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

ITEM 9 DETAILED SITE PLAN DSP 22028 FAIRWOOD SQUARE
Evidentiary Hearing, PPS [Case #]

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
April 13, 2023

BEFORE:

- PETER A. SHAPIRO, Chairman
- DOROTHY F. BAILEY, Vice-Chairman
- A. SHUANISE WASHINGTON, Commissioner
- WILLIAM M. DOERNER, Commissioner
- MANUEL R. GERALDO, Commissioner

P R O C E E D I N G S

1
2 CHAIRMAN SHAPIRO: The time is 10:37 and we are
3 starting again. We are starting up with Item 9 on our
4 agenda. Let me make sure that our commissioners have
5 gathered. One, two, three, here we go. All here and
6 accounted for.

7 Our next on our agenda is Item 9. This is a
8 detailed site plan, DSP22028, Fairwood Square. This was
9 continued from March 30, 2023 Planning Board meeting. The
10 attorney for the applicant is Mr. Tedesco. And we have Mr.
11 Shelly who will give the staff presentation. Let me, before
12 we hear from Mr. Tedesco and Mr. Shelly, this Planning
13 Board -- this is an evidentiary hearing. This may be a new
14 process for some folks but we have taken up the process in
15 this way for a while now.

16 As an evidentiary hearing in this case, we will
17 require those intending to provide testimony to take an
18 oath. So at this time, I'm going to ask all persons
19 intending to provide testimony to come on screen. You don't
20 have to come on screen but at least want to make sure you
21 are -- this helps me to understand that you're hearing us.
22 And I'm going to administer the oath. So let me give folks
23 a second to gather as everybody finds their camera button,
24 and their mute button, and all those things.

25 Okay. So, for all those who are about to be sworn

1 in, do you solemnly swear or affirm that your testimony will
2 be the whole truth and nothing but the truth.

3 ALL: I do.

4 Yes.

5 CHAIRMAN SHAPIRO: Okay. Thank you, everybody.

6 Consider yourselves sworn in.

7 Now, back to our order here. We're going to start
8 off with a staff presentation by Mr. Shelly. We will, then,
9 hear from the applicants, beginning with his representative,
10 Mr. Tedesco -- with their representative Mr. Tedesco. We
11 will, then, hear from folks from the public who want to
12 speak. The way we'll manage the time on this is Mr. Tedesco
13 and his team -- I don't know how much time, Mr. Tedesco, you
14 and your team needs. You'll have up to an hour. I don't
15 know if you're going to need to take that much time but
16 you'll have up to an hour.

17 And then, if there are parties in opposition, we
18 will give the parties that which I see signed up. We will
19 give, collectively, the parties in opposition the same
20 amount of time that Mr. Tedesco takes. So that's how we'll
21 manage the time for this.

22 And with that, I'm going to start with Mr. Shelly.
23 You do not have a clock, Mr. Shelly. And you can introduce
24 yourself, and the floor is yours.

25 MR. SHELLY: Good morning, Mr. Chair, members of

1 the Board. Are you able to hear me okay?

2 CHAIRMAN SHAPIRO: We can hear you fine. Thanks
3 for checking.

4 MR. SHELLY: All right, great. Thank you.

5 For the record, my name is Andrew Shelly with the
6 Urban Design section. The item before you is Item Number 9,
7 detailed site plan DSP-22028, Fairwood Square for the
8 development of 200 single-family attached townhouse dwelling
9 units in infrastructure for the future development of
10 approximately 5,000 square feet of commercial/retail uses on
11 Parcel 1. Staff is recommending approval with a rise in
12 conditions as shown in Applicant Exhibit 1, provided by the
13 Applicant and received by the first hearing deadline on
14 March 21st, 20213

15 As a matter of housekeeping, staff notes two minor
16 administrative corrections to the cover sheet of the staff
17 report. The first correction seeks to reflect the accurate
18 acceptance date of this application as January 18th, 2023.
19 And the second correction seeks to reflect the accurate name
20 of the applicant which is Timberlake Homes BT. This item
21 was continued for one week from the Planning Board hearing
22 on March 23rd, 2023 due to an error listing the increase --
23 incorrect speaker registration in exhibit submission
24 deadline on the Planning Board website for one week.

25 The Planning Board approved a one-week continuance

1 to provide the community with time to sign up to speak that
2 was lost due to the website error. The Planning Board also
3 directed staff to email all parties of record to inform them
4 of the continuance date and information on how to
5 participate. This information was sent by staff on Monday,
6 March 27th, 2023. A referral from the Development of
7 Permitting Inspections and Enforcement, otherwise known as
8 DPIE, was received after the staff report was posted and is
9 included in the additional backup dated March 23rd -- 28,
10 2023.

11 The referral provides comments to the applicant
12 that should be considered when filing permits with DPIE, but
13 does not provide any recommendations of approval. This item
14 was, then, continued for two weeks by the Planning Board at
15 the request of the applicant to allow all parties of record
16 to review the referral provided by DPIE. The applicant,
17 then, waived the 70-day actual action limit for the case and
18 set a new action limit of April 15th, 2023. The Planning
19 Board, then, directed staff to, again, email all parties of
20 record to inform them of the continuance date and
21 information on how to participate. This information was
22 sent by staff on Monday, April 3rd, 2023.

23 Next slide, please? The site shown in red is
24 located in Planning Area 71A in Council District 6. Next
25 slide, please? The Fairwood Square site, shown in red, is

1 located at the eastern quadrant of the intersection of
2 MD450, or Annapolis Road, and MD193, known as Enterprise
3 Road. Next slide, please? The subject properties bordered
4 to the south by properties in the residential or state are
5 RE zone. The subject properties bordered to the east by
6 property zone, Legacy Mixed Community, LMXC, to the west by
7 property zone Rural Residential, or RR, and to the north by
8 MD450 in property zone Commercial General Office, or CGO
9 beyond.

10 This proposal was reviewed for compliance with the
11 requirements of the MXT zoning of the prior zoning ordinance
12 as permitted by Council Bill 5021, within footnote 144 of
13 section 27-441B. These requirements include density and
14 density standards, in which staff found all regulations were
15 met. A detailed analysis of these regulations can be found
16 on pages 9 through 14 of the technical staff report. Next
17 slide, please?

18 The subject property contains a wetland in the
19 southwest corner of the site and 11 specimen trees.
20 Pulmonary Plan of subdivision 4-1058 approved the removal of
21 five specimen trees. No additional trees were requested for
22 removal with this DSP -- or no additional specimen trees
23 were requested for removal with this DSP. A Phase 2 noise
24 study was provided as part of the acceptance of this
25 application. And staff found that no noise mitigation was

1 required, as discussed on page 22 of this technical staff
2 report. Next slide, please?

3 This map show the adjacent master plan rights of
4 lighting. The site is fronted on to arterial roads which
5 are shown in red, which are MD450 and MD193. A
6 transportation analysis was conducted as part of an approved
7 certificate of adcopy (phonetic sp.), ADQ-2022-020. The
8 site has two proposed access points on Annapolis Road, with
9 one full access point and one right in/right out access
10 point, which are subject to the approval of the operating
11 agency, the Maryland Department of Transportation State
12 Highway Administration as noted in condition 8 of this
13 technical staff report. Next slide, please?

14 This aerial shows the existing nursery site with
15 the existing structures on the eastern portion of the site
16 and the existing woodlands to the south. To the north of
17 the site is Annapolis Road, and to the west of the site is
18 Enterprise Road. To the east of the site are existing
19 single-family detached dwellings. Next slide, please?

20 This detailed site plan, where north is shown to
21 the right, demonstrates the proposed site road layout of the
22 property consisting of 200 dwelling units on 22.29 acres.
23 These dwelling units are divided into 101 80-foot-wide
24 townhomes which are shown in yellow, 54 20-foot-wide
25 townhomes which are shown in orange, and 45 24-foot-wide

1 townhomes which are shown in brown. Two site access points
2 are proposed for Annapolis Road.

3 The access point furthest to the north, or in this
4 case furthest to the right, will have full access to and the
5 southern access point will be limited to right in/right out
6 access. The development will be connected by a network of
7 private streets and alleys and contains 647 parking spaces,
8 including 3 American with Disabilities Act, or ADA, spaces
9 and 12 bicycle spaces as show in the applicant's parking
10 analysis. Four recreational facilities are proposed and
11 spread throughout the site providing both, passive and
12 active recreation opportunities. And these are shown in the
13 yellow circles.

14 Landscape buffering has been provided along
15 Annapolis Road to the north and Enterprise Road to the west,
16 along adjacent family -- adjacent single-family detached
17 residential property lines to the south and the east, and
18 along the private internal street network. Staff finds
19 that -- the applicant's site layout to be acceptable,
20 subject to the technical corrections as listed in Condition
21 1 on pages 28 and 29 of the technical staff report.

22 Can we go two slides, please, I believe? One
23 more. Thank you.

24 This plan demonstrates the proposed ten-foot
25 shared use path, which is shown in green, that will be

1 constructed along the property's frontage on Enterprise Road
2 and Annapolis Road. The interior sidewalks, which are shown
3 in red, are proposed to be five feet wide and connect the
4 proposed homes in the development to the four recreational
5 facilities and the proposed shares use pack. 12 bicycle
6 spaces are proposed on bicycle racks located within the
7 onsite recreational facilities. Staff finds this pedestrian
8 bikeway facility plan to be acceptable and analysis of staff
9 findings is provided on pages 14 through 18 of the technical
10 staff report. Next slide, please?

11 This plan, where now north is facing upward,
12 demonstrates the four provided -- four proposed recreational
13 facilities which are broken up into three phases of
14 development. Subsequent slides will provide illustrations
15 of the proposed recreational facilities in each location. A
16 cost estimate of the proposed recreational facilities can be
17 found in the backup. Staff finds the recreational
18 facilities acceptable, subject to technical corrections
19 listed in Condition 1 in conformance to conditions 5 through
20 7 on pages 28 through 30 of the technical staff report. An
21 analysis of staff's findings is provided on pages 8, 23, and
22 24 of the technical staff report. Next slide, please?

23 The following two slides demonstrate the
24 recreational facilities proposed to be constructed within
25 phase 1, which is required to be constructed prior to the

1 approval of the 71st building permit. This facility is
2 centrally located within the development with four bicycle
3 racks and 27 adjacent parking spaces, one of which is an ADA
4 space. Recreational facilities proposed include a
5 playground with associated play equipment, benches, and
6 fencing. Next slide, please?

7 And this slide shows a ren -- an illustrated
8 rendering of Recreational Area 1. Next slide, please?

9 The following slide demonstrates the recreational
10 facilities proposed within Area 2 of Phase 2, which is
11 required to be constructed prior the approval of the 110th
12 building permit. This facility is located in the southern
13 portion of the development with four bicycle racks and eight
14 adjacent parking spaces, one of which is an ADA space.
15 Recreational facilities proposed include a gazebo, a wooden
16 pergola, benches, game tables, and an ADA accessible panel
17 play area. Next slide, please?

18 The following slides demonstrate the recreational
19 facilities proposed within Area 3 of Phase 2, which is
20 required to be constructed prior to the approval of the
21 110th building permit. This facility is located in the
22 western portion of the development. Recreational facilities
23 proposed include a butterfly garden, benches, and associated
24 infrastructure. Next slide, please?

25 In this slide, as well as the following slide, a

1 demon -- provide and illustrated demonstration of
2 Recreational Area 3 with the butterfly garden provided where
3 there are the orange and green bushes. Next slide, please?
4 And again, next slide, please?

5 The following slides demonstrate the recreational
6 facilities proposed within Area 4 of Phase 3, which is
7 required to be constructed prior to the approval of the
8 150th building permit. This facility is located in the
9 eastern portion of the development with four bicycle racks
10 and six adjacent spaces, one of which, again, is an ADA
11 space. Recreational facilities proposed include a pergola,
12 fire pit, three picnic tables, two grills, and turf. Two
13 dog park areas, while not recreational facilities, are also
14 provided with dog waste stations, which can be found at
15 other recreational areas throughout the site. Next slide,
16 please?

17 And the following two slides will provide
18 illustrative renderings of Recreational Area. Next slide,
19 please? And this is the overview, an aerial overview from
20 above. Next slide, please?

21 This slide provides site details of the proposed
22 recreational facility equipment, which will distributed
23 across the four recreational facilities areas as noted in
24 the previous slides. I would like to draw your attention to
25 the ADA accessible panel area equipment, which is provided

1 in the right -- the top right corner of this plan with those
2 four pieces of equipment. Next slide, please?

3 This TCP 2 plan has been reviewed and deemed
4 acceptable by staff, subject to Conditions 2 and 3 as
5 indicated on pages 29 and 30 of the technical staff report.
6 An analysis of staff's findings is provided on pages 24
7 through 27 of the technical staff report. Next slide,
8 please?

9 These next two slides illustrate the architectural
10 elevations for the 18-foot wide rear-loaded, one-car garage
11 townhouse units. All proposed units for this application
12 will come in multiple façade variations and incorporate a
13 variety of materials, including brick, siding, and stone
14 veneer. Dormers, decks, awnings, and other architectural
15 details are included in the façade designs and add
16 appropriate visual interests to the building designs. The
17 18-foot-wide units are comprised of a single model, the
18 Madera, which has a base square footage of 1,740 square
19 feet. Next slide, please? And again, next slide, please?
20 That is the rear elevation.

21 Slide 24 demonstrates the high visibility -- the
22 highly visible side elevations for, both, the 18-foot and
23 24-foot models. Staff has provided a condition, known as
24 1J, on pages 28 and 29 of the technical staff report to
25 generate engaging street views for the proposed

1 architectural elevations. This includes increasing
2 provide -- increasing the providing -- the provided full
3 brick, stone, stucco, or other masonry treatment on the
4 first floor for all highly visible elevations. Next slide,
5 please?

6 Next three slides illustrate the architectural
7 elevations of the 20-foot wide rear-loaded, two-car garage
8 townhouse units. The 20-foot-wide units are comprised of
9 two models. The Foxglove, which has a base square footage
10 of 1,888 square feet. And the Redwood, which has a base
11 square footage of 2,238 square feet. And this is the front
12 elevation. Next slide, please?

13 This is the rear elevation. And next slide,
14 please? This is the highly visible elevations, and the side
15 elevations. Next slide, please?

16 These next two slides illustrate the architectural
17 elevations for the 24-foot wide front-loaded, two-car garage
18 townhouse units. The 24-foot-wide units are comprised of
19 two models, the Liberty, which has a base square footage of
20 2,450 square feet, and the Roland, which has a base square
21 footage of 2,831 square feet. Staff finds architectural
22 elevations within this application acceptable, subject to
23 Condition 1J as previously discussed, and 1P, which requires
24 the labeling of all optional and standard of features for
25 the five building models of the DSP cover sheet. Staff

1 finds the revised conditions in Applicant Exhibit 1 were
2 weighting to architecture acceptable, modifying the number
3 of highly visible end units from 29 to 27, and removing
4 Condition 1I, which was seen as duplicative. Next slide,
5 please? And again, next slide, please?

6 This slide illustrates the proposed entrance
7 monument sign and the associated landscape plantings. This
8 entrance sign will be located within a landscape island at
9 the northern full access point to the site. The proposed
10 sign will be primarily constructed of brick. The name of
11 the development, Fairwood Square, and the developer,
12 Timberlake Homes, will be presented over painted vertical
13 slats with a metal canopy. The sign will be approximately
14 10 feet high by 32.5 feet wide. Staff finds the proposed
15 signage acceptable, subject to a condition which requires
16 the applicant to provide a signage schedule on the detailed
17 site plan set. Next slide, please?

18 The Urban Design Section recommends that the
19 Planning Board adopt the findings of this report and approve
20 detailed site plan DSP22028 and Type 2 Tree Conservation
21 plan, TCP2-003-2023, subject to the recommended conditions,
22 as well as the revised conditions shown in applicant exhibit
23 1.

24 This would conclude Staff's presentation. Thank
25 you.

1 CHAIRMAN SHAPIRO: Thank you, Mr. Shelly.
2 Commissioners, questions for Staff?

3 COMMISSIONER DOERNER: I have a question. Go
4 ahead --

5 COMMISSIONER GERALDO: Yeah, I have a question.
6 Go ahead, Commissioner Doerner.

7 CHAIRMAN SHAPIRO: Commissioner.

8 COMMISSIONER DOERNER: Okay. So I'm not a fan of
9 front-loading units in townhomes and I don't think we've
10 seen much of this over the past five or six years, maybe --
11 maybe the past decade in the county. Most of the stuff that
12 we have for townhomes are rear-loading and, sort of, private
13 alley residence behind there, partially because front-
14 loading just prioritizes cars. And there's a lack of
15 community and it just looks ugly. It looks terrible. It
16 reminds me of surviving sprawl that we were hopefully
17 getting away from.

18 So why are we okay with that? I mean, what makes
19 it okay to have this as, like, architectural design in this
20 particular project?

21 MR. SHELLY: So I will let the Applicant get more
22 into the details of their proposal. But I would say, it's
23 where the location of the front-loaded units. So these
24 units are located -- if we go back a few slides, I believe
25 it is slide number 8, please. Okay. So the front-loaded

1 units are only going to be the ones in the darkest color, so
2 that dark brown. So they are primarily located on the
3 periphery of the site. So we -- staff felt that the -- that
4 the architecture and the front-loading was acceptable in
5 those locations.

6 COMMISSIONER DOERNER: Why don't we try and make
7 the units like -- if -- so I'm looking at the, kind of,
8 left-hand side where you've got the yellow and kind of brown
9 units there. Why didn't we try and attach those together
10 and round the alleyways around that a little bit, and maybe
11 make the street between the yellows -- a pathway, like a
12 pedestrian pathway so that way you can have, like, a
13 different kind of design on this? Like, did you -- did you
14 attempt to do that or would the applicant or not?

15 MR. SHELLY: That was not considered, at this
16 time, I don't believe.

17 COMMISSIONER DOERNER: Okay. Can -- can you go
18 back to, maybe, I think it was like slide 12, maybe, as
19 well. There's, like, a visualization of, like, the
20 playground, kind of area, or like a green -- green kind of
21 area in there. So I'm happy to see, in here, like, bikes,
22 and sort of, the bike racks artistic rendering. I'm not
23 happy to see this is being an island where kids are going to
24 get hit by cars, potentially, coming out of garages or
25 pulling out of the parking spaces right there.

1 I can see some lady who's about to get hit, who
2 put their dog and their kid in a stroller. This is, to me,
3 like, absurd, at best, in Urban Design who want to have a,
4 sort of, pedestrian friendly kind of community. We've got
5 kids who are going to be running around back and forth
6 between garages to this island of a playground right there
7 where it's protected by cars who are going to hit them as
8 they're pulling out and not watching for them. And there's
9 no crosswalks or anything to protect people that are in
10 their -- that are visible.

11 To me, I -- I hate this design, to be nice. I
12 think it looks terrible. And maybe it's not Staff's fault
13 for this but I expect Staff to do a much better job at
14 pedestrian safety. And I just don't see it here. Like, I
15 don't see any kind of -- I see a number things like if
16 you're in an Area 1 class of how do we kill people. We can
17 point it out as this being, like, a terrible design that's
18 not pedestrian friendly. That would just make me very upset
19 as a professor if I was teaching a class for this to be the
20 design that comes before us as something that comes in our
21 community.

22 And I'll just -- I'll stop there for right now and
23 I'll let that just kind of sit in. And it's not necessarily
24 to Staff as, like a criticism because you're not doing the
25 architectural design. But this should never have come

1 before the Planning Board without it being much better done.
2 And -- and I'm just going to stop there.

3 CHAIRMAN SHAPIRO: Thank you, Commissioner. I
4 don't disagree with you either as we're looking at the
5 slides. So I appreciate you bringing that up.

6 Commissioners, other questions for Staff? Mr.
7 Geraldo, I believe you did.

8 COMMISSIONER GERALDO: I -- I did have one. Is --
9 is the dog park going to be in Phase -- in the Phase 4
10 recreational area?

11 MR. SHELLY: Yes, that is -- that is correct.

12 COMMISSIONER GERALDO: Okay. And that's -- and
13 that's not inclusive of the \$294,000 for the recreation, is
14 that right?

15 MR. SHELLY: Yes, that has not been included in
16 the 240,000. That's just because dog parks aren't in the
17 recreational facility guidelines.

18 COMMISSIONER GERALDO: Okay. All right. Thank
19 you. Well, they said --

20 MR. SHELLY: But the --

21 COMMISSIONER GERALDO: One minute. They -- you
22 said 249 but I'm looking at your staff report and it says
23 that the recreational facilities cost estimate is actually
24 294. Is that right?

25 MR. SHELLY: Yes, that is correct. My apologies.

1 COMMISSIONER GERALDO: Okay. All right. Thank
2 you.

3 Nothing else, Mr. Chair.

4 CHAIRMAN SHAPIRO: Building on your question, Mr.
5 Geraldo. The Phase 4 for the dog park, is that after --
6 what was that threshold number of units for that? Is it
7 150?

8 MR. SHELLY: That is the 150, correct.

9 CHAIRMAN SHAPIRO: So my understanding is there
10 will not be a dog park until 150 units are built --
11 permitted?

12 MR. SHELLY: Correct. Based on this proposal,
13 yes.

14 CHAIRMAN SHAPIRO: How do we feel about that
15 Commissioners Geraldo?

16 COMMISSIONER GERALDO: It's kind of late in the
17 game. You're going to have all those people living there
18 already.

19 CHAIRMAN SHAPIRO: Yeah, I'm having the same
20 reaction. Okay. Let's put this on the list, as well.

21 Other questions for staff? No other questions for
22 staff.

23 Thank you, Mr. Shelly.

24 And let us now turn to the applicant, Mr. Tedesco.
25 You may want to introduce your team such as you see fit.

1 And also, give me a sense of how much time you think you
2 need and how you want to proceed on this?

3 MR. TEDESCO: Good morning, Mr. Chairman. Can you
4 hear me okay?

5 CHAIRMAN SHAPIRO: We can hear you just fine.
6 Thanks for checking.

7 MR. TEDESCO: Great. Thank you.

8 Good morning. Before I have the introductions, I
9 - probably 20 to 25 minutes.

10 CHAIRMAN SHAPIRO: Okay.

11 MR. TEDESCO: Okay. I didn't time myself, so it
12 may be shorter, it may be a little longer. But I would
13 guess around that time frame.

14 CHAIRMAN SHAPIRO: Sounds good.

15 MR. TEDESCO: For the record, Mr. Chairman,
16 members of the Planning Board, my name is Matthew Tedesco,
17 with the law firm of McNamee Hosea in Greenbelt, on behalf
18 of the applicant, Timberlake Homes, represented here today
19 by a number of members of the Timberlake Homes organization.
20 We also have with us our civil engineers, from Soltesz
21 Engineering, our traffic engineer, although traffic is not
22 germane to a detailed site plan, we do have our traffic
23 engineer, Mike Linhart with us. And we have our acoustical
24 engineer, Mike Staiano with us this morning, as well.

25 Mr. Chairman, you all may remember this project.

1 We before you back in October -- October 20th, 2022 on the
2 preliminary plan of subdivision. Not to be redundant from
3 that hearing, but there are a couple of high points from my
4 presentation from that hearing that I think bare repeating
5 at this hearing. So indulgences is appreciated.

6 Timberlake homes is the privately held home
7 building company that has been involved in the development
8 and construction of residential homes located in Prince
9 George's County, and regionally within Maryland and Delaware
10 for many decades. Frank's Nursery -- and thank you for
11 putting this slide up, it's the appropriate slide. Frank's
12 Nursery, as it -- as this property is known as currently,
13 has existed until going out of business, and operated for
14 decades on the property.

15 During that time, the area around Frank's Nursery
16 has dramatically changed. And change is hard, we understand
17 that, we recognize it. But the world around Frank's has
18 changed since Frank's has been there. Major infrastructure
19 has been developed around Maryland 193 and Maryland 450.
20 The 1,104-acre turf farm, now know as Fairwood, was
21 developed pursuant to the MXC, Mixed Use Community zoning.
22 That consists of 1,799 dwelling units, a mix of single-
23 family, detached, attached, and multi-family, over 350,000
24 square feet of commercial retail office and institutional
25 space.

1 To the north, the Fairwood Office Park, two
2 high -- two midrise office buildings, a gas station, the
3 Belle Station center, although not developed approved for up
4 to 68,000 square feet of commercial retail space. To the
5 west, you have townhomes along Maryland 450. And in the
6 area, you have big box stores like Home Depot and Lowe's
7 that have come into the marketplace.

8 Two of the three family members of Frank's Nursery
9 have since passed away. The owner now wishes to sell and
10 has chosen to sell to the applicant who will provide the
11 context sensitive transitional development for the area. As
12 I mentioned, change is hard. We understand. But the world
13 has changed around the property significantly and this
14 property has been left behind. The project has been
15 thoughtfully designed to be context sensitive and
16 appropriate with development in the surrounding area. It
17 conforms to all the regulations pursuant to the zoning
18 ordinance.

19 As outlined in the staff report at Finding 7,
20 pages 9 through 21. Again, as I mentioned to the north,
21 there's commercially zoned land developed with two office
22 buildings and a gas station, and a recently approved
23 shopping center.

24 To the east, it's Fairwood, a planned, mixed-use
25 community of over 1,799 dwelling units. To the west, along

1 450, there are single-family, attached accessed from
2 Maryland 450 and single-family, detached access from
3 Maryland 450 to the south.

4 The development before you facilitates a
5 thoughtful transition from the intersections of two master
6 plan arterial roadways, which is the second highest
7 classification roadways in the Master Plan of Transportation
8 to the large, plan mixed-use community to the east and the
9 commercial offices to the north and east. This development
10 proposes 200 single-family, attached dwelling units and
11 5,000 square feet of commercial retail. Although, a
12 separate detailed site plan for the commercial retail,
13 architecture, lighting, and landscaping will be required.
14 It will provide open space, private roads, sidewalks, and
15 private amenities.

16 After road dedication, this property, which is a
17 little over 22 acres will have 12.37 acres of open space.
18 That's more than 56 percent of the property to remain open
19 space. By comparison, if the new zoning ordinance was
20 applicable, the requirement would be 20 percent of open
21 space required. We're at 56 percent. Under the new zoning
22 ordinance regulations for open space set aside requirements,
23 again that would require 20 percent. This property would
24 qualify for 34.9 percent. So when all components and
25 aspects, the property exceeds any requirement or

1 understanding of requisite open space.

2 Moreover, in 2019, the County adopted the
3 comprehensive housing strategy, housing opportunities for
4 all. This project meets those strategies. It encourages
5 new context-sensitive development that expands housing types
6 to serve the County's diverse population and distinct
7 geographical character. It right-sized housing investments
8 to meet the needs of the County and its diverse populations.
9 The strategy recognizes that a wider range of housing
10 opportunities should be implemented.

11 Further, Plan 2035 adopted in 2014 of page 110,
12 talks about a 25-year forecast in the established
13 communities for which this property is located and projects
14 more than 12,600 new residential units needed in the
15 existing communities alone.

16 I would like to thank the Fairwood community for
17 its commitment to this project. Leading up to the
18 preliminary plan of subdivision, we had a number of meetings
19 with the HOA Board as well as a general meeting with a
20 number of residents. I think there was over 70 residents
21 attended that meeting prior to the preliminary plan and
22 subdivision.

23 And more recently, we had a meeting on Monday
24 night. I want to thank the Development Review Committee of
25 the Fairwood HOA, who hosted us on Monday night. We had a

1 very good meeting with them that evening and answered many
2 questions. I know not to the satisfaction of many of the
3 residents. Many of the residents would like to see Frank's
4 Nursery either remain as is, certainly not be developed as
5 proposed, which we understand.

6 Where a number of people signed up in opposition
7 as well as letters that were submitted into the record kind
8 of couching the theme of the opposition, you're going to
9 hear today from a number of them the following five
10 categories: traffic and APF, density, noise, legality of
11 CB-50-2021, and the effect of CB-12-2023 on this
12 application. I'd like to address each of those, if I may,
13 very briefly.

14 First, with respect to traffic, as the Board knows
15 and as your counsel will advise you, traffic and APF is not
16 a subject matter for -- is not germane or subject matter for
17 this detailed site plan. The test and analysis completed
18 with a certificate of adequacy performed at the time of the
19 preliminary plan and approved on October 20th, 2022, showed
20 that pursuant to all of the adopted testing standards, all
21 applicable facilities, to and include, but not exclusively,
22 schools, traffic, public safety, water and sewer, parks and
23 recreation, et cetera, are adequate to serve this
24 development.

25 You're going to hear comments about how this

1 project is just too dense on 22 acres at 200 units. I will
2 note that tenant units to the acres half the density allowed
3 in the given land use recommendation for the property. As I
4 previously mentioned, 56 percent or 12.37 acres of the
5 property will remain undeveloped as open space.

6 Thoughtful and purposeful transition with the 18-
7 foot-wide, rear-loaded units fronting on Maryland 450 and
8 193, which again are two arterial roadways transitioning to
9 20-foot-wide units in the central portion of development and
10 ultimately, transitioning to 24-foot-wide units to the
11 eastside of the property. This is context-sensitive and
12 fill development. It's consistent with the character of the
13 neighborhood to and include all of the large commercial
14 office retail in the area as well as the 1,799 units in the
15 Fairwood community, which consist of single-family, attached
16 and multifamily units.

17 Third, the noise component, a phase one noise
18 study was done at the time of the preliminary plan. There
19 was a condition on the preliminary plan that required a
20 phase two noise study, which was performed. That study is
21 in your backup at page 31 through 40. The development meets
22 the County's and COMAR's standards and regulations for
23 acceptable noise levels without need for any mitigation. No
24 adverse noise will be caused by this development, itself,
25 given that it is residential, adjacent to residential.

1 Fourth, you're going to hear comments about
2 legality of CB-50-2021, which was a lawfully inactive
3 legislative bill that amended the prior zoning ordinance
4 pursuant to and in accordance with the powers and the
5 authority granted to the District Council under the Regional
6 District Act.

7 The law is applicable to all properties that meet
8 certain criteria, and the assemblage of the properties that
9 make up this subject property meet the criteria. And that's
10 analyzed in your staff report at finding seven, pages 9
11 through 10.

12 The record for CB-50-2021 at that time
13 demonstrated that that council bill could apply to over 145
14 assembled properties, not just this property. CB-50-2021
15 was validly enacted, and it is appropriate for the Planning
16 Board to apply it to this case. CB-50-2021 has never been
17 challenged, and the times to challenged the same as long
18 it's expired pursuant to the landings article.

19 No case law exists that allows a protestant to
20 wait one year, four months, and 28 days or a total of 513
21 days, before first attempting to exhaust their
22 administrative remedies to challenge the bill. The time for
23 administrative agencies to consider the alleged issues
24 related to CB-50-2021 was at the time that CB-50-2021 was
25 enacted and within the relevant statutory appeal period,

1 thereafter relating to the said enactment.

2 The opponents are barred from attempting to now
3 collaterally attack CB-50-2021 by the equitable doctrine in
4 Laches. It has been 513 days since CB-50-2021 was adopted.
5 Opponents now claim the law is somehow illegal. The
6 applicant has spent hundreds of thousands, if not millions
7 of dollars, in reliance on CB-50-2021 and obtaining a number
8 of approvals through the development process. Therefore,
9 equity dictates this late challenge as barred.

10 CB-50-2021 enjoys the presumption of validity, and
11 it is the opposition assuming a challenge to the law was
12 timely made, which it wasn't, who has the burden to
13 demonstrate that the law is illegal. There is nothing in
14 this record or the record of CB-50-2021 that rises to the
15 level of overcoming this presumption.

16 Fifth, you're going to hear about how CB-12-2023
17 repeals or renders this application moot. That simply is
18 just a mischaracterization of the law. CB-12-2022 has been
19 appealed -- I do want to note that CB-12-2023 has been
20 appealed and is the subject of legal challenges in circuit
21 court. Notwithstanding that, CB-12-2023 did not repeal CB-
22 50-2021, nor could it.

23 CB-12-2023 did, however, amend the ability to
24 utilize CB-50-2021 pursuant to Section 27-1900 of the new
25 zoning ordinance, not the transitional provisions under 27-

1 1704. Therefore, the limitation of the utilization of CB-
2 50-2021 is exclusively related only to cases filed pursuant
3 to Section 27-1900 -- or 1903 to be more specific. DSP-
4 22028, however, was filed pursuant to a grandfathered
5 application and is being filed and reviewed pursuant to
6 Section 27-1704, not 27-1903.

7 Simply, CB-12-2023 has no effect on this detailed
8 site plan. And let me explain: The preliminary plan of
9 subdivision was filed under Section 27-1900 -- excuse me 24-
10 1900. Section 24-1903(b) states, and I quote, "Once
11 approved, development applications that use the prior
12 subdivision regulations shall be grandfathered and subject
13 to the provisions set forth in Section 24-1704 of this
14 subtitle." Section 27-1704 then provides, "until no less
15 the period of time under which the subdivision approval
16 remains valid expires, the project may proceed to the next
17 steps in the approval process."

18 And this is important, including any zoning steps
19 that may be necessary and continue to be reviewed and
20 decided under the subdivision regulations and zoning
21 ordinance in effect immediately prior to the effective date
22 of the new subdivision regulations and zoning ordinance.
23 Thus, although the preliminary was approved after April 1st,
24 2022, Sections 24-1903(b) and 24-1704(b), when read
25 together, clearly result in a grandfathered preliminary plan

1 of subdivision, that then triggers the ability to pursue to
2 quote, "next steps in the approval process, including the
3 zoning steps." In this case, the detailed site plan, under
4 part 27 of the prior code vis-à-vis Section 27-1704.

5 Consequently DSP-22028 was filed under or pursuant
6 to Section 27-1704, the transitional provisions of the
7 zoning ordinance, thereby triggering the utilization of the
8 prior zoning ordinance, which includes CB-50-2021.

9 In conclusion -- and before I completely conclude,
10 I do want to address Commissioner Doerner's comments. But
11 in conclusion, at least from my opening statements, a
12 detailed site plan and the development as a whole is in
13 keeping with Plan 2035 established community's growth
14 policies, and it's suitable for medium density and the Plan
15 2035's projections for an additional 12,600 dwelling units
16 in the established community's area, which again is
17 reflected on table 17 at page 110 of the general plan.

18 It is context-sensitive by providing and creating
19 a strategic opportunity for infill development at the
20 intersection of two arterial roadways that responds to the
21 context of the large commercial development to the north and
22 the higher residential density development in the LMX zone
23 to the east being Fairwood. It establishes a thoughtful and
24 purposeful transition to lower density to the south. It is
25 an area where public facilities exist or adequate to serve

1 the development and meet the needs of the existing and
2 future residents. The development responds to specific
3 targeted strategies of the comprehensive housing strategy.

4 And finally, while the applicant understands and
5 respects the opposition's assertions in this case,
6 everything you will hear from the opposition or read from
7 the opposition mirrors the assertions and arguments made 20
8 years ago when the Fairwood community was going through the
9 entitlement process. And I would venture to say -- and I
10 would everyone would agree in this hearing today -- that
11 none of those assertions have been proven true as it relates
12 to the Fairwood community. Similarly, this proposed
13 development will be no different.

14 In addressing Commissioner Doerner's comments, let
15 me just say this: With all due respect, the notion of
16 front-loaded towns, especially 24-foot towns being anomalies
17 is factually not correct. There are a number of projects
18 for 24-foot-wide towns are front-loaded. Similarly, in
19 transitional area like this, for example -- which this board
20 has approved. For example, Amber Ridge and Bowie off of
21 301. That has commercial retail, two commercial pad retail
22 sites along the frontage of 301. It transitions to 20-foot-
23 wide townhomes, and then ultimately, it's a 24-foot, front-
24 loaded townhomes that back up to single-family, detached
25 homes in Bowie.

1 And Mr. Shelly, I think answered that question
2 very accurately with respect to the transition from the
3 locust of activity of two major arterial roadways at 450 and
4 193 having the smaller units of 18-foot-wides along that
5 frontage being rear-loaded so the fronts face the road,
6 notwithstanding we have berming and significant landscaping
7 along those frontages.

8 And then transitioning to a wider unit of 20s in
9 the middle of the project and then transitioning to the
10 wider 24-feets, front-loaded so that you have backs of
11 backyards and back of the homes backing up to backyards and
12 back of homes on the Fairwood side, although there is a
13 sliver of property between this property and the Fairwood
14 community, itself. Nevertheless, it's analogous and similar
15 to other projects that have been developed in this fashion.

16 And I think that's important. I do understand
17 your concern with respect to maybe the design, however, this
18 project very -- it meets or exceeds the requirements of 27-
19 548(h) regulations, which are applicable to this case with
20 respect to materials, percentage of brick, and penetration
21 that it required. It exceeds the size minimums of those
22 regulations. All regulations for this project are met or
23 exceeded.

24 As it relates to the comments regarding the
25 recreational amenity in the central area, I don't want to

1 speak for staff, but that was something that was discussed
2 ever since SDRC with respect to that amenity feature having
3 a centralized location of that. The issue with having that
4 location in that central area, one, it most of the time,
5 we're encouraged to have recreational amenities central to
6 the projects. But in order to make sure that the design
7 elements were appropriate so you didn't have fronts of
8 houses backing up to the backs of houses because the 18-
9 foot-wide units along Central Avenue -- excuse me, along
10 Annapolis Road and 193 are rear-loaded, it had to be
11 designed in a way so that the 20s didn't back up to -- or
12 didn't face the backs of homes. So that's why you have the
13 rears facing that amenity area. Otherwise, you would have
14 fronts facing rears, which both staff and the applicant did
15 not feel that was a good urban design treatment.

16 I will note that there's a circulation plan and a
17 sidewalk plan in your material. I don't have the slide
18 number, but I know Mr. Shelly went through it. We have
19 proposed ten-foot-wide, shared-use paths along the frontage,
20 five-foot-wide sidewalks internal to the site. There are
21 sidewalks internal to that recreational area. I know that
22 image showed residents walking along the driveways. There
23 is actually not a sidewalk on the backs of those driveways.
24 The sidewalks and the crosswalks connect the pedestrian
25 connections to the recreational amenity.

1 Maybe the next slide -- no, that slide.

2 So you will see around that amenity -- if you can
3 Zoom into that central location? Yeah.

4 Yeah. Although the crosswalk is not shown, I
5 believe we're proposing crosswalks if cross -- I mean, I've
6 never had a detailed site where crosswalks weren't shown or
7 depicted as far as required by staff. But crosswalks will
8 be provided. If not, certainly would welcome a condition to
9 provide those, but all of those units have accessibility to
10 sidewalks and to crosswalks to get to that central
11 recreational amenity.

12 So understanding your strong feelings towards it
13 at the initial outset, I do think Urban Design, your staff,
14 as well as the applicant's design team looked at that very
15 closely and do not feel that some of the issues that you
16 raised will be actually realized given the connectivity of
17 the sidewalks and the overall design of the project.

18 With that being said, Mr. Chairman, I think that
19 concludes my initial presentation. Happy to answer any
20 questions. We did have one exhibits -- well, we had a few
21 exhibits, but one of the exhibits was Applicant's Exhibit 1
22 that modified condition 1-I and 1-R.

23 Condition 1-I was a repetitive condition, a
24 detailed site plan general notes are included what 1-I was
25 requiring, and with consultation with your staff, we removed

1 two units from the high visible list reducing that only by
2 two. So I think it was 29 originally and down to 27 high
3 end units, and units on lots 192 and 193 were deemed not to
4 be high visible given their locations.

5 So with that, Mr. Chairman, I would submit and
6 respectfully request the approval of this detailed site
7 plan. I'm certainly happy to answer any questions and
8 certainly happy to address any additional comments and
9 rebuttal.

10 MR. CHAIR: Thank you, Mr. Tedesco.

11 Commissioners, I'm sure there's questions for Mr.
12 Tedesco and his team. I just want to -- because I have a
13 lot of them, too. I'm just trying to think about how much
14 we want to get into what might feel like deliberation before
15 we hear from the public. So let's ask questions of staff,
16 but also save space for more back and forth when we get to
17 deliberation because I have some -- I mean, to be blunt, I
18 have some serious questions about the design of this that I
19 want to get into with you all, but also want to interact
20 with the applicant about it too.

21 So with that said, Commissioners' question for the
22 applicant.

23 COMMISSIONER DOERNER: Yeah. I still have serious
24 issues with this. I'm not concerned, Mr. Tedesco, with the
25 size of the front-loaded units or necessarily like how

1 you're bringing in the different types of housing. Like, I
2 appreciate that, and I don't really mind about 20- versus
3 24-foot units.

4 I don't think in designs that at least I've been
5 hearing and approving with these townhomes that we've been
6 approving front-loaded units in great mass. I know that
7 there are a couple places that are more suburban that have
8 attached townhomes, but not in a design like this that's
9 really compact that we have front-loaded garages like on
10 these units. So I don't think that's necessarily consistent
11 with what we've done because if it is, I pointed that out in
12 other cases as well.

13 And the one thing that I'm still hung up, though,
14 on is is that exhibit in that island area. I think it
15 absolutely fails on the design guidelines whether or not
16 staff allows you to go forward on it is a different
17 question, but in terms of, like, parking, loading, and
18 circulation that they were supposed to be looking at this,
19 looking at that -- you're the one who submitted the image,
20 and looking at that image, like, does it all meet the couple
21 of guidelines that we have in there for pedestrian and
22 safety, for keeping cars out of like visibility, and
23 minimizing the visual impact of the cars? Sure. It's
24 convenient for the cars. It's not necessarily convenient
25 for pedestrian safety. It definitely is visually obtrusive,

1 and I have no idea what the pedestrian pathways are around
2 it.

3 I absolutely agree that like the visual impact on
4 the map is fine in terms of the centralized amenity, but the
5 design around that is just horrible, and I know you've got
6 kids. Just think about walking -- having your kids, if you
7 were living there, walking out into the backyard and getting
8 hit as they're trying to go over to the parking area or to
9 the playground area. And that's what I think about when I
10 see this because I lived in a community like townhomes like
11 these, and if I had a townhome over there, like, I'm just
12 kind of envisioning my kid running out of the garage and
13 just, boom, getting hit by a car pulling back out from the
14 playground area or running around in one these parking areas
15 because what you've given us here is maybe different than
16 what you're intending on designing, but this is what we have
17 before us. And I'm looking for some way of thinking about,
18 like, why this is actually remotely possible or acceptable.

19 You may need some time to think about that. If
20 you want to come back later with some of your experts to
21 kind of talk about this. So if you need some time to confer
22 with them, but I'm not at all convinced about this one
23 amenity. I want the amenity and stuff like this, but like,
24 how it's set up, I think it's just not very well thought
25 through.

1 MR. TEDESCO: I mean, I don't --

2 MR. CHAIR: Is your --

3 MR. TEDESCO: I don't know if this very --

4 MR. CHAIR: Mr. Tedesco, I just want to make sure,
5 Commissioner Doerner, is this question for Mr. Tedesco, or
6 do you want to --

7 MR. DOERNER: Yeah. If he has, then I'm open.

8 I mean, I'm always happy to hear and like what
9 he -- because he and others will convince me that, hey, this
10 isn't what we're actually trying to do, and that's what I'm
11 looking for to be able to vote in favor, if it comes to that
12 point, for a project like this, but as of now, like, I don't
13 see it, and I'm hoping that he has other materials or other
14 ways of kind of demonstrating that.

15 MR. TEDESCO: Well, I think we're focusing in on
16 this illustrative, which is really designed to show the --
17 show the amenity space, itself, as it relates to the area.
18 And if I understand your -- is the concern the fact that
19 there are units facing the amenity, or is the concern the
20 parking around the amenity?

21 I will say, I don't believe and we don't believe
22 and I don't think your staff believes that there's a safety
23 issue here or else we would have -- it would have been
24 addressed much earlier. We do have internal sidewalks
25 connecting this. I think this image, in fairness, is a

1 little misleading in the sense that it shows, you know,
2 pedestrians along the driveways on both the right and top
3 portion of it. Those are not sidewalks. And that's why I
4 think the sidewalk exhibit that was shown before, actually
5 tells the better story with respect to the connectivity,
6 pedestrian connectivity, and safety as it relates to this
7 amenity.

8 Having amenities central to these projects is not
9 unusual. I've worked on a number of projects where these
10 amenities exist in this fashion with parking around it. You
11 know, we are still trying to balance the need to have
12 parking. I will note that, you know, from a code
13 perspective, 408 parking spaces are required. We're at 645.
14 So if this issue the parking around it, we are at a surplus
15 of parking. However, we are trying to balance the need for
16 these townhouse communities to make sure they're
17 sufficiently parked and not under parked, which has been
18 another balancing component that design teams have been
19 coming up.

20 But you know, there is a possibility to reduce the
21 parking around this area, if that is something that is
22 causing concern or ire for you. I will acknowledge the
23 image is a little misleading with respect to those future
24 citizens walking along the driveways. This is illustrative.
25 The site plan, itself, I think shows the pedestrian

1 connections in that one exhibit much better and how the
2 central location will be accessed.

3 I don't know if anybody from Soltesz or the design
4 team has any further thoughts on that? I would yield to
5 them, if they do. Or if Mr. Lenhart has any thoughts on it
6 with respect to a circulation standpoint.

7 MR. LENHART: Yes. Good afternoon -- or good
8 morning. Mike Lenhart for the record. One thing I might
9 add is that we could include a series of crosswalks, either
10 they can be raised crosswalks with all-way stops at those
11 locations, efforts on making sure that site distance is
12 appropriate, the shrubs and bushes and things don't impede
13 sight distance so that there is clear line of sight. So
14 pedestrians and motorists, alike, can see, you know, if
15 there's anyone in the crosswalks, crossing the street, or
16 approaching. And there are a series of things that can be
17 done to -- possibly speedhumps along the internal roads as
18 well to control traffic.

19 MR. CHAIR: All right. Mr. Doerner, do you --

20 COMMISSIONER DOERNER: In terms of the things that
21 bother me, it's like everything about this image. And I
22 realize this is illustrative, and it might not be what it
23 ends up being, but this is what you turned in to give us an
24 idea of what the case is going to be and what it's going to
25 look like. And when we're looking at our criteria, we have

1 to look at, like, safe and efficient vehicular and
2 pedestrian circulation within the site. There's nothing
3 safe about this picture.

4 And then we have to think about, like, is it
5 visually and obtrusive in terms of the loading areas to
6 minimize conflict of vehicles and pedestrians? Not at all.
7 And then vehicular and pedestrian circulation on site should
8 be safe, efficient, and convenient for both pedestrians and
9 drivers. It's not convenient for pedestrians, unless I'm
10 going to get hit, and you want to send them into harm's way.
11 So I don't know how you want to redo this, and I don't
12 really -- I'm not a big fan of, like, just loading a bunch
13 of cars. I realize you have to park them somewhere, but if
14 you want to get rid of them in this area, I think that would
15 be a start to improving, like, the pedestrian safety.

16 I think this image is probably upside down in
17 terms of the orientation for other kind of like images that
18 we have on the map. But at least on this image on the right
19 side of that kind of alleyway, if you would get rid of that
20 and turn that into green space and connect it with what I
21 think is a green over there that's more contiguous, that
22 would certainly make it more safe, and I think alleviate
23 some of my concerns there.

24 But as of right now, like, I don't think there's
25 anything convincing to me that you had all prioritized

1 pedestrian safety or taken it seriously in this document
2 that you have. And even you turn in visual aids that are
3 supposed to be illustrative, you can't look at -- you can't
4 give me a visual aid that looks like it's going to kill
5 people because that's not at all going to convince me about
6 anything else that you've got in your site. So illustrative
7 or not, you've got to do a good job at actually showing
8 crosswalks and other things that are not going to be
9 dangerous for pedestrians or vehicles because that factors
10 into my decision.

11 MR. CHAIR: All right. Thank you, Commissioner.

12 MR. TEDESCO: May I respond?

13 MR. CHAIR: Sure.

14 MR. TEDESCO: I would just draw your attention to
15 the sidewalk exhibit, which I think your staff has analyzed.
16 I mean, no staff, no agency has recommended anything other
17 than approval for this project and have not drawn the same
18 conclusions that you've drawn based upon what's proposed. I
19 understand the concern. That being said, I think
20 circulation and pedestrian accessibility has been thoroughly
21 analyzed and reviewed by the experts, and I don't believe
22 and I would not agree that the design is going to kill
23 people. It wouldn't be recommended for approval if it
24 would.

25 But that being said, as Mr. Lenhart said, you

1 know, if there's additional traffic calming devices that
2 are, the board, in its discretion, feels are necessary,
3 we're happy to implement those, whether that be signage or
4 speedbumps or whatever. High-definition crosswalks, et
5 cetera, are all things that can be easily accommodated to
6 these (audio interference).

7 But no time has anyone at the County, your staff
8 indicated any of the concerns with respect to that
9 particular design from a pedestrian circulation loading
10 standpoint or a safety concern, obviously.

11 COMMISSIONER DOERNER: Mr. Tedesco, if you had
12 people who actually worked in the County offices who are
13 reviewing these live in a place like this, they would
14 immediately raise these kinds of concerns because I live in
15 place like this. I don't care if somebody at DPIE doesn't
16 live in one of these houses and says it's okay because I'm
17 looking at it from different criteria.

18 I have kids who wander out into the alleyways and
19 stuff, and I have to think about these things and on a team
20 based because I'm a user, and being on the Planning Board, I
21 am one of the ones that has to approve this, and I'm telling
22 you right now, you're not getting my approval if this is
23 how it goes. So I don't care if you say, oh, well, we'll
24 have crosswalks or we can do these things and stuff like --
25 give me concrete things, and think about, like, how are you

1 going to implement these and be proactive about it because
2 if you just throw out ideas, it's not convincing me, and
3 I've just mentioned that one of the things that could
4 actually improve the safety in the pedestrian activity in
5 this area is potentially getting rid of that one alleyway
6 that blocks -- that I think is connected between two
7 greenways because that on this map right here looks like in
8 the very center area would be to the northeast -- or sorry,
9 the northwest of that to the top of left of the kind of very
10 where it's located at. I think that would alleviate some of
11 these concerns because then you don't have this island of a
12 playground right there. And there's no way that you're
13 going to have a young kids --

14 MR. CHAIR: Commissioner?

15 MR. DOERNER: -- and be safe --

16 MR. CHAIR: Commissioner, let me jump in just for
17 a sec. I hear you loud and clear. I just want to -- Mr.
18 Tedesco is not going to be able to address your concerns
19 throughout this way. He's just not. But I'm with you. I
20 share your concerns about the design. And so let us
21 continue forward, and we will take up the design on this
22 whole project that's going to include your concerns as well.
23 So you're not alone with concerns that you have. I promise
24 you.

25 COMMISSIONER DOERNER: Okay. Yeah. Let's

1 coordinate it. Let him give him time to think about closing
2 down that alleyway or other ideas.

3 MR. CHAIR: Yeah. Absolutely.

4 Commissioner Doerner, other questions for staff?

5 COMMISSIONER DOERNER: No. That's it. Thank you.

6 MR. CHAIR: Or for the applicant rather. Other

7 Commissioners, questions for the applicant?

8 UNIDENTIFIED SPEAKER: Not at this time.

9 MR. CHAIR: So let me flag for you, Mr. Tedesco,
10 if we can throw up the design, the overall site plan. That
11 should be good -- no, not the recreation area. Yeah. There
12 we go. That.

13 So yeah. This is building a bit off where
14 Commissioner Doerner is as well, but at the more macro level
15 for this development. And I hear you that staff has
16 approved this, and I disagree with where we are on this. I
17 mean, part of the concern for me is that even where this is
18 located, that the amenities for folks who live here, they
19 ain't walking to it, right? They're not walking across
20 Annapolis Road, 193. So really what serves this community
21 is going to amenities that the immediate service the
22 community the amenities that are there.

23 You know, I want to see this enhanced. I think
24 the amenities for this site are really important, and I
25 think -- you know, I would like to see -- I think the only

1 way to do this is to see a little bit less density and a
2 little bit more pedestrian orientation and centralized
3 greenspace.

4 You know, there is -- I'm looking at this, and I
5 don't really see anything that's close to a central green or
6 anything like that or any kind of a pedestrian-oriented
7 gathering place. It feels like it's just more a rabbit ward
8 of townhomes, and it's, you know -- let me just say it.
9 Maybe I'm channeling Commission Doerner a bit, but I'm
10 coming off of my own experience, and sometimes that matters.

11 So I had experience in a townhome development
12 quite like this called Greenbelt Station where I stayed for
13 about five months. And one of the things that I loved about
14 that, some of the things are actually quite similar to this,
15 which is with all due respect, Mr. Doerner, there were
16 front-loaded townhomes, front-loaded park townhomes along
17 the edge of the development similar to what's being proposed
18 here, and I actually thought that it worked.

19 But the other thing that it had, Mr. Tedesco --
20 the other thing that it had was a centralized green where
21 the amenities were there, and folks would walk there, and it
22 became the focal point for the development, and it was a
23 very important part of the development. I don't get that
24 here. I'm missing it in some way, shape, or form. So I'm
25 concerned about the design.

1 And then there's the piece around the elevations
2 that are more visible from the roads, and I want to -- I
3 didn't quite get where staff was coming from on that either,
4 but I didn't like what I saw. I'd like to revisit that a
5 bit and more of a conversation around that.

6 So I have some concerns about the overall design
7 of this and the way the density is set up here that give me
8 pause. So that's what I want to get at, and with my fellow
9 commissioners, you know, maybe under deliberation because I
10 also want to hear what folks from the public have to say
11 about this, too, but I would like us to take this up under
12 deliberation, and see where you all land with this design
13 because at this point, if I were voting on this right now --
14 but I haven't heard from the public yet either -- but I
15 would be more inclined to send them back and have them come
16 to us with a redesign of this that's going to make this a
17 more pedestrian-oriented and amenity-focused development.

18 So Mr. Tedesco, if you want to react to that, feel
19 free, but also commissioners, I'm wondering if you have any
20 other questions around that as we move to hear from folks
21 from the community?

22 COMMISSIONER GERALDO: Mr. Chair, I don't have any
23 questions, I mean, other than I thought, one, with the dog
24 park being -- coming in so late in the process. But the
25 other thing is, it just -- it appears very dense, the

1 planning, and that's a concern I have with all that density
2 there. I mean, I appreciate what Mr. Tedesco said in terms
3 of the 53 percent greenspace --

4 MR. CHAIR: Correct.

5 COMMISSIONER GERALDO: It certainly doesn't look
6 like it.

7 MR. CHAIR: No. And I'm with you Commissioner.
8 It's less about what they are required to do and what is
9 available to them because I think they're not exceeding any
10 of the limits around the requirements. For me, it's just a
11 design issue, and I agree with you, the way this is
12 designed, it feels like it's designed too dense for the
13 property, and so all the pedestrian amenities feel like
14 they're too chopped up, and I, you know, yeah, I'm concerned
15 about that.

16 COMMISSIONER GERALDO: There's no central
17 gathering place, it doesn't seem.

18 MR. CHAIR: I --

19 COMMISSIONER GERALDO: I understand what you're
20 saying, but yeah. That -- nothing to draw --

21 MR. CHAIR: It's a missed opportunity. Yeah.
22 Right, right.

23 MR. TEDESCO: The only thing, if I have the
24 privilege to respond very quickly?

25 MR. CHAIR: Yes, sir, please.

1 MR. TEDESCO: Yeah. We're certainly amenable to
2 working with staff on conditions that address these issues.
3 I'm quite confident between your staff and the applicant, we
4 could address all of this, vis-à-vis a condition. That
5 being said, you know, with the Climate Action Plan that was
6 recently adopted, I think we all have to kind of get used to
7 the idea of having more cluster density to accommodate
8 Climate Action Plan to have additional open green areas.

9 So you know, all of these projects have an
10 economic component to them, and I know visually how it may
11 feel or appear, but that's going to become normal, and this
12 project is no different with respect to ensuring
13 environmental stewardship, open space, green areas. We're
14 going to have to have more cluster density in closer
15 locations. That is actually what the direction the County
16 is going in with, the Climate Action Plan and other types of
17 plan while also balancing the need to accommodate the
18 Housing Strategy Plan that was adopted to create a variety
19 of housing types or multiple opportunities so that everyone
20 has the opportunity to own a house in Prince George's
21 County. There's nothing that builds well more than home
22 ownership. And so we have to accommodate all these things.
23 And while I hear the concerns, which I understand,
24 we, as a design team, and the applicant's design team and
25 your staff are intimately familiar with these types of

1 issues, and I'm very confident that we can formulate
2 language or conditions that address both Mr. Chairman's
3 concerns, Commissioner Doerner's concerns, and Commissioner
4 Geraldo's concerns.

5 MR. CHAIR: Thank you, Mr. Tedesco.

6 So let's continue. If there's no other questions
7 for the applicant, then let's go on to folks who have signed
8 up to speak. I'm going to run through a bit of process here
9 just to make sure I'm not missing anybody. So I'm going to
10 read through the names of folks, and then we'll see if I've
11 missed anybody. So as I read your name, if you can just
12 sort of acknowledge that you're here? You can come online
13 if you want, but you don't have to, just so I can hear your
14 voice.

15 We have -- and then after I got through it, raise
16 your hand if I missed you, or speak up if I missed you. So
17 Jill Oliver?

18 MS. OLIVER: I'm here.

19 MR. CHAIR: Ms. Oliver, are you there?

20 MS. OLIVER: Yes.

21 MR. CHAIR: Okay. Thank you, Ms. Oliver.

22 Ms. Gingold, I saw you before and know you're
23 here.

24 MS. GINGOLD: Here.

25 MR. CHAIR: David Boulet, I saw that you're here.

1 MR. BOULET: Here.

2 MR. CHAIR: Jessica Larkin? Jessica Larkin, are
3 you on the line. Okay. And again, maybe she'll come back.

4 Torie McDonald? Ms. McDonald. All right. Give
5 her another shot, if it's her, I assume.

6 Ms. Crarey, Inga Crarey?

7 Okay. Mr. Baumgardner, I see you on the line.

8 MR. BAUMGARDENER: Yes, sir.

9 MR. CHAIR: Mr. Bridges, I see you as well.

10 Ms. Bruce, I see you as well.

11 Mr. Elliott, Richard Elliott?

12 Okay. Mr. Doby, Kevin Doby?

13 MR. DOBY: Present.

14 MR. CHAIR: Is that you?

15 MR. DOBY: Yes, sir.

16 MR. CHAIR: You're the -- okay. Your audio
17 quality isn't great, but I see you and I hear you.

18 MR. DOBY: Okay. Thank you.

19 MR. CHAIR: Thank you.

20 Ms. Nurridin, I see you.

21 Let me see, Mr. Washington? Arthur Washington?
22 We're going to put a question mark there.

23 Adam Minzer -- or no. I'm sorry. That's wrong.
24 I apologize. Let's see who else I have.

25 Kim Perry? Ms. Perry?

1 And Mr. Suhar, I see you as well.

2 MR. SUHAR: Yes. Thank you.

3 MR. CHAIR: Okay. For folks who are in opposition
4 or who are not part of the applicant's team, but are
5 speaking in support or have no position, did I miss anybody?
6 If you're with the applicant's team, don't worry about it.
7 But did I miss anybody who's not part of the applicant's
8 team and wishes to speak in support, opposition, or no
9 position?

10 Okay. And again, as we get to it, if I miss
11 somebody, you know, feel free to pop on, and we'll make
12 sense of it and make sure you sign up. So with that in
13 terms of --

14 MR. BRIDGES: Chair?

15 MR. CHAIR: Yeah.

16 MR. BRIDGES: This is Mike Bridges. Can I ask a
17 favor?

18 MR. CHAIR: Yes, sir.

19 MR. BRIDGES: I am out of the country, and need to
20 catch a flight. Is there any way I can speak early, first,
21 if possible.

22 MR. CHAIR: Mr. Bridges, we'll have you go first.

23 MR. BRIDGES: Okay. Thank you.

24 MR. CHAIR: So the way I'm going to do this is
25 individuals have up to three minutes to speak.

1 Organization, if you're representing an organization, you
2 have up to five minutes to speak. I don't believe the
3 opposition -- and correct me if I'm wrong, I don't believe
4 the opposition is organized in such a way where there is a
5 party who is representing the majority of folks in
6 opposition. Is there? So then, we'll work it this way --
7 Mr. Suhar, I'm sorry. You had something to say?

8 MR. SUHAR: No, I did not. I'm sorry. I'll
9 silence mine. I thought it was --

10 MR. CHAIR: No worries, no worries.

11 So then we'll take it this way, and if it's your
12 turn to speak and for some reason, you feel like you need a
13 little bit more time and we're working within the parameters
14 that are set for us by how much time the applicant took,
15 we'll have some flexibility around this, but the assumption
16 will be up to three minutes for individuals, up to five
17 minutes if you represent an organization, okay?

18 And we will start with Mr. Bridges. Mr. Bridges,
19 you have up to three minutes. You can introduce yourself
20 for the record, and the floor is yours.

21 MR. BRIDGES: Good morning, Chair and Planning
22 Board. This is Mike Bridges. I'm a resident of Bowie. I'm
23 testifying to establish my opposition to DSP-22028 on the
24 grounds that it's based on an illegal text event permit, CB-
25 50-2021, that violates the uniformity requirements of land

1 use Article Section 22-201(b)(2)(i).

2 Specifically, the ZTA granted a special high-
3 density favor to a property in the RE zone while denying
4 that same benefit to other RE zone property owners without
5 that benefit being based on any public policy served. An
6 examination of CB-50-2021 reveals no articulation of a
7 public policy served. The Planning Board has the authority
8 to reject the DSP as long as the reasons for that rejection
9 are neither arbitrary nor capricious.

10 The Maryland Court of Special Appeals has ruled on
11 a similar matter involving freeway airports, ESAREG-0472-
12 2021, and this new case law issued on June 29th, 2022,
13 supports a finding of fact that CB-50-2021 is indeed
14 illegal. I ask that the Planning Board consult their legal
15 counsel, review the evidence, including the Court of Special
16 Appeals' ruling and also review the text of CB-50-2021 and
17 determine independently whether you all agree that CB-50-
18 2021 violates the uniformity rule and therefore constitutes
19 a reasonable, nonarbitrary and noncapricious rationale for
20 rejecting DSP-22028.

21 Notwithstanding, the money spent by the developer
22 thus far, the project is not vested according to existing
23 case law because there are no footings in the ground.
24 Planning Board should not be allowing developments that rest
25 on illegal foundation.

1 I also feel that the rejection of DSP-22028 should
2 not be allowed because of the violation of Plan 2035 growth
3 goals. If you look at both the 2019 five-year evaluation
4 and the review of growth policies presented to the County
5 Council on January 10th, 2023, it indicates that the County
6 continues to veer off course with regards to achieving its
7 Plan 2035 growth goals, specifically as it relates the
8 established community's growth policy areas and the regional
9 transit district policy areas.

10 Basically, the units went from a percentage of 46
11 to 49 percent in the EC area when the goal is 20 percent,
12 which is the wrong direction, accelerating in the wrong
13 direction. And the RTD growth distribution in units went
14 down from 25 percent to 23 percent when the 2035 goal is --

15 MR. CHAIR: Mr. Bridges, wrap up, please.

16 MR. BRIDGES: Okay. Will do. So that's in the
17 wrong direction. So basically, the development of the 22028
18 is in the EC growth area and not context-sensitive infill,
19 and it further exacerbates the undesired accelerating growth
20 relative to the RTD areas and should therefore be rejected.
21 Thank you.

22 MR. CHAIR: Thank you, Mr. Bridges. And let me
23 say, your piece around the legality of this, we're going to
24 hear -- I know we're going to hear a lot about that from
25 folks in the community. After we go through this process,

1 we'll hear from folks in the community, Mr. Warner, who is
2 our principal counsel, I'm going to ask you to weigh in as
3 well, and perhaps staff will have further comments on this
4 as well just to layout your position.

5 You've communicated to us clearly to us why you
6 all have communicated this, why you feel this is -- the
7 application -- the applicant is within their rights to
8 proceed as they have laid out, but we'll want to hear from
9 that because we're going to hear from lots of folks in the
10 community have concerns about that.

11 So Mr. Warner, Mr. Hunt, you may want to prepare
12 yourselves for that. And Mr. Bridges, thank you very much
13 for taking the time, and have a safe flight.

14 MR. BRIDGES: Thank you.

15 MR. CHAIR: Okay. We will go on to -- I'll take
16 it from the top of my list. We'll start with Ms. Oliver,
17 Jill Oliver, Fairwood Community Association resident. Ms.
18 Oliver, introduce yourself for the record, and you have up
19 to three -- you have up to five minutes, Ms. Oliver. I'm
20 sorry. And the floor is yours.

21 MS. OLIVER: I am not going to take five minutes.
22 I'll speak as a resident because Mr. Baumgardner will speak
23 for the Association.

24 MR. CHAIR: All right.

25 MS. OLIVER: Okay.

1 MR. CHAIR: We'll bump you down to three minutes,
2 Ms. Oliver, but take it away. The floor is yours.

3 MS. OLIVER: Okay. Thank you. Good morning,
4 Chair Shapiro and Planning Board members. For the record,
5 my name is Jill Oliver, and I am the president of the
6 Fairwood Community Association, which represents almost
7 2,000 homeowners -- homes. I'm speaking specifically on my
8 own behalf and also on the behalf of many residents who
9 could not be here today.

10 And I want to register opposition to DSP-2020-
11 22028 for the same reason stated by Mr. Michael Bridges who
12 just spoke. Homeownership, as stated earlier, is important,
13 but it's important if it's done the right way. Like many
14 other communities, Fairwood has been victimized by the
15 zoning text amendment process that allowed this developer
16 and others to move forward in the development process
17 without engaging Fairwood residents.

18 Fairwood residents have had to continuously spend
19 significant time and resources to stop assault on our
20 community. The use of text amendments usurps the rights of
21 residents and will always act to silence community voices.
22 This is not the right to do development and should not be
23 supported because of the legal issues that are involved and
24 the fact that the community has not been brought into the
25 fold.

1 The applicant committed to Fairwood Community
2 residents that our concerns would be addressed, but they
3 weren't. And I agree with what has been stated by the
4 commissioners that the design is terrible and should not be
5 allowed to move -- and this application should not be
6 allowed to move forward.

7 You know why this design is terrible? Because
8 there should be no townhouses there. The zoning, original
9 zoning, was for single family and/or commercial development,
10 and that plot of land was supposed to be for that type of
11 development, and the current zoning has now gone back to the
12 original zoning noting that this land, this particular plot
13 of land is really not consistent with -- townhouses are not
14 consistent with this type of land mass and for this type of
15 development.

16 So in the end, we would encourage the developer to
17 work with the community to get to a design that supports and
18 complements the surrounding community. And with that, I
19 thank you for the opportunity to speak.

20 MR. CHAIR: Thank you, Ms. Oliver. Much
21 appreciated. Ms. Oliver, question for you? You said Mr.
22 Baumgardner is actually representing you and other of the
23 folks in opposition?

24 MS. OLIVER: He is representing Fairwood Community
25 Association. So he should have five minutes.

1 MR. CHAIR: Excellent. No problem at all. Do you
2 care where he goes in the order? I'll leave it to you to
3 determine it. If you want him to go last, do you want him
4 to go next, what's going to be helpful for you?

5 MS. OLIVER: Derek, it's up to you. Please let me
6 know what your preference is?

7 MR. BAUMGARDNER: Thank you, Ms. Oliver. Mr.
8 Chairman, my argument is legal only. I would certainly
9 leave it up to the chairman to determine whether or not
10 that's best to go last, or if the Chair and the Board would
11 like to hear a legal argument with regard to the
12 applicability of the prior zoning ordinance.

13 MR. CHAIR: So let's have you go last because I
14 know that we're going to have our team pick this issue up,
15 too, and I think it will keep it fresh in our minds as we
16 hear it because I know this is a significant issue for you
17 all. So thank you.

18 MR. BAUMGARDNER: Thank you.

19 Thank you again, Ms. Oliver. So go to the next
20 person on our list, and then we have Janet Gingold. Ms.
21 Gingold, you'll have up to five minutes representing the
22 Sierra Club, and if you could introduce yourself, and the
23 floor is yours.

24 MS. GINGOLD: Good morning. I'm Janet Gingold. I
25 live in Kettering, and I'm speaking today of the Prince

1 George's County Sierra Club. We seriously need to change
2 how we decide what to build where and how. Townhouse
3 developments belong in towns where people can easily walk
4 the common destinations. This is not such a place. This
5 development is not consistent with Plan 2035, which calls
6 for focusing development near transit and in designated
7 activity centers. This place is nowhere near a Metro
8 station. It's not within a designated activity center. It
9 will put 200 new households where they will be dependent on
10 cars to get where they need to go.

11 The fact that it can be developed as an M-X-T
12 based on a footnote in an outdated zoning ordinance doesn't
13 mean that it should. It's not pedestrian-friendly or bike-
14 friendly. How will residents walk or bike safely to the
15 Safeway or to work across 450. That's nowhere in there that
16 it's bike- or pedestrian-friendly.

17 There's a new bill, CB-52-2023, currently before
18 the County Council, which would limit new townhouse
19 developments like this to properties that are within
20 specified regional transit centers, local transit centers,
21 and local centers designated within the current general plan
22 within council, government, designated activity centers, or
23 designated transit-oriented or revitalization areas.

24 I refer you to the whereas clauses of that bill
25 for the rationale for not building new developments like

1 this outside the designated activity centers. For thriving
2 communities today and into the future, evaluation of new
3 developments should include potential climate impacts and
4 plans related to energy use, especially for higher density
5 developments. Anyone who moves into brand new housing
6 deserves to be able to trust that their new home meets
7 building standards for the future, including energy
8 performance standards. Sneaking under the wire to avoid
9 compliance with new requirements is not in the best interest
10 of future residents.

11 If there is uncertainty about what new building
12 energy performance standards will apply, approval should be
13 deferred now so that we can get it right for the future.
14 It's abundantly clear that future developments should be all
15 electric and powered by renewable energy with battery
16 storage for resilience. Where will the electric power come
17 from? Where are the solar panels? Where are the charging
18 stations? Where do the battery storage units go? Will this
19 community be connected with its microgrid? Where is the
20 neighborhood resilience hub?

21 Maybe these elements of infrastructure are not
22 required by current code, but they're essential responsible
23 development as we look toward the next half century. Please
24 do not authorize building this development that will dig us
25 deeper into our dependence on fossil fuels and automobiles

1 with high per capita vehicle miles traveled and greenhouse
2 gas emissions. Use the authority you have to ensure that
3 what is built on this property does not just compound the
4 problems of our dependence on fossil fuels, but provides
5 part of the solution going forward. Thank you.

6 MR. CHAIR: Thank you, Ms. Gingold.

7 Next we have David Boulet.

8 MR. BOULET: Yes. Hello. My name is David
9 Boulet. Thank you, Chair and Planning Board. I am speaking
10 as a resident of the Fairwood Community and also a member of
11 the Fairwood Development Committee. My conversation is not
12 going to be legal at all. It's going to be about
13 aesthetics, what it really means to be context-sensitive.

14 I don't know if any of you have ever tried to call
15 your bank to dispute something, and to better serve you, we
16 have a new phone system, and you end up pressing buttons for
17 an hour and can never get through to an agent. And you
18 think of the irony and the mistruth behind that better serve
19 you comment. That's what this context-sensitivity is all
20 about in this presentation from Mr. Tedesco.

21 I think context means what are the adjacent
22 communities doing? What are the neighboring plots that are
23 connected to this community doing? And they're all single-
24 family homes, diagonally across the street, to the left, and
25 the right. Sure. There's commercial across the street.

1 That's commercial. That's not residential. And even by the
2 (indiscernible) station, more residential.

3 You have to go down the street to find townhomes,
4 and if we're going to talk about left behind, another one of
5 these better serve you quotes, those are older townhomes
6 that were built before the single-family residences. So if
7 you want to keep up with the times, wouldn't you also be
8 interested in following the single-family residence wave?

9 So I go through my community, and what makes
10 Fairways special is aesthetics, the brick homes, the very
11 focused architecture on Colonial and Federal, you know,
12 motifs. If we were being context-sensitive and using the
13 Fairwood name on our sign, wouldn't we have hired an
14 architect to design buildings that keep in harmony? No.
15 These buildings look like they belong by a new count and
16 Metro station.

17 Sure, they're hip and they're cool, and maybe
18 they're slick looking, but that's not this community.
19 That's done by The Home Depot. And I don't see that with
20 oh, go down to the Home Depot and find architecture, build
21 it here, and call it context-sensitive because that was
22 mentioned, too.

23 Home Depot is down the street. You want to build
24 a home that looks like it belongs by Home Depot, go build it
25 there. So I'm really bothered by the mischaracterization of

1 terms used to kind of give nice flavors to things as though
2 someone is doing us a favor by building townhomes here. Far
3 from it.

4 And even the phrase of transition from the
5 arterial roadways with more dense, smaller townhomes to more
6 larger homes, who needs a transition? There's nothing that
7 says oh, with arterial building requires a highly dense home
8 so you can then feather out to less dense homes. Build them
9 all less dense.

10 When we asked this question in the meeting where
11 Mr. Tedesco joined the other night with our development
12 committee, that question was posed; couldn't you have all
13 larger townhomes?

14 And the answer was, no, there's an economic
15 component, which is really another phrase from the telephone
16 company which is code for we wouldn't make as much profit
17 doing that. So rather than a profit-motivated development
18 exercise here, I would rather have something on this land
19 that truly serves the community, and improves our home
20 values and our quality of life. Thank you, sir.

21 CHAIRMAN SHAPIRO: Thank you, Mr. Boulet.
22 Appreciate it.

23 Next, we have Jessica Larkin. I was looking for
24 you before. I didn't hear from you, Ms. Larkin. Are you on
25 the line? No.

1 Next, similarly, Torie McDonald. Is there a Torie
2 McDonald on the line?

3 Do we have Inga Crarey on the line?

4 Okay. Next, I'll go to Ms. Denniese Bruce. I did
5 see you. I know you are here. Ms. Bruce, you can introduce
6 yourself. There you are, and the floor is yours. You have
7 up to three minutes to speak. Take it away.

8 MS. BRUCE: (Indiscernible).

9 CHAIRMAN SHAPIRO: We can't -- we can hear you
10 now, Ms. Bruce.

11 MS. BRUCE: (Indiscernible).

12 CHAIRMAN SHAPIRO: Ms. Bruce, we can't hear you.
13 I'm sorry, I'm so sorry to say because I know you've been
14 waiting, but we can't hear you.

15 MS. BRUCE: (Indiscernible) Bruce. I am --

16 CHAIRMAN SHAPIRO: It's not working.

17 MS. BRUCE: I am a resident of (indiscernible) --

18 CHAIRMAN SHAPIRO: Ms. Bruce.

19 MS. BRUCE: -- also on the development committee.

20 CHAIRMAN SHAPIRO: Ms. Bruce, hold on one sec. We
21 are not hearing you very well, and I want to make sure we
22 can hear you.

23 MS. BRUCE: Is this on? Can you hear me?

24 CHAIRMAN SHAPIRO: Not very well. We're going to
25 get to you. Here's what I'm going to ask you to do. I

1 think your best bet would be to restart your computer, and
2 reenter, okay? Can you, maybe if you just reboot. We will
3 get to you. We won't lose you, okay. But so drop off,
4 reboot, and come back.

5 MS. BRUCE: I have this on. I don't know why you
6 can't hear me.

7 CHAIRMAN SHAPIRO: -- come back to Ms. Bruce.
8 We'll come back to Ms. Bruce.

9 Next, we have a Mr. Richard Elliott. Mr. Elliott,
10 are you on the line? No Mr. Elliott.

11 Okay. Mr. Doby, Kevin Doby.

12 MR. DOBY: Can you hear me? (Indiscernible).

13 CHAIRMAN SHAPIRO: We can hear you, but it's very
14 muddled, your sound.

15 MR. DOBY: Okay. Because (indiscernible) can you
16 hear me now?

17 CHAIRMAN SHAPIRO: It's really hard, Mr. Doby.
18 Here's a suggestion, Mr. Doby. We can see you. What if you
19 call in rather than use your computer --

20 MR. DOBY: I'll do that.

21 CHAIRMAN SHAPIRO: Do you have the call in number?

22 MR. DOBY: Yes, sir. I've got it right here.
23 I'll give us a call in right now.

24 CHAIRMAN SHAPIRO: Mute this, and then call in.
25 Excellent.

1 (Pause.)

2 CHAIRMAN SHAPIRO: Is it working, Mr. Doby?

3 MR. DOBY: Not yet.

4 CHAIRMAN SHAPIRO: Say something now in your
5 phone.

6 MR. DOBY: I'm in.

7 CHAIRMAN SHAPIRO: Hey, that's perfect. Sound
8 quality is great. Now, we can see you and hear you, Mr.
9 Doby. The floor is yours. You have up to three minutes.
10 If you can introduce yourself on the record and take it
11 away.

12 MR. DOBY: Okay. My name is Kevin Doby. There is
13 a reverb. Okay. So my name is Kevin Doby. I'm a resident
14 of Glenarden. This isn't my first detailed site planning
15 hearing, so it's a -- it's a little too familiar for me.
16 But I am officially here to oppose DSP-22, dash, sorry, DSP-
17 22028, Fairwood Square.

18 Truth be told, I know I only have three minutes.
19 So my issue is with the amount of water that will be used,
20 used by the creation of this development. Globally, we're
21 facing a water crisis. This is something that we're seeing
22 devastating effects of in Taiwan, we're seeing it in
23 California, and the problem is just getting closer and
24 closer.

25 But I wanted to bring something to you all's

1 attention because there seems to be a bit of an attitude
2 with a lot of developers that this is the only development
3 that is being built or is in the works, and so the effects
4 on the environment will be minimal.

5 But I'd like to bring to you all's attention
6 Senate Bill 516 that sits on the Governor's desk as we
7 speak. And this relates to cannabis licensing. Just hang
8 in there with me. In the coming years, we are to expect an
9 influx of dispensaries within the state of Maryland. I'll
10 bring this home for you all. We are to expect 200 new
11 dispensaries in the state of Maryland, 100 new growers
12 within the state. Now, this will use an, an unprecedented
13 amount of water, and it could eventually lead us to
14 circumstances similar to what's being faced in Colorado with
15 extreme drought.

16 Now, back to the design of the project, not only
17 does 200, or the density, the density of the project use up
18 a lot of water, but it doesn't allow anywhere for water to
19 go once it falls. There are no permeable surfaces, and the
20 green space looks like it will just be covered with turf and
21 non-native trees, which always presents a problem.

22 I'll wrap everything up by saying I'm tired of the
23 ticky-tacky designs that keep being pushed into Prince
24 George's County. We deserve a lot better. I am so thankful
25 for Mr. Doerner's objections. I'm glad to see that the

1 people are paying attention.

2 And Chairman Shapiro, I'm also happy that you are
3 chiming in on this because we are tired of this poor design.

4 And I'd like to say in closing, Mr. Tedesco brings
5 up that none of the issues or fears that we had regarding
6 the Fairwood development would ever come to fruition. But
7 I'd like to turn his attention to the year 2019 when a young
8 man, I believe of the age of 14, Jamaal Karshed (phonetic
9 sp.) was killed in an accident off of Church Road. The
10 issues that we are bringing up are real issues. There are
11 too many problems to address at the moment, but right now
12 the design is just tacky, and it doesn't prepare us for the
13 global crisis that we are all facing. Thank you.

14 CHAIRMAN SHAPIRO: Thank you very much, Mr. Doby.

15 Next, we'll have Ms. Nuriddin.

16 MS. NURIDDIN: Okay. Can you hear me?

17 CHAIRMAN SHAPIRO: Ms. Bruce. We can, we can hear
18 you perfectly. And then, Ms. Bruce, will get to you after
19 Ms. Nuriddin.

20 MS. NURIDDIN: Okay. For the record, my name is
21 Ms. Terry Nuriddin, and I'm speaking on behalf of my family.
22 Our primary resources for these notes was the staff notes
23 from the Commission, the Prince George's County climate
24 action strategies, and select board documents.

25 We want Bowie and the Prince George's County to be

1 responsible to current and future residents, and that profit
2 motive and increased taxes are not the only incentives for
3 this development. We want public officials to look out for
4 us and safeguard our homes, mortgages, communities,
5 sustainability, livelihood, as well as our economic well-
6 being.

7 These efforts must start with planning new
8 communities, communities that can financially survive in the
9 future. We believe zoning codes, building codes, and the
10 development review process need to support climate-ready
11 buildings. To that extent, the regulation of land use needs
12 to be strongly correlated to smart growth, natural resource
13 conservation, and green (indiscernible) --

14 CHAIRMAN SHAPIRO: Ms. Nuriddin, we lost you.

15 MS. NURIDDIN: -- and infrastructure. Is it on --

16 CHAIRMAN SHAPIRO: Yeah. Ms. Nuriddin, we have
17 lost you. You froze. Why don't you turn off your mic, turn
18 off your camera, and --

19 MS. NURIDDIN: (Indiscernible).

20 CHAIRMAN SHAPIRO: Ms. Nuriddin, turn off your
21 camera.

22 MS. NURIDDIN: (Indiscernible).

23 UNIDENTIFIED SPEAKER: It's like she did not hear
24 you.

25 CHAIRMAN SHAPIRO: We will come back to Ms.

1 Nuriddin. Okay, we'll come back to Ms. Nuriddin.

2 Ms. Bruce, let's see if we get lucky with you.

3 MS. BRUCE: Good afternoon, Denniese Bruce. Can
4 you hear me?

5 CHAIRMAN SHAPIRO: Yeah, we can hear you fine and
6 we can see you fine.

7 MS. BRUCE: Yes, great, great.

8 CHAIRMAN SHAPIRO: You have -- we're going to
9 reset the clock for you. You'll have three minutes to
10 speak. If you can introduce yourself for the record and
11 take it away.

12 MS. BRUCE: Thank you. I'm Denniese Bruce. I'm a
13 resident of the Fairwood community, and specifically in the
14 Prospect section, which abuts right directly behind this
15 proposed development. I oppose DSP-22028, and align myself
16 with the comments of my neighbors who have expressed similar
17 opposition.

18 I also feel that there needs to be a more in-depth
19 traffic study done with the new development that's underway
20 with the senior community on Enterprise Road. The traffic
21 at 450 and Enterprise is already extremely problematic. I
22 can only imagine what is going to happen to the traffic when
23 you have another two to 400 people who decide they want to
24 make a left turn on 450 and are unable to. So they'll go
25 across all the lanes to get to the light and make a U-turn.

1 I just feel that density proposed is way too high for that
2 area.

3 And I also am very concerned about the
4 environmental study. I feel that another more in-depth
5 study needs to be conducted. Thank you for your time.

6 CHAIRMAN SHAPIRO: Thank you, Ms. Bruce.
7 Appreciate it, and I'm glad we could work out the technology
8 and hear what you had to say.

9 MS. BRUCE: Yes, thank you.

10 CHAIRMAN SHAPIRO: So next, we'll go to, back to
11 Ms. Nuriddin. Ms. Nuriddin, can you hear us? Can you hear
12 me okay? You're on mute if you can hear us. Take yourself
13 off mute. Can't hear you, still on mute. Oh what? Try
14 now. No.

15 MS. NURIDDIN: Okay. Can you hear me now?

16 CHAIRMAN SHAPIRO: Yeah. Now, we can hear you.
17 Okay. Yes. Take your -- take your camera off though. Just
18 go audio. Maybe that will work better.

19 MS. NURIDDIN: (Indiscernible) go ahead.

20 CHAIRMAN SHAPIRO: All right. We're going to keep
21 going, and we'll come back to Ms. Nuriddin again.

22 MS. NURIDDIN: Okay. Can you hear me?

23 CHAIRMAN SHAPIRO: Yeah. Now, we can hear you.
24 Now, we can hear you fine.

25 MS. NURIDDIN: Hi. If I understand --

1 CHAIRMAN SHAPIRO: All right. Take it away.
2 We're going to start your clock over again. Yeah. Ms.
3 Nuriddin, we're going to start the clock over again and --

4 MS. NURIDDIN: Okay. Can you hear me?

5 CHAIRMAN SHAPIRO: Yeah. We can hear you fine.

6 MS. NURIDDIN: Okay.

7 CHAIRMAN SHAPIRO: Yes.

8 MS. NURIDDIN: Okay, great. Well, I'll just say
9 that, okay, great. So sorry, everybody.

10 My family did research based on your notes and the
11 climate action strategies, and I'll just fall into the last
12 part in that what Frank's Nursery represented to terms of
13 small and rural, and with the impact of the climate change,
14 the change in temperatures, and the necessity of planned
15 communities in terms of the financial hardship and
16 responsibility, that is why we were recommending that all
17 the streets be public, that the dog park and the
18 recreational facilities be public and managed by Bowie or
19 the Maryland National Capital Park and Planning, that the
20 houses be reduced to 125 or no more than 150, but more
21 importantly that the green space woodlands be increased and
22 that as a marker, the Frank's Nursery concept embracing
23 gardening, xeriscaping, environmentally friendly terrains,
24 and flood prevention strategies by limiting impervious
25 surfaces, and that you implement logistical strategies that

1 reduce dangerous traffic patterns and ensure safe patterns
2 for school buses and commuters within the community.

3 In close, and my family believe that the continued
4 aftermath of COVID has a lasting impact on our lives,
5 especially our youth and their families and should inspire
6 us to be better community planners and stewards. And I
7 think this needs to starts now because the financial
8 hardship of managing those recreational facilities will
9 manifest itself, and that community, as I saw from the plans
10 today, it's very poorly situated to engage a sense of spirit
11 within the community.

12 Thank you for your patience.

13 CHAIRMAN SHAPIRO: Thank you, Ms. Nuriddin. I'm
14 glad we got to hear from you, glad we worked through the
15 technology, and you were patient with us. I appreciate
16 that.

17 MS. NURIDDIN: Uh-huh. Thank you.

18 CHAIRMAN SHAPIRO: I think we have about five or
19 six people who did not come on the line. So besides Mr.
20 Baumgardner, am I missing anybody? Is there anyone else who
21 has signed up who wishes to speak besides Mr. Bumgardner?

22 MR. SUHAR: Yes.

23 CHAIRMAN SHAPIRO: Oh, Mr. Suhar, I apologize.

24 I so apologize, Mr. Suhar, missed your list. So
25 take it away. The floor is yours. And you are

1 representing?

2 UNIDENTIFIED SPEAKER: Two community associations,
3 Mr. Chairman, the Wingate Homeowners' Association, and also
4 Gabriel's Run Homeowners' Association.

5 CHAIRMAN SHAPIRO: Okay. We'll give you five
6 minutes, and the floor is yours..

7 MR. SUHAR: Thank you, very much. And good
8 afternoon now since it is just after noon.

9 Chairman Shapiro, and the Planning Board, thank
10 you for giving me an opportunity to speak on behalf of my
11 clients I represent. I'm with the firm of Nagle and Zaller.
12 I am an attorney, and represent, again, Wingate Homeowners'
13 Association and Gabriel's Run Homeowners' Association. Both
14 associations oppose -- both associations, which are in the
15 vicinity of the applicant's property, they oppose the
16 application for several reasons.

17 And so in their application, the applicant, for a
18 detailed site plan, the applicant claimed that Prince
19 George's County Planning Board its findings, of the
20 information presented within CB-50-2021, which was adopted
21 by the District Council on November 16th, 2021.

22 The applicant claims that this bill allowed
23 townhomes and commercial uses that are generally permitted
24 in the mixed-use transportation oriented zone M-X-T. That
25 was true. However, on January 17th, 2023, as the Planning

1 Board knows, the District Council adopted CB-12-2023, which
2 repealed CB-50-2021.

3 It's important to note that date because the
4 Planning staff, as they stated at the beginning of today's
5 meeting, noted that the application for DSP was received,
6 accepted on the day after, which was January 18th, 2023. So
7 it's my opinion, and our position, that the application for
8 DSP is -- they're not -- the applicant is no longer entitled
9 to the M-X-T zone. They cannot build townhomes on this
10 property anymore. The density is too great, and the zoning
11 does not allow for -- no longer allows for the townhome
12 development on this property. And so the preliminary plan
13 of subdivision that was approved in this case was not a
14 development application, and therefore, the applicant in
15 this case would not be able to proceed with their plan's
16 townhomes in the R-E zone. Again, CB-50, which allowed the
17 higher density townhomes, was repealed by CB-12-2023.

18 Now, based on this, the applicant, in my opinion,
19 my humble opinion, they're in crisis mode now. They're
20 trying to figure out a way to try and convince you that
21 somehow that they don't fall under this, that the CB-12-23,
22 2023 is -- does not apply to them. And so they've tried to
23 get creative in their arguments. And pursuant to a March
24 21st, 2023 letter, they claim that the -- that the DSP that
25 was filed under Section 27-1.704 pursuant to a grandfathered

1 preliminary plan of subdivision, and it was not -- and not,
2 it was not filed under Section 27-1.900.

3 They're relying upon this argument; it all falls
4 under whether which section of the code applies. And but
5 it's our position, just one moment, that the -- that because
6 they filed the application, their application after the
7 April 1st cut off, the deadline at April 1st, that they
8 could no longer rely upon that prior zoning ordinance.

9 I also I see that I'm running out of time. But I
10 also, notwithstanding the arguments that it's illegal, they
11 also are attempting to -- and if the Planning Board does not
12 agree with that, and still allows the townhomes, the
13 applicant's attempt here to maximize the density on this, on
14 this property, it's atrocious.

15 The townhomes that are on an adjacent lot in
16 Fairwood are much larger townhomes than what they propose,
17 and the minimum -- they're proposing over 100 townhomes to
18 be developed with 1,700 square feet. That's ridiculous.
19 And my client, my clients, both of my clients are very
20 opposed to this, to this extremely dense proposal. And I'm
21 glad to see that Planning Board members are saying that it's
22 too dense, and they're having a problem with the park, I
23 guess, that was located in the middle of the roadways. It's
24 unsafe and so again, my -- I submitted a letter dated --

25 CHAIRMAN SHAPIRO: We have your written testimony

1 as well, Mr. Suhar.

2 MR. SUHAR: You have the written testimony, okay,
3 March 20th. Thank you very much for allowing me to be
4 heard. It is my time up?

5 CHAIRMAN SHAPIRO: Yes.

6 MR. SUHAR: It is, okay. I have much more to say,
7 but I appreciate. If you have questions, I'll be happy to
8 answer those questions. Thank you.

9 CHAIRMAN SHAPIRO: Thank you, Mr. Suhar. I
10 appreciate it.

11 Before we get to Mr. Baumgardner, I just want to
12 make sure I've exhausted the opportunity for other persons
13 to speak. I'm going to run through it one more time. Kim
14 Perry (phonetic sp.)? Arthur Washington (phonetic sp.)?
15 Richard Elliott? Inga Crarey? Torie McDonald? Jessica
16 Larkin?

17 Okay. With that, Mr. Baumgardner, I will turn it
18 over to you. You have up to five minutes for your
19 presentation. Introduce yourself for the record, and the
20 floor is yours.

21 MR. BAUMGARDNER: Thank you, Mr. Chairman, and
22 members of the Board. For the record, my name is Derek
23 Baumgardner from the law firm of Whiteford, Taylor, and
24 Preston.

25 I am out of town this week and appearing before

1 you from our satellite office. I would ordinarily be
2 wearing a suit and tie when I would be before you. I do
3 apologize for that. This is the best shirt I have with me
4 at the moment.

5 I'll be very brief, Mr. Chairman.

6 CHAIRMAN SHAPIRO: Mr. Baumgardner, I'm not even
7 wearing a tie myself. So you're fine.

8 MR. BAUMGARDNER: Understood, sir. Thank you.

9 I will be brief. I did submit a letter into the
10 record on Tuesday morning, summarizing our argument. I am
11 here on behalf of of the Fairwood Community Association to
12 present a legal argument with regard to the applicability of
13 the prior zoning ordinance versus the current zoning and
14 subdivision regulations.

15 To be brief, as this Board is very well aware,
16 there are essentially two paths in the current subdivision
17 regulations and the current zoning ordinance, which are
18 generally referred to as the transitional rules or the
19 transition rules. They are Sections 24-1.700, 24-1.900, and
20 then the zoning regulations 27-1.700 and corresponding
21 Section 27-1.900.

22 The preliminary planned subdivision was approved
23 and adopted by this Board under Section 24-1.900. The
24 applicant here, in our opinion, is essentially trying to
25 bootstrap those two transitional sections to be read in

1 common, when our position is they are to be read separate.

2 The 1.700 sections, I will call them, are a
3 transitional rule which is very common and occurs in many
4 different jurisdictions where you have development
5 approvals, permanent approvals that precede the adoption of
6 a new ordinance but are not fully entitled. They're not
7 fully through that development process. Certainly, those
8 folks should be entitled to complete the development process
9 under the law and the regulations in which they had applied.
10 So the Section 1.700, both under the subdivision regulations
11 and under the zoning ordinance, it's our position to apply
12 to projects that received development approval prior to
13 April 1st, 2022.

14 This particular application does not meet that
15 requirement and they simply don't meet that timeline. All
16 approvals before the preliminary plan stormwater concept all
17 occurred several months after April 1st, 2022.

18 Let me turn to Sections 24-1.900 and 27-1.900.
19 This is a separate kind of pathway that the District Council
20 found was appropriate and enacted into law to allow
21 developments to what I call have a choose your law
22 preference; are we going to be developed under the prior
23 zoning regulations or the current zoning regulations.

24 As my colleague stated earlier, and I agreed with
25 the position of the neighboring associations, in that

1 design, there is a provision which is 27-1.903(f), which the
2 District Council enacted, that essentially pulled back the
3 zoning text amendments that the District Council had
4 identified as being problematic.

5 It's the Fairwood Community Association's position
6 that that provision bars application of that, CB-50-2021,
7 which is the provision that allows townhouse development on
8 this site. If the Planning Board agrees, that would
9 essentially remove the ability to place townhouses on this
10 property.

11 I am running out of time. I will mention two
12 other items quickly. Number one, this concept of
13 grandfathering. Grandfathering is not new. This Board is
14 very well aware of how grandfathering works. However,
15 grandfathering generally applies when you are taking an
16 approval of a use or regulation under a prior law or zoning
17 ordinance, and you're allowing it to continue under a
18 present zoning or subdivision regulation or law because it
19 was already there essentially or there's some other
20 provision that keeps it alive.

21 Under this particular application, we're not
22 grandfathering. If you accept the applicant's argument that
23 it's a grandfathering position, then they should be under
24 the current zoning regulations and not under the prior
25 zoning regulations.

1 Lastly, Mr. Chairman, commenting on Commissioner
2 or Mr. Doerner's comments, as well as your own, sir, and
3 (indiscernible) comments, frontloading garages, rear-loading
4 garages, the location of the recreational facilities, these
5 are all designed to maximize density, and that's exactly
6 what has been planned and that's what's before you. That is
7 certainly a purposeful plan. That's not to necessarily
8 criticize that, but that's certainly the purpose of having
9 that particular design.

10 With that, I will conclude my comments unless
11 there are any questions from the Chairman, members or the
12 (indiscernible). Thank you, sir.

13 CHAIRMAN SHAPIRO: Thank you, Mr. Baumgardner.
14 Appreciate your time, your patience, and your remarks.

15 Commissioners, I'm going to turn -- I want to see
16 if there's any questions for any of the folks who's
17 testifying.

18 If not, I'm going to turn to Mr. Tedesco for the
19 opportunity for rebuttal and then close. And then, we'll
20 take up our process. I'm wondering whether we should hear
21 from Mr. Warner before we hear from Mr. Tedesco. Let's
22 hear -- no, let's just follow the process. So we'll turn to
23 Mr. Tedesco for rebuttal, and then close. And then, we'll
24 turn to our staff, Mr. Warner, and others.

25 So Mr. Tedesco, take it away. The floor is yours

1 for any rebuttal that you have, and then any final closing
2 arguments.

3 MR. TEDESCO: Okay, thank you. Excuse me. Thank
4 you, Mr. Chairman. To the Planning Board, thank you for
5 your indulgence and your patience in this case. And thank
6 you to all the citizens and my brethren of the bar for
7 presenting their arguments here this morning/afternoon. We
8 appreciate it.

9 While I respect everything that I heard, I
10 obviously disagree with many of it, and I will go through
11 that very briefly.

12 There's a lot to undress there, but a lot of it
13 was mentioned in my opening arguments with respect to the
14 opposition's basis in this case.

15 With that being said, I do want to respectfully
16 remind the Planning Board, you've heard a lot about density.
17 There have been some questions about it. There's been some
18 statements about it. But this Board has already approved
19 200 single-family attached lots for this project. That
20 preliminary plan was approved in October. All the necessary
21 adequate public facilities, including transportation, were
22 all previously determined to be met and found.

23 That being said, I think the record bears
24 repeating that all the studied intersections in this case,
25 pursuant to the certificate of adequacy, currently operate

1 at levels of service A. And the reason for that is because
2 these roads that are arterial classifications are fully
3 built out. We often, and I was at a community meeting last
4 night, we often hear about these roads need to be in place
5 before this development occurs. This is what exactly is
6 occurring in this case. The roads and the infrastructure is
7 in place to support this development as well as the
8 surrounding development.

9 So the traffic issue is just simply a red herring.
10 There's already been findings of determination that were
11 made. I did want to -- I meant to correct one thing Mr.
12 Shelly indicated regarding the access points. There are two
13 proposed access points on Annapolis Road, Maryland 450, one
14 is a right in, right out. The other one, Mr. Shelly had
15 represented as a full access movement, which I think may
16 have caused a little bit of confusion. That second access
17 point, which is to the north, which is the main access point
18 to the project is a right in, right out and a left in. It
19 is not a left out.

20 So the movements are somewhat restricted for
21 safety reasons, and that's pursuant to the State Highway
22 Administration. So there's one right in, right out, and
23 then there's a separate right in, right out with a left in,
24 meaning cars traveling west on Maryland 450 can turn left
25 into the site, but cars cannot turn left out of the site.

1 So I just wanted to clarify that for the record.

2 We heard a lot about CB-50, Mr. Bridges, Mr.
3 Suhar, Mr. Baumgardner with respect to the effects of CB-50,
4 its legality, their position that it is and the effects of
5 CB-12. I did go through that in great detail in my opening.

6 I just want to state for the record with respect
7 to Mr. Bridges' argument with respect to public purpose or
8 policy, CB-50 identifies locations for the provisions of
9 housing within the county, which is in line with the general
10 purposes of the zoning ordinance. Therefore, the enactment
11 of that law is consistent with a defined public policy set
12 forth in the general purposes of the prior zoning ordinance.
13 Also, general planning conformity is not a requirement of
14 this detailed site plan.

15 That being said, you all did fine conformity at
16 the time of preliminary plan. But even if it was,
17 established communities anticipate growth, and this project
18 does not violate the growth limitations set forth for
19 established communities. The argument that concentrations
20 need to be in town centers is relevant since the density
21 being proposed for this project no way exceeds the growth
22 density set forth in the established communities.

23 Ms. Gingold testified with respect to townhome
24 should be located in towns within walking distance to
25 commercial retail. That's precisely why the applicant

1 proposing in the master plan of transportation involves the
2 master plan for the Bowie and vicinity proposed a ten-foot-
3 wide hiker/biker, shared hiker/biker trail along the
4 frontages of these right of ways. People will be able to --
5 pedestrians will be able to access that shared hiker/biker
6 trail and walk to the existing or surrounding commercial
7 retail safely along existing commercial, excuse me, existing
8 sidewalks.

9 That's, again, context sensitivity as far as
10 having this types of density and this type of development,
11 townhomes. She said it herself, should be in locations
12 where people it's walkable. This is walkable. We're
13 proposing a ten-foot-wide shared hiker/biker trail along the
14 frontage to encourage that and provide pedestrian
15 connectivity to the adjacent commercial shopping center,
16 which were not designed and developed to serve only
17 Fairwood.

18 We do believe, notwithstanding some of the
19 comments with respect to context sensitivity that this is
20 exactly that. Context sensitivity doesn't necessarily mean
21 everything looks exactly the same. Context sensitivity
22 means are the land uses compatible with each other given the
23 surrounding environment? And as I mentioned, and as you can
24 see from this image on your screen, Fairwood is 1,799 units,
25 hundreds of attached product and multi-family products,

1 small lot single-family residence at the entrance.

2 If you were to turn into the Fairwood community,
3 from Maryland 450, the first thing that you see is the
4 shopping center. The next thing you see are attached
5 products. So how anyone could argue that this is not in
6 keeping with that and not being context sensitivity just
7 simply is ignoring the reality. It just simply doesn't want
8 townhomes on this property, which you're entitled to that
9 opinion. We're not suggesting that you're not, but as long
10 as the laws and the regulations are being followed, this
11 Board has a legal obligation to administer them, and there
12 is no legal basis, which I'll turn to in a minute, for this
13 detailed site plan to be denied.

14 Turning to Mr. Suhar and Mr. Baumgardner's
15 arguments, first let me be abundantly clear, Mr. Suhar, both
16 in his written arguments as well as his oral arguments here
17 today said repeatedly that CB-12 repeals CB-50-2021. CB-12-
18 2023 does not in any way repeal CB-50-2021. In fact, the
19 word repeal is not even in CB-12-2023. CB-12-2023 only
20 limited the ability for somebody to utilize certain
21 ordinance provisions in the prior zoning ordinance pursuant
22 to Section 27-1.900. It did not repeal it.

23 That carries into Mr. Baumgardner's argument with
24 respect to he wants this Board, and I know why he does, but
25 he wants this Board to not follow long-established statutory

1 construction rules and read these sections separately. We
2 all know that we must read all the sections of the ordinance
3 together so as not to render any one section a nullity. Mr.
4 Baumgardner wants you to do exactly that, he wants you to
5 read 24-1.900, 24-1.700 separately, and he wants you to read
6 27-1.900 and 27-1.700 sections separately. That would
7 render one a nullity, which is a violation of statutory
8 construction.

9 Mr. Suhar made a comment that we are scrambling
10 and in crisis mode. He could be further from the truth. We
11 are not. We are following the law as the District Council
12 adopted it when they adopted the new zoning ordinance, which
13 implemented through the CMA. And a plain reading of the
14 statute is quite clear. Although I said it before, I'll say
15 it again, Section 24-1.903 provides, and I quote, again, the
16 preliminary plan was filed under 24-1.900, but it provided,
17 in 1.903(b) provides, that once approved, being once the
18 preliminary plan of a subdivision that's been filed under
19 the 1.900 provisions is approved, development applications
20 that utilized the prior subdivision regulations shall be
21 considered "grandfathered", and subject to the provisions
22 set forth in Section 24-1.704.

23 Now, Mr. Baumgardner wants you to stop your
24 analysis there. But the code directs you to 24-1.704. So
25 let's turn to 27-1.704(b). It says, "until and unless the

1 period of time under which the subdivision approval remains
2 invalid expires", our preliminary plan was approved in
3 October of 2022, it's valid until 2024, "the project may
4 proceed to the next steps in the approval process, including
5 any zoning steps that may be necessary, and continue to be
6 reviewed and decided under the subdivision regulations and
7 zoning ordinance in effect immediately prior to the
8 effective date of the new county subdivision regulations and
9 zoning ordinance".

10 Thus, when you read those sections together, would
11 you are required to do, the preliminary plan is
12 grandfathered, as that term is used in Section 27-1.704,
13 excuse me, in 27-1.903(b), and it triggers the next steps in
14 the approval process pursuant to Part 27 of the code, which
15 triggers the 27-1.704 provisions. That's precisely in the
16 proper legal analysis that your staff has made. I presume
17 your counsel will opine on it as well, why CB 12-2023 does
18 not apply or render CB 50 a nullity in this case. And you
19 have the full authority to review this application as
20 presented.

21 In closing, and to further address Commissioner
22 Doerner and Mr. Chairman's comments with respect to that one
23 recreational amenity, the applicant is willing to proffer in
24 response to that a handful of things.

25 One, and we would accept conditions to this

1 effect, one, elevating the trigger for the amenity including
2 the dog park to be done at the 50th building permit as
3 opposed to, I think, it was the 120th or somewhere north of
4 100, move that up significantly into the development process
5 at the 50th permit.

6 Two, the alley that Commissioner Doerner was
7 referencing that had adjacent, I think, eight parking spaces
8 that cut off the other green element, the applicant, and I
9 think staff had a chance to review this as well. So I'll
10 defer to Mr. Hunt on that. But we would accept a condition
11 to remove that portion of the alley to connect those two
12 green areas and remove those eight parking spaces,
13 significantly enlarging that amenity space and green area in
14 that location and providing, to Commissioner Doerner's
15 point, in response to that, I think a better, safer
16 scenario. Although I'm not conceding that the prior one was
17 unsafe. But certainly, clearly from the comments, there was
18 the ability to make those modifications at the time of
19 certification that we think are very responsive in
20 addressing the concerns that were raised.

21 So with that, Mr. Chairman, and members of the
22 Board, and members of the community, I thank everybody for
23 their time and their passion in this case. I think staff
24 recommendations, in addition to the proffers that were just
25 made, as conditions, warrant approval of this application,

1 and we would respectfully request that. Thank you.

2 CHAIRMAN SHAPIRO: Thank you, Mr. Tedesco.

3 Okay. We have heard from the applicant on
4 rebuttal and close. Commissioners, it is for us to -- oh,
5 I'm sorry. We're going to hear from Mr. Warner first on the
6 legality.

7 UNIDENTIFIED SPEAKER: Mr. Chairman, one question,
8 please, before we leave Mr. Tedesco. And that is as it
9 relates to charging stations, Mr. Tedesco. I know one of
10 the citizens did testify about charging stations. And I'm
11 curious, especially in light of the EPA's new proposed rules
12 about two-thirds of vehicles being all electric by 2032,
13 will there be charging stations on the property or at least
14 the infrastructure in place for that?

15 MR. TEDESCO: So you know, currently all the homes
16 are adaptable for chargers in the garages. All these homes
17 will have or are proposed to have garages. Obviously,
18 individualized charging availability for the homes will be
19 there pursuant -- as it is for all of us in our homes today.

20 As far as as actually charging areas, we don't
21 have any proposed. It may be more appropriate for those to
22 be considered and designed at the time of the detailed site
23 plan for the commercial component of that to provide areas
24 for charging stations.

25 But internally to the site, other than the

1 availability for chargers within the homes themselves, I
2 think the next best area would be part of that commercial
3 component in the future.

4 UNIDENTIFIED SPEAKER: Okay. Thank you. That's
5 it, Mr. Chairman.

6 CHAIRMAN SHAPIRO: Thank you, Commissioner. Other
7 questions for the applicant after his close?

8 Mr. Warner, Mr. Hunt, if you could talk a little
9 bit about -- I'm sorry, Commissioner Doerner, yeah?

10 MR. DOERNER: Yeah. So on the proffers and
11 closing on that alleyway, one of the other things that Mr.
12 Tedesco had mentioned earlier was potentially raised
13 crosswalks in that area because I think that largely
14 alleviates one of my main concerns in terms of this being an
15 island. But then, there's still kind of, like, to the
16 bottom and sort of the corner of it as you're going through
17 the townhomes there, there's sidewalks that are on opposite
18 sides of the intersections that would still remain, but
19 there's no crosswalks in that visual aid. So I wanted to
20 find specifically where you would do kind of raised
21 crosswalks that would aid pedestrian safety in getting from
22 areas that aren't necessarily fully connected with the green
23 area --

24 MR. TEDESCO: No --

25 MR. DOERNER: In this image, I guess it's

1 inverted, it's upside down, right, from where the map would
2 be, but where that tree is up at the very top and then to,
3 like, kind of the left where that tree kind of -- you can't
4 really see the sidewalk extending out. Those are the
5 connections that are missing, at least right now.

6 MR. TEDESCO: Yes. And I think, thank you for
7 putting this image back up. So the proffer would be so if
8 you're looking at your screen, the alley to the right side
9 of the recreational amenity, and there's, I believe, eight
10 parking spaces there right where the cursor is, well, yeah,
11 in that area, that would become a green, and those parking
12 space and that alley would become a green and that would be
13 opened up.

14 In addition, we would proffer raised crosswalks to
15 connect the site sidewalks to the recreational facilities.
16 And I -- I don't want to speak for Mr. Hunt, but I believe
17 they've been working on conditions to that effect, which the
18 applicant would agree to. So I think with the raised
19 crosswalks providing the connectivity as well as the removal
20 of that alley and those eight parking spaces will fully
21 address the issues that you raised.

22 MR. DOERNER: Good afternoon.

23 CHAIRMAN SHAPIRO: Thank you, Commissioner. No
24 other questions, Mr. Warner, we're going to turn it over to
25 you.

1 MR. GERALDO: I have a question.

2 CHAIRMAN SHAPIRO: I'm sorry. Commissioner
3 Geraldo, yes.

4 MR. GERALDO: No, that's fine. I'm trying to
5 envision. I'm more of a person that has to see things. So
6 you're going to reduce or eliminate the parking, and I'm
7 looking at it through my screen, it would be on the right
8 side; is that what you're saying, Mr. Tedesco?

9 MR. TEDESCO: Commissioner Geraldo, that's
10 correct. So if you see, there's two white cars, a dark-
11 colored car --

12 MR. GERALDO: Yeah.

13 MR. TEDESCO: -- another white car, those spaces
14 would be removed. That would be all made, you know, green
15 area. And then, all of the asphalt alley that extends to
16 the right of the screen connecting where the yellow-orange
17 tree would be, that would be connected green area that, you
18 know, increasing the size of that because off the screen of
19 this there's additional green open space further to the
20 right that extends to another part of the development. So
21 you would have one contiguous green in that capacity.

22 So Commissioner Doerner's comments were, yeah, I
23 think it gets a little confusing because the plans kind of
24 get turned around. But if you zoom in, if somebody could
25 zoom in to the central area, you can see it much better.

1 So you see where the yellow oval is in the center
2 of your screen?

3 MR. GERALDO: Yes.

4 MR. TEDESCO: Right there. So it's the eight
5 parking spaces to the left of that, and then that alley to
6 the left. Go up, no up, up, up, up, up, over, no, no, up.
7 You're way too far.

8 MR. GERALDO: So in other words, all that asphalt
9 that's displayed now will be gone?

10 MR. TEDESCO: All that, yes. I mean, we would
11 proffer that. I think your staff has a condition that would
12 require that to be shown at prior to certification. Yes,
13 all that asphalt to the left of that central amenity would
14 be removed, and it would all be impervious area, green area
15 connecting the other green area to the right of the
16 townhomes beyond.

17 MR. GERALDO: Okay. Thank you.

18 MR. TEDESCO: And then, also Commissioner Geraldo,
19 just to reiterate, the dog park triggering condition was
20 150th permit. We would proffer to move that up to the 50th
21 permit --

22 MR. GERALDO: Okay. Thank you.

23 MR. TEDESCO: -- to address your concern.

24 CHAIRMAN SHAPIRO: Okay. Other questions? And
25 under deliberation, I'm telling you, Commissioners, I'm

1 coming back to this issue around design. So we're going to
2 be taking this up again in a few minutes because I hear you
3 loud and clear. I have some concerns about it.

4 But let's turn to Mr. Warner. I just I want to
5 focus on this issue around the legality of this and CB-50
6 and the repeal or not repeal and the laws and regulations
7 being followed. Just focus on that, and then we can make a
8 decision around that. And then, I'd like to take up the
9 design issue if we come to some resolution around the
10 legality issue, okay.

11 Mr. Warner. Mr. Hunt?

12 MR. WARNER: Thank you, Chairman. David Warner,
13 principal counsel.

14 Both the applicant and the opponents submitted,
15 you know, four to five pages of legal analysis each. So you
16 know, I'm not going to go step-by-step through the legal
17 analysis, especially since both of them have already
18 provided their positions.

19 I will tell you about the positions they've given
20 that I agree with. First off, I do agree with Mr. Tedesco
21 that CB-12-2023 did not repeal CB-50-2021. Instead, the
22 District Counsel said that except in certain cases, CB-50-
23 2021 could not be used for processing applications. That's
24 a little kind of indefinite term. If you recall, CB-50-2021
25 is an amendment to the use table. It wasn't an amendment to

1 the process for filing and reviewing detailed site plans.

2 And I will also agree with Mr. Tedesco that in the
3 transitional provisions, both in the subdivision regulations
4 and the zoning ordinance, the language that he cites very
5 clearly allows this application to be reviewed under the
6 prior zoning ordinance. I agree wholeheartedly that the
7 sections that he cites do give the Planning Board the
8 authority to review this application under the prior zoning
9 ordinance.

10 I don't agree that it's crystal clear. And we
11 have navigated this issue on more than one application in
12 trying to work through our understanding of the transitional
13 provisions, which are the 1.700 provisions, and the two-year
14 application window provisions of 1.900. And they don't work
15 together smoothly.

16 And I don't believe that Mr. Suhar or Mr.
17 Baumgardner, although I would rephrase some of the sections
18 they quote because I think they kind of got some of the
19 sections wrong in their submitted materials, but I think
20 that they make, at least, a facially acceptable argument
21 that perhaps the Council intended that this application was
22 not to be reviewed under the prior zoning ordinance.

23 I don't believe though that it's in any way
24 crystal clear. And when I reviewed both arguments, I tended
25 to think Mr. Tedesco's was the better argument. As you

1 know, if you put two or more attorneys in a room, we'll
2 probably never agree, right, on exactly what a law means.

3 But as your counsel, I would advise this Planning
4 Board that it has the authority to review this application
5 under the prior zoning ordinance, and that it should do so
6 because to not do so, and then have this application go to
7 the County Council, and the County Council to tell us we
8 should have would be a mistake.

9 So in this case, I think what we are doing is
10 appropriate under the law, and it's supported by the law.
11 And you know, should the County Council feel like our
12 determination of the law was incorrect, if this gets
13 reviewed by them, they will have the opportunity to make
14 that clear on appeal or on (indiscernible).

15 So I hope that sufficiently enters the legal
16 question, but if you have any specific questions about
17 anybody's legal opinions in the presentations, I'm happy to
18 discuss those.

19 CHAIRMAN SHAPIRO: And to be clear, Mr. Warner, I
20 mean, ultimately the decision is in the final authority of
21 the District Council. So regardless of which way we go,
22 they'll, to your point, they will tell us if they believe in
23 their clarification if they had a different legislative
24 intent, they will let us know.

25 MR. WARNER: Correct. So when this gets appealed,

1 if it gets appealed, their standard of review allows them to
2 identify mistakes in the interpretation of the law by us and
3 to remand the case to us and say no, this is what the law
4 means. They certainly have --

5 CHAIRMAN SHAPIRO: Okay. Thank you --

6 MR. WARNER: -- that authority, yep.

7 CHAIRMAN SHAPIRO: So Commissioners, just on this
8 issue, the legality issue, I just want to say that I'm
9 comfortable with staff and our attorney's interpretation
10 that the applicant has the right to proceed in the way that
11 they are laying out. But I'm curious to see if any of you
12 are in a different place around that. But I want to take
13 this issue up separately from any design issue. So
14 questions, thoughts, reactions?

15 UNIDENTIFIED SPEAKER: No. I'm comfortable with
16 moving forward based on Counsel Warner's comments.

17 UNIDENTIFIED SPEAKER: Mr. Chairman, I got
18 disconnected for a long period of time, and that was one of
19 my questions. But I came back just in time to hear Mr.
20 Warner. So I'm glad that that discussion occurred because I
21 wanted to hear his interpretations on someone on our staff's
22 legal interpretation of how they felt about the actions in
23 CB-12-2023. So thank you very much for that.

24 CHAIRMAN SHAPIRO: Thank you. All right. So if
25 there's no, if there's no concerns around this, then we will

1 park that issue. We will assume that the applicant has the
2 right to proceed.

3 And so now, let's take up discussion, deliberation
4 on other issues. I mean, let me start with the design
5 piece. And first of all, let me say I don't want anything
6 that I've said to be misconstrued by staff to suggest that,
7 and Mr. Hunt, this is for you and your team. I want to be
8 clear, I think you all are doing your job and doing it well,
9 right. And we are within our authority to consider the
10 design in different ways, and that's all that I think is
11 happening. I think you all, again, you all are doing your
12 job fine.

13 From the design piece, the piece for me that, I
14 think, is missing most, and we were getting at it when we
15 were looking at this issue that Mr. Doerner brought up
16 around that park and the piece in the middle, that I think
17 that's moving in the right direction.

18 But I really, I think this housing product, and I
19 don't have a problem with townhomes even in this location,
20 it's for me it's more around the design of the project.
21 What I would really like to see some kind of a more
22 thoughtful central park in a development of this style. I
23 do not think because of where this is located, I think it's
24 very important that folks have access to those kind of
25 amenities right there on site.

1 So I think taking, if we could zoom in, Kenny, on
2 that park again. I think taking that park, and I think
3 what's being proposed, proffered by the applicant, you got
4 the zoom in? There we go. What I believe is being
5 proffered by the applicant is that park where the hand is
6 right now, and the roadway to the sort of upper left of that
7 will connect with that little sliver of green space up
8 above, the triangle shape, and I think that's what they're
9 proffering. So I think that moves this development towards
10 having a central park, but it feels like it's pigeonholed
11 in.

12 And I would like them to, I would like them, to go
13 back to the, maybe not the drawing board, but go back and
14 spend some real time thinking about how you design this in a
15 way that it has more of a pedestrian orientation with that
16 central focus. And I, you know, I think that's worth a
17 little bit of time. So that's the direction that I want,
18 that I would like to with this.

19 And taking a little more time means that, because
20 we're up against the statutory deadline and the action
21 limit. So we would need the applicant to ask for some kind
22 of a waiver. I don't think it's a long one. I mean, maybe
23 it's, you know, 30, 45 days or something like that. But I
24 would like to see a little bit more work go into that piece
25 of the design. So that's my two cents. Let me throw that

1 out, and I'm curious to see where you all are and where we
2 land with this.

3 MR. GERALDO: I'll jump in because I was asking a
4 lot of questions before. And I'll reiterate what you said
5 in terms of, like

6 MR. MALE 1: And my comments were towards Mr.
7 Shelly or other staff in terms of their -- the way that
8 they've been analyzing this because there's no way that
9 they're also going to interpret, or know how to interpret,
10 how I'm going to react or how any of us are going to react
11 to some of these projects. Part of this learning process,
12 and it's an evolutionary learning process, is we see clients
13 come through we may go to conferences or read stuff online.
14 We're going to develop our own ideas where what we think
15 things are evolving, or how they might best evolve in
16 different ways particularly as we're trying to fit in with
17 the new zoning ordinance and just kind of styles of urbanism
18 and how that's changing.

19 And I appreciate Mr. Tedesco's proffers because
20 that triangle kind of area was my largest complaint. I'm
21 not terribly thrilled with the whole design of the whole
22 project because to me it looks like a convoluted maze that
23 my son would draw. And when I'm thinking of urban design,
24 I'm thinking of, like, grid kind of network and facilitating
25 kind of pedestrian safety throughout here, connectivity and

1 stuff. And it's just, like, totally zigzag mess, when I'm
2 looking at this stuff. Sure, it fits a lot of townhomes in
3 there. Don't necessarily think that it's the best way to do
4 this or that it's prioritizing pedestrian safety or
5 connectivity in any way, shape, or form, how it originally
6 came out. I think connecting that green space -- yeah, like
7 where you can kind of see where that yellow oval is right
8 now, in sort of in the middle of the screen, yeah, where the
9 cursor is -- to the top left of there is that asphalt area
10 that Mr. Tedesco is proffering to connect in to the green
11 space. And I think that starts to get at more connectivity
12 and more safety.

13 I'm still really concerned, though, about having
14 townhomes back out right into the parked garage kind of area
15 there. I don't know necessarily -- and one of the problems
16 is that as you kind of go down and to the left right there,
17 you still have an access point going out that has no
18 sidewalks running between on the side of the townhomes. And
19 people are pictured in the picture we had seen before
20 walking to that area, which they will. But there's no
21 safety metrics for them to kind of be okay as they're
22 walking through there. And I say this because I live in
23 townhomes, and we're tight around here. And literally last
24 night we just went through a discussion of taking our
25 private streets and putting raised crosswalks and some other

1 kind of measures in there to calm traffic because we have
2 people who are speeding through the alleyways. And the main
3 concerns as a group of parents when we're standing out there
4 trying to catch the bus and get our kids around, that we
5 don't want our kids getting hit. And they have -- we have
6 less cars parked and kind of going in there and less kind of
7 directions and things to be sort of thinking about to keep
8 our kids safe. And all of the people in these pictures
9 have -- or not all of them, I guess. Most of them are --
10 have kids in this picture. So to me I think we're kind of
11 getting closer to what I would be okay with. I'm still not
12 totally comfortable with it because I think it's still
13 somewhat of a danger.

14 What I was -- what I was kind of mentally thinking
15 about is that there's to the left of that kind of island is
16 a set of townhomes that kind of go up. And if those
17 townhomes were just (indiscernible) back down, kind of spun
18 down and rotated and were connected more in a row, and maybe
19 if there was kind of a cut through that was like eight feet
20 or ten feet between, you would have a connectivity with the
21 townhomes. And you would all of a sudden open up that green
22 space quite a bit more. And I would actually be -- as much
23 as it pains me to say it, I would be more accepting of
24 front-loading garages for -- if those are to become front-
25 loading garages and get rid of that interior street in there

1 by that island and make all of that a park. I think that
2 would be a much more compelling centralized area.

3 But right now at -- the way that it is -- like, I
4 appreciate Mr. Tedesco's proffers, but I still think that we
5 have a conflict in some of the design guidelines that we
6 have to support. And when we're looking at these design
7 guidelines, we have to find conformance with the zoning
8 ordinances that are mentioned in there. And it talks about
9 parking, loading, and circulation. And it's helping get me
10 closer to being comfortable with it, but I'm still not
11 there. And I think it was nice to see that, but this design
12 is just kind of a mess in how it is. And I think it's
13 trying to get to that density that is a bit too much for my
14 comfort zone right now. And it may only necessitate like
15 losing three townhomes or two townhomes as you kind of
16 rotate those around and put a space into there. It's going
17 to reduce some of the parking. I for one would be
18 supportive of having an amendment to not worry about minimum
19 parking if we get to that, or we're looking to somewhere
20 else because to me pedestrian safety is more important than
21 losing a few parking places because I don't want anyone
22 getting hit.

23 And that's really my legitimate concern in this
24 area because I've seen it happen. We've had a neighbor get
25 hit in an area like this, and because of my experiences of

1 living in very dense areas, in these kinds of townhomes sit
2 just makes me a lot more reactionary, just seeing bad
3 designs that, like, I just immediately kind of, like, curl
4 back from because I can just imagine very quickly and
5 easily, like, how this can go wrong in a ton of different
6 ways.

7 So I I'm not going to vote in favor of the project
8 right now. Even if it does offer up --- I think it's
9 getting closer. I'm still not -- I'm not convinced. I can
10 get there with like a potential, like, redesign of -- to
11 some ways of that. But it's really that central area that
12 to me makes me most uncomfortable. And that's coming
13 from --

14 MR. CHAIR: Please sit down. Thank you. And so
15 I -- let me just join in a little bit with that because I
16 agree. If this were -- if there was more of a central green
17 designed into it that was pedestrian-oriented, and if I look
18 at the rest of it I do see access points from all the
19 sections that sort of carry -- that could carry you right
20 into that central green. And I think that's going to be
21 something that sort of works for me.

22 But again I -- for Commissioner Geraldo, Vice-
23 Chair Bailey, Commissioner Washington, I'm sort of curious
24 where you are, if this matters as much to you, if you can
25 support that direction, or do you think that we're being

1 barkers around this?

2 COMMISSIONER WASHINGTON: No. I certainly don't.
3 And I personally have never lived in a townhome community,
4 but I certainly appreciate your comments as well as
5 Commissioner Doerner's comments because -- and quite frankly
6 you've raised some things that I just would never have
7 thought about. But you have lived experiences in that
8 regard, so I appreciate that.

9 My only question would be -- would there be any
10 impact or negative impact of delaying moving forward? I
11 don't know if it would be, or is it just a matter of the
12 applicant granting a waiver?

13 MR. CHAIR: It's just, as far as I understand, the
14 action limit is Friday or Saturday, so the applicant
15 would -- the applicant would have to ask for a waiver for us
16 to move ahead on this. I mean, I'm -- I can't speak to the
17 applicant, but I think if it comes down to use supporting
18 this project with a waiver if we can support a better
19 design, I imagine Mr. Tedesco will be there. But we'll hear
20 from him.

21 But let's keep deliberating around that,
22 Commissioner Washington.

23 COMMISSIONER WASHINGTON: Sure.

24 MR. CHAIR: Mr. Geraldo or Vice-Chair Bailey?

25 COMMISSIONER GERALDO: Yeah. I'm still stuck on

1 it just looks too dense in the way it's -- the way it's
2 designed. I'm not happy with it. I mean, it's really dense
3 and I just think it was designed in such a way as to
4 maximize the number of towns. And I kind of agree with both
5 you and with Commissioner Doerner that we have to -- I mean
6 safety is a primary concern. And I just don't know
7 if -- even with the proffers that was made by Mr. Tedesco,
8 which I appreciate, just -- it just seems like everybody is
9 so isolated.

10 UNIDENTIFIED SPEAKER: (Indiscernible) counselor.

11 MR. CHAIR: Thank you for that. And again, I know
12 that it's annoying to tie this to my one experience of my
13 one development, right? But when I think of that greenbelt
14 station experience, it was a wonderful place to live for a
15 short period of time because it was so -- it was dense like
16 this is dense, and it was so pedestrian-friendly because
17 everything oriented toward the green areas, the central
18 parks and other amenities. And so it -- my experience, as
19 it were, so of course that experience is going to influence
20 how I look at a development like this, which does not feel
21 like it's oriented the same way at all. So Mr. Geraldo, I
22 think that's why I'm reacting the way that I am --

23 COMMISSIONER GERALDO: Um-hum.

24 MR. MALE 1: -- reacting about it because I look
25 at this and I think, no, with just these little peaks and

1 maybe yeah. Maybe that means you lose five or ten townhomes
2 to reorient this and to create that central park. I that's
3 okay, right? I mean, I know that that hits the bottom line,
4 but the bottom line for us is let's make this development
5 work, and let's bring the amenities to the people who live
6 there because they're a bit landlocked with the highways up
7 by you.

8 Madam, Vice-Chair, thoughts, reactions?

9 MADAM VICE CHAIR: Mr. Chair, you've caused me to
10 think a little bit more about it. I had not seen it the way
11 that you see it through your eyes, initially. I relied on
12 staff's interpretation and staff's version of what they saw
13 and how they felt when I looked at it. And I know that's
14 not always the best thing to do, but that's where my source
15 of information comes from in many situations. So I was not
16 certainly opposed to either the design or -- when I
17 initially looked at it. But now that you've brought it up
18 and now that I've heard other discussion, I am beginning to
19 look at it through a different set of lenses, and there may
20 be something that we could do that that could be done to
21 highlight and make this a more community-friendly
22 atmosphere. I don't know. I'm not sure. But I'd be
23 willing to have staff and the applicant look at it again,
24 but I don't want -- I don't think that we should prolong it
25 forever and ever and ever but at some point --

1 MR. CHAIR: Agreed.

2 MADAM VICE-CHAIR: -- we definitely will have to
3 make a decision about it and see what can be done and how
4 it can work within that community. So it gives us an
5 opportunity to see if an addition of vision works, and we
6 will know when it comes back to us. But it was not my
7 initial thought. My initial thought was --

8 MR. CHAIR: No. I appreciate that. And I --

9 MADAM VICE CHAIR: -- what the staff --

10 MR. CHAIR: Yeah. (Indiscernible).

11 MADAM VICE-CHAIR: -- and I was good with that.

12 MR. CHAIR: Yeah, I'm with you. And it was a bit
13 triggered by -- Commissioner Doerner's comments have got me
14 thinking about this, again pulling back my own experience.
15 So I appreciate your comments.

16 So Commissioners, let me turn to -- actually, Mr.
17 Hunt, I think -- again, you represent the team as well. I
18 just want to make sure that you hear and they hear that I
19 feel like you all were doing your job and doing it well.
20 And it is our prerogative to look at this through different
21 lenses and then bring our own experience to it. So yes,
22 it's sort of where Vice-Chair Bailey was. I tend to look at
23 things through your all's lenses, and in this case like, Mr.
24 Doerner, I'm just seeing a little bit more than I think we
25 can do and that's our authority.

1 So maybe the question then is to Mr. Tedesco.
2 You're hearing us loud and clear, where we are coming from.
3 And how do you want to handle this?

4 MR. TEDESCO: Thank you, Mr. Chairman. Thank you
5 parts of the board for the opportunity to address you. Once
6 again, we do hear you, and I understand exactly. And I
7 think, if you give the opportunity -- not telling you what
8 to do, but suggesting the opportunity for Mr. Hunt to
9 perhaps respond. We haven't heard from staff since Mr.
10 Shelly concluded his presentation, despite all this back and
11 forth. I would welcome the opportunity, if the board would
12 allow it, for Mr. Hunt to be heard. I'm very, very
13 confident that the applicant and staff prior to
14 certification can work through all of these issues pursuant
15 to proposed conditional language that requires it. You have
16 full faith and confidence in your staff, and it's not
17 unusual for the planning board to have -- see things through
18 a different lens. And the staff is quite aware of the
19 direction the Board's going in, as well as the applicant.
20 And we have the opportunity to do that prior to
21 certification that gets reviewed by your staff and planning
22 director. So I would suggest that, but I would welcome,
23 hopefully, the opportunity for Mr. Hunt to be heard, as
24 well.

25 MR. CHAIR: I'm open to that. And before we hear

1 from Mr. Hunt, I think Commissioners, it's an interesting
2 thing, right? Part of me wants to see the redesign, and
3 part of me -- and this goes back to where you were, Vice-
4 Chair Bailey. Part of me just wants to authorize and trust
5 the staff that can -- the hear you loud and clear where
6 we're coming from, and they can work the applicants to come
7 up with that tweak on the design so that it meets where
8 we're coming from. And I'm a little bit open to both, but
9 Mr. Hunt, why don't we hear from you, see what you think?

10 MR. HUNT: Yes. (Indiscernible).

11 MR. CHAIR: Are you are we at risk of over-
12 authorizing you if we go down that road?

13 MR. HUNT: Oh, no. No, Mr. Chairman. I
14 apologize. Buy yeah, for the record, James Hunt with the
15 Development Review Division. I want to first off, first of
16 all thank all the commissioners today for their comments on
17 this detailed site plan. We do appreciate everything that
18 you have said. We have taken your comments into careful
19 consideration. And just as has been discussed earlier, we
20 really want to -- if you allow us to do this, we'll be able
21 to work with the applicant prior to certification and make
22 this central part more so a central park area that you're
23 talking about. In addition to that, focus on pedestrian
24 crossings and making the crossings much more safe than what
25 they are currently alluding to at this point in time. We're

1 going to have definitely a closer conversations with our
2 transportation planning team relative to pedestrian safety.
3 And in addition to this, we'll be able to work with the
4 applicant on redesigning the site to make it more functional
5 and meet the requirements of what you all have indicated
6 today to allow us to do that. We would be happy to do that
7 in addition to -- we have already drafted up some
8 recommended revised conditions as well, which Mr. Shelly is
9 ready to read into the record. If you would like us to add
10 anything to those particular conditions, staff is definitely
11 amenable to those revisions as well.

12 MR. CHAIR: All right. I mean, Commissioners,
13 I'm -- first of all, I would very much like to hear from Mr.
14 Shelly and you, Mr. Hunt. And Commissioners, I'm open to
15 this sort of modified approach, which is we hear from staff,
16 we authorize them to move it in the direction that we've
17 talking about because these -- even though it's -- it'll
18 have a big impact in the grand scheme with this design, it's
19 a smaller piece if it's done right, and we can authorize
20 staff to do that. I really like the pedestrian-orientation
21 of this and making sure you have the right markings and
22 wherever these paths are so you're visually prioritizing
23 pedestrians over automobiles. I think that's the key.

24 MR. CHAIR: Absolutely.

25 MR. CHAIR: So why don't we keep here for Mr.

1 Shelly, here what those are. And then Commissioners, we can
2 talk to feel like if that's adequate or if we really do want
3 Mr. Tedesco to come back to us.

4 Mr. Shelly?

5 MR. SHELLY: Thank you. Thank you, Chairman. And
6 for the record again, Andrew Shelly.

7 MR. CHAIR: And Mr. Shelly, you heard the love,
8 right?

9 MR. SHELLY: Yes. Thank you. For the record
10 again, Andrew Shelly with the urban design sections.

11 The revised conditions that have been proffered by
12 the applicant and reviewed by staff are as follows:

13 Revision to condition E, striking the 645 parking
14 spaces and stating that the parking proposed on sheet 1 of
15 the DSP shall be corrected to reflect the revised central
16 green area.

17 Then for condition K, which is revised
18 recreational facilities construction timeline and the
19 recreational facilities provided scheduled, on sheet 1 of
20 the detailed site plan to reflect the recreational
21 facilities plan, and the recreational facilities cost
22 estimate. The revision which shall include the completion
23 of Phase 4, or the issuance of the fiftieth building permit
24 instead of the 150th building permit.

25 Then there are three additional conditions.

1 Condition 1-T, which would be revise the circulation of the
2 private alley, located on Parcel O to end at Lot 91, which
3 shall be accepted and approved by the transportation
4 planning section. The alley and parking removed shall be
5 replaced with green space.

6 Condition 1-U, which is provide raised sidewalks
7 that connect the site's sidewalks to the provided recreation
8 facilities or -- my apologies. Provide raised crosswalk to
9 connect the site's sidewalks to the provided recreational
10 facilities.

11 And condition 1-V, which is the applicant shall
12 further revise the layout to provide a central green area
13 between recreational areas 1 and 2, shall be accepted and
14 approved by urban design staff.

15 MR. CHAIR: Mr. Shelly, I have one questions. I
16 can't see well enough. When you say connecting areas 1 and
17 2, what are you talking about?

18 MR. SHELLY: So my apologies. Recreational area 1
19 is the playground and recreational area 2 is facilities
20 further south which are the gazebo, the ADA panels et
21 cetera. So we would be looking to revise the site layout in
22 this vicinity to create that central green area that is
23 proposed.

24 MR. CHAIR: So what I'm looking at is this small
25 yellow oval in the middle, and I'm looking at the larger

1 yellow oval to the left of it.

2 MR. SHELLY: Correct.

3 MR. CHAIR: Is that where you're talking about?

4 MR. SHELLY: Correct. And Mr. Hunt --

5 MR. CHAIR: All right. So these two pieces,
6 that's reconfigured as in some way shape or form this gets
7 reconfigured as the central green for this development,
8 which means that there's houses in the middle. Commissioner
9 Doerner had thought, can they get rotated? Maybe they need
10 to go away. But the bottom line is -- maybe they get put
11 somewhere else. But the bottom line is it will be a central
12 green to this development that will be roughly the size of
13 those two things combined.

14 MR. SHELLY: Correct. And I would also like to
15 state after receiving an additional comment that perhaps
16 condition 1-T would not be necessary that I read into the
17 record based on the revision of the layout. Condition 1-T
18 that I read stated the circulation of the private alley,
19 where that circulation would end because that may be moot
20 based on the revision to create the central green area.

21 MR. CHAIR: That's right.

22 MR. SHELLY: I've --

23 MR. CHAIR: That's right. Okay. So thank you,
24 Mr. Shelly.

25 So Commissioners, we have a decision to make. Is

1 that adequate? Based on that, do we authorize that to go
2 back and to work with the developer? And when we come back,
3 what ends up, what will be approved is in the direction that
4 we had talked about but we authorize staff to work out the
5 details of that with the applicant. Are we okay with that?
6 I mean, the bottom line is for me it feels good enough for
7 me. It does.

8 COMMISSIONER WASHINGTON: Yeah. I'm perfectly
9 happy with it.

10 COMMISSIONER GERALDO: I'm good with -- how about
11 the applicant? What's the applicant saying?

12 MADAM VICE-CHAIR: And what is the time frame?

13 MR. CHAIR: Do you --

14 COMMISSIONER WASHINGTON: As I understand it, we
15 would approve it with these new conditions, proffered
16 conditions and changes, and then staff would just work with
17 the applicant to just make sure it gets done.

18 MR. CHAIR: But --

19 COMMISSIONER WASHINGTON: I mean, that's what I --

20 MR. CHAIR: Can I jump in, folks because I want
21 Mr. Hunt to weigh in on this? He weighed in on -- say
22 something for the record related to this that could help
23 inform us before we make a decision.

24 MR. HUNT: Absolutely, Mr. Chairman. Just to kind
25 of clarify we -- staff is aware that and we will -- like you

1 said, we'll continue to work with the applicant on this.
2 This would, if the planning board does decide to vote to
3 recommend approval based on the recommended conditions in
4 addition to the conditions that Mr. Shelly has added or read
5 into the record, we'll, like I said, continue to work with
6 the applicant, at the same time with the understanding that
7 some units will be lost. And we understand that. But were
8 that the point -- we really need to work with the applicant
9 on this to make that determination a little bit further
10 detail-wise.

11 COMMISSIONER GERALDO: And which is why --

12 MR. CHAIR: So the applicant needs to hear that
13 loud and clear, yeah.

14 COMMISSIONER GERALDO: But how does the applicant
15 feel about that process is my question.

16 MR. CHAIR: Yes.

17 MR. TEDESCO: If I may, Mr. Chairman?

18 MR. CHAIR: Yes, Mr. Tedesco.

19 MR. TEDESCO: Thank you. Commissioner Geraldo,
20 the applicant would agree to the revised conditions ad Mr.
21 Shelly read them and would respectfully request the board to
22 move this forward today with the conditions as
23 proposed -- proffered and proposed by the applicant and
24 staff prior to certification. These elements will be
25 addressed and the site plan revised.

1 MR. CHAIR: And you understand that this is very
2 likely to mean that you will lose some units?

3 MR. TEDESCO: We understand that it will require a
4 redesign to satisfy the planning board's desire of this. If
5 that's the end result, we understand that. Yes, sir.

6 MR. CHAIR: Okay. And I'm not suggesting you have
7 lose units, but you very --

8 MR. TEDESCO: Okay.

9 MR. CHAIR: -- well may, and we are authorizing --

10 MR. TEDESCO: Yeah. And I'm not --

11 MR. CHAIR: -- the planners to negotiate.

12 MR. TEDESCO: I'm not saying that we will, but I
13 think we all recognize there's a possibility, yes.

14 MR. CHAIR: Yeah. That's good enough for me.

15 Mr. Hunt, that's good enough for you?

16 MR. HUNT: Absolutely, Mr. Chair.

17 MR. CHAIR: Okay. Vice-Chair? Concerns?

18 COMMISSIONER DOERNER: Yes. I'm still concerned
19 about the alleyways. Like, I'm not concerned about giving
20 staff their leeway to defend and negotiate and work this. I
21 don't feel the need to micromanage stuff and get involved to
22 that degree, but we still have this kind of zigzag alleyway
23 that's there that right now, I don't know what we're
24 approving. Because if it's -- townhomes are rotated around
25 and they lost some and they kind of came through, that might

1 be one thing. But it's still like that central island area
2 that, like, what we're approving. And that was kind of the
3 danger area there because if we -- right now where that
4 alleyway goes down after that turn by the road and goes down
5 to where we have a kind the brown units through that, that
6 alleyway is dangerous for pedestrian activity right now
7 because there's no sidewalk running alongside the townhomes
8 there. One way to do it, why I had suggested kind of
9 rotating those townhomes around is you could rotate around,
10 drop a few and then just lose like part of like
11 (indiscernible) routes and have a connection going through.
12 That would then turn these units into kind of an open area.
13 If we were to lose kind of the alleyways around that island,
14 we'd have a huge central park area. And if that's the goal,
15 I would be supportive of the application to do that. And I
16 would even be supportive of those townhomes turning into
17 front-loading townhomes right there if that's what it needs
18 to because they wouldn't have that back alleyway. But I
19 don't really know what we're kind of going forward with if
20 that's not kind of like the vision of what's being proposed.

21 MR. CHAIR: I think we might --

22 MR. TEDESCO: I may, Mr. Chair --

23 MR. CHAIR: Yeah, Mr. --

24 MR. TEDESCO: If I may, Mr. Chairman?

25 MR. CHAIR: Yeah.

1 MR. TEDESCO: I'm sorry to inter -- I believe as
2 the representative of the applicant, and I'll defer to Mr.
3 Hunt. But I believe the conditions that Mr. Shelly read
4 into the record have driven towards that goal and to that
5 result, Commissioner Doerner.

6 MR. CHAIR: That's my understanding as well.

7 MR. TEDESCO: Yeah.

8 MR. CHAIR: I think that both the applicant and
9 our staff is hearing loud and clear that there needs to be a
10 central green, which means that those eight, ten townhomes
11 that are right there, they're either going to get
12 reoriented, reduced, or short of it, they're not going to be
13 there anymore. They may end up getting absorbed somewhere
14 else in the development, but that issue will be moot with
15 this central green redesign.

16 COMMISSIONER DOERNER: Okay. Yeah. I'm fine with
17 that as long as we're not just sticking to, like, the
18 existing stuff that we have right now. Like, I would not be
19 supportive of that. And I would vote no today.

20 MR. CHAIR: Okay.

21 COMMISSIONER DOERNER: But if staff understands
22 and that's okay, then I think we can move forward.
23 Procedurally, though, what happens if there's a disagreement
24 between staff and the applicant in terms of, like, what the
25 optimal design is?

1 MR. TEDESCO: We would not be able to get the DSP
2 certified.

3 MR. HUNT: Right. Certification would not happen.

4 COMMISSIONER DOERNER: Okay. Yeah. I'm fine with
5 that. I think that's a -- that's big enough threat for a
6 small chunk of area hopefully to make it a winning kind of
7 project.

8 MR. CHAIR: All right. So a bit of a work in
9 progress. I feel like staff has a clear sense of where
10 we're going with this. I mean, I think staff has done a
11 good job of gotten us about ninety percent there from what I
12 would like to see. This central park and the pedestrian-
13 orientation is key and that maybe shifting of homes -- and
14 again if Mr. Tedesco and his team doesn't want to hear it,
15 it may even mean losing some units. But it doesn't mandate
16 that by any stretch. And I think you've heard Mr. Doerner's
17 concerns and the other commissioners.

18 And if there's no other thoughts or questions
19 around this, Mr. Hunt, do you feel like you and your
20 team -- Mr. Shelly, you have clear direction from us --
21 clear enough direction from us?

22 MR. SHELLY: Yes. Mr. Chairman, we do.

23 MR. CHAIR: Okay. All right. Commissioners, then
24 what would in order would be a motion to approve with the
25 conditions that were proffered by the applicant and which

1 staff is in agreement with as well.

2 COMMISSIONER WASHINGTON: Mr. Chairman, with that
3 I move that we adopt the findings to include the technical
4 corrections as noted by staff at the top of his
5 presentation. And with that approve DSP-22028 and
6 TCP2-003-2023, along with the associated conditions as
7 outlined in staff's report, with conditions 1-E and 1-K
8 modified as read into the record by staff, and the
9 conditions as further modified by Applicant Exhibit Number
10 1, and also to include the applicant-proffered conditions
11 1-U and 1-V as read into the record by staff. And I would
12 ask that staff would ensure the reordering is appropriate,
13 since he struck condition 1-T as part of his final report.

14 COMMISSIONER DOERNER: Second.

15 MR. CHAIR: Did you capture it, Mr. Hunt?

16 MR. HUNT: Absolutely. We've got it.

17 MR. CHAIR: Madam Vice-Chair, you need something?

18 MADAM VICE-CHAIR: I'm -- yes.

19 MR. CHAIR: Okay. Oh. Oh that was a motion to
20 second. So we have a motion by vice-chair by Commissioner
21 Washington, second by Vice-Chair Bailey, under discussion.
22 Let me just say, clearly this is a different process for us.
23 So I wouldn't quite call this an experiment, but I would say
24 let's be mindful of how it works and what it feels like for
25 staff to be authorized in this way. And for the applicant

1 I'd be curious to hear as well. And we want to be mindful
2 of this as well, but I think it feels appropriate because we
3 want to both get it right but also encourage the type of
4 development we think is helpful for the county. And so
5 maybe, maybe this is the sweet spot, and let's see how it
6 goes, okay?

7 So any other discussion of the motion?

8 COMMISSIONER DOERNER: Yeah. I just want to add
9 to the discussion that when we get to the point of -- or
10 somebody gets to the point of having the DSP go forward and
11 get confirmed, then I just want to see the image. Not for
12 like voting purposes or anything. It could even be after
13 it. I just kind of want to see where you get to so that way
14 we know, like, what do we need to tweak? If we give this
15 kind of authority out and allow, like, the benefit of the
16 doubt, I just want to see what comes up with it. I'm also
17 just kind of curious just to see how it ends up. And I'll
18 thank Mr. Tedesco for being willing to entertain my
19 criticisms as well as staff too. I don't say it in any kind
20 of like derogatory or attacking way, even if I may sound
21 aggressive. I apologize if that happens. I just get
22 interested in these projects probably a little bit too much
23 so. But I like this stuff, so thank you for indulging me.

24 MR. CHAIR: Oh. I appreciate it. And for what
25 it's worth, Commissioner, not only is it your job, but I

1 think you really helped move this forward in a very
2 productive way so I appreciate everything that you said.

3 So any other discussion on the motion? I'm just
4 as curious to see where this lands, so make sure there's a
5 reworked version of what you see in front of us just to for
6 all of our curiosity as well, okay?

7 So with that, if there' no further discussion of
8 the motion, I'll call the roll call.

9 Commissioner Washington?

10 COMMISSIONER WASHINGTON: I vote aye.

11 MR. CHAIR: Vice-Chair Bailey?

12 MADAM VICE-CHAIR: Well, this is definitely an
13 experiment for me. I've never voted, see how it goes, but I
14 vote aye.

15 MR. CHAIR: And Commissioner Geraldo?

16 COMMISSIONER GERALDO: Okay. I vote aye. I want
17 to thank especially all of the residents who came in and
18 expressed their views. I understand the legal argument, and
19 we'll see what happens with that. And I appreciate the
20 applicant being more flexible and understanding the concerns
21 that we were expressing on behalf of future residents of the
22 community. So I vote aye.

23 MR. CHAIR: Thank you for that. Commissioner
24 Doerner?

25 COMMISSIONER DOERNER: I vote aye.

1 MR. CHAIR: I vote aye as well. The ayes have it,
2 5-0.

3 Thank you, Mr. Tedesco. Thank you Mr. Shelly, Mr.
4 Warner (phonetic sp.), Mr. Hunt, for all of your work on
5 this.

6 And Commissioners, I don't think we have anything
7 else before us. Mr. Hunt, any further business from your
8 side?

9 MR. HUNT: Mr. Chairman, there are no additional
10 business items before the planning board today.

11 MR. CHAIR: Thank you. So Commissioners, without
12 objection, we are adjourned. Thanks everybody.

13 COMMISSIONER GERALDO: Thank you.

14 COMMISSIONER WASHINGTON: Have a good rest of the
15 day.

16 COMMISSIONER GERALDO: And a good weekend.

17 MR. CHAIR: You too. Have a good weekend.

18 (Whereupon, the proceedings were concluded.)

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ESCRIBERS, LLC, hereby certified 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:

ITEM 9 DETAILED SITE PLAN DSP 22028 FAIRWOOD SQUARE

Evidentiary Hearing, PPS



By: _____ Date: May 23, 2023

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