

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
3
4

5 CSP-23002 SIGNATURE CLUB EAST

6 Evidentiary Hearing, Item 5

7 T R A N S C R I P T

8 O F

9 P R O C E E D I N G S
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11 LARGO HEADQUARTERS

12 Largo, Maryland

13 July 10, 2025

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BEFORE:

- DARRYL BARNES, Chairman
- DOROTHY BAILEY, Vice-Chair
- MANUEL R. GERALDO, Commissioner
- A. SHUANISE WASHINGTON, Commissioner

OTHER:

- EMERY HUANG, Staff
- ED GIBBS, Attorney/Representative
- ALEX VOTAW, Attorney/Representative

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P R O C E E D I N G S

MR. CHAIR: Regular agenda items. We will now move into the regular agenda items. The first item on the agenda is Item 5, Conceptual Site Plan CSP-23002 Signature Club East, evidentiary hearing.

UNIDENTIFIED SPEAKER: (indiscernible)

COMMISSIONER WASHINGTON: Hold it for three seconds.

UNIDENTIFIED SPEAKER: (indiscernible)

MR. CHAIR: It's on mute.

MR. HUANG: Good morning, Mr. Chair, and the member of Planning Board. For the record, my name is Emery Huang with Urban Design section. Item number 5 is the Conceptual Site Plan CSP-23002 for the Signature Club East. This Conceptual Site Plan is for the development of up to 300 multi-family dwelling units and 12,600 square feet of the commercial retail spaces.

As a matter of housekeeping, staff received one exhibit from the applicants, prior to the Tuesday deadline, which is titled Applicants Exhibit 1. Staff also received one inquiry from the owner of the property abutting the subject property, and filed opposition exhibit titled Opposition Exhibits 1 through 5. Concerns raised by the community members will be discussed later in the presentation.

1 Finally, staff provided one exhibit titled Staff
2 Exhibit 1, outlining correction to the analysis of Type 1
3 Tree Conservation Plans on page 32 of the technical staff
4 report that will make updates in the resolution reflecting
5 these corrections.

6 Next slide, please. The subject property is
7 located in the Planning Area 84 and Council District 9.

8 Next slide, please. The subject property is located in the
9 northeast quadrant of the intersection MD 228 (Berry Road)
10 and Manning Road E.

11 Next slide, please. The subject highlighted in
12 red is currently located within the residential multifamily
13 48 zones, as shown in the image to the right. However, this
14 application is reviewed under the prior zoning ordinance,
15 and (indiscernible) prior zone is mixed-use transportation
16 oriented, as shown in the image to the left.

17 Next slide, please. This map show the topography
18 of the site. Specifically, the site slopes downward from
19 the southwest of the site to the northeast side of the
20 property. Next slide, please. The subject property is
21 zoning by two (indiscernible) and rights-of-way, which are MD
22 228 (Berry Road) -- classifies as an expressway, and Manning
23 Road E, classified as primary road. Next slide, please.
24 The subject property is currently vacant, with tree
25 coverage.

1 Next slide. So for this subject, development
2 consists of Lot 12 and Outparcel B. It is worth noting that
3 Lot 12 was formerly authorized in the Conceptual Site Plan
4 CSP-99050, approved by the Planning Board in 2000. Lot 12
5 was approved for a total of 157,500 square feet of
6 commercial space, including 10,000 square feet of office
7 space. In addition, Condition (1)(G) of CSP-99050 notes
8 that the maximum height of the office structures to be three
9 to four stories.

10 Next slides. Outparcel B was not part of the CSP-
11 99050. In 2006, the District Council approved the Zoning
12 Map Amendment A-9960-C to rezone the Outparcel B to the M-X-
13 T Zone on the Rural Residential zones. Subsequently, the
14 applicants combined both Lot 12 and Outparcel B for the
15 subject Conceptual Site Plan as a new application, rather
16 than an amendment to CSP-99050. The subject application was
17 accepted prior to April 1st, 2025. Therefore, the
18 applicant's elected to have this application to be reviewed
19 under the prior zoning ordinance. This image on screen also
20 shows the relationship between the subject property and MD
21 228, MD 210, and MD 373.

22 Next slides, please. The Conceptual Site Plans
23 propose multifamily dwellings -- commercial retail uses,
24 which are incompatible with adjacent residential and
25 commercial developments. The commercial pad sites are

1 conceptually shown to be located in the southern portion of
2 the property, fronting MD 228, and the proposed multi-
3 dwelling buildings to be located in the northern portion of
4 the property.

5 The anticipated building heights of the commercial
6 and residential structure proposed for the subjective
7 development generally align with the maximum building
8 heights previously approved for properties under CSP-99050.
9 The proposed developments also offer additional housing
10 options and the opportunity for existing and future
11 residents to patronize locally.

12 Next slide, please. The location -- the
13 Conceptual Site Plan showing the location and vehicular
14 circulation within the development -- the proposed potential
15 circulation is designed to support safe pedestrian access to
16 the proposed buildings on-site and to off-site sidewalks.

17 Next slide, please. This slide shows the subject
18 site outlined in red and demonstrates the Tree Conservation
19 Plan, which is discussed on page 31 through page 32 of the
20 technical staff report. Woodland clearing is consistent
21 with the prior Tree Conservation Plan approval for the site,
22 with woodland conservation to be made off-site. In
23 addition, a variance to Section 25-122(b)(1)(G) is requested
24 for the removal of four specimen trees, which is discussed
25 on pages 35 through 38 of the technical staff report.

1 Next slides, please. As mentioned at the
2 beginning of this presentation, one is SDC submitted by the
3 applicants, including the applicants' proposed revisions to
4 Condition (1)(C) and Condition (2)(D), along with supporting
5 reasons. The applicants also acknowledge that no changes
6 are proposed additions to (A), but the applicants identified
7 two locations within the property where sidewalks are not
8 being included, and this will be addressed at the time of
9 the detailed site plans.

10 Staff are in agreement with the proposed revisions
11 and the applicants' explanation because this revision will
12 not alter the intent of the conditions and provide a
13 flexibility in addressing them. In these exhibits, the
14 applicants also provide an explanation of their disagreement
15 with the transportation section analysis -- presented on the
16 pages 18 through 21 of the technical staff report -- for
17 record keeping purposes, and acknowledged that these issues
18 will be further evaluated at the time of the preliminary
19 plan of subdivisions (sic).

20 Concerns raised by the community members in one
21 inquiry and five opposition exhibits can be grouped into
22 several categories, including transportation and
23 infrastructure, environment and school overcrowding,
24 compatibility, and inconsistent with the prior approvals.
25 Staff have provided responses to some of the concerns

1 throughout the presentation.

2 Staff also want to note that this Conceptual Site
3 Plans provide the preliminary schematic plans, the
4 development of the subject site per the Zoning Ordinance,
5 subdivision's regulations, and detailed analysis of
6 infrastructure impact such as, but not limited to,
7 transportations, public safety responsive time,
8 environmental impacts, and park facility will take place at
9 the time of the Preliminary Plan of Subdivisions.

10 With respect to the transportations
11 infrastructure, specifically, in approving this Conceptual
12 Site Plan, the Planning Board is required to find the
13 transportation facility that are existing, under
14 construction, or fully funded are adequate to carry the
15 anticipated traffic for the proposed development. This
16 finding is analyzed on pages 18 through 21 of the technical
17 staff report, based on the traffic impact study submitted by
18 the applicant and dated May 23rd, 2025. Further analysis of
19 transportations adequacy will occur throughout the
20 certificate adequacy, which is required to be obtained at
21 the time of the Preliminary Plan of Subdivision.

22 Based on the findings presented in the technical
23 staff report, Urban Design staff recommended the Planning
24 Board adopt the findings of this review and approve the
25 Conceptual Site Plan CSP-23002 Type 1 Tree Preservation

1 TCP1-052-97-03 and the variance to the Section 25-
2 122(b) (1) (G) for the Signature Club, subject to the
3 recommended conditions, approval within the technical staff
4 report as modified by Staff Exhibit 1, and the revision
5 proposed by applicants and agreed upon by the staff in the
6 Applicant's Exhibit 1. This concludes the presentation.
7 Thank you so much.

8 MR. CHAIR: Thank you. Now, are there any
9 questions from the Planning Board?

10 UNIDENTIFIED SPEAKER: No.

11 COMMISSIONER GERALDO: Not at this time, Mr.
12 Chair.

13 MR. CHAIR: Sure. Unfortunately, the technology
14 is not working on our side, so we're going to take a three-
15 to-five-minute break so we can try to get the live stream
16 back up and running.

17 UNIDENTIFIED SPEAKER: Thank you.

18 (Recess.)

19 MR. CHAIR: David. You want to --

20 MR. MOORE: Sure. Thank you, Chair Barnes. Prior
21 to proceeding with the testimony from the public, pursuant
22 to 6.4(B) of the Planning Board's Rules of Procedure,
23 persons that intend to provide oral testimony have to be
24 sworn in. So if you're in the crowd and intend to speak on
25 this matter, please stand, raise your right hand, and if you

1 are appearing virtually, please do so at home. And I like
2 that we've got some young customers here today, that's
3 something we need more of. Raise your right hand.

4 MR. GIBBS: Are we going to get verification that
5 the folks are raising their right hand, because I don't
6 really see it. I understand you've requested attorneys to
7 raise their hands too, so I'm going to.

8 MR. MOORE: Please do.

9 MR. CHAIR: Good.

10 MR. MOORE: Do you swear to tell the truth, the
11 whole truth, and nothing but the truth?

12 MULTIPLE SPEAKERS: I do.

13 MR. MOORE: Thank you.

14 MR. CHAIR: Thank you all. We will now hear from
15 the applicant's attorney, Mr. Gibbs.

16 MR. GIBBS: Thank you very much. Good morning,
17 Mr. Chairman, welcome.

18 MR. CHAIR: Thank you.

19 MR. GIBBS: I'm pleased that I have the
20 opportunity to be the first presenter in your new role as
21 Chairman of the Planning Board, welcome. I was at your work
22 session introductory meeting in front of the County Council,
23 and there were some pretty amazing things that were very,
24 very positive in nature said about you, and so I'm very
25 happy for you to be here as Chairman of the Planning Board.

1 MR. CHAIR: Thank you.

2 MR. GIBBS: My name is Edward Gibbs, and I am an
3 attorney with offices right here in Largo, actually,
4 directly down the street. I'm on Carraway Court -- 1300
5 Carraway Court. I am pleased to be here this morning
6 representing the applicant WP Acquisitions, LLC, and that
7 limited liability company is really comprised primarily of
8 an entity known as Wood Partners. Wood Partners builds and
9 owns multifamily developments really, across the United
10 States.

11 I've had the good fortune to be able to represent
12 them for over 20 years here in Prince George's County. They
13 have -- I think it's six different projects that they have
14 constructed, starting with my family's home that they bought
15 adjacent to the Branch Avenue Metro Station where they built
16 a multifamily project. They have built other projects as
17 well, including in the heart of College Park on Route 1.
18 They have recently had a multifamily project approved in
19 Woodmore Town Center, so they are no strangers to Prince
20 George's County. And they are, in my opinion, remarkable
21 developers, stewards of the land, and of their projects, and
22 very responsive to concerns that people may raise at any
23 given time.

24 Mr. Scott Zimmerly is seated in the front row;
25 he's really in charge of their east coast operations. He

1 has, pretty much -- I think with the exception of the very
2 first project -- he has shepherded all of the other projects
3 for Wood Partners here in Prince George's County. Another
4 member of Wood Partners, Mr. Zachary Albert, is here sitting
5 directly behind him. And so here's what I'm going to do;
6 I'm going to orient you to what is going on here. I am
7 going to adopt my statement of justification, my
8 application, the studies that we have already put into the
9 record, and, for the most part, the technical staff report
10 in this case.

11 There are 15 people signed up in opposition. I
12 cannot anticipate everything they're going to say. If I try
13 to do that in the initial part of my case, I am going to be
14 here a lot longer than you want me to. So what I'm going to
15 do is do that initial presentation, and then I'm going to
16 sit down and I'm going to listen to the issues that are
17 raised, and then I will address them in my rebuttal to the
18 case. And I did verify with Mr. Warner (phonetic sp.) just
19 a minute ago that that would be an appropriate procedure,
20 hopefully, it is, otherwise I'll have to go through
21 everything right now.

22 So let me let me start out by saying that what
23 we're dealing with today is 16.9 acres located in the
24 northeast quadrant of the intersection of Berry Road and
25 Manning Road E in the Accokeek area. We have two different

1 parcels. We have Lot 12, and then we have Outparcel B. Lot
2 12 is 13 -- and a little bit extra of -- acres, and
3 Outparcel B is 3.7 acres, so that's how we get to the 16.9.
4 The current zoning classification is RMF-48.

5 As you all are familiar with in CB-13 of 2018 --
6 adopted a new zoning ordinance in Prince George's County,
7 all new zoning classifications, but it could not become
8 effective until all 300,000 properties in Prince George's
9 County were placed in new zoning classifications, pursuant
10 to the adoption of a countywide map amendment which occurred
11 as a result of the adoption of CR136, and that put this
12 property in the RMF-48 zone.

13 The RMF-48 zone is really, like it says,
14 residential multifamily; that's the zoning classification
15 it's in today, at 48 units to the acre. That's what's
16 permitted of right in that zoning classification. There are
17 also commercial uses permitted in that zoning
18 classification.

19 The prior zoning classification was M-X-T, mixed-
20 use transportation oriented. It was probably the most
21 popular zoning classification to use in Prince George's
22 County, prior to the adoption of the new zoning ordinance.
23 Its intent was to take properties at major intersections,
24 put them in the zoning classification to encourage a
25 diversity of uses, a diversity of densities, different types

1 of residential uses, different types of commercial uses, to
2 create a synergistic atmosphere that would include a 24-hour
3 environment. That is really the purpose of the old M-X-T
4 Zoning Classification.

5 Now, Lot 12 -- and could you bring up slide 9? I
6 thought that -- was going to ask for slide 3, but when I saw
7 slide 9 in your presentation, I thought it was very helpful.
8 There we go. Okay. So you'll see at the top left Maryland
9 210 Indian Head Highway and running between those two
10 purple-colored landmasses, Maryland 228, which is Berry
11 Road. Now, back in the day all of what you see in purple
12 was part of a Conceptual Site Plan in the M-X-T zone -- and
13 all of it was zoned M-X-T -- that rezoning occurred in 1993,
14 I believe, at the adoption of the Subregion 5 Master Plan
15 and Sectional Map Amendment.

16 The counsel made a decision in that comprehensive
17 rezoning to put all that property in the M-X-T Zoning
18 Classification, all that purple-colored land area. So in
19 the M-X-T zone you had to go through a Conceptual Site Plan,
20 a Preliminary Subdivision Plan, a Detailed Site Plan, and
21 lastly, final plats of subdivision. Okay. That's because
22 of the mix of uses and because it's a floating zoning
23 classification, all those different layers of development
24 approvals are required.

25 A Conceptual Site Plan was filed and approved by

1 the by the Planning Board and by the County Council for
2 everything you see in purple on that map. Now, that
3 occurred with a designation of Conceptual Site Plan 99050,
4 which was considered, and which was approved in July of
5 2000, after the adoption of the SMA. And what you see is
6 that in that Conceptual Site Plan, there were three pods --
7 three development pods.

8 The curved area that's purple on the south side of
9 Maryland 228 was Pod 1 that was approved for retail
10 commercial uses. It is the site of the Manning Village
11 Shopping Center (phonetic sp.), which is basically, fully
12 developed; there's a couple of pad sites left in there.

13 The odd shaped parcel on the north side of 228, in
14 the southeast quadrant of the intersection of 210 and 228,
15 was Pod 2. When Pod 2 was approved by the County Council
16 and by the Planning Board, it was approved for up to 800
17 senior residential units to be included in a mix of
18 residential types, clearly embodying the recommendations of
19 the M-X-T Zone. So they were to have single family detached
20 town homes and multi-family buildings in Pod 2; those were
21 approved up to 800.

22 And then Lot 12, what you see now sort of going
23 southeast on the north side of 210 -- the triangular shaped
24 piece -- that's Lot 12, and that was approved for retail
25 commercial development. So that's what we had in the

1 original Conceptual Site Plan approval for the project known
2 as Signature Club at Manning Village. Three pods, three
3 sets of development, very diverse types of residential uses,
4 and a real key function on retail commercial.

5 Because, as you'll recall, one of the criticisms
6 of the M-X-T Zone was that people started using it primarily
7 for residential development, with just a smattering of
8 commercial. This clearly, clearly embodies the real,
9 original intent of what the M-X-T Zone was all about. Now,
10 later Pod 2 and Pod 3 went into foreclosure because the
11 person who was the financial backer of the project
12 unexpectedly passed away.

13 A client of mine purchased Pod 2 and Pod 3. He
14 also purchased a parcel known as Parcel 25, and Parcel 25 on
15 that map is the -- sort of the clear area outlined in red
16 between Pod 2 and Pod 3, right there. And the reason that
17 Parcel 25 had been acquired is that access was denied on
18 Indian Head Highway and access was denied on Berry Road, and
19 they had to figure out how they were going to access the
20 property. So they purchased Parcel 25 in order to provide
21 that access, and that's the way it works today.

22 There's a road called Caribbean Way, which
23 provides access into the area known as Pod 2. Ultimately,
24 Pod 2, after my client purchased it, was converted to fee
25 simple uses -- instead of 800, 313 -- a smaller mix of

1 single family detached. The bulk of it was residential town
2 homes, and that project has been built -- was not built by
3 my client, it was built by someone who purchased it. My
4 client, originally -- my original client, still owns Lot 12
5 and part of what was known as Parcel 25.

6 So as time progressed, and as the development was
7 going to move forward -- as I said parcel 25, which was
8 going to be used for access, was rezoned to the M-X-T Zone,
9 but that was done pursuant to a zoning map amendment
10 application that was all of Parcel 25. Prior to the
11 rezoning, the small triangular piece of Parcel 25, which is
12 labeled on that map as Outparcel B, as well as Lot 12, were
13 joined together and made the subject of a preliminary
14 subdivision plan. Okay. That preliminary subdivision plan
15 was denoted as 4-01064, and when it was approved by this
16 board, the approval was to develop 157,500 square feet of
17 commercial development retail, which would also include
18 10,000 square feet of office. Okay.

19 At the time that -- and here's the nuance -- at
20 the time that preliminary plan was approved and platted,
21 with the record plat, Lot 12 was zoned M-X-T. But what you
22 see is Outparcel B was not yet zoned M-X-T, it was still R-
23 R, and that's why it was designated as an outparcel; it was
24 in water and sewer Category 6, zoned R-R -- couldn't be
25 developed with commercial and it needed a category change.

1 So it was platted as an outparcel, but it's part of the
2 recorded subdivision for Lot 12 and Outparcel B. After
3 that, Outparcel B and the balance of what was previously
4 Parcel 25, in that area outlined in red, were all rezoned to
5 the M-X-T Zone.

6 So what we have today is two pieces of property
7 before you, both of which are zoned M-X-T and both of which
8 are the subject of a new Conceptual Site Plan. Lot 12 had
9 been part of the original Conceptual Site Plan, obviously,
10 Outparcel B was not. We determined that for purposes of
11 consistency and for purposes of bringing forward the intent
12 of the M-X-T zone, we wanted to develop this property using
13 the prior Zoning Ordinance, which is expressly permitted --
14 expressly permitted in this instance by Section 27-1704 of
15 the new Zoning Ordinance and 27-1901 and 1903 of the new
16 Zoning Ordinance, and I'm sure I'm going to be getting into
17 that at a later stage.

18 So what we did was we filed a new Conceptual Site
19 Plan. The old Conceptual Site Plan had that Number 99050.
20 This case that's before you today, even though this is part
21 of the overall Signature Club development, it's a new
22 Conceptual Site Plan CSP-23002 -- a new number and a new
23 process. That's why we're going through the Conceptual Site
24 Plan process here today to get that approval so that we can
25 then file a new preliminary subdivision plan for just this

1 section of Signature Club. So that's pretty much what we're
2 doing here.

3 Our proposal within this Conceptual Site Plan is
4 to have up to 300 multifamily units. Now, the density that
5 would be allowed is substantially higher than that. My
6 client could say, I'm going to build a monumental six-story
7 structure here and increase my density to what's allowed in
8 the M-X-T Zone, pursuant to the floor area ratio, which is
9 1.4, which is an extremely high -- no M-X-T project in
10 Prince George's County has ever reached a 1.4 FAR; it's
11 very, very high -- very, very dense. But we could have gone
12 vertical and put a lot more units in here. But we decided
13 to use eight buildings, and we said in our filing up to five
14 stories.

15 My proffer and my client's here ready to testify
16 today should you need it -- but my proffer, as his counsel,
17 is that those units are going to be a mix of three- and
18 four-story units. We are not going to get to 300, we're
19 going to be in the range of between 272 and 275 units total
20 for the multifamily. No building will exceed four stories
21 in height. There'll be a mix of three-story buildings and
22 four-story buildings. Bear in mind we have townhouses over
23 there that are three stories right now. So that is our
24 proposal under the Conceptual Site Plan.

25 To maintain some mix of commercial, we're

1 proposing to retain out front, along the Maryland 228
2 frontage, three parcels for a total of 12,600 square feet of
3 commercial development. We do not know what that might be
4 at this point in time. It's going to have to go through the
5 entitlement process, just like this property is going
6 through the entitlement process today, but that will be --
7 that will be a placeholder, it will be part of the
8 preliminary subdivision plan that we file, we just don't
9 have users for it right now.

10 Wood Partners is the user; they are going to buy
11 and construct these multifamily units on this property that
12 is before you today, and they're going to bring a very
13 attractive product to the marketplace, just as they have
14 done every other location in Prince George's County where
15 they have built, and across the country.

16 So that is our Conceptual Site Plan submittal;
17 that's what is before you today. We appreciate the staff's
18 recommendation of approval with conditions. We appreciate
19 the staff's understanding of the minor revisions that we
20 made to three of the conditions -- well, we didn't really
21 revise the first part of Condition 2, it was more saying, we
22 don't want to put sidewalks certain places where they abut
23 buffer areas.

24 And one of those is to the north, where we abut a
25 ten-acre piece of property owned by a gentleman by the name

1 of Victor Christiansen, who's here to testify today, in
2 opposition, unfortunately. But we didn't want to put a
3 sidewalk up against his property because he's concerned
4 about people wandering over into his land area. So that's
5 why we didn't want to put a sidewalk up there, but there
6 will be more about that.

7 At this point, I'm going to stop. This is an
8 overview of where we are, that this is an overall --
9 Signature Club is an overall mixed-use development approved
10 for high intensity. What we're doing, we think is
11 complementary and compatible with the M-X-T Zone with the
12 other M-X-T projects that have been developed in the County.
13 And I'm going to sit down and I'm going to see what I have
14 to come up and rebut during my rebuttal case after everyone
15 else testifies. So thank you very much, I do have witnesses
16 that I'll call on rebuttal, and I'll be up here sometime in
17 the future today. Thank you.

18 MR. CHAIR: I appreciate your testimony, Mr.
19 Gibbs. Are there any questions from the Planning Board?

20 COMMISSIONER GERALDO: I just have one. What's
21 the reluctance to go higher than four or five? And the
22 reason I ask for -- because in that sense, you can maintain
23 more of the trees, et cetera.

24 MR. GIBBS: Well, I guess everything's always a
25 balancing act. The testimony you're going to hear from most

1 of the folks in opposition -- because I've talked to a lot
2 of them; we did our normal community outreach. I mean, we
3 reached out to Accokeek Development Review District
4 Commission, the HOA for Pod 2, many of whom are in
5 opposition to this, and then some adjoining property owners,
6 like Mr. Christensen, who -- all of them, I respect their
7 opinions, but they would say that the higher the building,
8 the worse the intrusion is for them.

9 I think they would say that because that's one of
10 the concerns when we were at a highest level of five stories
11 it was, oh my gosh, you're going to have five stories,
12 that's what I'm going to have to look at? So my client's
13 approach in proposing a development plan was to implement
14 the intent of the M-X-T Zone, while at the same time making
15 it compatible with other uses in the area, and that can be
16 done with multifamily. And quite frankly, Wood Partners was
17 just trying to do the best it could to bring its product to
18 the marketplace, while at the same time not creating an
19 imposing structure that folks would not want to look out at
20 every day.

21 MR. CHAIR: Thank you.

22 MR. GIBBS: Uh-huh.

23 MR. CHAIR: Any other questions?

24 COMMISSIONER WASHINGTON: None here.

25 MR. GIBBS: Thank you.

1 MR. CHAIR: I'm now going to ask for the public to
2 come up and speak, and I have a list of those that are --

3 UNIDENTIFIED SPEAKER: Sorry, so those signed up
4 in advance, and they signed up in person today, so we can
5 start with those that signed up in advance.

6 MR. CHAIR: Those that are coming up to speak, I'm
7 asking you -- you have three minutes to speak, and we're
8 going to start with -- I apologize in advance if I mess up
9 your name. Mr. Hilliard, Jacquan Hilliard?

10 UNIDENTIFIED SPEAKER: Is he online?

11 UNIDENTIFIED SPEAKER: He's here.

12 UNIDENTIFIED SPEAKER: Is he virtual?

13 MR. CHAIR: We're going to go to Alex Votaw.

14 UNIDENTIFIED SPEAKER: She's online.

15 MS. VOTAW: Hi. Good afternoon. May I
16 respectfully request five minutes instead of three minutes,
17 Since I am an attorney representing citizens and the
18 applicant's attorney got, I think, roughly 18 to 20 minutes.

19 MR. CHAIR: Yes, ma'am.

20 MS. VOTAW: Thank you so much. I really
21 appreciate it, sir, and welcome to the Board. I'm excited
22 to have you --

23 MR. GIBBS: As a point of order, I'd like to ask
24 Ms. Votaw if she took the oath. I did not see her hand come
25 up.

1 MS. VOTAW: My understanding is that if -- if Mr.
2 Gibbs took the oath, my understanding is that attorneys are
3 not supposed to take the oath, that that's not appropriate.
4 I'm happy to do so, my testimony is truthful, but my
5 understanding is common practice is attorneys do not take
6 the oath. They present argument on the facts that they have
7 to present via evidence.

8 MR. CHAIR: Ms. Votaw --

9 MS. VOTAW: But I'm happy to --

10 MR. CHAIR: -- Go ahead and proceed.

11 MS. VOTAW: Okay. Thank you, sir. So for the
12 record, my name is Alex Votaw from The Law Office of G. Macy
13 Nelson. Today I have the pleasure of representing Carolyn
14 Keenan and Jordan Eberst. I believe they're also there and
15 plan to speak briefly after me. We've submitted written
16 arguments outlining some of our very serious concerns with
17 this application. I hope the Board has opportunity -- or
18 has already had the opportunity to review those, they're in
19 the additional backup. So instead of going through each one
20 of those, I think we've adequately covered them in our
21 writing, and to respect the board's time, I just want to
22 highlight some of the key issues.

23 So starting with the Conceptual Site Plan in this
24 case, the transitional provisions describe that when you're
25 relying on prior development approvals, and you're applying

1 for a Conceptual Site Plan, you can't combine two properties
2 that were subject to separate approvals. And what we see
3 in -- I believe it was slide 8, the one before the slide
4 that's currently showing -- is that Lot -- thank you -- Lot
5 12 was subject to a separate CSP than Outparcel B, which is
6 the northern lot. Those should not be combined, and if they
7 are combined into a new application, as is being requested
8 here, we believe that's not allowed.

9 But even if it is, then they should not be allowed
10 to rely on a previous Tree Conservation Plan as well. So
11 you either have new CSP and a new Tree Conservation Plan, or
12 you can have reliance on a previous CSP with only the
13 properties covered by that previous CSP, and you can rely on
14 that previous Tree Conservation Plan. You can't have it
15 both ways -- is the issue here. So for that reason, we
16 believe you should deny this application.

17 I want to touch briefly on two substantive points
18 on the CSP. First and foremost, staff found that there's
19 not adequate traffic capacity at least one intersection in
20 this application, that's clearly stated in the traffic
21 report. For that reason alone, this application must be
22 denied. The requirements of the law require a finding of
23 traffic adequacy at this stage, not at the preliminary plan
24 stage. And we're going to have an expert, Larry Green, he
25 has signed up to testify -- he will touch on this as well.

1 The other issue is the compatibility. Staff and
2 the applicant have argued this is more compatible with the
3 area, but the area does not have any structures that are
4 five stories, especially structures that take up the entire
5 site that are five stories. The evidence we've submitted on
6 to the Board in our exhibits demonstrates that the area
7 around this property is, at most, three stories. So we
8 believe this application should either be denied on that
9 grounds or limited to only three stories high to be
10 compatible with the surrounding area.

11 And then I want to touch on the Tree Conservation
12 Plan, because I think that's really important here. First,
13 I unfortunately have to vehemently object to the proposed
14 amendment to the staff report, where the staff proposes to
15 remove the fact that the prior approvals were not complied
16 with and the applicant -- or the property owners have failed
17 to provide at least seven acres of woodland conservation
18 that was previously required. That should remain in the
19 staff report, it's important context for this board to
20 consider; we object to that change.

21 And the last thing I want to focus on is the
22 forest retention areas that are on this site. This site,
23 according to PGAtlas, according to picture signs on the
24 property itself -- and it seems to be implied by previous
25 approvals in this case -- has forest retention areas on it.

1 The applicant has to demonstrate how it is allowed to remove
2 those forest retention areas that are already located on
3 this site. That's a really big issue, and respectfully, the
4 applicant has to provide actual evidence explaining how it
5 is allowed to remove these forest retention areas and what
6 it's going to do to make up for their removal.

7 The applicant has not done that, they have not
8 addressed that. And again, respectfully, I don't believe
9 opposing counsel can address that because attorneys, as I
10 said, are not providing testimony, we provide argument, we
11 explain the evidence we are presenting to the Board. The
12 applicant has to provide actual evidence from a witness or
13 via documents demonstrating and accounting for these forest
14 retention areas, because this county is essentially
15 hemorrhaging woodland across the county, and that's causing
16 substantial woodland -- it's causing health issues, it
17 causes environmental issues.

18 So I really urge this Board to take that issue
19 very seriously and make sure the applicant is complying with
20 all the requirements of the Conceptual Site Plan, and
21 particularly the Tree Conservation Plan in this case,
22 because they are proposing to exclusively meet their
23 requirements through off-site mitigation, and in the past
24 that has not been complied with after the approval. So I
25 really appreciate your time. Thank you so much, Chairman,

1 and welcome to the Board.

2 MR. CHAIR: Thank you so much.

3 Asia -- I can't pronounce your last name --
4 Abdushshahid. No?

5 Brittney Braswell?

6 MS. BRASWELL: Hi. I'm here.

7 MR. CHAIR: Thank you.

8 MS. BRASWELL: I just want to address a few things
9 starting with the website for the PG Planning Board, which
10 says that your mission, created in the year that it was
11 created, is created to improve the quality of life for PG
12 residents. So nothing in that mission brought up WP
13 Acquisition and other developers in there.

14 The quality of their business -- it's focused on
15 the quality of life. And when we look at projects like
16 this, the people who live in the areas that projects like
17 this pop up in, their quality of life is directly affected
18 in a negative way, from air quality to the quality of the
19 schools that are already busting at the seams. I was a
20 teacher at Gwynn Park for many years, I had 40 plus students
21 in my class.

22 To the roads -- 210 is one of the deadliest
23 highways in Maryland. I get anxiety when I get on that
24 highway; I'm checking my mirrors three, four times on that
25 highway. So I just wanted to say that and bring that up to

1 just remind the Board that we expect you guys to advocate
2 for the quality of our lives, not for developers, and that's
3 all I would like to say. Have a great day.

4 MR. CHAIR: Thank you so much.

5 Gadise Teklu?

6 UNIDENTIFIED SPEAKER: Yeah. Sorry.

7 (Indiscernible)

8 MS. TEKLU: Good morning. My name is Gadise --
9 What? What? There you go. Okay. Good morning. My name
10 is Gadise, and I'm eight years old. I go to Accokeek
11 Academy, and I learned that you might let people cut down
12 the forest to build apartments; please don't, it's crazy.
13 First of all, elders, childrens, and adults with asthma will
14 suffer greatly, and so are people with ADHD and people with
15 no conditions. They would all have to breathe low-quality
16 air because trees take in carbon dioxide and turned it into
17 oxygen. So by cutting down trees, it's like you're
18 purposely making the air worse.

19 I love our forest so much. Accokeek is naturally
20 beautiful. By taking away the forest, you are also getting
21 rid of the animals that live there. Animals like birds and
22 foxes keep the bug population down. Bees, butterflies, and
23 beetles all are a major part of the ecosystem. Beetles
24 break down materials that make them land nutritious.
25 Butterflies and bees pollinate flowers and plants, which

1 help them grow.

2 Also, it's a home to lightning bugs. I know
3 people need places to live, but why cut down the forest?
4 Isn't there open land in Prince George's County without
5 trees where you could build houses? I'm afraid and sad
6 about climate change. When I grow up, I have to deal with
7 climate change. You are already grown up, so you won't
8 worry about it as much as me. This is where we need -- this
9 is why we need to keep our forests and swamps. They help
10 protect us from getting too hot and from flooding. Texas is
11 flooding right now, I don't want that to happen to me or the
12 community.

13 Please don't let them cut down our forest. Find
14 another place without trees. Keep our forests safe for me
15 and all the kids who want to stop climate change and protect
16 the habitats of nonhumans. Humans need to learn how to live
17 peacefully with other species too. Thank you for listening.
18 Sincerely, Gadise, Accokeek Academy student.

19 UNIDENTIFIED SPEAKER: Thank you.

20 UNIDENTIFIED SPEAKER: Thank you.

21 MR. CHAIR: Gadise, I want to just say that you
22 did an outstanding job. I don't know what the outcome is
23 going to be, but I applaud you for advocating for yourself
24 and your community, and we need more young people like you
25 in this world, so great job.

1 MS. TEKLU: Thank you.

2 MR. CHAIR: Julian Dotson?

3 MR. J. DOTSON: Hard to follow up Gadise, she's my
4 neighbor, and I appreciate you for doing that. I'm also a
5 teacher, as a previous speaker mentioned, and I have a few
6 notes here. So I live around the corner from this beautiful
7 forest, and I've lived there for nearly a decade. I've
8 raised my children there, and in this patch of forest -- is
9 not just a patch of forest, it's not just four specimen
10 trees. It's a part of our family's story. It's who we are
11 and it's what we talk about when we talk about Prince George
12 is so beautiful and -- gorgeous Prince George's.

13 Do these developers live in Accokeek? Do they
14 even live in Prince George's County? Do they live in
15 Maryland? Do they live around the corner from the 300 units
16 that are crammed into eight buildings -- or nearly 300
17 units, tucked behind a cloak of beautiful trees on a quiet
18 street? Would they allow their project to go forward if
19 their mama lived there? I don't know.

20 Every year, this forest removes 33.8 tons of
21 carbon dioxide -- that Gadise spoke about -- filters 456
22 pounds of air pollution that could otherwise settle in their
23 lungs. It absorbs millions of gallons of rainwater that
24 shields our area. If you notice, one of those site plans
25 showed a downward slope to our little creek where our kids

1 go and play sometimes. That creek will be gone because of
2 the amount of storm runoff and sewage runoff, similar to
3 across the street where those folks are complaining right
4 now about sewage and the stench when the kids play
5 basketball.

6 This forest will erase the beauty that we have
7 there. It means the elderly will breathe in terrible air --
8 and just listen to the bulldozers that are making all the
9 noise instead of the birds chirping. These garden
10 pollinators and different animals that we see will just seek
11 homes other places. The mice will seek homes in my house,
12 and when those mice start running from the bulldozers -- no
13 one wants mice. That's all I got to say. No one wants
14 mice. This isn't about the trees; it's about our lungs and
15 how our neighborhood breathes.

16 The old staff report and all the old things were
17 approved a while ago -- 2000. I don't know who was on the
18 board at that time, and what was looked at that time, but I
19 came long after that. Even when I got there, there were new
20 developments being built and those things were thrown up
21 fast. So all the preliminary planning might be there, but
22 when they start building, they want it up fast so they can
23 get money in their pockets fast. This process here is
24 definitely rushed. It's hidden --

25 MR. CHAIR: Your time is up, if you want to

1 conclude.

2 MR. J. DOTSON: Let me get to the last little
3 section here. I would say that the forest can't speak for
4 itself, but I'll speak for the forest.

5 MR. CHAIR: Thank you.

6 UNIDENTIFIED SPEAKER: Thank you.

7 MR. CHAIR: Ms. Karen Thompson (phonetic sp.)--
8 Thomas. Karen Thomas?

9 MS. THOMAS: Good morning. Good morning, I'm
10 here.

11 MR. CHAIR: All right.

12 MS. THOMAS: Hi.

13 MR. CHAIR: You have three minutes.

14 MS. THOMAS: My name is Karen Thomas, and I live
15 behind the proposed development on Bealle Hill Forest Lane
16 in Accokeek. My husband and I bought our home a little over
17 three years ago because it was in a good neighborhood, in an
18 area filled with single family homes, old and new. My
19 community is filled with residents who have worked hard and
20 moved here because it was quiet and peaceful. Now, we find
21 out about this plan. I took the time to read the 200-page
22 document outlining the history of this development, which
23 goes all the way back to the late 90's, early 2000's, when
24 this community was very different. I don't think anybody's
25 taking into account the changes that have been made in the

1 last 20 years.

2 The statement, to encourage diverse land uses
3 which blend together harmoniously, is definitely not being
4 upheld by this development. I don't know how a 300-unit
5 apartment complex will blend together harmoniously in a
6 community of owned single-family homes and townhomes; it
7 will only serve to diminish them. Additionally, this will
8 increase traffic in an area that is already traffic heavy.
9 The traffic circle that is mentioned throughout that 200-
10 page document can barely handle the communities it currently
11 serves, and we're already adding 218 townhomes and 95
12 additional single-family homes to this area.

13 The congestion from Manning to Dusty, Menk, and
14 other back roads can be significant already on days where
15 there are backups on 228 and 210, because everybody that
16 knows to use these back roads, not to mention GPS will
17 divert traffic this way when there are traffic issues. This
18 is not a walkable area, as the application and Conceptual
19 Site Plan mentions. Going across Berry Road is dangerous in
20 a car. People run those lights all day, every day. There
21 is rarely a day there's not an accident at or near this
22 intersection. It would be dangerous and negligent to
23 propose any residential walkways -- any resident walk across
24 those streets.

25 The conceptual idea that this would be a lifestyle

1 center field is impossible. There's no way 12,000 square
2 feet of retail will be meaningful. No national retailer
3 would take that small of a space. All we would get is more
4 of the same; more liquor stores, more vape stores, more
5 small, soul-food spaces. We don't need those; we need
6 meaningful retail, and how do I know this? Because I lease
7 space at a shopping center, which is where I am today. So
8 we're not adding anything to this community, we're taking
9 away from it, we're devaluing it. We're devaluing the home
10 prices of the residents that already live here. I hope we
11 can reevaluate this plan. Thank you.

12 MR. CHAIR: Thank you.

13 I think it's Khrehaan Ebah. Did I say that
14 correct? Last name is E-B-A-H.

15 UNIDENTIFIED SPEAKER: Yeah. Hi, there.

16 (Indiscernible)

17 MR. CHAIR: We're going to move on.

18 Lawrence Green?

19 MR. GREEN: Yes, I'm here.

20 MR. CHAIR: You have three minutes.

21 MR. GREEN: Good morning. My name is Larry Green.
22 I'm a registered professional engineer in the State of
23 Maryland, as well as a nationally certified professional
24 traffic operations engineer. Your Honors, I only have two
25 points to raise.

1 Number one, I agree with the staff findings that
2 the proposed Signature Club East development will exceed the
3 trip cap of 1:47 a.m. peak hour and 5:24 p.m. peak hour
4 trips. The applicant has presented an argument that if
5 internal trip reductions and pass-by trip reductions are
6 included, then the Signature Club East development will only
7 exceed the trip cap during the a.m. peak hour. Based upon
8 my review of preliminary plan of subdivision 4-01064, there
9 are no stipulations for assumed reductions of internal trips
10 or pass-by trips. The condition only establishes a trip cap
11 of the number of trips generated by the development. In
12 this case, the trip cap is exceeded during both a.m. and
13 p.m. peak hours.

14 Point 2, the applicant has raised an argument that
15 the proposed Signature Club East development, with the
16 inclusion of internal trip captures and pass-by rates, will
17 impact the Maryland 210 at Maryland 373 intersection by 16
18 critical lane volume units less, during the most critical
19 p.m. peak hour as compared to the previously approved
20 development application. Based on park and planning,
21 traffic impact study guidelines for intersections which
22 exceed the level of Service D criteria or a CLV above 1,450,
23 recommendations must mitigate the site traffic impact by 150
24 percent at these negatively impacted intersections.

25 Therefore, since the new development plan was

1 shown to reduce the critical lane volume by 16 CLV units, at
2 the Maryland 210, at Maryland 373 intersection during the
3 p.m. peak hour, then in order for this plan to be deemed an
4 acceptable mitigation measure, then the original traffic
5 impact to the Maryland 210 and Maryland 373 intersection by
6 the previous development must be ten units or less, because
7 150 percent of 10 is 15, which would be less than 16 CLV
8 impact.

9 Based upon the previous plan submission, it is
10 inconceivable that the previous development proposal had an
11 impact to the Maryland 210 and Maryland 373 intersection of
12 10 CLVs or less during the p.m. peak hour. Therefore, the
13 simple change in development plan fails to meet the park and
14 planning traffic mitigation guidelines. Thank you very much
15 for your time.

16 MR. CHAIR: Thank you.

17 Lisa Burnam?

18 MS. BURNAM: Good morning. I'm Lisa Burnham, a
19 resident of Accokeek, and I'm very concerned about the
20 proposed development at Manning and Berry Road. Putting 300
21 units on 16.9 acres is way too much for our area. This goes
22 against the county's Climate Action Plan. Also, the
23 developer's track record is poor. Nearly 100 signature clad
24 residents are suing Ryan Homes and Caruso Homes right now
25 for proper for property damage, sewage backup, and awful

1 smells from badly designed wastewater systems. These
2 developers knew the systems were poorly installed but didn't
3 warn buyers.

4 Since 2021, these residents have been getting
5 overcharged for wastewater. Their home values have dropped,
6 and their insurance went up. As usual, these developers put
7 profits over people. We don't want more of this in
8 Accokeek. The forest area soaks up nearly 500,000 gallons
9 of rainwater every year. Without it, we'll see increased
10 flooding for nearby properties and higher insurance costs.

11 Without these trees, temperatures will rise five
12 to nine degrees, making higher SMECO bills, stressing our
13 power grid, and real health concerns from the heat. Our
14 local wildlife will suffer and be displaced. Our
15 pollinators, like bees and butterflies, will be endangered.
16 Once we lose these natural resources, we can't get it back.

17 Traffic, as many people have already said, 210 is
18 really dangerous. Adding 300 units means at least 600 more
19 cars in an already congested road. This means more
20 accidents, longer commutes, and more crowded schools.
21 Accokeek Academy, where my daughter attends, is already at
22 capacity. The new Fort Washington school helped but didn't
23 solve the overcrowding problem, adding hundreds more
24 children will further stress teachers, increase class sizes,
25 and impact the quality of education for all our kids.

1 We need to build infrastructure that can support
2 adding more families to this area. Instead of high-density
3 development in environmentally sensitive areas, we should
4 encourage northern PG to make more affordable housing so
5 it's easier for people to live closer to their jobs. We
6 need to reduce sprawl and long commutes, make
7 recommendations that honor the Climate Action Plan of our
8 county, invest in public transportation to reduce car
9 dependency. Even without signatures, we're already dealing
10 with overcrowded schools, difficult commutes, and unsafe
11 roads.

12 Accokeek is one of the few places left in PG with
13 sprawling green spaces. Wetlands, forests, wildlife that
14 give character to this area are irreplaceable, and we know
15 that the developers don't care about that. These are
16 irreplaceable resources that benefit everyone, and it's not
17 an invitation to developers. We want development that
18 serves our community's long-term interests. Signature Club
19 East will strain our infrastructure and remove natural
20 resources that protect from flooding and extreme heat.

21 I respectfully ask you to reject this proposal.
22 District 9, Accokeek, needs more schools, walkable roads,
23 public transit, and protection of natural areas to keep us
24 green, healthy, and a sustainable community. Thank you for
25 your time and consideration.

1 MR. CHAIR: Thank you.

2 Megan Crigger? Megan Crigger?

3 Rana Dotson?

4 MS. DOTSON: Morning.

5 UNIDENTIFIED SPEAKER: Morning.

6 UNIDENTIFIED SPEAKER: Good morning.

7 MS. DOTSON: Thank you so much for this hearing
8 and for hearing our testimonies in opposition. My name is
9 Rana Dotson. I'm a member of this community; I live in
10 Accokeek. We've been here -- raised our three kids for the
11 last decade in this community. This plan to destroy almost
12 17 acres of mature forest for about 300 apartment units is
13 not just ill advised, it's potentially illegal, unsafe, and
14 based on false confidence in a developer who's already
15 failed this community.

16 First, the proposal potentially violates
17 Maryland's Forest Conservation Act. The developer hasn't
18 shown that the forest clearing is the minimum necessary, nor
19 have they prioritized on-site retention as legally required.
20 Second, let's talk about trust. Signature 2016 Residential,
21 LLC is currently being sued by residents, as been mentioned
22 by my neighbors, of their existing Signature Club
23 development just across the street.

24 Since 2021, those residents have endured repeated
25 sewage backups into their homes, flooded basements, and

1 noxious odors -- gross. Complaints have gone unaddressed or
2 have been slow to be addressed, promises have been broken,
3 and the company's pattern of neglect is well documented in
4 court filings, where I saw them.

5 These are not hypothetical risks. They're ongoing
6 harms right now affecting real people who were assured their
7 homes will be safe. This is the same developer asking you
8 for permission to build 300 more units? Why should the
9 public or this board believe they will suddenly operate
10 differently? Third, this proposal violates Adequate Public
11 Facilities Ordinance. Our local K through 8 school,
12 Accokeek Academy, where my kids matriculated, is
13 overcrowded. The recently built Fort Washington School, as
14 has been mentioned, hasn't resolved the issue. The
15 development will only make matters worse, placing additional
16 strain on classrooms, teachers, and students.

17 Fourth, consider the impact on public safety. As
18 has been mentioned, we all know Maryland Route 210 is a
19 death trap already. It's already among the most dangerous
20 highways on the state, and adding over 600 more daily
21 vehicle trips, without roadway improvements, is reckless and
22 will increase the risk of serious accidents, including to my
23 two new teenage drivers who are on 210 almost every day.

24 Fifth, removing almost 17 acres of forest, as has
25 been mentioned, will harm the environment, which directly

1 impacts us and little Gadise. Please, staff recommends
2 approval -- excuse me. Staff recommends approval with
3 conditions, but what conditions could possibly replace
4 mature forest? There is mention of indefinite waiver in the
5 in the paperwork -- waiving what exactly? Where is the
6 environmental impact statement? Where is the analysis of
7 cumulative impact from nearby developments?

8 This Board faces a simple but serious choice. You
9 can stand with us, the residents, protect public health and
10 safety, and uphold environmental laws by denying this
11 application. Or you can enable a known violator with an
12 active lawsuit to destroy forest and worsen flooding,
13 traffic, and overcrowded schools.

14 At minimum, I urge you to defer this decision
15 until a full environmental review is completed, viable lower
16 impact alternatives are considered, and the public has
17 adequate time to assess this plan. Forest cannot speak, as
18 has been stated by my husband, but we can, and we must speak
19 for it. Please deny this dangerous and irresponsible
20 proposal. Thank you.

21 MR. CHAIR: Thank you.

22 Tatiana Gomez Ramirez?

23 MS. RAMIREZ: Morning. Members of the Prince
24 George County, my name is Tatiana Gomez, and I am proud
25 resident of Accokeek and a member of (indiscernible)club

1 community.

2 COMMISSIONER WASHINGTON: Can you get a little
3 closer to the microphone, please? Thank you.

4 UNIDENTIFIED SPEAKER: Hello, sir.

5 MR. CHAIR: You're fine.

6 MS. RAMIREZ: Today I stand before you, not just
7 as an individual, but as a voice of the many families who
8 have signed a petition in strong opposition to the proposed
9 development on Lot 12 and Outparcel B. This proposal, which
10 include hundreds of multi-family dwelling units and over 12
11 square feet commercial space, poses a serious and
12 irreversible -- three to integrity of our community.

13 First, let me speak to the environmental impact.
14 This development will wipe out our area's last remaining
15 forest ecosystems, it's home to native wildlife, and plays a
16 vital role in purifying our air, regulating temperatures,
17 absorbing stormwater, and refreshing groundwater. Once it's
18 gone, it's gone forever. The environmental cost is too
19 high, especially at a time when we should be protecting, not
20 destroying, our natural resources.

21 Second, is this an example for our development
22 with our responsible planning? Accokeek is a semi-rural
23 community. That identity is important to us, and is why
24 many of us choose to live here. I think three high-density
25 units and new commercial buildings will be put an

1 unsustainable burden on our schools, utilities, emergency
2 service, and recreational space. The infrastructure simply
3 isn't there to support this kind of development, and there
4 is no clear plan for how those gaps will be addressed.

5 Three, traffic and road safety. Anyone who lives
6 in Accokeek knows that Route 2010 (phonetic sp.) and
7 Livingston Road are already experiencing congestion. This
8 development will dramatically increase traffic on narrow
9 residential roads, schools, bus routes, and already
10 congested intersections. This is not just inconvenient,
11 it's dangerous. Emergency response times will be delayed,
12 and accidental risks will increase, especially for children
13 waiting at bus stops.

14 Four, and perhaps most personal to many of us, are
15 the safety and liability concerns. With higher population
16 density and new retail space, often comes increased crime,
17 robbery, vandalism, and loitering. Accokeek currently does
18 not have the law enforcement resources to handle surge in
19 population and activity. We worry about what this means for
20 our peace of mind, for our childrens playing outside, and
21 for our community -- quality of life. In conclusion, we are
22 not anti-growth, we are pro-responsibility; we support
23 development.

24 MR. CHAIR: Your time is up. You want to
25 conclude?

1 MS. RAMIREZ: Yes. We are urging -- to the
2 Planning Board to listen to the residents who live every
3 day. Please reject this proposal and still work with us
4 creating a better, more sustainable plan for Accokeek
5 future.

6 MR. CHAIR: Thank you.

7 MS. RAMIREZ: Thank you.

8 COMMISSIONER WASHINGTON: Thank you.

9 MR. CHAIR: Thank you.

10 Victor Christiansen?

11 MR. CHRISTIANSEN: I read the planning report and
12 there was one item in the planning report that I want to
13 bring up. It basically said that there were no comments
14 from the community. This is very misleading. I don't --

15 COMMISSIONER WASHINGTON: Could we have you
16 identify yourself again, please, sir?

17 MR. CHRISTIANSEN: Victor Christiansen.

18 MR. GIBBS: And your address?

19 MR. CHRISTIANSEN: 16521 Boot Hill Road Accokeek,
20 Maryland.

21 COMMISSIONER WASHINGTON: Thank you.

22 MR. CHRISTIANSEN: I was saying that the report
23 states that there was no response from the community. This
24 implies that community doesn't care, or that the community
25 agrees with the project, this is simply not true. I spoke

1 to a few of my neighbors, and they were shocked and outraged
2 when they heard about the massive project that was being
3 proposed. Recently, a petition has begun to circulate, just
4 within the past few days, it's gotten over 300 signatures.
5 So the community is opposed to this, and they do want to
6 comment. I don't understand why there was some disconnect,
7 but the community hasn't had a chance to comment.

8 I suspect that over the next few weeks, hundreds
9 of thousands -- even more people will comment and be opposed
10 to this project, they just haven't heard about it, and I
11 don't think that's right. The people have a right to speak,
12 they have the right to have their opinions heard, and to
13 date, I don't think that has happened. Several people have
14 mentioned Interstate 210, as you probably know, just last
15 week -- a week ago today -- there were two fatal accidents
16 on 210; three individuals died. This is not unusual for
17 210.

18 Safety advocates have named 210 the highway of
19 death. AAA has said repeatedly, year after year, that it's
20 the worst highway in the State of Maryland and probably the
21 one of the worst highways in the entire country. We need to
22 address that problem, and the solution is not by adding more
23 congestion and more traffic. The report stated that one
24 intersection will fail. That should be enough to say that
25 this should not happen at this time. The solution is to fix

1 the road, not add more congestion, it would just make it
2 worse; it would just cause more disruption, more death.
3 Thousands of people use that highway and they would be in
4 traffic jams -- more road rage, more accidents, that's not
5 the solution. The solution is to fix the highway.

6 And there were several proposals to fix the
7 highway since I've been there. They wanted to put
8 overpasses on Route 210. That money was taken to fund the
9 Purple Line. I understand one overpass was put in, but
10 that's not sufficient; The other seven were never put in.
11 The intersection between 210 and 228 is a malfunctioning
12 disaster that was supposed to be flyovers. When they put
13 that in, they said it's only temporary -- we're putting in
14 flyovers, so there wouldn't be any lights there. That was
15 like 15 years ago.

16 MR. CHAIR: Mr. Christiansen, your time is up.
17 Would you like to conclude?

18 MR. CHRISTIANSEN: Yes. I would like to conclude
19 just by finishing saying, you know, this is an unmitigated
20 disaster that's just waiting to happen. Particularly in
21 terms of 210 and the congestion that it would cause.

22 MR. CHAIR: Thank you.

23 MR. CHRISTIANSEN: Thank you.

24 COMMISSIONER WASHINGTON: Thank you.

25 MR. CHAIR: Caleb Dotson? Caleb.

1 MR. C. DOTSON: Good morning, my name is Caleb
2 Dotson. I've lived in this community for half of my life.
3 The forest is not just beautiful, it's protective. It
4 cleans the air we breathe it cools the streets we ride our
5 bikes on; it absorbs the storm water that could otherwise
6 flood our basements. Every year, it removes 33.8 tons of
7 CO2 from the air, it filters 456 pounds of air pollution, it
8 absorbs nearly half a million gallons of rainwater, it
9 filters pollinators, birds, and native wildlife. Now,
10 developers want to bulldoze it all and turn it into just
11 pavement and profit.

12 Let's be honest, they would never approve this
13 next to their homes. They wouldn't want it -- they wouldn't
14 want it near their children. They wouldn't dare put it next
15 to their mother's house, but they will do it to ours because
16 they do not value our neighborhood, and to them, our
17 neighborhood is expendable. That is selfish and that is
18 wrong, and it's exactly what's happening here. The
19 consequences are real.

20 Destroying this forest will raise local
21 temperatures by five to nine degrees. It's already like 100
22 degrees in my neighborhood. I was just out the other day;
23 it's too hot, we can't have it raising even more. Where
24 will children go to play? They're going to be cramped into
25 their houses. It increases flooding in neighborhoods that

1 are already struggling, and it displaces the same wildlife
2 that keeps our ecosystems balanced. It contradicts the
3 Prince George's County own Climate Action Plan.

4 Furthermore, a lot of other people talked about
5 Accokeek Academy and the amount of -- the overcapacity. I
6 went to that school; the hallways are already extremely
7 crowded and it's already over capacity. We don't need 300
8 more units and even more children crammed into that school.
9 So I have to ask, what sort of leadership is this? The
10 County tells us that they care about the environment. You
11 tell us that climate is a priority, but when the time comes
12 to make real choices, they hand out approvals like candy.
13 Stamp yes on the developer's wish list and tell the
14 community we should be grateful for the conditions.

15 But I ask you, what condition can possibly replace
16 16.9 acres of forest? There's no replacement -- there's no
17 replanting plan, no stormwater system, and no landscaped
18 median that can match what the living forest already does
19 for free. The whole process reeks. An indefinite waiver,
20 leaving what -- environmental protections, oversight, public
21 accountability? And where's the environmental impact
22 statement? Where's the cumulative analysis, especially when
23 other developments are going around us?

24 The truth is, they don't want to look at the full
25 picture, because if they did, they could not justify this.

1 In the staff report, it approves -- it recommends approval
2 with conditions. That's a rubber stamp dressed in
3 bureaucracy. I have a petition here with around 300
4 signatures in opposition of this project. They say they
5 talked to our community, and what did they get in response?
6 They did not talk to us. I have here proof that 300 people
7 don't want it in our community. It's our community and we
8 should have say in what happens in our community.

9 So you have the opportunity today to do what the
10 community needs and actually stand for our community and
11 stand for what our county -- what our county is supposed to
12 stand for. Thank you.

13 COMMISSIONER WASHINGTON: Thank you.

14 MR. CHAIR: Robin Braswell?

15 MS. BRASWELL: Good morning, I'm Robin Braswell.
16 I'm a community member of Signature Club. I built my house
17 last year, July 2024. In the middle of that process, I was
18 asked to sign a document informing me that they were being
19 sued by the residents of that community because the water is
20 bad; WSSC will not touch us. We have pumps in our yards
21 that try to do something to pump out the water. There's a
22 stench in that neighborhood because of the sewage system.

23 Currently, they're building 140 townhomes right in
24 front of the community. I ride 210 every morning. It takes
25 me no less than 30 minutes to go 10 miles. We already heard

1 that AAA calls it the deadliest highway in Maryland. It is
2 ridiculous the amount of traffic and the speeding that
3 occurs already on that highway. So we're talking about
4 another 140 residents being built currently right outside
5 our community in that section above, so that's a potential
6 of 280 drivers. Then we want to add another 300 across the
7 road -- potential of 600 plus drivers on a road that cannot
8 handle already the people who are coming down it on a daily
9 basis.

10 My daughter Brittany Braswell spoke earlier. She
11 built her house across the street from me. I was supposed
12 to age in place there. I don't think I'm going to stay. I
13 moved from Accokeek not too long ago -- five years ago, to
14 this part of Accokeek. I might have to move again because
15 this is ridiculous. The time it takes -- that highway
16 cannot handle the traffic, and to put 300 apartment units
17 there, that's ridiculous. Let me see what else I had in my
18 point.

19 And then they talked about commercial
20 establishments, so you were talking about even more traffic
21 coming there. We have commercial establishments across the
22 street. We have Giant, we have two banks, we have 7-Eleven,
23 we have a gas station. We have commercial establishments
24 there; we don't need more. That's even more traffic in an
25 area that's already overpopulated. This does not make

1 sense. I hope you support the residents and stand by us.
2 We have to live there, these developers don't live there,
3 they don't care. They don't give us anything.

4 When I signed my contract, my HOA was \$140. By
5 the time I went to closing, it's 168. Why? Because the
6 water is bad and we have to pay another company to manage
7 our water. We have to pay another company 400,000 a year to
8 manage our water. That shouldn't even have been approved
9 back then -- that the land is bad, that the water is bad,
10 homes are being flooded, sewage is backing up; that's a
11 problem. What is that going to do to our community? Thank
12 you.

13 MR. CHAIR: Thank you. There were three people
14 that were in favor of this project. We'll start with Mark
15 Ferguson.

16 MS. VOTAW: May I be heard very briefly.

17 MR. CHAIR: Yes.

18 MS. VOTAW: My clients, I believe -- this is Alex
19 Votaw, for the record.

20 MR. CHAIR: What's your name?

21 MS. VOTAW: Alex Votaw. Alex Votaw.

22 MR. CHAIR: Wait a minute.

23 MS. VOTAW: I'm the attorney for Carolyn Keenan
24 and Jordan Eberst, they have not been called. I believe
25 they're signed up to testify. I understand that the new

1 rules apparently state that if a persons are represented by
2 attorneys, they can't be -- they can't testify. But the new
3 rules also say I was entitled to a full case in opposition,
4 I was not given that opportunity. I instead would like to
5 request that the Board give my clients their three minutes
6 to say what they want to say.

7 MR. CHAIR: Not at this time.

8 UNIDENTIFIED SPEAKER: Let the people speak. This
9 is our community. Don't let random rules suppress the voice
10 of people who will be impacted by this. This developer,
11 he's going to get -- he represents the developer. He's
12 going to get all the time he wants to speak. Give us our
13 three minutes.

14 MR. CHAIR: I'm going to ask you all to follow the
15 rules that we have in place.

16 UNIDENTIFIED SPEAKER: -- to suppress the voice of
17 people who are here.

18 MR. CHAIR: Listen, ma'am.

19 UNIDENTIFIED SPEAKER: It's our civic duty to
20 speak up. You say that we don't care about our community,
21 but when we show up, you take their voice away.

22 MR. CHAIR: I'm going to say this one more time,
23 or I may ask you to leave. Please let me allow for us to
24 follow the rules and procedures. We are going to make a
25 decision that makes sense, and I'm going to follow that. So

1 is Michael Lambert (phonetic sp.) -- Lenhart here?

2 MR. GIBBS: Mr. Chairman, all three of those
3 witnesses are part of my team --

4 MR. CHAIR: Okay.

5 MR. GIBBS: -- and so they would be part of our
6 rebuttal case.

7 MR. CHAIR: Fair enough.

8 MS. VOTAW: But just for the record, I would like
9 to object to this proceeding, but I'll drop the point. I
10 just want to make the record clear. Thank you so much.

11 MR. CHAIR: Thank you. Yes, ma'am. Is Michael
12 here?

13 MR. GIBBS: Well, Mr. Chairman, thank you very
14 much. So are we at the point where we can go forward with
15 our rebuttal?

16 MR. CHAIR: Yes, you are.

17 MR. GIBBS: Okay. Great. Thank you very much.
18 First, I would like to respond to the first objection that
19 was lodged by Counsel for two of the residents. Alex Votaw
20 spoke at the commencement of your taking testimony. I want
21 to address the first issue that she raised. Then I am going
22 to call witnesses. I'm going to call Mr. Michael Lenhart to
23 address and rebut transportation testimony that was made.
24 And I am going to then call Mr. Mark Ferguson, who is our
25 land planner, and he is going to address a number of issues,

1 most substantially the woodland issues that have been
2 prevalently mentioned in opposition testimony.

3 I do have a question, though, and that is, it had
4 been my understanding that staff of the Natural Resources
5 Division was present and they were going to respond to
6 comments about tree preservation; is that true?

7 UNIDENTIFIED SPEAKER: Yes.

8 MR. GIBBS: Normally that would happen before I do
9 my rebuttal, but whatever the wish of the Chair.

10 MR. CHAIR: No, I want you to go ahead and
11 continue.

12 MR. GIBBS: Okay. Sure. So let me first address
13 the comment that Counsel for two of the opponents in this
14 case mentioned during her remarks -- called as the first
15 person to speak. And that is the assertion being made that
16 there is a violation occurring here by virtue of having Lot
17 12 and then adding a part of -- an additional piece to it,
18 meaning Outparcel B and still using the prior Zoning
19 Ordinance.

20 The section that Ms. Votaw is referring to is
21 Section 27-1704(a), and there is a prohibition to adding
22 land area to a prior application and including it as an
23 ability to apply use of the prior Zoning Ordinance, meaning
24 the M-X-T Zone versus the RMF-48 Zone. That would be true
25 if we were using the original approved Conceptual Site Plan

1 that included three different pods of signature flow. That
2 is not what occurred here, and we made that very clear in
3 our justification statement that we were filing a new
4 Conceptual Site Plan here. It's a new Conceptual Site Plan,
5 it includes Lot 12, and it also includes Outparcel B, but it
6 is a new application, and it is not subject to the
7 prohibition that Ms. Votaw referred to.

8 Further, there is an additional issue that is
9 applicable and that is -- we're relying on Section 27-1704
10 of the new zoning ordinance to allow us to move forward --
11 the manner that we have chosen to do so. But there is also
12 another applicable provision, and that is Section 27-1901
13 and 1903 and 27-1903(b) specifically says that, except as
14 otherwise provided in this section, development applications
15 of any type for properties in all other zones of the County
16 may utilize the prior Zoning Ordinance for development of
17 the subject property, as long as you fall within the time
18 frame set forth in Section 27-1901, and that is three years
19 from the effective date of the ordinance.

20 So this application was filed within three years
21 from the effective date of the ordinance, so there is carte
22 blanche right in this section to do what we have done, and
23 we are not prohibited as Ms. Votaw has made an allegation in
24 her argument. So with that being said, I do want to call
25 next Mr. Michael Lenhart, he is our transportation expert.

1 Mr. Lenhart has been qualified as an expert in the field of
2 transportation planning and engineering on many, many
3 occasions before the board. I'm happy to have him go
4 through his qualifications, but because he's been accepted
5 as an expert on many occasions, I would offer him as an
6 expert today.

7 MR. CHAIR: Thank you.

8 Mr. Lenhart?

9 MS. VOTAW: Mr. Chairman, I'm going to object. I
10 believe the rules say that prior to providing testimony --
11 this is Alex Votaw for the record again, sorry -- prior to
12 providing testimony, individuals offered as an expert
13 witness must provide written evidence to the Board of the
14 individual's expertise.

15 MR. CHAIR: He has been here before, so we'll
16 accept his testimony.

17 MS. VOTAW: Again, I'm going to object to not
18 following the rules of procedure, but I'll drop it, so we
19 don't have to waste time.

20 COMMISSIONER WASHINGTON: Thank you.

21 MS. VOTAW: Thank you.

22 MR. CHAIR: Thank you. Yep. You may proceed.

23 MR. LENHART: Good morning. Thank you. And so I
24 just want to confirm as a rebuttal, I'm not limited to the
25 three-minute rule, right?

1 MR. CHAIR: That's correct.

2 MR. LENHART: I think I'll be within that, but
3 I'll try to be brief.

4 MR. CHAIR: Hope so.

5 MR. LENHART: The purpose of my testimony is to
6 provide information related to the transportation adequacy
7 issue. It's our opinion that mitigation is not necessary,
8 and this property has an approved trip cap and an existing
9 certificate of adequacy, that will result in a credit of
10 that capacity in the new certificate of adequacy that's
11 issued at the time of the forthcoming preliminary plan.

12 This existing property has a previous approval,
13 Preliminary Plan 4-01064. Condition 3 of that resolution
14 states, that the total development within the subject
15 property shall be limited to 157,000 square feet of retail
16 and office, or different uses allowed under the governing
17 CSP, which generate no more than 1:47 a.m. and 5:24 p.m.
18 peak hour trips. This application, as it exists in the CSP
19 and the forthcoming preliminary plan, does exceed the
20 morning peak hour trip cap, but it is within the evening
21 peak hour cap.

22 The Transportation Review Guidelines states, that
23 a background development is an approved and unbuilt
24 development within the study area. Having an approved and
25 valid preliminary plan of subdivision or a valid final plat;

1 this property has both. Furthermore, the property received
2 an automatic Certificate of Adequacy on April 1st of 2022,
3 with the prior trip cap and associated transportation
4 improvements, and that ADQ is still valid.

5 The total traffic conditions in this traffic study
6 will operate better in the background traffic conditions
7 during the evening peak hour, then it will operate under the
8 background conditions, meaning that the approval of this
9 project will result in an improvement in the levels of
10 service at Maryland 210 and Maryland 373, then what would be
11 expected if the property would develop using the existing
12 approvals. Not only does the current proposal not have a
13 negative impact, the approval of this current proposal would
14 have a positive impact as it impacts -- as it relates to the
15 levels of service at Maryland 210 and Maryland 373, when
16 compared to the current approvals.

17 This property has vested rights under 24-
18 4503(e)(1), and that all of the required dedication and
19 improvements have been constructed per 24-4503(c)(1)(c).
20 Let me jump to the mitigation -- it will require an ADQ
21 amendment at the time of preliminary plan and to incorporate
22 the changes in the transportation capacity as discussed in
23 24-4503(g).

24 So in summary, we do not believe that mitigation
25 is going to be required here. However, if at the time of

1 preliminary plan it's determined that mitigation is
2 required, we have identified potential mitigation at 210 and
3 373 that involve split phasing the traffic signal and
4 restriping the minor streets; so the west leg would be one
5 left-turn lane, one shared through left, and one shared
6 through right. The east leg would be one left-turn lane,
7 one shared through left, and one free right. That
8 improvement mitigates 300 percent of the site's impact. The
9 Transportation Review Guidelines requires only 150 percent
10 mitigation; this would mitigate 300 percent. Again, we
11 don't believe that's necessary, but mitigation is available
12 and has been identified if required at the time of
13 preliminary planning.

14 I'd like to address a few comments by Mr. Green.
15 He testified that pass-by trips and internal trips should be
16 included in the trip cap, and not reduced out of the trip
17 cap. That is not in conformance with how this has been
18 treated historically and not in conformance with what is in
19 the guidelines. The guidelines identifies pass-by trips and
20 internal trips that can be applied; it gives guidance for
21 how to apply that. And pass-by trips are trips that are
22 already on the road network. Internal trips are trips that
23 are between uses on the site and never hit the road network.
24 These are not included in the trip cap, and they have never
25 been included in the trip cap, so that comment was

1 inaccurate.

2 I also made some comments about mitigation at 210
3 and 373. Again, we don't think it's required. If it is
4 required, we have identified, as testified, potential
5 mitigation improvement that would mitigate our impact and
6 provide adequacy for 24-4505.

7 MR. CHAIR: I just have one question. As I'm
8 listening to those that are opposing and -- forgive me, this
9 is my first day on the job -- but what concerns me is just
10 the fact of what I'm hearing, and what I know, that 210 is
11 the deadliest highway I would say in America, and it was one
12 of those things that I worked on extensively when I was a
13 state delegate. So I'm more concerned with the
14 conversations that you guys have had with the community, as
15 it relates to your mitigation plans, and other ideas to try
16 to soften that blow, if you will, right? So if you can
17 expound on that, that would really help me understand the
18 traffic issues that they're raising, that is of concern to
19 them, as well as to me.

20 MR. LENHART: So adequacy of transportation
21 facilities -- the safety aspect is a valid concern. That's
22 a real issue and not to be downplayed -- and I don't mean to
23 sound that way -- but adequacy of transportation deals with
24 congestion and capacity related issues. There are other
25 measures in the guidelines and in the subdivision

1 regulations that specify how adequacy is to be measured.
2 And it generally involves capacity related issues. And
3 again, I would say this project it's already an approved
4 background development. They could develop today if they
5 wanted to, to develop 157,000 square foot shopping center,
6 they would need no further adequacy, testing, or approvals
7 for that.

8 MR. CHAIR: And I get the part that they could do
9 it, I'm clear. Yeah. But the part that I always going to
10 have a problem with, and I think this is for any other land
11 use attorney that comes before this Board, is that there
12 needs to be a better, or more inclusive conversation with
13 the community on how we're rolling out these projects. I
14 just think that if we have those conversations ahead of time
15 and try to mitigate some of the issues ahead of time, I
16 would not have 15 -- 17 people testifying in opposition.

17 I think as a subject matter expert when it comes
18 to transportation, is to really try to work with the
19 community on those mitigation plans. And I think as we
20 continue to go forward, that's what I would like to see; a
21 more broader conversation on how we're working more
22 collaboratively with the community, and what are those
23 community benefit agreements that they now feel most
24 comfortable with?

25 And I know that Mr. Gibbs has others that are

1 going to testify, but there are some major concerns that I
2 have, especially with the sewage backup and the forest
3 conservation. Those things are concerning to me as well as,
4 I'm hearing, is concerning for them. So I accept your
5 testimony and what you're saying as far as transportation,
6 but I would hope, as we continue to move through this
7 process, that there are broader conversations that you all
8 have with the community to really figure out how do we ease
9 some of those pain points that they have?

10 Because congestion and that traffic on 210 is a
11 huge concern, and I know as a legislator, we put in
12 countless bills to put in speed light cameras just to slow
13 people down.

14 MR. LENHART: Right.

15 MR. CHAIR: Okay? So when you're talking about
16 adding in more residents and more cars on the road and the
17 ability for those that can be impacted by that, I think in
18 all fairness to them we need to have a broader conversation
19 but thank you for your testimony.

20 MR. LENHART: Thank you.

21 MS. VOTAW: Chairperson -- this is Alex Votaw for
22 the record -- I believe I have the right to cross-examine
23 this witness. Is that not correct?

24 MR. CHAIR: You do.

25 MS. VOTAW: Thank you. May I take that

1 opportunity now, or was there something else that I should
2 wait for?

3 MR. CHAIR: No. The floor is yours.

4 MS. VOTAW: Thank you. Good evening, Mr. Lenhart,
5 nice to see you virtually -- or afternoon. Sorry. I had a
6 few quick questions. So when you say that they have the
7 right to produce a certain amount of traffic already, that's
8 under the prior CSP approval; is that correct?

9 MR. LENHART: It's under the existing -- or the
10 previous Preliminary Plan approval established a trip cap.
11 And this property, along with all properties throughout the
12 County, received an automatic Certificate of Adequacy on
13 April 1st of '22 that carried those approvals forward.

14 MS. VOTAW: Okay. So is it your testimony then
15 that this applicant, even at Preliminary Plan stage, will
16 not actually have to get a Certificate of Adequacy?

17 MR. LENHART: No. They will need to get a
18 Certificate of Adequacy at Preliminary Plan, but they have
19 an existing Certificate of Adequacy that would need to be
20 amended at the time of Preliminary Plan, and there's
21 language in the code that carries forward a credit for the
22 capacity that was reserved under the original approval.

23 MS. VOTAW: Got it. So let me -- I just want to
24 make sure I'm understanding.

25 MR. LENHART: Yeah.

1 MS. VOTAW: So they have a previous preliminary
2 plan that allows them to create a certain amount of traffic,
3 but this is a different plan; is it not?

4 MR. LENHART: Yes.

5 MS. VOTAW: And so under the Zoning Ordinance for
6 this new plan, the applicant has to show that the existing
7 or funding facilities would be adequate to carry the
8 anticipated traffic for this existing plan; is that correct?

9 MR. LENHART: When you say this existing plan, do
10 you mean the previously approved -- you mean the one that
11 was before the Board --

12 MS. VOTAW: No, I apologize. I mean this plan
13 CSP-23002 that's before the Board.

14 MR. LENHART: Yes, it requires a traffic study and
15 a test for adequacy.

16 MS. VOTAW: So the adequacy that was previously
17 provided isn't actually relevant to that review of this new
18 plan, that's not amending those previous plans, correct?

19 MR. LENHART: I believe that it is relevant.
20 There's an existing Certificate of Adequacy that is
21 currently and still valid that will require an amendment,
22 and the subdivision regulations states that projects shall
23 be credited with the capacity reserved, at the time of the
24 original approval. There were a number of aspects of
25 adequate public facilities that were not tested with the

1 original approval --

2 MS. VOTAW: I'm sorry to interrupt, but I just
3 want to keep it focused on the requirements for approval of
4 the CSP before the board.

5 MR. GIBBS: Mr. Chairman, I would ask that Ms.
6 Votaw stop interrupting the witness when he's answering her
7 question, please, and let him fully answer before she tries
8 to go into another question.

9 MR. CHAIR: Well, in all fairness, you're
10 interrupting now, so --

11 MR. GIBBS: (Indiscernible) Mr. Chairman, I had
12 to, thank you.

13 MR. CHAIR: I understand, but go ahead, Ms. Votaw.

14 MS. VOTAW: Thank you. So again, I just want to
15 confirm, finally, that the regulations for this Board, when
16 they're considering this CSP application before them,
17 requires this Board to make a finding that the existing
18 facilities or the fully funded proposed facilities will be
19 adequate to carry the anticipated traffic from this CSP
20 application; is that correct?

21 MR. LENHART: Yes. That's correct and --

22 MS. VOTAW: Okay. Thank you.

23 MR. LENHART: -- I believe that our study shows
24 that.

25 MS. VOTAW: And I believe that's all I have.

1 Thank you. Mr. Lenhart, and thank you, Chairman, for
2 indulging me.

3 MR. GIBBS: Mr. Chairman, I'd like to have Mr.
4 Mark Ferguson come up next, and he's primarily going to
5 address Woodland conservation issues. Thank you.

6 MR. CHAIR: Thank you.

7 MR. FERGUSON: Somebody left their cell phone at
8 the -- yeah. Thank you, Mr. Chairman, good morning. And
9 I'd like to also extend a welcome to you in your new role as
10 Chairman. I will also attempt to be brief and limit my
11 testimony to five minutes. My name is Mark Ferguson, I'm a
12 36-year Prince George's County resident with offices in
13 Upper Marlboro as well, here on behalf of the applicant. I
14 think the first bit of context that's important to bring out
15 is that this project, this type of development at this
16 location, has been in county planning for more than 30 years
17 at this kind of density.

18 So when we look at the development proposal, it's
19 not coming out of the blue, this is a continuation of a long
20 history which Mr. Gibbs described to you at the beginning of
21 the applicant's case. The forest conservation is actually a
22 part of that planning. When you look at the Forest
23 Conservation Plan that has been in place since 1999, which
24 is proposed to be amended today to accommodate this
25 Conceptual Site Plan. It is never proposed -- any forced

1 retention on the subject property to ultimately be the case.
2 It has always been proposed, since the very beginning, to be
3 cleared for development.

4 A prior Type 2 Tree Conservation Plan did, in fact
5 leave this area as preservation area, so that the
6 responsibility for requiring off-site credits, which
7 constitute only a part of the total woodland preservation
8 associated with the entire Signature Club project -- of
9 which this is just Pod 3 -- could be kicked down the road to
10 a later date; that later date is now. So the forest
11 retention area, which was, in fact, placed on the property
12 by a TCP 2 was there, but only as a placeholder. The
13 planning intention had always been to remove the trees on
14 this subject property.

15 Ms. Votaw, in her objection, raises a number of
16 complaints about procedure. I think Mr. Schneider's
17 (phonetic sp.) staff report that is in your backup was
18 exceptionally thorough -- gave you a long history of the
19 tree conservation on the project, how it does qualify for
20 review under the prior woodland conservation regulations
21 that were adopted last year -- prior to the ones that were
22 adopted last year. That the conservation requirement was
23 evaluated in accordance with the procedures and the
24 priorities in the Code, which don't require preservation
25 absolutely to be provided first and only that, but describes

1 it as a recommended priority.

2 And so in the context of the approved
3 development -- which, as I said, has been part of the
4 county's planning for more than 30 years -- the appropriate
5 choices were made in the review of this project by the
6 applicant and by your staff; I think that's a fair
7 assumption. I know Mr. Burke is here and he can give you
8 more technical details if you wish, for that on forest
9 conservation, but I thought I'd give you the high level.

10 MR. CHAIR: I appreciate that. I think at the end
11 of all of that is -- my concern still goes back -- and I
12 understand policy, but I also understand the importance of
13 conversation, and I'm not sure if that policy or regulation
14 was echoed to the community so they fully understand what
15 was before them. And it goes back to what I said earlier;
16 I would love that, as we continue to move forward, that
17 there are broader conversations, so folks understand what's
18 happening before they come here. Because I think if the
19 conversation was had before they got here, this hearing
20 would run a little bit smoother than what it is now. And I
21 would not be saying what I'm saying now because you all have
22 already had the conversation with the community. So --

23 MR. FERGUSON: And I certainly appreciate and
24 applaud your remarks. Certainly, Mr. Gibbs did tell you
25 there was a lot of outreach. The nature of the system is

1 that that outreach doesn't reach everybody, and sometimes
2 it's folks who just hear about a project for the first time
3 when they see signs appear.

4 MR. CHAIR: There's always two sides to every
5 story. I get that, but to my broader point, and I'm going
6 to conclude on that, is that I just want to make sure that
7 we're doing all we can to -- outreach is kind of broad,
8 right? But the information is still the most important
9 thing that they understand, and from what I'm hearing from
10 them, those points were not conveyed.

11 MR. FERGUSON: Understood.

12 MR. CHAIR: Thank you.

13 MR. FERGUSON: Thank you, Mr. Chairman.

14 MR. CHAIR: Mr. Gibbs?

15 MS. VOTAW: May I cross-examine? This is Alex
16 Votaw, for the record.

17 MR. CHAIR: I'm sorry. Yes, ma'am.

18 MS. VOTAW: Thank you, Mr. Chairman. So I just
19 have a few questions. I recall you testifying that their
20 previous Tree Conservation Plans for the overall
21 development -- that contemplated clearing the subject
22 property; is that correct?

23 MR. FERGUSON: That is correct.

24 MS. VOTAW: Were those plans including both
25 Outparcel B and Parcel 12 -- and Lot 12?

1 MR. FERGUSON: They did not, they included only
2 parcel 12. The current plan is an amendment to extend its
3 coverage to Outlot (phonetic sp.) B.

4 MS. VOTAW: So when you're testifying that the
5 previous plans always contemplated removal of trees on this
6 property, that does not include part of this subject
7 property -- Outparcel B, correct?

8 MR. FERGUSON: I would say that the prior TCP1 did
9 not contemplate other land outside of Parcel 12. That is
10 proposed under an amendment that's before the Board today.

11 MS. VOTAW: So can you explain to me what the
12 previous TCPs for Outparcel B contemplated for that site?

13 MR. FERGUSON: I do not believe that there has
14 been a TCP. Okay. Let me say this. I'm not familiar -- I
15 did not review the TCP that may have been associated with at
16 least a part of Parcel B. I don't know whether in pursuing
17 the townhouse development on the portion of the property on
18 the west side of Manning Road that extended to the subject
19 property or not; I'm simply not aware.

20 MS. VOTAW: So you don't know whether, for
21 example, the development of the other part of Parcel B
22 satisfy the forest conservation requirements through on-site
23 preservation of Outparcel B; is that correct?

24 MR. FERGUSON: I have not reviewed that plan.
25 That plan, however, was prepared by a different property

1 owner.

2 MS. VOTAW: Got it. So you don't know whether or
3 not, for example, if this tree area was removed, essentially
4 the tree conservation required for that other development
5 would no longer be satisfied; is that correct? You don't
6 know one way or the other?

7 MR. FERGUSON: When you say this tree area, do you
8 mean the portion of the woodlands that is on Outlot B only?

9 MS. VOTAW: Yes, sir. Yes, sir.

10 MR. FERGUSON: That is correct.

11 MS. VOTAW: You wouldn't know?

12 MR. FERGUSON: I do not know definitively.

13 MS. VOTAW: Okay. So from what I'm understanding
14 from your testimony, the preservation of the trees on Lot 12
15 was used to satisfy prior forest conservation requirements
16 on the last TCP2; is that correct?

17 MR. FERGUSON: That is correct.

18 MS. VOTAW: And now that tree area that justified
19 the previous development is being removed; is that correct?

20 MR. FERGUSON: That is correct.

21 MS. VOTAW: And does this applicant have to
22 compensate for the change in the satisfaction of the tree
23 conservation requirements for the previous approval now that
24 he's removing those trees?

25 MR. FERGUSON: Yes, effectively he does.

1 MS. VOTAW: How?

2 MR. FERGUSON: Because in this case, by acquiring
3 off-site mitigation, as was always contemplated in the Type
4 1 TCP for the overall site.

5 MS. VOTAW: But it's true, is it not, that that
6 off-site preservation has never been purchased; is that
7 correct?

8 MR. FERGUSON: Off-site preservation is purchased
9 all the time for all sorts of projects.

10 MS. VOTAW: I'm talking about this project. It's
11 true that in the staff report, they explained that there was
12 a requirement to purchase 7. -- I believe it was 19 -- acres
13 of off-site preservation and that did not occur; is that
14 correct?

15 MR. FERGUSON: I cannot speak to the 7.19 acres
16 and what should have been done. What I can say is that the
17 Type 1 Tree Conservation for the overall project
18 contemplated the acquisition of almost 30 acres of off-site
19 credits as a part of the whole project, of which this would
20 represent a part.

21 MS. VOTAW: And you don't know whether or not that
22 acquisition has ever occurred, do you?

23 MR. FERGUSON: I'm sorry, which is that
24 acquisition?

25 MS. VOTAW: The purchase of the 30 acres of off-

1 site credits.

2 MR. FERGUSON: Well, I can say it is not because
3 that doesn't happen until just before grading permits, which
4 would be after a subsequent TCP2 to complete the entirety of
5 the area covered by that Type 1 TCP.

6 MS. VOTAW: Okay. Well, let me rephrase then.
7 Just so I make sure the record is clear, so the Board is
8 fully aware of what they're approving. Do you know whether
9 or not the off-site preservation credits have been purchased
10 that were required for all of the development that has
11 already occurred, that was proposed by that initial TCP1?

12 MR. FERGUSON: I can tell you it absolutely -- all
13 of the credits have not yet been purchased, nor should they
14 have been.

15 MS. VOTAW: For the existing development that
16 already got grading permits?

17 MR. FERGUSON: I'm sorry, you're saying both the
18 existing development and all of the development covered by
19 the previous TCP1? It's either one or the other.

20 MS. VOTAW: No. I'll rephrase just to make sure
21 it's clear. I apologize for the miscommunication there. Do
22 you know whether or not the off-site credits required for
23 the existing development, that has already been developed,
24 have those all been purchased?

25 MR. FERGUSON: I have not -- I do not know.

1 MS. VOTAW: And do you know whether or not the
2 amount that had to be purchased was adjusted, based on the
3 preservation of the forest on Lot 12 for the previous
4 development?

5 MR. FERGUSON: I'm not sure I understand your
6 question. Certainly, whenever you come back and take areas
7 out of temporary preservation and proposed development that
8 requires off-site mitigation, you would need to propose --
9 you would need to purchase those credits, and the purchase
10 of those credits might change ratios, it might change the
11 total amount that's purchased; it's a bit of complicated
12 math. So --

13 MS. VOTAW: So could you explain for the Board
14 what that math is?

15 MR. FERGUSON: Ma'am, let me finish if I could.
16 So certainly -- and I'll reiterate what I said before --
17 until everything is done, all of the area covered by the
18 entire Type 1 Tree Conservation, the final accounting will
19 not be -- will not be complete. So whether it's incomplete
20 now, certainly it is, regardless of what the proposal would
21 be.

22 MS. VOTAW: Okay. So I now have a question. So
23 is it your testimony that this applicant, and no applicant
24 within the Signature Club, is required to purchase off-site
25 credits until every single part of that original development

1 is fully developed?

2 MR. FERGUSON: No, I never said that. That has to
3 be determined at each phase of TCP2 implementing it.

4 MS. VOTAW: Okay. That's what I thought. So then
5 my question is, can you explain for this Board how this
6 applicant -- or let me rephrase, just to make sure I'm
7 clear. Can you explain for the Board the math that
8 justifies the removal of these trees and whether or not the
9 site is meeting the requirement? I'm going to rephrase --
10 sorry, I'm trying to be clear, but there's so many different
11 pieces, like you said. I just want to make sure we all
12 understand. So the forest on Lot 12 was preserved to
13 accommodate a previous development; is that correct?

14 MR. FERGUSON: I would say, to be most precise,
15 the forest on Lot 12 was preserved to defer the requirement
16 for purchase of the off-site credits until the end of the
17 total development of the Signature Club, which is
18 essentially now.

19 MS. VOTAW: So --

20 MR. FERGUSON: That's probably the best way of
21 stating it clearly.

22 MS. VOTAW: Okay. Okay. So then when the staff
23 report and your TCP is calculating the amount of off-site
24 credits, are you accounting for the amount that was deferred
25 by the previous development?

1 MR. FERGUSON: Yes.

2 MS. VOTAW: And how much is that?

3 MR. FERGUSON: I would have to have the TCP in
4 front of me to be able to give you the number, or Mr. Burke
5 may be able to speak to that, but certainly that's what the
6 worksheet on each TCP contains.

7 MS. VOTAW: Do you know how much woodland
8 conservation off-site credits are being purchased in this
9 case?

10 MR. FERGUSON: Well, in which case for this --

11 MS. VOTAW: In this case before the Board, in this
12 TCP.

13 MR. FERGUSON: For just this application --

14 MS. VOTAW: Uh-huh.

15 MR. FERGUSON: -- or for the entirety of the
16 signature club development?

17 MS. VOTAW: For the part of the application that's
18 removing these trees.

19 MR. FERGUSON: Off the top of my head, I do not.
20 If I look at the Type 1 TCP, I could be able to tell you.

21 MS. VOTAW: And okay, let me just ask this. Do
22 you know the ratio of credits? Is it usually one acre
23 removed to one acre purchased?

24 MR. FERGUSON: It varies with the amount of
25 clearing. So under the old regulations, there was a

1 requirement of, if you kept your clearing above the woodland
2 conservation threshold, the requirement was one acre of
3 replacement for every four acres of clearing. If your
4 clearing was extensive enough to go below that threshold,
5 then that replacement requirement was multiplied eight times
6 to two acres of --

7 MS. VOTAW: Okay.

8 MR. FERGUSON: -- replacement for every acre of
9 clearing.

10 MS. VOTAW: So I guess my question then is, if Lot
11 12 preserved, let's say, 12 acres of forest to accommodate
12 that previous development, if they were to meet that off-
13 site, would that require essentially 12 acres of woodland
14 conservation credits?

15 MR. FERGUSON: I could not answer that without
16 looking at the detailed math on the worksheet.

17 MS. VOTAW: Okay. And neither you nor the
18 other -- do either you or the other witness have those
19 numbers ready to explain to the board?

20 MR. FERGUSON: Mr. Lenhart certainly does not. I
21 did not bring a copy of the Type 1 TCP. Mr. Burke is
22 available from the Environmental Planning staff. And if the
23 Board decides, perhaps it would be better to hear that from
24 me.

25 MR. CHAIR: Ms. Votaw, is there a specific

1 question that you have? Because we're going around and
2 around right now.

3 MS. VOTAW: Yeah. What I'm trying to figure out,
4 Mr. Chairman, is, from my understanding of the staff report,
5 they're only required to purchase roughly one acre of off-
6 site woodland credits to accommodate this site, as if this
7 was a new development and not contemplating the requirements
8 for woodland conservation that were associated with the
9 previous stages of development. In other words, the
10 applicant keeps saying the forest on this property was held
11 to push the off-site credit purchase to a later date. And I
12 just want to make sure the Board is getting verification
13 that this application -- which is the later date -- includes
14 the purchase of all of those credits, because these pieces
15 of property are owned by different entities, so I'm
16 truthfully very skeptical that the off-site credits that are
17 the right amount are actually being purchased by the correct
18 people.

19 MR. CHAIR: Yeah, and not to be presumptuous, I
20 think the Board understands the direction that you're going.

21 MS. VOTAW: Okay.

22 MR. CHAIR: And we're very clear on his testimony
23 and what --

24 MS. VOTAW: Got it.

25 MR. CHAIR: -- is already (indiscernible). Thank

1 you.

2 MS. VOTAW: Then I object. Thank you.

3 MR. FERGUSON: Thank you, Mr. Chair.

4 MR. GIBBS: That's all we have on rebuttal, Mr.
5 Chairman. And we're ready to sum up at the appropriate
6 time. I believe the applicant has a final opportunity to
7 speak.

8 MR. CHAIR: Any questions from the board?

9 COMMISSIONER WASHINGTON: Yeah, and it's
10 clarifying, and I think it's to you, Mr. Gibbs, and/or Mr.
11 Huang. One of the citizens testified about the sidewalks.
12 And I noticed in your exhibit, Mr. Gibbs, you talked -- I
13 think it's condition 2(a) where you were suggesting removal
14 of two sections of internal -- and Mr. Huang, you didn't
15 specifically comment on that particular condition, so I'd
16 like to know where we're landing. Is two-way staying the
17 same, or are you in agreement with Mr. Gibbs' recommendation
18 to (indiscernible)?

19 MR. HUANG: Yes, that is it. For the record, this
20 is Emery Huang, with Urban Design. For the record, this is
21 Emery Huang with Urban Design. Staff is in agreement with
22 the attorney's statements.

23 COMMISSIONER WASHINGTON: Okay. Very good. Thank
24 you, because I know that was also one of the citizens
25 concerned. That's it, Mr. Chairman.

1 MR. CHAIR: Geraldo?

2 COMMISSIONER GERALDO: I do. Mr. Gibbs, can you
3 tell me -- and I've heard about the sewage problems across
4 the road, the ones that -- is that the same developer or
5 builder?

6 MR. GIBBS: It's a different developer.

7 COMMISSIONER GERALDO: Okay.

8 MR. GIBBS: And I'm going to hit all that in my
9 (indiscernible)

10 COMMISSIONER GERALDO: Okay.

11 MR. GIBBS: I'm going to --

12 COMMISSIONER GERALDO: And I understand Mr.
13 Lenhart with the mitigation, but I was wondering whether or
14 not you guys can make it a condition of this to do the
15 mitigation for the -- I live there, I live in Fort
16 Washington. I'm very sympathetic with the residents'
17 concerns about 210. It is by far the most dangerous -- I
18 agree with the Chair -- road in the country, and there were
19 two accidents, as the gentleman spoke of, last week or the
20 week before, in which there were two deaths. So I think
21 it's a legitimate concern of the neighborhood in terms of
22 how to deal with that.

23 MR. GIBBS: Yes, sir. And I'm happy to do it now
24 or do it when I sum, but --

25 COMMISSIONER GERALDO: Okay.

1 MR. GIBBS: We --

2 COMMISSIONER GERALDO: No, that's fine.

3 MR. GIBBS: We're fine to accept that as a
4 condition right here.

5 COMMISSIONER GERALDO: Okay. Great.

6 MR. CHAIR: (Indiscernible)

7 MR. GIBBS: So applicant gets the final say. This
8 is it; is that correct?

9 MR. CHAIR: That's correct.

10 MS. VOTAW: I believe I have the right to
11 summations as well.

12 MR. CHAIR: She does, I'm sorry.

13 MS. VOTAW: Should I go first or does Mr. Gibbs --
14 I believe I go first before Mr. Gibbs?

15 MR. CHAIR: Yeah. You go first.

16 MS. VOTAW: Okay. Thank you, and I'll keep it
17 brief. I really appreciate the Board's time, I just want to
18 make sure we understand the record that communities' voices
19 are adequately heard. So to summarize -- again, this is
20 Alex Votaw, for the record -- I think this case clearly
21 demonstrates the issues with this approach, which is I want
22 to rely as a developer on my previous approvals, but I want
23 to finagle the rules around so that I can do what I want.

24 This application combines two properties that were
25 not part of a previous CSP. I do not believe the

1 transitional provisions allow that, and the applicant
2 continuously says I'm relying on the previous TCP to meet
3 these requirements. Don't worry about the forest
4 conservation plan, it will be addressed when the whole
5 development is concluded. I'm relying on the traffic
6 capacity of the previous development. Don't worry about the
7 amount of traffic I'm adding because it was already
8 contemplated.

9 But the fact of the matter is this applicant is
10 providing a new CSP. If the applicant is providing a new
11 CSP -- which is combining two properties that were not
12 previously contemplated together -- the applicant needs to
13 demonstrate that the traffic anticipated with this new
14 development will be adequately handled by the current
15 traffic conditions. It does not matter what was previously
16 approved, it does not matter -- previous adequacy
17 determinations because the applicant has a new application.
18 They must meet the requirements of the law, and this Board
19 has the authority, and I believe the obligation to deny this
20 application because the record is crystal clear.

21 The facilities that are existing or are currently
22 funded do not have the capacity to handle the traffic
23 anticipated with this new CSP application. You have that
24 power, and I believe you have the obligation to protect this
25 community from that impact. At the very least, you

1 certainly have the power to require the applicant to take
2 mitigation measures -- to take mitigation matters to fix
3 this problem, in association with this application.

4 MR. CHAIR: Mr. Gibbs, your (indiscernible)?

5 MS. VOTAW: I also want to touch on the Tree
6 Conservation Plan. I am very concerned about this Tree
7 Conservation Plan. The applicant did not provide evidence
8 to demonstrate how it is going to meet the requirements of
9 the Forest Conservation Act and as witnesses very clearly
10 described, removing forest in this county in particular --
11 which is already hemorrhaging woodland left and right -- is
12 hugely detrimental to this county, to the community, to its
13 residents. It causes health issues, it causes flooding
14 issues, it causes septic issues, it causes asthma issues, it
15 causes other public health issues; these are all far more
16 expensive to deal with after the fact than they are to deal
17 with by making sure the applicant is actually satisfying the
18 requirements of the law before you approve the application.

19 And again, this application has never justified
20 why it cannot provide any woodland conservation on-site, not
21 one acre of woodland conservation on-site. The applicant,
22 again, has justified that by saying, oh, the previous TCPs
23 contemplated removing all the woodland on this site. That
24 is not true. The previous TCPs contemplated removing
25 woodland -- I'm going to rephrase that. That's not true

1 because the original TCPs contemplated removing trees only
2 on Parcel 12. There's no evidence that any prior TCP
3 contemplated removing all of the woodland on Outparcel B,
4 ever.

5 Furthermore, an amendment to the previous Tree
6 Conservation Plans, the last TCP2, designated this site for
7 forest retention, and the applicant's witnesses have not
8 been able to articulate to this Board how this overall
9 development is going to comply with the Forest Conservation
10 off-site mitigation requirements. Because, I'm going to be
11 frank with you, Board Members, what this applicant is going
12 to say -- and I understand why they say it -- is they are
13 responsible for getting the off-site mitigation only
14 required for this parcel.

15 So then who -- I would like this Board to consider
16 who is paying for the off-site Forest Conservation
17 mitigation for all of the previous developments which
18 continuously push off, satisfying that requirement until a
19 later date? Who is going to be responsible for that?
20 Because it's not going to be this applicant, based on the
21 staff report, which stated that seven acres of off-site
22 mitigation credit has never been purchased and does not
23 require this applicant to do so. And it's certainly not
24 going to be the previous developers who no longer own the
25 property, and some of which are being sued.

1 So again, I strongly encourage this Board to
2 seriously consider the concerns of the community, the legal
3 issues with this application, and deny both the CSP and the
4 Tree Conservation Plan. I greatly appreciate your time and
5 consideration in this matter. Thank you.

6 MR. CHAIR: Thank you.

7 Mr. Gibbs?

8 MR. GIBBS: Thank you very much, Mr. Chairman.
9 And let me first address the last comment about the Tree
10 Conservation issue, okay? We have filed a TCP1 with this
11 Conceptual Site Plan; it has been reviewed by staff. Staff
12 has come to the conclusion that the preservation requirement
13 for this particular application is 1.78 acres off-site
14 purchase of easements. That's what we can control, we
15 cannot control anything else. And I would -- again, I've
16 invited Mr. Burke, who is in control of all of this
17 information, to provide information to the board, but he has
18 not done that thus far. I can just tell you that this
19 applicant -- which is separate and distinct from any other
20 applicant who has done anything at Signature Club, okay --
21 is meeting its tree conservation requirements. The TCP1 did
22 not ever presume that this Lot 12 was going to be left
23 totally wooded; that was never a presumption. There was
24 some -- there was a push forward to the future issue, but my
25 client, Wood Partners -- their obligation is to deal with

1 the development of this site, and they have presented a Tree
2 Conservation 1 plan. It has been reviewed and approved, and
3 we're willing to abide by what the requirements are that are
4 imposed upon us by the Park and Planning Commission Review
5 staff and ultimately by the Planning Board -- the TCP1
6 that's being approved.

7 First, let me talk about citizen outreach. I have
8 done a fair amount of work in the Accokeek area over the
9 course of time. We have an organization called the Accokeek
10 Development Review District Commission. That has always
11 been my point of contact for starting citizen outreach,
12 which I have never ignored in any case that I have ever
13 handled in this county.

14 I contacted the Chair -- I reached out to the
15 Chairman -- the person who was the chairman for years, who I
16 dealt with -- Mr. Clifford Woods by email, by telephone
17 message, by text message; I got no reply. I talked to a
18 representative of the District 9 Councilmanic office -- is
19 there somebody different for the Accokeek Development Review
20 District Commission? I don't know. Cheryl Summerlin, who
21 provides all of the contact information for mailing out
22 informational mailing letters and acceptance letters, we
23 have a contact for the Accokeek Development Review District
24 Commission. Yes, his name is Clifford Woods. That's the
25 person I was contacting.

1 We dug deeper and deeper. Ultimately, we found
2 out that Mr. Woods unfortunately passed in February, and no
3 new Chairman has been named. I said, could you get me a
4 contact person for the Accokeek Development Review District
5 Commission? Community planning gave me a contact; I reached
6 out to those individuals. The earliest time that they could
7 meet with us is a week and a half into the future. We are
8 going to meet with them. I have always met with the
9 Accokeek Development Review District Commission. I have
10 always attended their meetings in person and conducted
11 outreach to everyone who attended those meetings.

12 In addition, the area that is Pod 2, which is the
13 313 single-family and townhouses in Signature Club, some of
14 whom spoke today, they have their own homeowner's
15 association. I reached out to that homeowner's association
16 and requested a meeting. We did have a meeting with their
17 Board of Directors last week. We heard all of their
18 concerns; we provided all of the information about this
19 project. I sent informational mailing letters to everyone
20 on the list who was provided to me by the Park and Planning
21 Commission.

22 I also sent acceptance letters to everyone on the
23 list that was provided by the Park and Planning Commission.
24 I filed affidavits of the mailing of both of those letters.
25 My law firm and I, personally -- we value and faithfully

1 observe the requirement and the importance of reaching out
2 to the general public. I did receive a call from Mr.
3 Christiansen. He and I have engaged in a couple of
4 different phone calls. I have sent him information -- I
5 sent him a copy of the actual proposed site plan for this
6 project, which hasn't even been filed yet, that showed
7 buffering along his property. We've intentionally not
8 proposed to put a sidewalk along our portion of our property
9 that abuts his property, because he has a concern about
10 people walking into his ten acres from the development of
11 this site.

12 So with the utmost of respect, I don't want to
13 come down here and have 15 people show up who are
14 complaining. Now, sometimes when you have all the outreach
15 in the world and all the meetings, that still happens
16 because people are just are not satisfied and they have the
17 right to do that, and I totally respect that right. If
18 people don't want a multifamily project, then they're going
19 to come down and tell you that, and again, I respect that.
20 But please understand that we have done our utmost to
21 conduct community outreach.

22 I just don't know what more -- my starting point
23 has always been the Accokeek Development Review District
24 Commission, and when I have gone to meetings there, there
25 have been lots of folks who have appeared, and we have had

1 very successful dialogues. So I'm just trying to convey to
2 the Board -- we're not trying to avoid meeting with the
3 public in any way whatsoever.

4 I want to turn my attention, if I could -- some
5 comments that were made by folks during their testimony.
6 There was a concern raised by one of the speakers -- Karen
7 Thomas -- it was about being able to cross Berry Road to get
8 to the shopping center because there was a concern about
9 whether the retail that was part of this overall project was
10 walkable. There is a crosswalk which has been installed at
11 the traffic light on Berry Road, near its intersection with
12 Manning Road. And that light, I believe, is phased to allow
13 pedestrians to cross over to get into the shopping center.

14 There has been a lot of conversation about Pod 2.
15 That is the area where folks are talking about sewage
16 backups. When my client purchased Pod 2 and Pod 3, there
17 was already a private sewage treatment plant installed on
18 what was part of Parcel 25, if you recall that drawing that
19 I looked at. My client who purchased the property inherited
20 that. That was installed and approved prior to their any
21 being there being any residential development. My client
22 sold Pod 2 to a totally different developer that has nothing
23 to do with Wood Partners; that developer developed those 313
24 lots.

25 There were two builders that came in and split the

1 construction. The two builders were NVR and Caruso Homes;
2 those homes were constructed. There were some backups that
3 occurred because of the level at which the individual pipes
4 in units were installed and how it connected to the private
5 treatment plant.

6 And I don't know anything about lawsuits down
7 there, I haven't been involved, I attended one meeting down
8 there with citizens some time ago at the treatment plant,
9 along with the District 9 Council member. But I can tell
10 you right now that Wood Partners has nothing to do with that
11 project. Approving this project is not approving another
12 development opportunity for the same developers who built
13 the 313 units. And so I just would like to get that
14 information clearly on the record in front of the Planning
15 Board.

16 In terms of traffic and transportation, so there
17 was an overall traffic study done for the entirety of the
18 project. Then there was a traffic study done at the time of
19 the approval of Preliminary Subdivision Plan 4-01064. Okay.
20 Whenever we do a traffic study, the traffic engineer has to
21 have a scoping meeting with staff at the Park and Planning
22 Commission. That traffic study was scoped; there were
23 intersections which were identified to be tested -- I think
24 there were three intersections tested as part of that
25 preliminary subdivision plan. All of those intersections

1 passed.

2 That preliminary subdivision plan was approved,
3 and that yielded 157,500 square feet of commercial
4 development. When this Conceptual Site Plan was filed,
5 okay, the trip cap that was approved for Lot 12 and outlaw
6 fee had been vested, okay. Those trips were vested by
7 virtue of making the transportation improvements that were
8 conditions of approval to that original preliminary
9 subdivision plan, and the new subdivision regulations -- I
10 think it's 24-4305 -- say, if you make the transportation
11 improvements that are conditions of your approval, then your
12 trip cap vests, and that's what Mr. Lenhart was referring
13 to. The trip cap that was approved has vested and in that
14 preliminary subdivision plan, okay.

15 In the resolution approving that Preliminary
16 Subdivision Plan, it says here's the trip cap, and it is for
17 157,500 square feet or any other use approved in a
18 Conceptual Site Plan. Mr. Lenhart's testimony was that this
19 applicant is entitled to rely upon those trips. Now, he did
20 a new traffic study for this Conceptual Site Plan, he had a
21 new scoping meeting. There were three intersections before;
22 this time, there were eight intersections that he had to
23 test. He took all new counts in April of 2025; he prepared
24 a report. Of the eight intersections that he had to test,
25 one leg of one intersection -- the 210, 373 intersection --

1 is failing and was failing before in the p.m. peak hour.
2 But the interesting concept is that this development causes
3 the p.m. trip cap to go down below what it was before. So
4 that's why Mr. Lenhart said we meet adequacy because of
5 that; we were allowed to rely on that trip cap.

6 Now, recognizing that there was more to look at,
7 I asked Mr. Lenhart to -- because look, the transportation
8 adequacy finding in 27-556(d), which everyone is talking
9 about here, yes, it does say that you must find that
10 there -- and this is important -- quote, "There will be
11 adequate transportation facilities" -- will be. When staff
12 analyzed that, they said mitigation is available and the
13 real adequacy of transportation facilities is decided at
14 Preliminary Subdivision Plan, not a Conceptual Site Plan.
15 There is a test that's in 27-548(d), but it's not the
16 subdivision adequacy of transportation facilities test.
17 It's just that test requires you to find that there will be
18 adequate facilities.

19 And so staff says for the one leg of one
20 intersection, out of eight -- all the other passed -- of
21 eight, mitigation will be available at the time of
22 Preliminary Subdivision Plan when the real adequacy of
23 transportation facilities test is applied. Now, recognizing
24 that there would be a concern today, I asked Mr. Lenhart, is
25 there a mitigation technique that you could find to address

1 this one p.m. issue? Because in mitigation you have to
2 address 150 percent of your impact on that intersection,
3 okay. He identified a mitigation treatment -- and he
4 testified about it today -- to split phase the light at 210
5 and 373 and create restriping on the Livingston Road
6 approach. And his testimony was that mitigation improvement
7 will result in absorption of 300 percent of the trips of the
8 impact on the intersection in the p.m. peak hour.

9 All right. So the requirement would be 15 --
10 that's 300. Now, that will have to be approved by the State
11 Highway Administration, obviously, because you're split-
12 phasing the light at a major state road. But we're willing
13 to accept that, subject to the State Highway Administration
14 approval. But bear in mind, the real nitty gritty of this
15 test occurs at Preliminary Subdivision plats stage, not
16 here, this is a concept drawing. We have provided so much
17 detail beyond which the ordinance requires in an attempt to
18 be transparent in this case. Normal Conceptual Site Plans
19 don't show building footprints and circulation like we have
20 here, but we did it to try to be transparent.

21 So what we're saying is that to the extent there's
22 an adequacy requirement for a finding at the time of
23 Conceptual Site Plan, we have more than accommodated. Staff
24 agrees we have accommodated, and then we went beyond by
25 saying, we don't think mitigation is required, but if you're

1 going to determine that mitigation is required, here's the
2 mitigation improvement. It mitigates 300 percent, twice as
3 much as what's required under the code provision.

4 So again, that's going to be subject to State
5 Highway Administration approval. But we're willing to
6 accept that as a condition even here, subject to State
7 Highway Administration approval, and of course, obviously,
8 looking at all of the adequacy of transportation facilities
9 in a very, very detailed fashion, when we come in to do the
10 new Preliminary Subdivision Plan for this Conceptual Site
11 Plan. Because notwithstanding anything else, your rule is
12 that if you're taking something that was approved for
13 commercial development and you're going to put residential
14 in it, you got to get a new Preliminary Plan. Similarly, if
15 you're going from residential or commercial, you got to get
16 a new Preliminary Plan.

17 And so we're -- and it's required by the, if you
18 recall, the hierarchy of approvals that I talked about in
19 the beginning with the M-X-T Zone. CSP, Conceptual Site
20 Plan, Preliminary Subdivision Plan, Detailed Site Plan,
21 final plat subdivision -- we have to go through all those,
22 so that information will be provided at Preliminary Plan.
23 But if you add the mitigation -- we don't believe mitigation
24 is required to be done at this point in time -- but if the
25 Board wants to add it, we're happy with adding that as a

1 condition because it takes away the objection that has been
2 raised.

3 So with that having been said, I just want to
4 reiterate again, Wood Partners had nothing to do with any
5 water problems, nothing to do with any sewer problems. This
6 project is going to be connected to the gravity-fed sewer of
7 the Washington Suburban Sanitary Commission. It is not
8 going to use a private sewer treatment system, as is the
9 case for the Pod 2 development, which is something that the
10 ownership at that time inherited. They didn't do it
11 themselves; they just inherited it -- the new owners did.

12 I would simply reiterate that the staff report in
13 this case is comprehensive. We are going to meet the
14 requirements of the Type 1 Tree Conservation Plan. When we
15 go on to the next phases, we get the detailed site plan,
16 we're going to do a Type 2 Tree Conservation Plan, a new one
17 for this property. We're going to meet the offsite tree
18 easement requirements, but again, I and my client both
19 respect the concerns raised by the community. And I
20 understand people don't want trees cut down, but once again,
21 as Mr. Ferguson testified, it was never envisioned that all
22 of Lot 12 was just going to be -- remain trees forever.

23 And so the applicant -- I would respectfully say
24 this, not arrogantly at all -- but the applicant does have
25 property rights to follow the law and develop their

1 property. And that's exactly and all that my client wants
2 to do. And we support the staff recommendations in this
3 case and we believe that we have more than carried our
4 burden to obtain approval of this Conceptual Site Plan. I'm
5 happy to answer any questions. Thank you.

6 MR. CHAIR: Are there any questions for the
7 applicant's attorney? I do, and it's really not questions,
8 it's more of -- statements. And one of the things I've
9 learned over my many years is, change is inevitable, it's
10 going to happen, and sometimes we are not comfortable with
11 change, but it's how we deal with it that makes us who we
12 are. And one of the things that I was listening
13 intensely -- when you spoke about your community outreach in
14 the Accokeek area, and that you tried to reach a man for a
15 period of time, and then to come to found out that he had
16 passed away.

17 And when you start talking about outreach and
18 looking into a community that is not looking for the changes
19 that you're looking for, I think outreach can be done in
20 multifacets (phonetic sp.). Coming from the background of
21 being an elected official here in the State of Maryland,
22 when we did outreach for campaigning, we had to touch a
23 multitude of people -- churches, barbershops, you name it,
24 to get our point across. And even though you were going to
25 one particular entity, I think outreach is multifaceted.

1 So I would ask in the future, when you have those
2 hangups or hiccups that you really cast the net wide to get
3 your message across from a community outreach standpoint.
4 Because as we move forward within this Planning Board, it is
5 imperative that those that come before us have done just
6 that, because it is imperative that the community buys in.
7 And one of the things that I try to preach on my day-to-day
8 is that we must figure out how do we create a win, and the
9 win has to be on both sides -- or your side as the developer
10 and on the side of the community. And I believe that there
11 is always going to be room for conversation, but we must
12 figure out how do we create the win, and part of that is
13 making sure that the community has all the tools necessary
14 to ascertain what is coming before them.

15 Second thing is, when you talked about the sewage
16 backup and you said that you all inherited this. So when I
17 think of inheritance, I think of ownership that is now mine.
18 So even though you inherited something that was not caused
19 by you, you now own it. And to me, being a good partner is
20 trying to figure out solutions in which I try to accommodate
21 the community as best as I can and ensuring that from a
22 sewage backup and those that are complaining -- what can I
23 do to be a good partner? And even though it may cost me a
24 dollar now, you may get it back in the long run. But I'm
25 satisfying a need where people are not complaining, and I

1 think that's the responsibility that we have as a board, and
2 that you all have as developers, and that we're trying to
3 transform Prince George's County into what we want it to be.

4 And part of that transformation, in my opinion, is
5 being good teammates, being good partners, communicating
6 with folks, letting them know that yes, change and cut is
7 coming, but I'm going to do all that I can to make sure that
8 I am a good partner in that change.

9 So listen, today is my first day, but I'm excited
10 because I think as the days continue to go long, change is
11 inevitable, and I'm trying to create a methodology on how we
12 do things going forward -- I'm not my predecessor or the
13 ones that were there before him -- that we're going to do
14 things at a more methodical way as we look at change for the
15 betterment of this county and more importantly, the
16 betterment of our residents.

17 So I just wanted to conclude with that. And Board
18 Members, I understand that there is no board deliberation,
19 so what is your pleasure?

20 COMMISSIONER WASHINGTON: Mr. Chairman, I move
21 that we adopt the findings of staff to include the modified
22 finding, as outlined in staff Exhibit Number 1, and approve
23 CSP-23002 TCP1-052-97-03 and variance to Section 25-
24 122.81(g), subject to the conditions as outlined in staff's
25 report, and is further modified by Applicant Exhibit Number

1 1, with the addition of the proffered condition, as it
2 relates to mitigation. And I would ask that staff and
3 Counsel get together to ensure that the language is codified
4 appropriately.

5 MADAM VICE-CHAIR: Second.

6 MR. CHAIR: So there's been a motion by
7 Commissioner Washington and second by Vice Chair Bailey. I
8 will now call the roll.

9 Chair Bailey?

10 MADAM VICE-CHAIR: Vote aye.

11 MR. CHAIR: Commissioner Washington?

12 COMMISSIONER WASHINGTON: Vote aye.

13 MR. CHAIR: Commissioner Geraldo?

14 COMMISSIONER GERALDO: I vote aye. Mr. Chair, I'd
15 like to thank the community for coming out and encourage
16 them to continue to be diligent in your community, and I
17 vote aye.

18 MR. CHAIR: And as the Chairman, I vote aye as
19 well -- with explaining my vote, because, Mr. Gibbs, I hope
20 that you have heard me very clearly on what the expectations
21 will be going forward. Because I think it's important that
22 we take under consideration not only the betterment of your
23 clients, but we really look closely at the community at
24 large.

25 So with that, the ayes have it, and this has been

1 approved.

2 (Whereupon, the proceedings were concluded.)

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ESCRIBERS, LLC, hereby certified that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

CSP-23002 SIGNATURE CLUB EAST

Conceptual Site Plan, PPS 4-01064

By: Jennifer Brugh Date: September 8, 2025

Jennifer Brugh, Transcriber