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

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: IN THE MATTER OF: : Case No. SE-23003
: :
: LEWIS LASKIN, WILLIAM LANSING, :
: MERIDIAN HILL PARTNERS, LLC, :
: AND NVR, INC., :
: :
: Applicants. :
: :
: :
: :
-----x

A hearing in the above-entitled matter was held at
9:30 a.m. on March 18, 2026, at the Prince George's County
Office of Zoning, County Administration Building, Room 2174,
Upper Marlboro, Maryland 20772, via Webex before:

Maurene McNeil
Hearing Examiner

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A P P E A R A N C E S

On Behalf of the Applicants:

Tom Haller, Esq.

On Behalf of People's Zoning:

Stan Brown, Esq.

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1 P R O C E E D I N G S

2 HEARING EXAMINER: Okay. Good the
3 zoning hearing examiner today, and it is March
4 18th, 2026. We're here on a request to develop
5 approximately 43.73 acres of land in the A-R
6 Zone, formerly known as the R-A Zone, as a
7 planned retirement community, and we will be
8 evaluating this in accordance with the terms of
9 the prior zoning ordinance as allowed in the
10 current zoning ordinance.

11 I am going to let Mr. Haller fill
12 in a little bit more about the application,
13 because I believe the applicants have changed,
14 and I just want to make that clear on the record,
15 and then -- but before we do that, will counsel
16 identify themselves for the record?

17 MR. HALLER: Good morning, Madam
18 Examiner. For the record, my name is Thomas
19 Haller. I'm an attorney with offices here in
20 Largo with the law firm of Gibbs and Haller.

21 MR. BROWN: Good morning. Zoning
22 Counsel. One second.

23 HEARING EXAMINER: Okay. Mr.
24 Haller, if you could just describe again who the
25 applicants are for this matter and the address of

1 the property? Thanks.

2 MR. HALLER: Now you're
3 challenging me. So good morning again, Madam
4 Examiner, and just by way of opening comments,
5 this special exception 23003 is an application
6 for development of a planned retirement community
7 on 43.7 acres of land, which is located off of --
8 in the Woodyard Road corridor in Upper Marlboro.
9 A total of 126 attached villa homes are proposed.

10 It's, as noted in the record, a
11 preliminary plan of subdivision, which is
12 referenced as 4-24028, was approved by the
13 Planning Board on April 24th, 2025, to establish
14 the lotting pattern, which is now reflected on
15 the special exception site plan. I would like to
16 note as a preliminary matter, and as you noted,
17 that the time the application was filed, the
18 contract purchaser and prospective home builder
19 was NVR. They had a contract to purchase and
20 then to develop the property from the existing
21 property owners, which are Meridian Hill Partners
22 LLC.

23 However, NVR terminated the
24 contract and are no longer going to be the
25 builders in the subdivision. The -- as Mr.

1 Lansing with Meridian Hill Partners will testify,
2 the ownership group is continuing to move forward
3 with the application and is in the final stages
4 of negotiating a purchase and sale agreement with
5 Lennar Homes. And Mr. Ryan Dinko is here to
6 testify on behalf of Lennar Homes.

7 So I have submitted into the
8 record as Exhibit -- let me find it here -- 53,
9 revised application showing Meridian Hill
10 Partners, LLC, as the owner and the applicant.
11 And then once the final contract is signed with
12 Lennar, the record will be updated to include the
13 necessary ethics affidavits to reflect their
14 interest as a contract purchaser.

15 And let me -- you asked me to give
16 you the address of the property. And give me one
17 second, and I will see if I can do that. It's
18 showing up as 6505 Johensu Drive, J-O-H-E-N-S-U,
19 Drive in Upper Marlboro.

20 HEARING EXAMINER: Thank you. And
21 before you go further, is there anyone here in
22 opposition to the request? If so, I need you to
23 come on camera.

24 MS. PINCKNEY-JACKIEWICZ: Hello.
25 I am in opposition to the request, and I am going

1 to come on camera. Hello. My name is Tameka
2 Pinckney-Jackiewicz, and I am a resident of
3 Melwood Springs neighborhood. I appreciate the
4 opportunity to speak to that. I want to be clear
5 that my opposition is not rooted in a lack of
6 compassion for seniors. It is quite the
7 opposite. My concern is that Prince George's
8 County is currently struggling to adequately
9 support the residents it already has,
10 particularly our --

11 HEARING EXAMINER: Okay. I'm so
12 sorry, Ms. Pinckney-Jackiewicz. I just needed to
13 see you to let you know that whenever anyone
14 testifies, if you want to ask questions of them,
15 let us know in the chat. Because you have a
16 right to ask questions of any of the witnesses.
17 You'll have an opportunity to also be sworn in as
18 a witness and explain your concerns. If you
19 can't be here with us all day and all you want to
20 do is explain your concerns, we can go out of
21 order, if that's what you prefer.

22 MS. PINCKNEY-JACKIEWICZ: Okay.
23 Can we, please. It just -- it's very quick.

24 HEARING EXAMINER: Okay. Hold one
25 second. You have no objection; do you, Mr.

1 Haller?

2 MR. HALLER: I have no objection,
3 Madam Examiner.

4 HEARING EXAMINER: Mr. Brown?

5 MR. BROWN: No objection.

6 HEARING EXAMINER: Okay.

7 MS. PINCKNEY-JACKIEWICZ: Thank
8 you.

9 HEARING EXAMINER: Sorry. Raise
10 your right hand. Whereupon,

11 TAMEKA PINCKNEY-JACKIEWICZ,
12 a member of the public opposed to the
13 application, was duly sworn, and was examined and
14 testified as follows:

15 HEARING EXAMINER: Okay. State
16 your name again and address, and then tell us
17 what you want to about this request.

18 MS. PINCKNEY-JACKIEWICZ: Okay.
19 My name is Tameka Pinckney-Jackiewicz. My
20 address is 10303 Bunch Berry Lane, Upper
21 Marlboro, Maryland 20772. And I appreciate you
22 all allowing me to speak today. But my concern
23 is that PG County is currently struggling to
24 adequately support residents that already has,
25 particularly our elderly population, so before

1 introducing a new retirement community, I feel
2 like we must address the very real and ongoing
3 gaps in services and infrastructure that are
4 already impacting vulnerable residents.

5 For example -- for example, the
6 massive snowstorm that we recently had, my
7 neighborhood and many others went nearly a full
8 week without proper snow removal. This wasn't
9 just an inconvenience. Elderly residents were
10 effectively trapped in their homes, unable to
11 access medication, attend medical appointments,
12 or receive essential care, and I know this
13 because my mom lives with me and my husband. And
14 she is a elderly resident, and we had these
15 issues because we could not even leave our
16 residence.

17 However, I do know we have
18 programs like the Silver Shovel Initiative, which
19 was intended to support our seniors, but it was
20 limited in scope. And left many residents
21 without assistance due to cutoffs and capacity
22 issues. This raises a serious question. If
23 existing programs cannot meet current demand, how
24 will the County responsibly support an increased
25 senior population?

1 Approving a new retirement
2 community without first strengthening the
3 infrastructure, emergency response, and senior
4 support services creates a situation where we are
5 setting future residents up for the same, if not
6 worse, conditions. I don't believe that this was
7 responsible planning. This is an expansion
8 without sustainability, and I also want to
9 acknowledge that this project is being led by a
10 church, which I respect as in -- in -- in --
11 it -- I respect it rooted in service.

12 However, good intentions do not
13 replace the need for proper planning,
14 infrastructure readiness, and long-term -- long-
15 term support systems. So I just want to urge the
16 County to pause this development, and conduct an
17 assessment of how to handle emergency response
18 capabilities, especially -- especially since
19 we're talking about a retirement community where
20 elderly people are going to be there.

21 And they're -- they're -- they're
22 going to need county services at some point, so
23 that -- that is my only concern is for the
24 elderly people and for the elderly citizens that
25 are going to be purchasing homes in this

1 community. Thank you so much for allowing me to
2 speak.

3 HEARING EXAMINER: Sure. Thank
4 you.

5 Does anyone have any questions?

6 Mr. Haller?

7 MR. HALLER: No, ma'am. I do not
8 have any questions.

9 HEARING EXAMINER: Okay. Mr.
10 Brown?

11 MR. BROWN: Yes. Good morning,
12 Ms. Pinckney-Jackiewicz. Tell us -- I'm not sure
13 I heard it -- how close you live to the subject
14 property?

15 MS. PINCKNEY-JACKIEWICZ: I am in
16 Melwood Springs, and so I'm going to be -- it's
17 going to be right next to my community, which is
18 why I'm thoroughly concerned for the elderly
19 citizens. When I found out it was a retirement
20 community and seeing the response, especially
21 from that massive snowstorm we had -- and a lot
22 of elderly citizens could not leave their homes
23 to get medication. They could not leave, yes.

24 MR. BROWN: I hear you. I don't
25 disagree with anything that you said, but you

1 should understand a lot of the issues you raised
2 today are policy issues that are directly to be
3 related to the County Council as opposed to a
4 specific case, a land use planning zoning case.

5 MS. PINCKNEY-JACKIEWICZ: Okay.
6 Okay.

7 MR. BROWN: And so what I would
8 suggest that you do -- and you probably already
9 have done it -- contact the councilmember that
10 represents the district where your property is
11 located concerning all of the issues that you
12 just raised, which are legitimate issues, and
13 they are problems. There's no doubt about it,
14 but it does not go to the issue of this
15 particular project, unfortunately. But please,
16 stay involved in this case, and you'll continue
17 to get notices as this case proceeds. All right?

18 MS. PINCKNEY-JACKIEWICZ: Thank
19 you.

20 MS. PINCKNEY: My name is Diane
21 Pinckney. Can anyone hear me?

22 HEARING EXAMINER: Is that Mom?

23 MS. PINCKNEY: Yes, this is Mom.

24 MS. PINCKNEY-JACKIEWICZ: Yes,
25 this is my mother.

1 HEARING EXAMINER: Okay. So --

2 MS. PINCKNEY: I'm having a hard
3 time.

4 MS. PINCKNEY-JACKIEWICZ: At
5 another location.

6 HEARING EXAMINER: Oh, can your
7 mom come to camera?

8 MS. PINCKNEY-JACKIEWICZ: You have
9 to come on camera.

10 MS. PINCKNEY: I am having a hard
11 time. Oh, let me see. Let me see if I can.

12 MS. PINCKNEY-JACKIEWICZ: There
13 you are. You are on camera.

14 MS. PINCKNEY: I'm there. Okay.

15 Great. I --

16 Whereupon,

17 DIANE PINCKNEY,

18 a member of the public opposed to
19 the application, was duly sworn, and was examined
20 and testified as follows:

21 HEARING EXAMINER: Okay. So state
22 your name one more time and your address.

23 MS. PINCKNEY: My name is Diane
24 Pinckney. My address is 10303 Bunch Berry Lane,
25 Upper Marlboro, Maryland 20772.

1 HEARING EXAMINER: Okay. So tell
2 us what you want us to know about this request.

3 MS. PINCKNEY: I think it's
4 ridiculous. I really think that you're doing too
5 much building around here. It is too many
6 negative things are now happening around here. I
7 maybe need to talk to who Stan suggest that my
8 daughter talked to, but because of them building
9 that gasoline station, and now they're going to
10 build all of these villas for fifty-five plus, it
11 is crazy. It is ridiculous.

12 I do not want all of that around
13 my area where I live. I am happy where I live.
14 How about the animals? How about the habitat?
15 This is ridiculous. Where are they going? Where
16 are the -- the wildlife going? You're not even
17 thinking about that. Every tree that's being
18 knocked down, you're trying to put a house there,
19 and I think it's just massively ridiculous. And
20 how are we getting -- you know, are you thinking
21 about widening the streets?

22 I mean, this -- this is crazy. I
23 don't think anyone that wherever you live would
24 like to have a bunch of homes and a bunch of --
25 of -- of ridiculous gasoline stations and all

1 this ridiculous stuff around their area. I've
2 been here thirty-plus years, and it has been
3 wonderful until you all decided to do all of this
4 building.

5 And I'm -- I'm against it. I am
6 so against it. Last Sunday, we did not even have
7 electricity because what the teenagers are doing,
8 what young people are doing, is going to the
9 gasoline station and at night they're speeding up
10 and down Woodyard Road. They knocked on one of
11 the -- the poles down for our electricity and we
12 had no electricity for hours. So would you want
13 that in your community?

14 HEARING EXAMINER: Does anyone
15 have any cross-examination?

16 MR. HALLER: No.

17 MR. BROWN: Thank you very much
18 for your comments, and as I indicated to your
19 daughter, if you guys stay in contact with the
20 councilmembers, that's where you definitely
21 should relay these types of issues. But it will
22 be in this record as well. Thank you.

23 MS. PINCKNEY: Stan, let me ask
24 you something. Would you want that in your
25 neighborhood? Could you answer that for me?

1 MR. BROWN: No, the issues that
2 you were raising, no -- no one would want that in
3 their neighborhood. I agree with you.

4 MS. PINCKNEY: Thank you.

5 MR. BROWN: You're welcome.

6 HEARING EXAMINER: I mean, just to
7 clarify the record, you don't want -- well,
8 you're on -- you're not under oath either, but
9 were you talking about the speeding and knocking
10 down --

11 MR. BROWN: Yeah, yeah, I was
12 talking about --

13 HEARING EXAMINER: Well, you need
14 to clarify.

15 MR. BROWN: Yeah, I'm talking
16 about the teenagers and riding up and down the
17 road, correct.

18 HEARING EXAMINER: Okay.

19 MS. PINCKNEY-JACKIEWICZ: Well,
20 the issue is that only occurred due to the gas
21 station that was recently built, and now they're
22 meeting up on -- and -- and they're basically --
23 essentially it's criminal. They're speeding up
24 and down the roads, and it obviously led to not
25 just some -- someone getting seriously injured,

1 but they hit a power pole. And we didn't have
2 power from, I don't know, 3 a.m. until like 2:30
3 the next -- the next -- the next -- the -- the --
4 the same day, 2:30 p.m., so that's what my mother
5 is referring to.

6 But my main issue is not just all
7 the building, but also the lack of planning for
8 the infrastructure that's being built. It's --
9 it's lack of planning, in my personal opinion,
10 and if you're going to keep building and building
11 a lot of infrastructure, then you need to have
12 proper planning.

13 And you also need to have planning
14 as far as crime and -- and also your residents.
15 Like, we're not receiving the services that we
16 should be receiving, and we're not receiving that
17 now. So placing an elderly or retirement
18 community in our -- in our area, in our zone, so
19 to speak, is -- in my personal opinion, it's like
20 what my mom said, it's ridiculous, and it's
21 absolutely absurd.

22 It's just lack of planning and --
23 and it's being built by a church. And I'm
24 thinking to myself, and I would think any church
25 would want their residents to -- especially their

1 elderly population, to be in a community that is
2 with proper planning, safe, and -- and an area
3 where they can receive help if they have medical
4 issues or they have medical services that need to
5 be rendered. And so I just am like, is it --
6 does this church not -- not know what -- what
7 they're doing?

8 And -- and if they are listening,
9 you might want to rethink this for your elderly
10 population, and if they're elderly members are
11 listening, you might want to rethink buying a
12 house in this -- in that -- in that -- in this
13 area until they can properly plan and properly
14 take care of the residences that are currently
15 paying taxes, massive amount of taxes for the
16 State of Maryland and PG County, and especially
17 in our area.

18 It is -- it is ridiculous. Like
19 my mom said, it is ridiculous, so I really wanted
20 to come on and just post my concerns and tell my
21 concerns. And I appreciate the opportunity for
22 you all to allow me to do that, so thank you.

23 HEARING EXAMINER: Of course. And
24 I just have one question, but Mr. Haller will
25 explain it better to me as well. But if I were

1 on Osborne Road going toward Woodyard, are you --

2 MS. PINCKNEY-JACKIEWICZ: Excuse
3 me, I have a question. Are you a church member?
4 Because I see it says, Maurene McNeil, ZHE. Are
5 you one of them?

6 HEARING EXAMINER: No, that's --
7 I'm a zoning hearing examiner. I'm holding this
8 zoning hearing.

9 MS. PINCKNEY-JACKIEWICZ: Okay.
10 That's an acronym.

11 HEARING EXAMINER: I am a church
12 member, but not of this church. Okay. All
13 right. Back to this. If you're on Osborne Road
14 near that Royal Farm, you make a left on
15 Woodyard, how close is your development? Where
16 are you along -- are you along Woodyard? Where
17 is Melwood --

18 MS. PINCKNEY-JACKIEWICZ: Yes,
19 ma'am. Yes, ma'am. We are right next to it. If
20 you -- I'm trying to think. It's not -- how can
21 I describe how to -- I'm right off of -- Mom,
22 what's the name of that street? I'm having a -

23 MS. PINCKNEY: Woodyard Road.

24 MS. PINCKNEY-JACKIEWICZ: Yeah.

25 No, not Woodyard, but the street to turn off of

1 Woodyard. I can't think of it right now.

2 MR. JOHNSON: Perrywood.

3 HEARING EXAMINER: Okay. But

4 Tom --

5 MS. PINCKNEY-JACKIEWICZ:

6 Perrywood. Thanks. Thank you, Robert.

7 HEARING EXAMINER: Oh, that's

8 where Perrywood is.

9 MS. PINCKNEY-JACKIEWICZ: Thank

10 you, Robert.

11 HEARING EXAMINER: All right.

12 Thank you.

13 MR. JOHNSON: Appreciate you.

14 MR. HALLER: Yeah, we -- Madam

15 Examiner, we're about 4,000 feet, a little bit

16 less than a mile, south of where that gas station

17 is they are referring to.

18 HEARING EXAMINER: Okay. I had

19 you much further. I apologize. I thought you

20 all were --

21 MS. PINCKNEY-JACKIEWICZ: No,

22 they're right --

23 HEARING EXAMINER: I thought you

24 were near that little pond where people would

25 fish, and park and planning would stock.

1 MR. HALLER: We are near there.

2 MS. PINCKNEY-JACKIEWICZ: Yes, we
3 are.

4 HEARING EXAMINER: All right.
5 You'll tell me more. Okay. I just want to
6 picture this.

7 MS. PINCKNEY-JACKIEWICZ: Yes, we
8 are near -- we are near that -- that pond just
9 like the gentleman, Tom, stated, but that's why
10 we know -- and we know the history of that area.
11 So we have seen it go from absolutely amazing to
12 questionable infrastructure and a lack of
13 planning. And -- and it's just -- it's turning
14 into something, and I already know. It's not
15 headed in a positive direction.

16 And my issue is I want people to
17 be invested in PG County and in our communities
18 just like my family has been invested in our
19 communities. I feel like a lot of people are
20 making planning and adjustments, and they have no
21 investments in our community whatsoever. They do
22 not live in our -- they either don't live in our
23 community, like my mom was like, would you want
24 that in your neighborhood? No, you would not
25 want these certain things to be happening in your

1 neighborhood. And if you -- yes, ma'am?

2 HEARING EXAMINER: Okay. Ms.

3 Pinckney, I think I get the gist of your
4 concerns, and -

5 MS. PINCKNEY-JACKIEWICZ: Thank
6 you.

7 HEARING EXAMINER: You have the
8 right to keep listening if you all can stay. If
9 not, you will -- you are persons of record now.
10 You'll get a copy of whatever decision comes out,
11 and if you're not -- don't agree with it, you
12 have a right to appeal it.

13 MS. PINCKNEY-JACKIEWICZ: Thank
14 you.

15 HEARING EXAMINER: Okay. Thank
16 you both for coming here today.

17 MS. PINCKNEY: Thank you.

18 HEARING EXAMINER: Okay. All
19 right. Mr. Haller?

20 MR. HALLER: Thank you, Madam
21 Examiner. So just before I call my first
22 witness, I just want to provide for the examiner
23 the proposed order of the witnesses. I have five
24 witnesses this morning. I have Mr. Will Lansing,
25 who is a representative of Meridian Hill

1 Partners, Mr. Ryan Dinko with Lennar, Mr. Michael
2 Lenhart with Lenhart Traffic Consulting, Mr.
3 Edward Steere with Polestar who prepared our
4 marketing analysis, and Mr. Ken Dunn with
5 Soltesz, so I'd like to begin by calling our
6 first witness, which is Mr. Will Lansing.
7 Whereupon,

8 WILL LANSING,
9 a witness called for examination by counsel for
10 the Applicant, was duly sworn, and was examined
11 and testified as follows:

12 HEARING EXAMINER: Thank you.

13 DIRECT EXAMINATION BY MR. HALLER:

14 Q. Mr. Lansing, could you,
15 please, state your full name and business address
16 for the record?

17 A. Yes, William Lansing,
18 business address 1101 Connecticut Avenue
19 Northwest, Suite 450, Washington, D.C. 20036.

20 Q. And what is your trade or
21 occupation?

22 A. I'm a real estate developer.

23 Q. And how long have you been
24 engaged in the field of real estate development?

25 A. Since around 2008, so

1 approximately eighteen years.

2 Q. Okay. And do you -- do you
3 have an ownership interest in the property, which
4 is the subject of today's special exception
5 hearing?

6 A. Yes, I do. I am the managing
7 member of Meridian Hill Partners, LLC, which is
8 the owner of the property.

9 Q. Okay. And is Meridian Hill
10 Partners, LLC, an entity in good standing in the
11 State of Maryland?

12 A. It is, yes.

13 Q. Madam Examiner, in the record
14 is Exhibit 46, which is also on page 75 of binder
15 number 2. It's a copy of the Certificate of Good
16 Standing. I don't know if you need to have it
17 pulled up, but that -- that document is in the
18 record. If you would like me to have it pulled
19 up and have Mr. Lansing authenticate it, I can.
20 It's up to you.

21 HEARING EXAMINER: Mr. Lansing is
22 under oath, and the document speaks for itself.
23 So you do not have to pull it up, but I would
24 note, and I should have said that earlier -- I
25 should have said that earlier, that we have

1 fifty-four pre-filed exhibits. And unless you or
2 Stan or someone else objects to any of these
3 exhibits, they're all part of this record.

4 MR. HALLER: Thank you very much.
5 Now, let me -- for administrative purposes, when
6 I want to refer to a record, would that be pulled
7 up by your staff?

8 HEARING EXAMINER: Yes.

9 MR. HALLER: Okay. So I can --
10 when I refer to a record, I can refer to it by
11 exhibit, and I also have the page number in each
12 binder to assist in locating it.

13 HEARING EXAMINER: Okay. For
14 my -- for staff, they probably love the page
15 number, but for me, I want to hear the exhibit
16 number, too. I have a lot of exhibits.

17 MR. HALLER: I have -- okay. All
18 right. Thank you.

19 BY MR. HALLER:

20 Q. So Mr. Lansing, can you just
21 explain briefly how you became involved with this
22 project?

23 A. Certainly, so Meridian Hill
24 Baptist Church, who is the -- the former
25 landowner here, who is -- whose CDC is -- is a

1 partner in this venture with us, is a church that
2 our group has done business with through the
3 years on various projects, and for this
4 particular piece of land for as long as they've
5 owned it and been involved in it, it has always
6 been their mission for the property to provide
7 impactful housing to the community, really
8 focused on the aging population.

9 And so as part of our involvement,
10 as we became involved in this with the church,
11 you know, we committed to advancing the planning,
12 the entitlement, and the development of the
13 housing on the property that would provide the
14 highest and best use for the local community, and
15 we've been advancing those efforts ever since,
16 together with Meridian Hill Baptist Church.

17 Q. Thank you. And so when Ms.
18 Pinckney-Jackiewicz referenced the church, that
19 the church she's referring to is Meridian Hill
20 Baptist Church?

21 A. It is. That's correct, yes.

22 Q. Okay. And as you indicated,
23 they were the former owners of the property, and
24 you and Meridian Hill Partners acquired the
25 property from them?

1 A. Correct, and they still
2 remain a partner in the project with us.

3 Q. And does that ownership
4 interest exceed five percent of the -- of the
5 project?

6 A. It does not, no.

7 Q. Okay. So please, briefly
8 describe the development proposal and the target
9 market for the proposed community.

10 A. Certainly. The -- so the
11 proposal is for the development of 126 attached
12 town villas, which are designed for
13 age-restricted residents fifty-five years and
14 older. Additionally, there is a clubhouse that
15 provides amenities to the residents of the
16 community.

17 Q. Okay. Could you address how
18 access is proposed to be provided to this
19 retirement community?

20 A. Certainly. So for those that
21 know the property well, the property has frontage
22 on, really, two rights of way, one through
23 Johensu Drive and another through Arethusa. Now,
24 anybody who's -- who's traveled down Johensu can
25 see that it's -- it's really barely a road. It's

1 certainly not a road that's built to public
2 standard.

3 So one of the first steps of our
4 team was to determine the best and most feasible
5 ways to access the property. We had our civil
6 engineer, Soltesz, who I think is talking here
7 later in the hearing -- their team fully
8 evaluated how to access the community by looking
9 at access down both Johensu Drive and by way of
10 connection to Arethusa Drive through the
11 neighboring subdivision.

12 The analysis on Johensu Drive is
13 that it would be almost impossible given a series
14 of constraints, namely, you know, the current
15 width of the road would require complete
16 reconstruction to achieve Department of
17 Transportation standards, which was not
18 achievable given that the available right of way
19 and the easements that we would have to secure.
20 We just -- we did not see a way to get those.

21 Additionally, the topography of
22 the current travel path of Johensu would make it
23 extremely cost prohibitive to fill, grade, and
24 level it as needed for the proper roadway, so you
25 know, through this analysis, the team determined

1 that Arethusa was the only feasible option from
2 an engineering perspective to provide access to
3 the development.

4 Q. Okay. And Arethusa is a
5 road -- a roadway that exists in the abutting
6 Melwood Springs community; is that correct?

7 A. That's correct, yes.

8 Q. So as a result of your
9 conclusion based on these studies that the only
10 feasible means of access was through Arethusa,
11 did you reach out to the adjacent community to
12 discuss this?

13 A. We did. We always make it a
14 habit to. We want to be very early on with --
15 with the surrounding neighbors that may be
16 impacted by our developments, and so we started
17 very early on engaging with Melwood Springs. We
18 engaged G.S. Proctor and Associates to conduct
19 community outreach for the team, and we had a
20 series -- we had multiple meetings with -- with
21 the neighbors to discuss this access going
22 through the community.

23 Q. Okay. And did those meetings
24 that you had with the community ultimately result
25 in the execution of a development cooperation

1 agreement?

2 A. Yes, it did.

3 MR. HALLER: Okay. I'd like to
4 refer to Exhibit 51, which is on page 83 of
5 binder 2. If -- I want -- can that be pulled up?

6 UNIDENTIFIED SPEAKER: Sorry. You
7 said Exhibit 51? What page?

8 MR. HALLER: Just -- you can just
9 put it on the first page for now.

10 UNIDENTIFIED SPEAKER: Okay. Do
11 you see the exhibit?

12 MR. HALLER: It hasn't popped up
13 yet. There it is.

14 UNIDENTIFIED SPEAKER: Okay.

15 BY MR. HALLER:

16 Q. Okay. Mr. Lansing, on the
17 screen is a document that's entitled, Development
18 Cooperation Agreement, and it reflects being
19 recorded in the land records at book 50763, page
20 338. Is that development cooperation agreement
21 that you executed with the Melwood Community
22 Association?

23 A. It is, yes.

24 Q. Okay. And I'd like to ask
25 you a couple questions about what's included in

1 that agreement. First, is it possible for you to
2 extend Arethusa Lane from its current terminus to
3 the -- to access the property which is being
4 developed in accordance with this special
5 exception application without obtaining grading
6 easements from the abutting property owners?

7 A. No. Although Arethusa is
8 dedicated to our property, we cannot build it and
9 stay within the dedicated area. We will need
10 grading easements over the land on either side of
11 Arethusa Lane to construct it.

12 Q. Okay. And who owns the
13 abutting -- the land that abuts the dedicated
14 right of way for Arethusa Lane?

15 A. That's -- it's the Melwood
16 Community Association HOA.

17 Q. Okay. And does the
18 development cooperation agreement include an
19 agreement for the community association to
20 execute the grading easements that are necessary
21 to build the road?

22 A. Yes, it does.

23 Q. During your discussions with
24 the community association, did they ask you to
25 evaluate and provide a conceptual grading plan to

1 show the extent of the easement that would be
2 needed to build the road?

3 A. Yes, they did.

4 Q. And did you have Soltesz
5 prepare a conceptual grading exhibit?

6 A. Yes, we did.

7 Q. And is that exhibit attached
8 to the development cooperation agreement?

9 A. Yes, it is.

10 Q. I'd like to refer to -- if
11 you could pull to -- I guess it's the last page
12 of the development cooperation agreement, page
13 15, maybe it's page 14, so it would be the next
14 page, page 15. Okay. Is this -- the document
15 that's up there, is that -- is that the proposed
16 grading -- conceptual grading plan for the
17 construction of the road?

18 A. Yes.

19 Q. Okay. In your conversations
20 with the community association, did they also
21 express concern about accommodating the traffic
22 that would be generated by this community and
23 coming through their development?

24 A. Yes, they were. You know,
25 the concerns were really centered around traffic

1 leaving their community at the intersection of
2 Perrywood and -- and Woodyard.

3 Q. And as a result of those
4 concerns, did you ask Lenhart Traffic Consulting
5 to analyze the intersection to see if there was
6 an improvement that could assist in addressing
7 those concerns?

8 MR LANSING: We did, yes. We
9 engaged a Lenhart Traffic Consultant for that
10 purpose.

11 Q. Was he able to identify an
12 improvement to that intersection?

13 A. He did. His analysis
14 determined that we could help greatly reduce the
15 queuing line exiting the neighborhood if we
16 widened Perrywood Road to forty feet and then
17 were able to create a -- both a right and a left
18 turn lane leaving the neighborhood.

19 Q. Okay. If I could ask if you
20 could go to page 14 of that document? There it
21 is.

22 And the improvement that you just
23 referenced, is that depicted on Exhibit C that's
24 attached to the development cooperation
25 agreement?

1 A. It is. That's correct, yes.

2 Q. And is the -- is Meridian
3 Hill Partners agreeable to including that as a
4 condition of the approval of the special
5 exception?

6 A. Yes, we are.

7 Q. I'd like to ask if you could
8 pull up Exhibit 49. Mr. Lansing, you indicated
9 that you'd be willing to accept a condition that
10 would require the implementation of the road
11 improvement that you committed to make to the
12 community association. On the screen for a brief
13 second was Exhibit 49. When it comes back up,
14 I'll ask if you can identify that. There you go,
15 and could you, please, identify this exhibit?

16 A. Yes, this is the -- this is
17 the -- this is the part of the development
18 cooperation agreement that commits us to those
19 conditions.

20 Q. Okay. And are you asking the
21 Zoning Hearing Examiner to incorporate this
22 condition in any recommendation of approval that
23 would be made in this case?

24 A. Yes.

25 Q. Thank you. Does the

1 development of cooperation agreement include any
2 other provisions that are intended to benefit the
3 Melwood Springs community?

4 A. It does. The -- in
5 discussions with the community, it was also noted
6 and determined that they do not have a community
7 building or other meeting space, and so this
8 development cooperation agreement also provides
9 the community access to our community building,
10 which is being constructed for up to six times a
11 year to conduct community meetings or other
12 community events.

13 Q. And the agreement obligates
14 you to include that commitment in the community
15 association documents; is that correct?

16 A. It does, yes. Correct.

17 Q. Are you familiar with the
18 criteria for approval of a planned retirement
19 community that's set forth in the Prince George's
20 County Code?

21 A. Yes, generally familiar with
22 the requirements.

23 Q. Okay. Well, let me
24 specifically ask you about Section 27-395(a)(5),
25 which requires that age restrictions in

1 conformance with the Federal Fair Housing Act be
2 set forth in covenants submitted with the
3 application and approved by the district council.

4 If I could ask if you pull up
5 Exhibit 12.

6 Are you familiar with the
7 requirement to record covenants with restricting
8 the age of the residents?

9 A. Yes, yes.

10 Q. Okay. And I'm asking her to
11 pull up Exhibit 12.

12 And ask if you can identify this
13 document?

14 A. Yes, the Declaration of
15 Covenants, Conditions, and Restrictions. Yes.

16 Q. Okay. That document was
17 executed and submitted with the application?

18 A. Yes.

19 Q. All right. Thank you. And
20 also, are you familiar with section 27-395(a)(6),
21 which requires that covenants be recorded
22 guaranteeing the perpetual maintenance, and the
23 community's right to use the recreational
24 facilities?

25 A. Yes, the covenants which

1 address the minimum age requirements also require
2 the maintenance of recreational facilities. We
3 will also create a homeowners' association, which
4 will include the maintenance of all recreational
5 facilities. This is also a condition of the
6 preliminary plan of subdivision project.

7 Q. Okay. And those -- as I
8 recall, those covenants are -- the HOA is
9 required to be established prior to the
10 recreation of the final plat; is that correct?

11 A. Yes.

12 Q. So let me discuss the--the
13 applicant issue that we addressed previously. At
14 the time this application was filed, the property
15 was under contract with NVR Ryan Homes; is that
16 correct?

17 A. That's correct, yes.

18 Q. And they were listed as the
19 applicant, as well; is that correct?

20 A. That's correct.

21 Q. Are they still the contract
22 purchaser?

23 A. No, they're not.

24 Q. Approximately, when did they
25 terminate the contract?

1 A. They terminated on or about
2 December 30th, 2025.

3 Q. Okay. And since that time,
4 have you been in discussions with another
5 prospective contract purchaser?

6 A. Yes, after -- after NVR
7 terminated, we began discussions with Lennar.
8 We've been advancing discussions for them to be
9 the builder of the community, and we anticipate a
10 signed contract with them within the next couple
11 of weeks.

12 Q. Okay. And is there a
13 representative of Lennar here today to address
14 their interest in the property and the units that
15 they wish to build?

16 A. Yes, Ryan Dinko is here and
17 will testify on behalf of Lennar.

18 Q. Okay. And have you had an
19 opportunity to review the conditions that were
20 recommended by the staff of the Maryland National
21 Capital Park and Planning Commission in the staff
22 report which is in the record in this case? Its
23 reference is Exhibit 28.

24 A. Yes, I have.

25 Q. And are there any conditions

1 which you have any objection to?

2 A. No, we are willing to abide
3 by all the conditions. However, I would note
4 that condition 4 recommends modifications to the
5 architecture submitted by NVR. In fact, I think
6 that was one of the primary reasons that NVR
7 dropped the contract with us is they did not
8 agree with some of those conditions and were not
9 willing to make all the required changes.

10 Lennar's architecture is different
11 than NVR's, and we believe that it addresses all
12 the staff's concerns. We provided these
13 conditions to Lennar to ensure that their
14 architecture addressed these design issues, and
15 Mr. Dinko can address the proposed architecture
16 further.

17 MR. HALLER: Okay. Thank you. I
18 have no further questions of Mr. Lansing at this
19 time.

20 HEARING EXAMINER: Mr. Brown?

21 MR. BROWN: Yes.

22 CROSS-EXAMINATION BY MR. BROWN:

23 Q Good morning, Mr. Lansing.

24 A. Mr. Brown, good morning.

25 Q. Just a couple of questions

1 here. You testified about the applicant's
2 proposed transportation condition as it relates
3 to Woodyard Road and Perrywood Road in the --
4 that the Melwood community HOA?

5 A. Yes, sir.

6 Q. The proposed traffic
7 improvements at that intersection, have they been
8 reviewed by DPW? And I'm assuming Woodyard Road
9 is a county road; is it not?

10 A. Yes, I'd imagine it is.

11 Yeah, and I - yes --

12 MR. JOHNSON: It's a state road.

13 MR. BROWN: State road? All
14 right. So --

15 MR. JOHNSON: Woodyard, yes.

16 MR. BROWN: All right. So has the
17 State Highway Administration reviewed the
18 proposal to improve that intersection?

19 MR. HALLER: Mr. Brown? I don't
20 mean to interrupt, but Mr. Lenhart is here to
21 address the construction of that improvement. I
22 mean, I don't know that Mr. Lansing knows --

23 MR. BROWN: All right.

24 MR. HALLER: -- the answers to all
25 your questions, but he's happy to, if you're

1 happy to keep asking him.

2 MR. BROWN: Yeah. No, we'll have
3 Mr. Lenhart deal with that. In addition though,
4 that particular intersection, of course, is off
5 site, and it's not something that the examiner or
6 the council can require the applicant to do.

7 BY MR. BROWN:

8 Q. So you are requesting or
9 proffering that the condition that you're
10 proposing, the applicant's proposed
11 transportation condition, be added as a condition
12 to this case if it were approved; is that not
13 correct?

14 A. Yes, sir. I believe that's
15 correct.

16 Q. All right. And then with
17 regards to condition number 4, which you did not
18 have an objection to as the applicant, but you
19 indicated in NVR had an objection to it and
20 that's why they terminated the contract, and
21 Lennar, who will testify later as I understand,
22 your testimony, has architectural plans that will
23 be consistent with condition number 4; is that
24 correct?

25 A. Yes, sir. I believe that's

1 correct.

2 Q. And do we have in this
3 record, as of today, Lennar's proposed
4 architectural renderings?

5 A. We -- I believe we do, and
6 I'd have to defer to Tom. But I believe those
7 made it into the record. Is that right, Tom?

8 MR. HALLER: Yes, they were
9 submitted.

10 THE WITNESS: Okay. Yes.

11 MR. BROWN: Oh, I'm sorry. I
12 didn't see it. Which exhibit number is that?

13 MR. HALLER: That would be
14 Exhibits 42, 43, and 44, and then in addition,
15 there were some black and white renderings that
16 were submitted that are Exhibit 54.

17 BY MR. BROWN:

18 Q. All right. And also, I heard
19 you testify -- and again, I'm not sure I
20 understood it, but you mentioned two different
21 homeowners' associations. One homeowners'
22 association related to the Woodyard Road and
23 Perrywood Drive Road. What is the name of that
24 HOA?

25 A. Melwood Springs.

1 Q. That is Melwood Springs, and
2 that is the entity that you have the development
3 cooperation agreement?

4 A. Yes, sir. That's correct.

5 Q. All right. And then there's
6 another property owner or property owners on the
7 north side of your property in sort of the little
8 cul-de-sac, if you will. Is that a separate HOA
9 or are those just individual lots on Johensu
10 Drive?

11 A. I'm sorry. I'm -- I'm -- I
12 don't know. Maybe Tom can help me out, too. I'm
13 not sure. Yeah, there -- there's -- there's only
14 one HOA that we're -- we're dealing with and
15 referring to here in this case. You mentioned
16 another agreement with --

17 Q. Yeah, and that's why I was
18 confused too. I thought I heard you say that you
19 met with, prior to filing this application or
20 doing the processing of this application, an
21 entity that I did not recognize that was not
22 Melwood Springs.

23 A. Oh, sorry. It might have
24 been -- we engaged -- we engaged G.S. Proctor and
25 Associates perhaps?

1 Q. Not G.S. Proctor and
2 Associates. I'm familiar with them.

3 A. Okay.

4 Q. I thought you had mentioned
5 another entity, so there's no other HOA that
6 you've dealt with in processing this application?

7 A. No, sir. No, sir, just
8 Melwood Springs.

9 MR. HALLER: Mr. Brown?

10 MR. BROWN: Yes.

11 MR. HALLER: Not to confuse
12 anything, but there is a little confusion.
13 Because the Melwood Springs Homeowners'
14 Association did change their name to Melwood
15 Community Association. It's the same entity, but
16 it was originally created as Melwood Springs
17 Homeowners' Association. But it's now referred
18 to as Melwood Community Association, so depending
19 on which term you use, it can sound like you're
20 dealing with two different groups.

21 MR. BROWN: Yeah, that's what
22 confused me.

23 MR. HALLER: Mr. Johnson, who's
24 the president of the association, is on today as
25 well.

1 MR. BROWN: All right. Sounds
2 good. Sounds good. And Mr. Lenhart going to
3 deal with the improvements. And what was the
4 other issue I had? Oh, yes. You did testify
5 that the Meridian Hill Church, I don't know the
6 formal name, is less than a five-percent owner of
7 the LLC. Are there any other members of the LLC
8 that own more than five percent?

9 THE WITNESS: No, sir. No, sir.

10 MR. BROWN: All right. No further
11 questions. Thank you.

12 MR. LANSING: Thank you.

13 HEARING EXAMINER: Again, I'm
14 still trying to picture this property, so is
15 Meridian Hill an actual church in that area?

16 THE WITNESS: It is. It is not an
17 active -- sorry, not in that active -- not in
18 that area, no, ma'am. They -- they have an
19 active church in Capitol Heights area.

20 HEARING EXAMINER: Okay. So
21 how -- I'm on Melwood Road, where is Johensu?
22 Behind the -- the little creek I was talking
23 about? No.

24 MR. HALLER: Let me ask if -- if
25 I pull up --

1 MR. JOHNSON: It's right -- it's
2 right beside --

3 MR. HALLER: If you pull up
4 Exhibit 19.

5 HEARING EXAMINER: Thank you.

6 MR. HALLER: It is always helpful
7 to be fully oriented to the property, so let
8 me -- let's do that. Exhibit 19 is the
9 PowerPoint presentation that was prepared by Park
10 and Planning, and that includes an aerial
11 photograph and a vicinity map. And I think that
12 would be helpful.

13 HEARING EXAMINER: Yeah, every
14 time I looked at it, I couldn't find Woodyard.
15 That's the street I know, so that's throwing me
16 off. That's the power line you talked about.
17 Where would Woodyard be if on that map?

18 MR. HALLER: So Woodyard would be
19 on the left side of the screen and that left --
20 upper left corner.

21 HEARING EXAMINER: Okay.

22 MR. HALLER: That's Woodyard Road.

23 HEARING EXAMINER: Would you --
24 okay.

25 MR. HALLER: If you go down to the

1 next image. The one after that. I think that
2 might be helpful. That gives a broader view.
3 Okay. So you -- this -- this site vicinity map
4 shows the subject property outlined in red. You
5 see where Johensu Drive extends from Woodyard
6 Road --

7 HEARING EXAMINER: Yeah.

8 MR. HALLER: -- south and east and
9 dead ends into the property, and that was the
10 road that Mr. Lansing was describing as not -- as
11 being an existing road but not being built to
12 county standards, and then on --

13 HEARING EXAMINER: So excuse me
14 one second, Tom. This is what I need though.
15 So if I were to the -- where's north? I guess to
16 the west of the site?

17 MR. HALLER: To the west of the
18 site is Woodyard Road.

19 HEARING EXAMINER: Okay. And if I
20 were to go right, is that the direction of the
21 Royal Farm?

22 MR. HALLER: Correct.

23 HEARING EXAMINER: And would the
24 Royal Farm be relatively close if we had a
25 picture that was larger than this?

1 MR. HALLER: It would be --

2 HEARING EXAMINER: To the right of
3 the property?

4 MR. HALLER: Correct. It would
5 be --

6 HEARING EXAMINER: Okay.

7 MR. HALLER: -- less than a mile.
8 Correct.

9 HEARING EXAMINER: Okay. Okay.
10 And then on this particular one, do I see the
11 other street that I know I'm going to mangle?
12 What is it?

13 MR. HALLER: Arethusa. Arethusa.

14 HEARING EXAMINER: Arethusa.

15 MR. HALLER: You can see that it
16 extends to the southern property line of the
17 property outlined in red.

18 HEARING EXAMINER: I see it.

19 MR. HALLER: And then Arethusa
20 intersects with Perrywood Road, and Perry --
21 Perrywood Road then extends north and intersects
22 with Woodyard Road.

23 HEARING EXAMINER: So I think my
24 issue is, and I'll stop talking about it, I've
25 driven here a million times and never paid

1 attention to the names of these roads, Johensu
2 and Perrywood. Okay. Go ahead. I'm sorry.

3 MR. HALLER: Okay. I have no more
4 questions for Mr. Lansing.

5 HEARING EXAMINER: Mr. Brown, did
6 you have any more?

7 MR. BROWN: No. Thank you.

8 HEARING EXAMINER: I think I'm
9 good as well. Thank you, sir.

10 MR. LANSING: Yes, ma'am. Thank
11 you.

12 MR. HALLER: All right. My next
13 witness is Mr. Ryan Dinko.

14 MR. DINKO: Good morning,
15 everyone.

16 HEARING EXAMINER: Good morning,
17 Mr. Dinko, who was upside down earlier.

18 MR. DINKO: I was. I got it all
19 figured out now. Technology always gets me.

20 MR. HALLER: It's the best he's
21 looked today.

22 HEARING EXAMINER: Good morning.
23 Whereupon,

24 RYAN DINKO,
25 a witness called for examination

1 by counsel for the Applicants, was duly sworn,
2 and was examined and testified as follows:

3 HEARING EXAMINER: Okay.

4 DIRECT EXAMINATION BY MR. HALLER:

5 Q Thank you. Mr. Dinko, would you,
6 please, state your full name and business address
7 for the record?

8 A. Absolutely. Ryan Dinko 7035
9 Albert Einstein Drive, Suite 200, Columbia,
10 Maryland, 21046.

11 Q. And what is your trade or
12 occupation?

13 A. I am the land acquisitions
14 manager for the Lennar Mid-Atlantic Division.

15 Q. And are you familiar with the
16 proposed Meridian Hill planned retirement
17 community, which Mr. Lansing testified about?

18 A. Yes, absolutely. We've been
19 speaking with Mr. Lansing about purchasing the
20 property upon approval of the special exemption
21 application and constructing the homes.

22 Q. And has Lennar yet executed a
23 contract of sale for the property?

24 A. Not just yet. As Mr. Lansing
25 testified, we're working on the final details and

1 hope to have the contract executed within a week
2 or so.

3 Q. And you're the land
4 acquisition manager, so it's your job to acquire
5 property, correct?

6 A. Yes, sir.

7 Q. As the contract is currently
8 drafted, what entity will be the contract
9 purchaser?

10 MR DINKO: So the entity -- entity
11 will be U.S. Home, LLC, DBA Lennar Homes.

12 Q. And -- and so you said, DBA
13 Lennar Homes. How is Lennar related to U.S.
14 Home?

15 A. Yes. So U.S. Home, LLC, is a
16 wholly owned subsidiary of Lennar Corporation,
17 which is a publicly traded company.

18 Q. Okay. And are you aware that
19 once the contract is signed that the contract
20 purchaser is required to submit ethics affidavits
21 as required by state law?

22 A. Yes, absolutely. We will
23 submit the required affidavits as soon as we're
24 under contract.

25 Q. Okay. As you know, this is a

1 planned retirement community. Does Lennar have
2 any experience in constructing homes in planned
3 retirement community in Prince George's County?

4 A. Yes, Lennar constructed
5 single family detached homes and detached villas,
6 and the Traditions at Beechfield project located
7 on Enterprise Road in Bowie.

8 Q. And can you, please, describe
9 what an attached villa is?

10 A. Absolutely. The attached
11 villa is a twenty-eight foot wide attached home
12 with a ground floor primary bedroom, which is
13 designed for the fifty-five and over active adult
14 buyer.

15 Q. Okay. And are you familiar
16 with how many of the attached villas that were
17 constructed at the Traditions at Beechfield
18 project?

19 A. Yes, we had fifty-one
20 attached villas at Traditions at Beechfield.

21 Q. And how were -- are you
22 familiar with how those units were received by
23 the buyers and how quickly they sold?

24 A. Yeah, they were very popular.
25 We had fifty-one units there and we sold out in

1 twenty-one months. So I think that puts us at
2 right about two and a half a month.

3 Q. Okay. And are you proposing
4 to sell the same or similar models at Meridian
5 Hill?

6 A. Yes, so at Traditions of
7 Beechfield we had two models due to the -- you
8 know, it was only fifty-one units. Here we would
9 propose a third model in this community.

10 Q. Okay. If I could, I'd like
11 to ask if we could pull up the architectural
12 renderings, which there are -- there are three
13 separate models, and so let's start with Exhibit
14 42. Okay. So Mr. Dinko, can you identify this
15 specific model?

16 A. Yes, I believe this is the --
17 it's a little hard to read. I believe this is
18 our Jefferson (phonetic) model. I can't actually
19 see the font, but I believe that's a Jefferson.

20 Q. Okay. And just -- just give
21 a quick description of what is included with
22 this -- with this model that was on the screen.

23 A. Yes, so this model, again, is
24 just for the fifty-five and up community.
25 There's a primary bedroom on the first floor with

1 additional beds on the second. You know, if they
2 have their grandkids over or something like that,
3 but this is a single car garage. And I believe
4 we have a deck off the back as well.

5 Q. And this model was sold at
6 the Traditions at Beechfield project?

7 A. Correct.

8 Q. Okay. If I could go to
9 Exhibit 43. Okay. And I believe, I'm looking at
10 the exhibit list, this is the Lafayette
11 (phonetic). Could you, please, just give a quick
12 overview of this model as well?

13 A. Absolutely. So this is
14 another model that was built at the Traditions of
15 Beechfield. This also includes first floor
16 primary suite, and this one has a two-car garage.

17 Q. Okay. And if I could ask
18 just to flip through the renderings to show the
19 side and rear elevations. Okay. All right.
20 Now, if I could ask if you could pull up Exhibit
21 43 -- excuse me, 44.

22 All right. Mr. Dinko, this is
23 marked in as Exhibit 44. It's a MacArthur
24 (phonetic) model. Could you, please, just give a
25 quick overview of this one as well?

1 A. Yes, sir. So kind of just
2 like the last. This has a primary bedroom on the
3 first floor and a two car garage, but perfect for
4 the fifty-five and up crowd.

5 Q. And was this model sold in
6 Traditions at Beechfield?

7 A. This was. No, the MacArthur
8 actually was not offered at Beechfield, but we
9 suggested offering a third here just because of
10 the -- the unit count. Just to have some, you
11 know, differences and front facade and just
12 bringing additional looks to the community.

13 Q. All right. And so
14 approximately how many of each of the models
15 would be constructed in the Meridian Hill
16 project?

17 A. Yeah, so it differentiates
18 with every community, but here with 126 units, in
19 a perfect world, we'd be looking at a third of
20 each unit. So that would put us at about forty-
21 two of each model.

22 Q. Okay. So there was reference
23 earlier to the staff conditions related to the
24 architecture that had been submitted by NVR, so
25 are you aware that -- that the staff recommended

1 conditions specifically related to architecture?

2 A. Yes, I am familiar with those
3 conditions.

4 Q. Okay. So I'd like to go
5 through each of those conditions and have you
6 describe how those have been addressed in these
7 renderings. So the first condition is condition
8 4-A of the of the staff report, and I would note
9 for the examiner and for Mr. Brown, there are
10 actually two 4 conditions -- condition 4s. So
11 this is the first condition 4.

12 There was a separate condition 4
13 that related to something else, but the first
14 condition 4-A required that the architecture be
15 revised to indicate a brick or stone water table
16 as an option on all side elevations. Is Lennar
17 willing to abide by this condition?

18 A. Absolutely. As you'll see on
19 the renderings, all the elevations include a
20 stone water table as a standard condition.

21 Q. So that you're not proposing
22 to offer this as an option. You're proposing to
23 have a stone water table on each of the models
24 that you -- that you sell?

25 A. That is correct.

1 Q. And if I could ask if you
2 could just go to page 3, I guess it would be, of
3 that image just to give -- so that the examiner
4 can see.

5 And does this image depict the
6 stone water table that you just referred to?

7 A. Yes, sir.

8 Q. Okay. So the recommended
9 condition 4-B requires porches or cross gables be
10 provided on every other unit. Do Lennar's
11 elevations conform with this recommendation?

12 A. Yes, they do.

13 Q. Okay. Condition 4-C required
14 that the exterior show railings for doors where
15 the back porch is an option, or provide a window
16 in place of the door. Do Lennar's architectural
17 renderings reflect railings where the back porch
18 is an option?

19 A. Yes, they do.

20 Q. If I could ask if you could
21 go to page 3 of Exhibit 44. Excuse me, page 2 of
22 Exhibit 44.

23 Mr. Dinko, there are elevations
24 there where there's railings shown. Is that an
25 area where there could be a deck that would

1 reflect the railing required by that condition?

2 MR. DINKO: Absolutely. And that
3 will be offered as an option.

4 MR. HALLER: And I would note that
5 when the renderings were submitted for NVR, there
6 were some of the renderings of the rears that
7 they didn't show those railings, and if you look
8 at each of the Lennar models -- we don't
9 necessarily need to look at all of them. Any one
10 where there isn't a deck actually shown has the
11 railing, so I just want to make sure that's clear
12 for the record.

13 Condition 4-D requires that the
14 renderings provide an expression line at the top
15 of the side elevation to separate the top of the
16 second floor windows from the peak of the roof.
17 If -- well, let me start with the Jefferson
18 model. The Jefferson model is Exhibit 42.

19 Could I ask if you could go back
20 to Exhibit 42?

21 HEARING EXAMINER: And Tom, while
22 you're there, there was an exhibit list that
23 called it the Johensu, but it will be named
24 Jefferson, Exhibit 42.

25 MR. HALLER: I've noticed that,

1 yes. Yes.

2 BY MR. HALLER:

3 Q. Okay. So this is the
4 Jefferson model. If you could go to page 2 --
5 I'm sorry, page 3.

6 Okay. So this is the side
7 elevation of the Jefferson model. Does this
8 exhibit show the expression line that's
9 referenced in condition 4-D?

10 A. Yes, it does.

11 Q. Okay. Now, let me ask if we
12 can go to Exhibit 43, page 2 of Exhibit 43. I'm
13 sorry, page 3 of Exhibit 43.

14 Okay. Now, this is the Lafayette
15 model. Does this model show the expression line?
16 And if not, why not?

17 A. It does not. As we saw in
18 the Jefferson model, there is an expression line
19 because of the roof pitch on the front and the
20 back of the house are fairly even. On the other
21 two models we are offering, the roof pitch on the
22 MacArthur and the Lafayette, they don't exactly
23 allow for an expression line to evenly divide the
24 side facades to visually separate the top, and
25 the -- the first and the second floor windows

1 from the peak of the roof.

2 So we have only included the
3 expression line on the Jefferson model. As you
4 can see here, you know, if you look at the front
5 end of this home, it kind of -- you know, if we
6 had this expression line to evenly divide it, it
7 would really be, you know, angled and really
8 wouldn't look that great.

9 Q. Okay. If you could go to
10 page, I guess, 4, you'll be able to see the other
11 side elevation, I think. Yes.

12 And it's a similar situation here?

13 A. Yes, sir.

14 Q. All right. And then let me
15 just pull up, real quick, Exhibit 44, the
16 MacArthur, and pages 3 and 4 of the -- of those
17 renderings and just if you could review that
18 again very quickly.

19 Ryan, do you have this -- do you
20 have the same issue with the expression line on
21 the MacArthur?

22 A. Yes, as you see here with the
23 front side of the -- the roof where we have the
24 overhangs on each, they just don't line up, so if
25 we were to put an expression line, you know, it

1 would kind of dead end into the siding and not so
2 much eave to eave. So I really don't think that
3 it would -- it would, you know, benefit the --
4 the overall esthetic of the community to add an
5 expression line here.

6 Q. Okay. Condition -- let's
7 move on to the next condition. Condition 4-E
8 requires that the roof eaves be extended over the
9 side elevation to provide an overhang and shadow
10 line, and provide an architectural feature below
11 the peak of the roof. Do all of the models
12 include the overhang and shadow line referencing
13 this condition?

14 A. Yes, all of the models have
15 the extended roof eaves that provide for an
16 overhang.

17 Q. Okay. And you can see that
18 on this rendering. Can you not?

19 A. Yes, sir, you can.

20 Q. Okay. Condition 4-F requires
21 that the houses provide shutters for all windows
22 on the side elevations. Let me -- let's just use
23 the MacArthur as an example. Are you proposing
24 the shutters on all of the windows on the side
25 elevation?

1 A. I am not only because of
2 certain placement of the windows on the side
3 elevations. It's really not conducive to having
4 shutters on all the windows. As you can see in
5 this bottom left window here, if we were -- you
6 know, we would have to move that window in order
7 to have a shutter, and I -- again, I really don't
8 think it looks, you know, conducive and would --
9 would really bode well for the overall esthetic
10 of the community.

11 Q. And have you offered any
12 additional upgrades to the windows in order to
13 address the concern that the windows be
14 accentuated?

15 A. Yes, so instead of shutters
16 here, we're proposing a wider trim to really give
17 those windows a better look.

18 Q. Okay. And in your opinion,
19 this accomplishes the same purpose as the
20 shutters?

21 A. Yes, sir.

22 Q. Okay. And then finally,
23 condition 4-G requires that the highly visible
24 end units provide brick from the ground to the
25 top of the main level. Is that something that

1 Lennar is proposing?

2 A. That's not something that
3 we're proposing here. Again, I really don't
4 believe this improves the look of the side
5 elevations. Instead of taking it to the top of
6 the main level, we're providing a stone water
7 table as a standard feature for all of the units
8 rather than just an option, as we discussed
9 previously. We also believe that the side
10 elevations provide sufficient visual interest
11 with variation -- various features.

12 Q. So just to kind of summarize,
13 is it your belief that the features that have
14 been incorporated into the three models that are
15 being proposed address the concerns that staff
16 was trying to address in the conditions that they
17 recommended in condition 4?

18 A. Yes, sir. I believe so.

19 Q. Okay. All right. I have no
20 further questions of Mr. Dinko at this time.

21 HEARING EXAMINER: Before we
22 leave, I can't pull up 9, which were the old
23 elevations, but those are now void, correct?

24 MR. HALLER: Those would no longer
25 be proposed. I'd be more than happy for you to

1 compare the prior renderings. If I could ask
2 that they pull up --

3 HEARING EXAMINER: I want to -- in
4 particular, I want to see about the elevation
5 lines and the -- the shutters to see how it could
6 have been on the others, but not on these. You
7 know what I'm asking? Okay. So wait. So
8 Exhibit 9. I don't know why I couldn't pull it
9 up. That's 9?

10 MR. HALLER: No, they're getting
11 there. What --

12 HEARING EXAMINER: So they look
13 like that?

14 MR. HALLER: Well, no. Well, you
15 need 10. You need the color elevations. No, no,
16 no, that's the clubhouse.

17 HEARING EXAMINER: That says the
18 clubhouse. It's probably on another page if you
19 keep scrolling. That's -- that's not the only
20 page, is it? Okay. Well, you can see it's a
21 different product.

22 THE WITNESS: That's the clubhouse
23 there.

24 MR. HALLER: Actually, if you go
25 to Exhibit 9, there are color renderings in

1 Exhibit 9. There you go.

2 HEARING EXAMINER: It's also part
3 of the staff report, so I'm looking at it now.
4 It's back up pages 48 through --

5 MR. HALLER: If you go to the next
6 page 4, you'll see the side elevations.

7 HEARING EXAMINER: Okay. Okay.

8 MR. HALLER: So just for the
9 examiner's benefit, what NVR was proposing was
10 the low visibility side did not have a stone or a
11 brick water table. They were offered on the high
12 visibility sides, and so staff was asking that
13 all of the side elevations offer that as an
14 option.

15 And Lennar is proposing to make
16 it standard, and then the staff's condition on
17 the high visibility side would have extended the
18 brick water table up a little bit from where it
19 ended. And then you can see that NVR was showing
20 window -- shutters on some windows, but not all
21 windows, so what the staff condition would have
22 required is that on all the windows on the side
23 elevation would have shutters.

24 HEARING EXAMINER: Okay. And you
25 all have some windows that were a little closer,

1 so what is your number again? Fifty -- I mean
2 forty?

3 MR. HALLER: Forty -- forty-three,
4 forty -- forty-two, forty-three, and forty-four.
5 Right, so the window placement, some -- in some
6 cases are closer together or closer to the front
7 of the house.

8 HEARING EXAMINER: And those
9 others just seem longer somehow with NVR, so I
10 see the difference. I was just trying to make
11 sure they didn't look exactly the same, but you
12 were saying something differently this time. I
13 can see the difference.

14 Mr. Brown, do you have any
15 questions?

16 MR. BROWN: Just one, but Mr.
17 Haller just clarified it for me. So Mr. Dinko,
18 as I understand it, even though staff recommends
19 condition 4-A to be optional brick or stone water
20 table, you are proposing or proffering that it be
21 standard. It will not be an option for the home
22 buyer, correct?

23 MR. DINKO: Yes, sir. That is
24 correct.

25 MR. BROWN: And then if we could

1 just look at the front of any one of your
2 elevations. I'm just struck by the fact that the
3 water table on the side and the rear is extremely
4 attractive, but to me, in my mind, the front is
5 not as such -- as much because you don't have
6 much visible stone or brick on the front. Of
7 course, the water table is much lower because the
8 building grade proceeds downward toward the rear,
9 but --

10 HEARING EXAMINER: So Stan? If I
11 may? So you're saying you want to see -- you
12 don't want to see these anymore, right? You want
13 to see the front of forty-four and forty-five
14 or --

15 MR. BROWN: Yes, yes.

16 HEARING EXAMINER: Okay.

17 MR. BROWN: Any one of those
18 three.

19 HEARING EXAMINER: And so pull up
20 anything forty-two, forty-three, or forty-four.

21 MR. HALLER: Yeah, I would say --
22 yeah. Well, any of them. They're all
23 comparable. They're all comparable, but maybe
24 forty-three. That's the two-car garage
25 Lafayette.

1 MR. BROWN: I mean that -- that
2 one looks okay. Let's go to the next one.

3 MR. HALLER: Yeah, that's
4 Jefferson. Go to -- that's forty -- yeah.

5 MR. BROWN: All right. Now, see
6 that -- that one there -- there. I mean, it just
7 looks bland with all of the siding, and the water
8 table is almost -- you know, it's lost and all of
9 that. Is there a possibility that you can
10 include more brick or stone on the front facades?

11 THE WITNESS: Absolutely, there
12 is, and we -- we certainly will offer additional
13 stone frontage as an option. Typically, you
14 know, a handful of homeowners will want to see
15 the stone come up and over the garage, and
16 potentially a few more may want to see the entire
17 porch where, you know, you have that kind of
18 overhang when you go up the first two steps to
19 have the entire porch stoned. We will -- we will
20 offer that as an option here.

21 MR. BROWN: But you want to offer
22 it as an option as opposed to being mandated to
23 provide some additional percentage of stone on
24 the front?

25 THE WITNESS: Correct.

1 MR. BROWN: Mr. Haller?

2 MR. HALLER: Yes.

3 MR. BROWN: Did you place in the
4 record -- if you did, I didn't see it, how you
5 want to revise conditions 4-A through 4-G to
6 comply with architectural renderings that are
7 being proffered?

8 MR. HALLER: I did not place any
9 revised conditions in because these -- it was our
10 belief that these renderings addressed those
11 conditions and they were no longer necessary.
12 But I can if the -- if so desired, I can modify
13 condition 4 to address that.

14 MR. BROWN: Yeah, I think the
15 conditions need to be modified because I
16 understand you think you complied. But as I was
17 listening to you and your client, or Mr. Dinko,
18 at face value, it doesn't comply. It's just
19 another way of doing it.

20 And so just so that everyone is
21 clear, I think conditions 4-A through J need to
22 be clarified as to how your architectural
23 renderings will actually be created. For
24 example, I mean, item 4-A, it says it'll be
25 optional. That should be changed to say that

1 brick or stone water table shall be on all side
2 elevations, not optional, so that we're clear.
3 Do you understand what I'm saying?

4 MR. HALLER: I do understand on
5 that one in particular. I mean, for the -- like,
6 for the expression line, I could say that we
7 could provide an expression line where the roof
8 pitch --

9 MR. BROWN: Yeah, I mean, I don't
10 think the expression line is needed either. I
11 think it's unattractive on the two units your
12 witness testified to, but again, 4-D, it should
13 say that. You're not providing an expression
14 line on models 1, 2, or 3. They happen to be.

15 MR. HALLER: I can provide an
16 exhibit that addresses each of those issues.

17 HEARING EXAMINER: Yeah, I think,
18 Stan -- because I'm busy here trying to revise
19 them in case it's approved, but it makes more
20 sense for you to do so.

21 MR. HALLER: I'm happy to do that.

22 HEARING EXAMINER: Thank you

23 MR. BROWN: Because when it comes
24 back, I'm not going to remember it. I'm going to
25 be honest with you.

1 All right. No other questions.

2 Thank you.

3 HEARING EXAMINER: And we'll mark
4 the earlier ones as void?

5 MR. HALLER: Yes.

6 HEARING EXAMINER: Okay. I have
7 no further questions either.

8 MR. HALLER: Okay. My next
9 witness is Mr. Mike Lenhart.

10 MR. LENHART: Can you hear me
11 okay?

12 HEARING EXAMINER: You're ready
13 now?

14 MR. LENHART: Yep, can you hear
15 me?

16 HEARING EXAMINER: Yes.

17 MR. LENHART: Okay.

18 Whereupon,

19 MICHAEL LENHART,
20 a witness called for examination by counsel for
21 the Applicants, was duly sworn, and was examined
22 and testified as follows:

23 DIRECT EXAMINATION BY MR. HALLER:

24 Q All right. Mr. Lenhart,
25 would you, please, state your full name and

1 business address for the record?

2 A. Yes, Michael Lenhart, 231
3 Najoles Road, Suite 250, Millersville, Maryland
4 21108.

5 Q. And what is your occupation?

6 A. I'm a traffic engineer and
7 transportation planner.

8 Q. And what is the name of your
9 company?

10 A. Lenhart Traffic Consulting.

11 Q. And are you the owner and
12 principal of that company?

13 A. I am.

14 Q. And how long have you been
15 engaged in the field of transportation
16 engineering and planning?

17 A. This is my thirty-sixth year,
18 ten years with State Highway Administration and
19 going on twenty-six years in the private sector.

20 Q. And do you have a copy of
21 your resume with you today, or have you provided
22 a copy of your resume for the record?

23 A. Yeah, I believe you do have a
24 copy of the file.

25 MR. HALLER: I would note Mr.

1 Lenhart's resume is Exhibit 47 and is in binder
2 2, and I would ask that Mr. Lenhart be accepted
3 as an expert in the field of transportation
4 engineering and planning.

5 HEARING EXAMINER: Pretty sure
6 that's different from my last time, but this time
7 you will be accepted as an expert in traffic
8 engineering and traffic planning. I normally say
9 transportation.

10 MR. LENHART: Transportation
11 planning, yeah. Thank you.

12 HEARING EXAMINER: How about
13 traffic engineering and transportation planning?

14 THE WITNESS: Perfect.

15 HEARING EXAMINER: Okay.

16 BY MR. HALLER:

17 Q. Mr. Lenhart, are you familiar
18 with the application which has been filed and
19 which is being considered by the zoning hearing
20 examiner in this case?

21 A Yes, I am.

22 Q. And have you made a personal
23 inspection of the property owned by Meridian Hill
24 Partners?

25 A. Yes.

1 Q. And are you familiar with the
2 area surrounding the subject property, including
3 the roads of the roadway network?

4 A. Yes.

5 Q. Have you been here for all
6 the testimony which has preceded yours?

7 A. I have.

8 Q. And are you familiar with the
9 applicant's proposed development for which
10 approval is being requested in this hearing?

11 A. Yes, I am.

12 Q. Have you examined the
13 applicant's site and development plan for the
14 project?

15 A. Yes.

16 Q. Can you, please, identify the
17 roads abutting the property and how access was
18 proposed for the planned retirement community?

19 A. Yes, as has been discussed
20 already, the property will have access via
21 Arethusa Lane. I haven't warmed my mouth up yet
22 this morning. Into the property --

23 HEARING EXAMINER: You're trying
24 to make me feel better, and I appreciate it.

25 A. Yeah. Sorry. And that --

1 that road has a right of way width of ranging
2 between sixty and seventy feet and that
3 intersects Perrywood, which goes out to Route
4 223. Perrywood Road has a right of way width of
5 approximately sixty feet, and it intersects with
6 Route 223, which is Woodyard Road. Woodyard Road
7 is a master plan arterial road in the County
8 Master Plan of Transportation.

9 Q. And did you prepare a traffic
10 impact analysis for this property as part of a
11 certificate of adequacy, which was submitted with
12 the preliminary plan of subdivision?

13 A. We did.

14 Q. And what was the date of that
15 analysis?

16 A. That was originally dated
17 November of 2023. Then it was updated in
18 November of -- November 22nd of 2024 to reflect
19 pre-app comments that were received by Park and
20 Planning staff.

21 Q. Okay. And I just note for
22 the record that Mr. Lenhart's traffic study is
23 marked as Exhibit 33 in the record. Can you
24 provide a summary of the study and the
25 conclusions of the study as it relates to

1 conformance with the guidelines for Evaluation of
2 Traffic Impacts applicable to Prince George's
3 County?

4 A. Certainly. A transportation
5 checklist was submitted for approval and was
6 approved by Park and Planning staff identifying
7 the intersections to be included, which was moved
8 to Maryland 223 at Perrywood, Perrywood at
9 Arethusa Lane, and 223 at Johensu Drive. The
10 study was -- we conducted traffic counts at the
11 intersections as required by the guidelines.

12 We included background
13 developments and then the site traffic.
14 Originally, the study was prepared for 176
15 age-restricted units. That has been -- that was
16 ultimately refined down. The plan is now 126,
17 but even for 176, all of the study intersections
18 were found to pass the adequacy test. All of the
19 intersections are unsignalized intersections.
20 There's a three-step test in the Transportation
21 Review Guidelines, and all three intersections
22 passed that three-step test without any
23 improvements.

24 Q. Okay. And was this study
25 reviewed as part of the certificate of adequacy?

1 A. Yes, it was.

2 Q. And was the certificate of
3 adequacy approved?

4 A. Yes.

5 Q. Okay. I would like to note
6 for the record Mr. Lenhart referenced the
7 transportation pre-submittal checklist. That's
8 actually Exhibit 31 in the record, so I want to
9 note that. And then the certificate of adequacy
10 is also included in the record and been marked as
11 Exhibit 52, and it's reference is ADQ 2024-056.

12 If I could ask if -- if Exhibit 52
13 could be pulled up briefly. There we go.

14 Mr. Lenhart, is this the
15 certificate of adequacy you were referencing?

16 A. That's correct.

17 Q. And are the conclusions in
18 the certificate of adequacy related to the
19 adequacy of transportation consistent with the
20 findings of your traffic impact study?

21 A. Yes, they are.

22 Q. Okay. And based on the
23 findings of your traffic impact analysis, will
24 the proposed development have an adverse impact
25 on the surrounding area from a traffic generation

1 standpoint?

2 A. No, it will not. The site
3 only generates twenty-eight trips in the morning
4 peak hour, thirty-four trips in the evening peak
5 hour, and -- and as a result, it has a negligible
6 impact on the study intersection. It does
7 generate some trips, but it's negligible, and not
8 a adverse impact.

9 Q. Okay. And thank you. And
10 are you aware that the owner has engaged with the
11 abutting Melwood Community Association to discuss
12 obtaining access to that subdivision, which is
13 known as Melwood Springs?

14 A. Yes.

15 Q. Are you aware that the
16 Melwood Community Association asked the owner to
17 evaluate the intersection of Perrywood Road and
18 Woodyard Road because of safety concerns?

19 A. Yes.

20 Q. And did you evaluate that
21 intersection?

22 A. We did.

23 Q. What was the conclusion of
24 that evaluation, and did you make any
25 recommendations that could improve the safety of

1 the intersection?

2 A. Certainly. So the--the
3 intersection, as mentioned, it does pass the
4 adequacy test in the Transportation Review
5 Guidelines. With that said, the -- the approach
6 of Perrywood at Route 223 is currently one lane
7 in, one lane out. The predominant traffic
8 movements there are people coming out of
9 Perrywood to turn right onto Woodyard Road to go
10 up to Route 4.

11 That -- that is the majority of
12 the turning patterns at the intersection, and so
13 one thing that we noted was, even though it does
14 pass the test, that if we widen that intersection
15 to provide two egress lanes, so one would be left
16 turn lane, one would be a right turn lane, it --
17 it dramatically improves the delays for people
18 exiting because if somebody's turning left, that
19 doesn't block the right turning movements while
20 that person is waiting for a gap in traffic to
21 turn left.

22 Q. Can I ask if staff can pull
23 up Exhibit 48?

24 Mr. Lenhart, you were referencing
25 improvements to the intersection of Woodyard Road

1 and Perrywood Road. Exhibit 48 is a document
2 which shows that intersection. Is this an
3 exhibit that was prepared by you?

4 A. Yes, it is.

5 Q. And does this depict the
6 improvement that you were just referencing?

7 A. Yes, it does.

8 Q. Okay. If you could, just
9 utilizing this exhibit, just kind of go back
10 through that so that everybody fully has a -- has
11 a -- an image associated with the description.

12 A. Certainly. So if you look at
13 Perrywood Road today, it's approximately thirty
14 feet wide, which is wide enough for one vehicle
15 entering, one vehicle exiting. This would widen
16 it to approximately thirty-six feet. It would be
17 proposed to be striped with two, eleven-foot
18 lanes exiting the community, one eleven-foot
19 right turn lane, one eleven-foot left turn lane,
20 and then a fourteen-foot inbound lane, and that
21 would be a distance of approximately one hundred
22 feet plus a short taper to taper it back into the
23 existing road network.

24 Q. Okay. The right of way
25 currently exists to be able to accommodate this

1 improvement, so you don't need -- we don't need
2 to obtain right of way from anybody else?

3 A. That's correct. There's
4 sixty feet of right of way. This is thirty-six
5 feet of paving, and so there -- there is room
6 for -- for this improvement.

7 Q. And Mr. Brown asked about
8 who -- which agencies have jurisdiction over each
9 road. Can you, please, address that?

10 A. Certainly. So Woodyard Road
11 is a state highway. They have control over any
12 improvements within the state right of way.
13 Perrywood road is a county roadway. They have
14 authority over the improvements in the county
15 roadway. I believe this will require
16 coordination with both agencies, because some of
17 the improvements is in the state right of way,
18 some is in the county right of way.

19 And Mr. Brown inquired as to
20 whether we have discussed this yet with any of
21 the agencies. We have not, but I don't expect
22 any issues or concerns with this improvement.
23 It's -- it's -- what we're proposing here as a
24 standard typical intersection improvement that
25 would intersect the state roadway.

1 And for example, if you look at
2 Johensu Drive, on Johensu Drive on the west side
3 of Woodyard Road approximately 1,500 feet north
4 of here, there's a residential subdivision
5 that -- where Johensu Drive was constructed.
6 It's improved entering the subdivision. There's
7 thirty-six feet of paving at that location there.
8 We're basically proposing the same improvement
9 here.

10 Q. Okay. And once that
11 improvement is made, what will be the impact from
12 both an operational and a safety standpoint?

13 A. Sure. It will reduce the
14 queuing, and it will reduce the delays for
15 motorist exiting the community. Again, the, you
16 know, anybody turning right today, if there's a
17 left turning vehicle, the right turning people
18 are stopped and queued behind them waiting for
19 them to find a gap in traffic along both
20 directions to be able to turn left, and so this
21 would separate them.

22 The right turns will operate much,
23 much better. In terms of queues and delays, the
24 left turns will also operate better because it
25 takes the right turns out of that lane. So it

1 does improve movement for both of the lefts and
2 rights out.

3 Q. Okay. And just following up
4 on the coordination of the agencies, you did
5 reference the -- that this -- you did reference
6 this improvement in your traffic impact analysis
7 that was reviewed by both Park and Planning,
8 DPIE, and State Highway Administration, did you
9 not?

10 A. We did. We referenced this.
11 We acknowledged that it was not required, but
12 that the applicant was proposing this. And we do
13 have -- State Highway approved the traffic study
14 as is.

15 Q. Okay. And so they -- and
16 they didn't provide any comments that would
17 suggest that there were any issues with
18 implementing this improvement, even though
19 technically it's not required to achieve finding
20 of adequacy?

21 A. They did not.

22 Q. Okay. Now, based on your
23 analysis, do you have an opinion as to whether or
24 not the development of this property, as proposed
25 with a planned retirement community, will be

1 compatible with the traffic conditions and the
2 road network and the surrounding area?

3 A. I do. I do. I -- I believe
4 it will be compatible. I believe this
5 neighborhood, as a age-restricted community, it
6 generates substantially less traffic than market
7 rate. You know, with twenty-eight morning and
8 thirty-four evening p.m. trips, it's relatively a
9 small traffic generator.

10 Q. Okay. From the perspective
11 of traffic engineering and planning, will the
12 grant of this application be consistent with the
13 standards enumerated in the zoning ordinance for
14 the use in question?

15 A. Yes, it will.

16 Q. And from a perspective of
17 traffic engineering and planning, will the
18 approval of the application cause any adverse
19 effect upon adjacent properties or the
20 surrounding neighborhood?

21 A. No, it would not.

22 Q. Finally, in your opinion,
23 would approve the application have any
24 detrimental effect on health, safety -- health or
25 safety of pedestrians or motorists in the area?

1 A. No, it would not.

2 MR. HALLER: I have no further
3 questions of Mr. Lenhart.

4 CROSS-EXAMINATION BY MR. BROWN:

5 Q. Good morning, Mr. Lenhart.

6 A. Good morning.

7 Q. Just probably one question here,
8 depending upon how you answer it. That is
9 Arethusa Road or Lane --

10 MR. HALLER: Stan's got it down.

11 THE WITNESS: That's easy --
12 that's -- I was going to say. It's easy for you
13 to say, Arethusa.

14 MR. BROWN: I can't see it, but I
15 was able to pronounce it.

16 THE WITNESS: Okay.

17 BY MR. BROWN:

18 Q. And so is that going to be the only
19 ingress egress point for this development?

20 A. Yes.

21 MR. BROWN: Okay. All right. No
22 other questions. Thank you.

23 HEARING EXAMINER: I have one, Mr.
24 Lenhart, and I'm probably reading this document
25 wrong. But staff ended up saying that that

1 unsignalized intersection, when you look at
2 background and everything fails, but said
3 everything was all right. Could you explain why
4 that is? Do you know? Because they have a lot
5 of new people on the council that may be seeing
6 these type of cases for the first time, and I
7 don't want them to read that and wonder.

8 THE WITNESS: Sure. Yeah,
9 that's--that's a very good question. That could
10 be seen as confusing. Let me -- let me explain
11 why, Madam, and I'm pulling up my information
12 here. So you're talking about page 82 of the
13 backup materials; is that correct?

14 HEARING EXAMINER: Yes.

15 THE WITNESS: I think so. Okay.
16 So there -- there's a three-step test, and which
17 table are you looking at? There's a background
18 traffic conditions that is in the bottom half of
19 page 82 of the backup materials. Is that where
20 you're looking?

21 HEARING EXAMINER: Right. The
22 existing said it fails, and then with the backup,
23 it fails a.m. and p.m.

24 THE WITNESS: Right. So there are
25 two -- there's a three-step test, so if you're

1 looking at 223 at Perrywood, it says that that
2 passes. It passes in the morning. It passes in
3 the evening. There's two passes, right? The
4 next row is 223 at Johensu. 223 at Johensu,
5 the--it has 123.6 seconds in the a.m., 68.2
6 seconds in the p.m., and that says fail and fail.
7 Do you see where I'm referencing?

8 So that is the first step of the
9 three-step test. The first step looks at the
10 intersection and the stop controlled movements,
11 and if stop controlled delays are greater than
12 fifty seconds per vehicle, it fails the first
13 step. You then go to the second step. The
14 second step says if the -- the volume of vehicles
15 per hour on that stop controlled approach are
16 less than a hundred vehicles per hour, it passes
17 that second step.

18 And so it -- the third row of that
19 table says unsignalized tier step 2, less than
20 one hundred vehicles, less than one hundred
21 vehicles passed pass, and so it passes the second
22 step. The Transportation Review Guidelines
23 states that you -- you do the three steps in
24 order. If it passes the first step, it passes
25 overall. If it fails the first but passes the

1 second, it -- it's deemed adequate and it passes
2 overall. If it -- if it fails the first two but
3 passes the third step, it's deemed adequate and
4 it passes overall. If it fails all three, then
5 it fails.

6 And typically, you would do a
7 signal warrant study to see if a signal is needed
8 to remedy this situation, so in this case it
9 fails the first step. It passes the second step,
10 therefore it's deemed adequate. Does that make
11 sense?

12 HEARING EXAMINER: The only
13 reason -- it makes sense what you're saying, and
14 I wanted that in the record. But the only thing
15 is -- and how do I make this a question for you?
16 I guess the question for you -- and you -- is
17 that they just assume that people living in these
18 villas drive less than people that aren't fifty-
19 five.

20 THE WITNESS: Yeah.

21 HEARING EXAMINER: Everything, all
22 the books, all of the IT still says that, huh?

23 THE WITNESS: It generates -- they
24 generate slightly fewer trips per day, but they
25 definitely generate a lot fewer trips during the

1 peak periods. Because a home -- a market rate
2 home with less than fifty-five age people in it
3 typically have children, you know, two or three
4 children or whatever the number might be, and
5 those, you know, they're going to school. Or if
6 they're out of school, they're going to work.

7 So you've got -- you've got more
8 people in the house that are generating peak hour
9 trips. When you get people that are fifty-five
10 plus, they tend to do -- they tend to have fewer
11 people in the house or they do fewer peak hour
12 trips. They might do more trips during the
13 midday, or things like that. It's just it's less
14 concentrated in the peak hour.

15 HEARING EXAMINER: I don't know
16 about your house, but I do know about Tom's,
17 Stan's, and mine.

18 THE WITNESS: Yeah.

19 HEARING EXAMINER: We're driving
20 too much.

21 THE WITNESS: Yeah.

22 HEARING EXAMINER: The last thing
23 is, somewhere in the staff report, and of course,
24 I can't find my little notes right now, they
25 describe this as having one person at fifty-five.

1 That's not correct, correct? You can't just have
2 one person living there that's fifty-five and
3 qualify for this, can you? I guess that's more a
4 Tom question.

5 THE WITNESS: I think I would
6 defer that question, yeah.

7 MR. HALLER: And I'm not -- I
8 can't tell you that I'm totally understanding of
9 what the federal requirements are under the
10 Federal Fair Housing Act. I know a minimum of
11 one must be. I think there are also restrictions
12 on people under the age of eighteen. I mean, if
13 you -- if somebody was sixty and they were
14 married to somebody who was fifty-two, they might
15 qualify, but not to have children in the house.

16 HEARING EXAMINER: Okay. Okay.
17 And then the last thing that I probably should
18 have asked Mr. Dinko, but again, if anybody can
19 proffer, every last one of those models had a
20 driveway where you could park as well as the
21 garage, correct? I thought I saw them, and I
22 think that -- I think that's a great idea.
23 Because some of the ones that don't have the
24 driveway, their cars are everywhere in that
25 neighborhood. Okay.

1 MR. HALLER: And I do want to
2 note, and I should have done this earlier, but I
3 was going to ask Mr. Dunn. But because we're
4 going to be substituting these models for the
5 ones that were placed on the lots, the site plan
6 will have to be modified to make sure that the
7 footprints of the buildings reflects the new
8 units, so there will need to be an updated site
9 plan submitted.

10 And then so for example -- and
11 then the other thing is that all of the homes
12 proposed by NV had two-car garages, and Lennar
13 does propose one -- one-car garage model. And
14 that will mean that the number of parking spaces
15 provided will be slightly less because on the
16 original plan, the driveways did count as two
17 additional parking spaces.

18 So for the units that are done as
19 one-car garage, will be fewer parking spaces. It
20 will be two provided on those lots as opposed to
21 four, if that makes sense. So in a -- in a
22 two -- two-car garage, it will be two in the
23 garage and two in the driveway, or a one-car
24 garage will be one in the garage and one in the
25 driveway.

1 HEARING EXAMINER: Okay. So
2 again, we're just holding on to Mr. Lenhart, but
3 while you're thinking about it, do you think it's
4 something you might want to give to staff to see
5 if they wanted to provide any additional comments
6 or not? You don't have to answer, just thinking.
7 I don't know. At the end, tell me something
8 because I -- that's not going to change any of
9 their analysis now that the parking might. They
10 thought you had too much parking. Who's your
11 parking person? We'll get him to talk. It's not
12 Mr. Lenhart, right?

13 MR. HALLER: That would be Mr.
14 Dunn.

15 HEARING EXAMINER: Okay. All
16 right.

17 THE WITNESS: And if I could offer
18 in -- in response to your question about the one
19 person fifty-five years of age, so I'm looking
20 at -- the Institute for Transportation Engineers
21 has a trip generation manual that has the land
22 use code for senior adult housing. And they have
23 a definition in here. The definition says these
24 developments have specific age restrictions for
25 its residents, typically a minimum of fifty-five

1 years of age for at least one resident of the
2 household.

3 And -- and so I -- I didn't want
4 to answer definitively before, and I'm not sure
5 if the county has a specific definition, but this
6 is this is what is nationally recognized by the
7 ITE trip generation manuals, at least one person
8 fifty-five years of age. And it says these
9 residents in these communities are typically
10 considered active and require little to no
11 medical supervision.

12 The percentage of retired
13 residents varies by developments. This is not
14 necessarily retirement community. It's just
15 people fifty-five up where not all households,
16 but many households, the dynamics of the
17 household, start to change once you reach that
18 age, and so you know, they're typically fall
19 under this average consideration.

20 HEARING EXAMINER: Okay. Thank
21 you.

22 Any other questions, Stan or Tom?

23 MR. BROWN: None.

24 MR. HALLER: I do want to note
25 very briefly, because Mr. Johnson for the

1 community association is here. They did -- I
2 think if he will -- he would probably tell you
3 that the community would love to have a traffic
4 signal at this location, and they did ask us, as
5 Mr. Lenhart testified, from the county's process,
6 there's a standard that you go through, a
7 three-step process. And if it doesn't qualify,
8 they don't require you to do a signal warrant
9 analysis.

10 But on behalf of the community
11 association, we did ask Mr. Lenhart to take a
12 closer look at the warrants to see whether it
13 would qualify us. And Mr. Lenhart, you could
14 answer the question, but I know that the
15 community has engaged directly with State Highway
16 to see if they would install a signal,
17 notwithstanding the warrant issue. But that is
18 something that we have looked closer into, but
19 Mr. Lenhart, you -- please, address very briefly
20 the signal warrant requirements for this
21 intersection.

22 THE WITNESS: Sure. State Highway
23 Administration utilizes the Manual for Uniform
24 Traffic Control Devices. It's a national
25 publication that all jurisdictions utilize when

1 considering traffic signals. There are nine
2 warrants in the MUTCD. State Highway
3 Administration will not consider installing a
4 signal if at least one of those warrants are not
5 met.

6 We've looked at it briefly.
7 The -- the installation of the second exit lane,
8 the making a separate left and right turn lane,
9 is -- in my opinion, would eliminate the need or
10 the potential that this would meet warrants for
11 signalization. The left turn out does not meet
12 the criteria that would justify signalization,
13 and the right turn out should operate fairly well
14 with some delays, but minimal delays given the
15 improvement.

16 And again, we don't think that it
17 would meet the warrants, and I do not believe
18 that State Highway would consider it.

19 MR. HALLER: Thank you.

20 HEARING EXAMINER: Thank you, all.

21 THE WITNESS: Thank you.

22 MR. HALLER: All right. Thank
23 you. My next witness is Mr. Edward Steere.

24 HEARING EXAMINER: Do you mind if
25 you all just stay on it, but everybody get a

1 five-minute break? Thank you.

2 MR. HALLER: Absolutely.

3 (Whereupon a recess was taken)

4 HEARING EXAMINER: Okay. Are you
5 ready to go back on?

6 MR. HALLER: I am.

7 Ms. BAH: You can go ahead and
8 speak, Maurene.

9 HEARING EXAMINER: Okay.

10 Mr. Haller?

11 MR. HALLER: Good morning again.

12 Are you ready? Are you ready for me to go?

13 HEARING EXAMINER: Yes.

14 MR. HALLER: Okay. So my next
15 witness will be Mr. Edward Steere.

16 Whereupon,

17 EDWARD STEERE,

18 a witness called for examination by counsel for
19 the Applicants, was duly sworn, and was examined
20 and testified as follows:

21

22 HEARING EXAMINER: Thank you.

23 DIRECT EXAMINATION BY MR. HALLER:

24 Q Thank you. Mr. Steere, would
25 you please state your full name and business

1 address for the record?

2 A. My name is Edward Steere.

3 I'm president of Man with a Plan, LLC, doing
4 business as Polestar Analysis at Post Office Box
5 64, Upperco, Maryland 21155.

6 Q. And what is your trade or
7 occupation?

8 A. I'm a land planner and market
9 analysis and marketing analyst for real estate
10 development.

11 Q. How long have you been
12 engaged in the field of preparing economic
13 analyzes?

14 A. I've been doing the economic
15 analysis for about twenty-five years.

16 Q. Okay. And have you been
17 qualified as an expert witness before the zoning
18 hearing examiner for Prince George's County or
19 any other tribunals?

20 A. Yes.

21 Q. Submitted into the record as
22 Exhibit 50 is Mr. Steere's resume.

23 Q. As he just noted, he's been
24 accepted as an expert witness previously before
25 the zoning hearing examiner, and I would offer

1 him as an expert in the field of economic
2 analysis in this case.

3 HEARING EXAMINER: Mr. Steere will
4 be accepted as an expert in the area of
5 economic/market analysis.

6 MR. HALLER: Thank you, Madam
7 Examiner.

8 BY MR. HALLER:

9 Q. Mr. Steere, have you been
10 retained by the owner of the property to perform
11 services regarding the proposed planned
12 retirement community known as Meridian Hill?

13 A. Yes, I have.

14 Q. And can you please describe
15 the services which you have been retained to
16 perform?

17 A. So I was hired to perform the
18 needs analysis for senior housing that's required
19 by Section 27-395(a) of the Prince George's
20 County Code.

21 Q. And what is the date of the
22 report that you prepared originally?

23 A. The initial report was March
24 17th, 2025.

25 Q. Okay. And I would note for

1 the record that this report is marked as Exhibit
2 21 in the record.

3 Q. Have you had an opportunity
4 to update the report, Mr. Steere?

5 A. Yes, I did a limited update
6 of it this March of this -- this year.

7 Q. And I would note that the
8 updated analysis is marked as Exhibit 45 in the
9 record and is dated March 16th, 2026.

10 Mr. Steere, are you familiar with
11 the criteria for approval of a special exception
12 for a planned retirement community, and
13 specifically, Section 27-395? And you are aware
14 that Section 27-395(a)(1)(A)(i) requires that
15 prior to approval of a planned retirement
16 community, the District Counsel must find that
17 the proposed use will serve the needs of the
18 retirement age community?

19 A. Yes.

20 Q. And are you also aware that
21 Section 27-395(a)(1)(A)(iii) requires prior to
22 approving a planned retirement community in the
23 R-A zone, the District Counsel must find that
24 there is a demonstrated need for the facility and
25 an existing medical facility within the defined

1 market area of the subject property?

2 A. Yes, I am.

3 Q. So have you done any research
4 or obtained any information which relates to
5 whether the proposed facility will serve the
6 needs of the retirement age community, whether
7 there is a demonstrated need for the facility,
8 and whether the existing -- there's an existing
9 medical facility which exists within the defined
10 market area?

11 A. Yes, I have, and I will note
12 it looks confusing using the term facility there.
13 But this is a community, so I think there's some
14 word art in the Code that's incorrect.

15 Q. Wouldn't be the first time.
16 So first, what is the defined market area for the
17 subject property?

18 A. So I'll refer to my report.
19 The market area is defined on page 16 and 17 of
20 the report, what I called my primary market area.
21 The area is described on page 16, and there's a
22 map of it on page 17. It's the center of Prince
23 George's County, but it lies east of Joint Base
24 Andrews, which is an area that we can't include
25 in a market study because it's restricted access.

1 So it basically extends from the
2 Capital Beltway eastward through Upper Marlboro
3 to the -- to the Patuxent River and then north to
4 just south of Largo and south north of
5 Brandywine, and would include the area of
6 Clinton, but it would not go as far as Fort
7 Washington.

8 Q. Okay. Madam Examiner, would
9 it be helpful at all for him to pull those pages
10 up for you to see it, or is his description
11 sufficient?

12 HEARING EXAMINER: I can't speak
13 for Mr. Brown, but I have a copy in front of me.

14 MR. HALLER: Okay.

15 MR. BROWN: I have a copy as well.

16 BY MR. HALLER:

17 Q. Okay. All right. So Mr. Steere,
18 is there an existing medical facility within the
19 market area, and if so what is that facility?

20 A. Yes, there is. There's the
21 MedStar Southern Maryland Hospital Center in
22 Clinton. It's about four miles south of the
23 subject as the crow flies, about five and a half
24 by driving. It's on Branch Avenue just south of
25 Clinton.

1 Q. Okay. And could you please
2 summarize for the examiner the information that
3 you've obtained which relates to whether there is
4 a demonstrated need for the proposed age
5 restricted community and whether the proposed
6 community will meet the needs of retirement age
7 community.?

8 A. I can do that, but can I
9 first segue from where Mr. Lenhart dropped off
10 on -- on the age restriction just to make sure
11 everybody understands? The housing for Older
12 Persons Act, the Federal Housing for Older
13 Persons Act has standards for fifty-five plus
14 housing that require a minimum of eighty percent
15 of the units be -- have one person in the house
16 that's age fifty-five plus and that other people
17 in the house can be younger than fifty-five,
18 could be a partner, could be family, could be --
19 it could be a caregiver, for example.

20 But the -- those are the two hard
21 and fast rules. The other it would be if for --
22 up to the bylaws of the community by Lennar as to
23 whether they would allow anybody under eighteen
24 to live in the home. And -- and so in my
25 experience with Lennar, they don't allow that.

1 So I just wanted to put that on the table that
2 there is a hack, the standard that -- that is
3 typically followed for this and that they don't
4 allow minors to live permanently in the home,
5 although, they can visit.

6 So moving on, first, in my
7 approach to this project, to -- to figuring out
8 whether the need is met, I started by looking at
9 the demographics in the economy, which is pages
10 16 through 33, and you know, determined that
11 greater than fifty percent of the households in
12 this market area are senior households over the
13 age of fifty-five. And the growth trends
14 indicate that it's going to keep growing by a
15 faster rate than the rest of the County.

16 This is a pretty settled single
17 family community or market area. So for example,
18 the Melrose Springs neighborhood next door is --
19 was built over a twenty-year span of the early
20 '80s to the early 2000s, and so most of those
21 original owners are empty nesters or approaching
22 empty nesting at this point. So that's just a
23 great example that's right next door of -- of
24 that -- of the makeup of this market area.

25 So I also looked at the county

1 labor market and household income by tenure, and
2 I then studied the supply, which is pages 30 to
3 38, for both rental and for sale senior housing
4 opportunities. And what that showed me is that
5 the limited rental opportunities, and they're all
6 at very high occupancy rates, and the for sale
7 supply was pretty much old and very stabilized.
8 So there's not a lot of market room for people to
9 age and stay within this community.

10 The newest for sale units were at
11 Timothy Branch, built by Ryan. That's in
12 Brandywine. It's not actually in our market
13 area, but it was nearby. And then, Traditions at
14 Beechfield, which is a Lennar product that he
15 already mentioned -- that Mr. Dinko already
16 mentioned, and the -- and they're both complete
17 and stabilized. They had rapid absorption.

18 So there's only one other new
19 senior age restricted active adult community
20 under construction in Westphalia right now.
21 That's north of our primary market area at
22 Victoria Park at Parkside. It's being
23 constructed by DRB Homes. That's -- and
24 it's--it's platted as 424 homes, of which 96 are
25 the Villa townhomes like we're proposing here.

1 They're selling right now for --
2 they only built one road worth of homes in there,
3 and there's twenty-two under construction right
4 now that are scheduled to sell in the next couple
5 of months. And those homes are selling north of
6 500,000 dollars. There's one actually right
7 there next to the model that's sold for 750,000
8 dollars.

9 So based on that, those two things
10 I went through, and then I measured the demand,
11 which is pages 39 to 43 and the capture rate, and
12 determine that how many senior households in this
13 market area are income qualified to purchase a
14 home in the range that is proposed in Meridian
15 Hill, which was between 400 and 500,000 dollars
16 at this point.

17 And that senior households have a
18 median income in this market, in our market area,
19 senior households, fifty-five plus, have a median
20 income of 118,000 dollars, and it's projected to
21 grow by twenty percent. The population -- that
22 number of households is projected to grow about
23 twenty percent in the next five years. Excuse
24 me.

25 We determine there's two types of

1 home buyers approaching this community. There
2 are existing homeowners with accumulated equity
3 or newer first time home buyers transitioning
4 from renting. So we didn't qualify or didn't
5 reduce that to overall qualified household figure
6 based on tenure.

7 So based on typical underwriting
8 standards, household has to earn more than
9 \$120,000 to purchase one of these homes. And I
10 determined that there were 7821 senior households
11 that are qualified in this market area today, and
12 that produced a capture rate of 1.6 percent,
13 which is exceptionally low. So that's how I got
14 there.

15 Q. Based upon the accumulated
16 information that you just described, do you have
17 an opinion as to whether a demonstrated need
18 exists for a planned retirement community in this
19 market area, which satisfies the requirements set
20 forth in Section 27-395?

21 A. Yes. So in 395(a)(1)(A)(i),
22 yes, I believe that it clearly needs to define
23 need in this community. As I mentioned before,
24 the -- the market area is a single family homes
25 and aging suburban neighborhoods, I called it out

1 in the report as a hole in the donut, more or
2 less in Prince George's County, where you have
3 these -- these spine roads of Branch Avenue and
4 Pennsylvania Avenue and Central Avenue, that
5 where -- where higher density lies.

6 And this is sitting between -- and
7 between this community and the rest of the
8 population of Washington, D.C. is an Air Force
9 base. So it's -- it's -- it's quieter. It's in
10 a -- in a -- in an area that doesn't have a lot
11 of commercial core to it. It is a -- it is a
12 bedroom community.

13 And so the demand within this
14 community that I found among the population that
15 lives there today far exceeds the proposed unit
16 count, and they don't have many options to go to
17 nearby. There's -- there's the senior
18 communities that exist around this region are
19 full. So that alone, it provides an opportunity
20 for people to even live in -- in this particular
21 neighborhood, to stay in their neighborhood and
22 move into a more age appropriate housing unit.

23 Q. Okay. Thank you. Did the
24 staff of Park Planning review your report, and
25 did they concur with your analysis?

1 A. Yes, I believe so. The staff
2 report agreed with -- with my findings.

3 Q. Okay. Do you have anything
4 to add at this point? Otherwise, I have no
5 further questions.

6 A. Not in particular. Like I
7 said, there is a medical -- a significant medical
8 facility within four or five miles of this
9 property. And it's very easy to access,
10 actually. So I think it needs those two
11 requirements of 395.

12 MR. HALLER: Okay. Thank you. I
13 have no further questions.

14 HEARING EXAMINER: Mr. Brown?

15 CROSS-EXAMINATION BY MR. BROWN:

16 Q Good morning, Mr. Steere.

17 A. Good morning, Mr. Brown.

18 Q. Just one or two questions on
19 the ambiguity in the requirements. Looking at
20 page 15 of the staff report, where it identifies
21 27-395(a)(1)(A)(i) requirement, the proposed use
22 will serve the needs of the retirement age
23 community. So the record is clear, you don't
24 equate immunity with the special exception
25 neighborhood, nor do you equate it with the

1 market area?

2 A. I'm sorry. Explain that
3 again.

4 Q. What is the community as you
5 understand it in that requirement?

6 A. The community is the
7 population. Households are fit for population
8 of--of age fifty-five plus.

9 Q. All right. So you would --

10 A. In there -- in there -- in
11 that statement the proposed use will serve the
12 needs of retirement age community, that
13 community, context is the people.

14 Q. Okay. Because I understood
15 it, and I'm not necessarily correct, I understood
16 community to mean a geographical area such as a
17 neighborhood, but you looked at it as a
18 population aged fifty-five and older, correct?

19 A. That's correct.

20 Q. All right. And looking at
21 page 18, same requirement (iii), "In the R-A zone
22 there shall be a demonstrated need for the
23 facility". And you have concluded or opined that
24 there is a need based upon population in that
25 market area of those persons greater than age

1 fifty-five and the dearth of age fifty-five
2 facilities within the market area, correct?

3 A. This is one of those places
4 where I think the word facility is misused. As
5 this is not a facility, it's a retirement
6 community. But in the first use of the word
7 facility on that sentence. There is an existing
8 medical facility within this defined market area.
9 That's what --

10 Q. Yeah. No, I'm not arguing
11 with that. The second half of the sentence. I'm
12 just -- and I understand facility is ambiguous.
13 I'm not quibbling over that, but my point is your
14 needs analysis opined that there is in fact a
15 demonstrated need at this fifty-five plus
16 development, correct?

17 A. Yes, I -- I am representing
18 this particular site at this time, but if there
19 is a demonstrated need in this market area, is
20 what I've demonstrated.

21 Q. Right, right. You heard the
22 two witnesses who were opposed to this
23 application at the beginning of this hearing,
24 that they don't even want to live in the
25 neighborhood because of various issues, correct?

1 A. I heard that, yes.

2 Q. And you testified a moment
3 ago that your need analysis is based on the
4 assumption that persons fifty-five plus who live
5 either in the market area, or community, or the
6 neighborhood, want to age in place, contrary to
7 what the two opposition witnesses testified to.

8 In other words, why assume that
9 everyone who lives in that neighborhood, or that
10 market area, or that community wants to age in
11 place in that neighborhood, that market area, in
12 that community? That's a big assumption in your
13 report.

14 A. I have -- I have not put a
15 number on that in my study, but the opportunity
16 exists. What we do find in study after study is
17 that quite often people who have established
18 their life in a community as one of the -- those
19 two folks who opposed this earlier live next door
20 to this site in Melrose Springs. She bought her
21 house brand new in 1993, and so she needs that
22 definition of an empty nester who really loves
23 her community and would perhaps not want to leave
24 it, which she did say.

25 And -- and so what we find is --

1 is -- I don't know about those particular homes.
2 I don't know the layouts or floor plans, but that
3 quite often seniors who would like to stay in
4 their community may not be living in a house that
5 accommodates them well.

6 And so these types of buildings
7 and communities that are proposed by Lennar and
8 Ryan and so forth and MDR are -- are more age
9 appropriate housing that provides an opportunity
10 to stay near their friends and family within
11 their community, and that the Melrose Springs
12 community is a community in transition of empty
13 nesters at this time.

14 Regardless of whether she wants to
15 see a community get built across the woods from
16 her house or not. I'm just saying in general
17 that that the tendency is for people to want to
18 stay near their home that they're familiar with,
19 and that stores that they're familiar with and
20 the neighbors are familiar with. They don't have
21 that opportunity today in this market area.

22 MR. BROWN: Understand. No other
23 questions. Thank you.

24 HEARING EXAMINER: And again, I
25 have a just a few based on what you said, I was

1 thinking along the same lines as Stan, I just
2 need you to say a little more for the record.
3 It's probably also in your analysis. What are
4 the needs of people over fifty-five? And then
5 how are you serving it?

6 That last statement I think I got
7 from that that the homes are better, the homes
8 are more suitable for people of a certain age.
9 But could you just say a little more about why
10 you think those two needs are addressed?

11 THE WITNESS: So all of the homes
12 that are proposed in this new -- in -- in -- in
13 Meridian Hill are going to have ground floor
14 living. So they appear as multi-story homes.
15 But for the primary residence, they're going to
16 have a ground floor master bedroom suite.
17 Everything is on that level that they need to
18 live with, and with new accessibility rules that
19 are coming into play this year, that they will be
20 adaptable as they age.

21 The -- most colonial homes built
22 in the suburbs are -- don't have first floor
23 bedroom suites and require conversion, and people
24 want to age in place where they're going to
25 require stair chairs or something like that.

1 The--so this is what we call an age appropriate
2 housing model.

3 Now, I want to qualify here that
4 several of us on this call are age qualified
5 and--

6 HEARING EXAMINER: Watch yourself
7 there, Mr. Steer.

8 THE WITNESS: Yeah, but we're all
9 still working today, aren't we? And so you know,
10 it doesn't mean that everybody in an age fifty-
11 five plus community is special needs at this
12 point or -- or in need of -- of other care. It
13 is an active adult community. It's not a
14 retirement place to -- it's not a sixty-two plus
15 apartment building that has other services in a
16 dining hall.

17 So it's -- it's a -- it's -- it's
18 considered just a better type of home to age in.
19 And you might be able to age all the way through
20 and -- because it's designed for that, and -- and
21 only the newest homes are like that. I -- like I
22 say, I don't know the floor plans of the homes in
23 the neighborhood around it, but they're, you
24 know -- they date back to the 1980s. So we're
25 pretty certain that they aren't all accommodating

1 to aging in place.

2 And for Mr. Brown, aging in place
3 and aging in your community are two different
4 things. Aging in place, we like to consider
5 aging in your home. Aging in your community is
6 to stay aging and that, you know, without having
7 to leave what you're familiar with. I'm sorry.
8 I came across the wrong way before. I don't know
9 how --

10 HEARING EXAMINER: Thank you. Any
11 more questions?

12 MR. HALLER: I have none.

13 HEARING EXAMINER: Thank you, Mr.
14 Steere.

15 MR. HALLER: Thank you. Okay.
16 Thank you. My final witness is Mr. Ken Dunn.

17 MR. DUNN: Good morning.

18 HEARING EXAMINER: Good morning,
19 Mr. Dunn.

20 Whereupon,

21 WARREN KENNETH DUNN,

22 a witness called for examination
23 by counsel for the Applicants, was duly sworn,
24 and was examined and testified as follows:

25 DIRECT EXAMINATION BY MR. HALLER:

1 Q Good morning, Mr. Dunn.

2 Could you please state your full name and
3 business address for the record?

4 A. Warren Kenneth Dunn, 4300
5 Forbes Boulevard, Lanham, Maryland 20706.

6 Q. And what is your occupation?

7 A. I'm a land planner with
8 Soltesz. We're a local civil engineering, land
9 planning, landscape architecture, and surveying
10 firm.

11 Q. Speaking of the elderly, how
12 long have you been engaged in the field of land
13 planning?

14 A. Thirty-five plus years.
15 Okay. I will qualify for fifty-five plus.

16 Q. And what are your duties and
17 responsibilities as a land planner with Soltesz.

18 A. As a land planner for
19 Soltesz, I am in charge of ensuring that the
20 civil engineering aspects for land development
21 are met via subtitle 27 and subtitle 24, as well
22 as some of the further subtitles that go into
23 infrastructure development for -- for land
24 development projects.

25 Q. Mr. Soltesz, you provided us

1 previously --

2 A. Dunn.

3 Q. -- with a resume. And it is
4 marked as Exhibit 40 in the record. Have you
5 previously qualified as an expert in the field of
6 land planning before the zoning hearing examiner
7 in Prince George's County?

8 A. Yes, but -- but I'm not Mr.
9 Soltesz.

10 Q. I'm sorry. Mr. -- I
11 apologize, Mr. Dunn. Mr. Soltesz has more hair
12 than you do, but --

13 A. He has more hair. Yes, he
14 does.

15 Q. I won't bring that up too
16 much. So I'd like to offer Mr. Dunn as an expert
17 in the field of land planning.

18 HEARING EXAMINER: And he will be
19 accepted as an expert in the area of land use
20 planning.

21 THE WITNESS: Thank you.

22 BY MR. HALLER:

23 Q. Mr. Dunn, have you and your
24 firm been retained to perform engineering and
25 land planning services on behalf of the owner of

1 the property?

2 A. Yes, we have.

3 Q. Are you familiar with the
4 application being considered today and the
5 request, which is -- is made in that application?

6 A. Yes, I am.

7 Q. Did Soltesz prepare the site
8 plan and all of the other supporting drawings
9 which are contained in the application submittal
10 documents?

11 A. Soltesz prepared the civil
12 the civil engineering documents for the
13 application?

14 Q. Okay. And have you had an
15 opportunity to review those documents that were
16 submitted in this case?

17 A. Yes.

18 Q. And are you familiar with the
19 property that forms the subject matter of the
20 application?

21 A. Yes, I am.

22 Q. And have you personally
23 visited the property and viewed the surrounding
24 area?

25 A. I have.

1 Q. Are you therefore familiar
2 with not just the subject property, but also the
3 neighborhood and the uses which exist on
4 properties in close proximity to the subject
5 property?

6 A. I am.

7 Q. Could you please describe the
8 neighborhood and the characteristics of the
9 immediate area?

10 A. So the -- the neighborhood,
11 and I agree with staff's definition of the
12 neighborhood, would be bounded by Route 4 to the
13 north, Branch Avenue to the south. That's Route
14 5. To the east, it's Robert Crain Highway, route
15 301. And -- and to the west, generally speaking,
16 it's -- it's Andrews Air Force Base.

17 The neighborhood, the immediately
18 surrounding neighborhood can be characterized to
19 the north as large-lot single family detached
20 building housing that are not in a subdivision
21 but are on tax ID parcels. To the east, you have
22 a power line, several, you know, a large amount
23 of woods, and then a large lot, single family
24 detached subdivision east of the -- of the power
25 line. And then to the south, southwest-ish, you

1 have a R-R zone subdivision of -- of housing that
2 was built between the mid-'80s and early 2000s.

3 Q. Okay. And are you familiar
4 with the current zoning of the subject property?

5 A. Yes, I am.

6 Q. And what is the current zone
7 of the subject property?

8 A. The current zone -- the
9 current -- the current zone is R-A -- I'm sorry.
10 A-R.

11 Q. And are you aware of the
12 zoning category of the existing property April
13 1st of 2020?

14 A. R-A.

15 Q. R-A. All right. Okay. And
16 has a special exception been filed under the
17 provisions of the prior zoning ordinance?

18 A. Yes, it has.

19 Q. And what provision of the
20 Code authorizes the application to be processed
21 under those provisions?

22 A. 27-1704(b).

23 Q. Okay. And are you familiar
24 with the various planning documents and policies
25 in Prince George's County that are relevant to

1 the properties surrounding area?

2 A. I am. I am.

3 Q. And can you -- could you
4 briefly review the site plan and the proposed
5 buildings and uses? And it would probably be
6 helpful if we pulled that up for you to
7 reference. Let me look. If we could pull up --

8 HEARING EXAMINER: 15?

9 MR. HALLER: Exhibit 15, that
10 would be -- yes. Thank you, Madam Examiner.

11 HEARING EXAMINER: Okay. Doing
12 that, Mr. Dunn, I give you points for realizing
13 there was a (b) to Section 27-317. I'm like, I'm
14 just supposed to assume it's not in the
15 Chesapeake Bay?

16 THE WITNESS: Thank you. You
17 know, this -- this -- this exhibit is struggling
18 to come up. I'm not sure if it's stuck or needs
19 to be reloaded or what, but I can begin
20 describing it.

21 MR. HALLER: There we go.

22 THE WITNESS: There we go. So
23 what you're looking at here is our special
24 exception site plan for what we refer to as
25 Meridian Hill. The site plan consists of 126

1 single family attached units that are generally
2 referred to as a planned retirement community,
3 which we have also referred to as fifty-five plus
4 here today. It also includes a clubhouse with a
5 pickle ball court.

6 We have one entrance into the
7 subdivision through Arethusa Drive, which is an
8 existing but unbuilt right of way. So it's a
9 paper right of way. We do need some additional
10 square footage from the community association
11 that owns that property to braid the road out,
12 but otherwise the road fits within the right of
13 way infrastructure that you would normally
14 associate with a sixty- to eighty-foot-wide road.

15 You can see that we've provided
16 for storm water management at multiple locations
17 to provide water quality and water quantity
18 control. The roads interior to the subdivision
19 are generally private and are two way streets.
20 We access each of the units by driveways. The --
21 the existing property is -- is fully wooded.

22 We are providing a forest
23 conservation plan that mitigates to the
24 requirements. We also provide it with public
25 water and sewer. The existing parcels appear to

1 be unconsolidated or unplatted parcels. There's
2 two of them, parcel 22 and parcel 83. Total
3 acreage on that is forty-three acres. There's
4 about thirteen acres of floodplain on site, which
5 gives us a net, a net acreage of 33.37 acres.
6 That -- that describes the property.

7 BY MR. HALLER:

8 Q. Okay. You mentioned earlier, I think
9 the examiner mentioned there's a power line that
10 runs adjacent to the property. Looking at the
11 image on the screen, where is that power line in
12 relation --

13 A. Power line is immediately to
14 the eastern edge of the property, with North
15 being straight up. So you can -- you can
16 visualize a red line on the right-hand side of
17 the drawing. That's the eastern edge. To the
18 right of that red line is the power line.

19 Q. And the property that abuts
20 that power line, which is not shown as having any
21 development in it, what is the disposition of
22 that property ultimately going to be?

23 A. Ultimately, that property is
24 going to be open space. It will be mostly treed.
25 There are environmental constraints down there,

1 all based around the Charles Branch, which is the
2 watershed that runs through the property. It's a
3 fairly significant stream, and we've done our
4 best to make sure that there's no penetrations
5 into those environmentally constrained areas,
6 only doing so where necessary for purposes of
7 storm water management, outfall or water and
8 sewer.

9 Q. And it was it determined at
10 the time of subdivision that a portion of that
11 property would be conveyed to park and planning?

12 A. Yes.

13 Q. Okay. Have you had an
14 opportunity to prepare a report which addresses
15 the planning neighborhood, the planning
16 documents, and the statutory provisions which are
17 applicable to the proposed use?

18 A. Yes, I did.

19 Q. And I would note that Mr.
20 Dunn's land planning report is in the record as
21 Exhibit 41, and I'm going to ask you several
22 questions just to get at several of the findings
23 and conclusions in your report.

24 So Mr. Dunn, are you aware of the
25 applicable sections of the zoning ordinance which

1 established the criteria for a special exception
2 for a planned retirement community?

3 A. I am.

4 Q. And does the written analysis
5 you've prepared address those requirements?

6 A. It addresses both Section 27-
7 317 and 27-395, which are the two sections -- two
8 pertinent sections.

9 Q. Okay. Now I'd like to ask
10 you some questions to address the requirements of
11 27-395. The first provision, 27-395(a) is
12 referenced as the findings of approval for
13 approval, and it requires that the district
14 counsel make three findings in conjunction with
15 approval of a plan retirement community.

16 The first one, I, it relates to
17 the proposed use meeting the needs of the
18 retirement age community, and three specifically
19 relates to showing a demonstrated need in the R-A
20 zone. I think Mr. Steere addressed those. The
21 third criteria is that the proposed use -- that
22 the district counsel has to find that the
23 proposed use will not adversely affect the
24 character of the surrounding residential
25 community.

1 In your opinion as an expert land
2 planner, will the proposed use have an adverse
3 effect on the character of the surrounding
4 community?

5 A. It will not adversely affect
6 the character of the surrounding community, as
7 we've discussed. You know, the property is
8 located at the end of Arethusa Road which well,
9 it is also located at the end of Johensu, but
10 I'll get to that. Arethusa is a -- is a -- is a
11 public paper street, was always anticipated to
12 connect the various properties between Johensu,
13 the subject of today's conversation, and Woodyard
14 Road.

15 It effectively creates an enclave
16 at the end of Arethusa. The -- the residents are
17 in a quiet suburban neighborhood. And this --
18 this this subdivision will have no -- no real
19 impact, no substantial impact, on any of the
20 existing properties along the travel path.

21 Johensu, I should note, is not
22 being used because it is difficult -- it would be
23 extremely difficult to develop a right of way
24 that supports the traffic from this site through
25 the existing sites to Woodyard Road because of

1 the substandard nature of the road and the -- the
2 way the lotting pattern has developed for the
3 housing, the large lot, single family detached
4 housing to the north of the property.

5 You would have to actually
6 dedicate right of way from those lots for
7 purposes of the construction of the road and
8 purposes of storm water management to support the
9 construction of that road, which that right of
10 way is -- not reasonably be assumed to be
11 obtained by any of those property owners.

12 So we have -- we've determined
13 that Arethusa would be the most appropriate
14 entrance into the subdivision, and that it has
15 the least impact to the character of the
16 surrounding neighborhood.

17 Q. Okay. Thank you very much.
18 Section 27-395(a)(2) addresses the site plan
19 requirements, and it just says that in addition
20 to the normal Requirements applicable for site
21 plans for a special exception, the site plan
22 shall set forth the proposed traffic circulation
23 patterns. Does the site plan do that?

24 A. The site plan does that. You
25 can see that as represented by the -- the streets

1 for the subdivision on -- on the site plan.
2 These are two way streets that -- that reach and
3 service all of the housing associated with our
4 plan. And it shows how you enter -- enter and
5 exit the property.

6 Q. Okay. The Section 27-
7 395(a)(3) addresses the regulations that are
8 applicable. Not all of those provisions are
9 relevant to this particular application, because
10 some relate to zoning categories that do not
11 apply here.

12 But the first regulation
13 essentially says that the site plan sets forth
14 the proposed regulations for the site and that it
15 governs the height of the structures, lot size,
16 coverage front and setbacks, density and dwelling
17 units -- the site plan that was prepared by
18 Soltesz, as set forth in development regulations
19 that will govern the site if this application is
20 approved?

21 A. Yes. And those are all
22 listed either in the notes or can be visually
23 determined from the plan itself.

24 Q. Okay. And then the next
25 regulation in (a)(3)(B), is it the subject

1 property shall contain at least twelve contiguous
2 acres. Does the property conform with that?

3 A. Yes. The property conforms
4 with that. As I mentioned earlier, it's 43.73
5 acres of land.

6 Q. Okay. And then the 27-
7 395(a)(3)(C) says that the average number of
8 dwellings per acre shall not exceed eight for the
9 gross tract area. Does the property conform with
10 that requirement?

11 A. It does. We're at -- per
12 gross acre, we're at 2.88 units per acre.

13 Q. Okay. None of the other
14 provisions of 27-395(a)(3) are applicable, but
15 27-395(a)(4) addresses the uses that are allowed
16 in a planned retirement community, and it does
17 require that the community include a community
18 center or a meeting area and other record
19 facilities which the district counsel finds
20 appropriate to serve the retirement age
21 community. Does the proposed site plan include a
22 community center meeting area with rec
23 facilities?

24 A. It does. You can see that
25 there is recreational facility located on the

1 property that includes a pickle ball court with
2 rooms inside the building for the residences'
3 uses. It also has an outdoor seating area with a
4 fire pit.

5 Q. Okay. The provisions in 27-
6 395 do also allow retail, commercial uses,
7 medical facilities, and health care facilities
8 within the community. Are any proposed in this
9 particular application?

10 A. None are proposed.

11 Q. Okay. The condition of 27-
12 395(a)(5) requires that the -- the covenants be
13 provided to restrict the age of the residents. I
14 believe Mr. Lansing testified to that earlier.
15 Do you have anything to add to that?

16 A. It just -- it just that the
17 applicant -- that the -- the Declaration of
18 Covenants with the application include age
19 restriction and conformance with the Federal Fair
20 Housing Act.

21 Q. Okay. And then the final
22 criteria is that covenants guaranteeing the
23 perpetual maintenance of recreational facilities
24 shall be filed in the land records at the time of
25 subdivision. Has that been accounted for as part

1 of the subdivision application?

2 A. That was -- actually, as part
3 of condition 8 of the preliminary plan, 4-24028,
4 we were required to establish an HOA prior to the
5 approval of the final plat. We haven't gotten to
6 the final plat, but it will be done, including
7 perpetual maintenance for the recreational
8 facilities. So at the appropriate time, we'll
9 get the -- we get the plat recorded with -- with
10 those -- with those documents as part of that
11 process.

12 Q. Great. Okay. Thank you.
13 Let me now turn your attention to Section 27-317,
14 which are the general requirements applicable to
15 the approval of any special exception. Section
16 27-317(a)(1) requires that the proposed use and
17 site plan be in harmony with the purposes of
18 subtitle 27 of the Prince George's County Code.
19 In your opinion, is this requirement satisfied by
20 this application?

21 A. Yeah. There are fourteen
22 different sections of -- of that portion of the
23 Code that -- that are necessary to prove harmony.
24 I think this plan addresses all of those
25 adequately.

1 Q. And all of those outlined in
2 the land planning analysis that you submitted
3 into the -- into the record.

4 A. They are.

5 Q. Okay. And Section 27-
6 317(a)(2) requires that the proposed use be in
7 conformance with the applicable requirements of
8 Subtitle 27. Is the proposed use in conformance
9 with the applicable requirements of Subtitle 27?

10 A. It's in -- it's in -- it's in
11 conformance with the applicable requirements of
12 Subtitle 27. Yeah.

13 Q. Are you familiar with the
14 applicable master plan, which applies to the area
15 which is the subject of the application?

16 A. I am.

17 Q. And what master plan is the
18 applicable master plan?

19 A. That's subregion 6. So it's
20 the 2010 master plan and (indiscernible)
21 amendment for subregion 6.

22 Q. Are you familiar with the
23 Prince George's County General Plan as well?

24 A. I am.

25 Q. 27-317(a)(3) requires the use

1 not be -- not substantially impair the integrity
2 of any master plan, functional master plan or the
3 general plan. If there is no master plan. Can
4 you please review for the hearing examiner which
5 recommendations of the master plan are relevant
6 to the proposed plan retirement community, and
7 whether the approval of the special exception
8 would impair the integrity of the general plan or
9 the master plan?

10 A. Well, so to generally quote
11 from the master plan, it's -- it's to build high
12 quality suburban development. They want
13 residential low land uses on the subject
14 property. They define that as up to 3.5 dwelling
15 units per acre. We're at 2.88 dwelling units per
16 acre based on gross track. So that follows the
17 recommendation of the master plan.

18 The prior zoning ordinance allows
19 density up to eight dwelling units per gross
20 acre. We do not impair the integrity of -- of
21 the master plan based on those -- based on those
22 requirements.

23 Q. Okay. Section 27-317(a)(4)
24 requires that the use not adversely affect the
25 health, safety, or welfare of residents or

1 workers in the area. In your opinion, from a
2 planning perspective, will the proposed use have
3 an adverse effect on health, safety and welfare
4 of residents or workers in the area?

5 A. I do not believe it will.
6 We're providing for stormwater management, so
7 that's, you know, water quality and flooding
8 protection. We have existing forests left on --
9 on site. We have sidewalks. It's a walkable
10 neighborhood. We've provided for a clubhouse
11 with active recreational uses. I think we've
12 done everything we can to -- to address that
13 requirement.

14 Q. Okay. Thank you. Section
15 27-317(a)(5) requires that the use not be
16 detrimental to the use or development of adjacent
17 properties or the general neighborhood. In your
18 opinion, will the proposed use be detrimental to
19 the use and development of the adjacent
20 properties or the general neighborhood?

21 A. It will not. In fact, I went
22 into some detail on the way to access the
23 property, especially Johensu Drive, if we had
24 decided to use Johensu Drive, despite all the
25 difficulties for construction and a connection to

1 Woodyard Road, I think then we would be being
2 detrimental to the adjacent properties.

3 However, that's not the choice we
4 made. We're going through Arethusa, which was a
5 dedicated paper street. So we were using what
6 clearly was intended to be used during previous
7 approvals, you know, as time has progressed.

8 Q. Okay. Thank you. Section
9 27-317(a)(6) requires the site plan be in
10 conformance with an approved type-2 tree
11 conservation plan. Can you address this
12 criteria?

13 A. Yeah. A type-1 tree
14 conservation plan was approved with the
15 subdivision -- the preliminary plan of
16 subdivision 4-24028. The type-2 mirrors the
17 type-1 and it has been submitted with this
18 application and has met the conditions and
19 requirements of -- of the forest conservation
20 regulations.

21 Q. Thank you very much. And
22 then finally Section 27 --

23 HEARING EXAMINER: If I may
24 interrupt right there.

25 MR. HALLER: Yeah.

1 HEARING EXAMINER: I was looking
2 for that tree conservation plan, so I apologize.
3 I had only seen it with the staff report, but
4 we've now added it as a standalone document for
5 Exhibit 55. And I've emailed it to you, Mr.
6 Haller, Mr. Brown, to make sure that's the one,
7 Mr. Dunn, that's the only type TCB (phonetic) 2.
8 I apologize that it wasn't on the exhibit list.

9 MR. HALLER: There is a tree
10 conservation plan referenced in Exhibit 32-A and
11 B.

12 HEARING EXAMINER: Maurene missed
13 that. Okay. I was looking everywhere for this
14 plan. I can't look at the documents right now
15 for some reason because you all are looking at
16 them too online. Okay. So that -- and that's
17 the one we're talking about?

18 MR. HALLER: I'm assuming so.
19 Hold on. Let me pull it up.

20 THE WITNESS: You'd have to.

21 HEARING EXAMINER: And if so
22 Ms. -- you don't have to do fifty-five. You know
23 what? It might be good -- is it okay to pull it
24 up? Since you just finished talking about it.

25 MR. HALLER: Why don't we -- so as

1 I said, there's Exhibit 32-A is a tree
2 conservation plan dated 9/17/25, and B is a
3 conservation plan dated 7/15/25. I'm assuming
4 that one is an update of the other.

5 HEARING EXAMINER: Yeah. Let's
6 make sure that and we'll make -- we'll call it A
7 Revised.

8 MR. HALLER: There we go. Yeah.
9 That's it.

10 THE WITNESS: That is the tree
11 conservation plan that runs with the special
12 exception. Yes.

13 HEARING EXAMINER: Okay. Thank
14 you. Anything you want to say about it or we're
15 good?

16 THE WITNESS: I have nothing
17 further to say about it.

18 HEARING EXAMINER: Are you going
19 to be addressing separately from this the
20 variance for the specimen trees or?

21 THE WITNESS: We certainly can.
22 We did file variance -- variances for removal of
23 specimen trees. You can generally see on the
24 plan the specimen trees is larger circles. Those
25 with -- they're sort of light gray. Those with

1 red Xs in them are the specimen trees that we had
2 to remove in order to develop the property.

3 This variance was approved during
4 the preliminary plan of subdivision because it
5 was deemed -- those trees were deemed necessary
6 to be removed to -- to assist in the development
7 of the infrastructure such as the roads, the
8 storm water management, the water and sewer, and
9 the grading for the houses.

10 We've saved several specimen trees
11 in the existing forest to -- that are generally
12 located to the right. Some of them are in --
13 within the environmentally constrained areas.
14 Some of them are outside of the environmentally
15 constrained area. And just in what we call or
16 what we're proposing is forest conservation.

17 HEARING EXAMINER: And you reduced
18 it to the twenty-two that were approved by the
19 planning board?

20 THE WITNESS: That's correct.

21 HEARING EXAMINER: Okay.

22 Actually, I wanted to talk more about the
23 impacts. Are you going to get to that part too?

24 I'm sorry, Tom, I'm -- Mr. Haller,
25 that I seem to be taking over direct, but --

1 THE WITNESS: The --

2 HEARING EXAMINER: I can wait. I
3 can wait until you want to. But I just wanted to
4 hear more about the differences between those
5 impacts and what you presented to the planning
6 board, as the -- as staff is mentioning on page
7 13, 14, and, I guess, 15 of the report. I want
8 to hear from you.

9 THE WITNESS: Are you're talking
10 about -- I presume you're talking about impacts
11 to the primary management area?

12 HEARING EXAMINER: Yes, yes.

13 THE WITNESS: Okay. Thank you.
14 So we did -- at the time, we had -- when we were
15 going through the subdivision, we hadn't quite
16 nailed down exactly the pathway for the water and
17 sewer, which we've done -- we've done so now.
18 The impacts are not significantly different, but
19 they are -- they are identified on this plan.

20 How to describe them? They --
21 they generally exist on the right-hand side of
22 the plan bounded by darker lines with what's our
23 lighter gray utility lines shown in the center.
24 I don't have the cursor, so I can't really put my
25 hand on -- on one. But -- but they're there only

1 for the purpose of developing infrastructure to
2 support the -- to support the subdivision, and
3 that would be your water and sewer and your storm
4 water management outfalls. There's no other
5 impacts.

6 HEARING EXAMINER: Okay. I just
7 wanted you to address it. Thank you.

8 THE WITNESS: You're welcome.

9 MR. HALLER: And that was my next
10 question, so.

11 HEARING EXAMINER: Sorry.

12 BY MR. HALLER:

13 Q. You just answered it. And then because
14 27-317(a)(7) requires that we address impacts to
15 regulated environmental features, which was
16 addressed in part during the subdivision and then
17 refined a bit as the final special exception site
18 plan came in.

19 So Mr. Dunn, if you had an
20 opportunity to review the conditions recommended
21 by the staff in -- in -- in the special exception
22 staff report?

23 A. I have.

24 Q. Condition 1 required
25 modifications to the tree -- the type-2 tree

1 conservation plan prior to signature approval.

2 Do you have any issues with any of those
3 recommendations?

4 A. I do not.

5 Q. Condition 2 required
6 modifications to the special exception site plan
7 prior to signature approval. Do you have any
8 issues with those recommendations?

9 A. I do not.

10 Q. Condition three requires that
11 an inventory of historic properties that was
12 prepared for this property be submitted to the
13 Maryland Historic Trust prior to signature
14 approval, and also requires that the final floor
15 plans for the community building be submitted
16 prior to signature approval. Do you have any
17 issue with either of those requirements?

18 A. I do not.

19 Q. The first condition for --
20 required the modifications to the architecture.
21 There's a second condition 5 that requires a
22 revision to the landscape plan prior to
23 certification. Did you have any problems with
24 the revision recommended to the landscape plan?

25 A. I do not have any problems

1 with the landscape plan revision.

2 Q. Okay. And then the final
3 condition, the condition 5 required age
4 restrictive covenants to be recorded prior to
5 final plat. Obviously, that will be taken care
6 of at that point in time, correct?

7 A. Correct.

8 Q. You testified earlier that
9 the proposed development had been the subject of
10 an approved preliminary plan of subdivision.
11 What was the number of that subdivision again?

12 A. It was for 4-24028.

13 Q. Okay. When that subdivision
14 was approved -- or was the subdivision approved
15 previously?

16 A. Yes, it was.

17 Q. And is it still valid?

18 A. Yes, it is.

19 Q. On pages 6 through 10 of the
20 staff report for this application, the staff
21 reviewed each of the applicable conditions of the
22 preliminary plan. Have you reviewed the staff's
23 analysis?

24 A. I did. I did, yes.

25 Q. Did the staff find that the

1 proposed special exception conforms with the
2 applicable conditions of the preliminary plan?

3 A. Yes.

4 Q. And do you concur with that
5 finding?

6 A. I do.

7 MR. HALLER: Okay. I have no
8 further questions for Mr. Dunn.

9 HEARING EXAMINER: Mr. Brown?

10 CROSS-EXAMINATION BY MR. BROWN:

11 Q Good afternoon, Mr. Dunn.

12 A. Good afternoon, Mr. Brown.

13 Q. I guess we can get ready to
14 wrap this up, huh?

15 A. However I can help.

16 Q. Right. My question is -- go
17 to page 19 of the staff report concerning 27-568
18 regulations of the R-A zone concerning required
19 number or the schedule of parking spaces.

20 A. Very good.

21 Q. So testimony earlier was that
22 the prior NVR plans provided for
23 (Indiscernible). Therefore, that, of course,
24 affects the layout in the parking, and the Lennar
25 plan, as I heard the testimony provide single

1 garages.

2 So with the provision of single
3 garages as opposed to double garages, does that
4 impact required number of spaces looking at the
5 third paragraph from the bottom of page 19,
6 "Staff concludes the project requires 258 vehicle
7 parking spaces to demonstrate conformance to
8 townhouse".

9 I don't agree with their analysis
10 of how they got there, but let's just assume 258
11 is required. No number of parking spaces. With
12 the one-car garage layout, will you have 258
13 parking spaces?

14 A. We'll have more than 258. So
15 there's, you know, there's the requirement of
16 258. Then there's what we're providing. Under
17 the original plan with the NVR, we did have two-
18 car garages. Some of the housing under Lennar's
19 plan will have one-car garage instead of two car.
20 I don't know exactly how many, but if you make
21 the assumption that fifty percent of them will be
22 one -- one car, you still wind up with 393
23 parking spaces.

24 That removes -- under those
25 calculations, trying to make it a worst case

1 scenario, you're removing half of the parking
2 that was provided in the driveways, and half of
3 the parking was provided in the garages, and you
4 still exceed the number of parking spaces that
5 the Code requires.

6 Q. And the staff noted the prior
7 zoning ordinance is silent on the number of
8 vehicle parking spaces. Could it be argued that
9 there is no requirement for parking spaces for
10 this development?

11 A. Could you repeat that
12 question?

13 Q. I spoke too quickly. The
14 staff concludes the prior zoning ordinance is
15 silent on the number of vehicle parking spaces
16 required for a planned retirement community.
17 Could we make the argument that there is no
18 requirement for parking spaces for a planned
19 retirement community?

20 A. You could make that argument.
21 I don't think it would be successful, ultimately.

22 Q. And going down further,
23 second paragraph from the bottom, also, on page
24 19. It provides, "The applicant contends in
25 their statement of justification that an

1 unrelated, previously approved and certified site
2 development plan, SDP 2301, established parking
3 for a proposed community building by determining
4 the uses contained in the community building".

5 What is this previously certified SDP.

6 A. That was a SDP that was
7 approved on a different site that had a similar
8 community center in an effort to try to prove to
9 the reviewing agencies that we had a -- a correct
10 number of parking spaces. So we were using
11 historical context to try to come to the
12 conclusion that we had appropriate amount of
13 parking available for the community center.

14 Q. And then going to the next
15 page, 20, of the staff report, the staff was
16 debating the applicant's use of the principal use
17 classification to calculate the parking. Can you
18 clarify the debate there?

19 A. I think it was -- they
20 were -- we were specifically talking about the
21 community center, and the uses inside and outside
22 of the community center because, as you
23 previously noted, there's not much guidance in
24 the previous zoning code for calculating parking
25 at a community center.

1 But we know just -- we just know
2 that it's going to need parking, and what we --
3 what the debate was, how much parking needed to
4 be applied. And so that's why we pulled out some
5 historical examples in an effort to satisfy
6 the -- the conversation that was happening around
7 how much parking would be sufficient for the
8 community center.

9 Q. And the community center is
10 proposed to be how many square feet,
11 approximately?

12 A. It was about a thousand
13 square feet. Somewhere between 800 and a
14 thousand square feet.

15 Q. So for 800 to 1000 square
16 foot structure, the applicant made the comparison
17 that that is equivalent to a theater, an
18 auditorium, or a stadium?

19 A. Yeah. I'm sorry, it was --
20 on the plan, it's 1,357 square feet, to be
21 specific. And yes, we -- we did -- we did make
22 that comparison and -- based on seating because
23 that's what the rooms have in them.

24 Q. I mean, is that a fair
25 comparison? I mean, a stadium, auditorium, and a

1 theater? Most people who attend those types of
2 structures or events are coming in groups.
3 Whereas a 1,000-square-foot great room, a game
4 room, people are coming individually.

5 A. So it's really about the
6 seating inside the unit. So it's one parking
7 for -- for four seats. What we have here is a
8 limited use, to your point. People can drive
9 there from within the neighborhood, but they can
10 also walk there. It's not very far from even the
11 furthest unit. Most people don't walk to a
12 stadium or a theater or a, you know, that type of
13 venue. Here, we have -- we can take advantage of
14 the sidewalks and encourage our residents to walk
15 to the clubhouse.

16 HEARING EXAMINER: But aren't you
17 allowing that other community to use it six times
18 a year, so -- well, six times a year. I guess
19 you're saying there's still sufficient parking?

20 THE WITNESS: We felt it was, for
21 a lack of a better term, a little de minimis.

22 HEARING EXAMINER: But while we're
23 on that, Mr. Brown, were you finished with that
24 line?

25 MR. BROWN: Yes. Yes.

1 HEARING EXAMINER: I just want to
2 hear more. And you probably have it in one of
3 these covenants that you just provided, but
4 doesn't there have to be some kind of approval
5 from the district counsel for the other community
6 center to use this community center? For the
7 other -- I'm sorry, for Melwood Springs. Well --

8 MR. HALLER: Madam Examiner, the
9 specific provision of the Code 27-395, it talks
10 about sizing the amenities appropriately. Let me
11 just go back to it.

12 So I think you're referring to
13 subsection 27-395(a)(4), and it says the
14 recreational facility shall only serve the
15 retirement community. The scope of the facility
16 shall reflect this fact. The council may permit
17 a larger facility which serves more than the
18 retirement community, if the facility is
19 harmoniously integrated into the retirement
20 community and the surrounding neighborhood.

21 So in this particular instance,
22 the sizing of the facility has been designed to
23 accommodate the retirement community. We didn't
24 increase the size of it to allow for the
25 adjoining community to have their meetings there.

1 And so we didn't feel that --
2 that -- that the facilities were oversize and
3 would specifically need -- I mean, in other
4 words, if we were to double the size of the
5 community center to allow outside use, the
6 district counsel would have to approve that. We
7 didn't oversize the facility. We're just being
8 good neighbor, if you will, and allowing the
9 adjoining community to meet there.

10 HEARING EXAMINER: Okay. And I
11 could agree with that because this is de minimis.
12 But if you read it with the prior sentence, which
13 I think you would have to, it says the center
14 itself shall only serve the retirement community.
15 So if there's enough room in there to serve more
16 than the retirement community, you see what I'm
17 saying?

18 But since you're talking about
19 meeting spaces six times a year, and I guess
20 that's going to be a condition if this is
21 approved. But if they come there, then maybe it
22 is big enough to serve other people and not just
23 the retirement community.

24 MR. HALLER: I would also note
25 that the references to the rec facilities, so

1 the -- the -- the community access to the
2 community building would be for the meetings, but
3 not necessarily for the pickle ball court. So
4 not all the rec facilities are open to everybody
5 in the community. But the -- the community
6 meeting space, the actual community center, would
7 be available for their meetings.

8 And they would -- just like
9 anybody in the community that wanted to use it
10 they would -- there would be a calendar. And if
11 it's available, they can use the -- they can use
12 the space. So I think that the reference to the
13 rec facility --

14 HEARING EXAMINER: Recreational
15 wouldn't include just cards and things? It's
16 defined to mean sports. It's -- I'm with you
17 because it's de minimis. I'm just pointing that
18 out that I don't know that I'm with you if it
19 were a lot more. But I hear you.

20 MR. HALLER: I understand that.

21 HEARING EXAMINER: Okay.

22 MR. HALLER: And I would only
23 note, like, for the record, that if we had not
24 engaged with Melwood Springs, and that had been
25 something that had come up, and we had built a

1 community center and they needed a place to meet,
2 I'm sure that they would have they'd be talking
3 to each other and they'd be allowed to use it.

4 But we wanted to ensure Melwood
5 Springs that that was a commitment that we were
6 going to honor and not just something that we
7 would throw out there and not follow through on.

8 HEARING EXAMINER: Yeah, I agree
9 with you. It's because of your commitment that
10 have me looking at it as well.

11 MR. HALLER: Yeah.

12 HEARING EXAMINER: So Mr. Brown,
13 are you finished?

14 MR. BROWN: Oh, yes. I was done.
15 Thank you.

16 HEARING EXAMINER: And Mr. Haller,
17 did you have any more for this witness?

18 MR. HALLER: I have no more
19 witnesses. Thank you.

20 HEARING EXAMINER: Okay. Thank
21 you, Mr. Dunn.

22 THE WITNESS: You're welcome.
23 Thank you.

24 HEARING EXAMINER: So no more
25 witnesses and that's it.

1 MR. HALLER: I have no more
2 witnesses. Mr. Johnson is here with Melwood
3 Springs.

4 HEARING EXAMINER: Okay. Great.

5 Mr. Johnson? There you are.

6 MR. JOHNSON: Good -- good
7 morning.

8 HEARING EXAMINER: Good morning.

9 HEARING EXAMINER: And do you
10 think you can -- I mean, it's okay if you can't,
11 but you think you can change your camera a little
12 bit? We see, like your nose and up. There you
13 are. Okay.

14 And first tell me your name and
15 address and then whatever you want -- unless,
16 Tom, were you questioning? No?

17 MR. HALLER: No.

18 HEARING EXAMINER: Okay. So just
19 tell us your name and address and whatever you'd
20 like to tell us about this.

21 MR. JOHNSON: Okay. My name is
22 Robert Johnson, and I live at 10408 Bunch Berry
23 Lane, Upper Marlboro 20772.

24 HEARING EXAMINER: Okay. And do
25 you have anything you want to state about this

1 request from --

2 MR. JOHNSON: Representatives from
3 Meridian Hills have met with our community
4 multiple times, not only our community, but our
5 board of directors. And they -- like they say,
6 they recognize that we were having a problem with
7 Perry Wood, and we wrote and exiting the
8 community, and they agreed to take action there.

9 They also took actions on a number
10 of our community concerns and address them
11 appropriately, even going down to changing school
12 bus stops that would be impacted. So we have
13 been in close contact with them and working all
14 the way through, and we did sign an agreement
15 with our attorneys review with Meridian Hills.

16 The -- the only thing I would add
17 is on the intersection at Prairie Wood and where
18 you are still remains a problem. We -- we thank
19 Meridian for providing the -- the exit lanes, but
20 we have a problem with entering into the
21 community on the single lines and people passing
22 us on the shoulder. And we -- we've had one
23 fatality at that intersection, and we continue to
24 work with State highway regarding that
25 intersection.

1 We -- we have no problem with the
2 Meridian Hills project and it going forward with
3 it, but we -- we ask that they continue to work
4 with us, especially on Arethusa. It's a very
5 narrow street, and the county is going to have to
6 institute signage and other things that will --
7 will help this street and the residents living
8 along the streets safely negotiate their exit --
9 their entry onto the roadway. So with -- with
10 that, thank you. Appreciate it.

11 HEARING EXAMINER: Thank you.

12 Mr. Brown?

13 MR. BROWN: Mr. Johnson, good
14 afternoon.

15 MR. JOHNSON: Good afternoon.

16 MR. BROWN: Are you an officer of
17 the Community Association?

18 MR. JOHNSON: Sorry. I'm the
19 president of the association.

20 MR. BROWN: Okay. And did you
21 guys conduct a board meeting on this project?

22 MR. JOHNSON: We conducted
23 community meetings, as well as a board meeting,
24 and voted to support the project.

25 MR. BROWN: Do you remember

1 approximately when that vote was taken?

2 MR. JOHNSON: It's -- it's been
3 over a year. I can't give you the exact date and
4 time.

5 MR. BROWN: The community benefits
6 agreement you said was reviewed by your attorney?
7 Did I hear you testify to that?

8 MR. JOHNSON: Yes.

9 MR. BROWN: Okay. I didn't see it
10 in the record. But if it's not in the record,
11 Mr. Haller, I'd like to have the community
12 association put in the record that they voted to
13 support this application on such and such date.

14 Mr. Johnson, can you give me a
15 letter that says that?

16 MR. JOHNSON: Sure.

17 MR. BROWN: No other questions.

18 Thank you. When can I --

19 HEARING EXAMINER: Thank you, Mr.
20 Johnson.

21 MR. JOHNSON: Thank you.

22 HEARING EXAMINER: Mr. Haller, did
23 you have anything further?

24 MR. HALLER: I do not.

25 HEARING EXAMINER: Okay. Then,

1 thank you all for being here today. And we're
2 leaving the record open for Mr. Johnson's letter.

3 MR. HALLER: I've got four things
4 on my list.

5 HEARING EXAMINER: All right.
6 What are your four?

7 MR. HALLER: A revised site plan
8 to reflect the footprints of the proposed new
9 units. I don't want to assume that their
10 footprints are going to be identical to what we
11 had with NVR a response to the staff's
12 recommended architectural modifications that were
13 in condition 4 of the staff report, ethics
14 affidavits for Lennar as soon as the contract is
15 signed.

16 And then, the letter that Mr.
17 Brown just requested from the Melwood Community
18 Association noting that it voted to support the
19 project on whatever date that was that they had
20 their -- they took their action.

21 HEARING EXAMINER: Okay. Anything
22 else, Mr. Brown?

23 MR. BROWN: Yeah, I think that
24 included everything.

25 HEARING EXAMINER: Okay. And one

1 little thing, Mr. Haller, but I know you'll get
2 it quickly. I have to keep this record open for
3 at least thirty days after I receive an updated
4 ethics affidavit. So the sooner we get it, the
5 sooner we can pass it on to the clerk.

6 MR. HALLER: Okay.

7 HEARING EXAMINER: Okay. Thank
8 you all for everything today. And take care.

9 (Whereupon, the proceedings were
10 concluded.)

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1 C E R T I F I C A T E

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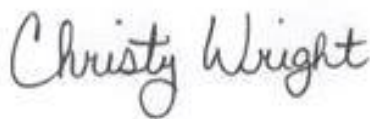
3

4 I, Christy Wright, certify that the foregoing
5 transcript is a true and accurate record of the
6 proceedings.

7

8

9

A handwritten signature in cursive script that reads "Christy Wright". The signature is written in dark ink and is positioned above a horizontal line.

10

11 CHRISTY WRIGHT

12

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18 Date: March 27, 2026

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