

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

for

MONTGOMERY COUNTY

Stella B. Werner Council Office Building

100 Maryland Avenue, Room 200

Rockville, Maryland 20850

<https://www.montgomerycountymd.gov/ozah/index.html>

Phone: (240) 777-6660; Fax (240) 777-6665

CASE NO. CU 21-06 and BOA CASE NO: A-6693

APPLICATION OF REFLECTION LIFE, INC.

**NOTICE OF PUBLIC HEARING AFTER REMAND
AND SCHEDULING ORDER**

Notice of Public Hearing on Remand

On October 11, 2021, the Hearing Examiner approved the above-captioned conditional use and variance applications. The Applicant seeks to operate a *cemetery* under Section 59-3.5.4.A of the Zoning Ordinance and an associated variance. The subject property is located at 16621 New Hampshire Avenue, in Silver Spring, Maryland 20905 (Tax Account 05-00272622) in the Rural Cluster (RC) Zone.

The Hearing Examiner's decision was appealed to the Board of Appeals. By resolution effective December 30, 2021, the Board of Appeals remanded the case to the Hearing Examiner for:

...the taking of additional evidence, to be presented by the Patuxent Watershed Protective Association or the applicant, that is relevant to the potential impact of necroleachate on groundwater, the Rocky Gorge Reservoir, and the Patuxent watershed, including testimony and cross-examination of experts deemed qualified to offer opinion evidence on those issues, and such additional evidence from other parties as the Hearing Examiner deems relevant to the water quality issues raised in this case...

Please take notice that Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), will hold a public hearing on **Tuesday April 12, 2022 through Friday, April 15, 2022, at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the Board of Appeals' remand of the above-captioned applications.

PLEASE NOTE: Due to the COVID-19 pandemic, this hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing may be found under the link "Public Hearing Remote Access and Exhibits" and the Hearing Calendar on OZAH's website at least two days before the public hearing.

All exhibits filed in the case will be available to view via the link “Public Hearing Remote Access and Exhibits” on OZAH’s website at least two days before the public hearing. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. of the day of the public hearing.

OZAH is now operating remotely to the extent possible. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202106. If you wish to review the full file (all submissions in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or nana.johnson@montgomerycountymd.gov.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, or (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH’s Rules of OZAH’s Amended Land Use Rules of Procedure. These Rules may be found on OZAH’s website listed above.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes all amended filings.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Scheduling Order

1. Monday, March 14, 2022 before 5:00 p.m.: Parties represented by counsel must file a pre-hearing statement. The pre-hearing statement must list all experts to be

called in the case and must include a summary of testimony and a written reports from each expert.

2. Monday, March 28, 2022 before 5:00 pm: Parties represented by counsel must file a supplement pre-hearing statement. The supplemental pre-hearing statement must include a summary of testimony from each expert witness and any additional written information to be relied on at the public hearing.

Order and Notice sent this 2nd day of March 2022.



Lynn Robeson Hannan
Hearing Examiner

COPIES TO:

Basil Eldadah, Applicant

Jody S. Kline, Esquire

Timothy M. Sullivan, Esquire

Attorneys for the Applicant

David Brown, Esquire

Attorney for the Patuxent Watershed Protection Assoc.

Cliff Royalty, Esquire, Office of the County Attorney

Victor Salazar, DPS

James Babb, Division Chief, Treasury Division

Washington Suburban Sanitary Commission

Montgomery County Public Schools

Abutting and Confronting Property Owners

(or a condominium's council of unit owners or renters, if applicable) Civic, Renters' and Homeowners' Associations within a half mile of the site and Any Municipality within a half mile of the site.