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WOODSIDE VILLAGE	:	Case No. A-9973-03
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A hearing in the above-entitled matter was held on February 19, 2025, at the Prince George's County Office of Zoning, County Administration Building, Upper Marlboro, Maryland 20772, via Zoom videoconference, before:

Maurene McNeil  
Hearing Examiner

Transcribed by: Raven Wood  
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Phoenix, Arizona

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1     A P P E A R A N C E S

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3 On Behalf of the Applicant:

4 Robert Antonetti, Esq.

5 Arthur Horne, Esq.

6 On Behalf of People's Zoning Counsel:

7 Stan Brown, Esq.

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1                                P R O C E E D I N G S

2                                MS. MCNEIL: Good morning, all.

3 I'm informed that we have started in Live  
4 Manager, which means we're streaming and that is  
5 good. I'm Maureen McNeil. I'll be the Hearing  
6 Examiner today, and it is February 19th, 2025.  
7 We're here on case number 89973-03. Applicant is  
8 Woodside Land Investments LLC, and it's a request  
9 to amend a Basic Plan for development known as  
10 Woodside Village. And if counsel would identify  
11 themselves for the record.

12                              MR. ANTONETTI: Good morning,  
13 Madam Examiner. For the record, my name is  
14 Robert Antonetti, with the law firm of Shipley &  
15 Horne, here on behalf of the applicant.

16                              MS. MCNEIL: Good morning.

17                              MR. BROWN: Good morning. Stan  
18 Brown, People's Zoning Counsel.

19                              MS. MCNEIL: Good morning, Mr.  
20 Brown.

21                              Mr. Antonetti, before I turn it  
22 over to you, in case anyone here is new -- it  
23 doesn't appear to be, but I'm not sure. This  
24 matter is being recorded. So we ask that  
25 everyone keep their mics off unless they're

1 speaking and that we don't speak over each other.  
2 And if anyone here is opposed to the request, I'm  
3 going to ask you to identify yourself in that  
4 manner shortly. Or maybe right now might be a  
5 good time, Mr. Antonetti.

6 Is anyone here opposed to this  
7 application? If you are, just come on camera and  
8 tell me your name. And I don't see anybody.  
9 Okay. So it doesn't appear that anybody's  
10 opposed, but we need to get a mic check on our  
11 end. So if staff -- I'm assuming that's not me,  
12 but staff, could you just say testing? And I'll  
13 say testing for me. Is the problem going away?

14 Okay. Thank you. Okay. Mr.  
15 Antonetti, turning it over to you.

16 MR. ANTONETTI: Thank you. Good  
17 morning again, Madam Examiner and Mr. Brown. For  
18 the record, my name is Robert Antonetti with the  
19 law firm of Shipley & Horne. With me here today  
20 is my partner, Arthur J. Horne, and our senior  
21 paralegal, Mr. John Ferrante. Together, we are  
22 pleased to represent the applicant for this case,  
23 Woodside Land Investment, LLC.

24 Also with us today are members of  
25 the development team offering testimony. We have

1 Dr. Charles Edwards, he's representative of the  
2 applicant;

3 We have Ms. Rachel Leitzinger, a  
4 civil engineer with Dewberry;

5 Mr. Mike Lenhart with Lenart  
6 Traffic Consulting, Inc.;

7 And Mr. Ken Dunn of Soltesz, who  
8 will be providing testimony as a land planner.

9 I'd like to thank the entire ZHE  
10 staff for organizing this record and seamlessly  
11 handling the scheduling due to weather  
12 complications. I saw the forecast a week ago of  
13 what might happen today and it didn't  
14 materialize. So I'm grateful for that, and I'm  
15 grateful to be here today before you.

16 Before I get into the substance of  
17 today's case, I want to handle a few housekeeping  
18 items, if I could. First, please note that all  
19 required state ethics affidavits have been filed  
20 for this application. They're found in Exhibits  
21 10, 11, and 12 of the exhibit sheet prepared by  
22 the Examiner's Office.

23 Second, I'd like to ask the  
24 Examiner and Mr. Brown to take administrative  
25 notice of the certificate of good standing with

1 SDAT for the applicant dated January 27th, 2025.  
2 That's shown as in Exhibit 46 on the list of  
3 exhibits.

4                   And finally, I wanted to point out  
5 a few things since there's been a lot of things  
6 submitted to this record, and some of them have  
7 repeated numerous times. And for clarity, I'd  
8 like to state when I refer to -- and our  
9 witnesses refer to the following three items, I  
10 want to point to the exhibits of where they are  
11 in the list, because there's some earlier  
12 versions that were part of the application and  
13 then replaced by later ones. So I want to make  
14 sure I'm directing attention to the right ones.

15                   So for purposes of clarity, when I  
16 refer to the technical staff report, I'm  
17 referring to Exhibit 74 on pages 1136 through  
18 1153. The reason I do that is because the  
19 planning board, upon approving transmission of  
20 the staff report to the Examiner's office, they  
21 may -- they also approved some modifications  
22 which weren't in the initial published staff  
23 report, but were in the one that was the final  
24 one that was transmitted and authorized to be  
25 transmitted by the Planning Board. So that would

1 be Exhibit 74 at those pages.

2                   When I refer to the Basic Plan,  
3 the actual drawing, I refer to Exhibit 41 found  
4 on page 380 through 381. It's two sheets  
5 included in that plan. And finally, when I refer  
6 to the applicant's statement of justification I'm  
7 referring to the statement of justification dated  
8 December 5th, 2024, which is found in Exhibit 74,  
9 also page 1167 to 1197.

10                   So with that housekeeping, I'd  
11 just give a little bit of orientation for  
12 context, if I could. We are here today to  
13 respectfully request an amendment to the approved  
14 Basic Plan, A-9973 for the planned residential  
15 development known as Woodside Village.

16                   Madam Examiner and Mr. Brown, I  
17 think you're quite familiar with this Basic Plan,  
18 because you've seen it several times. The  
19 initial Basic Plan was approved by the District  
20 counsel on February 13th, 2007, as part of the  
21 2007 Westphalia Sector Plan and Sectional Map  
22 Amendment. The original case rezoned the entire  
23 property of the assemblage of Woodside Village to  
24 the R-M zone, under the prior ordinance, the  
25 residential medium zone. It approved 1,497 total

1 units in a density range of 3.8 to 4.0 dwelling  
2 units per acre.

3 Now the initial Basic Plan  
4 included five contiguous farm parcels. They were  
5 assembled by Toll Brothers circa 2005 to 2007,  
6 and they formed what is now known as Woodside  
7 Village. These farms, in a colloquial sense,  
8 were known as the Case Farm (ph.), the Year Gap  
9 Farm (ph.), the Arden Farm (ph.), the Suit Farm  
10 (ph.), and the Wholey Farm. The total acreage  
11 for this original assemblage was 381.95 acres.

12 Now despite the approval of the  
13 Basic Plan around 2009, 2010 due to the Great  
14 Recession, Toll Brothers walked away from  
15 pursuing development of the entirety of the  
16 project due to a significant downturn in the  
17 market. As a result, all five farm properties  
18 remained under separate ownership, yet they were  
19 rezoned to the R-M zone.

20 Importantly, the 140 acre Suit  
21 Farm and 11.6 acre Wholey Farm were purchased  
22 subsequently by Park and Planning to be included  
23 as part of the Westphalia Central Park. Now the  
24 acquisition of this land by MNCPPC significantly  
25 altered the development patterns approved in A-



1 9973 and necessitated the division of the Basic  
2 Plan area.

3 As a result, several Basic Plan  
4 amendments, A-9973-01 for the Arden Farm, and A-  
5 9973-02 for the case Year Gap Farms, were  
6 approved as standalone Basic Plans and reviewed  
7 by the Zoning Hearing Examiner and ultimately  
8 approved by the District counsel. Now this basic  
9 plan division was necessary because the original  
10 assemblage, like the other divisions, were no  
11 longer -- are no longer under common ownership,  
12 making implementation of the initial Basic Plan  
13 A-9973 a practical impossibility.

14 Now today we are requesting  
15 approval of the third basic plan amendment for  
16 Woodside Village. The applicant has acquired,  
17 around December of 2023, a portion of the land  
18 previously owned by MNCPPC. Specifically, the  
19 applicant has acquired a portion of the Suit Farm  
20 and all of the Wholey Farm to total approximately  
21 100.84 acres.

22 This land, as is all of Woodside  
23 Village, is zoned today LCD/MIO -- that's legacy  
24 comprehensive design -- and was previously zoned  
25 R-M/M-I-O. Under either zone you're utilizing --

1 if you're using the new ordinance or the prior  
2 ordinance, the new ordinance directs you back to  
3 the prior ordinance for regulatory guidance.

4                   So the rules of the R-M zoning  
5 regulations -- the R-M zone still apply, either  
6 under the current ordinance or the prior  
7 ordinance. The original Basic Plan A-9973, as I  
8 stated, approved the total density of 1497  
9 dwelling units. Today you will hear testimony  
10 that should A-9973-03 be approved, the maximum  
11 combined density of all three basic land  
12 amendments for Woodside Village would total 1,383  
13 dwelling units, which is 114 units less than the  
14 overall density approved in the original Basic  
15 Plan. And by amendments, I mean the two separate  
16 amendments that were approved for the Ardean and  
17 the Case Year Gap track, inclusive of the one  
18 that's before you today.

19                   So even with approval, assuming  
20 this hopefully does obtain approval, all three  
21 amendments together still equal less than the  
22 original density of the original Basic Plan circa  
23 2007. You will also hear testimony that the  
24 proposal meets all applicable criteria for  
25 approval of a separate Basic Plan per Section 27-

1 197(b) of the prior zoning ordinance. In  
2 addition, you will hear testimony describing the  
3 applicant's request to include a range of 359 to  
4 368 single family detached units only, which is  
5 rather unique for Westphalia. There is no --  
6 there are no attached dwelling units included in  
7 the proposal before you today. It is all single  
8 family detached units being proposed.

9                   The planning board did endorse the  
10 staff report with eight conditions. Again, that  
11 would be Exhibit 74, pages 1136 to 1153, in the  
12 ZHE record. The applicant does support the  
13 recommendation of the planning board and planning  
14 staff of approval and the eight conditions  
15 contained in the transmitted staff report.

16                   So for our hearing today, I'd like  
17 to call four witnesses in support of the  
18 application in the in the following order. I'd  
19 like to call Ms. Rachel Leitzinger, followed by  
20 Dr. Charles Edwards, followed by Mr. Lenhart,  
21 followed by Mr. Ken Dunn. And unless there's any  
22 questions of me at this moment I would proceed in  
23 that order accordingly.

24                   MS. MCNEIL: Mr. Brown, do you  
25 have anything?

1                   MR. BROWN: Just one clarifying  
2 point. The staff report that you indicated, Mr.  
3 Antonetti, you'll be referring to, made  
4 modifications to the original staff report. I'm  
5 sure this is the case, but that staff report with  
6 the modifications was released prior to the  
7 planning board hearing, was it not?

8                   MR. ANTONETTI: That staff report  
9 was released -- the original staff report was  
10 released without the modifications. However,  
11 prior to the planning board, additional backup  
12 material was included in the posted materials  
13 before the planning board hearing indicating  
14 where the modifications were to occur, asking for  
15 permission to modify before transmitting to the  
16 Zoning Hearing Examiner. So the modifications  
17 were captured in a memorandum posted as  
18 additional backup prior to the Planning Board  
19 hearing.

20                   MR. BROWN: All right. I mean,  
21 that's not my question. My question is was the  
22 technical staff, with the modifications, released  
23 prior to the planning board hearing, not whether  
24 or not those modifications were discussed in a  
25 memorandum prior to the planning board hearing.

1                   MR. ANTONETTI: The modification's  
2   that -- the technical staff report I referred to  
3   was not released in the format that is  
4   transmitted prior to the planning board hearing.  
5   It was not. A technical staff report was  
6   released, absent the modifications, to conditions  
7   that ultimately resulted from the planning board  
8   hearing.

9                   MR. BROWN: All right. We'll deal  
10  with it later. Thank you.

11                  MR. ANTONETTI: Okay. Thank you.

12                  MS. MCNEIL: And a question, my  
13  only question, is if we can finally put this to  
14  rest. How do you spell Wholey?

15                  MR. ANTONETTI: Jeez. I can tell  
16  you how I spell it.

17                  MS. MCNEIL: Okay.

18                  MR. ANTONETTI: I apologize.  
19  W-H-O-L-E-Y.

20                  MS. MCNEIL: Thank you. Okay.  
21  We're going to call Ms. Leitzinger?

22                  MR. ANTONETTI: Yes, Madam  
23  Examiner.

24                  MS. MCNEIL: Good morning.  
25  Whereupon,

1 RACHEL LEITZINGER,  
2 a witness called for examination by counsel for  
3 the Applicant, was duly sworn, and was examined  
4 and testified as follows:

5 DIRECT EXAMINATION BY MR. ANTONETTI:

6 Q Good morning, Ms. Leitzinger.

7 A Good morning.

8 Q If you could, could you please state  
9 your full name and professional address?

10 A Yes. My name is Rachel Leitzinger. I  
11 work for Dewberry Engineers, Inc., located at  
12 4601 Forbes Boulevard, Suite 300, Lanham,  
13 Maryland, 20706.

14 Q Thank you. And what is your position  
15 with Dewberry?

16 A I am a senior -- senior associate and  
17 senior project manager.

18 Q And have you provided testimony as a  
19 professional engineer before any boards, hearing  
20 examiners, or commissions?

21 A Yes.

22 Q Have you ever testified before the  
23 Zoning Hearing Examiner as a professional  
24 engineer?

25 A Yes.

1 MR. ANTONETTI: Okay. Madam  
2 Examiner, Mr. Brown, I'd like to call your  
3 attention to Exhibit 49, which is the resume or  
4 CV of Ms. Leitzinger, and move her as an expert  
5 as -- in the area of civil engineering for this  
6 case today.

7 MS. MCNEIL: Mr. Brown?

8 MR. BROWN: She was previously  
9 qualified, as I recall, correct?

10 MS. MCNEIL: Yes.

11 MR. BROWN: Okay. No objection.

12 MS. MCNEIL: Okay. You'll be  
13 admitted as an expert in the area of civil  
14 engineering.

15 MR. ANTONETTI: Thank you.

16 BY MR. ANTONETTI:

17 Q Ms. Leitzinger, are you familiar with  
18 the drawing requirements for the preparation of a  
19 Basic Plan?

20 A Yes.

21 Q Were you asked by the property owner or  
22 applicant in this application to prepare an  
23 amended Basic Plan for parcels 13,42, and a  
24 portion of parcel 48, within the Woodside Village  
25 project?

1 A Yes.

2 Q Have you reviewed the Basic Plan  
3 amendment application today, site plan  
4 application, and its related statement of  
5 justification, and other exhibits in support of  
6 the application?

7 A Yes.

8 Q Could you tell the Examiner what the  
9 current zone of the property is?

10 A Current zone is LCD and the prior zone  
11 was R-M.

12 Q Okay. And do you recognize what's  
13 marked as Exhibit 41?

14 MR. ANTONETTI: And I'm not sure  
15 Madam Examiner, or Mr. Banks (ph.), if it's  
16 possible to place Exhibit 41 on the screen, I  
17 think it may be helpful for orientation. Thank  
18 you very much, and I apologize. I should have  
19 indicated earlier, Mr. Banks and Madam Examiner,  
20 that I would be asking to put this on the screen,  
21 but I appreciate your accommodation. Thank you.

22 A Yes. This is the amended Basic Plan.

23 BY MR. ANTONETTI:

24 Q Okay. And can you explain to the  
25 Examiner the significance of sheet 1 of this



1 amended Basic Plan, and what portions are being  
2 proposed to be divided out from said plan?

3 A Yes. So this sheet 1 shows the overall  
4 Woodside Village plan approved in the original A-  
5 9973, and the portions that are hatched in red  
6 are the subject of the -- subject application A-  
7 9973-03, which are planned to be divided out from  
8 the original plan.

9 MR. ANTONETTI: Thank you. And if  
10 we could move to sheet 2 of Exhibit 41, just  
11 scroll down one sheet. Thank you very much.

12 BY MR. ANTONETTI:

13 Q Can you please explain the significance  
14 of sheet 2 of the Basic Plan as it pertains to  
15 this application?

16 A So sheet 2 shows parcels 13, 42, and a  
17 portion of 48 that are proposed in the subject --  
18 subject application A-9973-03 to be included in  
19 that application and separated out from the  
20 original A-9973.

21 Q And can you explain what the acreages  
22 are for parcels 13, 42, and a portion of 48  
23 included in this application?

24 A Approximately 100.84 acres.

25 Q Yeah. In terms of orientation, can you

1 please identify potential recreational areas  
2 marked with asterisks within the proposed Basic  
3 Plan?

4 A Yes. So there are four potential  
5 recreation areas. As you mentioned, they're  
6 denoted as black asterisks. And there's one on  
7 the Suit portion in the rear of the northern  
8 area, one to the -- just to the south of MC 631,  
9 one to the east of PE 619, and one at the  
10 southern end of the property, again to the east,  
11 southeast of PE 619. The amenities have not been  
12 determined yet but they will be designed in a  
13 subsequent development application.

14 Q And can you orient, please, the  
15 Examiner as to the parcels located within the  
16 original boundaries of A-9973 that are not  
17 included in this application? And I think we may  
18 need to go back to sheet 1 for you to answer this  
19 question.

20 A So on sheet 1, the -- the parcels that  
21 are not included in this application are anything  
22 not hatched in red. So that would be the green  
23 hatch, the blue hatch, the yellow hatch. Those  
24 are all not part of this application.

25 Q Okay. And staying on this sheet 1,

1 could you identify for the Examiner the portions  
2 of the original Woodside Village assemblage that  
3 will be retained and owned by MNCPPC?

4 A Yes. There are the two areas hatched  
5 in yellow. They do make --

6 Q Oh, go ahead.

7 A Oh, sorry. It's approximately 59.5  
8 acres.

9 Q Okay. Thank you. And can you describe  
10 the adjoining properties, including zone that  
11 abut Woodside Village?

12 A Yes. So to the north and east is the  
13 Year Gap and Case properties which were zoned --  
14 current zone, LCD, former zone R-M, and they were  
15 subject to the A-9973-02 application. Also to  
16 the north is Westphalia Road.

17 To the south and west is the Parkside  
18 development, and Central Park that is now owned  
19 by Park and Planning, but was originally part of  
20 the overall Parkside development, zoned LCD and  
21 again previous zone R-M and LCD.

22 To the east is the Marlborough Ridge  
23 property, zoned R-R, and to the northeast is the  
24 been property zoned LCD and R-M, which was  
25 subject to the A-9973-01 application.

1           Q     Yeah. And is it correct that Exhibit  
2     41, the amended Basic Plan, was prepared by you  
3     or under your direction?

4           A     Yes.

5           Q     For the Examiner and Mr. Brown, can you  
6     please describe the proposed development shown on  
7     the basic amended basic Plan sheet 2, if we could  
8     switch to sheet 2, please, and kind of the  
9     overall land use locations and other items shown  
10    thereon?

11          A     Yes. So it's a residential development  
12    containing all single family detached units. No  
13    attached units are proposed, and those detached  
14    units will be a combination of front loaded and  
15    rear loaded single families. The proposed  
16    density range is between 3.6 and 3.68 dwelling  
17    units per acre, which equates to approximately,  
18    you know, 359 to 368 units.

19          There is approximately 28 acres of open  
20    space proposed, and this would include  
21    environmentally sensitive areas, recreational  
22    areas, stormwater management, and just, you know,  
23    general HOA open space.

24          There is approximately a quarter acre of  
25    right of way dedication at the far north end of

1 the property for Westphalia Road.

2 And then throughout the development itself,  
3 there's approximately 13.4 acres of master plan  
4 rights of way to be dedicated between NC 631, P  
5 617, and P 619. P 619 is proposed to be  
6 dedicated all the way to the southern property  
7 line, but it is only proposed to be constructed  
8 to the end of the residential development, and  
9 not extended into Central Park because the park  
10 did not plan to construct the road through it.

11 Q On the sheet 2 before us in the land  
12 use quantities, which you just testified to,  
13 there's one inconsistency, and I was wondering if  
14 you could be so kind to explain why that is. And  
15 that would be the final cell stating dedication  
16 to master plan roadways in the lower right hand  
17 corner. It states that it's -- there's 12.49  
18 acres of land for dedication to master plan  
19 roadways. You testified that it's 13.49 acres, I  
20 believe. Can you explain that discrepancy?

21 A Yes. So the 12.49 is what will be  
22 constructed. So that's what I was saying.  
23 There's 13.4 planned to be dedicated, but only  
24 12.5 acres will actually be constructed. Since  
25 that PE 619 road won't be extended the whole way

1 south, the right of way will be dedicated, but  
2 the road itself won't be constructed the whole  
3 way to the southern property line.

4 Q So it would be appropriate, in your  
5 opinion, for that number to be corrected to  
6 13.49, should this application be approved?

7 A Yes, 13.4.

8 Q 13.4. I apologize. Thank you.

9 MS. MCNEIL: I'm so sorry. The  
10 last statement is saying that this will be  
11 revised, or just that we should take note that  
12 it's 13.4 versus 12.49? I didn't understand your  
13 question to her.

14 MR. ANTONETTI: My question was  
15 that it should be revised, and we would accept  
16 that as a recommended condition.

17 MS. MCNEIL: And can I ask one  
18 more, Ms. Leitzinger, just on this plan itself?  
19 So the hatch mark things on page 1 -- X'd things,  
20 will they be revised as well, or is it common for  
21 you all to keep all of this on there?

22 THE WITNESS: Can we go back to  
23 sheet 1? We leave those out because they were  
24 part of the original -- we -- sorry, we crossed  
25 them out because they are part of the original

1 plan, and then we put those notes that say,  
2 please refer to sheet 2 for updated information.  
3 So we don't want to remove what was on the  
4 original plan. So we just put an X through it,  
5 and then the note that says refer to the  
6 corrected information.

7 MS. MCNEIL: Okay. And I didn't  
8 pull the entire file yet, although I will, of the  
9 prior ones. So you're saying those Basic Plans  
10 did this as well? Okay.

11 THE WITNESS: Yes.

12 MR. ANTONETTI: All right.

13 MS. MCNEIL: Thank you all.

14 BY MR. ANTONETTI:

15 Q Ms. Leitzinger, can you describe the  
16 circulation patterns? You touched on some road  
17 designations. Can you point where those are  
18 within the proposed Basic Plan amendment?

19 A Yes. So within the Suit portion or the  
20 southern portion of the -- of the application,  
21 there are two master plan roads, MC 631, which is  
22 100 foot right of way, which runs kind of west to  
23 northeast, and then P 619, which is a 70 foot  
24 right of way running north to south.

25 Q I'm sorry, Ms. Leitzinger, could we

1 possibly move to page 2, or sheet 2? Excuse me.

2 It'll show these, I think, in greater detail.

3 A Thank you. So these two rights of way  
4 serve as the property boundaries for the Suit  
5 portion of -- of this application, and then the  
6 development continues, you know, out from there.

7 So you have single family detached lots to  
8 the north of MC 631, and to the east of PE 619.  
9 Each of those areas have kind of like a loop road  
10 that goes around and serves all the lots, with  
11 other residential roads providing connectivity  
12 throughout, and then all of the lots that front  
13 on MC 631 are proposed to be rear loaded and  
14 served by alleys, so that they don't have any  
15 driveway access to MC 631, since that is a major  
16 collector.

17 And then at the northern end of the  
18 application, or the Wholey portion, that again  
19 has master plan roadways. There's a small  
20 portion of MC 631 running north to south, and  
21 then a small -- small portion of P 617, which is  
22 a 60 foot right of way running east to west,  
23 connecting the Year Gap and Ardean properties.  
24 Residential roads would come off of P 619 --  
25 sorry, P 617, with development off of those.



1           No other connections to MC 631 or Westphalia  
2   Road to the north would be proposed, as they  
3   would not -- likely not be permitted due to  
4   intersection spacing. And again, same with the  
5   southern portion, all lots fronting on MC 631  
6   would be reloaded loaded and served by alleys.

7           Q     Yeah. And what are the number of  
8   access points to the overall development shown in  
9   this application?

10          A     So there are six access points, two in  
11   the southern section, both MC 631, the two ends  
12   of MC 631, and four in the northern Wholey  
13   section 24 MC 631 and 24 P 617.

14          Q     Thank you. And can you describe any  
15   pertinent environmental features shown on the  
16   amended Basic Plan?

17          A     In the suit portion of the plan, we  
18   have an area in the northwest corner that  
19   consists of floodplain, streams, wetlands, and  
20   PMA. Along the eastern side, we have additional  
21   streams, wetlands and PMA. And then at the  
22   southern end, that is the main stem of the cabin  
23   branch stream. So that's a fairly large stream.  
24   So there you have streams, wetlands, and  
25   floodplain, and PMA. And then in the northern

1   Wholey portion, there's just a small stream head  
2   in the south east corner with associated PMA.

3           Q     And based on your experience as a  
4   professional engineer, would these environmental  
5   features and other features you mentioned be  
6   further designed and focused on in subsequent  
7   applications, namely a CDP, a specific design  
8   plan, and preliminary plan of subdivision, should  
9   this application be approved?

10          A     Yes.

11          Q     And are the amendments proposed in A-  
12   9973-03, this amended Basic Plan, intended only  
13   to apply to parcels 13, 42, and a portion of  
14   parcel 48 within the Woodside Village assemblage?

15          A     Yes.

16          Q     And in your opinion, does the instant  
17   Basic Plan amendment satisfy all technical  
18   drawing requirements for a Basic Plan in the  
19   zoning ordinance?

20          A     Yes.

21                   MR. ANTONETTI:   And that would  
22   conclude my questions for Ms. Leitzinger, Madam  
23   Examiner.

24                   MS. MCNEIL:   Mr. Brown?

25                   CROSS-EXAMINATION BY MR. BROWN:

1           Q     Good morning, Ms. Leitzinger. How are  
2 you?

3           A     I'm doing well. How are you?

4           Q     Good. Just one question. So the  
5 exhibit that's on the video now is consistent  
6 with the technical staff report, the modified  
7 version, as well as the planning board  
8 resolution, is it not?

9           A     Yes, it is.

10          Q     And the modifications that carried  
11 forward, they didn't affect this particular  
12 exhibit in front of us?

13          A     No.

14                   MR. ANTONETTI: Mr. Brown, if I  
15 could just comment just quickly, there wasn't an  
16 actual resolution from the planning board. They  
17 had the staff report as a consent item with the  
18 backup, and they endorsed the transmission of the  
19 staff report as the position of the planning  
20 board.

21                   MR. BROWN: Thank you. You're  
22 correct. The staff report that I read,  
23 unfortunately, because this was 1,400 pages, was  
24 the original staff report. So at some point  
25 before today is over, you're going to tell us

1    what those modifications were?

2                   MR. ANTONETTI:   Yes.

3                   MR. BROWN:   All right.   Thank you.

4    No other questions.

5                   MR. ANTONETTI:   Thank you.

6                   I have no further questions of Ms.  
7    Leitzinger.

8                   MS. MCNEIL:   I just had one, and  
9    that is:   you stated that -- probably didn't --  
10   it's the Cabin Branch Stream?

11                  THE WITNESS:   Um-hum.

12                  MS. MCNEIL:   Okay.   And I was just  
13   thinking about where I think streams are, so --  
14   excuse my ignorance, but in the staff report they  
15   discussed the Patuxent River primary.   Is that  
16   also part of this?

17                  THE WITNESS:   That's the -- that's  
18   the basin that the entire --

19                  MS. MCNEIL:   The entire thing.

20   Okay.

21                  THE WITNESS:   -- thing that holds  
22   things that drain.

23                  MS. MCNEIL:   Okay.   Got you.

24   Thank you.

25                  THE WITNESS:   Um-hum.

1 MS. MCNEIL: So free to go or  
2 sticking around. Either way, it's okay with me.

3 THE WITNESS: Thank you.

4 MR. ANTONETTI: And Madam  
5 Examiner, Ms. Leitzinger does have another  
6 scheduled item at 11. So I think she can hang  
7 around for a little bit, but then she may leave,  
8 but we appreciate you're allowing her to step  
9 away if there's no further questions.

10 MS. MCNEIL: Thank you.

11 MR. ANTONETTI: All right. Thank  
12 you. If I could, I'd like to next call Dr.  
13 Charles Edwards, representative of the applicant,  
14 to provide some testimony.

15 MS. MCNEIL: Dr. Edwards?

16 DR. EDWARDS: Yes. Can you hear  
17 me?

18 MS. MCNEIL: Yes. Will I be able  
19 to see you?

20 DR. EDWARDS: I'm working on that.

21 MS. MCNEIL: Okay. Oh, there you  
22 are.

23 DR. EDWARDS: There I am.

24 MS. MCNEIL: Good morning, Dr.  
25 Edwards.

1 Whereupon,

2 CHARLES EDWARD,

3 a witness called for examination by counsel for  
4 the Applicant, was duly sworn, and was examined  
5 and testified as follows:

6 DIRECT EXAMINATION BY MR. ANTONETTI:

7 Q Thank you. Good morning, Dr. Edwards.  
8 For the record, could you please state your full  
9 name and professional address?

10 A Yes, I'm Charles Cannon (ph.) Edwards.  
11 3907 Greenway, Baltimore, Maryland.

12 Q Thank you. Dr. Edwards, what is your  
13 position with Woodside Land Investments, LLC?

14 A I'm the managing member.

15 Q And does Woodside Land Investments, LLC  
16 own the land that is subject to A-9973-03?

17 A Yes. Yes, it does.

18 Q And are you authorized by Woodside Land  
19 Investments, LLC to testify today before the  
20 Examiner regarding this application?

21 A Yes, I am.

22 Q And does the resolution dated January  
23 31st, 2025 provide such authorization for your  
24 testimony?

25 A It does.

1 MR. ANTONETTI: And that  
2 resolution, Madam Examiner and Mr. Brown, can be  
3 found -- it's Exhibit 52 on page 440 to 441 in  
4 the record. Now, Dr. Edwards, how long --

5 MS. MCNEIL: Excuse me, excuse me.  
6 I hate to do this to you, Mr. Antonetti --

7 MR. ANTONETTI: Sure.

8 MS. MCNEIL: -- but this is the  
9 time to let everyone know that these exhibits may  
10 be slightly changed in description after this  
11 hearing, because that merely says resolution,  
12 things like that. We will make sure it says the  
13 Woodside Land Investments LLC resolution, et  
14 cetera so some of these will change a little.  
15 Thank you.

16 MR. ANTONETTI: No, no, thank you  
17 for that clarification. I'm sorry.

18 BY MR. ANTONETTI:

19 Q And Dr. Edwards, how long has Woodside  
20 Land Investments LLC owned the subject property?

21 A Since December of 2023.

22 Q Okay. And Dr. Edwards, is the property  
23 currently developed?

24 A The -- the Wholey portion has a house  
25 and a couple of outbuildings. The parcels, 42

1 and 48, known as the Suit property, has always  
2 just been farmland.

3 Q And Dr. Edwards, what are the main  
4 reasons for this Basic Plan amendment being  
5 requested today?

6 A Well, the -- the current approved plan  
7 from 2007, as you explained, encompasses the case  
8 Year Gap and Ardean properties, as well as the  
9 Wholey Suit properties and Park and Planning  
10 Commission portion of parcel 48. So what was  
11 originally one intact plan no longer exists.

12 Rather, it has four separate owners and two  
13 portions have been approved as separate plans,  
14 namely Case Year Gap, and -- and Ardean. So that  
15 our goal and request is to divide off parcels 13,  
16 42, and most of 48 from the current approved 2007  
17 plan, and approve an amendment that enables us to  
18 develop 13, 42, and most of 48 as a separate  
19 single family residential development.

20 Q And Dr. Edwards, have you reviewed the  
21 applicant's exhibit marked as Exhibit 41 and  
22 identified by Ms. Leitzinger as the amended Basic  
23 Plan?

24 A Yes, I have.

25 Q And on behalf of Woodside Land



1 Investments LLC, is the requested Basic Plan  
2 layout more desirable than the original approved  
3 layout in the Basic Plan?

4 A Well -- well, absolutely. By approving  
5 this amendment, we are then in a position to  
6 develop the single family neighborhood in an --  
7 an efficient manner that will integrate with the  
8 adjacent properties.

9 Q And Dr. Edwards, have you reviewed the  
10 technical staff report --

11 A I did.

12 Q -- prepared by the Maryland National  
13 Capital Park and Planning Commission for this  
14 application and endorsed by the planning board?

15 A Yeah. Yes, I did.

16 Q And do you agree and accept the  
17 conditions and considerations of approval  
18 contained within the staff report?

19 A I do.

20 MR. ANTONETTI: Okay. Madam  
21 Examiner, I have no further questions at this  
22 moment for Dr. Edwards.

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

25 MS. MCNEIL: Thank you, Dr.

1 Edwards. I was trying to come up with one since  
2 you came, but. Thank you so much.

3 MR. ANTONETTI: Thank you. Thank  
4 you, Dr. Edwards.

5 If I could, Madam Examiner and Mr.  
6 Brown, if I could call Mr. Michael Lenhart as our  
7 next witness.

8 MR. LENHART: Good morning. Can  
9 you hear me okay?

10 MS. MCNEIL: Yes. Good morning,  
11 Mr. Lenhart.

12 Whereupon,

13 MIKE LENHART,  
14 a witness called for examination by counsel for  
15 the Applicant, was duly sworn, and was examined  
16 and testified as follows:

17 MS. MCNEIL: Thank you.

18 DIRECT EXAMINATION BY MR. ANTONETTI:

19 Q Thank you. That is an impressive  
20 headset, Mr. Lenhart.

21 A Thank you. For some reason, Zoom  
22 doesn't work unless I have this headset on, so I  
23 must embarrass myself every time.

24 Q Okay. If you could, Mr. Lenhart, could  
25 you please state your full name and professional

1 address?

2 A Yes. Michael Lenhart with Lenhart  
3 Traffic Consulting, 645 Baltimore-Annapolis  
4 Boulevard, suite 214, Severna Park, Maryland.  
5 21146.

6 Q And Mr. Lenhart, what is your position  
7 with Lenhart Traffic Consulting?

8 A I am the president and owner.

9 Q And have you been qualified as an  
10 expert as a traffic engineer?

11 A Yes.

12 Q And have you ever been qualified as an  
13 expert to testify before the zoning hearing  
14 Examiner?

15 A Yes, many times.

16 MR. ANTONETTI: Madam Examiner,  
17 Mr. Brown, Mr. Lenhart's CV is shown as Exhibit  
18 48 currently on the list of exhibits, and I would  
19 respectfully move Mr. Lenhart as an expert in the  
20 area of traffic engineering.

21 MS. MCNEIL: Mr. Lenhart will be  
22 accepted as an expert in the area of traffic  
23 engineering.

24 MR. ANTONETTI: Thank you.

25 BY MR. ANTONETTI:

1           Q     Mr. Lenhart, do you recognize what is  
2     currently marked as Exhibit 22 in the record of  
3     this case?

4           A     Yes.

5           Q     And does that represent your traffic  
6     impact study for this application?

7           A     Yes, that's correct.

8           Q     And Mr. Lenhart, are you familiar with  
9     the prior approvals concerning the subject  
10    property as they pertain to the subject site?

11          A     Yes, I am.

12          Q     And did you prepare the traffic impact  
13    statement marked as Exhibit 22?

14          A     Yes, I did.

15          Q     And can you briefly describe your  
16    findings regarding the traffic facilities as set  
17    forth in your traffic study?

18          A     Yes. So the traffic impact study that  
19    we prepared is a study that would normally be  
20    included as part of an adequacy assessment at the  
21    time of preliminary plan of subdivision. This  
22    detailed of analysis is not typically required at  
23    the time of a zoning map amendment. However due  
24    to the high number of approved background  
25    developments in the Westphalia area, a full

1 traffic study was prepared to prove that Section  
2 27-195(b)(1)(C) of the zoning ordinance would be  
3 satisfied.

4 Q And what developments did you use as  
5 background in your transportation study --  
6 traffic impact statement?

7 A We used a total of 25 developments,  
8 including you know, Smith Home Farm (ph.),  
9 Westphalia Center Parkside, to name a few there.  
10 I'm getting some feedback.

11 Q I am as well. So please continue. I  
12 think it might resolve.

13 A Okay. So a total of 25 developments.  
14 I don't think I need to name them all unless  
15 anybody has any questions, but these are  
16 developments we've worked on, many of them  
17 ourselves, and they've been included in as  
18 background in traffic impact studies for projects  
19 that have gone through the adequacy process.

20 Q And could you please describe the  
21 impact to any included study intersections as a  
22 result of the proposed development?

23 A Certainly. So the -- this amendment  
24 requests the development of up to 368 dwelling  
25 units. However, it is important to note that a

1 similar number of units would also be allowed  
2 under the existing zoning. What was previously  
3 approved for this -- this property. Therefore,  
4 the act of approving this zoning amendment will  
5 not substantially change the trip generation  
6 characteristics of what could be developed on  
7 this property based upon the existing zoning.

8       So again, the act of approval of this  
9 amendment will really not change the trip  
10 generation characteristics of -- of the allowed  
11 density today. And the actual impact of these  
12 368 dwelling units will be further tested at the  
13 time of the preliminary plan.

14       Q     Okay. And can you describe access to  
15 the subject site via the existing and/or proposed  
16 public road network?

17       A     Yes. And Ms. Leitzinger also described  
18 it in a fairly detailed fashion, so I'll -- I'll  
19 be brief, but the property does include MC 631.  
20 It's a major collector roadway with 100 foot  
21 right of way that runs through the site. It  
22 comes in to the western boundary of the property  
23 and runs easterly into the site, and then turns  
24 north and continues up toward Westphalia Road.  
25 Ultimately, MC 631 will be constructed north of

1 Westphalia Road to tie into Ritchie Marlboro Road  
2 through the Parkland (ph.) and Rock Creek (ph.)  
3 properties, and it would ultimately be developed  
4 and connected west of our property through  
5 Parkland and to tie into the Westphalia town  
6 center area.

7 Q And would it be your opinion that  
8 construction of MC 631, via its master plan  
9 alignment, would necessarily need to run through  
10 the subject property in order to be fully  
11 constructed?

12 A Yes. And that network would be  
13 adequate to handle the development generated by  
14 this site.

15 Q And have you reviewed the conditions of  
16 approval recommended by the planning staff  
17 pertaining to this application?

18 A Yes, I have.

19 Q Do you agree with all conditions in the  
20 staff report regarding transportation  
21 improvements?

22 A Yes.

23 Q And you mentioned this slightly  
24 earlier, but are you familiar with the criteria  
25 of approval of a Basic Plan related to

1 transportation and public facility adequacy as  
2 set forth in Section 27-195(b) (1) (C) of the  
3 zoning ordinance?

4 A Yes, I am familiar.

5 Q And in your opinion, does the subject  
6 request in this application -- I'm sorry. Does  
7 this application satisfy all transportation  
8 requirements set forth in the zoning ordinance  
9 concerning the approval of a Basic Plan?

10 A Yes, it does for all the reasons  
11 testified, I'll just briefly summarize again,  
12 the -- the current zoning would essentially allow  
13 similar density on this site.

14 So the approval of this zoning really has no  
15 significant impact on what -- what could be  
16 generated based on the current zoning and the  
17 criteria for approval. 27-195(b) (1) (C) states  
18 that a requirement that the transportation  
19 facilities which are existing, or under  
20 construction, or are 100 percent allocated with  
21 the -- within the current CIP, or CTP, or will be  
22 provided by the applicant will be adequate --  
23 adequate to carry the anticipated traffic.

24 The traffic impact study that we conducted  
25 again, is in accordance with what is required at



1 the time of preliminary plan, and that study  
2 shows that this will be able to satisfy that  
3 requirement.

4 MR. ANTONETTI: Thank you, Mr.  
5 Lenhart.

6 Madam Examiner, I have no further  
7 questions at this point.

8 MR. BROWN: No questions. Thank  
9 you, Mr. Lenhart.

10 THE WITNESS: Thank you.

11 MS. MCNEIL: Just one, and it's  
12 just to make it a little more clear in the  
13 record. So all of the intersections, all of the  
14 level of service results passed the test, there  
15 were some failures?

16 THE WITNESS: So yes, you are --  
17 you are correct. There are some failures.  
18 Specifically the intersection of route 4 and  
19 Westphalia Road is projected to fail. There is a  
20 PFFIP (ph.), it's a public financing -- a public  
21 facilities financing program that was approved by  
22 the counsel in 2010, that has been applied to all  
23 developments that have been approved in  
24 Westphalia.

25 At the time of preliminary plan,

1   that will be applied here as well.  It's a  
2   payment based upon the pro rata impact that this  
3   development will have on the Route 4 at  
4   Westphalia Road intersection.  And that again,  
5   that's been applied to every development in the  
6   Westphalia's sector plan.

7                   The -- the intersection of  
8   Suitland Parkway at Route 4, that interchange  
9   fails.  That is currently funded for construction  
10  and under construction by State Highway  
11  Administration, and the fact that it is funded  
12  fully allows us to take into consideration those  
13  improvements, and -- and it does pass with that.

14                   The intersection of Ritchie  
15  Marlboro, Westphalia Road fails as -- it fails  
16  the three step test for unsignalized  
17  intersections.  That will at the time of  
18  preliminary plan, the standard practice for that  
19  is that it would receive a condition of approval  
20  that requires signal warrant study, and if a  
21  signal is warranted, to install said signal.

22                   Now that is unless that  
23  improvement -- unless a signal is bonded and  
24  permitted by another entity before we get to that  
25  stage.  If that occurs, then the intersection

1 would be deemed adequate.

2                   The intersection of Westphalia  
3 Road at Darcy Road, same situation. That is it  
4 did not pass the three step test, and it would go  
5 through the same thing. A condition for a signal  
6 warrant study, install a signal if required. Or  
7 if it's bonded and permitted by another entity  
8 before this project pulls building permits, then  
9 that would be deemed adequate.

10                   MS. MCNEIL: Go ahead, Mr.  
11 Antonetti.

12                   MR. ANTONETTI: I'm sorry, Madam  
13 Examiner. I didn't mean to cut you off. I just  
14 wanted to clarify that these conclusions that  
15 were just summarized are reflected on page 32 and  
16 33 of Applicant's Exhibit 22, which is the  
17 traffic impact statement of Mr. Lenhart.

18                   THE WITNESS: That's correct.

19                   MS. MCNEIL: Thank you. I didn't  
20 have further questions. Anyone else? Stan?  
21 Okay.

22                   Anymore, Mr. Antonetti?

23                   MR. ANTONETTI: That's all I have.

24                   MS. MCNEIL: Okay. Thank you, Mr.  
25 Lenhart.

1 THE WITNESS: Thank you all.

2 MS. MCNEIL: Mr. Antonetti, unless  
3 someone else can answer this, and maybe John  
4 will, I did have a question about one of the  
5 conditions and staff's recommendations where they  
6 want the development fronting West Valley Road to  
7 be single family lots. That threw me off because  
8 the whole thing is single family, isn't it? So  
9 if John can -- it doesn't have to be Rachel if  
10 somebody else can answer that.

11 MR. ANTONETTI: Okay. Or I mean,  
12 I can for -- contextually I can just -- I had the  
13 blessing of Mr. Horne to represent Toll Brothers  
14 back in 2006 and 2007, and that is, I believe, a  
15 hangover condition from the original Basic Plan.  
16 And I wasn't privy to formulation of the  
17 conditions -- which ones they wanted to bring  
18 forward. But I would agree that perhaps it's  
19 unnecessary, given the entirety of the project is  
20 single family detached.

21 MS. MCNEIL: Thank you.

22 MR. ANTONETTI: And so if there's  
23 any other questions, we're here. And Mr.  
24 Ferrante is -- can certainly add any color to  
25 what I just said, if necessary.

1 MS. MCNEIL: So Mr. Ferrante, good  
2 morning.

3 MR. FERRANTE: Good morning.  
4 Whereupon,

5 JOHN FERRANTE,  
6 a witness called for examination by counsel for  
7 the Applicant, was duly sworn, and was examined  
8 and testified as follows:

9 MR. FERRANTE: I'm sorry you had  
10 to swear me in, but I just wanted to state that I  
11 fully agree with Mr. Antonetti on his statement.

12 MS. MCNEIL: Okay. About the  
13 condition?

14 MR. FERRANTE: Yes, ma'am.

15 MS. MCNEIL: Okay. Thank you.

16 MR. ANTONETTI: Mr. Ferrante fully  
17 agreeing with me under oath is impressive. I  
18 have to get a transcript of this. Thank you.  
19 Thank you for your indulgence and allowing us to  
20 explain.

21 The last witness I have today is  
22 Mr. Ken Dunn. So I'd like to call him, if you'll  
23 allow.

24 MS. MCNEIL: I didn't realize that  
25 was going to be the shortest testimony I've ever

1     gotten from Mr. Ferrante.   Okay.

2                     Mr. Dunn, good morning.

3                     MR. DUNN:   Good morning.

4     Whereupon,

5                     KEN DUNN,

6     a witness called for examination by counsel for

7     the Applicant, was duly sworn, and was examined

8     and testified as follows:

9                     MS. MCNEIL:   Thanks.

10                    DIRECT EXAMINATION BY MR. ANTONETTI:

11            Q     Good morning, Mr. Dunn.

12            A     Good morning.

13            Q     Could you please state your full name  
14     and professional address for the record?

15            A     I'm Ken Dunn.   I'm with Soltesz.   We  
16     are located at 4300 Forbes Boulevard, Lanham,  
17     Maryland, 20706.

18            Q     Okay.   And what is your position with  
19     Soltesz, LLC?

20            A     Vice president and general manager.

21            Q     And have you ever been qualified as an  
22     expert in the area of land planning?

23            A     Yes, I have.

24            Q     And have you testified as a land  
25     planner before the zoning hearing examiner?

1           A     Yes, I have. Including the previous  
2 iterations of the Basic Plan that we're amending  
3 here today.

4                   MR. ANTONETTI: Madam Examiner,  
5 Mr. Brown, I believe what's marked as Exhibit 47  
6 is Mr. Dunn's CV and resume. I'd like to move  
7 him as an expert in the area of land planning for  
8 this application.

9                   MS. MCNEIL: Nothing from Mr.  
10 Brown?

11                  MR. BROWN: Oh, of course. No  
12 objection.

13                  MS. MCNEIL: I thought you were  
14 going to say the prior iteration of the ZAGs.  
15 And I was like, wow, you're really up there. But  
16 okay, you will be accepted as an expert in the  
17 area of land use planning.

18                  THE WITNESS: Thank you.

19                  BY MR. ANTONETTI:

20           Q     Mr. Dunn are you familiar with the  
21 proposed amended Basic Plan marked as Exhibit 41?

22           A     Yes, I am.

23           Q     And would you please describe the  
24 adjoining properties, including zone and any  
25 development including existing or proposed

1 development associated therewith?

2 A Certainly, to the north of the subject  
3 property is what we previously referred to as  
4 Case and Year Gap properties. Those were the  
5 subject of A-9973-02. They're currently zoned  
6 LCD and they were classified as R-M previously.

7 To the south, including some Park and  
8 Planning owned property, zoned LCD is what's  
9 referred to as the Parkside Subdivision, also  
10 LCD. To the east is the Marlborough Ridge  
11 community, zoned R-R. And finally to the west is  
12 the R-M zoned Parkside property as well.

13 Q Thank you. And Mr. Dunn, are you  
14 familiar with the staff report prepared by the  
15 Maryland national Capital Park and Planning  
16 Commission for this case?

17 A Yes, I've read this. I've read it.

18 Q And are you familiar with the various  
19 referrals by the divisions of MNCPPC and other  
20 agencies provided as the basis for the staff  
21 report?

22 A Yes, I've read them too.

23 Q And are you familiar with the previous  
24 Basic Plan approved for the property?

25 A Yes, I am.



1           Q     And again, quickly, for the record what  
2     is the current zone of the property?

3           A     Currently zoned LCD.  Previously it was  
4     classified as R-M.

5           Q     And in your opinion, what are the  
6     purposes of this Basic Plan amendment?

7           A     The purpose of this Basic Plan  
8     amendment is to do what we similarly did to the  
9     two previous amendments, which was to propose a  
10    divide to the initial Basic Plan approved area by  
11    allowing parcels 13, and 42, and a portion of 48  
12    to remove from the original land bay of A-9973.  
13    13, 42, and partial 48 will stand on their own as  
14    a separate Basic Plan under this amendment.  The  
15    division is necessary because of the original  
16    assemblage of the properties is no longer under  
17    common ownership, which has been testified to  
18    previously.  That was the case under A-9973.  
19    It's no longer the case.

20          Park and Planning has subsequently purchased  
21    150 acres of the of what was originally known as  
22    Woodside Village under A-9973.  There have been,  
23    as I mentioned, two separate Basic Plan  
24    amendments, one for the Case Year Gap properties.  
25    That was A-9973-02, and one for the Ardean

1 property, that was A-9973-01. This application  
2 certainly allows for the appropriate residential  
3 development of parcels 13, 42, and a portion of  
4 48, which all -- all property controlled by the  
5 applicant.

6 Q Okay. And Mr. Dunn, what's the maximum  
7 density the applicant is seeking in this  
8 application?

9 A The applicant proposes 359. It's a  
10 range of 359 to 368 single family detached units,  
11 which equates to a 3.6 to 3.68 dwelling units per  
12 acre, slightly above the base density allowed  
13 under the R-M zone, but well under the maximum  
14 density of 5.7 dwelling units.

15 Q And Mr. Dunn, are you familiar with the  
16 2007 Westphalia Sector plan and sectional map  
17 amendment?

18 A Yes, I am.

19 Q And is the subject property within this  
20 application located within the area governed by  
21 the 2007 Sector Plan?

22 A It is.

23 Q And what are the current sector plan  
24 recommendations for the site?

25 A So the 2007 Westphalia Sector Plan

1 recommends low density residential land use.  
2 The -- and specifically the sector plan  
3 recommends that the residential areas outside of  
4 the core of the Westphalia town center consist of  
5 townhouses and small lot single family homes, to  
6 add diversity to the neighborhoods, or as a  
7 transition between higher density, and lower  
8 density neighborhoods.

9 Q Based on that characterization of the  
10 recommendations of the sector plan, is it your  
11 opinion that this basic Plan amendment conforms  
12 with those recommendations?

13 A I believe it does.

14 Q And can you explain in your opinion why  
15 you believe that?

16 A Yeah, I can. This application proposes  
17 single family detached units, and they're --  
18 they're smaller units, to serve as the  
19 transitional buffer between the denser park side  
20 and the Westphalia Town Center projects to the  
21 south. The design proposed in this amendment  
22 reflects what I believe to be an efficient and  
23 interconnected street system, that seamlessly  
24 ties the adjacent Parkside project and the  
25 other -- the other previous -- previously

1 approved amendments together.

2 Q And Mr. Dunn, are you familiar with  
3 Section 27-197(b) of the zoning ordinance, which  
4 authorizes an amendment of an approved Basic  
5 Plan, which divides the plan into one or more  
6 separate Basic Plans?

7 A Yes, I am. I am familiar with that.

8 Q And in your opinion -- or can you  
9 explain for the Examiner how this application  
10 meets the criteria set forth in Section 27-  
11 197(b), regarding the division of a Basic Plan?

12 A Yeah. The 27-197(b) allows for an  
13 approved Basic Plan to be separated into two or  
14 more Basic Plans, where significant changes in  
15 circumstances with regard to the approved Basic  
16 Plan have created practical difficulties for the  
17 applicant. To the extent that unless the Basic  
18 Plan is amended, the applicant will be unable to  
19 proceed. I believe that's occurred in this case.

20 Q Mr. Dunn, does the proposed application  
21 meet the criteria set forth in Section 27-  
22 197(b) (4) (A) through (F) in the zoning ordinance?

23 A It does.

24 Q And could you please explain in your  
25 opinion how it does?

1           A       So under 27-197(b) (4) (A) through (F),  
2   you have a -- you have multiple layers of  
3   requirements. The first one is under (4) (A) that  
4   the -- that the District counsel can find that  
5   the approved -- the -- the approval of the  
6   amended base plan will not result in a change in  
7   the land area, or an increase in land use  
8   density, or intensity. So the proposed -- this  
9   proposal does not involve an increase in the  
10   overall density for the overall Woodside Village  
11   development, as set forth under A-9973.

12           The central purpose of this Basic Plan  
13   amendment is to divide the Basic Plan area by  
14   deleting the applicant's property from the total  
15   assemblage, much as we've done previously under  
16   the two previous applications, so that it can  
17   operate on -- on its own.

18           The remaining parcels have already obtained  
19   the -- the approvals. So all we're really doing  
20   is -- is mirroring those actions. As a result,  
21   the actions are the actors property. This active  
22   property will be able to stand on its own. The  
23   overall residential development of the Woodside  
24   Village would not exceed what was what was  
25   specified earlier as 1,497 dwelling units, which

1 was the number proposed -- approved under A-9973.

2 Q Would it be your opinion regarding the  
3 this amended Basic Plan, does it impair, in your  
4 opinion, the character of the original approved  
5 Basic Plan with respect to any land uses, density  
6 ranges or unit types, and other elements?

7 A It does not impair it at all.

8 Q And again, for clarity, would approval  
9 of this Basic Plan amendment allow for this Basic  
10 Plan area to stand on its own in terms of  
11 development?

12 A Yes. Yes, it will.

13 Q Okay. And in your opinion, would any  
14 owner of land which was included in the original  
15 Basic Plan, would they be denied any reasonable  
16 use of their property?

17 A They would not.

18 Q Mr. Dunn, are you familiar with Section  
19 27-195(b) of the zoning ordinance as it pertains  
20 to the criteria of approval for an amendment to  
21 an approved Basic Plan?

22 A Yes, I am.

23 Q And in your opinion, does the instant  
24 application meet the criteria in Section 27-  
25 195(b)?

1           A     It does.

2           Q     And in your opinion -- well, sorry.  
3     Have you heard and understood the testimony  
4     provided by other witnesses in this case that  
5     have appeared before the Zoning Hearing Examiner  
6     today.

7           A     I have.

8           Q     And have you reviewed the technical  
9     staff report recommending approval of this case?

10          A     I have.

11          Q     And do you agree with the recommended  
12     conditions of approval?

13          A     I do.

14          Q     And based on -- excuse me -- based on  
15     your review of the application materials, the  
16     recommended findings and conditions of approval  
17     in the staff report, and your understanding of  
18     the testimony from the witnesses that have  
19     testified in this case, is it your opinion that  
20     this application meets all the requirements and  
21     criteria for approval of the Basic Plan  
22     amendment, as set forth in the zoning ordinance?

23          A     Yes, I believe it does. I believe that  
24     it meets the intent of the 2007 Westphalia sector  
25     plan. I think it -- it meets the intent of the

1 zoning pattern, I believe it meets the intent and  
2 the regulations found under 27-197(b), and I  
3 believe it meets the regulations under -- that  
4 can be found under 27-195(b) as well.

5 MR. ANTONETTI: And Madam  
6 Examiner, I have no further questions of Mr. Dunn  
7 at this moment.

8 MS. MCNEIL: Mr. Brown?

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

11 THE WITNESS: Thank you.

12 MS. MCNEIL: Give me a second. I  
13 had one question about the requirement under (b)  
14 criteria for approval, that other planned  
15 facilities, such as schools, et cetera, will be  
16 adequate for the uses proposed, because the  
17 answer given by staff pretty much states that  
18 we'll do that at the preliminary plan stage. But  
19 so why is it in this provision?

20 THE WITNESS: Well, so why --

21 MS. MCNEIL: Why do you think.

22 THE WITNESS: That's pretty broad.  
23 That's a pretty big question. Why is that -- I  
24 think that what they're trying to do is get a  
25 basic understanding of what the various adequate



1 public facilities are out there that we  
2 traditionally test for in Prince George's County,  
3 such as schools, such as road adequacy. Those  
4 are the two big ones, and I think, you know, a  
5 recent -- generally recently, we've added police  
6 and fire to our adequate public facility testing  
7 procedures.

8                   So to the extent that we can  
9 identify those adequate facilities today under a  
10 Basic Plan, that fits within the overall Prince  
11 George's County land development process, it's  
12 asking us our opinion as to whether or not we  
13 do -- we can't determine whether we meet them  
14 today or if we -- if we believe based on the data  
15 we have available to us, that we can we know  
16 under Mr. Lenhart's testimony That roads meet  
17 that definition are adequate.

18                   MS. MCNEIL: Yeah, I'm good with  
19 roads and even schools because you'll have to  
20 pay. But I was just wondering if anybody looked  
21 at libraries under the --

22                   THE WITNESS: Normally these are  
23 tested under the preliminary plan of subdivision  
24 process, right, in great detail. Ultimately  
25 under schools is a -- well characterized as pay

1 and go, which, you know, is sufficient for our  
2 purposes.

3 I think we can -- we can make the  
4 assumption that we will pay and go in order to --  
5 in order to meet that obligation. Unfortunately,  
6 fire rescue life safety is can really only be  
7 determined at the time of preliminary plan when  
8 the numbers come out. So it's a little bit more  
9 difficult to identify that one. But we haven't  
10 had a problem to date with the previous cases,  
11 and under A-997-03. So we can -- we can make --

12 MS. MCNEIL: And do you -- do you  
13 know off -- do you know off the top of your head,  
14 and I guess I could take judicial notice, but if  
15 you could tell me if any firehouses near you? I  
16 know there's one off of Pennsylvania and probably  
17 one on Richie.

18 THE WITNESS: I --

19 MS. MCNEIL: And probably one in  
20 Upper Marlboro, but I like the witness to tell me  
21 if you know.

22 THE WITNESS: I think, top of my  
23 head, I can't think of any with assurance right  
24 now, but I mean, I can -- it would be easy enough  
25 if you would allow to keep the record over for us

1 to give you a map that demonstrates the location  
2 and their proximity.

3 MS. MCNEIL: And you all could  
4 probably do that really quickly, right, because I  
5 know I'm under a time crunch with this case, I'll  
6 be meeting my time crunch. But if you could give  
7 me something like that briefly, just in case  
8 anyone had questions about that one section.

9 THE WITNESS: I'm pretty sure I  
10 can get that --

11 MS. MCNEIL: We sort of skimmed  
12 over it by.

13 THE WITNESS: By the end of the  
14 day, if that's okay?

15 MS. MCNEIL: And oh, wait a  
16 minute, you weren't finished, were you, Mr.  
17 Antonetti? So go ahead. You might get to my  
18 next point anyway.

19 MR. ANTONETTI: No, Madam  
20 Examiner. Please continue. Well, I mean, we  
21 could -- yes, we can --

22 MS. MCNEIL: Oh, okay.

23 MR. ANTONETTI: We can provide  
24 that information.

25 MS. MCNEIL: Then my only other

1 thing was, I know that the CDZ (ph.), at the CDZ  
2 stage, we're supposed to talk about housing to  
3 serve all income groups. But I noticed in this  
4 file that there was some mention that there  
5 will -- that you think that you are of a benefit  
6 because you will try to address the housing needs  
7 of the various groups, the seniors, those new to  
8 purchasing homes. I was wondering where all that  
9 information came from. I think this was in your  
10 statement of justification, but it might have  
11 also been in the staff report, I apologize.

12 MR. ANTONETTI: Madam Examiner,  
13 just to -- I believe you're referring to page 17  
14 of our statement of justification again, which is  
15 found in Exhibit 74, page 1167 to 1197. Dated  
16 December 5th, 2024, addressing Section 27487  
17 housing provisions. So I think you summarized it  
18 accurately based on --

19 MS. MCNEIL: Do you think at this  
20 time -- I mean, you aren't held to it. I don't  
21 believe you're held to it but do you think at  
22 this time you all will be addressing senior  
23 housing in this development? Or is the idea that  
24 it'll be small enough, so if seniors -- it would  
25 be convenient for seniors.

1 MR. ANTONETTI: The latter.

2 MS. MCNEIL: Okay.

3 MR. ANTONETTI: Certainly we're  
4 not we're not precluding the opportunity to do  
5 age restricted if that was proposed, but that  
6 there's no specific plan for that other than the  
7 type of housing, the size of it meeting that  
8 potential need in the market.

9 MS. MCNEIL: All right. Thank  
10 you, Mr. Dunn, Mr. Antonetti.

11 MR. ANTONETTI: Thank you. Madam  
12 Examiner, I have no further questions of Mr.  
13 Dunn. And with that, I --

14 MS. MCNEIL: Mr. Brown asked you,  
15 and that is a good point, if you were able to  
16 show us or point out the differences in the staff  
17 reports. But if you wanted to leave the record  
18 open for a short document with that as well,  
19 either way you want to do it. But that would be  
20 helpful because I've been trying to read all of  
21 it together and --

22 MR. ANTONETTI: Yes. And thank  
23 you for that opportunity for that clarification,  
24 Mr. Brown, that's an excellent suggestion. There  
25 was, I mentioned an additional backup that was

1 included with the planning board's item, agenda  
2 item, approving the transmission of the staff  
3 report, outlining the modifications. It's on a  
4 memo dated January 29th, 2025, and it goes  
5 through the changes that were made to the  
6 conditions and why they were made.

7 I didn't see that -- I apologize,  
8 I didn't see that in item 74 which was the TSR  
9 plus backup. I may have missed it. It is a  
10 rather large item, but I think that would bring  
11 clarity to it as to what specifically changed and  
12 why. I see Mr. Hurlbut (ph.) from the commission  
13 has joined us, supervisor of the zoning section.  
14 If he wanted to add any further insight as to  
15 the -- what that document does, but I think that  
16 would be -- if it's not in the record, I'd like  
17 the opportunity to submit that if it's possible.

18 MS. MCNEIL: Hey, there you are.  
19 How are you, Mr. Hurlbut?

20 MR. HURLBUT: Good, I apologize.  
21 I'm jumping in and out with other meetings going  
22 on. So what was the question specifically?

23 MS. MCNEIL: There may have been a  
24 January 29th memo that you all did that explained  
25 what the difference was between the original

1 technical staff report and the one that was sent  
2 after the planning board adopted your staff  
3 report as its own.

4 MR. HURLBUT: Right.

5 MS. MCNEIL: Are you aware -- I  
6 don't see that I see it. So if I left the record  
7 open to be able --

8 MR. HURLBUT: We did not submit  
9 it. We did not submit it as part of the record  
10 because the recommendation of the planning board  
11 is what transpired after the memo, and so we  
12 didn't see a need for that. But it is --

13 MS. MCNEIL: Oh, okay.

14 MR. HURLBUT: -- online in the  
15 planning board's documents, or it's something I  
16 can provide, if you so desire.

17 MS. MCNEIL: Well, wait a minute,  
18 wait a minute, though. So maybe we don't need it  
19 if what you gave us is not different from --

20 MR. HURLBUT: It is different.

21 MS. MCNEIL: Okay.

22 MR. HURLBUT: So the staff report  
23 changed. You know, I heard earlier the People's  
24 Zoning Counsel asking the question of the  
25 applicant, and so there was a staff report that

1 was published, and then conditions have already  
2 been met through other -- the other two  
3 applications or the wording was changed. So we  
4 deleted conditions and we modified the language I  
5 think of -- I forget the number of conditions,  
6 but ultimately the final conditions are the final  
7 recommendation of the planning board.

8 MR. BROWN: Well, that's why I  
9 asked the question --

10 MS. MCNEIL: Go ahead.

11 MR. BROWN: -- because the memo  
12 wasn't in the file. That caused me some  
13 confusion. I think we need to have in this  
14 record this January 20, 25th, whatever date it is  
15 memorandum that itemizes the modifications,  
16 whether they've been done in a prior 01, or 02  
17 Basic Plan, or they're being done now, we need to  
18 understand what they were. So please place that  
19 memorandum in this file.

20 MR. HURLBUT: That's typically not  
21 what we've done, and -- but upon the request, I  
22 think it's something we can probably provide,  
23 because I don't think the law requires us to do  
24 that. It just requires us to provide the  
25 planning board's recommendation. But we can



1 provide that if -- so --

2 MR. BROWN: The evidentiary  
3 hearing is different from what is submitted to  
4 the planning board. We're creating the  
5 evidentiary record here, and if you had facts and  
6 conclusions that informed the planning board and  
7 the planning staff, we need to have that in this  
8 file.

9 MR. HURLBUT: Okay. We can  
10 provide that, and it's a -- and also it's a  
11 matter of public record on our website as well.

12 MS. MCNEIL: Oh okay. Then if  
13 it's on your website, we can make Mr. Antonetti  
14 send it to us, since he's going to give us a got  
15 to get us --

16 MR. ANTONETTI: I'll send in that  
17 memo.

18 MS. MCNEIL: Okay.

19 MR. ANTONETTI: I have it. I'll  
20 have it in digital format, so I'll send that for  
21 you.

22 MS. MCNEIL: Okay. Thank you, Mr.  
23 Hurlbut.

24 So did you have other witnesses?

25 MR. ANTONETTI: I do not have any

1 other witnesses. I could move to a quick  
2 conclusion, if that --

3 MS. MCNEIL: Okay.

4 MR. ANTONETTI: -- please, Madam  
5 Examiner.

6 MS. MCNEIL: Of course. Go ahead.

7 MR. BROWN: Can you sum up, Mr.  
8 Antonetti, I was sort of curious. In 01 and 02  
9 amendments, there were persons in opposition, or  
10 if not in opposition, who were just curious about  
11 the Basic Plans, and I'm sort of curious as to  
12 why there's no one here today, either in  
13 opposition or just monitoring the case. In the  
14 file were there affidavits of posting?

15 MR. ANTONETTI: Yes.

16 MS. MCNEIL: Yes.

17 MR. BROWN: You weren't contacted  
18 by anybody in the community along Westphalia  
19 Road?

20 MR. ANTONETTI: We have been in  
21 contact with residents of Sun Valley (ph.)  
22 estates, Westphalia Estates. We had a meeting at  
23 the end of January with representatives of  
24 surrounding communities, and all previous party  
25 record mailings were made, informational and pre

1 acceptance mailings as well as the site was  
2 posted. So our outreach has continued.

3                   It's really a continuation of the  
4 development pattern that's occurring in the other  
5 portions of Woodside Village. So I think there  
6 is a general acceptance and understanding of  
7 what's going on, on the property as a whole, and  
8 given where this property is located kind of  
9 deeper in, and being single family detached, this  
10 is my opinion, I think has helped assuage any  
11 concerns of --

12                   MS. MCNEIL: Okay. So we're going  
13 to stop that opinion.

14                   MR. ANTONETTI: Okay.

15                   MS. MCNEIL: But I would also note  
16 that we had a prior person of record come from  
17 the planning board. And we sent -- we sent an  
18 email to everyone that was on their personal  
19 record list and the property was posted. And we,  
20 despite our always looking out for it, we have  
21 not received any requests from others to become  
22 persons of record. We did have two citizens that  
23 request -- well that that were on the last one  
24 and we sent them the notice and the link. So  
25 they are persons of record. They may have a

1 concern after the hearing, but no one has wanted  
2 to speak here.

3 MR. ANTONETTI: Right. I did see  
4 Ms. Burton, Ramona Burton (ph.), was online and I  
5 believe she's in support of the application. So  
6 I don't know if she --

7 MS. MCNEIL: I saw her name  
8 earlier then, and I asked if anybody was opposed  
9 and she didn't speak up.

10 MR. ANTONETTI: Right. No, I  
11 don't believe she's in opposition. I won't speak  
12 for her.

13 MR. BROWN: Okay.

14 MS. MCNEIL: Even though I just  
15 did speak for her. But I need more coffee.  
16 Forgive me. Do you have any other things in  
17 closing?

18 MR. ANTONETTI: I don't, other  
19 than just quickly, based on the evidence in the  
20 record, including the testimony, here today, the  
21 applicant does respectfully request that Madam  
22 Examiner approve Basic Plan amendment A-9973-03,  
23 consistent with the applicant's December 5th,  
24 2024 statement of justification and the revised  
25 Technical Staff Report in Exhibit 74, containing

1 eight conditions.

2 I will note that we will submit  
3 the additional backup mentioned, describing the  
4 changes made to the conditions and the staff  
5 report, and we will provide a brief exhibit  
6 showing the location of nearby emergency services  
7 for the record as well. So if we could request  
8 that you keep the record open just long enough  
9 for us to submit those items. We'd be greatly  
10 appreciative.

11 And with that, we thank you for  
12 your consideration of this application and for  
13 your time today. We appreciate it.

14 MS. MCNEIL: I thank you all very  
15 much for being here today. And then the record  
16 will close as soon as we receive that  
17 information. But the hearing is over. So my 30  
18 days runs from tomorrow or today. Okay. Thank  
19 you all very much.

20 MR. ANTONETTI: Thank you, Mr.  
21 Brown, we'll copy you as well on that material as  
22 well.

23 MR. BROWN: All right. That'd be  
24 great. Thank you.

25 MS. MCNEIL: All right. Thank you

1 all.

2 MR. ANTONETTI: Thank you so much.

3 MS. MCNEIL: Thank you, staff. .

4 MR. ANTONETTI: Thank you, staff.

5 THE BAILIFF: We adjourn.

6 (Whereupon, the proceedings were

7 concluded.)

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## 1 C E R T I F I C A T E

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4 I, Raven Wood, certify that the foregoing  
5 transcript is a true and accurate record of the  
6 proceedings.

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8

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10 \_\_\_\_\_

11 RAVEN WOOD

12 CDLT-305

13

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19 Date: February 25, 2025

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