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

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DOBSON FARMS : Case No. A-10059
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A hearing in the above-entitled matter was held on
March 2, 2022, at the Prince George's County Office of
Zoning, County Administration Building, Room 2174, Upper
Marlboro, Maryland 20772 before:

Joyce Nichols
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Matthew Tedesco, Esq.

On Behalf of People's Zoning:

Stan Brown

* * * * *

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P R O C E E D I N G S

1
2 MS. NICHOLS: All right. Thank you. Good morning
3 everybody, it is the 2nd of March, we are here for A-10059,
4 a request to rezone property from the R-A and R-E Zones to
5 the R-S or L-C-D Zone. Good morning, Mr. Tedesco.

6 MR. TEDESCO: Good morning, Madam Examiner,
7 administrative staff as well as People's Zoning Council, Mr.
8 Brown, it's a pleasure to be before you this morning. For
9 the record, Matthew Tedesco with the Law Firm of McNamee
10 Hosea here on behalf of the applicant, D.R. Horton,
11 Incorporated. Also this morning with us, I'll go through
12 kind of our registry so you know who the players are, Madam
13 Examiner and Mr. Brown. But also with me, my colleague Mr.
14 Bill Shipp with O'Malley, Miles on behalf of the owner,
15 Walton Maryland, LLC. Adam Worman (phonetic sp.) is on also
16 on behalf of the owner. They are here in a capacity,
17 hopefully to listen, but offer any information regarding the
18 owner that may be needed. On behalf of D.R. Horton though
19 we have two gentlemen on the line, Griffin Burns (phonetic
20 sp.) is here to testify on behalf of the applicant, D.R.
21 Horton.

22 Also, the development team is made up of Rogers
23 Consulting, Mr. Alex Ajas (phonetic sp.), Charlie Howe who
24 is an expert P.E., Steve Allison is an expert in the field
25 of arboriculture and landscape architecture. Joe DelBalzo

1 is the expert land planner who will be testifying. From
2 Lenhart Traffic Consulting we have Mike Lenhart who is our
3 expert traffic engineer and planning.

4 Madam Examiner, I have a few items before we get
5 into the witnesses, if you use your indulgence wanted to go
6 through real quick. I want to thank your staff, there was a
7 couple of last minute e-mails regarding some exhibits, but
8 in preparing also I noticed that there was a couple of
9 duplicate exhibits, which we mentioned earlier last week may
10 occur. I didn't know how you wanted to handle that, if you
11 wanted to kind of clean those up and just reference some of
12 them as duplicates, or reference them both, and I can go
13 through those. There's not many but there's a handful if
14 you wanted to take note of that.

15 MS. NICHOLS: Yes, would you please let me know?

16 MR. TEDESCO: Sure. So Exhibit 38 and 78, those
17 are duplicates of the statement of justification, the most
18 recent amended statement of justification dated June 4,
19 2021. Exhibit 55 and 67 are duplicates, duplicative, excuse
20 me. That is the e-mail from Mr. James Hunt from Maryland
21 National Capital Park and Planning Commission to Ms. McNeil
22 dated February 19, 2022.

23 MS. NICHOLS: I have 57, 55 and 57?

24 MR. TEDESCO: 55 and 67.

25 MS. NICHOLS: Oh thank you.

1 MR. TEDESCO: Sorry.

2 MS. NICHOLS: Yes, okay.

3 MR. TEDESCO: And then 32 and 50 are duplicative,
4 that is the letter from myself to the Chair of the Planning
5 Board, Ms. Hewlett amending the ZMA application on May 10,
6 2021.

7 MS. NICHOLS: All right. So the way that we're
8 going to handle that is, are you done Matt with those?

9 MR. TEDESCO: Yes, I am. Those are the ones that
10 I --

11 MS. NICHOLS: Noted.

12 MR. TEDESCO: -- readily caught, yes.

13 MS. NICHOLS: Okay. All right. So what we're
14 going to do is since 38 and 78 are the same, 78 is going to
15 receive the notation reserved. Then 67 and 55 are the same,
16 so 67 will also have the notation reserved. And lastly we
17 had 50 and 32, so 50 will have the notation reserved.

18 MR. TEDESCO: Thank you.

19 MS. NICHOLS: Thank you. And so those documents
20 that are now called reserved will be removed and should you
21 have any exhibits today we'll pop in and reuse a number.

22 MR. TEDESCO: Otherwise, if not the numbers
23 following will remain the same then as referenced?

24 MS. NICHOLS: Right. Rather than renumber
25 everything --

1 MR. TEDESCO: Got it.

2 MS. NICHOLS: -- we'll just reserve the three and
3 fill in if there are any more exhibits.

4 MR. TEDESCO: Thank you. I appreciate it. Also
5 Madam Examiner, your indulgence I think it's important given
6 the procedural history on this case, if you just allow me a
7 moment to just run through that real quickly. I think it
8 would provide some clarity not only to yourself but to Mr.
9 Brown and anybody else who might be on the line this
10 morning.

11 This application is for A-10059 as you mentioned
12 at the outset. That application was accepted by Maryland
13 National Capital Park and Planning Commission on February
14 17, 2021, so just over a year ago.

15 The Technical Staff Report which I'll refer to as
16 Technical Staff Report Number 1, which is Exhibit 47, was
17 published on April 30, 2021 in response to that application
18 that was filed in February of 2021. In May 10, 2021, which
19 is referenced as Exhibit 32, the applicant and owner amended
20 the application A-10059 to remove a parcel known as Parcel C
21 which was approximately 150 acres of the overall acreage
22 requested originally for rezoning, that amendment that was
23 filed pursuant to code reduced the acreage that's proposed
24 for this rezoning from originally approximately 731.7 acres
25 plus or minus to approximately 581.06 acres. So again it

1 was a reduction of about 150 acres from the application.
2 Again that was May 10, 2021.

3 As a result of that a second Technical Staff
4 Report, I'll refer to as Technical Staff Report Number 2
5 which is Exhibit 48 in the record, was published on June 28,
6 2021. That is the Staff Report that the Planning Board
7 entertained at its public hearing on February 29, 2021. The
8 resolution from the Planning Board which was --

9 MS. NICHOLS: Whoa, whoa, whoa. If the second
10 Technical Staff Report was June 28th, how could the Planning
11 Board have heard it in February of 2021?

12 MR. TEDESCO: Did I say February? I'm sorry, I
13 meant July 29th.

14 MS. NICHOLS: Thank you.

15 MR. TEDESCO: This is what happens when I write
16 numbers instead of the actual months and I see the two and I
17 just say, so I apologize. So the Technical Staff Report
18 Number 2 was published on June 28, 2021, Exhibit 48, the
19 Planning Board hearing was held on July 29, 2021. If I
20 misspoke I apologize.

21 MS. NICHOLS: And what exhibit number was that?

22 MR. TEDESCO: The Planning Board hearing was on
23 July 29th, the resolution was Exhibit 45.

24 MS. NICHOLS: Thank you.

25 MR. TEDESCO: Which was published or excuse me,

1 which was adopted on September 9, 2021.

2 MS. NICHOLS: Thank you.

3 MR. TEDESCO: As Madam Examiner and Mr. Brown
4 know, the fall of 2021 was quite busy from a county
5 perspective, that included the endorsement of the Countywide
6 Map Amendment by the Planning Board on October 28, 2021,
7 during the pendency of this application. As the Examiner
8 knows and in the record at Exhibit 49, we received a letter
9 from the Chief Zoning Hearing Examiner, Ms. McNeil, dated
10 November 8, 2021 basically indicating that as a result of
11 the endorsement of the Countywide Map Amendment by the
12 Planning Board on October 28th, that pursuant to Section 27-
13 1905(c) this application was tolled until such time that the
14 District Council adopted the Countywide Map Amendment. That
15 occurred vis-à-vis CR-136 2021 on November 29, 2021.

16 At that point, and pursuant to Section 27-
17 1905(c) (2) the applicant and owner had 30 days to provide
18 its written intention to either proceed or not to proceed
19 with this application. Exhibit 51 is our letter on behalf
20 of both the owner and applicant dated December 20, 2021,
21 within that 30 day period acknowledging or providing the
22 intent to proceed with this Zoning Map Amendment.

23 However, pursuant to 27-1905(c) (2) as well as
24 other provisions of the new Zoning Ordinance, the
25 application also had to be modified to replace the

1 originally requested R-S Zone with one of the new zoning
2 categories, in this case, the appropriate being the L-C-D,
3 which was also provided for in Exhibit 51 and our letter
4 dated December 20, 2021.

5 Exhibit 55 is an e-mail correspondence from the
6 Chief of Development Review from Maryland National Capital
7 Park and Planning Commission dated February 19, 2022,
8 indicating that notwithstanding the replacement of the
9 originally requested R-S Zone to L-C-D, that a new Technical
10 Staff Report or any further action by the Planning Board or
11 technical staff was not required in this case due to the
12 fact that the L-C-D is the appropriate replacement zone for
13 the R-S Zone. And that brings us to the hearing this
14 morning on March 2, 2022 before the Honorable Examiner.

15 MS. NICHOLS: Mr. Tedesco, let me interject a
16 question before you get started. As you know the Map
17 Amendment does not take effect until the first of April. As
18 you also know, the Zoning Ordinance does not take effect
19 until Map Amendment takes effect. As you probably also know
20 there have been many appeals filed to the Map Amendment. In
21 the event that the Map Amendment is stayed or doesn't go
22 into effect until after the first of April, the Technical
23 Staff Report and your statement of justification are based
24 on the R-S Zone. Your testimony here today and on the
25 amended application has to do with the L-C-D Zone.

1 MR. TEDESCO: Which is one in the same.

2 MS. NICHOLS: Would it be your request here today
3 that I acknowledge, if approved, I acknowledge both zones
4 for the property?

5 MR. TEDESCO: I would say yes, in the sense that
6 if for whatever reason, there has been no stay of the
7 Countywide Map Amendment, although appealed, however, if for
8 whatever reason that is adjudicated in a fashion that is
9 reversed or remanded for whatever reason and the effective
10 date of April 1, 2022 is not triggered or is remanded for
11 any reasons and delayed, then yes we absolutely would want
12 to continue to move forward with the originally requested R-
13 S and I believe that would be permissible as the
14 transitional provisions of the new Zoning Ordinance would
15 then therefore not have been effectuated until such time as
16 the new Zoning Ordinance is effectuated. So we are kind of
17 in somewhat of a gray area, however, I think the Code
18 provides that if it does in fact take effect before the
19 presumed or hopeful approval of this application, that we
20 can transition to the L-C-D, if approved. If for whatever
21 reason it's not or it's remanded or reversed or it doesn't
22 take effect, then to me, it is my understanding is that it
23 would be status quo and we're right where we are which is R-
24 S.

25 MS. NICHOLS: All right. But a cleaner decision I

1 think, would be to reference both zones, if that's what
2 you're thinking.

3 MR. TEDESCO: I wouldn't disagree, I welcome Mr.
4 Brown's thoughts, but I have no objection to that.

5 MS. NICHOLS: Okay.

6 MR. BROWN: Yes, I mean I would agree both the
7 Zoning Ordinance and Maryland law provides that when an
8 applicant or property owner submits an application for
9 rezoning, the Examiner and the District Council may give any
10 zone to that particular application, regardless of what zone
11 the applicant actually requests. So assuming the new Zoning
12 Ordinance does not come into legality, the R-S Zone would
13 still be applicable and the applicant has requested either
14 or, so there's not a problem.

15 MS. NICHOLS: Okay. Thank you so much.

16 MR. TEDESCO: Thank you, Mr. Brown. And Madam
17 Examiner, I had prepared kind of an introductory, it's in
18 our Exhibit 80, which was an addendum to the statement of
19 justification kind of going into the L-C-D as well as the
20 transitional provision 27-1703. I don't want to belabor the
21 point, I'll defer to that Exhibit 80 for your edification.
22 Again, we're taking, notwithstanding everything that's been
23 just said and the determination by you if recommending
24 approval and/or confirmed by Mr. Brown, we're prepared to
25 move forward as if the ZMA and the new Zoning Ordinance will

1 take effect on April 1st. Because there really is no change
2 in what the findings have to be as far as making a
3 recommendation. The only change is whether at the end of
4 the day it's the term R-S is used or the term L-C-D is used.
5 The standards, the required findings, everything remain the
6 same notwithstanding, so I'll move forward just so we don't,
7 you know, this might be a lengthy hearing. I don't need to
8 take up more time, but I would defer to Exhibit 80 with
9 respect to the transitional provisions, but I think we've
10 addressed that.

11 Turning to the gravamen of the hearing, as I
12 mentioned, we intend to call five witnesses one fact witness
13 and four expert witnesses that will in addition to the very
14 voluminous record that you have that we have supplemented,
15 will provide testimony in furtherance of the request to
16 rezone the 581 plus or minus acres from the R-E, R-A Zone to
17 the R-S/L-C-D Zone.

18 In consideration of this request the applicant
19 seeks approval of a Basic Plan which is Exhibit 56, in
20 accordance with Part 3 Division 2 Subdivision of the Zoning
21 Ordinance. Madam Examiner, we assert at the conclusion of
22 the hearing substantial evidence in the record will exist as
23 supported by the technical staff and the Planning Board that
24 support a finding that the requested rezoning and the Basic
25 Plan are consistent with Plan 2035 and the 2013 Subregion 5

1 Master Plan which is in conformance with Section 27-
2 195(b)(1). B as in boy.

3 Specifically, the applicant's proposed Basic Plan
4 conforms to the recommended residential low, residential low
5 transition and rural tier future land use recommendations
6 and envisions a mix of residential products, open space,
7 trails and recreation facilities with a density ranging from
8 1.6 to 2.6 dwelling units per acre. Which is in accordance
9 with the density recommendations and provisions of the R-S
10 Zone vis-à-vis the L-C-D Zone and the Master Plan
11 recommendations. The Basic Plan as I mentioned is in
12 conformance with Plan 2035, the 2013 Subregion 5 Master Plan
13 and the Green Infrastructure Plan, and reflects and responds
14 to the requirements intent of the Woodland and Wildlife
15 Habitat Conservation Ordinance.

16 And with that fairly lengthy introduction, which I
17 apologize for, we're prepared to call our first witness
18 unless there's any questions which is who Griffin Burns.

19 MS. NICHOLS: All right. Let's pause there for
20 just one moment. Can somebody please open the mic to Evelyn
21 Williams? Ms. Williams?

22 MS. WILLIAMS: (No audible response.)

23 MS. NICHOLS: Ms. Williams, can you turn your mic
24 on please?

25 MS. WILLIAMS: (No audible response.)

1 MS. NICHOLS: Ms. Williams, can you hear me?

2 MS. WILLIAMS: (No audible response.)

3 MS. NICHOLS: All right.

4 MS. WILLIAMS: Yes. Yes.

5 MS. NICHOLS: Okay. Are you here in opposition
6 today, ma'am?

7 MS. WILLIAMS: Once I understand what is going to
8 happen I can't really say I'm in opposition, I don't know
9 how much, how, how extended the rezoning will be.

10 MS. NICHOLS: Okay. So at the moment you're here
11 to hear the testimony?

12 MS. WILLIAMS: That's correct.

13 MS. NICHOLS: Okay. All right. Thank you so
14 much, ma'am. All right. Mr. Burns, let's turn your mic on.
15 Thank you. And I need to swear you in, so would you please
16 raise your right hand? Do you solemnly swear under the
17 penalties of perjury in the matter now pending to tell the
18 truth, the whole truth and nothing but the truth?

19 MR. BURNS: Yes, I do.

20 MS. NICHOLS: Thank you. Please state your name
21 and business address for the record.

22 MR. BURNS: My name is Griffin Burns, my business
23 address is 181 Harry S. Truman Parkway, Suite 250,
24 Annapolis, Maryland 21401.

25 MS. NICHOLS: Thank you.

1 MR. TEDESCO: Good morning. May I call you
2 Griffin?

3 MR. BURNS: Yes, sir.

4 MR. TEDESCO: Good morning, Griffin. What is your
5 occupation and where are you currently employed?

6 MR. BURNS: My occupation is land development
7 manager, I'm currently employed by D.L. Horton based out of
8 the Annapolis, Maryland office and I've been with the
9 company for about five years now.

10 MR. TEDESCO: And who is the owner of the property
11 that's the subject of this application?

12 MR. BURNS: Walton Maryland LLC and its affiliates
13 are the owner of the property and we've executed a letter of
14 intent in connection with the option agreement for the
15 future sale of the property.

16 MR. TEDESCO: And is D.R. Horton authorized by the
17 owner to seek a rezoning of the subject property and file
18 this application with both the Maryland National Capital
19 Park and Planning Commission and the county as an authorized
20 agent?

21 MR. BURNS: Yes, we are. The, the owner has
22 executed the ZMA application and we, D.R. Horton, have also
23 submitted into the record Exhibit 76 which is additional
24 written confirmation of the owner's authorization of D.R.
25 Horton to execute, submit, prosecute applications and any

1 applicable materials to the Office of the Zoning Hearing
2 Examiner on behalf of the owner for the purposes of this
3 application.

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

7 MR. BURNS: Yes, I have.

8 MR. TEDESCO: And Madam Examiner, I would just
9 refer you and Mr. Brown to Exhibit 72, which is a limited
10 power of attorney authorizing Mr. Burns to testify this
11 morning. Is D.R. Horton registered as a foreign entity in
12 good standing to transact business in the State of Maryland?

13 MR. BURNS: Yes.

14 MR. TEDESCO: Madam Examiner, I would just, and
15 Mr. Brown, direct your attention to Exhibit 58 which is the
16 certificate of good standing for D.R. Horton, as well as
17 Exhibit 59 which is the certificate of good standing for the
18 owner, Walton Maryland LLC. Mr. Burns, please explain how
19 Prince George's County fits within D.R. Horton's strategic
20 business plan.

21 MR. BURNS: D.R. Horton has been a builder in
22 Prince George's County for about 20 years. We've been
23 attracted to the Prince, to Prince George's County for a
24 number of reasons. The county's housing strategies have
25 been a primary driving factor, strong economy, all that

1 stuff. D.R. Horton develops and builds with the vision to
2 create communities is the number one homebuilder by volume
3 in the United States and we're not just a finished lot
4 builder, purchasing lots here and there to support our
5 housing operation. We're a master developer able to manage,
6 fund and build a project from initial planning concept
7 through approvals. Land development and construction puts
8 us in a unique position compared to our competitors. We've
9 demonstrated our ability to execute on numerous projects
10 throughout the county, most recently being Woodmore Town
11 Center, Bulk Hill Village, Chadds Ford Landing and many
12 others.

13 D.R. Horton is the number one builder in most
14 submarkets around the county, Prince George's County has a
15 large part in our business plan and growth required to be
16 number one in the D.C. Metro Area, so we're very excited.
17 And D.R. Horton is the contract purchaser of the neighboring
18 property, Dobson Farms, so this, the property that's subject
19 to this application makes for a logical extension of the
20 portions of the property to the east.

21 MR. TEDESCO: And conceptually what is the vision
22 for the subject property if the requested rezoning is
23 approved?

24 MR. BURNS: We seek approval of the Basic Plan
25 with single family detached, single family attached, open

1 space, trails, recreational facilities with density ranging
2 from approximately 857 to 1,106 dwellings, which is within
3 1.6 to 2.6 dwellings per acre range in accordance with the
4 density recommendations and provisions of the zoning. Our
5 vision will feature a variety of housing types accommodating
6 multiple price points, community amenities such as pocket
7 parks, play areas, open space, club house and pool, links to
8 the Mattawoman Creek Trail and Timothy Branch Trail as
9 applicable and pedestrian pathways will be constructed to
10 link the various elements of the neighborhood to create a
11 walkable community for residents to enjoy nature.

12 We are the applicant, developer and builder, we're
13 in a unique position to carry the vision for the project
14 from initial concept phase through construction, completed
15 homes in a successful thriving community. We expect this
16 community to follow the tradition of quality and thoughtful
17 land planning we've successfully constructed in other areas
18 of Prince George's County.

19 MR. TEDESCO: And is the property currently
20 developed?

21 MR. BURNS: The property is not currently
22 developed, to the best of my knowledge the property is
23 vacant and undeveloped.

24 MR. TEDESCO: And are you generally familiar with
25 Section 27-195(b) (2)?

1 MR. BURNS: Yes, I am.

2 MR. TEDESCO: And is it your testimony that the
3 applicant intends that the development of the project will
4 be completed within six years?

5 MR. BURNS: Yes, that is correct.

6 MR. TEDESCO: And have you reviewed the statement
7 of justification which is Exhibit 38 dated June 4, 2021 in
8 this case?

9 MR. BURNS: Yes, I have reviewed the materials and
10 I agree with the findings.

11 MR. TEDESCO: Is that true with respect to the
12 Technical Staff Report, Exhibit 48, as well?

13 MR. BURNS: Yes, sir.

14 MR. TEDESCO: And do you incorporate and adopt as
15 your further testimony the statement of justification,
16 Exhibit 38 dated June 4, 2021?

17 MR. BURNS: Yes.

18 MR. TEDESCO: And do you agree with the
19 recommendation in the Technical Staff Report, Exhibit 48?

20 MR. BURNS: I do, yes.

21 MR. TEDESCO: Did the applicant do any community
22 outreach associated with this application?

23 MR. BURNS: We did. We held a hearing on, or a
24 notice on July 14, 2021. It was a virtual public meeting,
25 I'm sorry and we discussed the request with the community

1 members that attended the meeting. In all, the notice for
2 the virtual meeting was sent to over 50 addresses,
3 organizations and residents.

4 MR. TEDESCO: And Madam Examiner, that is
5 referenced Exhibit 60 and 61 in the record. And those would
6 be all the questions I have for Mr. Burns.

7 MS. NICHOLS: All right. Thank you. Mr. Brown?

8 MR. BROWN: No questions, thank you.

9 MR. TEDESCO: Thank you, Mr. Brown. Our next
10 witness would be Mr. Charlie Howe.

11 MR. HOWE: Good morning.

12 MR. TEDESCO: Good morning.

13 MS. NICHOLS: All right, Mr. Howe, good morning.

14 I need you to raise your right hand, please, to swear you
15 in. Do you solemnly swear under the penalties of perjury in
16 the matter now pending to tell the truth, the whole truth
17 and nothing but the truth?

18 MR. HOWE: Yes, I do.

19 MS. NICHOLS: Thank you. Please state your name
20 and business address for the record.

21 MR. HOWE: Sure, my name is Charlie Howe,
22 professional engineer, my employer address is 1101
23 Mercantile Lane, that's Largo, Maryland 20774.

24 MR. TEDESCO: Good morning, Mr. Howe.

25 MR. HOWE: Good morning, Matt.

1 MR. TEDESCO: What is your occupation?

2 MR. HOWE: I'm a professional site civil engineer
3 and employed by Rogers Consulting in Largo, Maryland. My
4 title is Team Leader and Senior Associate.

5 MR. TEDESCO: And how long have you been employed
6 in the field of civil engineer, site civil project
7 management, et cetera?

8 MR. HOWE: I've been a civil engineer for 17
9 years, 14 of which have been within Prince George's County.

10 MR. TEDESCO: Are you a licensed PE?

11 MR. HOWE: Yes, my license number is 32490.

12 MR. TEDESCO: And PE stands for professional
13 engineer?

14 MR. HOWE: That's correct.

15 MR. TEDESCO: And have you previously qualified
16 and been accepted as an expert in civil engineering before
17 the Zoning Hearing Examiner?

18 MR. HOWE: Yes, I have, case A-10060, which was
19 the Saddle Ridge zoning hearing that was held on October 27,
20 2021.

21 MR. TEDESCO: And Madam Examiner, Mr. Howe's CV
22 has been marked as Exhibit 57 in the record and we would
23 move to have him accepted as an expert in the field of civil
24 engineering in this matter as well.

25 MS. NICHOLS: Mr. Brown, do you have any

1 questions?

2 MR. BROWN: No objection.

3 MS. NICHOLS: Okay. Then I will accept you as
4 you've been previously accepted as an expert in the field of
5 civil engineering.

6 MR. TEDESCO: Thank you, thank you, Mr. Brown.
7 Mr. Howe, are you familiar with the property that's the
8 subject of this hearing?

9 MR. HOWE: Yes, I am.

10 MR. TEDESCO: And did you make a personal
11 inspection of the subject property and if so when?

12 MR. HOWE: Sure. Most recently I was on the site
13 September 10th of 2021, September 26th of 2021 and most
14 recently on February 22nd of 2022.

15 MR. TEDESCO: Madam Examiner, I'm going to ask the
16 next proceeding questions I think it would be useful to have
17 an exhibit up on the screen. I have the exhibit on my
18 screen if I'm able to share my screen, it's Exhibit 69, or
19 if staff wanted to pull it up on their end, whatever is most
20 efficient and expedient.

21 MS. NICHOLS: Fatima, can you pull up Exhibit 69?
22 Okay. There you go.

23 MR. TEDESCO: I don't know if you want to try to
24 enlarge that map, at least on my end it's reduced and small.
25 That's great, thank you, Fatima. Mr. Howe, from a site

1 civil engineering perspective, please describe, lost it,
2 it's not showing on my screen anymore. I don't know. Okay.
3 Thank you. From a civil engineering perspective, please
4 describe the subject property making reference to what's on
5 the screen, which is Exhibit 69.

6 MR. HOWE: Sure. So outlined in blue is the
7 subject property, Dobson Farms, which is located in the
8 southernmost part of Prince George's County. It's south of
9 McKendree Road and west of Timothy Branch and approximately
10 1,400 feet west of U.S. Crain Highway, that's U.S. 301.
11 Mattawoman Creek runs along the southern portion of the
12 property and Gardner Road is to the west. The property
13 consists of approximately 581.06 acres, site access is from
14 McKendree Road which is a Master Plan major collector right-
15 of-way. The property has been previously farmed with the
16 central portion of the property cleared for surface mining
17 operations, while the surrounding areas remain generally
18 wooded, especially along the Mattawoman Creek and Timothy
19 Branch.

20 Timothy Branch and Mattawoman Creek are important
21 assets and will provide some really nice stunning views.
22 The Basic Plan takes full advantage of these by preserving
23 these environmental features to the fullest extent possible,
24 as I'm sure Mr. Allison will expand upon later.

25 In working with Park and Planning staff during the

1 Basic Plan review, the development pod areas were reduced
2 from the original submission, minimizing the environmental
3 impacts. Previously proposed pods on the far western
4 portion of the property, they were modified to remove any
5 development in the area for the property in the rural and
6 agricultural growth policy area and thus reducing additional
7 environmental impacts and the stream crossings.

8 As Mr. Tedesco mentioned previously, the
9 originally submitted Basic Plan proposed rezoning
10 approximately 731.7 acres, and however on May 10th of 2021,
11 the applicant and owner pursuant to Section 27-181(a)(2)
12 amended the application by removing Parcel from the Basic
13 Plan bringing the total acreage to approximately 581.06
14 acres.

15 MR. TEDESCO: And Madam Examiner, although it's
16 provided for in Exhibit 32, just for edification on what's
17 on the screen, that 150 acres that was removed is the area
18 that's to the north of the subject property identified as
19 the R-R Zone. That oddly shaped configured parcel is what
20 made up that 150 acres, which was removed and there is an
21 exhibit in our letter amending that Exhibit 32 that reflects
22 that, but not germane, just wanted to provide that for you
23 if you were wondering what was removed.

24 MS. NICHOLS: Okay. Thank you. It's beige?

25 MR. TEDESCO: Yes, it's beige in referenced in

1 there as the R-R Zone portion just to the north of, see
2 where it says Country Club Estates?

3 MS. NICHOLS: Right.

4 MR. TEDESCO: Just to the north of that, it abuts
5 to R-R that whole R-R was originally part of this
6 application that was removed.

7 MS. NICHOLS: Thank you.

8 MR. TEDESCO: Yes.

9 MR. BROWN: All right. Just a very quick
10 question, Mr. Tedesco. So when that 150 acres R-R Zone was
11 deleted, the original application had Pods A through G or K,
12 I think it was. Were the new pods for the remaining acreage
13 or relandered (phonetic sp.) as well? Because the R-R Zone
14 that was deleted were Pods H, I, and J.

15 MR. TEDESCO: So the Basic Plan that's Exhibit 56
16 references Pods A, B, C, D, E, F, G and H. So they were
17 relabeled to correspond with the remaining pods.

18 MR. BROWN: Okay.

19 MR. HOWE: That's correct.

20 MR. BROWN: And so we do have that as an exhibit?

21 MR. TEDESCO: Yes, Exhibit 56.

22 MR. BROWN: All right. Thank you.

23 MR. TEDESCO: Sure. Good question. Mr. Howe,
24 could you please explain the improvements, existing
25 conditions, any improvements and the existing conditions of

1 the property, although Mr. Allison will touch more on
2 environmental features or storm water facilities or any
3 other type of utilities on the property.

4 MR. HOWE: Sure, for as far as existing utility
5 wise, water and sewer for the proposed development pods are
6 all within Category 4, which are adequate for development
7 planning. As mentioned, there is a portion of the site
8 within the rural area that's within Category 6, but there's
9 no development planned in those areas. There was --

10 MR. TEDESCO: Let me stop you there. Maybe,
11 Fatima, to Mr. Brown's question, if you could pull up
12 Exhibit 56 that's the Basic Plan that might also be helpful,
13 it shows the pods. You can continue, Charlie, I don't think
14 it's --

15 MR. HOWE: Okay.

16 MR. TEDESCO: -- while Fatima is doing that.

17 MR. HOWE: Agreed, thanks. Site access is from
18 McKendree Road as mentioned before it's going to be a Master
19 Plan major collector roadway. There will be two points of
20 access from McKendree Road with the main entrance proposed
21 to be a divided highway. And the Basic Plan also does
22 account for future proposed connections to the undeveloped
23 site to the north, through once the plan comes up you'll see
24 where Pods E and F are.

25 There is the floodplain delineation, delineated as

1 part of the Basic Plan is 213.84 acres, sorry, in the
2 floodplain and as a net track area of 474.14 acres on the
3 Basic Plan. Since then there has been --

4 MS. NICHOLS: Mr. Howe, repeat those figures.

5 MR. HOWE: Sure.

6 MS. NICHOLS: How much is in the floodplain?

7 MR. HOWE: Sure. So the floodplain area is 213.84
8 acres.

9 MS. NICHOLS: Okay.

10 MR. HOWE: And the net track area is 474.14 acres.

11 My apologies (indiscernible).

12 MS. NICHOLS: Okay. Thank you.

13 MR. HOWE: Sure. There's also been since the
14 Basic Plan you know application, we have processed an
15 approved floodplain delineation through DPIE. There's also
16 Smeco, Washington Gas, and Verizon are available to the site
17 through mains and McKendree Road.

18 MR. TEDESCO: And Mr. Howe, since I misspoke
19 earlier on a date incorrectly saying February when I meant
20 July, I believe I heard you say that something about a
21 highway, but I think, did you mean to say divided parkway
22 through the development pod?

23 MR. HOWE: Yes, excuse me. Thank you.

24 MR. TEDESCO: Did you prepare or cause to be
25 prepared the Basic Plan which was filed in conjunction with

1 this application in this case?

2 MR. HOWE: Yes.

3 MR. TEDESCO: And are you familiar with the Basic
4 Plan that's up on the screen, Exhibit 56?

5 MR. HOWE: Yes.

6 MR. TEDESCO: And was the Basic Plan prepared in
7 conformance with Section 27-179(c)(1)(A)(D) and (E)?

8 MR. HOWE: Yes, it was consisted of an ultra seal
9 by a licensed surveyor, the Basic Plan was prepared
10 outlining existing proposed zones, proposed circulations
11 with development pods. It was also proposed construction is
12 expected to incur within the 6 years of the Map Amendment
13 approval.

14 MS. NICHOLS: Where is the --

15 MR. HOWE: I also --

16 MS. NICHOLS: -- where is the adjacent case,
17 10060? Where is it, to the north of this property?

18 MR. TEDESCO: Yes, ma'am. It's to the north, so
19 the southern boundary of this property is the county line,
20 Madam Examiner.

21 MS. NICHOLS: Yes.

22 MR. TEDESCO: So it is to the north. Charlie, if
23 you want to, it's not reflected on this map or the
24 neighborhood map, but if you could maybe approximate its
25 location?

1 MR. HOWE: I'm sorry, can you repeat the question?

2 MR. TEDESCO: Saddle Ridge, the A-10060 property?

3 MR. HOWE: Oh yes, yes, yes. So it's north of the
4 site, north of Accokeek Road, I don't even think you can see
5 it from this map.

6 MS. NICHOLS: Oh, it's not adjacent to this
7 property?

8 MR. TEDESCO: No.

9 MR. HOWE: Correct. The Saddle Creek is not.

10 MS. NICHOLS: Oh okay.

11 MR. TEDESCO: It's nearby. Mr. DelBalzo is taking
12 notes I think as he's hearing this, so we'll have him give
13 you as the crow flies distance from the northern portion of
14 this to the southern portion of that.

15 MS. NICHOLS: Okay. Thank you.

16 MR. TEDESCO: Sure. Joe, I hope you heard me.
17 Can you please describe the Basic Plan, Exhibit 56 in a
18 little bit more detail?

19 MR. HOWE: Sure. As outlined in the beginning of
20 the hearing, the Basic Plan was revised to show the
21 replacement of the R-S Zone with the L-C-D Zone as the
22 appropriate replacement zone post ZMA approval.

23 MR. TEDESCO: And can you talk about some of the
24 design aspects or components of the Basic Plan?

25 MR. HOWE: Sure. This Basic Plan presents an

1 opportunity to bring a high quality diverse walkable
2 community area complimenting the development patterns
3 established in the Brandywine area, supporting the nearby
4 Brandywine Center. The outline and design of the Basic Plan
5 is really defined by the environmental features. The plan
6 proposes a development of single family attached and
7 detached houses in the eight development pods as shown on
8 the Basic Plan that seek to preserve the existing
9 environmental features.

10 The key ingredients of the proposed Basic Plan
11 included a variety of housing types, open spaces, pedestrian
12 paths and sidewalks, bike paths and lanes connecting
13 residential with a series of private residential facilities
14 throughout the community.

15 The property ranges from relatively flat to
16 significant topographical changes. Much of the acreage is
17 made up of slopes associated with the Mattawoman Creek and
18 its tributaries. There are none of the slopes in the
19 development portion of the property outside of the PMA,
20 primary management area are unmanageable.

21 As previously mentioned, the access to the
22 property is provided for two key points on McKendree Road,
23 the major subdivision road winds its way from McKendree Road
24 to the west to the northern of the property ensuring minimal
25 impact to the Mattawoman Creek. The total development will

1 have two ingress/egress points of McKendree Road with
2 additional potential future connections through to the north
3 through Pods E and F.

4 The basic conceptual construction of the Basic
5 Plan to provide an array of house types and architecture
6 groups into many neighborhoods with nearby active and
7 passive recreation. Many lots having stunning views into
8 the Mattawoman Creek and its tributaries, all accomplished
9 with minimal impacts to the environmental system.

10 The slopes within the PMA will be preserved to the
11 greatest extent possible. The stream impacts are minimized
12 by strategically locating the road crossings at the narrow
13 portions of the stream and are to be designed to convey the
14 100 year storm, meeting the (indiscernible) requirements.

15 The Conceptual Plan shows a neighborhood road
16 system that responds to the environmental features rather
17 than intrudes upon them unnecessarily.

18 MR. TEDESCO: Could you please summarize in your
19 testimony the development data proposed in this application?

20 MR. HOWE: Yes. The proposed range as mentioned
21 previously is 857 to 1,106 single family detached dwelling
22 units including open space and a recreational facilities and
23 trails --

24 MR. TEDESCO: Let me stop you. I think you said
25 857 to 1,106 single family detached, was that your

1 testimony?

2 MR. HOWE: Single family attached and detached. I
3 apologize, I didn't say that correctly.

4 MR. TEDESCO: So 857 to 1,106 residential units?

5 MR. HOWE: Correct.

6 MR. TEDESCO: And what does that work out to be
7 from a density per acre standpoint?

8 MR. HOWE: Well the maximum allowed density, well
9 the base to maximum was 1.6 to 2.6, which is 758 to 1,232
10 units. So we're within that range.

11 MS. NICHOLS: 1,200 and how many?

12 MR. HOWE: 1,232 would be the --

13 MS. NICHOLS: Thank you.

14 MR. HOWE: -- 2.6.

15 MS. NICHOLS: Thank you.

16 MR. TEDESCO: And what is the water I think you
17 may have testified to this before, but we do have an
18 exhibit, it's Exhibit 77 if the Examiner would like to see
19 it. Exhibit 77 is a water and sewer overlay map. Mr. Howe,
20 could you testify as to what the water and sewer categories
21 are for the property?

22 MR. HOWE: Sure. The 2018 Water and Sewer Plan
23 identifies the proposed development within water and sewer
24 Category 4, community system adequate for development
25 planning. There's also Category 6, however, the Category 6

1 which is part of the rural archeological growth policy area
2 is not proposed for development in the Basic Plan. You can
3 see that, that's the green area within the site property.

4 MR. TEDESCO: So are there any, I'm sorry, go
5 ahead.

6 MR. HOWE: No, go ahead.

7 MR. TEDESCO: Are there any portions of the
8 property requested to be rezoned, or requested to be
9 developed, strike that. Are there any portions of the
10 property requested to be developed with Category 5 or 6?

11 MR. HOWE: No. There's no portion proposed for
12 development in Category 5 or 6.

13 MR. TEDESCO: That would be all the questions I
14 have for Mr. Howe Madam Examiner.

15 MS. NICHOLS: All right. Mr. Brown?

16 MR. BROWN: Yes, just one or two, Mr. Howe.

17 MR. HOWE: Sure.

18 MR. BROWN: What appears to be a platted
19 subdivision on the exhibit that's in front of us in Category
20 4, is that a paper subdivision or does that actually exist
21 now?

22 MR. HOWE: That's paper. There's no development
23 on those lots.

24 MR. BROWN: All right. And so any future
25 development will negate that paper plat?

1 MR. HOWE: Correct.

2 MR. BROWN: All right. Also, in reading the first
3 Staff Report which is moot now, there was an issue about
4 woodland conservation threshold. I'm just curious, what was
5 the reason for deleting the 150 acres from the original
6 application? Was it related to woodland conservation issue
7 or was there another reason?

8 MR. HOWE: I think it was contractual reasons. I
9 think Steve Allison, he can get into the woodland
10 conservations, but Matt, I don't know if you know, but I
11 don't think it had any impact on the woodlands.

12 MR. TEDESCO: Mr. Brown, if I may be allowed to
13 respond?

14 MR. BROWN: Yes.

15 MR. TEDESCO: Yes, so no the removal of the 150
16 acres did not have any effect on the woodland thresholds and
17 Mr. Allison who is the next witness is going to go into
18 great detail with respect to that and the efforts with staff
19 and why that recommendation changed from being unsupported
20 to being supported. But the removal of the 150 acres
21 technically didn't have any impact on the threshold
22 specifically, however, it did respond to another issue staff
23 had raised that Mr. DelBalzo will testify to regarding the
24 densities in that area as recommended by the Master Plan
25 staff felt that it was as proposed originally a little too

1 dense. So by removing it and that also dealt with, Charlie
2 testified to, had some other contractual items between the
3 owner and applicant, resolved a couple of issues, one being
4 what was proposed as far as density respective that Mr.
5 DelBalzo can touch more on.

6 MR. BROWN: All right. Great. No other
7 questions.

8 MS. NICHOLS: All right.

9 MR. HOWE: Thank you.

10 MR. TEDESCO: Thank you. Our next witness would
11 be Mr. Steve Allison. And Mr. Brown, while Steve is cuing
12 up, we do have that in his direct examination as I mentioned
13 so we'll get into a little bit greater detail of the
14 thresholds and the impacts.

15 MS. NICHOLS: All right. Good morning, Mr.
16 Allison. I need to ask you to raise your right hand, I need
17 to swear you in, please. Thank you. Do you solemnly swear
18 in the matter now pending, under the penalties of perjury to
19 tell the truth, the whole truth and nothing but the truth?

20 MR. ALLISON: I do.

21 MS. NICHOLS: Thank you. Please state your name
22 and business address for the record.

23 MR. ALLISON: My name is Steve Allison, my
24 business address is 1101 Mercantile Lane, Suite 280, Largo,
25 Maryland.

1 MR. TEDESCO: Mr. Allison, are you a licensed
2 landscape architect and ISA certified arborist?

3 MR. ALLISON: I am.

4 MR. TEDESCO: And have you previously qualified
5 and been accepted as an expert in arboriculture and
6 landscape architecture before the Zoning Hearing Examiner?

7 MR. ALLISON: I have in case A-10060.

8 MR. TEDESCO: Madam Examiner, Mr. Allison's CV is
9 marked as Exhibit 73 and given his prequalification, we
10 would ask that he be accepted as an expert in arboriculture
11 and landscape architecture, which is the same designation
12 received on for that prior case before Ms. McNeil and would
13 ask that he be accepted in that capacity in this matter.

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

16 MR. BROWN: No objection.

17 MS. NICHOLS: No objection, therefore Mr. Allison
18 you continue in your designation as an expert witness in the
19 field of landscape architecture and arboriculture.

20 MR. TEDESCO: Thank you. Mr. Allison, were you
21 employed by the applicant to perform certain services
22 associated with the subject property?

23 MR. ALLISON: Yes, I was.

24 MR. TEDESCO: And what services did you perform
25 and why did you perform them?

1 MR. ALLISON: Sure. For this design we went ahead
2 and proactively walked and assessed, we did a natural
3 resource inventory for this site. Because of the
4 environmental features that are on this site and being
5 previously mined, it made sense to walk and see what was out
6 there. So we did this over a couple of month, November and
7 December in 2020 and I personally walked and reviewed every
8 inch of the 581 acres. This was conducted to see everything
9 from the streams, the forest characterization, specimen tree
10 identification, the habitats, wetlands that are in the area,
11 emerging wetlands that the soil that was there from the
12 previously mined area, what was growing and what was living.
13 Basically, we completed a whole NRI and that was recently
14 approved.

15 MR. TEDESCO: Let me stop you --

16 MR. ALLISON: The site was slightly --

17 MR. TEDESCO: Let me stop you, I'm sorry to
18 disrupt your flow, but Madam Examiner that's Exhibit 70 in
19 the record which is the approved Natural Resource Inventory.
20 We would note that technically speaking an approved NRI is
21 not required for a rezoning in this nature, however as Mr.
22 Allison testified to that was proactively done given the
23 significant environmental features of the property which
24 really formed and framed the basis for the Basic Plan. So
25 Steve if you need anything pulled up, Exhibit 7 or anything,

1 just let us know, but please continue. I'm sorry to
2 interrupt you.

3 MR. ALLISON: Sure, not a problem. Yes, as you
4 mentioned, the site is complex and for this site, we needed
5 to have a balanced income with developed, or a balanced
6 outcome with the development and the environmental features.
7 We had to do more than a commodity walkthrough just to
8 fulfill the county and state minimums, we needed to actually
9 create more of a vision for this site. So in walking
10 through and assessing the waters and the wetlands we were
11 able to figure out a plan that would work to create more of
12 a sensitive development that actually would enhance the
13 Mattawoman and working on that property to actually make a
14 difference immediately to the watershed and the floodplain,
15 instead of banking something somewhere else. The project
16 really lend itself to create a big fostered environment to
17 enhance the Mattawoman. So walking it for months was almost
18 a necessity before we could even go to the computer to start
19 drawing a line of where a house would go.

20 And that all had to do with the clean air, the
21 soil stabilization, clean water and cutting off encroaching
22 invasives that were starting in the previous mined areas
23 that we could kind of cut off and maintain the forest that
24 is buffering the Mattawoman in that area.

25 MR. TEDESCO: And so are you familiar with the

1 Basic Plan that's the subject of the hearing today?

2 MR. ALLISON: Yes, I am.

3 MR. TEDESCO: And what components of the Basic
4 Plan did you assist with?

5 MR. ALLISON: Yes, as I mentioned really the
6 layout of the NRI to complete that, figure out everything
7 that was out there and then get the current state of the
8 forest and aquatic habitat. We then could lay out a rough
9 concept and I worked with planners on a sensitive design
10 that would take into account what we saw out there. And
11 we'll mention the proffers in a few with the 150 acres that
12 was mentioned, but we really started focusing on transient
13 species in the area, what would come into this area to
14 complete the food web, working with woods edge habitat
15 between the wetland and the forest to make sure we are
16 enhancing an area for predatory birds that would complete as
17 mentioned, the food web in the forest. And we just looked
18 at all those different components and figured out is this
19 even possible on this site and we found a way to do it,
20 understanding the ecotypes that were in the area.

21 MR. TEDESCO: And are you familiar with the
22 exhibits that we've presented into the record regarding the
23 waters of the U.S., the forest and tree exhibit and the
24 environmental enhancement exhibit which are respectively
25 Exhibits 64, 63, and 65?

1 MR. ALLISON: I am.

2 MR. TEDESCO: And from your perspective, what's
3 the importance of those exhibits?

4 MR. ALLISON: They really outline the tremendous
5 amount of, if you want to bring one of them up, the
6 tremendous amount of environmental features that are saved
7 on this area and going to be enhanced.

8 MR. TEDESCO: Which one do you want me to bring
9 up, Steve? The forest and tree or the waters of the U.S. or
10 the environmental enhancement plan?

11 MR. ALLISON: Let's pull up the water, because
12 that's something that I concentrated on while I was out
13 there --

14 MR. TEDESCO: Hang on, slow down, slow down.
15 Exhibit 64, Fatima. Thank you.

16 MR. ALLISON: All right. This is good.

17 MR. TEDESCO: Go ahead, Steve. Sorry to
18 interrupt.

19 MR. ALLISON: No, no problem. As you can see the
20 magenta area, you can see walking this area and evaluating
21 the site on a previously mined area was essential to figure
22 out this development. The pink there shows wetlands that
23 exist there today, you can see right along the Mattawoman
24 and in the floodplain you're having extensive wetlands. I
25 walked all those, and on the west you have a significant

1 corner that has wetlands. Now through those areas you're
2 going to see there is red outlines of prominent streams in
3 the area. We're protecting those in perpetuity, basically
4 those will be if they're not forested, which the majority of
5 them are, we're adding forest there to lower the temperature
6 of the water and then to basically inhibit habitat or create
7 habitat areas through that area. But some of these wetlands
8 that are kind of spotted through there developed through the
9 mining and the soil compaction. We're going to work with
10 those wetlands that exist right now instead of finding a way
11 to remove them, to actually enhance them to create more of a
12 habitat ring that could then deal with the transient species
13 going from a meadow, wetland meadow to eventual forest that
14 completes a stream valley system.

15 So those areas that you see dotted through the
16 pink area is dotted from the south up really make an impact
17 on our site and we're using them to create a better
18 environment. But I think there was about 14 streams in the
19 area, seven perennial and seven intermittent in how it
20 worked out. In all that water, all the clean water running
21 to the Mattawoman, we're preserving that. So we're actually
22 pretty proud of how we made this work from the substantial
23 sites we saw there. So that's just kind of a snapshot of
24 what we're looking to protect that's out there right now
25 that we can build off of.

1 If you go up to Exhibit 63, we can take a look at
2 the forest. Perfect. So if you think of where those pink
3 areas were, a lot of it is forested. That's perfect for our
4 situation. Some of the areas where the wetlands were dotted
5 through the middle of the site and to the south were exposed
6 into meadow areas, as I mentioned. So we're going to create
7 an environment in that area to come to this wooded area. So
8 a lot of the woods, I think almost all of the woods, let me
9 check my number, it's almost about 213, 200 acres of the
10 woods is in the floodplain, that's going to be completely
11 preserved. So that's like a sponge for the Mattawoman that
12 we don't want to touch anything along that woodland because
13 that's going to create the environmental buffer, the
14 chemical buffer for the Mattawoman for any type of runoff.
15 So we were cognizant while walking that, that our
16 development has to kind of stay above those areas so that
17 was holistically protected there.

18 And then I think we have Exhibit 65, I think it
19 is, the environmental, you might just get a different look
20 at it. Perfect. If you look at our different color pods
21 there, I think when we had the Basic Plan up the ones that I
22 really focused on develop an enhancement of actual nice lots
23 that review and assess these actual environmental areas that
24 you can see this from your home that you're built within the
25 environment that's protected. We really honed in E, D, H

1 and C, you can't see it here, but it's the purple and the
2 yellow and a portion of the tan that we had an opportunity
3 to build and take advantage of the environmental features
4 area as an aesthetic but also educational and building off
5 the forest repairing edges of the streams. It's actually a
6 fantastic design that has as you can see of all the green
7 that's existing a fairly light footprint right along the
8 Mattawoman. So you're kind of getting your economic value,
9 your development, but then also with this project you're
10 preserving all that in perpetuity and that's a huge win
11 environmentally while we were walking this, designing it and
12 putting this together for Planning Board.

13 MR. TEDESCO: Mr. Allison, sorry to jump around on
14 you, but Mr. Brown had raised a good question with respect
15 to the original Technical Staff Report and its concerns
16 regarding the thresholds regarding the differing thresholds
17 for woodland conservation between the existing R-E and R-A
18 and then the proposed R-S and how this application would
19 actually adhere to that or meet those thresholds. Could you
20 testify or provide some further information regarding that?
21 And if I misspoke in anyway in responding to Mr. Brown's
22 question, please correct me as I actually can't provide
23 testimony. So if you could just elaborate more on that and
24 explain the thresholds and explain how this rezoning and
25 then and any interaction you had with staff as far as in

1 response to those thresholds given that that was a
2 consideration by staff in ultimately its final
3 recommendation which was for approval.

4 MR. ALLISON: Sure. Sure, initially there was not
5 an approval noting the 150 acre based on the threshold and
6 the zones that would perceivably be lost that we would need
7 to bank it in an area.

8 We went ahead and I went out with three of the
9 staff to walk the site to discuss not just the forest and
10 the banking in an Excel sheet, but what's possible on this
11 site. And we walked for about two hours on the site, we
12 walked into the Mattawoman floodplain area, we walked into
13 the compacted area where most of our development is, the
14 previous mining and we talked about the vision for the site
15 and what we're going to do. And explained how leaving this
16 as a dormant unmaintained site that has exposed compacted
17 soils that invite invasives, you could lose you know a
18 portion of your forest edge that's fostering the sponge like
19 environment along the Mattawoman if this site isn't being,
20 you know, without development and years go by there's a
21 possibility this could be an issue.

22 So we walked it, spoke about what we're trying to
23 do and we basically turned the vision into what we think we
24 can do right here next to the Mattawoman to preserve this in
25 perpetuity we then engineered the proffers from that

1 conversation that would fulfill that technical requirement
2 of the intent of what the forest was to do, the intended
3 acreage. So staff understood through stream corridor
4 assessment, meeting the entire woodland conservation
5 requirements in the proposed R-S Zone, creating new
6 wetlands, enhancing the existing wetland system, the water
7 systems, focusing on meadows, providing selective woodland
8 understory enhancement in the forest. They understood that
9 all these pieces right next to the Mattawoman would be doing
10 more impact immediately, positive impact to that stream, to
11 that river system than anything else. And so we wrote up
12 the proffers and it was approved.

13 But it was basically understanding the ecological
14 system that's there, the heavy preservation that needs to be
15 preserved in the area and then the infill and enhancement of
16 what we can do to those woodlands. They understood that a
17 forest just sitting there alone isn't necessarily as climax
18 state per se. There are things that we can do to finish the
19 habitat and part of those proffers was that infill planting
20 where we can finish the canopy tiered approach to create
21 habitat, will that keep that system running. And so we
22 wrote up about five of those proffers and we're moving
23 forward with those ideas.

24 MR. TEDESCO: And Mr. Allison, I fear I may have
25 answered Mr. Brown's question incorrectly, so I'm going to

1 reask it to you and in your expert testimony to correct me
2 if I did. Did the removal of the 150 acres in modification
3 to the application by removing 150 acres, had any effect on
4 the thresholds?

5 MR. ALLISON: No. No. No, we are meeting the
6 woodland conservation threshold for the R-F Zone on site,
7 which was part of the proffer and they agreed with that.

8 MR. TEDESCO: Are you familiar with Section 27-
9 195(b) (1) (E) of the Zoning Ordinance?

10 MR. ALLISON: I am.

11 MR. TEDESCO: And what does that section require?

12 MR. ALLISON: It's asking for environmental
13 relationships to reflect the compatibility between proposed
14 general land use, specific land use types, surrounding land
15 uses and the health, safety and welfare, from my
16 understanding. And in the Technical Staff Report it was
17 written about the Mattawoman Creek stream valley and
18 protecting the system of understanding damaged ecological
19 features when forest And air quality come into play. This
20 stuff needs to be preserved and understand that when these
21 things go down, you know, economic and social decline can
22 follow. So this was all weaved into our proffers of how we
23 can be a compatible use and while uplifting the environment.

24 MR. TEDESCO: And in responding to that required
25 finding in addition to all your testimony that you already

1 provided, did you provide any written testimony in the form
2 of a justification statement, Exhibit 38, in reference to
3 that finding?

4 MR. ALLISON: I did. There was an environmental
5 justification portion, SOJ.

6 MR. TEDESCO: And Madam Examiner, just for your
7 edification, that section in the SOJ which is Exhibit 38 is
8 Section 7 commences on page 52 of the SOJ, as well as
9 there's portions regarding the finding for this application,
10 27-195(b) (1) (E) that begin on pages 32 and 24 of the Exhibit
11 38. Mr. Allison, I think we're kind of winding up here a
12 little bit. In your opinion does the proposed Basic Plan
13 satisfy the required finding for rezoning?

14 MR. ALLISON: It does.

15 MR. TEDESCO: And can you just elaborate on why?

16 MR. ALLISON: Really it meets it based on the
17 environmental attributes that we're able to build off of and
18 the thresholds that we're meeting, the agreements that have
19 been satisfied in the proffers, and the sensitive light
20 footprint of the development.

21 MR. TEDESCO: One second, I'm sorry. Final
22 question, Mr. Allison. Does the Bean Property meet the
23 purposes and/or policies of the Green Infrastructure Plan?

24 MR. ALLISON: It does. It marries nicely up with
25 the the plan in working with a green corridor and enhancing

1 what exists today and building off of it. So as I mentioned
2 throughout this testimony we are preserving and enhancing
3 and that's the intent with the green infrastructure and
4 making sure this is protected in perpetuity as we can.

5 MR. TEDESCO: I think that's all the questions I
6 have for Mr. Allison, Madam Examiner.

7 MS. NICHOLS: All right, thank you. Mr. Brown?

8 MR. BROWN: Yes, Mr. Allison. I mean it's
9 commendable to have a small building footprint and to
10 enhance the perennial and intermittent streams on the site
11 as well as any, I think your wording was streams if you will
12 that were created as a result of the mining on the site.
13 But I guess my question is with regards to that portion of
14 the property on the western end of this exhibit which is in
15 Water and Sewer Category 3, is it the intent of the property
16 owner that that area in perpetuity remain woodland?

17 MR. ALLISON: I believe that's the case, but I
18 would defer to Matt Tedesco.

19 MR. TEDESCO: Yes, Mr. Brown, and Joe DelBalzo can
20 testify more to that, but yes we have no, this Basic Plan
21 contemplates no development on that western portion which is
22 in, I think you said Category 3, I think you meant Category
23 6.

24 MR. BROWN: I'm sorry, yes, Category 6, yes.

25 MR. TEDESCO: Correct. Yes, no, I knew, but yes,

1 we have under this Basic Plan and current Development Plan,
2 we have no intentions of having any development in that
3 area. And it was removed purposefully for environmental
4 stewardship as well as retention.

5 MR. BROWN: All right. No other questions. Thank
6 you.

7 MR. TEDESCO: Thank you, Mr. Allison. Three more
8 witnesses, next Mr. Lenhart.

9 MS. NICHOLS: There we go.

10 MR. LENHART: Good afternoon.

11 MS. NICHOLS: Is it? No, it's good morning. Good
12 morning, Mr. Lenhart.

13 MR. LENHART: Good morning.

14 MS. NICHOLS: Thank you.

15 MR. LENHART: Look I got excited for the
16 afternoon.

17 MS. NICHOLS: Do you solemnly swear or affirm
18 under the penalties of perjury to tell the truth, the whole
19 truth and nothing but the truth in the matter now pending?

20 MR. LENHART: I do.

21 MS. NICHOLS: Please state your name and business
22 address for the record.

23 MR. LENHART: Yes, Michael Lenhart, Lenhart
24 Traffic Consulting, 645 Baltimore Annapolis Boulevard, Suite
25 214, Severna Park, Maryland 21146.

1 MS. NICHOLS: All right. Mr. Lenhart, you have
2 testified here repeatedly previously and you have been
3 certified as an expert witness in the field of
4 transportation and you will be continuing in that
5 designation today.

6 MR. LENHART: Thank you.

7 MR. TEDESCO: No more questions. No, I'm kidding.
8 Madam Examiner, and thank you for that, Madam Examiner, Mr.
9 Lenhart's CV is Exhibit 68 just for reference. Mr. Lenhart,
10 did you make a personal inspection of the subject property?

11 MR. LENHART: Yes, I did.

12 MR. TEDESCO: And are you familiar with the area
13 surrounding the subject property including the roads and
14 roadway networks?

15 MR. LENHART: Yes.

16 MR. TEDESCO: And do you agree with Mr. Howe's
17 testimony with respect to the surrounding roadway networks,
18 or did you care to elaborate any further on that?

19 MR. LENHART: No. I will elaborate a little in my
20 upcoming testimony but I thought Mr. Howe did a great job.

21 MR. TEDESCO: Have you examined the applicant's
22 Basic Plan?

23 MR. LENHART: Yes.

24 MR. TEDESCO: And did you make an investigation of
25 the traffic conditions and level of service in the area

1 surrounding the subject property?

2 MR. LENHART: Yes, we did, but not in the form of
3 a typical traffic impact analysis. The Zoning Ordinance and
4 the Transportation Review Guidelines Part 1 do not require a
5 formal traffic impact study for this type of application.
6 Section 7 of the Guidelines provides guidance for certain
7 rezoning applications for analysis of the transportation
8 network using the transportation planning section's
9 transform model. That's different than a typical traffic
10 impact study which would be scoped out and do intersection
11 counts and level of service analyses. The transform model
12 is a countywide planning software that breaks the county
13 into a couple thousand separate traffic analysis zones.
14 Each of those zones are assigned a certain traffic
15 generation based upon the existing land use zone and density
16 that's anticipated by the Master Plan. And they have
17 different attractions with other zones throughout the county
18 and that establishes average daily traffic projections
19 throughout the county on the different road networks in the
20 Master Plan.

21 And so that is kind of, after consulting with
22 staff, Mr. Tom Masog of Transportation Planning Section and
23 Will Capers, it was determined that that was more the type
24 of analysis that was necessary for this rezone.

25 MR. TEDESCO: And does the transform models used

1 by the county and Transportation Planning Section allow
2 staff to assess potential changes in zoning to determine if
3 proposed changes will impact traffic volumes, such as they
4 will call it a Master Plan road to fail?

5 MR. LENHART: Yes. Yes, and what it looks at is
6 what is recommended in the Master Plan for the ultimate
7 build out of each roadway and whether that be freeway,
8 expressway, major collector, collector or primary roadway,
9 it evaluates and if the proposed change in the zoning is
10 going to impact the Master Plan such that the recommended
11 road system would be impacted and the levels of service
12 would be lowered and no longer adequate for what's
13 recommended.

14 MR. TEDESCO: And is that how traffic was analyzed
15 in this requested rezoning application?

16 MR. LENHART: Yes, and it's similar also to there
17 were references earlier to A-10060 for Saddle Ridge rezoning
18 that was evaluated the exact same way.

19 MR. TEDESCO: And did you provide staff with any
20 information or analyses with respect to help them with that
21 modeling software?

22 MR. LENHART: We did. We early on we again
23 consulted with staff on what information they would like to
24 see from us. We prepared a memorandum looking at the
25 traffic analysis zones, there are TAZ's that are impacted by

1 this property and came up with a kind of before and after
2 density of units that would be anticipated again before and
3 after this proposed rezoning. And that was the basis of
4 what we looked at for this project.

5 MR. TEDESCO: And have you since had an
6 opportunity to look at, I'll use your term, the before and
7 after in reference to the application as it was amended to
8 reduce the acreage?

9 MR. LENHART: Yes, we did. The initial memo that
10 we prepared to staff is really no longer applicable because
11 the land area that was removed from this application that
12 was included in our original memo to staff. I have updated
13 that and I can for the record here give some information on
14 what our updated analysis is.

15 MR. TEDESCO: Please do.

16 MR. LENHART: The --

17 MS. NICHOLS: Do you have an updated analysis in
18 the record?

19 MR. TEDESCO: We don't have an updated analysis in
20 the record, we do have an e-mail correspondence between
21 myself and Mr. Masog at Transportation Planning Division and
22 we will talk about that, I believe Matt has an upcoming
23 question on that. But I'll give some details for the record
24 here in terms of what the actual traffic impacts would be
25 associated with this application.

1 MS. NICHOLS: All right. And you're referring to
2 Exhibit 79 in which Masog confirms or agrees with your new
3 analysis.

4 MR. LENHART: That's correct.

5 MS. NICHOLS: Thank you.

6 MR. LENHART: And so in looking at --

7 MR. BROWN: One quick question, Mr. Lenhart.

8 MR. LENHART: Yes.

9 MR. BROWN: The new analysis, how many pages is
10 that?

11 MR. LENHART: It's an e-mail that's probably two
12 or three pages printed.

13 MR. BROWN: Is it possible that you could e-mail
14 that to myself and the Examiner now?

15 MR. LENHART: Yes. Matt do you want to do that,
16 or I don't know if I have --

17 MR. TEDESCO: I think I have it. It's on the
18 screen, it's Exhibit 79. I think the confusion might be
19 though however, Exhibit 10 is the memorandum that Mr.
20 Lenhart was testifying to, which is no longer applicable
21 given the reduction to the 150 acres. The reason for
22 Exhibit 79 is because there is nothing in the record from
23 Transportation Planning Section in reference to the required
24 finding 27-195(b) (1) (C), so we had supplemented the record
25 with Mr. Masog and Mr. Lenhart's e-mail dated February 28th,

1 which is Exhibit 79 on the screen now, with respect to that
2 finding.

3 However, the memo, Exhibit 10 had not been
4 updated. Mr. Lenhart was prepared or is prepared, I should
5 say, to provide oral testimony updating Exhibit 10 and we
6 would be happy, I think if I could speak for Mr. Lenhart, to
7 provide an updated Exhibit 10 soon after this hearing
8 concludes.

9 MS. NICHOLS: I think that's a good idea.

10 MR. TEDESCO: If needed. If needed.

11 MR. LENHART: All right. I'd be happy to do that
12 if necessary. You know, I'll give my verbal testimony and
13 if you feel that needs to be submitted in written form, I'm
14 happy to do so.

15 MR. TEDESCO: If you could just summarize the
16 updates to your memo given the fact that the R-R Zone
17 portion of the property was removed from the application and
18 what the conclusions were. Again for the record, I don't
19 think it's dispositive to the actual finding that needs to
20 be made, but I think you know if it helps the Examiner,
21 People's Zoning Council to have that memo updated, we're
22 happy to do it. So Mr. Lenhart all that being said, could
23 you please provide a summary of the data or your findings
24 associated with the comparison, I would say of the different
25 zones as it relates to the traffic impact?

1 MR. LENHART: Certainly. Bear with me, I'm moving
2 something out of the way here. So based on the existing
3 zoning, the R-E and the R-A land areas and based on the
4 Transportation Review Guidelines identifies density of 0.5
5 units per acre for R-E and 0., let me repeat that, 0.85
6 units per acre for R-E and 0.5 units per acre for R-A.
7 Based on the land areas of R-E and R-A we calculate that
8 approximately 310 dwelling units could be developed on this
9 land area under the existing zoning.

10 310 potential dwelling units allowed under the
11 existing zoning would generate approximately 2,790 trips per
12 day. The proposed application results in a range of units
13 between 857 to 1,106 residential dwelling units. That would
14 generate a range of 7,713 trips per day to 8,848 trips per
15 day, depending on if those are developed as market rate
16 units.

17 Therefore, if this application is approved the
18 approval of this application would result in a maximum
19 increase of 4,923 trips per day to 6,058 trips per day. And
20 again, that's if the entire site is developed as market rate
21 units which provides the most conservative analysis.

22 McKendree Road is a Master Planned major collector road and
23 it has a recommendation for four lanes, well the major
24 collector roads include recommendations for four lane
25 divided roadways. Those are capable of handling up to

1 39,460 vehicles per day, based upon the Park and Planning's
2 guidelines and network recommendations for thresholds for
3 acceptable levels of service.

4 The current Master Plan in that area has a
5 projection for the future build out of the road network and
6 the land use would result in 18,800 vehicles per day on
7 McKendree Road in the vicinity of this site. And so again,
8 that's Master Plan currently projects 18,800 vehicles per
9 day. McKendree Road as a major collector could handle up to
10 39,460 vehicles per day adequately and so if this ZMA is
11 approved, it would result in a maximum increase of
12 approximately 5,000 to 6,000 vehicles per day. When you add
13 that to the 18,800 in the current Master Plan projection,
14 this proposed change would result in a maximum of 25,000
15 vehicles per day on this section of road or less, which is
16 well within the guidelines 39,000 vehicles per day for
17 acceptable operations.

18 So that is basically our update with this new
19 plan.

20 MR. TEDESCO: Before I ask a follow up I just want
21 to give Mr. Brown and Madam Examiner an opportunity to ask
22 any questions on that testimony.

23 MR. LENHART: It was a lot of numbers.

24 MS. NICHOLS: Mr. Brown?

25 MR. BROWN: Just one very quick question, I'm sure

1 that the staff looked at this, but Mr. Lenhart when you
2 indicated a moment ago that the existing zoning would result
3 in X number of dwelling units and the proposed zoning would
4 result in Y, was the existing zoning analysis based on net
5 lot area or gross acreage?

6 MR. LENHART: It was just based on the gross
7 acreage breakdown, the gross acreage of the R-E and the R-A.

8 MR. BROWN: And the same gross acreage was used
9 for the proposed?

10 MR. LENHART: No. For the proposed we used the
11 range that's included in the SOJ which is 857 to 1,106
12 units, that range.

13 MR. BROWN: Well then I think that's you know
14 comparing oranges to apples. If you did not use gross
15 acreage for the proposed but you used gross acreage for the
16 existing, you're not taking into account the woodland
17 conservation that would be required to be retained in any
18 circumstance because they exist. So doesn't that sort of
19 skew your results somewhat?

20 MR. LENHART: I don't believe so but you know I
21 might defer back to Mr. Howe if he would want to weigh in on
22 that. The proposed 1,157 to 1,106 units if we just applied
23 a density across the same acreage, I believe that we would
24 end up with a higher number of potential units than what is
25 actually included here. And so I think that, I hear what

1 you're saying, this is a little bit of an apples to oranges,
2 but I believe in this case it's actually results in a
3 conservative assessment.

4 MR. BROWN: All right. I think the numbers will
5 still bear out in your favor, given it's a small building
6 footprint for the overall development. But if you could,
7 not now, but later put in the record that short analysis of
8 existing and proposed based on gross acreage.

9 MR. LENHART: Based on gross acreage for both
10 scenarios?

11 MR. BROWN: Both scenarios, yes.

12 MR. LENHART: Sure

13 MR. BROWN: Just so we have it in the record.
14 It's not proper to do it on net lot area since the existing,
15 you know, there is no plan.

16 MR. LENHART: Sure.

17 MR. TEDESCO: Thank you, Mr. Brown. So actually
18 turning, all that being said and I do want to make sure the
19 record is complete, so I have no objection with providing
20 that information. But the actual required finding it's 27-
21 195(b)(1)(C), Mr. Lenhart, are you familiar with that
22 required finding?

23 MR. LENHART: Yes, I am.

24 MR. TEDESCO: And what does that finding require
25 or state?

1 MR. LENHART: I will quote it here for the record,
2 so it requires that transportation facilities, which are
3 existing, which are under construction or for which 100
4 percent of the construction funds are allocated within the
5 adopted County Capital Improvement Plan or within the
6 current State Consolidated Transportation Program or
7 facilities that will be provided by the applicant will be
8 adequate to carry the anticipated traffic generated by the
9 development based on the maximum proposed density. The uses
10 proposed will not generate traffic which would lower the
11 level of service anticipated by the land use and circulation
12 systems shown on the approved General or Area Master Plans
13 or Urban Renewal Plans.

14 MR. TEDESCO: And your testimony that you just
15 provided with respect to the numbers and the updated memo
16 that you'll send was in response to that last sentence, is
17 that not correct?

18 MR. LENHART: That's correct, yes.

19 MR. TEDESCO: And your finding and staff's
20 concurrence was what on that last sentence?

21 MR. LENHART: That the uses proposed will not
22 generate traffic that would lower the level of service
23 anticipated by the land use and circulation systems shown on
24 the approved Master Plans.

25 MR. TEDESCO: Now --

1 MR. LENHART: And so, sorry go ahead.

2 MR. TEDESCO: Go ahead.

3 MR. LENHART: And so the testimony that I gave
4 regarding the current Master Plan calls for McKendree Road
5 to be a major collector roadway, that has a certain
6 threshold it could carry adequately up to 39,000 vehicles
7 per day. The current Master Plan projects that at the build
8 out of the Master Plan that it would be 18,800 vehicles per
9 day and so when we apply the maximum potential build out
10 based on the 1,106 maximum proposed units, it would generate
11 fewer than 25,000 vehicles per day on McKendree Road and
12 therefore it would not lower the level of service below what
13 is already anticipated in the Master Plan, which is calling
14 for a major collector roadway to handle the traffic there.

15 MR. TEDESCO: Now did the transportation planning
16 staff do an analysis related to this finding?

17 MR. LENHART: No, they did not but or not --

18 MR. TEDESCO: Well let me strike that. Strike
19 that. Let me rephrase.

20 MR. LENHART: Yes.

21 MR. TEDESCO: Is there a referral in the record
22 associated with staff's analysis of that finding?

23 MR. LENHART: Right. We could not locate a
24 referral. We contacted staff and spoke with Mr. Masog, he
25 indicated that he could not find a referral either. We did

1 have e-mails from Mr. Masog, from when the application was
2 being prepared before it was accepted that he did not
3 believe at that time that there would be any issues with
4 making a finding of adequate transportation facilities as
5 required in 27-195(b) (1) (C). And so we followed up with him
6 last week and provided an e-mail that's actually with
7 findings for this case but the findings are actually very
8 similar to what was issued in A-10060 for Saddle Ridge. And
9 Mr. Masog confirmed that analysis and those findings in his
10 response dated February 28th.

11 MR. TEDESCO: And that's Exhibit 79 that was
12 referenced earlier?

13 MR. LENHART: Yes.

14 MR. TEDESCO: So from the perspective of traffic
15 engineering and planning, will granting the request to
16 rezoning application be consistent with the standards
17 enumerated in the ordinance or the required finding in the
18 ordinance, in your opinion?

19 MR. LENHART: Yes, it will.

20 MR. TEDESCO: And from the perspective of traffic
21 engineering and planning, will approval of the application
22 cause any adverse effects upon adjacent properties or
23 surrounding neighborhood?

24 MR. LENHART: No.

25 MR. TEDESCO: If this application is approved, do

1 you know the remaining entitlement process?

2 MR. LENHART: Yes, there would be a CDP required
3 for this property and a Preliminary Plan of Subdivision
4 required. There will be a traffic impact study required for
5 both of those applications and the traffic study is very
6 similar for the CDP and the Preliminary Plan so it would
7 probably be one study for both but that study will be
8 comprehensive. It will include scoping agreements that are
9 submitted through Park and Planning for a review and
10 approval to identify the critical intersections and links
11 for analysis. There's a very detailed adequate public
12 facilities ordinance that is required to be met and this
13 study will include those analyses, this property is also
14 subject to the Brandywine Road Club and will include
15 analysis and assessment and requirements as it relates to
16 the road club.

17 MR. TEDESCO: Madam Examiner, that's all the
18 questions I have for Mr. Lenhart.

19 MS. NICHOLS: Thank you. Mr. Brown?

20 MR. BROWN: No more questions, thank you.

21 MS. NICHOLS: Thank you, Mr. Brown. Thank you,
22 Mr. Lenhart.

23 MR. LENHART: Thank you.

24 MS. NICHOLS: Mr. Tedesco?

25 MR. TEDESCO: Thank you, Madam Examiner. We have

1 one final witness, I don't know if anybody needs a two
2 minute break for anything, but we're prepared to move
3 forward if you are. I just didn't want to assume.

4 MS. NICHOLS: All right. Let's move forward.

5 MR. TEDESCO: Thank you. The next witness would
6 be Mr. Joe DelBalzo.

7 MS. NICHOLS: Mr. DelBalzo, will you raise your
8 right and swear you in? Thank you, sir. Do you solemnly
9 swear under the penalties of perjury in the matter now
10 pending to tell the truth, the whole truth and nothing but
11 the truth?

12 MR. DELBALZO: I do.

13 MS. NICHOLS: Thank you. Please state your name
14 and business address for the record.

15 MR. DELBALZO: My name is Joe DelBalzo, my
16 business address is 1101 Mercantile Lane, Suite 280, Largo,
17 Maryland 20774.

18 MS. NICHOLS: All right. Thank you. You have
19 previously qualified in the field of land planning and you
20 will continue in that qualification as an expert witness
21 today.

22 MR. TEDESCO: Thank you, Madam Examiner, and for
23 reference Mr. DelBalzo's CV is Exhibit 66. Thank you for
24 accepting him as an expert in land planning. Mr. DelBalzo,
25 are you familiar with the Zoning Map Amendment application

1 A-10059, the subject of this hearing today?

2 MR. DELBALZO: I am.

3 MR. TEDESCO: And could you please describe the
4 request or reference prior testimony in so doing?

5 MR. DELBALZO: Yes. Before I get into that, can I
6 answer one of the questions that came up earlier about where
7 Saddle Ridge is?

8 MR. TEDESCO: Yes, and I thank you for bringing
9 that to my attention. Madam Examiner, we were able to
10 quickly prepare an exhibit since we have a couple of numbers
11 reserved, we figure we might as well have something to add
12 today, so we did the crack staff at Rogers, Christine and
13 Charlie and others, prepared an exhibit in response to your
14 question regarding the location and proximity of Dobson Farm
15 A-10059 and Saddle Ridge, A-10060. I did e-mail that to
16 Fatima, you and Mr. Brown, if you wanted to reference that
17 or identify it Mr. DelBalzo can testify to it real quick and
18 answer your question.

19 MS. NICHOLS: All right. We will make that
20 Exhibit 50. We'll use the empty Exhibit 50 and we'll put
21 that in there.

22 (Hearing Exhibit No. 50 was
23 marked for identification.)

24 MS. NICHOLS: Fatima, do you have a copy of it and
25 if so, can you put it up on the screen? I'm having trouble

1 with my e-mails today, I haven't gotten --

2 MS. BAH: Did you e-mail it this morning?

3 MR. TEDESCO: Yes, I just e-mailed it but like 5
4 minutes ago. If I can share if my screen I have it up and
5 maybe it's just it might be large it's having trouble going
6 through.

7 MS. NICHOLS: There we go, mine just came through.
8 Did yours come through?

9 MS. BAH: Okay. So mine should just, okay, yes,
10 mine just came through.

11 MS. NICHOLS: Okay.

12 MS. BAH: It's going to have to scan so just give
13 it a few seconds.

14 MS. NICHOLS: Right. So Fatima, this exhibit will
15 become Exhibit 50.

16 MS. BAH: Okay.

17 MS. NICHOLS: Okay.

18 MR. TEDESCO: What do you want to label that?

19 MS. NICHOLS: Comparative land use map.

20 MR. TEDESCO: Sure.

21 MS. NICHOLS: I'll take suggestions.

22 MR. TEDESCO: I put A-10060 and A-10059
23 comparison.

24 MS. NICHOLS: Okay.

25 MR. TEDESCO: But yes.

1 MS. BAH: Still scanning.

2 MS. NICHOLS: All right. Mine came through so
3 yours should do that.

4 MS. BAH: Okay. I have it now. Share my screen.
5 There we go.

6 MR. TEDESCO: Thank you. So turning your
7 attention to Exhibit 50, Mr. DelBalzo, Madam Examiner had
8 asked a question earlier on I think to Mr. Howe regarding
9 the location or proximity of the two cases, Saddle Ridge and
10 Dobson Farms. Do you care to offer any testimony on that?

11 MR. DELBALZO: No, just to say that it's about as
12 the crow flies from the northern tip of Dobson Farms to the
13 southern tip of Saddle Ridge is about 10,000 feet, so that's
14 about 1.9 miles as the crow flies.

15 MS. NICHOLS: How many feet, Joe?

16 MR. DELBALZO: About 10,000.

17 MS. NICHOLS: Thank you.

18 MR. TEDESCO: And just for this Hearing Examiner's
19 edification because A-10060 was heard by Ms. McNeil, what
20 was the request in that application, Mr. DelBalzo?

21 MR. DELBALZO: That request was also for the R-S
22 Zone and I believe that we submitted a letter requesting the
23 L-C-D be considered as well.

24 MR. TEDESCO: As a replacement zone should the CMA
25 take effect?

1 MR. DELBALZO: Yes.

2 MR. TEDESCO: Madam Examiner, I just want to make
3 sure you have what you needed on that before I continue.

4 MS. NICHOLS: Yes, thank you, I appreciate that.

5 MR. TEDESCO: Absolutely, thank you. And Fatima,
6 if you could maybe just pull up Exhibit 69, yes, 69, do you
7 want the neighborhood map, Joe, or the Basic Plan?

8 MR. DELBALZO: The Basic Plan.

9 MR. TEDESCO: Okay. So that would be, I'm sorry,
10 Fatima, Exhibit 56. Thank you. So just to recap, Mr.
11 DelBalzo, you're familiar with this application, yes?

12 MR. DELBALZO: Yes.

13 MR. TEDESCO: And could you please describe the
14 request in the application?

15 MR. DELBALZO: Sure. I'll start off by saying
16 that a lot of what I was going to say was said earlier by
17 both Mr. Tedesco and Mr. Howe, but I'll just kind of
18 consolidate where we are.

19 It's actually good to start off with that map as
20 to where Saddle Ridge was because these two cases are very
21 similar in what they're asking for and their relationship to
22 the Master Plan. There are some little idiosyncrasies with
23 this Master Plan, with the Master Plan as it relates to this
24 property, excuse me, that did not relate to Saddle Ridge,
25 and I'll get into those a little bit later. But in terms of

1 the Brandywine Community and the Subregion 5 Master Plan a
2 lot of the issues are the same for both cases.

3 But in this case, Mr. Tedesco and Mr. Howe both
4 kind of outlined where we were and what that is we had a
5 change in Basic Plan that reduced the acreage from about 731
6 to about 530, 580 I mean. And it also changed the density
7 from the original request which was R-S 3.7, or 2.7 to 3.7
8 dwelling units per acre down to the R-S which is 1.6 to 2.6.
9 And then within that 1.6 to 2.6 we've actually even further
10 limited the dwelling unit range, I believe the number is
11 somewhere around 1,200 that would be allowed at the maximum
12 range of 2.6 dwelling to the acre. We are proposing a range
13 of 857 to 1,106 dwelling units.

14 And as you can see and I'll get into this a little
15 bit later when I talk about the Master Plan, the density
16 kind of steps down as you get from the east over near Crain
17 Highway and you move to the west over near the Maryland
18 Agricultural Growth Policy Area that we'll talk about a
19 little bit later too.

20 MR. TEDESCO: Are you familiar with, strike that.
21 Do you agree with Mr. Howe's testimony with respect to the
22 subject area for the property?

23 MR. DELBALZO: The subject area?

24 MR. TEDESCO: As far as his description of the
25 area surrounding the property?

1 MR. DELBALZO: Oh yes, yes. So the property
2 itself has been mined, it has also been farmed and the
3 general area which is what I'll get to in a little bit about
4 the neighborhood that we're just defined, is you know this
5 property is farmed, it's been mined, it has as Mr. Allison
6 said very impacted by the Mattawoman Creek and the Timothy
7 Branch and all of the tributaries to it. So yes.

8 MR. TEDESCO: And I think if we can pull up
9 Exhibit 69, you're familiar with, strike that. Could you
10 please describe the area and the neighborhood of this
11 property?

12 MR. DELBALZO: Yes, if we could pull up 69, or
13 whatever the neighborhood map is. I think that is 69.

14 MR. TEDESCO: 69, and well let me ask this, Mr.
15 DelBalzo. Is defining the neighborhood a requirement in
16 this rezoning application?

17 MR. DELBALZO: It is not. The reason that we
18 defined the neighborhood, same similar to what we did in
19 Saddle Ridge, excuse me, was that we just wanted to get kind
20 of a feel for you know what's around and what the impacts
21 are that this would have in general, the surrounding
22 neighborhood and what's out there. And I can just barely
23 see the --

24 MR. TEDESCO: Yes, so Fatima, if you could just
25 scroll, pull that down, it's the colored map right above,

1 yes, that's it right there. If you could just zoom in on
2 that one, that would be excellent. Thank you.

3 MR. DELBALZO: So we defined the neighborhood as
4 Accokeek Road to the north, Crain Highway to the east,
5 Mattawoman Creek to the south and Gardner Road to the west
6 and that western boundary is the, Gardner Road is the
7 western boundary of the property. And as you can see from
8 this, we have a neighborhood that has some residential
9 development. To the west, you've got large lots that have
10 single family homes on them. To the east, you have some
11 development with smaller lots and then you've got the R-T
12 Zone also in the neighborhood just adjacent to our property.
13 So we felt like the neighborhood itself which is also very
14 similar to the property which has been mined also is
15 extensive mining on it, also with a lot of farming, there
16 was once actually a golf course, the Potomac Ridge Golf
17 Course was in the neighborhood South View, I think it was,
18 at one point it was called Potomac Ridge, another point it
19 was called South View. That's come and gone in the
20 neighborhood but the neighborhood is generally undeveloped
21 as you can see. But again there are some single families,
22 there's townhouses, that townhouse zone is not developed yet
23 but it's approved. And as you move from the east to the
24 west you get lower density.

25 MR. TEDESCO: Mr. DelBalzo, are you familiar with

1 Plan 2035 which is the County's General Plan adopted in
2 2014?

3 MR. DELBALZO: I am.

4 MR. TEDESCO: And are you familiar with the 2013
5 approved Subregion 5 Master Plan and Sectional Map
6 Amendment?

7 MR. DELBALZO: Yes.

8 MR. TEDESCO: And can you identify or highlight or
9 outline some of the applicable policies in reference to
10 those plans as it relates to this application?

11 MR. DELBALZO: Sure. And as I did at the Planning
12 Board, I'll start with the more general and work my way down
13 to the more specific. And the more general is the 2014 Plan
14 2035. Plan 2035 which is the General Plan for the county
15 placed much of the county in the established community with
16 policy area, including this property and much of the
17 neighborhood. It also identified some centers, it
18 identified regional transit districts all the way down to
19 local centers. On this map as you can see surrounding Crain
20 Highway just north of the property in that orange or red
21 color, is the Brandywine Crossing Local Center. That is
22 identified on page 108 of the General Plan as an auto
23 related or auto oriented center. So they don't envision
24 this area to be you know the walkable centers that you might
25 see at a transit district but rather it is an activity

1 center, a local center for commercial activity that is going
2 to be more reliant on automobiles than on walking or biking.

3 Excuse me.

4 Back to the established community, the established
5 community recommend up to 3.5 dwelling units per acre and
6 for context sensitive infill and I'm going to talk a little
7 bit about that when I get down into the specifics of the
8 Master Plan. That is the recommendations of the General
9 Plan.

10 When we get down to the 2015 or 2013, sorry,
11 Subregion 5 Master Plan it placed the property in the
12 Brandywine Community and with the Brandywine Community with
13 a vision for the Brandywine Community would definitely will
14 be a large mixed-use community with transit opportunities.

15 When you look at specifics for the Brandywine
16 Community it says that much of the future development, I
17 want to read this because I want to get it right. Much of
18 the future development in the Brandywine will be in large
19 Master Planned communities and that's what we're proposing
20 here is a large Master Planned community.

21 This will have an automobile relationship with
22 that Brandywine Crossing. So we have to keep that in mind
23 as we keep moving through.

24 If I could get another exhibit up, it would be
25 Exhibit 74, please.

1 So this is a little bit blurry, but the Master
2 Plan recommends Brandywine Community to develop similarly to
3 the Plan 2035 with up to 3.5 dwelling units per acre. But
4 when you drill down into this property, it's got three
5 different density recommendations for the property. What
6 you see in yellow on the eastern portion of the property, is
7 what's called residential low in the Master Plan. That
8 residential low is for densities up to 3.5 dwelling units
9 per acre. If you move west and get into the center portion
10 of the property, that hatched area is what they call
11 residential low transition and in the Master Plan there was
12 a lot of concern about density creeping from 301, from the
13 more dense and more intense areas along 301 creeping over
14 into the rural and agricultural areas. So you can see that
15 hatched area not only includes our property but property up
16 to the north as well. So they're trying to step down the
17 density through the yellow area which is the 3.5 dwelling
18 units per acre through the residential or transition which
19 is up to 2 dwelling units per acre. So they've already
20 stepped it down there and then when you get further to the
21 west, you see the green area which is the old rural tier
22 which is now the rural and agricultural growth policy area.
23 That is recommended for density no more than .5
24 dwelling units to the acre, or one dwelling unit for every
25 two acres. So I'm going to talk about a little bit later

1 about how this plan satisfies that density transition. But
2 I just wanted to bring it up and that is the recommendation
3 of the 2013 Subregion 5 Master Plan.

4 MR. TEDESCO: And are you familiar with the
5 comprehensive housing study that the county adopted in 2019?

6 MR. DELBALZO: Yes. So it was called Housing
7 Opportunity For All and it was the comprehensive housing
8 strategy that was prepared in 2019. As a prelude to or in
9 conjunction with the new Zoning Ordinance that was coming
10 and it recognized this problem that it was called the
11 missing middle, and Mr. Brown we've talked about this in the
12 last one.

13 The missing middle is, they recognize that this
14 thing is a national problem of housing that is in the middle
15 range, so it's not a single family detached, it's not a high
16 rise apartment, it's the in the middle range and it's
17 missing, but they specifically say that it's also an issue
18 in Prince George's County. One of the recommendations of
19 the comprehensive housing strategy is to provide a mix, I
20 don't know what's wrong with my voice today, but provide a
21 mix of dwellings or a mix of dwelling types not only across
22 the county as a whole but within each development so to
23 provide different opportunities in the same areas within
24 developments to kind of address this missing middle. And
25 missing middle includes a lot of different types of housing,

1 it includes towns, it includes live/work units it includes
2 duplexes, triplexes, quads, but one of the things, the thing
3 that it really wants to do is to provide more of this
4 housing and not separate from other housing but within
5 developments, new developments that are being proposed.

6 MR. TEDESCO: Are you familiar with the criteria
7 for approval of Section 27-195(b)?

8 MR. DELBALZO: Yes.

9 MR. TEDESCO: And does the statement of
10 justification or land planning report kind of combination in
11 one which is Exhibit 38 address not only the policies of the
12 Master Plans and General Plan that you just testified to,
13 but does it also address the required findings of 27-195?

14 MR. DELBALZO: Yes, it does.

15 MR. TEDESCO: And inasmuch as you didn't elaborate
16 further on, do you incorporate and adopt that exhibit
17 written testimony as your testimony here today?

18 MR. DELBALZO: I do.

19 MR. TEDESCO: And have you had an opportunity to
20 study the proposed Basic Plan from a land planning
21 standpoint?

22 MR. DELBALZO: I have.

23 MR. TEDESCO: And I think you were about to touch
24 on this with respect to Exhibit 74, but could you from a
25 land planning standpoint, could you expound a little bit

1 further on how this Basic Plan adheres to the policies and
2 recommendations of the Master Plan?

3 MR. DELBALZO: Yes, sure. The recommendations of
4 the Master Plan and I'm going to get into this as I talk
5 about Section 195(b). The first criteria for approval is
6 that we have to demonstrate that this is in conformance with
7 the Master Plan or General Plan. And I've talked about
8 these different density areas, but I want to kind of get a
9 little bit deeper into them.

10 The Basic Plan has a range in the residential low
11 area which is that yellow area of 369 to 496 dwelling units
12 on about 141 acres, which equals 2.6 to 3.5 as the upper
13 dwelling units per acre, which satisfies the requirement or
14 the recommendation of residential low.

15 Moving into the residential low transition, we
16 have a range of 488 to 610 dwellings, that's more than what
17 is, you know, proposed in the residential low but it's also
18 on a lot more acreage, it's on 305 acres, which is equal to
19 2. dwelling units in the area.

20 And moving farther to the west into the rural
21 area, Mr. Brown I think you asked this question of Mr.
22 Allison about what's going on with that property. That
23 property which we could get up to 67 dwelling units in that
24 134 acres, no dwelling units are proposed there. So what we
25 have done is we have mirrored the movement from the higher

1 density in the east to the lower density in the west or in
2 the center, and then no density in the west. So we have
3 fulfilled the Master Plan's goal of reducing density as you
4 work your way from east to west away from 301.

5 MR. TEDESCO: So that is in conformance with
6 (b) (1), is that correct?

7 MR. DELBALZO: That is in conformance with 1,
8 right, and then B which is the economic analysis which we
9 have to provide an economic analysis for retail, there's no
10 retail proposed here. Again, this goes to one of the
11 purposes of the code which is to provide a balance of land
12 uses again that Brandywine center is there, it's got a lot
13 of commercial existing and a lot of commercial coming. So
14 there's no commercial uses proposed here.

15 MR. BROWN: Mr. DelBalzo, while we're on the issue
16 let me just ask you this very quick question.

17 MR. DELBALZO: Yes.

18 MR. BROWN: Since the western portion of the site
19 is currently in Water and Sewer Category 6, and I'm going to
20 say for the purposes of my question undevelopable, are you
21 really maintaining the Master Plan step down density from
22 east to west if in fact you are developing on the entire
23 portion of the property that is developed with no rural
24 development density? So in other words, you have the
25 residential low, 369 to 496 and then 468 to 618 and that's

1 it. So there's not a true step down, you see the argument
2 that could be made there?

3 MR. DELBALZO: Well, yes, I do but I disagree with
4 it. We have stepped down all the way to the line of
5 stepping down. We are not proposing, I guess the argument
6 would be made that if we put 67 units in the rural area, if
7 we follow your question, if I put 67 units in the rural
8 area, then I've done my step down but if I don't put
9 anything there, I haven't done my step down. We are
10 stepping down, we're stepping down from the 3.5 to 2.0 to
11 zero and then off to the west there's more rural area.

12 MR. BROWN: Yes.

13 MR. DELBALZO: We've stepped down, in my opinion,
14 farther than what the Master Plan recommends.

15 MR. BROWN: So you would be opposed to stepping
16 down in three relatively equal portions of the acreage on
17 just the residential low that's currently in two sections,
18 correct?

19 MR. DELBALZO: Yes, I don't think that would, I
20 think that goes beyond what the Master Plan is recommending.
21 I think we're implementing that Master Plan step down by
22 having a bigger step down on the farthest part of the
23 property. That's the area --

24 MR. BROWN: All right then --

25 MR. DELBALZO: -- we have to step down to.

1 MR. BROWN: All right. Thanks.

2 MR. TEDESCO: I appreciate Mr. Brown's line of
3 questioning, I would be remiss if I didn't offer a response,
4 a friendly response in the sense that I would not agree with
5 the characterization that that rural area is undevelopable.
6 While it is in 6, it still is developable subject to private
7 septic and water. So you know assuming, to draw the
8 conclusion and I know it was a hypothetical so I'm not
9 suggesting that Mr. Brown was suggesting that it's
10 undevelopable, but it is equally as undevelopable as it is
11 developable given its current status in Category 6.

12 MR. BROWN: Yes, I just couldn't let Mr. DelBalzo
13 go unchallenged, you know.

14 MR. TEDESCO: I appreciate it. We welcomed it,
15 Mr. Brown, thank you. No, I appreciate the line of
16 questioning. Mr. DelBalzo, I think we were on the 27-
17 195(b)(1)(B) regarding the economic analysis which I think
18 you testified to is not applicable (indiscernible) and then
19 the subsequent section is subpart C which is the
20 transportation which Mr. Lenhart testified to, is that
21 correct?

22 MR. DELBALZO: Correct.

23 MR. TEDESCO: And then did you have any other
24 further testimony on the other public facilities adequacy
25 subpart --

1 MR. DELBALZO: Yes.

2 MR. TEDESCO: -- D.

3 MR. DELBALZO: Other public facility adequacy
4 includes everything all the way to parks, water and sewer,
5 library, schools, all of that stuff will be really dug down
6 into during the Preliminary Plan where all the adequacy
7 issues will have to be addressed. I would say on this one
8 for at least the developable portions of the property we
9 have the right water and sewer category and I'm sorry not
10 the developable portions the residential low and the
11 residential low transition area.

12 We are also providing a lot of private recreation
13 facilities on this site. So we believe that the public
14 facilities are adequate at this stage and again will be even
15 more drilled down into at the Preliminary Plan stage.

16 MR. TEDESCO: And Mr. Allison provided testimony
17 with respect to subpart E, environmental relationships. Did
18 you want to offer anything from your capacity as a land
19 planner in that regard?

20 MR. DELBALZO: No, I think he hit that pretty
21 well. I would just say that he spoke about the
22 relationships with the environment, I think this one also
23 goes to land use types on this property and as they relate
24 to the land use on the other properties. And again, we're
25 recommending, or we're proposing single family detached and

1 attached units and those are generally considered compatible
2 with the uses that surround this property which if we recall
3 back to the neighborhood map there are some residential uses
4 either existing or proposed to the east that are pretty
5 dense and then you get to the west we're going to step down
6 and we have less dense where the property abuts lesser dense
7 potential development. So we have, I think we are
8 demonstrating compatibility. Where there are townhouses
9 that might abut adjoining properties, we have buffers.

10 MR. TEDESCO: And finally with respect to subpart
11 B 2 and 3, excuse me, 2, 3 and 4 did you want to touch on
12 those real quick please?

13 MR. DELBALZO: Yes. So subpart 2 is the
14 development is taking longer than six years have to ensure
15 APF beyond six years. I believe Mr. Griffin said that the
16 proposal or the plan was to finish within six years. And
17 then 3 and 4 refer to the L-A-C or B-M or B-L Zones and
18 we're not requesting either of those, so those don't really
19 apply.

20
21 MR. TEDESCO: In the interest of time, Mr.
22 DelBalzo, does Exhibit 38 go into all of the purposes of the
23 Zoning Ordinance in the R-S Zone?

24 MR. DELBALZO: Yes.

25 MR. TEDESCO: And you again incorporate and adopt

1 that as your testimony here today?

2 MR. DELBALZO: I do.

3 MR. TEDESCO: I don't want to prevent you from
4 providing any high points with respect to those purposes, so
5 please you know feel free to do so, but I do want to monitor
6 the time as far as going through each and every single one
7 of them in detail.

8 MR. DELBALZO: No, I hear you and I will defer to
9 you on that. You know the R-S Zone is particularly suited
10 for this property. It allows us residential density based
11 dependent on providing public benefit features to get above
12 the 1.6 and to start approaching that 1.6 dwelling units so
13 we could get above that and start approaching the 1,100,
14 we're going to have to do some public benefit features so
15 that's a feature of the R-S Zone.

16 Again, I believe that it's in conformance with the
17 Master Plans, it does establish regulations, we will
18 establish the regulations at the Comprehensive Design Plan
19 that will really ensure that the property is compatible with
20 surrounding areas and that health, safety and welfare is
21 protected.

22 MR. TEDESCO: Thank you. Have you had an
23 opportunity to review Exhibit 80 in reference to the
24 purposes of the L-C-D Zone, if the CMA and the new Zoning
25 Ordinance should be enacted prior to the completion of, the

1 final determination of this application?

2 MR. DELBALZO: I have.

3 MR. TEDESCO: And do you incorporate and adopt
4 that as your testimony as well?

5 MR. DELBALZO: Yes.

6 MR. TEDESCO: Madam Examiner, I think that's all
7 the questions I had for Mr. DelBalzo and submitting on those
8 final two exhibits. And in the interest of time not going
9 through each and every one of the policies are fully
10 provided for in Exhibit 38 and Exhibit 80 as well as further
11 referenced in the Technical Staff Report and the Planning
12 Board's resolution. With that we would submit, saving any
13 closing arguments.

14 MS. NICHOLS: All right. Thank you. Mr. Brown?

15 MR. BROWN: No further questions, thank you.

16 MS. NICHOLS: All right. Thank you, Mr. DelBalzo.
17 Mr. Tedesco?

18 MR. TEDESCO: Madam Examiner, I want to thank you
19 for your time and attention the last two hours plus on this
20 application. As you know from the exhibit list, I think
21 we're touching 80 exhibits at this point, it's a very
22 thorough and complete record. You've heard very detailed
23 testimony this morning with respect to both in an expert
24 capacity of all the applicable subject matter and the
25 required findings that need to be made. As I mentioned from

1 the outset we do believe that substantial evidence does
2 exist in this record to support the requested rezoning to
3 the R-S or alternatively the L-C-D Zone, depending on the
4 actual finality of the effectuation of the new Zoning
5 Ordinance and CMA and the timing thereof.

6 And for all the reasons provided both in writing
7 in the record as well as orally here, we would respectfully
8 request your recommendation of approval to the District
9 Council of the rezoning of this property as requested.

10 MS. NICHOLS: All right. Thank you very much.

11 MR. TEDESCO: Thank you.

12 MS. NICHOLS: There was a conversation that Mr.
13 Brown had with Mr. Lenhart about submitting an additional
14 analysis, so I'm going to leave the record open to allow
15 that to come in and we will use one of our two remaining
16 infill exhibit numbers for that. But the hearing in this
17 matter will be deemed to be concluded at this point in time
18 and the record will be kept open waiting for that last
19 document from Mr. Lenhart. And I thank --

20 MR. BROWN: And the update of the exhibit that Mr.
21 Lenhart had put in as well.

22 MS. NICHOLS: Update Number 10? Update Exhibit
23 Number 10?

24 MR. BROWN: Yes.

25 MS. NICHOLS: Yes. Okay. So Mr. Lenhart has two.

1 MR. TEDESCO: My understanding is that was one in
2 the same. Updating Exhibit 10 was the memorialization of
3 his testimony with respect to what you were asking for. So
4 it would be one exhibit as I understand.

5 MS. NICHOLS: So the comparison scenario would be
6 subsumed into his updating of Exhibit 10, correct?

7 MR. TEDESCO: That was my understanding but maybe
8 we can recall Mr. Lenhart just for clarity.

9 MR. BROWN: Well, yes, sure, I mean he can do it
10 that way, that's fine.

11 MR. TEDESCO: Okay.

12 MS. NICHOLS: Okay. All right. So just an
13 updated Exhibit Number 10.

14 MR. BROWN: And Madam Examiner, I was going to ask
15 also, the young lady you spoke with at the beginning of the
16 hearing, I believe her name was Ms. Williams.

17 MS. NICHOLS: Ms. Williams.

18 MR. BROWN: Does she want to go on the record now
19 as being neutral still or (indiscernible).

20 MS. NICHOLS: Okay. Ms. Williams, are you still
21 with us? And could you unmute your mic?

22 MS. WILLIAMS: I am, I am and I would like to have
23 an e-mail. I would like to send in my comments to the
24 appropriate person.

25 MS. NICHOLS: Okay. This is the moment for

1 comments. So if you'd like to testify --

2 MS. WILLIAMS: Okay. My comments, not to testify
3 but I am concerned, I am a concerned resident.

4 MS. NICHOLS: Okay. I have to stop you for just
5 one second here. All right. Do you have video capability?

6 MS. WILLIAMS: Yes, I do.

7 MS. NICHOLS: All right. If you can turn your
8 video on I'm going to swear you in and give you an
9 opportunity to testify on this matter. There you go, I got
10 you. All right. Ms. Williams, would you raise your right
11 hand so I can swear you in? You're frozen at the moment.
12 Okay. There we go, thank you. Do you solemnly swear or
13 affirm under the penalties of perjury --

14 MS. WILLIAMS: Can you hear me?

15 MS. NICHOLS: -- in the matter now pending to tell
16 the truth, the whole truth and nothing but the truth?

17 MS. WILLIAMS: (No audible response.)

18 MS. NICHOLS: Your mic is going in and out too.

19 MS. WILLIAMS: Can you hear me?

20 MS. NICHOLS: I can hear you now, yes. All right.
21 Let me do that one again. Let me swear you in. Do you
22 solemnly swear or affirm under the penalties of perjury in
23 the matter now pending to tell the truth, the whole truth
24 and nothing but the truth?

25 MS. WILLIAMS: I do.

1 MS. NICHOLS: Thank you. Would you please state
2 your name and address for the record?

3 MS. WILLIAMS: Evelyn Spillman Williams, 6300
4 Brecken Drive (phonetic sp.) Brandywine, Maryland.

5 MS. NICHOLS: All right. Thank you, ma'am. And
6 what would you like to say with regards to this application
7 today?

8 MS. WILLIAMS: I am concerned with that size of
9 proposed development being built near our residential area.
10 I believe that the properties off of McKendree are
11 appropriately, the density is appropriate. I recently
12 purchased the property because of the lay of the community
13 of the residents and for them to propose building that
14 number of attached and detached homes I think will degrade
15 the, the current community. I hear the testimony of all of
16 the community developments and things for the neighborhood,
17 but just the few months that I've been there, the community
18 in my mind, McKendree is not well kept. There is
19 substantial debris and I believe that to erect that many
20 more properties is going to further affect the property
21 value of our homes as the community. I know that they're
22 saying all the things that it will do, but I live there and
23 I see. And it's an eyesore currently. So to have that many
24 more residents coming in, I'm, I'm very concerned and, and I
25 oppose that, that application to build that many residents

1 near my home.

2 MS. NICHOLS: All right. Thank you, ma'am. Mr.
3 Tedesco, do you have any questions?

4 MR. TEDESCO: No, I would just like to thank Ms.
5 Williams for her attending and her testimony. I have no
6 questions.

7 MS. NICHOLS: And Mr. Brown, do you have any
8 questions of Ms. Williams?

9 MR. BROWN: Just one, Ms. Williams. Approximately
10 how far do you live from the subject property?

11 MS. WILLIAMS: Okay. The, when I come Crain,
12 would I turn onto McKendree and my property is maybe a
13 quarter of a mile, I turn onto English Point, English Point
14 to Brecken Drive, so.

15 MR. BROWN: All right. Thank you. No other
16 questions.

17 MS. NICHOLS: All right. Ms. Williams, thank you
18 so much for participating in the procedure. We will note
19 your opposition and again the hearing in this matter will
20 deem to be concluded and the record will be held open for
21 the submission by Mr. Lenhart of an updated exhibit traffic
22 study, the original study is Exhibit 10 and I thank
23 everybody for participating today. And if there's no
24 further matters, have a great day.

25 MR. TEDESCO: Thank you, you too.

1

MS. NICHOLS: Thank you.

2

MR. BROWN: All right. Bye-bye.

3

MR. TEDESCO: Bye.

4

(Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Office of the Zoning Hearing Examiner in the matter of:

DOBSON FARMS
Case No. A-10059

By:

Diane Wilson

Diane Wilson, Transcriber