



Planet Depos®
We Make It *Happen™*

Transcript of Public Hearing

Date: February 18, 2025

Case: AB 758 - A Portion of Public Right of Way at Fenwick Lane at Second Ave.

Planet Depos

Phone: 888.433.3767 | **Email:** transcripts@planetdepos.com

www.planetdepos.com

Michigan #8598 | Nevada #089F | New Mexico #566

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

(1100167)

-----X

AB 758 - A Portion of :

Public Right-of-way :

at Fenwick Lane at : Case No. AB 758

2nd Ave., :

Petitioner. :

-----X

TRANSCRIPT OF PROCEEDINGS

Conducted Virtually

Tuesday, February 18, 2025

1:00 p.m. EST

Job No.: 567506

Pages: 1-54

Transcribed by: Natasia Rana

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

WILLIAM KOMINERS, ESQUIRE

CHRISTOPHER M. RUHLEN, ESQUIRE

LERCH, EARLY & BREWER

7600 Wisconsin Avenue

Suite 700

Bethesda, Maryland 20814

(301) 841-3829

ON BEHALF OF THE RESPONDENT:

DEMETRIES OBERC

MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

(1100167)

Division of Traffic Engineering and Operations

100 Edison Park Drive

4th Floor

Gaithersburg, Maryland 20878

(240) 777-7258

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

SAMUEL OJI, MCDOT Hearing Examiner

DAVID HARRIS, MDCOT Real Estate Specialist

ROBERT GRAHAM, Witness / Civil Engineering
Consultant

ANDREW SMITH, Witness / Transportation
Consultant

RYAN WHITE, Civil Engineering Consultant

JAY SHEPHERD, Applicant

ADAM KAPP, Community Member

MELVIN TULL, Community Member

Transcript of Public Hearing
Conducted on February 18, 2025

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

ON BEHALF OF THE PETITIONER:	PAGE
Robert Graham	25
Andrew Smith	41
Adam Kapp	47

E X H I B I T S

(Retained by the Court)

HEARING EXHIBIT	DESCRIPTION	PAGE
A	Applicant's Abandonment Petition	13
B	Abandonment Plat	14
C	Deed	14
D	Part II Plat	14
E	Part III The Deed	14
F	Executive Order 182-24	14
G	Abandonment Aerial Map	15
H	Solicitation Emails	15
I	Fire Dept. and Water Access	15
	Comments Email	
J	DOT Development Review Committee Memo	15
K	DOT Traffic and Engineering Comments	17
L	Montgomery Planning Comments	17
M	Public Utility Comments	17

Transcript of Public Hearing
Conducted on February 18, 2025

5

1	E X H I B I T S C O N T I N U E D		
2	HEARING EXHIBIT	DESCRIPTION	PAGE
3	N	Washington Gas Comments	18
4	O	WSSC Comments	18
5	P	Pepco Comments	18
6	Q	Homeowner Association Comments	18
7	R	Advertisement for Hearing	19
8	S	Hearing Traffic Sign	20
9	T	Montgomery Event Ad	20
10	U	MCDOT Event Submission	20

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Transcript of Public Hearing
Conducted on February 18, 2025

6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

MR. OJI: I just want to say greetings and good afternoon. It's 1:02. Today is February 18, 2025. We're conducting this hearing virtually via Zoom. We are here for a public hearing on Abandonment Petition AB 758 to consider an application received from the Housing Opportunities Commission of Montgomery County and the Alexander House Development Corporation to abandon a portion of the public right-of-way on the south side of the intersection of 2nd Avenue and Fenwick Lane in Silver Spring.

My name is Samuel Oji, and I am the county executive's designated hearing officer with the Department of Transportation. This right-of-way abandonment hearing is being conducted pursuant to 49-62F of Montgomery County code. My role in the abandonment process is to receive testimony concerning the abandonment request and then write a report and recommendation to the county executive concerning the applicant's petition for abandonment.

In order to do this, I'll consider statements made during this hearing and written comments received within the comment period. Comments will be accepted until February 21, 2025 at

Transcript of Public Hearing
Conducted on February 18, 2025

7

1 5:00 p.m. As well as documents submitted to Mr.
2 Oberc to support or explain a position on this
3 abandonment case, my report and recommendations will
4 then be forwarded to the county executive for
5 consideration, and the executive will then forward
6 the report and the county executive's recommendation
7 to the county council. It's the county council that
8 will decide whether to grant or deny the applicant's
9 petition for abandonment.

10 For those who wish to submit written
11 comments, please submit them to Mr. Demetries Oberc
12 at Montgomery County Department of Transportation,
13 100 Edison Park Drive, 4th Floor, Gaithersburg,
14 Maryland 20878, or email them to
15 demetriesoberc@montgomerycountymd.gov by 5:00 p.m.,
16 February 21.

17 Demetries, could you please put that
18 information in the chat so people have that
19 available to them?

20 MR. OBERC: Yes, sir. Yes, sir.

21 MR. OJI: There are a few ground rules
22 that we must cover before Mr. Oberc introduces the
23 abandonment petition in the record. First, please
24 turn off or silence your cell phones. Second,
25 there's an issue of decorum.

1 All participants must be given due
2 consideration. Those seeking to offer comment
3 following the close of petitioner's case for
4 abandonment, I ask to be mindful of the time and
5 limit their comments to relevant matters. If an
6 interruption occurs, I'll give that individual the
7 first warning.

8 If there is a second interruption, I will
9 give the individual a second warning, and they will
10 be muted. If that same individual receives a third
11 warning, that person will be removed from the call.
12 And if there are several people making
13 interruptions, I may close the hearing.

14 Following Mr. Oberc's introduction, the
15 applicant will submit its case for why it believes
16 the right-of-way should be abandoned. After the
17 applicant has completed its case, those who have
18 registered to speak will be afforded the opportunity
19 to make relevant comments.

20 I now turn it over to Mr. Oberc.

21 MR. OBERC: Thank you very much, sir.

22 Good afternoon, everyone. My name is
23 Demetries Oberc, and I am the real estate specialist
24 with the property acquisition section for the
25 Montgomery County Department of Transportation. My

1 section is responsible for administering requests
2 for the abandonment of public rights-of-way.

3 As Mr. Oji noted earlier, the process is
4 governed by county code, Article 49, Section 6. The
5 county code details the county council's authority
6 to abandon a public right-of-way if it finds that,
7 one, the right-of-way is no longer needed for public
8 use or anticipated future public use; or two,
9 abandonment is necessary to protect the health,
10 safety, and welfare of the residents near the right-
11 of-way to be abandoned.

12 The applicants, the Housing Opportunities
13 Commission of Montgomery County and the Alexander
14 House Development Corporation, both of these
15 properties are part of the -- I'm sorry, I'm sorry
16 -- currently owned properties that are comprised of
17 the Elizabeth House and the Alexander House. Both
18 of these properties are part of the Elizabeth Square
19 project.

20 Dave, did we get that person in?

21 MR. HARRIS: Which one?

22 MR. OBERC: There was somebody who wanted
23 to get in. I'm not sure I know how to get to it.
24 Oh, Adam Kapp's in. Okay. I'm sorry. Let me get
25 back to where I was. I wanted to make sure

1 everybody was here.

2 The Elizabeth Square project is located on
3 the west side of 2nd Avenue and bounded generally
4 by, one, the HOC and AHDC properties on the south;
5 two, the current alignment of Fenwick Lane on the
6 west; and three, the current alignment of 2nd Avenue
7 on the east in the Silver Spring Central Business
8 District. The abandonment area was dedicated by
9 three parts initially established through three
10 separate dedications.

11 The first part: A portion of abandonment
12 area dedicated through a deed from Richard T. Wilson
13 and Laura C. Wilson to John VanWiswick (phonetic)
14 and William A. Fenwick, executors of the Philip
15 Fenwick, dated March 17, 1869, recorded in the land
16 records of Montgomery County at Liber EBP 6 at Folio
17 213. This portion of right-of-way represents the
18 24-foot-wide southern section of the original
19 alignment of Fenwick Lane, attributing 3,447 square
20 feet of land to the abandonment area, referred to as
21 Part I.

22 And two, a portion of abandonment area
23 that was dedicated right-of-way for vehicular use as
24 shown on plat of subdivision entitled Woodside,
25 recorded in the land records of Montgomery County in

1 Plat Book A at Plat No. 25. This portion of right-
2 of-way represents the 26-foot-wide northern section
3 of the original alignment of Fenwick Lane and a
4 portion of the original alignment of 2nd Avenue,
5 attributing 2,670 square feet of land to the
6 abandonment area known as Part II.

7 And three, a portion of abandonment area
8 that is owned by the county and fee simple and is
9 part of the residual lots located on the east side
10 of the original alignment of 2nd Avenue, as shown on
11 a plat of subdivision entitled Woodside and recorded
12 in the land records of Montgomery County in Plat
13 Book A at Plat No. 25, known as Part III.

14 Part III is also part of the property
15 described in a deed from Sophia D. Ash (phonetic) to
16 the Board of County Commissioners of Montgomery
17 County, Maryland, dated October 10, 1931 and
18 recorded in the land records of Montgomery County at
19 Liber 528 at Folio 113 and is generally located in
20 the immediate south of the current Fenwick Lane/2nd
21 Avenue intersection and adjacent to Part II,
22 attributing 576 square feet of land to the
23 abandonment area. Collectively, Part I, II, and III
24 are together the abandonment area.
25 The applicant's petition seeks to abandon

1 the public rights-of-way, contending that there are
2 no current or anticipated future public use of the
3 abandonment area, pursuant to the county code,
4 Section 49-63, Part C1. When the alignment for
5 Fenwick Lane was revised, it left the abandonment
6 area to be primarily utilized by the residents of
7 the Elizabeth House. As part of the applicant's due
8 diligence, the applicant and its representatives
9 have coordinated and received support for the
10 petition for each affected utility company.

11 Additionally, the applicant, should the
12 abandonment petition be granted, will provide
13 temporary and permanent sidewalks to allow
14 continuous pedestrian access along 2nd Avenue and
15 Fenwick Lane during and after the construction of
16 the project. The applicant is also aware that,
17 pending approval of this abandonment, Part III will
18 require disposition -- actually, we fixed that, but
19 I'll continue -- and the application will coordinate
20 such actions with the Department of General
21 Services. That is not required, as Mr. Kominers has
22 informed me, so they will go over that. The
23 petitioner will respond to that.

24 The proposed abandonment area consists of
25 approximately of 6,693 square feet previously used

1 for vehicular traffic and other public purposes and
2 has been improved with a driveway to the Elizabeth
3 House garage, a vehicular turnaround area, and a
4 sidewalk and a bus stop pad. The applicants assert
5 in their petition that the public right-of-way was
6 or has no longer need -- will no longer need for
7 public roadway or other public purposes as a result
8 of the current configuration of Fenwick Lane and 2nd
9 Avenue intersection and the improved design of the
10 reconfigured public spaces and functions occurring
11 as a result of the Elizabeth Square project.

12 As part of the administrative process, we
13 have provided the requisite notices to other public
14 agencies, the abutting property owner, and the
15 public at large. During this process, we have
16 collected a number of exhibits that I will now
17 introduce into the hearing record.

18 Okay. Exhibit A, applicant's abandonment
19 petition, received September 9, 2024, consisting of
20 approximately 93 pages, more or less, entered into
21 the record as Exhibit A.

22 (Exhibit A was marked for identification
23 and was retained by the court.)

24 Exhibit B is the abandonment plat, showing
25 all three parts that make up the whole abandonment

1 area.

2 (Exhibit B was marked for identification
3 and was retained by the court.)

4 Exhibit C is the Part I deed of
5 dedication, dated March 17, 1869, recorded in the
6 land records of Montgomery County at Liber EBP 6 at
7 Folio 213.

8 (Exhibit C was marked for identification
9 and was retained by the court.)

10 Exhibit D is Part II, the plat dedication
11 entitled Woodside, recorded in the land records of
12 Montgomery County in Plat Book A at Plat No. 25.

13 (Exhibit D was marked for identification
14 and was retained by the court.)

15 And Exhibit E is Part III, the deed
16 showing -- dated October 10, 1931 and recorded in
17 the land records of Montgomery County at Liber 528
18 at Folio 114.

19 (Exhibit E was marked for identification
20 and was retained by the court.)

21 Exhibit F, executive order No. 182-24,
22 which authorizes today's public hearing.

23 (Exhibit F was marked for identification
24 and was retained by the court.)

25 Exhibit G, the abandonment aerial map,

1 which shows a portion of the public right-of-way to
2 be abandoned at Fenwick Lane and 2nd Avenue.

3 (Exhibit G was marked for identification
4 and was retained by the court.)

5 Exhibit H, common solicitation emails for
6 county agencies, requests submitted November 12,
7 2024.

8 (Exhibit H was marked for identification
9 and was retained by the court.)

10 Exhibit I is fire department access and
11 water supply comments dated November 12, 2024, with
12 no objection as long as conditions of the approved
13 fire department access and water supply plan
14 approved 9/18/2017 are met.

15 (Exhibit I was marked for identification
16 and was retained by the court.)

17 Exhibit J, Department of Transportation
18 Development Review Committee, dated November 12,
19 2024, conditionally approved.

20 (Exhibit J was marked for identification
21 and was retained by the court.)

22 Three comments were made: All existing
23 utilities along the proposed abandonment portions of
24 right-of-way along 2nd Avenue and Fenwick Lane shall
25 be relocated at the applicant's expense. The

1 relocated utilities should be within the right-of-
2 way or the proposed public utility easement. The
3 petitioner responded: The relocations of all
4 existing utilities within the area to be abandoned
5 have been completed except for the sanitary and
6 storm drain lines, which will be handled during
7 demolition. All the relocations that have occurred
8 have been to areas that are or will be in the right-
9 of-way in the future.

10 The second comment: The existing
11 pedestrian connection at Fenwick Lane and 2nd Avenue
12 is located within the proposed abandonment area.
13 The applicant shall be responsible for relocating
14 the sidewalk along Fenwick Lane and 2nd Avenue
15 property frontages at the applicant's expense to
16 establish the pedestrian connection. The applicant
17 responded: Sidewalks in accordance with the Silver
18 Spring streetscape standards will be installed with
19 the eventual new building in the abandonment area.
20 In the interim condition, after demo, before new
21 building construction, there will be a temporary
22 concrete sidewalk installed.

23 The final comment: The existing storm
24 drain systems along the proposed abandonment
25 abandoned portions of right-of-way along 2nd Avenue

1 and Fenwick Lane shall be relocated at the
2 applicant's expense. The relocated storm drain
3 system should be within the right-of-way or proposed
4 storm drain easement. The applicant responded: The
5 storm drain has not yet been relocated. When it is
6 relocated, it is to go into the area that will be
7 future right-of-way.

8 Exhibit K, Department of Transportation
9 Division of Traffic Engineering and Operations
10 comment, dated December 18 2024, no objection.

11 (Exhibit K was marked for identification
12 and was retained by the court.)

13 Exhibit L, Montgomery planning comments,
14 dated February 7, 2025, recommends conditional
15 approval before issuance of building permit for
16 construction. The applicant must record a
17 subdivision plat for the Elizabeth Square project,
18 incorporating the abandonment area into a single lot
19 of record.

20 (Exhibit L was marked for identification
21 and was retained by the court.)

22 Exhibit M, comment solicitation emails for
23 public utility companies, request submitted November
24 12, 2024.

25 (Exhibit M was marked for identification

1 and was retained by the court.)

2 Exhibit N, Washington Gas comment dated
3 December 19, 2024, no objection.

4 (Exhibit N was marked for identification
5 and was retained by the court.)

6 Exhibit O, WSSC comment. On February 4,
7 WSSC informed me that the property owner needs to
8 provide a written letter acknowledging that the
9 water house connection must be within the right-of-
10 way. I believe that they're working on a letter
11 currently, and we expect to get that handled
12 shortly. And hopefully, WSSC will respond quickly.

13 (Exhibit O was marked for identification
14 and was retained by the court.)

15 Exhibit B -- or Exhibit P, Pepco comment
16 dated January 30, 2025, no objection.

17 (Exhibit P was marked for identification
18 and was retained by the court.)

19 Exhibit Q, comment solicitation and public
20 hearing notice. Property owner, homeowner
21 association, and civic associations. E-mail to
22 property owner was dated November 21, 2024.

23 Mailings and emails to HOA and the civic
24 associations, December 20, 2024, with no comments.

25 (Exhibit Q was marked for identification

1 and was retained by the court.)

2 Two comments were received by the public.
3 One was via telephone call stating that they enjoyed
4 the greenspace across the street from their home --
5 I believe it was across from Fenwick -- and they
6 hope that it is not removed at all.

7 The second comment was, Under the proposed
8 plan, will Elizabeth House IV be shifted toward the
9 street corner to occupy available spaces in Parts
10 III, II, and I? If so, can you confirm that the
11 building's footprint will not extend into Parts II
12 and I? We are concerned that such a shift, given
13 the structure's already at its maximum permitted
14 height, could adversely affect adjacent properties
15 by potentially reducing solar access. We would
16 prefer to see a width -- a wider sidewalk and a
17 small greenscape incorporated into the area.

18 The petitioner confirmed that the building
19 footprint will cover most of the abandonment area
20 either as a footprint or in the upper level hangover
21 -- or overhang.

22 Exhibit R, Washington Times ad number
23 88585, advertisement ran on February 7 and 14
24 notifying of the public hearing.
25 (Exhibit R was marked for identification

1 and was retained by the court.)

2 Exhibit S, public hearing traffic sign
3 installation, request submitted January 15, 2025,
4 and installed January 31, 2025.

5 (Exhibit S was marked for identification
6 and was retained by the court.)

7 Exhibit T, Go Montgomery advert. Ad was
8 posted on January 15, 2025.

9 (Exhibit T was marked for identification
10 and was retained by the court.)

11 Exhibit U, MCDOT calendar event submission
12 posted January 15, 2025, notifying of today's public
13 hearing.

14 (Exhibit U was marked for identification
15 and was retained by the court.)

16 Okay. Mr. Oji, I turn the hearing back to
17 you.

18 MR. OJI: Thank you, Mr. Oberc.

19 I think we will now turn it over to the
20 applicant who wishes to present their case for the
21 abandonment. Those individuals representing the HOC
22 may have the floor.

23 MR. KOMINERS: Thank you, Mr. Examiner.

24 Good afternoon. My name is Bill Kominers.
25 I'm an attorney with Lerch, Early & Brewer in

1 Bethesda. It's my pleasure to represent the
2 applicant this afternoon. With me is Jay Shepherd,
3 who is a representative of the Housing Opportunities
4 Commission; Robert Graham of Rodgers Consulting,
5 along with Ryan White, also with Rodgers Consulting,
6 our civil engineering consultant; Andy Smith from
7 Kimley-Horn, our transportation consultant; and my
8 partner, Chris Ruhlen, from my office.

9 The abandonment is, as was noted, a
10 portion of the original alignment of Fenwick Lane
11 and 2nd Avenue in Silver Spring, the configuration
12 of which has been out of use for transfer -- roadway
13 purposes since the early 1930s when the road
14 alignment was changed. There are other public uses,
15 as the witnesses will testify, that have been
16 already or are approved to be relocated or
17 terminated in that area.

18 The abandonment arises out of a project
19 initiated by the Housing Opportunities Commission
20 for a mixed-income, high-percentage affordable
21 residential development called the Elizabeth Square,
22 comprising just over 900 dwelling units, and the
23 Silver Spring Recreation and Aquatic Center of the
24 counties. Elizabeth Square is located just south of
25 the abandonment area, and that abandonment area will

1 be incorporated into the Elizabeth Square project if
2 the abandonment is approved.

3 We have two expert witnesses today. Mr.
4 Graham of Rodgers Consulting will describe the
5 Elizabeth Square project and its evolution, the
6 surrounding road network, and how it came to be as
7 context for the abandonment area. The abandonment
8 area itself and its origins, he'll walk through how
9 that came about and was changed and explain how the
10 findings are meant for this.

11 Mr. Smith of Kimley-Horn will show that
12 there is no impact on traffic or traffic operations,
13 especially since this right-of-way has not been used
14 for regular vehicular traffic today. Currently, the
15 Fenwick Lane --

16 Bob, if you would put up that site context
17 drawing, please? Thank you. If you can show there
18 on Fenwick -- the red triangle there is the
19 abandonment area.

20 And as you can see, there are two
21 disconnected sections of Fenwick Lane, one to the
22 west, running from the railroad tracks to 2nd
23 Avenue, and then jog down 2nd Avenue all the way to
24 Georgia Avenue. This came about in the 1930s, as
25 Mr. Graham will explain.

1 The Elizabeth Square plan was approved by
2 the Montgomery County Planning Board in 2017 in two
3 phases. The first -- and it's the area shown in
4 green on this drawing. The first phase has been
5 built. It's a new building named the Leggett. It
6 runs along the railroad tracks. And then, the
7 second phase has been approved by the planning board
8 for the new building that will use this abandonment
9 area subject to the abandonment being approved.

10 Can you go to the CBD plan, please, Bob?

11 This is the original 2016 approval of the
12 project. You can see what's called Elizabeth House
13 III on the left. That's the Leggett. The Alexander
14 House, which has been existing throughout and what
15 was, at the time, the proposed Elizabeth House IV,
16 you can see just to the north the triangle that's
17 proposed for abandonment today was not a part of
18 that application.

19 But also, as a result, the Elizabeth House
20 IV building shared a wall with the Alexander House.
21 That dotted area allows a -- indicates that there is
22 a passageway underneath and through the building to
23 bring you from 2nd Avenue into the plaza. The
24 current approved plan --
25 If you go to the next slide, please, Bob.

1 Showing the Elizabeth House IV building
2 rotated into the abandonment area. It pulled away
3 from the Elizabeth House III, the Leggett, and left
4 room for the county's recreation and aquatic center.
5 It also then was able to pull away from the
6 Alexander House so that there's a space open to the
7 sky to provide better visual and physical access
8 both to the internal public plaza inside the
9 buildings and to the recreation center. The
10 planning board and its staff were very enthusiastic
11 about that current approval because of the enhanced
12 access ability to the rec center and the separation
13 providing a direct public visual and physical
14 connection to the plaza area.

15 If there are no questions on that, I will
16 ask Mr. Graham first for his testimony. If I see a
17 question, am I supposed to accept that or -- Mr.
18 Oberc, how do you wish -- how do you proceed?

19 MR. OJI: Mr. Kapp, do you have a question
20 regarding the testimony?

21 MR. KAPP: Yes.

22 MR. OJI: Should we maybe let them
23 conclude? And then you are actually next.

24 MR. KAPP: Lovely.

25 MR. OJI: Okay. So continue.

1 MR. KOMINERS: Thank you, Mr. Examiner. I
2 didn't know what your procedure was for that. I
3 didn't want to shortchange anyone.

4 Mr. Graham, would you please identify
5 yourself for the record and provide your
6 professional address?

7 MR. GRAHAM: My name is Bob Graham. I'm a
8 principal at the firm of Rodgers Consulting. We're
9 located at 19847 Century Boulevard, Germantown,
10 Maryland 20874.

11 MR. KOMINERS: And what's your role in the
12 abandonment application today?

13 MR. GRAHAM: I am representing the land
14 planning, civil engineering, and surveying efforts
15 that have been ongoing for the Elizabeth Square and
16 the abandonment process since 2013 with the original
17 preparation of the CBD application. (indiscernible)
18 a team of multidisciplined engineers, landscape
19 architects, planners, and surveyors.

20 MR. KOMINERS: Thank you.

21 Mr. Examiner, I have provided Mr. Graham's
22 resume into the record, and I ask that he be
23 accepted as an expert in the areas of site design
24 and land planning for this purpose. Thank you.
25 Mr. Graham, did you or others working

1 under your supervision prepare the materials you've
2 submitted into the record and that you will be using
3 in your testimony today?

4 MR. GRAHAM: We did.

5 MR. KOMINERS: And have you made a
6 personal inspection of the area of the abandonment?

7 MR. GRAHAM: I have made numerous
8 inspections of the area from 2013 to the present.

9 MR. KOMINERS: In narrative form, would
10 you please describe what you did in relation to this
11 application relative to the abandonment area, the
12 Elizabeth House project evolution, and how the
13 abandonment came out -- or excuse me, came to be and
14 the removal of the various public facilities that
15 were existing in it beforehand?

16 MR. GRAHAM: I would like to start with a
17 description of the project. I will also provide a
18 brief context for expanded area of the descriptions,
19 so let me share my screen again here. All right.
20 Can you see my screen?

21 MR. KOMINERS: Yes.

22 MR. GRAHAM: Okay. As previously
23 indicated, the project abandonment area is located
24 on the south or west side of 2nd Avenue, depending
25 on your orientation. This map has been rotated

1 slightly counterclockwise to allow for better
2 description. Project borders on the west side begin
3 at the railroad tracks and Wilmada (phonetic).
4 Further to the west is the Purple Line, which is
5 currently under construction. As was previously
6 indicated, Fenwick Lane is to the project's north.
7 An offset intersection configuration and Georgia
8 Avenue is to the top. We have also identified on
9 this map Parking Garage 7, which is a public parking
10 garage, the district court for Montgomery County No.
11 3, the Silver Spring transit center, the Silver
12 Spring mall and shopping area, and the Filmore for
13 orientation purposes.

14 As mentioned previously, the project was
15 originally submitted and approved under the CBD
16 method. Planning for this began in 2013 and was
17 concluded in 2016. This was a project for the
18 Housing Opportunities Commission of Montgomery
19 County in order to relocate the existing
20 (indiscernible) corner of 2nd Avenue and Fenwick
21 Lane --

22 MR. KOMINERS: Mr. Graham, your audio is
23 very scratchy and is having some challenges.

24 MR. GRAHAM: Okay. I will change devices.
25 Give me one second.

1 MR. KOMINERS: I'm sure the other folks
2 are having the same difficulty that I am.

3 Now we can't hear you at all.

4 MR. GRAHAM: Is that better?

5 MR. KOMINERS: Yes. Now we can hear you.

6 MR. GRAHAM: My apologies for that.
7 That's why we have a backup set.

8 Okay. As I was saying, redevelopment of
9 the site was originally proposed in 2013 and
10 concluded in 2016 under the old Central Business
11 District zoning that applied at the time. The first
12 goal of that plan was to replace the existing senior
13 housing building known as Elizabeth House, which sat
14 at the corner of 2nd Avenue and Fenwick Lane, which
15 occupied approximately 160 dwelling units. That
16 building adjoined the Alexander House and was
17 essentially cut off from the rest of the community.
18 With that first CBD plan, the senior building was
19 relocated to Elizabeth House III and would be the
20 first item redeveloped in order to allow for
21 demolition of the existing Elizabeth House to
22 proceed.

23 Late in 2016, the Department of General
24 Services approached HOC with the idea of also
25 integrating a much-needed recreation and aquatic

1 center for the south county area. In order to
2 achieve that, the plan had to be redeveloped or
3 redesigned, now under its CR zone -- commercial
4 residential zone -- after the 2014 rezoning of the
5 county took place. Incorporation of the rec center
6 would eat up a significant portion of the
7 development area associated with the future
8 Elizabeth House IV.

9 The design team worked extremely hard with
10 the architects and other members of the team in
11 order to come up with a plan that would allow the
12 senior relocation building, the 137,000 square foot
13 community recreation and aquatic center as well as
14 the remaining Elizabeth House IV units. The team
15 was able to successfully (indiscernible) all of the
16 units as well as incorporating the county's desired
17 recreation and aquatic center by utilizing the
18 ground that is subject to this abandonment appeal.
19 At the time of the application, Montgomery County
20 granted authority to make an application for a
21 portion of their ground to which the planning board
22 duly advertised, duly had a hearing in December --
23 or, I'm sorry, in November of 2017, which approved
24 this plan, which was later certified in December of
25 2017.

1 One of the primary reasons for opening up
2 the area on 2nd Avenue was to allow for greater
3 visibility, height, air, and a better environment
4 opening up into the recreation and aquatic center.
5 This allows people who are walking from 2nd Avenue
6 to easily gain access to the plaza rather than
7 having to traverse down either Fenwick Lane or down
8 Apple in order to gain access to this space. This
9 is critical as bus routes travel up and down 2nd
10 Avenue, and both Apple Avenue and Fenwick Lane on
11 its west side terminate as a dead end at the
12 railroad tracks.

13 As you can see from these images, there's
14 an unobstructed view. There's a widened sidewalk
15 that's tree-scaped along 2nd Avenue, and there's a
16 clear relationship to this badly-needed community
17 asset which has been in operation now for a year.
18 And just a quick aerial of the current situation.
19 This aerial was taken in 2024 showing the Leggett,
20 267 senior housing units at multiple stages of
21 income. The Silver Spring Recreation and Aquatic
22 Center, which actually extends under the Leggett
23 building, the Alexander House building, and the
24 Elizabeth House, which is currently undergoing
25 demolition.

1 Mr. Oberc gave you a general introduction
2 to how the right-of-way became to be. I'm going to
3 give you a more detailed introduction. Throughout
4 the presentation of this section, we will maintain a
5 few visual cue objects. We have the subject of this
6 transaction in a pink line and beige background, the
7 subject area of the right-of-way in a red triangular
8 shape, and the right-of-way from the Fenwick Lane
9 woodside plat that was originally dedicated on there
10 for continuity's sake.

11 Brookville and Washington Turnpike, as it
12 was known at the time, is now known as Georgia
13 Avenue, Maryland Route 97, and also is sometimes
14 referred to as Street 7. Wilson owned the property
15 that was subject to it with Fenwick having property
16 to the west and Blair having property to the west as
17 well, both of it which extending into the district.

18 In 1867, the Baltimore and Ohio rail
19 company condemned property along the western edge of
20 the Wilsons' property, also taking land from Fenwick
21 and Blair. This taking changed the various farms'
22 access to the Brookville Turnpike. As was
23 indicated, there was a deed for a driveway over and
24 across the lands of Wilson to Fenwick, also serving
25 Blair during that same time period. This became the

1 original 24-foot-wide right-of-way.

2 In 1872, Fenwick property was subdivided
3 into two parcels, gaining access off of that same
4 24-foot-wide roadway as well as extending further
5 down into the southern portions of the Fenwicks'
6 properties. In 1876, the Wilson property was
7 transferred to the Montgomery Blair trust, and a
8 portion was sold off to John Fiddler, and portion
9 was granted to the Grace Church. In 1882, the lands
10 to the south of the 24-foot-wide strip were conveyed
11 off to Curtis.

12 In 1883, the property went back to Wilson.
13 1889, the property was sold to Stone and then, later
14 that same year, sold to Leighton. One other item to
15 point out. In the 1889 time frame, the Baltimore
16 and Ohio rail company had opened a rail station at
17 the edge of the 24-foot-wide driveway, which was
18 known as Fenwick Station, as part of the
19 Metropolitan line, which is shown here in blue.

20 Later in 1889, the subdivision known as
21 Woodside came about, and the Baltimore and Ohio
22 station was noted on that plat as well. And a
23 little bit of a zoom in to that area showing, again,
24 in green, the right-of-ways that were proposed by
25 the Woodside plat, making a 50-foot-wide right-of-

1 way comprised of the original 24-foot and an
2 additional 26-foot further to the north.

3 In 1891, Fenwick sold part of their
4 property to King & Golick, who re-subdivided it into
5 Woodside by King & Golick, utilizing the 24-foot-
6 wide roadway on the west side and the 50-foot-wide
7 roadway east of the rail tracks to gain access to
8 Georgia Avenue. In 1922, we now start to see
9 development on the southern portion of Fenwick Lane.
10 Property was sold to E. Brook Lee (phonetic), who
11 subdivided it. And as you'll see, there is an
12 offset intersection created whereby Maple extended
13 up into Fenwick Lane further. 2nd Avenue came down;
14 Fenwick Lane maintained its original geometry.

15 In 1932, the county purchased a portion of
16 Lots 12, 13, and 14 in order to create a direct
17 connection from Maple Avenue to 2nd Avenue in kind
18 of an S-curve while also maintaining the Fenwick
19 geometry. In 1937, Blair subdivided their property,
20 now providing access to Colesville Road on the south
21 but still having access to the 24-foot-wide portion
22 as previously talked about.

23 In 1937, a re-subdivision occurred of a
24 portion of Woodside, creating Lots 18 through 23.
25 That also created some additional dedication to 2nd

1 Avenue, there in between the green line and the pink
2 line. In 1939, portions to the south -- or to the
3 west of 2nd Avenue were re-subdivided to form Lots 7
4 through 11.

5 In 1973, in preparation for Metro, the
6 crossing was eliminated. Additional right-of-way
7 was acquired by Montgomery County, including a
8 portion of the Elizabeth House property, which was
9 taken without compensation. Some additional right-
10 of-way was acquired on the east side of 2nd Avenue
11 on both sides. And finally, in 1974, the corner or
12 fill-it (phonetic) of the right-of-way between
13 Fenwick and 2nd was taken from a rounded circle edge
14 to a transferred edge, creating kind of a half-moon
15 shape, which the county purchased fee simple.

16 What does all that history mean? Well,
17 what that history means is if the abandonment case
18 is approved, how would the properties be disposed
19 of?

20 The Housing Opportunities Commission of
21 Montgomery County Elizabeth House lot, it sits on
22 Lots 6, 7 and 8, shown in green. They would get the
23 southern half of the dedication up to their property
24 line as shown in the green basket weave. The
25 Alexander House Development Corporation would get

1 the portion that is shown in the beige and its
2 basket-weave portion. The northern half, shown in
3 blue, from the original 1932 purchase, would get the
4 blue basket-weave area, and Montgomery County would
5 also get the pink area and its associated basket-
6 weave hatch because of the 1974 purchase.

7 Are there any questions on that portion?

8 MR. KOMINERS: Hearing none, I guess
9 you'll proceed.

10 MR. GRAHAM: Thank you. Okay.

11 Utilization of the right-of-way today. So
12 we've highlighted the right-of-way in an orange
13 overlay. The abandonment area is shown in a red
14 outline. There are numerous activities that have
15 occurred over the years, most or all of which have
16 been abandoned to date. We will walk through each
17 one of those very quickly.

18 When the Elizabeth House was constructed
19 in the mid-1960s, it had an internal garage, which
20 was accessed off of Fenwick Lane, and the portion
21 running parallel to the building served as a drop-
22 off for the seniors that lived in the Elizabeth
23 House.

24 Water and sewer for the area. WSSC has
25 abandoned the primary water lines and created a

1 workaround that occurred in the 1970s. There was a
2 single remaining water house connection serving the
3 Elizabeth House, which was abandoned and
4 disconnected in November of 2024, to which HOC will
5 be issuing a letter to WSSC confirming that it has
6 been disconnected and that that disconnection point
7 is contained within the right-of-way that is to
8 remain.

9 Sanitary sewer does currently go through
10 the parcel. However, a plan was approved by WSSC in
11 March of 2019 in order to relocate the sanitary
12 around the abandonment in preparation for the future
13 development of Elizabeth House IV. Now that work
14 has been completed on the Leggett and the SCRRAC --
15 or Silver Spring Recreation and Aquatic Center, as
16 it's now known -- work will begin sometime in the
17 near future in concert with the ongoing demolition
18 of Elizabeth House to complete that work.

19 Storm drain does currently go through the
20 parcel. Then, similar to the sanitary, plans were
21 approved in 2019 for a relocation of the storm drain
22 around the abandonment area fully contained within
23 the roadbed and within the right-of-way that is to
24 remain. And work will -- on that line will begin
25 simultaneously with the sanitary relocation.

1 Pepco has no facilities within the right-
2 of-way, nor does Telecom. Those have all been
3 relocated outside of the abandonment area.

4 The sidewalk that traverses through the
5 parcel today will be relocated as a temporary
6 sidewalk, as we discussed previously. The transit
7 stop that was located there has been relocated up to
8 the courthouse. The existing Elizabeth House, which
9 is currently undergoing demolition as a result of
10 the 1972 taking, currently extends across into the
11 right-of-way line. That issue will be resolved with
12 the future Elizabeth House IV building.

13 The question that came up is, will
14 Elizabeth House IV utilize each portion of the
15 abandonment request? The answer to the question is
16 yes. The building will be contained at the ground
17 floor within the abandonment area and does extend to
18 essentially the common property line. On the upper
19 floors, in order to achieve desperately needed
20 housing, it will aerate over top of the SCRRAC.

21 And that brings me to the end of my
22 segment unless there are questions on that from the
23 hearing examiner.

24 MR. OJI: Thanks, Mr. Graham.
25 At this time, those who have registered to

1 speak --

2 MR. KOMINERS: We have one more.

3 MR. OJI: Sorry, sorry.

4 MR. KOMINERS: No problem. We just have
5 one other short witness if you'll give us a moment.

6 MR. OJI: Okay. Go ahead.

7 MR. KOMINERS: And I have one last
8 question for Mr. Graham.

9 Would you just summarize how, with what
10 you've described, that speaks to the findings
11 required by Chapter 49 for the abandonment?

12 MR. GRAHAM: Certainly. The area of
13 abandonment is not currently nor will be needed for
14 vehicular transportation in the future. The road
15 network is established as an offset T. Pedestrian
16 access will be contained within the public right-of-
17 way via a newly constructed sidewalk with the
18 redevelopment of Elizabeth House IV, which will
19 comply with the Silver Spring streetscape standards,
20 which will have brick as well as tree canopy within
21 those.

22 There are no county utilities, be it fiber
23 or storm drain in the right-of-way. There are no --

24 MR. KOMINERS: In the abandonment area,
25 did you mean?

1 MR. GRAHAM: Within the abandonment area.
2 Sorry.

3 There are no remaining for-fee utilities,
4 either wet or dry, that will utilize that area in
5 the future, and no agency has expressed a need for
6 the property as part of their current inventory or
7 future needs.

8 MR. KOMINERS: And can you just -- you
9 spoke earlier about the public benefits associated
10 with the ability to use the abandonment area as a
11 part of the approved plan. Would you just refresh
12 on that for a moment?

13 MR. GRAHAM: Certainly. In order to
14 include the recreation and aquatic center, the
15 building had to be adjusted architectural-wise. If
16 the building were to remain solely on the existing
17 parcels, public housing, affordable housing on
18 multiple levels would not be achievable at the
19 levels that this project proposes. So we're
20 providing two significant benefits to the public,
21 one being additional housing and affordable housing
22 on multiple levels as well as a recreation amenity
23 center, which is desperately needed in this part of
24 the county.

25 MR. KOMINERS: And you also spoke about

1 the pedestrian access, I believe.

2 MR. GRAHAM: Correct. So I'll utilize the
3 exhibit that's on the screen right now. By opening
4 up the building into the abandonment area, it allows
5 for direct connection unobstructed in an open-air
6 environment from 2nd Avenue to that rec center via
7 pedestrians walking Fenwick Lane and crossing at the
8 signalized intersection or traversing along 2nd
9 Avenue from either the transit center or points
10 further north of Spring Street along 2nd Avenue.

11 MR. KOMINERS: Okay. Is there a -- sorry,
12 go ahead.

13 MR. GRAHAM: Excuse me. Additionally, the
14 expanded 2nd Avenue right-of-way allows for a more
15 direct connection from Parking Garage 7 via the
16 controlled intersection at Cameron, Apple, and 2nd
17 Avenues.

18 MR. KOMINERS: Okay. Is there anything
19 else that you need to say or would like to say on
20 this application?

21 MR. GRAHAM: No, sir.

22 MR. KOMINERS: Okay. Well, that concludes
23 Mr. Graham's testimony. The next witness would be
24 Andy Smith.

25 Mr. Smith, please identify yourself, and

1 give your professional address.

2 MR. SMITH: Absolutely. I'm Andy Smith,
3 an associate with Kimley-Horn and Associates,
4 Incorporated. We are located at 11400 Commerce Park
5 Drive, Suite 400, Reston, Virginia 20191.

6 MR. KOMINERS: Mr. Examiner, I also
7 submitted Mr. Smith's resume, and I offer him as an
8 expert in transportation and traffic engineering.

9 MR. OJI: Thank you.

10 MR. KOMINERS: Mr. Smith, what was your
11 role in the abandonment application?

12 MR. SMITH: I'm a licensed professional
13 engineer in the State of Maryland. I was the
14 transportation engineer responsible for the analysis
15 of the traffic conditions for this abandonment
16 application as well as for the original traffic
17 study for this development along with a previous
18 colleague, Ed Depasian (phonetic), who has since
19 retired.

20 MR. KOMINERS: And did you or others
21 working under your supervision prepare the report
22 from Kimley-Horn that was submitted as a part of the
23 amended abandonment petition?

24 MR. SMITH: Yes.

25 MR. KOMINERS: And have you made a

1 personal inspection of the area of the abandonment?

2 MR. SMITH: Yes.

3 MR. KOMINERS: And are you familiar with
4 the road network in that area?

5 MR. SMITH: Yes.

6 MR. KOMINERS: Then, Mr. Smith, in a
7 narrative form, would you please describe what you
8 did and what results you found and your conclusions
9 from that study?

10 MR. SMITH: I will. The roadway network
11 within -- or excuse me, the roadway within the
12 proposed abandonment is primarily a single concrete
13 lane that runs from the east leg of Fenwick Lane.
14 As described earlier, Fenwick Lane is offset. And
15 it runs along the existing Elizabeth House and ties
16 into 2nd Avenue just north of where the east leg --
17 excuse me. I meant to say the west leg in the first
18 part, that first portion of my statement there. But
19 it runs from the west leg of Fenwick Lane to 2nd
20 Avenue just north of its intersection with the east
21 leg of Fenwick Lane, which is signalized.

22 MR. KOMINERS: That's the separated
23 intersection that Mr. Graham was describing, those
24 two legs.

25 MR. SMITH: That is correct.

1 MR. KOMINERS: Thank you.

2 MR. SMITH: The roadway within the
3 proposed abandonment area serves no public
4 operational purpose from a transportation
5 standpoint, and it's effectively only an access road
6 and occasional lay-by for the existing Elizabeth
7 House. The roadway provides access to the existing
8 Elizabeth House driveway but really otherwise is
9 occasionally only used for pickup and drop-off
10 activity. The access roadway does not serve a role
11 in vehicular operations and has not for several
12 decades, as Mr. Graham went into in great detail on
13 the history. That role for vehicular operations is
14 now provided by Fenwick Lane, which, as noted, was
15 realigned several decades ago and connects to 2nd
16 Avenue.

17 From a vehicular traffic standpoint, there
18 will be no change and no adverse impact to existing
19 operations as it currently is not functioning as a
20 roadway and doesn't serve regular vehicular traffic
21 in the area. There will be no pedestrian impact as
22 a continuous sidewalk will be provided along both
23 Fenwick Lane -- that west leg that I described --
24 and 2nd Avenue, as Mr. Graham noted and as expressed
25 in Exhibit J.

1 The right-of-way that is subject for
2 abandonment has already effectively been abandoned
3 for public roadway use. It's no longer necessary
4 for present public use or for the anticipated public
5 use in the foreseeable future. The abandonment will
6 provide a safety benefit for pedestrians by reducing
7 the number of conflict points between vehicles that
8 occasionally use the roadway as a lay-by or for
9 those who would previously use that -- the driveway
10 for Elizabeth House and pedestrians walking along
11 Fenwick Lane or along 2nd Avenue headed towards the
12 bus stop. And just to define a conflict point,
13 that's really a point at which pedestrians and
14 vehicles may collide.

15 Additionally, it will also reduce the
16 number of closely-spaced intersections within this
17 area, considering each end of that access road as an
18 intersection with either Fenwick Lane or 2nd Avenue.
19 And as such, it will reduce the number of vehicular
20 conflict points by eliminating those two
21 intersections and increasing safety along with that.

22 MR. KOMINERS: So, Mr. Smith, would it be
23 your conclusion then that in terms of the criteria
24 required for abandonment approval, that the right-
25 of-way is no longer necessary for present public use

1 or anticipated use in the future and/or that the
2 abandonment is appropriate for protecting the
3 health, safety, and welfare of the public, that both
4 of those criteria are met based on your analysis?

5 MR. SMITH: Yes. Based on the analysis,
6 there is no vehicular need for that right-of-way now
7 or in the future based on its current use and
8 projected future use, and that for the safety and
9 welfare of pedestrians, that safety will be enhanced
10 by the proposed abandonment.

11 MR. KOMINERS: Thank you. Is there
12 anything else that you'd like to say about this
13 application?

14 MR. SMITH: No, thank you.

15 MR. KOMINERS: Thank you very much.

16 Mr. Examiner, I would move admission of
17 all of the exhibits presented by the applicant, both
18 those submitted before today and those presented
19 this afternoon, if that's acceptable to admit those.
20 Thank you.

21 MR. OJI: Yes, please.

22 MR. KOMINERS: And I would note that the
23 planning board, in its 2017 action on the Elizabeth
24 Square project, made findings of adequate public
25 facilities and findings on the site plan that the

1 project, including the abandonment area, met the
2 standards of the code. So we believe that the
3 evidence presented in this proceeding satisfies both
4 sections of Section 49-63 of the code, even though
5 only one of those sections is required for the
6 abandonment.

7
8 Those findings are that the roadway is no
9 longer needed for public use today or in the future
10 and that the abandonment promotes the health and --
11 protects and promotes the health, safety, and
12 general welfare of the public, particularly
13 considering the land use plan approved by the
14 planning board and reiterated in the planning board
15 staff's 2017 report and the report from 2025 earlier
16 this month that is specifically on this abandonment.

17 That report is very clear on Pages 9 and
18 10, that the abandonment will allow implementation
19 of the site plan for this portion of the Elizabeth
20 Square project that has two improvement public
21 benefits: the addition of the abandonment area for
22 added density of housing and affordable housing in
23 particular, and the rotating the building to allow
24 access into the plaza and to the recreation center.
25 We've already discussed that the public facilities

1 in that area either have been removed or will be
2 removed as a part of the demolition of Elizabeth --
3 the existing Elizabeth House or the construction of
4 the new Elizabeth House IV.

5 With that, we conclude the applicant's
6 presentation, and we ask that you as the examiner
7 and the Department of Transportation recommend
8 approval of the abandonment to the executive and the
9 county council. Thank you.

10 MR. OJI: Thank you.

11 Now we'll just move forward with any of
12 our registered speakers. I know, Mr. Kapp, you had
13 a question earlier, so we'll just start with you if
14 you don't mind.

15 MR. KAPP: Yes, thank you. Can everyone
16 hear me okay?

17 MR. OJI: Yes.

18 MR. KAPP: My name's Adam Kapp. I'm a
19 resident of the Fenwick building, which is at 2nd
20 Avenue and Spring Street, close to the proposed
21 abandonment area. I think my first comment is I
22 would just like to say that y'all use a lot of fancy
23 language, talking about an abandonment area and
24 right-of-way. And this issue has just not been very
25 accessible to the public. I wouldn't even have

1 known this hearing was happening except for a QR
2 code sign that was put up nearby fairly recently.

3 And what we're really talking about here
4 is removing Kramer Urban Park and taking away that
5 park and the benefit that it offers the local
6 residents in exchange for, I think, negligible
7 benefits as part of, you know, some other building.
8 There is a noted lack of greenspace and recreational
9 space outdoors for residents in this area, and
10 taking away Kramer Urban Park is sort of one of the
11 few little areas that we have nearby. We know that
12 greenspace is really important for promoting mental
13 health and the outdoor activity space for physical
14 wellness and physical activity.

15 I question some of the statements made
16 here today that were -- you know, that this
17 abandonment protects the health of the public
18 because I think it does not because it's taking away
19 outdoor recreational space and greenspace from local
20 residents. Mr. Graham mentioned that there was
21 access to the proposed, you know, park area, inside
22 near the recreation center from Fenwick Lane, which
23 there is not. There is no access to the space there
24 from the Fenwick Lane side. It's completely
25 impregnable.

1 And I question how many -- you know, in
2 terms of square footage, you know, how much space is
3 actually being added to the proposed redevelopment
4 by taking Kramer Urban Park away, considering that
5 sidewalks are going to be provided along there.
6 Like what is the actual reduction in units that
7 would be created by sticking to the building's
8 original footprint? So I just think that there
9 hasn't been a lot of insight.

10 You know, I suspect a lot more people
11 would be here if you had put a big sign saying,
12 We're going to demolish Kramer Urban Park. There
13 were signs up in that park just a few years ago, you
14 know, with another code asking people to comment
15 about what they would like to see there. And I will
16 tell you that what people want to see there is not
17 taking away their greenspace and their outdoor
18 activity space.

19 So in closing, I would just like to say
20 that I think Kramer Urban Park is an important
21 outdoor resource for local residents. Residents in
22 this area, by the way, are already suffering the
23 harms of all the construction noise going on related
24 to the Purple Line, related to the Elizabeth Square
25 project, related to the new office building that's

1 going up there at the corner of Fenwick and 2nd
2 Avenue.

3
4 Taking away this greenspace and outdoor
5 space really is just compounding that problem. And
6 it sounds like there are some questionable
7 statements that have been made by some of the
8 presenters here today, indicating that they may not
9 be as familiar with the area as they have claimed.
10 And I would strongly urge the examiner to reject
11 this application until such time as further review
12 and assessment can be completed as to the real loss
13 to local residents associated with abandoning what
14 is currently a park used and loved by local
15 residents.

16 MR. OJI: Thanks, Mr. Kapp. Absolutely,
17 I'll assure you that the department will do its due
18 diligence before any decision is made regarding
19 this. You can, you know, obviously be rest assured
20 on that one.

21 I don't know if there's anyone else who is
22 in attendance that wishes to speak. Nobody else?

23 Mr. Oberc?

24 MR. OBERC: Looks like we're good to move
25 on and close this out.

1 MR. OJI: Okay. So just -- the hearing
2 record will remain open until February 21 at 5:00
3 p.m. to accommodate any additional comments for the
4 record, and these comments and any other
5 correspondence may be addressed to Mr. Demetries
6 Oberc at the Montgomery County Department of
7 Transportation, 100 Edison Park Drive, 4th Floor.

8 Mr. Oberc, could you please put that in
9 the chat so people have access to it?

10 20878 is the zip code. You could also
11 email it to him at
12 demetries.oberc@montgomerycountymd.gov.

13 So with that, thank you, and the hearing
14 has ended. Thanks, everyone, for participating, and
15 you'll hear from us once the review is concluded.

16 THE REPORTER: One housekeeping thing.

17 Mr. Kominers, would you like to order a
18 copy of the transcript today?

19 MR. KOMINERS: Yes, please.

20 THE REPORTER: And, Mr. Oji, will you be
21 receiving a copy of the transcript as well?

22 MR. OJI: Absolutely, yeah, through Mr.
23 Oberc.

24 THE REPORTER: All right. So, Mr. Oberc,
25 will you receive a separate copy from Mr. Kominers?

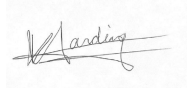
1 MR. OBERC: Yes. I will absolutely need
2 one.

3 (Off the record at 2:06 p.m.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Konly Harding, the officer before whom
the foregoing deposition was taken, do hereby
certify that said proceedings were electronically
recorded by me; and that I am neither counsel for,
related to, nor employed by any of the parties to
this case and have no interest, financial or
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 18th day of
February, 2025.



Konly Harding, Notary Public
for the State of Maryland

CERTIFICATE OF TRANSCRIBER

I, Natasia Rana, do hereby certify that
the foregoing transcript is a true and correct
record of the recorded proceedings; that said
proceedings were transcribed to the best of my
ability from the audio recording and supporting
information; and that I am neither counsel for,
related to, nor employed by any of the parties to
the case and have no interest, financial or
otherwise, in its outcome.

Natasia Rana

Natasia Rana

March 3, 2025

Transcript of Public Hearing
Conducted on February 18, 2025

55

A			
<p>ab 1:4, 1:6, 6:6 abandon 6:9, 9:6, 11:25 abandoned 8:16, 9:11, 15:2, 16:4, 16:25, 35:16, 35:25, 36:3, 44:2 abandoning 50:13 abandonment 4:12, 4:13, 4:18, 6:6, 6:16, 6:18, 6:19, 6:21, 7:3, 7:9, 7:23, 8:4, 9:2, 9:9, 10:8, 10:11, 10:20, 10:22, 11:6, 11:7, 11:23, 11:24, 12:3, 12:5, 12:12, 12:17, 12:24, 13:18, 13:24, 13:25, 14:25, 15:23, 16:12, 16:19, 16:24, 17:18, 19:19, 20:21, 21:9, 21:18, 21:25, 22:2, 22:7, 22:19, 23:8, 23:9, 23:17, 24:2, 25:12, 25:16, 26:6, 26:11, 26:13, 26:23, 29:18, 34:17, 35:13, 36:12, 36:22, 37:3, 37:15, 37:17, 38:11, 38:13, 38:24, 39:1, 39:10, 40:4, 41:11,</p>	<p>41:15, 41:23, 42:1, 42:12, 43:3, 44:2, 44:5, 44:24, 45:2, 45:10, 46:1, 46:6, 46:10, 46:16, 46:18, 46:21, 47:8, 47:21, 47:23, 48:17 ability 24:12, 39:10, 54:6 able 24:5, 29:15 about 22:9, 22:24, 24:11, 32:21, 33:22, 39:9, 39:25, 45:12, 47:23, 48:3, 49:15 absolutely 41:2, 50:16, 51:22, 52:1 abutting 13:14 accept 24:17 acceptable 45:19 accepted 6:25, 25:23 access 4:20, 12:14, 15:10, 15:13, 19:15, 24:7, 24:12, 30:6, 30:8, 31:22, 32:3, 33:7, 33:20, 33:21, 38:16, 40:1, 43:5, 43:7, 43:10, 44:17, 46:24, 48:21, 48:23, 51:9 accessed 35:20</p>	<p>accessible 47:25 accommodate 51:3 accordance 16:17 achievable 39:18 achieve 29:2, 37:19 acknowledging 18:8 acquired 34:7, 34:10 acquisition 8:24 across 19:4, 19:5, 31:24, 37:10 action 45:23 actions 12:20 activities 35:14 activity 43:10, 48:13, 48:14, 49:18 actual 49:6 actually 12:18, 24:23, 30:22, 49:3 ad 5:9, 19:22, 20:7 adam 3:12, 4:5, 9:24, 47:18 added 46:22, 49:3 addition 46:21 additional 33:2, 33:25, 34:6, 34:9, 39:21, 51:3 additionally 12:11, 40:13,</p>	<p>44:15 address 25:6, 41:1 addressed 51:5 adequate 45:24 adjacent 11:21, 19:14 adjoined 28:16 adjusted 39:15 administering 9:1 administrative 13:12 admission 45:16 admit 45:19 adverse 43:18 adversely 19:14 advert 20:7 advertised 29:22 advertisement 5:7, 19:23 aerate 37:20 aerial 4:18, 14:25, 30:18, 30:19 affect 19:14 affected 12:10 affixed 53:10 affordable 21:20, 39:17, 39:21, 46:22 afforded 8:18 after 8:16, 12:15,</p>

Transcript of Public Hearing
Conducted on February 18, 2025

56

<p>16:20, 29:4 afternoon 6:3, 8:22, 20:24, 21:2, 45:19 again 26:19, 32:23 agencies 13:14, 15:6 agency 39:5 ago 43:15, 49:13 ahdc 10:4 ahead 38:6, 40:12 air 30:3 alexander 6:8, 9:13, 9:17, 23:13, 23:20, 24:6, 28:16, 30:23, 34:25 alignment 10:5, 10:6, 10:19, 11:3, 11:4, 11:10, 12:4, 21:10, 21:14 all 8:1, 13:25, 15:22, 16:3, 16:7, 19:6, 22:23, 26:19, 28:3, 29:15, 34:16, 35:15, 37:2, 45:17, 49:23, 51:24 allow 12:13, 27:1, 28:20, 29:11, 30:2, 46:18, 46:23 allows 23:21, 30:5, 40:4, 40:14</p>	<p>along 12:14, 15:23, 15:24, 16:14, 16:24, 16:25, 21:5, 23:6, 30:15, 31:19, 40:8, 40:10, 41:17, 42:15, 43:22, 44:10, 44:11, 44:21, 49:5 already 19:13, 21:16, 44:2, 46:25, 49:22 also 3:3, 11:14, 12:16, 21:5, 23:19, 24:5, 26:17, 27:8, 28:24, 31:13, 31:20, 31:24, 33:18, 33:25, 35:5, 39:25, 41:6, 44:15, 51:10 amended 41:23 amenity 39:22 analysis 41:14, 45:4, 45:5 andrew 3:8, 4:4 andy 21:6, 40:24, 41:2 another 49:14 answer 37:15 anticipated 9:8, 12:2, 44:4, 45:1 any 35:7, 47:11, 50:18, 51:3,</p>	<p>51:4, 53:6, 54:8 anyone 25:3, 50:21 anything 40:18, 45:12 apologies 28:6 appeal 29:18 apple 30:8, 30:10, 40:16 applicant 3:11, 8:15, 8:17, 12:8, 12:11, 12:16, 16:13, 16:16, 17:4, 17:16, 20:20, 21:2, 45:17 applicant's 4:12, 6:21, 7:8, 12:7, 13:18, 15:25, 16:15, 17:2, 47:5 applicants 9:12, 13:4 application 6:7, 12:19, 23:18, 25:12, 25:17, 26:11, 29:19, 29:20, 40:20, 41:11, 41:16, 45:13, 50:11 applied 28:11 approached 28:24 appropriate 45:2 approval 12:17, 17:15, 23:11, 24:11, 44:24, 47:8 approved 15:12, 15:14,</p>	<p>15:19, 21:16, 22:2, 23:1, 23:7, 23:9, 23:24, 27:15, 29:23, 34:18, 36:10, 36:21, 39:11, 46:13 approximately 12:25, 13:20, 28:15 aquatic 21:23, 24:4, 28:25, 29:13, 29:17, 30:4, 30:21, 36:15, 39:14 architects 25:19, 29:10 architectural-wi- se 39:15 area 10:8, 10:12, 10:20, 10:22, 11:6, 11:7, 11:23, 11:24, 12:3, 12:6, 12:24, 13:3, 14:1, 16:4, 16:12, 16:19, 17:6, 17:18, 19:17, 19:19, 21:17, 21:25, 22:7, 22:8, 22:19, 23:3, 23:9, 23:21, 24:2, 24:14, 26:6, 26:8, 26:11, 26:18, 26:23, 27:12, 29:1, 29:7, 30:2, 31:7, 32:23, 35:4, 35:5, 35:13, 35:24, 36:22, 37:3, 37:17, 38:12, 38:24, 39:1, 39:4,</p>
--	---	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

57

<p>39:10, 40:4, 42:1, 42:4, 43:3, 43:21, 44:17, 46:1, 46:21, 47:1, 47:21, 47:23, 48:9, 48:21, 49:22, 50:9 areas 16:8, 25:23, 48:11 arises 21:18 around 36:12, 36:22 article 9:4 ash 11:15 asking 49:14 assert 13:4 assessment 50:12 asset 30:17 associate 41:3 associated 29:7, 35:5, 39:9, 50:13 associates 41:3 association 5:6, 18:21 associations 18:21, 18:24 assure 50:17 assured 50:19 attendance 50:22 attorney 20:25 attributing 10:19, 11:5,</p>	<p>11:22 audio 27:22, 54:6 authority 9:5, 29:20 authorizes 14:22 available 7:19, 19:9 ave 1:7 avenue 2:7, 6:11, 10:3, 10:6, 11:4, 11:10, 11:21, 12:14, 13:9, 15:2, 15:24, 16:11, 16:14, 16:25, 21:11, 22:23, 22:24, 23:23, 26:24, 27:8, 27:20, 28:14, 30:2, 30:5, 30:10, 30:15, 31:13, 33:8, 33:13, 33:17, 34:1, 34:3, 34:10, 40:6, 40:9, 40:10, 40:14, 42:16, 42:20, 43:16, 43:24, 44:11, 44:18, 47:20, 50:2 avenues 40:17 aware 12:16 away 24:2, 24:5, 48:4, 48:10, 48:18, 49:4, 49:17, 50:4</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 9:25, 20:16,</p>	<p>32:12 background 31:6 backup 28:7 badly-needed 30:16 baltimore 31:18, 32:15, 32:21 based 45:4, 45:5, 45:7 basket 34:24, 35:5 basket-weave 35:2, 35:4 became 31:2, 31:25 because 24:11, 35:6, 48:18 been 13:2, 16:5, 16:8, 17:5, 21:12, 21:15, 22:13, 23:4, 23:7, 23:14, 25:15, 26:25, 30:17, 35:16, 36:6, 36:14, 37:2, 37:7, 44:2, 47:1, 47:24, 49:9, 50:7 before 7:22, 16:20, 17:15, 45:18, 50:18, 53:2 beforehand 26:15 began 27:16 begin 27:2, 36:16, 36:24 behalf 2:3, 2:12, 4:2</p>	<p>beige 31:6, 35:1 being 6:16, 23:9, 39:21, 49:3 believe 18:10, 19:5, 40:1, 46:2 believes 8:15 benefit 44:6, 48:5 benefits 39:9, 39:20, 46:21, 48:7 best 54:5 bethesda 2:9, 21:1 better 24:7, 27:1, 28:4, 30:3 between 34:1, 34:12, 44:7 big 49:11 bill 20:24 bit 32:23 blair 31:16, 31:21, 31:25, 32:7, 33:19 blue 32:19, 35:3, 35:4 board 11:16, 23:2, 23:7, 24:10, 29:21, 45:23, 46:14 bob 22:16, 23:10, 23:25, 25:7 book 11:1, 11:13,</p>
---	---	--	--

Transcript of Public Hearing
Conducted on February 18, 2025

58

<p>14:12 borders 27:2 both 9:14, 9:17, 24:8, 30:10, 31:17, 34:11, 43:22, 45:3, 45:17, 46:3 boulevard 25:9 bounded 10:3 brewer 2:6, 20:25 brick 38:20 brief 26:18 bring 23:23 brings 37:21 brook 33:10 brookville 31:11, 31:22 building 16:19, 16:21, 17:15, 19:18, 23:5, 23:8, 23:20, 23:22, 24:1, 28:13, 28:16, 28:18, 29:12, 30:23, 35:21, 37:12, 37:16, 39:15, 39:16, 40:4, 46:23, 47:19, 48:7, 49:25 building's 19:11, 49:7 buildings 24:9 built 23:5 bus 13:4, 30:9,</p>	<p>44:12 business 10:7, 28:10</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>c1 12:4 calendar 20:11 call 8:11, 19:3 called 21:21, 23:12 came 22:6, 22:9, 22:24, 26:13, 32:21, 33:13, 37:13 cameron 40:16 can't 28:3 canopy 38:20 case 1:6, 7:3, 8:3, 8:15, 8:17, 20:20, 34:17, 53:7, 54:9 cbd 23:10, 25:17, 27:15, 28:18 cell 7:24 center 21:23, 24:4, 24:9, 24:12, 27:11, 29:1, 29:5, 29:13, 29:17, 30:4, 30:22, 36:15, 39:14, 39:23, 40:6, 40:9, 46:24, 48:22 central 10:7, 28:10 century 25:9</p>	<p>certainly 38:12, 39:13 certificate 53:1, 54:1 certified 29:24 certify 53:4, 54:2 challenges 27:23 change 27:24, 43:18 changed 21:14, 22:9, 31:21 chapter 38:11 chat 7:18, 51:9 chris 21:8 christopher 2:5 church 32:9 circle 34:13 civic 18:21, 18:23 civil 3:6, 3:10, 21:6, 25:14 claimed 50:9 clear 30:16, 46:17 close 8:3, 8:13, 47:20, 50:25 closely-spaced 44:16 closing 49:19 code 6:17, 9:4, 9:5, 12:3, 46:2, 46:4, 48:2, 49:14, 51:10</p>	<p>colesville 33:20 colleague 41:18 collected 13:16 collectively 11:23 collide 44:14 come 29:11 comment 6:24, 8:2, 16:10, 16:23, 17:10, 17:22, 18:2, 18:6, 18:15, 18:19, 19:7, 47:21, 49:14 comments 4:21, 4:23, 4:24, 4:25, 5:3, 5:4, 5:5, 5:6, 6:24, 6:25, 7:11, 8:5, 8:19, 15:11, 15:22, 17:13, 18:24, 19:2, 51:3, 51:4 commerce 41:4 commercial 29:3 commission 6:8, 9:13, 21:4, 21:19, 27:18, 34:20 commissioners 11:16 committee 4:22, 15:18 common 15:5, 37:18 community 3:12, 3:13, 28:17, 29:13, 30:16 companies 17:23</p>
---	---	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

59

company 12:10, 31:19, 32:16 compensation 34:9 complete 36:18 completed 8:17, 16:5, 36:14, 50:12 completely 48:24 comply 38:19 compounding 50:5 comprised 9:16, 33:1 comprising 21:22 concerned 19:12 concerning 6:19, 6:21 concert 36:17 conclude 24:23, 47:5 concluded 27:17, 28:10, 51:15 concludes 40:22 conclusion 44:23 conclusions 42:8 concrete 16:22, 42:12 condemned 31:19 condition 16:20 conditional 17:14 conditionally 15:19 conditions 15:12, 41:15	conducted 1:12, 6:16 conducting 6:4 configuration 13:8, 21:11, 27:7 confirm 19:10 confirmed 19:18 confirming 36:5 conflict 44:7, 44:12, 44:20 connection 16:11, 16:16, 18:9, 24:14, 33:17, 36:2, 40:5, 40:15 connects 43:15 consider 6:6, 6:22 consideration 7:5, 8:2 considering 44:17, 46:13, 49:4 consisting 13:19 consists 12:24 constructed 35:18, 38:17 construction 12:15, 16:21, 17:16, 27:5, 47:3, 49:23 consultant 3:7, 3:9, 3:10, 21:6, 21:7 consulting 21:4, 21:5, 22:4, 25:8 contained 36:7, 36:22,	37:16, 38:16 contending 12:1 context 22:7, 22:16, 26:18 continue 12:19, 24:25 continuity's 31:10 continuous 12:14, 43:22 controlled 40:16 conveyed 32:10 coordinate 12:19 coordinated 12:9 copy 51:18, 51:21, 51:25 corner 19:9, 27:20, 28:14, 34:11, 50:1 corporation 6:9, 9:14, 34:25 correct 40:2, 42:25, 54:3 correspondence 51:5 could 7:17, 19:14, 51:8, 51:10 council 7:7, 47:9 council's 9:5 counsel 53:5, 54:7 counterclockwise 27:1 counties 21:24	county 1:1, 2:14, 6:8, 6:13, 6:17, 6:20, 7:4, 7:6, 7:7, 7:12, 8:25, 9:4, 9:5, 9:13, 10:16, 10:25, 11:8, 11:12, 11:16, 11:17, 11:18, 12:3, 14:6, 14:12, 14:17, 15:6, 23:2, 27:10, 27:19, 29:1, 29:5, 29:19, 33:15, 34:7, 34:15, 34:21, 35:4, 38:22, 39:24, 47:9, 51:6 county's 24:4, 29:16 court 4:10, 13:23, 14:3, 14:9, 14:14, 14:20, 14:24, 15:4, 15:9, 15:16, 15:21, 17:12, 17:21, 18:1, 18:5, 18:14, 18:18, 19:1, 20:1, 20:6, 20:10, 20:15, 27:10, 53:1 courthouse 37:8 cover 7:22, 19:19 cr 29:3 create 33:16 created 33:12, 33:25, 35:25, 49:7 creating 33:24, 34:14
--	--	---	--

Transcript of Public Hearing
Conducted on February 18, 2025

60

criteria 44:23, 45:4 critical 30:9 crossing 34:6, 40:7 cue 31:5 current 10:5, 10:6, 11:20, 12:2, 13:8, 23:24, 24:11, 30:18, 39:6, 45:7 currently 9:16, 18:11, 22:14, 27:5, 30:24, 36:9, 36:19, 37:9, 37:10, 38:13, 43:19, 50:14 curtis 32:11 cut 28:17	18:24, 29:22, 29:24 decide 7:8 decision 50:18 decorum 7:25 dedicated 10:8, 10:12, 10:23, 31:9 dedication 14:5, 14:10, 33:25, 34:23 dedications 10:10 deed 4:14, 4:16, 10:12, 11:15, 14:4, 14:15, 31:23 define 44:12 demetries 2:13, 7:11, 7:17, 8:23, 51:5, 51:12 demetriesoberc@m- ontgomerycountymd 7:15 demo 16:20 demolish 49:12 demolition 16:7, 28:21, 30:25, 36:17, 37:9, 47:2 density 46:22 deny 7:8 department 1:1, 2:14, 6:15, 7:12, 8:25, 12:20, 15:10, 15:13, 15:17, 17:8,	28:23, 47:7, 50:17, 51:6 depasian 41:18 depending 26:24 deposition 53:3 dept 4:20 describe 22:4, 26:10, 42:7 described 11:15, 38:10, 42:14, 43:23 describing 42:23 description 4:11, 5:2, 26:17, 27:2 descriptions 26:18 design 13:9, 25:23, 29:9 designated 6:14 desired 29:16 desperately 37:19, 39:23 detail 43:12 detailed 31:3 details 9:5 development 4:22, 6:9, 9:14, 15:18, 21:21, 29:7, 33:9, 34:25, 36:13, 41:17 devices 27:24 difficulty 28:2	diligence 12:8, 50:18 direct 24:13, 33:16, 40:5, 40:15 disconnected 22:21, 36:4, 36:6 disconnection 36:6 discussed 37:6, 46:25 disposed 34:18 disposition 12:18 district 10:8, 27:10, 28:11, 31:17 division 2:16, 17:9 documents 7:1 dot 4:22, 4:23 dotted 23:21 down 22:23, 30:7, 30:9, 32:5, 33:13 drain 16:6, 16:24, 17:2, 17:4, 17:5, 36:19, 36:21, 38:23 drawing 22:17, 23:4 drive 2:17, 7:13, 41:5, 51:7 driveway 13:2, 31:23, 32:17, 43:8, 44:9 drop 35:21 drop-off 43:9
D			
date 35:16 dated 10:15, 11:17, 14:5, 14:16, 15:11, 15:18, 17:10, 17:14, 18:2, 18:16, 18:22 dave 9:20 david 3:5 day 53:10 dead 30:11 decades 43:12, 43:15 december 17:10, 18:3,			

Transcript of Public Hearing
Conducted on February 18, 2025

61

<p>dry 39:4</p> <p>due 8:1, 12:7, 50:17</p> <p>duly 29:22</p> <p>during 6:23, 12:15, 13:15, 16:6, 31:25</p> <p>dwelling 21:22, 28:15</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 18:21</p> <p>each 12:10, 35:16, 37:14, 44:17</p> <p>earlier 9:3, 39:9, 42:14, 46:15, 47:13</p> <p>early 2:6, 20:25, 21:13</p> <p>easement 16:2, 17:4</p> <p>easily 30:6</p> <p>east 10:7, 11:9, 33:7, 34:10, 42:13, 42:16, 42:20</p> <p>eat 29:6</p> <p>ebp 10:16, 14:6</p> <p>ed 41:18</p> <p>edge 31:19, 32:17, 34:13, 34:14</p> <p>edison 2:17, 7:13, 51:7</p>	<p>effectively 43:5, 44:2</p> <p>efforts 25:14</p> <p>either 19:20, 30:7, 39:4, 40:9, 44:18, 47:1</p> <p>electronically 53:4</p> <p>eliminated 34:6</p> <p>eliminating 44:20</p> <p>elizabeth 9:17, 9:18, 10:2, 12:7, 13:2, 13:11, 17:17, 19:8, 21:21, 21:24, 22:1, 22:5, 23:1, 23:12, 23:15, 23:19, 24:1, 24:3, 25:15, 26:12, 28:13, 28:19, 28:21, 29:8, 29:14, 30:24, 34:8, 34:21, 35:18, 35:22, 36:3, 36:13, 36:18, 37:8, 37:12, 37:14, 38:18, 42:15, 43:6, 43:8, 44:10, 45:23, 46:19, 47:2, 47:3, 47:4, 49:24</p> <p>else 40:19, 45:12, 50:21, 50:22</p> <p>email 4:21, 7:14, 51:11</p> <p>emails 4:19, 15:5, 17:22, 18:23</p>	<p>employed 53:6, 54:8</p> <p>end 30:11, 37:21, 44:17</p> <p>ended 51:14</p> <p>engineer 41:13, 41:14</p> <p>engineering 2:16, 3:6, 3:10, 4:23, 17:9, 21:6, 25:14, 41:8</p> <p>engineers 25:18</p> <p>enhanced 24:11, 45:9</p> <p>enjoyed 19:3</p> <p>entered 13:20</p> <p>enthusiastic 24:10</p> <p>entitled 10:24, 11:11, 14:11</p> <p>environment 30:3, 40:6</p> <p>especially 22:13</p> <p>esquire 2:4, 2:5</p> <p>essentially 28:17, 37:18</p> <p>est 1:14</p> <p>establish 16:16</p> <p>established 10:9, 38:15</p> <p>estate 3:5, 8:23</p> <p>even 46:4, 47:25</p> <p>event 5:9, 5:10, 20:11</p>	<p>eventual 16:19</p> <p>everybody 10:1</p> <p>everyone 8:22, 47:15, 51:14</p> <p>evidence 46:3</p> <p>evolution 22:5, 26:12</p> <p>examiner 3:4, 20:23, 25:1, 25:21, 37:23, 41:6, 45:16, 47:6, 50:10</p> <p>except 16:5, 48:1</p> <p>exchange 48:6</p> <p>excuse 26:13, 40:13, 42:11, 42:17</p> <p>executive 4:17, 6:20, 7:4, 7:5, 14:21, 47:8</p> <p>executive's 6:14, 7:6</p> <p>executors 10:14</p> <p>exhibit 4:11, 5:2, 13:18, 13:21, 13:22, 13:24, 14:2, 14:4, 14:8, 14:10, 14:13, 14:15, 14:19, 14:21, 14:23, 14:25, 15:3, 15:5, 15:8, 15:10, 15:15, 15:17, 15:20, 17:8, 17:11, 17:13, 17:20, 17:22, 17:25, 18:2,</p>
---	--	--	--

Transcript of Public Hearing
Conducted on February 18, 2025

62

18:4, 18:6, 18:13, 18:15, 18:17, 18:19, 18:25, 19:22, 19:25, 20:2, 20:5, 20:7, 20:9, 20:11, 20:14, 40:3, 43:25 exhibits 13:16, 45:17 existing 15:22, 16:4, 16:10, 16:23, 23:14, 26:15, 27:19, 28:12, 28:21, 37:8, 39:16, 42:15, 43:6, 43:7, 43:18, 47:3 expanded 26:18, 40:14 expect 18:11 expense 15:25, 16:15, 17:2 expert 22:3, 25:23, 41:8 explain 7:2, 22:9, 22:25 expressed 39:5, 43:24 extend 19:11, 37:17 extended 33:12 extending 31:17, 32:4 extends 30:22, 37:10 extremely 29:9	facilities 26:14, 37:1, 45:25, 46:25 fairly 48:2 familiar 42:3, 50:9 fancy 47:22 farms 31:21 february 1:13, 6:3, 6:25, 7:16, 17:14, 18:6, 19:23, 51:2, 53:11 fee 11:8, 34:15 feet 10:20, 11:5, 11:22, 12:25 fenwick 1:6, 6:11, 10:5, 10:14, 10:15, 10:19, 11:3, 11:20, 12:5, 12:15, 13:8, 15:2, 15:24, 16:11, 16:14, 17:1, 19:5, 21:10, 22:15, 22:18, 22:21, 27:6, 27:20, 28:14, 30:7, 30:10, 31:8, 31:15, 31:20, 31:24, 32:2, 32:18, 33:3, 33:9, 33:13, 33:14, 33:18, 34:13, 35:20, 40:7, 42:13, 42:14, 42:19, 42:21, 43:14, 43:23, 44:11, 44:18, 47:19, 48:22,	48:24, 50:1 fenwicks 32:5 few 7:21, 31:5, 48:11, 49:13 fiber 38:22 fiddler 32:8 fill-it 34:12 filmore 27:12 final 16:23 finally 34:11 financial 53:7, 54:9 findings 22:10, 38:10, 45:24, 45:25, 46:8 finds 9:6 fire 4:20, 15:10, 15:13 firm 25:8 first 7:23, 8:7, 10:11, 23:3, 23:4, 24:16, 28:11, 28:18, 28:20, 42:17, 42:18, 47:21 fixed 12:18 floor 2:18, 7:13, 20:22, 37:17, 51:7 floors 37:19 folio 10:16, 11:19,	14:7, 14:18 folks 28:1 following 8:3, 8:14 foot 29:12, 33:1, 33:2, 33:5 foot-wide 10:18, 11:2, 32:1, 32:4, 32:10, 32:17, 32:25, 33:6, 33:21 footage 49:2 footprint 19:11, 19:19, 19:20, 49:8 for-fee 39:3 foregoing 53:3, 54:3 foreseeable 44:5 form 26:9, 34:3, 42:7 forward 7:5, 47:11 forwarded 7:4 found 42:8 frame 32:15 frontages 16:15 fully 36:22 functioning 43:19 functions 13:10 further 27:4, 32:4, 33:2, 33:13, 40:10, 50:11
F			
f 6:17			

Transcript of Public Hearing
Conducted on February 18, 2025

63

future 9:8, 12:2, 16:9, 17:7, 29:7, 36:12, 36:17, 37:12, 38:14, 39:5, 39:7, 44:5, 45:1, 45:7, 45:8, 46:9	36:19, 38:6, 40:12 goal 28:12 going 31:2, 49:5, 49:12, 49:23, 50:1 golick 33:4, 33:5 good 6:3, 8:22, 20:24, 50:24 gov 7:15, 51:12 governed 9:4 grace 32:9 graham 3:6, 4:3, 21:4, 22:4, 22:25, 24:16, 25:4, 25:7, 25:13, 25:25, 26:4, 26:7, 26:16, 26:22, 27:22, 27:24, 28:4, 28:6, 35:10, 37:24, 38:8, 38:12, 39:1, 39:13, 40:2, 40:13, 40:21, 42:23, 43:12, 43:24, 48:20 graham's 25:21, 40:23 grant 7:8 granted 12:12, 29:20, 32:9 great 43:12 greater 30:2 green 23:4, 32:24,	34:1, 34:22, 34:24 greenscape 19:17 greenspace 19:4, 48:8, 48:12, 48:19, 49:17, 50:4 greetings 6:2 ground 7:21, 29:18, 29:21, 37:16 guess 35:8	47:16, 51:15 hearing 3:4, 4:11, 5:2, 5:7, 5:8, 6:4, 6:5, 6:14, 6:16, 6:23, 8:13, 13:17, 14:22, 18:20, 19:24, 20:2, 20:13, 20:16, 29:22, 35:8, 37:23, 48:1, 51:1, 51:13 height 19:14, 30:3 here 6:5, 10:1, 26:19, 32:19, 48:3, 48:16, 49:11, 50:8 hereby 53:3, 54:2 hereunto 53:9 high-percentage 21:20 highlighted 35:12 history 34:16, 34:17, 43:13 hoa 18:23 hoc 10:4, 20:21, 28:24, 36:4 home 19:4 homeowner 5:6, 18:20 hope 19:6 hopefully 18:12 house 6:9, 9:14, 9:17, 12:7, 13:3, 18:9,
G		H	
gain 30:6, 30:8, 33:7 gaining 32:3 gaithersburg 2:19, 7:13 garage 13:3, 27:9, 27:10, 35:19, 40:15 gas 5:3, 18:2 gave 31:1 general 12:20, 28:23, 31:1, 46:12 generally 10:3, 11:19 geometry 33:14, 33:19 georgia 22:24, 27:7, 31:12, 33:8 germantown 25:9 give 8:6, 8:9, 27:25, 31:3, 38:5, 41:1 given 8:1, 19:12 go 12:22, 17:6, 20:7, 23:10, 23:25, 36:9,		half 34:23, 35:2 half-moon 34:14 hand 53:10 handled 16:6, 18:11 hangover 19:20 happening 48:1 hard 29:9 harding 53:2, 53:14 harms 49:23 harris 3:5, 9:21 hatch 35:6 he'll 22:8 headed 44:11 health 9:9, 45:3, 46:10, 46:11, 48:13, 48:17 hear 28:3, 28:5,	

Transcript of Public Hearing
Conducted on February 18, 2025

64

19:8, 23:12, 23:14, 23:15, 23:19, 23:20, 24:1, 24:3, 24:6, 26:12, 28:13, 28:16, 28:19, 28:21, 29:8, 29:14, 30:23, 30:24, 34:8, 34:21, 34:25, 35:18, 35:23, 36:2, 36:3, 36:13, 36:18, 37:8, 37:12, 37:14, 38:18, 42:15, 43:7, 43:8, 44:10, 47:3, 47:4 housekeeping 51:16 housing 6:7, 9:12, 21:3, 21:19, 27:18, 28:13, 30:20, 34:20, 37:20, 39:17, 39:21, 46:22 however 36:10	identify 25:4, 40:25 ifyou 23:25 ii 4:15, 11:6, 11:21, 11:23, 14:10, 19:10, 19:11 iii 4:16, 11:13, 11:14, 11:23, 12:17, 14:15, 19:10, 23:13, 24:3, 28:19 images 30:13 immediate 11:20 impact 22:12, 43:18, 43:21 implementation 46:18 important 48:12, 49:20 impregnable 48:25 improved 13:2, 13:9 improvement 46:20 include 39:14 including 34:7, 46:1 income 30:21 incorporated 19:17, 22:1, 41:4 incorporating 17:18, 29:16 incorporation 29:5 increasing 44:21 indicated 26:23, 27:6,	31:23 indicates 23:21 indicating 50:8 individual 8:6, 8:9, 8:10 individuals 20:21 information 7:18, 54:7 informed 12:22, 18:7 initially 10:9 initiated 21:19 inside 24:8, 48:21 insight 49:9 inspection 26:6, 42:1 inspections 26:8 installation 20:3 installed 16:18, 16:22, 20:4 integrating 28:25 interest 53:7, 54:9 interim 16:20 internal 24:8, 35:19 interruption 8:6, 8:8 interruptions 8:13 intersection 6:11, 11:21, 13:9, 27:7, 33:12, 40:8, 40:16, 42:20, 42:23, 44:18	intersections 44:16, 44:21 introduce 13:17 introduces 7:22 introduction 8:14, 31:1, 31:3 inventory 39:6 issuance 17:15 issue 7:25, 37:11, 47:24 issuing 36:5 item 28:20, 32:14 itself 22:8 iv 19:8, 23:15, 23:20, 24:1, 29:8, 29:14, 36:13, 37:12, 37:14, 38:18, 47:4
I			J
idea 28:24 identification 13:22, 14:2, 14:8, 14:13, 14:19, 14:23, 15:3, 15:8, 15:15, 15:20, 17:11, 17:20, 17:25, 18:4, 18:13, 18:17, 18:25, 19:25, 20:5, 20:9, 20:14 identified 27:8			january 18:16, 20:3, 20:4, 20:8, 20:12 jay 3:11, 21:2 job 1:23 jog 22:23 john 10:13, 32:8
			K
			kapp 3:12, 4:5, 24:19, 24:21,

Transcript of Public Hearing
Conducted on February 18, 2025

65

24:24, 47:12, 47:15, 47:18, 50:16 kapp's 9:24 kimley-horn 21:7, 22:11, 41:3, 41:22 kind 33:17, 34:14 king 33:4, 33:5 know 9:23, 25:2, 47:12, 48:7, 48:11, 48:16, 48:21, 49:1, 49:2, 49:10, 49:14, 50:19, 50:21 known 11:6, 11:13, 28:13, 31:12, 32:18, 32:20, 36:16, 48:1 kominers 2:4, 12:21, 20:23, 20:24, 25:1, 25:11, 25:20, 26:5, 26:9, 26:21, 27:22, 28:1, 28:5, 35:8, 38:2, 38:4, 38:7, 38:24, 39:8, 39:25, 40:11, 40:18, 40:22, 41:6, 41:10, 41:20, 41:25, 42:3, 42:6, 42:22, 43:1, 44:22, 45:11, 45:15, 45:22, 51:17, 51:19, 51:25 konly 53:2, 53:14 kramer 48:4, 48:10,	49:4, 49:12, 49:20 <hr/> L <hr/> lack 48:8 land 10:15, 10:20, 10:25, 11:5, 11:12, 11:18, 11:22, 14:6, 14:11, 14:17, 25:13, 25:24, 31:20, 46:13 lands 31:24, 32:9 landscape 25:18 lane 1:6, 6:11, 10:5, 10:19, 11:3, 11:20, 12:5, 12:15, 13:8, 15:2, 15:24, 16:11, 16:14, 17:1, 21:10, 22:15, 22:21, 27:6, 27:21, 28:14, 30:7, 30:10, 31:8, 33:9, 33:13, 33:14, 35:20, 40:7, 42:13, 42:14, 42:19, 42:21, 43:14, 43:23, 44:11, 44:18, 48:22, 48:24 language 47:23 large 13:15 last 38:7 late 28:23 later 29:24, 32:13,	32:20 laura 10:13 lay-by 43:6, 44:8 lee 33:10 left 12:5, 23:13, 24:3 leg 42:13, 42:16, 42:17, 42:19, 42:21, 43:23 leggett 23:5, 23:13, 24:3, 30:19, 30:22, 36:14 legs 42:24 leighton 32:14 lerch 2:6, 20:25 less 13:20 letter 18:8, 18:10, 36:5 level 19:20 levels 39:18, 39:19, 39:22 liber 10:16, 11:19, 14:6, 14:17 licensed 41:12 limit 8:5 line 27:4, 31:6, 32:19, 34:1, 34:2, 34:24, 36:24, 37:11, 37:18, 49:24 lines 16:6, 35:25	little 32:23, 48:11 lived 35:22 local 48:5, 48:19, 49:21, 50:13, 50:14 located 10:2, 11:9, 11:19, 16:12, 21:24, 25:9, 26:23, 37:7, 41:4 long 15:12 longer 9:7, 13:6, 44:3, 44:25, 46:9 looks 50:24 loss 50:12 lot 17:18, 34:21, 47:22, 49:9, 49:10 lots 11:9, 33:16, 33:24, 34:3, 34:22 loved 50:14 lovely 24:24 <hr/> M <hr/> made 6:23, 15:22, 26:5, 26:7, 41:25, 45:24, 48:15, 50:7, 50:18 mailings 18:23 maintain 31:4
--	--	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

66

maintained 33:14 maintaining 33:18 make 8:19, 9:25, 13:25, 29:20 making 8:12, 32:25 mall 27:12 many 49:1 map 4:18, 14:25, 26:25, 27:9 maple 33:12, 33:17 march 10:15, 14:5, 36:11, 54:17 marked 13:22, 14:2, 14:8, 14:13, 14:19, 14:23, 15:3, 15:8, 15:15, 15:20, 17:11, 17:20, 17:25, 18:4, 18:13, 18:17, 18:25, 19:25, 20:5, 20:9, 20:14 maryland 2:9, 2:19, 7:14, 11:17, 25:10, 31:13, 41:13, 53:15 materials 26:1 matters 8:5 maximum 19:13 maybe 24:22 mcdot 3:4, 5:10,	20:11 mdcot 3:5 mean 34:16, 38:25 means 34:17 meant 22:10, 42:17 melvin 3:13 member 3:12, 3:13 members 29:10 memo 4:22 mental 48:12 mentioned 27:14, 48:20 met 15:14, 45:4, 46:1 method 27:16 metro 34:5 metropolitan 32:19 mid-s 35:19 mind 47:14 mindful 8:4 mixed-income 21:20 moment 38:5, 39:12 montgomery 1:1, 2:14, 4:24, 5:9, 6:8, 6:17, 7:12, 8:25, 9:13, 10:16, 10:25, 11:12, 11:16, 11:18, 14:6,	14:12, 14:17, 17:13, 20:7, 23:2, 27:10, 27:18, 29:19, 32:7, 34:7, 34:21, 35:4, 51:6 month 46:16 more 13:20, 31:3, 38:2, 40:14, 49:10 most 19:19, 35:15 move 45:16, 47:11, 50:24 much 8:21, 45:15, 49:2 much-needed 28:25 multidisciplined 25:18 multiple 30:20, 39:18, 39:22 must 7:22, 8:1, 17:16, 18:9 muted 8:10 <hr/> <p style="text-align: center;">N</p> <hr/> name 6:13, 8:22, 20:24, 25:7 name's 47:18 named 23:5 narrative 26:9, 42:7 natasia 1:25, 54:2, 54:16 near 9:10, 36:17,	48:22 nearby 48:2, 48:11 necessary 9:9, 44:3, 44:25 need 13:6, 39:5, 40:19, 45:6, 52:1 needed 9:7, 37:19, 38:13, 39:23, 46:9 needs 18:7, 39:7 negligible 48:6 neither 53:5, 54:7 network 22:6, 38:15, 42:4, 42:10 new 16:19, 16:20, 23:5, 23:8, 47:4, 49:25 newly 38:17 next 23:25, 24:23, 40:23 nobody 50:22 noise 49:23 none 35:8 north 23:16, 27:6, 33:2, 40:10, 42:16, 42:20 northern 11:2, 35:2 notarial 53:10 notary 53:1, 53:14
---	--	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

67

note 45:22 noted 9:3, 21:9, 32:22, 43:14, 43:24, 48:8 notice 18:20 notices 13:13 notifying 19:24, 20:12 november 15:6, 15:11, 15:18, 17:23, 18:22, 29:23, 36:4 number 13:16, 19:22, 44:7, 44:16, 44:19 numerous 26:7, 35:14 <hr/> <p style="text-align: center;">O</p> <hr/> oberc 2:13, 7:2, 7:11, 7:20, 7:22, 8:20, 8:21, 8:23, 9:22, 20:18, 24:18, 31:1, 50:23, 50:24, 51:6, 51:8, 51:23, 51:24, 52:1 oberc's 8:14 oberc@montgomery- countymd 51:12 objection 15:12, 17:10, 18:3, 18:16 objects 31:5 obviously 50:19	occasional 43:6 occasionally 43:9, 44:8 occupied 28:15 occupy 19:9 occurred 16:7, 33:23, 35:15, 36:1 occurring 13:10 occurs 8:6 october 11:17, 14:16 of-way 9:11, 11:2, 16:9, 34:10, 37:2, 44:25 offer 8:2, 41:7 offers 48:5 office 21:8, 49:25 officer 6:14, 53:2 offset 27:7, 33:12, 38:15, 42:14 oh 9:24 ohio 31:18, 32:16, 32:21 oji 3:4, 6:2, 6:13, 7:21, 9:3, 20:16, 20:18, 24:19, 24:22, 24:25, 37:24, 38:3, 38:6, 41:9, 45:21, 47:10, 47:17, 50:16, 51:1, 51:20, 51:22	okay 9:24, 13:18, 20:16, 24:25, 26:22, 27:24, 28:8, 35:10, 38:6, 40:11, 40:18, 40:22, 47:16, 51:1 old 28:10 once 51:15 one 9:7, 9:21, 10:4, 19:3, 22:21, 27:25, 30:1, 32:14, 35:17, 38:2, 38:5, 38:7, 39:21, 46:5, 48:10, 50:20, 51:16, 52:2 ongoing 25:15, 36:17 only 43:5, 43:9, 46:5 open 24:6, 51:2 open-air 40:5 opened 32:16 opening 30:1, 30:4, 40:3 operation 30:17 operational 43:4 operations 2:16, 17:9, 22:12, 43:11, 43:13, 43:19 opportunities 6:7, 9:12, 21:3, 21:19, 27:18, 34:20	opportunity 8:18 orange 35:12 order 4:17, 6:22, 14:21, 27:19, 28:20, 29:1, 29:11, 30:8, 33:16, 36:11, 37:19, 39:13, 51:17 orientation 26:25, 27:13 original 10:18, 11:3, 11:4, 11:10, 21:10, 23:11, 25:16, 32:1, 33:1, 33:14, 35:3, 41:16, 49:8 originally 27:15, 28:9, 31:9 origins 22:8 other 13:1, 13:7, 13:13, 21:14, 28:1, 29:10, 32:14, 38:5, 48:7, 51:4 others 25:25, 41:20 otherwise 43:8, 53:8, 54:10 out 21:12, 21:18, 26:13, 32:15, 50:25 outcome 53:8, 54:10 outdoor 48:13, 48:19, 49:17, 49:21, 50:4
--	--	--	---

Transcript of Public Hearing
Conducted on February 18, 2025

68

<p>outdoors 48:9 outline 35:14 outside 37:3 over 8:20, 12:22, 20:19, 21:22, 31:23, 35:15, 37:20 overhang 19:21 overlay 35:13 owned 9:16, 11:8, 31:14 owner 13:14, 18:7, 18:20, 18:22</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pad 13:4 page 4:2, 4:11, 5:2 pages 1:24, 13:20, 46:17 parallel 35:21 parcel 36:10, 36:20, 37:5 parcels 32:3, 39:17 park 2:17, 7:13, 41:4, 48:4, 48:5, 48:10, 48:21, 49:4, 49:12, 49:13, 49:20, 50:14, 51:7 parking 27:9, 40:15 part 4:15, 4:16,</p>	<p>9:15, 9:18, 10:11, 10:21, 11:6, 11:9, 11:13, 11:14, 11:21, 11:23, 12:4, 12:7, 12:17, 13:12, 14:4, 14:10, 14:15, 23:17, 32:18, 33:3, 39:6, 39:11, 39:23, 41:22, 42:18, 47:2, 48:7 participants 8:1 participating 51:14 particular 46:23 particularly 46:12 parties 53:6, 54:8 partner 21:8 parts 10:9, 13:25, 19:9, 19:11 passageway 23:22 pedestrian 12:14, 16:11, 16:16, 38:15, 40:1, 43:21 pedestrians 40:7, 44:6, 44:10, 44:13, 45:9 pending 12:17 people 7:18, 8:12, 30:5, 49:10, 49:14, 49:16, 51:9 pepco 5:5, 18:15,</p>	<p>37:1 period 6:24, 31:25 permanent 12:13 permit 17:15 permitted 19:13 person 8:11, 9:20 personal 26:6, 42:1 petition 4:12, 6:6, 6:21, 7:9, 7:23, 11:25, 12:10, 12:12, 13:5, 13:19, 41:23 petitioner 1:8, 2:3, 4:2, 12:23, 16:3, 19:18 petitioner's 8:3 phase 23:4, 23:7 phases 23:3 philip 10:14 phones 7:24 phonetic 10:13, 11:15, 27:3, 33:10, 34:12, 41:18 physical 24:7, 24:13, 48:13, 48:14 pickup 43:9 pink 31:6, 34:1, 35:5 place 29:5 plan 15:13, 19:8,</p>	<p>23:1, 23:10, 23:24, 28:12, 28:18, 29:2, 29:11, 29:24, 36:10, 39:11, 45:25, 46:13, 46:19 planners 25:19 planning 4:24, 17:13, 23:2, 23:7, 24:10, 25:14, 25:24, 27:16, 29:21, 45:23, 46:14 plans 36:20 plat 4:13, 4:15, 10:24, 11:1, 11:11, 11:12, 11:13, 13:24, 14:10, 14:12, 17:17, 31:9, 32:22, 32:25 plaza 23:23, 24:8, 24:14, 30:6, 46:24 please 7:11, 7:17, 7:23, 22:17, 23:10, 23:25, 25:4, 26:10, 40:25, 42:7, 45:21, 51:8, 51:19 pleasure 21:1 point 32:15, 36:6, 44:12, 44:13 points 40:9, 44:7, 44:20 portion 1:4, 6:9,</p>
--	--	--	---

Transcript of Public Hearing
Conducted on February 18, 2025

69

<p>10:11, 10:17, 10:22, 11:1, 11:4, 11:7, 15:1, 21:10, 29:6, 29:21, 32:8, 33:9, 33:15, 33:21, 33:24, 34:8, 35:1, 35:2, 35:7, 35:20, 37:14, 42:18, 46:19 portions 15:23, 16:25, 32:5, 34:2 position 7:2 posted 20:8, 20:12 potentially 19:15 prefer 19:16 preparation 25:17, 34:5, 36:12 prepare 26:1, 41:21 present 3:3, 20:20, 26:8, 44:4, 44:25 presentation 31:4, 47:6 presented 45:17, 45:18, 46:3 presenters 50:8 previous 41:17 previously 12:25, 26:22, 27:5, 27:14, 33:22, 37:6, 44:9 primarily 12:6, 42:12</p>	<p>primary 30:1, 35:25 principal 25:8 problem 38:4, 50:5 procedure 25:2 proceed 24:18, 28:22, 35:9 proceeding 46:3 proceedings 1:11, 53:4, 54:4, 54:5 process 6:18, 9:3, 13:12, 13:15, 25:16 professional 25:6, 41:1, 41:12 project 9:19, 10:2, 12:16, 13:11, 17:17, 21:18, 22:1, 22:5, 23:12, 26:12, 26:17, 26:23, 27:2, 27:14, 27:17, 39:19, 45:24, 46:1, 46:20, 49:25 project's 27:6 projected 45:8 promotes 46:10, 46:11 promoting 48:12 properties 9:15, 9:16, 9:18, 10:4, 19:14, 32:6, 34:18 property 8:24, 11:14,</p>	<p>13:14, 16:15, 18:7, 18:20, 18:22, 31:14, 31:15, 31:16, 31:19, 31:20, 32:2, 32:6, 32:12, 32:13, 33:4, 33:10, 33:19, 34:8, 34:23, 37:18, 39:6 proposed 12:24, 15:23, 16:2, 16:12, 16:24, 17:3, 19:7, 23:15, 23:17, 28:9, 32:24, 42:12, 43:3, 45:10, 47:20, 48:21, 49:3 proposes 39:19 protect 9:9 protecting 45:2 protects 46:11, 48:17 provide 12:12, 18:8, 24:7, 25:5, 26:17, 44:6 provided 13:13, 25:21, 43:14, 43:22, 49:5 provides 43:7 providing 24:13, 33:20, 39:20 public 1:5, 4:25, 6:5, 6:10, 9:2, 9:6, 9:7, 9:8, 12:1, 12:2, 13:1, 13:5, 13:7,</p>	<p>13:10, 13:13, 13:15, 14:22, 15:1, 16:2, 17:23, 18:19, 19:2, 19:24, 20:2, 20:12, 21:14, 24:8, 24:13, 26:14, 27:9, 38:16, 39:9, 39:17, 39:20, 43:3, 44:3, 44:4, 44:25, 45:3, 45:24, 46:9, 46:12, 46:20, 46:25, 47:25, 48:17, 53:1, 53:14 pull 24:5 pulled 24:2 purchase 35:3, 35:6 purchased 33:15, 34:15 purple 27:4, 49:24 purpose 25:24, 43:4 purposes 13:1, 13:7, 21:13, 27:13 pursuant 6:16, 12:3 put 7:17, 22:16, 48:2, 49:11, 51:8</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qr 48:1 question 24:17, 24:19, 37:13, 37:15, 38:8, 47:13, 48:15, 49:1</p>
---	--	--	--

Transcript of Public Hearing
Conducted on February 18, 2025

70

questionable 50:6 questions 24:15, 35:7, 37:22 quick 30:18 quickly 18:12, 35:17 <hr/> <p style="text-align: center;">R</p> <hr/> rail 31:18, 32:16, 33:7 railroad 22:22, 23:6, 27:3, 30:12 ran 19:23 rana 1:25, 54:2, 54:16 rather 30:6 re-subdivided 33:4, 34:3 re-subdivision 33:23 real 3:5, 8:23, 50:12 realigned 43:15 really 43:8, 44:13, 48:3, 48:12, 50:5 reasons 30:1 rec 24:12, 29:5, 40:6 receive 6:18, 51:25 received 6:7, 6:24, 12:9, 13:19, 19:2	receives 8:10 receiving 51:21 recently 48:2 recommend 47:7 recommendation 6:20, 7:6 recommendations 7:3 recommends 17:14 reconfigured 13:10 record 7:23, 13:17, 13:21, 17:16, 17:19, 25:5, 25:22, 26:2, 51:2, 51:4, 52:3, 54:4 recorded 10:15, 10:25, 11:11, 11:18, 14:5, 14:11, 14:16, 53:5, 54:4 recording 54:6 records 10:16, 10:25, 11:12, 11:18, 14:6, 14:11, 14:17 recreation 21:23, 24:4, 24:9, 28:25, 29:13, 29:17, 30:4, 30:21, 36:15, 39:14, 39:22, 46:24, 48:22 recreational 48:8, 48:19 red 22:18, 31:7,	35:13 redesigned 29:3 redeveloped 28:20, 29:2 redevelopment 28:8, 38:18, 49:3 reduce 44:15, 44:19 reducing 19:15, 44:6 reduction 49:6 referred 10:20, 31:14 refresh 39:11 regarding 24:20, 50:18 registered 8:18, 37:25, 47:12 regular 22:14, 43:20 reiterated 46:14 reject 50:10 related 49:23, 49:24, 49:25, 53:6, 54:8 relation 26:10 relationship 30:16 relative 26:11 relevant 8:5, 8:19 relocate 27:19, 36:11 relocated 15:25, 16:1, 17:1, 17:2, 17:5, 17:6, 21:16, 28:19,	37:3, 37:5, 37:7 relocating 16:13 relocation 29:12, 36:21, 36:25 relocations 16:3, 16:7 remain 36:8, 36:24, 39:16, 51:2 remaining 29:14, 36:2, 39:3 removal 26:14 removed 8:11, 19:6, 47:1, 47:2 removing 48:4 replace 28:12 report 6:20, 7:3, 7:6, 41:21, 46:15, 46:17 reporter 51:16, 51:20, 51:24, 53:1 represent 21:1 representative 21:3 representatives 12:8 representing 20:21, 25:13 represents 10:17, 11:2 request 6:19, 17:23, 20:3, 37:15 requests 9:1, 15:6 require 12:18 required 12:21, 38:11,
--	--	---	--

Transcript of Public Hearing
Conducted on February 18, 2025

71

44:24, 46:5 requisite 13:13 resident 47:19 residential 21:21, 29:4 residents 9:10, 12:6, 48:6, 48:9, 48:20, 49:21, 50:13, 50:15 residual 11:9 resolved 37:11 resource 49:21 respond 12:23, 18:12 responded 16:3, 16:17, 17:4 respondent 2:12 responsible 9:1, 16:13, 41:14 rest 28:17, 50:19 reston 41:5 result 13:7, 13:11, 23:19, 37:9 results 42:8 resume 25:22, 41:7 retained 4:10, 13:23, 14:3, 14:9, 14:14, 14:20, 14:24, 15:4, 15:9, 15:16, 15:21, 17:12, 17:21, 18:1, 18:5, 18:14,	18:18, 19:1, 20:1, 20:6, 20:10, 20:15 retired 41:19 review 4:22, 15:18, 50:11, 51:15 revised 12:5 rezoning 29:4 richard 10:12 right 9:10, 11:1, 16:8, 26:19, 34:9, 37:1, 40:3, 44:24, 51:24 right-of 16:1, 18:9, 32:25, 38:16 right-of-way 1:5, 6:10, 6:15, 8:16, 9:6, 9:7, 10:17, 10:23, 13:5, 15:1, 15:24, 16:25, 17:3, 17:7, 22:13, 31:2, 31:7, 31:8, 32:1, 34:6, 34:12, 35:11, 35:12, 36:7, 36:23, 37:11, 38:23, 40:14, 44:1, 45:6, 47:24 right-of-ways 32:24 rights-of-way 9:2, 12:1 road 21:13, 22:6, 33:20, 38:14, 42:4, 43:5, 44:17	roadbed 36:23 roadway 13:7, 21:12, 32:4, 33:6, 33:7, 42:10, 42:11, 43:2, 43:7, 43:10, 43:20, 44:3, 44:8, 46:8 robert 3:6, 4:3, 21:4 rodgers 21:4, 21:5, 22:4, 25:8 role 6:17, 25:11, 41:11, 43:10, 43:13 room 24:4 rotated 24:2, 26:25 rotating 46:23 rounded 34:13 route 31:13 routes 30:9 ruhlen 2:5, 21:8 rules 7:21 running 22:22, 35:21 runs 23:6, 42:13, 42:15, 42:19 ryan 3:10, 21:5 <hr/> S <hr/> s-curve 33:18 safety 9:10, 44:6,	44:21, 45:3, 45:8, 45:9, 46:11 said 53:4, 54:4 sake 31:10 same 8:10, 28:2, 31:25, 32:3, 32:14 samuel 3:4, 6:13 sanitary 16:5, 36:9, 36:11, 36:20, 36:25 sat 28:13 satisfies 46:3 say 6:2, 40:19, 42:17, 45:12, 47:22, 49:19 saying 28:8, 49:11 scratchy 27:23 screen 26:19, 26:20, 40:3 scrrac 36:14, 37:20 seal 53:10 second 7:24, 8:8, 8:9, 16:10, 19:7, 23:7, 27:25 section 8:24, 9:1, 9:4, 10:18, 11:2, 12:4, 31:4, 46:4 sections 22:21, 46:4, 46:5 see 19:16, 22:20,
--	---	---	--

Transcript of Public Hearing
Conducted on February 18, 2025

72

<p>23:12, 23:16, 24:16, 26:20, 30:13, 33:8, 33:11, 49:15, 49:16 seeking 8:2 seeks 11:25 segment 37:22 senior 28:12, 28:18, 29:12, 30:20 seniors 35:22 separate 10:10, 51:25 separated 42:22 separation 24:12 september 13:19 serve 43:10, 43:20 served 35:21 serves 43:3 services 12:21, 28:24 serving 31:24, 36:2 set 28:7, 53:9 several 8:12, 43:11, 43:15 sewer 35:24, 36:9 shall 15:24, 16:13, 17:1 shape 31:8, 34:15 share 26:19</p>	<p>shared 23:20 shepherd 3:11, 21:2 shift 19:12 shifted 19:8 shopping 27:12 short 38:5 shortchange 25:3 shortly 18:12 should 8:16, 12:11, 16:1, 17:3, 24:22 show 22:11, 22:17 showing 13:24, 14:16, 24:1, 30:19, 32:23 shown 10:24, 11:10, 23:3, 32:19, 34:22, 34:24, 35:1, 35:2, 35:13 shows 15:1 side 6:10, 10:3, 11:9, 26:24, 27:2, 30:11, 33:6, 34:10, 48:24 sides 34:11 sidewalk 13:4, 16:14, 16:22, 19:16, 30:14, 37:4, 37:6, 38:17, 43:22</p>	<p>sidewalks 12:13, 16:17, 49:5 sign 5:8, 20:2, 48:2, 49:11 signalized 40:8, 42:21 signature-lapgj 53:12 signature-k9lvk 54:14 significant 29:6, 39:20 signs 49:13 silence 7:24 silver 6:12, 10:7, 16:17, 21:11, 21:23, 27:11, 30:21, 36:15, 38:19 similar 36:20 simple 11:8, 34:15 simultaneously 36:25 since 21:13, 22:13, 25:16, 41:18 single 17:18, 36:2, 42:12 sir 7:20, 8:21, 40:21 site 22:16, 25:23, 28:9, 45:25, 46:19 sits 34:21 situation 30:18 sky 24:7</p>	<p>slide 23:25 slightly 27:1 small 19:17 smith 3:8, 4:4, 21:6, 22:11, 40:24, 40:25, 41:2, 41:10, 41:12, 41:24, 42:2, 42:5, 42:6, 42:10, 42:25, 43:2, 44:22, 45:5, 45:14 smith's 41:7 solar 19:15 sold 32:8, 32:13, 32:14, 33:3, 33:10 solely 39:16 solicitation 4:19, 15:5, 17:22, 18:19 some 27:23, 33:25, 34:9, 48:7, 48:15, 50:6, 50:7 somebody 9:22 sometime 36:16 sometimes 31:13 sophia 11:15 sorry 9:15, 9:24, 29:23, 38:3, 39:2, 40:11 sort 48:10</p>
---	--	--	---

Transcript of Public Hearing
Conducted on February 18, 2025

73

sounds 50:6 south 6:10, 10:4, 11:20, 21:24, 26:24, 29:1, 32:10, 33:20, 34:2 southern 10:18, 32:5, 33:9, 34:23 space 24:6, 30:8, 48:9, 48:13, 48:19, 48:23, 49:2, 49:18, 50:5 spaces 13:10, 19:9 speak 8:18, 38:1, 50:22 speakers 47:12 speaks 38:10 specialist 3:5, 8:23 specifically 46:16 spoke 39:9, 39:25 spring 6:12, 10:7, 16:18, 21:11, 21:23, 27:11, 27:12, 30:21, 36:15, 38:19, 40:10, 47:20 square 9:18, 10:2, 10:19, 11:5, 11:22, 12:25, 13:11, 17:17, 21:21, 21:24, 22:1, 22:5, 23:1, 25:15, 29:12, 45:24,	46:20, 49:2, 49:24 staff 24:10 staff's 46:15 stages 30:20 standards 16:18, 38:19, 46:2 standpoint 43:5, 43:17 start 26:16, 33:8, 47:13 state 41:13, 53:15 statement 42:18 statements 6:23, 48:15, 50:7 stating 19:3 station 32:16, 32:18, 32:22 sticking 49:7 still 33:21 stone 32:13 stop 13:4, 37:7, 44:12 storm 16:6, 16:23, 17:2, 17:4, 17:5, 36:19, 36:21, 38:23 street 19:4, 19:9, 31:14, 40:10, 47:20 streetscape 16:18, 38:19	strip 32:10 strongly 50:10 structure's 19:13 study 41:17, 42:9 subdivided 32:2, 33:11, 33:19 subdivision 10:24, 11:11, 17:17, 32:20 subject 23:9, 29:18, 31:5, 31:7, 31:15, 44:1 submission 5:10, 20:11 submit 7:10, 7:11, 8:15 submitted 7:1, 15:6, 17:23, 20:3, 26:2, 27:15, 41:7, 41:22, 45:18 successfully 29:15 suffering 49:22 suite 2:8, 41:5 summarize 38:9 supervision 26:1, 41:21 supply 15:11, 15:13 support 7:2, 12:9 supporting 54:6 supposed 24:17 sure 9:23, 9:25,	28:1 surrounding 22:6 surveying 25:14 surveyors 25:19 suspect 49:10 system 17:3 systems 16:24 <hr/> <p style="text-align: center;">T</p> <hr/> taken 30:19, 34:9, 34:13, 53:3 taking 31:20, 31:21, 37:10, 48:4, 48:10, 48:18, 49:4, 49:17, 50:4 talked 33:22 talking 47:23, 48:3 team 25:18, 29:9, 29:10, 29:14 telecom 37:2 telephone 19:3 tell 49:16 temporary 12:13, 16:21, 37:5 terminate 30:11 terminated 21:17 terms 44:23, 49:2 testify 21:15
--	--	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

74

testimony 6:18, 24:16, 24:20, 26:3, 40:23 th 53:10 thank 8:21, 20:18, 20:23, 22:17, 25:1, 25:20, 25:24, 35:10, 41:9, 43:1, 45:11, 45:14, 45:15, 45:20, 47:9, 47:10, 47:15, 51:13 thanks 37:24, 50:16, 51:14 theapplicant's 11:25 thing 51:16 think 20:19, 47:21, 48:6, 48:18, 49:8, 49:20 third 8:10 three 10:6, 10:9, 11:7, 13:25, 15:22 through 10:9, 10:12, 22:8, 23:22, 33:24, 34:4, 35:16, 36:9, 36:19, 37:4, 51:22 throughout 23:14, 31:3 ties 42:15 time 8:4, 23:15, 28:11, 29:19, 31:12, 31:25,	32:15, 37:25, 50:11 times 19:22 today 6:3, 22:3, 22:14, 23:17, 25:12, 26:3, 35:11, 37:5, 45:18, 46:9, 48:16, 50:8, 51:18 today's 14:22, 20:12 together 11:24 took 29:5 top 27:8, 37:20 toward 19:8 towards 44:11 tracks 22:22, 23:6, 27:3, 30:12, 33:7 traffic 2:16, 4:23, 5:8, 13:1, 17:9, 20:2, 22:12, 22:14, 41:8, 41:15, 41:16, 43:17, 43:20 transaction 31:6 transcribed 1:25, 54:5 transcriber 54:1 transcript 1:11, 51:18, 51:21, 54:3 transfer 21:12 transferred 32:7, 34:14	transit 27:11, 37:6, 40:9 transportation 1:1, 2:14, 3:8, 6:15, 7:12, 8:25, 15:17, 17:8, 21:7, 38:14, 41:8, 41:14, 43:4, 47:7, 51:7 travel 30:9 traverse 30:7 traverses 37:4 traversing 40:8 tree 38:20 tree-scaped 30:15 triangle 22:18, 23:16 triangular 31:7 true 54:3 trust 32:7 tuesday 1:13 tull 3:13 turn 7:24, 8:20, 20:16, 20:19 turnaround 13:3 turnpike 31:11, 31:22 two 9:8, 10:5, 10:22, 19:2, 22:3, 22:20, 23:2, 32:3, 39:20, 42:24,	44:20, 46:20 <hr/> U <hr/> under 19:7, 26:1, 27:5, 27:15, 28:10, 29:3, 30:22, 41:21 undergoing 30:24, 37:9 underneath 23:22 units 21:22, 28:15, 29:14, 29:16, 30:20, 49:6 unless 37:22 unobstructed 30:14, 40:5 until 6:25, 50:11, 51:2 upper 19:20, 37:18 urban 48:4, 48:10, 49:4, 49:12, 49:20 urge 50:10 use 9:8, 10:23, 12:2, 21:12, 23:8, 39:10, 44:3, 44:4, 44:5, 44:8, 44:9, 44:25, 45:1, 45:7, 45:8, 46:9, 46:13, 47:22 uses 21:14 using 26:2 utilities 15:23, 16:1, 16:4, 38:22,
---	---	--	--

Transcript of Public Hearing
Conducted on February 18, 2025

75

<p>39:3 utility 4:25, 12:10, 16:2, 17:23 utilization 35:11 utilize 37:14, 39:4, 40:2 utilized 12:6 utilizing 29:17, 33:5</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vanwiswick 10:13 various 26:14, 31:21 vehicles 44:7, 44:14 vehicular 10:23, 13:1, 13:3, 22:14, 38:14, 43:11, 43:13, 43:17, 43:20, 44:19, 45:6 via 6:4, 19:3, 38:17, 40:6, 40:15 view 30:14 virginia 41:5 virtually 1:12, 6:4 visibility 30:3 visual 24:7, 24:13, 31:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>walk 22:8, 35:16 walking 30:5, 40:7,</p>	<p>44:10 wall 23:20 want 6:2, 25:3, 49:16 wanted 9:22, 9:25 warning 8:7, 8:9, 8:11 washington 5:3, 18:2, 19:22, 31:11 water 4:20, 15:11, 15:13, 18:9, 35:24, 35:25, 36:2 way 16:2, 18:10, 22:23, 33:1, 38:17, 49:22 we'll 47:11, 47:13 we're 6:4, 25:8, 39:19, 48:3, 49:12, 50:24 we've 35:12, 46:25 weave 34:24, 35:6 welfare 9:10, 45:3, 45:9, 46:12 wellness 48:14 went 32:12, 43:12 west 10:3, 10:6, 22:22, 26:24, 27:2, 27:4, 30:11, 31:16, 33:6, 34:3, 42:17, 42:19, 43:23 western 31:19</p>	<p>wet 39:4 whereby 33:12 whereof 53:9 whether 7:8 white 3:10, 21:5 whole 13:25 wide 33:6 widened 30:14 wider 19:16 width 19:16 william 2:4, 10:14 wilmada 27:3 wilson 10:12, 10:13, 31:14, 31:24, 32:6, 32:12 wilsons 31:20 wisconsin 2:7 wish 7:10, 24:18 wishes 20:20, 50:22 within 6:24, 16:1, 16:4, 16:12, 17:3, 18:9, 36:7, 36:22, 36:23, 37:1, 37:17, 38:16, 38:20, 39:1, 42:11, 43:2, 44:16 without 34:9</p>	<p>witness 3:6, 3:8, 38:5, 40:23, 53:9 witnesses 21:15, 22:3 woodside 10:24, 11:11, 14:11, 31:9, 32:21, 32:25, 33:5, 33:24 work 36:13, 36:16, 36:18, 36:24 workaround 36:1 worked 29:9 working 18:10, 25:25, 41:21 wouldn't 47:25 write 6:19 written 6:23, 7:10, 18:8 wssc 5:4, 18:6, 18:7, 18:12, 35:24, 36:5, 36:10</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>y'all 47:22 yeah 51:22 year 30:17, 32:14 years 35:15, 49:13 yourself 25:5, 40:25</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zip 51:10</p>
--	--	---	---

Transcript of Public Hearing
Conducted on February 18, 2025

76

zone 29:3, 29:4 zoning 28:11 zoom 6:5, 32:23 <hr/> 0 <hr/> 00 1:14, 7:1, 7:15, 51:2 02 6:3 06 52:3 <hr/> 1 <hr/> 1 1:14, 1:24, 6:3 10 11:17, 14:16, 46:18 100 2:17, 7:13, 51:7 11 34:4 1100167 1:2, 2:15 113 11:19 114 14:18 11400 41:4 12 15:6, 15:11, 15:18, 17:24, 33:16 13 4:12, 33:16 137,000 29:12 14 4:13, 4:14, 4:15, 4:16, 4:17, 19:23, 33:16	15 4:18, 4:19, 4:20, 4:22, 20:3, 20:8, 20:12 160 28:15 17 4:23, 4:24, 4:25, 10:15, 14:5 18 1:13, 5:3, 5:4, 5:5, 5:6, 6:3, 15:14, 17:10, 33:24, 53:10 182 4:17, 14:21 1867 31:18 1869 10:15, 14:5 1872 32:2 1876 32:6 1882 32:9 1883 32:12 1889 32:13, 32:15, 32:20 1891 33:3 19 5:7, 18:3 1922 33:8 1930 21:13, 22:24 1931 11:17, 14:16 1932 33:15, 35:3 1937 33:19, 33:23 1939 34:2	1960 35:19 1970 36:1 1972 37:10 1973 34:5 1974 34:11, 35:6 19847 25:9 <hr/> 2 <hr/> 2 52:3 2,670 11:5 20 5:8, 5:9, 5:10, 18:24 2013 25:16, 26:8, 27:16, 28:9 2014 29:4 2016 23:11, 27:17, 28:10, 28:23 2017 15:14, 23:2, 29:23, 29:25, 45:23, 46:15 2019 36:11, 36:21 20191 41:5 2024 13:19, 15:7, 15:11, 15:19, 17:10, 17:24, 18:3, 18:22, 18:24, 30:19, 36:4 2025 1:13, 6:4, 6:25, 17:14, 18:16, 20:3, 20:4, 20:8, 20:12, 46:15, 53:11, 54:17 20814 2:9 20874 25:10 20878 2:19, 7:14, 51:10 21 6:25, 7:16, 18:22, 51:2 213 10:17, 14:7 23 33:24 24 4:17, 10:18, 14:21, 18:24, 32:1, 32:4, 32:10, 32:17, 33:1, 33:5, 33:21 240 2:20 25 4:3, 11:1, 11:13, 14:12 26 11:2, 33:2 267 30:20 2nd 1:7, 6:11, 10:3, 10:6, 11:4, 11:10, 11:20, 12:14, 13:8, 15:2, 15:24, 16:11, 16:14, 16:25, 21:11, 22:22, 22:23, 23:23, 26:24, 27:20, 28:14, 30:2, 30:5, 30:9, 30:15, 33:13, 33:17, 33:25,
---	--	---

Transcript of Public Hearing
Conducted on February 18, 2025

77

34:3, 34:10, 34:13, 40:6, 40:8, 40:10, 40:14, 40:16, 42:16, 42:19, 43:15, 43:24, 44:11, 44:18, 47:19, 50:1	6 6,693 12:25 62 6:17 63 12:4, 46:4	
3	7	
3,447 10:19 30 18:16 301 2:10 31 20:4 3829 2:10	700 2:8 7258 2:20 758 1:4, 1:6, 6:6 7600 2:7 777 2:20	
4	8	
400 41:5 41 4:4 47 4:5 49 6:17, 9:4, 12:4, 38:11, 46:4 4th 2:18, 7:13, 51:7	841 2:10 88585 19:23	
5	9	
5 7:1, 7:15, 51:2 50 32:25, 33:6 528 11:19, 14:17 54 1:24 567506 1:23 576 11:22	900 21:22 93 13:20 97 31:13	