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Transcript of Hearing

Date: March 19, 2024

Case: In Re: Espirales Montessori Bilingual LLC

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Transcript of Hearing
Conducted on March 19, 2024

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> <p>TRANSCRIPT OF AUDIO-RECORDED HEARING IN THE MATTER OF ESPIRALES MONTESSORI BILINGUAL LLC</p> <p>PRINCE GEORGE'S COUNTY OFFICE OF THE ZONING HEARING EXAMINER</p> <p>MARCH 19, 2024</p> <p>Job No.: 531111 Pages: 1 - 167 Transcribed by: Christian Naaden</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> <p>And as I was saying, I'm getting ready to turn it over to the Simaseks and their attorney after the attorneys introduce themselves for the record. But I just wanted to say again that it's being recorded.</p> <p>Some of you had wanted to provide written testimony. You can do it today once I swear you in and you state your name and address. Remind me that you have written testimony.</p> <p>And you may have to e-mail it again, but we'll make sure it's a part of the record unless there's objections. So, I think I got it all. If Counsel will identify themselves for the record.</p> <p>MS. SCUDDER: Good morning, Madam Examiner. Traci Scudder, for the record. Can you hear me okay?</p> <p>MS. MCNEIL: Yes.</p> <p>MR. BROWN: Good morning. Stan Brown, people's zoning counsel.</p> <p>MS. MCNEIL: Good morning. Okay. Ms. Scudder, we'll give it to you now.</p> <p>MS. SCUDDER: Madam Examiner, Mr. Brown froze and is -- are you seeing that?</p> <p>MS. MCNEIL: I just saw him move his head.</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> <p>PROCEEDINGS</p> <p>MALE 1: Hello, tech support. Can you hear us?</p> <p>FEMALE 1: Do we have to start again?</p> <p>MALE 2: We can hear just fine.</p> <p>FEMALE 2: Yes.</p> <p>MS. MCNEIL: Okay. So, are we recording again?</p> <p>FEMALE 2: No. It's on pause. I'm waiting.</p> <p>MS. MCNEIL: Oh.</p> <p>AUTOMATED VOICE: Recording stopped. Recording in progress.</p> <p>FEMALE 2: It's now recording. I'm not sure if they're ready.</p> <p>FEMALE 1: Are you ready? We're ready.</p> <p>FEMALE 2: Okay. It's running.</p> <p>MS. MCNEIL: Okay. Me, again, Maurene McNeil. Today is also March 20th and we're here on special exception 2023-001, the at -- the applicants are Claudia and Ben, please forgive me until I hear it officially, Simasek. Hope that was pretty close.</p> <p>MR. SIMASEK: Simasek, pleasure. Yes.</p> <p>MS. MCNEIL: Simasek, sorry. Simasek. And the request is for a daycare center for up to 16 children.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> <p>MR. BROWN: Yeah. I'm -- I -- I'm alive, Stacey [sic]. I'm here.</p> <p>MS. SCUDDER: Hopefully that doesn't happen to me. I have a backup though, have my backup laptop. So, hopefully I don't freeze.</p> <p>MS. MCNEIL: Okay. So, we're ready for you to start if you're ready.</p> <p>MS. SCUDDER: Okay. Thank you. Good morning, everyone. And again, thank you, Madam Examiner. And, for the record, Traci Scudder with the Law Office of Traci R. Scudder, LLC, rep- -- representing the applicant in this case. This is a special exception application for a daycare center for 16 children.</p> <p>I'll quickly go through the procedural history. The applicant had filed this application, Mr. Ben Simasek, pro se, and recently retained me to take him through this hearing today. The applicant filed the application, the special exception, on -- on their own, they prepared a statement of justification, they handled the required notice mailings and sign postings.</p> <p>And I have actually rewritten a statement of justification, Madam Examiner. I would like to submit</p>

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<p style="text-align: right;">5</p> <p>1 my statement of justification into the record. If it 2 would be okay with you, we can send it to you now by e- 3 mail. 4 MS. MCNEIL: Okay. Let me clarify. Ms. Bah, 5 would it be exhibit 16? 6 FEMALE 1: Yeah. 7 MS. MCNEIL: So, you'd like -- you said yes? 8 Okay. So please e-mail it to -- to Stan Brown, myself, 9 and Ms. Bah, and we'll get it admitted as exhibit 16. 10 MS. SCUDDER: Okay. And I believe you already 11 have the notice mailings and the sign posting 12 affidavits and information, and I believe that's 13 already on your exhibit list, exhibits 5 and 6. So, I 14 think we're good there. Okay. 15 And I have several witnesses here this morning 16 that are going to testify in special exception SPE- 17 2023-001. My first witness is going to be Ms. Kelley 18 Okleson, who is the landscape architect who prepared 19 the site plan. 20 Then I will call Mr. Ben Simasek, and then I 21 will call Mrs. Simasek, Claudia Simasek. And then 22 lastly, I'll put on Mr. Steven Gaskins, who I hope to</p>	<p style="text-align: right;">7</p> <p>1 MS. MCNEIL: And -- 2 MS. SCUDDER: Okay. 3 MS. MCNEIL: And we should have that ability 4 as well. I was going to ask it to -- I was going to ask 5 that it be put up. So -- 6 MS. SCUDDER: Okay. Yes. If -- if it's okay, 7 when I call her, she'll be ready to share her screen so 8 that she can actually have the ability to use her 9 cursor to point things out on the markup plan. So, 10 hopefully, that'll be helpful. 11 MS. MCNEIL: Okay. But I -- I do want you to 12 e-mail it as well -- 13 MS. SCUDDER: Okay. 14 MS. MCNEIL: -- before that. Okay. 15 MS. SCUDDER: I believe Ms. Myers is going to 16 send that in right now. 17 MS. MCNEIL: Okay. 18 MS. SCUDDER: So, with that, I think that's 19 all the preliminary matters I wanted to bring up. We 20 also have photos, Madam Examiner. 21 We can e-mail those in as well. I think it 22 might be helpful for us to go ahead and submit those,</p>
<p style="text-align: right;">6</p> <p>1 be able to qualify as our expert land planner in this 2 case. I'll save him for last. 3 So, but for this hearing, our landscape 4 architect, she did prepare a markup site plan, Madam 5 Examiner. And she'll go through that information with 6 you when I call her. 7 But would you like for us to go ahead and e- 8 mail that in now so that you will be able to have it in 9 front of you, and Mr. Brown will have it in front of 10 him as we -- as she testifies? 11 MS. MCNEIL: Sure. 12 MS. SCUDDER: Okay. And so, I -- that would be 13 -- the markup plan would be exhibit 17. 14 MALE 3: Yes. 15 MR. BROWN: Ms. Scudder, you know, it's going 16 to be difficult to read a statement of justification 17 you're submitting now while this case is going on as 18 well as looking at this markup. Do you have the ability 19 to put this markup on the screen while this young lady 20 is testifying? 21 MS. SCUDDER: Yes, sir. 22 MR. BROWN: All right.</p>	<p style="text-align: right;">8</p> <p>1 because there might be some points throughout our 2 testimony that we might need to point to a particular 3 photo. So, can we also submit the photos at this time? 4 MS. MCNEIL: How many are there? 5 MS. SCUDDER: Ms. Myers? 6 MS. MYERS: I -- I believe there's about 10 or 7 12. 8 MR. BROWN: Madam Examiner, let me just ask 9 you a quick -- are there persons in opposition to this 10 case on this hearing? 11 MS. MCNEIL: I should ask that now. But is 12 there anyone here that's opposed to the request? And if 13 so, just come on camera first. I see Mr. Perry. Is 14 there anyone else? 15 MR. BROWN: Because, in fairness, any 16 documents that Ms. Scudder is submitting into the 17 record right now, the opposition really needs to get a 18 copy of it as well. They cannot fairly cross-examine if 19 they don't have these documents. 20 MS. SCUDDER: Mr. Brown, may I ask that Mr. 21 Perry put his e-mail address in the chat, and then Ms. 22 Myers can include him when she sends in our exhibits.</p>

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<p>1 And she can go ahead and send him the statement of 2 justification that we've submitted, as well as the 3 markup plan, and then these photos that we would like 4 to submit. 5 And, Mr. Brown, I know typically when we're in 6 person, you have these pho- -- photos need to be 7 authenticated. And so, I would ask how we might go 8 about authenticating the photo --? 9 MS. MCNEIL: We're going to authenticate it 10 with the witness that you're going to have to discuss 11 them. So when you're ready for that witness -- 12 FEMALE 2: [inaudible]. 13 MS. MCNEIL: All of these documents, people 14 have a right to question once we pull them up. 15 MS. SCUDDER: Okay. 16 FEMALE 2: Ms. McNeil? 17 MS. MCNEIL: Yes, ma'am? 18 FEMALE 2: Oh, okay. I'm sorry. I just wanted 19 to say we were having problems with Granicus, but it's 20 back running. 21 MS. MCNEIL: All right. Okay -- okay. So, Ms. 22 Scudder, while Ms. Myers is sending everything, is</p>	<p>1 am the owner of Groundsmith Collective, LLC. My address 2 is 7003 Eversfield Drive, Hyattsville, Maryland 20782. 3 MS. SCUDDER: And what is your profession? 4 MS. OKLESSON: My profession is I am a 5 landscape architect. 6 MS. SCUDDER: And are you licensed by the 7 state of Maryland? 8 MS. OKLESSON: I am licensed in the state of 9 Maryland. 10 MS. SCUDDER: And is your license current? 11 MS. OKLESSON: My license is current. 12 MS. SCUDDER: And did you personally prepare 13 the special exception site plan that is before the 14 zoning hearing examiner today? 15 MS. OKLESSON: Yes. I personally prepared the 16 site plan that is before the zoning hearing examiner. 17 MS. SCUDDER: And in preparing the site plan, 18 did you follow the requirements of the Prince George's 19 County Zoning Ordinance and the Prince George's County 20 Landscape Manual? 21 MS. OKLESSON: Yes. I did follow the 22 requirements of the Prince George's County Zoning</p>
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<p>1 there a witness you'd like to put on? 2 MS. SCUDDER: Yes, ma'am. I would like to call 3 as my first witness our landscape architect, Ms. Kelley 4 Oklesson. 5 MS. MCNEIL: Oklesson, and there you are. Ms. 6 Oklesson, do you swear or affirm under the penalties of 7 perjury that the testimony you shall give will be the 8 truth and nothing but the truth? 9 MS. OKLESSON: I do. 10 MS. MCNEIL: And it's O-k-l-e-s-s-o-n, 11 correct? 12 MS. OKLESSON: Correct. 13 MS. MCNEIL: Okay. Thank you. 14 MS. MYERS: It looks like the participant's 15 screen sharing is disabled. 16 MS. SCUDDER: Can she be given the right to -- 17 ? Okay. Sorry. Okay. Before we get to the plan that's 18 on the screen, I just want to ask a few questions of 19 Ms. Oklesson. Ms. Oklesson, could you please just state 20 your name again and your business address for the 21 record? 22 MS. OKLESSON: My name is Kelley Oklesson, I</p>	<p>1 Ordinance and Landscape Manual. 2 MS. SCUDDER: And have you reviewed the 3 technical staff report in this case? 4 MS. OKLESSON: Yes. I have reviewed the 5 technical staff report. 6 MS. SCUDDER: And are you familiar with the 7 conditions of approval that are listed at the end of 8 the staff report? 9 MS. OKLESSON: Yes. I am familiar with the 10 conditions that are listed at the end of the staff 11 report on pages 14 and 15. 12 MS. SCUDDER: Okay. And have those conditions 13 been addressed on the site plan? 14 MS. OKLESSON: So, with what I'm sharing on my 15 screen here, the conditions have not yet been met. But 16 all conditions are implementable. We're -- these -- 17 we'll be submitting a revised site plan after the 18 hearing today. 19 MS. SCUDDER: Madam Examiner, I would just ask 20 if we could leave the record open in this case so that 21 we can submit a revised site plan. 22 MS. MCNEIL: Okay. But you're saying that</p>

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<p style="text-align: right;">13</p> <p>1 applicant agrees to, and -- and the site plan will be 2 revised to address the applicable conditions for the 3 site plan? 4 So, applicant agrees to all of the conditions 5 suggested by staff? Okay. 6 FEMALE 1: So, what do you want me to do? 7 MR. BROWN: Po- -- point of clarification here 8 though, Ms. Scudder, I mean, we don't really know what 9 this case is about in a vacuum. No one has told us no - 10 - what is the location of this particular property. I 11 know it's a daycare, you haven't given us that -- any 12 of that background. 13 So, before we get into the specifics here of 14 this particular site plan, like to have a witness to 15 tell us what they are requesting. 16 And also, with regards to a revision to this 17 site plan, we don't know, at least this witness hasn't 18 told us yet, are you planning to make changes other 19 than showing compliance with the proposed conditions to 20 this site plan? 21 MS. SCUDDER: Mr. Brown, I'm -- I'm happy to 22 reverse the order of the witnesses that I call. I</p>	<p style="text-align: right;">15</p> <p>1 Simasek. 2 MS. MCNEIL: And if I may, welcome to a zoning 3 hearing. We like to allow people that can't stay to 4 testify, and I just got a message from Mr. Fischer that 5 he has to leave in the next 10 minutes. Would you all 6 mind allowing Mr. Fischer to go first? 7 MS. SCUDDER: Not a problem. 8 FEMALE 1: Yes. 9 MS. MCNEIL: Okay. So, if you take the exhibit 10 down for one second, Ms. Oklesson, we'll -- so Mr. 11 Fischer, can you come on screen? 12 MR. FISCHER: I can. 13 MS. MCNEIL: All right. Do you swear or affirm 14 under the penalties of perjury that the testimony you 15 shall give will be the truth and nothing but the truth? 16 MR. FISCHER: I do. 17 MS. MCNEIL: Okay. State your name and address 18 for the record, and then tell me what you'd like me to 19 know about your position on this application. 20 MR. FISCHER: Michael Fischer, 3409 21 Pennsylvania Street, Hyattsville, 20783. I provided 22 written testimony on behalf of this prior to the</p>
<p style="text-align: right;">14</p> <p>1 thought that we would put Ms. Okles- -- ma- -- Ms. 2 Oklesson on first just to acclimate everyone to the 3 site plan and what it's showing, and then I was going 4 to call Mr. Simasek to, you know, kind of go through 5 the proposal and the details of the daycare center. 6 But if you -- if you think that I should 7 reverse that order, I'm happy to do that. And I can go 8 ahead and call Mr. Ben Simasek, and then I can put Ms. 9 Kelley back on. 10 MR. BROWN: I mean, I think that's the way to 11 go so the people who are totally unfamiliar with this 12 record will have an understanding with what we're 13 talking about. 14 MS. SCUDDER: Okay. No problem. So, Ms. -- Ms. 15 Kelley, just hold on for a second, and then we'll pick 16 back up with your testimony after Mr. Simasek and after 17 Ms. Claudia testifies. 18 MS. OKLESSON: Shall I unshared my screen or 19 continue to share? 20 MS. SCUDDER: I think that it doesn't hurt to 21 keep it up, just because there may be a need to point 22 something out as we go through the testimony of Mr.</p>	<p style="text-align: right;">16</p> <p>1 session. Should I read that out loud now, or is it 2 enough to have submitted it to the commission for 3 exhibition? 4 MS. MCNEIL: You should read it, if you like. 5 And then, if you would send it to me again, just to 6 make sure that what you're reading now is what you're 7 sending. 8 And it will be marked as -- as exhibit 18 if 9 there's no objection after you start reading. Go ahead. 10 MR. FISCHER: All right. I'm writing on -- and 11 speaking on behalf of Espirales Montessori Bilingual 12 Daycare in -- with enthusiastic and without reservation 13 support for the approval of the zoning exception. 14 Our family has benefited immensely from the 15 care provided by Claudia and the other providers at 16 Espirales. Our older son attended Espirales for over 17 three years, never once did we doubt that he was in a 18 safe and nurturing environment. 19 Claudia and her team work hard to provide 20 enriching activities for the children, ensure that they 21 are meeting their developmental milestones. Our son's 22 verbal, social, and physical development blossomed</p>

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<p style="text-align: right;">17</p> <p>1 under her care, which included during the pandemic and 2 the difficulties provided by that. We hope to be able 3 to send our other children there too. 4 Quality and affordable childcare is essential 5 for many families nowadays. Allowing Espirales to 6 expand and welcome more children, we believe, would 7 provide a significant positive impact on this 8 neighborhood which we live in, and the community writ 9 large. We live in the same neighborhood as Espirales 10 and appreciate having childcare so close. 11 Thank you for considering our perspective. We 12 hope that this statement and those of the others, the 13 committee will understand the invaluable service that 14 Espirales provides to the community and allow for more 15 families to benefit from it. Thank you. 16 MS. MCNEIL: Thank you. Whi- -- while you're 17 resending it, does Mr. Brown have questions of Mr. 18 Fischer? 19 MR. BROWN: No questions. Thank you. 20 MS. MCNEIL: Does Mr. Perry have questions of 21 Mr. Fischer? 22 MS. SCUDDER: Madam Examiner --</p>	<p style="text-align: right;">19</p> <p>1 MS. SORKIN: So -- 2 FEMALE 3: Yeah -- no. You go ahead and -- if 3 -- if you need to go sooner. Go ahead. 4 MS. MCNEIL: So, Ms. Sorkin? 5 MS. SORKIN: Thank you so much, Madam. Yeah. 6 My name -- 7 MS. MCNEIL: And do you swear --? One -- one 8 second. Do you swear or affirm under the penalties of 9 perjury that the testimony you shall give will be the 10 truth and nothing but the truth? That was a yes? Okay. 11 MS. SORKIN: Can you hear me? 12 MS. MCNEIL: And, Ms. Sorkin, state your name 13 and address, and then provide your testimony. 14 MS. SORKIN: My name is Naomi Sorkin. My -- my 15 address in Hyattsville is 5906 34th Avenue, 16 Hyattsville, Maryland 20782. 17 MS. MCNEIL: And what would you like to tell 18 me about the request? 19 MS. SORKIN: So, my husband and I are property 20 owners in Hyattsville with a deep commitment to the 21 community at large. 22 We're lu- -- we were lucky enough to find</p>
<p style="text-align: right;">18</p> <p>1 MR. BROWN: I see -- 2 MS. SCUDDER: -- I see that he put in the chat 3 that he has none. And I saw that another person put in 4 the chat that they also might need to leave earlier. 5 And so, while we're kind of on this track, do 6 you think we could allow anyone that's here to testify 7 either in support or in opposition if they have to lea- 8 -- you know, maybe that we can just get everyone to put 9 in their testimony now before we get into the hearing. 10 Because I know people have to work. 11 MS. MCNEIL: Okay. Hold up. Yes. We can. If 12 you don't mind and people's zoning counsel doesn't 13 mind. So, Mr. Fischer, you're free to go. And thank you 14 very much. And you sent it again, right? 15 MR. FISCHER: I will send it right now. 16 MS. MCNEIL: Okay -- okay. Who else would like 17 to testify at this time? You could come on mike if 18 you'd like to testify, because it's sort of hard to see 19 all of you. 20 FEMALE 3: You can -- 21 MS. SORKIN: Yeah. 22 FEMALE 3: -- go ahead.</p>	<p style="text-align: right;">20</p> <p>1 Espirales Montessori Bilingual Daycare in 2020, and 2 with Claudia and Ben's love and care, our daughter 3 flourished there. 4 Even in the midst of the pandemic, Claudia 5 created a second home for our daughter and her 6 classmates with a nature-based chi- -- child-led 7 curriculum focused on play, movement, and so much 8 respect. 9 Now our daughter is a thriving, independently- 10 minded, curious, and creative, and confident 4-and-a- 11 half-year-old, and we are forever indebted to Espirale- 12 -- Espirales Montessori Bilingual Daycare for becoming 13 a critical part of our village in helping us raise our 14 daughter in those early years. 15 Claudia and her team have supported so many 16 families in the Hyattsville area, and now the daycare 17 is truly a rock in the community. Claudia is a driving 18 force for so much community-building in Hyattsville, 19 supporting and organizing creative storytelling and 20 music events in local parks, collaborating with local 21 artists, and strengthening local community-based 22 organization -- organizations.</p>

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<p style="text-align: right;">21</p> <p>1 In today's world, Espirales Monte- -- 2 Bilingual Montes- -- Montessori Bilingual is the 3 definition of the kind of local women-led business we 4 should all be working to support and help sustain. 5 Therefore, I fully support the expansion of Espirales 6 to a larger space in the neighborhood. 7 Given the limited affordable options for 8 quality childcare in the area, we hope that a favorable 9 -- favorable, excuse me, decision is made to ensure 10 that more families and children can benefit from this 11 incredible daycare. Thank you. 12 MS. MCNEIL: Thank you. Mr. Brown, do you have 13 questions of Ms. Sor- --? 14 MR. BROWN: No questions. Thank you. 15 MS. MCNEIL: Okay. 16 MS. SORKIN: Thank you. 17 MS. MCNEIL: And, Mr. Perry, do you have 18 questions? Somebody looking at the chat for me? Oh, I 19 see it. Okay. Thank you, Mr. Perry. Thank you, Ms. 20 Sorkin. Ms. Ridgway, would you like to go next? 21 MS. RIDGWAY: Sure. Yes. My name is Jennifer 22 Ridgway. I'm at --</p>	<p style="text-align: right;">23</p> <p>1 contributions all the more vital. 2 When the pandemic hit, I suddenly was 3 unemployed and I used the opportunity to bring my 4 skills to my community creating experiences in 5 neighbors' yards for a safe and physically distant art 6 learning experience to help youth navigate their 7 difficult emotions and enhance their digital learning. 8 Espirales Montessori Bilingual, LLC has been 9 and integral part of the Yard Drama's journey 10 supporting our expansion and growth so that together, 11 we can support our community's expansion and growth. 12 Our partnership began after the City of 13 Hyattsville contracted my company to bring a theater 14 storytelling program to its local neighborhood parks. 15 Espirales Montessori Bilingual, LLC attended one of the 16 sessions. 17 In our post-session conversation, Claudia 18 Simasek and I recognized the opportunity for our 19 companies to collaborate. 20 Since then, we have conducted weekly free 21 sessions for early learners and their caretakers at the 22 park. Espirales has even supported my interest in</p>
<p style="text-align: right;">22</p> <p>1 MS. MCNEIL: Wait, wait, wait. Ms. Ridgway, do 2 you swear or affirm under the penalties of perjury that 3 the testimony you shall give will be the truth and 4 nothing but the truth? 5 MS. RIDGWAY: Indeed. Yes. 6 MS. MCNEIL: Okay. Now your address and what 7 you'd like to tell me. 8 MS. RIDGWAY: I am at 6116 43rd Street, 9 Hyattsville, Maryland. I'm a theater teaching artist 10 and the cofounder of Yard Dramas, LLC based in 11 Hyattsville, Maryland. 12 I am grateful to share about my partnership 13 with Espirales Montessori Bilingual, LLC. I urge you to 14 grant their request for a ve- -- zoning special 15 exception at 7207 Hitching Post Lane as submitted in 16 case number SE-2023-001. 17 As a theater teaching artist, I have spent 30 18 years specializing in leading arts learning and making 19 experiences in educational and community settings. 20 Teaching artists like me leverage our professional 21 artistic skills and operate at the intersection of 22 arts, education, and community, making our</p>	<p style="text-align: right;">24</p> <p>1 supports to create -- my interest and efforts to create 2 intergenerational programming, allowing me to invite 3 members of my aging in place storytelling program to 4 participate too. 5 Lastly, Espirales Montessori Bilingual, LLC 6 has collaborated with me on several summer programs 7 with the aim of nurturing stewards of the Anacostia 8 Watershed. Working with Espirales Montessori Bilingual, 9 LLC has been a fantastic experience and a dream come 10 true. 11 Claudia's expertise with the Montessori 12 curriculum makes her a valuable partner that has mutual 13 benefit for the community overall. Our partnership 14 allows her clients' youth to develop strong 15 communication skills, and a love and respect for nature 16 that enriches the community overall. 17 Thank you for your time. And I hope you will 18 grant the zoning special exception for Espirales 19 Montessori Bilingual, LLC at 7207 Hitching Post Lane. 20 Thank you. 21 MS. MCNEIL: Thank you, Ms. Ridgway. Mr. 22 Brown, do you have any questions?</p>

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<p>1 MR. BROWN: No questions. Thank you.</p> <p>2 MS. MCNEIL: Mr. Perry, do you have any</p> <p>3 questions? Okay. None. Now, yes. If you -- I -- I can't</p> <p>4 tell who's asking this question. But, yes. Submit the</p> <p>5 document via e-mail to us. Okay. Ms. Carter, would you</p> <p>6 like to testify?</p> <p>7 Which e-mail address?</p> <p>8 MS. MCNEIL: Did you contact us to get the</p> <p>9 link?</p> <p>10 Yes.</p> <p>11 MS. MCNEIL: Okay. It can be the same one. So</p> <p>12 it -- zhe@co.pg.md.us, or if you had an individual's</p> <p>13 name, it'll still come to us. I don't know which way</p> <p>14 you e-mailed us at this moment. You know what? Who's</p> <p>15 asking this, Ms. Sorkin?</p> <p>16 MS. RIDGWAY: It was.</p> <p>17 FEMALE 1: Yeah. Would be her.</p> <p>18 MS. RIDGWAY: But I also had the same</p> <p>19 question, Jennifer Ridgway too.</p> <p>20 FEMALE 1: Mm-hmm.</p> <p>21 MS. MCNEIL: Okay.</p> <p>22 MS. SORKIN: Typical e-mail, the z-h-e. Okay.</p>	<p>1 Hyattsville resident and a parent of a child that's</p> <p>2 gone to Espirales, I want to share my full support for</p> <p>3 Espirales Montessori Bilingual and encourage you to</p> <p>4 approve the daycare permit for a residential zone.</p> <p>5 The work they are doing to provide affordable,</p> <p>6 high quality, local daycare is so valuable to the</p> <p>7 community, especially in an area like Hyattsville where</p> <p>8 there really is a shortage of affordable daycare.</p> <p>9 When we first started looking for childcare</p> <p>10 for our daughter, we were really overwhelmed. It seemed</p> <p>11 like every option we could find had a really long</p> <p>12 waitlist, was unbelievably expensive, or was a really</p> <p>13 long commute away from home.</p> <p>14 I'm so glad we found Espirales, and I truly</p> <p>15 could not imagine a better setting to sit- -- to send</p> <p>16 my baby girl.</p> <p>17 Espirales cared for my daughter for two years,</p> <p>18 and we remained friends with the Simasek family.</p> <p>19 Claudia and the other dedicated staff members are</p> <p>20 nurturing, caring and provide such an enriching</p> <p>21 environment for young children.</p> <p>22 I know of multiple Hyattsville families that</p>
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<p>1 MS. MCNEIL: Okay. And, Ms. -- Ms. Rawlings</p> <p>2 [ph], if you hear this, if you were to e-mail them</p> <p>3 right now, they'd know how to respond. So, it's Ms.</p> <p>4 Sorkin and Ms. Ridgway.</p> <p>5 MS. RIDGWAY: Thank you so much.</p> <p>6 MS. MCNEIL: Thank you both. Okay. Ms. Carter,</p> <p>7 do you swear or affirm under the penalties of perjury</p> <p>8 that the testimony you shall give will be the truth and</p> <p>9 nothing but --? Oh, Alex, was it? I thought it was</p> <p>10 Miranda.</p> <p>11 I was looking at Miranda. Which one of you</p> <p>12 wants to speak now? Both of you. Okay. So, I'll go with</p> <p>13 Miranda first.</p> <p>14 Do you swear or affirm under the penalties of</p> <p>15 perjury that the testimony you shall give will be the</p> <p>16 truth and nothing but the truth?</p> <p>17 MS. M. CARTER: Yes.</p> <p>18 MS. MCNEIL: Okay. State your address and what</p> <p>19 you would like to tell me about this application.</p> <p>20 MS. M. CARTER: My address is 5512 39th</p> <p>21 Avenue, Hyattsville, Maryland 20781. Good morning,</p> <p>22 everyone. Thank you for letting me speak. As a</p>	<p>1 are on the Espirales waitlist and hoping to get in if</p> <p>2 the daycare is able to expand.</p> <p>3 The community would truly benefit for -- from</p> <p>4 Espirales moving to the home across the street, and be</p> <p>5 able to support more families in need. Espirales is the</p> <p>6 exact kind of business I want Hyattsville to support,</p> <p>7 and I encourage the approval of the zoning permit.</p> <p>8 Thank you.</p> <p>9 MS. MCNEIL: Thank you. Mr. Brown, do you have</p> <p>10 any questions?</p> <p>11 MR. BROWN: No questions. Thank you.</p> <p>12 MS. MCNEIL: Okay. And, Mr. Perry? Thank you,</p> <p>13 Mr. Perry. Thank you, Ms. Carter. Ms. Alex Carter, do</p> <p>14 you swear or affirm under the penalties of perjury that</p> <p>15 the testimony you shall give will be the truth and</p> <p>16 nothing but the truth?</p> <p>17 MS. A. CARTER: I do.</p> <p>18 MS. MCNEIL: Okay. And provide your address</p> <p>19 and then go ahead and provide your testimony.</p> <p>20 MS. A. CARTER: Alexandra Carter, 3308 Gumwood</p> <p>21 Drive, Hyattsville, Maryland 20783. I'm probably the</p> <p>22 first person testifying who is not a parent. But I am a</p>

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<p style="text-align: right;">29</p> <p>1 neighbor of Espirales, I live about two doors down in - 2 - in University Hills. 3 And I am delighted to support, very 4 enthusiastically, their application for a zoning 5 exception to expand their operations. 6 The childcare center has been, I think, an 7 enormous benefit to our community as a small, high 8 staff to student ratio. The students -- the center 9 maintains a clean and orderly environment, and the 10 students -- children there seem to be happy and well- 11 cared-for. 12 One of my greatest joys as a resident in this 13 neighborhood is to see the staff and children every 14 morning on their way down to -- going down to the 15 playground near the pond and coming back up. They 16 always seem full of energy, and very happy, and it is a 17 pleasure to see Claudia, her -- her folks, and the 18 young children going by. 19 Espirales is a woman-owned and operated small 20 business providing a -- an invaluable service to our 21 community at an affordable rate. I've had numerous 22 conversations with my neighbors about this proposed</p>	<p style="text-align: right;">31</p> <p>1 Perry, come on camera. He has a question of you, Ms. 2 Carter. No. We can't hear or see you yet. Mr. Brown, 3 Mr. Perry is saying he has a mike and no camera. 4 MR. BROWN: Can -- so, can you speak for a 5 moment, sir? You may want to log off and log back on, 6 sir. 7 MS. MCNEIL: Okay. Ms. Carter, do you have a 8 little while? 9 MR. PERRY: Can I be heard? 10 MS. MCNEIL: Can you wait? Oh, Mr. Perry? 11 MR. PERRY: Hello? 12 MS. MCNEIL: Can hear you now. What's your 13 question of Ms. Carter? 14 MR. PERRY: Okay. Can you hear the microphone? 15 MS. MCNEIL: Yes. 16 MR. PERRY: Okay. Just a quick question for -- 17 for -- for Ms. Carter. You mentioned that the road had, 18 quote, high traffic and was not as safe as -- as -- I 19 think it's -- is it Bridle Path that the -- 20 MS. A. CARTER: Hitching -- 21 MR. PERRY: -- daycare center it's on? 22 MS. A. CARTER: Hitching Post would be the new</p>
<p style="text-align: right;">30</p> <p>1 expansion, and have not heard a single negative 2 comment. 3 Everyone is delighted that this is the kind of 4 business that we want in our community, and that the 5 opportunity to expand should be -- should be seized 6 upon, not only approved. It should be enthusiastically 7 embraced. 8 I also believe that moving the daycare center 9 to Hitching Post Lane will provide a slight degree of 10 better safety for the children, as Hitching Post Lane 11 is a less well-traveled street than Gumwood, which is 12 somewhat of a through street in our neighborhood, and 13 we've had issues with speeding and other careless 14 driving. 15 So, I'm enthusiastically supporting the 16 application of Espirales for this exception, and urge 17 you to vote in support. And I appreciate the 18 opportunity to speak on their behalf. Thank you. 19 MS. MCNEIL: Thank you. Mr. Brown, any 20 questions? 21 MR. BROWN: No questions. Thank you. 22 MS. MCNEIL: Mr. Perry? Oh, okay. Well, Mr.</p>	<p style="text-align: right;">32</p> <p>1 location. 2 MR. PERRY: Sorry, Hitching Post. I knew it 3 was a horse name. So, it's Hitching Post. Can you kind 4 of describe what you're talking about when you say the 5 traffic from Gumwood? Because Hitching Post is a dead 6 end road, and there's on- -- only one way in and one 7 way out into -- onto Gumwood. 8 MS. A. CARTER: Right. So, Gumwood Drive 9 extends from Wells Parkway to a dead end near an 10 apartment complex. And for a residential street, it's 11 fairly heavy tra- -- heavily traveled, especially at 12 rush hour. 13 The -- the good news about that is that all of 14 the houses on -- on the side of the street that I live 15 on and that Espirales is located on are set back from 16 the street by approximately 30 feet. 17 And that wa- -- and since University Hills was 18 incorporated into the City of Hyattsville, we've had 19 sidewalks installed in the neighborhood, which the 20 Espirales staff make use of to take the students down 21 to the -- to the playground and return them to the 22 facility.</p>

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1 MR. PERRY: Well, actually, I -- I walk the
2 neighborhood just about on a daily basis. So, to -- to
3 accurately describe what you're talking about, the
4 sidewalks, I believe in 2019, were recently installed
5 on Gumwood.
6 There are no sidewalks on Bridle Path, and the
7 street actually to the duck pond is Stanford Street.
8 Stanford Street does not have any sidewalks. So, in
9 order to actually get to --
10 MR. BROWN: Mr. Perry -- Mr. Perry --
11 MR. PERRY: Go ahead.
12 MR. BROWN: You're testifying now. At this
13 point in time, you only have --
14 MR. PERRY: Okay. Well, I'm going to --
15 MR. BROWN: -- permission to ask questions.
16 MR. PERRY: -- the -- I -- I don't want this
17 to go long. I'm just saying -- I just want to make note
18 that -- that Ms. Carter is indicating that there's high
19 traffic on Gumwood. And that's it.
20 MR. BROWN: All right. Do you have any other
21 questions?
22 MR. PERRY: No thank you. Thank you for -- for

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1 -- for working with me.
2 MS. MCNEIL: Sure. Ms. Carter, do you have any
3 redirect based on the questions that you were asked? Or
4 are you --?
5 MS. A. CARTER: Ma- -- my under- -- my
6 experience with the travel of the children to and from
7 the school, between the school and the -- the
8 playground is that they travel down Gumwood, and then
9 down Wells Parkway or Boulevard, I can never remember
10 on which side of Adelphi we're on. And that they are on
11 the sidewalks at all times. They do not take Stanford,
12 they take the route of Gumwood to -- to Wells.
13 It is true that Hitching Post does not have
14 sidewalks due to voting -- a vote by the -- the
15 homeowners on that -- on that bit of street. But
16 because the road is so lightly traveled, I feel that
17 there's no -- that the net increase for -- that the net
18 for safety for the students is positive in terms of
19 safety.
20 MS. MCNEIL: Okay. And -- and because of the
21 questioning, I got a little confused as well. So,
22 there's an existing daycare on Gumwood. I thought I

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1 heard you say, and you can tell me if I heard
2 incorrectly, that you think that the new daycare along
3 Hitching Post may be safer to travel because it had
4 less traffic. Did I hear that?
5 MS. A. CARTER: That is my belief.
6 MS. MCNEIL: Okay. All right. And that's --
7 and that's -- I just wanted to clarify it. So, I think
8 -- I think we have asked you sufficient questions, and
9 you can stay, or you're free to go at this point either
10 way. Thank you. So, is there any other citizen that
11 would need to testify now?
12 MS. FISH: I would like to.
13 MS. MCNEIL: If so, just come on camera.
14 MS. FISH: Yeah.
15 MS. MCNEIL: Yes. I see you. Jessica Fish. Ms.
16 Fish, do you swear or affirm under the penalties of
17 perjury that the testimony you shall give will be the
18 truth and nothing but the truth?
19 MS. FISH: I do.
20 MS. MCNEIL: Okay. State your name and address
21 for the record, and then let me -- tell me what you'd
22 like to about this application.

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1 MS. FISH: Sure. My name's Jessica Fish. I
2 live at 9704 52nd Avenue in College Park, Maryland
3 20740. Today I'm writing to express my earnest
4 endorsement for the expansion of Espirales Montessori
5 Daycare.
6 As a parent to two children who have and
7 currently attend the daycare, and as a member of the
8 neighboring community, I can attest to the invaluable
9 role that Claudia and the Simaseks have played in my
10 child's development and care. Espirales is a vital
11 support system for myself and numerous families in our
12 area. Claudia is exceptionally dedicated to delivering
13 childcare that remains affordable to young families.
14 I first met Claudia five years ago when we
15 were looking for a daycare for my now 6-year-old. He
16 was struggling at a larger daycare center, dealing with
17 extreme separation anxiety and shyness, and we were
18 desperate to find a smaller daycare center to meet his
19 needs. I instantly felt at ease with Claudia, and
20 immediately enrolled him after meeting her.
21 In the years that he was there, he received
22 incredible love and care from Claudia and blossomed

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1 into a social and confident kid who easily transitioned
2 to preschool. It therefore came as no surprise that
3 when we found out that I was pregnant with our
4 daughter, that we immediately called Clau to ensure
5 that she was able to benefit from the incredible care
6 from Espirales Mont- -- Montessori Daycare, just like
7 her brother had.

8 Espirales excels in creating a nurturing and
9 stimulating environment for young children. The
10 committed staff are not only highly skilled
11 professionals, but also compassionate individuals who
12 pri- -- prioritize the well-being of growth of each
13 child that goes through their door.

14 As someone who has a PhD in child development,
15 I want to emphasize the critical importance of these
16 early social learning experiences in the first years of
17 life, and cannot say enough about how Espirales and
18 Clau meets and exceeds these needs for young children
19 in our community. She truly creates a vibrant, thriving
20 environment for little ones that is really hard --
21 you'd be hard-pressed to find anyone else who does a
22 better job.

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1 I think you'll hear from many of us today, and
2 you already have, of the value of Espirales for our
3 local community, and it's -- and -- and the fact that
4 it's indispensable for children and young families, and
5 is therefore seemingly deserving of support from
6 community leadership to approve the zoning exception
7 and the relocation and expansion of Espirales.

8 MS. MCNEIL: Thank you. Mr. Brown, do you have
9 any questions?

10 MR. BROWN: No questions. Thank you.

11 MS. MCNEIL: Mr. Perry, do you have any
12 questions?

13 MR. PERRY: No questions.

14 MS. MCNEIL: Okay. He said no questions? Okay.
15 Thank you, Ms. Fish. Okay. Ms. Rodriguez, are you
16 coming on camera to testify? Okay. So, turn off your
17 mi- -- I mean, turn on your mike. And do you swear or
18 affirm under the penalties of perjury that the
19 testimony you shall give will be the truth and nothing
20 but the truth?

21 MS. RODRIGUEZ: I do.

22 MS. MCNEIL: Okay. State your name and

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1 address, and go ahead and --

2 MS. RODRIGUEZ: [inaudible].

3 MS. MCNEIL: -- go through your testimony.

4 MS. RODRIGUEZ: Sindy Rodriguez, 921 Butternut
5 Street Northwest, Washington, DC. I've been acquainted
6 with Ms. Claudia Simasek for over 10 years. We've
7 worked together, she care of my baby boy for some time.
8 And all I have to say about her and the way she is with
9 the children, it's amazing.

10 I've also been in prepar- -- teacher
11 preparation with her, we've taken training together.
12 She's very passionate about her work, she is very
13 passionate about what she do, and how she does it with
14 the children. One thing I love about Claudia is that
15 she put her culture in front of everything. She loves
16 showing her children in her daycare about her culture
17 and teach them about it too.

18 I am super excited about her expanding her
19 business because I -- I mean, I'm one of the few people
20 that think that there needs to be more childcare around
21 the area, Hyattsville need it. And also, I have a new
22 baby that I would love to have in Claudia's center if I

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1 have the chance. thank you very much.

2 MS. MCNEIL: Thank you. Mr. Brown, any
3 questions?

4 MR. BROWN: No questions. Thank you.

5 MS. MCNEIL: Mr. Perry, any questions?

6 MR. PERRY: No questions.

7 MS. MCNEIL: Thank you. Thank you, Ms.
8 Rodriguez. Ms. Wood, you would like to testify? Are you
9 on camera?

10 MS. WOOD: Yes. Hello. Thank you. Good
11 morning.

12 MS. MCNEIL: Wait, wait, wait, wait. I have to
13 find you. It -- I like to see the people I'm talk- --
14 where is Ms. Wood?

15 MS. WOOD: I'm here.

16 MS. MCNEIL: Right next to me. There you are.
17 Ms. Wood, do you swear or affirm under the penalties of
18 perjury that the testimony you shall give will be the
19 truth and nothing but the truth?

20 MS. WOOD: I do.

21 MS. MCNEIL: Okay. State your name and
22 address, and tell me what you want to tell me [ph].

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<p style="text-align: right;">41</p> <p>1 MS. WOOD: My name is Nicola Wood and I live 2 at 3032 Gumwood Drive, Hyattsville, Maryland 20783. I 3 support this exception to accommodate a larger daycare 4 in my neighborhood. And thank you for allowing me to 5 testify. 6 I live down the street from Espirales 7 Bilingual Daycare, and my son Lucio Ventura went there 8 from mid-2019 to the end of 2022. Espirales provided 9 excellent care and instruction for my son, and I kept 10 him there actually longer than I usually would have 11 because it was so good, and it was a small daycare 12 center, and during the pandemic, it felt safer to be at 13 a small center. 14 The community that Claudia creates among the 15 families at the daycare was invaluable to raising 16 Lucio. Claudia and her staff are the reason that my son 17 is fluent in Spanish. We're a bicultural household, and 18 it was important to our family that his daycare 19 reinforce learning Spanish. 20 During the pandemic, my kids and I walked up 21 the street together, and I came home to telework, and 22 to join my daughter, who was doing virtual school.</p>	<p style="text-align: right;">43</p> <p>1 routine. I support this zoning exception to make our 2 neighborhood a better place to live. Thank you very 3 much for your time. 4 MS. MCNEIL: Thank you. Mr. Brown, any 5 questions? 6 MR. BROWN: No questions. Thank you. 7 MS. MCNEIL: Mr. Perry, any questions? 8 MR. PERRY: Yes. One question. 9 MS. MCNEIL: Okay. 10 MR. PERRY: I'd ask the -- Ms. Wood to clarify 11 what she means by safe. Because once again, I believe 12 that street is -- is a one-way street, and there's only 13 one way to get in and out, and it's Gumwood. How are 14 you saying that's safer just one -- just having to go 15 onto that busy road when you can't go any other way? 16 MS. WOOD: Because right now when I'm passing 17 by, I have to keep my eyes peeled with two little kids 18 in the backseat looking for people who are pulling out 19 of parking spots. And I don't think somebody coming 20 from Hitching Post Lane is going to be quite as 21 difficult to spot. 22 MR. PERRY: There are cars parked on Gumwood</p>
<p style="text-align: right;">42</p> <p>1 Before and after that, when we weren't doing pandemic 2 routine, I could drop him off on my way out of the 3 neighborhood to drop my daughter at school, and drive 4 to the metro for work. 5 I know that two families up the street wanted 6 to go to Espirales too, they're kind of between me and 7 the daycare, and they asked me about it, but Claudia 8 didn't have any vacancies at the time. 9 As someone who is -- who has to travel Gumwood 10 to go anywhere from my house, I think that Gumwood will 11 be safer if the daycare is on Hitching Post Lane. 12 People will no be pulling out of parking spots on 13 Gumwood into the traffic, and instead will be turning 14 from Hitching Post. 15 I support this exception for a daycare that 16 can accommodate more kids, although my kids are too old 17 to attend. The early years with little kids are tough, 18 and I was so lucky to have a daycare conveniently up 19 the street. It made things easier. 20 There are no other places, except maybe the 21 library, that I can walk to with my kids to teach them 22 healthy habits, that exercising is part of our daily</p>	<p style="text-align: right;">44</p> <p>1 Drive that obstruct the view. So I'm just going to 2 leave it at that. So I -- I disagree with that answer. 3 But thank you. 4 MS. MCNEIL: Okay. 5 MS. WOOD: Yes. I think we disagree. 6 MS. MCNEIL: Okay. Thank you -- thank you very 7 much. 8 MS. WOOD: Thank you. 9 MS. MCNEIL: Ms. Banks, would you like to 10 testify? 11 MS. BANKS: Yes, please. 12 MS. MCNEIL: Okay. Do you swear or affirm 13 under the penalties of perjury that the testimony you 14 shall give will be the truth and nothing but the truth? 15 MS. BANKS: Yes. 16 MS. MCNEIL: Okay. So, state your name and 17 address, and then proceed with the testimony. 18 MS. BANKS: I'm Alexis Banks at 5703 37th 19 Avenue in Hyattsville, Maryland. And I am joining today 20 to express my strong support for the establishment of 21 an Espirales Montessori Bilingual childcare center at 22 7207 Hitching Post Lane.</p>

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<p style="text-align: right;">45</p> <p>1 Our family has had two children attend 2 Espirales over the past three years, one of which is 3 there today, and we cannot speak highly enough of the 4 incredible care that Claudia and her staff offer. It's 5 truly a Hyattsville gem, and it would be such an 6 incredible benefit to the community to allow Espirales 7 to expand into a larger space. 8 Espirales thoughtfully approaches its work 9 with children and invests in the surrounding community. 10 So, for example, we already heard about Claudia's work 11 with Yard Dramas that take place at the nearby duck 12 pond for children at Espirales and of their neighbors 13 that would like to join. 14 She has also worked with other area businesses 15 to cater meals for the children and parents, and so an 16 investment in Espirales is an investment in the 17 community overall. We know many families that are on 18 the waiting list at Espirales as we- -- as well as 19 other daycares in the area, and there's a severe gap 20 between supply and demand for high-quality care in 21 Hyattsville. 22 It'd be a missed opportunity not to let this</p>	<p style="text-align: right;">47</p> <p>1 MS. MCNEIL: Good morning. Do you swear or 2 affirm under the penalties of perjury that the 3 testimony you shall give will be the truth and nothing 4 but the truth? 5 MS. ROCHE: I do. 6 MS. MCNEIL: And what's -- okay. So, state 7 your full name for the record and your address, and 8 then provide your testimony. 9 MS. ROCHE: My name is Jenny Roche, and I live 10 on 8536 Adelphi Road, Adelphi, Maryland, which is the 11 same as Hyattsville, 20783. 12 MS. MCNEIL: Okay. And are you saying Roach, 13 R-o-a- -- a-c-h? 14 MS. ROCHE: Roche, R-o-c-h-e. 15 MS. MCNEIL: Got you. Thank you. Okay. What 16 would you like to say about this application? 17 MS. ROCHE: Well, first of all, I want to say 18 that I am delighted that -- to be so close to this 19 daycare. Regardless -- I think that regardless of how 20 big or small streets are, we moms need daycare, 21 especially single moms. And I am only five minutes 22 away.</p>
<p style="text-align: right;">46</p> <p>1 well-established daycare expand into a larger space in 2 order to welcome more children and families. So, as a 3 resident of Hyattsville and an Espirales parent, I 4 sincerely encourage you to approve this request and 5 allow Espirales to move to 7207 Hitching Post Lane. 6 And I shared that testimony via e-mail. I also 7 just wanted to add that as a parent, I have also 8 thought many times that it would be safe -- safer to 9 move into the cul-de-sac across the street from the 10 current location. And so, excited, for safety purposes, 11 about this proposed change. Thank you. 12 MS. MCNEIL: Okay. Do you have any questions, 13 Mr. Brown? 14 MR. BROWN: No questions. 15 MS. MCNEIL: Any questions, Mr. Perry? 16 MR. PERRY: No questions. Thank you. 17 MS. MCNEIL: Okay. Will you all double-check - 18 - Ms. Bah, would you double-check that we have an e- 19 mail from Ms. Banks, and if so, let me know what that 20 exhibit number will be, when you get a chance. Okay. 21 Thank you, Ms. Banks. Jenny? 22 MS. ROCHE: Yes, ma'am. Good morning.</p>	<p style="text-align: right;">48</p> <p>1 I also -- I am su- -- super excited that Ms. 2 Claudia's also Spanish-speaking, which means that she 3 is bilingual, and that can be a plus for our own 4 growing minors. Claudia is very passionate, so I'm very 5 looking forward for a positive outcome. And that is it, 6 ma'am. Thank you. 7 MS. MCNEIL: Okay. Thank you. Mr. Brown, do 8 you have any questions? 9 MR. BROWN: No questions. Thank you. 10 MS. MCNEIL: Mr. Perry -- 11 MS. ROCHE: Thank you. 12 MS. MCNEIL: I'm so -- Mr. Perry, any 13 questions? 14 MR. PERRY: Questions. Thank you. 15 MS. MCNEIL: You said no questions. Okay. 16 Thank you, ma'am. Who's next that would like to 17 testify? Is it Ms. Fischer? 18 MS. FISCHER: Yes. 19 MS. MCNEIL: Okay. 20 MS. FISCHER: Thank you. I'd be happy to 21 testify. 22 MS. MCNEIL: So, do you swear or affirm under</p>

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<p style="text-align: right;">49</p> <p>1 the penalties of perjury that the testimony you shall 2 give will be the truth and nothing but the truth? 3 MS. FISCHER: I do. 4 MS. MCNEIL: Okay. State your name and address 5 for the record, and then tell me about -- 6 MS. FISCHER: My name is Laura -- 7 MS. MCNEIL: -- position. 8 MS. FISCHER: My na- -- my name is Laura 9 Fischer, I live at 3409 Pennsylvania Street, 10 Hyattsville, Maryland 20783. My husband Michael 11 testified earlier, but in order to be a person of 12 record, we testified separately. 13 So, I support everything that he said, but I 14 wanted to add that I live in the neighborhood, my two 15 sons -- or sorry, my older son attended Espirales from 16 August of 2020 through September of 2023. It was a 17 fantastic environment for him. We really appreciated 18 that he was in a very safe, loving, nurturing 19 environment. 20 The fact that it's a bilingual daycare was 21 also very important to us. I speak Spanish, and I 22 really appreciated having my son in an environment that</p>	<p style="text-align: right;">51</p> <p>1 infants up into toddlerhood, having a home environment 2 that can be replicated for the daycare setting is 3 something that is really important to us. 4 And Claudia and the other care providers at 5 the daycare certainly create a home environment, and 6 so, I have no problem handing my children over to 7 Claudia and to the other providers to be taken care of. 8 So, like my husband Michael testified earlier, 9 I strongly and enthusiastically support the approval of 10 the zoning exception, and hope that we can continue to 11 provide and expand access to Espirales care in the 12 community. Thank you. 13 MS. MCNEIL: Thank you. Mr. Brown, do you have 14 any questions? 15 MR. BROWN: No questions. Thank you. 16 MS. MCNEIL: Mr. Perry, do you have any 17 questions? 18 MR. PERRY: No questions. Thank you. 19 MS. MCNEIL: Thank you. Ms. -- I'm going to 20 mess it up, Palus? 21 MS. PALUS: Palus. 22 MS. MCNEIL: Palus. Ms. Palus, do you swear or</p>
<p style="text-align: right;">50</p> <p>1 was Spanish-speaking so that he could develop and learn 2 from an early age. 3 As my husband mentioned earlier, we never 4 doubted and have never doubted the care that Claudia 5 provides. Our son blossomed under his daycare, and we 6 were very sad when he eventually needed to transition 7 to preschool last year when he was older. 8 As you can see, I'm holding my younger son 9 right now, Luke [ph], he's a couple months old. And we 10 hope that one day he might be able to go to Espirales 11 as well, too. 12 Like others have said on the line, we know 13 many families that are interested in attending 14 Espirales, but can't do so right now because of the 15 waiting list and -- and the smaller size. And the -- 16 the daycare has been such a fabulous oppor- -- option 17 for us, and we want other people to be able to avail 18 themselves of that opportunity. 19 And like I mentioned, I live just a block away 20 on Pennsylvania Street, which is one street up, and we 21 love being able to have a daycare in the neighborhood. 22 We really feel that in the early childhood ages from</p>	<p style="text-align: right;">52</p> <p>1 affirm under the penalties of perjury that the 2 testimony you shall give will be the truth and nothing 3 but the truth? 4 MS. PALUS: I swear. 5 MS. MCNEIL: Okay. So, state your name and 6 address, and then provide your testimony. 7 MS. PALUS: Thank you. My name is Emily Palus, 8 and I reside at 7101 Pony Trail Lane -- excuse me, in 9 Hyattsville, Maryland 20782. I want to thank you for 10 the opportunity to speak today about the zoning special 11 exception for the property located at 7207 Hitching 12 Post Lane requested by Espirales Montessori Bilingual, 13 LLC. 14 I live about three blocks away from the 15 property in question, and I speak today in overwhelming 16 support of the application. Access to childcare is 17 critical for working families, yet daycare providers 18 are in short supply. My kids are now in elementary 19 school age, but I know what a crippling challenge it is 20 when a parent can't find quality, affordable daycare in 21 their community. 22 I know several neighborhood families that have</p>

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<p style="text-align: right;">53</p> <p>1 attended Espirales, and their children have thrived. 2 The requirements for a licensed facility are rigorous, 3 and I applaud the steps Ms. Claudia has taken to meet 4 all the standards and guidelines as a provider and as 5 an employer. 6 Childcare businesses are largely locally- 7 owned, and an avenue for entrepreneurship for working 8 women. As a neighborhood, we should support these 9 enterprises and the opportunities they bring. 10 I also appreciate the investment made by the 11 new owners of the property. Since they purchased in 12 2022, I've observed the renovations made by Joe Luebke 13 and Tom Wright. The transformation is incredible, 14 wonderful after a decade or really more of maintenance 15 issues at the sight. The additional improvements have 16 re- -- the additional improvements now required for a 17 childcare center will only further improve the 18 appearance and the utility of the property. 19 Traffic will be minimal, and being in the 20 neighborhood allows for pedestrian drop-offs and pick- 21 ups by those in walking and bicycle distance. The 22 location is along my children's walk to the school bus</p>	<p style="text-align: right;">55</p> <p>1 your children to the bus stop, please? 2 MS. PALUS: Why I escort them? Because of 3 their age -- because of their ages. However, in more 4 time, they would be able to walk alone. And I am 5 relieved to know that there are houses that are 6 occupied by caring people along the route. 7 MR. PERRY: Last question, can you tell me 8 which route you take to -- take for walking to the bus 9 stop, please? 10 MS. PALUS: We walk up my street, Pony Trail 11 Lane, then down Bridle Path, then along the right-of- 12 way to the top, or the end, of Hitching Post Lane, down 13 Hitching Post Lane, then onto Gumwood to the corner of 14 Gumwood and Stanford. 15 MR. PERRY: Okay. Thank you. 16 MS. MCNEIL: Thank you, Ms. Palus. 17 MS. PALUS: Thank you. 18 MS. MCNEIL: Is that everyone? Oh, no. We have 19 Tom. 20 MR. BANKS: [inaudible]. 21 MS. MCNEIL: Oh, pardon me. Who's --? I'm 22 sorry. Who was that speaking?</p>
<p style="text-align: right;">54</p> <p>1 stop, and I'm delighted that Espirales is on their 2 route. 3 When I chance upon the caregivers and children 4 in the neighborhood, I am filled with joy at seeing 5 their smiling young faces, and hearing their bilingual 6 banter. Daycare centers within neighborhoods serve 7 important and special community roles. 8 I wish Ms. Claudia the greatest success in her 9 endeavors, and know her being able to expand will -- 10 will bring great value to the community, and it's very 11 important. I su- -- fully support the zoning special 12 exception and urge you to approve. Thank you so very 13 much. 14 MS. MCNEIL: Thank you. Mr. Brown, any 15 questions? 16 MR. BROWN: No questions. 17 MS. MCNEIL: Mr. Perry, any questions? 18 MR. PERRY: Yes. I do. Thank you. Could you 19 describe why you escort your children to the bus stop? 20 MS. PALUS: I'm sorry. Can you speak up? I 21 can't hear you. 22 MR. PERRY: Can you describe why you escort</p>	<p style="text-align: right;">56</p> <p>1 MR. BANKS: This is [inaudible]. 2 MS. MCNEIL: Mr. Banks, you're breaking up. If 3 you don't mind, I'm going to start with Tom so you can 4 work on the sound. Tom, what's your last name? You're - 5 - you're muted. 6 MR. WRIGHT: Wright, W-r-i-g-h-t. 7 MS. MCNEIL: Okay. Mr. Wright, do you swear or 8 affirm under the penalties of perjury that the 9 testimony you shall give will be the truth and nothing 10 but the truth? 11 MR. WRIGHT: Yes. I do. 12 MS. MCNEIL: Okay. So, gi- -- state your 13 address and then your position on this application. 14 MR. WRIGHT: Yes 7209 Hitching Post Lane, 15 Hyattsville, Maryland 20783. We actually live adjacent 16 to the property at 7207 Hitching Post Lane, and we also 17 co-own that property with our neighbors next door on 18 Gumwood. It's -- it's a four partner ownership of the 19 house. 20 As a co-owner of the property at 7207 Hitching 21 Post Lane, and also a resident on the adjacent property 22 at 7209 Hitching Post Lane, I fully and</p>

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1 enthusiastically support this exception to allow
2 Claudia and Ben to relocate and expand Espirales
3 Montessori Bilingual, LLC under this special exemption
4 hearing 2023-001.
5 We've lived in this neighborhood since 2011.
6 We've seen the wonderful gift that Espirales has
7 brought to the neighborhood for providing top quality
8 daycare. When we acquired the property in 2022, it was
9 primarily as an investment.
10 We were approached by Claudia and Ben if they
11 might be able to lease the property in order for
12 Espirales might be able to expand their wonderful gift
13 with a much-needed community service. We immediately
14 felt this would be a perfect fit, and we're absolutely
15 thrilled to know that this is a possibility, and we
16 fully support it, and we hope that this is fully
17 approved.
18 Just another quick question. I -- I have to
19 pop off at 11:00. I don't know how long this hearing's
20 going to be, I could pop back on at early afternoon.
21 But I wasn't entirely sure what the venue of this was.
22 MS. MCNEIL: I will -- I will allow as much

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1 time as is needed for the hearing without repetitive
2 testimony, and hoping that everyone gives me an early
3 birthday present, since my birthday is Friday. So I
4 don't know what time you're planning on popping back,
5 but I'm hoping we won't be here after 12:00, even. But
6 we'll see.
7 MR. WRIGHT: Got it, got it, got it. Okay.
8 Yes. I -- I was thinking if it went into early
9 afternoon, I'd pop back on at 1:00. But I -- I do have
10 a work --
11 MS. MCNEIL: But feel free -- you know what?
12 Contact -- contact the Simaseks -- the Simas- -- I'll
13 get it.
14 MR. WRIGHT: Yeah.
15 MS. MCNEIL: Contact them, and if -- if we're
16 still going, do come back.
17 MR. WRIGHT: Oh, perfect. I'm going to stay on
18 until 11:00, but I have a work meeting I have to go to.
19 So --
20 MS. MCNEIL: Okay -- okay. Thank you.
21 MS. ROCHE: Happy birthday, mi- --
22 MS. MCNEIL: Who's that?

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1 MS. ROCHE: Jenny Roche. Happy early birthday
2 to you.
3 MS. MCNEIL: Thank you, Ms. Roche. I'm so
4 spoiled. Still spoiled all these years. Okay. Ms.
5 Scudder, does it look like that's everybody? Or do you
6 all see --?
7 MR. BROWN: Madam Examiner, let me just ask
8 Mr. Wright a question or two.
9 MS. MCNEIL: Okay. I'm sorry about that. I'm
10 sorry.
11 MR. BROWN: Mr. Wright, I was looking at this
12 file, and on the application disclosure form, the
13 owners of the subject property, 7207, are listed as
14 yourself, Joseph -- how did you pronounce his last
15 name, Luebke?
16 MR. WRIGHT: Luebke, he's my husband.
17 MR. BROWN: Luebke, and then Ronald and Ronald
18 Pedone, and Elizabeth Payer.
19 MR. WRIGHT: Yes.
20 MR. BROWN: You did clarify at one point, you
21 live next door at 7209 and the property is 7207,
22 correct?

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1 MR. WRIGHT: Correct.
2 MR. BROWN: All right. And Mr. Pedone filed an
3 affidavit -- ethics affidavit in this case, but there
4 was no ethics affidavit in this case from the other
5 owners, yourself, Mr. Luebke, I apologize if I'm
6 mispronouncing it again, and Elizabeth Payer. So, Ms.
7 Scudder, they are the property owners, so they need to
8 file ethics affidavits.
9 However, I also looked at the SDAT for this
10 property, and the actual owner of the property is HPL
11 Holdings, LLC. I am assuming, Mr. Wright, that the four
12 members that I just named are the members of HPL
13 Holdings, LLC. Is that correct?
14 MR. WRIGHT: Yes -- yes. When -- when we --
15 when the four of -- when Joe and I and our neighbors,
16 Ron and Elizabeth, talked about purchasing this
17 property as an investment, we were advised by an
18 attorney that we should consider creating an LLC, and
19 have ownership of the house under that LLC. So, under
20 the advisement of an attorney, that's what we did. That
21 was done just about a month or so ago --
22 MR. BROWN: Yeah.

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1 MR. WRIGHT: -- finalized. And would then --
2 MR. BROWN: I saw that --
3 MR. WRIGHT: -- [inaudible] with the county.
4 MR. BROWN: Saw that in the record. So, what,
5 Ms. Scudder, you would need to do is you need to get a
6 certificate of good standing for HPL Holdings, LLC,
7 which is currently in good standing. And we need an
8 ethics affidavit from all four members. Mr. Pedone has
9 already filed his.
10 Then in addition, the applicant here is
11 described as Espirales Montessori Bilingual, LLC, Mr.
12 and Mrs. Simasek. And again, I apologize, I'm not
13 fluent in Spanish, not a bit. You are the applicants
14 individually, but you listed the LLC as the applicant
15 on this case. Again, Ms. Scudder, we need to have
16 certificate of good standing for Espirales Montessori
17 Bilingual, LLC.
18 They were forfeited for several years, however
19 they did -- rather, they were reinstated the middle of
20 last year. So, we do need a certi- -- certificate of
21 good standing for them. All right? And so, my initial
22 question which raised me to look at all these issues

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1 was, there is no family living at the subject property,
2 it is primarily used as a daycare center. Is that
3 correct, Mr. Wright?
4 MR. WRIGHT: It -- the property at 7207?
5 MR. BROWN: Yeah, 7207.
6 MR. WRIGHT: Is that what --?
7 MR. BROWN: Right.
8 MR. WRIGHT: Right now, it's -- it's -- it is
9 not occupied, and we're waiting for this to be approved
10 so that --
11 MR. BROWN: No. We're aware. My -- my -- my
12 question is though, once the daycare center, assuming
13 it's approved, it will not be a residence for anyone,
14 it will only be used as a daycare center?
15 MR. WRIGHT: Oh, yes. I'm sorry. I understand
16 your question. You are correct. It will -- it would
17 solely be used for the purpose of Espirales. Yes.
18 MR. BROWN: All right. So, Ms. Scudder, if you
19 can get those additional documents, I have no further
20 questions of Mr. Wright.
21 MR. WRIGHT: It -- if there's anything that I
22 need to submit in regard of what you just asked for,

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1 Mr. Brown, could -- could someone e-mail me precisely
2 what I should do so that I can --
3 MR. BROWN: Yes.
4 MR. WRIGHT: -- submit what's necessary?
5 MS. SCUDDER: I've got you covered, sir.
6 MS. MCNEIL: Ms. Scudder will.
7 MS. SCUDDER: Mr. Brown, I do have
8 certificates of status for both of the LLCs that you
9 just covered. And, Madam Examiner, if I may submit
10 those into the record now. I believe they would be
11 exhibits maybe 18 and 19.
12 MS. MCNEIL: You would believe that. But I
13 think -- I was getting ready to go over this with Ms.
14 Bah to be on the safe side. But I believe you're
15 revised statement of justification was 16, the marked
16 up site plan was 17, Mr. Fischer's written testimony
17 was 18.
18 I was thinking Ms. Banks' testimony will then
19 become 19, and so, the SDAT certificates will be 20 and
20 21. And we'll just let Ms. Bah re- -- mark. I don't
21 know which one will come through first. But it's for
22 the two business entities.

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1 MS. SCUDDER: Thank you. Ms. -- Madam
2 Examiner, you said Fischer -- Fischer's letter is a- --
3 18, and I'm sorry. What was 19?
4 MS. MCNEIL: I -- and I'm sorry. It was Ms.
5 Banks, but I can't think of her first name right now.
6 MALE 4: Alexis Banks.
7 MS. MCNEIL: Thank you. I'm glad you stayed.
8 Okay. Thank you, Ms. Banks.
9 MR. BROWN: And as I indicated, Ms. Scudder,
10 we need ethics affidavits from the four members of HPL
11 Holdings, LLC. And also, I believe Mr. and Mrs.
12 Simasek, they did not file an ethics affidavit either,
13 or at least I didn't see it in this file.
14 MS. SCUDDER: Okay. I will add that to the
15 list of things we need to submit. Thank you, Mr. Brown.
16 MS. MCNEIL: You know, for the record, Ms.
17 Scudder, let's just pick them now. So, 20 will be which
18 one?
19 MS. SCUDDER: 20 will be the HPL Holdings,
20 LLC. And 21 will be Espirales Montessori Bilingual,
21 LLC.
22 MS. MCNEIL: Thank you. Okay. Does anyone --

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<p style="text-align: right;">65</p> <p>1 MR. WRIGHT: So --</p> <p>2 MS. MCNEIL: -- else --? Oh, I'm sorry.</p> <p>3 MR. WRIGHT: So, just to clarify, is there</p> <p>4 anything else that you need from me as far as these</p> <p>5 affidavits that -- if -- if I'm supposed to submit so-</p> <p>6 -- I didn't under- -- I didn't -- I guess I didn't</p> <p>7 understand the venue of -- of -- of how this hearing</p> <p>8 works. If we were supposed to --</p> <p>9 MR. BROWN: Yeah. Ms. Scudder -- Ms. Scudder</p> <p>10 will submit to you an ethics affidavit for you and the</p> <p>11 other three members of the LLC, HPL Holdings, LLC to</p> <p>12 execute. So, she'll get with you on that.</p> <p>13 MR. WRIGHT: Oh, thank you, Mr. Brown. I</p> <p>14 appreciate that. Okay.</p> <p>15 MS. MCNEIL: Thank you, Mr. Wright. Okay. I'm</p> <p>16 thinking you can go back to the case in chief. Let's</p> <p>17 see.</p> <p>18 MS. SCUDDER: Someone just said they would</p> <p>19 like to testify, Brian Banks.</p> <p>20 MS. MCNEIL: Oh, yeah. Mr. Banks, how's your</p> <p>21 sound now? Where are you?</p> <p>22 MR. BANKS: I hope it's better.</p>	<p style="text-align: right;">67</p> <p>1 MS. MCNEIL: -- tell me about your position.</p> <p>2 MR. BANKS: Brian Banks, 5703 37th Avenue,</p> <p>3 Hyattsville, Maryland 20782.</p> <p>4 MS. MCNEIL: Okay.</p> <p>5 MR. BANKS: As you already heard today,</p> <p>6 Espirales Montessori is a powerful force for good in</p> <p>7 our community, both today in terms of building strong,</p> <p>8 engaged, and kind citizens for the future, and also we</p> <p>9 know that these benefits will continue to be felt in</p> <p>10 the future.</p> <p>11 I could be wrong about this, but I don't know</p> <p>12 that your zoning hearings usually turn out with hours</p> <p>13 of strong and overwhelming support.</p> <p>14 The passion, commitment, and the level of</p> <p>15 effort shown by the Simaseks isn't an effort to become</p> <p>16 wealthy. This is in line with years of public service</p> <p>17 this family has demonstrated from service on city</p> <p>18 council, to organizing neighborhood cleanup efforts, to</p> <p>19 providing essential public services of childcare to our</p> <p>20 community.</p> <p>21 I'm hopeful that the county can support this</p> <p>22 important public service that these wonderful citizens</p>
<p style="text-align: right;">66</p> <p>1 MS. MCNEIL: Oh, yes.</p> <p>2 MR. BANKS: Can you hear me? I'm cognizant of</p> <p>3 the fact that Mr. Perry hasn't had an opportunity to</p> <p>4 testify. So happy to -- to yield the floor to him, or</p> <p>5 testify after it that's more appropriate as well. Just</p> <p>6 to make sure all these get through.</p> <p>7 MS. MCNEIL: I thought we- -- we're only</p> <p>8 letting you testify if you can't stick around to the</p> <p>9 proper order. So I thought Mr. Perry was just waiting</p> <p>10 for the proper order. So -- so you --</p> <p>11 MR. BANKS: Okay.</p> <p>12 MS. MCNEIL: Are you opposed to the request?</p> <p>13 MR. BANKS: No. Strongly -- strongly</p> <p>14 supportive. I can -- I can go ahead and testify now.</p> <p>15 MS. MCNEIL: Okay. Then wait. Do you swear or</p> <p>16 affirm under the penalties of perjury that the</p> <p>17 testimony you shall give will be the truth and nothing</p> <p>18 but the truth?</p> <p>19 MR. BANKS: Yes.</p> <p>20 MS. MCNEIL: Okay. So, state your name and</p> <p>21 address for the record, and --</p> <p>22 MR. BANKS: Sure.</p>	<p style="text-align: right;">68</p> <p>1 of this great county are working hard to provide.</p> <p>2 That said, this really isn't about the</p> <p>3 Simaseks. This is about the essential needs of our</p> <p>4 community. In 2017, there were about 6,000 in-home</p> <p>5 childcare providers in the State of Maryland.</p> <p>6 By 2026, we expect that number to be cut in</p> <p>7 half. This rapid decline in home childcare centers is</p> <p>8 not keeping pace with the increase in daycare centers,</p> <p>9 meaning there's overall less childcare available.</p> <p>10 There are really high barriers to entry,</p> <p>11 making expanding an existing childcare a much more</p> <p>12 viable option than hoping a new one opens. This</p> <p>13 extremely limited supply and decreasing supply</p> <p>14 increases the cost of childcare. Maryland currently</p> <p>15 ranks seventh nationwide when it comes to the cost of</p> <p>16 childcare, preschool, and infant care. The only hope</p> <p>17 here is to increase supply.</p> <p>18 This is also a safety measure for our county.</p> <p>19 We know that people need to work, and so denying this</p> <p>20 application increases the risk of families being forced</p> <p>21 to use unregulated childcare so that they can get their</p> <p>22 basic needs met and -- and make sure their kids are</p>

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<p style="text-align: right;">69</p> <p>1 being watched.</p> <p>2 Of course, not everyone will go to an</p> <p>3 unregulated childcare, some will also be forced to</p> <p>4 leave the workforce to manage childcare. We know</p> <p>5 nationwide this costs parents about \$9 billion. Need</p> <p>6 for childcare is urgent.</p> <p>7 I also wanted to speak to the safety of the</p> <p>8 proposed relocation. Doing daily picker- -- pick-up and</p> <p>9 drop-off, I spend a lot of time thinking about safety</p> <p>10 around the daycare. I've also walked almost every</p> <p>11 single street in Hyattsville as part of a personal</p> <p>12 project, and am familiar with the layout of that area</p> <p>13 and other similar cul-de-sacs.</p> <p>14 Hitching Post Lane only has four or five</p> <p>15 houses, dramatically decreasing the likelihood of cars</p> <p>16 moving around while we have kids out and about</p> <p>17 specifically for pick-up and drop-off.</p> <p>18 In contrast, Gumwood has dozens of houses and</p> <p>19 as a throughway, attracts additional traffic</p> <p>20 as well. More moving cars means more risk. Every time I</p> <p>21 drop off, we pass other cars on Gumwood. I can't think</p> <p>22 of the last time I saw a car turn in or out of Hitching</p>	<p style="text-align: right;">71</p> <p>1 active support to help make this happen. I strongly</p> <p>2 support this zoning exception for the well-being of</p> <p>3 Prince George's County. Thank you so much. And I'd be</p> <p>4 thrilled to answer any questions.</p> <p>5 MS. MCNEIL: Thank you, sir. Mr. Brown, do you</p> <p>6 have any questions?</p> <p>7 MR. BROWN: No questions. Thank you.</p> <p>8 MS. MCNEIL: You know, I actually have one,</p> <p>9 Mr. Banks. Where were you getting the information as to</p> <p>10 the number of childcare centers reducing since 2017?</p> <p>11 MR. BANKS: Yeah. I can put the study in the -</p> <p>12 - in the chat. It's a study from WTOP.</p> <p>13 MS. MCNEIL: Okay. Thank you. Mr. -- in fact,</p> <p>14 no. I'm -- I'm good. How -- when was the study from</p> <p>15 WTOP? You don't have to [inaudible].</p> <p>16 MR. BANKS: Yeah. In [inaudible].</p> <p>17 MS. MCNEIL: I'm just --</p> <p>18 MR. BANKS: It was from --</p> <p>19 MS. MCNEIL: -- [inaudible] thing.</p> <p>20 MR. BANKS: -- September of 2023. It was about</p> <p>21 --</p> <p>22 MS. MCNEIL: Okay.</p>
<p style="text-align: right;">70</p> <p>1 Post.</p> <p>2 More moving cars means more risk for my</p> <p>3 family. A dead end with only four houses has</p> <p>4 objectively fewer moving cars. Even if you consider</p> <p>5 that it's two ways, just like Gumwood, even if it was</p> <p>6 eight houses, it's still fewer than Gumwood.</p> <p>7 It also -- the proposed move would also reduce</p> <p>8 the need for a U-turn on Gumwood for us dropping off</p> <p>9 and turning back around, improving the flow of traffic</p> <p>10 and in- -- and reducing the risks of accidents on that</p> <p>11 street. When I'm making that U-turn, I often can't</p> <p>12 necessarily see all the points around me, and so there</p> <p>13 -- there's a significant amount of risk.</p> <p>14 The questions so far seem to suggest that</p> <p>15 having kids on a dead end is somehow more dangerous. I</p> <p>16 think we can all agree objectively there are fewer</p> <p>17 moving cars on that road. I would hope that Prince</p> <p>18 George's County would be working hard to support any</p> <p>19 opportunities to increase childcare, especially one of</p> <p>20 this caliber.</p> <p>21 Recognizing the bureaucratic process required</p> <p>22 to make this happen, we hope not just for approval but</p>	<p style="text-align: right;">72</p> <p>1 MR. BANKS: -- six months ago.</p> <p>2 MS. MCNEIL: Yeah.</p> <p>3 MR. BANKS: I'll go ahead and drop it in the</p> <p>4 chat. I don't know if that's useful to enter into</p> <p>5 anything. But there's the link to the study that talks</p> <p>6 both about decreasing care and relatively high costs</p> <p>7 her in Maryland, and kind of the paramount importance</p> <p>8 of increasing access to childcare, along with the high</p> <p>9 barriers to creating one from scratch, demonstrating</p> <p>10 the --</p> <p>11 MS. MCNEIL: Okay.</p> <p>12 MR. BANKS: -- importance of --</p> <p>13 MS. MCNEIL: I'm -- I'm -- since you -- since</p> <p>14 you gave it to me, I'm taking a wild guess that you're</p> <p>15 probably more tech savvy than I am. So, instead of the</p> <p>16 chat, because that won't be part of the record, could</p> <p>17 you e-mail it to --?</p> <p>18 MR. BANKS: I'll e-mail it to you.</p> <p>19 MS. MCNEIL: Thank you --</p> <p>20 MR. BANKS: Yeah.</p> <p>21 MS. MCNEIL: -- very much.</p> <p>22 MR. BANKS: I can e-mail it along with my</p>

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1 testimony, 100 percent.
2 MS. MCNEIL: Thank you. And so, now we're up
3 to 22.
4 MR. BANKS: Ms. McNeil --
5 MS. MCNEIL: Mr. Perry --
6 MR. BANKS: -- could I ask a question please?
7 MS. MCNEIL: I -- I was getting ready to say.
8 Mr. Perry, do you have questions? Go ahead.
9 MR. PERRY: Yes. Mr. Banks, question I have,
10 can you provide any local studies from DPIE in regards
11 to the traffic on that road, specifically that road
12 being --?
13 MR. BANKS: Yeah. Absolutely. So, de- -- sure.
14 Yeah. So, there's one traffic study that's been done of
15 the Hyattsville area back, I think, in 2012 or 2017.
16 I'll grab the study in just a second. Unfortunately, it
17 looked at the major arteries, and entrances, and exits
18 to the city.
19 I -- I believe these roads are owned by the
20 City of Maryland and maintained by the City of
21 Maryland, not the state, and I don't believe there's
22 been any traffic studies done. So, in that case, using

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1 house counts as a proxy is a reasonable approach.
2 MR. PERRY: So, ju- -- ju- --
3 MR. BANKS: I'd be happy --
4 MR. PERRY: You know --
5 MR. BANKS: Sorry?
6 MR. PERRY: You're telling me that you do not
7 have any studies for Gumwood Road, despite the fact
8 that DPIE recently worked on that road to install the -
9 - the sidewalk?
10 MR. BANKS: Correct. They're not available
11 through public records. If you have any you'd like to
12 enter into evidence or if you already have, I'd love to
13 take a look at them.
14 MR. PERRY: Well, Mr. Banks, I did -- I did
15 talk about that, but I'd be testifying. But as you
16 said, I shouldn't be testifying, so I'm going to just
17 ask you questions.
18 MR. BANKS: Sure.
19 MR. PERRY: So, just to make sure, you do not
20 have any traffic studies on Gumwood Road and the dead -
21 - dead end road of Bridle Path?
22 MR. BROWN: Mr. Perry, I -- I've let this

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1 applicant -- I mean, this witness a little bit of
2 leeway. But with all due respect, any questions
3 concerning traffic are irrelevant. This is a special
4 exception, it's not a preliminary plan, a subdivision.
5 And although Mr. Banks has submitted a
6 particular study, the study he submitted is really not
7 relevant, as well, to the issues of a special
8 exception. And so, I'm going to object to your question
9 concerning traffic. If you have another question that
10 goes to the issues of a special exception, we will
11 allow that.
12 MR. PERRY: I do have one fa- -- one final
13 question. How many times have you walked on Gumwood?
14 MR. BANKS: So, let's see. Five days a week
15 for the past 3 years, so 5 times 52 times 3 is a lot. I
16 don't know the exact number. I would estimate it to be
17 around --
18 MR. BROWN: We don't -- we don't need --
19 MR. BANKS: -- [inaudible].
20 MR. BROWN: We don't need to do the math, Mr.
21 Banks. We -- you live in the neighborhood, you walk on
22 the street. We -- we got it. It's stipulated.

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1 MS. MCNEIL: And if I may, I'm going to
2 sustain Mr. Brown's objection a few seconds ago. You
3 all are talking faster than I can write and think. So -
4 - as to the traffic study. The other -- the other
5 document will, you know, be given the appropriate
6 weight. I just asked because he mentioned the reduction
7 in daycare centers in the area -- in the State of
8 Maryland.
9 MR. BANKS: Wa- -- perfect.
10 MS. MCNEIL: Okay. So, you --
11 MR. BANKS: Happy to answer any other
12 question.
13 MS. MCNEIL: I don't think we have any more.
14 We're good, Mr. Perry?
15 MR. PERRY: We're good. Thank you.
16 MS. MCNEIL: Okay. Thank you. Thank you, Mr.
17 Banks.
18 MR. BANKS: Thank you for the opportuni- --
19 MS. MCNEIL: Sure. Well, is that everybody?
20 Jenny's just on camera. But Jenny already spoke. Yeah.
21 Okay. All right. Ms. Scudder?
22 MS. SCUDDER: Madam Examiner, I know that you

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77	1 made the study that Mr. Banks just put in by WTOP as -- 2 I think you made that exhibit 22. Is that correct? 3 MS. MCNEIL: Well, did he leave me? Mr. Banks 4 said something about written testimony. You don't have 5 to submit any, but did -- are you going to? 6 MR. BANKS: I'm happy to send it in, yeah, 7 just for the record. So, I can send that along with the 8 study if that's useful. 9 MS. MCNEIL: Okay. 10 MR. BANKS: Perhaps that's two items [ph]. 11 MS. MCNEIL: So, then -- so, then you're 12 correct. We are now up to 22 and 23. Exhibit 22 will be 13 written testimony of Mr. Banks, and exhibit 23 will be 14 a study from WTOP, was it? I can't see the -- 15 MS. SCUDDER: Yes. 16 MS. MCNEIL: Okay. On daycare -- 17 MR. BANKS: Yes, ma'am. That's right. 18 MS. MCNEIL: On daycare in Maryland. Thank 19 you, sir. 20 MS. SCUDDER: And I heard Mr. Brown say that 21 the traffic study that Mr. Banks just put in the chat 22 was not relevant. So our --	79	1 at 3304 Gumwood Drive, Hyattsville, Maryland 20783. 2 MS. SCUDDER: And are you the person that is 3 responsible for pursuing this special exception for 4 Espirales Montessori Bilingual, LLC? 5 MR. SIMASEK: Yes. In -- in collaboration with 6 Claudia and -- and in her support, I have taken the 7 lead on navigating this process with the Prince 8 George's County Planning Department. 9 MS. SCUDDER: And does Espirales Montessori 10 Bilingual, LLC own the subject property? 11 MR. SIMASEK: No. As we heard from one of the 12 members of HPL Holdings, LLC, that is formed from four 13 of our neighbors, Joe Luebke, Tom Wright, and Ron and 14 Elizabeth Pedone. They are the owners of the property 15 through that LLC. 16 MS. SCUDDER: And, Mr. Simasek, is Espirales 17 Montessori Bilingual, LLC currently operating as a 18 daycare? 19 MR. SIMASEK: Yes. It is operating out of our 20 home at 3304 Gumwood Drive, as it has been for the last 21 se- -- about seven years -- six, sorry. 22 MS. SCUDDER: And how many kids do you all
78	1 MS. MCNEIL: We didn't even see it. So, yeah. 2 What's in the chat is not in exhibits. So -- and I 3 sustained his objection. 4 MS. SCUDDER: Okay. Got you. Thank you. 5 MS. MCNEIL: Are you ready? 6 MS. SCUDDER: I am. 7 MS. MCNEIL: Okay. 8 MS. SCUDDER: We -- 9 MS. MCNEIL: Are you going to do the --? Okay. 10 Go. 11 MS. SCUDDER: So, I'm -- I'm going to call my 12 next witness, Mr. Ben Simasek. 13 MS. MCNEIL: Simasek. Mr. Simasek, do you 14 swear or affirm under the penalties of perjury that the 15 testimony you shall give will be the truth and nothing 16 but the truth? 17 MR. SIMASEK: Yes. I do. 18 MS. MCNEIL: Thank you. 19 MS. SCUDDER: Okay, Mr. Simasek. And I know 20 you just stated your name for the record. Can you also 21 state your address for the record? 22 MR. SIMASEK: My name is Ben Simasek. I live	80	1 currently care for at the daycare? 2 MR. SIMASEK: Claudia currently has seven 3 children in her care, including our own daughter. Her 4 license is for six children, but the state department 5 of early -- Maryland State Department of Early 6 Childhood Education allows for two family members to -- 7 to be under the care of the daycare in addition to the 8 license. 9 MS. SCUDDER: And do you have a certificate of 10 occupancy for your current daycare center? 11 MR. SIMASEK: Yes. We do. 12 MS. SCUDDER: Madam Examiner, I would like to 13 submit into the record a copy of the certificate of 14 occupancy for the current daycare center. And I would 15 also like to submit a copy of their certificate of 16 registration, which is their license that they have 17 through the State of Maryland. 18 MS. MCNEIL: Okay. Certificate of occupancy 19 will be exhibit 24. And -- 20 MS. SCUDDER: The certificate of registration. 21 MS. MCNEIL: Thank you. Will be exhibit 25. 22 MS. SCUDDER: Thank you.

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81	1 MR. BROWN: So, Ms. Scudder, are you e-mailing 2 this to us now? 3 MS. MCNEIL: Yeah. 4 MS. SCUDDER: Yes, sir. 5 MR. BROWN: In the future, please submit as 6 many of these documents as you have prior to the 7 hearing. It is just impossible to review documents and 8 listen to testimony at the same time. 9 MS. SCUDDER: Okay. I definitely will do that. 10 I -- I wasn't sure. Because I didn't know if miss -- 11 Madam Examiner needed to approve them to be entered 12 into the record before I submitted them. But -- 13 MS. MCNEIL: Oh, okay. So -- so, ye- -- okay. 14 So, they're supposed to be submitted, if possible, the 15 Wednesday before the hearing, so last Wednesday. And 16 what would happen is we would -- could still voir dire 17 and object today, but at least everyone would've been 18 able to see it. So, we're clear for the next time. 19 MS. SCUDDER: Duly noted. Thank you very much. 20 MS. MCNEIL: Okay. And in fact, do you have 21 many more exhibits? I don't mean to -- 22 MS. SCUDDER: Not that many.	83	1 [break] 2 MS. MCNEIL: I'm sorry, I didn't get a chance 3 to see it. So, everything's been emailed now? 4 MS. SCUDDER: Yes, ma'am. 5 MS. MCNEIL: Okay. I -- I see it. All right. 6 Okay, we were continuing with Mr. Simasek. 7 MS. SCUDDER: Okay. Yes, and I think I left 8 off with asking how many kids and you -- you mentioned 9 your certificate of occupancy and the Maryland state 10 license and we sent that in. Is -- is Espirales 11 Montessori Bilingual LLC, is that the entity that 12 you're going to be conducting business under if this 13 special exception were to be approved? 14 MR. SIMASEK: Yes, that's the entity that 15 Claudia will be conducting business under. 16 MS. SCUDDER: Okay. And -- and is that LLC in 17 good standing with the state of Maryland? 18 MR. SIMASEK: Yes, it is. 19 MS. SCUDDER: And again, can you just 20 reconfirm the address of the proposed daycare center? 21 MR. SIMASEK: 7207 Hitching Post Lane, 22 Hyattsville, Maryland 20783.
82	1 MS. MCNEIL: I don't mean -- I know -- I know 2 there's some pictures, right? Or did they --? 3 MS. SCUDDER: Right. There's some photos. 4 MS. MCNEIL: Okay. Then why don't we, because 5 it's time anyway, just take a five minute break and 6 that would allow you the time to e-mail everything and 7 then discuss the others after exhibit 25 on the record 8 when we come back? So, everybody can just stay here, 9 but we're taking a five minute break. 10 MR. BROWN: And e-mail Mr. Perry as well all 11 of -- 12 MS. MCNEIL: Yes. 13 MR. BROWN: -- exhibits. 14 MS. MCNEIL: Thank you. 15 MR. BROWN: Did you understand? Or -- never 16 mind. 17 MS. SCUDDER: Yes, Mr. Brown. I think my 18 computer froze, but I did hear that we're going to take 19 a break so that I can e-mail in any other pictures. 20 MR. BROWN: All right. Great. Thanks. 21 MS. SCUDDER: Okay. Doing that now. Thank you. 22 AUTOMATED VOICE: Recording stopped.	84	1 MS. SCUDDER: Okay, and can you describe the 2 property and just also familiarize the zoning hearing 3 examiner with exactly where that's located in 4 Hyattsville, maybe kind of talk about where your 5 neighborhood is located. 6 MR. SIMASEK: Sure. So, we live in the 7 University Hill subdivision, which is part of 8 incorporated Hyattsville. It's just off of Adelphi 9 Road. 10 That's the main county road. And Hitching Post 11 Lane -- Hitching Post Lane, as you might infer from -- 12 from earlier testimony is a dead -- dead end street 13 that branches off of Gumwood Drive. 14 So, from Adelphi, we have Wells Parkway that 15 turns into Wells Boulevard. Gumwood drive is one of the 16 main through streets of the neighborhood, although I -- 17 I shouldn't say through street, it does not -- it ends 18 in a dead end at the end of Gumwood, but Hitching Post 19 Lane is -- is just adjacent to that. 20 FEMALE: Can you give me some water? One 21 minute. One minute. 22 MS. MCNEIL: Excuse me, someone is not muted.

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<p style="text-align: right;">85</p> <p>1 Thank you. Mr. Simasek, I actually went to University 2 of Maryland. I was trying to picture this. So, if I'm 3 headed your way from the university, it's a left before 4 or after the library? Is it after that library on the 5 right? 6 MR. SIMASEK: So, if you're headed from the 7 university south on Adelphi road, it would be a right 8 before you get to the library. It's -- 9 MS. MCNEIL: The wrong side of the street. 10 Thank you. All right. Okay. I have it. Thank you so 11 much. 12 MR. SIMASEK: So, it's adjacent to 13 Northwestern High School or very close to there. 14 MS. SCUDDER: Okay. And Mr. Simasek, did -- 15 are you the person that posted the property for this 16 hearing? 17 MR. SIMASEK: Yes. 18 MS. SCUDDER: And -- and you are the person 19 that took the pictures associated with that posting? 20 MR. SIMASEK: Yes. 21 MS. SCUDDER: And I think we mentioned that 22 earlier, Ms. Madam Examiner, that was on -- it's on</p>	<p style="text-align: right;">87</p> <p>1 bedroom has -- has cribs in it. So, what -- that's a 2 little bit of background context. 3 We have been seeking, or looking for 4 opportunities to lease a space for a while; however, 5 the commercial space available and -- safe and adequate 6 for childcare in this part of Prince George's County, 7 the commercial spaces are few and far between. 8 We are hoping that in -- in approving this 9 special exception, you will be giving us the 10 opportunity to move the daycare literally across the 11 street and, you know, within our own neighborhood. And 12 we're intending to make very few changes to the 13 property, only what's required, you know, according to 14 the zoning ordinance. 15 MS. SCUDDER: Okay. That was one of the 16 upcoming questions I was going to ask, but let me first 17 just back you up a little bit. Are you going to be 18 proposing a sign for the daycare? 19 MR. SIMASEK: No, there will be no sign posted 20 on the property. 21 MS. SCUDDER: And -- and with regard to the 22 new daycare center at the new location, what changes</p>
<p style="text-align: right;">86</p> <p>1 your exhibit listed as exhibits number 5 and 6. And Mr. 2 Simasek, what are you and Ms. Claudia seeking to do 3 under this special exception application? 4 MR. SIMASEK: So, as you can infer, we are 5 hoping to lease the property for use as a small 6 childcare center. As we have mentioned, so Claudia has 7 run the daycare out of our home for several years. 8 And our -- when our neighbors purchased the 9 home, just across the street, it's -- it's literally a 10 stone's throw from our house, although I wouldn't throw 11 any rocks, Claudia was excited for the opportunity to 12 potentially lease the space to -- to operate -- to move 13 our daycare out of our home. 14 You know, it's -- it's been a blessing to have 15 the daycare within our home for the last several years, 16 especially during the pandemic and having our children 17 with us. 18 However, now that our children are growing, we 19 have two kids, we're hoping to open up a little bit 20 more space within our own house to, you know, we sit on 21 the floor at a little kiddie table, rather than having 22 a -- an adult size table, and you know, our daughter's</p>	<p style="text-align: right;">88</p> <p>1 are you proposing to make to that -- that single family 2 house that's there? 3 MR. SIMASEK: So, we're proposing four basic 4 changes. One will be additional plantings along the -- 5 the edges of the property line to meet the buffer yard 6 requirements. So, that will include some shade trees 7 and shrubs. 8 An additional change will be a 4 foot wooden 9 fence within the property line to provide the 10 requirement for a fenced outdoor play area that will be 11 well shaded and -- and safe for the children. Another 12 change will be to pave the driveway and include an ADA 13 compliant access aisle from that -- from that driveway. 14 And along the lines of ADA compliance to build 15 a wooden ramp up to the stoop, there are 2 steps up to 16 the door of the -- the property, so to enable somebody 17 in a wheelchair, or you know, even families pushing a 18 stroller to be able to get in the door, there will be a 19 wooden ramp that will come out and right from the 20 driveway in the walkway. They'll be able to enter the 21 house. So, those are the four basic changes. 22 MS. SCUDDER: Okay. Thank you. And I think</p>

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1 this next question has been alluded to earlier, and it
2 may have been covered, but just for the record again,
3 what is the reason or reasons that you all decided to
4 pursue the special exception for up to 16 children?
5 MR. SIMASEK: So, yes, as -- as mentioned,
6 Claudia, currently she -- she has had 8 children under
7 her care, including our own and currently 7, and in the
8 past it's been 8 with our own children, but we're
9 seeking to expand just slightly because she has had a
10 wait list since she opened the daycare, as we heard
11 from several parents.
12 And she receives inquiries every week from
13 families in the area who are looking for childcare and,
14 you know, she maintains that wait list and -- and tries
15 to make space available, but in -- in seeking the --
16 the license for 16 children, in this space, the hope is
17 to be able to meet some of that need from, you know,
18 existing families who are having maybe, you know,
19 second children, as well as, you know, new families who
20 are moving to the area.
21 MS. SCUDDER: Okay. So, Mr. Simasek, you're
22 sort of the technical person that helped shepherd this

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1 special exception application through the planning
2 process, but Ms. Claudia is going to be the one who
3 actually manages the day to day operations of the
4 daycare. Is that correct?
5 MR. SIMASEK: Correct, although I don't know
6 if I would call myself a technical person. This is a
7 learning process for me.
8 MS. SCUDDER: So, what are your next steps if
9 this application is approved?
10 MR. SIMASEK: So, we currently have a pending
11 application for the use and occupancy permit at the --
12 at the subject property. Following that, we -- we will
13 contract to do the work of paving the driveway and
14 putting up the fence and -- and installing the ramp.
15 And additionally, Claudia will need to pass
16 through the state inspections, you know, the fire
17 inspection, the Maryland State Department of Education
18 Early Childhood Division. We'll have several
19 requirements and -- and steps that she's passed through
20 with her -- her current daycare that will need to pass
21 through for this new space.
22 MS. SCUDDER: Okay. And with regard to the

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1 layout of the proposed daycare center on Hitching Post,
2 are you proposing to make any, you know, interior
3 renovations or changes to the layout of the house?
4 MR. SIMASEK: No, no interior changes to the
5 house.
6 MS. SCUDDER: Okay, Madam Examiner, one of the
7 exhibits that I've just emailed in is a floor plan. So,
8 I would ask that floor plan be made an exhibit in this
9 case. Madam Examiner, you're muted.
10 MS. MCNEIL: Sorry about that. I'm just trying
11 to see which one is the floor plan from the emails. So,
12 we're up to 29, and I'm only up to 25, so.
13 MS. SCUDDER: So, I have the --
14 FEMALE: Twenty-seven.
15 MS. MCNEIL: So, 27, thank you. So, can you
16 pull it up for everyone to see Ms. Scudder?
17 MS. SCUDDER: I'm going to defer to my
18 talented legal assistant, Ms. Myers, if she could pull
19 that up for us.
20 MS. MYERS: Hello, Madam Examiner, this is
21 Terry.
22 MS. MCNEIL: Hi, Terry. How are you?

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1 MS. MYERS: I'm good. I need permission to
2 share.
3 MS. BAH: I just gave you permission, Terry.
4 MS. MYERS: Thank you.
5 MS. BAH: You're welcome.
6 MS. SCUDDER: Okay, Mr. Simasek, since we have
7 this up on the screen now for everyone to see, if you
8 could just maybe just speak to it and describe, you
9 know, describe what we're looking at here.
10 MR. SIMASEK: Sure. And apologies, this is a
11 very rough sketch of the floor plan, but essentially,
12 there's one floor of this house, and most of the area
13 is the main room. The childcare space will include the
14 entire first floor. So, both bedrooms, as well as the
15 main room. I believe the -- it's 966 square feet.
16 There is a -- the door in the bottom right
17 corner is the main entrance and that's the door that
18 the ramp will be to. There are several windows
19 throughout, both in the bedrooms and in the main room.
20 There is a bathroom and a kitchen, and there
21 is a staircase down to the basement. However, that --
22 that space will be off limits to the children. That

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1 door will remain closed and it'd be, you know, it'll
2 only be on the first floor of the house that the
3 childcare use will be.
4 MS. SCUDDER: Okay. And I -- I know you
5 mentioned that there are -- are our windows. Is that
6 what I see? Is that reflected by these sort of
7 rectangular squares in each of the rooms?
8 MR. SIMASEK: Yeah, the blue boxes represent
9 windows, yes.
10 MS. SCUDDER: Okay. So, there will be adequate
11 light coming in to all the various rooms that the
12 children will be utilizing.
13 MR. SIMASEK: Lots of beautiful natural light
14 in that space.
15 MS. SCUDDER: Okay. And do you also have
16 photographs of the house and the yard?
17 MR. SIMASEK: Yes, I believe I submitted them
18 to you and Terry.
19 MS. SCUDDER: Madam Examiner, we did send in
20 photographs.
21 MS. MCNEIL: Okay.
22 MS. SCUDDER: And I believe those are exhibit

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1 26.
2 MS. MCNEIL: You didn't have to --
3 MS. SCUDDER: And I think you normally --
4 don't you normally order -- order them like A, B, C, D,
5 E, F, G?
6 MS. MCNEIL: Yes.
7 MS. SCUDDER: Okay.
8 MS. MCNEIL: I can't get to them because of
9 this document still being up. Can the floor plan go
10 down Ms. Myers? So, now I can make you all small.
11 Thanks. So, will Ms. Myers be showing the photos or do
12 you want us to do that?
13 MS. SCUDDER: Ms. Myers, do you want to start
14 pulling up the photos one by one, so that we can allow
15 Mr. Simasek to describe each photo and what they
16 depict?
17 MS. MCNEIL: And you can describe them as. 27-
18 A, whichever the first one is all the way to the last
19 letter.
20 MS. SCUDDER: Wouldn't that be 26, Madam
21 Examiner?
22 MS. MCNEIL: 26, yes. Floor plan was 27.

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1 MS. SCUDDER: Mr. Simasek, do you recognize
2 this photograph? Mr. Simasek, we're going to now start
3 going through the photos so that you can identify what
4 we're looking at and describe what is depicted in each
5 of the photos. Are you still there?
6 MS. MCNEIL: Ms. Scudder, this is Terry. The
7 photos that I'm currently showing are from your site
8 visit, Mr. Simasek sent additional photos that I would
9 have to send as a separate exhibit. Which ones would
10 you want me to start with?
11 MS. SCUDDER: I would -- I guess I would just
12 maybe ask Ms. Madam Examiner. Ms. Myers is correct. I
13 did a site visit. I took the next series of pictures
14 that are exhibit 26.
15 MS. MCNEIL: You don't want to be the witness.
16 If you don't want to be the witness. Have you seen Mr.
17 Simasek's photos and we can just use those, whichever
18 you prefer.
19 MS. SCUDDER: Ms. Myers, are you able to pull
20 them up right now?
21 MS. MYERS: Yes.
22 MS. SCUDDER: If you could use the ones that

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1 Mr. Simasek sent in, that would probably be better.
2 MS. MYERS: Okay.
3 MS. SCUDDER: So, Madam Examiner, would we
4 want to replace my -- the pictures that I took?
5 MALE: It doesn't make a difference, Mr.
6 Simasek can testify and authenticate that the building
7 is in its current form, it's consistent with the
8 photograph, so that's fine. Whether you use your --
9 MS. MCNEIL: Yeah, I was -- I was just saying
10 that in the event he couldn't.
11 MALE: Right, right, right.
12 MS. MCNEIL: So, you can --
13 MALE: Sorry about that.
14 MS. MCNEIL: So, let's see.
15 MALE: Whatever photographs you have, let's
16 just put them up and run through them.
17 MS. SCUDDER: Okay, Mr. Simasek, as Terry puts
18 up the photographs, let's go through these pretty
19 quickly. As she puts up the photographs, can you just
20 describe, you know, what we're looking at?
21 MR. SIMASEK: Okay. This is the front bay
22 window. As you can see, there are 3 windows letting in

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1 lots of natural light. I'm sorry, I'm going camera off
2 just for a moment to make sure our connection is okay.
3 MS. SCUDDER: Okay. Next picture.
4 MR. SIMASEK: This is the side entrance, as I
5 mentioned, 2 steps up to the front door. And you can
6 see the side of the house. There are 3 windows along
7 the side. 2 of those are for the main area and then 1
8 is in the back bedroom all the way on the right side of
9 this photo. There's an existing concrete pad. That's
10 kind of, you know, after the stoop.
11 MS. MCNEIL: One second, Ms. Scudder, before
12 we leave, this is 26-B. Let's call them each what they
13 are, for the record.
14 MR. SIMASEK: Okay.
15 MS. MCNEIL: So, we've seen 26-A and B. Now,
16 what's the next one?
17 MR. SIMASEK: This is the back of the house.
18 So, this -- this part of the yard will include the
19 fenced play area. The fence will come right off the
20 edge of -- the right side edge of the house and around
21 to this side -- to the left side. That door that we see
22 at the bottom, that's the off limits basement area.

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1 The 2 windows above are to the -- the 2 back
2 bedrooms. So, there's a gently sloping grass -- grassy
3 area, that will be the play area.
4 MS. SCUDDER: Next photo, this is 26-D coming
5 up.
6 MR. SIMASEK: Now, this is the north side, and
7 that door comes out of the kitchen onto those steps.
8 Mostly the children will not be using this. It would be
9 an emergency exit if needed, but that -- that will be
10 outside of the fenced play area, and that's, you can
11 see the utility box there. And the windows that are
12 above those steps are to the kitchen and bathroom.
13 MS. SCUDDER: Next photo. This will be 26-E.
14 MS. MYERS: That's all I have.
15 MS. SCUDDER: Okay. I may want to put up
16 additional photos that I took at the site visit, Madam
17 Examiner, a little bit later into the hearing, but I
18 think for now these, unless you feel differently and
19 want me to go ahead and go through the additional set.
20 Because I think that the -- the set that I
21 took at my site visit show different aspects of the
22 property, completely different from what Mr. Simasek

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1 showed, so we're happy to put those up next.
2 MS. MCNEIL: It's on you to present your case.
3 We don't need to be redundant though. So, I'd
4 appreciate if you went through them, if you don't think
5 you need 10 or 15, but might need 4 or 5, or you can do
6 them all, but they can continue with 26 if you'd like,
7 picking up with E. Or you can --
8 MS. SCUDDER: Ms. Myers, let's pick up with E
9 and let's go -- let's switch over to my photos, but to
10 the extent if they are redundant, we don't necessarily
11 need to show them. I don't know if you can tell before
12 you put them up if it's a sort of a duplicate, but if
13 you could just do the best you can.
14 MR. SIMASEK: So, this photo is from Hitching
15 Post Lane, you can see those permeable pavers there and
16 the -- the side yard. So, part of that side yard will
17 be fenced and the buffer yard, the additional plantings
18 will also go along between the fence and the property
19 line. And those permeable pavers will be used for
20 parking, as well as egress from the driveway.
21 MS. SCUDDER: Next photo.
22 MS. MCNEIL: 26-F. Is that right?

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1 MS. SCUDDER: Yes. I think this is kind
2 redundant, Madam Examiner. I would strike this one. Go
3 to the next photo, please, Ms. -- okay.
4 MR. SIMASEK: Okay, this is just another angle
5 from the pavers to the main entrance of the house and
6 the side yard. You can see the driveway just on the
7 other side of that tree and the gravel.
8 MS. SCUDDER: Next photo. This will be G. I'll
9 strike this one, Madam Examiner. It's sort of a
10 duplicate.
11 MR. SIMASEK: You can see the driveway apron,
12 but it's the same, yeah.
13 MS. SCUDDER: I'll strike this one as well.
14 Next photo.
15 MR. SIMASEK: This is the adjacent property. I
16 believe that would be a 7211 Hitching Post, or no,
17 7205. Sorry. But yes, this is just the property line.
18 You can see there's a -- blocks, kind of a small wall
19 there and some planters.
20 MS. SCUDDER: Okay, let's go to H.
21 MR. SIMASEK: Another angle of 7205 from --
22 from the driveway, and you can see the wall there.

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101	1 MS. SCUDDER: Next photo. Let's strike this 2 one, it's redundant. 3 MR. SIMASEK: So, here we can see on the 4 bottom left corner that's part of the driveway apron. 5 And again, this is a side view of the house and the 6 yard and the pavers. 7 MS. SCUDDER: And it looks like there's a 8 specimen tree there in the very front. What are we 9 looking at there? Are you familiar with that type of 10 tree? Do we know what that is? 11 MR. SIMASEK: Yes, I believe that is a -- it's 12 an -- well, it's on -- it's on our site plan. I know 13 Kelly -- Kelly would know this. I'm forgetting what -- 14 it is a specimen tree. 15 MS. SCUDDER: Okay. Next photo. Let's strike 16 this one, it's redundant. Next photo. 17 MS. MCNEIL: So, if Mr. Wright tells you it's 18 a maple tree, do you all agree? 19 MR. SIMASEK: Thanks. I trust Mr. Wright on 20 that. 21 MS. SCUDDER: So, exhibit H shows the maple 22 tree and this one's redundant. Let's strike this one	103	1 plantings. Okay, so let's say it every time so we'll 2 stay up. So, now we are at J. This is showing the end 3 of the dead end street and the pavers. 4 MS. SCUDDER: Next photo. And this will be K. 5 MR. SIMASEK: Okay. So, we can see the 6 signposting here. This is basically from the driveway 7 looking down towards Gumwood Drive. Our house is just 8 out of frame here to the left, and the near side of 9 Gumwood Drive has this sidewalk that was -- was 10 referenced, and on the other side of that existing 11 fence, that's our -- our neighbors, Joe and Tom at 7209 12 Hitching Post. 13 MS. SCUDDER: And this photo you said is 14 showing the north -- going north on Hitching Post? 15 MR. SIMASEK: Correct. 16 MS. MYERS: And that's the last photo. 17 MS. SCUDDER: Okay. Thank you. 18 MS. MCNEIL: Thank you. So, A through K. 19 MS. SCUDDER: So, Ms. Myers, you can -- you 20 can stop sharing your screen now. 21 MS. MCNEIL: 11 photos. 22 MS. SCUDDER: Mr. -- Mr. Simasek, I just have
102	1 and not make it an exhibit. Next photo. This one does 2 show, though, that -- I'm sorry, Terry, if you can go 3 back to that previous one, because I think this -- go 4 ahead, Mr. Simasek. 5 MR. SIMASEK: Yes, it does show the end of the 6 cul de sac there, or the end of the dead end street at 7 Hitching Post Lane. And there's a small -- a right -- a 8 right of way that pedestrians can walk through. 9 MS. SCUDDER: I think it is actually. Thank 10 you. Okay. So, this is exhibit G. [Talking over each 11 other] 12 MS. MCNEIL: Who is that? Is this 26-J? 13 MS. SCUDDER: This is -- this is 26-G, as in 14 Greg. 15 MS. MCNEIL: You sure? 16 MS. SCUDDER: Yes, because I think the maple 17 tree was H. And before that, oh, wait a minute, F, G, 18 H, I, you're right. I'm sorry. I got my -- 19 MS. MCNEIL: The mape, I was going to tell 20 you, I think the maple tree was I, because I talked 21 about specimen. H should have been showing 7205 from 22 the driveway, G showing 7205 property line and	104	1 a few more questions for you. Are you pursuing any 2 other requests as part of this special exception? 3 MR. SIMASEK: We are not. 4 MS. SCUDDER: And have you had an opportunity 5 to review the technical staff report in this case? 6 MR. SIMASEK: Yes, of course. 7 MS. SCUDDER: And do you agree with all the 8 conditions and findings that have been recommended by 9 staff? 10 MR. SIMASEK: Yes, we do. 11 MS. SCUDDER: And do you agree to implement 12 all of the conditions of approval? 13 MR. SIMASEK: Yes. 14 MS. SCUDDER: Okay, and to your knowledge, 15 have any of those conditions been addressed on your 16 site plan at this time? 17 MR. SIMASEK: We did meet with Kelly. I -- I 18 saw a revised site plan that she presented earlier. I 19 believe some of those conditions we discussed with 20 Kelly last weekend. So, I believe that some of them, 21 but not all, have been implemented so far. 22 MS. SCUDDER: And Madam Examiner, I think I

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<p style="text-align: right;">105</p> <p>1 did request earlier if we could leave the record be 2 left open so that we could put in the revised site 3 plan. But Mr. Simasek, I have no further questions for 4 you. I would like to call Ms. Claudia and just ask her 5 -- 6 MS. MCNEIL: Well first, we have to cross 7 examine him. Mr. Brown, do you have any questions? 8 MR. BROWN: Oh, yes. Good afternoon or good 9 morning, Mr. Simasek, how are you? 10 MR. SIMASEK: Doing well. Thank you, Mr. 11 Brown. 12 MR. BROWN: Good. I'm sure this is a stressful 13 situation and you're learning as you go, but you're 14 doing a good job based upon what you found already. But 15 my only questions are really very basic. One your wife, 16 is she the only person who will be "employed" at the 17 daycare center? 18 MR. SIMASEK: No, and she can speak to that. 19 She currently has one employee, and depending on the 20 staff to child ratio, she may need to hire additional 21 employees, depending on how many children she has under 22 her care at any time.</p>	<p style="text-align: right;">107</p> <p>1 street at that site. Correct? 2 MR. SIMASEK: We -- we have -- in front of our 3 own home and we encourage one -- one of our employees 4 gets dropped off, so she doesn't -- she doesn't park 5 [inaudible] employees. 6 It's her business. I'm sorry. But -- so -- so, 7 her current employee does not park, but a future 8 employee, we'd encourage them to park in front of our 9 house rather than at 7207 Hitching Post to leave space 10 for the families. 11 MR. BROWN: Okay. And your landscape 12 architect, I'm going to assume, so I'm saying this for 13 her benefit, will tell me where those parking spaces 14 are. But the last question I have is you were asked 15 whether or not you will have signage and you indicated 16 you would not, and the staff reports there's -- no 17 signage is proposed. 18 If you want signage in the future, the time to 19 request it is now so you don't have to go through this 20 process again. It would be a simple matter of, since 21 you're revising your site plan already, to put a 22 monument sign or freestanding sign of some nature in</p>
<p style="text-align: right;">106</p> <p>1 MR. BROWN: Yeah, that's what I thought. The 2 state guidelines require, I believe at least one, maybe 3 two more personnel. And so, my question was, I 4 understand you live in your current home where you are 5 operating that daycare there. Is it your intent when 6 this new daycare is open to completely close the 7 daycare at your existing home? 8 MR. SIMASEK: Yes. 9 MR. BROWN: All right. And with regards to 10 parking, you're required to have 1 space per 10 11 children. Assuming you're at full capacity of 16 12 children, you're required to have 2 parking spaces 13 here. Just for the record, most of the parents who drop 14 kids off at your existing daycare, how do they arrive? 15 Do they come by car or do they walk? 16 MR. SIMASEK: Most of them come by car. You 17 know, it's weather dependent and -- and also location 18 dependent. We do have some who bike and walk as well, 19 especially on nicer days. 20 MR. BROWN: And so, at the new facility, let's 21 assume you have two additional employees in addition to 22 your wife, there will be 2 cars parked at least off</p>	<p style="text-align: right;">108</p> <p>1 the front yard. Is there a particular reason that you 2 do not want a sign? 3 MR. SIMASEK: Thank you for advising us of 4 that. Part of the reason is that we want to retain the 5 existing character of the residential neighborhood and, 6 you know, have minimal -- minimal changes to the 7 existing property as it is. 8 We -- Claudia does not need to advertise her - 9 - her daycare with a sign, given, you know, spreads by 10 word of mouth, and she's -- she already has quite -- 11 quite a wait list. 12 MR. BROWN: All right. Thank you. No other 13 questions. 14 MS. MCNEIL: Mr. Perry, do you have questions 15 of this witness? 16 MR. PERRY: No questions. Thank you. 17 MS. MCNEIL: Thank you, sir. 18 MS. SCUDDER: Madam Examiner, if it's time, 19 then I would call Ms. Claudia Simasek. 20 MS. MCNEIL: Ms. Claudia Simasek, do you swear 21 or affirm under the penalties of perjury that the 22 testimony you shall give will be the truth and nothing</p>

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<p style="text-align: right;">109</p> <p>1 but the truth?</p> <p>2 MS. SIMASEK: I do.</p> <p>3 MS. SCUDDER: Hi, Ms. Claudia. Can you please</p> <p>4 just restate your name and address for the record?</p> <p>5 MS. SIMASEK: Yes, my name is Claudia Simasek,</p> <p>6 and my address is 3304 Gumwood Drive, Hyattsville with</p> <p>7 the zip code 20783.</p> <p>8 MS. SCUDDER: And you -- you are the person</p> <p>9 that will be operating the daycare on a day to day</p> <p>10 basis. Correct?</p> <p>11 MS. SIMASEK: I do.</p> <p>12 MS. SCUDDER: Okay. And are you currently</p> <p>13 licensed to operate daycare centers by the state of</p> <p>14 Maryland and Prince George's county.</p> <p>15 MS. SIMASEK: Yes, I am.</p> <p>16 MS. SCUDDER: And Madam Examiner, we did</p> <p>17 submit the copy of her certificate of registration,</p> <p>18 which is exhibit 25 and a copy of her county permit,</p> <p>19 which is the Certificate of Occupancy, which is exhibit</p> <p>20 24. And what's -- what's your professional background,</p> <p>21 Ms. Claudia?</p> <p>22 MS. SIMASEK: Yeah, I studied general</p>	<p style="text-align: right;">111</p> <p>1 If -- if this case were to be approved for the</p> <p>2 additional children, would you continue to keep those</p> <p>3 licenses current and -- and work in accordance with</p> <p>4 those regulations?</p> <p>5 MS. SIMASEK: Yes, I do. And I want to add</p> <p>6 that Maryland is very specific and very organized with</p> <p>7 all the things that you need to run a daycare center,</p> <p>8 because they always run -- they show up whenever they</p> <p>9 want, they will review your paperwork. So, it's kind of</p> <p>10 tricky once you open a daycare.</p> <p>11 [Inaudible] just be out of the way and do it</p> <p>12 illegally, and they encourage to everybody that open a</p> <p>13 childcare in their houses, even if it's informal, to be</p> <p>14 licensed. So, they are very specific and very organized</p> <p>15 with many requests, and they are on top of everything,</p> <p>16 always.</p> <p>17 MS. SCUDDER: Thank you.</p> <p>18 MS. MCNEIL: Ms. Scudder, if I may, and I</p> <p>19 apologize profusely, he may be gone, but there's a Mr.</p> <p>20 Manassian that said he had been waiting to testify and</p> <p>21 has to leave. Mr. Manassian, are you still here?</p> <p>22 MS. SCUDDER: I don't see anything in the</p>
<p style="text-align: right;">110</p> <p>1 psychology, and then I went and I did my post grade</p> <p>2 with Montessori, with the IMS, which is American</p> <p>3 Montessori Society for primary ages. And then in 2015,</p> <p>4 I did the training from 0 to 3 with -- in Florida, in</p> <p>5 an AMS Center as well, America Montessori Society</p> <p>6 Center.</p> <p>7 And I also, I'm a Reiki practitioner</p> <p>8 [inaudible]. I'm looking for my certification right</p> <p>9 now. I am a belly dancer. I'm also folkloric dance,</p> <p>10 Dominican folkloric dance. So, I'm trying to educate</p> <p>11 myself holistic to give the best care that I can for my</p> <p>12 -- for my kids.</p> <p>13 MS. SCUDDER: And how many years would you say</p> <p>14 that you have been caring for children?</p> <p>15 MS. SIMASEK: In the daycare, from 2017, but I</p> <p>16 have been a teacher since I am 18. Because when I went</p> <p>17 to college, I started working in schools as a profit,</p> <p>18 but also to learn.</p> <p>19 MS. SCUDDER: Thank you. And I -- I think we</p> <p>20 can assume that since you do have your state license</p> <p>21 for your current daycare center that you're fully in</p> <p>22 conformance with your state licensing requirements.</p>	<p style="text-align: right;">112</p> <p>1 chat.</p> <p>2 MS. MCNEIL: I think he emailed staff. So, he</p> <p>3 wanted to know if he could submit his testimony in</p> <p>4 writing and Mr. Brown doesn't have a problem with it.</p> <p>5 MR. BROWN: I don't have any objection. That's</p> <p>6 fine.</p> <p>7 MS. MCNEIL: Okay. Continue you all. I'm sorry</p> <p>8 about that.</p> <p>9 MS. SCUDDER: No problem. Ms. Claudia, have</p> <p>10 you had an opportunity to review the technical staff</p> <p>11 report that park and planning repaired prepared in your</p> <p>12 case?</p> <p>13 MS. SIMASEK: Yes, I do.</p> <p>14 MS. SCUDDER: And if this special exception</p> <p>15 were to be approved, would you abide by all the</p> <p>16 conditions that they have recommended for approval?</p> <p>17 MS. SIMASEK: I do.</p> <p>18 MS. SCUDDER: And what are -- what are the</p> <p>19 ages of the children that you're going to be caring for</p> <p>20 at the daycare center on Hitching Post?</p> <p>21 MS. SIMASEK: From -- from 3 months until 4</p> <p>22 usually, because you always -- they transition when</p>

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1 they are in pre-K or primary. And my experience has
2 been like, even when mom's wants to, they care for the
3 kids when they are 5 or 4 months.
4 They have to work like, with the grandparents
5 and with paternity leave, including the parents. But
6 most of the time, my experience is that they're
7 entering when they are 3 months, because the maternity
8 leave is not enough for many of my moms.
9 MS. SCUDDER: And thank you. And what are your
10 hours of operation going to be?
11 MS. SIMASEK: What -- what are going to be --
12 how they are right now.
13 MS. SCUDDER: At your new daycare on Hitching
14 Post, what will the hours be there?
15 MS. SIMASEK: 7:00 to 6 p.m. 7:00 a.m. to 6:00
16 p.m.
17 MS. SCUDDER: Will you be providing any after
18 care services?
19 MS. SIMASEK: That is part of the after care.
20 My -- the idea is like 5:00 to 6:00 will be after care
21 and pre-care will be 7:00 to 7:30.
22 MS. SCUDDER: Madam Examiner, I have no

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1 further questions of this witness.
2 MS. MCNEIL: There was some testimony earlier
3 about a playground somewhere else in the neighborhood,
4 and I was just wondering would you be limiting the use
5 of that playground if this use were approved?
6 And I ask that, I guess you could have
7 occasional outings, but I ask that because one of the
8 requirements for this special exception would be that
9 we discuss the off premises outdoor play or activity
10 area and that it be in proximity to your center, and
11 that it's safely accessible by the children.
12 So, are you going to continue that practice or
13 will the daycare use primarily be the one on site?
14 MS. SIMASEK: I think that I will continue
15 using it, because Montessori has a whole curriculum of
16 nature and the park that we're going provides a
17 beautiful walk around a pond where there are dogs and
18 [inaudible] and we can see the change of seasons. It
19 also has a playground area.
20 Also, has a trail that connects with another
21 playground, just 4 minutes walking, and it's just 5
22 minute walking distance, or 6 minute walking distance

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1 with the kids.
2 Of course, I will someday use the area of the
3 playground back area, because I'm also thinking to have
4 like painting outside and do many things outside, but
5 we don't have to use it every day. But definitely, I
6 will continue using it some days during the week.
7 MS. MCNEIL: And do you have to cross a
8 driveway or street to get there.
9 MS. SIMASEK: Yes. The things like with the --
10 with the sidewalk it's easier, because we have sidewalk
11 to go down and then cross, and usually people stop
12 there pretty much.
13 MS. MCNEIL: Okay. Well, I -- I think there's
14 a difference between that being your play area and that
15 being a place that you take children.
16 MR. BROWN: Yeah, I believe the rule requires,
17 and it's listed on page 11, if they have an onsite play
18 area, the off premises play area is really not
19 applicable. So, we don't have to --
20 MS. MCNEIL: That's the way I want it to be.
21 Yes.
22 MR. BROWN: Right, right. So, we don't really

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1 need to regulate when she takes kids off sites and she
2 does have a proposed play area on site.
3 MS. SIMASEK: And I want to add that is one of
4 the requirements when you find a place in under the
5 Department of Education of Maryland. Every place that
6 you rent has to have a green area. That's why it's also
7 so hard to find places to rent for the use of
8 childcare, because it's in -- in DC or Virginia is not
9 demand.
10 But under the regulations of the Department of
11 Education of Maryland, you need to have a green area in
12 the -- in the place. So, that delimitates all the
13 options that many people have to open childcare
14 centers.
15 MS. MCNEIL: Okay. And again, I only brought
16 this up because it was testimony elicited earlier. And
17 Mr. Brown's reading is not quite what the code says. I
18 don't know what the staff report said.
19 But as long as we're making it clear that the
20 primary play area is the one on site, I'm sure that
21 doesn't mean that occasionally children can't be taken
22 elsewhere in a safe supervised manner. Okay. So, Mr.

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117	<p>1 Brown, did you have questions? 2 MR. BROWN: Yes, just wanted to -- okay. Ms. 3 Simasek, I'm a little bit impressed. I mean, you 4 indicated that you are a doula, you're a dancer. 5 MS. SIMASEK: Yes, I'm doing my training for a 6 doula. It takes like two years to get the 7 certification. But yes, so far Ms. Sindy has been my 8 first client. And yes, I'm pursuing that. 9 MR. BROWN: All right. So, you're going to 10 take the kids from pre-birth to birth to four years 11 old, and then you're going to kick them out. 12 MS. SIMASEK: The thing is I feel that I need 13 to prepare for everything because many of my clients 14 are first moms. 15 MR. BROWN: Right. 16 MS. SIMASEK: And -- and also, I don't see 17 myself like, doing childcare forever. There is a time 18 for everything. And once I be a grandma, I will be 19 ready to move to work with -- with ladies. 20 And now is the time to go step by step, but 21 also give me so much knowledge that I wish I would have 22 when I was pregnant with my moms, because when I take</p>	119	<p>1 that. No other questions. 2 MS. MCNEIL: Mr. Perry, do you have any 3 questions? 4 MR. PERRY: No. Thank you. 5 MS. MCNEIL: Thank you. 6 MS. SCUDDER: Okay. With that, then Madam 7 Examiner, I would like to recall Kelly Oklesson, the 8 landscape architect and pick back up with where she 9 left off in her testimony. 10 MS. MCNEIL: Okay. And so, you're still under 11 oath. 12 MS. SCUDDER: Ms. Oklesson, are you ready? 13 MS. OKLESSON: I'm ready. 14 MS. SCUDDER: Okay, I think where we left off, 15 and if you don't mind sharing, thank you very much, 16 you're marked up plan. Thank you. So, I think where we 17 left off is we were about to start, I wanted to ask you 18 about the landscaping and buffering. Are you showing 19 the landscaping and buffering on the site plan? 20 MS. OKLESSON: Yes, we are. Let me zoom in 21 here. So, on the south side of the property, where my 22 cursor is, we have a 20 foot yard buffer.</p>
118	<p>1 care of their kids, I'm taking care of my moms too. I'm 2 dealing with anxiety of separation. I'm dealing with 3 guilty. 4 Their bodies are not completely healed to come 5 back to work at 3 months, and I'm dealing with all 6 that. And I have to understand their side of the -- of 7 the story, not just because I have been pregnant or I - 8 - or I am a mom, but scientifically and holistically 9 what is happening with them and their children. 10 So, I have to come back from the beginning 11 because also Maria Montessori is start -- didn't do the 12 -- that training 0 to 3, where the teachers that were 13 after her that say we have to start 0 to 3, but we have 14 to start from the pregnancy of the mom, understanding 15 the whole development inside of the room, and then the 16 baby. 17 So, that's the closer thing that I can take, 18 because at the beginning, they used to work with nurses 19 that were in the delivery rooms. Wait a second, I'm 20 going to end. And now that's the closer thing that I 21 have to click and connect that knowledge. 22 MR. BROWN: Thank you so much. I appreciate</p>	120	<p>1 MS. SCUDDER: Okay. 2 MS. OKLESSON: On the east side of the 3 property, we have over 40 foot for the buffer yard. And 4 on the north side, we have 19 feet. 5 MS. SCUDDER: Okay. And Ms. Oklesson, did you 6 need to request any amendments to the landscaping 7 buffering or any screening requirements as part of this 8 application? 9 MS. OKLESSON: No, we were able to meet all of 10 the requirements. 11 MS. SCUDDER: Are you aware that in the zoning 12 ordinance, under section 275402X, as in x-ray, there 13 are additional requirements for specific special 14 exception uses and that there are some additional 15 requirements for daycare centers. 16 MS. OKLESSON: Yes, correct. And our plan is 17 compliant. 18 MS. SCUDDER: Okay. And so, I guess the next 19 few questions I'm going to ask you kind of go to those 20 additional -- 21 MS. MCNEIL: Okay, go ahead. 22 MS. OKLESSON: Yes.</p>

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121	1 MS. MCNEIL: I had a question about it, but 2 you may get to that. Go ahead. 3 MS. SCUDDER: Okay. So, first, have you noted 4 on the site plan the number of children that are going 5 to be enrolled at the proposed daycare? 6 MS. OKLESSON: Yes, I have. I'm going to zoom 7 in for everybody here. So, right here on the site plan, 8 we have the enrollment of 16 children. 9 MS. SCUDDER: Okay. And are you aware of the 10 requirements related to outdoor play areas and space 11 requirements? 12 MS. OKLESSON: Yes, we are aware. 13 MS. SCUDDER: And with regard to the proposed 14 play area, if you can show us where that is, what does 15 your plan show? 16 MS. OKLESSON: Yes. Okay. So, our proposed 17 play area is outlined here in gray. It is a total area 18 of 3,480 feet, 80 square feet. 19 MS. SCUDDER: Yes, correct. And so, that 20 amounts to what, how many square feet per child? 21 MS. OKLESSON: I believe that is 200 -- see -- 22 I'll do some quick math for us. I have -- 217. 5 square	123	1 MS. SCUDDER: Understood. Gotcha. Okay. 2 MS. MCNEIL: Wait, wait, excuse me a second. 3 All outdoor play areas shall be located at least 25 4 feet from any dwelling on an adjoining block. And I 5 know that you're showing me -- I know it's probably 6 more than 25 feet, but if it were possible to put that 7 on this site plan, I think that would be great. The 8 property to the -- what is it? 9 MS. SCUDDER: North, the north and the south. 10 MS. MCNEIL: And the reason I said that as 11 well, I need you Ms. Oklesson, because that just told 12 me it meets everything. And I hate to be technical, but 13 I need to know how it meets. I need to know how many 14 feet exactly. 15 MS. OKLESSON: Examiner, as you can see right 16 here, it's 39.16 feet from the corner of the house on 17 the south side from the proposed fence play space, 18 39.16, which is indicated right here on the plan. 19 MS. MCNEIL: Okay. 20 MS. OKLESSON: 66.25 feet from the fence line 21 to the rear property line on the east right here, as 22 you can see the dimension line. And on the north side,
122	1 feet per child. 2 MS. SCUDDER: Okay. And does your site plan 3 show the location and use of all the buildings that are 4 located on the adjoining lots? 5 MS. OKLESSON: Yes, we do. The adjoining 6 buildings that are on the south, the east and the north 7 are written on the site plan. They are residential 8 homes in character of the neighborhood. They are under 9 zone RSF-95, all three of said homes. So, the southern 10 home here, the home that is on the east here, and the 11 home that is on the north side here. 12 MS. SCUDDER: Can you go back up to the top? 13 It looks like you might need to label that adjacent 14 house, right? 15 MS. OKLESSON: Adjacent property, zone RSF-95. 16 MS. SCUDDER: Okay. But you don't have it as a 17 house like you do the other two. 18 MS. OKLESSON: Yes, it's the back -- it's the 19 rear of the property. So, the house -- 20 MS. SCUDDER: Oh, okay. 21 MS. OKLESSON: It's approximately 80, yeah, 80 22 feet from this property line.	124	1 the dimension line is right here. It says 28 feet and 2 it's indicating that is from the back corner of the 3 north home to the proposed play space. 4 MR. BROWN: Ms. Oklesson, go back to the east 5 measurement. That's not being measured from the back of 6 the property line to the property. You've got 66.25 7 inches. It should be measured to the back of the play 8 area, not to the front of the building. 9 MS. OKLESSON: No, it is actually not in 10 inches. It is 66.25 feet, and the hatch line here is at 11 the back fence of the play space to the back of the 12 property -- of the current property. If you're asking 13 to have it to the back of the rear property house, we 14 would be happy to do so. 15 MR. BROWN: I see what you've done there, but 16 yeah, usually it would be moved over to the right 17 somewhat, so it's back of the play area, but all right, 18 I see the distinction. 19 MS. OKLESSON: Okay. 20 MS. MCNEIL: Okay, but not to -- not to 21 belabor this, the requirement for the special exception 22 site plan itself that's in section 273604 states that

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<p style="text-align: right;">125</p> <p>1 the site plan shall show the location and types of 2 major improvements that are within 50 feet and all land 3 uses on adjacent properties. So, if there's a house to 4 the north, it's supposed to be shown. 5 MS. OKLESSON: There's a house to the north 6 right here and it's shown. 7 MS. MCNEIL: Not the north, I mean -- 8 MS. OKLESSON: The east. 9 MS. MCNEIL: Yeah. Up there. So, we don't have 10 to talk about it today, but if that were a requirement, 11 it wouldn't be hard to amend this site plan to show it. 12 MS. OKLESSON: No, not hard at all. And I 13 think the planning is actually recommended approval of 14 the current site plan, but we're happy to do so. 15 MS. MCNEIL: Okay, and one more thing, not to 16 be labored, they're making a recommendation. The ZAG is 17 the one that will approve or not and then appeal to the 18 council. I just -- I've noticed a lot of people talking 19 about it that are here today, so I just wanted to 20 clarify that for the record. Okay, continue Ms. 21 Scudder. 22 MS. SCUDDER: Okay. And this kind of goes back</p>	<p style="text-align: right;">127</p> <p>1 MS. OKLESSON: That is correct. 2 MS. SCUDDER: Okay. And I just have a couple 3 of more questions for you. Are you showing any lighting 4 in the play area? Or is it just -- or is the play area 5 just going to be used during daylight hours? 6 MS. OKLESSON: It'll be just used during 7 daylight hours. 8 MS. SCUDDER: And are you -- and so what areas 9 of operation for the play area are you showing on your 10 plan? That should be limited to, what areas of 11 operation for the play area are you showing on your 12 plan, because I believe it has to be limited to the 13 hours of 7:00 a.m. to 9:00 p.m. 14 MS. OKLESSON: Yes, I believe the hours of 15 operation will be from 9:00 to 5:00. 16 MS. SCUDDER: I believe that according to the 17 staff report, it's actually 7:30 a.m. to 5:00 p.m. Do 18 you have that in your notes? Can you go over to your 19 notes? I just want to make sure you're showing the 20 hours of the play area on your plan, because if you're 21 not, we need to make sure that gets added. 22 MS. OKLESSON: I believe we need to add the</p>
<p style="text-align: right;">126</p> <p>1 to an issue we were just talking about that Madam 2 Examiner and Mr. Brown was just talking about, but Ms. 3 Oklesson, is the outdoor play area able to be safely 4 accessible without crossing any hazardous area, such as 5 a street or driveway. 6 MS. OKLESSON: Yes, the place space is -- is 7 safely accessible. 8 MS. SCUDDER: And will the play area have 9 shade to afford protection from the sun. 10 MS. OKLESSON: Absolutely. So, not only am I a 11 landscape architect, but I am also a certified arborist 12 of 15 years, and I personally identified each tree on 13 the site that is existing. 14 And to meet the county requirements, we've 15 also offered a list of all the proposed plantings here 16 as part of the plant schedule, and so on both the south 17 side of the property, the east and the north, we have a 18 mixture of shrubs, flowering trees and shade trees, all 19 of which will be providing comfortable, safe, shaded 20 atmosphere for the children. 21 MS. SCUDDER: And there's also some trees 22 within the play area as well. Is that correct?</p>	<p style="text-align: right;">128</p> <p>1 hours of operation. 2 MS. SCUDDER: Which would, yes, we have no 3 problem adding that. Okay. I'm making a note. Okay. And 4 finally, let's talk about the parking a little bit. 5 Let's go to the parking, the 2 parking spaces that we 6 are -- now, Madam Examiner, this is -- this is going to 7 represent a change from what staff was approved with 8 regard to the parking. 9 We're still showing 2 parking spaces, but Ms. 10 Oklesson, if you could talk about the 2 parking spaces 11 and -- and the change that needed to be made under this 12 marked up plan, based on what staff previously reviewed 13 and what we're proposing today. 14 MR. BROWN: Ms. Scudder, I'm going to have to 15 object. I've tried to give Ms. Oklesson some leeway 16 here; however, you have not qualified her as an expert 17 in anything. She has testified that she's a landscape 18 architect and an arborist. 19 Talking about parking and bearings and 20 distances and all these other issues are not within her 21 wheelhouse, unless you want to qualify her as some type 22 of an expert. And also, if you go back up to the top of</p>

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129	1 this plan here, take the plan to the very top where it 2 says it's prepared by whom. 3 All right. This company, Ms. Oklesson, you 4 said you're employed by Groundsmith Collective, is that 5 correct? 6 MS. OKLESSON: That is the company that I own. 7 MR. BROWN: You're employed by, correct? 8 MS. OKLESSON: Yes, I am the employer myself. 9 MR. BROWN: All right, so that's your -- your 10 business? 11 MS. OKLESSON: Correct. 12 MR. BROWN: All right. Who actually prepared 13 this plan? 14 MS. OKLESSON: I prepared this plan. 15 MR. BROWN: Did you prepare all facets of this 16 plan or just as it relates to landscape architecture? 17 MS. OKLESSON: As it relates to landscape 18 architecture. 19 MR. BROWN: Right, as it relates to landscape 20 architecture. I mean, just looking at this, Ms. 21 Scudder, I think you're going to need to qualify her as 22 an expert for her to talk about all of these other	131	1 do you have any other questions? 2 MR. BROWN: Yeah, just one or two. Ms. 3 Oklesson, did you put in this file, it may be there, I 4 just haven't seen it, a topography map? 5 MS. OKLESSON: No. 6 MR. BROWN: Has anyone looked at the 7 topography for the play area? I mean, just looking at 8 the photographs that were put into the record earlier, 9 it looks to me to be relatively flat, as though it's 10 sloping down toward the east. Is that accurate? 11 MS. OKLESSON: That is accurate. 12 MR. BROWN: And so, will the play area be 13 graded? 14 MS. OKLESSON: Whatever necessary measures to 15 meet the county standards, but we're not indicating 16 such on this plan. 17 MR. BROWN: Mr. and Ms. Simasek, if you could 18 just turn on your mic for a moment. 19 MR. SIMASEK: No, we don't intend to grade the 20 play area or any other part of the property. 21 MR. BROWN: All right, so the kids will 22 primarily be playing in that play area in its existing
130	1 issues outside of landscape architecture and the field 2 of being an arborist. 3 MS. SCUDDER: Okay. Mr. Brown, would that be 4 the case even if she was just going to point out where 5 the 2 parking spaces are located on the plan. 6 MR. BROWN: If that's all you want to ask her, 7 then fine. We don't need to qualify her, but. I just 8 didn't want you to get too far afield and get into all 9 these other issues. 10 MS. SCUDDER: Okay. I won't go too deep. I'll 11 just let her show -- point out where the 2 parking 12 spaces are proposed to be located. If you can just 13 simply point them out, Ms. Oklesson. 14 MS. OKLESSON: Yes, the ADA parking space with 15 a 5 foot access aisle is right here. The ADA ramp at a 16 7.3 percent slope is here. And the second parking spot 17 is just here on the south side. 18 MS. SCUDDER: Okay. Well with that, Mr. Brown 19 -- Madam Examiner and Mr. Brown, that concludes the 20 presentation from Ms. Oklesson and I'm ready to call 21 our next witness. You're on mute, Madam Examiner. 22 MS. MCNEIL: For years now. Okay. Mr. Brown,	132	1 format? 2 MR. SIMASEK: Yes. 3 MR. BROWN: Ms. Scudder, I think that you need 4 to have someone put an overlay of this map to show the 5 topography of the site so that it's clear that play 6 area is functional for kids to play on. 7 And I think it is from the photographs, it 8 doesn't look like it's sloping that much so we are 9 clear that this site, play area site will not be 10 graded, because if it's graded, of course, that 11 requires several other requirements under the zoning 12 ordinance. 13 MS. SCUDDER: So, an overlay on top of the 14 site plan that shows the topography of the play area? 15 MR. BROWN: Yes. 16 MS. SCUDDER: Okay. Got it. 17 MR. BROWN: And I'm sure Ms. Oklesson can get 18 someone to do that for her. The other issue I had, all 19 right -- so that -- that -- that -- all right, I guess 20 those are the only questions I have. No other 21 questions. Thank you. 22 MS. SCUDDER: All righty. You're muted, Madam

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133	1 Examiner. 2 MS. MCNEIL: In fairness to the witness, it 3 looks like they changed the law and left out 4 topography, so I'm glad we're having this hearing. 5 Since we're reviewing the zoning ordinance, I would 6 think they want that back in there. Okay, I have no 7 questions. Mr. Perry, do you have questions of the 8 witness? 9 MR. PERRY: No, they were barred earlier. 10 Thank you. 11 MS. MCNEIL: Okay. Thank you, Ms. Oklesson. 12 MS. OKLESSON: Thank you, Madam Chair. 13 MS. SCUDDER: Madam Examiner, it's -- I'm 14 looking at the clock and it's 12:07, and I just wanted 15 to know before I get to my next witness who I'm going 16 to attempt to qualify as our expert land planner, I 17 mean, I could use a restroom break. I don't know about 18 anyone else, but would you want us to go ahead and -- 19 MS. MCNEIL: No, no, that's fine. And do you 20 have any other witnesses? This is your last -- 21 MS. SCUDDER: He would be my last. 22 MS. MCNEIL: And then Mr. Perry, you're going	135	1 MS. MCNEIL: Oh, 1230. 2 MS. SCUDDER: Okay, 1230. Thank you. 3 MR. PERRY: Thank you. 4 MS. BAH: Thank you. Recording stopped. 5 MS. MCNEIL: Thank you. 6 RECORDING: Recording in progress. 7 MS. MCNEIL: All right, Ms. Scudder -- oh, 8 wait. Is Mr. Brown back? 9 MS. SCUDDER: I believe he is. And I just want 10 to make sure I see my -- my land planner. 11 MR. GASKINS: I'm here, Traci. 12 MS. SCUDDER: Okay, great. Okay, there you 13 are, sir. 14 MR. GASKINS: I muted myself when I -- I muted 15 the video. 16 MS. SCUDDER: Okay. Madam Examiner, are you 17 ready for us to begin? 18 MS. MCNEIL: I don't see Mr. Brown. I know -- 19 MS. SCUDDER: I see Mr. Brown. His -- 20 MS. MCNEIL: There he is. We're ready to 21 begin. 22 MS. SCUDDER: Okay. Mr. Gaskins, can you
134	1 to want to testify, correct? 2 MR. PERRY: At this point, it's a mute issue 3 because the testimony was successfully objected to by 4 Mr. Brown, so. 5 MS. MCNEIL: No, no. No, I'm sorry you felt 6 that way. He wanted it to be at the proper time. 7 Normally applicant's case is first and then you 8 testify, and you will be given a full opportunity to do 9 so. I'm just trying to decide if this might be the best 10 time to break for a short lunch. 11 MR. PERRY: Yeah, we can go ahead and break. 12 I'm not trying to be overly verbose. I just have some 13 very direct questions and they've never been answered 14 by both the former councils, Tom and Ben. But I'll make 15 a decision quickly as to whether or not testimony is 16 actually going to be useful. Thank you. 17 MS. MCNEIL: Okay. So, is 20 minutes enough 18 for everyone? 19 MS. SCUDDER: It's enough for me. 20 MS. MCNEIL: Okay, we will take a 20 minute 21 break. Thank you all. 22 MS. SCUDDER: So, we return at 12:28.	136	1 please state your name and address for the record? Your 2 business address? 3 MS. MCNEIL: And just before you do, Mr. 4 Gaskins, do you swear or affirm under the penalties of 5 perjury that the testimony you shall give will be the 6 truth and nothing but the truth? 7 MR. GASKINS: Yes, I do. 8 MS. MCNEIL: Thank you. 9 MS. SCUDDER: Okay, Mr Gaskins, can you please 10 state your name again and your business address for the 11 record? 12 MR. GASKINS: Yeah, my name is Steven C. 13 Gaskins. My business is run out of Waldorf, 150 Post 14 Office Road, #1763, Waldorf, Maryland. 15 MS. SCUDDER: And what is your occupation? 16 MR. GASKINS: I am a licensed land surveyor 17 and I'm a land planner. 18 MS. SCUDDER: And Mr. Gaskins, are you 19 licensed in the state of Maryland? 20 MR. GASKINS: Yes, I am. 21 MS. SCUDDER: Is your license current? 22 MR. GASKINS: Yes, it is.

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137	1 MS. SCUDDER: Madam Examiner, we did submit a 2 copy of Mr. Gaskin's resume and his Maryland surveyor's 3 license, and it is, I believe, exhibits 28 and 29 on 4 your list. And I don't know if you're speaking or not, 5 but you're muted. 6 MS. MCNEIL: Okay, I'll look for your 28 and 7 29. 8 MS. SCUDDER: Okay, so they are on your list 9 as 28 and 29? The resume 28, the surveyor's license 29. 10 MS. MCNEIL: I'm actually looking for the 11 exhibits in the email. 12 MS. SCUDDER: Oh, okay. 13 MS. MCNEIL: Because I don't seem -- 14 MS. SCUDDER: Ms. Myers, perhaps you could 15 just quickly email those two items to Ms. -- to Madam 16 Examiner real quick. 17 MS. MCNEIL: Here -- here they are. 18 MS. SCUDDER: Okay. 19 MS. MCNEIL: So, does Mr. Brown have them as 20 well? 21 MS. SCUDDER: I believe so. Mr. Brown, do you 22 have those readily available? You're mute.	139	1 majority of the things that we do are land surveying, 2 but we also do subdivision and subdivision is a 3 planning matter. And the plans of a subdivision require 4 a license surveyor to go through the code and to make 5 sure everything is done in accordance with the zoning 6 subdivision and other codes of the -- of the 7 profession. 8 MS. SCUDDER: In addition to your experience 9 in subdivisions, can you speak to any other work 10 history and work experience that you have that would 11 lend itself to the area of land planning? 12 MR. GASKINS: Yes, I started back in 1978, 77- 13 78 -- 1977, 78. I started as a draftsman. I worked my 14 way up to a designer draftsman, I'd say about 1983, 15 when I worked with Kaz Bases as an associate. I was a 16 designer draftsman, so you step your way up with 17 experience. I became licensed in 1990, and I've done 18 two or three site plans every single year since then. 19 MS. SCUDDER: And just given some of the -- I 20 know you have a very extensive resume in terms of, you 21 know, you've worked at a number of not only civil 22 engineering firms in the county, you've worked at law
138	1 MR. BROWN: Oh, his resume? 2 MS. SCUDDER: And his license? 3 MR. BROWN: Yes, I have it. 4 MS. SCUDDER: Okay. 5 MS. MCNEIL: Okay, go ahead, Ms. Scudder. 6 MS. SCUDDER: Mr. Gaskins, I would -- I would 7 like to go through your background and qualifications. 8 What is your educational background? 9 MR. GASKINS: My educational background is a 10 high school diploma, but I've taken many years, over 20 11 years of educational specialized for land surveying and 12 land planning. 13 MS. SCUDDER: Mr. Gaskins, as you know, the 14 county's zoning ordinance requires that an expert land 15 planner testify at a special exception hearing as to 16 the zoning and special exception requirements in a 17 special exception case. 18 Your resume is heavily weighted towards land 19 surveying. Can you please describe your professional 20 training and work experience that you believe is most 21 relevant to the area of land planning? 22 MR. GASKINS: Yes. As a land surveyor, the	140	1 firms, and you've worked at surveying companies. 2 Can you go into a little bit more detail about 3 some of the things that you were doing at these, you 4 know, say at the civil engineering firms that are the 5 law offices, that again, sort of speak to your 6 extensive experience in land planning? 7 MR. GASKINS: Yes, I worked for some of the 8 biggest firms around. If you remember Lorman -- Lorman 9 now, and it's called Focetz, but it used to be called 10 Lorman, and I worked with them. I worked for Ben Dyer 11 Associates when the originals were there. Now they call 12 it Atwell. I worked for DH Steffens, Bolton and 13 Associates, and Bolton and Latham. 14 These are firms where I did a lot of support 15 work and a lot of design work to get my license, as 16 well as to further the arrangement that we had with 17 them. I've done site plans, sediment control plans, 18 stormwater management concept plans, stormwater 19 management design technical plans and settlement 20 control. 21 These are all planning issues, but I don't 22 recall anything in the code about a license planner. I

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<p style="text-align: right;">141</p> <p>1 didn't see that in the Prince George's County code. You 2 mentioned that as -- as the hearing examiner. There's 3 no license for a planner in the state of Maryland. I 4 don't -- I don't recall seeing that. 5 The planning boards up at the board of the 6 state, the design boards, we never mentioned anything 7 about a licensed planner. 8 MS. SCUDDER: Well, I think it's more as to 9 your experience and your work history and your training 10 and your educational background, but Ms. Madam 11 Examiner, Mr. Gaskins is someone who has been working 12 in the land use business for probably close to 50 13 years. 14 And although his resume is heavily weighted 15 towards surveying, he has developed an extensive 16 background in other areas as well that I believe lend 17 himself to be capable of qualifying as an expert in 18 this case, because it is a small case. 19 We're talking about one lot and it's a small 20 daycare center, and I believe he has developed over the 21 years enough training and experience to be able to 22 judge whether this daycare center is meeting the zoning</p>	<p style="text-align: right;">143</p> <p>1 planning board? 2 MR. GASKINS: The planning board, yes. 3 MS. MCNEIL: So, and you were accepted as an 4 expert land use planner, not surveyor or some other 5 man? 6 MR. GASKINS: Well, surveyors, there's no 7 subdivision. It doesn't involve a surveyor as an 8 expert. We determine the property lines. No one else 9 can do that. And we're the ones who do all the 10 divisions of all land that's done, whether it be for a 11 condo plat, whether it be for a big apartment complex, 12 a commercial property, industrial. 13 We are the main ones who do the planning of 14 that division. Those things are definitely a planning 15 matter for a land surveyor. And land surveyors have 16 been planning a long time. It's in the code that we can 17 continue to do that. And the state's attorney has sent 18 a letter to George's County regarding some of the 19 things that they said that we cannot do. 20 MS. SCUDDER: Madam Examiner, also, if I -- 21 MS. MCNEIL: But could I just get the answer 22 to my question, though? I asked were you accepted as an</p>
<p style="text-align: right;">142</p> <p>1 requirements and special exception requirements in 2 Prince George's County. 3 And so, I would ask that he be admitted in 4 this particular case as an expert in the field of land 5 planning. 6 MS. MCNEIL: Mr. Brown. 7 MR. BROWN: Yeah, I mean unfortunately, I 8 disagree. Mr. Gaskins, I'm going to have to ask you a 9 couple of questions here. I mean, your resume. Can give 10 us 2 seconds Madam Examiner? One second. 11 MS. MCNEIL: While he's doing that, Mr. 12 Gaskins, have you ever been accepted as an expert in 13 the area of land use planning in Maryland? 14 MR. GASKINS: Yes, I have. 15 MS. MCNEIL: You have? Where? 16 MR. GASKINS: I've been accepted in Prince 17 George's County Circuit Court and Charles County 18 Circuit Court. I've been also accepted in other 19 counties in the state of Maryland, and I've also 20 testified before the board of planning in Prince 21 George's County. 22 MS. MCNEIL: That's the board of planning The</p>	<p style="text-align: right;">144</p> <p>1 expert in the area of land use planning in those 2 courts? 3 MR. GASKINS: Land use planning or land 4 planning? 5 MS. MCNEIL: Either one. 6 MR. GASKINS: Yes. 7 MS. MCNEIL: Land planning? 8 MR. GASKINS: Yes. 9 MS. SCUDDER: Very recently, Madam Examiner, 10 he was accepted as a land planner in a Charles County 11 circuit court case that I was actually involved in. 12 And even though that case was a land dispute 13 case, I pushed very hard for him to be deemed an expert 14 in land planning as well, because I could -- I foresaw 15 that I would. want to try to get him admitted before 16 you, Madam Examiner, so he has been recently deemed an 17 expert land planner in a court case. 18 MR. BROWN: Let me just ask him some 19 questions, if I could. 20 MS. MCNEIL: Yes. 21 MR. BROWN: Mr. Gaskins, first of all, looking 22 at your resume, and the reason we're asking you these</p>

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<p style="text-align: right;">145</p> <p>1 questions, it's required to qualify someone as an 2 expert in a particular field in an administrative 3 zoning case such as this, so we're not trying to 4 tarnish your character or anything like that. 5 But looking at your resume, I think I saw in 6 here your education, you had a bachelor's degree from 7 where? 8 MR. GASKINS: No, I don't have a bachelor's 9 degree. 10 MR. BROWN: You don't have a bachelor's 11 degree. All right. Do you have any education or 12 training in the field of land use planning? 13 MR. GASKINS: Yes, we take a lot of those 14 classes and get specialized training. 15 MR. BROWN: Make sure that you understand my 16 question. 17 MR. GASKINS: Okay. 18 MR. BROWN: There is no doubt in looking at 19 your resume that you would qualify as a land surveyor. 20 Land surveying is distinct and separate from land use 21 planning. They are two completely different 22 disciplines.</p>	<p style="text-align: right;">147</p> <p>1 MS. MCNEIL: Certifications and degrees. I'm 2 sorry, go ahead. 3 MR. BROWN: Do you have a certification by the 4 American Institute of Certified Planners? 5 MR. GASKINS: And that's recognized by the 6 state as a certified licensed -- 7 MR. BROWN: Do you have -- 8 MR. GASKINS: No, I don't. No, I don't. But 9 not -- not -- not belittling what you're saying. If 10 they want a land planner certification, that should be 11 brought up with the design boards at the state. They're 12 the ones who issue the different disciplines. 13 MR. BROWN: I'm not asking you what the state 14 licenses board does. What I'm asking you is about your 15 qualifications in the field of land use planning. Have 16 you written any articles on land use planning? 17 MR. GASKINS: No, I haven't. 18 MR. BROWN: All right. Approximately how many 19 cases have you stated that you have testified in 20 concerning land use planning, not surveying, land use 21 planning? 22 MR. GASKINS: I think about five or six.</p>
<p style="text-align: right;">146</p> <p>1 For example, the case that you testified in 2 the last six months, the Butler case down in Charles 3 County, I was aware of that before your client, or your 4 attorney, Ms. Scudder had that case. That case was a 5 boundary dispute between two adjacent property owners. 6 It had absolutely nothing to do with land use 7 planning in Charles County. So, whatever testimony you 8 gave was related to surveying, not land use planning. 9 Okay? 10 MR. GASKINS: May I -- may I answer that? 11 MR. BROWN: Yes, please. 12 MR. GASKINS: Okay, the land use planning part 13 of that case had to do with the subdivision of the 14 property where they annexed the road to a subdivision 15 process. And that subdivision process is a planning 16 related matter and the attorney on the other side 17 agreed. 18 MR. BROWN: He's wrong. That's land use 19 surveying, sir. And let me ask you -- 20 MR. GASKINS: Is there a license for land 21 planning? 22 MR. BROWN: Actually --</p>	<p style="text-align: right;">148</p> <p>1 MR. BROWN: All right. And what jurisdictions 2 did you testify? And were those court hearings? 3 MR. GASKINS: Yes. One was a court hearing 4 here in Prince George's County. The other ones were in 5 Charles County and other ones in Frederick and 6 different other matters in administrative court. 7 MR. BROWN: All right. And tell me what was 8 the name of those five cases? 9 MR. GASKINS: Well, I don't have them on the 10 top of my head right now? I mean it's -- it's been a 11 long -- like the last project that I did for a daycare 12 center was in 2006, and it was [inaudible]. 13 MR. BROWN: But you've never testified before 14 a zoning hearing examiner in Prince George's County, 15 have you? 16 MR. GASKINS: Never had a need to. 17 MR. BROWN: All right. The planning board case 18 that you said you testified in, when was that case? 19 What year? 20 MR. GASKINS: I think if I remember it was in 21 the nineties and it was regarding a subdivision with 22 flag lots. I've done two of them. We would -- last flag</p>

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<p style="text-align: right;">149</p> <p>1 lot to be approved in the state of Maryland. That was a 2 planning project 3 MR. BROWN: All right. So, in that case you 4 drew up a survey of the property to identify the flag 5 lots, correct? 6 MR. GASKINS: I drew up a design of the lots, 7 the flag lot design, yes. 8 MR. BROWN: Right. Okay. And you say you 9 testified before the planning board. 10 MR. GASKINS: Yes. 11 MR. BROWN: And a lawyer as a witness. 12 MR. GASKINS: Yes, as a witness. 13 MR. BROWN: But you do understand that the 14 planning board is not an evidentiary hearing. 15 MR. GASKINS: Well, they -- they run it like 16 an evidentiary hearing. 17 MR. BROWN: It is not. Madam Examiner, with 18 all due respect to Mr. Gaskins, I mean, he is not 19 qualified in the field of land use planning by 20 education or experience, and I would object to his 21 qualification in the field of land use planning. 22 I have no problem with him testifying about</p>	<p style="text-align: right;">151</p> <p>1 issues with the site plan. 2 And I think that right there demonstrates that 3 in a small case like this, dealing with a single lot, I 4 think he does have the expertise to evaluate whether 5 this site plan is meeting the requirements for special 6 exception and is meeting things like setbacks and 7 buffering and landscape requirements as required under 8 the zoning ordinance. 9 MS. MCNEIL: Okay, if I may. It's been our 10 administrative practice before I had this position, and 11 I've had the position a very long time, that we 12 recognize first, you need an expert witness if it's a 13 matter of their expertise that the regular lay person 14 can't understand, that's number one. 15 And then if you need this expert in land use 16 planning, we have required them to have a degree in one 17 of the areas, such as urban planning or GIS training, 18 or there are several that it could be, or you need to 19 be a member of the AICP, the -- I wrote it down because 20 I never say the whole thing, but. 21 MR. GASKINS: American Institute of Certified 22 Planners.</p>
<p style="text-align: right;">150</p> <p>1 the site plan in this case; however the landscape 2 architect has already testified to those issues, so it 3 would be duplicative and that -- his testimony on that 4 issue would be unnecessary. He's just not a land use 5 planning expert. 6 MR. GASKINS: Well, I caught a lot of things 7 on their planning, gave it red line recommendations, so 8 if you're saying I'm not a land planner. 9 MS. MCNEIL: If I may, as I recall, I think 10 Mr. Brown, you had a question about the plan and that's 11 why they wanted to bring him because the other, Ms. 12 Okleson said she didn't do a certain portion. Is that 13 the proffer as to why you need Mr. Gaskins, Ms. 14 Scudder? 15 MS. SCUDDER: Well, Mr. Gaskins is actually 16 the one who recently did a site visit and caught a 17 major issue with the plan that Ms. Okleson prepared. 18 He was able to immediately spot the fact that the 19 boundaries were off. 20 And -- and so, that's one of the reasons we're 21 going to have to give you a revised site plan, Madam 22 Examiner, is because he caught -- he's caught some</p>	<p style="text-align: right;">152</p> <p>1 MS. MCNEIL: Yes. Thank you, sir. And we do 2 that with a mix of experience. So, if you only had one, 3 and you show the experience, etc., you've been 4 accepted. Now, while we have said in the past that we 5 may consider the fact that you've been accepted 6 elsewhere, it does really seem like the expertise he 7 needed was leaning toward surveying the land, the 8 boundaries of the land, etc. 9 And you can call him if you believe we need to 10 know about that problem on site. But what is the 11 expertise in explaining the various provisions of the 12 zoning ordinance and how they're met? 13 I don't see it. I'm not going to recognize him 14 as an expert in this case. And again, Mr. Gaskins, it's 15 not about you personally, it's about holding up our 16 regular administrative practice. 17 MR. GASKINS: May you, Madam Examiner, may you 18 tell me what law bars me from doing that? I know y'all 19 mentioned these things that you have by practice, but 20 it's not -- 21 MS. MCNEIL: If I may, the law itself allows 22 reasonable administrative practice for us to rely on</p>

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<p style="text-align: right;">153</p> <p>1 our administrative practice and in reaching decisions. 2 So, that's -- that's part of it. So, the law is not 3 clear, sort of like, you don't know -- well, this is an 4 old case, I don't know why I'm bringing it up. 5 You can't describe pornography, but you know 6 it when you see it. It's sort of like that. There's 7 different degrees you could have, education you could 8 have, and there's certified planning licensing. And we 9 look at all of that and the types of cases you've had 10 before. 11 MR. GASKINS: So, the land surveyor is left 12 out of the whole ordeal, I see. 13 MS. MCNEIL: No, no. She could call you as a 14 land surveyor. 15 MR. GASKINS: I'm talking about any code that 16 says architects, landscape architects, civil engineers, 17 and it also says urban planner, whichever what that is, 18 but a surveyor is not listed, they took it out of the 19 code. So, I don't know why they did that, but we will 20 see how that works out because that seems like an odd 21 situation, a very odd one. I did one in 2006. 22 It's called -- let me get the plan right now.</p>	<p style="text-align: right;">155</p> <p>1 sort of have developed a boutique practice in the 2 planning side of this -- of zoning, but also I have -- 3 I think I've been working in permitting, for example, 4 for as long as I've been doing zoning. 5 And I think I've learned that process inside 6 and out, even though it's not the highlight of my 7 resume. So, I just would ask, you know, in just the 8 final comments I have, I would just ask a couple of 9 things that you consider the burden it's going to place 10 on the applicant to now have to bring in a new planner, 11 because he's going to essentially be forced to pay for 12 the same services twice. 13 I would ask that you consider the scale of 14 this case. It's on a small scale. It's not complex. 15 It's not a large scale mixed use transit oriented 16 development project. 17 Consider that these decisions are on a case by 18 case basis, and so maybe you might consider him an 19 expert or someone capable of judging this type of small 20 special exception, but maybe not a large scale project. 21 I'd also like to ask you to consider that we 22 have a shortage of expert land planners in Prince</p>
<p style="text-align: right;">154</p> <p>1 Early learning, but you made your decision, so 2 therefore, I -- I bail out and I respectfully, have 3 [inaudible] your decision. I disagree with it, but I do 4 respect it. 5 MS. MCNEIL: Thank you, sir. Ms. Scudder, Do 6 you have other questions Mr. Gaskins? 7 MS. SCUDDER: Well, I was going to use him for 8 the purposes of demonstrating that this site plan meets 9 the requirements of the zoning ordinance as to setbacks 10 and buffering and parking, and I have met with him on 11 several occasions and he has demonstrated to me that he 12 is very knowledgeable about those areas and could -- 13 could -- could testify about those things. 14 I agree with Mr. Brown and you that, his you 15 know, extensive background is in the area of surveying. 16 But I think when you're someone who has worked in land 17 use industry for close to 50 years, I think you can 18 develop an expertise in other areas, even though he 19 doesn't have the education. 20 I think one can pick up on things through 21 experience and training, just like similar to a zoning 22 attorney like myself, who, you know, obviously I've</p>	<p style="text-align: right;">156</p> <p>1 George's County that we're experiencing right now. And 2 the ones that are available at these big firms, I mean, 3 they turn down cases like this because it's just too 4 small for them. So, we just need -- 5 MS. MCNEIL: Mr. Brown -- not to cut you off. 6 Mr. Brown may disagree, but you have to your benefit in 7 this particular case, the experts recognized in park 8 and planning telling me X about the case. You have an 9 individual that I swore as a witness and has told me 10 what the setbacks, etc. were on that site plan. You 11 have the owners. I mean, Mr. Brown, are you going to? 12 MR. BROWN: No. I -- I mean, I agree. I mean, 13 no one is going to make Mr. and Ms. Simasek spend, you 14 know, \$10, 000 for a land planner, but usually that is 15 what is required, Ms. Scudder, but I agree with the 16 examiner. The planners in the park and planning 17 commission have evaluated this case. 18 They have concluded that it complies with all 19 of the land planning analysis in the zoning ordinance. 20 Now, that's sufficient for me. But unfortunately, you 21 know, we just could not qualify Mr. Gaskins to do that 22 because he is not a land planner under the code.</p>

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157	1 And so, if you don't have a land planner, 2 that's fine with me, Madam Examiner. I'm not going to 3 object to it. And we can just go forward. 4 MR. GASKINS: Sir. May I ask you one question? 5 You said land planner under the code. What code is 6 that? 7 MR. BROWN: Well, it's case law, Mr. -- 8 MR. GASKINS: Okay. I can accept case law. 9 MR. BROWN: Basically case law. 10 MR. GASKINS: I'll come by and see you, so I 11 can get that case law. 12 MR. BROWN: Sure. I mean, I think that's 13 something that you should do and that way in the future 14 in all of the type of work that you do, you can make 15 sure that you do things related to land use planning so 16 that you can then come back later and say, hey, 17 quantitatively, these are how many cases I've done. 18 And this is what I've done in each one of 19 those cases, A, B, C, D, E, F and G, and I did some 20 land survey. That is how you become qualified by 21 experience without education in a particular expert 22 field.	159	1 have made your case, yes, that's what you heard. 2 MS. SCUDDER: Okay. I believe -- well, we 3 would -- I would. Yes, I do. I believe that we have -- 4 MS. MCNEIL: Okay, then wait, we still have 5 Mr. Perry. I was just trying to see were you finish 6 with your witnesses. 7 MS. SCUDDER: Okay. I am. 8 MS. MCNEIL: Okay. All right. Mr. Perry. 9 Anybody see Mr. Perry? 10 MALE: Ma'am, I don't see him in the 11 participants pane. I do see an indication that he left 12 the chat. 13 MS. MCNEIL: Oh, did he say -- he just left. 14 He didn't say goodbye or anything. I can't see in the 15 chat. 16 MALE: Well, at the lunch, I don't think he 17 came back from the lunch break. 18 MS. MCNEIL: Okay. All right. Do you have 19 anything further Ms. Scudder? You're muted. 20 MS. SCUDDER: I don't have any -- I don't have 21 anything further, Mr. Simasek, Ms. Claudia, do you all 22 have anything that you would like to add to the
158	1 MR. GASKINS: Yes, that's what I've done. 2 MR. BROWN: All right. 3 MR. GASKINS: I come from the ghettos of DC. 4 Raised myself all the way up. 5 MR. BROWN: I'm from southeast DC myself. It 6 don't look like it right now, but that's where I'm 7 from. 8 MR. GASKINS: Yeah, that's it. 9 MS. MCNEIL: Well, I'm from -- 10 MS. SCUDDER: I'm from southeast DC too. 11 MR. GASKINS: Oh my goodness. 12 MS. MCNEIL: Okay. Back to this hearing. Ms. 13 Scudder, anything else? 14 MS. SCUDDER: What I heard -- I just want to 15 make sure I'm clear on what I heard Mr. Brown saying 16 is, are we based on the fact that the, you know, we 17 have the technical staff report recommending approval 18 of this case, is he's saying that no further testimony 19 is -- we don't need to come back for another hearing 20 with a -- with a second land planner, is that what I 21 heard? 22 MS. MCNEIL: If you believe it's sufficient to	160	1 testimony today? 2 MR. SIMASEK: I just want to thank you all, 3 Madam Examiner, Mr. Brown, for your time, for your 4 consideration, understanding that we are a -- Claudia 5 has a small business that she has started. We're doing 6 our best to navigate this process and comply with -- 7 with all of the applicable regulations. 8 We worked very closely with planning staff 9 over the last year to make sure that we were, you know, 10 reading the zoning ordinance correctly and adhering to 11 everything that -- that we saw laid out there. So, we 12 really do appreciate your time and consideration today. 13 And I'll pass it to Claudia. But I also want to say 14 happy birthday to Ms. McNeil this week. 15 MS. MCNEIL: Than you very much. 16 MS. SIMASEK: Yes, and all the testimonies and 17 all the consideration has been very [inaudible]. So, I 18 hope that you can see that and more power. 19 MS. MCNEIL: Okay. And I thank everyone for 20 being here. I let the record reflect that Mr. Perry did 21 not return after lunch, so I'm assuming he didn't 22 intend to testify, and I don't think that we need the

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<p>161</p> <p>1 record open for anything. 2 MS. SCUDDER: Yes, we did. 3 MS. MCNEIL: Site plan. 4 MS. SCUDDER: Yes, we did. It was the revised 5 site plan and it was the items that Mr. Brown 6 mentioned, which was the ethic affidavits for members 7 of that HPL LLC. And yes, I think that was it. 8 MS. MCNEIL: [Inaudible] affidavits for 9 everyone, revised site plan. Okay, then the record will 10 close as soon as those items come in. I thank you all 11 for being here and a decision will be filed at some 12 point after that. Not too delayed after that. 13 MS. SCUDDER: Thank you, Madam Examiner, Mr. 14 Brown. 15 MS. SIMASEK: I'm sorry. 16 MS. MCNEIL: Wait, somebody said I'm sorry. 17 What? 18 MR. BROWN: Good. Matt, do you have a 19 question? 20 MR. PALUS: Yeah. I -- I wondered if you were 21 going to come back around to -- 22 MS. MCNEIL: Oh, the others? I thought we had</p>	<p>163</p> <p>1 at the beginning of the hearing about the urgent need 2 for local childcare, the value of having this business 3 in the neighborhood, the value of supporting this woman 4 owned business and Ms. Claudia's contributions to the 5 community. I can't say it any better than it's already 6 been said. 7 I can also see the daycare requiring the 8 zoning exception as adaptive reuse of a hundred plus 9 year old house that would be torn down for 10 redevelopment of the property in other circumstances. 11 So, allowing this nonresidential use of the 12 house is a sustainable alternative and alleviates some 13 pressure to redevelop that lot for a larger modern 14 residence, and the neighborhood keeps a historic 15 building. So, the house on the property was constructed 16 in 1917, according to county land records. 17 The land was platted around the house in 1947 18 in the context of University Hills subdivision, so the 19 house is situated in a post war residential subdivision 20 and all the neighboring houses are constructed in the 21 1940s and the 50s and the 60s. Using PT Atlas, you 22 could review aerial photography.</p>
<p>162</p> <p>1 everyone. I'm sorry. 2 MR. PAULUS: That's okay. That's okay. 3 MS. MCNEIL: Okay. So, would you like to 4 testify? 5 MR. PLUS: I would. 6 MS. MCNEIL: Okay. Do you swear or affirm 7 under the penalties of perjury that the testimony you 8 shall give will be the truth and nothing but the truth? 9 MR. PALUS: I do. 10 MS. MCNEIL: Okay. State your name and address 11 for the record. 12 MR. PALUS: Yeah, my name is Matthew Paulus, 13 P-A-L-U-S, and I reside at 7101 Pony Trail Lane in 14 Hyattsville. So, that's about -- that's my residence of 15 about 10 years. It's about three blocks away from the 16 proposed exception. So, I'm a neighbor to the property. 17 And I've also worked in cultural and historic 18 resources management in Prince George's County for more 19 than 20 years as a private sector consultant. I'm 20 speaking only as a neighbor, but I bring that sort of 21 expertise to the hearing, I guess. 22 So, I echo the points made in other testimony</p>	<p>164</p> <p>1 The earliest one published is from 1938, and 2 it shows that the house at 7207 Hitching Post Lane is 3 one of only three or four dwellings throughout the area 4 of University Hills today that were built by that year, 5 by 1938. And none of those other houses are still 6 standing. 7 So, 7207 Hitching Post Lane really is the only 8 pre-war house and the oldest house in University Hills, 9 other than Ash Hill nearby, constructed in 1840. So, 10 the existing house has 920 square feet of interior 11 space on an approximately four tenths of an acre lot. 12 So, this very modest square footage of the house makes 13 the property a target for tear down and redevelopment. 14 And as I say that, I want to note that there 15 is no plan to redevelop the property. And the present 16 owners have invested in saving the house and averting 17 the tear down and redevelopment of the property through 18 -- through their actions and what they're pursuing here 19 today. 20 So, by adapting the building for use as a 21 neighborhood daycare, the proposed use retains the 22 existing building and the neighborhood does not lose</p>

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1 this diversity of housing built in different historical
2 periods, which I believe is a dividend paid to the
3 community. It is an appropriate and sustainable use of
4 the existing building. And -- and it's the definition
5 of adaptive reuse that I'm happy to see. So, for these
6 and other reasons, I support the proposed exception and
7 I just wanted to say that. Thank you.

8 MS. MCNEIL: Thank you, Mr. Palus.

9 MS. SCUDDER: Thank you. Madam Examiner, I
10 found my notes about the items that we're going to be
11 submitting and I left a couple of things out. So, the
12 first thing was the revised site plan. The second thing
13 was the affidavits for the LLC, The HPL holdings LLC.
14 The third item was the affidavits, the ethics
15 affidavits for Mr. and Ms. Simasek.

16 And then Mr. Brown had asked for, or maybe it
17 was you, someone asked for an overlay of a map to show
18 the topography. Mr. Brown asked for that. So, we'll --
19 we'll get that in as well. And then we were going to
20 add hours of operation to the play area -- of the play
21 area to the site plan. But those are the things I have
22 on my list.

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1 MS. MCNEIL: And all adjacent uses.

2 MS. SCUDDER: All adjacent uses to the site
3 plan, yes.

4 MS. MCNEIL: And you know, if you want, you
5 can just put topography on the revised site plan unless
6 that's too -- too much. Instead of just --

7 MS. SCUDDER: If that's okay with Mr. Brown --

8 MS. MCNEIL: That's what you meant, right?

9 MS. SCUDDER: If that's okay --

10 MS. MCNEIL: He doesn't mean a real overlay.

11 MR. BROWN: No, no exactly. It can be on the
12 existing site plan.

13 MS. SCUDDER: Okay.

14 MS. MCNEIL: All right, then thank everyone
15 else that's testified and I thank you all and make sure
16 you -- Mr. Wright did come back. Somebody was coming
17 back. And I said for him to contact you to see if we'd
18 still be here, and we are still here, but we're going
19 now, Mr. Wright, you have no more to say.

20 MR. WRIGHT: No.

21 MS. MCNEIL: Do you -- do you have more to
22 say?

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1 MR. WRIGHT: No, I -- I -- I just kept this
2 session open as I had my other meeting so I could hear,
3 but thank you.

4 MS. MCNEIL: All right. Thank you all. Have a
5 good day.

6 MS. SCUDDER: Thank you all. Bye-bye.

7 MS. MCNEIL: Bye-bye.

8 MR. SIMASEK: Thank you.

9 RECORDING: Recording stopped.

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1 CERTIFICATE OF TRANSCRIBER

2 I, Chris Naaden, a transcriber, hereby declare
3 under penalty of perjury that to the best of my ability
4 from the audio recordings and supporting information;
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6 employed by any of the parties to this case and have no
7 interest, financial or otherwise, in its outcome, the
8 above 167 pages contain a full, true and correct
9 transcription of the tape-recording that I received
10 regarding the event listed on the caption on page 1.

11

12 I further declare that I have no interest in
13 the event of the action.

14

15 

16 _____

17 March 27, 2024

18 Chris Naaden

19

20 (531111, Espirales Montessori Bilingual LLC, 3-19-24)

21

22

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