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

GIAC SON BUDDHIST TEMPLE  
Evidentiary Hearing, PPS 20002

T R A N S C R I P T  
O F  
P R O C E E D I N G S

COUNTY ADMINISTRATION BUILDING  
Upper Marlboro, Maryland  
June 22, 2023  
VOLUME I of I

BEFORE:

- PETER A. SHAPIRO, Chairman
- DOROTHY F. BAILEY, Vice-Chair
- WILLIAM M. DOERNER, Commissioner

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OTHERS PRESENT:

- ANDREW SHELLY, Staff-Urban Design Section
- RAM SHRESTHA, Representative-Giac Son Buddhist Temple
- JAMES HUNT, Division Chief, Development Review Division
- DELISA COLEMAN, Senior Counsel
- MARC JUBA, Environmental Planning Section
- BENJAMIN PATRICK, Transportation Expert
- KATINA SHOULARS, Countywide Planning

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P R O C E E D I N G S

1  
2 CHAIRMAN: All right, commissioners we have one  
3 final item on our agenda. This is item 5. This is DSP-  
4 20002, Giac Son Buddhist Temple. We have Ram Shrestha, I  
5 hope I pronounced that correctly, who is representing the  
6 applicant.

7 MR. SHRESTHA: Yes I do.

8 CHAIRMAN: Okay. Thank you. We also have Mr.  
9 Shelly who will give the staff presentation. We have a  
10 number of folks who are part of the applicant's team I  
11 believe, but also folks who have signed up to speak and a  
12 number in opposition as well.

13 This is an evidentiary hearing so, in this case,  
14 we're requiring those attending to provide testimony to take  
15 an oath. So at this time, I would ask all people who are  
16 attending to provide testimony, ideally to come onto the  
17 screen please. I'll give folks a second to come on. It's  
18 not a requirement, it just makes the process clear. And for  
19 all those who are intending to provide testimony if you  
20 could please raise your right hand.

21 (Parties sworn)

22 CHAIRMAN: And let's mute folks. Okay, we're  
23 good. So consider yourself sworn in.

24 The way the process is going to work, for folks  
25 who are newer to our process, we'll get a staff

1 presentation. That'll be Mr. Shelly and other members of  
2 the team as questions require. Then we'll hear from the  
3 representative of the applicant and any members of the  
4 applicant's team who wish to present. And we'll have an  
5 opportunity to ask them questions as well. Then we will  
6 turn to the public. We'll open up the hearing to those in  
7 the community who want to sum up for or against; or have no  
8 position but have signed up to speak.

9           Again, our rules are quite clear, where you have  
10 to sign up by 12 noon on the Tuesday before the hearing. So  
11 if you did not sign up before then, you're not eligible to  
12 speak. But we have a number of folks who did do that. So  
13 we'll hear from the folks who've signed up. Again at every  
14 step of the way, the commissioners will have opportunities  
15 to ask questions of the applicant, of staff, and even of  
16 people who are coming in to provide their own testimony to  
17 speak.

18           We will then hear -- we give the applicant the  
19 final word so the applicant will have an opportunity for any  
20 rebuttal and closing. And then once that is done, then that  
21 public hearing is closed. And then we commissioners, we  
22 deliberate, and we will decide what actions, if any, we want  
23 to take.

24           So that's the way the process will flow. Again,  
25 this is especially for the folks who are newer to our

1 process. So with that, I will start with the staff  
2 presentation. We will start with Mr. Shelly; and the floor  
3 is yours. Let's take it away.

4 MR. SHELLY: Great. Just doing a sound check.  
5 Good afternoon, Mr. Chair, are you able to hear me okay?

6 CHAIRMAN: We can hear you fine. Thanks for  
7 checking.

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

9 Good afternoon Mr. Chair, members of the board.  
10 For the record, my name is Andrew Shelly with the Urban  
11 Design Section. The item before you is item number 5,  
12 detailed site plan, DSP-20002 for Giac Son Buddhist Temple  
13 which seeks to develop a 4,625 square foot place of worship  
14 and maintain an existing single family detached dwelling as  
15 a parsonage.

16 As a matter of housekeeping, staff received  
17 findings from the applicant in a memorandum. Applicant  
18 Exhibit 1, dated June 20th, 2023, which was received prior  
19 to the hearing deadline. Staff have no issues with the  
20 revised architectural color changes associated with the roof  
21 and columns but have provided a condition on the record  
22 regarding the proposed height for the statue.

23 An analysis of the condition is provided within  
24 this presentation. In addition, since the planning board  
25 hearing was delayed, the approved stormwater management plan

1 has since expired, and a condition has been provided that an  
2 approved active plan be submitted prior to certification.

3 Next slide please. The site shown in red is  
4 located in planning area 62 in council district 1.

5 Next slide please. The subject property is shown  
6 in red -- the subject property shown in red is located at  
7 the southeast corner of the intersection of US 197 or Laural  
8 Bowie Road and Snowden Road.

9 Next slide please. The subject property and its  
10 surroundings are generally zoned RR or residential rural in  
11 the current zoning ordinance and R-R or rural residential in  
12 the prior zoning ordinance. This proposal will be evaluated  
13 under the R-R zoning in the prior zoning ordinance. A  
14 church and accessory parsonage are permitted uses in the R-R  
15 zone, subject to conditions in the prior zoning ordinance  
16 and are analyzed on pages 7 and 8 of this technical staff  
17 report.

18 Next slide please. The map with the site shown in  
19 purple demonstrates the location's environmental features.  
20 This property is subject to the provisions of the Prince  
21 George's County Woodland and Wildlife Habitat Conservation  
22 Ordinance or WCO. A type 2 conservation plan known as TCP2-  
23 018-2023 was submitted with the DSP application. The site  
24 was previously issued as a standard letter of exemption from  
25 the provisions of the WCO in error that was issued on May

1 11th, 2022. AT the time of issuance, based on the  
2 information submitted, the property appeared to contain less  
3 than 10,000 square feet of woodland and had no previous tree  
4 conservation plan approvals. However, upon further  
5 investigation, it was determined that woodlands had in  
6 excess of 10,000 square feet previously existed on site and  
7 that clearing of these woodlands had occurred without  
8 approval between the years of 2014 and 2018.

9 As of April 2023, three violations were cited by  
10 the Prince George's County Department of Permitting,  
11 Inspections, and Enforcement or DPIE. The applicant  
12 requests the removal of two specimen trees with this  
13 application, which will be further discussed within this  
14 presentation. In addition, the site has an approved  
15 stormwater management concept plan which was issued on June  
16 2nd, 2020 but has since expired. A condition has been added  
17 on the record by staff, condition 1Y, that the applicant  
18 provide an approved active stormwater management plan prior  
19 to the certification of this detailed site plan.

20 Next slide please. This map shows the adjacent  
21 master plan rights of way. The shown in blue has frontage  
22 on both Snowden Road and MD 197. Currently this site has  
23 two access points on MD 197.

24 Next slide please. The aerial shows the existing  
25 1.64 acres site and structures. The primary structure is



1 the existing single family detailed dwelling which will  
2 remain and become a parsonage. North and east of the site  
3 are single family detached swelling units. To the south of  
4 the site, it's an existing place of worship, and to the west  
5 of the site is MD 197 and commercial multifamily residential  
6 properties beyond.

7           Next slide please. This plan shows the existing  
8 on-site structures. All current on-site structures will be  
9 razed apart from the single-family detached dwelling which  
10 will remain and become a parsonage.

11           Next slide please. This detailed site plan  
12 demonstrates the proposed site layout of the property with  
13 north facing Snowden Road. The proposed 4,625 square foot  
14 place of worship will be one story and 34 feet and 10 inches  
15 tall is located furthest to the north of the site and  
16 directly adjacent is a 1,755 square foot courtyard to the  
17 south where the accessory statue would be located. Then  
18 further south is the proposed parsonage followed by the  
19 parking lot. And the site will use only one existing access  
20 point on MD 197 and the existing sidewalk will be  
21 maintained. The site will feature two-way circulation with  
22 adequate driveways. The development will contain 43 parking  
23 spaces, 13 of which are compact spaces and two Americans  
24 with Disabilities Act spaces. Six bicycle spaces on two  
25 bicycle racks are also proposed; however, a condition has

1 been added to provide two additional parking spaces to  
2 conform with the parking requirement associated with the  
3 accessory parsonage. The detailed site plan provides the  
4 necessary plantings and schedules in conformance with the  
5 2010 Prince George's County Landscape Manual otherwise known  
6 as the Landscape Manual, with the exception of Section 4.7,  
7 which will be discussed later in this presentation.

8           Therefore, staff finds the applicant's site layout  
9 and landscaping to be acceptable subject to the technical  
10 corrections as listed on pages 21 and 22 of the technical  
11 staff report. And analysis of the staff's findings is  
12 stated on pages 5 through 14 of the technical staff report.

13           Next slide please. The applicant requests  
14 alternative compliance from Section 4.7 buffering  
15 incompatible uses of the Landscape Manual on the property  
16 lines between the building and the parking lot on the  
17 northeast and southeast sides of the property. As  
18 illustrated within the tables shown, the applicant does not  
19 meet the minimum building setback and landscape yard  
20 requirements of the Landscape Manual. The unique shape of  
21 the property, the location on the corner, the location of  
22 the existing single family detached dwelling proposed to  
23 remain, and parking requirements drastically decreased the  
24 buildable area for the proposed place of worship resulting  
25 in the encroachment into the 40 feet setback in a variable

1 width landscape yard. The applicant has proposed a 6-foot  
2 fence and 200 additional plant units within the landscapable  
3 yard as an alternative design. This proposed 1.64-acre  
4 development has space limitations but provides supplemental  
5 plannings to meet the purposes and objectives of Section  
6 4.7.

7           The planning director finds the applicant's  
8 proposal equally effective as normal compliance with Section  
9 4.7 of the Landscape Manual subject to conditions regarding  
10 technical corrections. Analysis of the alternative  
11 compliance by staff is provided on pages 13 through 15 and  
12 the relevant conditions are provided on page 22 of the  
13 technical staff report.

14           Next slide please. The following slide  
15 demonstrates the two specimen trees the applicant is  
16 requesting for removal with this application for the  
17 proposed parking lot and associated stormwater management  
18 system. An evaluation of staff's findings is provided on  
19 pages 16 through 18 of the technical staff report. In  
20 summary, staff found that the critical root zones of the  
21 trees were already being impacted and the trees are located  
22 in a developable portion of the site.

23           Next slide please. The following slide  
24 demonstrates the tree conservation plan which is recommended  
25 for approval subject to condition 2 on pages 23 and 24 of

1 the technical staff report. An analysis of staff's findings  
2 on the TCP2 can be found on pages 15 and 18 of the technical  
3 staff report.

4           Next slide please. This slide demonstrates the  
5 front and side elevations of the proposed place of worship.  
6 The topmost elevation will face MD 197 and the bottommost  
7 elevation will face Snowden Road. The place of worship will  
8 be constructed of red brick veneer with red clay tile  
9 roofing and white columns. The side elevations which will  
10 each have a medallion and gable made of stucco. An ADA  
11 accessible ramp is located on the side of the building  
12 facing Snowden Road, which is again, is the bottommost image  
13 shown on the slide. The primary entrance faces MD 197 where  
14 three access doors are provided.

15           Next slide please. This slide demonstrates the  
16 rear and side elevations of the proposed place of worship.  
17 The topmost elevation will face the neighboring single  
18 family attached property to the east and the bottommost  
19 elevation will face the parking lot. The place of worship  
20 building will be elevated by grey painted planks and access  
21 via black metal staircases. The staircases are located on  
22 all sides of the building. The staff found the proposed  
23 architecture to be sufficient, subject to conditions. These  
24 include technical corrections providing dimensions of the  
25 proposed building entrances, providing floor plans of the

1 proposed place of worship, and providing the material and  
2 color elevations of accessory statue and courtyard. An  
3 analysis of staff's findings is provided on pages 6 through  
4 13 of the technical staff report.

5           Next slide please. This slide demonstrates the  
6 proposed 1,755 square foot courtyard plan. The center of  
7 the courtyard shows an approximately 31.5 foot tall or 31-  
8 and-a-half-foot statue. In reviewing the detailed site plan  
9 submission packet, staff did not provide a comment on the  
10 height of the proposed statue. After recent discussions  
11 with legal counsel, staff find that the primary building for  
12 the site is the 4,625 square foot place of worship and the  
13 statue would therefore be an accessory structure. While  
14 there is no expressed height limitation for an accessory  
15 structure in the primary zoning ordinance, there is one for  
16 an accessory building in the RR or R-R zone which is 15  
17 feet. Staff believes that this accessory structure should  
18 not exceed the height of an accessory building regardless of  
19 the use of the accessory structure. This interpretation is  
20 further supported by the current zoning ordinance which  
21 clearly states that the maximum height of any accessory  
22 structure is 15 feet.

23           Next slide please. The following slide  
24 illustrates the proposed free-standing and building mounted  
25 sites signage. A 21 foot long by 1-and-a-half-foot high

1 lettered sign that reads "Giac Son Buddhist Temple", or  
2 "Giac Son Temple" is proposed to be mounted along the  
3 building's front elevation facing MD 197. Free-standing  
4 signage is proposed along the corner of the intersection of  
5 MD 197 and Snowden Road. The signage will consist of six-  
6 inch painted black letters that read "Giac Son Buddhist  
7 Temple". The letters will be mounted on a rough-hewn  
8 granite monolith stone that is four foot long and six foot  
9 high. Staff finds the proposed signage to be sufficient,  
10 subject to a condition that requires the applicant to modify  
11 the architectural elevations and signing sheets to create a  
12 signage chart on the DSP cover sheet. An analysis of  
13 staff's findings is available on pages 6 through 13 of the  
14 technical staff report. The applicant has also noted, after  
15 the hearing deadline, that with the proposed architectural  
16 elevation changes, the freestanding signage lettering will  
17 now be black and not orange.

18           Next slide please. The Urban Design section  
19 recommends that the planning board adopt the findings of  
20 this report and approve detailed site plan, DSP-20002; Type  
21 2 Tree Conservation Plan, TCP2-018-20231; alternative  
22 compliance, AC-23009; and a variance to section 25-119D of  
23 the Prince George's County code. The staff were made aware  
24 and received documents from parties signed up to oppose the  
25 development on June 20th, 2023.

1           Staff sent an email to all parties opposed to the  
2 development on June 20, 2023. The email provided  
3 information on how to become a person of record and the  
4 relevant backup and technical staff report for the agenda  
5 item. Concerns were raised whether the use was permitted on  
6 the property, if it was necessary to remove the two specimen  
7 trees, and if the applicant had a valid stormwater  
8 management plan. The examination of these items is provided  
9 within this presentation, and staff are available to answer  
10 any further questions.

11           Staff therefore recommends approval of the  
12 technical staff report with only the revised findings from  
13 applicant Exhibit 1 regarding the architectural color  
14 changes and provides a condition, 1(x), that requires the  
15 applicant to revise the size of the proposed statue to 15  
16 feet or below prior to the certification of the detailed  
17 site plan in accordance with Section 27-442(i) of the prior  
18 zoning ordinance. In addition, staff proposes a second  
19 condition, 1(y), that requires the applicant to submit a  
20 revised approved active stormwater management plan prior to  
21 certification of the detailed stie plan.

22           This will conclude staff's presentation. Thank  
23 you.

24           CHAIRMAN: Thank you, Mr. Shelly. Commissioners,  
25 questions for staff.

1           COMMISSIONER DOERNER: Just a couple of  
2 clarifications right there at the very end. So there's  
3 applicant Exhibit 1, and it has a couple of changes, like  
4 one is on the color the clay tile, there's some  
5 architectural changes. Are you fine with those two? Not  
6 touching the statue quite yet in my question.

7           MR. SHELLY: Yes. So the architectural color  
8 changes on both, I believe it's pages 5 and I believe the  
9 other one is page 13. We do support those, but the statue  
10 issue is a separate matter.

11           COMMISSIONER DOERNER: And that's -- when you just  
12 mentioned was 15 feet not 31 one and a half or 35, right?

13           MR. SHELLY: Correct.

14           COMMISSIONER DOERNER: Okay. So I will wait for  
15 the applicant to talk about that, then. (Indiscernible).  
16 Okay.

17           CHAIRMAN: Thank you. Thanks, Commissioner.  
18 Vice-Chair Bailey, any questions for staff?

19           MADAM VICE-CHAIR: One quick question. You used  
20 the term accessory structure in your comments. Would you  
21 reiterate what that was about. I lost your comment on that.

22           MR. SHELLY: Yeah, okay. So sites can have, in  
23 the current -- in the prior zoning ordinance, there are two  
24 terms: accessory building and accessory structure.  
25 Accessory structure is not specifically defined in terms of



1 height; however, accessory building is. And in the current  
2 zoning ordinance, all accessory structures are proposed  
3 to -- are limited to 15 feet in height. So staff is making  
4 the interpretation that an accessory structure should be  
5 interpreted as an accessory building and thus follow the  
6 associated height requirement with that structure.

7 MADAM VICE-CHAIR: That's exactly what I thought,  
8 thank you.

9 MR. SHELLY: Yeah, no problem. And again, staff  
10 would just like to reiterate on the record that this could  
11 be any accessory structure whether it's a piece of art,  
12 whether it is religious, whether it is a large sign. We  
13 would just like to reiterate that it's not the content  
14 matter of the accessory structure.

15 MADAM VICE-CHAIR: Okay. Thank you.

16 CHAIRMAN: Thank you, too. I don't have any  
17 questions. I just want to make sure we're looking at the  
18 same things here. The issues that are before us are there's  
19 a question around the specimen trees, there's a -- and  
20 Commissioner Doerner mentioned this issue around the color  
21 changes. There's no concerns from staff from either of  
22 those issues. The parking, the two additional spaces.  
23 Staff and the applicant are in agreement on that, correct?

24 MR. SHELLY: Yes.

25 CHAIRMAN: Okay. And then the last thing is the

1 accessory structure, the height of the accessory structure  
2 is really the outstanding issue where there's a dispute  
3 around that. That's the one that imagine we'll talk about.  
4 But here is something when we looked through the record,  
5 there was a number of concerns from folks in the community.  
6 We'll hear from the applicant, and we'll hear, of course,  
7 from the community; but I just want to get clarity from you  
8 all.

9 My read on most of the concerns from folks in the  
10 community had more to do with enforcement. They are real  
11 issues. They are not necessarily issues that we consider  
12 for this kind of an approval for a project. Is that staff's  
13 interpretation as well? Maybe Ms. Coleman, you can weigh in  
14 as well.

15 MR. HUNT: Mr. Chairman, for the record, James  
16 Hunt with the Development Review Division. That is indeed  
17 our interpretation on this. A lot of the concerns that have  
18 been raised are indeed -- are more enforcement-related. We  
19 are aware of those; however, we would be happy to forward  
20 concerns to the various other county agencies that would get  
21 involved in enforcement matters. However today before the  
22 planning board is indeed the detailed site plan for the Giac  
23 Son Buddhist Temple for a place of worship here and relative  
24 to the site plan itself.

25 CHAIRMAN: Thank you. And so this is for everyone

1 who is listening. It's always complicated, right? Because  
2 the concerns you may be bringing to us, folks in the  
3 community, it has nothing to do with the validity of the  
4 concerns, it's more to do with where our authority is at  
5 this body and what is before us. And what's before us, is  
6 the detailed site plan, and enforcement issues are the  
7 jurisdiction of a sister agency, the Department of  
8 Permitting, Inspections, and Enforcement, DPIE. We will be  
9 happy and always cooperate with them when we are  
10 communicating information. I just wanted to get that out in  
11 advance of concerns that we've heard because the concerns  
12 were in the record, and we hear you loud and clear.

13           So with that, are there any other questions for  
14 Mr. Shelly before we turn to the applicant? If not, we'll  
15 turn to the applicant. Mr. Shrestha, did I pronounce that  
16 correctly, close?

17           MR. SHRESTHA: Yeah, that's correct. Thank you and  
18 good afternoon, Chairman Shapiro, and members of the  
19 planning board.

20           For the record, my name is Ram Shrestha, and I'm  
21 the personal engineer working on this project. I will speak  
22 on behalf of the board of trustees for the Giac Son Buddhist  
23 Temple.

24           In attendance here today are the (indiscernible)  
25 of the Giac Son Buddhist Temple, Mr. Vy Du; vice-chairman,

1 Ms. Dawn Nyguen; Secretary, Minh Nyguen; and the Director,  
2 Taoh Wo Lee. The design, Sal Lemole, architect; Khanh  
3 Nyguen, contractor; and Mr. Milton Perez, urban planner.  
4 Maybe some of these person may have left because they have  
5 other commitments.

6           Let's give a small history about this Buddhist  
7 temple. In 2014 a small group of Buddhist believers  
8 gathered with the intention of opening a Buddhist temple.  
9 They organized themselves and acquired the property located  
10 at 11801 Laurel Bowie Road, Lowden, Maryland. The  
11 organizers ask it is known today was established in 2015 by  
12 Master Suk Dy (phonetic sp.) and Don Nyguen who later  
13 transferred the property ownership to Giac Son Buddhist  
14 Temple in 2017.

15           Since 2015, the growing size of the temple's  
16 community demanded a bigger worship space. Since during the  
17 important festivals, the services would have to be partly  
18 outdoors. Soon thereafter, with funding of the Buddhist  
19 community, the board of directors decided to start the  
20 (indiscernible) process to build up first plans Buddhist  
21 temple in St. George's County, Lowden, Maryland.

22           As already presented by Andrew Shelly, the  
23 detailed site plan for Giac Son Buddhist Temple called DSP-  
24 20002, represents a totalment (sic) of a dream to build a  
25 Buddhist temple that can represent and inspire the inner and

1 outer peace of environment and growing Buddhist community in  
2 the city of Lowden and the vicinity.

3 Here to this project were the countless volunteers  
4 and working hours between the members and the design team to  
5 incorporate the Buddhist temple on this property. A Giac  
6 Son Buddhist Temple (indiscernible), the owner had chosen a  
7 small building which incorporates economy and cosmology  
8 elements of traditional Buddhist temples while preserving  
9 the substantial style that is characteristic on this area.

10 The building structure was designed to symbolize  
11 the type elements, fire, air, earth, symbolized by the  
12 square base; water and wisdom, symbolized by the pinnacle at  
13 the top of the temple. Thereto the shape and size of the  
14 temple play a big role in the design of the building. In  
15 addition, the companion concrete court which contains the  
16 Buddhist statue is one of the most important architectural  
17 elements serving the temple. The proposed courtyard will  
18 provide access to Buddhist realm for worship and meditation.

19 The Buddhist temple is in compliance with the  
20 parking requirements established by the zoning ordinance  
21 with one characteristic that is different from other  
22 religious buildings is that the Buddhist temple will only  
23 reach full member occupancy five times a year to celebrate  
24 the most important festivals. In case that an overflow  
25 parking is needed, including this parking for important

1 festivals, the Buddhist temple has permission to use the  
2 parking lot of the adjacent church and the parking of the  
3 High Redemption building located across the street.

4           Here full consideration was given to the addition  
5 neighbors by proving privacy and buffering around the  
6 temple. The proposed six feet, five inches fence and plant  
7 material will minimize potential nuisance such as visual  
8 impacts, noise, and glare lights coming from the subject's  
9 property.

10           The supplemental landscaping will enhance the  
11 appearance of the temple and will plan the development  
12 within itself existing landscaping that surrounds the area.

13           Giac Son Buddhist Temple, our client, has remained  
14 engaged and mindful of the requirements of the DSP-20002 and  
15 has patiently waited for the legal process to take place so  
16 their property -- so their property can comply with all the  
17 requirements not only from the Maryland national capital and  
18 planning commission but also from the Department of  
19 Permitting, Inspection, and Enforcement known as DPIE.

20           With that, we would like to thank the staff and  
21 we'd respectfully request your support for this application.  
22 Based on the staff report, our client agrees with all the  
23 conditions in the staff report; however, we would like to  
24 propose the polling of minor (indiscernible) to the  
25 supporting information of the staff report. So we

1 respectfully request your consideration and approval. And  
2 the one I'm going to telling (sic) about the changes and  
3 Andrew Shelly already mentioned those changes of the colors,  
4 but for the record, I just want to read to those changes  
5 requested. And also for the record, I just want to update  
6 that the stormwater management concern approval has been  
7 renewed and is current.

8           The changes are as follows: on page 5 of the  
9 staff report, the original text reads, "The place of worship  
10 will be constructed of red brick veneer with orange clay  
11 tile roofing and orange columns." The revised text reads,  
12 "The place of worship will be constructed of red brick  
13 veneer with red clay tile roofing and white columns." The  
14 old orange was substituted for red.

15           On the same page, the original text reads, "The  
16 applicant proposed the construction of a 31.5-foot-tall  
17 Buddhist statue and a 1,755 square feet courtyard to the  
18 east on site of the proposed building." The revised text  
19 reads, "The applicant proposes the construction of a  
20 Buddhist statue that doesn't exceed 35-foot-tall and 1,755  
21 square feet courtyard to the east on site of the proposed  
22 building." The old 31.5-foot-tall was omitted and replaced  
23 with the phrase, "doesn't exceed 35 full -- tall". And also  
24 we acknowledge the -- Andrew Shelly just mentioned that the  
25 building, the structure height will be limited to 15 feet.

1 I just want to reiterate that this statue is the part of the  
2 building and should be a symbol close to the structure so  
3 this is very important that the height should be higher so  
4 we cannot go what the -- we can look in more detail at the  
5 code of ordinance how we can work with the Department of  
6 Planning and get a higher height.

7 I just want to continue. On page 13, the original  
8 text reads, "Architectural elevations were included with  
9 this application, and it was determined that the building  
10 materials including the red brick veneer, orange clay  
11 roofing tiles, and stucco gables are harmonious with the  
12 proposed building." The revised text reads, "Architectural  
13 elevations were included with this application, and it was  
14 determined that the building materials including red brick  
15 veneer, red clay roofing tiles and stucco gables are  
16 harmonious with the proposed building design." The old  
17 orange clay was substituted for red clay. The board of  
18 directors of the Buddhist temple decided that red roof and  
19 white columns represented true identity of the architectural  
20 design of the Buddhist temple. In addition, the red roof  
21 tiles are easily accessible to the board of directors.

22 Regarding the height of the statue, the board of  
23 directors followed the required height of the statute in the  
24 rural residential zoning, but they would like a little bit  
25 more flexibility with the height requirements; therefore,



1 instead of mentioning a specific height, they would like to  
2 emphasize the maximum height in the zone, which is 35 feet.  
3 It's important to highlight that the statue will not exceed  
4 the required maximum height. Furthermore, the statue is  
5 located at the center of the site, so it will not block the  
6 views from the adjacent roadways or the adjacent properties.

7 We have submitted the above minor changes and  
8 architectural elevation showing the changes to the style as  
9 part of the records for this meeting.

10 Our team is here to answer any questions that you  
11 may have regarding this digital site plan. We do appreciate  
12 your consideration; and again, we are here to answer any  
13 questions that you may have. Thank you. Thank you very  
14 much.

15 CHAIRMAN: Thank you, Mr. Shrestha.

16 So the one -- this is more of a comment than a  
17 question. It sounds like you are aligned with staff around  
18 the conditions. The one outstanding issue is questioning  
19 the height of the accessory structure. Staff's clear  
20 interpretation recommendation to us is that this accessory  
21 structure will -- cannot be more than 15 feet. So just  
22 letting you know that's what I heard loud and clear from  
23 staff.

24 MR. SHRESTHA: Okay.

25 CHAIRMAN: So that's less of a question, more of a

1 comment.

2 MR. SHRESTHA: Okay.

3 CHAIRMAN: But let me see. Commissioners, are  
4 there questions that you have for the applicant before we  
5 turn to folks in the community? No questions?

6 MR. SHRESTHA: Can I add one more thing?

7 I just got a call from -- this morning and I went  
8 quickly to the court of ordinance of Prince George's County  
9 Department of Planning. I just noticed, for a structure  
10 like this, there is no specific height; but in some cases,  
11 in the special exception, they may allow a little bit higher  
12 height. So I think we may want to consider on (sic) that  
13 part. Because --

14 CHAIRMAN: You certainly can go the special  
15 exception route. If you go the special exception route,  
16 that's not -- that's not what's before us. The special  
17 exception route is -- you would file for a special  
18 exception. You go before the zoning hearing examiner. You  
19 would then before the district council, but that's not part  
20 of this application or what's before us.

21 Certainly if you wanted to, you could -- we can  
22 continue this hearing. You can go through that process.  
23 See if you can get a special exception and then come back to  
24 us. That's going to take a good chunk of time.

25 MR. SHRESTHA: Yeah, I think we want that.

1           CHAIRMAN: But again, we are not considering the  
2 special exceptions. That's not within our authority.

3           MR. SHRESTHA: Understood, sir. Yeah, we just  
4 want to hear -- go with what's the board of planning are  
5 going to decide today.

6           CHAIRMAN: Okay. All right, thank you.

7           Commissioners, any other questions for the  
8 applicant before we hear from folks in the community?

9           No, okay. All right. So let me go through my  
10 list. I've got a list of speakers, and a number of speakers  
11 are part of the applicant's team, but I just want to make  
12 sure -- Mr. Shrestha, I've got a Milton Perez, a Vy Do, Dawn  
13 Nguyen, Khanh Nguyen, Tim Troung, Salvatore Lemole, and a  
14 Minh Diep Nguyen. All these folks are part of your team.  
15 Are any of these folks wanting to testify, or they're part  
16 of the team?

17           MR. SHRESTHA: I think it's not necessary. Yeah,  
18 we can proceed.

19           CHAIRMAN: Okay. And if there are questions, we  
20 certainly come back to it. And if you have anything -- any  
21 experts you want to bring to it, you can certainly come back  
22 to us. Again, you'll have an opportunity, after we hear  
23 from folks in the community, you'll have an opportunity for  
24 rebuttal and for closing. And you certainly can question  
25 any witnesses that you have, any experts that you want to

1 bring if there is something of interest there, okay?

2           So with that, let me turn to other folks who have  
3 signed up. Let me just go through the list of folks just to  
4 make sure we're all here. So as I mention names, if you  
5 could just sort of acknowledge your presence.

6           Do we have a Catherine Williams here?

7           MS. WILLIAMS: Yes.

8           CHAIRMAN: Okay. Thank you, Ms. Williams.

9 Gabrielle Masten?

10          MS. MASTEN: Yes, I'm here.

11          CHAIRMAN: Thank you. A Jeffrey Hitaffer.

12          MR. JEFFREY HITAFFER: Yes sir.

13          CHAIRMAN: Did I come close to pronouncing your  
14 name? We're okay. And there's also a James.

15                Somebody's -- turn off your mics.

16          MR. JAMES HITAFFER: James is here.

17          CHAIRMAN: Okay. We've got Jeffrey, we've got  
18 James. And we have Taylor as well, yep. And then a Tim  
19 Carter?

20          MR. CARTER: Yes, I'm here.

21          CHAIRMAN: Mr. Carter?

22          MR. CARTER: I'm here.

23          CHAIRMAN: Okay. All right and if you would  
24 remember when you're not speaking, turn off your mics so  
25 don't get the echo that I'm hearing. Thank you.

1           So I'm going to go through the list in this order  
2 reminding you that per our processes, each of you if you're  
3 not representation an organization, you're speaking as an  
4 individual, you'll have up to three minutes to speak. Will  
5 put up a clock on there so you can help -- I can, and you  
6 can help keep track of the time. You don't have to speak  
7 for three minutes, but you have up to three minutes to  
8 speak. And when it's your turn, if you could identify  
9 yourself, your name and address for the record. And we'll  
10 start with Ms. Williams.

11           MR. JEFFREY HITAFFER: Mr. Chairman.

12           CHAIRMAN: Yes.

13           MR. JEFFREY HITAFFER: Can I ask you a quick  
14 question, sir?

15           CHAIRMAN: Yes.

16           MR. JEFFREY HITAFFER: I'm Jeffrey Hitaffer. I  
17 just wondered, can we get rid of some preliminaries first  
18 before we start or is that going to be part of our speeches?  
19 Because I --

20           CHAIRMAN: Help me understand what -- help me  
21 understand what your --

22           MR. JEFFREY HITAFFER: I mean, we weren't properly  
23 notified of this. Just -- most of us weren't properly  
24 notified. Can you see if there's evidence that the proper  
25 notifications and proper information was made with the

1 posting of the sign and the mailing of the letters? And  
2 second, for clarity, are we saying that in the R-R zone that  
3 the temple itself is not an accessory building that --  
4 because there's a home already there. So I was under the  
5 impression that anything that's added to this would be an  
6 accessory building; therefore, it'd be added -- it'd be  
7 controlled by the height requirements of the county.

8 CHAIRMAN: So I appreciate what you're bringing  
9 what you're brining forward. And no, that's not part of  
10 your three minutes.

11 MR. JEFFREY HITAFFER: Thank you.

12 CHAIRMAN: So hold that. I'm actually take what  
13 you're saying. I'm going to go back to staff and just get  
14 some clarification on both those issues, okay?

15 MR. JEFFREY HITAFFER: Thank you sir, I appreciate  
16 it.

17 CHAIRMAN: So Mr. Shelly and again -- thank you.  
18 Let me make sure I'm pronouncing your name correctly. It's  
19 High-taaf-fur?

20 MR. JEFFREY HITAFFER: Yes, sir, yes sir. That's  
21 correct. Thank you.

22 CHAIRMAN: All right. But this is not going to be  
23 a back and forth, so take what you have and let me turn it  
24 over to staff and if I can get answers to those two, your  
25 interpretations were in that. First of all, give us -- Mr.

1 Shelly, Mr. Hunt, on the notification requirements that we  
2 meet all the requirements and then this question of what  
3 we're considering an accessory structure. And Ms. Coleman,  
4 any time you want to weigh in, you weigh in.

5           Since she's our counsel, folks, she also gets to  
6 weigh in. It's always helpful.

7           So Mr. Shelly, Mr. Hunt.

8           MR. SHELLY: Good afternoon again. Andrew Shelly  
9 for the Urban Design section. Regarding the use question,  
10 when the -- with the proposed place of worship being  
11 proposed now for the site, that now becomes the primary use  
12 and essentially the single-family detached dwelling now  
13 becomes an accessory structure because it will be used as a  
14 parsonage. Essentially housing the monks and other users of  
15 the site. So essentially that is defined in the zoning  
16 ordinance, and if you'd like, we would be happy to state the  
17 specific section if requested.

18           CHAIRMAN: I mean, we can leave it at that. I  
19 assume then the house becomes a nonconforming structure as  
20 an accessory structure?

21           MR. SHELLY: No. So the house, there's specific  
22 requirements that the parsonage has to meet the requirements  
23 for a main building. And it does conform with those  
24 requirements as analyzed in the city ordinance.

25           CHAIRMAN: All right, thank you. And then the

1 other question for preliminary matter which related to the  
2 notification. If you can just reiterate, I know you stated  
3 it before, but if you could reiterate the notification  
4 process that we have and make sure we're going by the book.

5 MR. SHELLY: Yes, so there are -- there was an  
6 informational mailing that was provided in March of 2022.  
7 There is no deadline or expiration of an informational  
8 mailing. The second mailing was the acceptance mailing  
9 which was provided on January 17th of 2023. That was  
10 provided after the applicant was notified of formal  
11 acceptance on January 12th of 2023. And then the applicant  
12 later paid after sending the acceptance mailing. And the  
13 formal acceptance occurred on -- let me just grab the  
14 correct date. My apologies. It occurred on February 2nd,  
15 2023. That was the formal acceptance of the case.

16 CHAIRMAN: Okay.

17 MR. SHELLY: So proper mailing --

18 CHAIRMAN: So you --

19 MR. SHELLY: Yes, we have record that the site --  
20 that proper mailing was filed, and we also have record that  
21 the site was adequately posted.

22 CHAIRMAN: Okay. All right. Thank you. Thanks  
23 for that. So now we'll go back to the speakers list that we  
24 have. I've got again six folks all who signed up in  
25 opposition, and we'll start with Catherine Williams. Again,



1 you have up to three minutes to speak. You don't need to  
2 come on camera. If you want to keep it audio only, it's up  
3 to you. And Ms. Williams, the floor is yours.

4 MS. WILLIAMS: Yes, thank you. My name's  
5 Catherine Williams. I live at 9911. I'm four houses down  
6 from the temple. This has been since they have bought the  
7 property and moved up there. I have spent multiple hours  
8 calling agencies, calling the various agencies trying to get  
9 help to have people do things in compliance.

10 We had not been told about any of the -- no one's  
11 told us how this worked. When it would get to this point,  
12 where they're actually building a formal temple. They've  
13 already basically got a temple up there and are operating it  
14 as a kitchen. And they have already cut down most of the  
15 trees on the property. And we're finding out now, this  
16 isn't the forum for all of these issues; but I just want to  
17 make you aware that I've had to call the zoning office  
18 multiple times, for years. I've had to call the police  
19 multiple times for years for the excessive noise when they  
20 have their meetings. They have the sound up like a concert,  
21 a full-on concert. And literally I'm four houses down and I  
22 can have my doors and windows closed and the music is still  
23 too loud.

24 We have called the fire department multiple times.  
25 My husband was a fire chief. We had to call when they did

1 open burnings up there and -- multiple times. And the  
2 minute the fire department left, they turned -- they set  
3 stuff on fire again. The minute the police leave, they turn  
4 the music back up again. I am furious. I have tried all  
5 the different Prince George's County agencies. I called 311  
6 and had 311 said, oh honey this is happening all over the  
7 county. There's nothing you can do. I don't understand,  
8 this sham of a meeting right here.

9           The trees have already been cut down, I think,  
10 that you're talking about, but I do see that they just have  
11 a couple more trees left up there. Are you aware that the  
12 150 years old oak tree that they sawed down already had had  
13 vultures in it that, whether you like them or not, they were  
14 federally protected, and they cut the trees down and closed  
15 up the barn that these vultures were born in every year.

16           So I'm -- my time is almost up. I see -- I can't  
17 believe this is like about to happen. It's a slap in the  
18 face.

19           CHAIRMAN: Thank you, Ms. Williams. We'll move on  
20 to Gabrielle Masten.

21           MS. MASTEN: Good morning, I'm Gabrielle Masten.  
22 I live at 9815 Snowden Road. I appreciate the opportunity  
23 to voice my concerns about the proposed temple.

24           My objections stem from the health, safety, and  
25 environmental issues that are directly impacting my family

1 and our community.

2           Firstly, the noise levels. Cathy mentioned that.  
3 We've called a lot. They persist no matter what we do.  
4 It's been very disruptive especially during periods where my  
5 children, and one of them who suffers from a seizure  
6 disorder, are actually trying to sleep. Lack of sleep for  
7 my child can actually directly impact his health and cause  
8 him to have a seizure, so the noise issue and whatever  
9 remediation they can do is very important to us. I just  
10 hope that the temple considers a noise level that respects  
11 the peace and quiet of the neighborhood that doesn't the use  
12 and enjoyment of our properties.

13           Secondly, the parking and traffic situation is  
14 both dangerous and insufficient. Cars park next to our  
15 driveway and at the narrow end of our street, and it makes  
16 it difficult for us to navigate our streets safely. The  
17 proposed plan for 45 parking spots is adequate for the  
18 number of people attending large events, which leads to more  
19 vehicles spilling into our residential area which already  
20 has limited parking. Furthermore, I think the addition of  
21 temple traffic to the already busy main road of 197 could  
22 create a safety hazard because of the vehicles stopping to  
23 turn into the temple's proposed parking lot. I'm hoping the  
24 temple will reconsider the parking provision and accounts  
25 for the potential traffic impact on the surrounding roads

1 and better make it's these issues.

2           Lastly, I think that the environmental impact due  
3 to the removal of trees from the temple's property is multi-  
4 faceted. It's led to flooding and damage on our property  
5 and it's also eroding the habitat for endangered species in  
6 the area like the turtles and the vultures. The proposed  
7 lighting is also of concern because I know that can have an  
8 impact environmentally. We hope that the temple will take  
9 measures to address permanent remediation of water runoff to  
10 prevent future damage and consider the ecological  
11 implications of their actions on local wildlife.

12 Sustainable development that can respect both human and  
13 animal neighbors.

14           So in conclusion, I respect the temple's right to  
15 exist and operate. And I have no issues with a religious  
16 organization of any kind, but I think that it can be done in  
17 a way that better respects the rights, safety, and well-  
18 being of the neighbors.

19           CHAIRMAN: Thank you, Ms. Masten.

20           MS. MASTEN: Thank you.

21           CHAIRMAN: Next we have Jeffrey Hitaffer.

22           MR. JEFFREY HITAFFER: Good morning everybody.

23 Thank you for hearing us out.

24           While listening to all the new projects, I was  
25 excited to hear how the boards in favor of preserving family

1 history. I'm Jeffery Hitaffer, 9813 Snowden Road, property  
2 that was built by the grandfather, James Melvin Hitaffer and  
3 his brother-in-law, former owner of 11801 Laurel Bowie Road,  
4 Charles Lammers (phonetic sp.). They milled the wood for my  
5 home and the historic workshop that's now become an  
6 unpermitted and unlicensed outdoor kitchen which is running  
7 advertised commercially by the temple. And by outdoor  
8 kitchen I mean food prep stations, cooking utilities, sinks  
9 with hoses as drains. I mean who knows where these drains  
10 are even going. I know that we see rainbow colors in our  
11 water all the time that's just been going past our house.  
12 Leah Johnson (phonetic sp.), my (indiscernible) stated that  
13 she found food waste dumped on her property after these  
14 events.

15           My family owns 9813, 9815, and 9819 Snowden Road.  
16 All these properties border 11801 Laurel Bowie Road. My  
17 family's resided in and made their living on these  
18 properties for over 100 years, and there's still Lammers on  
19 surrounding properties. My cousin Kenny and his wife  
20 Barbara and his brother Robert Lammers own the properties  
21 adjacent to us. I can see their houses out my bedroom  
22 window.

23           When I was a kid, the acreage in the back of our  
24 home was a large garden. Every summer, my brothers and I'd  
25 work it, and it was truly one of the most enjoyable memories

1 of my life. There was very little over here that resembled  
2 the city like where we lived and only ten houses in this  
3 area, all family in one way or another. It was one of the  
4 most amazing places to live and get away from all the  
5 madness.

6 Well sometime somewhere around 2017 was when  
7 (indiscernible) bought the property from my cousins, the  
8 Bartons, and told them they were buy it as a single-family  
9 home. No mention of a temple. Since then, they cut down  
10 over a half-acre of trees, including a 28 inch 200-year-old  
11 oak that was a home to those turkey buzzards which are  
12 federally protected; and that 24-inch which is supposed to  
13 be pending in that plan.

14 All this construction that they did basically  
15 channeled all the rainwater and runoff right directly into  
16 our homes. I submitted several videos and pictures from  
17 brother and wife that show the water and the runoff coming  
18 straight into our house and I mean we have floods, numerous  
19 floods. For my home alone, it would cost me \$60,000 to  
20 waterproof it inside and out so I can use my basement again.  
21 We're talking numerous floods. They tried to make amends to  
22 it, but by burying a sediment tube in the ground that's  
23 never had any water go anywhere.

24 They hold huge concerts. I use a measuring  
25 device. I'm a sound engineer and a technical engineer at

1 work. And I've measured it, and they hit over 92 decibels  
2 from 1,000 feet away. That's directly damaging to your ears  
3 and hearing based upon the EPA and OSHA. We've contacted  
4 the police numerous times. Because the police work  
5 secondary there, they won't do anything about it. They told  
6 me to -- it sounds okay from where they are.

7           So I know I've run out of time. So I feel like  
8 I've got so much more to say but, 200 spots is -- for 45  
9 parking spots. They need bus parking too. There is a  
10 thousand people that attend this location on a regular  
11 basis. It is huge. And I can get you video you for it,  
12 anything you need.

13           I'm still under the impression that we weren't  
14 properly notified in this, and I'm still requesting a  
15 continuance especially on the basis that they have a lot  
16 more changes they want to put in their plan. Maybe it would  
17 be best if we take another 30 days to think about it.

18           Thank you. I'm done now -- very much.

19           CHAIRMAN: Thank you. Now we have James Hitaffer.

20           MR. JAMES HITAFFER: Hello, good afternoon. I'm  
21 James Hitaffer. Good afternoon, Mr. Chairman, board  
22 members, and council members. I appreciate you guys taking  
23 the time to hear us out.

24           My issues of concern have already been touched on  
25 by the previous speakers, but I would like to reiterate some

1 of those. These areas that -- the residential rural area  
2 that they are changing and developing, these changes have  
3 already been put in place far before any of these approvals  
4 have been granted. So my concern is that even if approval  
5 is somehow granted here, why would they follow any of these  
6 plans now? They haven't followed any of the rules, any of  
7 the laws, any of the governance that has been put in place  
8 prior. They've cut down trees that they weren't supposed to  
9 cut down. They've graded the land. All of the changes  
10 they've made, they've done it with a blatant disregard to  
11 authority and enforcement and all the rules that are put in  
12 place by our county. And this is a large concern for us as  
13 a community of people, not just me as a single neighbor, but  
14 a community of people that are being affected. Some are  
15 afraid to voice their concerns because of backlash they may  
16 receive it from a large group of church members. There's  
17 been altercations in the past. The police do not do  
18 anything because they're being paid by them for securing  
19 their area. All these things need to be addressed prior to  
20 approval of this site plan because approval of this site  
21 plan is just giving them a head nod to start building and  
22 start doing this regardless of none of these things. The  
23 water shed agreement being put in place. That should be  
24 addressed prior to any approval of this site plan because  
25 all of the houses below them -- and that's 197 and -- from



1 197 down Snowden Road are being affected by water. And I'm  
2 not talking a little bit of water. If you check the videos  
3 that we've sent in, the pictures. I'm talking millions and  
4 millions of gallons of water are slamming into, not just our  
5 grass in our backyards, into our houses and basements. Leah  
6 Washington's basement had to be -- the wall caved in. My  
7 basement has flooded multiple times. And this is causing  
8 immense damage on top of stress. And the noises are one  
9 thing, and I understand their needs to be some sort of  
10 enforcement involved. And you guys are mentioning that it's  
11 okay, that is separate from you. And I understand those  
12 rules may be separate; however, I do not believe that this  
13 site plan should be approved prior to investigating the  
14 enforcement side as well because they do go hand in hand  
15 when it comes to us as neighbors and community. And there  
16 needs to be an understanding, hopefully from the board  
17 members and council members, that yes, this looks like a  
18 temple, and it just seems like a simple structure, but it's  
19 far larger than that. The site plan goes beyond just bricks  
20 and mortars and colors of paint. The site plan extends  
21 beyond just wants written on that paper. The noise goes far  
22 beyond --

23 CHAIRMAN: You need to start wrapping it up.

24 MR. JAMES HITAFFER: -- the fences. The water  
25 stretches far beyond their land. And these site plans,

1 although on paper, are outlined by 4,000 square feet here,  
2 1500-foot yard here.

3 CHAIRMAN: Mr. Hitaffer --

4 MR. JAMES HITAFFER: If things go past that. The  
5 damage goes past that. I'm sorry I've extended past my  
6 time. Thank you.

7 CHAIRMAN: All right. I appreciate your passion  
8 around this. Thank you.

9 Next we have Taylor Hitaffer.

10 MS. TAYLOR HITAFFER: Good afternoon.

11 CHAIRMAN: Good afternoon.

12 MS. TAYLOR HITAFFER: So I would very much like to  
13 stand in support of everything that has been said today by  
14 my neighbors and my family members. I would like to testify  
15 that everything that's been said is true. And I'd also like  
16 to reiterate that this has been a black mark on our  
17 community in the -- in the animosity and the divisiveness  
18 that has started to take place.

19 There -- this meeting was very important. We  
20 needed to be able to feel like our voices were being heard.  
21 And we needed to come to a place where we fully understand  
22 what our neighbor's vision is. And now that we understand  
23 what their trajectory is, we needed to be sure that we came  
24 to a place where our voices could be heard.

25 The -- we need a peace process as soon as possible

1 because right now, even so, like just looking on the  
2 internet researching the temple and their patronage. I  
3 would like to read a review right now. It says:

4 "Very good temple. Has many events yearly and  
5 being here makes me very happy. Sorry for the late noise  
6 and we will soon be doing more big events, so be prepared to  
7 sleep early."

8 I suppose that is just -- gives you a preview of  
9 what is happening. We have lots of discontent happening so  
10 please, whatever authority you guys have to help us out so  
11 that we can bring peace back to our community would be  
12 greatly valued for our families.

13 CHAIRMAN: Thank you, Ms. Hitaffer.

14 MS. TAYLOR HITAFFER: And I would like to yield  
15 the rest of my minutes to my husband if that's alright.

16 MR. JEFFREY HITAFFER: Can you do that sir?

17 CHAIRMAN: I can't do it.

18 MR. JEFFREY HITAFFER: Okay.

19 CHAIRMAN: The last speaker we have is Tim Carter.

20 MR. CARTER: Yes, I'm right here.

21 CHAIRMAN: Okay, the floor is yours.

22 MR. CARTER: Okay, thank you very much.

23 My name is Tim Carter, I live at 9915 Snowden  
24 Road. I am at the -- about a block away. Snowden Road has  
25 a slight grade to it and I'm at the bottom of the hill. I

1 just basically, all the grievances that you've already  
2 heard, I have all the same. The noise issues down here,  
3 being a block away, are just out of sight. The loudness of  
4 their speakers and the direction of their speakers is just  
5 uncalled for. The traffic -- I'm concerned about the  
6 traffic and the parking on Snowden Road because they do use  
7 Snowden Road to park, including bringing buses and parking  
8 buses on Snowden Road. I have the same issue, probably not  
9 quite as bad, with the water runoff. I do have a lot of  
10 water that is now running through my yard that I'd never had  
11 before.

12           But I also want to bring up that I did not receive  
13 notification letters. So these letters that supposedly went  
14 out, I didn't receive them. I do want to point out that the  
15 temple's size -- it was called out as 4,625 square feet.  
16 But when they put the plans up, it looks like 80 foot by 80  
17 foot, which means that the footprint is 6,400 square feet.  
18 I'm going to assume that the 4,625 square feet is just the  
19 interior under roof space. It doesn't include the full wrap  
20 around porch which is also covered by a roof. So we -- or  
21 me as a neighbor, I'm looking at a 6,400 square foot  
22 building, not a 4,600 square foot building.

23           I did a little research last night. I pulled up  
24 the permit history on the -- up on the property and I just  
25 hope you all are also considering that there is a pending

1 permit for a 40 by 60 metal carport, in fact the permit  
2 number is 54485-2021-0, and it's marked as pending. And I  
3 don't know if that is considered and your -- and the  
4 outbuildings. I know they said that they're razing the  
5 outbuildings or tearing them down. But they're tearing down  
6 a couple of small outbuildings and they're planning on  
7 building a 2,400 square foot carport.

8           And there's also an open violation. When I looked  
9 up the open violation from May 17th, 2023. When I looked up  
10 through the permit history, they have had lots of  
11 violations, and I did not look up every single permit  
12 number, but when you look them up, some have been closed.  
13 And like I said, there are a few others that are still open,  
14 but the most recent is May 17th of 2023.

15           So basically that just reiterates what my  
16 neighbors have been saying. They're not conforming to rules  
17 and regulations. They just do their own thing. I would  
18 also like to point out that -- one last thing is that they  
19 built an addition on the back of their existing house which  
20 the permit calls for an 18 by 34 addition. It is much  
21 bigger than 18 by 34. The 34-foot backside, the side wall  
22 looks like it's close to the same size. I would give a good  
23 guess as probably closer to 30 by 34.

24           So with that, thank you all for listening. And it  
25 looks like I'm out of time anyways. Thank you.

1           CHAIRMAN: Thank you, Tim. Did anyone else sign  
2 up to speak? I don't see anyone on the list, so we will go  
3 back to the applicant. Before we do that, first of all, I  
4 wanted to see if the commissioners have any questions for  
5 the folks that spoke, and I have some questions for staff.  
6 But any questions for the folks who testified? Okay.

7           A few questions I have for staff -- I'm sorry, Mr.  
8 Doerner.

9           COMMISSIONER DOERNER: I hear some of the  
10 opposition has mentioned contacting people in the county. I  
11 don't know about the permit issues or the kind of like  
12 potentially larger structures that have been built on the  
13 site which the applicant can talk about. But I just wanted  
14 to find out whether or not, maybe the last caller, but if  
15 that had been reported to code enforcement or DPIE or  
16 anything?

17          MR. CARTER: I assume you're asking me, Tim  
18 Carter?

19          COMMISSIONER DOERNER: Yes.

20          MR. CARTER: So -- no it -- I had not reported it.  
21 I just kind of started doing this research on this just a  
22 couple days ago. I didn't realize that there was anything  
23 going on up there at all. I quite honestly, the sign that's  
24 posted, it's a very good sign, but it doesn't look like the  
25 standard variance sign that I'm used to. So I'm actually a

1 licensed contractor in the State of Maryland, so but  
2 actually, right now, I'm just talking as a neighbor. But  
3 the variance signs that I'm used to seeing are just bright  
4 white, black lettering. And this one looks very nice, but  
5 it looks too nice. I just thought -- I never even read it.  
6 I just thought it was an advertisement for another one of  
7 their events. And then finally one of my neighbors, over  
8 the weekend, said something to me, and I went up and took a  
9 picture of it and I started researching stuff. So I'm  
10 coming in very late to the game on this.

11 COMMISSIONER DOERNER: The whole building part?

12 MR. CARTER: I never looked up how big the  
13 addition said on the permit. I just assumed that they were  
14 going to build it to the size that the permit was for. I  
15 know as a contractor that inspectors do not pull a tape  
16 measure when they look at a job. They're just looking to  
17 make sure that everything is done to code. They're assuming  
18 that the contractor is building it to the proper size. But  
19 I can tell you, as a contractor, that it is much bigger than  
20 18 by 34.

21 COMMISSIONER DOERNER: (Indiscernible).

22 CHAIRMAN: Mr. Doerner, one sec. Just want to  
23 make sure that folks are muted. Okay. Please continue.

24 COMMISSIONER DOERNER: I was just going to mention  
25 that you always have the ability that if you do think it is

1 too large or they're violating certain restrictions or code  
2 or size than they're permitted, you can always tell DPIE  
3 about that and file a complaint. And as that is it might be  
4 for an applicant or a developer, like if it's beyond the  
5 limit of what it is, they're going to have to tear it down  
6 or figure out how to deal with it. So it is within your  
7 ability to always report that, but we can let the applicant  
8 talk more about like some of those allegations.

9 CHAIRMAN: Thank you.

10 MS. WILLIAMS: Can I speak a second about this?  
11 I'm the one that was reporting a lot --

12 CHAIRMAN: Hold on one sec. I don't know who's  
13 speaking, but we -- that's not part of our process, so hold  
14 that thought. If there's a question for you -- was that Ms.  
15 Williams or Ms. Masten? Who was that?

16 MS. WILLIAMS: Yes, Ms. Williams.

17 CHAIRMAN: All right, Ms. Williams. Only if  
18 there's a question coming your way; so please hold the  
19 thought for now.

20 MS. WILLIAMS: But I was the one that was  
21 reporting the zoning problems.

22 CHAIRMAN: So --

23 MS. WILLIAMS: I was the one the one that was --

24 CHAIRMAN: Mr. Doerner, I'm happy if you want to  
25 ask the question to her and see if she did the reporting and



1 get an update from that. I'm fine if you want to do that.

2 COMMISSIONER DOERNER: Yes, I just -- turn my  
3 question over in that direction and ask if you'd reported it  
4 to DPIE or who had reported the different violations to and  
5 what they might have done, if anything.

6 MS. WILLIAMS: Yes I reported the -- I was the  
7 original one that reported a lot of the violations that were  
8 going on up there. Several weeks later, me and every one of  
9 our neighbors got notices in the mail that we were in  
10 violation after we've been living here for 20 years. Our  
11 properties are the exact same way, but the zoning person  
12 came through and looked at everybody's yards and filed  
13 against everybody. And then I had all my neighbors mad at  
14 me initially that I had reported something, that I had  
15 stirred something up. So that's what we've been dealing  
16 with. And we paid hundreds of dollars in fines. So that's  
17 why I'm so emotional about this. I'm sorry.

18 CHAIRMAN: All right. Thank you, Ms. Williams.  
19 Appreciate it.

20 Okay, I assume we're - commissioners, any  
21 questions -- if there're no more questions for the folks who  
22 testified, I have a few questions for staff, and you may as  
23 well. Let me turn it to you all first. Any questions for  
24 staff before we -- or the applicant. Nothing, all right, so  
25 let me go with some of mine.

1           First one, this is for staff. Some of these  
2 things caught my attention. The metal carport 40 by 60, is  
3 that us or DPIE? Mr. Shelly, you're on mute.

4           MR. SHELLY: Mr. Hunt, are you aware of this  
5 permit? Because I was not aware of it at this time.

6           MR. HUNT: No, we're not aware of the permit for  
7 that specific item.

8           CHAIRMAN: Okay. And again, as difficult as it  
9 is, so many of the issues that have been brought up are  
10 related to enforcement, which is not within our purview.

11 I'm mindful of the impact that this is having in the  
12 community. I'm trying to figure out what options we have.

13           Actually before we go that route, let me stop --  
14 let me turn back to the applicant. Mr. Shrestha, is the  
15 principal of the temple with us online? Can we bring the  
16 person online?

17           MR. SHRESTHA: Dawn, are you on the line? Do you  
18 want to speak?

19           MS. NGUYEN: Yes.

20           MR. SHRESTHA: Okay. Please go.

21           MS. NGUYEN: Yes, my name is Dawn. I'm the vice  
22 president of the organization. Yes I heard your voice about  
23 the flooding. I understand that, and we (indiscernible) is  
24 also experience (sic) of the flooding. I know that's not  
25 just only you, but also our property. Because the main

1 roads (sic) 197 is higher above our property. So I  
2 understand not just only your property, but we also too.  
3 And your concern of the flooding, that is what is our  
4 propose of this water storm management which is will be  
5 correct (sic) of the flooding in our project.

6 CHAIRMAN: So again, this is not I'm taking  
7 advantage of a bit of a bully pulpit, but this is actually  
8 what's not before us. I want to be clear. Right, we are  
9 not the enforcement agency. But I am mindful that what  
10 we're hearing is all sorts of ways in which at least some  
11 folks in the community are saying that you're not being good  
12 actors for folks in the neighborhood. So that's what I'm  
13 trying to get at. One is around the flooding. The other is  
14 around the noise. And again, I want to be clear, that is  
15 not what is before us, and I'm taking advantage of this  
16 opportunity just to hear where you are on this issue around  
17 the noise impact as well. And by the way, we don't see you.  
18 You may or may not want to be on camera, but you're not on  
19 camera. We only hear you.

20 MS. NGUYEN: Because I'm on (sic) driving. So  
21 that's why I can't --

22 CHAIRMAN: Oh you definitely want to be safe.

23 MS. NGUYEN: Yes.

24 CHAIRMAN: So you could you talk a bit about the  
25 noise and the concerns from the community about the noise

1 complaints and that seems like they're going be even ramping  
2 up from what I'm hearing.

3 MS. NGUYEN: Yes, and our belief is on our  
4 proposal that we have the fence at the back of where  
5 adjacent with the property with the neighbors which is  
6 limitedness of the noise. And also our (indiscernible)  
7 building. All the activities in the future will be house  
8 inside. So that is -- will be limited the noise of which is  
9 the neighbor complaint. I heard the voice of the neighbors  
10 say because of the noise. So we're trying to limit it when  
11 we have start (sic) doing house in activities indoor of the  
12 new building which is being proposed. And I believe this  
13 will be resolve of their voice.

14 CHAIRMAN: So I want to, again I want to be clear,  
15 this is not what is contingent upon us approving this or  
16 not. This is more taking of this advantage of this  
17 opportunity because we've heard lots of concerns in the  
18 community. I assume you do not want to be in violation of  
19 the noise ordinance.

20 MS. NGUYEN: We don't.

21 CHAIRMAN: So if there are -- okay. So if there  
22 are complaints then we want to be addressing those, and it  
23 sounds like you want to be in more regular communication  
24 with the community and making sure that you're not at the  
25 community -- you're not having an impact on the folks in the

1 immediate neighborhood.

2 MS. NGUYEN: Yes, we are trying to listen to the  
3 voice of the neighbor. So that's why we propose what we  
4 are. We'll be, in the future, correcting (sic) with the  
5 building. And this water storm management to correct (sic)  
6 their voice, and I believe that is on our detailed site plan  
7 proposed shown that (sic).

8 CHAIRMAN: Okay. Mr. Shrestha do you -- thank you  
9 very much for that.

10 Mr. Shrestha, you have your hand up. Is there  
11 something you want to add?

12 MR. SHRESTHA: Yes, I think there are some  
13 engineering issues, and I want to speak on those engineering  
14 issues.

15 The first thing I would like to thank you all, the  
16 participants, and they're showing their concerns regarding  
17 the project and giving us their feedback so we can be on the  
18 right track.

19 Regarding the noise, I would say that the noise --  
20 right now we are having the outdoor activities. That's why  
21 we need this temple to be built, and we're going to build  
22 the temple so most of the activities will be inside the  
23 temple and that noise going to alleviate in the future.

24 And also the next one is the traffic and the  
25 parking. The parking was designed as per the code of

1 ordinance, and we're providing the (indiscernible) parking.  
2 But we (indiscernible) will have during the year and that  
3 overflow parking we have got a permission in the adjacent  
4 church property and the property -- there's a Harley-  
5 Davidson building. We have been allowed to have the  
6 overflow parking on there. That's the second thing.

7           And the one other one is the parking -- sorry, the  
8 other was the flooding issues. If you look on this  
9 photography of this entire neighborhood, the site has been  
10 higher in the Laurel Bowie Road and is going all the way --  
11 can you get that with the contour? With the contour might  
12 be most helpful.

13           CHAIRMAN: With the contour.

14           MR. SHRESTHA: Anyway, yeah. So anything has been  
15 flowing from Laurel Bowie Road to the (indiscernible) Park  
16 Road. And yeah, that's the correct one. If you look on the  
17 grading, maybe someone not familiar with what does contour  
18 means. That means when the water falls on this, the lines,  
19 the water is going to go straight with the 90 degrees to  
20 these lines. So basically, only this part is part of parcel  
21 28 the flow is going through the adjacent property. And the  
22 most days holiday I believe are the present project issues.  
23 All this run off is going through those property. However,  
24 our site had proposed a stormwater management with micro  
25 bioretention and inlay and that runoff -- whatever runoff

1 that going to be generated from our site going to be  
2 captured and conveyed to the storm drain system and going to  
3 be connected to the Laurel Bowie Road. There's an inlet  
4 will be connected there. So after the construction of this  
5 site, there will not be any runoff going to the -- at the  
6 other property. That's the one.

7           The other one is the violation. The cases, I  
8 think we are working with the DPIE and the Park and  
9 Planning, and we're going to rectify all the violations that  
10 has been issued to our property. So if there is anything  
11 missing and if there's any engineering question, please feel  
12 free to ask me. I'll try to do my best. Thank you very  
13 much.

14           MR. JEFFREY HITAFFER: May I ask a question to Mr.  
15 Shrestha?

16           CHAIRMAN: That's not the process, I appreciate  
17 it.

18           MR. JEFFREY HITAFFER: Do they have proof?

19           CHAIRMAN: Mr. Hitaffer, I need to ask you to stop  
20 because we need to keep it amongst the questions that come  
21 from commissioners. Right now, it's the applicant's  
22 opportunity. So no, it's not a back and forth. I'm sorry.

23           MR. JEFFREY HITAFFER: Okay.

24           MS. MASTEN: Chairman Shapiro. I did have a  
25 question before you had moved on from questions, but you

1 didn't hear me, I don't think.

2 CHAIRMAN: I don't know who's talking.

3 MADAM VICE-CHAIR: Who's speaking?

4 MS. MASTEN: This is Gabrielle Masten, I'm sorry.

5 CHAIRMAN: Ms. Masten, I'm being a bit loose with  
6 this. If commissioners ask questions of somebody, but the  
7 bottom line, there was a public opportunity to speak, and  
8 it's not a back and forth.

9 MS. MASTEN: Okay, I just had some -- I was --  
10 just wanted to clear up some things on the plans.

11 CHAIRMAN: I hear you, but respectfully, this  
12 isn't the process for that.

13 Okay so --

14 MS. MASTEN: How would I do that then?

15 CHAIRMAN: I mean you had to the opportunity to  
16 speak; but if there's -- well, hold the thought. Because I  
17 do --

18 MS. MASTEN: I appreciate that. Sorry.

19 CHAIRMAN: No it's all right.

20 So commissioners, here's the thought that I had,  
21 and I want to stick with the process, and we have the  
22 applicant who still has the final word with rebuttal and  
23 closing.

24 But commissioners, here's what I'm thinking with  
25 what I'm hearing going on. There is at least one issue that



1 feels like it is within our purview, this issue of the 40  
2 by 60-foot metal carport that I would want to get more  
3 information about. The staff doesn't have that. It feels  
4 like it might be within our purview. I would suggest that,  
5 if you all are okay with this, that we continue this in our  
6 deliberations. So we're not continuing the public hearing.  
7 We'll continue -- once we close the public hearing, we'll  
8 continue our deliberations until a subsequent meeting. For  
9 that information to get back to us just so we make sure we  
10 have all the information that we need.

11           And then perhaps, in the meantime, and this is  
12 less of a dictate from us and it's not something that I'm  
13 going to require by any stretch of the imagination. But I  
14 do think, Mr. Shrestha, it would be appropriate if you found  
15 a way, over the next weeks or whatever time it is before you  
16 come back to us, if this is the direction that we go, that  
17 you have more robust meetings with folks in the community.  
18 And if you are -- for example, if you are convinced and you  
19 have the technical data to show that the flooding is a  
20 broader issue, well that probably would be helpful for the  
21 folks in the neighborhood to hear.

22           This issue around noise, how are you going to  
23 managing that in ways that folks in the neighborhood feel  
24 like, pardon the pun, but they're being heard. It feels  
25 like there's some serious communication that are going on.

1 It's actually not what's before us. And I want to be clear.  
2 But with the opportunity, if we do continue this, with the  
3 time that you have, I would strongly encourage that kind of  
4 communication over the next few weeks or months or whatever  
5 time it is.

6 So I'm just putting that out there for you all and  
7 back to you all, commissioners. I'm going to give Mr.  
8 Shrestha the final word for rebuttal and close, but where --  
9 I'm just curious where you are at this stage.

10 MADAM VICE-CHAIR: Mr. Chairman, I am certainly  
11 with you on that one. I was being very uncomfortable with  
12 some of the comments that I heard. I know they're not  
13 directly related to the case, so I was trying to figure out  
14 how to disassociate myself from what I've heard with what's  
15 actually before me, and I was having a difficult time with  
16 that.

17 I've been having some noise issues in my  
18 neighborhood that keep me up at night. And at this point in  
19 time in my life, I don't like it. I'm uncomfortable with  
20 that. So how do we address that in a broader issue in our  
21 communities.

22 And so there were some other factors that were  
23 brought before me that I think we just need to take a deep  
24 breath and look at this case if there's any way we can do  
25 this and postpone the final decision and come back with this

1 case. I'm just extremely uncomfortable with it today.

2 CHAIRMAN: Okay. Commissioner Doerner? Are you  
3 okay with this direction?

4 COMMISSIONER DOERNER: I'm on board with that.  
5 That makes sense. I would just kind of reiterate your ask to  
6 the applicant's engineer and then the lady who was on the  
7 phone as well, who I think is the vice president of the  
8 temple or I forget what they've -- her affiliation is.

9 If you all could meet with the residents, I think  
10 that would help a lot, coming back to us to just say, hey we  
11 met with everyone. We conveyed this. If people are on  
12 board, that would be awesome. I know not everyone gets on  
13 board with everything, so you can't always win all the  
14 arguments. But at least having a neighborly conversation  
15 would be really useful for us to be able to just get past  
16 that part of what we've heard today.

17 I just want to ask Mr. Hunt or maybe Mr. Shelly,  
18 is it the -- the planning board action date is indefinite,  
19 so I just wanted to verify that there's no limit on that so  
20 that way when we potentially do the extension of just that  
21 limited area of what the chair has mentioned, that we're not  
22 going to run afoul of any date limits.

23 MR. SHELLY: Yes, good afternoon. Andrew Shelly  
24 from the Urban Design section. Yes, the action limit that  
25 was provided to staff is indefinite, so there would be no

1 action limit issues in terms of continuing the case  
2 depending on any date chosen.

3 MR. HUNT: I'm sorry, I would like to add to the  
4 record real quick. If it's not waived to a specific date,  
5 then potentially posting -- reposting the property again may  
6 need to take place, but I'll leave that to Ms. Coleman to  
7 confirm.

8 MR. SHELLY: Andrew Shelly again, Urban Design  
9 section. I also just wanted to note just because it was  
10 brought up by the neighborhood regarding the sign posting.  
11 Staff did receive the sign posting affidavit from the  
12 applicant, and that was dated June 7th, 2023.

13 CHAIRMAN: Thank you. All right. And so, again,  
14 Mr. Shrestha I'm going to give you the final word for  
15 rebuttal and close because we are going to wrap up this  
16 hearing because it's going to be more under deliberation  
17 that we're going to be taking up any further discussion.  
18 But I do want to, for folks in the community, I don't know  
19 how to say, but to say it. I don't want to give you any  
20 false hopes about this, right? Because what is before us,  
21 clear as day, what is before us are not the issues that  
22 you're talking about. But there are some pieces of this  
23 that at least give us an opportunity to pause. What we  
24 won't be doing when we come back, we won't be evaluating  
25 whether or not they have communicated well enough with you

1 and have become better neighbors for you. That's actually  
2 what I want, but it's not what's before us, okay? What's  
3 before us will simply be us gathering more information  
4 around things like the metal carport and perhaps Mr. Shelly  
5 or Mr. Hunt, I would like to get some clarity around our  
6 approval process for the stormwater management piece and  
7 making sure that it's -- that they're meeting all the  
8 requirements of that. It's going to be deemed adequate.  
9 That's within our purview. So that would be helpful to just  
10 get a little more data on that. Even if the data is proving  
11 they've met the requirements, by the code, then that's it,  
12 but let us know. And then the -- I'm trying to think if  
13 there's anything else.

14           Commissioners, is there anything else that feels  
15 outstanding that does feel within our purview that would be  
16 helpful to hear from staff when we come back for our  
17 deliberation. That's it? That's enough?

18           COMMISSIONER DOERNER: That's good. But I was  
19 wanting to clarify with Ms. Coleman, if this is us making a  
20 motion to continue within a limited scope in this case, is  
21 that still going to require a posting or what it just be  
22 sufficient for the applicant to send out like an email for  
23 people, so they know that the date (indiscernible).

24           MS. COLEMAN: So what could happen is if we notice  
25 it to a particular date today, then there would not be a

1 need to send any re-noticing.

2 But on a separate note, before we get to the  
3 point, Chair Shapiro, I did want to let you know that  
4 pursuant to other boards' rules of procedure that a person  
5 of record may cross examine a witness, I mean ask questions.  
6 So before you close the hearing, I would suggest that, in  
7 accordance with those rules, that you would allow a witness  
8 to be cross examined.

9 CHAIRMAN: Okay. That's fair.

10 MADAM VICE-CHAIR: I'm sorry, I didn't understand.  
11 Ms. Coleman?

12 MS. COLEMAN: So Madame Vice-Chair, the rules of  
13 procedure for the board is that the applicant -- well I'm  
14 sorry -- any person of record may cross examine any witness,  
15 so ask questions of a witness.

16 MADAM VICE-CHAIR: Okay.

17 MS. COLEMAN: After that witness testimony.

18 MADAM VICE-CHAIR: Thank you.

19 MS. COLEMAN: Um-hum. Yes.

20 CHAIRMAN: And our rules do not make, what I would  
21 consider, adequate distinction between -- don't adequately  
22 define party of record, but it basically means anybody who  
23 testifies.

24 MS. COLEMAN: Right.

25 CHAIRMAN: Which is probably not so helpful from a

1 procedural perspective; but it is what it is, right? Ms.  
2 Coleman, so that means that -- I forgot who it was. It was  
3 Mr. Clark and I think Ms. -- actually a few people had  
4 questions of the applicant. So now we'll give you the  
5 opportunity.

6 MS. MASTEN: I did.

7 CHAIRMAN: I'm going to go through the list of all  
8 the folks who testified. Give each of you an opportunity to  
9 question the applicant, okay?

10 And so I'll start with Ms. Williams. Ms.  
11 Williams, do you have any questions for the applicant? Any  
12 cross examination for the applicant? Keep in your mind,  
13 cross examination means that your questions are in response  
14 to what the applicant testified to here before us. So it's  
15 not the opportunity for you to bring new information in or  
16 to make an argument. It's simply an opportunity -- think of  
17 a courtroom, right. Think of "Law and Order". This is the  
18 cross. This is the opportunity for you to say, Mr. Shrestha  
19 or Ms. Nguyen, here's what I heard you say and here's what I  
20 want to ask you about that. Okay? So given that, and I'll  
21 be a little strict about keeping us on track with this. Mr.  
22 Shelly, you had something?

23 MR. SHELLY: Yes, excuse me, Mr. Chair. Again,  
24 this is Andrew Shelly from the Urban Design section. I just  
25 received word that our environmental planning technical

1 staff did have a discussion with the district engineer and  
2 would be able to speak on the record about that discussion.  
3 Would you prefer that discussion to -- if you'd like to hear  
4 the testimony of our environmental planning staff, would you  
5 prefer that discussion to happen prior to the cross  
6 examination of the -- by the opposition or afterwards?

7 CHAIRMAN: Why don't we hear it now? Just give us  
8 more data.

9 MR. SHRESTHA: Mr. Juba are you on?

10 MR. JUBA: Yes I am. For the record, this is Marc  
11 Juba with the Environmental Planning Section.

12 I reached out to Steve Snider (phonetic sp.) who  
13 is the district engineer within the northern portion of  
14 Prince George's County where this project is located at  
15 because I wanted to inquire if there were any violations  
16 filed with regards to stormwater management issues going  
17 onto the neighbors' properties. And he said nothing had  
18 been filed yet. So he suggested the neighbors reach out to  
19 DPIE through 311 and file any complaints they have regarding  
20 stormwater management falling onto their properties. An  
21 inspector would go out there and investigate. Also he said  
22 that, if there are any concerns, the original stormwater  
23 management concept plan expired on June 2nd, I do believe,  
24 of 2023. But the applicant has come back in with a new  
25 revised plan. And it's my understanding that it has gotten



1 approved by them, but he says that if there is any questions  
2 or concerns by the public regarding the plans and how  
3 they'll function, to contact the Site Road Division and  
4 they'd be happy to discuss any concerns regarding the plan's  
5 approval.

6 CHAIRMAN: Thank you, Mr. Juba. And question for  
7 perhaps you, Mr. Shelly, or Mr. Hunt. Is that pertinent --  
8 is that review pertinent to this case or is that something  
9 that is happening in parallel to what we're doing? Is that  
10 for our consideration?

11 MR. SHELLY: Again, this Andrew Shelly for the  
12 Urban Design section. I believe the applicant -- we  
13 examined the stormwater management plan to ensure that it  
14 generally conforms with the detailed site plan, but in terms  
15 of the review process, that would be a separate procedure  
16 via DPIE. But there is a submittal item for all detailed  
17 site plans that a - at the time of acceptance, an approved  
18 stormwater management plan and letter has to be provided to  
19 staff.

20 MR. JUBA: And this is Mark Juba again for the  
21 record. The reason why we need that stormwater management  
22 plan associated with the detailed site plan is really more  
23 crucial for review of the TCP2 to make sure there's no  
24 impacts to regulated environmental features to make sure  
25 that there's not going to be additional impacts in clearing

1 of woodlands. And so that's why we need to see that.  
2 Because sometimes the plans for the stormwater management  
3 approval doesn't always match up with the TCP2. And that's  
4 really the reason that we need to be able to see that just  
5 to make sure there's continuity between (indiscernible)  
6 shown on plan. But at the end of the day, it's DPIE who  
7 makes the determination of whether or not the stormwater  
8 management plan itself is adequate for treating and  
9 maintaining stormwater management onsite before it's  
10 released offsite.

11 CHAIRMAN: So practically, the adequacy is -- it's  
12 a DPIE issue, not ours.

13 MR. JUBA: Correct.

14 MR. SHELLY: All right.

15 CHAIRMAN: Okay. All right. All right. Mr.  
16 Shelly, anything else?

17 MR. SHELLY: No, that's it from us. The only -- I  
18 will say the only other thing that we can comment on was  
19 there -- there was a concern about a lighting brought up by  
20 Ms. Masten, and there is a condition of approval which is a  
21 condition 1(v) that the applicant demonstrate that the  
22 maximum illumination level at all residential lot lines does  
23 not exceed 0.5-foot candles. There is not a specific  
24 lighting standard necessarily associated with the prior  
25 zoning ordinance, but that is a standard that is currently

1 looked for in the current zoning ordinance, and we like to  
2 examine the -- where applicable, that the lighting meets the  
3 best practices.

4 CHAIRMAN: So you have conditioned your  
5 recommendation on this lighting standard, .5 -- what'd you  
6 say?

7 MR. SHELLY: Yes, .5-foot candles which is --

8 CHAIRMAN: Foot candles.

9 MR. SHELLY: -- essentially --

10 CHAIRMAN: Can you also condition based upon a  
11 certain level of decibels, noise, as well as lighting?

12 MR. SHELLY: I will turn to Mr. Hunt on that, but  
13 I -- and also Ms. Coleman. But I believe the -- I will turn  
14 it over to both of them.

15 MR. HUNT: Chairman, for the record James Hunt.  
16 We typically see on -- for detailed site plans and under the  
17 process, it's 65 decibel level, dbl level. So as a part of  
18 that, we could look into that, as a part of the detailed  
19 site plan; however, that will definitely be a discussion  
20 that we would obviously have an enforcement in when it comes  
21 to DPIE. We would just require that on the detailed site  
22 plan to note it there.

23 CHAIRMAN: And if we condition the noise and the  
24 lighting, again it's an enforcement issue, but at least  
25 that's the standard that DPIE will enforce to.

1 MS. SHOULARS: I'm sorry. Katina Shoulars  
2 (phonetic sp.) from Countywide Planning. The county does  
3 have a noise ordinance for properties and how much noise  
4 they can produce from their property. I don't have -- know  
5 immediately what the decibel level is, but there is a county  
6 noise ordinance that the county can enforce. So I'm not  
7 sure if the planning board can condition a stricter decibel  
8 level. That is something that we would need to look into  
9 and discuss.

10 CHAIRMAN: Okay. So may that'll be for when you  
11 come back to us for the continuance.

12 Ms. Coleman, you have a thought about that?

13 MS. COLEMAN: I was agreeing, that's correct. I  
14 don't believe the board has the authority to impose a  
15 stricter limitation.

16 CHAIRMAN: So around noise or around light, both?

17 MS. SHOULARS: Yeah and let me just -- and this is  
18 Katina Shoulars again. There're two different ways. There  
19 is a noise issue that the planning department deals with,  
20 but it's really about mitigating for noise coming onto the  
21 property, and it's typically traffic-related or noise that  
22 we typically condition types of mitigation like a wall or  
23 building materials so that the new structures are not  
24 impacted by the noise. That's the noise that we deal with  
25 from the planning department perspective. And that is in

1 Subtitle 27.

2           So what I'm referring to is noise that is the  
3 actual property is producing, and I think it's really more  
4 related to gatherings and events and stuff, but it also  
5 includes uses like this as well. Any one, it could be a  
6 house. There is a certain level that is restricted to  
7 producing from the property. I just want to make that  
8 distinction because --

9           CHAIRMAN: That's very helpful.

10          MS. SHOULARS: -- I know you either use other  
11 noise issues from other cases.

12          CHAIRMAN: Yeah no, Ms. Shoulars, this is super  
13 helpful because it sounds like the noise piece from our  
14 perspective is actually not a zoning issue and that's not  
15 something that we could be considering in relation to this  
16 case. That's what I'm hearing.

17          MS. SHOULARS: Yes.

18          CHAIRMAN: Okay. Okay. So we tried, but that's  
19 not going to work.

20                Okay, so we're back to cross. I'm going to  
21 constrain this process, okay. So keep in mind that for each  
22 of you, your cross examination is going to be relatively  
23 limited. It's limited to what the applicant has testified  
24 to, okay?

25                So I'll go through the list. We'll start with Ms.

1 Williams. And if you have any cross examination for -- well  
2 hold on for a second. Ms. Coleman, crossing applicant only  
3 or crossing applicant and staff?

4 MS. COLEMAN: It's any witness.

5 CHAIRMAN: Okay. So then for each of you, you'll  
6 actually be able to cross both the applicant and staff, if  
7 you so choose. And again, I want to keep this -- please be  
8 mindful that you want to stay on task with this.

9 Ms. Williams, do you have any cross examination --

10 MS. WILLIAMS: Yeah, I just -- I just simply like  
11 to ask if they're going to do the stormwater mitigation, can  
12 the neighbors be questioned and come and see our properties  
13 and see the damage that's being done and try to mitigate it?  
14 Can we be consulted instead of just saying someone came out  
15 and looked at the place. They need to be talking to us, the  
16 people that are being affected. My driveway is continually  
17 washed out when there's heavy rain.

18 CHAIRMAN: Ms. Williams, this is actually not  
19 cross examination for what the applicant has spoken to.  
20 So --

21 MS. WILLIAMS: Okay, all right.

22 CHAIRMAN: I imagine the applicant has heard you  
23 and we're asking -- we're suggesting a communication  
24 process, so I would roll that into that. But that's not  
25 cross examination.

1 MS. WILLIAMS: Okay. I'm not a lawyer, so I don't  
2 know.

3 CHAIRMAN: Well that's all right. You're doing  
4 fine. So any other cross examination for the applicant or  
5 staff?

6 MR. JEFFREY HITAFFER: I would like to speak.

7 MS. MASTEN: I'd like to.

8 CHAIRMAN: Mr. Hitaffer, we're going to go through  
9 the list. I'm sorry, I'm just going through one by one. So  
10 we're only on Ms. Williams now, but we're 100% going to get  
11 to you.

12 Next after Ms. Williams, we have Ms. Masten,  
13 Gabrielle Masten. Do you have any cross examination for the  
14 applicant or staff?

15 MS. MASTEN: Hello, this is Gabrielle Masten. I  
16 did have a question that I think might not have been  
17 considered. I really wanted to know what the plans were to  
18 address the safety of ingress and egress from the parking  
19 lot that they have planned for 197. There're a lot of  
20 accidents at the corner of 197 and Snowden Road because  
21 there's a lot of traffic on that stretch of road, and I do  
22 not think that there's adequate planning for the ingress and  
23 egress of cars in that lot, especially with the amount of  
24 traffic that's planning on being there.

25 CHAIRMAN: Right. I hear that. I'm going to

1 allow that as cross because both Mr. Shelly and the  
2 applicant mentioned parking and traffic access. Do you have  
3 any -- Mr. Shelly, let me start with you. Anything on the  
4 public safety piece of this and the adequacy of the ingress  
5 and egress?

6 MR. SHELLY: Yes. Our transportation staff  
7 evaluated the ingress and egress. We would defer to comment  
8 to them for more of the technical analysis of it. Is Ms.  
9 Hancock or Mr. Patrick on the line?

10 MR. PATRICK: This is Ben Patrick.

11 CHAIRMAN: Mr. Patrick.

12 MR. PATRICK: Hi, could you repeat the question  
13 for me one more time?

14 MS. MASTEN: Sure. So there's a lot of traffic on  
15 197, and that's where they're planning on having the ingress  
16 and egress from their parking lot. There're a lot of  
17 accidents at the corner just down the -- just a few feet  
18 from where they're planning on having the parking lot. I  
19 don't feel that there's adequate ingress and egress planned  
20 for this parking lot, especially considering traffic flowing  
21 on this road might not see people turning or there might be  
22 a lot of people turning into the parking lot, and it'll  
23 significantly impact the traffic and the safety of the area.

24 MR. PATRICK: Yes, so for the purposes of  
25 evaluating the DSP, we're looking at this. We're looking



1 particularly about the site circulation as comes off the  
2 roadway. So from that standpoint, we'd be looking at the  
3 dimensions of the driveway. I believe they are providing a  
4 30-foot-wide driveway. It meets the standards of  
5 (indiscernible). Thank you. Meets or exceeds the standards  
6 for the driveway with the (indiscernible) there. And then  
7 beyond that, we would be looking interior of the site at the  
8 drive aisle widths which I believe those are 22 feet which  
9 are also up to the standards. So from the perspective for  
10 the review of the DSP, they would be meeting the  
11 requirements.

12 MS. MASTEN: I'm sorry, could you clarify what the  
13 drive aisle widths are? Is it like a point of entry and  
14 exit in addition to just the driveway?

15 MR. PATRICK: Correct. So you have the apron that  
16 would be coming off of what would be 197 or the road. That  
17 was the 30 feet I was describing. And then within the site,  
18 between the parking spaces and to kind of maneuver  
19 throughout, they're providing 22 feet.

20 MS. MASTEN: Okay. Thank you for clarifying that.

21 CHAIRMAN: Any other questions, Ms. Masten? Any  
22 other cross?

23 MS. MASTEN: I did have a question actually, one  
24 regarding the building height and specifically regarding the  
25 parsonage. I was wondering why is that excepted from the

1 height limit requirements or is it excepted from the height  
2 limit requirements since it's no longer the main building  
3 structure?

4 CHAIRMAN: You mean exempted from?

5 MS. MASTEN: Yes, yes.

6 CHAIRMAN: Okay. I think that would be a question  
7 for staff as well.

8 MR. SHELLY: Yes, again Andrew Shelly from the  
9 Urban Design section for the record. The height of the  
10 accessory structure, there's a specific portion of the  
11 ordinance that mandates that the accessory structure be  
12 considered as a -- have the regulations considered as a  
13 primary dwelling and essentially follow all the regulations  
14 as a primary structure, even though it is accessory. And  
15 the height requirement for that building then is still 35  
16 feet, which is associated with R-R zone. So it does not  
17 exceed that height.

18 MS. MASTEN: Okay so it -- they're allowed to have  
19 multiple main structures on the lot in essence? Just  
20 wondering.

21 MR. SHELLY: Operationally, it may work like that,  
22 but in terms of the ordinance, the place of worship is the  
23 primary structure. The parsonage or the accessory dwelling  
24 is still classified as an accessory structure, but the  
25 requirements it goes under are associated with a primary

1 structure. Does that help?

2 MS. MASTEN: Okay, that clarifies things, yes.

3 Thank you.

4 CHAIRMAN: Thank you, Ms. Masten. Other  
5 questions?

6 MS. MASTEN: I had one.

7 CHAIRMAN: For cross examination.

8 MS. MASTEN: Just one question.

9 CHAIRMAN: Okay.

10 MS. MASTEN: You know the stormwater management.  
11 I was not clear as to what the plans were. It was a little  
12 confusing, and I wanted to make sure that those were  
13 adequately designed. So I kind of wanted to have some more  
14 information on how the stormwater management was going to be  
15 put in place and like -- technically speaking I suppose. I  
16 was a little confused by the explanation.

17 CHAIRMAN: Let me suggest that -- besides that's  
18 probably a fair bit of detail there. I think we've heard  
19 from the applicant that they're committed to communicating  
20 the information that provides that level of detail. So I  
21 think you're going to get that.

22 MS. MASTEN: Okay. Thank you.

23 CHAIRMAN: Okay. Other questions, Ms. Masten.

24 MS. MASTEN: No, those were all the questions I  
25 had. Thank you.

1           CHAIRMAN: Okay. Thank you. Mr. Jeffrey  
2 Hitaffer. Cross examination from you.

3           MR. JEFFREY HITAFFER: Thank you, sir.

4           Mr. Shrestha, you had stated that you have gotten  
5 permission from the Harley-Davidson dealership and the  
6 church next door to use their overflow parking, is that  
7 correct? Use that as overflow parking?

8           MR. SHRESTHA: Shall I answer that one?

9           CHAIRMAN: Yes. That's directed to you.

10          MR. SHRESTHA: Yes, that's what I was told by the  
11 board members of the temple. Maybe we need to confirm with  
12 them.

13          MR. JEFFREY HITAFFER: Can we get proof of that,  
14 because I'm a little leery about a business that -- two  
15 business that have their businesses on Saturdays and  
16 Sundays, the same time you're doing these events, sharing  
17 their parking with you. And I mean we're talking enough  
18 parking for probably every one of the parking spots there.  
19 So they're going to give up all their parking so you guys  
20 can have your events instead of holding their church and  
21 having -- selling Harley-Davidsons? I don't --

22          CHAIRMAN: Mr. Hitaffer let me -- I hear you loud  
23 and clear. I want to hold it. Cross you've asked, and it's  
24 answered. And what he's saying is that he would need to get  
25 some form of verification from his client. And so hold that

1 thought, because I have a question about that too.

2 MR. JEFFREY HITAFFER: Okay.

3 CHAIRMAN: And this question's for you Mr. Shelly  
4 or Mr. Hunt or Ms. Coleman. The overflow parking across the  
5 street is not actually part of this application is my  
6 understanding.

7 MR. JEFFREY HITAFFER: Right.

8 MR. HUNT: That is correct, Mr. Chair.

9 CHAIRMAN: So whatever side deal is worked out is  
10 not -- I hear you loud and clear that it impacts you, Mr.  
11 Hitaffer. But it's actually not relevant to this  
12 application.

13 MS. COLEMAN: Mr. Chair, Delisa Coleman for the  
14 record on senior counsel. And just to clarify. Staff has  
15 determined that the parking is adequate minus the two spaces  
16 that the applicant has indicated they will provide. Any  
17 agreement that they may have with an off-site property that  
18 isn't necessarily required per staff would be their private  
19 agreement which we would not have the ability to share with  
20 anyone outside of that agreement.

21 CHAIRMAN: Right, so -- thank you for that and I  
22 absolutely concur. That's my interpretation.

23 MS. COLEMAN: Right.

24 CHAIRMAN: So Mr. Hitaffer, what I would say is as  
25 part of the communication that hopefully will be happening

1 with you and the applicant. This is a conversation you want  
2 to be having with them.

3 MR. JEFFREY HITAFFER: But you -- all of your  
4 board is approving this plan, and this plan is calling for  
5 45 parking spots which is nowhere close to enough to handle  
6 the thousand people they have coming. So you're telling me  
7 that they can create and tell you they're just going to have  
8 a separate plan, private plan, and that's okay? What if  
9 those private plans don't exist anymore? Then you don't  
10 have parking.

11 CHAIRMAN: This is an enforcement issue. This too  
12 is an enforcement issue. So if they have 5,000 people on  
13 their site or whatever their number is, are they -- what are  
14 they in violation of by doing that? And that's where DPIE  
15 comes, not us. Because from our perspective, the 43 parking  
16 spaces is adequate for what is being proposed to us. The  
17 program that's being proposed to us, that's adequate for.

18 MR. JEFFREY HITAFFER: I guess I'm just kind of  
19 stating to the board and everybody, it's not. We've got  
20 eight years of experience --

21 MS. COLEMAN: That's what's being proposed to us.

22 CHAIRMAN: Mr. Hitaffer, I hear you but again, we  
23 have to focus on cross examination, okay? And I know you  
24 have strong feelings about this, but I need to stick to our  
25 process. So the question is to Mr. --- to the applicant,

1 Mr. Shrestha, is there a side agreement which isn't quite  
2 relevant to our process anyhow, but you did bring it up.  
3 You did ask. He made sure that information exists.

4 MR. JEFFREY HITAFFER: Who is the chairperson --  
5 I'm sorry -- who's the member that is handling that aspect  
6 of this. That handles the parking.

7 CHAIRMAN: Which agency? The enforcement issue is  
8 DPIE.

9 MR. JEFFREY HITAFFER: No, parking. Who agreed  
10 that this -- that amount of parking spots is adequate.

11 CHAIRMAN: That would be a cross examination  
12 question to Mr. Shelly, who might direct it to another  
13 member of our team.

14 MR. JEFFREY HITAFFER: Okay.

15 CHAIRMAN: Mr. Shelly?

16 MR. SHELLY: Yes, good afternoon again. Andrew  
17 Shelly for the record. The parking adequacy is within the  
18 zoning ordinance, and it's determined by square footage of  
19 the use. So there's a specific parking requirement  
20 associated with places of worship, and I believe that is --  
21 my apologies, I misspoke. It's not square footage, is the  
22 number of seats. So it's determined by the number of seats  
23 of the place of worship. So it could be a church or in this  
24 case, it's a temple.

25 CHAIRMAN: So Mr. Hitaffer, that's the standard.

1 Again, under cross examination question asked, and that's  
2 the standard that they go by.

3 MR. SHELLY: And, for the record, its 160 seats is  
4 what is being proposed by the applicant.

5 MR. JEFFREY HITAFFER: Okay. Is there a way --  
6 Mr. Shrestha, is that how many people you are planning on  
7 having in that location?

8 MR. SHRESTHA: Okay. Let me ask on this one how  
9 it work. They are alike in the Hindu temple and Buddhist  
10 temple. Yeah, even you have a limited seats. Doing the  
11 such (sic) events, there will be 200, 300, maybe you say  
12 1,000. That may be the reason you cannot sit in one car.  
13 But when we expect something like that, then we work out  
14 with the parking within the vicinity like a school or  
15 shopping center. Because if you have 63 car (sic) -- 45 car  
16 (sic) be parked in the parking area, how can you park 100  
17 cars in that area. So we need to find alternate for that  
18 for sure. And when we expect more, then we might like we  
19 said, we're going to reach out to the adjacent property  
20 stores, Harley-Davidson. Maybe that's not enough parking.  
21 So maybe we need to go further down. We might need to have  
22 some kind of transportation so people can go and come back  
23 to the temple, attend, and then go back. So that's why --  
24 how we're going to plan for that.

25 CHAIRMAN: Yeah, I --



1           MR. JEFFREY HITAFFER: What is the maximum  
2 occupancy for that structure?

3           CHAIRMAN: Yeah, and again, let me just make sure  
4 that we're still on task here. So the issue of maximum  
5 occupancy, Mr. Shelly, is that relevant to us in this case?  
6 Is that something that you take into account? It may be, I  
7 just don't know.

8           MADAM VICE-CHAIR: Um-hum.

9           MR. SHRESTHA: Again, Andrew Shelly for the record  
10 with Urban Design. This is determined by building code  
11 which will be determined by DPIE, and it's not part of  
12 planning staff.

13           CHAIRMAN: So again, I'm being stricter about  
14 this, Mr. Hitaffer, but that's not within our purview, okay?  
15 And again, it's not that we don't hear you loud and clear,  
16 it's just not what's before us, okay?

17           MR. JEFFREY HITAFFER: Yes, sir. When will you  
18 get a chance to even talk about this? Who are we going to  
19 talk about this with?

20           CHAIRMAN: Enforcement.

21           MR. JEFFREY HITAFFER: Because as soon they follow  
22 this point, it's just going to be built, and then we're  
23 going to have to deal with it. So I guess -- everyone's  
24 saying, hey it's not my department, not my department. How  
25 come that person whose department it is isn't here dealing

1 with it at this moment if we approve this temple being  
2 built? I'm just wondering. I think I've got great  
3 questions that could be answered. And I'm sorry, I'm not  
4 trying to cut you off.

5 CHAIRMAN: I understand. No, it's that I want to  
6 give you and the other folks as much leeway as possible, but  
7 this is cross examination. And as strict as possible, as  
8 difficult as this is, it's not relevant to what's before us  
9 right now, okay? This is an enforcement issue.

10 MR. JEFFREY HITAFFER: He made the statement about  
11 the number of people that were going to be attending. I'm  
12 asking a cross-examine question about the number of people  
13 that can be attending.

14 CHAIRMAN: But it's an enforcement issue. From a  
15 zoning issue, Mr. Shelly gave you the standard.

16 MR. JEFFREY HITAFFER: Mr. Shelly, it doesn't --  
17 shouldn't it apply that the number of people that they can  
18 have as maximum occupancy should be --

19 CHAIRMAN: Mr. Hitaffer, I'm sorry. I hear your  
20 frustration loud and clear, but I'm going to ask you to  
21 stick to our process, okay? So do you have any other cross  
22 examination for Mr. Shelly.

23 MR. JEFFREY HITAFFER: I thought I was asking one?

24 CHAIRMAN: It's asked and answered. I know you  
25 disagree with it. I hear you loud and clear. If I were in

1 your shoes, I'd feel exactly the same way. And I'm living  
2 with our process, okay. It's not a zoning issue. It's not  
3 helpful for you and it's frustrating, but it's not a zoning  
4 issue.

5 MR. JEFFREY HITAFFER: I just thought when you  
6 told us we could cross examine, we could cross examine on  
7 anything that he made a statement about, whether it's a  
8 zoning issue --

9 CHAIRMAN: I did, but you're not cross examining  
10 anymore, you're actually making an argument.

11 MR. JEFFREY HITAFFER: Isn't that what cross  
12 examining is? I mean I've only been a police officer 12  
13 years. I just figured when I cross examine somebody on the  
14 stand, I'm usually arguing the point with them.

15 CHAIRMAN: And that's a different process.

16 MR. JEFFREY HITAFFER: So can I ask him about any  
17 kind of information that they're doing -- any kind of stuff  
18 that they're doing to protect from the noise that's going to  
19 be inside of the building coming out like soundproofing?  
20 Does that apply or is that just not part of this too?

21 CHAIRMAN: I mean, the noise ordinance is not us,  
22 but it was brought up. I mean if you have a question about.  
23 It feels like it's appropriate to ask him about that, the  
24 noise mitigation that they're doing. I mean I don't want to  
25 go too far down that road, but he did bring it up, yeah.

1           MR. JEFFREY HITAFFER: I'd like to try. Mr.  
2 Shrestha, is there any -- anything being put into the plan  
3 about making the building noise-proof or soundproof to keep  
4 the noise --

5           MR. SHRESTHA: I think the Buddhist temple is  
6 depends on the playing and the meditation, it's not for the  
7 entertainment. Yeah of course the committee member wants to  
8 have entertainment once in a while, that's why we have some  
9 kind of outdoor activities. But basically not regular  
10 noise. It will be just used for the prayer and meditation.

11           MR. JEFFREY HITAFFER: And sir, Mr. Shapiro,  
12 outdoor activities, I can't question that, because that's  
13 DP, right?

14           CHAIRMAN: Yes, it's DPIE. I'm having a similar  
15 reaction, I imagine you are, which is he's clearly saying  
16 that they're planning to have lots of outdoor activities  
17 which I would imagine would be very frustrating to you. But  
18 again, it's not what's before us. This is -- that's an  
19 enforcement issue, okay?

20           MR. JEFFREY HITAFFER: I understand. I think -- I  
21 can't think of anything else at this point in time, so you  
22 can move on. Thank very much for hearing me. I'm sorry, I  
23 messed up all of it.

24           CHAIRMAN: No, you're fine. Mr. James Hitaffer.

25           MR. JAMES HITAFFER: Hello guys, can everyone hear

1 me?

2 CHAIRMAN: Yes, we can hear you fine.

3 MADAM VICE-CHAIR: Um-hum.

4 MR. JAMES HITAFFER: Hello, can you guys hear me?

5 CHAIRMAN: Yep, we can hear you fine.

6 MR. JAMES HITAFFER: Okay, so my question is going  
7 back if Mr. Shelly would be able to -- I'm sorry and it  
8 could be because this is a little out of bounds for me in  
9 regards to understanding some of the terminology or lingo.  
10 But the rural residential or residential rural zoning of  
11 this, authorizes for one primary a secondary building, is  
12 that what you're saying?

13 MR. SHELLY: Again, Andrew Shelly, Urban Design  
14 for the record. The rural residential zone permits a place  
15 of worship that is between one and two acres. And that's  
16 what this use is. They -- a place of worship is permitted  
17 to have an accessory dwelling structure, which a parsonage,  
18 and that is permitted within the ordinance.

19 MR. JAMES HITAFFER: I think I understand that  
20 part, but the restrictions given to the secondary buildings  
21 of 15 feet. I was confused as to how you kind of explained  
22 how they're going to build this church, which is above 15  
23 feet, turn it into the primary structure, and then somehow,  
24 designate this house which used to be the primary structure  
25 which is clearly above 15 feet. So it kind of sounds a

1 little bit like bending the rules or am I not understanding  
2 something?

3 MS. COLEMAN: Mr. Chair, I can take this question.  
4 Delisa Coleman, senior counsel, for the record.

5 This may very well be, and I don't have the height  
6 of the single-family house. It may end up being  
7 nonconforming as far as height. However, it would have a  
8 conforming use. Nonconforming structures would be able to  
9 continue operating with a conforming use upon obtaining a  
10 permit for the use and occupancy of that. So currently, as  
11 it -- that wouldn't be necessary until they are trying to  
12 use the single-family dwelling as an actual parsonage.

13 MR. JAMES HITAFFER: But they are living in this  
14 single-family dwelling now. Whether they use it as a  
15 parsonage or not, it's still a structure and a building --

16 MS. COLEMAN: Yes.

17 MR. JAMES HITAFFER: -- on the property. So  
18 I'm --

19 MS. COLEMAN: That's correct. So at this point,  
20 the single-family house is allowed on that property. So  
21 it's not going to be an accessory building until the actual  
22 temple is constructed.

23 MR. JAMES HITAFFER: I understand that, and once  
24 the temple's constructed, that will be considered the  
25 primary structure on that property, correct?

1 MS. COLEMAN: That's correct.

2 MR. JAMES HITAFFER: Right and the living  
3 quarters, their house, will then be considered secondary  
4 building, correct?

5 MS. COLEMAN: It would be an accessory building,  
6 correct.

7 MR. JAMES HITAFFER: Right and the ordinance  
8 states that an accessory building should be under 15 feet I  
9 thought I heard.

10 MS. COLEMAN: Yes. But there is --

11 MR. JAMES HITAFFER: With the house --

12 CHAIRMAN: It's in between the -- it's a switching  
13 use, right? It's a nonconforming -- it may be nonconforming  
14 in terms of the size, but it becomes a -- when the use  
15 switches, then they basically they're allowed to keep the  
16 building the same height.

17 MR. JAMES HITAFFER: Isn't that kind of a loophole  
18 in the system?

19 CHAIRMAN: I mean you may feel like it's a  
20 loophole; it's the rules.

21 MR. JAMES HITAFFER: No, I know it's the rules. I  
22 understand that but I --

23 CHAIRMAN: We're not getting -- they're not  
24 getting -- Mr. Hitaffer, in my view, in my experience,  
25 they're not getting away with anything, that's actually

1 pretty standard.

2 MR. JAMES HITAFFER: Well they're getting away  
3 with building a secondary structure on their property that's  
4 over 15 foot tall. That's what they're getting away with.  
5 I thought --

6 CHAIRMAN: But again, this is not an opportunity  
7 to argue the point. If you have information and try to get  
8 it -- if you have a question you're trying to get  
9 information about --

10 MR. JAMES HITAFFER: That is my question. My  
11 question is dealing with the ordinances of this rural  
12 residential. I'm trying to bring it to the professionals to  
13 explain it to me so I can understand.

14 CHAIRMAN: They can -- I mean, Ms. Coleman or Mr.  
15 Shelly, if there's another sort of sentence or two to sort  
16 of explain it Mr. Hitaffer, just so he makes -- feels like  
17 he's being heard.

18 MS. COLEMAN: Okay. A nonconforming building is  
19 allowed to remain. It may not be modified or expanded, but  
20 it would be allowed to remain without having to be removed  
21 once it's occupied, especially if it's occupied by a  
22 conforming use. Now the fact that it would be used as a  
23 parsonage is a use that is in keeping with the zoning  
24 ordinance for this.

25 MR. JAMES HITAFFER: And the definition of



1 parsonage is what?

2 MS. COLEMAN: Andrew, could you provide that  
3 quickly, but in essence it is a religious building that  
4 allows for those who are a part of the religious institution  
5 to dwell.

6 MR. JAMES HITAFFER: To live.

7 CHAIRMAN: Yep.

8 MS. COLEMAN: Yes.

9 MR. JAMES HITAFFER: All right. So it's a home  
10 for the people that are operating this business.

11 CHAIRMAN: Essentially, yeah.

12 MR. JAMES HITAFFER: Okay. So in essence, I have  
13 a lot of property that is also available. I could follow  
14 these same guidelines that you guys are setting up to me --

15 CHAIRMAN: Mr. Hitaffer I'm --

16 MR. JAMES HITAFFER: I'm just asking --

17 CHAIRMAN: Mr. Hitaffer don't --

18 MR. JAMES HITAFFER: -- so I can understand the  
19 rural residential --

20 CHAIRMAN: Mr. Hitaffer I need you to stop. Don't  
21 go down the road. Don't go down the road. It's not what  
22 this is about. This is cross examination. This is not  
23 you -- you're making an argument. Okay. I hear you loud  
24 and clear. This is not the forum for it. So any other  
25 cross examination question?

1           MR. JAMES HITAFFER: Yes, when exactly is the --  
2 is the DPIE, is that what it's called?

3           CHAIRMAN: Yes. DPIE.

4           MR. JAMES HITAFFER: The DPIE? Are they involved  
5 in the -- this process from the beginning in regards to  
6 the -- because I am assuming the layout of this and the  
7 building of this structure starts at the foundation, which  
8 is the ground and trees and all that. And I'm assuming they  
9 have already been out and examined the land and all of that.  
10 I guess I'm kind of wondering why -- it's almost like we're  
11 putting the chicken before -- the cart before the buggy --  
12 the chicken before the egg. We're approving a structure  
13 prior to there being a watershed and control put in place.

14          MS. COLEMAN: No.

15          CHAIRMAN: I'm not - respectfully, I'm not here to  
16 question them. If it's a cross examination question.

17          MR. JAMES HITAFFER: I haven't seen the watershed,  
18 or the water control permits and stuff or the design of how  
19 it's going to flow. And I'm assuming that, shouldn't that  
20 be in place prior to approving the actual structure being  
21 built?

22          CHAIRMAN: Mr. Shelly or Mr. Hunt, I mean if you  
23 could, in a nutshell, just sort of lay out the -- what the  
24 sequence tends to be.

25          MR. HUNT: For the record, James Hunt with the

1 Development Review Division. For this particular case, as  
2 part of the process, you can say that we refer the  
3 applications out to the Department of Permitting,  
4 Inspections, and Enforcement for comments. We did receive  
5 those comments. All those comments are actually in the back  
6 up, online, accessible to everyone. In addition, we did  
7 have a place on page 20 of the Technical Staff Report that  
8 does indicate that we received those comments.

9           As it relates to the stormwater management concept  
10 point which I believe is what you're referencing here, the  
11 applicant did have a stormwater management concept plan in  
12 place, and that's been a top of discussion this entire  
13 hearing. And so, in addition to that, I believe since then,  
14 since the applicant filed this original -- this application  
15 originally, that stormwater management concept plan has  
16 expired. However, they have reapplied with the Department  
17 of Permitting, Inspection, and Enforcement for review, and I  
18 think the applicant has spoken to that already. And we have  
19 conditioned this particular detailed site plan to require  
20 approval and issuance of that stormwater management concept  
21 plan in a letter prior to permit. I believe it is permit,  
22 is that correct, Mr. Shelly, or is it certification?

23           MR. SHRESTHA: Prior to certification, Mr. Hunt.

24           MR. HUNT: Okay. So that has taken place at this  
25 point in time. If you have questions regarding that

1 particular process, again, those questions will be best  
2 answered by the Department of Permitting, Inspections, and  
3 Enforcement. I would be happy to provide -- to connect you  
4 with that team over there to start that conversation if  
5 you'd like.

6           But staff is available, and again, we've mentioned  
7 that before in this hearing that we would be happy to  
8 provide detailed information and contact information for the  
9 Department of Permitting, Inspections, and Enforcement on  
10 this issue because we do realize this is a major concern for  
11 the community. So I think the conversation does need to  
12 take place and start that meeting as soon as possible. So  
13 we'll be happy to provide that, and I think we have the  
14 contact information from everyone who has registered to  
15 speak today. So we can send an email out to you all and put  
16 you in contact with the correct person over there so you can  
17 start that conversation there.

18           CHAIRMAN: That's great, Mr. Hunt. Thank you.

19           MR. JAMES HITAFFER: Yeah, thank you. And I'm  
20 glad, yeah, I would like to be included on that  
21 communication. So thank you so much for that.

22           CHAIRMAN: Mr. Hitaffer, any other cross  
23 examination for Mr. Shelly, for the staff, or the applicant?

24           MR. JAMES HITAFFER: No, I appreciate you --  
25 everybody being patient and listening to my questions, thank

1 you.

2 CHAIRMAN: I appreciate you. Thank you.

3 Taylor Hitaffer, anything you want -- any cross  
4 examination from you?

5 MS. T. HITAFFER: Good afternoon. No, I have no  
6 questions. As long as we have clear follow up after we  
7 close out this zoom meeting so that we know where -- what  
8 our next steps are.

9 MR. JAMES HITAFFER: And thank you guys for  
10 hearing us out. Appreciate it. All of you.

11 CHAIRMAN: Thank you.

12 Mr. Carter, anything from you?

13 MR. CARTER: Yeah, I do have one thing. So most  
14 of the questions I had have already been asked. But there's  
15 one thing that -- the other part of this variance is the  
16 setback from the 40 foot to 25 feet. When I mentioned that  
17 the actual footprint of the temple is 6,400 square feet not  
18 4,600, no one contested that. No one really said anything  
19 about it. But is there still -- and no one really -- I  
20 apologize if I missed it. I've only been listening since 10  
21 o'clock this morning. That knowing -- I didn't hear anyone  
22 mention the whole variance of the setback from 40 foot to 25  
23 feet. I mean, is that still on the table?

24 CHAIRMAN: Mr. Carter, that's direction that  
25 question to staff, because I think the variance -- the

1 setback was mentioned earlier, but to your point, it was a  
2 good amount of time ago. But Mr. Shelly?

3 MR. SHELLY: Yes, again Andrew Shelly from Urban  
4 Design for the record. The primary building with the  
5 Buddhist temple meets all the setback requirements. The  
6 setback requirement being mentioned by Mr. Carter is in  
7 relation to the landscape manual which provides greater  
8 setback requirements than the zoning ordinance itself. So  
9 thus, the applicant filed an alternative compliance stating  
10 that their proposal was equally effective as normal  
11 compliance, and the planning director recommended approval  
12 of that application to the planning board.

13 MS. COLEMAN: Mr. Chair, Delisa Coleman, senior  
14 counsel. I just wanted to make it clear, a variance is  
15 different from the alternative compliance. I know the  
16 variance term got thrown out there. I just wanted to point  
17 out that the alternative compliance is not a variance.

18 CHAIRMAN: Okay. Thank you, I appreciate that  
19 type of correction, helpful.

20 Mr. Carter, any other cross?

21 MR. CARTER: No, I think everything has been asked  
22 that was on my list.

23 CHAIRMAN: Okay, thank you.

24 So Mr. Shrestha, I'm going to give you a chance  
25 for any rebuttal and close, and then we'll talk about next

1 steps.

2 MR. SHRESTHA: This is Ram Shrestha, a personal  
3 engineering representing the Giac Son Buddhist Temple.  
4 Thanks you, Mr. Chairmen, members of the planning board, all  
5 the attendants, and the neighbors around this property.  
6 Thank you for giving us the opportunity to hearing our  
7 cases, and we're definitely very concerned about feedback  
8 and concerns posted by the neighbors. We definitely -- we  
9 going to work with our board members at the temple and have  
10 an on-site meeting. And we can just explain them what is  
11 their concern and what we are planning. That going to be  
12 happening with a mutual understanding date when everybody is  
13 available.

14 And also, this temple is a Vietnamese Buddhist  
15 temple, but not is just for the Vietnamese community. Is  
16 all the neighbors are also welcome. They will have, in the  
17 future, mediation and so many other events. Everybody's  
18 welcome. All the neighbors and the public are to visit the  
19 temple. And I saw there was a lot of concerns regarding the  
20 stormwater management. And we have already addressed those  
21 stormwater management, but when we meet in person, I can  
22 maybe explain more clearly that what we are proposing and  
23 what's at the (indiscernible). I might, as a personal  
24 engineer, I can explain much better.

25 Thank you for your time. I think we have been

1 almost like five, six hours, four, five hours by now. So  
2 I'm not going to take more time. Thank you very much,  
3 everyone.

4 CHAIRMAN: Thank you Mr. Shrestha. So we give the  
5 applicant the final word. We're going to close the public  
6 hearing for this. So we're under deliberation.

7 Commissioners, my suggestion is we reconvene in a  
8 set period of time. I'm trying to think about what makes  
9 the most sense. The only issues that I know that are sort  
10 of pertinent to our case is we want to get a little clarity  
11 around this 40 by 60-foot metal carport if it's at all  
12 related. I think we have heard clarity around the statue,  
13 the accessory structure, which will be a maximum of 15 feet.

14 The issues around the stormwater, it's actually  
15 not pertinent to us as much as it's an issue for the  
16 community. So that's not something that's getting back to  
17 us. Same thing with noise. But perhaps the real  
18 opportunity here is, in the time between now and when we ask  
19 the folks to come back for this relatively small issue,  
20 there will be an opportunity for some community process.  
21 And we're not mandating that by any stretch. But perhaps,  
22 Mr. Shrestha, you and your team, as you seem to be  
23 proffering, are going to be meeting with the community and  
24 working through some of these issues because it sounds like  
25 it your desire is to be good neighbors.



1 MS. NGUYEN: Thank you.. I'm sorry because my  
2 phone was dead right at the time you were concerned about  
3 the carport.

4 Actually because we're trying to get a tent -- I'm  
5 sorry, this is Dawn.

6 CHAIRMAN: I know, but you're actually out of  
7 order because the hearing is closed. So I appreciate you  
8 want to provide that information for us, but we're going to  
9 be hearing that when we come back, okay?

10 So my suggestion folks, is to give a little bit of  
11 time for this. So I would say about a month down the road  
12 toward the end of July, have them come back. Mr. Hunt, is  
13 there a time that works? I don't think it's going to be an  
14 extended period of time by any stretch because there's not a  
15 whole lot that's going to come before us again.

16 MR. HUNT: Mr. Chaiman, we have either July 20th  
17 or July the 27th. At this point in time, July 20th has no  
18 agenda items on there, so this would be the only item on  
19 that agenda. If we do July the 27th, there are currently, I  
20 believe, four items on that agenda, and this would be the  
21 fifth on there. So we could potentially just add it to the  
22 27th if you prefer.

23 CHAIRMAN: So why don't we -- Commissioners, if  
24 it's all right with you, let's add this to July 27th. Again  
25 this is not a requirement, but I'm hearing you loud and

1 clear, Mr. Shrestha, that you are committed to some kind of  
2 community process with folks, right?

3 MR. SHRESTHA: Yes. It's Ram Shrestha, yeah.

4 CHAIRMAN: Okay. And when we come back under  
5 deliberation, I'm trying to think of how. Ms. Coleman, help  
6 me out here. I'm threading a needle here. Because we're  
7 certainly going to be curious around how the community  
8 process went, but we are not continuing public hearings. So  
9 how can we get that information, and it's not overly  
10 informing our decision, but were certainly curious about it.

11 MS. COLEMAN: Well, Mr. Chair, in order to receive  
12 information regarding the carport, I think you are going to  
13 have to open the public hearing for that information. But  
14 you can have it limited to that issue. And --

15 CHAIRMAN: So we could have a limited public  
16 hearing and if --

17 MS. COLEMAN: Correct.

18 CHAIRMAN: Okay.

19 MS. COLEMAN: It would be a public hearing limited  
20 to those issues.

21 CHAIRMAN: And the issues we will limit it to --  
22 how about this if it's appropriate. And you make sure I'm  
23 not stepping beyond the line here. So the issues that we  
24 would hear at the limited-scope public hearing are: one,  
25 any information about the car port, and then the second one

1 would be to get an update on how the community engagement  
2 process went?

3 MS. COLEMAN: You could receive it, but  
4 technically that piece of it really isn't germane to what  
5 you have to determine in this DSP. So you can ask about it  
6 generally, but it's not really why you're moving this along.

7 CHAIRMAN: Okay, so the primary purpose of this  
8 limited scope public hearing is simply to get an update on  
9 the carport, and we'll have that for July 27th. And then we  
10 will close the public -- assuming, we'll close the public  
11 hearing then. We'll deliberate and decide if we want to  
12 take action, okay?

13 Is there any further notification that has to  
14 happen for folks between now and July 27th?

15 MS. COLEMAN: No, since you're mentioning the date  
16 that you're continuing it to, no further notice is required.

17 CHAIRMAN: Okay, hold on one second.

18 So folks in the community, know that there will be  
19 no further public notification of this July 27th hearing  
20 beyond what gets put online and that I'm saying it now,  
21 okay? But we will have a continued public hearing, limited  
22 scope, to the carport issue for July 27th.

23 And we do need to vote on the continuance,  
24 commissioners, so I assume so Ms. Coleman. So we'd look for  
25 a motion to continue this as a limited-scope public hearing

1 til July 27th. Is there a motion?

2 MADAM VICE-CHAIR: I move -- motion to continue to  
3 July 27th.

4 COMMISSIONER DOERNER: Second.

5 CHAIRMAN: So motion by Vice-Chair Bailey and  
6 second by Commissioner Doerner. Discussion? Seeing none,  
7 I'll the roll. VICE-CHAIR Bailey.

8 MADAM VICE-CHAIR: Vote aye.

9 CHAIRMAN: Commissioner Doerner.

10 COMMISSIONER DOERNER: Vote aye.

11 CHAIRMAN: I vote aye as well. The aye's have it,  
12 3-0. So we are continued and thank you everybody for this  
13 robust discussion and I imagine we'll be seeing many if not  
14 all of you on July 27th.

15 And Mr. Hunt, any further business to come before  
16 us today?

17 MR. HUNT: Mr. Chairman, there are no additional  
18 business items before the board today.

19 CHAIRMAN: Okay, then folks, without objection, we  
20 are adjourned. Thanks everybody.

21 MADAM VICE-CHAIR: Thank you.

22 **(Whereupon, the proceedings were concluded.)**

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ESCRIBERS, LLC, hereby certified that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

DSP-20002 GIAC SON BUDDHIST TEMPLE

Prince George's County Planning Board Regular Meeting, PPS  
20002

By:     *Jacqueline Portillo*     Date: October 29, 2023

Jacqueline H. Portillo, Transcriber