVIANI, 24 being first duly sworn or affirmed to testify to the 25 truth, the whole truth, and nothing but the truth, was</p>	<p style="text-align: right;">79</p> <p>1 And I believe, as I understand it, the developers are 2 requesting an exemption that would leave open only 10 3 percent open space. In speaking with neighbors in 4 Colesville, many people have told me the primary reason 5 they bought their house was because of open space. 6 So let me just tell you a little bit about 7 myself. I was born and raised in rural Pennsylvania. 8 In Pennsylvania, what you do on your land is up to you. 9 If you want to burn papers in a barrel in the backyard, 10 you do. If you want to have five cars broken down maybe 11 in front of your yard, that's up to you. It's your 12 land. 13 When my husband and I decided to settle in the 14 Washington, D.C. area, we checked all ratings; Maryland, 15 Virginia, and D.C. We ended up choosing to build a home 16 in Montgomery County, Colesville, Notley Road for one 17 reason. Montgomery County had a Master Plan and 18 stringent zoning requirements. This was a novel -- 19 believe it or not, a novel and very appealing idea to 20 us. I actually was quite unfamiliar with zoning but saw 21 the tremendous boundary of it. We could be assured our 22 neighborhood will remain as promised unless there was 23 community agreement to deviate from it. Since houses 24 are such a significant investment, we figured our 25 investment was safe and the neighborhood would stay the</p>
<p style="text-align: right;">78</p> <p>1 examined and testified as follows: 2 HEARING EXAMINER SOKONI: Thank you. 3 MS. OTTAVIANI: I'm having a little -- just like 4 suddenly the volume is a little bit down, but -- 5 HEARING EXAMINER SOKONI: I apologize. I think 6 my microphone was off. 7 C thank you. Thank you. 8 HEARING EXAMINER SOKONI: I hope you heard the 9 oath loud and clear. 10 MS. OTTAVIANI: I did, I heard the oath, yes. 11 So my name is Regina Ottaviani, I've lived on 12 Notley Road in Colesville for 34 years. I wanted to 13 testify today in opposition to the request for an 14 exemption for the proposed development. 15 When we were looking to put down roots, it was 16 important for us to have a diverse neighborhood that was 17 zoned for a large amount of open space. Now, when we 18 talked before, you know, we talked a lot about open 19 space. And I could provide a dissertation about the 20 positive the impact of open space on physical health, 21 emotional health, and social health. But in the 22 interest of time, let me just summarize by saying there 23 are literally hundreds of studies that show the benefit 24 of open space far beyond its esthetic appeal. 25 So our area is zone for 75 percent open space.</p>	<p style="text-align: right;">80</p> <p>1 way Montgomery County promised. 2 I guess a lot of this has to do with how much 3 we trust our local government. When my neighbor, Bill, 4 wanted to build a garage a foot closer to the property 5 line as zoned, he was required to request a zoning 6 exemption. The neighbors could agree or disagree. 7 Well, nobody was in opposition to Bill building his 8 garage one foot closer to the property line, and the 9 exemption passed because of neighborhood approval. 10 When the developers wanted to build a 150, now 11 130 townhouses, I assume the same process would apply. 12 That Applicant's request was very bold for this area. 13 Very soon, the community would be heard and know that 14 they could accept or reject this proposal. I also 15 assumed the government would support the residents of 16 the area. 17 So imagine my shock at our first zoning meeting 18 when the zoning group headed by Troy Leftwich told us he 19 had been working with the developer to make the project 20 more appealing. It felt like Troy Leftwich ignored the 21 many citizens who had previously written letters to him 22 expressing our displeasure in this proposal. And then, 23 I guess previously, this fellow spoke that maybe he 24 didn't count our letters because they were misquoted. 25 So the version of this project which is against</p>

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<p style="text-align: right;">81</p> <p>1 the Master Plan and zoning feels like a real betrayal of 2 a pact we had with the Montgomery County government. If 3 exemptions to Master Plan and zoning can be pushed 4 through for development, no homeowner or prospective 5 homeowner will have confidence that the Master Plan in 6 your neighborhood can be trusted. If I am to do it over 7 again, I would not buy a house in Montgomery County 8 since I can't trust the government.</p> <p>9 One of the zoning members in that other meeting 10 mentioned a very important concern was that this would 11 be the first development of many since land in 12 Colesville is relatively inexpensive for a developer. 13 These sorts of projects that are not consistent with the 14 nature of the community could pop up all over 15 Colesville. A developer could easily buy a number of 16 homes on large lots in my street and other areas, and 17 then go through this exemption approval for another 18 townhouse development.</p> <p>19 The zoning person who abstained from voting 20 suggested that we should revise the corridor Master Plan 21 before any such projects are approved. But it was 22 pointed out that is not the time of the mission right 23 now, a new corridor Master Plan. The task in hand is to 24 reject or approve this particular project, not to make a 25 new corridor Master Plan.</p>	<p style="text-align: right;">83</p> <p>1 Thank you.</p> <p>2 HEARING EXAMINER SOKONI: Thank you.</p> <p>3 Any questions?</p> <p>4 MS. ROGERS: No.</p> <p>5 MS. ROSENFELD: I do.</p> <p>6 HEARING EXAMINER SOKONI: Okay.</p> <p>7 MS. ROSENFELD: You had said that there is lots 8 of open spaces in the existing neighborhood and the 9 development only proposes 10 percent open space. In 10 your view, is the proposed rezoning compatible with the 11 existing development in the neighborhood?</p> <p>12 MS. OTTAVIANI: It is not compatible.</p> <p>13 MS. ROSENFELD: And does the proposed 14 development with the 10 percent open space adversely 15 affect the character of the surrounding neighborhood?</p> <p>16 MS. OTTAVIANI: It definitely does. And for 17 many reasons that people have spoken about. There is a 18 certain -- I mean, this is an area that has been zoned 19 for a certain amount of open space. And this intense 20 development and subsequent consequences of it is not 21 consistent at all with the neighborhood.</p> <p>22 MS. ROSENFELD: And could you just give two or 23 three of the subsequent consequences that you would be 24 concerned about.</p> <p>25 MS. OTTAVIANI: I would be very concerned about</p>
<p style="text-align: right;">82</p> <p>1 So the clear way to address this concern of 2 pop-up zoning exemptions across Colesville is to say no 3 to this project. If the Master Plan changes, or zoning 4 changes, it's a different story. At this point, this 5 exemption is not desired by the majority of people in 6 Colesville. Why should that community voice be 7 overridden. As another zoning member said, why aren't 8 we more concerned about people who might live in 9 Colesville than those who already live in Colesville.</p> <p>10 I understand that needs change, and for 11 exceptional circumstances, circumstances, there will be 12 zoning exemptions. My hope that would be if the 13 community consensus thought those exemptions were for 14 the greater good, then why go through them. The greater 15 good that's suggested here, but is not true, is for more 16 housing and affordable housing. There are already many 17 houses available in Colesville at, you know, for 18 Montgomery County, at relatively reasonable rate. And 19 they are likely gonna be less than the cost of these 20 townhouses. The number of actionable low-cost 21 affordable houses will be quite minimal.</p> <p>22 Therefore, profit from the developer appears to 23 be the reason for the zoning exemption. Not the greater 24 good. And there certainly is not community agreement 25 for this exemption.</p>	<p style="text-align: right;">84</p> <p>1 traveling. I am also concerned literally about how you 2 can't -- you can hardly drive down Notley. There -- 3 there's no sidewalks there, there's no place for bikes. 4 You know, it's difficult for bikes already.</p> <p>5 I think that school overcrowding, I think 6 general overcrowding, those are some of the -- oh, and 7 certainly this runoff issue seems really significant as 8 I hear about it.</p> <p>9 MS. ROSENFELD: Okay.</p> <p>10 MS. OTTAVIANI: I'm really concerned about the 11 pop-ups too. And if people think that's not realistic, 12 you should because you could literally -- and not us, 13 but a developer could easily buy acres of land, and 14 apparently, the County is pushing for this thing, where 15 there will be these clusters of townhouses. You know, 16 we really need to get zoning differently if we want this 17 sort of thing to happen.</p> <p>18 MS. ROSENFELD: And by pop-ups, do you mean you 19 think this sets a precedent for --</p> <p>20 MS. OTTAVIANI: Yes, it does.</p> <p>21 MS. ROSENFELD: -- future? Okay.</p> <p>22 MS. OTTAVIANI: Without a doubt.</p> <p>23 MS. ROSENFELD: Okay. Thank you. I have no 24 further questions.</p> <p>25 HEARING EXAMINER SOKONI: Thank you. Thank you.</p>

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1 Hope you make your afternoon meeting.
2 We'll go back to the room. I think you may
3 have maybe one more question.
4 MR. GUIASAO-OSPINA: One more person on Zoom who
5 had a question.
6 HEARING EXAMINER SOKONI: Zoom was the
7 exceptions. Sorry, Zoom was -- are we -- are we done
8 with testimony in the room?
9 MALE AUDIENCE: No.
10 MALE AUDIENCE: No. Everybody else here will be
11 testifying in the room, but --
12 MALE AUDIENCE: Yeah, but early testifying.
13 MALE AUDIENCE: Early testifying.
14 MALE AUDIENCE: Immediately.
15 HEARING EXAMINER SOKONI: Yes. So earlier I had
16 asked for a show of hands how many people in the room
17 needed -- wanted to testify.
18 MALE AUDIENCE: No, who needed to testify
19 early.
20 HEARING EXAMINER SOKONI: Early, correct. Thank
21 you.
22 So are we done with the people who needed to
23 testify early?
24 Okay.
25 MS. ANDERSON: I see -- everyone that are in

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1 the room testifying early?
2 HEARING EXAMINER SOKONI: We actually then we're
3 turning to Zoom. If we have people who needed to
4 testify early on Zoom.
5 MS. ANDERSON: So regarding that, I needed to
6 testify early, it is no longer early. Will we be able
7 to log back in the little pockets of time that I have.
8 And so -- so understanding how others will be testifying
9 and everything, I am going to hopefully hop back on and
10 be able to get in when I can.
11 HEARING EXAMINER SOKONI: Okay.
12 MS. ANDERSON: And -- and I hope you can make
13 accommodations for me.
14 HEARING EXAMINER SOKONI: Yeah, yes. I mean,
15 every -- yes, we are trying to make do here.
16 So now turning to Zoom, for everyone, anyone
17 who has a time constraint, you know, time off from work.
18 I'm seeing four hands up on Zoom. Let's just start, you
19 know, a reminder that to testify, you need to have your
20 camera on.
21 Let's start with Gina, is that -- is that Gina
22 I think that's old.
23 MR. GUIASAO-OSPINA: That's old.
24 HEARING EXAMINER SOKONI: So Gina, if you're
25 able to drop your hand.

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1 Next? Is someone on -- is there an order up
2 there?
3 MR. GUIASAO-OSPINA: Looks there is a Terry
4 that's first.
5 HEARING EXAMINER SOKONI: Okay. Someone
6 identified as Terry Sitz?
7 MS. SITZ: Yes.
8 HEARING EXAMINER SOKONI: Okay. Could you --
9 YES. Your full name, please.
10 MS. SITZ: It's Terry, T-E-R-R-Y, and last name
11 is Sitz, S, as in Sam, I-T-Z, as in zebra.
12 HEARING EXAMINER SOKONI: Kindly raise your
13 right hand.
14 Whereupon,
15 TERRY SITZ,
16 being first duly sworn or affirmed to testify to the
17 truth, the whole truth, and nothing but the truth, was
18 examined and testified as follows:
19 HEARING EXAMINER SOKONI: You may proceed.
20 MS. SITZ: I haven't prepared testimony, but I
21 particularly wanted to speak now because of two things
22 that came up with Jim Touhey's testimony and Gina
23 Ottaviani's. They both mentioned not being included in
24 the person of record or citizen of record to Troy
25 Leftwich. And I wanted to clarify some very important

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1 things that I wasn't aware of.
2 On July 2nd, I emailed Ilana Branda who is the
3 chief of staff at Park and Planning to get more
4 information about the proposed development. And she
5 sent me an email back citing H1-19. She said that was
6 the exact name for the proposed development application.
7 Subsequently, Kyle Smiddie and I worked for
8 about three weeks alerting the community and letting
9 them know that they needed to send an email as citizen
10 or a person of record for that project.
11 On July 26th, a Colesville resident noted that
12 he found discrepancy with the H-19 that was quoted by
13 Ilana and also quoted by Troy Leftwich in his email to
14 us. When we looked at the DRC meeting agenda and notice
15 that it was now cited to be H-159.
16 And on July 29th, Kyle Smiddie wrote to Troy
17 pointing out the error. Troy answered saying yes, this
18 was an error of the Planning staff and that all the
19 folks who emailed which were I think in the hundreds,
20 and we have duplicate emails of those, would be included
21 as party of record.
22 So I'm very concerned that those people who
23 spent their time and effort writing to Troy about being
24 party of record were never recognized as such and never
25 -- never -- their emails were never past on to any of

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1 the other Planning folks in the decisionmaking process.
2 So that is something I wanted to bring up prior
3 to the prepared testimony I had because I think it's
4 extremely important to know whether or not their voices
5 were heard. Sounds like at least Gina and James Touhey
6 said they were not included, and I don't know how many
7 other people were affected by that.
8 So that is one part of my unprepared testimony,
9 and I now want to read my prepared testimony.
10 I moved in Colesville when I was one month old,
11 and my husband moved here when he was two. We raise our
12 adult daughters in Colesville. In fact, I went to
13 Westover Elementary School when it first opened.
14 We both, my husband and I, opposed the 130
15 townhouse zoning application. This Virginia developer
16 does not know Colesville and has never made any attempt
17 to solicit our input, only telling us partly what they
18 intend to do. Their testimony suggest this development
19 is a good fit for Colesville. It is not.
20 The inference has been made these townhouses
21 will offer affordable housing, but they have not been
22 willing to share those price points with us. We have
23 asked, they said they don't know their price point, but
24 no developer outright buys land without financial
25 projections and pricing.

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1 The facts are that Colesville offers some of
2 the most affordable housing in Montgomery County.
3 According to Zillow, from the December 2025 data, in the
4 last two years in Colesville, home sales including 18
5 single family homes that sold under 500,000, and 76
6 single family homes that sold under 600,000. The fact
7 is Colesville is very affordable.
8 The developer says this project would bring,
9 quote, bring diversity to Colesville. They don't know
10 Colesville. Colesville is one of the most diverse
11 communities in Montgomery County. According to the 2023
12 Census Recorder, African-Americans were a majority race
13 in Colesville, followed by whites, and solid populations
14 of Latino and Asian people. And we are culturally
15 diverse. Diverse with Buddhist, Muslim, Greek Orthodox,
16 Latino, Indian, and many other churches and temples
17 dotting our landscape. We embrace diversity.
18 They claim 30 visitor parking spaces are enough
19 to accommodate community -- a community of 130 houses.
20 But where do visitors park with ten families for
21 Thanksgiving or Christmas, football parties, 4th of
22 July, graduation parties, Labor Day and New Years, where
23 would 50 cars park on those days. There's no parking on
24 Notley Road, there's no shoulder on Notley Road. The
25 Planning staff clearly stated that there will never be

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1 lanes added to Notley Road.
2 So without adequate parking, visitors would
3 park on adjacent streets behind the development and walk
4 through private properties. And with no shoulders, the
5 road actually sitting lower than the adjacent land how,
6 would emergency vehicles access Notley Road and
7 protecting -- connecting neighborhoods.
8 They clam this development fits the community.
9 The community is open green space with thousands of
10 mature trees and adjacent homes that are mostly one and
11 two stories. Ranging from 20 to 30 feet. The proposed
12 development is an anomaly being shoehorned into the
13 rural road regardless of the recent and mysteriously
14 changing road designation.
15 They claim this would help more -- bring more
16 patronage to Colesville businesses, but our existing
17 single main shopping, post office, banks, and strip
18 shops can barely accommodate current customer parking.
19 The addition of 130 families, potentially 500 to 700
20 additional customers or residents will create logistical
21 nightmares. We do not have the infrastructure.
22 They claim that traffic would not be grossly
23 impacted. An addition to 250 to 300 cars pulling in out
24 of Notley Road would create a huge bottleneck on already
25 -- on an already busy street. Currently, Notley Road

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1 residents would not be able -- currently, existing
2 Notley Road residents would not be able to exit their
3 own driveways.
4 A traffic light or not, the flooding of 350
5 cars coming from Colesville would create backups
6 throughout the New Hampshire Avenue corridor.
7 Please note this developer has never built a
8 residential community. Instead, they have built small
9 rather pedestrian office buildings. My guess is they
10 will not build this project either. That instead, they
11 hope to secure the rezoning, change the rezoning, put
12 this project to another developer for a tidy profit.
13 It's all about their profit; not trying to do some good
14 for historic and cherished community. Not once asking
15 to work with us.
16 All of us here bought our homes because of what
17 this -- what this unique community offers. We're one of
18 only five designated villages in the County. When we
19 bought our homes, we believed in the Master Plan. That
20 was something that would be reviewed and counted for the
21 long-term outlook for Colesville. That plan is not out
22 of date.
23 Dense housing is being placed in community
24 centers through legal wider -- the legal wider corridor.
25 We are not part of legal wider, we are not part of

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1 Thrive. Why is this developer not inclined to build in
2 areas already designated for this kind of density?
3 We ask that you support those of us who have
4 made our basic investments of our lives, the purchase of
5 our homes, trusting that our choice to live in this more
6 rural area would be respected and supported by those who
7 ensure that development planning is in the best interest
8 of the existing community. And preserving the initial
9 planners with the foresight to designate Colesville as a
10 village. With the intention that not all areas of the
11 County should include high walled city building.
12 130 townhouse -- townhouses on Notley Road
13 doesn't serve Colesville. It does not bring anything to
14 the community and it does not already have. It produces
15 chaos, and headaches and loss. Approval of this
16 community sets a precedent for bringing out-of-place
17 density to any two-lane County road to any neighborhood
18 regardless of the Master Plan.
19 Respectfully I ask you to prior to making a
20 decision, please visit the site, our beautiful
21 community, so you can genuinely see how much of a misfit
22 this proposed zoning is and how awful the impact on --
23 it will have on the entire community.
24 HEARING EXAMINER SOKONI: Thank you.
25 So you are adding to the concern about the

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1 miscommunication with Planning, and so I'm now feeling
2 inclined to reach out to Planning and just raise that
3 issue and give them an opportunity to respond to how
4 that was handled.
5 If you'd just -- you mentioned -- I just want
6 to make sure I have this correct. You mentioned
7 reaching out to Planning July 2nd.
8 MS. SITZ: Yes, I had called Ilana Branda, who
9 at the time, I don't know if she is still the Chief of
10 Staff at Planning. She emailed me back with all the
11 information including signing the application as H-19 --
12 as H-19. So I along with Kyle Smiddie sent out an email
13 to our community about H-19 telling people if they
14 wanted to, they should email Troy Leftwich saying they
15 were -- they were citizen of record, person of record.
16 And then, on the 26th, we had a message from somebody in
17 the community said wait a minute, this number does not
18 match what I'm seeing on a DRC meeting site. And that's
19 when we reached out to Troy Leftwich, and he said, Yes,
20 there was a mistake, we made a mistake, we will make
21 sure everybody who emailed, and they were in the
22 hundreds, and Kyle Smiddie made a record of that, that
23 they would all be party of record.
24 HEARING EXAMINER SOKONI: Okay. Thank you. I
25 -- I'll convey this concern to planning.

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1 MS. SITZ: Thank you.
2 HEARING EXAMINER SOKONI: Any questions for Ms.
3 Sitz?
4 MS. ROGERS: Yes, I have a few.
5 Ms. Sitz, are you aware that the Planning
6 Board, before their public hearing, had a packet of
7 correspondence that was almost 300 pages long about
8 correspondence that had been compiled from the
9 community?
10 MS. SITZ: What date are you talking about?
11 MS. ROGERS: I'm talking about the Planning
12 Board hearing? So there was a posting with the staff
13 report and exhibits.
14 MS. SITZ: I read through -- I read through most
15 of the documents.
16 MS. ROGERS: So I'm asking if you're aware that
17 there was an almost 300-page packet that was compiled of
18 correspondence received from the community?
19 MS. SITZ: I'm aware, and I'm -- but on July 2nd
20 when I received documentation in an email from Ilana
21 Branda, I was not aware. And that's when she gave us
22 the information that she wrote to me.
23 MS. ROGERS: And are you aware that the Greater
24 Colesville Civic Association has sent many announcements
25 about this case and the upcoming hearing before the

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1 Planning Board to their numerous members?
2 MS. SITZ: Yes, I wrote those.
3 MS. ROGERS: Yep. And are you aware that the
4 community has set up a website to also provide
5 communication to the community about all of the
6 opportunities to participate in this application?
7 MS. SITZ: I created the website.
8 MS. ROGERS: And are you aware that community
9 members have posted yard signs and set up tables in
10 front of the grocery stores to also again communicate to
11 the community about the various opportunity to testify
12 at the various proceedings?
13 MS. SITZ: Yes, along with another neighbor, we
14 created and printed those signs and we distributed them.
15 MS. ROSENFELD: So you would agree that there
16 has been a substantial amount of communication with the
17 community about ways to get involved and participate in
18 these proceedings?
19 MS. SITZ: Yes, I think we did a really good
20 job. Unfortunately, we were not given the appropriate
21 number for the -- for the application initially.
22 MS. ROGERS: But given all of these forums to
23 which notice has actually been given to the community,
24 do you have any basis to assume that anyone didn't have
25 an opportunity to know of how to participate in this

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<p style="text-align: right;">97</p> <p>1 application? 2 MS. SITZ: I -- definitely. Today listening to 3 James Touhey and Gina Ottaviani, neither of them were 4 made party of record as we were sure they would be. 5 MS. ROGERS: But -- 6 MS. SITZ: So we're not -- 7 MS. ROGERS: -- those two individuals were given 8 notice and an opportunity to participate today? 9 MS. SITZ: Those people were not given the 10 opportunity to be noted as party of record to Troy 11 Leftwich, and I don't know how many of the other hundred 12 people were not able to do that. 13 MS. ROGERS: Are you aware that in a Local Map 14 Amendment proceeding, OZAH keeps the official party of 15 record list? 16 MS. SITZ: Absolutely, and I'm very concerned 17 that those people were not included on the party of 18 record list. 19 MS. ROGERS: Are you aware that based on OZAH's 20 rules, anyone who testifies at an OZAH proceeding is 21 automatically considered a party of record? 22 MS. SITZ: Unfortunately, the people who thought 23 they were being made party of record do not know if they 24 were on the list and did not know that they -- because 25 they might have been left off, and they were able to</p>	<p style="text-align: right;">99</p> <p>1 MS. ROGERS: But I guess my question for you is 2 is it based on any professional evaluation? 3 MS. SITZ: Does it take a professional to -- 4 MS. ROGERS: It's a yes or no question. 5 MS. SITZ: Ask me the question again. 6 MS. ROGERS: I'm just asking whether the 7 information, I understand that it's your opinion and 8 it's based on your observations, I'm asking whether you 9 had any professional evaluation or information which you 10 were using to support the numbers that you've have 11 testified to? 12 MS. SITZ: I don't know of any professional 13 who's gonna come in and tell me if there's 50 guests or 14 there's 50 cars at a -- at an event, that there's a 15 place to park or not to park. I'm not aware of a 16 professional that could do that for me. 17 MS. ROGERS: Well, you testified also about 18 traffic generation, and the number of vehicles, and that 19 is something that experts typically testify to. 20 MS. SITZ: I'm -- I'm happy to hear what experts 21 have to say about that. I'm making the assumption that 22 if you have 130 townhouses, you have between two, three, 23 or four cars, and that's like kind of logic. 24 MS. ROGERS: Thank you: 25 HEARING EXAMINER SOKONI: Ms. Rosenfeld.</p>
<p style="text-align: right;">98</p> <p>1 testify. So there's big gap in communication. 2 HEARING EXAMINER SOKONI: Thank you. 3 Ms. Rosenfeld. Oh. Sorry. 4 MS. ROGERS: I'm sorry, there was one more. 5 Ms. Sitz, just one last question. You 6 testified regarding concerns about parking and traffic. 7 Do you have any basis for those concerns or is that just 8 your subjective opinion? 9 MS. SITZ: You know, my basis of concern is that 10 I have walked, I have interacted with Planning staff, 11 and there's no shoulder anywhere near the townhouse. We 12 were walking like on a 45-degree angle. I don't know 13 how anybody could park on Notley Road. 14 But yeah, I'm thinking let's say you have five 15 families in the community having Christmas, and they may 16 have five families coming to them, that's 50 cars. 17 Where do those extra 25 cars park? 18 MS. ROGERS: But those numbers you're testifying 19 to about what you perceive the parking concerns will be 20 and the cars that will be generated, that's based on 21 your opinion and not any professional -- 22 MS. SITZ: It's -- 23 MS. ROGERS: -- evaluation, correct? 24 MS. SITZ: -- it's based on -- it's based on 25 common sense and logic. That's what it's based on.</p>	<p style="text-align: right;">100</p> <p>1 MS. ROSENFELD: Yes. Ms. Sitz, do you know if 2 everyone who was initially advised that they would be 3 party of record in the Planning Board proceedings, in 4 fact, was designated a party of record? 5 MS. SITZ: No, we made the assumption that they 6 were because Troy, I'm sure that's in an email, that he 7 would make sure that they were party of record. And 8 today I'm hearing that I'm not sure that that took 9 place. 10 MS. ROSENFELD: So do you have any awareness as 11 to whether or not all of those -- whether those people 12 actually did receive notice of the Planning Board 13 hearing? 14 MS. SITZ: I'm sorry, if they do? 15 MS. ROSENFELD: Do you know if -- 16 MS. SITZ: We -- yeah. We informed a lot of 17 people about the Planning Board hearing, but I don't 18 know if they went on record for the Planning Board to be 19 able to see their comments and their concerns. 20 MS. ROSENFELD: And do you know Planning Board's 21 review and consideration of the rezoning application is 22 a required part of the Local Map Amendment process? 23 MS. SITZ: I think so. 24 MS. ROSENFELD: And would the Planning Board's 25 hearing be the opportunity for people to voice their</p>

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<p style="text-align: right;">101</p> <p>1 views to the Planning Board? 2 MS. SITZ: Definitely, yes. 3 MS. ROSENFELD: And do you know if the Planning 4 Board makes a recommendation to the Hearing Examiner and 5 District Council in connection with the application 6 merits? 7 MS. SITZ: Yes. 8 MS. ROSENFELD: Were you present at the Planning 9 Board hearing? 10 MS. SITZ: Yes. 11 MS. ROSENFELD: And do you recall if one 12 Planning -- one of the five Planning Board members 13 abstained from issuing a vote? 14 MS. SITZ: Yes. 15 MS. ROSENFELD: And did another Planning Board 16 Member vote against this application? 17 MS. SITZ: Yes. 18 MS. ROSENFELD: And is it possible that somebody 19 who was not aware of the Planning Board hearing missed 20 an opportunity perhaps to influence another board member 21 to change their vote? 22 MS. SITZ: Definitely. 23 MS. ROSENFELD: Okay. I have no further 24 questions. 25 HEARING EXAMINER SOKONI: I'm going to assume</p>	<p style="text-align: right;">103</p> <p>1 I have been a 15-year volunteer with our local fire 2 department including serving as an EMT on the ambulance 3 Setcoms when you call 911. 4 I am sad to say that I believe you are 5 continuing to make decisions that worsen our residential 6 neighborhood across much of East County. I'll give you 7 one example. Their direction in the ratings for Blake 8 High School which when we moved in, my husband was 9 teaching there, was at a 9 on the Zillow scale. It's 10 not at a 6. And won't buy in our area because of the 11 poor quality of the school. 12 I also think the question about the expecting 13 people for the vast number of festivals is somewhat 14 snarky and a little bullying. I can tell you there is 15 an annual festival every September by the Ukrainian 16 Cathedral, the Mosque has services every Friday as well 17 as every festival where the traffic completely 18 overwhelms New Hampshire Avenue. They have to close a 19 lane on New Hampshire Avenue because of people trying to 20 park. People are darting across New Hampshire Avenue 21 trying to get to their cars. It is a terrible mess. 22 They have off-duty police officers trying to direct 23 traffic, and it is a complete bottleneck already. And 24 that's every Friday as well as many other days during -- 25 during the year.</p>
<p style="text-align: right;">102</p> <p>1 that the raised hands on Zoom are not for questions for 2 this witness but for people wishing to speak? If 3 there's anyone who wants to ask a question for Ms. Sitz 4 on Zoom, please speak. 5 Okay. Thank you, Ms. Sitz. 6 MS. SITZ: Thank you. 7 HEARING EXAMINER SOKONI: The next -- the next 8 person on Zoom? 9 Yes, Ms. Watson. 10 MS. WATSON: Yes, Sara Watson. 11 HEARING EXAMINER SOKONI: Sara Watson. Please 12 raise right hand. 13 Whereupon, 14 SARA WATSON, 15 being first duly sworn or affirmed to testify to the 16 truth, the whole truth, and nothing but the truth, was 17 examined and testified as follows: 18 HEARING EXAMINER SOKONI: Okay. You may -- you 19 may proceed. 20 MS. WATSON: Thank you. This will be brief 21 because I have been so expressed by the thoughtfulness 22 and expertise of my neighbors. 23 My name is Sara Watson, my husband and I are 24 25-year residents of Notley Road. We've given a lot to 25 this county. He is a retired schoolteacher from Blake.</p>	<p style="text-align: right;">104</p> <p>1 I believe that this plan will harm our 2 neighborhood by introducing this development in an area 3 that's not suited for it. I want to echo what another 4 person said, which is that if you're wrong, you're not 5 gonna be around to fix this. We're the ones who are 6 gonna lose property value who are going see our 7 neighborhood while doing what you do without any 8 repercussions for you or the developer. So we will pay 9 the price. 10 The last thing that I want to say is that I 11 feel that there are many parcels of land in the County 12 that are undeveloped that you could explore. I have 13 heard nothing in sitting through these testimony that 14 there has been any proactive efforts to find parcels of 15 land that are much more appropriate for this. Just two 16 example, the media recently covered this area on the 17 concept site 200 acres in the north part of the County 18 that have been sitting empty since I worked there as a 19 college intern 40 years ago. That's a huge parcel of 20 land. There is a big parcel of land next to the 21 Burtonsville Crossing Shopping Center that has big sign 22 that say, Bankruptcy auction, that are completely empty 23 and very convenient for transportation and shopping. 24 I'm not a development expert. Maybe those will 25 work, but I am not convinced that you have done the work</p>

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<p>105</p> <p>1 to look at parcels of land that could work for more 2 affordable, truly affordable housing rather than shove 3 this into a neighborhood that's not set up for it and 4 create much worse problems in terms of parking, 5 overcrowding and area flooding. 6 So I just want to say I ask that you don't ruin 7 our neighborhood and with a project that is not a 8 solution to the very real housing crisis. 9 Thank you. 10 HEARING EXAMINER SOKONI: Any questions for Ms. 11 Watson? No? Anyone on the line with questions for Ms. 12 Watson? 13 Okay. Next in line Greg Golden. 14 MR. GOLDEN: Thank you. 15 As far as my background, 38 years state 16 conservation and environmental work, including 17 environmental review of developments. That development 18 review is in relationship to wetlands and waterways, I 19 want to make that clear. So I've been exposed to 20 various regulations, laws, but not an expertise -- not 21 expert on that. 22 I am an analyst, and I do want to make sure for 23 the citizens here who are not familiar, it's a category 24 of profit making and development which is to expertly 25 attempt to the rezone or change regulations on property</p>	<p>107</p> <p>1 for anybody, actually. I'm speaking as a citizen. I 2 can't be paid, in fact, to do this kind of back work. 3 Because there have been so many meetings on development, 4 and I've worked so much on Paint Branch, which is to the 5 east of this site. 6 But I am an analyst, I would fully expect 7 counter-arguments to things I say. I'm an expert at 8 negotiations and working things out. And I'm gonna give 9 my summary upfront because our legal staff one time 10 advised me you do summary expert upfront. 11 I think there are many environmental factors, 12 especially water quality, and they are best addressed 13 upfront. They are best planned further. I understand 14 the Park and Planning has changed since I worked with 15 many of those folks. I'm sure that current folks are 16 great, but they are not as proactive, and that's 17 probably based on direction they've been given or lack 18 of information or knowledge, which I would love to help 19 with, and there's many community groups that can help 20 with that too. 21 I -- I think if we look at these environmental 22 things, I -- I am supportive of affordable housing. I'm 23 supportive of some developer making use of this 24 property. I have to say I love the real rural nature of 25 the eight or so houses, which went to estate sale, it</p>
<p>106</p> <p>1 otherwise -- 2 HEARING EXAMINER SOKONI: One second. I'm 3 seeing an objection in the room. 4 MR. TOUHEY: Your Honor, you just haven't sworn 5 him yet. I -- 6 HEARING EXAMINER SOKONI: Oh. Thank you. Thank 7 you. 8 Mr. Golden, at least someone in the room is 9 paying attention. Kindly raise your right hand. 10 Whereupon, 11 GREG GOLDEN, 12 being first duly sworn or affirmed to testify to the 13 truth, the whole truth, and nothing but the truth, was 14 examined and testified as follows: 15 HEARING EXAMINER SOKONI: And can you confirm 16 that everything you said before taking this oath was the 17 truth, the whole truth, and nothing but the truth? 18 MR. GOLDEN: Yes, it was. 19 HEARING EXAMINER SOKONI: Thank you. Pardon the 20 omission there. Please proceed. Thank you. 21 MR. GOLDEN: Thank you. 22 I guess my testimony will be a little bit long 23 but I want to be clear. I was saying I have attended 24 many, many such meetings in my career. I'm not being 25 paid for this. I'm a volunteer -- I'm not a volunteer</p>	<p>108</p> <p>1 brings tears to my eyes. I love properties like that. 2 But things change and development should be done. 3 So let me just proceed I think with some 4 additional steps here of my notes. So on stormwater 5 management, I was one of the main authorities on 6 thorough stormwater management review. That stormwater 7 itself is thermal. I'll get to Paint Branch and the 8 full water system here in a minute. 9 I think as an analyst I cannot not mention 10 what's happening in the County. There is a new debate 11 lot of us that is used to yet, and this is one of the 12 precedent setting developments, and we have to 13 acknowledge that. NIMBYism, Not In My Backyard being 14 attacked by the YIMBYism folks. Yes In My Backyard. 15 It's probably a fair argument, but a lot of it 16 is snarky and nasty. I watched that on Facebook. I 17 actually support the people who are YIMBYs, Yes In My 18 Backyard, who are advocates of affordable housing, but 19 they are not always experienced. And it can get snarky, 20 snarky on both ends. And I think we have to be aware of 21 that say so. You know, oh, wait a second, what's steps 22 in the county. Yes, we need few housing, we need new 23 regulations, we need new ideas. This site may be one of 24 those. But we can't bulldoze or use adrenaline making 25 like process like we saw at Planning board which was to</p>

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<p style="text-align: right;">109</p> <p>1 push oh, my gosh, we need affordable housing. Push 2 through anything we could find. No, instead we have 3 Metro, we have Francis Mario Development (phonetic), we 4 have other properties. 5 And to move to my next step of my testimony, 6 the east part of the County, part of the zoning is 7 environmental and water quality. To the north as most 8 people probably know, we have critical, critical water 9 -- I'm sorry, water supply reservoirs for our area; 10 Tridelphia and Rocky Gorge. That probably is not 11 affecting on this site so much, but that part of the 12 East County zoning, Maryland, Fresner worked with Park 13 and Planning and myself and others at DNR and MVE to get 14 zoning adjustments and develop regulations to Paint 15 Branch watershed. 16 Now, zoning -- switching, watersheds runoff is 17 a big deal, and yes, the drainage supplies previously 18 discussed for this property, west side drainage 19 naturally is a northwest branch, east side Paint Branch. 20 I'm gonna say something a little bold, but I tried to 21 re-edit my testimony to not be snarky. A developing 22 consultant which has not mentioned the classification of 23 Paint Branch yet to my knowledge is either not qualified 24 for working with the state and county or knows more than 25 they are revealing in their schedule of releasing</p>	<p style="text-align: right;">111</p> <p>1 landholder too much here; otherwise, they would be 2 testifying on the Park values, the money spent on 3 restoration of this passage of such. 4 Now, the nearest I can tell water sheds, this 5 project, and I do want to stay focused on this project, 6 is that several pipes presented is that in the pipe, it 7 goes into a paraplane northwest -- I'm sorry, New 8 Hampshire Avenue stormwater infrastructure to my 9 understanding would have to be only managed by State 10 Highway Administration. I wonder, you know, eventually 11 what the Stay State Highway Administration thinks about 12 this. 13 There's two stormwater facilities over that 14 side. Unfortunately, for a bleeding heart like me, 15 those are beautiful, small, natural habitats, both of 16 those. One is next to the Giant Gas Station, the other 17 is in a development a little bit further to the east. 18 As I question appropriate, I mean 19 inappropriately as I understand, I question earlier 20 these homeowners that live way, along the way over to 21 the east that this will drain to. I'm not opposed to 22 the development, I will mention. I am saying we need to 23 look at the stormwater. It's generally accepted. The 24 stormwater is trying -- the field of stormwater 25 management is trying to keep up with climate changes,</p>
<p style="text-align: right;">110</p> <p>1 information. 2 Paint Branch is a watershed associated Use III 3 that's under a state program that was dictated through 4 Clean Water Act, the federal level, in 1970s. The state 5 has a classification of streams. Paint Branch, the Use 6 III cold water spring held a naturally recurring 7 population of run on -- I'm not sure which exists 8 anymore because of the incremental effects associated in 9 the watershed. That use classification in the presence 10 of traffic is primary reason for the delay of the ICC. 11 Many -- several iterations to the ICC many years. It 12 finally was addressed, some would say unsatisfactorily, 13 others would say satisfactorily, but the bottom line is 14 millions of dollars of taxpayer's money for the 15 intercounty connector state highway project and from 16 county restoration projects have gone -- gone in to 17 protect Paint Branch. This is the nearest I can tell 18 that the project will drain to upper head water 19 Hollywood branch, which is one of the lower quality 20 tributaries. So make that clear, by the time it gets to 21 Paint Branch, lower quality stretch to Paint Branch. 22 The work has been done in all of these areas to 23 restore and protect this passage of the projects have 24 been done with Hollywood branch. Parks protection -- 25 Parks, I assume Parks can't really talk as a adjacent</p>	<p style="text-align: right;">112</p> <p>1 it's trying to keep up with flood, it's never been 2 accepted as totally removing concerns from development. 3 And frankly, I love my water filtrations structures 4 which are proposed right now. But they've never been 5 felt to attenuate enough water. The storage vaults 6 might be good. The ICC uses storage vaults from the 7 first time in my 38-year experience as a matter of fact. 8 And I don't know the result of that. It would be a good 9 question to say how are the storm vaults working. 10 So in taking, moving on, the zoning in this 11 area does take into account Paint Branch. The 12 classification of Paint Branch are important. County 13 and state -- County Department of Permitting Services 14 and Park and Planning knows the classification. They 15 apparently are suited, probably not, probably 16 appropriate for expert paid specialists in these fields 17 to get involved in this. But it just pains me that 18 there are people that knows the stormwater issues and 19 that a consultant could leave that to being more 20 proactive to look at what could be done, what should be 21 done here to not degrade further downstream. 22 The flooding that was test -- testified on the 23 west side is certainly a risk from the east side because 24 of drainage ways. The development shows drainage going 25 into pipes, so what happens next. I have not figured</p>

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1 that out because I haven't -- I'm not getting paid to do
2 this anymore. I want professionals to do this. I did
3 not submit any written testimony or map other than an
4 early email to Park and Planning because people are
5 being paid to do this. I was paid for 38 year.
6 So anyway, I would like for a look to be taken
7 what happens to that drainage way to the east? Are all
8 the neighbors that would be affected and the interested
9 parties in Hollywood branch water quality, are they
10 involved? Are they aware? They don't have to be
11 involved.
12 So I think most people know now, and I'm
13 getting through my list of the suspension, I'm sure
14 people know that the concerns of stormwater management
15 are water quality and water quantity. Water quality has
16 to be treated early outside of streams. It can't be
17 delivered to the stream and then treated. Water
18 quantity, the concern has never been fully solved. That
19 was the Ellicott City issue too. You can start trying
20 to control water quantity, but our streams continue to
21 erode, the sediment causes earth falling downstream, new
22 streams, the whole TMDL, Total Maximum Daily Load, all
23 that all relate to stream erosion in the watershed. So
24 this is an important thing. What happens to that water
25 as it approaches Hollywood branch.

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1 So I -- I can go on about Paint Branch. I
2 don't think it would serve a purpose here. There are
3 experts on Paint Branch. There is -- there is advocacy
4 groups for Paint Branch. There's files and files and
5 files and of Park and Planning effort to restore Paint
6 Branch and protect Paint Branch. The State of Maryland
7 has managed the fishery in Paint Branch for many years.
8 So that information is out there. If you tie
9 it back to what I mentioned before about NIMBYism and
10 YIMBYism, do we want to jump to affordable housing
11 that's probably I've heard estimated of quite expensive
12 townhouses, do we want to jump over the environmental
13 concerns to that. And I will add as a go back for
14 little bit into expertise and not expertise. My
15 expertise is not on house advice, but frankly I think I
16 would support multiple dwelling units in clusters,
17 groups, that were more house like. I appreciate the
18 developer showing that their townhouses can be more
19 single family house like in appearance, but there are
20 just a lot of units on that site. There's a lot of
21 units.
22 Ad accessory dwelling units, which I know a
23 little bit about, that's another way that this part of
24 the County could really up affordable housing. Basement
25 apartments, backyard structures, tiny houses. All sorts

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1 of really cool, innovative things that could be done.
2 So I'm an advocate of considering that rather than the
3 townhouses. I will love for this site to be somebody's
4 profit. That will make sense. Moving forward, that
5 will s provide housing, but I personally I don't see
6 that as townhouse.
7 I would like to just repeat. The restoration
8 documents in Paint Branch is phenomenal. I don't have a
9 number for it. It's in the millions of dollars. There
10 was environmental restoration, but its mitigation and
11 forgive me for saying mitigation and beneficial projects
12 that were not required. Park and Planning has spent
13 lots of money on restoration, so that all could be
14 looked up.
15 I want to mention as I close here real quick
16 two points. I felt I'm not nan expert on traffic. I
17 know a little, a thing or two about parking. I have big
18 cars too, I like big cars. It takes a lot of room to
19 park a number of cars. I -- I thought that the early
20 December discussion on traffic was kinda cheerful. I
21 would love a traffic light there. I am one of the
22 people at -- I'm sorry, sorry, New Hampshire and Notley,
23 are people are there to turn left on from Notley onto
24 New Hampshire Avenue. It's dangerous, it's
25 death-defying, surprised the intersection is not

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1 littered with car parts, but it's not. A light will be
2 there, it has to be there, but what about the people
3 that can't fit into the pew for that light that will be
4 turning right through a three-way stop, turning left on
5 Sherwood Forest and going over Randolph Road, it's a pew
6 to go that direction. So the people that live over
7 there, I -- I live over there. Scott Drive, by the way,
8 334 Scott Drive. Listen, there will be more traffic
9 changes for people trying to get around what will be
10 created, but I think that should be fairly easy stuff.
11 And my final point, I believe, is that the
12 precedence of the development that's coming, this is
13 like a test case, I know that the development team is
14 probably earnest. As I said, I have worked for decades
15 with developers. I respect them, I know some of the
16 tricks of the trade, they know some of my tricks of the
17 trade, we get along, we work things out. I don't do
18 that work anymore. I should say past tense did.
19 But the precedence setting here is to jump
20 ahead, you noticed that a lot of details could be given
21 when it's in the -- the consultant's benefit, and not
22 any details when it comes to environmental concerns or
23 certain other aspects. I notice that time and again in
24 this specific discussion, it's a back-and-forth: Oh, we
25 do that part of the planning later; oh, we'll do that

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1 part of the planning now. And when you look at it, the
2 parts that are done now are to get that unit number.
3 The number of units that are allowed.
4 Now, that constrains later stormwater
5 management review. Whether it's intended to or not, it
6 does. I've got 30 years of experience on that part.
7 You hear this you can't fit that in anymore, that can't
8 be done, this can't be done. So the precedent setting
9 here is not the County. I love the term, pop-ups. I've
10 used it before. Pop-up zoning is a precedent I don't
11 think we want to go to. I think we have to look at this
12 site as the precedent setting and think what do we want
13 to do for environment or for Francis Mario and
14 Development plus the appropriate way to take a look at
15 this part of the, county and I will say this part is
16 either a smaller development on this site or associate
17 ground units. And I could go on about that. I think
18 it's gonna solve these other obstacles. So nearest I
19 can tell, that would be it. Thank you.
20 HEARING EXAMINER SOKONI: Thank you, Mr. Golden.
21 Any questions for him?
22 MS. ROGERS: I've got one question, Mr.
23 Golden. I just wanted to ask, you had mentioned about
24 the Paint Branch use classification. Are you aware that
25 the Applicant's approved NRI/FSD, which is Exhibit 18 in

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1 the record, Note 7 does identify that the property is
2 located in the quote, Paint Branch Use Class III stream
3 watershed?
4 MR. GOLDEN: I'm not aware -- well, at least at
5 this moment in time. If you wouldn't mind, can you give
6 me that reference and I'll get ahold of it.
7 MS. ROGERS: Yeah, it's Exhibit 18 in the OZAH
8 record, and it's Note 7 on the NRI/FSD.
9 MR. GOLDEN: Thank you.
10 MS. ROGERS: Thank you.
11 HEARING EXAMINER SOKONI: Any more questions for
12 Mr. Golden online?
13 I hear none.
14 We move to the next person online. I'm really
15 eager to get through the people with the urgent need to
16 testify, quote, unquote early. Let's see if we can get
17 through at least the early testimony, then we can break
18 off for lunch.
19 So let's go -- Mr. Golden, you can drop your
20 hand.
21 I need some help with the next one.
22 MR. GUISAO-OSPINA: The next one is Austin
23 Holloway-Jones.
24 HEARING EXAMINER SOKONI: Okay. Austin
25 Holloway-Jones.

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1 MR. HOLLOWAY-JONES: Yes, ma'am.
2 HEARING EXAMINER SOKONI: Is -- please confirm
3 full name.
4 MR. HOLLOWAY-JONES: Austin Holloway-Jones.
5 HEARING EXAMINER SOKONI: Okay. Can you raise
6 your right hand.
7 Whereupon,
8 AUSTIN HOLLOWAY-JONES,
9 being first duly sworn or affirmed to testify to the
10 truth, the whole truth, and nothing but the truth, was
11 examined and testified as follows:
12 HEARING EXAMINER SOKONI: Thank you. You may
13 proceed.
14 MR. HOLLOWAY-JONES: Good afternoon. My name is
15 Austin Holloway-Jones, I live at 13815 Notley Road. I'm
16 approximately one block away from the proposed rezoning
17 site. We drive by the proposed site every day multiple
18 times a day. My family and I have lived here since
19 2023.
20 I strongly oppose the rezoning of the land on
21 Notley Road for many reasons. First of all, it's not
22 compatible with our neighborhood. We purchased in this
23 neighborhood specifically because of the type of homes s
24 and the land which surrounds them. I like the sprawling
25 feel of our community and fear that the town homes will

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1 drastically change that.
2 I'm not against town homes. In fact, it was an
3 option we considered for ourselves. I'm not opposed to
4 redeveloping that land. However, I am opposed to the
5 vast amount of town homes for such a small parcel of
6 land, and believe that the height will drastically
7 change the look and feel of our community.
8 Simply put, we purchased where we did in part
9 because of the feel of the neighborhood. This goes
10 against that. I firmly believe that this development
11 will have a substantially negative impact on the overall
12 character.
13 Furthermore, traffic on Notley Road is a major
14 problem. The NCPS Transportation Department deems our
15 street too dangerous to walk on. Our own mentioned
16 middle school children are both picked up and dropped
17 off by bus at our driveway. Unfortunately, I have to
18 walk our high school daughter two houses away to a bus
19 stop. Each morning, I feel as though we are taking our
20 lives in our hands as we walk down Notley Road in the
21 dark. In that walk at 6:30 in the morning, I pass by an
22 average of 11 cars in the span of two houses. I have
23 been unseen and almost hit three times since the
24 beginning of the school year despite carrying a
25 flashlight.

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1 The idea of adding a significant number of
2 additional drivers to Notley Road will make it so that I
3 feel I will have to drive my daughter to the bus stop
4 two houses away, which seems ludicrous to me.
5 We also have traffic issues from a driving and
6 noise perspective. I understand that the study shows
7 that the traffic limits for Notley Road and the proposed
8 site would not change that. Knowing firsthand how bad
9 the traffic currently is, I strongly disagree with that
10 assessment. What the community considered current
11 limits, traffic on Notley Road is a major problem and
12 adding vehicles will only exacerbate the issue. Cars do
13 not stop at the stop sign. They fly over the road comes
14 like the one in front of my house and travel at speeds
15 far greater than the speed limit. The traffic light is
16 not going to solve those problems. In fact, if
17 anything, a traffic light would likely add additional
18 traffic to the street as a left-hand turn onto New
19 Hampshire Avenue will become feasible. It is currently
20 not.
21 Notley Road is used as a cut-through street
22 that turns people would use and do not treat like a
23 neighborhood street. I feel that the town homes will
24 not only add to that traffic but will give the feeling
25 to others that Notley Road is more commercial than it is

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1 adding to even more traffic and reckless driving.
2 Parking will also be a major problem. There is
3 no street parking on Notley Road. There is no shoulder
4 or bike lane. There is barely enough room for the two
5 driving lanes. What will happens to the sides of the
6 road to the 130 additional homes being overflow parking.
7 Which in my plan, the opinion -- in my opinion, the plan
8 fails to provide enough of. Should side streets be
9 used, this proposes a major safety hazard as walking on
10 Notley Road, as I have mentioned, is extremely
11 dangerous.
12 In conclusion, this plan will literally take
13 the few things I don't like about my home and makes them
14 worse. I don't think that is fair to the people who
15 live on Notley Road, and I don't think that's fair to my
16 family.
17 Thank you for your time.
18 HEARING EXAMINER SOKONI: Thank you.
19 Any questions for Mr. Holloway-Jones?
20 MS. ROGERS: I believe -- go ahead first. Just
21 so I confer with Erin so you go first.
22 MS. ROSENFELD: Okay. Sure.
23 Mr. Holloway-Jones -- Mr. Holloway-Jones,
24 during your testimony, I thought you made a reference to
25 the traffic noise on Notley. Did I hear you correctly?

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1 MR. HOLLOWAY-JONES: Yes.
2 MS. ROSENFELD: And could you elaborate on the
3 noise and how you -- what concerns you have about it
4 with respect to this development?
5 MR. HOLLOWAY-JONES: The noise is it's like
6 living on a freeway. There we have encountered drag
7 racing at night, the street itself is just constantly
8 busy, people do things to their cars to make them
9 louder. On a particularly living in front of a road
10 home, people slow down a little bit and then speed up.
11 And so the noise is exacerbated at our house.
12 MS. ROSENFELD: And are you concerned that with
13 additional traffic, that noise -- the noise level or
14 disturbance is going to increase?
15 MR. HOLLOWAY-JONES: Absolutely.
16 MS. ROSENFELD: Thank you.
17 I have no other questions.
18 HEARING EXAMINER SOKONI: Okay.
19 MS. ROGERS: Just one question, Mr. Holloway-
20 Jones.
21 Are you aware that the Applicant's approved
22 Local Area Transportation Review Study show that there
23 was only going to be an addition of three vehicular
24 trips in the a.m. and peak gap, p.m. peak hours
25 traveling westbound on Notley Road from this site?

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1 MR. HOLLOWAY-JONES: Yes, and I just don't
2 believe that.
3 MS. ROGERS: But you haven't done any
4 professional evaluation of the traffic or
5 transportation, really, the issues in this case?
6 MR. HOLLOWAY-JONES: No.
7 MS. ROGERS: Thank you.
8 MS. ROSENFELD: I have a follow-up question.
9 HEARING EXAMINER SOKONI: Yes.
10 MS. ROSENFELD: Are all of the additional trips
11 generated from this project only during the peak hour,
12 if you know?
13 MR. HOLLOWAY-JONES: Is that directed at me?
14 MS. ROSENFELD: Yes. Do you know -- do you know
15 if--
16 MR. HOLLOWAY-JONES: I have not.
17 MS. ROSENFELD: -- trips from this project
18 outside of just the peak hours in the morning and in the
19 evening?
20 MR. HOLLOWAY-JONES: I don't know.
21 MS. ROSENFELD: Okay. Thank you.
22 HEARING EXAMINER SOKONI: Thank you very much.
23 Okay. Next I see the name of S-I-G --
24 MR. GUISAO-OSPINA: N-N.
25 HEARING EXAMINER SOKONI: -- N-N?

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1 MS. LINCOLN: Yes.
2 HEARING EXAMINER SOKONI: Would you please give
3 your full name.
4 MS. LINCOLN: Good afternoon. My name is Paula
5 Lincoln.
6 HEARING EXAMINER SOKONI: Thank you. Could you
7 kindly raise your right hand and take the oath.
8 Whereupon,
9 PAULA LINCOLN,
10 being first duly sworn or affirmed to testify to the
11 truth, the whole truth, and nothing but the truth, was
12 examined and testified as follows:
13 HEARING EXAMINER SOKONI: Okay. Please proceed
14 with your testimony.
15 MS. LINCOLN: Good afternoon, Madam Hearing
16 Examiner and fellow neighbors.
17 Again, my name is Paula Lincoln, I live on
18 Notley Court, which is a cul-de-sac that intersects
19 Notley Road. Notley Court is located at the far end of
20 Notley Road near the intersection of Notley Road and
21 Bonifant Road, which is controlled by a traffic signal.
22 I'm here today to express my strong objection
23 to the proposed development of 130 townhouses in our
24 small community. If approved, this development would be
25 built near the already heavily congested intersection of

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1 Notley Road and New Hampshire Avenue. My family and I
2 moved to Notley Court in 2001 when our cul-de-sac
3 subdivision was built. Our subdivision consists of ten
4 single family homes. Since then, only one additional
5 cul-de-sac subdivision has been developed off of Notley
6 Road, and that's on Petwyn and I think that was Petwyn
7 Court was mentioned earlier in earlier testimony. And I
8 think those homes contain like seven or eight single
9 family homes. Or that subdivision contains seven or
10 eight single family homes. Our community was welcoming
11 to both of these small developments. There was no
12 widespread opposition, no fundraising, and no effort to
13 hire legal counsel to challenge these projects.
14 I share this history to make one thing clear.
15 This community does not suffer from Not in Our Backyard
16 syndrome, nor are we against affordable housing.
17 However, I will say I'm not sure if the proposed
18 development will be affordable. That's really not
19 what's happening here.
20 Our opposition to this proposal is based on
21 legitimate concerns about this specific development. I
22 echo the concerns already raised by my neighbors, namely
23 that this project does not fit or is it compatible to
24 our neighborhood due to various environmental impacts,
25 lack of adequate infrastructure, and most importantly to

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1 my family is impact on traffic safety and access.
2 For my family, traffic on Notley Road is a
3 major issue affecting our daily lives. We already
4 experienced significant backup from vehicles turning
5 from Notley Road onto Bonifant Road. At certain times a
6 day, residents of our cul-de-sac are unable to exit our
7 community without waiting for traffic to clear.
8 Notley Road is a two-lane road, as you know,
9 one lane in each direction, and the congestion is
10 already very difficult for us. I'm deeply concerned
11 about the additional traffic this development would
12 bring. Notley Road is also used as a cut-through route
13 for drivers trying to access New Hampshire Avenue or
14 Route 200.
15 Speeding is a very serious problem. Police
16 routinely monitor our cul-de-sac to catch speeders and
17 drivers who run the light at Notley and Bonifant Road.
18 Adding traffic from a development of this size will only
19 increase an already hazardous situation. And as some
20 people have already said, the anticipated additional
21 traffic may be between 2 and 300 cars per day.
22 Several years ago, traffic calming circles were
23 installed on Notley Road which helped to slow vehicles.
24 It really did help. Those measures are no longer in
25 place. As a result, many residents, ourselves included,

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1 no longer feel safe walking along Notley Road. In many
2 areas, there are no sidewalks, and cars speed through
3 the area at all times of day. My neighbors and I have
4 largely stopped walking on Notley Road because we don't
5 feel safe, we don't allow our children or other family
6 members to walk on Notley Road because it's very
7 hazardous and dangerous. There have already been
8 numerous accidents at the intersection of Notley Road
9 and Bonifant, and I can't imagine the increased risk
10 that would result from adding traffic generated by 130
11 town homes.
12 In close, I respectfully ask that you listen to
13 and carefully consider our concerns. We live here. We
14 know this community, and again, we are not suffering
15 from Not in Our Backyard Syndrome. We're a welcoming
16 community, we believe firmly that this proposed
17 development is not appropriate for this location.
18 I thank you for your time and your
19 consideration.
20 HEARING EXAMINER SOKONI: Thank you, Ms.
21 Lincoln.
22 Any questions?
23 No questions?
24 Okay. Thank you very much.
25 Next R-E-E-N-A Shah.

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<p style="text-align: right;">129</p> <p>1 MS. SHAH: Yes, that would be me. 2 HEARING EXAMINER SOKONI: Okay. Full name, 3 please. 4 MS. SHAH: Reena, my name a Reena Shah. 5 HEARING EXAMINER SOKONI: Okay. 6 THE COURT REPORTER: Can you please spell that. 7 HEARING EXAMINER SOKONI: How do you spell that? 8 MS. SHAH: R-E-E-N-A S-H-A-H. 9 HEARING EXAMINER SOKONI: Thank you. And thanks 10 you bearing with us. Sometimes the name will appear on 11 the Zoom title which is not exactly the way that, so we 12 just have to confirm name spellings. 13 If you could kindly raise your right hand. 14 Whereupon, 15 REENA SHAH, 16 being first duly sworn or affirmed to testify to the 17 truth, the whole truth, and nothing but the truth, was 18 examined and testified as follows: 19 HEARING EXAMINER SOKONI: Thank you. 20 MS. SHAH: My family and I have our residence at 21 328 Greenspring Lane, which is directly behind the 22 proposed property. And I'm here today to express my 23 family's strong opposition to the proposed rezoning of 24 the property off Notley Road. 25 The development of 130 town homes would</p>	<p style="text-align: right;">131</p> <p>1 roads due to limited visibility from overcrowding 2 streets. It is almost impossible to make even right 3 turn from Notley Road onto New Hampshire on those days 4 because there is a number of people that are trying to 5 cut through, as well as visibility because folks have 6 parked on the shoulder. 7 Additionally, we are concerned that these 8 parking along Greenspring Lane combined with the absence 9 of fencing between the proposed development and adjacent 10 residential properties will result in individuals 11 parking on Greenspring and cutting through private 12 property residents to jump across to the proposed 13 development. 14 These existing conditions clearly demonstrate 15 how timely -- how the -- how the additional time density 16 development would rather -- would further strain local 17 roadways and can negatively impact the safety and 18 quality of life in our neighborhood. 19 HEARING EXAMINER SOKONI: Are you -- are you 20 done with your testimony? 21 MS. SHAH: I am. I am done. 22 HEARING EXAMINER SOKONI: Okay. Thank you. 23 Any questions for Ms. Shah? 24 Anyone online with questions for Ms. Shah? 25 Okay. Any questions?</p>
<p style="text-align: right;">130</p> <p>1 drastically increase the housing density in a manner 2 that is entirely out of character with the low density 3 nature of our community. This development is 4 inconsistent with the surrounding area and will 5 significantly alter the community we choose to call 6 home. 7 I am particularly concerned about the impact 8 this project would have on the traffic and parking. As 9 stated by many of our -- many of my neighbors, our home 10 on Greenspring Lane directly backs into this proposed 11 development site. Even with the increased number of 12 parking spaces proposed by the builder, I strongly 13 believe that the overflow parking our neighborhood 14 resulting in undue congestion and safety concerns for 15 the residents. 16 Many of our -- many of my neighbors have 17 already shared many of these concerns as increased 18 traffic would significantly affect daily life by 19 worsening conditions and compromising safety. We 20 already experience these issues throughout the year when 21 the nearby Buddhist temple host large events. During 22 those times, overflow traffic extend onto New Hampshire 23 Avenue, onto Notley Road, Shannon Drive and even onto 24 Greenspring Lane. On such days, traffic congestion is 25 severe. It becomes extremely difficult and unsafe these</p>	<p style="text-align: right;">132</p> <p>1 MS. ROGERS: Just one question for Ms. Shah. 2 Ms. Shah, are you aware that the Applicant is 3 proposing to provide fences in the rear yards of the 4 town homes? 5 MS. SHAH: I am not. The last I heard that I - 6 I didn't think that was part of the proposal. 7 HEARING EXAMINER SOKONI: Thank you. 8 So the last hand I see online, Susan Cornell. 9 Please turn on your camera. Okay. And could you please 10 confirm your full name. 11 Please confirm your names. 12 MS. CORNELL: My name is Susan Cornell, and I am 13 not on a time restraint, so if I need to wait for any 14 kind of break, I'm happy to do that. 15 HEARING EXAMINER SOKONI: Okay. Why don't we do 16 that because I -- I -- we do have people with time 17 constraints. 18 I will turn back -- I'll turn back to the room 19 and I'm inclined to give a break at this point. Can I 20 just -- I think we're done with the time constraint 21 people, so at this point, we'll come -- let's take a 22 half hour for -- for break for lunch, reconvene at 1:35 23 p.m., and we'll start with testimony in the room. I'm 24 trying to oscillate a little bit. I know people who are 25 here in-person, have paid for parking, so trying to --</p>

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1 trying to balance things out. So 1:35 p.m.
2 MALE AUDIENCE: Thank you.
3 MALE AUDIENCE: Thank you very much.
4 (Lunch was taken.)
5 HEARING EXAMINER SOKONI: Reconvening our
6 afternoon session, and I know we have someone on the
7 line with a time constraint. I don't know if they're
8 still available. Sorry we ran a little over.
9 MS. ANDERSON: Yes, that's me. I am still
10 available. Thank you.
11 HEARING EXAMINER SOKONI: Okay. If you could
12 please give us your full name.
13 MS. ANDERSON: My name is Candace Anderson. The
14 spelling is C-A-N-D-A-C-E, as it shown on Zoom, that's
15 correct.
16 HEARING EXAMINER SOKONI: Thank you. Kindly
17 raise your right hand.
18 Whereupon,
19 CANDACE ANDERSON,
20 being first duly sworn or affirmed to testify to the
21 truth, the whole truth, and nothing but the truth, was
22 examined and testified as follows:
23 HEARING EXAMINER SOKONI: Thank you. Go ahead
24 with your testimony.
25 MS. ANDERSON: All right. Thank you. My name,

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1 like I said, is Candace Anderson. I live at 13512
2 Sherwood Forest Drive, and I've lived here since 2013.
3 I have two kids. One is in elementary school and the
4 other is in middle school. They -- I have raised them
5 here.
6 I have submitted a written statement. Some of
7 this will be based on my written statement, but then
8 others, I am speaking to things that have been stated in
9 the room, all of the reasons.
10 As others have said, I want to -- I agree that
11 I think it's a mischaracterization to say our
12 community's objections to reduce them to just say we're
13 against townhouses. I think that's a strong end
14 argument that refuses to listen to our knowledge, our
15 outstanding concerns that we have had for years living
16 in this area. These concerns have not been addressed
17 since by the many people raising them to the County
18 throughout different avenues, and I agree my opinion
19 that proving some proposal for this development for this
20 rezoning and all that comes with it, not only ignores
21 these concerns but exacerbates them. It exacerbates the
22 standing issue of the stormwater flooding in my
23 neighborhoods which has been already for people and a
24 lot more. It exacerbates the safety issues on Notley
25 Road caused by higher traffic. Obviously as kids wait

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1 for school buses and pedestrians attempt to walk. But
2 as I've experienced and other have testified, it is
3 extremely and scary to do. And finally, it exacerbates
4 the noise of traffic, those overwhelming short course
5 drive.
6 And the risks of clean, this high residential
7 street, the one that we hope will remain a semi quiet
8 residential street, into something of more a connector
9 road which work through this process is a turn of road
10 design.
11 My main and most pressing concern is the issue
12 of traffic on short course, so I'll start there. This
13 proposal would create a dangerous increase in traffic to
14 my road creating an unsafe environment for the residents
15 here. I believe it will completely alter the state of
16 neighborhood roads on the way the Master Plan indicate.
17 It says provide -- to provide a safe and efficient
18 transportation system that serves the environmental,
19 economic, social and land use needs of the County and
20 private framework for development. It supports -- the
21 way Master Plan supports many of the general plan od
22 transportation principles including to improve transit
23 system, highway systems and movement of through traffic
24 away from local streets.
25 But the proposed development goes against this

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1 intent and will increase the local traffic on
2 residential streets. Coastal area meet problems of
3 cut-through traffic. There are three major roads.
4 There's New Hampshire and Randolph which are in lot of
5 exhibits and maps, and then, there is also Bonifant,
6 which one of the people right before me was testifying
7 about. Bonifant being the connection from Notley over
8 to New Hampshire.
9 That if you think of that as like a bubble,
10 Sherwood Forest and Notley dissect that area in between
11 these two roads, a fact that many in the immediate
12 community use. For example, use these roads to bypass
13 the congestion on the Randolph, New Hampshire
14 congestion, they use Sherwood Forest and Notley to cut
15 the corner when traveling from or to Bonifant. And
16 then, there's this ripple effect. The more people are
17 coming through, the more people are going on our
18 streets, and then we are rippling into the Colesville
19 Manor neighborhood because of -- because it's getting so
20 congested on the roads that we normally rely on. The
21 proposal will only exacerbate this out-of-control issue.
22 The proposal seems to take the opinion that a
23 neighborhood built near New Hampshire would be
24 convenient for Randolph to use New Hampshire. I
25 understand this is how traffic study would work or

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1 design and formula would happen. And just last month,
2 the response when asked about this was that people would
3 prefer because like I said, the formula says that people
4 would prefer to use the higher speed road rather than
5 New Hampshire and Sherwood Forest, and Sherwood Forest
6 isn't preferable because it's a winding neighborhood
7 street.
8 I get that's what the formula says. That's not
9 how it works in reality. That's not how my neighbors
10 off of Notley and Colesville Manor and cul-de-sacs off
11 Notley, that's not how they have use these streets.
12 They all use Sherwood Forest to cut through, which
13 that's -- that's not the concern, we are all one big
14 neighborhood. But I know that that is how residents off
15 of Notley use this -- these neighborhood streets,
16 because I live here and I wave to them while they go by.
17 They also tell me that they use this street to
18 go and -- go get onto Randolph. So I don't see how it's
19 logical to expect new residents in the same area to
20 suddenly use these streets differently.
21 I also think about all of the projections on
22 the traffic study, the thought that 20 percent of the
23 trip analysis would be going onto Randolph. I think
24 there's a lot there that was not considered, that was
25 not acknowledges, just because that's not, you know, the

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1 general framework of life, what the work is that they
2 do.
3 I'm concerned that with more people using my
4 road, it's going to increase the reckless driving and
5 endanger the pedestrians and bikers here. Daily I see
6 people driving too fast, daily I see people taking the
7 turns in the middle of the street or into oncoming
8 traffic as they take my road. I see them going through
9 stop signs without stopping.
10 And in the span of ten years, I have replaced
11 my mailbox four or five times because someone had drove
12 into it. I have filed a police report when someone had
13 driven through my yard and crashed into a tree. I have
14 also requested the County to review in light of all
15 that, the danger -- the dangers of my road, I think they
16 got a sign over now, and so we started erecting our
17 light, you know, reflectors and all that to try and
18 combat it. Just in the past few months of 2025, I've
19 seen wheel marks veering through our yard. Luckily they
20 left no further damage than that. And a block away, a
21 driver hit one of those, you know, warning curvy road
22 ahead signs and catapulted it across the intersection.
23 My neighbors who have lived here for decades
24 longer than me say this is not unique. They have
25 experienced similar things with drivers going into their

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1 front yards.
2 My children walk to Sherwood Forest on a weekly
3 basis. More of my neighbors do so every day. An
4 increase in traffic would really make it so much more
5 unsafe for us to walk our dogs, to walk our kids, to
6 have a stroller along here. And I'm worried about
7 letting our kids out if it were to increase traffic,
8 which I expect it will.
9 I inform you if you are considering any kind of
10 proposal of this to require additional analysis. I
11 think one of the questions that came up last meeting was
12 that there was the change in federal employees returning
13 to the office. The response was that since the traffic
14 study was done on the 25th of February, that was over
15 the days past the executive order and therefore, that
16 was plenty of time for federal employees to go back.
17 As you can hear in my voice, this it laughable
18 to me because I'm a federal employee that was not due to
19 return back into the office until mid-March. And I work
20 in a very large part and section of the federal
21 government. Most of my friends are in the neighborhood
22 are families that are either federal employees or
23 federal contractors there working. I know they have
24 plenty of friends in th neighborhood that are working.
25 It is a big impact to this neighborhood on the federal

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1 employee return to work.
2 I also would request that additional analysis
3 is perform about the cut-through traffic in particular.
4 I think that is a -- you've have heard it's a huge
5 concern here. The study -- I understand the study
6 requirement for such a proposal would only need to focus
7 on a certain video. I think this neighborhood, this
8 area in particular, would really warrant a broader area,
9 a broader radius to make sure that you understand the
10 impact of what I was describing with the cut-through.
11 I also want to acknowledge that looking at, I
12 think it was like a five-year back crash data, most of
13 that was when they were all working from home, most of
14 that was when the kids were -- really half it was when
15 kids were virtual learning. It's a nature of the
16 reality we're living in, but there it's almost viewed if
17 you would compare 20 -- 2020 to 2025 segment of five
18 years versus if you were looking, you know, 2014 to
19 2019.
20 So building off of this, read the proposal I
21 feel like past-through and cycling plans and the touted
22 improvements and benefits of what the developer is
23 proposing, and it feels like lip service. And it's
24 because it talks a lot about improving pedestrian and
25 bicycle flow, but it doesn't feel like those go

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1 anywhere. They go to the park, there's already five
2 lots on the other side of Notley for most of that time,
3 there's maybe like two or three hours that pass there.
4 So while you get up well from New Hampshire to the park,
5 then I understand we're looking at incremental changes,
6 but it really doesn't feel like it's building anything
7 of this to this community.
8 Page 21 says that it will facilitate bicycle
9 and pedestrian connectivity with surrounding
10 neighborhoods. Maybe it's evolved since the last I
11 looked, but I did not see any connection with the local
12 community. For years, our community has wanted to
13 connect with various parts of our neighborhood. We want
14 to be able to walk Notley. We want to be able to go
15 across and visit friends in those Colesville Manor road
16 area. We want to be able to walk to the park, but those
17 things are being forgotten, and I feel like the increase
18 in traffic on Notley would bifurcate this area making it
19 unobtainable. I would love to see a proven sign that
20 does improve connection, that -- that does accomplish
21 all of this, but I don't see that here.
22 It was confusing when the proposal said on page
23 14 that there is protection that established
24 neighborhoods that is compatible with the neighborhoods.
25 I did not hear of any control team with the established

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1 neighborhoods or connection or integration with them
2 like I just said. And it feels like none of our
3 concerns were really heard other than saying that they
4 would add couple more parking spaces from those -- those
5 early summer hearings.
6 Others have talked about the parking plan. I
7 want to echo that. I understand this has evolved since
8 then, and I understand that parking is expensive, and
9 the more parking provided, the less affordable the
10 housing is. I understand that's an issue. But from
11 what I see, affordable housing areas try to build off of
12 good transportation in the areas but people build after
13 a while a ton of parking. But I did not see where the
14 new improvements to build on transportation on New
15 Hampshire had confirmed timeline for funding, like
16 targeted for build and all of that. And so I worry that
17 if those projects to improve local public transportation
18 are delayed a few years, five years, ten years, you'll
19 have residents that come to this area that depend on
20 ride. Like if you are moving into a new house and you
21 don't have sufficient public transportation, you're
22 going to be crammed. And this area is very good for
23 driving, right, to 200, it's easy to get to 29, or it's
24 easy to get to the Beltway or 70 and 95. Those families
25 in this area have at least two cars. A lot of people

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1 don't use their garages and park for anything other than
2 storage. I think there's a sufficient risk. I feel
3 we're below parking
4 I also want to note that during the previous
5 session when people were asking about concerns of
6 overflow parking going to Petwyn Court, the response was
7 that they predicted people would use the park down on
8 Notley Road instead of Petwyn because of connection with
9 the sidewalks rather than crossing over Notley.
10 I'm not questioning one or the other. I'm just
11 pointing out that that would take away parking from
12 people that use that park. And when you're using that
13 park for overflow parking of the town home, then it's
14 just incentivizing people who won't go to the park who
15 can't access it. It just doesn't seem like a good fit.
16 Also during that meeting, there was a response
17 about discouraging parking along Notley by putting up
18 new parking signs and having curbs. I want to point out
19 that the curb will only go far and so that doesn't
20 discourage parking from further down the road.
21 I want to point out that every time I walk by
22 the Morningside town home community. That's right in
23 the behind Giant in all the exhibits, I see people
24 parking in front of no parking signs. This morning I
25 saw four cars.

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1 My last big concern is about the impact of
2 Westover. I wound up digging up the utilization, the
3 annual school high school utilization reports. I saw
4 that the report cited ed in the proposal was I believe
5 the fiscal year '25 annual school test utilization
6 report. It projected a lower enrollment, an enrollment
7 of 278 for 2028, which would be 107 -- 100.7 percent
8 capacity. However, this was in the summer when I looked
9 to find the report, I saw that the school year of '26
10 report which shows different numbers. And I was pulling
11 this up, I understand that when the proposal was
12 written, there's a point in time right. But when I'm
13 looking at these numbers, the fiscal year '25 number
14 seem to be an outlier, because since 2018, Westover
15 Elementary School has been around 105 percent capacity.
16 In most years, much more than that. And so I don't know
17 why the fiscal year '25 would be a different point, but
18 I was highlighting this because if the rest of the
19 proposal is based on the increase of 33 students to
20 Westover, our basis of 100.7 capacity, that's gonna be
21 quite different than if you use numbers where your basis
22 is going to be 104, 105 percent capacity.
23 For example, if I -- like the numbers that I
24 use from the fiscal year '26 would look at 321
25 enrollment or 116.3 percent capacity. Not all

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1 elementary schools can assume 33 new students in the
2 same way. The impact to Westover would be felt very
3 differently than in other schools. Westover is the
4 second smallest school in the County from my
5 understanding inclusive of having a pre-K program which
6 not all schools do. It means that we only have two
7 classrooms per grade, and so if you consider around five
8 new students per grade, that greatly increases classroom
9 sizes because it's only spread out or only fell across
10 two classrooms.

11 And I also want to note that Westover is only
12 one of t 21 elementary schools in the County that have
13 an autism services program. And that program pulls from
14 a broader area than just like the immediate Westover
15 school zone because there's only 21, 21 schools.

16 And I wanted to stress I haven't -- I haven't
17 consulted with the school on this, but I want to stress
18 that if a school has to shuffle around resources to
19 accommodate for a higher enrollment, consider what the
20 impact would be on this valuable program that is, you
21 know, fairly unique to the school. 21 elementary
22 schools in the County have it. I think we have
23 something like 300 elementary schools in total in the
24 County. It would absolutely far affordable if it
25 hypothetically happened. Those classes are already

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1 strapped, they are -- I mean like by my memory, there
2 should be around four or five students per classroom.
3 They are ay seven. So they are at a lot higher than
4 what they should be already. Especially when you insert
5 around the future of the Individuals With Disability
6 Evaluation Act.

7 So that's kind of like my three -- my big
8 points. My lengthy conclusion is I want to point out
9 that during the opinion where County residents and other
10 people had voiced about two different town home
11 communities, and how well they integrated with the local
12 areas. So one was Morningside which is right next to
13 the Coastal Giant, and one was by the Good Hope
14 Community Center. There are a lot of differences
15 between this Notley proposal and those two lots. For
16 example, Morningside has a couple top lots and walking
17 paths, all which connect the town homes, the surrounding
18 single family area, and the shopping center. So you can
19 access the shopping center while going onto the major
20 road. We can access the top lots very easily walking
21 safely through neighborhood roads. And everyone can
22 enjoy it. It is not a big part of the cut-through.
23 There's no reason for anyone in those neighborhoods to
24 really go through and back winding through different
25 roads. At least that's my understanding, and I

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1 apologize if my neighbors have a different experience.
2 And they -- they access that same in-and-out main road
3 areas.

4 Again, that's not what Notley is doing. The
5 Good Hope Community Center is in front of a dead end.
6 There is only one or two ways in and out of this at Good
7 Hope, there is no other place you can get to. It backs
8 up to a forest. It is in no way simple.

9 I understand how regulations work and
10 government incentives work and how those evolve. I
11 write plenty of regulations myself. And I understand
12 there are requirements that the developer has met with
13 their proposal. But I'm flabbergasted as to why this is
14 the process for this area. Why this is driving policy
15 decisions instead of looking and listening to the
16 community and the people that live here. Why the County
17 isn't looking to create a broader strategy for this area
18 when in this process this county review historical
19 issues that have been submitted through all the
20 different avenues that county people will raise concerns
21 and request help from the County. As also looking at
22 the County's own initiates. Last year, there were
23 people out at Westover serving residents about
24 walkability to the school. Their radius, how was health
25 can safety on these areas, where do you have stressors

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1 s. I explained that due to walking paths, the one-mile
2 radius is much bigger for Sherwood Forest and to please
3 consider the safety risks of along Sherwood Forest
4 Drive.

5 When this proposal feels like it's going to
6 jeopardize the work that that other group is doing
7 within the County. I am free to look at what this
8 county has raised -- this community has raised with the
9 County in the past and instead of where there are broad
10 strategies needed to desperately meet it ends.

11 I think there are various prime for growth
12 especially with the intention for transit improvements
13 and the connections to easy access to the highways. But
14 I don't think growth should be done at the expense of
15 those who already live here and certainly not without
16 consideration for these longstanding issues. We are
17 desperately trying to get these issues fixed and just it
18 feels like this is going to go pile up and make the
19 solving of those issues impossible.

20 And like someone else said years down the road
21 if it turns out that you are right, and the proposed
22 developer, the developer's proposal is wrong, what then?
23 We get more speed bumps, we get more signs, we get stop
24 lights on blinking lights? But there's no assurances
25 for us.

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1 I know this is long, I sincerely appreciate
2 your time and listening. I want to underscore again how
3 anxious I am about raising my kids on the street, about
4 the danger that it could create to the safety here.
5 Think about having kids or your own parents walk along
6 these streets, about how many reflective vests would be
7 sufficient for your safety. Think about having -- think
8 about having kids on the road and risking having a
9 hundred, 300 more cars on it.
10 The problems isn't town homes, it's not true.
11 It's this many town homes in this exact location, and
12 this development and proposal is thumbing its nose at
13 the current residents here and our longstanding issues
14 that are hurting the community already.
15 Thank you.
16 HEARING EXAMINER SOKONI: Thank you, Ms.
17 Anderson.
18 Any questions? Any questions for Ms.
19 Anderson?
20 MS. ROGERS: I have just a few questions, Ms.
21 Anderson. You had suggested you had some concerns over
22 some of the assumptions and kind of data that was in the
23 Local Area Transportation Review Study that the
24 Applicant's transportation consultant has prepared. I'm
25 just curious are you aware that the LATR guidelines upon

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1 which the County establishes, you know, and that study
2 is based and kind of the trip distribution within there
3 is based on empirical data and local data that's used to
4 develop those guidelines?
5 MS. ANDERSON: I assume that is how these
6 guidelines are developed, and I understand the rationale
7 behind them. It does not seem specific enough for this
8 area.
9 MS. ROGERS: And I have just two questions on
10 schools. As you noted that Fiscal Year '25 Annual
11 Schools Test was in effect when the Applicant initially
12 prepared its Land Use Report. But are you aware that
13 the Applicant's updated Land Use Report, which is now
14 Exhibit 81, does use the fiscal year '26 school numbers?
15 MS. ANDERSON: Fine. The most recent one on
16 what date?
17 MS. ROGERS: It's on page 10 to 11. Bottom of
18 10, top of 11.
19 MS. ANDERSON: I did not. How -- can you read
20 them off? Like wasn't the whole point that the increase
21 wouldn't go over 105 percent?
22 MS. ROGERS: So I would just note that the R&L
23 Planning Staff Analysis was looking at the fiscal year
24 '26 and kind of what is required for triggering a UPP.
25 And I guess I would just point that out, that that

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1 analysis on fiscal year '26 is there.
2 And then, I guess last thing my question for
3 you on school was just whether you were aware, we've
4 done this analysis that I mentioned about this year '26
5 now that -- that schools and adequate public school
6 facilities would be retested and that test is finalized
7 with the subsequent preliminary plan?
8 MS. ANDERSON: Sorry, you're saying --
9 MS. ROGERS: I was asking whether you're aware
10 that while there is an analysis now, it's not finalized
11 until preliminary plan when schools will get retested.
12 MS. ANDERSON: Sure, things evolve. I
13 understand that. That is a risk to us that I do not
14 want to take.
15 HEARING EXAMINER SOKONI: Please, let's not have
16 any crosstalk because it's difficult for the -- the
17 court reporter is taking a word-for-word transcript, and
18 when we have crosstalk in the background, it interferes
19 with that.
20 So sorry, Ms. Anderson, you -- there was a --
21 sorry, that was interrupted.
22 MS. ANDERSON: Yeah. Yeah, my answer is that I
23 understand there's a process, but that feels like a risk
24 to trust that everything works out without me voicing my
25 concerns.

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1 MS. ROGERS: Thank you. Those are all my
2 questions.
3 HEARING EXAMINER SOKONI: Yes, sir?
4 MR. CHECCO: Yes, may I just add about Westover
5 School population? About West --
6 HEARING EXAMINER SOKONI: You're welcome to come
7 --
8 MS. ROGERS: To ask the question?
9 HEARING EXAMINER SOKONI: -- and is this a
10 question directed at Ms. Anderson?
11 MR. CHECCO: It's -- it's not a question but it
12 is about fulfilling this obligation.
13 HEARING EXAMINER SOKONI: So at this stage, Ms.
14 Anderson is on the stand, so if you have questions
15 regarding her testimony, you can direct them to her.
16 MR. CHECCO: I'd like to augment her testimony
17 if that's okay. It has to do with the school population
18 of Westover. And 30 years ago, we had a similar
19 situation where the County didn't know how many people
20 were going to be coming into the school. And we did a
21 door-by-door, I was the PTA president at the time. We
22 did a door-by-door survey and found out that the
23 increase in students was gonna accelerate, not
24 decelerate.
25 MS. ROGERS: I believe he already testified

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1 about this this morning about the door-to-door.
2 MR. CHECCO: Yeah, but I didn't --
3 MS. ROGERS: -- survey.
4 MR. CHECCO: Yeah, but I didn't make the point
5 that the County was wrong that they said our population
6 was decreasing, when, in fact, we justified our claim
7 and it was increasing. And to our credit, I guess. But
8 a year or two later, they had to put in mobile homes,
9 mobile -- mobile --
10 MS. ROSENFELD: Classrooms.
11 MR. CHECCO: Classrooms because they -- they
12 were wrong. I mean, so you can't go by some of these
13 surveys that the County does. They're not always
14 infallible. And as a result, Westover suffered. These
15 had these kids in these -- I'm -- I'm done.
16 HEARING EXAMINER SOKONI: Okay. Well, thank
17 you.
18 MR. CHECCO: All right.
19 HEARING EXAMINER SOKONI: I -- in the interest,
20 we really do need to move this hearing along, and I know
21 we, do --
22 MR. COREY: I have two questions about her
23 testimony.
24 HEARING EXAMINER SOKONI: For Ms. Anderson?
25 Please come forward and state your name, please.

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1 MR. COREY: Yes, it's Patrick Corey. You know
2 me as Keke.
3 Candace, as president of the PTA for Westover,
4 I don't know that you're an expert, but your testimony
5 was exactly what the effect was going to be on Westover
6 again?
7 HEARING EXAMINER SOKONI: Ms. Anderson, are you
8 still there?
9 MR. COREY: And the second question would have
10 been since you live on Sherwood Drive --
11 MS. ANDERSON: I am still here. I'm sorry, I
12 had a brief minute.
13 I prefaced that I did not discuss this with the
14 school administration. The impact would be an increase
15 in students where there's only two classrooms and they
16 are already most of the classes are around 25 students
17 per class, and some are more. The autism classrooms are
18 over capacity, and we are already play -- this proposal
19 came at a time that we in the PTO were already lobbying
20 to try and get better support in our school
21 administration. So we're already at this place where
22 parents in the neighborhood don't feel like we have
23 great coverage. We want to have a vice-principal
24 instead of a temporary position that changes over. And
25 here we are looking at increase and more demand on

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1 resources.
2 I don't know what the impact will be, but I
3 know they are already struggling, and we are trying to
4 get staff. We have a temporary staff member right now
5 in fifth grade as the person that was supposed to be
6 there backed out in August. So it's a ravel. Every
7 year it's a ravel and changeover, and yeah. I can't
8 predict the future but I worry that it would be a lot.
9 MR. COREY: The second question is since you
10 live on Sherwood Drive, do you believe the report that
11 they are saying the traffic is at what level? Since you
12 --
13 MS. ANDERSON: I don't believe that --
14 MR. COREY: -- since you witness it every day.
15 MS. ANDERSON: Right. I have half of my exhibit
16 paper and will do my own but I did not. It does not
17 show a great increase in traffic coming here because as
18 was responded to previous questions, they don't believe
19 people would opt to use a winding road to circumvent the
20 corner. And that is not my experience living here. It
21 is not my experience talking with you first on how this
22 area is used. I ran into some someone or I made friends
23 with someone through softball. She lives outside of
24 coastal area, she knew where we lived because she uses
25 this area to cover. My experience. Thanks.

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1 HEARING EXAMINER SOKONI: Thank you, Ms.
2 Anderson.
3 MR. ELLER: One question for her.
4 HEARING EXAMINER SOKONI: Yes. Your name, sir?
5 MR. ELLER: Hello, Candace, this is Bob Eller.
6 I also live on Sherwood Forest Drive. And your opinion,
7 there certainly have been lots of studies by counting
8 cars, but, have in your opinion, from this townhouse
9 community, if there are 30 people trying to leave these
10 two exits in the morning, do you think that they are
11 gonna turn left on Notley Road to get to the traffic
12 light when it's already backed up ten cars, or are they
13 go gonna make a quick right-hand turn and then go down
14 Sherwood Forest because they don't have to wait in line
15 in their townhouse community to get onto Notley Road?
16 MS. ANDERSON: Yes, I think they'll use Sherwood
17 Forest. I think it's an easier access to Randolph. I
18 have seen cars stopping bumper-to-bumper on Sherwood
19 Forest when there have been serious traffic jams on the
20 main roads. So it's pretty obvious that
21 bumper-to-bumper traffic through my neighborhood is only
22 cause because of cut-through and overflow from the main
23 roads.
24 MR. ELLER: With that new traffic light that
25 they added on Randolph Road, have you noticed traffic

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<p style="text-align: right;">157</p> <p>1 backing up almost to Locksley Lane heading towards 2 Randolph Road? 3 MS. ROGERS: I -- it seems like at this point 4 we're providing testimony through questions. 5 MR. ELLER: I'm asking questions. 6 MS. GIRARD: And I think you're fine to testify 7 to that, but she didn't get into a new traffic light -- 8 MR. ELLER: Okay. 9 MS. GIRARD: -- at Randolph or whatever. 10 MR. ELLER: All right. No further questions 11 then. 12 HEARING EXAMINER SOKONI: Thank you. I see some 13 hands up online on Zoom, so take it in order. 14 MS. MANGELSON: I think -- this is Marci 15 Mangelson. Hi, Candace. 16 I did have a question about the study that you 17 looked at for the school, the overcapacity and capacity 18 numbers. 19 HEARING EXAMINER SOKONI: One second -- 20 MS. MANGELSON: Did that take into -- 21 HEARING EXAMINER SOKONI: -- one second. Could 22 you please confirm your name. 23 MALE AUDIENCE: You got to swear her in too. 24 MS. MANGELSON: Yes, Marci, M-A-R-C-I, 25 Mangelson, M-A-N-G-E-L-S-O-N.</p>	<p style="text-align: right;">159</p> <p>1 ma'am. Ms. Destiny? 2 MS. KIBALAMA: yes, hi, this is Destiny Kibalama. 3 I was this earlier -- 4 HEARING EXAMINER SOKONI: Yes. 5 MS. KIBALAMA: -- in the room. 6 Candace, my question for you is you mentioned 7 also parking in the -- by the playground -- 8 MS. ANDERSON: Uh-hum. 9 MS. KIBALAMA: -- being an alternative to people 10 parking in the neighborhood. Just estimating how many 11 parking spots do you think that is as we kinda figure 12 out if this is a quote, unquote, Viable option? 13 MS. ANDERSON: Oh, fair question. I do not 14 know. I do know they have designated handicap 15 accessible parking there. It is not a huge lot. So I 16 would not say it's more than 10 or 15. And now 17 that's -- 18 MALE AUDIENCE: Five or six. 19 MS. ANDERSON: Yeah, I was gonna say I was 20 overestimating from the point of demonstration. It's 21 not what's on there. There's all park as well as. 22 MS. KIBALAMA: Thank you. 23 HEARING EXAMINER SOKONI: Thank you. We have 24 one more hand up for questions. 25 Yes, ma'am.</p>
<p style="text-align: right;">158</p> <p>1 THE COURT REPORTER: I'm sorry, could you repeat 2 that last name, please. I couldn't hear over. Could 3 you repeat the spelling of that last name. 4 MS. MANGELSON: Mang -- M-A-N-G-E-L-S-O-N. 5 THE COURT REPORTER: Great, thank you. 6 MS. MANGELSON: The capacity numbers, does that 7 take into account the two portables that are already 8 there? Like is that included in the capacity of the 9 school? 10 MS. ANDERSON: It is included. 11 MS. MANGELSON: So what would capacity be? It 12 is on top of something that's already over capacity? 13 MS. ANDERSON: Right, the report I was looking 14 at was just showing the capacity being the number of 15 enrollment. The capacity being what they project the 16 school can house, and then, the enrollment -- 17 MS. MANGELSON: The school -- so that's the 18 question. The school itself or the school -- 19 MS. ANDERSON: -- in order to relocatables. 20 Relocatables. Yeah. 21 MS. MANGELSON: Okay. 22 MS. ANDERSON: So that -- that capacity is on 23 top of -- including, so that the capacity is included in 24 the capacity of the school: 25 HEARING EXAMINER SOKONI: Next question? Yes,</p>	<p style="text-align: right;">160</p> <p>1 MS. CHAMBERLAIN: Hi, Candace. My name is 2 Maureen Chamberlain, and I live also in the impacted 3 area over north off of Notley in a residential 4 development that is a mixed town home and single family 5 home development. 6 And I do want to preface my question by saying 7 I support Thrive 2550 goal, with the concept of smart 8 growth, improvement in housing, and permitting a safe, 9 comfortable, and appealing network in the communities 10 that allows for walking, biking and rolling. And I will 11 say that as someone in the community where I am building 12 south and heading towards east areas more like Leighton, 13 and I take Notley Road. I do not take Notley and turn 14 on to Randolph. I use Sherwood Forest, and that is a -- 15 that is a standard for me because of traffic patterns. 16 And similarly, when I am coming home, I do not 17 take -- 18 MS. GIRARD: With all due respect, we are -- we 19 are testifying now. I mean, she said that -- 20 MS. CHAMBERLAIN: Oh, okay. Well -- 21 HEARING EXAMINER SOKONI: That was a long prefix 22 to your question, so what's your question for Ms. 23 Anderson? 24 MS. CHAMBERLAIN: As someone with a physical 25 disability also, I understand your concerns for safety</p>

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1 and safe walking. Are there any sidewalks or safe
2 shoulders of the road on the street where you live where
3 you're concerned about traffic?
4 MS. ANDERSON: That's fair. And yes, we are in
5 this neighborhood in this broader inner, inner meeting
6 of neighborhoods, we all get to our destinations using
7 ways to avoid those intersections. My road does not
8 have -- I don't know how to describe it expertly. There
9 are no lines on this road. There are no sidewalks on
10 this road. There are some speed bumps on this road to
11 prevent traffic from going too fast. But shoulders, I
12 mean, if you -- it's just all grass and some instances
13 there are trees up to the side of the road. So if you
14 go heavily wooded or just grassy driving into someone's
15 front yard area.
16 MS. CHAMBERLAIN: Okay. And I can tell from
17 your earlier testimony that you do walk, and that some
18 you do in your community.
19 To your knowledge, is there any plan to develop
20 sidewalks to make it safe for your streets and for --
21 for your community?
22 MS. ANDERSON: I have not heard of anything.
23 The most responses I got have been just to add
24 additional signs saying slow down because of bumps or
25 turns in the road. I have had strangers roll down their

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1 windows and voice their concern that I -- that people
2 are walking without sidewalks, but nothing has been
3 confirmed to or discussed or floated, you know, via
4 mailings or contact with me.
5 MS. CHAMBERLAIN: Okay. And so when we talk
6 about the Thrive 2050 goal to promote equity and to
7 promote safe, comfortable, and appealing networks
8 for walking --
9 MS. GIRARD: It's not --
10 HEARING EXAMINER SOKONI: Excuse me, excuse me,
11 Ms. Chamberlain. You can ask Ms. Anderson questions
12 about things she testified about. And I'm -- I am
13 concerned we -- we have so many people in the room who
14 also would like an opportunity to testify, so I'm -- I'm
15 asking if you could please limit your questions to some
16 -- to the testimony you just heard.
17 MS. CHAMBERLAIN: Okay. Well, I wanted to ask
18 Candace in her personal experience as a resident of
19 community, do you feel like this development will
20 contribute to making this community more accessible or
21 less accessible for walking, biking and rolling safely
22 for the existing residents like yourself?
23 MS. ANDERSON: I believe I heard, and I want to
24 say that I do not feel like it improves anything for
25 current residents and will only focus on the area of the

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1 townhouse development as it were.
2 I do want to say that I caught the tail end of
3 discussions during the December meeting, and I
4 acknowledge that there might have been other plans or
5 maybe recommendations for additional improvements along
6 Notley. However, I cannot speak to whether or not that
7 has been confirmed. It definitely would not do anything
8 on my street.
9 MS. CHAMBERLAIN: Okay. Thank you.
10 HEARING EXAMINER SOKONI: Thank you.
11 MS. ROSENFELD: Ms. Hearing Examiner, I am sorry
12 but I did have questions.
13 HEARING EXAMINER SOKONI: Yes, please.
14 MS. ROSENFELD: I -- I note there was reference
15 to your -- your role with parent-teacher organization of
16 come sort. Are you or were you affiliated, and if so,
17 could you identify for the record what role you have or
18 had.
19 MS. ANDERSON: Yes. I've been on the Westover
20 Parent-Teacher Organization for -- for a handful of
21 years. Sorry, I think I was on the board one year, and
22 then, I was president for two years. My term ended, and
23 I stepped down at the beginning of this past school
24 year.
25 MS. ROSENFELD: Okay. Thank you.

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1 And then, just for clarity of the record, there
2 has been a lot of discussion in your testimony about
3 Sherwood Forest Road. If --
4 EMALE AUDIENCE: Drive.
5 MS. ROSENFELD: I'm sorry, Sherwood Forest
6 Drive. It is identified as Road in the staff report.
7 Sherwood Forest Drive. If we could just for clarity in
8 the record pull up Exhibit number 56, which is the
9 Planning Department Staff Report.
10 And I'm looking at page 8. And I would just
11 ask you to orient the Hearing Examiner to where Sherwood
12 Forest Drive and Notley Road are located relative to the
13 -- relative to the subject property, and just walk us
14 through briefly --
15 MS. ANDERSON: Sure.
16 MS. ROSENFELD: -- how that cuts through
17 traffic --
18 MS. ANDERSON: I would like to add that I still
19 volunteer with the PTO to improve the school grounds.
20 If you can scroll down, I can walk you through
21 where we're looking.
22 MR. GUIASO-OSPINA: Which page?
23 MS. ROSENFELD: Page 8, please. Okay.
24 MS. ANDERSON: You are right, it does say
25 Sherwood Forest Road right under where it says School

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1 zone. So if you look the at the site, and you travel to
2 the left along Notley, the -- it passes by the park, and
3 then, it comes to a stop sign which is Sherwood Forest
4 Road, proper name is Sherwood Forest Drive. There's a
5 three-way stop sign there.
6 MS. ROSENFELD: A three-way stop --
7 MS. ANDERSON: And Sherwood Forest snakes down
8 and connects to Randolph in the very bottom center of
9 your screen.
10 MS. ROSENFELD: And where was that three-way
11 stop sign that you mentioned?
12 MS. ANDERSON: Right at the C in Colesville.
13 MS. ROSENFELD: Oh, at Notley and Sherwood
14 Forest Drive.
15 MS. ANDERSON: Yes.
16 MALE AUDIENCE: S yes.
17 MS. ROSENFELD: And so just briefly again, what
18 is the benefit to people using Sherwood Forest Drive
19 instead of going to Notley and New Hampshire?
20 MS. ANDERSON: Sure. So on any given day, you
21 don't know how congested it might be in front of the
22 Colesville Center. It's there's a few stop lights
23 there, it backs up where when the congestion like
24 naturally happens, and there is that prime intersection
25 where when Randolph and New Hampshire meet. Like I

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1 said, you don't know if it's gonna be a good traffic day
2 or a bad traffic day, so a lot of times people will use
3 Sherwood Forest either from other parts on Notley or on
4 the surrounding cul-de-sacs that you see here to get
5 over to Randolph and access further points south or
6 other points left like going towards Wheaton and going
7 toward where the red line is.
8 MS. ROSENFELD: And once you have made -- oh,
9 I'm sorry.
10 MS. ANDERSON: Yeah. I think that's the main
11 part. There to my knowledge nobody has studied this, so
12 exact date of flow, I do not know. But I do know that a
13 lot of people take my roads to get onto Randolph, or
14 vice versa to get to Notley and to circumvent that main
15 intersection.
16 MS. ROSENFELD: And if you're going left on --
17 west on Notley, and then, you make that left on Sherwood
18 Forest Drive where you said there's the three-way stop,
19 where is the -- where is the next stop sign on Sherwood
20 Forest Drive?
21 MS. ANDERSON: The next stop sign is it's a road
22 called Beaumont and so it's labeled all the way in the
23 left side of your screen, but actually, if you follow
24 this red, you know, outline, to that way --
25 MALE AUDIENCE: Is that stop sign.

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1 MS. ANDERSON: -- right at Randolph Road, that
2 is where Beaumont intersects Sherwood Forest. So again,
3 if you -- it's like directly above where you see the
4 label for Randolph Road, there is a sharp like in --
5 inner wedge that goes in, and that point is basically
6 pointing to Beaumont and Sherwood Forest.
7 MS. ROSENFELD: So you said Beaumont?
8 MS. ANDERSON: That is -- wait. There are stop
9 -- I misspoke. There are stop signs there, but not for
10 Sherwood Forest traffic, only for the intersecting
11 traffic. There is no stop sign on Sherwood Forest until
12 you get to Randolph.
13 MS. ROSENFELD: So basically, you have an
14 unsignalized driving path all the way from Notley all
15 the way to Randolph?
16 MS. ANDERSON: Correct, with --
17 MS. ROSENFELD: -- on Sherwood Forest Drive?
18 MS. ANDERSON: Yes, with a few spaced speed
19 bumps.
20 MS. ROSENFELD: And would you characterize
21 Sherwood Forest Drive as a windy road?
22 MS. ANDERSON: It has one big turn to it, and
23 then it kind of slopes around. I would -- I -- I've
24 grown up in very rural areas, I will not call this a
25 winding road, but then I think that is a little bit in

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1 the opinion of, you know, may vary.
2 MS. ROSENFELD: Okay. And then, one last
3 question. In on this same page, there is a part of the
4 map that's identified as Colesville Center to the lower
5 right of this --
6 MS. ANDERSON: Yeah --
7 MS. ROSENFELD: -- red area. What is Colesville
8 Center?
9 MS. ANDERSON: That is where there is a central
10 large shopping area, there's a giant there, there's a
11 handful of restaurants there.
12 MS. ROSENFELD: And --
13 MS. ANDERSON: The right place. It's very, very
14 -- you always run into a neighbor there. Either getting
15 food or taking your kid to the karate there. It's very
16 central to this area.
17 MS. ROSENFELD: And to the west of that, there
18 is these -- this area that's sort of in heavy orange.
19 Is that the town home community that you referenced
20 earlier in your testimony, Morningside?
21 MS. ANDERSON: Yeah. Yep, the Morningside I
22 believe it's called. Forgive me if I misspoke that.
23 But that is the Morningside community that I referenced
24 that had like a couplets and some paths that connect
25 the rest of the neighborhood to that Colesville Center

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1 is where that is.
2 MS. ROSENFELD: Thank you.
3 MS. ANDERSON: So for example, I could walk to
4 the Giant from a Sherwood Forest Road without ever
5 having to go on a major road.
6 MS. ROSENFELD: Okay. All right.
7 MS. ANDERSON: The center for -- for Sherwood
8 Forest Drive. I meant, you know, being impressionably
9 influenced by what I'm reading in front of me.
10 MS. ROSENFELD: Thank you very much. I don't
11 have any further questions.
12 MS. GIRARD: Madam Hearing Examiner, I just
13 wanted to point out that people in the audience are
14 answering questions that counsel is asking and not
15 allowing the -- the person testifying to speak, and with
16 that camera open, or with that microphone open, I'm just
17 concerned. I can hear it clear as day. I just want to
18 make sure that people, you know, need --
19 MS. ANDERSON: Oh, I couldn't hear anything
20 other than my --
21 MS. GIRARD: Right, but it might pick up --
22 MS. ANDERSON: -- for the record --
23 MS. GIRARD: -- on the transcript that she asked
24 a question and then somebody from the audience answers
25 before you did.

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1 HEARING EXAMINER SOKONI: That's fair. Thanks
2 for -- thanks for raising that.
3 MR. GUIASO-OSPINA: Mr. Golden has his hand
4 raised.
5 HEARING EXAMINER SOKONI: Yes. Mr. Golden, you
6 have your raised hand. Is that -- is that -- is that
7 you?
8 MR. GOLDEN: Yeah. Yes, I do. I have just a
9 question --
10 HEARING EXAMINER SOKONI: Do you have -- is this
11 a question for Ms. Anderson?
12 MR. GOLDEN: It is for Ms. Anderson.
13 HEARING EXAMINER SOKONI: Yes --
14 MR. GOLDEN: Yes?
15 HEARING EXAMINER SOKONI: Yes, you may go ahead.
16 MR. GOLDEN: As part of your observations living
17 on the street, have you noticed, because you have
18 mentioned --
19 HEARING EXAMINER SOKONI: We need your camera on
20 if you're speaking
21 MR. GOLDEN: Okay. Hold on one second. I don't
22 know if that's me or you all, but it does go on and off,
23 but I'm sorry about that. It should be on in a second.
24 No, it's not -- hold on a second.
25 Oh, wait a minute. Give me one second. Sorry

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1 about that. It's on.
2 HEARING EXAMINER SOKONI: Yes, your question for
3 Ms. Anderson.
4 MR. GOLDEN: Yeah, as part of your observations,
5 do you also notice that the County plows snow and salt
6 your road before others because it is a cut-through?
7 Just wondering.
8 MS. ANDERSON: Yes, we are --
9 MS. GIRARD: Objection, Your Honor. Objection.
10 HEARING EXAMINER SOKONI: There was no testimony
11 about snow and plowing. I think in the interest of --
12 sorry, I'm going to have to cut that question off.
13 MR. GOLDEN: I'm gonna let you do that, but she
14 testified on her observation of cut-through and that
15 science, but your call. Thank you.
16 HEARING EXAMINER SOKONI: With that, I think
17 let's turn back to the room. We -- we need to give
18 people an opportunity to speak.
19 Sorry, Ms. Rosenfeld, you had the number of
20 questions. Were those answered?
21 MS. ROSENFELD: They were. I was just gonna
22 address a preliminary matter before you begin active
23 witnesses.
24 HEARING EXAMINER SOKONI: Yes.
25 MS. ROSENFELD: In speaking with Mr. Touhey he

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1 has graciously offered to allow other witnesses to
2 testify before he resumes his, recognizing that other
3 people may not be able to stay for the rest of the day
4 or perhaps not be available next week if --
5 HEARING EXAMINER SOKONI: Thank you very much --
6 MS. ROSENFELD: -- not another day.
7 HEARING EXAMINER SOKONI: -- we really
8 appreciate that.
9 So let's get back into the room, and I'll just
10 go row-by-row.
11 If you don't have to speak, but if you -- if
12 you wish to speak you are welcome to come forward.
13 Let's start from the far end there. Please
14 come forward, state your name.
15 And yes. Pass the mic, please.
16 MR. ELLER: Yes, my name is Bob Eller, and I
17 live at 13519 Sherwood Forest Drive.
18 HEARING EXAMINER SOKONI: And please raise your
19 right hand.
20 Whereupon,
21 BOB ELLER,
22 being first duly sworn or affirmed to testify to the
23 truth, the whole truth, and nothing but the truth, was
24 examined and testified as follows:
25 HEARING EXAMINER SOKONI: Okay. You may

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1 proceed.
2 MR. ELLER: I've lived on Sherwood Forest for 32
3 years. I'm the second owner. My grandfather built the
4 house in 1959.
5 Traffic on Sherwood was getting noticeably
6 worse until they put the speed bumps in, and after they
7 put the speed bumps in, that's probably been 16 years
8 ago, traffic was noticeably -- the volume was noticeably
9 less. But over the past ten years, it's gotten back up
10 to where it's gotten busier and busier. People are
11 continuing coming from Bonifant west, instead of going
12 up to New Hampshire Avenue, they are coming across
13 Sherwood Forest to reach Randolph Road without having to
14 take those extra light. So that has increased traffic.
15 And as I stated earlier, if 30 to 40 cars are
16 leaving this new development, and there's a line of cars
17 already to get to this proposed light at Notley and New
18 Hampshire Avenue, if you're sitting and waiting and
19 waiting, you're gonna turn right onto Notley and then a
20 left on to New Hampshire. And these four small speed
21 bumps are not impeding the flow of traffic that's coming
22 in.
23 And again in the afternoons, with the
24 additional light that's put on Randolph Road before New
25 Hampshire, the traffic is backed up from Sherwood Forest

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1 at times close to Locksley Lane. Okay. So all those
2 cars are having to wait all through all these series of
3 lights to, and so they are saying -- I mean, again,
4 people are turning left onto Sherwood Forest to avoid
5 those cut-throughs to get to Notley Road.
6 130 town homes, the volume of people are gonna
7 see that as such an immediate shortcut that the volume
8 is gonna be horrific. I've seen, you know, teens and
9 wheelchairs, paraplegics on Sherwood Forest. It's a
10 popular bike path to get to the community pool. There
11 are people that walk, there're people that bike, there
12 are people that jog, there's road every day. And the
13 traffic is gonna be horrific.
14 Another concern I have is the shopping center.
15 Right now, it is difficult at any time of day. I
16 usually go there twice a week because I prefer shopping,
17 I love to grocery shop, and that parking lot is full now
18 two-thirds. I don't know if they have done a study on
19 the number of parking spaces in that place, but if
20 people from this new development as well go two to three
21 times, this is gonna be such a congested shopping center
22 that it is gonna make all of our lives more difficult,
23 including these new homeowners. In my opinion, the only
24 two groups that are gonna benefit from this development
25 are the trick-or-treaters at Halloween and the

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1 developers.
2 And so I -- I fear for the rest of us. I mean,
3 most of us are older are here. All of the community is
4 continuing to show support that we do not think that
5 this is the right place to -- to sevenfold increase the
6 number that it's slated for from what this was
7 originally slated for.
8 And you know, we're all getting older, traffic
9 is becoming a big enough issue now, and a big thing I'm
10 also concerned about is the health of our entire
11 community and these new people. You're gonna have
12 stress from traffic, you're gonna have stress from
13 people not getting in and out of this community, you're
14 gonna have stress in every store in the neighborhood.
15 And you know, the impacts that have on people's lives,
16 I'm sure there's not a study done on that yet, but you
17 know, these studies that have been done on roads and
18 traffic, and I'm -- I'm a much more believer in common
19 sense in a couple studies that may have been done
20 somewhere. I think common sense, if it ruled the day, I
21 don't think that this would be an issue for this place
22 to even being built because it doesn't fit our
23 community, it doesn't fit our commercial spaces, it
24 doesn't fit our side streets, it doesn't fit our
25 schools, it doesn't fit our, you know, water management

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1 in many ways. And we are trying to put a square block
2 in a round hole, and I mean everyone is against it
3 except the developers and possibly the County.
4 So again, I struggle to think that this is a
5 good fit for this location. It should go back to what
6 it's originally slated for, which is a perfect fit,
7 perfect fit for our community.
8 So I beg for you guys to really consider what
9 is right for the community, right for our homeowners, as
10 far as, you know, Colesville Center can't be expanded.
11 It is what it is. And so we can't -- you know, again,
12 it's just a stress that's unneeded, you know. Please
13 help us out. That's all I have to say.
14 HEARING EXAMINER SOKONI: Thank you.
15 Any questions? No? Yes.
16 MS. ROSENFELD: Yes. I'm gonna pull up for
17 Exhibit number 56 again, the Staff Report, and go to
18 page 8.
19 And I really just would like to make sure that
20 the record is clear. You had talked about a backup on a
21 road called I think Locksley. Is that correct?
22 MR. ELLER: It's -- it's where Sherwood --
23 MS. ROSENFELD: What I'd like to do is when the
24 exhibit comes up, if you would just walk us through
25 where that backup occurs, and why you think it will

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1 cause -- why you think this proposed development causes
2 additional cut-through traffic on Sherwood Forest Drive.
3 It would be helpful to be able to understand that on a
4 map.
5 MR. ELLER: Randolph Road, Sherwood Forest
6 Drive, Locksley Lane is down here at the bottom of the
7 hill. Maybe a quarter of a mile below Randolph.
8 HEARING EXAMINER SOKONI: Yes, I was gonna say
9 you -- okay.
10 MR. ELLER: So it's down here.
11 HEARING EXAMINER SOKONI: Yeah.
12 MR. ELLER: Okay. And the new traffic light
13 they put in is right here.
14 MS. ROSENFELD: Could you identify that by
15 roads, please.
16 MR. ELLER: Give me a second here. By my house
17 --
18 HEARING EXAMINER SOKONI: And -- and while he's
19 looking at that, I just want to remind everyone in the
20 audience, this was a point that was made earlier, when I
21 go back to review all of this, I'm looking at a record
22 and I'm looking at a transcript, when we have crosstalk
23 in the -- in the background, it actually totally
24 interferes with the transcript, and so some of this
25 could get lost. So I really would like to urge people

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1 to hold back. You all have an opportunity to speak, but
2 please don't, you know, answer the questions for the
3 person. It really does interfere with the transcript.
4 MR. ELLER: Okay. That road is Bregman Road.
5 MS. ROSENFELD: Thank you.
6 MR. ELLER: And so there's a light at Bregman
7 Road, and so people are, when traffic is backing up
8 almost to Locs -- to Locksley Lane, they are turning
9 left onto Sherwood Forest instead of hitting one, two,
10 wait for a turn lane, long light, three, then come up
11 here to now a new light there.
12 So traffic is horrific. This is a big traffic
13 area. Every morning traffic often when I come to Notley
14 Road, there are cars from Notley all the way to Randolph
15 Road. And sometimes it's backed up behind Notley. So
16 you're gonna have 130 people go to work over the course
17 of, I don't know two, three hours. That this road is
18 gonna get backed up Notley Road to the light whether you
19 turn left or right, and they're gonna say, no, I can't,
20 you know. And the normal flow of cars that are coming,
21 it's gonna back up pass past the site every day. And
22 those people are not gonna sit there and hope that
23 someone will graciously let them in when they're late
24 for work.
25 You know how traffic is today. Even a traffic

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1 -- the stop sign at Sherwood Forest, I don't know how
2 many times people blow right past that stop sign without
3 even slowing down. Both ways. So you know, with
4 people that insane, they're going to stop and patiently
5 be a courteous driver in rush hour and let one, two,
6 three cars get into the light for them to have to wait
7 longer. Everyone is gonna come around that road. It's
8 gonna be a huge shortcut. Some of them even if they
9 want go back on Randolph to avoid some of that traffic.
10 So again, it is an incredible backlog, you
11 know, backup everywhere. And you know, this quiet,
12 little street is gonna turn into -- I don't want a
13 yellow line down the middle. I really don't even want
14 sidewalks. It's a quiet neighborhood street. It should
15 stay that way. It should stay safe to where a
16 paraplegic in a wheelchair can drive up and down the
17 street, kids can ride their bikes to the community pool,
18 and it's gonna end all that.
19 MS. ROSENFELD: And if I could, if you don't
20 mind staying up there for just a minute.
21 When you talk about people blowing through a
22 stop sign, could you explain the intersection where you
23 -- where that happens.
24 MR. ELLER: That is Notley and Sherwood Forest
25 Drive.

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1 MS. ROSENFELD: Thank you. And then, when you
2 were talking about the stop light, or is it a stop sign
3 at Bregman --
4 MR. ELLER: At Bregman?
5 MS. ROSENFELD: At Bregman and Randolph, is that
6 a stop light or a stop sign?
7 MR. ELLER: It's a stop light.
8 MS. ROSENFELD: Okay. And then, you talked
9 about one, two, three additional stop lights, and you
10 were going towards and then up New Hampshire. Could you
11 just for the record identify those intersections or
12 place on this map where we can recognize where you're
13 talking about.
14 MR. ELLER: Okay. You've got the traffic light
15 at Bregman, you've got the traffic light here. Again,
16 traffic is all backed up through here to begin with, so
17 these two lanes to turn left are always jammed up and
18 rarely do I see cars that are at the end of line and
19 make it through the light. So that's big backup.
20 And then, there is a Copley, Copley Lane.
21 MS. ROSENFELD: Copley Lane and New Hampshire
22 Avenue?
23 MR. ELLER: No, I'm sorry, it is Midland Road.
24 It's right past the Giant gas station. Right here.
25 MS. ROSENFELD: Okay. And New Hampshire?

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1 MR. ELLER: So you've got this one, yeah, the
2 one at Midland, and then, you're gonna have one at
3 Notley.
4 MS. ROSENFELD: And then, could you just please
5 identify the swimming -- the community swimming pool.
6 MR. ELLER: Community swimming pool --
7 MS. ROSENFELD: Is it shown there?
8 MR. ELLER: -- is noted right here.
9 MS. ROSENFELD: Okay. What's the name?
10 MR. ELLER: Robin Hood Swim Club. And all of
11 this neighborhood, so many times kids will ride their
12 bikes, walking, you know, beach towels around their
13 neck, coming down Sherwood, then they come down here,
14 and -- and just turn to the pool right there.
15 MS. ROSENFELD: Okay. All right. Thank you.
16 I have no other questions.
17 HEARING EXAMINER SOKONI: Thank you. Just give
18 me one second. I'm trying to make a note on my --
19 Okay. Where were we?
20 MR. JOHNSON: Question?
21 HEARING EXAMINER SOKONI: Yes.
22 MR. JOHNSON: Can I?
23 HEARING EXAMINER SOKONI: Yes. Yes, please.
24 MR. JOHNSON: My name is Hugh Johnson, H-U-G-H
25 J-O-H-N-S-O-N.

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1 And if you could go back to the map, we'll talk
2 about just what you were talking about. The shortcut
3 from across Sherwood, Sherwood Forest --
4 MR. ELLER: Drive.
5 MR. JOHNSON: -- to Notley to get to the
6 proposed town home site. So -- okay. If you could draw
7 that with your finger. And start -- start at
8 Randolph --
9 MR. ELLER: Okay.
10 MR. JOHNSON: -- and then, trace that route.
11 Okay. And so coming from the west, so say you were
12 coming from Rockville on Randolph.
13 MR. ELLER: Correct.
14 MR. JOHNSON: And forget about a proposed stop
15 light on Notley for a moment. But if -- if you were to
16 drive that, and we live on Sherwood Forest now, so you
17 know the neighborhood very well, how would you drive it?
18 MR. ELLER: How would I get to where?
19 MR. JOHNSON: To the proposed site.
20 MR. ELLER: The traffic lights.
21 MR. JOHNSON: So --
22 MR. ELLER: One stop sign.
23 MR. JOHNSON: Right. So that's the -- that's
24 the shortcut, that's the fastest route.
25 MR. ELLER: The quickest least traffic driving

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1 through my neighborhood streets instead of all this
2 garbage through here.
3 MR. JOHNSON: Would you expect anybody who drove
4 that to the point of knowing that well not use that
5 route?
6 MR. ELLER: I think it would be insane not to.
7 MR. JOHNSON: So would you as your life
8 experience expect all the traffic coming from the west,
9 coming from Randolph Road to use that to get to the
10 proposed town home site?
11 MR. ELLER: It is the least traffic, the least
12 number of lights, the least frustration. Now there, you
13 know, until get if this did happen that there's, you
14 know, 30 cars waiting to turn right here, which might
15 very well happen, that should help congestion on the
16 rest of Randolph and New Hampshire, but it doesn't do
17 anything for our quiet neighborhood street.
18 MR. JOHNSON: So all the traffic to the proposed
19 site, would you -- you expect them in the future --
20 MR. ELLER: Yes.
21 MR. JOHNSON: -- would traverse --
22 MR. ELLER: Coming both ways.
23 MR. JOHNSON: -- Sherwood Forest? Yeah.
24 MR. ELLER: Again, if you're at this site and
25 you can't turn left on Notley because of so much

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1 traffic, you're gonna turn right and then come down
2 Sherwood. I mean that is a no-brainer, common sense.
3 MR. JOHNSON: Regardless of the traffic, you
4 would do that?
5 MR. ELLER: I would do that without traffic.
6 MR. JOHNSON: Thank you.
7 HEARING EXAMINER SOKONI: Any more questions?
8 MR. GUIAO-OSPINA: I have a hand raised on
9 Zoom.
10 HEARING EXAMINER SOKONI: Okay. We have a hand
11 raised on Zoom. What's the name?
12 MR. GUIAO-OSPINA: Susan Cornell.
13 HEARING EXAMINER SOKONI: Ms. Cornell, you have
14 a question?
15 MS. CORNELL: No, just -- just testimony.
16 HEARING EXAMINER SOKONI: Oh, okay. So one
17 second. I think we are still working our way through
18 the room.
19 MR. ELLER: Oh. Just one last comment then
20 before I'm done.
21 Is that parking lot again at the shopping
22 center is gonna -- the roadway is just gonna be like a
23 Christmas every day because there aren't -- I don't know
24 if you guys have a count on parking spaces at that
25 shopping center, but it is three-fourths the way full

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1 now, and again, it's gonna be like trying to park at
2 Christmas every day.
3 That's all I have to say.
4 HEARING EXAMINER SOKONI: Thank you. Okay.
5 Well, working our way through the room. Yes? Sir
6 another question?
7 MR. COREY: Oh, no, just to speak to follow up
8 on that noted comment.
9 MALE AUDIENCE: You want to do it by rows?
10 HEARING EXAMINER SOKONI: So here's the system
11 we're trying to work through. We're going with the
12 front row, and then, it would be next you can pass, but
13 that that's how I was -- does that work for folks?
14 Okay.
15 MR. COREY: I'm Patrick Corey, C-O-R-E-Y. I am
16 the secretary of the GCCA, and have been the secretary
17 for five or six years.
18 MS. ROSENFELD: Swear him in.
19 HEARING EXAMINER SOKONI: Yes, please. Thank
20 you.
21 Please raise your --
22 MR. COREY: I tried to get away.
23 HEARING EXAMINER SOKONI: All right. I shuffled
24 my papers around during the lunch break and now -- okay.
25 Kindly raise your right hand.

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1 Whereupon,
2 PATRICK COREY,
3 being first duly sworn or affirmed to testify to the
4 truth, the whole truth, and nothing but the truth, was
5 examined and testified as follows:
6 HEARING EXAMINER SOKONI: Thank you.
7 MR. COREY: My wife and I have lived in
8 Montgomery County for over 50 years, and on Shaw Avenue
9 in Colesville for over 44 years. A good deal of our
10 neighbors have lived in their homes for decades as well.
11 I remember both my daughters across -- both take both of
12 my daughters across Mr. Barry's front lawn to feed the
13 horses into the pasture next-door until Potomac fever
14 threatened them and Lacy move them to Pennsylvania.
15 Subsequently, her father, Ben Shaw, had eight homes
16 built on those 10 acres in complete harmony with our
17 neighborhood.
18 Both of our daughters attended Westover
19 Elementary, White Oak Middle School and Springbrook High
20 School. One of my daughters and her family live close
21 by and within a block of Westover. My granddaughters
22 are currently attending Westover and White Oak, and
23 swimming at the local pools just as their daughters did
24 when they were young.
25 By the way, there are curbs have been

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1 mentioned. There are very few curbs in a number of
2 areas in Colesville. In the Sherwood Forest, there's
3 very few curbs. In the Meadowood area that I live in,
4 which is a large community in Colesville, there are very
5 few curbs.
6 Both of our -- Colesville was a very country in
7 character when we moved here. It has been designated a
8 village by the County Master Plan. And even after the
9 increase over the years in rush-hour traffic, transiting
10 Randolph Road and New Hampshire Avenue, it has remained
11 pretty much a village.
12 Colesville was very diverse when we arrived,
13 and it's still one of the most diverse areas in the
14 County today. Colesville has grown over the decades,
15 certainly not significantly, but its character has not
16 changed, at least not until now with this proposed
17 townhouse project.
18 One Montgomery County board member pre -- who
19 previously lived in Colesville and with their knowledge
20 of our community, could not vote to approve this project
21 and abstained. One member voted to protect our
22 community by saying that the current zoning laws needed
23 to be enforced. One member noted to me that he's -- he
24 voted to approve it, but stated his belief that the
25 overall density of the -- of the community, of the

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1 townhouse project and the height limits would be lowered
2 to a reasonable level. That has not occurred.
3 We are as opposed to this Notley townhouse
4 development and believe that rezoning most substantially
5 conform with the County Master Plan. This project
6 misses the Master Plan on every aspect. It misses it
7 with no access to a main corridor transit road with only
8 access to the narrow residential Notley Road. It misses
9 it on density and height limits. It missed it on green
10 spaces. It missed it on stormwater management. It
11 misses it on unexpected volume of traffic. It misses it
12 on affordability.
13 This proposed townhouse development is not
14 compatible with the County Master Plan or Thrive. Nor
15 is it compatible with the surrounding neighborhood
16 adding 130 50-foot townhouses in an area that's
17 designated R-90 and R-200 low density zoning is just
18 wrong. This request for rezoning does not propose low
19 density residential property, does not conform to the
20 2014 White Oak Signs Gateway Master Plan.
21 Additionally, we understand that the requested
22 CR -- CRNF zoning change does not even satisfy a number
23 of the requirements for this designation. Further, that
24 no prior CRNF, none, not a single one consists of an
25 all-residential property or is completely surrounded by

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<p style="text-align: right;">189</p> <p>1 an all-residential neighborhood. The schools are 2 currently used for play areas in Montgomery County for 3 the team sports, soccer, et cetera. There are only two 4 other small areas that can be used as green spaces to 5 play for these Not -- with these Not -- areas for these 6 Notley children. And these additional townhouses 7 without sufficient green spaces or are play areas will 8 force kids to travel outside the development to play. 9 When my granddaughters were younger, we went to 10 the Colesville Manor Park right there where the it is 11 proposed to meet with and play with their cousins. This 12 park has five or six parking spaces, and it's pretty 13 much at full capacity when all five of these spaces are 14 taken. It's currently incapable of handling a projected 15 volume of children resulting from this project. 16 This proposed development plan does not have 17 access to New Hampshire Avenue and it has only two 18 driveways for ingress and egress for the estimated, and 19 I believe they stated up to 400 vehicles this townhouse 20 complex could handle. 21 This is an accident waiting to happen. 22 Residents will not be able to exit safely at rush hours, 23 and the propose traffic light will not prevent 24 cut-through traffic through the neighborhood streets to 25 access main roads. It is been stated that Notley Road</p>	<p style="text-align: right;">191</p> <p>1 many as 20 structures under its current zoning 2 designation. This zoning could easily be modified to 3 allow 40 structures. But the proposed 130 townhouse is 4 eight to ten times the density of the surrounding 5 neighborhood. It is not suitable for this small 6 nine-acre plat. 7 We were not surprised when the developers would 8 not give the community an estimate for what the 9 townhouses would be priced at during our meeting with 10 them in August. This may be because the Ryan Stuart 11 Development Group has only built commercial properties 12 and hasn't any experience developing -- developing 13 residential properties. 14 So our best estimate is from 500 to \$750,000 15 per unit. We believe this would not be considered 16 affordable under County designation. And nevertheless, 17 we fully expect Ryan -- nevertheless, though, we Expect 18 Ryan, Ryan Stuart to sell this property to the highest 19 bidder if the zoning request is approved. 20 There was a previous comment about having a 21 builder separate escrow account for things like the -- 22 their reassurances that major impacts on water, sewage 23 capacity, the home adjoining the construction areas with 24 flooded basements and garages, inadequate management 25 resulting from previous developments. These were all</p>
<p style="text-align: right;">190</p> <p>1 is a small, narrow road and currently has a large volume 2 of traffic. Adding a traffic light will not resolve 3 this deficiency. 4 The left turn lane from New Hampshire Avenue 5 onto Notley during evening rush hour will significantly 6 block up all of the northbound traffic and turn -- to 7 turn on to off of New Hampshire. 8 And currently, with 30 visitor spaces being 9 proposed for the entire development, I don't understand 10 the developer's math for 180 overflow vehicles as they 11 propose being in that. Regardless of the developer's 12 assurances, we fully expect there will be overflow 13 parking issues into the surrounding neighborhood. 14 I am not an expert on fire and safety and 15 emergency response, but having 130 structures in such a 16 limited access -- with such a limited access in such a 17 small space seems extremely susceptible to catastrophe. 18 Our community understands the need for more 19 affordable housing especially for young families. 20 However, affordable housing isn't being built anywhere 21 because it doesn't generate enough profit. So 22 developers will try to take advantage of the situation 23 and change the zoning codes to build more houses to 24 create their profit. There are three occupied houses on 25 this designated nine-acre property. It is zoned for as</p>	<p style="text-align: right;">192</p> <p>1 approved projects by the County for the Buddhist temple 2 and for the retirement community. And yet we're 3 inundated with all the flooding that's there now. 4 This proposed development is expected to cause 5 substantial additional flooding to the surrounding 6 structures with a nine acres of asphalt replacing the 7 green space. It will certainly affect either or both 8 Paint Branch and the north branch watersheds which I 9 understand have had over million of dollars of pollution 10 abatement recently completed. 11 The zoning laws protect property owners and 12 must carefully be considered. A decade after we moved 13 Shaw, that horse pasture that was two houses away was 14 developed following the zoning laws. Those eight houses 15 were built in perfect harmony with the neighborhood. If 16 the zoning changes request for the Notley property is 17 approved, this will not prevent other developers from 18 purchasing houses that sit on large lots throughout 19 Colesville, and for that matter throughout Montgomery 20 County, to create townhouse developments similarly to 21 what's been proposed here. 22 We believe that the zoning request is not a 23 solution to the housing problem, but an immense problem 24 forced on our community by developers skirting the legal 25 zoning protections that the designated Village of</p>

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<p style="text-align: right;">193</p> <p>1 Colesville deserves. We ask that you deny the request 2 for the zoning based upon its inability to comply with 3 the law and being out of character with our community. 4 In conclusion, this shouldn't need to be said, 5 but the Village of Colesville shouldn't have this 6 proposed project jammed down our throats because 7 Montgomery County needs more housing. 8 HEARING EXAMINER SOKONI: Thank you. 9 Any questions? Any questions? Okay. 10 Next in the front row, anyone wishing to speak 11 in the front row? Okay. 12 We go to the second row back. 13 MS. GIRARD: Please turn the camera on so that 14 we can see you on Zoom. All we see now is the map. 15 Thank you. 16 HEARING EXAMINER SOKONI: To remove the map. 17 Please provide your name. 18 MR. GRUNEWALD: Craig Grunewald, C-R-A-I-G, last 19 name Grunewald, G-R-U-N-E-W-A-L-D. 20 HEARING EXAMINER SOKONI: Kindly raise your 21 right hand. 22 Whereupon, 23 CRAIG GRUNEWALD, 24 being first duly sworn or affirmed to testify to the 25 truth, the whole truth, and nothing but the truth, was</p>	<p style="text-align: right;">195</p> <p>1 Any questions for Mr. Grunewald? Any 2 questions? 3 MR. ELLER: I have a question. 4 HEARING EXAMINER SOKONI: Yes. 5 MR. ELLER: Well, is your parents' house in 6 Colesville their starter home? 7 MR. GRUNEWALD: What's that? 8 EMALE AUDIENCE: No. 9 MR. GRUNEWALD: No. 10 MR. ELLER: So they, as their income grew, they 11 were able to move into the Colesville area? 12 MS. GIRARD: This is beyond the scope of his 13 testimony. 14 HEARING EXAMINER SOKONI: I was gonna say if we 15 could just remember cross, you can ask questions about 16 the person's testimony. 17 MR. ELLER: Okay. 18 HEARING EXAMINER SOKONI: Yes. 19 MR. CHECCO: What do you believe the cost of the 20 house that you would be able to move into that townhouse 21 would be? 22 MR. GRUNEWALD: I currently fall at about 50 23 percent of the area median income, which means that I 24 would be able to probably afford one of the 15 percent 25 of affordable units that they have said they will set</p>
<p style="text-align: right;">194</p> <p>1 examined and testified as follows: 2 HEARING EXAMINER SOKONI: Thank you. 3 MR. GRUNEWALD: I grew up in Colesville on 4 Colesville Manor Drive. I went to Westover. And I 5 agree with my neighbors, Colesville has charm. But the 6 charm of Colesville is not in its built environment. 7 The charm of Colesville is in its people. And my 8 classmates at Westover, the people who I went to school 9 with, fall in two camps. They either live at their 10 parents' house or they don't live in Colesville. And 11 this is because in my opinion, there's not a lot of 12 places in Colesville for these people to live. It's 13 either at your parents' house or you move somewhere 14 else. 15 Something like this gives us an opportunity to 16 have property to live in Colesville by increasing the 17 amount of housing we have that increases our opportunity 18 to live in Colesville, in the neighborhood we grew up 19 in. 20 And I acknowledge a lot of the issues that have 21 been brought up today. I do think they are serious, but 22 I would love to live in Colesville again. I really 23 would. And I want a place no live in the neighborhood I 24 grew up in. This gives me that opportunity. 25 HEARING EXAMINER SOKONI: Thank you.</p>	<p style="text-align: right;">196</p> <p>1 aside. 2 MR. CHECCO: Okay. Can you put a number on that 3 as to what you believe affordability is? I mean, we -- 4 we heard, it's been past around a lot, but nobody has 5 been able to give us a number. 6 MR. GRUNEWALD: I can't give you that number. 7 HEARING EXAMINER SOKONI: Any more questions 8 related to the testimony? 9 MR. GUISAO-OSPINA: Hand raised on Zoom, Terry 10 Sitz. 11 HEARING EXAMINER SOKONI: Uh-hum. Terry Sitz, 12 if you could please turn on your camera, and you have a 13 question. 14 MS. SITZ: Yeah, I just was wondering are you 15 aware that there are homes in Colesville that are 16 selling like in the mid-400s, single family homes? 17 MR. GRUNEWALD: Yes. 18 MS. SITZ: Okay. And that does not fit into 19 your situation? 20 MR. GRUNEWALD: Not currently, no. 21 MS. SITZ: That's all I have. 22 HEARING EXAMINER SOKONI: Thank you. 23 Anyone else from the middle row -- I'm sorry, 24 the second row back? Yes. 25 Can you state your full name.</p>

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1 MS. GONSKI: Debra Gonski.
2 HEARING EXAMINER SOKONI: And you're raising
3 your right hand.
4 Whereupon,
5 DEBRA GONSKI,
6 being first duly sworn or affirmed to testify to the
7 truth, the whole truth, and nothing but the truth, was
8 examined and testified as follows:
9 HEARING EXAMINER SOKONI: Thank you.
10 THE COURT REPORTER: Could you just spell your
11 last name.
12 MS. GONSKI: G-O-N-S-K-I.
13 THE COURT REPORTER: Okay. Thank you.
14 MS. GONSKI: And it's Debra, D-E-B-R-A.
15 THE COURT REPORTER: Okay. Thank you.
16 MS. GONSKI: Hello. My name is Debra Gonski,
17 and I am the current President of Stonegate Citizens
18 Association.
19 I will note that Exhibit 31A is out of date and
20 does not have mailings to this president or any of our
21 current officers. This is my second term. So I'm not
22 sure when that data was pulled, I double checked, and
23 when I pulled it, it shows the current officers. So if
24 that's being used as a contact vehicle, we need to make
25 sure the correct people are being contacted. It's way

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1 out of date.
2 HEARING EXAMINER SOKONI: I'm sorry, what is
3 Exhibit 31A?
4 MS. GONSKI: It's the list listing of civic
5 associations and homeowners associations that I assume
6 were contacted or will be contacted at some point. I
7 did get the OZAH hearing on notice, however. So your
8 records are clearly up to date. My concern is that if
9 that's being used that -- by anybody, those people
10 probably don't even live in -- some of them don't live
11 in Stonegate anymore. Some do. So --
12 So I am here speaking for the association as
13 well as myself. We are -- Stonegate is a neighborhood
14 of 1,450 homes. We are a mile from the proposed site.
15 We have people who live on Notley Road who are part of
16 our association. So I am here in my official capacity,
17 and the membership voted to have me to have testify in
18 opposition to LMA H-159.
19 Our primary concern as a community sets the
20 precedent that the zoning amendment sets. We have seen
21 how exceptions to zoning hike Wilshire Estates, which is
22 adjacent to this property, proposed site, and Silver
23 Spring Healthcare Center, which is next to the Cambodian
24 Buddhist Society and two lots over are being used by
25 this Applicant to justify their application. And we are

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1 afraid that if this is approved, that then this
2 townhouse development will be used to justify other
3 townhouse developments on two-lane roads, not on major
4 thoroughfares.
5 Our -- so I -- we looked at Exhibit 23, which
6 shows, as we all saw, the smallest part of this n
7 proposed development with be on New Hampshire Avenue.
8 The preponderance of it is literally on Notley Road, as
9 are the entrances and exits. And as Exhibit 50F shows,
10 the towering townhouse will actually overwhelm the area.
11 And their exhibit actually shows the town home height
12 being the same as the power lines.
13 So we're very focused on that, and we want the
14 character of the neighborhood to stay the character of
15 the neighborhood, because that's how we think about
16 Stonegate, and Colesville, and all the surrounding
17 areas.
18 My husband and I purchased our home in 1998.
19 Back then when you want to look at the zoning in the
20 neighborhood, you went down to, you know, the office.
21 There was no online presence. We checked the zoning.
22 We wanted to make sure that we were buying in a
23 residential area with character and with large green
24 space. This is the same thing that our County
25 Councilmember Mink was told when she met with our

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1 association, when we talked about some of the other
2 changes that were done.
3 Everybody has worked very hard in our
4 neighborhood to be able to live there. Many of us
5 started out the classic way. Apartments, either
6 townhouse or condo, and saved our money and bought our
7 homes. And we plan to live our lives there.
8 Our children certainly expect that that's the
9 path that they will take as they have moved out and are
10 now renting in apartments in the Colesville and Aspen
11 Hill area. So they're staying close.
12 We really have concerns about what kind of
13 development will come slipping in through amendment
14 processes instead of through a Master Plan process that
15 involves the community, that takes input from the
16 community, and wonders why people decided to live there.
17 We have decided to live there because that's what worked
18 for our families. We wanted a good elementary school,
19 we wanted a good middle school, we wanted green space,
20 we did not want to live in a metropolitan area. I grew
21 up in Brooklyn, New York. That's metropolitan. So I
22 knew what that was. And that's not what my husband and
23 I wanted for our family. Nor did the people who live in
24 our area.
25 So we are extremely concerned that this what's

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1 going to happen over and over again. And our area, we
2 have certainly seen zoning be approved and we don't
3 approve, so to be honest.
4 We also feel like amendments like this are a
5 method used by people who have money, and who --
6 developers who want to silence the community because we
7 have to then fundraise to get knowledgeable people like
8 Michele to help represent us because we're not all
9 attorneys, we're not all engineers, we're not all
10 planning specialists. We are working people. Which is
11 why so many people have trouble coming to this -- to
12 these events.
13 Our area is actually part of the County that is
14 affordable. You can get a home for under -- you know,
15 the County average of a million dollars is what's been
16 cited lately. Average is sort of a silly term to use
17 when you're doing anything because that takes the \$10
18 million homes and the \$350,000 homes. Which two houses
19 near me on New Hampshire Avenue sold for \$350 --
20 \$350,000. 350, sorry. That makes way more sense. I'm
21 sorry. And they were improved and have young families
22 in them now by the people who live there.
23 So in summation, we really are saying nobody is
24 asking us what we want, nobody is saying how can we make
25 this a better place. Nobody is promising us that things

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1 will be better. And we have concerns that every time
2 things are done outside of an established process, that
3 you're breaking the covenant with the people who live
4 there. And that their government will represent them,
5 and their government will take care of them, and their
6 government will ensure that the rules are followed.
7 We ask that you please rule against this
8 amendment.
9 I'm done.
10 HEARING EXAMINER SOKONI: Can I just clarify
11 something because you mentioned you're speaking as
12 President of Stonegate --
13 MS. GONSKI: I am.
14 HEARING EXAMINER SOKONI: -- the association.
15 Could you just orient me a little bit to --
16 MS. GONSKI: Where Stonegate is?
17 HEARING EXAMINER SOKONI: 1, where it is, but
18 how many units, what's -- what's the nature --
19 MS. GONSKI: So we --
20 HEARING EXAMINER SOKONI: -- of Stonegate.
21 MS. GONSKI: -- have -- so our neighborhood is
22 comprised of single family homes, town homes, and
23 duplexes. We are -- if you bring up the map, I can kind
24 of show you sort of where we are. We are north of the
25 ICC, part of us, so our development, our civic

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1 association area goes from Notley Road basically all the
2 way through to New Hampshire Avenue.
3 MR. GUISSAO-OSPINA: Which exhibit number?
4 MS. GONSKI: Oh. I don't remember the map one,
5 I am sorry.
6 HEARING EXAMINER SOKONI: It would be somewhere
7 in 56? In the Staff Report maybe.
8 MS. ROGERS: Yeah, I think it's in the staff
9 report.
10 HEARING EXAMINER SOKONI: We can use that.
11 MS. ROGERS: Probably page 8, yeah.
12 HEARING EXAMINER SOKONI: And I can walk.
13 MS. GONSKI: So here -- sorry. Okay. Right.
14 So here is Notley Road, and here is New
15 Hampshire Avenue. And this is called the ICC but
16 there's like 200.
17 So you see where Notley Road crosses over or
18 under or around 200?
19 HEARING EXAMINER SOKONI: Right.
20 MS. GONSKI: We go up there. So we're up there
21 Stonegate Elementary School is our elementary school.
22 And that's on Notley Road. And then, I happen to live
23 on Stonegate which is directly off of what goes -- cuts
24 through the neighborhood, but is directly off of New
25 Hampshire Avenue, so I can certainly speak to the

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1 traffic on New Hampshire Avenue.
2 So that's -- does that help? That neighbor map
3 is not great because it's --
4 HEARING EXAMINER SOKONI: Yes.
5 MS. GONSKI: -- we're -- we're up there. But
6 it's a mile.
7 HEARING EXAMINER SOKONI: Okay.
8 MS. GONSKI: My house is a mile from the
9 proposed site. We have other houses that are much
10 closer, but those are on Notley Road on the other side
11 of 200.
12 HEARING EXAMINER SOKONI: Thank you.
13 Sorry, before you step down, Ms. Gonski, any
14 questions for her?
15 MS. GONSKI: Oh, I'm so sorry.
16 HEARING EXAMINER SOKONI: Any questions? No.
17 MS. ROGERS: Oh, we had a couple questions. I'm
18 so sorry.
19 HEARING EXAMINER SOKONI: Oh, yes, Ms. --
20 MS. GONSKI: Oh.
21 MS. ROGERS: I'm so sorry.
22 MS. GONSKI: Sure. No worries.
23 MS. ROGERS: Thank you. I just wanted to
24 clarify for the record, when was the meeting with
25 Councilmember Mink that you referenced?

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1 MS. GONSKI: It was right before the vote on --
2 oh, my goodness, what was that they put it? Yes. Oh,
3 no, I can't. Sorry. It was when they were considering
4 the change to zoning so that anything that was on a
5 Boulevard or Road could be turned into a duplex or a
6 triplex. So it was back on -- we met with her in I want
7 to say late spring, early summer of 2025.
8 MS. ROGERS: But was it -- I just was clarifying
9 for the record, it was on other legislation and --
10 MS. GONSKI: Other legis --
11 MS. ROGERS: -- you were discussing the fact --
12 MS. GONSKI: -- it had nothing to do with this.
13 This had not even been on -- on our radar at that time.
14 MS. ROGERS: I just wanted to clarify that
15 that's correct --
16 MS. GONSKI: No, we did not.
17 MS. ROGERS: Okay. Thank you.
18 And then, I personally have one last one, which
19 is did you in -- so Park and Planning controls the HOA
20 civic list, they generate that. And you all inform them
21 of change of presidents and contacts so they can update
22 their --
23 MS. GONSKI: A year-and-a-half ago. Yes, it's
24 current now.
25 MS. ROGERS: Okay.

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1 MS. GONSKI: If you query it now.
2 MS. ROGERS: Okay.
3 MS. GONSKI: But yeah, it was updated on as soon
4 as -- that's one of the things I found when I got
5 elected that it hadn't been updated, but it had our
6 prior president, so the president was updated, some of
7 the other officers were quite old. But yes, it's
8 updated. If you pull it now.
9 MS. GIRARD: We have one other question. When
10 you talk about the Colesville being affordable --
11 MS. GONSKI: Um-hum.
12 MS. GIRARD: -- and we've heard others talk
13 about prices, like what -- what sales price are you
14 considering affordable and do you know what income level
15 can afford that?
16 MS. GONSKI: So I'm not an expert, but I will
17 say that I have certainly looked on Zillow in area code
18 20904 and 20905, which are Colesville and Stonegate, and
19 you can get a single family house for clearly under
20 500,000. We had two examples that are walking distance
21 from my home on New Hampshire Avenue that sold for
22 350,000. They were not the greatest houses but they
23 sold for that price for a reason. They needed work. So
24 I do not expect that you can buy a brand new house in
25 Stonegate, or in Cloverly, or in Colesville for under

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1 500,000, certainly not. But the houses that I've seen
2 on Zillow have ranged in price somewhere in the 4 to
3 600,000 for single family houses, you know, they're not
4 new.
5 MS. GIRARD: And do you know what level of
6 income is need -- necessary to afford that --
7 MS. GONSKI: Well, I certainly can testify --
8 MS. ROSENFELD: And I am gonna object. I think
9 this is going really far afield of her testimony.
10 MS. GIRARD: She said that there's affordable
11 housing in Colesville, so I'm just probing now what she
12 considers to be affordable.
13 HEARING EXAMINER SOKONI: I think that's okay.
14 MS. GONSKI: So I will say that I know people in
15 our neighborhood who have professional jobs working for
16 the government, working for academia, as I did, working
17 for other roles that have single family homes in our
18 area, and in specifically in Stonegate, who moved up
19 from. So what that salary range looks like, I -- you
20 know, you can pull up a GS scale and I can probably tell
21 you. I mean, that's what my husband was. He was a
22 government employee. And I worked in IT. We did not
23 make a lot of money when we bought our house. But we
24 did the math, and we figured out what we could afford.
25 And we afforded it, and we did without so that we could

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1 afford our home. As other people have in our
2 neighborhood. So we're not millionaires. No.
3 MS. GIRARD: I mean, I'll just take that as that
4 you don't know what level, I mean?
5 MS. GONSKI: I can't say what someone would say.
6 If you -- if you want to save your money, and if you
7 want to make an effort, you can have a job making
8 \$50,000 a year, and your spouse can have a job making
9 \$100,000 a year, and you can easily buy a house in our
10 area. I see my niece do it with her husband. So it can
11 be done. That is not an unreasonable expectation and
12 income. We're not talking about public housing. So --
13 Does that answer your question?
14 MS. GIRARD: Okay.
15 HEARING EXAMINER SOKONI: I see a hand raised on
16 line. Is that a question for Ms. Gonski?
17 Okay. Susan Cornell still has her hand raised.
18 Is that new?
19 MS. CORNELL: No.
20 HEARING EXAMINER SOKONI: Okay. Okay. Thank
21 you very much.
22 Anyone else from the second row wishing to
23 testify?
24 Okay. We're moving back to the third row.
25 Anybody in the third row wishing to testify?

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1 Yes, sir.
2 MR. FRENCH: And my name is Ed French, and I
3 live at 507 Orchard Way, which is across from Cambodia
4 Buddhist Temple on New Hampshire Avenue, a block away
5 from the proposed change.
6 HEARING EXAMINER SOKONI: Please raise your
7 right hand.
8 Whereupon,
9 ED FRENCH,
10 being first duly sworn or affirmed to testify to the
11 truth, the whole truth, and nothing but the truth, was
12 examined and testified as follows:
13 HEARING EXAMINER SOKONI: Thank you.
14 THE COURT REPORTER: Could you spell your name.
15 Could you spell your name.
16 MR. FRENCH: French, F-R-E-N-C-H.
17 THE COURT REPORTER: And Ed is just E-D?
18 MR. FRENCH: Just Ed, yeah. And Bonnie -- and
19 Bonnie French, my wife and I.
20 THE COURT REPORTER: Thank you.
21 MR. FRENCH: Thanks.
22 Thanks for this opportunity to speak. I wanted
23 to speak from my perspective where my home is, and the
24 what I'll call the secondary effects of what's happening
25 on Notley.

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1 I live pretty much on the corner row, not of--
2 -- of Orchard Way and New Hampshire.
3 HEARING EXAMINER SOKONI: Would you like us to
4 pull up the map?
5 MR. FRENCH: That would be great, that would be
6 great. I could walk through what I see every day.
7 There you go.
8 Can I sit, please, ma'am?
9 HEARING EXAMINER SOKONI: You're welcome to walk
10 over and point things out.
11 MR. FRENCH: So I live -- here's Notley. I live
12 one block up -- here is Orchard Way. Maybe it's two
13 blocks.
14 And so when I come out of Orchard Way, it's
15 really hard for me to make a left onto New Hampshire
16 because of all the northbound and the southbound. A lot
17 of times, I'll come halfway out and hang out there. And
18 you got to realize cars are -- cars are doing 45, 50,
19 maybe even higher going northbound and also southbound.
20 I tell my wife you go right, I'm afraid you're gonna be
21 in an accident.
22 Let's see what else.
23 So these are secondary effects. So you go out,
24 there's other people that are having the same problem.
25 They can't -- so what they do is they come out of let's

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1 say this is Copley, I think, and they can't make a left,
2 so they do, they make a right and come up to Orchard
3 Way, and then they make the U-turn and come back, or
4 they go up to what's this road up here? I'm sorry.
5 FEMALE AUDIENCE: Colesville Manor.
6 MR. FRENCH: Colesville Manor. Some of you guys
7 live on Colesville Manor.
8 MALE AUDIENCE: Yeah.
9 MR. FRENCH: They got to do the same thing. You
10 go up to Colesville Manor and make a U, U-turn. So my
11 daughter goes up to Colesville with the grandchildren
12 and make a U-turn. But the guys can't go out here, out
13 of Hobbs; they got to make a U-turn.
14 So all of this is I call them secondary
15 effects. Does that make sense for you?
16 HEARING EXAMINER SOKONI: Yes. Yes.
17 MR. FRENCH: And so you have a circulation going
18 on which is kind of compounding the issues. It's not
19 like -- it's like not going there, they're all running
20 around in circles to get to where they want to go.
21 It's, you know, it's all com -- it's a compounded
22 effect.
23 So and you can see that. You come out of
24 Orchard Way, you look down, and this is all this a big
25 queue line of people up here trying to make a left into

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1 -- into Notley. And you know, man, I feel sorry for
2 those guys on Notley.
3 So you've got -- you got safety going on here,
4 real safety issues, you got speed, you know, and with --
5 with not only automobiles, but you got issues with
6 bikes.
7 I'm -- I'm a city guy, grown up city, but
8 crossing New Hampshire, I mean, I don't have trouble
9 with what you call -- what's that term called when you
10 cross streets, you know, illegally, jaywalking?
11 MALE AUDIENCE: Yeah.
12 MR. FRENCH: I don't have any problem jaywalking
13 but it is dangerous crossing New Hampshire. By the time
14 you decide to get going, those guys are coming over the
15 line and speeding, the line of sight of those
16 automobiles is really difficult, and they come onto you
17 really fast, and you got to hustle across the street.
18 I'm just telling you what the reality is right
19 now. And now we're gonna to look at 130 town homes, and
20 I feel sorry for those folks on Notley, but it's gonna
21 grow that secondary effect. That's the only reason I am
22 here. The secondary effects it's gonna have on Orchard
23 Way, it's gonna happen on Hobbs, it's gonna happen on
24 Colesville Manor. It's the same thing that you talked
25 about that those effects down here on Randolph, same

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1 thing here. It's all this going around in circles
2 trying to get where you're going, and it's -- it's --
3 it's a compounded effect.
4 Bikes, you know, I like to bike, but I tell you
5 what, I'm nervous on New Hampshire, and I don't go on
6 Notley. I mean, I -- there's -- there's nowhere really
7 other than get run over. It's really difficult.
8 Pedestrian walking, that's really, really
9 tough.
10 What else? Parking. Parking is an issue.
11 Cambodian Buddhist Temple is here and they have these
12 events. You know, they schedule, I think. They got a
13 couple of events. I mean Orchard Way is full of cars
14 all the way down Orchard Way. They go all the way down
15 to Somerset sometimes. You know, so you know, my big
16 fear is that if somebody down -- I live really close to
17 New Hampshire. If somebody has a heart attack down
18 there and they can't get the fire truck down there and
19 the rescue guys, you know. It's just wall to wall and
20 they're up and down. It's -- it's a real issue, so I
21 don't know how -- how this is -- it's gonna get
22 compound, it's compounding effect.
23 Does that make sense for you?
24 Does that make sense for you guys? I mean,
25 that's what -- that's what we're feeling, we feel that.

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1 I feel that coming out of Orchard Way every day. Yeah.
2 So what else? So we got safety, we got
3 traffic, and that's the, you know, the fear of parking,
4 so you got people making rights and lefts, and then,
5 when you also come in town, if you're going into Orchard
6 Way, all these people coming around, and they got a big
7 circulation. You go back here, they're -- they can't
8 get up Notley, on Notley, so go and make a U-turn and
9 come back. So I'm this way, and I can't see past them
10 for the upcoming traffic, because they're facing right
11 against me. So it's -- it's all set up for -- for --
12 for problems.
13 And my big fear is and the 130 just kind of
14 creates and grows the problem. It doesn't solve the
15 problem. It's just growing the problem.
16 That's it. I'll take any questions that
17 anybody has.
18 HEARING EXAMINER SOKONI: Sure. Any questions
19 for Mr. French? Yes.
20 MR. CHECCO: Yes. Mr. French, am I right in
21 saying that last week or a couple weeks ago, a
22 76-year-old biker was killed on New Hampshire?
23 MR. FRENCH: No, I had just heard it also this
24 morning --
25 MS. GIRARD: That --

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1 MR. FRENCH: -- tis afternoon.
2 MS. GIRARD: -- that's testimony instead of a
3 question that pertains to --
4 MR. CHECCO: Well, he was talking about safety
5 on New Hampshire.
6 MS. GIRARD: I understand.
7 MR. CHECCO: And I just wanted to emphasize the
8 fact that --
9 MR. FRENCH: Yeah.
10 MR. CHECCO: -- he's right.
11 MR. FRENCH: Yeah, I used to -- you know, I
12 highlighted I did personally so I can speak to this up
13 and down New Hampshire, and if you go southbound from I
14 guess it's Norwood, you know, you've got the St.
15 Andrews, and then, you have the -- the MCC, Muslim
16 Community Center, you have the -- there we go.
17 EMALE AUDIENCE: Ukrainian.
18 MR. FRENCH: Say that again?
19 EMALE AUDIENCE: Ukrainian.
20 MR. FRENCH: Yeah, the Ukrainian Orthodox
21 Church. And then, again, this is a bike lane going down
22 there, and there is a turn, a turn, it goes, you head
23 southbound, it's a nice ride, but it's really narrow.
24 You got it's two lanes plus a small narrow bike area.
25 And I'm always really nervous going down there

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1 southbound. And you want to look behind you make sure
2 no one is near you.
3 But I understand there was a death. I just
4 heard that today from a lady from Stonegate that she --
5 a guy lost his life.
6 I -- you know, I always say on a bike, you
7 know, one thing you get into an accident with a car, all
8 right, or a motorcycle. But a bike, it's a lose-lose.
9 I -- I saw a guy this close to die coming out of Giant.
10 He made a -- came up to Giant, he's making a left out in
11 the middle of the area, a young kid, young kid, I'm
12 waiting in the line, light is red, light's green, I go
13 -- I go slow. I'm an older guy, you know, uh. And this
14 kid went out, and this -- this lady, she -- she's a
15 young lady, poor lady, she clipped this guy, and he
16 survived. But he had this little riding thing he was
17 on, and I'll tell you what, that thing was crunched up.
18 They bring the fire trucks up, and thank God this guy is
19 alive.
20 This -- this is for real. This is for real
21 issues. This is part of our community. And life is
22 feting faster and faster and packing in there, and
23 unless we deal with that, we're gonna run into problem.
24 HEARING EXAMINER SOKONI: Thank you.
25 MR. FRENCH: Anyway, yo had a question, you had

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1 your hands up, ma'am. Yes, ma'am.
2 MS. ROGERS: I had one question for you, Mr.
3 French, which is just you were talking about challenges
4 getting in and out of the community up -- you said you
5 were on Orchard Way?
6 MR. FRENCH: Orchard Way, yes, ma'am.
7 MS. ROGERS: Won't the traffic signal at New
8 Hampshire and Notley help to create gaps in traffic on
9 New Hampshire Avenue to help you actually get in and out
10 of your community?
11 MR. FRENCH: You know, that's a really good
12 question, and I've kinda thought well, you know, there's
13 various, various types of things you can do. When that
14 lady talked about it earlier today about she lived there
15 at Notley and Bonifant, and there was a light there, and
16 how big of a problem was there. And I said to myself
17 there you go, you know, the solutions of -- of a light
18 don't necessarily solve the problem. And she was really
19 emphatic that she -- she couldn't even walk along Notley
20 and how that light really didn't solve their problems.
21 I think, you know, I'm not a -- I'm not a -- I'm not a
22 transportation engineer, but I can tell you what, I look
23 at this on a map and I say this is too big, this is a
24 no-brainer, you guys are going too big, and I don't know
25 what's up, but it's just too big.

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1 This is just my perspective, you know. I don't
2 have any -- you know, I don't have a scale on this
3 drawing or anything like that it's nine, ten acres, 130,
4 spots families, you know, lot of cars, a light, is that
5 a fix, easy fix? Let me tell you the light at Bonifant
6 and Notley was not a fix based on that one lady's
7 comments. And I don't think it's a fix. This is --
8 this is too big.
9 MS. ROGERS: That's it.
10 MS. ROSENFELD: Thank you.
11 Mr. French you talked about U-turns on New
12 Hampshire Avenue, and the cross streets that you
13 mentioned were Orchard and Colesville Manor and Hobbs.
14 Are there lights at those intersections, or those
15 signalized?
16 MR. FRENCH: Hobbs is no signal, just a stop,
17 stop sign. Orchard Way is just a stop sign. Copley is
18 just a stop sign. They're all stop signs.
19 MS. ROSENFELD: Okay. And is the stop sign on
20 New Hampshire or is the stop sign on the side street to
21 keep people from to --
22 MR. FRENCH: It's -- it's still, you know, New
23 Hampshire is --
24 MS. ROSENFELD: -- you have a stop sign to get
25 onto new New Hampshire?

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1 MR. FRENCH: -- it has the right of way, and the
2 side streets are the ones with the stop signs, yes,
3 ma'am.
4 MS. ROSENFELD: And so if you're north, going
5 northbound on New Hampshire and you decide you are going
6 to make a U-turn at those intersections, is there a
7 dedicated lane for someone to pull out of the drive
8 aisles to make that U-turn?
9 MR. FRENCH: Generally, yes. And so if you're
10 going southbound, you also do you have the dedicated
11 lane, so you're facing one another. And you can't see
12 beyond that. So it's a -- that that circulation it's
13 compounds itself again. You know, because you're facing
14 one-on-one, and you can't see what's going on coming up
15 and you're doing 40, 45 mile an hour. My big fear is
16 you stick your nose out and it's over with.
17 MS. ROSENFELD: And so when I say dedicated
18 lane, how many -- how many lane, drive aisles are there
19 going northbound on New Hampshire?
20 MR. FRENCH: Say the question again.
21 MS. ROSENFELD: How many northbound drive
22 aisles, drive lanes are there on New Hampshire?
23 MR. FRENCH: Three.
24 MS. ROSENFELD: Okay. So when you're making
25 that U-turn, is there a fourth --

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1 MR. FRENCH: Yes, ma'am.
2 MS. ROSENFELD: -- actual lane --
3 MR. FRENCH: Similarly, yes.
4 MS. ROSENFELD: -- striped lane?
5 MR. FRENCH: Yes.
6 MS. ROSENFELD: Okay.
7 MR. FRENCH: Yeah.
8 MS. ROSENFELD: All right. Thank you.
9 MR. FRENCH: You're welcome.
10 MR. COREY: Could I have a follow-up question?
11 HEARING EXAMINER SOKONI: Sure.
12 MR. COREY: She asked if the light at Notley
13 would help. There's -- is there --
14 HEARING EXAMINER SOKONI: By she, are you
15 referring to Ms. Rogers?
16 MR. COREY: I'm sorry, I'm sorry, Ms. --
17 HEARING EXAMINER SOKONI: Rogers.
18 MR. COREY: -- Rogers.
19 Isn't there a traffic light one block south of
20 what would be proposed at Notley that --
21 MR. FRENCH: A proposal?
22 MR. COREY: Yes. There's --
23 MR. FRENCH: There's --
24 MR. COREY: -- one block south --
25 MALE AUDIENCE: A gas station.

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1 MR. COREY: -- at Midland?
2 MR. FRENCH: Yes, sir.
3 MR. COREY: Okay.
4 MR. FRENCH: Yeah, that's right, there's --
5 there's one right there. That's not at the --
6 MR. COREY: So --
7 MR. FRENCH: -- the corner of where the Giant
8 shopping center is.
9 MR. COREY: So the proposed traffic light would
10 only be one block further north?
11 MR. FRENCH: Again, I have to look at the -- you
12 know, there's -- there's a number of streets there. I
13 have walked that many a time. You know, sometimes you
14 don't look at everything.
15 HEARING EXAMINER SOKONI: Okay.
16 MR. FRENCH: So there's no signs on here, but
17 that's the Colesville Center, and then, at Midland,
18 there's one right here, that's where our kids used to
19 bike down to. Right, come out here. And you can walk
20 north here, and the next, that's -- that's the last
21 light other than when you get up here up at the ICC,
22 right.
23 That's the one you're talking about. So you
24 got a light here, and a light here at Randolph but
25 nothing north of that.

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1 Now, what is proposed is the site here, and I
2 don't know whether there's gonna be a light or not. You
3 know. We'll see.
4 HEARING EXAMINER SOKONI: Thank you.
5 Anyone else in the next row?
6 Oh, sorry, we have a person on Zoom. Sorry
7 about that. Okay.
8 MS. CHAMBERLAIN: Yes, I have a question.
9 Mr. French, you talked about the dangers to
10 people with nonmotorized transportation. Do you think
11 that by adding cars, this traffic that will empty only
12 onto Notley Road, that this places members of the
13 current community at a disadvantage when they are trying
14 to use nonmotorized transportation?
15 MR. FRENCH: Good question. You know, in this
16 -- this whole area, there's not one crosswalk. So it's
17 really bad. So again, my point is now what we want to
18 do is have a concept of throwing another 130 families in
19 an area that that's really not good, you know. It's
20 just again, I think the existing situation is not good.
21 I -- you know, people don't want to walk across, go
22 across New Hampshire from the northbound side to the
23 southbound side right now. I mean, all the way up to
24 the ICC. I mean, there are some communities north of us
25 and they -- they come down. They're it's -- it's you

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1 got -- you got to really watch yourself coming across
2 New Hampshire walking across that. It's a -- it's a
3 highway.
4 It's 50 people, people who zoom, and when they
5 get the green light there at Midland, pedal to the
6 metal, they want to get to the ICC and head east or west
7 coming southbound. The ICC, they kinds stack up at the
8 light, and then, they go. And they would go over this
9 rise, and those guys that try to get out of Colesville
10 Manor, they got to be quick. They got to look and put
11 the pedal to the metal to get out of that road.
12 You -- right? Some of you guys live at
13 Colesville Manor. That's a real -- that's a tough
14 corner. It's -- it's gotten to be tough.
15 Anyway, does that answer your question, ma'am?
16 MS. CHAMBERLAIN: I -- I think that answers the
17 concerns about New Hampshire and though what I've heard
18 from other people too and from you is for Notley Road,
19 with increasing traffic onto Notley, and not have -- and
20 the current residents not having sidewalks or bike
21 paths, that having more cars, cars would increase the
22 risk to their health and well-being and safety.
23 MR. FRENCH: Yeah, when you come out of Notley,
24 if you take Notley heading east, you hit New Hampshire,
25 I mean, you'd be a fool if you went left. I mean, you

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1 -- the risks, if you look, there's -- there's it's very
2 difficult making a left there. So you gonna make a
3 right, and then, you're gonna get to Midland and make a
4 U-turn, come back. That's what happens. That's reality
5 what happens. And then, you go a little bit further
6 down and go to Randolph and make a U-turn, come back up
7 north. So you got these little circulations going up
8 and down New Hampshire, and you got a compounded
9 problem. So --
10 And this is -- this it's just -- this is my, my
11 view, and I deal with it every day in my community. And
12 I see it from a distance, Notley. Those guys on Notley,
13 they deal with it personally. That's -- that's why
14 they're here.
15 HEARING EXAMINER SOKONI: Um-hum.
16 Mr. Golden, you have a question for Mr.
17 French.
18 MR. GOLDEN: Yeah. I'll do my best to follow
19 the rules of progress. You really took questions. I,
20 you just testified, Mr. French. Do you feel that you
21 are part of these interested community and neighborhood
22 now?
23 MR. FRENCH: It certainly affects me. Any of
24 that construction and building and entry, that's
25 absolutely. And I want to thank the GCCA folks for

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1 supporting this effort for the community concerns. So
2 thank you, yeah. Absolutely.
3 MR. GOLDEN: Thank you.
4 MR. FRENCH: Yeah.
5 MR. GOLDEN: And same question, did I understand
6 you to say that you thought it was part of the -- that
7 the problems you saw were part of the bigger solutions
8 or problem-solving efforts? Like --
9 MR. FRENCH: I think -- I think the -- you know,
10 I think whatever we're doing, whatever is being proposed
11 now, what's on the table now is the 130, and I believe
12 that's only gonna continue to compound the problem.
13 MR. GOLDEN: Okay. Thank you. Appreciate it.
14 MR. FRENCH: You're -- you're welcome.
15 HEARING EXAMINER SOKONI: Anyone else on Zoo?
16 MR. GUIASO-OSPINA: I don't think there was
17 anyone else on Zoom.
18 HEARING EXAMINER SOKONI: Thank you.
19 MR. FRENCH: Thank you, ma'am.
20 HEARING EXAMINER SOKONI: Thank you very much.
21 Anyone else wishing to testify in the next row?
22 FEMALE AUDIENCE: Thank you.
23 MALE AUDIENCE: Thank you very much.
24 HEARING EXAMINER SOKONI: Please state your
25 name. We have someone in the room. If you would kindly

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1 state your name.
2 MR. KASSMAN: William Kassman, K-A-S-S-M-A-N. I
3 live at 313 Colesville Manor Drive, and I have lived
4 there for 25 --
5 HEARING EXAMINER SOKONI: One second. One
6 second.
7 MR. KASSMAN: Sorry, I'm sorry, you got to
8 swear me in. I'm sorry.
9 HEARING EXAMINER SOKONI: Yes, please. If you
10 will raise your right hand.
11 Whereupon,
12 WILLIAM KASSMAN,
13 being first duly sworn or affirmed to testify to the
14 truth, the whole truth, and nothing but the truth, was
15 examined and testified as follows:
16 HEARING EXAMINER SOKONI: Thank you.
17 MR. KASSMAN: Okay. I've lived in Colesville
18 Manor Drive for 25 years. I was there before the ICC.
19 I used to drive down New Hampshire Avenue before they
20 widened it when it was only two lanes, and then, they
21 widened it in the '90s so six lanes.
22 It was difficult enough in the year 2001
23 through about 2004 to get out and make a left-hand turn
24 because but you had the light, there was a light that
25 was further up to -- I can't think of the name of the

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1 road. But anyway, it was just up there, and traffic was
2 a lot lighter.
3 Then came the ICC. And when they came, and
4 traffic started getting harder and harder, I contacted
5 the State. I contacted the them several times and I
6 said, You guys have got to do something because the
7 lights -- like he said, the light at ICC, once it's
8 green, going southbound, it is pedal to the metal. And
9 I'm like less than 2000 feet from there where the exit
10 of Colesville Manor Drive to go north or south. I have
11 a stop sign, I got to pull up there, I got to look to my
12 left, and I got to pick my time because if I don't, I'll
13 get crammed.
14 The other thing is is that I asked them if they
15 could set up lights. I've asked them numerous times,
16 and I've gotten the same answer every time. Which made
17 me so surprised that when they put on the last meeting,
18 which unfortunately I couldn't make, that they said oh,
19 yeah, we can do this. But they have denied it over and
20 over and over again.
21 So you start off at the ICC, you're coming
22 down, and everybody is trying to get out of Hobbs,
23 you're trying to get out of Colesville Manor to make a
24 left-hand turn to go north, I have to pull out, pull
25 facing southbound in the turn lane to wait for the

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1 people coming up. Nothing is synchronized. Nothing.
2 And if anything happens at Notley, it backs all
3 the way up. And if something happens it's Midland, it
4 backs all the way up.
5 Now, when I go out and I make a right-hand turn
6 to go south on New Hampshire Avenue, and I'm going
7 towards Notley, I'm running into what a call the
8 Kamikaze squad because those people are trying to get
9 out to make a left, and you got the guys on the
10 northbound who are also trying to make a -- a turn onto
11 Notley. There is just chaos. It's just complete chaos.
12 And if you add the 130 town houses that you
13 want to add in there, it's just gonna compound the
14 problem. It's bad enough as it is. Why make it worse?
15 Unless you're gonna figure out a way to do something.
16 Also another note, there was a death on Notley
17 Road. I can't remember how long ago. I know it's at
18 least 20 years ago. That somebody -- it was hit-and-run
19 over near where the ICC is. We have where it was built.
20 Because people are speeding down through there. That is
21 also a death trap. I don't touch Notley Road except
22 from Shannon to go over to get onto Sherwood Forest when
23 I go to the pool, okay, because I'm part of that whole
24 clique there. But -- yeah.
25 But the thing is that it's incredibly dangerous

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<p style="text-align: right;">229</p> <p>1 when people are coming from New Hampshire Avenue going 2 westbound on Notley Road, they are flying down the road. 3 And I have pretty much of a blind spot in the summertime 4 to be able to see who's coming at me. 5 The traffic is just terrible. I've tried to 6 deal with them for years. They don't want to hear from 7 me. I don't have enough money to throw at them. And 8 that's the way I feel about government. I feel that -- 9 I feel about it all the way. I am just one person, I go 10 up and I ask them for something mad they say, oh, we 11 can't do anything. You know, you can't talk to anybody, 12 you know. Not allowed to do these things. 13 But the thing is is that traffic is a major 14 concern, and if you put 130 houses, so say 260 plus 15 cars, maybe 400 cars now coming out on to there. 16 And as for the temple, when they do have their 17 celebrations, not only do they fill up all those 18 streets, they come all the way down past my house on 19 Colesville Manor, and the traffic is just -- you know, 20 some days you just want to just scream. I don't know. 21 It's what I -- I'm just making a statement, you know. 22 I think this is a bad idea, I think they 23 shouldn't rezone it. I mean, the only thing that I -- 24 found out the only thing you can't build is a church. 25 You can have a church house there. But you know, zoning</p>	<p style="text-align: right;">231</p> <p>1 MR. KASSMAN: Do you want me to put it up here? 2 MS. ROSENFELD: Actually, if you would, please. 3 MR. KASSMAN: Okay. 4 MALE AUDIENCE: Right past my house. 5 MR. KASSMAN: I will pass you also. 6 Okay. Where are we? I live here and -- 7 HEARING EXAMINER SOKONI: Do -- 8 MR. KASSMAN: -- then, Shannon, I get off here 9 -- 10 HEARING EXAMINER SOKONI: Do you mind standing 11 to the side. 12 MR. KASSMAN: Sure. 13 HEARING EXAMINER SOKONI: Okay. That's all 14 right. 15 MR. KASSMAN: I live on Colesville Lane, which 16 is here, I come down Shannon, I take a left, a right 17 onto Notley, and then, make a left onto Sherwood Forest 18 Road here. I only use one small section. That is where 19 that three-way stop sign is right there. And yes, 20 people do run that stop sign, people come flying through 21 their there all the time. So whenever I go out that 22 way, you know, I literally, like everybody else around 23 here, we take our lives in our hands, in our own hands 24 and try to be careful. 25 Now, I am not a traffic engineer, I don't know</p>
<p style="text-align: right;">230</p> <p>1 is R-200 and whatever the other part is, I can't 2 remember, but it should remain at R-200. It should 3 remain single family homes. That's the character of the 4 neighborhood and that's the way it is. 5 There's plenty of places to build straight up 6 New Hampshire Avenue above the ICC and other places that 7 are wide open. And these people, you know, I don't know 8 why they decided to choose to put up a townhouse there, 9 development there, but now here we are. 10 Thank you. 11 HEARING EXAMINER SOKONI: Thank you. Any 12 questions for Mr. Kassman? 13 MR. KASSMAN: No, I didn't think so. And from 14 you. 15 HEARING EXAMINER SOKONI: You said when you go 16 to the swim club, are you talking about the Robin Hood 17 Swim Club -- 18 MR. KASSMAN: Yes, I am. 19 MS. ROSENFELD: -- shown on page 50 -- 20 MR. KASSMAN: Yes, I am. 21 MS. ROSENFELD: -- page Exhibit 56. 22 MR. KASSMAN: Yeah. 23 MS. ROSENFELD: And did I hear you describe the 24 path that you take? You go down Notley and then you 25 make a left on Sherwood Forest Drive?</p>	<p style="text-align: right;">232</p> <p>1 anything about it, but I do know common sense, and 2 there's got to be some common sense there. 3 Oh, and one other thing. My wife works for the 4 school system. She worked at Westover Elementary 5 School. You have a lot of people that moved in and out 6 of this area, so you can put all the projections you 7 want, it's not gonna come out like that. The school is 8 overcapacity right now, okay. And it will continue to 9 be because people keep moving in and they have children, 10 and their children grow up, and they go to elementary 11 school. And it's just a fact of live. 12 But I don't believe any of these projections, 13 that it's gonna go down. It's just gonna go up. 14 Because every time I turn around, somebody like us who 15 are retired, we're gonna move away at some point, a new, 16 young family is gonna come in, and they're gonna have 17 lots of kids, and they're gonna go there. 18 Anything from anybody? 19 HEARING EXAMINER SOKONI: I don't see any 20 questions on Zoom and none in the room 21 MR. KASSMAN: Okay. Thank you, ma'am. 22 HEARING EXAMINER SOKONI: No more questions? 23 MS. ROGERS: No. 24 HEARING EXAMINER SOKONI: Okay. Thank you very 25 much.</p>

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1 MS. GIRARD: Can we suggest just a quick break
2 before the next one? Five-minute comfort break or --
3 HEARING EXAMINER SOKONI: Yes.
4 MS. GIRARD: -- three-minute comfort break.
5 We'll run.
6 HEARING EXAMINER SOKONI: Yes. Yes, let's take
7 a ten-minute break.
8 MR. GUISAO-OSPINA: Somebody might beat you
9 there.
10 HEARING EXAMINER SOKONI: Ten-minute break. We
11 will reconvene at 4:10.
12 (A brief recess was taken.)
13 HEARING EXAMINER SOKONI: Let's resume our
14 hearing. Okay.
15 Okay. So do we have any further testimony from
16 anyone in the back row? Everyone in the room had the
17 chance to speak?
18 Turning to Zoom, we have a few raised hands.
19 Dr. Mead, Susan Cornell, and Clay Nuquist.
20 So let's start with Dr. Mead.
21 Yes, ma'am, your full name, please.
22 MR. GUISAO-OSPINA: You're muted.
23 HEARING EXAMINER SOKONI: You're muted?
24 MS. MEAD: Yes, my name is Michele Mead.
25 HEARING EXAMINER SOKONI: And you wish to

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1 testify, right?
2 MS. MEAD: Yes, ma'am
3 HEARING EXAMINER SOKONI: Could you kindly raise
4 your right hand.
5 Whereupon,
6 MICHELE MEAD,
7 being first duly sworn or affirmed to testify to the
8 truth, the whole truth, and nothing but the truth, was
9 examined and testified as follows:
10 HEARING EXAMINER SOKONI: Thank you very much.
11 MS. MEAD: So this is a combination of a
12 testimony and an add-on to what the last resident said.
13 He made a mention of a hit-and-run 20 years ago. That
14 was my son.
15 MALE AUDIENCE: Oh.
16 MS. MEAD: He was struck on Notley Road. I live
17 on 14305 Notley Road, and he was putting the trash out
18 and he was hit by a car, and had a tri-brain injury and
19 he was comatose for a couple of weeks, and he was
20 significantly injured. So I just wanted to -- I heard
21 the other gentleman say that there was a hit-and-run.
22 That was -- that was my son.
23 And to just to reaffirm what everyone else has
24 been saying, that Notley Road is such a dangerous road,
25 there's no sidewalk. The lights go out so many times

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1 when you're putting the trash or getting the mail or
2 something, you're taking your life in your hands just
3 going to the curb. And to put 130 more cars out there
4 is just very scary for me.
5 And this thing about the traffic patterns,
6 turning left on Notley, it's -- it's so dangerous. You
7 can't make a left there. I do it. I go down and make a
8 U-turn and come up because you can't do it. And I just
9 can't imagine pitting 330 more families in that
10 situation.
11 So that's all I have to say. I just was
12 compelled to say something because that was my son.
13 HEARING EXAMINER SOKONI: Thank you so much for
14 testifying, and I'm so sorry about your son.
15 MS. MEAD: Sure.
16 HEARING EXAMINER SOKONI: Next we have --
17 MR. GUISAO-OSPINA: Susan Cornell.
18 HEARING EXAMINER SOKONI: Susan Cornell.
19 I'm assuming your full names are as they appear
20 on the Zoom, Susan Cornell?
21 MS. CORNELL: Yes, my full name is Susan
22 Cornell.
23 HEARING EXAMINER SOKONI: Okay. Thank you.
24 Kindly raise your right hand.
25 Whereupon,

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1 SUSAN CORNELL,
2 being first duly sworn or affirmed to testify to the
3 truth, the whole truth, and nothing but the truth, was
4 examined and testified as follows:
5 HEARING EXAMINER SOKONI: Thank you.
6 MS. CORNELL: So there is -- there's a couple of
7 things that I just wanted to say. I -- I am -- I live
8 at 332 Greenspring Lane which is behind the property on
9 a flat lot, so there are a number of concerns that I
10 have heard about drainage and parking that I will
11 partially be affected by.
12 I -- I am an architect by profession, and I am
13 not opposed to development. And I -- there are a number
14 of things that I do like, and I appreciate the -- the
15 proposed street line and the dusting map, I feel like
16 that was a really good step in the right direction. The
17 Streetscape improvements seem like a really positive
18 thing to me.
19 I think there are some -- some concerns that I
20 have regarding the number of people and the capacity of
21 the school districts. I basically it's been brought up
22 a couple of times of Westover being overpopulated. I
23 think if further studies, it's it would be important to
24 note that despite the fact that this neighborhood is
25 districted to Springbrook specifically, it doesn't take

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1 into account the northeast consortium that anyone in
2 this area can go to either Springbrook Lake or Paint
3 Branch as a high school. And Blake, I believe Blake is
4 one of the other schools that isn't overcrowded, so it's
5 something that really should be kept in mind.
6 I mean, size is the problem here. The number
7 of houses proposed, the number of people will add a
8 significant strain. Improving the streetscape is great
9 but you're also removing that sort of unauthorized
10 parking that people use. Feel like there will be a lot
11 more people using both Shannon Drive and Greenspring
12 Lane to -- to park for both the Cambodian Buddhist
13 Temple and for just any of the functions.
14 I think that the street light is -- I think
15 that it's really gonna help if they're gonna do
16 something, and something has to be done, something has
17 got to be better than nothing. So I'm just I -- I would
18 like to be on the positive side of a lot of this and
19 just I know from my own experience that the
20 requirements, meeting the exact requirements of a zoning
21 is not necessarily meeting the need. So kind of looking
22 at into of those.
23 So that's just all I wanted to say.
24 HEARING EXAMINER SOKONI: Thank you.
25 Any questions for Ms. Cornell?

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1 Okay. There are some hands up on Zoom, but I'm
2 assuming that's for testimony, not for questions for Ms.
3 Cornell.
4 Okay.
5 MS. OTTAVIANI: Oh, I have a quick question for
6 Ms. Cornell.
7 HEARING EXAMINER SOKONI: Go ahead, your name,
8 please.
9 MS. OTTAVIANI: Regina Ottaviani.
10 HEARING EXAMINER SOKONI: Oh, okay. You spoke
11 earlier. Could you kindly turn on your camera.
12 MS. OTTAVIANI: I will try to do that, yep.
13 Ms. Cornell, you know that I'm not sure what
14 you were referring to the consortium as like a good
15 option, that if you feel it's too crowded at
16 Springbrook, you could go to a different school or --
17 MS. CORNELL: I think I kind of was referring to
18 I know that only kind of initial reviews have been made
19 on this capacity for the County, saying that Westover is
20 overcapacity, but Springbrook is not. And my comment is
21 more that Springbrook should not be one of the only
22 schools that is looked at because Blake is over capacity
23 despite the fact that that's not the school that online
24 it says that we are districted to. So I'm -- it's not
25 saying that it's the solution. I'm saying it's a

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1 further problem.
2 MS. OTTAVIANI: Okay. But it's not one doesn't
3 get to choose automatically which of those high schools
4 you attend, do they?
5 MS. CORNELL: I believe they do. I believe that
6 there are --
7 MS. OTTAVIANI: No, it's a lot --
8 MS. CORNELL: So yeah, I mean choosing it is a
9 rough. There is a option for them to attempt to go to
10 any one of those schools believe.
11 MS. OTTAVIANI: They can attempt it?
12 MS. CORNELL: Right, but --
13 MS. OTTAVIANI: I'm just not, you know, if you
14 feel this one is overcrowded, I'm gonna go to this one,
15 you don't necessarily get that choice, you know --
16 MS. GIRARD: That's testimony.
17 MS. OTTAVIANI: -- it's a --
18 MS. GIRARD: She is providing testimony. I just
19 --
20 HEARING EXAMINER SOKONI: There's an objection
21 here that -- there's an objection that you're providing
22 testimony. Did you have any questions about Ms.
23 Cornell's --
24 MS. OTTAVIANI: That was my final. I just
25 wondered if she knew the process --

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1 HEARING EXAMINER SOKONI: Okay.
2 MS. OTTAVIANI: -- of those high schools.
3 HEARING EXAMINER SOKONI: Thank you. Thank you.
4 The raised hands on Zoom, is that for -- if
5 there's any one of the raised hands that's direct at Ms.
6 Cornell for questions, please unmute yourself.
7 MS. ANDERSON: I do have a question.
8 HEARING EXAMINER SOKONI: Okay. Yeah.
9 MS. ANDERSON: I have a question.
10 You talked about thinking the positive of the
11 light at Notley and New Hampshire, which I agree with,
12 but I honestly forgot where things landed, and I wasn't
13 sure if you knew whether that was already in the works
14 --
15 MS. CORNELL: Okay.
16 MS. ANDERSON: -- with this county regardless of
17 this proposal.
18 HEARING EXAMINER SOKONI: I would just like the
19 record to reflect the cute moment we are witnessing.
20 MS. ANDERSON: My -- there are a few instances
21 of--
22 MALE AUDIENCE: I like cats. Always one to like
23 cats.
24 MS. CORNELL: I am unaware of where it landed
25 ultimately with the light. I was under the impression

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1 that adding that light was -- could be part of this
2 proposal, so I know that it's been brought up before, so
3 I just wanted to express that, and I didn't think it was
4 a bad idea.
5 MS. ANDERSON: Yeah, thank you.
6 HEARING EXAMINER SOKONI: Thank you. Thank you,
7 Ms. Cornell, I think it -- does anyone else on Zoom have
8 a question for Ms. Cornell? If so, please speak.
9 Hearing none, let's got next in line on Zoom
10 for testimony.
11 MR. GUIASO-OSPINA: Clay Nuquist.
12 HEARING EXAMINER SOKONI: Clay Nuquist.
13 Please confirm your -- we need your camera on.
14 It was a few seconds ago.
15 MR. NUQUIST: Am I on now?
16 HEARING EXAMINER SOKONI: No, not yet. Not yet.
17 MR. NUQUIST: Tell you what, I'll pass, I'll
18 wait and see if I can correct that.
19 HEARING EXAMINER SOKONI: Okay. No problem.
20 We move next to Dung Phan. Are you able to
21 turn on your camera, please?
22 MR. PHAN: Yes.
23 HEARING EXAMINER SOKONI: Okay.
24 MR. PHAN: Are you seeing it?
25 HEARING EXAMINER SOKONI: Yes, please confirm

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1 your name for us, and then, I will give you the oath.
2 MR. PHAN: Yes, my name is Dung like on the
3 screen, D-U-N-G, and last name P-H-A-N.
4 HEARING EXAMINER SOKONI: Thank you, sir. If
5 you could kindly raise your right hand.
6 Whereupon,
7 DUNG PHAN,
8 being first duly sworn or affirmed to testify to the
9 truth, the whole truth, and nothing but the truth, was
10 examined and testified as follows:
11 HEARING EXAMINER SOKONI: Okay. Thank you. You
12 can go ahead.
13 MR. PHAN: Yeah, good afternoon, Hearing
14 Examiner Sokoni and everyone. My name is Dung Phan, and
15 I have been living about 22 years at 13734 Notley Road
16 across from the proposed townhouse development.
17 In the last meeting December 2nd, 2025, after
18 the Applicant engineer testified had raised issue with
19 the proposed west access point perimeter directly --
20 connect directly to my driveway. And the Applicant's
21 counsel, Mr. Rogers, wanted to defer the answer to Mr.
22 Nusbaum who prepared the site layout. Right, he didn't
23 want to mention that. And so you, Hearing Examiner,
24 asked that the issue to be continued in later meeting,
25 of which as to this meeting this right here, Mr.

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1 (Inaudible) addressed this issue today.
2 So that so far I have reminded everyone, you
3 remember that? Hearing Examiner, you remember that?
4 HEARING EXAMINER SOKONI: That was still the
5 plan. It's we just we --
6 MR. PHAN: Okay. Yeah.
7 HEARING EXAMINER SOKONI: It's just the pace.
8 We haven't gotten to that stage yet, yes.
9 MR. PHAN: Okay. Okay. So under County Zoning
10 Code 6.1.3, every development must ensure safe entry
11 and exit for vehicles, pedestrians, cyclists to and from
12 development and the site. Today, this plan failed to
13 meet that standard.
14 HEARING EXAMINER SOKONI: Mr. Phan, Mr. Phan,
15 could you kindly give me that citation again section.
16 A
17 MR. PHAN: 6.1.3, and it's the County Zoning
18 Code. 6.1.3.
19 HEARING EXAMINER SOKONI: Thank you.
20 MR. PHAN: Okay. The proposed plan is aligned
21 directly with my driveway and as of such would create
22 position safety hazard for my family and my neighbor.
23 It will result in daily traffic, hundreds in our
24 driveway, vehicles and through traffic on Notley Road.
25 That was like refer to Exhibit 48, Circulation

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1 Plan. If you can have that put up, please.
2 MR. GUIASO-OSPINA: Which exhibit?
3 HEARING EXAMINER SOKONI: 48.
4 MR. PHAN: Yes --
5 HEARING EXAMINER SOKONI: Circulation Plan?
6 MR. PHAN: Circulation Plan, yes.
7 HEARING EXAMINER SOKONI: Just give us a moment
8 to pull that up.
9 MR. PHAN: And that would describe the pool
10 (inaudible) I have.
11 Yeah, so my house is at the -- can you point me
12 on the west aspect point. Yeah, there you go down,
13 down, down, you see that place. Move to the right, you
14 see the driveway right there. Keep moving down. Keep
15 further down. Yeah. So go toward Notley Road. Keep
16 going, keep going down. Right there. So yeah, right
17 there.
18 Just across from -- from that, so this one
19 right. Right across from that is my driveway. You see
20 that U shape right there, that's my house. That's the
21 driveway over there. So this is directly to my driveway
22 over there. So these two depict, they depict the town
23 house directly. And so to exit my driveway with 130
24 town houses, this would be very hard chance.
25 As of right now, I literally have about 254

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1 vehicle passing in front of my house in the one-hour
2 period, from 7:30 a.m. to 8:30 a.m. in the midst on
3 Thursday, November 13, 2025. I have a security camera
4 in front of my house, so I looked into the file on that
5 and the camera stays on that, and I read it twice and
6 repeat it to make sure the number so imagine with that
7 250 vehicles passing in front of my house on Notley
8 Road, now we add to that on top of that 130 town house
9 structures on top of that.
10 So next -- next would be for the community
11 would obstruct how we are oncoming traffic for each and
12 turning left in to the community, right, and we can come
13 from on the left soon from our driveway. Maybe so
14 that's the reason that like and later. Notley Road
15 traffic right now is already very crowded already, so
16 that's why we see many house, many existing house use
17 driveway to avoid backing into Notley Road.
18 My second concern is driveway and even to
19 speed. Few vehicle can obstruct us in our house, and no
20 access could hinder fire, EMS, and police response,
21 enough that Notley Road inventing it as emergency coast
22 view service area according to Montgomery County
23 Department of Transportation.
24 Third, party drove. With traffic pouring out,
25 this access point especially (inaudible) and now become

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1 more difficult and dangerous. Headlights and tension
2 noises from vehicles at the access point directly impact
3 our home and our neighbor too.
4 Fourth, pedestrian and cyclist safety.
5 Increasing increased total moment via our driveway will
6 endanger pedestrian and cyclists especially one that
7 risking bicycle path.
8 So in respect to the request that the proposed
9 west access point be relocated so that it does not align
10 with my or any existing residential driveway. Second
11 and connecting exist along Notley Road where is no
12 driveway present, and that option would be to
13 consolidate the west and the east access point into a
14 single wider entrance, and has been separate into three
15 communities north of this development.
16 And lastly, the code issue on New Hampshire
17 Avenue could be -- I feel personally could be revisited
18 with the safety -- with the State Highway Administration
19 of extraction and this might turn out to be the best fit
20 option for this.
21 The proposed development impose a new danger
22 and burden on my family and my neighbor too, and risk
23 displacing existing and longtime residents like us,
24 contradicting the tri Montgomery County 2015 stated
25 commitment to safety and inclusion for all residents.

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1 For the four critical concerns I described
2 above, I ask Hearing Examiner Sokoni to deny the
3 development plan that is currently proposed. That's all
4 I have. Thank you so much for your consideration.
5 HEARING EXAMINER SOKONI: Thank you, Mr. Phan.
6 Any questions for him?
7 I don't see any in the room.
8 We'll continue with the lineup on Zoom. If
9 anyone on Zoom has questions for Mr. Phan, please unmute
10 yourself, turn on your camera, and ask your questions.
11 I hear none, so thank you very much, Mr. Phan.
12 And -- and we move to the next person in line
13 on Zoom. Christina?
14 MR. GUIASO-OSPINA: Oh, no, Laura.
15 HEARING EXAMINER SOKONI: Oh, sorry?
16 MR. GUIASO-OSPINA: Laura.
17 HEARING EXAMINER SOKONI: Oh, sorry, Laura, yes.
18 MS. BOERUM: Okay.
19 HEARING EXAMINER SOKONI: Could you please state
20 your full names.
21 MS. BOERUM: Yes. Thank you. My name is Laura,
22 L-A-U-R-A, Boerum, B, as in boy, O-E-R-U-M as in Mary.
23 HEARING EXAMINER SOKONI: Please raise your
24 right hand.
25 Whereupon,

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1 LAURA BOERUM,
2 being first duly sworn or affirmed to testify to the
3 truth, the whole truth, and nothing but the truth, was
4 examined and testified as follows:
5 HEARING EXAMINER SOKONI: You may proceed with
6 your testimony.
7 MS. BOERUM: Thank you. And good afternoon.
8 Thank you for this opportunity to speak with you.
9 Again, my name is Laura Boerum, I live at 601
10 Orchard Way. And according to the proposed site on
11 Notley Road, I speak as a deeply concerned lifelong
12 resident. I have spoken before the County Board and
13 Zoning Board and I am grateful to speak again today on
14 behalf of my family and my community.
15 As I say each time, my family and I represent
16 one of the last remaining original settling families of
17 Colesville. And I'm a descendants of the Hobbs family
18 neighboring -- of the neighboring Hobbs Drive. My
19 great-granduncle owned that farm. My great-grandfather
20 was Judge Louis Franklin Hobbs who served as a judge
21 with the Montgomery County Auctions Court, probate judge
22 if this present day term, for 12 years during the first
23 half of the 20th Century. He was one of the ten Hobbs
24 siblings who had a farm all along what used to be called
25 the Coastal Road, now New Hampshire Avenue in the early

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1 1900s.
2 Further back, my second great-grandparents
3 developed much of Springbrook, and my third
4 great-grandparents were the Duvals and Spencers of
5 nearby Spencer going back to the 1800.
6 More recently, my mother's mother's family
7 built their homestead on Notley Road on land obviously
8 owned by the Fairling family. We were the neighbors of
9 the Bayleys, referenced by neighbor, Mr. Touhey, and
10 that he referenced that Bayleys book, Colesville, which
11 my entire family is referenced.
12 So that was nearly 90 years ago. And Notley
13 Road was just a gravel country road at that time. My
14 grandmother was responsible for having it paved in the
15 '40s. It had never been widened, nor was it ever meant
16 to be a pedestrian road, and in fact, has been
17 constantly eroding along its edges for decades.
18 My immediate family had lived here our entire
19 life. My parents who are now in their 90s, I'm
20 representing them as well as I speak to you.
21 Each generation of my family has stewarded this
22 land with integrity and done its part to establish this
23 community with love and respect. Not only for one
24 another, but for the land itself.
25 As you can see, we have a vested interest in

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1 today's overwhelming proposal. Of course, we understand
2 and embrace progress and the need for housing as the
3 County expands. We have listened to the Applicant's
4 detailed proposal which looks impressive on paper and in
5 theory.
6 We have also noted that those who support this
7 project mostly do not live in this immediate area nor
8 have long histories here. As lifelong residents who
9 live and move about here, we would urge the court to
10 consider a more realistic assessment of facts. We are
11 most concerned with the sheer number of people creating
12 an overwhelmingly amount of traffic and congestion being
13 crammed into a relatively tiny plat of land spilling out
14 onto Notley Road which can barely sustain the amount of
15 traffic it has now.
16 Again, I refer back to the fact that it is a
17 small winding country road of barely two lanes,
18 definitely not a superconnector from Bonifant to New
19 Hampshire as has been mentioned, though with each new
20 building is being increasingly used as such. Nor is it
21 safe if any way for pedestrians. And my heart goes out
22 to Dr. Mead and her son's story.
23 The Applicant portrayal of traffic in the
24 furthest presented and the last-minute amendment
25 document in no way reflects the reality of day-to-day

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1 living on New Hampshire and nearby Orchard Way and
2 Copley Lane and Hobbs Drive. And I underscore what Eddy
3 French said, it is -- and also Mr. Kassman, it is
4 death-defying to get out from our side streets onto New
5 Hampshire because of the unimaginable circulation and
6 these crazy U-turns that are happening constantly.
7 Rush hour has become untenable, and that's
8 without adding 130 more families, and a tentatively
9 proposed traffic light. We are not near a
10 transportation hub. The buses have been suspended. And
11 some of the details the Applicant has mentioned, such as
12 the distance to the grocery store at the intersection of
13 New Hampshire and Randolph called Colesville Center are
14 simply not accurate. In fact, that truth is being
15 wishfully stretched. But again, I refer to our lawyer,
16 Ms. Rosenfeld, to speak to those facts.
17 What we as residents know is that the original
18 Master Plan, including my ancestors, foresaw development
19 and welcomed community but responsibly and thoughtfully.
20 Overcrowding serves no one. The Master Plan carved out
21 areas that could sustain more dense population, and
22 those areas are as yet undeveloped. To force such a
23 large uncharacteristic development into a small corner
24 plat meant for single family homes and farm lands is not
25 only questionable but untenable for those of us who live

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1 right here.
2 Set between the ICC, Route 200, and the
3 intersection of Randolph Road, rush hour has become
4 treacherous and downright dangerous. The level of
5 stress increases daily. And that was before this
6 development. The photos the Applicant presented
7 consistently show the fantastical portrayal of the
8 traffic in front of their proposed traffic with only
9 several cars. We would respectfully invite you to
10 observe the traffic at 5 o'clock p.m. on a weekday now.
11 It would be unrecognizable.
12 And that's a small point. The Applicant in
13 speaking of schools in the needed area mentioned the
14 nearby community project formerly known as the Coastal
15 School where both of my parents, my grandmother, and my
16 great-grandmother attended going back to when it was a
17 one-room schoolhouse on an adjacent lot back in the
18 1800s. They alluded to a montesiore -- monastery school
19 which does exist, but they claimed it went from K to 12.
20 My mother and I worked with the C4 Community
21 Facility which is housed right next-door in the Cultural
22 School, and we know for a fact it only goes to age six.
23 We also know this is an expensive private school and
24 would not be easily afforded by families of lesser means
25 for whom this project proposes to be built. So it is

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<p style="text-align: right;">253</p> <p>1 not as the Applicant portrayed it, respectfully. 2 There is also the matter of the land itself. 3 We are a ridge and farm future census. We know that 4 coastal sits on a ridge between two watersheds; the 5 Northwest Branch and the Paint Branch. With each new 6 large-scale development such as this, with heavy paving 7 and asphalt for parking, compounded by the undeniable 8 sets of the change in our climate, both sides of the 9 ridge are sustaining increasingly more flooding. Our 10 neighbors at the bottom of Notley where my grandparents' 11 stream still flows well know this to be true and have 12 heartbreakingly attested. 13 As do we on the other side simply from the 14 effects of the latest development. For example, the 15 small monastery that has just been completed. There's 16 incredible runoff because of that. Again, I wait for 17 the experts to continue to explain and plead, but we are 18 the ones who have to in realtime deal with more and more 19 flooding, and therefore, damage to all of the existing 20 property. This development will take us to a new level 21 which none of us agreed to when we settled here. 22 Again, our complaint is not with welcoming new 23 and diverse neighbors. It is with the unrealistic and 24 factually questionable presentation of a development 25 unsuitable and unsustainable for this particular plat of</p>	<p style="text-align: right;">255</p> <p>1 questions for Ms. Boerum, please speak now. 2 Doesn't sound like we have questions for Ms. 3 Boerum, so thank you very much. 4 We will move to the next person on Zoom. 5 MR. GUISAO-OSPINA: Christina. 6 HEARING EXAMINER SOKONI: Okay. The Zoom label 7 says Christina. If you could unmute yourself and 8 provide us with your full name. 9 MS. EAGLIN: Hi. I'm Christina Eaglin, 10 E-A-G-L-I-N, Christina is with a C-H. And this is Ari. 11 He's a resident of Colesville. 12 HEARING EXAMINER SOKONI: I'll be administering 13 the oath only to the humans. 14 Please raise your right hand. 15 Whereupon, 16 CHRISTINA EAGLIN, 17 being first duly sworn or affirmed to testify to the 18 truth, the whole truth, and nothing but the truth, was 19 examined and testified as follows: 20 21 HEARING EXAMINER SOKONI: Okay. You may proceed 22 with your testimony. 23 MS. EAGLIN: Thank you. I'm finally getting 24 into my testimony. I just want to let you know who 25 Colesville is.</p>
<p style="text-align: right;">254</p> <p>1 land. We are concerned that the facts and the truth of 2 our live sin this community has not been fully brought 3 to light, and that the Applicant, in the Applicant's 4 zeal for creating a fantastical project, also driven by 5 profit, the families in the community are being 6 disregarded and in effect bulldozed over. 7 We respectfully, most respectfully, ask that 8 you consider our concerns, weighing the true facts in 9 this case, and uphold the largely laid out zoning 10 protections for our single family homes and community, 11 noting that this particular plat of land on Notley and 12 New Hampshire is not what the Master Plan envisioned for 13 expansion, and for good reason, despite the ways in 14 which the Applicant has sought to portray it. 15 We wholeheartedly and respectfully ask that you 16 overrule and deny the Applicant's request for an 17 exemption of this thoughtfully ruled and greater plan 18 zoning in existence now. 19 And on behalf of the surrounding neighbors of 20 Colesville and my family, both living and those who left 21 this for us to steward, I thank you so much. 22 HEARING EXAMINER SOKONI: Thank you, Ms. Boerum. 23 Anyone with questions for her? 24 None in the room. 25 On Zoom, we have raised hands. If anyone has</p>	<p style="text-align: right;">256</p> <p>1 If you can take yourself back probably my 2 child's play age now, she was four years old, and I was 3 a single mom in a business meeting in downtown D.C., and 4 I got a phone call from a number I didn't know. This 5 call kept coming, coming, coming. 6 So I stopped the meeting, and I picked up the 7 phone, and it's a gentleman, he may even be in the 8 audience, who lived on Notley Road. He stopped my 9 babysitter who had my child on Notley Road with a -- 10 with a scooter going to the Giant, walking to the Giant 11 to get some cake mix. 12 And he said, Look, I stopped in, if you trust 13 me, I will drive into your house. 14 I told him where I lived on this avenue, he 15 said, Oh, I know this street, I know this street, I know 16 -- like we know each other in this community. And so I 17 said, Yeah, please, if you haven't killed them yet, I'm 18 sure you will take them home. Get them home, please. 19 And he did, he took them home. 20 And so I just as I'm listening to testimony 21 today, I just want to tell you we're not your average 22 little village. I mean, and we are a village. We're -- 23 we're just a very, very special place with special 24 people, we've known each other. I have probably about 25 eight kids out of elementary school age just within my</p>

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1 surrounding homes here. I've been in the area since the
2 early '80s, my mother's house on Sherwood Forest Drive,
3 1983. I live there, I grew there. I have seen all the
4 changes. I still own that home, and I actually own the
5 home in Mills Avenue.

6 So let me jump into my written statements, but
7 I just my soul just spoke to me that I had to share that
8 information with you so you're not just hearing a bunch
9 of residents. We are people, we know each other, we
10 love each other, we honor each other.

11 Okay. My testimony. I grew up in Montgomery
12 County since the age of seven and have raised my two
13 beautiful adult girls in Colesville. I am the owner of
14 three small businesses and a homeowner in Colesville for
15 over 30 years. I chose Colesville and stayed here for
16 its balance, its diversity, its charm, and extensive
17 place. This community was planned with care. And the
18 people who I have just mentioned, we the people here who
19 live here, we trusted that planning that was made with
20 care. We welcome new neighbors. This is nothing about
21 NIMBYism. Anybody who says anything like, please just
22 disregard.

23 We do not welcome -- what we don't welcome is
24 this development that overwhelms us while claiming to
25 help us. The proposal before you, 130 town homes, go

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1 back to elementary school where you saw the sticks are
2 down, that's 13 of them suckers. 130 town homes. And
3 possibly apartment buildings as introduced in the
4 Planning Board meeting in October. On October 30th last
5 year CHECK. On less than ten acres. It does not
6 respect Colesville's scale or Colesville's character.

7 And that is not just my opinion. Planning
8 Board Member Charles Bartley, spelled B-A-R-T-L-E-Y,
9 said it plainly when he rejected this rezoning. The
10 developer may be able to make this project fit on paper,
11 but it does not fit in the community. And I 100
12 percent, as do my neighbors agree with him.

13 That is distinction now, because zoning is not
14 a map exercise. As Planning Board Member Charles
15 Bartley reminded us, zoning is a promise. A promise
16 that the land will support the neighbor who chose to
17 live there, and that government will honor those zoning
18 expectations of a community that trusted it. When that
19 promise is broken, trust is broken. And once trust is
20 lost, it is very, very hard to restore.

21 What exists today and why it matters. To
22 understand why this proposal is so out of scale, we must
23 look honestly at what already exists around the site.
24 Colesville, as you've heard today, is primarily made up
25 of single family homes on generous lots, most of them

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1 R-200, with mature trees, front yards, backyards, and
2 meaningful grade buffers.

3 Where town homes do exist, they are limited in
4 number, lower in height, and carefully placed so that
5 they do not overwhelm neighboring properties. Duplexes,
6 garden apartments, and small multifamily buildings when
7 perfect are transitional here in Colesville. They are
8 not trends, they are not dominant.

9 What we do not have are clusters of -- I just
10 wanted to say joking around clusters, I'm going to be a
11 lady here. What we do not have here are clusters of
12 four-story buildings packed tightly together covering
13 nearly the entire site. You've heard so little about it
14 is gonna be non-cement, with minimal open space and no
15 meaningful transition to surrounding homes. That is the
16 disparity. It is not subtle, it is dramatic.

17 The R-200 zone was designed to protect open
18 space. Not just public park, but private open spaces as
19 well. And someone spoke to general health and
20 well-being and all that on public open space. As did
21 Mr. Bartley as well on October 30th. I digress.

22 Front yards, backyard, safe places where
23 children can ride bikes without fear or traffic. Places
24 where families can enjoy their homes without intrusion
25 and where children can grow, explore, and learn within

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1 an arm's reach of their parent. And as I said, I raised
2 two beautiful daughters who now are adults in
3 Colesville.

4 Planning Board Member Charles Bartley
5 personally spoke this, about moving from apartment
6 living to a town home, and finally choosing a single
7 family home so his kids could play outside, ride bikes,
8 and have a yard. That aspiration is not outdated. It
9 is exactly what communities like Colesville were built
10 to preserve, and once it is lost, it is lost forever.

11 We are not anti-town homes. We are pro fit.
12 Let me be very clear here, we are not opposed to
13 townhouses, apartments, or new developments. Colesville
14 already includes a mix of housing types, and many of us,
15 including myself support thoughtful, well-scaled growth.

16 What we oppose is density. Density that
17 ignores contact, completely ignores it. Town homes can
18 be appropriate when they are properly scaled in height
19 and mass, placed in transitional areas, buffered from
20 single family neighborhoods, and designed to complement,
21 not dominate, not dominate, the surrounding community.
22 This proposal does none of that. It fills merely the
23 entire site, removes green buffers, and replaces
24 thoughtful transition with blunt transformation. It
25 doesn't blend. It overwhelms. It doesn't transition;

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1 it erases. It erases our charm.
2 The developer points to Wilshire Estates and
3 Morningstar to justify this scale. These are not
4 comparable. Wilshire is a self-contained senior
5 facility built below grade to blend. Built below grade.
6 And it had limited traffic because most of the seniors
7 there are not driving. It's just staff that come and go
8 everyday.
9 Morningstar sits next to a shopping center in a
10 transitional zone behind the Giant that we spoke of
11 earlier, that others spoke of. These are exceptions.
12 They are not precedence, and they do not justify turning
13 a low density building into a wall of four-story
14 building.
15 Affordability and misuse of housing prices.
16 And I put up air quotes for that. We also need to be
17 honest about affordability. Planning Board Member
18 Charles Bartley questioned the repeated use of the
19 phrase, housing prices, noting that full involvement in
20 Montgomery County is the client and population
21 projection are changing. In his view, the prices here
22 is one of price, a price crisis, not an availability
23 crisis.
24 I think some of my neighbors shared with you
25 today that there are plenty of houses right here in

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1 Colesville in that 5 to \$700 range. And there is no
2 evidence, none, that these homes will be priced lower
3 than existing homes in the area. This is gonna be new
4 construction. It's gonna be price quite nicely I'm
5 sure. They are not a not-for-profit organization.
6 I, Mr. Bartley said directly, and I quote, Just
7 not sure that these homes will be less. Nearly all of
8 the units will be market rate. This does not solve the
9 -- and this does not solve a housing crisis. It simply
10 adds density and causes problems.
11 What is especially true is that the Applicant
12 cannot, or will not, and I'm not quite sure which one it
13 is, tell us what these homes will cost precise already
14 purchasing the land. If these homes, and I did comps on
15 what these homes will probably be around and new
16 construction build, if they sold for \$700,000, and
17 that's on the lower end, mind you, that is over \$91
18 million. I want to repeat that. Over \$91 million. Let
19 that sink in. The developer bears little risk. The
20 community bears all of the risks.
21 Traffic reality and lived experience. Then,
22 there is the traffic. Notley Road is a narrow two-lane
23 country road with no shoulders. Many of us already wait
24 seven to eight minutes at the New Hampshire Avenue
25 intersection during rush hour. Residents testified, and

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1 Planning Board Member Bartley conformed, that the
2 reality on the ground is very different than what
3 appears to traffics -- what appears in traffic studies,
4 drawings or aerial photos. This project will funnel
5 hundreds of additional daily trips; not three additional
6 trips. And I don't have to be an expert, professional,
7 or anything else to tell you that you're not gonna get
8 more than three trips coming out of 130 homes. That is
9 insulting.
10 I'm sorry, I digressed.
11 This project will funnel hundreds of additional
12 daily trips onto Notley. With only two exits and no
13 access to New Hampshire Avenue. Town homes with
14 multiple parking spaces mean more harm, especially if
15 families grow and children reach driving age, as has
16 been mentioned by some of my neighbors today.
17 Overflow is inevitable. The park sited for
18 overflow has five parking spaces. That is not a
19 workable solution for overflow. Five, that is not
20 planning; that is wishful thinking.
21 Community first; not after the fact. We are
22 not antidevelopment as I have mentioned earlier in my
23 comments and testimony today. We are pro community.
24 And as Planning Board Member Bartley cautioned, we must
25 not value hypothetical future residents more than the

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1 people who already live here. Okay. We must not value
2 hypothetical future residents that don't even exist
3 right now more than the people who already live here. I
4 thought that needed to be stated twice. The residents
5 who maintain this community preserve its beauty and
6 invest in it. Millions of dollars we have invested in
7 this community over the decades.
8 One resident say it best. You live with us.
9 This proposal does not do that. Approval today would
10 set irreversible change in motion. And I realize the
11 approval is not until 45 days after.
12 This should not be a fait complete. It should
13 be a deliberate -- a deliberate tiered decision that
14 results in something appropriate, something that truly
15 fits Colesville.
16 I want to end by being very clear about who
17 benefits from this proposal and who does not benefit
18 from this proposal. The list of beneficiaries is short.
19 It is limited almost entirely to the owners and
20 financial stakeholders of this development company. I
21 have yet to hear a single compelling reason why more
22 than 16,000 residents of Colesville would benefit from
23 having this level of development in imposed into their
24 community. In fact, when you weigh the likely scaled
25 price -- the likely scale prices of these townhouses

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1 against the very real cost, traffic congestion, school
2 stream, stormwater runoff, and infrastructure stress, it
3 is fair to question whether this will even be a good
4 value for the people who would buy those God forsaken
5 townhouses.
6 What is abundantly clear here is this: The
7 overwhelmingly majority of Colesville residents oppose
8 this proposal, and they do so for thoughtful,
9 well-documented reasons. And I would say this plainly
10 right here right now to all who are for this project, if
11 this were your neighborhood, your home, and your future,
12 and you knew what you know today on both sides of this
13 argument, you would not be advocating for this
14 development. You are here not because this project is
15 good for Colesville, but because it is your job to
16 present a professional and eloquent argument for it.
17 And because you do not have to live with any of these
18 consequences.
19 Yes, some redevelopment will reoccur because it
20 is legally permitted, but legality does not always
21 guarantee equality or fairness. It does not equal
22 justice, and it does not equal good planning. Laws
23 evolve precisely because communities demand better.
24 Today, you are not being asked whether this
25 project is legal. You are being asked whether it --

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1 whether it is right. And I urge you do not make a
2 decision that the residents of Colesville will be forced
3 to live with long after this room and this Zoom are
4 empty. This proposal by any honest measure is not
5 right, it is not fair, and not equitable for the people
6 of Colesville.
7 Before you render a decision, I am begging you
8 with all of my heart, I am begging you do not even open
9 up your notebook. Before you render a decision, come
10 over here, visit the site during rush hour. You heard
11 testimony of over 200 cars in one hour. This is a
12 disaster already. And putting more cars out here is
13 gonna get horrible. So I beg you to visit the site
14 during rush hour. I will -- reach out to me, I will be
15 more than happy to accommodate you and accompany you.
16 Stand on Notley Road in New Hampshire, see what we
17 already know --
18 HEARING EXAMINER SOKONI: Ms. Eaglin, I'm -- I
19 -- I --
20 MS. EAGLIN: I'm almost done.
21 HEARING EXAMINER SOKONI: Okay. I -- I -- I'm
22 trying to not interrupt you, but we have two more people
23 who haven't spoken and we're --
24 MS. EAGLIN: I understand.
25 HEARING EXAMINER SOKONI: -- right at 5 o'clock.

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1 MS. EAGLIN: Understood. Understood. I
2 respectfully have two more line.
3 I implore you to choose charm over congestion,
4 community over chaos, and the long-term health of
5 Colesville over short-term corporate profit.
6 Thank you.
7 HEARING EXAMINER SOKONI: Thank you very much.
8 I -- any questions in the room? I am deeply concerned
9 about these people who haven't spoken, and my hope was
10 to make sure that we get through the testimony today.
11 So two more hands up on Zoom. How about we --
12 I know we're right at 5 o'clock. I just want to check
13 in with the Planet Depos. Are we gonna run into any
14 trouble if we keep you beyond 5 o'clock?
15 THE COURT REPORTER: Not that I know of, but
16 that's sort of with my back office. I don't really -- I
17 don't know the logistics of that specifically.
18 HEARING EXAMINER SOKONI: And are good to go a
19 little beyond 5 o'clock?
20 MR. GUISAO-OSPINA: I'm okay, yeah.
21 HEARING EXAMINER SOKONI: Okay. Thank you.
22 Counsel's table, can we plow through two more?
23 MS. ROGERS: Um-hum.
24 HEARING EXAMINER SOKONI: I would like to get
25 the public testimony completed today. Okay. Next, next

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1 on Zoom.
2 MR. GUISAO-OSPINA: Clay Nuquist.
3 HEARING EXAMINER SOKONI: Okay.
4 MR. NUQUIST: Could you please confirm your full
5 name for us.
6 MR. NUQUIST: Yeah, Clay Nuquist, N-U-Q-U-I-S-T.
7 HEARING EXAMINER SOKONI: Thank you, sir.
8 Please raise your right hand.
9 Whereupon,
10 CLAY NUQUIST,
11 being first duly sworn or affirmed to testify to the
12 truth, the whole truth, and nothing but the truth, was
13 examined and testified as follows:
14 HEARING EXAMINER SOKONI: Thank up.
15 MR. NUQUIST: Than you for accommodating me. I
16 just had a matter with my computer so I was able to --
17 to log in.
18 I want to thank and recognize everyone; the
19 Hearing Examiner, the Applicant, the attorneys, and all
20 those that are in favor of, and the attorney and all
21 those that are not in favor of this proposal for taking
22 all of our time to be here at this hearing today.
23 My wife and I are retired after working in
24 careers within the medical, academic, and Maryland State
25 Government communities for 44 to 50 years in Maryland

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1 and D.C. in cardiology, ophthalmology, nuclear medicine,
2 the Maryland Green State Nuclear Licensed Regulator and
3 Radiation Safety.
4 My wife is a native Washingtonian and
5 Marylander, and I've lived in Maryland for 54 of my 67
6 years. As a child and son of a Navy retired veteran,
7 and as an adult as a Navy veteran. We've been
8 Montgomery County full-filled residents for over 37
9 years, and have thoroughly enjoyed residing in the
10 Morningside Community for over 32-and-a-half years since
11 July of 1993 in one of the single family detached houses
12 on the west side of Bregman Road.
13 Before that, we lived in a two-level townhouse
14 with a basement blockout, no garage, only on-street
15 parking for over four -- four or three, four years on
16 Tourmaline Terrace within the Stonesmill Community off
17 of East Randolph Road, from November 1988 to July 1993.
18 The Morningside community built in 1980 and --
19 excuse me 1988, '89 to '91, comprises of 24 detached
20 homes on the west side of Bregman, and a total of 130
21 townhouses on the east side of Bregman Road distributed
22 within four different sections. Each with its own
23 entrance and exit onto Bregman Road. On Summer Wood
24 Drive is 64 townhouses, Sunblock Park with 23
25 townhouses, Sunview Court with 33 townhouses, and

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1 Morning Breeze Court with 13 townhouses. Those four
2 subdivisions of 130 town homes within Morningside
3 Community are situated on 11.82 -- 82 acres as provided
4 on the slide document by the Applicant. Currently,
5 there are nonmarked parking specs available within our
6 townhouse community as designed and approved for
7 construction in 1988. So spillover parking for the
8 townhouse residents is available on Bregman Road.
9 There are no stop signs for the vehicles coming
10 out of each of these driving onto Bregman Road, so there
11 have been two accidents, and more often there have been
12 numerous near misses.
13 I would like to make a statement pertaining to
14 the new traffic light at Randolph Road and Bregman Road.
15 While I was ap -- while I was apprehensive at first, and
16 yes, I am aware that traffic light has caused some
17 increased backups to Sherwood Forest and Locksley Lane
18 on Randolph Road. But before the traffic light was
19 installed, there had always been traffic backup for
20 eastbound Randolph drivers, especially in the morning
21 when the sunlight directs the sunlight straight in the
22 driver's vision. But also could be attributed to the
23 TEN-second planning change for the morning and evening
24 rush hours at the New Hampshire Avenue and Randolph Road
25 intersection.

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1 During non-rush hour time frames, there are
2 traffic backups, but traffic has not reflected a major
3 backup as much as during the rush hours. Actually, most
4 of those drivers that are entering onto Randolph Road
5 from Bregman Road, as well as the pedestrians waiting to
6 cross Randolph Road from Bregman Road on both sides
7 north and south, the traffic light has been an added
8 safety feature as there -- as there has previously been
9 accidents and near misses for drivers by the entrance to
10 Randolph Road from Bregman Road without that traffic
11 light.
12 Yes, at times we may have to wait until the
13 light changes even when there is no traffic flow onto
14 Randolph. But I'm extremely grateful and satisfied for
15 the addition of that traffic light in regards to the
16 safety for drivers and pedestrians while trying to enter
17 cross Randolph Road.
18 I am here today to oppose the H-159 proposal
19 request y the Applicant. As we all have discussed and
20 we all are aware of, the proposal from this absent
21 developer is requesting the approval of the zoning
22 change to erect 130 houses that are approximately 50
23 feet in height on approximately nine-acre property, to
24 include 12.5 percent of 16 townhouses to be allocated
25 for affordable -- MDDU Attainable Housing Strategies.

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1 This approximately nine-acre proposed townhouse
2 community fronted with two separate entrances on Notley
3 Road, as we've stated a two-way single road with no
4 shoulders, currently with parcel of minimum sidewalk on
5 the south side only, and not properly maintained by the
6 County, is a result of a Virginia-based residential
7 commercial developer which has not built residential
8 housing in Montgomery County. This developer has
9 already purchased two two-and-a-half acre properties
10 with Maryland Department of Assessment and Taxation
11 phased in assessment values as of 7/1/2026 of 455.4
12 thousand and 526.6 thousand dollars, for 3.1 million.
13 For both of them. Or 1.5 million each. That's an
14 average of \$620,000 per acre. And three times under the
15 current assessment value. And has contracted to
16 purchase the remaining five adjacent properties each at
17 around .77 acres, .76 acres, .81 acres, .81 acres, and
18 .76 acres, with taxation phased-in assessment values as
19 of 7/1/2026 of 208.1 thousand, 231 thousand, 359.9
20 thousand, and 374.7 thousand, and 41.3 thousand. All
21 seven of these properties are currently zoned to support
22 single family houses on half acre lots, all of which
23 have single family dwellings with storage of arts.
24 This developer is requesting change in zoning
25 in order to build these 130 townhouses to satisfy the

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<p style="text-align: right;">273</p> <p>1 density requirements Montgomery County has imposed for 2 more housing. Upon review, this obviously appears to 3 not be constructed for the needs of the Montgomery 4 County residents to obtain affordable housing, with this 5 proposal on these particular parcels of land at this 6 site requesting to be rezoned is not fully designed the 7 only for affordable housing, but only to satisfy the 8 12-and-a-half percent, not the 15 percent required for 9 MDDU, and is not a viable option pertaining to that 10 housing standards currently on Notley Road and the 11 surrounding Colesville communities. 12 As it was stated earlier, if the developer 13 would work with the community and not to -- not a 14 density community to redesign to further reduce the 15 number of townhouses to a more reasonable amount instead 16 of 130, and made height adjustments at less than 50 17 feet, or offer some duplexes, apartment complexes 18 designed to support affordable housing that are not so 19 dense in a town already over the current attached homes 20 across the street and the surrounding communities on or 21 around Notley Road. And even though it's testified to 22 ensure that current stormwater management as designed or 23 is redesigned in order to handle and maintain the added 24 burden of this townhouse or other type of development, I 25 believe there would be more acceptance and less</p>	<p style="text-align: right;">275</p> <p>1 New Hampshire Avenue traffic light intersection, and the 2 Midland Road New Hampshire Avenue traffic light 3 intersection up to and beyond the Notley Road. 4 So even with the new traffic light, there would 5 be limited space for very few cars going on Notley Road 6 to make the turn south or north onto New Hampshire 7 Avenue. Especially if the cars on New Hampshire do not, 8 cannot, or are unable to clear the intersection when the 9 red light changes in their direction. 10 Currently, on many days, there are many cars on 11 Notley Road waiting to either turn right, stop, or to 12 extend the maneuver to cross through the three lanes of 13 southbound traffic turning left and north on New 14 Hampshire Avenue. 15 During the evening rush hour as testified on 16 northbound New Hampshire Avenue, cars going up beyond 17 the turn lane and indeed the left lane to make the left 18 turn right onto Notley Road, further impeding New 19 Hampshire Avenue northbound. More vehicles from this 20 proposed townhouse community will make this traffic 21 worse waiting to enter and exit Notley Road. Even with 22 the traffic light. 23 The transportation plan submitted with this 24 application was conducted earlier last year February 25 2025 as testified a few days after the federal workers</p>
<p style="text-align: right;">274</p> <p>1 objection and concern within the Notley Road and 2 adjacent Colesville community. 3 The homeowners within the Colesville community, 4 especially those who have resided on and around Notley 5 Road and adjacent properties for numerous years, even 6 entire lifetimes, understand the need for more housing 7 and zone and in not in favor of what is proposed as 8 being reasonable and as best use and is proposed to be 9 built not in the nature of all the current homes. 10 This development as proposed would include the 11 addition of at least one to at most four vehicle per 12 townhouse depending on the size, estimated at an 13 additional number from 130, 260, 390 or more vehicles of 14 traffic flow only to enter and exit on Notley Road with 15 no mention of stop or yield signs for those drivers 16 exiting Notley Road. The vehicles will then turn 17 easterly to New Hampshire Avenue, or to be routed 18 westerly down Notley Road to enter into Sherwood Forest 19 Community on Sherwood Forest Drive or Randolph Road, or 20 to continue westerly onto Notley Road, Bonifant Road. 21 A traffic light has already been approved for 22 the intersection of Notley Road and New Hampshire 23 Avenue, but currently during the morning rush hour, with 24 or without bad weather, the traffic on southbound New 25 Hampshire Avenue can be backed up from Randolph Road,</p>	<p style="text-align: right;">276</p> <p>1 were instructed to work, but many of those federal 2 workers were not mandated to return until March 2025. 3 I also understand another traffic plan was 4 conducted on November 19th, 2025 just after this -- this 5 most recent government shutdown which also could include 6 less workers due to those that were fired earlier in the 7 year, those that resigned or retired, or include some 8 but not all of those who were rehired to their 9 government positions due to the downsizing, upsizing, no 10 general effect from the current administration. Thus, 11 the numbers can be potentially eschewed. 12 Transportation plan state that the COV numbers 13 or well below the 1350, and that there would be only 68 14 to 78 additional vehicles from within the new 130 unit 15 townhouse development, which would directly affect the 16 flow of traffic on Notley Road and New Hampshire at any 17 begin time. 18 The traffic study represented also stated there 19 could be adjustments for the timing of the traffic 20 lights at the New Hampshire, Randolph Road, East 21 Randolph Road intersection, as well as the Midland Road, 22 New Hampshire Avenue intersection to help alleviate 23 traffic congestion. 24 But that planing change would, in fact, further 25 impact traffic congestion backups currently seen on</p>

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1 southbound and northbound New Hampshire Avenue,
2 westbound, eastbound Randolph Road and East Randolph
3 Road, leading up to and from that intersection.
4 Literally from all four directions. And also those
5 attempting to enter New Hampshire Avenue from the
6 Colesville Shopping Center to Colesville Park and
7 parking lot, the residents of Midland Road, those that
8 use the Giant gasoline station, and the strip mall on
9 east side of New Hampshire Avenue.
10 Over our 32-and-a-half years, we have been a
11 part of these traffic backups that creates an impact
12 just with the ten-second timing changes that have now
13 been factored in the rush hour and non-rush hour
14 periods.
15 In addition, the proposed 130 townhouse
16 families will also have the potential for the already
17 overcrowded at the neighboring Westover Elementary
18 School now at 100.4 percent, as well as the new packed
19 on the local and Maryland high schools, even though the
20 studies have shown the current numbers at both schools
21 do not have an overcrowding issue.
22 Even with the testimony provided by the
23 Applicant's expert opinion, on the current stormwater
24 management systems has been evaluated and designed to
25 handle much more than it currently does, these

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1 conditions to be -- to be concerned with how the current
2 stormwater management can handle the additional waste
3 and stormwater from 130 town homes.
4 And the snow removal impact, especially with
5 the documented flood rate flooding occurring on Notley
6 Road and other communities within this -- with this
7 current infrastructure as testified today and
8 previously.
9 The Applicant has stated the proposed parking
10 availability as designed will handle a number of parking
11 spaces for a number of vehicles per townhouse and/or
12 their guests, which also could be eschewed as to
13 actually how many vehicles would be used by the driving
14 members of each household, depending on the size of the
15 driveway.
16 And there is no resolution for the visitor
17 vehicles with the proposal of only 30 visitor parking
18 spots on site. Except for the visitors to use parking
19 spaces at the adjacent Colesville Manor neighborhood
20 park with only six regular unpainted parking spaces that
21 are in place.
22 As Ms. Candace Anderson made reference to in
23 her testimony this afternoon, and others, and according
24 to somebody, a Robert Salerno, from Montgomery County
25 Parks Public Information and customer service

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1 representative, who provided me a link to the parking
2 rules for Montgomery County parks, on -- on Chapter 6,
3 Regulations and Traffic Parking Section 5, Parking
4 Regulations A, vehicle parking on parked properties is
5 allowed during operating hours and only for the use and
6 for meetings and for mission employees . Patrons and
7 visitors must otherwise be posted or authorized by
8 permit or park director.
9 B, no person shall park any vehicle on parked
10 property at any time or for any purpose other than
11 lawful use and direction of park property. Thus, the
12 parking spaces are in place to be only allocated for
13 those that are actually using the park as recreation and
14 not to be used or outdated further for any other parking
15 especially for spillover parking for this proposed
16 townhouse development.
17 HEARING EXAMINER SOKONI: Mr. Nuquist --
18 MR. NUQUIST: Yes.
19 HEARING EXAMINER SOKONI: Sorry to cut you
20 short. I'm -- I just would like to urge you, if you --
21 if you feel you have much more to testify about, is it
22 possible you could supplement that with written
23 testimony so we can California have the last person
24 testify? Do you have much longer to go? I'm just --
25 I'm trying to be very mindful of time for --

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1 MR. NUQUIST: I understand. And what I can do
2 is I can submit that, but I do want to just take a
3 couple minutes here on something that I -- that I feel
4 should be said. I can bypass a lot that I have here.
5 HEARING EXAMINER SOKONI: Thank -- thank you so
6 much, and I -- I would like to not cut you short but we
7 -- we are trying to accommodate everybody.
8 MR. NUQUIST: Okay.
9 MS. ROSENFELD: And if I may interrupt for a
10 moment?
11 HEARING EXAMINER SOKONI: Yes.
12 MS. ROSENFELD: Perhaps if he has more he wants
13 to say, he can present that at the next meeting --
14 HEARING EXAMINER SOKONI: Maybe at the next
15 hearing.
16 MS. ROSENFELD: -- if he's willing to bifurcate
17 his testimony.
18 HEARING EXAMINER SOKONI: Yes, in fact, I --
19 that's -- that's a good suggestion.
20 MR. NUQUIST: I could do that.
21 HEARING EXAMINER SOKONI: That's a good
22 suggestion. If you could come --
23 MR. NUQUIST: Yeah, I --
24 HEARING EXAMINER SOKONI: You could --
25 MR. NUQUIST: -- just want to make sure that I

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1 was -- won't be the only one that would be, you know,
2 pushing this to --
3 HEARING EXAMINER SOKONI: Okay.
4 MR. NUQUIST: -- another testimony date .
5 MS. ROSENFELD: No.
6 HEARING EXAMINER SOKONI: No. So you've had
7 about 25 minutes so far, and there's one other person
8 who hasn't spoken at all. If you have much more to say,
9 you could come back and continue your testimony at the
10 next hearing.
11 MR. NUQUIST: I would like to do that because I
12 do have som valuable information that I want to share,
13 and I want to give that last person a chance to talk
14 today. So if -- if you would allow me to continue where
15 I left off, I'm probably about halfway done, and I'll
16 try to condense it so I --
17 HEARING EXAMINER SOKONI: Okay.
18 MR. NUQUIST: -- won't be as long the next time.
19 HEARING EXAMINER SOKONI: So I -- I will -- I
20 will allow you to continue your testimony next time.
21 MR. NUQUIST: Okay.
22 HEARING EXAMINER SOKONI: I also thank you, Mr.
23 Touhey who was so kind to us and allowed us his time and
24 haven't had a chance to speak yet.
25 Would you also be willing to testify at the

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1 next hearing?
2 MR. TOUHEY: Of course.
3 HEARING EXAMINER SOKONI: Okay. So thank you,
4 Mr. Nuquist, if you could kindly hold the rest of your
5 testimony for day 4, which will be on January 27th.
6 MR. NUQUIST: I will do that. Thank you.
7 HEARING EXAMINER SOKONI: Thank you very much.
8 And I'll hold off any questions for Mr. Nuquist
9 for that time.
10 Our last speaker --
11 MR. GUISAO-OSPINA: Lisa and Chris Edwards.
12 HEARING EXAMINER SOKONI: Yes, ma'am, could you
13 please give us your full name.
14 MS. EDWARDS: Lisa Edwards. That's L-I-S-A
15 E-D-W-A-R-D-S.
16 HEARING EXAMINER SOKONI: Could you kindly spell
17 the last name again. E-W --
18 MS. EDWARDS: Sure. E-D-W-A-R-D-S.
19 HEARING EXAMINER SOKONI: Thank you very much.
20 Could you kindly raise your right hand.
21 Whereupon,
22 LISA EDWARDS,
23 being first duly sworn or affirmed to testify to the
24 truth, the whole truth, and nothing but the truth, was
25 examined and testified as follows:

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1 HEARING EXAMINER SOKONI: Okay. Thank you so
2 much. If you could proceed with your testimony.
3 MS. EDWARDS: Thank you, Madam Chair, and
4 everyone who has been here today to show up and
5 represent the community, and to also those who are here
6 to represent both parties. Thank you so much.
7 My name is Lisa Edwards, I'm a native
8 Washingtonian, and I'm also a Marylander.
9 I'm here today to speak on behalf of my
10 husband, Chris, our family and our community. We live
11 at 329 Greenspring Lane. The subject property abuts our
12 property and is less than 50 feet away from our
13 backyard.
14 We have a strong opposition to the change in
15 the zoning to accommodate the proposed development of
16 130 town homes. When we purchased our home in 2021,
17 there were many things that attracted us to the
18 Colesville area. In particular, the diversity, the
19 green space, the undercrowded nature of the area, the
20 safety and the peaceful natural beauty of the flora and
21 fauna within our backyard. I remember driving through
22 the community at various hours of the day to see exactly
23 what we were about to invest in. At the mode of
24 contemplation, we decided that we wanted to live within
25 the community.

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1 We have certain concerns about the proposed
2 development and the drastic change in the zone for land
3 use. Esthetically -- esthetically, the number of
4 proposed town homes would significantly change the
5 layout of the community. The number would overcrowd the
6 neighborhood, shopping areas, roadways, and further
7 negatively affect traffic patterns and parking in the
8 community.
9 Also, the height stated for the town homes
10 would be excessive and would not blend in with the
11 neighborhood. We are tremendously concerned about the
12 number of trespassers that would walk through the yards
13 in order to park on Greenspring Lane, on Shannon Drive,
14 and on other roadways within our neighborhood. While we
15 say we'll consider plans to have fencing for these town
16 homes, that does not prevent people from trespassing to
17 access Greenspring Lane. Perhaps, creating a partition
18 with some sort of wall to prevent this trespassing and
19 disruption would be appropriate.
20 As many of my neighbors have mentioned, there
21 are multiple places of worship that are on new New
22 Hampshire Avenue, and they have festivals and other
23 events throughout the year. It's particularly
24 dangerous, particularly dangerous to get onto Notley as
25 well as New Hampshire Avenue during these times.

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1 Our community, our neighborhood is a comment of
2 families that have parties and get-togethers throughout
3 the year as well. Parking is already compromised when
4 we also have those events.
5 If the magnitude of town homes are developed as
6 proposed, this would significantly impact our roadways,
7 and rest assured, they would park in our neighborhood.
8 My husband and I, we like to take walks, daily walks on
9 Greenspring Lane, on Shannon Drive, on Colesville Manor
10 and Pleasant Grove along some event, along some other
11 roadways in the community. The inner roads within the
12 neighborhood are not highly busy during these times, and
13 we go a variety of times. They just don't have a lot of
14 traffic, it's -- it's mild. Although the back while
15 there are people that do cut through it's minimum.
16 But with the build-out to the magnitude that's
17 being brought to us today and proposed, the inner roads
18 would be littered with an unacceptable number of cars.
19 Therefore, making it difficult and actually dangerous to
20 just exercise.
21 We wanted to just make a note that it's
22 important for a variety of reasons that you consider to
23 not this proposal and as it is written, it's excessive
24 in the number of town homes that are being brought forth
25 here. 130 as opposed to the nine that are in the prime

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1 zoning and their single family homes is astronomical.
2 And it just doesn't make sense from perspective of
3 somebody who has lived in community. It makes sense for
4 somebody interested in profit for sure.
5 And I think that it's very important to
6 recognize that while there have been so many points that
7 have been valid that have been brought, and I don't feel
8 like I have time or need to reiterate -- to reiterate
9 those. They've talked about the traffic, they've talked
10 about the not having sidewalks on Notley, they've talked
11 about the schools, they've talked about the shopping,
12 they've talked about the lights, you know. But the
13 nature of this community is, you know, is simply
14 cohesive, and it's and I feel that -- you know, we feel
15 that bringing this magnitude of housing changes that
16 tremendously.
17 I just heard the further testimony from the
18 person whose family over 100 years. My husband
19 mentioned her to me, and I found that endearing to know
20 that someone stayed here that long and be a part of the
21 community, and that their family helped to develop it.
22 To change from farmland to what it is today. And so I
23 think that, you know, for me, and for my family, and
24 many in our community, we feel that it's important to
25 recognize the testimony that you've heard today, the

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1 people that have come out so diligently and taken times
2 out of their schedule.
3 I've been to three of these hearings now, and
4 this has been the first chance I've gotten to speak.
5 And I appreciate you for letting me do that today. And
6 thank you so much.
7 HEARING EXAMINER SOKONI: Thank you. You are
8 very welcome.
9 Any questions for Ms. Edwards?
10 Okay. We are right at around close to 5:30. I
11 just want to thank everybody so much for your patience,
12 yeah, especially with the hiccups we had at the
13 beginning, I feel like we lost some time in shuffling to
14 a new room.
15 And while I have everyone still present, I just
16 want to announce for the next hearing on the 27th,
17 although we had the -- the next hearing on January 27th,
18 we had set that for the 7th floor conference room. I
19 had requested to get confirmation. With what happened
20 today. I feel like let's just plan for the second floor
21 conference room. Especially since we've gotten through
22 most of the public testimony. The big reason why we
23 went up to the seventh floor was for capacity. I think
24 we should be fine right here. Let's just -- if I
25 announce it here, then we don't have to mail out a

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1 public notice.
2 So please note we will reconvene on January
3 27th at 9:30 a.m. in the second floor conference room,
4 which is The Board of Appeals/OZAH conference room right
5 here at Council Office Building, 100 Maryland Avenue in
6 Rockville.
7 And let me just confirm. Yes, it's Tuesday,
8 the 27th.
9 With that, Mr. -- Mr. Touhey, thank you so much
10 for your accommodation, and -- and we'll plan we will
11 definitely, you know, you go first when we reconvene on
12 the 27th and --
13 MR. TOUHEY: The gentleman that --
14 HEARING EXAMINER SOKONI: -- we'll also let Mr.
15 Nuquist resume, continue his testimony on the -- on the
16 27th.
17 There's a lot we didn't get to, but -- but I
18 just I'm hoping that the 27th will be our last day.
19 We'll, you know, play it by ear. We're planning for
20 that to be the final day of testimony, so that's way,
21 you know, Ms. Rosenfeld, you get to present your case in
22 chief, and we'll see how, you know, play it by ear in
23 terms of time. But we are not planning an additional
24 day, so I'm hoping we can wrap it up on the 27th.
25 We didn't get -- we did not get to exhibits,

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<p style="text-align: right;">289</p> <p>1 and I guess I don't want to hold anyone beyond -- beyond 2 this, so why don't we cover that as a preliminary issue. 3 I know we had some additional things come in in 4 the interim. Usually we wouldn't conclude without 5 admitting evidence, but let's -- let's revisit that with 6 a fresh mind on the 27th. 7 Thank you all so much for your time. This is 8 -- it's an important process, and -- and thank your for 9 your patience. 10 MS. ROGERS: Thank you. 11 MS. ROSENFELD: Thank you. 12 HEARING EXAMINER SOKONI: And thank you very 13 much. So we are adjourned until the 27th. Thank you to 14 everybody. 15 (Off the record at 5:31 p.m.) 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">291</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Jerome E. Harris, do hereby certify that 3 this transcript was prepared from the digital audio 4 recording of the foregoing proceeding; that 5 said transcript is a true and accurate record of 6 the proceedings to the best of my knowledge, skills, 7 and ability; and that I am neither counsel for, 8 related to, nor employed by any of the parties to 9 the case and have no interest, financial or 10 otherwise, in its outcome. 11 12 <i>Jerome E. Harris</i> 13 _____ 14 JEROME E. HARRIS, STENOGRAPHER 15 JANUARY 21, 2026 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">290</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Austin Costello, AAERT CER, the officer 3 before whom the foregoing proceedings were 4 taken, do hereby certify that any witness(es) in 5 the foregoing proceedings were fully sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a 8 qualified transcriptionist; that said digital 9 audio recording of said proceedings are a 10 true and accurate record to the best of my 11 knowledge, skills, and ability; and that I am 12 neither counsel for, related to, nor employed 13 by any of the parties to this case and have 14 no interest, financial or otherwise, in its 15 outcome. 16 17 18 <i>Austin Costello</i> 19 _____ 20 AUSTIN COSTELLO, NOTARY PUBLIC 21 FOR THE STATE OF MARYLAND 22 23 24 25</p>	

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