



**MINUTES OF THE BOARD OF APPEALS
CASE #2023-03 ROD N REEL INC/DONOVAN ESTATES LLC
CONTINUATION HEARING
FEBRUARY 8, 2024**

- I. The hearing was opened at 7:00 p.m. by Chair Jody Hoon-Starr. In attendance were Chair Hoon-Starr, Paul Doherty, Amy Everett, and Richard Burch, Board of Appeals Members, Sharon L. Humm, Board Clerk, and Fred Sussman, Board Counsel. Absent was Stephen Sharp, Board Member.

Chair Hoon-Starr asked the Board Clerk if any comments had been received since its last hearing. Board Clerk Humm stated for the record, no comments had been received.

- II. **Approval of the minutes of the January 25, 2024 Board of Appeals Case #2023-03 Rod n Reel Inc./Donovan Estates, LLC continuation hearing.**

MOTION: Ms. Everett moved to approve the minutes of the January 25, 2024 Board of Appeals Case #2023-03 continuation hearing. Seconded by Mr. Doherty, all in favor.

Chair Hoon-Starr noted, tonight's session will be a two-hour maximum session ending at 9 pm. All questions are to be addressed to the Board Chair and/or Board Counsel. Tonight, third parties of record will have the opportunity to ask questions of any given testimony at the conclusion of that testimony. Questions will be limited in scope to testimony presented. With the order of presentation, the Appellant's Counsel continues his presentation of testimony and evidence. At the conclusion, third parties of record will be offered a chance to question any witnesses. Once completed, Mr. Pounds, representative for the Town, will then present his testimony and evidence. Once both parties have completed their presentation of testimony and evidence, the public will have the opportunity to be heard. Summary statements will then be provided. With that being said, tonight will not allow for verbal public comments but written comments will be accepted at any time.

Chair Hoon-Starr read into the record Board of Appeals Case #2023-03 Rod n Reel Inc./Donovan Estates LLC application request and asked Mr. Blitz to resume. Mr. Blitz stated, with the conclusion of Mr. Woodburn's testimony at the January 25th hearing, he recalls cross-examination would begin tonight from Mr. Pounds and any other parties of record.

Ms. Everett, Board member, took the opportunity to ask several questions of Mr. Woodburn.

Mr. Pounds began his cross-examination of Mr. Woodburn asking if he knew what being sworn in meant. Mr. Blitz objected to Mr. Pound's question. With direction from the Chair, Mr. Woodburn stated for the record he knew what it meant and swore to tell the truth and nothing but the truth.

Mr. Pounds questioned Mr. Woodburn establishing his career and experience as an engineer. Mr. Pounds inquired about Mr. Woodburn's years with the Town as Town Engineer, and his duration as an engineer performing work for the Rod n Reel. Mr. Woodburn stated an estimation of eighteen

(18) years as Town Engineer and as for the Rod n Reel, he could not be certain of a date, but knew it was before he was contracted with the Town.

Mr. Pounds questioned if Mr. Woodburn had submitted applications to the Town on behalf of the Rod n Reel while Town Engineer, and did he review those applications while holding that position, suggesting possible conflict of interest.

Mr. Blitz objected to the line of questioning. Objection was sustained.

Mr. Woodburn stated that he was working for the Rod n Reel before working for the Town and that he did not review any application that he submitted to the Town on behalf of the Rod n Reel. Any applications that he submitted on behalf of Rod n Reel were reviewed by others contracted by the Town.

Mr. Pounds questioned Mr. Woodburn's knowledge of flooding and property rezoning and if he participated in the Comprehensive Planning of the Town.

Mr. Pounds further inquired of Mr. Woodburn, permit renewals pertaining to the projects of this case. Mr. Woodburn stated he was aware of the Harbor Vista South renewal.

Mr. Pounds brought to Mr. Woodburn's attention the previously submitted Exhibit 52, which was a number of select pages from the 2010 Comprehensive Plan. Under that Plan the projects were permitted uses. Mr. Pounds inquired of Mr. Woodburn if any work had been performed under any of those projects. Mr. Woodburn noted infrastructure work was done at Stinnett Place in conjunction with State and Town work performed to address the flooding in that area.

Mr. Pounds noted the following previously submitted exhibits:

Exhibit 54, Minutes of the February 10, 2016 Planning Commission meeting showing preliminary site plan approval for Harbor Vista South Condominiums. Mr. Pounds asked if a building had been built. Mr. Woodburn replied, no.

Exhibit 55, a staff memorandum from Chris Jakubiak dated February 9, 2010 for Harbor Vista South Condominiums noting this project dated back to 2006 as stated in the memorandum and resurfaced in 2016.

Exhibits 57, 58, & 59 – Copies of zoning permits which Mr. Pounds confirmed with Mr. Woodburn, and dates of approval and renewal for Gordon Stinnett Avenue, (16-unit condo building), 8716 C Street, (Stinnett Place Condos), and 3418 Cox Road, (Home Place), for site grading and installation of underground utilities.

Mr. Pounds concluded his cross-examination by stating that during Mr. Blitz's presentation, numerous times Mr. Blitz spoke of the Planning Commission's delay in working on the Comprehensive Plan. With that being said, it would seem that delaying that work could only have been beneficial to the Rod n Reel. With no further renewals possible on those expired project permits, they could have been refilled.

Mr. Blitz followed up with a few questions for Mr. Woodburn. In Mr. Woodburn's testimony he described the work done at Stinnett Place. Mr. Blitz asked Mr. Woodburn to further describe work that has been performed and completed at the Harbor Vista North, South, & West that would be utilized for the purpose of the applications filed on January 29, 2021.

Mr. Woodburn gave some history of the marina and then described all the work that has taken place since the original plan was submitted a number of years ago, by then owner, Dave Sisson, which

included a condominium building on Harbor Vista North, South, and West . Lastly, Home Place has had no work performed to his knowledge.

In conclusion, Chair Hoon-Starr called for any party of record to ask questions.

1. Laura Blackwelder, 3256 Cannoncade Court, Chesapeake Beach MD questioned Mr. Woodburn.

There being no further comments, upon motion duly made by Mr. Doherty and seconded by Ms. Everett, the Chair declared the hearing adjourned at 8:42 pm and to resume again on March 14, 2024, at 6:30 PM.

Submitted by,

Sharon L. Humm
Board of Appeals