

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

3
4
5 BELTWAY PLAZA
6 Detailed Site Plan, DSP-20020

7
8 T R A N S C R I P T
9 O F
10 P R O C E E D I N G S

11
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14
15 September 9, 2021

16 VOLUME 1 of 1

17
18
19 BEFORE:

20 ELIZABETH M. HEWLETT, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 MANUEL R. GERALDO, Commissioner

23 WILLIAM M. DOERNER, Commissioner

24 A. SHUANISE WASHINGTON, Commissioner (Absent)

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OTHERS PRESENT:

ADAM BOSSI, Staff, Urban Design Section

SUZANNE NICKLE, Staff, Subdivision Section

MARC JUBA, Staff, Environmental Planning Section

DAVID WARNER, Principal Counsel

MATTHEW TEDESCO, Attorney for Applicant

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

2 MADAM CHAIR: I need the Board, unless the Board,
3 okay.

4 MR. TEDESCO: Madam Chair, you missed a smooth
5 landing too.

6 MADAM CHAIR: I'm sure I did. I'm sure I did.
7 But we're going to have to have another one. I kept trying
8 to stop you all, but we were frozen over here, I was making
9 every kind of gesture to stop. So I never did hear what
10 happened to the next Condition V. So I have to go back to
11 that. You have proposed language for V, proposed revisions?

12 MR. BOSSI: Yes, Madam Chair, I'm happy to pick it
13 up there.

14 MADAM CHAIR: Okay. I'm sorry.

15 MR. BOSSI: My apologies, I missed the chats
16 asking me to stop.

17 MADAM CHAIR: Okay.

18 MR. BOSSI: I was on a roll.

19 MADAM CHAIR: I'm sure you were.

20 MADAM VICE CHAIR: And you were great, wonderful.

21 MADAM CHAIR: And it was smooth, we know that.
22 Okay.

23 MR. BOSSI: All right. Well thank you and we'll
24 work, glad we got through that technical difficulty.

25 MADAM CHAIR: Yes.

1 MR. BOSSI: So regarding Condition 1V, this was 1
2 Victor --

3 MADAM CHAIR: Okay.

4 MR. BOSSI: -- here the applicant did request to
5 strike that condition and applicant, excuse me, and staff is
6 proposing instead of that to add new language to replace the
7 language for Condition 1V. So that's language that I would
8 like to read into the record today and that reads as
9 follows. Add a new general note to the plan indicating that
10 all site features and amenities associated with the
11 development of each building shall be completed with their
12 associated building. This shall include recreation
13 facilities and streetscape features as applicable.

14 I think I then went on, Madam Chairwoman to note
15 that I believe that the city and the applicant are in
16 agreement with those changes that staff has read into the
17 record today.

18 MADAM CHAIR: Okay. Now let me stop you for --

19 MR. BOSSI: And would you like me to go --

20 MADAM CHAIR: No. Let me stop you for a second,
21 because this is a new condition, 1P was easier for me to
22 amend, I couldn't write as fast as you just spoke. So if
23 and when, depending on how this goes and depending on what
24 the motion is, if we need it, we're just going to have you
25 read it into the record again. Okay? So that --

1 MR. BOSSI: Happy to do it.

2 MADAM CHAIR: -- would help the motion maker if we
3 go that route. Okay. So now you went on to say what?

4 MR. BOSSI: I went on to conclude our
5 presentation, Madam Chair, to say that staff is pleased to
6 recommend that the Board do adopt the findings and
7 conditions to the Technical Staff Report and approve DSP-
8 20020 and the associated Tree Conservation Plan which is
9 TCP2-030-00-01 for the redevelopment of Beltway Plaza Phase
10 1. This is with the conditions as modified by Applicant's
11 Exhibit 1, except for Conditions 1P and 1V, where staff
12 recommends incorporation of the language as read into the
13 record here today. With that, Madam Chair, we're happy to
14 answer any questions.

15 MADAM CHAIR: Okay. Very smooth, Mr. Bossi, thank
16 you so much. Let's see if the Board has any questions of
17 you, they may have started this already, but Madam Vice
18 Chair?

19 MADAM VICE CHAIR: No questions, thank you.

20 MADAM CHAIR: Commissioner Doerner?

21 COMMISSIONER DOERNER: Yes, I just have a quick
22 question, it's related to 1P, where I think you made kind of
23 a recommendation on 193. Can you provide or have maybe one
24 of the staff provide a little bit more description unless
25 this would be better handled by Mr. Tedesco, on what the

1 Share-O's (phonetic sp.) would be like on 193? Because I
2 literally was just walking right there yesterday morning and
3 it is hairy on that street. And I would not want to be on a
4 bike with an unprotected bike lane, it's just a painting on
5 the street right there. I was on the sidewalk and cars and
6 were just flying by, and this was in routine traffic in the
7 morning. So I was wondering if there's going to be any kind
8 of elevated protection on the street or some way to protect
9 people from not getting hit, and either hurt or killed by a
10 car.

11 MR. BOSSI: Thank you for that question,
12 Commissioner Doerner and it's one you know the city had
13 expressed concerns with that as well. It's my understanding
14 that through the DSP here with the Share-O Exhibit, the
15 applicant is committing to providing those markings which
16 has been, you know, discussed both with DRD, I believe
17 talked with SHA who did not provide really many comments
18 regarding that with this application. And they've also
19 talked with the city as well. So there is agreement that
20 the Share-O should be provided but in terms of a long term,
21 you know, bike lane or protected facility, you know as we
22 know that's ultimately going to be up to SHA as the
23 operating agency of Maryland 193.

24 I do not believe that there is a plan to provide
25 full protected bike lanes as part of this project or these

1 frontage improvements, but I believe that this is intended
2 to be a step in that direction. But that's something that
3 perhaps Mr. Tedesco and his team could elaborate on.

4 COMMISSIONER DOERNER: Yes, that would be great
5 because I don't think it would acceptable to put people's
6 lives in jeopardy just to get them on the street with no
7 protection. And it can easily be done with some of the
8 reflectors or kind of they're not quite bollards, but
9 they're like plastic kind of things that come up in the air
10 a little bit that you can put in the pavement. So it's not
11 totally a protected bike lane, but it would at least have
12 some division between the bikes and the cars. I think
13 having the access on the road is great, but I've walked both
14 on the north and south side of that road there and then also
15 east of Kenilworth and it's not totally safe for pedestrians
16 if we're just going to be putting them on the road with
17 bikes and just some painting on the road, because people do
18 not necessarily slow down for pedestrians or bikers in that
19 area.

20 MR. BOSSI: The point is well taken, Commissioner
21 Doerner, thank you.

22 MADAM CHAIR: Is that it for you Commissioner
23 Doerner?

24 COMMISSIONER DOERNER: Yes, that's just one of my
25 major concerns over there, I don't want somebody getting hit

1 and hurt or killed right there.

2 MADAM CHAIR: Okay.

3 COMMISSIONER DOERNER: I want them to get out and
4 exercise, but we've got to be careful. I just had a friend
5 who got hit and got a concussion over the weekend by a car,
6 and I just don't want to see that happen anywhere else.

7 MADAM CHAIR: Okay. Thank you. No, we don't want
8 that. All right, Commissioner Geraldo?

9 COMMISSIONER GERALDO: I just want to dovetail off
10 of what Commissioner Doerner said. Is there parking on the
11 roadway in that area? Do you know, Mr. Bossi?

12 MR. BOSSI: On Greenbelt Road, no there is not.

13 COMMISSIONER GERALDO: Okay.

14 MADAM CHAIR: Is that it?

15 COMMISSIONER GERALDO: Commissioner, is that your
16 concern is Greenbelt Road one?

17 COMMISSIONER DOERNER: Yes.

18 COMMISSIONER GERALDO: Okay. I was thinking
19 because I noticed how we do the bike lanes here and I was in
20 Pennsylvania a couple of months ago and it was interesting
21 because they had the bike lanes running right next to the
22 curb and the cars would park away from the bike lane. So
23 the vehicles would actually protect any bikers.

24 MADAM CHAIR: So it was like a sandwich?

25 COMMISSIONER GERALDO: And I haven't seen --

1 MADAM CHAIR: I mean it was like sandwiching in
2 between the curb and the cars?

3 COMMISSIONER GERALDO: Right. And I haven't seen
4 that anywhere here and I found it really interesting because
5 the bike lanes would run, you know, parallel to the curb, a
6 nice size lane, and then the cars would park closest to the
7 roadway. And I haven't seen that here and I thought it was
8 a great concept because the cars are there to, they're
9 actually protecting the bikers. But I had one other
10 question and it's minor and I don't know if I'm reading it
11 right or not, but if you look on page 25 of the Staff Report
12 it says in the second sentence it says no and I think it's a
13 typo it should say not. So I don't want to bear any
14 confusion there.

15 MADAM CHAIR: Okay.

16 MADAM VICE CHAIR: What page is that, Mr. Geraldo?

17 COMMISSIONER GERALDO: That's page 25, second
18 sentence.

19 MADAM VICE CHAIR: (Sound.)

20 COMMISSIONER GERALDO: Let me go there.

21 MADAM CHAIR: You mean with the conditions?

22 COMMISSIONER GERALDO: Yes. No, not in the
23 conditions, no, findings. So --

24 MADAM CHAIR: On page 25?

25 COMMISSIONER GERALDO: Page 25 of the Staff

1 Report.

2 MADAM VICE CHAIR: No.

3 MADAM CHAIR: So my 25 is conditions.

4 COMMISSIONER GERALDO: Okay. Then I'm --

5 MADAM CHAIR: For the alternative development
6 district standards.

7 MADAM VICE CHAIR: Right.

8 COMMISSIONER GERALDO: Hold on, let me make sure.

9 MADAM VICE CHAIR: Yes, that's what I have.

10 COMMISSIONER GERALDO: Am I looking at a different
11 Staff Report?

12 MADAM CHAIR: Okay. Well, I hope not. Okay.

13 COMMISSIONER GERALDO: Okay. Wait a minute.

14 MADAM CHAIR: Okay. So --

15 COMMISSIONER GERALDO: It is page 25, it is so it
16 has access off street parking lots and structure parking,
17 when alley secondary fronts or side streets are not present.

18 MADAM CHAIR: Well, what page? I mean what
19 sentence are you on?

20 COMMISSIONER GERALDO: I'm looking, it's page 25,
21 number 5.

22 UNIDENTIFIED MALE SPEAKER: Item 5.

23 MADAM CHAIR: Oh Item 5 at the bottom, okay.

24 Okay. Got it.

25 COMMISSIONER GERALDO: Right.

1 MADAM CHAIR: Okay.

2 MADAM VICE CHAIR: Oh, okay.

3 UNIDENTIFIED SPEAKER: He's right.

4 MADAM CHAIR: Okay.

5 UNIDENTIFIED MALE SPEAKER: He's absolutely right.

6 MADAM CHAIR: Okay. You're right.

7 COMMISSIONER GERALDO: That should be not.

8 MADAM CHAIR: You're right, yes. Okay.

9 COMMISSIONER GERALDO: Okay.

10 MADAM CHAIR: You're right. I was looking at the
11 top one, the second sentence. Okay. All right.

12 COMMISSIONER GERALDO: Okay. Sorry about that.

13 MADAM CHAIR: That's okay, was that it for you?

14 COMMISSIONER GERALDO: Yes.

15 MADAM CHAIR: Okay. And we are going to fix that,
16 thank you.

17 COMMISSIONER GERALDO: Oh no, I'm sorry, I had one
18 other question. So and I don't know if there's anything
19 that could be done, but I saw that they're not recommending
20 any pervious paving because the soil is so what compacted,
21 is that it, Mr. Bossi?

22 MR. BOSSI: Yes, that's correct, Commissioner
23 Geraldo in the DSP.

24 COMMISSIONER GERALDO: So even with the
25 disturbance that there will be, it'll still be too

1 compacted? I'm just thinking about it's a lot of runoff
2 that's going to be there.

3 MR. BOSSI: Yes, that is correct and that is what
4 DPIE has essentially signed off on with their approval of
5 the Storm Water Concept Plan. So the applicant did provide
6 that information in the DSP that speaks to the soil
7 conditions not being supportive of that type of onsite storm
8 water treatment.

9 COMMISSIONER GERALDO: Okay. Thank you. No
10 further questions.

11 MADAM CHAIR: Okay.

12 COMMISSIONER DOERNER: Madam Chair, could I ask
13 one more thing that I forgot?

14 MADAM CHAIR: My mic. Okay. Yes, Commissioner
15 Doerner.

16 COMMISSIONER DOERNER: So in this, while we're on
17 this aerial map right now, on the east side of the parcel
18 where it abuts the historic district and the Greenbelt
19 Middle School and (indiscernible) parking lot, is there
20 going to be a fence that's going to running all along there
21 that will be persistent throughout the whole construction
22 phase, just to protect the kids that are in that area?
23 Because that also feeds over to an elementary school right
24 next to it as well.

25 MR. BOSSI: Thanks for that question, Commissioner

1 Doerner. That's one I'd have to defer to Mr. Tedesco and
2 his team on regarding any of those construction time
3 controls. You know, I don't believe that there is a
4 permanent fence specified on the DSP up along the top of
5 that slope. It is a fairly steep slope, generally, all the
6 way up to about Breezewood Drive along that eastern property
7 line. So it does kind of provide a bit of a divide itself,
8 but up in that top corner where the tiered park will be, I
9 don't believe that there's any permanent fencing along the
10 property line there, as far as construction --

11 MADAM CHAIR: Okay. Let me stop --

12 MR. BOSSI: -- type controls again, that would be
13 Mr. Tedesco could answer that.

14 MADAM CHAIR: And I don't want him to answer now,
15 because it is about 1 o'clock straight up and it is
16 lunchtime. So before you get into a good presentation, Mr.
17 Tedesco, and before Mr. Nelson gets into his presentation
18 and you have a lot of speakers, we're going to break now for
19 lunch and we will take more than 45 minutes, we'll be back
20 1:45 p.m. Okay.

21 MR. TEDESCO: Thank you, Madam Chair.

22 MADAM VICE CHAIR: Thank you.

23 MADAM CHAIR: Thank you. Okay. Thanks.

24 (Whereupon, a luncheon recess was taken.)

25 (End of Tape Number 1.)

1 MADAM CHAIR: Okay. And Mr. Nelson do you have
2 everyone you need, Ms. Grover, Mr. Thomas, and Mr. Green,
3 can you tell?

4 MR. NELSON: I believe they're all --

5 MADAM CHAIR: Okay. I'll just do a check. Ms.
6 Grover, are you on?

7 MS. GROVER: Yes, I'm here.

8 MADAM CHAIR: Okay, Mr. Thomas, are you on?

9 MR. THOMAS: I'm present, Madam Chairman.

10 MADAM CHAIR: Okay. And Larry Green? Lawrence
11 Green, are you on?

12 MR. GREEN: Present Madam Chair.

13 MADAM CHAIR: Okay. And Ms. Hruby, are you on
14 representing Greenbelt?

15 MS. HRUBY: Yes, present.

16 MADAM CHAIR: Okay. Okay. So it looks like we're
17 good to go. Okay. Mr. Tedesco, you are on.

18 MR. TEDESCO: Good afternoon, Madam Chair and
19 members of the Planning Board. For the record, Matthew
20 Tedesco with the law firm of McNamee Hosea, in Greenbelt.
21 The great city of Greenbelt, I should say with our friends
22 from Greenbelt on the line.

23 As you mentioned, we have a number of folks with
24 me this morning and as I've said repeatedly on many cases,
25 and this one is no exception, it takes a full team effort.

1 And, in particular in this case, you know, our team is made
2 up of not only the owner and the applicant and his joint
3 venture partners, Atapco Properties and Dolben Company, but
4 also members of the city and when I say that I really mean
5 everybody involved in this project including your staff and
6 I know Madam Vice Chair indicated that it starts with
7 leadership and we've experienced that in this case without
8 exception, not only from your staff and from your leadership
9 but also from the city and Ms. Hruby and her staff and its
10 leadership as well as the various bodies.

11 As you all may know the City of Greenbelt is made
12 up of various different interests and they have many
13 different organizations and groups and when these
14 development applications go through the City of Greenbelt
15 often times we are asked to present to many of them and I'll
16 get into a little bit more detail on that. But I did want
17 to just thank them from the outset.

18 Also I did you know kick around with reaching out
19 to Mr. Flannigan (phonetic sp.) to have you know Kool and
20 the Gang playing as I started speaking for Celebrate,
21 because you know we are beyond thrilled to be here before
22 you today, notwithstanding the unfortunate circumstances
23 that Mr. Nelson and his client to oppose this application,
24 but nevertheless, we are ecstatic at this opportunity. It
25 has been a long time in the making and I don't mean just

1 since I've been involved in this development application,
2 because it predates me. We all know Beltway Plaza, I think
3 during the Preliminary Plan of Subdivision case which was on
4 February 20th I mentioned I don't think there's, at that
5 time we were doing them virtually, that was pre-pandemic,
6 right before the pandemic hit actually. I think it was one
7 of our last cases altogether in person. But I think I
8 mentioned the fact that I think that everybody in that room
9 which was a jammed packed room that night knows where
10 Beltway Plaza is, or has been to Beltway Plaza.

11 It is a staple in Prince George's County. I want
12 to publically thank my client made up of GB Mall Limited
13 Partnership, care of Quantum Companies, who is represented
14 here today by Mr. Fred Wine, who unfortunately had to leave
15 due to a scheduling conflict, but was on this morning.
16 Also, David Sullivan who is with me, sitting to my left off
17 camera and Kap Kapastin, who is on the line. Quantum and GB
18 Mall Limited Partnership has been a solid companion partner
19 not only in the City of Greenbelt for decades, but also the
20 county and the Sector Plan for this area has recommended
21 through different iterations the ultimate redevelopment of
22 the Beltway Plaza and the most recent one in 2013 rezoned
23 the property to M-U-I purposely to accommodate and provide
24 for a mixed-use infill development at the mall and I'm going
25 to go into some reasons why that was.

1 But throughout that process, this ownership has
2 been there the whole time, has made improvements to the mall
3 as best it can, has accommodated tenants to the best that it
4 can, including during the pandemic and to have this case
5 before you today is a herculean task. They have invested
6 just in the entitlement process to date over seven figures
7 and that's not inconsequential, especially when we have
8 opposition to our north that that property has basically
9 remained as is for decades. So we're actually trying to
10 improve upon not only the city but also the county. We are
11 trying to implement the Sector Plan and its recommendations
12 in the zoning. And with the help of your staff and with the
13 help of the city and its active involvement, we are here
14 today again to celebrate being hopefully one step closer to
15 seeing actual dirt moved and construction commence within
16 the next year for phase 1 of the ultimate redevelopment of
17 Beltway Plaza.

18 I mentioned that, you know, it takes a team and I
19 did want to highlight a couple of things. Throughout this
20 journey, not you know exclusive of the Conceptual Site Plan
21 which was reviewed back in 2017 and approved in, excuse me,
22 2017, 2018 and approved in the early spring of 2019. And
23 exclusive of the Preliminary Plan of Subdivision that went
24 through the process in 2019 and approved in early 2020, just
25 this Detailed Site Plan alone we have had four Advisory

1 Planning Board hearings with the City of Greenbelt's APB,
2 Advisory Planning Board dating back to October of last year.
3 We've had two Parks and Recreation Advisory Planning Board
4 hearings. We've had two Green Aces, which is Greenbelt's
5 Advisory Committee on environmental capability, and we've
6 had five Council either work sessions or regular hearings,
7 regular meetings. Not to include countless number of
8 conversations, meetings with Ms. Hruby and her staff. I
9 made the joke back in February of 2020 that I think Ms.
10 Hruby has seen me more than she ever probably would have
11 hoped. But we've all done this together and it's been no
12 easy feat, it's been no inexpensive feat, and I really as I
13 told the City Council back on August 9th when they voted 5-1
14 to support this, which I can appreciate, I hope the
15 importance of that recommendation to this Board
16 understanding kind of the history of the City of Greenbelt
17 and its Council, that is no easy feat to obtain and we were
18 able to garner their support. Not only for the Conceptual
19 Site Plan, the Preliminary Plan but of course this DSP.

20 And I would be remiss if I didn't also acknowledge
21 our neighbors to the south in Berman Heights. We did meet
22 with the on two occasions, their town council.

23 I do want to acknowledge for the record that we do
24 have an agreed upon Memorandum of Understanding with the
25 City of Greenbelt. We are in the processing of updating

1 that to and include the most recent entitlements and all of
2 the most recent conditions that we've agreed to with the
3 city. That is in the works. I did want to acknowledge that
4 for the record, that that is something that we will enter
5 into with the city to and include all of their conditions
6 which were provided to you I believe on August 16th. It's
7 in your backup. And that MOU really frames the basis for
8 the majority of our request in modifications and conditions,
9 in Applicant's Exhibit 1 which we'll get into at the
10 appropriate time.

11 And so I just again want to publically thank Ms.
12 Hruby, her staff, the City Council and all of the volunteers
13 I should mention of all of the different advisory boards at
14 the City of Greenbelt. I certainly want to thank Mr. Bossi,
15 the Urban Design Section, Environmental Planning Section,
16 the Transportation Planning Section, Community Planning
17 Section, we had a lot of interaction and engagement with
18 them from before SDRC to post SDRC and leading up to today
19 and they've all been instrumental in preparing this
20 application and presenting it to you as smoothly as Mr.
21 Bossi did and as he always does.

22 Before I get too ahead of myself, I do want to
23 indicate for the record that we otherwise further
24 incorporate and adopt as our testimony the statement of
25 justification that was presented in this case, which was

1 fairly robust. I'm sure the Board had had an opportunity to
2 at least skim through that. I would not be overly upset if
3 all 85 pages weren't read page by page, but I know they took
4 time to go through it --

5 MADAM CHAIR: Oh we --

6 MR. TEDESCO: -- and we do incorporate and adopt,
7 I see, so we do incorporate and adopt that as our testimony
8 because you know that really does frame the basis for a lot
9 of the substantial evidence in the record, to and include
10 the plans and all the exhibits that have been submitted.
11 Which as you can see through your 40-deck slide is quite
12 extensive.

13 In addition, Madam Chair and members of the Board,
14 notwithstanding --

15 MADAM CHAIR: So one of the things you said, so
16 hearing everything that you've just said thus far before you
17 get into the real substance, you thanked an awful lot of
18 people because you indicated it takes teamwork, so basically
19 you're saying it's a we thing, it wasn't an I thing. It was
20 a we thing.

21 MR. TEDESCO: It's a we thing, and you know and
22 what I was trying to convey, Madam Chair, is by that pronoun
23 it's really we for every citizen of Prince George's County
24 because this project will impact and have far reaching
25 positive benefits not only for the City of Greenbelt

1 immediately, the county and the residents of the immediate
2 area, but really, the entire county. Because of its impact
3 and because of what it stands for, we've talked a lot about
4 what do we do with these older large mall facilities in the
5 county and how do we transform them successfully. This is
6 the example of doing it pursuant to implement a plan and the
7 Sector Plan as well as all of the other planning documents
8 and tools, but also doing it in a way that's collaborative
9 and feedback.

10 There is no doubt from where we started in 2016 to
11 where we are with this Phase 1 that this project is anything
12 but better than where we even first conceived it, and that's
13 because of the involvement of everyone that's been involved.
14 Again, notwithstanding recent opposition.

15 And that includes our outreach which I was getting
16 ready to get to. Our Exhibit 3 in your backup which is
17 quite voluminous --

18 MADAM CHAIR: Yes, it is.

19 MR. TEDESCO: -- we did an extensive amount of
20 outreach and that outreach really to credit to a lot of the
21 citizens was because we heard at different work sessions
22 among the City Council, hey you know can you do a little
23 more? So we had two days of outreach in the mall itself and
24 that was similar to what we did at the time of the
25 Preliminary Plan. Those notifications were sent to the same

1 mailing list and addresses that we get from your department
2 with respect to informational mailing and acceptance
3 mailings and parties of record. There are members on this
4 line who attended those, who are here to speak in
5 opposition, they were there. We did that for two days, we
6 did that notification both in English and Spanish. It was
7 presented on various message boards, there was a commercial
8 that was run which you'll see in your Exhibit 3, newspaper
9 articles in the Greenbelt News Review, we published it
10 there. We also did an outreach at the Greenbelt Station
11 Verde which is the project to the west. We met with them
12 and all of these occurred in July, so fairly recently and
13 they were in person. And that's kind of before the kind of
14 delta variance kind of started rearing its ugly head and so
15 we were able to actually get out and meet with folks, of
16 course all masked and everything else, but it was great.
17 And the vast majority of people that attended those were
18 very positive and supportive, ultimately leading to the City
19 Council's support for this application.

20 So that's our Exhibit 3. Exhibit 2 we can pull
21 that up if it's easier, or Mr. Flannigan or one of the folks
22 at your end can pull that up. I do want to run through our
23 Exhibit 2 because it does show some different perspectives
24 of the additional backup.

25 MADAM CHAIR: Okay.

1 MR. TEDESCO: I see that being pulled up.

2 MADAM CHAIR: Yes, I do. There we go.

3 MR. TEDESCO: Yes, we can start there.

4 MADAM CHAIR: Okay.

5 MR. TEDESCO: That's okay, if we can zoom those
6 in.

7 MADAM CHAIR: Do we want to go back one? Okay.

8 MR. TEDESCO: Yes, slide 6.

9 MADAM CHAIR: So the top one. Okay.

10 MR. TEDESCO: And if there's a way to enlarge
11 that.

12 MADAM CHAIR: Yes. He will. Slide 6. Okay. Here
13 we go.

14 MR. TEDESCO: So this is a perspective of and
15 we've kind of labeled it so you can see, but it's what we
16 refer to as the Triangular Park. Breezewood Drive is on
17 your right, the open space amenity is kind of in the middle
18 of the screen and then Buildings 1B and 1C, 1B is the middle
19 building, 1C is the western building. And this was really
20 to add some actually some additional details. Although that
21 flyover was --

22 MADAM CHAIR: Wait a minute.

23 MR. TEDESCO: -- very impressive --

24 MADAM CHAIR: 1B is the one with the blue?

25 MR. TEDESCO: Correct.

1 MADAM CHAIR: Okay. All right.

2 MR. TEDESCO: The teal, correct.

3 MADAM CHAIR: Okay, the teal. Excuse me, teal.

4 MR. TEDESCO: And we want to thank your staff for
5 that flyover slide, that was very informative and
6 impressive. These were also rendered to provide some depth
7 and perspective for the improvements. That Triangular Park
8 was something and it's in our justification statement, I
9 don't want to reread our justification statement but
10 providing that amenity for not only the residents, future
11 residents but existing residents having a 10-foot wide side
12 path along Breezewood Drive paralleled by a 5-foot wide
13 sidewalk on either side of that open amenity providing yard,
14 green space, open space, passive recreational space, was
15 something that evolved in through different iterations, but
16 we're very proud of it. It does provide some offing of the
17 massing with respect to Breezewood Drive and it's just going
18 to be a really awesome improvement to Breezewood Drive and
19 this overall project. If we can go to the next slide?

20 So this is a perspective again, Breezewood Drive
21 is to your left, this is looking kind of northeast a little
22 bit. That is Building 1B at the entrance of Street B. One
23 of the things we heard is in addition to Share-O's and
24 pedestrian bike connectivity and friendliness to provide a
25 median for Road B, which is what you see kind of in the

1 middle spot, right where the cursor is, that's a median for
2 Road B to improve upon that entrance and also obviously the
3 other side, or the eastern side of the triangle plaza in the
4 middle of the screen, with Building 1B in the foreground.
5 Next slide.

6 MADAM CHAIR: And the art deco sign. Okay.

7 MR. TEDESCO: Yes. This is the trail between
8 Building 1A and 1B which is actually a Master Plan trail.
9 So on the left of the screen is the parking garage
10 associated with Building 1B and on the right is Building 1A.
11 To the top of the screen it's kind of hard to see, that's
12 Breezewood Drive out to the top of the screen and then to
13 the bottom of the screen would be where this Master Plan
14 trail amenity intersects with Road A, and there will be
15 other slides that depict that. Next slide.

16 MADAM CHAIR: That's a lot of landscaping. I hope
17 you --

18 MR. TEDESCO: A lot of landscaping and you know,
19 Sheryl Fisher from Rodgers Consulting is on the line, who is
20 our landscape architect. We probably would need another
21 day's worth of hearing for her to go through all the
22 different elements in landscaping features. We've got a lot
23 of really cool features with the landscaping to and include
24 different edible varieties and things of that sort, and
25 we'll get into that when we get to some other slides.

1 The next one is the tiered park. This is adjacent
2 to the middle school on the east side of the project,
3 Building 1A is kind of in the foreground. And then this
4 tiered park is purposeful in the sense that there's
5 significant grade on that side of the property, so we've
6 tiered this park to provide seating areas, lawn areas,
7 seating areas. You can see there's somebody playing guitar.
8 We've really envisioned this area to be programed and
9 amenitized to include just somewhat passive, but also you
10 can have yoga classes, you can have some music and then what
11 we also heard was having some actual active recreation. So
12 you can kind of see it in the left side of the screen, we
13 have like a boulder park, a natural type facility that will
14 provide climbing features and things of that sort for not
15 only the residents of this new development, but the citizens
16 you know walking along the 10-foot side path along
17 Breezewood Drive. Next slide.

18 This is just another perspective of again
19 Breezewood Drive to your lower right, Building 1A in the
20 foreground, the tiered park kind of in the middle and you
21 can kind of see the kind of boulder play area, park area to
22 the left of the screen. Next slide.

23 Just another perspective a little bit more at
24 ground level so you can kind of get the height of the
25 dimension. You can kind of see the road and the property

1 really slopes down at this location. Next slide.

2 And I'm sure Sheryl and others at Rodgers are
3 probably chopping at the bit for me to say more, but I'm
4 trying to be sensitive of time and you know a picture says a
5 1,000 words, so forgive me if I'm not hitting every
6 highlight, but this is another perspective of the Master
7 Plan trail separating right at Street A where it intersects
8 Building 1A is to your right and the garage and Building 1B
9 is to your left. Again, you'll see the significant
10 landscape features and art screening, natural screening on
11 that garage along this Master Plan trail. Next slide.

12 A different perspective of kind of looking north,
13 I'm sorry, yes, north, I guess east it would be of the
14 Master Plan trail. We've got a water feature associated
15 with that right there, and then to the left of the screen is
16 where it would intersect with Road A to the north would be
17 Breezewood. Again Building 1A on your right and the garage
18 to Building 1B and part of Building 1B on your left, again
19 with the screening on the garage.

20 MADAM CHAIR: Is there directional signage there?

21 MR. TEDESCO: A lot of directional signage --

22 MADAM CHAIR: Way finding?

23 MR. TEDESCO: -- a lot of way finding signage.

24 Again, you know, this is really the first, again we've got
25 to knock Phase 1 out of the park to get to Phase 2, Phase 3,

1 Phase 4 and so we really, we show a lot of way finding, a
2 lot of features, place making as well as true you know, our
3 vision from this from day one was making this a true mixed-
4 use lifestyle center that Prince George's County really
5 deserves and honestly doesn't have. I mean I would venture
6 maybe next to National Harbor which has some cues that from
7 these types of elements, we don't really see this level of
8 development in detail and so this is really not only a
9 trendsetting development, but a generational development.

10 Next slide.

11 So this is a perspective of Road A and on the left
12 hand side is the repurposed and redeveloped, rebuilt
13 currently Laugh Out Loud space that will be, some of it will
14 be demolished and razed, the other of it will be redeveloped
15 and constructed to provide the 27,000 square feet, which
16 originally it was 20,000 then it was 25,000 and we've
17 increased it to 27,000 square feet of an indoor recreational
18 amenity that will be provided to the city, it will be run
19 and operated and programmed by the city as their facility.
20 That's otherwise 27,000 square feet of commercial retail
21 leasable space which is a very significant sacrifice to the
22 owner applicant to give up that amount of square footage.
23 But during the time of the Preliminary Plan of Subdivision
24 you know we heard the call that Greenbelt West utterly lacks
25 indoor recreational space 365 days a year, and so this

1 applicant again building upon its decade's long relationship
2 and commitment to the city and to the county agreed with the
3 city to provide that space and we just think that's just
4 going to be something that's not only going to be needed and
5 well utilized, but just a really nice component of its
6 overall development to have that indoor recreational
7 facility. So that's on the left. Next slide.

8 This is the proposed or the shown dog park, I
9 shouldn't say proposed, the dog park associated with
10 Building 1A. To the right is Road A, you can see Share-O's
11 and sidewalks along the street. We will also have sidewalks
12 within the dog park. The dog park will have features which
13 are more detailed on the Detailed Site Plan for the pets.
14 There will be water fountains for the dogs as well as for
15 humans and we are working on potentially providing a dog
16 wash station for the residents associated with Building 1A
17 for their pets. There is some gray there, so you can see
18 this area sits up above the sidewalk on the street, adds
19 some separation but it's a really, really nice feature that
20 obviously a lot of multifamily projects are moving towards
21 to accommodate for pets. Next slide.

22 Another perspective of the dog park just looking
23 back towards the north. Next slide.

24 So this area is kind of sits to the south of
25 Building 1A, to the right hand side is the mall structure

1 Road A, it kind of wraps around to the left. You can see
2 the very significant gray, the middle school is up on the
3 top of that hill to the left. There is a retaining wall at
4 the bottom of that area and really this has been a couple of
5 different things throughout this review process. Ultimately
6 we've settled on it being a community garden, which is
7 something that the city and a lot of the stakeholders really
8 wanted and asked for us to make that work. And so you can
9 see raised planters and just the community garden space with
10 picnic tables, fencing to separate it from the road and the
11 sidewalks. It will be lit and provide all the necessary
12 tools needed for a community garden. And the next one is
13 the last slide.

14 And this is again just another perspective of that
15 community garden space.

16 So I just wanted to go through, thank you for your
17 indulgence for allowing us to go through that. If that was
18 Mr. Flannigan taking us through that, I thank you for
19 assisting me in that.

20 MADAM CHAIR: It was.

21 MR. TEDESCO: Yes, thank you. And with that,
22 Madam Chair, I just wanted to say that we are in agreement
23 with staff's recommendations. We are in agreement with not
24 only the recommendations for the modifications to the
25 Development District Standards which are not only summarized

1 in your Staff Report with respect to findings, but also
2 justified quite extensively in our statement of
3 justification. We are also in agreement with the conditions
4 as modified in Applicant's Exhibit 1 to and include the two
5 revisions that Mr. Bossi went through with you earlier this
6 afternoon with respect to Condition 1P as in Paul and 1V as
7 in Victor. We are in agreement with those additional edits.

8 And with that, Madam Chair, I'm happy to go
9 through the rest of the conditions as modified, if desired.

10 MADAM CHAIR: Okay. So first, let's see if anyone
11 has any questions for you at this time. Madam Vice Chair?

12 MADAM VICE CHAIR: No questions at this time.

13 MADAM CHAIR: Okay.

14 MADAM VICE CHAIR: Well, yes, of the City of
15 Greenbelt's conditions, were most of them incorporated into
16 the final conditions that were submitted?

17 MR. TEDESCO: If I may answer that? There were a
18 number of them that were, a lot of the ones that we've asked
19 to be deleted, I think Applicant's Exhibit 1 are more, are
20 basically more or less conditions that we've agreed to with
21 the city, but they're more appropriate between the applicant
22 and the city. I think your staff and your legal counsel
23 agreed that it was probably not appropriate for this Board
24 to impose some conditions that are covered in our MOU or
25 that will be covered in our MOU and agreed to by the

1 applicant and the city.

2 MADAM VICE CHAIR: Okay.

3 MR. TEDESCO: So there are a handful that are and
4 there's a few that were taken out just because of, I'm
5 sorry.

6 MADAM VICE CHAIR: Okay. Thank you.

7 MR. TEDESCO: Sure.

8 MADAM CHAIR: Perhaps some are tweaked a little
9 bit. Okay. Was that it for you, Madam Vice Chair?

10 MADAM VICE CHAIR: Yes.

11 MADAM CHAIR: Okay.

12 MADAM VICE CHAIR: Yes.

13 MADAM CHAIR: Commissioner Doerner?

14 COMMISSIONER DOERNER: Yes, Mr. Tedesco, I don't
15 know if you show the Share-O's on 193 or potential like
16 authority of maybe doing them a little bit differently. It
17 doesn't have to be a huge construction project, but just
18 something in there to be a bit more protective of folks here
19 in that area.

20 MR. TEDESCO: Yes, Commissioner, thank you for
21 that question. So as you know I mean you were at the site,
22 you mentioned, and I know you're very familiar with this
23 area of the county. There is an existing bike lane on
24 portions of 193 that end, at portions of the frontage of
25 this project. Maryland 193 is a state highway, controlled

1 by State Highway. State Highway is ultimately the
2 regulatory agency with respect to that. We do understand
3 that there is a work force, or a work program to look at
4 possible improvements to Maryland 193 to provide additional
5 improvements. However, I don't know the current status of
6 that. Ms. Hruby probably has a better handle on that than I
7 do.

8 So where we have the ability to provide the
9 continuation of the bike lane, we're seeking to do that
10 although that's very limited through the vast majority of
11 our frontage. So we did show those Share-O's again subject
12 to SHA. We are also providing, which currently doesn't
13 exist through the majority of the frontage of this project,
14 outside of, you know, with this DSP but somewhat not
15 necessarily contiguous with it, through a promise and
16 commitment we made with the city is to do frontage
17 improvements that include additional sidewalk, you may
18 recall that the sidewalk kind of starts and stops and then
19 doesn't exist at all through some of the frontage. So we
20 are going to continue that sidewalk, that sidewalk is more
21 than 5 feet setback from the face of curb. We will have
22 landscaping behind that and there's existing overhead
23 utility lines in between the grassed area, curbed grass area
24 and then the new sidewalk. So completely understand your
25 comment and your concern. We share in that concern but you

1 know ultimately it's SHA's call and you know SHA will have
2 to decide whether the Share-O's are sufficient or
3 appropriate and if so, in what locations.

4 COMMISSIONER DOERNER: Okay. I understand the
5 authority that they have, but it would be good as an
6 applicant if you could proactively suggest just stuff, it
7 doesn't even have to be permanent, like you could get the
8 reflectors and if you go in D.C. over by like Catholic
9 University and the hospitals that are over there, there's a
10 nice kind of median of in there, and as you kind of
11 transition into it, they have these nice reflectors that
12 come up and there's also examples like in Shaw and a couple
13 of other places in D.C. We don't have a ton of that in this
14 area and Greenbelt and the College Park areas hasn't had a
15 good history of pedestrian friendliness, it's not a good
16 history of being a dangerous situations that overnight they
17 might have changed that and alter that environment. So if
18 you guys could proactively suggest that, I think that would
19 be helpful. Because they might be amenable to just going
20 ahead and thinking about it and trying it out.

21 MR. TEDESCO: Yes, and Kap Kapastin is on the
22 line, takes an active role in the Greenbelt Road Task Force
23 and so that's certainly something that we will take back.
24 Mike Lenhart who is our traffic engineer is on the line and
25 our representatives of Rodgers are taking note of that for

1 sure.

2 COMMISSIONER DOERNER: Okay. And then do you want
3 to talk about maybe the fence that I asked about also, that
4 separates Greenbelt Middle and the northeast park portion of
5 your parcel?

6 MR. TEDESCO: Yes, I want to make sure I
7 understood your question clearly. Were you talking about
8 during the construction phase, the typical temporary fencing
9 to secure the site to protect it from pedestrians as well as
10 the site itself?

11 COMMISSIONER DOERNER: Yes --

12 MR. TEDESCO: Or are you talking more of a
13 permanent fence at the top of the hill?

14 COMMISSIONER DOERNER: Both. So I wanted to make
15 sure that during construction that you weren't going to have
16 kids or folks wondering like around on that site but then
17 also like more permanently that the children will be
18 protected so that way at least from the school's perspective
19 they could sort of funnel the kids in certain places.
20 Because there's, right now, Greenbelt Middle has that like
21 large field over there, I think they walk across if they got
22 up the slope. And the kids at Dora Kennedy, they're right
23 there. They're all like free for all playing outside in
24 various areas around there, in like the trees that are on
25 the northeast section of that parcel and the crowd just kind

1 of get socially distanced. And I don't want to have
2 somebody kind of walking on to either of those school
3 properties and potentially causing any kind of problems as
4 we're trying to maintain social distancing with the
5 children.

6 MR. TEDESCO: Understood. No, good question. So
7 reverse, I'll take them in the order that they were
8 presented. So yes, of course during the construction phase
9 the site will be secured as most construction sites are
10 secured with temporary fencing to ensure not only the safety
11 of the residents and the citizens, but also you know the
12 work site itself from different types of things that can
13 occur on a construction site with respect to the safety of
14 the materials and things of that sort. So yes, that will
15 absolutely be done.

16 As far as permanent fencing between the school and
17 this site, no, that's not shown or proposed. Again, that
18 area between the two sites is very significant. There's a
19 retaining wall at the bottom to hold back and there is
20 fencing where the cursor is now I do believe where the ball
21 fields are, there is fencing at least there. I don't think
22 that fencing continues all the way north but I believe there
23 is fencing near the ball fields to some extent. Somebody
24 could correct me if I'm wrong on that, but for some reason I
25 had a memory of seeing that once before.

1 But with that being said, we don't currently have
2 an issue with any of the school children in either of those
3 locations traversing that slope. I think the slope in and
4 of itself is a deterrent and a distraction. Even with this
5 development being proposed that slope will be continued to
6 be forested and wooded as part of our TCP2 area, and as far
7 as you saw the significant landscaping between the Building
8 1A and the tiered park and those facilities. We do continue
9 the 10-foot wide side path along Breezewood Drive to make
10 those sidewalk connections. So somebody would have to be up
11 to no good to really be trying to get over there and we just
12 don't see that as being a problem. We do understand that
13 (indiscernible) principles are being implemented here with
14 that landscaping. I think the landscaping and the hill
15 alone will provide that deterrent. As far as just school
16 kids being school kids, we haven't experienced that to date
17 for many, many years that those schools have been there.

18 COMMISSIONER DOERNER: And can you just do me the
19 favor and reach out to Greenbelt Middle and ask if they
20 would want that?

21 MR. TEDESCO: Sure thing.

22 COMMISSIONER DOERNER: I realize that you haven't
23 had it to date, but we also haven't had kids really on site
24 for a year and a half almost. And I know for a fact right
25 now that the elementary school kids are just being disbursed

1 throughout that area, and they're at more of a danger
2 potentially than the middle school kids from anyone kind of
3 wondering on. And it's very easy just to walk from either
4 the south end or the north end of your sites onto those
5 properties. So I just want to make sure that if the school
6 would feel more comfortable with security now that the kids
7 are back and they're a little bit more active and outside,
8 potentially, in a greater variety, not kind of concentrated,
9 that you could provide that additional security if it's
10 desired.

11 MR. TEDESCO: Sure. Happy to reach out to them.

12 COMMISSIONER DOERNER: Okay. Thank you.

13 MR. TEDESCO: Sure.

14 MADAM CHAIR: Okay. Commissioner Geraldo? You
15 have to unmute.

16 COMMISSIONER GERALDO: Thank you so much, Madam
17 Chair. Thank you, Mr. Tedesco for the presentation. So I
18 have a very good idea by looking at the Staff Report and
19 looking up the additional backup materials, but I would like
20 to know what is, there seems to have been a lot of community
21 involvement and community meetings. So I'd like to know
22 what is your understanding of the opposition to this
23 development?

24 MADAM CHAIR: Well --

25 MR. TEDESCO: So what we believe is really the

1 introduction of additional multifamily housing in that
2 location is the main ire of the owners of the Franklin Park
3 community.

4 COMMISSIONER GERALDO: Okay. And that's it?

5 MADAM CHAIR: And we have, no, well we have people
6 signed up so you know I know you asked for his understanding
7 of what it is, and I think that's what he shared. But, I
8 guess he might be reluctant to put words in the mouths of
9 the opponents who have signed up today.

10 COMMISSIONER GERALDO: No, and I don't want him to
11 do that. I just wanted to see what the developer's --

12 MADAM CHAIR: Yes.

13 COMMISSIONER GERALDO: -- understanding was of the
14 objection and --

15 MADAM CHAIR: Yes.

16 COMMISSIONER GERALDO: -- and perhaps efforts were
17 made, if any, but there seems to have been some to alleviate
18 or if not alleviate, lessen, the opposition, if I'm making
19 sense.

20 MR. TEDESCO: Yes, so you are and I will say that
21 there have been efforts, there have been communication. I
22 will just say in the spirit of private conversations and not
23 to expand upon those is that some of the things that
24 probably would result in the opposition being satisfied are
25 just things that are somewhat, if not impossible, very

1 difficult for my client to promise.

2 COMMISSIONER GERALDO: Okay. Thank you. I have
3 no further questions, Madam Chair.

4 MADAM CHAIR: Okay. Thank you. Okay. Do you
5 want to touch on these, your proposed amendments to
6 conditions in Applicant's Exhibit 1A?

7 MR. TEDESCO: Happy to do so. So Condition 1F --

8 MADAM CHAIR: Not just 1A, but 1.

9 MR. TEDESCO: -- just clarifying again, one thing
10 I failed to mention that in kind of applauding the efforts
11 of providing the indoor recreational facility for the city
12 which was provided at the time of the Preliminary Plan, is
13 that as you all probably know, the City of Greenbelt is
14 outside of the Metropolitan Washington District. So there
15 is no recreational amenity requirement, so to speak, from
16 the mandatory dedication perspective. Again, that's more of
17 a Preliminary Plan issue.

18 And so notwithstanding that requirement was met
19 through the accommodation of providing the 27,000 square
20 feet interior space. However, from marketability overall
21 projects high level importance of providing high quality
22 housing, as well as kind of just the arms raised with
23 respect to multifamily and the amenities that have to be
24 provided, this applicant and the development team show as
25 you saw in a number of slides, a lot of amenity features

1 associated with the multifamily development. And so this
2 Condition 1F revision really gets to the fact that to add a
3 note to the Detailed Site Plan identifying one of the
4 features in Building 1A is a rooftop amenity and providing
5 some more general specificity to what those amenities
6 features will be at the time of certification. We did show
7 some on the DSP and so staff had asked us to show more
8 specificity so this was a negotiated resolution to that with
9 all things being considered.

10 Condition 1H, again Condition 1H was another very
11 lengthy discussion with staff as well as the city, with
12 respect to the garages. You saw in your slides that the
13 majority of the garage façades have been treated with
14 screening, whether art or other types of screening as well
15 as a decorative spandrel systems. So this Condition 1H
16 really gets to softening appearances of the other parking
17 garages and other façades that your staff had requested for
18 additional treatments to be determined at the time of
19 certification with consultation with the city. And also
20 because the south side of Garage 4 currently faces the mall
21 structure, we wanted to provide language in here that if at
22 future phases of this project Phases 2 or 3 in particular,
23 there is open views or mews or something of that sort to
24 that Garage 4 that staff has the opportunity to request and
25 ask for additional screening treatment than what may be

1 shown on the certified plan. Understanding that some level
2 of additional features need to be provided at this time.

3 M as in Mary, that's just tying that condition
4 back to Condition 11D of the Preliminary Plan. Condition
5 11D was the BPI's exhibit and so there was a need to make
6 sure we address those requirements and so we're just adding
7 the words revised to BPI's exhibit for consistency with
8 Condition 11D.

9 Condition 1N as in Nancy, same logic. Condition
10 11F was the BPI's exhibit and so we were asked to provide
11 the bus shelter on that BPI's exhibit pursuant to the
12 Preliminary Plan condition.

13 Condition 1P, Mr. Bossi, I think effectively spoke
14 about. We are in agreement with Mr. Bossi, with the changes
15 that you see on our exhibit to and include the changes that
16 Mr. Bossi read into the record.

17 Condition 1S, that's being requested to be deleted
18 because that 10-foot wide sidewalk trail along Breezewood is
19 already shown on the plans that were submitted after SDRC.

20 Condition 1V as in Victor, we had asked for that
21 to be deleted. Staff had requested additional, excuse me,
22 new language which Mr. Bossi read into the record which we
23 are in agreement with.

24 Condition 1W, again that was already provided and
25 shown on the submittal package post SDRC in July, so that

1 can be deleted. That's been done.

2 MADAM CHAIR: Same thing with Y?

3 MR. TEDESCO: The same thing, well --

4 MADAM CHAIR: No.

5 MR. TEDESCO: -- 1X, I'm sorry, Madam Chair.

6 MADAM CHAIR: 1X.

7 MR. TEDESCO: 1X, that's just to provide clarity
8 so there's no confusion because that area where Street B,
9 Building 1B and 1C, there's the median and there's actually
10 two sidewalks and so we just wanted to provide clarity of
11 where that crosswalk would be. And so that connecting
12 sidewalk is along the south side of Breezewood Drive
13 (indiscernible) makes it clear for everybody the sidewalk
14 location. It's just a clarifying comment.

15 1Y, that goes to one of my answers to Vice Chair,
16 that is covered in the city's conditions by our MOU, and we
17 did not feel like it was appropriate for this Planning Board
18 to impose that.

19 Condition 1BB, that's for consistency. That's a
20 city condition the cast and stamped concrete is something
21 that we've agreed to with the city. So Condition 1BB aligns
22 with the city's condition in that regard.

23 Condition 1EE, is talked about in the, I think Mr.
24 Bossi referenced it in his presentation. Staff had asked
25 that we delete some of the freestanding monument signs, but

1 the wall sign we had requested be allowed. That wall sign
2 is only a few inches, how far, it's 18 inches tall. The
3 wall itself is two, two and a half feet, two feet. It's
4 more of a sitting wall and it's got the Beltway Plaza art
5 deco lettering on it and we really didn't feel like that was
6 really a freestanding sign, and so staff agreed and so we
7 wanted to make sure that that condition clarified that the
8 wall sign was permitted.

9 Condition 3, we show that as deleted because that
10 approved plan was provided with the resubmittal back in
11 July.

12 Condition 6, again a city condition covered in the
13 MOU and I'll say Condition 7 again covered in the MOU with
14 the city and also I think staff's request for new Condition
15 1V really tries to get at Condition 7.

16 And then Conditions 8, 10 and 11 are all
17 effectively covered in the MOU with the city.

18 MADAM CHAIR: Okay. Got it. Thank you.

19 MADAM VICE CHAIR: Madam, was that 8, 10 and 11?

20 MR. TEDESCO: 8, 10 and 11 are city conditions
21 that will be governed by the MOU that the parties will enter
22 into.

23 MADAM CHAIR: Yes.

24 MR. TEDESCO: Again, we have an agreed upon MOU
25 but it's got to be updated, which I'm in the process of

1 doing.

2 MADAM CHAIR: So it's really 6, 7, 8, 10 and 11,
3 right?

4 MADAM VICE CHAIR: Right.

5 MADAM CHAIR: Okay. Okay. Is that it for you,
6 Mr. Tedesco?

7 MR. TEDESCO: It is, Madam Chair, for now. We
8 look forward to responding in rebuttal.

9 MADAM CHAIR: Okay. Thank you. So and then
10 everyone else on your team they're here for questions or as
11 needed, correct?

12 MR. TEDESCO: (No audible response.)

13 MADAM CHAIR: Mr. Tedesco? You don't need them
14 right now, right?

15 MR. TEDESCO: I don't need them right now. I do
16 want to clarify one thing, I'm sorry.

17 MADAM CHAIR: Then we're going to go to Ms. Hrubby
18 though.

19 MR. TEDESCO: I know we're ready to move on
20 (indiscernible).

21 MADAM CHAIR: I want to go to Ms. Hrubby when
22 you're finished.

23 MR. TEDESCO: I was just informed that our TCP2
24 does show a fencing along that preservation area. So I
25 believe to Commissioner Doerner's comment, there actually is

1 some fencing in that tree preserve area to separate the two
2 sites. But I'll drill more into that as Mr. Nelson is going
3 forward just to make sure, but that's my understanding. So
4 there actually is some fencing up there.

5 MADAM CHAIR: Okay. Thank you. I'm now going to
6 turn to Ms. Hruby, representing the City of Greenbelt.

7 MS. HRUBY: Yes, thank you. Good afternoon, Madam
8 Chair and members of the Board. For the record, Terri
9 Hruby, Director of Planning Community Development for the
10 City of Greenbelt. I'm here on behalf representing
11 Greenbelt City Council.

12 As referenced in your backup materials as Mr.
13 Tedesco referenced, the City Council voted 5 to 1 to
14 conditionally support the Detailed Site Plan. It's been a
15 very long road, we've been working for, as Mr. Tedesco
16 mentioned, many, many months to refine the original DSP that
17 was submitted and we are encouraged, if you will, with the
18 progress that has been made over the last several, many,
19 almost a year now, on the Detailed Site Plan. As indicated,
20 with the agreement of the applicant to enter into an MOU
21 with the City of Greenbelt we feel our issues that were
22 quite significant on the onset, will be satisfactorily
23 addressed as the development moves forward. We look forward
24 to working with them as well as your staff on the future
25 phases of this development. It's really our hope that we

1 can, as we move forward, if you will, include some diversity
2 in housing choices and address some affordability. So those
3 are goals that we plan to work with with the applicant as we
4 see more residential development in future phases.

5 I want to thank Adam Bossi and the rest of your
6 staff. We really had a great and active dialog throughout
7 their development review process. I think that's where, how
8 we ended up here today in conditional support. We don't
9 have an objection to the staff recommendation as it was
10 amended by both Mr. Bossi and the applicant today.

11 As indicated, we feel confident that our concerns
12 and our conditions will be incorporated into an MOU. Thank
13 you.

14 MADAM CHAIR: Thank you, Ms. Hruby. So and Holly
15 Simmons had signed up but I don't know if she was on, but
16 you've covered everything that we need to cover for the City
17 of Greenbelt, is that correct?

18 MS. HRUBY: Yes, I have. Thank you very much.

19 MADAM CHAIR: Okay. Thank you. I don't know if
20 the Board has any questions right now of Ms. Hruby. Madam
21 Vice Chair?

22 MADAM VICE CHAIR: No questions, but I like her
23 term of active dialog.

24 MADAM CHAIR: Okay. Commissioner Doerner?

25 COMMISSIONER DOERNER: No questions, thank you.

1 MADAM CHAIR: And Commissioner Geraldo?

2 COMMISSIONER GERALDO: No questions, Madam Chair.

3 Thank you to the City of Greenbelt.

4 MADAM CHAIR: Okay. Thank you. Okay. Mr.
5 Nelson, you're on.

6 MR. NELSON: Thank you. Can you hear me
7 adequately, Madam Chairwoman?

8 MADAM CHAIR: We can hear you very well now.
9 Thank you.

10 MR. NELSON: Macy Nelson, counsel for the citizen
11 protestants. I've been authorized to speak on behalf of
12 three residents of Franklin Park. The first is, let me just
13 identify them for the record, Natalie Williams (phonetic
14 sp.) , she resides at 9119 Spring Hill Lane, Darryl Martin
15 (phonetic sp.) he resides at 9000 Breezewood Terrace, and
16 Shirley George (phonetic sp.) she resides at 6126 Breezewood
17 Drive. In addition I've been authorized to speak on behalf
18 of the owners of Franklin Park. They are Cosiv Kazarnovsky
19 K-A-Z-A-R-N-O-V-S-K-E-Y --

20 MADAM CHAIR: Okay. Hold up.

21 MR. NELSON: -- Ralph --

22 MADAM CHAIR: Say it again, K-A-Z what?

23 MR. NELSON: K-A-Z-A-R-N --

24 MADAM CHAIR: Yes.

25 MR. NELSON: -- O-V-S-K-Y.

1 MADAM CHAIR: Okay.

2 MR. NELSON: His partner, Ralph Rieder, R-I-E-D-E-
3 R, and the company is Empirian Village, E-M-P-I-R-I-A-N
4 Village of Maryland, LLC. So I'm here on behalf of those
5 six persons or entities.

6 My clients are concerned about the excessive
7 density of the proposed project, traffic congestion, storm
8 water problems, and the incompatibility with Franklin Park.
9 Those are the general themes of the opposition. But please
10 understand that my role here as an advocate of this case is
11 to review the application and I do that by pushing hard to
12 assemble all the relevant documents and to have those
13 documents reviewed by appropriate consultants. But there's
14 a preliminary issue that I need to raise with the Planning
15 Board.

16 At page 22 of the Staff Report --

17 MADAM CHAIR: Okay. Hold on.

18 MR. NELSON: -- talks about --

19 MADAM CHAIR: Hold on. Hold on a second, let me
20 get to it. There' so many things. Okay. Is everyone where
21 you need to be?

22 MR. NELSON: Okay.

23 MADAM CHAIR: Okay. Okay.

24 MR. NELSON: I'm on page 22 and the last few
25 sentences of paragraph 13 just before the bolded 14. It's

1 talking about, the Staff Report is addressing the TCP2, we
2 can all read what it says, but it says that there's a
3 proposal for offsite mitigation, 2.1 acres of which have
4 already been met and recorded for this site under Liber 9255
5 Folio 460. Well we obtained that declaration and by my
6 reading it bore no relevance to this project. Indeed it
7 refers to an easement or protection for a separate plan, 4-
8 92091. I raised that question with the Planning Department
9 yesterday and was informed this morning that was a mistake,
10 and in fact there is a second deed with Liber 13871 Folio
11 204. I pulled that deed, that declaration. I see no
12 relevance to this DSP 20020.

13 So the TCP2 issue is an important part of this
14 case. I'm unable to properly and thoroughly analyze the
15 proposal because the Staff Report was flawed. The deeds
16 that have been cited appear to have no relevance to this
17 project, so for that reason I'm requesting that the outset a
18 postponement of this hearing so we can get complete and
19 accurate information with respect to the offsite mitigation.
20 So at this moment, I move for a postponement for that
21 reason.

22 MADAM CHAIR: Well, you know what, that would have
23 been nice to know earlier on, that you were going to request
24 a continuance. So I would like to turn to our staff,
25 because I was unaware of the Liber Folio issue. So I'd like

1 for someone to respond either Mr. Bossi, Mr. Hunt, Mr.
2 Warner, someone to address that. I mean someone --

3 MR. BOSSI: Yes, Madam Chair.

4 MADAM CHAIR: Okay.

5 MR. BOSSI: For the record, Adam Bossi. Yes, Mr.
6 Nelson did raise this issue with staff yesterday, and we did
7 look into that. And I believe Ms. Nickle from the
8 Environmental Planning Section did some research into that
9 and is available to speak to that. Suzanne Nickle, are you
10 available?

11 MS. NICKLE: I am available. So both deeds are
12 referenced in the previously approved TCP2 for this site,
13 that case number is TCP2-030-00. The offsite easement was
14 recorded in the earlier deed which is Liber 9255 Folio 460,
15 and that easement was assigned to fulfill the requirement of
16 the Target Corporation, who was the applicant of that TCP2
17 and that is recorded under Liber 1387 Folio 204.

18 MADAM CHAIR: Okay. Wait a minute.

19 MS. NICKLE: So it is referenced --

20 MADAM CHAIR: Hold on, let me make sure I
21 understand because you're citing 9255 and 460, which is
22 correct, which you're then saying refers to 1387, is that
23 what you're saying? No?

24 MS. NICKLE: The reverse, 13871 Folio --

25 MADAM CHAIR: Okay.

1 MS. NICKLE: -- 204 does reference this offsite
2 easement that is recorded in Liber 9255 Folio 460.

3 MADAM CHAIR: So what I'm trying to understand is
4 Mr. Nelson is raising an issue that he was unable to find
5 the documents pertaining to this TCP2, because of a faulty
6 of a site. Are you saying that it is easy, he could find
7 this by looking at 9255 460, or no?

8 MS. NICKLE: So both of these records are listed
9 on the prior TCP2 --

10 MADAM CHAIR: Okay.

11 MS. NICKLE: -- that's for this site. That's
12 TCP2-030-00.

13 MADAM CHAIR: So he would have to look at the
14 prior TCP2, is that what you're saying and not --

15 MADAM VICE CHAIR: No.

16 MS. NICKLE: Yes, because that's what's recorded
17 on this site and that requirement is still valid --

18 MADAM CHAIR: Okay.

19 MS. NICKLE: -- and has already been fulfilled for
20 the current TCP2.

21 MADAM CHAIR: Okay. Now, Mr. Warner, is there
22 anything you care to add to this?

23 MR. WARNER: Right, Mr. Nelson did bring this to
24 both my attention and Adam's yesterday. We took a look at
25 it, we recognized that that additional liber reference that

1 he mentions would have been helpful to include in the Staff
2 Report as well. However, as Ms. Nickle pointed out, all one
3 needed to do was look at TCP2 030-0001 and would have seen
4 the references necessary to evaluate the TCP2. So I don't
5 think there's any error here that would justify a
6 continuance from a legal point of view.

7 MADAM CHAIR: So you're saying he would have
8 looked at TCP1 in order to get, is that what you're saying?
9 Let me make sure I didn't miss something.

10 MR. WARNER: I'm saying that TCP2-030-00 --

11 MADAM CHAIR: Okay.

12 MR. WARNER: -- which divided the site into five
13 separate phases is referenced in the Staff Report and
14 looking at this as Ms. Nickle pointed out would have found
15 the references to the assignment.

16 MADAM CHAIR: Okay.

17 MR. WARNER: I know that the applicant can also
18 speak to why this particular liber was cited in the Staff
19 Report for additional information, if you need it. But in
20 any case, we also provided Mr. Nelson the copy of the other
21 liber reference that he claims doesn't make sense. We did
22 provide him a copy of that this morning, so he's had
23 adequate time to see that.

24 MADAM CHAIR: That's the 13871 and Folio 204?

25 MR. WARNER: Exactly.

1 MADAM CHAIR: Okay. All right. And you're
2 directing me now to Mr. Tedesco to add something? Mr.
3 Tedesco, do you have something --

4 MR. TEDESCO: I'll be very --

5 MADAM CHAIR: Okay.

6 MR. TEDESCO: Yes, I'll be very brief. I think
7 it's important to understand that there's a difference
8 between a Detailed Site Plan and a Tree Conservation Plan.
9 And not all TCP2's accompany Detailed Site Plans, some
10 TCP2's stand on their own for permitting purposes. And I
11 understand Mr. Nelson's confusion but if you would have just
12 read the paragraph before, the very last sentence, and I'll
13 read it, page --

14 MADAM CHAIR: Yes.

15 MR. TEDESCO: -- 22, last sentence of the
16 paragraph at the top of the page, the previously approved
17 and implemented TCP2-030-00, which Mr. Warner just cited to
18 --

19 MADAM CHAIR: Okay.

20 MR. TEDESCO: -- was not phased and only converted
21 a portion of the subject property, only covered a portion of
22 the subject property. Nevertheless, it covered the subject
23 property. The revised TCP2-030-00-00-01 has also divided
24 the site into five separate phases with this DSP covered in
25 the phase. So all, as Mr. Warner said, all one would have

1 to do is pull those TCP2's, you would have seen the liber
2 and folio reference and confirmation of the 2.10 acres of
3 mitigation already secured for the site.

4 MADAM CHAIR: Okay. Mr. Nelson?

5 MR. NELSON: Oh yes, thank you. I appreciate that
6 information and I also appreciate Mr. Warner's, Mr. Bossi's
7 prompt revision of the liber and folio for the second deed,
8 I appreciate that and of course we can pull those off the
9 record.

10 But my clients shouldn't be required to be
11 detectives that would pull the deeds. If you read the deed
12 there's no reference to this application. There's nothing
13 in this declaration, either declaration, that makes it clear
14 that these deeds are related to the subject property. That
15 was really the basis of my objection and that's the reason I
16 wanted a postponement to further investigate that issue.
17 Thank you for allowing me to present that part of it.

18 MADAM CHAIR: Okay.

19 UNIDENTIFIED SPEAKER: Okay.

20 MADAM CHAIR: So when you had a chance to look at
21 it, when they were provided to you, did something jump out
22 at you?

23 MR. NELSON: I'm sorry, I didn't hear the
24 question.

25 MADAM CHAIR: When you had, so I understand that

1 the information was in fact provided to you. That's what
2 Mr. Warner has indicated and also Ms. Nickle.

3 MR. NELSON: Well what was provided to me is the
4 assignment, Liber 13871/204, a document dated May 16, 2000,
5 relating to Summerset LLC and the Target Corporation, which
6 refers to Liber 9255 Folio 460, which says that the grantee
7 is about to file for a building permit and the grantee is
8 Target. I see no reference to the subject property that's
9 at issue in this Detailed Site Plan. But yes, they provided
10 the liber and folio and I appreciate that production of that
11 document because I'm able of course to obtain the
12 declaration on line.

13 MR. JUBA: Hi Madam Chair --

14 MR. TEDESCO: May I be heard?

15 MR. JUBA: -- this is Marc Juba from the
16 Environmental Planning Section, I just want to point out
17 that on the liber and folio on paragraph 6, it does actually
18 reference the TCP2 that was a standalone TCP2 which is TCP2-
19 30-00 as being the beneficiary. So I just wanted to put
20 that out there.

21 MADAM CHAIR: Thank you, Mr. Juba. Okay.

22 MR. TEDESCO: Mr. Juba said what I was going to
23 say, the sixth wherefore paragraph of that reference --

24 MADAM CHAIR: Okay.

25 MR. TEDESCO: -- cites back to the same TCP number

1 that's in the Staff Report. I'd also like to note for the
2 record that Mr. Nelson has hired a former employee of Park
3 and Planning, who certainly knows how to find things and
4 doesn't have to be an investigator to find a TCP2 or know
5 who to contact to obtain that. So I would object
6 strenuously to the request for a continuance and
7 respectfully ask the Board to move this along if we could.

8 MADAM CHAIR: Okay. So I'm going to look to the
9 Board now to see if there's any desire on the part of any
10 Board member to continue. Although I would say you know if
11 you were going to do that, Mr. Nelson, it just would have
12 been helpful before we got so far into the case. Yes. And
13 that's something as a courtesy sometimes that you know I
14 don't know if you shared that with Mr. Tedesco earlier or
15 not, but it's just something that, we have several attorneys
16 here in terms of that courtesy, that would have been helpful
17 because we could have figured out whether to go forward or
18 not earlier. We're hours into this case now.

19 MR. NELSON: I acknowledge the Chair's comments,
20 we're on a pretty fast schedule here. I got this document
21 at 6:30 this morning. So we didn't have the luxury of time,
22 but I acknowledge the Chair's comments.

23 MADAM CHAIR: Okay. Well, I will see if the Board
24 has any desire to continue. I don't see a motion at this
25 point. Okay. All right. Mr. Nelson, what's next on your

1 list then?

2 MR. NELSON: I'm sorry, I didn't hear the Chair.

3 MADAM CHAIR: I was asking what's next? There
4 doesn't appear to be a desire on the part of the Board, I've
5 asked if there's a desire or a motion to continue, there
6 doesn't appear to be one.

7 MR. NELSON: Very well, I'll move on with our
8 opposition. I'll present a summary of our opposition but
9 let me just say that three witnesses are going to testify,
10 Ruth Grover, a land planner, James Thomas, a storm water
11 engineer and Larry Green, a traffic engineer. But let me
12 now just give a brief overview of the concerns that my
13 clients have about this project.

14 The theme of their opposition is that the
15 applicant is seeking a level of density for this proposed
16 project not permitted by law. We believe that the Detailed
17 Site Plan conflicts with Plan 2035 which calls for low to
18 medium density development of this project, and we would
19 urge you to look again at staff's video, the aerial video of
20 the Buildings 1A, 1B, and 1C, because I believe that video
21 is our best evidence of the intense density of this project
22 which we assert conflicts with the Plan 2035. We also
23 believe it conflicts with the applicable Sector Plan because
24 it's not a genuine mixed-use project.

25 In summary, the project is too dense and it's not

1 sufficiently mixed-use. Ruth Grover will address those
2 points in greater detail.

3 My clients are concerned about the deviations.
4 The staff identifies the 13 different deviations at pages 12
5 through 16 of the Staff Report. Their recommendations of
6 approval appear at pages 25 and 26 of the Staff Report. And
7 we assert that the record lacks evidence to support the
8 grant or the approval of each of these deviations. We also
9 assert that the deviations separately and cumulatively
10 improperly allow the applicant to increase the density in
11 violation of Plan 2035 and the Sector Plan.

12 I have a few technical points to make, the first
13 is regard to the compliance or not with the requirements in
14 a Conceptual Site Plan. The Staff Report at page 17
15 addresses the requirement for sidewalks. Mr. Bossi
16 discussed this in his comments and slide 27 shows it, there
17 is a sidewalk on only one side of Street A in the northeast
18 corner of the site. Applicant asked to be relieved of the
19 obligation of sidewalks on both sides of that street, staff
20 agreed. Our lead position is that there is no legal
21 authority that staff or the Planning Board can rely on to
22 exempt the applicant from the requirement that appears in
23 the Conceptual Site Plan. That typically in these
24 circumstances, the applicant goes back and modifies the
25 Conceptual Site Plan, or at least attempts to. Right now

1 staff is recommending the elimination of that requirement,
2 we object to that.

3 James Thomas, a storm water engineer will address
4 the deficiencies in the Storm Water Plan. But I wanted to
5 note a few points. The first is DPIE has submitted no
6 comments to this case. The Staff Report at page 23 confirms
7 that DPIE has submitted no comments. That's contrary to
8 standard practice.

9 It's significant because if we go to the backup
10 and if staff could bring up the backup at page 155 would be
11 helpful, it would streamline my next point, please. In
12 backup page 155.

13 MADAM CHAIR: Is that what you want?

14 MR. NELSON: Yes, could we just blow it up just a
15 little bit?

16 MADAM CHAIR: A little bit more, maybe?

17 MR. NELSON: Yes, just a little.

18 MADAM CHAIR: You have to move it over. Whoops.
19 Okay.

20 MR. NELSON: All right. Thank you. I'm not sure
21 who's doing that work but I appreciate it.

22 MADAM CHAIR: It's --

23 MR. NELSON: I know it's cumbersome, but thank you
24 for doing it.

25 MADAM CHAIR: -- Mr. Flannigan.

1 MR. NELSON: Mr. Flannigan, thank you. I'm
2 looking at the paragraph with the caption storm water
3 management, the second full paragraph. The second sentence
4 of the second full paragraph reads the approved Concept
5 Plan, that's the Storm Water Concept Plan is not consistent
6 with DSP. The locations of many of the micro bioretention
7 areas on the approved Concept Plan are at different
8 locations than what are shown on the TCP2. And then it goes
9 on and then they say the TCP2 must be revised to be
10 consistent with the approved Storm Water Management Concept
11 Plan.

12 So in the Staff Report originally they had a
13 condition, Condition 3, and if we could go to the
14 Applicant's Exhibit 1, please, Condition 3.

15 MADAM CHAIR: Okay. Hold on a second. Okay.

16 MR. NELSON: This is going to be in the
17 supplemental --

18 MADAM CHAIR: Okay. Right.

19 MR. NELSON: -- backup of that.

20 MADAM CHAIR: Okay. I've got too many things
21 here. Okay.

22 MR. NELSON: Mr. Flannigan?

23 MADAM CHAIR: Mr. Flannigan, the Applicant's
24 Exhibit Number 1, which are the proposed conditions, revised
25 conditions. It looks like this with the color. Do you want

1 to see this? Okay. Hold on a second. Okay. Hold on,
2 we're getting it.

3 MR. NELSON: Mr. Flannigan, if you can take us to
4 Condition 3 of the Applicant's --

5 MADAM CHAIR: He's --

6 MR. NELSON: -- revised conditions.

7 MADAM CHAIR: Hold on. Hold on. He's trying to
8 get to it. I gave him my copy, so hold on. It's
9 Applicant's Exhibit Number 1.

10 MR. NELSON: I think it's the additional backup.

11 MADAM CHAIR: Yes. Hold on, it's coming. Yes,
12 that's the problem. If Marie can help, maybe Marie can
13 help. They're trying to pull Applicant's Exhibit Number 1,
14 in the additional backup. It's captioned additional backup.

15 UNIDENTIFIED SPEAKER: (Indiscernible).

16 MR. BOSSI: Madam Chair, that should be at the
17 very beginning of the document that is up and visible on
18 line.

19 MR. NELSON: I think we're looking in the wrong
20 file. This is the additional backup, it's the first exhibit
21 in the additional backup --

22 MADAM CHAIR: I know, I know. I'm telling --

23 MR. NELSON: -- submitted by Mr. Tedesco, I think
24 he called it Exhibit 1.

25 MADAM CHAIR: Right, I'm trying to direct them to

1 it.

2 UNIDENTIFIED SPEAKER: We have everything in one
3 file, we're trying to get --

4 MADAM CHAIR: Yes, everything is in one file
5 they're just trying to get to it. Okay. Just hold on. But
6 you know what, frankly, Mr. Bossi or someone can share their
7 screen and solve this problem.

8 MR. NELSON: I think you're in the wrong file.
9 This is the additional backup that was filed yesterday.

10 UNIDENTIFIED SPEAKER: (Indiscernible).

11 MADAM CHAIR: Not yesterday, they have it but,
12 right there.

13 MR. NELSON: Yes, that's right.

14 MADAM CHAIR: Yes. There we go. Okay. Let me
15 have mine back, please. Thank you. Okay. Thank you. What
16 page do you want, Mr. Nelson?

17 MR. NELSON: (No audible response.)

18 MADAM CHAIR: What page are you looking at? Mr.
19 Nelson?

20 MR. NELSON: (No audible response.)

21 MADAM CHAIR: Can you hear me? He's there.

22 MR. NELSON: Page 4, count the pages.

23 MADAM CHAIR: Page 4. Okay.

24 MR. NELSON: All right. Good, that's it, if you
25 could blow that up please that would be very helpful.

1 MADAM CHAIR: The whole page. Okay. Oh boy.
2 Okay. Does that help? Or do you need --

3 MR. NELSON: I'm trying to get Condition 3 at the
4 bottom of the page.

5 MADAM CHAIR: Okay, 3, scroll --

6 MR. NELSON: Scroll up just a little.

7 MADAM CHAIR: Okay. There we go.

8 MR. NELSON: That's good.

9 MADAM CHAIR: Okay.

10 MR. NELSON: Okay. You'll see in the revised
11 condition the applicant has deleted Condition 3, which was
12 the condition that addressed the point that appears in the
13 Environmental Planning comment in backup page 155. My
14 clients object to the deletion of that condition. That the
15 explanation by the applicant, I believe, was well we
16 addressed that issue in July of 2021, but the Environmental
17 Planning Section is telling us that there's a conflict, so
18 we object to the deletion of that condition.

19 MADAM CHAIR: Okay.

20 MR. NELSON: Thank you, Mr. Flannigan, for doing
21 that. Can the Planning Board hear me adequately?

22 MADAM CHAIR: Yes, we can hear you.

23 MR. NELSON: I can't hear the Planning Board now.

24 MADAM CHAIR: Uh-oh.

25 COMMISSIONER DOERNER: We're on mute.

1 MADAM CHAIR: We hear you, you can't hear us? I
2 guess not. Can you type in --

3 MR. NELSON: I'm fairly sure, but I can't hear the
4 Planning Board.

5 MADAM CHAIR: Ms. Grover, can you hear us?

6 MS. GROVER: Yes, I can.

7 MADAM CHAIR: Okay. Do you have a way to
8 communicate with Mr. Nelson that we can hear --

9 MR. NELSON: I just received a chat message that
10 you can hear me, but I can't hear you, so --

11 MADAM CHAIR: Yes, we're trying to figure out --

12 MR. NELSON: -- I'll proceed if there's a question
13 maybe you can present it on the chat board and I'll try to
14 address it. I don't know what else to do.

15 MADAM CHAIR: Well, wait a minute. Is there a way
16 you can --

17 MR. NELSON: The --

18 MADAM CHAIR: Hold on. Hold on.

19 MR. NELSON: -- with respect to traffic, Larry
20 Green will address the traffic and the theme of his
21 testimony will be the direct access between the road to the
22 parking garage, he'll address that point.

23 MADAM CHAIR: Ask him if he can phone in. Would
24 that help?

25 MR. NELSON: I want to address the woodland

1 conservation issue.

2 MADAM CHAIR: But then he can't see. Okay.

3 COMMISSIONER DOERNER: He can still see, he can
4 just put his video on mute and just phone in and he'll still
5 have all the visual.

6 MADAM CHAIR: Okay.

7 MADAM VICE CHAIR: Because we can hear him.

8 MADAM CHAIR: Yes. Okay. But he can't hear us,
9 in the chat can you ask him to phone in but mute his
10 computer. I just want to make sure that we don't have an
11 interference with two, yes. Write him and say excuse me,
12 Mr. Nelson. Can you all give him the number to call in,
13 just to make sure.

14 UNIDENTIFIED SPEAKER: Yes.

15 MADAM CHAIR: Okay. Tell him to check his e-mail
16 and he call in and still keep the screen up. He's checking
17 his e-mail for the phone number, yes. Tell him we're going
18 to take five minutes while we try to help him through this
19 process. We'll take a five minute recess. Okay. Can
20 someone, I guess I want someone to reach out to him.

21 UNIDENTIFIED FEMALE SPEAKER: Jessica Jones from
22 the Planning Board is on one.

23 MR. NELSON: Macy Nelson. Macy Nelson.

24 UNIDENTIFIED SPEAKER: He's connected now.

25 MR. NELSON: I'm sorry the access code wasn't

1 working for me, will this work?

2 COMMISSIONER DOERNER: We can hear him now, if he
3 can hear us.

4 MADAM CHAIR: But we always could hear him, he
5 couldn't hear us. Okay.

6 MR. NELSON: I just called it and I did the access
7 code, it didn't work, 755-476.

8 (Discussion off the record.)

9 (End of Tape Number 2.)

10 MADAM CHAIR: Some people, let's see if we've got
11 everyone back.

12 COMMISSIONER DOERNER: I don't know what happened
13 but it looks like there's a HD maybe along these video feeds
14 now. It's super sharp.

15 MADAM CHAIR: There's a what?

16 COMMISSIONER DOERNER: It looks like high
17 definition video feed now.

18 MADAM CHAIR: Oh, okay.

19 COMMISSIONER DOERNER: Maybe we just go like
20 fairly good or maybe my glasses are (indiscernible).

21 UNIDENTIFIED MALE SPEAKER: On behalf of myself, I
22 apologize for that, you don't want to see me up close.

23 MADAM CHAIR: But I do like your new glasses,
24 Commissioner Doerner. Okay. Okay. So but --

25 UNIDENTIFIED MALE SPEAKER: (Indiscernible) all

1 the time.

2 MADAM CHAIR: Okay. Unlike for some of us. Okay.
3 So now let's see, okay, where is Mr. Tedesco? Did he come
4 back yet? I just want to make sure we have everyone. Okay.

5 MR. TEDESCO: I'm here, Madam Chair.

6 MADAM CHAIR: Okay. Hold on and where is Mr.
7 Bossi? Do we have you, Mr. Bossi? And Ms. Hruby?

8 MR. BOSSI: Yes, Madam Chair, I'm here.

9 MADAM CHAIR: Okay. And we have your, okay, and
10 Ms. Grover?

11 MS. GROVER: (No audible response.)

12 MADAM CHAIR: We don't have Ms. Grover?

13 MS. GROVER: I'm sorry, it took me a minute to
14 unmute my mic, I'm here.

15 MADAM CHAIR: Okay. Mr. Thomas?

16 MR. THOMAS: Present, Madam Chair.

17 MADAM CHAIR: And Mr. Green?

18 MR. GREEN: Present, Madam Chair.

19 MADAM CHAIR: Okay. So Mr. Grover, I mean Mr.
20 Grover, sorry, Mr. Nelson. I'm sorry. Do you want to
21 proceed in the order in which you would like to go?

22 MR. NELSON: Right, thank you for helping work
23 through that technical issue. I'm not sure what happened
24 but I appreciate --

25 MADAM CHAIR: No problem.

1 MR. NELSON: -- the help from --

2 MADAM CHAIR: No problem.

3 MR. NELSON: -- the technical folks. I believe
4 that the Planning Board heard my argument with respect to
5 the deletion of Condition 3.

6 MADAM CHAIR: We did.

7 MR. NELSON: Okay. Then the next, I wanted to
8 talk, just say that Larry Green will address the traffic
9 issue, which focuses primarily on the access to the parking
10 garage. And I wanted to talk about a substantive issue with
11 respect to woodland conservation.

12 MADAM CHAIR: Okay.

13 MR. NELSON: The Staff Report addresses this topic
14 at page 22, Mr. Bossi addressed in his comments today. And
15 Section 25-122(c) governs what the applicant must prove or
16 the steps the applicant must go through in order to get
17 approval for offsite afforestation or reforestation. And
18 our legal position is that the record lacks any evidence
19 that shows that the applicant was unable to satisfy the
20 requirements by doing the reforestation on site. The law
21 requires them to go through that process to prove it in a
22 way that's analogous to variance or a variation. There's
23 actually no evidence in this record on that subject. So we
24 assert that the Planning Board should not approve the
25 offsite mitigation and as a consequence should not approve

1 the Detailed Site Plan.

2 So for all those reasons we respectfully suggest
3 that the Planning Board disapprove the application for the
4 DSP and at this point I would, with the Board's consent, ask
5 Ruth Grover to address the Board.

6 MADAM CHAIR: Okay. No problem. Ms. Grover?

7 MS. GROVER: Good afternoon --

8 MR. NELSON: So I'm going to take, okay.

9 MS. GROVER: Good afternoon, Madam Chair, members
10 of the Board.

11 MADAM CHAIR: Good afternoon.

12 MS. GROVER: I'm here to present a planning
13 analysis of DSP-20020. The subject plan should not be
14 approved because it doesn't follow the vision or letter of
15 the guiding comprehensive planning documents, implementation
16 tools such as the Zoning Ordinance and the Subdivision
17 Regulations, the tenants of good planning regarding
18 desirable synergy created by a genuine mixed-use
19 development, and the increased safety that comes from
20 following the guidance of current transportation,
21 engineering wisdom.

22 The project also does not comply with all prior
23 conditions of approval and suffers from its phasings where
24 we are asked to trust in future phases of development to
25 bring it into full compliance. While starting with the

1 dense non-contextual for space which stands out in stark
2 contrast to its surrounds, including Franklin Park as
3 illustrated in the fly around that was offered as part of
4 staff's presentation.

5 The basis for our recommendation on this project
6 is more particularly as follows. It's contrary to the
7 tenants of comprehensive planning. Comprehensive planning
8 involves following the guidance of comprehensive planning
9 documents which this project does not. The project is not
10 in conformance with the county's principle planning document
11 Plan Prince George's 2035. The growth and policy map of
12 Plan 2035 shows the subject project in the established
13 communities area classification indicating that over the
14 next 20 years the most appropriate development would be
15 context sensitive infill and low to medium density
16 development. Plan 2035 also recommends maintaining and
17 enhancing existing public services and infrastructure to
18 insure that the needs of existing residents are met.

19 The subject project does not meet this requirement
20 as the residential development proposed for the project is
21 high density, exclusively multifamily development as clearly
22 shown in the fly around. The project is not in conformance
23 with the applicable Sector Plan, the approved Greenbelt
24 Metro Area and Maryland 193 Corridor Plan and Sectional Map
25 Amendment. The Sector Plan on page 103 describes Beltway

1 Plaza as a corridor node, envisioned for phased
2 redevelopment over time. Page 105 of the Sector Plan
3 includes policies and strategies for its redevelopment and
4 specifies that it's to be a mixed-use development and
5 redevelopment.

6 The Sector Plan also includes a comprehensive
7 phasing plan on pages 106 to 108, which includes the vision
8 for the redevelopment including a number of items which have
9 not been included in this DSP. The vision for a vibrant
10 mixed-use landmark where the site is examined
11 comprehensively, the project is not genuinely mixed-use, it
12 is predominately residential with one commercial use, the
13 92-room hotel, which may be deleted from the development if
14 a future market study determines that the state of the
15 market does not support its inclusion.

16 The project relies on future phases of the
17 development to create genuine mixed-use as envisioned by the
18 Sector Plan.

19 That the plan should include a commitment to
20 interconnectedness with adjacent neighborhoods including
21 Franklin Park. The project is largely ensecular (phonetic
22 sp.) from adjacent neighborhoods, including Franklin Park.
23 Coordinated plans which reflect lessons from Historic
24 Greenbelt. Historic Greenbelt is a well-designed mixed-use
25 post-depression town modeled after Ebenezer Howard's Garden

1 Cities of Tomorrow in an effort to create a desirable living
2 environment where people could live, work, shop and have
3 recreational opportunities. The very dense non-contextual
4 single use project presented here does not reflect the
5 lessons learned from Historic Greenbelt.

6 Creating a sense of place. A sense of place is
7 created by fostering a relationship between the people and
8 the spatial environment and it's best accomplished multi-
9 dimensionally and a mixed-use environment add layers of
10 richness to this experience.

11 Focusing on sustainability. It's unclear how this
12 project focuses on sustainability. In fact, the applicant
13 has requested deviations from Development District Standards
14 regarding water efficiency and recharge impervious paving
15 that would promote ground water recharge and reduce storm
16 water runoff quantity and flow rates. Sustainable measures
17 be included in the project and the City of Greenbelt
18 suggested multiple conditions exploring all electric
19 buildings, greening the existing parking lots, running a
20 farmer's market, providing a compost drop-off station in the
21 building in order to make the project more sustainable. And
22 half of Greenbelt's conditions weren't accepted into the
23 recommendation.

24 Providing a mix of uses with ground floor retail,
25 a range of housing types, and public open spaces. There is

1 no genuine mix of uses nor ground floor retail. There is no
2 range of housing types. All included units are multifamily
3 residential.

4 Establishing gateways along Maryland 193 defined
5 with multifamily buildings, multistory buildings, placed
6 close to streets and publically accessible, with special
7 landscaping and signage treatments. Though there are some
8 improvements proposed to the Maryland 193 frontage as part
9 of this project, the comprehensive redesign of Maryland 193,
10 including buildings and special treatments has not been
11 accomplished as part of this phase.

12 Following Development District Standards so as to
13 create both form that is compatible with adjacent Franklin
14 Park and this is from the Sector Plan. The applicant has
15 asked for 13 amendments to Development District Standards in
16 contravention of this guidance allowing very dense
17 residential development which was not the vision of the
18 Sector Plan for the subject location. The contrast was
19 clear in the materials presented by staff.

20 Fostering a vibrant and safe pedestrian oriented
21 environment. The application does not provide sidewalk on
22 both sides of all streets as suggested in the Sector Plan,
23 and is required by Condition 3 of the Conceptual Site Plan.

24 Following a coordinated parking management plan
25 that minimizes the visual impact of surface and garage

1 parking. The visage of the parking was so unsettled that
2 the City of Greenbelt included three recommended conditions
3 to address the issue and staff included a Condition Number 8
4 stating that the applicant shall continue to collaborate
5 with the City of Greenbelt to identify opportunities to
6 soften parking garages further visually in future phases of
7 the project. There were even further modifications today.
8 The problem is, however, that the Detailed Site Plan should
9 conform to the vision of the applicable Sector Plan and the
10 details of the project should be set at the time of approval
11 of the Detailed Site Plan, not a future time.

12 The Sector Plan on page 107 specifies that the
13 first phase would include residential infill and integrated
14 public open spaces constructed in the rear of the property
15 along Breezewood Drive (indiscernible) street, new
16 landscaping, lighting, pedestrian paths, it said should
17 create a welcoming transition to Franklin Park at Greenbelt
18 Station.

19 Line or uses and appropriate buffering should
20 conceal the parking and the Maryland 193 streetscape should
21 be improved with sidewalk, street tress and bicycle
22 facilities. We suggest that the proposed dense multifamily
23 land use as illustrated in the fly around is not the
24 contextual residential infill with mixed-use land use
25 envisioned by the Sector Plan. And that the desired

1 concealment of the parking has not been achieved. There's
2 not even diversity in the types of residential land use.

3 The applicant has requested 13 deviations from
4 Development District Standards. It's our opinion that these
5 requested deviations don't meet the standard for approval in
6 the Zoning Ordinance. It requires an implementation of the
7 Sector Plan that it will not substantially impair its
8 implementation. The requested deviations which staff is
9 supporting, I'm sorry, includes a multiplicity of different
10 requests. Development District Standards are supposed to
11 help guide development to help fulfill the vision of the
12 plan. The sheer number of variations requested as well as
13 the cumulative impact of straying from the originally
14 expressed intent of the plan to correct quality development
15 results in nonconformance with the guidance of the plan.

16 Successful comprehensive planning requires that
17 the development conforms to the requirements of
18 implementation tools such as the Zoning Ordinance, which
19 this project does not. The project is not in conformance
20 with the purposes of the M-U-I District to implement
21 recommendations and approved Master Plan, Sector Plan and
22 encouraging residential and commercial infill development in
23 the areas where properties are already developed to
24 encourage innovation and planning and designing of infill
25 development and to create community environments enhanced by

1 a mix of residential, commercial, recreational, open space,
2 employment and and institutional uses, nor the requirement
3 of having a mix of uses on the site. The land use is
4 predominately residential which may, except for a hotel,
5 which may be dropped from the design program and a small
6 27,000 square foot indoor recreational facility which will
7 be dedicated to the City of Greenbelt. Which while an
8 amenity for city residents doesn't make the project
9 genuinely mixed-use as envisioned by the plans as commonly
10 understood.

11 Successful comprehensive planning requires that
12 development conforms to the requirements of implementation
13 tools such as the Subdivision Ordinance which the project
14 does not. The project should have required a variation at
15 time of Preliminary Plan of Subdivision for the multiple
16 access ease to Greenbelt Road as the project does not
17 conform to 24-121(a) (3) of the Subdivision Regulations.

18 In conclusion, the project does not help fulfill
19 the vision of the applicable planning documents, nor is it
20 in conformance with the requirements of all applicable
21 ordinances, nor does it comport with the accepted principles
22 of traffic engineering, nor does it create the type and
23 density of mixed-use development envisioned in the subject
24 zone and by the applicable plans in the subject location.
25 Therefore, the project should be disapproved.

1 Thank you for your time.

2 MADAM CHAIR: Thank you, Ms. Grover. I'm going to
3 see if the Board has any questions of you at this time.
4 Madam Vice Chair?

5 MADAM VICE CHAIR: No questions, thank you.

6 MADAM CHAIR: Commissioner Doerner?

7 COMMISSIONER DOERNER: No questions, thank you.

8 MADAM CHAIR: Commissioner Geraldo?

9 COMMISSIONER GERALDO: I have no questions. Thank
10 you, Ms. Grover for your presentation.

11 MADAM CHAIR: Okay.

12 MS. GROVER: You're welcome.

13 MADAM CHAIR: Okay. So Mr. Nelson, I think what
14 we'll probably do is keep going with your experts and your
15 presenters and then you may want to sum up and then we'll go
16 back to Mr. Tedesco. And then we'll see if the Board has
17 any questions of anyone before we get back to Mr. Tedesco.
18 Okay.

19 MR. NELSON: (No audible response.)

20 MADAM CHAIR: You're muted. Okay. Hold on a
21 second. Can he unmute? Oh right, he's on a phone. Okay.
22 That's right. Okay. Sorry. Okay. Mr. Grover, you can use
23 your, I mean, I did this again. I'm sorry. So Mr. Nelson,
24 if you can use your phone, do you want to go into your next
25 person?

1 MR. NELSON: Yes, I'm sorry. I thought you heard
2 me. Our next witness is James Thomas, storm water engineer.

3 MADAM CHAIR: Okay. Thank you. Mr. Thomas?
4 Okay.

5 MR. THOMAS: Madam Chair, members of the Board, I
6 appreciate your time. I am James Thomas, a professionally
7 certified engineer licensed in the State of Maryland. I
8 will begin my testimony with a brief synopsis of my
9 educational and professional experience.

10 I am a a civil engineer, I specialize in water
11 resources related to projects, including design and review
12 of contract drawings, including storm water management,
13 erosion sediment control and storm drainage design.

14 My educational background is I have a Bachelors of
15 Science in civil engineering from the University of Maryland
16 College Park. I graduated in the spring of 2014 with a
17 concentration in water resources and a minor in
18 environmental sustainability.

19 My professional background is I have seven years
20 of job experience with Constellation Design Group, since
21 graduating the university and I got my professional
22 engineering licensure on October 2018. So I've been a
23 professionally certified engineer for about three years.

24 As a design consultant, I'm directly involved in
25 securing various storm water management, erosion sediment

1 control and grading permit approvals for various agencies
2 including predominately Maryland State Highway
3 Administration, and securing approvals from both the
4 Maryland Department of the Environment, MDE, and the Plan
5 Review Division from the Maryland State Highway
6 Administration, PRD. And I have various project experience
7 involving Baltimore City, Baltimore County, Frederick,
8 Carroll, Montgomery and Prince George's Counties, involved
9 in small firms. And I also have experience with review of
10 various design manuals including DPIE's Storm Management
11 Manual and MDE and PRD technical guidance, as well as
12 supplemental documentation as well, that were addendums to
13 the design manuals.

14 So moving on, I will get into my testimony here.
15 So the documents that I reviewed was the following. I
16 reviewed documents provided by DPIE on December 21, 2020,
17 involving concept comments that were in response to one of
18 the initial concept submissions by the applicant for storm
19 management approval. As well as draft versions of the
20 concept storm management report, and the draft concept
21 plans. And then in May 25, 2021, I reviewed the approved
22 versions of those documents, including the concept approval
23 letter for storm water management and erosion sediment
24 control from DPIE, the approved site development Concept
25 Plan, the approved storm management report, and the

1 associated administrative documents associated with those.

2 So as a background, I also went in person to the
3 site last week on September 2, 2021 to verify the existing
4 field conditions of the site and the validity of the
5 analysis presented in the concept approval package,
6 submitted and approved by DPIE. And after field walking the
7 perimeter of the site and walking through the various
8 parking lots of the Phase 1 project area, I have confirmed
9 that the existing features shown on the Concept Plans were
10 accurate and representative of the actual field conditions.

11 So basically, getting into it and the applicant,
12 so basically the applicant applied to DPIE the storm water
13 management and erosion sediment control concept approval,
14 which was granted by DPIE on April 27, 2021, as per the
15 concept approval letter that's in the documentation.

16 So that was the application that I will be
17 referencing today in my testimony. So the premise of the
18 application is basically to obtain concept storm water
19 management approval from DPIE for Phase 1 of this project
20 only. So since Phase 1 of the project area has over 5,000
21 square feet within the Phase 1 limit of disturbance, LOD,
22 that is why storm water management concept approval was
23 required and that's the case for the Phase 1 area.

24 The project is redevelopment of an existing
25 shopping center, which will be converted to mixed-use. So I

1 will now reference an exhibit here, if the --

2 MADAM CHAIR: Mr. Flannigan?

3 MR. THOMAS: -- technical --

4 MADAM CHAIR: Mr. Flannigan?

5 MR. THOMAS: I'm sorry?

6 MADAM CHAIR: You want Mr. Flannigan to pull
7 something up for you?

8 MR. THOMAS: Yes, Madam Chair.

9 MADAM CHAIR: What?

10 MR. NELSON: Madam Chair, may I just tell Mr.
11 Flannigan where this is? If he goes to the additional
12 backup at the very end of the backup you'll see two resumes
13 and two Site Plans. It's the Site Plans that the witness
14 wishes to address, it's at the very end of the additional
15 backup.

16 MR. THOMAS: Right. Right, that is correct. So
17 it's on, I believe it's page 129 of the additional backup.

18 MADAM CHAIR: Okay.

19 UNIDENTIFIED SPEAKER: (Sound.)

20 MR. THOMAS: Okay. Thank you very much for
21 pulling that up, so continuing on here. So as you can see
22 in the exhibit shown on this page, this shows the existing
23 condition drainage area map, that also defines the drainage
24 area boundaries shown in color, as well as the point of
25 investigations or POI's of those drainage area boundaries.

1 So the Phase 1 area of the site is covered in POI-1 or
2 drainage area 1, shown in the pink boundary that's dashed on
3 the northern portion of the sheet. Exactly. Exactly. So
4 that this the Phase 1 area in existing condition, the
5 preconstruction condition before the proposed improvements
6 are installed.

7 So in the existing condition the project has --

8 COMMISSIONER GERALDO: Madam Chair?

9 MR. THOMAS: Oh yes, I'm sorry.

10 COMMISSIONER GERALDO: Madam Chair, I'm sorry, Mr.
11 Thomas, can Mr. Flannigan increase the size of that exhibit
12 please? It's difficult to see what --

13 MADAM CHAIR: Okay.

14 COMMISSIONER GERALDO: -- the witness is
15 referencing.

16 MR. THOMAS: Sure.

17 MADAM CHAIR: So just the part in pink, the top
18 part I guess is what we're talking about.

19 COMMISSIONER GERALDO: Okay.

20 MR. THOMAS: Yes. That is correct, Madam Chair.

21 MADAM CHAIR: Okay.

22 MR. THOMAS: The portion in pink is the portion of
23 the exhibit that I would want to focus on.

24 MADAM CHAIR: Is that good right there?

25 MR. THOMAS: That's good.

1 MADAM CHAIR: Okay.

2 MR. THOMAS: That's good and then if you scroll to
3 the left --

4 MADAM CHAIR: It cuts out a little tiny portion.

5 MR. THOMAS: -- you'll see --

6 MADAM CHAIR: Okay.

7 MR. THOMAS: Yes, just scroll to the left further
8 you'll see on the left side of that page the POI-1 location.

9 MADAM CHAIR: Oh I see. Okay.

10 MR. THOMAS: So basically it's at the end of the
11 flow arrows.

12 MADAM CHAIR: (Indiscernible) no, no, yes, right
13 there.

14 MR. THOMAS: Where the flow color ends is the POI
15 location so the flow arrows in black. So basically at the
16 downstream of the flow arrows will be POI-1.

17 MADAM CHAIR: Okay.

18 MR. THOMAS: Okay. So basically POI-1 is
19 identified in the Phase 1 area of the project, and POI-2
20 which is on the southern portion of this exhibit shown in
21 purple, is for the future phase of the project, Phase 2 and
22 beyond. So that's just a background of the existing
23 condition.

24 Let's move onto the second page of the exhibit,
25 please. Yes, exactly, there we go. So this page shows the

1 proposed condition or the post-construction condition. So
2 in this proposed condition a new POI-3 shown in green, is
3 created because 2.10 acres of drainage area is removed from
4 POI-1 in the existing condition and in the post condition
5 it's diverted into the new POI-3, point of investigation
6 number 3. So you notice that 2.1 acres of drainage area was
7 removed from POI-1 and it is now defined as a separate POI-3
8 in the proposed condition. Okay.

9 So this diversion in the proposed condition
10 results in increase and discharge at POI-3 which receives no
11 discharge in the existing condition. So this results in
12 storm water management requirements that are both water
13 quality and quantity requirements. So in terms of water
14 quality requirements, there's a requirement called channel
15 protection volume which is to manage the one year, 24-hour
16 duration design storm for the impervious area in POI-3 in
17 the proposed condition. As well as the 10 and 100 year
18 design storm for storm water management quantity management.
19 And the purpose of these water quality and quantity
20 requirements is such that the discharge of POI-3 returns to
21 the existing condition and in theory does not have an
22 adverse impact to the surrounding community.

23 So in order to manage these requirements, the
24 conditions on the concept approval letter from DPIE dictated
25 for a 121,670 cubic foot underground storage facility to be

1 built in Phase 2 of this project, not Phase 1. So in the
2 concept approval letter, they said as one of their
3 conditions to defer the storm management quality and
4 quantity requirements and deferred them to Phase 2 in the
5 future, and not address them in Phase 1.

6 So in the report the applicant mentions that the
7 environmental site design requirement is not fully managed
8 at POI-3, and that there is still 30 percent of this storage
9 volume that remains unmanaged in Phase 1 because the concept
10 approval letter condition says this management is to be
11 deferred to Phase 2 of this project. The report does not
12 mention, the storm water management report does not mention
13 how this portion will be managed, it only mentions this as a
14 condition in the concept approval letter.

15 So the application and concept approval letter
16 details the conditions for the approval. So I will define
17 several important conditions in the concept approval letter
18 that are relevant to this testimony.

19 So the first one is this project involves
20 redevelopment of an existing developed site. So the site
21 shall be designed to treat for 100 percent of the water
22 quality volume of the impervious area within the proposed
23 disturbed area and 100 percent of the channel protection
24 volume for the new impervious area using environmental site
25 design practices.

1 MADAM CHAIR: Okay. Let me stop you for a second.

2 MR. THOMAS: And so --

3 MADAM CHAIR: Let me stop you, because I'm trying
4 to find --

5 MR. THOMAS: Sure.

6 MADAM CHAIR: -- so you're reading now from the
7 concept approval letter?

8 MR. THOMAS: That is correct, Madam Chair.

9 MADAM CHAIR: Okay. All right, because that would
10 just help. Okay. Thank you. You can keep going then.

11 MR. THOMAS: Okay. Okay. And then another
12 approval condition is that adequacy analysis of the
13 receiving conveyance system is required. So this means that
14 basically the applicant in the storm water management report
15 did not provide the analysis that the downstream storm
16 drain, existing downstream storm drain system from POI's 1
17 and 3, would have sufficient capacity to handle the increase
18 in discharge from the proposed impervious area at the
19 project site.

20 And that is relevant because adequacy now, because
21 it's important that that is checked in order to check that,
22 the downstream storm drain system can handle that increase
23 of discharge from the site.

24 The other condition from the concept approval
25 letter is prior to issuance of site development fine grading

1 permit, which is the approval after the concept approval,
2 the developer must post a cash bond in the amount of
3 \$243,200 for 100 year quantity control storm management fee
4 in lieu. And the 100 year water quantity control of
5 providing 121,670 cubic feet of storage volume for Phase 1
6 will be provided in Phase 2 of this project. So this comes
7 back to the deferring the storm water management
8 requirements to Phase 2.

9 So to put this in perspective here, an Olympic
10 sized swimming pool is approximately 88,000 cubic feet. So
11 this would be equivalent to about 1.4 Olympic size swimming
12 pools of storage volume in this underground storage facility
13 that would be proposed in Phase 2. And to note, it is as of
14 now it is unknown where this underground storage facility
15 will be proposed in Phase 2, as that information was not
16 provided in the Phase 1 submission.

17 For Phase 2 and beyond, construct 10 and 100 year
18 water quantity control via an underground storage facility
19 for the entire site in Phase 2 as shown on the Concept Plan.
20 Once the 10 and 100 year underground storage facility is
21 built, the developer will be eligible for the refund of the
22 cash and bond fee storm water management fee in lieu fee
23 collected during Phase 1.

24 So the importance of this statement is if this
25 underground storage facility is never built in Phase 2, the

1 developer would not be able to refund the \$243,200 fee in
2 lieu amount.

3 So basically our concerns regarding these
4 conditions and this underground storage facility, our
5 concern is that no information was provided in any of the
6 documents provided that were reviewed in terms of how the
7 121,670 cubic feet of required storage volume was derived,
8 or how the storage volume would be managed in Phase 2 of the
9 project.

10 Our other concern is that there is no timeframe
11 provided as to when this quantity management underground
12 storage facility will be managed from Phase 1 to Phase 2 of
13 this project. So what does this mean with respect to the
14 need for storm water management analysis?

15 So basically the applicant is required to address
16 the water quality and quantity requirements outlined in the
17 concept approval letter from DPIE. However, we believe that
18 the considerations concerning providing adequacy analysis of
19 the receiving conveyance system from POI's 1 and 3, as well
20 as providing the design of the underground storage facility
21 to manage the channel protection volume for water quality
22 and the 10 and 100 year design storms for water quantity
23 management at POI-3 is needed in Phase 1 of this project,
24 and should not be deferred to Phase 2, to address potential
25 flooding concerns at POI-3, because between Phase 1 and 2 of

1 the project, it is unknown what, if this will be several
2 years or what the timeframe would be between Phases 1 and 2.
3 So there could be a potential flooding concern there,
4 potentially.

5 So what regulations (indiscernible).

6 MADAM CHAIR: So I guess I'm trying to figure out,
7 I want you to start, you know, wrapping up at some point,
8 you know, say what you need to say, I'm not prohibiting you
9 from doing that.

10 MR. THOMAS: Right. Right.

11 MADAM CHAIR: Because I want to be able to address
12 this because you know they do have a concept plan approval
13 and I'm just trying to figure out where that leaves us
14 legally. Okay.

15 MR. THOMAS: Right, right.

16 MADAM CHAIR: Okay.

17 MR. THOMAS: So I will be concise in the rest of
18 my testimony and go through my points.

19 MADAM CHAIR: Okay.

20 MR. THOMAS: Okay. Understood, Madam Chair. So
21 DPIE was required to verify the premise of this application
22 by both complying with the design criteria outlined in their
23 Storm Water Management Design Manual as well as ID Manual.
24 So basically, at POI-3 where the impervious increases from
25 existing conditions, this condition is currently not met.

1 Because the report does not mention how the channel
2 protection volume for water quality management at POI-3 will
3 be managed, and then concerning the water quantity
4 management component, Section 9.6.4 of DPIE's Storm Water
5 Management Design Manual for extreme 100 year sizing states
6 the following. If 100 year control is required for
7 approval, which in this case it is, then the structural
8 storm water management best management practice must provide
9 computations for the water quantity control facility
10 proposed in the report. But none of these, no computations
11 or plan layout of this underground storage facility was
12 provided in the submittal for Phase 1.

13 So our opinion is, no, we believe that DPIE should
14 not have approved this application. We believe that the
15 concerns outlined in this testimony should have been
16 resolved, first prior to granting concept approval. So --

17 MADAM CHAIR: But they did.

18 MR. THOMAS: -- basically the storm management, oh
19 go ahead.

20 MADAM CHAIR: Okay. Go ahead.

21 MR. THOMAS: Oh sorry. Okay.

22 MADAM CHAIR: I know you're saying that you don't
23 believe --

24 MR. THOMAS: So basically --

25 MADAM CHAIR: -- they should have, but they did.

1 So we --

2 MR. THOMAS: So --

3 MADAM CHAIR: Okay.

4 MR. THOMAS: -- basically what we're presenting
5 here is that there's these several considerations that we
6 believe should be taken into account prior to DPIE issuing
7 concept approval.

8 MADAM CHAIR: Okay. So they don't tell us about
9 what to approve with a subdivision and we don't tell them
10 what to do in terms of approving a Storm Water Management
11 Concept Plan. What we have is their approval and I'm just
12 trying to figure out, we're not going to second guess their
13 approval.

14 MR. THOMAS: I'm not --

15 MR. NELSON: Madam Chair, Macy Nelson for the
16 citizens. I think it's a legal question as opposed to an
17 engineering question, which I'm prepared to address at the
18 appropriate time. But I believe, I understand the Chair's
19 question because you've made the point before and I think it
20 goes to a legal issue, not an engineering issue.

21 MADAM CHAIR: Okay.

22 MR. THOMAS: So I will now go, with your
23 permission, Madam Chair, I will now go into my summary.

24 MADAM CHAIR: Okay.

25 MR. THOMAS: Okay. So do we feel that delaying

1 installation of the quantity management facility will have a
2 negative impact to the adjacent community and POI-3? So we
3 believe that if the outfall and downstream storm drain
4 system from POI-3 which is receiving this additional 2.1
5 acres of drainage area in the post development condition is
6 separate from POI-1, then yes, we believe that delaying
7 installation of the quantity storm management facility would
8 have a negative impact to the adjacent community. Existing
9 drainage structures along the downstream storm drain system
10 could potentially surcharge if its capacity is exceeded due
11 to the additional flow being conveyed into POI-3 in the post
12 development condition.

13 The surcharge of the existing system could result
14 in downstream flooding depending on the results of the
15 analysis of the adequacy of the receiving conveyance system.
16 If POI's Number 1 and 3 share the same downstream storm
17 drain system and are connected, then we believe that the
18 impact of delaying installation of the storage facility
19 would depend on the results of the adequacy analysis. So it
20 would be a little bit more complex.

21 Since this analysis has not been provided it is
22 unclear whether the Phase 1 improvements would result or
23 would not result in downstream flooding. We believe this
24 uncertainty is an issue and the project should not move
25 forward without verifying this.

1 MADAM CHAIR: Okay. You see, oh go ahead.

2 MR. THOMAS: So --

3 MADAM CHAIR: Okay.

4 MR. THOMAS: Yes, so basically in summary, we
5 believe that that DPIE should consider providing information
6 as to how the channel protection volume component of the
7 required at POI-3 and Phase 1 of the project is to be
8 managed. Applicant should provide the adequacy analysis of
9 downstream storm drain system to check for sufficient
10 capacity of increased flow at POI-3. Applicant should
11 provide backup information as to how the 121,670 cubic feet
12 will be provided in Phase 2. Applicant addressing the
13 regulatory water quality and quantity requirements at POI-3
14 via providing the underground storage facility design and
15 layout in Phase 1, to provide that, and we believe that it
16 would be a better approach to build the underground storage
17 facility in Phase 1 of the project to satisfy the remaining
18 storm management requirements that still need to be
19 addressed at POI-3 rather than deferring to Phase 2 of the
20 project to address.

21 That concludes my testimony, thank you.

22 MADAM CHAIR: Thank you. I'm going to see, Mr.
23 Thomas, if there are any questions for you. Madam Vice
24 Chair?

25 MADAM VICE CHAIR: No questions, thank you.

1 MADAM CHAIR: Okay. Commissioner Doerner?

2 COMMISSIONER DOERNER: No questions. I would like
3 to hear from staff later on in terms of the storm water
4 management requirement.

5 MADAM CHAIR: I intend to get to that and legal as
6 well on that. Okay. Commissioner Geraldo?

7 COMMISSIONER GERALDO: Yes, my question is so
8 you're the expert, you're a civil engineer, you have issues
9 with the Storm Water Management Plan. What would be your
10 solution to get this project built?

11 MR. THOMAS: If I were the designer of the project
12 I would, in my professional opinion, would have the
13 underground storage facility installed in Phase 1 rather
14 than defer it to Phase 2. And I would also provide the
15 adequacy analysis of the existing downstream storage
16 system. That is a vital component to understanding if
17 there's potential for downstream flooding issues or not.

18 COMMISSIONER GERALDO: Okay. Thank you.

19 MADAM CHAIR: Okay. Okay. All right. Okay. Let
20 me see where we are with your experts.

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 MADAM CHAIR: Hold on a second, so my next
23 question is do you want to put Mr. Green and then we can --

24 MR. NELSON: Yes, I think that would be
25 appropriate. He'll be quite brief, I believe, so yes.

1 MADAM CHAIR: Okay. Okay. And then we're going
2 to have --

3 MR. NELSON: Mr. Green?

4 MADAM CHAIR: -- and then we'll have our folks
5 respond to some of these things and also Mr. Tedesco too.
6 Okay.

7 MR. GREEN: Good afternoon, Madam Chair. For the
8 record, my name is Lawrence Green, and I'm a registered
9 professional engineer and a certified professional operation
10 (indiscernible) the proposed Site Plan includes two direct
11 access driveways to Breezewood Drive from large parking
12 garages.

13 The normally required access design to parking
14 garages would be to provide access only to the internal
15 roadways on site so that the number of driveways to the
16 public street network are minimized. However, due to the
17 large size of this development the site designer had to
18 apply for a waiver to create more driveway connections to
19 the public street network. The direct access to parking
20 garage number 3 on Breezewood Drive, which is located
21 approximately 250 feet from the Cherrywood Lane section on
22 the northwestern portion of the property. A total of 370
23 westbound Breezewood Drive vehicles will stop at this
24 Cherrywood Lane, Breezewood Drive intersection and it's
25 single lane during the a.m. peak hour.

1 I'm concerned that the proposed driveway serving
2 garage number 3 will be blocked by the traffic from
3 Cherrywood Lane. A total of 107 a.m. peak hour site
4 vehicles are projected to exit garage number 3 and turn left
5 onto Breezewood Drive towards Cherrywood Lane. Cuing back
6 into garage number 3 as well as undesirable left turn
7 movements into (indiscernible) traffic is possible due to
8 this proposed access point on Breezewood Drive.

9 In conclusion, due to the significant size of this
10 proposed development, the applicant needs to achieve design
11 waivers to accommodate the project, at the expense of
12 undesirable traffic conditions. Thank you.

13 MADAM CHAIR: Okay. Are there any questions,
14 Madam Vice Chair?

15 MADAM VICE CHAIR: No questions, thank you.

16 MADAM CHAIR: Okay. Commissioner Doerner?

17 COMMISSIONER DOERNER: No questions, thank you.

18 MADAM CHAIR: Okay. And then Commissioner
19 Geraldo?

20 COMMISSIONER GERALDO: No questions, Madam Chair.

21 MADAM CHAIR: Okay. I can see the way this is
22 going, it may not be immediate unless some Board member
23 raises their hands or so indicates, but at some point we'll
24 have to take a nature break, you know as this continues on.
25 Okay. So the next thing is, if that concludes your folks,

1 Mr. Nelson, do you want to make your legal argument and then
2 we'd like for our folks to address the storm water
3 management, I'd like to hear from Mr. Warner in our legal
4 department and was it Mr. Juba who was trying to get on to
5 respond as well?

6 UNIDENTIFIED SPEAKER: (Sound.)

7 UNIDENTIFIED SPEAKER: Madam Chair.

8 MADAM CHAIR: I couldn't hear who that was.

9 MR. HUNT: Madam Chair, this is James Hunt, yes,
10 Marc Juba was going to respond to the storm water management
11 question.

12 MADAM CHAIR: Okay. Well, why don't we do that at
13 this point then? Unless, you know what, let me just check
14 with Mr. Nelson first and make sure, because this is still
15 his opposition portion of the presentation today. So let me
16 check with Mr. Nelson first.

17 MR. NELSON: I have no additional witnesses. At
18 the appropriate time I'd like two or three minutes to
19 summarize our points, but I don't have strong views as to
20 when I do that.

21 MADAM CHAIR: Okay. All right. Well, Mr. Juba,
22 why don't you go forward then? Okay.

23 MR. JUBA: Hi Madam Chair and members of the
24 Board. This is Marc Juba with Environmental Planning
25 Section for the record. With regards to the storm water

1 management concept that was submitted, it's a concept, it's
2 not the final site design plan. A lot of the concerns that
3 the applicant's, I guess it was (indiscernible) would be
4 addressed at time of the Final Site Plan by DPIE, and I
5 would advise them to reach out to DPIE regarding their
6 concerns. Because these sorts of issues are not really
7 dealt with by us, we don't have authority over that.

8 MADAM CHAIR: Did we lose him? Mr. Juba?

9 MR. JUBA: Can you hear me now?

10 MADAM CHAIR: Yes, we can hear you now.

11 MR. JUBA: Can you hear me?

12 MADAM CHAIR: Yes.

13 MADAM VICE CHAIR: Yes.

14 MADAM CHAIR: Yes.

15 MR. JUBA: Can you hear me now?

16 MADAM CHAIR: Yes. Maybe he can't hear us. Mr.

17 Juba, can you hear --

18 MR. JUBA: Can you hear me now? Okay. Yes, I can
19 hear you, Madam Chair.

20 MADAM CHAIR: Okay. So we can hear you --

21 MR. JUBA: Did you hear anything I said or do I
22 need to repeat?

23 MADAM CHAIR: Well, we don't know, you just kind
24 of stopped abruptly, so I don't know what else you might
25 have added towards the end.

1 MR. JUBA: Oh, okay.

2 MADAM CHAIR: Maybe you're delayed.

3 MR. JUBA: Basically what I was trying to get at
4 is that DPIE ultimately has the authority of vetting the
5 storm water management on site, and they will do so at the
6 time of final concept. What's been submitted is just like,
7 well a concept we have available right now. And on the plan
8 I also do want to state that in Phase 2 it is shown that
9 they're going to have an underground storage facility that
10 will be placed on the western portion of the site. So they
11 will be addressing that at that time.

12 But with regards to any issues with additional
13 water going off site during Phase 1, I would recommend going
14 to the District Engineer within the Site Road Division and
15 bring up those concerns.

16 MADAM CHAIR: Okay. And then I'm going to, well,
17 Mr. Nelson has some legal arguments, so we'll hear those as
18 well on the storm water management. Mr. Lenhart, you can
19 address the transportation issue and then we'll need Mr.
20 Bossi to address and Mr. Tedesco will have to address a lot
21 of these things that were raised about the fact that the
22 sustainability issues, the no mix of uses, you know
23 residential except for the hotel, no range of housing types,
24 not safe pedestrian environment, the parking garage, the
25 applicant working with the City of Greenbelt but we wouldn't

1 know all of the improvements at this Detailed Site Plan
2 stage, so those kinds of things. So I guess right now let
3 me see Mr. Tedesco.

4 MR. TEDESCO: I'm here, Madam Chair.

5 MADAM CHAIR: Okay. Mr. Tedesco, are you ready to
6 address some of the issues that were raised with your team?

7 MR. TEDESCO: I'd prefer for Mr. Nelson to
8 conclude so that I can move into rebuttal.

9 MADAM CHAIR: Okay. All right. So he's pretty
10 much concluded except he has a legal argument. All right.
11 Mr. Nelson, let's go with your legal argument.

12 MR. NELSON: All right. Thank you. I understand
13 the Planning Board to be asking the question, well what
14 authority do we in this hearing to revisit what DPIE did
15 when they approved the concept storm water plan approval.
16 And I believe the Planning Board has the authority to do
17 that and should do that and just as an exercise, I reviewed
18 the Staff Report and I reviewed all the backup material and
19 I just put in a word search for storm water. And the record
20 in this case is replete with instances of the staff relying
21 on what the applicant has said to say there will be no
22 adverse storm water impacts.

23 And the point of Mr. Thomas' work and the point of
24 his testimony is to show that there were deficiencies in the
25 storm water plan and indeed we've appealed that DPIE plan.

1 But we believe that you have the authority to vet it and ask
2 yourself whether it achieves the purposes in the context of
3 the applicable required findings. So we think you have that
4 authority. In the past you've told me you've ruled that you
5 don't, we assert that you have that authority and we think
6 you should exercise it.

7 MADAM CHAIR: Mister --

8 MR. NELSON: And we believe --

9 MADAM CHAIR: Go ahead. I have a question for you
10 when you're done though.

11 MR. NELSON: Yes, I didn't want to speak over you.
12 We believe that the Planning Board should consider these
13 issues, that staff has already considered the issues and
14 we're presenting a contrary view, which we think has merit.
15 Thank you.

16 MADAM CHAIR: Thank you. So you know sometimes we
17 have to, we send out lots of referrals, as you know, and
18 sometimes and the applicant has to consult with other
19 entities too. And so sometimes we hear from the State
20 Highway Administration and they may say something is, these
21 are the transportation improvements that are needed and
22 that's it, you know. And so then my question is do we then
23 second guess the State Highway Administration? Do we second
24 guess Public Works and Transportation? Sometimes the
25 Council may make a zoning decision that we may have

1 recommended against and then sometimes citizens will come
2 before us and say you know what we disagree with that zoning
3 opinion, so should we then go back to the Council and say
4 okay we question how you did that? You know, I mean where
5 does it stop? We rely on the professionalism and the
6 expertise of other entities, because we don't have the
7 expertise in every conceivable area. So where does that
8 stop? Do we have the right to question SHA if they make an
9 approval? Do we have the right to disagree with, you know,
10 like SHA or Army Corps of Engineers regarding the soils? Do
11 we have the right to disagree with the Council on the zoning
12 that they've implemented? I mean where does it stop?

13 MR. NELSON: Well what I would do is I would say
14 well we've got to look at the required findings that govern
15 the Planning Board's analysis and if one of the required
16 findings is broad enough to encompass storm water and if
17 your staff makes comments on the storm water as your staff
18 has done, I think you have the authority to look at it.

19 If it's clear that the applicable required
20 findings don't encompass these issues, I would say you don't
21 have the authority to look at it. I believe that if we put
22 on a piece of paper all the required findings that staff
23 considered and the Planning Board will consider, you'll see
24 that there are required findings that are broad enough to
25 include these issues. That's my core point.

1 MADAM CHAIR: Okay.

2 MR. NELSON: But you know I understand your
3 argument. You know we've been through it before, I
4 understand it, I just didn't agree with it and I believe you
5 have the authority to do it. And one of the reasons is you
6 know everyone talks about DPIE as being a panacea, well, I'm
7 probably the only person in this room who has done PIA
8 request to DPIE. Getting information out of DPIE is next to
9 impossible.

10 MADAM CHAIR: Yes, you've mentioned that before in
11 other cases, I remember that. And also I don't know that I
12 consider them a panacea but I do, I mean they have a certain
13 area of expertise as do many other entities. So anyway,
14 thank you for that and I'm going to turn to Mr. Tedesco at
15 this point.

16 MR. TEDESCO: Thank you, Madam Chair. I'll try to
17 be brief. I will need to call two witnesses to rebut two of
18 Mr. Nelson's witnesses, Mr. Jason Staley and Mr. Mike
19 Lenhart in response to those items. So I'll do that and
20 then I'll conclude with responding, I guess to Ms. Grover's
21 comment.

22 First and foremost I want to echo what Mr. Juba
23 said in response to Mr. Thomas' testimony. We heard a lot
24 from him and I appreciate his testimony and him going
25 through everything and Mr. Staley from Rodgers Consulting,

1 who is a professional engineer that prepared the Storm Water
2 Concept Plan has been working diligently with DPIE can shed
3 some light on a few things.

4 Although I do want to say I think it's misplaced.
5 I do not believe the Board has any authority to question and
6 or change any decisions or render any decisions based upon
7 the fact that the concept approval has conditions imposed by
8 DPIE. The requirement is that there be a Site Development
9 Concept Plan approved. That is the requirement of you to
10 make sure that that's been done and that's been done. It
11 was approved in April, it's good until 2024. If there are
12 issues with that approval there is a separate venue and
13 process and Mr. Nelson indicated he is availing himself of
14 to file an appeal to the Board of Appeals and or, I think
15 he's filed both appeal to the Board of Appeals as well as a
16 petition for judicial review against the county with respect
17 to its approval. That has nothing to do with this hearing
18 or this Detailed Site Plan inasmuch as those are two
19 separate approving documents under two separate authorities,
20 two separate codes and manuals.

21 I'm going to call Jason Staley to actually take
22 over my seat because he's in the conference room with us and
23 I'm going to allow him and I've instructed him to be very
24 brief on just responding to a couple of things. Because I
25 think there was some red herrings that were thrown out

1 there, some buzz words to maybe --

2 MADAM CHAIR: Yes.

3 MR. TEDESCO: -- some scare tactics of the Board
4 to win favor in some way. But notwithstanding that, Mr.
5 Staley will clarify those things as well as I just want to
6 go on record by saying I disagree legally and certainly Mr.
7 Warner can provide his legal comments, that you have any
8 authority beyond what you know your authority is under this
9 Detailed Site Plan with respect to the storm water. So then
10 I'm going to have Jason join me on the camera, if that's
11 okay?

12 MADAM CHAIR: Okay. That's fine.

13 MR. STALEY: Madam Chair, members of the Board,
14 good afternoon and thank you for allowing me the opportunity
15 to provide some responses to some of the questions or issues
16 that were raised with respect to storm water management.

17 Just by way of background, I'm with Rodgers
18 Consulting as a professional engineer who did prepare the
19 plans for the storm water concept, 14 years in industry,
20 I've been a professional engineer since 2011 and wanted to
21 address some of the comments that were raised by Mr. Thomas
22 and will do so now.

23 With respect to POI-3 that's highlighted in green
24 there, the conditions that are clearly outlined on the storm
25 water management approval letter do require that we provide

1 downstream adequacy analysis for all the receiving storm
2 drainage, which we are committed to do, we are required to
3 do and will be doing so with our final engineering plans,
4 which we are preparing currently. Any deficiencies that
5 will arise from those final calculations or investigations,
6 we will appropriately mitigate for and ensure that we are
7 not causing any downstream flooding issues. And that has
8 been made very clear to us by DPIE, you know it's something
9 that we absolutely worked together with collaboratively with
10 them for the many months that it took to get the storm water
11 concept approved that you have here before you.

12 I will just note that the exhibits that were
13 presented here today are not representative of the approved
14 storm water concept set, so those are not part of that
15 approval. But just want to continue with some of the
16 responses to the comments.

17 With respect to the water quality, this site is
18 considered redevelopment, the majority if, and most if not
19 all of the area for Phase 1 is majority impervious area that
20 has no storm water controls to date. And through the use of
21 the numerous micro bioretention facilities, whether surface
22 or planter boxes that surround the proposed buildings that
23 we're proposing, all adequately provide water quality or
24 what's referred to as ESD to the MEP, and that was vetted
25 and agreed to again with DPIE through our many months of

1 working with them and their review staff to get this to
2 where it is today.

3 I will also note that part of that impervious
4 area, we are reducing almost over an acre of impervious
5 area, again taking away a lot of the impervious area and
6 then managing what would be left through the use of water
7 quality devices such as micro bioretention facilities.

8 With respect to the quantity control computations,
9 we did prepare those, we have those approved. They are part
10 of the approved case and if they were not provided to Mr.
11 Thomas, I'm not sure where the disconnect was there, but we
12 do have those computations approved, which establish the
13 120,000 cubic feet of storage that's required for Phase 2
14 development, and will be included in the underground storage
15 facility as part of Phase 2.

16 In terms of why how that ended up in Phase 2, was
17 really a function of a lot of the existing site constraints
18 in Phase 1, where in Phase 2 we'll have more of an area to
19 provide the large facility that's really required to provide
20 that volume. And again, working with DPIE staff, you know,
21 we collectively found a spot in Phase 2 that would alleviate
22 those concerns and provide adequate space to install an
23 underground facility.

24 With that, I'll kind of just wrap up, but you know
25 happy to answer questions, you know if you have any or at

1 this point I'll turn it back to Matt and go from there.

2 Thank you.

3 MADAM CHAIR: Okay. So let's see if the Board has
4 any questions of you. Okay. Madam Vice Chair, questions of
5 Mr. Staley?

6 MADAM VICE CHAIR: No questions at this time,
7 thank you.

8 MADAM CHAIR: Commissioner Doerner?

9 COMMISSIONER DOERNER: Just a quick question.
10 Where is the underwater storm facility going to be located
11 exactly in here?

12 MR. STALEY: It'd be towards the western middle
13 part of the site, currently where the Giant sits today.

14 COMMISSIONER DOERNER: Okay.

15 MR. STALEY: It's along the dashed line where the
16 blue and the pink are kind of separated, but in the middle
17 portion there, right where the cursor is.

18 COMMISSIONER DOERNER: Is the Giant going away? I
19 thought the majority of the mall was going to stay?

20 MR. STALEY: In front, it would be in front of the
21 Giant, excuse me.

22 COMMISSIONER DOERNER: Okay. Thank you.

23 MADAM CHAIR: Okay. Commissioner Geraldo?

24 COMMISSIONER GERALDO: No questions, Madam Chair.

25 MADAM CHAIR: Okay. Thank you. Mr. Tedesco?

1 MR. STALEY: Thank you.

2 MR. TEDESCO: Thank you, Jason. The only other
3 thing I wanted to highlight in further support of Jason's
4 testimony is just there was a reference to a fee in lieu,
5 that was factually incorrect. What was required by DPIE and
6 its provided quite clearly in the concept approval letter is
7 a cash bond with respect to Phase 1. So I just wanted to
8 make that clarification. Turning to --

9 MADAM CHAIR: Mr. Lenhart?

10 MR. TEDESCO: -- Mr. Green's testimony I'd like to
11 have Mr. Lenhart address that. I do want to, again you'll
12 probably hear this a couple of times from me. The last time
13 I checked on the agenda today for this case it was a
14 Detailed Site Plan.

15 MADAM CHAIR: Correct.

16 MR. TEDESCO: We're here on a Detailed Site Plan,
17 we're not here on an appeal of a storm water concept
18 approval. We're not here on a special exception, and we're
19 certainly not here on a Preliminary Plan of Subdivision,
20 which that was a six hour hearing back in February of 2020.
21 But with that, I'll turn to Mr. Lenhart.

22 MADAM CHAIR: Okay. Thank you.

23 MR. LENHART: Good afternoon, for the record,
24 Michael Lenhart with Lenhart Traffic Consulting. I took a
25 few notes and I'd just like to briefly touch on a few

1 things.

2 MADAM CHAIR: And we do want to, you know we do
3 consider access and traffic circulation, but we're done with
4 APF.

5 MR. LENHART: Yes.

6 MADAM CHAIR: Because that was a Preliminary Plan
7 issue. So but site plans --

8 MR. LENHART: Yes.

9 MADAM CHAIR: -- we do consider a little bit, so
10 let's figure out, respond accordingly. Thank you.

11 MR. LENHART: Yes, thank you. And so Mr. Green
12 did refer to some traffic conditions at Breezewood and
13 Cherrywood, and I believe that would be considered an
14 offsite issue. I think he did try to wrap that into
15 consideration of where the driveway access is provided,
16 however, I would point out that if you look at an aerial
17 photo or look at the plan, you can see that starting from
18 Cherrywood Lane and heading east along Breezewood, there's a
19 gas station driveway that's about 110 feet east of the
20 center line of the Cherrywood. There's a driveway on the
21 north side of Breezewood and to the existing apartment
22 complex that's about 230 feet from the center line of
23 Cherrywood, both of those are closer, much closer than our
24 proposed than our proposed driveway into the garage which is
25 360 feet, approximately, from the center line of Cherrywood.

1 I would point out that that 360 feet exceeds typical corner
2 clearance guidelines, even along state roadways, it's a
3 fairly significant clearance for a driveway. Site distance
4 was evaluated at our driveway access point and site distance
5 is more than adequate.

6 And I would point out that also there are two
7 driveways proposed along the south side of Cherrywood and it
8 relates to garage access, I'm sorry, south side of
9 Breezewood. If you look along the north side of Breezewood
10 to the existing apartment community, there are eight to 10
11 driveways along Breezewood, you know, I think it can be
12 shown by our plan that we are two driveway access points to
13 the garages. More than make a strong attempt to try to
14 consolidate entrance points, reduce access on Breezewood by
15 consolidating them into those two garage driveways.

16 And finally, I'd like to just offer that Mr. Green
17 offered a lot of opinions and suppositions. But I didn't
18 hear any evidence, an analyses, or other that would indicate
19 that there are any issues or problems or concerns with the
20 plan as shown.

21 MADAM CHAIR: Okay.

22 MR. LENHART: And so --

23 MADAM CHAIR: Okay. Thank you.

24 UNIDENTIFIED SPEAKER: (Sound.)

25 MADAM CHAIR: Okay. Mr. Tedesco?

1 MR. TEDESCO: Thank you, Madam Chair, and I would
2 just elaborate on Mr. Lenhart's testimony that we did, at
3 the request of the city, do a clearance study with respect
4 to that access point, which was deemed satisfactory.

5 Also as Phase 1 is consistent with the Preliminary
6 Plan of Subdivision with respect to 750 units was provided
7 for in the Preliminary Plan for Phase 1, 750 units are
8 proposed in this Detailed Site Plan. And at that time, all
9 adequacy of Breezewood Drive and Cherrywood and the
10 intersections passed all adequacy analyses. Although that's
11 not germane to this Detailed Site Plan, I think it is
12 responsive to Mr. Green's testimony.

13 MADAM CHAIR: Thank you.

14 MR. TEDESCO: And finally, I know Ms. Grover
15 testified to a number of things. I would respectfully
16 basically respond to Ms. Grover's testimony by saying it was
17 98 percent of it was somewhat irrelevant to the application
18 that's before you. There was a lot of testimony with
19 respect to conformity to Plan 2035, conformity to the Sector
20 Plan and Master Plan. Again, conformity I looked, believe
21 it or not I've had time today, I looked under Section 27-
22 285(b) for the required findings that the Board has to make
23 today, and I couldn't find any of that in there. So I would
24 humbly respectfully contend that the vast majority of that
25 testimony is irrelevant.

1 That being said, allow me to kind of paint a
2 different picture, if you would. In 2013 when this Sector
3 Plan was adopted, recommended for adoption by this Board and
4 ultimately adopted by the County Council, it did implement a
5 Development District Overlay Zone for development standards
6 to implement the Sector Plan, not necessarily conform,
7 there's a difference between implementation and conformity,
8 to implement the Sector Plan.

9 However, the County Council in Section 27-
10 548.25(c) allows this Board discretion to deviate from the
11 Development District Standards if the alternate Development
12 District Standards benefit the development and the
13 development district and will not substantially impair the
14 implementation. Most, if not all of Ms. Grover's testimony
15 dealt with conformity to the Master Plan or conformity to
16 Plan 2035. She threw in the word implement towards the end
17 with respect to the Development District Standards but
18 offered no actual substantive evidence with respect to how
19 it substantially impairs the implementation. I would
20 contend as it's provided in our statement of justification
21 that these cases must be looked at on a case by case basis.
22 There's not a one size fits all, which is precisely why some
23 of the Development District Standards are called out by the
24 word should. Some have shall. The Zoning Ordinance allows
25 for modifications for them pursuant to the section that I

1 just read.

2 This case is a very complicated case. There's a
3 reason among many why this site hasn't yet redeveloped, and
4 particularly the reason is because of the fact that it's
5 over 800,000 leasable square foot interior mall surrounded
6 by surface parking with various obligations for parking,
7 leases, et cetera. It's not a vacant site where we can just
8 kind of mix and match and put everything into a nice square
9 box. We've got to contend with a lot of different things.
10 So this is a multi-phase infill redevelopment of a large
11 existing operational mall. It is not the case where the
12 property is vacant and conformance to all of the Development
13 District Standards from a ground up perspective exists, or
14 even possible.

15 There must be a balancing. This whole case is
16 about balancing. There must be a balancing and the
17 applicant must work within the limitations of the existing
18 development property while also maintaining the operational
19 and functional components of the mall facility and its
20 tenants.

21 For that reason, the Zoning Ordinance provides the
22 flexibility and allows the Planning Board to apply modified
23 Development District Standards, and that's articulated quite
24 detailed in our statement of justification.

25 The other point that I want to make is Ms. Grover

1 made a comment about not having any, this not being a mixed-
2 use project, yet Mr. Thomas testified that this will be
3 converted to a mixed-use project. So both Mr. Nelson's
4 witnesses contradict each other, one says it's not a mixed-
5 use project the other one says it is a mixed-use project.

6 It is a mixed-use project, it's a mixed-use
7 project as envisioned by the 2013 Sector Plan which
8 uniquely, I think this is a critical fact, uniquely required
9 a Conceptual Site Plan for the redevelopment of the Beltway
10 Plaza Mall and the Beltway Plaza Focus Area, because of the
11 complexity associated with the redevelopment such as this.
12 The CSP covers and required the overall phasing of five
13 different phases, for which we are in the first phase.
14 Residential uses are proposed, the hotel is proposed, and
15 25,000, or excuse me, Ms. Hruby would slap my hand, 27,000
16 square feet of community recreational space is proposed.

17 In addition, you can't ignore the fact that it's
18 all on the same property covered by the CSP, which has over
19 800,000 gross leasable area of various retailers. If this
20 isn't mixed-use I don't know what mixed-use is.

21 There was testimony about the development not
22 being consistent with the vision of the Sector Plan. I
23 would cite you to, I think it's page 105 or 106 of the
24 Sector Plan which shows graphically, I'm sorry, excuse me,
25 strike that, page 107 of the Sector Plan which shows

1 graphically the Sector Plan's vision of the phasing of this
2 overall project. And if you look at Phase 1, it very
3 clearly shows three multifamily buildings.

4 Finally, you heard some testimony with respect to
5 the over densification of this property. So the Conceptual
6 Site Plan provided for 2,500 residential units as well as
7 commercial retail. The Preliminary Plan of Subdivision was
8 tested for 25,000 residential units. We're in Phase 1 which
9 is 750, which is about 30 percent of the overall, entirely
10 consistent with the prior approvals of this body.

11 There was testimony with respect to how this
12 impedes or negatively impacts --

13 MADAM CHAIR: Okay.

14 MR. TEDESCO: -- the project to the north. If
15 anything, the project to the north negatively impacts this
16 project, since there's been no actual investment made in
17 that property in decades. But that being the case I will
18 say that the Sector Plan and the Development District
19 Standards that the opposition so desperately wants us to
20 adhere to every single of them, allows for six stories
21 building height within this focus area. These buildings are
22 at five stories and one instance, six stories, because of
23 grade, but predominately five stories in height, below the
24 maximum allowed by the Sector Plan. So I don't see how you
25 can convincingly persuasively make an argument that this is

1 overbearing to the existing residents when the Sector Plan
2 itself allows for six stories.

3 I don't think I need to tell anybody on the Board
4 or on this hearing that Franklin Park, formerly known as
5 Spring Hill Lake, existed in 2013. So when all of these
6 development, when the Development District Standards with
7 respect to locating the buildings and build to line which
8 I'm going to get to, the building heights, knew exactly what
9 was in the existing development in that area.

10 Interestingly enough, there is an argument that
11 this is overpowering and overbearing and that over
12 densification, yet we've asked for modifications to move the
13 buildings away from Breezewood, i.e., further away from
14 Franklin Park to accommodate a triangular linear park and
15 the tiered park, as well as a 10-foot wide side path
16 paralleled by a 5-foot sidewalk and amenity space. That was
17 done specifically in response to design elements that we
18 heard from the city and its various bodies who wanted
19 additional open space and programmable areas with respect to
20 recreation and green space along Breezewood Drive which is
21 why that was done.

22 So I don't know how we can sit here on one hand
23 saying it's overbearing at the same time I'm asking for a
24 modification to the building form lot occupation and the
25 build to lines.

1 As we stated in our justification on pages 10
2 through 16 on that very issue, we believe and we think and
3 your staff agreed, not only your Urban Design staff but
4 Community Planning staff, who reviewed this against the
5 Sector Plan, believed that the applicant's design does not
6 substantially impair the implementation of the plan. Quite
7 conversely, it actually implements a lot of the goals and
8 visions of the plan by providing the modifications that the
9 applicant has requested. Those modifications in particular
10 to the argument that this is overbearing or too dense
11 (indiscernible) the community to the north, our design
12 actually, secures and preserves the health, safety and
13 welfare for providing those open spaces and green spaces,
14 its compatibility with the existing development, provides
15 better pedestrian connections and circulation and provides
16 for visual relief because each of the buildings kind of step
17 back as you go down Breezewood Drive from east to west.

18 So we fundamentally have a disagreement with
19 respect to that. Ultimately it's the Board's decision. I
20 think there is substantial evidence in the record, both in
21 the justification and the testimony that you've heard, as
22 well as your expert staff, who provided its comments with
23 respect to these Development District Standards. And we
24 fundamentally believe it does benefit the project and the
25 development and so for those reasons I think a proper

1 finding of fact in this case would be the approval of those
2 Development District Standards for all those reasons.

3 I think at this point, Madam Chair, that would
4 conclude our summation and our rebuttal.

5 MADAM CHAIR: Okay. Thank you. I'm going to turn
6 to Mr. Warner right now. Mr. Warner, there's been some
7 discussion obviously you consider transportation adequacy at
8 the Preliminary Plan of Subdivision stage, and this is the
9 Site Plan stage, although you do consider circulation. But
10 I would like for you to respond to that and to respond to
11 the issue of our reliance on DPIE. And one of the things I
12 think Mr. Tedesco mentioned was even though Mr. Nelson
13 indicated that he believes we do have the authority, he has
14 noted an appeal he said of DPIE's position. I don't know
15 what all that other noise is, so, okay. So he says he has
16 noted an appeal of that so there is a venue for that.

17 But I'd like for you to respond to those two
18 issues, please for the moment or any other issues that you
19 think were relevant, but specifically those two for
20 starters.

21 MR. WARNER: Thank you, Madam Chair. David
22 Warner, Principal Counsel. On those two issues first of all
23 transportation, I agree with your, the way you summed that
24 up and the way that the expert for the applicant summarized
25 the issue of offsite transportation impacts. Of course

1 those are important issues throughout the development
2 process and the issue is dealt with at the time of
3 Preliminary Plan of Subdivision in our Subdivision
4 Regulations, and it was addressed in the Preliminary Plan of
5 Subdivision.

6 Like you also mentioned, this is a Site Plan
7 review, so we are evaluating the design of the site and we
8 do have conditions in the Zoning Ordinance that allow us to
9 evaluate whether circulation is appropriate, for instance
10 within the parking lots and for pedestrians, for traffic,
11 that kind of thing. Yes, that all becomes a part of our
12 analysis at Detailed Site Plan. We don't evaluate at
13 Detailed Site Plan whether sufficient transportation
14 improvements have been made at an offsite intersection.
15 That's what we do at Preliminary Plan and that is what was
16 done at Preliminary Plan.

17 Secondly, with regard to storm water management,
18 again of course a significant issue with any development and
19 the Subdivision Regulations that the District Council has
20 adopted direct us to evaluate that issue at the time of
21 Preliminary Plan of Subdivision. And in fact, the
22 Subdivision Regulations specifically direct the Planning
23 Board to seek guidance from another agency for storm water
24 management, which is of course what we do. The county has
25 an over 600 page Storm Water Manual that has according to

1 the county all of the latest state and federal guidelines
2 and best practices for measuring and evaluating storm water
3 facilities, the impact a development will have on storm
4 water surrounding properties, et cetera. And so we look to
5 the county to provide us guidance on how a development's
6 impact will, or what the impact the development will have on
7 storm water and then again the Subdivision Regulations
8 direct us to not approve a Preliminary Plan unless we get
9 approval, an approved concept plan from the county. And so
10 that was done at Preliminary Plan, and that's when this is
11 dealt with.

12 The only issues regarding storm water at the time
13 of an evaluation of a Detailed Site Plan within the D-D-O-Z
14 is in the design standards that do address questions
15 regarding storm water in relation to sustainability. That
16 was the issue that we discussed earlier as to whether
17 permeable parking lots would assist in the reduction of
18 storm water and that got evaluated and so there are small
19 issues regarding storm water that are addressed in the
20 design of certain parts of this. But the issue of storm
21 water management and those issues that were discussed at
22 length by both parties are issues that are dealt with at
23 Preliminary Plan, not at Detailed Site Plan.

24 So those are the two issues you asked me about. I
25 would just also concur with Mr. Tedesco's legal analysis of

1 how the Sector Plan is implicated when you're at the DSP
2 stage that we're at right now. And he correctly identified
3 it's not a question of conformity, it's a question of
4 whether the design will substantially impair, if we accept
5 any changes to the design standards in the Sector Plan,
6 whether any of those changes will substantially impair the
7 development of the Sector Plan.

8 And then with regard to our CSP, yes, conformity
9 is required when you're at DSP, not just because we're in a
10 D-D-O-Z, that's always a requirement for a DSP when you're
11 evaluating one where a CSP exists. Pardon me, my dogs.

12 However, conformity is not as, I think Mr. Tedesco
13 mentioned, a question of a mirror. Conformity means is it
14 consistent with and that's the question that our staff
15 analyzed through its Staff Report when it evaluated the CSP,
16 and whether this DSP conformed.

17 So I think those are the primary legal issues that
18 I saw in the testimony that I think might assist the Board.
19 But let me know if I've missed anything.

20 MADAM CHAIR: Okay. I think that's fine. I have
21 a comment or two to make, but I'm going to wait. Everyone
22 has had their chance to present at this point. Everyone has
23 had the chance to present their legal arguments in addition
24 to their substantive arguments. The applicant has made,
25 they have made theirs, Mr. Nelson has made his on behalf of

1 the opponents. All the experts have testified, the experts
2 that we needed to testify have testified, so I think we're
3 at the point of wrapping this up. So I'd like to see if the
4 Board has any questions of anyone, just please, you know,
5 raise your hand now so I can see. And if not, I'd like to
6 get us to a motion, because this has been going on for hours
7 and hours at this point.

8 COMMISSIONER GERALDO: Madam Chair?

9 MADAM CHAIR: Yes, you know --

10 COMMISSIONER GERALDO: I'm ready --

11 MADAM CHAIR: Okay. Make a motion.

12 COMMISSIONER GERALDO: -- to make a motion.

13 MADAM CHAIR: Okay. Okay.

14 COMMISSIONER GERALDO: But if there was something
15 else you wanted to add.

16 MADAM CHAIR: No, that's all right. That's all
17 right, because I don't want to influence the motion, so just
18 go ahead.

19 COMMISSIONER GERALDO: Okay. First of all, I want
20 to thank everybody's participation and I think both sides
21 presented compelling cases. But I think there was
22 substantial evidence on the part of the applicant, so I
23 would make a motion to approve DSP-20020, TCP2-030-00-01 and
24 Variance from Section 25-122(b)(1)(G) along with the
25 findings of staff with that one correction of the

1 typographical error on page 25, along with staff's
2 conditions as modified by applicant with the exception of
3 Conditions 1P and 1V and as further modified by staff as
4 read into the record by Mr. Bossi of our planning staff.

5 MADAM CHAIR: Okay. And that includes approval of
6 the Development District Standards?

7 COMMISSIONER GERALDO: Yes.

8 MADAM CHAIR: Okay.

9 COMMISSIONER GERALDO: Yes, it does.

10 MADAM CHAIR: Thank you. Okay.

11 MADAM VICE CHAIR: Second.

12 COMMISSIONER GERALDO: The approval of Development
13 Standards.

14 MADAM CHAIR: Okay. We have a motion by
15 Commissioner Geraldo, seconded by Vice Chair Bailey. I do
16 have a comment to make and you know we've listened intently
17 and obviously folks are very passionate about this and
18 understandably so. I do feel the legal issue regarding DPIE
19 has been addressed and you do have a venue for that, Mr.
20 Nelson, as you have indicated.

21 But I want to remind everyone that this is mixed-
22 use infill. And if you look at the definition of mixed-use
23 infill it promotes smart, I'm reading it into the record
24 now, it promotes smart growth principles by encouraging the
25 efficient use of land, public facilities and services in

1 areas that are substantially developed. This area is
2 substantially developed as Mr. Tedesco so indicated. So
3 it's not vacant land.

4 And then further the definition says these
5 regulations are intended to create community environments,
6 which is what this is, enhanced by a mix of residential,
7 which is what we have, also commercial, recreational, open
8 space, employment and institutional uses in accordance with
9 approved plans.

10 So I look at that and I say okay we have
11 residential, we have the hotel, we have open space, you saw
12 the tiered and the triangular park, we have recreational
13 facilities. There are many of the things that are
14 incorporated in the definition of mixed-use infill right
15 here in the Zoning Ordinance in this application. So I
16 disagree that there is not a mix of uses here.

17 And I think when you have a situation like this
18 where the property has been developed for so long and then
19 you have the surface parking as well, you have to work
20 within those parameters and that's what this M-U-I is
21 intended to do. It says in areas that are substantially
22 developed. You couldn't be more substantially developed
23 than Beltway Plaza. So I think Mr. Tedesco indicated this
24 has been very complicated, and I don't doubt it and we do, I
25 think the fact that the City of Greenbelt has supported

1 this, not necessarily immediately but through substantial
2 efforts, is pretty telling in this case. Because when they
3 don't support they let you know real quick, and --

4 COMMISSIONER GERALDO: Yes.

5 MADAM CHAIR: -- so I just think it meets all the
6 requirements of the applicable laws, the Zoning Ordinance
7 and every other applicable law. But I think the definition
8 of M-U-I says it all right there.

9 So we have a motion and a second. I do want to
10 thank everyone for coming and participating. I want to get
11 to the vote. Madam Vice Chair?

12 MADAM VICE CHAIR: I vote aye.

13 MADAM CHAIR: Commissioner Doerner?

14 COMMISSIONER DOERNER: I vote aye.

15 COMMISSIONER GERALDO: Couldn't hear him.

16 MADAM CHAIR: Okay. He came on finally, he said
17 vote aye.

18 COMMISSIONER DOERNER: I vote aye.

19 MADAM CHAIR: Commissioner Geraldo?

20 COMMISSIONER GERALDO: I vote aye, Madam Chair.

21 And I agree wholeheartedly with your comments.

22 MADAM CHAIR: Okay. Thank you. And then I vote
23 aye. The ayes have it, 4-0 at this point. So again thank
24 you everyone and I hope that you continue to find a way to
25 collaborate and that's Item 7 is concluded at this point.

1 I am now going to turn to Mr. Hunt. Mr. Hunt?

2 MR. HUNT: Yes, Madam Chair?

3 MADAM CHAIR: Mr. Hunt, is there any additional
4 business to come before the Planning Board today?

5 MR. HUNT: There's no additional business before
6 the Board today. Thank you.

7 MADAM CHAIR: Okay. The Planning Board is
8 adjourned. I still would like to recommend that everyone
9 continue to stay safe and really look out for one another.
10 I mean again, these are tough times and we are not out of
11 the woods in terms of this pandemic. It's getting worse by
12 the second in terms of these variants and please just take
13 good care of yourselves, stay safe, look out for your
14 families, look out for one another. Mask up and backs up.
15 Thank you. The Planning Board is adjourned.

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

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DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies 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:

BELTWAY PLAZA

Detailed Site Plan, DSP-20020



By: _____

Date: November 29, 2021

Diane Wilson, Transcriber