

Judith Deitz Moore
1020 Noyes Drive
Silver Spring, MD 20910
202-270-7990

March 14, 2021

Stephanie Dickel
stephanie.dickel@montgomeryplanning.org

Dear Ms. Dickel:

My husband and I are the owners of 1020 Noyes Drive, which immediately abuts the United Therapeutics property at 8830 Cameron Court. The UT building at that address is under consideration for replacement with a structure that would be double the mass of and be substantially higher than the existing building.

The existing building is within the height restrictions mandated by the set-back from R-60 requirements. The existing parking lot is actually zoned R60 and the new building ignores the stepped height requirements when transitioning from R60.

Additionally, the parking lot is being transformed into a utility equipment and trash disposal lot, in opposition to the current parking lot exception granted to the owner.

We have concerns about the proposed building:

1. Our home lies in the shadow of the present building. Raising the height and doubling the size of the building could leave our property and those immediately adjacent to ours starved of sunlight for the major part of the day. We request that a shadow study be conducted to ascertain the likely impact along these lines.
2. There are large-scale generators and other mechanical equipment associated with a building of this size, which mean noise levels out of keeping with the residential zone immediately adjacent. We request that a noise level study be conducted to determine the impact.
3. The use of the building is designated for scientific research, but the building is clearly intended as a biological/chemical manufacturing facility. Such facilities pose significant risks to the surrounding community. Regardless of the benign uses potentially suggested by an owner, such facilities are "agile". Characteristics of this building, including the limited windows and the presence of interstitial spaces are hallmarks of agile chemical manufacturing plants. Such facilities are designed to easily, and without notice, be reconfigured to manufacturing many potentially dangerous products.

- These facilities are characterized by multiple dangerous activities including:
 - delivery of precursor chemicals and agents by truck,
 - off loading and transfer of chemical and biological materials into storage tanks,
 - storage of chemical and biological products on-site,
 - storage of chemical and biological waste products on-site,
 - removal by truck of dangerous waste products,
 - release into the air and ground water of chemical and biological products (regardless of intent).

The large-scale generators associated with this project suggest a substantial environmental risk is present should electrical power fail.

While the owner does not specify specific chemical/biological agents, at least one (tobacco) is hinted at in the submission. Raw tobacco, when processed, is a significant carcinogen.

It seems that a building of this size and purpose belongs in a wholly different zoned district, not immediately adjacent to the multi-generational family homes of Woodside Park.

Yours sincerely,

A handwritten signature in cursive script that reads "Judith Deitz Moore".

Judith Deitz Moore

From: David Remes <remesdh@gmail.com>

Sent: Sunday, March 14, 2021 11:01 PM

To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Balmer, Emily <emily.balmer@montgomeryplanning.org>

Cc: Robert Oshel <robert.oshel@gmail.com>; Carl Mukri <carl.mukri@gmail.com>; Douglas M. Bregman <dbregman@bregmanlaw.com>

Subject: Re: UT Project 242T - Sketch Plan - WPCA submissions - 03.12.2021

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ms. Dickel, Mr. Hisel-McCoy, and Ms. Balmer.

Attached is an updated Memorandum of Law, dated March 14, reflecting new information and clarifying that the UT site plan also may not be approved. Please disregard the earlier version, dated March 12.

Thanks,

David

On Fri, Mar 12, 2021 at 12:35 PM David Remes <remesdh@gmail.com> wrote:

Ms. Dickel, Ms. Hisel-McCoy, and Ms. Balmer,

I am attaching the following documents in preparation for our virtual meeting on March 16.

UT 242T - WPCA - Memorandum of Law of Woodside Park Civic Association and Woodside Park Community Association regarding UT Project 242T, dated March 12, 2021.

UT 242T - WPCA - Plat 13489, showing the property which the UT property to be developed in Project 242T abuts or confronts.

UT 242T - WPCA - Declaration of Covenants and Restrictions relating to the property on Plat 13489.

The conclusion of the legal memorandum is that the sketch plan submitted for United Therapeutics Project 242T must satisfy the compatibility requirements of Zoning Ordinance sections 59.4.1.8.A.2 and 59.4.1.8.B. The sketch plan for the Project does not satisfy those requirements, and the sketch plan therefore may not be approved.

UT 242T - WPCA - Presentation Figures A-K

Figure A identifies the points from which the photographs in Figures C-K were taken. Those photographs show outlines of the structure that UT proposes to build taken from various points on the surrounding streets. Figures I-K are the photos taken from the townhouse property adjoining the UT property.

Figures B and B.1 are silhouettes of the proposed structure, the existing structure, the townhouses on the adjoining property, and a structure that would comply with the

compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B of the Zoning Ordinance.

We look forward to discussing this matter with you.

David H. Remes

Counsel to Woodside Park Civic Association and Woodside Park Community Association

--

David H. Remes

1106 Noyes Drive

Silver Spring, MD 20910

remesdh@gmail.com - best way to reach me

202-669-6508

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--

David H. Remes

1106 Noyes Drive

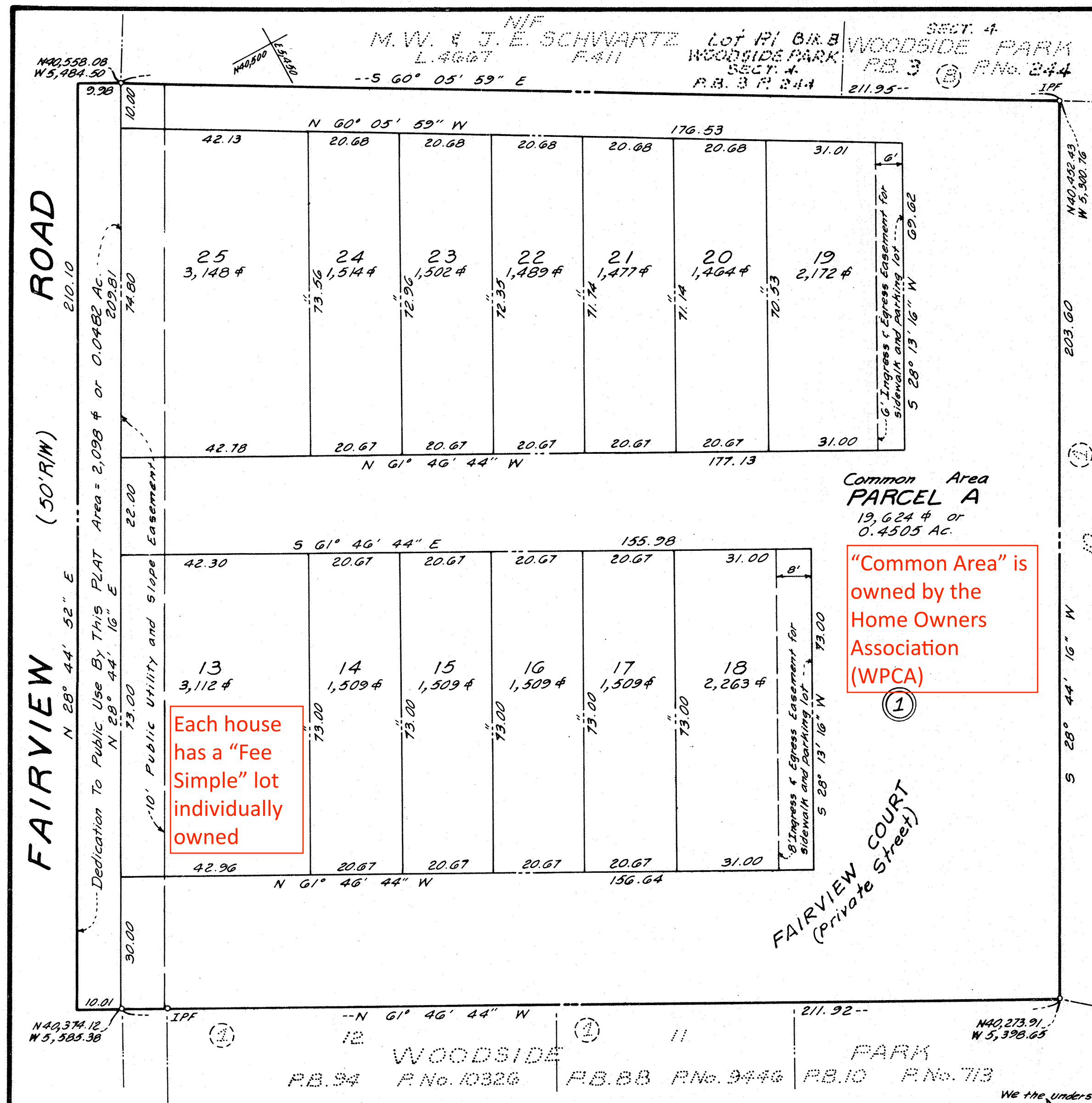
Silver Spring, MD 20910

remesdh@gmail.com - best way to reach me

202-669-6508

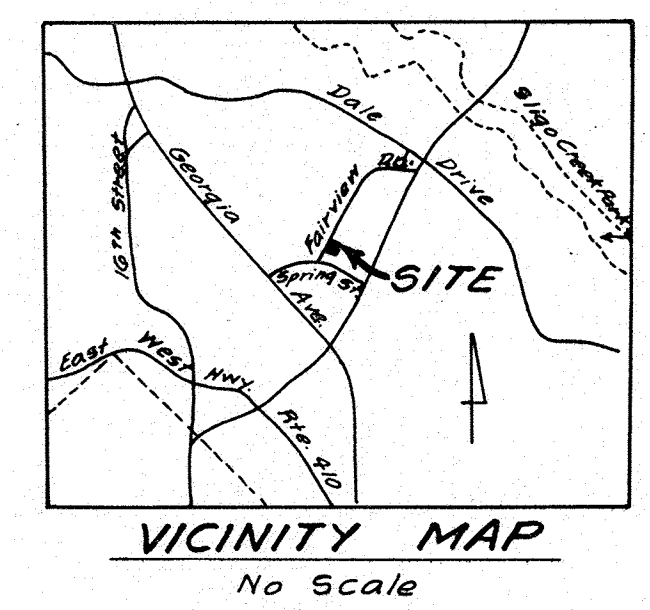
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MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MO) Plat 13489, MS# 1249, 0194, Date available 1981/06/18, Printed 11/24/2020.



SURVEYOR'S CERTIFICATE
I hereby certify that the plan shown hereon is correct, that it is a subdivision of all of the land conveyed to Woodside Towne Joint Venture, a General Partnership, by Design Tech Builders, Inc., from Gudefsky Company, a Maryland Partnership, by Homer Gudefsky, surviving partner, by deed dated May 29, 1981, and recorded among the Land Records of Montgomery County, Maryland in Liber 5713 at folio 889; that iron pipes shown thus: ---o--- will be placed as indicated; and that the total area included in this plan of subdivision is 1.05372 acres of land.
Date: 5/07/81
Peter P. Montgias
Registered Land Surveyor No. 10319

PLAT NO. 13489



FILED
JUN 22 1981

OWNER'S DEDICATION
We, Woodside Towne Joint Venture, a General Partnership, by Design Tech Builders, Inc., General Partner, owner of the property shown hereon and described in the Surveyor's Certificate, hereby adopt this plan of subdivision, establish the minimum building restriction lines, establish slope easements as shown hereon along all streets as required by Montgomery County Ordinance No. 4-115, said slope easements shall be terminated after all required public improvements abutting said easements have been lawfully completed and accepted for maintenance by Montgomery County, Maryland, grant ten (10) foot wide Public Utility easements along the streets with the terms and provisions set forth in that certain document recorded among the aforesaid Land Records in Liber 3834 at folio 497, which said terms are incorporated herein by this reference, grant to the Washington Suburban Sanitary Commission, their successor, agents and assigns easements across Parcel A for the construction, reconstruction, maintenance and operation of sanitary sewers, water mains and appurtenances, dedicate the street widening to public use, and establish perpetual ingress and egress easements across the lots as shown hereon.
There are no suits of action, leases, liens, mortgages on the property included in this plan of subdivision, except a certain deed of trust and the parties in interest thereto have hereon indicated their assent.
Date: June 1, 1981
ATTEST: Edward Godin, Assistant Secretary
David Weiss, Vice President

We the undersigned hereby assent to this plan of subdivision.
Jeffrey J. Griffin, Witness
Ralph J. Duffie, Trustee
Erwin M. Gudefsky, Trustee

LOTS 13 THRU 25, PARCEL A, BLOCK 1
GRIFFITH'S ADDITION TO
WOODSIDE PARK
13TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 20' MAY, 1981

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY
MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
Approved: May 14, 1981
Chairman: [Signature]
Secretary-Treasurer: [Signature]
M.N.C.P.&P.C. RECORD FILE No. 541-45
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF TRANSPORTATION
Approved: June 3, 1981
By: [Signature]
Deputy Director: [Signature]
2811748107329003120T125
Recorded:
Plat Book:
Plat No.:
13 LOTS
1 PARCEL

Johnson, McCordic & Thompson, P. A.
ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
1751 ELTON ROAD • SILVER SPRING, MARYLAND 20903-301 434-7000
VIENNA, VA.

E.M.C. 02
11-02-15 A

541-45

**MEMORANDUM OF LAW CONCERNING SKETCH PLAN
SATISFACTION OF COMPATIBLY REQUIREMENTS APPLICABLE
TO UNITED THERAPEUTICS PROJECT 242T (UPDATED)**

This memorandum of law is submitted on behalf of the Woodside Park Civic Association and the Woodside Park Community Association in connection with the sketch plan submitted by United Therapeutics for Project 242T. As explained below, the sketch plan must satisfy the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B of the Zoning Ordinance. The sketch plan does not satisfy those requirements and therefore may not be approved.¹

The Woodside Park Civic Association (“WPCA”) is a voluntary association of the residents of the 650 single family homes and townhouse in the area surrounded by Georgia Avenue, Dale Drive, Colesville Road, and Spring Street. The purpose of the WPCA is to promote the general welfare of the residents of the Woodside Park community, maintain and enhance the quality of life in Woodside Park, preserve its history and character, and ensure that the Zoning Ordinance is enforced in matters affecting residents.

The Woodside Park Community Association (“Association”) is an association whose members are the owners of townhouses on Lots 13-25 of the Residential Townhouse (RT-12.5) zone property which is directly involved in this case. The Association owns Parcel A, a common area which surrounds Lots 13-25 and provides services to them. Lots 13-25 and Parcel A constitute Plat 13489 (attachment). Lots 13-25 are under common control and operation by the Association through its Architectural and Environmental Control Committee. *See* Declaration of Covenants and Restrictions of Woodside Park, art. VII, Lieber 5774, Folio 470, 483 (attachment).

Issues

In deciding whether the sketch plan for United Therapeutics Project 242T satisfies the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B, the Planning Board will be deciding three legal issues with implications for residential development in Montgomery County that extend far beyond this particular project:

- (1) Is a use for residential purposes a residential use?
- (2) When a multi-lot residential property is involved, do the compatibility requirements apply based on (a) the uses on the particular lot on property that the developer’s property abuts or confronts, or (b) the uses on the property as a whole?
- (3) Does a zoning violation on one property excuse a developer from complying with otherwise applicable zoning requirements on another property?

Summary

United Therapeutics (“UT”) has applied for approval of a sketch plan proposing to develop an EOF zone property (“Property”) with a medical/scientific building (“Project”). The sketch plan must satisfy the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B because the

¹ The site plan for the United Therapeutics project also may not be approved because the Project fails to satisfy the compatibility requirements.

Property abuts or confronts a Residential Townhouse (RT-12.5) zone property improved with residential uses. *See* section 59.4.6.4.A.4. UT admits that the sketch plan does not satisfy those requirements, but argues that they do not apply. Those compatibility requirements do apply, however, and the sketch plan may not be approved because it does not satisfy those requirements.

Facts

1. UT proposes to develop the property at 8808 and 8830 Cameron Street (“Property”) with a medical/scientific building, which is a general building type, *see* section 59.4.1.5.F (“Project”). The property at 8808 Cameron is zoned EOF-3.0, H-100 (Employment Office), and the property at 8830 Cameron is split-zoned EOF-3.0, H-100 (Employment Office) and R-60 (Residential).

To the west, the Property abuts a Residential Townhouse (RT-12.5) zone property. That property, which was platted in 1981 (Plat 13489 (attachment)), consists of thirteen lots, Lots 13-25, each of which is developed with a townhouse, and Parcel A, a common area and is owned by the Association (collectively “Townhouse Property”). The UT Property abuts Parcel A,

As Plat 13489 shows, Parcel A surrounds the Townhouse Property and separates Lots 13-18 from Lots 19-25. Parcel A is developed with landscaping, sidewalks, a private entryway to the Townhouse Property, and a private parking area reserved for townhouse residents and their guests. There is landscaping between the parking area and the UT Property.²

2. Section 59.4.1.8.A.1 provides that the side and rear setbacks specified in section 59.4.1.8.A.2 apply to “a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone” that:

- i. abuts a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use; and
- ii. proposes development of an apartment, multi-use, or general building type.

Section 59.4.1.8.B.1 provides that the height restrictions specified in section 59.4.1.8.B apply to “a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone” that:

- a. abuts or confronts a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use; and
- b. proposes any building type in a Commercial/Residential, Employment, Industrial, or Floating zone.

The sketch plan for the Project must satisfy the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B because (1) the Property is in an Employment zone, (2) the Property abuts or confronts a property in a Residential Townhouse zone that is improved with residential uses, and (3) the Property proposes a general building type in an Employment zone.

UT admits that its sketch plan does not satisfy those compatibility requirements, but UT argues in its Statement of Justification, pages 5-6, that those requirements do not apply:

² WPCA is submitting photographs showing the multiple residential uses on Parcel A.

The compatibility standards in Section 59.4.1.8 of the Zoning Ordinance apply in a very limited way to the Property, because although the Property abuts or confronts a property in an Agricultural, Rural Residential, or Residential Zone, that property is neither vacant nor used for an agricultural or residential purpose. The adjoining Parcel A, though zoned residential, is developed with a use that is not residential or agricultural in nature -- specifically, a surface parking lot, with its related improvements (paving, striping, curbs, etc.). As such, the property is not considered as “vacant” and, therefore, Section 59.4.1.8.A.2 and Section 59.4.1.8.B do not apply for purposes of either setbacks or height measurement. Therefore, only Section 59.4.1.8.A.1.b applies as to setback measurement. That measurement is made using the “Side setback, abutting all other zones” and the “Rear setback, abutting all other zones” in the applicable standard method development standard tables. Similarly, for height, since 59.4.1.8.B does not apply, there are no height limitations beyond that of the EOF Zone.

Argument

1. Parcel A is improved with multiple residential uses.

UT asserts that Parcel A is not used for a residential purpose, but UT is badly mistaken. As mentioned, Parcel A is improved with multiple residential uses: landscaping, sidewalks between townhouses, an entryway to the Townhouse Property, and a private parking area for residents and their guests, with landscaping between the parking area and the UT Property. UT only mentions the parking area, but all are residential uses.

Section 59.1.4.2 defines “use” as:

[T]he purpose for which a property or the building on that property is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Providing services for residents of the townhouses and their guests is “the purpose for which” the landscaping, sidewalks, entryway, and parking area on Parcel A are “designed, arranged, [and] intended,” and “for which [they] are and may be used, occupied, [and] maintained.” They are therefore residential uses. As for UT’s focus on the parking area, it defies common sense to treat a private parking area, reserved for townhouse residents and their guests, as anything other than a residential use.

These residential uses also qualify as Miscellaneous Accessory Uses, *see* section 3.7.4, in particular, Accessory Uses.

Section 3.7.4.B defines Accessory Use:

Accessory Use means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied.

Use Table, 3.1.6 defines Accessory Uses as permitted Miscellaneous Accessory Uses for Residential Townhouses. Parcel A and the townhouse lots are the “site.”

The parking area is not only a “permitted” Accessory Use but a use *required* by the Zoning Ordinance’s parking requirements. Use Table section 6.2.4 specifies Parking Requirements. Section B deals with Vehicle Parking Spaces. The Vehicle Parking Spaces Table dictates parking space requirements tailored to each Use or Use Group. The requirement for Townhouse Living is

a minimum two parking spaces per Townhouse in a Residential zone. The developer of the Townhouse Property arranged the required parking spaces in a common parking area, a configuration found in townhouse developments across Montgomery County. Thus, by design, the townhouses depend on the parking area to comply with applicable parking requirements.

2. The Townhouse Property is improved with multiple residential uses.

UT's focus on Parcel A is also too narrow. By their terms, the compatibility requirements apply to a Residential Townhouse zone "property," not a Residential Townhouse zone "lot." The Townhouse Property is "property," and it is improved not just with the multiple residential uses of Parcel A, but also with the townhouses.

Section 59.4.1.2 defines "property" as:

One or more tracts that are under common control, operation, or ownership or are under one application.

Section 4.1.7.A.1 defines "tract":

A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed to a government for more than nominal consideration.

The Townhouse Property is "[o]ne or more tracts . . . under common control [and] operation" by the Association and therefore meets the definition of "property" under section 59.4.1.2.

The fact that the County Council drafted the compatibility requirements to apply to an abutting or confronting "property," not an abutting or confronting "lot," suggests that the Council foresaw situations of interdependency among lots, where individual lots functioned not as individual lots but as integral constituents of a larger whole. Residential Townhouse developments are a perfect example of interdependency among lots. Here, Parcel A and the townhouses are interdependent. But there is no need to go beyond the statutory definition of "property." That definition is controlling, and the fact that the Townhouse Property meets the definition is conclusive. *See McGlone v. State*, 959 A.2d 1191, 1199 (Md. 2008) ("We have said that when a statute defines a term, courts utilize that definition of the term when interpreting the statute.").

3. Under the "zoning merger" doctrine, Parcel A and the townhouse lots are a single lot for purposes of the compatibility requirements.

The compatibility requirements also apply because Parcel A and the townhouse lots have merged into a single lot for zoning purposes under the doctrine of "zoning merger" recognized in *Remes v. Montgomery County*, 874 A.2d 470 (Md. 2005). *Remes* involved adjoining residential lots—a principal lot, developed with a residence, and a subordinate lot, developed with an accessory use. The Court of Appeals held that the lots had merged for zoning purposes: The lots were under common ownership, the owner treated the lots as a single lot, and the principal lot depended on the accessory use lot to satisfy a setback requirements. Here, Parcel A and the townhouse lots are effectively under common ownership, since the Woodside Park Community Association, which owns Parcel A, consists of the owners of the townhouse lots, the townhouse owners treat their lots and Parcel A as a single lot, and, as discussed, the townhouse lots depend on Parcel A to satisfy requirements of the Zoning Code. Therefore, because Parcel A and Lots 13-25 have merged into a single lot for zoning purposes, the sketch plan must treat them as a single lot for purposes of the compatibility requirements.

4. Whether an abutted or confronted property is developed with a nonresidential use is irrelevant.

UT asserts that a Residential Townhouse property developed with a nonresidential use “is not considered as ‘vacant,’” but UT does not say who is doing the “considering.” In fact, the compatibility requirements identify only two categories: “vacant” and “improved with a residential use.” There is no third category, “not developed with a nonresidential use.” This is understandable, for a residential zoned property developed with a nonresidential use might be a zoning violation, and the County Council could not have intended a zoning violation on one property to relieve a developer from complying with otherwise applicable zoning requirements on another property. *See Downer v. Baltimore County*, 236 A.3d 712, 718 (Md. Ct. App. 2020) (“This absurd result cannot be what the legislature intended. In our task of statutory interpretation, we avoid any construction of a statute that would lead to ‘illogical, absurd, or anomalous results.’” (citations omitted)).

Conclusion

The United Therapeutics sketch plan for the Project must satisfy the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B. The sketch plan does not satisfy those requirements. The sketch plan therefore may not be approved.³

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com
(202) 669-6508

Counsel to Woodside Park Civic Association
and Woodside Park Community Association

Dated: March 14, 2021

³ The United Therapeutics site plan for the Project also may not be approved because the Project fails to satisfy those compatibility requirements.

From: [Dickel, Stephanie](#)
To: [Balmer, Emily](#)
Subject: FW: Boiling down my questions
Date: Thursday, April 1, 2021 9:39:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)



Stephanie Marsnick Dickel
Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>
Sent: Thursday, March 18, 2021 12:15 PM
To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>;
tmatthew.folden@montgomeryplanning.org; Mills, Matthew <matthew.mills@mncppc.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Cc: Douglas M. Bregman <dbregman@bregmanlaw.com>
Subject: Boiling down my questions

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Stephanie,

The most important information I need as soon as possible for purposes of deciding how and when to proceed is:

- (1) Is DPS or Planning Board approval of the UT project the equivalent of a building permit, or will UT still need building permits?
- (2) Does Mitra's letter to Avi Halpert constitute definitive and final DPS approval of, or is further action by DPS necessary?
- (3) Can the Planning Board approve the UT project without DPS's blessing?

Feel free to interlineate your answers. If you do, please use red or blue.

Thanks,

David

--

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com - best way to reach me
202-669-6508

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From: [Dickel, Stephanie](#)
To: [Balmer, Emily](#)
Subject: FW: UT Project 242T - urgent WPCA requests for information
Date: Thursday, April 1, 2021 9:38:44 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
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[image020.png](#)
[image021.png](#)



Stephanie Marsnick Dickel

Regulatory Supervisor, DownCounty Planning Division

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2425 Reddie Drive, Wheaton, MD 20902
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o: 301.495.4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>
Sent: Thursday, March 18, 2021 12:50 PM
To: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; Douglas M. Bregman <dbregman@bregmanlaw.com>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>
Subject: Re: UT Project 242T - urgent WPCA requests for information

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thanks, Elza.

On Thu, Mar 18, 2021 at 12:29 PM Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org> wrote:

Hello again David,

I explained already that we received the interpretive letter on March 11. The DPS position was dated March 10. As to your second question, I am aware of no public notice requirement for DPS to issue interpretations of the Zoning Code.

Elza



Elza Hisel-McCoy (he/him/his)

Chief, DownCounty Planning

Montgomery County Planning Department

2425 Reddie Drive, 13th Floor

Wheaton, MD 20902

elza.hisel-mccoy@montgomeryplanning.org

301.495.2115



From: David Remes <remesdh@gmail.com>

Sent: Thursday, March 18, 2021 12:20 PM

To: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; Douglas M. Bregman <dbregman@bregmanlaw.com>; Sorrento, Christina <christina.sorrento@montgomeryplanning.org>

Subject: Re: UT Project 242T - urgent WPCA requests for information

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thanks, Elza.

Must we use the Public Information Act to learn (1) when Staff first learned of the DPS position, and (2) whether and when Staff or DPS gave public notice of the DPS position?

David

On Thu, Mar 18, 2021 at 12:15 PM Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org> wrote:

Hello David,

We received DPS' March 10, 2021 interpretive letter on March 11, 2021, and forwarded it to you per your request on March 16, 2021.

The information requested under question 2 below must be filed as a Maryland Public Information Act request through our Intake and Regulatory Coordination Division. Christina Sorrento is the Division Chief and I have copied her above so you may coordinate directly with her.

Sincerely,

Elza



Elza Hisel-McCoy (he/him/his)
Chief, DownCounty Planning

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor
Wheaton, MD 20902
elza.hisel-mccoy@montgomeryplanning.org
301.495.2115



From: David Remes <remesdh@gmail.com>
Sent: Thursday, March 18, 2021 11:34 AM
To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; Douglas M. Bregman <dbregman@bregmanlaw.com>
Subject: UT Project 242T - urgent WPCA requests for information

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Stephanie,

I am sorry to put you to the trouble on such short notice, but in view of the tight timing, I need the following as soon as possible. Please forgive my formality.

1. When did Staff first learn of DPS's approval of the UT project? How did Staff learn of DPS's approval? Did Staff provide public notice of DPS approval?
2. May I please have all records of communications regarding the UT project from a zoning perspective, including but not limited to communications (1) between Staff and DPS, (2) between Staff and other agencies and individuals at other agencies, and (3) between Staff and United Therapeutics - all such communications to include without limitation emails, correspondence, and notes of calls?

In view of the tight timing, I would really appreciate it if you will send me whatever you have as you find it,

Thanks,

David

On Tue, Mar 16, 2021 at 12:00 PM Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org> wrote:

David,

I have attached the DPS letter and the plan submitted by the Applicant for height compatibility. Please reach out with any questions. Thank you.



Stephanie Marsnick Dickel

Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reddie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>

Sent: Friday, March 12, 2021 12:36 PM

To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Balmer, Emily <emily.balmer@montgomeryplanning.org>

Cc: Robert Oshel <robert.oshel@gmail.com>; Carl Mukri <carl.mukri@gmail.com>; Douglas M. Bregman <dbregman@bregmanlaw.com>

Subject: UT Project 242T - Sketch Plan - WPCA submissions - 03.12.2021

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ms. Dickel, Ms. Hisel-McCoy, and Ms. Balmer,

I am attaching the following documents in preparation for our virtual meeting on March 16.

UT 242T - WPCA - Memorandum of Law of Woodside Park Civic Association and Woodside Park Community Association regarding UT Project 242T, dated March 12, 2021.

UT 242T - WPCA - Plat 13489, showing the property which the UT property to be developed in Project 242T abuts or confronts.

UT 242T - WPCA - Declaration of Covenants and Restrictions relating to the property on Plat 13489.

The conclusion of the legal memorandum is that the sketch plan submitted for United Therapeutics Project 242T must satisfy the compatibility requirements of Zoning Ordinance sections 59.4.1.8.A.2 and 59.4.1.8.B. The sketch plan for the Project does not satisfy those requirements, and the sketch plan therefore may not be approved.

UT 242T - WPCA - Presentation Figures A-K

Figure A identifies the points from which the photographs in Figures C-K were taken. Those photographs show outlines of the structure that UT proposes to build taken from various points on the surrounding streets. Figures I-K are the photos taken from the townhouse property adjoining the UT property.

Figures B and B.1 are silhouettes of the proposed structure, the existing structure, the townhouses on the adjoining property, and a structure that would comply with the compatibility requirements of sections 59.4.1.8.A.2 and 59.4.1.8.B of the Zoning Ordinance.

We look forward to discussing this matter with you.

David H. Remes
Counsel to Woodside Park Civic Association and Woodside Park Community Association

--

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com - best way to reach me
202-669-6508

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--

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202-669-6508

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Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910

March 22, 2021
Casey Anderson,
Chair Planning Board
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Mr. Anderson,

As a resident of Woodside Park, I am extremely concerned about several aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

My home is located behind the proposed structure. The planned height of this building would LOOM over my house and at certain times of the year block the sunlight from my property.

The noise from the generators and cooling towers on its roof would also have a negative impact on my home.....and the entire neighborhood.

Of equal concern is the fact that biomedical manufacturing will occur there using human tissue. We are still trying to survive a pandemic that may have originated in a Chinese Lab. The fact that human tissue research using all sorts of chemicals will be taking place adjacent to a residential community with many young children **LITERALLY SCARES me**.

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures.

In order to support its lab functions the project requires industrial-sized support generators, cooling towers and exhaust fans that are substantially larger than required by a typical Silver Spring office building.

I request that there be a "shadow study" using the true height of the building and its effect on the adjacent homes.

I would like an Environmental Impact Study concerning the gases, chemicals and bio matter being used in the research and manufacturing that would take place in that building.

Very Concerned Yours,

Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910
shlemon@hotmail.com

Chris Shlemon shlemon@hotmail.com chris.shlemon@itn.co.uk 202-494-3450 cell

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Matthew Dixon
1016 North Noyes Dr
Silver Spring, MD 20910
(443) 280-3905

March 22, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As a resident of Woodside Park, I am very concerned about aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T). The planned height of the proposed building, which is twice the height of the current structure on this site, will loom over two-story neighboring residential neighboring structures. The building's excessive size will be visible far beyond its immediate neighbors, well into the Woodside Park community. The current building at this location is already visible from our house and backyard. This new proposed structure would tower over us in a way that seems wholly inappropriate for a commercial building so close to residential properties.

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures. This will result in a massive 100 foot building wall only 20 feet from adjacent residential property.

The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet high. Located on the north elevation and extending for over 75% of the building façade, the proposed roof structures would create a massive wall clearly visible to nearby and distant neighbors within Woodside Park. Additionally, at the proposed height and without appropriate setbacks, the building would block the sun, negatively impacting its neighbors' quality of life. In order to support its lab functions, the UT 242 T Project would require industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than required by a typical Silver Spring office building. This equipment should be located as far as possible from neighborhood residences to mitigate impact from noise.

In addition, the project's extensive waste disposal requirements raise concerns about container location, servicing and possible toxic waste exposure. As currently planned, waste containers would be located close to and on the boundary with R-60 neighboring homes. The applicant has also identified that the Project would include bulk-tank gas storage units at grade. These on-grade systems raise significant concerns regarding hazardous storage and disposal conditions and frequent and large truck traffic.

We support and applaud United Therapeutics' life-changing mission. But at no point during this project's development has United Therapeutics asked for or incorporated neighboring residents' concerns into the project design. Instead, they have asked the Planning Board to approve a massive building, with associated manufacturing byproduct concerns, with little apparent concern for the potential impact on the longstanding neighborhood.

A biomedical research and manufacturing facility, with potential impacts including excessive noise, biomedical waste disposal, delivery of chemicals and biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and input.

We ask the Planning Board and staff to not approve the project until changes have been made to the height and setbacks, to achieve a building design that is more appropriately scaled to the nearby residences. We believe that significant evaluation must be given to the manufacturing byproducts, noise, waste and waste disposal, and delivery of chemicals and other hazardous materials prior to approving the project.

Please do not hesitate to contact us if you would like to discuss our concerns with us directly.

Thank you.

Sincerely yours,

Matthew and Amy Dixon

cc: Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910

March 22, 2021
Casey Anderson,
Chair Planning Board
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Mr. Anderson,

As a resident of Woodside Park, I am extremely concerned about several aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

My home is located behind the proposed structure. The planned height of this building would LOOM over my house and at certain times of the year block the sunlight from my property.

The noise from the generators and cooling towers on its roof would also have a negative impact on my home.....and the entire neighborhood.

Of equal concern is the fact that biomedical manufacturing will occur there using human tissue. We are still trying to survive a pandemic that may have originated in a Chinese Lab. The fact that human tissue research using all sorts of chemicals will be taking place adjacent to a residential community with many young children **LITERALLY SCARES me**.

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures.

In order to support its lab functions the project requires industrial-sized support generators, cooling towers and exhaust fans that are substantially larger than required by a typical Silver Spring office building.

I request that there be a "shadow study" using the true height of the building and its effect on the adjacent homes.

I would like an Environmental Impact Study concerning the gases, chemicals and bio matter being used in the research and manufacturing that would take place in that building.

Very Concerned Yours,

Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910
shlemon@hotmail.com

Chris Shlemon shlemon@hotmail.com chris.shlemon@itn.co.uk 202-494-3450 cell

David Weigert
1009 S. Noyes Drive
Silver Spring, MD 20910

March 22, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As a resident of Woodside Park, with a home immediately across S. Noyes Drive from the United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street (Plan Number 820210060, UT Project 242T), I am very concerned about certain aspects of this proposed development. The planned height of the proposed building – over 100 feet – is twice the height of the current structure on this site and will loom over, block light to, and ruin the view from neighboring residential homes, including mine. The UT building's excessive size will be visible far beyond its immediate neighbors like my family, further into our Woodside Park community.

In its application to the County for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting and near residential properties. Those rules exist to mitigate the impact of large buildings adjacent to smaller residential structures. This will result in a massive 100+ foot wall only 10-50 yards from my property and other nearby residential property.

The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet tall. Located on the north elevation and extending for over 75% of the building façade, the proposed roof structures would create a massive wall clearly visible to nearby and distant neighbors within Woodside Park. Additionally, at the proposed height and without appropriate setbacks, the building would block the sun, negatively impacting our, and our neighbors', quality of life.

In order to support its lab functions, the UT 242 T Project would require industrial sized support generators, cooling towers, and exhaust fans that are substantially larger than required by a typical Silver Spring office building. This equipment should be located as far as possible from neighborhood residences to mitigate impact from noise.

In addition, the project's extensive waste disposal requirements raise concerns about container location, loud early-morning removal activities, and possible toxic waste exposure. Already, I have been woken up at very early hours by large waste disposal and recycling trucks making loud noises with their diesel engines, beeping as they back up, making loud, booming, clanking sounds as they lift the heavy metal trash and recycling bins up, with their metal lids banging against the metal bodies of the bins. This early, loud, smelly, disruptive activity will only worsen after the additional development, unless these waste disposal activities are moved further away from S. Noyes Drive and the rest of the Woodside Park residences. As currently planned, numerous large metal waste containers would be located close to and on the boundary of R-60 neighboring homes, immediately across the street from our family's home. The applicant has also identified that the Project would include bulk-tank gas

storage units at grade. These above-ground systems raise significant concerns regarding hazardous storage and disposal conditions and frequent and large truck traffic, smells, and noise.

We support and applaud United Therapeutics' biomedical mission. But at no point during this project's development has United Therapeutics asked for or incorporated neighboring residents' concerns into the project design. Instead, they have asked the Planning Board to approve a massive building, with associated manufacturing byproduct and waste management concerns, with little apparent concern for the potential impact on the historic residential neighborhood of Woodside Park.

A biomedical research and manufacturing facility, with potential impacts including excessive noise, biomedical and other waste disposal, delivery of chemicals and biohazards, should not be located adjacent to a residential neighborhood without significant public review and input regarding reasonable, prudent health, safety, environmental, noise, smell and other nuisance mitigation measures.

We ask that the Planning Board and staff not approve the project until changes have been made to the height and setbacks, and to the waste management practices, to achieve a building design and operational plan that is more appropriately scaled to the nearby residences. We believe that significant evaluation must be given to the manufacturing byproducts, noise, smell, waste, and waste disposal, and delivery of chemicals and other hazardous materials, prior to approving the project.

Thank you for your consideration.

Sincerely,

David Weigert
1009 S. Noyes Drive
Silver Spring, MD 20910
202-353-5592

cc: Elza Hisel-McCoy, Division Chief, Downcounty Planning
Casey Anderson, Chair, Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910

March 22, 2021

Stephanie Dickel

Regulatory Supervisor Planning Department

Montgomery County Government

2425 Reedy Drive, 14th Floor

Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As a resident of Woodside Park, I am extremely concerned about several aspects of United Therapeutics' proposed

biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

My home is located behind the proposed structure. The planned height of this building would LOOM over my house and at certain times of the year block the sunlight from my property.

The noise from the generators and cooling towers on its roof would also have a negative impact on my home.....and the entire neighborhood.

Of equal concern is the fact that biomedical manufacturing will occur there using human tissue. We are still trying to survive a pandemic that may have originated in a Chinese Lab.

The fact that human tissue research using all sorts of chemicals will be taking place adjacent to a residential community with many young children **LITERALLY SCARES me.**

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties.

Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures.

In order to support its lab functions the project requires industrial-sized support generators, cooling towers and exhaust fans that are substantially larger than required by a typical Silver Spring office building.

I request that there be a "shadow study" using the true height of the building and its effect on the adjacent homes.

I would like an Environmental Impact Study concerning the gases, chemicals and bio matter being used in the research and manufacturing that would take place in that building.

Very Concerned Yours,

Chris Shlemon
1026 Noyes Drive
Silver Spring, MD 20910
shlemon@hotmail.com

From: [Dickel, Stephanie](#)
To: [Balmer, Emily](#)
Subject: FW: DPS determination
Date: Thursday, April 1, 2021 9:36:29 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)



Stephanie Marsnick Dickel
Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>
Sent: Tuesday, March 23, 2021 11:29 AM
To: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; Carl Mukri <carl.mukri@gmail.com>; Robert Oshel <robert.oshel@gmail.com>
Subject: DPS determination

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Elza,

At our meeting last Tuesday, you told us that Staff considers itself bound by the DPS compatibility determination. This came as a surprise to us, since according to COMCOR, the Staff Report is required to include “a summary of the major issues and concerns related to the application and *staff’s* proposed resolution.” COMCOR 50/59.00.01.06.D.1(d) (emphasis added). It seems to us that this responsibility of Staff - to propose *its* resolution - implies that Staff is not bound by the DPS determination. Why, then, does Staff consider itself bound and unable to make a compatibility determination independent of the DPS determination? DPS made its compatibility determination solely on the basis of UT’s account of the facts and the law. It did not have available to it our account of the facts and the law to consider.

Doesn't simple fairness make an independent Staff compatibility determination imperative?

David

--

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com - best way to reach me
202-669-6508

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Omar I. Teitelbaum and Abigail Glenn-Chase
1008 Noyes Dr.
Silver Spring, MD 20910
omarteitel@yahoo.com • a.glennchase@gmail.com

March 24, 2021

Ms. Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics - 242T Project

Dear Ms. Dickel:

We write today as homeowners in Woodside Park with a property abutting United Therapeutics (UT). We are concerned about several aspects of UT's proposed biomedical facility at 8830 and 8808 Cameron Street (Plan Number 820210060, UT Project 242T). First, the planned height of the proposed building is twice the height of the current structure on this site and seems to ignore existing compatibility height and setback requirements for other nearby residential properties. The massive size of the building threatens to significantly darken our lot and house, impacting our property value, quality of life, and landscape. We request an independent Shadow Study to fully understand the actual effect the much-increased height will have on our property. The increased footprint of the building is certainly troubling.

We, as parents of a three year old and six year old, are very concerned with the lack of transparency regarding the manufacturing and safe disposal of chemicals and biologics on the other side of our fence. According to the line drawings, the waste disposal areas will be a very short distance from our back and side yards where we eat many of our meals, our young children play on their swing set, and our dog spends much of his day.

The project's extensive waste disposal arrangements, which we have had to discern through the project plans, raise many questions about container location, servicing, and possible hazardous and toxic waste exposure. As currently planned, waste containers would be located close to the boundary of our R-60 neighboring home. In order to support its lab functions, the UT 242T Project also includes the installation of industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than needed by a typical Silver Spring office building. This equipment is also located in close proximity to our home and several other neighborhood residences. A screen wall is the only form of proposed adverse impact mitigation.

In addition to the waste disposal system, generators, towers, and fans, the project includes gas storage units at grade. These systems raise more concerns regarding hazardous chemicals and waste and frequent truck traffic, resulting in noise, fuel runoff, and exhaust. A biomedical research

and manufacturing facility, with potential impacts that include excessive noise, biomedical waste exposure, delivery and disposal of chemicals, and other possible biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and careful and thorough scrutiny on the part of planners and city and elected officials.

We are used to collaborating with UT and have valued working directly with the company on the development of Merv Conn Way, the construction of the daycare structures and playground, and the refurbishment of the building at 1015 Spring Street, all of which are directly adjacent to our home and property. That said, we are concerned and dismayed that UT has not proactively reached out to solicit or incorporate our concerns and those of our neighbors into this project design. Instead, they have asked the Planning Board and Department of Permitting Services to approve a massive building that poses significant manufacturing byproduct concerns, while ignoring the potential impact on our historic neighborhood and the families, many like us with young children, living around UT's property.

We request the Planning Board and staff not approve the project until and unless essential changes have been made to address height and setbacks issues. We also request independent investigation into and evaluations of the manufacturing byproducts, noise, water runoff implications, waste and waste disposal infrastructure, and delivery of chemicals and other hazardous materials. The findings should then be communicated to our community prior to allowing approval of the project. We as neighbors of United Therapeutics deserve to be heard and protected.

Please feel free to contact us with any questions via email (a.glennchase@gmail.com) or by calling 202-213-2506. Thank you very much for your time and consideration.

Best regards,
Abigail Glenn-Chase and Omar Teitelbaum
1008 Noyes Drive, Silver Spring, MD 20910

cc:

Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, M-NPPC Montgomery County Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive
Gwen Wright, Planning Director, M-NPPC
Mark Etheridge, Manager, Montgomery County Dept. of Permitting Services, Water Resources Section
Tom Hucker, District 5 Council Member
Christine Morgan, Woodside Park Civic Association

Thank you for your information about the townhouses.

I would like to see the Planning Board's rational for not applying the Residential Compatibility Standards to my property at 1020 Noyes and to the adjoining parking lot which is zoned R60 with a parking lot exception for the existing building.

I would also like to see the Planning Board's study, calculations, and rational for calling this new structure a Life Sciences Building and not a Biological/Chemical manufacturing plant which in fact, based on the limited information we have seen so far would appear to be its primary purpose and function.

William Moore

Sent from my iPad

On Mar 25, 2021, at 9:13 AM, Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org> wrote:

Thank you for your letter, we will include this in our staff report to the Planning Board, currently scheduled for April 15th. I've generally provided some context and responses to your concerns below, however I encourage you to sign up to testify before the Planning Board.

Residential Compatibility / Height

The Residential Compatibility Standards of Section 59.4.1.8 do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that *"abuts a property in an agricultural, rural residential, residential detached, or residential townhouse zone that is vacant or improved with an agricultural or residential use"*. The Department of Permitting Services has determined, in letter dated March 10, 2021, that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel that is improved with parking and access, not a residential use, therefore the standards for height and setback do not apply. In addition, Planning staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, showing that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning staff agree that Section 59.4.1.8 does not apply to this project, as depicted in the figure below, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the proposed building. This is consistent with how we approach similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately.

<image015.jpg>

The maximum building height for this property is 100 feet, however the Zoning Ordinance allows certain height encroachments (Section 59.4.1.7.C.3.a & c), roof structures may occupy a maximum of 25% of the roof structure such as flue or vent stack, water tanks, air conditioning units, mechanical appurtenances (not including renewable energy systems). The Planning Board may approve a larger area under optional method development projects. This application will have to comply with this section and Department of Permitting Services will review the final building drawings at the time of permit. Additionally, parapets, patios, rooftop energy systems and harvesting systems may exceed the height limit by up to 8 feet. The Department of Permitting Services has the final authority and review over these specific height encroachments, which will be reviewed at the time of building permit.

The proposed building will be generally located within the two existing building footprints, and while the proposed building height is taller than the existing, it will be within the maximum allowed height of the Property's zoning. The proposed new structure will be of a high architectural design similar to the existing buildings within the United Therapeutics Campus and each façade will be articulated with several material changes to avoid blank walls.

Disposal

In response to waste disposal and materials, requirements, location, servicing and possible toxic waste exposure, the Applicant will be subject to the requirements at a federal and/or state level for compliance. I have copied the Applicant's attorney, William Kominers, on this email who can weigh in on those requirements for safety.

Noise

The Applicant will have to comply with the County's Noise Law, as enforced by the Department of Permitting Services.

Sun/Shade Study

Although there is no application requirement for a shadow study, we have requested the Applicant provide one and will include it as part of the staff report and the record once it is received.

We appreciate you reaching out to staff with your concerns and please do not hesitate to contact us. Thank you.

<image016.png>

Stephanie Marsnick Dickel

Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reddie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527

[<image017.png>](#)

[<image018.png>](#)

[<image019.png>](#)

[<image020.png>](#)

<image021.jpg>

From: Judith Deitz <jhdeitz@gmail.com>

Sent: Tuesday, March 23, 2021 9:11 PM

To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; MCP-Chair <mcp-chair@mncppc-mc.org>; mitra.pedoeem@montgomerycountymd.gov; Wright, Gwen <gwen.wright@montgomeryplanning.org>; CHRISTINE MORGAN <laughingmatters@verizon.net>; Marc.Elrich@montgomerycountymd.gov

Subject: UT's proposed building at 8830 Cameron Court

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Attached is a letter of March 14 which my husband and I sent to Ms. Stephanie Dickel. It outlines our objections to the building that is being proposed to replace the present one at 8830 Cameron Court. Our home abuts the current parking lot and would be most affected by the development.

We would appreciate an acknowledgement of our concerns.

Judith Deitz Moore

Omar I. Teitelbaum and Abigail Glenn-Chase
1008 Noyes Dr.
Silver Spring, MD 20910
omarteitel@yahoo.com • a.glennchase@gmail.com

March 24, 2021

Ms. Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics - 242T Project

Dear Ms. Dickel:

We write today as homeowners in Woodside Park with a property abutting United Therapeutics (UT). We are concerned about several aspects of UT's proposed biomedical facility at 8830 and 8808 Cameron Street (Plan Number 820210060, UT Project 242T). First, the planned height of the proposed building is twice the height of the current structure on this site and seems to ignore existing compatibility height and setback requirements for other nearby residential properties. The massive size of the building threatens to significantly darken our lot and house, impacting our property value, quality of life, and landscape. We request an independent Shadow Study to fully understand the actual effect the much-increased height will have on our property. The increased footprint of the building is certainly troubling.

We, as parents of a three year old and six year old, are very concerned with the lack of transparency regarding the manufacturing and safe disposal of chemicals and biologics on the other side of our fence. According to the line drawings, the waste disposal areas will be a very short distance from our back and side yards where we eat many of our meals, our young children play on their swing set, and our dog spends much of his day.

The project's extensive waste disposal arrangements, which we have had to discern through the project plans, raise many questions about container location, servicing, and possible hazardous and toxic waste exposure. As currently planned, waste containers would be located close to the boundary of our R-60 neighboring home. In order to support its lab functions, the UT 242T Project also includes the installation of industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than needed by a typical Silver Spring office building. This equipment is also located in close proximity to our home and several other neighborhood residences. A screen wall is the only form of proposed adverse impact mitigation.

In addition to the waste disposal system, generators, towers, and fans, the project includes gas storage units at grade. These systems raise more concerns regarding hazardous chemicals and waste and frequent truck traffic, resulting in noise, fuel runoff, and exhaust. A biomedical research

and manufacturing facility, with potential impacts that include excessive noise, biomedical waste exposure, delivery and disposal of chemicals, and other possible biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and careful and thorough scrutiny on the part of planners and city and elected officials.

We are used to collaborating with UT and have valued working directly with the company on the development of Merv Conn Way, the construction of the daycare structures and playground, and the refurbishment of the building at 1015 Spring Street, all of which are directly adjacent to our home and property. That said, we are concerned and dismayed that UT has not proactively reached out to solicit or incorporate our concerns and those of our neighbors into this project design. Instead, they have asked the Planning Board and Department of Permitting Services to approve a massive building that poses significant manufacturing byproduct concerns, while ignoring the potential impact on our historic neighborhood and the families, many like us with young children, living around UT's property.

We request the Planning Board and staff not approve the project until and unless essential changes have been made to address height and setbacks issues. We also request independent investigation into and evaluations of the manufacturing byproducts, noise, water runoff implications, waste and waste disposal infrastructure, and delivery of chemicals and other hazardous materials. The findings should then be communicated to our community prior to allowing approval of the project. We as neighbors of United Therapeutics deserve to be heard and protected.

Please feel free to contact us with any questions via email (a.glennchase@gmail.com) or by calling 202-213-2506. Thank you very much for your time and consideration.

Best regards,
Abigail Glenn-Chase and Omar Teitelbaum
1008 Noyes Drive, Silver Spring, MD 20910

cc:

Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, M-NPPC Montgomery County Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive
Gwen Wright, Planning Director, M-NPPC
Mark Etheridge, Manager, Montgomery County Dept. of Permitting Services, Water Resources Section
Tom Hucker, District 5 Council Member
Christine Morgan, Woodside Park Civic Association

From: David Remes <remesdh@gmail.com>

Sent: Thursday, March 25, 2021 12:44 PM

To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>

Subject: Question

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Our community is taking their case to the media. Who can we give as a contact for Staff?

--

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com - best way to reach me
202-669-6508

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From: [Dickel, Stephanie](#)
To: [Balmer, Emily](#)
Subject: FW: Question
Date: Thursday, April 1, 2021 9:36:58 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)



Stephanie Marsnick Dickel
Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>
Sent: Thursday, March 25, 2021 12:44 PM
To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>
Subject: Question

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David H. Remes
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Roberta (rg) Steinman
John Parrish
9009 Fairview Rd, Silver Spring, Maryland 20910

March 25, 2021

Stephanie Dickel, Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As residents of Woodside Park, we are very concerned about several aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T) that would adversely impact our neighborhood.

Our first concern, and most conspicuous, is that the planned height of the proposed building (including the penthouse and cooling towers) is more than twice the height of the current structure on this site. The current zoning law has compatibility height and setback requirements for projects abutting or confronting residential properties, which United Therapeutics is choosing to ignore. The lack of adequate set-back from the immediately adjacent townhouses would result in a massive 100+ foot building wall only 20 feet from adjacent residential property.

Such a large building would loom over two-story neighboring residential structures and block the skyline, block the sunlight, and darken the sky, especially during the winter months when the sun is already so low in the sky. And this excessively large structure, located on the north elevation and extending for over 75% of the building façade, would be visible far beyond the immediately-impacted residences, well into the Woodside Park neighborhood.

In combination, the excessive height and lack of an adequate set-back would create a serious decline in the quality of life for our community. We personally spend quite a bit of time outdoors, gardening and enjoying the neighborhood setting. A hulking, massive wall would be visible from our yard and would block the sunlight and sky. This is a very distressing prospect.

Given all the creativity and technological inventiveness that has propelled United Therapeutics this far, we are certain that they can find creative ways to reduce the building's height above ground so that it is not such a looming intrusion.

Then there is the issue with excessive noise. In order to support its lab functions, the UT 242 T Project would require industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than would be required by a typical Silver Spring office building. This equipment would need to be located as far as possible from neighborhood residences to mitigate noise impact. The frequent large truck traffic required to handle waste containers and hazardous waste disposal is another

source of noise that would impact the surrounding community. We also have concerns with the toxic waste exposure and gas storage units. The waste containers and gas storage units need to be located so as not to impact neighboring homes.

We also have concerns about pollution from building lights on all night. It's already difficult enough to experience the night sky in urban areas – and not just for the humans. The light pollution at night is also a problem for nocturnal mammals, birds, and insects, and even plants, which rely on darkness for their survival.

In the past, United Therapeutics has incorporated neighboring residents' concerns into the project design. But in this case, United Therapeutics has asked the Planning Board to approve a massive building, and associated manufacturing byproduct concerns, with little apparent concern for the potential impact on our longstanding neighborhood.

There needs to be significant public review and input if United Therapeutics' massive biomedical research and manufacturing facility, with potential impacts including excessive noise, biomedical waste disposal, delivery of chemicals and biohazard concerns, is going to be located adjacent to a residential neighborhood.

We urge the Planning Board and staff to not approve the project until changes have been made to the height and setbacks, to achieve a building design that is more appropriately scaled to the nearby residences. And further, to delay approval of the project pending a thorough evaluation of the manufacturing byproducts, noise, waste and waste disposal, and delivery of chemicals and other hazardous materials prior to approving the project.

Thank you

Sincerely yours,
Roberta (rg) Steinman
John Parrish

cc: Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, Planning Board
Gwen Wright, Planning Director
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

Michael and Charlotte Ball
1012 S Mansion Dr.
Silver Spring, MD 20910

March 26, 2021

Ms. Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

We are residents of Woodside Park who live near the intersection of Fairview Rd. and Noyes Ave. As such, we are in close proximity to the proposed United Therapeutics' biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T). We understand the importance of having thriving businesses in downtown Silver Spring and thus have been supportive of the United Therapeutics growth there. As the new building will house a manufacturing facility to construct artificial lungs, it certainly would seem to be a noble enterprise. However, we have concerns about what we know of the proposal and feel that there is a lack of transparency and cooperation relative to its development.

We have serious concerns based on the plans we have seen. The first concern is the height of the building. The building would tower over houses on the west side of Noyes Ave. and be a visual obstruction to others nearby. United Therapeutics has chosen to ignore zoning rules regarding setback from adjacent residential housing and also the requirement for a staged building height increase.

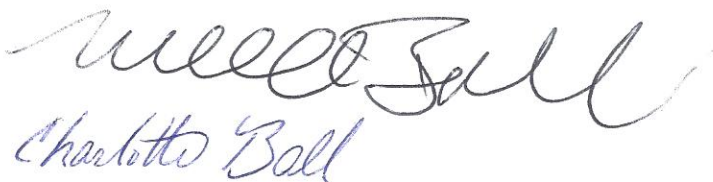
We have an even greater concern relative to the environmental impact associated with the building and its purpose. This is not an office building: it is a

manufacturing facility! Due to the waste and noise of manufacturing facilities, such facilities are usually and wisely located within industrial parks, such as those on nearby Brookville Road, and not adjacent to housing and daycare centers.

It appears that the building will have large exhaust fans and cooling towers. These would seem to have an imposing profile adding to the concern expressed previously. Additionally, to what degree will they generate heat and various types of exhaust? The facility will also generate waste, that will be temporarily stored on-premises and that will require appropriate removal via disposal vehicles. Are there any potential hazards with the waste while in storage? How much congestion and noise will the vehicles generate? There apparently will be industrial gas storage tanks. Are there any safety issues with these?

To put it succinctly, we are concerned with the potential environmental impact of living near a bio-manufacturing facility. Perhaps, this facility is such that our concerns are unfounded. However, we have seen no detailed analysis to allay these concerns. In fact, we wonder why Montgomery County does not require some kind of environmental impact study prior to granting a building permit for a facility of this type. We ask the Planning Board not to approve this project until a height profile compatible with the surrounding neighborhood is achieved and until the environmental impact is fully evaluated and shown to be consistent with proximity to a residential community.

Sincerely

A handwritten signature in blue ink, appearing to read "Michael and Charlotte Ball". The signature is fluid and cursive, with the first name "Michael" being more prominent.

Michael and Charlotte Ball

From: [Dickel, Stephanie](#)
To: [Balmer, Emily](#)
Subject: FW: UT's proposed building at 8830 Cameron Court
Date: Thursday, April 1, 2021 9:37:40 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)



Stephanie Marsnick Dickel

Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: David Remes <remesdh@gmail.com>
Sent: Friday, March 26, 2021 3:26 PM
To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; Carl Mukri <carl.mukri@gmail.com>; Robert Oshel <robert.oshel@gmail.com>
Subject: Re: UT's proposed building at 8830 Cameron Court

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Stephanie,

A neighbor passed along to me your answer, below, to a letter from Judith Deitz Moore. We are disappointed, of course, that we were unable to persuade Staff that the compatibility requirements apply to Project 242T. We are quite puzzled, however, that Staff does not even acknowledge our Memorandum of Law, much less, much less respond to it. Our Memorandum challenges the factual premises of your analysis and presents a legal analysis that your analysis does not address. If you are still unpersuaded after considering our analysis, please explain why as to each point of fact and law.

As a separate point, will you please include our Memorandum of Law dated March 16 in the packet that you send to the Board with your Report? We hope you will do so. If our Memorandum still leaves you unpersuaded that the compatibility requirements apply, would you please note in your Report that the Woodside Park Civic Association and townhouse owners disagreed with Staff's conclusion that the compatibility requirements do not apply?

I will follow up with an email regarding the specific conditions that you describe in the second

paragraph in your compatibility analysis.

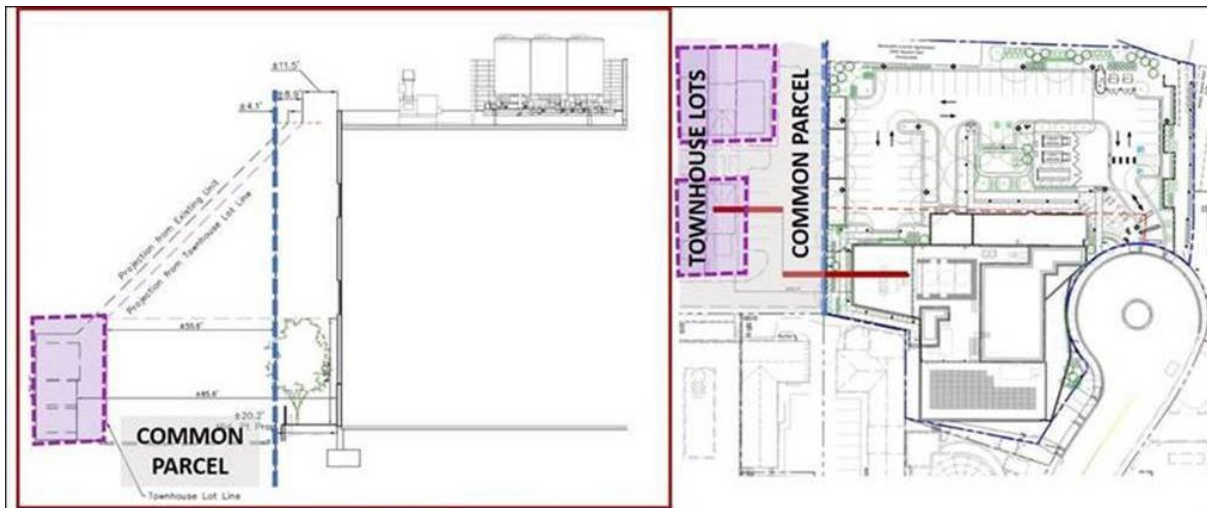
David

From: "Dickel, Stephanie" <Stephanie.Dickel@montgomeryplanning.org>
Subject: RE: UT's proposed building at 8830 Cameron Court
Date: March 25, 2021 at 9:13:10 AM EDT
To: Judith Deitz <jhdeitz@gmail.com>, MCP-Chair <mcp-chair@mncppc-mc.org>, "mitra.pedoeem@montgomerycountymd.gov" <mitra.pedoeem@montgomerycountymd.gov>, "Wright, Gwen" <gwen.wright@montgomeryplanning.org>, "Marc.Elrch@montgomerycountymd.gov" <Marc.Elrch@montgomerycountymd.gov>, William Kominers <wkominers@lercheearly.com>
Cc: "Hisel-McCoy, Elza" <elza.hisel-mccoy@montgomeryplanning.org>, "Mills, Matthew" <matthew.mills@mncppc.org>, CHRISTINE MORGAN <laughingmatters@verizon.net>

Thank you for your letter, we will include this in our staff report to the Planning Board, currently scheduled for April 15th. I've generally provided some context and responses to your concerns below, however I encourage you to sign up to testify before the Planning Board.

Residential Compatibility / Height

The Residential Compatibility Standards of Section 59.4.1.8 do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that *"abuts a property in an agricultural, rural residential, residential detached, or residential townhouse zone that is vacant or improved with an agricultural or residential use"*. The Department of Permitting Services has determined, in letter dated March 10, 2021, that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel that is improved with parking and access, not a residential use, therefore the standards for height and setback do not apply. In addition, Planning staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, showing that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning staff agree that Section 59.4.1.8 does not apply to this project, as depicted in the figure below, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the proposed building. This is consistent with how we approach similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately.



The maximum building height for this property is 100 feet, however the Zoning Ordinance allows certain height encroachments (Section 59.4.1.7.C.3.a & c), roof structures may occupy a maximum of 25% of the roof structure such as flue or vent stack, water tanks, air conditioning units, mechanical appurtenances (not including renewable energy systems). The Planning Board may approve a larger area under optional method development projects. This application will have to comply with this section and Department of Permitting Services will review the final building drawings at the time of permit. Additionally, parapets, patios, rooftop energy systems and harvesting systems may exceed the height limit by up to 8 feet. The Department of Permitting Services has the final authority and review over these specific height encroachments, which will be reviewed at the time of building permit.

The proposed building will be generally located within the two existing building footprints, and while the proposed building height is taller than the existing, it will be within the maximum allowed height of the Property's zoning. The proposed new structure will be of a high architectural design similar to the existing buildings within the United Therapeutics Campus and each façade will be articulated with several material changes to avoid blank walls.

Disposal

In response to waste disposal and materials, requirements, location, servicing and possible toxic waste exposure, the Applicant will be subject to the requirements at a federal and/or state level for compliance. I have copied the Applicant's attorney, William Kominers, on this email who can weigh in on those requirements for safety.

Noise

The Applicant will have to comply with the County's Noise Law, as enforced by the Department of Permitting Services.

Sun/Shade Study

Although there is no application requirement for a shadow study, we have requested the Applicant provide one and will include it as part of the staff report and the record once it is received.

We appreciate you reaching out to staff with your concerns and please do not hesitate to contact us. Thank you.



Stephanie Marsnick Dickel

Regulatory Supervisor, DownCounty Planning Division

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
stephanie.dickel@montgomeryplanning.org
o: 301 495 4527



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Judith Deitz <jhdeitz@gmail.com>

Sent: Tuesday, March 23, 2021 9:11 PM

To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-

mccoy@montgomeryplanning.org>; Mills, Matthew <matthew.mills@mncppc.org>; MCP-Chair <mcp-chair@mncppc-mc.org>; mitra.pedoeem@montgomerycountymd.gov; Wright, Gwen <gwen.wright@montgomeryplanning.org>; CHRISTINE MORGAN <laughingmatters@verizon.net>; Marc.Elrach@montgomerycountymd.gov

Subject: UT's proposed building at 8830 Cameron Court

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Attached is a letter of March 14 which my husband and I sent to Ms. Stephanie Dickel. It outlines our objections to the building that is being proposed to replace the present one at 8830 Cameron Court. Our home abuts the current parking lot and would be most affected by the development.

We would appreciate an acknowledgement of our concerns.

Judith Deitz Moore

--

David H. Remes
1106 Noyes Drive
Silver Spring, MD 20910
remesdh@gmail.com - best way to reach me
202-669-6508

This email and any attachments may contain information that is privileged or confidential, including as a matter of law. If you are not the addressee, and are not copied, on the email, or if you received this communication by error, please notify me immediately and permanently destroy this email, including its attachments, and all copies, including electronic copies, without further distributing or copying them. Thank you.

MaryBeth Mullen
Gary Phoebus
1108 Noyes Drive
Silver Spring, MD 20910

March 26, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As a resident of Woodside Park for 25 years, I am writing to address the proposed United Therapeutics' biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

A 100-foot building only 20 feet from adjacent residential properties housing a biomedical research and manufacturing facility, with potential health threats including excessive noise, biomedical waste disposal, delivery of chemicals and biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and input.

In addition, the proposed height of the new building is twice the height of the current structure on this site which butts up against two-story neighboring residential homes.

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties.

How does the Planning Board go along with this?

Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures.

The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet high. Located on the north elevation and extending for over 75% of the building façade, the proposed roof structures would create a massive wall clearly visible to nearby

and distant neighbors within Woodside Park. Additionally, at the proposed height and without appropriate setbacks, the building would block the sun, negatively impacting its neighbors' quality of life.

In order to support its lab functions, the UT 242 T Project would require industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than required by a typical Silver Spring office building. This equipment should be located as far as possible from neighborhood residences to mitigate impact from noise.

In addition, the project's extensive waste disposal requirements raise concerns about container location, servicing and possible toxic waste exposure. Where is the Environmental Study for the biochemical waste that will result from this lab? Who conducted the study?

As currently planned, waste containers would be located close to and on the boundary with R-60 neighboring homes. The applicant has also identified that the Project would include bulk-tank gas storage units at grade. These on-grade systems raise significant concerns regarding hazardous storage and disposal conditions and frequent and large truck traffic.

We support and applaud United Therapeutics' life changing mission. But at no point during this project's development has United Therapeutics addressed the multiple impacts about this project. Instead, they have asked the Planning Board to approve a massive building, with associated biomedical hazards, with little apparent concern for the potential health impact on the residents residing in this longstanding neighborhood.

We ask the Planning Board and staff to not approve the project until changes have been made to the height and setbacks, to achieve a building design that is more appropriately scaled to the nearby residences. We request an Environmental Study on this project, inclusive of the manufacturing byproducts, noise, waste and waste disposal, and delivery of chemicals and other hazardous materials prior to approving the project.

Thank you.

Sincerely yours,
MaryBeth Mullen
Gary Phoebus

cc: Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

Stephanie:

Please find attached my letter regarding the proposed United Therapeutic's 242-T project submitted for Sketch Plan and Site Plan review.

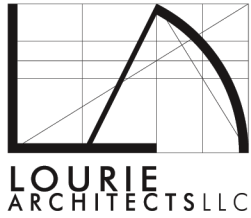
I am very concerned that the UT 242T project as currently proposed exploits the development envelope to the point that it does not meet the intent of the mapped zone, the masterplan and would have significant adverse impact on the surrounding residential community that far exceeds the proposed OMD public benefits.

Please let me know if you have any questions.

Thank you,

Jon
Jon M. Lourie, AIA LEED AP





March 25, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics -242T Project

Dear Ms. Dickel:

I am writing to express concern about the size, height, and massing of the United Therapeutics 242T Project, Plan Number 820210060. As currently proposed, the project does not comply with the objectives of the Optional Method Development sketch plan process, which is to provide a development that offers a greater public benefit than a standard-method project.

One major concern is that the applicant has chosen to ignore existing residential compatibility development requirements (Zoning Section 4.1.8) for the site's west-abutting residential property. I would refer you to David Reme's memorandum on that question from a legal standpoint. The applicant's decision to ignore the compatibility requirements will adversely impact adjacent homeowners who will have a massive 100-foot building wall just 20 feet from their property.

In addition to the issues that would arise from ignoring the compatibility requirements, the following concerns should also be considered:

1. Building Size, Height and Massing:

Building Size:

The size and visual impact of the applicant's proposed building is far greater than its calculated size. The gross floor area of the proposed UT-242T building is identified as 65,000 gross square feet on the submitted plans. In fact, counting the two new mechanical floors of the project, which are not included in the applicant's building-area tabulations, the building as proposed is approximately 100,000 gsf.

However, even those more generous square footage calculations understate the overall impact of the project, due to the fact that the configuration of the building is different than that of a typical office building. The UT-242T project as proposed has 15- to 17-foot floor-to-floor heights to support the functions of its planned laboratory areas. By comparison, a typical office building with 10-foot floor-to-floor heights (same as the existing building to be demolished) within the building envelope of the proposed UT-242T would provide 170,000 gsf.

The actual building size far exceeds the intent of the EOF 3.0, H-100 zoning designation and should not be approved in its current building form.

Building Height:

The applicant has designed a penthouse with a parapet height that is 20 feet greater than the allowed building height. The application has further increased the impact of the penthouse by providing for an extensive screen wall around exterior rooftop equipment at the same 20-foot height.

Zoning Section 4.6.4 Optional Method Development, B. 2. Lot, Density and Height b. states that maximum heights are established by the mapped zone, unless increased under Section 4.6.2.C or 4.6.2.D. These exceptions only apply if housing is provided. The only modification to building height is listed in Section 4.1.7.C. 3. Height Encroachments b. or c., which limits exceeding the established height limit by a maximum of 8 feet. Paragraph a. of the same section allows the Planning Board to approve a greater penthouse area but does not allow a greater height encroachment. The building should not be approved with the penthouse height as currently proposed.

Building Mass:

The excessively high parapet wall has been pushed to the north elevation of the building and extends approximately 127 feet or 75% of the building elevation. The excessive height of the penthouse wall and the absence of a setback, creates the visual impact of a massive building, looming over the R-60 properties of Woodside Park. This North Elevation has no windows and no transparency creating a lifeless façade facing neighboring R-60 properties. Additionally, the applicant has also placed 28 feet tall by 35 feet wide cooling towers on the roof that would project a further 8 feet above the 20 foot screen wall.

The project should not be approved as currently designed and the penthouse must be setback from the North Elevation. Consideration should be given to the following: 1) relocation of the solar panels from the South side of the roof to setback the Penthouse from the North Elevation, 2) relocation of the building's

elevator and stair to provided full setback of the penthouse from the North Elevation and 3) move the cooling towers as far as possible from the neighboring R-60 properties.

2. OMD Incentive Points

The Park and Planning Commission, Incentive Density Implementation Guidelines states that its main objective is to help ensure the balance between the additional density and height values "given" to the developer and the public amenity "received" for that additional value. The applicant's proposed building design and listed OMD benefits far exceed its adverse impact to the neighboring community and the applicant has made no effort to engage the community to provide a more balanced project. The UT-242T building, as currently proposed, does not meet the intent of the guidelines to achieve "the most valuable, healthy and lasting developments for our communities" and should not be approved.

High Quality Design:

Guidelines for High Quality Design state that it is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities, and the pattern of development is harmonious.

Furthermore the North and West Silver Spring Masterplan states that buildings adjacent to the R-60 zone "...should be compatible with the surrounding residential neighborhood in terms of height, bulk, and building materials ..."

But the applicant has chosen to provide a building as described in its Statement of Justification, "designed to maximize the capacity of the site and building footprint to achieve production capacity for optimal throughputs..." The applicant has designed a massive building with a very high 20 foot penthouse that has been pushed to the windowless North Elevation to basically provide an effective building height that is 20% higher than the height maximum and looms over the adjacent R-60 properties.

The proposed building does not meet the intent of the masterplan or provide a high quality design that mitigates its presence to its residential neighbors in exchange for the OMD higher density and height it has requested and should not be approved as currently designed.

Major Public Facilities

The Park and Planning Commission, Incentive Density Implementation Guidelines describes the intent of the Major Public Facility incentive: "Public amenities and

United Therapeutics - 242T Project
March 25, 2021
Page 4.

facilities are essential parts of the social and cultural fabric of our best neighborhoods." It further states: "Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure."

The applicant's proposed donation of solar panels to the Parks Department may help the county meet clean energy goals, but it does not serve the local neighborhood that would be impacted by the applicant's massive proposed development. A new park facility or community center that directly serves the Woodside Park Townhouse and Woodside Park communities should be provided.

The intent of the Sketch Plan submission is to allow for public input and for alternatives to be explored, such that the final result is a best-fit development. Unfortunately, the applicant has presented a project that exploits the development envelope such that it does not meet the intent of the mapped zone and the masterplan and would have a significant adverse impact on the surrounding residential community that far exceeds the proposed OMD public benefits.

The Planning Board and staff should initiate a dialogue between United Therapeutics and the Woodside Park community to provide a project that fits the site and does not adversely impact its neighbors, while meeting the applicant's programmatic and functional requirements.

Thank you,

Sincerely,



Jon Lourie, AIA

cc: Elza Hisel-McCoy Division Chief, Downcounty Planning
Matthew Mills, Acting Principal Counsel, Planning Department
Gwen Wright, Director, Montgomery County Planning Department,
Casey Anderson, Chair, Planning Board
Tom Hucker, Council President, Montgomery County
Marc Elrich, County Executive, Montgomery County

Dear Ms. Dickel,

As residents of Woodside Park, in Silver Spring, my husband and I are extremely concerned about many aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

The planned height of the proposed building is twice the height of the current structure on this site and will loom over the many adjacent two-story residential structures in Woodside Park. The building's excessive size will be visible far beyond its immediate neighbors, well into the Woodside Park community.

In its application to the county for Planning Board approval, United Therapeutics has totally ignored existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures. This will result in a massive 100 foot building wall, only 20 feet from adjacent residential properties. The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet high. Located on the north elevation and extending for over 75% of the building façade, the proposed roof structures would create a massive wall clearly visible to nearby and distant neighbors within Woodside Park. Additionally, at the proposed height and without appropriate setbacks, the building would block the sun, negatively impacting its neighbors' quality of life.

In order to support its lab functions, the UT 242 T Project would require industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than required by a typical Silver Spring office building. This equipment should be located as far as possible from neighborhood residences to mitigate impact from noise. In addition, the project's extensive waste disposal requirements raise concerns about possible toxic waste exposure, container locations and servicing. As currently planned, waste containers would be located close to and on the boundary with R-60 neighboring homes.

The applicant has also identified that the Project would include bulk-tank gas storage units at grade. These on-grade systems raise significant concerns regarding hazardous storage and disposal conditions and frequent and large truck traffic.

At no point during this project's development has United Therapeutics asked for or incorporated neighboring residents' concerns into the project design. Instead, they have asked the Planning Board to approve a massive building, with associated manufacturing byproduct concerns, with little apparent concern for the potential impact on the longstanding neighborhood.

A biomedical research and manufacturing facility, with potential impacts including excessive noise, biomedical waste disposal, delivery of chemicals and biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and input.

We ask the Planning Board and staff to not approve the project until changes have been made to the height and setbacks, to achieve a building design that is more appropriately scaled to the nearby residences. We believe that significant evaluation must be given to the manufacturing byproducts, noise, waste and waste disposal, and delivery of chemicals and other hazardous materials prior to approving this project.

Thank you,
Gale Frank-Adise
Stephen Adise
9012 Fairview Road
Silver Spring, MD 20910

Nora and Bob Webster
917 Fairview Rd, Silver Spring MD 20910

March 25, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics - 242T Project

Dear Ms. Dickel:

We are joining our voices to the other Woodside Park residents concerned about aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street (Plan Number 820210060, UT Project 242T). The planned height of the proposed building is twice the size of the current structure. In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large building adjacent to smaller residential structures. The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet high, negatively impacting its residential neighbors.

In order to support its lab functions, the UT 242T Project would require industrial-sized support generators, cooling towers, and fans that are substantially larger than required by a typical Silver Spring office building. This equipment and the waste containers should be located as far as possible from neighborhood residence to mitigate the negative impact on the residential neighbors.

We appreciate United Therapeutics' mission, but at no point during this project's development has United Therapeutics incorporated neighboring residents' concerns into the project design. Instead, they have asked the Planning Board to approve their plans with little apparent concern for the potential negative impact on the longstanding neighborhood. Montgomery county is a large county. A facility such as the facility in the UT 242T Project should not be located adjacent to a residential neighborhood, or at least, significant public review and input should be required and included in the planning process.

We ask the Planning Board and staff not to approve the project until changes have been made to the height and setbacks, to achieve a building design that is more appropriately scaled to the nearby resident area. We also believe that significant evaluation must be given to the manufacturing byproducts, noise, waste storage and disposal, and delivery of hazardous materials prior to approving the project.

Of immediate urgency, we ask that you do not approve the demolition of the current structure before the summer of this year. This is a residential area where people work from home during COVID-19, and children are doing their best to participate in school from home. The excessive noise, dust and all the disruption associated with a major demolition would only add to the health stressors of the COVID-19 pandemic.

Thank you,
Nora and Bob Webster

Alika Nagpaul
1024 Noyes Drive
Silver Spring, MD 20910

March 26, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As a homeowner with a shared property line with United Therapeutics and a resident of Woodside Park, I am very concerned about aspects of United Therapeutics' proposed biomedical facility at 8830 or 8808 Cameron Street. (Plan Number 820210060, UT Project 242T).

There are three main issues I am concerned with:

- the biohazard waste management risks and mitigation plans
- the height of the building
- the environmental and noise impact

The Project's extensive waste disposal requirements raise concerns about container location, servicing, and possible toxic waste exposure. As currently planned, waste containers would be located close to and on the boundary with R-60 neighboring homes, **which is rather alarming and of grave concern**. The applicant has also identified that the Project would include bulk-tank gas storage units at grade. These on-grade systems raise significant storage and disposal conditions and frequent and large truck traffic. **Can you kindly share the biohazard waste management risks and mitigation plans that UT has submitted with the Woodside Park neighbors and me?**

The planned size of the proposed building, which is twice the height of the current structure on this site, will loom over my backyard and two-story neighboring residential neighboring structures. The building's excessive size will be visible far beyond its immediate neighbors, my house and backyard, as well into the Woodside Park community.

In its application to the county for Planning Board approval, United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties. Those rules exist to mediate the impact of large buildings adjacent to smaller residential structures. This will result in a massive 100-foot building wall only 20 feet from adjacent residential property.

The proposed building's penthouse parapet and roof equipment screen walls would make the building more than 117 feet high. Located on the north elevation and extending for over 75% of the building façade, the proposed roof structures would create a massive wall clearly visible to nearby and distant neighbors within Woodside Park. Additionally, at the proposed height and without appropriate setbacks, the building would block the sun into my backyard, negatively impacting my and the neighborhoods' quality of life. **Can you kindly provide a copy of the shadow study using the building's accurate height to see how this will affect my property and our neighborhood?**

The UT 242 T Project would require industrial-sized support generators, cooling towers, and exhaust fans that are substantially larger than required by a typical Silver Spring office building to support its lab functions. This equipment should be located as far as possible from neighborhood residences to mitigate the impact of noise. As a home owner and person directly affected since my property touches UT boundary line, I would like to see a copy of the Environmental Impact Study (EIS) that has been done. **Can you kindly share the EIS study that UT has submitted with the Woodside Park neighbors and me?**

We support and applaud United Therapeutics' life-changing mission. But at no point during this Project's development has United Therapeutics asked for or incorporated neighboring residents' concerns into the project design. Instead, they have asked the Planning Board to approve a massive building, with associated manufacturing byproduct concerns, with little apparent regard for the potential impact on the longstanding neighborhood.

A biomedical research and manufacturing facility, with potential impacts including excessive noise, biomedical waste disposal, delivery of chemicals, and biohazard concerns, should not be located adjacent to a residential neighborhood without significant public review and input.

We ask the Planning Board and staff not to approve the Project until changes have been made to the height and setbacks to achieve a building design that is more appropriately scaled to the nearby residences. We believe that significant evaluation must be given to the manufacturing byproducts, noise, waste and waste disposal, and delivery of chemicals and other hazardous materials before approving the Project.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, reading "Alika Nagpaul". The signature is fluid and elegant, with the first name "Alika" and last name "Nagpaul" clearly distinguishable.

Alika Nagpaul

cc: Gwen Wright, Planning Director
Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, Planning Board
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

**Graham Anderson & Shannon Billings
9001 Fairview Road
Silver Spring, MD 20910**

March 29, 2021

Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics-242T Project

Dear Ms. Dickel:

As long-time residents of Woodside Park, we are very concerned about aspects of United Therapeutics' proposed biomedical facility at 8830 and 8808 Cameron Street. (Plan Number 820210060, UT Project 242T). The planned height of the proposed building, which is twice the height of the current structure on the site, will dominate the skyline and, literally, cast a shadow over the neighborhood.

It is my understanding that United Therapeutics has chosen to ignore existing compatibility height and setback requirements for projects abutting or confronting residential properties and is exploiting the zoning rules related to parking lots connected to townhome communities for their benefit. And, while technically true that a townhome parking lot is not a residence, it is in service of those residences and has been zoned in a way to manage ownership requirements. United Therapeutics is abusing the effect, and flouting the intent, of these rules, to construct a building that is oversized and incompatible with neighboring properties.

Additionally, we are very concerned about the level of noise that will be generated by this enormous structure. To support its lab functions, the United Therapeutics Project would require industrial-sized generators, cooling towers, and exhaust fans that are substantially larger than typically required for a Silver Spring office building. We would request that this equipment be located as far as possible from neighborhood residences to mitigate impact from noise.

We support and applaud United Therapeutics' mission and are proud of this "home-grown" business. However, we are disappointed that United Therapeutics has not consulted with, nor incorporated, Woodside Park residents' to learn of our concerns about the project design. Instead, they have asked the Planning Board to approve an immense building with no regard for the potential impact on the neighborhood – their founder's neighborhood.

A project of this size and scope should not be located adjacent to a residential neighborhood without significant public review and input. We ask the Planning Board and staff to not approve the project until changes have been made to the height and setbacks that will achieve a building design that is more appropriately scaled to the nearby residences, and that United Therapeutics commits to a design that will mitigate the noise associated with the building's operations.

Sincerely,

Graham Anderson & Shannon Billings

cc: Elza Hisel-McCoy Division Chief of Downcounty Planning
Casey Anderson, Chair, Planning Board
Gwen Wright, Planning Director
Mitra Pedoeem, Director, Department of Permitting Services
Marc Elrich, County Executive

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Anderson, Chairperson, Montgomery County Planning Board,

As long-time residents of the Woodside Park community in Silver Spring, we have accepted, even supported, the presence of United Therapeutics (i.e., its buildings, projects, and operations) on the edge of our neighborhood that faces the downtown center of Silver Spring.

However, we now feel compelled to appeal to you about the likely negative impacts on our community of the oversized (i.e., too large and too high) building that United Therapeutics is proposing to build on the empty parking lot beside Cameron Court, which means that it will be just beside and above numerous houses and townhouses on Noyes Road, Fairview Court, and Fairview Road.

We respectfully request that you and your colleagues do everything possible to ensure that this proposed new building (facility/factory) have absolutely minimal negative impacts on the health of the environment and residents of Woodside Park, Silver Spring, by requiring that United Therapeutics design, build, and operate it so that there is: no excessive and/or improper outdoor storage of waste/trash; no released or escaped chemical/biological agents; no pollution of our air, water, and soil; no excessive noise pollution; and no unreasonable shade/shadow cast on nearby residences by its size/height.

At a minimum, we feel that the following actions be undertaken by Montgomery County and/or United Therapeutics:

- A shadow study using the true height of the building to assess its effects on the natural light that reaches nearby properties should be done and reported;
- An Environmental Impact Study concerning gases/chemicals/bio matter being used in the research and manufacturing of personalized lungs should be done and reported;
- Concerns about noise from mechanicals situated on the “residential” side of the property and the many waste collection sites on the parking lot be meaningfully addressed and mitigated in the design, construction, completion, operation, and maintenance of the building (factory/facility); and
- The N/W SS Master Plan calling for buildings constructed in this area that “should be compatible with the surrounding residential neighborhood in terms of height, bulk, and building materials and should be screened from the residences on Noyes Drive using landscaping or other forms of buffering” should be followed and adhered to.

Sincerely,

Christopher L. Hatch and Sandra Colombini Hatch
9005 Fairview Road
Silver Spring, MD 20910

Tel. no. (home): 301-587-2042
Tel. no. (cell): 301-412-1674

1008 Woodside Parkway
Silver Spring, Maryland 20910

March 29, 2021

Ms. Stephanie M. Dickel
Regulatory Supervisor
DownCounty Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, Maryland 20902

RE: United Therapeutics 242T Project

Dear Ms. Dickel,

The North and West Silver Spring Master Plan is the controlling Plan for this Project. In its Statement of Justification, United Therapeutics (UT) correctly quotes that the intent of Plan is “to sustain a livable community of neighborhoods in North Silver Spring by preserving their positive attributes and guiding change so that it strengthens the function, character, and appearance of the area.” That same paragraph continues: “New development, infill development, and special exception uses should be compatible with the existing residential character.”

That emphasis on maintaining the residential character of North Silver Spring, with particular concern for the development pressures at the borders (Georgia Avenue, Colesville Road and Spring Street), is a theme throughout the Plan. The properties on Cameron Street are even given special attention (Page 35 - Cameron Street Properties). There was no suggestion to up-zone the area and instead it was noted that buildings “should be compatible with the surrounding residential neighborhood in terms of height, bulk, and building materials and should be screened from the residences on Noyes Drive using landscaping or other forms of buffering.” (*Emphasis added.*)

In other words, developers of those properties were advised to look to the adjacent residentially zoned areas for compatibility in design. Planning staff and Planning Board members are similarly advised to uphold the intent of this Master Plan.

United Therapeutics has chosen not to embrace and respect the challenges of designing a building with sensitivity toward its residential neighbors, as proposed in the Master Plan.

Instead, as laid out in all of its writings and one public presentation — in its Statements of Justification and the Minutes of Community Meeting — UT looks south, away from the residentially zoned properties to its west, north and east. It chooses to be compatible with itself, with its “campus” on Spring Street. And of all those other UT structures, this one, outside of the confines of downtown Silver Spring, is the tallest by far. Even the structure housing the mechanical yard and microbulk tanks is massive, jutting out from the building, rising as high as the neighboring homes and stretching two-thirds the length of the building it’s in service to.

In their Community Minutes, UT’s only comment on the parking area to the residentially zoned north and west was about greenery that would be added, including a planting island for the center of the lot. A so-called Site Plan (“Shown for illustrative purposes only”) included in the Community Outreach meeting backed up that description. Missing was any basis in reality.

In truth, they've taken the area to the north of the building, which includes the surface parking lot, and allocated it for support system structures and two very large bio-waste management sites at grade. These systems would expand out from the base of the building to the fence of existing residential properties.

This is in opposition to the North and West Silver Spring Master Plan. It is wholly unresponsive to the residential communities around this site. It would be a colossal mistake to allow this Project to be constructed as proposed. I ask the Planning staff and the Planning Board to guide “change so that it strengthens the function, character, and appearance of the area” by rejecting this misbegotten Project.

Sincerely,



Patrick A. Sidwell

Cc: Elza Hisel-McCoy, Division Chief, Down County Planning
 Matthew Mills, Acting Principal Counsel, Planning Department
 Gwen Wright, Planning Director
 Casey Anderson, Chair, Planning Board
 Marc Elrich, County Executive

Carl R. Mukri

1123 Fairview Court
Silver Spring, MD 20910

202-258-4855
carl.mukri@gmail.com

Ms. Stephanie Dickel
Regulatory Supervisor
Planning Department
Montgomery County Government
2425 Reedy Drive, 14th Floor
Wheaton, MD 20902

RE: United Therapeutics - 242T Project

Ms. Dickel:

It is with great urgency that I communicate with you regarding this project which directly affects me. I am a resident of Woodside Park since 1983, I am an architect, and my residence at 1123 Fairview Court is adjacent to the proposed building.

These are items that were omitted or misrepresented at the Community Meeting on Nov 19, 2020, and the Community Meeting Notes filed by United Therapeutics (UT):

Failure to disclose mechanical floors: The initial presentation of the proposed building, it was described as having "four operational floors" (UT Meeting Minutes para 5 pp 1-2). However, subsequent Site and Sketch Plan submissions (Dec. 11, 2020) revealed six floors. Through my own research I was able to discover that floors devoted entirely to mechanical equipment are not counted toward the Gross Building Area. UT misled the community by not including these floors in the count. Even worse, the portion of the Code allowing exclusion of these floors (Div 59-1.4 Sec 1.4.2, amended Feb. 7, 2017) is specifically limited only for projects of "Medical/Scientific Manufacturing and Production use" which just happens to be tailored for UT's major function. If we had been made aware of the two mechanical floors, and the exclusive use of those floors, the community might have had concerns regarding the height of the building, manufacturing operations, and potential for accidents involving toxic or biohazard materials.

The images presented during the Community Meeting included many dramatic renderings of the proposed building. However, nowhere in the meeting was the fact that much of the facade of the proposed building is composed of louvers (at the two unidentified floors devoted to mechanical equipment). It was not until the Site and

Sketch Plans had been submitted, later, that the presence of louvers was identified. If this expanse of louvers had been presented to the community at this meeting it may have generated community questions regarding the need for so much ventilation, potential noise, and exhaust gases or particles.

Failure to disclose the northside structure: During the presentation, no identification was provided for the large structure at the north side of the proposed building. We later learned from the Site Plans and Sketch Plans that it is an enclosure for emergency generator(s) cumulatively the size of a 16-wheeled tanker truck. If proper identification of this important feature was provided at the meeting, it would have surely generated questions from the community regarding noise and exhaust.

Failure to provide overlay sketch. In regard to questions from the community, the Community Meeting Notes state “The Team stated that an overlay of the existing building and the proposed structure would be part of the submission materials. “ An overlay sketch as not yet been shared with the community.

And, more importantly, the UT response to the community question regarding why the Residential Compatibility Standards are not respected in the proposed building: that abutting RT-12.5 zoned property has no residential improvement nor is it vacant, and is therefore somehow invisible to the zoning regulations. This defies common sense. Not only is the adjacent property (Plat 13489, Parcel A) zoned residential, it is owned by a Home Owners’ Association to provide the zoning regulations required parking for townhouses. To make such HOA common ownership property invisible to zoning regulations regarding abutting development leaves thousands (10s of thousands?) of County townhouse residents without the protections of the Residential Compatibility Standards available to all other residential zones. This cannot and should not be the intent of the Zoning Regulations, nor the County.

Community knowledge of uncounted mechanical floors, major ventilation louvers, and a huge emergency generator enclosure, was possible only through review of the submissions of the Site Plans and Sketch Plans, and was not available at the Community Meeting because they were not revealed by the UT presenters.

Need for additional community meetings: This brings me to the more general issue of community meetings. It appears that there have not been the required community meetings for Sketch Plan and Site Plan, as there was for Preliminary Plan. If there had been meetings for each of these, many of the concerns and questions that developed from those submissions could have been expressed by the community.

The Montgomery County Planning Board Regulation on Administrative Procedures for Development Review, has specific milestones for Pre-submittal Community Meetings.

Section 50/59.00.01.04.A includes a table that shows Pre-Submittal Community Meetings are required for Preliminary Plan, Sketch Plan, and Site Plan. The only Pre-submittal Community Meeting provided for UT project 242T is the one for the Preliminary Plan, on Nov. 19, 2020, which they advertised a combined meeting for Preliminary Plan, Site Plan, and Sketch plan submittals.

Section 50/59.00.01.04.B “Pre-submittal Community Meetings. For a sketch plan, preliminary plan, or site plan, the applicant must hold at least one public pre-submission meeting no more than 90 calendar days before the initial application date. The purpose of the meeting is to explain the proposed project, address concerns about its impact on the community, and notify those attending of their right to participate in the review process.”

I first note that this section refers to “Meetings” plural. Secondly, the use of the word “or”, rather than “and” is important. “Or” is commonly used to indicate that the items referenced are to be considered exclusively as separate and individual. “And” is commonly used to indicate the items referenced are inclusive and together as a group. Since “Pre-submittal Community Meetings” is plural, and the reference to the subject meetings is exclusive and individual, there appears no option to combine the pre-submittal meetings for three individual, separate, submissions: Preliminary Plan, Site Plan, and Sketch Plan.

The UT combining of community meetings not only is contrary to the administrative process, but denied the community adequate access to the separate submissions to knowledgeably generate questions regarding each submission, as shown with the items identified above. Additional Pre-submittal Community Meetings for Sketch Plan and Site Plan must be provided before the administrative process continues to the recommendation to the Planning Board.

These required meetings will allow the community to discuss many additional issues that have been revealed in the Site Plan Submission and the Sketch Plan Submission, including, but not limited to:

Change in use of parking lot exemption in the R-60 portion of the UT property to include large truck access to “mini-bulk gas storage” and two enclosures for solid waste (common and bio-medical?). This new type of traffic in the parking lot introduces much more noise and exhaust than common vehicular parking.

The Sketch Plans and the Site Plans revealed exposed rooftop “exhaust fans” which raise questions of noise and, more importantly, what is it they exhaust that is not part of the typical air conditioning system?

The Sketch Plans and Site Plans also revealed an unidentified exposed item on the rooftop visible from the East, West and South elevations. Does this item produce any environmental impacts (noise, exhaust, lights, other)?

There are surely other questions that other community members have regarding issues that were not knowable at the time of the single Community Pre-submittal Meeting for the Preliminary Plan.

For these reasons, I request that the review and approval process of UT project 242T be delayed to allow the required community review and comment on the Site Plan and the Sketch Plan.

I may be contacted at the mail address or email address above or by calling at 202-258-4855.

Respectfully,
Carl Mukri
1123 Fairview Court
Silver Spring MD 20910

cc: Elza Hisel-McCoy Division Chief, Downcounty Planning
Matthew Mills, Acting Principal Counsel, Planning Department
Gwen Wright, Director, Montgomery County Planning Department,
Casey Anderson, Chair, Planning Board
Tom Hucker, Council President, Montgomery County
Marc Elrich, County Executive, Montgomery County

Dear Ms. Dickel,

As long-time residents of the Woodside Park community in Silver Spring, we have accepted, even supported, the presence of United Therapeutics (i.e., its buildings, projects, and operations) on the edge of our neighborhood that faces the downtown center of Silver Spring.

However, we now feel compelled to appeal to you about the likely negative impacts on our community of the oversized (i.e., too large and too high) building that United Therapeutics is proposing to build on the empty parking lot beside Cameron Court, which means that it will be just beside and above numerous houses and townhouses on Noyes Road, Fairview Court, and Fairview Road.

We respectfully request that you and your colleagues do everything possible to ensure that this proposed new building (facility/factory) have absolutely minimal negative impacts on the health of the environment and residents of Woodside Park, Silver Spring, by requiring that United Therapeutics design, build, and operate it so that there is: no excessive and/or improper outdoor storage of waste/trash; no released or escaped chemical/biological agents; no pollution of our air, water, and soil; no excessive noise pollution; and no unreasonable shade/shadow cast on nearby residences by its size/height.

At a minimum, we feel that the following actions be undertaken by Montgomery County and/or United Therapeutics:

- A shadow study using the true height of the building to assess its effects on the natural light that reaches nearby properties should be done and reported;
- An Environmental Impact Study concerning gases/chemicals/bio matter being used in the research and manufacturing of personalized lungs should be done and reported;
- Concerns about noise from mechanicals situated on the “residential” side of the property and the many waste collection sites on the parking lot be meaningfully addressed and mitigated in the design, construction, completion, operation, and maintenance of the building (factory/facility); and
- The N/W SS Master Plan calling for buildings constructed in this area that “should be compatible with the surrounding residential neighborhood in terms of height, bulk, and building materials and should be screened from the residences on Noyes Drive using landscaping or other forms of buffering” should be followed and adhered to.

Sincerely,

Christopher L. Hatch and Sandra Colombini Hatch
9005 Fairview Road
Silver Spring, MD 20910

Tel. no. (home): 301-587-2042

Tel. no. (cell): 301-412-1674

1008 Woodside Parkway
Silver Spring, Maryland 20910

March 31, 2021

Ms. Stephanie M. Dickel
Regulatory Supervisor
Down County Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, Maryland 20902

RE: United Therapeutics 242T Project

Dear Ms. Dickel,

It's difficult not to be upset when delving into the details of what United Therapeutics (UT) plans to impose at the edge of my neighborhood — a looming and insular structure. It's even more so when a protective, and seemingly applicable, compatibility zoning requirement was mandated for another similarly situated project, yet was found not to pertain in this instance.

The other Project is 4702 Chevy Chase Drive (4702), whose Preliminary and Sketch Plans were approved on January 7, 2021, just a few months ago. The relevant standard is Sec.59.4.1.8.B of the Zoning Ordinance: Compatibility Requirements for height.

Both Projects have the requisite zoning attributes necessary to trigger the Compatibility Requirements, to wit:

Both are located in a commercial zone named in Sec.59.4.1.8.B (EOF and CR), and both border residentially zoned areas designated by Sec.59.4.1.8.B (R-60 and RT-12.5).

They also share another site characteristic: Situated between each of these Projects and the subject residences are areas commonly used for transit and parking.

In the instance of 4702, a street with no zoning designation is folded into the abutting R-60 residential zone, requiring the Project to conform to Sec.59.4.1.8.B. Its southern facade on Nottingham Drive “at the front setback will be a maximum 35 feet tall and

increase in height through setbacks at a 45-degree angle, as specified in the Zoning Ordinance (Section 59.4.1.8.B).” (Staff Report on 4702 Chevy Chase Drive dated December 7, 2020)

In the UT Project, a surface parking area, within an RT-12.5 residentially zoned parcel, is determined to be a non-residential use, and the townhouse community is denied the rightful protections offered by Sec.59.4.1.8.B. Instead of a facade rising to a maximum of 35 feet before stepping back at a 45-degree angle to the maximum height of 100 feet, that facade will rise to an immediate, unbroken height of 100 feet.

Given the above, it seems that an arbitrary, inconsistent or unfair application of the Code is taking place in these instances. Either both paved locations are “residential uses,” or they are not. This situation has the potential to cause major consequences to zoning throughout the County.

Being designated as a Strategic Economic Development Project telescopes the time for public review and comment. The Executive Order itself states “this Project needs to move as quickly as possible through the entitlement, development, and permitting processes”

I hope that such speed does not result in a less-than-thorough scrutiny by those tasked to do so; that the obligation to apply all relevant zoning requirements and standards in the Code is fulfilled. To do otherwise would undermine the public’s trust in this process.

Sincerely,



Christine Morgan

Cc: Elza Hisel-McCoy, Division Chief, Down County Planning
 Matthew Mills, Acting Principal Counsel, Planning Department
 Gwen Wright, Planning Director
 Casey Anderson, Chair, Planning Board
 Marc Elrich, County Executive
 Tom Hucker, County Council President