

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

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NVR, INC.- "THE GROVE AT HYDE :
LANDING" :Case No. ZMA-2024-004
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A hearing in the above-entitled matter was held on March 25, 2026, at the Prince George's County Office of Zoning, County Administration Building, Room 2174, Upper Marlboro, Maryland 20772 via Webex before:

Maurene McNeil  
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Matthew Tedesco, Esq.

On Behalf of People's Zoning Council:

Stan Brown, Esq.

On Behalf of the Homeowner's Association:

Alex Votaw, Esq.

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P R O C E E D I N G S

1  
2 MS. MCNEIL: Good morning, everyone. I'm  
3 Maurene McNeil. I'll be the hearing examiner today. It's  
4 March 25th, 2026, and we're here for application ZMA-2024-  
5 004. Applicant is NVR, Inc., and it's a request to rezone  
6 from the RE zone to the R-PD zone and to allow the applicant  
7 to build single-family detached and attached dwellings.

8 The property is approximately 126.16 acres.  
9 The site is known as The Grove at Hyde Landing, and it's  
10 located on the south side of Steed Road and with the address  
11 of 3801 Steed Road, Clinton, Maryland.

12 If attorneys would identify themselves for  
13 the record, starting with you, Mr. Tedesco.

14 MR. TEDESCO: Good morning, Madam Examiner.  
15 Can you hear me okay?

16 MS. MCNEIL: Yes.

17 MR. TEDESCO: Good morning. For the record,  
18 Matthew Tedesco with the law firm of McNamee Hosea in  
19 Greenbelt, here on behalf of the applicant, NVR, Inc.

20 MS. MCNEIL: Okay. And I know that's not Mr.  
21 Nelson, so --

22 MS. VOTAW: No. Good morning, Madam Hearing  
23 Examiner. This is Alex Votaw from the law office of G. Macy  
24 Nelson. I'm unable to change my Zoom name from our firm

1 name, so that's why it still says Macy Nelson. And I'm here  
2 on behalf of the Branch Hill Steeds Glen Homeowners'  
3 Association, Jerome Tidwell, Sam Lynch, Mendelson McLean  
4 (phonetic), Andre Scott (phonetic), Herman Art Taylor,  
5 Jeremy David (phonetic), and Derek Taylor (phonetic).

6 MS. MCNEIL: Okay.

7 MR. S. BROWN: Good morning. Stan Brown,  
8 People's Zoning Council.

9 MS. MCNEIL: Okay. All right. So I know all  
10 of your clients are in opposition.

11 Is there anyone else here today that's in  
12 opposition to this request that aren't represented by Ms.  
13 Votaw? Anybody see anybody? Okay. All right.

14 Mr. Tedesco?

15 MR. TEDESCO: Madam Examiner, good morning.  
16 I think what would be useful for us, given Ms. Votaw's  
17 representation of a number of citizens, is to also provide  
18 clarification on how many witnesses Ms. Votaw intends to  
19 call. Because we do have unrepresented citizens, some who  
20 are in support, and some who are opposed. And just out of  
21 courtesy, if Ms. Votaw agrees and you agree, I'm okay with  
22 allowing them to provide their comments for the record,  
23 obviously, if there's any questioning that I may have or  
24 that Ms. Votaw or Mr. Brown may have or you may have of

1 them.

2                   But before we get into our case-in-chief,  
3 because we have six witnesses, I assume Ms. Votaw has  
4 witnesses, so I expect today is going to be fairly lengthy.  
5 And just to give the citizens who are here, who are not  
6 represented, an opportunity to have their comments put on  
7 the record, and so that they may wish to stick around or not  
8 is up to them. But I would just throw that out there as an  
9 option.

10                   MS. MCNEIL: Ms. Votaw, how many do you have?

11                   MS. VOTAW: Yeah, I have at least three  
12 witnesses, and to the extent, I have a few clients I haven't  
13 been able to touch base with, and I want to make sure they  
14 have the opportunity to have their voices heard, but I  
15 definitely know at least three witnesses.

16                   MS. MCNEIL: Okay. Then everyone, if anyone  
17 here is not represented by any counsel but would like to  
18 testify out of order because you don't want to spend the  
19 entire day with me, would you, please, come on camera?  
20 Silly question. Who would want to not spend the entire day  
21 with me?

22                   Okay. So it looks like I don't see anyone,  
23 Mr. Tedesco, but if at any time you see in the chat or  
24 elsewhere that there is someone, please -- wait a minute.

1 Oh, really? Someone thinks we're not seeing you on camera,  
2 Mr. Tedesco, but I'm seeing you.

3 UNIDENTIFIED SPEAKER: We can see you.

4 MS. MCNEIL: Okay. Okay. We've got some  
5 people on the phone only.

6 MR. TEDESCO: I'm on camera. You just may  
7 have to scroll across the -- the toolbar.

8 MS. MCNEIL: Okay. So if anybody does change  
9 their mind, and you all keep your eye on the chat, we'll be  
10 able to -- it could be -- it could be they don't mind the  
11 first three hours, but after that --

12 MR. TEDESCO: Well, I see -- I see Mr. and  
13 Mrs. Brown, so I'm going to --

14 MS. MCNEIL: You do? Okay.

15 MR. TEDESCO: Yeah, they queued up.

16 MS. MCNEIL: So Mr. and Mrs. Brown, can you  
17 come on camera, or one at a time? Oh, there you are.  
18 Michael and -- okay. I didn't see your last name, so I'm  
19 going to swear you both one at a time. Whoever wants to go  
20 first, raise your hand, so I'll do you first.

21 Okay. I'm going to pick -- thank you. Ms.  
22 Brown, do you swear or affirm, under the penalties of  
23 perjury, that the testimony you shall give will be the truth  
24 and nothing but the truth?

1 MS. BROWN: Yes, I do.

2 MS. MCNEIL: And what's your address?

3 MS. BROWN: 12900 Jervis Street, Clinton,  
4 Maryland 20735.

5 MS. MCNEIL: Okay. Tell me what you want to  
6 let me know about this request.

7 MS. BROWN: Well, first of all, Matt, should  
8 we go ahead and testify now or during --

9 MS. MCNEIL: Oh, well, go ahead, Matt.

10 MR. TEDESCO: Sorry, I muted the wrong thing.  
11 Mr. and Mrs. Brown, it's totally up to you. We -- I'm ready  
12 to proceed with our case-in-chief, but that means you would  
13 go after our case and after Ms. Votaw's case. So you would  
14 go towards the end, which we're probably going to be in many  
15 hours in. So we just wanted to give the opportunity for you  
16 guys to put your testimony, or anybody's testimony, on  
17 record now, and then you're free to stay or go, as you wish.

18 MS. BROWN: Okay.

19 MR. TEDESCO: It's your decision.

20 MS. BROWN: Yes, we will go ahead and proceed  
21 testifying now and then we'll listen. We want to hear some  
22 of the other comments, but then we understand we'll be free  
23 to leave after.

24 MS. MCNEIL: Okay. So have to take you one

1 at a time, so what would you like to tell me about this  
2 request?

3 MS. BROWN: Well, I'm here to say -- you have  
4 a copy of our letter that both Michael and I signed, and we  
5 are in support of the zoning amendment. From the very onset  
6 of this proposal, we have been engaged in small community  
7 meetings, hearing from our community and various other  
8 communities and in intimate settings where residents had the  
9 opportunity to express their concerns, and we've also  
10 attended the public meetings in the aggregate where people  
11 express concerns or support of this.

12 We do support it. Again, we've been there  
13 from the beginning. We're individuals that don't just jump  
14 on the bandwagon just because someone has asked us to. We  
15 have lived here for over thirty years, back and forth, since  
16 we were in the military, but we support this knowing that we  
17 believe it will be advantageous to the Prince George's  
18 County community.

19 Some of the concerns that we expressed early  
20 on have been infrastructure, infrastructure, infrastructure,  
21 including, of course, traffic signals, concerns with the  
22 road being too small, so much traffic on the roads.  
23 Residents also want biking lanes, and a big portion of what  
24 we have heard and we have definitely expressed this, is the

1 public safety aspect.

2                   So we want to ensure that our EMTs, first  
3 responders, firefighters, police officers can respond in the  
4 appropriate time, not that we add X hundred more homes, and  
5 then that has an adverse impact on public safety. So that's  
6 been a big key, with the infrastructure ensuring that  
7 traffic signals are properly adjusted as needed and the  
8 roadways because we know on Steed Road, as well as on  
9 Allentown Road, which will also be affected.

10                   There's already a lot of traffic, so we hear  
11 it all the time. Literally, in all the meetings that we  
12 attend, the concern about traffic, so again, we do support  
13 it because we believe that this will be beneficial. We  
14 support the zoning amendment. We believe it will be  
15 beneficial, and because we realize that our voices have been  
16 heard in the meetings with the attorney, Matt Tedesco, G.S.  
17 Proctor, as well as NVR, points of contacts who have  
18 attended the meetings, the designers, the traffic  
19 consultants.

20                   So they've all heard what you're hearing now,  
21 although it's much more succinct that you're hearing it now.  
22 But we do agree with this and support it, because we do  
23 believe that it will help improve our Prince George's County  
24 community in this area. We live about three miles or so

1 away from this community, so we pass it all the time we're  
2 traversing it. And that's all that I have.

3 MS. MCNEIL: Just before I ask anyone else if  
4 they have questions. Three miles in which direction,  
5 further down Piscataway, further down Steed? Where are you?

6 MS. BROWN: We are, if you know where Miller  
7 Farms is and where the airfield used to be, going down past  
8 what -- which way would you say it's going, northbound --  
9 going north or south? I guess southbound. Oh, Michael said  
10 we're going east, so from our home, we're coming up passing  
11 Steed Road, Miller Farms, and then keep going forward, and  
12 you're going down passed by BK Miller.

13 MS. MCNEIL: Okay.

14 MS. BROWN: Hopefully that answers your  
15 question.

16 MS. MCNEIL: Ms. Votaw, please, forgive me,  
17 because it's something to -- I've got to stop looking at  
18 Nelson, but do you have any questions of this witness?

19 MS. VOTAW: Yes, ma'am. I just have one  
20 question, and good morning, to both of you.

21 MS. BROWN: Good morning.

22 MS. VOTAW: Could you just clarify? You do  
23 not have to travel along Steed Road to get to your house; is  
24 that correct?

1 MS. BROWN: It depends on what direction I'm  
2 coming from, so for example, we went to a Lenten service  
3 this morning, and yes, ma'am, we had to traverse -- we were  
4 on Steed Road. Then, we turned right onto Allentown Road.

5 MS. VOTAW: Understood. And do you ever  
6 experience traffic on Steed Road?

7 MS. BROWN: Yes.

8 MS. VOTAW: Okay. That's all I have. Thank  
9 you so much for your time.

10 MS. BROWN: Yes, ma'am.

11 MS. MCNEIL: Mr. Brown?

12 MR. S. BROWN: No questions. Thank you.

13 MS. MCNEIL: Thank you so much. Mr. Michael  
14 Brown, do you have --

15 MR. M. BROWN: Yes, ma'am. Do I need to be  
16 sworn in?

17 MS. MCNEIL: Yes, you do.

18 MR. M. BROWN: Yes.

19 MS. MCNEIL: Do you swear or affirm, under  
20 the penalties of perjury, that the testimony you shall give  
21 will be the truth and nothing but the truth?

22 MR. M. BROWN: The truth and nothing but the  
23 truth, yes, ma'am.

24 MS. MCNEIL: Okay. So state your name and

1 address and what you want to tell us about this request?

2 MR. M. BROWN: Yes, ma'am. My name is  
3 Michael Brown. My address is 12900 Jervis Street, Clinton,  
4 Maryland 20735, and like my wife, I too am in approval of  
5 this zoning. And I want to tell you why. We understand  
6 this -- in this concept that when we first got started with  
7 The Grove and in the meetings that we were going to, we came  
8 with an attitude knowing that we really want all this  
9 traffic -- that's the first thing that always comes to our  
10 mind is traffic and -- and asking that question, and then,  
11 of course, other questions about the schools and things like  
12 that came up.

13 So but once we sat down and we got to hear  
14 about the planning, but not only the planning of the Grove,  
15 once we got to hear the questions that other leaders within  
16 the community were asking, and not only asking tough  
17 questions, we were able to hear the answers to those  
18 questions. And one of those questions had to do with the  
19 type of homes that we were -- that we would like to see  
20 compared to the type of homes that the Grove at first  
21 decided that they would make.

22 But they heard the voices within the  
23 community, and I was amazed from the answers that they gave.  
24 And when they would leave, they would come back and -- and

1 make changes because they were listening to the community.  
2 I know this, if it's not the Grove, then who else is it  
3 going to be? But I'm grateful that I was -- and my wife and  
4 I were in the meetings from the very beginning, and we got  
5 to see the character of those that are coming to build  
6 within our community.

7                   And in that character, I believe that there  
8 was a great transparency, but not only great transparency, I  
9 believe that there is great integrity. Because there are  
10 times when there's conflicts between the community and some  
11 of the things that we would hear outside the community, and  
12 then those problems or concerns would get back to us. And  
13 this is what I loved about the those within the Grove. We  
14 had the phone numbers.

15                   Matter of fact, we had Matt's phone number,  
16 and when we found there was a complaint and we didn't hear  
17 it, but it didn't sound good, we would call Matt and say,  
18 Matt, what's going on here? And then he would explain,  
19 well, this is really what is really going on, and then in  
20 our meetings, he would express what was going on. There was  
21 never a time that I felt that they were trying to hide  
22 anything or trying to do anything backdoors.

23                   So I knew that, even though at first, do I  
24 want to deal with all this traffic? Do I want to have to

1 deal with all these homes? And I know that homes have to be  
2 built. With that understanding, I understood the character  
3 of those that were coming into our communities. When I  
4 understood how they were patient, and they did listen and  
5 they did make changes, big changes, I said, well, it's going  
6 to be anybody, let it be The Grove.

7                   So we do travel, not only Piscataway, a lot  
8 because we've lived here for thirty years. We do travel  
9 Steed a lot, because we have the different directions that  
10 we go in to our churches, to our bases, to our friends. So  
11 these streets along -- even though it's Piscataway, may be  
12 one of the main streets, these streets along here are the  
13 streets that we travel.

14                   And we are concerned, but we just -- but what  
15 I feel is the character of the -- of the -- the Grove, or  
16 the people that are coming, that are -- that I believe are  
17 going to, not only, make a difference with these streets to  
18 the best that they can, but they are going to adhere to  
19 everything that they say that they are going to do to the  
20 best of their ability, it's going to be done.

21                   And I believe that they know because they  
22 know of the leadership within the community. If they're  
23 not -- it's not happening, then they know their reputations  
24 on in stake. So I stand approved of the support and ready

1 for any questions.

2 MS. MCNEIL: Thank you.

3 Ms. Votaw?

4 MS. VOTAW: Yes. Thank you, Madam Hearing  
5 Examiner. And thank you, Mr. Brown. Just one quick follow-  
6 up question.

7 When you travel along Steed Road, have you  
8 ever experienced the traffic back up to the bridge that's on  
9 that road?

10 MR. M. BROWN: So thus far, I haven't been  
11 traveling on Steed Road where the traffic has been backed  
12 up. I have traveled where there has been traffic, and I  
13 know there has been some changes with some of the homes in  
14 that area. But not backed up, no.

15 MS. VOTAW: Okay. Thank you. And in your  
16 opinion, would adding 300 additional dwelling units improve  
17 those traffic conditions?

18 MR. TEDESCO: Objection.

19 MR. S. BROWN: Same objection. He's a lay  
20 witness. He's not qualified to give an opinion on that type  
21 of traffic issue.

22 MS. VOTAW: If I may be heard, I'm asking for  
23 his opinion as a lay witness, not as an expert.

24 MR. S. BROWN: And your question again is

1 what? Say it again.

2 MS. VOTAW: I'm asking if he believes that  
3 adding 300 dwelling units would improve the traffic  
4 conditions that he's experienced.

5 MR. S. BROWN: Yeah, and he's not qualified.

6 MR. TEDESCO: I would object. It calls for  
7 speculation.

8 MS. MCNEIL: It is more -- well --

9 MS. VOTAW: May I be heard, Madam Hearing  
10 Examiner?

11 MS. MCNEIL: We allowed him to say he hasn't  
12 experienced any backup, so I will overrule if he changed it  
13 to, do you think -- no, I don't know. With 300 more -- now,  
14 go one more time, Ms. Votaw. I'll let you respond again,  
15 but --

16 MS. VOTAW: Yeah, I think Madam Hearing  
17 Examiner is fully equipped to weigh his opinion with the  
18 weight that it deserves, but I was trying to gauge, based on  
19 his personal experience traveling that road, whether the  
20 traffic from the vehicles from 300 additional units would  
21 improve that -- the traffic conditions on that road.

22 MS. MCNEIL: I think I would sustain their  
23 objection, but if you had another question where he  
24 clarified further his current experience with the traffic,

1 then that's just an argument you can make later, unless  
2 there's an expert witness that will testify as to what 300  
3 more homes will do. Did you want to give any further about  
4 what he -- what he's experiencing currently?

5 MS. VOTAW: No, I think he's provided enough  
6 detail. Thank you, though. I appreciate it, Madame Hearing  
7 Examiner.

8 MS. MCNEIL: Okay. All right. Sure.

9 MS. VOTAW: And thank you, Mr. Brown.

10 MR. M. BROWN: You're welcome.

11 MS. MCNEIL: Anyone else have questions of  
12 Mr. Brown? Do you have questions of Mr. Brown?

13 MR. TEDESCO: No.

14 MR. BROWN: No, thank you.

15 MS. MCNEIL: Okay. Thank you very much.

16 MR. M. BROWN: You're welcome.

17 MS. MCNEIL: So is there anyone else that  
18 would like to testify out of order, lay witnesses that might  
19 like to testify now?

20 All right, Mr. Tedesco?

21 MR. TEDESCO: Thank -- thank you very much,  
22 Madam Examiner. You can still hear me okay?

23 MS. MCNEIL: I need to clarify. I can't hear  
24 staff for some reason. I hear you all.

1 MR. TEDESCO: You can hear -- you can hear  
2 me, though?

3 UNIDENTIFIED SPEAKER: Yes, we can hear you.

4 MR. TEDESCO: Okay.

5 MS. MCNEIL: Except I wonder why since he's  
6 muted. What is going on?

7 MR. TEDESCO: So we have multiple cameras set  
8 up, so we're using one speaker with one -- with two  
9 different computers and cameras. So when I speak, it's  
10 through the witness computer that you'll see in a moment.  
11 So --

12 MS. MCNEIL: Yes, we hear you fine.

13 MR. TEDESCO: Yeah, that's why. Thank you.  
14 So Madam Examiner, as you indicated, we're here on the Grove  
15 zoning map amendment. I do have opening statements that I'd  
16 like to provide, and then we would -- we'll get into  
17 testimony. But if I could -- your indulgence just so we can  
18 go through kind of framing this for a minute.

19 The Grove at Hyde Landing provides a very  
20 unique but coordinated relationship with Hyde Landing, which  
21 is the development to the south. The latter is also within  
22 the R-PD zone with the same builder and the same developer.  
23 These two projects are able to be planned and designed  
24 comprehensively, and the requested R-PD zone facilitates the

1 needed flexibility, both in zoning and in the public  
2 benefits, these projects will offer the community and the  
3 County.

4                   Like Hyde Landing to the south, the Grove  
5 will transform the property into a comprehensively designed  
6 community, allowing for more effective environmental  
7 stewardship, placemaking, and amenities, while respecting  
8 existing environmental habitats and creating proportionally  
9 scaled lots and homes that provide variety in the market and  
10 seek to address the housing crisis.

11                   At its core, this case is extremely  
12 straightforward. The applicant seeks to rezone to the  
13 Residential Plan Development Zone to allow thoughtfully  
14 designed residential community on approximately 126 acres  
15 located along Steed Road in Clinton, north of the Hyde  
16 Landing Project.

17                   The proposal includes approximately 300  
18 dwelling units at a density of approximately, only 2.9 units  
19 per acre, well within the residential low land use  
20 recommendation of subregion 5 master plan and plan 2035.  
21 This is not a departure from the County's plans. It is  
22 actually an implementation of them.

23                   This application is governed by the plan  
24 development standards of Section 27-3602, not the change of

1 mistake rule applicable to piecemeal rezonings. As  
2 confirmed by the technical staff and by the Planning Board,  
3 this is a legislative determination focused on master plan  
4 consistency, compatibility, and public benefits, all of  
5 which are satisfied.

6           The property was placed in the RE zone  
7 through the county-wide map amendment, but the master plan  
8 expressly envisions residential development at the densities  
9 that are proposed here this morning. The R-PD zone is the  
10 tool the ordinance created to achieve the vision to provide  
11 better design, better environmental preservation, and  
12 community benefits that conventional zoning just do not  
13 allow.

14           What distinguishes this application and what  
15 the ordinance requires, is the delivery of public benefits  
16 that exceed the base zoning that would otherwise be  
17 provided.

18           Here, the record demonstrates multiple  
19 quantifiable benefits, over fifty acres of stream valley and  
20 environmental preservation, expanding the Tinkers Creek  
21 corridor and protecting sensitive resources, a critical  
22 multimodal trail connection filling a gap in the county's  
23 trail network system, major transportation improvements,  
24 including bridge widening and extended roadway upgrades

1 along Steed Road that go beyond frontage requirements or  
2 simply pro rata payments into the CIP, enhanced woodland  
3 conservation and environmental stewardship measures.

4           These are not conceptual promises. They are  
5 quantifiable, site-specific improvements recognized by the  
6 technical staff and the Planning Board exceeding baseline  
7 requirements. Importantly, the applicant is not simply  
8 contributing to infrastructure. The applicant is building  
9 it, including improvements that exceed the pro rata CIP  
10 contribution by over a million dollars.

11           The proposed development is residential in  
12 character and compatible with surrounding uses. It is  
13 intentionally clustered, preserving substantial open space,  
14 and keeping development out of environmentally sensitive  
15 areas. Nearly half the property remains preserved or  
16 environmentally constrained. The development is  
17 concentrated in appropriate areas consistent with modern  
18 planning principles and county policies.

19           Stormwater, traffic, and infrastructure  
20 concerns, which are frequently raised in these types of  
21 proceedings, and you'll probably hear later this morning,  
22 are not ignored. They are frequently addressed through  
23 County's multi -- multi-stage regulatory framework,  
24 including the subdivision process, the site plan process,

1 permitting process, and technical plan review processes.

2           Although the opposition will probably raise a  
3 number of issues this morning, let me go through some of  
4 them very briefly. At the planning board level, the  
5 opposition argued at change and mistake that there has been  
6 no change or mistake to support this rezoning. As you know,  
7 as a planned development rezoning, reliance on this is  
8 legally incorrect and has already been rejected by the  
9 Planning Board and technical staff.

10           I'm sure you'll hear impacts on traffic, APF,  
11 school, stormwater, et cetera. These are addressed through  
12 established regulatory processes at later stages of  
13 development. The record will show no basis to deny the  
14 rezoning on these grounds, and the traffic analysis confirms  
15 improvements in mitigation tied to county CIP planning.

16           You may hear claims of inconsistency with the  
17 master plan, that the project is just simply too dense. The  
18 opposite is actually true. The proposed density falls  
19 squarely within the recommended ranges and implements the  
20 County's long term land use visions.

21           Finally, you may hear how Ms. Votaw  
22 represents a number of citizens and community members  
23 throughout the immediate area. As Maryland law makes clear,  
24 zoning decisions must be based on substantial evidence and

1 not the number of letters submitted into the record. When  
2 you step back and look at the full record of this case,  
3 Madam Examiner, the conclusion will be very clear.

4           The record in the testimony that you will  
5 hear today will show that the application complies with the  
6 zoning ordinance, it implements the master plan in Plan  
7 2035, it provides significant and measurable public  
8 benefits, and it has been thoroughly reviewed and supported  
9 by the technical staff and the Planning Board. This is  
10 precisely the type of plan environmentally sensitive  
11 infrastructure supported development that the R-PD zone was  
12 created to encourage.

13           As I mentioned, we have six witnesses that  
14 will testify this morning, and at this time, we would call  
15 our first witness, who is Mr. Patrick Donahue.

16           MS. MCNEIL: Mr. Donavon?

17           MR. DONAHUE: Donahue.

18           MS. MCNEIL: Donahue. I'm sorry. Mr.  
19 Donahue, do you swear or affirm, under the penalties of  
20 perjury, that the testimony shall give will be the truth and  
21 nothing but the truth?

22           MR. DONAHUE: I do.

23           MS. MCNEIL: Okay.

24           MR. TEDESCO: Mr. Donahue, could you, please,

1 state your name and address for the record?

2 MR. DONAHUE: My name is Patrick Donahue. I  
3 have a couple work addresses. I'll give you mine in Prince  
4 George's County. It's 4700 Corridor Place, Beltsville,  
5 Maryland 20705.

6 MR. TEDESCO: And what is your occupation and  
7 where are you currently employed?

8 MR. DONAHUE: I am the Regional Vice  
9 President of Land for NVR, Inc. Basically, what that means  
10 is I run one of our regional land departments in charge of  
11 everything from land acquisition entitlement through  
12 development for one of our company's regions, one of --  
13 Prince George's being one part of that region.

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

16 MR. DONAHUE: Sharhano, LLC.

17 MR. TEDESCO: And are you affiliated in any  
18 way with that entity?

19 MR. DONAHUE: I am not.

20 MR. TEDESCO: And have you been authorized to  
21 testify and present this application for rezoning on behalf  
22 of NVR, Inc.?

23 MR. DONAHUE: I have.

24 MR. TEDESCO: And does NVR, Inc. have a

1 contract to purchase the land?

2 MR. DONAHUE: We do.

3 MR. TEDESCO: And Madam Examiner and Mr.  
4 Brown, as Exhibits 42, 37, and 40 both are a limited power  
5 of attorney resolution on behalf of the NVR, Inc., as well  
6 as an incumbency certificate authorizing Mr. Donahue to  
7 testify this morning, and we would ask for those to be  
8 accepted into the record.

9 MR. S. BROWN: No objection.

10 MS. MCNEIL: Do you have any objection, Ms.  
11 Votaw?

12 MS. VOTAW: No, ma'am.

13 MS. MCNEIL: They will be admitted into the  
14 record.

15 (Exhibit marked Applicant Exhibits 42, 37,  
16 and 40 was admitted into the record.)

17 MR. TEDESCO: Thank you.

18 Mr. Donahue, is NVR, Inc. in good standing to  
19 transact business in the State of Maryland?

20 MR. DONAHUE: We are.

21 MR. TEDESCO: And for your edification, the  
22 certificate of good standing is Exhibit 42, Madam Examiner.

23 Mr. Donahue, could you, please, explain how  
24 Prince George's County fits in with NVR strategic business

1 plan?

2 MR. DONAHUE: Sure. Let me start at a higher  
3 level. NVR, Inc. is the parent company of Ryan Homes,  
4 NVHomes, and Heartland Homes. Heartland does not build in  
5 this area, but we are a national builder. We're about the  
6 fourth largest in the country and we do it all basically  
7 east of the Mississippi. So we really focus on the East  
8 Coast, at least for now. We've been building in Prince  
9 George's County since 1978, and to my knowledge, we're the  
10 only national builder, or the longest tenured national  
11 builder, in the County.

12 On any given year, our market share  
13 fluctuates. We build between -- our market share within the  
14 County, within Prince George's County, oscillates between  
15 about twenty-five and thirty-five percent, so in very rough  
16 terms, I've been working in the County and working with NVR  
17 for about nineteen years. And that market share has been in  
18 that range, so almost one out of every three homes built in  
19 the County over the last twenty years, at least, has been by  
20 our organization.

21 So Prince George's County is very, very  
22 important to NVR, not just in terms of the number of homes  
23 we build, but also how we implement our business strategy.  
24 NVR is known as what's called an asset light filter. What

1 that means is oftentimes, or the majority of times, we like  
2 to rely on other people to go and buy land and title it and  
3 develop it. And what we prefer to do is simply buy a lot  
4 from those builders and build houses.

5           In the county, since it's so strategic for  
6 us, we have taken on another role, so we serve oftentimes as  
7 a master developer where we do go acquire the land and title  
8 it and develop it. A couple examples of that are just the  
9 community, High Landing. We bought that approximately three  
10 and a half years ago and have since been processing through  
11 the entitlement process in order to get entitlements to  
12 build houses, as well as a solar field and -- and some  
13 ancillary commercial, but we've also done that in Timothy  
14 Branch down in Brandywine.

15           We built -- as a great example of a hybrid  
16 business model, we built every house in that community, but  
17 some of those pods, we call them, NVR owned and developed  
18 ourselves. Other examples, Bentley Park, which is in  
19 Laurel, straddles the Montgomery County and Prince George's  
20 County line. Our organization owned, developed, and built  
21 that out. Greenbelt Metro in Greenbelt, this is a south  
22 core where the metro station is and the north core of the --  
23 at one point, the FBI was going to go. We bought and  
24 developed that. Actually, bought that out of distress when

1 somebody had built a bridge to nowhere and had abandoned it.

2           We ended up buying the note on that community  
3 and ultimately getting the land in the community and  
4 building it out with a financial partner from New York. Did  
5 the same thing at Oak Creek, one of my proudest  
6 developments, off of Church Road where in the heart of the  
7 downturn, it was a community that had been -- basically it  
8 was in distress.

9           There was a golf course on site that the --  
10 the owner had walked away from, and we stepped in, not only  
11 bought the community, but bought the golf course, renovated  
12 the golf course, and gave it away to a third party simply  
13 because, you know, we really, really wanted to focus on the  
14 houses.

15           So you can see we've been in the county a  
16 long time, as a company since 1978. I've been in the county  
17 as an employee for, I think, almost nineteen years, not  
18 quite nineteen years, but a couple more months, I'll be  
19 there.

20           MR. TEDESCO: And given the current zoning of  
21 the subject property, can you explain why you are now  
22 seeking rezoning from the RE zone to the R-PD zone?

23           MR. DONAHUE: Sure. The -- the 21st Century  
24 Zoning Ordinance gives us the opportunity to rezone and

1 gives us more flexibility, both in lot sizes and how we  
2 position things and how we develop to meet the broader goals  
3 of the county's general plan and the subregion 5 master  
4 plan, and numerous other planning documents that the County  
5 has set forth saying what they want.

6           What they're trying to do is stop sprawl and  
7 stop large lot developments that have a disproportionate  
8 impact on the overall community without providing any  
9 benefits to it, and so transitioning from RE to R-PD, we're  
10 allowed to go to smaller lots. And in doing so, what we're  
11 going to do is we're going to develop and touch, in essence,  
12 less of the land and allows us to preserve more of the  
13 forest, more of the trees, bigger setbacks off of stream  
14 valley buffers.

15           It also allows us -- it gives us the economic  
16 freedom to do public benefits, improve some of the road  
17 networks, and improve some of the existing traffic  
18 congestion out there, so it becomes a win-win for, not only  
19 the residents that we're building for, the residents that  
20 are going to buy houses in our community, but for the  
21 residents that have already bought and already living in the  
22 community. It gives them a benefit to development as well,  
23 a tangible benefit.

24           MR. TEDESCO: And conceptually, what is the

1 vision for the subject property if the requested rezoning is  
2 approved?

3 MR. DONAHUE: It's still in the early stages,  
4 but what we're planning on doing is developing to about 300  
5 units, which equates to about 2.97 units per acre. This in  
6 the general plan, the master plan, as I understand it, is  
7 designated as low density residential, and that caps out at  
8 3.5 units per acre.

9 So we're going to develop at a density that's  
10 even less than what it would be allowed under the general  
11 plan, but we're going to cluster that development. And  
12 we're going to -- we're going to have a number of different  
13 housing types, small single-family detached houses, large  
14 single-family detached houses, and some townhouses, that  
15 will be probably slightly larger than what we're planning on  
16 next door at Hyde Landing.

17 And that gives us -- you know, we're able to  
18 target multiple different buyers within the Prince George's  
19 County community. The community will also connect to Hyde  
20 Landing, so we don't have disparate developments one after  
21 another on the street. It's an interconnected development,  
22 which -- with trails where people can utilize both the  
23 amenities in Hyde Landing and The Grove. It also connects  
24 to the Tinker Creek Stream Valley park system, so it's

1 really an integrated development, is what we envision.

2           You know, that -- and I go back to my earlier  
3 statement in terms of, you know, why is that important. But  
4 in this case, much like those other examples I just cited,  
5 we are the applicant. We are the developer, and so we can  
6 have this holistic vision of how does this all fit together  
7 and how can we create a cohesive community that is  
8 attractive to our residents, but also something very  
9 positive for the surrounding community.

10           MR. TEDESCO: And are you currently familiar  
11 with the subject property?

12           MR. DONAHUE: I am.

13           MR. TEDESCO: And how is it currently  
14 developed?

15           MR. DONAHUE: It's currently -- there's a  
16 farmhouse on it. There's a number of ancillary farm-related  
17 buildings. It's really, in my eyes, used currently as a  
18 hobby farm. I think Dinky (phonetic) the Donkey lives  
19 there, a couple other pigs, couple other chickens, but other  
20 than that, an ancillary storage for farm-related and  
21 nonfarm-related items.

22           MR. TEDESCO: And have you reviewed the  
23 Planning Board's resolution in this case, Exhibit 27?

24           MR. DONAHUE: I have.

1                   MR. TEDESCO: And do you agree with the  
2 recommendations of the Planning Board in its resolution?

3                   MR. DONAHUE: On balance, I generally agree  
4 with the recommendations of the Planning Board, the  
5 findings, the conclusions, and the conditions. I do -- I  
6 would like to defer additional discussion on some of the  
7 items, particularly the traffic analysis, to our traffic  
8 expert.

9                   MR. TEDESCO: And do you plan on  
10 incorporating any green building standards if this  
11 development were to move forward?

12                   MR. DONAHUE: We do. The green building  
13 standards, not only in -- on the horizontal side of  
14 building, there'll be a robust review of stormwater  
15 management policies, forest retention, preservation of  
16 specimen trees, et cetera, but also in the home building  
17 side of it. That's very important to us as a -- as a -- as  
18 our brand, as our ethos as a company.

19                   We do have a green building standard, and in  
20 that we use programable -- programable thermostats, energy  
21 efficient appliances, sustainable wood sourcing. We  
22 actually panelize -- we own our own factories and panelize a  
23 lot of our wood products, stairs, walls, windows, et cetera,  
24 in one of our manufacturing facilities, and what that does

1 is it dramatically cuts down on waste that you would  
2 experience had you stick framed in the field.

3           So one measure of that, of kind of your  
4 sustainability as a builder, is something called the HERS  
5 Index. I think it stands for Home Efficiency Reporting  
6 System, and the benchmarks -- really, if you look at the  
7 average resale home on the market, a lower score in the HERS  
8 index is better, right? It's sort of the opposite of what  
9 you would think, but the average resale home in the market  
10 get scores a HERS of 130.

11           The average new home on the market scores a  
12 HERS of a hundred, and the average NVR home across our  
13 footprint scores a sixty-five. So you can just see our  
14 commitment to energy efficiency, and that not only  
15 translates to environmental benefits for the broader  
16 community. But it also translates to utility savings for  
17 our customers, so it's a win-win.

18           MR. TEDESCO: And did you and the applicant  
19 and your consulting team do any community outreach  
20 associated with this application?

21           MR. DONAHUE: We did. We actually took a  
22 very different tact of what historically developers have  
23 done, and it's actually been a great process. I think you  
24 heard the Browns talk about it earlier. I think they've

1 enjoyed the process. As a developer, I've truly enjoyed the  
2 process, and some people who signed up in opposition today  
3 have been in almost every one of those meetings.

4           So we've been engaging with the community,  
5 whether in support or in opposition, through the planning  
6 meetings, through stakeholder meetings. I think we probably  
7 have in the materials a record of every meeting. I -- I --  
8 I would say it's probably -- I've had at least fifteen to  
9 twenty of those meetings.

10           I'm not sure if I'm exaggerating or not, but  
11 we've been available. We have a website. On that website,  
12 we have ways to contact us. Every single comment that has  
13 come through our website has been responded to, with the  
14 exception of -- there was a media outreach that we as a  
15 company -- we just don't respond to media outreach, but  
16 local community citizens, we respond to them a hundred  
17 percent of the time.

18           I think many of them have my phone number and  
19 have called me directly, so in -- in that process, we have  
20 listened and we have changed our plans. And the Browns  
21 testified to it relative to product type. We did this on  
22 High Landing next door as well, and one of the big concerns  
23 of the community was we had initially planned for apartments  
24 on that site. Based on the feedback from the community, we

1 removed them.

2                   On this particular community, one of the  
3 biggest concerns was Steed Road, and our traffic -- our  
4 traffic engineer will testify that usually when you have  
5 traffic, it's -- it's section -- it results in  
6 intersections, not what we call links. But the community  
7 really, really wanted us to focus on the connection of  
8 widening Steed Road, I'll call it, north of our site.

9                   We call it plan north, where all of our plans  
10 are, you know, so moving from our property north across  
11 Tinker's Creek, we've agreed to widen -- or that's what  
12 we're proffering, is widening Steed Road where it's probably  
13 not one hundred percent required if you look at a strict  
14 traffic analysis. And all of that came through all of those  
15 stakeholder meetings, and that's where we pivoted and said,  
16 okay, this is what the community wants and this is what  
17 we're going to do.

18                   And in doing so, not only do we have to go  
19 and widen that road, we actually added on to what we likely  
20 wouldn't have to touch the bridge crossing the creek, and as  
21 part of that concession, we're now going to have to widen  
22 that bridge as well.

23                   MR. TEDESCO: Thank you, Mr. Donahue.

24                   Madam Examiner, I have no further questions

1 for Mr. Donahue.

2 MS. MCNEIL: While you all are preparing,  
3 since you mentioned Steed Road, and this is your case, I  
4 drive around there a lot, and I don't know this bridge. Is  
5 it something people notice because they live there? I mean,  
6 it's not a bridge bridge, correct? It's something very low,  
7 and I don't realize I'm on a bridge?

8 MR. TEDESCO: Yes.

9 MS. MCNEIL: Okay.

10 MR. TEDESCO: But it's narrow -- it's narrow  
11 and -- and Mr. Lenhart will speak more, too, and we have  
12 exhibits and we can show that to you, but --

13 MS. MCNEIL: Okay.

14 MR. TEDESCO: It's part of our public  
15 benefit, because part of what Mr. Donahue has testified to  
16 is what we've heard. And so that bridge discussion will  
17 come up much more in Mr. Lenhart's testimony, but yes,  
18 you've crossed it and not realized it.

19 MS. MCNEIL: Okay. Ms. Votaw, do you have  
20 any questions?

21 MS. VOTAW: Yes, ma'am. I have a few, and  
22 good morning, Mr. Donahue.

23 MR. DONAHUE: Good morning, Ms. Votaw.

24 MS. VOTAW: The first question I have for you

1 is how many units, dwelling units, would be allowed under  
2 the base zoning?

3 MR. DONAHUE: I -- I've been told it's 109.

4 MS. VOTAW: Okay. So you're not aware, then,  
5 that the Planning Board determined it was ninety-three?

6 MR. DONAHUE: We believe that there was a --  
7 there was a mathematical error in that calculation.

8 MS. VOTAW: And you're proposing 300 dwelling  
9 units?

10 MR. DONAHUE: Correct.

11 MS. VOTAW: Instead? So okay. I wanted to  
12 establish that.

13 The next question I have for you is you're  
14 aware, are you not, that the public benefits being proposed  
15 have to be superior to a significantly greater extent? They  
16 have to provide a public benefit to a significantly greater  
17 extent than would be likely under the development of the  
18 base zone; is that correct?

19 MR. DONAHUE: I'm aware of that.

20 MS. VOTAW: Okay. And you're, I'm assuming,  
21 generally familiar with the -- the public benefits being  
22 proposed here, correct?

23 MR. DONAHUE: Generally, yes.

24 MS. VOTAW: Okay. And I believe I heard you

1 previously state that, for example, one of the public  
2 benefits would be the additional preservation of woodland on  
3 site; is that correct?

4 MR. DONAHUE: That is correct.

5 MS. VOTAW: And are you aware that under the  
6 base RE zone, the required woodland on site preservation  
7 would be 25.23 acres?

8 MR. DONAHUE: I don't have that level of  
9 detail.

10 MS. VOTAW: Okay. And do you know whether  
11 the amount of woodland being proposed to preserve under the  
12 ZMA whether that significantly exceeds 25.23 acres?

13 MR. DONAHUE: I believe it exceeds it. I  
14 would actually defer. We have an environmental consultant  
15 ready to testify, and he can give you exact numbers. I  
16 think that's -- I'd rather rely on that.

17 MS. VOTAW: Okay. So you're not familiar  
18 with the findings of the Planning Board that the proposal is  
19 for the preservation of 25.23 acres, the same as what would  
20 be required under the RE zone?

21 MR. DONAHUE: I'm -- I apologize. We had a  
22 technical issue. If you could repeat that question.

23 MS. VOTAW: Oh, no worries. Yeah,  
24 absolutely. I'd be happy to, so you're not aware that the

1 Planning Board found that the proposed woodland preservation  
2 in this case is 25.23 acres, which is the same as what would  
3 be required under the base RE zone, correct? You don't know  
4 that?

5 MR. DONAHUE: I believe it is.

6 MS. VOTAW: Okay. So it's your understanding  
7 then, that the amount of woodland preservation being  
8 proposed as a public benefit is the exact same amount of  
9 woodland preservation that would be required under the base  
10 zone?

11 MR. DONAHUE: I believe so.

12 MS. VOTAW: Okay. Another question I wanted  
13 to ask you about was, are you familiar with the proposed  
14 public benefit of interpretive signage?

15 MR. DONAHUE: I am. I read just through  
16 the -- the Planning Board resolution.

17 MS. VOTAW: Okay. And so you're aware that  
18 Planning staff found that signage, like being -- the one  
19 being proposed is a basic requirement that would be  
20 applicable for any development of the site?

21 MR. DONAHUE: I'm not aware of that.

22 MS. VOTAW: Okay. That's on Planning Staff  
23 Report, page 24. How about --

24 MR. DONAHUE: I don't have that in front of

1 me, so I can't address that.

2 MS. VOTAW: Okay. Totally understand. How  
3 about the Cosca Regional Park funding. Are you familiar  
4 with that proposed public benefit?

5 MR. DONAHUE: Yes.

6 MS. VOTAW: Okay. And are you familiar with  
7 staff's finding that this is not an adequate proposed public  
8 benefit because it does not include a proposal to actually  
9 construct the improvements to the plant -- to the park?

10 MR. DONAHUE: I -- if I recall correctly,  
11 the -- they basically said we have to agree in the future or  
12 we actually have to construct something for a minimum of  
13 \$150,000, but it's not a \$150,000 contribution. It's -- I  
14 think it says it specifically in there that we have to  
15 construct something.

16 MS. VOTAW: Yes, but you're not currently  
17 proposing to do so, are you?

18 MR. DONAHUE: I'm -- I'm obligated to do so.

19 MS. VOTAW: But that's not part of the  
20 current proposal or what was submitted to the Planning Board  
21 was it?

22 MR. DONAHUE: It's a condition of approval,  
23 so if I -- like, I have to do it.

24 MS. VOTAW: Okay. But you haven't determined

1 what it is that you will be proposing for construction?

2 MR. DONAHUE: That's correct.

3 MS. VOTAW: Okay. And I'd also like to touch  
4 on the Tinker's Creek Stream Valley dedication. Are you  
5 familiar with that proposed public benefit?

6 MR. DONAHUE: Yes.

7 MS. VOTAW: Okay. And are you -- just bear  
8 with me for one moment. Are you familiar with staff's  
9 finding that quote, "Either the five percent usable area of  
10 land dedication or the Stream Valley dedication with master  
11 plan trails would be a base requirement under the  
12 subdivision regulation. Preservation of woodland and  
13 sensitive environmental features is also a base  
14 requirement"? Are you familiar with planning staff's  
15 finding to that effect?

16 MR. DONAHUE: I remember that finding. I  
17 believe we're dedicating more than the five percent.

18 MS. VOTAW: I mean, I don't want to debate  
19 what staff said, but my understanding of what staff said is  
20 there's a proposal for 6.3 acres of parkland, but that is  
21 within woodland preservation areas and cannot be counted as  
22 parkland. And then there's the fifty-two acres of the  
23 Tinker Creek dedication, which, again, staff found would be  
24 a base requirement. Is that -- do you have a different

1 recollection of staff's finding?

2 MR. S. BROWN: He indicated that he doesn't  
3 have the staff report or the resolution in front of him, so  
4 there's no need of debating that issue. The documents speak  
5 for themselves, Ms. Votaw.

6 MS. VOTAW: All right. I'll move on, then.

7 And then, I know you described that the Steed  
8 Road improvements would be addressed more thoroughly by Mr.  
9 Lenhart, but just to give a general question, are you  
10 generally familiar with those proposed improvements?

11 MR. DONAHUE: I would say generally, yes.

12 MS. VOTAW: Okay.

13 MR. DONAHUE: But if you ask me where turn  
14 lanes are et cetera, it's doubtful.

15 MS. VOTAW: Yeah, absolutely. And then are  
16 you familiar with the proposal by -- as part of that, to use  
17 some of the CIP contributions to pay for the proposed  
18 improvements?

19 MR. DONAHUE: A portion of them, yes.

20 MS. VOTAW: And you are familiar with staff's  
21 finding, are you not, that that would not be a sufficient  
22 public benefit if it was paid for by the CIP contributions?

23 MR. DONAHUE: It's -- I mean, it's a portion  
24 of it. I'm not -- I'm not aware of that finding that the --

1 the cost to widen the bridge and widen Steed Road to the  
2 north far eclipsed what would be calculated in this CIP  
3 contribution.

4 MS. VOTAW: Well, staff's finding's on page  
5 24, so I'll get into that with Mr. -- or sorry, not 24, on  
6 page 22, so I'll get into that with Mr. Lenhart.

7 I just have a few more questions. And thank  
8 you, everyone, for indulging me on this.

9 From your understanding of the proposal, will  
10 there be adverse traffic impacts caused by the increased  
11 number of units on this property?

12 MR. TEDESCO: Objection.

13 MS. MCNEIL: I'm so sorry. Can you repeat  
14 the question?

15 MS. VOTAW: Yes, I was just -- I was asking  
16 if he believes there will be any adverse traffic impacts  
17 caused by constructing 300 additional dwelling units on this  
18 property.

19 MS. MCNEIL: And your basis, Mr. Tedesco?

20 MR. TEDESCO: My basis for the objection  
21 would be that Mr. Donahue is not a traffic engineer, and it  
22 calls for speculation on his behalf. But if you overrule, I  
23 can -- I'll redirect. It's fine.

24 MR. S. BROWN: Same objection. I mean, Ms.

1 Votaw, he is not qualified here as a traffic engineer. The  
2 only time a layperson can testify with regards to a traffic-  
3 related issue is if they saw a car going down the road, and  
4 the general experience of a person, they know that's thirty  
5 miles an hour. He cannot speculate and project what traffic  
6 is going to look like in the future based upon any amount of  
7 dwelling units.

8 MS. VOTAW: With all due respect, he was  
9 proffered as a witness to talk about the public benefits and  
10 the -- the application's compliance with the zoning  
11 regulations, so I'm trying to elucidate his understanding of  
12 whether it complies with that. But I can wait until Mr.  
13 Lenhart.

14 MS. MCNEIL: Yeah, I would sustain also  
15 because I recall him saying that he would defer to traffic  
16 expert on traffic matters. I didn't hear him testify on  
17 those -- on that issue.

18 MS. VOTAW: Okay. I will wait for Mr.  
19 Lenhart, and then I have one final question.

20 Mr. Donahue, if you bear with me one moment  
21 while I rifle through my papers. Are you aware of staff's  
22 findings that the density and dimensional standards proposed  
23 are far more intense than those found in nearby residential  
24 areas and even exceed the thresholds permitted in the

1 residential multifamily R-MF twenty zone, the densest based  
2 zone allowing single-family detached dwellings? Are you  
3 familiar with staff's findings to that effect?

4 MR. DONAHUE: I've read those findings, yes.

5 MS. VOTAW: Okay. And are you familiar with  
6 staff's finding that the proposed dimensional standards  
7 exceed what may be reasonable achievable -- reasonably  
8 achievable while conforming to other code requirements on  
9 this property?

10 MR. DONAHUE: I am. I think you're missing  
11 all the context relative to Hyde Landing, which is a denser  
12 product, but I mean, I can -- I've read what you were -- I  
13 mean, you're just reading and asking me if I've read that,  
14 and I said, yes, I have.

15 MS. VOTAW: Okay. Yeah, I mean, we are not  
16 here about Hyde Landing. We're here about The Grove,  
17 correct?

18 MR. DONAHUE: Correct.

19 MS. VOTAW: So Hyde Landing is not relevant  
20 to today's conversation?

21 MR. DONAHUE: I think it's -- I think it's  
22 relative when you're asking about context when Hyde Landing  
23 next to it. That does provide context, right, relative to  
24 neighboring communities. It's a neighboring community.

1 MS. VOTAW: And how many dwelling units are  
2 being proposed with Hyde Landing?

3 MR. DONAHUE: I believe it's 1,288.

4 MS. VOTAW: And will any of those be using  
5 Steed Road?

6 MR. DONAHUE: Yes.

7 MS. VOTAW: Okay. So those will add vehicles  
8 to Steed Road, correct?

9 MR. DONAHUE: I think -- I think that's --  
10 we're also doing a lot of improvements to Steed Road, to  
11 Steed and Piscataway. We're at -- on both communities  
12 making improvements to their -- contributions to the  
13 improvements to BK Miller intersection, so you keep on  
14 asking me like, hey, are we going to add more traffic to the  
15 roads. We're also making -- I think it's disingenuous to  
16 say, you know, without considering all the improvements  
17 we're making to those same roads.

18 MS. VOTAW: Well, based on your counsel's  
19 objections, you're not qualified to say whether or not those  
20 improvements are adequate to accommodate the amount of  
21 traffic being added to this road, correct?

22 MR. S. BROWN: That's why --

23 MR. DONAHUE: I don't think --

24 MR. S. BROWN: That's why that line of

1 questioning is improper. We need to wait until the traffic  
2 expert testifies, Ms. Votaw.

3 MS. VOTAW: Then I would request that the  
4 Zoning Hearing Examiner disregard the applicant's statements  
5 regarding traffic and whether or not there are improvements.

6 MS. MCNEIL: Don't worry. I'm able to weigh  
7 whether an expert spoke, and I was getting ready to say,  
8 move on from this. So yeah, I won't be paying attention to  
9 that portion.

10 MS. VOTAW: Okay. Thank you, Madam Hearing  
11 Examiner. I believe that's all I have.

12 Thank you so much for your time, Mr. Donahue.

13 MR. DONAHUE: Thank you, Ms. Votaw.

14 MS. MCNEIL: Mr. Donahue, did you say that  
15 you all accept the conditions of the Planning Board and the  
16 technical staff?

17 MR. DONAHUE: Yes.

18 MS. MCNEIL: Okay. So the dimensional  
19 standards are going to be revised as they requested?

20 MR. DONAHUE: Yes.

21 MS. MCNEIL: Okay. Thank you.

22 Mr. Brown?

23 MR. S. BROWN: No questions. Thank you.

24 MS. MCNEIL: Thank you.

1 MR. TEDESCO: No redirect.

2 MS. MCNEIL: Okay. Thank you, Mr. Donohue.

3 MR. TEDESCO: Thank you, Mr. Donohue.

4 Our next witness, we would call Mr. Charlie  
5 Howe.

6 MR. HOWE: Good morning.

7 MS. MCNEIL: Good morning, Mr. Howe. Do you  
8 swear or affirm, under the penalties of perjury, that the  
9 testimony you shall give will be the truth and nothing but  
10 the truth?

11 MR. HOWE: I do.

12 MS. MCNEIL: Thank you.

13 MR. TEDESCO: Mr. Howe, good morning.

14 MR. HOWE: Good morning.

15 MR. TEDESCO: Hopefully I can say that for  
16 all of our witnesses. Could you, please, state your name  
17 and address for the record?

18 MR. HOWE: Sure. Charlie Howe, employer  
19 address is 1101 Mercantile Lane, right here in Largo,  
20 Maryland.

21 MR. TEDESCO: And what is your occupation and  
22 who is your employer?

23 MR. HOWE: I am a site civil engineer  
24 employed by Rogers Consulting, title, a team leader and

1 principal.

2 MR. TEDESCO: And how long have you been  
3 employed in the field of civil engineering, site civil  
4 project management, et cetera?

5 MR. HOWE: Twenty years now, seventeen of  
6 which has been within Prince George's County.

7 MR. TEDESCO: And are you a licensed  
8 professional engineer?

9 MR. HOWE: Yes, I am, license number 32490.

10 MR. TEDESCO: And have you previously been  
11 qualified and accepted by this examiner as an expert in the  
12 field of civil engineering -- civil engineering?

13 MR. HOWE: I have, cases A-1159 for Dobson  
14 Farms, A-10060 for Saddle Ridge, ZMA-2022-003 for Smith Lake  
15 Estates, and ZMA-2022-005 for Hyde Landing.

16 MR. TEDESCO: And Madam Examiner, Mr. Howe's  
17 CV is Exhibit 25 at page 8, and we would ask that he be  
18 accepted as an expert in the field of civil engineering.

19 MS. MCNEIL: Any voir dire or objections?

20 MR. S. BROWN: No objection.

21 MS. VOTAW: No, ma'am.

22 MS. MCNEIL: Okay. He'll be accepted as an  
23 expert in the area of civil engineering.

24 MR. TEDESCO: Thank you. Mr. Howe, are you

1 familiar with the property that's the subject of this  
2 hearing?

3 MR. HOWE: Yes, I am.

4 MR. TEDESCO: And did you make a personal  
5 inspection of the property, and if so, when?

6 MR. HOWE: Yes, multiple inspections, most  
7 recently on March 24th this year.

8 MR. TEDESCO: Which was yesterday?

9 MR. HOWE: Correct.

10 MR. TEDESCO: And from a site civil  
11 engineering perspective, please, describe the subject  
12 property.

13 MR. HOWE: Sure. Tinkers Creek is running  
14 along the north boundary of the property, with the tributary  
15 from -- flowing from Hyde Landing bisecting the site areas.  
16 There are large areas of open space that will preserve the  
17 continuity of the tinctures -- of the tributary. Runoff  
18 generally slopes --

19 MR. TEDESCO: I didn't mean to interrupt you.

20 Madam Examiner, maybe we put up Exhibit -- if  
21 Sarah Fatima could put up Exhibit 48, because that is a  
22 rendered illustrative plan just for folks to look at while  
23 Mr. Howe is speaking.

24 MS. FATIMA: Can everyone see my screen?

1 MR. HOWE: Yes.

2 MR. TEDESCO: It's loading up now.

3 Thank you, Sarah.

4 All right. Mr. Howe, I apologize for  
5 interrupting.

6 MR. HOWE: No, appreciate it.

7 So again, the Tinkers Creek you can see at  
8 the north boundary of the of the site there, then it's  
9 bisected by the tributary. To the south is the Hyde Landing  
10 site. You can also see by this exhibit there's large areas  
11 of open space that -- that were non-wooded areas that are  
12 going to be the concentration of development. There is --  
13 the high point of the site is closer to the southern,  
14 eastern portions, with the runoff flowing to the tributary  
15 in the stream with site access coming off of Steed Road.

16 MR. TEDESCO: And can you -- if it's helpful  
17 to pull up a different exhibit, please, instruct -- but  
18 could you, please, explain the existing improvements or  
19 existing conditions of the property, or any environmental  
20 features and stormwater facilities or other utilities?

21 MR. HOWE: Sure. From an engineering  
22 perspective, it would probably be best to pull up, I think,  
23 it's Exhibit 31, sheet 5 of the basic plan submission.  
24 That's the concept utility exhibit.

1                   Wait, went one sheet too many. Can we go up  
2 one? Perfect. Thank you so much.

3                   From a water and sewer standpoint, there's  
4 connectivity to sewer. There's a sewer main that runs along  
5 Tinker's Creek. Let me back up. The water and sewer is  
6 within category 4, which is adequate for development  
7 planning. There's water main available within Steed Road.  
8 There'll be a redundancy connection proposed to the south  
9 end to the Hyde Landing site.

10                  We do have a WCC-approved hydraulic planning  
11 analysis. That's DA7961Z25 confirming that -- that there is  
12 sewer and water capacity. As I mentioned, site access is  
13 from Steed Road. There's an existing floodplain, the  
14 approved plan from DPIE. That is plan number SIT-00095  
15 2024, showing 25.22 acres of hundred-year base flood  
16 elevation, and that was approved October 29th of 2024.

17                  We did receive will serve letters from  
18 utility companies, Pepco, Washington Gas, Verizon, Comcast.  
19 So they're all available on site.

20                  Future plans for stormwater management. We  
21 will be proposing a diverse mix of stormwater management,  
22 quality treatment devices including bioretention facility,  
23 gravel--gravel, wetlands, bioswales, disconnections, as well  
24 as the quantity flood control for the hundred-year storm.

1                   We'll have sediment control traps designed  
2 and basins that will be utilizing the proposed stormwater  
3 management facilities to avoid impacts with redundant  
4 sediment control devices analyzed for additional protection  
5 in this area.

6                   MR. TEDESCO: And what Sustainable Growth Act  
7 tier is the property?

8                   MR. HOWE: Tier 1.

9                   MR. TEDESCO: And are you familiar -- strike  
10 that.

11                   Do you agree with the Planning Board's  
12 findings related to this application's compliance with the  
13 general standards, which are Section 27-4301(d), which is  
14 provided in Exhibit 27?

15                   MR. HOWE: I do. Yes.

16                   MR. TEDESCO: And from a site civil  
17 engineering perspective, could you take us through subparts  
18 K, L, M, and N of that section?

19                   MR. HOWE: Sure. Subsections K is related to  
20 the onsite potable water and wastewater. As I mentioned, we  
21 are in sewer category 4 with the connections that I  
22 mentioned before with the approved hydraulic planning  
23 analysis already in process. L is in relation to the onsite  
24 storm drain facilities -- sorry, with this exhibit that

1 we're looking at now, you can see some of these future  
2 connections, potential locations, along with the storm drain  
3 and stormwater management areas.

4           The onsite storm drain facilities and their  
5 connections, again, they're shown on this with the diverse  
6 mix of (indiscernible) wetlands, bio retentions,  
7 disconnections. Details of these facilities will be shown  
8 and evaluated at the time of preliminary plan. Section 27-  
9 3605(f) (5) (f) (x) of the Zoning Ordinance require stormwater  
10 management concept approval prior to that preliminary plan,  
11 and that -- that concept plan will be reviewed by DPIE.

12           Section M deals with the onsite and offsite  
13 public facilities within the development. We're not in a  
14 municipality, but a number of public facilities will serve  
15 the development, including the Clinton Fire Station 825,  
16 located at the Piscataway Road/Brandywine intersection, two  
17 miles from the property. The Clinton Police Station is one  
18 block off of the Brandywine Road, approximately four miles  
19 away.

20           Nearby park sites include Costco Regional  
21 Park, Rose Valley Park, Stephen Decatur Community Center.  
22 All the -- at the time of preliminary plan, and out of suite  
23 test for the public facilities will be done as -- at the  
24 time for building permit, school facility surcharge per

1 dwelling unit will be assessed.

2 I think the other one you asked for was  
3 subsection N, which is related to provisions for  
4 transportation, potable water, wastewater, stormwater  
5 management. Again, I touched on the WCC water sewer  
6 category change. We're in category 4. We will need to  
7 modify that to category 3 prior to planning. There is on  
8 site vehicle or pedestrian circulation systems connecting to  
9 Steed Road. The facilities improvements will need to be  
10 evaluated at preliminary plan.

11 MR. TEDESCO: And in your expert opinion,  
12 does the planned residential community respect topographic  
13 and other environmental characteristics of the site?

14 MR. HOWE: Yes, it does.

15 MS. MCNEIL: The site existing drainage  
16 patterns will be maintained with the proposed development  
17 stormwater management design to include an attenuation of  
18 the hundred-year storm to ensure the flow rates do not  
19 exceed the current preexisting development flow rates. Mr.  
20 Allison will touch more on the environmental portion of  
21 that. But again, we are utilizing the open space areas for  
22 our development area.

23 MR. TEDESCO: I have no further questions,  
24 Madam Examiner.

1 MS. MCNEIL: Ms. Votaw?

2 MS. VOTAW: Yes. Thank you, Madam Hearing  
3 Examiner.

4 And good morning, Mr. -- I'm not sure how to  
5 spell your last name. Is it Howe or Howell?

6 MR. HOWE: It's Howe. The E is silent.

7 MS. VOTAW: Got it. Okay. Got it. Thank  
8 you. I have just a few questions.

9 MR. HOWE: Sure.

10 MS. VOTAW: I believe I heard you say that  
11 that evaluation of the adequate public facilities would  
12 occur at a later stage; is that accurate?

13 MR. HOWE: That is correct. That'll be with  
14 the preliminary plan -- along with the preliminary plan at  
15 the (indiscernible) stage.

16 MS. VOTAW: So you did not evaluate whether  
17 this proposed development would have adverse impacts on the  
18 public facilities that currently exist, correct?

19 MR. HOWE: Correct.

20 MS. VOTAW: Okay. Even though demonstrating  
21 no adverse impact is a required finding for this  
22 application; is it not?

23 MR. HOWE: Can you clarify?

24 MS. VOTAW: Yeah. It's true, is it not, that

1 Section 27-3602(c) (4) provides that -- give me one second to  
2 scroll there, "Planned development decision standards that  
3 the entire development will not adversely impact surrounding  
4 properties"; is that correct?

5 MR. HOWE: That's correct.

6 MS. VOTAW: But you did not evaluate whether  
7 the adequate public facilities in the nearby area would be  
8 adversely impacted; is that correct?

9 MR. HOWE: I evaluated from the water and  
10 sewer and stormwater management component, and they are  
11 adequate as a civil engineer.

12 MS. VOTAW: Okay. Understood. So you can't  
13 really speak to whether the -- the public facilities other  
14 than water and sewer would be adversely impacted by this  
15 project, correct?

16 MR. HOWE: Correct. We have other expert  
17 witnesses that will.

18 MS. VOTAW: Okay. Just want to make sure I  
19 understand the scope of your testimony. This application  
20 proposes a bridge over the tributary to Tinker's Creek; is  
21 that correct -- or at least a crossing over top of that?

22 MR. HOWE: There's a crossing, correct.  
23 Initial review that will be a culvert crossing, not  
24 necessarily a bridge.

1 MS. VOTAW: Okay. And that will impact the  
2 environment, will it not?

3 MR. HOWE: Sorry, sorry, Ms. Votaw. Let me  
4 back up. That's not over Tinker's Creek. That's over the  
5 tributary.

6 MS. VOTAW: Yeah. Yes. Yeah, I understood  
7 what you're saying. Yes, absolutely. And that will impact  
8 the environment installing that culvert, correct?

9 MR. HOWE: Correct. That is an allowable  
10 impact.

11 MS. VOTAW: Okay. And did you do an  
12 evaluation of whether the -- I'm trying to think of the  
13 technical term for this -- the content of the stormwater  
14 runoff into the tributary, will that change after developing  
15 the types of particles included in that stormwater? Did you  
16 evaluate that in your studies?

17 MR. HOWE: No, all that would be done with  
18 the concept plan, but as I mentioned we will be restricted  
19 to attenuate to pre-development conditions.

20 MS. VOTAW: In terms of the amount of  
21 stormwater runoff, correct?

22 MR. HOWE: Correct.

23 MS. VOTAW: But that does not evaluate  
24 whether the stormwater runoff includes harmful --

1 environmentally harmful materials; is that correct?

2 MR. HOWE: Understood. Yeah. So along with  
3 that concept plan, we would be doing an environmental site  
4 design as required, which will include treatment practices  
5 such as submerged wetlands, bio retentions, and we will need  
6 to meet all the minimum requirements.

7 MS. VOTAW: Okay. But you haven't done that  
8 so far, correct?

9 MR. HOWE: Correct.

10 MS. VOTAW: Okay. So you can't provide  
11 evidence or testimony to the zoning hearing examiner that  
12 this plan, as currently developed -- as currently designed,  
13 will not have adverse water quality impacts, correct?

14 MR. HOWE: Correct. The Code requirement  
15 requires that at a later stage, not at (indiscernible).

16 MS. VOTAW: Okay. Got it. And another  
17 question I had; you're describing stormwater management  
18 calculations -- I think you said the one hundred-year flood  
19 event; is that correct?

20 MR. HOWE: Correct. That is the flood  
21 control, the quantity control I was referring to.

22 MS. VOTAW: Got it. And those calculations,  
23 do they include climate change projections?

24 MR. HOWE: Yes, they do.

1 MS. VOTAW: So you're able to assure the  
2 hearing examiner that these stormwater management facilities  
3 will be adequate to treat stormwater that is increased and  
4 exacerbated by the impacts of climate change?

5 MR. HOWE: Correct. The State and the County  
6 will as well.

7 MS. VOTAW: And that's a state requirement  
8 that you incorporate climate change projections?

9 MR. HOWE: Yes.

10 MS. VOTAW: Okay. I'm not aware of those, so  
11 that's good to know. And did you evaluate whether there  
12 will be more or less impervious surfaces created by this  
13 proposal compared to what would be allowed under the base  
14 zone?

15 MR. HOWE: There would be -- under the base  
16 zone? No, I haven't done that comparison.

17 MS. VOTAW: Okay. Do you have a sense of how  
18 much impervious surface is being proposed by this  
19 application?

20 MR. HOWE: Not at this time.

21 MS. VOTAW: Okay. So you're not you're not  
22 able to provide the hearing examiner with testimony about  
23 the extent of impervious surfaces on this property, correct?

24 MR. HOWE: Not on the rezoning. Correct.

1 MS. VOTAW: Okay. So then, correct me if I'm  
2 wrong, the amount of impervious surface is important in  
3 calculating stormwater management calculations; is it not?

4 MR. HOWE: It is.

5 MS. VOTAW: Okay. But you're saying you  
6 don't have the amount of impervious surfaces currently being  
7 proposed, correct?

8 MR. S. BROWN: Oh, Ms. Votaw, this is an  
9 application to rezone a property.

10 MS. VOTAW: Um-hum.

11 MR. S. BROWN: There will be later plans,  
12 whether its specific design plan or detailed site plan,  
13 preliminary plans, and at that particular point in time, the  
14 project will specifically identify the lot patterns, the  
15 parking lots, and any impervious surfaces. It's an  
16 impossibility to know today the amount of impervious  
17 surfaces, and therefore it's an impossibility to answer your  
18 question at this time.

19 MS. VOTAW: Well, with all due respect,  
20 People's Zoning Council, the applicant has the burden of  
21 proving to the zoning hearing examiner at this stage that  
22 there will not be an adverse impact to surrounding  
23 properties. And part of that evaluation inherently has to  
24 be an evaluation of the impact on the environmental features

1 of the surrounding properties that this will directly  
2 impact.

3           Perhaps if this was a different site with no  
4 environmental features, like a tributary to the Tinker's  
5 Creek stream, that might be a different question. But in my  
6 view -- and I understand that we might have differing views  
7 on this -- the applicant has the burden of proof of  
8 demonstrating, based on the features of this specific site,  
9 that there will not be an adverse impact of surrounding  
10 properties. And I'm trying to elucidate which testimony the  
11 applicant is able to provide to the hearing examiner to try  
12 to establish whether that's sufficient or not.

13           MR. S. BROWN: Again, you're putting the cart  
14 before the horse. That is premature. No one is going to be  
15 able to answer that question regarding a rezoning case.

16           MS. MCNEIL: I believe we can't continue down  
17 this road, but I would overruling that she had the right to  
18 just question this to an extent because of the language will  
19 not adversely impact. And that counsel for the applicant,  
20 of course, can come back and explain, as you did, Mr. Brown,  
21 what is required at this time.

22           So Ms. Votaw, do you have many, many more  
23 along this line, or you think you can do the compound one?

24           MS. VOTAW: No, Madam Examiner, you read my

1 mind. That was the last question I had, so.

2 MS. MCNEIL: Okay.

3 MS. VOTAW: And thank you for your time, Mr.  
4 Howe.

5 MR. HOWE: Thank you.

6 MR. TEDESCO: Madam Examiner, unless Mr.  
7 Brown, I have one or two redirect.

8 MS. MCNEIL: Okay. But Mr. Brown, do you  
9 have any?

10 MR. S. BROWN: Go ahead. I don't have any  
11 questions.

12 MS. MCNEIL: Okay. Mr. Tedesco?

13 MR. TEDESCO: Thank you. And Mr. Howe,  
14 you've been out to the site; that's correct?

15 MR. HOWE: Correct.

16 MR. TEDESCO: And what are the current  
17 stormwater management features on site today?

18 MR. HOWE: There are none.

19 MS. VOTAW: I object. The -- the standard  
20 that we are evaluating today is not a comparison of the  
21 current features to the proposed rezoning. It's the base  
22 zone of what's allowed under the base zone to what's being  
23 proposed in the proposed rezoning. So I think it's  
24 irrelevant what the -- any comparison to the current

1 standards is not relevant to this case.

2 MS. MCNEIL: I would overrule.

3 Go ahead, Mr. Tedesco.

4 MR. TEDESCO: Thank you, Madam Examiner.

5 So there are no current stormwater management  
6 features on site today? That is correct. And if this site  
7 were to be developed and approved what would the standard  
8 requirements be for stormwater management with respect to  
9 the design and the requirements? In other words, how would  
10 the stormwater have to be designed with respect to  
11 development on this site?

12 MR. HOWE: We would have to -- obviously, we  
13 have to go through the water quality treatment and ESD for  
14 any additional impervious area as well as develop to the  
15 predesigned conditions for flood control.

16 MR. TEDESCO: And when does that occur in the  
17 entitlement process?

18 MR. HOWE: The concept plans are done at time  
19 of preliminary plan. Final design plans are done with the  
20 permit.

21 MR. TEDESCO: Thank you. No more questions.

22 Madam Examiner, we would --

23 MS. MCNEIL: Ms. Votaw, did you have -- oh,  
24 excuse me one second.

1 Did you have redirect, though, based on that?

2 MS. VOTAW: Yes. I'll just -- it's very  
3 brief, and perhaps redundant, but just so the record's  
4 clear.

5 Mr. Howe, the decision standards again are  
6 that the applicant shall demonstrate to the satisfaction of  
7 the district council, or the zoning hearing examiner in this  
8 case, that the entire development will not adversely impact  
9 the surrounding properties; is that correct?

10 MR. HOWE: Correct.

11 MS. VOTAW: So that's a standard that this  
12 application is being evaluated under?

13 MR. HOWE: Correct.

14 MS. VOTAW: That's all I have. Thank you.

15 MS. MCNEIL: Okay.

16 MR. TEDESCO: Mr. Howe, in your expert  
17 opinion, will this approval have any adverse impact to the  
18 surrounding community based upon a site civil engineering?

19 MR. HOWE: No, not from site civil.

20 MS. MCNEIL: Okay. Thank you, Mr. Howe.

21 MR. HOWE: Thank you so much.

22 MR. TEDESCO: Madam Examiner, we will next  
23 call Ms. Christine Gillette.

24 MS. MCNEIL: Good morning, Ms. Gillette.

1 MS. GILLETTE: Good morning.

2 MS. MCNEIL: Do you swear or affirm under the  
3 penalties of perjury, that the testimony you shall give will  
4 be the truth and nothing but the truth?

5 MS. GILLETTE: I do, thanks.

6 MR. TEDESCO: Would you please state your  
7 name and address for the record?

8 MS. GILLETTE: My name is Christine Gillette.  
9 My address is 1101 Mercantile Lane, Suite 280, Largo,  
10 Maryland.

11 MR. TEDESCO: And where are you employed, and  
12 what is your title?

13 MS. GILLETTE: I'm with Rodgers Consulting,  
14 and my title is senior landscape architect.

15 MR. TEDESCO: And how long have you been  
16 employed in the field of landscape architecture?

17 MS. GILLETTE: Over twenty years. And the  
18 last fifteen has been exclusively in Prince George's County.

19 MR. TEDESCO: And are you a licensed  
20 landscape architect in the State of Maryland?

21 MS. GILLETTE: I am. My number is 3686.

22 MR. TEDESCO: And have you previously been  
23 qualified and accepted by this hearing examiner and  
24 landscape -- as an expert in landscape architecture?

1 MS. GILLETTE: I have. For ZMA 2022003 Smith  
2 Lake Estates and ZMA 2022005 Hyde Landing.

3 MR. TEDESCO: And Madam Examiner, Ms.  
4 Gillett's CV is Exhibit 25 at page 9, and we would ask that  
5 she be accepted as an expert in the field of landscape  
6 architecture here this morning.

7 MR. S. BROWN: No objection.

8 MS. VOTAW: No objection.

9 MS. MCNEIL: Thank you. You'll be an expert  
10 in the area of landscape architecture.

11 MR. TEDESCO: And are you familiar with the  
12 property that's the subject of this hearing?

13 MS. GILLETTE: I am.

14 MR. TEDESCO: And did you make a personal  
15 inspection of the subject property?

16 MS. GILLETTE: Yes, most recently on March  
17 24th, yesterday.

18 MR. TEDESCO: And did you prepare or assist  
19 in the preparation of the basic plan and the other site plan  
20 exhibits, which are filed in conjunction with this  
21 application?

22 MS. GILLETTE: Yes, I personally prepared the  
23 basic plan and all the plan exhibits.

24 MR. TEDESCO: A Madam Examiner, I would just

1 note that Section 27-3602(a)(2) of the zoning ordinance  
2 provides that the basic plan site plans shall be prepared by  
3 a licensed, either architect, engineer, landscape architect,  
4 or land planner, for which Ms. Gillette qualifies.

5                   And did you -- could you please describe the  
6 property in the basic plan that you prepared? And if you  
7 need to, we can pull up Exhibit 31.

8                   MS. GILLETTE: Yes. Can we have Exhibit 31,  
9 please?

10                  MR. TEDESCO: If you could just take us  
11 through the basic plan of what we see on the screen?

12                  MS. GILLETTE: Sure. So what you have before  
13 you is the basic plan with all the required items, as  
14 reviewed by technical staff. The property is one large  
15 parcel. You can see it located along Steed Road. It's  
16 currently used as just a -- I think someone mentioned a  
17 small hobby farm, would be the best characterization. Just  
18 some grazing pastures for some interesting livestock.

19                  To the northeast, across Steed Road, is one  
20 of the Steeds Glenn neighborhoods. Lot sizes are  
21 approximately two-thirds of an acre to one acre. To the  
22 northwest, which is up on this plan view, Tinkers Creek runs  
23 northeast to southwest, and the entire northern portion of  
24 the property lies within the existing stream valley.

1                   To the west, there's some vacant land  
2 associated with the Potomac airfield. To the southwest is  
3 undeveloped woodland, and to the southeast is the approved  
4 High Landing development, which has residential uses, solar  
5 pods, and similar extensive preservation of natural  
6 features.

7                   On this basic plan, you can see pod B, which  
8 is the portion that will front on Steed Road, and that will  
9 feature single-family detached homes, which will be  
10 compatible to the residential uses across Steed, and in the  
11 greater area. Pod A is more central in that space, and  
12 those are the attached single-family detached homes,  
13 townhouses. And then another pod, C, across the waterway,  
14 it would be probably larger lots for single-family detached  
15 homes.

16                   And each of these pods is designed -- you can  
17 kind of see in green -- to have a variety of recreational  
18 spaces, and all of these would be interconnected with a  
19 network of sidewalks and trails and of course, roadways for  
20 vehicles. What you can kind of see on this is that these  
21 residential pods are -- have been located on the site for  
22 the most part, where there's currently open space with -- so  
23 the footprints impact the existing environmental features to  
24 the least extent possible in this case, and all of those

1 areas are anticipated for preservation in one way or  
2 another.

3 MR. TEDESCO: And could you help elaborate  
4 more on why the RPD zone was chosen for this property?

5 MS. GILLETTE: I think one of the phrases you  
6 hear a lot today is flexibility. The RPD zone was designed  
7 with the new zoning ordinance to provide that flexibility  
8 separate from the base zones so that we can -- properties  
9 like this can work towards providing a mix of housing types  
10 rather than just the one type, perhaps in the base zone, so  
11 they can fulfill policies such as the housing opportunity  
12 for all countywide housing strategy, as well as the general  
13 plan and Subregion 5 (indiscernible), which we've explored,  
14 you know, in great detail, of course, in the statement of  
15 justification, and was reviewed and supported by technical  
16 staff.

17 Establishing an RPD zone on this property  
18 will allow proportional density, net lot area, and  
19 dimensional standards to be established for the site, which  
20 will meet the purposes of the RPD zone and allow for more  
21 efficient use of the land and a higher quality of  
22 development while still respecting the existing  
23 environmental habitats and the surrounding neighborhood  
24 character.

1                   There's, you know, contemplated, like I  
2 mentioned, a mixture of housing types and sizes that can  
3 help support more of a multi-generational development to  
4 further complement the Hyde Landing development approach,  
5 with homeownership available to a wide price range,  
6 accessible to first-time home buyers.

7                   MS. VOTAW: Excuse me. I'm going to have to  
8 object. I believe this witness was offered as a landscape  
9 architect, not as a planner or the developer of the  
10 property. So I object to her testimony to the extent that  
11 it's outside the scope of landscape architecture.

12                   MS. MCNEIL: Mr. Tedesco?

13                   MR. TEDESCO: Well, the question dealt with  
14 why the RPD zone was chosen. So she's going through the  
15 flexibility that's provided in the RPD zone as a landscape  
16 architecture and the preparer of the basic plan. I think  
17 it's relevant.

18                   MS. VOTAW: Well, again, as a landscape  
19 architect, she has experience in landscape architecture and  
20 expertise in landscape architecture, that does not expand to  
21 planning. And I believe a question of why flexibility is  
22 beneficial, to the extent that it touches on any point other  
23 than landscape architecture, would be outside the scope of  
24 her expertise as proffered currently.

1 MS. MCNEIL: And I hear you. But because the  
2 rules of evidence are relaxed, I understand that this  
3 portion of her testimony is not exactly expert testimony.  
4 And I could be wrong, and I might ask this question. Did  
5 you discuss these matters with the owner and the other  
6 experts and the attorney in this case?

7 MS. GILLETTE: Yes. This is the -- the  
8 efforts of the entire team.

9 MS. MCNEIL: Okay. And so as you were hired  
10 to prepare these plans. The reasoning -- you're providing  
11 the reason why the applicant wanted to go forward right now,  
12 correct? You're not exactly speaking as to setbacks, et  
13 cetera, topography and everything else with these plans?

14 I'm going to allow, mainly because the rules  
15 of evidence are relaxed, and I'm not taking this portion as  
16 expertise. I'm taking it as a little background as to why  
17 they wanted this zone.

18 MS. VOTAW: Okay. I just -- with all with  
19 all due respect, Madam Hearing Examiner, I'm just asking for  
20 consistency because my questions about general traffic  
21 concepts was shut down as it wasn't within the scope of  
22 their expertise. So I would expect the hearing examiner's  
23 decision. I'll just want to note that for the record.

24 MS. MCNEIL: I understand. And I hear you.

1 I just thought you're going to ask that of someone later and  
2 that he hadn't testified to that on direct. That was my --  
3 I heard what everybody else objected to, but he hadn't gone  
4 that far on direct.

5 MS. VOTAW: Understood.

6 MR. S. BROWN: And also, Ms. Votaw, the  
7 distinction is you were asking a traffic question to a  
8 layperson. Now, the questions are being asked to an expert.  
9 An expert may opine on other experts that it has dealt with  
10 on an issue. And so when you ask this landscape architect,  
11 she can then say, I have spoken with the traffic engineer, I  
12 have spoken with the land planner, and it's my understanding  
13 XYZ. And so that's the difference here. This is not a  
14 layperson. She can rely on other expert opinions in this  
15 case.

16 MS. VOTAW: Again, with all due respect, I'll  
17 leave it. But I was asking that of expert witnesses, but  
18 I'll leave it. I respect the hearing examiner's decision  
19 and I just want to note it for the record. So thank you.

20 MS. MCNEIL: Okay. Go ahead, Mr. Tedesco.

21 MR. TEDESCO: I don't know where we left off.

22 MS. GILLETTE: Maybe just to complete that  
23 section of why the RPD zone was chosen.

24 MR. TEDESCO: I think you had one more

1 bullet.

2 MS. GILLETTE: There was, you know,  
3 obviously, the goals of the flexibility, product type, et  
4 cetera, fully understanding that public benefits would be a  
5 substantial portion of the design process and new community  
6 components for both this property as well as the surrounding  
7 area. And those are outlined in detail in both the public  
8 benefits SOJ, the improvements exhibit -- oh, sorry.

9 The public benefit SOF is Exhibit 20, the  
10 improvements exhibit is Number 16, and the big picture  
11 exhibit is Number 21. And that was generated to communicate  
12 and coordinate with staff to show them what would both be  
13 the standard requirements for a site development and then  
14 show how the public benefit features were above and beyond  
15 measurable and of high value.

16 MR. TEDESCO: And could you summarize the  
17 requested development data if ZMA 2024004 is approved?

18 MS. GILLETTE: So there's a development data  
19 table on this basic plan, sort of center, lower area. We  
20 have the gross area, the floodplain area, and the net lot  
21 area.

22 And I just need to make one note that there  
23 was a typo on this submitted version where the proposed  
24 maximum density should show as 101 dwelling units per 100.94

1 acres, resulting in the minimum density that would be  
2 required with RPD of 1.0, and the proposed maximum density  
3 would be 300 dwelling units divided by the 194 acres,  
4 resulting still in the 2.97 dwelling units per acre density.

5 MR. TEDESCO: So Madam Examiner, we would  
6 proffer a condition, if you're inclined to recommend  
7 approval of this application, to modify the development data  
8 table to correct that typographical error, which Ms.  
9 Gillette just testified to. And for clarity, in the  
10 development data table on sheet 1 of the basic plan proposed  
11 minimum density, it currently says 91 DU divided by 90.002  
12 acres. That should be 101 divided DUs by 80.62, and the  
13 proposed maximum is 300 DUs divided by 100.94 acres.

14 So the issue is, is that the acreage for the  
15 net lot area is shown and proposed minimum and maximum is  
16 90.62. The correct number is 100.94 acres based upon the  
17 gross and the hundred-year floodplain. There was a typo  
18 with respect to the acreages being transposed as 90.62  
19 instead of the 100.94.

20 And Ms. Gillette, could you also indicate  
21 whether or not the resolution of the Planning Board Exhibit  
22 27, I believe, has a similar or other mathematical error in  
23 it on page 11?

24 MS. GILLETTE: Correct. The -- on the

1 resolution page 11, there's a comparison of the metrics  
2 currently permitted under the RE zoning in comparison to the  
3 master plan, and it lists the maximum density of 1.08  
4 dwelling units per acre, the acreage of 194 acres. But then  
5 they inverted the math and listed 94 -- or sorry, 93, when  
6 it should be 109. I believe the -- the acreage was divided  
7 by the density instead of multiplied. So I just wanted to  
8 clarify that.

9 MR. TEDESCO: And could you summarize --

10 MS. MCNEIL: I'm so sorry. What page was  
11 that again on the Planning Board resolution?

12 MS. GILLETTE: Page 11. It's right at the  
13 top. There's a --

14 MS. MCNEIL: Okay.

15 MS. GILLETTE: -- slim table. You're allowed  
16 more than one dwelling unit per acre and you have over a  
17 hundred acres. The density would be over a hundred.

18 MR. TEDESCO: Madam Examiner, may I continue?

19 MS. MCNEIL: I'm sorry. Just one more thing  
20 about this basic plan.

21 Does it address the reduced minimum, maximum  
22 lot cover?

23 MS. GILLETTE: Yes. That's the part we're  
24 going to get to just next.

1 MS. MCNEIL: Okay. Go ahead.

2 MR. TEDESCO: Great segue. Ms. Gillette.  
3 Could you please summarize the requested development  
4 standards if this application were to be approved?

5 MS. GILLETTE: Yes. On the basic plan to the  
6 lower left is the proposed residential intensity and  
7 dimensional standards. As noted earlier, there is a  
8 condition as recommended by the Planning Board and staff  
9 that we adjust the minimum front yard setback depth to ten  
10 feet, where it's currently listed as five, and the -- for  
11 both detached and attached dwellings, and the maximum lot  
12 building coverage from what we had originally started with  
13 to sixty percent for detached and eighty percent for  
14 attached. And those would be modified on the plan prior to  
15 a submission for certification.

16 MR. TEDESCO: And you are -- and you and the  
17 applicant are in agreement with those recommended conditions  
18 and changes to the basic plan?

19 MS. GILLETTE: Correct.

20 MR. TEDESCO: And in your expert opinion,  
21 will the rezoning of the property to the RPD zone establish  
22 dimensional standards that are consistent with the  
23 requirements of the RPD zone, and if so why?

24 MS. GILLETTE: They will, because the RPD --

1 when establishing these for the RPD zone, they are all open  
2 and they're unwritten in the code. It is --

3 MS. VOTAW: Again, I'm going to object again,  
4 believe this is outside the scope of her expertise as a  
5 landscape engineer. And this is within the scope of what  
6 Madam Hearing Examiner described as you know, talking about  
7 setbacks, talking about details of the zoning code, which  
8 again, a landscape architect, I believe, does not have the  
9 expertise to opine on.

10 MS. GILLETTE: So this actually is fact  
11 because the zoning ordinance where other base zones have a  
12 list of these dimensional standards is blank for the RPD,  
13 because it's listed as this is the time to establish those  
14 dimensions, which --

15 MS. VOTAW: I'm going to object to the extent  
16 that her testimony is outside the scope of a landscape  
17 architect.

18 MS. MCNEIL: She's just stating what is in  
19 the code and what they're providing on these plans, correct?

20 You reviewed the code in order to do these  
21 plans.

22 What was your question again, Mr. Tedesco?

23 MR. TEDESCO: Will the rezoning of the  
24 property established dimensional standards that are

1 consistent with the requirements of the zone?

2 MS. GILLETTE: They will.

3 MS. MCNEIL: And they're shown on the plans.

4 MS. GILLETTE: Correct.

5 MR. TEDESCO: Correct.

6 MS. MCNEIL: I have to overrule again. She's  
7 just restating what it was required in the code to be put on  
8 this plan and what she put on it, or whether it meets the  
9 code. Okay. Overrule.

10 MR. TEDESCO: Did you prepare or cause to be  
11 prepared the circulation plan associated with the  
12 connectivity index required as part of the basic plan?

13 MS. GILLETTE: I did. As it's --

14 MR. TEDESCO: Sheet 3?

15 MS. GILLETTE: Sheet 3 of this exhibit. That  
16 demonstrates the identified links and notes, which as guided  
17 by the ordinance are --

18 MS. VOTAW: I'm sorry. I'm not trying to  
19 belabor this point. I object again. Could we at least have  
20 a proffer that this is a type of work that ordinarily is in  
21 within the scope of a of a landscape architect? I'm  
22 struggling to see how this is within the scope of the  
23 expertise of a landscape architect to talk about the  
24 circulation patterns in a development.

1 MS. MCNEIL: You want to cross-examine on  
2 that?

3 MR. TEDESCO: Well, I mean, if I could be  
4 heard. So Section 273602(a)(2) provides the requirements  
5 for what's required to file a plan development basic plan.  
6 And within that section, subsection (a)(2), it specifically  
7 provides that the plan must be prepared by either a licensed  
8 civil engineer, a licensed planner, a licensed landscape  
9 architect. So this is a requirement of the basic plan.

10 Ms. Gillette is the one who prepared this.  
11 She is required by code to prepare this exhibit as part of  
12 the basic plan. The code specifically provides that a  
13 landscape architect can do that. Ms. Votaw can disagree,  
14 but that's what the code allows for. So she simply just  
15 providing testimony that she prepared this plan and that it  
16 exceeds the circulation Requirements required under the  
17 zone. So I can proffer that.

18 MS. VOTAW: And I'll get into it on cross, I  
19 suppose. I'm just trying to preserve my objection. So I'll  
20 respect that, and we can move on.

21 MS. MCNEIL: Okay. It's overruled.

22 Go ahead, Mr. Tedesco.

23 MR. TEDESCO: Thank you, Madam Examiner.

24 Ms. Gillette, once again, you did prepare the

1 circulation plan as required by code?

2 MS. GILLETTE: I did.

3 MR. TEDESCO: And could you just please  
4 explain to the examiner what this plan demonstrates and  
5 provides for.

6 MS. GILLETTE: This is --

7 MR. TEDESCO: Per the code.

8 MS. GILLETTE: Per the code, this is the  
9 conceptual land plan that we are starting with showing the  
10 different areas of development. And you can see with the,  
11 the red stars, those are the notes, and the green arrows are  
12 the links. And per code, those are located on this exhibit  
13 and tabulated to demonstrate that the 1.54 meets and  
14 fulfills the requirement of the connectivity index for this  
15 section.

16 MR. TEDESCO: And did you prepare or cause to  
17 be prepared the open space set aside exhibit for this basic  
18 plan?

19 MS. GILLETTE: I did. That is sheet 4 of  
20 this exhibit.

21 MR. TEDESCO: If we could go to sheet 4,  
22 Sarah (phonetic).

23 MS. GILLETTE: So this exhibit was prepared  
24 to demonstrate the requirements of Section 27-6400, showing

1 the combination of natural environmental features in purple,  
2 the active recreation areas in red, passive recreation in  
3 yellow, and you can see some sections of trail in orange,  
4 currently proposed to the site. The open space set aside  
5 requires twenty percent of the site to be in one or more of  
6 these categories, and this current exhibit is providing  
7 forty-eight percent.

8 MR. TEDESCO: And did you prepare or cause to  
9 be prepared with consultation with other experts the Public  
10 Benefit Improvement Exhibit, Exhibit 16, and the Public  
11 Benefit Statement Justification, Exhibit 20?

12 MS. GILLETTE: Yes.

13 MR. TEDESCO: Could you describe those  
14 exhibits, please?

15 MS. GILLETTE: Sure. Exhibit 16, please.

16 As I actually mentioned just a little bit ago  
17 we created this chart to help demonstrate to technical staff  
18 what would be required under a standard site development  
19 process and what would be the above and beyond public  
20 benefit features. Because a lot of these have parallels,  
21 there are road frontage improvements required under the  
22 first column of subdivision and other site plan  
23 requirements.

24 But then in parallel, under the fourth

1 column, there are various roadway improvements proposed as  
2 public benefit features. So we wanted to basically itemize  
3 what would normally be required and what would be the  
4 benefit features in a very clear way so that we could  
5 demonstrate the -- the measurable nature of them, as well as  
6 their -- their value.

7 MR. TEDESCO: And do you know what the  
8 Planning Board's ultimate determination was on these offered  
9 or proffered public benefits?

10 MS. GILLETTE: Yes. I believe the -- they  
11 were in agreement with the proposal for all of them. I  
12 think they did have some concerns that the proposed  
13 interpretive signage would be something that would be  
14 already required. I don't think that's quite accurate  
15 because they referenced an archeological survey that would  
16 be done in the future, and anything resulting from that  
17 would require a sign.

18 But what was proposed as this public benefit  
19 would be interpretive signage to be along the trails sort of  
20 communicating the character of the existing natural systems  
21 and community to be designed in the future. But if that's  
22 not something that they wanted to accept, that's fine. The  
23 other ones, I think, are well in excess of supporting this  
24 project.

1 MR. TEDESCO: And are you familiar with  
2 Section 27-3602(c) of the zoning ordinance?

3 MS. GILLETTE: Yes.

4 MR. TEDESCO: And regarding subpart (c)(3),  
5 does the request of rezoning satisfy the applicable  
6 standards of the PD zone?

7 MS. GILLETTE: It does.

8 MR. TEDESCO: And regarding subpart (c)(4) as  
9 it relates to the basic plan design, and in your expert  
10 opinion, will the rezoning of the property to the RPD zone  
11 adversely impact the surrounding properties?

12 MS. GILLETTE: In my expert opinion, it will  
13 not impact the surrounding properties.

14 MR. TEDESCO: Why not?

15 MS. GILLETTE: The master plan designation  
16 and the use of proposing for the site is residential. The  
17 adjacent properties in part are residential in character.  
18 There will be adequate and substantial environmental and  
19 planted buffering and site design so that there is no  
20 conflict in that direction. And as mentioned earlier, of  
21 course, the density proposed is well under what the master  
22 plan allows, and that keeps it in character with the  
23 neighboring developments.

24 MR. TEDESCO: And was the zoning map

1 amendment application and basic plan prepared in conformance  
2 with Section 27-3602(a) (5) (B) through (H), 27-4301(d) (1)?

3 MS. GILLETTE: Yes. The first set of  
4 sections that you mentioned are the standard application  
5 procedures. All of those documents and information  
6 components were assembled and submitted to the planning  
7 department staff for review. All of those were found to be  
8 provided and submitted all at once with acceptance review.

9 The second range of sections you mentioned  
10 27-4301(d) (1) establishes the planning development -- or has  
11 us provide certain documents for this basic plan, including  
12 development goals, uses, general location and type of  
13 residential, dimensional standards, amount and location of  
14 open space, environmental features, demonstrating a  
15 conceptual pedestrian vehicular circulation system, showing  
16 existing and proposed water, sewer and storm drain, and the  
17 specific public benefits, which all of that is included on  
18 both the basic plan and the supplemental documents.

19 MR. TEDESCO: And from a landscape,  
20 architectural standpoint, will the rezoning of the property  
21 promote development patterns that respect the character of  
22 the surrounding neighborhoods?

23 MS. GILLETTE: In my expert opinion, as  
24 landscape architect, it will.

1                   MR. TEDESCO: And does the statement of  
2 justification address all of the requirements under Section  
3 27-4301(d) general standards?

4                   MS. GILLETTE: It does.

5                   MR. TEDESCO: And does the application, as  
6 well as the basic plan, comply with these standards?

7                   MS. GILLETTE: It does.

8                   MR. TEDESCO: And you previously testified  
9 that you're familiar with the Planning Board's  
10 recommendation in this matter, which was required pursuant  
11 to Section 273602(b)(7)(A), correct?

12                   MS. GILLETTE: Correct.

13                   MR. TEDESCO: Did the Planning Board's  
14 written recommendation in its resolution, Exhibit 27,  
15 determine whether all of the general standards of Section  
16 27-4301(d) were met?

17                   MS. GILLETTE: It did.

18                   MR. TEDESCO: And do you agree with the  
19 Planning Board's findings related to this application's  
20 compliance with the general standards?

21                   MS. GILLETTE: I do.

22                   MR. TEDESCO: And does the application and  
23 basic plan comply with the applicable standards of Part 27-  
24 6?

1 MS. GILLETTE: It does.

2 MR. TEDESCO: I have no further questions.

3 MS. MCNEIL: I have one before everyone else  
4 starts, and that is 27-4301(d), states that, "This plan  
5 shall establish the specific principal, accessory, and  
6 temporary uses permitted in the zone". The specific ones.  
7 I've had this come up with other cases. I just want to hear  
8 you all's viewpoint on it. Are the specific accessory and  
9 temporary uses shown on this plan?

10 MS. GILLETTE: The specific uses are the two  
11 types of residential dwelling unit the detached -- sorry,  
12 single-family detached and attached. And we do have some  
13 notes under the dimensional standards for such things as  
14 fences, sheds, decks, their locations, shed footprints,  
15 things like that to address any accessory items and  
16 temporary uses.

17 MS. MCNEIL: That's the wording, such things  
18 as what does it say about the accessory uses?

19 MS. GILLETTE: So if you --

20 MS. MCNEIL: I can't see it well. I'm sorry.  
21 And if I blow it up, I can't see it well.

22 MS. GILLETTE: That's okay.

23 MS. MCNEIL: I want the old fashioned paper  
24 next time, if anyone's listening to me. Oh, look. See,

1 you've got it.

2 MS. GILLETTE: Down the -- in the lower left  
3 corner is the dimensional standards continued, which  
4 mentions side, rear, and -- side and rear setbacks for  
5 fences, sheds, and decks, and maximum heights. And then, we  
6 have notes saying no fences, sheds, or decks are allowed in  
7 the front yard of any residential lot. Shed footprints  
8 shall be no larger than sixty-four square feet. Temporary  
9 uses and structures are allowed in accordance with Section  
10 27-53.

11 MS. MCNEIL: Okay. So on temporary use, I'm  
12 just throwing it out there, I don't believe that's saying  
13 the specific ones, unless you're saying you want every  
14 temporary use in that section. I don't know that you're  
15 saying that. And on the accessory uses, it sounds like you  
16 don't exactly say it's accessory, but that's the ones you  
17 want. Okay. I just -- thank you. I just needed to clarify  
18 that.

19 Ms. Votaw, do you have any -- well, wait a  
20 minute. How long will you all be? I haven't given this  
21 staff a break this morning.

22 MS. VOTAW: I think for these questions at  
23 most twenty minutes.

24 MS. MCNEIL: Okay. Can we take -- it's

1 11:16. Can we all just come back in ten minutes? It's

2 11:17. Can we come back in ten minutes? Thank you.

3 MS. VOTAW: Thank you, ma'am.

4 MS. MCNEIL: You can just leave everything.

5 (Whereupon a recess was taken)

6 MS. MCNEIL: Thank you, Ms. Votaw. You may  
7 continue.

8 MS. VOTAW: Thank you. Okay. Let me  
9 reorient myself.

10 Ms. Gillette, that's how you say your last  
11 name?

12 MS. GILLETTE: Correct.

13 MS. VOTAW: Okay. Great. Thank you. I  
14 first wanted to talk about the site plan, and I apologize.  
15 I don't remember what the exhibit number was that you all  
16 were looking at during your testimony, but it had the layout  
17 of the proposed development with some of the environmental  
18 features shown on there. Would it be possible to bring that  
19 back up or remind me what exhibit that was?

20 MS. GILLETTE: I think that was Exhibit 31.

21 MS. VOTAW: Thank you. Perfect. Okay. I  
22 just want a quick clarification. So the -- and I apologize  
23 if it's not technically a dashed line, but the yellow line  
24 that appears dashed, that kind of goes from the top of the

1 screen, then down through the middle, around the tributary,  
2 and what does that show?

3 MS. GILLETTE: That's demonstrating the PMA,  
4 the primary management area.

5 MS. VOTAW: Okay.

6 MS. GILLETTE: Delineating the environmental  
7 preservation zones.

8 MS. VOTAW: Okay. Got it. Thank you. And  
9 ordinarily, would an applicant be able to develop in the  
10 PMA?

11 MS. GILLETTE: During regular and RPD  
12 development, PMA development is -- or construction is  
13 restricted to certain uses.

14 MS. VOTAW: Okay.

15 MS. GILLETTE: So we would not be putting any  
16 lots or other uses in there.

17 MS. VOTAW: Got it. So under the base zone,  
18 this area would have to be preserved; is that correct?

19 MS. GILLETTE: Correct.

20 MS. VOTAW: And then under the proposed zone,  
21 this area is also being proposed for preservation; is that  
22 correct?

23 MS. GILLETTE: Correct. Those standards  
24 apply regardless of the zone.

1 MS. VOTAW: Okay. So there's no more --  
2 there's no additional area proposed for preservation than  
3 would be required under the base zone; is that correct?

4 MS. GILLETTE: So the PMA and preservation  
5 are two different metrics.

6 MS. VOTAW: Okay. Let's just start with the  
7 PMA, then. The PMA is the same regardless of what zone is  
8 being applied, correct?

9 MS. GILLETTE: Correct.

10 MS. VOTAW: Okay. And I saw on the sheet, I  
11 believe, that the one hundred-year floodplain consists of  
12 25.22 acres; is that correct?

13 MS. GILLETTE: I believe so.

14 MS. VOTAW: Okay. And is that within the  
15 PMA.

16 MS. GILLETTE: That is included in the PMA?

17 MS. VOTAW: Okay. Great. And could you  
18 remind me the amount of woodland preservation being  
19 proposed?

20 MS. GILLETTE: I don't have that number to  
21 hand, but our environmental expert will be able to  
22 investigate -- or discuss that with you.

23 MS. VOTAW: Okay. So you don't know that  
24 number. I'll save my questions for them. Okay. Got it.

1 In your testimony, you said based on your expert testimony,  
2 there would be no adverse impact of this proposed  
3 development on surrounding properties; is that accurate?

4 MS. GILLETTE: Correct. In my expert  
5 opinion.

6 MS. VOTAW: Okay. And I just want to  
7 evaluate the scope of that expert opinion. That expert  
8 opinion does not include an evaluation of traffic impacts;  
9 is that correct?

10 MS. GILLETTE: Correct.

11 MS. VOTAW: Okay. And does that include an  
12 evaluation of environmental impacts like stormwater  
13 management?

14 MS. GILLETTE: All those components are part  
15 of the application, and I, of course, discuss that with our  
16 development team.

17 MS. VOTAW: Yes.

18 MS. GILLETTE: Others can speak to those  
19 items better.

20 MS. VOTAW: Got it. So as a landscape  
21 architect, that's not your area of expertise, correct?

22 MS. GILLETTE: Correct.

23 MS. VOTAW: Okay. The other question I have  
24 is the plan lays out dimensional standards; is that correct?

1 MS. GILLETTE: Correct.

2 MS. VOTAW: And are those dimensional  
3 standards that staff found exceed what may be reasonably  
4 achievable while conforming to other code requirements?

5 MS. GILLETTE: A few of those items, such as  
6 the lot coverage percentages as originally proposed. We did  
7 have that discussion and then came to the conclusion that  
8 the numbers would be adjusted.

9 MS. VOTAW: Okay. And you haven't since  
10 provided the zoning hearing examiner adjusted numbers; is  
11 that correct?

12 MS. GILLETTE: Correct. That would be  
13 updated on the document following this hearing.

14 MS. VOTAW: Got it. And so when the hearing  
15 examiner is tasked with evaluating specific uses, including  
16 dimensional standards, what's currently before her is not  
17 what will end up being proposed; is that correct?

18 MS. GILLETTE: It is a condition. So it  
19 would have to be part of the plan moving forward.

20 MS. VOTAW: Yes, but she does not have -- you  
21 are not providing to the zoning hearing examiner the  
22 specific numbers that are updated, correct?

23 MS. GILLETTE: The specific numbers are in  
24 the resolution that would be provided on this basic plan.

1 So all --

2 MS. VOTAW: Have you laid out all of the  
3 dimensional standards that have to apply?

4 MS. GILLETTE: Yes.

5 MS. VOTAW: Okay. And did you prepare the  
6 dimensional standard calculations?

7 MS. GILLETTE: Yes.

8 MS. VOTAW: As a landscape architect?

9 MS. GILLETTE: Yes.

10 MS. VOTAW: And similarly with the  
11 circulation plan, did you personally prepare that?

12 MS. GILLETTE: I did. And that's based on  
13 your expertise as a landscape architect; is that correct?

14 MS. GILLETTE: Correct.

15 MS. VOTAW: Okay. I think that's all the  
16 questions I have for this witness. Thank you.

17 And thank you, Ms. Gillette.

18 MS. GILLETTE: You're welcome.

19 MS. MCNEIL: Thank you.

20 Mr. Brown, did you have any questions?

21 MR. S. BROWN: No questions. Thank you.

22 MS. MCNEIL: Okay. Thank you, Ms. Gillette.

23 MS. GILLETTE: Thank you.

24 MR. TEDESCO: We would call Mr. Steve

1 Allison.

2 MS. MCNEIL: Mr. Allison?

3 MR. ALLISON: Yes.

4 MS. MCNEIL: Good morning. Okay. Do you  
5 swear or affirm under the penalties of perjury, that the  
6 testimony you shall give will be the truth and nothing but  
7 the truth?

8 MR. ALLISON: Yes.

9 MR. TEDESCO: Okay. Could you please state  
10 your name and address for the record?

11 MR. ALLISON: Steve Allison. The address is  
12 1101 Mercantile Lane, Suite 280, Largo, Maryland.

13 MR. TEDESCO: And are you a licensed  
14 landscape architect and ISA-certified arborist?

15 MR. ALLISON: Yes. Correct, with additional  
16 ISA certification arborist of track qualifications.

17 MR. TEDESCO: And have you previously been  
18 qualified as an expert in environmental planning and  
19 agriculture before this hearing examiner?

20 MR. ALLISON: Yes, I have, for ZMA 202203 and  
21 then for -- and then ZMA 2022005.

22 MR. TEDESCO: Madam Examiner, Mr. Allison's  
23 CV is Exhibit 25 at page 16. We would ask that he be  
24 retained as an expert in environmental planning and

1 agricultural.

2 MR. ALLISON: Arboriculture.

3 MR. TEDESCO: Arboriculture? Excuse me. I  
4 can't pronounce that word.

5 MS. MCNEIL: I kept hearing agriculture. I'm  
6 like, huh? Okay.

7 MR. TEDESCO: Arboricultural.

8 MR. ALLISON: Forest.

9 MR. TEDESCO: Forest.

10 MS. MCNEIL: Arboriculture. Any objection or  
11 voir dire?

12 MS. VOTAW: If I could just get a proffer on  
13 the scope of his testimony to avoid my objections from last  
14 witness.

15 MR. TEDESCO: All your will and conservation  
16 questions will be fair game. How about that?

17 MS. VOTAW: Okay. Deal. That makes sense to  
18 me, and I have no objections assuming they stay within the  
19 scope of that.

20 MR. TEDESCO: You'll make sure of it, I'm  
21 sure.

22 MS. VOTAW: Thank you very much.

23 MS. MCNEIL: And the arboriculture threw me  
24 off so much. What's the beginning part?

1 MR. TEDESCO: Environmental expert.  
2 Environmental and arboricultural.

3 MR. ALLISON: Arboriculture.

4 MR. TEDESCO: Arboriculture. Think arbors.  
5 Arboricultural.

6 MR. ALLISON: Yeah.

7 MR. TEDESCO: If that's the hardest thing I  
8 have to do today, we've had a good day.

9 MS. MCNEIL: No, we got some more. He's an  
10 expert in environmental?

11 MR. TEDESCO: In -- go ahead, Steve.

12 MR. ALLISON: Yeah. So I'm an environmental  
13 expert in forest conservation. But I also have training in  
14 wetland delineation and ecological systems, as shown in my  
15 CV.

16 MS. MCNEIL: Okay. Okay. Environmental  
17 expert in wetland conservation. I don't have your CV in  
18 front of me. Wetland conservation?

19 MR. ALLISON: Yeah, we can go -- we can go  
20 through it. I'm a professional landscape architect with  
21 Maryland. My number is 3845. I'm an ISA-certified arborist  
22 as well, which my number MA569A -- or 5691A. And then, I  
23 have a wetland delineation training, which is typically what  
24 you get in Maryland, not a certification course, in 2014.

1 And then in arboriculture, I have a track qualifications,  
2 which is slightly different than just being an arborist.  
3 It's the ability to assess and manage tree risk and hazards  
4 in a standardized defensible way through ISA, which looks at  
5 abiotic and biotic disorders likelihood of failure,  
6 understanding the biomechanics of those and likely targets.  
7 So it's more of a robust arboriculture degree that I use  
8 when evaluating the forest on site.

9                   And all of this kind of combined as being the  
10 environmental lead at Rodgers Consulting, I've taken an  
11 ecological look overall beyond all things, you know, with  
12 the trees. But I think about the soil. I think about the  
13 streams. Those are all fair game that we do analysis of  
14 through our review.

15                   And I will be touching on some of those  
16 points as we look at the overall holistic, ecological  
17 purpose of this site and what it is today and what it could  
18 be in the future.

19                   MS. MCNEIL: So if I narrowed it to  
20 professional landscape, an expertise in landscape  
21 architecture, wetland delineation, and arboriculture, will  
22 we hit it all? And other environmental issues pertaining to  
23 forestry? That is the longest one I've ever had to do. But  
24 did that -- did that just cover it? It's just

1 environmentalists throwing me off. Just saying that.

2 MR. ALLISON: Yeah. No. Understood. I  
3 think so, because it's all interconnected, right? Trees  
4 don't exist without the soil, don't exist without the  
5 streams and the water and the hydrology. It's all  
6 connected, and it's under the purview of landscape  
7 architecture. You can sign all those plans in Maryland with  
8 that information.

9 MS. MCNEIL: Okay. So if we left it in  
10 landscape architecture and arboriculture, you could probably  
11 say that.

12 MR. ALLISON: It's all under that purview.

13 MS. MCNEIL: And I understand it's -- I'm  
14 accepting you in that, but it's not limited. I understand  
15 that all of these things are holistic and you may be  
16 touching on --

17 MR. ALLISON: Yeah, exactly.

18 MS. MCNEIL: -- trees, the soil.

19 MR. ALLISON: Landscape architecture, I think  
20 you can land 140 different jobs. So it's --

21 MS. MCNEIL: Okay. Are you all right, Mr.  
22 Tedesco?

23 MR. TEDESCO: Yeah. I think previous  
24 applications, both for different rezonings, it was landscape

1 architecture and arboriculture.

2 MR. ALLISON: Very good.

3 MS. MCNEIL: That's -- thank you. I like  
4 those. The environment was throwing me off. Okay.

5 Go ahead, Mr. expert in landscape and  
6 landscape architecture and arboriculture.

7 MR. TEDESCO: Okay. Glad we got through  
8 that, and hopefully I don't have to say that word again.

9 Were you employed by the applicant to perform  
10 certain services associated with the subject property?

11 MR. ALLISON: Yes, I was.

12 MR. TEDESCO: And could you touch on what  
13 those services included?

14 MR. ALLISON: Yeah.

15 MR. TEDESCO: And why?

16 MR. ALLISON: Yeah, sure. So what we've done  
17 so far is the natural resource inventory, and that accounts  
18 for everything. Kind of like what we're talking about.  
19 Myself and my team evaluated the streams, wetlands, the  
20 forest inventory on site, understanding what specimen trees  
21 are there, what ecological health -- health of the existing  
22 forest. Not all forests are the same.

23 We also look to see if any county  
24 requirements were there, right, FIDS, understanding rare,

1 threatened, endangered species, which is all part of the NRI  
2 phase. Walking through U.S. Fish and Wildlife requirements  
3 through their IPaC review, which is informational planning  
4 and consultation. And we basically take a look at  
5 everything that's available on desktop and then everything  
6 within the site outside of -- I guess we go a hundred --  
7 hundred feet out to see what exists today. And then that's  
8 kind of how we frame what's possible on site.

9 MR. TEDESCO: And what work did you actually  
10 complete?

11 MR. ALLISON: All right. So there's going to  
12 be a little bit of repeating because I always go over in  
13 what I'm speaking about. But we went ahead and did the  
14 natural resources inventory. We took a look at the  
15 floodplain areas, the soil for any wetland features, and  
16 that's where you go kind of three criteria, and you figure  
17 out if you have hydric soil, you have hydrophytic vegetation  
18 and what the geomorphology is.

19 And finding those things usually generally  
20 around -- around the floodplain and Tinker's Creek area, and  
21 then you can have isolated wetlands. So we go ahead and  
22 kind of test the environment there.

23 And we also look at the health of the forest  
24 that currently exists, and we look at what areas would be

1 priority based on the geomorphic position and the ecology of  
2 the site. So we went ahead and did that whole full  
3 analysis, understanding requirements that could be down the  
4 pike for state, federal, and county.

5 MR. TEDESCO: And you're familiar with the  
6 basic plan that's the subject of the hearing?

7 MR. ALLISON: Yes.

8 MR. TEDESCO: And what components of the  
9 basic plan would you assist with and/or with the statement  
10 of justification as well?

11 MR. ALLISON: It would be the -- the NRI and  
12 the ecology of the site.

13 MR. TEDESCO: And as part of the  
14 environmental team, what specifics did you analyze and go  
15 through with respect to assisting with those plan elements?

16 MR. ALLISON: I reviewed the trees that were  
17 identified. I reviewed the forest ecotype. I reviewed what  
18 the floodplain looked like and what the wetland  
19 considerations were that we found on site. Did the  
20 evaluation of our site analysis with that and then reviewed  
21 the NRI as it was submitted and the site statistics that are  
22 necessary for the County?

23 MR. TEDESCO: And what type of features did  
24 you identify on site?

1 MR. ALLISON: Yeah. So we found --  
2 obviously, you have Tinker's Creek. We have forest. I  
3 think it was like about seventy-seven acres. I could find  
4 my actual site statistics. We had, I think, it was one  
5 perennial stream, five intermittent and some ephemeral. And  
6 what that means is  
7 -- always just have water. Intermittent can  
8 have it seasonally, and then ephemeral is more stormwater-  
9 related, doesn't have the base water table connection as an  
10 intermittent. Intermittent, like I said, sometimes can have  
11 water, sometimes doesn't have water. Took a look at that.  
12 We did find a wetland system within the floodplain, and we  
13 evaluated the floodplain soils as well as, and what you're  
14 looking at there is you're trying not to have any chemical  
15 reduction or anything in that soil as compared to a  
16 floodplain soil.

17 MR. TEDESCO: And could you identify what  
18 some of the goals associated with the basic plan were to not  
19 only preserve the high priority forest areas, but also  
20 assess the opportunities for forest enhancement?

21 MR. ALLISON: Yeah, exactly. So, in, in the  
22 Master Plan, you know, they have a couple policies that we  
23 kind of look at. When I look at this site, yes, we have the  
24 policies and what they specifically are; but I look at the

1 whole ecological front of, could we make this better with  
2 design? You know, how does the whole thing work? But going  
3 through the policy ones we look at, the first policy is to  
4 implement the Master's Plan desired development pattern  
5 while protecting sensitive environmental features to the  
6 fullest intent, the environmental policies and regulations.

7           So, I take a look at what can we actually do  
8 within this envelope? And we meet that kind of by looking  
9 at the highest quality forest and see, can we preserve that  
10 eco type? How can we preserve it? What is the condition it  
11 is in today? So, we took a look at that one, the second  
12 policy to ensure the new development incorporates open  
13 space. There it goes again, environmentally-sensitive  
14 design and mitigation activities. We take that into  
15 consideration. We look to have no net loss of forest when  
16 we do these evaluations.

17           The third policy, which we've, that I'll  
18 probably hit on a little bit, or it's reflected, is protect,  
19 preserve and enhance the identified green infrastructure  
20 network. And you're going to have that come through  
21 Tinker's Creek. I look at that as well, and try to see what  
22 it currently is today, not what it would be proposed by the,  
23 by the base zoning, but what it is today if it was never  
24 developed; what does it, what does it look like? What does

1 that green infrastructure do? So, I take a look at that as  
2 well.

3 In the green infrastructure plan, they --  
4 they list one of the primary corridors to protect is  
5 Tinker's Creek, along with Mattawoman and Piscataway. And I  
6 take that into consideration with any restoration goals or  
7 things that we can do once we're actually on site, and on  
8 site would be through a development process.

9 MR. TEDESCO: And are there any environmental  
10 considerations that are actually advanced as, as, or by this  
11 basic plan that would further ensure that adverse impacts on  
12 surrounding properties are not realized?

13 MR. ALLISON: Oh, yeah. Yeah. I mean,  
14 coming into a plan that sits here that's an agriculture or  
15 farm use, you know, we mentioned donkeys, chickens, cats,  
16 whatever that was there, what do we have there? We had a  
17 bunch of stuff, sheep. When you come in a plan that you're  
18 actually going to develop, you have to, and, yes, we're  
19 sitting here at a zoning rehearing, but the, the, the idea  
20 is that you're going to take this into fruition and it's  
21 going to, you're going to be accustomed to all the  
22 developments from the county, the state, the federal, all  
23 those things are going to come into play that you are  
24 required to take care of. So, thinking about betterments of

1 the site, I know that with any development that we're going  
2 to do, we're going to have to move up to modern stormwater  
3 facilities, you know, standards that you have to do. What  
4 that does in an area that's agriculture or farm use that  
5 doesn't have a lot of those modern facilities, what you're  
6 doing is you're changing the nutrient load analysis. You're  
7 changing that framework on site to something that's going to  
8 have more forest. It's going to have better stormwater  
9 quality, like we mentioned; but, but what it's going to do,  
10 if you develop any one of those areas, and that could be in  
11 the base plan, but this is our design right now, you're  
12 going to reduce your sediment and your nitrogen just right  
13 off the bat that's going to sheet flow to Tinker's just with  
14 any development. That's before you even add in the forest.  
15 That's important to know. Understanding that if you do have  
16 a crossing, right, in Maryland, you're subject to the joint  
17 permit application that into MDE. What happens there is you  
18 get more scrutiny. The second, somebody came on my screen.

19                   What that does is it brings in a review from  
20 MDE and Army Corps to say, what are you doing? How are you  
21 making -- you have more further scrutiny on the area. Then  
22 you definitely, regardless of, well, if you fall within the  
23 impacts of functional loss, you would have a mitigation  
24 opportunity as well. When you come in to develop these

1 areas, you also come subject to tier two that exists in this  
2 area. Tinker's Creek doesn't have a similar capacity. How  
3 do you handle that? Without developing these pieces and  
4 taking a look at this, you know, as the project sits today,  
5 the water sheet flows off. You don't have all these  
6 numerous Maryland requirements to take a look at.

7           Once you start developing it, you move  
8 forward with all those requirements, and you create a  
9 betterment for the site. And we can go through individually  
10 what those are, but that's what you have in store in the  
11 state of Maryland when you develop is all these rigid  
12 requirements.

13           MR. TEDESCO: In your opinion, does the basic  
14 plan meet or exceed the required environmental standards  
15 identified by either the code or highlighted by Staff?

16           MR. ALLISON: Yeah, I think it does. I mean,  
17 we can come into just forest conservation, which I know is  
18 of interest as I flip through some of my easement language  
19 here. So, previously, the, well, the RE Zone that currently  
20 there is a, they asked for a 25 percent threshold on that  
21 baseline. I think it's like 25.23 acres. Converting our  
22 zoning to the RPD, it goes to a 20 percent requirement. We  
23 realize that's lower, right? We went ahead and proffered a  
24 five-acre requirement that, or that we would develop on

1 site, put that in as a public benefit. That's, that's a  
2 pretty big increase there. It kind of gets you right at  
3 that line of what the 25 percent would be; but we would go  
4 ahead and understand that there's more retain opportunities.  
5 That's the base level, right, 25.23. We'd have more  
6 opportunity to plan on that. Again, we're in a conceptual  
7 stage.

8                   We looked at the PMA and what was there. I  
9 know that was brought up. We have about 31 acres that sits  
10 in that PMA of what we're looking to maintain, or that we  
11 would need to replace if you had any stormwater impacts, or  
12 utilities, or things that, you know, beyond what we're  
13 looking at in the sketch. And then we're looking to have  
14 everything on site, right? So, that was an agreement. If  
15 you go ahead and look at the, the Technical Report, they're  
16 looking to have your forest conservation met on site. And  
17 we've reviewed our plans, and we have the ability to do  
18 that.

19                   So, if you think about, yes, we're going to  
20 have some obvious loss of forest in some areas, but we're  
21 actually going to replace it, and there's a big argument  
22 about what you actually bring in strategically than what is  
23 just naturally growing there, sometimes the health of the  
24 forest is naturally growing there. It is not the same as

1 what you're bringing in if you understand the ecology and  
2 transitionalize the edges that you're trying to create for  
3 species and habitat. So, it's something we consider.

4                   So, as long-winded as I normally get, that's  
5 kind of how we feel coming into this position of what we'd  
6 even remove, or handle would actually be a betterment  
7 because we're designing it, not literally just laying it,  
8 letting it just lay there as it is today with invasives,  
9 understory and, and vines that seem to be taking some of the  
10 trees down as some of our analysis.

11                   MR. TEDESCO: Could you speak to one of the  
12 benefits of the RPD Zone, providing the flexibility and  
13 allowing for more compact development versus by right, RE,  
14 large lot development, and how that impacts from an  
15 environmental standpoint and other types of afforestation,  
16 reforestation opportunities, or no net loss opportunities  
17 for this particular project?

18                   MR. ALLISON: Yeah, the, the clustering and  
19 compact development definitely gives you this opportunity to  
20 explore options for afforestation and reforestation that  
21 then, you know, done well increases the ecotype that's  
22 there. Rarely, when you have this clustered zone in the RPD  
23 Zone, and it's a little bit smaller, you have that  
24 opportunity, that flex space, to work with your stormwater

1 facilities, as well as your afforestation area to create a  
2 complete ecosystem buffer to, let's say, create; and that's  
3 what we were kind of looking at.

4                   Going from the basic zone of what you're  
5 trying to do, or the base zone of what you're trying to do  
6 there, your area is somewhat limited to work with where  
7 your, your base dimensions of what you could provide could  
8 be small enough that it's muted in the opportunity that you  
9 can create.

10                   MR. TEDESCO: And in your opinion, would that  
11 be an adverse impact or a benefit?

12                   MR. ALLISON: Oh, developing a site with this  
13 new zoning? I mean, that's, that's not necessarily a  
14 holistic adverse impact. It's actually a betterment. We do  
15 things differently in how we design things here; but in a  
16 legal standpoint, that would be a betterment of opportunity  
17 of what you could place on some of these existing ag fields  
18 and farm fields. Yeah, that's a way to describe it.

19                   MR. TEDESCO: And are you familiar with  
20 Section 27-430187, which deals with the purposes, at least  
21 one of the purposes of the RPD Zone?

22                   MR. ALLISON: I am.

23                   MR. TEDESCO: And Subsection (a)(7) deals  
24 with the promoting of development forms that respect and

1 take advantage of the site's natural, scenic, man-made  
2 features such as rivers, lakes, wetlands, floodplains,  
3 trees, historic features, cultural and agricultural  
4 resources, you're familiar with that?

5 MR. ALLISON; Yes.

6 MR. TEDESCO: And what is your opinion with  
7 respect to this basic planning meeting for that purpose?

8 MR. ALLISON: I mean, I think we take care  
9 and, you know, we're designing the development around the  
10 natural features, which is a big deal. We're not going  
11 straight through it. We're preserving and expanding the  
12 green infrastructure network. We understand what that  
13 network is. We're not just planting trees because it's  
14 required. Tinker's Creek is kind of an issue with that.  
15 So, we understand our expansion of any type of forest or  
16 transitional edge is beneficial for that.

17 We're, we're enhancing. We have the  
18 opportunity. We want to look into from the Staff Report  
19 enhancing the woodland that exists today, which I think is a  
20 betterment; and we're going to explore that option of what's  
21 previously there. We talked about the nutrient differences  
22 between developing and what, what exists today, as if there  
23 was no other option. And that kind of meets that criteria  
24 in my opinion.

1                   MR. TEDESCO: And in your expert opinion,  
2 does the planned development community respect topography  
3 and other environmental characteristics of the site?

4                   MR. ALLISON: It does. It does. You know,  
5 when we went out to the site, we, we do an evaluation.  
6 Usually we're the first ones on site to go through all that.  
7 We went back and spoke with the engineers and the planners  
8 on here's what you have to do to actually make this site  
9 viable. You got to avoid this. You got to avoid that.  
10 Here are your, going to be your PMA lines. Here's where  
11 your stream buffer. Here's your tier two buffer. How is  
12 this complicated?

13                   The design that we did kind of really fronted  
14 the point of, yes, you have some fires loss going to the, I  
15 think it's the east off of Steve Road, it's the east. But  
16 that was, that was upland in a slope that was probably the  
17 least impactful when you actually think about Tinker's  
18 Creek's watershed and the immediate need of how many  
19 hundreds of feet that you want to purify the water, or  
20 filter the water through there. So, yes, we have some of  
21 those impacts there; but bringing some of that forest edge  
22 into the PMA and the floodplain area as our replacement,  
23 afforestation is actually an ecological enhancement. So, I  
24 do agree that the way the design has been put together, at

1 least conceptually, is a thoughtful, ecological way to do  
2 it. And then bringing my point across, if you didn't  
3 develop it, and it laid here and it wasn't developed  
4 previously, you have a lot of just obvious nutrient load  
5 that's going into Tinker's Creek, which creates anaerobic  
6 conditions and additional sediment that we'd be taking care  
7 of with this development. So, it's pushed back a little  
8 bit.

9           The zoning affords more opportunity for  
10 forest and ecosystem services than the previous one, and  
11 through our design effort and moving forward, we have an  
12 opportunity to work with even the planting and the  
13 stormwater facilities to create that transient network of  
14 species and habitat that actually doesn't exist today,  
15 because it's a different ecosystem in a stormwater facility  
16 than along the forest transitional edge. So, those are kind  
17 of my thoughts on that.

18           MR. TEDESCO: You touched on the Sub-Region 5  
19 Master Plan. You're familiar with some of the goals and  
20 policies from the environmental perspective from that Master  
21 Plan?

22           MR. ALLISON: Yes, I am. I'm trying to get  
23 the actual language here, but I am familiar on what they  
24 generally look to preserve, as we mentioned, the green

1 infrastructure network, and reducing the, or paying  
2 attention to the sensitivity of some of these streams. I  
3 mentioned that there was a Tier 2 component, as this is a  
4 watershed. We don't actually have a segment watershed that  
5 goes to Piscataway. How do you treat that? How do you  
6 handle it when you develop? We take all those things into  
7 account on each one of our designs and the basic plan image.  
8 The Site Plan, I guess, which is 31, shows the amount of  
9 area that we're looking to preserve and retain closest to  
10 that, to that watershed. So, we work with that every day on  
11 trying to meet those preserve, protect, enhance and  
12 understand the layers that are there with green  
13 infrastructure, understanding FIDs, if it's possible to be  
14 there protecting those areas.

15 MR. TEDESCO: I have no further questions.

16 MS. MCNEIL: Ms. Votaw?

17 MS. VOTAW: Yes. Thank you. Good morning, I  
18 think. Yes, just barely still the morning, Mr. Allison.  
19 Could you remind me of your first name? I'm sorry, I missed  
20 that.

21 MR. ALLISON: That's all right. Steve.

22 MS. VOTAW: Steve? Thank you. Okay. I have  
23 a few questions. First, I'd like to start by getting a  
24 better sense of what exactly is being proposed for

1 preservation. So, could you describe, please, how much of  
2 the woodland proposed for preservation or conservation, how  
3 much of that is outside of the PMA?

4 MR. ALLISON: And here, if we can bring up  
5 31, 31? What we have in the PMA is about 31 acres.

6 MS. VOTAW: Uh-huh..

7 MR. ALLISON: Let's see here. So, I don't  
8 know if I know, it's still conceptual. So, giving a number  
9 outside the PMA, we're still debating where we're putting  
10 some of the stormwater. I mean it's localized area, but  
11 giving you a specific, there it is on the screen. Giving  
12 you a specific number outside the PMA of what we're, we're  
13 just not there yet. We will have some that's preserved in  
14 that area, but the design is not there yet.

15 MS. VOTAW: So, when the Applicant is --

16 MR. ALLISON: Hold on one second, I'm getting  
17 another --

18 MS. VOTAW: Okay.

19 MR. ALLISON: Sorry about that.

20 MS. VOTAW: Oh, it's fine. So, So currently  
21 the proposal is to preserve 25.23 acres of woodland on site,  
22 is that correct?

23 MR. ALLISON: Correct.

24 MS. VOTAW: And you don't know at this point

1 where that would be?

2 MR. ALLISON: Well, you're going to have some  
3 of it towards the, the floodplain and the PMA areas that  
4 you're going to take credit for it.

5 MS. VOTAW: So, the woodland that's within  
6 the existing floodplain, PMA area, is the same woodland  
7 that's proposed for preservation for the most part?

8 MR. ALLISON: Yeah. You, you will retain  
9 that forest in that area, but you do not get credit in the  
10 floodplain. So, our preservation area, right, to clarify,  
11 our preservation area would be outside of that floodplain  
12 area, because you can't actually get credit for it. So, we  
13 would meet that outside the specific location in the amount  
14 we would meet, what was, what was being required, as I  
15 mentioned, where you have the five additional, it comes out  
16 to, I guess, 25.14, or whatever; but where it's location,  
17 we're going to try to do it centrally located towards the  
18 stream. But you don't actually get credit for the  
19 retainment that you have within that floodplain.

20 MS. VOTAW: Okay. So, okay. Got it. And  
21 the floodplain is within the dotted yellow lines on this  
22 image?

23 MR. ALLISON: Yeah. That's, that's correct.  
24 It's down in that area. So, we're not looking to impact any

1 of those things. We have regulations through that area.

2 But you just don't get credit for that.

3 MS. VOTAW: Got it. Okay. And just to make  
4 sure I understand, the PMA includes the floodplain, but it  
5 can also include other areas, is that correct?

6 MR. ALLISON: Yeah. You can have other  
7 things in that area that are going to pump it out. You're  
8 going to have like steep slopes and stuff that are going to  
9 kind of control your PMA.

10 MS. VOTAW: Got it. And so, the PMA with the  
11 dotted yellow line here, that includes a floodplain, and it  
12 also includes some of the areas that are woodland  
13 preservation, is that correct?

14 MR. ALLISON: Yes.

15 MS. VOTAW: Okay. And I recall you stating,  
16 and correct me if I'm misremembering, that you --

17 MR. ALLISON: Uh-huh.

18 MS. VOTAW: -- you do not view your job as  
19 comparing the proposed RPD Zone to what would be possible  
20 under the RE Zone, the base zone; your job was to compare  
21 what's currently there versus the RPD zone, is that  
22 accurate?

23 MR. ALLISON: No. We look at the base  
24 zoning. We look at the existing features and the base

1 zoning as well.

2 MS. VOTAW: Okay. So, you did --

3 MR. ALLISON: Because that's --

4 MS. VOTAW: -- do that comparison?

5 MR. ALLISON: Yeah, to see, you know, the  
6 percentage of the woodland conservation threshold, you have  
7 to understand that. And we did have that conversation with  
8 Staff that, I think, we'd go from like 25 percent of what  
9 the RE Zone of woodland conservation that you want to get on  
10 site. That's what they're asking. The RPD went down to 20  
11 percent. So, there was a difference there. And then we  
12 proffered a five percent or, sorry, five acres additional on  
13 that; and then, and then that was accepted as a --

14 MS. VOTAW: And so, so under the base zone,  
15 or let me rephrase.

16 MR. ALLISON: Uh-huh.

17 MS. VOTAW: How much woodland is being  
18 proposed for conservation compared to how much would be  
19 required under the base zone?

20 MR. ALLISON: I'm trying to understand your  
21 question. I think it would be, we are protecting the,  
22 essentially, almost the same amount of what's being asked  
23 for the woodland conservation on site.

24 MS. VOTAW: As what would be required under

1 the base zone?

2 MR. ALLISON: Yeah, the base zone is looking  
3 to have the woodland conservation threshold. That's the  
4 number. I think it was 25 --

5 MS. VOTAW: Uh-huh.

6 MR. ALLISON: -- 25.23.

7 MS. VOTAW: Uh-huh.

8 MR. ALLISON: We are, with our proffer of  
9 that five, additional five acres, we would be at 20.19.

10 MS. VOTAW: So, 25.19?

11 MR. ALLISON: Well, right. The, yes, you  
12 would hit 20.19; and then you'd have that five additional  
13 acres over that.

14 MS. VOTAW: So, the proposed woodland  
15 conservation public benefit is less woodland preserved than  
16 would be required under the base zone, is that correct?

17 MR. ALLISON: Not necessarily.

18 MS. VOTAW: Could you explain to me how 25.19  
19 is not less than 25.23 acres?

20 MR. ALLISON: Because we'll be, we will be  
21 having an increase amount above that, like, we think and  
22 retain, it will be closer to like 31 acres of what we would  
23 have on site. So, we're just saying what we, what the zone  
24 was at 20.19, or additional public benefit of the five; but

1 then we have additional areas that we can work with.

2 MS. VOTAW: But currently the proposal, the  
3 only thing that's being committed to, is essentially 25.19  
4 acres of preservation, is it not?

5 MR. ALLISON: Yeah. That's, that's what's  
6 listed right now. Yeah.

7 MS. VOTAW: Okay.

8 MR. ALLISON: That's what we designed.

9 MS. VOTAW: And again, that, just to make  
10 sure I'm clear, the base zone requires 25.23 acres of  
11 woodland preservation, correct?

12 MR. ALLISON: It does.

13 MS. VOTAW: Okay. Thank you. Another  
14 question I had was, you describe certain improvements  
15 associated with stormwater management facilities, and how  
16 that would enhance or address stormwater runoff that  
17 includes sediment and other nutrients like nitrogen.

18 MR. ALLISON: Uh-huh.

19 MS. VOTAW: Is it your testimony that those  
20 same requirements would not be applicable, Those same  
21 improvements would not be required under the base zone?

22 MR. ALLISON: No, they would, you would have  
23 the same stormwater requirements, but it's if it's laid  
24 right now just as a land use difference, okay? So

1 currently, it's not being developed except we're coming in  
2 and saying that if you would say it, that it's not, not, no  
3 developers coming in, these are the things that are, are  
4 coming off the site that we can improve on.

5 MS. VOTAW: Okay.

6 MR. ALLISON: So --

7 MS. VOTAW: So --

8 MR. ALLISON: -- yeah, those are, all your  
9 modern stormwater would be into effect.

10 MS. VOTAW: Got it. So, the amount of  
11 stormwater treatment under the base zone would be  
12 effectively the same as what you're proposing currently --

13 MR. ALLISON: Yeah.

14 MS. VOTAW: -- correct?

15 MR. ALLISON: Yeah, it's --

16 MR. VOTAW: Okay.

17 MR. ALLISON: -- basically when you develop  
18 the site, these are the things that, that get better.  
19 There's no difference in stormwater requirements as a state  
20 standard, not necessarily a zone standard.

21 MS. VOTAW: Okay. And when you increase the  
22 amount of vehicular traffic on a site and increase the  
23 amount of impervious surfaces on a site, and have a roadway  
24 over top of a tributary to Tinker's Creek --

1 MR. ALLISON: Uh-huh.

2 MS. VOTAW: -- would that not increase the  
3 likelihood of runoff into the stream that includes things  
4 like microplastics, oil, and other contaminants associated  
5 with vehicular traffic, is that correct?

6 MR. ALLISON: I mean, if you go ahead and put  
7 from, from what's existing today, or anybody coming at any  
8 given time and putting a culvert across there.

9 MS. VOTAW: From what's existing today?

10 MR. ALLISON: Yeah. You know, I would, I  
11 would state that if you're going to put a culvert there, you  
12 have to avoid a bunch of things through state and federal  
13 requirements of that review of what you're putting there to  
14 stabilize that area and reduce pollution as much as possible  
15 that you come across. That is an intermittent stream, and  
16 the culvert does need to be upgraded as well. So, right now  
17 it's, it's more of a, I guess it's a farm crossing through  
18 that area. And the improvement of sediment, just sediment  
19 as it's a farm use would, would be a betterment of an  
20 actually established crossing that we'd have to put in there  
21 and get approved by Army Corps and MDE. So, microplastics,  
22 those things, I'd say it's still having the same issue as  
23 it's crossed through mud right now than an actual paved  
24 surface. And sediment is one of the biggest concerns of

1 what's getting down into Tinker's Creek.

2 MS. VOTAW: And did you evaluate how much  
3 runoff would be associated with this proposed use compared  
4 to development under the RE Zone?

5 MR. ALLISON: No, I don't have what somebody  
6 would somehow put in there. I know that we have a more  
7 muted envelope of what we're doing. So, I would assume it  
8 would be less; but I don't run those things based on  
9 somebody else's design and how they could come up with that  
10 in the future.

11 MS. VOTAW: Okay. So just to make sure I'm  
12 clear about your testimony, the proposed --

13 MR. ALLISON: Uh-huh.

14 MS. VOTAW: -- or the described benefits to  
15 the environment that you discussed, that's a benefit  
16 compared to no development, not a benefit compared to  
17 development under the RE Zone. You didn't do that analysis,  
18 is that correct?

19 MR. ALLISON: Not necessarily. I mean, we  
20 talked about the differences between RE to the RPD, and  
21 having a more compacted development. That's going to be a  
22 betterment okay? That you're, in, in, not just theory, but  
23 you're going to have a smaller envelope, which is probably  
24 going to have smaller pervious and smaller overall impact,

1 which is also giving you, affording you more opportunity for  
2 ecological and preservation enhancement and retainment. So,  
3 no, I didn't look at it exactly as what are all  
4 possibilities; but innately, you would have less impacts  
5 with an RPD than an RE just based on what's required in the  
6 zoning.

7 MS. VOTAW: Okay. Well, and just to make  
8 sure I understand the basis of that decision, did you look  
9 at what the footprint would have to be to accommodate 93  
10 dwelling units under the RE Zone?

11 MR. ALLISON: I did not put an actual  
12 envelope footprint on there for that.

13 MS. VOTAW: So, you don't, in fact, know that  
14 the development footprint would be smaller under the RPD  
15 zone, correct? It's just that --

16 MR. ALLISON: It, I did not take the basis of  
17 those two things and do a calculation off that. I find it  
18 based on the intent of the zoning.

19 MS. VOTAW: Okay. Got it. So, the, the  
20 statement that the RPD zone would, would create a smaller  
21 development envelope, that's a generalized statement of  
22 what's possible, is that correct?

23 MR. ALLISON: It has an opportunity to be  
24 less innately than what the zone is.

1 MS. VOTAW: Okay. But we don't know  
2 specifically for this property, under this, the specific  
3 base zone that applies what would have --

4 MR. ALLISON: In my, in my opinion, I think  
5 it's less based on what you can do there. It's less, it's  
6 less impacts with that. And that's, that's my opinion in  
7 viewing, and I don't have an actual design layout to, to  
8 review that; but reviewing both those zones, it's my opinion  
9 it's less.

10 MS. VOTAW: Okay. Got it. And I feel like I  
11 had one last question for you that I'm not remembering. Oh,  
12 the last question I had, for the proposed culvert over the  
13 stream, for that stream crossing, did I hear you --

14 MR. ALLISON: The intermittent stream --

15 MS. VOTAW: I'm sorry. What was that?

16 MR. ALLISON: The intermittent stream that's  
17 running right there, correct?

18 MS. VOTAW: Yes. Yes, sir. That one. Did I  
19 hear you correctly that there could be negative impacts  
20 associated with that, but there would be mitigation  
21 opportunity to address that, is that correct?

22 MR. ALLISON: Negative impact, not,  
23 potentially, no, if it's the same linear feet, if it's an  
24 in-kind replacement, it will all be reviewed by Army Corps

1 and MDE. And so, those impacts would be evaluated. If  
2 there was anything that was deemed negative, they don't want  
3 you doing it, you have to mitigate for it based on  
4 functional loss. So, you'd actually, anything that you  
5 would do, you would, you would impair that if it was going  
6 to be an issue or repair that through that crossing.

7 MS. VOTAW: But that review has not occurred  
8 yet, correct?

9 MR. ALLISON: No, we're not at that, not at  
10 that stage. But it's not simply that you would go ahead and  
11 make that impact, and whatever your impacts are just didn't  
12 meet any type of threshold for the Department of Environment  
13 or Army Corps, you would have to go through those processes  
14 if it was deemed that you did a functional loss and replace  
15 that on that stream. So --

16 MS. VOTAW: It's true, is it not, that the  
17 mitigation could be a fee in lieu?

18 MR. ALLISON: For stream mitigation? No.

19 MS. VOTAW: Okay.

20 MR. ALLISON: I wouldn't do that. Yeah, I  
21 don't think so.

22 MS. VOTAW: It's not, it's not legally  
23 allowed to do a fee in lieu?

24 MR. ALLISON: I've never done it. I don't

1 think so.

2 MS. VOTAW: Okay. And do the mitigation  
3 techniques have to occur on this property, or would they be  
4 allowed on nearby properties?

5 MR. ALLISON: There are times that you could  
6 buy it off site for something like this type of crossing. I  
7 think the intention would be to keep it on site. Usually  
8 they try to do that.

9 MS. VOTAW: But it's not required at this  
10 moment by the Prince George's County Zoning Ordinance, or  
11 state regulation? It's possible it could be off site, is  
12 that correct?

13 MR. ALLISON: There's options. There's  
14 options that exist.

15 MS. VOTAW: I think that's all I have. Thank  
16 you for your time, Mr. Allison.

17 MR. TEDESCO: Madam Examiner, I have one  
18 redirect.

19 MS. MCNEIL: Uh-huh. Okay.

20 MR. TEDESCO: Unless Mr. Brown has any.

21 MR. BROWN: No, no questions. Go ahead.

22 MR. TEDESCO: Mr. Allison, is stormwater  
23 management being offered as a public benefit in this case?

24 MR. ALLISON: I don't believe so.

1 MR. TEDESCO: No, no further questions. We  
2 would call Mr. Mike Lenhart.

3 MS. MCNEIL: I had one question of him.

4 MR. TEDESCO: I'm sorry. Sorry.

5 MS. MCNEIL: So, from an environmental  
6 standpoint, with your expertise, why will this be superior  
7 to developing under the RE, because you have to assume it's  
8 less houses under the RE?

9 MR. TEDESCO: Well, Madam Examiner, I'm going  
10 to object to that question, because the standard of  
11 superior, or substantial, substantial development goes to  
12 the public benefits, not to the overall development under  
13 the required findings.

14 MS. MCNEIL: And I'm trying to get him to --

15 MR. TEDESCO: Well, I mean, I think that's --

16 MS. MCNEIL: I was trying to address that.  
17 What makes it, because --

18 MR. TEDESCO: Yeah. Well, Ms. Votaw --

19 MS. MCNEIL: -- I'm finding --

20 MR. TEDESCO: -- Ms., Ms. Votaw is attempting  
21 to blur the lines with respect to comparative analyses,  
22 which is not a requirement. The requirement for substantial  
23 benefit, which is, which presumably is the comparative  
24 analysis, goes to the public benefits, not to the overall

1 development. And that's, that's a line that's been blurred  
2 and crossed in some of the examination here today, cross-  
3 examination I should say.

4 MS. MCNEIL: Would any public benefits be  
5 required under the current zoning?

6 MR. ALLISON: No.

7 MS. MCNEIL: And so, in exchange for a  
8 different type of more flexible, the County is getting  
9 public benefits?

10 MR. ALLISON: Correct.

11 MR. TEDESCO: Correct.

12 MS. MCNEIL: Thank you. Mr., you're  
13 finished, Mr. Tedesco?

14 MR. TEDESCO: I am, Madam Examiner.

15 MS. MCNEIL: Okay.

16 MR. TEDESCO: Mr. Lenhart.

17 MS. MCNEIL: Do you have another witness?

18 Okay.

19 MR. TEDESCO: We've got two more, Mr. Lenhart  
20 and Mr. Anderson, and then we will submit to Ms. Votaw's  
21 case-in-chief.

22 MS. MCNEIL: Do we have Mr. Lenhart?

23 MR. LENHART: Yes, Good morning.

24 MS. MCNEIL: You're ready?

1 MR. LENHART: I am, if you are.

2 MS. MCNEIL: No, well, okay. Do you swear or  
3 affirm under the penalties of perjury that the testimony you  
4 shall give will be the truth and nothing but the truth?

5 MR. LENHART: Yes.

6 MR. TEDESCO: Mr. Lenhart, could you state  
7 your name and address for the record?

8 MR. LENHART: Yes. Michael Lenhart, 231  
9 Najoles Road, Suite 250, Millersville, Maryland 21108.

10 MR. TEDESCO: And what is your, where are you  
11 employed and what is your title?

12 MR. LENHART: Lenhart Traffic Consulting. I  
13 am the president. I'm a traffic engineer and transportation  
14 planner.

15 MR. TEDESCO: And, Madam Examiner, Mr.  
16 Lenhart's CV is marked as Exhibit 25 at page eleven. He's  
17 been qualified as an expert in traffic engineering and  
18 planning by this administrative body on numerous occasions.  
19 We would ask that he be accepted in that capacity here this  
20 morning or afternoon.

21 MS. MCNEIL: Any voir dire?

22 MS. VOTAW: No, ma'am. No objections.

23 MS. MCNEIL: You haven't been rejected since  
24 I've seen you last, have you?

1 MR. LENHART: No, ma'am.

2 MS. MCNEIL: Okay. You'll be accepted as an  
3 expert in transportation planning and traffic engineering.

4 MR. LENHART: Thank you.

5 MR. TEDESCO: Did you make a personal  
6 inspection of the property?

7 MR. LENHART: I did.

8 MR. TEDESCO: And are you familiar with the  
9 area surrounding the subject property, including the roads  
10 and roadway networks?

11 MR. LENHART: Yes, I am.

12 MR. TEDESCO: And are you familiar with the  
13 Applicant's proposed application to rezone the subject  
14 property as envisioned in the Development Plan?

15 MR. LENHART: Yes.

16 MR. TEDESCO: And have you examined the  
17 Applicant's basic plan?

18 MR. LENHART: Yes, I have.

19 MR. TEDESCO: And did you make an  
20 investigation of the traffic conditions and levels of  
21 service in the area surrounding the property?

22 MR. LENHART: Yes, I did.

23 MR. TEDESCO: And are you familiar with the  
24 existing roadway network in the MPOT recommendations for the

1 area?

2 MR. LENHART: Yes, I am.

3 MR. TEDESCO: And can you briefly explain the  
4 existing roadway network, and if you need to, we can provide  
5 Exhibit 19.

6 MR. LENHART: If you want to pull that up, it  
7 would be --

8 MR. TEDESCO: Sarah, Exhibit 19, if you would  
9 be so kind?

10 MR. LENHART: So, this, this Exhibit 19  
11 reflects the Steed Road along the frontage of the property  
12 and beyond the frontage. The, if, if property is labeled as  
13 a grove at Hyde Landing on this exhibit, Allentown Road is  
14 to the northwest off of the left side of the exhibit.  
15 Piscataway Road is Maryland 223, is located to the southeast  
16 off of the right side of this exhibit. Steed Road is a  
17 master-planned collector road, C518, with a recommended  
18 right-of-way of 80 feet, and four travel lanes with two in  
19 each direction. Steed Road is approximately 9,000 feet  
20 long. The existing conditions along Steed Road include a  
21 four-lane section as you approach Allentown Road, with two  
22 lanes in each direction, that exists for a distance of  
23 approximately 1,800 feet. Again, that is to the west of the  
24 site, approaching Allentown Road. The other 7,200 feet of

1 Steed Road is a two-lane road section all the way down to  
2 Maryland 223 under existing conditions.

3 MR. TEDESCO: And did you make an  
4 investigation of the traffic conditions and do an analysis  
5 of whether the request for rezoning would impact the Master  
6 Plan roads differently than the current zoning?

7 MR. LENHART: Yes, we did. We looked at many  
8 components associated with the rezoning based on the  
9 requirements of the zoning ordinance and the transportation  
10 review guidelines, as well as in response to the community  
11 input and feedback.

12 MR. TEDESCO: And did the Transportation  
13 Planning Staff do an analysis related to this application?

14 MR. LENHART: Yes, they did. The  
15 Transportation Planning Staff reviewed the materials we  
16 provided. One, they also requested a CIP analysis, which we  
17 provided as a result of the SDRC comments that looked at  
18 the, the entire road network and study intersections that  
19 would be required at the time of Preliminary Plan for the  
20 purpose of calculating the CIP required payments under the  
21 base condition.

22 MR. TEDESCO: And did the Planning Board  
23 adopt the findings of the Technical Staff related to Section  
24 27-3602(c)(4) regarding the rezoning and its adverse impacts

1 on the surrounding properties?

2 MR. LENHART: Yes. Page 33 of the TSR  
3 acknowledges that the proposed development will not  
4 adversely affect the surrounding properties, and results in  
5 a community that not only avoids impacting the surrounding  
6 community, but also provides public benefits and a wide  
7 range of methods, which includes substantial road  
8 improvements along Steed Road.

9 MR. TEDESCO: During your review and  
10 involvement of the application, have you attended community  
11 meetings and meetings with Park and Planning Staff regarding  
12 traffic, and the roads, and circulation?

13 MR. LENHART: Yes.

14 MR. TEDESCO: And could you please summarize  
15 the issues and concerns that have been articulated,  
16 especially by the community stakeholders?

17 MR. LENHART: Yes, there were several areas  
18 of concern. Maryland 223, along the section from,  
19 basically, from Hyde Landing up to the BK Miller  
20 intersection toward Branch Avenue. It's currently a two-  
21 lane roadway for the majority of that section. There's a  
22 general concern that 223 needs to be improved and enhanced  
23 along that area to improve capacity. There's also concerns  
24 that Steed Road needs to be improved. As mentioned when I

1 discussed the existing road network, Steed Road is called  
2 for in the Master Plan to be a four-lane road, the entire  
3 section between 223 and Allentown. However, roughly 80  
4 percent of Steed Road today is only a two-lane roadway. And  
5 I'll talk more about that later. That's going to, there's  
6 going to be substantial improvements to that not only with  
7 this project, but also previously-approved Hyde Landing  
8 project.

9                   Then the third component is the BK Miller  
10 intersection. It's Maryland 223 at Brandywine Road and Old  
11 Branch Avenue. It's commonly referred to as BK Miller  
12 intersection because the, the store on the corner there,  
13 that intersection for 30 years or more has had zero road  
14 improvements, and is probably one of the, one of the worst  
15 operating intersections in the County. And there is a CIP  
16 improvement to improve that, and I'll discuss that later.

17                   MR. TEDESCO: And you're familiar with the  
18 County and state project studies regarding the  
19 transportation network in this area?

20                   MR. LENHART: Yes. The State Highway  
21 Administration had a Project Planning Study back in 2015 for  
22 the Maryland 223 corridor, and that Project Planning Study  
23 ran from Steed Road on 223, and it ran up 223 through Branch  
24 Avenue, all the way up to Route 4 on Route 223. And the

1 state had come up with Concept Plans for road improvements  
2 along that entire corridor. That was finalized around the  
3 2015 timeframe; and no, no funding, no recommendations, no,  
4 no improvement projects resulted from that. There are no  
5 other state projects in this area. And, yeah.

6 MR. TEDESCO: Thank you. Are there any  
7 adopted capital improvement projects in the area that  
8 include these and other intersections and links?

9 MR. LENHART: Yes. There are two County CIP  
10 projects.

11 MR. TEDESCO: Could you describe those,  
12 please?

13 MR. LENHART: Yes. CIP project 4.66.0052 is  
14 the Brandywine Road and Maryland 223 intersection. In the  
15 CIP that is described as providing improvements at the  
16 intersection of Brandywine Road, Old Branch, Piscataway, and  
17 Woodyard Road to include, but not limited to, geometric and  
18 safety improvements, the, it is listed as a combined public/  
19 private partnership with funds coming from the County and  
20 from development, private developments as approved, either  
21 through developer participation agreements or resolutions  
22 with the County Park and Planning at the time of Preliminary  
23 Plan. That involves widening Route 223 and improving the  
24 traffic signal to reduce and eliminate the congestion at

1 that location.

2                   The other, the other CIP project is CIP  
3 4.66.0050. It's known as the South County Roadway  
4 Improvements. This project provides for intersection  
5 improvements at a variety of intersections throughout this  
6 South County area, including 223 at Steed, Steed at  
7 Allentown, Allentown and Old Fort, 223 at Temple Hill, 223  
8 at Tippett; and that project is listed as 100 percent  
9 developer funding with, either through Developer  
10 Participation Agreement, or through direct resolution at the  
11 time of Preliminary Plan. And that, again, is a fully  
12 developer funded project. There is no public money. There  
13 are no public improvements planned out here, other than what  
14 would be obtained through development approvals.

15                   MR. TEDESCO: Is adequacy a required finding  
16 at this stage?

17                   MR. LENHART: No, it is not.

18                   MR. TEDESCO: And although adequacy is not a  
19 factor at this stage of the entitlement rezoning process,  
20 from an adequacy perspective, what would the Applicant's  
21 responsibility be to satisfy adequacy vis-a-vis the capital  
22 improvement projects?

23                   MR. LENHART: A pro rata contribution would  
24 be applied to each of the CIP projects based upon the

1 Applicant's impact to each of the CIPs that would be  
2 established at the time of Preliminary Plan of Subdivision  
3 through the certificate of adequacy. And the, the CIPs  
4 require payment into the CIP; and that would satisfy the  
5 adequacy requirements itself through the payment.

6 MR. TEDESCO: And instead of this pro rata  
7 contribution, is the Applicant, as a public benefit,  
8 proposing any actual improvements?

9 MR. LENHART: Yes, they are. The, we  
10 submitted the CIP study for the entire area to determine  
11 our, what the, the Applicant CIP fee would be at the time of  
12 Preliminary Plan. It would be roughly \$800,000. And then  
13 we identified improvements that would be above and beyond  
14 that, including widening of the bridge, and widening of  
15 Steed Road to create additional through lanes off the  
16 property frontage. That, those improvements are about 1.8  
17 million. Therefore, the public benefit would be about \$1  
18 million above and beyond what would be required.

19 Additionally, the BK Miller intersection, the  
20 Brandywine Road, and 223 CIP Project, it's anticipated that  
21 at the time of Preliminary Plan, there will be a condition  
22 where the \$583,000 that is anticipated as a CIP toward that  
23 project would be paid as a lump sum at the time of the first  
24 building permit. Typically, that would be paid on a per

1 building permit basis as the project builds out. There's  
2 desire to get that, that improvement fully-funded and,  
3 therefore, a lump sum upfront payment results in a time  
4 value of money benefit and providing that all at once.

5 MR. TEDESCO: Let's spend some time  
6 discussing the proposed road improvements should this  
7 application be approved, because I understand your testimony  
8 is that those improvements would not otherwise be required  
9 under a base redevelopment, is that correct?

10 MR. LENHART: That's correct.

11 MR. TEDESCO: So, looking at Exhibit 19, I  
12 know there's multiple sheets, so Exhibit 19, could you just  
13 walk the Examiner through these additional road improvements  
14 as public benefits that exceed the base zone requirement?

15 MR. LENHART: Yes. If you can go to the  
16 sheets and views, and see if you can, if you, there you go.

17 MR. TEDESCO: Yeah, go to the next sheets, if  
18 you could, Sarah?

19 MR. LENHART: There we go. So, this is Steed  
20 Road to the west, or northwest of our property frontage. To  
21 the left side of this exhibit is where the improvement ties  
22 into Steed Road where it's already fully improved. And that  
23 point at the west, at the left side of the sheet, is about  
24 1,800 feet from Allentown Road. And, again, that's fully-

1 improved up to that point. We would construct an additional  
2 through lane along southbound, in this case it's left to  
3 right, second through lane heading towards Route 223. And  
4 if you can go to the next sheet? That second through lane  
5 continues across the, the bridge at Tinker's Creek. The,  
6 the bridge itself, the frontage improvement, a typical  
7 frontage improvement would be 43 feet. The existing bridge  
8 is 36 feet wide. Frontage improvement typical would be 43  
9 feet for our half of a collector road. We are proposing to  
10 widen that bridge to a total distance of 59 feet, and that  
11 would include enough room for two through lanes in each  
12 direction.

13                   We propose to build the through lane that is  
14 heading, in this case I'll call it eastbound on this sheet  
15 of paper. We are not proposing to build the westbound  
16 second lane at this point. That could be built in the  
17 future by others, but we are building the, the bridge  
18 structure that would accommodate that improvement. And then  
19 along the frontage we would be doing, you know, bike lanes,  
20 additional through lane, turn lanes. And if you go to the  
21 next sheet? Through the site frontage past Ethan Thomas,  
22 again, turn lanes at the site, a second through lane  
23 continuing eastbound, and then you see Hyde Landing labeled  
24 at the right side of this exhibit.

1                   Hyde Landing frontage picks up at that part,  
2 and continues easterly toward Route 223. Hyde Landing will  
3 be constructing the second through lane along that entire  
4 distance and, therefore, as a result of the approval of this  
5 application, we would be able to construct a second through  
6 lane along Steed Road at the entire distance from Allentown  
7 Road to Route 223.

8                   MR. TEDESCO: And can you speak to the  
9 genesis or the basis for this particular public benefit.  
10 And what it was in response to.

11                   MR. LENHART: We had many, many public  
12 meetings with the community with work group and task force  
13 set up to discuss the community's concerns. And one of the  
14 key topics that kept coming up was Steed Road and the  
15 concern that Steed Road today is mostly just a two lane  
16 roadway. And so we made a commitment to the community that  
17 we would work to improve, that to put our public benefits  
18 to, to work to try to improve, to increase, improve that  
19 situation to the best of our ability. Again today, about  
20 eighty percent of the road is a two lane road one hundred  
21 percent of the eastbound direction would be a half section  
22 of a collector road. With the approval of this project and  
23 most of westbound would be a half a collector section with  
24 the improvements by Hyde Landing and the existing section

1 approaching Allentown Road.

2 MR. TEDESCO: And do you know if those  
3 improvements are associated with the Hyde Landing were  
4 accepted and approved by the County as public benefits?

5 MR. LENHART: They were.

6 MR. TEDESCO: And do you know if the Planning  
7 Board's recommendation conditioned these improvements as  
8 public benefits to be implemented?

9 MR. LENHART: They did. Yes.

10 MR. TEDESCO: Madam examiner, just for your  
11 edification, Exhibit 43 is an exhibit from the Hyde Landing  
12 that shows those improvements and how this whole entire  
13 infrastructure system would improve upon the approval of  
14 this application and development of these two projects.

15 Mr. Lenhart, regarding the bike lane  
16 improvements, I've heard, I believe you said there would be  
17 bike lanes as part of the frontage improvements associated  
18 with both Hyde and the Grove, is that correct?

19 MR. LENHART: That's correct.

20 MR. TEDESCO: If this application is  
21 approved, does the RPD Zone require a bike pad impact study?

22 MR. LENHART: It does not. Section 24-  
23 4506(b)(3) identifies various zones that require the BPIS  
24 evaluation and the adequacy determinations. Those zones do

1 not include RPD. It's really a various mix of higher  
2 density residential zones, or mixed use and commercial  
3 zones.

4 MR. TEDESCO: Notwithstanding, that there are  
5 bike lanes proposed?

6 MR. LENHART: Yes, they are.

7 MR. TEDESCO: And based upon, strike that.  
8 During the review of Hyde Landing application and the  
9 significant outreach that you testified to with the local  
10 community, did there come a time that you were asked by the  
11 County to further analyze the community's desire to see  
12 Steed Road widened beyond the proposed frontage  
13 improvements?

14 MR. LENHART: Yes.

15 MR. TEDESCO: And based upon that  
16 supplemental analysis, what findings or conclusions did you  
17 reach?

18 MR. LENHART: Yes. The, this gets back to  
19 the CIP analysis that we submitted as a result of Parking  
20 and Planning's SDRC comments; and that established what our,  
21 our base requirements would be. And then we came up with,  
22 based on citizen feedback, the improvements that were to be  
23 provided along Steed Road beyond the site frontage as  
24 previously testified, and the widening of the bridge, which

1 result in substantial public benefit over and above the  
2 adequacy requirements that are anticipated.

3 MR. TEDESCO: And would development under the  
4 RE Base Zone require public benefits?

5 MR. LENHART: No.

6 MR. TEDESCO: And from the perspective of  
7 traffic engineering and planning, would granting the  
8 requested rezoning application be consistent with the  
9 standards enumerated in the ordinance?

10 MR. LENHART: Yes, it will. Based on my  
11 opinion, testimony provided today, and the various reports  
12 and exhibits, the rezoning of this application will provide  
13 significant public benefits, and the rezoning is consistent  
14 with the requirement of the zoning ordinance.

15 MR. TEDESCO: And from the perspective of  
16 traffic engineering and planning, and given the significant  
17 additional public benefits proffered with this application,  
18 is it your expert, expert opinion that the approval of the  
19 application will not cause any adverse effects upon adjacent  
20 properties or the surrounding neighborhood?

21 MR. LENHART: No, it will not. But we did,  
22 the CIP analysis that we conducted shows that the, the  
23 traffic that would be generated by this application is  
24 minimal in relation to the overall traffic on the road

1 network; and the RE Zone does allow for up to 93 units. So  
2 that, in and of itself, would generate some traffic. This,  
3 this, approval of this ZMA would not result in a substantial  
4 increase in the overall traffic on the road network.

5 MR. TEDESCO: That's all the questions I  
6 have, Madam Examiner.

7 MS. MCNEIL: Thank you. Ms. Votaw.

8 MS. VOTAW: Yes, ma'am. Thank you. Good  
9 afternoon at this point, Mr. Lenhart. I have a few  
10 questions for you, so I'll start with what you most recently  
11 said. You said the traffic generated by the proposal would  
12 not have a substantial increase in traffic, is that correct?

13 MR. LENHART: In the overall traffic on the  
14 road network, yes.

15 MS. VOTAW: Okay. Will the traffic generated  
16 by this proposal have any adverse impact on the traffic  
17 situation on Steed Road?

18 MR. LENHART: No, it will not, particularly  
19 with the, the frontage improvements and the public benefits  
20 that are provided, there will be substantial improvements  
21 provided along Steed Road that can not only handle this  
22 traffic, but improve the situation for existing traffic.

23 MS. VOTAW: And how many vehicular trips will  
24 be generated by the proposed development, assuming there's

1 300 dwelling units as proposed?

2 MR. LENHART: It would be 218 morning peak  
3 hour trips and 255 evening peak hour trips. That's, that's  
4 total by the 300 units. That's not a net increase based on  
5 this application.

6 MS. VOTAW: And when you were evaluating the  
7 traffic conditions, did you take into consideration the  
8 amount of additional traffic generated by the Hyde proposal?

9 MR. LENHART: Yes. We included all approved  
10 but unbuilt background developments in the traffic study.

11 MS. VOTAW: Okay. And, I just lost my train  
12 of thought, so bear with me for a moment if, if you may, if  
13 you might? Oh, okay. Are you aware currently that when  
14 traffic is bad on Steed Road, the vehicular traffic backs up  
15 past the bridge?

16 MR. LENHART: I'm aware that there are  
17 backups, and that is largely due to the fact that it is a  
18 one-lane road today. It is also largely due to the fact  
19 that there, the intersection of 223 and Steed Road is  
20 woefully under-designed. Steed Road is a one-lane approach  
21 at Route 223. There is a shoulder that is existing, but  
22 it's in poor condition, and it's not supposed to be utilized  
23 for turning movements. Therefore, Steed Road at 223 is a  
24 one-lane approach. Hyde Landing is going to widen that out

1 to a five-lane section. It will be three lanes approaching  
2 223 and two lanes heading away from 223 on Steed Road. But  
3 Route 223 is also going to be widened to, from an existing  
4 one lane in each direction to two lanes in each direction.  
5 It's going to create substantial capacity improvements at  
6 that intersection not only on 223, but also on Steed, and  
7 that will resolve the existing queuing conditions.

8 MS. VOTAW: Understood. And so, currently  
9 the Applicant is proposing still to use the CIP, CIP  
10 contributions to pay for some of the road improvements, is  
11 that correct?

12 MR. LENHART: I'm sorry, could you repeat  
13 that, please?

14 MS. VOTAW: Yeah. So currently, the  
15 Applicant is still proposing to pay for some of the road  
16 improvements from what would otherwise have been the CIP  
17 contributions. In other words, they're doing the  
18 improvements in lieu of a CIP contribution, is that correct?

19 MR. LENHART: That's correct. And they're  
20 doing much more than what their contribution would have  
21 otherwise been.

22 MS. VOTAW: So, I, were you present for Mr.  
23 Donahue's testimony?

24 MR. LENHART: Yes.

1 MS. VOTAW: Do you recall him stating that  
2 the Planning Board conditioned their approval on the CIP  
3 contribution not being used to pay for the road  
4 improvements?

5 MR. LENHART: Could you elaborate? I don't,  
6 I don't remember exactly that statement.

7 MS. VOTAW: I guess I'm trying to clarify.  
8 The, the Planning Board did not impose a condition  
9 prohibiting the improvements in lieu of the CIP  
10 contribution, is that correct?

11 MR. LENHART: Let me look at exactly what the  
12 condition said, just so I'm --

13 MS. VOTAW: Thank you.

14 MR. LENHART: -- I'm clearly don't.

15 MS. VOTAW: Thank you.

16 MR. LENHART: All right.

17 MR. TEDESCO: That's us.

18 MR. LENHART: You're, you're referring to the  
19 TS, you're referring to the TSR for this project, right, the  
20 condition?

21 MS. VOTAW: I was referring to the Planning  
22 Board resolution.

23 MR. LENHART: Yeah. Oh, okay, yeah,  
24 Condition 2, Condition 2D requires widening the bridge to a

1 width of fifty-nine feet, as I testified; and then  
2 Condition 2(e) requires widening Steed Road 1,500 linear  
3 feet beyond the site's frontage to the northwest.

4 MS. VOTAW: And as currently written, that  
5 would still allow the Applicant to fund those projects from  
6 what would otherwise be the CIP contribution, is that  
7 correct?

8 MR. LENHART: Yes, a portion.

9 MS. VOTAW: Okay.

10 MR. LENHART: A portion.

11 MS. VOTAW: And are you, yeah, a portion.  
12 And are you familiar with Staff's finding that frontage  
13 improvements together with any CIP payments necessary, any  
14 CIP payments necessary would be a base requirement? Are you  
15 familiar with that finding of Staff?

16 MR. TEDESCO: Staff stated that the, the  
17 frontage improvements would be the base requirement, and  
18 then --

19 MS. VOTAW: Yeah.

20 MR. TEDESCO: -- we provided things that went  
21 above and beyond the base requirement, And that is what the  
22 public benefit was established to be.

23 MR. ALLISON: And I'm asking a more narrow  
24 question. Again, are you familiar with Staff stated, quote,

1 all frontage improvements and transportation improvements  
2 for public benefits should not be funded by the CIP? That's  
3 on page 22 of the Staff Report. Are you familiar with that  
4 finding?

5 MR. TEDESCO: I am. I just want to look at  
6 it to make sure I'm reading the exact same thing. Are you  
7 talking about from the Staff Report or from the resolution?

8 MR. ALLISON: Yes, sorry, from the Staff  
9 Report and page 22. It's the last, there's going to be a  
10 lot of directions. The last sentence of the, two paragraphs  
11 up from bullet point five. The sentence reads, quote,  
12 "Therefore, all frontage improvements and transportation  
13 improvements for public benefits should not be funded by the  
14 CIP."

15 MR. LENHART: Bear with me. I'm just --

16 MS. VOTAW: Yeah.

17 MR. LENHART: -- that exact language. Is  
18 that on page 22?

19 MS. VOTAW: Yes, sir, the beginning of the  
20 paragraph that sentence is in starts with, "The Applicant  
21 has put forth information regarding using --

22 MR. LENHART: Okay.

23 MS. VOTAW: Yeah. And it's the last sentence  
24 of that paragraph.

1 MR. LENHART: I don't, I don't see that  
2 sentence as the last paragraph.

3 MS. VOTAW: The last sentence in that  
4 paragraph.

5 MR. LENHART: Yeah. That says the Applicant  
6 projects that payment into both CIPs would be a base  
7 requirement for the subject property based on the traffic  
8 analysis provided.

9 MS. VOTAW: In the Staff Report?

10 MR. LENHART: Yeah.

11 MS. VOTAW: That's not what my copy says.

12 MR. LENHART: So --

13 MS. VOTAW: I'm just trying to find the front  
14 page so I can make sure we're talking about the same stuff.

15 MR. LENHART: To be clear, though, we are not  
16 using any of the front, frontage improvements as public  
17 benefit; and we're not using the CIP improvements to pay for  
18 any of the public, this, yeah, the public benefits; or the,  
19 I'm sorry, we are not using the CIP payment to pay for any  
20 of the frontage improvements.

21 MS. VOTAW: But you are using, the proposal  
22 is to use the CIP contributions for the additional  
23 improvements along Steed Road between the subject property  
24 and the bridge, correct?

1 MR. LENHART: For a portion of it, for the  
2 offsite 1,500 feet, and for a portion of the bridge that is  
3 above and beyond our standard frontage improvement.

4 MS. VOTAW: Got it. Okay. Another question  
5 I had. You said you're familiar with the traffic patterns  
6 in the area, is that correct?

7 MR. LENHART: Yes.

8 MS. VOTAW: Are you familiar with the fact  
9 that traffic backs up from the Mount Enon church during and  
10 after services, before and after services?

11 MR. LENHART: Yes, I am aware of that. I've  
12 heard that in the, the meetings we've had with the citizen  
13 group and the, the task force.

14 MS. VOTAW: And you accounted for that in all  
15 of your traffic studies and projections?

16 MR. LENHART: The, the church is included in  
17 our traffic studies. The traffic studies are based on  
18 weekday peak hour, morning and evening commuter traffic that  
19 is standard and typical, and what is normally required.

20 MS. VOTAW: And so, your, so your evaluation  
21 did not, therefore, consider the traffic generated on the  
22 weekends by that use?

23 MR. LENHART: Well, we do not do weekend  
24 studies. If, if there were, if this were an application for

1 a church, we would do Sunday midday traffic analysis. This  
2 is not an application for a church. The standard is that  
3 you do morning and evening weekday peak hour analysis. And  
4 the church, whatever the operations are of the church today  
5 during morning and evening peak hours, is included in our  
6 analysis. But we're, again, we're not required to study  
7 Sundays.

8 MR. ALLISON: So, your testimony, when you  
9 say there's no adverse impact caused by this proposed  
10 development on the nearby roads, you're not including an  
11 evaluation of whether there would be any adverse traffic  
12 impacts during the time that is just before and just after  
13 the church services, is that correct?

14 MR. LENHART: We did not study that period.

15 MS. VOTAW: Got it. Thank you. I think that  
16 is all I have for this witness. Thank you for your time,  
17 Mr. Lenhart.

18 MR. LENHART: Thank you.

19 MS. MCNEIL: Mr. Brown.

20 MR. BROWN: Mr. Lenhart, you and I have had  
21 three hearings this week, Monday, Tuesday and Wednesday.  
22 I'm sort of sick of seeing you.

23 MR. LENHART: Yeah. I'm so sorry you have to  
24 look at me again.

1 MR. BROWN: But I won't ask you another  
2 question. Thank you.

3 MR. LENHART: Thank you.

4 MR. TEDESCO: Madam Examiner, just two in  
5 redirect.

6 Mr. Lenhart, Ms. Votaw asked you about church  
7 hours and studying that. Is it your opinion, however, that  
8 with the public benefits that are being implemented both  
9 with the Hyde development project that's already approved  
10 and conditioned, as well as the proffered public benefits to  
11 actual implementation of roadway improvements, that the  
12 transportation network in this area, whether it be on Monday  
13 or Sunday, will be improved?

14 MR. LENHART: Yes, absolutely.

15 MS. VOTAW: Objection. He just stated he  
16 didn't review or do a study on the weekend.

17 MR. TEDESCO: I asked him his opinion.

18 MS. VOTAW: And I believe his opinion has to  
19 be based on his studies and what he actually evaluated.

20 MR. TEDESCO: And his experience and  
21 knowledge.

22 MS. MCNEIL: And, well, wait a minute.  
23 Before I rule, Mr. Lenhart, do you have any knowledge of  
24 that area on the weekends or during Sunday services?

1 MR. LENHART: Well, I have anecdotal  
2 knowledge from meetings with the citizens and our, our, our  
3 regular meetings that we've had with them. But the fact is  
4 we, Hyde Landing is making substantial improvements at the  
5 intersection of 223 and Steed, substantial improvements.  
6 And that will improve operations on a Sunday, whether I, you  
7 know, I don't have to study it to say that it's going to  
8 almost double the capacity of that intersection. The, and  
9 this, this property, if approved, is going to make  
10 substantial improvements along Steed Road that would,  
11 essentially, fulfill the link, the Master Plan link along  
12 the entire southeast direction from Allentown, to Steed, to  
13 223, sorry; and so, those improvements, yes, will  
14 dramatically improve the road network.

15 MS. MCNEIL: So, I'll overrule now that he  
16 gave more factual support for his opinion.

17 MR. LENHART: Thank you.

18 MR. TEDESCO: And one final question. Ms.  
19 Votaw asked you about the Technical Staff Report, however,  
20 you know the difference between the Technical Staff Report  
21 and the actual Planning Board resolution?

22 MR. LENHART: Yeah.

23 MR. TEDESCO: And so, if I could just direct  
24 you to page 18 of the Planning Board's resolution, if you

1 could just read the findings of the actual Planning Board  
2 with respect to the questions that Ms. Votaw was asking  
3 regarding the Staff Report, which we couldn't find that  
4 language, but could you find, could you just read the actual  
5 finding?

6 MR. LENHART: Sure. So, I'll paraphrase out  
7 of it here. The cost to widen the existing Steed Road  
8 bridge and widen Steed Road between the property frontage  
9 and the existing second eastbound lane is estimated at \$1.8  
10 million. However, and, and then it, it goes on to say that  
11 the estimated CIP payment would be 800, or \$791,000. And  
12 then it goes on to say, in lieu of payment to the South  
13 County CIP, the Applicant is proposing to provide the  
14 physical road improvements outlined in, as public benefits  
15 above, which exceed the estimated pro rata contribution by  
16 \$1,008,000; and the Applicant proposes implementation,  
17 implementation of these improvements to be immediate and  
18 tangible, and above the based requirement.

19 MR. TEDESCO: Thank you. No further  
20 questions.

21 MS. MCNEIL: Okay. It's 1 o'clock. How many  
22 more witnesses?

23 MR. TEDESCO: I have just one more.

24 MS. MCNEIL: Okay. We'll finish his

1 witnesses and take a break. Okay. Thanks.

2 MR. TEDESCO: Thank you. Thank you. Mr.  
3 Anderson.

4 MS. MCNEIL: Mr. Anderson?

5 MR. ANDERSON: Yes, ma'am?

6 MS. MCNEIL: Do you swear or affirm under the  
7 penalties of perjury that the testimony you shall give will  
8 be the truth and nothing but the truth?

9 MR. ANDERSON: I do.

10 MR. TEDESCO: Mr. Anderson, could you please  
11 state your name and address for the record?

12 MR. ANDERSON: Casey Anderson. I live at  
13 8730 First Avenue in Silver Spring.

14 MR. TEDESCO: And where are you currently  
15 employed?

16 MR. ANDERSON: Rodgers Consulting.

17 MR. TEDESCO: And what is your position?

18 MR. ANDERSON: My title is market leader.

19 MR. TEDESCO: And, Madam Examiner, we are  
20 going to be offering Mr. Anderson as an expert in land use  
21 planning and zoning. And his CV is marked as Exhibit 38,  
22 and he was not previously qualified. So, I have some  
23 qualifying questions, if you would allow me?

24 Mr. Anderson, could you please, could you

1 please describe your educational background?

2 MR. ANDERSON: I have an undergraduate degree  
3 in international relations from Georgetown. I have a  
4 master's degree in journalism from Columbia, and I have a  
5 law degree from Georgetown.

6 MR. TEDESCO: And do you have any graduate or  
7 specialized education related to planning or public policy  
8 and land use?

9 MR. ANDERSON: No.

10 MR. TEDESCO: Do you, could you describe your  
11 professional experience in land use planning and zoning?

12 MR. ANDERSON: I've spent about 15 years in  
13 land use and transportation-related issues, especially in  
14 Montgomery County, as well as Prince George's, and to a  
15 lesser extent, other parts of the D.C. region.

16 MR. TEDESCO: How long have you worked in the  
17 field of planning and land use?

18 MR. ANDERSON: About 15 years.

19 MR. TEDESCO: And have you held any  
20 leadership roles in planning, in planning agencies?

21 MR. ANDERSON: Yes. I was the chair of the  
22 Montgomery County Planning Board for about eight years. I  
23 was on the Montgomery County Planning Board as a  
24 commissioner for another three years. During the time when

1 I was chair of the Montgomery County Planning Board, I had  
2 chaired the Maryland National Capital Park and Planning  
3 Commission, the bi-county agency that oversees land use,  
4 transportation, as well as parks administration in Prince  
5 George's and Montgomery County.

6 MR. TEDESCO: And how many development  
7 applications, oh, excuse me. Strike that. What were your  
8 responsibilities as chair of the Montgomery County Planning  
9 Board and as chair of the bi-county Planning Board agency?

10 MR. ANDERSON: I oversaw, supervised the  
11 planning department and parks department in Montgomery  
12 County. That included participating in the oversight and  
13 review of development applications, Master Plans, and  
14 similar regulatory activities of the Montgomery Planning  
15 Department. I was also responsible for administration,  
16 management of the Montgomery Parks system, and  
17 administrative aspects of the bi-county commission.

18 MR. TEDESCO: And approximately how many  
19 development applications have you reviewed and/or  
20 adjudicated in your career?

21 MR. ANDERSON: Way too many to count.

22 MR. TEDESCO: And are --

23 MR. ANDERSON: Thousands.

24 MR. TEDESCO: Are you familiar with the

1 Zoning Map Amendment, with Zoning Map Amendments, Master  
2 Plans, Plan Development Zones, et cetera?

3 MR. ANDERSON: I am.

4 MR. TEDESCO: And have you previously  
5 testified before any Planning Boards and/or district  
6 counsels?

7 MR. ANDERSON: Yes.

8 MR. TEDESCO: Approximately how many times?

9 MR. ANDERSON: I couldn't put a number on it,  
10 but it's certainly in the dozens.

11 MR. TEDESCO: And you've specifically  
12 testified before Prince George's County Planning Board and  
13 district counsels?

14 MR. ANDERSON: Yes.

15 MR. TEDESCO: And have you published or  
16 spoken on any planning, zoning or housing issues?

17 MR. ANDERSON: Yes, many times.

18 MR. TEDESCO: And that's provided in your CV,  
19 those examples?

20 MR. ANDERSON: I have provided some  
21 representative examples. I would not say that they're  
22 exhaustive, but I think they would give you a flavor of the  
23 types of topics I've written and spoken on.

24 MR. TEDESCO: And have you received any

1 professional recognition in the field of planning and  
2 zoning.

3 MR. ANDERSON: I received an award from the  
4 College for Smart Growth, the Livable Communities Award  
5 that's given every year to a leader in land use and real  
6 estate in the Washington region in 2017. In 2022, I  
7 received an award from NAIOP for planning leadership.

8 MR. TEDESCO: And have you currently, have  
9 you previously sat for the AICP test?

10 MR. ANDERSON: Yes.

11 MR. TEDESCO: And what was the outcome of  
12 that examination?

13 MR. ANDERSON: I passed.

14 MR. TEDESCO: And what type of work do you  
15 currently perform for clients?

16 MR. ANDERSON: I typically advise on land  
17 use, transportation, regulation and policy, and related  
18 issues. Sometimes things related to parks or recreational  
19 aspects of development applications, sometimes a more  
20 general look at how development applications can be drafted  
21 and get support from the Government and through the land use  
22 regulation process.

23 MR. TEDESCO: And do you assist with land use  
24 and planning strategies and implementation policies?

1 MR. ANDERSON: Yes.

2 MR. TEDESCO: Madam Examiner, based upon Mr.  
3 Anderson's extensive experience in this field, we would  
4 offer him up as an expert in the field of land use planning.

5 MS. MCNEIL: Mr. Brown?

6 MR. BROWN: I have reviewed his resume, and  
7 he seems to be qualified based upon his experience. So, no  
8 objection.

9 MS. MCNEIL: Ms. Votaw?

10 MS. VOTAW: Yeah, I, again, if I could just  
11 add a proffer on what his testimony will be about based on  
12 the questions? I am worried that the, the, the testimony  
13 will be offering legal analysis, which is squarely within  
14 the jurisdiction of the Zoning Hearing Examiner, would not  
15 be appropriate to have a witness describe how the Hearing  
16 Examiner should interpret the law. So, to the extent that  
17 that's the scope of his testimony, I do have an objection.

18 MS. MCNEIL: You wouldn't I mean, do you  
19 understand the objection?

20 MR. TEDESCO: I, yeah, I don't know if that's  
21 a question or just to say, I mean, Mr. Anderson is not being  
22 offered to provide any legal analysis. That's your job.

23 MS. VOTAW: Okay. Great. As long as that's  
24 the case, then I have no objection.

1 MS. MCNEIL: What is the future of Prince  
2 George's County?

3 MR. ANDERSON: Well --

4 MS. MCNEIL: Never mind. I'm just trying,  
5 just checking.

6 MR. ANDERSON: Presentation and then we can,  
7 yeah.

8 MS. MCNEIL: Okay. You will be admitted as  
9 an expert in land use planning.

10 MR. TEDESCO: Thank you. Mr. Anderson, based  
11 on your education, experience and expertise, do you have an  
12 opinion as to, excuse me. Strike that. Sorry. What  
13 materials did you review in this particular application  
14 case?

15 MR. ANDERSON: I read the statement of  
16 justification, which is, I think, Exhibit 17; the Public  
17 Benefit Features memorandum at Exhibit 20; the Public  
18 Benefit exhibit at Exhibit 16; the Planning Board Staff  
19 Report, which is Exhibits 23 and 24; the resolution from the  
20 Planning Board, that's number 2024-123 at Exhibit 27; the  
21 Traffic Consulting Report that Mr. Lenart prepared that was  
22 just discussed; and the 2013 Approved Subregion 5 Master  
23 Plan and Plan Prince George's 2035.

24 MR. TEDESCO: And did you make a personal

1 inspection of the property?

2 MR. ANDERSON: I did.

3 MR. TEDESCO: And when did you do that?

4 MR. ANDERSON: I was there yesterday, and I  
5 should add that because I am a mountain bike enthusiast, I'm  
6 often in the area to mountain bike at Cosco Regional Park,  
7 which is just, Well, it's in the neighborhood.

8 MR. TEDESCO: Yeah. Could you describe,  
9 actually strike that. What is the, do you know the current  
10 zoning of the property?

11 MR. ANDERSON: I believe it's classified as  
12 RE.

13 MR. TEDESCO: And do you know what zoning is  
14 being requested here today?

15 MR. ANDERSON: Yes, RPD zoning.

16 MR. TEDESCO: And do you know the type of  
17 development that's being proposed?

18 MR. ANDERSON: Yes. My understanding, it's  
19 up to 300 residential units, including a mix of single-  
20 family detached and single-family attached. That would be  
21 townhouses.

22 MR. TEDESCO: In developing the basic plan  
23 and the land plan for this application, ultimately the  
24 future redevelopment of the property, what were the design

1 themes or objectives that you recommended?

2 MR. ANDERSON: Well, I believe that this plan  
3 attempts to organize the site into development plans,  
4 development pods that will concentrate development in the  
5 existing non-forested, grazing field portions of this  
6 property while preserving to the maximum extent possible the  
7 Tinker's, Tinker's Creek corridor, its tributaries, and the  
8 forest resources that are related to it in permanent open  
9 space and stream valley parkland. Development is  
10 concentrated on less than half the property, with most of  
11 the property reserved for recreation, preservation and  
12 stream valley restoration. I think that's shown on Exhibit  
13 31.

14 MR. TEDESCO: And from a land use and  
15 planning perspective, could you explain the basis and the  
16 reasoning for seeking this application to rezone the  
17 property from RE to RPD?

18 MR. TEDESCO: Well, the RE Zone includes  
19 minimum lot sizes of 40,000 square feet without any  
20 mechanism that would force development to be clustered away  
21 from environmentally sensitive areas. Under the RE zoning,  
22 an Applicant could distribute development that would be  
23 probably single-family houses across the entire site. And I  
24 think Exhibit 31 is illuminating on this point, because you

1 can see that there's about 44 acres total among these three  
2 development pods that are labeled A, B, and C. So, just to  
3 do the rough math, if the maximum yield permitted under the  
4 RE Zone would be just a touch over 90 units, 92, 93 units,  
5 something like that, less than one hundred, more than, more  
6 than 90, you can imagine what that might look like. You  
7 would have to spread that development over something  
8 approaching 90 acres of land. So, there would be legal, as  
9 well as physical, constraints, environmental constraints on  
10 using the entire property; but once you back out the 26 or  
11 so acres that are in the floodplain, or otherwise legally  
12 protected for, for other reasons, you'd be left with  
13 something in the neighborhood of a hundred acres to spread  
14 that 90-some units across. So, you'd be looking at in the  
15 neighborhood of 90 units spread over about 90-plus acres.  
16 This development application, even though it provides the  
17 potential for up to 300 units, which is three times as much  
18 density, it consolidates that development into a land area  
19 of approximately 44 acres; so something like less than half  
20 the development footprint that would be involved if this  
21 property were developed to its maximum yield under the base  
22 zone. So, I think that's just by way of perspective,  
23 without getting technical on the different categories of, of  
24 environmental constraints or features that might be

1 protected under this plan. The big picture here is that you  
2 are limiting the impact of the development by placing it in  
3 a very compact form that prevents the environmental and  
4 other consequences of more spread-out development, and also  
5 leave room for more recreational amenities, open space, as  
6 well as improved environmental results.

7 MR. TEDESCO: And would you say that is an  
8 adverse impact or a non-adverse impact?

9 MR. ANDERSON: I'd say that's beneficial.

10 MR. TEDESCO: And are you familiar with Plan  
11 2035 and the 2013 Approved Sub-Region 5 Master Plan  
12 Sectional Map Amendment?

13 MR. ANDERSON: Yes.

14 MR. TEDESCO: As well as the policies  
15 contained therein?

16 MR. ANDERSON: Yes, I am.

17 MR. TEDESCO: And could you just highlight or  
18 outline some of those applicable policies?

19 MR. ANDERSON: Well, Plan 2035 puts the  
20 property in two different growth policy areas. Part is in  
21 the area identified as future water and sewer service area;  
22 the southeast part of the property is called, quote,  
23 unquote, "Established community category." Staff had  
24 determined, the Planning Staff, that in terms of future land

1 use, the proposal is most closely aligned with residential  
2 low and parks and open space designation. Residential low  
3 would, would imply densities up to 3.5 dwelling units per  
4 acre. Parks and open space contemplates publicly or  
5 privately-owned open space and recreation areas. And I  
6 think this project satisfies both those, the, the purposes  
7 of both those categories.

8           The specific Plan 2035 policies that I think  
9 are advanced by this application would be Policy 3, the  
10 Growth Policy Map. The, the residential low designation at  
11 just under three dwelling units an acre is squarely within  
12 the contemplated range, and the Stream Valley dedication  
13 implements the park and open space designation.

14           Policy 4 to phase development to coincide  
15 with public facilities. This project is subject to APFO and  
16 adequacy requirements at the Preliminary Plan stage, and  
17 Policy 8 strengthen established communities, which calls  
18 for, this application calls for transforming under-utilized  
19 agricultural property into a planned residential community  
20 with parks, trails, sidewalks, stream valley preservation,  
21 as well as the transportation improvements that were  
22 discussed a few minutes ago that will benefit both the  
23 residents of this project, as well as the surrounding area.

24           MR. TEDESCO: And did you prepare a Land

1 Planning Report for this Application?

2 MR. ANDERSON: I did.

3 MR. TEDESCO: And that was Exhibit 41?

4 MR. ANDERSON: Yes.

5 MR. TEDESCO: And could you just take us  
6 through your analysis and provide us with your expert  
7 opinion as to whether the Applicant's proposal, proposed  
8 plan satisfies the criteria of Section 27-3602?

9 MR. ANDERSON: Yeah. And I should point out,  
10 by the way, and maybe we could do it in conjunction with  
11 this question, but the Subregion 5 Master Plan has some  
12 relevant policies which are also advanced. Maybe I could  
13 cover it in the context of the questions just --

14 MR. TEDESCO: Well, the first criteria is --

15 MR. ANDERSON: For decision standards, first,  
16 conformance to the General Plan, as well as the applicable  
17 Master Plan. I've just testified how I believe that the  
18 proposed development is consistent with Plan 2035. And as  
19 far as, as the Subregion 5 Master Plan is concerned, the  
20 density, just under three units an acre, is within the  
21 residential low range described in that plan of up to 3.5  
22 dwelling units an acre. Also, I would add the, the  
23 Subregion 5 Master Plan discusses the desirability of  
24 consolidating development and in a way that supports

1 transit, not just the sort of high-investment transit that  
2 we often think about, like, light rail and bus rapid  
3 transit, but also plain old bus service, and the multimodal  
4 features that --

5 MR. TEDESCO: We're good.

6 MR. ANDERSON: The multimodal features of  
7 this plan, including the bike and pedestrian facilities, as  
8 well as the compact form of this development facilitate  
9 serving this project with, with bus service along, along  
10 Steed Road. So, I think that one thing that has not been  
11 discussed in the testimony to this point is the, the fact  
12 that the, that the area Master Plan does not contemplate a  
13 spread-out form of development; but rather attempts to  
14 achieve a land use mix that will serve a different  
15 transportation scheme in the future. So, that's the General  
16 Plan and the Master Plan.

17 The purposes of the RPD Zone are concerned,  
18 the RPD Zone is designed to allow clustering, dimensional  
19 flexibility, open space integration in ways that  
20 conventional-based zoning can't achieve. This Application  
21 uses all those tools for their intended purpose, namely by  
22 clustering development and the grazing fields, using  
23 dimensional flexibility to reduce the development footprint,  
24 which I was just talking about a minute ago, integrating the

1 Preserve Stream Valley into the open space network, and also  
2 producing public benefits. There's a stream valley  
3 dedication trail construction, and the road that would not  
4 have, be available, or certainly not required under  
5 rezoning.

6           The third decision standard is that the  
7 Application has to meet the standards, the relevant  
8 standards of the RPD Zone specifically. The basic plan  
9 establishes the dimensional and development standards for  
10 the RPD zone, including the maximum of 300 dwelling units, a  
11 mix of single-family detached and attached units, internal  
12 street networks, preservation of environmentally sensitive  
13 areas, and the Open Space and Recreational Amenity Program.  
14 The density, lot standards and woodland conservation  
15 requirements are all addressed on the face of the Basic  
16 Plan. The woodland conservation requirement can be met on  
17 site, and the Applicant is offering approximately five  
18 additional acres above the threshold, which I think has been  
19 discussed by some previous witnesses as well.

20           The fourth decision criteria is that you must  
21 find that this project will not adversely affect surrounding  
22 properties. I conclude that the proposed development is  
23 compatible with the surrounding land uses for three basic  
24 reasons. First, the density of just under three dwelling

1 units an acre is consistent with the Master Plan's  
2 residential low --

3 MS. MCNEIL: Is he frozen, or am I frozen? I  
4 don't hear anything.

5 MS. VOTAW: No, he, we can't hear him.

6 MS. MCNEIL: You can?

7 MS. VOTAW: No, we cannot.

8 MS. O'NEIL: Oh, okay.

9 MR. TEDESCO: Can you hear me?

10 MS. VOTAW: Yes.

11 MR. TEDESCO: Okay. We're having some  
12 technical --

13 MR. ANDERSON: Oh, how was that?

14 MR. TEDESCO: Give us one second. How about  
15 now? Can you hear me? Can you hear us now? Can you hear  
16 us now? Can you hear us now?

17 MS. MCNEIL: You're echoing.

18 MR. TEDESCO: How about, how about now?

19 MS. MCNEIL: Yes.

20 MS. VOTAW: Yep. That's good.

21 MR. TEDESCO: Okay. All right. Sorry. We just,  
22 we lost the feed, so I apologize.

23 MR. ANDERSON: Okay. I don't know where we  
24 lost you, so I might just start on this adverse effect

1 decision standard, if that's --

2 MS. MCNEIL: Yeah. That's where you left  
3 off, C4.

4 MR. ANDERSON: Okay. Very good. So, as I  
5 was saying, I conclude that the development is compatible  
6 with surrounding land for three reasons. The first I just  
7 started discussing was that the density is within the Master  
8 Plan requirement; and, moreover, if you go to the site, this  
9 is evident even on some of the exhibits, like Exhibit 31,  
10 you can see that residential development right up against  
11 the road, right across the street from the property. If you  
12 look at what's going on around the property in other  
13 directions, it's surrounded by parcels that are either about  
14 to be developed, like, Hyde Landing on one side, and I think  
15 there's another project on the, on the other side of the  
16 property, parkland, or existing development on, north of  
17 Steed Road.

18 So, I would conclude that this development,  
19 visually speaking, is not going to have much, if any, impact  
20 in terms of changing the land use mix or the physical  
21 appearance from the surrounding properties in any, in any  
22 material way. In fact, most of the, of the development is  
23 set well back on the road and will be screened by some  
24 vegetation, which is more than what is, more than the

1 screen. The development on the other side of the street is  
2 much more visible and lacks that kind of screening, and it's  
3 closer to the, to the road.

4           Secondly, the development preserves the  
5 environmental buffers along the stream valley and forested  
6 areas, which reinforces that natural separation between the  
7 residential pods and the adjacent properties. And third, as  
8 Mr. Lenart has discussed the transportation of the impacts,  
9 the transportation impacts of the development are addressed  
10 through the road and, and sidewalk improvements, and bike  
11 lane improvements that are, that are being proffered in  
12 order to mitigate and improve on existing traffic  
13 conditions; and improve mobility, not just for people who  
14 live on this site, but for people in the surrounding area.  
15 So, for those three reasons, I conclude this project is not  
16 going to have any adverse impact on the surrounding  
17 residents or, or neighborhood.

18           MR. TEDESCO: And are you familiar with the  
19 general purposes of the Plan Development Zone?

20           MR. ANDERSON: yes.

21           MR. TEDESCO: And could you explain how this  
22 Application meets those general purposes, or did you address  
23 that in your Land Planning Report?

24           MR. ANDERSON: I did go that through, through

1 that briefly.

2 MR. TEDESCO: Very briefly. Very briefly.

3 MR. ANDERSON: First, it reduces, it's  
4 designed to reduce inflexibility of the existing base zones.  
5 As I've testified, the RE Zone is 40,000 square foot minimum  
6 lot size, and rigid dimensional standards would prevent the  
7 clustering necessary to protect Tinker's Creek, and to  
8 minimize the impact on the natural environment, and provide  
9 as much space as possible for recreation and open space.  
10 The RPD removes the inflexibility and allows the density to  
11 be organized around the site's environmental features rather  
12 than having them.

13 Secondly, the form and design purposes of the  
14 RE, which is a direct response to the physical character of  
15 multimodal circulation is, because the side path along  
16 Master Plan trail, internal pedestrian connections and  
17 linkage to the Hyde Landing trail network, which would allow  
18 residents to reach some of the commercial development in the  
19 community center on the Hyde Landing. Protects natural  
20 features on the site because the residential pods are  
21 expressly sited in the non-forested, previously undisturbed  
22 parts of the property. So, the only intrusions into  
23 sensitive areas are for the very limited crossings,  
24 utilities and trail connection with replanting to ensure

1 that there's no net loss of forest.

2           There is integration of open space and civic  
3 space, because the preserved Valley trail network and  
4 internal open space areas are designed and interconnected  
5 system rather than isolated features. There are design  
6 amenities, including interpretive signage addressing water  
7 quality and stream buffer function, pocket parks, and  
8 pedestrian connections.

9           The third purpose, to facilitate a mix of  
10 uses and housing types, the plan proposes a mix of single-  
11 family detached and attached units, which contributes to  
12 housing diversity in a subregion, region where single-family  
13 attached units are the dominant, although not the exclusive.

14           UNIDENTIFIED SPEAKER: We lost him again.

15           MS. MCNEIL: Yeah. This, I hate to do this  
16 to you, but it might be better for us to take our 30-minute  
17 break right now, get that situation fixed, and finish him,  
18 and then start with Ms. Votaw. You're muted.

19           MR. TEDESCO: It's going to echo. You didn't  
20 hear him?

21           MS. MCNEIL: Not a lot, and right now I don't  
22 hear him at all. I mean, just before I spoke. I didn't see  
23 him.

24           MR. TEDESCO: Okay. Hang on.

1 MR. ANDERSON: Okay. Where did, where did  
2 you lose me? Where should I pick up?

3 MS. MCNEIL: I think you were saying the  
4 third purpose, but I'm not --

5 MR. ANDERSON: Yeah, the mix of, mix of uses  
6 and housing types?

7 MS. MCNEIL: Yes.

8 MR. ANDERSON: Yeah. So, the, the, one of  
9 the purposes of the RPD Zones, the third purpose is to  
10 encourage a mix of uses and housing types, which this  
11 Application does, because it proposes a mix of single-family  
12 detached and attached units. I'm getting a little echo  
13 here. I don't know if you're --

14 MR. BROWN: You guys got two microphones in  
15 the same room. You need one of the microphones off.

16 MR. TEDESCO: We got it.

17 MR. ANDERSON: Okay. So, you get the idea,  
18 there's a mix of townhouses and single-family homes, which  
19 serves a purpose to create and encouraging a mix of uses and  
20 housing types. The fourth purpose, efficient use of land,  
21 is served because, as I've testified previously,  
22 concentrating development in the grazing fields and  
23 dedicating the Stream Valley Corridor produces a more  
24 efficient and environmentally appropriate land use than

1 large lot development under the RE Zone would have produced  
2 across the full tract.

3           Fifth, it respects neighborhood character  
4 because the proposed density housing types are consistent  
5 with the surrounding residential low context and the Master  
6 Plan vision for the area. And for the reasons I was talking  
7 about a minute ago, that it's mostly set back from, from the  
8 street and does not confront any incompatible land use, and  
9 will have very limited visibility from neighboring  
10 properties because the residential uses are concentrated in  
11 these pods and surrounded by trees.

12           The sixth purpose, improving communities,  
13 services and facilities is, is served by the addition of the  
14 trail, the Steed Road improvements, the Stream Valley  
15 dedication, and the interpretive signage program. All of  
16 those enhance community services and infrastructure for both  
17 new and existing residents.

18           And seventh, respect for the natural  
19 features. The entire Land Plan is organized around the  
20 Tinker's Creek Stream Valley system, and uses that as  
21 basically the foundation of the Land Plan. So, I think that  
22 covers the purposes of the RPD Zone.

23           MR. TEDESCO: And I've only got a few  
24 questions, Madam Examiner. I know you want to break. If

1 you could just indulge me, I've got maybe three or four  
2 questions left. As an expert land use planner, is the  
3 proposed zoning and uses, the density proposed in the basic  
4 plan for the subject property appropriate in the context of  
5 Plan 2035 and the development of the surrounding  
6 neighborhood, in your opinion?

7 MR. ANDERSON: I believe that it is.

8 MR. TEDESCO: And turning to the public  
9 benefits, if this application is approved, in your expert  
10 opinion, will this project provide benefits to the  
11 surrounding neighborhood, or the public in general, that  
12 substantially improve upon the Base Zone?

13 MR. ANDERSON: I believe so. And while I'm  
14 at it, I'll just say I agree with the commentary that was  
15 offered by Mr. Lenart and by Mr. Allison, and, and Ms.  
16 Gillette on those points as well. And I would incorporate  
17 what I said in the expert report by reference, just so we  
18 have that on the record.

19 MR. TEDESCO: And do you agree with the  
20 Planning Board's findings regarding the basic plan's  
21 conformance to the other applicable part 27-6 development  
22 standards?

23 MR. ANDERSON: Yes, I think I might go a  
24 little further than the Planning Board did, but I agree with

1 their conclusion.

2 MR. TEDESCO: In your expert opinion, would  
3 approval of the requested rezoning be in accordance with the  
4 principles and guidelines of plan 2035 and the Subregion 5  
5 Master Plan?

6 MR. ANDERSON: Yes.

7 MR. TEDESCO: And would the approval of the  
8 Application encourage a coordinated, harmonious and  
9 systematic development of the area in the County as a whole?

10 MR. ANDERSON: Yes.

11 MR. TEDESCO: Could you explain why?

12 MR. ANDERSON: Why?

13 MR. TEDESCO: A systematic development of the  
14 area in the County as a whole?

15 MR. ANDERSON: Yeah, for the reasons that  
16 we've, that I've been discussing over the last few minutes,  
17 I think that this plan does a nice job of minimizing  
18 environmental impact, providing badly needed additional  
19 housing, integrating with the existing community, and not  
20 just respecting it, but also tying into the planned Hyde  
21 Field development. And so for all those reasons, I think,  
22 and supporting the future land use transportation scheme  
23 that's called for in the Area Plan, and so for all those  
24 reasons, I think the answer to that question is yes.

1 MR. TEDESCO: I have no further questions.

2 MS. MCNEIL: Ms. Votaw?

3 MS. VOTAW: Thank you, And I'll try to keep  
4 this brief. And thank you for your time, Mr. Anderson. I,  
5 again, apologize. I forgot, I missed your first name. What  
6 was your first name again?

7 MR. ANDERSON: Casey, like Casey at bat.

8 MS. VOTAW: Got it. Thank you. First, I'd  
9 like to talk about density. So, you said that the current  
10 area where the, the, essentially the development envelope is  
11 limited to 44 acres, is that correct?

12 MR. ANDERSON: Roughly, yes.

13 MS. VOTAW: And so, what is the density of  
14 the units within that 44 acres?

15 MR. ANDERSON: Well, it's three, you know,  
16 300 divided by 44.

17 MS. VOTAW: So, according to my calculator,  
18 that's 6.81 dwelling units per acre, is that correct?

19 MR. ANDERSON: Well, I think you're, I think  
20 the denominator you're using is not appropriate. The  
21 relevant question is, how many units across the developable  
22 part of the site. You've already subtracted 26 acres that's  
23 in the floodplain, roughly. So, what you're left with is a  
24 developable, in principle, a developable area of about a

1 hundred acres. And so, by that calculation, you're looking  
2 at roughly just under three, three units an acre.

3 MS. VOTAW: Well, when we're talking about  
4 anticipated density in the Master Plan, that's not just a  
5 consideration of the spacing across an entire side. It's  
6 also the type of units and the amount of density in any  
7 given area, is it not?

8 MR. ANDERSON: That's not how density is  
9 calculated under the Zoning Code.

10 MS. VOTAW: Well, that's not my question.  
11 I'm talking about when we're thinking about Master Plan  
12 recommendations for context-sensitive low residential uses,  
13 low-density residential uses, that consideration is not  
14 limited to just the traditional calculation of density, is  
15 it?

16 MR. ANDERSON: I'm not sure, I don't  
17 understand the question.

18 MS. VOTAW: Let me back up. When the Master  
19 Plan is recommending low-density housing options --

20 MR. ANDERSON: Yeah?

21 MS. VOTAW: -- would the Master Plan not  
22 ordinarily be anticipating, for example, single-family  
23 homes?

24 MR. ANDERSON: Well, not necessarily. I

1 mean, the Master Plan just says this is, this is basically  
2 low residential, which is a defined term in the plan. It  
3 says it's anything under 3.5 units an acre, and that's this.

4 MS. VOTAW: And when the Master Plan was  
5 created, did the RPD Zone exist?

6 MR. ANDERSON: No, there was a zoning code  
7 rewrite in the intervening period where those zones were  
8 translated; and not, I mean, they don't, it's hard to make a  
9 direct apples to apples comparison, but the attempt, as I  
10 understand it, was to try to translate those zones as  
11 closely as possible to the, what was called for under the  
12 previous Master Plan.

13 MS. VOTAW: And so, are you aware --

14 MR. ANDERSON: It was a comprehensive  
15 rezoning in the sense --

16 MS. VOTAW: Yeah.

17 MR. ANDERSON: -- that there was, right --

18 MS. VOTAW: Yes.

19 MR. ANDERSON: -- but --

20 MS. VOTAW: And so, are you aware --

21 MR. ANDERSON: -- the effort was to try to  
22 make that match-up, generally, to sync it up with what was  
23 recommended in the, in the previously existing Master Plans.

24 MS. VOTAW: And so, in that comprehensive

1 rezoning, the district counsel elected to keep the RE Zone,  
2 is that not correct, for this property?

3 MR. ANDERSON: Well, it's a flooding zone.

4 MS. VOTAW: Well, the RE Zone --

5 MR. ANDERSON: The, the, the, right, the RE,  
6 the RE zoning was kept; but the Master Plan did not  
7 recommend RE, necessarily. The Master Plan said it should  
8 be low residential. The district counsel --

9 MS. VOTAW: Then --

10 MR. ANDERSON: -- at the time the Master Plan  
11 was adopted, for whatever reason in their wisdom, decided to  
12 apply whatever the previous equivalent of RE zoning was,  
13 which is slightly lower. But the Master Plan recommendation  
14 is controlling as far as what the public policy of the  
15 County is for this area, what type of development, what  
16 intensity of development is appropriate for this  
17 neighborhood.

18 MS. VOTAW: And when the master, are you  
19 aware that whether when the Master Plan was crafted, was  
20 there a zone, like the RPD Zone, where you could have a  
21 level of --

22 MR. ANDERSON: Yeah.

23 MS. VOTAW: -- density this high?

24 MR. ANDERSON: Yeah, the CD, CDZ, I think.

1 MS. VOTAW: And that allowed, that allowed  
2 the equivalent of a 6.8 dwelling units per acre within the  
3 developed area?

4 MR. ANDERSON: Yeah, I'd, I would have to  
5 look at the old code to, to be, to give you the right  
6 acronym.

7 MS. VOTAW: Uh-huh.

8 MR. ANDERSON: But the answer, I think, is,  
9 yes, there was previously, there were previously set up  
10 floating zones that could be applied to situations like  
11 this, with this type of base zone, that would have allowed  
12 higher density in a manner that's generally consistent with  
13 what we're talking about in this Application. Yes.

14 MS. VOTAW: I'm trying to be very precise.  
15 Would it allow the level of density specifically proposed  
16 here?

17 MR. ANDERSON: I, I believe so. Yeah. I  
18 would have to look at the old code to give you the  
19 particulars; but, yes, I don't, I don't believe that the new  
20 RPD Zone is fundamentally different than the old floating  
21 zones in the sense that you're talking about.

22 MS. VOTAW: And do you know whether the old  
23 floating zones were allowed on this property under the old  
24 zoning code?

1 MR. ANDERSON: There would be a Master Plan  
2 conformance requirement which, again, the Master Plan calls  
3 for anything up to 3.5 units an acre. So, I think that  
4 would, that would be satisfied. If you, again, if you want  
5 to get into the particulars of what the old code said, I  
6 would have to have it in front of me. But I think as far as  
7 maximum density under a floating zone, yes, that was a thing  
8 prior to the zoning rewrite.

9 MS. VOTAW: But, so just to make sure I'm  
10 clear on the scope of your testimony, you did not  
11 specifically look at whether under the old zoning code,  
12 which was in effect when the Master Plan was crafted,  
13 whether a Floating Zone could be applied to this specific  
14 property, with this specific number of dwelling units being  
15 proposed at the specific density being proposed?

16 MR. TEDESCO: I'm going to object, I'm going  
17 to object to relevance.

18 MS. VOTAW: Well, if I may --

19 MR. ANDERSON: I have not recently --

20 MS. VOTAW: -- the relevance.

21 MS. MCNEIL: Well, wait. Your attorney  
22 objected. Could you give us a proffer, Ms. Votaw, about --

23 MS. VOTAW: Yeah, yeah. The relevance I'm  
24 trying to demonstrate is when you're looking at conformance

1 with the Master Plan, the Master Plan, of course, was  
2 crafted numerous years ago, and before the new zoning  
3 ordinance was adopted. And the, the testimony I'm trying to  
4 elucidate, or evaluate, is whether, in fact, the, the  
5 drafters of the Master Plan ever contemplated development,  
6 which in reality, in terms of the actual density of where  
7 people are living, would have a density of 6.1, 6.81 units  
8 per acre; because in my mind, low-density recommendations  
9 are not just a facet of how many units are in an overall  
10 development, but what is the living conditions going to be  
11 like for those people who reside in that property? And the  
12 intention was to have a low-density environment for those  
13 residents. And so, I'm trying to evaluate if this  
14 Applicant, or this witness has evaluated that or not?

15 MR. BROWN: Ms. Votaw, it's not relevant. I  
16 mean, it just conjures up nothing but speculation. When the  
17 Master Plan was adopted, the RPD Zone and the 2022 Zoning  
18 Ordinance did not exist; so they could not have contemplated  
19 what the density would be under a zone that did not exist.  
20 Now that the RPD Zone exists, the County counsel has made a  
21 policy decision of what the density can be under the RPD  
22 Zone. It is not necessary to compare the RPD Zone today, as  
23 it exists, to some CDZ Zone that existed pre-2022. They're  
24 not asking for a Comprehensive Design Zone today. They're

1 asking for an RPD Zone with the density that is allowed  
2 under the RPD Zone.

3 MS. VOTAW: Yes, but the, the required  
4 findings are conformance with the Master Plan. And in  
5 Maryland, the --

6 MR. BROWN: So, the issue there is --

7 MS. VOTAW: -- pre-eminent rule of  
8 interpretation is legislative intent.

9 MR. BROWN: That's right. Conformance with  
10 the Master Plan doesn't have anything to do with the  
11 Comprehensive Design Zone, though. You're conflating apples  
12 and oranges.

13 MS. VOTAW: I'm, I'm just trying to evaluate  
14 what the, what is evaluated.

15 MR. BROWN: The RPD Zone analysis, it has  
16 nothing to do with this case.

17 MS. MCNEIL: And if I may, Ms. Votaw, if you  
18 had, I think I know where you're trying to go, and if you  
19 had some proof in the Master Plan, since we are relying on  
20 the Master Plan for density for this case, I mean, we all  
21 agree on that, if you had something in the Master Plan that  
22 says he can't measure density in the way that we do, or  
23 something of that nature; but, you know, you're sort of  
24 just, he's correct that we, you haven't tied those questions

1 to anything thus far that he's testified to. So, if that's  
2 where you're going, you should ask that question. I don't  
3 know where you're going but, I mean, I'm not trying to  
4 predict where you're going.

5 MS. VOTAW: I'm, I'm just trying to  
6 understand what exactly this Applicant evaluated when he  
7 says it conforms with the Master Plan; and whether he  
8 considered this or not. If he didn't, then that's the  
9 answer, and I'll move on. That's all I'm trying to ask.

10 MS. MCNEIL: And I think he did say he didn't  
11 consider former CDZs without pulling up the, the code and  
12 the Master Plan. I don't put words in your mouth. What did  
13 you say to that, Mr., Mr. --

14 MR. ANDERSON: Right. Well, I mean, there's  
15 a few things here I just think I need to make sure very  
16 clear. One is, I do not accept the premise that this is  
17 six-plus units an acre. This is 2.97 units an acre. And I  
18 think to your point, Madam Hearing Examiner, you are  
19 absolutely correct that the Master Plan does not say that  
20 the district, does not suggest the district counsel thought  
21 there was a problem with houses being close together, as  
22 opposed to far apart. It said the development intensity  
23 maximum should be about 3.5 units an acre. That should be  
24 the outer limit. There's all kinds of reasons why somebody

1 might say that 3.5 is the right number instead of some other  
2 number. But if the district counsel thought it was because  
3 they didn't like townhouses, they didn't say so in the  
4 Master Plan. So, that would be completely speculative.

5 I would also add, in terms of synthesizing  
6 the environmental and land planning analysis here, that it's  
7 environmentally desirable to have a more compact form, to  
8 have some townhouses with common walls. It's more energy-  
9 efficient. There's a whole bunch of reasons why putting the  
10 houses closer together and having attached housing types is  
11 actually a good thing. It's in the, it's in the public  
12 interest.

13 I don't know what they were thinking when  
14 they passed this Master Plan, but what I do know is they  
15 were silent on any kind of problem that they may have had  
16 with a more intensive building type. What they did say is  
17 that they thought that the maximum appropriate density in  
18 this area is 3.5 units an acre, and this development  
19 application fits comfortably within that judgment and  
20 standard that was, as imposed by the Master Plan. When the  
21 Comprehensive Zoning was adopted, there was another  
22 legislative finding. That was the district counsel, again,  
23 applying new zoning to this property, rezoning, and  
24 applying, and providing the option for RPD zoning, which

1 allowed relaxed dimensional standards and all the other  
2 things that we've been talking about today. So, I don't see  
3 that there's any, certainly, there's no inconsistency  
4 that's been demonstrated with anything that's in this  
5 Application and the Master Plan; and there is intervening  
6 legislative judgments that have been made that I think are  
7 actually in support of it.

8 MS. MCNEIL: All right. So, Ms. Votaw, back  
9 to you. I'm sorry.

10 MS. VOTAW: I'll move on to my next question.  
11 So, I want to touch on the public benefits. How much  
12 woodland conservation would be required under the RE Zone?

13 MR. ANDERSON: I don't have the number in  
14 front of me. I think Ms. Gillette talked about this. I  
15 think it was 20, yeah, this is 20, 20 versus 25 percent,  
16 right?

17 MS. VOTAW: Well, what's the RE Zone?

18 MR. ANDERSON: Twenty percent, 20 percent of  
19 RPD, 25 percent under the base zone; but we're talking here  
20 about an application that gives you 25 percent, even though  
21 that's not what's required under the RPD Zone.

22 MS. VOTAW: Yes. The Zoning Ordinance  
23 requires that the public benefits be substantially better  
24 than, or I'll be, that the public benefits are superior

1 features to a significantly greater extent than would likely  
2 result from the development of the site under the base zone,  
3 is that correct?

4 MR. ANDERSON: Yes.

5 MS. VOTAW: Okay. And the development of the  
6 site under the base zone would result in 25 acres of  
7 woodland preservation, would it not?

8 MR. ANDERSON: Yes.

9 MS. VOTAW: And currently being proposed is  
10 25 acres of preservation, is that correct?

11 MR. ANDERSON: That's correct.

12 MS. VOTAW: And could you please explain how  
13 that's a superior benefit to have the same amount of  
14 woodland conservation as would be required under the base  
15 zone, not compared to the, the, what's required under the  
16 RPD zone; what's compared under the base zone?

17 MR. ANDERSON: Well, you have to look, I  
18 believe, from a planning perspective at the totality of the  
19 benefits and the other public interests at stake in the  
20 application. So, basically --

21 MS. VOTAW: We'll get to that. I'm going to  
22 just stick with the --

23 MR. ANDERSON: Let me back, let me --

24 MS. VOTAW: -- forest conservation.

1 MR. ANDERSON: Let me unpack this for you,  
2 okay? The RPD Zone is basically an offer by the Government  
3 to applicants in land use cases to say, we'll give you more  
4 flexibility, relax certain standards, maybe ask you to do a  
5 little bit less in exchange if you can do some more in some  
6 other areas. In this case, we're delivering, this Applicant  
7 is proposing to deliver more in certain respects, for  
8 example, transportation and trails, land preservation, park  
9 dedication, et cetera, and not asking the Government to  
10 sacrifice the additional woodland conservation they would  
11 have gotten under the base zone. So, even though it's the  
12 same in terms of the number of, or roughly the same in terms  
13 of number of acres that have to be preserved, it's superior  
14 because it provides a superior land planning with all the  
15 other public benefits we've, we've described; and it does  
16 that without taking advantage of the opportunity to reduce  
17 the woodland conservation by five acres, or whatever that,  
18 that net number is. So, I think when you look at the  
19 totality of the public benefits, including how much woodland  
20 is preserved, you have to come to the conclusion this is a  
21 better deal for the Government and the public than what you  
22 would have ever gotten under the base zone.

23 MS. VOTAW: So, by itself then, the amount of  
24 woodland conservation is not superior to a significantly

1 greater extent than would occur under the RE Zone, is that  
2 correct?

3 MR. ANDERSON: I mean, I think if you're  
4 going to take that narrow question in isolation, yeah, that,  
5 what you said is true.

6 MS. VOTAW: Okay. Thank you. And I'd like  
7 to talk about the dedication of the Tinker's Creek area.  
8 That would be a requirement of the base zone, would it not?

9 MR. ANDERSON: Oh, I should add, we're  
10 talking on site, too. That's the other thing about the  
11 woodland preservation here, if we get it all on site, that  
12 you, that's a good benefit for the neighborhood as opposed  
13 to woodland preservation that occurs somewhere else.

14 MS. VOTAW: Well, again, the, the current  
15 zoning, the current forest conservation requirements require  
16 on site preservation, unless you're approved for offsite  
17 preservation, is that not correct?

18 MR. ANDERSON: No, you, you can go offsite  
19 pretty much as a matter of course.

20 MS. VOTAW: Under the new Forest Conservation  
21 Act regulations?

22 MR. ANDERSON: Yeah.

23 MS. VOTAW: I don't believe that's correct,  
24 but we'll move on, and I'll come back to that in a second.

1 For the dedication of the Tinker's Creek stream area, that  
2 would be a requirement under the base zone, is that not  
3 correct?

4 MR. ANDERSON: I'm sorry, the what?

5 MS. VOTAW: The stream valley dedication,  
6 that would be a requirement under the base zone?

7 MR. ANDERSON: You might have, I'm not sure  
8 you'd have to dedicate it. It might be put in an easement.  
9 I don't think you're going to get full dedication in the  
10 absence of some public benefit requirement.

11 MS. VOTAW: So, are you disputing Staff's --

12 MR. ANDERSON: I could be, I could be  
13 mistaken about that, but I think we're, I think you'd be,  
14 you could preserve it like in a forest conservation  
15 easement, and limit development in the stream buffer; but  
16 the benefit here is that it gets dedicated to the Parks  
17 Department so they can, they have control over it.

18 MS. VOTAW: Give me one moment, if you will?  
19 So, are you disputing the Planning Board's finding on  
20 resolution page 14 that, quote, "Either the five percent  
21 usable area of land dedication, or the Stream Valley  
22 dedication with Master Plan Trail, would be a base  
23 requirement under the subdivision regulations? Are you  
24 disputing that finding by the Planning Board?"

1                   MR. ANDERSON: I think the Planning Board may  
2 be somewhat mistaken in the assumption that that trail is  
3 entirely on the Applicant's property. Ordinarily, if the,  
4 if the trail was shown a Master Plan on the Applicant's  
5 property, that could be part of the base requirement. My  
6 understanding is this application shifts the trail just a  
7 little bit from the master, what's shown in the Master Plan  
8 to put it on the Applicant's property; and, therefore, they  
9 agreed to sort of absorb the full impact of that. And  
10 that's shown on Exhibit 21 at the, if you look at Exhibit  
11 21, you'll see like the Stream Valley Park basically  
12 borders, it's, it's abutting this, the property we're  
13 talking about here, the Applicant's property; and there's a  
14 blue line that shows, you know, sort of in general terms,  
15 where this, where the stream, where the stream and trailers  
16 are, where the stream is and where the trail is supposed to  
17 be. This Application moves that trail a little bit. Yeah.  
18 I guess, I want to make sure I'm directionally correct, down  
19 on the diagram, which I think is generally south. So, the  
20 trail now runs basically across the top of the property in  
21 an area that would, it would not, it wouldn't have been a  
22 required benefit because it wasn't entirely on the  
23 Applicant's property.

24                   MS. VOTAW: So, you are disputing the

1 Planning Board's express findings that the dedication of  
2 this area would have been a requirement under the base zone?

3 MR. ANDERSON: Well, I'd have to think about  
4 what the verbiage in the Planning Board's resolution to be  
5 sure about that; but I, I think this may just be a little  
6 bit of imprecision on the part of whoever put together the  
7 resolution.

8 MS. VOTAW: That's also a Staff's finding, is  
9 that not correct?

10 MR. ANDERSON: Well, the Staff puts together  
11 a resolution. So, yeah.

12 MS. VOTAW: Okay. So, you're disputing they  
13 got it? What, I'm going to talk about the interpretive  
14 signage. The Planning Board also found that that would have  
15 been a requirement of the base zone, is that not correct?

16 MR. ANDERSON: I don't think that's right.  
17 Yeah. I think Ms. Gillette talked about this.

18 MS. VOTAW: Let me just be precise. Yeah.  
19 So, you're disputing, for example, the Planning Board's  
20 finding on resolution page 20, quote, "This is a basic  
21 requirement that would be applicable for any development of  
22 the site and, therefore, not a public benefit feature."?

23 MR. BROWN: Oh, Ms. --

24 MR. ANDERSON: Yeah, I don't, I don't agree

1 with that; and that's why I said a few minutes ago that  
2 while I agree with the Planning Board's ultimate conclusion,  
3 I don't necessarily subscribe to every detail of the way  
4 they got there.

5 MS. VOTAW: Understood.

6 MR. BROWN: Ms. Votaw, may I ask --

7 MS. VOTAW: Yes, sir?

8 MR. BROWN: -- ask a clarification? When you  
9 ask these questions, does he dispute something that the  
10 Planning Board said, do you want to recharacterize that,  
11 does he agree with it or disagree with it? I don't know  
12 what you mean when you say --

13 MS VOTAW: Okay.

14 MR. BROWN: -- is he disputing --

15 MS. VOTAW: Disagree, then. Do you agree or  
16 disagree with that finding?

17 MR. ANDERSON: I do, I do disagree in part  
18 with that finding.

19 MS. VOTAW: Thank you, Sam, or Mr., the  
20 People's Zoning Counsel. Okay. And I'm going to switch  
21 focus away from the public benefits. I think we've gone  
22 through those sufficiently. When, I recall in your  
23 testimony you thought that there would not be an adverse  
24 impact on surrounding properties from this proposed

1 development, is that correct?

2 MR. ANDERSON: Yes.

3 MS. VOTAW: When you were making that  
4 determination, did you include in your consideration impacts  
5 of property values?

6 MR. ANDERSON: Not directly.

7 MS. VOTAW: Okay. Thank you.

8 MR. ANDERSON: I mean, it's hard to see how  
9 there could be an impact on property values if there's no  
10 adverse esthetic effect or --

11 MS. VOTAW: That's not specifically part of  
12 your determination previously, correct?

13 MR. ANDERSON: Beg your pardon?

14 MS. VOTAW: That wasn't part of your  
15 evaluation up to this point, correct?

16 MR. ANDERSON: Not directly. No.

17 MS. VOTAW: Okay. Thank you. All right. I  
18 believe that's all I have. Thank you.

19 MS. MCNEIL: Ms. Votaw, just --

20 MR. ANDERSON: Thank you.

21 MS. MCNEIL: -- before we let him go, can you  
22 tell me where that was about the signs in the Planning  
23 Report?

24 MS. VOTAW: Yes, ma'am. On page 20 of the

1 resolution, the first paragraph of that page says, "At this  
2 time, there's a lack of detail as to the information and  
3 number of signs to be provided. In addition, as part of the  
4 archeological investigations to be conducted on the property  
5 and discussed further in the resolution, signage is  
6 recommended to capture the site's history in conformance  
7 with the historic recommendations of the Master Plan. This  
8 is a basic requirement that would be applicable for any  
9 development of the site and, therefore, not a public benefit  
10 feature." The top of page 20.

11 MS. MCNEIL: But does that go to the historic  
12 or all signs?

13 MS. VOTAW: That's the way, that's the, what  
14 the Planning Board applied to all signs from my  
15 understanding. And you know, I --

16 MS, MCNEIL: I was just reading it.

17 MS. VOTAW: -- (indiscernible).

18 MR. ANDERSON: I don't think that's what the,  
19 Planning, that's not my understanding what the Planning  
20 Board did.

21 MS. MCNEIL: I just wanted to clarify that I  
22 was reading in the same area.

23 MS. VOTAW: Yeah.

24 MS. MCNEIL: I'm sorry.

1 MS. VOTAW: Yeah. The Planning Board  
2 analyzes that, bottom of page 19, top of page 20; and they  
3 explain in those paragraphs why they came to that  
4 conclusion.

5 MR. BROWN: Mr. Anderson --

6 MR. ANDERSON: Yeah?

7 MR. BROWN: -- what is your characterization  
8 of that paragraph?

9 MR. ANDERSON: Well, I think the disagreement  
10 here, or the confusion maybe, is that we are providing  
11 signage and interpretive features that go beyond the base  
12 requirement. There may be some base requirement for  
13 interpretive signage, but we add, we add additional  
14 interpretive features and signage beyond that base  
15 requirement. And I don't think that's, that's not  
16 inconsistent with my understanding what the Planning Board  
17 did; but, again, I hadn't really focused on that part of the  
18 resolution.

19 MS. VOTAW: Is, are you familiar with the  
20 Planning Board's statement that, quote, at this time, there  
21 is a lack of detail as to the information and number of  
22 signs to be provided.

23 MR. ANDERSON: Yeah, it's in the, it's in the  
24 resolution.

1 MS. VOTAW: Yeah.

2 MR. ANDRESON: And I think that will be  
3 fleshed out at, at a later stage of the process. But,  
4 again, I think the relevant question for the public benefits  
5 analysis is, what is a, what is the base requirement for  
6 interpretive signage and the like; and does the Applicant  
7 provide something in addition to that? I think we're going  
8 beyond what's required as the base requirement; but this is,  
9 to be honest with you, not something I've given a whole lot  
10 of attention to.

11 MS. MCNEIL: And I want to throw this out  
12 because we got to go on break, but when you're looking at  
13 this, the next paragraphs, the conclusions are these public  
14 benefit features one through six are found to meet the  
15 required criterion. So --

16 MS. VOTAW: Yeah. We certainly disagree with  
17 that.

18 MS. MCNEIL: -- if that was one of the one  
19 through six?

20 MS. VOTAW: Well, we certainly disagree with  
21 that.

22 MS. MCNEIL: Oh, okay.

23 MS. VOTAW: And we'll, we'll go through that.

24 MS. MCNEIL: Okay.

1 MS. VOTAW: What I'm trying to establish, and  
2 I'll talk about this in my opening so I won't belabor the  
3 point, is when you really look at each of these features,  
4 the vast majority of them are base requirements and should  
5 not be considered public benefits. And then when you're  
6 looking at what remains as true public benefits, things that  
7 are not otherwise required by the base zone, it's simply not  
8 sufficient for the amount of units that are being proposed.  
9 But I'll touch on that in my opening statement and my  
10 witnesses.

11 MR. ANDERSON: Well, I, well --

12 MS. VOTAW: And that's the questions I have.  
13 So, thank you.

14 MR. ANDERSON: I've looked at the --

15 MS. MCNEIL: I have to give this Staff a  
16 break. I have to.

17 MR. ANDERSON: Okay. Okay.

18 MS. MCNEIL: So --

19 MR. ANDERSON: Well --

20 MS. MCNEIL: -- everybody put a pen right  
21 there, and can you --

22 MR. ANDERSON: I've been reading this while  
23 you've been talking, so if you want me to address that  
24 question, I could do it, but I'll --

1 MS. MCNEIL: Are you trying to leave before  
2 lunch? Okay.

3 MR. ANDERSON: I'm not, whatever you want to  
4 do. I just want to --

5 MS. MCNEIL: No, you have one minute to add.  
6 Go ahead.

7 MR. ANDERSON: Okay. All I wanted to say is  
8 that the Planning Board resolution says that there would  
9 have to be signage to capture the site's history in  
10 conformance to the historic recommendations of the Master  
11 Plan. That's a basic requirement. What we're talking about  
12 here is also interpretive material that relates to  
13 environmental features and the like. So, that's separate  
14 from the historic stuff that's in the Master Plan is, and  
15 that's also shown in the SOJ. There's an interpretive,  
16 there's section, I guess that's subpart seven says  
17 interpretive signage explains this.

18 MS. MCNEIL: Yeah, I remember reading that in  
19 THE SOJ, which is why I was looking for it in here, but  
20 thank you. So, Mr. Tedesco, are we finished with --

21 MR. TEDESCO: Yeah, that would conclude  
22 our --

23 MS. MCNEIL: -- Mr. Anderson?

24 MR. TEDESCO: -- witnesses, Madam Examiner.

1 MS. MCNEIL: Okay. And, Mr. Brown, you had  
2 no questions?

3 MR. BROWN: No.

4 MS. MCNEIL: Okay. So, we're going to take a  
5 break. How about till 2:20? It's ten of. See you all  
6 then. It's not going to be another link, so leave this up.  
7 Thank you.

8 MR. ANDERSON: Thank you.

9 (Recess)

10 MS. MCNEIL: Is Ms. Votaw back? We sort of  
11 jumped the gun on our a recording, sorry about that. Are  
12 you ready?

13 MS. VOTAW: Yes, ma'am.

14 MS. MCNEIL: Okay.

15 MS. VOTAW: All right. So, for the record,  
16 Alex Votaw from the law office of G. Macy Nelson, with the  
17 pleasure of representing citizen opponents in this case.  
18 And I thank you, Madam Hearing Examiner and Staff, and  
19 everyone, for bearing through all of this and all my  
20 questions. So, I appreciate that. You know, fundamentally,  
21 the issue my clients have with this Application is the  
22 attempt of the developer to present public benefits or,  
23 rather, present bare necessities and basic requirements of  
24 the zone as public benefits. And there are four issues in

1 my mind in this case. One, conformance with the Master  
2 Plan. And I'll, I'll touch on that in a moment. Second is  
3 the, are the public benefits superior to a significantly  
4 greater extent than, than what would occur under the base  
5 zone of the RE Zone. In other words, the important  
6 comparator, comparison in this case is, what would be  
7 required under the RE Zone versus what is being proposed  
8 here? And is what is being proposed here significantly  
9 greater, I apologize, excuse me, significantly greater than  
10 what would otherwise be required? The comparison for the  
11 public benefits aspect of this case is not what would, what  
12 currently exists with no development versus what's being  
13 proposed. It's not what, is the bare minimum for the RPD  
14 Zone versus what is being proposed? It is the correct  
15 comparison for the public benefits aspect of this case is  
16 what is required under the RE Zone, the existing zone,  
17 compared to what is being proposed? And is what is being  
18 proposed under the new zone significantly greater, or are  
19 the public benefits providing a significantly greater  
20 benefit to the public or surrounding properties than would  
21 otherwise be required?

22 Another issue is whether there's any adverse  
23 impacts. In this case, we argue there are adverse impacts,  
24 particularly --

1 MR. BROWN: Ms. Votaw, Ms. Votaw --

2 MS. VOTAW: Oh, can you hear me now?

3 MR. BROWN: Yeah, I hear you; but I'm a  
4 little bit confused. You're making argument, I mean, if you  
5 wanted to make an opening statement, you know, you should  
6 have done that at the beginning of the case. So, if you're  
7 making an opening statement now, you're going to have to  
8 just tell us, this is what your case is going to be about  
9 as opposed --

10 MS. VOTAW: Yeah. Yeah, I, I didn't, I was  
11 not, I did not hear an opportunity to provide an opening  
12 statement at the beginning of this. So, that was my --

13 MS. MCNEIL: And I apologize for that. That  
14 would have been my fault. But he says don't argue too much.

15 MS. VOTAW: I won't, I won't. I'm going to  
16 move on. I'm just laying out our four issues. So, public  
17 benefits, Master Plan, adverse impacts, and whether the  
18 change or mistake rule applies.

19 We argue it does because Section 27-3601(e)  
20 states that the change mistake rule applies to any Zoning  
21 Map Amendment, and this is a Zoning Map Amendment. Before I  
22 get to my witnesses, I just want to point out something  
23 really important about the Master Plan, because there's a  
24 question about how is density defined. And I just want to

1 read straight from the Subregion 5 Master Plan, which states  
2 the residential low areas are designated for single-family,  
3 detached suburban development. Most of the land in the, in  
4 Subregion 5 is in this category, which is intended for  
5 single-family, detached residential development that may  
6 have up to 3.5 dwelling units per acre. Single-family,  
7 detached, that is a definition of residential low density;  
8 and its 3.5 dwelling units per acre for single-family,  
9 detached houses. I wanted to make that point, and I think  
10 that's the reason this doesn't conform with the Master Plan.

11 MS. MCNEIL: So, since you're reading, which  
12 page was that?

13 MS. VOTAW: Yes, ma'am. It is on page 33 of  
14 Section 4, Land Use and Development Pattern. And that's the  
15 2013 approved Subregion 5 Master Plan and Sectional Map  
16 Amendment document. And this section specifically  
17 references Hyde Field being designated as residential low  
18 land uses in this Master Plan.

19 So, with that, I would like to ask for Jerome  
20 Tidwell to testify. He should be logged on.

21 MS. MCNEIL: Mr. Tidwell?

22 MS. VOTAW: And I'll text him if he's not,  
23 and I can move on to my next witness and come back.

24 MS. MCNEIL: Okay.

1 MS. VOTAW: Mr. Tidwell, are you there? I'm  
2 texting him. One moment. All right. I'll for now move on  
3 to my next witness, if that's all right with Madam Hearing  
4 Examiner?

5 MS. MCNEIL: Sure

6 MS. VOTAW: Could I have Jessica Brown unmute  
7 yourself? And I see you on here. There we go.

8 MS. BROWN: Hi. Can you hear me?

9 MS. VOTAW: Yes.

10 MS. MCNEIL: Yes.

11 MS. BROWN: Continue.

12 MS. MCNEIL: Okay. Ms. Brown, do you swear  
13 or affirm under the penalties of perjury, that the testimony  
14 you shall give will be the truth and nothing but the truth?

15 MS. BROWN: I do.

16 MS. MCNEIL: Okay.

17 MS. VOTAW: Great. Ms. Brown, can you please  
18 describe your educational background?

19 MS. BROWN: Yes. I studied civil engineering  
20 for four years at the University of Southern California. My  
21 coursework included classes in transportation engineering  
22 and urban planning, and I received a bachelor of science in  
23 civil engineering, which is accredited by organizations that  
24 give engineering degrees.

1 MS. VOTAW: Thank you. And can you please  
2 provide a description of your professional experience?

3 MS. BROWN: Sure. The work I do day-to-day  
4 is within the field of transportation. I've worked on  
5 various projects across lots of different modes at different  
6 scales from conceptual level to detailed design. These  
7 modes are wide-ranging, as I mentioned, but include  
8 roadways, site development, including due diligence for  
9 developments, transit, aviation, and currently I work in  
10 active transportation. So, that's essentially getting  
11 people to and from their destinations via walking, biking,  
12 rolling.

13 Essentially, my job is to make sure that any  
14 plan to add any type of transportation infrastructure,  
15 whether that's at the concept stage or the beginning stage,  
16 through detailed design for construction is feasible and up  
17 to engineering standards. So, on a day-to-day, over the  
18 course of my career, and over the course of my career, I  
19 have used a variety of industry standards, including the  
20 Manual on Uniform Traffic Devices, the American Association  
21 of State Transportation Officials, or AASHTO's Green Book  
22 Highway Capacity Manual, the Institute of Transportation  
23 Engineers Trip Generation Manual, National Association of  
24 City Transportation Officials Street and Bike Design

1 Guidelines. All of these I have used to inform any  
2 engineering decisions I make. And this could be anything  
3 from appropriate bike widths to what is appropriate number  
4 of lanes for daily traffic.

5 MS. VOTAW: So, in your professional  
6 experience, in your day-to-day tasks, would you say that you  
7 evaluate the impact of traffic on a roadway?

8 MS. BROWN: I do.

9 MS. VOTAW: Okay. I'd like to proffer Ms.  
10 Brown as an expert in traffic.

11 MS. MCNEIL: Do you have a resume or CV for  
12 Ms. Brown that you could provide?

13 MS. VOTAW: I do not have one at this moment.

14 MS. MCNEIL: Okay. Then that would, I, it  
15 would have just been good for me to see it; but, Mr. Brown,  
16 do you want to voir dire, or Mr. Tedesco?

17 MR. TEDESCO: I do, but I'll defer to Mr.  
18 Brown.

19 MR. BROWN: Ms. Votaw, it's customary to have  
20 a resume or curriculum vitae when you offer an expert.  
21 Since we don't have one, I will ask questions of Ms. Brown  
22 as I can.

23 So, Ms. Brown, first of all, Ms. Votaw,  
24 you're offering her as a witness in what field?

1 MS. VOTAW: Traffic impact.

2 MR. BROWN: Traffic engineering?

3 MS. VOTAW: Traffic impacts, yes.

4 MR. BROWN: All right. So, Ms. Brown, are  
5 you licensed in civil engineering in the State of Maryland?

6 MS. BROWN: I am not. I have an engineering  
7 in training certificate, certification.

8 MR. BROWN: All right. I did hear you say  
9 you had a certificate, but again, you're not licensed in the  
10 state of Maryland in civil engineering?

11 MS. BROWN: That's correct.

12 MR. BROWN: Okay. And do you have a  
13 bachelor's degree?

14 MS. BROWN: Yes, sir, a bachelor's of science  
15 in civil engineering.

16 MR. BROWN: From what school?

17 MS. BROWN: The University of Southern  
18 California.

19 MR. BROWN: And do you have an advanced  
20 degree in any field?

21 MS. BROWN: I do not.

22 MR. BROWN: And how long have you been  
23 practicing civil engineering?

24 MS. BROWN: I've been practicing civil

1 engineering for four years.

2 MR. BROWN: And you are employed where?

3 MS. BROWN: I would prefer not to provide my  
4 employer, but I do have a job, and I work as a civil  
5 engineer for a local municipality, but I don't want to  
6 specify.

7 MR. BROWN: Well, you're being offered as an  
8 expert witness. You must specify your current employment  
9 and your past employment in order to qualify as an expert in  
10 any field. I'm not trying to be personal, but your attorney  
11 has offered you; and, therefore, you must provide certain  
12 information, or otherwise you won't be qualified.

13 MS. BROWN: That's fine. I work --

14 MS. VOTAW: Ms. Brown, you can, oh, sorry.  
15 What were you going to say?

16 MS. BROWN: No, you say it first.

17 MS. VOTAW: I believe she can provide a  
18 description of her experience, particularly any past  
19 experience. I'm not aware of any specific rule that  
20 requires her to disclose her current employer.

21 MR. BROWN: It does. In order to qualify a  
22 witness, you must determine the witness' education, witness'  
23 experience, and part of determining experience is where are  
24 you employed? What have you been doing at that particular

1 job?

2 MS. VOTAW: I believe she has described what  
3 she's been doing at that job, but --

4 MR. BROWN: Well, I don't know the employer.  
5 What is the name of the business?

6 MS. BROWN: It's, it's okay. I work for the  
7 city of Alexandria, Virginia.

8 MR. BROWN: All right. You work for the city  
9 of Alexandria, Virginia? And what is your position there?

10 MS. BROWN: I'm a civil engineer.

11 MR. BROWN: All right. And how long have you  
12 been employed at the city of Alexandria?

13 MS. BROWN: For about ten months.

14 MR. BROWN: Ten months?

15 MS. BROWN: That's correct.

16 MR. BROWN: And are you a supervisor there?

17 MS. BROWN: I am not.

18 MR. BROWN: And where were you employed prior  
19 to working for the city of Alexandria?

20 MS. BROWN: I was employed at the Federal  
21 Transit Administration.

22 MR. BROWN: In Washington, D.C.?

23 MS. BROWN: I was located in California.

24 MR. BROWN: And how long were you employed at

1 the Federal Transit Administration in California?

2 MS. BROWN: For about four months.

3 MR. BROWN: And what was your job, were your  
4 job duties there?

5 MS. BROWN: I was a general engineer, so I  
6 was responsible for looking at any new transportation  
7 developments that local municipalities and transit agencies  
8 wanted to provide, and making sure that they had the  
9 necessary resources to get funding from the federal  
10 government.

11 MR. BROWN: Did you tell me, when did you  
12 receive your degree in civil engineering?

13 MS. BROWN: I didn't say, but it was in 2022.

14 MR. BROWN: 2022? All right. So, prior to  
15 being employed at the Federal Transit Administration in  
16 California, where were you employed?

17 MS. BROWN: I was employed at a firm called  
18 Arup. They're a global transportation, or a global  
19 engineering firm, and I worked on their transportation  
20 engineering and civil engineering teams.

21 MR. BROWN: And how long were you employed  
22 there?

23 MS. BROWN: I was employed there for about 2  
24 1/2 years.

1 MR. BROWN: And where is that company  
2 located?

3 MS. BROWN: They are a global company, but I  
4 was based in California.

5 MR. BROWN: And you are a resident of where,  
6 Virginia or Maryland?

7 MS. BROWN: I'm a resident of Prince George's  
8 County, Maryland.

9 MR. BROWN: And do you live near this  
10 property?

11 MS. BROWN: I do.

12 MR. BROWN: Okay. Have you ever sought to be  
13 qualified as an expert witness in civil engineering prior to  
14 today?

15 MS. BROWN: I have not.

16 MR. BROWN: And so, therefore, you've never  
17 participated as an expert in any court proceeding, correct?

18 MS. BROWN: That's correct.

19 MR. BROWN: You've never testified as an  
20 expert in any administrative proceeding?

21 MS. BROWN: That's correct.

22 MR. BROWN: And have you ever published any  
23 articles on civil engineering?

24 MS. BROWN: I have not. That's not really in

1 my purview.

2 MR. BROWN: Right. Right.

3 MS. BROWN: I'm a practitioner.

4 MR. BROWN I understand. But these are the  
5 requirements of an expert witness. I don't have --

6 MS. BROWN: I was just explaining.

7 MR. BROWN I don't have your resume in front  
8 of me, so I can't zoom-in. In terms of projects, what  
9 projects have you worked on in the past ten months in the  
10 City of Alexandria concerning civil engineering?

11 MS. BROWN: Like I mentioned, I work in  
12 active transportation, so most of the projects that I work  
13 on are adding bike lanes and pedestrian facilities to  
14 roadways. I can be specific, but I work on a lot of  
15 projects.

16 MR. BROWN Are you being compensated today to  
17 be an expert witness in this case?

18 MS. BROWN: No, I am not.

19 MR. BROWN Most municipalities have a bar to  
20 allowing municipal employees to provide other employment  
21 opportunities. Are you barred from having employment  
22 outside of the city of Alexandria?

23 MS. BROWN: I am not.

24 MR. BROWN All right. So, we went over your

1 education. We went over your experience. I mean, you don't  
2 have any additional experience other than the 20 months that  
3 you've been employed in the city of Alexandria, state of  
4 California, and then I think it's Arup, I'm not sure of the  
5 exact name. You have no other, other than that because you  
6 were just a graduate in 2022, correct?

7 MS. BROWN: That's correct. I don't know how  
8 many, 20 months sounds short, but --

9 MS. VOTAW: Two years is 24 months, and  
10 that's the --

11 MS. BROWN: Yeah.

12 MS. VOTAW: -- the first place for 2 1/2  
13 years, you said?

14 MS. BROWN: Correct.

15 MS. VOTAW: Yeah.

16 MR. BROWN Unfortunately, Madam Examiner, I  
17 have to object to her being qualified in the field of civil  
18 engineering on the basis that her, her degree is recent,  
19 less than four years ago. Her experience in the field is  
20 minimal. She is not licensed as a civil engineer in the  
21 state of Maryland. And I'm going to assume, but I guess  
22 I'll ask you the question, have you ever participated on a  
23 private project of development in the field of civil  
24 engineering, not working for the city of Alexandria?

1 MS. BROWN: Yes.

2 MR. BROWN What project was that?

3 MS. BROWN: It's confidential, so there was  
4 an NDA; but it was a development project, and I did  
5 transportation data or, excuse me, what was it? Diligent,  
6 due diligence for a commercial building transportation-wise.  
7 There's sensitivities about that, so I'm not able to speak  
8 on the whole --

9 MR. BROWN What state was that in?

10 MS. BROWN: That was, I was based in  
11 California, but that was for the state of Arizona.

12 MR. BROWN Yeah. Again, I object to her  
13 qualification as an expert witness in the field of civil  
14 engineering.

15 MS. VOTAW: May I be heard on this, Madam  
16 Hearing Examiner?

17 MS. MCNEIL: Well, one second. It might  
18 help, Mr. Tedesco, were you adding anymore? So, then you  
19 could, I think --

20 MR. TEDESCO: Yeah.

21 MS. MCNEIL: -- you know, respond to both of  
22 them?

23 MR. TEDESCO: I had, I had a few more. Good  
24 afternoon, Ms. Brown. How are you?

1 MS. BROWN: I'm well.

2 MR. TEDESCO: Thank you. Thank you for  
3 joining us today, and apologize that you're in this  
4 situation; but we are where we are. Reminding you that  
5 you're under oath, you said you are a resident of Prince  
6 George's County, but you didn't provide your address. What  
7 is your address?

8 MS. BROWN: Is that necessary, Madam Hearing  
9 Examiner?

10 MR. TEDESCO: Well, you said you live next,  
11 you live near the property. So, I was curious what your  
12 address is.

13 MS. MCNEIL: Yeah. You, you would have to  
14 provide it if you wanted to be a person of record and have  
15 any, I mean, generally, everyone provides an address.

16 MS. BROWN: That's fine. I just wanted to  
17 make sure. I'm pretty sensitive about my personal  
18 information, so I just provided a lot; and so, that's my  
19 only reason.

20 MS. VOTAW: And Ms. Brown has provided, is  
21 signed up as a person of record, and has her address  
22 provided on that list.

23 MR. TEDESCO: So, what is her address? I  
24 don't have the list.

1 MS. MCNEIL: Well, wait, wait. So, this is  
2 Jessica Brown?

3 MS. VOTAW: Yes, Your Honor.

4 MS. BROWN: Yes. Sorry. My last name is  
5 not --

6 MS. MCNEIL: Do you know what, it's not,  
7 that, that list is going to be public knowledge. I'm sorry.  
8 If you would just --

9 MS. BROWN: Yeah.

10 MS. MCNEIL: Okay.

11 MS. BROWN: I live at 12012 Brook Drive,  
12 Clinton, Maryland, 20735.

13 MR. TEDESCO: And you own that property?

14 MS. BROWN: I do not.

15 MR. TEDESCO: Who owns that property?

16 MS. BROWN: My parents.

17 MR. TEDESCO: And have you ever, are you a  
18 licensed professional engineer?

19 MS. BROWN: I am not.

20 MR. TEDESCO: And did you, did you, excuse  
21 me, strike that. Have you prepared a report in this case?

22 MS. BROWN: I have not.

23 MR. TEDESCO: How many traffic impact studies  
24 have you ever prepared for a rezoning to the RPD Zone in

1 Prince George's County?

2 MS. VOTAW: Objection. That is not the  
3 standard for qualifying a witness.

4 MS. MCNEIL: Well, the standard is trying to  
5 ascertain why they are considered an expert. And so, we  
6 have looked at whether or not you've been accepted,  
7 completed and accepted, or licensed in some way by the AICP;  
8 the number of years you've worked on a, in a firm that does  
9 the type of work that you're trying to be accepted as your  
10 degrees. She does have the degree, but it's, it's a limited  
11 amount of experience to be an expert at this time. And I've  
12 never, ever done it without a resume. And it's not that I  
13 doubt what she's saying, it's just there's something, it's,  
14 we always count the number of projects, or whether you've  
15 written in the area, whether you're licensed, and the years  
16 of experience. So, I don't think there's any reason you  
17 can't question her.

18 MS. VOTAW: Okay.

19 MS. MCNEIL: It just won't be an expert.

20 MS. VOTAW: Madam Hearing Examiner's  
21 decision.

22 MR. TEDESCO: Is that a ruling, Madam  
23 Examiner, because if so --

24 MS. MCNEIL: Yeah, I don't think, Ms. Brown,

1 I'm sorry, but I don't think I can accept you at this time,  
2 but --

3 MS. VOTAW: Oh, Madam Hearing Examiner, may I  
4 be heard on that? I didn't realize you were making ruling  
5 on her, her --

6 MS. MCNEIL: Well, you can be heard. Yes.  
7 Go ahead.

8 MS. VOTAW: Thank you. That --

9 MR. TEDESCO: I wasn't done my --

10 MS. VOTAW: -- first and foremost --

11 MR. TEDESCO: -- I wasn't done with my  
12 questioning.

13 MS. MCNEIL: Oh.

14 MS. VOTAW: Yeah, that's, that's what I was,  
15 I thought that's what you were ruling on.

16 MS. MCNEIL: He paused. I normally jump in  
17 there when you pause. I'm sorry, Mr. Tedesco.

18 MR. TEDESCO: That's okay. So, so you've  
19 never, you've never prepared a Traffic Impact Study in  
20 Prince George's County, is that correct?

21 MS. VOTAW: Ms. Brown, we can't hear you.  
22 Can anyone else hear her? I could hear you before, and  
23 now --

24 MS. BROWN: What about now?

1 MS. VOTAW: Oh, there we go.

2 MS. MCNEIL: Yeah.

3 MS. BROWN: Okay. I have not. That's  
4 correct.

5 MR. TEDESCO: Have you ever prepared a  
6 Traffic Impact Study in any jurisdiction?

7 MS. BROWN: Yes, I have.

8 MR. TEDESCO: And do you know what the  
9 requirements are for a Traffic Impact Study in Prince  
10 George's County, as far as when they're triggered?

11 MS. BROWN: Loosely, yes.

12 MR. TEDESCO: When, when, when is it  
13 triggered in a rezoning application to the RPD Zone?

14 MS. BROWN: That specific I, I can't recall  
15 off the top of my head.

16 MR. TEDESCO: And what is your title in the  
17 city of Alexandria?

18 MS. BROWN: Civil engineer.

19 MR. TEDESCO: That's all the questions I  
20 have. I would just, I would align myself with Mr. Brown and  
21 object to Ms. Brown being accepted as an expert in civil  
22 engineering or traffic engineering, traffic planning, or  
23 anything of the sort.

24 MS. VOTAW: May I be heard now?

1 MS. MCNEIL: Ms. Votaw? Yes.

2 MS. VOTAW: Yes. Thank you. First and  
3 foremost, there are no rules of procedure on the Hearing  
4 Examiner's website that outlines the requirements for an  
5 expert witness. Second of all, administrative bodies are  
6 allowed to take evidence, hear expert testimony in a manner  
7 that's more expansive than the Federal Rules of Civil  
8 Procedure, and the Hearing Examiner is more than adequately  
9 equipped to weigh the testimony according to the experience  
10 that she believes it is, that it accords. And even if  
11 you're going under the Federal Rules of, of Evidence, the  
12 standard for expert testimony is a person who is, has  
13 knowledge, skill, expertise, training, or education may  
14 testify in the form of an opinion if it would be beneficial  
15 to the Court's understanding of the case.

16 And in this case, my witness has education.  
17 She has professional experience. She has the knowledge, and  
18 she has the skill to provide an evaluation of whether the  
19 proposed, and I'll proffer what the scope of her testimony,  
20 whether the proposed number of dwelling units will generate  
21 a level of traffic that will impact the traffic level on  
22 Steed Road. She is certainly equipped and qualified to  
23 provide that opinion. Whether or not the Hearing Examiner  
24 wishes to give that greater or less weight than other expert

1 testimony, I believe is up to the Hearing Examiner's  
2 discretion. But whether or not she qualifies as an expert  
3 in traffic impacts, in my mind, is undisputed. She has the  
4 qualifications. She has the education. She has the  
5 professional background. And just because she hasn't been  
6 qualified in Prince George's County, or worked on a specific  
7 Zoning Map Amendment case in Prince George's County, does  
8 not mean she is unqualified to provide her opinion on the  
9 impacts of this proposed development.

10 MS. MCNEIL: Okay. We don't have it on our  
11 website, but we've had a standard administrative practice  
12 for over 20 years as to the minimum level. And in response  
13 to Mr. Tedesco, she said she's not aware of the standards  
14 and procedures in this County.

15 MS. VOTAW: She's not aware specifically of  
16 when in a Zoning Map Amendment for the RPD Zone a Traffic  
17 Impact Study is required; but she is generally aware of --

18 MS. MCNEIL: Wait, wait, wait, wait.

19 MS. VOTAW: -- the requirements.

20 MS. MCNEIL: She didn't say all of that.

21 MS. VOTAW: That's what Mr. Tedesco asked.

22 MS. MCNEIL: So, now you're testifying.

23 MS. BROWN: And that was asked and that was  
24 what I was responding to directly --

1 MS. VOTAW: Yes.

2 MS. BROWN: -- was that particular trigger I  
3 would look, every jurisdiction has their own trigger; and  
4 because I've worked in various jurisdictions, I know whether  
5 it's a hundred vehicle trips in the peak hour, or ten, that  
6 could vary based on which jurisdiction you're in. And  
7 because I have worked in various jurisdictions, I think I at  
8 least have the opinion of a traffic engineer with different  
9 experience to be able to say that. And I, like I said, I'm,  
10 I'm getting my sources and the questions that have, you  
11 know, are from engineering standards. I'm not going to make  
12 anything up. Even though I'm not a licensed professional  
13 engineer, I have my engineer and training certification,  
14 which also goes over ethics and things like that. So, I'm,  
15 I'm not trying to go to jail. Just no, trying to do any  
16 perjury or anything like that. I just want to provide  
17 testimony to help you in your decision making.

18 MR. TEDESCO: But, Madam Examiner, if I could  
19 be heard, there's a substantial difference between what Ms.  
20 Brown just indicated and the actual requirements. And the  
21 level of experience, not, not to say it won't be there one  
22 day, but it's not today. And, you know, I understand Ms.  
23 Brown's is a civil engineer one. I mean, that's the lowest  
24 of the rankings. There's been no experience in this

1 jurisdiction. There is, she is not a professional engineer.  
2 I don't know of any expert witness in my 22-year career  
3 appearing before this body, any witness ever being qualified  
4 as an expert that's not even licensed in the state. So, for  
5 all the reasons, we would just respectfully object to her  
6 being qualified as an expert.

7 MS. MCNEIL: Okay.

8 MS. VOTAW: Well, I can --

9 MS. MCNEIL: I have to put a pin in this,  
10 because we have to continue this hearing. I would not allow  
11 her as an expert witness, but you certainly have a right to  
12 call her and get her opinion as a neighbor, or anything else  
13 that you can have her testify to, but not an expert witness.

14 MS. VOTAW: Okay. Well, I'll have her give  
15 her layperson opinion on traffic based on her professional  
16 experience and her evaluation of the relevant facts.

17 MR. BROWN I mean, there's no such thing as a  
18 lay opinion on her professional experience. They are  
19 mutually exclusive. If she is going to testify as a  
20 layperson, she can only talk about what she has seen out  
21 there in the community, traffic that she's seen, things that  
22 are on the property, if she's been out to the property. She  
23 cannot speculate as to any technical issues related to  
24 traffic or civil engineering.

1 MS. VOTAW: Again, I object. I believe this  
2 is grounds for overturning any decision made in this case.  
3 It is an infringement on my client's due process rights. I  
4 strongly object to this finding. And to Mr. Tedesco's  
5 point, we personally have had traffic engineers who are not,  
6 are not licensed in the state testify before Prince George's  
7 County bodies. So, I, if that's the Hearing Examiner's  
8 determination, then I will have to move on, and I'll ask her  
9 what I'm able to ask her. But I just need to note for the  
10 record that we strongly object to this determination. I  
11 believe it is a reversible error, and it directly impacts  
12 and infringes on my client's due process rights.

13 MS. MCNEIL: Okay. And I, I note your  
14 objection. I overrule your objection. I'll state it again.  
15 It was a totality of everything, not being aware of the  
16 rules in this County, not being licensed, not providing a  
17 resume. And it's, you have a right to, you know, we're  
18 good, we're, we're all good. We're ready to move forward.  
19 And I overrule the objection. So, are you ready with this  
20 witness?

21 MS. VOTAW: Sure. I'll go as far as I can  
22 until I am told otherwise.

23 Ms. Brown, thank you for your patience in  
24 this process. Are you generally familiar with the proposed

1 development in this case?

2 MS. BROWN: Yes, I am.

3 MS. VOTAW: And are you generally familiar  
4 with the area in which this development is being proposed?

5 MS. BROWN: Yes, I am.

6 MS. VOTAW: Have you driven on Steed Road  
7 before?

8 MS. BROWN: Yes. I drive there nearly every  
9 day.

10 MS. VOTAW: And could you describe for the  
11 Hearing Examiner your experience of the traffic that you  
12 have personally observed and seen, and your experience of  
13 Steed Road?

14 MS. BROWN: Sure. I live in a community  
15 where I head northbound on Maryland 223, Piscataway Road,  
16 and then I make that westbound left onto Steed Road. It  
17 depends on the day, the season, the time; but there's been  
18 times where traffic has been backed up going through that  
19 intersection on Steed, or on Piscataway Road, where it's  
20 been backed up about, like, I live on Windbrook Drive, which  
21 is along Windbrook Drive, which is about 2 1/2 miles away;  
22 and can see traffic building up during the a.m. peak hour.  
23 So, I would say that is an area of concern in terms of  
24 there's not enough capacity at that particular intersection

1 because of the number of people that live in that area. So,  
2 and I know a lot of, they were talking about the BK Miller  
3 intersection, and that's much further away; but at the  
4 actual intersection of interest near the development, or the  
5 proposed development, that northbound left onto Steed Road  
6 from Maryland 223, Piscataway Road, is a concern. And the  
7 p.m. peak hour, I think, as some of the previous witnesses  
8 have stated, it's a two-lane road on Steed Road. And so,  
9 the right turn onto southbound Maryland 223, there's no  
10 actual right turn lane; but, you know, people are waiting,  
11 whether they're going left or right on Piscataway Road,  
12 north or south, I mean, there's people waiting at that  
13 light; and some people get impatient and decide to make that  
14 right turn from Steed Road over, basically, what is a  
15 shoulder. But it's so deteriorated, there's potholes,  
16 there's broken asphalt onto that road.

17 I would also say in terms of traffic that the  
18 community across from the proposed development, I think  
19 that's Ethan, Ethan, I forget the name of the driveway, but  
20 the community, the, the community across from the proposed,  
21 one of the proposed entrances to the proposed development, I  
22 can see cars waiting in line to turn out of their  
23 neighborhoods. I think it's Timber Branch, or Timber Creek,  
24 or something to that effect, waiting to turn out of their

1 neighborhoods to head towards Allentown Road. And it could  
2 be a platoon of cars coming from Maryland 223, Piscataway  
3 Road, heading in that direction. And there's just people  
4 are, just have to wait.

5 I would also say that there's kind of a, in  
6 testimonies, a forgotten stretch of road between Maryland,  
7 between State Road and Temple Hills Road that passes the  
8 Mount Enon Church, as well as a small shopping center that  
9 has like a gas station, and a 7-Eleven, and a barber shop,  
10 and, you know, other retail facilities. And the people that  
11 are exiting those retail facilities also have to wait,  
12 whether they're waiting for traffic that's coming from,  
13 like, the Brandywine Road intersection, or waiting for  
14 people that are coming from the direction of Steed Road.  
15 And there's oftentimes where people decide to just dart out  
16 into traffic, you know, because there's just constantly cars  
17 coming in both directions on Maryland 223. And I do think,  
18 you know, people are going in different directions, whether  
19 you're going to Route 5 and getting on Branch Avenue that  
20 way; or you're going, like I do, towards like the Woodrow  
21 Wilson Bridge area, and you would take Steed Road to,  
22 Allentown Road to Buck Road to -- I don't have to get into  
23 detail.

24 One other area is Tippett Road. So, I said

1 the long queue of cars that goes almost 2 1/2 miles from  
2 Steed Road to where I live, one of the kind of main choke  
3 points is Tippet Road, Frank Tippet Road, that intersects  
4 Maryland 223. And that's another where people, it's just a  
5 stop control, or one leg of that intersection is stop  
6 controlled. So, people are just waiting to make a left or  
7 right onto Maryland 223 from Tippet Road; and they're not  
8 able to, there's always a conflict, and it always slows down  
9 traffic and offers queues. There --

10 MS. MCNEIL: Is that after Miller Farm?

11 MS. BROWN: That's correct. So, after you  
12 pass Miller Farm, it's like the first road on the left, and  
13 there's like a little bookstore on the left. So, I would  
14 say, I think, thinking more broadly about the connected  
15 network, like Steed Road is kind of a, in my opinion, Steed  
16 Road, as both a resident and a civil engineer, not licensed,  
17 but it is both a main thoroughfare, because it's getting  
18 people to like the larger roadway network, be that, you  
19 know, to get to other parts of Maryland or to D.C., or to  
20 Virginia; and having to come out to traffic when you first  
21 turn onto your main roadway is very disheartening, and just  
22 in terms of an opinion. And so, I'd be concerned about  
23 future development, adding more vehicles and more vehicle  
24 trips. And that's something that I don't have to speak on

1 per se, in detail; but adding more vehicle trips is a  
2 concern, because there's going to be more cars on the road  
3 using the same roads to get to the same major roads.

4 MS. VOTAW: Thank you, Ms. Brown. And the  
5 road you're talking about in the development across from the  
6 subject property. Was that Ethan Thomas Drive?

7 MS. BROWN: Yes, Ethan Thomas Drive.

8 MS. VOTAW: Thank you. I think we've covered  
9 pretty much everything I wanted to cover with the ruling of  
10 the Hearing Examiner. Is there anything else you'd like to  
11 share with the Hearing Examiner?

12 MS. BROWN: That's a good question. Yeah, I  
13 just, I do think, I'll just reiterate what I said that the,  
14 the, you know, we've heard about the BK Miller intersection  
15 and things like that, but I do think that people that live  
16 like south of Miller's Farm really are at a disadvantage in  
17 terms of this intersection. I understand that the Hyde is,  
18 or that whole development is something to be aware of, and  
19 changing the roads. This is an opinion that is both  
20 engineering-based and experience-based; but widening roads  
21 doesn't necessarily always solve the problem that is  
22 traffic. I think the last witness that talked about  
23 transit, I think that's kind of more important. And I know,  
24 you know, we're widening roads so we can accommodate more

1 vehicles, and that's more vehicle throughput. But if you're  
2 bringing in more residents and bringing in more trips,  
3 ultimately, that road is going to be filled to capacity.  
4 So, just like they do, I don't know what a good example is,  
5 but any roadway widening project, whether that's toll roads  
6 in the state of Virginia, or widening in like the Montgomery  
7 County area that they're doing, I'm forgetting the names of  
8 the roadways, those, you're, you're good for a second; and  
9 then more vehicle, people say, oh, this is an option now  
10 Piscataway road is wider. Now, I can continue. Or Steed  
11 Road is wider, now I can continue and make sure that I  
12 drive, and they have no other options. So, I would say that  
13 from my opinion, the problem, like the minimum benefit is,  
14 oh, we widen the road to accommodate the people that are  
15 coming and the people that are here; but, honestly, the  
16 roads are so congested enough, or congested enough that  
17 riding on the road that we're talking about is the bare  
18 minimum. And I think that was Ms. Votaw's point is, like,  
19 what is bare minimum standards? And, obviously, that's  
20 defined by the County; but in terms of the people that she's  
21 representing, I would say that we have to think more broadly  
22 about what our benefits as transit being included.

23 I see the shared use path, but does that  
24 really connect to anything? I see people all the time

1 walking up and down, walking, rolling, biking Piscataway  
2 Road wearing nothing, not nothing, but wearing, you know,  
3 dark clothes. I can't see them when I'm driving down. They  
4 need infrastructure, too, and that doesn't just include  
5 accommodating vehicles. That should be accommodating people  
6 who want to walk, who want to bike, who want to roll, who  
7 want to take transit. I didn't have a car for a while, and  
8 so I just, from a public standpoint, and from an engineering  
9 standpoint, I think there's a bit of caution that we should  
10 take in just, in terms of just the answer is widening roads.  
11 I think there needs to be a more comprehensive solution as  
12 well.

13 MS. VOTAW: And last question, in your  
14 opinion as a layperson, would the proposed development  
15 adversely impact the traffic situation you've personally  
16 experienced?

17 MS. BROWN: I do think without the benefit, I  
18 do think that the proposed development would adversely  
19 impact my traffic experience.

20 MS. VOTAW: Thank you. That's all I have.

21 MS. MCNEIL: Mr. Tedesco.

22 MR. TEDESCO: Thank you. Good afternoon, Ms.  
23 Brown. Thank you again for joining us. I thought I heard  
24 you testify that widening the road doesn't accommodate

1 capacity, is that correct?

2 MS. BROWN: I wouldn't characterize it as  
3 that. There's a concept, and I don't want to blur into the  
4 line of, since I'm not testifying as an expert.

5 MR. TEDESCO: I think, I think your testimony  
6 was that, your testimony was that widening the roads alone  
7 doesn't accommodate capacity. Did I mishear you?

8 MS. BROWN: I want to explain it in a way  
9 that makes sense. Widening roads alone doesn't solve your  
10 congestion problem. It may fix it --

11 MR. TEDESCO: Okay.

12 MS. BROWN: -- for an interim period of time,  
13 but I, there's a concept called induced demand where if  
14 people see that the roads are wider, they're more likely to  
15 drive and not take other modes of transportation. And so,  
16 the road eventually becomes just as congested as the road  
17 was previously.

18 MR. TEDESCO: What's the current  
19 configuration of Maryland 223 and Steed Road intersection?

20 MS. BROWN: The intersection? There's on,  
21 heading northbound on Maryland 223, there's a through lane.  
22 There is a dedicated left turn lane that is signalized. So,  
23 they're going on the signal or free. Southbound, there's  
24 one through lane and one right turn lane onto Steed. On

1 Steed, there is one through lane that's kind of one through  
2 lane and a right turn lane for the people that like to make  
3 that illegal maneuver in the shoulder, and then the one  
4 through going eastbound.

5 MR. TEDESCO: And what is the conditional  
6 approval of the Hyde Landing project with respect to  
7 improving that intersection?

8 MS. BROWN: I'm not familiar. I heard it  
9 during someone's testimony, but I'm not completely familiar.  
10 So, I think I wrote down, like, I, I don't want to say  
11 something that's incorrect, because this is not the Hyde  
12 Landing project.

13 MR. TEDESCO: So, you don't --

14 MS. BROWN: This is the growth project.

15 MR. TEDESCO: I know, but you testified to  
16 traffic on 223 and Steed Road as a result of the  
17 intersection of Steed Road. You also testified to impacts  
18 associated with Tippett. So, that was your testimony. So,  
19 you --

20 MS. BROWN: Yeah.

21 MR. TEDESCO: -- you brought it up. So, it's  
22 fair to say then, you don't know what these improvements  
23 consist of, only from what you heard today, is that correct?

24 MS. BROWN: That's correct.

1 MR. TEDESCO: Would you agree with me that  
2 improving that intersection to five lanes would improve  
3 capacity at that intersection?

4 MS. BROWN: Five lanes on Steed Road?

5 MR. TEDESCO: Two approach, two turn, one,  
6 one through, widening that intersection on both approaches  
7 to, to a five-lane intersection, would that improve  
8 capacity?

9 MS. BROWN: You have to lay it out for me.  
10 I'm sorry.

11 MR. TEDESCO: If we could pull up Exhibit  
12 Number 43, please? If we could go to sheet four?

13 MS. BROWN: Can you zoom in on that  
14 intersection?

15 MR. TEDESCO: A little more to the right,  
16 please. Thank you.

17 MS. BROWN: Can you ask your question again?

18 MR. TEDESCO: Do you believe that  
19 intersection improvement would improve capacity at that  
20 intersection?

21 MS. BROWN: I believe for a temporary period  
22 of time it will; but, ultimately, I think it will be  
23 congested again.

24 MR. TEDESCO: Based on what data?

1 MS. BROWN: Just the concept of induced  
2 demand.

3 MR. TEDESCO: Would you be surprised to know  
4 that this intersection improvement aligns with the State  
5 Highway Administration's Traffic Impact Analysis for this  
6 area, for the region, not just improvement? Would that  
7 surprise you to learn that, that it's a, that it's a, that  
8 that improvement is basically a regional improvement, and  
9 not a localized improvement? Would that, would that  
10 surprise you to know that?

11 MS. BROWN: No, because I heard you talk  
12 about the CIP projects today.

13 MR. TEDESCO: And you, you still disagree  
14 that it would only be a temporary fix? You still believe it  
15 would only be a temporary fix?

16 MS. BROWN: I do believe that if we don't  
17 shift modes from just cars to other things. I see the bike  
18 lanes in here. That's great. There also just needs to be  
19 other modes of transportation options, transportation  
20 options that people can take, including transit, including  
21 and especially transit to make this better. So, what I  
22 would like to see, like, bus through lanes, that would  
23 improve your throughput or something like that. So --

24 MR. TEDESCO: You know, can, do you know what

1 bus routes are along this corridor?

2 MS. BROWN: Not along this corridor. I know  
3 they recently just changed the routes for WMATA, but I don't  
4 believe there's any on 223. There's some, like, by Temple  
5 Hills Road.

6 MR. TEDESCO: So you would, you would suggest  
7 bus, you would suggest bus through lanes on a road that  
8 doesn't have bus routes?

9 MS. BROWN: Yes. But you have to establish  
10 the routes as well.

11 MR. TEDESCO: Right. We, we, we, you're kind  
12 of getting to what I agree with. Don't we also, too, have  
13 to establish a Project Implementation Plan that actually  
14 improves these roads, as opposed to the status quo? Would  
15 you agree that --

16 MS. BROWN: Yes.

17 MR. TEDESCO: -- would you agree maintaining  
18 the status quo is not sufficient?

19 MS. BROWN: That's a good question. I would  
20 say maintaining the status quo is not sufficient, but I  
21 wouldn't start with adding more development. I would solve  
22 the problem by putting in the infrastructure in terms of  
23 transit or bike lanes first, and then I would develop.

24 MR. TEDESCO: And do you know whether or not

1 this intersection is part of a Capital Improvement Program  
2 from the County or these road improvements?

3 MS. BROWN: I believe so. I know the  
4 transportation, though --

5 MR. TEDESCO: Have you, it was yes or no. It  
6 was yes or no.

7 MS. BROWN: Okay.

8 MR. TEDESCO: Do you know, do you know how  
9 that Capital Improvement Program is funded?

10 MS. BROWN: I do.

11 MR. TEDESCO: How?

12 MS. BROWN: Essentially, it's funded by local  
13 funds and by state funds.

14 MR. TEDESCO: Would you be surprised to know  
15 that this South County CIP is 100 percent developer funded?

16 MS. BROWN: Yes.

17 MR. TEDESCO: Are you aware that now, turning  
18 to the case at hand, are you aware that the application for  
19 rezoning of the, of the Grove property proposes road  
20 improvements and trail connections? Are you aware of that?

21 MS. BROWN: Yes.

22 MR. TEDESCO: And you also agree that roadway  
23 improvements along Steed Road are necessary?

24 MS. BROWN: I believe of, I believe at the

1 intersection of Piscataway and Steed they're necessary. If  
2 the project goes in --

3 MR. TEDESCO: You --

4 MS. BROWN: -- well, okay, that's all I want  
5 to say.

6 MR. TEDESCO: So, you believe that  
7 intersection improvements at Piscataway and Steed are  
8 necessary, but you don't believe that roadway improvements  
9 along Steed Road are necessary, is that your testimony?

10 MS. BROWN: Is this just in terms of adding  
11 the proposed development?

12 MR. TEDESCO: I'm just speaking generally.  
13 Do you, do you agree that roadway improvements along Steed  
14 Road are necessary?

15 MS. BROWN: I think adding in a dedicated  
16 right turn lane from Steed Road onto Piscataway Road is  
17 necessary.

18 MR. TEDESCO: What about the roadway? So, I  
19 understand your testimony regarding Steed Road and  
20 Piscataway. What about the link between Piscataway and  
21 Allentown Road, or Steed Road, do you believe Steed Road  
22 needs to be --

23 MS. VOTAW: Objection. Asked and answered.  
24 She already answered this question.

1 MR. TEDESCO: She hasn't answered. She's  
2 talking about an intersection. I'm talking about Steed  
3 Road.

4 MS. BROWN: That's my opinion, is that's  
5 where I think roadway improvements are necessary.

6 MR. TEDESCO: Okay. All right. Thank you.  
7 So, so you agree that --

8 MS. MCNEIL: Wait, wait a second. There was  
9 an objection. At this point, I overrule because it looked  
10 like it was answered. But I do believe he asked for the  
11 link. Where's the link?

12 MR. TEDESCO: No. Well, I'm trying to ask  
13 for the link, because I keep asking if roadway improvements  
14 along Steed Road are necessary, and Ms. Brown keeps saying  
15 that intersection improvements at Steed and Piscataway are  
16 necessary. And I'm asking, I'm understanding her, am I  
17 correct to understand your testimony that Steed Road along  
18 the frontage of either Hyde or the Grove in your testimony  
19 isn't necessary to be improved?

20 MS. BROWN: I think there could be a  
21 deceleration and lanes into the proposed Grove. I'm not  
22 going to say anything about the Hyde. So, if you are  
23 putting a proposed development in there, it needs a  
24 driveway, and it needs to, or lanes to get out so they can

1 merge in with oncoming traffic, and a turn lane to get in.

2 MR. TEDESCO: Would increasing the width of  
3 the bridge along Steed Road provide necessary improvements  
4 to facilitate better, better traffic flow along Steed Road?

5 MS. BROWN: Honestly, I don't, I don't want  
6 to answer that question.

7 MR. TEDESCO: You don't want to answer that  
8 question?

9 MS. BROWN: Yeah, I don't, no.

10 MR. TEDESCO: Unfortunately, you have to.

11 MS. BROWN: Okay. Can you say the question  
12 again? I'm just struggling with it.

13 MR. TEDESCO: Would increasing the width of  
14 the bridge in the culvert on Steed Road to accommodate  
15 ultimate four lanes along Steed Road, would that be an  
16 improvement to Steed Road and its traffic flow?

17 MS. BROWN: Perhaps.

18 MR. TEDESCO: But you're not in support of  
19 the project that will actually implement that improvement,  
20 is that correct?

21 MS. BROWN: I'm indifferent.

22 MR. TEDESCO: Is it your testimony that  
23 you're now indifferent about this application?

24 MS. BROWN: I came in as just wanting to

1 provide testimony based off of what I knew. You guys said  
2 that that wasn't acceptable. That's totally fine. I  
3 pointed out what, things that I shared; and I mostly focused  
4 about Steed Road and Piscataway Road, Tippet Road and  
5 Piscataway Road. I think kind of in the area that you're  
6 speaking of, besides the cars that are exiting Ethan Thomas  
7 Drive, there's not much of a problem without the  
8 development. There are, like, people can't get out of that  
9 neighborhood on Ethan Thomas Drive because of just the  
10 constant queue of cars. But once you get down to the bridge  
11 and up towards Allentown Road, it's fine. But a proposed  
12 development, I foresee, would add potential problems to  
13 that; but, so I maintain that I'm indifferent.

14 MR. TEDESCO: Okay. I have no further  
15 questions.

16 MS. MCNEIL: Mr. Brown.

17 MR. BROWN: No questions. Thank you.

18 MS. MCNEIL: And Ms. Votaw, any redirect?

19 MS. VOTAW: Yeah. Just a few. Again, Ms.

20 Brown, thank you so much for your time and patience in this  
21 matter. I just want to reiterate, I think an important  
22 point that you made several times, over and over again -- am  
23 I recalling correctly your testimony, that just because you  
24 widen a road, whether it's a bridge, whether it's a state

1 improvement project, whether it's a CIP project, just  
2 because a road is widened, that alone does not necessarily  
3 mitigate adverse impacts from additional development --

4 MS. BROWN: Yes, that's correct.

5 MS. VOTAW: -- is that accurate?

6 MS. BROWN: That's correct.

7 MS. VOTAW: Okay. Thank you. That's all I  
8 have.

9 MR. TEDESCO: I have one question, Madam  
10 Examiner. Just one.

11 Ms. Brown, do you know what the master plan  
12 transportation calls for, for this road, for Steed Road, as  
13 far as its ultimate improvement?

14 MS. BROWN: Ultimate improvement, I'm not  
15 sure. I think -- I don't want to say anything incorrect. I  
16 was just reading through the proposed one, the  
17 Transportation Go!. I have read it in the past, but I don't  
18 know ultimately what they plan to do.

19 MR. TEDESCO: Would you be happy to know that  
20 it proposes or recommends a four-lane road section?

21 MS. BROWN: If it has room for active  
22 transportation and busses, yes. If not, no.

23 MR. TEDESCO: Okay. Thank you.

24 MS. MCNEIL: Thank you, Ms. Brown.

1 MS. VOTAW: Thank you, Ms. Brown. I  
2 appreciate you.

3 Next, I'm going to try to call Mr. Tidwell  
4 again, see if that works out. And then I have one more  
5 witness after that.

6 Mr. Tidwell, are you able to unmute yourself?  
7 I'm going to give him one moment, if the hearing examiner  
8 doesn't mind.

9 MS. MCNEIL: He's Mr. Taylor, Mr. Tidwell?

10 MS. VOTAW: No.

11 MS. MCNEIL: Oh, okay.

12 MS. VOTAW: I think Mr. Tidwell is on the  
13 phone.

14 MS. MCNEIL: Oh, okay.

15 MS. VOTAW: Yeah.

16 MS. MCNEIL: Oh, yeah. Right here.

17 MS. VOTAW: One second. I'm communicating  
18 with him right now -- oh -- to see what's going on. Thank  
19 you for your patience, Madam Hearing Examiner?

20 MS. MCNEIL: Sure.

21 MR. TIDWELL: Can you hear me now?

22 MS. VOTAW: Yes. There we go.

23 MR. TIDWELL: Okay.

24 MS. VOTAW: All right.

1 MS. MCNEIL: Is he able to come on? We can't  
2 see him?

3 MS. VOTAW: Yeah. Mr. Tidwell, could you  
4 explain why you can't be on video?

5 MR. TIDWELL: I work in a secured building,  
6 and we're not allowed to have laptops and phone-in, so I'm  
7 in my car on my phone.

8 MS. VOTAW: Thank you.

9 MS. MCNEIL: Do know Mr. Tidwell before  
10 today, and so you know that's his voice?

11 MS. VOTAW: Yes, ma'am.

12 MS. MCNEIL: Okay. Do either of the  
13 attorneys have any real objection?

14 MR. TEDESCO: I would object. I would object  
15 for the record, but not to prolong the hearing. But I would  
16 object. I mean, we had a case last month where we had to  
17 ensure that all witnesses had screens, so.

18 MR. BROWN: I'm sorry. Why did he say he  
19 cannot be on camera?

20 MS. MCNEIL: Because he's in his car.

21 MR. TIDWELL: I work in a secured building.

22 MS. MCNEIL: But you can't do it in your car?  
23 You can't turn the camera on?

24 MR. TIDWELL: Let me try something. Hold on.

1 MR. TEDESCO: He's representing the  
2 community. He can't get out of the community.

3 MS. VOTAW: If I may suggest, Madam Hearing  
4 Examiner and Mr. Tidwell, why don't I have Mr. Taylor go  
5 next? And then if you want to try in that time to see if  
6 you can get it on your phone, we could try to do that, and  
7 then come back to you last. Do you mind doing that, Mr.  
8 Tidwell, or is that very inconvenient since you're in your  
9 car?

10 MR. TIDWELL: No. That would be perfect.  
11 I'm working on it, and I'll be doing that right now. Okay.

12 MS. VOTAW: Okay. Is that all right with  
13 you, Madam Hearing Examiner?

14 MS. MCNEIL: Sure.

15 MS. VOTAW: Okay. Thank you. I appreciate  
16 your patience.

17 All right. Mr. Tidwell, you are not muted,  
18 so just keep that aware.

19 MR. TIDWELL: Okay.

20 MS. VOTAW: And next I'd like to call Herman  
21 Art Taylor.

22 MS. MCNEIL: Okay. Mr. Taylor, do you swear  
23 or affirm, under the penalties of perjury, that the  
24 testimony you shall give will be the truth and nothing but

1 the truth?

2 MR. TAYLOR: I do.

3 MS. VOTAW: All right. Thank you. So Mr.  
4 Taylor, could you provide the hearing examiner your address?

5 MR. TAYLOR: Yes. My address is 4100 Ethan  
6 Thomas Drive, Clinton, Maryland 20735.

7 MS. VOTAW: And how long have you resided at  
8 that residence?

9 MR. TAYLOR: Since 2006, July. Our home was  
10 the first one built.

11 MS. VOTAW: Oh, that's lovely. And what  
12 attracted you to the area?

13 MR. TAYLOR: Honestly, it was the quiet, the  
14 spacing of our homes, the idea that the impending residents  
15 were going to be people who worked hard in their lives to  
16 own a piece of property and who actually were able to  
17 achieve that. Also, frankly, it was appealing to me that  
18 the vast majority of people who were going to be moving  
19 there were going to be African American.

20 We were also drawn by the quality of the  
21 homes. By the way, the developer of our homes was Ryan  
22 Homes. The current developer of this particular project, I  
23 believe, is connected to Ryan Homes. So those were many of  
24 the factors.

1                   We wanted to have something that we could  
2 pass on to our children and grandchildren in years down  
3 the -- down the road. We wanted to hopefully build wealth.  
4 So a number of reasons why we chose this particular  
5 development.

6                   MS. VOTAW: Thank you. And are you generally  
7 opposed to any development of the subject property?

8                   MR. TAYLOR: Of course not. We would  
9 certainly appreciate development that does not substantially  
10 alter the character of what we've built here and what  
11 essentially we believe we were, through an implied promise,  
12 delivered.

13                   MS. VOTAW: And do you have any concerns  
14 about the level of density being proposed in this area in  
15 particular, as opposed to a more well developed area, let's  
16 say?

17                   MR. TAYLOR: Well, I do, because frankly, we  
18 moved here so that we could have more of a suburban setting  
19 with homes spaced. And a development of this size would  
20 seem to be trying to import a city lifestyle or urban  
21 lifestyle into a more residential and rural community. And  
22 so I do have some concerns about how that would affect the  
23 character and also the value of our properties.

24                   MS. VOTAW: And you know, to that point, you

1 talked about, you know, trying to transpose or, you know,  
2 shift a more urban style of development to a suburban/rural  
3 area. Are you concerned that there are this many units in  
4 such close proximity to each other with very little  
5 amenities in the area?

6 MR. TAYLOR: I am concerned. And you know,  
7 the unfortunate part about the zoning -- the idea of  
8 rezoning our area is that I really do understand what the  
9 state is trying to do. They're trying to create more places  
10 where people can live in good homes. They're obviously  
11 trying to preserve as much green land by doing that in a  
12 certain way of population density. I understand all that.

13 On the other hand, though, when you look at  
14 the volume of homes that will be coming in as a result of  
15 this, it will dramatically change the character. And I know  
16 that there's been lots of conversation around being able to  
17 improve the road, the quality of the roads, the passability  
18 of the roads. But will that actually happen? I don't know  
19 for sure if that will happen, even if there's a commitment  
20 made here. We've seen developments in other places where  
21 things were promised, and they did not happen.

22 And frankly, you know, when I look at the  
23 people testifying here today on behalf of the developer,  
24 none of them look like me. None of them seem to live in my

1 neighborhood, and they don't necessarily, I'm going to  
2 argue, have the same concern about what happens to these  
3 properties once they're gone. And so while they may be  
4 experts, while they may understand how traffics flow, and  
5 how water runs down a hill, and how it's captured so that  
6 floods aren't created, I appreciate all that. But what we  
7 really care about is the quality of our lifestyle and how we  
8 live in this particular community. And I don't know for  
9 sure that the developer has that same concern.

10 I know that the developer will build houses.  
11 And when those homes are built, the developer moves on to  
12 the next project, and we're left with whatever comes next.  
13 So I am very concerned about the zoning change and what that  
14 will mean to the character of our homes. While at the same  
15 time, I also understand where the state is concerned. But I  
16 wonder if this is the right situation for that to occur.

17 MS. VOTAW: So if I'm hearing you correct,  
18 it's not, again, about no developments; it's about what's  
19 the appropriate balance of development in this area. Would  
20 that be accurate?

21 MR. TAYLOR: Indeed. I mean, I think the  
22 current zoning map would allow for the creation of -- what  
23 is it -

24 MS. VOTAW: 93.

1 MR. TAYLOR: 93 homes. That seems  
2 reasonable. And you know, you also have to consider that we  
3 just rezoned the area at Hyde Field, from what I understand.  
4 And there will be nearly 300 homes put there. And so now  
5 the same developer is coming to us with a proposal to add  
6 another 300 within a one-mile stretch of land, both  
7 adjacent -- pretty much adjacent to our development.

8 MS. VOTAW: Yeah.

9 MR. TAYLOR: So between the two, there's  
10 going to be a substantial change to the character of our  
11 neighborhood.

12 MS. VOTAW: Thank you. And let's -- I'd like  
13 to just briefly turn to some of the public benefits, if I  
14 may. In your mind, is preserving the same amount of  
15 woodland under the proposed zoning as would be required  
16 under the base zoning, is that a public benefit sufficient  
17 in your mind?

18 MR. TAYLOR: Well, I think the base -- the  
19 zoning that we currently have now would, I think, match what  
20 we would see as acceptable. Why we need to change this  
21 zoning so that either more or less of those wooded lands  
22 would remain is a question to me.

23 MS. VOTAW: Right. And do you -- I think  
24 that's pretty much all I wanted to cover. Is there anything

1 else you wanted to share with the hearing examiner today?

2 MR. TAYLOR: Yeah, I mean, I guess I did have  
3 a statement, and if it's okay, I'd like to read it.

4 MS. VOTAW: Yeah.

5 MR. TAYLOR: You know, again, our community  
6 is predominantly Black. At least 38 of our 43 homes are  
7 owned by Black families, families who worked hard, saved  
8 carefully, and chose this place deliberately. We came here  
9 to own something, to build equity, to raise children away  
10 from urban congestion and noise. We chose this neighborhood  
11 because of its character, its quiet, its green space, its  
12 sense of community. That choice was intentional, and it  
13 matters.

14 But I want this board to understand something  
15 about the value of what we own. Because of decades of  
16 redlining and racially discriminatory lending practices, our  
17 home values have historically been suppressed below what  
18 they should be. We've had to work harder to build less  
19 wealth than comparable white homeowners in comparable homes.  
20 That's not rhetoric. That's documented history.

21 And the history isn't finished. What happens  
22 next to our community will either begin to correct that  
23 injustice or deepen it. If this redesign -- if this board  
24 approves this development and that floods our neighborhood

1 with density, disrupts our character, and diminishes what  
2 makes this place desirable, then our home values will  
3 suffer, again, not because of the market, not because of  
4 anything we did or failed to do, but because the decision  
5 was made in a room like this one that did not fully account  
6 for what we are and what we stand to lose.

7           The families in our neighborhood cannot  
8 afford another setback. We've already been told through  
9 policy and practice that our homes are worth less. We're  
10 asking this board not to approve that.

11           Now, here's what makes this particularly  
12 troubling. Our homes were built by Ryan Homes, a company  
13 that owned -- is owned by the same developer now seeking to  
14 transform this area. When they sold us our homes, they sold  
15 us on this community, at least from an implied standpoint.  
16 They marketed the nature of this place, the open land, the  
17 quiet, the character, the separation from urban density.

18           We bought what they promised. We trusted  
19 them. And now the developer is before us, asking us to undo  
20 exactly what they sold to us. They're seeking to inject the  
21 very urban dynamics they assured us we would move away from.

22           This is not a zoning question. It's a  
23 question of trust, and it's a fundamental breach of that  
24 trust. And the board should consider this. When you

1 consider both Hyde Landing development and this adjacent  
2 application together, you're looking at a transformation of  
3 this entire area that none of us chose, none of us were  
4 warned about, and none of us consented to. We were sold a  
5 neighborhood. And now you're trying to sell us that  
6 neighborhood -- sell that neighborhood right out from under  
7 us.

8           Every expert the developer has presented to  
9 this board has been white, every one: traffic engineers,  
10 planners, environmental consultants, a parade of  
11 credentialed professionals, none of whom look like us, none  
12 of whom live near us, and none of whom will bear the  
13 consequences of this decision. When our community attempted  
14 to put forward our own expert, someone who could speak on  
15 our concerns, perhaps, that expert was rejected. Our voice,  
16 elevated through professional credentialing, was turned  
17 away.

18           So I ask this board, what message does that  
19 send? What does it say about those whose expertise is  
20 valued and who's not? And I want to say something directly  
21 to the developer. The people on your teams who are making  
22 decisions about our neighborhood should instead be  
23 developing our neighborhood with us, for us, and in a way  
24 that reflects our faces, honors our investment.

1                   And if we can't seem to find qualified  
2 experts of color to present to this board, that's a problem  
3 worth solving. And one of you have the power to solve it.  
4 Hire people of color. Give them an opportunity to build  
5 experience and credentials that qualify some of them to  
6 stand before a board like this. Invest in that pipeline.  
7 Because the reason there aren't more qualified experts of  
8 color is not a mystery. It's the same story of exclusion  
9 that suppressed some of our home values and limited our  
10 access to wealth.

11                   The board has an obligation. It's not a  
12 legal one, but a moral one, to ensure that this process does  
13 not replicate the same inequities that suppressed our home  
14 values in the first place. Approving a development that  
15 overruns our community, dismisses our concerns, excludes our  
16 experts, and accelerates unwanted change in a predominantly  
17 Black neighborhood is not a neutral planning decision. It's  
18 a continuing pattern.

19                   And we're not against development. We're  
20 just against being misled by the very company that built our  
21 homes and then bulldozed, literally and figuratively, while  
22 the people profiting from that betrayal look nothing like us  
23 and answer to none of us.

24                   I urge this board to take seriously not just

1 the traffic studies, the stormwater models, but the urban  
2 and human costs that's being proposed: the cost to families  
3 who own something, the cost to a community that finally  
4 found its place, the cost to people who trusted the  
5 developer's implied promise, and who've already paid more  
6 than enough for the sins of policies we never chose. Thank  
7 you.

8 MS. VOTAW: Thank you, Mr. Taylor. Last  
9 question, and this is pretty obvious, but I want to make  
10 sure the record is clear. Do you believe that this proposed  
11 development will have an adverse impact on your property?

12 MR. TAYLOR. I do.

13 MS. VOTAW: Okay. That's all I have. Thank  
14 you very much. And they may have questions for you, so  
15 don't log off yet.

16 MS. MCNEIL: Mr. Tedesco?

17 MR. TEDESCO: I just have maybe two, three.

18 Mr. Taylor, thank you so much. And I want to  
19 thank you and your wife for opening your homes to us  
20 previously for a number of meetings that we've had in your  
21 community and particularly in your house. So I publicly  
22 wanted to thank you and your wife for those accommodations.  
23 And I want to thank you for your testimony, as passionate as  
24 it was. And I just have a couple of clarifying questions.



1 just wanted to say, you know, a lot of the issues you've  
2 raised, they have merit, but they go to the issue of policy  
3 in the County, and policy is set by the elected officials:  
4 the County Council members, the County executive. And we  
5 are in a hearing that's considered to be an evidentiary  
6 hearing. And it's quasi-judicial. And what that means is  
7 we are looking at one particular property and trying to  
8 evaluate the approval or denial of the applicant's request  
9 based upon criteria that have already been set by the County  
10 Council.

11           And so many of the issues that you've raised  
12 are issues that have been resolved, if you will, at the  
13 legislative level; that is, the Council has decided the RPD  
14 zone exists, and it may be applied to this particular  
15 property, if the applicant complies with the criteria of  
16 approval. It would be inappropriate to approve or deny a  
17 project based upon what is called plebiscite; that is,  
18 because of all of the African American people in the  
19 neighborhood are opposed to it. Or the opposite of that, it  
20 shouldn't be approved because all of the experts and  
21 applicants were Caucasian. You can only make the decision  
22 based upon the criteria that have been approved pursuant to  
23 the law.

24           And so I just want to make sure that you

1 understand that regardless of how this case is decided, it  
2 has nothing to do with someone taking the African-American  
3 community lightly in this community. All right? And so  
4 just stay involved, and you know, your voice will be heard.  
5 And your concerns can be incorporated as much as they can  
6 within the project as the County Council and the examiner  
7 reviews the project. You're not being ignored. I just  
8 wanted to make sure you understand that.

9 MR. TAYLOR: Well, I appreciate you saying  
10 that our voices are not being ignored. And if this isn't  
11 the right forum for my statement to be considered in, then I  
12 long to be a part of the forum where it will be. It's  
13 really, I think, vital that people understand that there's a  
14 lot at stake here for us, and we want to make sure that  
15 people understand that.

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

18 MS. MCNEIL: Thank you, Mr. Taylor.

19 MR. TAYLOR: Thank you.

20 MS. MCNEIL: Ms. Votaw, do you have any other  
21 witnesses?

22 MS. VOTAW: I just had a few -- two follow-up  
23 questions for Mr. Taylor on rebuttal.

24 Mr. Taylor, you are aware, or are you not,

1 that one of the required criteria for approving this  
2 application is that it will not have adverse impacts on  
3 surrounding properties; is that correct?

4 MR. TAYLOR: I am aware of that, yes.

5 MS. VOTAW: And to my recollection, all of  
6 the testimony you provided goes directly to the adverse  
7 impact this will have on your property; is that correct?

8 MR. TAYLOR: I am very concerned about that,  
9 yes.

10 MS. VOTAW: And another thing I'd like to  
11 touch on, too, is this property in the comprehensive  
12 rezoning that just occurred a handful of years ago was  
13 specifically zoned by the District Council, as RE. That's  
14 the current zoning. That's correct?

15 MR. TAYLOR: Yes.

16 MS. VOTAW: Thank you. That's all I have.

17 MS. MCNEIL: Okay. Well, you have your next  
18 witness?

19 MS. VOTAW: Oh, yes.

20 And thank you, Mr. Taylor, for your time. I  
21 really appreciate it.

22 MS. MCNEIL: Yes, Mr. Taylor.

23 MS. VOTAW: I think we have Mr. Tidwell on  
24 Zoom, hopefully video capabilities available.

1                   So Mr. Tidwell, if you could unmute yourself,  
2 show your camera, that would be great. I'll give you a few  
3 moments to do that. There we go.

4                   MS. MCNEIL: Hi, Mr. Tidwell. Do you swear  
5 or affirm, under the penalties of perjury, that the  
6 testimony you shall give will be the truth and nothing but  
7 the truth?

8                   MR. TIDWELL: Yes.

9                   MS. MCNEIL: I can't hear you.

10                  MR. TIDWELL: Yes.

11                  MS. MCNEIL: Okay.

12                  MS. VOTAW: There we go.

13                  MS. MCNEIL: Thank you.

14                  MR. TIDWELL: Thank you. Thank you. Okay.

15                  MS. VOTAW: Thank you, Mr. Tidwell, and  
16 thanks for bearing with us in your car.

17                  Could you please provide the hearing examiner  
18 your address?

19                  MR. TIDWELL: 9612 Geena Nicole Drive,  
20 Clinton, Maryland 20735.

21                  MS. VOTAW: Thank you. And how long have you  
22 resided there?

23                  MR. TIDWELL: Fourteen years.

24                  MS. VOTAW: And in the time that you've

1 resided there, have you had occasion to drive on Steed Road?

2 MR. TIDWELL: Daily.

3 MS. VOTAW: And could you please describe for  
4 the hearing examiner briefly the traffic conditions that  
5 you've experienced?

6 MR. TIDWELL: It is horrific. On a daily  
7 basis, traffic are backed up either on Steed Road,  
8 Piscataway, Old Branch Avenue, Allentown Road. The whole  
9 corridor area is -- is a log jam on a daily basis.

10 MS. VOTAW: Thanks. And in your opinion as a  
11 layperson, will the proposed development, given all of its  
12 public benefits, address that issue, or will it exacerbate  
13 that issue?

14 MR. TIDWELL: It's going to exacerbate the  
15 issue.

16 MS. VOTAW: And do you believe that this  
17 proposed development, including its proposed public  
18 benefits, would adversely impact your traffic experience and  
19 your property values?

20 MR. TIDWELL: Yes.

21 MS. VOTAW: And could you explain for the  
22 hearing examiner what kind of improvements, as a layperson,  
23 you think would be sufficient to address the traffic  
24 conditions currently and with the proposed development

1 included?

2 MR. TIDWELL: Well, mostly, I heard -- I done  
3 listened to all the story. Everyone is focused on  
4 infrastructure, infrastructure, infrastructure, even with  
5 the -- even with the four lane on Steed Road, redoing the --  
6 redoing Steed Road, they said they're going to put some  
7 lanes on Piscataway Road. Not only that, but we're still  
8 looking at not just Hyde Landing, not just The Grove, but  
9 there's another development that is adjacent to the buffer  
10 that no one's talking about that's going to be developing  
11 another 500 houses, which is going to have -- through  
12 traffic coming back through those development that's going  
13 to come on to Steed Road also, which is going to even make  
14 that even worse, which is we're not talking about that yet.  
15 So that's just part of the issue.

16 No one is talking about the safety. No one  
17 is talking about school, EMS, police response time. None of  
18 this stuff is being addressed. We're just only talking  
19 infrastructure. So there's more than just the  
20 infrastructure or widening up the road is not just the only  
21 thing that's going to have an impact, but there's several  
22 other things that goes into that process.

23 MS. VOTAW: Thank you. And is there anything  
24 else that you want to share with the hearing examiner today?

1 MR. TIDWELL: Actually, I'm just going to  
2 echo what Mr. Taylor was just saying. I've been living in  
3 that development for 14 years, and Hyde Landing is already  
4 going to put at least, what, 12- to 1,300 houses at the top  
5 of that hill. And then rezoning this Grove to another 300  
6 houses, it's just going to overcrowd a community that is  
7 already crowded. And there is nothing -- nothing is in  
8 sight to alleviate or to help -- help the community that's  
9 already there.

10 Basically, to me, it's like the developer is  
11 just coming in, and the County is allowing them to just dump  
12 houses into the community and do a bare minimum of what they  
13 say. They say they're overdoing stuff, but what they're  
14 doing is just the bare minimum of what the plan calls for.  
15 And then after they do that, they may do the road, they may  
16 not, then they -- then they gone. And then we stuck with  
17 all this traffic.

18 MS. VOTAW: Thank you, Mr. Tidwell. That's  
19 all the questions I have for him.

20 MS. MCNEIL: Mr. Tedesco?

21 MR. TEDESCO: Mr. Tidwell, it's good to see  
22 you. Thank you for appearing. I have no questions.

23 MS. MCNEIL: Okay. Mr. Brown?

24 MR. BROWN: I don't have any questions.

1 Thank you.

2 MS. MCNEIL: Thank you, Mr. Tidwell.

3 MR. TIDWELL: Yes, ma'am. Thank you.

4 MS. VOTAW: Oh, thank you, Mr. Tidwell.

5 MR. TIDWELL: Yes, ma'am. Thank you.

6 MS. VOTAW: Madam Hearing Examiner, I see, I  
7 think, two or three of my other clients on here. Can I just  
8 check briefly if they wanted to share their comments? Oh,  
9 I'm sorry.

10 MS. MCNEIL: I don't want to prevent anyone  
11 from testifying, but I have to let the staff go at 4:00.

12 MS. VOTAW: Okay. Hopefully this will be  
13 quick. Mr. Sam, I believe that's Mr. Lynch. Do you have  
14 anything you wanted to share today? I'll give you a few  
15 moments to unmute, if that's the case. Okay. I'm going to  
16 go with no.

17 I see Jeremy. I believe that's Mr. David,  
18 Jeremy David. If that's the case, and if you have anything  
19 that you want to share with the hearing examiner, can you  
20 please unmute your yourself and show your screen? Okay. I  
21 don't see anything. Okay.

22 And I previously saw Mr. Mendelson McLean on  
23 here. I don't see him anymore. But in case he's on a  
24 different name, if you wanted to unmute yourself and show

1 your screen and say something else to the hearing examiner,  
2 could you please do so now?

3                   Okay. I think that's all I have, Madam  
4 Hearing Examiner.

5                   MR. LYNCH: I'm here, Alex.

6                   MS. VOTAW: Oh, you're there.

7                   MR. LYNCH: I'm sorry. Yes, I had to find  
8 the mute button.

9                   MS. VOTAW: Mr. Lynch, are you able to show  
10 your camera?

11                   MR. LYNCH: Okay.

12                   MS. VOTAW: Oh, it says there's no camera.  
13 I've had this issue. If you have a camera cover on, like, a  
14 physical one -

15                   MR. LYNCH: Yeah.

16                   MS. VOTAW: There you go.

17                   MS. MCNEIL: Okay.

18                   MR. LYNCH: I'm okay.

19                   MS. VOTAW: Is there a -- if you -- oh,  
20 sorry. What was that?

21                   MS. MCNEIL: Mr. Lynch, do you swear or  
22 affirm, under the penalties of perjury, that the testimony  
23 you shall give will be the truth and nothing but the truth?

24                   MR. LYNCH: Yes, I do. Thank you.

1 MS. VOTAW: All right. If there's anything  
2 you'd like to share with the hearing examiner, please do so  
3 now.

4 MR. LYNCH: Yes. I echo Mr. Taylor and Mr.  
5 Tidwell. They're my neighbors. I've been here for almost  
6 twenty years. So just like Mr. Taylor mentioned, this is a  
7 quiet neighborhood. You know, we moved here because of the  
8 basing of the housing, you know, the camaraderie of the  
9 neighbors that we have here in our three homes.

10 To my knowledge, we haven't had any major  
11 issues with security or safety concerns, for that matter,  
12 you know, minor stuff. But in my opinion, you know, with  
13 the new developments that's forthcoming or proposed  
14 forthcoming, will add to our safety concerns here in our  
15 neighborhood. And certainly, as everybody else has  
16 mentioned, the traffic will be horrendous.

17 MS. MCNEIL: Thank you. I appreciate that,  
18 sir.

19 MR. LYNCH: Uh-huh.

20 MS. MCNEIL: Okay.

21 MS. VOTAW: Mr. Tidwell, I think you're still  
22 on -- you're not muted right now, and your camera's on. So  
23 I just wanted to let you know.

24 MR. TIDWELL: Okay.

1 MS. VOTAW: There you go.

2 MS. MCNEIL: Did you already sign it?

3 MS. VOTAW: There we go. Okay. Great.

4 Thank you, Mr. Lynch. I believe that's all I  
5 have for this witness.

6 MR. LYNCH: Thank you.

7 MS. MCNEIL: Mr. Tedesco?

8 MR. TEDESCO: No questions.

9 MR. BROWN: No questions. Thank you.

10 MS. MCNEIL: Okay. Thank you, Mr. Lynch.

11 MR. LYNCH: Thank you.

12 MS. VOTAW: Okay. I don't believe -- unless  
13 one of my other clients pops up, I don't believe I have any  
14 other witnesses.

15 MS. MCNEIL: Okay. Mr. Tedesco?

16 MR. TEDESCO: I'm ready to provide closing,  
17 but I will allow Ms. Votaw to go. I believe I get the last  
18 word, so we can hopefully wrap up this hearing today.

19 MS. MCNEIL: Okay. Ms. Votaw?

20 MS. VOTAW: Yeah, absolutely. And again, I  
21 thank you, Madam Hearing Examiner, staff, everyone on the  
22 call for your time today and careful consideration of this  
23 matter.

24 As my clients have described, this is really

1 important to them. This impacts their lives every single  
2 day. It impacts their future. It impacts their children's  
3 future. So it's really important that we get this right and  
4 we think about it very carefully.

5           We believe that the hearing examiner should  
6 deny this application or recommend disapproval of this  
7 application because it's not consistent. It doesn't conform  
8 with the master plan, which specifically recommends  
9 residential low development on this property. And that's  
10 specifically designed as being intended for single-family,  
11 detached residential development that may have up to 3.5  
12 dwelling units per acre. And this does not include  
13 exclusively single-family, detached homes. It includes  
14 townhouses. So it does not conform with the express intent  
15 of the master plan.

16           We also believe you should disapprove this  
17 application because it doesn't satisfy the change mistake  
18 rule. I know that we have disagreement between me and my  
19 colleague across the aisle about whether that applies. We  
20 certainly believe it does, and they do not qualify -- they  
21 do not satisfy the change mistake rule.

22           We also believe the hearing examiner should  
23 disapprove this application because it's going to have  
24 adverse impacts on the traffic conditions in this area, as

1 well as the property values of my clients' homes. And then  
2 finally, we believe you should disapprove this application  
3 because the public benefits are not adequate.

4           In the alternative, again, we believe there's  
5 ample grounds for disapproval. But in the alternative, if  
6 the hearing examiner is intent on approving or recommending  
7 approval of this application, we request several  
8 modifications to the proposed public benefits and/or the  
9 overall development.

10           For example, the witness, I want to say it  
11 was Mr. -- give me one moment -- Mr. Allison described that  
12 they could probably preserve 31 to 35 acres of woodland on  
13 site. I believe that should be a requirement of approval,  
14 since we've established numerous times that the proposed  
15 reforestation or forest conservation being proposed at this  
16 time is exactly what is required under the base zone. It is  
17 not greater to any extent than the base zone requirements.  
18 So we believe there should be a requirement that there be  
19 additional onsite preservation up to 35 percent.

20           We also believe that the hearing examiner  
21 should impose a condition that the capital improvement  
22 contributions should not be used towards the road  
23 improvements, that that should be in addition to any  
24 proposed road improvements. And I apologize for the mix-up

1 before. I was reading from the staff report dated November  
2 13th, 2025, which does not appear to be part of the record,  
3 where they describe this issue. So we believe that should  
4 be a condition of approval.

5           We also believe that there should be less  
6 houses proposed on this development. For example, if the  
7 hearing examiner finds that townhouses are not permitted or  
8 don't conform with the master plan recommendations, the  
9 hearing examiner could impose a condition limiting the type  
10 of houses to only single-family, detached development, which  
11 would address density concerns, traffic concerns, to some  
12 extent.

13           We would also request that the road  
14 improvements to Steed Road include four lanes on both sides  
15 all the way through Steed Lane. Although our traffic  
16 engineer described -- or our traffic witness described that  
17 that alone is not enough to address the impacts of a  
18 proposed development like this, because of the principle --  
19 I forget exactly what she called it. But when there's an  
20 open road that's available, people tend to use it, and then  
21 you will get congestion even though you've widened the road.  
22 We think additional widening would still address some of  
23 those issues, particularly coupled with a decrease in the  
24 number of units being proposed.

1                   Again, we don't believe this is enough. We  
2 believe there's ample grounds for disapproval of this  
3 application. At minimum, we believe those types of  
4 conditions should be required by the hearing examiner.

5                   And we greatly appreciate your time and the  
6 ability for my clients to advocate for their interests  
7 today. Thank you.

8                   MS. MCNEIL: Can you submit those in writing?

9                   MS. VOTAW: Yes, ma'am. I would be happy to  
10 do so.

11                   MS. MCNEIL: Thank you.

12                   Mr. Tedesco?

13                   MR. TEDESCO: Thank you, Madam Examiner.

14 It's been a long day. I want to thank you and your staff,  
15 People's Zoning Council, and all the witnesses, both  
16 citizens and experts, for hanging in there today.

17                   I think I heard Ms. Votaw close by saying  
18 decrease the density, but add more road improvements. And  
19 so the fact is, is that the RPD zone is a floating zone that  
20 allows for the flexibility associated with development to  
21 implement public benefits. Those public benefits have to be  
22 paid for.

23                   And everyone agrees that the Steed Road,  
24 Piscataway Road are in desperate need of improvements.

1 Those improvements are only going to occur if development  
2 occurs. And if development occurs, to be implemented  
3 requires this rezoning in the sense that the base zone  
4 development would simply pay into the CIP, and those road  
5 improvements would not be realized.

6           So what Ms. Votaw is advocating for is  
7 conditional approval that can't be implemented. The  
8 question before you, as emotional as some of the testimony  
9 was, which I appreciate and respect, your determination on  
10 this case for your recommendation is based upon four  
11 required findings: Section 27-3602(C), and whether there is  
12 substantial evidence in the record to support the findings  
13 associated with those required findings.

14           The answer, based on the unrefuted expert  
15 testimony, planning board's findings, the technical staff  
16 report recommendations, and the documentary record is  
17 unequivocally yes. This is a planned development rezoning,  
18 not a piecemeal Euclidean rezoning. The applicable standard  
19 is clear: conformance with the general plan and master plan,  
20 satisfaction with the purposes of the RPD zone, and  
21 compliance with the applicable standards, no adverse impacts  
22 on surrounding properties. Every one of these findings has  
23 been affirmatively established.

24           The property is designated for residential

1 low land use recommendations in the Subregion 5 Master Plan,  
2 which allows, by definition, up to 3.5 dwelling units per  
3 acre. The applicant proposes approximately 2.97 dwelling  
4 units per acre.

5 I would note that in part of the testimony,  
6 Ms. Votaw's arguments with respect to residential low in her  
7 argumentatively positioned opening statement was referencing  
8 Hyde Field and that to being a residential low land use  
9 recommendation. Hyde Field, as this body knows, was  
10 recommended for approval, and the District Council approved  
11 that RPD zoning based upon the same definition of  
12 residential low, a 3.5 dwelling units to the acre. The  
13 determination of what that residential low master plan  
14 recommendation should be has already been applied.

15 Hyde Landing, and still being approved by the  
16 Council, is 100 percent single-family attached,  
17 notwithstanding Ms. Votaw's reading of residential low being  
18 primarily single-family detached. So it's completely  
19 inconsistent with this body, as well as the District  
20 Council's application and interpretations of what  
21 residential low is, to then conclude that what is proposed  
22 here today is not in conformance with the master plan.

23 As Mr. Anderson testified, this application  
24 advances the core principles and policies of plan 2035 by

1 strengthening the established communities, providing needed  
2 housing diversity, coordinating development with  
3 infrastructure, and enhancing environmental systems and open  
4 spaces. No expert testimony rebutted that conclusion.

5           The application fully meets the purposes of  
6 the RPD zone. The RPD zone exists for one reason: to allow  
7 better, more innovative, more environmentally responsible  
8 development than conventional zoning. That is exactly what  
9 this plan delivers and what is proposed here this afternoon.

10           As the planning testimony established, the  
11 Zoning Map Amendment and development advances will implement  
12 a compact, walkable neighborhood design, a mix of housing  
13 types addressing County housing needs, integrated open  
14 space, trails and civic amenities, and context sensitive  
15 design compatible with surrounding neighborhoods. This is  
16 not theoretical. The basic plan operationalizes each of  
17 these elements.

18           The record is clear that the uses are  
19 permitted in the RPD zone. Dimensional standards are  
20 established in the basic plan. Infrastructure is available  
21 and will be further vetted at the time of the preliminary  
22 plan, and environmental and design standards are met or  
23 exceeded. Every expert, planning, civil, environmental, and  
24 landscape, both from the applicant's team as well as the

1 Maryland-National Capital Park and Planning Commission,  
2 confirmed this compliance. There is no contrary expert  
3 evidence in the record. There are no adverse impacts, and,  
4 in fact, a net positive impact with this approval.

5           The fourth finding is often where and what  
6 the opposition has focused on here this afternoon. But  
7 again, no evidence is provided to overcome the testimony  
8 that's been provided and the record in this case. The plan  
9 preserves the Tinkers Creek Stream Valley, protects high-  
10 priority forest and ecological systems. It exceeds woodland  
11 conservation requirements, and concentrates development away  
12 from sensitive areas.

13           As Mr. Allison testified, the design is  
14 driven by environmental preservation, not imposed on it.  
15 Public water, sewer, stormwater, emergency services are all  
16 available and will be fully evaluated at the appropriate  
17 stage of development.

18           Transportation. The traffic evidence is  
19 particularly important in this case. The required analysis  
20 compares current zoning versus proposed zoning. Proposed  
21 development results in manageable impacts. The applicant is  
22 providing substantial improvements beyond requirements,  
23 including CIP contributions, Steed Road widening and bridge  
24 improvements, turn lane, bike lanes, and trail systems. And

1 critically, when viewed in the context of Hyde Landing, the  
2 net effect is a reduction in the total trips on the roadway  
3 network. There is no credible evidence of adverse  
4 transportation impacts.

5           As far as the public benefits, they are  
6 significant, quantifiable, and unmatched. The record  
7 demonstrates that more than 50 acres of stream valley and  
8 environmental dedication is provided. Extensive trail and  
9 pedestrian networks or connections are offered. Major off-  
10 site road improvements exceed pro-rata CIP obligations,  
11 enhanced woodland conservation beyond required thresholds,  
12 and recreational amenities and park contributions. These  
13 are not speculative. They are committed, enforceable, and  
14 superior to what the base zone would deliver.

15           With respect to the opposition, there is no  
16 qualified expert testimony contradicting the planning  
17 conclusions, the traffic analysis, environmental findings,  
18 engineering feasibility, which matters. Zoning decisions  
19 must be based on substantial evidence, not generalized  
20 concerns. You heard references to change or mistake,  
21 adequacy concerns at the ZMA stage, and demands for  
22 engineering level details. All of these are legally  
23 misplaced. This is a planned development rezoning governed  
24 by Section 27-3602, not by outdated and applicable

1 standards.

2           Concerns about traffic, schools, stormwater  
3 growth are understandable and appreciated, but they are  
4 addressed through the County stage review process, not a  
5 grounds for denial. The law is also very clear.  
6 Generalized fears and reputation do not equal substantial  
7 evidence.

8           When you step back and look at this case  
9 holistically, it's a master plan, consistent density  
10 proposal, a superior environmental design, significant  
11 package of public benefits, and coordinated extension of an  
12 already approved community. As Mr. Donahue testified, this  
13 is the type of project the applicant is uniquely positioned  
14 to deliver, from concept through construction, based on  
15 decades of experience in Prince George's County, and  
16 commitments to this community.

17           The record in this case is not close.  
18 Substantial evidence exists, and the applicant has met every  
19 required finding, presented consistent, credible, expert-  
20 supported evidence and testimony, demonstrated substantial  
21 public benefits, and addressed all relevant impacts. And  
22 there is no substantial evidence to the contrary.

23           For all of the reasons and the record in this  
24 case, we would respectfully request your recommendation of

1 approval. And again, we're right at the almost 4:00 mark, I  
2 appreciate your time and consideration of this application.  
3 Thank you so much.

4 MS. MCNEIL: Thank everyone. The record will  
5 remain open for a short period to receive Ms. Votaw's  
6 closing, if you would do that.

7 MR. TEDESCO: Could we set a date for that,  
8 please?

9 MS. MCNEIL: I was going to finish with, and  
10 if you wanted to submit your closing, you could as well.  
11 And the date should be -- it's Wednesday. Can you do it by  
12 Friday?

13 MR. TEDESCO: Yes, ma'am.

14 MS. VOTAW: Yes, ma'am.

15 MS. MCNEIL: Okay.

16 MS. VOTAW: And just to clarify, did you want  
17 just the list of the, you know -

18 MS. MCNEIL: You could do your whole closing,  
19 if you like -

20 MS. VOTAW: Okay.

21 MS. MCNEIL: -- or the list, just nothing  
22 else.

23 MS. VOTAW: Okay. Absolutely, ma'am.

24 MS. MCNEIL: (Indiscernible), if you want to.

1 Okay.

2 MS. VOTAW: Thank you very much, Madam  
3 Hearing Examiner.

4 MS. MCNEIL: So I thank you all for being  
5 here today. And the record will close as soon as we get  
6 that information. And I thank everyone that testified, if  
7 they're still on. Thank you for participating today.

8 MS. VOTAW: Thank you, Madam Hearing  
9 Examiner.

10 MS. MCNEIL: Thank you to Mr. Brown.

11 And you, too, staff. You get to go home at  
12 4:02.

13 Okay.

14 MS. VOTAW: Thank you.

15 MS. MCNEIL: Bye, everyone.

16 (Whereupon, the proceedings were concluded.)

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## C E R T I F I C A T E

I, Tracy M. Hahn, certify that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Tracy Hahn". The signature is written in dark ink and is positioned above a horizontal line.

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TRACY M. HAHN

eScribers, LLC

7227 North 16th Street, Suite #207

Phoenix, AZ 85020

(800) 257-0885

Date: April 6, 2026