

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

3
4
5 BELL STATION CENTER, PARCEL B
6 Detailed Site Plan, DSP-21031

7
8 T R A N S C R I P T
9 O F
10 P R O C E E D I N G S

11
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14
15 May 26, 2022

16 VOLUME 1 of 1
17

18
19 BEFORE:

20 PETER A. SHAPIRO, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 MANUEL R. GERALDO, Commissioner

23 WILLIAM M. DOERNER, Commissioner

24 A. SHUANISE WASHINGTON, Commissioner (Absent)

25
Deposition Services, Inc.

P.O. Box 1040

Burtonsville, MD 20866

Tel: (301) 881-3344 Fax: (301) 881-3338

info@DepositionServices.com www.DepositionServices.com

OTHERS PRESENT:

TIERRE BUTLER, Staff Reviewer

ED GIBBS, Gibbs & Haller

MIKE LENHART, Lenhart Traffic Consulting, Inc.

Richard Palumbo, Attorney

C O N T E N T S

<u>SPEAKER</u>	<u>PAGE</u>
Tierre Butler	4
Ed Gibbs	10
Henry Wixon	29
Gilbert Stokes	35
Sean Suhar	37
Ruthenia Hopkins	42

P R O C E E D I N G S

1
2 MR. CHAIR: Agenda items from the original agenda
3 that was published. This is Item 5, Detailed Site Plan,
4 DSP-21031, Bell Station Center, Parcel B. The staff
5 reviewer and staff presentation will be by Tierre Butler.
6 The attorney for the Applicant is Ed Gibbs. There are a
7 number of members of the Applicant's team which I'll leave
8 to Mr. Gibbs to introduce as appropriate. There are some
9 folks in opposition to this. There's some other folks who I
10 believe have negotiated agreements with the Applicant from
11 the, one of the homeowner's associations, but we'll, we'll
12 hear from them as we go through the process. Let me just
13 make sure that we have everybody here. Is Mr. Wixon here
14 from Glenn Dale Citizens Association?

15 (No audible response.)

16 MR. CHAIR: No? Is Mr. Stokes here?

17 (No audible response.)

18 MR. CHAIR: No as well. And we do have Ms.
19 Hopkins?

20 MS. HOPKINS: Yes, I'm here.

21 MR. CHAIR: Okay. And, Mr. Stokes, you are here?
22 If you're here, we don't hear you. You may need to unmute
23 so we can hear your voice.

24 MR. STOKES: Yes, I'm here.

25 MR. CHAIR: Oh, good. Thank you, Mr. Stokes. And

1 then we have Mr. Suhar as well, who is representing one of
2 the homeowner's associations, and I see you online. Okay.

3 MR. SUHAR: Correct, yes.

4 MR. CHAIR: I just wanted to -- say it again?

5 UNIDENTIFIED SPEAKER: Mr. Wixon arrived.

6 MR. SUHAR: And that's correct. Good morning.

7 MR. CHAIR: Good morning. And, Mr. Wixon, you
8 have arrived?

9 MR. WIXON: Yes, I am here. Thank you very much.

10 MR. CHAIR: Oh, there you are? I see you. Okay.
11 Great. I just wanted to see who is here. We have some
12 additional back-up information, but I'll leave it to staff
13 to, to educate us around that; and let me turn it over to
14 staff for the presentation. Ms. Butler, take it away.

15 MS. BUTLER: Good morning, Chairman, and members
16 of the Planning Board. For the record, I am Tierre Butler
17 with the Urban Design Section. The project before you is
18 Item No. 5, Detailed Site Plan, DSP-21031, or Bell Station
19 Center, Parcel, Parcel B, which is a Detailed Site Plan for
20 the development of a 68,475 square foot shopping center.
21 Next slide, please.

22 This site is located in Prince George's County
23 Planning Area 70 in Council District 4, as shown in the
24 green-colored area on the map. Next slide, please.

25 This site is located in the southeast quadrant of

1 intersection of MD-193, Glenn Dale Boulevard, and Bell
2 Station Road; and the Vicinity Map is outlined in red. Next
3 slide, please.

4 The subject property is zoned commercial general
5 and office zone, CGO, under the current zoning ordinance as
6 shown in red on the map. Next slide, please.

7 The subject property is zoned commercial shopping
8 center, CSC, under the prior zoning ordinance as shown in
9 red on the map. Next slide, please.

10 This slide shows that the site is not located
11 within any overlay zone. Next slide, please.

12 This aerial photo shows the existing conditions on
13 the property which shows that the site is currently vacant.
14 Next slide, please.

15 This site contains slopes as shown with the red
16 contour lines on the map. Next slide, please.

17 This slide shows the Master Plan right-of-way.
18 This site is located near Glenn Dale Boulevard which is
19 classified as an arterial roadway as shown in red. Bell
20 Station Road is classed as a collector roadway, as shown in
21 green; and Hillandale Road is a primary roadway shown in
22 pink on the map. Next slide, please.

23 This slide shows the bird's eye view of the
24 property which shows the site is currently vacant. Next
25 slide, please. This slide shows the Site Plan which

1 proposes a 68,475 square foot commercial shopping center.
2 This site will contain multiple buildings. Building A, B
3 and C will accommodate multiple tenants in one pad site.
4 Building D will be for a single tenant; building A is 10,000
5 square feet and located on Parcel 1 in the northwest corner
6 of the property. Building B is 8,500 square feet and
7 located on proposed Parcel 3 in the northeast corner of the
8 property. Building C is 45,475 square foot, feet, and is
9 proposed on Parcel 4, along with property's southern
10 boundary. Building D is 4,500 square feet and located on
11 proposed Parcel 4. Proposed Parcel 2 contains only portions
12 of the central parking lot and drive-outs that serve all of
13 the buildings. The site is proposing a total of 288 parking
14 spaces located mainly in one lot in the middle of the
15 property. There is a loading space and dumpsters adjacent
16 to each building. The site originally proposed four
17 different access points with two full turning movements,
18 access points from Bell Station Road, a third right in and
19 right out from MD-193, and a private drive connecting to
20 Parcel 5, the gas station to the east. Staff expressed
21 concerns with the access drives along Bell Station Road.
22 Staff also expressed concerns with the safety of the loading
23 areas due to the inability, inability for trucks to make
24 adequate turning maneuvers. A condition of approval has
25 been recommended by Staff and revised by the Applicant to

1 remove the access onto Bell Station Road directing across
2 from Judicial Drive and restrict the deliveries to Building
3 D by truck classification during certain hours. Next slide,
4 please.

5 This slide shows the Landscape Plan. The
6 Landscape Plan provided with the subject DSP demonstrates
7 conformance with the Landscape Manual. Next slide, please.

8 This slide shows the Type 2 Tree Conservation
9 Plan. Next slide, please.

10 This slide shows the truck turning exhibit which
11 demonstrates how trucks will circulate throughout the site.
12 Next slide, please.

13 This slide shows the architectural elevations for
14 proposed Building A. The proposed building will consist of
15 a combination of an interior installation finishing,
16 concrete block, stone veneer and brick that will be neutral
17 in color in white, red, brown and black. The building is
18 approximately 33-feet tall. The Applicant has included the
19 addition of Condition J and Condition K in the back-up, and
20 provided an exhibit for the architectural elevations on
21 Building A. Red block show, red brick shall be used
22 exclusively on all building surfaces where building is
23 proposed and the architecture for Building A shall be
24 revised to provide brick on the rear elevation and provide a
25 pitched roof in the rear of the elevation shown in the

1 Applicant's revised Building A elevations in the additional
2 back-up. Next slide, please.

3 This slide shows architectural elevations for a
4 proposed Building B. Building B will consist of similar
5 building materials as Building A and will be approximately
6 33 feet tall. Next slide, please.

7 This slide shows architectural elevations for
8 Building C. Building C will consist of similar building
9 materials as Building A and Building B, and will also be
10 approximately 33 feet tall. Next slide, please.

11 This last architectural elevation slide shows the
12 proposed Building D. Building D will consist of similar
13 building materials as Building A, B and C, and it will be
14 approximately 26.5 feet tall. Next slide, please.

15 This slide shows the sign details of the site
16 proposed as one free-standing sign at the access of MD-193,
17 and at the access of, access point from Bell Station Road in
18 the middle of the site. The proposed signs will be 20.5
19 feet tall and will feature an individual tenant handle below
20 the shopping center name. The site is also proposing
21 building that signage for future tenants that will be
22 detailed at the time of permitting. Next slide, please.

23 And with that, Urban Design Staff recommend that
24 the Planning Board adopt the findings of this report and
25 approve Detailed Site Plan DSP-21031; and Type 2 Tree

1 Conservation Plan, TCP2-094-97-05, or Bell Station Center,
2 Parcel B subject to the following conditions found on page
3 13, 14 and 15 of the Staff Report.

4 The Applicant has met with the Gabriel One
5 Homeowner's Association in an effort to address their
6 concerns and as a result, the Applicant has provided revised
7 conditions, revised elevations for Building A, view shed
8 photographs and analysis prepared by their traffic
9 consultant, and a truck turning exhibit as part of the back-
10 up. Staff is in agreement with revised conditions, with the
11 exception of the revised Condition 1F. Staff has worked
12 with the Applicant to revise the language for the condition
13 for 1F and Staff is now in agreement. And this concludes
14 Staff's presentation.

15 MR. CHAIR: Thank you, Ms. Butler.

16 MS. BUTLER: Uh-huh.

17 MR. CHAIR: Commissioners, are there questions for
18 Staff?

19 COMMISSIONER DOERNER: I have a question. Is, is
20 the revision that was made to condition, revised Condition
21 1F, is that in our back-up?

22 MS. BUTLER: It is not. The, I mean the Applicant
23 is going to read that into the record.

24 COMMISSIONER DOERNER: Okay. Thank you.

25 MR. CHAIR: Thank you for that. Other questions

1 for Staff?

2 (No affirmative response.)

3 MR. CHAIR: Okay. Thank you. Thank you, Ms.
4 Butler. We may have questions for you later on. Let me
5 turn to the Applicant. Mr. Gibbs, take it away. You may
6 want to --

7 MR. GIBBS: Yes.

8 MR. CHAIR: -- introduce your team and, and, yeah,
9 the floor is yours.

10 MR. GIBBS: Thank you very much. Good morning,
11 Mr. Chairman. Nice to see you this morning. Members of the
12 Planning Board, nice to see each of you as well. For
13 purposes of the record, Edward Gibbs, an attorney with
14 offices in Largo, and I'm pleased to be here this morning
15 representing Broglin, LLC, as well as their principles,
16 Richard Palumbo and Vincent Palumbo.

17 Dan Palumbo is here. He is an attorney. He's
18 here really representing the interests of both Richard and
19 Vincent, and has worked with me on this application. I, I
20 know that Richard Palumbo was registered. I don't know
21 whether Judge Palumbo has made it on or not; but, but if he
22 is, he is here just for questions, as is Dan Palumbo.

23 MR. PALUMBO: Both Dan Palumbo and Richard Palumbo
24 are here.

25 MR. GIBBS: Okay. Thank you very much. From our

1 consultant team, we have our civil engineer from KCI,
2 Jennifer Leonard. She is on. She may be required to make a
3 few comments, but it will be in response to any questions
4 the Board may have, or in response to comments made by any
5 of the individuals who are registered to speak on this case
6 other than our team. And then, finally, Michael Lenhart of
7 Lenhart Traffic Consulting, our traffic engineer, is with us
8 as well. Both Mr. Lenhart and Ms. Leonard have been
9 extensively involved in numerous conversations that we have
10 had with your staff getting us to this point.

11 Let me, let me say that, you know, I appreciate
12 Ms. Butler's presentation. It was very thorough. A couple
13 of comments I'd like to make in addition to what she has
14 said. So, this property was rezoned from the CM Zone to the
15 CSC Zone back in, back in 2009. The application was filed,
16 the approval occurred ultimately in 2010. That approval
17 included a condition as a result of our extensive meetings
18 with Gabriel's Run, which is located immediately,
19 immediately across Bell Station Road from this property.
20 They had voiced items of, of concern that they wanted to
21 make sure were addressed. So, we agreed upon a limited
22 Detailed Site Plan condition that was attached to the
23 rezoning of the property.

24 You know, the Palumbo's rezoned the property
25 because they didn't think that given the development that

1 had occurred and was occurring in the area, including
2 Gabriel's Run, Fairwood across the street, you know, Mr.
3 William Chesley's office buildings, they didn't think that
4 development of the property in the CM Zone with heavy
5 commercial uses was really appropriate for the neighborhood;
6 and so, basically, they determined on their own to file a
7 rezoning request to essentially down-zone the property so
8 that they could bring about a development that would be more
9 compatible with the area than CM highway commercial type
10 uses.

11 So, we got that approved in 2010 and then we went
12 forward. We did a Preliminary Subdivision Plan that divided
13 this 8.99 acres conceptually, preliminarily, into four
14 different parcels; and those four parcel lines are being
15 observed in this Detailed Site Plan. The Preliminary
16 Subdivision Plan was approved; and then more recently, you
17 will all recall, undoubtedly, about a month ago you
18 considered and approved a one-year extension to this
19 Preliminary Subdivision Plan.

20 As we indicated during that hearing, the Palumbo
21 brothers are not developers. You know, Judge Palumbo, you
22 know, obviously, was a member of the bench. Vincent Palumbo
23 was an oral surgeon. They're, they're not developers by
24 practice. They've had the property under contract a number
25 of times and, and those contracts, for one reason or

1 another, with really national commercial developers just
2 didn't go forward to settlement; and so, based with only
3 having a year left to get the record plat with the extension
4 that you were so kind to grant a month ago, we have pushed
5 forward with this Detailed Site Plan. It is, we believe,
6 sensitively designed; it is a Site Plan which very well can
7 work. The architecture, we believe, is, is interesting. We
8 think it's traditional in nature. It blends a mix of high-
9 quality materials for the buildings. All the buildings are
10 oriented so that they face more or less internal to the site
11 and the parking is located generally in the center of the
12 site. So, we think it's a plan that, that can work; that
13 may very well be the plan that gets developed; but the
14 Palumbo brothers will not be developing it themselves since
15 that's not their trade.

16 So, we do have four buildings out there of the
17 exact sizes that Ms. Butler talked about; and, and so,
18 that's the plan that we're seeking to have approved today;
19 and once we have this approved, we will be able to, to go
20 forward with our final plat of subdivision.

21 I would note that the zoning condition requires
22 not just the Planning Board to review this Site Plan, but
23 also the District Council. So, we'll be going through the
24 District Council because of the wording of the condition
25 attached to the rezoning.

1 I want to, you know, I want to thank Ms. Butler
2 and the Transportation Staff members, Mr. Capers, Mr. Ryan.
3 We have had the most interaction with them. Ms., Ms. Butler
4 in particular has been always available. She has organized
5 meetings. She has reached out to get responses, and, and
6 so, I just want to congratulate her and thank her for making
7 this a better process for us because she's done a wonderful
8 job.

9 Now in terms of our citizen outreach because it
10 bears upon the conditions, so we have met two times with the
11 Gabriel's Run Civic Association. I made a presentation to
12 them after reaching out to them. I, I contacted a board
13 chair and I made a presentation to them on April 4th; and
14 then our full team met with them again on May 19th. And so,
15 their overriding concern was, if you're looking at the
16 aerial photograph that's up on the screen right now, their
17 overriding concern was not any opposition to the development
18 proposal, but rather their concern that we not have a
19 driveway onto Bell Station Road directly opposing their
20 driveway, Judicial Drive, coming out in their community.
21 They were concerned about conflicts with turning lanes.

22 On the other hand, DPIE wanted it that way. Now
23 our Site Plan shows two driveway connections to Bell Station
24 Road; and so, after our meeting with Gabriel's Run on the,
25 on the 19th, and a point of fact, when we did our

1 Preliminary Plan, we, we, we tried to offset that driveway
2 up near their entrance road and, and when we did that, DPE
3 said, no, you know, you need to put an opposing their, their
4 drive.

5 So, after our meeting with Gabriel's Run on May
6 19th, we sort of got together as our team the next morning
7 and, you know, I said to my client, I said, listen, why
8 don't we look and see if, if traffic-wise we could simply do
9 away with that access driveway that is directly across from
10 Judicial Drive. And Mr. Lenhart looked at that; he prepared
11 an analysis which is part of the back-up that I submitted;
12 and he came to the conclusion that it would not be a
13 problem. So, one of our revised conditions is that we
14 propose to simply delete that driveway connection onto Bell
15 Station Road that was shown on our Detailed Site Plan; and
16 we will, we will live just with the single western, there's
17 another driveway connection a little bit to the west, we
18 would like to just have a single connection; and, of course,
19 we have a right-in, right-out that has been approved by the
20 State Highway Administration; the design has been approved
21 and now we're ready to go. So, so, that's going to be one
22 of the conditions I will read to you.

23 In addition, I called a representative of the
24 Glenn Dale Civic Association in late March of this year, Ms.
25 Vondrak, and I explained to her what our proposal was. I, I

1 had worked with Ms. Vondrak earlier. I never became
2 involved in this case until 2009, but I had worked with her
3 and with Mrs. Wixon on a Landscape Plan around the
4 stormwater pond and along the rear of the property; and, and
5 so, I called her and I, I explained to her what we were
6 doing. I said, listen, I'd like to meet with the Glenn Dale
7 Civic Association; and then I didn't hear anything further.
8 So, I, I actually called her again on or about April 28th.
9 I sent her, or excuse me, I sent her a letter on April 29th,
10 once again asking to meet; and as a result of that, I, I got
11 an email from Mr. Wixon. And so, we met with the Glenn Dale
12 Civic Association. Our team met with them and that was,
13 that was on May 17th, we, we met with their board; and some
14 other members, I guess, were also on the virtual.

15 So, anyhow, we, we listened to their concerns.
16 Mr. Wixon was concerned about the view shed form Marietta
17 looking particularly at Building A. He also indicated that
18 he would like it if the brick on all the buildings would be
19 red in, in the, in the center. So, and he, and he asked for
20 a pitched roof at Building A. So, we went ahead and, and
21 made those changes in order to address his concern.

22 Now he wanted us to move Building A further
23 internal to the site. Yeah, there's a Site Plan. Building
24 A is up in the northwest corner, or the upper left corner,
25 the long, rectangular building is 10,000 square feet. He

1 wanted us to move the building internal to the site, but we
2 just can't do that. We, you know, we can't put parking
3 behind the building and we got to maintain our required
4 parking; and then with doing away with the eastern-most
5 driveway opposing the Gabriel's Run access, it just puts the
6 building too close to the main, the only drive we're going
7 to have on Bell Station Road.

8 So, and in point of fact, it's just, you know,
9 Staff has looked at it and your Historic Planning Section
10 looked at it, and, and it's, they just, no one feels it's
11 necessary, with all due respect to Mr. Wixon. So, anyhow,
12 so that's sort of the background for the changes to the
13 conditions. So, I would like to go through the conditions
14 if I could.

15 The, we have no problem with Conditions 1A, B, C,
16 D and E. Condition F, again, we did, we did want to strike
17 that entire condition as it appears in the Staff Report; and
18 we had proposed -- can I have admitted my letter to you,
19 Chairman Shapiro, dated May 24th, which contains the revised
20 conditions that we were proposing; and perhaps Mr. Flanagan,
21 or his, or his co-worker could bring those up on the screen?

22 MR. CHAIR: Yes. Is this what you're looking for,
23 Mr. Gibbs?

24 MR. GIBBS: Yes, sir, that is the, I sent you two
25 letters; but this is the first one and I wanted to get that

1 admitted, along with the, as back-up the proposed revised
2 conditions on the second page.

3 MR. CHAIR: Okay.

4 MR. GIBBS: Okay. There we go. Okay. So, you
5 get to 1F. We proposed just 1F as it was drafted was meant
6 to address two access drives onto Bell Station Road; and
7 since we were getting rid of the one, we didn't need to have
8 F in its, in its original iteration.

9 So, what I had proposed was the language that you
10 see in red and underlined in red which says, and I quote,
11 "Remove the easternmost proposed driveway access onto Bell
12 Station Road, directly across from Judicial Drive, and
13 provide a single driveway access to Bell Station Road at the
14 western-most driveway subject to the written approval of
15 MNCPPC Transportation Division and the Department of
16 Permitting, Inspections and Enforcement. That was my
17 language. Ms., Ms. Butler took that back to Mr. Capers and
18 Mr. Ryan, and they proposed a change via email to me
19 relative to the wording of that condition; and so,
20 obviously, this was afternoon on Tuesday; and, and so I, it
21 couldn't get into the record. But I, I would like to, I
22 would like to read their revised language and a, a minor
23 modification I made to the final sentence of that revision.

24 So, this would be new F.

25 MR. CHAIR: Go ahead. Read it in.

1 MR. GIBBS: And Ms. Butler has this, of course,
2 because they suggested it; but, but here, here it goes. And
3 I know this will be a little bit awkward when you, when you
4 at the last second read revised conditions into the record,
5 but I, there's just no other way to handle it. Quote,
6 "Modify the site access connections along Bell Station Road
7 to remove the eastern-most proposed driveway access onto
8 Bell Station Road (directly across from Judicial Drive) and
9 provide a single driveway access to Bell Station Road at the
10 western-most driveway. A modification of the single
11 driveway access shall include an operational analysis for an
12 unsignalized intersection per the transportation review
13 guidelines and any other analysis for access management
14 determined by the Transportation Planning Section. The
15 design modification and supplemental analysis shall be
16 accepted by the Transportation Planning Section. If the
17 single access driveway configuration is not feasible, then
18 the current access driveway configuration shall remain."

19 Now here's the last sentence, and this what your
20 Staff proposed. "A site driveway access connections shall
21 be constructed in accordance with the certified Detailed
22 Site Plan, unless modified by the operating agencies with
23 written correspondence." And we have proposed a minor
24 revision, more of a clarification to that last sentence,
25 which would be as follows. This would be inserted in lieu

1 of the last sentence in the Staff iteration. Quote, "A site
2 driveway access connection(s) on Bell Station Road shall be
3 constructed in accordance with the certified Detailed Site
4 Plan, unless modified by DPIE, with written correspondence".
5 So, that's the revised 1F.

6 Mr. Lenhart did, in fact, already prepare an
7 operational analysis in the form of a memo and it is one of
8 the attachments to my second letter to you, Mr. Chairman,
9 also dated May 24th which I filed prior to noon on Tuesday,
10 and I'd actually like that letter, along with all the
11 attachments, added to the back-up as well. So, I, I,
12 suffice it to say, we believe that DPIE is going to be fine
13 with the single access. Transportation has tentatively
14 indicated it's fine with the single access. It's more
15 actually along the lines of what they wanted in the first
16 place. They just want to get through this little bit of
17 review and we, we just have to give a shout out to DPIE in
18 the condition because they're obviously the ultimate, they
19 have ultimate control of granting the access permit. They
20 are, in fact, the agency.

21 So, I'd like to go ahead and get the Staff's
22 feeling on that revision. I think they're fine with it
23 since we discussed it; but they do need to weigh in.

24 MADAM VICE CHAIR: Mr. Chairman, I was just
25 getting ready to ask Ms. Butler to respond to that, okay?

1 MR. CHAIR: Thank you, Vice Chair Bailey.

2 MADAM VICE CHAIR: And to the record because,
3 obviously, reading it into the record, I could not follow it.

4 MR. CHAIR: Right.

5 MADAM VICE CHAIR: So --

6 MR. CHAIR: I'm in the same place.

7 MADAM VICE CHAIR: I'd like to hear from Ms.
8 Butler.

9 MS. BUTLER: Yes. All right, I'm sorry, I, I
10 apologize. I was just, just talking to James. What, what
11 was the question you, you wanted to see if Staff was in
12 support of the revised condition, or, or you need me to
13 restate the final approved condition?

14 MADAM VICE CHAIR: Final approved condition and
15 your reaction to, well, if you approve it, obviously, we
16 need your reaction, yes.

17 MS. BUTLER: Yes. We are in support of it. And
18 if you would just give me a moment, I can, I can pull up
19 the, the final of what we agreed on. Just, just give me one
20 moment. I apologize. I'm, I'm, I wasn't prepared for that.
21 Give me, give me one second.

22 MADAM VICE CHAIR: And neither was I, so I
23 understand.

24 MR. CHAIR: Yes. That's going to be definitely
25 necessary for us to see this in writing.

1 MADAM VICE CHAIR: Uh-huh.

2 MR. CHAIR: Mr. Gibbs, do you want to, we'll,
3 we'll come back to the new F. Is there, do you have other
4 things you want to present to us as well?

5 MR. GIBBS: Yes, please. Moving on to Staff
6 recommended conditions G and H. In conditions G and H,
7 Staff raised concerns relative to the circulation for
8 loading efforts that would occur in the center. And, and
9 so, we had an extensive conversation with, with Staff,
10 including Mr. Capers and Mr. Ryan in that conversation, as
11 well as Ms. Butler; and we also prepared a revised truck
12 turning movement template for every turning movement and
13 every loading space. That, too, is part of the back-up of
14 my second letter which I'd like to add, enter it into the
15 record.

16 And so, during the course of the -- we had two
17 different meetings. Staff agreed that everything was
18 satisfactory --

19 MR. CHAIR: Did you say he wants it entered into
20 the record?

21 MR. GIBBS: -- with the exception of their concern
22 that the large --

23 MR. CHAIR: He already listed it as a
24 (indiscernible).

25 MR. GIBBS: -- tractor trailer delivery if it were

1 to occur to Building D, which is in the lower left corner of
2 the Site Plan. Now Building D is 4,500 square feet. We
3 indicated --

4 MR. CHAIR: But it's in the record already.

5 MR. GIBBS: -- (indiscernible) and we don't think
6 that anything other than a box truck, truck is going to make
7 a delivery to a building of that size; but Mr. Capers
8 indicated that, well, you know, we can't be sure of that.
9 And so, so, I said, well, listen, what if we, we both
10 discussed the possibility of simply limiting the hours of
11 deliveries --

12 MR. CHAIR: Already in the record.

13 MR. GIBBS: -- of any truck greater in size than a
14 box truck to that, that building. I've been involved in
15 many cases where we've done this, in particular, at eating
16 and drinking establishments with drive throughs where we've
17 limited delivery times with a condition; and so, so what we
18 were able to agree on was the language in G that appears on
19 the exhibit on the screen which says, "Deliveries to
20 Building D by trucks with a classification greater than SU30
21 shall be restricted to the period from 9:00 p.m. to 9:00
22 a.m." And so, I, I believe Staff is fine with that
23 condition and Ms. Butler could respond to that as well.

24 So, then H gets deleted. And then if you just, if
25 Mr. Flanagan could just scroll down for us onto the next

1 page of the conditions, thank you, there we go. So, then we
2 wanted to add two new conditions in our effort to respond to
3 Mr. Wixon's concerns.

4 So, we added a condition that said red brick shall
5 be used exclusively on all building surfaces where brick is
6 proposed; so not just on Building A, but he wanted a
7 consistent red brick theme throughout all the, the buildings
8 to sort of match up with Marietta; and so, we agreed to
9 that. And then we changed the architecture for the rear of
10 Building A and, and so Condition K says the architecture for
11 Building A shall be revised to provide brick on the rear
12 elevation and to provide a pitched roof on the rear of the
13 elevation as shown on Applicant's revised Building A
14 elevation.

15 Mr. Chairman, that too, that revised building
16 elevation is one of the attachments to the second May 24th
17 letter that I filed in this case Tuesday morning. So now,
18 those are all of our revisions and additions to the
19 conditions. Ms. Butler can speak for herself, of course,
20 but, but in terms of Staff, you know, we believe we are one
21 at this point with respect to all the conditions.

22 MR. CHAIR: Thank you, Mr. Gibbs. Let's go back
23 to 1F. Ms. Butler, are you, are you prepared to read that
24 one into the record for us; or not read it in, is there,
25 what I really, what we're looking for is some --

1 MS. BUTLER: Yes --

2 MR. CHAIR: Share a screen with us?

3 MS. BUTLER: Yes.

4 MR. CHAIR: Is that possible? Okay.

5 MS. BUTLER: Yeah, yeah, give me a moment because
6 I actually, I have it.

7 MR. CHAIR: Yes. Just a moment so --

8 MS. BUTLER: I have it --

9 MR. CHAIR: -- she's prepared to share a screen.

10 But, wait, I think we're getting some Staff support here,
11 Ms. Butler. Mr. Honda is here, so hold on. He may be able
12 to help.

13 MS. BUTLER: Oh, Mr., okay. Yeah, I just sent it
14 to him.

15 MR. CHAIR: And, Mr. Gibbs, I just want to respond
16 to your, your comments about making sure that all the
17 information you're referring to is in the record. As far as
18 I can tell, and I checked with Staff, everything you're
19 referring to is already in the record, so we don't need to
20 admit it. It's, it's in our back-up material.

21 MR. GIBBS: Okay. Okay. That's fine. Thanks,
22 Mr. Chairman, appreciate it.

23 MR. CHAIR: Give us a second and I think we have
24 it right here.

25 MS. BUTLER: You, okay. Did you, did you want me

1 to read it into the record, or are you, you still want me to
2 read it?

3 MR. CHAIR: I don't think it's necessary to
4 actually read it, but if you can leave this, Mr. Flanagan,
5 leave this on the screen for us with older eyes, perhaps a
6 slightly larger version of it.

7 MR. FLANAGAN: Yes, okay. Yeah. I got it.

8 MR. CHAIR: Scroll that down. So, let's, so,
9 Commissioners, if we can just take a minute and read, this
10 is what we'll -- this is the new F. So, read this and see
11 if we have any concerns with it.

12 COMMISSIONER GERALDO: I don't have a problem with
13 it, but I think we do need to just mark it as the new F.

14 MR. CHAIR: Okay. So, that's noted. We'll mark
15 this as the new, the new 1F. Mr. Gibbs, this is your
16 understanding, this is the version that you're supporting as
17 well?

18 MR. GIBBS: Yes, Mr. Chairman, this is the
19 identical, verbatim language I read. So, yes, we support
20 this condition.

21 MR. CHAIR: Okay. Okay. So, without objection
22 from any Commissioners --

23 MR. GIBBS: And --

24 MR. CHAIR: Mr. Gibbs, I'm sorry, you had
25 something else to say?

1 MR. GIBBS: No, I was just going to say, what's
2 highlighted in yellow is just a minor change that I made;
3 but, but we are all 100 percent expecting and believe that
4 our proposal to consolidate to the one access is going to be
5 approved, yes.

6 MR. CHAIR: Okay. Thank you. So --

7 MR. GIBBS: Thank you.

8 MR. CHAIR: -- if there's no other questions, Mr.
9 Gibbs, do you have anything else that you want to present to
10 us from your side?

11 MR. GIBBS: No, it's just that I would like to
12 reserve the right to, if necessary, reply to any comments
13 that are made as a result of people who have signed up on
14 behalf of Glenn Dale Civic Association. Thank you very
15 much.

16 MR. CHAIR: Thank you.

17 THE CLERK: Mr. Chair, just for clarification
18 purposes, I know we marked that, that exhibit as 1F, but are
19 we going to actually label it as, as something like
20 Applicant Exhibit 8 so that way if there, there are any kind
21 of like legal appeals or anything, it's quite clear who
22 proposed it and not, not Staff necessarily?

23 MR. CHAIR: That's fine with me. So, we'll make
24 sure that we're labeling it and we'll refer to it as the
25 Applicant's exhibit; and I'm, I'm not sure if the numbering,

1 you, we were, I think you're more on top of it than I am;
2 but it sounds like Exhibit 8 is right. Eight it is, yeah.

3 THE CLERK: Eight?

4 MR. GIBBS: Mr. Chairman, if I could, just a point
5 of clarification there, we, we are certainly in conformance
6 with that condition, but I would note that the Applicant's
7 proposed revision, the 1F, be in red; and the (indiscernible
8 0:38:05.0) file is important. This revised language came
9 from your transportation and then the yellow is the only
10 thing that we changed in what they had recommended. So,
11 it's, you know, I, it's fine if the record reflects it's
12 Applicant's exhibit; but for purposes of the record, I just
13 want to make that clarification.

14 MR. CHAIR: Okay.

15 MR. GIBBS: Thank you, sir.

16 MR. CHAIR: Considering that you all made the last
17 change on it, that, that that's why it feels more accurate
18 to say that this is your revised condition.

19 MR. GIBBS: I'm fine with that. Thank you.

20 MR. CHAIR: Okay. Okay. So, any further
21 discussion with the Applicant on any of these conditions,
22 anything else, Mr. Gibbs, we need to hear from you before we
23 move on?

24 MR. GIBBS: No, Mr. Chairman, just as mentioned,
25 reserving the right to respond to any other things that

1 might come up. Thank you very much.

2 MR. CHAIR: Thank you. So, we have -- Vice Chair
3 Bailey?

4 MADAM VICE CHAIR: Hold on. I do have one other
5 question. Mr. Gibbs mentioned meeting with the Civic
6 Association, and then he said members; and I want, would
7 like clarification on the meeting that was held on May 17th.
8 Who was in attendance at that meeting? Were there simply
9 the organization, leadership of a civic association, or
10 other members of the civic association?

11 MR. GIBBS: Yes. I, you know, no one, not
12 everyone introduced themselves; and so, I can't, I can't, I
13 just was, it sounded as though there were some residents as
14 opposed to just board members present in that meeting and
15 that's why I said, made that comment. But when Mr. Wixon
16 testifies, perhaps he can clarify that for us.

17 MADAM VICE CHAIR: Good, that's good enough.
18 Thank you.

19 MR. GIBBS: Yes.

20 MR. CHAIR: Thank you. Okay. So, let's turn to
21 the other speakers we have. I'll start with Mr. Wixon with
22 the Glenn Dale Citizens Association. Mr. Wixon, you can
23 take it away.

24 MR. WIXON: Thank you, Mr. Chairman, and members
25 of the Board. I really appreciate the opportunity to appear

1 before you this morning. My name is Henry Wixon, 10701
2 Marietta Street, Glenn Dale, Maryland. I am the president
3 of the Glenn Dale Citizens Association which is a Civic
4 Association in serving the citizens of greater Glenn Dale
5 and 20769 zip code, and surrounding environment since 1948.

6 We have been interacting with the owners of this
7 property for many, many years, decades actually, and we had
8 the opportunity to appear before you today to address the
9 question that was put with respect to Mr. Gibbs'
10 presentation on the 17th. The 17th was the Glenn Dale
11 Citizens Association regular monthly meeting and so it was a
12 member, it was a, you know, it was a regular meeting of our
13 association and we had the presentation by Mr. Gibbs and his
14 colleagues following the conclusion of our regular business
15 meeting which is our standard practice for developer
16 presentations. And so, it was not simply the leadership of
17 the civic, or the citizens association; it was the
18 membership who were in attendance on that evening. So, if
19 the, the question is about, about who was in attendance, I'm
20 happy to, to answer them.

21 MR. CHAIR: Does that address the issue, Vice
22 Chair Bailey?

23 MADAM VICE CHAIR: That is fine. Thank you.

24 MR. WIXON: Thank you very much. First of all, I
25 want to thank also Ms. Butler for her outreach in the course

1 of the run-up to today's meeting and I also want to thank
2 Mr. Gibbs, of course, and other, his clients who, who made a
3 presentation to us. Our primary concern, as Mr. Gibbs
4 mentioned, is protecting the view shed from Marietta Museum.
5 That is directly across 193 from the subject property. Is a
6 National Historic -- it's registered on the National
7 Registry of Historic Places; and, and we were very concerned
8 about the view shed from Marietta across 193 to the, to the
9 subject property.

10 I will say that the, the original portion of this
11 property to the, to the east, the gas station, we spent an
12 extensive amount of time dealing with the developer of that
13 property and were very pleased to have cooperation from the
14 developer of, I'll call it BP Gas, with respect to the
15 architectural details of that property in order to be
16 empathetic to the, to the Marietta House Museum; and if you
17 take a look at that property, or if you're familiar with it,
18 you will see that it has a pitched roof; it is primarily red
19 brick; and it additionally has architectural details with
20 respect to the, to the facades that are, are particularly
21 good. And so, one of the reasons that we're -- what we're
22 trying to do, essentially, is to, to continue that theme
23 across the entire development; and that is one of the
24 reasons for the request for red brick.

25 In addition, as Mr. Gibbs pointed out to the fact

1 that the, the Marietta House Museum is itself red brick,
2 we'd also like to see that theme that started with BP Gas
3 proceed across the entire property. So, we very, very much
4 appreciate the Applicant's willingness to, to use red, red
5 brick; and we appreciate their willingness with respect to
6 Building A to, to pitch the roof on that as well so that we,
7 we have, you know, again, a view shed potential there that,
8 that will be empathetic for the, for the site, the views.

9 Mr. Gibbs also mentioned that one of our desires
10 has been to, if we can, if it's possible to shift the
11 location of Building A at least one row, one parking row
12 towards the interior of the site. I believe Mr. Gibbs said
13 that that wasn't feasible; and, and maybe if we could have,
14 if we could put up a picture of the, the Site Plan, we could
15 take a look at that and see what we're talking about. I
16 don't know if that's possible.

17 MR. CHAIR: Give us a second, Mr. Wixon. We'll
18 see if we can pull it up.

19 MR. WIXON: Right there. Thank you. So, if we
20 look to the east of Building A, we have a single line of, of
21 parking; and then a double row of parking; and so, what, you
22 know, we, we think that even, well, even a single line of
23 parking, if it were to shift over by a single line of
24 parking, and that line of parking were put behind the
25 building, would be a, a, a valuable in, in, with respect to

1 the view shed. So, I would ask, first of all, that the
2 Planning Board consider that again; and that, that Staff
3 consider that again from a circulation perspective and
4 whether that is feasible. And then, additionally, given at
5 least my understanding of the amendments that have been made
6 to Condition F, although everybody is, is assuming that,
7 that the, the shift of the, of the road from judicial over
8 to the western entrance will work, it is stated at this
9 point as, you know, the potential that it won't work, right?
10 If it, if it doesn't work, if DPIE determines that it's not
11 feasible, then, then they'll revert.

12 In the event that they revert, as Mr. Gibbs said,
13 then, you know, indicated from his argument which is with
14 the western entrance, it's not feasible; but if the western
15 entrance doesn't end up being used and the, the other one
16 does, then it would certainly be feasible at that point.
17 So, I would ask that he condition address that at the least,
18 right? In the event that it's not feasible, then reconsider
19 the location of Building A because at that point the
20 argument that it's unfeasible to shift it would, would go
21 away.

22 One other thing, I just note from looking through
23 the, the, the new submissions there is a provision, original
24 Provision I, which I think is H now, which is a 6-foot high
25 fence or masonry wall to screen the loading space adjacent

1 to Building A. If we could just clarify that that masonry
2 wall that ends up being a masonry wall, that it would be red
3 brick as well. That would be, that would be helpful.

4 And then I don't know -- I just want to point out
5 for, for your awareness that it, while Bell Station Center
6 here, I'm sorry, it's Bell Station Road is a collector; on
7 the other side, across on the Marietta side, it is a, a
8 designated, a County-designated scenic and historic road.
9 It's a little road. It doesn't go anywhere and, in fact,
10 although there was a big arrow going, coming out of this on
11 one of the pictures we looked at coming out of Bell Station
12 Road onto 193, in fact, what the State Highway has done
13 there is they have created an intersection that was not
14 allowed direct vehicular access from Bell Station Road, the
15 collector, to Bell Station Road, the designated scenic and
16 historic road. So, you can't even go straight across 193
17 there and that is another change which is helping to protect
18 the, the Marietta side of, of 193 here. So, again, I just
19 point that out because it's another thing that, that we're
20 trying to, to achieve here.

21 So, I don't have any, any comments or questions
22 other than those; just would ask that with, we take a very
23 hard look at the, at the feasibility of moving Building A
24 toward the interior of the site, at least one, one row of
25 parking. And with that, I will say thank you and I'm happy

1 to answer any questions.

2 MR. CHAIR: Thank you, Mr. Wixon, for your
3 thoughtful comments. Thanks for all the work that you do,
4 the Association, and your leadership as well.
5 Commissioners, any questions for Mr. Wixon? Commissioner
6 Geraldo, you're on mute.

7 COMMISSIONER GERALDO: I have no questions, thank
8 you.

9 MR. CHAIR: Okay. Other Commissioners?

10 MADAM VICE CHAIR: No questions.

11 MR. CHAIR: Okay. Mr. Wixon, thank you very much.
12 We may come back to some of these points that you've brought
13 up so, certainly, hang on the line. Let me turn it over --

14 MR. WIXON: Thank you.

15 MR. CHAIR: -- to Mr. Stokes, Gilbert Stokes.

16 MR. STOKES: Hello. Thanks for allowing me to
17 speak today. First, let me just say thanks to Mr. Gibbs for
18 keeping Gabriel's Run community in the loop on everything
19 that's happening on Bell Station. I'm Gilbert Stokes. I'm
20 a current resident in Gabriel's Run, as well as I'm a part
21 of the board. So, I'm not going to talk too much. I know
22 Sean is going to speak for the board; but I will say that I
23 am a little, I feel a little better about the access points
24 because I know Mr. Gibbs mentioned that they are trying to
25 eliminate one. My biggest concern, and, and my greatest

1 concern has always been the traffic on Bell Station Road.

2 We in the community deal with traffic every day
3 coming in and out of this community; and it was very
4 concerning when an entrance was going to be put across from
5 our entrance, which we only have one to get in and out. You
6 know, it's very hard early in the morning; it's very hard in
7 the afternoons. So, that, just hearing Mr. Gibbs mention
8 that, you know, I feel a little relieved by that; and I
9 think that would help the community out as well. So, again,
10 I'm not going to talk too much. I know Sean is on here to
11 speak for the community but, you know, I just wanted to make
12 it, make it known that, you know, one of my biggest issues
13 was the traffic and I think hopefully with the entrances
14 being cut down, that would help out, and especially help the
15 community and us getting in and out on a day-to-day basis.
16 So, I appreciate you all letting me speak and thanks again.

17 MR. CHAIR: Thank you, Mr. Stokes. Thanks for
18 having your voice heard. Questions for Mr. Stokes? And,
19 again, I think we'll hear from Mr. Suhar in just a minute.

20 (No affirmative response.)

21 MR. CHAIR: Okay. We have Ms. Hopkins as well and
22 Mr. Suhar. I'm not sure what, if, how you want to manage
23 this, Mr. Suhar?

24 MR. SUHAR: Yes. May I proceed?

25 MR. CHAIR: Uh-huh.

1 MR. SUHAR: -- Chairman Shapiro?

2 MR. CHAIR: Are we going to hear from Ms., from
3 Ms. Hopkins as well, or just you?

4 MR. SUHAR: I don't, Ms. Hopkins is, is free to
5 speak if she'd like. I'm going to make comments on behalf
6 of the Board of Directors for the Gabriel's Run Homeowner's
7 Association. So --

8 MR. CHAIR: Okay. All right. Take it away, Mr.
9 Suhar, and then we'll come back to Ms. Hopkins.

10 MR. SUHAR: Okay. Thank you very much. And I
11 want to say good morning to Dan, Chairman Shapiro, the
12 Planning Board and everyone in attendance of this meeting.
13 My name is Sean Suhar. For the record, my name is Sean
14 Suhar with the firm of Nagle & Zaller; and our firm
15 represents the Gabriel's Run Homeowner's Association, and
16 I'm here making comments regarding the proposed commercial
17 development of Bell Station Center; and I'm specifically
18 speaking on behalf of the Board of Directors, which is the
19 governing body and, and representative body for Gabriel's
20 Run Homeowner's Association. I want to thank Mr. Stokes for
21 his comments and I want to state that I support those
22 comments; and thank you for allowing us to be heard this
23 morning.

24 The property which is known as Bell Station Center
25 in here, which is being proposed, is located, as Mr. Stokes

1 had said, across Bell Station Road from the Association; and
2 we understand that the Applicant is attempting to obtain
3 approval from the Planning Board for commercial development
4 on the property. The Board of Directors has previously met
5 with the developer, Mr. Ed Gibbs, and with members of his
6 team, as he stated earlier this morning. I apologize for
7 repeating some of what has already been said, but I'll try
8 and make this, streamline this a bit.

9 So, but the Board of Directors and I met with Mr.
10 Gibbs to learn more about their plans and also to express
11 our concerns about the impacts upon Gabriel's Run
12 Homeowner's Association, which is, as we said, in the
13 immediate area right across the street from Bell Station, or
14 right across from, right across Bell Station Road.

15 So, Mr. Gibbs presented to the Association the
16 original proposed Site Plan. It contained three access
17 points, specifically, the Applicant proposed having one
18 access point on State Route 193, which has apparently
19 already been approved by the state for right-in and right-
20 out only access; and two access points on Bell Station Road,
21 the eastern access point which is located directly across
22 from Judicial Drive; and the, and the other western access
23 point located at about the center point of the property.
24 However, the Association objected to the proposed access
25 point on Bell Station Road, which is located directly across

1 from Judicial Drive. We maintain that opposition still to
2 today. Since Judicial Drive serves the Association, this
3 proposed access point directly across the street from Bell
4 Station Road would cause negative impacts upon the traffic
5 volume and speeds in the Association.

6 After speaking with his engineers, Mr. Gibbs said
7 that the Applicant, his client, had agreed to revise and/or
8 state a condition to their application which would keep the,
9 which keeps the western-most access point on Bell Station
10 Drive where it is, but eliminates the second eastern access
11 point on Bell Station Road, which is immediately across from
12 Judicial Drive in the Association.

13 In summary, we understand that the Applicant is
14 now proposing one access point on Bell Station Road, pull in
15 and pull out access, eliminating the proposed access point
16 across from Judicial Drive, which is that easternmost access
17 point; and they proposed one access point on State Route
18 193, right in, right out only. Mr. Gibbs advised that the
19 Transportation Division has accepted this proposal. Mr.
20 Gibbs and the Board of Directors have worked well together
21 to get to this point and feel that him and his client have
22 tried to address our concerns, and we appreciate that.

23 Mr. Gibbs did file a revision to the Site Plan
24 with the Planning Board to reflect the elimination of the
25 eastern access, easternmost access point on Bell Station

1 Road, which is directly across from Judicial Drive, and we
2 appreciate that. There are, and, and my comments and
3 concerns on behalf of the Board of Directors do reflect many
4 lot owners in the Gabriel's Run Homeowner's Association. On
5 behalf of the Board of Directors of the Association, I
6 advised Mr. Gibbs, and would inform the, the Planning Board
7 this morning, that the Gabriel's Run Homeowner's Association
8 does not oppose the proposed development of Bell Station
9 Center so long as the Applicant is permitted only one access
10 point on Bell Station Road in the center of the project as
11 modified. Gabriel's Run Homeowner's Association opposes two
12 access points on Bell Station Road and any proposed access
13 point which is proposed to be located directly across from
14 Judicial Drive which serves its community.

15 We submitted written comments before noon on
16 Tuesday which reflected the comments that I'm making this
17 morning; and I do want to state that, and I understand that
18 other homeowner's may be wanting to make comments and would
19 welcome those as well, homeowners within the Gabriel's Run
20 Homeowner's Association. But I, after listening to comments
21 about trying to protect the, wanting to protect the museum,
22 Marietta Museum, I certainly respect that, those comments;
23 but we're, my comments are specifically directed toward the
24 development, it impacts upon this development, upon my
25 client which is immediately across from Bell Station Road,

1 and so --

2 MR. CHAIR: Can I jump in, Mr. Suhar?

3 MR. SUHAR: Go ahead.

4 MR. CHAIR: So, I just want to make sure so, the
5 Commissioners and I'm understanding; and, first of all, I
6 appreciate your clients' advocacy on this issue and, and
7 your able representation of them. You've seen Condition 1F,
8 which I believe directly addresses your issue. Are you
9 comfortable with the language in 1F?

10 MR. SUHAR: I am, yes, so long as it, you know, I
11 mean I think it reflects what I've said this morning.

12 MR. CHAIR: I think so, too. I just wanted to
13 make sure. So --

14 MR. SUHAR: Yeah.

15 MR. CHAIR: -- it sounds like, bottom line, it
16 sounds like you all are getting what you want on this based
17 on the condition?

18 MR. SUHAR: Yes.

19 MR. CHAIR: Okay.

20 MR. SUHAR: Yeah. Yeah.

21 MR. CHAIR: That's what I --

22 MR. SUHAR: And from what I've heard and read from
23 the other conditions that were included in there, they're
24 not objectionable either.

25 MR. CHAIR: Okay.

1 MR. SUHAR: But any attempt to try and, you know,
2 I heard some comments this morning about, you know, still
3 wanting some kind of access on Judicial, you know, across
4 from Judicial Drive. The Association would, would oppose
5 that.

6 MR. CHAIR: I appreciate that.

7 MR. SUHAR: So, thank you very much.

8 MR. CHAIR: No, thank you, Mr. Suhar, very much.
9 Commissioners, any questions for Mr. Suhar?

10 (No affirmative response.)

11 MR. CHAIR: No? Thank you. Thank you very much
12 for, for your comments and your able representation for the
13 HOA as well.

14 MR. SUHAR: Thank you very much.

15 MR. CHAIR: Okay. So, let's see if Ms. Hopkins
16 has something to, to say as well. We have a Ruthenia
17 Hopkins on the line?

18 MS. HOPKINS: Good morning, everybody. Well, Mr.
19 Suhar, he asked everything that I was going to say, so I'm
20 not going to repeat it.

21 MR. CHAIR: Okay.

22 MS. HOPKINS: But just to say it one more time,
23 it's just the access road; and I am still concerned with
24 even the new statement because it said, it has the unless
25 modified by DPIE with written documentation. So, sometimes

1 that unless can be, be still a little shaky. I just want to
2 make sure that it's understood that, I know they're doing
3 transportation analysis, but unless you live in our
4 neighborhood and deal with the traffic that we see every
5 day, trying to get in, trying to get out around certain
6 hours, it's, it's, you can't even, even if you leave at 5
7 o'clock in the morning, there's always a car turning, coming
8 down the street. So, it's hard for us getting out every
9 day; and Mr. Stokes said it, you only have one way in and
10 one way out. So, we just want to, that is just our biggest
11 concern.

12 MR. CHAIR: Thank you, Ms. Hopkins.

13 MS. HOPKINS: (Unintelligible.)

14 MR. CHAIR: No, clear, clear as day and I
15 appreciate you taking the time to, to come online and to
16 make your voice heard, very helpful.

17 Okay. Any questions for Ms. Hopkins,
18 Commissioners?

19 (No affirmative response.)

20 MR. CHAIR: Thank you very much. So, we have
21 heard from the proponents; we've heard from the opponents;
22 we've heard from the others. Any final thoughts or
23 questions from Commissioners; and if not -- sorry? Oh, Mr.
24 Gibbs, I'm sorry, you wanted to, you, you said you want to
25 reserve the right as you, as you should to have any final

1 thoughts or comments too. So, let me turn it back to you,
2 Mr. Gibbs.

3 MR. GIBBS: Yes. Thank you very much. Appreciate
4 it, Mr. Chairman. So, first of all, with, with respect to
5 the traffic, I certainly appreciate everyone's comments from
6 Gabriel's Run relative to traffic out there. You know, I,
7 I, I would, I mean, look, you, an application can pass the
8 adequate public facilities test for traffic and folks that
9 live in the vicinity can still feel fairly that there's
10 traffic. You know, so, so, obviously, no one can address
11 the, the desire that everyone would have to make sure
12 there's never traffic on a road; but I, I simply would note
13 that this project did go through and pass the adequate
14 public facilities test when we went through the Preliminary
15 Subdivision Plan.

16 The other thing I would say is this. The, the, we
17 are proposing, as we did on the approved Preliminary
18 Subdivision Plan, we initially proposed two access points on
19 the Bell Station Road and one onto 193. All of those were
20 shown on the approved Preliminary Subdivision Plan which was
21 certified. The State Highway Administration approved the
22 access onto 193 back at that time, as did the Planning
23 Board.

24 We 100 percent are in unison with Gabriel's Run
25 that the easternmost driveway will not be there. We believe

1 very, we feel very confident that not just transportation is
2 okay with this, but that DPIE is going to be okay with this.
3 We simply had to include them in the condition because
4 they're the entity that will have to, have to approve our
5 access permit since Bell Station Road is a County
6 thoroughfare; but we, we feel very confident that's going to
7 happen; we just, you know, you always have to plan for every
8 potential issue that may come up.

9 Now Mr. Wixon's comment, and I appreciate his
10 comments, and it seems like the only thing we're down to
11 here is moving Building A. And Mr. Wixon's comments are,
12 they, they, they, they represent sort of a misapprehension
13 because if you look at Condition F, it does not say, as Mr.
14 Wixon posited, that if DPIE doesn't agree, then we'll just
15 have the access point across from Gabriel's Run's Judicial
16 Drive. That is not what the condition says. The condition
17 said that there could conceivably have to be both if DPIE
18 didn't agree; but we would never, never agree to a situation
19 where we would delete the westernmost driveway because it
20 doesn't work for the layout; but even more so, it would
21 visit an intolerable transportation situation on Gabriel's
22 Run to have all the traffic from this, this, this center
23 come out directly across from Judicial Drive. So, the
24 westernmost driveway is not going to be closed; and, and,
25 and that just bears upon the comment about moving the

1 building.

2 So, if you look at the Site Plan, you, you know,
3 Mr. Wixon basically is saying move it, one set of parking
4 spaces. That's 9 1/2 feet. And at this point, just ever so
5 briefly, I'd like to have Mr. Flanagan, if he could, bring
6 up the exhibit that we submitted into the record which is,
7 which is titled, Applicant's View Shed Photographs.

8 MR. CHAIR: Is that what you're looking for, Mr.
9 Gibbs?

10 MR. GIBBS: No, that's Mr. Lenhart's analysis that
11 Transportation wants in new 1F.

12 MR. CHAIR: All right. He'll, he, he's still
13 going.

14 MR. GIBBS: That's a revised -- yeah, that, that's
15 a truck turning exhibit. These are all things that we just
16 wanted to get into the record because we had gone over them
17 with staff. I think --

18 MR. CHAIR: There we go.

19 MR. GIBBS: -- it's the very next exhibit. There
20 we go. All right. Now there we go. Okay. So, looking at
21 this photograph, the property is, is outlined in blue on the
22 east side of Maryland 193, Glenn Dale Boulevard. So, that
23 main thoroughfare which is a dual-laned median divided
24 highway separates my client's property, or the Marietta
25 property, which is located on the west side of 193. So,

1 yeah, so, you'll see on Bell Station Road, which is a very,
2 very narrow thoroughfare, as Mr. Wixon quite accurately
3 described, runs westerly from 193 back into the woods there.
4 And, and you'll see a series of numbers on this aerial
5 photograph, 1 through 6; and those numbers represent where
6 the following six photographs present a view shed from,
7 okay?

8 So, how you see that number one is right up by the
9 intersection, and this is number one. So, if you were on,
10 not at Marietta Museum, but all the way out at the stop sign
11 looking across 193, across all those lanes of traffic,
12 you'll see Bell Station Road on the left there on the other
13 side; and then all that treed area, which is going to
14 remain, that is our site. So, that's the view shed not from
15 Marietta, but from the traffic signal on 193 looking east
16 over toward the Bell Station Center property. That's it.

17 Now if you can move to the, Mr. Flanagan, to the
18 next photograph?

19 Okay. Now this is a, a, this is a Google Earth
20 photograph that we took off of the Internet that's dated
21 August of 2019; and this is just pulling the view back, you
22 know, the first picture was way up at the intersection; and
23 this, this picture is a Google Earth photographic image from
24 further back on the, the 2-lane section of Bell Station Road
25 west of 193. So, as you can see, it becomes more and more

1 difficult to see the Bell Station property which is way off
2 in the distance.

3 MR. CHAIR: Mr., Mr. Gibbs, let me jump in for a
4 second because the, the purpose of this, I think this is,
5 you know, to help us make sense of what the view shed impact
6 is going to be. The problem is I don't have a sense of what
7 the building elevations are behind those trees, so it's not
8 clear to me what's going to be visible.

9 MR. GIBBS: Well, the, the, the trees are going to
10 be, I mean, excuse me, the, it's only Building A. As your,
11 Jennifer Stabler in a referral memo dated April 12th of this
12 year in this case where she analyzed all historic issues
13 associated with this Detailed Site Plan application; and in
14 paragraph 3 of that memorandum, and in the, and in the
15 conclusions section, excuse me, not so much paragraph 3, but
16 in her conclusions, she indicates that for the most part any
17 view shed issue would be associated with the northwest
18 corner of the Bell Station site, which is where Building A
19 is located; and Building A is located directly across behind
20 the trees that you would see.

21 The, the height of Building A is shown on the
22 elevations and I'll get that for you; but it is well below
23 the height of the trees.

24 MR. CHAIR: That's all I'm looking for --

25 MR. GIBBS: And now --

1 MR. CHAIR: -- because if there's, if the tree
2 height is --

3 MR. GIBBS: Okay.

4 MR. CHAIR: If the tree height is such that you
5 don't have to see Building A from any of these points, then,
6 then, you know, you've made your point.

7 MR. GIBBS: Okay. I mean I can, I just wanted to
8 real quickly go through the rest of these photographs --

9 MR. CHAIR: Sure.

10 MR. GIBBS: -- just to -- Ms. Stabler came to the
11 conclusion no further screening was necessary; and she's the
12 Historic Preservation analyst. This is the way the view
13 from the driveway into Marietta Museum looked, Google Earth,
14 July of 2008. You can see the trees that were present on
15 the Marietta site at that time, and the parking lot had not
16 yet been installed. Please scan to number four.

17 Number four is the Google Earth image from August
18 of 2019. As you see the mailboxes in the center there are
19 the same mailboxes that you were looking in 2008 image.
20 Marietta has installed a parking lot and, as you can see,
21 trees are missing from the end of the Marietta property.

22 And then go, please to number five. This is the
23 view in November 2021 at the stop sign on 193 looking back
24 toward Marietta Museum. And then number six, this is a
25 photograph that I took on May 23rd in from the driveway on

1 Marietta Museum looking out toward 193. So, I guess the
2 only point of all these photographs is, is, is to represent
3 that the view shed really is not going to be impacted. I'm
4 not going to say that if you go out to 193 in the middle of
5 the winter, you're not going to be able to see some
6 semblance of the building over there; but we are adding more
7 deciduous trees and evergreens behind Building A on our
8 Landscape Plan, and Ms. Stabler comes to the conclusion that
9 all of those things together provide the necessary
10 protection for Marietta Museum. So, I'm sorry to be a
11 little windy on that, but it was important to get that to
12 you. So --

13 MR. CHAIR: Thank you.

14 MR. GIBBS: -- thank you very much, and, and
15 that's all we have; and, and I appreciate your time and
16 consideration.

17 MR. CHAIR: Thank you. Thank you, Mr. Gibbs. So,
18 Commissioners, further discussion on this issue, questions
19 that you have for --

20 COMMISSIONER GERALDO: No.

21 MR. CHAIR: -- Staff, Applicants, anyone?

22 (No affirmative response.)

23 MR. CHAIR: Okay.

24 COMMISSIONER GERALDO: No questions.

25 MR. CHAIR: Thank you all for your participation.

1 Mr. Wixon, do you have, do you have a question?

2 MR. WIXON: Yeah. I just wanted to, I don't know
3 if it's appropriate or not to, to respond to Mr. Gibbs'
4 comments. I just had a couple of questions.

5 MR. CHAIR: Mr. Wixon, actually, the, Mr. Gibbs
6 gets the last word, so we need to leave it at that.

7 MR. WIXON: I'm happy. I'm happy to give him
8 another word after this; but he's raised a number of issues
9 that, that weren't raised to begin with. So, whatever the,
10 the Board's pleasure is, I appreciate it.

11 MR. CHAIR: I mean take a, if you want to take a
12 quick minute if there's a point or two that you want to
13 make; and we'll give Mr. Gibbs the last word after that.

14 MR. WIXON: Thank you. First of all, with respect
15 to new F, I appreciate Mr. Gibbs clarifying that because I,
16 I had not appreciated that the western drive would stay in
17 any event; so, maybe it should be more clear in, in F; but
18 thanks for that.

19 With respect to the view shed from Marietta, I
20 will point out that Marietta runs a number of programs that
21 do take place in that parking area that was shown in, in Mr.
22 Gibbs' photographs; and including weekly farmer's markets
23 and the like. So, that, that portion of the property is, is
24 in use very frequently; and I was also interested in Mr.
25 Gibbs' comment that the trees would stay. I had, I didn't

1 have the impression that the trees that are there, the
2 existing trees were going to stay; rather, they were going
3 to be torn out and replaced with, you know, with new
4 plantings; and we appreciate the, the, the Applicant's
5 desire or intent to plant deciduous and, and evergreen
6 trees; but I'm not sure those trees that are there now are
7 going to remain there; and if they are, that would be a good
8 thing to, to be clear on in, with respect to this Detailed
9 Site Plan.

10 MR. CHAIR: Thank you, Mr. Wixon. Mr. Gibbs, you
11 have, I'll give you the final word again. Do you have any
12 response to Mr. Wixon's comments or anything else you want
13 to add?

14 MR. GIBBS: Okay. Very good. Mr. Chairman, no, I
15 have nothing further to add to what Mr. Wixon said. You
16 know, I'll stand on Ms. Stabler's referral and on the
17 photographs that we submitted. And I just would like to
18 have Ms. Leonard confirm that we're not taking out any trees
19 over there that we saw.

20 MR. CHAIR: Ms. Leonard, do you want to comment on
21 that?

22 MS. LEONARD: Sure. The trees that are shown in
23 Mr. Gibbs' photos are within the right-of-way, and we are
24 not removing any of those trees as part of our proposal,
25 with the exception of the few that are in the vicinity of

1 the entrance that has been approved at 193.

2 MR. CHAIR: Understood. Okay. Thank you. Thanks
3 for that. Okay.

4 MR. GIBBS: Thank you, Mr. Chairman.

5 MR. CHAIR: Thank you, Mr. Gibbs; and thanks,
6 everybody. Commissioners, what is your pleasure?

7 COMMISSIONER GERALDO: Mr. Chair, I would move
8 that we adopt the findings the Staff, and the conditions set
9 forth in the Staff Report as modified by Applicant's Exhibit
10 1, and further modified by a new condition 1F as set forth
11 in the new Applicant's Exhibit No. 8; and that we approve
12 DSP-21031 and Type 2 Tree Conservation Plan TCP2-094-97-05.

13 MADAM VICE CHAIR: I think, a clarification wasn't
14 read into the record, as well as, that's Item No. F.

15 MR. CHAIR: 1F?

16 MADAM VICE CHAIR: I didn't hear --

17 MR. CHAIR: The new 1F.

18 COMMISSIONER GERALDO: Item 1F was the new Item 1F
19 and it was set forth in the new Exhibit 8.

20 MADAM VICE CHAIR: Okay. Great. Thank you.

21 COMMISSIONER GERALDO: Uh-huh.

22 MADAM VICE CHAIR: And a second.

23 MR. CHAIR: So, we have a motion by Commissioner
24 Geraldo; a second by Vice Chair Bailey. Discussion on the
25 motion? Under discussion, the only thing I would say is

1 just to, to thank Mr. Gibbs, your, your clients and Mr.
2 Wixon, Mr. Suhar, all the homeowner's associations. This is
3 a good example of where this kind of community engagement
4 leads a better project. So, I'm, I'm happy to see all the
5 changes that have been made and I'm looking forward to the
6 successful completion of this one. So, if there's no
7 further discussion, I will call the roll.

8 Commissioner Geraldo?

9 COMMISSIONER GERALDO: I vote aye.

10 MR. CHAIR: Vice Chair Bailey?

11 MADAM VICE CHAIR: Aye.

12 MR. CHAIR: Commissioner Doerner?

13 COMMISSIONER DOERNER: I vote aye.

14 MR. CHAIR: I vote aye as well. The ayes have it,
15 4-0. Thank you, everybody, for your time.

16 MR. GIBBS: Thank you very much.

17 MS. LEONARD: Thank you very much.

18 (Whereupon, the proceedings were concluded.)

19

20

21

22

23

24

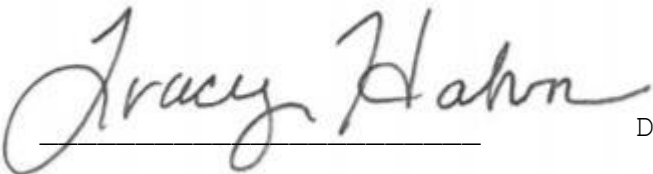
25

DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies 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:

BELL STATION CENTER, PARCEL B

Detailed Site Plan, DSP-21031

By:  Date: August 5, 2022

Tracy Hahn, Transcriber