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Transcript of Recorded Hearing

Date: June 21, 2023

Case: AC 23002 ESC 9401 Westphalia LLC

Planet Depos

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In re:

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AC 23002 ESC 9401 WESTPHALIA LLC

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10

RECORDED HEARING

11

Wednesday, June 21, 2023

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20 Job No.: 498383

21 Pages: 1 - 10

22 Transcribed by: Lauren Bishop

1 HEARING EXAMINER MAURENE MCNEIL: Okay.
2 Good morning, everyone. I am Maurene McNeil and I am
3 going to be the hearing examiner today. And Mr.
4 Biase, I know that you're new with me so give me one
5 second. I have a spiel I must go through for
6 everyone.

7 VINCE BIASE: Okay.

8 HEARING EXAMINER MAURENE MCNEIL: So we are
9 here -- today is the 21st of June. We are here on
10 special exception 4856. The applicant is ESC 9401
11 Westphanlia LC. The project name is Alexander
12 Landing. The request is for a special exception to
13 build 61 fee simple one family attached and in the
14 news the only ordinance is single-family attached,
15 homes for the elderly. The property is located at
16 9401 Westphanlia Road in Upper Marlboro, Maryland and
17 is zoned RR and MIL. And it's approximately ten acres
18 in sized. Applicant also seeks alternative compliance
19 to the landscape manual for certain buffers and a
20 variance from subtitle 25 for certain specimen trees.
21 And now will counsel identify themselves for the
22 record?

1 VINCE BIASE: Good morning, Madam Hearing
2 Examiner. For the record, Vince Biase with CL Hatcher
3 in Laurel, Maryland on behalf of the applicant ESC
4 9401 Westphalia, LC.

5 HEARING EXAMINER MAURENE MCNEIL: Okay. And
6 before we start, I know we have a preliminary matter
7 but everyone else on today, make sure that you don't
8 turn your mics on when others are speaking because
9 this is being recorded. And you also have to come on
10 camera when you speak to me. So, is anyone out there
11 opposed to this request? Ms. Collins, are you coming
12 on?

13 WANDA COLLINS: Yes, I am and yes, I am
14 opposed to it.

15 HEARING EXAMINER MAURENE MCNEIL: Okay. I
16 don't see you yet but okay, it is good to know. Now,
17 let me state that the signs were posted for this
18 property 30 days prior to today's hearing but the
19 examiner learned that some of the signs seemed to
20 have faded, if not all of the signs and that raised a
21 concern. Mr. Biase, do you have any preliminary
22 requests you'd like to make?

1 VINCE BIASE: Yes, Madam Hearing Examiner.
2 The applicant would respectfully request that SE-4856
3 be continued in order to provide necessary time to
4 address any real or perceived procedural issues
5 associated with this application. The applicant would
6 like to request a continuance to allow for an August
7 2, 2023 hearing.

8 HEARING EXAMINER MAURENE MCNEIL: Okay. So,
9 Ms. Collins, go ahead. It is good to see you now. So
10 the signs were a little -- something happened to the
11 signs. And by law, we have to have the signs up so
12 everyone driving by can get an idea that something is
13 going to happen on the property. And so, I am going
14 to grant this continuance until August 2, 2023 and it
15 will also be a virtual hearing just like today. Ms.
16 Burton, now that I see you, are you opposed to this
17 application as well?

18 RAMONA BURTON: I am opposed to it as well.

19 HEARING EXAMINER MAURENE MCNEIL: Okay. And
20 what you can do, if you like, Mr. Biase represents
21 the applicants so I am sure -- I believe I CC'd him
22 when both of you requested to become persons of

1 record so maybe you all can reach out to each other
2 and he can just tell you a little more about the
3 application before our next hearing. You won't mind
4 doing that, Mr. Biase?

5 VINCE BIASE: No. Of course.

6 HEARING EXAMINER MAURENE MCNEIL: Okay. And
7 we don't have people zoning counsel here today and
8 that's because, unfortunately, he is out of the
9 country and didn't get back in time. But, he should
10 be at the next hearing as well and you could also
11 reach out to him for information. But, for now, I am
12 going to continue this matter until August 2nd at
13 9:30. Those signs are going to be reposted shortly.
14 Probably no later than mid-next week. And I hope you
15 all have a great summer in the meantime and I look
16 forward to seeing you on August 2nd. No one has
17 further questions?

18 WANDA COLLINS: Does Mr. Biase know how to
19 reach out to us?

20 HEARING EXAMINER MAURENE MCNEIL: I believe
21 so but I will make sure I send an email to all of you
22 when we -- when we hang up. I think I have Mr. Biase

1 --

2 WANDA COLLINS: I have your -- your email,
3 Ms. Collins.

4 HEARING EXAMINER MAURENE MCNEIL: So that's
5 Ms. Collins and Ms. Burton. Okay.

6 RAMONA BURTON: Ms. McNeil, I have not been
7 made a person of record when my neighbors shared it.
8 The fact -- the signs were posted, faded out from the
9 beginning so the only way to see it is to walk by,
10 not drive by.

11 HEARING EXAMINER MAURENE MCNEIL: Okay.

12 RAMONA BURTON: So I went on yesterday and
13 was too late to become a person of record but I will
14 submit my information via email.

15 HEARING EXAMINER MAURENE MCNEIL: That's
16 great. You're here right now. I mean you could, if
17 you don't mind sharing your address, we will make you
18 a person of record.

19 RAMONA BURTON: Absolutely. Thank you. It
20 is Dr. Burton, B-U-R-T-O-N and my address is 3214
21 Valley Forrest Drive in Upper Marlboro, Maryland.
22 20072.

1 HEARING EXAMINER MAURENE MCNEIL: You gave
2 your address. Incase you don't want to give your
3 email, what I need you to do --

4 RAMONA BURTON: I will give my email. GO
5 right ahead.

6 HEARING EXAMINER MAURENE MCNEIL: Okay.

7 RAMONA BURTON: Romana, first name. R-A-M-
8 O-N-A. Five, One DST@gmail.com. That's D like David.
9 S like Sam and T like Tom. Ramona51DST@gmail.

10 HEARING EXAMINER MAURENE MCNEIL: After
11 Ramona, what are you saying? SIDE one?

12 RAMONA BURTON: I am sorry. 51. The number
13 five, one.

14 HEARING EXAMINER MAURENE MCNEIL: 51. Five.
15 One. Okay. DST.

16 RAMONA BURTON: Uh-huh. And the letters D,S
17 and T.

18 HEARING EXAMINER MAURENE MCNEIL: @gmail?

19 RAMONA BURTON: Correct.

20 HEARING EXAMINER MAURENE MCNEIL: Okay.
21 Ramona51DST@gmail. And is the DST in Ramona lower
22 case? Does it matter?

1 RAMONA BURTON: It doesn't matter. It's not
2 case sensitive.

3 HEARING EXAMINER MAURENE MCNEIL: Okay.

4 RAMONA BURTON: Thank you.

5 HEARING EXAMINER MAURENE MCNEIL: And I
6 thank you. And Mr. Biase, you got that email as well?

7 VINCE BIASE: I have it and someone from
8 our team will be reaching out to you, Ms. Burton and
9 Ms. Collins.

10 HEARING EXAMINER MAURENE MCNEIL: Okay. And
11 Mr. Burke, are opposed or are you with the applicant?

12 JUDE BURKE: No, ma'am. I am with the
13 applicant.

14 HEARING EXAMINER MAURENE MCNEIL: Okay.

15 JUDE BURKE: So I will make sure we contact
16 both parties.

17 HEARING EXAMINER MAURENE MCNEIL: Okay. All
18 right. And I thank you all for being here today and I
19 will see you in August.

20 VINCE BIASE: Thank you very much.

21 HEARING EXAMINER MAURENE MCNEIL: Thank
22 you.

1 RECORDING: This conference is no longer --
2 (The recording was concluded.)

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CERTIFICATE OF TRANSCRIBER

I, Lauren Bishop, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by and of the parties to this case and have no interest, financial or otherwise, in its outcome.

Lauren Bishop

LAUREN BISHOP
Planet Depos,
July 10, 2023

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