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

NATIONAL CAPITAL BUSINESS PARK
Comprehensive Design Plan, CDP-0505-02

T R A N S C R I P T
O F
P R O C E E D I N G S

COUNTY ADMINISTRATION BUILDING

Upper Marlboro, Maryland

May 5, 2022

VOLUME 1 of 1

BEFORE:

- PETER A. SHAPIRO, Chair
- DOROTHY F. BAILEY, Vice-Chair
- MANUEL R. GERALDO, Commissioner
- WILLIAM M. DOERNER, Commissioner
- A. SHUANISE WASHINGTON, Commissioner (Absent)

Deposition Services, Inc.

P.O. Box 1040
Burtonsville, MD 20866
Tel: (301) 881-3344 Fax: (301) 881-3338
info@DepositionServices.com www.DepositionServices.com

OTHERS PRESENT:

HENRY ZHANG, Staff Reviewer

ROBERT ANTONETTI, Shipley & Horne

WILL CAPERS

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P R O C E E D I N G S

1
2 MR. CHAIR: Our next item, we are, correct me if
3 I'm wrong, we're going to Item 5, right? Yeah. So, the
4 next item is Item 5. This is the Comprehensive Design Plan,
5 CDP-0505-02, National Capital Business Park. We are joined
6 today by Stan Brown, People's Zoning Counsel.

7 MR. BROWN: Good morning, everyone.

8 MR. CHAIR: Good morning, Mr. Brown. Also
9 participating for this case for the Staff we have Henry
10 Zhang. We have Mr. Antonetti, the attorney, and there are
11 other experts that may come up depending on how the, the
12 questions go. Mr. Antonetti, there's a number of members on
13 your team as well. I'll let you introduce them when the
14 time is appropriate.

15 We also have some opponents on this case. I just
16 want to check to see who is here and who will be speaking.
17 On my opponent's list, I have Greg Smith; I have Macy
18 Nelson. Good to see you, Ms. Nelson. We have Henry Cole.

19 MS. NELSON: Thank you. Yes, thank you.

20 MR. CHAIR: We have Janet Gingold and Terry
21 Nuriddin. So, let me just check in with --

22 MS. NURIDDIN: I'm here.

23 MR. CHAIR: Say again?

24 MS. NURIDDIN: This is she, Terry Nuriddin, on the
25 phone.

1 MR. CHAIR: Oh, thank you, Ms. Nuriddin. So,
2 besides Mr. Nelson and Ms. Nuriddin, is there anybody else
3 from the opposition who is here who I am missing?

4 MS. GINGOLD: This is Janet Gingold. I'm here.

5 MR. CHAIR: Okay. Mr. Cole or Mr. Smith?

6 MR. COLE: Yes, I'm, I'm here.

7 MR. CHAIR: I don't have may participant's list
8 up, so, who was that? Oh, Dr. Cole?

9 MR. COLE: Dr. Cole is here.

10 MR. CHAIR: Dr. Cole, thank you.

11 MR. COLE: Yeah.

12 MR. CHAIR: Okay.

13 MR. COLE: You're welcome.

14 MR. CHAIR: Okay. So, we are good to go. Let me
15 just read a few more things into the record. This hearing
16 is being held under the general enabling authority of the
17 Land Use Article Annotated Code of Maryland and conducted in
18 accordance with the specific requirements and procedures of
19 Section 27-516 through 27-532 of the Prince George's County
20 Code and the Maryland Administrative Procedures Act. The
21 purpose of this hearing is to consider the Applicant's
22 submission for a Comprehensive Design Plan proposal and the
23 considered plan in relation to the criteria set forth in
24 Section 27-521 of the Prince George's County Code. All
25 persons appearing before the Board to present testimony in

1 this matter must be sworn-in. So, those of you who will be
2 presenting testimony, please raise your right hand. I can't
3 see everybody, but those who are on audio only, I'm assuming
4 you are raising your right hand at this moment. Do you
5 solemnly promise -- thank you, thank you all. Do you
6 solemnly promise and declare that he testimony you're about
7 to give before this Board is the truth to the best of your
8 knowledge and believe?

9 MS. NURIDDIN: I do.

10 MS. NELSON: I do.

11 MR. CHAIR: Okay. Thank you, everybody. This
12 proceeding is being --

13 MB. BROWN: Just one, one preliminary matter,
14 please.

15 MR. CHAIR: Yes, Mr. Brown?

16 MR. BROWN: As you indicated a moment ago, there
17 may be persons in opposition who are only available by
18 phone. If they plan to testify, it's really necessary that
19 they be available by video so that the Board can assess
20 their credibility. The Courts really disfavor folks
21 testifying only by telephone for these virtual hearing
22 processes.

23 MR. CHAIR: Thank you, Mr. Brown, for that. I, I
24 don't think we would --

25 MS. NURIDDIN: Hello? Excuse me? Hello, this is

1 Terry Nuriddin.

2 MR. CHAIR: Yes, Ms. Nuriddin?

3 MS. NURIDDIN: I have tried to use the video. I
4 have been in contact with Ms., Ms. Black, even this morning,
5 about not being able to get access. I'm not able to use the
6 go-to application which says that I had to download it; and
7 there seems to be a call associated with this. I'm on the
8 Planning Board's website on three different devices trying
9 to see what's going on and as a citizen and a concerned
10 citizen, I'd like for the record to state that I would
11 challenge any opposition to my testimony based on the fact
12 that according to your documents I could phone in and you
13 contest this outside of your regular work computers; it is a
14 non-secure site and it's very difficult to use.

15 MR. CHAIR: Ms. Nuriddin, your, your point is
16 well-taken. And, and, Mr. Brown, while I hear your, your
17 recommendation around this, I don't, I don't want to
18 preclude Ms. Nuriddin from testifying just because it's
19 audio only. So, I --

20 MR. BROWN: Yes, I, I, I wasn't suggesting that we
21 preclude anyone; but we just really need to put people on
22 notice that they're going to have --

23 MS. NURIDDIN: Then you really need to include
24 that in your message and make livestream easy.

25 MR. CHAIR: Yes, ma'am.

1 MR. BROWN: Excuse me, ma'am.

2 MR. CHAIR: Yes, ma'am. Thank you. And, and you
3 certainly will be testifying and we appreciate your patience
4 during this process.

5 COMMISSIONER DOERNER: We haven't, we actually
6 haven't made that, I appreciate Mr. Stan's, or Mr. Brown's
7 mention; but that's never been part of our procedures or
8 requirements for people to testify here. This is the first
9 that I've heard it in the two years or so that we've been
10 doing virtual hearings. So, while that may be a position of
11 the Court, or a preference of the Court, it hasn't been
12 something that we've been excluding people from testifying;
13 and, personally, I'd be concerned about the equitable impact
14 to people who may not have computers or, or ways to kind of
15 do this. I don't want to exclude people from testifying
16 just because they, they, they can't figure out go to the
17 meeting or what we've been doing. So, in the essence of, of
18 not providing disparate impacts, I, I would recommend that
19 we allow people to testify by phone today and we can
20 hopefully work with future applicants to get them on video;
21 but I don't think we should exclude people as a result of
22 that.

23 MR. CHAIR: I'm, I'm in complete concurrence with
24 you, Commissioner Doerner. So, we won't be excluding
25 anybody and, Mr. Brown, your point, we, I think we should

1 discuss that around what our rules of procedure are, and
2 what we're going to be communicating to the public in
3 advance of hearings from now on, if that's something that's
4 going to be important for us. So, thank you for bringing it
5 to our attention.

6 MR. BROWN: I concur with everyone. I don't think
7 we should exclude anyone from testifying today, but I bring
8 it up for that that reason so that in the future we can
9 develop whatever processes we need to make sure everyone has
10 video access.

11 MR. CHAIR: Thank you. And, Ms. Nuriddin, let me
12 just reiterate, you are participating in this hearing today.
13 We appreciate the effort that you have made and we will be
14 taking what you say into account, okay? So, I want to make
15 sure that you --

16 MS. NURIDDIN: All right. Thank you very much,
17 sir.

18 MR. CHAIR: -- you hear loud and clear that you
19 will be heard today.

20 MS. NURIDDIN: Thank you, sir.

21 MR. CHAIR: You're welcome. Okay. So, let me
22 just finish up a little bit. This proceeding is being
23 recorded; therefore, all exhibits must be properly marked
24 when they are introduced and identified, referred to or
25 discussed, and connected to what we're saying. All persons

1 testifying must speak directly into the microphone; but I,
2 so far with each one of you, I can hear you quite clearly.
3 So, that's good to hear.

4 Any person of record may ask questions of a
5 witness at the conclusion of that witness' testimony.
6 Questioning must be limited to information testified to by
7 the witness, in other words, a person may not question a
8 witness on a subject not testified to on the record by the
9 witness.

10 In the interest of time and fairness to all
11 concerned, the Board may limit the time allowed for a
12 presentation of testimony, cross-examination, and a debate
13 on motions and objections. If it becomes necessary to limit
14 any person's testimony, the Board will make provisions to
15 accept written testimony for that person or persons for the
16 record.

17 And with that, let me turn to Staff. Mr. Zhang,
18 if you could begin your presentation, please?

19 MR. ZHANG: Good morning, Mr. Chairman and members
20 of the Planning Board, and also good morning to People's
21 Zoning Counsel, Mr. Brown. For the record, this is Henry
22 Zhang with Urban Design Section. I confide in front of you
23 is National Capital Park, Business Park, excuse me. It's a
24 revision to previously approved Comprehensive Design Plan to
25 increase the gross floor areas of the permitted use from 3.5

1 to 5.5 million square feet in accordance with Section 27-
2 515(b) of the Zoning Ordinance.

3 This case has been reviewed under the prior Zoning
4 Ordinance. Before I started my presentation, I would like
5 to report to the Planning Board that this item received an
6 opposition exhibit once Applicant's exhibit and two Staff
7 exhibits. Next slide, please. Next slide, please.

8 MR. CHAIR: Yeah, give us a second, Mr. Zhang.

9 MR. ZHANG: Well, this slide is in Planning Area
10 74(a), Council District 4. Next slide, please.

11 Sorry for the delay. I don't know what's going
12 on. Okay. Okay. Thank you. Specially, as outlined in red
13 on this exhibit, this site is on the north side of Leland
14 Road, more than 3,000 feet west of its intersection with
15 U.S. 301. You would notice that this, on the right-hand
16 side of this site, basically, it's the Collington Center;
17 and then, technically, this side is within the Collington
18 Center. Next slide, please.

19 This is the Zoning Map show current zoning of this
20 site is Legacy Comprehensive Design Zone. Basically, it's
21 one of the prior Comprehensive Design Zones. Next slide,
22 please.

23 Yeah, this is the prior Zoning Map which shows the
24 site is in RS Zone. It's the Residential Suburban Zone, one
25 of the nine Comprehensive Design Zones. This site has

1 approximately 426 acres of land. Next, next slide, please.

2 This Overlay Zone Map shows that there's no
3 Overlay Zone on this property. Next slide, please.

4 And the aerial photo shows that the site is
5 basically vacant, consisting of wooded areas and also open
6 land. The dispute is on the right-hand side of this exhibit
7 are the buildings, mostly are the industrial uses and
8 employment uses in the Collington Center. Next slide,
9 please.

10 There are streams, 100 floor plan and all other
11 regulated features on this site. Next slide, please.

12 This is the Master Plan Right-of-Way Map, which
13 basically shows the Leland Road is a major collector, next
14 slide; but there is no access proposed off the Leland Road.
15 This site will be accessed from the internal spiral off the
16 Collington Center. This exhibit shows the Comprehensive
17 Design Plan overall. I think this site has an approval
18 history, can be dated back to 1991; was the approval of
19 Bowie, Collington, Mitchellville Master Plans. Most
20 recently, the District Council and the Planning Board
21 approved through A-9968-02 revision and also CDP-0501-01
22 revision, excuse me. So, basically, approves 3.5 million
23 square feet of employment and the institutional use on this
24 site which generally, those uses are generally permitted in
25 EIA Zone. And this application in front of you is very

1 limited in scope, basically, tried to increase previously
2 approve the same type of uses by 2 million square feet; and
3 there I had to let the Planning Board know that the Board
4 also approved specific design plan for infrastructure which
5 covered the entire property of the RS Zone. This one is
6 limited within the same limit of disturbance of the prior
7 approval. Next slide, please.

8 This, basically, the close look at the site, the
9 first recalled finding for the Planning Board to approve a
10 CDP as stated in 27521 is to find that the proposal of the
11 CDP will be in conformance with the approved basic plan; and
12 then this, in this case, if you read the Staff Report, we
13 had a discussion on the basic plan, basically, it's A-9960-
14 03. At the time of the CDP review, we, we understand that
15 this Zoning Hearing Examiner already approved that basic
16 plan; however, the basic plan will need the final approval
17 of the District Council; and then ZHE's approval basically
18 attached three fewer conditions than one, Staff's
19 recommendation; and then those three, those fewer conditions
20 will not impact on the condition of this CDP; and Staff
21 will, will need to further discuss the finding, the final
22 finding of ZHE in the resolution; but that at this time,
23 with this recommendation, the Staff will, will add another
24 condition basically says that Staff recommendation will be
25 contingent on the District Council's final approval of this

1 basic plan. So, basically, Staff will, would like to,
2 reading the record that's prior to certificate of approval
3 of this CDP, the Applicant had to obtain the final approval
4 of the A-9968-03 from the District Council. Next slide,
5 please.

6 MR. CHAIR: You have the --

7 MR. ZHANG: This is the, yes, sir, sorry for that
8 delay.

9 MR. CHAIR: No worries.

10 MR. ZHANG: This is the Tree Conservation Plan.
11 I'd like to report to the Planning Board again that this
12 increase of 2 million square feet of the same use will all
13 be within the, the same LOD, limited, you know, limited
14 disturbing areas of the prior approval. There's no increase
15 any additional environmental impact because of the increase
16 of the 2 million. The other thing I would like to report to
17 the Planning Board, too, that the traffic impact of that 2
18 million square feet predominantly won't be warehouse uses;
19 will not have much of the, you know, increase of the, of the
20 trips. I think I reviewed a memo sended by the
21 Transportation Planning Section on the increase of the trip
22 for the p.m. peak hour will be only around 335; and then the
23 a.m. peak hour is, is very minimum, like an hour leave to
24 even less than that. It's a single digit increase. I think
25 an hour leave to the Transportation Planning Section to, to

1 explain their, their calculation. Next slide, please.

2 The TCP, Tree Conservation Plan, will be further
3 evaluated at the time of subsequent Preliminary Plan of
4 subdivision and also SDP, Specific Design Plan. Those two
5 following exhibit, this one and the next one, basically
6 some, show some illustrative images for those possible
7 building will be developed in this, in this center; and then
8 basically shows the Planning Board, what's the building
9 quality will be in place when the development happens in the
10 future. Next slide, please.

11 Yes, Slide 14 also is another exhibit; basically,
12 shows some images of the future building. Next slide,
13 please. Section 27-521 required the Planning Board made
14 about 10 findings before approval of Comprehensive Design
15 Plan. This, I mean this conformance discussion has been
16 provided on Staff Report, page 14 to 18. This CDP basically
17 in conformance with the requirements of Woodland
18 Conservation Ordinance and other applicable prior conditions
19 of approval. No agency is opposed to the approval of the
20 CDP; however, we received citizen opposition. The Applicant
21 proposed some revisions to the condition. They have
22 discussed this proposed revision with Staff; Staff is in
23 agreement with those changes. The Urban Design Section
24 recommends approval of Comprehensive Design Plan, CDP-0505-
25 02, including Type 1 Tree Conservation Plan, TCP-104-2022-

1 02. This concludes the Staff presentation. We have a
2 seventh condition recommended, excuse me, I forgot to
3 mention that. It's listed on the Staff Report, page 31 to
4 33. Thank you.

5 MR. CHAIR: Thank you, Mr. Zhang. So,
6 Commissioners and Mr. Brown as well, might you want to hear
7 from additional Staff if you have, if you have questions
8 related to environmental impact or transportation before you
9 have your questions; or do you have questions for Mr. Zhang
10 now?

11 MR. DOERNER: I don't have any questions for Mr.
12 Zhang. I'd prefer to hear from Transportation staff.

13 MR. CHAIR: We have a bit of a delay, so let's
14 take it one at a time. Commissioner Doerner, say that
15 again?

16 COMMISSIONER DOERNER: I don't have any questions
17 for Commissioner Zhang. Thank you for the presentation, but
18 I prefer to hear from Transportation Staff, as Mr. Zhang
19 noted, before we go on to the Applicant.

20 MR. CHAIR: Okay. Vice Chair Bailey, Mr. Geraldo,
21 anything else to add? It's okay if we bring in
22 Transportation Staff?

23 COMMISSIONER GERALDO: Yeah, I have no questions
24 at this time.

25 MADAM VICE CHAIR: No questions.

1 MR. CHAIR: Okay. Mr. Brown?

2 MR. BROWN: I just have one procedural question.
3 Mr. Zhang, I understand your comment that you want to add a
4 condition that this application be conditioned upon the
5 approval by the District Council of A-9668-03, which is the
6 basic plan that was recently recommended for approval by the
7 Zoning Hearing Examiner. My question is, procedurally, is
8 this application premature? In other words, why have we
9 accepted as a Planning Board and Staff an application that
10 is in conflict with the current basic plan that only allows
11 for 3.5 million square feet until the District Council
12 actually considers and invokes on the '03 basic plan, this
13 application is not in conformance with the basic plan that
14 hasn't been approved?

15 MR. CHAIR: Let me turn to Mr. Goldsmith. If we
16 could have counsel weigh-in on this, that would be helpful.

17 MR. GOLDSMITH: Good morning, everybody. Peter
18 Goldsmith, Senior Counsel. Good morning, Mr. Brown. I
19 think, well, first, first, the application has, the
20 application met all of the requirements for acceptance; and
21 that I think is exactly why the Staff accepted the
22 application; but also, we, the Planning Board doesn't have
23 control once an application gets, once the application goes
24 before the Zoning Hearing Examiner and before the District
25 Council; and sometimes like, in this case, an application,

1 subsequent application may come before the Board before we
2 have a final decision. And in this case, I think that the
3 condition that Mr. Zhang recommended is appropriate and will
4 ensure that this, that this approval will not be final
5 until, until we have an ultimate decision from the District
6 Council.

7 MR. CHAIR: Thank you for that. Mr. Brown,
8 anything else on that?

9 MR. BROWN: No further questions. Thank you.

10 MR. CHAIR: Thank you.

11 COMMISSIONER DOERNER: I just want a clarification
12 from, from Mr. Goldsmith. So, what you're saying is, is we
13 can approve it, but it's subject to what the District
14 Council does, is that right?

15 MR. GOLDSMITH: In subject to we're making sure
16 this will not become final until the Basic Plan Amendment
17 becomes final. This cannot be final until the District
18 Council adopts or makes a final decision on the Basic Plan
19 that this CDP Amendment must be in conformance with.

20 COMMISSIONER DOERNER: Okay. And if they don't,
21 then it's, it's moot, right?

22 MR. GOLDSMITH: Then it can't be certified and it
23 will not be a final --

24 COMMISSIONER DOERNER: Okay.

25 MR. CHAIR: Thank you. Any other questions on

1 this issue? If not, I'm going to turn to Mr. Capers, who is
2 going to talk a bit about the transportation issues. Do we
3 have something else -- Commissioner Doerner?

4 COMMISSIONER DOERNER: Mr. Chair, just for
5 clarification, just so I understand Mr. Brown's question, I
6 think the Basic Plan, the, I think it's A-9968-03, I think
7 that was heard by the Zoning Hearing Examiner in February
8 and it's, it's just sitting before the District Council.
9 So, the question is more just procedural, not necessarily an
10 objection to, to the amendment itself, right?

11 MR. BROWN: You are correct, Mr. Doerner. It's a
12 real issue of whether or not we as this Board can even
13 consider this application at this time when a Basic Plan has
14 not been approved. In short, it's not in compliance with
15 the Basic Plan because the Basic Plan hasn't been approved;
16 so, therefore, it would have to be in compliance with the
17 '02 Basic Plan which only allows 3.5 million square feet. I
18 know it sounds sort of technical, but we're sort of putting
19 the cart before the horse when we approve applications with
20 conditions that say, well, this is only valid if the
21 District Council approves this later. The problem we could
22 get into, and I'm not saying we should stop this case today,
23 but the problem we get into if the Council makes four or
24 five changes not just with regards to square footage that
25 are different from what's approved, assuming it's approved

1 today, then this application is void. We wasted our time
2 and so we really, I don't think, should be considering
3 applications of this technical of a nature until an actual
4 basic plan has been approved which would allow this CDP to
5 be approved.

6 COMMISSIONER DOERNER: And do you have any, do you
7 have any knowledge of whether or not the District Council is
8 going to not approve it or make other changes, or is this
9 just kind of like supposition of like if they did that, then
10 in other words what?

11 MR. BROWN: Well, we, we have no idea,
12 Commissioner Doerner, because the examiner just released
13 this decision last week; and so, it has not even been put on
14 the agenda for the District Council as of yet.

15 COMMISSIONER DOERNER: Okay. All right, thank
16 you.

17 MR. CHAIR: Dr. Cole, hold on one sec.

18 MR. COLE: The plan --

19 MR. CHAIR: Dr. Cole, hold one Commissioner
20 second. I want to keep the discussion at this moment
21 amongst the Commissioners and, and Mr. Brown; but I'll be
22 sure to get to you in a second, okay? So, Mr. Goldsmith,
23 any, any final thoughts on that as you heard Mr. Brown
24 speak?

25 MR. GOLDSMITH: I don't think so, Mr. Chairman. I

1 think we have no indication that this, this Application
2 isn't going to move forward; and I think it's appropriate to
3 continue.

4 MR. CHAIR: Okay. Thank you. Commissioners, any
5 other comments on this?

6 (No affirmative response.)

7 MR. CHAIR: Dr. Cole?

8 MR. COLE: Interruption. So, my question is, if
9 the Basic Plan has not been approved by the District
10 Council, what exactly is in the Basic Plan? Is that the
11 original 3.5 million acres, or is that the, the upscale to
12 the 5.5 million acres?

13 MR. CHAIR: I'm going to turn --

14 MR. COLE: What, what has not been approved?

15 MR. CHAIR: I'm going to turn back to Dr., to Mr.
16 Zhang on that.

17 MR. ZHANG: Yes, yes, Mr. Chairman. For the
18 record, yes, if the, well, most likely, yeah, if the, I mean
19 current Basic Plan approved up to 7.5 million square feet of
20 these uses; and then this, the reason Basic Plan approval, I
21 mean even though ZHE approve it, but the District Council
22 has not made a final decision yet; that, that revision is
23 only asked for, I mean very limited to the one request just
24 increase another 2 million square feet. So, that's, that's
25 basically what this Basic Plan is all about. And then

1 you're right, if the Council will not approve this '03
2 revision, we will have to fall back on the '01 revision.
3 This is, basically, it's the 3.5 million square feet only.

4 MR. COLE: So, just to clarify it, the Basic Plan,
5 I think I heard what you said, that the Basic Plan of 3.5
6 million square feet has not been approved by the District
7 Council, is that what you said?

8 MR. ZHANG: No, no, sir. It's already approved by
9 the District Council; and, and they also, after that
10 approval, one Comprehensive Design Plan already approved;
11 and then they have approved the Preliminary Plan of
12 subdivision and also an infrastructure SDP already been
13 approved based on that 3.5 million square feet.

14 MR. GOLDSMITH: Mr. Chairman, Peter Goldsmith,
15 Senior Counsel, I just want to, yeah, yeah, clear it up.
16 There is an order of procedure here, the Applicant goes
17 first and then opposition.

18 MR. CHAIR: According to our -- and, again,
19 perhaps this is a longer conversation, but according to the
20 rules that I read in that any party has the right to cross-
21 examine any witness. So, that's why based upon our rules
22 that we have before us, that's why I'm allowing Dr. Cole to
23 question Mr. Zhang. Now I may be interpreting that wrong.
24 Help me, am I interpreting that wrong?

25 MR. BROWN: No, Mr. Chairman, you're correct.

1 MR. CHAIR: Okay.

2 MR. BROWN: He has an opportunity to cross-examine
3 Mr. Zhang.

4 MR. CHAIR: Okay. But I appreciate you jumping
5 in, Mr. Goldsmith.

6 MR. COLE: Yes. Thank you for your, thank you for
7 your generosity.

8 MR. CHAIR: Okay. Thank you, Dr. Cole. Mr.
9 Smith, do you have a question for, for our first Staff?
10 You're on mute, Mr. Smith.

11 MR. SMITH: All right. Thank you, thank you, Mr.
12 Chairman, and this is --

13 MR. CHAIR: You got to identify yourself --

14 MR. SMITH: -- for Mr. Zhang.

15 MR. CHAIR: -- for the record, please.

16 MR. SMITH: Oh, I'm sorry. I'm Greg Smith. I
17 reside at 4204 Farragut Street in Hyattsville.

18 MR. CHAIR: Thank you.

19 MR. SMITH: I'm speaking as an individual here,
20 even though I serve on the board at City of Hyattsville.
21 And this question is for Mr. Zhang and I thank Mr. Brown for
22 raising this point; and I, I just pose this for the Board to
23 consider. Throughout the Zoning Ordinance and Subdivision
24 Ordinance which has promised that the purpose of the, of the
25 section below is provide for the orderly review of, and easy

1 to understand review of applications. And I appreciate Mr.
2 Brown's point. It's hard -- when we see this kind of
3 application shoved into the pipeline and considered by the
4 Board when there are serious issues to be considered in the
5 Basic Plan that may, that may undermine the Planning Board's
6 decision if you make one in favor of the project, it's hard
7 to see how this is orderly or easy for the public to
8 understand. That's the general point I'd like to put on the
9 record and, and ask you to consider as you go forward. If
10 Mr. Zhang wants to answer to that, fine, thank you.

11 MR. CHAIR: Thank you, Mr. Smith. Let me turn to
12 Mr. Goldsmith. You have your hand up. Do you have a
13 question or a comment?

14 MR. GOLDSMITH: Yes. Mr. Chairman, thank you.
15 One last minor comment. Section 27478(c) of the Code says
16 that the three phases of review of Comprehensive, for
17 application of Comprehensive Design Zones, may be filed or
18 considered concurrently. So, the Board, the Board is
19 legally allowed to proceed.

20 MR. CHAIR: So, we are, in your, as you, as you
21 see it, we're working well within our procedures? Thank
22 you.

23 MR. GOLDSMITH: Yes, sir.

24 MR. CHAIR: Thank you. All right. Thank you all.
25 Did I miss anyone on this point? No? So, we're going to

1 bring in additional Staff to talk specifically about
2 transportation issues and perhaps environmental issues. We
3 have Mr. Capers on the line. I'll turn it over to you.

4 MR. CAPERS: Yes, good morning, Mr. Chair. I just
5 wanted to address Mr. Zhang's comment about the trip
6 generation. Just to give you a little background for the
7 evaluation of trip generation for any development, we use
8 our transportation review guidelines. We have a certain
9 test to which we first encourage applicants to use the local
10 rates that are established in the guidelines. If those
11 rates are not consistent with the land use, then the
12 applicant is allowed to provide justification of any
13 published rates such as the Institute of Transportation
14 Engineers. And this, at the time of the original '01
15 revision, the closest land use designation that we used to
16 evaluate trip generation was taken from our transportation
17 review guidelines.

18 Since that time, the Institute of Transportation
19 Engineers has published their 11th edition which provide a
20 liens category which we evaluated that was more consistent;
21 which what is being proposed, which is a performance center.
22 That's how we evaluated and determined trip generation for
23 this project.

24 MR. CHAIR: Thank you for that. And, and your
25 approval, Staff approvals is conditioned, there's a number

1 of transportation conditions that you all have specified
2 that might be helpful to just take a minute and run through
3 that real quick?

4 MR. CAPERS: Yes, Mr. Chair. You know, just to
5 clarify, for this application for the CDP application in
6 regards to transportation, the Zoning Ordinance requires
7 that the Applicant show how the development would be an
8 unreasonable burden to public facilities; in this case, how
9 the development will impact the transportation network.
10 They demonstrated their impact through the Transportation
11 Impact Study that they submitted as part of this
12 application; and also demonstrated as part of it possible
13 litigation options or possible improvements that will offset
14 their incremental impact.

15 If all is consistent with what we would study in
16 this application, we, this will hold true and be carried
17 over to the preliminary plan where we actually test for
18 adequacy and then we'll recommend requirements of how the
19 Applicant will offset their, their impact.

20 The improvements that you mentioned within the
21 conditions, recommended conditions were all based on capital
22 improvement projects for 301 corridor. The Applicant is
23 proposing that their impact, their incremental impact will
24 be offset by the capital improvements, capital improvement
25 project for U.S. 301.

1 MR. CHAIR: Thank you. Thank you, Mr. Capers.
2 Questions from Commissioners for Mr. Capers?

3 (No affirmative response.)

4 MR. CHAIR: Mr. Brown?

5 MR. BROWN: No questions. Thank you.

6 MR. CHAIR: Okay. Any other parties have any
7 questions for Mr. Capers?

8 MS. GINGOLD: I have a question. This is Janet
9 Gingold.

10 MR. CHAIR: Yes, Ms. Gingold? Could you -- could
11 you introduce yourself for the record since this is the
12 first time you're speaking for this?

13 MS. GINGOLD: I'm Janet Gingold. I am chair with
14 Prince George's Sierra Club. I live at 13107 Whiteholm
15 Drive in Upper Marlboro, which is about 3 1/2 miles from the
16 site.

17 MR. CHAIR: Thank you.

18 MS. GINGOLD: I, my question has to do with the,
19 well, what is known about the use of this 3 1/3 or 5 1/2
20 million square feet because, obviously, the comings and
21 goings depend on what those buildings are being used for.
22 If it's a distribution center and there are trucks taking
23 packages from there to, on this last mile, that's a lot of
24 vans going in and out. If it's office space where people
25 come to do business every day, that's a different, different

1 kind of traffic; and I, I'm, I don't know what it, what you
2 know about who is going to be using that, that space for
3 what; but increasing the gross floor area by 45.9 acres has
4 to change the amount of traffic going through there. It's
5 either more packages or more people and --

6 MR. BROWN: One point of order, please.

7 MS. GINGOLD: Please, go ahead, I'm sorry.

8 MR. CHAIR: Mr. Brown?

9 MR. BROWN: Two points here. I know that Mr. Macy
10 Nelson entered his appearance in this case and he has not
11 identified who his clients are. I don't know if he
12 represents Mr., I mean Ms. Gingold and Mr. Greg Smith and
13 the other gentleman that spoke earlier; but I would like to
14 get on the record who does Macy Nelson represent; and then,
15 of course, the young lady who just spoke a moment ago, we're
16 now at a point of asking questions of the Transportation
17 Planner, not giving testimony.

18 MR. CHAIR: I don't --

19 MS. GINGOLD: I'm not --

20 MR. CHAIR: Ms. --

21 MS. GINGOLD: -- (indiscernible).

22 MR. CHAIR: Hold on one second, Mr. Nelson. I
23 appreciate that. I was, I was interpreting Ms. Gingold's
24 comments as a question for Mr. Capers related to what use he
25 was using to interpret what, how he came up with the

1 transportation numbers.

2 MS. GINGOLD: That is my intent.

3 MR. CHAIR: So, Mr. Capers, hold on because Mr.
4 Brown, I want to make sure you get your questions answered.
5 Mr. Nelson?

6 MR. NELSON: Thank you, Mr. Chairman. Can the
7 Chair hear me adequately?

8 MR. CHAIR: Yes.

9 MR. NELSON: Thank you. I'll identify at this
10 time my clients in this case. John Homick, H-O-M-I-C-K,
11 16000 Trade Zone Avenue. I represent Ray Crawford and Kathy
12 H. Crawford, 1340 Crain Highway. They live at the terminus
13 of Queens Court. They're parties to the case concerning the
14 first Amazon facility across the street which is now pending
15 in the Maryland Court of Appeals. I represent the Patuxent
16 Riverkeeper. There's a tributary to the Patuxent River that
17 drains through this subject property. The Patuxent
18 Riverkeeper is headed by Frederick Tutman. I represent Dan
19 Smith who resides at 6019 Inwood, I-N-W-O-O-D, Street in
20 Cheverly. I represent Vernice Miller-Travis, T-R-A-V-I-S,
21 1000, correction, 104 Jewett, J-E-W-E-T-T, Place in Bowie; I
22 represent Kim Benjamin (phonetic sp.), 1133 Greenville Loop
23 in Upper Marlboro; and I represent UFCW Local 400 based in
24 Landover, all of whom have asked me to express their legal
25 and factual objections to this project, which I will do when

1 requested by the, the Chair of the Planning Board. That's
2 the complete list of my current clients. Thank you.

3 MR. CHAIR: Thank you, Mr. Nelson. Mr. Brown does
4 that get satisfactory?

5 MR. BROWN: That is. Thank you so much.

6 MR. CHAIR: Okay. Thank you. So, now back to Ms.
7 Gingold's question to Mr. Capers related to what use you
8 were taking into account when you did the, the trip
9 generation report.

10 MR. CAPERS: Yes, Mr. Chair. The use that we,
11 that was evaluated was the IQ fulfilment center warehouse,
12 again, which was derived from the Institute of
13 Transportation Engineers.

14 MR. CHAIR: Okay. All right. Thank you. Thank
15 you for --

16 MR. CAPERS: Just, okay, thanks.

17 MR. CHAIR: Any other questions for -- yes, Dr.
18 Cole?

19 MR. COLE: I have a question. Yes. The addition
20 of the, the acres up to 5.5 million square feet, did that,
21 does that require any additional removal of trees?

22 MR. CHAIR: Let me turn that back to --

23 MR. COLE: Does it require --

24 MR. CHAIR: -- Mr. Goldsmith and Mr. Zhang.

25 MR. COLE: -- the removal -- excuse me?

1 MR. CHAIR: Dr. Cole, I'm going to turn that
2 question over to Mr. Zhang.

3 MR. COLE: Thank you.

4 MR. ZHANG: Yes, sir. Yes, sir, for the record,
5 thank you, Mr. Chairman. For the record, this is Henry
6 Zhang with Urban Design Section. To answer Dr. Cole's
7 question, actually I need to correct Mrs. Gingold's
8 question, I mean the statement. This not involve, this,
9 this application not involve any additional environmental
10 impact. That means we're not get the additional 40
11 something acres. This is the gross floor areas of the
12 building. That means we are staying within the limit of
13 disturbance of the prior approval of the '01 and then A-02
14 revision, nothing more than that in term of the additional
15 disturbance. This is not additional land to be disturbed.
16 Thank you.

17 MR. CHAIR: Okay. Dr. Cole?

18 MR. COLE: Would it require, another question.
19 Would it require additional pavement of surface?

20 MR. ZHANG: No, sir, it's within the same limit of
21 disturbance.

22 MR. CHAIR: Okay. Are there any other questions
23 for Staff, not testimony, but are there any other -- these,
24 Dr. Cole, you are on point; you were asking questions of Dr.
25 Zhang and I appreciate that. Do you have any additional

1 questions for Staff?

2 (No affirmative response.)

3 MR. CHAIR: Dr. Cole, we can't hear you; you're
4 muted. Dr. Cole? Dr. Cole, we couldn't hear your question.
5 You were muted on our side. Can you hear me, Dr. Cole?

6 MR. COLE: No.

7 MR. CHAIR: All right. Let's move on and see if
8 you can --

9 MR. COLE: I had more question and this would be
10 about what is it with --

11 MR. CHAIR: Hold on one second.

12 MS. GINGOLD: Dr., may I ask a question?

13 MR. CHAIR: Hold it. Hold it.

14 MS. GINGOLD: I'm sorry. The question --

15 MR. CHAIR: No, no, hold on. We're having a
16 little bit of technical difficulty, so I want to make
17 certain that is in the process --

18 MS. GINGOLD: Can I, can I ask my question?

19 MR. CHAIR: Hold on a second, please. Dr. Cole,
20 do you, do we have you? We can't hear you. Okay. Ms.
21 Gingold, go ahead, ask your question.

22 MR. COLE: Yes, you do. Can you hear me?

23 MR. CHAIR: Oh, all right. Ms. Gingold, hold on
24 one second. Dr. Cole, yes. We did not hear your question
25 for Mr. Zhang if you want to ask that question again?

1 MR. COLE: Can you hear me? Okay. Can you hear
2 me now?

3 MR. CHAIR: Yes.

4 MR. COLE: You can hear me? Okay. So, my
5 question is, exactly what is it that the additional acreage
6 would entail, specifically, are there more buildings, are
7 there more -- what is it exactly? Are there more streets?
8 What, what's the difference?

9 MR. CHAIR: Mr. Zhang?

10 MS. GINGOLD: (Indiscernible.)

11 MR. ZHANG: Yes, sir, I can tell you right now
12 because the nature of the, of the review because the CDP is
13 the second phase of the review which mainly focus in on the
14 use, density and intensity relationship of the uses and the
15 location on the site. What I can know by the information we
16 review is that this proposed use in this '02 revision will
17 not change the prior approved limit of disturbance. I would
18 like the development team to give you more detail on what
19 they're, you know, tried to develop; but I think
20 specifically those, specifically, you know, improvement
21 usually will be dealt with at a later review, I mean the
22 subsequent review stages, like preliminary plan of
23 subdivision and the specific design plan. Until then, we
24 won't know what specific improvement they're going to put
25 in.

1 MR. CHAIR: Thank you, Mr. Zhang.

2 MR. ZHANG: Thank you.

3 MR. CHAIR: Hold on one second.

4 MR. COLE: Well, then, just --

5 MR. CHAIR: Dr. Cole, hold on. Mr. Hunt, is there
6 any other member of your team you want to bring in anything
7 to add to that, or is Dr., or is Mr. Zhang's information
8 good enough from your perspective?

9 MR. HUNT: Mr. Zhang's information is sufficient
10 at this point.

11 MR. CHAIR: Okay. Thank you. Thank you, Mr.
12 Hunt. Dr. Cole, do you want to finish up?

13 MR. COLE: Yes. Thank you. So, if, my question
14 is, if you don't know exactly what the revision will entail
15 in terms of details, how can you determine what the impact
16 on the environmental conditions, including the impact on the
17 Collington Branch, and erosion of the Collington Branch, and
18 transported sediment, how can, how can you make that
19 determination if you don't have the final plan? I don't
20 understand the relationship between where you are now and
21 where you will be in terms of understanding the full impact?
22 So, that's my question.

23 MR. CHAIR: I'm, I'm talking about the question
24 related to the more broader question about how we manage our
25 approval process and the sequence of our approval process.

1 That, that feels a little bit more general and less specific
2 to this case.

3 MR. COLE: Well, yes and no. My main concern is
4 the environmental impact of the addition and the specifics
5 of what's done will determine what that impact is. There
6 are sensitive areas of impact in, in this plan.

7 MR. CHAIR: Thank you. Mr. Zhang, is there some,
8 is there something that you think will be helpful to address
9 Dr. Cole's question on this?

10 MR. ZHANG: Yes, Mr. Chairman, yes. If I might,
11 Dr. Cole, I think that the development process, development
12 review process in this County basically set up, you know, in
13 synchronization with the, you know, real Staff of the
14 development. That means that you are going to started with
15 the rezoning or zoning to see if the zoning is correct; and
16 then you, in this case is the Comprehensive Design Zone. We
17 will have 3-step approval. First step mainly addressed
18 zoning, whether the zoning is correct; and then second step
19 basically addressed the density, intensity, relationship of
20 uses and set up development standards in general. The third
21 step is the SDP, Specific Design Plan, which will be looking
22 at the specific improvement on the site you know; also,
23 specific impact, impact of this environmental natures. So,
24 I mean in each stage we keep all eyes wide open on the
25 negative impact of the, you know, proposed development; and

1 then, therefore, we had to focus on the issues at each
2 stage. I understand your concern because, you know, down
3 the road we have many, you know, Staff will check those
4 changes and the possible impacts. For example, even at the
5 permit level, you know, if you're going to disturb any land
6 and anything like this nature, they're going to have a, you
7 know, additional requirement. For example, like you had to
8 have a three stage of stormwater management approval, okay,
9 three stages; and then you had to have all those sediment
10 control and erosion plan in place and you can really start
11 the construction.

12 So, at this stage, while it's set up in this way,
13 we're focusing on those issues; and then but we didn't, you
14 know, forgot about other things. It's, the level of detail
15 is different, and that's the only thing changed.

16 MR. CHAIR: Thank you, Mr. Zhang.

17 MR. ZHANG: Thank you. Oh, this --

18 MR. CHAIR: So, I want to move --

19 MR. COLE: Okay. Thank you.

20 MR. CHAIR: -- I want to move this process along.

21 If you have --

22 MR. COLE: Thank you.

23 MR. CHAIR: -- if there's -- thank you, Dr. Cole.

24 If there are any brief questions for Staff on Staff's

25 testimony, other than that, we're going to go to the

1 Applicant. Mr. Smith? You're on mute, Mr. Smith. There we
2 go.

3 MR. SMITH: Thank you, Mr. Chairman and Planning
4 Board members. My question relates to, to Dr. Cole and I
5 don't think it was answered. And I don't understand, and
6 this is, this is a question to Staff, and I'll just point
7 out that limited disturbance is a, is a, is a misleading
8 term and I don't think it's, I don't think that Mr. Zhang
9 intends to mislead, I understand how it's used, but that
10 refers solely to the direct mechanical impact of the project
11 and the services from any project extend well beyond
12 (indiscernible). That's why we have the Clean Water Act and
13 the Clean Air Act.

14 MR. CHAIR: Mr. Smith, I want to turn the --

15 MR. SMITH: But --

16 MR. CHAIR: -- keep focused on (indiscernible) --

17 MR. SMITH: -- getting back to my --

18 MR. CHAIR: -- questions for Staff.

19 MR. SMITH: -- my, yeah, my question is this. I'd
20 like somebody to explain how the square footage of the
21 project can increase by roughly two-thirds without changing
22 the vehicle number and vehicle mix; the impacts on demands
23 for parking; the impacts on potential run-off; the impacts
24 on, on local roadways and air quality? It, it just, it
25 seems completely illogical that the size of an already

1 massive project can increase by nearly two-thirds and that
2 someone not have those, those commensurate impacts?

3 MR. CHAIR: Mr. Smith --

4 MR. SMITH: So, can somebody explain how that all
5 comes out in the wash?

6 MR. CHAIR: All right. I, I, I can't, I can't ask
7 Staff to address your incredulity; but if you have a
8 specific question, perhaps Mr. Zhang or Mr. Capers can,
9 again, at the risk of being repetitive, they can address
10 again how they took up the calculation that they did? And
11 I'm happy to have Mr. Capers address that again. Is he
12 still on, Mr. Hunt?

13 MR. HUNT: I believe Mr. Capers is still on, but
14 briefly, I want to kind of -- I'll go ahead and let Mr.
15 Capers then speak on this one. I'll just come in right
16 after.

17 MR. CAPERS: Yes, Mr. Chair. For the record
18 again, my name is Will Capers. I'm the Planning Supervisor
19 for the Transportation Planning Section. Can you please
20 clarify the question? I'm sorry.

21 MR. SMITH: I'll try in my own non-technical way.
22 This was already a massive project, it's proposed to
23 increase by nearly two-thirds, and as somebody who has
24 worked not on the technical side, but on the policy side of
25 transportation and land use policy, before more on

1 transportation, can you explain to everybody here how the
2 project can increase in that size and how that's been, how
3 that, the likely change, not potential change, the likely
4 change in vehicle trips and vehicle mixes has been taken
5 into account in terms of trips generated on local roads,
6 congestion, air pollution concentrations and also demand for
7 parking space; and, and the, and the commensurate impact in
8 terms of impervious surface? Is this developer planning to
9 build parking decks instead of all-surface parking to, to
10 serve this massive increase in a massive project?

11 MR. CAPERS: Okay. Thanks, thanks, Mr. Smith. I
12 can address those questions. At this, I think, I believe
13 Mr. Zhang answered a question about this level of
14 application. We did not consider the design requirements in
15 regards to parking at this level. We will make that
16 determination in the parking demand at the time of SDP; but
17 in terms of your question regarding the increase of trips, I
18 believe Mr. Zhang did specify or indicate that there was an
19 increase in peak, peak, peak period p.m. trips of about 335
20 trips.

21 MR. CHAIR: Thank you. Okay. Ms. Gingold, do you
22 have a question?

23 MS. GINGOLD: My question has to do with
24 greenhouse gas emissions and I wonder if you have made any
25 calculation about the intense, increased intensity of human

1 activity in the buildings and traffic will increase
2 greenhouse gas emissions when you increase this proposed
3 floor area by another 2 million square feet?

4 MR. CHAIR: I mean I'll, I'll turn to Staff for a
5 quick response to this; but I don't think that's before us
6 for review right now; but Mr. Hunt or Mr. Zhang --

7 MR. HUNT: Yes.

8 MR. CHAIR: -- Mr. Capers?

9 MR. HUNT: Yes, Mr. Chair. Again, for the record,
10 this is James Hunt of the Development Review Division. I
11 want to remind everyone this is a Comprehensive Design Plan.
12 This is the beginning, the one, at the very beginning stage.
13 We haven't gotten that detailed in the analysis as far as
14 the Applicant's detailed information has been provided at
15 this stage. A lot of the information that has been
16 requested or within most of the, in the comments that have
17 been made to you this morning are relative to other stages
18 of development such as the Preliminary Plan of Subdivision.
19 A detailed analysis regarding environment impacts,
20 transportation impacts as well, will be detailed and further
21 analysis at the time of Preliminary Plan of Subdivision. In
22 addition to that, other areas will be analyzed at that time
23 as well. We just wanted to remind everyone this is a
24 Comprehensive Design Plan and not the further stage of that,
25 of, of development which would further answer a lot of the

1 detailed analysis and questions that many folks on the call
2 today have for this particular case. Just a quick reminder
3 to everyone where we are in the process.

4 MR. CHAIR: Thank you, Mr. Hunt. Very helpful.
5 Mr. Goldsmith?

6 MR. GOLDSMITH: Thank you, Mr. Chair. Peter
7 Goldsmith, Senior Counsel. I think it's also worth
8 mentioning that the Basic Plan Amendment No. 3 has already
9 come before the Board and that, that additional 2 million
10 square feet has already been approved. Our recommendations
11 were approved. And here, we're just looking at the design
12 and the intent, and whether this Comprehensive Design Plan
13 Amendment is in conformance with that Basic Plan Amendment.

14 MR. CHAIR: Thank you. Thank you for that as
15 well. I'm going to move us along. Commissioners, any final
16 questions from you all?

17 (No affirmative response.)

18 MR. CHAIR: No? Let me turn it to the Applicant,
19 Mr. Antonetti, hear from you and any members of your team
20 that you want to introduce as well. You're on mute, Mr.
21 Antonetti, or we can't hear you. Now we can hear you. No,
22 you're on mute again.

23 MR. ANTONETTI: Can you hear me now?

24 MR. CHAIR: Yes, sir. Take it away.

25 MR. ANTONETTI: I apologize for that. I have a

1 small technical difficulty with Go To Meeting.

2 MR. CHAIR: You're not the only one.

3 MR. ANTONETTI: I apologize. Hopefully, I'll be
4 the last. Good morning, Mr. Chairman, members of the
5 Planning Board. For the record, my name is Robert
6 Antonetti, Jr., with the law firm of Shipley & Horne, P.A.
7 With me today is my partner, Arthur Horne, Jr.; and our
8 Senior Land Planner, Mr. John Ferrante, also with Shipley &
9 Horne. We are pleased to represent the Applicant NCDD
10 Property, LLC. With us today we have members of our
11 Development Team, including Mr. Cole Schnorf, representative
12 of the Applicant; Mr. Chris Rizzi and Mr. Joe Dimarco. Mr.
13 Rizzi is a registered landscape architect; Mr. DiMarco is a
14 professional engineer, civil engineer, both with Bohler
15 Engineering, and prepared the technical plans for this
16 application. We have Mr. Michael Lenhart with Lenhart
17 Traffic Consulting, our transportation or traffic engineer
18 on this case.

19 Before I begin, I'd like to thank Mr. Zhang for
20 his coordination and review of this application. He's done
21 a very professional job and he's been a pleasure to work
22 with. I'd also like to thank the comments that I've heard
23 from Staff regarding the process, regarding the elements of
24 approval for CDP, the elements that are in the multiple
25 steps for review of a Comprehensive Design Zone, or an

1 application in the LCD Zone, which this is, which how they
2 build on one another. I also would like to associate my, my
3 comments and associate myself with the comments of, of your
4 counsel and of the Staff regarding the steps in that
5 process.

6 We're here today to review a proposed amendment to
7 the previously approved Comprehensive Design Plan for the
8 National Capital Business Park, which is a planned
9 employment park located in Upper Marlboro, Maryland. And as
10 you have heard, the National Capital Business Park is
11 currently in the LCD Zone, the IE Zone and the AR Zone
12 pursuant to the County-wide Sectional Map Amendment which
13 became effective April 1, 2022. The total site is 442 acres
14 approximately; however, this CDP amendment application
15 involves 426.5 acres approximately of the site in the LCD
16 Zone.

17 The National Capital Business Park is located on
18 the same site as the formerly approved, but not built,
19 planned unit residential development known as Willowbrook.
20 Now Willowbrook had numerous approval which our firm was
21 associated with which allowed a maximum of 1,139 residential
22 dwelling units; and in that scenario, if it were to move
23 forward, all traffic would have been sent directly to Leland
24 Road.

25 On April 12, 2021, as you've heard, the District

1 Council approved an amendment to the basic plan for the
2 property to replace the residential 1,139 residential
3 dwelling units with 3.5 million square feet of warehouse,
4 distribution, office, light industrial, manufacturing and/or
5 institutional uses. This was the initial entitlement, as it
6 were, for the National Capital Business Park.

7 Now, subsequently, the Applicant obtained final
8 entitlement approval, as you heard, of the amendment of the
9 CDP-0505-01, which established use patterns, relationships
10 of uses, initial limits of disturbance, road and circulation
11 patterns, and project design guidelines. Subsequently to
12 that, there was a Preliminary Plan of Subdivision which
13 tested all adequacy of public facilities for the 3.5 million
14 square feet of uses. This was approved by the Planning
15 Board on September 30, 2021, I believe. On January 27,
16 2022, SDP-1603-01 was the Site Infrastructure Plan which
17 approved fine grading, associated clearing and within the
18 ultimate limits of disturbance, and initial road alignment
19 and grading associated therewith.

20 Now today we are here on a limited request to
21 request a revision to the approved Comprehensive Design
22 Plan, as you know, to increase the maximum allowable square
23 footage from the approved 3.5 million square feet to a
24 maximum of 5.5 million square feet. This amendment does not
25 propose any increase in the developable land area previously

1 designated within the currently approved Comprehensive
2 Design Plan.

3 Now we heard some questions about this. How can
4 this be achieved? Well, the potential for additional square
5 footage will be achieved vertically with buildings that will
6 have either additional floors or mezzanine spaces. These
7 additional spaces are contemplated to be automated or to be
8 storage areas. So, although it is additional square footage
9 pursuant to our definitions in the applicable ordinances,
10 that square footage is treated differently because it is not
11 actively used in terms of population of others that which
12 necessarily would generate trips equivalent to a traditional
13 distribution facility.

14 The testimony that we heard from Mr. Capers is
15 spot-on. Utilizing the ITE standards, the ITE standards
16 does designate this type of facility and supplies a trip
17 generation rate which was applied was in the traffic study
18 submitted and reviewed with this application which also,
19 again, be reviewed in the next step, which there are
20 multiple steps, the Preliminary Plan of Subdivision, which
21 will come before this Board.

22 Now, again, the proposal for the additional square
23 footage will occur vertically, if it occurs. This is a
24 maximum, not a minimum of 5.5 million. If it occurs, it
25 will occur vertically and not horizontally within the same

1 development area designated in all the other previously
2 approved plans.

3 Now notwithstanding this application, the National
4 Capital Business Park will continue to have all employment-
5 related traffic routed directly through the adjacent
6 Collington Business Center. No local traffic will go onto
7 Leland Road from, directly from the National Capital
8 Business Park. The National Capital Business Park will, is
9 still committed to building a 20-acre community park off of
10 Leland Road. This will include a dog park, a baseball
11 field, a cricket field, a parking lot, restrooms, pickle
12 ball courts. There will be no artificial turf surfaces
13 within this park.

14 The Applicant will also, is also committed to
15 dedicating approximately 100 acres to the Collington Stream
16 Valley Park within the property along the western boundary
17 of the property. In that Stream Valley Park, we're
18 committed to building a 10-foot wide master plan trail,
19 approximately 4,300 linear feet; also, 2,500 linear feet of
20 an 8-foot-wide trail within the park, the 20-acre park
21 itself. That design is ongoing pursuant to conditions of
22 approval that are already in place on this project and will
23 continue to apply to this project.

24 We'll also contribute roughly \$10 million to the
25 U.S. 301 CIP Road Improvement Fund. That's adjusted

1 pursuant to the construction indexes that are applicable to
2 such CIP projects. That CIP project is within the 6-year
3 funding window of the County CIP. The contribution of this
4 Applicant will be in the form of physical improvements.
5 This is not something that the Applicant wants to pay and
6 go. They want to physically make improvements and it will
7 add additional lane work, a full signal at Queens Court, and
8 existing, existing Queens Court and U.S. 301. Those will be
9 funded through the contribution that I just mentioned to the
10 pro rata contribution to the U.S. 301 CIP.

11 This CDP also modifies portions of the previously
12 approved design guidelines as Mr. Zhang stated as referenced
13 in the application materials and the Staff Report; and it
14 also proposes a modification to Condition 4 in the prior CDP
15 which initially proposes a per-square-foot pro rata
16 contribution to the CIP fund the Applicant proposes in its
17 Exhibit 1, which has been reviewed by Staff; and that should
18 be 92 cents per square foot. This is consistent with the
19 type of use, the generation from it and that has been
20 reviewed with Staff and Staff, I believe, is in concurrence
21 with that; but I'll get to that shortly.

22 Now the National Capital Business Park's location.
23 For those who aren't familiar with it, although many of the
24 Board certainly are. It should be noted that it does about
25 the existing Collington Center which is also in the LCD

1 Zone. It also abuts a CSX rail line to the west. The
2 National Capital Business Park proposes nearly, roughly two-
3 third of its total site to be in the form of woodlands, open
4 space, permanent green space or stormwater management
5 facilities. The project, project also has approximately 100
6 acres of woodland preservation designated onsite, and that
7 preservation does not include woodland that's currently in
8 the, in the 100-year flood plain which is, that is 80 acres;
9 but the 100 hundred acres that we're proposing for online,
10 onsite woodland conservation is approximately a hundred
11 acres, not including the flood plain acreage. So, you know,
12 so, roughly there's nearly a quarter of this site that will
13 be kept in woodland preservation. So, the images that you
14 had seen on the screen of the CDP, you can see in green
15 where there's, the project is essentially encircled by green
16 areas which are in the form of woodlands; outside of the
17 sensitive environmental features; outside of the stream
18 corridors, all appropriate buffers have been established and
19 protected as part of this development.

20 As part of the prior CDP conditions of approval,
21 the project obtained approval of a habitat management plan
22 designed for protection and monitoring of any rare or
23 threatened endangered species. This plan was approved as
24 part of the prior application conditions. It was approved
25 for the National Capital Business Park in consultation with

1 the Department of Natural Resources and it has really
2 intricate and specified details for, for the protection of
3 these habitats. It has continuous instream monitoring; it
4 has the water quality data that's downloadable every two
5 weeks; it has annual biological sampling during
6 construction; it has post-construction monitoring
7 obligations; it will be bonded; it has a detailed survey of
8 all rare plants; it has 100-foot buffers minimum, forested
9 buffers, to all streams. It includes redundant sediment
10 control devices next to and along the stream valley edge of
11 the Collington, so it's more than just the initial baseline
12 sediment control devices. There are redundant, i.e.,
13 additional ones, sediment control devices to protect any
14 sedimentation from flowing into the tributaries that were,
15 are closest to this project.

16 There is 550-foot-wide forested buffer along the
17 main sections of the Collington Branch. Again, that's a
18 forested buffer along the Collington Branch we all recognize
19 as, as an item that needs to be protected and this Applicant
20 has complied with all conditions, and will continue to
21 comply with its obligations under the approved Habitat
22 Protection and Management Program approved May 7, 2021, for
23 this project.

24 Through its many entitlement approval reviews, the
25 Applicant also has commissioned extensive soil borings to

1 map any Marlboro clay out-croppings within the project. All
2 stormwater management facilities have been designed outside
3 of any clay out-croppings. The 1.5 factor safety line has
4 been delineated so that clays will be avoided or mitigated
5 through such actions as undercutting or site grading.
6 Confirmation of the impact of clays will be made at later
7 stages of this, of this overall project, specifically, a
8 preliminary plan; and even more specifically, the aptly
9 named Specific Design Plan, which includes details of
10 buildings, placement, parking, impervious surface; storm,
11 final, technical stormwater management conceptual design
12 placed on the property; access. All these items will be
13 evaluated through those later stages and the Applicant is
14 certainly, will engage and provide those details at this
15 time.

16 There was some talk about the Master Plan which I
17 think is interesting and important to this case. As some of
18 the Board may recall, we had referred previously in
19 presentations to the uses that the National Capital Business
20 Park is going back to the future; and I'll, what do we mean
21 by that?

22 Well, prior to 2006, the site was in the
23 Employment Institutional Area Zone under the prior Zoning
24 Ordinance, or the EIA. This was done in 1991 under the
25 prior Bowie Master Plan which referred to the property as

1 the Willowbrook Business Center. This business center basic
2 plan, which was approved at the time of the Sectional Map
3 Amendment for the 1991 Bowie Plan, allowed up to 5 million
4 square feet of light manufacturing, warehouse, distribution
5 and ancillary office.

6 Fast forward to today. The current Bowie,
7 Mitchellville and Vicinity Master Plan includes the National
8 Capital Business Park and the Collington Center as part of
9 the Collington Local Employment Area; and this is supposed
10 to consist primarily of light industrial use, my, and mainly
11 of warehouses and distribution centers. So, what's being
12 proposed here is really in line with what was contemplated
13 as far back as 1991 and, and is currently in full alignment
14 with the recommendations of the 2022 Master Plan for this
15 project. The Master Plan also recommends industrial zoning
16 for the entire employment area which will be determined as
17 part of a future Sectional Map Amendment.

18 Upon approval of the proposed CDP Amendment, the
19 National Capital Business Park will be in the position to
20 deliver an employment area consistent with the Master Plan
21 that will integrate with the existing Collington Center to
22 the north of the property. The project will provide
23 significant commercial tax base and employment
24 opportunities, including the addition of up to 6,000 new
25 jobs for Prince George's County.

1 Now interest in the National Capital Business Park
2 is very high and the ability to offer additional square
3 footage will allow this site to meet market demand and be as
4 competitive as possible with neighboring jurisdictions.
5 While we don't have any specific user to present or any
6 specific plan to present, there will be numerous, specific
7 Design Plans identifying what is proposed to be developed
8 and what type of use through the later stages of this
9 sequential process.

10 In sum, this amendment of the already approved CDP
11 meets all the requirements of the Zoning Ordinance as set
12 forth in the Staff Report and the Applicant's statement of
13 justification, and all associated application documents and
14 exhibits filed in the record of this case. The Applicant
15 does concur with the conditions and recommendations of the
16 Staff, with the exception of a few condition changes in the
17 Applicant's Exhibit 1, including the suggested condition of
18 the concurrently processed Basic Plan Amendment, that that
19 be final before certification of the CDP Amendment if it's
20 so approved by this Board.

21 I do have Applicant's Exhibit 1, which was
22 submitted into the record. Mr. Chairman, I don't know if
23 you want me to go through it very briefly. I can. I'll
24 leave it to your discretion, but I believe Staff is in
25 concurrence with that as testified to by Mr. Zhang.

1 MR. CHAIR: I don't think you need to.

2 MR. ANTONETTI: Okay. So, with that, that,
3 essentially, concludes or application request. It is
4 limited; it is limited to square footage. That square
5 footage, if it is to occur, it is a maximum, will occur most
6 likely in a vertical scenario in mezzanine space or multiple
7 floors. The approval of this application will allow us to
8 proceed to the next step in review where there will be
9 further refinement, and detail, and illumination of the
10 impacts of this project; but as currently concede this
11 application with the additional square footage will be
12 within the same limits of disturbance as proposed in the
13 already approved CDP for the National Capital Business Park.

14 We're committed to maintaining our environmental
15 sensitivity. I've been involved greatly in the design,
16 review meetings with sediment control; with stormwater
17 management; with, with DPIE in discussions. There really is
18 no stone left unturned in the review of this. Everybody is,
19 you know, proceeding in a manner that will be, that will
20 deliver a project upon approval that will be consistent with
21 all regulations applicable to this case.

22 So, with that, we respectfully request your
23 support of this Comprehensive Design Plan Amendment. We do
24 thank you for your consideration of this request and I'm
25 here to answer any questions that you may have. Our team is

1 available. I didn't call anybody, but on rebuttal I'm
2 certainly prepared to call anybody as necessary to answer
3 any outstanding questions; but hopefully, I have addressed
4 them, the primary concerns of, of this application. Again,
5 we're at, we're at the second step of a multi-step process.
6 We look forward to bringing back details for the other steps
7 to, again, be in a position to better answer the best we can
8 to the level of detail that those later steps offer, the
9 questions that were, many of the questions that were raised
10 today.

11 Thank you for your time and consideration; and,
12 again, I'll, I'll pause for, for any questions that might be
13 ready for me at this time.

14 MR. CHAIR: Thank you, Mr. Antonetti. Clear and
15 succinct. Questions from Commissioners?

16 COMMISSIONER DOERNER: I, I have none.

17 MR. CHAIR: Okay. No questions from
18 Commissioners. Mr. Brown?

19 MR. BROWN: Yes, I have two or three. Mr.
20 Antonetti, did you take the oath at the beginning of the
21 hearing when the Chair swore in the other witnesses?

22 MR. ANTONETTI: I did not take the oath. I, as an
23 attorney, I'm representing the Applicant in this case; so,
24 I'm representing their interests in the application file.

25 MR. BROWN: You do understand that an attorney may

1 not give a narrative and have that narrative be submitted as
2 substantial evidence in a zoning case unless they take the
3 oath, correct?

4 MR. ANTONETTI: I, I believe that is, as a summary
5 of the application, I feel I'm allowed to do that as
6 narrative, which I've done throughout my career; but in the
7 abundance of caution, I am willing to take the oath if that
8 satisfies your, your, your inquiry at this moment.

9 MR. BROWN: Mr. Chairman, I believe you should
10 give Mr. Antonetti the oath. He is allowed to participate
11 as an advocate on behalf of his client and as a witness when
12 he makes factual allegations as he's made in his, what I'm
13 going to call an opening statement. This would then give an
14 opportunity for anyone in our position to question him on
15 those factual statements.

16 MR. CHAIR: We turn to Mr., thank you, Mr. Brown.
17 I'll turn to Mr. Goldsmith. Do you weigh in on this?

18 MR. GOLDSMITH: Yes, Mr. Chairman. No, I just,
19 one, I want to point out that I don't think Mr. Antonetti is
20 a witness subject to cross-examination; and, two, I believe
21 that Mr. Antonetti signed an oath when he signed up to
22 speak.

23 MR. CHAIR: Thank you. I'm, I'm, I'm, I am more
24 familiar with, Mr. Brown, with Mr. Antonetti's position on
25 this, which is he's representing his clients' interests in

1 his role. So, Mr. Goldsmith, you feel like this is
2 adequate, steps that have been taken?

3 MR. GOLDSMITH: Yes, Mr. Chairman.

4 MR. CHAIR: Okay. Commissioners, any concerns
5 around this, or are we fine to proceed as we have?

6 COMMISSIONER DOERNER: I, I think what Mr.
7 Antonetti expressed is how we've always proceeded. Mr.
8 Brown might be right, but the issues that he's been raising
9 today are ones that we have never considered, never heard in
10 our prior hearings. So, if we do need to modify our rules
11 and procedure, we, we can do that later; but I don't think
12 requiring additional kind of oaths are, are, is necessary as
13 an attorney representing their client's interests, at least
14 in my opinion. I'm not an attorney, but this is the way
15 we've always done it and we've never heard these kinds of
16 complaints before; so, I read, I think we should do it more
17 methodically in terms of modifying our rules and procedures
18 that we're going to require that instead of haphazardly
19 doing it for a case-by-case basis.

20 MR. CHAIR: Okay. I --

21 COMMISSIONER GERALDO: This is Commissioner
22 Geraldo. I don't disagree with Mr. Doerner; but if Mr.
23 Brown says that there, we have never, have never have done
24 that before; but if Mr. Brown has something that he can cite
25 to that requires that, then I think we should follow it. If

1 there's nothing written, it's, that has not been our
2 practice.

3 MR. CHAIR: Let's take this under advisement and
4 consider it as we, as we review our procedures as we move
5 forward, okay, without objection?

6 (No affirmative response.)

7 MR. CHAIR: Thank you, thank you, Mr. Brown. Mr.
8 Smith, this is not a space -- unless you have anything
9 related to the content with Mr. Antonetti; but this is not a
10 space to weigh-in related to the procedural issue. Is your,
11 do you have a comment? Do you have a cross-examination for
12 Mr. Antonetti? I can't hear you, Mr. Smith.

13 MR. SMITH: Thank you, Mr. Chair, Planning Board
14 members. Cross-examination sounds really serious, but I, I
15 do have some questions for Mr. Antonetti.

16 MR. CHAIR: Hold, hold it. I just want to make
17 sure that we have gone through our, the rest of our process.
18 Are there any, are there any other questions from
19 Commissioners on this substance for Mr. Antonetti?

20 (No affirmative response.)

21 MR. CHAIR: Mr. Brown, I'm, I'm sorry, Ms. Bailey,
22 Vice Chair Bailey?

23 MADAM VICE CHAIR: I don't have a question, but,
24 btu I want to thank the attorney for his examples of
25 environmental sensitivity. I, I, I really do appreciate

1 that as we go through our hearing.

2 MR. CHAIR: Thank you. Thank you, Vice Chair.

3 Mr. Brown, do you have questions on the, for Mr. Antonetti
4 separate from the process question you brought forward?

5 MR. BROWN: No questions. Thank you.

6 MR. CHAIR: Thank you, Mr. Brown. Okay. Mr.
7 Smith?

8 MR. SMITH: Yes, for, for Mr. Antonetti, I was, I
9 had to step out. I only had one ear on, on your part of
10 your statement. How many, how many thousands of jobs did
11 you say that this, this, this project or this project and
12 the, and the other local project would generate?

13 MR. ANTONETTI: Anticipated to have up to 6,000.

14 MR. SMITH: And that is compared to what level for
15 the 3.5 million?

16 MR. ANTONETTI: The 3.5 million was approximately
17 the same, and that's in line with essentially the statement
18 of where the square footage will be achieved potentially if
19 it's reached in terms of a vertical alignment of mezzanine
20 space that is more for space and automation.

21 MR. SMITH: So, my question, I guess, not at, at
22 the, the direct square footage impact of your buildings, but
23 how do you go from 3.5 million square feet of similar uses
24 to 5.5 million square feet of similar uses and not generate
25 more jobs, more demand for parking and more automobile

1 trips, substantially more? How does that work?

2 MR. ANTONETTI: So, the specific use type is, as
3 Mr. Capers testified to, and I'll certainly align myself
4 with his testimony on, on the traffic report utilizing the
5 (indiscernible) the specific type of mezzanine distribution-
6 type warehouse. So, so, those trips from that type of use
7 specifically is incorporated in the traffic study and that
8 traffic study will essentially be used again, if not refined
9 at time of preliminary plan subdivision. So, so that
10 evidence is in the record and we would stand behind that.

11 In terms of jobs, you know, 6,000 is a target.
12 It's an approximation. It could be more; it could be less.
13 We're hoping for as many jobs as possible. You know,
14 further identification of potential jobs will be determined
15 as this project moves forward through the various phases of
16 development on the various lots and parcels that hopefully
17 will be developed upon final approval of all the
18 application.

19 So, so, it's not a fixed number. I'm sorry if I,
20 I indicated that it was; but it is something that, you know,
21 hopefully, will be as many as possible. You know, we
22 believe it could be as much as 6,000.

23 MR. CHAIR: Thank you. Additional question, Mr.
24 Smith.

25 MR. SMITH: Yeah, I, I, I heard you say, Mr.

1 Antonetti, I'm not sure that you, you answered my question,
2 or at least I don't understand how that, how it works if, if
3 you did. Are you saying that you'll go from 3.5 million
4 square feet to 5.5 million square feet in the mix of jobs
5 and, therefore, the, the travel demand, and the commensurate
6 impacts on parking capacity, and local road trips, and air
7 pollutant emissions, and greenhouse gas emissions won't
8 change?

9 MR. ANTONETTI: I didn't, I didn't say that, but I
10 do want to answer your question, though. With regards to
11 jobs, you know, well, start with transportation. So, there
12 is a traffic study submitted with this application which Mr.
13 Capers testified to evaluated the types of uses that are
14 desired. From that study and through that analysis with
15 Staff, there is a, an impact that's evaluated which will
16 then, again, be evaluated at time of Preliminary Plan, which
17 will culminate in a trip cap. Also, there's a condition in
18 this application which implies, requires a pro rata
19 contribution per square foot for offsite road improvements,
20 namely, U.S. 301 CIP. The Applicant here will be increasing
21 its contribution rather substantially based on that
22 additional square footage to address its pro rata impact to
23 that CIP project network.

24 In terms of parking, all I can say is, you know,
25 again, there's a specific Design Plan process that was

1 testified to by Staff which I incorporate and we certainly,
2 as the Applicant, recognize that we have specific buildings
3 with specific parking lots and areas that will be
4 identified; but we do anticipate opportunities to, by adding
5 square footage vertically, to limit, if not reduce,
6 potential impervious impacts.

7 Nonetheless, any impacts that are designed as part
8 of a specific design plan will also have to have all the
9 commensurate stormwater management, sediment control
10 facilities, and impacts that would be evaluated through the
11 various technical and other permanent plans, or other items
12 that get reviewed along with the development such as this.
13 That will also include a Tree Conservation Plan, too;
14 modification which will evaluate any impacts to the PMA; or
15 limits of disturbance if any are proposed. Again, we feel
16 right at this point that the limits of disturbance which you
17 talked to earlier in your questioning is something that
18 cannot be fully known at this point because we're not at
19 that specific Design Plan phase, but we look forward to
20 bringing that to you and we can answer better most of the
21 questions that you've asked today.

22 MR. CHAIR: Thank you. Mr. Smith, additional
23 questions?

24 MR. SMITH: Yes, the same line of questioning.
25 I'm not hearing, I'm not hearing a real answer. I'm

1 somewhat familiar that I'm not an expert by any stretch of
2 the imagination on travel again models, pretty much of a
3 black box. What you get out depends on what you put in the
4 algorithms inside. So, this is for you, Mr. Antonetti, and
5 Mr. Capers, if he chooses to answer it. Going from 3.5
6 million to 5.5 million square feet, regardless of whether
7 you go vertically or not, was, is there a change, a
8 committed change in the expected activities on the site,
9 number of jobs and the commensurate impacts on trips,
10 parking demand, congestion, air pollution? Is, what went
11 into the modeling that takes us from 3.5 million, an
12 increase of nearly two-thirds, to 5.5 million, what are the
13 assumptions of modeling that allowed that margin increase in
14 the square footage but not change in the number of
15 employees, or trips, or traffic demand, or parking demand,
16 or travel demand and air pollutant emissions? How, how does
17 that work?

18 MR. CHAIR: I'm going to give Mr. Antonetti a
19 chance to answer this if he chooses, but you've asked this
20 question before and you, it's been answered. I don't think
21 you're agreeing with the answer, but it's been asked and
22 answered. But, Mr. Antonetti, would you like to reply?

23 MR. ANTONETTI: Thank you, Mr. Chairman, and thank
24 you, Mr. Smith; and I, I don't question your familiarity
25 with these items. You're, you're very knowledgeable through

1 your questioning. I will realign myself with my current,
2 previous answers. The only part I didn't answer was the
3 CO2, or the air pollutant emissions. I will state that
4 while that's not a requirement of a CDP or development in a
5 zone, you know, this is a long-term project with many
6 variables through many independent users that would
7 hopefully be developing on the site; and it's almost
8 impossible to know, you know, what their, their impact in
9 terms of air pollutants would be at this time; but as
10 further details are known, you know, we'll certainly offer,
11 you know, details through specific design plans, although
12 that doesn't test your concern about air quality as well.
13 We do meet all the requirements that are otherwise required
14 for approval of such plans.

15 In terms of the Traffic Study, I'll defer to Mr.
16 Capers; but we do stand behind the Traffic Study, the
17 modeling; and the, and the trip generation rates that are
18 standard use pursuant to the guidelines of transportation
19 and code which that study was prepared under; but, but I do
20 thank you for your questions and look forward to working
21 with you in the future if you necessarily choose outside of
22 this hearing to, you know, help answer your questions the
23 best I can.

24 MR. CHAIR: And --

25 MR. SMITH: Mr. Chairman, thank you for allowing

1 me the opportunity to ask some questions. Thank you.

2 MR. CHAIR: Thank you, Mr. Smith. Ms. Gingold?

3 MS. GINGOLD: I have a question.

4 MR. CHAIR: Yes, ma'am?

5 MS. GINGOLD: My question has to do with the
6 electricity that will be consumed and where that will come
7 from. Is there --

8 MR. CHAIR: Ms. Gingold, I need to, I need to, Ms.
9 Gingold, hold on just a second because I need to restrict
10 your questions to what was presented as the, as part of the
11 testimony from the, from the witness, from Mr. Antonetti
12 representing the witness. So, I'm not -- maybe, Mr.
13 Goldsmith, you can help me with that; but I'm not sure I
14 heard that question. I'm not sure I heard anything related
15 to that from Mr. Antonetti.

16 MR. ANTONETTI: Thank you, Mr. Chairman, you are
17 correct.

18 MR. CHAIR: Okay.

19 MS. GINGOLD: This has to do with claims about the
20 not making any more additional impact on the environment
21 because, and the, about the intensity of the activity that
22 comes with increasing the gross floor area.

23 MR. CHAIR: Okay.

24 MS. GINGOLD: If we're not having people there,
25 we're having machines to do, to move things --

1 MR. CHAIR: Ms. Gingold --

2 MS. GINGOLD: -- around.

3 MR. CHAIR: -- let me, let me interrupt you for a
4 second. You'll need to hold that for when you have an
5 opportunity for testimony, okay, but that's not cross-
6 examination because Mr. Antonetti didn't -- that was not a
7 part of what he presented to us, okay? So, I'm sure we will
8 hear from you on that when you have a chance to speak; but
9 do you have any questions for Mr. Antonetti related to his
10 testimony, what he presented? And, again, you're going to
11 have a chance to speak --

12 MS. GINGOLD: I --

13 MR. CHAIR: -- in a bit.

14 MS. GINGOLD: No, I, no, I'll wait. Thanks. Bye.

15 MR. CHAIR: Thank you, Ms. Gingold. Any other
16 questions --

17 MS. NURIDDIN: Hello?

18 MR. CHAIR: Yes?

19 MS. NURIDDIN: Yes, this is Ms. Terry Nuriddin.
20 Can you hear me?

21 MR. CHAIR: Yes, ma'am? Go ahead.

22 MS. NURIDDIN: Yes, I have two questions for Mr.
23 Antonetti. I'm sorry if I'm mispronounced your name, sir.
24 You touched on two issues that we were concerned about in
25 terms of the climate. We thought the proposed response to

1 the developmental challenges had not been addressed. The
2 first question is, and you alluded to that these items have
3 been addressed. I know they had initially had been
4 considered by Toll Brothers in the residential development
5 part. The first question is, what does the geotechnical
6 study state about the Marlboro clay layer throughout the,
7 the site? And the next question is, do you have the
8 findings of the archeological investigation?

9 MR. CHAIR: I, I got a bit distracted there, but
10 I'm trying to figure out which piece of that is actually
11 related to Mr. Antonetti's testimony. Mr. Goldsmith, can
12 you help me with that?

13 MS. NURIDDIN: Okay. He, yes, he, he, he talked
14 about the developmental site and, and preserving the
15 wetlands; and had stated in development commitment, to prior
16 development commitments, and this is in my testimony that
17 the wetlands, wetland buffers, Patuxent management area,
18 flood plain and existing streams which makes the land
19 environmentally, visually interesting, but created
20 developmental challenges. And so, the thought was to limit
21 the, the design to a particular area to mitigate these
22 circumstances and --

23 MR. CHAIR: Let me --

24 MS. NURIDDIN: -- and to study that --

25 MR. CHAIR: I'm going to jump in for a second.

1 MS. NURIDDIN: -- we looked at --

2 MR. CHAIR: Let me, let me jump in for a second.
3 What, what I'm hearing from you sounds like testimony and
4 I'm looking forward to hearing it; but it does not sound
5 like a question to Mr. Antonetti based upon what Mr.
6 Antonetti presented; but hold on one sec. Mr. Goldsmith, d
7 you want to weigh in?

8 MR. GOLDSMITH: I do. No, Mr. Chairman, I think
9 that's fine.

10 MR. CHAIR: Okay. So, so, we will hear from you
11 on this issue; but let's hold that until, for the
12 appropriate time, okay?

13 MS. NURIDDIN: Okay. It's really not okay, but I
14 don't have a choice because he alluded to this in his
15 testimony if, if you play it back. He alluded to some of
16 the work that has been done in reserving acreage and that's
17 what --

18 MR. CHAIR: Okay. Well, well --

19 MS. NURIDDIN: -- my question was centered around.

20 MR. CHAIR: -- so, let me, let me respect the
21 question.

22 MS. NURIDDIN: But you're the Chairman, I'll, I'll
23 respect what you're saying; but I, on record, I disagree and
24 if you compare his testimony to my question, you'll see that
25 it is an appropriate cross-examination.

1 MR. CHAIR: Well, I'm going to, I'm going to trust
2 your interpretation of that and I'm going to give Mr.
3 Antonetti a chance to respond to your question. How about
4 that?

5 MS. NURIDDIN: Thank you, sir.

6 MR. ANTONETTI: Thank you, Mr. Chairman. Thank
7 you, Ms. Nuriddin. Again, Robert Antonetti with Shipley &
8 Horne. As I, as I had mentioned, the Marlboro clay has been
9 evaluated through significant geotechnical evaluation;
10 through the multiple steps of approval for the multiple
11 applications that were before, including the Preliminary
12 Plan of Subdivision, we're required to reflect what is known
13 as the 1.5 factor safety line dealing with the Marlboro clay
14 outcroppings and their location, and the strategy to deal
15 with them for any development.

16 As I, as I stated in my opening, the application
17 does propose to mitigate through either avoidance or other
18 grading activities, undercutting those, those clays. So,
19 they are not an issue and they can be dealt with
20 appropriately.

21 And I think in the record of this case, the
22 historical preservation, this site was evaluated; it has
23 been evaluated multiple times as far back as the Willowbrook
24 project through Phase 1 analysis; and I believe on the, in
25 the record evidence on page 75 of 134, the back-up to this

1 case, there's a summation of Historic Preservation's
2 position and that they found the subject property did not
3 contain any, or is adjacent to any designated County
4 historic sites or resources; and all archeological
5 evaluations, or investigations, excuse me, had been
6 completed and no additional work was recommended. So, so
7 that, that evaluation was done and there's information in
8 the back-up to this case showing that.

9 MR. CHAIR: Thank you. Thank you for that.
10 Additional questions, ma'am?

11 MS. NURIDDIN: No, I appreciate that because my
12 evidence file only went to page 54; but I appreciate it and
13 I appreciate your trusting my judgment on this matter.
14 Thank you.

15 MR. CHAIR: Thank you. Okay. We will now -- no
16 further questions for Mr. Antonetti. We will now turn to
17 the opponents for the case. I want to ask you all to help
18 me in terms of managing our time, we have five folks who I
19 imagine all of you want to speak. I do not -- now, Mr.
20 Nelson, you do not represent the other folks; so, normally,
21 I might say to have you take the lead and help manage the
22 process; but in this case, you're not representing them, so
23 I'm not going to ask you to do that. I do want to get a
24 sense from folks of how long each of you are planning on
25 taking. I'm going to go in the order that I have on my

1 speaker's list, so we'll start with Mr. Smith. Mr. Smith,
2 how much time do you need? If you're with me, I can't hear
3 you.

4 MR. SMITH: Mr. Chair, how many hours do we have?

5 MR. CHAIR: I'm thinking more minutes.

6 MR. SMITH: I, I, I anticipate just a few minutes.

7 I have about two pages of --

8 MR. CHAIR: Okay.

9 MR. SMITH: -- prepared comment.

10 MR. CHAIR: Thank you for that. And, Mr. Nelson,
11 how much time are you expecting?

12 MR. NELSON: I expect less than 10 minutes.

13 MR. CHAIR: Thank you. Mr. Cole?

14 MR. COLE: Five minutes.

15 MR. CHAIR: Thank you. And Ms. Gingold?

16 MS. GINGOLD: About five minutes.

17 MR. CHAIR: And, Ms. Nuriddin: Did I pronounce
18 your name correctly?

19 MS. NURIDDIN: I have time -- hello? I had timed
20 it to 4.5 minutes; but I'll take a whole five.

21 MR. CHAIR: All right. We'll give you the extra
22 30. Did I pronounce your last name correctly?

23 MS. NURIDDIN: Uh-huh. Yes, sir.

24 MR. CHAIR: Okay. Thank you. All right. So,
25 this sounds fine. We won't hold it to you; but I appreciate

1 it for helping us manage our time. So, we'll begin with Mr.
2 Smith.

3 MR. SMITH: Thank you, Mr. Chair. I need to go
4 back and see whether I'm still on. I am. Thank you.
5 Forgive me if I'm looking down reading my testimony. Good
6 afternoon, Chairman Shapiro, Vice Chair Bailey and
7 Commissioner Geraldo, Doerner and Washington. Good
8 afternoon to the Planning Staff and everyone else present.
9 For the record, I'm Greg Smith. I reside at 4204 Farragut
10 Street in Hyattsville. And while I serve on the Board of
11 Save our Sustainable Hyattsville, also known as Sustainable
12 Hyattsville, I'm offering these comments as an individual.

13 I'll frame my comments within the higher mandates
14 and intent of applicable laws which require not only
15 compliance with the black and white often narrow letter of
16 specific requirements, but also promise and require, at
17 least implicitly, that the decisions made by the Planning
18 Board and other administrative bodies should serve the
19 common good; that they protect and enhance communities, the
20 environment and public health, while also providing for a
21 just and sustainable economy.

22 I'll also frame my comments within a bunch of,
23 within the context of a bunch of words, to begin with the
24 letter C, namely climate chaos, climate justice, clear cuts,
25 continuity and contiguity, congestion, concentrations of air

1 and water pollution, community, community conversations and
2 cumulative impacts.

3 I'll note that the history of this property
4 outlined in the Technical Staff Reports seems to indicate
5 that with each plan brought before the County, the owners
6 and/or applicants have sought more and more attention, uses
7 and densities. This CDP seeks to increase the project size
8 from 3.5 million square feet to 5.5 million square feet, an
9 increase of nearly two-thirds with potentially at least
10 commensurate increases and certain impacts on the
11 neighboring community, the environment, and in public, and
12 on public services and infrastructure.

13 Before I get into the bulk of my comments on the
14 CDC, I'll also note that the impact of the flood plain on
15 the tract area in this, for this project has been treated
16 very differently in this case than the way it's been treated
17 in another case. Funny though.

18 Climate change, climate chaos and climate justice,
19 every day, or more likely every second of every minute of
20 every hour brings additional news and evidence that humans
21 are causing climate change and climate chaos through the
22 cumulative impacts of our decisions, including decisions
23 like the one that you will make on this CDP. Each day
24 brings additional evidence that climate change and climate
25 chaos are accelerating; that their impacts have been, have

1 been and will be more severe than previously predicted; and
2 have been and will be hitting sooner than predicted; and
3 that the window for acting to ward off the most grievous
4 impact, including widespread food and security mass
5 migrations of mass extinctions, an extension of perhaps half
6 of all known species, that window is closing; and yet this
7 plan that was brought before you and the Zoning Hearing
8 Examiner and District Council, the rules by which you judge
9 those plans and decisions you render take none of that into
10 account.

11 As with many damaging, sometimes disastrous or
12 deadly impacts, those, those least responsible for them, the
13 poor and the politically disenfranchised, are the most
14 vulnerable to them and have little or no meaningful voice in
15 these key decisions. But I have a question. Can anybody in
16 the room point to how the stormwater management and flood
17 plain mitigations for this project account for the shifts,
18 generally increases that have been, that climate change has
19 been bringing and is projected to bring the severe weather,
20 including shifts in the intensity, duration or frequency of
21 storms because that information, those data are incorporated
22 into the design, the stormwater and compensatory mitigation
23 designs for these projects.

24 Now I can tell you that the data that have been
25 relied on traditionally and up to this point are obsolete

1 and inaccurate, and they're going to be come more obsolete
2 and inaccurate over time. Can anyone point to where someone
3 has taken into account how destroying this large tract of
4 forest and replacing it with hard, hot surfaces and
5 increased traffic will affect local temperatures, air
6 quality and/or noise pollution in local communities? Can
7 anybody provide a number for how many acres of flood plain
8 disruption, or wetland disruption, or destruction, of forest
9 destruction have been approved in this watershed or in the
10 County over the last, I'm don't know, five or 10 years; how
11 many acres are in the pipeline? If you can't, then you
12 can't understand where we're -- if nobody can answer that
13 question, you can't understand where we're going.

14 Clear-cut, a large and growing body of research
15 demonstrates that protecting and expanding forests,
16 especially mature forests like this, is essential to drawing
17 carbon out of the atmosphere, fighting climate change,
18 building climate resiliency and preserving biodiversity.
19 Studies also show that it takes several decades for new
20 forests to match the carbon sequestering capacity of a
21 mature forest. Studies also, also show that on hot days,
22 the interior, the interiors of forests are often 13 degrees
23 or more cooler than nearby urban areas; yet this plan calls
24 for clearcut, destroying, not removing, destroying 260 acres
25 of forest and expanding the County's and regions already

1 rapidly growing an urban heat island. As is often the case
2 with environmental health, the poor, the very young and the
3 elderly suffer the most from these kinds of impacts.

4 Continuity and contiguity. Preserving and
5 enhancing the continuity and contiguity of forests, flood
6 plains and wetlands generally is vital to preserving and
7 restoring biodiversity stream health and climate resiliency.

8 Congestion. This huge project is likely to
9 generate many additional car and truck trips, including
10 heavy truck trips on local roads that are already heavily
11 traveled and often congested. This necessarily will
12 increase noise and air pollution, and possibly travel times
13 for many commuters. Can anyone point to an analysis of this
14 project's incremental intuitive impact in existing trips,
15 congestion, travel times and/or potential exposures to air
16 or noise pollution?

17 I listened to Mr. Antonetti's answers; I listened
18 to the, the, Mr. Capers' answers; I listened to their words;
19 I didn't feel like they were adequate answers and on point.

20 Concentration of air and water pollutants. Can
21 anyone point to an analysis of this project and other
22 projects' cumulative impacts on concentrations of air
23 pollutants and/or of water pollutants in local streams, or
24 on our County's, state's and region's ability to achieve
25 timely attainment that is required by law of science and

1 policy-based air and water quality standards? Can anybody
2 point to the cumulative impact of trips, congestion, travel
3 time, air pollutant and noise pollution? Cumulative
4 impacts, it's really important. We raised it in other
5 cases. For sound, science and policy-based reasons, the
6 National Environmental Policy, National Environmental Policy
7 Act, agencies are required to use the best available tools
8 and information to assess and disclose the potential impacts
9 of all, all relevant past, proposed and reasonably
10 anticipated actions; and in this case it could be projects
11 in your pipeline or that would be allowed under the general
12 plan or local plan. That good logic is embedded in the
13 various laws that flow from the, within the Clean Water Act
14 and Clean Air Act. Without understanding those cumulative
15 impacts, we're flying blind; that's neither good, nor wise,
16 nor more responsible; and if you don't have that information
17 on the table, decisions that you make can be considered
18 somewhat arbitrary and somewhat capricious.

19 Community conversations and convenance, and I'll
20 close here. I'm struck by the fact that the only item
21 listed under community engagement noted on slide 15 of the
22 Staff presentation is the posting of a hearing sign. I
23 truly hope there's been a lot more community engagement,
24 meaningful community, community engagement about the impacts
25 and relative costs of benefits with this project.

1 I'll close with this point. If the Applicants and
2 Agency have not assessed and disclosed certain important,
3 cumulative acts, it's unlikely, if not impossible, to have
4 meaningful conversations with the community; and thank you
5 for your time. I'll, I'm happy to answer any questions I
6 can.

7 MR. CHAIR: Thank you, Mr. Smith. You'll hear my
8 buzzer in the background. That just gives an approximation
9 of the time that you said. So, that's how I'll help manage
10 the time; but thank you for your presentation.

11 MR. SMITH: How did I do time-wise?

12 MR. CHAIR: You did about 5 1/2 minutes.

13 MR. SMITH: Okay. Thank you very much.

14 MR. CHAIR: It was, it was close. Dr., who do we
15 have next? We have Mr. Nelson. And, again, Mr. Nelson, you
16 said that you were going to take, I think you said it would
17 take you about approximately 10 minutes.

18 MR. NELSON: Thank you, Mr. Chair. Macy Nelson,
19 counsel for John Homick, Ray and Kathy Crawford, the
20 Patuxent Riverkeeper, Dan Smith, Bernice Miller-Travis, Kent
21 Benjamin and ERCW Local 400.

22 I have several legal arguments to make on behalf
23 of my clients. The first has to do with CV-22-2020, which
24 is the foundation of this CDT, CDP application. This is the
25 Council bill that changed the permitted uses on the subject

1 property. CBT-22 is an illegal, special law. I urge the
2 Chair to have the, the Planning Board read our County cases
3 in the claim. It's a recent reported opinion from the Court
4 of Special Appeals where the court struck down an illegal
5 official law in Howard County. This is an illegal special
6 law because it was asked at the express request of one
7 entity for the sole purpose of benefitting that one entity
8 and it was in conflict with the surrounding zoning.

9 We have introduced into the record, and these
10 documents appear in the additional back-up, the exhibits
11 which establish these facts. We have the Planning Board's
12 recommendation to the Council saying that the, that the
13 Council bill should be disapproved. The Planning Board said
14 this. "If the District Council would like this property to
15 be rezoned, it would be more appropriate to do so during the
16 Sectional Map Amendment final approval of the ongoing Master
17 Plan for the Bowie vicinity." The Planning Board went on to
18 say, "The text amendments are best-suited to fine-tune the
19 usage and regulations in existing zone. CB-22-20 does not
20 fine-tune RS Zone; instead, it allows usage only different
21 from those normally associated with the RS Zone. The Office
22 of Law similarly recommended against the adoption of CB-22
23 on the same grounds.

24 We assert that this is an illegal special law. We
25 assert that the Planning Board has the authority to consider

1 this issue during this process. We assert that Maryland's
2 jurisprudence authorizes my clients to raise this issue in
3 this administrative land use case where the case of Maryland
4 Reclamation Associates, 468 Md. 339 from 2020. So, for all
5 those reasons, I urge the Planning Board to find that the
6 fundamental foundation of this applications, CB-22-2020, is
7 the illegal special law and for that reason the application
8 must be disapproved.

9 The second legal basis for objection is that this
10 plan conflicts with Plan 2035. Staff Report addressed this
11 at page 21 of the report. This, this area is in the
12 established communities which calls for context-sensitive,
13 context-sensitive infill and lower to medium density
14 development. We assert this proposed development does not
15 meet that description and for that reason, we assert, Mr.
16 Chair, that the Applicant has, has not proven compliance
17 with the required findings set forth in 27-521. We assert
18 that Staff has not articulated in accordance with Maryland
19 law how this proposed application satisfies each of the
20 required findings set forth in 27-521.

21 Let me just give you some examples. 27-521(a)(1),
22 the plan must be in conformance with the basic plan. It's
23 not. 27-521(a)(2), the proposed plan would result in
24 development with a better environment and can be achieved
25 under, under other regulations. No substantial evidence to

1 support that proposition and no articulation by Staff as to
2 how that requirement is met.

3 The fourth requirement, the proposed development
4 will be compatible with existing land use zoning and
5 facilities in the immediate surrounding. Staff has not
6 articulated in accordance with Maryland law how this
7 requirement is satisfied and the record lacks substantial
8 evidence to support it.

9 The, the tenth requirement is the plan is in
10 conformance with a 305.3 Conservation Plan. It is not. The
11 application is, is defective. There's been no application
12 for a variance to remove the specimen trees.

13 The eleventh requirement is that the plan
14 demonstrates the preservation and reforestation of the
15 regulated environmental features in a natural state to the
16 fullest extent possible in accordance with the requirement
17 subtitle 24-130(b) (5). Staff has not articulated in
18 accordance with Maryland law how this application satisfies
19 that requirement and the record lacks substantial evidence
20 to support a finding that it did.

21 So, in summary, with respect to 27-521, my clients
22 assert that Staff has not articulated how this project
23 satisfies each of those requirements; and the record lacks
24 substantial evidence to support a finding that it satisfies
25 each of the required findings. We also assert, Mr.

1 Chairman, that this application has not followed the review
2 process set forth in 27-478.

3 We have other objections. This project conflicts
4 with the green infrastructure plan. The green
5 infrastructure plan is part of this County's law and it
6 identifies this watershed as being in poor quality; it
7 identifies the water quality in this watershed as being
8 poor. There's a requirement that development in this area
9 enhanced the, the, the water quality. This application,
10 there's no evidence that it's going to enhance it. The only
11 evidence is it's going to make it, it's going to degrade it
12 further. So, we assert the failure to conform with the
13 green, you know, infrastructure plan is another basis to
14 disapprove it.

15 The tree issue, we assert that Staff has not
16 articulated how this application satisfies the woodland and
17 wildlife habitat conservation ordinance. We assert that
18 this application is lacking in any application to remove the
19 224 specimen trees. We assert for those reasons this body
20 does not have the authority to consider the CDP. We assert
21 that all these issues must be resolved before the CDP is
22 approved.

23 Also, I make these observations. On behalf of my
24 clients, my clients believe that Planning Staff and the
25 Planning Board have not been given the respect the Woodland

1 Conversation Ordinance required. My clients assert that
2 Staff is not, is repeatedly, and this case is no exception,
3 repeatedly glossing over the requirements in these Tree
4 Conversation Ordinances, and we urge the Planning Board to
5 take a hard look at the Tree Conversation Plan in this case
6 to avoid some of the problems we've had in other cases; but
7 out legal point is Staff has not presented, has not
8 articulated how this application satisfies the woodland
9 requirements and the record lacks substantial evidence that
10 it does. For example, the applications propose an offsite
11 woodland conversation credit. Well, there's a very precise
12 requirement in the law as to what the Applicant must prove
13 in order to utilize offsite conservation credits. There's
14 nothing in this record to support that finding.

15 Finally, with respect to Leland Road, it's a
16 scenic road. We assert on behalf of my clients that the
17 application did not satisfy the requirements in the
18 Landscape Manual; and Staff has not articulated how it does;
19 and the record lacks substantial evidence that it does.

20 Finally, to Mr. Brown's point at the beginning, my
21 clients make the legal argument that because the District
22 Council has not yet approved A-9968-03, this body does not
23 have the authority to consider this application at this
24 time. So, for all those reasons on behalf of my clients, my
25 clients urge this body to disapprove the application. Thank

1 you for your time.

2 MR. CHAIR: Thank you, Mr. Nelson. Thank you for
3 your testimony. Let's move on to Dr. Cole.

4 MR. COLE: Yes, thank you very much. It may
5 require six minutes instead of five.

6 MR. CHAIR: I think Mr. Nelson only took nine --

7 MR. COLE: Let me tell you what I did.

8 MR. CHAIR: -- so, you're okay.

9 MR. COLE: Let me, no. Okay. My name is Dr.
10 Henry S. Cole. I am the president of Henry S. Cole
11 Environmental Associates. We do environmental consulting
12 for a variety of clients. I have a Ph.D. in meteorology and
13 climatology. I have taught at both the University of
14 Wisconsin and Howard University, Environmental Sciences. I
15 live at 11229 Mettopenire Road in Croom, part of Upper
16 Marlboro.

17 Let me tell you what I did yesterday. I took a
18 tour of the Leland Road area. Now I commute frequently
19 between Upper Marlboro and Bowie. I use a gym up in, in
20 Bowie and I, and I do some therapy in Bowie as well. Four
21 times a week I'm up there. So, I know this corridor pretty
22 well.

23 Now let me, let me, I think everyone should try
24 the following experiment, particularly the Board members,
25 before you approve this. Go to the Wawa just south of

1 Central Avenue and try to get out of the exit going south,
2 or going north for that matter. Both of 301 will be highly
3 affected by, it is now, heavily trafficked; and it will be
4 more heavily trafficked, A, when this project is completed;
5 and, B, when the project to the west of the Wawa is
6 completed. That's the NIA mixed development area which is
7 under construction. So, I echo what everyone said about
8 cumulative impacts. I don't think does that very well, I
9 must say.

10 Well, let me talk about what else I did yesterday
11 and I took a number of photos of the Leland, from Leland
12 Road. I tried not to trespass because the signs say do not
13 trespass. I was, I have to tell you I was amazed at the
14 huge extent of area that has already been deforested,
15 clearcut; and I urge that you look at the, I sent in a memo
16 today, it can't be part of the, the record; but Board
17 members can request to see it because it has a number of
18 very interesting photographs both from the site and also
19 satellite imagery from Google Earth which, which highlights
20 a number of the points that, for example, that Greg Smith
21 made about cumulative impacts; and about the nature of this
22 land with regard to surface run-off in particular.

23 Let me, I'm going to quote directly from the Staff
24 Report of April 4, 2022. There are streams, wetlands, 100-
25 year flood plains and associated areas of steep slopes with

1 highly erodible soils and areas of severe slopes on the
2 property. Certainly, with all this erosion, sediment
3 transport is going to be very, very important.

4 Now I, I invite everyone to look at the memo I
5 sent today by email because it has photographs of the most
6 vulnerable areas. You can see the steep-sided slopes; you
7 can see the area that's been deforested; you can even see an
8 elevation profile that shows that the site is vulnerable to
9 runoff, or that the Collington Branch will be more
10 vulnerable in the future. So, we're talking to a lot of
11 impacts.

12 There are also some, some photographs that show
13 areas that are already inundated. I see a hand up from
14 someone. I don't know. Should I, can I continue?

15 MR. CHAIR: Mr. Goldsmith, do you want to, do you
16 have something that's, process question, I assume?

17 MR. GOLDSMITH: Yes, Mr. Chairman, thank you. I
18 just want to remind the Board that Dr. Cole has said that
19 he's submitted an email today and he's talking about
20 pictures that were sent in an email today. That information
21 was submitted after exhibits were allowed to be submitted
22 into the record here; and so, while Mr., Dr. Cole can
23 testify, the Board can't consider that email or any of the
24 photos that he's described.

25 MR. COLE: Well, on that matter, I would ask, Mr.

1 Brown, I would ask --

2 MR. CHAIR: Dr. Cole --

3 MR. COLE: -- Mr. Brown or the --

4 MR. CHAIR: Dr. Cole --

5 MR. COLE: Yes?

6 MR. CHAIR: Thank you, Mr. Goldsmith, and, and all
7 we will be working with is his testimony before us. Thank
8 you for that. Dr. Cole, please continue.

9 MR. COLE: So, I, with regard to that, I was told
10 today that any of the members of the Planning Board can
11 request to see that memorandum, even my, my memorandum, even
12 if it's not in the record. That's what I was told. I would
13 like confirmation of that from Mr. Brown.

14 MR. CHAIR: Dr., let me turn to --

15 MR. BROWN: Well --

16 MR. CHAIR: -- Mr. Goldsmith. I just want to make
17 sure that we are clear -- I'll give you some more time, Dr.
18 Cole -- I want to make sure we're clear with our process.
19 So, anything that Dr. Cole brings to us through this
20 presentation is fine; but make it clear for me and my fellow
21 commissioners about any other additional information that he
22 may be working to introduce into the record.

23 MR. GOLDSMITH: Your Honor, I think that the
24 Chairman was very clear at the start of this, the start of
25 this hearing and at the start of every hearing since we've

1 gone virtual that any exhibits that have been submitted
2 after the close, after noon on Tuesday deadline cannot be
3 considered by the Board; however, Dr. Cole is allowed to
4 testify here before the Board.

5 MR. CHAIR: What Dr. Cole is asking --

6 MR. GOLDSMITH: And the Board can --

7 MR. CHAIR: -- whether an individual Commissioner
8 can request to see that information? My understanding is
9 no.

10 MR. GOLDSMITH: I don't think that is correct.

11 MR. CHAIR: If we --

12 MR. GOLDSMITH: That's not correct and it won't
13 be.

14 MR. CHAIR: Right. Okay. Thank you.

15 MR. BROWN: Mr. --

16 MR. COLE: And, excuse me, but --

17 MR. CHAIR: Mr. Brown --

18 MR. COLE: -- it would seem to me --

19 MR. CHAIR: Dr. Cole, hold on one more second.

20 Mr. Brown --

21 MR. COLE: -- I was told that --

22 MR. CHAIR: -- do you want to weigh-in on this?

23 MR. BROWN: Yes. I have not spoken with Dr. Cole
24 on this issue; however, I'd just like to make a point so
25 that everybody understands. Although the Planning Board's

1 rules do provide that there is a deadline from which
2 exhibits are required to be submitted to the Planning Board
3 because of this virtual process, I'm not impugning that
4 particular rule, but this is an evidentiary hearing. An
5 evidentiary hearing allows a party to submit their
6 application and their photographs, and any other documentary
7 evidence during the evidentiary hearing. A party cannot
8 respond to what they hear three or four days in advance.
9 So, although the Planning Board in this virtual process has
10 set up a deadline for when documents must be submitted, I
11 will submit to you it is improper to prohibit Dr. Cole from
12 submitting any documents during this evidentiary hearing. I
13 understand it's a process that is difficult, but he should
14 be allowed to share his screen and show any photographs, or
15 documents that he thinks are relevant to his testimony.

16 MR. CHAIR: Thank you for that. I, I, I'm going
17 to take this under advisement again. This is a broader
18 procedural issue that we will take up. Dr. Cole, at this
19 point, what we have before us is your testimony, let's
20 continue. Thank you.

21 MR. COLE: Okay. Let me, let me say this. I ask
22 that all the members of the Board do what I did; go up to
23 the Wawa and see how long it takes you to get out of that
24 parking lot, number one; go to Leland Road where you can
25 drive from 301 west to the place where the, where Oak Grove

1 Road comes in, there's a bend in the road there by the
2 railroad tracks. Take that tour. Stop your car. Do it
3 safely and get out and walk along the road and take a look
4 at -- I'll give you a list. Number one, the amount of --

5 MR. CHAIR: Well, I'm going to ask you if you can
6 wrap this up? Thank you.

7 MR. COLE: Okay. Well, I've already been --

8 MR. CHAIR: Take, take another minute. Take
9 another minute, but wrap it up, please.

10 MR. COLE: I'm just going to give a list of what
11 to look at.

12 MR. CHAIR: Thank you.

13 MR. BROWN: Dr. Cole, I'm going to have to object.
14 The rules do not provide or allow the Planning Board members
15 to go outside of this record and review the site. None of
16 that would be in the record. So, when you're suggesting to
17 them to go to the site and take a look at the Wawa, they
18 cannot do that.

19 MR. CHAIR: That's --

20 MR. BROWN: All right?

21 MR. CHAIR: That's, Mr. Brown, I, you know,
22 respectfully, I think we know that; but that doesn't stop
23 Dr. Cole from asking us to do it, even though we're not
24 going to be doing it.

25 MR. COLE: Well, I would say it is a

1 constitutional right for any member of the public, as long
2 as they don't trespass, to walk along Leland Road; and I
3 think that there should be a legal objection to my, to any
4 such restrictions.

5 MR. CHAIR: Thank you.

6 MR. COLE: That's all I'll say on that; but look
7 at the steep-sided slopes; look at the areas where that clay
8 comes to the surface. You can see areas that are very
9 poorly drained. Look at the, the clear cutting that's been
10 done; and it's continuing to happen. You can see the
11 vehicles. Take a look at the Google Earth and zoom in on
12 that site; compare the picture of that site and its
13 beautiful forest in 2019 with the area right now; and just
14 to affirm what Greg Smith said, climate change is getting
15 worse. What's a 100-year flood plain right now could be a
16 5-year flood plain 10 years from now.

17 MR. CHAIR: Thank you.

18 MR. COLE: And that has not been considered in any
19 of this. So, thank you and I'll shut up at this point.

20 MR. CHAIR: Thank you, Dr. Cole; appreciate it;
21 appreciate the testimony. We have two more folks to
22 testify. Let's see if we can work through this before we
23 take a break. So, we have Ms. Gingold. I'll turn it to
24 you. Are you with us?

25 MS. GINGOLD: Hi.

1 MR. CHAIR: There we go.

2 MS. GINGOLD: I'm Janet Gingold. Can, is it
3 possible to bring up my PowerPoint presentation which was
4 submitted before the deadline?

5 MR. CHAIR: Oh, okay. All right. Then we're
6 okay. Give us a second on this one.

7 MS. GINGOLD: Yeah, I'll start talking while
8 that's getting, getting up. My name is Janet Gingold. I
9 live at 13107 Whiteholm Drive, Upper Marlboro. That's
10 between Route 214 and Watkins Park, about 3 1/2 miles from
11 the site. I'm Chair of the Prince George's Sierra Club and
12 recently served on the climate, County's Climate Action
13 Commission; but I am not speaking for the Climate Action
14 Commission today. I am speaking for the Sierra Club.

15 I have a personal interest in this project because
16 I regularly drive on Route 301 --

17 MR. CHAIR: Ms. Gingold --

18 MS. GINGOLD: -- near the --

19 MR. CHAIR: Ms. Gingold?

20 MS. GINGOLD: Yes?

21 MR. CHAIR: I need to ask you to hold on one
22 second. I, we have something from our counsel. Mr.
23 Goldsmith?

24 MR. GOLDSMITH: I think Mr. Flanagan got it.
25 Thank you, Mr. Chairman. I was just going to point him to

1 that page.

2 MR. CHAIR: Okay. So, you're okay? Okay. Thank
3 you -- sorry to interrupt you, Ms. Gingold. Please
4 continue.

5 MS. GINGOLD: Okay. So, I, I'm speaking both as
6 an individual and as Chair of the Prince George's Sierra
7 Club on behalf of the Sierra Club's thousand members in
8 Prince George's County. My personal interest in this
9 project has to do with the fact that I regularly drive on
10 Route 301 near the site, especially, as, as Dr. Cole was
11 just talking about, that area between the Wawa and it's
12 really -- I, I get on, I go east on 214 and then try to get,
13 get, go northbound on, on Route 301; and I regularly feel
14 like I'm taking my life in my hands; so, I am very concerned
15 about the cumulative effects of future traffic volume
16 arising from both South Lake development and National
17 Capital Business Park, especially as it affects northbound
18 traffic on, on Route 301 near the intersection with Route
19 214.

20 But to give you some ideas about what Dr. Cole was
21 just talking about, I'd like to show you these pictures that
22 I, I took on May 1st about 9:15 a.m. I stopped at the
23 intersection of Leland Road and Oak Grove Road. Next slide,
24 please.

25 MR. CHAIR: Ms. Gingold, you didn't take, you

1 didn't take pictures of Mr. Cole trespassing, did you?

2 MS. GINGOLD: No.

3 MR. CHAIR: All right.

4 MS. GINGOLD: I was not trespassing.

5 MR. CHAIR: No, I'm, I'm joking --

6 MS. GINGOLD: No.

7 MR. CHAIR: -- I'm joking with you. I was
8 wondering if you took pictures of Mr. Cole trespassing; but
9 I was just joking with you. I'm sorry.

10 MS. GINGOLD: No, well, no, it was, I, yeah,
11 right.

12 MR. CHAIR: Keep going. Keep going.

13 MS. GINGOLD: As you approach the, you can see the
14 sign here that was posted. You can also see on the ground
15 two other signs and one wonders where those other signs were
16 supposed to be posted and whether the public was adequately
17 notified because those, those signs are on the ground
18 instead of where they're supposed to be posted.

19 Also, when I pulled into the little place between
20 the road and the concrete barriers there, there was a whole
21 lot of broken glass on the ground, on the gravel there that
22 really was not a friendly way of allowing the public to go
23 read and take the information from the posted sign. Next
24 slide, please.

25 Looking down the, over the concrete barrier, you

1 can see that this is a nice little woods. It's by no means
2 old growth forest; but there are trees there of varying size
3 and varying species. Next slide, please.

4 Along with plans of the under historian, forest
5 floor, this is a, a maturing forest; trees, diameters seem
6 to range from, you know, several inches in diameter up to
7 close to 2-feet in diameter. There are, next slide, please.

8 Most of the trees that I could see from the, from
9 the road were sweet gums and maples, and tulip trees. Next
10 slide, please.

11 There's, I have a little video here. I wasn't
12 going to show it, but since Dr. Cole brought this up, I'm
13 going to show that. Just go ahead and click on the video,
14 if you can? The first part, this is just sort of panning
15 around over the concrete barrier there. If you can turn up
16 the volume, well, I just, so that you can hear the bird
17 song; I'm not a bird song expert, but there, I believe there
18 are, there are at least five different kinds of birds that
19 you can hear through there; and I just wanted to point out
20 that this is an area that it's probably home to forest
21 interior dwelling species because the, that, you know,
22 forest of a hundred acres is big enough for that. Try to
23 listen to the birds. You can hear it.

24 Yeah, I don't hear it yet, but -- anyway. Point
25 being that there, there are lots of different birds that

1 live in there; and even though we couldn't see that from the
2 road, I mean you can hear, you can hear them. Okay. Next
3 slide, please.

4 MR. CHAIR: Can I ask you, Ms. Gingold, can you
5 wrap this up in one minute?

6 MS. GINGOLD: Going down the Leland Road --

7 MR. CHAIR: Ms. Gingold, Ms. Gingold --

8 MS. GINGOLD: Yes?

9 MR. CHAIR: -- let me ask you if you can wrap this
10 up in one minute, please, okay?

11 MS. GINGOLD: I would like to have three minutes.
12 This, a view from the road shows that there's no tree buffer
13 between the road and the --

14 MR. CHAIR: I'll, I'll split the difference with
15 you.

16 MS. GINGOLD: -- clearcut area.

17 MR. CHAIR: I'll split the different with you and
18 just take a couple minutes because we need to move along.

19 MS. GINGOLD: Okay. And then, okay, just, okay.
20 So, I'm just, okay. We're glad to see that the plans for
21 the area include a trail system for pedestrians and
22 bicyclists; and we can hope that people from Beachtree and
23 South Lake development will be able to use active
24 transportation instead of cars if they're employed at the
25 National Capital Business Park; however, the 20 acres of

1 parkland seems much too small a portion of this 426-acre
2 parcel. It's not enough to build a paved trail, ball
3 fields, restrooms and a parking lot. The public also needs
4 conservation of the woodlands that absorbs stormwater and
5 provide evaporative cooling to decrease the impacts of
6 climate change.

7 The woodlands are not just empty space waiting for
8 the next development to raise them. They provide valuable
9 ecosystem services which protect human health and well-
10 being, as well as property values. We urge you to conserve
11 the woodlands in the designated open space in perpetuity for
12 the ecosystem services they provide. There are 10 new
13 ballfields at Liberty Park and many County sports fields are
14 under-utilized. Please do not allow any more synthetic turf
15 or surface turf. Temperatures can be up to 50 degrees
16 higher than on grass fields, at least until there is some
17 plan for what to do with the mountains of plastic waste they
18 produce when they wear out in about 10 years.

19 We urge you to zoom out and take a look at the big
20 picture. Please consider the cumulative impacts of the
21 South Lake development and the National Capital Business
22 Park not only on the traffic, but also on the water, air and
23 natural ecosystems that sustain us all. As we look forward
24 to a future with excess heat days and more extreme
25 precipitation, we must take climate change into account in

1 all of our land use decisions. Please do not approve this
2 increase in intensity of usage without an evaluation of its
3 effects on greenhouse gas emissions and climate readiness,
4 including the effects on flooding downstream in Upper
5 Marlboro. Thank you.

6 MR. CHAIR: Thank you, Ms. Gingold. Thanks to the
7 member of the Sierra Club you represent as well. And, last,
8 we have Ms. Nuriddin.

9 MS. NURIDDIN: Yes. Hello. Can you hear me?

10 MR. CHAIR: We can.

11 MS. NURIDDIN: Okay. Good afternoon, everyone and
12 thank you for this opportunity to speak. My name is Mrs.
13 Terry Nuriddin. I live at 15201 Johnstone Lane in Bowie,
14 Maryland, and I travel from this site, in that site from
15 South Lake. I'm presenting the Nuriddin family comments on
16 this Case No. CDP-0505-02, National Capital Business Park on
17 the Willowbrook.

18 Number one, enough is enough. We oppose the
19 latest iteration of this development proposal because it
20 violates every principle of good stewardship for the County
21 residents. More importantly, it unnecessarily jeopardizes
22 the life and well-being of residents.

23 Two, my family will focus our comments on the
24 current climate conditions as living, not legislative
25 reality. Early developer comments acknowledged the

1 wetlands, wetland buffers, Patuxent management area, flood
2 plain and an existing intimate stream make the land
3 environmentally and digitally interesting; but created a
4 developmental challenge. There was a proposed response
5 which now has been vacated and, certainly, since this land
6 will not be left undeveloped.

7 Three, as humans, our intelligence enables us to
8 discover better ways to save energy, keep each other safe
9 and protect environmental. All creatures, as public
10 officials, it is your duty to do so.

11 Four, Prince George's County, Prince George's
12 County draft Climate Action Plan, as revised November 10,
13 2020, and its accompanying appendices, were prepared by many
14 caring people and concerned residents that implore, that is
15 encourage, the public officials to initiate a realistic
16 intersection of land use and existing climate crisis. The
17 County has the capacity to do this now for the sake of its
18 people. Nothing should be more important.

19 Three, it is globally recognized that the world is
20 currently undergoing unprecedented changes in global climate
21 across all biomass. This is from the National Science
22 Foundation. Locally, our asthmatic, allergy-sufferers,
23 outdoor workers, the elderly feel the consequences of a
24 rapidly changing climate. Recently, some County neighbors
25 have suffered the consequences of a flooded home, or worse

1 yet, the fright of being caught in a flash flood; and all of
2 us may soon be forced to deal with food insecurity or other
3 negative impacts of our bio-economy.

4 Questions to be considered: What does the
5 geotechnical study state about the Marlboro Place Manor
6 throughout the site? Why is the County cutting down the
7 trees, including specimen trees, when it's part of the
8 emissions reducing action goal we want to maintain and
9 increase County tree canopy for carbon sequestration?

10 MR. CHAIR: Okay. This is a process question.

11 MS. NURIDDIN: What protocols are in place for
12 surveying the locations of all rare, threatened and
13 endangered species within the subject property? While the
14 legality of the development procedures may be perceived to
15 offer flexibility in maintaining safe and healthy
16 environments, how will the county address the unchanging
17 reality caused by the land escalations and grading, and the
18 disruption of the natural and man-made barriers? And,
19 lastly, E, what were the findings of the archeological
20 investigations?

21 This sprawling development pattern poses some
22 significant challenges in the contest of climate mitigation
23 and resilience. My family believes there is no County
24 wealth without County help, without County health, and I
25 implore you to reconsider your decision in this matter.

1 Thank you.

2 MR. CHAIR: Ms. Nuriddin, thank you very much for
3 your testimony.

4 MR. BROWN: Mr. Chairman, did she give us her
5 residential address?

6 MR. CHAIR: Just to be --

7 COMMISSIONER DOERNER: She did give it.

8 MR. CHAIR: -- on the safe side, Ms. Nuriddin, can
9 you do it again, state your name and address for the record?

10 MS. NURIDDIN: Yes. My name is Ms. Terry M.
11 Nuriddin. I reside at 15201 Johnstone Lane, Bowie,
12 Maryland, and I will have to say that we will use this
13 recorded meeting as a teaching tool. Thank you.

14 MR. CHAIR: Thank you, Ms. Nuriddin. Thank you
15 for your testimony; and thank you, Mr. Brown.

16 MR. BROWN: Ms. Shapiro, one other question, if I
17 could?

18 MR. CHAIR: Yes.

19 MR. BROWN: Concerning Ms. Gingold's testimony,
20 she testified that she was representing the Sierra Club. We
21 just need to put on the record, one, is she an attorney;
22 two, if not, when did the Sierra Club meet to vote on this
23 application?

24 MR. CHAIR: So, that we have in the record that
25 she's the authorized representative of the Sierra Club for

1 this specific case --

2 MR. BROWN: Yes, sir.

3 MR. CHAIR: -- that you're asking for, right? So,
4 what that would mean is if we don't have that, then we take
5 her testimony as speaking for herself rather than
6 representing the Sierra Club?

7 MR. BROWN: That is correct.

8 MR. CHAIR: Okay. Thank you for that.

9 MR. SMITH: I mean is that entirely correct, we're
10 going to turn to Mr. Goldsmith. I, I know that she can't
11 testify because if she's not an attorney; but if she's the
12 president of the Sierra Club, we can, she can still, or like
13 the head, on the chair of it, she can testify on that, in
14 that capacity because then we would know whether or not they
15 actually took a vote on it. We typically do this for HOAs
16 where HOAs, or, or condo associations, we'll have one of the
17 board of directors kind of testify or provide testimony; and
18 then we just know that they're not an attorney and whether
19 or not there was a vote taken on, on the actions.

20 MR. CHAIR: Mr. Brown?

21 MR. BROWN: And that's the line of questioning
22 that we asked of her. Is she an officer; and if so, when
23 did they meet to consider this application and authorize her
24 to speak on their behalf?

25 MS. GINGOLD: I am not an attorney. I am an

1 elected member of the Executive Committee of the Prince
2 George's County Sierra Club and I am the elected chair of
3 that Executive Committee.

4 MR. CHAIR: So, what I'm going to say is --

5 MS. GINGOLD: We had --

6 MR. CHAIR: -- Ms. Gingold --

7 MS. GINGOLD: -- we had a brief conversation about
8 this at our meeting on May 1st; but there was not a formal
9 vote.

10 MR. CHAIR: Okay. Thank you for that. And I'm
11 going to, I'm going to put this in the category of this is
12 a, a little bit of our processes that I want to make sure
13 that we clarify; and then that can inform how we approach
14 folks as they come before us, okay? So, thank you again for
15 that, Mr. Brown.

16 Mr. Smith, if it's a process question, it's not
17 the time for you, if it's related to process. Thank you.

18 Mr. Goldsmith, anything else on that?

19 MR. GOLDSMITH: No, Mr. Chairman. Thank you.

20 MR. CHAIR: Okay. Thank you. And, again, Mr.
21 Nuriddin, thank you for your testimony.

22 Are there any questions for any of the witnesses,
23 the folks who testified from the Commissioners, or from Mr.
24 Brown? Dr. Cole, yeah?

25 COMMISSIONER GERALDO: I have no questions.

1 MR. CHAIR: Dr. Cole, you have a --

2 COMMISSIONER GERALDO: I have none.

3 MR. COLE: Just a quick question. I noticed that
4 there was a hearing sign at the same location that said
5 there was a hearing on June the 2nd. Can someone inform me
6 about what that is?

7 MR. CHAIR: I'll, I'll indulge the question; but,
8 again, we're, we're, we're no longer at the questions point;
9 so, hold, let, Mr. Hunt, maybe you can address that really
10 quickly; and then we'll get back to our process.

11 MR. HUNT: Yes, Mr. Chairman. For the record,
12 this is James Hunt with the Development Review Division.
13 There is a Preliminary Plan of Subdivision which is what we
14 were referring to earlier, the next stage in the process.
15 That is scheduled for the June 2nd Planning Board hearing;
16 and that is under the public notice at this point in time
17 for that sign that you were referring to.

18 MR. CHAIR: Thank you for that, Mr. Hunt. Thank
19 you, Dr. Cole. So --

20 MR. COLE: Thank you.

21 MR. CHAIR: -- we have no further questions before
22 us for any of the witnesses that I am hearing. If not, then
23 let me turn it back to the Applicant for rebuttal on any
24 testimony that we have heard.

25 MR. ANTONETTI: And thank you, Mr. Chairman --

1 MR. CHAIR: If you have any rebuttal --

2 MR. ANTONETTI: -- I appreciate the time.

3 MR. CHAIR: -- Mr. Antonetti?

4 MR. ANTONETTI: I have just a, just a few brief
5 comments. I want to thank everybody for their comments and
6 testimony and focus today. You know, with regards to the
7 findings, and we think the findings are complete in the
8 Staff Report and in the Applicant's statement of
9 justification. The specific findings for criteria with CDP
10 are reflected in pages 14 through 18 of the Staff Report;
11 and also, tied intermittently throughout the Staff Report
12 findings. So, we do adopt those and they're also referenced
13 specifically in the statement of justification filed by the
14 Applicant in this case.

15 With regards to traffic and transportation, and
16 cumulative impacts, all I'll say with regards to traffic is
17 that it, you know, there are many applications, many
18 projects in the area. The South Lake project, I believe,
19 has its own 301 improvements that they need to do as part of
20 their development, including a signal near Wawa and lane
21 work on the southbound of U.S. 301 that's yet to happen.
22 So, you know, just as they are, you know, the National
23 Capital Business Park is part of the tapestry of road
24 improvements to be provided under the CIP project and we
25 look forward upon approval providing our physical

1 improvements as well to improve the road network.

2 With regards to the tree clearing, you know, the,
3 the site has been, has been intended to be developed since
4 1991; and it has received numerous approvals; and most
5 recently, again, this, some of the folks who appeared today
6 may not be aware of this, but there has been numerous tree
7 conservation plans that have been approved through numerous
8 approved applications that have approved the overwhelming
9 majority of clearing for specimen trees and variances
10 thereto. I would ask the Board to take administrative
11 notice that TCP1-004-2021-01, TCP2-026-2021-01 and TCP2-026-
12 2021-00. So, the clearly has been approved. I understand
13 it's a change. We have proposed clearing that respects all
14 required primary management areas; the limits of the
15 disturbance have been defined. We've disturbed the trees
16 that were, you know, the minimum necessary to accommodate
17 the development of the site which, again, regardless of what
18 happens today and historically for many, many years, this
19 site has been slated for development. So, we are very
20 pleased to be able to provide 100 acres of onsite woodland
21 conservation and that does not include the woodland that's
22 conserved within the 100-year flood plain; so, again, we're,
23 we're talking, you know, almost a quarter of the site in
24 woodland buffer.

25 The disturbance alone Leland Road, you know, is

1 necessary for access to clearing. There's no haul road,
2 necessarily, in and out of the site easily. So, upon full
3 completion of our frontage improvements of Leland Road,
4 we'll provide all required landscaping and the historic
5 buffer, which will be primarily through existing woodlands
6 that will be preserved. So, that will be demonstrated at
7 the time of SDP.

8 And, you know, again, overall, you know, we
9 essentially rest on our, on our statements early on, the
10 materials in our application, we adopt the comments of the
11 Staff in this case, and we appreciate your time and thank
12 you very much for the opportunity to present.

13 MR. CHAIR: Thank you, Mr. Antonetti. So, that
14 concludes the public hearing --

15 COMMISSIONER DOERNER: Mr. Chair, could I ask,
16 actually, can I ask Mr. Antonetti some questions? This is
17 Commissioner Doerner.

18 MR. CHAIR: Yes, Commissioner Doerner, go ahead.

19 COMMISSIONER DOERNER: Yes, I just wanted to ask
20 Staff just to make sure that they're, they're okay with the
21 changes that have been, that have been made in, into the
22 findings of that, in Exhibit 1; and then also, I wanted to
23 ask Mr. Antonetti, can you just touch on, there have been a
24 number of issues that have been raised throughout the, the
25 testimony by opposing parties about sign postings and

1 community engagement. I, I'd like to know a little bit more
2 about the dates that you, you posted the signs for the
3 hearing dates. I assume that they were in compliance with
4 the mandatory periods, but I want to be sure. It's in the
5 Staff Report, but I, I do want to get that on record. If
6 you could tell us where they are posted, what you've done
7 with the mailings and then any other community outreach that
8 you've done for the CDP?

9 MR. ANTONETTI: Yes, Mr. Doerner. There are
10 numerous signs that have been posted along Leland Road;
11 also, within small portions of the road network within the
12 Collington Center. There's an affidavit, a posting that's
13 in the record of this case, including pictures of the signs
14 posted and where they're located. The sign locations are,
15 are assigned by with the Application Section of the
16 Commission. They tell us where to post them. We go out and
17 we check them, you know, initially, after posting to make
18 sure they're still standing. Actually, recently, a storm
19 knocked down some signs and we just recently went out and
20 reposted again, which are very likely the signs that were
21 shown in the pictures, Ms. Gingold showed. So, all posting
22 and all letter notice, notice letters had been sent out
23 according, accordingly.

24 In terms of community outreach, there has been a
25 significant effort to meet with the groups that are closest

1 to this community. We've met with representatives of the,
2 of the Collington Center; we've met with representatives of
3 the Board, the HOA of Beachtree; we have met with
4 representatives of the Board of the Oak Creek Club; we've
5 met with a joint community meeting with the Departments of
6 Parks and Recreation to discuss the programming for the 20-
7 acre park. I will note on that case, the park was
8 originally conceived as, as having just tradition
9 ballfields; and through the programmatic investigation and
10 feedback we got from Parks and the community, we've come
11 with this new park with unique things like a dog park, a
12 cricket field, pickle ball courts, in addition to a baseball
13 field, a large parking lot and other things.

14 So, we feel we, the community that we met with,
15 the response is largely positive; and, and, you know, we
16 look forward as we get into more specifics, having the
17 opportunity to discuss, you know, specific buildings and
18 such as we move forward.

19 And if I just could also mention, too, that in
20 terms of the legislation of CD-22-2021, we don't feel that's
21 properly -- that, that law is the law, law of the land.
22 It's been on the books since 2020. We appreciate Mr.
23 Nelson's comment on it, preserving it for the record. We
24 disagree strongly. This property is zoned LCD and, as such
25 under the new zoning ordinance, it's allowed to utilize the

1 procedures and the uses as presented in this case. So, I'll
2 just leave that at that; but just wanted to put that on the
3 record as well.

4 MR. CHAIR: Thank you.

5 COMMISSIONER DOERNER: All right. Now we can hear
6 from Zhang -- thank you, Mr. Antonetti. If we can hear from
7 Mr. Zhang in, in regards to the Applicant on Exhibit 1?

8 MR. CHAIR: Can you restate the question again,
9 unless, Mr. Zhang, are you, you're okay?

10 MR. ZHANG: Yes, yes, thank you, Mr. Chairman,
11 yes. Thank you, Mr. Doerner. Yeah, I stated in my
12 presentation that Staff have been working with the
13 Applicant. Actually, that's the third edition, I mean third
14 version of the conditions. So, we are in agreement with the
15 proposed changes. Thank you.

16 MR. CHAIR: Thank you, Mr. Zhang. Any other
17 questions, Commissioner?

18 COMMISSIONER DOERNER: No, that's it for me.
19 Thank you, everyone.

20 MR. CHAIR: Okay. If there are no further
21 questions, I'm going to turn it back to Mr. Antonetti. So,
22 I give you the final word if you have a final word.

23 MR. ANTONETTI: My final word is to thank you for
24 your time, indulgence and allowing me to present probably a
25 little longer than I normally do; but I, I thank you for the

1 opportunity to provide information and respectfully request
2 your support of CDP-0505-01.

3 MR. CHAIR: Thank you. Okay. So, with that, that
4 concludes the hearing process. Commissioners, what is your
5 pleasure?

6 COMMISSIONER DOERNER: Mr. Chair, I move that the
7 Board adopt the findings and recommendations of Staff as
8 amended and agreed upon in Applicant Exhibit 1 that was just
9 testified to; and as further amended by the District,
10 Condition No. 8, that I believe Mr. Zhang had, had
11 mentioned; and approve CDP-0505-02; but also, that
12 (indiscernible) TCP, or Tree Conservation Plan, TCP1-004-
13 2021-02.

14 COMMISSIONER GERALDO: I'll second that.

15 MR. CHAIR: Okay. We have a motion by
16 Commissioner Doerner with a second by Commissioner Geraldo.
17 Any discussion on the motion?

18 (No affirmative response.)

19 MR. CHAIR: Seeing none, I'll call the role.

20 MR. ZHANG: Mr. Chairman, Mr. Chairman, if I may,
21 I, I just want to, one clarification because Staff mentioned
22 early in the presentation that would like to add one
23 condition, basically, that will be under Condition No. 1,
24 prior to certification of this CDP. Basically, it will be,
25 right now, Condition 1 has three sub-conditions. I would

1 like to add the fourth one. Basically, prior to
2 certification of this CDP, the Applicant shall obtain the
3 final approval of the A-9968-03.

4 MR. CHAIR: Thank you, Mr. Zhang.

5 MR. ZHANG: Thank you.

6 MR. CHAIR: Thank you, Mr. Zhang. Mr. Doerner,
7 was your understanding that was a part of this motion, or
8 are we, except, or --

9 COMMISSIONER DOERNER: Yeah, I think that was, I
10 think that was going to be part, part of what was read into
11 the record, so I would accept that and modify the
12 modification to, to include that; you, you should probably
13 turn to the second to make sure that, that's also in
14 agreement.

15 MR. CHAIR: So, that motion includes --

16 COMMISSIONER GERALDO: I second.

17 MR. CHAIR: -- the motion, and the second, are
18 okay with that addition to it? Yeah? Okay.

19 COMMISSIONER GERALDO: Yes.

20 MR. CHAIR: Okay, fine.

21 COMMISSIONER DOERNER: Yes.

22 MR. CHAIR: So, that's the motion that's before
23 us. Any further discussion on the motion?

24 (No affirmative response.)

25 MR. CHAIR: Hearing none, I'll call the role.

1 Commissioner Doerner?

2 COMMISSIONER DOERNER: Vote aye and thank the
3 citizens for coming out and testifying today. This is a bit
4 longer case than, than the other ones we had; but appreciate
5 the patience and the indulgence of everyone.

6 MR. CHAIR: Thank you. Commissioner Geraldo?

7 COMMISSIONER GERALDO: Yes, I want to thank the
8 citizens and counsel as well, especially Mr. Zhang for the
9 presentation. I think he made it clear in terms of what,
10 what this proposes to do; but we really appreciate the
11 citizens coming here to express their opinions and ask them
12 to continue to be involved in this process because this is
13 only the beginning and there's different stages. For
14 example, they just said the Preliminary Plan and then there
15 will be the Specific Design Plan. So, as commissioners, we
16 always encourage the citizens to participate. Thank you so
17 much.

18 MR. CHAIR: Thank you, Commissioner. Vice Chair
19 Bailey?

20 MADAM VICE CHAIR: I vote aye and I'd like to
21 associate myself with the comments made by my colleagues.

22 MR. CHAIR: And I vote aye as well; and I, too,
23 will associate myself with all of my colleagues' remarks.
24 Thank you all very much. So, the ayes have it. This item
25 passes 4-0. Thank you all very much. If you all will

1 indulge us, Mr. Antonetti, thank you very much. Do you have
2 something, or are you just saying goodbye:

3 MR. ANTONETTI: I was saying thank you.

4 MR. CHAIR: Okay. Thank you. If you all will
5 indulge us, we have one more item. I do not think it's a
6 quick item. I know the hour is late and we are probably
7 stepping well into our lunch hour; but if it's all right
8 with you, Commissioners, why don't we just take up this last
9 item and be done with it, okay? No objection?

10 MADAM VICE CHAIR: No objection.

11 MR. CHAIR: Okay. So, we --

12 COMMISSIONER GERALDO: No objection.

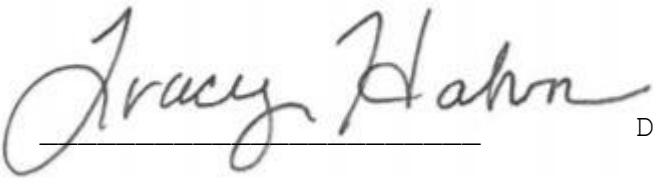
13 MR. CHAIR: What we have before us is Item 8,
14 Preliminary Plan of Subdivision 4 --

15 (Whereupon, the proceedings were concluded.)
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DIGITALLY SIGNED CERTIFICATE

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

NATIONAL CAPITAL BUSINESS PARK
Comprehensive Design Plan, CDP-0505-02

By:  Date: August 8, 2022
Tracy Hahn, Transcriber