

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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:
PETITION OF PEPCO - DARNESTOWN : OZAH No. CU 16-04
SUBSTATION :
:
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A hearing in the above-entitled matter was held on
January 7, 2016, commencing at 9:38 a.m., at the Stella B.
Werner Council Office Building, Office of Zoning and
Administrative Hearings, 100 Maryland Avenue, Second Floor,
Rita Davidson Memorial Hearing Room, Rockville, Maryland
20850 before:

Martin L. Grossman
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Scott Wallace, Esq.

Linowes & Blocher LLP

7200 Wisconsin Avenue, Suite 800

Bethesda, Maryland 20814

Also Present:

Thomas Hawkins, Jr., Burns McDonnell

William W. Riggins, III, Linowes & Blocher, LLP

Rachelle Negen

Will Ollison

Patrick Fitzgerald

Pat Oliver

Witnesses (continued):	Direct	Cross	Redirect	Recross
Cary Silverman	311	--	--	--
By Mr. Wallace:	--	318	--	--
Pranav Pandya	319	--	--	--

E X H I B I T S

Exhibit No.		Marked/Received
1-52	(Premarked)	325
53	Affidavit of Posting	11 325
54	Resume of Ebenezer Botchway	21 325
55	Aerial photograph of surrounding Area	23 325
56	Minutes of Darnestown Civic Association Board and PEPCO, January 8, 2015	72 325
57	May 20, 2015 Notice from DCA to the neighborhood of upcoming May 28, 2015 Board meeting with PEPCO	75 325
58	Mr. Silverman's notes from May 28, 2015 DCA meeting	79 325
59A	Aerial photo of PEPCO substation at Darnestown and Travilah Roads	84 325

C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Ebenezer Botchway				
By Mr. Wallace:	20	--	101,173	--
By Mr. Pandya:	--	53	--	100
By Mr. Silverman:	--	70	--	--
B. Zinn Morton				
By Mr. Wallace:	103	--	152,157	--
By Mr. Silverman:	--	137	--	--
By Mr. Pandya	--	141	--	150,154
Harry P. Ross				
By Mr. Wallace:	179	--	--	--
By Mr. Pandya:	--	--	203	--
By Mr. Silverman	--	208	--	--
Luis F. Gonzalez				
By Mr. Wallace:	216	--	--	--
By Mr. Pandya:	--	245	--	--
By Mr. Silverman:	--	249	--	--
Jeffrey B. Retterer				
By Mr. Wallace:	254	--	--	--
By Mr. Pandya:	--	263	--	--
By Mr. Silverman:	--	--	--	--
William H. Bailey, Ph.D.				
By Mr. Wallace:	265	--	--	--
By Mr. Pandya:	--	275	--	--
By Mr. Silverman:	--	283	--	--
Gabriel D. Weger				
By Mr. Wallace:	295	--	--	--
By Mr. Pandya:	--	304	--	--
By Mr. Silverman:	--	305	--	--

Exhibit No. (continued)	Marked/Received
59B Street photo of PEPCO substation at Darnestown and Travilah Roads	84 325
60A Aerial photo of 15021 Dufief Mill Road	97 325
60B Street view of 15021 Dufief Mill Road	97 325
61 Resume of B. Zinn Morton	105 325
62 Colored map of Darnestown	107 325
63 Email from Mr. Pandya to Charles Washington of PEPCO with Questions	155 325
64 Elevation of internal equipment	158 325
65A Architect's Rendering, PRES 3, from Darnestown Road to Riffle Ford Road	191 325
65B Architect's Rendering from Riffle Ford Road to Darnestown Road	197 325
65C Architect's Rendering from Hallman Court	197 325
66 Rendered landscape plan	224 325
67 Amended and current landscape plan	235 325
68 Fire Access Plan	257 325

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Exhibit No. (continued)		Marked/Received	
69	Resume of William H. Bailey, Ph.D.	268	325
70	October 2006 Status Report on Human Health Effects of EMF	285	325
71	Resume of Gabriel D. Weber	296	325
72	Letter from Fire Marshal Approving Fire Access Plan	324	325

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1 Wallace with the law firm of Linowes & Blocher on behalf of
2 applicant, PEPCO.

3 MR. GROSSMAN: All right. And are there others in
4 the audience who are not witnesses to be called by Mr.
5 Wallace, who wish to be heard today? All right. I see two
6 hands in the back. Sir, would you identify yourself,
7 please?

8 MR. PANDYA: Yes. My name is Pranav Pandya. Last
9 name P-A-N-D-Y-A. First name P-R-A-N-A-V.

10 MR. GROSSMAN: P-E-R-N --

11 MR. PANDYA: No. P- as in Paul, R-, A- as in
12 apple, N- as in Nancy, A- as in apple, V- as in Victor.

13 MR. GROSSMAN: Okay. And how do you pronounce
14 your last name, sir?

15 MR. PANDYA: Pandya.

16 MR. GROSSMAN: Okay. And you wish to be heard in
17 support, in opposition or just commenting?

18 MR. PANDYA: Opposition. And I'm one of the
19 residents in the nearby cul-de-sac.

20 MR. GROSSMAN: Okay. Nearby cul-de-sac?

21 MR. PANDYA: Yes.

22 MR. GROSSMAN: But would you state your address,
23 please?

24 MR. PANDYA: Yes. 12703 Hallman Court, H-A-L-L-M-
25 A-N Court, Darnestown, Maryland.

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1 PROCEEDINGS

2 MR. GROSSMAN: Good morning, all.

3 ALL PARTICIPANTS: Good morning.

4 MR. GROSSMAN: Mr. Wallace, I take it?

5 MR. WALLACE: Yes.

6 MR. GROSSMAN: You ready to proceed?

7 MR. WALLACE: Yes.

8 MR. GROSSMAN: Let me call the case. All right.

9 This is a public hearing in the matter of Potomac Electric
10 Power Company, PEPCO, CU 16-04, an application pursuant to
11 Zoning Ordinance Section 59.3.6.7.E for a conditional use to
12 allow construction of a public utility structure known as
13 the Darnestown Substation at 16010 Riffle Ford Road in
14 Gaithersburg, Maryland. The site consists of 2.645 acres
15 identified as Lot 1 Evangelical Formosan Church of
16 Washington and located at the northwest corner of the
17 intersection of Darnestown Road and Riffle Ford Road in the
18 RE-1 zone. It is subject to the Potomac Sub-Region Master
19 Plan. The land is owned by the applicant.

20 This hearing is conducted by the Office of Zoning
21 and Administrative Hearings. My name is Martin Grossman.
22 I'm the Hearing Examiner, which means I will take evidence
23 here and write a report and decision in the case.

24 Will the parties identify themselves, please?

25 MR. WALLACE: For the record, my name is Scott

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1 MR. GROSSMAN: Okay. Sir?

2 MR. SILVERMAN: Good morning. My name is Cary
3 Silverman. It's C-A-R-Y, Silverman as it sounds.

4 MR. GROSSMAN: All right.

5 MR. SILVERMAN: I'm also a resident of Hallman
6 Court, 12705 Hallman Court in Darnestown, Maryland. And I'm
7 in opposition.

8 MR. GROSSMAN: I received your, I received your
9 letter.

10 MR. SILVERMAN: Thank you.

11 MR. GROSSMAN: All right. Anybody else? Seeing
12 no other hands, gentlemen, would you step forward and have a
13 seat at counsel table, if you would? All right.

14 Let me explain a little bit about the procedures
15 here and the nature of the proceeding. It's formal in the
16 sense that we operate like a courtroom. We have a court
17 reporter who takes everything down. All witnesses are sworn
18 in and they're subject to cross-examination. We follow
19 Rules of Evidence, although they're somewhat more relaxed
20 than a courtroom Rule of Evidence. And it's orderly
21 procedure. A little less formal than you'll see in a
22 courtroom. We're here today for an application for a
23 conditional use. And a conditional use which used to be
24 called a special exception, which was a misnomer because
25 it's really not, it's not a variance which the term special

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1 exception implies. A conditional use or a special exception
2 is a use that's permitted by the Zoning Ordinance if certain
3 conditions are met. And they're spelled out in the Zoning
4 Ordinance and also in the report of the Technical Staff of
5 the Maryland National Capital Park and Planning Commission
6 which you all should have received a copy of. If not, we
7 can make that available to you. We refer to them generally
8 as the Technical Staff.

9 I should mention that we're governed by the new
10 Zoning Ordinance here, which went into effect about a year
11 ago and it was amended recently on December, effective
12 December 21, 2015 and we're governed by those amendments as
13 well even though the application may have preceded that
14 date. All right. That's preliminary matters.

15 Mr. Wallace, have you executed, or your, your
16 client, executed an Affidavit of Posting?

17 MR. WALLACE: We have.

18 MR. GROSSMAN: All right. Would you bring that
19 up, please?

20 An Affidavit of Posting is an affidavit from the
21 applicant indicating that the site has been posted as
22 required by the Zoning Ordinance.

23 MR. WALLACE: I believe it is with your staff for
24 notarization.

25 MR. GROSSMAN: Oh, okay. Maybe they have that for

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1 --

2 MR. WALLACE: They have maybe even given to you.

3 MR. GROSSMAN: It may even be, she's always way
4 ahead of me. I got to tell you.

5 MR. WALLACE: She was ahead of me too.

6 MR. GROSSMAN: Yes, she did. All right. So the
7 Affidavit of Posting will be Exhibit 53. Okay.

8 I should mention that a preliminary plan of
9 subdivision is required in this case and since the
10 preliminary plan that exists must be amended, any
11 conditional use if one is approved here would be subject to
12 that preliminary plan. Any issues with that? Seeing no
13 hands, I'll go on.

14 Mr. Wallace, do you agree to the conditions
15 recommended by the Technical Staff and affirmed by the
16 Planning Board in this case?

17 (Hearing Exhibit No. 53 was
18 marked for identification.)

19 MR. WALLACE: We do.

20 MR. GROSSMAN: Have you amended the landscape plan
21 as the, as the Planning Staff had called for?

22 MR. WALLACE: We have.

23 MR. GROSSMAN: Okay. All right. And I'll have
24 you present that in the normal course as you will. All
25 right. I'd also ask that you have a witness address the,

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1 the matters that were raised, the concerns that were raised
2 by the opposition letter which was forwarded by Mr.
3 Silverman. And as I read that letter, it contains
4 essentially 12 concerns and it also contains a number of
5 proposed conditions which are suggested if the conditional
6 use is granted over the opposition. I can run them down as
7 I read the opposition letter. And that is Exhibit 51. (1)
8 The proposed substation does not meet the requirements of a
9 conditional use under the statute; (2) that PEPCO is
10 proposing an industrial use large power station, power
11 substation that will adversely alter the character of the
12 block and is likely to reduce property values; (3) the scale
13 of the proposed PEPCO substation is out of proportion to the
14 surrounding community; (4) PEPCO is also seeking to build a
15 structure that is just two feet short of the maximum
16 permitted building height and will tower over their homes;
17 (5) the substation although theoretically designed to
18 resemble a farmhouse will not look like a farm; (6) the
19 proposed use is inconsistent with the Darnestown planning
20 area; (7) the potential health risks of placing an electric
21 substation within feet of homes -- and on that point, I do
22 want you to also certainly address the question of whether
23 there's any danger from fire or explosion to these nearby
24 homes; (5), I'm sorry, (7) I gave; (8) noise generated by
25 the substation; (9) where PEPCO plans to situate the

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1 transmission poles is a concern; (10) additional rain
2 runoff; (11) traffic during construction, although it's
3 pretty much conceded that there won't be traffic created
4 during operation; (12) placement of such a large power
5 substation within feet of homes is inappropriate and will
6 place a disproportionate unfair burden on the homeowners as
7 a PEPCO right-of-way with towers and utility poles already
8 borders their houses.

9 So those are the points. That's not the same
10 numbering system exactly as was in the letter, but I just
11 wrote them down as I read it. That I'd like to make sure
12 that you have a witness address. And I will certainly give
13 the opposition an opportunity to testify about that.

14 All right. Let's see. Well, I guess that's my
15 preliminary points. Any other preliminary matters that you
16 wish to raise, Mr. Wallace?

17 MR. WALLACE: No.

18 MR. GROSSMAN: All right. Gentlemen, any
19 opposition? Do you have any points you wish to raise?

20 MR. SILVERMAN: We have one --

21 MR. GROSSMAN: As a preliminary matter. I'm going
22 to give you an opportunity to be sworn in and testify.

23 MR. SILVERMAN: Okay. Okay. Then no.

24 MR. GROSSMAN: In the normal course, the applicant
25 would go first and you would go after that. We usually make

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1 accommodation if you need to leave because these things
2 sometimes last well into the afternoon or after that even.
3 If you need to leave for some reason, we usually make an
4 accommodation for members of the public who wish to give
5 testimony early with the consent of the applicant. Are
6 either one of you in that situation or do you wish to
7 proceed in the normal course?
8 MR. PANDYA: It's okay.
9 MR. SILVERMAN: I'm fine. I do have one just
10 preliminary question.
11 MR. GROSSMAN: Yes.
12 MR. SILVERMAN: Just a clarification on what,
13 what's the process if we want to have, show an exhibit or
14 share something with, with you and PEPCO? Do I provide a
15 copy of that to, how does that work?
16 MR. GROSSMAN: Yes. You should provide a copy to
17 the, in the course of it. And hopefully, you would do it
18 now so that they have a chance to look at it and can
19 respond. If it comes in at any point, they would certainly
20 be entitled to look at it and a copy would be marked here
21 and then at the end we ask if anybody wishes to move the
22 exhibits in and then the exhibits are then moved into
23 evidence at the end.
24 MR. SILVERMAN: Okay. I'm happy to share them
25 now.

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1 MR. GROSSMAN: Okay.
2 MR. SILVERMAN: If, if they'd like that.
3 MR. GROSSMAN: I think that would be helpful so
4 that Mr. Wallace and his experts have an opportunity to look
5 it over. When individuals come to testify, the, the rules
6 are relaxed. If, if an, if an organized opposition comes,
7 an association and the like, they're required to file things
8 20 days in advance of the hearing. But individuals may come
9 and, and testify without doing that.
10 MR. WALLACE: Just as a procedural matter.
11 MR. GROSSMAN: Yes.
12 MR. WALLACE: We also intend to have exhibits that
13 we would ask to be introduced into the record which have
14 not, are not in the record now.
15 MR. GROSSMAN: Okay.
16 MR. WALLACE: We would, I think it would be better
17 for our presentation to do it as we are introducing them.
18 MR. GROSSMAN: Okay.
19 MR. WALLACE: And talking from them. And
20 certainly we'll give as much time, there's nothing new
21 necessarily, but we'll certainly give as much time to review
22 --
23 MR. GROSSMAN: The amendment to the landscape plan
24 and --
25 MR. WALLACE: Yes. For example. You know. The

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1 aerial, for example.
2 MR. GROSSMAN: Okay. I don't think there'll be
3 any surprise in, in that.
4 MR. WALLACE: No. I don't think so. And some
5 resumes, of course, as well.
6 MR. GROSSMAN: Certainly. I should mention to
7 you, gentlemen, that the, because there are amendments to
8 the plans, which are going to be filed today, minor
9 amendments dealing with the comments, mostly for dealing
10 with the comments of the Technical Staff, the record will
11 remain open for 15 days after this hearing in order if
12 anybody has a response to the things that are being filed
13 today. And you may comment on that. It won't be left open
14 for general commentary from everybody. It'll be left open
15 for commentary on these changed documents.
16 MR. PANDYA: Sir, you said it could be open for 15
17 days?
18 MR. GROSSMAN: Yes. It'll be open for 15 days.
19 Potentially longer if something occurs at the, at the
20 hearing that warrants it. But my plan, when I saw that
21 there were going to be amended documents, to give everybody
22 an opportunity to respond to them was to leave it open until
23 January 22, 2016. That agreeable, Mr. Wallace?
24 MR. WALLACE: I'm sorry. I was taking a look at
25 the --

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1 MR. GROSSMAN: Okay. What I said was because
2 there are, are amendments to plans being submitted today, I
3 was going to leave the record open for, until January 22,
4 2016, 15 days, in order to allow commentary on the
5 amendments.
6 MR. WALLACE: Okay. Absolutely.
7 MR. GROSSMAN: Not general commentary on the case.
8 And Mr. Pandya, I see that you're also a signatory on the,
9 on the letter, Exhibit 51.
10 MR. PANDYA: Yes, sir.
11 MR. GROSSMAN: Okay.
12 MR. WALLACE: You know, again, I'm not sure what
13 the context of those will be discussed from one appears to
14 be some type of expert report prepared regarding electro-
15 magnetic fields by a party that I don't think is here. I, I
16 can't say I'm not going to --
17 MR. GROSSMAN: I'll let you make whatever
18 objections you have --
19 MR. WALLACE: Yes.
20 MR. GROSSMAN: -- at the appropriate time when
21 they seek to introduce that.
22 MR. WALLACE: Yes. I would say it's a significant
23 amount of information to be presenting at this time.
24 MR. GROSSMAN: I understand. And the way the
25 Zoning Ordinance is written, as I was saying before,

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1 individuals can come in and they don't have to indicate in
2 advance that they're coming in and can testify. In
3 fairness, it's a little bit different if you're offering
4 expert testimony such as calling an expert witness. In
5 those cases, I would generally require that somebody, that
6 you notify and file something indicating who the expert is
7 and what they're qualifications are and the, a summary of
8 what they intend to offer as a, in fairness to the other
9 side. I don't know what these documents are exactly, but
10 we'll get to that and cross that bridge when we come to it.
11 There's nothing specific in the Rule about that for
12 individuals. I, I approach it that way as a fairness matter
13 although I am in the process of amending the Rules to cover
14 that, that point in fact.

15 Mr. Wallace, do you have an opening statement?
16 MR. WALLACE: Thank you, Mr. Grossman. We are, we
17 are here today to present the Conditional Use application
18 for PEPCO's Substation. This is a much needed improvement
19 to the electrical service for this area of the County. They
20 have a situation where because of new growth in the area,
21 the existing facilities for electrical service will reach a
22 point of being over-taxed in the very near future, which
23 will cause liability issues for the, for the area. This is
24 a thoughtfully designed structure where citizen interests
25 have been taken into consideration. And a result, changes

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1 to the projects have been made, which you will hear about
2 more today. We are happy to have the full unanimous support
3 of the Planning Board in support of this application and we
4 are, I believe that with the testimony presented today, what
5 is in the record, what will be in the record, we have
6 satisfied all the required conditions for approval of this
7 conditional use application.

8 MR. GROSSMAN: All right. Gentlemen, I will await
9 your opening statement as part of your, as part of your
10 presentation under oath. All right.

11 Would you call your first witness, please, Mr.
12 Wallace?
13 MR. WALLACE: Thank you. I call Ebenezer
14 Botchway.
15 MR. GROSSMAN: Mr. Botchway. All right. You
16 prefer if Mr. Botchway sits, I think, we often have the
17 witnesses up here. Sometimes at the end of the table,
18 depending on where things are set up. I think the end of
19 the table is probably, gives you better access to the plan.
20 Is that the way you have it set up? So the end of the table
21 is a good situation? All right. Well, there's actually a
22 chair right there at the, at the end of it.

23 MR. BOTCHWAY: Oh, yes. Here.
24 MR. GROSSMAN: Yes, sir. I'm sorry. And would
25 you state your full name and your business address, please?

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1 MR. BOTCHWAY: My name is Ebenezer Botchway. My
2 business address is 701 9th Street, N.W., Washington, D.C.
3 MR. GROSSMAN: Would you raise your right hand?
4 Do you swear or affirm to tell the truth, the whole truth
5 and nothing but the truth under penalty of perjury?
6 MR. BOTCHWAY: I do.
7 MR. GROSSMAN: All right. You may proceed, Mr.
8 Wallace.

9 DIRECT EXAMINATION

10 MR. WALLACE: Mr. Botchway, can you, please, state
11 your current occupation and position?
12 MR. BOTCHWAY: I'm a senior supervisor for civil
13 and structural engineering for the three units of PHI,
14 PEPCO, Delmarva and ACE, Atlantic City Electric.
15 MR. GROSSMAN: And, I'm sorry, Mr. Botchway. I
16 missed part of that. You're the senior supervisor for what?
17 MR. BOTCHWAY: for civil and structural
18 engineering.
19 MR. GROSSMAN: Civil and structural engineering.
20 MR. WALLACE: And we will be providing a resume
21 for Mr. Botchway. You're welcome to, I can certainly hand
22 it in now if you have, it may help you with some of the
23 statements.
24 MR. GROSSMAN: That would be good. Thank you. Do
25 you have a copy for the opposition?

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1 MR. WALLACE: Yes. Here's two copies.
2 MR. GROSSMAN: Thank you. All right. Mr.
3 Botchway's resume will be marked as Exhibit 54. All right,
4 sir. You may proceed.

5 (Hearing Exhibit No. 54 was
6 marked for identification.)

7 MR. WALLACE: Okay. If you'd please briefly
8 describe your educational and professional background.
9 MR. BOTCHWAY: I have a, I have a civil and
10 structural engineering degree from the University of
11 District of Columbia. I have a Master's Degree in
12 environmental management from the University of Maryland. I
13 have a professional engineer's license for the District,
14 Maryland and Commonwealth of Virginia.
15 MR. WALLACE: Okay. And can you, how long have
16 you been with PEPCO?
17 MR. BOTCHWAY: I've been with PEPCO for 36 years.
18 MR. WALLACE: Okay. And can you please review
19 briefly your experience with design and construction and
20 operation of electric substations?
21 MR. BOTCHWAY: Yes, sir. Of my tenure at PEPCO I
22 have been the lead engineer for civil and structural at a
23 specific substation for about six, seven substations within
24 their, their D.C., Maryland and Virginia, D.C. and Maryland
25 regions.

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1 MR. WALLACE: What was that number again? I'm
2 sorry.
3 MR. BOTCHWAY: Seven.
4 MR. WALLACE: Seven. Okay. Thank you. I would
5 move Mr. Botchway as an expert in substation design,
6 construction management and operations.
7 MR. GROSSMAN: All right. Now as part of the
8 process, there's something called voir dire of experts.
9 That is, before somebody, when somebody is introduced and a
10 party seeks to call somebody as an expert, you are given an
11 opportunity or the parties are given an opportunity to
12 examine the, the designated expert as to qualifications.
13 Just not, not as to the substance of what the testimony will
14 be, but as to his qualifications to be considered an expert
15 in the field in which he was proffered. So I give you that
16 opportunity now. Gentlemen, either one of you or both of
17 you. You have questions regarding this witness's expertise?
18 You have to speak up because it --
19 MR. SILVERMAN: I have no objection to that.
20 MR. PANDYA: Not right now. No.
21 MR. GROSSMAN: Well, this is the only opportunity
22 --
23 MR. PANDYA: But can we, this is the only
24 opportunity?
25 MR. GROSSMAN: The only opportunity to ask him

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1 questions about his expertise.
2 MR. PANDYA: Okay. All right. No, sir. No.
3 MR. GROSSMAN: All right. All right. Based on
4 Mr. Botchway's resume and his explanation of his background
5 and education, I accept him as an expert in, what was
6 exactly the designated --
7 MR. WALLACE: Substation design, construction
8 management and operations.
9 MR. GROSSMAN: Okay. Substation design,
10 construction management and operations. All right.
11 MR. WALLACE: Okay. Mr. Botchway, behind you is
12 an aerial photograph. This is not in the record. I would,
13 this is an aerial photograph of the, the, the site and the
14 surrounding area. I would ask this to be put into the
15 record. I think it --
16 MR. GROSSMAN: Would you, would you write on it
17 Exhibit 55, please?
18 MR. WALLACE: Yes. And I, I believe it's --
19 MR. GROSSMAN: And that will be aerial photo of
20 surrounding area is Exhibit 55.
21 (Hearing Exhibit No. 55 was
22 marked for identification.)
23 MR. WALLACE: Mr. Botchway, could you on the
24 aerial exhibit locate the property on which PEPCO intends to
25 construct a new substation as part of this application?

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1 MR. BOTCHWAY: Yes, I will. It's at, we are at
2 the northwest corner of Riffle Ford Road and Darnestown
3 Road.
4 MR. GROSSMAN: All right. And is it that, that
5 area that's outlined in red --
6 MR. BOTCHWAY: Red. Yes, sir.
7 MR. GROSSMAN: -- on the, on the exhibit?
8 MR. BOTCHWAY: Yes, sir.
9 MR. GROSSMAN: All right.
10 MR. WALLACE: And does PEPCO own the subject
11 property?
12 MR. BOTCHWAY: Yes. PEPCO does.
13 MR. WALLACE: And when did it purchase the
14 property?
15 MR. BOTCHWAY: Purchased the property on about
16 late 2010.
17 MR. WALLACE: Okay.
18 And that deed is in the record as Exhibit 14.
19 Okay.
20 Can you just generally describe your plans for the
21 property? Just the project and what the purpose of the
22 substation is.
23 MR. BOTCHWAY: We plan to put, put in a regular
24 substation at the corner of that intersection. And the
25 purpose of that work is to feed up, you know, we have

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1 different load requirements and definitely at that corner
2 has been identified as a load center where we've put up a
3 substation to be able to meet our reliability and
4 distribution for foreseeable future that we might have some
5 sort of shortages.
6 MR. GROSSMAN: And I take it by load, you're
7 talking about the demand for electrical power?
8 MR. BOTCHWAY: Yes, sir.
9 MR. GROSSMAN: All right.
10 MR. WALLACE: And just as an aside, obviously, a
11 lot of the testimony is going to be technical from the point
12 of view of electrical transmissions. Obviously, if there's
13 any questions about acronyms, phrasing, whatever, they can
14 be asked and answered.
15 MR. GROSSMAN: All right. Thank you.
16 MR. WALLACE: I'm, I'm not going to explain every
17 point there is, but that is helpful. Thank you.
18 MR. GROSSMAN: All right.
19 MR. WALLACE: So the purpose of the substation
20 again is to provide for enhanced reliability for this area
21 of the County?
22 MR. BOTCHWAY: That's, that is correct.
23 MR. WALLACE: Okay. What kind of equipment will
24 be installed and operated at the substation? And for that
25 purpose, would there be, which exhibit? Which one? This is

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1 the floor plan?
2 MR. BOTCHWAY: Yes.
3 MR. WALLACE: Okay. Does that work for you?
4 MR. GROSSMAN: And is that a copy of an exhibit
5 that's already --
6 MR. WALLACE: This is a copy of Exhibit 20 in the
7 record.
8 MR. GROSSMAN: Okay.
9 MR. WALLACE: These are the floor plans that were
10 submitted as part of the application.
11 MR. GROSSMAN: All right.
12 MR. WALLACE: Can you walk through, please, Mr.
13 Botchway, the --
14 MR. BOTCHWAY: Yeah. The building itself will be
15 housing the heart of the substation is the transformers.
16 The transformers and other, and its associated equipment.
17 The associated equipment usually helps to protect the
18 transformer or having each of those functions. The
19 transformers can be, are located far away from any residence
20 that we have within the four quadrants of the surrounding
21 substation. There's a, an access road in the middle of the
22 substation at the roofed area. The only roofed area we have
23 in here will be two levels where we have what we call the
24 cable vault in the, in the first floor, and the switch gears
25 on the top floor. Every place, every, every other place in

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1 the building will be open with a screening on the top to
2 make sure that we don't have any birds flying into the
3 substation to destruct equipment upon performance.
4 MR. GROSSMAN: So what kind of screening are you
5 talking about on the top?
6 MR. BOTCHWAY: We have like an expanded metal
7 grate that is interwoven much like you have for your
8 screening for your windows and the like.
9 MR. GROSSMAN: So it's a woven material that'll be
10 just covering the, the otherwise open unroofed space?
11 MR. BOTCHWAY: Correct.
12 MR. GROSSMAN: Okay.
13 MR. BOTCHWAY: And it's basically, you, we have
14 structures underneath to support it so you've got cases of
15 operation, people can walk on there, remove them and replace
16 them as, as, as they need arises.
17 MR. GROSSMAN: Remove the --
18 MR. BOTCHWAY: The screens.
19 MR. GROSSMAN: The screens. Okay.
20 MR. BOTCHWAY: Yeah. So all these areas will be,
21 will be screened. We have --
22 MR. GROSSMAN: And these areas, just so the record
23 is clear. What areas are you talking about?
24 MR. BOTCHWAY: From right about, from around right
25 about here to the end of the property.

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1 MR. GROSSMAN: Okay. By here, you mean, is that
2 the front, by the way? The bottom is the front?
3 MR. WALLACE: Yeah.
4 MR. BOTCHWAY: This is the front facing Darnestown
5 Road.
6 MR. GROSSMAN: So there's about, looks like maybe
7 a fifth of the area on, from the front towards the back is
8 roofed and the rest of it, going towards the back will be
9 open. Is that what you're saying? Except for the
10 screening?
11 MR. BOTCHWAY: That is correct.
12 MR. GROSSMAN: Okay.
13 MR. BOTCHWAY: That meant the transformers will be
14 located right about right here.
15 MR. GROSSMAN: Right here being --
16 MR. BOTCHWAY: Being --
17 MR. GROSSMAN: -- in the second fifth of the, from
18 the front or so.
19 MR. BOTCHWAY: From the front. Second fifth.
20 Yes, sir.
21 MR. GROSSMAN: Right.
22 MR. BOTCHWAY: And then there is a driveway for
23 accessibility to the different equipment. Beyond that we
24 have what we call breakers. We have electrical breakers to
25 assist the transformer operation. Add some kind of a

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1 protection scheme much like a breaker you'd get in your
2 house to isolate equipment for repairs and replacement.
3 MR. GROSSMAN: Oh, okay. And those circuit
4 breakers are located centrally in the building?
5 MR. BOTCHWAY: Inside the building.
6 MR. GROSSMAN: Inside the building. Right.
7 MR. BOTCHWAY: Beyond that, you have your CCPD
8 current coupling are potential devices.
9 MR. GROSSMAN: What does CCP stand for?
10 MR. BOTCHWAY: CCPDs usually helps regulate inner
11 residual currents that are slower. You know, that straight
12 currents and the like. It's what take --
13 MR. GROSSMAN: Well, what, what do the initials,
14 what do the initials, CCP, stand for?
15 MR. BOTCHWAY: Current coupling potential device.
16 MR. GROSSMAN: Okay.
17 MR. BOTCHWAY: Yes. Beyond that, beyond that,
18 right about, that's, that, the, the combination of the CCPDs
19 and then there are, we have the switch, the circuit
20 breakers, CCPDs from about the middle fifth of the property.
21 That is two-thirds out of the way.
22 MR. GROSSMAN: Right.
23 MR. BOTCHWAY: Beyond that, you have the high
24 tension transfer bus, which is basically conductors that
25 would help facilitate the new design of this substation

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1 whereby you can transfer a load between the transformers
2 which in the past you couldn't. In the, in the old design
3 one bus feature is dedicated to a transformer and that's all
4 you got. But in this instance, because of the transfer
5 bus's tension, high tension transfer bus, you could do that
6 with this substation.
7 MR. GROSSMAN: Okay.
8 MR. BOTCHWAY: Make it's more, make it more
9 reliable.
10 MR. GROSSMAN: All right.
11 MR. BOTCHWAY: Beyond, that's what's inside the
12 building. On the outside, what, what we have been trying to
13 do is to mimic a farm like design. So we have what you call
14 a partial, we call it as a mansard roof, which is a false
15 roof. That is --
16 MR. WALLACE: And if I could just interrupt you
17 just for a second.
18 MR. BOTCHWAY: Yes, sir.
19 MR. WALLACE: Ebe, because there's another exhibit
20 that might be helpful for you to talk from it. Would you
21 like to talk from this one?
22 MR. BOTCHWAY: Yes. Yes.
23 MR. GROSSMAN: And what is the exhibit number of
24 that exhibit you --
25 MR. WALLACE: And this is Exhibit 7.

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1 MR. GROSSMAN: All right.
2 MR. WALLACE: There are two sheets and they're
3 both 7 and --
4 MR. BOTCHWAY: They're both 7, yes.
5 MR. WALLACE: These are, these are the conceptual
6 elevations. I don't know which one you want to start with.
7 Obviously, both --
8 MR. GROSSMAN: Yeah. We have a 7A and 7B is --
9 MR. WALLACE: Oh, they are so 7A and -- okay.
10 MR. BOTCHWAY: Correct. That's correct.
11 MR. WALLACE: And obviously we'll be providing
12 more detailed testimony about the architecture. This is
13 just to provide an overview.
14 MR. GROSSMAN: Okay.
15 MR. BOTCHWAY: Yeah. Just touching on the general
16 façade treatment of the building, the building itself is
17 what I called initially a brick and block type of a
18 building. It has different designs around, you know,
19 windows and the like to break the monotony of a one long
20 piece of a block on the building. We have false roofing
21 system in here which did not go entirely throughout the
22 building, but from the outside it looks like a mansard roof.
23 Much like, like a church or you see in the Rockville area
24 for various, various, various businesses in the strip malls
25 and shopping centers that you see around here. We have an

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1 open driveway. We have a removable door in the middle for
2 the access road which goes up and down because if you put up
3 a regular gate, opening it would take up a lot of space.
4 MR. GROSSMAN: All right. And that, that, you
5 say, is that on the side of the --
6 MR. BOTCHWAY: Yeah.
7 MR. GROSSMAN: That's the side entrance?
8 MR. BOTCHWAY: On the front here --
9 MR. WALLACE: I, I, we took the inside the
10 building. We probably should have taken the outside the
11 building for a second, but I can --
12 MR. GROSSMAN: All right.
13 MR. WALLACE: Yeah.
14 MR. BOTCHWAY: But for the outside, right here,
15 is, is the removal, you know, removal door in here. That
16 gives access to the open access road where space we have in
17 the middle. And that's to facilitate repair and removal of
18 transformers which would be done entirely inside the
19 building.
20 MR. GROSSMAN: Okay. Is there a north, south key
21 on that diagram that you are referencing now?
22 MR. BOTCHWAY: I, yes. There is, but it's very,
23 no, I'm sorry. That's, we have another --
24 MR. WALLACE: I was going to say we can --
25 MR. BOTCHWAY: This exhibit shows the north arrow

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1 here.
2 MR. GROSSMAN: All right. What exhibit is that
3 you're --
4 MR. WALLACE: And that's not quite an exhibit yet,
5 but if you give me a second.
6 MR. GROSSMAN: Okay.
7 MR. WALLACE: I can, let's see. You want to look
8 at the north side? I can do them side, if you want, we can
9 do them side by side too.
10 MR. BOTCHWAY: No. This is fine.
11 MR. WALLACE: Okay.
12 MR. BOTCHWAY: This --
13 MR. GROSSMAN: What exhibit is that?
14 MR. WALLACE: Exhibit --
15 MR. BOTCHWAY: Exhibit, I'm sorry, 48.
16 MR. WALLACE: That's Exhibit 48.
17 MR. GROSSMAN: 48.
18 MR. BOTCHWAY: 48A.
19 MR. GROSSMAN: Okay. All right. So 48 --
20 MR. BOTCHWAY: It's a little hard for you to see
21 from that distance, but --
22 MR. GROSSMAN: All right.
23 MR. BOTCHWAY: I can bring it closer if you --
24 MR. GROSSMAN: I can pull it out if need be.
25 That's the Conditional Use Site Plan.

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1 MR. BOTCHWAY: Okay. With the note I wrote in
 2 here, that's a reference note I wrote in here.
 3 MR. GROSSMAN: Right.
 4 MR. BOTCHWAY: Which means I would like for
 5 straight face going to the west a little bit.
 6 MR. GROSSMAN: All right. It's on, it's on the
 7 northern, in effect, the northern side.
 8 MR. BOTCHWAY: Northwest.
 9 MR. GROSSMAN: Northwest side of it. And the
 10 entrance that you were referencing also looks like it's on
 11 the north --
 12 MR. BOTCHWAY: In the northwest of --
 13 MR. GROSSMAN: Right. Side of the, of the
 14 building.
 15 MR. BOTCHWAY: That is correct.
 16 MR. GROSSMAN: Okay. All right. That's helpful.
 17 Thank you.
 18 MR. BOTCHWAY: Yes.
 19 MR. GROSSMAN: You can return to whichever exhibit
 20 you want to look at.
 21 MR. WALLACE: If you flip that, Ebe, that's back
 22 to the floor plans. No. Flip around. Yeah.
 23 MR. BOTCHWAY: Flip around. Okay. So in
 24 continuing the outside design, we, we went to greater
 25 lengths by working with the community back and forth. We

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1 started with almost like a townhouse look with brick and
 2 block and based on comments we got from the community and
 3 the Planning Office that we have to go through different
 4 iterations and we came up with this type design. So it has
 5 gone through some changes, but basically inside equipment
 6 remains the same design. The inside remains the same.
 7 MR. GROSSMAN: Okay.
 8 MR. BOTCHWAY: Okay.
 9 MR. WALLACE: Can you describe it, I'm sorry, you
 10 have already done it, but a little more detail, the wall
 11 enclosure around the courtyard, how high is that and what
 12 functions does it serve?
 13 MR. BOTCHWAY: The wall serves the function for
 14 one, security, and secondly, for any kind of noise that
 15 might exit this property beyond the equipment confinements.
 16 Because of the height of the wall, it helps to diffuse any
 17 noise propagated horizontally outside. It helps also for
 18 the security of the, of the equipment that is inside. By
 19 NESC standards, National Electric Safety Code, we have to
 20 have some kind of protection from the public and then also
 21 to protect the public from coming in contact with the
 22 equipment.
 23 MR. WALLACE: Okay. What, what determines the
 24 size of the building and the enclosure for the, for the
 25 equipment?

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1 MR. BOTCHWAY: The equipment for one, because
 2 there, we, we do have three transformers with associated
 3 equipment. The reason for the size of the, that we have
 4 here, one is because of National Electric Safety Code
 5 clearances. If you have a transformer with conductors
 6 around it, you need to separate it from another transformer
 7 by a certain distance. If you, you have average folks
 8 coming to the substation, walking around, they have to
 9 maintain certain distances from the equipment for, for the
 10 obvious purposes of getting short circuited. So there are
 11 certain requirements for clearances when you're dealing with
 12 electrical equipment. Because of those clearances you have
 13 to maintain those spaces within the substation. That is the
 14 reason why if you have one equipment, it's not just
 15 equipment occupying the space. You have to have distances
 16 away from it that in the public, in the public arena or
 17 people coming to the substation will be able to maneuver
 18 through the substation without having to have it violate
 19 that distance that you need to --
 20 MR. GROSSMAN: All right. Well, one of the
 21 concerns raised by the opposition was the height and size of
 22 the building in question. Is it possible to reduce the
 23 height and size of this building with the current equipment
 24 that you would like to have in it?
 25 MR. BOTCHWAY: It, it would be very difficult.

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1 Let me, and the, and the main reason, and the reason for
 2 that is the equipment that we are bringing to this site in
 3 here that's for, we, the idea is to provide reliability.
 4 The purpose of the main determining factor for our company
 5 is when, in case of outages, operation of electricity we can
 6 provide loading. Of course, we are, we will have some
 7 shortage of loading in the near future as the rules of, for
 8 the substation. But the real meat of the problem that we
 9 have is bringing service back on when we lose service. This
 10 new design here makes up for that. To bring service back on
 11 as quickly as we can by the fact that with all this
 12 associated equipment that we have in here, it gives us the
 13 flexibility to, to change feeders between transformers. By
 14 having this here, yes, that's gives us the ability to bring
 15 service back on so quickly in case of outages. That's
 16 secondly. Thirdly, it helps also with the fact that we do
 17 not have to have spare transformers situated all over the
 18 place or in, spend a lot of money for spare transformers for
 19 these locations because the flexibility or the design where
 20 because these transformers are interchangeable with the
 21 feeders as it come, gives us the opportunity to reverse it.
 22 Not too many transformers in spare. Because then if there's
 23 a problem, you can always come in and then interchange the
 24 feeders to utilize any of the transformers in there without
 25 having any whole lot of spares.

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1 MR. GROSSMAN: But actually you're addressing the
2 question I haven't quite asked yet.
3 MR. BOTCHWAY: Yes.
4 MR. GROSSMAN: Which is whether or not, why you
5 need a lot of equipment and can it be reduced. That's a
6 follow-up question, but really what I'm asking you is
7 assuming you have all the equipment and this design --
8 MR. BOTCHWAY: Right.
9 MR. GROSSMAN: -- that you presently intend to
10 have --
11 MR. BOTCHWAY: Yes.
12 MR. GROSSMAN: -- is it possible to reduce the
13 size of the building, its outline as well as the height of
14 the building? Because that was a concern of the opposition?
15 MR. BOTCHWAY: Correct. It, it would not be
16 possible because this is the bare, absolute bare minimum
17 considering the clearances that we have for each equipment.
18 MR. GROSSMAN: Okay. And now, let's get back to
19 the question that you were addressing, which is why you have
20 three transformers and so on. Is it necessary to have the
21 three transformers? I understand you've indicated now in
22 your testimony that it is helpful for reliability. It gives
23 you flexibility if I understood your testimony.
24 MR. BOTCHWAY: That is correct.
25 MR. GROSSMAN: In case, I presume, one of those

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1 transformers goes out, you have others. Would all three be
2 in use at the same time or only one? I, I don't, because I
3 didn't quite follow what you're saying there. Is it, you're
4 saying that, that you have one in operation. You've got two
5 spares located there. How does that work?
6 MR. BOTCHWAY: Well, with, with that, if you want
7 to I can bring an expert who will be able to handle that or
8 I can give you the general idea is that, that because of the
9 three phases, most electrical conductivity uses three
10 phases. Three phases demands three separate dedicated
11 transformers to handle each phase.
12 MR. GROSSMAN: So are you saying that all of those
13 three transformers are operational all the time?
14 MR. BOTCHWAY: Yes.
15 MR. GROSSMAN: Okay. All right.
16 MR. WALLACE: Is that, is that, we --
17 MR. GROSSMAN: So I'll, I'll let you, if you want
18 to call another witness on the point, you certainly can.
19 MR. WALLACE: Yes.
20 MR. BOTCHWAY: Right.
21 MR. WALLACE: We can, we have another witness to
22 supplement that testimony.
23 MR. BOTCHWAY: Yes.
24 MR. WALLACE: Yes. And I'm, there, just to be
25 clear. There are three active transformers and then there

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1 is space --
2 MR. BOTCHWAY: For a spare transformer.
3 MR. WALLACE: For, right. Okay. And, and we get
4 into the operations. Can you describe the staffing, such
5 that it is, the delivery schedules, things like that? What,
6 what'll happen around the substation on a 24-hour period or
7 daily basis and, and provide some information about that,
8 please?
9 MR. GROSSMAN: Before you get to that --
10 MR. WALLACE: Oh.
11 MR. GROSSMAN: -- I, I, your question, I didn't,
12 and I didn't quite understand. You're saying there are
13 three active transformers in the facility and space for a
14 fourth one, which is not there?
15 MR. BOTCHWAY: Which --
16 MR. GROSSMAN: Is that what you're saying?
17 MR. BOTCHWAY: -- is not there, but it will be a
18 space where we can store a transformer in cases of emergency
19 within the vicinity. Then we do not have to, because,
20 because, the reason for that is the lead time for a
21 transformer, ordering and delivery, is so long, I would say
22 --
23 MR. GROSSMAN: Well, that's what I don't
24 understand. Is it going to be stored there? It'll be
25 there, but not in operation? Or are you saying it's not

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1 going to be there? You said space so that's why --
2 MR. BOTCHWAY: It, it, we will have a transformer
3 space, transformer will be there, but it won't be
4 operational.
5 MR. GROSSMAN: Okay. So you'll have three
6 transformers that are operational and a fourth spare one --
7 MR. BOTCHWAY: A fourth for spare.
8 MR. GROSSMAN: Okay.
9 MR. BOTCHWAY: Just in case we have a problem
10 there, we can easily replace it and shorten the space of the
11 down time.
12 MR. GROSSMAN: I understand. Okay. Now you can
13 get to the operational question --
14 MR. WALLACE: Okay.
15 MR. GROSSMAN: -- that Mr. Wallace was asking.
16 MR. WALLACE: You were describing the, the
17 operations of the site. You know, again, what will happen
18 on a daily basis around the site and inside the site?
19 MR. BOTCHWAY: Well, I need, I'd, I'd like to
20 emphasize that this station will be in its final form, final
21 construction form will be unmanned. There won't be anybody
22 at all in the substation, but it will be remotely monitored
23 24/7 for any kind of other operation that are goes, that
24 goes on within the substation, there's an eye on it,
25 electronic eye on it at all times. Once in a while, we'll

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1 have operators on schedule. Maybe biweekly, monthly. To
2 visit the substation to make sure everything is going on
3 correctly and then to pick up any stray trash that some, you
4 know, individuals or maybe neighborhood trash that has been
5 thrown into the site, to keep the place clean.
6 MR. WALLACE: Do you have a regular maintenance of
7 the grounds and landscaping?
8 MR. BOTCHWAY: Yes. We do.
9 MR. WALLACE: Okay. Can you describe the security
10 around the site? Both the perimeter security and the
11 building security.
12 MR. BOTCHWAY: Yeah. The security, we have
13 different forms. We have the perimeter physical security,
14 which will be that, on a metal fence that will be closed at
15 all times. And then in, and within the building also we
16 have the walls, of course, that goes up high and the gates
17 and locks are always locked. And that is a security
18 requirement within PEPCO, all substation facilities has to
19 be locked. And the lock, anytime we have locations where
20 you open any door, there is a signal goes to our security,
21 central security agency. As we, employees going in, we have
22 to report every time we open any door to go in. We have to
23 report to our security that we are entered and when we
24 leave, we report likewise that we have left the place.
25 Security-wise, we have small signs on the doors that

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1 indicates some couple of doors by code. We have to have
2 that from the National Electric Safety Code. That is a high
3 voltage danger area.
4 MR. WALLACE: Can you describe the fence? You
5 said there was a perimeter fence around the property. What,
6 what's the height of the fence?
7 MR. BOTCHWAY: They, they will be wrought iron
8 fence. The fence will be decorative in nature. It will be
9 seven foot high with three, three band across and it will
10 have a gate at this entrance on the, on the --
11 MR. WALLACE: Yeah. Excuse me.
12 MR. BOTCHWAY: On the main entrance.
13 MR. GROSSMAN: All right.
14 MR. BOTCHWAY: It will, it will have, it will have
15 the main entrance. They will have a gate which one gate
16 that will be opened and closed. It will be closed at all
17 times.
18 MR. WALLACE: With card access to --
19 MR. BOTCHWAY: With card access to, what we call
20 cyber security.
21 MR. WALLACE: And just to correct your
22 recollection of the facts. The, the fence will be seven
23 feet or eight feet?
24 MR. BOTCHWAY: The fence will be --
25 MR. GROSSMAN: I think the, that he's suggesting

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1 to you it's probably eight feet. Is that --
2 MR. BOTCHWAY: It's eight feet. The fence will be
3 eight feet.
4 MR. GROSSMAN: -- what you're suggesting, Mr.
5 Wallace?
6 MR. WALLACE: Yes.
7 MR. GROSSMAN: Right.
8 MR. WALLACE: And, and the material is aluminum or
9 wrought iron?
10 MR. BOTCHWAY: It would be --
11 MR. WALLACE: Suggesting aluminum.
12 MR. BOTCHWAY: Suggesting, no.
13 MR. WALLACE: And we have various witnesses who
14 have, but the, the point about the height. What determines
15 the height of the fence? Why do you use the, the height of
16 the fence at, at eight feet?
17 MR. BOTCHWAY: Correct. The height of the fence
18 is usually controlled by the Code.
19 MR. WALLACE: Which Code are you referring to?
20 MR. BOTCHWAY: Which is the National Electric
21 Safety Code, NESC. It's a requirement that we have eight
22 feet of fence, but at the very minimum, we can deal with
23 seven.
24 MR. GROSSMAN: All right. And you're saying it's
25 aluminum not, not iron?

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1 MR. WALLACE: Aluminum?
2 MR. BOTCHWAY: It's aluminum.
3 MR. WALLACE: It's black aluminum. Yes.
4 MR. GROSSMAN: All right.
5 MR. WALLACE: There, and that is in the record as
6 a detail, a sheet, a detail pulled out of the landscape
7 plan. And, and just from that exhibit, the, the, yes,
8 state, you know, keeping with that exhibit.
9 MR. BOTCHWAY: Okay.
10 MR. WALLACE: Can you just, the fence is how far
11 off the property line approximately? It, it may vary as you
12 work around the site.
13 MR. BOTCHWAY: It does vary, but on approximately,
14 we have it about 30 feet away from the, from the building
15 and it's about 20, 20 feet from the property.
16 MR. WALLACE: And it is, as I said, it may vary.
17 MR. BOTCHWAY: It may vary in, in --
18 MR. WALLACE: Yes. But it's approximate. You
19 know, 15 to 20 --
20 MR. GROSSMAN: So approximately 20 feet from the
21 property line and 30 feet from the building? Is that the
22 idea?
23 MR. WALLACE: Yes. At the closest point to the
24 building. Yeah. Exactly.
25 MR. GROSSMAN: Okay. Okay.

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1 MR. WALLACE: And is PEPCO providing landscape
2 screening along the fence?
3 MR. BOTCHWAY: Yes. We, we have.
4 MR. WALLACE: And --
5 MR. BOTCHWAY: And this exhibit, that indicates
6 that the landscaping all around to screen the building all
7 around the property.
8 MR. WALLACE: Okay. Moving on to the
9 construction. Approximately how long will it take to
10 construct the substation once you, if you are approved and
11 if your building permits are issued?
12 MR. BOTCHWAY: I think the actual building
13 construction would take about a year. And then the
14 installation of the electric equipment would take another
15 eight, six to eight months.
16 MR. WALLACE: Okay. And does most of the
17 construction activity occur within the site or will any of
18 the adjacent roads be affected by the construction of the,
19 of the building itself?
20 MR. BOTCHWAY: For the building itself, all the
21 construction would be heavily concentrated inside the
22 property.
23 MR. WALLACE: Okay.
24 MR. BOTCHWAY: Nothing on the road.
25 MR. WALLACE: Do you expect any significant road

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1 closures as associated with the construction of the
2 building?
3 MR. BOTCHWAY: Not for the construction, but there
4 will be no, there will be maybe trucks taking out dirt that
5 have to be mitigated through the construction entrance where
6 we will have a base where we can wash the trucks. Every
7 truck that, that leaves the property will be washed for any
8 dirt tracking on there. But that will be controlled by the
9 building permit process.
10 MR. WALLACE: In terms of construction access, are
11 you intending to use the existing driveways that are
12 constructed on Riffle Ford for construction access?
13 MR. BOTCHWAY: That is correct. Yes, we intend to
14 use the existing construction entrance that was in, in place
15 by the Formosan Church.
16 MR. WALLACE: We'll have additional information
17 about the existing driveways with a, another witness. What
18 noise can be expected from the substation? What noise can
19 be expected?
20 MR. BOTCHWAY: The only noise that associated with
21 most of the substation is the transformer. The transformer
22 obviously makes a, everything else is more of a conductor
23 type so there's no noise associated with that. The
24 transformer, and we've gone through greater lengths to try
25 to mitigate the noise. For one, during the purchase of the

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1 transformer one of our specification requirements is to
2 limit the number, the noise that, the final noise that comes
3 from the transformer. By, up close to the, the noise
4 ordinance for the neighborhood, which is around 55 decibels.
5 MR. WALLACE: We'll have additional information --
6 MR. BOTCHWAY: That --
7 MR. WALLACE: -- about the noise study as well.
8 MR. BOTCHWAY: That, and that is our first line of
9 defense. Our second line of defense also is to situate the
10 transformer. We've done, we've done considerable studies
11 that shows that the natural frequency of the transformer
12 noise as we've replaced the surrounding with, surrounding
13 wall around the transformer, certain distance is 1.9, 2.8
14 and 3., 5.2 distances you create what is called resonance.
15 And it will make this transformer noise propagate more
16 louder. So we go through these distances to make sure that
17 we don't put the enclosure wall within these distances to,
18 and, to make sure that we go through the external for
19 definitely the sound of the transformer. That's number two.
20 Number three is the transformer walls itself that surrounds
21 the transformer, we will use what we call sound block.
22 Sound block is a, is, it's an integrated systems much like
23 you see in the high school gymnasiums. When you go to a
24 gym, you see little slots in the blockwork in the gymnasiums
25 in high schools and colleges. We utilize the same

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1 technology here. It has slots in there that when the sound
2 propagates from the source point, when it hits the block, it
3 gets through those slots and then there's a metal strip in
4 there to distribute, diffuse it inside the block so that we
5 don't have any kind of reflection of the sound to make it
6 even louder. So to keep, so as to keep all the sound within
7 the limits of the transformer, we go through these greater
8 lengths to make sure of that. And then on the, on the last
9 end, at the end of the property, at the end of construction,
10 we make sure we bring in sound testers to test the sound on
11 the property line as the Code requires to make sure that
12 we're meeting the 55 decibels noise ordinance for the
13 neighborhood.
14 MR. WALLACE: Okay.
15 MR. GROSSMAN: Aside from what the ordinance says,
16 do you know for a facility of this size with the number of
17 transformers, three operational transformers of this size,
18 what will be the likely level of noise in decibels at the
19 property line?
20 MR. BOTCHWAY: For this design, based on my
21 experience of the company, I would say we will have maybe
22 30, 25 to 30 percent less than the noise level that is, the
23 Code requires.
24 MR. GROSSMAN: Okay.
25 MR. WALLACE: And of course, there is a noise

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1 study in the record and we will have an expert to testify on
2 that noise study.
3 MR. GROSSMAN: All right.
4 MR. WALLACE: Mr. Botchway, initially when the
5 hearing began, I represented on behalf of PEPCO that with
6 regard to the conditions of approval recommended by the
7 Planning Board they were acceptable to you. Is that the
8 case?
9 MR. BOTCHWAY: That is correct.
10 MR. WALLACE: Okay. Great. In light of your
11 testimony and the information in the record, do you believe
12 the proposed conditional use will be in harmony with the
13 character of the surrounding neighborhood?
14 MR. BOTCHWAY: I do.
15 MR. WALLACE: In your opinion, will the proposed
16 conditional use cause any objectionable traffic, noise,
17 odors, dust, illumination or lack, or issues with regard to
18 the parking provided? And we actually, we didn't really
19 touch too much on the parking. If you want to just briefly
20 describe for an unmanned station what kind of parking you
21 would be providing?
22 MR. BOTCHWAY: Well, we'll be providing the, the
23 usual requirement, building code requirements from the
24 American Disabilities Act that we provide at least two or
25 three parking spaces for handicapped.

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1 MR. WALLACE: Okay.
2 MR. BOTCHWAY: And there for operational use. We
3 provide a lot of parking. But mostly, most of the parking
4 for operational use would be inside the substation. That is
5 the reason for the access driveway inside the building.
6 MR. WALLACE: So the --
7 MR. BOTCHWAY: And open and go in and close the
8 gate.
9 MR. WALLACE: The two spaces that are provided on
10 the driveway are adequate for your operational needs?
11 MR. BOTCHWAY: Yes. Yes, sir.
12 MR. WALLACE: If the Hearing Examiner grants the
13 application, it's your intention to construct and operate
14 the improvements in accordance with the plans that have been
15 submitted into the record?
16 MR. BOTCHWAY: That is correct.
17 MR. WALLACE: Okay. Is there anything else you'd
18 like to add at this time regarding the project and its --
19 MR. BOTCHWAY: I, I would say that we have gone
20 through coordination with the neighborhood when we started
21 this project as has been our practice. When the project was
22 first announced, we did a sketch, went to the neighborhood.
23 We went to the civic association. We talked to them.
24 MR. GROSSMAN: Which civic association?
25 MR. BOTCHWAY: Darnestown Civic Association. We

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1 talked to them extensively. I think three or four meetings
2 was what we had with them in addition to communication in
3 between those meetings as to what they would like to have
4 and how we can accommodate their requests and demands.
5 Based on that, we went back to the, the Planning Hearing and
6 they also had some recommendations for us. We, we
7 incorporated those recommendations to the former design as
8 we have it today. So, and additionally, when this
9 substation gets finalized, it will be in harmony with the
10 neighborhood. We have been good corporate citizens in all
11 of the substations. This would not be the only substation
12 we'll have. So we have experience with cooperating with
13 neighborhood and anybody who might indicate any kind of
14 objective noise or sound and any, anything that they want to
15 talk about that is dearest to the well-being in the
16 neighborhood. We are able to listen to them and work with
17 them to make sure that we mitigate those instances. And so
18 far, we have been, we have lived peacefully in harmony in
19 all our substations we have.
20 MR. WALLACE: Do you know --
21 MR. GROSSMAN: Mr. Wallace, you actually
22 interrupted your question to ask about parking and so you
23 never got an answer to your question, the multi-part
24 question.
25 MR. WALLACE: Thank you. So in your opinion, will

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1 the proposed conditional use cause any objectionable
2 traffic, noise, odors, dust, elimination or concern with
3 parking?
4 MR. BOTCHWAY: No, it will not.
5 MR. WALLACE: Okay. Thank you.
6 MR. BOTCHWAY: We have, we have enough parking for
7 personal use.
8 MR. WALLACE: And the other issues discussed?
9 MR. BOTCHWAY: And the other issues, because in a
10 substation most people who will come over there will be
11 trained so the parking lot is mainly for handicapped and
12 outsiders. If they come, they will be escorted through it.
13 So.
14 MR. GROSSMAN: All right.
15 MR. WALLACE: Subject to additional questions
16 based on the residents or yours, I have no more direct
17 questions for Mr. Botchway.
18 MR. GROSSMAN: All right. Have a seat, Mr.
19 Botchway, right there. And we'll allow the opposition to
20 cross-examine you. Mr. Pandya.
21 MR. PANDYA: Thank you, sir.
22 CROSS-EXAMINATION
23 MR. PANDYA: Thank you for the explanation and the
24 details that you have, you have gone through. You said that
25 you have built about what, seven substations in this area.

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1 You were responsible for design and construction in your --
2 MR. BOTCHWAY: That is correct.
3 MR. PANDYA: Okay. And you also said that you,
4 this is one of the regular substations. That's the term you
5 used. Does that mean that you have built those other seven
6 substations that are in size, the volume-wise as well as
7 electrical capacity-wise, is this classified as one of the
8 regular substations or is this something that is not built
9 in this area?
10 MR. BOTCHWAY: This, the size that you see over
11 here we've built in other areas. It's just that for this
12 purpose, we have two different levels of substations that we
13 have built in the past. And I would call the 80 MVA and --
14 MR. GROSSMAN: I'm sorry. Called what?
15 MR. BOTCHWAY: The 80, 8-0.
16 MR. GROSSMAN: 8-0.
17 MR. BOTCHWAY: MVA substation and that type of
18 substation do not have the capability to interchange feeders
19 coming to each transformer. This design does. It increases
20 reliability. It gives you flexibility to be more responsive
21 to any down time. That is the reason why we term, we
22 consider ourselves improving reliability at all times,
23 making studies. That's the reason for this size. And the
24 reason why I believe you wanted to know if this size is, we
25 have other substations for the old technology. As new

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1 technology comes up, we like to take advantage of new
2 technology to improve efficiency and effectiveness of our
3 transformers. And that's what we have done here.
4 MR. PANDYA: Many --
5 MR. GROSSMAN: All right. But you, you actually
6 haven't addressed his question, which is is this one bigger
7 than other substations in the area? That's really what his
8 question was. You've given an explanation of why it --
9 MR. BOTCHWAY: That is correct.
10 MR. GROSSMAN: -- may be bigger but --
11 MR. BOTCHWAY: Right. Right. Right.
12 MR. GROSSMAN: -- is it bigger?
13 MR. BOTCHWAY: Yes, it is.
14 MR. GROSSMAN: And how much bigger in, in terms of
15 volume, compared to, let's, instead of volume, let's, let's
16 talk about square feet.
17 MR. BOTCHWAY: Fifty percent bigger.
18 MR. GROSSMAN: It's 50 percent bigger than --
19 MR. BOTCHWAY: Yes.
20 MR. GROSSMAN: -- you average substation you've
21 built before?
22 MR. BOTCHWAY: Correct.
23 MR. GROSSMAN: Do you have any that have been this
24 size?
25 MR. BOTCHWAY: Yes, we do. Not in this area, but

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1 in the urban, District of Columbia area.
2 MR. GROSSMAN: Okay. Go ahead, Mr. Pandya.
3 MR. PANDYA: May I continue?
4 MR. GROSSMAN: Certainly.
5 MR. PANDYA: Same question. The other part is is
6 there any substation of this size, and you have said that
7 this is 50 percent bigger, but that is similar in size or
8 closer to this size or a little bit smaller, whatever, that
9 is in such a close proximity. If I --
10 MR. GROSSMAN: Well, you have to finish your
11 question. Don't --
12 MR. PANDYA: The distance-wise.
13 MR. GROSSMAN: Close proximity to what?
14 MR. PANDYA: Is it as close in proximity as the
15 other residences?
16 MR. BOTCHWAY: Please repeat that --
17 MR. GROSSMAN: Do you have other substations --
18 MR. PANDYA: Other substations that are --
19 MR. GROSSMAN: -- that are as close, of this size
20 or comparable that are as close to residences as this one
21 will be?
22 MR. BOTCHWAY: Yes, yes, we do. We do.
23 MR. PANDYA: So --
24 MR. BOTCHWAY: And they are, we have, some
25 substations we have even one common wall to residences and

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1 offices.
2 MR. PANDYA: But they are not three transformers.
3 Not this high voltage capacity.
4 MR. BOTCHWAY: This high voltage and this size.
5 MR. PANDYA: Three same mega volts, whatever the
6 term is. Same electrical capacity.
7 MR. BOTCHWAY: Yes, we do.
8 MR. PANDYA: Okay.
9 MR. GROSSMAN: And where are those located just so
10 we can --
11 MR. BOTCHWAY: One that I can, that comes to mind
12 is 10th, 10th and L Street in the District of Columbia.
13 Another --
14 MR. GROSSMAN: 10th and L Street, N.W.?
15 MR. BOTCHWAY: That, N.W. Yes, sir. We have
16 another one 2nd and O Street, N.W. Another comes to mind is
17 on 9th, 8th, 9, 7, 8th Street, 9th Street substation.
18 MR. GROSSMAN: 9th and, 9th and H?
19 MR. BOTCHWAY: 9th and G, H, 9th and E.
20 MR. GROSSMAN: N.W. also?
21 MR. BOTCHWAY: Between, yeah. Between 8th and 9th
22 and E Street.
23 MR. PANDYA: Just for the record, they are, they
24 were all in District of Columbia not in Montgomery County.
25 Right? This is the biggest one in Montgomery County that

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1 you will build. In size, volume-wise, electrical capacity-
2 wise and in this close a proximity with the residences?
3 MR. BOTCHWAY: In, in Montgomery County.
4 MR. PANDYA: Yes.
5 MR. BOTCHWAY: In Montgomery County, I would say
6 yes.
7 MR. GROSSMAN: Well, let me, also the three places
8 you listed, 10th and L Street, N.W., are there residences
9 nearby? That sounds like the business district in the
10 District of Columbia.
11 MR. BOTCHWAY: There, there are, there are
12 residences for the O Street. There are residences next door
13 to us for that.
14 MR. GROSSMAN: And O Street.
15 MR. BOTCHWAY: O Street.
16 MR. GROSSMAN: And what about at 10th and L, N.W.?
17 MR. BOTCHWAY: There are residences right across
18 the street and a, even a hotel, Marriott Hotel, next door to
19 us.
20 MR. GROSSMAN: All right. And 9th and E?
21 MR. BOTCHWAY: And 9th and E are businesses.
22 MR. GROSSMAN: Okay.
23 MR. PANDYA: And they have the same construction,
24 open construction, same, similar construction? There is
25 exposed --

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1 MR. BOTCHWAY: And we have another, yeah, very
2 similar. We have a substation that is, it's been approved
3 and it's being built right now in the, in, in the waterfront
4 area, which is next, next to a residence area which is twice
5 as big as this. Much bigger than this.
6 MR. GROSSMAN: And where is that?
7 MR. BOTCHWAY: That is at, between 1st, Buzzard
8 Point, between 1st and 2nd Street and Q and R Street.
9 MR. GROSSMAN: Okay. And what, what's, which
10 quadrant of the city is that?
11 MR. BOTCHWAY: It's in S.W.
12 MR. GROSSMAN: S.W. Okay. And in the ones that
13 you have operational that are of similar size --
14 MR. BOTCHWAY: Um-hmmm.
15 MR. GROSSMAN: Are there complaints regarding
16 noise or operations from residents or nearby businesses?
17 MR. BOTCHWAY: No, we haven't had any complaint at
18 all.
19 MR. GROSSMAN: Okay. All right. Mr. Pandya.
20 MR. PANDYA: Okay. You said that because of the
21 new technology and you are trying to, and we appreciate that
22 PEPCO is looking at the power outage issue and this is going
23 to help the community. However, the, the question is is
24 this the only option that is feasible? Has PEPCO looked
25 into other, other areas, other locations other than this, an

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1 option of having one transformer only here, a smaller
2 transformer or multiple transformers that will resolve this
3 question? Why, why this location where --
4 MR. GROSSMAN: Well, all right. So you have --
5 MR. PANDYA: Sure.
6 MR. GROSSMAN: Then don't ask multiple questions.
7 Have there, other options that have been considered.
8 MR. PANDYA: I'm sorry, sir. I'm not used to
9 this, sir, if I do this, sir.
10 MR. GROSSMAN: No. I understand. It's, but
11 you're asking good questions. I just want to make sure
12 they're one at a time.
13 MR. PANDYA: Sure. Okay.
14 MR. WALLACE: We have another witness who is more,
15 is prepared and is intended to answer these types of
16 questions about site location.
17 MR. GROSSMAN: Okay.
18 MR. WALLACE: So I prefer to have that witness do
19 that and that'll be our next witness actually.
20 MR. GROSSMAN: All right. Well, let's, let's let
21 this, that'll be fine. Let's let this witness answer to the
22 extent that he knows of other options.
23 MR. WALLACE: And deferring to Zinn as an option,
24 of course.
25 MR. GROSSMAN: Okay.

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1 MR. BOTCHWAY: Right. I, I have general knowledge
2 of the, of its, the inner workings to locate these sites so
3 I would defer that to our planning expert --
4 MR. GROSSMAN: All right.
5 MR. BOTCHWAY: -- to discuss that.
6 MR. GROSSMAN: All right. That's fine subject to
7 your being recalled if there, if there's not a satisfactory
8 answer to a legitimate question here of other options.
9 MR. PANDYA: The sound test that you talked about,
10 that once the completion or after the completion of the
11 construction, once you, that you will perform a sound test.
12 Who will witness that?
13 MR. BOTCHWAY: We have an independent consultant
14 who, who, that will, that will come in and perform the sound
15 test.
16 MR. PANDYA: Will the residents around the
17 community, will we be part of that so we can witness it?
18 MR. BOTCHWAY: If, if you want to, we can invite
19 you to come and witness their, the testing.
20 MR. PANDYA: If this goes through, we would like
21 to go on record that we would like to be part of the,
22 witness that.
23 MR. BOTCHWAY: That would not be a problem.
24 MR. PANDYA: Okay.
25 MR. GROSSMAN: In fact, I take it there wouldn't

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1 be an objection to that being a condition if there is a, of
2 any conditional use.
3 MR. WALLACE: That's absolutely --
4 MR. GROSSMAN: Okay.
5 MR. PANDYA: The security surrounding the
6 property, this ornamental, aluminum, eight-foot tall fence.
7 Is there a picture of that or will there be barbed wires on
8 that or anything that is sharp that will, I mean this is a
9 security fence, but I'm just curious.
10 MR. BOTCHWAY: No. It, it would not have any
11 barbed wires on the top. We have a picture or view of it.
12 It will be, if you go into the NIH campus --
13 MR. PANDYA: Um-hmmm.
14 MR. BOTCHWAY: Around Rockville Pike, you'll see
15 pretty much it's similar, something similar to that.
16 MR. PANDYA: Okay. As far as the security, will
17 there be security cameras and will there be, will there be
18 security cameras?
19 MR. BOTCHWAY: There will be security cameras,
20 cameras at this location.
21 MR. PANDYA: Will, will they be only focused
22 towards the, your property or will it be for the surrounding
23 areas as well? And where I'm going to, sir, is --
24 MR. BOTCHWAY: The, the, the requirement is to
25 make sure that nobody gets in close proximity to our, to our

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1 equipment. So we'll have security cameras for that purpose.
2 Not, not so much for the neighborhood. But we don't have a
3 mandate for that.
4 MR. PANDYA: Right.
5 MR. BOTCHWAY: But there will be security cameras
6 around, around the equipment and in the building.
7 MR. GROSSMAN: Well, I think Mr. Pandya, what Mr.
8 Pandya is getting at is, is will their, their privacy, the
9 neighbors' privacy --
10 MR. PANDYA: Yes.
11 MR. GROSSMAN: -- be intruded upon by the security
12 cameras?
13 MR. BOTCHWAY: Oh, no. Definitely not. It will
14 be inside to make sure that if somebody undermine the, our
15 perimeter, physical perimeter security, we will be able to
16 identify the person inside. Not --
17 MR. GROSSMAN: It won't be taking pictures
18 pointing out towards the neighborhood?
19 MR. BOTCHWAY: No. Definitely not.
20 MR. GROSSMAN: Okay.
21 MR. BOTCHWAY: We have no mandate for that.
22 MR. PANDYA: Okay. If I go back to your drawing
23 there --
24 MR. BOTCHWAY: Yes, sir.
25 MR. PANDYA: And again, this might be a question

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1 for someone else. But going back to the proximity to the
2 residences.
3 MR. BOTCHWAY: Yes.
4 MR. PANDYA: I cannot read it from here, but if I
5 remember the drawing that you had presented earlier, if I,
6 if you can go back to --
7 MR. BOTCHWAY: This drawing, you're talking about
8 this, right?
9 MR. PANDYA: Right. So if you go back --
10 MR. BOTCHWAY: These are residences over here.
11 MR. PANDYA: On the outside.
12 MR. WALLACE: Keep going.
13 MR. PANDYA: Yeah. Outside.
14 MR. BOTCHWAY: Oh, outside.
15 MR. PANDYA: I hope they are not there. Yeah.
16 MR. BOTCHWAY: Sorry. So in this direction.
17 MR. PANDYA: At the south --
18 MR. BOTCHWAY: We wouldn't put you that close to
19 it.
20 MR. PANDYA: Yeah. I, I don't want to. Southwest
21 corner. That dimension is about 99 feet, 9, can I stand up
22 and --
23 MR. BOTCHWAY: Southwest corner?
24 MR. PANDYA: Yeah.
25 MR. BOTCHWAY: These dimensions?

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1 MR. PANDYA: No. Very southeast corner.
2 MR. WALLACE: If it's easier for you to approach,
3 please do.
4 MR. PANDYA: South, yeah.
5 MR. BOTCHWAY: South, southwest. This is --
6 MR. PANDYA: I'm sorry.
7 MR. BOTCHWAY: -- southwest.
8 MR. PANDYA: This is southeast corner. This is
9 southwest corner.
10 MR. BOTCHWAY: It's southwest. Okay.
11 MR. PANDYA: This is north, south --
12 MR. BOTCHWAY: Correct.
13 MR. PANDYA: -- east, west.
14 MR. BOTCHWAY: Correct.
15 MR. PANDYA: So southwest corner.
16 MR. BOTCHWAY: Correct.
17 MR. PANDYA: This dimension is 99.7 feet.
18 Correct?
19 MR. BOTCHWAY: Yes. Yes.
20 MR. PANDYA: So, and this is right in the backyard
21 of the family here, right? This is, so that's where their
22 backyard starts.
23 MR. BOTCHWAY: So --
24 MR. PANDYA: And if the kids are playing there, if
25 the kids are playing in this backyard, they are within 99

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1 feet of this property. The, the, the high voltage, whatever
2 term you have used. I don't remember. But call this high
3 voltage area. They are within the 99 to 100 feet. I'm just
4 reading off of this drawing.
5 MR. BOTCHWAY: This, correct. That's just at the
6 building.
7 MR. PANDYA: No, I understand.
8 MR. BOTCHWAY: That's the building wall.
9 Equipment are farther away from it.
10 MR. PANDYA: But, sir, it said they are within 10
11 feet further. So 100 feet.
12 MR. BOTCHWAY: It's, it's just a conductor here.
13 The transformer sits right here.
14 MR. PANDYA: But they are high voltage conductors,
15 right?
16 MR. BOTCHWAY: They, they're high voltage, high
17 tension.
18 MR. PANDYA: Okay. I just wanted to make sure
19 that that --
20 MR. BOTCHWAY: Right.
21 MR. PANDYA: High voltage conductor start within
22 100 feet of the kids playing in their backyard.
23 MR. BOTCHWAY: Correct.
24 MR. PANDYA: Just, I want to just make sure that
25 that's, that's the understanding I get. That if the, if

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1 this is people's backyard. If they are doing barbecue or
2 kids are playing, they are within 100 feet of the high
3 voltage lines. I'm just looking at the drawing. These have
4 --
5 MR. BOTCHWAY: Yeah. You, you're looking at a
6 building wall. Distance. They have the wall in between --
7 MR. PANDYA: I do understand that. But --
8 MR. BOTCHWAY: -- the conductors --
9 MR. PANDYA: -- the high voltage lines, they
10 transmit waves and then again we can --
11 MR. GROSSMAN: Well, let's not, let's not have you
12 testify now, but --
13 MR. PANDYA: I, I don't want to do that, but I
14 just wanted to make sure that the distance-wise --
15 MR. GROSSMAN: -- but I understand.
16 MR. PANDYA: -- it is very close.
17 MR. GROSSMAN: I understand the question. The
18 question he's asking is whether or not the actual high
19 voltage lines would come within 100 feet of the property
20 line of the neighbors to the southwest?
21 MR. BOTCHWAY: I'll leave, there, there will be
22 some high tension, HTTR, high tension transfer cable that
23 is, will be situated right here. Now --
24 MR. WALLACE: Above ground or below ground?
25 MR. BOTCHWAY: They are, they're above ground.

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1 They're above ground.
2 MR. GROSSMAN: And right here being in the center
3 part of the building?
4 MR. BOTCHWAY: At the, at the ceiling, I'm sorry.
5 MR. GROSSMAN: You said right here. You were
6 pointing to your building. They're in the middle of your
7 building?
8 MR. BOTCHWAY: This is the back, from the back, in
9 the back.
10 MR. GROSSMAN: The back of your building.
11 MR. BOTCHWAY: Back end of the building.
12 MR. GROSSMAN: Okay.
13 MR. BOTCHWAY: There will be, and then we have a
14 roll of equipment for the CCPDs and then the, the breakers
15 and then you have a driveway before you get to the
16 transformers.
17 MR. GROSSMAN: Right. But that, the specific
18 question is will there be high voltage lines within 100 feet
19 of the property line of the residences to the southwest of
20 the site?
21 MR. BOTCHWAY: Yes.
22 MR. WALLACE: Before you answer that question I
23 would like you to make sure that, and we may need to step
24 aside for a second and do this, that that is, 100 feet is
25 the actual distance. And it might be but --

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1 MR. GROSSMAN: Right.
2 MR. WALLACE: -- we're being a little bit cavalier
3 with our measurements.
4 MR. GROSSMAN: I can certainly --
5 MR. PANDYA: And I'm sorry. Maybe approximate
6 100, 100, 105 feet. I am not sure.
7 MR. GROSSMAN: Well, whatever the, that's the,
8 that's the question. If the witness doesn't know, somebody,
9 your, any one of your witnesses can, can measure it off and
10 --
11 MR. WALLACE: Yeah, I just want to make sure it's
12 a measured, it's an actual measured distance.
13 MR. GROSSMAN: And then, and then whatever the
14 expert evidence is as to whether or not that would be any
15 potential harm or not --
16 MR. WALLACE: It's a different --
17 MR. BOTCHWAY: Correct.
18 MR. GROSSMAN: -- is something else. But right
19 now the question is just to the distance.
20 MR. PANDYA: Distance.
21 MR. BOTCHWAY: Yes, it is. The distance. What do
22 you say?
23 UNIDENTIFIED MALE: Overhead or underground.
24 MR. GROSSMAN: You want to have another witness
25 testify as to that?

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1 MR. WALLACE: We'll have another witness testify
2 to that exact point.
3 MR. GROSSMAN: Okay. All right.
4 MR. WALLACE: I just want to be very clear about
5 distances.
6 MR. GROSSMAN: Sure.
7 MR. PANDYA: I don't know whether you are the
8 right person to ask this question, but will there be another
9 witness for the transmission lines along the --
10 MR. WALLACE: Yes.
11 MR. PANDYA: Okay. I have no further questions
12 right now, sir.
13 MR. GROSSMAN: All right.
14 MR. PANDYA: But if I have any other, if I can
15 think of something, can I call this gentleman back here or
16 no?
17 MR. GROSSMAN: Well --
18 MR. PANDYA: How does it work?
19 MR. GROSSMAN: Well, usually not, but I think
20 we'll make an exception given that we had some waffling in,
21 in terms of the answer so the answer would be yes. Mr.
22 Silverman, you have questions?
23 MR. SILVERMAN: Thank you.
24 CROSS-EXAMINATION
25 MR. SILVERMAN: Mr. Ebenezer, a few questions.

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1 First I wanted to back up a little bit and make sure that I
2 have the footprint of this property, of the substation
3 exactly right. Am I correct that the substation structure
4 will be 150 feet by 160 feet for a total of approximately
5 24,000 square feet? Is that the current number?
6 MR. GROSSMAN: You're talking about the outer
7 walls?
8 MR. SILVERMAN: The outer walls. Yes, sir.
9 MR. GROSSMAN: Okay.
10 MR. BOTCHWAY: Outer walls is 150, yes, that's
11 correct.
12 MR. SILVERMAN: Okay. And do you recall if, if
13 earlier renditions of this have a smaller footprint?
14 MR. BOTCHWAY: Earlier renditions?
15 MR. SILVERMAN: Earlier versions of this
16 substation that were circulated to the public, public or
17 presented at community meetings.
18 MR. BOTCHWAY: No. It, it, about the same size.
19 MR. SILVERMAN: About the same size.
20 MR. BOTCHWAY: In earlier renditions. Yes.
21 MR. SILVERMAN: And was the community initially
22 told, say for the first meeting, the, that this would be
23 comparable to, would look, have a residential look? Let's
24 say that.
25 MR. WALLACE: Could I ask for some specificity as

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1 to what first meeting? What date?
2 MR. SILVERMAN: I'm sorry. The first meeting was,
3 this was January of, January 8th, 2015 meeting with the
4 Darnestown Citizen Association Board of Directors.
5 MR. BOTCHWAY: Correct.
6 MR. SILVERMAN: Yes. There was, and I'd like to
7 just enter into the, the record the meeting notes from that
8 meeting and I've already provided them with a copy.
9 MR. GROSSMAN: All right. Okay. Let's, let's
10 mark that as, if you bring up a copy here, we'll mark that
11 for identification as Exhibit 56.
12 (Hearing Exhibit No. 56 was
13 marked for identification.)
14 MR. WALLACE: And we're reviewing those now.
15 MR. GROSSMAN: All right.
16 MR. WALLACE: Now that we understand the contents.
17 MR. GROSSMAN: This is, Exhibit 56 is minutes from
18 Darnestown Civic Association, abbreviated DCA, Board and
19 PEPCO on January 8, 2015. Okay.
20 MR. WALLACE: And will I be allowed to ask
21 questions about the --
22 MR. GROSSMAN: I'm, you'll be allowed to, to
23 redirect. Certainly. What, what, ask questions --
24 MR. WALLACE: About the nature of the minutes.
25 Who prepared them? Things like that.

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1 MR. GROSSMAN: Well, certainly. When they, when
2 they testify. Right now, they're not admitted. They're
3 just marked for identification. Okay. All right. Mr.
4 Silverman, what questions do you have regarding that?
5 MR. SILVERMAN: Yes. Okay. So, so as we just
6 discussed, at the meeting our recollection is that this was
7 presented as a substation that was going to have a
8 residential look. Correct? You answered that that is
9 correct, right? That's what's reflected in the minutes?
10 MR. BOTCHWAY: Initially, yes.
11 MR. SILVERMAN: Initially.
12 MR. BOTCHWAY: Yes.
13 MR. SILVERMAN: And was, our, our recollection is
14 also that there was no size given to the community as to
15 what the scope of this project was going to be at that time
16 and I think the minutes reflect that as well. Is that your
17 recollection at that point in time a year ago that there was
18 no size proposed?
19 MR. BOTCHWAY: Yeah, it was because we had a
20 rendering with size attached to that.
21 MR. SILVERMAN: There, there was a size attached
22 to that?
23 MR. BOTCHWAY: Yeah.
24 MR. SILVERMAN: Okay.
25 MR. PANDYA: May I please?

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1 MR. BOTCHWAY: We had a rendering.
2 MR. SILVERMAN: I'm sorry?
3 MR. BOTCHWAY: I said we did had a rendering. I
4 wasn't sure.
5 MR. SILVERMAN: There was, I, I recall a rough
6 rendering, but, but the notes seem to suggest there, and our
7 recollections don't remember any, any particular --
8 MR. GROSSMAN: Well, you can testify about --
9 MR. SILVERMAN: So, we can testify. I'm sorry.
10 I'm sorry. We'll continue.
11 MR. GROSSMAN: -- about that, but these are just
12 cross-examination.
13 MR. SILVERMAN: Okay. The, there was a second
14 meeting that was in, in May 20th. Well, the meeting was May
15 28th. And I just wanted to submit to the record the, the
16 notice that was sent to the community. Now this was not a
17 notice that PEPCO sent. It was a notice that was sent by
18 the Darnestown Board of Directors to the surrounding
19 community. I don't see anything, if you're cc'd on this.
20 Doesn't appear that you were cc'd, but the Darnestown Board
21 of Directors is all included on here as well as several of
22 the neighborhood residents. And I --
23 MR. GROSSMAN: Now, Mr. Silverman, are, are you
24 intending to use these documents as part of your questioning
25 of this witness?

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1 MR. SILVERMAN: Yes. Yes, I do.
2 MR. GROSSMAN: Okay. Then you can mark them now.
3 MR. WALLACE: Is that this document here?
4 MR. SILVERMAN: Yes. No, no. That's the next,
5 that's the following meeting. Well, that is my notes
6 following the meeting. I'm submitting the, the notice of
7 the meeting that we received. Yes. That's it. It's dated
8 May 20th.
9 MR. GROSSMAN: Okay. This will be Exhibit 57.
10 (Hearing Exhibit No. 57 was
11 marked for identification.)
12 MR. SILVERMAN: Now this is the notice that the
13 residents received which alerted them to this upcoming
14 meeting and, and influenced whether they decided to come or
15 not.
16 MR. GROSSMAN: Okay.
17 MR. SILVERMAN: And it's --
18 MR. GROSSMAN: This --
19 MR. SILVERMAN: -- it's, the question that I have
20 for you is it states that we were told by PEPCO.
21 MR. GROSSMAN: Well, let me, let me identify it
22 for the record what it is. It's the May 20, 2015 notice
23 from DCA to the neighborhood of an upcoming May 28, 2015
24 meeting, I guess I'll say Board meeting regarding PEPCO
25 substation. Okay.

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1 MR. WALLACE: And we're showing that as 57?
2 MR. GROSSMAN: Exhibit 57. That's correct.
3 MR. WALLACE: Thank you.
4 MR. SILVERMAN: So the notice stated that
5 according to DCA it was represented to them that this would
6 be the good news, quote, was that this would be disguised as
7 a house and, and blend in, into the community. Do you
8 recall having a conversation with anyone in DCA in which you
9 used terms like that? Or anyone else? A PEPCO
10 representative.
11 MR. BOTCHWAY: Please repeat that again.
12 MR. SILVERMAN: The, the notice that was
13 circulated by DCA to the community as to whether --
14 MR. BOTCHWAY: Yes.
15 MR. SILVERMAN: -- you know, of this upcoming
16 meeting.
17 MR. BOTCHWAY: Um-hmmm.
18 MR. SILVERMAN: It states in it that the good news
19 is that we were told that this substation would be disguised
20 as a house, singular, and blend into the community. Do you
21 recall conveying that information to the Darnestown Citizens
22 Association at any point or was that a misunderstanding?
23 MR. BOTCHWAY: No, it was not. It was something
24 that we, that was a very preliminary rendering that we
25 brought to that meeting.

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1 MR. SILVERMAN: For, when you say --
2 MR. BOTCHWAY: Rendering.
3 MR. SILVERMAN: -- to that meeting you mean the
4 first meeting in January?
5 MR. BOTCHWAY: Well, I think I may, I stated that
6 on our initial discussion with DCA we brought a rendering
7 which had the look of a residential front, façade. In our
8 discussion with them, they decided that they do not want
9 that kind of a residential look. That we should just make
10 it look more farm like. Coincidentally, we started with
11 that and we, we have a subsequent meeting with the Planning
12 Office Staff.
13 MR. SILVERMAN: We're going to get to all of that.
14 That's --
15 MR. BOTCHWAY: And they also told us that that
16 residential look would not fit this, this part of the
17 property. So if it's at all possible, they, they will be
18 more than happy to deal with any kind of look that had a
19 farm like look, more like a barn. That's why we change it
20 from the residential look to the barn like façade. That was
21 what they requested.
22 MR. SILVERMAN: I understand that. I'm just
23 trying to establish at this point that, that the meeting
24 notice that went out to the community represented this as,
25 as a singular home, which may have influenced whether

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1 residents felt this was a concern to even attend the next
2 meeting. That's, that's all I'm trying to establish here.
3 MR. BOTCHWAY: We are just guided by what your
4 community residents wanted us to do.
5 MR. SILVERMAN: Okay. So at that second meeting
6 now that was on May 28th, that was the first time my
7 recollection is that you presented those different options.
8 Correct? That it was sort of an option to look like a
9 farmhouse which is where you went --
10 MR. BOTCHWAY: I think it was, are you indicating
11 as being the second, or the second --
12 MR. SILVERMAN: The second, this is the second
13 meeting.
14 MR. BOTCHWAY: Yes. Yes.
15 MR. SILVERMAN: May 20, 28th --
16 MR. BOTCHWAY: That is correct.
17 MR. SILVERMAN: It was the one that looked like a,
18 sort of a, I call it the fire house option. It had that
19 kind of look. It was one that looked like it said town
20 patents and there was the, the sort of farmhouse.
21 MR. BOTCHWAY: Correct.
22 MR. SILVERMAN: Is that correct? Now my, my own
23 meeting notes from that meeting which I attended indicated
24 that it was represented that the footprint of the structure
25 at that time was 120 feet on each side. That's my meeting

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1 notes. And are my meeting notes incorrect?
2 MR. WALLACE: We're not sure what meeting notes
3 he's referring to?
4 MR. SILVERMAN: I'm sorry. I didn't, you've got a
5 copy of the May 28th notes. I can give you a copy.
6 MR. GROSSMAN: All right. Let's mark that as
7 Exhibit 58, will be Mr. Silverman's, Mr. Silverman's notes
8 from May 28, '15 DCA meeting. All right. So is his
9 recollection incorrect or that, is that what was presented
10 to the Darnestown Civic Association?
11 (Hearing Exhibit No. 58 was
12 marked for identification.)
13 MR. BOTCHWAY: I believe their recollection was
14 that we presented three different design façade and the
15 association pretty much stated a preference for one, which
16 would be the farmhouse.
17 MR. SILVERMAN: I don't disagree with that. But
18 my question is is the size that I, I wrote down as
19 representing incorrect?
20 MR. BOTCHWAY: I, I, the 120 feet that you
21 indicated was, I think we made mention of the fact that,
22 yeah, that is correct, but we are still, a design is
23 evolving.
24 MR. SILVERMAN: Um-hmmm.
25 MR. BOTCHWAY: But we make that pretty clear to

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1 the, all our meetings.
2 MR. SILVERMAN: Um-hmmm.
3 MR. BOTCHWAY: That the design was evolving.
4 MR. SILVERMAN: Okay. Okay. So the size was, was
5 smaller at that time. My next question is, you know, you
6 stated during your testimony that you believe that the
7 substation is in harmony with the neighborhood. When you
8 were designing the project, did you consider the size and
9 height of the surrounding buildings to homes in Hallman
10 Court?
11 MR. BOTCHWAY: We were guide, yes, we did, but we
12 were guided by the, on the underlying zoning requirements
13 for that location.
14 MR. SILVERMAN: I'm sorry. I don't, I don't
15 understand.
16 MR. BOTCHWAY: We were guided by the underlying
17 zoning requirements for that location.
18 MR. SILVERMAN: What requirements are you
19 referring to?
20 MR. BOTCHWAY: The requirements stating that the
21 height for that location --
22 MR. SILVERMAN: Oh, I see.
23 MR. BOTCHWAY: -- shouldn't be more than 40 feet.
24 MR. SILVERMAN: So the maximum height is 50 feet
25 so you, you, you designed this at the maximum height?

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1 MR. BOTCHWAY: No. We, we, yes, we considered the
2 neighborhood, but we could, we could not violate what the
3 underlying zoning requirements were. So we stayed, we
4 stayed within the requirements for the zoning.
5 MR. SILVERMAN: Right.
6 MR. BOTCHWAY: For that lot.
7 MR. SILVERMAN: Are any of the neighborhood, the
8 neighboring houses at 50 feet?
9 MR. BOTCHWAY: I'm sorry?
10 MR. SILVERMAN: Are there any neighboring houses
11 at 50 feet?
12 MR. BOTCHWAY: There are not, but the zoning
13 requirement demands that we stay under 50 feet.
14 MR. SILVERMAN: That doesn't demand that you be at
15 50 feet. It demands that you be under 50 feet.
16 MR. BOTCHWAY: But that's an option. And
17 remember, when you said 120 and as opposed to 150, I think
18 what we stated to your, your group was that substation
19 building as it is, you have certain equipment that you have
20 to have within the station. As you shrink the, the floor
21 area the station tends to go up because we have to bring
22 equipment and stack, stack it on top. And as you lower the,
23 as you lower the height then you have to take some of the
24 equipment and then put it on the ground. So almost like a,
25 a silly putty, you press it. You close it, it grows up

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1 high. If you press it on the top, it grows up wide. That's
2 the nature of the design of a substation. The equipment
3 inside remains the same. We have to have those equipment
4 for the substation to function correctly. So we, we're
5 guided by the fact that I think one of the concerns raised
6 at the meeting was to lower the height of the building
7 because we came before a much higher height of the building
8 when we met. And then the concern was can we reduce the
9 height. Of course, when we reduce it then you have to make
10 it a little wider to accommodate the equipment that is going
11 to be used inside.
12 MR. GROSSMAN: How, well, how much higher was it
13 if, it's currently set for 48 feet, which is two feet under,
14 as I understand it, two feet under the maximum height. How
15 much higher was it originally designed than that?
16 MR. BOTCHWAY: I'm sorry?
17 MR. GROSSMAN: How much higher than 48 feet was it
18 originally designed?
19 MR. BOTCHWAY: Within our design preliminaries, we
20 had it, actually had it almost like about 52, and then I
21 reach out to Ben in charge of zoning and zoning
22 requirements. I reach out to ask them if we, because we
23 don't want to go through variances.
24 MR. GROSSMAN: Right.
25 MR. BOTCHWAY: So can we redesign it height-wise

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1 to bring it down under the zoning requirements. So that,
2 that, that, that took some time to bring it back down.
3 MR. GROSSMAN: I might mention, Mr. Silverman,
4 that the applicant is planning to call a land planner expert
5 who might be able to respond in more detail to your harmony
6 questions.
7 MR. SILVERMAN: Okay. Okay.
8 MR. GROSSMAN: I've allowed this witness to
9 testify in that area briefly because he is somebody who has
10 an operational knowledge of substations although he's not
11 qualified and hasn't been offered as a land planner expert,
12 an expert in land use. So it is somewhat out of his sphere
13 of expertise although not entirely since he's used to the
14 operational part, but they do plan to call a land planner.
15 MR. SILVERMAN: Okay. Well, on, I've got some
16 more questions and, and if you think the land planner would
17 be better to answer them, I'm sure that --
18 MR. GROSSMAN: Well, I don't want to restrict
19 your, your cross-examination. I'm just telling you that you
20 might get more direct answers to that from the land planner.
21 MR. SILVERMAN: Okay. You talked earlier a bit
22 about there being differences between types of substations
23 and maybe you can help clarify this for me. I've submitted
24 for the record a, a, some aerial photographs of the
25 substation that is, you can, probably the closest to, to

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1 this proposed substation located at Travilah --
2 MR. GROSSMAN: All right. Let me mark this --
3 MR. SILVERMAN: -- Road in Darnestown.
4 MR. GROSSMAN: -- so that we, so this is Exhibit
5 59 and it is an aerial photo. This is a PEPCO substation?
6 MR. SILVERMAN: I believe so.
7 MR. GROSSMAN: Of PEPCO substation at, this is at
8 Darnestown Road and Travilah Road. Actually there are two
9 photographs. So say 59A is the aerial photograph and 59B is
10 a street photograph of the same. Okay. So Exhibit 59A,
11 Exhibit 59B. All right. Now your question.
12 (Hearing Exhibit Nos. 59A
13 and 59B were marked for
14 identification.)
15 MR. SILVERMAN: Okay. So my, my, my first, are
16 you, are you familiar with this, this substation?
17 MR. BOTCHWAY: Yes, I am.
18 MR. SILVERMAN: Okay. And do you know what the
19 approximate dimensions of the, of the substation? I can
20 make an estimate based on the, the grid here, but you may
21 know better than I.
22 MR. BOTCHWAY: That's about 1, 110 by 79.
23 MR. SILVERMAN: Yeah, that's almost exactly right.
24 So it's, it's about maybe 75,000, 8,000 square feet. I've
25 got the calculator in front of me. So that's roughly one-

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1 third of the proposed Darnestown substation in terms of its
2 footprint?
3 MR. BOTCHWAY: I'll say about close to a half.
4 MR. SILVERMAN: One half. Okay.
5 MR. BOTCHWAY: Fifty --
6 MR. SILVERMAN: Okay. And in terms of the height
7 of --
8 MR. GROSSMAN: Hold on one second. Mr. Botchway,
9 would you tell me on this photograph, this aerial
10 photograph, 59A, what is the substation here that we're
11 looking at?
12 MR. BOTCHWAY: It's, what, what is it?
13 MR. GROSSMAN: Which building is the substation?
14 MR. SILVERMAN: Oh. That's the, that's the one,
15 he may, this is it.
16 MR. GROSSMAN: Okay.
17 MR. BOTCHWAY: Yes.
18 MR. GROSSMAN: So if it's, there's no objection to
19 it, I will note on your photograph Substation and make an
20 arrow to it so that, I'm going to use a pen that writes on
21 it there. Substation. It looks by the way, that building
22 looks like it's enclosed. Oh, I see. I see what is a
23 netting on top, I suppose.
24 MR. BOTCHWAY: Yeah.
25 MR. GROSSMAN: Okay. All right. So I just, I

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1 just drew the word Substation with an arrow so that we know
2 what we're talking about. Mr. Silverman, is that agreeable?
3 MR. SILVERMAN: Yes. That's, that's agreeable.
4 Thank you.
5 MR. GROSSMAN: Okay.
6 MR. SILVERMAN: And, and just for, for
7 clarification, Mr. Botchway, it would seem 110 by 79 is
8 actually what was the total --
9 MR. PANDYA: 7,900.
10 MR. SILVERMAN: 7,900 square feet whereas the
11 proposed substation, as you testified earlier, 24,000.
12 That's more than, more than three times, the Darnestown
13 substation would be more than three times the size of this.
14 Not half.
15 MR. GROSSMAN: Actually 79 times 110 would be more
16 than 7,900, wouldn't it? Can you multiply that? Because
17 that's, that's 79 by 100 is --
18 MR. WALLACE: You, you don't want me, you don't
19 want me doing the math, so pass.
20 MR. GROSSMAN: 79 times 110 is somewhat above
21 7,900.
22 MR. SILVERMAN: Times 79, it's 86, 8,700 roughly.
23 MR. WALLACE: And let's just, so we're clear about
24 the size of the footprint. Yeah, our, the, our footprint is
25 closer to 22,000 square feet.

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1 MR. SILVERMAN: Okay.
2 MR. WALLACE: And we can give you, we have the
3 exact --
4 MR. GROSSMAN: Okay. The proposed --
5 MR. WALLACE: Yeah, proposed.
6 MR. GROSSMAN: -- footprint is 20 --
7 MR. SILVERMAN: So it's about two and a half times
8 the size. That is what, what it comes down to. Just for,
9 we have on that all on the same page.
10 MR. BOTCHWAY: About, about two. 16.
11 MR. SILVERMAN: Okay.
12 MR. PANDYA: We can go to the exact dimensions
13 later.
14 MR. SILVERMAN: So is, can you explain. Is this a
15 different kind of, of substation? Is that, that the reason
16 for the difference?
17 MR. BOTCHWAY: Yes, I can, it is, it is a
18 different, not a different kind, but same substation, but
19 because we are taking, we're making use of new technology,
20 we have to bring in the new, new equipment and the
21 flexibility, as I indicated earlier, of using multiple
22 transformers for down time effects and if --
23 MR. WALLACE: Height doesn't matter. I'm sorry to
24 interrupt you --
25 MR. BOTCHWAY: Yes.

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1 MR. WALLACE: -- Mr. Botchway. We, we have
2 another witness, Mr., Mr. Morton, next to me, who is much,
3 not better, but much more able to talk about this issue in
4 a, in a very technical way that needs to be addressed. Is
5 that appropriate to say?
6 MR. BOTCHWAY: Yeah.
7 MR. WALLACE: Yeah.
8 MR. BOTCHWAY: Yes.
9 MR. WALLACE: And I have no problem bringing Mr.
10 Morton in now to help --
11 MR. GROSSMAN: Well, shall we wait for Mr. Morton
12 to testify to get that, that answer?
13 MR. SILVERMAN: That's, Mr. Morton. Sure. We
14 can, okay. We can wait for --
15 MR. GROSSMAN: He's the next listed witness so.
16 MR. SILVERMAN: Okay. Well, maybe there's,
17 there's sort of another basic question I wanted to check
18 with you. Do you, do you know the, the height of this
19 substation? I, I, it looks to me from 59B that it's
20 approximately the size of a, the height of a street lamp
21 although, you know, it's not, you know, easy to tell. Do
22 you know how high it is?
23 MR. BOTCHWAY: For this station?
24 MR. SILVERMAN: For the Travilah, I'm sorry.
25 MR. GROSSMAN: The Darnestown one?

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1 MR. SILVERMAN: The Travilah substation.
2 MR. BOTCHWAY: Travilah.
3 MR. GROSSMAN: Right.
4 MR. BOTCHWAY: Travilah is about 35.
5 MR. SILVERMAN: Yeah, that's what I thought.
6 Okay. So, and so the Darnestown substation is about 15, 13
7 feet tall.
8 MR. BOTCHWAY: Darnestown is maybe, maybe 30 feet.
9 MR. WALLACE: Or 28, or 48.
10 MR. BOTCHWAY: Or 48.
11 MR. SILVERMAN: Right. Right. And is, is that
12 also an issue --
13 MR. BOTCHWAY: About 10 feet.
14 MR. SILVERMAN: -- of the, maybe this is for the
15 next witness. Is that also an issue of the equipment being
16 different or, or why is there a 13 foot difference between
17 the two?
18 MR. MORTON: I can speak to that.
19 MR. WALLACE: Well, the next witness can speak to
20 that.
21 MR. SILVERMAN: For the next witness? Okay.
22 MR. BOTCHWAY: Next, yeah.
23 MR. SILVERMAN: I wanted to, you, you addressed
24 some landscaping issues. I don't want to get into, to, I
25 know you'll have another person, a landscaping plan, but

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1 just for clarification. We've got down it's an eight-foot
2 tall fence that is black aluminum. Correct?
3 MR. BOTCHWAY: Correct.
4 MR. SILVERMAN: There's no barbed wire or anything
5 going to be on the top of these fences. I just wanted to
6 make sure that was, that was clear. And you had testified
7 earlier, I just want to be clear on this because it didn't
8 seem clear to me on the diagram. The, the fence is set back
9 how far from the property line on Hallman Court? Can you,
10 can you tell me that?
11 MR. WALLACE: Do you want to --
12 MR. SILVERMAN: On the Hallman Court side.
13 MR. GROSSMAN: Which is the Hallman Court side?
14 MR. BOTCHWAY: That's, Hallman, Hallman Court is
15 back over here.
16 MR. PANDYA: The west.
17 MR. GROSSMAN: To the west. The, the area that
18 Mr. Pandya was referring to?
19 MR. SILVERMAN: Yes. The two sides on the west
20 side.
21 MR. GROSSMAN: The southwest.
22 MR. BOTCHWAY: This side.
23 MR. GROSSMAN: Okay.
24 MR. BOTCHWAY: It's 15 feet.
25 MR. SILVERMAN: It's 15 feet?

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1 MR. BOTCHWAY: Yes. Correct.
2 MR. SILVERMAN: Okay. And this may be, I don't
3 know if this is an issue for you or for the landscaping
4 witness, but is there any reason that the fence going to be
5 pushed back? Is that a security issue? Is it a, a, a,
6 underground where, where things are going to be placed
7 issue? Or, or is it just that's how you did it all around?
8 MR. BOTCHWAY: I think the landscaping expert
9 will, better suited to answer that for us.
10 MR. SILVERMAN: Okay. Oh, I wanted to just ask
11 another question too about the, about the sound/noise issue.
12 You testified that, you know, with the walls and other
13 soundproofing measures, it should be within, what is it, 55
14 decibel limit?
15 MR. BOTCHWAY: That's correct.
16 MR. SILVERMAN: Okay. And, and you also stated
17 that it would be at the property line, the closest point
18 probably about 20 or 30 percent lower than that. Is that
19 my, what I wrote down correct?
20 MR. BOTCHWAY: No. That'll be, that's how we, we,
21 we always try to achieve that.
22 MR. SILVERMAN: Okay.
23 MR. BOTCHWAY: But that, that's, and we don't try
24 to meet exactly the 55. Just all in good faith of being
25 good corporate citizens.

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1 MR. SILVERMAN: Sure. And, and just so I, I, for
2 curiosity, if I was actually taking a, a sound measurement
3 from inside of the structure, how, how loud are those
4 things, the transformers?
5 MR. BOTCHWAY: It would be close to that 55.
6 MR. SILVERMAN: It would, so --
7 MR. BOTCHWAY: So we're very confident that it
8 will be much less at the property line.
9 MR. SILVERMAN: Okay. And you also testified that
10 bringing down the size of the, the wall surrounding the
11 structure would allow more sound to, to come out. Is that,
12 is that correct?
13 MR. BOTCHWAY: I don't recall.
14 MR. SILVERMAN: Or no? If it, it was a lower, if
15 you lowered say the, the structure from 48 to say 35, as, as
16 the, the structure in Travilah, would that have a
17 significant impact or a negligible impact on sound?
18 MR. BOTCHWAY: If I lower the structure?
19 MR. SILVERMAN: Yeah. The, the wall, the height
20 of the structure. Yeah.
21 MR. BOTCHWAY: It depends upon where you, you, the
22 sound propagates outwardly up and over. So if you lower the
23 wall, if you are within close proximity, I will assume that
24 you will get to hear the sound a little bit more intensity,
25 more so than walls that are much higher.

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1 MR. GROSSMAN: How high are the transformers
2 themselves?
3 MR. SILVERMAN: Yeah, that was my next question.
4 MR. BOTCHWAY: Transformers themselves are about,
5 I would say they're about 12, 15 feet.
6 MR. SILVERMAN: Okay.
7 MR. GROSSMAN: So what, within the wall, what's
8 the highest structure that's inside of the wall?
9 MR. BOTCHWAY: Inside the wall, the, the
10 equipment, what it, the equipment is, we have situated where
11 we have switch gears on one side of the wall. Inside the
12 wall, there are two levels. The transformer area is only
13 one level on the grade because we cannot put it elevated
14 floor. We have to put them on ground because of the size
15 and weight.
16 MR. GROSSMAN: Right.
17 MR. BOTCHWAY: Next to the transformer area where
18 we have the roofed area, there are two levels. We have an
19 upper level where the, the conduit goes into a cubicle, what
20 we call switch gear cubicles. And then from the cubicles,
21 then we, those are a total floor. And then it goes through
22 the floor, back of the, back through the floor to the
23 basement to what we call a cable room where then we lay the
24 cables for the district. That's the, those are the, those
25 are the secondary feeders that goes into the neighborhood to

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1 service the neighborhoods. So --
2 MR. GROSSMAN: Well --
3 MR. BOTCHWAY: -- that side have two elevations.
4 MR. GROSSMAN: Okay. So you have two, two heights
5 there. But two heights ordinarily would be two stories.
6 You still, that, that doesn't explain exactly why you need a
7 48 foot wall, is my question.
8 MR. BOTCHWAY: As I indicated, clearance issues,
9 when you go into the open yard area also we have, we have
10 equipment and then we have conductors. The conductor
11 spacing and equipment, you have to maintain certain space
12 between them.
13 MR. GROSSMAN: Right.
14 MR. BOTCHWAY: Those are clearances that should
15 say is living higher by the Electric Safety Code
16 requirements.
17 MR. GROSSMAN: Okay. Well, again, and I don't
18 know if you have another witness that will address this,
19 this question, but the question is can that wall be lowered?
20 Maintaining all the same equipment and meeting your Code
21 requirements, can the height of the wall be lowered and
22 still meet that? I mean --
23 MR. WALLACE: I think you can, we do have another
24 witness who will, I think that would say the same thing, but
25 if you would like to --

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1 MR. GROSSMAN: Well, well, I'm just --
2 MR. WALLACE: Yeah.
3 MR. GROSSMAN: I, I'm still not sure of the answer
4 to my question though. My question is can that wall be
5 lowered and still maintain the Code requirements of
6 clearances and so on with that same equipment?
7 MR. BOTCHWAY: No. They will not, it will not be
8 possible to, for us not violating the Code.
9 MR. WALLACE: Yeah. I thought I'd heard a
10 response to that earlier that, that was a no, but you've
11 heard, you've asked directly now and I think you heard it
12 again.
13 MR. GROSSMAN: Okay. Well, it's just that it, the
14 description of the height of the transformers on the ground
15 and they're, they don't get very high so you have, the
16 witness testified that he has two levels in the front of the
17 building in the covered, the ceiling area.
18 MR. WALLACE: Right.
19 MR. GROSSMAN: Two levels does not necessarily
20 mean 48 feet ordinarily in two stories anyway.
21 MR. WALLACE: In a, in a --
22 MR. GROSSMAN: So I, I'm, I'm not familiar --
23 MR. WALLACE: -- residential office structure.
24 Right.
25 MR. GROSSMAN: -- with what's inside of the

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1 transformer housing or a --
2 MR. BOTCHWAY: If I may elaborate a little bit.
3 MR. GROSSMAN: Yes.
4 MR. BOTCHWAY: We have certain clearances between
5 transformer and conductors.
6 MR. GROSSMAN: Right.
7 MR. BOTCHWAY: If a transformer is 15 with
8 bushings on top, the height of a transformer tank is 15, 13
9 feet. There are also what we call post link (phonetic sp.)
10 bushings.
11 MR. GROSSMAN: Right. Right.
12 MR. BOTCHWAY: That sits on the transformer. And
13 then the conductors take off from that. From the top of the
14 bushings to the conductor, that is going to take it to the
15 switch room. There are clearance requirements that we have
16 to maintain. And that's what shoots it up to that level and
17 cuts across.
18 MR. GROSSMAN: I understand. I mean the question
19 arises because you have another facility at Darnestown and
20 Travilah where you have 35 foot wall and presumably you have
21 similar kinds of equipment inside of that substation. Is
22 that correct?
23 MR. WALLACE: Mr. Morton.
24 MR. BOTCHWAY: He can much more elaborate to that.
25 MR. GROSSMAN: Okay. So I mean that's, that's

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1 what raises the question. So I think that that's a fair
2 area to be addressed --
3 MR. SILVERMAN: Oh, absolutely. And we intend to
4 address it. Yes.
5 MR. GROSSMAN: -- by community concerns about the
6 size of the building. Okay. So we'll wait for Mr. Morton
7 to address that.
8 MR. WALLACE: Okay.
9 MR. SILVERMAN: I've got just one more very brief
10 line question that may end up going to the next witness or
11 the land use person, too. I just want to enter this here.
12 This is an example of a neighborhood barn house.
13 MR. GROSSMAN: Okay. We'll call this, this will
14 be Exhibit 60. Let's see if there's a second page in this.
15 All right. So there's 60A and B. 60A is picture and
16 description of farmhouse. Where is this located?
17 (Hearing Exhibit Nos. 60A
18 and 60B were marked for
19 identification.)
20 MR. SILVERMAN: This is located 15021 Dufief Mill
21 Road, which is about two and a half miles or so from the
22 property.
23 MR. GROSSMAN: At 15021 Dufief Mill Road, which
24 is, you said two and a half miles?
25 MR. SILVERMAN: Approximately two and a half miles

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1 from the Darnestown substation.
2 MR. GROSSMAN: Two and a half miles away. I'm not
3 sure what relevance that has, but we marked it, that 60A.
4 And 60B is an aerial, is that an aerial photo of that
5 farmhouse?
6 MR. SILVERMAN: The second photo is an aerial
7 photo and the first photo is, is the street view there.
8 MR. GROSSMAN: A farmhouse and 60A. And what's
9 the relevance of a farmhouse two and a half miles away?
10 MR. SILVERMAN: Well, the, PEPCO has testified
11 that this, you've, you've drawn up the plans here as a, an
12 agricultural, to look like an agricultural use that fits
13 into the history of the community. That your testimony,
14 it's in harmony with the neighborhood and that's what the
15 community had showed its preference to be. Correct?
16 MR. BOTCHWAY: Correct.
17 MR. SILVERMAN: And this is one of the closer
18 farmhouses. I think it's representative of other farmhouses
19 in the, in that very community. It's a little bit to the
20 east, but it's, you know, relatively nearby. Are you
21 familiar with this? Have you seen this on, it's, it's right
22 down the road.
23 MR. BOTCHWAY: No, I haven't.
24 MR. SILVERMAN: Okay. Well, the dimensions of
25 this building as shown on, it's for sale right now, is this,

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1 the footprint of the building is 10,000 square feet. Do
2 you, do you see that on the listing? It's highlighted.
3 MR. WALLACE: Since it's not obvious, maybe you
4 could point to this --
5 MR. SILVERMAN: The top, just above the photo.
6 Just below the photo.
7 MR. PANDYA: It's highlighted in yellow.
8 MR. SILVERMAN: Highlighted in yellow.
9 MR. BOTCHWAY: Above the photo?
10 MR. SILVERMAN: Yeah. Just below the photo.
11 MR. BOTCHWAY: Just below.
12 MR. WALLACE: Above or below?
13 MR. SILVERMAN: Below.
14 MR. GROSSMAN: That's the main level. It says
15 10,000 on the main level is what you --
16 MR. SILVERMAN: Total 17,000 square feet. That's
17 two levels. 10,000 on the main level.
18 MR. BOTCHWAY: Okay.
19 MR. SILVERMAN: So did, when you were designing
20 this structure, I mean you testified earlier that you were
21 primarily driven by operational concerns, but that you were
22 attempting to make this in harmony with the neighborhood.
23 Did you, did you look at the dimensions of other farmhouses
24 in, in the Darnestown area when, in designing the scope of
25 this project?

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1 MR. BOTCHWAY: I will call my --
2 MR. WALLACE: We, we have an architect who will be
3 speaking.
4 MR. BOTCHWAY: -- other architect who can look,
5 look into that for you.
6 MR. SILVERMAN: Okay. Well, we'll hold off on
7 that question then. That's all I have.
8 MR. PANDYA: Can I ask a couple of questions?
9 MR. GROSSMAN: Okay. Mr. Pandya, did you have one
10 additional question?
11 RE CROSS EXAMINATION
12 MR. PANDYA: Yes. This noise that you are
13 referring to, it may be within the 55 decibels that's
14 allowed. But what is the nature of it? Will it be a
15 constant humming noise? It might be within the decibels
16 allowed, but will we be an annoyance to the residents that
17 if we are in the backyard, we'll be hearing constant
18 humming?
19 MR. BOTCHWAY: In my opinion, you will, you will
20 not be hearing any noise in your neighborhood, in your town,
21 in your place where you live.
22 MR. PANDYA: Not even in the backyard?
23 MR. BOTCHWAY: In your backyard you will not be
24 hearing that.
25 MR. PANDYA: Okay. Will there be any impact on

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1 cellular phones or any other electronic equipment because of
2 this high voltage lines nearby?
3 MR. BOTCHWAY: I think not.
4 MR. PANDYA: You think not or you know for sure?
5 MR. BOTCHWAY: No one can know for sure what's
6 going to happen, but --
7 MR. PANDYA: Why not?
8 MR. BOTCHWAY: We design, we haven't had any
9 instances in any other substations, any substation we have
10 built that have interferences with cell phones. None of our
11 substations have we had any interferences with substations.
12 MR. PANDYA: Okay. The other question, sir, might
13 not be pertaining to this gentleman, but I'll make it quick.
14 MR. GROSSMAN: Well, let's hold off because you,
15 actually I gave you a second chance to ask one additional
16 question, but --
17 MR. PANDYA: Sure. Thank you.
18 MR. GROSSMAN: Any redirect of this witness?
19 REDIRECT EXAMINATION
20 MR. WALLACE: Mr. Botchway, from a, from a point
21 of view of the operations, what you're trying to achieve
22 when you build a substation, does it matter what the outside
23 appearance is? Whether it looks like a barn or a house?
24 MR. BOTCHWAY: No.
25 MR. WALLACE: Okay. Again, from a point of view

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1 of the requirements of the building codes that, that are,
 2 govern construction of substation, could the, the building
 3 structure, the walls be any lower and still, still have the
 4 equipment that's proposed for this substation at this
 5 location?
 6 MR. BOTCHWAY: I think our, our architect expert
 7 could testify to that, but for operations use, it, it
 8 couldn't be any lower than what we have.
 9 MR. WALLACE: That's what, from operational point
 10 of view --
 11 MR. BOTCHWAY: Operational point of view.
 12 MR. WALLACE: -- what's your, right. The electric
 13 transmission and distribution pumps into the station. It
 14 cannot be lowered.
 15 MR. BOTCHWAY: It cannot be.
 16 MR. WALLACE: Okay. No further questions on
 17 redirect.
 18 MR. GROSSMAN: Any recross just on those two
 19 questions?
 20 MR. SILVERMAN: (No audible response.)
 21 MR. PANDYA: (No audible response.)
 22 MR. GROSSMAN: No. Okay. All right. Thank you,
 23 Mr. Botchway. Appreciate it.
 24 MR. BOTCHWAY: Thank you very much.
 25 MR. GROSSMAN: I guess before our next witness,

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1 we'll take a five minute break.
 2 (Off the record.)
 3 (On the record.)
 4 MR. GROSSMAN: All right. Back on the record.
 5 You may call your next witness.
 6 MR. WALLACE: Thank you. My, our next witness is
 7 Zinn Morton.
 8 MR. GROSSMAN: All right. Mr. Morton, would you
 9 state your full name and address, please? Your business
 10 address is fine.
 11 MR. MORTON: My full name is B. Zinn Morton. My
 12 business address is 701 9th Street, Washington, D.C. 20068,
 13 Suite 8606.
 14 MR. GROSSMAN: Would you raise your right hand,
 15 please? Do you swear or affirm to tell the truth, the whole
 16 truth and nothing but the truth under penalty of perjury?
 17 MR. MORTON: I do.
 18 MR. GROSSMAN: All right. You may proceed, Mr.
 19 Wallace.
 20 MR. WALLACE: Okay.
 21 DIRECT EXAMINATION
 22 MR. WALLACE: Mr. Morton, could you please state
 23 your occupation? Your current occupation.
 24 MR. MORTON: I am an engineering supervisor in the
 25 Distribution Planning Department at Potomac, PEPCO Holdings,

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1 Incorporated, in the Asset Strategy Department.
 2 MR. WALLACE: And I do have a resume for Mr.
 3 Morton.
 4 MR. GROSSMAN: Okay. Thank you.
 5 MR. WALLACE: And could you please review your
 6 professional, educational background and professional
 7 background?
 8 MR. MORTON: I, I graduated from Virginia Tech in
 9 1982 with a Bachelor of Science in electrical engineering.
 10 I am a registered professional engineer in Virginia and in
 11 Maryland. I'm a senior member of IEEE.
 12 MR. WALLACE: Which is?
 13 MR. GROSSMAN: What's that stand for?
 14 MR. MORTON: Of the, oh, boy.
 15 MR. BOTCHWAY: Institute.
 16 MR. MORTON: Institute of Electrical, Electric and
 17 Electronics Engineers.
 18 MR. WALLACE: That's the three E's. Okay.
 19 MR. MORTON: Yes. Since January 2005 I've been a
 20 senior supervising engineer in the Distribution Planning
 21 Department. Between March 1999 and December 2004, I was an
 22 engineering supervisor in the Electric System Planning
 23 Department of PEPCO before the merger and in PEPCO Holdings
 24 afterwards. And since then I have, or previous to that I
 25 had held various levels of experience from ground floor on

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1 up.
 2 MR. GROSSMAN: I've marked Mr. Zinn's resume, Mr.
 3 Morton, I'm sorry, your resume as Exhibit 61.
 4 (Hearing Exhibit No. 61 was
 5 marked for identification.)
 6 MR. WALLACE: And with that testimony and with Mr.
 7 Morton's resume, I'd move as admission expert in electrical
 8 engineering and also substation design, construction and
 9 operations.
 10 MR. GROSSMAN: All right. Electrical engineering
 11 and substation design and operations. All right.
 12 Mr. Pandya or, and/or Mr. Silverman, any questions
 13 regarding this witness's expertise?
 14 MR. SILVERMAN: No objection, sir.
 15 MR. PANDYA: No.
 16 MR. GROSSMAN: All right. Based on his
 17 experience, qualifications I, I take it you haven't
 18 testified as an expert previously?
 19 MR. MORTON: I have not.
 20 MR. GROSSMAN: Okay. I accept him as an expert in
 21 electrical engineering and substation design and operations.
 22 MR. WALLACE: Just in advance of my questions, I,
 23 there will be some repetition. I try to avoid it, but
 24 obviously given the nature of it, hopefully the repetition
 25 does help people understand.

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1 MR. GROSSMAN: All right.
2 MR. WALLACE: Could you please describe the scope
3 of the project in terms of purpose and capacity for electric
4 power transmission?
5 MR. MORTON: The purpose and, of the substation is
6 to help enhance the distribution system, provide another
7 point where the electricity from the higher level voltages
8 can be put into the system. The existing infrastructure has
9 some limitations in this area. And by installing the
10 substation at this location, we'll be able to relieve issues
11 that we, that we predict will occur in the coming years.
12 MR. GROSSMAN: Okay.
13 MR. WALLACE: Could you maybe better describe --
14 MR. MORTON: Yes.
15 MR. WALLACE: -- what the conditions in this area
16 of the County are in terms of electric facilities and
17 capacities?
18 MR. MORTON: We have --
19 MR. WALLACE: And this is, this is not in the
20 record. I would, it's a, a plan of the, of the vicinity, of
21 Darnestown vicinity.
22 MR. GROSSMAN: Okay. So Exhibit 62 is, it's a
23 map. It looks like.
24 MR. WALLACE: It's like a, yeah --
25 MR. GROSSMAN: Are you referring to the colored

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1 map?
2 MR. WALLACE: Yeah. I'm sorry. A map.
3 MR. GROSSMAN: Okay.
4 MR. WALLACE: Yeah. A colored map.
5 MR. GROSSMAN: So it's a map of Darnestown and
6 surrounding areas.
7 MR. WALLACE: Yeah. I don't know that's going to
8 be necessary to have it introduced into the record, but it
9 is helpful.
10 MR. GROSSMAN: Well, if you're going to refer to
11 it in the --
12 MR. WALLACE: That's fine. Yeah.
13 MR. GROSSMAN: We will, we will use it that way.
14 And by the way, I do need electronic copies of all of the
15 exhibits that you have submitted.
16 (Hearing Exhibit No. 62 was
17 marked for identification.)
18 MR. WALLACE: Okay.
19 MR. MORTON: All right. The, the need for the
20 substation is being driven by two of the area's substations.
21 The substation, we have a 13,800 volt substation at our
22 Quince Orchard facility. That is a distribution station on
23 the property of a much larger substation that serves
24 multiple functions. We also have the substation that we've
25 already discussed at Travilah Road. We, we call that our

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1 Hunting Hills Substation. That, those two substations are
2 reaching the, their capacity. We have approximately, we
3 have word from developers that, in the area that want to put
4 in approximately 24 MVA worth of additional load and that
5 will be added in, in these areas.
6 MR. GROSSMAN: MVA? Or MBA. What did you say?
7 MR. MORTON: MVA.
8 MR. GROSSMAN: V- as in Victor?
9 MR. MORTON: Yes.
10 MR. GROSSMAN: And --
11 MR. MORTON: It's, essentially it's a very, it's
12 an electrical demand term.
13 MR. GROSSMAN: And the term stands for, MVA stands
14 for? Megavolts?
15 MR. MORTON: Megavolt amperes.
16 MR. GROSSMAN: Okay. Megavolt amperes. Okay.
17 MR. MORTON: Right. Now it's, it's --
18 MR. GROSSMAN: Can you just say megawatts?
19 MR. MORTON: It corresponds to megawatts. Yes.
20 MR. GROSSMAN: Okay.
21 MR. MORTON: Okay. So essentially with these two
22 stations reaching their, their capacity, we evaluated what
23 alternatives we had for serving, reducing the load on those
24 stations by transferring things to other stations. We
25 started off looking at our existing substations. We have,

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1 we've reached a point in this, in this area where none of
2 the stations nearby can adequately serve the, the loads.
3 The, where we have capacity, we're constrained with feeder
4 crowdings and, and we just can't get the feeders where we
5 need them to relieve the two substations that we predict
6 will be overloaded.
7 MR. GROSSMAN: Yeah, I don't, I don't think the
8 zoning ordinance requires a showing of need for this type of
9 conditional use. There's a, there are two types of, there
10 are a number of types of conditional uses for which the
11 zoning ordinance requires an actual showing of need and
12 some, and one provision need in the neighborhood and in
13 another need in the County, I don't believe that, that a
14 utility structure is among those. Is it?
15 MR. WALLACE: Well, it's not, but I'm looking at
16 the requirement to show that it's necessary for public
17 convenience and service.
18 MR. GROSSMAN: I see. So in the, in the --
19 MR. WALLACE: Yes.
20 MR. GROSSMAN: -- specific listings.
21 MR. WALLACE: For public utility structures.
22 MR. GROSSMAN: Okay. All right. I take that all
23 back.
24 MR. WALLACE: Well --
25 MR. GROSSMAN: All right.

1 MR. MORTON: So with --
 2 MR. GROSSMAN: I was thinking more globally of the
 3 general sections. That --
 4 MR. WALLACE: The old gas station requirement.
 5 Yeah.
 6 MR. GROSSMAN: Right. Right. Well, gas stations
 7 and others that, but, okay. Go ahead, sir.
 8 MR. MORTON: So essentially it's our, our, we try
 9 not to build substations that we don't really need to build.
 10 MR. GROSSMAN: I would think --
 11 MR. MORTON: But aside, aside from that after
 12 evaluating where we had, that we had no place that we could
 13 transfer this and we began a process of identifying a site
 14 to place a substation. We evaluated seven sites and for our
 15 engineering purposes this site is the, the one that far and
 16 away met our needs. Four of the sites were just we couldn't
 17 even use. The other two sites it would have had some of the
 18 same issues as we're having here in other locations, but
 19 indeed, indeed this one actually was the vast preference.
 20 MR. WALLACE: Can you explain what the benefits of
 21 the, of this location for the substation are?
 22 MR. MORTON: What this, this substation is near to
 23 where we had identified the load center. It is also near to
 24 our 230 kV right-of-way that would traverses the, the County
 25 going into D.C.

1 MR. WALLACE: Actually, Zinn, here's one of them.
 2 MR. MORTON: Oh, okay. We have the 230 kV right-
 3 of-way, the load center is in this area here.
 4 MR. GROSSMAN: This area here being?
 5 MR. MORTON: Essentially Darnestown Road, the,
 6 near the, near the Safeway, near the high school.
 7 MR. GROSSMAN: Okay.
 8 MR. MORTON: So we were close to that area.
 9 MR. WALLACE: And do you want to point out where
 10 the, the, the large easement area for PEPCO overhead lines
 11 is? Overhead area.
 12 MR. MORTON: Yes. It follows, on this, on this
 13 sketch, it follows down from the upper right-hand corner
 14 down to, down the Darnestown Road, the right-of-way actually
 15 shifts a little to the south and then comes off at the
 16 bottom of the page.
 17 MR. WALLACE: And that right-of-way is
 18 approximately how far from the site?
 19 MR. MORTON: It's roughly a tenth of a mile from
 20 some of the information that I've seen.
 21 MR. WALLACE: And what's the benefit of locating a
 22 substation in close proximity to an existing overhead right-
 23 of-way lines like that?
 24 MR. MORTON: It allows for better, it allows to
 25 get the transmission supplies into the substation and it

1 also helps get the distributions lines from the substation
 2 out to the surrounding community.
 3 MR. WALLACE: Does it provide any benefits in
 4 terms of enhanced reliability in case of disruption in, in a
 5 line, other benefits to having it in such close proximity
 6 for bringing the power back on?
 7 MR. GROSSMAN: A super leading question.
 8 Generally speaking, leading questions are not permitted or
 9 at least are frowned upon on direct examination. You like
 10 to hear it come out of the witness's mouth. They're fine.
 11 And, and we usually prefer it on cross-examination. We're a
 12 little more relaxed here because we essentially want to get
 13 them, get the information out.
 14 MR. WALLACE: Could I have one per hour? How
 15 about that? One per hour.
 16 MR. GROSSMAN: One per hour. Sounds fair.
 17 MR. MORTON: To, specifically, in the design that
 18 we're using here, that does provide a significant
 19 improvement in reliability. And I can speak to that as we
 20 get a little further in to it.
 21 MR. WALLACE: Okay. You talked, there is a system
 22 of lines that, that feed and lead the site. Can you
 23 describe the transmission lines that will be feeding and
 24 just being distributed from the sites?
 25 MR. MORTON: All right. I think that, that brings

1 it in. Let's, starting off with the supply feeders to the
 2 site. The, I had earlier discussed the Quince Orchard
 3 Substation as a larger facility. It also has the sub-
 4 transmission substation, as we refer to it, where this
 5 substation and many other substations in the area are
 6 supplied from. One of the feeders that comes out of that
 7 substation comes down the right-of-way, on the edge of the
 8 right-of-way, and goes right in front of the substation
 9 site. That will be one of the supplies use. The, the
 10 overhead structures are there. We may need to add a pole.
 11 We may be able to use one of the existing poles to bring
 12 that supply into the, into the bus work that Ebe was talking
 13 about. The other two we're going to bring down the right-
 14 of-way. And I believe this has changed from our earlier
 15 discussions with the neighbors. We had originally intended
 16 to bring them down Riffle Ford Road. And with their
 17 concerns and in an, our further review, we, we concurred
 18 that that would not be the appropriate way to bring these
 19 new supplies to the substation. So we're bringing the
 20 supplies down the center of our 230 kV right-of-way on a
 21 steel, avian steel tower.
 22 MR. GROSSMAN: KV stands for?
 23 MR. MORTON: KV is kilo, in this case, kilovolts.
 24 MR. GROSSMAN: Okay.
 25 MR. MORTON: So. The, the, the three voltages

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1 that we have in the areas, we have the 2,300 volt, 230,000
2 volt lines that go on down and supply the substations in the
3 District of Columbia and, and other substations along the
4 way. The 69 kV is the voltages that we use to serve our
5 distribution substations in this area of Montgomery County.
6 And then we take, from there we transform the, the voltage
7 from 69,000 volts to 13,800 volts and run that out to the
8 community.
9 MR. WALLACE: And, Zinn, before you start going
10 out, just back with what's going in.
11 MR. MORTON: Um-hmmm.
12 MR. WALLACE: Three transformers, three feeder
13 lines.
14 MR. MORTON: That's our initial configuration. We
15 do have as, as Ebe alluded to, a, a spot where we could
16 store a transformer. We could also make use of that
17 transformer in the future if, if the load grows and the area
18 dictates.
19 MR. WALLACE: And those transmit the, the feeder
20 lines will except for new poles within the existing 100 and,
21 large right-of-way. I, 150 feet right-of-way? Or 250?
22 MR. MORTON: I don't have that number in front of
23 me.
24 MR. WALLACE: The, the existing transmission line
25 right-of-way, approximately 200 feet. Other than new poles

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1 within that right-of-way, will there, any additional poles
2 be required for the feeder lines?
3 MR. MORTON: There would be some additional
4 distribution poles required. We would take one new, brand
5 new line south out of, out of here approximately four miles
6 to pick up some load down in the River Road area.
7 MR. WALLACE: Those are within the right-of-way
8 though? Outside of the right-of --
9 MR. MORTON: They're in, in the right-of-way.
10 MR. WALLACE: I'm sorry. Outside, to be clear.
11 Outside of the right-of-way will there be any new poles?
12 MR. MORTON: In, at the point in time of the
13 construction of the substation we do not anticipate any
14 major extensions other than that. I, I can't say that we
15 wouldn't need a new pole somewhere. That would all be
16 identified and, as we get --
17 MR. WALLACE: But the magnitude would be one pole,
18 two poles?
19 MR. MORTON: Yes.
20 MR. WALLACE: Yes. If there were new ones
21 required.
22 MR. MORTON: Yes.
23 MR. WALLACE: Okay. Now you can take us outside
24 --
25 MR. GROSSMAN: Well, before you --

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1 MR. WALLACE: -- of the --
2 MR. GROSSMAN: -- you go further. When I
3 interrupted you to ask you what you meant by kV, you were
4 saying that you had decided that having poles along Riffle
5 Ford Road was not what you wanted to do and you were going
6 to do something else, but you didn't finish that.
7 MR. MORTON: Okay. We, and in our, some of our
8 earlier conversations, the first meeting and perhaps the
9 second meeting, I don't know that we had actually formulated
10 a plan by then, we had anticipated that we would bring two
11 of the supply feeders down Riffle Ford Road to serve the,
12 the facility. And as we got into looking at Riffle Ford
13 Road, as, as highlighted by, by the, the neighbors, we, we
14 saw that that was really not the appropriate way to, to
15 bring in these supplies.
16 MR. GROSSMAN: So how are you going to bring in
17 the supplies?
18 MR. MORTON: The supplies are coming down in, in
19 between our two 230 kV lines.
20 MR. GROSSMAN: And how do they get from the 230 kV
21 line area into the subject site?
22 MR. MORTON: We will transition to an underground
23 supply and take them and essentially with the third feeder
24 that is already overhead in front of it.
25 MR. GROSSMAN: All right. So that they would be

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1 underground.
2 MR. MORTON: For approximately a tenth of a mile
3 going into the facility.
4 MR. GROSSMAN: Yeah. I mean my, the reason for my
5 question is I would think a concern of the neighbors about
6 having overhead lines in their area, in the area of home and
7 court. And you're telling me they will not be?
8 MR. MORTON: It is not our intent to put
9 additional construction near the substation, overhead
10 construction.
11 MR. GROSSMAN: Well, that's a bit of a waffle and
12 I'm a little bit concerned --
13 MR. MORTON: Okay. Let me rephrase, but --
14 MR. WALLACE: And actually, if, if I could. Mr.
15 Grossman's question is very clear. Will there be new poles
16 in the Hallman Court area?
17 MR. MORTON: There will not be new poles in the
18 Hallman Court area.
19 MR. GROSSMAN: All right. And, and what about
20 the, you were about to respond to the, my question about the
21 waffle. It's not your intention to do that. What gives you
22 pause to indicate that it's not your intention, but?
23 MR. MORTON: At, at some point in the future, it,
24 we are initially bringing out eight circuits, but we have,
25 we are designing with the capability of bringing out 16

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1 circuits ultimately. So there, at some point in the future,
2 there may be some extra construction.
3 MR. GROSSMAN: Extra construction of what and
4 where?
5 MR. MORTON: Overhead construction.
6 MR. GROSSMAN: Of what?
7 MR. MORTON: Over, overhead construction.
8 MR. GROSSMAN: And why would that be necessary if
9 you're having underground access?
10 MR. MORTON: Well, that, it would be further out
11 in the community actually.
12 MR. GROSSMAN: Where are you talking about in the
13 community then?
14 MR. MORTON: Further along Darnestown Road in the
15 direction --
16 MR. GROSSMAN: Can you point on your, on that map?
17 Exhibit 55, is it?
18 MR. MORTON: I don't believe I can point to a, a
19 future requirement that, that hasn't yet been identified.
20 MR. GROSSMAN: Well, you have an, you apparently
21 have an idea of where you're talking about so I just want to
22 get an idea if it's going to affect the defined neighborhood
23 here. Is it going to --
24 MR. MORTON: I don't, it, it's my, we, we will
25 have some underground conduit coming out this way and coming

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1 back to the right-of-way.
2 MR. GROSSMAN: This way, the, heading eastward on
3 Darnestown Road?
4 MR. MORTON: Head, heading east, heading eastward
5 on Darnestown Road and back to the right-of-way and any
6 overhead construction of any major extent would be beyond
7 that, that, that zone.
8 MR. GROSSMAN: I'm not sure what beyond that zone
9 means. Can you tell me, what I'm trying to get at is --
10 MR. MORTON: Yes.
11 MR. GROSSMAN: -- we have a specific, we define a
12 specific neighborhood as the, as the area that's most
13 affected here.
14 MR. MORTON: Right.
15 MR. GROSSMAN: I'm trying to find out if there is
16 a future plan here that would further affect this defined
17 neighborhood.
18 MR. WALLACE: And, and maybe it will be helpful,
19 Mr. Morton, the, the concept of the defined neighborhood is
20 more of a planning concept so, but the defined neighborhood
21 in our case is a 2,000, essentially 2,000 foot radius around
22 the site.
23 MR. MORTON: 2,000 feet.
24 MR. WALLACE: And so if you take that out to 2,000
25 feet, roughly a scale drawing, let's see. Something that

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1 would give us a sense of where 2,000 feet is. The Planning
2 Staff Report.
3 MR. GROSSMAN: Well, you can look at the, at page
4 4 --
5 MR. WALLACE: Yeah.
6 MR. GROSSMAN: -- of the Staff Report.
7 MR. WALLACE: That's where I was going.
8 MR. GROSSMAN: And there's a, a radius drawn
9 there. If you want to look at this copy, you can.
10 MR. WALLACE: Yeah. I appreciate, yours is more
11 handy than mine.
12 MR. GROSSMAN: And that --
13 MR. WALLACE: Okay.
14 MR. MORTON: I would anticipate that we would not
15 have further overhead construction in the eastern part of
16 this, east of our zone. I would anticipate that we would
17 have further overhead construction over the years along our
18 right-of-way and I do not foresee a need for additional
19 construction going out towards the river beyond our right-
20 of-way.
21 MR. GROSSMAN: Out towards the river being in what
22 direction?
23 MR. MORTON: West.
24 MR. GROSSMAN: West. Okay. But actually the,
25 the, the subject site is east of your right-of-way.

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1 MR. MORTON: That's correct.
2 MR. GROSSMAN: So you're saying that, that you
3 would or would not anticipate further over --
4 MR. MORTON: I would not need any overhead between
5 our substation site and the right-of-way. And I, I would
6 possibly need some going up and down our right-of-way.
7 MR. WALLACE: Within the right-of-way.
8 MR. MORTON: Within the right-of-way.
9 MR. GROSSMAN: Okay. Okay.
10 MR. MORTON: And to the west, I think we, we reach
11 that 2,000 foot limit before --
12 MR. GROSSMAN: All right.
13 MR. MORTON: -- we would need any overhead
14 construction.
15 MR. GROSSMAN: Okay.
16 MR. WALLACE: So to be clear. No overhead
17 construction anticipated within the defined neighborhood?
18 MR. MORTON: Outside of the --
19 MR. WALLACE: Outside of your right-of-way.
20 MR. MORTON: Outside of the right-of-way.
21 MR. WALLACE: All right.
22 MR. MORTON: Okay. Yes.
23 MR. GROSSMAN: Okay.
24 MR. WALLACE: I, I think you were talking again
25 about the, the transmission, the lines into the site. I

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1 don't know that we really got --
2 MR. MORTON: Well, that, that crossed over to the
3 distribution.
4 MR. WALLACE: Right.
5 MR. MORTON: I, I was talking about the
6 distribution at that point.
7 MR. WALLACE: Would it be helpful to run through
8 the distribution again because I think it would be?
9 MR. GROSSMAN: Well, are we talking about
10 distribution --
11 MR. WALLACE: I'm sorry. The --
12 MR. GROSSMAN: What comes out of the --
13 MR. WALLACE: Out of. Yeah.
14 MR. MORTON: Yes.
15 MR. GROSSMAN: Is it, okay.
16 MR. WALLACE: I'm going to use my terms, in and
17 out. What comes out? Let's review what goes out.
18 MR. GROSSMAN: All right.
19 MR. MORTON: Okay. Initially, we, we intend to
20 extend eight feeders from that site. They will transition
21 to overhead poles and pick up existing overhead
22 infrastructure.
23 MR. WALLACE: So when you say --
24 MR. MORTON: Except for one feeder that, that is
25 extended down the, the right-of-way.

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1 MR. WALLACE: When the lines leave the structure,
2 are they --
3 MR. MORTON: They'll be underground.
4 MR. WALLACE: Underground.
5 MR. MORTON: And then they will, at a, at a
6 distance out from there --
7 MR. GROSSMAN: At what distance out --
8 MR. WALLACE: And you'll estimate that distance.
9 MR. MORTON: That, that is the, some of them will
10 be within the 2,000 feet and some of them will be just
11 beyond the 2,000 feet.
12 MR. WALLACE: But will they be on existing poles
13 within the 2,000 feet?
14 MR. MORTON: They will transition through again
15 perhaps a single or, or multiple poles of maybe seven poles
16 would be added. That would be the extent of what we're
17 requesting.
18 MR. GROSSMAN: And where would they be added?
19 MR. MORTON: Along Darnestown Road for the most
20 part.
21 MR. GROSSMAN: Well, what about the not most part?
22 MR. MORTON: On the right-of-way.
23 MR. GROSSMAN: I don't care about on the right-of-
24 way.
25 MR. MORTON: Right. Okay. We do have a line that

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1 comes down Riffle Ford Road. We, it is our plan to bring
2 the feeder up overhead and on Darnestown Road and pick that
3 up Riffle Ford Road. And then --
4 MR. GROSSMAN: We're talking about a, I'm not
5 interested, if you're going to use poles that exist already.
6 I'm, I'm not --
7 MR. MORTON: Well, then --
8 MR. GROSSMAN: I'm just trying to --
9 MR. MORTON: Well, we're --
10 MR. GROSSMAN: What I'm trying to determine is
11 what will be the impact of this facility on the
12 neighborhood? So if a pole exists already, it's not --
13 MR. MORTON: Right.
14 MR. GROSSMAN: It's not an issue for me.
15 MR. MORTON: Right.
16 MR. GROSSMAN: If it's in your right-of-way, it's
17 not an issue for me. I'm trying to figure out what is the
18 impact in the community in addition to what is there now.
19 MR. MORTON: There, there will be very little off
20 the right-of-way in, in the community. And I --
21 MR. GROSSMAN: Well, I'm just trying to get a
22 number for what very little means because that's not --
23 MR. MORTON: Seven.
24 MR. GROSSMAN: And, all right. And the seven you
25 said, but, but if, where are the seven located is my, my

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1 question?
2 MR. MORTON: I, I think --
3 MR. GROSSMAN: That are not, the ones that are not
4 in the right-of-way.
5 MR. MORTON: But they will all be along Darnestown
6 Road.
7 MR. GROSSMAN: All along Darnestown Road. Okay.
8 All right.
9 MR. MORTON: Okay.
10 MR. WALLACE: Is, and Zinn, is seven an upper end
11 of what you would expect? It could be less.
12 MR. MORTON: It, it's very possible we can use a
13 pole to transition these feeders, replace a pole to
14 transition these feeders. That, that, and that would be, so
15 seven would be an upper end.
16 MR. GROSSMAN: Okay.
17 MR. WALLACE: Okay. Let's, let's go into the
18 station now a little bit.
19 MR. MORTON: Okay.
20 MR. WALLACE: You can, I think the floor plans
21 would be, well, it's up to you.
22 MR. MORTON: Okay. Here it is.
23 MR. WALLACE: I think --
24 MR. MORTON: Okay.
25 MR. WALLACE: And we've, we've heard obviously

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1 some testimony about this. We'd like, if you could explain
2 the more technical nature of the equipment and how it is
3 arranged within the stations and to, mainly to drive a
4 better explanation of the height, of what drives the height
5 of the building.
6 MR. MORTON: All right. The feeders will be
7 coming into the substation. They'll, they'll be coming in
8 something like through here. And there is these termination
9 structures --
10 MR. GROSSMAN: You meant through here is kind of
11 the western or southwestern --
12 MR. MORTON: Yes.
13 MR. GROSSMAN: -- side of it.
14 MR. MORTON: Coming in from the southwestern side
15 near the back side of the facility, close to the Hallman
16 Court area.
17 MR. GROSSMAN: But they're underground.
18 MR. MORTON: They're coming in underground and
19 then they transition to these termination structures in, in,
20 in the facility. The, the advantage that we're getting with
21 this facility over the existing or the previous type of
22 substation that we've built is we have bus work in the, in
23 the back here. These, each of these terminations feed back
24 into this bus work with, with switching allowed so that if,
25 if we were to lose one of these transformers and, or one of

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1 the supply feeders we could more readily transfer a, a
2 transformer to, to a different supply feeder. And that's,
3 that's the value that we're getting out of this if we, if
4 we're down a supply feeder and we're down a different
5 transformer than we're, we're telling our neighbors that we
6 can't serve all of them. We'll, we'll have to drop a, a lot
7 of the customers. So with that we'd be able to match,
8 energize feeders with transformers that are capable being
9 energized. When the transformer fails, it can take up to
10 two months to, to replace it. So it's, it's not, it's not a
11 very short period of time and we have had cases where while
12 we were in the process of moving a transformer around that
13 we had issues with the feeders that supply some of the other
14 transformers. And we're trying to guard against that with
15 this concept.
16 MR. GROSSMAN: Well, does this, I mean I don't
17 think anybody is against the idea of having a spare handy.
18 I think that the issue here is not so much a technical one
19 as a size issue. And that's --
20 MR. MORTON: And, and that's what's driving the
21 size.
22 MR. GROSSMAN: Is this different in design from
23 the one at Travilah and Darnestown?
24 MR. MORTON: That, that's how it's different in
25 design is that what, what we get from having the space back

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1 in here is that capability --
2 MR. GROSSMAN: Back in here being on the, the, the
3 --
4 MR. MORTON: Towards the Hallman Court side in
5 the, in the 69 kV high, high voltage transfer bus side of
6 the substation.
7 MR. GROSSMAN: Okay. Kind of to the back.
8 MR. MORTON: Right. Towards the back.
9 MR. GROSSMAN: All right. The back half. So,
10 yes. And that's different from what you have --
11 MR. MORTON: That's different than what we've had
12 and that's what drives this, the, the area difference.
13 MR. GROSSMAN: All right. And what about the
14 height difference?
15 MR. MORTON: And the height difference as we're,
16 we, we have also incorporated, and, and this is necessary
17 from, from the design here, we've incorporated a, a driveway
18 inside the facility which provides a lot of advantages, but
19 one of the, one of the concerns that it raises is for our
20 trucks. We have to have adequate clearance over the trucks
21 so that we can clear, so that we don't run, have any
22 possible contact between the trucks and the, and the lines.
23 MR. GROSSMAN: Well, that's not an area where you
24 have a roof so I don't understand why that's --
25 MR. MORTON: Well, we do have the, the screening.

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1 And, and the screen, the screens have to be connected at, at
2 the, at the proper wall. We, we, I mean we, we didn't
3 believe that it would be, and this part I could speak --
4 MR. GROSSMAN: Wait, are you --
5 MR. MORTON: -- have, pass to the architects, but
6 I, I wouldn't think you'd want a birdcage showing up over
7 the, the substation.
8 MR. GROSSMAN: No, no. I'm, I'm not suggesting
9 that. I'm just asking are you saying that you need the 48
10 foot height in order to have clearance for trucks? That
11 trucks would extend over, up to 48 feet?
12 MR. MORTON: It, it, it's not 48 feet from the,
13 the truck of course is taller than, than the man and you
14 need adequate space for the 69 kV feeders above that to
15 insure that there's no possibility that the, the energy
16 could transfer down. You don't have to touch these high
17 voltage lines directly to, to be impacted by them. You, you
18 have to maintain the, the clearances. The specific
19 clearances others could speak to better than I.
20 MR. GROSSMAN: I'm not suggesting that you do
21 anything that would in any way jeopardize safety or --
22 MR. MORTON: Right.
23 MR. GROSSMAN: -- or violation of the distances
24 you're required to have. I'm just trying to find out what
25 it is that drives the height because I, you've now, I think,

1 sufficiently explained to me why what has driven the size
2 expansion beyond the other substations in terms of the area.
3 But I haven't heard an explanation yet that fully explains
4 why you need 48 feet of height rather than 35 feet of
5 height.

6 MR. MORTON: Okay. As we're --

7 MR. GROSSMAN: Where apparently the other
8 substation works at 35 feet.

9 MR. MORTON: On the other substation we, our
10 driveway is open to the, to the sky. And what we do if
11 there's a problem in the other substation, we have panels
12 that we take apart to pull the transformer out to load and
13 then we load it up on the driveway that's in, in air. In
14 this, in this structure, with the lines coming over, we need
15 to, we need those clearances to be able to pull the
16 transformers out, load them up and, and pull them where,
17 where we have to have the lines coming over to go to the
18 transformers.

19 MR. GROSSMAN: All right. Perhaps, and I think I
20 understand that explanation a little bit better, but perhaps
21 what would be helpful if, is there a silhouette or, that
22 would show the height of these different things in your,
23 what you've submitted yet?

24 MR. WALLACE: It is to --

25 MR. MORTON: We have --

1 MR. GROSSMAN: Something that would show an
2 elevation, I guess, would be, of an internal elevation.

3 MR. WALLACE: Internal --

4 MR. MORTON: I don't know if we have something
5 here, but we, we do have those documents. Do we have one
6 around?

7 MR. GROSSMAN: I can't recall if I've seen one.
8 That's the outside.

9 MR. WALLACE: I don't think so unless you brought
10 something separate.

11 MR. MORTON: I, I didn't bring, I didn't bring
12 something like that.

13 MR. GROSSMAN: So we just want to have an
14 understanding.

15 MR. MORTON: Right.

16 MR. GROSSMAN: If an, if this is, since the height
17 as well as the size is somewhat of an imposition on the
18 community --

19 MR. MORTON: I think it's --

20 MR. GROSSMAN: -- as they, they feel it is, it
21 would be helpful to have something that would explain why
22 it's necessary if it is.

23 MR. MORTON: This got cut off. It's, it's close,
24 but it, it got cut off.

25 MR. WALLACE: Well, let me see if I have it

1 someplace.

2 MR. MORTON: I don't, I don't think anything that
3 I brought has this, sir, where it shows the elevation. It
4 shows the, the spacing requirements.

5 MR. GROSSMAN: Maybe when you break for lunch,
6 when we break for lunch you can obtain that if, if that
7 exists.

8 MR. WALLACE: We, it, it definitely exists.

9 MR. GROSSMAN: Okay.

10 MR. WALLACE: It's just a matter of getting it.

11 MR. MORTON: Yeah.

12 MR. GROSSMAN: All right. So let's go on and, and
13 we'll wait until after lunch to, for a further explanation
14 of that.

15 MR. WALLACE: Okay. The, obviously the, the
16 testimony now may be a little jiggered, but we'll try to get
17 some of, as much as we can in. Are you aware of the
18 concerns raised by some of the residents near the substation
19 as to the impact of the, and particularly the installation
20 of distribution and, and feeding lines to the site as to how
21 it will impact traffic along Riffle Ford Road and Darnestown
22 Road?

23 MR. MORTON: Yes.

24 MR. WALLACE: And does represent it in the, the
25 letter in the record, a letter, Exhibit 51. Can you, do you

1 discuss how the, the construction lines, the installation
2 lines will affect traffic along Riffle Ford and Darnestown?

3 MR. MORTON: Yes. Okay. So I've talked a little
4 bit about how we're going to put the, the supply feeders in.
5 That, that will obviously impact Darnestown Road. There'll
6 be a lane closure required as, as that work progresses. I
7 understand that that will take approximately nine months
8 for, for all of the overhead or the underground
9 construction. The, to, to speak more to the 13 kV feeders,
10 the distribution feeders coming out, they will come down to
11 Darnestown Road and there will be an additional conduit
12 built for the 13,800 volt distribution feeders. And it is
13 our intent to, we will go around staying on our property,
14 coming to Riffle Ford Road and then we'll have for probably
15 out through this, this stretch, we will have a, a new
16 underground construction being built out to essentially
17 around the high school.

18 MR. GROSSMAN: All right. So just for clarity of
19 your testimony that you said this stretch to the high
20 school. What's the distance using whatever the map, I don't
21 know what the scale is on that map. But what's the distance
22 between the subject site and the, the stretch that you're
23 talking about?

24 MR. MORTON: It is approximately, based on the
25 circle that you just showed me, it's about 2,000 feet,

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1 perhaps 2,500 feet.
2 MR. GROSSMAN: Okay. So pretty, almost a half a
3 mile or so.
4 MR. MORTON: Yes.
5 MR. GROSSMAN: And just, but you haven't really
6 addressed the traffic, construction traffic question, which
7 is what, what the community was asking about.
8 MR. MORTON: That's right.
9 MR. GROSSMAN: I mean to be clear in advance, I'm
10 not going to stop a project because there's going to be some
11 additional traffic during construction because that's not,
12 you know, that's not really within my purview. But, but
13 whatever can be done to reduce the amount of traffic during
14 construction and that's what I would ask you to address. Is
15 there something that PEPCO can do that would minimize any
16 traffic disruption during this period of time?
17 MR. MORTON: The, I think one of the primary
18 concerns that the residents voiced was closing Riffle Ford
19 Road. And we anticipate that we can come across on
20 Darnestown Road. There will be some disruption as we do
21 that, but that we can do that one lane and then cross over
22 to the other lane to help keep traffic flowing on Riffle
23 Ford Road. Darnestown Road will be impacted and we will do
24 what we can to minimize that impact, but it, there, there
25 will be some impact as we're building the, the duct lines

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1 out.
2 MR. WALLACE: And, and Mr. Morton, from your
3 initial plan for, for the layout of the lines, you know, in
4 listening to what the community had to say, did that change
5 in your, in your layout and designs what it currently is,
6 lessen the impact along Riffle Ford Road?
7 MR. MORTON: It did as far as the transmission
8 circuits as, as I'd already discussed. We had had concerns
9 about the, the community has shared concerns about the, the
10 extension of feeders down Riffle Ford Road. We believe that
11 we can operate with the single feeder that's on Riffle Ford
12 today. We believe that we can access that feeder,
13 transition to that feeder from Darnestown Road without any
14 impact to Riffle Ford Road itself.
15 MR. WALLACE: Would the work that's required along
16 Darnestown Road be required no matter where you put the
17 substation in the Darnestown area? In other words, if you
18 put it in a different location, would you have similar work
19 required along Darnestown Road?
20 MR. MORTON: This is, the, this work would be
21 required wherever we put the substation that, that would
22 improve the, the reliability to the community.
23 MR. GROSSMAN: Okay.
24 MR. WALLACE: I think that I would have to stop at
25 this point. I, given where we're going to be going with

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1 Mr., with the exhibit we hope to achieve. I don't know that
2 it makes much sense to go further and get into some of the
3 ultimate questions that I would have for Mr. Morton. If
4 that makes sense.
5 MR. GROSSMAN: Okay. Well, in other words, do you
6 want me to open that up to cross-examination now or do you
7 want to call another witness and then --
8 MR. WALLACE: It, it really depends on when you
9 were thinking timewise. I'm looking --
10 MR. GROSSMAN: I usually break about 1 o'clock for
11 lunch. They serve food in the cafeteria until 2:30, but
12 it'll kind of run out if we don't break at around 1:00 at
13 least unless you might want to break at a different time. I
14 can break earlier if you want. What's, what's your pleasure
15 everybody?
16 MR. WALLACE: If you would like to begin --
17 MR. SILVERMAN: I, I anticipate relatively few
18 questions for him if you, if you want to not do that now,
19 but --
20 MR. WALLACE: Okay. Why don't we begin the
21 questioning of Mr. Morton?
22 MR. GROSSMAN: Okay.
23 MR. WALLACE: And then we'll see where we're at.
24 MR. GROSSMAN: All right. Mr. Pandya, do you want
25 to --

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1 MR. PANDYA: Go. Proceed, please.
2 MR. GROSSMAN: Okay. Mr. Silverman.
3 MR. SILVERMAN: Okay.
4 CROSS-EXAMINATION
5 MR. SILVERMAN: I wanted to head back to the site
6 selection just a little bit. You had testified earlier that
7 there were seven sites that you looked at potentially for
8 locating this and there are, you know, benefits to having it
9 along the right-of-way there. Did you consider any sites,
10 you know, running north up Riffle Ford Road still along the
11 right-of-way? There's a lot of, you can see a little of it
12 that map there, but there's a lot of undeveloped land there.
13 It's designated, I believe, R-200 which allows for more
14 dense development. Was there any options up there? Or
15 that, for one reason or another, just didn't work?
16 MR. MORTON: No. Further, we were looking at
17 Darnestown Road pretty, pretty hard and the reason for that
18 is because the load, the load center is along Darnestown
19 Road. There is a lot of room in places that we didn't need
20 a substation. And, and that's been part of the, always part
21 of our problem is, is it, it takes a tremendous amount of
22 time and effort to run circuits that most would have to go
23 underground from a site that's far away from where you need
24 the load to, to where you need the load. And, and
25 therefore, what we will, when we asked our real estate

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1 department to purchase a site, we, we just find a boundary
2 for them to, to look in. And so the sites that, they, they
3 found sites, some of the sites might not have been right in
4 the boundary, but they offered them up to us and essentially
5 when they were too far from the load center, we, we
6 discounted that site. The other type of issues that we had
7 were the ability to route the feeders in and out. We had
8 sites with relatively small frontages and it was just too
9 much to try to get the, the feeders in and out of the, of,
10 of a site like that. But the Darnestown site was very well
11 set for, for getting the circuits in and out the, the sites
12 that we selected.

13 MR. SILVERMAN: Just, these are, I wanted to make
14 sure I was clear on a few things. You, you have now from
15 the version we had seen earlier at one point at least, the,
16 there was lines coming down Riffle Ford Road and those have
17 not been shifted to be in the very center of the right-of-
18 way.

19 MR. MORTON: That's right.

20 MR. SILVERMAN: Okay.

21 MR. MORTON: Per, per the discussions that, that
22 we've had over the, over the months. We went back and took
23 a look and we, we, essentially we concurred that that wasn't
24 the appropriate way to bring those circuits in and then we
25 found another routing.

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1 MR. SILVERMAN: Okay. And, and the lines now
2 entering into the substation from the right-of-way, how do
3 those, they're going to be underneath Riffle, underneath
4 Darnestown Road is, and --

5 MR. MORTON: Yes.

6 MR. SILVERMAN: -- and come up into it so there
7 won't be any cutting across the Hallman Court properties.
8 Is that --

9 MR. MORTON: No, no. They won't cut across.

10 MR. SILVERMAN: Okay.

11 MR. MORTON: They'll go all the way down to
12 Darnestown Road. They will go underground in Darnestown
13 Road in the right-of-way and then cross into the property
14 and come in as, as I was showing earlier, essentially in
15 through here to where they can terminate to the, to the
16 structure. They will obviously come up overhead at that
17 point, but that'll be inside the, the building.

18 MR. SILVERMAN: Okay. Okay. The, the concerns
19 that were expressed in, in the neighborhood's letter
20 regarding traffic were, as, as mentioned before, primarily
21 related to what we thought was going to be likely
22 construction along Riffle Ford Road. So that is now, it
23 seems, alleviated, you know, with the changes being, and,
24 and Riffle Ford Road is, is a one lane road. Now I believe
25 that area of Darnestown Road that is going to --

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1 MR. GROSSMAN: One lane in each direction I think.

2 MR. SILVERMAN: One lane in each direction.

3 Sorry. Yes.

4 MR. MORTON: Thank you. I was going to say I've
5 been up it, up and down it both sides.

6 MR. GROSSMAN: There are a few one lane roads
7 around, but that's the --

8 MR. SILVERMAN: That area that's going to be
9 affected now I'm trying to recall of Darnestown Road, you
10 know, running, I guess it's west of, of Riffle Ford, I
11 believe that's two lanes any, is it two lanes or one that --

12 MR. PANDYA: It's one lane each direction.

13 MR. SILVERMAN: It strings, it's one lane in each
14 direction too.

15 MR. MORTON: It, it drops to one lane once you get
16 to the right-of-way roughly, right? It's a little before
17 that from what I've seen.

18 MR. GROSSMAN: That's what it looks like on the
19 aerial photo.

20 MR. SILVERMAN: Yeah, I think there's a --

21 MR. MORTON: So there, there could be a little bit
22 of a constriction --

23 MR. WALLACE: There's a taper and then I think it
24 goes --

25 MR. MORTON: -- there. That'll be, could be dealt

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1 with, I think, in a relatively quick period of time.

2 MR. SILVERMAN: Okay.

3 MR. MORTON: But I, I couldn't specifically, it
4 wouldn't be the whole nine month period that we'd have
5 issues with, with the other construction.

6 MR. SILVERMAN: Okay. Well, I don't have any
7 other questions. Do you have any?

8 MR. PANDYA: I just have few.

9 CROSS-EXAMINATION

10 MR. PANDYA: Just to make sure again. This might
11 be repetition.

12 MR. MORTON: Sure.

13 MR. PANDYA: There will not be any underground
14 work. If there are any, you will be using the existing
15 poles along the Riffle Ford for any, any new lines. Right?

16 MR. GROSSMAN: One, one moment. You mixed two
17 things there. Let's take one at a time.

18 MR. PANDYA: Yeah.

19 MR. GROSSMAN: There will not be any underground
20 work, what? Well, I, I --

21 MR. PANDYA: No underground work. Correct? Along
22 Riffle Ford.

23 MR. GROSSMAN: Start that question from the
24 beginning because I, I spoke over you. Start your, state
25 your question again because I --

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1 MR. PANDYA: Yeah. My question is I heard you
2 that you are going to use the existing poles around Riffle
3 Ford line, Riffle Ford Road. Right? For any new lines.
4 MR. MORTON: We would use the existing poles as
5 they stand today to take a feeder back up, up, up Riffle
6 Ford Road to pick up some, some load up that way. But --
7 MR. PANDYA: Will that be high voltage lines?
8 That's what I'm, I want to find out.
9 MR. MORTON: But no new construction. It'll be
10 the same circuit that's up there. We would just simply clip
11 it and turn it the other direction.
12 MR. WALLACE: Same voltage?
13 UNIDENTIFIED MALE: Same wires, same voltage.
14 MR. MORTON: Same, same voltage.
15 MR. PANDYA: Same voltage. Okay. The fourth
16 transformer, you said that you, it might be in use sometime
17 so it's not an exact spare transformer, right? You will be
18 using that fourth transformer in case you need it.
19 MR. MORTON: Well --
20 MR. PANDYA: So there will be four transformers
21 operational. Because I heard earlier that it's just for
22 storage.
23 MR. GROSSMAN: All right. You asked your
24 question. Don't, don't, don't, I understand. I, I agree
25 with your distinction.

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1 MR. MORTON: Okay. The, we have, in our standard
2 substation design, we have the capability of serving four
3 transformers from this facility. And we will build conduit
4 to allow that to happen. We have not identified how we
5 would do that. The scenarios that we would do that are, I,
6 I think there would be a complete change in the area before
7 we would really need to do that. We believe this substation
8 will be capable of serving this, this area unless there's
9 some major changes to the way Montgomery County plans their
10 system.
11 MR. GROSSMAN: Serve, in other words, you plan to
12 use only the three transformers, but the fourth is number
13 one, a spare and number two, possible use if the load demand
14 increases significantly.
15 MR. MORTON: That's correct.
16 MR. GROSSMAN: Okay.
17 MR. PANDYA: Okay. There are chances in future
18 when the load goes up you'll use that. Will you notify us
19 because the sound might go higher than 55, all these other
20 factors? How will you notify? Just trying to be safe.
21 MR. MORTON: Ebe, would we commit to a second
22 sound survey at a point where we add a fourth transformer or
23 do we have a --
24 MR. PANDYA: I don't --
25 MR. WALLACE: I'm sorry.

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1 MR. MORTON: I'm, I'm not supposed to ask other
2 people.
3 MR. WALLACE: I don't have a problem with it.
4 It's either you ask it or I'm going to --
5 MR. GROSSMAN: All right. We can, we can make
6 that a condition if we, if it's granted.
7 MR. WALLACE: I was about to, I was, I was waiting
8 for the word to proffer. We're proffering.
9 MR. PANDYA: Considering all of our opposition
10 here, can PEPCO or have you guys looked into having similar
11 smaller substation that, like the one you have at Travilah
12 at multiple locations? Just to address the neighborhood's
13 issues. That this is really a monster. Have you looked
14 into that?
15 MR. MORTON: We have settled on this design. We,
16 we believe that the, that the design that we have moved to
17 our, our new substation design provides benefits that
18 outweigh the, the sizing issues from, from our standpoint.
19 MR. PANDYA: I'm assuming that's only the
20 economical benefits not the concerns of the neighborhood?
21 MR. MORTON: Well, it's essentially the
22 reliability benefits to the, it, it does cost more to, to
23 build it like this, but it, we believe that the benefits
24 will outweigh the, the costs in the long run.
25 MR. PANDYA: But now listening to this opposition

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1 here, can you request or is it possible that you can, is it
2 physical to have this? Can you go back and do the study?
3 I'm, I'm asking this very honest question here.
4 MR. MORTON: That's not my decision to make so I,
5 I can't --
6 MR. GROSSMAN: When you say can you do it, do you
7 mean are they able to do it?
8 MR. PANDYA: Can, can, can it be, no. Can it be,
9 can this be scraped and can they look into that? There is a
10 concern. Is it possible to have two or three similar
11 smaller transformer substations like this? Is it possible?
12 Is it, can you guys do that? Relook at this thing because
13 there is a concern.
14 MR. GROSSMAN: Well, well, hold on one second.
15 One, hold on one, hold on, hold on one second.
16 MR. MORTON: One of the, one of the issues that we
17 have --
18 MR. WALLACE: Well, before you answer, wait. No,
19 please.
20 MR. GROSSMAN: There were kind of two questions
21 mentioned.
22 MR. PANDYA: Yes. Maybe.
23 MR. GROSSMAN: The first question is can it be
24 done? Can you use multiple substations of a smaller size
25 rather than one larger one? And the second part of that

1 question is can you look into it? So the can you look into
2 it, of course, they can look into to. The, the more direct
3 question is can it be done? Can you, is that feasible to
4 have two smaller substations, one presumably located on this
5 subject site and one elsewhere to accommodate this
6 additional load that you are addressing?

7 MR. MORTON: The concern that that raises is that
8 we begin to impact more of our community, more of the
9 community. If, if we're building one here or if we're
10 building one here and we're building one somewhere else,
11 then, then all of a sudden other folks are impacted as well.

12 MR. GROSSMAN: Well, I guess the question is, I
13 mean, that's, there may be other locations that don't impact
14 residences. I don't know. I haven't done the study. And
15 so the question, first of all, is it feasible to do two
16 substations of smaller size, such as the size of the other
17 one that was depicted in the aerial photograph rather than
18 one very large one?

19 MR. MORTON: The, I, I would suggest that it's not
20 feasible and that the reason that it's not feasible is that
21 you're just increasing the impact to the community of
22 putting this in. We, as, as I said, we, we found, selected,
23 we identified seven sites. We were only really able to boil
24 it down to one good site for a substation. I would say with
25 that it would be difficult to find a site in, in this area

1 that would allow us to, to, to do that.

2 MR. GROSSMAN: Well, I guess you're mixing in the
3 question of impact on other communities and I guess I want a
4 more direct, technical answer as to whether or not you can
5 accomplish the PEPSCO end with two smaller substations rather
6 than one large one? If this one cannot be reduced in size
7 with the present equipment.

8 MR. WALLACE: I have to ask about that question
9 because are you saying can power be served or are you saying
10 can PEPSCO's overall plan for serving this area of the County
11 be served because, I mean, technically --

12 MR. GROSSMAN: You can answer both of those if you
13 want.

14 MR. WALLACE: I mean, I would say you've got two
15 questions maybe before because --

16 MR. GROSSMAN: Okay.

17 MR. WALLACE: -- one's a very specific. I mean
18 can you plop these things everywhere and we'll serve people.
19 But then do you have an overall plan as to how you want to
20 serve this County in a way that is cost efficient for your,
21 your rate, your rate payers, et cetera.

22 MR. GROSSMAN: Well, let, let, let's not, let's
23 not make a speech that puts words in his mouth.

24 MR. MORTON: Okay. Well, let, let's, we, we do
25 have and, and the two gentlemen here are, are rate payers as

1 well.

2 MR. GROSSMAN: Yes.

3 MR. MORTON: That would add a tremendous amount to
4 the cost. It would, I would anticipate that you, the, the
5 size of the substation or the size of the facility is only
6 part of the cost. It, it wouldn't cost double, but it would
7 certainly, and it might cost double depending on what the
8 cost of the other site is. We'd have to get supply feeders
9 to it. We'd have to run the feeders out of it. We would
10 reach a point of, of very high expense very quickly, I
11 think. And it, it could wind up doubling the cost of, of
12 what it takes to serve these folks.

13 MR. GROSSMAN: And now addressing the more
14 technical question of other than cost, can it be done? Can
15 you serve, can you achieve it, achieve the end of supplying
16 the necessary power by having two substations? That's a
17 more, more in the technical aspect of it.

18 MR. MORTON: Technically I can't deny that, you
19 know, if you can build one, you can build two. I, I can't
20 deny that.

21 MR. GROSSMAN: And I do have to, to address the
22 opposition on this. The role that the Hearing Examiner
23 plays here is not to require and applicant to choose
24 different sites to make their, their plans, to substitute,
25 you know, a plan for what they have. It's rather to review

1 the plans that they have submitted and see if they comport
2 with the zoning ordinance requirements. So I ask these
3 questions because, you know, if there's an easy answer, that
4 would be acceptable to everybody. Well, you know, that's a
5 why not do it. But, that they have a right to have the
6 plans that they have submitted reviewed just as they are and
7 they could be denied if they don't do certain things. And,
8 and I can impose conditions to minimize impacts or I can
9 deny it if I think it's not going to meet the zoning
10 ordinance. But, but I can't require them to move to a
11 different site or have a second, you know, split it up and
12 have a second site. It is something worthy of being
13 considered obviously if it can be done feasibly. But I also
14 would say to the applicant, and, and I'd ask you to look at
15 it over the lunch hour as to whether or not there is some
16 way to accommodate the size issue, especially the height
17 because it appears to me that you can't cut back much on the
18 overall size. And I don't think it's so much the overall
19 square footage as it is the height that's more imposing
20 here. So if there's a way to do it, you know, even if it's
21 a matter of reducing it five or eight feet or something,
22 that would be a significant help in terms of compatibility.
23 So you ought to look at that issue from the technical
24 standpoint. If it can't be done, as I said, you're entitled
25 to have your plans reviewed as they are. So, anyway, any

1 redirect as a result of, are you finished, Mr. Pandya?
 2 MR. PANDYA: No. One last question.
 3 MR. GROSSMAN: One more. Okay.
 4 RECCROSS EXAMINATION
 5 MR. PANDYA: Sorry. When was, and maybe this is
 6 not the question for you. When did you guys, when did PEPCO
 7 contact DCA first time? Darnestown Civic Association. When
 8 were they notified first?
 9 MR. MORTON: That wouldn't be a question for me.
 10 I don't know the answer.
 11 MR. PANDYA: Okay. I would like to get that
 12 answer somehow because where I'm going to this, where I'm
 13 going with this is January 8th is the, that first meeting.
 14 We had heard from DCA, directly from them about two or three
 15 weeks before that. There was no direct kind of
 16 correspondence, nothing from PEPCO before that. Even today.
 17 There is one email I have received and I don't know whether
 18 I need to, I distributed this, but this is an exhibit. I
 19 don't know whether I can give later on or right now, but we
 20 had sent, and the reason I'm getting to this and all these
 21 questions whether there can be two or not or they could have
 22 answered this, but there was no correspondence, no response
 23 from PEPCO. And DCA does not necessarily represent everyone
 24 in the Darnestown area. So why did PEPCO not being a good
 25 business people in this area not contact these neighborhood

1 directly. Some of these questions could have been
 2 addressed. And that is not, that's what I'm going to, when
 3 did you guys first approach DCA because we were not privy of
 4 any other correspondence.
 5 MR. GROSSMAN: Okay. Well, you've, you've asked
 6 the question. Let him, let him answer it if he can. Do you
 7 know why?
 8 MR. MORTON: That wouldn't be my area of
 9 expertise.
 10 MR. GROSSMAN: Okay. Let me just say something
 11 about that. I think it's always wise if any applicant
 12 contacts a community and, and works out any concerns that
 13 can be worked out. It's not technically part of my review.
 14 I mean my review is to look at the zoning ordinance and see
 15 if they have complied with the zoning ordinance. Part of
 16 that includes a notice that goes out to the community and we
 17 send, duly send out that, that notice of this hearing, as we
 18 have done. And the posting of the property so people know
 19 when they can look into it and they can attend the session
 20 we, with, with the Planning Board if they want, then they
 21 can attend this public hearing at which you're given a lot
 22 of latitude to ask questions and so on.
 23 MR. PANDYA: Yes, sir.
 24 MR. GROSSMAN: But it's not part of, it's not part
 25 of my review to see if they've made the intelligent choice

1 to contact community and try to work things out. I can
 2 understand your concern about that, but it's not technically
 3 a zoning ordinance issue so we don't want to go too far
 4 afield. I'm going to let you put that in.
 5 MR. PANDYA: No, it's --
 6 MR. GROSSMAN: Because they, you know, it raises
 7 some legitimate concerns and questions, some of which are
 8 being addressed here and I will certainly let them address
 9 those points too. I think that it would be, first of all,
 10 the letter that was sent in by Mr. Silverman and signed by
 11 you and others very well sets out all of your concerns. So
 12 I think they have, they can certainly respond to all of
 13 those concerns here.
 14 MR. PANDYA: I have no further questions. Thanks.
 15 MR. GROSSMAN: Okay. Any redirect at this point?
 16 MR. WALLACE: Just a couple quick ones.
 17 REDIRECT EXAMINATION
 18 MR. WALLACE: Mr. Morton, you mentioned a nine
 19 month period. That, that wasn't for construction along
 20 Darnestown, or affecting Darnestown, that wasn't meant to
 21 say, well, could you say whether that was nine months right
 22 in front of the site or was that nine months as you work
 23 your way down?
 24 MR. MORTON: That's nine months total construction
 25 of the underground getaway, as we call it, the, the duct

1 line in, in Darnestown.
 2 MR. WALLACE: So, so not --
 3 MR. MORTON: It will be a, a moving --
 4 MR. WALLACE: Yeah.
 5 MR. MORTON: -- type work.
 6 MR. GROSSMAN: I always think of the getaway more
 7 as a trip to Florida, but --
 8 MR. WALLACE: And then Mr. Morton, did you
 9 actually participate in a meeting in September 2015,
 10 September 17th, with the Darnestown Citizens Association?
 11 MR. MORTON: Yes, I did.
 12 MR. WALLACE: So that's, by my estimate, three
 13 meetings with the Darnestown Citizens Association that PEPCO
 14 has participated in? January, we heard testimony about a
 15 January one, a May one and now a September one.
 16 MR. BOTCHWAY: That's correct.
 17 UNIDENTIFIED MALE: He's correct.
 18 MR. MORTON: I --
 19 MR. GROSSMAN: If you recollect? If you don't
 20 recollect --
 21 MR. MORTON: At least, at least, I, I recall three
 22 meetings and I'm not sure there wasn't a fourth.
 23 MR. WALLACE: Okay. And at that September
 24 meeting, were the, the plans presented at that meeting in
 25 terms of the size, the mass and the rendering, et cetera, of

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1 the building of substantially the same if not exactly the
2 same as what's being presented today?
3 MR. MORTON: I would say by that time our, our
4 design had coalesced and it, it is the same as we're
5 presenting today.
6 MR. WALLACE: Okay.
7 MR. MORTON: So --
8 MR. WALLACE: And do you remember at that meeting
9 whether there was an offer made to meet with any citizens
10 separately in another meeting if anyone wanted to talk
11 further? That, that PEPCO was open to such a meeting.
12 MR. MORTON: Yes. I believe we did make that
13 offer.
14 MR. WALLACE: Thank you.
15 MR. MORTON: And I believe that was perhaps, the
16 fourth meeting was with the residents across the road.
17 MR. WALLACE: Okay. And I'm sorry. Right. I
18 wasn't part of that so I couldn't speak to it.
19 MR. MORTON: Um-hmmm. So thank you.
20 MR. GROSSMAN: Any recross just on those few
21 matters that were just mentioned?
22 MR. PANDYA: Yes.
23 RE-CROSS EXAMINATION
24 MR. PANDYA: After that meeting on January 8th, I
25 wrote this email to Mr., Mr. Washington, Jr. Do you guys

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1 recall or do you, have you seen this email from us?
2 MR. GROSSMAN: Let's mark that since it's now been
3 referenced a couple of times. And thank you, sir. And this
4 is Exhibit 63. And this email of January 9, 2015 from Mr.
5 Pandya to PEPCO with --
6 MR. PANDYA: The gentleman's name is on the last
7 page, sir. His name is, and he wrote down his email address
8 on the last page. That's in his handwriting. Charles
9 Washington.
10 MR. GROSSMAN: Right. With, to Charles Washington
11 of PEPCO with questions. Okay. Now you may ask your
12 question.
13 (Hearing Exhibit No. 63 was
14 marked for identification.)
15 MR. PANDYA: Yeah. Have you seen this email, sir?
16 MR. MORTON: I do recall seeing the drawing. And
17 I'm, I do recall seeing the drawing.
18 MR. PANDYA: Did you or anyone else that you know
19 responded to my email since January 9th? Since the day you
20 receive it.
21 MR. MORTON: I think we prepared and responded to
22 it in the presentations that we had developed and, and since
23 had, we were there.
24 MR. PANDYA: No. I had, did you respond to my
25 email to me because that's what I asked?

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1 MR. MORTON: I did not.
2 MR. PANDYA: I don't think this was presented in
3 any other DCA meetings, if I recall specifically these
4 questions. Because there are several questions here. So.
5 MR. GROSSMAN: Well, all right. You, this is not,
6 you can't make a speech here.
7 MR. PANDYA: No, I understand.
8 MR. GROSSMAN: You can just ask questions. So
9 he's answered that question. He did, his response was not
10 to you directly, but at a meeting at DCA.
11 MR. MORTON: Right. At, right.
12 MR. GROSSMAN: He has responded to, that was your
13 --
14 MR. WALLACE: Which, which this gentleman
15 attended.
16 MR. GROSSMAN: Right.
17 MR. PANDYA: Just for the record, sir.
18 MR. GROSSMAN: Well, we're going to let you for
19 the record --
20 MR. PANDYA: Okay. Fine. All right.
21 MR. GROSSMAN: -- make, you're going to be able to
22 testify about it under oath and say what, whatever is on
23 your mind about it. Okay.
24 MR. PANDYA: I'm, okay. I'm done. Thank you.
25 MR. GROSSMAN: Okay. Any, well, anything further,

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1 Mr. Silverman?
2 MR. SILVERMAN: No, thank you.
3 MR. GROSSMAN: Okay. All right. So we'll break
4 for lunch now. We'll come back at 1:45. And hopefully,
5 when we return, is that sufficient time?
6 MR. WALLACE: We did, we actually have the exhibit
7 in question. We had it on hand.
8 MR. GROSSMAN: Great. Would you share a copy
9 with, with the opposition, please, so they can get a chance
10 --
11 MR. WALLACE: We may only have our one copy.
12 MR. GROSSMAN: Okay. And, and then see if you can
13 address, have somebody address that question of, of whether
14 or not there is some way to reduce the height of this
15 facility. Okay. So we return at 1:45. In recess.
16 (Off the record.)
17 (On the record.)
18 MR. GROSSMAN: Back on the record. I see that Mr.
19 Morton has returned to us. So we have more?
20 REDIRECT EXAMINATION
21 MR. WALLACE: Mr. Morton, could you explain what
22 the exhibit is that's been posted on the board?
23 MR. MORTON: This exhibit is an elevation of the
24 electrical equipment in the substation that defines the, the
25 height requirements of the structural part of the, of the

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1 building.
2 MR. WALLACE: And so this would be --
3 MR. GROSSMAN: Can we mark that as Exhibit 64?
4 MR. WALLACE: Yeah.
5 MR. GROSSMAN: 64 is elevation of internal
6 equipment.
7 (Hearing Exhibit No. 64 was
8 marked for identification.)
9 MR. WALLACE: If you could walk through this
10 exhibit and, and show what the equipment is, what the height
11 of the equipment amounts to and, and how it drives the
12 height of the structures involved.
13 MR. MORTON: All right. Looking at Section AA of
14 this sheet, I want to say two-thirds to the right side of
15 the elevation, we see the circuits being brought up out of
16 the ground and they're going into a, a disconnect switch.
17 And they, as you're going up from the ground level to the,
18 to the ceiling you run into a bus structure here. The
19 circuits go back into the, to the back towards the far wall
20 near, near the customers' homes. Then it goes into a, a bus
21 with another set of disconnect switches. And that allows
22 for the, the supply feeder to be changed out with, with
23 another supply should the supply feeder be out of service
24 or, or and a transformer, a different transformer being out
25 of service.

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1 MR. GROSSMAN: Well, well, first.
2 MR. MORTON: This is one of four.
3 MR. GROSSMAN: Are we looking at, which direction
4 are we looking, where, are we looking through the side of
5 the building? Are we looking through the front of the, what
6 are you looking at?
7 MR. WALLACE: Yeah. Orient the elevation in terms
8 --
9 MR. MORTON: The way this oriented is you would be
10 looking at it from the, the side.
11 MR. GROSSMAN: Okay. From the --
12 MR. MORTON: From, from the east --
13 MR. GROSSMAN: -- the north --
14 MR. MORTON: Well, yes. From the --
15 MR. GROSSMAN: Northeast side.
16 MR. MORTON: -- northeast side into the, into the
17 structure.
18 MR. GROSSMAN: Okay. So, all right. So we put
19 that down again. So now --
20 MR. WALLACE: So you're standing on the northeast
21 side of the structure and you're looking straight forward.
22 MR. GROSSMAN: Okay. And so, on the left of that
23 diagram, is the front of the, the front of the building.
24 MR. MORTON: Right. This is the front of the
25 building on, on the left.

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1 MR. GROSSMAN: And so that --
2 MR. MORTON: Towards Darnestown Road.
3 MR. GROSSMAN: And so from the front of the
4 building, the first major piece of equipment we see, that's
5 a transformer?
6 MR. MORTON: The, the, inside the structure, we
7 have switch gear. We have, we have switch gears on the
8 second level, as, as Ebenezer, Mr. Botchway told us. And
9 the distribution feeders are brought out of the bottom of
10 those and then they go in a conduit out. So this, this
11 structure is under a roof.
12 MR. GROSSMAN: Right.
13 MR. MORTON: This structure here is, it, the rest
14 of the structure is under the bird screen. This is a
15 transformer.
16 MR. GROSSMAN: All right. That's the first thing
17 you run into after you get out of the roofed section?
18 MR. MORTON: Yes. After you get out of the roofed
19 section, you, here's the transformer. Here's the driveway.
20 And this is a circuit breaker that, this is a 69 kV circuit
21 breaker. The, the switch gear line-up contains 13 kV
22 circuit breakers.
23 MR. GROSSMAN: All right.
24 MR. MORTON: But they're, they're far smaller
25 than, than this.

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1 MR. GROSSMAN: All right. That's, and that's
2 centrally located on that diagram. This is the top diagram.
3 MR. MORTON: Essentially that is in the center of
4 the, of the structure.
5 MR. GROSSMAN: Okay. And now going up from there,
6 on top of that centrally located circuit breaker.
7 MR. MORTON: Okay. On the circuit breaker, we
8 have another set of disconnect switches on one side, a
9 removable link on the other side. And then we --
10 MR. GROSSMAN: What's the height of those
11 switches?
12 MR. MORTON: The switches are centered at 22 feet.
13 MR. GROSSMAN: Okay. What --
14 MR. MORTON: According to the drawing as it's laid
15 out here, to, to the ground level.
16 MR. GROSSMAN: And now the next thing up from that
17 looks like some other structure on the top. What are those,
18 what are the, what's this structure on top of that? It's at
19 the very top underneath the bird screen.
20 MR. MORTON: This, this structure?
21 MR. GROSSMAN: No. What, well, all right. Let's
22 take that structure. Right on top of that one. What is
23 that?
24 MR. MORTON: I'd probably have to defer to one of
25 my --

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1 MR. GROSSMAN: All right. What's on top of that?
2 The, you see --
3 MR. MORTON: Is the bus structure. This is bus
4 and then this is insulators where the bus is, is being hung
5 from the steel beam up over the entire line of the
6 equipment.
7 MR. GROSSMAN: Okay. So I guess the question is
8 can the bus be dropped to a lower level?
9 MR. MORTON: The issues --
10 MR. GROSSMAN: To allow the, the roof and the, and
11 the screen to be dropped.
12 MR. MORTON: The issues as I had indicated earlier
13 is we have a concern over the driveway because of trucks.
14 We also have concern over the, the clearance that these
15 switches, each of these switches when they turn, they turn
16 from a 90 degree angle to an essentially horizontal angle.
17 And that has to be of a given distance away from the, from
18 the circuit above. The --
19 MR. GROSSMAN: What is that, what is that given
20 distance?
21 MR. MORTON: The drawing here shows a, the, the
22 exact distance I, I don't have. It's a --
23 MR. GROSSMAN: So I, and once again, again it
24 comes down to that, that question. You said of a given
25 distance. Has to be a given distance. I'm just asking is,

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1 can the distance be smaller than you've decided to plan it
2 in this building? Can the distance be shorter?
3 MR. MORTON: And the answer is the, the, as they
4 designed the building, they designed the building to meet
5 the, the minimum requirements. To, to take any more away
6 would be to give an opportunity for an issue to occur that
7 could cause a problem in the substation.
8 MR. GROSSMAN: All right.
9 MR. MORTON: So it's designed with a minimum
10 safety set.
11 MR. GROSSMAN: Okay.
12 MR. WALLACE: And then could you just explain what
13 the minimum, what agency or what code generates the
14 minimums?
15 MR. MORTON: That would be out of the National
16 Electric Safety Code.
17 MR. WALLACE: NESC Code. So to summarize, the
18 clearances, the structure, the separation conforms to the
19 requirements of the National Environment, Electric --
20 MR. GROSSMAN: I, I think it would satisfy
21 everybody's concern about that if you would just cite what
22 those specific provisions are in the Code that cause those
23 distances. And then it's, it's a moot point at that point
24 because nobody is going to require you to, to have a
25 distance that's not, does not meet the requirements.

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1 MR. WALLACE: And we may or may not have that with
2 us today.
3 MR. BOTCHWAY: The distances? Yes.
4 MR. WALLACE: The requirements of the NESC.
5 MR. BOTCHWAY: We don't have it here, but we can
6 make it as, we can bring it as a record.
7 MR. GROSSMAN: All right.
8 MR. WALLACE: So, so this, this layout of the
9 equipment generates a height of what from the ground floor
10 to the top of the bird screen?
11 MR. MORTON: This is, that was 40 feet, per our
12 discussions earlier. That's, raises it to 40 feet.
13 MR. WALLACE: Okay. Can you explain where the,
14 the height of 48 feet is generated? Or maybe actually walk
15 around the building, please, if you could.
16 MR. MORTON: Okay.
17 MR. WALLACE: And explain where this 40 foot
18 section extends to. Maybe use the building footprint. So
19 what, what section of the building is built to this 40 foot
20 requirement because this 40 foot, because of the equipment
21 requirements?
22 MR. MORTON: The, the 40-foot section is
23 essentially the, the part of the structure that is covered
24 by the bird screen.
25 MR. GROSSMAN: Okay. So that only goes up to 40

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1 feet.
2 MR. WALLACE: Right.
3 MR. GROSSMAN: Okay.
4 MR. MORTON: And then the 48 feet comes in in the,
5 in the gable of the roof structure that we've put over the
6 --
7 MR. GROSSMAN: Okay. So I guess then the question
8 comes down to why do you need the extra eight feet in that
9 area? Because if the whole thing can be 40 feet that would
10 be an improvement.
11 MR. MORTON: Well, I turn that question over to
12 our architect.
13 MR. WALLACE: I would explain what the equipment
14 is. If you could explain the --
15 MR. GROSSMAN: The equipment.
16 MR. WALLACE: -- equipment within the enclosed
17 structure. What it is.
18 MR. MORTON: The, the equipment in the enclosed
19 structure is, this, this is at the 40-foot level as well.
20 This is, this is even across everything.
21 MR. WALLACE: Okay.
22 MR. MORTON: So the space above that --
23 MR. WALLACE: Is --
24 MR. MORTON: Is --
25 MR. WALLACE: The architect will explain what the

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1 space above it is.
2 MR. MORTON: Yeah.
3 MR. GROSSMAN: Okay. All right.
4 MR. WALLACE: If you could, explain what about
5 this equipment is different than your old substations that,
6 that adds the height. What is the component that's
7 different so everyone understands what it is?
8 MR. MORTON: Okay. The sub, the, our previous
9 design did not include high side breakers. It didn't
10 include the high transfer bus and the driveway was outside
11 of the facility. And therefore, as you see here, we, we had
12 the capability of, of coming in at a lower location where
13 the, where the cables were coming up. We didn't have to go
14 as high up because they were able to tie off at a, at a
15 lower footage, about, I want, seven feet or so. Five, five
16 to seven feet.
17 MR. GROSSMAN: Well, you had done, you just use
18 your own knowledge.
19 MR. MORTON: Okay.
20 MR. WALLACE: And, again, this is new technology.
21 Going forward with substations in, in Montgomery County is,
22 is PEPCO's intent to use this type of substation, this
23 design of substation, this size of a substation for future
24 electrical service in Montgomery County?
25 MR. MORTON: Yes.

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1 MR. WALLACE: Okay.
2 MR. GROSSMAN: By the way, I still don't
3 understand what the, the truck point because I haven't seen
4 a 40-foot tall truck that you would use, but --
5 MR. WALLACE: It --
6 MR. GROSSMAN: So, and I'm still not sure why you,
7 why the internal --
8 MR. WALLACE: Can you explain why, well --
9 MR. MORTON: There are other, there are other
10 elements that, that lead to the height. It's --
11 MR. WALLACE: Can you walk through what those
12 elements are?
13 MR. MORTON: The, again --
14 MR. GROSSMAN: No. I know those elements.
15 MR. MORTON: Yeah.
16 MR. GROSSMAN: I'm talking about the truck. You
17 mentioned the truck, the driveway being internal now a
18 number of times and indicate that that somehow drives the
19 height. And I don't see how that could drive the height.
20 MR. WALLACE: What crosses, Mr. Morton, what
21 crosses the height, the, the truck driveway? Overhead.
22 MR. MORTON: 69,000 volt bus structure.
23 MR. WALLACE: Okay. And --
24 MR. MORTON: It has to be down a little bit from
25 the, it's held in place by insulators that are tapped into

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1 a, a steel beam that's at the, essentially the 40 foot
2 height.
3 MR. WALLACE: So there is --
4 MR. MORTON: The, the 40 foot height has to be
5 common across the, the structure to, for that to work.
6 MR. GROSSMAN: And how does the truck height
7 impact on that? That's my question. I'm, I'm going to wait
8 for the, the NESC rules to tell me what justifies the rest
9 of the height difference, but, and maybe it becomes a moot
10 point depending on the architect for the other eight feet,
11 but I, I still, you still haven't told me how a truck issue
12 is created for height. I don't know why that's an issues.
13 MR. WALLACE: Mr. Morton, did, I thought I heard
14 you explain that the structure has to be consistent at a 40
15 foot height from the, from the transformers all the way to
16 the back.
17 MR. GROSSMAN: Right.
18 MR. MORTON: That's correct.
19 MR. WALLACE: Okay. Because of --
20 MR. GROSSMAN: Well, no. Not because of. I'll
21 accept that.
22 MR. WALLACE: Yes.
23 MR. GROSSMAN: It has to be consistent all the way
24 across.
25 MR. WALLACE: Okay.

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1 MR. GROSSMAN: It's at the 40 feet. How does that
2 impact a truck, which is a lot lower than that?
3 MR. MORTON: Well, the, the truck also will be
4 bringing in pieces of equipment. The truck may have a
5 bucket on it and it, it may not be a simple semi rig. It,
6 it may have some --
7 MR. GROSSMAN: May extend up to that 40, or
8 somewhere close enough to the 40, but --
9 MR. MORTON: Not, not fully, but, but somewhat
10 above.
11 MR. GROSSMAN: I see.
12 MR. MORTON: To, to a point where you really
13 wouldn't want to take a, a risk.
14 MR. WALLACE: And --
15 MR. GROSSMAN: Okay. All right. That's all I was
16 asking. That's it.
17 MR. WALLACE: Actually there is a little bit more.
18 Is, is there also a requirement for the type of structure
19 that's extending across that driveway? Is there a clearance
20 requirement for Code purposes for vehicles operation
21 underneath it?
22 MR. MORTON: I would have to defer back to --
23 MR. WALLACE: Okay.
24 MR. MORTON: -- another on that, that part of it.
25 MR. WALLACE: There is.

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1 MR. GROSSMAN: And that's probably insignificant.
2 It's just been, it's been mentioned several times, the
3 truck, and I just didn't understand how the truck, most
4 trucks don't have a height like that. For, so --
5 MR. MORTON: But the kind we use, some of them do.
6 MR. GROSSMAN: But he's explaining to me he could
7 have some that, that, that are, do require it so I'll accept
8 that.
9 MR. WALLACE: And we're, okay.
10 MR. GROSSMAN: I don't need further explication on
11 that.
12 MR. WALLACE: Then, and there are Code
13 requirements that, the truck may not be 40 feet high but --
14 MR. GROSSMAN: No, I understand.
15 MR. WALLACE: Yes.
16 MR. GROSSMAN: But you could have a certain amount
17 of clearance. I just, it was hard to understand why a truck
18 would need 40 feet plus clearance. So, but --
19 MR. WALLACE: Okay.
20 MR. GROSSMAN: I'll accept his explanation of that
21 and I guess we'll wait for the architect to tell us about
22 the extra eight feet.
23 MR. WALLACE: Okay. Great. Thank you. I think
24 with that, we actually did have two more points we wanted to
25 just raise.

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1 MR. GROSSMAN: Okay. Sure.
2 MR. WALLACE: Back to a previous question.
3 MR. GROSSMAN: Yes.
4 MR. WALLACE: And then I do have, I do have to get
5 back into a couple more. But, and let me, just to, just to
6 go back through your, to the course of your testimony. In
7 your opinion, is the proposed structure at this location
8 selected necessary for public convenience and service?
9 MR. MORTON: Yes. It is. We, we need, for the
10 public we need to be able to provide the electricity through
11 the community and this is the best location for, for that.
12 MR. WALLACE: In your opinion, will the proposed
13 structure at this location cause any undue harm to the
14 health, safety or welfare of neighboring workers, residents
15 or visitors or substantially impair or prove detrimental to
16 neighboring properties?
17 MR. MORTON: In my opinion, it will not. We, we
18 are operating a secure facility. There is equipment inside
19 that should be kept away from the public and we have taken
20 the steps it takes to make that happen.
21 MR. WALLACE: You were asked earlier if you could
22 do two smaller stations in the planning area. If you went
23 ahead and did that at this point in time, would it
24 significantly delay your ability to bring in the necessary
25 power service for the, the dates that you've established

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1 that existing facilities would be exceeded in terms of their
2 ability to produce and provide power?
3 MR. MORTON: We, we believe that it would impact
4 that and that we would not be able to meet the requirements
5 that we, we predict we need. In addition, we anticipate
6 that reducing the size of the substation so that there were
7 two of them in place of one would really not impact at least
8 the length of the facility. It would be similar in length
9 and perhaps a little less wide, but --
10 MR. WALLACE: And similar in height?
11 MR. MORTON: And the same as height.
12 MR. GROSSMAN: Okay.
13 MR. WALLACE: Thank you. That's all for Mr.
14 Morton.
15 MR. GROSSMAN: Any further cross-examination
16 questions, gentlemen?
17 MR. SILVERMAN: (No audible response.)
18 MR. PANDYA: (No audible response.)
19 MR. GROSSMAN: No. All right. Well, thank you,
20 Mr. Morton. Appreciate it. And your next witness, sir?
21 MR. WALLACE: One procedural matter just to ask
22 how, if you have any preferences on how to handle it. You
23 had asked earlier to address fire and you used the word
24 explosion. Fire and explosion.
25 MR. GROSSMAN: Right. If there was any risk of

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1 explosion or fire, whatever.
2 MR. WALLACE: It happens to be that Mr. Botchway
3 would be the best witness to testify as to those two points.
4 I can bring him on now to testify as to that and then we can
5 take care of --
6 MR. GROSSMAN: Sure, sure. That's, if that's --
7 MR. WALLACE: I call back Mr. Botchway.
8 MR. GROSSMAN: You look familiar, Mr. Botchway.
9 MR. BOTCHWAY: Last time I checked I'm the same
10 guy.
11 MR. GROSSMAN: You're, you're still under oath,
12 sir.
13 MR. BOTCHWAY: Yes, sir.
14 MR. GROSSMAN: Have a seat.
15 REDIRECT EXAMINATION (Resumed)
16 MR. WALLACE: Could, could you just explain the
17 fire suppression systems that are, that would be provided in
18 the building and any protections what, for explosive events?
19 MR. BOTCHWAY: Yes. I can. By designing this
20 building according to National, NFPA, National Fire
21 Protection Association, Life Safety Code 5100, this station
22 as a facility will have to make what is called the, the two
23 and three hour fire rating. So on first goes the protective
24 material around the building of, for the transformer which
25 is the high hazard area are brick. Brick has been

1 determined to have three hour fire rating. We have a brick
2 and then a block. We have brick, 12, 12 inches wall which
3 is eight inches block and 4 inches brick as what they call a
4 façade treatment. So that 12 inches give you a three hour
5 fire rating. That is in the perimeter of the building. So
6 if anything at all happen inside the station, it stays
7 inside the station. Beyond that, the most high hazard, fire
8 hazard locations are the transformer locations. We have yet
9 another fire protective wall around it, which is another
10 three hour fire rating.

11 MR. GROSSMAN: Around each transformer?

12 MR. BOTCHWAY: Around each transformer. Each
13 transformer they have total protection around it. So if
14 anything happens, it will stay within that transformer area.
15 We don't want to lose two or three transformers when one
16 transformer goes off, having a kind of accident or fire. So
17 we isolate each transformer in a base. Yes, another point
18 comes into it that transformers need to be ventilated. Even
19 the louvers that we provide for ventilation on these
20 transformers are fire rated. So we won't have any kind of
21 projection. And what we do also have with those louvers is
22 what we call a fusible layer. If, in case of a fire and the
23 temperature rises to about 100, 120, 130 degrees Fahrenheit,
24 this fusible layer will melt and automatically will shut.
25 We have two different louvers, one fixed and one movable.

1 The, the adjustable louver will immediately close so there's
2 no feed in of fresh air to the transformer compartment so
3 then that, that also helps in quenching the fire at once.
4 Each transformer location also what we have, is what we
5 have, is we have a sprinkler system within the high hazard
6 area. So that we have almost like three different, four
7 different levels of fire protection.

8 MR. GROSSMAN: You sprinkle water on, on this?

9 MR. BOTCHWAY: And we sprinkle water, believe it
10 or not.

11 MR. GROSSMAN: Right. I thought maybe it would be
12 some kind of other retardant, but I'm surprised to hear you
13 just --

14 MR. BOTCHWAY: We've, we've, we've, we've tried
15 different colloidal, colloidal materials, but all in all we
16 have found the water to be a little bit more, more
17 effective. Not only that that it's effective, it saves the
18 customer by, the colloidal materials that are covering the
19 outside in the light, what it do is yes, they help in
20 quenching the fire almost the same like the water. But
21 after the, the fire is quenched, the material is of no use
22 because it, it creates a protective cover around the
23 equipment then it becomes unusable. So we've got the --

24 MR. GROSSMAN: It's just that we always hear not
25 to use water on an electrical fire. This seems to be a

1 super electrical but --

2 MR. BOTCHWAY: Yeah. This is not really water,
3 but what we call mist. If, if you throw water, you can
4 redirect the current through there. So we have a water
5 colloidal system, what is almost like a mist that we, we
6 introduce in to quench the --

7 MR. GROSSMAN: What about explosions? We've all
8 probably heard transformers blow and it makes a loud noise.
9 Sounds like a lot of force. Is that a risk?

10 MR. BOTCHWAY: We haven't had a situation of an
11 explosion with a transformer. Normally what we do, have
12 noticed in all our substations is, is a spontaneous
13 combustion.

14 MR. GROSSMAN: Yeah. I don't mean these, these
15 big ones. I'm talking about the local ones in residential
16 areas where you see, you hear a big bang and you know the
17 transformer is blown. What --

18 MR. BOTCHWAY: Yeah. Normally, those are what
19 they call the street type transformers. They are small in
20 nature. They are not as big as this one. So they, and they
21 are pretty much in a confinement. So when you have any kind
22 of short in the system, which is, you know, it can happen,
23 then because of their close proximity, it gives you a sealed
24 containment. So when you, when you hear it, it, it, that's
25 noise propagates. It makes it really loud like an, big

1 explosion, but you won't get that in this location.

2 MR. GROSSMAN: And they're not prone to explode at
3 all? Is that, the bigger --

4 MR. BOTCHWAY: No. Not in my 35 years'
5 experience, we haven't had a transformer in a substation
6 explode.

7 MR. GROSSMAN: Okay.

8 MR. BOTCHWAY: We have had spontaneous combustion,
9 but not so much to explosion.

10 MR. GROSSMAN: All right. And then when you had
11 some spontaneous combustion, was it contained within the
12 structure?

13 MR. BOTCHWAY: It's contained within the
14 structure. We have a two hour fire rating among, around
15 every transformer. Beyond that, we have, that's one reason
16 why we have an indoor type. We have another brick wall
17 around it of another two or three hour fire rating.

18 MR. GROSSMAN: And when you have had a fire, it
19 has been contained?

20 MR. BOTCHWAY: It has been contained.

21 MR. GROSSMAN: Okay.

22 MR. BOTCHWAY: And the system, we have a console
23 unit inside the station which communicates with our 24/7
24 Control Center. That as soon as that we have that kind of
25 emergency, the communication goes to them. They first of

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1 all send somebody or if it's, it can determine, they send a
2 dispatcher which we have them running around all, in the
3 city all the time. If this, if there's a catastrophe, fire
4 situation we will call the fire service right away. If not,
5 we have a sprinkler system that is designed to quench any
6 fire within the transformer containment before even the fire
7 marshal shows up. So, on that note, I think we have a fail,
8 pretty much close to a failsafe fire situation in this
9 building.

10 MR. GROSSMAN: If you've ever seen the movie
11 Failsafe, you don't want to say that.

12 MR. BOTCHWAY: Not on --

13 MR. GROSSMAN: All right. Any other questions of
14 this witness, Mr. Wallace?

15 MR. WALLACE: (No audible response.)

16 MR. GROSSMAN: No. Cross-examination questions?

17 MR. SILVERMAN: (No audible response.)

18 MR. PANDYA: (No audible response.)

19 MR. GROSSMAN: No. Thank you. Thank you very
20 much for returning.

21 MR. BOTCHWAY: Thank you very much.

22 MR. WALLACE: Thank you. My next, my next witness
23 is Harry Ross with CORE Architects.

24 MR. GROSSMAN: Good afternoon, Mr. Ross.

25 MR. ROSS: Good afternoon.

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1 MR. GROSSMAN: Would you state your full name and
2 your work address, please?

3 MR. ROSS: Harry Paul Ross, Jr., 1010 Wisconsin
4 Avenue, N.W., Suite 405, Washington, D.C. 20007.

5 MR. GROSSMAN: All right. Would you raise your
6 right hand, please? Do you swear or affirm to tell the
7 truth, the whole truth and nothing but the truth under
8 penalty of perjury?

9 MR. ROSS: I do.

10 MR. GROSSMAN: All right. You may proceed, Mr.
11 Wallace.

12 MR. WALLACE: I was trying to be efficient with
13 the time with the next witness, but --

14 DIRECT EXAMINATION

15 MR. WALLACE: Mr. Ross, if you could state your
16 occupation?

17 MR. ROSS: I'm an architect, licensed architect.

18 MR. WALLACE: And your employer is?

19 MR. ROSS: CORE Architecture in Washington, D.C.

20 MR. WALLACE: And how long have you been with
21 CORE?

22 MR. ROSS: About two and a half years.

23 MR. WALLACE: And can you please review your
24 professional, or educational and professional background?

25 MR. ROSS: I have a BA in French international

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1 business from the University of Maryland and a Masters of
2 architecture and planning from the Catholic University in
3 D.C.

4 MR. WALLACE: And are you a member of any
5 professional organizations for architecture?

6 MR. ROSS: Yes. I'm a member of the AIA, American
7 Institute of Architects and I'm NCARB certified.

8 MR. WALLACE: Okay. And Mr. Ross's resume is in
9 the record as Exhibit 21D.

10 MR. GROSSMAN: Okay.

11 MR. WALLACE: And I would move to admit Mr. Ross
12 as an expert in architecture.

13 MR. GROSSMAN: All right. Any questions regarding
14 this witness's expertise? Mr. Silverman?

15 MR. SILVERMAN: Just be curious, have you ever
16 designed substations before?

17 MR. ROSS: I worked with PEPCO on the waterfront
18 substation in Southwest D.C.

19 MR. SILVERMAN: Thank you.

20 MR. GROSSMAN: You worked with them. Did you
21 design the, the substation?

22 MR. ROSS: We, we, we designed the exterior. Yes.
23 The façade or the façade design.

24 MR. GROSSMAN: We being the --

25 MR. ROSS: CORE, CORE.

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1 MR. GROSSMAN: Okay. And you worked on that?

2 MR. ROSS: Yes, I did.

3 MR. GROSSMAN: All right. Any other questions?

4 MR. SILVERMAN: (No audible response.)

5 MR. PANDYA: (No audible response.)

6 MR. GROSSMAN: All right. Based on Mr. Ross's
7 background in architecture and his, I take it you haven't
8 testified as an expert before?

9 MR. ROSS: I have for --

10 MR. GROSSMAN: Oh, you have.

11 MR. ROSS: -- BZA Case in Washington, D.C., but
12 not in Montgomery County.

13 MR. GROSSMAN: And were you sworn in as a, as a
14 witness?

15 MR. ROSS: Yes, I was.

16 MR. GROSSMAN: And were you certified as an expert
17 in architecture?

18 MR. ROSS: At that time I do not believe I was.

19 MR. GROSSMAN: Okay. What happened?

20 MR. ROSS: The case went very smoothly and they
21 didn't need any testimony from me.

22 MR. GROSSMAN: I see. Okay. So you didn't
23 actually testify?

24 MR. ROSS: No, but I was present at the BZA
25 hearing.

1 MR. GROSSMAN: At, all right. Well, based on your
2 stated qualifications and your resume, I accept you as an
3 expert in architecture. I used to, by the way, ask
4 architect witnesses what they thought of the Clinton
5 Library.
6 MR. ROSS: Oh.
7 MR. GROSSMAN: Because I had a certain opinion of
8 that, but it's not really a fair question. But --
9 MR. ROSS: I worked at that firm too.
10 MR. WALLACE: Oh. Is there, is, we don't need to,
11 you know, ask you to recuse yourself at this point?
12 MR. GROSSMAN: No, I, I wouldn't, I can't, I can't
13 really, it's not fair so I won't do it. Okay.
14 MR. WALLACE: Thank you. Mr. Ross, what has your
15 role with the project been in terms of the Darnestown
16 substation?
17 MR. ROSS: I was a façade designer for the
18 Darnestown substation.
19 MR. WALLACE: Okay. And can you explain your
20 overall design concept for the property?
21 MR. ROSS: So the overall design concept was to
22 have a massing and a, and a, use a series of materials that
23 invoke and are referential to the agrarian, agrarian barn
24 style building. And it's been added to over time.
25 MR. WALLACE: And can you explain, you know, how

1 did the design concept evolve over time? Did you work on an
2 initial design concept for the project?
3 MR. ROSS: When CORE became involved, we, in
4 discussions with Planning and also with PEPCO, it evolved
5 from the townhouse or residential design to this agrarian
6 barn design due to the size of the, of the substation.
7 MR. WALLACE: And when you say Planning, you mean
8 Planning Staff at, at Montgomery County Planning Board --
9 MR. ROSS: That's it.
10 MR. WALLACE: -- Staff, Technical Staff?
11 MR. ROSS: Yes.
12 MR. WALLACE: Okay. Using the elevation is
13 probably the best just to kind of walk through, and if you
14 walk through what you're, what the design elements are, what
15 the materials are?
16 MR. GROSSMAN: What are the exhibit numbers on the
17 elevations again?
18 MR. WALLACE: I'm sorry. Yeah. And this is
19 Exhibit --
20 MR. ROSS: 7 and 7 --
21 MR. WALLACE: And 7, they might be both 7
22 actually.
23 MR. ROSS: They're both labeled as 7.
24 MR. GROSSMAN: Let's see. I'll tell you in a
25 second if it has --

1 MR. WALLACE: 7A, 7, he's going to start with 7A.
2 MR. GROSSMAN: Okay.
3 MR. WALLACE: And then move on to 7B, I believe.
4 MR. GROSSMAN: Okay.
5 MR. ROSS: So this is the south --
6 MR. WALLACE: And just, yeah, you'll say, you'll
7 orient us.
8 MR. ROSS: Yeah. Yeah. Yes. The southeast
9 orientation facing Darnestown Road. So this is the longer
10 and taller of the, of the massing. There are louvers and a,
11 what's called high pressure laminate rain screen system
12 which looks a little bit like barn wood, but has the added
13 benefit that it, it can be wider than typical wood
14 construction and so very durable and a handsome product.
15 There's also a metal panel system that invokes this kind of
16 silo. It's a vertical element that is intended to look as
17 though a silo that's been attached to the building. And
18 then there's a stone base that's pretty consistent as it
19 wraps around to kind of ground the building. Moving to the,
20 to the northeast elevation. So this is --
21 MR. GROSSMAN: So that top one is the front of the
22 building?
23 MR. ROSS: So this is the front facing Darnestown?
24 MR. GROSSMAN: Right.
25 MR. ROSS: And then the other front facing Riffle

1 Ford.
2 MR. GROSSMAN: Okay.
3 MR. ROSS: So this is where you have, so the
4 Darnestown portion of that elevation turns the corner. You
5 have this large louvered vent structure openings. They
6 aren't really openings, but --
7 MR. GROSSMAN: Would you do me a favor and move
8 those other diagrams so they aren't blocking my view?
9 Thanks. Thank you.
10 MR. ROSS: So a series of louvered openings and
11 then one thing that we always, we noted about the agrarian
12 structure is that, that there is this, there's depth to
13 those. So trying to, trying to find ways to combine
14 entrances into a single architectural feature to try to
15 minimize the appearance of what would be just essentially a
16 wall, a straight wall. So we started to develop this
17 pinwheel effect of the plan as it moves around the, the,
18 the, what is the equipment courtyard. So moving down, you
19 have a similar material with a standing seam roof, a series
20 of --
21 MR. GROSSMAN: So what does a standing seam roof
22 mean?
23 MR. ROSS: It is a metal roof that is, it's lapped
24 in such a way that you have a series of seams that give
25 shadow play and it also allows for, it's installed in a

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1 sequence and it's, it's a lapped kind of construction.
2 MR. GROSSMAN: Okay.
3 MR. ROSS: So, once again, the stone base. It's,
4 it's a different stone than the other so to give some
5 variety and some visual interest. And you'll also note that
6 the, the overall height relative to the Darnestown frontage
7 drops down as you move towards, down Riffle Ford towards the
8 cul-de-sac.
9 MR. GROSSMAN: Okay.
10 MR. ROSS: So this is the kind of main entrance to
11 the substation. And that was some secondary entrances for
12 service and, and convenience. So then moving to the
13 northwest elevation, you can see the, the roofline of the
14 Darnestown massing all the way, 150 some feet to the, to the
15 northeast. Again, a different kind of metal panel and the
16 same kind of high pressure laminate system, but with some,
17 some variety and some articulation that we felt would allow
18 for that portion to actually recede. And you just have the
19 expression of the, this kind of barn-esque structure that's,
20 that's, that's appended to that, what is a flat wall.
21 MR. GROSSMAN: Okay. And that's the part that's
22 opposite Darnestown Road?
23 MR. ROSS: Correct.
24 MR. GROSSMAN: Okay.
25 MR. ROSS: So this, this fronts the, the Hallman

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1 Court.
2 MR. GROSSMAN: Okay.
3 MR. ROSS: And then as you move around to the
4 southwest elevation, a similar composition and the
5 Darnestown Road massing expressing itself on the, on the
6 end.
7 MR. GROSSMAN: Okay. Now I, I notice on the, the
8 top of that diagram, it, that's, is that the screen across
9 the top that I'm seeing? Right across the top.
10 MR. ROSS: So the screen is actually at this
11 level.
12 MR. GROSSMAN: Oh, it's the lower level. Okay.
13 MR. ROSS: Yeah. So what we, what we did was,
14 it's, it's a little bit of a, a, trick to, to have the, the,
15 the gable of the roof start at the high, at the required
16 highest point which is the 40 feet. So we didn't want to
17 introduce any additional height, especially considering the
18 neighbor and the neighboring residential buildings to the
19 south and southwest. So over on the Darnestown side to get
20 that variety in the height, is, that's the gable end, which
21 you see here and this view actually looks into --
22 MR. GROSSMAN: Okay. So the, so what I'm seeing
23 looking from the back of the building, in effect, the, the
24 Hallman Court side, is I'm seeing a 40 foot height. And at
25 the very, and looking the length of the building --

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1 MR. ROSS: Well, the, yes.
2 MR. GROSSMAN: -- there at the other end, I'm
3 seeing the 48 foot extension, the gable.
4 MR. ROSS: The gable side.
5 MR. GROSSMAN: Okay. So it is lower at the side
6 of the, of the residence that we're talking about here.
7 MR. ROSS: Yes.
8 MR. GROSSMAN: Okay.
9 MR. ROSS: We were, that's one thing, one, one of
10 the design elements that we were really concerned about.
11 (A) just being a good neighbor, and (b) I think if those, to
12 reinforce that, the idea that it is an agrarian structure
13 that's added to over time, it offered an opportunity to do
14 something that was more interesting to look at on the
15 residential side than actually on the Darnestown side.
16 MR. GROSSMAN: So, all right. So assuming that's
17 a plus, what, what is the reason why you have that gable
18 reaching up eight feet?
19 MR. ROSS: It was, so since we couldn't impinge on
20 the, on the --
21 MR. GROSSMAN: The 40 foot.
22 MR. ROSS: -- on the 40 foot height --
23 MR. GROSSMAN: Right.
24 MR. ROSS: -- it had to be additive. So to, to
25 achieve the massing and the profile that's common in, in

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1 barn structures. And you'll note that it's a little, it's
2 not, it's a little unclear but the big, the actual roofed
3 enclosure only extends about that far. And the gable end is
4 actually just the façade extending up above the, the actual
5 enclosure of the, of the substation property.
6 MR. WALLACE: Can you, it may help to go through
7 some renderings which to, to show this a little bit better.
8 MR. GROSSMAN: Right. When you say only extends
9 that far, what do you, what do you, what to that? How far
10 is that far?
11 MR. ROSS: So in, in the plan, the portion of roof
12 is limited to that side and where they have the, the
13 clearance requirements for the transformers, we didn't add
14 roof there.
15 MR. GROSSMAN: Right.
16 MR. ROSS: So --
17 MR. GROSSMAN: So it extends --
18 MR. ROSS: As far --
19 MR. GROSSMAN: It may be a fifth of the distance
20 of the building, into the building or so.
21 MR. ROSS: Correct.
22 MR. GROSSMAN: That's what, okay. All right.
23 Okay.
24 MR. WALLACE: You want to, and walk through all
25 the renderings maybe --

1 MR. ROSS: Okay.
 2 MR. WALLACE: -- take one at least and that'll
 3 help walk around it showing some of the detail a little bit
 4 better. The prospectus in there.
 5 MR. GROSSMAN: So if I gather correctly, the, the
 6 reason for the extra eight feet in the front is essentially
 7 stylistic. It doesn't, it could be a flat roof there.
 8 MR. ROSS: Yes.
 9 MR. GROSSMAN: But you were trying to make it look
 10 like a barn and so you added a gable in front.
 11 MR. WALLACE: Correct.
 12 MR. WALLACE: And --
 13 MR. GROSSMAN: That brought it from 40 to 48 feet.
 14 MR. WALLACE: -- as you're walking through this,
 15 oh, Harry, could you please, or Mr. Ross, can you please
 16 explain what, what you could do with the roof to bring the
 17 height down without compromising the height and not
 18 compromising too much your, what you're, what you're trying
 19 to achieve in terms of the, the agricultural design aspects?
 20 What could you do with the roof if, if desired?
 21 MR. ROSS: Yeah. So this is the view from the
 22 corner of Riffle Ford and Darnestown.
 23 MR. GROSSMAN: Is that an exhibit in the record?
 24 MR. WALLACE: Oh. Yeah. I'm sorry. It is not.
 25 It, it is part of the Staff, I believe, in the Staff Report,

1 but, Exhibit 60. I show 65.
 2 MR. GROSSMAN: It would be 65. So Exhibit 65 is
 3 architect's rendering.
 4 MR. WALLACE: Titled PRES 3.
 5 MR. GROSSMAN: PRES 3, from, where is that from?
 6 MR. ROSS: Darnestown Road and Riffle Ford Road.
 7 MR. GROSSMAN: Okay. Darnestown and Riffle Ford.
 8 Okay.
 9 (Hearing Exhibit No. 65 was
 10 marked for identification.)
 11 MR. ROSS: So as you can see, the composition as
 12 it, as you move down Riffle Ford and down Darnestown Road,
 13 the idea was that you had this kind of older structure that
 14 then the other structures kind of wrap around so going back
 15 to that design concept that is an agrarian farm that's been
 16 added to over time. One of the, one of the options is to
 17 actually lower the pitch of the, of the additive portion.
 18 We felt, we, we kind of went back and forth as to the, to
 19 the, to the appropriate pitch because I think that if you
 20 look at what is typical in agrarian structures, it's
 21 typically a higher pitch or it's a mansard where in, in, in
 22 flux one, one time. But, you know, a lower pitch is
 23 definitely technically feasible so.
 24 MR. GROSSMAN: How much height could you save by a
 25 lower pitch and still maintain the --

1 MR. ROSS: It's something we could, we would have
 2 to study, but it's, it's feasible you could save two or
 3 three feet.
 4 MR. GROSSMAN: Okay. I'm not sure that gains that
 5 much, but we'll hear from the testimony of the opposition
 6 and see if, if that's really helpful. I mean it doesn't
 7 have a huge pitch as it is, so, you know, I don't know that
 8 that's that helpful, but, okay.
 9 MR. ROSS: So the other, the other portion is the,
 10 is the amount of landscape screening and the distance of
 11 setback from all the frontages. I think the, as you would
 12 see in protected buildings in the County, typically there's,
 13 you know, they're respected in such a way that they're, you
 14 have the development happening around them so it kind of,
 15 once again, goes back to the idea that it's a structure that
 16 may or may not have been here before all the other
 17 developments had proceeded. So taking advantage of trees
 18 that are existing on site and then complementing them with
 19 the, with the screening. The idea being that you kind of
 20 manage the views of the building, especially the pedestrian
 21 level. I think that's the other, other portion of the, of
 22 the, in terms of the scale. Understanding that the
 23 perception of it, it's set back so far and managed in such a
 24 way that the screening and the layering of the vegetation,
 25 it actually helps with the scale of the --

1 MR. GROSSMAN: What am I seeing over here? What
 2 is that?
 3 MR. ROSS: So that, that is, this is the top of
 4 that, of the, of the equipment area so, so that this view is
 5 essentially here looking that way.
 6 MR. GROSSMAN: Yes.
 7 MR. ROSS: So this, these are the, the termination
 8 structures and the, all the kind of equipment that's
 9 outdoors and uncovered. So we have a, a bit of a thin wall
 10 that returns that still gives you the appearance of a gable
 11 or complete roof, but it's not a complete roof.
 12 MR. GROSSMAN: So I, so you're saying there's a
 13 roof along here?
 14 MR. ROSS: Along the edge.
 15 MR. GROSSMAN: Along the edge?
 16 MR. ROSS: Yes.
 17 MR. GROSSMAN: All right.
 18 MR. WALLACE: And that's, just to be clear, that's
 19 the Riffle Ford edge?
 20 MR. ROSS: Yes. This is the, this is Riffle Ford
 21 Road.
 22 MR. GROSSMAN: Right.
 23 MR. ROSS: And this is the, the entry into the
 24 substation.
 25 MR. GROSSMAN: All right. Well, somehow I didn't

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1 realize that. I thought, I thought from the prior testimony
2 that there was no roof back here at all. It was only --
3 MR. WALLACE: Oh, no, no, no. Oh, I'm --
4 MR. GROSSMAN: It was only a roof in the front.
5 MR. WALLACE: Just to be --
6 MR. GROSSMAN: And the rest of it was just a
7 screen.
8 MR. WALLACE: It's a, it's a --
9 MR. ROSS: It's, it's not, it's not a roof in the
10 sense that it covers and protects the area below from
11 weather. It's an extension of essentially the wall that's
12 extending horizontally.
13 MR. GROSSMAN: Okay. And so what height, what
14 height does that wall extension go to?
15 MR. ROSS: So this is to 40 feet. So that's how
16 we, that's how we achieved, without adding additional height
17 that wasn't necessary on the residential side, letting that
18 govern the, the top of the --
19 MR. GROSSMAN: I'm not sure I understand. Is
20 that, so you're saying that's only 40 feet or is that 48
21 feet as well?
22 MR. ROSS: This is 40 feet.
23 MR. GROSSMAN: That's 40 feet. To the top of
24 that?
25 MR. ROSS: Yes.

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1 MR. GROSSMAN: Okay. So it's only 48 feet in
2 front here?
3 MR. ROSS: Correct.
4 MR. GROSSMAN: Okay.
5 MR. ROSS: And just to clarify, that's based on
6 the zoning calculation and the building height measuring
7 point from the curb line.
8 MR. GROSSMAN: Okay. Well, are you implying that
9 it's actually higher than 40 feet?
10 MR. ROSS: It, it's, based on the measuring
11 height, it's measured to the, to the mid-point between the
12 peak and the, and the gable, the lower end of the gable.
13 MR. GROSSMAN: So what's, what is the total height
14 up to the tip of the, of the front?
15 MR. WALLACE: It's 50, 52 to the, to the peak.
16 You had testified though that the 48 feet is based on the
17 Montgomery County Code requirements for measuring height.
18 MR. ROSS: For measuring height.
19 MR. WALLACE: Right.
20 MR. GROSSMAN: So it's within the, based on the
21 Montgomery County, is that under the current Code height? I
22 think they did change the height definition a bit in, in
23 the, the December 21, '15 effective amendments. I'm not
24 sure if they changed that portion of it.
25 MR. ROSS: I have no --

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1 MR. GROSSMAN: But there was some. There was
2 discussion of it.
3 MR. ROSS: Okay. I haven't revisited that issue.
4 MR. WALLACE: It didn't cross my radar to cause
5 any concerns, but that doesn't mean it didn't happen.
6 MR. GROSSMAN: Yeah. Well, just look at that
7 section --
8 MR. WALLACE: We'll confirm --
9 MR. GROSSMAN: -- to make sure you're, you're
10 still kosher. I didn't, I, I just don't recall, I know it
11 was discussed on whether or not there would be some change
12 in height, the way it was defined and I just can't recall if
13 it made it into the final, the final bill. But, okay. All
14 right. Thank you.
15 MR. WALLACE: Oh, would you like to, I was going
16 to say continue with the --
17 MR. ROSS: This is, hasn't been introduced as an
18 exhibit.
19 MR. GROSSMAN: Okay. This will be --
20 MR. ROSS: Do you want to do 65 --
21 MR. GROSSMAN: Yeah, let's make the previous one,
22 the rendering --
23 MR. ROSS: A.
24 MR. GROSSMAN: -- was A, 65A. And 65B is --
25 MR. ROSS: Riffle Ford Road looking back towards

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1 Darnestown Road.
2 MR. GROSSMAN: Okay.
3 MR. ROSS: And then there'll be a third, which is
4 65C.
5 MR. GROSSMAN: All right. So this was from Riffle
6 Ford Road looking towards Darnestown Road. And C?
7 MR. ROSS: Is from Hallman Court cul-de-sac.
8 MR. GROSSMAN: From Hallman Court cul-de-sac.
9 Okay. Can you put up, is that --
10 (Hearing Exhibit Nos. 65B
11 and 65C were marked for
12 identification.)
13 MR. ROSS: This, so this is 60, so this is from
14 Riffle Ford looking back.
15 MR. GROSSMAN: Right.
16 MR. ROSS: Towards Darnestown. Once again, trying
17 to get the variety of a, of a building that had been kind of
18 modified and so that too --
19 MR. GROSSMAN: Right.
20 MR. ROSS: -- and you have a variety of the
21 materials both in coloration and also material types.
22 There's some metal panel and the, the kind of what we're
23 calling like almost a barn board material. And then you can
24 see the, the Darnestown massing up on Darnestown Road.
25 MR. GROSSMAN: Right.

1 MR. ROSS: And then Exhibit 65C. So this is the
 2 view from Hallman Court and once again, deploying this, the
 3 landscape as well as architecture, trying to create that,
 4 that buffer that, that frames the views as they, you know,
 5 our assumption and, and the screening requirements through
 6 Montgomery County, you know, set up some good, great
 7 opportunities for, for managing that, this, this view from
 8 Hallman Court. So layering, layering lower scale vegetation
 9 with taller trees beyond --
 10 MR. GROSSMAN: So those, those trees do not exist
 11 currently. You're going to be planting them.
 12 MR. ROSS: So what you're seeing in the, in the,
 13 in the background, in the mid-ground.
 14 MR. GROSSMAN: Yes. Right.
 15 MR. ROSS: Is, is the, the landscape planning.
 16 MR. WALLACE: Above the rendered planning.
 17 MR. ROSS: Is the landscape planning along this
 18 edge.
 19 MR. GROSSMAN: Okay.
 20 MR. ROSS: And then there are --
 21 MR. GROSSMAN: This edge being the --
 22 MR. ROSS: The, the edge facing Hallman Court.
 23 MR. GROSSMAN: Kind of northwestern edge?
 24 MR. ROSS: Yes.
 25 MR. GROSSMAN: Okay.

1 MR. ROSS: So facing Hallman Court you have a, a
 2 landscape buffer and then there are four existing trees that
 3 were also included in the foreground. With the building
 4 beyond --
 5 MR. GROSSMAN: Okay. So some of the trees are
 6 existing.
 7 MR. ROSS: Yes.
 8 MR. GROSSMAN: And --
 9 MR. ROSS: So the trees that are ghosted
 10 essentially are existing.
 11 MR. GROSSMAN: The reason I ask is, of course,
 12 when you plant trees, you don't plant them at their full
 13 height that they, you intend them to reach. What's the
 14 height at which you, you plant those trees?
 15 MR. ROSS: I would have to defer to the landscape
 16 architect on that one.
 17 MR. GROSSMAN: Okay. All right.
 18 MR. ROSS: But I know that the, the images were
 19 generated that showed the growth potential of the trees.
 20 So.
 21 MR. GROSSMAN: Right. That's why I say, I mean,
 22 but it would be years before they reach that full potential.
 23 But I know there's also, you can't plant a tree that's too
 24 large initially if you want it to take. So I know there are
 25 all kinds of issues with that. But.

1 MR. WALLACE: And Mr. Ross, are you aware that, I
 2 believe you are aware, but that subsequent to the creation
 3 of these prospectus that additional screening landscaping
 4 along the rear property has been proposed by PEPCO? Or has
 5 been planned by PEPCO.
 6 MR. ROSS: Yes.
 7 MR. WALLACE: Okay. So --
 8 MR. GROSSMAN: In addition to that prospectus?
 9 MR. WALLACE: Yes.
 10 MR. GROSSMAN: Okay.
 11 MR. WALLACE: So we the other two. So with, with
 12 these designs, the design you've achieved, you've proposed
 13 here and, and created here, do you feel it achieves
 14 compatibility with the surrounding development and the, the
 15 neighborhood?
 16 MR. ROSS: I do. I think that a large site such
 17 as this, the subject site where the substation is planned,
 18 it would, if it were planned as a, a residential structure,
 19 I think it would be very out of place. So I think that
 20 going, going down the track of designing a, an agrarian
 21 structure was, was the right design.
 22 MR. WALLACE: And a residential structure would be
 23 out of place because?
 24 MR. ROSS: The scale and the typology, I think,
 25 you know, it's a generally single family homes and some

1 townhomes. And at the scale of a structure like this it
 2 would be very out of place.
 3 MR. WALLACE: Are you familiar with the
 4 recommendations with the Potomac Master Plan for development
 5 on sites that are along transportation corridors?
 6 MR. ROSS: Yes.
 7 MR. WALLACE: Okay. Can you kind of talk through
 8 a little bit how this design addresses the, the master plan
 9 recommendations in this regard?
 10 MR. ROSS: So I guess a better view up here. So
 11 the notion that it's a corner site and rather prominent site
 12 trying to establish the building as a sort of gateway
 13 without calling too much attention to it so it's a balance
 14 of, with PEPCO's deeds and, and the, the desires, I would
 15 hope, of, of Montgomery County, so the idea that it's a,
 16 it's something that, it's a structure that has a lot of
 17 articulation that you typically wouldn't see in this type of
 18 buildings. I rarely see in this type of building. So, yes,
 19 I think it's compatible.
 20 MR. WALLACE: Does a corner lot relate differently
 21 to its surround, to, to the development around it than say a
 22 lot within a, more centrally located within a neighborhood?
 23 MR. ROSS: Yes. I think that you have to address
 24 both frontages equally. And, and also consider your, the
 25 neighbors you share your lot lines with on the, on the other

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1 two sides of your property. So, you know, every effort was
2 made to, in terms of the building location as well as the
3 massing and the strategy to, to do a lot with a little is
4 probably the best way to say it. So an economy of, of
5 materials. So not a lot of variety of materials, but it
6 still has some dynamism in the, in, in how those materials
7 they're expressed. So.
8 MR. GROSSMAN: All right.
9 MR. WALLACE: No further questions for Mr. Ross.
10 MR. GROSSMAN: Before I cross-examine, two of the
11 suggestions made for potential conditions from the
12 opposition involve (1) moving the fence inward. Does that,
13 you're going to address that through this witness or through
14 your landscape --
15 MR. WALLACE: Our landscape architect is probably
16 better at that.
17 MR. GROSSMAN: Okay. And the other one was
18 planting, actually planting trees on Hallman Court.
19 MR. WALLACE: And --
20 MR. GROSSMAN: That's, I guess, off the PEPCO site
21 is what was intended.
22 MR. WALLACE: Right. With a little clarification.
23 We'd be happy to answer that question, but again, not
24 necessarily Mr. Ross.
25 MR. GROSSMAN: Okay. All right. Then, cross-

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1 examination, gentlemen?
2 MR. PANDYA: Thank you.
3 CROSS-EXAMINATION
4 MR. PANDYA: You said that in this view the height
5 from the grade, if I understand right, to the top of the
6 mansard roof is 56, 54 feet?
7 MR. ROSS: 52.
8 MR. GROSSMAN: 52 feet is --
9 MR. PANDYA: 52 feet. Okay. If you can now go
10 back to the view from the Hallman Court, please. Do you
11 know the grade difference between the earlier view where the
12 Riffle Ford and Darnestown Road, the meet, and where the
13 Hallman Court is?
14 MR. WALLACE: Does it show up on the front of
15 that?
16 MR. ROSS: This is an exhibit.
17 MR. WALLACE: Well, oh, actually, does it show up
18 on the second --
19 MR. ROSS: It's also on the, it's also on the
20 landscape plan over there. I, we don't have the elevation
21 at Hallman Court, but at the edge of the site. Hey, let's
22 look at the, the back of this one. That doesn't show
23 Hallman Court.
24 MR. PANDYA: Why don't you just tell me the
25 difference between --

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1 MR. ROSS: Yeah. So 430 down on the, towards
2 Hallman Court. And then up on the --
3 MR. PANDYA: Not the intersection. Where you
4 showed 52 feet. Yeah. From there or, from that view. Yes.
5 MR. ROSS: It's approximately 440, 446.
6 MR. PANDYA: So 446 and you said earlier what?
7 430?
8 MR. ROSS: 430.
9 MR. PANDYA: So it's 16 feet difference there.
10 MR. ROSS: There's a delta?
11 MR. PANDYA: So if I am standing on the Hallman
12 Court, I need to add 16 feet to that 52 feet?
13 MR. ROSS: To do what?
14 MR. PANDYA: In my view? If I'm looking at it,
15 I'm looking at a structure that is no longer 52 feet from
16 that corner. From our cul-de-sac it will look like 68 feet
17 tall?
18 MR. WALLACE: I'd prefer you to specify exactly
19 where you're standing in the cul-de-sac.
20 MR. PANDYA: I'm standing right in the corner at
21 the cul-de-sac.
22 MR. WALLACE: Well, again, if you --
23 MR. PANDYA: And even if I'm standing here where
24 4, where this elevation is 432. Right there.
25 MR. GROSSMAN: He's at the --

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1 MR. PANDYA: There's a 16 feet difference. So
2 this rendering --
3 MR. WALLACE: He's making statements. I don't
4 know what he's talking about. So.
5 MR. PANDYA: I'm, if you listen to me you'll
6 understand. If I'm standing here.
7 MR. WALLACE: That --
8 MR. PANDYA: So this will not be 52 feet. It will
9 be much higher than 52 feet.
10 MR. WALLACE: Well, no, you're --
11 MR. PANDYA: That's --
12 MR. WALLACE: Again, you're stating things that --
13 MR. PANDYA: No, the, the contours are physically
14 --
15 MR. WALLACE: Are you asking --
16 MR. PANDYA: -- contours are showing clearly --
17 MR. GROSSMAN: No, I think, I think the point is
18 that you're allowed to ask questions.
19 MR. PANDYA: Yes.
20 MR. GROSSMAN: Not testify at this point.
21 MR. PANDYA: No, I understand that. But I'm --
22 MR. GROSSMAN: But you're going to be given an
23 opportunity to testify. But I think your, your question is
24 if you're standing at the, right at the property line at
25 Hallman Court on the western side of this property and

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1 looking towards the, the PEPCO facility will the, will it be
2 viewed as something that because of the difference in grade
3 that is not just 52 feet high, but an additional 16 feet.
4 Will it be viewed that way by somebody standing at that
5 point? Did I capture that, Mr. Pandya?
6 MR. PANDYA: Yes, sir. Thank you.
7 MR. ROSS: The height is indisputable. Yes. I,
8 I, I, I mean, well, minus your, minus your --
9 MR. GROSSMAN: I guess it's a question of
10 perception. I mean you're, the height is the --
11 MR. PANDYA: No, I'm just --
12 MR. ROSS: But you're, but you're over 300 feet
13 away.
14 MR. PANDYA: We are, and I understand the
15 distance, but if I'm standing there, that structure is 68
16 foot tall. It's not 52 feet tall. It's the perception.
17 MR. GROSSMAN: Well, it's, it's 68 feet above --
18 MR. PANDYA: Right.
19 MR. GROSSMAN: Above your feet.
20 MR. PANDYA: Right. I understand.
21 MR. ROSS: Yes. But, so minus your height.
22 MR. PANDYA: I understand.
23 MR. GROSSMAN: I mean, to be, but in terms of, in
24 terms of how you would perceive it at 300 feet, that may be
25 something different. So.

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1 MR. PANDYA: I understand. Can you please go back
2 to the sections that you had here. Sections, yes. So,
3 maybe I'm lost here a little bit, but the 40 feet is
4 throughout, right?
5 MR. ROSS: Correct.
6 MR. PANDYA: The 40 feet that you need. Now can
7 you back to your other elevation that you had. The
8 elevation from, well, you can, you can, yes. Yes. Is it
9 possible, and again I don't know the, if the question I'm
10 asking, is it possible to lower the entire structure, the
11 whole thing, lower by two, three feet or four feet. Maybe
12 --
13 MR. ROSS: You mean below ground?
14 MR. PANDYA: Below grade with a slope. Just I'm
15 asking. So that you can meet your height requirement. Is
16 it possible that the trucks can go at a slope as well? And
17 the, the entire, the perception, the building, there might
18 be some added costs for excavation of things. But is it
19 possible to lower the structure down? Entire structure.
20 MR. ROSS: That idea is something that we studied
21 early on in the process. And given the equipment and the
22 slopes --
23 MR. PANDYA: Yes, sir.
24 MR. ROSS: -- of the trucks that need to extract
25 said equipment, it, it doesn't work for the operations. But

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1 I can't speak 100 percent to that.
2 MR. GROSSMAN: It's a clever, clever idea though.
3 MR. WALLACE: But I think it's been studied and
4 answered.
5 MR. GROSSMAN: I see. Okay. Okay. All right.
6 Mr. Pandya, are you finished?
7 MR. PANDYA: I done.
8 MR. GROSSMAN: Okay. Mr. Silverman.
9 CROSS-EXAMINATION
10 MR. SILVERMAN: You, you, first, thank you for
11 your, your work on this. It's, it's, obviously it's a
12 challenge in a prominent place as you mentioned in your
13 testimony. You had mentioned at the very beginning of your
14 testimony, I wrote down that the, the design of the, of the
15 structure had, in your words, evolved due to the size of the
16 substation from a residential to an agrarian type of, of
17 design. Your initial, you know, work on this project, you
18 were, you, does that mean that you were initially looking at
19 the, at a residential concept because you initially were
20 under, operating under sort of a design that was smaller
21 than what we're looking at now or significantly smaller or
22 did I misunderstand?
23 MR. ROSS: No. It was, it was a, I think it was a
24 narrow reading of the Montgomery County Code that led us
25 down that path.

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1 MR. SILVERMAN: Okay.
2 MR. ROSS: Where they say that it should be
3 residential in character.
4 MR. SILVERMAN: Right.
5 MR. ROSS: And then as we studied the project and,
6 and some of the challenges of it, we realized that doing
7 residential didn't make sense.
8 MR. SILVERMAN: Um-hmmm. Okay. Okay. In
9 designing this structure did you look to, how did you
10 conduct your research in terms of looking to what a
11 farmhouse ought to look like? Is there something that
12 you've done, well, I'll leave it at that.
13 MR. ROSS: What --
14 MR. SILVERMAN: How did you, how did you --
15 MR. ROSS: Our process?
16 MR. SILVERMAN: -- figure out the, the elements
17 that you've incorporated here? Did you look at other
18 farmhouses? Did you pull, did you look at what was actually
19 in the neighborhood surrounding it? Did you look at
20 historic pictures? Where did you, where, how did you come
21 up with this design, is what I'm trying to understand?
22 MR. ROSS: So it's a mix of different precedents
23 and rather than try to invoke a, a fake facsimile of an
24 existing barn or maybe an existing roofline or massing, the
25 idea was to reinterpret it in a contemporary way. So

1 understanding that the, you know, typically in agrarian
2 structures that are added to over time, you do have a
3 primary barn. That was the first structure that was there.
4 So knowing that, then that kind of set the table for all the
5 other design moves to work with the scale and, and reduce
6 the height of the overall massing as you move down towards
7 the residential, the residential neighborhoods.

8 MR. SILVERMAN: Were there any, are you aware of
9 any, any farmhouses in the area that, that are of this
10 general size that you've proposed here that you can point me
11 to?

12 MR. ROSS: No.

13 MR. SILVERMAN: Okay. I, I introduced earlier
14 with the prior, first witness, but we didn't get into it, a,
15 you know, just a, a copy of the, of a farmhouse that was
16 about two and a half miles away and I think it's --

17 MR. GROSSMAN: Exhibit 60A.

18 MR. SILVERMAN: 60A. And it seems, you know,
19 significantly smaller than the full footprint here, I guess,
20 of, of the structure. Would you agree with, that this is a
21 smaller farmhouse compared to what you've put together
22 there?

23 MR. ROSS: Smaller in height?

24 MR. SILVERMAN: Well, smaller in, in footprint.
25 I'm not sure what the height is of this thing. But it, it

1 is certainly I think probably less than 30 feet, but, but I
2 don't have, I'm not positive on that.

3 MR. WALLACE: I, I, they've, they've claimed it's
4 10,000 square feet based on a real estate listing.

5 MR. ROSS: I don't know that, but I can explain
6 why we didn't design it like that, if that's what you're
7 asking.

8 MR. SILVERMAN: Okay. I, sure. Yeah, I'd like to
9 hear that.

10 MR. ROSS: So understanding the kind of technical
11 requirements of the space that it had to enclose and also
12 not wanting to introduce a roof element that was shaped in
13 such a way similar to the exhibit, because that would
14 introduce additional square footage on the site. Because if
15 this is the controlling dimension, in terms of the height
16 and the space that that has to enclose, then we're building
17 out from there. So we would be encroaching further on to
18 Darnestown Road and pushing the structure back further
19 towards the, towards the neighborhoods which we didn't want
20 to do.

21 MR. SILVERMAN: Okay. Can you go back to the, the
22 rendering from Hallman Court is? What I'm trying to
23 understand there and the whole grading issue is this is, I
24 guess this view that I'm looking at here, is this, this is
25 supposed to be if you're, as if you're standing on the

1 court, I guess?

2 MR. ROSS: A little higher, but yes.

3 MR. SILVERMAN: A little higher. And, and it's,
4 it's harder to see through the fake trees that aren't going
5 to be there for a long, long time, but would I be able to
6 see from this view the top part of the roof from the
7 Darnestown Road side or is that going to be because it's,
8 you know, so far away and you're at that level, is that not
9 supposed to be visible?

10 MR. ROSS: So there is one small portion of that
11 --

12 MR. SILVERMAN: Okay.

13 MR. ROSS: -- which is visible right there.

14 MR. SILVERMAN: Uh-huh.

15 MR. ROSS: And you'll note that given the, the
16 depth of the substation, that the, the lower portions are
17 the, are the visible ones.

18 MR. SILVERMAN: Um-hmmm. Okay. Okay. And I
19 guess if I'm looking out, out of my front windows from my
20 second floor, I'm probably going to see it a lot more than,
21 than what you can see here, I would assume. If I'm at, if
22 I'm looking out my bedroom window, which is about at this
23 sort of placement from, you know, whatever it might be, 15
24 feet up, am I, am I going to be looking inside of the, of
25 the substation, is what I'm trying to figure out?

1 MR. WALLACE: Before you answer that question,
2 does it, does it depend on which house you're looking out
3 from?

4 MR. SILVERMAN: I'm sure it does. And my, my
5 house is about at this view so that's what I'm trying to
6 understand.

7 MR. GROSSMAN: You're asking whether you could see
8 over the top of the --

9 MR. SILVERMAN: If I look out my, my front window
10 from the second floor, am I actually going to be looking
11 into the inside of the substation because the Darnestown
12 side roof is eight feet taller than the side that's on
13 Hallman Court. Not that that's a bad thing, but, but if I'm
14 looking into that, am I going to be seeing the inside of the
15 roof structure from my window. That's what I'm trying to
16 understand.

17 MR. GROSSMAN: The inside of the roof structure or
18 the equipment inside the building?

19 MR. SILVERMAN: Well, I don't think if the, if, I,
20 I don't think I'm going to see it at the 40 foot level, but
21 am I going to see it from that 40 to 48 feet. Is that going
22 to be visible from, from looking out my window?

23 MR. ROSS: I, I don't, I don't know the location
24 of your home, but I know that's the extent of the screen
25 wall.

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1 MR. SILVERMAN: Right.
2 MR. ROSS: Extends up and you would never see the,
3 the equipment.
4 MR. SILVERMAN: I know you wouldn't see the
5 equipment. I understand that.
6 MR. GROSSMAN: But if, he, he's saying, he's
7 asking will you see the eight foot frontage along Darnestown
8 Road? Will he be able to see that, the rear end of that
9 from his second floor window?
10 MR. WALLACE: Oh, you're talking about the back of
11 the roof basically?
12 MR. GROSSMAN: Right. The back of the --
13 MR. SILVERMAN: Exactly. Yes.
14 MR. ROSS: Oh, this, this portion.
15 MR. SILVERMAN: That. Yes.
16 MR. ROSS: That portion.
17 MR. SILVERMAN: Yes, but, but, but the entirety of
18 it. Not just a little piece that you see from the street,
19 but if I'm now 15, at the same exact place, but 15 feet
20 higher, what am I going to be looking at? That's what I'm
21 just wondering. Am I going to see a lot of that piece of
22 roof?
23 MR. ROSS: I don't think I can answer that
24 without, without know the --
25 MR. GROSSMAN: You can do a cross section that'll

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1 tell you that with a site, a site line, but --
2 MR. ROSS: Yeah.
3 MR. SILVERMAN: Yeah.
4 MR. ROSS: Without knowing the location of your
5 home, I don't think I can answer that.
6 MR. SILVERMAN: Okay. Okay. Anything else? No,
7 I don't think I have anything else.
8 MR. GROSSMAN: All right. How tall is your home,
9 Mr. Silverman? And do you have a photo of it?
10 MR. SILVERMAN: I think it's about 35 feet would
11 be my guess. I don't know precisely.
12 MR. GROSSMAN: Is there a photo of the homes in
13 the Hallman Court?
14 MR. ROSS: No. I don't think we do have one of
15 those.
16 MR. GROSSMAN: And you said your home is how tall?
17 MR. SILVERMAN: I think it's about 35 feet.
18 MR. GROSSMAN: Okay.
19 MR. SILVERMAN: Yes.
20 MR. GROSSMAN: All right. Okay. Any redirect?
21 MR. WALLACE: No. I, I do, I would like to just
22 ask the, the, as you mentioned the constraint in the zoning
23 ordinance about conditional uses and having a residential
24 appearance wherever practical, this location, this size, do
25 you think it is practicable to have it and still maintain a

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1 residential appearance --
2 MR. ROSS: I don't know.
3 MR. WALLACE: Thank you. I don't know if that was
4 clearly answered, but let's. No further questions for Mr.
5 Ross.
6 MR. GROSSMAN: Okay. Any, any recross on that one
7 question?
8 MR. PANDYA: (No audible response.)
9 MR. SILVERMAN: (No audible response.)
10 MR. GROSSMAN: All right. Thank you, Mr. Ross.
11 MR. ROSS: Thank you.
12 MR. WALLACE: My next witness, Luis Gonzalez.
13 MR. GONZALEZ: Good afternoon.
14 MR. GROSSMAN: Good afternoon, Mr. Gonzalez.
15 Would you state your full name and business address, please?
16 MR. GONZALEZ: Luis Fernando Gonzalez, 3 Bethesda
17 Metro Center, Suite number 140, Bethesda, Maryland 20814.
18 MR. GROSSMAN: Would you raise your right hand,
19 please? Do you swear or affirm to tell the truth, the whole
20 truth and nothing but the truth under penalty of perjury?
21 MR. GONZALEZ: I do.
22 MR. GROSSMAN: All right. You may proceed, Mr.
23 Wallace.
24 DIRECT EXAMINATION
25 MR. WALLACE: Could you please state your

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1 occupation and how long you have been engaged in that
2 occupation?
3 MR. GONZALEZ: I am a landscape architect and an
4 urban planner for Streetsense. I've been practicing for
5 over 13 years and I was formally with Soltesz.
6 MR. WALLACE: Okay. And your educational and
7 professional background?
8 MR. GONZALEZ: I have a Bachelor's in landscape
9 architecture from the University of Maryland. I am a
10 licensed landscape architect in Maryland and Virginia, and
11 I'm also a certified planner by the American Institute of
12 Certified Planners.
13 MR. WALLACE: And are you a member of any
14 professional societies or organizations in the field of land
15 planning/landscape architecture?
16 MR. GONZALEZ: I'm a member of the American
17 Society of Landscape Architects, a member of the Council of
18 Landscape Architectural Registration Boards, a member of the
19 American Planning Association, a member of the American
20 Institute of Certified Planners and a member of the Urban
21 Land Institute.
22 MR. GROSSMAN: You must pay a lot of dues.
23 MR. GONZALEZ: I do.
24 MR. WALLACE: And could you just review your work
25 experience --

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1 MR. GONZALEZ: All right.
2 MR. WALLACE: -- in the field of land planning and
3 landscape architecture.
4 MR. GONZALEZ: Over 13 years, I've been working at
5 various multi-disciplinary, multi-disciplinary design firms
6 as well as in the public sector and taught at the university
7 level. I've worked on institutional, commercial, transitory
8 and mixed used residential, public and environmental
9 projects. My tasks included land entitlements, current
10 planning, neighborhood planning, master plans, site design,
11 urban design, landscape design, lighting design, rooftop
12 terrace design, environmental site design, site engineering,
13 construction detailing, contract administration, site
14 inspection, writing design guidelines and producing
15 feasibility studies.
16 MR. WALLACE: Mr. Gonzalez's resume is in the
17 record as Exhibit 21A and I would move him as an expert in
18 land planning and landscape architecture.
19 MR. GROSSMAN: All right. Any questions about
20 this witness's expertise as a land planner and landscape
21 architect?
22 MR. PANDYA: No.
23 MR. SILVERMAN: No.
24 MR. GROSSMAN: All right. Have you testified as
25 an expert before?

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1 MR. GONZALEZ: I have not, but I am considered an
2 expert in the industry. I am an exam writer for the
3 Landscape Architecture Registration Review exam. I've also
4 taught at the university level and I've --
5 MR. GROSSMAN: What, what university?
6 MR. GONZALEZ: University of Maryland and I've
7 also brought in, been brought in by Catholic University to
8 help with consultation work. I've also spoken at both the
9 ASLA and AIA conferences.
10 MR. GROSSMAN: Yeah. Well, based on your
11 background as you've testified and on your resume, I accept
12 you as an expert in land planning and landscape
13 architecture.
14 MR. WALLACE: And I promise the next witness I
15 will ask if they have ever been, but since he had that's why
16 I skip it.
17 MR. GROSSMAN: It's a useful question, but that's
18 --
19 MR. WALLACE: Thank you. So, at this point, you
20 --
21 MR. GROSSMAN: Now you can say, after today you
22 will have --
23 MR. WALLACE: You have qualified.
24 MR. GROSSMAN: -- have that notch on your belt.
25 MR. WALLACE: No more dues, right? Assume you are

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1 --
2 MR. GROSSMAN: Right. Well, I was thinking maybe
3 that we could fund some, but no, no. No more dues.
4 MR. WALLACE: You are familiar with the subject
5 property, the surrounding area in the conditional use
6 application that's being reviewed today?
7 MR. GONZALEZ: Yes, I am.
8 MR. WALLACE: And can you explain your involvement
9 in the application and the project?
10 MR. GONZALEZ: I worked on both the landscape
11 design as well as the land planning report. And I also
12 participated in the, the last community outreach.
13 MR. GROSSMAN: Okay.
14 MR. GONZALEZ: And that was in September 2015.
15 MR. WALLACE: Correct. Okay. And you're familiar
16 with the Potomac Master Plan and its recommendations for the
17 subject property?
18 MR. GONZALEZ: Yes, I am.
19 MR. WALLACE: And the area and conditional uses in
20 the region?
21 MR. GONZALEZ: (No audible response.)
22 MR. WALLACE: Okay. And you're familiar with the
23 requirements of the zoning ordinance with respect to
24 conditional uses, public, the general requirements for
25 conditional uses, the specific ones for public utility

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1 structures plus the general development standards?
2 MR. GONZALEZ: Yes.
3 MR. WALLACE: Okay. Could you please review the
4 findings and conclusions of your land planning analysis?
5 MR. GONZALEZ: Do you want me to go ahead and give
6 a broad overview of the site as though --
7 MR. GROSSMAN: Any way your, your, the attorney
8 wishes to handle it.
9 MR. WALLACE: We were going to go into more of a
10 narrative form and, and provide it that way. Obviously with
11 any questions you have. Okay.
12 MR. GONZALEZ: Okay. So the --
13 MR. WALLACE: Oh, this aerial.
14 MR. GONZALEZ: And I'm sure this will be redundant
15 for the, the residents since they're already familiar with
16 the site. The property is located at 16010 Darnestown Road
17 in Gaithersburg, Maryland on the northwest corner of the
18 intersection of Darnestown Road and Riffle Ford Road. It
19 was formally, the legal description of the property is Lot
20 1, Evangelical Formosan Church, and it was approved as part
21 of Preliminary Plan No. 120020180. In the master plan it is
22 identified as being part of the Ancient Oak North
23 Subdivision in Darnestown. And that's part of the Potomac
24 Sub-Region Master Plan. It is also zoned R-E1. The area
25 here is approximately 2.645 acres. It's, it appears

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1 unapproved with exception of two driveway entrances that
2 come off of Riffle Ford Road. The site slopes from the
3 intersection here back towards abutting residential lots.
4 MR. GROSSMAN: Sixteen feet.
5 MR. WALLACE: As we know.
6 MR. GROSSMAN: And as we have been described.
7 Yes.
8 MR. WALLACE: Approximately.
9 MR. GONZALEZ: Approximately 16 feet. The slopes
10 are gentle and then they increase as they, you get down to
11 the residential lots. The property contains no forested
12 wetlands, no regulated waters of the U.S., no stream mounted
13 buffers, no 100 year flood plains per Montgomery County
14 flood stream maps. There are significant, there are no
15 significant and specimen trees on site. There are no
16 Champion trees on site. The property is not on any location
17 on that list and index of historical sites or in a special
18 exception area.
19 MR. GROSSMAN: How about primary management area?
20 MR. GONZALEZ: It is not.
21 MR. GROSSMAN: Okay.
22 MR. GONZALEZ: For the purposes of the analysis,
23 we're going to look at the neighborhood as being 2,000 feet
24 surrounding the, the property, which is in Figure 2 of the
25 Technical Staff Report.

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1 MR. GROSSMAN: Right.
2 MR. GONZALEZ: The neighborhood which is included
3 in the 2002 Potomac Regional Master Plan is primarily
4 composed of single family detached residential estate lots,
5 some religious, agricultural, commercial and institutional
6 uses. The area is transitional from suburban to rural
7 neighborhood. More commercial and density back towards
8 Quince Orchard Road and Darnestown Road.
9 MR. GROSSMAN: In other words, towards the east.
10 MR. GONZALEZ: Towards the east. And going
11 towards the west and becomes more rural in character. The
12 property abuts three single family homes.
13 MR. GROSSMAN: Now is that rendered plan --
14 MR. WALLACE: I was about to say.
15 MR. GROSSMAN: -- in the record?
16 MR. WALLACE: That rendered plan, I don't believe
17 is in the record. Is it?
18 MR. GROSSMAN: All right. Let's --
19 MR. GONZALEZ: It's not, no.
20 MR. WALLACE: Yeah. Right.
21 MR. GONZALEZ: It wasn't in the record.
22 MR. GROSSMAN: Let's mark it.
23 MR. GONZALEZ: Would you, but I can pull the site,
24 if you prefer.
25 MR. WALLACE: Whatever you want to use. We're

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1 going to have it in there eventually so.
2 MR. GONZALEZ: Okay. That's fine.
3 MR. GROSSMAN: Okay. All right. So this will be
4 Exhibit 66. And is that your rendered conditional use plan
5 or is it a rendered something else? What, what exactly is
6 it?
7 MR. WALLACE: That is a rendered landscape --
8 MR. GROSSMAN: Okay.
9 MR. WALLACE: -- plan.
10 MR. GROSSMAN: Rendered landscape.
11 (Hearing Exhibit No. 66 was
12 marked for identification.)
13 MR. GONZALEZ: So this is the plan that the
14 community has seen. The community had expressed some
15 concerns so we're, that's what been adjusted and revised.
16 And I have that exhibit.
17 MR. GROSSMAN: Okay.
18 MR. GONZALEZ: In here.
19 MR. GROSSMAN: So you're saying that the rendered
20 landscape plan has been changed? And that's Exhibit 66 as
21 now changed.
22 MR. GONZALEZ: Correct. The change is that
23 there's more landscaping now.
24 MR. WALLACE: And we have a plan that shows that.
25 MR. GROSSMAN: Okay. All right.

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1 MR. WALLACE: And which will be talked about in,
2 shortly.
3 MR. GROSSMAN: But I suppose this, does the other
4 one show the, the homes the way this one does?
5 MR. GONZALEZ: So the other one doesn't show the
6 homes.
7 MR. GROSSMAN: Okay.
8 MR. WALLACE: So --
9 MR. GROSSMAN: So this is useful to see, to get a
10 sense of the proximity.
11 MR. WALLACE: Yeah, I do, I do like this one
12 because it does have the, the homes. The other one doesn't
13 show it. Okay.
14 MR. GROSSMAN: Right. Right. Mr. Silverman, can
15 you identify, and Mr. Pandya, your homes on, on this map,
16 plan?
17 MR. PANDYA: Should we go ahead?
18 MR. GROSSMAN: Yes. Go ahead.
19 MR. PANDYA: It's, it's right across this, west of
20 this round house and 700 Hallman Court.
21 MR. GROSSMAN: Okay. So you don't exactly border
22 it. You're across the street from that.
23 MR. PANDYA: No, no. We are across the street.
24 MR. GROSSMAN: Okay.
25 MR. SILVERMAN: And I'm right below that, except

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1 off the chart there. Right there. Yeah.
2 MR. GROSSMAN: Okay. So you're also across the
3 cul-de-sac.
4 MR. SILVERMAN: Right.
5 MR. GROSSMAN: But, but in that same general area
6 as Mr. Pandya.
7 MR. SILVERMAN: Um-hmmm.
8 MR. GROSSMAN: Okay. Just, just off to the west
9 of the rendered landscape plan.
10 MR. GONZALEZ: So the existing driveways that come
11 off Riffle Ford Road, one is here and the other one is here.
12 The placement of the building --
13 MR. GROSSMAN: But just for clarity of the record,
14 here and here?
15 MR. GONZALEZ: Sorry. One is on Riffle Ford Road
16 close to, I believe that --
17 MR. GROSSMAN: The northwest corner?
18 MR. GONZALEZ: The northwest corner. And, well,
19 both of them are off of Riffle Ford Road. One is closer to
20 Darnestown Road and one is closer to the court.
21 MR. GROSSMAN: Okay.
22 MR. GONZALEZ: The placement of the building was
23 done such that we pushed it over towards the intersection of
24 Darnestown Road and Riffle Ford Road as close as the zoning
25 ordinance would allow, which is 50 feet, to provide more of

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1 an area and separation between the abutting lots.
2 MR. GROSSMAN: More of a cushion.
3 MR. GONZALEZ: Correct. It also minimizes the
4 length of what that driveway length would have to be, which
5 helps to bring down the imperviousness for the site. If we
6 refer back to what was previously approved, it was probably
7 twice as, twice more impervious area than we're currently
8 proposing. So this design is actually more environmentally
9 friendly than it was previously approved.
10 MR. WALLACE: And by previously approved, just to
11 clearly state, it was a --
12 MR. GONZALEZ: It was a church.
13 MR. GROSSMAN: You're talking about the, the
14 preliminary plan that exists today.
15 MR. GONZALEZ: Correct.
16 MR. GROSSMAN: Which I, I don't think went through
17 my process, but --
18 MR. WALLACE: No.
19 MR. GROSSMAN: -- but, okay.
20 MR. GONZALEZ: There is a landscape buffer
21 provided all the way around the edges. Now the, there's a
22 theory in putting a design around the perimeter of the
23 landscaping, which I think this is important to share. So
24 going back to the gradings heritage of the, of Darnestown as
25 well as it being in the middle Atlantic, the landscaping was

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1 reflected to speak of the vernacular of this area. So you
2 have a mix of perennials, grasses, shrubs and trees. It is
3 highly intense and a lot more so than what you see in the
4 surrounding neighborhood. It's so intense that if you were
5 to come down Darnestown Road, you would actually help set
6 and frame Darnestown Road. Speaking of, or before I speak
7 about buffers, the reason why it was layered was so that you
8 have a three-tiered forest effect essentially. You have
9 your canopy, your understory and your ground plain. It also
10 has texture, color and movement. So if the wind blows, the
11 grasses move. If the winter comes along, there's still some
12 type of seasonal interest. In the spring, flowers come out.
13 In the fall, the colors change. There was a question about
14 the height and size of the plant materials when they go in.
15 The trees will be approximately 12 to 14 feet tall. So
16 they're not coming in at five feet tall.
17 MR. SILVERMAN: So could large trees be put in?
18 MR. GONZALEZ: The issue with that is you could
19 spade in larger trees, but when you spade in larger trees
20 you cut off the root systems which makes it harder for them
21 to grow. What we want to do is, you want to provide enough
22 room for them to grow in and start becoming an ecosystem.
23 MR. GROSSMAN: So when you put them in they'll be
24 12 feet. Is that what you're saying?
25 MR. GONZALEZ: The trees. Yes.

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1 MR. GROSSMAN: Okay.
2 MR. GONZALEZ: And we're also putting evergreen
3 trees. So not just deciduous trees, but evergreen trees.
4 And those evergreen trees will be six feet tall. Shrubs
5 range from height of 24 inches to approximately 36 inches.
6 Some of them grow faster than the others. The grasses pop
7 up tall really quickly. So they'll go in about 24 inches
8 and by the end of the growing season to be up to 36 to 48
9 inches. Perennials wind along Darnestown Road and Riffle
10 Ford Road which will always come back every single year,
11 will be about 24 inches tall. So you have swaths of color
12 on Darnestown Road and Riffle Ford Road. So you're not
13 looking at just shrubs. Not just looking at trees. But
14 it's a mix of, of combination of trees, shrubs, grasses and
15 flowering trees. Along the back, there is a buffer. So in
16 the zoning ordinance, the buffer has, it gives you two
17 options. Either an eight-foot buffer or a 12-foot buffer.
18 In this case, we provided a 15-foot buffer all along the
19 back. There is a security fence that goes all the way
20 around the perimeter. That security fence is a clean,
21 streamlined black aluminum fence. It's decorative in
22 nature. It's the same kind that you'll see around a country
23 club pool house or a country club pool. It has brackets on
24 top and on the bottom so that it's not just pickets. There
25 will be no barbed wire or spikes sticking up on top.

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1 MR. GROSSMAN: I take it no concertina wire also.
2 MR. GONZALEZ: No, no. It was placed in such a
3 way that there's landscaping both in front and behind the
4 fence. With the rate of the growth of the landscaping, some
5 of the shrubs getting up to six to eight feet tall along the
6 corners, those get up to 10 to 12 feet tall, that fence will
7 disappear because it's being integrated with the landscape.
8 MR. GROSSMAN: You said that fence will not
9 disappear?
10 MR. GONZALEZ: No. It, it will, it will appear
11 that it disappears because it's being mixed in.
12 MR. GROSSMAN: One of the questions that have been
13 raised in their letter of the opposition was whether or not
14 the fence could be moved inward to make it, to have it
15 further away from the, the homes.
16 MR. GONZALEZ: So the fence is actually set in 15
17 feet away from the property line. So one of the, one of the
18 questions was could that be pushed back 15 feet. It already
19 has been pushed back 15 feet. And what that does is it
20 allows us to put the landscaping first and then the fence.
21 So you do have that buffer area before you get to that
22 fence.
23 MR. GROSSMAN: You actually said setting it back,
24 the fence 15 to 20 feet from the, the property line. So
25 you're saying it is already 15 feet.

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1 MR. GONZALEZ: Correct.
2 MR. GROSSMAN: In the planning. Okay. What about
3 the idea of planning what you say you, you're going to have
4 plantings on the outside of the fence as well. Correct?
5 MR. GONZALEZ: Um-hmmm. So the fence goes along
6 this edge, so as you can see from this exhibit, there's
7 landscaping on the inside and outside of the fence.
8 MR. GROSSMAN: Okay. What about the, the request
9 from the opposition about planting some trees on Hallman
10 Court property. And I'm not sure if I understood from the
11 opposition. They're not representing an association.
12 You're not part of an association. So whose property are
13 you going to stick it on? If you're, you're not right on
14 the edge, who's consenting to have something planted on
15 their property?
16 MR. SILVERMAN: It would be the individual
17 neighbors would meet with PEPCO and, and come up with a plan
18 for that. So, yes.
19 MR. WALLACE: Well, again, we have some, request
20 some clarifications on that. Along the lines of what you're
21 asking, did you mean plantings on someone's lot?
22 MR. SILVERMAN: It could be a mix of both. Being
23 on public space or on lots. I think we were also interested
24 in, in whether there would be trees along that fence line,
25 but on the Hallman Court side of the fence lines.

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1 MR. GONZALEZ: So --
2 MR. WALLACE: So on --
3 MR. SILVERMAN: But whichever property that falls
4 on.
5 MR. GONZALEZ: With, with this aerial you can see
6 that there's already trees along this fence line. There are
7 trees here and trees along here. We're not touching these
8 trees at all. Those trees remain and they're mature.
9 MR. GROSSMAN: These trees, when you say the ones
10 that aren't being touched or on the southern end.
11 MR. GONZALEZ: They're on, on the --
12 MR. GROSSMAN: They're all on the west, but
13 they're the southwest, the very extreme southwest there are
14 some trees you said they're not, you're not touching.
15 MR. GONZALEZ: Correct. So there's mature trees
16 already that are not on our property. That are either
17 straddling the property or right off our property. So there
18 are already mature trees that exist there. So we're
19 supplementing that with an additional buffer and then adding
20 the fence at another line of trees behind it.
21 MR. GROSSMAN: One of the concerns I'd have, I
22 don't know if the, any of the signatories on the letter that
23 you sent, which is Exhibit 51, are, are owners of the
24 property along, directly along that fence line, but if not,
25 you know, they're not, they haven't participated at all in

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1 the process here and I certainly can't commit them to having
2 a tree planted on their property.
3 MR. SILVERMAN: That letter includes every
4 property owner on the block, including the ones along that
5 fence line.
6 MR. GROSSMAN: Okay. So --
7 MR. WALLACE: It's PEPCO's position that if an
8 individual property owner, if, if they want to discuss with
9 PEPCO, PEPCO planting of a tree or two that makes sense, I
10 mean, and once the typical maintenance. Usually there's a
11 two year maintenance that's provided for the, for the
12 provider of the tree. That's, PEPCO would not assume any
13 responsibility after that for the maintenance of that tree.
14 I think PEPCO is willing to engage in that conversation with
15 the, a property owner who wanted to do it and would be
16 willing to let the planting happen.
17 MR. GROSSMAN: Right.
18 MR. GONZALEZ: Yeah.
19 MR. GROSSMAN: I mean it's not unheard of to have
20 a condition. I've imposed a condition on the rare occasion
21 that calls for some activity off-site, a fence or a tree,
22 but I've always had the owner in front of me at the time
23 that made sure that they were, that's what they wanted to,
24 wanted and, and both sides were consenting to it when it
25 makes sense. Occasionally it makes sense. I'm not sure

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1 here that that's necessary or going to, going to help the
2 situation, but if they were before me, I would be willing to
3 talk about it, but --
4 MR. GONZALEZ: Now I do have another exhibit that
5 I can show --
6 MR. GROSSMAN: Yes.
7 MR. WALLACE: This one.
8 MR. GONZALEZ: -- at this point.
9 MR. WALLACE: And so this would be a new exhibit
10 into the record.
11 MR. GROSSMAN: And this is?
12 MR. WALLACE: Exhibit 67?
13 MR. GROSSMAN: I'd have to start a new page. You
14 guys have caused me to run out of paper on my exhibit list
15 on both sides.
16 MR. WALLACE: And --
17 MR. GROSSMAN: All right. Let's see. So we're
18 talking about Exhibit 67.
19 MR. GONZALEZ: Updated landscape plan.
20 MR. GROSSMAN: All right. So this is the current
21 landscape plan now?
22 MR. GONZALEZ: Correct.
23 MR. GROSSMAN: That you're proposing.
24 MR. GONZALEZ: This addresses the Staff Report.
25 MR. GROSSMAN: Right.

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1 MR. GONZALEZ: And addresses the letter.
2 MR. GROSSMAN: Okay. So current landscape plan.
3 MR. WALLACE: And if Mr. Pandya or Mr. Silverman
4 want to take a look at, a second to look at or a few minutes
5 to look at it, that's fine.
6 MR. GROSSMAN: I'll actually call it amended and
7 current landscape. And before I forget, you'll need to
8 submit a copy of this and a copy, in fact, of all of the
9 amended plans and other exhibits to Technical Staff, not
10 just the electronic copies to me, but also electronic and
11 hard copies to them so during that 15-day period they can
12 take a look and see if they have any additional comments.
13 MR. WALLACE: Absolutely.
14 MR. GROSSMAN: All right. So amended and current
15 landscape plan is Exhibit 67. And you did write that on
16 there I see. Okay. Good.
17 (Hearing Exhibit No. 67 was
18 marked for identification.
19 MR. GONZALEZ: So in between where there are some
20 gaps between deciduous trees, additional evergreen trees
21 were added. So now you do have one complete solid wall of
22 landscaping at different heights. So you have one, two,
23 three, but four layers of landscaping.
24 MR. WALLACE: Mr. Gonzalez, would you, would you,
25 in your opinion, is the landscaping proposed and now as

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1 supplemented, is it more than you would typically see for a
2 residential subdivision, a commercial property, and does it
3 exceed the Code requirements for screening?
4 MR. GONZALEZ: This plan exceeds the Code
5 requirements for planning. It also is very expensive. You
6 would not see this in your typical residential or commercial
7 property because of the, the sheer price just to install it.
8 Let alone maintenance. And, and PEPCO has already mentioned
9 that they're going to have maintenance people over here
10 taking care of it. So this isn't something that they're
11 just planting and walking away from. This is something
12 that's going to be maintained. And the plant pallet that
13 was selected was some as known that's also native to the
14 area. So it'll, it will be acclimated and it won't need a
15 lot of maintenance. If there's a concern that, oh,
16 maintenance activities may, may be detrimental to, to, to
17 the residents, it won't. Because it's, it's more of a
18 conservation type of landscaping.
19 MR. GROSSMAN: And this meets or exceeds the, the
20 Division 6 requirements in the new zoning ordinance?
21 MR. GONZALEZ: It should.
22 MR. WALLACE: Yes. The, and there's a, the table
23 which will be updated to show that. Okay.
24 MR. GONZALEZ: Yeah. So the original plan already
25 exceeded the buffering requirement. Now we're adding even

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1 more landscaping. So we're, we're far pass it.
2 MR. GROSSMAN: Did you also design the site plan?
3 Did you draw the site plan for this as well as the, and the
4 conditional use site?
5 MR. GONZALEZ: I worked with, with, with the
6 planners for that. I worked with the planners.
7 MR. GROSSMAN: Who are the planners you're talking
8 about?
9 MR. GONZALEZ: The site plan.
10 MR. WALLACE: I'm sorry. I was --
11 MR. GROSSMAN: The conditional use plan.
12 MR. WALLACE: Yes.
13 MR. GROSSMAN: Who, who?
14 MR. WALLACE: Soltesz was the engineer on that.
15 MR. GROSSMAN: Okay.
16 MR. WALLACE: And Mr. Gonzalez was with, was with
17 Soltesz at the time that --
18 MR. GONZALEZ: Yes.
19 MR. GROSSMAN: I just wanted to thank somebody for
20 having the north pointing up because I'm in the middle of a
21 case now where they have it pointing in two different
22 directions and, and there's a, gets to be a lot of confusion
23 in the course of the hearing. Even from the people who
24 designed the plan when they do that. So. I appreciate
25 north being up. That's the way we think about it.

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1 MR. GONZALEZ: Well, Soltesz rules is that north
2 always faces up and when I worked on the plan I didn't even
3 have the option to turn it.
4 MR. GROSSMAN: I'm glad. I can't tell you how
5 much confusion that creates. But anyway, so go ahead.
6 MR. GONZALEZ: You want me to speak about
7 lighting?
8 MR. WALLACE: Just forest conservation briefly and
9 then on to lighting.
10 MR. GONZALEZ: So forest conservation, the
11 preliminary plan that was approved prior to, to this plan
12 required .55 acres of afforestation. At the time a fee in
13 lieu payment was made and fulfilled to satisfy that
14 requirement. This new plan would require .4 acres of
15 afforestation which is less than the .55 acres so it's
16 already been met. Now Staff had mentioned that they wanted
17 to have the corner of the site closest to Darnestown Road
18 and Riffle Ford Road. They wanted to have that area cleaned
19 up and have an invasive species management plan done for it.
20 Basically removing all of the invasive species and cleaning
21 up and, and removing the litter. The new amended landscape
22 plan does show that. There will be invasive species
23 suppression and additional landscaping added to it to
24 fulfill Staff's concerns.
25 MR. GROSSMAN: Right. The November plan had

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1 included removal of the invasive species and the cleanup but
2 Staff said they also wanted to show the additional plantings
3 which you say you now have done on that plan.
4 MR. GONZALEZ: Correct.
5 MR. GROSSMAN: Okay.
6 MR. WALLACE: And you can see those plantings in
7 red on the plan.
8 MR. GROSSMAN: Okay.
9 MR. WALLACE: And now lighting.
10 MR. GONZALEZ: Okay. Lighting. One of the
11 concerns that neighbors usually have when a new development
12 happens that's, that's not residential is how much lighting
13 is going to occur in the site. Aerial lighting, there are
14 only two pole lights that are, are, that are placed closest
15 to the Riffle Ford Road entrance. And that's solely for
16 safety of, of driving and security of, of the parking and
17 driving into the substation. There are no pole lights, the
18 pole lights or lights anywhere beyond that. So there will
19 be, so the plan does fulfill the lighting requirement as far
20 as spillage over to the adjacent properties and as far as
21 the type of pole lights, there are shoebox type lights that
22 are dark skies compliance directional so there will be no
23 spillage up. There will only be spillage out.
24 MR. GROSSMAN: Okay. And this is, they are at the
25 driveway?

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1 MR. GONZALEZ: Yes. And, of course, 13 feet tall.
2 MR. WALLACE: And there is, of course, a lighting
3 plan in the record that shows no, no foot candle at the
4 property lines.
5 MR. GROSSMAN: Okay.
6 MR. GONZALEZ: To fulfill the lighting
7 requirements of the entrances, there will be wall packs that
8 are directional so they face down, but don't face up. They
9 don't spill out.
10 MR. GROSSMAN: Okay.
11 MR. WALLACE: Mr. Gonzalez, the, you had stated
12 earlier that you're familiar with the recommendations of the
13 Potomac Master Plan. Are there any specific recommendations
14 in the master plan for this property? For the use of it.
15 MR. GONZALEZ: Specifically being called out?
16 MR. WALLACE: Yes.
17 MR. GONZALEZ: No.
18 MR. WALLACE: Okay. What are some of the,
19 summarize the general recommendations for development in the
20 master plan and how this project meets those
21 recommendations?
22 MR. GONZALEZ: So one of the recommendations is
23 protecting major transportation corridors and residential
24 communities from incompatible designs. So as we discussed
25 of the nature of the use of the substation, it's going to be

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1 unmanned. So you're not going to have traffic in and out at
2 all hours of the day. It's on scheduled maintenance that
3 will be one to two times a month. So as far as maintaining
4 the traffic corridors, that will be maintained. As far as
5 maintaining the, the, the character of the neighborhood, the
6 design of the, the structure itself, the intense amount of
7 landscaping, of placing of the building, all corresponds
8 with, and, and we're trying to meet the, the character of
9 the, of the neighborhood.
10 MR. WALLACE: Let me ask you a question. How
11 would you describe Hallman Court and, and the houses along
12 that? What's their orientation relative to our site? The
13 PEPCO site. And, and orientation meaning where are their
14 activities focused? Where are their use focused?
15 MR. GONZALEZ: So these buildings that, the
16 residences all face their backs. So these face their backs.
17 These face their backs. So everyone's back is facing the,
18 the structure itself. As well as these uses here. So
19 everyone is pretty much putting their backs towards the
20 substation itself.
21 MR. WALLACE: And is that, is that an element
22 that, that allows the, a better relation between the uses in
23 this case by, by focusing that way?
24 MR. GONZALEZ: So as far as what you'll see, the
25 view, most of the activities happen in front. The sidewalks

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1 are in front. The driveways are in front. So everyone is
2 looking out in front of their houses not so much in the
3 back. If you look at as far as ratios of, I know there's
4 concern with massing. If you look at ratios of the houses,
5 these houses are about roughly 30 to 40 feet apart from each
6 other. That's about a one-to-one ratio. The ratio between
7 the closest house to it is about three-to-one. So as far as
8 compatibility and interference with regular activities, I
9 see there being very minimum --

10 MR. GROSSMAN: Three-to-one distance between the,
11 the --

12 MR. GONZALEZ: The ratio is height so, so there's,
13 in, in planning there's a ratio of whatever the height of
14 the structure, there should be a setback. So if a structure
15 is 35 feet tall, then the next structure should be 35 feet
16 away. That has a sense of enclosure. You start to get
17 closer to that, you start feeling more and more enclosed in
18 those spaces.

19 MR. GROSSMAN: And how do you, how are you
20 applying that to this?

21 MR. GONZALEZ: So, and I'm, 28 feet height, do
22 three-to-one roughly, the, we can just, just call it 120
23 since we're talking about 40 feet. The closest point from
24 this end to this end is 120.

25 MR. GROSSMAN: All right. You say this end to

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1 this end.

2 MR. GONZALEZ: I'm sorry.

3 MR. GROSSMAN: You're talking about the point
4 closest, of the closest home --

5 MR. GONZALEZ: The closest home on the court which
6 from the abutting lots --

7 MR. GROSSMAN: Yes.

8 MR. GONZALEZ: To the closest corner of the
9 structure.

10 MR. GROSSMAN: Okay. And that, that distance is?

11 MR. GONZALEZ: Is approximately 120 feet.

12 MR. GROSSMAN: Okay. And so, by your statement,
13 you would want it to be at least 48 feet. Is that what
14 you're saying?

15 MR. GONZALEZ: No. What I'm saying is if, if, if
16 it was 48 feet, which is the one-to-one ratio that you see
17 along the, the other homes --

18 MR. GROSSMAN: Right.

19 MR. GONZALEZ: That's where you could have that
20 concern where, okay, this, this feels too massive to be
21 close to me. But that ratio is actually increased to three-
22 to-one so the perception of there's a huge mass right on top
23 of me is, is not going to be there because I know that's a
24 lot of concerns that --

25 MR. GROSSMAN: Okay. Right.

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1 MR. GONZALEZ: -- this huge mass of building is,
2 is next to me. That would make sense if it was plopped
3 right next to them, but because there's such a distance
4 provided, it won't feel that way. So it's all about
5 experience. And your, your concern is that your experience
6 is going to be, there's this mass right behind me. And what
7 I'm saying is the distance that's on the site will mitigate
8 that experience or address that experience.

9 MR. WALLACE: Okay. So to conclude, in your
10 opinion, will the proposed use comply with the applicable
11 standards of the RE-1 zone and the standards for conditional
12 uses and the general development standards of the zoning
13 ordinance?

14 MR. GONZALEZ: Yes.

15 MR. WALLACE: And, in your opinion, will the
16 proposed conditional use cause any objectionable noise,
17 odors, dust, illumination or physical activity?

18 MR. GONZALEZ: No.

19 MR. WALLACE: And in your opinion, will, will the
20 proposed conditional use be harmonious with the character of
21 the surrounding neighborhood?

22 MR. GONZALEZ: Yes.

23 MR. WALLACE: In your opinion, will the proposed
24 conditional use cause undue harm to the use, peaceful
25 enjoyment, economic value or potential development of

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1 abutting and confronting properties or in the general
2 neighborhood?

3 MR. GONZALEZ: No.

4 MR. WALLACE: In your opinion, will the proposed
5 conditional use cause any undue harm to the health, safety
6 or welfare of neighboring residents, visitors or employees?

7 MR. GONZALEZ: No.

8 MR. WALLACE: And in your opinion, will the
9 conditional use in and of itself or in combination with
10 other existing uses affect adversely or change the character
11 or future development of the surrounding residential
12 community?

13 MR. GONZALEZ: No.

14 MR. WALLACE: And in your expert opinion as a land
15 planner, is the proposed conditional use suitable for this
16 site and compatible with the surrounding neighborhood?

17 MR. GONZALEZ: Yes.

18 MR. WALLACE: Thank you. No further direct.

19 MR. GROSSMAN: Okay. Cross-examination? Mr.
20 Pandya?

21 CROSS-EXAMINATION

22 MR. PANDYA: Thank you, Mr. Gonzalez. This was
23 much more comforting than the previous ones. Very good
24 presentation. A couple of quick questions. The 12-foot
25 trees that you are planning to plant, the tall trees.

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1 MR. GONZALEZ: Correct.
2 MR. PANDYA: Can you point them on your drawings?
3 Specifically on the Hallman Court side.
4 MR. GONZALEZ: So all these larger trees --
5 MR. PANDYA: Yes.
6 MR. GONZALEZ: These larger circles that are
7 shown.
8 MR. PANDYA: Yes.
9 MR. GONZALEZ: Those are all 12 foot.
10 MR. PANDYA: Okay. And when they mature fully,
11 what will be the height?
12 MR. GONZALEZ: They'll range between 40 to 60
13 feet.
14 MR. PANDYA: Okay. The, you mentioned that those
15 two houses will have the backside towards the, the PEPCO
16 structure. But the other four homes around cul-de-sac, you
17 realize that they will be facing, from the front yard, they
18 will be looking at the structure. Is that correct?
19 MR. GONZALEZ: That's correct.
20 MR. PANDYA: Okay. So, okay. There, nothing is,
21 the buffer zone, the 15, the four layers of buffer zone that
22 you mentioned before. There are four, can you point them
23 out? I mean are they, so is, is that completely going to
24 cover that 15 feet area or it will go beyond that or what
25 will be the total landscape buffer zone?

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1 MR. GONZALEZ: So, so it actually goes beyond. So
2 the 15 feet which encompasses two layers of landscaping.
3 MR. PANDYA: Uh-huh.
4 MR. GROSSMAN: Perhaps if you could step to the
5 side, I can give you a, a laser pointer if it helps.
6 MR. GONZALEZ: Okay.
7 MR. GROSSMAN: And then you could --
8 MR. GONZALEZ: Be glad to.
9 MR. GROSSMAN: I could see as well. Little button
10 will do it. Don't point it at a helicopter.
11 MR. GONZALEZ: So it is kind of hard to see from
12 back there. So here's the property line. Here's the fence
13 line. In between the property line and the fence line,
14 there is 15 feet. Within that 15 feet we have evergreen
15 trees, large shrubs, medium shrubs and small shrubs. That's
16 your first three layers. The fourth layer is right behind
17 the fence line, which are the shade trees and additional
18 evergreen trees.
19 MR. PANDYA: Okay. So that is the total depth of
20 the buffer zone?
21 MR. GONZALEZ: So 15 feet is the first buffer. So
22 behind it, there's another 10 feet.
23 MR. PANDYA: Okay.
24 MR. GONZALEZ: Of landscaping. So in total we're
25 talking about 25 feet.

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1 MR. PANDYA: Okay. Last question. The renderings
2 that we saw earlier, in your rough idea, when will we start
3 looking at the landscape area that is mature? Or I
4 understand that other trees are tall and they can take
5 longer time, but I'm trying to visualize that in five years
6 it could look comparatively all buffer area filled up so
7 that we will have less view of the, so, in your, in your
8 opinion, how long will it take?
9 MR. GONZALEZ: So the creative thing about this
10 design was that the main concern, a lot of people think,
11 okay, if I add trees, that'll provide the buffer that I
12 need. In actuality what provides the buffer is what's in
13 the ground plan because that's what you're seeing. So the
14 shrubs that are placed along, will grow six to 10 feet tall
15 within three to five years. Once you get to the 10 year
16 range, you're talking about 12, 15 feet tall. The trees are
17 already going in at 12 feet tall.
18 MR. PANDYA: Right.
19 MR. GONZALEZ: Depending on what the growing
20 conditions are, the soils and how much water they're getting
21 and there's a whole micro climate involved, it could grow
22 anywhere between one to even three feet a year. So
23 depending on, on, on that growth rate is what you'll see in
24 maturity. So to say oh, by X amount of years you'll have
25 this, this exact height, I can't say that conclusively.

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1 MR. PANDYA: I understand that. Yeah. Thank you.
2 MR. GROSSMAN: All right. Mr. Silverman, do you
3 have any questions?
4 MR. SILVERMAN: Yes.
5 CROSS-EXAMINATION
6 MR. SILVERMAN: So can you give me a little bit
7 more detail? The change from the prior plan to this plan,
8 how, how many, what, it's hard for me to tell, how many,
9 what have you actually added? How many trees is it?
10 MR. GROSSMAN: I think all the ones in red. Is
11 that correct?
12 MR. SILVERMAN: Are those trees or shrubs or what?
13 MR. GROSSMAN: Mr. Gonzalez, is it all the ones in
14 red?
15 MR. WALLACE: Yes, it is all the ones in --
16 MR. GONZALEZ: Yes.
17 MR. SILVERMAN: So just along this side?
18 MR. GROSSMAN: The west side?
19 MR. GONZALEZ: Right.
20 MR. SILVERMAN: The west side.
21 MR. GONZALEZ: There's 30 extra evergreen trees.
22 MR. SILVERMAN: Thirty extra trees.
23 MR. GONZALEZ: So we're not talking about shrubs
24 here. And, and mind you, as I explained prior to this, we
25 had already exceeded the buffer requirement.

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1 MR. SILVERMAN: And those trees, I'm still not
2 positive I understand what's on one side of the fence versus
3 the other. Those are on both sides of the fence? Is that
4 how they --
5 MR. GONZALEZ: They're on the, the back side of
6 the fence.
7 MR. SILVERMAN: They're on the, on the substation
8 side?
9 MR. GONZALEZ: Correct. So there's evergreen
10 trees on front, in front of the fence and behind the fence.
11 MR. SILVERMAN: Um-hmmm. Okay. So what does that
12 bring your total, now I don't want you to have to count,
13 count them all, but, but not including existing trees, about
14 how many are you, are you actually planning on planting?
15 Oh, you, do you have it there?
16 MR. GONZALEZ: We have six --
17 MR. WALLACE: So you need to add the 30.
18 MR. GONZALEZ: -- plus five, plus five.
19 MR. WALLACE: Okay. Thirty to that.
20 MR. GONZALEZ: Yeah. So five, 10, 12, 22 plus 30.
21 Right. So 22 plus 30. We're talking about 55.
22 MR. SILVERMAN: A question I don't think anyone
23 has touched on. I understand that you're going to be using
24 the existing driveway for servicing the station. What about
25 the second driveway? What's your plan for that on, on

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1 Riffle Ford?
2 MR. GONZALEZ: That will remain.
3 MR. SILVERMAN: It's going to remain? Will it
4 serve any purpose or is it just going to stay there?
5 MR. GONZALEZ: Removing it would cause more
6 disturbance.
7 MR. SILVERMAN: Okay. Okay.
8 MR. WALLACE: Just to clarify. So by remain, do
9 you remain and be connected in through an extension of the
10 driveway into the site or just the, the driveway apron
11 remain?
12 MR. GONZALEZ: The driveway apron remains.
13 MR. SILVERMAN: Will it be just a, but will there
14 be an opening in the gate there or will it just be just a
15 solid --
16 MR. GONZALEZ: No. It just doesn't extend into
17 the, in, into the opening in the gate.
18 MR. SILVERMAN: Okay. Okay. Did you, did you
19 tell us what, I, I understand that the, the growth rate, you
20 know, is going to vary, but will you tell us what the, the
21 maximum height of the different types of trees were and
22 what, what kind of trees they are aside from the evergreens?
23 MR. GONZALEZ: Forty to 60 feet will be the
24 height, and that's because of the, it's going to be more
25 towards the 60 feet because it's a landscape setting. The

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1 trees that we have there are thornless honeysuckle, the
2 sweet gum, southern magnolia, northern red oak and boulevard
3 linden. Those are just the canopy trees. Aside from canopy
4 trees, we also have understory trees and evergreen trees,
5 understory trees. We have Allegheny serviceberry, eastern
6 redbud, fire and dogwood, evergreen trees, American holly,
7 burn Serbian spruce and arborvitae.
8 MR. GROSSMAN: Thank you.
9 MR. SILVERMAN: Okay. Yeah. Nothing, nothing, I
10 don't have anything else. No. Thank you.
11 MR. GROSSMAN: Any redirect, Mr. Wallace?
12 MR. WALLACE: No. But one of the comments in the
13 citizens' letter was also to do cleanup, removal invasive,
14 et cetera on the corner of Riffle Ford and Hallman Court.
15 To the extent it's on PEPCO's property, I don't believe it's
16 an issue to do that cleanup, but off-site again, it sort of
17 depends on whose property it is, et cetera. So I don't --
18 MR. SILVERMAN: Yeah. Okay. Yeah, I'm not
19 positive what side of the property that, that is on. It's
20 not as, as large of an issue as it is at that corner that
21 was identified there, but it has some of the same issues.
22 MR. GROSSMAN: Mr. Wallace, how many additional
23 witnesses do you have?
24 MR. WALLACE: We have three witnesses. I expect
25 we'll go fairly quickly through them relatively.

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1 MR. GROSSMAN: That's Dr. Bailey?
2 MR. WALLACE: That's Jeff Retterer for civil
3 engineering.
4 MR. GROSSMAN: Okay.
5 MR. WALLACE: I expect Jeff's testimony will,
6 direct at least will go fairly quickly.
7 MR. GROSSMAN: Okay.
8 MR. WALLACE: I expect Dr. Bailey's direct, again,
9 will go fairly quickly. And then we have a witness to
10 testify regarding the noise study which is in the record,
11 but it is a witness that we, we'll be bringing in. His name
12 is Gabe Weger. And so those are the three. And again, his
13 direct testimony I expect will go very quickly.
14 MR. GROSSMAN: How do you spell his last name?
15 MR. WALLACE: W-E-G-E-R.
16 MR. WEGER: Correct.
17 MR. GROSSMAN: Okay. And before we take a five
18 minute break, let me ask the Court Reporter if we have to go
19 over, can you stay a little later?
20 THE COURT REPORTER: Sure.
21 MR. GROSSMAN: Okay. Because I'd like to finish
22 today if we can. So, okay. Then we'll take a five minute
23 break. Come back to five to 4:00.
24 MR. WALLACE: Thank you.
25 (Off the record.)

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1 (On the record.)
2 MR. GROSSMAN: All right. Back on the record.
3 Your next witness, sir.
4 MR. WALLACE: My next witness is Jeff Retterer.
5 MR. GROSSMAN: All right. Mr. Retterer, welcome.
6 Would you state your full name and address, please?
7 MR. RETTERER: Certainly. It's Jeffrey Brian
8 Retterer. I work for Soltesz. I am located at 2 Research
9 Place, Suite 100, Rockville, Maryland 20850.
10 MR. GROSSMAN: Would you raise your right hand,
11 please? Do you swear or affirm to tell the truth, the whole
12 truth and nothing but the truth under penalty of perjury?
13 MR. RETTERER: I do.
14 MR. GROSSMAN: You may proceed, Mr. Wallace.
15 DIRECT EXAMINATION
16 MR. WALLACE: Mr. Retterer, can you state your
17 occupation, please?
18 MR. RETTERER: I'm a professional civil engineer.
19 MR. WALLACE: And your educational and
20 professional background?
21 MR. RETTERER: I'm a Bachelor of Science degree
22 from the University of Maryland at College Park in civil
23 engineering.
24 MR. WALLACE: And have you ever testified as an
25 expert witness in the field of civil engineering before any

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1 Montgomery County body or --
2 MR. RETTERER: Yes, I have.
3 MR. WALLACE: Okay. And that would include the --
4 MR. RETTERER: Hearing Examiner, Board of Appeals,
5 courts of law, Planning Board.
6 MR. GROSSMAN: What case before us?
7 MR. RETTERER: Before us, I did the Garden of
8 Remembrance Cemetery out in Comus.
9 MR. GROSSMAN: Who was the hearing examiner on
10 that?
11 MR. RETTERER: I don't recall.
12 MR. GROSSMAN: All right.
13 MR. RETTERER: I've testified in front of Phil
14 Tierney on --
15 MR. WALLACE: Wow.
16 MR. RETTERER: -- a drive-thru bank in Darnestown
17 and a special educational facility on Falls Road.
18 MR. GROSSMAN: Okay.
19 MR. WALLACE: Mr. Retterer's resume is Exhibit
20 21B. I'd move him as an expert in civil engineering.
21 MR. GROSSMAN: All right. Any questions of this
22 witness as to his expertise in civil engineering?
23 MR. PANDYA: No, sir. Thanks.
24 MR. SILVERMAN: (No audible response.)
25 MR. GROSSMAN: Based on your prior testimony as an

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1 expert before this body in civil engineering and your
2 resume, I accept you as an expert in civil engineering.
3 MR. WALLACE: Mr. Retterer, you are familiar with
4 the subject property, the surrounding area and the
5 application that's before, that's been, being reviewed
6 today?
7 MR. RETTERER: Yes, I am.
8 MR. WALLACE: And have you analyzed the
9 suitability of the property for the substation as proposed
10 from a civil engineering standpoint?
11 MR. RETTERER: Yes, I have.
12 MR. WALLACE: Could you please, we've already
13 heard about the existing conditions, topography and other
14 elements. I'd, for the sake of time, move on to a couple of
15 the other items that we want you to talk about. Can you
16 describe the existing public facilities on the site in terms
17 of the existing improvements, such that they are, and any
18 other aspects of public facilities that serve the site?
19 MR. RETTERER: The existing improvements that
20 serve the site are the two driveway entrances off of Riffle
21 Ford Road. There is a waterline on Riffle Ford Road along
22 with fire hydrants for fire service protection. The storm
23 drain, it's a unique position for the property in that --
24 MR. WALLACE: And, sorry to interrupt, but you are
25 referring to something that is not in the --

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1 MR. RETTERER: Oh, I'm sorry.
2 MR. WALLACE: But this is what we'd like to --
3 MR. RETTERER: It's called a Fire Access Plan.
4 MR. GROSSMAN: All right. That's Exhibit 68.
5 (Hearing Exhibit No. 68 was
6 marked for identification.)
7 MR. WALLACE: And this Fire Access Plan has been
8 approved by the Fire Marshal's Office?
9 MR. RETTERER: Yes. It was approved by the Fire
10 Marshal's Office.
11 MR. WALLACE: And there is an approval letter that
12 accompanies that?
13 MR. RETTERER: Yes. There is an approval letter.
14 MR. WALLACE: And we will be submitting that into
15 the record as well when we do our Omnibus submission.
16 MR. GROSSMAN: Okay.
17 MR. WALLACE: And the approval, I'm sorry, was
18 dated?
19 MR. RETTERER: It was dated 1/5/16.
20 MR. WALLACE: Okay. I'm sorry to interrupt.
21 MR. RETTERER: That's quite all right.
22 MR. WALLACE: Please proceed.
23 MR. RETTERER: The Riffle Ford Road is a drainage
24 divide in that the water to the north side drains north.
25 The water to the south side drains north. Darnestown Road

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1 is equally a drainage divide. Water on the northwest side
2 drains northwest and down the State highway and water on the
3 other side. So there's no storm drainage system at the
4 upper portion of, of the property.
5 MR. WALLACE: What's the proposed storm water
6 management plan for the, and the status of it for the
7 substation?
8 MR. RETTERER: We have a storm water management
9 concept plan approved by Montgomery County Department of
10 Permitting Services that complies with the latest MDE
11 regulations for water quality structures and enhancements of
12 micro bio-retention facilities. We have analyzed, have had
13 the soil analyzed on site and it has an infiltration rate
14 that exceeds the minimal acceptable. And due to the lack of
15 impervious area or minimization of it, we'll be retaining
16 most of the initial flush in the micro bio-retention
17 facility as required by County Code. Any overflow water
18 will be discharged into the State highway drainage system.
19 The ditch along the side of the road.
20 MR. GROSSMAN: Is the DPS approval letter in the
21 record yet?
22 MR. WALLACE: The storm water management plans are
23 in the record as Exhibit 10A through C. The approval letter
24 is --
25 MR. RETTERER: It should be in that package.

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1 MR. WALLACE: -- should be as part of that, those
2 materials. I believe it's also attached to the Staff
3 Report. I know it's attached to the Staff Report for Park
4 and Planning. So one way or the other I believe it is in
5 the record.
6 MR. GROSSMAN: All right.
7 MR. WALLACE: Just to, to be clear where the,
8 where the drainage, storm water management facility's, the
9 SD measures will be on the site?
10 MR. RETTERER: It'll be located in the western
11 portion of the site.
12 MR. WALLACE: The existing drainage, existing run-
13 off from the property runs into, at least a portion of it
14 goes on to adjacent properties. That's existing condition?
15 MR. RETTERER: Yeah. The existing conditions on
16 here. I need to spread out this guy. I'm referring to
17 Exhibit 66, the slope in the drain. As previously
18 determined, there's a 16 foot fall going this way.
19 MR. GROSSMAN: Going east or west?
20 MR. RETTERER: We're picking the water up from
21 this facility, collecting it here. Infiltrating it into the
22 ground and then the overflow will come out this way into the
23 State highway right-of-way.
24 MR. GROSSMAN: So will your proposed storm water
25 management plan reduce the flow of storm water off the site?

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1 MR. RETTERER: It's intended to reduce the flow of
2 storm water off the site.
3 MR. WALLACE: Yes.
4 MR. RETTERER: Yes.
5 MR. GROSSMAN: There's a little waffle in that?
6 MR. RETTERER: Yes. There is no waffle in that.
7 MR. GROSSMAN: Okay.
8 MR. RETTERER: The infiltration rate is very,
9 very, very good on this property.
10 MR. GROSSMAN: All right. The infiltration rate
11 being what you infiltrate into the --
12 MR. RETTERER: The perforability.
13 MR. GROSSMAN: -- into the ground.
14 MR. RETTERER: Into the soil. That is correct.
15 MR. GROSSMAN: Rather than running off onto the
16 neighbors.
17 MR. RETTERER: That is correct.
18 MR. GROSSMAN: Okay.
19 MR. WALLACE: Is the, the project in compliance
20 with the applicable fire and rescue requirements?
21 MR. RETTERER: Yes, it is.
22 MR. WALLACE: And that's with the plan approval?
23 MR. RETTERER: That's with the plan approval.
24 MR. WALLACE: Okay. There is an approved record
25 plat for the property. That's Exhibit, that's Exhibit 4 in

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1 the record. Have you reviewed that record plat?
2 MR. RETTERER: I have.
3 MR. WALLACE: And is that record plat applied for
4 all, all the dedication required under the preliminary plan
5 approval that's been discussed before?
6 MR. RETTERER: Yes, it does.
7 MR. WALLACE: And that's the preliminary plan of
8 approval for the church site. Have you reviewed the
9 locations for the access driveway?
10 MR. RETTERER: I have.
11 MR. WALLACE: And is that location in a safe and,
12 is safe and adequate for the intended use?
13 MR. RETTERER: Yes, it is.
14 MR. WALLACE: And those are existing driveway
15 aprons?
16 MR. RETTERER: Those are existing driveway aprons.
17 MR. WALLACE: And so that means they were, they
18 were approved and have been constructed?
19 MR. RETTERER: They have been approved and
20 constructed.
21 MR. WALLACE: Okay. We've reviewed through
22 previous witnesses the compliance of the project with
23 applicable development standards of the RE-1 zone. Are you
24 in agreement that the project as proposed meets the
25 standards of the RE-1 zone?

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1 MR. RETTERER: Yes.
2 MR. WALLACE: Okay. In your opinion, will the
3 proposed substation be served by adequate public services
4 and facilities?
5 MR. RETTERER: Yes.
6 MR. WALLACE: Okay. In your opinion, will the
7 proposed substation cause any undue harm to the neighborhood
8 as a result of any inherent or non -- I'm sorry. Strike
9 that question. Will affect the use of peaceful enjoyment,
10 economic value or development potential to abutting and
11 confronting properties for the general neighborhood?
12 MR. RETTERER: It will not harm.
13 MR. WALLACE: And will it cause any harm due to
14 traffic, noise, odors, dust, illumination or lack of
15 parking?
16 MR. RETTERER: It will not harm.
17 MR. WALLACE: And will the proposed project cause
18 any impacts, and adverse impact on the health, safety and
19 welfare of neighboring residents, visitors or employees?
20 MR. RETTERER: It will not harm.
21 MR. WALLACE: Okay. I have no further questions
22 for Mr. Retterer. Again, is somewhat condensed given the
23 previous testimony, but certainly can answer any questions
24 on it.
25 MR. GROSSMAN: No objection to condensation. Any

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1 questions?
2 MR. PANDYA: Yes, sir.
3 CROSS-EXAMINATION
4 MR. PANDYA: The open area where the high voltage
5 lines are. Is that, what is underneath there? Gravel or is
6 it a pervious area? Is that, the water is going to go down
7 the ground there? I'm not clear about that issue. If you
8 can just clarify that?
9 MR. RETTERER: It's a gravel area inside the open
10 bird fenced area. Yes.
11 MR. PANDYA: Okay. And all that will go to that
12 storm water management on --
13 MR. RETTERER: It will infiltrate into the ground.
14 MR. PANDYA: Okay.
15 MR. RETTERER: It might not get into the storm
16 water management area.
17 MR. PANDYA: Understood.
18 MR. RETTERER: The County did not allow us to
19 account for that in our calculation rates for the --
20 MR. PANDYA: Okay.
21 MR. RETTERER: -- storm water management
22 management.
23 MR. PANDYA: Are there more chances of run-off
24 coming towards our cul-de-sac because of this structure and
25 the existing, the water run-off?

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1 MR. RETTERER: Not by what the County has required
2 us to design to for the storm water management facility.
3 And then coupled with the forested buffer that we're
4 planning, landscape buffer, I would think that that micro
5 bio facility that Luis was discussing will be enhanced by
6 the infiltration.
7 MR. GROSSMAN: I don't quite understand that
8 answer in conjunction with the question, the answer to the
9 question I asked. Would this reduce the, the storm water
10 run-off on to the nearby properties? I thought the answer
11 was yes unequivocally.
12 MR. RETTERER: Yes.
13 MR. GROSSMAN: It doesn't sound like an
14 unequivocal yes.
15 MR. RETTERER: I was further explaining it that
16 not only the storm water structure, but with all the
17 planting material absorbing water and nourishing themselves.
18 MR. GROSSMAN: So the answer is that the storm
19 water run-off will be lessened by this project. Is that
20 your answer?
21 MR. RETTERER: That's my answer.
22 MR. GROSSMAN: Okay.
23 MR. PANDYA: No other questions.
24 MR. GROSSMAN: Mr. Silverman?
25 MR. SILVERMAN: Nothing for me. No. Thank you.

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1 MR. GROSSMAN: Any redirect?
2 MR. WALLACE: I have no redirect.
3 MR. GROSSMAN: All right. Thank you, sir.
4 MR. RETTERER: Thank you.
5 MR. WALLACE: My next witness will be Dr. William
6 Bailey.
7 MR. GROSSMAN: Dr. Bailey, would you state your
8 full name and business address, please?
9 DR. BAILEY: I'm William Hayes Bailey. 17000
10 Science Drive, Suite 200, Bowie, Maryland 20715.
11 MR. GROSSMAN: Would you raise your right hand,
12 please? Do you swear or affirm to tell the truth, the whole
13 truth and nothing but the truth under penalty of perjury?
14 DR. BAILEY: I do.
15 MR. GROSSMAN: All right. Mr. Wallace, you may
16 proceed.
17 DIRECT EXAMINATION
18 MR. WALLACE: Please state your current
19 occupation?
20 DR. BAILEY: I'm a research scientist and
21 consultant.
22 MR. WALLACE: And for?
23 DR. BAILEY: The firm of Exponent.
24 MR. WALLACE: Okay. And in, as part of your work,
25 as part of your work includes evaluating health effects of

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1 electromagnetic fields, in particular, those produced at
2 electric substations?
3 DR. BAILEY: That's correct.
4 MR. WALLACE: Okay. Can you please describe the
5 professional societies or organizations to which you belong?
6 DR. BAILEY: I'm a member of the Health Physics
7 Society and I'm the editor of its journal, Health Physics, a
8 member of the Society of the Society for Risk Assess, Risk
9 Analysis, the International Society for Exposure Analysis,
10 the Bio-Electromagnetic Society, the Institute of Electrical
11 and Electronic Engineers, Engineering and Medicine and
12 Biology Society, and the Council International de Grande
13 Risoux Le Creek (phonetic sp.).
14 MR. WALLACE: Thank you. Have you written any
15 articles or professional journals or authored any books
16 related to the subject of the health effects associated with
17 electromagnetic fields, and at this point we can refer to it
18 as EMF. That's acceptable?
19 MR. GROSSMAN: All right.
20 MR. WALLACE: Okay.
21 DR. BAILEY: I've written a, or presented
22 approximately 100 papers or presentations. Most of these
23 involving the topic of electric and magnetic fields at
24 various frequencies.
25 MR. WALLACE: In particular, including the, those

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1 generated by electric substations and overhead transmission
2 lines?
3 DR. BAILEY: That's correct.
4 MR. WALLACE: Okay. Have you been an advisor to
5 help in government agencies on EMF research?
6 DR. BAILEY: Yes. I've, because of my background
7 and experience, I've been asked to advise numerous State,
8 Federal and international agencies. These include the
9 Maryland Public Service Commission, the Maryland Department
10 of Natural Resources, the Vermont Department of Public
11 Service, the New York State Department of Environmental
12 Conservation, the National Institute of Health, the National
13 Institute of Environmental Health Sciences, the Department
14 of Energy, the Federal Railroad Administration, other
15 agencies, also include the World Health Organization and the
16 International Commission on Non-Ionizing Radiation
17 Protection.
18 MR. WALLACE: And I apologize. I missed, skipped
19 over your academic credentials. Could you just briefly
20 review those?
21 DR. BAILEY: I have a Bachelor's degree from
22 Dartmouth College, a Master's degree from the University of
23 Chicago in business administration, a Ph.D. from the City
24 University of New York in neuro-psychology, and I completed
25 two years of post-doctoral training and neuro-chemistry at

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1 the Rockefeller University in New York.
2 MR. WALLACE: And have you ever testified as an
3 expert witness in the field of health as it's associated
4 with EMF, particularly occurring from the operation of
5 substations and overhead lines?
6 DR. BAILEY: Yes. I've testified in local, State
7 and Federal venues.
8 MR. WALLACE: I'd offer Mr., Dr. Bailey's resume
9 into the record.
10 MR. GROSSMAN: All right. That'll be Exhibit 69,
11 Resume of William Bailey, Ph.D. All right.
12 (Hearing Exhibit No. 69 was
13 marked for identification.)
14 MR. WALLACE: Dr. Bailey, could you please
15 explain, I'm sorry. I'd move him as an expert in health
16 effects of EMF.
17 MR. GROSSMAN: Okay. Any questions regarding this
18 witness's expertise?
19 MR. SILVERMAN: I have just one or two. Dr.
20 Bailey, are you affiliated with a university or professor at
21 this, at this current time?
22 DR. BAILEY: I'm a visiting scientist at the
23 Cornell University Medical School in New York.
24 MR. SILVERMAN: Oh, very good. My father used to
25 teach there. Are you, have you testified for, for PEPCO on

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1 other substation matters?
2 DR. BAILEY: I have.
3 MR. SILVERMAN: You have. Do you work with them
4 frequently?
5 DR. BAILEY: I or my colleagues have been called
6 to provide technical expertise to inform people about the
7 status of research on this topic, yes.
8 MR. SILVERMAN: Thank you. No objections.
9 MR. GROSSMAN: Have you ever been called by the
10 opposition in an attempt to, by an electrical company to
11 install power lines or similar equipment to what's being
12 suggested now?
13 DR. BAILEY: I have been contacted by people
14 opposing facilities. I have not been hired, I think largely
15 because of the rates we charge.
16 MR. GROSSMAN: All right. I --
17 MR. WALLACE: In addition, is it fair to say that
18 it would contrary to most of the research you've done to
19 testify in opposition?
20 DR. BAILEY: If, if someone wanted to find out
21 what the status of scientific research is in this field, I
22 would have no difficulty in testifying about the status of
23 that research whether it was PEPCO or people like
24 yourselves. I also do a lot of work with Federal and State
25 and international agencies and they are also users of my

1 opinions.

2 MR. GROSSMAN: All right. Based on your

3 background, experience, prior testimony as an expert in the

4 field of health effects of EMF, I accept you as an expert as

5 such.

6 MR. WALLACE: Just very briefly for the record.

7 Can you just explain what EMF is?

8 DR. BAILEY: EMF is an acronym usually referring

9 to electric and magnetic fields. In this context, it refers

10 to the 60 Hertz alternating electric and magnetic fields

11 associated with our power system. The fields at this

12 frequency are produced by anything that is connected to our

13 electric system, including substations.

14 MR. WALLACE: Is an EMF a regular part of

15 everything around us, our daily experience?

16 DR. BAILEY: Everything that conducts or uses

17 electricity will be producing these fields associated with

18 their operation. So all of the electrical equipment in this

19 room, the lights, all the devices and everything are all

20 sources of fields at 60 Hertz.

21 MR. WALLACE: What produces EMF at an electric

22 substation?

23 DR. BAILEY: The main components of electric

24 substation as described earlier in testimony, its purpose is

25 to transform the voltage from a, a higher voltage to a lower

1 voltage for distribution in the local community. And so,

2 that equipment primarily consists at substations. And there

3 is control equipment and bus work that connects to various

4 switches to the transformers.

5 MR. WALLACE: Is the EMF that this equipment

6 produces different than the EMF generated by other

7 buildings, uses, equipment?

8 DR. BAILEY: No. It's the same.

9 MR. WALLACE: Are you familiar with the

10 conditional use application that's being reviewed today?

11 DR. BAILEY: Yes.

12 MR. WALLACE: Okay. And you've heard the

13 testimony of the previous witnesses?

14 DR. BAILEY: I have.

15 MR. WALLACE: And are you familiar with the

16 subject property in the surrounding area?

17 DR. BAILEY: Yes.

18 MR. WALLACE: Okay. Have you had an opportunity

19 to study the, the substation that's the subject of the

20 application with respect to EMF that would result from the

21 operation of it?

22 DR. BAILEY: Yes. The research on electric and

23 magnetic fields has been going on at a, at a good pace over

24 the last 40 years. Examining exposures from sources

25 including appliances, wiring, scientific and medical

1 devices, substations, transmission lines, distribution

2 lines. So it is a well-studied subject. And this research

3 has been reviewed by many agencies for the Government and

4 scientific agencies. None of these agencies has concluded

5 that electric and magnetic fields are levels we typically

6 encounter in our everyday environment or a cause of any

7 adverse effect on our health. And in the case of

8 substations, they're specifically designed to function

9 efficiently to contain electric and magnetic fields within

10 the equipment. And so the fields from these sources in the

11 substation diminish with distance very quickly. And so at

12 the boundaries of the properties it's typically the case

13 that these values are no different than what are found in

14 the surrounding community from other sources that are

15 outside our houses like a distribution line.

16 MR. WALLACE: So does, does the weight of the

17 scientific evidence regarding EMF indicate that exposure to

18 the levels that would be expected to be generated from this

19 substation, would that have any adverse effect on animals or

20 humans?

21 DR. BAILEY: No. It does not.

22 MR. WALLACE: Okay. And does your review or

23 knowledge of the exposures to EMF from substations like the

24 one proposed indicate that the fields from the substation

25 would exceed any recommended limits for exposure for the

1 general public?

2 DR. BAILEY: No. In fact, they're, you know, in

3 orders of magnitude below recommended levels of exposure for

4 the general public.

5 MR. WALLACE: And so, in your opinion, would, in

6 terms of EMF from the substation, would the location of the

7 substation at this, at this, on this property cause any

8 undue harm to the health, safety and welfare of the

9 surrounding residents, the general community, any employees

10 to the site or visitors to the site?

11 DR. BAILEY: No, it would not.

12 MR. WALLACE: The, are you aware of a letter of,

13 written by residents, some residents adjacent to the site

14 expressing some opposition to the project, in particular

15 concerns about radiation, their phrasing, assuming that

16 means EMF, radiation from the substation?

17 DR. BAILEY: I, I heard Mr. Grossman's --

18 MR. WALLACE: Mr. Grossman.

19 DR. BAILEY: -- paraphrasing of, of that letter.

20 Yes.

21 MR. WALLACE: And one of the, that letter also

22 suggested that if you could move the transformers from their

23 proposed location, it would reduce the impact of EMF from

24 the substation. Is that the case, in your opinion, that it

25 wouldn't have any impact?

1 DR. BAILEY: It, it's doubtful. The, the reason
 2 is that the transformers are designed to contain the
 3 magnetic flux around the core. And so, well, right at the
 4 surface of the transformer the field level may be very high.
 5 The field diminishes with the cube of the distance. So the,
 6 the field from a, a transformer is much like the field from
 7 a hair dryer. The field can be very strong at the surface
 8 of the hair dryer, but you go, you know, 10 feet away and
 9 you'll barely be able to measure anything. And that same
 10 principle applies to the transformers in substations. And
 11 so that, you know, once you get 15 feet away from a
 12 transformer, the fields are quite low. And so we're talking
 13 about a distance over which the fields would diminish far
 14 greater than that.

15 MR. WALLACE: So, in your opinion, the
 16 transformers are already in a location that's safe in terms
 17 of EMF?

18 DR. BAILEY: In which the, the levels of magnetic
 19 fields from the transformers would not impinge to any
 20 significant extent at the boundary of the property.

21 MR. WALLACE: Okay. No further direct questions.

22 MR. GROSSMAN: You mentioned it diminishes at the,
 23 as the cube of the distance. My vague recollection from 50
 24 years ago in college physics is that the magnetic induction
 25 field would reduce as the square of the distance that you'd

1 on the, on the bus work, but again, these are, these are
 2 short connecting pieces of, of conductors. And so the
 3 general experience is from measures at many substations that
 4 those components also are not important contributors outside
 5 the boundary of the substation.

6 MR. PANDYA: So the components that are in the
 7 open well area, they're, they're exposed to the screen and
 8 open to the sky. That one.

9 DR. BAILEY: Right. The other thing as I point is
 10 that, I mean there, when we use the term EMF, we're talking
 11 about two components, the electric field and the magnetic
 12 field. The electric field is related to voltage and the
 13 magnetic field is related to current flow. And so electric
 14 fields are quite effectively blocked by conducting materials
 15 and so all those electric fields that are produced with
 16 conductors or bus work, open to the air, would be completely
 17 blocked by the, the building surrounding the, the
 18 substation.

19 MR. PANDYA: What is the general level and
 20 whatever the unit is that that is considered harmful to
 21 humans and animals? Is there a number like 60, 50 that is
 22 harmful to the humans and animals?

23 DR. BAILEY: Well, electric and magnetic fields
 24 like anything else in our environment at sufficiently high
 25 levels can pose some degree of harm. So research has been

1 have an enumerator of that equation. You have a unit vector
 2 and then it's over R-squared not over R-cubed. Am I
 3 remembering that incorrectly?

4 DR. BAILEY: It depends upon the nature of the
 5 source. So a, a device like a transformer or hair dryer,
 6 the fields will diminish as one over the cube of the
 7 distance whereas a, a transmission line would, the field
 8 from that would diminish as one over the square of the
 9 distance. You are correct on that.

10 MR. GROSSMAN: Okay.

11 DR. BAILEY: So it depends upon the
 12 characteristics of the source is the, the general rate at
 13 which it diminishes with distance.

14 MR. GROSSMAN: All right. I'll open to cross-
 15 examination.

16 MR. PANDYA: Sure. Thank you, sir.

17 CROSS-EXAMINATION

18 MR. PANDYA: You talked about the EMF generated by
 19 the transformers. What about the, the EMF generated by the
 20 other components that are in the open well area? How do
 21 they compare with the, the, and I'm not using the right term
 22 maybe, the field level or, is there a difference?

23 DR. BAILEY: The, the other components of the
 24 substation are generally not important contributors at the
 25 boundaries of the site. You have currents that are flowing

1 done and standards have been set to protect both employees
 2 and the general public from exposure to inordinately high
 3 levels of electric and magnetic fields. So at, at very high
 4 levels, we're talking about levels that are like 50,000
 5 times or more higher than what would be found in a home.
 6 With the magnetic field and the electric field you can have
 7 some mild electro stimulation. So in the case of magnetic
 8 fields that perception is exactly the same as if you close
 9 your eyes and, and press on your eyelid, you'll have a faint
 10 visual sensation. That's called a phosphene. And when
 11 you're in extremely strong magnetic fields, it will produce
 12 visual phosphenes. And that is not harmful, but that is the
 13 lowest, that is the biological effect at the lowest level of
 14 exposure which is, might be, over a long period of time,
 15 might be considered to be harmful and so that's the basis
 16 for the standard. And then exposures for workers and the
 17 general public are set below that so that there is no
 18 possibility that that would occur from people in the
 19 vicinity of the substation or even workers within the
 20 substation would experience that.

21 MR. PANDYA: Again, is there a range and what I'm
 22 getting to is if we take measurements at the property line,
 23 what should we expect?

24 DR. BAILEY: Well, that, that's a different
 25 question.

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1 MR. PANDYA: Okay.
2 DR. BAILEY: The question that I, that I thought
3 you were asking was at what level do these adverse effects
4 occur.
5 MR. PANDYA: Right. And I --
6 DR. BAILEY: And I think, I think that the
7 simplest way to say is the, the level, the standard for
8 exposure to the general public from one international agency
9 is 2,000 milligauss. And the other is 9,040 milligauss.
10 Now that is a level in which you're guaranteed not to
11 experience adverse effects from electrical stimulation.
12 You, it's possible that you could have exposures
13 considerably higher than that if it could be shown by
14 dosimetric modeling that you would not have, you would not
15 exceed the biological threshold for these effects.
16 MR. PANDYA: Okay. Again --
17 MR. GROSSMAN: So what, in the context of that
18 question, what level of milliguass would you expect at the
19 fence line of this proposed use?
20 DR. BAILEY: It, well, I haven't done an, an, or
21 my engineers haven't done any specific modeling of the
22 substation, but in our experience these levels could be in
23 the single or double digits. You know, sort of in, in, in a
24 range of anywhere from two milliguass to 20 or so
25 milliguass.

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1 MR. GROSSMAN: And if I --
2 DR. BAILEY: In that order of magnitude.
3 MR. GROSSMAN: Versus what you've testified that
4 it would take by some agency 2,000 milliguass to be at the
5 danger, or a danger, the level at which you would start to
6 have some health concern?
7 DR. BAILEY: That's correct.
8 MR. GROSSMAN: Okay.
9 MR. PANDYA: You said you have not done a specific
10 study for this site. Correct?
11 DR. BAILEY: That's correct.
12 MR. PANDYA: Okay. So, so I guess you don't know
13 whether we should expect 2,000 or 3,000 or less than 2,000
14 because there is no study is done by you on behalf of PEPCO?
15 DR. BAILEY: Based upon the design and
16 characteristics of the substation, you would not be able to
17 produce levels approaching 2,000 milliguass at the boundary.
18 And this is a, this is a very large site. And we have done
19 studies around the substations in a variety of locations in
20 some, in rural areas, some in downtown New York City where
21 the substation abuts up to an apartment building, and you
22 would, the values that I quoted you are in the range of
23 what, what we've seen in these other substations of varying
24 sizes.
25 MR. PANDYA: Those studies that you had done, how

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1 comparable they are with this situation here? The same
2 size, same surrounding, same openness or was that all
3 enclosed?
4 DR. BAILEY: No. Substations are typically not
5 totally enclosed. And that, that enclosure really has no
6 impact on the levels of, of EMF. For instance, if you
7 didn't have a building around the, the substation, the
8 electric field would still be largely blocked because of the
9 metal fence and the trees and shrubbery, so whether that,
10 that shielding was coming from trees and shrubbery and a
11 metal fence or whether it was coming from a building, it
12 would be the same reduction in electric field.
13 MR. PANDYA: Some of these trees in the buffer
14 zone area will not be that dense for quite a while. Five,
15 10 years. If we measure the, whatever that unit is, for
16 2,000, will it, will we find it less than 2,000 in the
17 beginning or, or what should, I mean if, you said you
18 haven't done the study, but --
19 DR. BAILEY: It, it's not going to be anywhere
20 close to 2,000.
21 MR. PANDYA: I see.
22 DR. BAILEY: So we're talking about, you know,
23 levels that are, you know, a hundred-fold lower than that.
24 MR. PANDYA: Even in the beginning of the, when
25 the project is done?

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1 DR. BAILEY: That's correct. The, the, the
2 distances between the equipment and the site boundary are
3 quite large. And so, there is ample distance for field
4 levels to diminish to the levels that you would encounter
5 from other sources on the street.
6 MR. PANDYA: Have you ever in your study encounter
7 that this EMF has caused any, I mean in previous studies of
8 the substation, has any long-term impact ever on any
9 individual, any animals, anything, have you come across
10 that?
11 DR. BAILEY: Well, scientists have been looking at
12 this question for the last 40 years. And the weight of the
13 evidence does not suggest that exposures at levels below the
14 standards that I quoted of 2,000 milliguass or 9,040
15 milliguass have any adverse effect on health. And the World
16 Health Organization has indicated that compliance with these
17 guidelines is protective of public health.
18 MR. PANDYA: So not even long-term impacts on, on
19 health?
20 DR. BAILEY: Right.
21 MR. PANDYA: No impact.
22 DR. BAILEY: If you go to their website, their
23 website has their conclusion that says, quote, despite
24 extensive research to date there is no evidence to conclude
25 that exposure to low-level electro-magnetic fields is

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1 harmful to human health, end quote.
2 MR. PANDYA: And which study is that?
3 DR. BAILEY: That is on the World Health
4 Organization's website. If you type in who+electromagnetic
5 field in Google, you'll come up with their website and they
6 have a whole, pages of explanation about electric and
7 magnetic fields and that's the conclusion that they have
8 currently.
9 MR. PANDYA: Study done, done on behalf of WHO,
10 right? Not for someone.
11 DR. BAILEY: This is their, this is, WHO does not
12 itself conduct research.
13 MR. PANDYA: Okay.
14 DR. BAILEY: It evaluates scientific research
15 published around the world and issues its conclusions.
16 MR. PANDYA: So that study may have been done by
17 whoever did this study on behalf of another electrical
18 company --
19 DR. BAILEY: No.
20 MR. PANDYA: -- or --
21 DR. BAILEY: That, that conclusion is the
22 conclusion of the World Health Organization based upon their
23 review and assessment of the literature of research on
24 electric and magnetic fields and health.
25 MR. PANDYA: Thank you. No further questions.

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1 MR. GROSSMAN: Mr. Silverman?
2 MR. SILVERMAN: Okay.
3 CROSS-EXAMINATION
4 MR. SILVERMAN: Dr. Bailey, there's a submission
5 by PEPCO in the, it's, I don't know it's been put in as a
6 separate exhibit, but it's in the Planning document as
7 Attachment C-3. It's labeled Substation EMF and it's a,
8 like a factsheet on, are you familiar with that document?
9 DR. BAILEY: Yes.
10 MR. SILVERMAN: Did you help draft it or --
11 DR. BAILEY: Yes.
12 MR. SILVERMAN: Okay. So that states, it largely
13 restates what you've said today and it includes the
14 statement about the World Health Organization saying that
15 despite extensive research to date, there's no evidence to
16 conclude that exposure to low-level electromagnetic fields
17 is harmful to human health. Is that, maybe, it sounds like
18 a very blanket statement there and no, there's no research
19 whatsoever that, that there's any health impact from EMF?
20 DR. BAILEY: I don't, I don't necessarily, I, I
21 know that the, you know, to a non-scientist that, that may
22 be the, the, the, the lay reading of that, but what they're
23 referring to is it, from a scientific perspective one can go
24 out and collect, do all kinds of experiments and it's rarely
25 the case that the experiments whether you're taking a

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1 measurement in a laboratory, whether you're taking
2 measurements in the field, whether you're dealing with
3 physical entities like the speed of light or you're dealing
4 with the response of a, of a rat or a mouse or a cell to
5 electric and magnetic fields, it's rarely the case that if
6 you do 10 experiments that you get the 10, the same result
7 from 10 experiments. So in evaluating and performing health
8 risk assessments, one looks at all of the data and then
9 draws a conclusion as to what is the weight of the evidence
10 from those findings, taking into account the, the quality of
11 the studies, the number of subjects who were involved and,
12 and particularly if these findings are replicated. So the
13 gold standard of science is not, you know, somebody runs in
14 the room and said, you know, I've discovered something. As
15 scientists we don't accept that until other scientists have
16 been able to replicate that finding under similar
17 circumstances. And so what the WHO is referring to is that
18 we do not have confirmed evidence of harm to people from,
19 based upon this record of evidence that they examined.
20 MR. SILVERMAN: Okay. I, earlier today, submitted
21 for the record. It hasn't been accepted. There was some
22 objection to including it. A report that I wonder if you're
23 familiar with since you --
24 MR. GROSSMAN: Well, I haven't, you haven't
25 submitted it to me.

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1 MR. SILVERMAN: Oh, I'm sorry. I didn't?
2 MR. GROSSMAN: Thank you. This will be Exhibit
3 70. Once again, it's being marked. It doesn't mean it's
4 being admitted and we can deal with that in a minute or two
5 when we get to that point. Exhibit 70 is an October 2006
6 Status Report on, I'm just going to say, I'll abbreviate it,
7 Human Health Effects of EMF. All right.
8 (Hearing Exhibit No. 70 was
9 marked for identification.)
10 MR. SILVERMAN: You had mentioned I think in
11 discussing your, your experience that maybe you had done
12 some consulting or you had worked with the Public Service
13 Commission of Maryland at some point in time.
14 DR. BAILEY: I was an expert witness for the
15 Public Service Commission in a case involving questions
16 about health and safety of a high voltage transmission line.
17 MR. SILVERMAN: Okay. So this appears to be a, a
18 report, it's not an independent study. It's just a report,
19 a literature review much like, you know, some of the other
20 ones that you've referred to today that looked at the state
21 of the science at this time. It's a few years old. And it
22 included and I'll, I'll just, if there's no objection, I'll
23 just direct you, I don't expect you to read this whole thing
24 if you're not familiar with it, but, you know, as a good
25 non-scientist I jumped to the conclusions. And there is

1 references to at least two studies in there that, you could
2 see the highlighted section, talks about leukemia risks
3 particularly in children as a result of EOF magnetic fields.
4 I'm curious as to what your response is to, you know, a, a,
5 you know, concerned citizen that sees this online coming
6 from our own Maryland Public Service Commission and wonders,
7 has small children living 120 feet away, whether there
8 should be some concern here?

9 DR. BAILEY: Well, I, I certainly credit you with
10 doing some homework to try and find out more information
11 about this topic. And it's good that you've, you've gone to
12 a, a Government agency for your information rather than the
13 kind of general sources on the Internet. I know both of the
14 authors of this report and I point out that it covers the
15 period 2001 to 2006 so they just looked at publications
16 within that period, pulled a few of those out and then
17 directed our attention to those studies. They are, this
18 report is not the same as the over 360 page report of the
19 World Health Organization that was issued a year later after
20 this. And a report of similar size and depth and
21 comprehensiveness to the WHO report was released by the
22 Committee of the European Commission in 2015. So my, my, I
23 would direct you to look at the more current and
24 comprehensive sources. And if you do that, a couple of
25 things will come out. The first thing is, turning to the

1 question about studies have shown increased risk for
2 childhood leukemia associated with ELF magnetic fields.
3 It's on page 3 of the Executive Summary. A statistical
4 association has been reported in a number of studies in the
5 early years between measures that attempt to estimate
6 exposure to magnetic fields and various health conditions,
7 including childhood leukemia. The ways of estimating
8 exposure have been counting the number of wires that are
9 hanging on poles and their apparent thickness, measuring the
10 distance from transmission lines to residences, taking spot
11 measurements of magnetic fields in the house, calculating
12 magnetic fields at residences in a variety of techniques to
13 characterize the exposure of people in residences to
14 electric and magnetic fields. And in a study that was
15 reported in 1979 by Ed Leeper and Nancy Wertheimer, they
16 reported an association between the type of wiring outside
17 the home and childhood cancers, particularly childhood
18 leukemia. And a number of studies were published after
19 that, reported a similar statistical association. Now the
20 way these studies are done is a so-called case control
21 design, and you'll see that discussed in this memo, in the
22 case control design you take a group, I'll describe it for
23 these particular studies, you take a group of children who
24 has a disease. In this case, childhood leukemia. And then
25 you take a group of children in the same community, the same

1 age group, same sex, and that do not have leukemia and you
2 compare their exposures. So if the exposures of the
3 children with leukemia are the same as other children
4 without leukemia, we say that there is no association. If
5 the exposures of the children with leukemia appear to be
6 higher, then we say that there is a statistical association.
7 Or if the exposures of the children with leukemia were
8 lower, we would also say there was a statistical
9 association. And when you go through these studies, you can
10 find within studies that sometimes compute hundreds of
11 associations. Associations that will suggest that there is
12 no association, that there is a positive association. That
13 is, children with leukemia have higher exposures than other
14 children. And also association suggesting that children
15 with leukemia have lower exposures to magnetic fields than
16 other children. So these human epidemiology studies are
17 observational in nature. So they are very difficult to
18 prove causation because there are lots of other factors that
19 could influence how this association came about. So if you
20 go to current research, people have been trying to better
21 characterize exposures and for a longer period of time in
22 these epidemiology studies and so they have done so. And
23 the, one of the studies you, you mentioned, has done a
24 particular good job of following through on, for many years.
25 So I'd first point out when we're talking about these

1 statistical associations, epidemiologists all will say that
2 there is a risk, but actually this association we're talking
3 about in these studies cannot be interpreted directly as a
4 risk. It is a difference in exposure. So if, if we have an
5 association between estimates of exposure to magnetic fields
6 in childhood leukemia, it is a difference in their exposure.
7 Now if we followed a population of people and we had people
8 who had high exposures to magnetic fields and people who had
9 low exposures to magnetic fields and we followed them
10 forward in time and we found that there was more cancer
11 occurring in the exposed population, then we could truly say
12 both from a scientific and an everyday sense that there was
13 a risk associated with that exposure. But risk in this
14 sense is an epidemiology shorthand for statistical
15 association. We would need other evidence in order to
16 conclude that such a difference in exposure actually was
17 replicable and also represented a causal relationship. And
18 that's why we rely on two other parts of, of science to, to
19 help us understand such data. And those are laboratory
20 studies of animals and also of isolated cells and tissues.
21 Now in the 1990s, the National Institute of Environment
22 Health Science was, was asked by Congress to investigate the
23 question about whether high voltage transmission lines might
24 be a cause of cancer or other health effects. And they said
25 into this, this national research program one important

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1 aspect of that national research program is the ASTA
2 National Toxicology Program that does lots of assessments
3 for the Federal Government of cancer to do studies in which
4 animals were exposed of two types over their entire lifetime
5 to magnetic fields ranging in intensity from 200 milligauss
6 to 10,000 milligauss. And with the possibility that there
7 might be a difference between continuous exposure and
8 intermittent exposure, they had the fields turned on and off
9 in an intermittent fashion over their lifetime. At the
10 conclusion of the experiment, they sacrificed the animals
11 and examined about 50 different tissues of the body under
12 the microscope and looked to see is there a difference in
13 the incidence of cancer in the animals who were exposed to
14 magnetic fields versus the control group. And there was
15 not. And there was no dose related change in the, in the
16 pathology of the animals based upon the intensity of the
17 magnetic fields.
18 MR. GROSSMAN: Well, I take it that, that in all
19 of the studies you've referenced the question is whether the
20 correlation that is found is a cause and effect relationship
21 you criticized the earlier study cited in this report
22 because they are, I guess, retrospective rather than
23 prospective of the, the studies you're, you're citing. But
24 it's always a question of whether or not the correlations
25 they find are cause and effect is it not?

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1 DR. BAILEY: Right. That, that's the question,
2 but we're trying to answer, but we can't answer just by
3 doing more correlational studies.
4 MR. GROSSMAN: I also noticed that the term ELF,
5 extremely low frequency, was used here in this highlighted
6 conclusion as opposed to EMF. Is there a difference between
7 EMF that we're talking about and ELF?
8 DR. BAILEY: Essentially no. The extremely low
9 frequency range or ELF range is, goes from let's say one
10 hertz, one cycle per second to 300 cycles per second.
11 MR. GROSSMAN: So it covers the EMF that we're
12 discussing?
13 DR. BAILEY: And the primary frequency that we
14 would be exposed to from our electrical, common electrical
15 sources would be at 60 hertz in the U.S., 50 hertz in
16 Europe. On the other hand, you can go to particularly
17 newspaper articles and things on the Internet that use EMF
18 to refer to the static magnetic field of the earth, radio
19 frequency fields from cell phones and other sources. So
20 these fields, the different frequencies have different
21 properties because they interact with materials, including
22 biological organisms, differently so they, they have to be
23 separately evaluated. So when I use the term EMF, I use it
24 only to refer to essentially 60 hertz electric and magnetic
25 fields. If I want to refer to fields from the earth, I'll

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1 use the term static fields because they have essentially a,
2 almost zero hertz frequency or if I'm talking about fields
3 from, let's say a mobile phone, I'd be talking about radio
4 frequency fields or microwave fields.
5 MR. GROSSMAN: Would, would the people in the
6 neighborhood around this proposed substation be exposed to
7 EMF at any greater levels than exist in the general
8 background as a result of this proposed substation?
9 DR. BAILEY: No.
10 MR. GROSSMAN: Okay. Seems to me that whether or
11 not EMF can be a harm or not, you can, whether you look back
12 at the old studies or you look at the new ones, isn't that
13 the critical question? If the proposed substation will not
14 create any greater level of EMF in the neighborhood than
15 what is in general background, how could it be considered a
16 harmful addition?
17 MR. SILVERMAN: Well, one additional question
18 along those lines is have you considered in, in looking at
19 the amount of EMF or ELF or whatever we want to call it that
20 we're also within a few yards of the PEPCO right-of-way
21 with, with towers there with emissions and also have power
22 lines running along Darnestown and Riffle Ford Roads so
23 we're surrounded pretty much on about three sides of our
24 property. And this is in addition.
25 DR. BAILEY: If I recall the, the testimony this

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1 morning that it was that the station site was about a 10th
2 of a miles from the 230 kV transmission line right-of-way.
3 MR. SILVERMAN: That's right. Yeah.
4 DR. BAILEY: So that, that's, that's quite a fair
5 distance and so I would expect that those fields would be
6 diminished long before they got to, to the site. There are
7 transmission lines and distribution lines throughout our
8 society. I mean whether they are overhead or underground,
9 these are contributors to the fields that we experience. So
10 as we go out, throughout our daily life we're continually
11 going in and out of fields from a variety of sources. And
12 some of those sources we can be very close to. Like an
13 appliance or wiring in your home or something like this.
14 And others were much further away because they're up in the
15 air or on a right-of-way or contained in a large site.
16 MR. SILVERMAN: If the residents wanted some
17 assurance after this is built that this is not, this is
18 emitting, as, as you say you, something in the two to 20
19 milligauss range or something very nominal, how easy or hard
20 is it to get a reading on that, to do a study and find that
21 out?
22 DR. BAILEY: I think almost every electric utility
23 in the United States offers free readings of magnetic fields
24 for residents upon request. And, and PEPCO does this. So,
25 you know, all you have to do is to contact PEPCO and, and

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1 say I would like to have magnetic fields measured at my
2 residence and, and they'll come out and, and take readings.
3 MR. GROSSMAN: Probably get your own gauss meter.
4 You can do it.
5 MR. SILVERMAN: I might get one of those. Great.
6 MR. GROSSMAN: I don't think they're that
7 expensive.
8 MR. SILVERMAN: No, no further questions. Thank
9 you.
10 DR. BAILEY: Thanks.
11 MR. GROSSMAN: Any redirect?
12 MR. WALLACE: No.
13 MR. GROSSMAN: All right. Thank you, Dr. Bailey.
14 MR. WALLACE: Thank you.
15 DR. BAILEY: Okay.
16 MR. GROSSMAN: All right. Next.
17 MR. WALLACE: My final witness, at least I
18 anticipate, is Gabe Weger.
19 MR. GROSSMAN: Mr. Weger, would you state your
20 full name and business address, please?
21 MR. WEGER: Yes. Gabriel David Weger at 9400 Ward
22 Parkway, Kansas City, Missouri 64114.
23 MR. GROSSMAN: You came a long way to testify.
24 MR. WEGER: I did.
25 MR. GROSSMAN: All right. Well, we'll swear you

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1 in anyway. Would you raise your right hand, please? Do you
2 swear or affirm to tell the truth, the whole truth and
3 nothing but the truth under penalty of perjury?
4 MR. WEGER: I do.
5 MR. GROSSMAN: All right. Mr. Wallace, you may
6 proceed.
7 DIRECT EXAMINATION
8 MR. WALLACE: Could you please state your
9 occupation?
10 MR. WEGER: I am an air and noise permitting
11 specialist with an environmental engineering degree from the
12 University of Missouri.
13 MR. WALLACE: And your current employer is?
14 MR. WEGER: Burns McDonnell.
15 MR. WALLACE: And as part of your position with
16 Burns McDonnell do you perform noise analysis, modeling and
17 determination of regulatory compliance with noise emissions?
18 MR. WEGER: Yes, I do.
19 MR. WALLACE: Okay. And you stated already, but
20 just repeat your educational background.
21 MR. WEGER: A civil environmental engineering
22 degree from the University of Missouri.
23 MR. WALLACE: Okay. And how long have you been
24 with Burns McDonnell in this position?
25 MR. WEGER: Three years.

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1 MR. WALLACE: Okay. What's, is Burns McDonnell's
2 involvement with the project? What is it?
3 MR. WEGER: They're the EPC contractor.
4 MR. WALLACE: EPC is?
5 MR. WEGER: Engineering, procurement,
6 construction.
7 MR. WALLACE: Okay. So they're designing and
8 building it?
9 MR. WEGER: Yes, they are.
10 MR. WALLACE: Okay. Thank you. And Mr. Weger's
11 resume.
12 MR. GROSSMAN: Thank you.
13 MR. WALLACE: And I would offer Mr. Weger as an
14 expert in noise analysis, modeling and regulatory
15 compliance.
16 MR. GROSSMAN: All right. Noise analysis,
17 monitoring --
18 MR. WALLACE: Modeling.
19 MR. GROSSMAN: Modeling. I'm sorry. Modeling
20 and?
21 MR. WALLACE: Regulatory compliance.
22 MR. GROSSMAN: Regulatory compliance. All right.
23 And this, his resume is Exhibit 71. Have you ever testified
24 as an expert before?
25 (Hearing Exhibit No. 71 was

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1 marked for identification.)
2 MR. WEGER: I have not.
3 MR. GROSSMAN: All right. And are you familiar
4 with regulations in Montgomery County, Maryland?
5 MR. WEGER: I am.
6 MR. GROSSMAN: Okay. Gentlemen, do you have a
7 question regarding this witness's expertise?
8 MR. SILVERMAN: No.
9 MR. GROSSMAN: All right. I'm looking for your,
10 this is regarding, you're being called regarding noise I
11 take it. Is that correct?
12 MR. WALLACE: Yes.
13 MR. WEGER: I believe the first half of that
14 resume is noise. I also do air permitting.
15 MR. GROSSMAN: Yeah. I happened to look at the
16 back of it first. All right. So you did noise, modeling
17 for the main power reliability project.
18 MR. WEGER: Yes. That was several substations
19 throughout Maine.
20 MR. GROSSMAN: All right. And then Fitzwilliam
21 Substation receiving noise complaints.
22 MR. WEGER: Yes.
23 MR. GROSSMAN: In Fitzwilliam --
24 MR. WEGER: That was a post-construction
25 substation.

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1 MR. GROSSMAN: What happened in that case?
2 MR. WEGER: It is still ongoing.
3 MR. GROSSMAN: And did your readings show a noise
4 problem with the substation?
5 MR. WEGER: They showed that noise was measurably.
6 There are no noise regulations in Fitzwilliam or the State
7 of New Hampshire. So we are currently working with the
8 neighboring residents to take care of their complaints.
9 MR. GROSSMAN: And what did the noise level
10 measure at the perimeter?
11 MR. WEGER: At the perimeter of the substation?
12 MR. GROSSMAN: Yes.
13 MR. WEGER: I, I do not know exactly. I know it
14 was well below, I believe it was below 55 at the fence line
15 of the substation. Their property extends on further down
16 and butts up against the right-of-way where it was down in
17 the low 30's.
18 MR. GROSSMAN: So 55 in terms of decibels?
19 MR. WEGER: Yes. DBA.
20 MR. GROSSMAN: DBA. Well, since you mentioned
21 DBA, I, I take it that substations don't have isolated
22 impact kind of decibel pressures. They just have average,
23 or am I wrong about that?
24 MR. WEGER: Substation, the transformers at
25 substations emit a low frequency kind of a hum that's

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1 measured generally in the 120 hertz. With that you get
2 times where you can hear the substation, but it is not
3 necessarily overly loud or overbearing. You can pick it out
4 when traffic subsides and different things like that.
5 MR. GROSSMAN: Okay. All right. Well, based on
6 Mr. Weger's resume and his background, I'll accept him as an
7 expert in noise analysis, modeling and regulatory
8 compliance. All right. You may proceed.
9 MR. WALLACE: Are you familiar with subject
10 property, the surrounding area and the applications that we
11 have been reviewing today?
12 MR. WEGER: Yes.
13 MR. WALLACE: Okay. And you've described
14 generally your firm's involvement with the project. And did
15 you also have PEPCO conduct a noise analysis as to the
16 expected noise levels after the project, if the project is
17 constructed?
18 MR. WEGER: Yes.
19 MR. WALLACE: Okay. And that noise analysis is in
20 the record as Exhibit, I'm looking for it in the record as
21 Exhibit, it's Exhibit 44B.
22 MR. GROSSMAN: Okay.
23 MR. WALLACE: Okay. And so, are, you've already
24 been asked and answered, but are you familiar with the
25 Montgomery County Noise Control Ordinance?

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1 MR. WEGER: I am.
2 MR. WALLACE: Okay. Can you explain the purpose
3 of the noise analysis that you did?
4 MR. WEGER: What we did, the purpose was --
5 MR. WALLACE: And the methodology.
6 MR. WEGER: Yeah. The purpose for the noise
7 analysis was, was to insure that it would not be in
8 violation of any of the County regulations after
9 construction. The way we went about that was we have
10 already gone out and taken an ambient sound survey around
11 the property. With that information we then go into our
12 modeling software, which is Kadin A (phonetic sp.), and
13 developed the entire site in our noise model. It's a 3-D
14 noise model. We can build the structures inside it, the
15 transformers, the heating ventilation and air conditioning
16 equipment, which is HVAC. All of those sound sources are
17 put into this model. The terrain is brought in for the
18 area. There is a slope to this substation, different
19 elevations where sound would go up and over the walls
20 themselves because it is enclosed. And so we model the
21 entire site to see what the substation's impact is at its
22 property line and the nearest receiving property lines,
23 which would be the residences to the west of the substation
24 itself. With that information, we then compare the expected
25 sound levels post-construction to the regulations. And

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1 insure that they are going to be below the limits. If they
2 are not, we would then build in attenuation telling the
3 client that they would have to install certain things to
4 bring down the sound levels. In this case, they were below
5 the, the County limits.
6 MR. WALLACE: Can you just show the location of
7 the readings that you did? I'm just trying to think --
8 MR. WEGER: Yes. If you want to look at this
9 figure here.
10 MR. WALLACE: And that's Exhibit 68?
11 MR. WEGER: Yes. Exhibit 68. We took seven
12 measurement points around the substation. None of this is
13 here right now. But we took a point at the entryway, the
14 farthest north, coming off of Riffle Ford Road. Took a
15 second point at the second entryway closer to Darnestown
16 Road. We took a point at the intersection of Darnestown
17 Road and Riffle Ford Road. Another measurement point about
18 half-way down the property line close to Darnestown Road.
19 And then three additional points along the property line in
20 the back.
21 MR. GROSSMAN: In the west?
22 MR. WEGER: Yes. On the west side of the
23 property.
24 MR. GROSSMAN: Okay.
25 MR. WEGER: To give an all-encompassing review of

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1 the transformers are going to be closest to that property
2 line. So directly towards the house that's located down
3 here. That is the potential for the loudest point along
4 that property line, which was still below 50 DBA.
5 MR. WALLACE: Is this what you're --
6 MR. WEGER: So --
7 MR. WALLACE: And then if you turn it over there.
8 MR. WEGER: We have --
9 MR. WALLACE: Yeah. Take a look there.
10 MR. WEGER: So residence 7, that's going to be the
11 point, do you want me to give this to him or --
12 MR. WALLACE: No. This is, are the noise
13 assessments.
14 MR. WEGER: So residence 7 on this figure, which
15 if you want to look at it, would show that that sound
16 contour extends slightly out towards this house.
17 MR. WALLACE: Residence, just for the benefit of
18 the Hearing Examiner.
19 MR. WEGER: Yes.
20 MR. WALLACE: Residence 7 is this one?
21 MR. WEGER: Yes, it is.
22 MR. WALLACE: Yes. Okay.
23 MR. GROSSMAN: Okay. So that's at the, at the
24 extreme southern tip of the property.
25 MR. WALLACE: Right.

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1 MR. SILVERMAN: Right. I understand.
2 MR. WEGER: And so what we have is this contour.
3 It's hard to tell in black and white, but I have the actual
4 value on the backside.
5 MR. GROSSMAN: So what did you get at that, at
6 residence 7?
7 MR. WEGER: Residence 7, worst case scenario was
8 48.7 DBA.
9 MR. GROSSMAN: Okay.
10 MR. WEGER: And that is with four transformers
11 operating at their maximum guaranteed sound level.
12 Generally these transformers operate well under their
13 guaranteed sound level, but the information we're provided
14 states that they will not be, they will not exceed that
15 level so that's what we put in the model.
16 MR. GROSSMAN: How about the other two locations
17 on the west?
18 MR. WEGER: It's still the worst case scenario.
19 So we have residence 8 and residence 9.
20 MR. WALLACE: 8?
21 MR. WEGER: Yes. 8 and 9.
22 MR. GROSSMAN: So 8 is about centrally in the
23 western part?
24 MR. WEGER: Yes. In that corner.
25 MR. GROSSMAN: And what's your worst case scenario

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1 there?
2 MR. WEGER: 42.8. And residence 9 is 39.7.
3 MR. WALLACE: And 9 is at the intersection of
4 Hallman and Riffle Ford.
5 MR. GROSSMAN: And those are at the property line?
6 MR. WEGER: Yes. That is at the property line of
7 the facility and the neighboring residences.
8 MR. GROSSMAN: And can you tell me an equivalent
9 sound level that we all can think of as what would 42.8 DBA
10 be?
11 MR. WEGER: Do you have the rest of the sound
12 study? Just to be consistent.
13 MR. WALLACE: And a little falling apart.
14 MR. GROSSMAN: What makes a 40, what makes a 42
15 decibel sound?
16 MR. WEGER: This office --
17 MR. GROSSMAN: If you say my voice, you're in big
18 trouble.
19 MR. WEGER: If I have it --
20 MR. WALLACE: I was going to say mine is a little
21 bit torn apart so I --
22 MR. WEGER: If you can, I just want to be
23 consistent with what we already put in here. Okay. So in
24 the sound study we have a list of certain things that you
25 would hear and their subsequent environmental sound

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1 modeling. Forty would be a farm field with light breeze and
2 bird calls. Fifty DBA would be considered quiet. Sixty DBA
3 would be an air conditioner at 15 feet or in your highway
4 traffic.
5 MR. GROSSMAN: Okay. It's a logarithmic scale?
6 MR. WEGER: Yes, it is log scale.
7 MR. GROSSMAN: Okay. All right.
8 MR. SILVERMAN: Does, does your analysis --
9 MR. GROSSMAN: Well, hold on one second. Are you
10 finished --
11 MR. WALLACE: I, I think he was answering a
12 question.
13 MR. GROSSMAN: Oh, they were in the middle. I'm
14 sorry. I --
15 MR. WEGER: I was already answering questions.
16 MR. WALLACE: It was a little bit --
17 MR. GROSSMAN: My brain skipped a beat there as
18 you can understand, but it's after 5:00.
19 MR. SILVERMAN: Does your analysis also account
20 for the, the landscaping plan? Is there an impact of the
21 trees in there?
22 MR. WEGER: The landscaping for the substation has
23 not been included. So what we did was took the topography
24 of the land as it is now without any foliage or anything
25 blocking sound between the substation and the property line

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1 to be conservative in a worst case scenario situation.
2 Generally the foliage will help with a visual barrier, but
3 will not do a whole lot for sound until you get 50 to 100
4 feet of fairly thick trees to make a substantial, which I
5 would consider a five DB drop in sound. So it takes a
6 significant amount of landscaping to knock down that sound
7 level, but it, it will do a little bit. I'm not going to
8 say it's not going to do anything, but it's going to be,
9 you're not going to notice it whether it's there or not.
10 MR. SILVERMAN: Okay.
11 MR. WEGER: So to be conservative, we left it out.
12 MR. SILVERMAN: So the proposed 25-foot buffer
13 even with the additional about 50, 50 trees or so, small
14 impact, but not, not --
15 MR. WEGER: Small impact.
16 MR. SILVERMAN: -- not, not a real decisive
17 factor. Okay. I think that's all I've got. Thank you.
18 MR. GROSSMAN: Any redirect?
19 MR. WALLACE: No.
20 MR. GROSSMAN: All right. I take it that that
21 completes your case?
22 MR. WALLACE: And that --
23 MR. GROSSMAN: Subject to the documents being
24 admitted?
25 MR. WALLACE: That, I will just make sure.

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1 Anything else? That completes our case in chief.
2 MR. GROSSMAN: All right. So let me turn to the
3 opposition. Gentlemen, which one of you wishes to go first?
4 MR. SILVERMAN: Okay. So are we going to kind of
5 get sworn and do a narrative type --
6 MR. GROSSMAN: I'm going to swear you in. Yes. I
7 can swear you both in at one time, if you'd like. Would you
8 both raise your hands? Mr. Pandya, Mr. Silverman, do you
9 swear or affirm to tell the truth, the whole truth and
10 nothing but the truth under penalty of perjury?
11 MR. SILVERMAN: I do.
12 MR. PANDYA: I do.
13 MR. GROSSMAN: Okay. You're now sworn in. And
14 whichever one of you wishes to go first.
15 MR. SILVERMAN: Okay. You want me to go first?
16 MR. PANDYA: Yeah. Go ahead.
17 MR. SILVERMAN: Okay.
18 MR. GROSSMAN: Mr. Silverman, state, just for the
19 record, state your full name and address, please?
20 MR. SILVERMAN: Sure. Sure. Cary Silverman,
21 12705 Hallman Court in Darnestown, Maryland. I've been a
22 resident of Hallman Court for about five years. I think I
23 purchased the property about the same time PEPCO purchased
24 their property. Maybe a month or so after or a month or so
25 before. I'm not positive. But I moved to Darnestown from

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1 Washington, D.C. in part because we were attracted to the
2 area because it's, it's not an urban space. It's not quite
3 suburban either, but it's on the border of, of being rural.
4 And our neighborhood has, as you can see there, we've got
5 lots of green space and relatively large lots. And, and
6 since moving to Darnestown, my wife and I have had three
7 children that are now four months, 2 years and 5 years old,
8 a lot to handle. PEPCO has now proposed a substation that,
9 in my view and in the view of my neighbors, will
10 significantly alter the block on which we live and, and, and
11 harm the reason that we moved there. We believe, as, as the
12 evidence has shown today, that the proposed design is out of
13 proportion to the surrounding neighborhood. That it will
14 bring more power lines to an area already saturated with a
15 PEPCO right-of-way and towers on one side and transmission
16 lines on the other. The substation, as the renderings have
17 shown from Hallman Court, will be clearly visible from our
18 home. It's going to be the first thing that I see when I
19 walk out my door in the morning. It will be the last thing
20 I see when I close the kids blinds at night. Given its size
21 and height, even the trees that, you know, will be planted
22 along the property line, and we do appreciate, I appreciate
23 the, the efforts that PEPCO has gone to in adding to what we
24 had initially seen, but they will, we will still have a
25 clear view, we believe, at least for a few years of the

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1 substation and at its present height, I think we'll always
2 have something of a view of that. Even in a decade or more
3 from now. We first learned of PEPCO's plan for a substation
4 about a year ago and, you know, it has, from what we
5 initially heard, it was going to be, you know, a substation
6 that blended into the community. It was going to look like
7 a home. And I think I and, and the other residents, my
8 neighbors thought well, we're not too concerned. We're,
9 we're okay with a substation that's, you know, basically the
10 size of a home or not too much bigger than that tucked away
11 on that large piece of land. But it, it turned out to be,
12 and as my, the emails I've submitted to the record have
13 shown, I think the Darnestown Civic Association was, you
14 know, initially of the same understanding. And they passed
15 that information along to us before the first meeting and
16 again made similar statements before the second meeting.
17 And, you know, that has changed over time. By the second
18 meeting that, that I attended, you know, this was a 120 by
19 120 square foot substation. And we were already told at
20 that time that this was going to be among the, a larger
21 substation than initially expected. You know, since that
22 time, it has grown from what was, you know, at 120 by 120,
23 14,000 square feet, to approximately at 150 feet by 160
24 feet, a significantly larger substation. I think that the
25 evidence we've shown today demonstrates that the current

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1 design doesn't blend into the community. It's, it doesn't
2 resemble a house in an RE-1 zoning. And the footprint of it
3 would actually fit all seven of our houses combined within
4 its walls. As the, you know, Dufief property shows,
5 historic area farmhouses are significantly smaller. I do
6 applaud PEPCO's creativity and efforts in, in trying to make
7 this blend in through this farmhouse design. But given the,
8 the size of it, as PEPCO's own witness has, has, has
9 conceded, there is no other farmhouse of this size in, in
10 the neighborhood. We don't know of any others and, and
11 those that do exist are, are much smaller. So, you know, at
12 best I think we may have a situation here where despite the,
13 the efforts taken to create a, a substation that blends in
14 as a farmhouse will actually be viewed by people passing by
15 as, at best, a curiosity as to what is that thing or if it's
16 not pulled off right, as, as something of a monstrosity. I
17 hope that doesn't turn out to be, but there will be a
18 benefit. When my friends and family come to visit me, I'll
19 just tell them now instead of turning on Riffle Ford Road,
20 just look for the big thing and then turn right. And that's
21 where you'll find Hallman Court. This proposed substation,
22 as we have also shown, is also significantly larger than
23 other area substations, which also gave us further pause as
24 to what we were expecting here. As the Travilah Substation
25 shows a substation can be and has been one-third the

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1 footprint of the Darnestown proposal or maybe slightly more
2 than a third. And 10 to 15 feet lower in height. And that
3 particular substation is on a commercial strip and not right
4 adjacent to homes. This one is. So to sum that up, it's
5 seven times the size of our houses, more than twice the size
6 of area farmhouses and about two and a half times the size
7 of the nearest area substation. Power in our area is, is
8 unreliable. And we understand that. We see the need for
9 additional reliability and service. And when we moved in,
10 the very day, we were greeted by neighbors who were packing
11 up their cars to stay with their family because it was an
12 extended outage. And we experienced that ourselves
13 frequently and sometimes extended outages, which eventually
14 led us to invest a whole bunch of money in buying a
15 generator to partially generate, to partially power our home
16 during those outages. So we understand the need here. But
17 we're concerned that placing such a large substation, and,
18 and this is key, in such close proximity as well to homes
19 is, is inappropriate. It will significantly reduce our, our
20 property values. There are concerns as we've talked today
21 about public health, particularly to children. While the
22 bulk of the research may say that there, those are
23 insubstantiated, those concerns are still out there and
24 whether they're valid or not, they do impact property values
25 and they cause stress on the neighborhood. And I could tell

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1 you that five years ago when we were house hunting had we
2 turned on to Riffle Ford Road and on to Hallman Court and
3 seen what's there as proposed, that Hallman Court was in the
4 shadow of this substation, we may well have just circled
5 around and gone on to the next house. As our letter
6 provides, there's, there's several steps that we hope you'll
7 consider before approving this conditional use application.
8 You know, we certainly would favor this property being
9 placed to a residential use as, as provided under RE-1
10 zoning or open or park space as envisioned by the Darnestown
11 Planning Area, but if a substation is to be located here, I
12 mean, first and foremost, we'd like to see the scope of the
13 proposal reduced to something more consistent with the size
14 of a neighborhood house or something approaching the
15 footprint of the Travilah substation. Second, we do
16 appreciate the, what has now become a 25-foot buffer zone
17 and the addition of about 55 trees to that Hallman Court
18 barrier, the, the, with the substation property. We think
19 the additional trees will not only reduce the visibility of
20 the substation, but may have some small impact on, on any
21 sound that's emitted and any EMF concerns stemming from the
22 substation. We also hope that we can obtain as a condition
23 as was mentioned earlier today working with PEPCO and its
24 landscaping architect to designate appropriate points along
25 Hallman Court for appropriate species of trees that we might

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1 use to further even reduce the visibility and any other
2 issues somewhat. The, from our initial letter, some of the
3 plans have changed with respect to the disruption on Riffle
4 Ford Road with the, the transfer of power lines, new power
5 lines off of that strip. And the, there doesn't appear to
6 be, according to the testimony from PEPCO, a likelihood of
7 digging up that street or any significant destruction on
8 that street, which is the only way for us to get really out
9 of our houses effectively. We still like the idea of a turn
10 lane being put in there, but given that change, I'm not sure
11 that that's still as important as it once may have been.
12 So, you know, in sum, I, I think as you're considering this,
13 I hope that you'll take into, look very closely at what's
14 being proposed today because as PEPCO has, it will, it will
15 establish a significant precedent not only for Hallman
16 Court, but for Montgomery County as a whole. This is a new
17 type of substation that apparently hasn't been used before
18 in our County and that PEPCO plans on using in the future.
19 It will be the largest substation in our County. It is 50
20 percent, at least, larger than other substations in our area
21 and, and most importantly, it's within 100 feet of the
22 property line of residential uses. So that's our concern
23 and we hope that we can get them addressed.
24 MR. GROSSMAN: All right. Thank you, sir. Cross-
25 examination?

1 CROSS-EXAMINATION
 2 MR. WALLACE: Just one question. And I apologize,
 3 I didn't remember. You've lived there for how long?
 4 MR. SILVERMAN: Five years.
 5 MR. WALLACE: Five years. So you, you are aware
 6 of the previously approved plans for a, a church location?
 7 MR. SILVERMAN: I learned more about them during
 8 this process, right. But I was generally aware that it had
 9 a sign on it for a while that it was going to be a church.
 10 Yes.
 11 MR. WALLACE: Okay. And the other, and you
 12 suggested that from your point of view, residential uses
 13 would be appropriate here?
 14 MR. SILVERMAN: Yes.
 15 MR. WALLACE: And of course, the, we are, as your
 16 testimony today, you are aware that the height of a
 17 residential house could be as tall as the substation. It
 18 could be 50 feet.
 19 MR. SILVERMAN: Could be.
 20 MR. WALLACE: And could be of significant massing
 21 given the coverage requirements of the RE-a zone. It could
 22 be bigger than your house, in other words.
 23 MR. SILVERMAN: Okay. It could, it could not
 24 under, under the zoning be a townhouse, but yes, that, it
 25 could be a larger house. Yes.

1 MR. WALLACE: Okay. And you mentioned that it was
 2 your opinion that the, that the Potomac Master Plan
 3 recommended the site for acquisition for open space?
 4 MR. SILVERMAN: For, for the Darnestown plan for
 5 open space or for parkland. That's included in the Planning
 6 Commission's report.
 7 MR. WALLACE: And you believe that it was for this
 8 particular site?
 9 MR. SILVERMAN: No. For the, the Darnestown,
 10 Darnestown plan as a whole. Not for this particular site.
 11 MR. WALLACE: Okay. So, but you're not aware of
 12 any attempts for the, from any acquisition from the site,
 13 you don't have any.
 14 MR. SILVERMAN: No, I don't.
 15 MR. WALLACE: Okay. Thank you. No further
 16 questions.
 17 MR. GROSSMAN: Do you have any redirect in
 18 response to those questions?
 19 MR. SILVERMAN: I could redirect myself. No.
 20 MR. GROSSMAN: All right. Okay. Mr. Pandya.
 21 MR. PANDYA: My name is Pranav Pandya. I reside
 22 at 12703 Hallman Court, Darnestown. I have been in this
 23 property since last 15 years. I don't want to repeat
 24 everything that Cary has said. I, I agree with him
 25 wholeheartedly and I have the same concerns. But before I

1 go there, I just want to take a second to thank you and for
 2 apologize for asking certain questions. I'm not familiar
 3 with this procedure. I hope this is the first and the last
 4 time.
 5 MR. GROSSMAN: Well, I want to tell both of you
 6 gentlemen and, in fact, everybody who has participated here,
 7 you don't have to thank me. I want to thank you for coming
 8 down here and sharing your, you've, you've done, both have
 9 done an excellent job actually as counsel for the applicant
 10 and their experts. So, a very professional job. And, and I
 11 always admire members of the community who come down here
 12 and especially ones who have organized their thoughts as
 13 well as you gentlemen have. So.
 14 MR. PANDYA: Thank you, sir. But on the same
 15 line, we want to thank DCA and PEPCO. Believe it or not, we
 16 do thank you for the group presentation and we know more
 17 about the project than we did before. Having said that, we
 18 still have our doubts, our hesitation about this project.
 19 Don't need to repeat that. But it is, it is severely going
 20 to impact the residents and the properties, the aesthetical
 21 value and the environmental impact and health impact,
 22 everything. Believe it or not, we tried to sell the
 23 property, our property. We wanted to sell it. It has
 24 already started to create an impact. We talked with the
 25 realtors and they are saying that you need to disclose about

1 this substation. And we talked to couple of them and they,
 2 as soon as they found out, they walked away from it. This
 3 is my personal experience. So, and then, and the realtor
 4 also told us that you need to lower the price. You need to
 5 lower the price. So we are in, we cannot move out of this
 6 house. Once it is built, I don't know what will be the
 7 major impact, but this is the impact that we have started to
 8 face. It's a reality. The letter we submitted to the
 9 County has covered almost everything so I don't want to
 10 repeat this. I also, one other thing about PEPCO's
 11 correspondence. I know they are busy. They are, they are
 12 talk to DCA, but this is a small community, seven homes. It
 13 does not take that much to talk to us. Somehow contact us.
 14 I know this is not the position or this is not the right
 15 place to talk about it, but it is, there should be some
 16 decency here. I get personally the feeling that they saw
 17 that this is a prime area right at the Darnestown
 18 intersection. There are seven homes. No homeowner's
 19 association. Let's grab this. That's what they're using
 20 against us. Maybe I'm wrong. But that's the, that's,
 21 that's what I think. That, there is a Goliath out there and
 22 we are just seven small residences there. Now maybe I'm
 23 wrong, but that's the impression we are getting that we are
 24 helpless sort of. The structure is not suitable for the
 25 surrounding community. We went through this. I don't want

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1 to go through this. There was a, in one of the meetings, it
2 was said by PEPCO and then this is, I'm quoting here. That
3 the building's aesthetics and architectural features are
4 intended to tie in to the neighborhood setting with the
5 community in mind. That is not the case. And, again, we
6 have gone through this, all this testimony so I don't want
7 to go through this again, but if that was the case, this
8 should have been designed in a different way. I wish PEPCO
9 had talked to us, kept us in the loop so this option which
10 is right now not feasible with the two or three separate
11 smaller substations. Maybe that could have worked, been
12 worked out. Maybe that, and in that way reduce lot of
13 anxiety from the residences in, in our Hallman Court area.
14 In conclusion, I don't want to repeat again what, what Cary
15 said. I just want to ask the people here, and I don't, I
16 don't expect any answers, that is this a community-friendly
17 and caring business entity that is dealing with the, with
18 the, with the residents? How would they feel, put their,
19 put yourselves in our shoes. Would you like to raise your
20 kids and grandkids next to this monstrous, massive
21 structure, that is an eyesore, that is maybe a health
22 impact, maybe environmental impact? And then that is all
23 your blood and sweat you put in your property that you
24 bought, you bought. Now is it drastically going down in
25 value. It is a lose, lose situation for this community. I

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1 don't know whether this testimony is going to impact this,
2 change any decision here, but all in all I ask is when you
3 go to bed tonight, ask yourself whether this is really a
4 good decision as a human being. That's all I need to say,
5 sir. Thank you.
6 MR. GROSSMAN: Okay. Thank you. Cross-
7 examination?
8 MR. WALLACE: No. I have nothing.
9 MR. GROSSMAN: Okay. I, I take it that completes
10 the opposition case. So let me turn to the exhibits. I
11 take it that you would all wish to move all of these
12 exhibits into evidence. That's Exhibits 1 through 71 and
13 their subparts and any other additional files. Were there
14 any other plans that you had modified that have not yet been
15 marked and introduced?
16 MR. WALLACE: I think we have everything --
17 MR. GROSSMAN: Okay.
18 MR. WALLACE: -- that needs, I'm looking at our
19 civil just in case there's a sheet that he's going to have
20 to be changing.
21 MR. GROSSMAN: Right.
22 MR. WALLACE: But I think everything --
23 MR. GROSSMAN: Okay.
24 MR. WALLACE: -- has been introduced.
25 MR. GROSSMAN: All right. So I --

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1 MR. RETTERER: Letters from the Fire Marshal.
2 MR. WALLACE: The, just a, sorry to interrupt.
3 But the, there will be a letter from the Fire Marshal.
4 Actually I do have it.
5 MR. GROSSMAN: Right.
6 MR. WALLACE: I can provide it now or I can --
7 MR. GROSSMAN: Sure.
8 MR. WALLACE: Sure. Why not?
9 MR. GROSSMAN: That's, sure. And I did see the
10 DPS letter is in the, is in the record.
11 MR. WALLACE: I may have spoken too soon. Oh,
12 there we go. Would you like a copy of that letter?
13 MR. PANDYA: Yes, please. Thank you.
14 MR. WALLACE: So this is the approval letter that
15 typically accompanies a Fire Access Plan.
16 MR. GROSSMAN: All right. This will be Exhibit
17 72. And it's the fire, letter from Fire Marshal approving
18 plan. All right. And if there's anything else that you
19 have to submit pursuant to our discussions here, assuming
20 it's relevant and not objectionable, it'll be admitted as
21 well. I will admit all of the exhibits, Exhibits 1 through
22 72 and their subparts are admitted. Okay. As I said at the
23 very beginning, since there were plans that would change and
24 so on, I will keep the record open for, is 15 days
25 sufficient? Anybody?

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1 (Hearing Exhibits Nos. 1-72
2 and Subparts were received
3 in evidence.)
4 MR. WALLACE: I am sorry. I'm taking a look at a
5 couple of the exhibits that --
6 MR. GROSSMAN: Yes.
7 MR. WALLACE: -- you admitted. I just, I may have
8 wanted to ask a question about what they are.
9 MR. GROSSMAN: Okay.
10 MR. WALLACE: That, that the, that the, Mr.
11 Silverman, Mr. and Mr. Pandya handed out.
12 MR. GROSSMAN: Yes. Okay.
13 MR. WALLACE: And so I, I was trying to, you were
14 going pretty quick. And I --
15 MR. GROSSMAN: You want me to, you want me to --
16 MR. WALLACE: I appreciate everyone is, we're
17 running late.
18 MR. GROSSMAN: Okay.
19 MR. WALLACE: But I just, my question is this is,
20 this is the exhibit, Darnestown Civic Association Board
21 Meeting Notes, May 28, 2015.
22 MR. GROSSMAN: You want to know what the number is
23 on that exhibit?
24 MR. WALLACE: Well, I guess --
25 MR. SILVERMAN: Those --

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1 MR. WALLACE: -- are you seeking to admit that
2 into the record?
3 MR. SILVERMAN: Yeah. Those are my personal notes
4 from the, yeah.
5 MR. WALLACE: Okay. That's, that's what I wanted
6 to confirm. That these are not the official notes of the
7 DCA.
8 MR. GROSSMAN: Okay. Let's see. Mr., I have it
9 down as 58. Mr. Silverman's notes.
10 MR. WALLACE: Okay. So it is clear --
11 MR. GROSSMAN: From the May 28, '15 DCA meeting.
12 MR. WALLACE: Great. Thank you. And then I
13 would, I think that the answer, same answer, or same
14 question regarding --
15 MR. SILVERMAN: Those were actually emailed to us
16 by the president of DCA. It's the official notes.
17 MR. WALLACE: Okay. So these are the notes from
18 them. Okay.
19 MR. SILVERMAN: Yeah. Um-hmmm.
20 MR. WALLACE: I can't tell you that we don't, I
21 think we expressed that, that maybe some of the statements
22 that were attributed to PEPCO people were not necessarily
23 recalled and were not, the people who made the statements
24 are, were not here necessarily. I don't, I just want to
25 state that for the record.

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1 MR. GROSSMAN: Okay.
2 MR. WALLACE: But otherwise, no objections.
3 MR. GROSSMAN: I mean it's not, yes. I, I --
4 MR. WALLACE: I, I just wanted to make sure it was
5 stated.
6 MR. GROSSMAN: Right. I mean not every exhibit,
7 you know, is, is going to be, is not going to sway a
8 decision one way or the other, but it's, I think it's useful
9 and for whatever weight it's appropriate to have. I
10 understand the, the concerns that were raised. Okay. Now
11 we've got to the point of the question about how long to
12 keep the record open. And as I said, I propose to keep it
13 open until Friday, January 22, 2016, close of business,
14 which is 5 o'clock.
15 MR. SILVERMAN: Will it be possible for us to get
16 copies of all the revised plans to facilitate our potential
17 for additional comments?
18 MR. GROSSMAN: Sure. Will electronic copies be
19 sufficient for that purpose?
20 MR. SILVERMAN: Yeah. Yeah. I think that will be
21 fine.
22 MR. PANDYA: Yeah. As long as they're readable,
23 yes.
24 MR. GROSSMAN: All right. So --
25 MR. WALLACE: To one or both of you?

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1 MR. PANDYA: Both of us.
2 MR. WALLACE: Okay. And --
3 MR. SILVERMAN: Do you need our --
4 MR. GROSSMAN: And I have Mr. Silverman's email
5 address from the email he sent. And I forwarded it on to
6 you so you, you should have that.
7 MR. SILVERMAN: Right.
8 MR. WALLACE: And I have it. So I have yours, Mr.
9 Silverman.
10 MR. GROSSMAN: I don't have Mr. Pandya's email
11 address unless it's on the letter and I don't think it was.
12 MR. PANDYA: Yeah, I gave it to, it's on the card
13 that I submitted.
14 MR. GROSSMAN: Oh, it's on the sign up list.
15 MR. PANDYA: Yeah. On the card that I submitted.
16 My business card.
17 THE COURT REPORTER: I have it.
18 MR. GROSSMAN: Okay.
19 MR. PANDYA: Yeah.
20 MR. GROSSMAN: So we want to --
21 MR. WALLACE: And can your --
22 MR. PANDYA: I can give it to you.
23 MR. WALLACE: And your systems handle fairly large
24 documents?
25 MR. PANDYA: Yes.

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1 MR. SILVERMAN: Yeah. I should, I should be able
2 to handle that.
3 MR. WALLACE: I'll ask you to confirm if you got
4 them.
5 MR. SILVERMAN: Right. Thank you.
6 MR. PANDYA: Okay.
7 MR. WALLACE: Because obviously some of them will
8 be plans and those can take up --
9 MR. PANDYA: If not, I can give you, just let us
10 know. We can give you another email.
11 MR. GROSSMAN: Are you finished with it or do you
12 need it back?
13 THE COURT REPORTER: I don't need it.
14 MR. GROSSMAN: Okay. Thank you. All right.
15 And let's see. So anyway, we're, January 22,
16 2016, close of business, the record will close. So if you
17 have any further comments regarding the new plans or, or the
18 amendments to the plans other than what you've already said
19 here, you can submit them. I'm not holding the record open
20 in general for anybody to file any comment about anything
21 because I think that's what the hearing is for and in
22 fairness, both sides have, should have an opportunity to
23 respond at a hearing to any new commentary. Okay.
24 I'm also going to ask when you submit, submit to
25 Technical Staff asap, hopefully tomorrow, a copy of all the

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1 new things you've submitted today so that they have an
2 opportunity to comment before the record close date. And
3 also on your cover letter inform them that the record will
4 be closing on January 22, 2016 so ask that any comments they
5 have be made before then. Okay.
6 MR. WALLACE: And just to clarify. You want me to
7 directly send to you, the both of you, any, the revised
8 plans?
9 MR. SILVERMAN: The, correct.
10 MR. PANDYA: Yes.
11 MR. WALLACE: Okay. Okay.
12 MR. SILVERMAN: The site, particularly the site
13 plan, the landscape plan are the most important, I think.
14 MR. WALLACE: Those are the ones in particular
15 you'd like. Okay.
16 MR. GROSSMAN: Okay. All right. I take it that
17 PEPCO has no objection if I were to approve this conditional
18 use to conditions that would call for measurement of gauss
19 at, you know, the, the EMF field at the property line once
20 your operational?
21 MR. WALLACE: You can tell me what gauss is and I
22 can say yes.
23 MR. GROSSMAN: Well, measure into the electro --
24 MR. WALLACE: I'm going to assume it's something.
25 Yes.

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1 MR. GROSSMAN: Okay. And, and to noise for that
2 matter at the property lines once you're operational.
3 MR. WALLACE: Yes.
4 MR. GROSSMAN: I mean, frankly, I mean neighbors
5 can, if they think there's a violation of noise ordinance,
6 they can call for Montgomery County environment people and
7 they will come out and measure noise, but in any event. And
8 we know we had another condition that had talked about as
9 well. Yes. That was actually, that earlier one was the
10 sound test consultant and that they wanted to be able to
11 witness it when it was, when it was measured after it's
12 operational. I think that was, they also wanted
13 notification if a, if the fourth transformer is in use. So
14 that would potentially be a condition.
15 MR. WALLACE: I assume your, your condition would
16 have it limited in the scope of who's getting the notice? I
17 mean is it just the seven houses. I mean --
18 MR. GROSSMAN: Well, that's a fair question. We
19 could say the, the DCA and those Hallman Court folks.
20 MR. WALLACE: Okay. I just wanted to make --
21 MR. GROSSMAN: Yeah. I haven't really formulated
22 it. I'm just going over --
23 MR. WALLACE: If you were going to, then I would
24 appreciate, yeah --
25 MR. GROSSMAN: -- the things that were raised as,

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1 as concerns in which, if conditions were imposed.
2 MR. WALLACE: Right.
3 MR. GROSSMAN: I'm not, I'm not going to consider,
4 unless you privately or people from Hallman Court privately
5 talk to PEPCO about it and reach an agreement about putting
6 additional trees should this be approved on private
7 property. Since those people are not here that own that
8 property, I don't really think I can consider that at this
9 juncture. Okay. Is there anything else that we should be
10 discussing now? And hopefully, by tomorrow, I'd also get
11 the --
12 MR. WALLACE: NAC Standards. I --
13 MR. GROSSMAN: Yes. Standards and, and the, and
14 the electronic copies.
15 MR. WALLACE: Yes.
16 MR. GROSSMAN: Thanks. Okay. Also by January 22,
17 we'll have a transcript of the proceedings. We put them on
18 our website for all our cases. And I thank the Court
19 Reporter for staying late. Appreciate that. All right.
20 Anything else that we should be discussing before
21 we adjourn? Anybody? Once again, I thank you all for a
22 great presentation.
23 MR. PANDYA: Thank you. Thank you so much.
24 MR. SILVERMAN: Thank you.
25 MR. GROSSMAN: I won't say have a nice weekend

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1 because I, it's not Friday yet. Usually I, I don't hold
2 these hearings on Thursday ordinarily so. Oh, by the way,
3 I, my report and decision is due 30 days after the record
4 closes. I have the power to extend it. I don't usually. I
5 usually get them in within that time period. In fact, the
6 last time I extended one it was because I had a 35-day
7 hearing so I needed a little bit more work on it. But, so,
8 and after that, whichever side, any, any aggrieved party at
9 that point can decide they want to request oral argument
10 before the Board of Appeals and you have a, you have to file
11 that within 10 days after the report and decision is issued.
12 You, everybody who participated in the hearing here, both
13 sides in other words, the two opposition witnesses and, and
14 applicant's counsel will receive notice of the, the
15 decision, the report and decision, and that also will be
16 posted on the day I issue it on our website.
17 MR. WALLACE: Thank you, Mr. Grossman.
18 MR. GROSSMAN: Thank you.
19 (Whereupon, at 5:43 p.m., the hearing was
20 concluded.)
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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that
the attached pages represent an accurate transcript of the
electronic sound recording of the proceedings before the
Office of Zoning and Administrative Hearings for Montgomery
County in the matter of:

Petition of PEPCO - DARNESTOWN STATION
OZAH No. CU 16-04

By:

Consuella Miles, Transcriber

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