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# Transcript of Hearing

**Date:** August 25, 2022

**Case:** (AB770) Abandonment Hearings, In Re:

**Planet Depos**

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Transcript of Hearing  
August 25, 2022

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| <p>5</p> <p>1 EXHIBITS (Continued)</p> <p>2 EXHIBIT PAGE</p> <p>3 34 Planning Department comment 18</p> <p>4 35 Pepco comment 18</p> <p>5 36 Washington Gas comment 19</p> <p>6 37 Karen Leon and Family's comment 19</p> <p>7 38 Glenn Lockhart comment 19</p> <p>8 39 Miriam Schoenbaum comment 19</p> <p>9 40 Kensington View Civic Association 19</p> <p>10 letter</p> <p>11 41 Hearing cancellation notices 20</p> <p>12 42 Executive Order 189-22 20</p> <p>13 43 Rescheduled public hearing notices 20</p> <p>14 44 Public hearing traffic sign 20</p> <p>15 45 Press release 21</p> <p>16 46 Washington Times affidavit 21</p> <p>17 47 DOT calendar event submission 21</p> <p>18 48 Kathleen Harold comment 21</p> <p>19 49 Housing Authority Commission letter 21</p> <p>20 50 Letter from applicant 22</p> <p>21 51 AB716 report and recommendation 22</p> <p>22 52 Public hearing registration list 22</p> <p>23</p> <p>24</p> <p>25</p>   | <p>7</p> <p>1 council. It is the county council that will ultimately</p> <p>2 decide whether to grant or deny the applicant's petition for</p> <p>3 abandonment. For those who wish to submit written comments,</p> <p>4 please submit them to Ms. Tiara McCray at Montgomery County</p> <p>5 Department of Transportation 100 Edison Park Drive, fourth</p> <p>6 floor, Gaithersburg, Maryland 20878, or e-mail them to</p> <p>7 tiara.mccray@montgomerycountymd.gov by September 19, 2022 at</p> <p>8 five p.m.</p> <p>9 Before we get started, we're going to cover a few</p> <p>10 ground rules before Mrs. McCray introduces the abandonment</p> <p>11 petition into the record. First, please turn off or silent</p> <p>12 all cell phones. Second, as an issue of decorum, all</p> <p>13 participants will be given due consideration. Those seeking</p> <p>14 to offer comments following the close of the petitioner's</p> <p>15 case for abandonment are asked to be mindful of the time and</p> <p>16 limit their comments to the relevant matter. Such comments</p> <p>17 should be confined to less than three minutes. If an</p> <p>18 interruption occurs, I will give the individual or person a</p> <p>19 warning. If there's a second interruption, I will give the</p> <p>20 individual a second warning. If the same individual</p> <p>21 receives a third warning, that person will be removed from</p> <p>22 the call. If there are several people making interruptions,</p> <p>23 we may close the hearing. Following Mrs. McCray's</p> <p>24 introductions, the applicant will submit their case for why</p> <p>25 they believe the right of way should be abandoned. After</p> |
| <p>6</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 MR. DORSEY: Greetings and good afternoon to all</p> <p>4 of you. It is now approximately 1:07 on August 25, 2022.</p> <p>5 We are conducting this hearing virtually via Zoom. We are</p> <p>6 here for a public hearing on the abandonment petition AB770</p> <p>7 to consider an application received from Banc Realty, LLC to</p> <p>8 abandon a portion of county right of way known as Kensington</p> <p>9 Boulevard in Wheaton. My name is Richard Dorsey, and I am</p> <p>10 the county exec's designated hearing officer for Montgomery</p> <p>11 County Department of Transportation. This right of way</p> <p>12 abandonment hearing is being conducted pursuant to Chapter</p> <p>13 49-62F of the county code. My role in this abandonment</p> <p>14 process is to receive public comments concerning the</p> <p>15 abandonment request, and then write a report and recommend</p> <p>16 to the county exec concerning the applicant's petition for</p> <p>17 abandonment. In order to do this, I will consider</p> <p>18 statements being made during this hearing and written</p> <p>19 comments received within the comment period -- comments will</p> <p>20 be accepted until September 19, 2022 at five p.m. -- as well</p> <p>21 as documents submitted to Mrs. McCray to support or explain</p> <p>22 a position on this abandonment case. My report and</p> <p>23 recommendation will be forwarded to the county exec for</p> <p>24 consideration, and the county exec will then forward the</p> <p>25 report and the county exec's recommendation to the county</p> | <p>8</p> <p>1 the applicant completes his case, those registered to speak</p> <p>2 will be allowed to make relevant comments.</p> <p>3 Mrs. McCray?</p> <p>4 MS. McCRAY: Thank you, Mr. Dorsey. Good</p> <p>5 afternoon, everyone. Can everyone hear me okay?</p> <p>6 MR. DORSEY: Yes.</p> <p>7 MS. McCRAY: Thank you. I appreciate that. We're</p> <p>8 having technical difficulties this morning, so I'll do my</p> <p>9 best to make sure everyone can hear me. My name is Tiara</p> <p>10 McCray, as Mr. Dorsey already stated, and I am a Real Estate</p> <p>11 Specialist within the Property Acquisition Section for</p> <p>12 Montgomery County Department of Transportation. My section</p> <p>13 is responsible for administering requests for the</p> <p>14 abandonment of public rights of way. As Mr. Dorsey noted</p> <p>15 earlier, this process is governed by County Code Article 49</p> <p>16 Section six. The county code details the County Council's</p> <p>17 authority to abandon a public right of way if it finds that,</p> <p>18 one, the right of way is no longer needed for public use or</p> <p>19 anticipated future public use, or, two, the abandonment is</p> <p>20 necessary to protect the health, safety and welfare of</p> <p>21 residents near the right of way to be abandoned.</p> <p>22 The subject of this case is a portion of county</p> <p>23 right of way known as Kensington Boulevard in Wheaton.</p> <p>24 Kensington Boulevard is approximately 70 feet wide, and the</p> <p>25 petition area extends from East Avenue into the petitioner's</p>   |

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| <p style="text-align: right;">9</p> <p>1 property at 11300 Veirs Mill Road. Plat number 303<br/> 2 dedicated the road to public use on or about July 10, 1925.<br/> 3 And in June of 1972, the Montgomery County Planning Board by<br/> 4 resolution declared the 5,596 square feet of land indicated<br/> 5 on plat 10315 as a reservation of land for public use<br/> 6 necessary for highway purposes for the proposed Kensington<br/> 7 Boulevard extension. The public reservation was to continue<br/> 8 in full force and effect for three years, and to date no<br/> 9 extension of Kensington Boulevards to Veirs Mill Road<br/> 10 exists.<br/> 11 The applicant requests the partial abandonment of<br/> 12 the public right of way to prevent vehicular cut-through<br/> 13 traffic on his property located at 11300 Veirs Mill Road and<br/> 14 to protect the safety of the patrons in the parking lot. In<br/> 15 a letter received on August 22, 2022, the petitioner<br/> 16 provides additional information through various exhibits<br/> 17 that were prepared in concert with Wheaton Gateway, LLC to<br/> 18 indicate their consideration of comments and concerns<br/> 19 submitted by Montgomery County Department of Transportation<br/> 20 and the Washington Suburban Sanitary Commission. It's a<br/> 21 mouthful, WSSC. The exhibit depicts that approximately<br/> 22 3,795 square feet of the right of way would be abandoned to<br/> 23 the applicant, and approximately 1,465 square feet is<br/> 24 abandoned to the other adjoining property owner who is the<br/> 25 Housing Opportunities Commission at 11250 Veirs Mill Road,</p> | <p style="text-align: right;">11</p> <p>1 Executive Order Number 16-20. It authorizes the public<br/> 2 hearing that was originally scheduled in April of 2020.<br/> 3 (Exhibit 4 was marked for identification.)<br/> 4 MS. McCRAY: Exhibit Number 4 is the Washington<br/> 5 Times ad number 38761. This was advertising the original<br/> 6 public hearing, an advertisement to run March 20th and 27th<br/> 7 in 2020. However, the hearing was canceled on March 18,<br/> 8 2020. As a result, no affidavit of publication has been<br/> 9 provided to the county.<br/> 10 (Exhibit 5 was marked for identification.)<br/> 11 MS. McCRAY: Exhibit 5 is the hearing traffic sign<br/> 12 request that was submitted on March 5 request for the<br/> 13 installation of the traffic sign to notice or to advertise<br/> 14 the public hearing.<br/> 15 (Exhibit 6 was marked for identification.)<br/> 16 MS. McCRAY: Exhibit 6 is the original HOC comment<br/> 17 that was received via e-mail from Zachary Marks on October<br/> 18 22, 2019 in opposition for various reasons pertaining to<br/> 19 future plans for the development of the adjoining property.<br/> 20 (Exhibit 7 was marked for identification.)<br/> 21 MS. McCRAY: Exhibit 7 is the comment solicitation<br/> 22 request that was submitted to public agencies dated December<br/> 23 9, 2019.<br/> 24 (Exhibit 8 was marked for identification.)<br/> 25 MS. McCRAY: Exhibit 8 is the comment solicitation</p>  |
| <p style="text-align: right;">10</p> <p>1 creating a reduced hammerhead shape to remain a county right<br/> 2 of way.<br/> 3 As a part of the administrative process, we have<br/> 4 provided the requisite notices to other public agencies,<br/> 5 abutting property owners and the public at large. During<br/> 6 this process, we have collected a number of exhibits that I<br/> 7 will now introduce into the hearing record. One second. If<br/> 8 someone can let me know when they can see my screen, that<br/> 9 would be helpful for me.<br/> 10 MR. DORSEY: I can see it, I believe.<br/> 11 MS. McCRAY: Thank you. We've got quite a bit of<br/> 12 exhibits, so I'm going to do my best to go ahead and get<br/> 13 through these in a timely manner.<br/> 14 (Exhibit 1 was marked for identification.)<br/> 15 MS. McCRAY: Exhibit 1 is the original applicant's<br/> 16 abandonment petition that was received on October 3, 2019.<br/> 17 That is pages one through three.<br/> 18 (Exhibit 2 was marked for identification.)<br/> 19 MS. McCRAY: Exhibit two, the collection of plats<br/> 20 to determine county right of way for Kensington Boulevard<br/> 21 and the SHA right of way on Veirs Mill Road. These are<br/> 22 plats number 303, page two, 1740, 1919, 16797, 6789 and<br/> 23 10315. All right.<br/> 24 (Exhibit 3 was marked for identification.)<br/> 25 MS. McCRAY: Our next exhibit is Exhibit 3,</p>  | <p style="text-align: right;">12</p> <p>1 request submitted to all public utilities required by county<br/> 2 code that was submitted December 10, 2019.<br/> 3 (Exhibit 9 was marked for identification.)<br/> 4 MS. McCRAY: Exhibit 9 is the Montgomery County<br/> 5 Planning Department comment that was received from Carrie<br/> 6 Sanders on February 27, 2020 in opposition of the original<br/> 7 abandonment request based on the 2012 Wheaton sector plan<br/> 8 calls to retain the right of way for the unbuilt portion of<br/> 9 Kensington Boulevard between East Avenue and Veirs Mill also<br/> 10 noting that the right of way may also be used for pedestrian<br/> 11 or bicycle connection if a street was determined not to be<br/> 12 feasible.<br/> 13 (Exhibit 10 was marked for identification.)<br/> 14 MS. McCRAY: Exhibit 10 is the Montgomery County<br/> 15 Department of Transportation Development Review Committee<br/> 16 comment received from Brenda Pardo by way of Rebecca Torma<br/> 17 on December 12, 2019 in opposition of the original<br/> 18 abandonment request based on the Wheaton CBD Master Plan.<br/> 19 (Exhibit 11 was marked for identification.)<br/> 20 MS. McCRAY: Exhibit 11 is Montgomery County DOT<br/> 21 Division of Traffic Engineering and Operation. It's an<br/> 22 e-mail received from Mark Terry on December 28, 2019 in<br/> 23 opposition of the original abandonment request based on the<br/> 24 master plan or any agreement or plan with FHA to extend<br/> 25 Kensington Boulevard to Veirs Mill Road.</p> |

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| <p>13</p> <p>1 (Exhibit 12 was marked for identification.)</p> <p>2 MS. McCRAY: Exhibit 12 is Montgomery County</p> <p>3 Department of Permitting Services, the Office of the Fire</p> <p>4 Marshal is an e-mail received by Patsy Warnick on March 30,</p> <p>5 2020 with conditional approval noting that a minimum of 60</p> <p>6 feet in each direction at the terminus of East Avenue should</p> <p>7 be retained for the fire department operation.</p> <p>8 (Exhibit 13 was marked for identification.)</p> <p>9 MS. McCRAY: Exhibit 13 is Montgomery County</p> <p>10 Department of Permitting Services Division of Land</p> <p>11 Development comment. It's an e-mail received from Atik</p> <p>12 Bansheery on February 5, 2020 in opposition of the original</p> <p>13 abandonment requests based on the presence of two parallel</p> <p>14 storm drains and a sewer main in the right of way.</p> <p>15 (Exhibit 14 was marked for identification.)</p> <p>16 MS. McCRAY: Exhibit 14 is a comment received from</p> <p>17 Washington Gas. It's an e-mail from Stephen Lincoln dated</p> <p>18 December 11, 2019 with no opposition, however, noting the</p> <p>19 presence of an active gas line within the right of way and</p> <p>20 an existing easement, and noting that, should the right of</p> <p>21 way be abandoned, they would require consultation with the</p> <p>22 applicant to determine sufficient access to the existing</p> <p>23 structure. They've also included in their comments some</p> <p>24 additional exhibits that note an existing easement that they</p> <p>25 have.</p> | <p>15</p> <p>1 to do any personal contact at that time as a result of the</p> <p>2 pandemic.</p> <p>3 (Exhibit 18 was marked for identification.)</p> <p>4 MS. McCRAY: Exhibit 18 is a e-mail received from</p> <p>5 Jim Leon representing himself and his family located at 2909</p> <p>6 Kensington Boulevard noting no objection to the abandonment.</p> <p>7 (Exhibit 19 was marked for identification.)</p> <p>8 MS. McCRAY: Exhibit 19 is an e-mail received on</p> <p>9 March 21, 2020 from Dan Christensen representing his family</p> <p>10 living at 2912 Kensington Boulevard supporting the</p> <p>11 abandonment petition.</p> <p>12 (Exhibit 20 was marked for identification.)</p> <p>13 MS. McCRAY: Exhibit 20 is a general public</p> <p>14 hearing cancellation notice. The notices were submitted to</p> <p>15 persons of record via mail and e-mail on March 18, 2020 as a</p> <p>16 result of the pandemic and the closure of county facilities.</p> <p>17 (Exhibit 21 was marked for identification.)</p> <p>18 MS. McCRAY: Exhibit 21 is a revised abandonment</p> <p>19 application that was received July 13, 2021. The</p> <p>20 application also provides for two exhibits that indicate the</p> <p>21 petitioned abandonment areas and the new permanent utility</p> <p>22 easement.</p> <p>23 (Exhibit 22 was marked for identification.)</p> <p>24 MS. McCRAY: Exhibit 22 is the Executive Order</p> <p>25 Number 165-21 authorizing a public hearing for February 22,</p> |
| <p>14</p> <p>1 (Exhibit 15 was marked for identification.)</p> <p>2 MS. McCRAY: Exhibit 15 is WSSD comment, a letter</p> <p>3 received from Emanuel Beniella on December 17, 2019 with</p> <p>4 conditional approval noting that there is an active</p> <p>5 waterline and sewer lines within the right of way, and,</p> <p>6 should the county council approve the abandonment, the</p> <p>7 applicant would need to grant a minimum of 60 feet of right</p> <p>8 of way free and clear for their facility maintenance or to</p> <p>9 cover the expense for relocation.</p> <p>10 (Exhibit 16 was marked for identification.)</p> <p>11 MS. McCRAY: Exhibit 16 is Pepco's comment</p> <p>12 received via e-mail from Autumn Berling on February 6, 2020</p> <p>13 with no opposition, however, noting that there are poles</p> <p>14 located around the abandonment area that serve as the</p> <p>15 applicant's property at 2901 Kensington Boulevard, but</p> <p>16 access to the existing facilities will not be impacted by</p> <p>17 the abandonment.</p> <p>18 (Exhibit 17 was marked for identification.)</p> <p>19 MS. McCRAY: Exhibit 17 is a general public notice</p> <p>20 that was submitted via mail along with a mailing list. And</p> <p>21 general notices were submitted to abutting and affected</p> <p>22 property owners dated March 6, 2020. It is important to</p> <p>23 note that you'll see many of these do not have a status</p> <p>24 noting the tracking numbers on the certified mail. The</p> <p>25 reason for that is that the Postal Service was not agreeing</p>                | <p>16</p> <p>1 2022. It should be noted that this public hearing was later</p> <p>2 cancelled at the applicant's request.</p> <p>3 (Exhibit 23 was marked for identification.)</p> <p>4 MS. McCRAY: Exhibit 23 Washington Times affidavit</p> <p>5 of publication advertising the public hearing on February</p> <p>6 22, 2022. Advertisements ran on February 4th and 11th in</p> <p>7 2022.</p> <p>8 (Exhibit 24 was marked for identification.)</p> <p>9 MS. McCRAY: Exhibit 24 is a MCDOT calendar event</p> <p>10 submission advertising the public hearing.</p> <p>11 (Exhibit 25 was marked for identification.)</p> <p>12 MS. McCRAY: Exhibit 25 is a hearing traffic sign</p> <p>13 request dated December 28, 2021 request for the installation</p> <p>14 of a traffic sign notice for the public hearing, the</p> <p>15 location where the sign was posted.</p> <p>16 (Exhibit 26 was marked for identification.)</p> <p>17 MS. McCRAY: Exhibit 26 is the comment</p> <p>18 solicitation request for public agencies. The e-mail is</p> <p>19 dated August 3, 2021 to all public agencies required by</p> <p>20 county code.</p> <p>21 (Exhibit 27 was marked for identification.)</p> <p>22 MS. McCRAY: Exhibit 27 Is that same request that</p> <p>23 was submitted August 3, 2021 to utility companies.</p> <p>24 (Exhibit 28 was marked for identification.)</p> <p>25 MS. McCRAY: Exhibit 28 is a comment solicitation</p>   |

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| <p>17</p> <p>1 request dated January 12 noting the new abandonment hearing<br/>2 February 22, 2020.<br/>3 (Exhibit 29 was marked for identification.)<br/>4 MS. McCRAY: Exhibit 29 is that same request<br/>5 submitted to utility companies dated the same, January 12,<br/>6 2022 to all public utility companies required by county<br/>7 code.<br/>8 (Exhibit 30 was marked for identification.)<br/>9 MS. McCRAY: Exhibit 30, general public hearing<br/>10 notice, it's an e-mail dated January 12, 2022 advertising<br/>11 the public hearing on February 22, 2022.<br/>12 (Exhibit 31 was marked for identification.)<br/>13 MS. McCRAY: Exhibit 31 is the Montgomery County<br/>14 Department of Transportation Development Review Committee<br/>15 comments that was updated. It's a letter received from<br/>16 Deepak -- I will not murder Deepak's last name. I<br/>17 apologize. But sent via Rebecca Torma dated September 22,<br/>18 2021 recommending conditional approval pertaining to access<br/>19 with additional comments pertaining to access to lot 11, the<br/>20 applicant's property in coordination with Montgomery County<br/>21 DOT along with other agencies for ingress, egress and<br/>22 utility maintenance.<br/>23 (Exhibit 32 was marked for identification.)<br/>24 MS. McCRAY: Exhibit 32, Montgomery County<br/>25 Department of Permitting Services Division of Land</p>  | <p>19</p> <p>1 (Exhibit 36 was marked for identification.)<br/>2 MS. McCRAY: Exhibit 36, Washington Gas comment is<br/>3 an e-mail from Colin Burke dated January 13, 2022 indicating<br/>4 the presence of a four-inch steel gas line and request that<br/>5 any abandonment be conditional upon the granting of an<br/>6 easement or that the structure be relocated at the<br/>7 applicant's expense.<br/>8 (Exhibit 37 was marked for identification.)<br/>9 MS. McCRAY: Exhibit 37, Karen Leon and family's<br/>10 comment, e-mail received from Karen Leon at 2909 Kensington<br/>11 Boulevard dated January 24 indicating no opposition to the<br/>12 abandonment.<br/>13 (Exhibit 38 was marked for identification.)<br/>14 MS. McCRAY: Exhibit 38 is a comment received from<br/>15 Glenn Lockhart at 2905 Kensington Boulevard dated January<br/>16 24, 2022 indicating no objection to the abandonment.<br/>17 (Exhibit 39 was marked for identification.)<br/>18 MS. McCRAY: Exhibit 39 is a e-mail that was<br/>19 received from Miriam Schoenbaum noting that she would prefer<br/>20 that the applicant be required to maintain access for<br/>21 pedestrian and bicyclists and then that the access be ADA<br/>22 compliant to lower stress for traffic from University<br/>23 Boulevard and Veirs Mill.<br/>24 (Exhibit 40 was marked for identification.)<br/>25 MS. McCRAY: Exhibit 40 is a letter received from</p>          |
| <p>18</p> <p>1 Development comment. It's an e-mail received from Mateet<br/>2 Pensheery dated August 6, 2021 opposing the abandonment<br/>3 noting various reasons pertaining to utilities in the right<br/>4 of way and reductions of public right of way back to the<br/>5 county.<br/>6 (Exhibit 33 was marked for identification.)<br/>7 MS. McCRAY: Exhibit 33, Montgomery County<br/>8 Department of Permitting Services Fire Department Access and<br/>9 Water Supply. It's an e-mail from Marie Labaw dated January<br/>10 13, 2022 with no objection.<br/>11 (Exhibit 34 was marked for identification.)<br/>12 MS. McCRAY: Exhibit 34, Montgomery County<br/>13 Planning Department comment. This was a letter received<br/>14 from Jessica and Troy via Carrie Sanders dated September 3,<br/>15 2021 supporting the abandonment noting that vehicular<br/>16 connection between Kensington Boulevard and Veirs Mill Road<br/>17 was determined not feasible due to existing grade and<br/>18 existing utility easements. The planning staff notes that<br/>19 they are working with Wheaton Gateway Development to enhance<br/>20 connection through the abandonment area.<br/>21 (Exhibit 35 was marked for identification.)<br/>22 MS. McCRAY: Exhibit 35 is Pepco's comments<br/>23 received via e-mail from Krystal Green dated January 25,<br/>24 2022 denying the abandonment petition noting it was not in<br/>25 the best interest of their customer.</p> | <p>20</p> <p>1 Kensington View Civic Association. It's an e-mail received<br/>2 for Ms. Eleanor Duckett, Acting Chair of the Land Use and<br/>3 Zoning Committee dated February 15, 2022. The letter<br/>4 opposes the abandonment for a host of reasons including, but<br/>5 not limited to the 2012 Wheaton Sector Plan, previous denial<br/>6 of an abandonment case AB716, violations of county codes and<br/>7 the community's use of the public right of way.<br/>8 (Exhibit 41 was marked for identification.)<br/>9 MS. McCRAY: Exhibit 41 is a collection of hearing<br/>10 cancellation notices. The cancellation notices were<br/>11 submitted to all persons of record.<br/>12 (Exhibit 42 was marked for identification.)<br/>13 MS. McCRAY: Exhibit 42 is Executive Order Number<br/>14 189-22 authorizing the public hearing today, August 25,<br/>15 2022.<br/>16 (Exhibit 43 was marked for identification.)<br/>17 MS. McCRAY: Exhibit 43 is a collection of<br/>18 rescheduled public hearing notices submitted via e-mail to<br/>19 public agencies, utility companies, HOAs and civic or<br/>20 community associations of record between May 20 and 25,<br/>21 2022. Additionally, letters were mailed on August 1, 2022<br/>22 to persons of record.<br/>23 (Exhibit 44 was marked for identification.)<br/>24 MS. McCRAY: Exhibit 44 is a public hearing<br/>25 traffic sign. This picture was taken on July 27, 2022</p> |

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| <p>21</p> <p>1 advertising today's hearing.<br/>2 (Exhibit 45 was marked for identification.)<br/>3 MS. McCRAY: Exhibit 45 is the Go Montgomery press<br/>4 release posted August 18, 2022.<br/>5 (Exhibit 46 was marked for identification.)<br/>6 MS. McCRAY: Exhibit 46 of The Washington Times<br/>7 affidavit of publication advertising the public hearing<br/>8 today, and the advertisements ran August 5th and 12th.<br/>9 (Exhibit 47 was marked for identification.)<br/>10 MS. McCRAY: Exhibit 47 is a Montgomery County DOT<br/>11 calendar event submission.<br/>12 (Exhibit 48 was marked for identification.)<br/>13 MS. McCRAY: Exhibit 48 is a comment received by<br/>14 Kathleen Harold. It's an e-mail dated August 7, 2022 noting<br/>15 that community members utilize the right of way on<br/>16 Kensington to Veirs Mill to the Titan Stadium and Montessori<br/>17 School, also requesting development of the right of way to<br/>18 alleviate traffic on Veirs Mill Road.<br/>19 (Exhibit 49 was marked for identification.)<br/>20 MS. McCRAY: Exhibit 49 is a letter received from<br/>21 the Executive Director of the Housing Authority Commission<br/>22 of Montgomery County on behalf of Wheaton Venture, LLC and<br/>23 Wheaton Gateway, LLC received August 23, 2022 in support of<br/>24 the abandonment request, also indicating on the following<br/>25 exhibits how the abandonment area will be developed based on</p> | <p>23</p> <p>1 another computer, if you could bear with me for just a<br/>2 moment.<br/>3 All right. Okay. Can everybody see that?<br/>4 MS. McCRAY: Yes, sir.<br/>5 MR. HARVILL: All right. As I said, my name is<br/>6 Daniel Harvill. I'm the attorney for Banc Realty, LLC, and<br/>7 we're here to consider the AB770, the application for<br/>8 abandonment of a portion of Kensington Boulevard by Banc<br/>9 Realty, LLC.<br/>10 And what we have here -- the first thing we have<br/>11 to look at, as has been noted earlier, is that we have to<br/>12 look at the criteria for abandonment. The criteria to allow<br/>13 for abandonment is if the right of way is no longer<br/>14 necessary for present public use or anticipated use in the<br/>15 foreseeable future, or the abandonment is necessary to<br/>16 protect the health, safety and welfare of the residents near<br/>17 the right of way. As you will see as we go through this, I<br/>18 think it'll become apparent that this application fills both<br/>19 of these criteria.<br/>20 The board didn't understand at the outset who is<br/>21 the applicant. Banc Realty, LLC is a small real estate<br/>22 holding company. The principles have owned and operated a<br/>23 business on a lot adjacent to Kensington Boulevard for over<br/>24 two decades. They also own two lots on Kensington Boulevard<br/>25 itself. And their principles are two local business owners,</p>   |
| <p>22</p> <p>1 coordination efforts with Planning Board and Montgomery<br/>2 County DOT.<br/>3 (Exhibit 50 was marked for identification.)<br/>4 MS. McCRAY: Exhibit 50 is the letter received<br/>5 from the applicants to Montgomery County Department of<br/>6 Transportation dated August 22, 2022 showcasing a proposal<br/>7 for the petitioned abandonment area. The following exhibits<br/>8 were prepared with the adjoining owner Wheaton Gateway, LLC<br/>9 based on comments from Montgomery County Department of<br/>10 Transportation and WSSE.<br/>11 (Exhibit 51 was marked for identification.)<br/>12 MS. McCRAY: Exhibit 51 is the abandonment case<br/>13 AB716 report and recommendation.<br/>14 (Exhibit 52 was marked for identification.)<br/>15 MS. McCRAY: Exhibit 52 is the public hearing<br/>16 registration list.<br/>17 That is it. Thank you, Mr. Dorsey. I'll now turn<br/>18 this hearing back over to you.<br/>19 MR. DORSEY: Okay. At this time we'll hear from<br/>20 the applicant.<br/>21 MR. HARVILL: Thank you, Mr. Dorsey. My name is<br/>22 Daniel Harvill. I'm the attorney for Banc Realty, and I<br/>23 want to say it's a pleasure to be here and we appreciate the<br/>24 opportunity to have our application heard. I have somewhat<br/>25 of a presentation that I'll be connecting in via Share from</p>   | <p>24</p> <p>1 that is Doctor Bahram Nasehi and Doctor Siros Arefi.<br/>2 They're local dentists. They own the Wheaton Dental Center,<br/>3 which abuts the Kensington Boulevard right of way. They<br/>4 have been members of the local professional community for<br/>5 over 20 years. In addition, they do live locally in<br/>6 Montgomery County. It's important to understand who the<br/>7 applicant is. As is stated, they have local community ties,<br/>8 as well as being both real estate owners in the<br/>9 neighborhood. As well as owning a business abutting<br/>10 Kensington Boulevard, they have a vested interest in<br/>11 preserving and improving the neighborhood. And, as we go<br/>12 through this, you'll see the improvements that are being<br/>13 proposed herein as well. And they also have a cooperative<br/>14 relationship with their neighbors, and that includes the<br/>15 Wheaton Gateway Project, which is the large multiuse<br/>16 development project next door to the Wheaton Dental Center.<br/>17 Wheaton Gateway has worked cooperatively with Banc<br/>18 Realty to ensure that when we put together the plans and<br/>19 proposals that you'll see during this presentation it's<br/>20 consistent with their development and their approved sketch<br/>21 plan, as well as it is consistent with the interests of the<br/>22 community, as will become clear.<br/>23 So let's look at Kensington Boulevard. How<br/>24 does -- what's the current state of Kensington Boulevard.<br/>25 Kensington Boulevard, right now it dead ends at the back of</p> |

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| <p style="text-align: right;">25</p> <p>1 the Wheaton Dental Center. Up here you'll see this is the<br/> 2 Wheaton Dental Center in this area. Over here where Lindsey<br/> 3 Fort is where the Wheaton Gateway project is redeveloping<br/> 4 the area. Right now Kensington Boulevard runs right into<br/> 5 the back of the parking lot and driveway for the Wheaton<br/> 6 Dental Center. Currently, there's no access to Veirs Mill<br/> 7 Road directly from Kensington Boulevard. The way people get<br/> 8 to Veirs Mill Road currently is by either walking through<br/> 9 the Wheaton Dental Center parking lot, or by driving through<br/> 10 the Wheaton Dental Center parking lot, which, you know,<br/> 11 obviously a parking lot is not a controlled traffic area,<br/> 12 and that creates danger to pedestrians as well as to the<br/> 13 patrons of the Wheaton Dental Center itself.<br/> 14 And there's some reasons why to date and for the<br/> 15 foreseeable future there appears to be no plan or project in<br/> 16 the works to connect Kensington Boulevard to Veirs Mill<br/> 17 Road, and the satellite image will show why. As you look<br/> 18 here, essentially Kensington Boulevard dead ends into these<br/> 19 trees. These trees -- it's not clear from this picture, but<br/> 20 in this picture the grade is very steep. When you come off<br/> 21 of Kensington Boulevard and go up to this area up to Veirs<br/> 22 Mill Road, the grade is extremely steep, and, because of<br/> 23 that, it's not practicable to install a road in that area<br/> 24 because of the grade issues. It's very dense vegetation as<br/> 25 well, and there's a lot of utilities underground, which just</p> | <p style="text-align: right;">27</p> <p>1 area here would be the abandonment area. Because of<br/> 2 comments received from MCDOT, it's important to consider<br/> 3 currently that Kensington Boulevard dead ends in just a<br/> 4 straight dead end into the back of the Wheaton Dental<br/> 5 Center. It currently doesn't have any cul-de-sac,<br/> 6 turn-around or anything of that nature. The proposal here<br/> 7 would allow for a hammerhead to be constructed as part of<br/> 8 the development of the area. The abandonment area would be<br/> 9 here. The pink area would remain with the county. The<br/> 10 green area would be abandoned to the Wheaton Gateway<br/> 11 project. And then this purple area and this area up here,<br/> 12 it's important understand this property here is owned by the<br/> 13 Wheaton Gateway project. It's not part of the abandonment<br/> 14 area. It's not part of the right of way. And, therefore,<br/> 15 what's being proposed is Wheaton Gateway in their approved<br/> 16 sketch plan has proposed a public right of way here and a<br/> 17 footpath along here with steps, and those steps would have<br/> 18 bicycle rentals to allow for pedestrian traffic and bicycle<br/> 19 traffic to reach from Kensington Boulevard to Veirs Mill<br/> 20 Road, which currently there is no such access.<br/> 21 And it's also important -- you know, obviously<br/> 22 utilities are important. Everybody in the neighborhood<br/> 23 needs to have their power and their water and their sewage<br/> 24 and lights and things of that nature and their gas, and so<br/> 25 does the applicant. They own a business that needs to have</p>                |
| <p style="text-align: right;">26</p> <p>1 make it not feasible to extend Kensington Boulevard to Veirs<br/> 2 Mill. You can't really see it in this picture, but over to<br/> 3 the right here on Veirs Mill are also large intersections<br/> 4 with traffic lights and they're -- given the county rules<br/> 5 concerning the distance between intersections and things of<br/> 6 that nature, it also creates a problem with connecting<br/> 7 Kensington Boulevard. So what people are doing right now is<br/> 8 they're walking this way through the parking lot, or they're<br/> 9 driving this way through the parking lot to get to Veirs<br/> 10 Mill, which is not a safe or practical solution. It's also<br/> 11 important to note this area here where the trees are is very<br/> 12 dense vegetation, and it's, you know, difficult terrain,<br/> 13 and, because of that, pedestrians currently don't have any<br/> 14 direct access to Veirs Mill, except through the Wheaton<br/> 15 Dental Center.<br/> 16 So looking at the next issue is what is the<br/> 17 applicant proposing. And, given what we've just seen as the<br/> 18 current state of Kensington Boulevard, I think the benefits<br/> 19 of what's being proposed will become clear. When you look<br/> 20 here, this is essentially a drawing that was put together,<br/> 21 and it's consistent with the Wheaton Gateway approved sketch<br/> 22 plan. And this was done in conjunction and cooperation<br/> 23 between Wheaton Gateway and the applicant. And it shows the<br/> 24 various things that were proposed, both within their sketch<br/> 25 plan as well as to our abandonment application. This blue</p>                             | <p style="text-align: right;">28</p> <p>1 its power and water, and they own a couple of lots here that<br/> 2 need to have their power and water. So, of course, any<br/> 3 easements that are needed by any utility would be put<br/> 4 together and submitted, and that's just a matter of<br/> 5 paperwork. What we have here is an example of what's being<br/> 6 proposed for WSSC access to the abandonment area, the area<br/> 7 that would be still owned by Gateway project, as well as the<br/> 8 easements and the walkway and the county area. And that's<br/> 9 what the applicant is proposing as an example of the type of<br/> 10 easements that would be done. Any easements that would be<br/> 11 done -- obviously, any easements that need to be done would<br/> 12 be done under the abandonment area.<br/> 13 And then it's important to note the cooperation<br/> 14 between the Wheaton Gateway project and the way we've tried<br/> 15 to conform this to their approved sketch plan. What you see<br/> 16 here is you see a proposed -- in the Wheaton Gateway<br/> 17 project, they need an entranceway or a driveway essentially<br/> 18 into their building, and that would cut across part of the<br/> 19 abandonment area. And that's why, I think, you saw earlier<br/> 20 some letters where it appeared at first the Wheaton project<br/> 21 or HOC, which is part of the Wheaton Gateway project, was<br/> 22 opposing the initial application. But when we worked<br/> 23 together and took a cooperative approach, what you see is<br/> 24 there's an easement across here, which would be part of the<br/> 25 abandonment area to allow the Wheaton Gateway project to</p> |



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| <p style="text-align: right;">29</p> <p>1 have access to its property, and as well they've cooperated<br/> 2 with the applicant to ensure that up here off of their<br/> 3 property there would be an easement to allow for parking<br/> 4 spaces in the Wheaton Dental Center parking lot. And this<br/> 5 has all been -- these easements have actually already been<br/> 6 drafted, and they're just waiting approval of the<br/> 7 application for abandonment.<br/> 8 Now, the next slide, it's important to note that<br/> 9 Maryland National Capital Park and Planning Commission is in<br/> 10 support of this application. And one of the things they<br/> 11 noted is the lack of feasibility for a vehicular connection<br/> 12 to Veirs Mill Road from Kensington Boulevard. As Ms. McCray<br/> 13 stated when she was going through the exhibits, there is<br/> 14 no -- because of utility, and because of the train and<br/> 15 grade, it's impracticable and not feasible to put a<br/> 16 connection through of a vehicular connection, and that's why<br/> 17 vehicles right now are driving through the Wheaton Dental<br/> 18 Center parking lot. So Parks and Planning has approved this<br/> 19 application on their end, and that's consistent with the<br/> 20 sector plan. The Wheaton CBD sector plan called for a foot<br/> 21 and bicycle connection between Kensington Boulevard and<br/> 22 Veirs Mill Road, if a vehicular connection was not feasible.<br/> 23 It's been determined not to be feasible. And so having the<br/> 24 sector plan, having the foot traffic that would be allowed<br/> 25 with this right of way here and with the county maintaining</p> | <p style="text-align: right;">31</p> <p>1 right of way right now are walking through a private parking<br/> 2 lot, and they're driving through a private parking lot,<br/> 3 which is not a proper traffic control, has no proper traffic<br/> 4 control, and pedestrians are mixed in with vehicular<br/> 5 traffic, and that's unsafe. What this proposal does is it<br/> 6 allows for a safe, separate foot traffic and bike traffic<br/> 7 pathway up to Veirs Mill Road without pedestrians any longer<br/> 8 being mixed in with vehicle traffic. It also will ensure<br/> 9 that vehicles will no longer be able to drive through the<br/> 10 Wheaton Dental Center parking lot, thereby threatening<br/> 11 patrons and business invitees.<br/> 12 So what we have is that this application fulfills<br/> 13 both those criteria. It fulfills both the fact that this<br/> 14 right of way is no longer necessary for present public use<br/> 15 or anticipated future use, and it improves safety and health<br/> 16 and welfare. And so, for those reasons, we do ask for<br/> 17 approval of AB770. We thank you for your time. We thank<br/> 18 everybody who was on the Zoom who took time out of their day<br/> 19 to participate. And, you know, obviously we're open to<br/> 20 answering any questions you may have or any other comments<br/> 21 that may come after this.<br/> 22 MR. DORSEY: Okay. So at this time, we're going<br/> 23 to take comments from those who signed up to give your<br/> 24 verbal comments. And just a reminder, we have a<br/> 25 three-minute limit on your comments. Keep them relevant to</p> |
| <p style="text-align: right;">30</p> <p>1 this section here, with a walkway being built as part of the<br/> 2 Wheaton Gateway project, that ensures the foot and<br/> 3 pedestrian traffic that is consistent with the Wheaton CBD<br/> 4 sector plan.<br/> 5 Now, this application, as I've said, is also<br/> 6 consistent with the ongoing neighborhood development because<br/> 7 Wheaton Gateway, they've put in and had approved their<br/> 8 sketch plan. And, with that having been approved, we've<br/> 9 made sure we've worked together with our plan to ensure that<br/> 10 those two things are consistent with each other and that<br/> 11 they work with each other to help improve the community.<br/> 12 Now, when we look at this, we go back to our<br/> 13 criteria for the abandonment. Number one is the right of<br/> 14 way is no longer necessary for present public use or<br/> 15 anticipated use in the foreseeable future. Well, right now<br/> 16 the Kensington Boulevard right of way is essentially a<br/> 17 dead-end street, and right now it doesn't provide vehicular<br/> 18 or pedestrian access to Veirs Mill Road. So it's no longer<br/> 19 necessary to fulfill its purpose to go there because it's<br/> 20 already been determined that installing that roadway would<br/> 21 not be feasible. So we have fulfilled that criteria,<br/> 22 because it's currently not useful in its present state.<br/> 23 The second criteria is that the abandonment is<br/> 24 necessary to protect the health, safety and welfare of the<br/> 25 residents near the right of way. The residents near the</p>   | <p style="text-align: right;">32</p> <p>1 the subject matter.<br/> 2 MS. McCRAY: I have added the order of comments in<br/> 3 the chat. If you cannot see the chat, I can read that off.<br/> 4 Just a quick overview, the order of comments is Ms. Eleanor<br/> 5 Duckett, and then following Ms. Duckett is Shane Polin. For<br/> 6 those who indicated that they might want to make a<br/> 7 statement, I will go through those in a separate set.<br/> 8 MS. DUCKETT: Okay. Is that me now? Is that<br/> 9 Eleanor now?<br/> 10 MS. McCRAY: Yes, ma'am.<br/> 11 MS. DUCKETT: Okay. Thank you.<br/> 12 Good afternoon. My name is Eleanor Duckett. I'm<br/> 13 speaking on behalf of Kensington View Civic Association. I<br/> 14 hope everyone has had a chance to read our submission. We<br/> 15 oppose the abandonment of Kensington Boulevard not only<br/> 16 because we believe abandonment would violate the zoning<br/> 17 code, but also because we believe it is not in the public's<br/> 18 best interest. As we stated in our submission, Kensington<br/> 19 View was subdivided and recorded in 1925. The whole<br/> 20 subdivision, including platted roads, was zoned as an A<br/> 21 zone. Under the 1928 ordinance, the minimum lot size for a<br/> 22 buildable lot was 5,000 square feet. The current zoning<br/> 23 code confirms as a valid building lot size outlot A at 5,293<br/> 24 square feet is a buildable lot. Section 49-63D states that<br/> 25 a right of way which is the sole means of access to any</p>   |

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| <p>33</p> <p>1 property must not be abandoned.</p> <p>2 Banc Realty proposes a driveway from East Avenue</p> <p>3 through the abandoned Kensington Boulevard lot to their</p> <p>4 parking lot. Now, they've changed a little bit since we</p> <p>5 first went through this, but it's still the same thing.</p> <p>6 They're putting a driveway. Since our submission, the</p> <p>7 planning board approved the Wheaton Gateway sketch plan.</p> <p>8 The resolution in the approval states on page nine,</p> <p>9 Additionally, an ingress point for the residential parking</p> <p>10 garage levels is proposed adjacent to a new turnaround at</p> <p>11 the terminus of Kensington Boulevard. If Kensington</p> <p>12 Boulevard is abandoned, it would become an R60 zone plot.</p> <p>13 Section 6.1.3B of the current zoning code states land that</p> <p>14 is located in a residential zone must not be used for a</p> <p>15 driveway or for vehicular access to any land that is not in</p> <p>16 a residential zone. It seems to us that abandonment would</p> <p>17 disallow a driveway to the CRN zone Banc Realty building or</p> <p>18 the proposed Wheaton Gateway CRN garages.</p> <p>19 Page four of the Wheaton sector plan shows a huge</p> <p>20 water main that runs through this portion of Kensington</p> <p>21 Boulevard. It also states, quote, projects here may be</p> <p>22 asked to set back their development some distance from these</p> <p>23 mains, end quote, and that development proposals larger than</p> <p>24 700 housing units may require improvements to the WSSC</p> <p>25 conveyance system. The Wheaton Gateway project is proposing</p> | <p>35</p> <p>1 really what we're seeing today is the result of a</p> <p>2 cooperative effort and an evolution in the abandonment</p> <p>3 application in working together both with the applicant, but</p> <p>4 also with representatives of WSSC, representatives of MCDOT,</p> <p>5 representatives a Park and Planning to try to find a way to</p> <p>6 balance the myriad of challenges and interests in this</p> <p>7 challenging area.</p> <p>8 Mr. Harvill mentioned, and we've sort of said it's</p> <p>9 not particularly feasible, but I think a picture that might</p> <p>10 be helpful is to actually see what's happening with the</p> <p>11 grade in this area. So I am going to go ahead and share my</p> <p>12 screen. Can you see this image?</p> <p>13 MR. DORSEY: Yes.</p> <p>14 MS. McCRAY: Yes, we can.</p> <p>15 MR. POLIN: So what we're looking at is</p> <p>16 Kensington, and each of these is a grade line, right, that</p> <p>17 really helps us depict the fact of the infeasibility of the</p> <p>18 connection and the difficulty of this area. This is the</p> <p>19 county map, and what we can see each of these lines is a</p> <p>20 two-foot grade. And so it's not that we didn't try to work</p> <p>21 through and see if there was a way, even with the benefit of</p> <p>22 our property coming in and project to see if we can make a</p> <p>23 connection, but it really is infeasible. I mean between the</p> <p>24 utilities and this grade, every one of these two, four, six,</p> <p>25 eight, 10, 12, 14, 16, 18, 20, 22 feet of grade in this</p> |
| <p>34</p> <p>1 over 800 housing units. It is our opinion that Kensington</p> <p>2 Boulevard's best use is as a road with a cul-de-sac at its</p> <p>3 terminus near parcel A. A cul-de-sac would allow access to</p> <p>4 outlot A. It would allow street access to the Banc Realty</p> <p>5 property. Banc Realty could still close their access to</p> <p>6 prevent cut-through traffic, if they wish. It would allow</p> <p>7 straight access to the Wheaton Gateway project, and provide</p> <p>8 the turnaround that the resolution proposes. It would also</p> <p>9 allow water main work, if necessary. Finally, a cul-de-sac</p> <p>10 would certainly please the Kensington View residents.</p> <p>11 Thank you for your consideration.</p> <p>12 MR. DORSEY: Thank you.</p> <p>13 MS. McCRAY: Next we have Mr. Shane Polin.</p> <p>14 MR. POLIN: Thank you. Can you hear me?</p> <p>15 MS. McCRAY: Yes.</p> <p>16 MR. POLIN: For the record, my name is Shane</p> <p>17 Polin, and I'm Principal of PS Ventures representing the</p> <p>18 Wheaton Gateway project, and here to testify in support of</p> <p>19 the abandonment application. I think that the testimony</p> <p>20 that's been --</p> <p>21 (Off the record technical discussion.)</p> <p>22 MR. POLIN: Again, Shane Polin, Principal of PS</p> <p>23 Ventures representing the Wheaton Gateway project here</p> <p>24 testifying in support of the abandonment application. I</p> <p>25 think, as the testimony in the background have established,</p>  | <p>36</p> <p>1 brief area.</p> <p>2 And so, again, we're testifying in support,</p> <p>3 because we think that the plan that we're showing right now</p> <p>4 achieves a balance for how to improve this area for</p> <p>5 pedestrians. As designed, we've got bicycle runners for</p> <p>6 bicyclists.</p> <p>7 And, again, I want to thank the applicant for</p> <p>8 working with us in cooperation as well as staff from MCDOT,</p> <p>9 WSSC, Park and Planning, but this is really a group effort.</p> <p>10 And we think that this satisfies the requirements for</p> <p>11 abandonment, and should improve the condition of the area</p> <p>12 over existing conditions and make it safer. So thank you</p> <p>13 for the opportunity to testify.</p> <p>14 MR. DORSEY: Thank you.</p> <p>15 MS. McCRAY: Thank you, sir. The next person I</p> <p>16 have that noted that they might be interested in making a</p> <p>17 statement was Katherine Michaels. It's Michels. I</p> <p>18 apologize.</p> <p>19 MS. MICHELS: No. I have no comments right now.</p> <p>20 Thank you.</p> <p>21 MS. McCRAY: Thank you.</p> <p>22 Do we have Mr. Heinz either on the phone or</p> <p>23 possibly G. Roberts? Okay. I see you taking yourself off</p> <p>24 mute?</p> <p>25 MR. ROBERTS: No. This is G. Roberts. I just</p>   |

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| <p>37</p> <p>1 wanted to tell you that I'm not Mr. Heinz. So no, I will<br/>2 not be having any comments at the moment.<br/>3 MS. McCRAY: Thank you.<br/>4 MR. ROBERTS: Thank you.<br/>5 MS. McCRAY: All right. That is everyone that I<br/>6 see that are here present today that have noted that they<br/>7 might be interested in speaking. Is there anyone else?<br/>8 (No audible response.)<br/>9 MS. McCRAY: Okay. Mr. Dorsey, back to you.<br/>10 MR. DORSEY: So we have no further comments. I<br/>11 will let the staff know and everyone here that we will<br/>12 accept written comments sent to Tiara McCray at Montgomery<br/>13 County Department of Transportation, 100 Edison Park Drive,<br/>14 fourth floor, Gaithersburg, Maryland 20878 or e-mail them to<br/>15 Tiara at tiara.mccray@montgomerycountymd.gov by September<br/>16 19, 2022 at five p.m. If there's no further comments, this<br/>17 concludes the comment section of the public hearing.<br/>18 MR. BIRENBAUM: Mr. Dorsey, I have just one quick<br/>19 question. Does the applicant -- is there a submission that<br/>20 shows -- I know in the PowerPoint presentation, which I'm<br/>21 assuming is going to be incorporated into the record, is<br/>22 there something that shows what area specifically is going<br/>23 to be abandoned? I did see with different highlighted<br/>24 colors, but I was just wondering the amount of square<br/>25 footage. I think I may have heard that. I just want to</p> | <p>39</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC<br/>2 I, Shannon Hayes, the officer before whom the<br/>3 foregoing deposition was taken, do hereby certify that said<br/>4 proceedings were electronically recorded by me; and that I<br/>5 am neither counsel for, related to, nor employed by any of<br/>6 the parties to this case and have no interest, financial or<br/>7 otherwise, in its outcome.<br/>8 IN WITNESS WHEREOF, I have hereunto set my<br/>9 hand and affixed my notarial seal this 2nd day of September,<br/>10 2022.<br/>11<br/>12 <i>Shannon Hayes</i><br/>13 _____<br/>14 Shannon Hayes, Notary Public<br/>15 For the State of Maryland<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> |
| <p>38</p> <p>1 make sure that that was clear for the record.<br/>2 MS. McCRAY: That's Exhibit 50. The applicant<br/>3 submitted that letter with those additional exhibits, and<br/>4 it's clearly mentioned with all of the square footage as<br/>5 well.<br/>6 MR. BIRENBAUM: All right. Thank you.<br/>7 MS. McCRAY: You're welcome.<br/>8 MR. DORSEY: Any additional comments?<br/>9 (No audible response.)<br/>10 MR. DORSEY: Okay. That concludes this virtual<br/>11 hearing.<br/>12 (The hearing concluded at 1:57 p.m.)<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  | <p>40</p> <p>1 CERTIFICATE OF TRANSCRIBER<br/>2 I, Nicole Mastrosimone, do hereby certify that<br/>3 the foregoing transcript is a true and correct record of the<br/>4 recorded proceedings; that said proceedings were transcribed<br/>5 to the best of my ability from the audio recording and<br/>6 supporting information; and that I am neither counsel for,<br/>7 related to, nor employed by any of the parties to this case<br/>8 and have no interest, financial or otherwise, in its<br/>9 outcome.<br/>10<br/>11<br/>12 <i>Nicole Mastrosimone</i><br/>13 _____<br/>14 Nicole Mastrosimone<br/>15 September 2, 2022<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>   |

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| <b>ab</b>          | <b>about</b>        | <b>adjacent</b>       | 20:11, 23:3,       |
| 1:3, 5:21, 6:6,    | 9:2                 | 23:23, 33:10          | 23:5, 29:5,        |
| 20:6, 22:13,       | <b>abuts</b>        | <b>adjoining</b>      | 37:5, 38:4, 38:6   |
| 23:7, 31:17        | 24:3                | 9:24, 11:19,          | <b>alleviate</b>   |
| <b>abandon</b>     | <b>abutting</b>     | 22:8                  | 21:18              |
| 6:8, 8:17          | 10:5, 14:21,        | <b>administering</b>  | <b>allow</b>       |
| <b>abandoned</b>   | 24:9                | 8:13                  | 23:12, 27:7,       |
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