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OFFICE OF THE ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY

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D.R. HORTON, INC., SADDLE RIDGE : Case No. A-10060
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A hearing in the above-entitled matter was held on
October 27, 2021, at the Prince George's County Office of
Zoning, 14741 Governor Oden Bowie Drive, Room L-200, Upper
Marlboro, Maryland 20772 before:

Maurene McNeil
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Matthew Tedesco, Esq.

On Behalf of People's Zoning:

Stan Brown

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P R O C E E D I N G S

1
2 MS. MCNEIL: Good morning, everyone, today is
3 October 27th, 2021. I am Maurene Epps McNeil and I'll be
4 your hearing examiner today. We're holding a virtual
5 hearing on A-10060. The applicant is D.R. Horton, Inc., and
6 the development is called Saddle Ridge. The applicant would
7 like to rezone approximately 289.1 or 289.01, I guess I'll
8 get the applicant to tell me which, acres of land in the RE
9 and RR zones to the RS zone. The property is located on the
10 south side of Floral Park Road, and the north side of
11 Accokeek Road in Accokeek, Maryland. I want to remind
12 everyone here that if you're not one of the applicant's
13 witnesses and wish to testify or ask questions of one of the
14 witnesses, please send a chat now, and another when you wish
15 to ask questions of a witness. Remember that this matter is
16 being recorded so do not turn on your mic until it is your
17 turn to speak, and if you become disconnected, you can
18 return to the meeting using the same link or phone number
19 provided. And if counsel would identify themselves for the
20 record, we can begin.

21 MR. TEDESCO: Good morning, Madam Examiner, for
22 the record, Matthew Tedesco with the law firm of McNamee
23 Hosea in Greenbelt, Prince George's County, Maryland, on
24 behalf of the applicant D.R. Horton, Inc.

25 MR. BROWN: Good morning, Stan Brown, People's

1 Zoning Council.

2 MR. TEDESCO: And Madam Examiner, I would note
3 that although not on currently, Mr. Bill Ship is available
4 if needed, on behalf of the owner. He's on standby but is
5 not on currently.

6 MS. MCNEIL: Okay, and do you know if everyone
7 here is part of your case?

8 MR. TEDESCO: I'm looking at the attendees, I
9 don't know if somebody just signed on, it says waiting for
10 name.

11 MS. MCNEIL: Okay, yes.

12 MR. TEDESCO: I noticed, I think that might be Mr.
13 Calhoun.

14 MS. MCNEIL: Is that you, Mr. Calhoun?

15 MR. CALHOUN: Yes.

16 MS. MCNEIL: Okay, you heard that earlier part?
17 If you decide that you want to ask questions of a witness,
18 could you put it in chat, and then I'll know to call on you.
19 And would you like to testify at some point?

20 MR. CALHOUN: Yes, yes, sir.

21 MS. MCNEIL: Okay, so when you're not speaking
22 just turn your mic off and we're going to let the
23 applicant's attorney begin now. Thank you. All right, Mr.
24 Tedesco.

25 MR. TEDESCO: Thank you, Madam Examiner. Yes,

1 just to answer your question, everyone with the exception of
2 Mr. Calhoun is either a representative or a consultant on
3 behalf of the applicant, and Mr. Adam Norman is here on
4 behalf of D.R. Again for the record, Matthew Tedesco, the
5 law firm of McNamee Hosea here on behalf of the applicant,
6 D.R. Horton, Inc. As Madam Examiner indicated, we are here
7 this morning on a request of rezoning for the property known
8 as Saddle Ridge. It's case number A-10060.

9 Just by way of some historical background, Madam
10 Examiner, this application was made to the Maryland National
11 Capital Park and Planning Commission on December 9th, 2020.
12 It was formally accepted on April 7th, 2020. The Planning
13 Board conducted a hearing on July 8th, 2021. Excuse me, let
14 me correct that, it was accepted on April 7th, 2021. It was
15 filed on December 9th, 2020. The Planning Board conducted a
16 hearing on July 8th, 2021, and a Technical Staff Report
17 which is Exhibit 14 in your record was provided in
18 contemplation of that hearing. The PowerPoint which is
19 Exhibit 27 was provided during that hearing before the
20 Planning Board. The Planning Board issued its resolution in
21 July, that's Resolution PGCPB 2021-92, that's Exhibit 2 in
22 your backup. As you correctly indicated, we are here on a
23 request for rezoning of approximately 289 acres from the RR
24 and RE zones to the RS residential suburban zone which is a
25 comprehensive design zone. In consideration of that

1 request, the applicant seeks the approval of its basic claim
2 in accordance with Part 3, Division 2, Subdivision 3 of the
3 zoning ordinance. We have five witnesses with us this
4 morning who will testify, and we believe at the conclusion
5 of this hearing based upon the record and the evidence
6 that's either been submitted to date or will be provided at
7 testimony this morning, that substantial evidence as
8 supported by the Technical Staff and the Planning Board who
9 recommended approval of this application, will exist to
10 support the requisite findings that the request for rezoning
11 and basically are consistent with Plan 2035, and the 2013
12 Sub-Regent Filed Master Plan, particularly section 27195(b).

13 The applicant's proposed basic plan conforms to
14 the recommended residential low of future land use and
15 envisions single-family attached and single-family detached
16 residential units, open space, trails, recreational
17 facilities with a density ranging from 2.7 to 3.5 zoning
18 units per acre. As concluded by the Planning Board and the
19 Technical Staff, we believe that the basic plan is in
20 conform to Plan 2035, the 2013 Sub-Regent Filed Master Plan,
21 and the Green Infrastructure Plan. And it reflects the
22 intent of the Woodland and Wildlife Habitat Conservation
23 Ordinance which will be illuminated more in testimony this
24 morning. With that, Madam Examiner, we're prepared to call
25 our first witness.

1 MS. MCNEIL: All right, who is your first witness?

2 MR. TEDESCO: We would call Mr. Griffin Burns.

3 MS. MCNEIL: Good morning, Mr. Burns. Do you
4 swear or affirm, under the penalty of perjury, that the
5 testimony you shall give will be the truth, and nothing but
6 the truth?

7 MR. BURNS: Yes, I do.

8 MR. TEDESCO: Mr. Burns, could you please state
9 your address for the record?

10 MR. BURNS: Yes, my address is 181 Harry S. Truman
11 Parkway, Suite 250, Annapolis, Maryland 21401.

12 MR. TEDESCO: And what is your occupation, and
13 where are you currently employed?

14 MR. BURNS: My occupation is Land Development
15 Manager, I'm currently employed by D.R. Horton, Inc. based
16 out of Annapolis, Maryland. I've been with the company for
17 about four years.

18 MR. TEDESCO: And who is the owner of the property
19 that's the subject of this application this morning?

20 MR. BURNS: The owner of the property that's
21 subject to the application is Walton Maryland, LLC. D.R.
22 Horton is under a contract for its executed agreement to
23 purchase the subject property.

24 MR. TEDESCO: And does that purchase and sales
25 agreement authorize D.R. Horton to seek a rezoning of the

1 subject property and file the application known as A-10060?

2 MR. BURNS: Yes, the purchase and sale agreement
3 authorizes D.R. Horton to seek a rezoning of the subject
4 property and file the application.

5 MR. TEDESCO: And have you been authorized to
6 testify and present this application for rezoning on behalf
7 of D.R. Horton?

8 MR. BURNS: Yes, I have.

9 MR. TEDESCO: And Madam Examiner, we have in your
10 record Exhibit 31 is the limited power-of-attorney that's
11 been executed by D.R. Horton to authorize Mr. Burns to
12 testify on this matter. Is D.R. Horton registered as a
13 foreign entity in good standing to transact business in the
14 State of Maryland?

15 MR. BURNS: Yes, we are.

16 MR. TEDESCO: Madam Examiner, for your record,
17 Exhibit 33 is the certificate of good standing, and I would
18 just also note that Exhibit 36 is a certificate of good
19 standing for the owner, Walton Maryland, LLC. Mr. Burns,
20 could you explain how Prince George's County fits in with
21 D.R. Horton's strategic business plan?

22 MR. BURNS: Yes. We've been a builder in the
23 County for about 20 years. We're attracted to the County
24 for a number of reasons. Housing strategy within the County
25 being the driving factor. We build with the vision to

1 create communities for the number one builder by volume in
2 the United States. We're not just a finished lot builder
3 purchasing lots here and there to support our housing
4 operation, we're a master developer able to manage, plan,
5 fund, a project from initial planning through approvals,
6 land development and construction. I think we're uniquely
7 positioned in that regard in comparison to our competitors.
8 We demonstrated this ability on numerous projects throughout
9 the County, most recently being Woodmore Towne Centre, Bulk
10 Hill Village, and Chadds Ford Landing.

11 MR. TEDESCO: Conceptionally, what is the vision
12 for the subject property if the request for rezoning is
13 approved?

14 MR. BURNS: We seek approval of the basic plan
15 with single-family attached, single-family detached, open
16 space, trails, recreational facilities, with density ranging
17 from 737 to 955 dwellings or 2.7 to 3.5 dwellings per acre,
18 and in accordance with the low-density recommendations and
19 provisions of the RS zone. Density above 2.7 units per
20 acres will require the provisions of the public benefit
21 features. Those proposed include paths, open space areas,
22 and a pool with club house. D.R. Horton's vision for the
23 project includes a mix of housing types, accommodating
24 multiple price points, community amenities such as pocket
25 parks, play areas, open space, a club house and a pool, and

1 links to the Birch Branch Master Plan Trail. Pedestrian
2 pathways will be constructed to link the various elements of
3 the neighborhood to create a walkable community for
4 residents to enjoy nature. We are the applicant developer
5 builder, and we are in a unique position to carry the vision
6 for this project from initial concept through construction
7 of completed homes and a successful thriving community. We
8 expect this community to follow in our tradition of quality
9 and thoughtful land planning we have successfully
10 constructed in other areas of Prince George's County.

11 MR. TEDESCO: Do you know if the property is
12 currently developed?

13 MR. BURNS: The property is not currently
14 developed to the best of my knowledge.

15 MR. TEDESCO: Are you generally familiar with
16 Section 27195(b) (2) of the zoning plats?

17 MR. BURNS: Yes, I am.

18 MR. TEDESCO: And is it your testimony that the
19 applicant intends to develop, that development of this
20 project will be completed within six years if this rezoning
21 is approved?

22 MR. BURNS: Yes.

23 MR. TEDESCO: And have you reviewed the statement
24 of justification, which is Exhibit 3, and the Technical
25 Staff Report which is Exhibit 14 for this application?

1 MR. BURNS: Yes, I have, and I agree with
2 findings.

3 MR. TEDESCO: And do you further incorporate and
4 adopt as your testimony, the statement of justification,
5 Exhibit 3?

6 MR. BURNS: Yes.

7 MR. TEDESCO: And do you agree with the
8 recommendations of the Technical Staff Report which is
9 Exhibit 14?

10 MR. BURNS: Yes, I do.

11 MR. TEDESCO: And did the applicant do any
12 community outreach associated with this application?

13 MR. BURNS: We did, in addition to the statutory
14 requirements regarding notice. On June 29th, 2021, we held
15 a virtual public meeting and discussed the request with the
16 community members that attended the meeting. The notice for
17 this virtual meeting was sent to about 70 addresses,
18 organizations and residents.

19 MR. TEDESCO: And Madam Examiner, just for your
20 edification, that notice is Exhibit 41. That will be all
21 the questions I have for Mr. Burns.

22 MS. MCNEIL: Mr. Brown?

23 MR. BROWN: No questions, thank you.

24 MS. MCNEIL: And Mr. Calhoun, you didn't put
25 anything in the chat, but would you like to ask this

1 individual questions?

2 MR. CALHOUN: No, ma'am.

3 MS. MCNEIL: Okay, thank you. Your next witness,
4 Mr. Tedesco.

5 MR. TEDESCO: Thank you, Madam Examiner, and I
6 apologize, I failed to say good morning to Mr. Brown in my
7 introductions. So good morning, Mr. Brown, it's good to see
8 you. Our next witness would be Mr. Charlie Howe.

9 MR. HOWE: Good morning.

10 MR. TEDESCO: Charlie, are you able to turn your
11 camera on?

12 MR. HOWE: I'm trying, grant me one second.

13 MR. TEDESCO: If not, Madam Examiner, may we
14 proceed notwithstanding?

15 MS. MCNEIL: Are you sure Mr. Howe can't come on?
16 I can't very well weigh credibility without seeing him.
17 There he is.

18 MR. TEDESCO: Understood.

19 MR. HOWE: I made it work, excusing everything,
20 Madam Examiner.

21 MS. MCNEIL: Mr. Howe, do you swear or affirm,
22 under the penalties of perjury, that the testimony you shall
23 give will be the truth, and nothing but the truth?

24 MR. HOWE: I do.

25 MR. TEDESCO: Charlie, could you please state your

1 address for the record, business address?

2 MR. HOWE: Sure, it is 1101 Mercantile Lane in
3 Marlboro, Maryland, the zip is 20774.

4 MR. TEDESCO: And what is your occupation and
5 where are you employed?

6 MR. HOWE: I'm a Site Civil Engineer, employed by
7 Rogers Consulting here in Marlboro, with a title of Team
8 Leader and Senior Associate.

9 MR. TEDESCO: Are you a Licensed Professional
10 Engineer?

11 MR. HOWE: Yes, I am a Licensed Engineer, license
12 number 32490.

13 MR. TEDESCO: And how long have you been employed
14 in the field of civil engineering sites over project
15 management, etcetera?

16 MR. HOWE: I've been a Civil Engineer for 17
17 years, 14 of which I've been in Prince George's County.

18 MR. TEDESCO: And Madam Examiner, Mr. Brown, we
19 would like to have Mr. Howe accepted as an expert in the
20 field of civil engineering, and we offered his CV as Exhibit
21 37, and I would like to voir dire him in that capacity if
22 that's acceptable.

23 MS. MCNEIL: Yes, you may.

24 MR. TEDESCO: Thank you. Mr. Howe, please
25 describe your professional educational background.

1 MR. HOWE: Sure, I graduated from Salisbury State
2 University with a Bachelor of Science in Physics, and then a
3 dual degree, the other one being from the University of
4 Maryland, College Park, with a Bachelor of Science in
5 mechanical engineer.

6 MR. TEDESCO: And could you describe your
7 professional background?

8 MR. HOWE: Sure. I've worked in land development
9 throughout the 17-year engineering careers that I referenced
10 earlier, 14 of which have been in Prince George's County.
11 Within Prince George's County, worked on such projects as
12 Beverly Plaza Mall redevelopments, the River Front of West
13 Hyattsville, Patuxent Greens Golf Course redevelopment,
14 South Lake residential and commercial, Amber Ridge, West
15 Lake Towne Center, Oak Creek Club, to name a few.

16 MR. TEDESCO: And what was your role and
17 responsibilities in those projects?

18 MR. HOWE: I'm the Lead Civil Engineer working
19 with my team on such designs as storm water management setup
20 and control, grading, road design and improvements and other
21 remedy utility designs.

22 MR. TEDESCO: And have you previously been
23 accepted as an expert by a tribunal, or court, or any other
24 administrative body?

25 MR. HOWE: Yes, I was accepted as an expert by the

1 Maryland Tax Court back in February of 2019.

2 MR. TEDESCO: In what capacity did you testify in
3 that proceeding? Well, what was your expert testimony
4 focused on in that matter?

5 MR. HOWE: Sure, I was an expert Civil Engineer in
6 determining the constructability buildable of some existing
7 parcels.

8 MR. TEDESCO: And have you ever appeared on any
9 similar panels or work with any Governmental agencies on its
10 policies and review guidelines in this particular field?

11 MR. HOWE: Yeah, I worked with DEPI and SCD of
12 Prince George's County to review and comment on the
13 technical guidelines for newly established policies and
14 technigrams, and manual redesigns and rewrites.

15 MR. TEDESCO: And are you a member of any
16 professional societies or organizations in this field?

17 MR. HOWE: Yes, I'm the Vice Chair if the MBIA
18 Prince George's County Development Processing Subcommittee
19 where again this will work with DEPI, SCD, Park and Planning
20 on improving their process and procedures as well as
21 reviewing their technical documentations. I'm also a member
22 of the MBIA Strong Water Management Task Force who will work
23 closely with DEPI.

24 MR. TEDESCO: Those will be all of the questions I
25 have. With that, Madam Examiner, we would ask that Mr. Howe

1 be accepted as an expert in the field of Civil Engineering.

2 MS. MCNEIL: Any comment, Mr. Brown?

3 MR. BROWN: Yes, good morning, Mr. Howe.

4 MR. HOWE: Good morning.

5 MR. BROWN: Just a few questions concerning your
6 resume. You indicated that you are a professional engineer
7 with a license 32490, what year did you receive that
8 license?

9 MR. HOWE: I believe I received the license in
10 2008. I'd have to go back and look, let me take a look,
11 excuse me, 2013.

12 MR. BROWN: You received that license in 2013. Is
13 that a Maryland license?

14 MR. HOWE: It is a Maryland license.

15 MR. BROWN: Do you have an engineer's license or
16 certificate in any other state?

17 MR. HOWE: I do not.

18 MR. BROWN: And is that license renewed annually,
19 or when?

20 MR. HOWE: It is renewed every, every three years,
21 I believe. It is active until 2022. It expires June 6th,
22 2022, every two years, excuse me.

23 MR. BROWN: All right, and according to this
24 resume, you graduated from the University of Maryland what
25 year was that, that you graduated from Maryland?

1 MR. HOWE: I graduated Maryland in 2004.

2 MR. BROWN: And what year did you graduate from
3 Salisbury State?

4 MR. HOWE: It was a dual degree, so I would have
5 graduated from Salisbury in 2003.

6 MR. BROWN: And you indicated that you testified
7 before the Maryland Tax Court. Again, tell us specifically
8 what did you testify to, what was the subject matter of that
9 tribunal?

10 MR. HOWE: Sure, so there's an assessment done on
11 a handful of parcels and lots in Clay Landing, that was the
12 case where it was, I was declared the sewer drain expert as
13 far as if those lots were constructable, if they were banned
14 locked, what utilities were available to those parcels.

15 MR. BROWN: And I assume there was an adversarial
16 proceeding?

17 MR. HOWE: I'm sorry, can you clarify?

18 MR. BROWN: Were you cross-examined by a lawyer?

19 MR. HOWE: Yes.

20 MR. BROWN: Have you ever qualified as an expert
21 in civil engineering in any land use administrative case?

22 MR. HOWE: No.

23 MR. BROWN: Have you ever testified in a court of
24 law in a land use case and qualified as an expert in civil
25 engineering?

1 MR. HOWE: No, I have not.

2 MR. BROWN: Have you ever sought to be qualified
3 as a civil engineer in an administrative land use case and
4 been denied?

5 MR. HOWE: No, sir.

6 MR. BROWN: Do you have any publications in the
7 field of civil engineering that you offered?

8 MR. HOWE: I do not.

9 MR. BROWN: And again, looking at your resume, you
10 worked at, or you currently work at Rogers Consulting as a
11 team leader. Just tell me what are your specific duties as
12 a team leader?

13 MR. HOWE: I run a team of 12 employees where it's
14 my duty and responsibility to oversee the project management
15 of such projects as I listed earlier, and we'll take these
16 projects throughout the entitlement process through the
17 final engineering and through construction.

18 MR. BROWN: And are you supervising other civil
19 engineers, among others?

20 MR. HOWE: Yes.

21 MR. BROWN: And at the Charles V. Johnson,
22 Division Manager, Section Head, what were your duties there?

23 MR. HOWE: Very similar role, overseeing a team of
24 engineers and project management.

25 MR. BROWN: And you did the same thing at

1 Loiederman Soltesz Associates?

2 MR. HOWE: Soltesz, I was more of a design
3 engineer than a project manager, but as far as the civil
4 engineering, that's correct.

5 MR. BROWN: Uh-huh. All right, Madam Examiner, I
6 will not object to Mr. Howe as an expert in the field of
7 civil engineering.

8 MS. MCNEIL: Mr. Howe, you will be accepted as an
9 expert in the area of civil engineer.

10 MR. HOWE: Thank you.

11 MR. TEDESCO: Thank you Madam Examiner, thank you
12 Mr. Brown for that line of questioning. Mr. Howe, are you
13 familiar with the property that is the subject of this
14 hearing?

15 MR. HOWE: Yes, I am.

16 MR. TEDESCO: Did you make a personal inspection
17 of subject property and if so, when?

18 MR. HOWE: Yes, multiple inspections. Most
19 recently on September 10th of 2021, and again on September
20 26th of 2021.

21 MR. TEDESCO: And from a civil engineering
22 perspective, please describe the subject property?

23 MR. HOWE: Sure, just to recite some of the
24 locations as far as the site is, we're north of Accokeek
25 Road and south of Floral Park Road, approximately a mile

1 west of the Brandywine, Accokeek intersection. The site has
2 access from both Floral Park Road and Accokeek Road.

3 MR. TEDESCO: Madam Examiner, if it would be
4 helpful, if we could have staff, and again I want to thank
5 staff for its efforts in this case. Pull up Exhibit 22,
6 that might be pictorially helpful as Mr. Howe is testifying.

7 MR. HOWE: Thanks.

8 MS. MCNEIL: Can someone make me a presenter? And
9 what exhibit was that, Matt?

10 MR. TEDESCO: From Exhibit 22. Just because it
11 can be a little confusing, so is there a way to rotate it 90
12 degrees, Fatima, to the right so that the north is, it's
13 north justified? Yeah, clockwise.

14 MS. BAH: I'm having a hard time doing that.

15 MR. TEDESCO: So that's fine, maybe just zoom it
16 out just a little bit so we can see the whole thing. And I
17 would just note for Mr. Brown and for Madam Examiner, the
18 north justification is to the left of the screen.

19 MS. BAH: My computer is just a little slow.
20 Yeah, okay, okay.

21 MR. TEDESCO: That's fine, we can work with that.
22 As you can see in the bottom right corner, the north
23 justification is to the left.

24 MS. MCNEIL: Ms. Bah, you need to turn your mic
25 off. Thanks.

1 MR. TEDESCO: Yeah, we can work with that. So
2 Charlie in describing what's on the screen as Exhibit 22,
3 make sure you know, as far as if we're saying Accokeek Road
4 is to the north, make sure you indicate that's to the top
5 left right, so we have an orientation.

6 MR. HOWE: Absolutely.

7 MR. TEDESCO: Yeah, please proceed.

8 MR. HOWE: Thank you. So as much as Floral Park
9 Road on this image is on the left but is north of the site.
10 Accokeek Road would be on the, it would be the right road,
11 and that is on the south of the site. So, if you were
12 proposing multiple accesses from both roads from the north
13 and the south, the Brooks Branch is running through the
14 property with there's steep slopes near the stream. You can
15 see the layout, Brooks Branch is that it's going right to
16 left, that green area, so you can see that we are, we're
17 developing past, or really minimizing the impact of that
18 stream and working with Park and Planning staff during basic
19 planning review to develop pot areas where we're reduced to
20 organize such to minimize those impacts. And even with the
21 road network, we're only proposing one stream crossing even
22 with the multiple streams throughout the site.

23 MR. TEDESCO: Mr. Howe, you mentioned the road
24 network and the stream crossings, was the basic plan
25 modified during review with Park and Planning to reduce

1 those stream crossings?

2 MR. HOWE: It was, it was. Originally, we had
3 multiple stream crossings and we reduced that to only one
4 stream crossing in between pods D and C.

5 MR. TEDESCO: You said D as in Davis, C as in
6 Charlie?

7 MR. HOWE: D as in Davis, C as in Charlie,
8 correct.

9 MR. TEDESCO: And can you explain any improvements
10 or existing conditions of the property environmental
11 features, storm water management facilities, or other
12 utilities that serve the property?

13 MR. HOWE: Sure, absolutely. So water and sewer,
14 there was a previous hydraulic planning analysis by WCC that
15 did show there's a capacity for sewer and water at the site.
16 As mentioned before, there is site access from both Floral
17 Park and Accokeek Roads. We did do a preliminary storm
18 water management analysis as part of the basic plan and this
19 area is part of the 100-year control assimilation area. So
20 we will be retaining that 100-year run-off for flowing
21 concerns. Previously, DEPI did approve a storm management
22 concept plan of 2007 that would absolutely need to be
23 revised for our layout and EST requirements. And there is
24 Meca, Washington Gas and Verizon, they are all available to
25 the site.

1 MR. TEDESCO: And forgive me, but I should have
2 asked this sooner, but in pulling up Exhibit 22, did you
3 prepare or cause to be prepared under your direct
4 supervision the basic plan that's before us, Exhibit 22?

5 MR. HOWE: Yes.

6 MR. TEDESCO: Are you familiar with Section
7 27179(C) (1) (a), (d) and (e) of the Designing Ordinance?

8 MR. HOWE: Yes, I am.

9 MR. TEDESCO: And does the basic plan that's been
10 submitted in this application conform to those requirements
11 to your knowledge?

12 MR. HOWE: Yes.

13 MR. TEDESCO: Can you summarize just very briefly,
14 sub parts a, d, and e, and how the plan conforms?

15 MR. HOWE: Sure. Part a, we did have a licensed
16 surveyor submit the boundary with the submitted application.
17 As for part d, that basic plan was prepared outlining the
18 existing zones, circulation, and the development pods. And
19 as for part e, as previously mentioned by Mr. Burns, the
20 proposed construction is expected to occur within six years.

21 MR. TEDESCO: And although a picture provides a
22 thousand words, can you take the Examiner, People's Zoning
23 Council through the basic plan, Exhibit 22 very briefly as
24 far as what we're seeing and what that reflects, and
25 provides?

1 MR. HOWE: Sure. So the basic plan proposes the
2 development of single-family attached and detached houses
3 within the development pods that you're seeing on the
4 exhibit now. There is a central pool in the clubhouse area.
5 You can maybe see that with the asterisks in between pods C
6 and D on the plan that's shown now. This basic plan
7 presents an opportunity to bring a high quality diverse
8 walkable community to the area. Council demanding the
9 development patterns established in the Brandywine area,
10 supporting the nearby Brandywine Center. The consensual
11 contract of the basic plan is to provide an array of house
12 types and architecture with active and passive recreation,
13 again including the pool and clubhouse that I mentioned
14 previously. Many of the lots will have premium views on the
15 parks branch as described earlier. All of this is
16 accomplished with minimal environmental impact. Slopes
17 within the PMA will be preserved to the greatest extent
18 possible. Stream impacts are minimized by strategically
19 locating the road crossings, as I mentioned, was reduced
20 down to one crossing. And the crossing themselves will
21 convey the 100-year storm, meeting requirements at outlined
22 by DEPI. Access to the properties provided. There's two
23 accesses from Floral Park Road and another point of access
24 from Accokeek Road at 72 pod C. The eastern access on pod C
25 is a divided roadway as it goes through the pod area. The

1 plan shows a neighborhood road system that aligns with the
2 environmental features. And if I didn't mention, the site
3 area is actually 289.36 acres as provided on the altered
4 survey that we noted in the plan description.

5 MR. TEDESCO: And Mr. Howe, are you familiar with
6 the review process, Section 27478 for comprehensive design
7 zoned properties generally?

8 MR. HOWE: Yes.

9 MR. TEDESCO: And this application before us is a
10 basic plan, is that correct?

11 MR. HOWE: Yes, correct.

12 MR. TEDESCO: And if this application is approved,
13 and this is primarily for Mr. Calhoun's benefit, could you
14 just generally outline the review process after a basic
15 plan, prior to building permit for a comprehensive design
16 zone?

17 MR. HOWE: For a comprehensive design zone, yes,
18 we would have to go through the CDP process along with, and
19 then through the preliminary plan process, and then to our
20 site plan. So there'd be additional steps prior to plotting
21 loss and then going in for future construction.

22 MR. TEDESCO: Thank you, and could you summarize
23 the request of development data that's been provided on the
24 basic plan for this application briefly?

25 MR. HOWE: Sure. The single-family, as mentioned,

1 single-family attached and detached drawing units are
2 proposed with the growth fact area of 289.63 acres. It's
3 132.75 acres of which are in flood plan given the net track
4 area of 272.98 acres that yields with a base density at 2.74
5 units per acre of a base of 737 units, with the maximum
6 being at 3.5 joined units per acre and that would be 955
7 units.

8 MR. TEDESCO: And that density yield is consistent
9 with, and Mr. Del Balzo, we'll get into the testimony with
10 respect to the future land planning policies, but from your
11 testimony, that density range is consistent with the RS
12 zone, is that correct?

13 MR. HOWE: That's correct, yes.

14 MR. TEDESCO: And what is the water and sewer
15 category for the areas of the basic plan that is proposed
16 for development?

17 MR. HOWE: Everything is for proposed development
18 is located in 1 or 2, and category 4.

19 MR. TEDESCO: Notwithstanding, if there are any
20 portions of the property that are within a category 1 or 2
21 and category of 5 that are requested for development in the
22 future, what would be the process that would be needed in
23 order to move forward with development in any portions of
24 the property that are in category 5?

25 MR. HOWE: Those portions if needed for

1 development, they would have to go through an application
2 advancing from category 5 to category 4. We recently did
3 this in 2020 on a handful of parcels, parcel 37, parcel 143,
4 and 236. So we have done this process before.

5 MR. TEDESCO: So just to summarize, it's your
6 testimony that the land area provided from these development
7 pods that are proposed for future development is currently a
8 1 or 2, category 4?

9 MR. HOWE: That is correct.

10 MR. TEDESCO: Madam Examiner, those would be all
11 the questions I have for Mr. Howe at this time.

12 MS. MCNEIL: Mr. Howe, how many acres are involved
13 in this property, I thought I heard you say 289.36?

14 MR. HOWE: That is correct, 289.63.

15 MS. MCNEIL: And you did say approximately, but
16 why do you think it went from 01, which is in the
17 application, and .10 is in the Planning Board resolution, to
18 .36?

19 MR. HOWE: I see, I mean, our statement of
20 justification had 289.36. I do see now that staff reported
21 as 289.01. I'd have to go back and look and see where that
22 was, where the difference is.

23 MS. MCNEIL: Do you think we can leave the record
24 open just to get a little short paragraph on that. Not that
25 it matters, but we advertised approximately, but I do want

1 it clear for the record what the exact acreage is. I'm
2 asking that of Mr. Tedesco. And Mr. Howe, looking at this
3 exhibit, there used to be a pod B, and I know you had to
4 remove it, but would it have been to, we're now looking at
5 it to the left of C?

6 MR. HOWE: Correct. It would have been to the
7 left of C, exhibit property to the left of C is now
8 preserved environmentally, so it was part of planning staff
9 and reducing the stream crossing. Though it would be a
10 stream crossing in between previously proposed, the previous
11 proposed pod that we're referring to as well as preserving
12 the environmental future, so that was removed.

13 MS. MCNEIL: Okay, and for you and Mr. Tedesco, is
14 it possible at the close of the record to redo the basic
15 plan with the actual amount A, B, C, D, or is that going to
16 mess something up?

17 MR. TEDESCO: Well so Exhibit 21 shows the pod B,
18 but Exhibit 22, which is on our eyes, posts STR C, the basic
19 plan we removed pod B. Not the sense that, and we are now
20 proffering, not the sense that it was removed from the
21 application, just removed as a potential future development
22 area, and is now showing as a preservation area next to C.

23 MS. MCNEIL: I guess I'm asking will it through
24 you off, I guess I don't care either way, but will it throw
25 you off to number them correctly for down the road? Because

1 everybody will go, well where is B?

2 MR. TEDESCO: Oh, forgive me, Ms. McNeil, yes, I
3 understand because we go A, C, D, E, yes absolutely, we can
4 modify Exhibit 22 to have C as the new B, D, as C and E and
5 D. Yeah, I think that's what you're asking, yes absolutely.

6 MS. MCNEIL: And Mr. Howe, my last question for
7 you, just in case Mr. Calhoun didn't know all of those terms
8 we used, will you explain so its -- CDP is a comprehensive
9 design plan?

10 MR. HOWE: Correct.

11 MS. MCNEIL: And would he have an opportunity to
12 be notified of that, and to appear and listen?

13 MR. HOWE: Absolutely.

14 MS. MCNEIL: Well Mr. Tedesco, you can do it. I
15 think you all left out the part where he has the right to be
16 at those future hearings.

17 MR. TEDESCO: Yeah, and I would for Mr. Calhoun's
18 benefit, I want to thank Mr. Calhoun publicly for taking an
19 interest. He is an adjoining owner, and did attend our
20 virtual meeting back in June, and I want to thank him for
21 his involvement in that meeting as well as here today. We
22 did articulate that, but I'll proffer it again for the
23 record for Mr. Calhoun's benefit. Assuming this application
24 is ultimately approved, and the property is rezoned to
25 request a comprehensive design zone, the orders of approval

1 would then require the applicant to file a comprehensive
2 design plan or CDP for short. That comprehensive design
3 plan really acts as a, my word, my nomenclature, a little
4 mini-zoning ordinance for the property itself. It will
5 provide for more details with respect to the density ranges
6 that the housing types, although our basic plan is kind of
7 locking us into that today. It will have text with respect
8 to design guidelines and standards. It gets a little bit
9 more focused than what you see here as the bubble plan,
10 although a CDP is still pretty much bubble plan, but it has
11 more contextual text associated with it, and the development
12 that's proposed. That process, similar to this process, we
13 will be required to notify all adjoining property owners,
14 prior parties of record, for which you are both, and we will
15 do additional outreach as we did in this case. Subsequent
16 to that, there will be a public hearing before the Planning
17 Board which will be notified both in writing as well as the
18 sign posting. And then after the CDP, we'll be required to
19 file a preliminary plan of subdivision. That plan actually
20 creates the lots and tests the project once again for out of
21 for public facilities. Similarly with the CDP, and with
22 this plan, notifications will be sent, posting signs will be
23 provided on the property, and the Planning Board will have a
24 hearing on that case. Finally, it concludes with a specific
25 design plan or SDP, same thing again, notifications will be

1 sent, public hearing signs posted, and a public hearing
2 before the Planning Board. And the specific design plan,
3 that's where we get into the details with respect to the
4 architecture of the homes, the details of the recreational
5 facilities, the clubhouse, the pool, the trails, lighting,
6 landscaping, signage, all those things are vetted at the
7 time of the specific design plan. So it's a multi-step
8 process. This is the first step of four in the process. So
9 I hope that provides some further clarification.

10 MS. MCNEIL: Okay, and Mr. Brown, just before I
11 give it to you, Mr. Calhoun, you had a question in the chat,
12 could you ask that now of Mr. Howe.

13 MR. CALHOUN: Sure. There was seemingly some
14 problems with the water flow in the Savannah project. I've
15 seen them digging ditches and drains to deal with the water
16 flow from across the street that was coming from the
17 project. This area is originally a wetland period, it's a
18 wetland. So the question is, how are you going to deal with
19 this water flow because this is not a joke of wetland,
20 there's still a spot across the street that is still a
21 wetland, it's just a mud hole because nobody can do anything
22 with it.

23 MR. HOWE: Sure, yeah thanks for your question.
24 As I mentioned in brief passing, we are at the very early
25 stages of development so this, along with the CDP and

1 preliminary plan will require a conceptual sewer water
2 management plan through DEPI. I alluded to the site is
3 within the 100-year continuation area, which DEPI marks as
4 for flooding concern purposes, for when we do our summer
5 management will meet to attenuate the idea of storm within
6 the sites to address the flooding bit that you're concerned
7 about.

8 MR. CALHOUN: Okay, thank you.

9 MR. HOWE: Sure.

10 MS. MCNEIL: Thank you, Mr. Brown.

11 MR. BROWN: Yes, going back to the issue of pod B,
12 I think you should put that pod B back on the map. I mean
13 just designate it as a preservation area, since all of the
14 analysis by the staff refers to pod B, that way you don't
15 get confused with making C, B. So that would be my
16 suggestion. However, Mr. Howe, with regards to that area
17 between the exhibit we're looking at here, pods A and C,
18 what is the area that is bisecting A and C?

19 MR. HOWE: That is a Pepco right-of-way area.

20 MR. BROWN: And so the former part B was adjacent
21 to the right or south of the Pepco right-of-way area?

22 MR. HOWE: It was outside of that right-of-way
23 area, if you're looking, its left of C, in between that red
24 line being the property line, and that pod.

25 MR. TEDESCO: If we could, if Ms. Bah could just

1 scroll up to the next page, Exhibit 21, it will show it.
2 They're sequentially, Exhibit 21, there it is, thank you,
3 Ms. Bah.

4 MR. BROWN: All right, yeah, I think that's how it
5 should be labelled from this point forward, but just
6 indicate pod B no longer --

7 MR. TEDESCO: Yeah, I think that's a good
8 suggestion. I think Mr. Brown, we can update the notes and
9 just provide pod B as a preservation pod or whatever the
10 case may be.

11 MR. BROWN: Right. So Mr. Howe, as best you can,
12 because I can't see it on this map, tell me where the
13 streams are located?

14 MR. HOWE: Sure, so the Birch Branch, that's
15 located, if you can, in between pod C and E, you can see
16 that preserved area. So that stream is flowing from right
17 to left onto Birch Branch. There are also some streams
18 located in between pods B and C, as I kind of mentioned
19 before, we really outlined these pods based on streams and
20 the impacts. There's also a stream located in between pods
21 D and C.

22 MR. BROWN: All right, so the only stream crossing
23 that I can determine here would be between pods C and D, is
24 that correct?

25 MR. HOWE: You said C and D, that is correct.

1 MR. BROWN: Right. And so how do you get from
2 pods A to C without crossing a stream?

3 MR. HOWE: There is no road crossing in between
4 pods A and C.

5 MR. BROWN: All right, so A is self-sufficient in
6 terms of access from Floral Park Road?

7 MR. HOWE: Correct.

8 MR. BROWN: All right, and pod D is accessible
9 from Accokeek Road, correct?

10 MR. HOWE: Correct.

11 MR. BROWN: And then you cross the stream to get
12 to pod C.

13 MR. HOWE: Correct.

14 MR. BROWN: And does pod C have any other access
15 points other than from across the stream?

16 MR. HOWE: It will access through Accokeek Road
17 from D to C.

18 MR. BROWN: Oh, that's its only access is across
19 the stream to pod D?

20 MR. HOWE: Correct, and we are proposing a divided
21 roadway in that area for that crossing as well.

22 MR. BROWN: And access to pod E is also from
23 Accokeek Road, is that correct?

24 MR. HOWE: Correct.

25 MR. BROWN: And prior to the staff's comments, you

1 had stream crossings from C to E, and C to D, and former C
2 to B, is that correct?

3 MR. HOWE: We had from C to B, C to A, there was
4 no crossing from C to E previously.

5 MR. BROWN: All right. Now I know you're not the
6 planner, and if you can't answer this question, we'll wait
7 until your planner comes on and testifies. But in a staff
8 report, in its conclusion, it indicated that the application
9 does not meet the requirements of 27195(b) in that the
10 proposed townhouses of the development project are not
11 supported by the text of the master plan. If you cannot
12 respond to that, that's fine, we'll talk to the planner
13 later, but can you respond to that?

14 MR. HOWE: Yes.

15 MR. TEDESCO: Mr. Brown, I'm going to request
16 that, that question be held for Mr. Del Balzo.

17 MR. BROWN: All right. And the same thing Mr. Del
18 Balzo, while you're waiting to come up to bat, the issue of
19 the master plan text calls primarily for a single-family
20 detached residential and does not specifically units
21 attached, if you could address that when you come up. The
22 other question I had for Mr. Howe was related to this plat,
23 I don't see it on my notes. If it comes back up, I'll call
24 you back up, Mr. Howe. That's all for now, thank you.

25 MS. MCNEIL: Mr. Howe, if you know, or Mr.

1 Tedesco, and I'm sure Mr. Calhoun can tell me later, but I
2 didn't swear you yet as a witness. Which pod is Mr. Calhoun
3 close to?

4 MR. HOWE: That would be pod A.

5 MS. MCNEIL: What, I can't hear you?

6 MR. HOWE: Pod A along Floral Park Road. If you,
7 I wish I had available the cursor, but I believe Mr.
8 Calhoun's residence, if you see where the reference is for
9 the actual letter A in pod A? So just to the left of that,
10 there's that property that kind of jets into the property,
11 do you see that?

12 MS. MCNEIL: Yes, I see it.

13 MR. HOWE: It kind of looks like a reverse F sort
14 of. I believe that's Mr. Calhoun's property that fronts on
15 Floral Park Road.

16 MS. MCNEIL: You know what hold on one second. We
17 so this all the time. Mr. Calhoun, do you swear or affirm,
18 under the penalties of perjury, that the testimony you shall
19 give will be the truth, and nothing but the truth?

20 MR. CALHOUN: Yes.

21 MS. MCNEIL: Okay, and you'll be able to give me
22 other information later, but right now, is that where your
23 property is?

24 MR. CALHOUN: Yes.

25 MS. MCNEIL: Did you see where he was pointing

1 out, okay.

2 MR. CALHOUN: Basically in the middle of
3 everything.

4 MS. MCNEIL: Thank you.

5 MR. CALHOUN: No problem.

6 MS. MCNEIL: Okay, I guess your next witness.

7 Thank you, Mr. Howe. Oh sorry, Mr. Brown.

8 MR. BROWN: Yeah, it came back to me. Mr. Howe,
9 with regards to the water and sewer category for those three
10 parcels or portions of land that are not in a developable
11 water and sewer category, Mr. Tedesco, refreshed my memory.
12 It's my understanding that you cannot place a property in a
13 new zone that's not currently in the proper water and sewer
14 category. So you guys are asking to rezone now and change
15 the water and sewer category later. Is that what you're
16 telling me in this application?

17 MR. TEDESCO: No, so I'm not familiar with that
18 prohibition Mr. Brown, but I will say that the line of
19 questioning of Mr. Howe's testimony is that all of these
20 development pods are within the water and sewer category 4
21 and within the existing future water, sewer designations.
22 There are very small portions of property that are outside
23 the future designation, but those are not proposed for
24 development.

25 MR. BROWN: All right, and you're going to have a

1 plat, if not in this record today, later that illustrates
2 that? That is where the water and sewer categories are
3 overlaid on this property so that we know the developer
4 parts do not impact where the water and sewer category are
5 not appropriate?

6 MR. TEDESCO: Yes, we can provide that before the
7 end of the day, I would think.

8 MR. BROWN: All right, that's fine.

9 MR. TEDESCO: Charlie, did I misspeak in that
10 promise?

11 MR. HOWE: No it's, no, no problem.

12 MR. TEDESCO: Thank you Mr. Brown. We would call
13 as our next witness, Mr. Steve Allison.

14 MS. MCNEIL: Good morning Mr. Allison. Do you
15 swear or affirm, under the penalties of perjury, that the
16 testimony you shall give will be the truth, and nothing but
17 the truth?

18 MR. ALLISON: I do.

19 MS. MCNEIL: Will you need this exhibit for Mr.
20 Allison?

21 MR. TEDESCO: I think for Mr. Allison, probably
22 the best exhibit or one of the best exhibits will be Exhibit
23 35 and possibly Exhibit 22 but Exhibit 35. So while that's
24 being put up, I will note we are going to ask Mr. Allison to
25 be accepted as an expert in landscape architecture and as an

1 arborist. But before we get to that, Mr. Allison, could you
2 provide your business address for the record?

3 MR. ALLISON: Yes, its 1101 Mercantile Lane, Suite
4 280, Largo, Maryland.

5 MR. TEDESCO: And are you a licensed Landscape
6 Architect and ISA Certified Arborist?

7 MR. ALLISON: That's correct.

8 MR. TEDESCO: And what licenses do you hold?

9 MR. ALLISON: I hold a Maryland license, a
10 landscape architecture license in Maryland. I hold a
11 certification from the International Society of
12 Arboriculture, and I hold track qualifications with that.

13 MR. TEDESCO: And Madam Examiner, and Mr. Brown, I
14 would just proffer just the following introduction before we
15 get into Mr. Allison's qualifications. Just to kind of lay
16 some foundation. As both a Landscape Architect and an ISA
17 Certified Arborist, Mr. Allison has had the opportunity to
18 develop an extensive knowledge of environmental systems,
19 native plan eco systems, and sustainable design. Trained in
20 arboriculture, landscape ecology design, and wetland
21 environments, Mr. Allison brings an environmentally complete
22 sensitive approach to the land development projects in both
23 the public and private sector. Mr. Allison is the
24 environmental team leader for Rogers Consulting and is
25 responsible for managing and providing environmental

1 consulting services for all the land development projects
2 within the company. Daily tasks include preparing natural
3 resource inventory of forest stand delineations, forest
4 conservation plans, wetland delineations, and coordinated
5 jurisdictional boundaries with the Maryland Department of
6 the Environment as well as the Army Corps of Engineers. His
7 passion for evolving eco systems as translated into
8 environmentally centered design responses that reflect and
9 uplift local habitats while providing necessary development.
10 We feel like his testimony today as an expert is important
11 due to the design of this basic plan, and in keeping with
12 the eco system, and adhering to the requirements of the
13 environmental stewardship of this particular development.
14 Mr. Allison's CV is Exhibit 34. And with your permission,
15 Madam Examiner, I do have a few qualifying questions, and
16 then I'll turn it over to Mr. Brown.

17 MS. MCNEIL: Go ahead, I'm sorry.

18 MR. TEDESCO: Thank you. Mr. Allison, how long
19 have you been engaged in the field of landscape,
20 architecture and arboriculture?

21 MR. ALLISON: Thirteen years. I'm a 2008 graduate
22 of a Bachelor of Science Landscape Architecture from West
23 Virginia University, and upon graduation, I worked as a
24 landscape designer, and I received my licensure in 2015 for
25 architecture. And in that same year, I received my

1 accreditation from ISA as an arborist, and then I followed
2 up that with my TRAQ qualifications for ISA in 2017.

3 MR. TEDESCO: Could you just briefly describe the
4 TRAQ and that's T-R-A-Q, is that correct?

5 MR. ALLISON: That's correct.

6 MR. TEDESCO: And what are the qualifications?

7 MR. ALLISON: All right, it's an upper-level
8 qualification for International Arborist, it's voluntary,
9 and it's to further develop your skills regarding tree
10 health and hazard assessment. The qualification has both a
11 classroom and in the field evaluation of both biotic and
12 abiotic conditions and disorders within the trees in the
13 forest and itself. And this can give you an overall
14 assessment of not only a hazard for a tree, but what is
15 growing around the area to give that woodland it's character
16 and health. So, that's a value when you go out to the site,
17 and you look at existing conditions.

18 MR. TEDESCO: And what is your role at Rogers
19 Consulting?

20 MR. ALLISON: I'm the environmental team leader
21 and a senior associate with Rogers. I oversee all
22 environmental aspects of project through multiple
23 jurisdictions throughout the State.

24 MR. TEDESCO: And can you describe your
25 professional educational background in greater detail?

1 MR. ALLISON: Sure. With a Bachelor of Science,
2 with landscape architecture and the certifications in
3 arboriculture, I regularly attend environmental seminars and
4 conferences to hold my licensure accreditations valid.
5 Also, I go through the extended courses for our ISA
6 certified arboriculture as well.

7 MR. TEDESCO: And do you have any experience in
8 with field studies in storm water management design in the
9 State of Maryland?

10 MR. ALLISON: Yes. The meat of my career has been
11 identifying and tracking natural systems and created living
12 systems. I have field studied over 100 storm water
13 facilities in Maryland through various seasons and yeas of
14 growth, and the adjacent property to these facilities, to
15 understand plant succession and the living system process
16 through the micro and the macro chemical connections in the
17 systems from bacteria, fungus, micro connections to native
18 species, to grow in these regions for new try and uptake,
19 and pollution removal for restoration processes.

20 MR. TEDESCO: Can you describe in a little greater
21 detail from your CV, your professional background as well?

22 MR. ALLISON: Sure. As mentioned, my professional
23 career has a very public to private sector, concentrating on
24 environmental design and environmental rehabilitation
25 through a fighter remediation, woodland enhancement, and

1 stream restoration designed VMP retrofit, and ecological
2 transition zones on major highway projects and large
3 Government projects. Multiple environmental rehabilitation
4 projects I've done for Maryland, Delaware, Virginia, and New
5 York. Most notably, the MPDES National Solution Discharge
6 Elimination System, TMDL Stream Restoration of Israel Creek,
7 as a sub-consultant. To design habitat, extend flood plan
8 stabilization, and the realignment of existing stream
9 channels, all while working with native re-introductions of
10 species within that range. I was also a part of the Inter-
11 County Connector's ESCM project and the environmental
12 stewardship in compensatory mediation efforts, or design
13 landscape plans for extreme restoration, storm water
14 facilities, and in working with stabilization of reoccurring
15 buffer and habitat enhancement along the corridors as
16 wetland creation and evasive species management for that
17 area. I also managed in consulting practices for the SHA
18 highway TMDL processes for retrofitting municipal separate
19 sewer systems. And all of that ties into creating living
20 systems that pull nutrients out of the water to clean the
21 water for those facilities and the surrounding water. I've
22 worked on multiple stream restoration projects. In addition
23 to those, for Leatherman's Run, Dead Men Run, Silverline
24 that was done in Virginia where I was tasked to develop all
25 the environmental landscape design for the storm water and

1 environmental efforts for the cross, and to extend to Dulles
2 Airport.

3 MR. TEDESCO: Have you ever appeared on any
4 similar panel lectures in this field?

5 MR. ALLISON: I have. I've had an opportunity to
6 lecture on living systems, soil and environmental health at
7 several schools for their classes, as well as conferences.
8 Universities include University of Delaware, Towson
9 University, West Virginia University, and University of
10 Maryland. I was an expert panel member of Baltimore's first
11 Storm Water Tour, and I have spoken at Society for Equal
12 Actual Restorations Annual Conference. I've spoken at
13 United States Dream Building Council's Engineering Green
14 Conferences, Design D.C. Conference, and recently the Urban
15 Land Institute's Leadership Institute Panel as a lecturer on
16 storm water living systems for their building resiliency and
17 the bill environment series. I've also had an opportunity
18 to speak at the National Surveyors Society of Surveyors Mid-
19 Atlantic Annual Conference regarding tree health and
20 identification, which in turn led to the opportunity to
21 speak at the National Syndicated MSTs Surveyor Podcast on
22 the same topic in 2020. And all these lectures and expert
23 panels, and podcasts, and presentations were centered around
24 understanding the multi-tier living systems that we create
25 and that exist in the built environment covering the many

1 benefits of understanding the symbiotic relationship of
2 organically connected environmental resources.

3 MR. TEDESCO: And are you a member of any
4 professional societies or organizations in this field?

5 MR. ALLISON: I am. I'm a member of Society for
6 Ecological Restoration, a Maryland Chapter of the
7 International Society of Arboriculture, as a professional
8 member of Chesapeake Storm Water Network, and a Maryland
9 Native Plant Society.

10 MR. TEDESCO: Madam Examiner, that will be all the
11 qualifying questions I had based upon Mr. Allison's breath
12 of experience and professional experience included in his
13 testimony, we would respectfully request that he be accepted
14 as an expert in landscape architecture and as an INSA
15 Arborist.

16 MS. MCNEIL: Okay, Mr. Brown?

17 MR. BROWN: Yes, Mr. Allison, good morning.

18 MR. ALLISON: Morning.

19 MR. BROWN: I just want to clarify a couple points
20 in your resume since your resume is clear, but I couldn't
21 quite understand you. You are an International Society of
22 Arboriculture certified, is that correct?

23 MR. ALLISON: That's correct, I'm a certified
24 Arborist.

25 MR. BROWN: All right, in listening to you, I

1 couldn't determine whether you were saying an agricultural
2 or arboriculture. So in listening, you know, I wanted to
3 clarify that.

4 MR. ALLISON: Arboriculture, I have to make sure I
5 have the phonetic understanding of that.

6 MR. BROWN: Yes.

7 MR. ALLISON: Good question.

8 MR. BROWN: And looking at your CLARB, Certified
9 Landscape Architect, just tell me CLARB is what?

10 MR. ALLISON: CLARB, I have a PLA, a Professional
11 Landscape Architecture License with Maryland.

12 MR. BROWN: All right, but the second entry on
13 your resume under professional license, you have designated
14 CLARB. Is that just Certified Landscape Architect and then
15 what's the RB?

16 MR. ALLISON: Oh, I'm sorry, okay yes. That is a
17 CLARB Certified Landscape Architect. That's for the center
18 of landscape architecture review board, and they go ahead
19 and review your career and what you've completed up to a
20 certain date and then they certify you as a landscape
21 architect. Through their review process of your schooling,
22 and of your professional work experience.

23 MR. BROWN: In what year did you receive that
24 certification?

25 MR. ALLISON: It's a good question. That was this

1 year, 2021.

2 MR. BROWN: All right, and you have an MDE green
3 card, is that Maryland Department of Environment green card?

4 MR. ALLISON: That's correct.

5 MR. BROWN: And what does that entail in terms of
6 being certified to do what?

7 MR. ALLISON: That's an ENS card to be able to
8 understand sediment erosion control on the site. That
9 you're qualified to understand where super cell offense is
10 and such.

11 MR. BROWN: All right, and then you apparently do
12 a podcast, I'm not going to hold that against you. And
13 you've testified, well you didn't testify, let me ask you
14 that. In this seven projects on the second page, it looks
15 like all of them are in Prince George's County. Did you
16 testify as an expert in Landscape Architecture in any of
17 those cases?

18 MR. ALLISON: I testified in Planning Board for
19 this.

20 MR. BROWN: Right, you've never testified as an
21 expert before the Hearing Examiner, have you?

22 MR. ALLISON: I have not.

23 MR. BROWN: Have you ever testified in a court of
24 law?

25 MR. ALLISON: No.

1 MR. BROWN: I'm just curious, and I could have
2 asked Mr. Howe this as well but we'll let it go. You have
3 been in this field since 2008 when you graduated, and then
4 you have extensive background in this field, and so I'm not
5 going to object to your qualifications, but why is it that
6 this is the first time you sought to be qualified as an
7 expert in this field?

8 MR. ALLISON: That's a good question. It's come up
9 to, it's just come up this year to qualify me for this
10 project that's come up to be an expert for zoning. This is
11 the first time I've had an opportunity really.

12 MR. BROWN: Uh-huh, and you've never sought to be
13 qualified previously in an administrative land use case or a
14 court of law and been denied that qualification, is that
15 correct?

16 MR. ALLISON: No, I have not.

17 MR. BROWN: No objection.

18 MS. MCNEIL: Okay, I want to make sure I saw this
19 right. You will be accepted as an expert in arboriculture
20 and landscape architecture.

21 MR. ALLISON: That's correct.

22 MR. TEDESCO: Thank you, Madam Examiner, Mr.
23 Brown. I was prepared to note for the record that I think
24 this is one of the first rezoning ZMAS to a CDZ in the last
25 10 or 12 years. So, but we appreciate your qualification of

1 Mr. Allison as an expert in those fields. I need to get my
2 bearings, your indulgence, Madam Examiner, excuse me. Mr.
3 Allison, were you employed by the applicant to perform
4 certain services associated with the subject property?

5 MR. ALLISON: Yes.

6 MR. TEDESCO: And what services did you perform
7 and why did you perform them?

8 MR. ALLISON: The site originally had an expired
9 NRI, and we went out and performed a new NRI to evaluate all
10 the features on site and understand what the existing forest
11 stand and the characters, and the wetland features looked
12 like prior to developing a concept.

13 MR. TEDESCO: And when you say NRI, just for the
14 record and for Mr. Calhoun, what does NRI mean?

15 MR. ALLISON: It's Natural Resources Inventory
16 where you basically take a desktop analysis, you review all
17 of the data, and then you spend, I think we spend nearly a
18 month in the field confirming the desktop analysis, and then
19 running through the environmental hierarchy that we found on
20 site. An NRI in Prince George's County, you have a plan
21 that you develop of all the features that you've identified
22 wetlands and streams, and then also you create a wetland
23 zonation report with a wetland zonation map, and then you
24 also create a forest stand report that identifies the
25 composition of forest stands you've seen, and goes through a

1 tabulated list of how you rate those forests based on
2 quality.

3 MR. TEDESCO: And Mr. Allison, is an NRI required
4 for this application?

5 MR. ALLISON: It is not.

6 MR. TEDESCO: But you have conducted an NRI which
7 is Exhibit 35, for what purpose?

8 MR. ALLISON: To basically show that we are
9 designing this and probably the most environmentally
10 responsible way that we can using existing mining areas,
11 compacted areas, areas of low-quality environment
12 holistically to develop something adjacent to a county
13 feature that we're looking to create habitat corridors and
14 preserve and use as a quality view shed for the new homes.

15 MR. TEDESCO: And as it relates to Exhibit 35 on
16 the screen, and the basic plan that was Exhibit 22 that Mr.
17 Howe testified to, what role did you play in those two plans
18 speaking to each other, or resulting in the final outcome of
19 the basic plan?

20 MR. ALLISON: Well when we went in the field, we
21 would identify certain wetlands or high-quality features.
22 We would come back and speak with the engineers of the areas
23 that we would like to avoid. Understanding that in Prince
24 George's County the coronary management area and steep
25 slopes, things that we don't want to impact with grading or

1 storm water, and we kind of curtailed the design based on my
2 environmental idea of how we could keep forest and tier
3 drawing species, and everything that could use this natural
4 corridor around Birch Branch without impeding any of that,
5 that currently exist today. Really, so each time we went
6 out, we basically gave them more information on where the
7 best possible place to build.

8 MR. TEDESCO: In looking at the screen at Exhibit
9 35, can you just articulate what we're looking at and
10 confirm that the development pods of the basic plan are
11 consistent with the areas of preservation or environmental
12 features?

13 MR. ALLISON: Sure. How many exhibits do we have
14 here, is it just this sheet? Let's see, I think there is a
15 holistic plan.

16 MR. TEDESCO: Fatima, maybe if you scroll up just
17 one sheet, or maybe down, sorry. Yeah, go one more, there
18 you go.

19 MR. ALLISON: All right, perfect. Maybe we can
20 zoom into the middle here so everyone can kind of see what
21 we're looking at here. There's a chance just to get the
22 main view of the site in the main picture here.

23 MR. TEDESCO: Yeah.

24 MR. ALLISON: This is okay, you guys are getting
25 the picture here. The green is the forest area, and the

1 area that's white within our site is not technically a
2 forest. You have your pink areas with pink outlines, those
3 are wetlands that we identified on the site. You'll see
4 dash lines going around green areas, those are required
5 buffers that we needed to put on by the State or by the
6 County, and we basically chose our design based on these
7 measurements of high quality and low quality. You will see
8 right at the arrow, that there is a wetland located in a
9 non-forested area. We were able to evaluate some of these
10 wetlands that weren't within the flood plan of Birch Branch
11 as a lower quality wetland due to the nature of them
12 basically holding water because of compacted soil and
13 disturbed soil. We evaluate these things for habitat
14 regeneration in understanding food webs. We'd like to see
15 not just the three criteria that a wetland legally needs,
16 but also what is providing to each local eco system. Those
17 individual ones that we found wetlands in those areas that
18 were probably the best place to build, we identified those
19 areas as lower quality because of those compacted soils.
20 And the one to protect that are refilling the food webs in
21 the corridors of Birch Branch as the ones to protect as
22 these only met it by the minimum criteria of transitioning
23 soil. So, when you look at this area and you see different
24 wetlands in different areas, that's kind of how we developed
25 our makeup for high quality and low quality, and why we

1 chose which area to build.

2 MR. TEDESCO: And the basic plan is consistent, as
3 far as the proposed development pods, with your analysis
4 from an environmental standpoint, is that correct?

5 MR. ALLISON: Yeah, it gives the best opportunity
6 to provide development while ensuring that these areas that
7 are currently existing as a high-quality habitat, and
8 environment and mature growth are protected. With this
9 development, these areas will be protected in perpetuity and
10 that's kind of what we're looking for.

11 MR. TEDESCO: And are you generally familiar with
12 Section 27195(b)(1)(E) of the Designing Ordinance?

13 MR. ALLISON: Uh-huh, yes.

14 MR. TEDESCO: In your opinion, does the basic plan
15 meet that criteria in subsection (b)(1)(E)?

16 MR. ALLISON: Yeah, I would agree with that
17 because of what we're doing in preserving that area for the
18 health of the environment and the adjacent land uses.
19 Everything seems to make sense with where we're laying out
20 everything, for sure.

21 MR. TEDESCO: And if this rezoning application is
22 approved, what will the forest conservation threshold be on
23 the site?

24 MR. ALLISON: It's 20 percent, and I think
25 previously we have RE at 25 and RR at 20. Basically, that's

1 not much difference, and I think the County agrees
2 holistically what's being provided is essentially the same
3 to keep the forest on the property.

4 MR. TEDESCO: And how can the forest conservation
5 thresholds be met on site?

6 MR. ALLISON: They can be met through protecting
7 basically what's in this PMA. You see those dash lines, I
8 know its blurry, but really through the Birch Branch and
9 tributaries corridors, and those are your high-quality areas
10 that you want to preserve. So having areas that we're not
11 doing stream crossings, we've limited those. Fulfilling
12 that all within those regions is essentially the best way
13 you can preserve and retain transient habitat corridors and
14 interior drawing corridors on a site that has development.

15 MR. TEDESCO: And in your opinion, does the basic
16 plan provide opportunities for calling view into
17 environmental features that will help promote the health,
18 safety, and welfare of the future residents?

19 MR. ALLISON: I would agree with that. I think
20 the opportunity of where this development is occurring and
21 where the windows, where the lots would face, you have
22 excellent views into what we're preserving which houses the
23 most specimen trees on site, and aquatic features. So by
24 having that opportunity or what we're preserving along this
25 corridor, it does give that opportunity for many view sheds

1 and actually probably a fantastic experience.

2 MR. TEDESCO: And does the basic plan conceptually
3 place the proposed residential dwellings in areas that are
4 compatible with existing development from an environmental
5 standpoint?

6 MR. ALLISON: Yeah, they do. I think with where
7 we're placing the townhouses and understanding where the
8 single-family detached homes are, compared to off-site
9 single-family detached, it all seems like a logical approach
10 while fulfilling the preservation of what's required for the
11 site.

12 MR. TEDESCO: Are there any other environmental
13 landscape architecture or arboriculture considerations that
14 are advanced by this proposed plan?

15 MR. ALLISON: Yeah, I think there are. I mean the
16 site design with us going out there and giving the engineers
17 information as we walked the site, erred on the side of
18 environmental caution in regard to development. And with
19 this approval and subsequent other approvals, this project
20 will be protecting a perpetuity the majority of onsite
21 primary management area for the County, and it ensures the
22 establishment of corridor connections in this region for
23 habitat and preserves water quality with the flood plan
24 preserves, and the stream preserves, and the associated
25 wetlands.

1 MR. TEDESCO: One final question Mr. Allison, does
2 the basic plan meet the proposed policies of the great
3 infrastructure planning, and if so, how?

4 MR. ALLISON: It does. It does by protecting and
5 preserving the sensitive features. We mentioned the
6 streams, we mentioned the wetlands, the flood plans, the
7 severe slopes, all those would be within the PMA and their
8 associated buffers. So each one of these sensitive habitats
9 onsite with how the development laid out in the basic plan,
10 they are preserved to the maximum extent possible.

11 MR. TEDESCO: No further questions, Madam
12 Examiner.

13 MS. MCNEIL: Mr. Brown.

14 MR. BROWN: Yes, just two or three, Mr. Allison.
15 I'm looking at this exhibit that is currently on the
16 computer. The topo lines, are those existing topographical
17 lines or proposed?

18 MR. ALLISON: All right, they are all existing.

19 MR. BROWN: And it would appear to me that they
20 are quite a few numbers of steep inclines, if you will, on
21 this property, is that correct?

22 MR. ALLISON: That's correct. With the sandy soil
23 in Prince George's County, when you have a stream that's
24 running like a perennial stream, it really does create a
25 deeply incised channel over decades and decades.

1 MR. BROWN: And I was going to ask you that, so
2 this or rather all of the streams, I'm going to say there's
3 more than one even though it would be on one. They're all
4 perennial streams, is that correct?

5 MR. ALLISON: Right, they're regulated streams.
6 Their waters are DUS.

7 MR. BROWN: Right, okay, and the development pods,
8 are they on a higher grade than those existing topo lines
9 for the streams?

10 MR. ALLISON: That's correct, there are, it kind
11 of, the stream is about many, many feet down of these steep
12 slopes, so everything would be sitting on that higher land
13 which would give you that good view shed into mature trees
14 and wetland flood plain stream views.

15 MR. BROWN: That's what I thought in looking at
16 this. I know it's premature now but how do you guys plan to
17 protect the building envelope from those steep grades with
18 the perennial stream and its constant erosion of the banks?

19 MR. ALLISON: Well, the erosion of the banks would
20 have happened over decades and decades, probably prior to
21 the forest establishing this mature canopy that it has. So
22 the overall potential further erosion is minimized because
23 of the mature forest and stopping waterflow through that
24 area. Now, anything running off of our site, we will be
25 providing storm water management of anything of that nature,

1 to slow anything. We wouldn't have rushing water off of
2 these steep slopes and further degrading it based on storm
3 water requirements. So those furthering, potential
4 furthering degradation would be limited because of taking
5 care of all that water with center building envelop.

6 MR. BROWN: And Fatima, if you could, slide the
7 exhibit up some so that I can see the, I believe southern
8 portion. The other direction, please. North and south on
9 the exhibit, or top to bottom, keep so we can see the bottom
10 of this exhibit, yes, yes, stop there please. Now Mr.

11 Allison, if you can, try to describe approximately where the
12 stream crossing is from pods, what would it be, C and D?

13 MR. ALLISON: Sure, could we zoom in a little bit?
14 It just might be harder for me to orient exactly where, what
15 I'm saying here.

16 MR. BROWN: Right.

17 MR. ALLISON: If you go from the text that says
18 existing mix of wooded, it's getting very wooded and open
19 fields. So if you go from that text, and then you go
20 straight down and veer to the lower left by about an inch or
21 two, between those two wetland areas is where I envision the
22 most appropriate place to cross. We want to limit any type
23 of crossing that affects the function of the wetlands. So
24 ideally, if we can go through those two with minimum
25 grading, we have the best opportunity to limit any type of

1 environmental exposure that we'd have to rehabilitate for.

2 MR. BROWN: And in order to make that crossing,
3 you would have to get authority from the Department of
4 Public Works for the County and as well from the State of
5 Maryland is that correct?

6 MR. ALLISON: Sure. What we will do is file for a
7 joint permit application that is through Maryland Department
8 of Environment and the Army Corps of Engineers, and it can
9 be a category A or category B, depending on how much you
10 impact. But yes, we would go through that permit process
11 and only at the time of authorization would we be able to
12 make that crossing. So those two individual groups would be
13 reviewing this for approval.

14 MR. BROWN: And have you had any preliminary
15 discussions with those groups to determine whether they
16 would be amenable to that crossing?

17 MR. ALLISON: No, we haven't, but our next steps
18 in our submittal process, what we do early on is we do a
19 pre-application with Army Corp of Engineers in Maryland. We
20 get them onsite, and we walk that and we talk about it, and
21 then depending on what they feel, you know, if you're
22 exactly parallel with the stream or not, they'll give some
23 advice of 100-feet here, 100-feet there of where they think
24 is the best crossing. And we'll use that as our guidance,
25 this is our first thought, but then we use that guidance to

1 know that they would ensure a permit based on where they're
2 saying, we use that to then try to fit the engineering in
3 where they think it should go.

4 MR. BROWN: So that it's sort of premature to say
5 this is where the stream crossing is going to be, but you
6 guys are just proffering that this appears to be the best
7 location assuming this particular map amendment is approved,
8 is that correct?

9 MR. ALLISON: Right, exactly. What we would do is
10 we would go out and really further dive into any wetland or
11 wetlands that are intact to make sure it's as most limited
12 as possible. You see that crossing there, it doesn't have
13 as much steep slopes as the Birch Branch does. The Birch
14 Branch runs north to south on site, the rest of it is
15 tributaries. So you're not having as much of an impact
16 grade-wise as you make for a bridge or a crossing in this
17 area. So it's probably one of the most limited,
18 environmentally limited crossing we could propose.

19 MR. BROWN: All right, it's no other questions,
20 thank you.

21 MS. MCNEIL: Thank you, sir. Mr. Tedesco, would
22 it throw you off to take a five-minute break right now?

23 MR. TEDESCO: No, it would not.

24 MS. MCNEIL: We're going to just leave everything
25 on, and we'll be right back in five minutes.

1 MR. TEDESCO: I'd just remind everybody to please
2 mute, but yeah, I think this is appropriate, thank you,
3 Madam Examiner.

4 MS. MCNEIL: Okay.

5 (Pause.)

6 (Resumed.)

7 MS. BAH: Are we ready to start, Madam Examiner?

8 MS. MCNEIL: I hear you, I'm trying to see if Stan
9 is -- who's your next witness, Matt, are they back?

10 MR. TEDESCO: It's Michael Lenhart, I believe he
11 is here, yes. Mike, can you hear?

12 MS. MCNEIL: Okay, let's start back, let's start
13 back.

14 MR. LENHART: Yes, I'm here, good morning.

15 MS. BAH: You're recording, Madam Examiner.

16 MS. MCNEIL: Thank you, so your next witness is
17 Mr. Lenhart?

18 MR. TEDESCO: Yes, ma'am.

19 MS. MCNEIL: Mr. Lenhart, good morning.

20 MR. LENHART: Good morning.

21 MS. MCNEIL: Do you swear or affirm, under the
22 penalties of perjury, that the testimony you shall give will
23 be the truth, and nothing but the truth?

24 MR. LENHART: I do.

25 MR. TEDESCO: Mr. Lenhart, could you state your

1 name and address for the record please?

2 MR. LENHART: Yes, Michael Lenhart at Lenhart
3 Traffic Consulting, 645 Baltimore Annapolis Boulevard, Suite
4 214, Severna Park, Maryland 21146.

5 MR. TEDESCO: And have you previously testified as
6 an expert in the field of traffic engineering before this
7 tribunal?

8 MR. LENHART: Yes.

9 MR. TEDESCO: Ms. McNeil, I remember last week you
10 questioned, I think that was what we set it on, I had
11 Planning, Traffic Engineering and Planning, but however he's
12 been qualified before is acceptable.

13 MR. LENHART: I believe I've been qualified as
14 both. I know Planning many times, but I also am a
15 professional engineer and a professional operations engineer
16 with IDE, so I think those are appropriate.

17 MS. MCNEIL: I'm going with an expert in
18 transportation planning.

19 MR. TEDESCO: I'm going to make a note of that for
20 the next one.

21 MS. MCNEIL: Meaning definitely you know Mr.
22 Lenhart, it doesn't belittle, I don't know how you could be
23 that without being an engineer as well.

24 MR. LENHART: That sounds fine, I'm good.

25 MR. TEDESCO: So Madam Examiner, Mr. Lenhart's CV

1 is Exhibit 40 and we would ask that his qualification be
2 accepted in this proceeding as well.

3 MS. MCNEIL: Yes, he is accepted as an expert in
4 transportation planning.

5 MR. TEDESCO: Thank you. Mr. Lenhart, did you
6 make a personal inspection of the subject property?

7 MR. LENHART: Yes.

8 MR. TEDESCO: And are you familiar with the area
9 surrounding the subject property including the roads and
10 roadway networks?

11 MR. LENHART: Yes.

12 MR. TEDESCO: And have you examined the
13 applicant's basic plan?

14 MR. LENHART: Yes.

15 MR. TEDESCO: And did you make an investigation of
16 the traffic conditions or levels of service in the area
17 surrounding the subject property?

18 MR. LENHART: We did not conduct a traffic impact
19 study per se. The guidelines have requirements, and the
20 Zoning Ordinance has requirements for traffic impact studies
21 for certain rezoning applications such as placing a property
22 in MSG zone, but in this particular ZMA request, there is no
23 requirement for a traffic impact study. There is a finding
24 that is required 27195(b)(1)(C) that requires a finding that
25 the uses will not generate traffic which would lower the

1 level of service anticipated by the land use and circulation
2 systems on the general or master plans. And in order to do
3 that, the guidelines in this type of case recommend the use
4 of the transform planning model. The County is broken down
5 the transportation planning section as a transformed model
6 that breaks the County into over 2,000 small transportation
7 area zone, analysis zones that are TAZs. And each TAZ is in
8 the transform model based on the current zoning and density
9 that's allowed based on the current zoning that generates
10 traffic in their model that gets assigned to each of the
11 road lengths throughout the County based upon attraction and
12 demand between the different TAZs. So the information that
13 we provided to staff was we prepared a transportation memo
14 that looked at this site and the TAZs that were impacted by
15 this site, or that are overlaid on this site, and we
16 identified the number of dwelling units that are allowed
17 using the existing zoning, and the number of units that
18 would be allowed for the proposed zoning, and identified the
19 increase in units within each of the TAZs that overlay this
20 site. And then we provided that information to staff. They
21 then look at that, they conducted their own analysis,
22 internal analysis. We don't have access to their
23 information, and Transportation Planning staff then prepared
24 their memo dated June 3rd, 2021, from Tom Masaw (phonetic
25 sp.) to Tom Sievers, discussing their analysis and we're

1 finding then that this application is acceptable and would
2 not muddle along the service on the area where raised.

3 MR. TEDESCO: Madam Examiner, just for your
4 edification, they're taking that memo that was cited to by
5 Mr. Lenhart, by Mr. Masaw is in Exhibit 14 of your record,
6 and it's at page 129 of 149. So it's page 129 or 149, if
7 you need that for your use. Also, just point of kind of
8 housekeeping, I did not see Mr. Lenhart's memo that he just
9 testified to in the backup early this morning. If we could,
10 although it was submitted to Park and Planning, obviously it
11 formed the basis of Mr. Masaw's analysis. We're happy to
12 supplement that today along with the other item that was
13 requested. If the Examiner would allow, just to make sure
14 that Mr. Lenhart's memo is actually in the record. It
15 should already be, but I didn't see it in the exhibit list.

16 MS. MCNEIL: Thank you, I would appreciate that.
17 So we'll leave the record open for it, thank you.

18 MR. TEDESCO: Okay, thank you. If I could just
19 indulgence, just to make a note. Mr. Lenhart, you testified
20 previously to Section 27195(b)(1)(C), you're familiar with
21 that section of the Code as it relates to this application?

22 MR. LENHART: Yes.

23 MR. TEDESCO: And your testimony was that the
24 Transportation Planning staff of Park and Planning
25 determined that this application would be in conformance

1 with that section of the Code and not raised -- well what
2 did that memo conclude, excuse me, the Transportation and
3 Planning section's memo conclude?

4 MR. LENHART: Certainly, so we concluded, I'm
5 quoting from page 4 of his memo, or actually from page 5,
6 the last page of Mr. Masaw's memo. His conclusion is that
7 from the standpoint of transportation and in consideration
8 of the findings contained herein, it is determined that this
9 plan is acceptable as the application is approved. So,
10 basically, transportation is acceptable. In the technical
11 staff report, it does say that this will not lower the level
12 of service. I can quote the TSR finding, which was taken
13 from Mr. Masaw's memo. So it states that staff does not
14 believe the additional volumes would lower the level of
15 service anticipated by the master plan. The sub-five master
16 plan and SMA is to a degree, based on continued use of the
17 Brandywine Road clause, it means the sharing of the major
18 roadway improvements in the area. To reiterate, staff does
19 not believe that the additional volumes would lower the
20 level of service.

21 MR. TEDESCO: Can you provide us information on
22 whether this is the only time adequacy, I'll use that term
23 loosely, is determined for this development project?

24 MR. LENHART: No, it is not. A true adequacy test
25 would be required at the time, preliminary time, so a

1 traffic impact study, and Mr. Masaw spells out in his
2 memorandum, 10 intersections that he identified that should
3 be included, 10 future traffic impact study at the time of
4 preliminary plan, and it is likely that it will be required
5 for CDP as well. And if the timing works out on CDP and
6 preliminary plan, they would use the same traffic impact
7 study for both. Again, that will review adequacy to
8 determine if improvements are needed, and/or the project
9 participate in the Brandywine Road clause.

10 MR. TEDESCO: From the perspective of traffic
11 engineering and planning, will granting the request for
12 rezoning application be consistent with the standards
13 enumerated in the Design Ordinance for this application?

14 MR. LENHART: Yes, it would.

15 MR. TEDESCO: Could you elaborate more on that on
16 why or how?

17 MR. LENHART: So you know again, the requirement,
18 the required finding is that it would not lower the level of
19 service and the frontage along Accokeek Road is a collector
20 road. Floral Park is, I believe Floral Park is a primary
21 roadway, and together those do have adequate capacity based
22 upon Mr. Masaw's memo, and that will be reaffirmed at time
23 of preliminary plan to an adequacy test. And so for all
24 those reasons, I believe it would be adequate.

25 MR. TEDESCO: I have no further questions Madam

1 Examiner.

2 MS. MCNEIL: Mr. Brown.

3 MR. CALHOUN: I'm sorry.

4 MS. MCNEIL: Oh one second, Mr. Calhoun. Mr.
5 Brown?

6 MR. BROWN: No questions, thank you.

7 MS. MCNEIL: Okay, Mr. Calhoun?

8 MR. CALHOUN: Yes, how are you doing. I'm trying
9 to text, I apologize. You said that this is somehow going
10 to be adequate for the needs of the street. There have been
11 four developments already put on this street over the last
12 20 years, basically 10 years really. But you have the one
13 across the road, you have the one down there by Piscataway
14 Road, you have the Districts of Wind Brook, you have the
15 development across from Wind Brook, and you have the
16 development actually next to the Denver Road that has to
17 already outlet on Accokeek Road and Full Park Road. Now
18 you're adding for another huge development. And you're
19 going to sit here and say it's not going to be any increase
20 on the impact. I live in this area, the front of my home is
21 a dangerous place. I have neighbors who have almost lost
22 their life coming out of their driveway, okay.

23 MS. MCNEIL: Okay, Mr. Calhoun, one second.

24 MR. CALHOUN: I'm sorry.

25 MS. MCNEIL: One second. Mr. Lenhart, hearing

1 what Mr. Calhoun said thus far, is it still your belief that
2 this development would not negatively impact the existing
3 rights-of-way?

4 MR. LENHART: Yes, it is. We're not claiming that
5 it won't add traffic to the roadways, but the finding is
6 that it won't lower the level of service as identified by
7 the master plan recommendations and there are two different
8 things. And yes, it will be adding traffic, but that will
9 be tested through traffic impact studies and altered at the
10 time of the CDP and the preliminary plan to ensure that
11 there is safe and adequate access, and whether to determine
12 the extent of furnish improvements, access improvements, and
13 any off-site improvements that might be required to make
14 sure that it's adequate.

15 MR. TEDESCO: And if I may follow-up, Madam
16 Examiner, Mr. Lenhart, would that, at that time would it
17 also to include contributions into the Brandywine Road Club
18 for off-site improvements?

19 MR. LENHART: Yes.

20 MS. MCNEIL: Explain that, one more second, Mr.
21 Calhoun, can you explain that last statement as though I
22 were a kindergartener, which I am. What does that mean,
23 that you just said yes to?

24 MR. LENHART: So the site is in the planning area
25 that is eligible, I think this is 85A, it is eligible for

1 participation in the Brandywine Road Club. Which has
2 reviewed and determined at the time of preliminary plan, the
3 traffic impact study that we conduct in looking at these
4 town owner sections and site access points that were
5 recommended by Transportation Planning staff, will identify
6 what improvements are needed, an even flow any, to ensure
7 that adequate levels of the service are maintained. This is
8 in an area of the County that required some level of service
9 D as in dog, or better. Intersection or graded A through F,
10 A being the best, F being failing, E is approaching failing,
11 A through D are acceptable. And so we would identify if any
12 intersections are failing, what improvements need to be
13 implemented to address that and improve those or make
14 payments into the Brandywine Road Club so that the use of
15 that mechanism can ensure that implementation of the overall
16 master plan and road system is realized. So that's what the
17 Brandywine Road Club payment is associated with.

18 MS. MCNEIL: Thank you. Mr. Calhoun, you have
19 other questions, go ahead.

20 MR. CALHOUN: I don't mean to be ignorant, but I
21 need a better clarification of level of service, or still
22 pass adequate service?

23 MR. LENHART: Certainly. Park and Planning has
24 requirements for evaluating signalized intersections and
25 unsignalized intersections, and one of these intersections

1 is also a roundabout. Each of those three types of
2 intersections has their own required methodology. Signals
3 have to operate at a level of service D or better, and
4 there's a planning tool, a planning analysis called the
5 critical lane volume methodology that is a standard practice
6 accepted by Park and Planning and State Highway
7 Administration that tells you if the intersection is
8 operating at acceptable levels or if its approaching
9 failure, or if its failing. And that is conducted at the
10 time of preliminary plan. It also the unsignalized
11 intersections, we will be looking at those to determine if
12 they are failing. Where there's two grays of a delay coming
13 out of the self-controlled approach, that might require a
14 signal warrant study and possible installation of signal to
15 address failures on self-control movements. And so that is
16 a very high-level description of the analysis that would be
17 conducted and what levels of service mean.

18 MR. CALHOUN: Okay. Am I correct in understanding
19 that when it comes to deciding what level of service, this
20 is something you would plan beforehand or after it's built?
21 Because in order to do an analysis of everything you have to
22 have it already up and running to see what it's doing? I'm
23 not sure if this is good or that is good if you have it
24 beforehand.

25 MR. LENHART: Right, so when I talk about the

1 level of service, A through F and adequate public facilities
2 test that will be conducted at the time of preliminary plan,
3 that's a different type of study that is not required at the
4 time of this zoning amendment request. The level of service
5 analysis that's conducted at this time looks at the overall
6 volume of traffic on the roadways, like a daily kind of 24-
7 hour daily traffic volumes. On Accokeek Road, for example,
8 it looks at the traffic that would be added by this
9 development and it looks at Accokeek Road not as it exists
10 today, which is a two-lane roadway, but it looks at it based
11 upon the master plan recommendation, which is a collective
12 road which would be a four-lane roadway. And so it
13 evaluates whether this request would cause the master plan
14 recommendation of a future collector road to fail and
15 require it to be an arterial road or something greater than a
16 collector. So it's a softer analysis at this time. It
17 becomes much more stringent as it goes into the preliminary
18 plan stage.

19 MR. CALHOUN: Okay, so I appreciate that, but a
20 basic definition of understanding, you've got to give me a
21 better understanding of what I'm asking for. But at the
22 same time, I have to look to the other side where I actually
23 live right now and surrounded by. I've seen two
24 intersections being created in the area before Floral Park
25 Road. Is this what it means to lighten all these other

1 things is going to be coming up during preliminary plan,
2 whatever amount of money it's going to do, is going to be
3 put directly or into this club, or --

4 MR. LENHART: No, whatever access improvements are
5 required, so frontage and access, we will have to go through
6 Floral Park is a county roadway, so we're going to go
7 through DEPI.

8 MR. CALHOUN: Okay.

9 MR. LENHART: To get a street connection permit,
10 and whatever they require for our access, we're going to
11 have to build, whether that's XL DL left turn lane or
12 signal, they call the shots, and if its needed, they're
13 going to make us do it.

14 MR. CALHOUN: Okay.

15 MR. LENHART: Likewise with Accokeek Road, that's
16 a State Highway Administration road that we will have to get
17 an access permit from the State, and whatever they require,
18 we will have to do, perhaps DL cell, left turn lanes, signal
19 if required, we don't expect signals will be required, but
20 if they are, the operating agencies through the access
21 permit process, we will have to put them in so.

22 MR. CALHOUN: Okay, thank you, sir. That gives
23 some clarity, and I will look for that later on, thank you.

24 MR. LENHART: Certainly.

25 MS. MCNEIL: Thank you. Mr. Tedesco, do you have

1 any redirect?

2 MR. TEDESCO: I don't, Madam Examiner. Thank you,
3 Mr. Calhoun, for those learned questions.

4 MS. MCNEIL: Thank you, Mr. Lenhart as well.

5 MR. LENHART: Thank you.

6 MS. MCNEIL: Your next witness?

7 MR. TEDESCO: Madam Examiner, our next witness is
8 our last witness, Mr. Joe Del Balzo who is our land planner.

9 MS. MCNEIL: Mr. Del Balzo, good morning.

10 MR. DEL BALZO: Good morning.

11 MS. MCNEIL: Do you swear or affirm, under the
12 penalties of perjury, that the testimony you shall give will
13 be the truth, and nothing but the truth?

14 MR. DEL BALZO: I do.

15 MR. TEDESCO: Good morning. It's almost afternoon
16 here, but good morning to where you are Mr. Del Balzo.

17 MR. DEL BALZO: Good morning, good afternoon.

18 MR. TEDESCO: Could you state your name and a
19 business address for the record please?

20 MR. DEL BALZO: Yeah, my name is Joe Del Balzo,
21 I'm a Land Planner with Rogers Consulting, and it's 1101
22 Mercantile Lane, Suite 280, in Largo, and the zip code is
23 20774.

24 MR. TEDESCO: Have you ever, sorry --

25 MR. DEL BALZO: I actually had to read that

1 because its relatively new, so.

2 MR. TEDESCO: Have you ever testified before the
3 Zoning Hearing Examiner in Prince George's County as an
4 expert in the field of land planning?

5 MR. DEL BALZO: I have.

6 MR. TEDESCO: And Madam Examiner, Mr. Del Balzo's
7 CV is Exhibit 30A, and having previously qualified as an
8 expert, we would ask that he be accepted in that capacity
9 here this morning.

10 MS. MCNEIL: He will be accepted as an expert in
11 the area of land use planning.

12 MR. TEDESCO: Thank you. Mr. Del Balzo, you're
13 familiar with the zoning map amendment application A-10060?

14 MR. DEL BALZO: I am.

15 MR. TEDESCO: And you've been present during this
16 hearing this morning and you've heard all the prior
17 witnesses' testimony, is that correct?

18 MR. DEL BALZO: Yes, yes.

19 MR. TEDESCO: And are you familiar with the
20 subject property?

21 MR. DEL BALZO: I am.

22 MR. TEDESCO: And could you briefly describe the
23 property that's the subject of this application beyond
24 anything that has previously been testified to, any other
25 points you might want to highlight with respect to the

1 subject property from a land use planning perspective?

2 MR. DEL BALZO: No, I think everything that Mr.
3 Howe and Mr. Allison are pretty well together. We're just
4 seeking the RS zone for 37 to 35. The property is a little
5 over 289 acres. It's bisected by the Birch Branch, and some
6 tributaries to it. There's also a Pepco line that runs
7 through it. It comes on Floral Park and Accokeek and is
8 about a mile and a quarter from the Brandywine Center that
9 I'll talk about a little bit later.

10 MR. TEDESCO: And Mr. Del Balzo, I believe I may
11 have misheard you, but I believe I heard you say 3.7 to 3.5,
12 I believe you meant 2.7?

13 MR. DEL BALZO: 2.7, right to 3.5.

14 MR. TEDESCO: And that's the density range?

15 MR. DEL BALZO: That's the range, the upper range
16 for the RS zone.

17 MR. TEDESCO: And for this particular rezoning
18 application, is a zoning neighborhood required to be
19 defined?

20 MR. DEL BALZO: It is not. We defined one, anyway
21 there is no statutory requirement, but we wanted to kind of
22 get an understanding of the area. So we did define a
23 neighborhood. The staff's neighborhood is basically the
24 same as ours, can I get Exhibit 30?

25 MR. TEDESCO: Ms. Bah, could you please put-up

1 Exhibit 30.

2 MR. DEL BALZO: The map above that, there we go.
3 So we defined this neighborhood as Floral Park Road to the
4 north, Floral Park and Brandywine Road to the north,
5 Accokeek Road to the south, and South Springfield Road,
6 which is a road just to the west, west of Saint Mary's on
7 the left part of the map. The staff's neighborhood, they
8 just broke out Floral Park Road and Brandywine Road. You
9 see Brandywine Road comes into Branch Avenue, they kind of
10 meet like we just kind of use the saying, and Floral Park
11 Road and Brandywine Road to the north. We did that because
12 we want to kind of get a feel for what's going on around the
13 property. And as you can see where our, and I think Mr.
14 Calhoun mentioned this, there are several developments in
15 and just adjacent to the subject property. One of the
16 properties, this is a zoning map that's overlayed, I guess
17 our neighborhood map is overlayed on top of the zoning map,
18 and property to the, almost to the far east of the
19 neighborhood is RP zoning for townhouses. And as you can
20 just see, just past that just where the neighborhood kind of
21 ends at Brandywine Road and Branch Avenue. If you go south
22 on Branch Avenue, you begin to see the north part and the
23 beginnings of the Brandywine Center that we talked about.
24 So there's a lot of activity going on around or near the
25 property and near the neighborhood. And as I've said that

1 subject property is about 1.3 or 1.4 miles from the
2 Brandywine Center.

3 MR. TEDESCO: You broke-up at the last 1.5 --

4 MR. DEL BALZO: 1.3 to 1.4 miles to that
5 Brandywine Center.

6 MS. MCNEIL: Mr. Del Balzo, I'm sorry, Mr.
7 Tedesco. What's in the Brandywine Center? What's there so
8 I can picture it.

9 MR. DEL BALZO: If you go down a little bit lower
10 than this, you've got the, there's residential use, a mixed-
11 use center. You've got residential use --

12 MS. MCNEIL: So if I'm heading south, I'm so sorry
13 sir, so if I'm heading south, it's on the right or left? So
14 it's not the movie theater, that's not the center?

15 MR. DEL BALZO: It's on the left as you're heading
16 south. So you've got the visit shutters there, there's the
17 Target --

18 MS. MCNEIL: I see, that's what I thought you
19 meant, thank you.

20 MR. DEL BALZO: Right.

21 MR. TEDESCO: And maybe, Madam Examiner, we can
22 update this map because there is some center overlay because
23 the Brandywine Center actually does extend to the last of
24 Maryland 53, and a portion of that MXT zoned property to the
25 south, across from the Stephen's Crossing Shopping Center.

1 And so it won't capture all of it, but there will be a
2 little, maybe we can provide a little overlay or maybe zoom
3 this out a little bit and provide an overlay of that center
4 designation. Because it does cross Maryland 5 and 301 on
5 east and west.

6 MS. MCNEIL: Okay, you can do what you like. I
7 just wanted to picture it better, so now I know what we're
8 talking about, I'm fine.

9 MR. TEDESCO: If we don't need to, that's fine
10 too. Mr. Del Balzo, what master plan controls the subject
11 property?

12 MR. DEL BALZO: The controlling master plan is the
13 2013 sub-region 5 master plan.

14 MR. TEDESCO: And what is the applicable general
15 plan?

16 MR. DEL BALZO: It's plan 2035. Plan Prince
17 George's 2035, which was adopted in 2014, and it's the
18 current, the County's general plan.

19 MR. TEDESCO: And are you familiar with both of
20 those planning documents?

21 MR. DEL BALZO: I am.

22 MR. TEDESCO: Can you please highlight or outline
23 some of the applicable policies and recommendations as it
24 applies to this application?

25 MR. DEL BALZO: Sure. I'll start with plan 2035

1 because it's the more general, and then I'll go down and get
2 a little bit more specific with the sub-region 5 master
3 plan. There's a note actually in the plan 2035 that says for
4 specific land use recommendations, you refer back to the
5 applicable master plan. So I'll start big and go small.
6 The 2035 plan placed the property in the established
7 communities and as you'll note, the established communities
8 are designed for residential, or I'm sorry, they're designed
9 for con-planks into the in-fill development, which
10 residential low being in this area for up to 3.5 drill meter
11 per acre. There are a series of land use and housing and
12 neighborhood policies in the plan. We highlight them and go
13 into pretty much, pretty detailed analysis of them in the
14 statement of justification. I won't go through all of those
15 now because they're in the record, but I will highlight just
16 a couple. The land use recommendations include placing a
17 majority of the new growth in a county and regional transit
18 district, directing mixed-use projects to those districts.
19 But recognizing that there is going to be growth occurring
20 outside those districts in established communities. On page
21 108, it defines the Brandywine Center and Brandywine Center
22 is defined as an auto-related center. So this is not a
23 walkable regional towne center, it's a local towne center,
24 its automobile related. The staff in their analysis said
25 that we relied a little too heavily on the Brandywine Center

1 for our density, and I'd have to disagree with that. I
2 don't think we relied heavily on it. We mentioned the
3 Brandywine Center, but I do believe that the Brandywine
4 Center is an important center for this property, and the
5 staff. Later on when they discuss the RS zone says that you
6 know the development of residential uses on this property
7 will help spur development in the Brandywine Center. So
8 there is a relationship between this and the Brandywine
9 Center, and I think that it's an important relationship
10 especially because it's auto related. If this was a
11 walkable regional town center, we're not a walking
12 distance. Some people might walk it, I wouldn't walk the
13 1.4 miles to go to the Target, but some people might. But
14 it's not a walkable center, it's an auto-related center. So
15 moving on to the 2013 sub-region 5 master plan, this master
16 plan recommended residential low land use. Is that the 3.5
17 low inch per acre. It placed the property into the
18 Brandywine community and the vision for the Brandywine
19 community is that it would develop a large mixed-use, as a
20 mix-use community with transit opportunities. Also, with on
21 page 28, a variety of housing choices available to the
22 residents. It recommends also on page 42, that much of the
23 future development in Brandywine would be in large master
24 plan communities, which is what we are. Going to Mr.
25 Brown's question earlier about the townhouses, on page 33,

1 the staff is correct. On page 33 of the master plan, it
2 says that the residential low areas are designated for
3 single-family development, or single-family detached
4 dwellings. I'm going to go to the plan now because this is
5 important, I think. On page 31 however, there's a chart it
6 is now Table 4-1, future land use map designations,
7 descriptions and applicable zones. And it lists out the
8 different designations of the land uses. And under
9 residential low, it says residential areas up to 3.5
10 dwelling units per acre, primarily single-family detached
11 dwellings. And it lists several applicable zones that could
12 be used in a residential low area, and the RS zone is one of
13 them. In the RS zone, as we know, townhouses are allowed.
14 I looked up the word primarily and it says basically, mostly
15 the principal does not say exclusively. We've all kind of
16 been around the block a little bit with these master plans
17 and I think that they go through a lot of scrutiny. This
18 one went through a little extra scrutiny, and I believe that
19 if the Council, this is just my opinion, I believe that if
20 the Council wanted to be exclusively single-family
21 dwellings, we primarily would not agree. So I think that
22 not only opens the door, but section 27513 allows up to 35
23 percent of the dwellings in the RS zone to be townhouses.
24 So I believe that 65 percent single-family detached would
25 make this neighborhood a primarily single-family detached

1 (indiscernible). I'm getting feedback, anybody else getting
2 that?

3 MR. TEDESCO: No, we hear you fine.

4 MR. DEL BALZO: Okay, okay, all right.

5 MS. MCNEIL: Actually, I got some feedback, so it
6 must have been Matt's mic. Okay.

7 MS. MCNEIL: Okay. Under the housing policies, it
8 talks about preserving policy number 2. Talks about
9 preserving and expanding the lanes of housing pipes and
10 ownership opportunities in the County. And I'm going to
11 reference the comprehensive housing strategy that was
12 published by the County in 2019. I know it's not a mast
13 plan, and I know zoning can't be, you can't rely on this for
14 zoning, but I think it's informative. The plan, the housing
15 strategy recognized the problem that they called the missing
16 middle, and that was housing in the middle range. There's a
17 lack of it in the County. And they mention several housing
18 types. They said basically you've got large multi-family
19 apartments or single-family detached. And everything in
20 between there which includes garden apartments, townhouses,
21 lofts, studios, they are missing. And so they recommended
22 that there not only be a more of a mix of units in the
23 County, but they also recommended that there be a mix of
24 units within developments. So given the master plans, to
25 me, a green light for townhouses in the residential low

1 area, and the County's study says let's get more mixed
2 residential types in neighborhoods. I believe that this
3 proposal kind of satisfies all of that. It's in harmony
4 with those purposes of the sub-region 5 plan and the plan
5 2035.

6 MR. TEDESCO: I apologize, if it was my mic causing
7 the feedback. I'll make sure I'm mute. Mr. Del Balzo,
8 turning to the actual required finding in this application
9 which is 27195(b), are you familiar with that section?

10 MR. DEL BALZO: I am.

11 MR. TEDESCO: And have you had an opportunity to
12 study the proposed basic plan from a land planning
13 standpoint?

14 MR. DEL BALZO: Yes.

15 MR. TEDESCO: And did you prepare a report or a
16 justification statement analysis as to the land planning
17 effect if this proposed basic plan is approved?

18 MR. DEL BALZO: I did.

19 MR. TEDESCO: And Madam Examiner, that land
20 planning report study is also being used as our
21 justification statement as Exhibit 3 for your edification.
22 Could you just take us through, I know you've touched on a
23 couple of these things in describing the recommendations of
24 the applicable planning documents, but as it specifically
25 relates to 27195(b), can you take us through your opinion

1 and findings with respect to whether this application meets
2 that specific criteria?

3 MR. DEL BALZO: Sure. So section 27195(b) of the
4 required findings for approval of a comprehensive design
5 zone. The first criteria is that we are in conformance with
6 the master plan or the general plan, I have just walked you
7 through that, I'm not going to do it again. We are
8 residential low with first up to 3.5 per acre, and we are
9 requesting mobile density of 2.7 to 3.5 and in keeping with
10 that designation. The second criteria requires an economic
11 analysis if we are in retail, we are not proposing any
12 retail. The third criteria has to do with the
13 transportation inadequacy issue that Mr. Lenhart addressed.
14 I'm not a transportation planner, so I'm going to let that
15 stand. The third is other public facilities adequacy, and
16 the big one here is the water and sewer category which we've
17 already heard was in category 4 which makes water sewer
18 available to the property. The other public facilities
19 libraries, schools, fire, police, we touched on in the
20 statement of justification and as with any public facility,
21 adequacy tests will be a more detailed test at the
22 preliminary plan stage. 195(b) 1(e) is that environmental
23 relationships reflect compatibility with proposed land use
24 types. Both within and without the neighborhood. So within
25 the neighborhood, we have townhomes and single detached

1 homes which are generally considered compatible with each
2 other. We have recreation facilities that are centrally
3 located that are bucking from developing new pods by open
4 areas and pods. So internally, there is no question as to
5 the compatibility. Externally, if we go back to the map, go
6 back to the neighborhood map, the single-family development
7 that is just to the left, just to the west which is left on
8 the map, is Pleasant Springs and Woodhaven. I think Mr.
9 Howe testified to this that, that area that abuts those
10 single-family homes, that's a relatively old neighborhood,
11 Pleasant Springs and Woodhaven Estates. The area that abuts
12 that is shown in green on our map is going to be developed
13 with single-family detached, no townhouses. And then as you
14 go up, the area in green that's separated by the Pepco line,
15 just to the north of that at Floral Park Road, that's all
16 single-family homes too, single-family detached homes as
17 well. So you know, pains have been taken to make sure that
18 we're compatible with the adjoining properties. The next
19 one is the developments taking longer than six years have to
20 ensure APS that the project will be completed within six
21 years. And the last two requirements 3 and 4 refer to the
22 LAC VM or VL zones and we're not in those so they don't
23 apply. And that is it for 195 and I think we, in my
24 opinion, we conform to all of those requirements.

25 MR. TEDESCO: Was that the conclusion of the

1 Planning Board and Technical Staff as well?

2 MR. DEL BALZO: It was.

3 MR. TEDESCO: Notwithstanding your objection to
4 their comment about the townhouse in their text?

5 MR. DEL BALZO: That's correct.

6 MR. TEDESCO: And are you familiar with the
7 purposes of a RS zone which are provided, excuse me, in
8 section 27511?

9 MR. DEL BALZO: I am.

10 MR. TEDESCO: And in your opinion, does the
11 applicant's proposal meet the purposes of the RS zone, and
12 if so, could you explain?

13 MR. DEL BALZO: It does. There are I believe
14 seven or eight, and I'm going to look at these frames
15 because I don't have them all memorized, the actual Code
16 requirements. So I'll just read them and summarize them.
17 The first purpose of the RS zone is to establish a planned
18 implementation zone in which permissible residential density
19 is dependent upon providing public benefit features and
20 related density increment factors. The location of the zone
21 has to be in conformance in accordance with the adopted and
22 approved general plan, master plan, tech plan or section
23 math amendment, and that the applicable requirements are
24 satisfied for uses authorized pursuant to Section 27-515.
25 So the permissible density is depended upon for providing

1 public benefit features. We are requesting 2.7 to 3.5. We
2 are anticipating that there will be public benefit features
3 required to get above the 2.7 base density. And those
4 public benefit features we've talked before, a clubhouse and
5 pool, preservation of some of the environmental features,
6 trails and other open space areas. Those are going to be
7 further defined at the CDP and SDP stages as to what they
8 are exactly, the size of them and the exact locations, but
9 we are anticipating the public benefit features will be
10 necessary. We've already discussed the conformance of the
11 plans and Section 27515 does allow for both of those
12 townhouses and single-family detached, and the regulations
13 for those will also be followed throughout the release
14 stages. A second purpose is to establish regulations which
15 adopted in a pre-public plan and policies, can serve as the
16 criteria for judging individual development proposals and
17 that goes back to the general plan and the master plan
18 again. We have taken their, up to 3.5 drilling units per
19 acre (indiscernible). Again, we believe that the master
20 plan does not preclude townhouses so we believe that those
21 regulations and we believe the adopted policies of the
22 master plan and general plan are fulfilled through this
23 proposal. Next, is to ensure the capability of proposed
24 land uses over the existing and proposed surrounded uses.
25 Again, we've talked about that, that the adjoining single-

1 family homes are, single-family detached homes are going to
2 be abutting land that is either open or other single-family
3 detached homes. And the fourth one is to encourage
4 amenities and public facilities to be provided in
5 conjunction with the residential development. Again, we are
6 going to be building the clubhouse and the pool in
7 conjunction with the development, the trails in conjunction
8 with the development, paths are provided throughout the
9 whole community and an active environment for the residents
10 which helps promote health, safety and welfare issues. The
11 fifth one is to encourage and stimulate a balanced land
12 development as we talked about before, both the staff and we
13 agree that residential development here can help stimulate
14 non-residential development in the area. And that includes,
15 in our opinion, the Brandywine Center, and as you can see
16 from the map ahead of you, there's some commercially zoned
17 property nearby. I believe much of that is developed
18 already, but it will help stimulate other non-residential
19 development. Six, is improve the overall quality and
20 variety of residential environments. I'll go back to the
21 accounting housing strategy. This proposal does increase
22 the variety of residential units and provides a different
23 environment. The staff actually said in their response to
24 number 6 that this would be in anew in the area and that it
25 would be a unique opportunity to create a new kind of

1 residential environment here. And the last one is to allow
2 qualifying properties in the area RE zone to develop in the
3 EIA zone and we are not opposing that. So with that, I
4 believe that we and the staff all agree that this meets, is
5 in harmony with the purposes of the RS zone.

6 MR. TEDESCO: Mr. Del Balzo --

7 MR. DEL BALZO: I just want to add real quick that
8 you know initially the staff said that townhouses weren't
9 allowed, but when you get to the RS zone, they agree that at
10 least in the RS zone, this property works as a whole.

11 MR. TEDESCO: Your opinion as a land use planner,
12 is the proposed area and the uses and densities proposed in
13 the basic plan for the property appropriate in context of
14 plan 2035 and development in the surrounding neighborhood?

15 MR. DEL BALZO: Yes. As I've said a number of
16 times here, that in plan 2035, we are looking at contact
17 sensitive infill and really, really sensitive to the impact
18 on adjoining properties, and those impacts are mitigated by
19 putting single-family detached against single-family
20 detached and keeping the townhouses more to the interior.

21 MR. TEDESCO: And in your expert opinion, would
22 approval of the requested rezoning be in accordance with the
23 principles and guidelines of plan 2035 and the 2013 sub-
24 region 4 master plan?

25 MR. DEL BALZO: Yes.

1 MR. TEDESCO: And would the approval of the
2 application in your opinion, encourage a coordinated
3 harmonious systematic development of the area and the County
4 as a whole?

5 MR. DEL BALZO: Yes, and I would just reiterate
6 that the staff agreed with that conclusion.

7 MR. TEDESCO: And finally, Mr. Del Balzo, I know
8 you've provided a lot of testimony today, but do you further
9 incorporate and adopt as your testimony the land planning
10 and justification statement that was prepared as Exhibit 3?

11 MR. DEL BALZO: I do.

12 MR. TEDESCO: Madam Examiner, that's all the
13 questions I have for Mr. Del Balzo.

14 MS. MCNEIL: Thank you. Mr. Brown, do you have
15 any questions?

16 MR. BROWN: Yes. Mr. Del Balzo, how are you?

17 MR. DEL BALZO: I'm fine, how are you?

18 MR. BROWN: Doing well. And so you're streaming
19 from where?

20 MR. DEL BALZO: Tuscan, Arizona.

21 MR. BROWN: Oh, so you're out there enjoying the
22 good life, huh?

23 MR. DEL BALZO: I don't know, I got up at 5:30.

24 MR. BROWN: That's a bit much. I just have one or
25 two very quick questions.

1 MR. DEL BALZO: Okay.

2 MR. BROWN: You addressed the issue that I raised
3 earlier about townhouses being proposed on this project, and
4 I understand that analysis, but you described the missing
5 middle, and a study, I assume prepared by Prince George's
6 County. What was the year of this study that indicated
7 there is a dearth of townhouses is it Prince George's County
8 as a whole, or in this particular southern part of the
9 County?

10 MR. DEL BALZO: It is in Prince George's County.
11 It is not necessarily, if I said a dearth of townhouses, in
12 particular, I misspoke. It's a dearth of the housing units
13 that kind of run between a multi-family and, single-family
14 detached. That study was done, and it was prepared by the
15 County, by consultants of the County, and published by the
16 County in 2019.

17 MR. BROWN: All right, I thought you misspoke
18 because there's not a dearth of townhouses in the County,
19 there's an overabundance of it. But if you could put that
20 particular study in the record so we have it, that would be
21 helpful. Other than that, I didn't have any other
22 questions.

23 MS. MCNEIL: Mr. Calhoun, do you have any
24 questions?

25 MR. CALHOUN: Yes, thank you. How you doing

1 today, sir?

2 MR. DEL BALZO: Good morning, how are you?

3 MR. CALHOUN: I'm alright. I was just looking for
4 clarification on certain things that you were speaking
5 about, but I see how you spoke about Pleasant Springs and
6 how they are in the RE zone. Since I'm sitting in the
7 middle of everything, could you further explain to me how
8 change it from an RE zone to a RS zone would directly impact
9 what's going on, on my property whether it be water lines,
10 whether it be any type of utilities, the things that I
11 drive, the things that I have built on my property. Because
12 whether my property will be specifically changed or my
13 zoning practice, or would this just be for the 289 acres
14 that you guys have?

15 MR. DEL BALZO: So no, your property would not be
16 rezoned through this. It would just be for the 289 acres.
17 And all of the development activity would be on that
18 property, not on yours. And can I ask you a question just
19 for clarification? I am not sure exactly which one you are?

20 MR. CALHOUN: Part A, just going to the center.

21 MR. DEL BALZO: Yeah, right in the middle?

22 MR. TEDESCO: Yes, if I could interject and just
23 proffer, so if you're looking at what's on the screen on the
24 south side of Floral Park Road, Mr. Calhoun's property is
25 that property on either side, east or west of the subject

1 property in the middle.

2 MR. DEL BALZO: Okay, I see it, thank you. No,
3 your property is not part of the rezoning application and
4 would not be rezoned. And it would be anything developed
5 near that property would be a single-family detached home.

6 MR. CALHOUN: Thank you, sir, appreciate that.

7 MR. DEL BALZO: Thank you.

8 MS. MCNEIL: Any other questions, Mr. Tedesco?

9 MR. TEDESCO: No redirect, Madam Examiner.

10 MS. MCNEIL: Thank you, Mr. Del Balzo.

11 MR. DEL BALZO: Thank you.

12 MR. TEDESCO: Yes, thank you Madam Examiner, Mr.
13 Calhoun, Mr. Brown, thank you for your time and attention in
14 this hearing. That concludes our witnesses. We would
15 submit on the testimony that's been provided today as well
16 as the voluminous record that's already been created and
17 supplemented here this morning.

18 MS. MCNEIL: I apologize, one second. Mr.
19 Calhoun, I'm so sorry, did you have any testimony you want
20 to give me about this request?

21 MR. CALHOUN: There is nothing else that I have to
22 add. I was able to hear and ask the questions that I needed
23 to hear. If anything else comes up, I will try to contact
24 these people or make my request. But right now, there's
25 nothing else, thank you.

1 MS. MCNEIL: Okay, and Mr. Calhoun, are you
2 opposed to the request? Or you just think you just wanted
3 information. It doesn't really matter, you have a personal
4 record and you will be given a copy of the decision, but I
5 normally put in the decision whether you are opposed.

6 MR. CALHOUN: I was opposed the request under the
7 understanding of its impacts and how what he just told me
8 kind of just backed me off a little bit, so I'm feeling a
9 little better about it. So this hearing did help clear up a
10 few things. But I still would like to have a few changes if
11 possible. But for the most part, I'm no longer opposed to
12 it at this point in time.

13 MS. MCNEIL: Okay, then what I'm going to do for
14 the decision Mr. Tedesco is just state that Mr. Calhoun was
15 opposed and that he may still have issues. Mr. Calhoun,
16 just so you know, when I close this record, that's it. You
17 can't tell me anything else. So, but you always have the
18 right to talk to Mr. Tedesco. So you don't have anything
19 else to tell me?

20 MR. CALHOUN: No, ma'am.

21 MR. BROWN: Okay, Mr. Calhoun, let me ask you.

22 MR. CALHOUN: Yes.

23 MR. BROWN: Do you have a copy of the technical
24 staff report and the Planning Board resolution in this case?

25 MR. CALHOUN: No.

1 MR. BROWN: I didn't think so. Mr. Tedesco, if
2 you could submit to Mr. Calhoun just so he has it for his
3 file, a copy of the technical staff report, the Planning
4 Board resolution and your justification statement?

5 MR. TEDESCO: Yes, I believe, and Mr. Calhoun can
6 confirm, so and I'm sorry to belabor this, but Mr. Calhoun,
7 after our community meeting on June 29th, I had sent a
8 follow-up email to you and to another resident, other
9 residents who attended that meeting. Did you get that email
10 from me on June 30th, because if so, I have your email
11 address. If not, I'll get it from the staff of the hearing
12 Examiner who sent you the link today.

13 MR. CALHOUN: Let me just doublecheck.

14 MS. MCNEIL: Well wait a second, we have it, we
15 can send him Exhibit 3 and Exhibit 14. I'm sure Ms.
16 Rawlings hears me, so we will send Mr. Calhoun Exhibit 3 and
17 Exhibit 14 to the same email that we gave him this link.
18 Since he's here today, I know that's a good email, correct?

19 MR. CALHOUN: Yes, thank you.

20 MS. RAWLINGS: Yes, I can do that.

21 MS. MCNEIL: Thank you, ma'am.

22 MR. TEDESCO: Sorry, and I would just state for
23 the record too, as Madam Examiner indicated, we are very
24 much happy to continue any dialogue and answer any further
25 questions Mr. Calhoun has, and so I will also for the

1 follow-up, Madam Examiner, with your staff to make sure I
2 have the most current email address for Mr. Calhoun. And
3 Mr. Calhoun I will email you separately just to make sure
4 you continue to have our contact information so that we can
5 continue to dialogue both myself and you, and any
6 consultants that you heard from today. And again, I want to
7 publicly thank you for your participation and joining us on
8 this hearing today. I think that was very helpful for all of
9 us as well as for you, and we're happy to continue that
10 dialogue. Madam Examiner, as I was stating before, we are
11 prepared to submit on the record as provided in testimony as
12 well as in evidentiary record that's been prepared and
13 supplemented here this morning. As the evidence we believe
14 substantial evidence in the record shows that this
15 application is in conformance with the plan in 2035, the
16 County's general plan, the 2013 sub-region 5 master plan,
17 the green infrastructure plan and it reflects the intent of
18 the woodland and wildlife habitat conservation ordinance,
19 and it's consistent with the housing strategy that was
20 published in 2019. For all those reasons, and all the
21 reasons you heard this morning, and as provided in our
22 written testimony incorporated herein, we would respectfully
23 request your recommended approval of A-10060.

24 MS. MCNEIL: Okay, thank you. We are going to
25 leave the record open for the following items I believe. An

1 overlay of the water and sewer categories over the pods that
2 you presented in evidence already. You understand that when
3 Stan was asking you about what the water and sewer
4 categories are?

5 MR. TEDESCO: (No answer heard).

6 MS. MCNEIL: Okay, we got it, okay. And then we
7 also wanted to see, I mean that could be later, but if you
8 could do it sooner, if you could do a revised basic plan
9 plugging B back in but explaining what's going to happen on
10 B so that we have all of the pods listed. And then finally,
11 you were going to get us Mr. Lenhart's transportation memo.

12 MR. TEDESCO: Yes, that's consistent with what I
13 have and then Mr. Brown had asked for the housing strategy
14 --

15 MS. MCNEIL: Now that, you might just want to just
16 give him the link, if you can find it because I can take
17 official notice of it and I'm pretty sure its hundreds of
18 pages. I've seen it, but the link would be enough for us to
19 be able to access it easily.

20 MR. TEDESCO: Yeah, I was going to ask if you
21 could take notice of it, but we're happy to include the link
22 to it, absolutely.

23 MS. MCNEIL: Okay, thank you. Anything else, Mr.
24 Brown?

25 MR. BROWN: I think that will do it.

1 MS. MCNEIL: Okay, Mr. Calhoun, thank you for
2 being here today and like I said, you should receive those
3 two items that Mr. Brown talked about. You might have it
4 now, but very soon okay, and you'll get a copy of the
5 decision as well.

6 MR. CALHOUN: All right, thank you very much.

7 MS. MCNEIL: Thank you all.

8 MR. TEDESCO: Thank you, have a good day everyone.

9 MS. MCNEIL: You too.

10 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

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 Office of the Zoning Hearing Examiner in the matter of:

D.R. HORTON, INC., SADDLE RIDGE

Case No. A-10060

By:



Pat Purnell, Transcriber

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