

4. The application fails to conform to the 2002 Potomac Subregion Master Plan, the Montgomery County Environmental Guidelines, the Maryland environmental statutes and regulations, and the Montgomery County Forest Conservation Statute in various significant respects.

B. Adverse Impacts on Neighborhood Compatibility

1. The pattern of residential dwelling density in the surrounding neighborhood—single family homes on 2 acre lots--is far less than that proposed for the duplex and triplex and the Lodge. The aberration of this pattern is a non-inherent feature of the application adversely impacting the Surrounding Neighborhood and undermining the claim of neighborhood compatibility.

2. The arrangement and density of the duplex and triplex units does not resemble that of the Surrounding Neighborhood, most particularly with respect to the size of the buildings, the size of the lots on which they will sit, and the green/open space associated with each “ownership unit.” More generally, they do not, as claimed, “emulate single family homes that surround the Property.”

3. The screening of the Cottage Units from abutting single-family dwellings is inadequate. This screening should be evaluated lot-by-lot and significantly upgraded..

4. The evidence presented on compatibility in other locations between residential neighborhoods and other senior living projects is of no relevance to any issue in this case and should be rejected.

5. The expected frequency of vehicle trips to and from the property, whether by Sage/Heritage Garden employees, contract employees, homeowner employees, staff, vendors, delivery persons, or homeowner/Occupant guests will be a non-inherent adverse neighborhood impact due to the location of the property.

C. Other Adverse Effects

1. The evidence presented by the application on the asserted lack of adverse impact on the economic value of surrounding projects when senior living facilities are introduced to a neighborhood, is of no relevance to any issue in this case and should be rejected. In fact, implementation of the application would adversely impact the economic value of single-family homes in the Surrounding Neighborhood.

2. Even if a Traffic Study is deemed not required, the application nevertheless fails to demonstrate that the use will be served by adequate public facilities, including, but not limited to, public roads, public transit, and sidewalks ensuring safe passage to off-site community and commercial facilities.

D. Deficiencies in the Information Contained in the Application

1. Proper evaluation of the application requires review and approval of the proposed Covenant scheme, which has not been included in the application.
2. Absent from the application is any evidence that there is a market demand among seniors desiring to move into a multiple-gradient facility that they would, as claimed, wish to themselves “own their own unit” at the entry level of a Senior Care Community.
3. There is no evidence in the application that Sage Life has the experience and capability to properly manage and operate a 30-acre property with 45 privately owned duplexes and assisted living and memory care facilities to be located in the Lodge, and ensure compliance with the zoning code.
4. The application is deficient in providing scaled architectural details of the duplex and triplex independent living units, including all floors thereof, and in providing site plans for each of the 45 “ownership units” and their relationship to the adjacent land not part of such “ownership unit.”
5. The application is deficient in spelling out conditional use operational details highly relevant to gauging the adverse neighborhood impact of the project.

II. REPORTS

The Residents’ opposition case is still under preparation. At this time, no reports specific to this property and the application are anticipated to be introduced. Residents may refer to third-party reports and analyses relating to the market for senior housing relevant to claims made by the applicant in the course of its presentation. Such reports and analysis are equally, if not more, available to the applicant than they are to the Residents.

III. EXPERTS

The Residents have no present intention of including expert testimony in their opposition case. Residents may call upon a Maryland-licensed real estate agent to testify, based on his or her familiarity with the single-family residential real estate market in the vicinity of the property. In such event, this statement will be supplemented with the CV of such person.

IV. WITNESSES EXPECTED TO TESTIFY

Opposing residents that will be testifying are listed below. Each will address one or more of the grounds for opposition to the application.

Rick Maggin
Maggin Construction Company, Inc.
11603 Nebel Street
Rockville, MD 20852
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Susanne Lee
West Montgomery County Citizens Association, Inc.
12900 Circle Drive
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Sam Rosenthal
11010 Edison Road
Potomac, MD 20854
foggyglen@gmail.com

V. ESTIMATED PRESENTATION TIME

Approximately four hours or less, exclusive of cross-examination.

January 7, 2022

Respectfully submitted,



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Counsel for the Residents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of January 2022, a copy of the foregoing Residents' Prehearing Statement was sent electronically to: Patricia Harris, Esq., Lerch, Early, Brewer, 7600 Wisconsin Ave Suite 700, Bethesda, MD 20814, paharris@lerchearly.com; Joshua Penn, Planner Coordinator, Maryland-National Capital Park and Planning Commission, Wheaton, MD, joshua.penn@montgomeryplanning.org.



David W. Brown

From: [Susanne Lee](#)
To: [MCP-Chair](#)
Subject: January 13th Planning Board Hearing - Item No. 5 Heritage Gardens -Pictures to Accompany Testimony of Susanne Lee
Date: Tuesday, January 11, 2022 6:01:01 PM

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

Attached are 4 pictures that I plan to use to illustrate portions of my oral testimony. I will also work with the Teams staff to see how I will be able to share them during my testimony.

If there are any questions or problems, please give me a call at 301-956-4535.

Thanks.

Susanne Lee







