



**Planet Depos®**

We Make It *Happen™*

---

# Transcript of Hearing

**Date:** January 13, 2017

**Case:** Tatiana Meteleva, In Re:

**Planet Depos**

**Phone:** 888-433-3767

**Fax:** 888-503-3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**www.planetdepos.com**

WORLDWIDE COURT REPORTING | INTERPRETATION | TRIAL SERVICES

Transcript of Hearing  
Conducted on January 13, 2017

1 (1 to 4)

1	3
1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 C O N T E N T S
2 FOR MONTGOMERY COUNTY, MARYLAND	2 PAGE
3 -----x	3 PRELIMINARY STATEMENTS 4
4 In Re: :	4 OPENING STATEMENTS 31
5 Tatiana Meteleva : Case No. CU 17-05	5 TESTIMONY OF MARK NORTH 42
6 -----x	6 TESTIMONY OF TATIANA METELEVA 78
7	7 TESTIMONY OF PARASKEVOULA HAYS 138
8 HEARING	8 TESTIMONY OF WILLIAM KANE 145
9 Before Hearing Examiner Martin L. Grossman	9 TESTIMONY OF MADDELYN CUNNINGHAM 147
10 Rockville, Maryland	10 TESTIMONY OF ROGER HAYS 151
11 Monday, January 13, 2017	11 TESTIMONY OF LEO KANE 153
12 9:30 a.m.	12 CLOSING ARGUMENTS 202
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23 Job: 132907	23
24 Pages: 1 - 207	24
25 Transcribed by: Susan Wilson	25
2	4
1 A P P E A R A N C E S	1 P R O C E E D I N G S
2	2 MARTIN L. GROSSMAN: Everybody ready to proceed?
3 ON BEHALF OF TATIANA METELEVA:	3 HARRY STONE: Yes.
4 HARRY STONE, ATTORNEY	4 MARTIN L. GROSSMAN: Sir, your name?
5 HARRY L. STONE, LLC	5 HARRY STONE: Harry Stone.
6 101 West Jefferson Street	6 MARTIN L. GROSSMAN: Mr. Stone.
7 Rockville, Maryland 20850	7 MARTIN L. GROSSMAN: And this is?
8 (301) 762-1717	8 TATIANA METELEVA: Tatiana Meteleva.
9	9 MARTIN L. GROSSMAN: Hi. Good morning.
10	10 MARTIN L. GROSSMAN: Alright. And I will call the
11	11 case. Court reporter ready? Alright, this is a public
12	12 hearing in the matter of Tatiana Meteleva, doing business
13	13 as Playful Discoveries Childcare. OZAHCU 17-05, An
14	14 Application for Conditional Use Pursuant to Zoning
15	15 Ordinance, section 59.3.4.4.D. That's for a group daycare,
16	16 for 9-12 persons, for up to 12 children in her home at 9828
17	17 Belhaven Road in Bethesda. The subject sight is lot 20,
18	18 block 4 of the Ashburton sub-division and it's zoned R60. A
19	19 conditional use is required for childcare facility for nine
20	20 or more children in the R60 zone. My name is Martin
21	21 Grossman. I am the hearing examiner, which means I will
22	22 take evidence here and I will write a report and decision
23	23 on the case. Alright, will the parties identify themselves,
24	24 please, for the record, once again sir.
25	25 HARRY STONE: Harry Stone, attorney for the applicant.

Transcript of Hearing  
Conducted on January 13, 2017

2 (5 to 8)

5	<p>1 TATIANA METELEVA: Tatiana Meteleva, daycare owner.</p> <p>2 MARTIN L. GROSSMAN: Alright, and is there anybody</p> <p>3 here who wishes to be heard, either for or against, who is</p> <p>4 not a witness to be called by the applicant? Yes sir?</p> <p>5 LEO KANE: Yes, my name is Leo Kane.</p> <p>6 MARTIN L. GROSSMAN: Alright. Mr. Kane, would you come</p> <p>7 forward, please?</p> <p>8 LEO KANE: Yes, thank you.</p> <p>9 MARTIN L. GROSSMAN: And have a seat at the table. And</p> <p>10 there's correspondence for you in the record but for the</p> <p>11 record would you explain who you are and your name and</p> <p>12 address?</p> <p>13 LEO KANE: My name is Leo Kane, K-A-N-E, I live at</p> <p>14 9918 Julliard Dr. Bethesda, MD 20817 and I live 15 houses</p> <p>15 down from the proposed daycare. Umm, I grew up in the</p> <p>16 neighborhood.</p> <p>17 MARTIN L. GROSSMAN: Well now, I don't want to hear any</p> <p>18 testimony, I just want to hear your identification of where</p> <p>19 you were and you are I take it, opposed based on your</p> <p>20 correspondence to the conditional use.</p> <p>21 LEO KANE: Correct</p> <p>22 MARTIN L. GROSSMAN: And you are an attorney according</p> <p>23 to what you have indicated that's in the file but you do</p> <p>24 not represent anybody in this case?</p> <p>25 LEO KANE: I'd like some clarification on that. I am</p>	7	<p>1 LEO KANE: Alright.</p> <p>2 MARTIN L. GROSSMAN: Are there other people hear who</p> <p>3 wish to be heard as witnesses in the case for or against,</p> <p>4 let's take in support of the application. Any of the</p> <p>5 people in the audience?</p> <p>6 HARRY STONE: Yes, we have Mark North or North Point</p> <p>7 LLC.</p> <p>8 MARTIN L. GROSSMAN: Alright.</p> <p>9 HARRY STONE: in the audience and that is the</p> <p>10 applicant and Mr. North are the only two witnesses.</p> <p>11 MARTIN L. GROSSMAN: Alright</p> <p>12 HARRY STONE: unless we bring someone on rebuttal or</p> <p>13 feel the need to. We do have the applicant's husband but</p> <p>14 we we're not currently planning for him to testify.</p> <p>15 MARTIN L. GROSSMAN: Alright, and that's Garragan</p> <p>16 (inaudible)? Okay. Umm, and he is an owner, so he has</p> <p>17 indicated his consent in the record here. Umm, and there</p> <p>18 has been an objection raised that I just saw when I came in</p> <p>19 this morning, an email objection to Mr. North testifying,</p> <p>20 we'll get to that in a couple of minutes. Let me first</p> <p>21 hear, in addition to the applicant's witnesses, are there</p> <p>22 any others here who wish to wish to be, who wish to testify</p> <p>23 today in support of this application? Seeing no hands, let</p> <p>24 me turn to people who are opposed the application, who wish</p> <p>25 to be heard. Alright, the back row, let's start with</p>
6	<p>1 an attorney in Maryland.</p> <p>2 MARTIN L. GROSSMAN: Yes</p> <p>3 LEO KANE: Umm, I have not been representing them. I</p> <p>4 just talked to a Mr. Stone before, umm, and so I'm curious</p> <p>5 as to what, I don't know how the process works.</p> <p>6 MARTIN L. GROSSMAN: Okay</p> <p>7 LEO KANE: Umm, if I am an attorney for them, umm, can</p> <p>8 I raise motions and ask direct questions of them or?</p> <p>9 MARTIN L. GROSSMAN: If you represent them in the</p> <p>10 case, you can ask, you can question them, certainly. There</p> <p>11 is no formal group here, there is a collection of neighbors</p> <p>12 who have joined together and asked to be considered a</p> <p>13 group, and based your letter of November 29, 2016, that</p> <p>14 states their objections. Umm, but you indicated in that</p> <p>15 same letter that you are not representing the group in the</p> <p>16 hearing, appearing here on your own as a citizen.</p> <p>17 LEO KANE: Right. Right, right. I just, given their age</p> <p>18 and their issues, I was would like to be available to umm,</p> <p>19 assist or, I mean</p> <p>20 MARTIN L. GROSSMAN: I'll let you assist them in a, I</p> <p>21 understand that this is a somewhat unusual circumstance,</p> <p>22 umm, but our procedure here is more relaxed than a</p> <p>23 courtroom. As I will explain to everybody, umm, I'll</p> <p>24 explain a little bit about our procedures here and perhaps</p> <p>25 it will fall into place.</p>	8	<p>1 extreme left, Ma'am, what's your name please?</p> <p>2 PATRICIA DOOLEY: Patricia Dooley. D-O-O-L-E-Y.</p> <p>3 MARTIN L. GROSSMAN: Okay. And, yes, I have you down</p> <p>4 as at 9832 Belhaven Rd as of when you joined in the letter.</p> <p>5 PATRICIA DOOLEY: That's correct.</p> <p>6 MARTIN L. GROSSMAN: Okay. Ma'am, your name?</p> <p>7 MADDELYN CUNNINGHAM: Madelyn Cunningham</p> <p>8 MARTIN L. GROSSMAN: Okay. And I have you down as 6007</p> <p>9 Marquette Terrace.</p> <p>10 MADDELYN CUNNINGHAM: Correct.</p> <p>11 MARTIN L. GROSSMAN: Alright, you also have joined in</p> <p>12 the letter. Sir?</p> <p>13 WILLIAM KANE: William Kane, 9818 Belhaven Rd.</p> <p>14 MARTIN L. GROSSMAN: Okay. Yes, I see you in the</p> <p>15 letter as well. I take it you're related to Mr. Leo Kane?</p> <p>16 WILLIAM KANE: I'm his father.</p> <p>17 MARTIN L. GROSSMAN: Alright sir. Yes sir?</p> <p>18 ROGER HAYS: Roger Hays, the last name is H-A-Y-S, no</p> <p>19 e in that. And my address is 6009 Marquette Terrace.</p> <p>20 MARTIN L. GROSSMAN: Okay. Were you not a signature on</p> <p>21 a letter?</p> <p>22 ROGER HAYS: No, I guess we're not.</p> <p>23 MARTIN L. GROSSMAN: Okay. So you said 6009 Marquette</p> <p>24 Terrance?</p> <p>25 ROGER HAYS: Yes sir.</p>

Transcript of Hearing  
Conducted on January 13, 2017

3 (9 to 12)

<p>9</p> <p>1 MARTIN L. GROSSMAN: Okay. Ma'am?</p> <p>2 PARASKEOULA HAYS: Paraskevoul Hays. That's P as in</p> <p>3 Paul, A, R as in red, A, S as in Sam, K, E, V as in</p> <p>4 victory, O, U, L, A. Last name Hays.</p> <p>5 MARTIN L. GROSSMAN: Okay, same address?</p> <p>6 PARASKEOULA HAYS: Yes</p> <p>7 MARTIN L. GROSSMAN: 6009 Marquette Terrace? Sir,</p> <p>8 you're not, you're not testifying, okay. And let me</p> <p>9 mention to the Hays, I have the addresses and perhaps, I</p> <p>10 have other contact information, other email contact</p> <p>11 information. If you signed in, if you leave and email</p> <p>12 address, you can be contacted that way. We consider</p> <p>13 anybody who testifies at our proceedings to be a party in</p> <p>14 the case so you would receive any of the notices or follow</p> <p>15 up orders directly in that fashion. At the end of the</p> <p>16 case, umm, once the record closes, umm, we have 30 days by</p> <p>17 statute, a time period that can be extended. I almost</p> <p>18 never do that. And we send out a notice that we've issued</p> <p>19 an opinion which we put a copy of on our website and our</p> <p>20 notice would have that address and your options from there</p> <p>21 to all sides, all sides would get that. Alright, let me</p> <p>22 tell you a little bit about the proceeding here, we are a</p> <p>23 combination of formal and informal. We have formal and to</p> <p>24 the extent that all witnesses are sworn in, and subject to</p> <p>25 cross examination and as we have opposing parties here</p>	<p>11</p> <p>1 effects from any conditional use to the neighborhood that</p> <p>2 are recognized that are inherent in that particular type of</p> <p>3 conditional use. The statute does not permit me to reject a</p> <p>4 conditional use solely based on inherent adverse effects.</p> <p>5 However, the statute requires that I look at the question</p> <p>6 of inherent and non-inherent adverse effects and determine</p> <p>7 whether non-inherent adverse effects alone or in</p> <p>8 combination with inherent adverse effects create undue</p> <p>9 harms to the neighborhood, umm, in specific areas that are</p> <p>10 spelled out in the statute. So that's what governs me.</p> <p>11 I'm not making policy here about conditional uses but</p> <p>12 obviously the council has permitted this type of this child</p> <p>13 care facility in this type of zone, recognizing that there</p> <p>14 may be some effects on the neighbors and you should know</p> <p>15 that. Alright, umm, let me start out by saying that we</p> <p>16 need an affidavit of posting. Have prepared that Sir?</p> <p>17 Something indicating that there has been a notice signed,</p> <p>18 posted on the property.</p> <p>19 HARRY STONE: We sent that to you.</p> <p>20 MARTIN L. GROSSMAN: We'll actually need one executed</p> <p>21 today to say it's been posted for the, we have forms that</p> <p>22 you can use during the break.</p> <p>23 HARRY STONE: Yes.</p> <p>24 MARTIN L. GROSSMAN: Go to my office, get the form,</p> <p>25 unfortunately the aide who works in my office who is a</p>
<p>10</p> <p>1 there likely be some cross examination. Everything is</p> <p>2 taken down by a court reporter. There will be a transcript</p> <p>3 of these proceedings. We post it on our website so you'll</p> <p>4 have access to it. Umm, it usually comes out about 10 days</p> <p>5 after the proceeding. Umm, evidence here is similar to</p> <p>6 what you would see in a courtroom except we accept certain</p> <p>7 types of hearsay if it's otherwise reliable and</p> <p>8 appropriate. We want accept hearsay that raises questions,</p> <p>9 factual questions. But, as I say, the rules are some, a</p> <p>10 little bit different here. We're here today on an</p> <p>11 application for conditional use. And conditional use is a</p> <p>12 statutorily permitted use if certain conditions are met in</p> <p>13 the statute. There are specific conditions that pertain to</p> <p>14 this particular type of conditional use and they're also</p> <p>15 general conditions that apply to all conditional uses. And</p> <p>16 my job hear is to listen to the evidence and determine</p> <p>17 whether or not the statutory conditions have been</p> <p>18 satisfied. I should point out, this is not a variance,</p> <p>19 it's not, it doesn't vary from what a statute, a statute</p> <p>20 allows. This is a, a use that's permitted by the statute</p> <p>21 if the explicitly stated conditions are met. And those</p> <p>22 conditions are spelled out in the planning board staff</p> <p>23 report Exhibit 23, so you all should, I think, be familiar</p> <p>24 with that. Umm, I should also note that under the terms of</p> <p>25 the Zoning Ordinance, umm, there may be umm, some adverse</p>	<p>12</p> <p>1 notary is not here today. The Court of Appeals may have a</p> <p>2 notary available to notarize that. So, we'll need that for</p> <p>3 the record. Alright, let me turn to the question of the</p> <p>4 technical staff's recommended conditions as amended in the</p> <p>5 Planning Board letter. Do you accept, well I guess, let me</p> <p>6 jump ahead, because of Mr. Kane's objection. He objected in</p> <p>7 the email I received this morning, and let me just mark</p> <p>8 that. Have you seen a copy of that email?</p> <p>9 HARRY STONE: Well, I received a copy of an email last</p> <p>10 night. I assume that's the one.</p> <p>11 MARTIN L. GROSSMAN: Right.</p> <p>12 HARRY STONE: Right at the end of close of business.</p> <p>13 MARTIN L. GROSSMAN: Right</p> <p>14 HARRY STONE: Yes, about 5:15.</p> <p>15 MARTIN L. GROSSMAN: That will be Exhibit 37 and the</p> <p>16 objection was raised both to your entering your appearance</p> <p>17 the day before and to your calling Mr. North as a witness.</p> <p>18 So let me address that first since that seems to be a</p> <p>19 priority.</p> <p>20 HARRY STONE: Yes, I prepared those two and also I</p> <p>21 have a preliminary matter as well.</p> <p>22 MARTIN L. GROSSMAN: Alright.</p> <p>23 HARRY STONE: I'm not aware of a</p> <p>24 MARTIN L. GROSSMAN: Hold on, one second.</p> <p>25 HARRY STONE: I'm sorry.</p>

Transcript of Hearing  
Conducted on January 13, 2017

4 (13 to 16)

<p>13</p> <p>1 MARTIN L. GROSSMAN: Okay, so this will be Exhibit 37, 2 will be, now, umm, 13, checking to entrance of an 3 appearance by Mr. Stone and to the proposed testimony of 4 Mr. North for the applicant. So before we go any further, 5 let me ask, since this is arriving, the objection arriving 6 the evening before, let me ask Mr. Kane to state his 7 objection to both of those and then we'll let you respond 8 Mr. Stone.</p> <p>9 LEO KANE: My objections is that we didn't have notice 10 of this. Umm, had we known that they were going to have an 11 attorney here; we would have gotten an attorney. Umm, and 12 had we known they were going to get a, umm, call an expert 13 witness; we would have gotten our own expert witness to try 14 to counter them. Umm, and to find out about that 15 yesterday, the day before hearing, umm, we didn't have time 16 to do that, and so, I think it's unfair and unreasonable to 17 expect to come in here today and respond because we're 18 being disadvantaged by their late notice. My understanding 19 is that the rules require 30, 30 days prior to the hearing 20 that the applicant has to issue a statement that has the 21 names of all their witnesses and any experts they're going 22 to call and if the experts are going to be called, you have 23 to tell the subject matter of the testimony. You have to 24 give them umm, you have to give the other party's, umm, I 25 think a summary of the testimony and a description of your</p>	<p>15</p> <p>1 our, the exhibit numbers that are OZAH's exhibit numbers 2 because it will be difficult to follow this record if you 3 refer to whatever you labeled them. You're talking about 4 perhaps OZAH Amended Checklist for Conditional Use. That's 5 titled your Exhibit 1, it's our Exhibit 5.</p> <p>6 HARRY STONE: Alright. Exhibit 5. On page 15</p> <p>7 MARTIN L. GROSSMAN: Okay.</p> <p>8 HARRY STONE: The last paragraph on that page which is 9 also the last paragraph of this particular document says 10 "An expert witness Mark North, IA2, AIA, of Northpoint LLC, 11 Maryland Licensed Architect and Planning Consultant has 12 assisted in the application preparation of exhibit 13 development. It is estimated that hearing presentation time 14 will take approximately half an hour." So Mr. Mark North 15 was mentioned right here as an expert witness and looking 16 at the requirements of the Rule 4., 3.4 for pre hearing 17 submission, this is a summary of what he's going to testify 18 to. It even states the estimated time for presentation, a, 19 it certainly names him as an expert and this is the report 20 that he's going to, that's already in the record. So he's 21 testifying in support of a document and an application that 22 he's already authored and states that he's the author of. 23 So I believe in terms of notice, there's plenty of notice 24 here to everyone involved.</p> <p>25 MARTIN L. GROSSMAN: If I recall, the exhibits that</p>
<p>14</p> <p>1 background and a resume, things like that. So I object to, 2 him being an attorney here for them. I object to him being 3 a witness, whether he's an expert witness or not. And I 4 MARTIN L. GROSSMAN: First 'him' is to Mr. Stone and 5 the second 'him' is to Mr. North?</p> <p>6 LEO KANE: Yes.</p> <p>7 MARTIN L. GROSSMAN: I think we understand your 8 objection. Let me turn to Mr. Stone. Do you wish to 9 respond to that?</p> <p>10 HARRY STONE: Certainly, I'll take his points in 11 reverse order. The issue of notice of Mr. Mark North being 12 an expert and a witness, the original application was 13 filed, I believe it was in September. Well, at any rate, 14 long before 30 days before the first hearing date. Exhibit 15 #1 to the application, which is titled OZAH Amended 16 Checklist for Conditional Use Responses and Additional 17 Supporting Information, on page</p> <p>18 MARTIN L. GROSSMAN: Our Exhibit 1 is the application 19 itself. So let's use our exhibit numbers.</p> <p>20 HARRY STONE: Alright, well, the application itself 21 and one of the attachments to it, which was titled in the 22 application, Exhibit 1 to that application.</p> <p>23 MARTIN L. GROSSMAN: Okay.</p> <p>24 HARRY STONE: On page 15 ends that particular exhibit.</p> <p>25 MARTIN L. GROSSMAN: Let's use, once again, let's us</p>	<p>16</p> <p>1 are prepared bare his name, as a licensed architect.</p> <p>2 HARRY STONE: Yes.</p> <p>3 MARTIN L. GROSSMAN: Alright. And what about point 4 two?</p> <p>5 HARRY STONE: Point two,</p> <p>6 MARTIN L. GROSSMAN: Or really,</p> <p>7 HARRY STONE: which is point one, which is my 8 appearance. I'm aware, I'm not aware of any rules or 9 requirements as to when an attorney has to enter their 10 appearance. Umm, certainly I would not be objecting if 11 they were showing up with an attorney today. I think they 12 have a right to present their case in as organized fashion 13 as they would want with the assistance of an attorney. 14 Unlike the requirements for prehearing submission, 15 identifying witnesses where there might need to be some 16 background done on, on, in general you might need to do 17 some background on an expert or take a look at them. 18 However, I'm not exactly sure how the identity the attorney 19 or the ability to hire one at the last minute is regulated 20 in any way that is being violated here, or is really a 21 prejudice to the opposition.</p> <p>22 MARTIN L. GROSSMAN: Mr. Kane, you wish to respond to 23 that?</p> <p>24 LEO KANE: Umm, first of all it's not the identity of 25 the attorney that we're opposed to. It's the fact that</p>

Transcript of Hearing  
Conducted on January 13, 2017

5 (17 to 20)

<p>17</p> <p>1 there is an attorney here representing them. We didn't, I 2 didn't know that.</p> <p>3 MARTIN L. GROSSMAN: Is there any, is there any 4 authority you wish to point to which in some way prohibits 5 an attorney from coming in at the last minute in the case?</p> <p>6 LEO KANE: No, it's purely an argument based on 7 equity, not on law.</p> <p>8 MARTIN L. GROSSMAN: Okay. And what about his point 9 two, umm, his response to your claim that this witness, Mr. 10 North was not previously identified. He's indicating that 11 in fact he was identified as a witness and the relevant 12 data was supplied at the very beginning of the case.</p> <p>13 LEO KANE: I can tell you that I went online and found 14 a copy of the application, umm, and it was one day that I 15 thought was the application, now I'm looking over there and 16 he has a thirty page document that I've never seen before.</p> <p>17 MARTIN L. GROSSMAN: Alright.</p> <p>18 LEO KANE: It would have been nice to know that that 19 was available. I would have indicated, I would have 20 reviewed in advance. I'm sure there's a lot of information 21 in there that's very relevant that I now am certainly 22 handicapped. Indeed not happy.</p> <p>23 MARTIN L. GROSSMAN: Alright, let me address these two 24 issues, the first as to whether or not Mr. Stone can appear 25 as an attorney in the case. There is nothing that</p>	<p>19</p> <p>1 anticipating there might be an objection to them since they 2 weren't previously disclosed. So, I'm bringing it up as a 3 preliminary matter.</p> <p>4 MARTIN L. GROSSMAN: Alright, there are photographs, 5 numerous photographs in the record both that have been 6 filed by the applicant and ones that were filed in the 7 staff report. When I refer to the staff report, I refer to 8 the report of the technical staff of the Maryland National 9 Capital Park and Planning Commission which is in the record 10 of this case as Exhibit 23. There's also a response. Mr. 11 Kane asked that staff look at the numerous objections he 12 raised in his letter of November 29 and staff did respond 13 to that point by point and that is Exhibit 34 in the case.</p> <p>14 HARRY STONE: So I have additional photographs showing 15 the condition of the house this week.</p> <p>16 MARTIN L. GROSSMAN: Okay.</p> <p>17 HARRY STONE: So I'm bringing up that I might try to 18 bring that in later, just anticipating so we don't get 19 bogged down later with an objection.</p> <p>20 MARTIN L. GROSSMAN: Alright, well let's, we'll deal 21 with it when you bring it up if there's an objection. 22 There may not be an objection to a photograph of the 23 current condition of the house. So we'll, we'll look at 24 that at that point if there's an objection.</p> <p>25 HARRY STONE: There are three other documents. Do you</p>
<p>18</p> <p>1 prohibits, people have a right to be represented and the 2 fact that he's entered an appearance the day before the 3 hearing in no way, it's not prohibited by any rule by which 4 I'm aware and no way unfair to opponents who had every 5 opportunity to have counsel represent them if they wished 6 to. As to the other point, I would have ruled against Mr. 7 North testifying if they had not disclosed his name, had 8 his documentation, umm, they identify him, things he has 9 produced in this case in the file. But in fact, they did 10 at the very beginning of the case. So, I will over rule 11 both of those objections. I don't think there's an equity 12 issue here because as our notices indicate, the file is 13 available for review, it's a public file, routinely people 14 come in, if they oppose a case, they look at the file and 15 that has all this information in it. It's always available 16 during office hours for review for anybody who wishes to 17 see it. So, I don't view this as in any way as inequitable, 18 umm, at this point. So I will over rule your objection to 19 Mr. North as well. Alright, let's</p> <p>20 HARRY STONE: There was one additional preliminary 21 matter. As I came in at the last minute, umm, and a 22 prehearing statement was not done, I do have a set of 23 photographs and three documents which I would like to bring 24 into this matter which I can describe generally at this 25 point because I'm not bringing them in. Umm, but I was</p>	<p>20</p> <p>1 want me to address them now or just as they come up?</p> <p>2 MARTIN L. GROSSMAN: Well, what are they Sir?</p> <p>3 HARRY STONE: The other documents are a letter from 4 the traffic group which was authored on January 11 5 regarding the effect of traffic flow around the address for 6 the proposed additional four children.</p> <p>7 MARTIN L. GROSSMAN: The traffic route being?</p> <p>8 HARRY STONE: Hmm?</p> <p>9 MARTIN L. GROSSMAN: You say the traffic route?</p> <p>10 HARRY STONE: The traffic route, it's a, umm business 11 that does traffic studies.</p> <p>12 MARTIN L. GROSSMAN: Okay.</p> <p>13 HARRY STONE: And they wrote this letter regarding 14 their analysis as to what impact the additional four 15 children</p> <p>16 MARTIN L. GROSSMAN: So, in other words, you're 17 attempting to introduce an expert analysis that was just 18 authored.</p> <p>19 HARRY STONE: Yes, because I just came, I'm 20 anticipating objections.</p> <p>21 MARTIN L. GROSSMAN: I understand. We're going to have 22 it marked so we have it as an exhibit, a, so one of you 23 bring that forward and I'll call that Exhibit 38. Thank 24 you. This is</p> <p>25 HARRY STONE: Oh, and I have here a CD which contains</p>

Transcript of Hearing  
Conducted on January 13, 2017

6 (21 to 24)

21	1 all the photographs and the documents that I'm referring 2 to, all these additional documents and photographs for the 3 use of the record. 4 MARTIN L. GROSSMAN: Alright, so we have Exhibit 38 as 5 a January 11, 2017 expert 6 HARRY STONE: And Mr. Kane here's a copy for you. 7 MARTIN L. GROSSMAN: letter from the traffic group. 8 HARRY STONE: That was number 38? 9 MARTIN L. GROSSMAN: Yes, that was 38, yes. 10 HARRY STONE: Thank you. 11 MARTIN L. GROSSMAN: Alright. You have additional 12 documents? 13 HARRY STONE: I have two more documents. In, as a 14 preface to this next set of documents is, in its 15 conditional use opinion the planning department stated, 16 what is the exhibit, for that? 17 MARTIN L. GROSSMAN: For the original one? 18 HARRY STONE: Yes. 19 MARTIN L. GROSSMAN: Yes, it's 23. 20 HARRY STONE: Yes, in 23, the staff recommended in 5 21 the applicant must provide parental agreements for all 22 children to the hearing examiner indicating that the drop 23 off and pickups would be limited to no more than eight per 24 hour. So, she had those done and I brought them today. We 25 didn't disclose them 30 days before because we just had	23	1 to address the questions of these additional, three 2 additional exhibits. Exhibit 38 first, the report, the 3 expert letter from the traffic group? 4 LEO KANE: Well, I think for the same reason that you 5 said earlier that you would have objected Mr. North's 6 information, because it was late and we didn't know how to 7 propose to respond. I would argue that we should not have 8 to deal with this for the same reason. It was late. We 9 didn't have adequate time to respond and in fact it wasn't 10 provided yesterday. You know, we could at least had a 11 chance to read it. It's just a matter of courtesy, that 12 would have been helpful to have any of these things in 13 advance but we're getting them now, so I certainly object 14 to the admission of the umm, expert report. 15 MARTIN L. GROSSMAN: Mr. Stone do you want to respond 16 to that? 17 HARRY STONE: I believe that it's going to be helpful, 18 it's in line with the analysis done by, it's just in more 19 detailed analysis, well, it's in line with the analysis of 20 the planning committee and the analysis that is done at a 21 lower level by Mr. North. And I would ask for you to allow 22 it in. I think that it does help probe the issues of umm, 23 it's probative about the exact impact on traffic there and 24 as I have just gotten in, I just got this yesterday. 25 Perhaps, I should have sent it to Mr. Kane, but I knew we
22	1 them written up. 2 MARTIN L. GROSSMAN: Alright. And that's 39 is a set 3 of agreements for the parents for the drop off and pick up 4 times. 5 HARRY STONE: Yes, basically stating that they 6 understand that the drop offs and pickups will be 7 restricted to no more than eight per hour and they agree to 8 follow a schedule given to them by the daycare. 9 MARTIN L. GROSSMAN: Okay. 10 HARRY STONE: center as to what time they can drop off 11 and pick up. 12 MARTIN L. GROSSMAN: That will be Exhibit 39. Do you 13 have any other documents? 14 HARRY STONE: And lastly, I have letters from the 15 parents of the daycare, stating that there's a need for 16 daycare and that the daycare center, basically, that the 17 daycare center is excellent and that they are very happy 18 with it. 19 MARTIN L. GROSSMAN: Okay, letters by parents of 20 children at daycare. And that will be Exhibit 40. And they 21 may be labeled individually by letter by subparts 40A, B, 22 C, etcetera. But we'll just at this point call it Exhibit 23 40. Alright. 24 HARRY STONE: And that is my preliminary issue. 25 MARTIN L. GROSSMAN: Alright. Mr. Kane, do you wish	24	1 were going to be here today and I just brought it along. 2 MARTIN L. GROSSMAN: Alright, for the reasons we talked 3 about earlier, I'm not going to let an expert report in on 4 the day of the hearing then. The opposition, which has been 5 in the case for more than a month has not seen. So, I'm 6 going to exclude the traffic route. Exhibit 38 will not be 7 admitted. Alright, what about Exhibit 39, Mr. Kane? 8 LEO KANE: Umm, 9 MARTIN L. GROSSMAN: That's the set of agreements 10 from, from parent's regarding drop off and pick up times. 11 LEO KANE: It would have been nice to have this 12 earlier but I'm not going to object. I'm from 13 MARTIN L. GROSSMAN: Oh you don't think that's 14 objections both responsive to the staff? 15 LEO KANE: Right. 16 MARTIN L. GROSSMAN: And what about 40 letters from 17 parents of children at the daycare? 18 LEO KANE: I take the same position. I have no 19 objection. 20 MARTIN L. GROSSMAN: Okay. I think that's reasonable 21 under these circumstances. Okay. So, now let me try and 22 direct questions. I take it, Mr. Stone, you've read the 23 technical staff's recommended conditions that's amended by 24 the planning board. The only amendment from the planning 25 board was to allow up to ten children, if I recall, instead

Transcript of Hearing  
Conducted on January 13, 2017

7 (25 to 28)

<p>25</p> <p>1 of the suggested limit, up to ten years of age 2 HARRY STONE: Oh. 3 MARTIN L. GROSSMAN: its condition one, the proposed 4 group daycare facility is limited to twelve children, up to 5 an original condition proposed by the technical staff. On 6 page two of the report says up to six years in age and that 7 was raised by the planning board to ten years of age. I 8 take it you accept all of these conditions that are 9 proposed by the technical staff in the planning board? 10 HARRY STONE: We do. 11 MARTIN L. GROSSMAN: And, and I should mention that I 12 usually, if you look back at other childcare facility cases 13 that I've handled, which are posted in our, on our website, 14 you'll see that I usually have some additional conditions 15 regarding the security of the children, regarding avoidance 16 of noise, no amplified noise outside, requiring cleanups of 17 the, of the yard and that sort of thing are added as well. 18 I take it you wouldn't object to those either? 19 HARRY STONE: I don't have all the specifics but in, 20 in your summation of them, that sounds completely 21 reasonable and my client will agree. 22 MARTIN L. GROSSMAN: Okay. And, do you accept the 23 technical staff's findings in Exhibits 23 and 34 as part of 24 your evidence in the case? 25 HARRY STONE: That's the original</p>	<p>27</p> <p>1 umm, propose to umm, umm bring into the record. 2 MARTIN L. GROSSMAN: Okay. Well we'll, once again you 3 can introduce them during your testimony and we'll deal 4 with any objections that may occur then. Any other 5 preliminary matters? 6 LEO KANE: Umm, umm, well I, I do have an issue. I 7 don't know whether it's a preliminary matter or whether we 8 should deal with it down the road. 9 MARTIN L. GROSSMAN: Okay. 10 LEO KANE: But umm, the November 23rd, 2016 letter 11 umm, to you, from Kacey Anderson, Chair of Montgomery 12 County Planning Board. Umm, 13 MARTIN L. GROSSMAN: Okay? 14 LEO KANE: You made a, a statement that this was, that 15 the planning board was recommending that the umm, the 16 approval be increased to twelve, twelve children up to ten 17 years of age. So, I just, I found this on the internet, 18 this letter on the internet so I knew about it. But I don't 19 know, I just want to clarify. It, it wasn't the planning 20 board's request, I mean it was, apparently she asked for 21 that increase during the umm, umm 22 MARTIN L. GROSSMAN: Right. Specifically it says in 23 the letter, which is Exhibit 24, during the meeting, that's 24 the planning board's meeting, staff notified the board that 25 after the staff report was finalized, the applicant</p>
<p>26</p> <p>1 MARTIN L. GROSSMAN: The original report and the 2 supplemental report. 3 HARRY STONE: We do. 4 MARTIN L. GROSSMAN: I would ask that, in calling your 5 witnesses that you have them also address points that were 6 raised in Mr. Kane's letter, to the extent that think 7 appropriate. His letter of November 29, 2016, which is 8 quite extensive, its exhibit 26(a)(i) in our records. 9 HARRY STONE: Let me get some numbers from you. So the 10 original planned work order is what number? 11 MARTIN L. GROSSMAN: The original one is Exhibit 23 12 HARRY STONE: And the 13 MARTIN L. GROSSMAN: The supplemental one is Exhibit 14 34. Mr. Kane's letter on November 29, 2016 is attached to 15 his email and the letter is designated Exhibit 26(a) (i). 16 And also the, specifically address his proposed alternative 17 for outdoor play. He proposed an alternative that you'll 18 see in the second staff report listed, to the outdoor play 19 commission in terms of, rather the number of children, 20 having it twice a day for one hour with all the children if 21 necessary. But that, but that was a proposal, so I would 22 like that, your reaction to that proposed change as well. 23 Okay. Are there any other preliminary matters that need to 24 be raised? Mr. Kane? 25 LEO KANE: Umm, I too have some pictures that I would</p>	<p>28</p> <p>1 requested that the maximum age limit for children 2 (recommended as conditions of approval by staff) be 3 increased from six years to ten years. This would allow the 4 applicant to include an after school homework program in 5 the proposed daycare. The planning board agreed with the 6 staff's recommendation that the condition be revised to 7 state "the proposed group daycare facility is limited to 8 twelve children up to ten years of age". 9 LEO KANE: Okay. Umm, can, if I could just get some 10 clarification? 11 MARTIN L. GROSSMAN: Yes. 12 LEO KANE: Umm, in one of your other decisions, 13 actually it might have been your colleague's decision, umm 14 MARTIN L. GROSSMAN: Yeah? 15 LEO KANE: that Mr. North testified umm, there was 16 umm, a request to have children up to twelve years of age 17 umm, and it was rejected they said only your children, your 18 children will count against it, umm, because they were 19 older, but you can't have any additional children umm, up 20 to twelve years of age. Umm, can you just clarify whether 21 this would include her two children? Umm, I mean it, who 22 are, how old are your children? 23 MARTIN L. GROSSMAN: Well I don't think you question 24 her per say, we could let that come out in terms of the 25 testimony in your examination, if you wish to raise that</p>



Transcript of Hearing  
Conducted on January 13, 2017

8 (29 to 32)

<p>29</p> <p>1 point. In other words you're suggesting that, that the 2 limitation of twelve children include Miss Meteleva's 3 children as well, is what, that what you're suggesting? 4 LEO KANE: Well, I, I, it's more of a question. I know 5 that, I know that her two children are not, do not 6 currently count against the eight person limit because they 7 are over the age of five and I don't, and I'm, my question 8 is if you increase the level to twelve and her children are 9 under twelve, does that then require her children to be 10 included. It's more of a factual question for, of the law. 11 I don't know whether, or maybe that's, maybe it's a 12 determination you can make. I don't know. 13 MARTIN L. GROSSMAN: Well I think it would be, it 14 could be an issue, in this case. I don't know that, I'm 15 not, I don't know that the, I'm not, I don't know the 16 particular you're talking about but I'll decide it, where 17 it may have been reviewed, you can raise it as a, as an 18 issue in the case as to whether or not the, the limits in 19 the zoning ordinance for the number of children should 20 include those who are residents in the home or not and then 21 we would decide it as an issue and we'd hear from Mr. Stone 22 on that issue as well. 23 LEO KANE: Okay. 24 MARTIN L. GROSSMAN: I don't know if they're proposing 25 that their children be included in that number of twelve or</p>	<p>31</p> <p>1 MARTIN L. GROSSMAN: He's reading specifically from 2 the, the definition of a group daycare in the zoning 3 ordinance and it does specifically say that the providers 4 own children under the age of six are counted towards the 5 maximum number of people allowed. So unless you have 6 something to the contrary I think that is a pretty apparent 7 statutory definition that's, they're not under the age of 8 six according to Miss Meteleva and therefore they do not 9 count towards the number. 10 LEO KANE: Umm hmm. Okay. 11 MARTIN L. GROSSMAN: Okay? 12 LEO KANE: That's clarification. Thank you. 13 HARRY STONE: That's not a copy. 14 LEO KANE: Thank you very much. 15 MARTIN L. GROSSMAN: Alright. Any other preliminary 16 issues by anybody? No? Okay. Alright then do you wish to 17 make an opening statement? 18 HARRY STONE: Yes Your Honor. Umm, (coughing) 19 (inaudible) has been operating a daycare facility for less 20 than eight, currently eight children, and should be less 21 than nine, currently eight children at the location for a 22 number of years and she's in complete conformance with all 23 regulations. She gets inspected. She's now seeking to 24 increase that to twelve and she's gone through the process. 25 She's, as laid out by the law here in Montgomery County, to</p>
<p>30</p> <p>1 not. 2 HARRY STONE: It states ahead of time that we, our 3 position is that her children are not, not count. 4 MARTIN L. GROSSMAN: Okay. And do you have any 5 authority for that, in terms of interpretation of the 6 zoning ordinance or is it that, that 7 HARRY STONE: Section 3.4.4.d.1 defined; group daycare 8 of 9-12 people. It means the daycare facility for 9-12 9 people for staffing operations and structures (inaudible) 10 regulations commit the riders own children under the age of 11 six are counted towards the maximum number of people. So by 12 it being written that way, under the norm, ordinary rules 13 of construction, they, it implies that they are omitted. 14 MARTIN L. GROSSMAN: They are omitted? 15 HARRY STONE: That they are omitted from the count. 16 MARTIN L. GROSSMAN: How old are her children? 17 TATIANA METELEVA: Six and eight. 18 HARRY STONE: And this says under the age of six. 19 MARTIN L. GROSSMAN: Okay. What about that Mr. Kane? 20 LEO KANE: Umm, I don't have the rule in front of me 21 that you just quoted but my question is, is it umm, is 22 that, is there any time to the age of the kids? In other 23 words, if the daycare center has umm 24 HARRY STONE: What part of the provision is that? 25 (inaudible)</p>	<p>32</p> <p>1 get a conditional use. She's looking at up to twelve. 2 There's a great deal of need for childcare in this county. 3 She currently has herself and a part-time employee 4 providing services. She parks in the driveway. The employee 5 parks on the street. The children come and go. They're 6 picked up by their parents and it has not really caused 7 much problems with traffic, has not added that much to 8 traffic. Currently two of the, two parents have two 9 children each in the, in the Center and so that doesn't 10 cause that much of an impact as only one car is coming to 11 get them. The change would require, might require in the 12 future, if she stopped working, two employees. Otherwise it 13 would be her full-time and one full-time employee, so that 14 person parking on the street would be there for a longer 15 period. But it's just one parking space on the street, and 16 perhaps two if she no longer worked as the owner there. 17 There would be no changes to the outside of the structure 18 except for fencing, as recommended. Fencing in exhibit 19 MARTIN L. GROSSMAN: You mean 20 HARRY STONE: The recommendation 21 MARTIN L. GROSSMAN: number 23? 22 HARRY STONE: Yes. 23 MARTIN L. GROSSMAN: One of the conditions would be 24 the erection of a six foot tall, 25 HARRY STONE: Yes, 23.</p>

Transcript of Hearing  
Conducted on January 13, 2017

9 (33 to 36)

<p>33</p> <p>1 MARTIN L. GROSSMAN: board on board fence in the back 2 yard. 3 HARRY STONE: That would be the only change that was 4 made to the exterior. There will be no additional signage, 5 no expansion of the footprint of the house, and in fact we 6 were originally suggesting that we would do additional 7 landscaping but the suggestion was under recommendation 8 that in fact it would be a fence and we're perfectly fine 9 to do that. We replace the existing chain link fence. And 10 the children, we're adding four children, and originally 11 and currently there's one playtime for all the children, in 12 the morning, and additional playtime for all the children 13 in the afternoon and it was suggested that they be split up 14 into groups so that no more than eight were outside at any 15 given time, which is the current impact, in terms of 16 children being outside making happy, childhood noises. And 17 we are perfectly fine with that and I think the evidence 18 will show that's no more impact than is currently existing. 19 That would require the splitting up of the children into 20 two groups, going out in staggered times, not staggered 21 times, but at different times in the afternoon and 22 different times in the morning. 23 MARTIN L. GROSSMAN: Are you perfectly fine also with 24 the alternative suggestion raised by Mr. Kane's letter, 25 staff addressed in its supplemental report of having just</p>	<p>35</p> <p>1 MARTIN L. GROSSMAN: Alright. Okay. Umm, Mr. Kane, do 2 you wish to make an opening statement now or reserve it to 3 later or do you not wish to make an opening statement? 4 LEO KANE: Umm, I'd like to just make brief opening 5 statement. 6 MARTIN L. GROSSMAN: And then I'm going to swear you 7 in because I believe you're going to be a witness as well? 8 Alright. 9 LEO KANE: Yes. 10 MARTIN L. GROSSMAN: So would you raise your right 11 hand, please? Do you swear or affirm to tell the truth, the 12 whole truth and nothing but the truth under the penalty of 13 perjury? 14 LEO KANE: I do. 15 MARTIN L. GROSSMAN: Alright. You may proceed. 16 LEO KANE: Umm, umm, my understanding is that Section 17 59.7 of the Zoning Ordinance requires general findings 18 necessary to approve a conditional use application and that 19 the hearing examiner must find that the proposed 20 development is harmonious with and will not alter the 21 character of the surrounding neighborhood, umm, and that 22 conditional use is, cannot unduly affect the area adversely 23 or alter the predominantly residential nature of the area. 24 Umm, moreover the statute requires that the conditional use 25 will not cause undue harm to the neighborhood as a result</p>
<p>34</p> <p>1 two times, for an hour each, outdoor play, but as many 2 children as are attendant in the group, which of course is 3 limited to 12. 4 HARRY STONE: I think that the staff report was 5 recommending that to cut down on noise and I think that Mr. 6 Kane's, I'm sort of arguing at the moment but, Mr. Kane's 7 concerns, some of them are about noise. But his suggestion 8 is that they'd all be out there at the same time. We don't, 9 my client's position is if that's what Mr. Kane and the 10 neighborhood would like, 12 children playing at the same 11 time making noise, then we would be agreeable to that. 12 MARTIN L. GROSSMAN: Alright. Umm, we can here from, 13 from your client as to whether, what's appropriate for that 14 number of children in her mind what's best and also, as to 15 whether or not state law, which governs the operation of 16 the facility in any way, affects this issue. 17 HARRY STONE: Finally, as indicated by the, now in the 18 record, agreements with the parents and these agreements 19 would be executed with all new parents who have added, we 20 will be able to stagger the pick-ups and drop-offs so that 21 they're, as recommended there will be no more than eight 22 during an hour period. 23 MARTIN L. GROSSMAN: Alright. 24 HARRY STONE: And the, they generally have been within 25 an hour and a half so we should be able to accomplish that.</p>	<p>36</p> <p>1 of the non-inherent and inherent adverse effects on any of 2 the following: and I will address them. The use, peaceful 3 enjoyment, economic value or development potential of 4 abutting and confronting properties or the general 5 neighborhood. Number 2, traffic, noise, dust, odors, 6 illumination or a lack of parking and 3, the health, safety 7 or welfare of neighboring residents, visitors or employees. 8 Umm, so my point is that the law requires use, peaceful 9 enjoyment and a consideration of economic value and it 10 specifically says, of the immediate neighbors. Umm, and I 11 just want to say in my opening, that I think what needs to 12 be considered here are the actual neighbors that live here, 13 that are the immediate neighbors of Ms. Meteleva. Umm, they 14 are not normal; this is not a normal situation in 15 Montgomery County, to have retirees at this age, living in 16 this umm, this proximity to a commercial business. I just 17 want to make sure that what we focus on here today is how 18 they are different. The health, safety or welfare of 19 neighboring residents is the key and while Ms. Meteleva 20 runs a fine daycare and in many places in the county it 21 would be perfectly fine to increase from seven, I mean from 22 eight to twelve, and maybe even other places on this block 23 might be okay. But in this exact location it is simply 24 unfair because of conditions as you found them. Umm, to me 25 it's the perfect storm of, of she happens to live at 9829</p>

Transcript of Hearing  
Conducted on January 13, 2017

10 (37 to 40)

<p>37</p> <p>1 Belhaven Road and immediately surrounding her are the 2 people that you'll meet today. Umm, and they are elderly, 3 they are worried, they're anxious, they are stressed. They 4 have more concerns about clutter, umm, you know, 5 unattractive things in the yard, property values are a 6 bigger concern to them because they're planning on 7 expecting to sell fairly soon, umm, because of their age. 8 It's likely that they will have to, umm</p> <p>9 MARTIN L. GROSSMAN: Well I think, I think this goes a 10 little bit beyond an opening statement but let me, you're 11 raising what amounts to a legal issue here, and that is, 12 and which was addressed by staff's supplemental report that 13 we should distinguish the neighborhood by the age of those 14 who are in the neighborhood. The staff, I think, was 15 reluctant to do that. Usually the issue is, is the facility 16 that's proposed surrounded by single family homes or is it 17 surrounded by some other, not by age? Umm, I've never 18 addressed the issue, the legal issue, as to whether or not 19 the age of the people in the neighborhood can be 20 considered. It might be a double edged sword as well, so 21 I'll hear from Mr. Stone on that issue. What do you think 22 about that, Mr. Stone?</p> <p>23 HARRY STONE: Zoning has a lot to do with uses coming 24 to an area and coming to where a use is happening and 25 wanting it to stop. These things come up all the time in</p>	<p>39</p> <p>1 as if they were essentially ageless. I think those, those 2 concerns should be evaluated on their own basis and not 3 based on the age of the person expressing them.</p> <p>4 MARTIN L. GROSSMAN: Well, I'm not going to reach any 5 conclusion about that right now, since I haven't looked at 6 that issue before. It hasn't been raised as far as I'm 7 concerned, as far as I know, umm, before. I think everybody 8 should realize however, that the only reason that we can 9 set up any conditions that will ameliorate effects on the 10 community of this subject application, is because it's an 11 application for a conditional use. Up to the number of 12 children currently there, up to eight children, there is no 13 control. There is no mechanism for us to require a noise 14 restriction, no amplification and so on, other than the 15 general noise statutes. There is no option to require a 16 board on board fence surrounding the yard. There is no 17 option to require that the, there's a staggered arrival of, 18 of children to the facility, and staggered pickups. It's 19 all because of the request for a conditional use. So I 20 think that the opposition should consider whether or not a 21 conditional use is actually disadvantageous in this 22 circumstance, given that it would add four children as 23 opposed to advantageous. So you, you should also consider 24 that, and I address that to everybody here, because they 25 shouldn't, they should realize that all of these potential</p>
<p>38</p> <p>1 zoning. I believe that the statute of the, the regulation 2 clearly is saying that findings have to be made about the 3 impact on the people who surround it, of the proposed use, 4 or the proposed conditional use in this case. I don't think 5 that the age of, if there was a handicapped child nearby 6 and their parent came in and said, this kind of use is 7 going to be completely unrealistic where my son is in this 8 neighborhood, I think they would be heard but overall I 9 think that the zoning regulations require an evaluation of 10 how it impacts the people around there. I don't believe 11 that their age and the fact that, especially the issue of, 12 well they might be selling soon. I think, certainly in the 13 absence of any proof that expert testimony that the values 14 are going to go down</p> <p>15 MARTIN L. GROSSMAN: Well it's not a, I'm not dealing 16 with the question of effect on economic value. I'm talking 17 about the assertion by Mr. Kane that a legitimate issue in 18 the case is the age of the persons surrounding the subject 19 sight.</p> <p>20 HARRY STONE: I don't believe it's a legitimate point, 21 the age. I think that we look at them as individuals, but I 22 don't believe that their age has swaying value one way or 23 the other. They're going to have their opinions about how 24 this will affect their quite enjoyment and their travelling 25 through the streets, but I believe that should be assessed</p>	<p>40</p> <p>1 conditions that we can impose are only because it's an 2 application for a conditional use. Alright, is there 3 anything else in your opening statement sir?</p> <p>4 LEO KANE: Umm, yes. I just want to clarify that when 5 I bring up age, I'm not necessarily umm, I am talking about 6 their chronological age, but in general I'm saying that 7 these people are more vulnerable. They are, it affects them 8 differently because of their status as, as seniors, as 9 people who are there all the time.</p> <p>10 MARTIN L. GROSSMAN: Right.</p> <p>11 LEO KANE: Who are more prone to be stressed, worried, 12 anxious. Umm, umm, they are more susceptible to the harms; 13 the noise, the disturbance. They nap, other people don't. 14 They drive as well as they can, but they get more nervous. 15 They are passing through the area to get in and out of that 16 neighborhood. They have to pass through this daycare every 17 time they drive and it is impacting them differently 18 because of their age. And I would say that, that, in the 19 umm, Amber Primm decision, they said adverse effects 20 created by unusual site conditions will be considered non- 21 inherent adverse effects. And I would say that the age, the 22 vulnerability, the worry, all of these umm, issues that I'm 23 raising make this, the part of the site conditions of this 24 particular daycare and I do understand that you can impose 25 a lot of conditions on this and I see the many conditions</p>

Transcript of Hearing  
Conducted on January 13, 2017

11 (41 to 44)

<p>41</p> <p>1 that you have umm, imposed in other cases and that your 2 colleague, Ms. Robinson has umm, approved. I've talked to 3 the umm, neighbors about it and they just don't want it. 4 They understand that right now there is no fence but, and 5 that there would be a fence but, they don't want the 6 expansion. They don't want it. They're concerned about it. 7 They're worried about it. They're anxious about it. They 8 don't want it and, and that is 9 MARTIN L. GROSSMAN: Well you can't exactly speak for 10 them because you're not representing them. They'll, they'll 11 testify as to what they want or don't want. So I'll, I 12 think your statement, "they don't want it", is a hearsay 13 statement that I can't admit. We'll hear from them as to 14 what they want or don't want. 15 LEO KANE: Okay, but they did say that in the letter 16 and they signed it. 17 MARTIN L. GROSSMAN: I understand that 18 LEO KANE: They signed the letter, so, so we are 19 MARTIN L. GROSSMAN: But that's really, you're making 20 a closing argument as opposed to an opening statement. 21 LEO KANE: Okay. 22 MARTIN L. GROSSMAN: Okay? Alright then, umm, Mr. 23 Stone, will you call your first witness? 24 HARRY STONE: So, we call Mark North at Northpoint. 25 MARTIN L. GROSSMAN: Mr. North, would you step</p>	<p>43</p> <p>1 zoning hearings, correct? 2 MARK NORTH: That's correct. 3 HARRY STONE: And in fact at least one other occasion 4 for a daycare center? 5 MARK NORTH: That's correct, and the one that Mr. Kane 6 referred to, Ms. Primm 7 HARRY STONE: Now umm, 8 MARTIN L. GROSSMAN: Do you qualify as an expert on 9 this? 10 MARK NORTH: Yes. Ms. Robinson did qualify me as an 11 expert witness at that, at that point. 12 MARTIN L. GROSSMAN: And umm, as an expert witness in 13 the field of architecture or what? 14 MARK NORTH: Umm, yes, in the field of architecture 15 and planning. 16 MARTIN L. GROSSMAN: Land planning in general or 17 planning, what do you mean planning? 18 MARK NORTH: Umm, it is site planning, master 19 planning. These have been my forte. Umm 20 MARTIN L. GROSSMAN: What do you, I understand you're 21 a licensed architect. What are your qualifications in terms 22 of, of land planning? 23 MARK NORTH: Umm, just your technical study and also 24 through previous client, client experiences umm, where I 25 had, I've assisted strategic planning and master site</p>
<p>42</p> <p>1 forward, right there? Sir, will you state your full name 2 and address please? It can be a business address if you 3 MARK NORTH: Mark R. North. 7613 Dew Wood Drive, 4 Derwood, Maryland 20855. 5 MARTIN L. GROSSMAN: Would you raise your right hand, 6 please? 7 MARK NORTH: Yes sir. 8 MARTIN L. GROSSMAN: Do you swear or affirm to tell 9 the truth, the whole truth and nothing but the truth under 10 penalty of perjury? 11 MARK NORTH: I do. 12 MARTIN L. GROSSMAN: Alright, you may proceed, Mr. 13 Stone. 14 HARRY STONE: Thank you. Mr. North, you're a Maryland 15 licensed architect and planning consultant? 16 MARK NORTH: That's correct. 17 HARRY STONE: And what is your background? 18 MARK NORTH: Umm, my, my background in architecture 19 has been, umm, umm, one of approaching thirty years of 20 architectural practice in this community in Montgomery 21 County. I've lived in the community since 1966. Umm, I, my, 22 the forte of my practice is healthcare facilities, but it's 23 also senior living, as well as a whole gamut of health care 24 entities. 25 HARRY STONE: Now you, you've previously testified in</p>	<p>44</p> <p>1 planning for health facilities on fairly large scales, umm, 2 throughout the country. 3 MARTIN L. GROSSMAN: Alright. How many years of 4 experience of land planning and other types of planning 5 that you just mentioned that you have? 6 MARK NORTH: My license began in Maryland in 1983 and 7 I've enjoyed planning commissions since that point. 8 (inaudible). 9 HARRY STONE: I would ask him to be certified as an 10 expert on land planning and architecture. 11 MARTIN L. GROSSMAN: Now I understand, in terms of 12 architecture and site design 13 MARK NORTH: Yes, 14 MARTIN L. GROSSMAN: Is that what you're meaning by 15 when you say land planning, sir? 16 MARK NORTH: Yes sir. 17 MARTIN L. GROSSMAN: Okay. 18 MARK NORTH: It is 19 MARTIN L. GROSSMAN: Because 20 MARK NORTH: (inaudible) design. 21 MARTIN L. GROSSMAN: Right 22 MARK NORTH: And it is strategic land planning and 23 understanding the, the pressures and potentials of, of what 24 needs to occur on site. It is site planning but it is land 25 planning.</p>

Transcript of Hearing  
Conducted on January 13, 2017

12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 MARTIN L. GROSSMAN: I mean usually there's somebody, 2 a land planner or a more specific kind of expertise. What 3 you've described seems to me more in the field of 4 architecture and site designs. Not land planning but, yes, 5 Mr. Kane?</p> <p>6 LEO KANE: I'm looking at the transcript for, umm, the 7 hearing on November 16, 2015. On page five</p> <p>8 MARTIN L. GROSSMAN: This is in the</p> <p>9 LEO KANE: This is in the petition of Amber Primm and 10 James Moy, M-O-Y, doing business as A Mum's Touch. And this 11 is, Ms. Lynn Robinson as the hearing examiner.</p> <p>12 MARTIN L. GROSSMAN: Right. What's, what's the 13 conditional use number on it?</p> <p>14 LEO KANE: It is case number CU 16-03.</p> <p>15 MARTIN L. GROSSMAN: Okay.</p> <p>16 LEO KANE: And umm, in there, umm there is no 17 opposition. There is no one to question his authority umm, 18 but she asked, "Are you an architect licensed in Maryland". 19 He replied, "I'm a licensed architect in Maryland, DC and 20 Virginia, and I've been a long time Montgomery residence 21 since 1966". Ms. Robinson replied, "Okay, do you wish being 22 qualified as an expert in architecture?" Mr. North said, 23 "Sure. And I've had that opportunity. Sure. Yes." Ms. 24 Robinson then replied, "Have you ever testified as an 25 expert before?" He replied, "No, I have not. Not in this</p>	<p style="text-align: right;">47</p> <p>1 living facilities, meaning, skilled nursing care 2 facilities, umm, adult daycare, umm, outpatient daycare for 3 seniors. Umm, pretty much the gamut of a senior care 4 environment. I currently am working on two commissions for 5 a senior care, living, I know it's not (inaudible) 6 necessarily to this particular case but, but my background 7 in healthcare facilities has inclined me with senior care 8 as well and, and to that extent I feel as though I do have 9 some background. I've studied Gerontology Architecture in 10 college and that parlayed me into the healthcare facility 11 world that I'm in now, and that's what I've practiced 12 throughout my career.</p> <p>13 LEO KANE: So, are you an architect?</p> <p>14 MARK NORTH: Yes sir. I'm a licensed architect in 15 Maryland. Yes sir.</p> <p>16 LEO KANE: Okay. I looked through your, I looked 17 through your website and I, I, umm, I just saw one page so 18 I was trying to figure out whether you're an architect or a 19 consultant doing land planning cases.</p> <p>20 MARK NORTH: I am a licensed architect and I'm brought 21 in as a, as a consultant and an application prepared by 22 entities request my service.</p> <p>23 LEO KANE: And, have you been an expert witness in any 24 case other than this one?</p> <p>25 MARK NORTH: No sir. Not before this hearing, no sir.</p>
<p style="text-align: right;">46</p> <p>1 capacity. No, I have gone before the Board of Appeals on 2 several cases of residential additions and alike." She 3 replied, "Okay. Well I will qualify you. There you go." So, 4 I think it's clear that he was, at most, qualified as an 5 expert in architecture and nothing else.</p> <p>6 MARTIN L. GROSSMAN: I understand. Umm, you have a 7 right to question. Let me explain. This is a process, when 8 somebody is offered as an expert witness, there's a process 9 called a Voir dire, and that is in which the witness is 10 questioned as to his or her qualifications. And an expert 11 doesn't have to be somebody who has a particular title. An 12 expert is somebody who can testify regarding the facts in 13 the situation and can be helpful to the, has, has a 14 knowledge beyond the (inaudible) of the average layman in a 15 particular area and can be helpful to the fact finder in 16 making its determination. So, with that in mind, you may 17 question, Mr. Kane, you may question this witness as to his 18 qualifications if you wish.</p> <p>19 LEO KANE: You said that you are a, a, a, 20 qualifications with regard to senior living?</p> <p>21 MARK NORTH: Yes sir.</p> <p>22 LEO KANE: Can you explain what that is?</p> <p>23 MARK NORTH: Senior living, part of the commissions 24 of, of the designs that I've participated in during my 25 career have been in the design of new and renovated senior</p>	<p style="text-align: right;">48</p> <p>1 And I was (inaudible).</p> <p>2 LEO KANE: And how did they contact you?</p> <p>3 MARK NORTH: Umm, through, umm, through sources of the 4 daycare, through one of the parents of the daycare in the 5 previous case. (inaudible)</p> <p>6 LEO KANE: I don't think so.</p> <p>7 MARK NORTH: I was reading, in, in this case or in the 8 Moy case, in the Primm case?</p> <p>9 LEO KANE: In this case?</p> <p>10 MARK NORTH: In this case I was contacted by Tatiana 11 relative to my background in dealing with other cases. In 12 fact, I believe Tatiana got the reference from the 13 (inaudible).</p> <p>14 MARTIN L. GROSSMAN: Alright, there is a, if you want 15 to look in the file, into 12b, and I'm sure others as well 16 where, this one just happens to be a floor plan but it is 17 stamped with Mr. North's official stamp as Architectural 18 Registration Board, 7450, and initialed by him, so it is 19 certified. It is umm, an architect license</p> <p>20 HARRY STONE: I have one that I could show him</p> <p>21 LEO KANE: Would it be possible for me to get a copy 22 of the, of the overall</p> <p>23 HARRY STONE: I'll tell you what</p> <p>24 LEO KANE: file?</p> <p>25 HARRY STONE: Here's one.</p>

Transcript of Hearing  
Conducted on January 13, 2017

13 (49 to 52)

<p>49</p> <p>1 MARTIN L. GROSSMAN: Of the overall what?</p> <p>2 LEO KANE: The overall application of his file.</p> <p>3 MARTIN L. GROSSMAN: I see.</p> <p>4 LEO KANE: When I went online I got one page and I</p> <p>5 thought that was the application. I didn't realize it was</p> <p>6 a, a 50 page document before these exhibits. Umm, so</p> <p>7 MARK NORTH: Do I have to explain that? Would that</p> <p>8 help, would that help to</p> <p>9 MARTIN L. GROSSMAN: Well no, there's no question</p> <p>10 pending.</p> <p>11 LEO KANE: It does sound like you've got, you got</p> <p>12 involved when she started the application process, they</p> <p>13 contacted you and then you've been involved ever since.</p> <p>14 MARK NORTH: Yes sir.</p> <p>15 LEO KANE: Okay. So, I didn't know that. I knew that</p> <p>16 was what happened in the previous case.</p> <p>17 MARK NORTH: Yes sir.</p> <p>18 LEO KANE: But did you go in and meet with the staff</p> <p>19 with her?</p> <p>20 MARK NORTH: Yes.</p> <p>21 LEO KANE: Okay. Same as you did in the umm, A Mum's</p> <p>22 Place case.</p> <p>23 MARK NORTH: In the A Mum's, in the previous case I</p> <p>24 met with staff. In this particular case I did not meet with</p> <p>25 staff but I, but I again prepared the document that went to</p>	<p>51</p> <p>1 upper limit of the exhibits from the original application</p> <p>2 your honor? The exhibit numbers?</p> <p>3 MARTIN L. GROSSMAN: Upper limit</p> <p>4 HARRY STONE: Yeah, because I know it's how far</p> <p>5 MARTIN L. GROSSMAN: You mean how far the, in the way</p> <p>6 when it was filed?</p> <p>7 HARRY STONE: The last one that I have here is H, on</p> <p>8 the application, which is</p> <p>9 MARTIN L. GROSSMAN: How much of, how much of this</p> <p>10 HARRY STONE: Upper level picture key.</p> <p>11 MARTIN L. GROSSMAN: Did you not get a copy of the</p> <p>12 exhibit list? It should be on your table over there. There</p> <p>13 should be a copy of the exhibit list.</p> <p>14 HARRY STONE: No, I didn't get one. When I came in</p> <p>15 there was, I don't believe there was anything here.</p> <p>16 MARTIN L. GROSSMAN: That will show you the, it looks</p> <p>17 like, through certainly, through Exhibit 18 was with the</p> <p>18 application originally.</p> <p>19 HARRY STONE: I know, I think that there's some, I'm</p> <p>20 not sure I can just say from one to something. At any rate</p> <p>21 so you, you worked on the application that was submitted.</p> <p>22 Is that correct?</p> <p>23 MARK NORTH: That is correct.</p> <p>24 HARRY STONE: And when you, what did you find when you</p> <p>25 went out and looked at the location and considered the</p>
<p>50</p> <p>1 staff and then she acted as, as the proper, as the owner to</p> <p>2 represent herself at staff.</p> <p>3 HARRY STONE: I believe this is going a little ways</p> <p>4 around</p> <p>5 MARTIN L. GROSSMAN: I would agree. Sustain that. Take</p> <p>6 that as an objection. I'll sustain it. It's beyond the</p> <p>7 scope of the Voir dire.</p> <p>8 LEO KANE: Okay. And are you paid for this?</p> <p>9 MARK NORTH: Yes sir.</p> <p>10 MARTIN L. GROSSMAN: It's also beyond the scope of the</p> <p>11 Voir dire because it is a question that, that you can ask,</p> <p>12 that, can see what he does to, to bias, but, but it's not a</p> <p>13 question of whether he's an expert or not.</p> <p>14 LEO KANE: Okay.</p> <p>15 MARTIN L. GROSSMAN: Do you have any objections to him</p> <p>16 serving as an expert, at least in architecture and site</p> <p>17 design?</p> <p>18 LEO KANE: No.</p> <p>19 MARTIN L. GROSSMAN: Alright. Then you agree to that</p> <p>20 designation, Mr. North? That's between</p> <p>21 MARK NORTH: I do.</p> <p>22 MARTIN L. GROSSMAN: Okay. So I accept Mr. North as an</p> <p>23 expert in architecture and site design.</p> <p>24 HARRY STONE: Mr. North, you helped the applicant with</p> <p>25 her application for conditional use, which is, what's the</p>	<p>52</p> <p>1 change in use that was proposed by the applicant?</p> <p>2 MARK NORTH: I felt, in my opinion that it was, and</p> <p>3 based upon my experience of having come before this</p> <p>4 process, that her case was good. A case in which, certainly</p> <p>5 I can offer some assistance and one which I felt that we</p> <p>6 could essentially go forward with to the approval.</p> <p>7 HARRY STONE: Right, but more specifically when you</p> <p>8 went out there what did, when you looked at the house and,</p> <p>9 with in mind the change in use, the additional four</p> <p>10 children, what, could you summarize for the examiner, your</p> <p>11 findings which, I believe are summarized in exhibit number</p> <p>12 one, your response is in supporting information, which is,</p> <p>13 yes, which is umm, Exhibit 2, I believe.</p> <p>14 MARK NORTH: There is several, there is several things</p> <p>15 that, in support of the application that, that we could go</p> <p>16 on. One of them is what's known as a site survey, in which</p> <p>17 we come and observed the site. We document the location of</p> <p>18 the house, driveway, site improvements that existed, that</p> <p>19 exist currently. We look at, to a lesser degree, the fact</p> <p>20 that there is play yard equipment. We don't document the</p> <p>21 exact location of that equipment because many of, much of</p> <p>22 it is not fixed. It's moveable. But the fixed site</p> <p>23 improvements that existed upon our survey were noted and</p> <p>24 put into place. We, we also did a survey of the house</p> <p>25 interior so that we could identify each of the spaces that</p>

Transcript of Hearing  
Conducted on January 13, 2017

14 (53 to 56)

<p>53</p> <p>1 had existing occupancies by the program and most of those 2 areas have been identified to the exhibits in the photos. 3 It appeared to me coming into the home that, the home is 4 shared by a family and a very active daycare center, very 5 much the children 6 MARTIN L. GROSSMAN: What do you mean home share? 7 MARK NORTH: Well, by that I mean they live in this 8 home and, and they have dedicated areas for the children to 9 use and I 10 MARTIN L. GROSSMAN: You mean for the daycare? 11 MARK NORTH: Yes sir. I was quite impressed by that, 12 more so than in previous cases. There is a lot of area that 13 is dedicated. Again, we took photos of it. We measured it. 14 We created floor plans so that the process could be further 15 educated as, as it was reviewed. With that we also 16 paralleled the ordinance. I have knowledge of the 17 ordinance, having read it several, several, several times 18 and trying to form the responses through the exhibit 19 within, umm, our application to tailor to point by point 20 the ordinance element. 21 HARRY STONE: And I'll jump in here and say that that 22 is actually docket entry number 5. Exhibit 5. 23 MARK NORTH: Exhibit 5. That is point by point 24 response to those items raised by the statute and by the 25 ordinance and pretty much nothing that we objected to. We</p>	<p>55</p> <p>1 all the children play together at the same time and I know 2 that you did 3 MARTIN L. GROSSMAN: In the outdoor play. 4 HARRY STONE: In the outdoor play. And this was, I 5 know that you did the analysis for the landscaping in your 6 proposal and the applicant's proposal to take care of this 7 with additional landscaping. But what do you think of these 8 proposals of splitting up the children or having them all 9 play together but only for one hour in the afternoon and 10 one hour in the morning, in terms of the noise level. 11 MARTIN L. GROSSMAN: Well, is he qualified, well he 12 might be I guess as a 13 HARRY STONE: He's constructing a 14 MARTIN L. GROSSMAN: noise level. Okay. 15 MARK NORTH: If I can take, I'll answer that question 16 but if I can preliminarily say, part of the analysis of the 17 ordinance and the requirement for screening against 18 inherent, non-inherent uses of the public play yard, 19 because that's the area of problem, problematic here. 20 Inside the dwelling folks can't here, so it's, it's the 21 play yard is the key focus. And the ordinance does call 22 reference to screening designs to use as part of the 23 application process. In my previous (inaudible) with the, 24 Amber Primm we point out to the planning board that that 25 ordinance, that specific landscaping screening requirement</p>
<p>54</p> <p>1 certainly used just for analysis. One of the things that is 2 used for analysis is the size of the program, the number of 3 children, the size of the area that the children are in, 4 their environment, both outside in the play yard as well as 5 inside of the house. There is a statute, if I am not 6 mistaken, by licensing that a certain amount of square 7 footage is required dedicated to the program for interior 8 and exterior use. We, we summarized 9 MARTIN L. GROSSMAN: You're talking about state law 10 requiring a certain amount of square footage per child? 11 MARK NORTH: Correct. And so that's part of our 12 analysis to make sure existing in the day of survey that 13 that was being met. It was. And then going forward with the 14 expansion of the additional children if that would require 15 an expansion to the facility, either interior to remodeling 16 or exterior additions. That's not required because she has 17 ample areas inside and outside the house for the program, 18 even at the expanded level. 19 MARTIN L. GROSSMAN: Alright. 20 HARRY STONE: And what did you, you did, actually did 21 a plan for adding additional landscaping 22 MARK NORTH: That's right. 23 HARRY STONE: with the existing, with the existing 24 umm, chain link fence. There have been some proposals that, 25 the number of children be split up into two parts or that</p>	<p>56</p> <p>1 was not empathetic or sympathetic to a residential zone. It 2 was really cast for a commercial zone. It required a 3 buffering of eight feet by as much as the full distance 4 MARTIN L. GROSSMAN: It's actually so you don't go too 5 far off field on that, it's, it's been changed. 6 MARK NORTH: Good. 7 MARTIN L. GROSSMAN: The zoning ordinance was modified 8 recognizing that the, the specifics that were in the 9 screening landscaping requirements did not make much sense 10 in terms of a single family residential area. And now what 11 the requirement is that the conditional use be compatible, 12 essentially. And that's what the, the gen-, the more 13 general change is. 14 MARK NORTH: In full honesty when I approached the 15 rear yard and saw the conditions that we had, I advised the 16 owner that I felt as though its wide open to the adjacent 17 neighbors, pretty much. There's some landscaping existing 18 and we documented that as to what exists. In terms of my 19 opinion on, on playtimes, because this was brought up in 20 the previous case as well, about segregating groups of 21 children in numbers as well as ages and the thought process 22 of limiting, in my opinion, daycare activity of children, 23 irrespective of the community. But the whole process of 24 daycare is to provide the children environments for 25 learning. It's not just a custodial</p>

Transcript of Hearing  
Conducted on January 13, 2017

15 (57 to 60)

<p>57</p> <p>1 MARTIN L. GROSSMAN: Now you're going beyond</p> <p>2 MARK NORTH: Okay</p> <p>3 MARTIN L. GROSSMAN: your expertise for which you were</p> <p>4 offered. So, even though no specific objection was raised</p> <p>5 I'm going to limit you to an area in which you are modified</p> <p>6 as an expert.</p> <p>7 MARK NORTH: I was asked for my opinion about the, the</p> <p>8 MARTIN L. GROSSMAN: Just in terms of the noise impact</p> <p>9 and site to sign. That's</p> <p>10 MARK NORTH: I would, I would that if the children</p> <p>11 were, if under, perhaps Mr. Kane's solution of having all</p> <p>12 the children in the yard for one specific hour in the</p> <p>13 morning or in the afternoon</p> <p>14 MARTIN L. GROSSMAN: And in the afternoon</p> <p>15 MARK NORTH: And in the afternoon that that, to me I</p> <p>16 agree with the point raised before where at this point we</p> <p>17 have eight children in the yard, tops, and the suggestion</p> <p>18 in the conditional report is just to maintain that eight,</p> <p>19 that's what I think we ought to do. And that's my opinion</p> <p>20 on, on that. I don't believe it makes sense to have twelve</p> <p>21 children in the yard for two hours each day just because it</p> <p>22 would contribute to additional noise.</p> <p>23 LEO KANE: Can I just clarify that, that everyone</p> <p>24 needs to understand that I'm not asking to have twelve</p> <p>25 children in the yard playing. I'm opposed to it. But what</p>	<p>59</p> <p>1 HARRY STONE: I don't believe that a new plan is, we</p> <p>2 had some, we submitted some additional comments based on</p> <p>3 their analysis but, no, we just took that they recommended</p> <p>4 it and we were willing to do it.</p> <p>5 MARTIN L. GROSSMAN: It would have to be, in other</p> <p>6 words, all conditional uses are supervised by The</p> <p>7 Department of Permitting Services and so they go out for</p> <p>8 inspection and they'd expect to look at a plan and see that</p> <p>9 you've complied with the plan. So you have to have an</p> <p>10 amended plan showing the six foot tall, board on board</p> <p>11 fence.</p> <p>12 HARRY STONE: And in planning, I guess could you plan</p> <p>13 once we knew what the conditions were going to be?</p> <p>14 MARTIN L. GROSSMAN: Well, that may be putting the</p> <p>15 cart before the horse because I have to approve a specific</p> <p>16 plan if I approve the conditional use. So you'd have to do</p> <p>17 that, and since you don't, I take it that the only change</p> <p>18 there would be, would be the addition of the board on board</p> <p>19 fence. That would be the only change in appearance. Is that</p> <p>20 correct?</p> <p>21 MARK NORTH: That's correct. And handled through a</p> <p>22 permanent process. Yes sir.</p> <p>23 HARRY STONE: And a board on board fence would be, I</p> <p>24 mean based on the lack of comments from the planning board</p> <p>25 about the board on board fence being in a different</p>
<p>58</p> <p>1 I'm saying is I don't want six kids playing for one hour</p> <p>2 and then six kids playing for another hour. And then a</p> <p>3 lunch break and then six kids, I don't want to double the</p> <p>4 amount of time. So the important thing is keep the noise to</p> <p>5 the minimum but also limit the amount of time that there is</p> <p>6 noise. So we certainly don't want to have kids out there</p> <p>7 for four hours a day. It's bad enough as is. We certainly</p> <p>8 don't want four hours of play time. So</p> <p>9 MARTIN L. GROSSMAN: I understood you to say that. I</p> <p>10 mean, the question is if the conditional use is granted and</p> <p>11 goes up to twelve children, and there may be certain state</p> <p>12 requirements as to the amount of outdoor play, I'm not</p> <p>13 sure. But the question is, how would that best be handled</p> <p>14 so as to reduce the impact on the neighborhood while still</p> <p>15 meeting whatever other requirements there are for child</p> <p>16 care. So, I understand you don't want four hours there so</p> <p>17 the alternative is if its two hours that it would be, have</p> <p>18 to be twelve children at a time. It may be, there may be no</p> <p>19 other alternative. I don't know. You can tell me in the</p> <p>20 evidence as to what the alternatives are. Let me return for</p> <p>21 a second to the screening question versus the fence. Has</p> <p>22 there been a plan filed showing the proposed fence as was</p> <p>23 required by technical staff? Did you file an amended plan</p> <p>24 that shows the fence there in lieu of some additional</p> <p>25 landscaping?</p>	<p>60</p> <p>1 position would be a direct replacement for the current</p> <p>2 chain link fence, which is shown on the plan.</p> <p>3 MARTIN L. GROSSMAN: Yeah, is, I don't recall, does</p> <p>4 the plan specifically say it's chain link?</p> <p>5 HARRY STONE: Yes sir.</p> <p>6 MARTIN L. GROSSMAN: So that would have to be changed</p> <p>7 and maybe, depending on, let's see what, what Exhibit is</p> <p>8 that? (inaudible) 10a-d. Okay. So I see it says chain link</p> <p>9 fence and that's on all of the</p> <p>10 MARTIN L. GROSSMAN: Mr. North, is there anything</p> <p>11 other than on plans 10a-d, where I see its specified 48"</p> <p>12 tall chain link fence.</p> <p>13 HARRY STONE: Yes sir. And there's also a front fence</p> <p>14 that is a wood, board on board at approximately 48", along</p> <p>15 the left side of the property.</p> <p>16 MARTIN L. GROSSMAN: Right. But they're not, the staff</p> <p>17 was not asking to change that to 6' tall, I don't believe.</p> <p>18 HARRY STONE: I presume the staff wanted a complete</p> <p>19 enclosure of a 6' fence, and I could be wrong.</p> <p>20 MARTIN L. GROSSMAN: Let me look at staff's specific</p> <p>21 recommendation. I take it Mr. Kane that, if the conditional</p> <p>22 use were granted that you would support the idea of, of a</p> <p>23 board on board fence rather than a chain link fence. Is</p> <p>24 that, am I correct in that?</p> <p>25 LEO KANE: We are adamantly opposed to the increase to</p>



Transcript of Hearing  
Conducted on January 13, 2017

16 (61 to 64)

<p>61</p> <p>1 twelve and we don't want to have any fence and we'd be 2 willing to, to continue as is with no fence, even though 3 we, it would screen but we'd rather not have a fence. 4 But, if you are going to go to umm, umm, twelve, the 5 condition question has already been said that it would be a 6 chance. We would live with it. We would 7 MARTIN L. GROSSMAN: Nothing is set. These are 8 recommendations 9 LEO KANE: Okay. 10 MARTIN L. GROSSMAN: by the technical staff and the 11 planning board. I have to make a decision on it so and 12 LEO KANE: When 13 MARTIN L. GROSSMAN: either side will have the right 14 within ten days after any decision to request oral argument 15 before the board of appeals. 16 LEO KANE: Right. 17 MARTIN L. GROSSMAN: But they, but it's not, it's not 18 set stone in any way. So my question to you is, if I were 19 to decide that the conditional use should be granted, do 20 you favor a board on board fence, at that point, a 6' tall 21 board on board fence, around the back yard? Because it does 22 say the rear yard must be enclosed with a 6' tall board on 23 board privacy fence, on all sides. 24 LEO KANE: Umm, I, personally, yes I do but I would 25 ask anyone who, who,</p>	<p>63</p> <p>1 HARRY STONE: He's going to be considering it as part 2 of what he's going to 3 MARTIN L. GROSSMAN: Right. It's, it is, it is what 4 you have to do after that, in terms of if you have, for 5 example, people sometimes add a sign. If they add a sign 6 they have they have to go through a sign permitting process 7 as well. But, the question is for the, in terms of plans, 8 they have to approve a plan at the end. And there's some 9 case law saying that the approval of plans should not be 10 conditional. It should be an approval or not approval by 11 the Hearing Examiner. 12 MARK NORTH: Okay. 13 MARTIN L. GROSSMAN: Alright. Do you want to, I'm 14 sorry for the interruption? But, your next question? 15 HARRY STONE: Yes, if I could just have a second. When 16 you were considering drafting your responses, Exhibit 5, 17 the amended checklist for conditional use responses and 18 additional supporting information, what umm, what 19 conclusions did you reach, or findings did you make about 20 the impact that this will have on parking and traffic? 21 MARK NORTH: The ordinance, again, is very 22 prescriptive in, in, by table use within their, within the 23 specific ordinance, element of the ordinance you call out 24 for here in the exhibit and I can, I can show that to you. 25 But it specifically tells us by table form the exact</p>
<p>62</p> <p>1 MARTIN L. GROSSMAN: Well 2 LEO KANE: who appears, if you feel differently then 3 please sound off. I have no idea 4 MARTIN L. GROSSMAN: The opposition will have the 5 opportunity to comment on that as they wish. 6 LEO KANE: And also I want to point out that, talking 7 about replacing the fence, did you, Mr. North do a plot 8 survey of that house? 9 MARTIN L. GROSSMAN: Well that's not, before you 10 question him on, on that, I'm going to let you cross 11 examine him but let's umm, 12 LEO KANE: I think it's the neighbor's fence. I don't 13 think it's her fence. I think it's the neighbor's fence. 14 So, 15 MARTIN L. GROSSMAN: The chain link fence you mean? 16 LEO KANE: Yes. 17 MARTIN L. GROSSMAN: I see. Okay. Well, I guess what 18 I'm suggesting is that umm, that we'll need a set of final 19 plans that shows a 6' tall board on board fence surrounding 20 all sides of the back yard and I'll leave the record open 21 for you to file that. 22 MARK NORTH: Let me ask a question sir. Is that an 23 element of the conditional use through here or is that in 24 addition to the permanent process? Obviously we're made to 25 have to go through the permanent process for</p>	<p>64</p> <p>1 requirements for parking, both onsite and offsite for this 2 use. Umm, my study of the, of the street side did show that 3 we do have a street that curves at the home. That's 4 correct. The street does actually do that. Umm, but at the 5 times that I was there doing my surveys, there were some on 6 street parking. I think one of them was the employee and 7 there were some, there were several other cars parked 8 there. One item I'd like to note is that it is a county 9 maintained road. No one owns this road but the county. No 10 one maintains this road but the county. No individual has 11 the right to declare a parking space null and void because 12 it's in front of their home, and that is throughout this 13 county. Going forward, it was all by prescription in terms 14 of the number of spaces we need to allow for, and the 15 ordinance does allow for on-street parking for employees. 16 LEO KANE: And that, that, to on, on 17 MARTIN L. GROSSMAN: I think that, Mr. Kane, you have 18 to speak up so that the, the court reporter can hear you. 19 If you have an objection, say, "I object." 20 LEO KANE: I object. I thought he was, in terms of 21 your witness in Architecture and Site Design, is this, is 22 this site design? 23 MARTIN L. GROSSMAN: I think site design would be, 24 part of the site design for this kind of site would be a 25 question of parking. Umm, I mean it is, it is somewhat</p>

Transcript of Hearing  
Conducted on January 13, 2017

17 (65 to 68)

<p>65</p> <p>1 (inaudible), but I think it's fair to say that if you're 2 siting a, a conditional use of this sort availability of 3 parking would be an issue. It's handled by technical staff 4 as well, so I don't know, it's not, not that his testimony 5 is critical here because there is a technical staff 6 evaluation of it.</p> <p>7 MARK NORTH: That is correct. And we, we can prove 8 that that in the application that with the, ultimately with 9 the technical staff.</p> <p>10 HARRY STONE: And that appears on pages 10 11 MARTIN L. GROSSMAN: So, I'll overrule that objection 12 to the extent that you objected to, okay?</p> <p>13 HARRY STONE: And that appears on 10 &amp; 11 of Exhibit 14 5?</p> <p>15 MARK NORTH: That is correct.</p> <p>16 HARRY STONE: So other than the impact on having our 17 children in the back of the house, oh I'm sorry. So when 18 you were looking at parking, we were just talking about 19 parking, what, what calculations did you make about how 20 much more use there would be of the roads because of the 21 additional four children?</p> <p>22 MARK NORTH: I did not engage in the traffic study. 23 That's outside the parameter of my, my abilities. Nor is 24 one requested by ordinance.</p> <p>25 HARRY STONE: And did, but there is a driveway?</p>	<p>67</p> <p>1 that's about the extent of it. We address the ordinance 2 point by point. That was the purpose of the exhibit.</p> <p>3 HARRY STONE: That's all I have for this witness on 4 direct.</p> <p>5 MARTIN L. GROSSMAN: So it's your opinion that the, 6 the site as designed will meet the physical requirements of 7 the proposed conditional use?</p> <p>8 MARK NORTH: Yes sir.</p> <p>9 MARTIN L. GROSSMAN: Mr. Kane, do you have cross 10 examination?</p> <p>11 LEO KANE: Umm, no. I don't, I don't dispute the, that 12 the site will need to be</p> <p>13 HARRY STONE: I'm going to object Your Honor, because 14 this is cross examination, which is the asking of questions 15 rather than statements.</p> <p>16 MARTIN L. GROSSMAN: I, I agree. He doesn't dispute 17 that it meets physical requirements. I'm going to also, is 18 there anybody, the opposition here today who has any 19 additional questions that they wish to ask of Mr. North? 20 This is somewhat an unusual proceeding in that we usually 21 do allow members of the opposition to participate in beyond 22 just a single person, unless it gets too unruly and I can 23 appoint somebody to be the questioner and obviously Mr. 24 Kane falls properly into that category. But, if you have 25 any other questions of this particular witness, you can ask</p>
<p>66</p> <p>1 MARK NORTH: Yes sir. And it has one parked car and 2 then there's a garage which handles the second parked car 3 of the residence.</p> <p>4 HARRY STONE: When there's one parked car in the 5 driveway, is there additional room for another car to park 6 there during peak</p> <p>7 MARK NORTH: Not in the driveway, not technically and 8 that's why we dimensioned the driveway and showed the, a 9 planned view of a car in the driveway, as well as car 10 position on the opposite street side.</p> <p>11 HARRY STONE: In your analysis of this particular 12 change of use, other than the fact that more children will 13 be in the back yard and more cars will be coming to and 14 from the location and, perhaps one additional car parking 15 on the street, what other impacts did you identify that 16 needed to go into your plan and your submissions with the 17 application?</p> <p>18 MARK NORTH: None that I'm aware of, other than basic 19 child safety requirements by license. Umm, but beyond that, 20 it was, it was pretty much evident that the program and the 21 house and the play yard is sizable for the expanded 22 program. But umm, there weren't child safety issues in the 23 existing board proposed plan. As a licensed architect I 24 serve the public, I'm in public safety as well. And so I 25 would be better off if I didn't have a license. So, but</p>	<p>68</p> <p>1 them yourself if you wish or you can talk to Mr. Kane and 2 have him present it. Yes ma'am? Just state your name as 3 you, be for the record and then you can ask your question.</p> <p>4 PARASKEVOULA HAYS: Paraskevoulas Hays. My question 5 sir, is about the parking. You said it was a curved road</p> <p>6 MARK NORTH: Yes ma'am.</p> <p>7 PARASKEVOULA HAYS: And you stipulated that there was 8 not room for an additional car to park in the driveway.</p> <p>9 MARK NORTH: Yes ma'am.</p> <p>10 PARASKEVOULA HAYS: So umm, I'm curious as to if you 11 noted the fact that usually on Belhaven Road, it's con-, 12 difficult if two cars are coming down the road at one time, 13 one of them will frequently will have to back up to let the 14 other car go through to the point where we can find an 15 empty parking space on the road. Now my question to you is 16 would there be concern, and this may not be your expertise 17 and I apologize, but I do think it's an issue. If somebody 18 is coming out and there's no, there's very little 19 visibility as you go around</p> <p>20 MARTIN L. GROSSMAN: You have to eliminate your 21 question. You're in fact testifying about Belhaven Road.</p> <p>22 PARASKEVOULA HAYS: Alright.</p> <p>23 MARTIN L. GROSSMAN: But I understand your question to 24 be, is there sufficient room given the shape and contours 25 of that road</p>

Transcript of Hearing  
Conducted on January 13, 2017

18 (69 to 72)

<p>69</p> <p>1 PARASKEVOULA HAYS: Exactly. 2 MARTIN L. GROSSMAN: for safe passage that, 3 PARASKEVOULA HAYS: Right. 4 MARTIN L. GROSSMAN: If that's 5 PARASKEVOULA HAYS: Especially when dropping off 6 children, and other children walking to school or to busses 7 MARTIN L. GROSSMAN: Okay. 8 PARASKEVOULA HAYS: at the same time. 9 MARTIN L. GROSSMAN: Thank you. Very good question Mr. 10 Hays, Ms. Hays. Thank you. Mr. North? 11 MARK NORTH: Thank you. Umm, I am not a road planner. 12 I am not a road designer. My knowledge of the county road 13 system in Belhaven, and again I'm not an expert. You all 14 live there. I have visited there. So, 15 MARTIN L. GROSSMAN: But you are an expert. 16 MARK NORTH: Well, I'm an expert, in this case 17 MARTIN L. GROSSMAN: on site design, 18 MARK NORTH: these particular pieces. But I don't live 19 there and I don't experience what they've experienced. My 20 point is that the roadway was designed for a certain 21 capacity that allowed parking on both sides. This is a 22 county maintained road. If the county deemed that it was 23 unsafe for any purposes, drop off or otherwise, fire 24 equipment, they would regulate that one side of the road 25 was a fire lane and would paint the curb accordingly. We</p>	<p>71</p> <p>1 disembarking. Umm, and if, you know, some parent has 2 another situation they'll have to arrange to get into the 3 driveway, but off the street. 4 MARK NORTH: And also bring to light another piece to 5 this, which I think helps 6 MARTIN L. GROSSMAN: Right now there's not, let's, 7 let's deal with the question at hand. 8 MARK NORTH: Okay. 9 MARTIN L. GROSSMAN: Ms. Hays? 10 PARASKEVOULA HAYS: Are all the children able to, are 11 there any infants involved? In other words, is there a 12 situation where somebody may have to stop in the street or 13 pull into the driveway, which means exiting back out onto a 14 curvy street, umm, where they have to physically carry the 15 child into the daycare? 16 MARTIN L. GROSSMAN: Well, I, I understand, there will 17 not be an objection if I were to oppose a condition that 18 would require that all embarking and disembarking of a 19 child be either in the driveway or on the curb side of the 20 street to eliminate that safety issue. 21 HARRY STONE: It occurs to me that in what we're 22 discussing here that there's some concern, even if the 23 child is disembarking, that the parent gets out of the 24 driver's side, so I think it's not so much a condition 25 about the child but during pickup and drop off that,</p>
<p>70</p> <p>1 have many instances, I live in an older community too, 2 where we have a similar scenario. In our community we don't 3 have sidewalks. We don't have curbs and so that gets to be 4 even more of a commotion of a problem. Is there adequate 5 drop off capability? It would behoove the parent that the 6 drop off occurs so that the child dropped off to the right 7 side of the road or in front of the house to the side walk. 8 MARTIN L. GROSSMAN: You mean the curb side? 9 MARK NORTH: Curb side. And I think many parents would 10 do that. Umm, I can't stop a parent from opening a door on 11 the driver's side without properly checking and such, that, 12 that there's adequate room to get by. 13 MARTIN L. GROSSMAN: Would there be any objections to 14 a condition that, if this conditional use were granted, 15 that would require that any children exiting or entering a 16 car during pickup or drop-off, would do so on the curb side 17 and umm, that would be part of a required agreement with 18 the umm, the recipients of the childcare? 19 HARRY STONE: I would say this. That requirement for, 20 to pull into the driveway, off the street, that if, that if 21 the pickups or drop-offs are going to happen in the street, 22 that they happen with the child disembarking from the curb 23 side. 24 MARTIN L. GROSSMAN: Or embarking 25 HARRY STONE: Or embarking, yes. Embarking and</p>	<p>72</p> <p>1 MARTIN L. GROSSMAN: Well, I, I, my, do you want to be 2 heard on this Mr. Kane? 3 LEO KANE: Yes, umm, I absolutely would want the child 4 to get out on the curb side. It would be insane to suggest 5 anything else. Yes, it's problematic that the parent would 6 have to get out on the opposite side but we do not want a 7 kid run over and these people are very worried about that. 8 That's exactly what they're worried about. So we do not 9 want that. 10 MARTIN L. GROSSMAN: There are no, there are no 11 restrictions in the traffic laws that prevent an adult from 12 getting out on the driver's side, because you drive, if 13 you're on a normal street, the driver would be outside on 14 the streets (coughing) to get out. So, I can't impose 15 something on, on adults getting out but I certainly would 16 consider it with regard to children exiting. I have other 17 conditions I also impose about making sure that, that umm, 18 children are escorted by adults. They don't always come 19 from, by car that often. People can be walked to a 20 childcare. They have to be escorted to the point of, I 21 usually impose that kind of condition. Remaining conditions 22 that are, that govern childcare really are, all of the 23 safety conditions are, generally state run conditions. 24 Where we're addressing land use issues here umm, I just add 25 those perhaps somewhat on the edge of my authority, just as</p>

Transcript of Hearing  
Conducted on January 13, 2017

19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 an abundance of caution because I think it is a cautionary 2 care to people using these facilities that they have to be 3 careful about how they're dropping off and picking up. But 4 most of the safety issues are governed by state law and 5 they are not land use issues.</p> <p>6 LEO KANE: And I, I did see a couple of your opinions 7 where you, encode conditions so I would ask, again, I don't 8 want any conditions because I want it (inaudible), but if 9 there are conditions imposed, I would propose that the, 10 because Belhaven Road is curved there and it is a serious 11 traffic problem, I would propose that the drop off have to 12 come from the Lone Oak side, drop, pull over to the right, 13 drop the children off and then exit off of Belhaven Road, 14 either Marquette or, or Ashburton Lane, instead of trying 15 to turn around there and causing, twelve, twelve cars a day 16 turning around on that. It would be much better for, for 17 purposes of traffic in that area to have them continue down 18 the street and exit the neighborhood through a different 19 path.</p> <p>20 MARTIN L. GROSSMAN: So you're saying a kind of one 21 way drop off</p> <p>22 LEO KANE: Yes.</p> <p>23 MARTIN L. GROSSMAN: pickup procedure?</p> <p>24 LEO KANE: Yes. And, and we would not want drop off in 25 the driveway. That would be more problematic. It would take</p>	<p style="text-align: right;">75</p> <p>1 would be on the correct side of the street,</p> <p>2 LEO KANE: No one can turn around unless they go in 3 one of our driveways or her driveway. So that's what we 4 don't want. We don't want people pulling in and, and, I 5 mean it's very simple thing. They just come in there and 6 they continue around and go out the neighborhood that way. 7 I mean it's, it's fairly a</p> <p>8 MARTIN L. GROSSMAN: Well I'm not sure, you say nobody 9 can get, can get out of their driveway without pulling into 10 somebody else's driveway?</p> <p>11 LEO KANE: No. Nobody, if you come down Belhaven</p> <p>12 MARTIN L. GROSSMAN: Yes?</p> <p>13 LEO KANE: And you're, and you're heading</p> <p>14 MARTIN L. GROSSMAN: Southbound?</p> <p>15 LEO KANE: south, you can't go, if you want to turn 16 around you've got to, you can't do a three point turn in 17 Belhaven Road. It's not big enough. So you have to go into 18 either her driveway or one of my, my friends driveway.</p> <p>19 MARTIN L. GROSSMAN: Are you saying that they cannot 20 continue on to Ashburton Road?</p> <p>21 LEO KANE: No, I want them to do that. I'm sorry. I 22 want them to do that. I want them to continue on so that 23 they don't have to, to pull into a driveway to do a three 24 point turn and then go back the other way.</p> <p>25 HARRY STONE: You're saying if they come from</p>
<p style="text-align: right;">74</p> <p>1 them off, take them out of the street but it would require 2 backing up and and, and all that.</p> <p>3 MARTIN L. GROSSMAN: I'm not sure that I would, I can, 4 that I would prohibit that, in terms of child safety. Umm, 5 that might be counterproductive. I'm just looking at where 6 Lone Oak umm, comes in.</p> <p>7 HARRY STONE: Can you describe that path of travel 8 you're proposing again, now that I'm looking at the map?</p> <p>9 LEO KANE: Yes. Umm, if you, what page?</p> <p>10 HARRY STONE: Umm, so in the packet, it's Exhibit 3. 11 It's in that page (inaudible). It's right after, right 12 after Exhibit 2, which is again,</p> <p>13 MARTIN L. GROSSMAN: Seems to me they came from, 14 alright since the subjects site is on the western, south 15 western side of Belhaven, to come from Lone Oak would mean 16 that the, that the</p> <p>17 MARK NORTH: That's generally how they approach</p> <p>18 MARTIN L. GROSSMAN: they would have to cross the 19 street, yeah. Is that your, you're correct Mr. Kane.</p> <p>20 LEO KANE: You do come down Lone Oak, you go down 21 Belhaven, you stop in front of the house, do not pull in 22 the driveway, and then, and then do a reverse and go back 23 that other way.</p> <p>24 MARTIN L. GROSSMAN: The driveway part of it is, is a 25 separate issue but in terms of the approach where they</p>	<p style="text-align: right;">76</p> <p>1 Ashburton and they're travelling that way, since it's on 2 the other side of the street, they would have to pull into 3 the driveway and make some sort of two point turn.</p> <p>4 LEO KANE: Well they'd have to pull into the driveway 5 or discharge on the other side of the street.</p> <p>6 MARTIN L. GROSSMAN: Yeah but let's say, let's say 7 they come down from Lone Oak like you suggested and they, 8 they pull into the driveway of the subject site, they pull 9 into the driveway of the subject site and then they back 10 out of that driveway and then they continue on the road 11 until they get to Ashburton. Is there a problem with that? 12 I don't understand why you objected to them pulling into 13 the driveway.</p> <p>14 LEO KANE: Be-, because they then have to back out and 15 that's when people get hit. I mean if they, if they're just 16 on the right, if they're on the right and they're going by, 17 they don't have to do all this maneuvering. They just pull 18 over, there's a space open, they pull in, let the kid out 19 and keep going as opposed to doing this, this</p> <p>20 MARTIN L. GROSSMAN: I don't, I mean people pull out 21 of driveways all the time and it's consistent with the law. 22 I don't know that I can prohibit that. I don't think that 23 it adds to the safety to say that a child has to be dropped 24 off on the street, even on the curb side, when they could 25 be dropped off in, in the subject site's driveway, even</p>

Transcript of Hearing  
Conducted on January 13, 2017

20 (77 to 80)

<p>77</p> <p>1 though they have to back up to get out. 2 LEO KANE: Right, but, when you go in a driveway you 3 cross the sidewalk and there's all, you know, if they're 4 walking or whatever. 5 HARRY STONE: This brings up another point. So, 6 another issue is parking. And, I would think that the 7 neighbors would want, if the conditional use was granted, 8 would want the parking to be in front of the subject's 9 house, on the curb. But now we're talking about the 10 parent's dropping off at the curb. So does that mean that 11 there wouldn't be a condition that the employee parking be 12 in front of the house and they would park down the streets, 13 that the area directly in front of the house was available 14 for this drop off? 15 MARTIN L. GROSSMAN: Well I don't think that anybody 16 has proposed a condition, have they, that umm, that 17 employee parking has to be at, at, in front of the house. I 18 mean that, at least that indicated people can park in the 19 neighborhood; we're talking about two employees here. I'm 20 not even sure that both of them drive there, but assuming 21 they did, there would be two employees that would park 22 somewhere on the street. They said, staff said parking 23 wasn't an issue, but I would hear from the other witnesses. 24 HARRY STONE: I, I saw the staff, I thought that I 25 detected some argument about people parking in other places</p>	<p>79</p> <p>1 9828 Bell Haven Rd? 2 TATIANA METELEVA: That's correct. 3 HARRY STONE: When did you start running daycare 4 services at that location? 5 TATIANA METELEVA: It was, I received my information 6 in January 2013. 7 HARRY STONE: And since then, well, most recently you 8 had eight children. How long have you had all of the 9 children? 10 TATIANA METELEVA: Umm, since March of 2016. 11 MARTIN L. GROSSMAN: I think that Mr. Kenny is asking 12 that if you could speak up a little bit people are having 13 difficulty hearing. 14 TATIANA METELEVA: Sure. 15 HARRY STONE: So when did the population of the 16 daycare go to eight children? 17 TATIANA METELEVA: March of 2016. 18 MARTIN L. GROSSMAN: Let me interrupt for something. 19 Would it be better if we had the witness up here? Would 20 that be known, Mr. Kane? 21 LEO KANE: That's fine. 22 MARTIN L. GROSSMAN: Oh ok. 23 LEO KANE: Is there a microphone up here? 24 MARTIN L. GROSSMAN: They can put one there. No you 25 cannot? Alright, forget I ever asked. (laughter)</p>
<p>78</p> <p>1 and they were 2 MARTIN L. GROSSMAN: Maybe Mr. Kane raised that. We 3 can let him address that when it comes his turn. Alright, I 4 take it there are no other questions of this witness. Is 5 there any redirect? 6 HARRY STONE: No, I don't believe so. 7 MARTIN L. GROSSMAN: Alright, thank you. I guess we 8 should take a break here before your next witness and we'll 9 come back at 1130. Recess until 1130. 10 HARRY STONE: And we'll step into your office and get 11 that document, okay? 12 MARTIN L. GROSSMAN: Yes. 13 MARTIN L. GROSSMAN: Okay, so this will be Exhibit 41, 14 The Affidavit of Posting. Alright, would you call your 15 next witness Mr. Stone? 16 HARRY STONE: We call the applicant Tatiana Meteleva. 17 MARTIN L. GROSSMAN: Mrs. Metelava, would you raise 18 your right hand please? Do you swear or affirm to tell 19 truth, the whole truth and nothing but the truth under the 20 penalty of perjury? 21 TATIANA METELEVA: I do. 22 MARTIN L. GROSSMAN: Alright, you may proceed. 23 HARRY STONE: Please state your name for the record. 24 TATIANA METELEVA: Tatiana Meteleva 25 HARRY STONE: And you operate Playful Discoveries at</p>	<p>80</p> <p>1 HARRY STONE: If you can't hear, you might set next to 2 her. 3 MARTIN L. GROSSMAN: We sometimes have had them, when 4 we have lengthy proceedings, I've had them arranged so that 5 they put a microphone up here and that, usually with these 6 smaller cases, it usually doesn't require that. So we 7 didn't do it in this case. In any event, I'm sorry. 8 Alright, go ahead. 9 HARRY STONE: So prior to having eight, you had seven 10 children? 11 TATIANA METELEVA: That's correct. 12 HARRY STONE: And how long did you have seven children 13 for? 14 TATIANA METELEVA: Umm, approximately since, I would 15 say summer of maybe 2014. 16 HARRY STONE: Okay. So for over two years, cause when 17 you had seven children, you were also taking care of your 18 daughter? 19 TATIANA METELEVA: That's correct. 20 HARRY STONE: So you had eight children there since 21 summer of 2014, playing outside, arriving, except for you 22 daughter during that period of time, (inaudible) (coughing) 23 there were, the other children were coming and going. 24 Correct? 25 TATIANA METELEVA: That's correct.</p>

Transcript of Hearing  
Conducted on January 13, 2017

21 (81 to 84)

<p>81</p> <p>1 MARTIN L. GROSSMAN: Now that you're under oath, how 2 many of your own children are there and what were their 3 ages? 4 TATIANA METELEVA: There are two of my own children. 5 Well, they're not in my daycare anymore because they're 6 school age. 7 MARTIN L. GROSSMAN: Right. 8 TATIANA METELEVA: My daughter is six years old 9 turning seven soon and my son is eight years old. 10 MARTIN L. GROSSMAN: Alright. 11 HARRY STONE: Since you've started your daycare, have 12 you received any complaints from the community? 13 TATIANA METELEVA: No, I have not. 14 HARRY STONE: Has anyone, umm, how much time currently 15 do the eight children spend outside? 16 TATIANA METELEVA: Umm, about one hour in the morning 17 and about one hour in the afternoon. 18 HARRY STONE: How many employees, counting yourself, 19 are there for the daycare? 20 TATIANA METELEVA: Umm, two, and I have my mother 21 who's helping with cooking and cleaning, but she lives with 22 us as well so she doesn't drive. 23 HARRY STONE: Okay, but she's not an employee of the 24 daycare? 25 TATIANA METELEVA: She is not an official employee.</p>	<p>83</p> <p>1 requirement call for you to have at least two employees on 2 sight? 3 TATIANA METELEVA: Not currently. 4 MARTIN L. GROSSMAN: Okay. Now then if you get this 5 conditional use and you add, go up to twelve children, your 6 licensing requirement, the state licensing requirement 7 would call for two employees to be 8 TATIANA METELEVA: Two employees 9 MARTIN L. GROSSMAN: Or an employee and an owner? Or 10 an employee plus 11 TATIANA METELEVA: That's correct. Yeah, it calls for 12 two full time adults being present. 13 HARRY STONE: Caregivers, perhaps? 14 TATIANA METELEVA: Caregivers is what they are called. 15 MARTIN L. GROSSMAN: But they have to be approved care 16 givers, and your mother is not? 17 TATIANA METELEVA: She is an approved substitute. So 18 she can stay instead of me at any time. 19 MARTIN L. GROSSMAN: Alright. So, when you are, if 20 you are, if the conditional use is approved and you go up 21 to twelve, will you then have in addition to your mother, 22 you'll have two or one employee? That's what I'm trying to 23 find out. 24 TATIANA METELEVA: Maximum two employees. If I'm not, 25 myself, if I'm not there I will have two employees.</p>
<p>82</p> <p>1 HARRY STONE: So, it's yourself and one other person. 2 And the other person, are they currently full time? 3 TATIANA METELEVA: Yes. 4 HARRY STONE: Okay. 5 MARTIN L. GROSSMAN: You have, you have currently one 6 employee? 7 TATIANA METELEVA: That's correct. 8 MARTIN L. GROSSMAN: And you'd be adding a second 9 employee. Is that what 10 TATIANA METELEVA: If needed. Well umm, by, by the 11 license, for the license, I do need two full time people 12 present at all times. 13 MARTIN L. GROSSMAN: Yes. 14 TATIANA METELEVA: And sometimes I do have to take my 15 children to school or activities, and then someone else has 16 to come in instead of me. They have to replace me so, I 17 would most likely have another part time or full time 18 employee. 19 MARTIN L. GROSSMAN: Well, I'm not saying wrong or 20 right. I'm just trying to find out exactly what the 21 situation is and will be. Currently, you have yourself, 22 your mother who is not an employee and one employee. Is 23 that correct? 24 TATIANA METELEVA: That's correct. 25 MARTIN L. GROSSMAN: And does your current licensing</p>	<p>84</p> <p>1 MARTIN L. GROSSMAN: Okay. Alright. So the second 2 employee may be there only part of the time is what you're 3 saying? 4 TATIANA METELEVA: That's correct. 5 MARTIN L. GROSSMAN: Okay, alright. 6 TATIANA METELEVA: Because my Mother is getting older 7 and I don't want to put her, umm 8 MARTIN L. GROSSMAN: Sure, okay. 9 HARRY STONE: We want to go back over this just a 10 little to make sure it's good. So, your license requires 11 for two caregivers at all times, comprising of all the 12 children that are there? 13 TATIANA METELEVA: For twelve children. That's 14 correct. 15 HARRY STONE: And for eight children? 16 TATIANA METELEVA: It has to be only one. Oh, it 17 requires one person, but it can be more than one. 18 HARRY STONE: Okay. And, so, your plans are, after 19 you go, you are going to keep the person you currently 20 employing, right? At least have one other employee other 21 than yourself, correct? 22 TATIANA METELEVA: That's correct. 23 HARRY STONE: And there will be times, when, if you 24 have to leave that another person has to, a second person 25 has to be there.</p>

Transcript of Hearing  
Conducted on January 13, 2017

22 (85 to 88)

85	<p>1 TATIANA METELEVA: That's correct.</p> <p>2 HARRY STONE: And there also might, with any</p> <p>3 conditional use, which leads to future too, so if for some</p> <p>4 reason you are no longer going to work in the day care you</p> <p>5 would have, to still operate it you would have to have two</p> <p>6 people there. Two plus.</p> <p>7 TATIANA METELEVA: I would still have to be present I</p> <p>8 believe 60% of the time. It's from what I remember.</p> <p>9 HARRY STONE: Do you, there's discussion about, and</p> <p>10 some suggestions from the opposition and from the planning</p> <p>11 board about the rear yard. Umm, now you are okay, you</p> <p>12 were, you proposed in your application to put additional</p> <p>13 landscaping up and keep the existing fencing that's out</p> <p>14 there. Correct?</p> <p>15 TATIANA METELEVA: That's correct.</p> <p>16 HARRY STONE: And the planning board came back and</p> <p>17 said that you should put up a board on board fence six feet</p> <p>18 high in the back yard. Would, and are you in agreement</p> <p>19 with that?</p> <p>20 TATIANA METELEVA: Absolutely.</p> <p>21 HARRY STONE: Okay. And the planning board suggested</p> <p>22 or recommended conditional approval with you splitting up</p> <p>23 the children into two groups where only eight would be out</p> <p>24 at a given time. Are you willing to do that condition?</p> <p>25 TATIANA METELEVA: Yes, but a I'm okay either way,</p>	87	<p>1 approved, the people whose opinions he was indicating as</p> <p>2 well as his own in the letter would prefer that all the</p> <p>3 children play together therefore limiting it to one hour in</p> <p>4 the morning and one hour in the afternoon. And that's also</p> <p>5 acceptable to you?</p> <p>6 TATIANA METELEVA: That's correct.</p> <p>7 HARRY STONE: Umm, and the staff report, the children</p> <p>8 are dropped, currently with eight of them, and children are</p> <p>9 dropped off by their parents by car. Correct?</p> <p>10 TATIANA METELEVA: That's correct.</p> <p>11 HARRY STONE: And have there been any incidents or</p> <p>12 problems with current pickups and drop offs?</p> <p>13 TATIANA METELEVA: Not that I'm aware of.</p> <p>14 HARRY STONE: And,</p> <p>15 MARTIN L. GROSSMAN: How do you, how do you usually</p> <p>16 handle that in terms of the drop offs and pickups now. Are</p> <p>17 they dropped off in, at the curb, are they dropped off in</p> <p>18 your driveway? How is it now done?</p> <p>19 TATIANA METELEVA: Umm, some of them do pull into my</p> <p>20 driveway. Some of them drop them off at the curb. But we</p> <p>21 always leave space, for next to the walkway so they just</p> <p>22 park there. I would say 90% of the time there is only one</p> <p>23 car present there. It happens rarely that there are two</p> <p>24 cars present and they usually just come drop the kids off</p> <p>25 and leave. Umm, but they do it either at the curb or in the</p>
86	<p>1 umm,</p> <p>2 MARTIN L. GROSSMAN: Either way being that</p> <p>3 TATIANA METELEVA: either being, splitting the kids</p> <p>4 into groups and having them out a two different times or</p> <p>5 having all twelve at one time, in the morning and one time</p> <p>6 in the afternoon.</p> <p>7 MARTIN L. GROSSMAN: And it would be okay under your,</p> <p>8 your state regulations to have the twelve children outside</p> <p>9 for one hour and</p> <p>10 TATIANA METELEVA: As far as I know yes, it would be</p> <p>11 okay.</p> <p>12 MARTIN L. GROSSMAN: Okay.</p> <p>13 HARRY STONE: Your eight children are currently out</p> <p>14 for one hour in the morning and one hour in the afternoon.</p> <p>15 Correct?</p> <p>16 TATIANA METELEVA: That's correct.</p> <p>17 HARRY STONE: And so that's in compliance with the</p> <p>18 state regulation.</p> <p>19 TATIANA METELEVA: That's correct.</p> <p>20 HARRY STONE: And to your knowledge there's been no</p> <p>21 change in the state regulations whether you have twelve or</p> <p>22 eight.</p> <p>23 TATIANA METELEVA: To my knowledge, I don't</p> <p>24 HARRY STONE: So, I was going to say so, Mr. Kane's</p> <p>25 group, in Mr. Kane's letter he suggested that if it's</p>	88	<p>1 driveway.</p> <p>2 MARTIN L. GROSSMAN: Alright.</p> <p>3 HARRY STONE: The planning board recommended the</p> <p>4 condition that you have the children dropped off and picked</p> <p>5 up no more than eight cars come in a given hour. Do you</p> <p>6 believe that would be workable with twelve children?</p> <p>7 TATIANA METELEVA: Absolutely.</p> <p>8 HARRY STONE: And, you have, of course some control</p> <p>9 when you take on the four children. When you find the</p> <p>10 additional customers that you would insist that they agree</p> <p>11 that they follow your schedule for when they come and go to</p> <p>12 comply with the permit. Correct?</p> <p>13 TATIANA METELEVA: That's correct.</p> <p>14 LEO KANE: That's also a lead question, but</p> <p>15 MARTIN L. GROSSMAN: Nobody objected. Go ahead.</p> <p>16 HARRY STONE: So currently your employees, employee</p> <p>17 parks on the street. Correct?</p> <p>18 TATIANA METELEVA: That's correct.</p> <p>19 HARRY STONE: Now where do you park?</p> <p>20 TATIANA METELEVA: I park in my driveway.</p> <p>21 HARRY STONE: As I understood, there is only enough</p> <p>22 space for one car in your driveway. So where do you park,</p> <p>23 in the garage? Is that incorrect? Is there room for more</p> <p>24 than one car in your driveway?</p> <p>25 TATIANA METELEVA: Umm, there is, I think technically,</p>

Transcript of Hearing  
Conducted on January 13, 2017

23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 umm, yeah, if I'm not in the driveway they pull in, into 2 the driveway. I park either in, either in the driveway or 3 on the street. 4 MARTIN L. GROSSMAN: Are you saying that technically 5 the driveway does not have enough room for two cars, but it 6 actual, in actual physical space two cars can? 7 TATIANA METELEVA: There is actual space, there is 8 enough space for two cars. But I think that's probably 9 blocks the, well I think it's possible to park in a way 10 that we don't block anything. But I think umm, 11 MARTIN L. GROSSMAN: But in terms dropping, somebody, 12 if there's one car in the driveway, another car can still 13 pull in the driveway to drop off children. 14 TATIANA METELEVA: That's correct. 15 MARTIN L. GROSSMAN: And Sir, in the back did you have 16 ROGER HAYS: I was just going to say, if there's a car 17 parked in back of the car that's in the driveway, it can 18 conceivably block the sidewalk, which is illegal I 19 understand, unless I'm incorrect. But pedestrians have to 20 be able, have to be able to get through there on the 21 sidewalk. 22 MARTIN L. GROSSMAN: I'm going to actually let you 23 question the witness if you want afterwards, but, but 24 (inaudible) 25 HARRY STONE: Now, in Mr. Kane's letter he wrote a</p>	<p style="text-align: right;">91</p> <p>1 MARTIN L. GROSSMAN: wiping off. The ink is wiping 2 off. 3 LEO KANE: Mr. Grossman, have these already been 4 admitted or are you just still considering 5 MARTIN L. GROSSMAN: No, I'm just marking them. You 6 can object to any one you want. They are being marked for 7 identification. Okay, so we have 42 (a) through (g). Thank 8 you (inaudible). 9 HARRY STONE: So, before I ask, ask you again. These 10 umm, Exhibit 42(a)-(g), do these fairly depict the 11 condition of the front and back of the property that's an 12 issue in this hearing? 13 TATIANA METELEVA: That's correct. 14 HARRY STONE: And this is as of Tuesday? 15 TATIANA METELEVA: That's correct. 16 HARRY STONE: This time I would admit 40- 17 MARTIN L. GROSSMAN: But let's, first tell us what 18 each one show. What is 19 HARRY STONE: So, 20 MARTIN L. GROSSMAN: On the back they're marked. 21 HARRY STONE: 42(a), what does this show? 22 TATIANA METELEVA: That's the right side of the front 23 of their (inaudible) house. 24 HARRY STONE: On part of the side? 25 TATIANA METELEVA: Yes.</p>
<p style="text-align: right;">90</p> <p>1 passage about the condition of the property and there are 2 other pictures in the record but I shall use the pictures 3 that you brought with you, umm, of the condition of the 4 front and back of the property. Are these accurate 5 photographs of the condition of the property this week? I 6 think it's Tuesday? 7 TATIANA METELEVA: That's correct. 8 HARRY STONE: And this is a picture of a wagon that I 9 believe 10 MARTIN L. GROSSMAN: Let's, let's have them marked and 11 identified so we know what the witness is referring to. And 12 these will be Exhibit 42, we'll start out with (a). So you 13 want to hand me the first picture? You can hand them all to 14 me and I'll mark them and then you'll be able to identify 15 them. Because if we don't do that nobody will know in the 16 record what we're talking about. Did you have them in a 17 particular order you wanted to present them in? 18 HARRY STONE: No. 19 MARTIN L. GROSSMAN: Okay. Alright. 42(a), you can't 20 see what I wrote here so let's, (b), (c), 42(d). I've had 21 to put the markings in somewhat unusual positions so it 22 would be visible, more or less. So we have Exhibits 42, (a) 23 through (g). I have to mark them on the back because 24 they're 25 HARRY STONE: I think that makes more sense.</p>	<p style="text-align: right;">92</p> <p>1 HARRY STONE: 43(b), what is this? 2 TATIANA METELEVA: That's front 3 HARRY STONE: About 2/3 of the front? 4 TATIANA METELEVA: 2/3 of the front. 5 HARRY STONE: 42(c), what is this? 6 TATIANA METELEVA: That's the back yard. 7 HARRY STONE: 42(d), what is this? 8 TATIANA METELEVA: That's the left side of the house, 9 from the front. 10 HARRY STONE: Part of the side and 11 TATIANA METELEVA: Part of the side 12 HARRY STONE: All of the front? 42(e)? 13 TATIANA METELEVA: That's the back yard from another 14 angle, looking from our house. 15 MARTIN L. GROSSMAN: That's from your house? 16 TATIANA METELEVA: Yes. 17 HARRY STONE: And 42(f)? 18 TATIANA METELEVA: That's the back yard looking from 19 the back fence. 20 HARRY STONE: Now in his paragraph b(1), well, Section 21 b(1), I'm going to talk about that but I'm going to refer 22 MARTIN L. GROSSMAN: Okay. 23 HARRY STONE: Mr. Kane speaks about a dilapidated, 24 plastic wagon that was resting on its side. I'll show you 25 what's been marked on 42(g). Did you try to figure out what</p>



Transcript of Hearing  
Conducted on January 13, 2017

24 (93 to 96)

93	<p>1 wagon he was talking about?</p> <p>2 TATIANA METELEVA: I'm pretty sure that's the wagon.</p> <p>3 HARRY STONE: And is this a picture of it, as of</p> <p>4 Tuesday?</p> <p>5 TATIANA METELEVA: That's correct.</p> <p>6 HARRY STONE: And he says in his letter that one of</p> <p>7 the wheels had broken off of its axle and the broken wheel</p> <p>8 was sitting several feet away, buried in longish grass.</p> <p>9 Umm, and he describes it as the junky toy wagon. Is there</p> <p>10 any other wagon that you're aware of?</p> <p>11 TATIANA METELEVA: No, that's the wagon but the wheel</p> <p>12 does come off. We fixed it because my kids were playing</p> <p>13 with it. They took the wheel off and we put it back on and</p> <p>14 it's perfectly safe and that's the wagon.</p> <p>15 HARRY STONE: This time I'm going to ask to admit</p> <p>16 Exhibit 42(a) through (g).</p> <p>17 MARTIN L. GROSSMAN: Okay now. You said you took these</p> <p>18 pictures, Ms. Meteleva?</p> <p>19 TATIANA METELEVA: That's correct.</p> <p>20 MARTIN L. GROSSMAN: And you took them, what date?</p> <p>21 TATIANA METELEVA: On this Tuesday,</p> <p>22 MARTIN L. GROSSMAN: Okay, yes.</p> <p>23 TATIANA METELEVA: January 10th.</p> <p>24 MARTIN L. GROSSMAN: Taken 1/10/17. Okay. Mr. Kane,</p> <p>25 any objections to these photos?</p>	95	<p>1 take it up then. But if you want to do it the other way and</p> <p>2 you have cross examination questions that go to the photos,</p> <p>3 that's fine too.</p> <p>4 HARRY STONE: Now, going back to the issue of your</p> <p>5 plans for pick-ups and drop offs, Exhibit 39, which is the</p> <p>6 agreements of the parents, about pick-ups and drop offs.</p> <p>7 Did you witness these parents signing these agreements?</p> <p>8 TATIANA METELEVA: I did.</p> <p>9 HARRY STONE: And you gave the originals to the court.</p> <p>10 Do you intend to, what, what if any intentions do you have</p> <p>11 about new parents when they come on and whether or not</p> <p>12 they'll have to agree to abide by these, these conditions?</p> <p>13 TATIANA METELEVA: I will give them the same form to</p> <p>14 sign and if they don't then I cannot accept them to the</p> <p>15 daycare I suppose.</p> <p>16 HARRY STONE: So these, provisionally I need to admit</p> <p>17 (inaudible).</p> <p>18 MARTIN L. GROSSMAN: Well once again we'll, we'll deal</p> <p>19 with the, the question of admission after the opposition</p> <p>20 has had an opportunity to cross examine.</p> <p>21 HARRY STONE: And Exhibit #40, which is a set of</p> <p>22 letters from the parents. Did you receive these from the</p> <p>23 parents?</p> <p>24 TATIANA METELEVA: I did.</p> <p>25 HARRY STONE: Mr. Kane in b(2) of his letter, which is</p>
94	<p>1 LEO KANE: Can I ask some questions about them?</p> <p>2 MARTIN L. GROSSMAN: Sure.</p> <p>3 LEO KANE: Did you, are you suggesting that this is</p> <p>4 what the yard normally looks like?</p> <p>5 TATIANA METELEVA: It varies from time of the year,</p> <p>6 from the days, but that's how it looked like on Tuesday and</p> <p>7 since, for the last few weeks I would</p> <p>8 MARTIN L. GROSSMAN: Perhaps we could, what we could</p> <p>9 do is, let's finish your direct and then we will deal with</p> <p>10 the question of admission of the, of the photos. During</p> <p>11 your cross you can raise these issues. How's that?</p> <p>12 LEO KANE: That's fine.</p> <p>13 MARTIN L. GROSSMAN: Ok.</p> <p>14 HARRY STONE: Your Honor, I mean, I'm somewhat</p> <p>15 perfectly fine with that but I think she's testified that</p> <p>16 she took these pictures and they represent at the time she</p> <p>17 took the pictures. So I'm not sure cross about how it is at</p> <p>18 other times, unless he has an objection to</p> <p>19 MARTIN L. GROSSMAN: I'm going to give him some, you</p> <p>20 can deal with an objection to the cross if it comes up but</p> <p>21 it seems to me I think it's just more orderly if we let him</p> <p>22 raise these questions in his cross rather than deal with,</p> <p>23 usually, our general practice here is to deal with</p> <p>24 admission of exhibits at the end of the hearing and then if</p> <p>25 anybody raises objections to particular ones, we usually</p>	96	<p>1 on page 4, and is, his letter is Exhibit 26 (a) (1), he</p> <p>2 talks about concerns about the child welfare injuries,</p> <p>3 escapes, and illnesses. Have you had any serious problems</p> <p>4 in child welfare?</p> <p>5 TATIANA METELEVA: No.</p> <p>6 HARRY STONE: Injuries?</p> <p>7 TATIANA METELEVA: No.</p> <p>8 HARRY STONE: Any children escaped?</p> <p>9 TATIANA METELEVA: No.</p> <p>10 HARRY STONE: Have you had any serious problems with</p> <p>11 child injury, excuse me, illnesses?</p> <p>12 TATIANA METELEVA: No. I mean there's minor</p> <p>13 (inaudible). Not illnesses.</p> <p>14 HARRY STONE: Now, over the period of years that</p> <p>15 you've had this daycare, how much noise outside of the home</p> <p>16 has there been?</p> <p>17 MARTIN L. GROSSMAN: Well, how is she going to</p> <p>18 quantify that?</p> <p>19 HARRY STONE: Well has there, in, I could say in your</p> <p>20 mind do you feel that there's a tremendous amount of noise</p> <p>21 caused by the children?</p> <p>22 TATIANA METELEVA: Just the regular noise produced by</p> <p>23 children playing outside.</p> <p>24 HARRY STONE: That brings up an interesting point. How</p> <p>25 many other children, that you're aware of, not in daycare</p>

Transcript of Hearing  
Conducted on January 13, 2017

25 (97 to 100)

<p>97</p> <p>1 and not counting your children, live in the neighborhood?</p> <p>2 TATIANA METELEVA: Quite a few. We have, umm, from my</p> <p>3 yard I can see two more families with children. One family</p> <p>4 has three children and another family, I'm not sure but</p> <p>5 they have, if it's their children or if they have playdates</p> <p>6 but they're, they do play outside.</p> <p>7 HARRY STONE: Do they make any noise?</p> <p>8 TATIANA METELEVA: They do.</p> <p>9 HARRY STONE: Is there ever a time when children play</p> <p>10 in the street that you're aware of?</p> <p>11 TATIANA METELEVA: Our neighbor's children?</p> <p>12 HARRY STONE: Could you tell me what they do?</p> <p>13 TATIANA METELEVA: Umm, children play street hockey,</p> <p>14 right, in the middle of the streets or there are little</p> <p>15 kids riding bikes or scooters or they just play outside.</p> <p>16 There are plenty children in our, on our street.</p> <p>17 HARRY STONE: Do the children in your daycare ever</p> <p>18 play unsupervised in the neighborhood?</p> <p>19 TATIANA METELEVA: Never.</p> <p>20 HARRY STONE: I see there are local schools, how far</p> <p>21 away from your daycare are these schools?</p> <p>22 TATIANA METELEVA: Umm, I know that our street leads</p> <p>23 to the local school but umm, less than a mile.</p> <p>24 HARRY STONE: What level, level school is that?</p> <p>25 TATIANA METELEVA: That's the biggest school in</p>	<p>99</p> <p>1 driving around the neighborhood that it's difficult to</p> <p>2 drive with the current traffic volume?</p> <p>3 TATIANA METELEVA: Umm, where the dental clinic is? It</p> <p>4 is, but otherwise I believe it's a regular residential</p> <p>5 street with, I would say moderate traffic.</p> <p>6 HARRY STONE: Now, have you ever noticed in these</p> <p>7 little traffic tie-ups, when you do your pickups and drop</p> <p>8 offs, that there are some?</p> <p>9 TATIANA METELEVA: I have never noticed that.</p> <p>10 HARRY STONE: I have no further questions Your Honor.</p> <p>11 MARTIN L. GROSSMAN: Then before we open up to cross</p> <p>12 exam, you filed a number of photographs, umm, and plans</p> <p>13 with your application and there are also photos attached to</p> <p>14 the technical staff report. Let's begin with those. I don't</p> <p>15 know if these are all, are the ones attached, Attachment 4</p> <p>16 to the Technical Staff Report, are those all from your</p> <p>17 photos or are these also just pictures that were taken by</p> <p>18 Technical Staff?</p> <p>19 TATIANA METELEVA: Umm, those are pictures taken by</p> <p>20 Mr. North.</p> <p>21 MARTIN L. GROSSMAN: By Mr. North? Okay. Alright,</p> <p>22 let's make sure we, so</p> <p>23 HARRY STONE: So, we will be the same (inaudible),</p> <p>24 because those seem to be</p> <p>25 MARTIN L. GROSSMAN: I'm looking at the last page,</p>
<p>98</p> <p>1 Montgomery County. It's elementary school.</p> <p>2 HARRY STONE: So that's towards the neighborhood,</p> <p>3 correct?</p> <p>4 TATIANA METELEVA: That's correct.</p> <p>5 HARRY STONE: And umm, in B4 he's concerned about</p> <p>6 traffic, which of course we're all concerned about the</p> <p>7 traffic.</p> <p>8 MARTIN L. GROSSMAN: In B4, what are you asking?</p> <p>9 HARRY STONE: So in his letter, on page 5 of 21</p> <p>10 MARTIN L. GROSSMAN: Okay?</p> <p>11 HARRY STONE: which is 23(a)(1)</p> <p>12 MARTIN L. GROSSMAN: Right.</p> <p>13 HARRY STONE: Umm, in section B4, he notes concerns</p> <p>14 about increased traffic. Isn't there a dental practice in</p> <p>15 the neighborhood?</p> <p>16 TATIANA METELEVA: There is.</p> <p>17 HARRY STONE: How far away from your, from this</p> <p>18 location is that practice?</p> <p>19 TATIANA METELEVA: Umm, it's at the end of the street</p> <p>20 and its, its very close. Umm</p> <p>21 HARRY STONE: How much parking do they have there?</p> <p>22 TATIANA METELEVA: I believe they have their parking</p> <p>23 in front of the building but, umm, I'm certain that they do</p> <p>24 park on the road as well.</p> <p>25 HARRY STONE: Did you say that it's your experience</p>	<p>100</p> <p>1 Attachment 4 to the Technical Staff Report.</p> <p>2 HARRY STONE: Oh, yours turned out more green than</p> <p>3 mine.</p> <p>4 TATIANA METELEVA: Right. I remember.</p> <p>5 MARTIN L. GROSSMAN: So let's, let's look at the, now</p> <p>6 what are, these pictures, are these, do these also exist?</p> <p>7 Are these same pictures umm, that are in the file that you</p> <p>8 filed as part of your application? I see some of them are</p> <p>9 labeled like 3-1, Exhibit 11(a) and 3-2</p> <p>10 TATIANA METELEVA: The way we reported there were more</p> <p>11 pictures, but</p> <p>12 MARTIN L. GROSSMAN: Let's see if any of these are</p> <p>13 duplicates. These were also taken by, these were also,</p> <p>14 looks like all the staff pictures are, are copies of ones</p> <p>15 that were in the file in Exhibit 11, from your filings. So</p> <p>16 I'd ask you to look at that, Exhibit 11, a-e, which is a</p> <p>17 number of photographs that are labeled 'Existing Exterior</p> <p>18 Photographs of 9828 Belhaven Road, Bethesda, Maryland,</p> <p>19 20817'. And on the first one it says, 'tree one'. What is</p> <p>20 that a photo of?</p> <p>21 TATIANA METELEVA: Umm,</p> <p>22 HARRY STONE: Do you see</p> <p>23 MARTIN L. GROSSMAN: I'm looking at the file. It's,</p> <p>24 it's what you filed.</p> <p>25 HARRY STONE: But unfortunately when I put together my</p>

Transcript of Hearing  
Conducted on January 13, 2017

26 (101 to 104)

101	<p>1 copy of the, I don't have the photos attached.</p> <p>2 MARTIN L. GROSSMAN: I see. Alright, well I guess what</p> <p>3 I'll do is I'll take them out of the folder. You don't have</p> <p>4 a copy of your, what you filed with your application, do</p> <p>5 you? I'll just hold them up.</p> <p>6 HARRY STONE: She sent it to me electronically and I</p> <p>7 didn't</p> <p>8 MARTIN L. GROSSMAN: Alright. Umm, top photo on</p> <p>9 Exhibit 11a says 'tree one'.</p> <p>10 TATIANA METELEVA: That was a bush that we have in the</p> <p>11 yard on the right side.</p> <p>12 MARTIN L. GROSSMAN: Right side being the</p> <p>13 TATIANA METELEVA: If we are looking from the, from</p> <p>14 MARTIN L. GROSSMAN: From the front of the</p> <p>15 TATIANA METELEVA: From the house, it's in the back</p> <p>16 yard.</p> <p>17 MARTIN L. GROSSMAN: Okay. Alright. How about tree</p> <p>18 two?</p> <p>19 TATIANA METELEVA: That is next to that bushes.</p> <p>20 MARTIN L. GROSSMAN: Alright.</p> <p>21 TATIANA METELEVA: Same area.</p> <p>22 MARTIN L. GROSSMAN: And then Exhibit 11 b, there are</p> <p>23 three photos. The top one says play yard, pic 7 and play</p> <p>24 yard pic 8 is right next to it. And play yard pic 9, do</p> <p>25 these fairly represent activity in your back yard during</p>	103	<p>1 TATIANA METELEVA: Yes.</p> <p>2 MARTIN L. GROSSMAN: And pic 31?</p> <p>3 TATIANA METELEVA: It's our neighbor's house.</p> <p>4 MARTIN L. GROSSMAN: Okay. Neighbor to the left as</p> <p>5 you're facing it?</p> <p>6 TATIANA METELEVA: To the left.</p> <p>7 MARTIN L. GROSSMAN: Okay. And exterior pic 32?</p> <p>8 TATIANA METELEVA: Oh I'm sorry. It is our house.</p> <p>9 MARTIN L. GROSSMAN: Okay. (laughter)</p> <p>10 TATIANA METELEVA: I'm just</p> <p>11 MARTIN L. GROSSMAN: Alright, so pic 31 is a picture</p> <p>12 of the front of your house?</p> <p>13 TATIANA METELEVA: Yes.</p> <p>14 MARTIN L. GROSSMAN: Okay.</p> <p>15 TATIANA METELEVA: Sorry.</p> <p>16 MARTIN L. GROSSMAN: Different angle?</p> <p>17 TATIANA METELEVA: Yes.</p> <p>18 MARTIN L. GROSSMAN: And exterior pic 32?</p> <p>19 TATIANA METELEVA: That's the street</p> <p>20 MARTIN L. GROSSMAN: That's Belhaven Road?</p> <p>21 TATIANA METELEVA: Belhaven Road.</p> <p>22 MARTIN L. GROSSMAN: And that's right in front of your</p> <p>23 home?</p> <p>24 TATIANA METELEVA: Umm, yes.</p> <p>25 MARTIN L. GROSSMAN: Okay. And those are your steps</p>
102	<p>1 play time for the child care?</p> <p>2 TATIANA METELEVA: That's, yes.</p> <p>3 MARTIN L. GROSSMAN: Okay. And then Exhibit 11c also</p> <p>4 has three photos of the back yard. These also fairly</p> <p>5 represent the, your backyard during play?</p> <p>6 TATIANA METELEVA: That's, most of the time, yes.</p> <p>7 MARTIN L. GROSSMAN: Okay. 11d has five photos. The</p> <p>8 first one says, 'play yard pic 13'. I'm not sure, just</p> <p>9 looks like some potted plants.</p> <p>10 TATIANA METELEVA: We were having a little garden.</p> <p>11 That was a seasonal thing we did at some point.</p> <p>12 HARRY STONE: Sir, this happens to be attached to the</p> <p>13 MARTIN L. GROSSMAN: Alright. And then exterior pic</p> <p>14 28, is that a photograph of</p> <p>15 TATIANA METELEVA: The front.</p> <p>16 MARTIN L. GROSSMAN: your home? The front?</p> <p>17 TATIANA METELEVA: That's the</p> <p>18 MARTIN L. GROSSMAN: And then exterior pic 29, is that</p> <p>19 the street of Belhaven Road in front of your home?</p> <p>20 TATIANA METELEVA: That's correct.</p> <p>21 MARTIN L. GROSSMAN: And pic 30 is what?</p> <p>22 TATIANA METELEVA: That's the left side of the house</p> <p>23 MARTIN L. GROSSMAN: Okay.</p> <p>24 TATIANA METELEVA: The front.</p> <p>25 MARTIN L. GROSSMAN: As you're facing it?</p>	104	<p>1 that are depicted on the right side?</p> <p>2 TATIANA METELEVA: That's correct.</p> <p>3 MARTIN L. GROSSMAN: Okay. Let's move to 11</p> <p>4 TATIANA METELEVA: Okay, yeah, so it was the</p> <p>5 neighbor's house, pic 31?</p> <p>6 MARTIN L. GROSSMAN: Yeah?</p> <p>7 TATIANA METELEVA: The houses just look exactly the</p> <p>8 same.</p> <p>9 MARTIN L. GROSSMAN: I see. So, pic 31 is the</p> <p>10 neighbor's house, you're saying?</p> <p>11 LEO KANE: Yes, that is a, that is the Duddah's house</p> <p>12 next to her. They also have signed but they are in India</p> <p>13 now. That's the Duddah's house.</p> <p>14 MARTIN L. GROSSMAN: Is that to the left of your home</p> <p>15 or to the right as you're facing it?</p> <p>16 TATIANA METELEVA: That is to the left.</p> <p>17 LEO KANE: Facing, facing the house to, from the</p> <p>18 street to the left. The next house in that picture that's</p> <p>19 further down, that's my father's house, William Kane's</p> <p>20 house on Belhaven Road.</p> <p>21 MARTIN L. GROSSMAN: Okay. Further to the left on the</p> <p>22 picture.</p> <p>23 LEO KANE: Correct, on exterior pic 31?</p> <p>24 MARTIN L. GROSSMAN: Alright. Then moving to 11e,</p> <p>25 exterior pic 33, what is that depicting?</p>

Transcript of Hearing  
Conducted on January 13, 2017

27 (105 to 108)

105	1 TATIANA METELEVA: Umm, it's the right side of our 2 house looking from the front, from the umm, from the road. 3 MARTIN L. GROSSMAN: Alright, and you can see some of 4 the back yard, 5 TATIANA METELEVA: That's correct. 6 MARTIN L. GROSSMAN: fenced in back yard? Do you own 7 that fence, buy the way, that umm 8 TATIANA METELEVA: I can't, 100%, because when we 9 bought the house it was there 10 MARTIN L. GROSSMAN: I see. 11 TATIANA METELEVA: We never questioned who owns, owns 12 the fence. 13 MARTIN L. GROSSMAN: Alright. 14 TATIANA METELEVA: How about exterior pic 34 on 15 Exhibit 11a? 16 TATIANA METELEVA: That's the back yard. 17 MARTIN L. GROSSMAN: Alright. You have a little 18 basketball court there? 19 TATIANA METELEVA: There's a little, there's a, it's 20 not a court. 21 MARTIN L. GROSSMAN: It's just a, the basket 22 TATIANA METELEVA: The basket. 23 MARTIN L. GROSSMAN: That's what it is. 24 MARTIN L. GROSSMAN: On pic, pic, exterior pic 35, 25 what is that depicting?	107	1 MARTIN L. GROSSMAN: Okay. And, let's move to some 2 interior plans, Exhibit 12a 3 HARRY STONE: The list is long 4 MARTIN L. GROSSMAN: Lower Level II, does that 5 accurately depict the lower level in your house, 6 TATIANA METELEVA: Yes. 7 MARTIN L. GROSSMAN: Lower Level II? Alright. 12b is 8 Lower Level, 1st level. Is that accurately depict the first 9 level of your home? 10 TATIANA METELEVA: Yes. 11 MARTIN L. GROSSMAN: Where does the, what part of your 12 home is devoted to the childcare? 13 TATIANA METELEVA: So the lower level, which says play 14 room on b, and then the 1st level which also has play room, 15 dining room and 16 MARK NORTH: If I may Your Honor? It's the areas in 17 blue. 18 MARTIN L. GROSSMAN: Okay. So, Mr. North has 19 volunteered that it's the area in blue on Exhibit 12b, is 20 that 21 TATIANA METELEVA: that's correct. 22 MARTIN L. GROSSMAN: fair to say? Okay. Then 12c, also 23 the 2nd level and that has some play room areas color coded 24 blue. Is that correct? 25 TATIANA METELEVA: It's, umm, we haven't used it yet.
106	1 TATIANA METELEVA: That's also the back yard, just 2 from another angle. 3 MARTIN L. GROSSMAN: Alright. So you're looking back 4 towards your house? 5 TATIANA METELEVA: That's towards our house, yes. 6 MARTIN L. GROSSMAN: And exterior pic 36? 7 TATIANA METELEVA: That's also looking back from, 8 towards our house from another side. 9 MARTIN L. GROSSMAN: Okay. Alright. 10 MARTIN L. GROSSMAN: Alright, let's go to Exhibits 11 10a. I'm not sure what that is. Is that somebody's phone? 12 Let's try to turn them off folks, if you can. Exhibit 10a 13 is, can you turn that off, the ringer? So Exhibit 10a, is 14 that an accurate depiction of your property? 15 TATIANA METELEVA: That's correct. 16 MARTIN L. GROSSMAN: Okay. And then Exhibit 10b, which 17 reports to be the proposed, land, original proposed 18 landscape plan but also accurately depicts your property? 19 TATIANA METELEVA: Yes. 20 MARTIN L. GROSSMAN: Alright. 10c, it says 'site plan' 21 and shows, separates out the play area. Does that 22 accurately depict your property? 23 TATIANA METELEVA: Yes. 24 MARTIN L. GROSSMAN: And same thing with 10d. 25 TATIANA METELEVA: Yes.	108	1 We were making 2 MARTIN L. GROSSMAN: If this is approved that would be 3 part of the play area? 4 TATIANA METELEVA: It's a possibility. It depends on 5 the, the, yeah we will, if the Education Department 6 approves it. 7 MARTIN L. GROSSMAN: I see. 8 TATIANA METELEVA: Then we well use it. 9 MARTIN L. GROSSMAN: Okay. Alright, and Exhibit 12d, 10 does that accurately depict the floor of your house, lower 11 level and first level? 12 TATIANA METELEVA: Yes. 13 MARTIN L. GROSSMAN: Okay. Same thing with 12e? 14 TATIANA METELEVA: Yes. 15 LEO KANE: Clarification, what is it that was subject 16 to review by the Education Department? 17 TATIANA METELEVA: The rail on the 2nd level. 18 MARTIN L. GROSSMAN: It's in, particularly it's in 19 Exhibit 12c and its paint-, colored blue. 20 HARRY STONE: I have a black and white copy. 21 MARTIN L. GROSSMAN: Umm. That makes it more difficult 22 to see. 23 TATIANA METELEVA: This is a blue, if Education 24 Department approves it we will use it for daycare. 25 LEO KANE: That's your plan?

Transcript of Hearing  
Conducted on January 13, 2017

28 (109 to 112)

109	<p>1 TATIANA METELEVA: That's the plan.</p> <p>2 MARTIN L. GROSSMAN: Okay.</p> <p>3 LEO KANE: At, at the moment do you use it for</p> <p>4 daycare?</p> <p>5 TATIANA METELEVA: No.</p> <p>6 MARTIN L. GROSSMAN: Okay. We're almost done with this</p> <p>7 little process. Umm, there are some indoor photos in</p> <p>8 Exhibit 13 and if you have that in front of you 13a has six</p> <p>9 photographs and they are labeled.</p> <p>10 HARRY STONE: We do not have that in front of us.</p> <p>11 MARTIN L. GROSSMAN: Ahh haa! Alright, so I will hold</p> <p>12 it up. Umm, the top one is labeled dining room pic 1. Is</p> <p>13 that</p> <p>14 TATIANA METELEVA: That's</p> <p>15 MARTIN L. GROSSMAN: accurate?</p> <p>16 TATIANA METELEVA: That is accurate.</p> <p>17 MARTIN L. GROSSMAN: We have play room umm, d pic 2</p> <p>18 and the rest of them are all play room b. Is that</p> <p>19 TATIANA METELEVA: That is</p> <p>20 MARTIN L. GROSSMAN: fair to say?</p> <p>21 TATIANA METELEVA: Yes.</p> <p>22 MARTIN L. GROSSMAN: Okay. And Exhibit 13b has five</p> <p>23 photographs. One shows playroom d, pic 14. The top two and</p> <p>24 one on the left side all say play room d. Is that</p> <p>25 TATIANA METELEVA: That's the room that will be used</p>	111
110	<p>1 if approved.</p> <p>2 MARTIN L. GROSSMAN: Okay. And then we have stairway,</p> <p>3 pic 17 and a foyer, pic 18. Is that a fair depiction?</p> <p>4 TATIANA METELEVA: Yes.</p> <p>5 MARTIN L. GROSSMAN: The way it exists? Okay. 13c, we</p> <p>6 have three photos. One says foyer. Pic 19 has play room</p> <p>7 Pic 20, and then dining, 21 and dining room. Pic 22, does</p> <p>8 that accurately depict the, your interior?</p> <p>9 TATIANA METELEVA: Yes.</p> <p>10 MARTIN L. GROSSMAN: Okay. And 13d shows kitchen on</p> <p>11 the top and a three season play room in c. Does that</p> <p>12 accurately depict it?</p> <p>13 TATIANA METELEVA: Yes.</p> <p>14 MARTIN L. GROSSMAN: Alright. And then, last but not</p> <p>15 least is 13e is the toilet room, 27. That accurately</p> <p>16 depicts that?</p> <p>17 TATIANA METELEVA: Yes.</p> <p>18 MARTIN L. GROSSMAN: Okay. Alright. Mr. Kane, do you</p> <p>19 wish to cross examine?</p> <p>20 LEO KANE: Yes. On, on, the reason we're on</p> <p>21 MARTIN L. GROSSMAN: Well this is your opportunity to</p> <p>22 cross examine this witness and everything.</p> <p>23 LEO KANE: Okay. Umm, I guess I'd like to start with</p> <p>24 the pictures that you brought in today. You took these</p> <p>25 yourself?</p>	112
	<p>1 TATIANA METELEVA: Yes.</p> <p>2 LEO KANE: Umm, and did you clean up the yard before</p> <p>3 you took the pictures?</p> <p>4 TATIANA METELEVA: No.</p> <p>5 LEO KANE: When did you</p> <p>6 TATIANA METELEVA: Not on that day. I cleaned it</p> <p>7 beforehand. It was, but it was not for the pictures. I</p> <p>8 cleaned it up umm,</p> <p>9 LEO KANE: Was that after you got my letter saying</p> <p>10 that the yard was dirty?</p> <p>11 TATIANA METELEVA: Not at, oh it's probably between</p> <p>12 the time that you sent the letter and I did clean it, yes.</p> <p>13 LEO KANE: So, will you concede that the yard looked</p> <p>14 much more umm, umm, cluttered before you cleaned it up,</p> <p>15 after you got my letter.</p> <p>16 TATIANA METELEVA: In my opinion, and that's just my</p> <p>17 opinion, I wouldn't call it cluttered because there is no</p> <p>18 limit on the amount of toys we are allowed to have outside.</p> <p>19 Umm, sometimes, yes they leave the toys but umm,</p> <p>20 LEO KANE: But you didn't feel any obligation to</p> <p>21 HARRY STONE: Objection.</p> <p>22 LEO KANE: bring them inside.</p> <p>23 HARRY STONE: He's not letting her finish her answer.</p> <p>24 MARTIN L. GROSSMAN: Alright. Let's slow down and let</p> <p>25 her finish.</p>	

Transcript of Hearing  
Conducted on January 13, 2017

29 (113 to 116)

<p>113</p> <p>1 LEO KANE: My father is here. He had nine kids. 2 MARTIN L. GROSSMAN: Well (chuckles) 3 LEO KANE: And Mrs. Cunningham is here. She had seven. 4 HARRY STONE: Now he's 5 MARTIN L. GROSSMAN: Yeah, now you're testifying but 6 the 7 LEO KANE: But the point is, when I was at your house, 8 MARTIN L. GROSSMAN: Well no, no, no, no, no, you 9 can't, you can't testify now. You have to ask a question 10 but, he objected saying that, what sets the standard for 11 clutteredness of childcare versus somebody having the same 12 number of natural children. 13 HARRY STONE: I'm not 14 MARTIN L. GROSSMAN: Is there, is that 15 HARRY STONE: I'm not sure it's relevant but if he's 16 going to ask her, it should be for the same number children 17 or he should be 18 MARTIN L. GROSSMAN: I'm not sure that he's, I'm not 19 sure that it gets us anywhere to know the answer to that 20 question and therefore it's probably not probative of an 21 issue here because, what's the standard of, of how 22 cluttered it can be. We do as, we typically include a 23 condition requiring a cleanup of the yard, if this is 24 approved with a six foot tall board on board fence, I 25 suspect that this issue of being cluttered would not be an</p>	<p>115</p> <p>1 LEO KANE: If we have a discussion on umm, umm, Sunday 2 about your yard. 3 MARTIN L. GROSSMAN: This past Sunday? 4 LEO KANE: Yes. 5 TATIANA METELEVA: We did have a discussion. 6 LEO KANE: And did we go back in the porch and look 7 out at the yard and I asked you whether you thought that 8 that was a normal, did I ask you did you think that was a 9 normal number of toys for a regular yard as opposed to a 10 daycare center? 11 HARRY STONE: Objection. I don't think it's any more 12 relevant now whether they had a conversation about it. 13 MARTIN L. GROSSMAN: Well it is. It is cross 14 examination. It, it may go to some credibility issues can 15 raise. I don't know. So I'm going to overrule the objection 16 and let him ask the question. 17 LEO KANE: You've recalled saying that you thought 18 that the number of toys was the same, it didn't reflect the 19 fact that you had a daycare center over the same as it 20 would have been if you just had your kids? 21 TATIANA METELEVA: Of course not. It's hard to tell 22 umm, I don't go to people's yards and look at how many toys 23 they have. So, I cannot answer that question. And the 24 picture depicts I have not cleaned up since that Sunday as 25 you looked in the yard, then it was just as you saw it on</p>
<p>114</p> <p>1 issue, would it, Mr. Kane? 2 LEO KANE: Yes, it definitely would because, as you 3 can see these houses are three stories and Mrs. 4 Cunningham's house is above, 5 MARTIN L. GROSSMAN: I see. 6 LEO KANE: looking down 7 MARTIN L. GROSSMAN: Okay. 8 LEO KANE: you could clearly see over. 9 MARTIN L. GROSSMAN: So if she had a condition that 10 there would be a, a cleanup of, of clutter on a regular 11 basis, that would respond to your concern there? 12 LEO KANE: Umm, 13 MARTIN L. GROSSMAN: But in any event, in terms of 14 your questions, I've think you've made your point on this 15 one. We can move to the next issue. 16 LEO KANE: Umm, 17 MARTIN L. GROSSMAN: Whether she perceived it as 18 clutter or not, umm 19 LEO KANE: Well to me it's very relevant because I 20 went to her house and 21 MARTIN L. GROSSMAN: No, you can't testify 22 LEO KANE: Well. 23 MARTIN L. GROSSMAN: as to what you observed or 24 anything like that. You can currently ask questions. You 25 haven't had an opportunity to testify yet.</p>	<p>116</p> <p>1 that Sunday. 2 LEO KANE: So, on that Sunday where are all the other 3 toys? Where did you put them? 4 TATIANA METELEVA: I moved them to the garage or, or 5 in our 6 LEO KANE: Did you pull them all to the right corner 7 of the yard and then take pictures of everything but that 8 corner? 9 TATIANA METELEVA: No. I did not. 10 LEO KANE: Umm, 11 MARTIN L. GROSSMAN: Let me mention I did in a recent 12 childcare case in CU 15-02, I have a condition, and I do 13 routinely put something like this in, the applicant shall 14 maintain the grounds in a clean condition, free from debris 15 on a daily basis. I don't say free of toys or anything, but 16 LEO KANE: Right, but my, what I'm getting at is that 17 her view of a clean condition is different than how I would 18 think as a clean condition or what my neighbors would 19 think. 20 MARTIN L. GROSSMAN: Right, so 21 LEO KANE: I think that's very relevant. 22 HARRY STONE: Maybe a condition would be enforced by 23 authorities and not by, so, so if a condition is being 24 violated and it's raised then a determination would be made 25 by the authorities then</p>

Transcript of Hearing  
Conducted on January 13, 2017

30 (117 to 120)

<p>117</p> <p>1 MARTIN L. GROSSMAN: Right, Department of Permitting 2 Services would come by and, and, and inspect and if they 3 thought there was a problem they would issue a violation 4 notice. And neighbors can file a complaint to DPS as well 5 although I'm not sure that this would warrant it but you 6 can make that determination, if the conditions were 7 granted. Ms. Meteleva?</p> <p>8 TATIANA METELEVA: I mean, we were inspected on 9 November 16, but the Department of Education and they did 10 inspect the outside as well as inside and they said, they 11 complimented us on how we, the daycare looks compared to 12 other daycares and</p> <p>13 MARTIN L. GROSSMAN: Okay.</p> <p>14 TATIANA METELEVA: And they said that they haven't 15 found any violations and it was before your letter, before 16 I did any removal of the extra toys, I guess, that we did 17 not need for the winter as well.</p> <p>18 MARTIN L. GROSSMAN: Okay.</p> <p>19 TATIANA METELEVA: So</p> <p>20 MARTIN L. GROSSMAN: That's a piece of unobected to 21 hearsay, by the way?</p> <p>22 HARRY STONE: Right.</p> <p>23 MARTIN L. GROSSMAN: Hearsay, by the way, is a very 24 specific thing in the law. Hearsay is a, a, an extra 25 judicial, that is a comment outside the court and hearing</p>	<p>119</p> <p>1 TATIANA METELEVA: They never let us know when they're 2 coming.</p> <p>3 LEO KANE: Umm, should I, umm, move to introduce these 4 pictures and ask her about them?</p> <p>5 MARTIN L. GROSSMAN: Umm, sure. Well, let's, do you 6 want to question her with the pictures, let's, let's mark 7 them as exhibits as you introduce them.</p> <p>8 HARRY STONE: He's going to testify about taking them 9 because it's his</p> <p>10 MARTIN L. GROSSMAN: Well yeah</p> <p>11 HARRY STONE: Why don't we wait until someone brings 12 them in on direct?</p> <p>13 MARTIN L. GROSSMAN: Well, I'm gonna, I, let's first, 14 let's first let me take a look at what we're talking about 15 here.</p> <p>16 MARTIN L. GROSSMAN: Well we're going to let him 17 question her on the pictures subject to somebody 18 identifying them on direct. I presume that you, Mr. Kane, 19 did you take these pictures?</p> <p>20 LEO KANE: Umm, I did.</p> <p>21 MARTIN L. GROSSMAN: He can describe, he can 22 authenticate them in that fashion and we'll say, alright, 23 and he's already got them marked a, b, c. So we're going to 24 make this Exhibit, I managed to bury my exhibit list under 25 some other stuff here. Hopefully it will emerge again. And</p>
<p>118</p> <p>1 room, offered to prove the truth of the matter asserted 2 therein. And so, what Ms. Meteleva just did is she talked 3 about what somebody outside of this hearing room said about 4 her premises and she's offering it to prove the truth of 5 what they said. So that would be a, an area of hearsay. Of 6 course it can be substantiated by the actual documentation 7 from the, from the inspectors, but, if it became an issue.</p> <p>8 LEO KANE: And do you want me to object to this or</p> <p>9 MARTIN L. GROSSMAN: I, I</p> <p>10 LEO KANE: I'll factor it in. You won't consider it</p> <p>11 MARTIN L. GROSSMAN: I mean it's, once again, these 12 types of proceedings specifically allow a certain amount of 13 hearsay if it's otherwise reliable and probative. And so 14 this is kind of on the edge because it goes to an issue 15 that's been raised about it. So, I might give it some 16 weight. I don't that I'd exclude altogether, especially 17 since it was not objected to. But, umm, but I don't know 18 that we have any reason to doubt that the educational 19 people might come in and, and find that the place was neat. 20 It's not really the issue that we'd be addressing. It's 21 just a land use issue, which looks to be the effect on the 22 neighbors.</p> <p>23 LEO KANE: Was that a surprise inspection?</p> <p>24 TATIANA METELEVA: Yes.</p> <p>25 LEO KANE: So they just appeared.</p>	<p>120</p> <p>1 it is, alright so this would be Exhibits 43a-f.</p> <p>2 MARTIN L. GROSSMAN: Okay. Do you have your own copy 3 of them?</p> <p>4 LEO KANE: Umm, I do.</p> <p>5 MARTIN L. GROSSMAN: Okay, so umm, you may question 6 regarding this subject to your identifying them or 7 authenticating them, rather.</p> <p>8 LEO KANE: I will represent to you that umm, as I 9 indicated in my letter on page umm, 3, that I went to Mrs. 10 Cunningham's house after she called me on Saturday, 11 November 21st and I talked to her</p> <p>12 HARRY STONE: Judge, he's testifying.</p> <p>13 MARTIN L. GROSSMAN: Yeah, yeah you can't testify now 14 but you're gonna, you can ask her a question regarding 15 these pictures.</p> <p>16 LEO KANE: Umm, well I thought, I thought you said to 17 establish, that I</p> <p>18 MARTIN L. GROSSMAN: When you</p> <p>19 LEO KANE: on the date</p> <p>20 MARTIN L. GROSSMAN: When you, when you testify, when 21 it comes your turn in the case to testify we will let you 22 do that. I'm sorry if I was misleading or not clear on 23 that.</p> <p>24 LEO KANE: Umm, the first picture is represents your 25 house to the left, is that correct?</p>

Transcript of Hearing  
Conducted on January 13, 2017

31 (121 to 124)

<p>121</p> <p>1 TATIANA METELEVA: That's correct.</p> <p>2 MARTIN L. GROSSMAN: This is 43a?</p> <p>3 LEO KANE: 43a, and that is looking up Belhaven Road.</p> <p>4 Umm, umm, just</p> <p>5 MARTIN L. GROSSMAN: being north, looking north on</p> <p>6 Belhaven Road? You said up. I think that's correct. Just</p> <p>7 so the record is clear, okay.</p> <p>8 LEO KANE: Yes. Umm, so, in the right hand corner</p> <p>9 there is a fire hydrant. Do you, is that in front of your</p> <p>10 yard or the Duddah's?</p> <p>11 TATIANA METELEVA: I can't say for sure. We never did</p> <p>12 measure where our property ends but, so I'm not, it's</p> <p>13 possible that it is on our side of the yard but I don't</p> <p>14 LEO KANE: By the way sir, it's just around the edge.</p> <p>15 TATIANA METELEVA: Okay, yes. That's close enough.</p> <p>16 LEO KANE: And, and you understand that people can't</p> <p>17 park near a fire hydrant?</p> <p>18 TATIANA METELEVA: I do.</p> <p>19 LEO KANE: And do you know what the distance is?</p> <p>20 TATIANA METELEVA: No.</p> <p>21 LEO KANE: Are you allowed to park between fire</p> <p>22 hydrant and your, and your driveway? Is that a viable</p> <p>23 parking space for your family or for your</p> <p>24 TATIANA METELEVA: No, we don't park there.</p> <p>25 LEO KANE: And your daycare people don't.</p>	<p>123</p> <p>1 toys, sometimes. But on other days we put them away. So</p> <p>2 when the need for the toy arises we take them out and then</p> <p>3 if the kids are not playing with those toys we put them</p> <p>4 away.</p> <p>5 LEO KANE: You mean seasonally.</p> <p>6 TATIANA METELEVA: Seasonally or even daily.</p> <p>7 LEO KANE: Did you just testify before that you didn't</p> <p>8 know that you needed to put them away and, and therefore</p> <p>9 you didn't?</p> <p>10 TATIANA METELEVA: I don't know if I need to put them</p> <p>11 away but we do sometimes put them away, umm.</p> <p>12 LEO KANE: So, just to, so that</p> <p>13 MARTIN L. GROSSMAN: You covered the toys in the</p> <p>14 backyard as a practical matter. I'm not going to find that</p> <p>15 this, this yard is an inappropriate use of toys in a</p> <p>16 childcare facility. I don't see, I don't see any garbage or</p> <p>17 whatever, sitting in the yard. So you might want to move</p> <p>18 along to something else.</p> <p>19 LEO KANE: Are you, are you saying you don't believe</p> <p>20 it's irrelevant, it's a relevant factor?</p> <p>21 MARTIN L. GROSSMAN: Oh I think that it can be a</p> <p>22 relevant factor if it's, if the yard is in some kind of</p> <p>23 terrible condition but I don't see evidence by this</p> <p>24 photograph. I see toys. Do you see garbage in the yard of</p> <p>25 some kind?</p>
<p>122</p> <p>1 TATIANA METELEVA: They don't park there.</p> <p>2 LEO KANE: So, that area, which is a sizeable part of</p> <p>3 your frontage between the edge of your property and your</p> <p>4 driveway, is not available for parking, right?</p> <p>5 TATIANA METELEVA: Right.</p> <p>6 LEO KANE: Umm. You're giving your visitors any umm,</p> <p>7 umm instructions on, about not parking there?</p> <p>8 TATIANA METELEVA: No.</p> <p>9 LEO KANE: Umm, the next page on Exhibit B is a</p> <p>10 picture that I took on November 21st, of your back yard. I</p> <p>11 was standing right at the corner there</p> <p>12 MARTIN L. GROSSMAN: 43b.</p> <p>13 LEO KANE: 43b, yes. Umm, does this look, do you have</p> <p>14 any reason to believe that this is not an accurate</p> <p>15 representation of your back yard on that day?</p> <p>16 TATIANA METELEVA: No.</p> <p>17 TATIANA METELEVA: Umm, umm, would you think that this</p> <p>18 looks cluttered?</p> <p>19 HARRY STONE: Objection. Asks for opinion.</p> <p>20 MARTIN L. GROSSMAN: I think that's fair, the kind of</p> <p>21 opinion that lay people have.</p> <p>22 TATIANA METELEVA: There are a lot of toys but, umm,</p> <p>23 I'm not sure if toys are considered to be clutter. I don't</p> <p>24 see any trash or anything else on the ground. I'm not sure</p> <p>25 if I can say its clutter or not. I, we do have a lot of</p>	<p>124</p> <p>1 LEO KANE: No. I see a commercial daycare center.</p> <p>2 MARTIN L. GROSSMAN: Well</p> <p>3 LEO KANE: Not a yard.</p> <p>4 MARTIN L. GROSSMAN: You see a daycare center, which</p> <p>5 is permitted, for eight children, in this without any</p> <p>6 review at all.</p> <p>7 LEO KANE: Right, and, and I'm saying impacts the</p> <p>8 neighbors and has impacted the neighbors for years and will</p> <p>9 continue to, whether or not there's a fence put up and</p> <p>10 whether or not, so that's why we don't want it enlarged.</p> <p>11 MARTIN L. GROSSMAN: Yeah, I understand but, people</p> <p>12 are allowed to have some toys in their back yards so, I</p> <p>13 think you're, you've devoted a significant amount of</p> <p>14 attention to it and I hear what you said and you've made a</p> <p>15 record on it but, I'm just saying that I think that you can</p> <p>16 move along to something else now.</p> <p>17 LEO KANE: And just the last picture is the wagon.</p> <p>18 That is the wagon in your front yard and the wheel is off?</p> <p>19 TATIANA METELEVA: That is correct.</p> <p>20 LEO KANE: Okay, so did you see that my description</p> <p>21 was inaccurate?</p> <p>22 TATIANA METELEVA: It's not a dilapidated, it's, it's</p> <p>23 a relatively new wagon that my kids were playing with and</p> <p>24 they took the wheel off, we reattached it and they're still</p> <p>25 playing with it.</p>



Transcript of Hearing  
Conducted on January 13, 2017

32 (125 to 128)

<p>125</p> <p>1 LEO KANE: And how long had it sat there?</p> <p>2 TATIANA METELEVA: For a few days. I can't say for</p> <p>3 sure. I told my kids that it's their responsibility to put</p> <p>4 it away and they did when I told them to. They might be</p> <p>5 difficult</p> <p>6 LEO KANE: And that was after you got my letter?</p> <p>7 TATIANA METELEVA: Probably, yes.</p> <p>8 LEO KANE: Umm, so, let me ask you about, the children</p> <p>9 who are there now. What are the ages of the children who</p> <p>10 are there now?</p> <p>11 TATIANA METELEVA: Umm,</p> <p>12 MARTIN L. GROSSMAN: Right now I take it you mean</p> <p>13 those who are being cared for currently in that childcare</p> <p>14 facility?</p> <p>15 LEO KANE: Correct.</p> <p>16 MARTIN L. GROSSMAN: It may not be at this moment?</p> <p>17 LEO KANE: Absolutely, yes.</p> <p>18 MARTIN L. GROSSMAN: Okay.</p> <p>19 LEO KANE: Thank you.</p> <p>20 TATIANA METELEVA: I have umm, two children, they are</p> <p>21 almost three years old. I have a two year old and umm, the</p> <p>22 rest of them are three year olds.</p> <p>23 LEO KANE: And how many are the rest of them?</p> <p>24 TATIANA METELEVA: I, I have eight children.</p> <p>25 LEO KANE: So the five are three year olds?</p>	<p>127</p> <p>1 question but you can't characterize her testimony in any</p> <p>2 way.</p> <p>3 LEO KANE: You asked me to go talk to her in good</p> <p>4 faith and I did and I thought I was getting some truthful</p> <p>5 answers.</p> <p>6 HARRY STONE: Objection. This is</p> <p>7 MARTIN L. GROSSMAN: No, no, no, no, no. This is, this</p> <p>8 is, you can testify when you testify. This is cross</p> <p>9 examination. I suggested in the email exchange, since Ms.</p> <p>10 Meteleva said she would be talk to the neighbors at any</p> <p>11 time that it wouldn't be a bad idea if the neighbors talked</p> <p>12 to Ms. Meteleva to see if things could be worked out.</p> <p>13 That's a normal process but that doesn't mean you can</p> <p>14 characterize her testimony while you're cross examining</p> <p>15 her.</p> <p>16 TATIANA METELEVA: I also can clarify. There would be,</p> <p>17 if we got this approval, there would be infants coming in</p> <p>18 because we have siblings of the current children who are</p> <p>19 infants that would be, that are on a waiting list.</p> <p>20 MARTIN L. GROSSMAN: Okay.</p> <p>21 LEO KANE: And your plan is to umm, umm, what are your</p> <p>22 future plans for, for the age of the children you hope to,</p> <p>23 hope to bring into the daycare center?</p> <p>24 TATIANA METELEVA: I, I can't say for sure but most</p> <p>25 likely the new children will be under the age of two</p>
<p>126</p> <p>1 TATIANA METELEVA: Yes.</p> <p>2 LEO KANE: Are there any infants?</p> <p>3 TATIANA METELEVA: No, not at this time.</p> <p>4 LEO KANE: Did you tell me on Saturday that you had</p> <p>5 several infants?</p> <p>6 TATIANA METELEVA: Well, as defined by the Department</p> <p>7 of Education, well, yes the children under two are defined</p> <p>8 as infants. So, umm, I spoke there are two infants. I'm</p> <p>9 sorry. I just, once I, you ask me I told you what babies</p> <p>10 under eight to one or something. But as defined by the</p> <p>11 Department of Education infants are children under two</p> <p>12 years old.</p> <p>13 LEO KANE: But when we spoke you made it sound like</p> <p>14 they couldn't play outside.</p> <p>15 HARRY STONE: Asked and answered.</p> <p>16 MARTIN L. GROSSMAN: Yeah, well he's trying to clarify</p> <p>17 what, what, it's okay.</p> <p>18 TATIANA METELEVA: I, I</p> <p>19 HARRY STONE: That's deceptive.</p> <p>20 TATIANA METELEVA: As we spoke</p> <p>21 HARRY STONE: Objection.</p> <p>22 MARTIN L. GROSSMAN: I'll sustain that objection.</p> <p>23 Don't characterize her testimony. If she</p> <p>24 LEO KANE: I'm asking if</p> <p>25 MARTIN L. GROSSMAN: if you, you guys, you can ask a</p>	<p>128</p> <p>1 because we have, well at least in the near future we have</p> <p>2 two siblings that would like to come to our daycare and</p> <p>3 they are infants as well. So recently we had the neighbor</p> <p>4 four doors away from us who has a child under the age of</p> <p>5 two, would walk to our daycare, they would like to do and</p> <p>6 LEO KANE: So those are your current plans?</p> <p>7 TATIANA METELEVA: Those are my current plans.</p> <p>8 LEO KANE: Do you have any further down plans that</p> <p>9 you're, that you have planned?</p> <p>10 TATIANA METELEVA: Umm, in terms of another child</p> <p>11 coming in to the daycare or what?</p> <p>12 MARTIN L. GROSSMAN: I'm not sure what that question</p> <p>13 was and what's a further down plan? What are you talking</p> <p>14 about?</p> <p>15 LEO KANE: Well umm, I think she submitted for</p> <p>16 approval to have up to twelve children. Anything above that</p> <p>17 MARTIN L. GROSSMAN: Is that what you're talking</p> <p>18 about? More than twelve or</p> <p>19 LEO KANE: Well no, at this point I'm asking umm,</p> <p>20 that, she just told us that the kids will be under two but</p> <p>21 I'm wondering why, after I talked to her, umm, I found this</p> <p>22 thing online where she's actually asking to run an after</p> <p>23 school program and she went to the board and asked them to</p> <p>24 approve an increase up to the age of ten. So, it's very</p> <p>25 different to have twelve kids that are, that are infants</p>

Transcript of Hearing  
Conducted on January 13, 2017

33 (129 to 132)

<p>129</p> <p>1 who can't even crawl around in the yard versus twelve kids 2 that are ten years old. And basically she, under the 3 current scenario she's changed it to ask for, she'd be 4 allow to have twelve kids that are ten years old and, and 5 she said in that letter that she was thinking about opening 6 an after school daycare program, a homework program so I 7 think that's</p> <p>8 MARTIN L. GROSSMAN: It's relevant; the issue the age 9 of the children is relevant because you're saying that when 10 you get to the older children they'd be playing in the back 11 yard more than the infants. Is that what you're saying?</p> <p>12 LEO KANE: Yes. They'd be louder, more, more 13 commotion.</p> <p>14 MARTIN L. GROSSMAN: Okay, so, so what about that, the 15 question as to whether the after school program, I saw a 16 mention of that, what's the story on that?</p> <p>17 TATIANA METELEVA: Well, right now we don't have any 18 plans for it but I did not want to limit our possibilities 19 in the future if we did decide to have just a homework 20 group, that, that when children come after school and we 21 sit down and do homework with them. Umm, it's not in my 22 current plans but the planning board suggested that if we 23 ever plan for it in the future we</p> <p>24 MARTIN L. GROSSMAN: Would they then not, if they did 25 their homework after school, are you saying that they would</p>	<p>131</p> <p>1 condition that said you're going to limit, if it's 2 approved, and we hope it's not, but if it's approved, that 3 you would have children only under the age of five?</p> <p>4 TATIANA METELEVA: I could consider it. Well I, 5 sometimes children go to school, for example if they turn 6 five, in the winter. They still remain in a childcare 7 facility with the preschool so we're limited to under five 8 and what happens to a child, who, for example with the 9 current children that stay in my daycare.</p> <p>10 LEO KANE: Didn't you tell me that you lose them after 11 three?</p> <p>12 TATIANA METELEVA: That's what's happened so far but 13 I'm not excluding the possibility of them staying later 14 because parents do love our daycare and there is always a 15 possibility for someone staying until five or until they go 16 to a regular school.</p> <p>17 LEO KANE: So at the moment you're not willing to, to 18 say you would accept that?</p> <p>19 TATIANA METELEVA: That's, yes.</p> <p>20 LEO KANE: Umm, umm, when you moved in did you 21 introduce yourself to the neighbors?</p> <p>22 HARRY STONE: Objection. Relevance?</p> <p>23 MARTIN L. GROSSMAN: Yes, what is the, what's the 24 relevance in that?</p> <p>25 MARTIN L. GROSSMAN: Mr. Kane?</p>
<p>130</p> <p>1 not then be playing in the back yard or, or what, how does 2 that work?</p> <p>3 TATIANA METELEVA: Umm, the, I guess there is a 4 possibility of them going to the back yard so, umm, but we 5 could talk about the hours or the number of children of 6 that age being outside.</p> <p>7 MARTIN L. GROSSMAN: I don't know what licensing 8 requires for</p> <p>9 TATIANA METELEVA: I have it.</p> <p>10 MARTIN L. GROSSMAN: aftercare.</p> <p>11 TATIANA METELEVA: The Department of Education allows 12 me to have</p> <p>13 MARTIN L. GROSSMAN: But do they require outside play 14 or, for aftercare?</p> <p>15 TATIANA METELEVA: I believe it depends on the number 16 of hours they are staying at the house so I can't say for 17 sure how, what the requirements are.</p> <p>18 MARTIN L. GROSSMAN: Okay.</p> <p>19 LEO KANE: Did you tell me on Saturday that, that your 20 umm, that it was kind of difficult to get kids over the age 21 of three because they go elsewhere and that you're more 22 likely to have kids that are umm, 0, 1, 2, and 3?</p> <p>23 TATIANA METELEVA: That's correct.</p> <p>24 LEO KANE: So would you be opposed to a condition, 25 since that's unlikely any way, would you be opposed to a</p>	<p>132</p> <p>1 LEO KANE: Umm, I, honestly, honestly I think it's 2 incredibly relevant obviously I think this is a community. 3 This is a neighborhood group and I was going to say, did 4 you introduce to them, did you them when you opened, when 5 you opened the daycare center.</p> <p>6 MARTIN L. GROSSMAN: Let me ask my relevancy question 7 different. How does that bear on any of the, any of the 8 statutory specifications that I have to analyze? What 9 statutory provision does it relate to, whether she 10 introduced herself to the neighbors? I'll save you the 11 trouble. I'm going to sustain the objection.</p> <p>12 HARRY STONE: Why don't we pause here just for a 13 second, Your Honor. What are your plans for break or how do 14 you</p> <p>15 MARTIN L. GROSSMAN: Well I, I don't, how much longer 16 do you think you're cross examination is going to take Mr. 17 Kane?</p> <p>18 LEO KANE: Umm, five, ten minutes.</p> <p>19 MARTIN L. GROSSMAN: Okay, so we would likely break at 20 one o'clock so maybe we'll get a witness or two in and then 21 break for 45 minutes for lunch and come back. Unless, 22 depending on, I want to get a sense of how long the 23 neighbor's testimony is going to go. If all of the 24 neighbors who wish to be heard can be heard within the 25 space of an hour then I wouldn't break at all, umm, for</p>

Transcript of Hearing  
Conducted on January 13, 2017

34 (133 to 136)

<p>133</p> <p>1 lunch. So that might be preferable and I'm, I guess I'd ask 2 after Mr. Kane is finished. What's the sense of the people 3 here, what they would prefer? 4 HARRY STONE: Well I have someone who's supposed to 5 meet me at one and will alert them that I won't be able to 6 be there. 7 MARTIN L. GROSSMAN: Fine. 8 HARRY STONE: I can find that out right now. 9 MARTIN L. GROSSMAN: Fair enough. Let's settle it 10 then. What is the sense of the, of the, the neighbors as to 11 whether or not you would prefer for me to just take a five 12 minute break and then continue on or break for lunch? Yes 13 Ms. Hays? 14 PARASKEVOULA HAYS: I think we would prefer a five 15 minute break and then we can, I know that people are 16 talking about the extent of it 17 MARTIN L. GROSSMAN: Okay. 18 PARASKEVOULA HAYS: So, I think that would be, I don't 19 want to speak for everyone but I think that would be 20 reasonable. 21 MARTIN L. GROSSMAN: Okay. So we have 22 LEO KANE: Did you all, is anyone, any of you 23 interested in questioning her? 24 PARASKEVOULA HAYS: I would, I would like to testify. 25 MARTIN L. GROSSMAN: Oh you're, you're going to.</p>	<p>135</p> <p>1 those, can I? (laughter) You're right. Geez. Alright. Yes, 2 Mr. Kane? 3 LEO KANE: Umm, I want to proceed to my case in chief, 4 so I have no further questions on cross examination. 5 MARTIN L. GROSSMAN: Alright, does anybody else have 6 any questions they want to pose, umm, cross examination 7 questions, to Ms. Meteleva? Ms. Hays? 8 PARASKEVOULA HAYS: I would just like to ask how much 9 supervision there is during their play sessions. I'm not 10 out there monitoring. I have no idea of how many adults are 11 out supervising the eight children during these two one 12 hour periods. 13 LEO KANE: For the purposes of recording, could you 14 face this direction [inaudible [003:0:01:00.6] 15 Tatiana Meteleva: Umm, currently we have eight 16 children, and it is required that there is one adult 17 present with the children at all times. Um, we always have 18 at least one adult, umm, outside or inside with children at 19 all times. 20 MARTIN L. GROSSMAN: Okay. Alright. Yes, ma'am? 21 Patricia Dooley: Umm 22 MARTIN L. GROSSMAN: State your name once again for the 23 record, please. 24 Patricia Dooley: Oh, my name is Patricia Dooley. 25 MARTIN L. GROSSMAN: And, what, what's your question?</p>
<p>134</p> <p>1 You'll get an opposition to testify, an opportunity to 2 testify, for sure. Umm, but it sounds like the sense of 3 those who have spoken up is that you prefer not to have a 4 lunch break, just to have a five minute or so break after 5 Mr. Kane and then we'll, we'll go take the testimony from 6 the opposition witnesses. 7 LEO KANE: I'm gonna, I'm gonna speak after, after 8 her. 9 MARTIN L. GROSSMAN: Well I, I might actually Mr. 10 Kane, I might actually give the neighbors, the other 11 neighbors an opportunity to testify before you do just to 12 give them a break if they're getting tired. So 13 HARRY STONE: So, so but in preference why don't we 14 take the five minute break right now? I'll alert my client 15 and, and 16 MARTIN L. GROSSMAN: Okay. 17 HARRY STONE: then come back 18 MARTIN L. GROSSMAN: Sure. Alright. Why don't we do 19 that? We'll come back at one o'clock. Alright. Thank you. 20 MARTIN L. GROSSMAN: Mr. Kane's cross examination of 21 the applicant. 22 HARRY STONE: I just wanted to give you back, umm, give 23 it, for these, oh, the things you wrote on the back are 24 very nice as well. 25 MARTIN L. GROSSMAN: I just can't catch a break on</p>	<p>136</p> <p>1 Patricia Dooley: Umm, I was wondering about her 2 mother, umm, does she speak English? 3 Tatiana Meteleva: She's... 4 HARRY STONE: Objection. Relevance? 5 MARTIN L. GROSSMAN: Yes. What's the relevance of that, 6 to a land use issue? 7 Patricia Dooley: Well, if she is responsible for the 8 children at some time, I just wondered, it seems to me she 9 doesn't speak English, so how could she be counted as one 10 of the people who takes care? 11 MARTIN L. GROSSMAN: I believe she is not counted. I 12 think that what Ms. Meteleva testified was that she is 13 required with the current eight, umm, people to have one 14 supervising adult at all times. If she goes up to twelve, 15 she'd have to have two, and they'd have, so that would be 16 an additional, umm, employee, so she didn't count her 17 mother in that. Is that correct, Ms. Meteleva? 18 Tatiana Meteleva: That's correct, but I can answer. 19 MARTIN L. GROSSMAN: Alright, if you wish you can 20 answer that. 21 Tatiana Meteleva: (chuckle) My mother is learning 22 English and she has enough English to speak to the children 23 and she has been approved as a substitute for the daycare. 24 MARTIN L. GROSSMAN: Ok. 25 Tatiana Meteleva: so she can officially stay with the</p>

Transcript of Hearing  
Conducted on January 13, 2017

35 (137 to 140)

<p>137</p> <p>1 children.</p> <p>2 MARTIN L. GROSSMAN: That's up to state regulation,</p> <p>3 really to answer that question.</p> <p>4 Patricia Dooley: Well, I live next door to her, and</p> <p>5 MARTIN L. GROSSMAN: No, you can't testify.</p> <p>6 Patricia Dooley: She indicated to me that she did not</p> <p>7 speak English.</p> <p>8 MARTIN L. GROSSMAN: This, this is a tenance for</p> <p>9 questions. You can't testify until it's your turn to</p> <p>10 testify.</p> <p>11 Patricia Dooley: Oh, okay.</p> <p>12 MARTIN L. GROSSMAN: Alright. Anything else? Any</p> <p>13 redirect? Mr. Kane?</p> <p>14 LEO KANE: Can I ask for clarification about what you</p> <p>15 just said about the number of employees, because I don't</p> <p>16 understand, I thought, too, that, right now she has herself</p> <p>17 and one employee, and that that's, umm, acceptable for now,</p> <p>18 but then, if they get approved to twelve, she will then</p> <p>19 have to have herself and two employees.</p> <p>20 HARRY STONE: The testimony was, that, the requirements</p> <p>21 for the state are currently one, and will be two. A</p> <p>22 staffing testimony is that currently there are two, and</p> <p>23 there will still be two.</p> <p>24 MARTIN L. GROSSMAN: She may have to have some, as I</p> <p>25 understand, a substitute come in if she has to take care of</p>	<p>139</p> <p>1 commented that she asked her if she ever received</p> <p>2 complaints from the neighbors, and while I'm sure she had</p> <p>3 not, because we have all been trying to be good neighbors,</p> <p>4 but our issues with this daycare did not magically appear</p> <p>5 in November all of the sudden. They've been ongoing, but in</p> <p>6 the effort of trying to be good neighbors, we've never said</p> <p>7 anything. So, I just wanted to clarify that. And I know</p> <p>8 that we've addressed the issue of parking, but I'd like to</p> <p>9 discuss the issue of noise, again, characterized as happy,</p> <p>10 childhood, play hood voices. I'd, just to sort of, umm, on</p> <p>11 my own terms, qualify myself as an expert on the noise</p> <p>12 level within the neighborhood, I've lived in this house</p> <p>13 since I was eight years old. My husband and I have been</p> <p>14 there twenty-seven years. In my growing up years, when I</p> <p>15 had become an adult, I lived next to the Cunningham's with</p> <p>16 seven children and very close to the Kane's with nine</p> <p>17 children. My husband and I live directly behind the house</p> <p>18 where there are three children, I think probably under the</p> <p>19 ages of six, and directly behind the house where the</p> <p>20 children play hockey in the street. I have never heard</p> <p>21 noise at the decibel level of this daycare. My husband and</p> <p>22 I were concerned enough to the extent that we called the</p> <p>23 County to find out: a) was it a registered daycare, and</p> <p>24 obviously we found it was; and I heard your point, sir,</p> <p>25 about the decibel leven, level being acceptable, unless it</p>
<p>138</p> <p>1 her own children and be out of the house for a time, so</p> <p>2 there will always be, there is an interplay here between</p> <p>3 the State requirement of a certain number of employees that</p> <p>4 have to be qualified to watch the children and the County</p> <p>5 requirement which limits the number of employees who would</p> <p>6 have to drive to the premises so as to reduce the impact on</p> <p>7 the neighborhood. That's, so there those things are</p> <p>8 balancing against each other. Alright. Is there any</p> <p>9 redirect, as a result of these questions?</p> <p>10 HARRY STONE: No, there's not.</p> <p>11 MARTIN L. GROSSMAN: Alright. Thank you, Ms. Meteleva.</p> <p>12 Alright, so now let's, umm, who wishes to be first,</p> <p>13 testifying? Umm, Ms. Hays, would you come forward, please,</p> <p>14 and have a seat at the Counsel table? Alright, would you</p> <p>15 once again state your full name and address for the record.</p> <p>16 PARASKEVOULA HAYS: Yes. My name is Paraskevoula Hays.</p> <p>17 I live at 6009 Marquette Terrace, Bethesda, Maryland 20817.</p> <p>18 MARTIN L. GROSSMAN: Would you raise your right hand</p> <p>19 please? Do you swear or affirm to tell the truth, the whole</p> <p>20 truth, and nothing but the truth under penalty of perjury?</p> <p>21 PARASKEVOULA HAYS: I do.</p> <p>22 MARTIN L. GROSSMAN: Alright. You may proceed.</p> <p>23 PARASKEVOULA HAYS: Well, first of all, I'd like to</p> <p>24 make a comment on something umm, I'm sorry I don't remember</p> <p>25 the attorney's name, umm, he umm, Ms. Meteleva's attorney</p>	<p>140</p> <p>1 exceeds that allowed for business.</p> <p>2 MARTIN L. GROSSMAN: No, I don't think I said that.</p> <p>3 PARASKEVOULA HAYS: Oh, well, I'm sorry. You said</p> <p>4 something in the statute of the decibel level of a</p> <p>5 business.</p> <p>6 MARTIN L. GROSSMAN: No, I think what I pro-, what I</p> <p>7 may have said, is that um, that umm there is a noise</p> <p>8 ordinance, and umm, and so, if you exceed the noise</p> <p>9 ordinance, whether or not you have a daycare that can be an</p> <p>10 issue, and I try to impose, umm, I often, in this kind of</p> <p>11 conditional use, I impose a condition which prohibits</p> <p>12 external loud speakers, or amplified music, or anything</p> <p>13 like that to limit the noise, but I, I, there isn't really</p> <p>14 a way to limit the fact that children will make noise when</p> <p>15 they play.</p> <p>16 PARASKEVOULA HAYS: Ok. Well, thank you for that</p> <p>17 clarification. When I called the County, what we were told</p> <p>18 was we could call the police, and the police could record</p> <p>19 the decibel or sound level, or whatever, and if it was over</p> <p>20 a certain limit, they would be fined. Well, we're good</p> <p>21 neighbors. We're not going to call the police on our</p> <p>22 neighbors.</p> <p>23 MARTIN L. GROSSMAN: Then, it's the Department of</p> <p>24 Environmental Affairs, I think, that actually does that,</p> <p>25 not the police.</p>

Transcript of Hearing  
Conducted on January 13, 2017

36 (141 to 144)

<p>141</p> <p>1 PARASKEVOULA HAYS: Well, that's what they told me 2 through 9-1-1, so...</p> <p>3 MARTIN L. GROSSMAN: Okay. (laughter)</p> <p>4 PARASKEVOULA HAYS: So, but my husband and I have a 5 deck, and we like to sit out on our deck. Well, obviously, 6 with children playing, and again, we're very used to 7 children's noises. We can deal with that, but for some 8 reason or other, some or all of these children tend to not 9 just play and laugh, but they scream, to the point where we 10 have to go inside, and to the point where the impact of the 11 noise, it comes through closed windows with the air 12 conditioning on, in the top level of our home. While the 13 children are there, and again, I've never monitored and 14 we've never timed them, but it seems to me like it's more 15 than an hour at a time. Umm, we can't use that level. We 16 have to make sure we are on some other level of our house, 17 because the noise is so piercing, that it per-, per-, 18 penetrates through the house, which is brick and cinder 19 block, so that's pretty sturdy construction. Umm, so if 20 this is approved, umm, we would certainly request that the 21 time outside be limited according to the County rules, and 22 that there be supervision, so that if there is one child 23 who's particularly sharp or penetrating, or noisy, there's 24 an adult out there, and perhaps another adult so they can 25 stay with the other children, to take that child in, and</p>	<p>143</p> <p>1 way in terms of annoyance, but also, umm, you understand 2 that, that, well, let me ask you this: do you think that, 3 umm, there might be a benefit to the fact that, if this 4 were granted, that there would be conditions imposed, such 5 as, making sure the backyard is clean; preventing any, any 6 umm, amplification of noise in the backyard; the board on 7 board, six foot board on board fence, which might have some 8 noise attenuation capabilities; do you think that that 9 would be beneficial?</p> <p>10 PARASKEVOULA HAYS: I certainly couldn't dispute that 11 it would be beneficial. Obviously, you know, none of us are 12 thrilled about it, but those conditions certainly would be 13 beneficial, if they were all umm, adhered to, and umm, I 14 think the strongest, the most difficult thing to force 15 adherence to, would be that there would be somebody out 16 there to take in any children who were crying, or disturbed 17 in some way to a decibel level that is penetrates bricks, 18 umm and you know, in a house, and I don't know how you 19 define that legally.</p> <p>20 MARTIN L. GROSSMAN: I, I, I don't know that there's a 21 way to, um, to directly deal with that in terms of a legal 22 condition, but certainly, umm, Ms. Meteleva is here, 23 hearing your concerns, and hopefully would be cognizant of 24 that and attempt to limit outside noise, whether or not the 25 conditional use is granted, just as a matter of wanting to</p>
<p>142</p> <p>1 remove them, remove the nuisance that's been created. My 2 husband and I love children. You know, umm, as I say, I 3 grew up all around them. We were very close to our all our 4 children in our family, but after having paid taxes to 5 Montgomery County, between my husband and myself and my 6 parents, for sixty years, it's very frustrating to then 7 have the use of your home limited because a business is 8 being conducted. I stress here, a business. That's the 9 frustrating part of it all, because I certainly don't have 10 problems with people running daycare, or making money; but 11 I do have a problem if their profit impacts our lifestyle.</p> <p>12 MARTIN L. GROSSMAN: But you do understand, the 13 current, umm, setup, where they have up to eight children, 14 which is apparently disturbing you with noise now, is 15 permitted by law, without going through this process at 16 all..</p> <p>17 PARASKEVOULA HAYS: We understand that.</p> <p>18 MARTIN L. GROSSMAN: and there are no conditions we can 19 impose on it.</p> <p>20 PARASKEVOULA HAYS: We understand that, but the thing 21 that brought everybody out today, was the fact, okay, we've 22 dealt with the eight, and all of the sudden we're going up 23 to twelve, so whatever nuisance level there is, is going 24 to be magnified by at least fifty percent.</p> <p>25 MARTIN L. GROSSMAN: I'm not sure that it works that</p>	<p>144</p> <p>1 have good relations with the neighbors. So, I think this is 2 useful in that regard. I'm not sure, once again, and I'll 3 continue to listen to the evidence, that, umm, that adding 4 on the four additional children, especially if the outside 5 play is restricted to one hour in the morning and one hour 6 in the evening, umm, would have more of a detrimental 7 effect than the benefit of having the conditions and 8 supervision imposed by the conditional use. So that's 9 something that, you know, that's why I want a greater 10 understanding, that this, there are advantages to having 11 this proceeding, as well as potentially disadvantages. I'm 12 not sure that adding four children means that you have 13 fifty percent more noise. I haven't seen any stats, that 14 umm (chuckle) that establish that. Umm, cross examination?</p> <p>15 LEO KANE: No.</p> <p>16 MARTIN L. GROSSMAN: Anybody else? Thank you. Thank 17 you, Ms. Hays. I appreciate you coming down here.</p> <p>18 PARASKEVOULA HAYS: Thank you, sir.</p> <p>19 MARTIN L. GROSSMAN: and sharing your concerns.</p> <p>20 Alright. Mr. Kane. Once again, for the record, will you 21 state your full name and address, please?</p> <p>22 WILLIAM KANE: My name is William Kane, umm, I am 91 23 years old. I live at 9818 Belhaven Rd.</p> <p>24 MARTIN L. GROSSMAN: Would you raise your right hand please. 25 Do you swear or affirm to tell the truth, the whole truth,</p>

Transcript of Hearing  
Conducted on January 13, 2017

37 (145 to 148)

<p>145</p> <p>1 and nothing but the truth under penalty of perjury?</p> <p>2 WILLIAM KANE: I do.</p> <p>3 MARTIN L. GROSSMAN: Alright, you may proceed.</p> <p>4 WILLIAM KANE: My participation here, as well as my</p> <p>5 other neighbors here, are all I suppose dealing with our</p> <p>6 age, and our retirement, and our living in peace, with</p> <p>7 these houses nearby, for many years. Umm, I say I'm ninety-</p> <p>8 one. I retired from the federal government twenty-five</p> <p>9 years ago, umm, as a chief administrative law judge with</p> <p>10 the Department of Transportation, and my retirement has</p> <p>11 been happy and comfortable, and pleasant, because</p> <p>12 Montgomery County is a lovely place to retire. Umm, my wife</p> <p>13 died four years ago. I've been alone all that time. Umm,</p> <p>14 and it's the neighborhood is quiet, it is peaceful, serene,</p> <p>15 and I'm happy to be here. Umm, the only disturbance has</p> <p>16 been the property two lots away from me. Umm, there's only</p> <p>17 one property between me and the proposed enlarged daycare,</p> <p>18 and that's by Mr. Dudah, who's an India, who is from India,</p> <p>19 and he's not here to testify. So I can't testify for him,</p> <p>20 but he did call on my son to speak for him in the letter he</p> <p>21 has signed. I am umm, unhappy with the, all of the</p> <p>22 activity, and the umm, comings and goings of people</p> <p>23 delivering the children to the daycare every day. Umm, the</p> <p>24 noise bothers me somewhat. Umm, umm my only, my only real</p> <p>25 position is, as long time neighbors, umm, and residents of</p>	<p>147</p> <p>1 MARTIN L. GROSSMAN: Yes, ma'am. Once again will you</p> <p>2 state your full name and address for the record, please.</p> <p>3 MADDELYN CUNNINGHAM: Maddelyn Cunningham.</p> <p>4 MARTIN L. GROSSMAN: And your address is?</p> <p>5 MADDELYN CUNNINGHAM: 6007 Marquette Terrace. I back up</p> <p>6 to their house; our yards in the back.</p> <p>7 MARTIN L. GROSSMAN: Could you raise your right hand,</p> <p>8 please. Do you swear or affirm to tell the truth, the whole</p> <p>9 truth, and nothing but the truth under penalty of perjury?</p> <p>10 MADDELYN CUNNINGHAM: I do.</p> <p>11 MARTIN L. GROSSMAN: Alright. You may proceed.</p> <p>12 MADDELYN CUNNINGHAM: Okay, I overlook this, your</p> <p>13 house, and I haven't met you before, but I see the kids out</p> <p>14 there. Umm, I do think an increase in the amount would be</p> <p>15 not good because it's a business. This is not just</p> <p>16 daycare, this is a umm, a lucrative business, and it</p> <p>17 MARTIN L. GROSSMAN: Again, I am not sure I understand</p> <p>18 the distinction you're making between a business and a</p> <p>19 daycare. It is a daycare facility</p> <p>20 MADDELYN CUNNINGHAM: It's a business, but I mean, it's</p> <p>21 like, it's we're taking care of all the people.</p> <p>22 MADDELYN CUNNINGHAM: I had a lot of kids, and you</p> <p>23 know, that's fine, but I do think that increasing it, the</p> <p>24 number, I've seen them playing. They're not bad kids. It's</p> <p>25 noisy, kids are noisy. Umm, umm usually there's a lot of</p>
<p>146</p> <p>1 this property that we are entitled to some sort of</p> <p>2 equitable concern about all the activity that is arising as</p> <p>3 a result of this daycare center. Now, so not now, but to</p> <p>4 increase it fifty percent by the approval of this hearing</p> <p>5 is too much for us. And we're, and for me, and I think I'm</p> <p>6 entitled to my solitude, to my privilege to living alone</p> <p>7 quietly in this neighborhood, and I'd like to continue that</p> <p>8 to happen. Umm, I think increasing the number of people at</p> <p>9 this daycare will increase all of the difficulties that I</p> <p>10 have by fifty percent. Umm, I, I hope it won't happen. Umm,</p> <p>11 um, I think eight children in the daycare is certainly</p> <p>12 enough, umm, I should not be subjected to a fifty percent</p> <p>13 increase and everything that is happening at the daycare</p> <p>14 center now. I suppose that's the end of my objections.</p> <p>15 MARTIN L. GROSSMAN: Cross examination?</p> <p>16 HARRY STONE: No cross examinations.</p> <p>17 MARTIN L. GROSSMAN: Thank you very much, Mr. Kane, for</p> <p>18 coming down here. I appreciate you taking the time to do</p> <p>19 that.</p> <p>20 MARTIN L. GROSSMAN: Alright. Anybody else who wishes</p> <p>21 to be heard?</p> <p>22 MADDELYN CUNNINGHAM: I'll say (laughter)</p> <p>23 MARTIN L. GROSSMAN: Yes? (several people talking</p> <p>24 indistinguishably and laughing)</p> <p>25 MADDELYN CUNNINGHAM: Alright.</p>	<p>148</p> <p>1 stuff all over the yard. Usually it's dropped, you know,</p> <p>2 whatever they use is left there, and I never see it get,</p> <p>3 unless the lawnmower guy moves this, the toys they're just</p> <p>4 staying there, whether it's winter, summer, or what. But,</p> <p>5 so, I'm just against letting them take more people in,</p> <p>6 because it's the same sized house as if you've got eight,</p> <p>7 you know. It makes a difference here. You're not enlarging</p> <p>8 the size of the house, or anyplace else.</p> <p>9 MARTIN L. GROSSMAN: Well, what happens inside the</p> <p>10 house, it would not be a concern to you. It's a land use</p> <p>11 matter. It's what happens in the process of getting the</p> <p>12 children there, picking them up, and in the backyard, is</p> <p>13 that correct?</p> <p>14 MADDELYN CUNNINGHAM: Yeah in the backyard, which is</p> <p>15 what I'm saying.</p> <p>16 MARTIN L. GROSSMAN: So the with the size of the house</p> <p>17 MADDELYN CUNNINGHAM: Yes, there's no increase of the</p> <p>18 size of the backyard, so you're putting more people in the,</p> <p>19 you know, same area that they are now.</p> <p>20 MARTIN L. GROSSMAN: Right, I should say, since I've</p> <p>21 heard a couple of witnesses discuss this this issue of it's</p> <p>22 a business versus a daycare, I think virtually all daycares</p> <p>23 operate, are a business.</p> <p>24 MADDELYN CUNNINGHAM: Yeah.</p> <p>25 MARTIN L. GROSSMAN: The County breaks down umm,</p>

Transcript of Hearing  
Conducted on January 13, 2017

38 (149 to 152)

<p>149</p> <p>1 daycares into three categories: a group home, which is what 2 exists umm, I mean a family daycare, which is what exists 3 now, which does not require any conditional use in this, in 4 this zone. Umm, a group home, which is what is being 5 sought, which allows nine to twelve; and then there's umm, 6 from that on, is a daycare center, if you have more than 7 twelve children, and that becomes a more significant, umm, 8 operation which requires, umm, further, umm, even further 9 examination. Umm, but, until different levels of 10 conditions are imposed, but the County, umm, the County 11 Council has decided that, umm, and it's in master plans, 12 too, that daycare is needed in the county and they have 13 approved, even recognizing the fact that daycares will 14 create some noise and disruption to the community, they 15 feel it is, as a matter of County policy, it is appropriate 16 to have them in neighborhoods, and so they, umm, they allow 17 them subject to these conditions and this, I just want it 18 to be clear. 19 MADDELYN CUNNINGHAM: Yeah, but it is a business. 20 MARTIN L. GROSSMAN: Yes, but I mean, when you 21 characterize it that way you seem to differentiate between 22 "a daycare" and "a business". All these day, all daycares 23 are in effect businesses. They're not being run for free. 24 MADDELYN CUNNINGHAM: But, they're a business. 25 MARTIN L. GROSSMAN: They're put in neighborhoods as a,</p>	<p>151</p> <p>1 MARTIN L. GROSSMAN: And, any cross examination? 2 HARRY STONE: No cross examination. 3 MARTIN L. GROSSMAN: Alright. Thank you, ma'am. I 4 appreciate, once again, your coming down here. 5 MARTIN L. GROSSMAN: Alright. Anybody else wishes to 6 speak? Hmm? 7 MARTIN L. GROSSMAN: Yes sir. Do you want to come 8 forward? 9 ROGER HAYS: My name is Roger Hays, my address is 6009 10 Marquette Terrace. 11 MARTIN L. GROSSMAN: Alright. Would you raise your 12 right hand please? Do you swear or affirm to tell the 13 truth, the whole truth, and nothing but the truth under 14 penalty of perjury? 15 ROGER HAYS: I do. 16 MARTIN L. GROSSMAN: Alright, you may proceed, Mr. 17 Hays. 18 ROGER HAYS: Okay. I would just like to reiterate some 19 of my things my wife, Paraskevoulia Hays, said, umm, as far 20 as the noise level. Umm, that's my primary concern. Umm, 21 many of these children are screaming and yelling at the top 22 of their voices, and I would think it would be appropriate 23 for the umm, custodian of these children to umm, in some 24 ways remedy that, either by telling them it's inappropriate 25 to do that or by taking them inside. And some of these</p>
<p>150</p> <p>1 umm, as part of county policy. Yes? 2 LEO KANE: Can I try to clarify? What umm, what Mrs. 3 Cunningham is saying, what they're all trying to articulate 4 is; it's one thing to be inconvenienced by a neighbor 5 who's, who's, umm, umm raising their own kids, or cutting 6 down their own tree. 7 MARTIN L. GROSSMAN: I'm not going to let you do that 8 now, Mr. Kane. You have to wait until your testimony and 9 you can, and then the argument you want to make about it, 10 because, let's, let's 11 LEO KANE: But you do understand that's her, that's her 12 point? 13 MARTIN L. GROSSMAN: Well, she can make her own point. 14 She's very articulate. She can make her own point, and you 15 can make your point when you testify. 16 HARRY STONE: For the record, it's as if he's 17 representing her, rather than his avowed statement that he 18 is not. 19 MARTIN L. GROSSMAN: Alright, and that's, well, they've 20 adopted, they adopted his statement in their letter, so 21 there is some connection there, but I'm going to, once 22 again, you can make your points as to what you think is 23 appropriate, but as far as what the witnesses say, the 24 other witnesses can speak for themselves. 25 MADDELYN CUNNINGHAM: Ok. Ok. And I just.</p>	<p>152</p> <p>1 younger children frequently are out there crying. My wife 2 and I frequently will spend a great deal of time on our 3 deck, and when it's nice weather, we sometimes have all 4 three of our meals out there. But, on more than one, on 5 more than one occasion we've had to go into the house 6 because of the noise was so loud we couldn't even hear each 7 other talk. Now, I just think that's inconsiderate. 8 Absolutely inconsiderate, and they're, in my opinion, 9 that's very bad neighbors, umm, totally inconsiderate. 10 They're running a business, they're making money, couldn't 11 care less about the neighbors. That, that's that should not 12 be that way, and we should not have to live under those 13 conditions. Now, I tell ya, if I were going to buy a house 14 in that neighborhood, if I knew there were that kind of 15 activity going on, I would, I couldn't get away from there 16 fast enough, and that potentially could affect property 17 values. One other point... 18 HARRY STONE: Objection. Speculation. 19 MARTIN L. GROSSMAN: Alright. I, I, I'll sustain it, 20 umm but I, but I, I mean, he's stating his opinion as a lay 21 person. 22 ROGER HAYS: That is just my opinion. That's just my 23 opinion. And then we would just like to clarify one thing 24 that was said earlier about the dental office. They have 25 their own parking lot. They do not have to park on the</p>

Transcript of Hearing  
Conducted on January 13, 2017

39 (153 to 156)

<p>153</p> <p>1 street. So that was not brought up, when it was mentioned 2 earlier. I just wanted to say that. 3 MARTIN L. GROSSMAN: Okay. Any cross examination? 4 HARRY STONE: No cross examination. 5 MARTIN L. GROSSMAN: Ok. Thank you, Mr. Hays. 6 ROGER HAYS: Thank you. 7 MARTIN L. GROSSMAN: Appreciate it. Anybody else? 8 Alright, then, Mr. Kane the younger, it's your opportunity. 9 Did you, oh, I think I swore you earlier, Mr. Kane. 10 LEO KANE: Yes, thank you. Umm, as I said in my 11 opening, I believe, that this umm, process, when you look 12 at it at the county level 13 HARRY STONE: I don't think we did the, putting his 14 address on the record 15 MARTIN L. GROSSMAN: Well, I think it is probably 16 there, but if you, what is your address? 17 HARRY STONE: Just for the purposes of consistent 18 procedure. 19 MARTIN L. GROSSMAN: Yes. 20 LEO KANE: 9918 Julliard Drive, Bethesda, Maryland 21 20817. 22 HARRY STONE: Sorry I interrupted you. 23 LEO KANE: Ok. Um, so, umm, when we umm, umm, first 24 heard about this case it had already progressed a long way. 25 They had already, umm, done analysis, done an application,</p>	<p>155</p> <p>1 the planning department. 2 LEO KANE: The technical staff, made, issued a report, 3 and it apparently dated, completed on November 4, 2016, and 4 the letters weren't even mailed out to them until 26th of 5 October, as I indicated. 6 MARTIN L. GROSSMAN: The letter, are you talking about 7 the, the Notice that we issue of hearing? 8 LEO KANE: Yes. The Notice of Hearing. 9 MARTIN L. GROSSMAN: Let me. First of all, was there 10 not a sign posted there indicating this process was 11 underway? 12 LEO KANE: Umm, I 13 MARTIN L. GROSSMAN: And with the telephone number of 14 our office on it? 15 LEO KANE: Umm, I, I do not dispute that there was. I 16 don't know. (Chuckle) I, I, never knew. I have no 17 MARTIN L. GROSSMAN: Well, they filed an affidavit. 18 LEO KANE: I'm sure that there probably was. 19 MARTIN L. GROSSMAN: Okay. 20 LEO KANE: But, the fact is, that's part of my concern. 21 These people are in their eighties and nineties, and you 22 know, to send them a, umm, they're not going to look at a 23 sign and go and call the number. I mean, somebody has to 24 look out for them. And I'm saying it needs to be you, Mr. 25 Grossman. It really does.</p>
<p>154</p> <p>1 umm, and, you know, to my surprise, it appears that the 2 umm, that the zoning office had already umm, umm prepared a 3 report recommending approval, by the time we got, by the 4 time the letter was mailed. 5 MARTIN L. GROSSMAN: By zoning office, you're talking 6 about the Planning Department's technical staff? Is that 7 what you're talking about? 8 LEO KANE: Yes. Umm 9 HARRY STONE: I also have an objection. I'm not sure of 10 the relevance of this, I mean, it should be to the issues 11 of the actual, that are actually under consideration, and 12 so the process that went on, I don't think we're here at 13 the hearing to determine whether or not the conditional use 14 should be allowed, and so the vagaries of when they found 15 out about this, I'm not sure is relevant. 16 MARTIN L. GROSSMAN: Yeah, I'm going to overrule that 17 and let him express his concerns. 18 LEO KANE: And, and part of my concern is that, they're 19 all very, very concerned. The reason I'm here is because, 20 umm, they are very concerned, and they're concerned about 21 the process. They're concerned that their interests have 22 been essentially disregarded. It seems like nobody even 23 contacted them before the hearing panel, I'm sorry, before 24 the umm, umm the judicial group, 25 MARTIN L. GROSSMAN: You mean the technical staff of</p>	<p>156</p> <p>1 HARRY STONE: I'm raising concern. There is no 2 relevance of this. We're hearing 3 MARTIN L. GROSSMAN: Well, I said, I'm going to hear 4 his concerns, so let me, let me respond briefly to that, 5 that that concern. The process includes a number of steps. 6 One is, when they, when umm, somebody files an application 7 before it's even accepted for filing it's reviewed by the 8 planning department for completeness. It's then sent down 9 to my office, the Office of Zoning and Administrative 10 Hearings, for filing and re-reviewed to make sure that it's 11 complete again, and we allow the filing. Then there is a 12 review of the case by the Planning Department Technical 13 Staff. But, as soon as it's filed, within a matter of days, 14 there has to be a sign posted outside of the home giving 15 notice of the proceeding. I'm not sure what exact notice, 16 if any, they, the Planning Department issues before it does 17 its staff report, it probably doesn't, but it relies this 18 statutory process, which requires the posting of the 19 notice; and then it requires that at least thirty days 20 before any hearing that we conduct, and this is the hearing 21 that decides the case, that we send out notice, which we 22 did. And, in fact, you then responded and then asked for a 23 continuance, and I indicated that even though you were 24 outside the time limit for requesting continuance, I would 25 grant it, which I did, to a time that was agreeable. That</p>



Transcript of Hearing  
Conducted on January 13, 2017

40 (157 to 160)

<p>157</p> <p>1 was today's date, so that the community would have an 2 opportunity to respond, to look into the case and respond. 3 So I think that, umm, that your suggestion that there 4 hasn't been fair notice here is not true. The other thing 5 is that you asked that the Technical Staff respond to your 6 concerns, and they did, on a point by point basis in a 7 supplemental report. So, I don't think it's fair to say 8 that, that we haven't looked after the community. I think 9 we have, indeed, and always do look after the community. 10 LEO KANE: The concerns of me and the neighbors, is 11 that, is that things seem to have been reviewed before the 12 input was gathered, and recommendations are already made 13 before they get the input. And then we have to come in here 14 and rebut a recommendation that has already been approved. 15 Umm, 16 MARTIN L. GROSSMAN: Well, the recommendation has not 17 been approved. The recommendation is just that: it's a 18 recommendation by the technical staff to the Planning 19 Board. The Planning Board then has its review, which is a 20 public session, and people can appear at that public 21 session and state their concerns, and then the Planning 22 Board also issues a letter recommending to me, and both of 23 those are always in the record; the Planning Department 24 staff's report to the Planning Board, and the Planning 25 Board letter, including their recommendation and the</p>	<p>159</p> <p>1 you need to focus on the health, safety, welfare of 2 neighboring residents. And these, people have different, 3 umm, umm, abnormal concerns, about this. They are, really, 4 worked up. I wouldn't be here today. I wouldn't have taken 5 off work. I wouldn't have spent fifty hours preparing these 6 documents. I don't want to do this, but they are really 7 worried and really concerned, and it seems like the 8 planning staff just seems to, they meet all the 9 satisfaction. They satisfy all the parameters, so it can be 10 recommended for approval. So, I'm assuming that you are the 11 one in the process that gets to go, ok, yes. As a court of 12 law, it's approvable, but as a court of equity, let's look 13 at fairness. And, my point is, it would be dramatically 14 unfair to approve, to approve an enlargement of a daycare 15 at this address when it is surrounded by people who care 16 this much; are impacted this much. Umm, and, let me, let me 17 explain how they are impacted; how it affects their health, 18 safety, and welfare. 19 MARTIN L. GROSSMAN: I will let you say that in a 20 second, but first I want to say that we are not a court of 21 law, or a court of equity, not a court at all. This is a 22 quasijudicial administrative proceeding, and yes we do look 23 at the effects on the neighborhood, but you've left out one 24 of the important things and that is that, those harms that 25 you talk about, that you're about to expand on, it talks</p>
<p>158</p> <p>1 staff's report, which comes and is put in our file, which 2 is open to public review, as it was in this case. So, these 3 are statutorily controlled things umm, that, that we follow 4 scrupulously. 5 LEO KANE: Right. Well, it seems like the issue here, 6 to me, and I, and I think our opinions are relevant, you 7 know, umm, is that it feels like, umm, the daycare center, 8 umm gets to, umm, umm, I'm trying to think how do I phrase 9 this? It, it's almost like we have the burden of proof to 10 say that, that they umm, the daycare, the planning staff 11 just says, ok these things all meet the, the condition of 12 use and it should be approved. I, I mean, and it can be 13 approved. Umm, and I don't dispute, that that they meet all 14 of these conditions, umm, if umm, you know, if umm, yes, 15 they're probably below the required noise level; and yes, 16 they have enough room. There's technically enough umm, umm 17 parking according to code. But, nobody seems to consider, 18 and even in when we raise these issues to the staff, the 19 staff came back and they said, "Umm. Well, no. Actually we 20 followed our procedures." Or, "We don't think umm, umm, we 21 think there is ample parking, umm, we think there is umm, 22 adequate traffic." And, it doesn't seem like, all they're 23 doing is looking at the code and the standards, and they're 24 not looking at the individual people who are making, umm, 25 umm, who are being affected. And I think the rule says that</p>	<p>160</p> <p>1 about an undue harm, and it talks about as a result of 2 either non-inherent effects or a combination of non- 3 inherent and inherent effects. So, you have to have that 4 non-inherent aspect of it. I understand that you're making 5 the argument that, that the age of the surrounding people 6 is a site condition, an unusual site condition, which can 7 be considered non-inherit, and I haven't rejected that yet. 8 I'm consider-, I'm going to consider that as part of 9 whatever I umm, whatever I write up here. So, I understand 10 that as a point, as a technical legal point, that your 11 argument makes, that the folks around the specific site, 12 constitute an unusual site condition, which makes this a 13 non-inherent adverse effect. I hear you making that 14 argument, and I will consider that. I have, I don't know as 15 a legal matter how I've decided. 16 LEO KANE: Right. Umm, and I umm, I would argue that 17 it's not just umm, umm a non-in, umm, that, the points are 18 umm, these umm, umm these, how they feel, it's not just 19 their age; its how they feel is connected to the fact that 20 they've been in this community so long. It's because 21 they're so connected with each other. They want to stay, 22 umm, and Montgomery County, every place in the country has 23 these big elaborate programs for aging in place to 24 encourage people to stay in their communities, to have 25 multi-generational living. I umm, I went on and I looked at</p>

Transcript of Hearing  
Conducted on January 13, 2017

41 (161 to 164)

<p>161</p> <p>1 Montgomery County things. They have a great program, its 2 enormous efforts to promote people, for elderly people to 3 stay in their homes and keep them comfortable and happy 4 there. Umm, I think it would dramatically cut against that 5 interest, to umm, put them in a situation that makes them 6 umm, umm concerned, nervous, worried and umm, you know, 7 stressed. Noise. You've heard them, umm, to them it's 8 louder than just having eight kids out there. They're 9 worked up about it. You may not think it's relevant to them 10 that, or umm, it may not be legally relevant, that it's a 11 business versus a umm, a umm, umm, a family engaging in 12 this, but it sure as hell pisses them off. They really hate 13 it, that this person here is getting to make money. I get 14 inconvenienced dramatically because she's making money. 15 That, that bothers them, and they hate it. 16 MARTIN L. GROSSMAN: That's, it's not a consideration I 17 can take into account here. I can only, whether they are 18 upset because somebody is making money from it is not part 19 of what I can consider statutorily. I can consider the 20 effects on the neighborhood, but not their, an attitude 21 about whether or not it's a business or not. It's just not 22 a statutory factor I can consider, since all daycares, 23 virtually, are businesses. So 24 LEO KANE: Umm, so, anyway, the noise. It results in a 25 disturbance of the peace. They have a right to peaceful</p>	<p>163</p> <p>1 myself, I 2 LEO KANE: I don't know what a sound mitigation fence 3 is. I just read about and said, well, that would be nice. 4 It, it, it, I don't know. If you know what these things 5 are, and there is something out there that can be better, 6 that would be good. 7 MARTIN L. GROSSMAN: I, I have to base it on the 8 evidence before me, and there's no evidence before me about 9 what kind of sound mitigation fence might be appropriate or 10 allowable in this circumstance, or would be effective under 11 these conditions. 12 LEO KANE: So, we also think it's very relevant, older 13 kids make more noise. The issue of going up to ten year 14 olds is a serious problem. We didn't know about it. I 15 didn't know about it, umm, until I saw that. Umm, it's 16 different from what I heard when I talked to her the other 17 day. She said that these were infants. It turns out they're 18 two, three, and four, and now they're going to go up to 19 ten, and that's umm, a big concern. Umm, umm, you know, I, 20 a lot of the decisions you make are based on you lay down a 21 rule, and then, they're supposed to follow it. Normally, I 22 would say, you know, I met them the other day, they were 23 delightful people. I've never talked to them before. We had 24 a nice conversation, two and a half hours. We covered a lot 25 of different topics. Umm, you know, about life, but I was,</p>
<p>162</p> <p>1 enjoyment. Umm, because they're older, they nap in the 2 afternoon. Slamming car doors in the morning when they are 3 still asleep. Other people may get up at 9, get up at 7:30; 4 umm, my dad certainly doesn't. And there's, he said, as he 5 testified, it's it's noisy in the morning. They're coming 6 and going. Yet, yet they don't like it, umm, the umm, you 7 know, they've told me their instances where their, you've 8 heard that Voula say it that sometimes they're, they have 9 to go inside. Other people have said "I close the windows." 10 "I meh, I meh, you know I don't like work. I go inside." I 11 umm, umm, there's umm, umm, in one of the hearings I heard, 12 Ms. Robison, I read that she mentioned that some applicants 13 have umm, have sound engineers come in, and that in some 14 other instances there are sound mitigation fences, umm 15 that, she brought up the concept of sound mitigation fences 16 in the umm, umm, in the umm, Primm matter. Umm, you know, I 17 would ask for you to look into that, so that it's not just 18 a regular fence, but some kind of extra special fence that 19 can keep it... 20 MARTIN L. GROSSMAN: Nobody has presented any evidence 21 that tells me what alternatives those are. I mean, I can't 22 just make it up after the hearing, as to what is a sound 23 mitigation fence that would be permitted in a neighborhood. 24 I mean, there are restrictions on the size of fences that 25 are permitted in this zone, so I, I can't just make it up</p>	<p>164</p> <p>1 you know, umm, I, I, I, I'm, coming in here today, hearing 2 what I'm hearing from her, I'm worried that they're not 3 going to go along and follow the requirements, and that 4 she's going to say, "Well, umm, I'm not going to pick up 5 the toys, because there's no rule against it." I mean, I'm 6 just asking for standard, neighborly activity. When you 7 move into a neighborhood, you introduce yourself. When you 8 impose on the neighbors by having a business, you ask them 9 about it. Did you have any problems? She said nobody 10 complained. Well, nobody appra-, nobody bitched and came 11 to her, but I would think as a neighborly person, when you 12 move into a neighborhood where everybody has been living 13 there for the that many years, you just do neighborly 14 things, and the lack of that has been very, umm, they are 15 hurt. They're stressed; they are bothered; they're hurt. 16 Umm, next thing, traffic. We've talked about it. Umm I do 17 think, you know, when you do have eight kids on, eight kid 18 daycare on the street, it generates a certain amount of 19 traffic. It's traffic that's coming in for a commercial 20 business, not for a family. It's, and, they don't like it. 21 They are older. It's difficult to drive when you're older. 22 It is difficult to negotiate that turn. If you go there, 23 please do. Drive down that street. It is thinner than most. 24 I don't know why. I live on Julliard. Belhaven is 25 substantially thinner. Umm and, because it's curved, the</p>

Transcript of Hearing  
Conducted on January 13, 2017

42 (165 to 168)

<p>165</p> <p>1 cars are parked sort of at an angle there, because they 2 can't get up the curve all the way, so it's even narrower. 3 So you do get people backing up, and, anyway, it is a 4 problem. Umm, they don't like it. It's harder to drive. And 5 when they're driving past the daycare center, umm, I would 6 say, well, currently, right now, the daycare center as is, 7 brings five times more traffic than a house would normally. 8 MARTIN L. GROSSMAN: Objection. Speculation. 9 LEO KANE: Well, I just thought about the number of 10 trips per day. 11 MARTIN L. GROSSMAN: Hold it. Let's enter the 12 objection. Do you say it's not speculation as to whether 13 it's five times more traffic? You see, you've given a 14 figure, specific figure. Do you have a basis for saying 15 it's five times more traffic than would normally occur? 16 LEO KANE: Well, if somebody, well, it, it's based on 17 somebody leaving in the morning and coming back at night, 18 which is what I, and almost everyone else in the world 19 does. And, so I'd say at least 80% of people leave in the 20 morning and come back at night. And then, that's two trips. 21 Then here, you have umm, umm, seven different people 22 coming, umm, umm, apparently there are eight, we have eight 23 kids, and I believe that she testified that two of them 24 come together, so that's seven additional people, plus 25 we're now talking about umm, two employees at times, so</p>	<p>167</p> <p>1 from 7:30 to 9am and 3:30 to 6, I, I, I believe, when you 2 said pick up and drop off is in their application, or 3 whatever, whatever the county, one of these documents, gave 4 those hours. And that is when there's the most other 5 traffic, and that is when umm, you know, when it's most 6 concerning, umm. And, umm, aside from traffic, they walk 7 the neighborhood. My dad walks the neighborhood. Umm, they 8 umm you know, the sidewalks, you bring more traffic to umm, 9 anyplace, it's, I, I agree its infinitesimal, but when you 10 bring people in from the outside, umm, umm, it increases 11 the likelihood of problems. It increases the likelihood of 12 them hitting another car when they're driving, or when 13 they're walking, getting hit or stumbling, whatever. Umm, 14 they, umm you know, it does impact it, and, and it will 15 increase umm, if we go beyond, if we go from eight to 16 twelve, it clearly will increase. 17 MARTIN L. GROSSMAN: And the question there is whether 18 it's undue, which is what the statutory language calls for. 19 I mean, theoretically, when you go from zero cars anywhere 20 to one car, you've increased the risk. To two cars you've 21 increased it again. So, yes, that is true, but as a policy 22 matter, the County has decided that it's going to allow 23 people to ride their cars, and, and also to have daycares 24 under the appropriate circumstances. So, the fact that 25 there is some increase when there's an increase in the</p>
<p>166</p> <p>1 that's how I got the five times figure. 2 MARTIN L. GROSSMAN: I, I'll overrule your objection 3 because I think that is a valid way of looking at number of 4 trips. 5 HARRY STONE: I would, I would just point out, he makes 6 it sound like it's comparison to how many trips there would 7 be otherwise, and he has no basis for how many trips there 8 are other wise to compare to, and say five times as many. 9 MARTIN L. GROSSMAN: No, he's, he's I think the 10 comparison he was making was between an ordinary family 11 there, and a, and a detached dwelling unit versus operating 12 a day care. Is that correct, Mr. Kane? 13 LEO KANE: Yes. Absolutely. 14 MARTIN L. GROSSMAN: Ok. So it, there may be umm, a may 15 not be that kind of a difference obviously if they add on 16 four children and some of them are umm, are siblings, or 17 whatever, there may be only a small percentage increase 18 from what currently exists here to add on to grant the 19 conditional use. So I'm only considering that five times 20 figure as a difference between a dwelling unit with a 21 family in it, which might generate two trips or three trips 22 in a day vs one that has a, a conditional use there for a 23 childcare facility there. 24 LEO KANE: And umm, as far as traffic, umm, flow goes, 25 umm there's also umm, umm an issue that, when you know,</p>	<p>168</p> <p>1 number of cars is, of course, true, but it's not something 2 that necessarily makes it undue. 3 LEO KANE: Ok. Unless you factor in who the people are, 4 and I, I think it's you know, again.. 5 MARTIN L. GROSSMAN: I understand. 6 LEO KANE: I think for these particular people, I think 7 the traffic is a bigger deal to them, because, you know, I, 8 I can negotiate it, they can't. That's what they tell me. 9 That's what they're worried about. 10 MARTIN L. GROSSMAN: I understand. 11 LEO KANE: Umm, umm, stress, worry, commotion, anxiety. 12 Umm, worried about the kids escaping. Umm, hey, I agree. I 13 have no doubt that no one's ever escaped from your daycare 14 center. I have no doubt that you take very good care of 15 them. I have no doubt that you have a long waiting list of 16 people that want to go in there. NO doubt. I have no doubt 17 that the daycare center is big enough for the County and 18 the State to approve it. I have no doubt. I mean, I said, I 19 have told them this fifty times. I said, "Stop. I don't 20 care about the size. It's not big enough. It is big enough. 21 They've already decided that. That's not an issue." But, 22 no, no, those kids are in there – there's not enough room! 23 They are worried sick about these things that don't matter, 24 but that's who they are.. 25 MARTIN L. GROSSMAN: They may matter, but they're a</p>

Transcript of Hearing  
Conducted on January 13, 2017

43 (169 to 172)

<p>169</p> <p>1 state issue. It's not something, my, my, this is a land use 2 hearing. Not a, a, I'm not regulating the non-land use 3 aspects of this facility. It's, that's regulated by the 4 State's Department of Education. 5 LEO KANE: Totally agree. And that's what I told them 6 But, I bring it up, because I said, they're, because of who 7 they are, and because of their age and the fact that, 8 honestly, they don't have anything else to do, they're 9 sitting there looking out the window. That's what old 10 people do. They sit around and they get worried about 11 stuff, and when they find something that bothers them, they 12 worry about it like now. My dad goes nuts over, you know, 13 the taxes. It's it's 14 MARTIN L. GROSSMAN: They're not old enough to move 15 into that category, so I don't know if I want to think of 16 it that way. (laughter) 17 LEO KANE: So, the issue is, stress, worry, commotion, 18 anxiety. Is it reasonable for them to feel that way? I 19 don't think so. I've tried to talk them out of it, but they 20 do. That's a problem. So, that is who you're dealing with. 21 Eggshell. It's the eggshell tour. 22 MARTIN L. GROSSMAN: Eggshell plaintiff? 23 LEO KANE: The eggshell plaintiff. When you moved in to 24 your house, you were allowed umm, umm, you didn't know who 25 you were getting as neighbors, but there you are. And</p>	<p>171</p> <p>1 MARTIN L. GROSSMAN: I'll ask you to both at the same 2 time, and umm, and umm. Is ten days sufficient on that, by 3 the way? 4 HARRY STONE: I believe so. 5 MARTIN L. GROSSMAN: Mr. Kane? 6 LEO KANE: Umm. 7 MARTIN L. GROSSMAN: You're not required to submit it, 8 but you can. I'm giving the opportunity to submit something 9 on it, because you've raised the point, and an interesting 10 legal point, but I don't know of any authority yet. 11 HARRY STONE: I'd still rather see what he has to say 12 and respond to it, because I'm not sure that something 13 exists to this. If he's going to bring something up, I'd 14 rather address when he brings it up. 15 MARTIN L. GROSSMAN: I'll give you both a reply time, 16 how's that? 17 HARRY STONE: Ok. 18 LEO KANE: Umm and, umm, could I ask you to, I can sit 19 here and try to write all this down, or could I umm, ask 20 you to just, umm, explain it again? Because I can't write, 21 I could either write down or if you could just send it to 22 me. 23 MARTIN L. GROSSMAN: Umm, you've made an argument the 24 fact that the subject site is surrounded by homes with very 25 elderly people creates a, umm, an unusual site condition,</p>
<p>170</p> <p>1 you've got a certain set of neighbors that are 2 unfortunately, a big, it's a much bigger issue to them than 3 it would be for others, for that reason. They are stressed, 4 worried, commo-, for that long. Umm, so umm. 5 MARTIN L. GROSSMAN: I am going to invite you and umm, 6 Mr. Stone to submit something and we will have to keep the 7 record open for a certain number of days for them to file 8 their amended plan. The only amendment I'm going to allow 9 to the plan would be to adding the board on board fence, 10 which has been discussed at the umm, at the hearing today, 11 but it should be an amended plan so that umm, that if its 12 approved, it can be acted on, or if it's disapproved, we 13 know it's disapproved. But, I'm going to allow you to file 14 something with legal authority, umm, on the question of 15 whether or not, I can consider as an unusual site 16 condition, creating a non-inherent adverse effect, the fact 17 that there are elderly people in the surrounding homes. I 18 want, I know your argument, emotional argument about it and 19 your factual argument, I want a legal citation to when, if 20 ever, that has been considered to be a creation of an 21 unusual site condition, umm, which can create a non- 22 inherent adverse effect when it's cognizable in the zoning 23 ordinance. 24 HARRY STONE: If, would you mind that I ask that you 25 set a date to submit that, and then I'll reply?</p>	<p>172</p> <p>1 which is a non-inherent adverse effect. And I want some 2 legal authority that tells me that I can consider the age 3 of the surrounding neighbors to justify this being 4 considered an unusual site condition. 5 LEO KANE: You called it a non-inherent 6 MARTIN L. GROSSMAN: Adverse effect. The, the code 7 breaks this down. Here's the code line, here's the code 8 section that is relevant to this. These are part of a 9 general standards that we consider for any conditional use. 10 They're in section, code section 59.7.3.1.E.1 11 LEO KANE: I lost you at 59. 12 MARTIN L. GROSSMAN: It's 59.7.3.1.E., and once again, 13 1 and then a small b. I'm sorry. A small, umm g I think it 14 is, wait a second. Yes. Small g, not b. And that that 15 provision specifies "will not cause undue harm to the 16 neighborhood as a result of a non-inherent adverse effect 17 alone or in combination, or the combination of an inherent 18 and non-inherent adverse effect in any of the following 19 categories, and then it lists the categories which you are 20 discussing. That's the relevant code provision, and umm, if 21 you look in the definitional section of the zoning 22 ordinance, you'll see it defines inherent and non-inherent 23 adverse effects. And, unusual site conditions can be a, 24 give rise to a non-inherent adverse effect. So, ordinarily 25 when we talk about unusual site conditions, we're talking</p>

Transcript of Hearing  
Conducted on January 13, 2017

44 (173 to 176)

<p>173</p> <p>1 about the shape of the site or something to that effect, 2 not necessarily, the nature of the surrounding neighbors. 3 But, I'm not rejecting that out of hand. I'll listen to it 4 if you have authority that tells me that creates an unusual 5 site condition. I'll consider it as part of my evaluation. 6 LEO KANE: I would argue, that umm, I have no idea what 7 the law says about this. I'll look. 8 MARTIN L. GROSSMAN: You can look at past court cases, 9 board of appeals decisions. For many years, the Board of 10 Appeals was the, as George Bush used to like to say, the 11 "Decider" of these. Umm, now they're decided by the hearing 12 examiner, but they're subject to, in effect, an appeal to 13 the Board of Appeals. But, umm, you can look at those, or 14 you can umm, umm opinions of the hearing examiners. I just 15 haven't had one raised in one of my cases to this effect, 16 so I haven't had an application, but I'm just giving you an 17 opportunity. I'm not requiring you it, Mr. Kane, it's up to 18 you. And, umm, is ten days sufficient to do that for you, 19 sir? 20 LEO KANE: Umm, umm, could you make it fifteen? 21 MARTIN L. GROSSMAN: I could. Is that agreeable, Mr. 22 Stone? 23 MARTIN L. GROSSMAN: That's agreeable. I'll just, and 24 then five days to respond? 25 MARTIN L. GROSSMAN: Sure. And then each will have five</p>	<p>175</p> <p>1 deal to them. You know it. Umm, that's clear. Umm, umm, the 2 other issue that umm, they have is that to them, it defeats 3 the residential feel of this neighborhood. They've lived 4 there their entire lives, and for, for 58 to 48 years umm, 5 and it's quiet, it's residential and when you introduce a 6 daycare center, as you know, it does increase things, but 7 it, noise and stuff, but it also breaks down the feeling of 8 community, and these folks have lived here this time. They 9 have a community, umm, and they don't umm, they don't want 10 change. That's another factor when you're that old, you 11 don't want change. 12 (Laughter) 13 MARTIN L. GROSSMAN: I know, but I...let's, you're 14 going beyond what I can really. I can't psychoanalyze the 15 opinions of elderly. It's not within my purview. You don't 16 want the zoning hearing examiner doing that. I can only 17 rely on the testimony of the witnesses, what they said 18 about the fact that the noise is disturbing them and so on. 19 LEO KANE: Right. 20 MARTIN L. GROSSMAN: Not on more psychoanalytical 21 things about what concerns umm, elderly. Umm, so in the 22 residential feel issue, once again, since the, the family 23 daycare is permitted there; it's allowed there without any 24 consideration, the only question is, is this really 25 changing, is the increase of four children there changing</p>
<p>174</p> <p>1 days after that to respond. And we'll talk about the actual 2 dates to respond at the end of this all. 3 LEO KANE: Ok. Umm, umm, so umm, as to umm, umm, umm, 4 umm, ok so that sort of covers the distress, worry, 5 commotion, anxiety. Parking I would also say, it is a 6 narrow street. Mrs. Dooley is particularly concerned, and I 7 would ask you to umm, umm, I don't think this is, this is 8 not controversial. You know which house she is, to your, 9 facing the house to the right. She has trouble getting out 10 of her driveway, umm, and if there is a car next to hers, 11 when she is trying to come out of her driveway, umm, if 12 there's a car there, umm, next to her wall, she can't do 13 it. 14 MARTIN L. GROSSMAN: You can, you can take this up 15 offline. This doesn't sound like something you're asking me 16 to consider. You're talking to Mrs. Meteleva here. Umm, and 17 you can, as neighbor to neighbor you can talk to her about 18 that. 19 LEO KANE: Yeah. Yep. I just did. I was asking to, you 20 don't regularly ask people not to park there, that's all. 21 MARTIN L. GROSSMAN: Well, the County is paying for the 22 transcript here, so... 23 LEO KANE: Ahh. (Chuckle)And, umm, umm, obviously 24 they're worried about the clutter, unsightly, unattractive, 25 embarrassing. We've raised that issue. It is, it is a big</p>	<p>176</p> <p>1 the residential feel in any significant way. Now, that 2 would be the question. Not whether or not because it's a 3 business operating as a daycare there, umm, we know that's 4 there already, so the only question is whether or not 5 sanctioning an increase of four children is going to umm, 6 have any significant increase in the res-, decrease in the 7 residential feel of the neighborhood. That's really the 8 issue for me. 9 LEO KANE: Right, umm. (coughing)I just wanna bring up 10 one point that I raised in the umm, (coughing)umm, in the 11 letter that I sent on November 29. Umm, this umm, the staff 12 said hey, this only a small expansion. It's only eight to 13 twelve. They refer to it as a small expansion. And you just 14 said the question isn't how much the difference, umm, but 15 to me, umm, daycare centers can go even up to eight 16 children are allowable by right. However, if a daycare 17 provider wants to expand enrollment from eight to twelve, 18 the zoning regime requires the requesting party to complete 19 a long series of steps, including the following: an 20 application for conditional use; formal notice to adjacent 21 neighbors; a detailed staff report; planning director 22 approval; planning board approval; a detailed hearing; a 23 hearing examiner's decision; a formal process repeal; and 24 yes, an expensive court reporter, and yes we're using their 25 bill. It's a big process, but it's implemented when you go</p>

Transcript of Hearing  
Conducted on January 13, 2017

45 (177 to 180)

<p>177</p> <p>1 from eight to twelve. So it's a big deal. That is where the 2 law seems to me to have said, "We are going to take the 3 umm, umm, neighbor's issues into account, and you do that 4 we are going to consider the neighborhood, and how it 5 impacts them. And, it is, umm, it is a, take the neighbors 6 as you found them. You found these people that were...it 7 impacts them enormously. And, umm, some people may not 8 think it it, umm umm, it umm, Mr. Stone said their age or 9 their longevity in the house umm, forget who said it, umm, 10 how long they've lived there may be, not be relevant. 11 Obviously, one person's umm, umm, length of time in a 12 house, you get equal rights. You been a year, you been here 13 fifty years you get equal rights under the law. But, to 14 them, it's a big deal. And, it impacts their community, and 15 this is the community that they built, and they hate the 16 fact that it's breaking down for that way. Umm, last thing 17 I want to talk about umm, umm property values, because it 18 specifically says in the umm, umm in the ordinance you 19 can't have undue harm to the neighborhood as a result of 20 non-inherent use, and one of the things you can consider is 21 the use, peaceful enjoyment, economic value, umm of 22 abutting and confronting properties. So these are the 23 abutting and confronting properties owners, and they are 24 coming in and, they are saying, "We are afraid this is 25 going to impact our, our umm, umm, property values.</p>	<p>179</p> <p>1 matter of rhetoric, but it's not a matter of evidence here. 2 That's the problem. I have to have evidence on which to 3 base any finding I make. I can't base it on the fact that 4 somebody, umm, may think that having the toys in the 5 backyard may affect property values. There are lots of 6 people who may think that it's great to have a childcare 7 facility in their neighborhood, which is a small facility 8 like this one. 9 LEO KANE: In their neighborhood, or next door? I mean, 10 that's the issue. 11 MARTIN L. GROSSMAN: No, but the point is, it's not 12 evidence. You haven't presented evidence to me that it umm, 13 it will affect property values. There's no expert evidence 14 here that it's going to affect property values. 15 LEO KANE: And the only people who could come up with 16 that would be the County. The County could do an analysis. 17 MARTIN L. GROSSMAN: No, no, no. We're not the only 18 people who can come up with it, but regardless of whether 19 or not the County can or does come up with it, it hasn't 20 presented that evidence to me. I can't go out and beat the 21 bushes for experts to talk about something. I don't favor 22 one side or the other here. If you had evidence you could 23 have brought it in. 24 HARRY STONE: I would, just for the record, say this is 25 also not a sort of issue that can be judicial notice. It</p>
<p>178</p> <p>1 HARRY STONE: Objection 2 LEO KANE: You can, you can say, you can say it's not 3 a... 4 MARTIN L. GROSSMAN: Umm, hold it. He's made an 5 objection. He's made an objection. 6 HARRY STONE: He's just going to talk about their 7 concern about this. It's not evidence that there will be 8 economic harm 9 MARTIN L. GROSSMAN: He's correct. And the concern is 10 not, we can't consider a fear. We have to, based on 11 evidence, there are cases in which economic experts come in 12 and testify about the effects of certain proposed 13 developments on surrounding neighborhoods. There is no such 14 evidence here. 15 LEO KANE: OK. And and, and, this, I don't know the 16 process, but you're the only one that I can present this 17 to, but I'm holding up a picture of Exhibit 43b, with all 18 those toys in the backyard, and I'm saying, it's a 19 rhetorical question, "Would you buy this house next door?" 20 No way! 21 MARTIN L. GROSSMAN: It's not question. (chuckle) 22 LEO KANE: You can be able to factor that in. 23 MARTIN L. GROSSMAN: It's not...It is rhetorical. 24 HARRY STONE: Objection. 25 MARTIN L. GROSSMAN: Hold it, hold it a second. It is a</p>	<p>180</p> <p>1 requires evidence, and it's not something that everybody 2 knows. So, I just want to know for the record, is it 3 improper to ask you to consider it without any 4 MARTIN L. GROSSMAN: No, he can ask, but once again, 5 I've told him I can't consider it without evidence. 6 LEO KANE: Well, I consider the picture to be evidence, 7 but, umm... 8 MARTIN L. GROSSMAN: This picture is not worth a 9 thousand words (chuckle) in this kind of venue. 10 LEO KANE: So, umm, umm, so, again with these folks, I 11 would say, umm, in five years, it probably won't be an 12 issue. In seven years, in ten years, it won't. But right 13 now, these folks are here. They're in their home. They want 14 to stay, and this will drive them crazy if they lose. 15 MARTIN L. GROSSMAN: OK, but you're being repetitious 16 now, Mr. Kane. You've covered that. I will let you go into, 17 you haven't identified those pictures, 43a through f. If 18 you want to tell me what they are. What is 43a? 19 LEO KANE: 43a is a picture that I took, umm, on that 20 day in November that I previously mentioned, umm, 21 HARRY STONE: I believe that was the 21st. 22 MARTIN L. GROSSMAN: On 11/21/16, of.. 23 LEO KANE: 2016, and this is a picture of, umm, north, 24 looking north on, I thought I already described this one. 25 MARTIN L. GROSSMAN: Yeah, you did actually describe</p>

Transcript of Hearing  
Conducted on January 13, 2017

46 (181 to 184)

181	<p>1 this one. I didn't jot it down. This is looking north. It's</p> <p>2 the applicant's</p> <p>3 LEO KANE: Applicant's home from the Dutta's yard, next</p> <p>4 door.</p> <p>5 MARTIN L. GROSSMAN: From Dutta's. How do you spell</p> <p>6 Dutta?</p> <p>7 LEO KANE: D-U-T-T-A</p> <p>8 MARTIN L. GROSSMAN: Okay, Dutta's yard to the south.</p> <p>9 Ok, applicant's home looking north along Belhaven. Alright,</p> <p>10 and what about b? 43b?</p> <p>11 LEO KANE: b is a picture of umm, the applicant's</p> <p>12 backyard from just outside their fence.</p> <p>13 HARRY STONE: I object to anyone coaching him during</p> <p>14 his testimony.</p> <p>15 MARTIN L. GROSSMAN: Alright, c? 43c?</p> <p>16 LEO KANE: Umm, this is a picture from Mrs. Dooley's</p> <p>17 porch, looking down on the backyard of the Meteleva's</p> <p>18 house. Umm, and again, this is on her umm, this is of the</p> <p>19 ground level in the back. There's another level above that,</p> <p>20 in which you would be able to see over the fence. Here</p> <p>21 you'd see maybe the back corner, but even if there was an</p> <p>22 eight foot fence.</p> <p>23 MARTIN L. GROSSMAN: Mmm hmm. 43d?</p> <p>24 LEO KANE: Umm. 43d is, again, this is from Mrs.</p> <p>25 Dooley's yard.</p>	183	<p>1 screening would be adequate. Umm, you know with the</p> <p>2 proposed board on board fence, but in view of this</p> <p>3 testimony, do you think that requiring the addition of some</p> <p>4 trees, umm, might not be appropriate here, especially it</p> <p>5 looks like on eastern and, not so much to the rear, but on</p> <p>6 the eastern and western sides, maybe some additional trees</p> <p>7 would aid that.</p> <p>8 HARRY STONE: Yes. We had originally proposed that.</p> <p>9 MARTIN L. GROSSMAN: Right. I'm saying that maybe what</p> <p>10 would work would be the original landscape plan plus the</p> <p>11 board on board fence. Let me look at what you've proposed</p> <p>12 here. Yes, I see you have quite a bit of vegetation</p> <p>13 proposed in the screening plan, which is Exhibit 10b, as in</p> <p>14 boy. Umm, and umm, have you looked at that, Mr. Kane?</p> <p>15 LEO KANE: Umm. I, am I looking at page six of the</p> <p>16 original plan? I see six pages.</p> <p>17 MARTIN L. GROSSMAN: No, I don't need pages. I'm</p> <p>18 looking at Exhibit 10b which is there, called Play yard</p> <p>19 Screening Plan. And, let's see, what they have, they've got</p> <p>20 evergreen Cyprus, which are the darker ones there, and then</p> <p>21 they have some shrubs.</p> <p>22 LEO KANE: Umm hmm. Yes.</p> <p>23 MARTIN L. GROSSMAN: Mr. North, do you want to come</p> <p>24 forward. You're still under oath.</p> <p>25 MARK NORTH: Thank you, thank you. Since I prepared</p>
182	<p>1 MARTIN L. GROSSMAN: So it's the same thing</p> <p>2 essentially?</p> <p>3 LEO KANE: Well, no, the other one, the other one was</p> <p>4 from her deck. This is from her yard, and it shows Mr.</p> <p>5 Dutta's backyard, and Mr. Kane's backyard.</p> <p>6 MARTIN L. GROSSMAN: Ok. And e is the famous wagon.</p> <p>7 LEO KANE: e is the broken down wagon with the wheels</p> <p>8 separated. The longish grass, that was there for over a</p> <p>9 week.</p> <p>10 MARTIN L. GROSSMAN: Alright, and f?</p> <p>11 LEO KANE: F is a picture of down Belhaven Road.</p> <p>12 MARTIN L. GROSSMAN: Looking south?</p> <p>13 LEO KANE: Looking south on Belhaven Road, around the</p> <p>14 bend and around the curve, and the steps to the right are</p> <p>15 the Dutta's house, and umm, the house beyond that to the</p> <p>16 right is William Kane's house, where I was brought home</p> <p>17 from the hospital. Umm, and umm, just to point out one more</p> <p>18 thing on b, the photograph in 43b, the white house up the</p> <p>19 hill is Mrs. Cunningham's house, and as you can see there</p> <p>20 is a hill there, and she's looking down, so even if there</p> <p>21 is a fence, she's going to see over it.</p> <p>22 MARTIN L. GROSSMAN: You know, in light of the concerns</p> <p>23 about looking down, you know although the, I went back</p> <p>24 actually, during the break, and took a look at the staff</p> <p>25 report, and umm, they said, they felt with the fence the</p>	184	<p>1 this, I thought I'd shed some more light.</p> <p>2 HARRY STONE: May I stand over there and look over</p> <p>3 their shoulder.</p> <p>4 MARTIN L. GROSSMAN: Sure</p> <p>5 MARK NORTH: Umm, again, this is in the response to the</p> <p>6 original ordinance umm, back when we initially applied, and</p> <p>7 so landscaping was heavily promoted by staff in lieu of</p> <p>8 manmade fixed fences. It was their primary goal was to try</p> <p>9 to screen by way of natural features; landscaping bushes of</p> <p>10 two varieties, trees of two varieties, and low plants. So,</p> <p>11 this took into account that set up to have a variety of</p> <p>12 heights of evergreens, of large shrubs, of medium shrubs,</p> <p>13 and existing umm, elements that were already within the</p> <p>14 screening element. And, umm, again, they rejected that in</p> <p>15 favor of a fence. And, that's all well and fine, the</p> <p>16 compromised solution could involve both.</p> <p>17 MARTIN L. GROSSMAN: Right</p> <p>18 MARK NORTH: but I caution a little bit of that, and</p> <p>19 I'm now learning, too, from the, from the testimony, that</p> <p>20 this may not be their fence. Is that what I heard, that the</p> <p>21 chain link fence may not be...</p> <p>22 HARRY STONE: At the back of the property?</p> <p>23 Patricia Dooley: Yeah, that's my fence.</p> <p>24 MARK NORTH: It's your fence?</p> <p>25 Patricia Dooley: And my fence.</p>

Transcript of Hearing  
Conducted on January 13, 2017

47 (185 to 188)

<p>185</p> <p>1 MARK NORTH: And your fence? So</p> <p>2 MARTIN L. GROSSMAN: But then you wouldn't then, you</p> <p>3 couldn't take it down, but you could put one inside the</p> <p>4 umm, the chain link.</p> <p>5 MARK NORTH: Physically, in order to erect the new</p> <p>6 fence, we would have to have a spacing of at least a couple</p> <p>7 of feet to do so, and then the landscape material, does</p> <p>8 that occur on the exterior of the fence and before their</p> <p>9 fence, or does it happen on the inside of the play yard,</p> <p>10 and therefore take away play yard dimension?</p> <p>11 LEO KANE: It may take away from play yard dimension.</p> <p>12 HARRY STONE: Well let me, let me, it would have to be</p> <p>13 on the inside, but let me ask you a question.</p> <p>14 Would a board on board fence, at eight feet...</p> <p>15 MARK NORTH: Six feet</p> <p>16 HARRY STONE: Six feet, excuse me, six feet of height,</p> <p>17 all you, the shrubs are out. It's just the trees that have</p> <p>18 an effect.</p> <p>19 MARK NORTH: Right. The large shrubs have a planted</p> <p>20 reach a minimum, a planted minimum height at six feet, but</p> <p>21 they can go much larger. The cypresses can go to twenty-</p> <p>22 four feet.</p> <p>23 HARRY STONE: Right.</p> <p>24 LEO KANE: And they would block out noise?</p> <p>25 HARRY STONE: I'm certain we could work up a plan.</p>	<p>187</p> <p>1 on what I would suggest having a plan from Mr. North, with</p> <p>2 the added trees and the fence as an attempted plan, and</p> <p>3 then talk to them about it, if that would be a helpful way</p> <p>4 to change umm, the scenario. And I think as I said it</p> <p>5 would, it would</p> <p>6 HARRY STONE: Well, let me ask Mr. Kane. Do you want us</p> <p>7 to forward the proposed plan, or do you want some input</p> <p>8 before the plan is done? Because I'm sure Your Honor would</p> <p>9 like it as soon as possible.</p> <p>10 MARTIN L. GROSSMAN: Well, I'm fair</p> <p>11 LEO KANE: Mr. Cunningham, Mr. Dooley, and the Dutta's</p> <p>12 are not here. They're in India and I have no way to reach</p> <p>13 them, but</p> <p>14 MARTIN L. GROSSMAN: Mrs. Hays?</p> <p>15 PARASKEVOULA HAYS: As someone who is impacted by the</p> <p>16 sound, I would ask that the plan focus on cypresses that</p> <p>17 aren't a foot and a half tall, but are at least six feet,</p> <p>18 so for those of us who don't plan to check out in the next</p> <p>19 five or six years (laughter) don't have to wait that long</p> <p>20 for the cypresses to be tall enough to impact the sound.</p> <p>21 MARTIN L. GROSSMAN: I agree fully. They should have</p> <p>22 umm, actually, what's the planted height?</p> <p>23 MARK NORTH: By the original ordinance, there were</p> <p>24 planting heights that were specified in that, and actually</p> <p>25 these are shown at eight foot, and at six foot. The</p>
<p>186</p> <p>1 MARTIN L. GROSSMAN: Yeah, I mean, I think that umm,</p> <p>2 that makes sense, because now, you know, looking at the</p> <p>3 concerns expressed at the hearing, having trees added</p> <p>4 there, I'm not saying that they shouldn't have a board on</p> <p>5 board fence, umm, cause that might help also, but I mean,</p> <p>6 I'd be willing to endorse either plan that was, that was</p> <p>7 agreed by the community and the applicant as a helpful way</p> <p>8 to deal with this.</p> <p>9 HARRY STONE: I believe, as I understand it, we would</p> <p>10 be willing to do the foliage inside and the fence, and that</p> <p>11 would get rid of direct sight lines immediately, even</p> <p>12 before the plantings grow higher.</p> <p>13 MARTIN L. GROSSMAN: Right.</p> <p>14 HARRY STONE: and as time goes by and the plantings</p> <p>15 grow higher, it will only provide more screen.</p> <p>16 MARTIN L. GROSSMAN: Right, but I think it's true that</p> <p>17 the, it's the Cyprus that umm, will have more, I see there</p> <p>18 are some existing trees there, so they also would help, but</p> <p>19 umm, I'm not sure about the shrubs. I mean, maybe some</p> <p>20 expense can be saved if it might not be necessary to add</p> <p>21 shrubs that will not exceed the height of a six foot fence,</p> <p>22 and yet the trees would be helpful in providing us the</p> <p>23 appropriate screening. Umm, perhaps what I could ask, Mr.</p> <p>24 Stone, if you would get together with Mr. Kane and any of</p> <p>25 the other neighbors who wish to participate, umm, and input</p>	<p>188</p> <p>1 existing is what it is. The twenty-four medium shrubs are</p> <p>2 at four foot minimum planting height. So I think we could</p> <p>3 MARTIN L. GROSSMAN: What's the planting height of the</p> <p>4 Cyprus?</p> <p>5 MARK NORTH: The Cyprus at eight foot.</p> <p>6 MARTIN L. GROSSMAN: Eight foot plant. So it would</p> <p>7 already be eight feet when planted, so I'd rely more on</p> <p>8 that than the other and I think the board fence would be</p> <p>9 helpful also. That might alleviate some of the noise</p> <p>10 concerns as well.</p> <p>11 MARK NORTH: Just in understanding that the additional</p> <p>12 fence can't, the fence can't take the footprint of the old</p> <p>13 fence. We can't take away something we don't own, and that</p> <p>14 further comes into the play yard area, and then landscaping</p> <p>15 on the interior of the play yard, you know, we can't just</p> <p>16 put a Cyprus up against the fence. We would have to</p> <p>17 maintain about three feet out, for that plant can be</p> <p>18 planted. So, we're talking about somewhere in the variety</p> <p>19 of five feet away from the existing of chain link fence.</p> <p>20 That's a sizeable area on the south, east, and west sides</p> <p>21 of the play yard.</p> <p>22 MARTIN L. GROSSMAN: Well, I think only the, the umm,</p> <p>23 the only one that's, if I understood it, the chain link</p> <p>24 fence umm, is owned on the very back of the backyard, but</p> <p>25 by the Mrs. Cunningham.</p>



Transcript of Hearing  
Conducted on January 13, 2017

48 (189 to 192)

189	1 MADDELYN CUNNINGHAM: Yeah, we own the fence because we 2 researched the whole lot. 3 MARTIN L. GROSSMAN: But what about the, what about the 4 other sides. 5 LEO KANE: Mrs. Dooley has said she owns the one to the 6 right, and I know the Dutta's own the one to the left 7 because they did it at the same time. 8 HARRY STONE: Well, we could have an agreement right 9 now, between neighbors to replace the existing chain link 10 fence with a wooden fence. 11 MARTIN L. GROSSMAN: Well, I don't know about right 12 now, because I think people have to have a chance to 13 consider it. 14 HARRY STONE: Well, yeah. You know, at this period of 15 time, we could umm, we could do that and submit that. 16 MARTIN L. GROSSMAN: I would encourage you to get 17 together, and umm, and have that discussion. I mean, I 18 think based on what I've heard in testimony, the kind of 19 plan I would, if I were to approve the condition of use, 20 the kind of plan I would expect for the backyard would 21 have, at the very least, umm, in this case, enough Cyprus 22 trees to provide that screening. Umm, and the question of 23 whether or not it should be a, umm, board on board fence, 24 whether that actually umm, would be helpful or not, given 25 the other problems with the, situating the new trees, you	191	1 be relevant. And they, they care, they care immensely, and 2 it seems to me, that there's, I mean, why have the process 3 of checking with the neighbors and doing all this, if in 4 fact, umm, I can't picture any scenario in which, umm umm, 5 there would be any umm, more vulnerable neighbors to a 6 twelve person daycare than this. He mentioned, he casually 7 threw out the thought, "Well, if there was a kid next door 8 who was handicapped, maybe he wouldn't approve it." I was 9 like, "What do you mean? Why would that be a problem? If 10 it. I don't know." I can't envision a scenario umm, in if 11 this isn't rejected because of their concerns and their 12 care, why have a hearing at all? I mean, it's like, why not 13 just say it's approved, and there's nothing you can do 14 about it, and let's just go straight to, straight to, 15 here's the conditional use, we're going to grant it, and 16 let's talk about the umm, let's talk about what we're going 17 to do after we grant it. Umm, but, there has to be, this is 18 the perfect scenario where it should be defined. Granted, 19 it will cost her a little bit of money. By my calculations, 20 which as I said in my letter, and if she, 21 HARRY STONE: Judge, (inaudible), the financial impact 22 to my client 23 LEO KANE: she gets \$350 a week, eight kids, \$145,000 24 MARTIN L. GROSSMAN: Ho, ho, hold it, we can't both 25 talk at the same time.
190	1 know, I would leave you to discuss and give you whatever 2 you want to make that decision. You can tell me at the end 3 of the hearing. But, let me, let's finish with Mr. Kane's 4 testimony. 5 HARRY STONE: We're happy to discuss it with the 6 recognition that it's all just hypothetical. It will never 7 come to it, because you're going to approve us. (laughter) 8 MARTIN L. GROSSMAN: Yes. Umm, this is not an 9 indication one way or the other of what I think, but if I 10 do approve it, we would certainly want it set up in a way 11 that would best eliminate the, some of the concerns of the 12 neighbors, or at least reduce the impacts. So, ok. Now, 13 Kane, are you... 14 LEO KANE: I'm almost done, I just wanted to point out 15 that that that, that whole process that, that I described 16 when you go from eight to twelve, is umm, umm, it is, you 17 give the neighbors notice and you talk to them. And, I 18 guess, my question would be, if this isn't a situation, I 19 mean, you know, of all the cases that I looked at in, umm, 20 you know, where umm, umm the Primm case, I looked at five 21 or six to tried to find any case where the neighbors 22 objected. I couldn't find any, where the neighbors 23 objected. Apparently, a lot of these places just don't 24 care. Umm, here, you've got all the surrounding neighbors 25 objecting strenuously. That has to be relevant. It has to	192	1 HARRY STONE: Objection 2 MARTIN L. GROSSMAN: And your objection? 3 HARRY STONE: Relevance of the financial impact on my 4 client of non-approval. 5 MARTIN L. GROSSMAN: Sustained. 6 LEO KANE: It it's not what? 7 MARTIN L. GROSSMAN: It's not relevant whether or not 8 she, non-approval is good or bad for her financially. 9 That's not an issue before me. 10 LEO KANE: Alright, well, one of the issues before you 11 is, that the County encourages daycare centers. I agree, 12 and as I mentioned to Ms. Meteleva last week, I agree. 13 You're great at it. Go run a great daycare center, and I 14 suggested, I got a cousin who works at Democracy Plaza, 15 right around the corner... 16 MARTIN L. GROSSMAN: Once again 17 HARRY STONE: What's the relevance? 18 LEO KANE: it has a huge 19 MARTIN L. GROSSMAN: You can't, I can't consider the 20 fact that there might be alternative places for her to run 21 a daycare. That's not the issue before me. The issue before 22 me is, on the site she has proposed, whether or not she 23 meets the county standards. That's what I can consider, not 24 whether there's an alternative site somewhere that she 25 could build on.

Transcript of Hearing  
Conducted on January 13, 2017

49 (193 to 196)

<p>193</p> <p>1 LEO KANE: We've already established that she meets the 2 County standards. The question is whether not the impact on 3 the neighbors is indeed that. 4 MARTIN L. GROSSMAN: Well, I thought you claimed that 5 she doesn't meet the County standards about undue impacts 6 on the neighborhood. That's a County standard. 7 LEO KANE: I was thinking County standards in terms of 8 size and footage, and all that, but whatever. 9 MARTIN L. GROSSMAN: That's actually a State standard. 10 LEO KANE: Well, my umm. You've heard my point. If they 11 lose, no matter what conditions are imposed, if they lose, 12 they're going to be unhappy. They're going to be upset, 13 they're going to be worried. That's it. 14 MARTIN L. GROSSMAN: Once again, I have to go by what 15 the zoning ordinance says. I can't, I can't balance the 16 level of happiness here. That's not what I should be about. 17 It's not what you'd want me to be about. People in general, 18 in general, have the right to do on their own property what 19 they want to do. The limitations are posed based on the 20 fact that they have impacts on the neighbors, and so there 21 are limitations under law as a result of that, and umm, I'm 22 gonna follow the law on that, not my own concepts of 23 balancing happiness. Ok. Umm, Ms. Hays? 24 PARASKEVOULA HAYS: I just have a question for future 25 information.</p>	<p>195</p> <p>1 had to stop and rest and I looked up and I noticed the 2 sign. I'm not, I'm not speaking at all to that particular 3 sign, but as a person in the neighborhood, obviously we're 4 going to have future development. I was just wondering if 5 there statutes that we could call that number and find out, 6 make sure everything is posted clear enough so that all 7 neighbors, of all ages, would be able to see it and realize 8 something is planned for the future. 9 MARTIN L. GROSSMAN: Yeah, there are requirements as to 10 what has to be on the sign. We actually prepare the sign in 11 our office to make sure it meets the requirements, and the 12 requirements as to how it has to be posted. If the property 13 is on two streets, it may have to be posted in two places, 14 and so on. Alright, do you have any cross examination 15 questions? 16 HARRY STONE: I do not. 17 MARTIN L. GROSSMAN: Ok. Anybody else wish to cross 18 examine Mr. Kane? Seeing no hands, umm, we'll move on from 19 there. I think we have heard all of the testimony. Let's 20 talk for a second about the exhibits. And, is there any 21 objection to any of the exhibits, that's one through forty- 22 three and their subparts? 23 HARRY STONE: So, 38 has already been ruled out by you. 24 MARTIN L. GROSSMAN: Yes, I'm sorry, I should have. 25 Thank you for bringing that out. I have said that umm,</p>
<p>194</p> <p>1 MARTIN L. GROSSMAN: Yes ma'am. 2 PARASKEVOULA HAYS: When the sign is posted, the one 3 that has the phone number where to call and all. 4 MARTIN L. GROSSMAN: Yes. 5 PARASKEVOULA HAYS: Does it have to be within x number 6 of feet from the street so that it's visible? 7 MARTIN L. GROSSMAN: It's supposed to be posted in a 8 visible location. 9 PARASKEVOULA HAYS: Ok, so, if it's at the end of a 10 yard, is there any footage required from statutes? 11 MARTIN L. GROSSMAN: There are specific requirements 12 for posting of signs in the statute. 13 PARASKEVOULA HAYS: Ok. Thank you. 14 MARTIN L. GROSSMAN: And I, I haven't, it wasn't raised 15 as an issue here, so I haven't looked into whether or not, 16 unless they file an affidavit that they filed that they 17 posted it, and in compliance with the statute, but in any 18 event. 19 HARRY STONE: Mr. Kane's picture actually depicts it, 20 on the 21st, and umm, I believe, we have the pictures as 21 well of it being presently on the property. 22 MARTIN L. GROSSMAN: Ms. Hays, did you see the sign, 23 umm? 24 PARASKEVOULA HAYS: Umm, I haven't, never driving. I 25 happened to be walking there one day, and um, my knees, I</p>	<p>196</p> <p>1 Exhibit 38 will not come in. That's the traffic report that 2 was proffered by Counsel, as it was untimely submitted. 3 Other than that, so it's exhibits one through thirty-seven 4 and exhibits thirty-nine through forty-three and their 5 subparts. (coughing) Any objections to any of those? Nope. 6 No. 7 HARRY STONE: None from me. 8 MARTIN L. GROSSMAN: They are admitted. Alright. I will 9 also admit the Exhibits that I expect you to file, which 10 will include a revised plan, landscape and site plan which 11 will show the screening, which as I say should include more 12 of the Cyprus trees, which will be at least eight feet at 13 planting. And, could include fewer of the shrubs that were 14 included if there is a board on board fence. I'm flexible 15 about it, umm, if there's some agreement with the community 16 as to what's the best way to do it. If they were to, umm, 17 if there were to be a conditional use here, that would be 18 ideal obviously. Mr. Kane? 19 LEO KANE: When my, umm, the neighbor next to my father 20 put up a board on board fence, umm, he chose the kind that 21 looks the same from either side, instead of taking the umm, 22 nice side on your side, and making yours look like at the 23 bad side, and chose one that was, it was nice on both 24 sides. Is that something you can impose, say, if you're 25 going to have a board on board fence, make the outside,</p>

Transcript of Hearing  
Conducted on January 13, 2017

50 (197 to 200)

197	<p>1 make your neighbors see the good side?</p> <p>2 MARTIN L. GROSSMAN: Well, yes, I suppose I could,</p> <p>3 but... Mr. North, did you want to say something?</p> <p>4 MARK NORTH: May I speak to that please?</p> <p>5 MARTIN L. GROSSMAN: Please.</p> <p>6 MARK NORTH: The board on fence, inherently is a board</p> <p>7 on one side and a board on the opposite side adjusted, so</p> <p>8 there's no good side and bad side, in that case, on a board</p> <p>9 on board. I understand your point otherwise. A stockade</p> <p>10 fence, you can have a finished side and a kind of an</p> <p>11 unfinished side, and you're mandated to have the finished</p> <p>12 side toward the neighbor.</p> <p>13 MARTIN L. GROSSMAN: Perfect.</p> <p>14 HARRY STONE: To clarify this point. So, absent an</p> <p>15 agreement with the community, do, do you want us to submit</p> <p>16 a plan that has a board on fence? Or multiple plans, one</p> <p>17 with a board on board fence, one with just screening?</p> <p>18 Because it's unsure what you are going to decide.</p> <p>19 MARTIN L. GROSSMAN: Right. Umm, yes. And that creates</p> <p>20 a little bit of a problem, because I do want to give the</p> <p>21 neighbors an opportunity to opine on the record on this,</p> <p>22 the nature of the screening, if there's not an agreement on</p> <p>23 the screening. Umm, I get a pretty good sense from</p> <p>24 listening to the testimony that they'd want the trees and</p> <p>25 probably the board on board fence. Umm, is that do I get a</p>	199	<p>1 provides. I've heard umm, on you know, this is got, it's</p> <p>2 not, it's not an effective sound barrier, a board on board</p> <p>3 fence. So, umm, they do lose, as Mr. North testified,</p> <p>4 they're going to lose two feet in from the umm, from the</p> <p>5 existing fence, then they'd have to go three feet in from</p> <p>6 that from the board on board fence, in order to put the</p> <p>7 trees there, so they're going to lose five feet at least,</p> <p>8 of their yard on all sides. And I don't know what that, if</p> <p>9 that impacts at all the number of square feet of yard that</p> <p>10 you have to have for outdoor play, Ms. Meteleva, perhaps</p> <p>11 you should look into that. I think the best thing to do</p> <p>12 would be this; I'm going to set up some deadlines from</p> <p>13 which, by which these things have to take place, and I</p> <p>14 would say that any consultation about this should be. Can</p> <p>15 say ten days, or two weeks. Let's see, we had a two week</p> <p>16 period suggested for the, the other paper you were going to</p> <p>17 file.</p> <p>18 LEO KANE: Fifteen days.</p> <p>19 HARRY STONE: Fifteen days plus five, is what I</p> <p>20 understood.</p> <p>21 MARTIN L. GROSSMAN: Yes. So, maybe we could also, is</p> <p>22 that enough time for you to try to work this out, and if</p> <p>23 not to provide your own plan so I would maybe give it</p> <p>24 fourteen or fifteen days to try to reach an agreement. If</p> <p>25 it couldn't be reached, then five days after that to, in</p>
198	<p>1 correct sense of umm, Mr. Kane?</p> <p>2 LEO KANE: Yes. I assume that you would want, umm, if,</p> <p>3 if we lose, and they have to put up a fence, would you want</p> <p>4 a fence that is around the outside of their yard.</p> <p>5 MADDELYN CUNNINGHAM: In there yard it would be.</p> <p>6 LEO KANE: In their yard, and also umm, trees on the</p> <p>7 other side which would grow above the fence that would umm,</p> <p>8 prevent you seeing over, eventually prevent you from seeing</p> <p>9 over.</p> <p>10 MADDELYN CUNNINGHAM: I'm not so sure about the trees,</p> <p>11 because everything grows so fast, so they can be a</p> <p>12 maintenance problem with the fence.</p> <p>13 LEO KANE: For you or for them?</p> <p>14 MADDELYN CUNNINGHAM: It shouldn't be for me.</p> <p>15 LEO KANE: No.</p> <p>16 MARTIN L. GROSSMAN: Alright. Well</p> <p>17 LEO KANE: So, their, their maintenance. Do you want a</p> <p>18 larger, do you want trees on the inside? I would think</p> <p>19 logically, yes.</p> <p>20 WILLIAM KANE: Trees and a fence?</p> <p>21 LEO KANE: Yeah, trees and a fence, it's going to give</p> <p>22 you more screening, umm, and it's going to give you more</p> <p>23 sound protection.</p> <p>24 MARTIN L. GROSSMAN: Yeah, I'm, I'm not sure, by the</p> <p>25 way, how much sound protection a board on board fence</p>	200	<p>1 which to file the plan, and my, and I'd say the plan you'd</p> <p>2 have to file would be the board on board fence, plus</p> <p>3 additional trees. That would be the plan you'd have to file</p> <p>4 if you can't reach an agreement. And then, I'll give the</p> <p>5 neighbors time after that in which to file any response to</p> <p>6 that plan. Umm, okay. So let's talk about dates on the</p> <p>7 calendar here. We also have to give you an opportunity to</p> <p>8 make closing arguments, if you wish to. Alright. So, 2017,</p> <p>9 this is the 13th. Two weeks from that would be the 27th, so</p> <p>10 let's say January 27th, 17 would be deadline for plan</p> <p>11 revision negotiation. It's also the deadline for both</p> <p>12 sides.</p> <p>13 HARRY STONE: I'll bring something up. I'm going to be</p> <p>14 out of town on the 26th and the 27th, so one way to work it</p> <p>15 would be to make it, I guess, the 30th so that we would</p> <p>16 have a last final day, so that we could actually talk.</p> <p>17 MARTIN L. GROSSMAN: Or, I guess we could do it the</p> <p>18 umm, the 25th. What do you prefer?</p> <p>19 HARRY STONE: In terms of negotiation, I'm not sure how</p> <p>20 much progress or not we'll make and whether an extra day on</p> <p>21 the 30th will help, so I leave it up to Your Honor.</p> <p>22 MARTIN L. GROSSMAN: Alright. I'm going to move it</p> <p>23 forward then, and we'll say instead, we'll say the 25th.</p> <p>24 Alright, so January 25th will be the deadline for plan</p> <p>25 revision negotiations, and it's also the deadline for the</p>


Transcript of Hearing  
Conducted on January 13, 2017

51 (201 to 204)

<p>201</p> <p>1 legal memo if you wish to file one on elderly neighbors as 2 an unusual site condition.</p> <p>3 HARRY STONE: So in light of what I said about being 4 away, and the 25th for a memo, how about for a response not 5 just five days but seven days to follow up.</p> <p>6 MARTIN L. GROSSMAN: I'm going to do that. And then, 7 we'll say the, February 3, will be the filing of revised 8 site plan and landscape plans. Any of the plans that you 9 submitted that have just a chain link fence or have just, 10 or have other landscaping changed, they should be changed, 11 but the only issue that should be changed, since we haven't 12 gone into any other changes, in those plans, umm, at this 13 hearing, is the question of the board on board fence and 14 landscape, and that's the only changes that should be made 15 in those plans. Alright. And also, on February 3, would be 16 the deadline for responses to the legal memo, memos, on the 17 site condition issue. And, and since February 3 will be the 18 filing of the site plan, we want to give the neighbors the 19 opportunity to file a response regarding that within ten 20 days, which would February 13. Any response from the 21 neighbors regarding revised plans and then, I'll give you 22 until, do you want time to respond to that or just close 23 the record then, Mr. Stone?</p> <p>24 HARRY STONE: We'll have taken a position with our 25 plan. Umm, I think at that point about the only thing that</p>	<p>203</p> <p>1 during this hearing that those folks who have come and 2 spoken are really against the daycare center as it is now. 3 But, as you are well aware, the issue is the change, 4 because what's being done now with the daycare center is 5 completely allowable, and there's nothing really that can 6 be done, unless other statutes or laws are broken in some 7 way. And I would submit that the evidence has not shown 8 that there's going to be a significant change, that there's 9 going to be undue harm to the neighborhood as a result of 10 this change. As we've outlined, there's going to be four 11 more children. There will be an additional impact with 12 traffic, because of the additional drop offs and pick- ups. 13 There will be four more children outside. Umm, we are 14 amenable to having them all outside at one time, or two 15 split them up into two groups as suggested by the planning 16 board. But, at any rate, there will be four more children 17 outside. I don't believe that it will be fifty percent more 18 noise, as some umm, have mentioned. I think it's going to 19 be a diminutive impact, really. It will be different. It 20 will be slightly more, but not a significant, not an undue 21 harm, and also, of course, as the regulations provide, this 22 is an inherent issue that's already in existence, the 23 noise. Umm, there's going to be no real difference in 24 parking, in terms of the all-day parking' umm, perhaps one 25 more car, but that is, again, a diminutive addition to it.</p>
<p>202</p> <p>1 we would do is maybe tell you that we were in agreement 2 with some of the changes that they wanted to make. So, 3 yeah, how about five days after?</p> <p>4 MARTIN L. GROSSMAN: Ok. So, that would be, five days 5 would be on the 18th, which would be a Saturday, so how 6 about the 17th? Is that good enough for you, Friday? Or you 7 want the following Monday?</p> <p>8 HARRY STONE: That should be fine.</p> <p>9 MARTIN L. GROSSMAN: Which?</p> <p>10 MARTIN L. GROSSMAN: Umm. Friday, the 17th should be 11 fine.</p> <p>12 MARTIN L. GROSSMAN: Alright, February 17, any applicant 13 response to neighbor's comment on revised plans. And the 14 record will close at the close of business on February 17, 15 17. Okay, so everybody understands and agrees to those 16 dates.</p> <p>17 HARRY STONE: I do.</p> <p>18 LEO KANE: Yes, on behalf of the elderly.</p> <p>19 MARTIN L. GROSSMAN: Alright, good. And once again, I 20 will admit into evidence the Exhibits that are generated by 21 these umm, additional filing dates. Okay. Do you wish to 22 make a closing argument, Mr. Stone?</p> <p>23 HARRY STONE: I do.</p> <p>24 MARTIN L. GROSSMAN: Alright, make your statement.</p> <p>25 HARRY STONE: Thank you, Your Honor. So, it's come out</p>	<p>204</p> <p>1 And, other than that, the children are inside, and it's 2 making no difference to the neighborhood. Umm, I don't 3 believe, as it was outlined by Mr. North in his memorandum 4 here, the master plan is promoting daycare. This is an 5 existing daycare, which already has an impact. And it's 6 going to expand by half as many children, but the effect is 7 not going to be half as much again, and even if it was, 8 it's not going to cause undue harm, as I said. Ms., the 9 applicant is willing to work with all the conditions that 10 have been suggested by the planning board. Those suggested, 11 or at least mentioned by the opposition, and she's 12 responsible. She's keeping, you saw the pictures of the 13 backyard. It's in good order. It's a place where children 14 play. There's no trash left out there. It's being, the 15 house is being maintained. I heard nothing about problems 16 with the rest of the house, or that they're poorly 17 maintaining the house. She's a responsible business person 18 and resident, and owner in the neighborhood who is 19 conducting herself appropriately. Umm, but the nature of 20 her business has some inherent umm, issues that come up, 21 but those issues are not enough to deny her application. 22 And so, we would ask you to approve it, with the conditions 23 that you feel are appropriate, but we believe, that, as Mr. 24 Kane sort of indicated, that except for his claim that it's 25 going to cause undue harm, everything else is in</p>

Transcript of Hearing  
Conducted on January 13, 2017

52 (205 to 208)

<p>205</p> <p>1 compliance. And so, we look forward to approval, and to 2 complying with all the conditions. Thank you. 3 MARTIN L. GROSSMAN: Mr. Kane, do you want to make a 4 closing statement in addition to what you've already 5 testified? 6 LEO KANE: Umm, I will say that other than the impact 7 on the neighbors, I will concede that everything else is in 8 compliance, but that is a massive difference than, because 9 it impacts the neighbors tremendously, and they care a lot. 10 Umm, for him to suggest that the change from eight to 11 twelve is dimininus, he is, not factual, because obviously 12 the county believes it matters to go from eight to twelve, 13 or they wouldn't have set up all these rules and 14 regulations. We know that. I've already explained it. Umm, 15 and they absolutely do not want it, and I can't picture any 16 scenario in which umm, zoning request would be declined if 17 this one isn't. So, if this proceeding is umm, umm, if not 18 declined here then it will never be declined, and we should 19 change the process and tell people that, don't bother 20 coming in. Anyway, umm, that's my closing argument. Thank 21 you very much. I appreciate your time and attention. 22 MARTIN L. GROSSMAN: Certainly, well, it's always 23 helpful when, just in response to that, it's always helpful 24 when people come in here. I think it's been helpful today. 25 Sometimes even when an application is granted there can be</p>	<p>207</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Susan E. Wilson, do hereby certify that the 3 foregoing transcript is a true and correct record of the 4 recorded proceedings; that said proceedings were 5 transcribed to the best of my ability from the audio 6 recording as provided; and that I am neither counsel for, 7 related to, nor employed by and of the parties to this case 8 and have no interest, financial or otherwise, in its 9 outcome. 10 11 12  13 _____ 14 SUSAN E. WILSON 15 16 17 18 19 20 21 22 23 24</p>
<p>206</p> <p>1 significant changes made to the plans which will 2 significantly ameliorate any impact on neighbors. And I 3 think some of those may have been suggested today, such as 4 the addition of the trees and so on. So, I think it's 5 important. This process always works best when the citizens 6 around come in, and participate, and I think it also gives 7 the applicant an opportunity to see the felt concerns of 8 the community, whether or not this is granted, so that some 9 motis vivinde can be worked out in the neighborhood, so 10 it's always a useful process. Anyway, I thank you all. I 11 think it's Friday today, so I wish you all a good weekend, 12 and, and we are adjourned. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

A			
a) (1 98:11 a) (i 26:8 a) - (g 91:10 a-d 60:8, 60:11 a-e 100:16 a-f 120:1 abide 95:12 abilities 65:23 ability 16:19, 207:5 able 34:20, 34:25, 71:10, 89:20, 90:14, 133:5, 178:22, 181:20, 195:7 abnormal 159:3 above 114:4, 128:16, 181:19, 198:7 absence 38:13 absent 197:14 absolutely 72:3, 85:20, 88:7, 125:17, 152:8, 166:13, 205:15 abundance 73:1 abutting 36:4, 177:22, 177:23 accept 10:6, 10:8, 12:5, 25:8,	25:22, 50:22, 95:14, 131:18 acceptable 87:5, 137:17, 139:25 accepted 156:7 access 10:4 accomplish 34:25 according 5:22, 31:8, 141:21, 158:17 accordingly 69:25 account 161:17, 177:3, 184:11 accurate 90:4, 106:14, 109:15, 109:16, 122:14 accurately 106:18, 106:22, 107:5, 107:8, 108:10, 110:8, 110:12, 110:15 acted 50:1, 170:12 active 53:4 activities 82:15 activity 56:22, 101:25, 145:22, 146:2, 152:15, 164:6 actual 36:12, 89:6, 89:7, 118:6, 154:11, 174:1 actually 11:20, 28:13, 39:21, 53:22, 54:20, 56:4, 64:4, 89:22, 128:22, 134:9,	134:10, 140:24, 154:11, 158:19, 180:25, 182:24, 187:22, 187:24, 189:24, 193:9, 194:19, 195:10, 200:16 adamantly 60:25 add 39:22, 63:5, 72:24, 83:5, 166:15, 166:18, 186:20 added 25:17, 32:7, 34:19, 186:3, 187:2 adding 33:10, 54:21, 82:8, 144:3, 144:12, 170:9 addition 7:21, 59:18, 62:24, 83:21, 183:3, 203:25, 205:4, 206:4 additional 14:16, 18:20, 19:14, 20:6, 20:14, 21:2, 21:11, 23:1, 23:2, 25:14, 28:19, 33:4, 33:6, 33:12, 52:9, 54:14, 54:21, 55:7, 57:22, 58:24, 59:2, 63:18, 65:21, 66:5, 66:14, 67:19, 68:8, 85:12, 88:10, 136:16, 144:4, 165:24, 183:6, 188:11, 200:3, 202:21, 203:11, 203:12 additions 46:2, 54:16	address 5:12, 8:19, 9:5, 9:12, 9:20, 12:18, 17:23, 20:1, 20:5, 23:1, 26:5, 26:16, 36:2, 39:24, 42:2, 67:1, 78:3, 138:15, 144:21, 147:2, 147:4, 151:9, 153:14, 153:16, 159:15, 171:14 addressed 33:25, 37:12, 37:18, 139:8 addresses 9:9 addressing 72:24, 118:20 adds 76:23 adequate 23:9, 70:4, 70:12, 158:22, 183:1 adhered 143:13 adherence 143:15 adjacent 56:16, 176:20 adjourned 206:12 adjusted 197:7 administrative 1:1, 145:9, 156:9, 159:22 admission 23:14, 94:10, 94:24, 95:19 admit 41:13, 91:16, 93:15, 95:16, 196:9, 202:20 admitted 24:7, 91:4,

<p>196:8 <b>adopted</b> 150:20 <b>adult</b> 47:2, 72:11, 135:16, 135:18, 136:14, 139:15, 141:24 <b>adults</b> 72:15, 72:18, 83:12, 135:10 <b>advance</b> 17:20, 23:13 <b>advantageous</b> 39:23 <b>advantages</b> 144:10 <b>adverse</b> 10:25, 11:4, 11:6, 11:7, 11:8, 36:1, 40:19, 40:21, 160:13, 170:16, 170:22, 172:1, 172:6, 172:16, 172:18, 172:23, 172:24 <b>adversely</b> 35:22 <b>advised</b> 56:15 <b>affairs</b> 140:24 <b>affect</b> 35:22, 38:24, 152:16, 179:5, 179:13, 179:14 <b>affected</b> 158:25 <b>affects</b> 34:16, 40:7, 159:17 <b>affidavit</b> 11:16, 78:14, 155:17, 194:16 <b>affirm</b> 35:11, 42:8, 78:18, 138:19,</p>	<p>144:25, 147:8, 151:12 <b>afraid</b> 177:24 <b>after</b> 10:5, 27:25, 28:4, 61:14, 63:4, 74:11, 74:12, 84:18, 95:19, 111:9, 111:15, 120:10, 125:6, 128:21, 128:22, 129:6, 129:15, 129:20, 129:25, 131:10, 133:2, 134:4, 134:7, 142:4, 157:8, 157:9, 162:22, 174:1, 191:17, 199:25, 200:5, 202:3 <b>aftercare</b> 130:10, 130:14 <b>afternoon</b> 33:13, 33:21, 55:9, 57:13, 57:14, 57:15, 81:17, 86:6, 86:14, 87:4, 162:2 <b>afterwards</b> 89:23 <b>again</b> 4:24, 14:25, 27:2, 49:25, 53:13, 63:21, 69:13, 73:7, 74:8, 74:12, 91:9, 95:18, 118:11, 119:25, 135:22, 138:15, 139:9, 141:6, 141:13, 144:2, 144:20, 147:1, 147:17, 150:22, 151:4, 156:11, 167:21, 168:4, 171:20, 172:12,</p>	<p>175:22, 180:4, 180:10, 181:18, 181:24, 184:5, 184:14, 192:16, 193:14, 202:19, 203:25, 204:7 <b>against</b> 5:3, 7:3, 18:6, 28:18, 29:6, 55:17, 138:8, 148:5, 161:4, 164:5, 188:16, 203:2 <b>age</b> 6:17, 25:1, 25:6, 25:7, 27:17, 28:1, 28:16, 28:20, 29:7, 30:10, 30:18, 30:22, 31:4, 31:7, 36:15, 37:7, 37:13, 37:17, 37:19, 38:5, 38:11, 38:18, 38:21, 38:22, 39:3, 40:5, 40:6, 40:18, 40:21, 81:6, 127:22, 127:25, 128:4, 128:24, 129:8, 130:6, 130:20, 131:3, 145:6, 160:5, 160:19, 169:7, 172:2, 177:8 <b>ageless</b> 39:1 <b>ages</b> 56:21, 81:3, 125:9, 139:19, 195:7 <b>age"</b> 28:8 <b>aging</b> 160:23 <b>ago</b> 145:9, 145:13</p>	<p><b>agree</b> 22:7, 25:21, 50:5, 50:19, 57:16, 67:16, 88:10, 95:12, 167:9, 168:12, 169:5, 187:21, 192:11, 192:12 <b>agreeable</b> 34:11, 156:25, 173:21, 173:23 <b>agreed</b> 28:5, 186:7 <b>agreement</b> 70:17, 85:18, 189:8, 196:15, 197:15, 197:22, 199:24, 200:4, 202:1 <b>agreements</b> 21:21, 22:3, 24:9, 34:18, 95:6, 95:7 <b>agrees</b> 202:15 <b>ahead</b> 12:6, 30:2, 80:8, 88:15 <b>ahh</b> 109:11, 174:23 <b>aia</b> 15:10 <b>aid</b> 183:7 <b>aide</b> 11:25 <b>air</b> 141:11 <b>alert</b> 133:5, 134:14 <b>alike</b> 46:2 <b>all-day</b> 203:24 <b>alleviate</b> 188:9 <b>allow</b> 23:21, 24:25,</p>
---	---	--	--

<p>28:3, 64:14, 64:15, 67:21, 118:12, 129:4, 149:16, 156:11, 167:22, 170:8, 170:13 <b>allowable</b> 163:10, 176:16, 203:5 <b>allowed</b> 31:5, 69:21, 111:18, 121:21, 124:12, 140:1, 154:14, 169:24, 175:23 <b>allows</b> 10:20, 130:11, 149:5 <b>almost</b> 9:17, 109:6, 125:21, 158:9, 165:18, 190:14 <b>alone</b> 11:7, 145:13, 146:6, 172:17 <b>along</b> 24:1, 60:14, 123:18, 124:16, 164:3, 181:9 <b>already</b> 15:20, 15:22, 61:5, 91:3, 119:23, 153:24, 153:25, 154:2, 157:12, 157:14, 168:21, 176:4, 180:24, 184:13, 188:7, 193:1, 195:23, 203:22, 204:5, 205:4, 205:14 <b>also</b> 8:11, 10:14, 10:24, 12:20, 15:9, 19:10, 26:5, 26:16, 33:23, 34:14, 39:23, 42:23,</p>	<p>43:23, 50:10, 52:24, 53:15, 58:5, 60:13, 62:6, 67:17, 71:4, 72:17, 80:17, 85:2, 87:4, 88:14, 99:13, 99:17, 100:6, 100:13, 102:3, 102:4, 104:12, 106:1, 106:7, 106:18, 107:14, 107:22, 127:16, 143:1, 154:9, 157:22, 163:12, 166:25, 167:23, 174:5, 175:7, 179:25, 186:5, 186:18, 188:9, 196:9, 198:6, 199:21, 200:7, 200:11, 200:25, 201:15, 203:21, 206:6 <b>alter</b> 35:20, 35:23 <b>alternative</b> 26:16, 26:17, 33:24, 58:17, 58:19, 192:20, 192:24 <b>alternatives</b> 58:20, 162:21 <b>although</b> 117:5, 182:23 <b>altogether</b> 118:16 <b>always</b> 18:15, 72:18, 87:21, 131:14, 135:17, 138:2, 157:9, 157:23, 205:22, 205:23, 206:5, 206:10 <b>amber</b> 40:19, 45:9, 55:24 <b>ameliorate</b> 39:9, 206:2</p>	<p><b>amenable</b> 203:14 <b>amended</b> 12:4, 14:15, 15:4, 24:23, 58:23, 59:10, 63:17, 170:8, 170:11 <b>amendment</b> 24:24, 170:8 <b>amount</b> 54:6, 54:10, 58:4, 58:5, 58:12, 96:20, 111:18, 112:15, 112:18, 112:22, 118:12, 124:13, 147:14, 164:18 <b>amounts</b> 37:11 <b>ample</b> 54:17, 158:21 <b>amplification</b> 39:14, 143:6 <b>amplified</b> 25:16, 140:12 <b>analysis</b> 20:14, 20:17, 23:18, 23:19, 23:20, 54:1, 54:2, 54:12, 55:5, 55:16, 59:3, 66:11, 153:25, 179:16 <b>analyze</b> 132:8 <b>anderson</b> 27:11 <b>angle</b> 92:14, 103:16, 106:2, 165:1 <b>annoyance</b> 143:1 <b>another</b> 58:2, 66:5, 71:2, 71:4, 77:5, 77:6, 82:17, 84:24,</p>	<p>89:12, 92:13, 97:4, 106:2, 106:8, 128:10, 141:24, 167:12, 175:10, 181:19 <b>answer</b> 55:15, 111:23, 112:25, 113:19, 115:23, 136:18, 136:20, 137:3 <b>answered</b> 126:15 <b>answers</b> 127:5 <b>anticipating</b> 19:1, 19:18, 20:20 <b>anxiety</b> 168:11, 169:18, 174:5 <b>anxious</b> 37:3, 40:12, 41:7 <b>anybody</b> 5:2, 5:24, 9:13, 18:16, 31:16, 67:18, 77:15, 94:25, 135:5, 144:16, 146:20, 151:5, 153:7, 195:17 <b>anymore</b> 81:5 <b>anyone</b> 61:25, 81:14, 133:22, 181:13 <b>anyplace</b> 148:8, 167:9 <b>anything</b> 40:3, 51:15, 60:10, 72:5, 89:10, 114:24, 116:15, 122:24, 128:16, 137:12, 139:7, 140:12, 169:8 <b>anyway</b> 161:24, 165:3,</p>
--	--	---	---



205:20, 206:10 <b>anywhere</b> 113:19, 167:19 <b>apologize</b> 68:17 <b>apparent</b> 31:6 <b>apparently</b> 27:20, 142:14, 155:3, 165:22, 190:23 <b>appeal</b> 173:12 <b>appeals</b> 12:1, 46:1, 61:15, 173:9, 173:10, 173:13 <b>appear</b> 17:24, 139:4, 157:20 <b>appearance</b> 12:16, 13:3, 16:8, 16:10, 18:2, 59:19 <b>appeared</b> 53:3, 118:25 <b>appearing</b> 6:16 <b>appears</b> 62:2, 65:10, 65:13, 154:1 <b>applicant</b> 4:25, 5:4, 7:10, 13:4, 13:20, 19:6, 21:21, 27:25, 28:4, 50:24, 52:1, 78:16, 116:13, 134:21, 186:7, 202:12, 204:9, 206:7 <b>applicants</b> 162:12 <b>applicant's</b> 7:13, 7:21, 55:6, 181:2, 181:3, 181:9, 181:11	<b>application</b> 4:14, 7:4, 7:23, 7:24, 10:11, 14:12, 14:15, 14:18, 14:20, 14:22, 15:12, 15:21, 17:14, 17:15, 35:18, 39:10, 39:11, 40:2, 47:21, 49:2, 49:5, 49:12, 50:25, 51:1, 51:8, 51:18, 51:21, 52:15, 53:19, 55:23, 65:8, 66:17, 85:12, 99:13, 100:8, 101:4, 153:25, 156:6, 167:2, 173:16, 176:20, 204:21, 205:25 <b>applied</b> 184:6 <b>apply</b> 10:15 <b>appoint</b> 67:23 <b>appreciate</b> 144:17, 146:18, 151:4, 153:7, 205:21 <b>approa</b> 164:10 <b>approach</b> 74:17, 74:25 <b>approached</b> 56:14 <b>approaching</b> 42:19 <b>appropriate</b> 10:8, 26:7, 34:13, 149:15, 150:23, 151:22, 163:9, 167:24, 183:4, 186:23, 204:23	<b>appropriately</b> 204:19 <b>approvable</b> 159:12 <b>approval</b> 27:16, 28:2, 52:6, 63:9, 63:10, 85:22, 127:17, 128:16, 146:4, 154:3, 159:10, 176:22, 205:1 <b>approve</b> 35:18, 59:15, 59:16, 63:8, 128:24, 159:14, 168:18, 189:19, 190:7, 190:10, 191:8, 204:22 <b>approved</b> 41:2, 83:15, 83:17, 83:20, 87:1, 108:2, 110:1, 113:24, 131:2, 136:23, 137:18, 141:20, 149:13, 157:14, 157:17, 158:12, 158:13, 170:12, 191:13 <b>approves</b> 108:6, 108:24 <b>approximately</b> 15:14, 60:14, 80:14 <b>architect</b> 15:11, 16:1, 42:15, 43:21, 45:18, 45:19, 47:13, 47:14, 47:18, 47:20, 48:19, 66:23 <b>architectural</b> 42:20, 48:17 <b>architecture</b> 42:18, 43:13, 43:14, 44:10, 44:12, 45:4,	45:22, 46:5, 47:9, 50:16, 50:23, 64:21 <b>area</b> 35:22, 35:23, 37:24, 40:15, 46:15, 53:12, 54:3, 55:19, 56:10, 57:5, 73:17, 77:13, 101:21, 106:21, 107:19, 108:3, 118:5, 122:2, 148:19, 188:14, 188:20 <b>areas</b> 11:9, 53:2, 53:8, 54:17, 107:16, 107:23 <b>aren't</b> 187:17 <b>argue</b> 23:7, 160:16, 173:6 <b>arguing</b> 34:6 <b>argument</b> 17:6, 41:20, 61:14, 77:25, 150:9, 160:5, 160:11, 160:14, 170:18, 170:19, 171:23, 202:22, 205:20 <b>arguments</b> 3:12, 200:8 <b>aright</b> 24:2 <b>arises</b> 123:2 <b>arising</b> 146:2 <b>around</b> 20:5, 38:10, 50:4, 61:21, 68:19, 73:15, 73:16, 75:2, 75:6, 75:16,
--	---	---	---

99:1, 121:14, 129:1, 142:3, 160:11, 169:10, 182:13, 182:14, 192:15, 198:4, 206:6 <b>arrange</b> 71:2 <b>arranged</b> 80:4 <b>arrival</b> 39:17 <b>arriving</b> 13:5, 80:21 <b>articulate</b> 150:3, 150:14 <b>ashburton</b> 4:18, 73:14, 75:20, 76:1, 76:11 <b>aside</b> 167:6 <b>asked</b> 6:12, 19:11, 27:20, 45:18, 57:7, 79:25, 115:7, 126:15, 127:3, 128:23, 139:1, 156:22, 157:5 <b>asking</b> 57:24, 60:17, 67:14, 79:11, 98:8, 126:24, 128:19, 128:22, 164:6, 174:15, 174:19 <b>asks</b> 122:19 <b>asleep</b> 162:3 <b>aspect</b> 160:4 <b>aspects</b> 169:3 <b>asserted</b> 118:1 <b>assertion</b> 38:17	<b>assessed</b> 38:25 <b>assist</b> 6:19, 6:20 <b>assistance</b> 16:13, 52:5 <b>assisted</b> 15:12, 43:25 <b>assume</b> 12:10, 198:2 <b>assuming</b> 77:20, 159:10 <b>attached</b> 26:14, 99:13, 99:15, 101:1, 102:12 <b>attachment</b> 99:15, 100:1 <b>attachments</b> 14:21 <b>attempt</b> 143:24 <b>attempted</b> 187:2 <b>attempting</b> 20:17 <b>attendant</b> 34:2 <b>attention</b> 124:14, 205:21 <b>attenuation</b> 143:8 <b>attitude</b> 161:20 <b>attorney</b> 2:4, 4:25, 5:22, 6:1, 6:7, 13:11, 14:2, 16:9, 16:11, 16:13, 16:18, 16:25, 17:1, 17:5, 17:25, 138:25 <b>attorney's</b> 138:25 <b>audience</b> 7:5, 7:9 <b>audio</b> 207:5	<b>authenticate</b> 119:22 <b>authenticating</b> 120:7 <b>author</b> 15:22 <b>authored</b> 15:22, 20:4, 20:18 <b>authorities</b> 116:23, 116:25 <b>authority</b> 17:4, 30:5, 45:17, 72:25, 170:14, 171:10, 172:2, 173:4 <b>availability</b> 65:2 <b>available</b> 6:18, 12:2, 17:19, 18:13, 18:15, 77:13, 122:4 <b>average</b> 46:14 <b>avoidance</b> 25:15 <b>avowed</b> 150:17 <b>aware</b> 12:23, 16:8, 18:4, 66:18, 87:13, 93:10, 96:25, 97:10, 112:1, 112:4, 203:3 <b>away</b> 93:8, 97:21, 98:17, 112:5, 123:1, 123:4, 123:8, 123:11, 125:4, 128:4, 145:16, 152:15, 185:10, 185:11, 188:13, 188:19, 201:4 <b>axle</b> 93:7	<b>B</b> <b>b</b> 90:20, 92:1 <b>b(1</b> 92:20, 92:21 <b>b(2</b> 95:25 <b>b4</b> 98:5, 98:8, 98:13 <b>babies</b> 126:9 <b>back</b> 7:25, 25:12, 33:1, 61:21, 62:20, 65:17, 66:13, 68:13, 71:13, 74:22, 75:24, 76:9, 76:14, 77:1, 78:9, 84:9, 85:16, 85:18, 89:15, 89:17, 90:4, 90:23, 91:11, 91:20, 92:6, 92:13, 92:18, 92:19, 93:13, 95:4, 101:15, 101:25, 102:4, 105:4, 105:6, 105:16, 106:1, 106:3, 106:7, 115:6, 122:10, 122:15, 124:12, 129:10, 130:1, 130:4, 132:21, 134:17, 134:19, 134:22, 134:23, 147:5, 147:6, 158:19, 165:17, 165:20, 181:19, 181:21, 182:23, 184:6, 184:22, 188:24 <b>background</b> 14:1, 16:16, 16:17, 42:17,
---	---	---	---

42:18, 47:6, 47:9, 48:11 <b>backing</b> 74:2, 165:3 <b>backyard</b> 102:5, 123:14, 143:5, 143:6, 148:12, 148:14, 148:18, 178:18, 179:5, 181:12, 181:17, 182:5, 188:24, 189:20, 204:13 <b>bad</b> 58:7, 127:11, 147:24, 152:9, 192:8, 196:23, 197:8 <b>balance</b> 193:15 <b>balancing</b> 138:8, 193:23 <b>bare</b> 16:1 <b>barrier</b> 199:2 <b>base</b> 163:7, 179:3 <b>based</b> 5:19, 6:13, 11:4, 17:6, 39:3, 52:3, 59:2, 59:24, 163:20, 165:16, 178:10, 189:18, 193:19 <b>basic</b> 66:18 <b>basically</b> 22:5, 22:16, 129:2 <b>basis</b> 39:2, 114:11, 116:15, 157:6, 165:14, 166:7 <b>basket</b> 105:21, 105:22 <b>basketball</b> 105:18	<b>bear</b> 132:7 <b>beat</b> 179:20 <b>became</b> 118:7 <b>because</b> 12:6, 13:17, 15:2, 18:12, 18:25, 20:19, 21:25, 23:6, 28:18, 29:6, 35:7, 36:24, 37:6, 37:7, 39:10, 39:19, 39:24, 40:1, 40:8, 40:18, 41:10, 44:19, 50:11, 51:4, 52:21, 54:16, 55:19, 56:19, 57:21, 59:15, 61:21, 64:11, 65:5, 65:20, 67:13, 72:12, 73:1, 73:8, 73:10, 76:14, 81:5, 84:6, 90:15, 90:23, 93:12, 99:24, 105:8, 111:17, 113:21, 114:2, 114:19, 118:14, 119:9, 127:18, 128:1, 129:9, 130:21, 131:14, 137:15, 139:3, 141:17, 142:7, 142:9, 145:11, 147:15, 148:6, 150:10, 152:6, 154:19, 160:20, 161:14, 161:18, 162:1, 164:5, 164:25, 165:1, 166:3, 168:7, 169:6, 169:7, 171:9, 171:12,	171:20, 176:2, 177:17, 186:2, 187:8, 189:1, 189:7, 189:12, 190:7, 191:11, 197:18, 197:20, 198:11, 203:4, 203:12, 205:8, 205:11 <b>become</b> 139:15 <b>becomes</b> 149:7 <b>been</b> 6:3, 7:18, 10:17, 11:17, 11:21, 17:18, 19:5, 23:12, 24:4, 24:11, 28:13, 29:17, 31:19, 34:24, 39:6, 42:19, 43:19, 45:20, 46:25, 47:23, 49:13, 53:2, 54:24, 56:5, 58:22, 61:5, 86:20, 87:11, 91:3, 92:25, 96:16, 115:20, 118:15, 136:23, 139:3, 139:5, 139:13, 142:1, 145:11, 145:13, 145:16, 154:22, 157:4, 157:11, 157:14, 157:17, 160:20, 164:12, 164:14, 170:10, 170:20, 177:12, 195:23, 204:10, 205:24, 206:3 <b>before</b> 1:9, 6:4, 12:17, 13:4, 13:6, 13:15, 14:14, 17:16, 18:2, 21:25,	39:6, 39:7, 45:25, 46:1, 47:25, 49:6, 52:3, 57:16, 59:15, 61:15, 62:9, 78:8, 91:9, 99:11, 111:2, 111:14, 117:15, 123:7, 134:11, 147:13, 154:23, 156:7, 156:16, 156:20, 157:11, 157:13, 163:8, 163:23, 185:8, 186:12, 187:8, 192:9, 192:10, 192:21 <b>beforehand</b> 111:7 <b>began</b> 44:6 <b>begin</b> 99:14 <b>beginning</b> 17:12, 18:10 <b>behalf</b> 2:3, 202:18 <b>behind</b> 139:17, 139:19 <b>behoove</b> 70:5 <b>being</b> 13:18, 14:2, 14:11, 16:20, 20:7, 30:12, 33:16, 45:21, 54:13, 59:25, 83:12, 86:2, 86:3, 91:6, 101:12, 113:25, 116:23, 121:5, 125:13, 130:6, 139:25, 142:8, 149:4, 149:23, 158:25, 172:3, 180:15, 194:21, 201:3, 203:4, 204:14, 204:15
--	---	---	--

<p><b>belhaven</b> 4:17, 8:4, 8:13, 37:1, 68:11, 68:21, 69:13, 73:10, 73:13, 74:15, 74:21, 75:11, 75:17, 100:18, 102:19, 103:20, 103:21, 104:20, 121:3, 121:6, 144:23, 164:24, 181:9, 182:11, 182:13 <b>believe</b> 14:13, 15:23, 23:17, 35:7, 38:1, 38:10, 38:20, 38:22, 38:25, 48:12, 50:3, 51:15, 52:11, 52:13, 57:20, 59:1, 60:17, 78:6, 85:8, 88:6, 90:9, 98:22, 99:4, 122:14, 123:19, 130:15, 136:11, 153:11, 165:23, 167:1, 171:4, 180:21, 186:9, 194:20, 203:17, 204:3, 204:23 <b>believes</b> 205:12 <b>bell</b> 79:1 <b>below</b> 158:15 <b>bend</b> 182:14 <b>beneficial</b> 143:9, 143:11, 143:13 <b>benefit</b> 143:3, 144:7 <b>best</b> 34:14, 58:13,</p>	<p>190:11, 196:16, 199:11, 206:5, 207:5 <b>bethesda</b> 4:17, 5:14, 100:18, 138:17, 153:20 <b>better</b> 66:25, 73:16, 79:19, 163:5 <b>between</b> 50:20, 111:11, 121:21, 122:3, 138:2, 142:5, 145:17, 147:18, 149:21, 166:10, 166:20, 189:9 <b>beyond</b> 37:10, 46:14, 50:6, 50:10, 57:1, 66:19, 67:21, 167:15, 175:14, 182:15 <b>bias</b> 50:12 <b>big</b> 75:17, 160:23, 163:19, 168:17, 168:20, 170:2, 174:25, 176:25, 177:1, 177:14 <b>bigger</b> 37:6, 168:7, 170:2 <b>biggest</b> 97:25 <b>bikes</b> 97:15 <b>bill</b> 176:25 <b>bit</b> 6:24, 9:22, 10:10, 37:10, 79:12, 183:12, 184:18, 191:19, 197:20 <b>bitched</b> 164:10</p>	<p><b>black</b> 108:20 <b>block</b> 4:18, 36:22, 89:10, 89:18, 141:19, 185:24 <b>blocks</b> 89:9 <b>blue</b> 107:17, 107:19, 107:24, 108:19, 108:23 <b>board</b> 10:22, 12:5, 24:24, 24:25, 25:7, 25:9, 27:12, 27:15, 27:24, 28:5, 33:1, 39:16, 46:1, 48:18, 55:24, 59:10, 59:18, 59:23, 59:24, 59:25, 60:14, 60:23, 61:11, 61:15, 61:20, 61:21, 61:22, 61:23, 62:19, 66:23, 85:11, 85:16, 85:17, 85:21, 88:3, 113:24, 128:23, 129:22, 143:6, 143:7, 157:19, 157:22, 157:24, 157:25, 170:9, 173:9, 173:13, 176:22, 183:2, 183:11, 185:14, 186:4, 186:5, 188:8, 189:23, 196:14, 196:20, 196:25, 197:6, 197:7, 197:8, 197:9, 197:16, 197:17, 197:25, 198:25, 199:2, 199:6, 200:2, 201:13,</p>	<p>203:16, 204:10 <b>board's</b> 27:20, 27:24 <b>bogged</b> 19:19 <b>both</b> 12:16, 13:7, 18:11, 19:5, 24:14, 54:4, 64:1, 69:21, 77:20, 157:22, 171:1, 171:15, 184:16, 191:24, 196:23, 200:11 <b>bother</b> 205:19 <b>bothered</b> 164:15 <b>bothering</b> 112:3 <b>bothers</b> 145:24, 161:15, 169:11 <b>bought</b> 105:9 <b>boy</b> 183:14 <b>break</b> 11:22, 58:3, 78:8, 132:13, 132:19, 132:21, 132:25, 133:12, 133:15, 134:4, 134:12, 134:14, 134:25, 182:24 <b>breaking</b> 177:16 <b>breaks</b> 148:25, 172:7, 175:7 <b>brick</b> 141:18 <b>bricks</b> 143:17 <b>brief</b> 35:4 <b>briefly</b> 156:4</p>
---	--	---	---

<b>bring</b> 7:12, 18:23, 19:18, 19:21, 20:23, 27:1, 40:5, 71:4, 111:22, 127:23, 167:8, 167:10, 169:6, 171:13, 176:9, 200:13 <b>bringing</b> 18:25, 19:2, 19:17, 195:25 <b>brings</b> 77:5, 96:24, 119:11, 165:7, 171:14 <b>broken</b> 93:7, 182:7, 203:6 <b>brought</b> 21:24, 24:1, 47:20, 56:19, 90:3, 110:24, 142:21, 153:1, 162:15, 179:23, 182:16 <b>buffering</b> 56:3 <b>build</b> 192:25 <b>building</b> 98:23 <b>built</b> 177:15 <b>burden</b> 158:9 <b>buried</b> 93:8 <b>bury</b> 119:24 <b>bush</b> 101:10, 173:10 <b>bushes</b> 101:19, 179:21, 184:9 <b>business</b> 4:12, 12:12, 20:10, 36:16,	42:2, 45:10, 140:1, 140:5, 142:7, 142:8, 147:15, 147:16, 147:18, 147:20, 148:22, 148:23, 149:19, 149:24, 152:10, 161:11, 161:21, 164:8, 164:20, 176:3, 202:14, 204:17, 204:20 <b>businesses</b> 149:23, 161:23 <b>business"</b> 149:22 <b>busses</b> 69:6 <b>buy</b> 105:7, 152:13, 178:19 <hr/> <b>C</b> <hr/> <b>c</b> 90:20, 92:5 <b>calculations</b> 65:19, 191:19 <b>calendar</b> 200:7 <b>call</b> 4:10, 13:12, 13:22, 20:23, 22:22, 41:23, 41:24, 55:21, 63:23, 78:14, 78:16, 83:1, 83:7, 111:17, 140:18, 140:21, 145:20, 155:23, 194:3, 195:5 <b>called</b> 5:4, 13:22, 46:9, 83:14, 120:10, 139:22, 140:17, 172:5, 183:18 <b>calling</b> 12:17, 26:4	<b>calls</b> 83:11, 167:18 <b>came</b> 7:18, 18:21, 20:19, 38:6, 51:14, 74:13, 85:16, 158:19, 164:10 <b>cannot</b> 35:22, 75:19, 79:25, 95:14, 115:23 <b>can't</b> 28:19, 41:9, 41:13, 55:20, 70:10, 72:14, 75:15, 75:16, 80:1, 90:19, 105:8, 113:9, 114:21, 120:13, 121:11, 121:16, 125:2, 127:1, 127:24, 129:1, 130:16, 134:25, 137:5, 137:9, 141:15, 145:19, 162:21, 162:25, 165:2, 168:8, 171:20, 174:12, 175:14, 177:19, 178:10, 179:3, 179:20, 180:5, 188:12, 188:13, 188:15, 191:4, 191:10, 191:24, 192:19, 193:15, 200:4, 205:15 <b>capabilities</b> 143:8 <b>capability</b> 70:5 <b>capacity</b> 46:1, 69:21 <b>capital</b> 19:9 <b>car</b> 32:10, 66:1, 66:2, 66:4,	66:5, 66:9, 66:14, 68:8, 68:14, 70:16, 72:19, 87:9, 87:23, 88:22, 88:24, 89:12, 89:16, 89:17, 162:2, 167:12, 167:20, 174:10, 174:12, 203:25 <b>care</b> 11:13, 42:23, 47:1, 47:3, 47:5, 47:7, 55:6, 58:16, 73:2, 80:17, 83:15, 85:4, 102:1, 136:10, 137:25, 147:21, 152:11, 159:15, 166:12, 168:14, 168:20, 190:24, 191:1, 191:12, 205:9 <b>cared</b> 125:13 <b>career</b> 46:25, 47:12 <b>careful</b> 73:3 <b>caregivers</b> 83:13, 83:14, 84:11 <b>carry</b> 71:14 <b>cars</b> 64:7, 66:13, 68:12, 73:15, 87:24, 88:5, 89:5, 89:6, 89:8, 165:1, 167:19, 167:20, 167:23, 168:1 <b>cart</b> 59:15 <b>case</b> 1:5, 4:11, 4:23, 5:24,
--	---	--	---

6:10, 7:3, 9:14, 9:16, 16:12, 17:5, 17:12, 17:25, 18:9, 18:10, 18:14, 19:10, 19:13, 24:5, 25:24, 29:14, 29:18, 38:4, 38:18, 45:14, 47:6, 47:24, 48:5, 48:7, 48:8, 48:9, 48:10, 49:16, 49:22, 49:23, 49:24, 52:4, 56:20, 63:9, 69:16, 80:7, 116:12, 120:21, 135:3, 153:24, 156:12, 156:21, 157:2, 158:2, 189:21, 190:20, 190:21, 197:8, 207:7 <b>cases</b> 25:12, 41:1, 46:2, 47:19, 48:11, 53:12, 80:6, 173:8, 173:15, 178:11, 190:19 <b>cast</b> 56:2 <b>casually</b> 191:6 <b>catch</b> 134:25 <b>categories</b> 149:1, 172:19 <b>category</b> 67:24, 169:15 <b>cause</b> 32:10, 35:25, 80:16, 172:15, 186:5, 204:8, 204:25 <b>caused</b> 32:6, 96:21	<b>causing</b> 73:15 <b>caution</b> 73:1, 184:18 <b>cautionary</b> 73:1 <b>cd</b> 20:25 <b>center</b> 22:10, 22:16, 22:17, 30:23, 32:9, 43:4, 53:4, 112:12, 112:19, 115:10, 115:19, 124:1, 124:4, 127:23, 132:5, 146:3, 146:14, 149:6, 158:7, 165:5, 165:6, 168:14, 168:17, 175:6, 192:13, 203:2, 203:4 <b>centers</b> 176:15, 192:11 <b>certain</b> 10:6, 10:12, 54:6, 54:10, 58:11, 69:20, 98:23, 118:12, 138:3, 140:20, 164:18, 170:1, 170:7, 178:12, 185:25 <b>certainly</b> 6:10, 14:10, 15:19, 16:10, 17:21, 23:13, 38:12, 51:17, 52:4, 54:1, 58:6, 58:7, 72:15, 141:20, 142:9, 143:10, 143:12, 143:22, 146:11, 162:4, 190:10, 205:22 <b>certificate</b> 207:1	<b>certified</b> 44:9, 48:19 <b>certify</b> 207:2 <b>chain</b> 33:9, 54:24, 60:2, 60:4, 60:8, 60:12, 60:23, 62:15, 184:21, 185:4, 188:19, 188:23, 189:9, 201:9 <b>chair</b> 27:11 <b>chance</b> 23:11, 61:6, 189:12 <b>change</b> 26:22, 32:11, 33:3, 52:1, 52:9, 56:13, 59:17, 59:19, 60:17, 66:12, 86:21, 175:10, 175:11, 187:4, 203:3, 203:8, 203:10, 205:10, 205:19 <b>changed</b> 56:5, 60:6, 129:3, 201:10, 201:11 <b>changes</b> 32:17, 201:12, 201:14, 202:2, 206:1 <b>changing</b> 175:25 <b>character</b> 35:21 <b>characterize</b> 126:23, 127:1, 127:14, 149:21 <b>characterized</b> 139:9 <b>check</b> 187:18 <b>checking</b> 13:2, 70:11,	191:3 <b>checklist</b> 14:16, 15:4, 63:17 <b>chief</b> 135:3, 145:9 <b>child</b> 11:12, 38:5, 54:10, 58:15, 66:19, 66:22, 70:6, 70:22, 71:15, 71:19, 71:23, 71:25, 72:3, 74:4, 76:23, 96:2, 96:4, 96:11, 102:1, 112:14, 128:4, 128:10, 131:8, 141:22, 141:25 <b>childcare</b> 4:13, 4:19, 25:12, 32:2, 70:18, 72:20, 72:22, 107:12, 113:11, 116:12, 123:16, 125:13, 131:6, 166:23, 179:6 <b>childhood</b> 33:16, 139:10 <b>children's</b> 141:7 <b>chose</b> 196:20, 196:23 <b>chronological</b> 40:6 <b>chuckle</b> 136:21, 144:14, 155:16, 178:21, 180:9 <b>chuckle) and</b> 174:23 <b>chuckles</b> 113:2 <b>cinder</b> 141:18 <b>circumstance</b> 6:21, 39:22,
--	---	---	---

163:10 <b>circumstances</b> 24:21, 167:24 <b>citation</b> 170:19 <b>citizen</b> 6:16 <b>citizens</b> 206:5 <b>claim</b> 17:9, 204:24 <b>claimed</b> 193:4 <b>clarification</b> 5:25, 28:10, 31:12, 108:15, 137:14, 140:17 <b>clarify</b> 27:19, 28:20, 40:4, 57:23, 126:16, 127:16, 139:7, 150:2, 152:23, 197:14 <b>clean</b> 111:2, 111:12, 116:14, 116:17, 116:18, 143:5 <b>cleaned</b> 111:6, 111:8, 111:14, 115:24 <b>cleaning</b> 81:21 <b>cleanup</b> 113:23, 114:10 <b>cleanups</b> 25:16 <b>clear</b> 46:4, 120:22, 121:7, 149:18, 175:1, 195:6 <b>clearly</b> 38:2, 114:8, 167:16 <b>client</b> 25:21, 34:13, 43:24, 134:14, 191:22, 192:4 <b>client's</b> 34:9	<b>clinic</b> 99:3 <b>close</b> 12:12, 98:20, 121:15, 139:16, 142:3, 162:9, 201:22, 202:14 <b>closed</b> 141:11 <b>closes</b> 9:16 <b>closing</b> 3:12, 41:20, 200:8, 202:22, 205:4, 205:20 <b>clutter</b> 37:4, 114:10, 114:18, 122:23, 122:25, 174:24 <b>cluttered</b> 111:14, 111:17, 112:9, 113:22, 113:25, 122:18 <b>clutteredness</b> 113:11 <b>coaching</b> 181:13 <b>code</b> 158:17, 158:23, 172:6, 172:7, 172:10, 172:20 <b>coded</b> 107:23 <b>cognizable</b> 170:22 <b>cognizant</b> 143:23 <b>colleague</b> 41:2 <b>colleague's</b> 28:13 <b>collection</b> 6:11 <b>college</b> 47:10 <b>color</b> 107:23 <b>colored</b> 108:19	<b>combination</b> 9:23, 11:8, 160:2, 172:17 <b>come</b> 5:6, 13:17, 18:14, 20:1, 28:24, 32:5, 37:25, 52:3, 52:17, 72:18, 73:12, 74:15, 74:20, 75:5, 75:11, 75:25, 76:7, 78:9, 82:16, 87:24, 88:5, 88:11, 93:12, 95:11, 117:2, 118:19, 128:2, 129:20, 132:21, 134:17, 134:19, 137:25, 138:13, 151:7, 157:13, 162:13, 165:20, 165:24, 174:11, 178:11, 179:15, 179:18, 179:19, 183:23, 190:7, 196:1, 202:25, 203:1, 204:20, 205:24, 206:6 <b>comes</b> 10:4, 74:6, 78:3, 94:20, 120:21, 141:11, 158:1, 188:14 <b>comfortable</b> 145:11, 161:3 <b>coming</b> 17:5, 32:10, 37:23, 37:24, 53:3, 66:13, 68:12, 68:18, 80:23, 119:2, 127:17, 128:11, 144:17, 146:18, 151:4, 162:5, 164:1, 164:19, 165:17, 165:22,	177:24, 205:20 <b>comings</b> 145:22 <b>comment</b> 62:5, 117:25, 138:24, 202:13 <b>commented</b> 139:1 <b>comments</b> 59:2, 59:24 <b>commercial</b> 36:16, 56:2, 124:1, 164:19 <b>commission</b> 19:9, 26:19 <b>commissions</b> 44:7, 46:23, 47:4 <b>commit</b> 30:10 <b>committee</b> 23:20 <b>commo</b> 170:4 <b>commotion</b> 70:4, 129:13, 168:11, 169:17, 174:5 <b>communities</b> 160:24 <b>community</b> 39:10, 42:20, 42:21, 56:23, 70:1, 70:2, 81:12, 132:2, 149:14, 157:1, 157:8, 157:9, 160:20, 175:8, 175:9, 177:14, 177:15, 186:7, 196:15, 197:15, 206:8 <b>compare</b> 166:8 <b>compared</b> 117:11 <b>comparison</b> 166:6, 166:10
--	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

63

<b>compatible</b> 56:11	148:10, 151:20, 154:18, 155:20,	171:25, 172:4, 173:5, 189:19, 201:2, 201:17	142:18, 143:4, 143:12, 144:7, 149:10, 149:17, 152:13, 158:14, 163:11, 172:23, 172:25, 193:11, 204:9, 204:22, 205:2
<b>complained</b> 164:10	156:1, 156:5, 163:19, 178:7, 178:9	<b>conditional</b> 4:14, 4:19, 5:20, 10:11, 10:14, 10:15, 11:1, 11:3, 11:4, 11:11, 14:16, 15:4, 21:15, 32:1, 35:18, 35:22, 35:24, 38:4, 39:11, 39:19, 39:21, 40:2, 45:13, 50:25, 56:11, 57:18, 58:10, 59:6, 59:16, 60:21, 61:19, 62:23, 63:10, 63:17, 65:2, 67:7, 70:14, 77:7, 83:5, 83:20, 85:3, 85:22, 140:11, 143:25, 144:8, 149:3, 154:13, 166:19, 166:22, 172:9, 176:20, 191:15, 196:17	<b>conduct</b> 156:20 <b>conducted</b> 142:8 <b>conducting</b> 204:19 <b>conformance</b> 31:22 <b>confronting</b> 36:4, 177:22, 177:23 <b>connected</b> 160:19, 160:21 <b>connection</b> 150:21 <b>consent</b> 7:17 <b>consider</b> 9:12, 39:20, 39:23, 72:16, 118:10, 131:4, 158:17, 160:8, 160:14, 161:19, 161:22, 170:15, 172:2, 172:9, 173:5, 174:16, 177:4, 177:20, 178:10, 180:3, 180:5, 180:6, 189:13, 192:19, 192:23 <b>consideration</b> 36:9, 154:11, 161:16, 175:24 <b>considered</b> 6:12, 36:12, 37:20, 40:20, 51:25, 122:23, 160:7, 170:20, 172:4
<b>complaint</b> 117:4	<b>concerned</b> 39:7, 41:6, 98:5, 98:6, 139:22, 154:19, 154:20, 154:21, 159:7, 161:6, 174:6	<b>concerning</b> 167:6 <b>concerns</b> 34:7, 37:4, 39:2, 96:2, 98:13, 143:23, 144:19, 154:17, 156:4, 157:6, 157:10, 157:21, 159:3, 175:21, 182:22, 186:3, 188:10, 190:11, 191:11, 206:7	
<b>complaints</b> 81:12, 139:2		<b>conclusion</b> 39:5 <b>conclusions</b> 63:19 <b>condition</b> 19:15, 19:23, 25:3, 25:5, 28:6, 61:5, 70:14, 71:17, 71:24, 72:21, 77:11, 77:16, 85:24, 88:4, 90:1, 90:3, 90:5, 91:11, 113:23, 114:9, 116:12, 116:14, 116:17, 116:18, 116:22, 116:23, 123:23, 130:24, 131:1, 140:11, 143:22, 158:11, 160:6, 160:12, 170:16, 170:21,	
<b>complete</b> 31:22, 60:18, 156:11, 176:18			
<b>completed</b> 155:3			
<b>completely</b> 25:20, 38:7, 203:5			
<b>completeness</b> 156:8			
<b>compliance</b> 86:17, 194:17, 205:1, 205:8			
<b>complied</b> 59:9			
<b>complimented</b> 117:11			
<b>comply</b> 88:12			
<b>complying</b> 205:2			
<b>comprising</b> 84:11			
<b>compromised</b> 184:16			
<b>con</b> 68:11			
<b>concede</b> 111:13, 112:21, 205:7			
<b>conceivably</b> 89:18			
<b>concept</b> 162:15			
<b>concepts</b> 193:22			
<b>concern</b> 37:6, 68:16, 71:22, 112:2, 114:11, 146:2,			



Transcript of Hearing  
Conducted on January 13, 2017

64

<p><b>considering</b> 63:1, 63:16, 91:4, 166:19 <b>consistent</b> 76:21, 153:17 <b>constitute</b> 160:12 <b>constructing</b> 55:13 <b>construction</b> 30:13, 141:19 <b>consultant</b> 15:11, 42:15, 47:19, 47:21 <b>consultation</b> 199:14 <b>contact</b> 9:10, 48:2 <b>contacted</b> 9:12, 48:10, 49:13, 154:23 <b>contains</b> 20:25 <b>continuance</b> 156:23, 156:24 <b>continue</b> 61:2, 73:17, 75:6, 75:20, 75:22, 76:10, 124:9, 133:12, 144:3, 146:7 <b>contours</b> 68:24 <b>contrary</b> 31:6 <b>contribute</b> 57:22 <b>control</b> 39:13, 88:8 <b>controlled</b> 158:3 <b>controversial</b> 174:8 <b>conversation</b> 115:12, 163:24 <b>cooking</b> 81:21 <b>copies</b> 100:14</p>	<p><b>copy</b> 9:19, 12:8, 12:9, 17:14, 21:6, 31:13, 48:21, 51:11, 51:13, 101:1, 101:4, 108:20, 120:2 <b>corner</b> 116:6, 116:8, 121:8, 122:11, 181:21, 192:15 <b>correct</b> 5:21, 8:5, 8:10, 42:16, 43:1, 43:2, 43:5, 51:22, 51:23, 54:11, 59:20, 59:21, 60:24, 64:4, 65:7, 65:15, 74:19, 75:1, 79:2, 80:11, 80:19, 80:24, 80:25, 82:7, 82:23, 82:24, 83:11, 84:4, 84:14, 84:21, 84:22, 85:1, 85:14, 85:15, 86:15, 86:16, 86:19, 87:6, 87:9, 87:10, 88:12, 88:13, 88:17, 88:18, 89:14, 90:7, 91:13, 91:15, 93:5, 93:19, 98:3, 98:4, 102:20, 104:2, 104:23, 105:5, 106:15, 107:21, 107:24, 112:7, 112:20, 120:25, 121:1, 121:6, 124:19, 125:15, 130:23, 136:17, 136:18, 148:13,</p>	<p>166:12, 178:9, 198:1, 207:3 <b>correspondence</b> 5:10, 5:20 <b>cost</b> 191:19 <b>coughing</b> 31:18, 80:22, 196:5 <b>coughing) i</b> 176:9 <b>coughing) to</b> 72:14 <b>coughing) umm</b> 176:10 <b>could</b> 23:10, 28:9, 28:24, 29:14, 48:20, 52:6, 52:10, 52:15, 52:25, 53:14, 59:12, 60:19, 63:15, 76:24, 79:12, 94:8, 96:19, 97:12, 114:8, 127:12, 130:5, 131:4, 135:13, 136:9, 140:18, 147:7, 152:16, 171:18, 171:19, 171:21, 173:20, 173:21, 179:15, 179:16, 179:22, 184:16, 185:3, 185:25, 186:23, 188:2, 189:8, 189:15, 192:25, 195:5, 196:13, 197:2, 199:21, 200:16, 200:17 <b>couldn't</b> 126:14, 143:10, 152:6, 152:10, 152:15, 185:3, 190:22, 199:25 <b>council</b> 11:12, 18:5,</p>	<p>149:11 <b>counsel</b> 138:14, 196:2, 207:6 <b>count</b> 28:18, 29:6, 30:3, 30:15, 31:9, 136:16 <b>counted</b> 30:11, 31:4, 136:9, 136:11 <b>counter</b> 13:14 <b>counterproductive</b> 74:5 <b>counting</b> 81:18, 97:1 <b>country</b> 44:2, 160:22 <b>county</b> 1:2, 27:12, 31:25, 32:2, 36:15, 36:20, 42:21, 64:8, 64:9, 64:10, 64:13, 69:12, 69:22, 98:1, 138:4, 139:23, 140:17, 141:21, 142:5, 145:12, 148:25, 149:10, 149:12, 149:15, 150:1, 153:12, 160:22, 161:1, 167:3, 167:22, 168:17, 174:21, 179:16, 179:19, 192:11, 192:23, 193:2, 193:5, 193:6, 193:7, 205:12 <b>couple</b> 7:20, 73:6, 148:21, 185:6 <b>course</b> 34:2, 88:8, 98:6, 115:21, 118:6, 168:1,</p>
--	---	---	--

<p>203:21 <b>court</b> 4:11, 10:2, 12:1, 64:18, 95:9, 105:18, 105:20, 117:25, 159:11, 159:12, 159:20, 159:21, 173:8, 176:24 <b>courtroom</b> 6:23, 10:6 <b>cousin</b> 192:14 <b>covered</b> 123:13, 163:24, 180:16 <b>covers</b> 174:4 <b>crawl</b> 129:1 <b>crazy</b> 180:14 <b>create</b> 11:8, 149:14, 170:21 <b>created</b> 40:20, 53:14, 142:1 <b>creates</b> 171:25, 173:4, 197:19 <b>creating</b> 170:16 <b>creation</b> 170:20 <b>credibility</b> 115:14 <b>critical</b> 65:5 <b>cross</b> 9:25, 10:1, 62:10, 67:9, 67:14, 74:18, 77:3, 94:11, 94:17, 94:20, 94:22, 95:2, 95:20, 99:11, 110:19, 110:22,</p>	<p>115:13, 127:8, 127:14, 132:16, 134:20, 135:4, 135:6, 144:14, 146:15, 146:16, 151:1, 151:2, 153:3, 153:4, 195:14, 195:17 <b>crying</b> 143:16, 152:1 <b>cu</b> 1:5, 45:14, 116:12 <b>cunningham</b> 3:9, 8:7, 8:10, 113:3, 146:22, 146:25, 147:3, 147:5, 147:10, 147:12, 147:20, 147:22, 148:14, 148:17, 148:24, 149:19, 149:24, 150:3, 150:25, 187:11, 188:25, 189:1, 198:5, 198:10, 198:14 <b>cunningham's</b> 114:4, 120:10, 139:15, 182:19 <b>curb</b> 69:25, 70:8, 70:9, 70:16, 70:22, 71:19, 72:4, 76:24, 77:9, 77:10, 87:17, 87:20, 87:25 <b>curbs</b> 70:3 <b>curious</b> 6:4, 68:10 <b>current</b> 19:23, 33:15, 60:1, 82:25, 87:12, 99:2, 127:18, 128:6, 128:7, 129:3, 129:22, 131:9,</p>	<p>136:13, 142:13 <b>currently</b> 7:14, 29:6, 31:20, 31:21, 32:3, 32:8, 33:11, 33:18, 39:12, 47:4, 52:19, 81:14, 82:2, 82:5, 82:21, 83:3, 84:19, 86:13, 87:8, 88:16, 114:24, 125:13, 135:15, 137:21, 137:22, 165:6, 166:18 <b>curtesy</b> 23:11 <b>curve</b> 165:2, 182:14 <b>curved</b> 68:5, 73:10, 164:25 <b>curves</b> 64:3 <b>curvy</b> 71:14 <b>custodial</b> 56:25 <b>custodian</b> 151:23 <b>customers</b> 88:10 <b>cut</b> 34:5, 161:4 <b>cutting</b> 150:5 <b>cypresses</b> 185:21, 187:16, 187:20 <b>cyprus</b> 183:20, 186:17, 188:4, 188:5, 188:16, 189:21, 196:12</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>d</b> 90:20, 92:7</p>	<p><b>d-o-o-l-e-y</b> 8:2 <b>d-u-t-t-a</b> 181:7 <b>dad</b> 162:4, 167:7, 169:12 <b>daily</b> 116:15, 123:6 <b>darker</b> 183:20 <b>data</b> 17:12 <b>date</b> 14:14, 93:20, 120:19, 157:1, 170:25 <b>dated</b> 155:3 <b>dates</b> 174:2, 200:6, 202:16, 202:21 <b>daughter</b> 80:18, 80:22, 81:8 <b>day</b> 12:17, 13:15, 17:14, 18:2, 24:4, 26:20, 54:12, 57:21, 58:7, 73:15, 85:4, 111:6, 122:15, 145:23, 149:22, 163:17, 163:22, 165:10, 166:12, 166:22, 180:20, 194:25, 200:16, 200:20 <b>daycare</b> 4:15, 5:1, 5:15, 22:8, 22:15, 22:16, 22:17, 22:20, 24:17, 25:4, 28:5, 28:7, 30:7, 30:8, 30:23, 31:2, 31:19, 36:20,</p>
---	---	--	--

40:16, 40:24, 43:4, 47:2, 48:4, 53:4, 53:10, 56:22, 56:24, 71:15, 79:3, 79:16, 81:5, 81:11, 81:19, 81:24, 95:15, 96:15, 96:25, 97:17, 97:21, 108:24, 109:4, 112:11, 112:14, 112:19, 115:10, 115:19, 117:11, 121:25, 124:1, 124:4, 127:23, 128:2, 128:5, 128:11, 129:6, 131:9, 131:14, 132:5, 136:23, 139:4, 139:21, 139:23, 140:9, 142:10, 145:17, 145:23, 146:3, 146:9, 146:11, 146:13, 147:16, 147:19, 148:22, 149:2, 149:6, 149:12, 158:7, 158:10, 159:14, 164:18, 165:5, 165:6, 168:13, 168:17, 175:6, 175:23, 176:3, 176:15, 176:16, 191:6, 192:11, 192:13, 192:21, 203:2, 203:4, 204:4, 204:5 <b>daycares</b> 117:12, 148:22, 149:1, 149:13, 149:22, 161:22, 167:23 <b>daycare"</b> 149:22 <b>days</b> 9:16, 10:4,	13:19, 14:14, 21:25, 61:14, 94:6, 123:1, 125:2, 156:13, 156:19, 170:7, 171:2, 173:18, 173:24, 174:1, 199:15, 199:18, 199:19, 199:24, 199:25, 201:5, 201:20, 202:3, 202:4 <b>dc</b> 45:19 <b>deadline</b> 200:10, 200:11, 200:24, 200:25, 201:16 <b>deadlines</b> 199:12 <b>deal</b> 19:20, 23:8, 27:3, 27:8, 32:2, 71:7, 94:9, 94:20, 94:22, 94:23, 95:18, 141:7, 143:21, 152:2, 168:7, 175:1, 177:1, 177:14, 186:8 <b>dealing</b> 38:15, 48:11, 145:5, 169:20 <b>dealt</b> 142:22 <b>debris</b> 116:14 <b>deceptive</b> 126:19 <b>decibel</b> 139:21, 139:25, 140:4, 140:19, 143:17 <b>decide</b> 29:16, 29:21, 61:19, 129:19, 197:18	<b>decided</b> 149:11, 160:15, 167:22, 168:21, 173:11 <b>decides</b> 156:21 <b>decision</b> 4:22, 28:13, 40:19, 61:11, 61:14, 176:23, 190:2 <b>decisions</b> 28:12, 163:20, 173:9 <b>deck</b> 141:5, 152:3, 182:4 <b>declare</b> 64:11 <b>declined</b> 205:16, 205:18 <b>decrease</b> 176:6 <b>dedicated</b> 53:8, 53:13, 54:7 <b>deemed</b> 69:22 <b>defeats</b> 175:2 <b>define</b> 143:19 <b>defined</b> 30:7, 126:6, 126:7, 126:10, 191:18 <b>defines</b> 172:22 <b>definitely</b> 114:2 <b>definition</b> 31:2, 31:7 <b>definitional</b> 172:21 <b>degree</b> 52:19 <b>delightful</b> 163:23	<b>delivering</b> 145:23 <b>democracy</b> 192:14 <b>dental</b> 98:14, 99:3, 152:24 <b>deny</b> 204:21 <b>department</b> 21:15, 59:7, 108:5, 108:16, 108:24, 117:1, 117:9, 126:6, 126:11, 130:11, 140:23, 145:10, 155:1, 156:8, 156:12, 156:16, 157:23, 169:4 <b>department's</b> 154:6 <b>depending</b> 60:7, 132:22 <b>depends</b> 108:4, 130:15 <b>depict</b> 91:10, 106:22, 107:5, 107:8, 108:10, 110:8, 110:12 <b>depicted</b> 104:1 <b>depicting</b> 104:25, 105:25 <b>depiction</b> 106:14, 110:3 <b>depicts</b> 106:18, 110:16, 115:24, 194:19 <b>derwood</b> 42:4 <b>describe</b> 18:24, 74:7, 119:21, 180:25 <b>described</b> 45:3, 180:24, 190:15 <b>describes</b> 93:9
--	---	--	---

<b>description</b> 13:25, 124:20	49:15, 51:14, 66:25, 80:7, 101:7, 111:20, 112:1, 112:6, 112:8, 115:18, 123:7, 123:9, 131:10, 136:16, 163:14, 163:15, 169:24, 181:1	<b>diminutive</b> 203:19, 203:25	115:5, 189:17
<b>design</b> 44:12, 44:20, 46:25, 50:17, 50:23, 64:21, 64:22, 64:23, 64:24, 69:17	<b>died</b> 145:13	<b>dining</b> 107:15, 109:12, 110:7	<b>disembarking</b> 70:22, 71:1, 71:18, 71:23
<b>designated</b> 26:15	<b>difference</b> 148:7, 166:15, 166:20, 176:14, 203:23, 204:2, 205:8	<b>dire</b> 46:9, 50:7, 50:11	<b>dispute</b> 67:11, 67:16, 143:10, 155:15, 158:13
<b>designation</b> 50:20	<b>different</b> 10:10, 33:21, 33:22, 36:18, 59:25, 73:18, 86:4, 103:16, 116:17, 128:25, 132:7, 149:9, 159:2, 163:16, 163:25, 165:21, 203:19	<b>direct</b> 6:8, 24:22, 60:1, 67:4, 94:9, 119:12, 119:18, 186:11	<b>disregarded</b> 154:22
<b>designed</b> 67:6, 69:20	<b>differently</b> 40:8, 40:17, 62:2	<b>direction</b> 135:14	<b>disruption</b> 149:14
<b>designer</b> 69:12	<b>difficult</b> 15:2, 68:12, 99:1, 108:21, 125:5, 130:20, 143:14, 164:21, 164:22	<b>directly</b> 9:15, 77:13, 139:17, 139:19, 143:21	<b>distance</b> 56:3, 121:19
<b>designs</b> 45:4, 46:24, 55:22	<b>difficulties</b> 146:9	<b>director</b> 176:21	<b>distinction</b> 147:18
<b>detached</b> 166:11	<b>difficulty</b> 79:13	<b>dirty</b> 111:10	<b>distinguish</b> 37:13
<b>detailed</b> 23:19, 176:21, 176:22	<b>dilapidated</b> 92:23, 124:22	<b>disadvantaged</b> 13:18	<b>distress</b> 174:4
<b>detected</b> 77:25	<b>dimension</b> 185:10, 185:11	<b>disadvantageous</b> 39:21	<b>disturbance</b> 40:13, 145:15, 161:25
<b>determination</b> 29:12, 46:16, 116:24, 117:6	<b>dimensioned</b> 66:8	<b>disadvantages</b> 144:11	<b>disturbed</b> 143:16
<b>determine</b> 10:16, 11:6, 154:13	<b>diminimus</b> 205:11	<b>disapproved</b> 170:12, 170:13	<b>disturbing</b> 142:14, 175:18
<b>detrimental</b> 144:6		<b>discharge</b> 76:5	<b>docket</b> 53:22
<b>development</b> 15:13, 35:20, 36:3, 195:4		<b>disclose</b> 21:25	<b>document</b> 15:9, 15:21, 17:16, 49:6, 49:25, 52:17, 52:20, 78:11
<b>developments</b> 178:13		<b>disclosed</b> 18:7, 19:2	<b>documentation</b> 18:8, 118:6
<b>devoted</b> 107:12, 124:13		<b>discoveries</b> 4:13, 78:25	<b>documented</b> 56:18
<b>dew</b> 42:3		<b>discuss</b> 139:9, 148:21, 190:1, 190:5	<b>documents</b> 18:23, 19:25, 20:3, 21:1, 21:2, 21:12, 21:13, 21:14, 22:13, 159:6, 167:3
<b>didn't</b> 13:9, 13:15, 17:1, 17:2, 21:25, 23:6, 23:9, 49:5,		<b>discussed</b> 170:10	<b>doesn't</b> 10:19, 32:9, 46:11, 67:16,
		<b>discussing</b> 71:22, 172:20	
		<b>discussion</b> 85:9, 115:1,	

<p>80:6, 81:22, 127:13, 136:9, 156:17, 158:22, 162:4, 174:15, 193:5 <b>doing</b> 4:12, 45:10, 47:19, 64:5, 76:19, 158:23, 175:16, 191:3 <b>done</b> 16:16, 18:22, 21:24, 23:18, 23:20, 87:18, 109:6, 153:25, 187:8, 190:14, 203:4, 203:6 <b>dooley</b> 8:2, 8:5, 135:21, 135:24, 136:1, 136:7, 137:4, 137:6, 137:11, 174:6, 184:23, 184:25, 187:11, 189:5 <b>dooley's</b> 181:16, 181:25 <b>door</b> 70:10, 137:4, 178:19, 179:9, 181:4, 191:7 <b>doors</b> 128:4, 162:2 <b>double</b> 37:20, 58:3 <b>doubt</b> 112:14, 118:18, 168:13, 168:14, 168:15, 168:16, 168:18 <b>down</b> 5:15, 8:3, 8:8, 10:2, 19:19, 27:8, 34:5, 38:14, 68:12, 73:17, 74:20, 75:11, 76:7, 77:12, 104:19,</p>	<p>111:24, 114:6, 128:8, 128:13, 129:21, 144:17, 146:18, 148:25, 150:6, 151:4, 156:8, 163:20, 164:23, 171:19, 171:21, 172:7, 175:7, 177:16, 181:1, 181:17, 182:7, 182:11, 182:20, 182:23, 185:3 <b>dps</b> 117:4 <b>dr</b> 5:14 <b>drafting</b> 63:16 <b>dramatically</b> 159:13, 161:4, 161:14 <b>drive</b> 40:14, 40:17, 42:3, 72:12, 77:20, 81:22, 99:2, 138:6, 153:20, 164:21, 164:23, 165:4, 180:14 <b>driver</b> 72:13 <b>driver's</b> 70:11, 71:24, 72:12 <b>driveway</b> 32:4, 52:18, 65:25, 66:5, 66:7, 66:8, 66:9, 68:8, 70:20, 71:3, 71:13, 71:19, 73:25, 74:22, 74:24, 75:3, 75:9, 75:10, 75:18, 75:23, 76:3, 76:4, 76:8, 76:9,</p>	<p>76:10, 76:13, 76:25, 77:2, 87:18, 87:20, 88:1, 88:20, 88:22, 88:24, 89:1, 89:2, 89:5, 89:12, 89:13, 89:17, 121:22, 122:4, 174:10, 174:11 <b>driveways</b> 75:3, 76:21 <b>driving</b> 99:1, 165:5, 167:12, 194:24 <b>drop</b> 21:22, 22:3, 22:6, 22:10, 24:10, 69:23, 70:5, 70:6, 71:25, 73:11, 73:12, 73:13, 73:21, 73:24, 77:14, 87:12, 87:16, 87:20, 87:24, 89:13, 95:5, 95:6, 99:7, 167:2, 203:12 <b>drop-off</b> 70:16 <b>drop-offs</b> 34:20, 70:21 <b>dropped</b> 70:6, 76:23, 76:25, 87:8, 87:9, 87:17, 88:4, 148:1 <b>dropping</b> 69:5, 73:3, 77:10, 89:11 <b>dudah</b> 145:18 <b>duddah's</b> 104:11, 104:13, 121:10 <b>duplicates</b> 100:13</p>	<p><b>during</b> 11:22, 18:16, 27:3, 27:21, 27:23, 34:22, 46:24, 66:6, 70:16, 71:25, 80:22, 94:10, 101:25, 102:5, 112:15, 135:9, 135:11, 181:13, 182:24, 203:1 <b>dust</b> 36:5 <b>dutta</b> 181:6 <b>dutta's</b> 181:3, 181:5, 181:8, 182:5, 182:15, 187:11, 189:6 <b>dwelling</b> 55:20, 166:11, 166:20</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>e</b> 92:12 <b>each</b> 32:9, 34:1, 52:25, 57:21, 91:18, 138:8, 152:6, 160:21, 173:25 <b>earlier</b> 23:5, 24:3, 24:12, 152:24, 153:2, 153:9 <b>east</b> 188:20 <b>eastern</b> 183:5, 183:6 <b>economic</b> 36:3, 36:9, 38:16, 177:21, 178:8, 178:11 <b>edge</b> 72:25, 118:14, 121:14, 122:3</p>
---	---	--	---

Transcript of Hearing  
Conducted on January 13, 2017

69

<p><b>edged</b> 37:20 <b>educated</b> 53:15 <b>education</b> 108:5, 108:16, 108:23, 117:9, 126:7, 126:11, 130:11, 169:4 <b>educational</b> 118:18 <b>effect</b> 20:5, 38:16, 118:21, 144:7, 149:23, 160:13, 170:16, 170:22, 172:1, 172:6, 172:16, 172:18, 172:24, 173:1, 173:12, 173:15, 185:18, 204:6 <b>effective</b> 163:10, 199:2 <b>effects</b> 11:1, 11:4, 11:6, 11:7, 11:8, 11:14, 36:1, 39:9, 40:19, 40:21, 159:23, 160:2, 160:3, 161:20, 172:23, 178:12 <b>effort</b> 139:6 <b>efforts</b> 161:2 <b>eggshell</b> 169:21, 169:22, 169:23 <b>eight</b> 21:23, 22:7, 29:6, 30:17, 31:20, 31:21, 33:14, 34:21, 36:22, 39:12, 56:3, 57:17, 57:18, 79:8, 79:16, 80:9,</p>	<p>80:20, 81:9, 81:15, 84:15, 85:23, 86:13, 86:22, 87:8, 88:5, 112:19, 112:24, 124:5, 125:24, 126:10, 135:11, 135:15, 136:13, 139:13, 142:13, 142:22, 146:11, 148:6, 161:8, 164:17, 165:22, 167:15, 176:12, 176:15, 176:17, 177:1, 181:22, 185:14, 187:25, 188:5, 188:6, 188:7, 190:16, 191:23, 196:12, 205:10, 205:12 <b>eighties</b> 155:21 <b>either</b> 5:3, 25:18, 54:15, 61:13, 71:19, 73:14, 75:18, 85:25, 86:2, 86:3, 87:25, 89:2, 151:24, 160:2, 171:21, 186:6, 196:21 <b>elaborate</b> 160:23 <b>elderly</b> 37:2, 161:2, 170:17, 171:25, 175:15, 175:21, 201:1, 202:18 <b>electronically</b> 101:6 <b>element</b> 53:20, 62:23, 63:23, 184:14 <b>elementary</b> 98:1 <b>elements</b> 184:13</p>	<p><b>eliminate</b> 68:20, 71:20, 190:11 <b>else</b> 40:3, 46:5, 72:5, 82:15, 122:24, 123:18, 124:16, 135:5, 137:12, 144:16, 146:20, 148:8, 151:5, 153:7, 165:18, 169:8, 195:17, 204:25, 205:7 <b>elsewhere</b> 130:21 <b>else's</b> 75:10 <b>email</b> 7:19, 9:10, 9:11, 12:7, 12:8, 12:9, 26:15, 127:9 <b>embarking</b> 70:24, 70:25, 71:18 <b>embarrassing</b> 174:25 <b>emerge</b> 119:25 <b>emotional</b> 170:18 <b>empathetic</b> 56:1 <b>employed</b> 207:7 <b>employee</b> 32:3, 32:4, 32:13, 64:6, 77:11, 77:17, 81:23, 81:25, 82:6, 82:9, 82:18, 82:22, 83:9, 83:10, 83:22, 84:2, 84:20, 88:16, 136:16, 137:17 <b>employees</b> 32:12, 36:7,</p>	<p>64:15, 77:19, 77:21, 81:18, 83:1, 83:7, 83:8, 83:24, 83:25, 88:16, 137:15, 137:19, 138:3, 138:5, 165:25 <b>employing</b> 84:20 <b>empty</b> 68:15 <b>enclosed</b> 61:22 <b>enclosure</b> 60:19 <b>encode</b> 73:7 <b>encourage</b> 160:24, 189:16 <b>encourages</b> 192:11 <b>end</b> 9:15, 12:12, 63:8, 94:24, 98:19, 146:14, 174:2, 190:2, 194:9 <b>endorse</b> 186:6 <b>ends</b> 14:24, 121:12 <b>enforced</b> 116:22 <b>engage</b> 65:22 <b>engaging</b> 161:11 <b>engineers</b> 162:13 <b>english</b> 136:2, 136:9, 136:22, 137:7 <b>enjoyed</b> 44:7 <b>enjoyment</b> 36:3, 36:9, 38:24, 162:1,</p>
--	--	--	--

177:21 <b>enlarged</b> 124:10, 145:17 <b>enlargement</b> 159:14 <b>enlarging</b> 148:7 <b>enormous</b> 161:2 <b>enormously</b> 177:7 <b>enough</b> 58:7, 75:17, 88:21, 89:5, 89:8, 112:25, 121:15, 133:9, 136:22, 139:22, 146:12, 152:16, 158:16, 168:17, 168:20, 168:22, 169:14, 187:20, 189:21, 195:6, 199:22, 202:6, 204:21 <b>enrollment</b> 176:17 <b>enter</b> 16:9, 165:11 <b>entered</b> 18:2 <b>entering</b> 12:16, 70:15 <b>entire</b> 175:4 <b>entities</b> 42:24, 47:22 <b>entitled</b> 146:1, 146:6 <b>entrance</b> 13:2 <b>entry</b> 53:22 <b>environment</b> 47:4, 54:4 <b>environmental</b> 140:24 <b>environments</b> 56:24	<b>envision</b> 191:10 <b>equal</b> 177:12, 177:13 <b>equipment</b> 52:20, 52:21, 69:24 <b>equitable</b> 146:2 <b>equity</b> 17:7, 18:11, 159:12, 159:21 <b>erect</b> 185:5 <b>erection</b> 32:24 <b>escaped</b> 96:8, 168:13 <b>escapes</b> 96:3 <b>escaping</b> 168:12 <b>escorted</b> 72:18, 72:20 <b>especially</b> 38:11, 69:5, 118:16, 144:4, 183:4 <b>essentially</b> 39:1, 52:6, 56:12, 154:22, 182:2 <b>establish</b> 120:17, 144:14 <b>established</b> 193:1 <b>estimated</b> 15:13, 15:18 <b>etcetera</b> 22:22 <b>evaluated</b> 39:2 <b>evaluation</b> 38:9, 65:6, 173:5 <b>even</b> 15:18, 36:22, 54:18, 57:4,	61:2, 70:4, 71:22, 76:24, 76:25, 77:20, 123:6, 129:1, 149:8, 149:13, 152:6, 154:22, 155:4, 156:7, 156:23, 158:18, 165:2, 176:15, 181:21, 182:20, 186:11, 204:7, 205:25 <b>evening</b> 13:6, 144:6 <b>event</b> 80:7, 114:13, 194:18 <b>eventually</b> 198:8 <b>ever</b> 45:24, 49:13, 79:25, 97:9, 97:17, 99:6, 129:23, 139:1, 168:13, 170:20 <b>evergreen</b> 183:20 <b>evergreens</b> 184:12 <b>every</b> 18:4, 40:16, 112:5, 145:23, 160:22 <b>everybody</b> 4:2, 6:23, 39:7, 39:24, 142:21, 164:12, 180:1, 202:15 <b>everyone</b> 15:24, 57:23, 133:19, 165:18 <b>everything</b> 10:1, 110:22, 112:4, 116:7, 146:13, 195:6, 198:11, 204:25, 205:7 <b>evidence</b> 4:22, 10:5,	10:16, 25:24, 33:17, 58:20, 123:23, 144:3, 162:20, 163:8, 178:7, 178:11, 178:14, 179:1, 179:2, 179:12, 179:13, 179:20, 179:22, 180:1, 180:5, 180:6, 202:20, 203:7 <b>evident</b> 66:20 <b>exact</b> 23:23, 36:23, 52:21, 63:25, 156:15 <b>exactly</b> 16:18, 41:9, 69:1, 72:8, 82:20, 104:7 <b>exam</b> 99:12 <b>examination</b> 9:25, 10:1, 28:25, 67:10, 67:14, 95:2, 115:14, 127:9, 132:16, 134:20, 135:4, 135:6, 144:14, 146:15, 149:9, 151:1, 151:2, 153:3, 153:4, 195:14 <b>examinations</b> 146:16 <b>examine</b> 62:11, 95:20, 110:19, 110:22, 195:18 <b>examiner</b> 1:9, 4:21, 21:22, 35:19, 45:11, 52:10, 63:11, 173:12, 175:16 <b>examiners</b> 173:14
---	--	---	---

<b>examiner's</b> 176:23 <b>examining</b> 127:14 <b>example</b> 63:5, 131:5, 131:8 <b>exceed</b> 140:8, 186:21 <b>exceeds</b> 140:1 <b>excellent</b> 22:17 <b>except</b> 10:6, 32:18, 80:21, 204:24 <b>exchange</b> 127:9 <b>exclude</b> 24:6, 118:16 <b>excluding</b> 131:13 <b>excuse</b> 96:11, 185:16 <b>executed</b> 11:20, 34:19 <b>exhibit</b> 10:23, 12:15, 13:1, 14:14, 14:18, 14:19, 14:22, 14:24, 15:1, 15:5, 15:6, 15:12, 19:10, 19:13, 20:22, 20:23, 21:4, 21:16, 22:12, 22:20, 22:22, 23:2, 24:6, 24:7, 26:8, 26:11, 26:13, 26:15, 27:23, 32:18, 51:2, 51:12, 51:13, 51:17, 52:11, 52:13, 53:18, 53:22, 53:23, 60:7, 63:16, 63:24,	65:13, 67:2, 74:10, 74:12, 78:13, 90:12, 91:10, 93:16, 95:5, 95:21, 96:1, 100:9, 100:15, 100:16, 101:9, 101:22, 102:3, 105:15, 106:12, 106:13, 106:16, 107:2, 107:19, 108:9, 108:19, 109:8, 109:22, 119:24, 122:9, 178:17, 183:13, 183:18, 196:1 <b>exhibits</b> 15:25, 23:2, 25:23, 49:6, 51:1, 53:2, 90:22, 94:24, 106:10, 119:7, 120:1, 195:20, 195:21, 196:3, 196:4, 196:9, 202:20 <b>exist</b> 52:19, 100:6 <b>existed</b> 52:18, 52:23 <b>existence</b> 203:22 <b>existing</b> 33:9, 33:18, 53:1, 54:12, 54:23, 56:17, 66:23, 85:13, 184:13, 186:18, 188:1, 188:19, 189:9, 199:5, 204:5 <b>exists</b> 56:18, 110:5, 149:2, 166:18, 171:13 <b>exit</b> 73:13, 73:18	<b>exiting</b> 70:15, 71:13, 72:16 <b>expand</b> 159:25, 176:17, 204:6 <b>expanded</b> 54:18, 66:21 <b>expansion</b> 33:5, 41:6, 54:14, 54:15, 176:12, 176:13 <b>expect</b> 13:17, 59:8, 189:20, 196:9 <b>expecting</b> 37:7 <b>expense</b> 186:20 <b>expensive</b> 176:24 <b>experience</b> 44:4, 52:3, 69:19, 98:25 <b>experienced</b> 69:19 <b>experiences</b> 43:24 <b>expert</b> 13:12, 13:13, 14:3, 14:12, 15:10, 15:15, 15:19, 16:17, 20:17, 21:5, 23:3, 23:14, 24:3, 38:13, 43:8, 43:11, 43:12, 44:10, 45:22, 45:25, 46:5, 46:8, 46:10, 46:12, 47:23, 50:13, 50:16, 50:23, 57:6, 69:13, 69:15, 69:16, 139:11, 179:13 <b>expertise</b> 45:2, 57:3,	68:16 <b>experts</b> 13:21, 13:22, 178:11, 179:21 <b>explain</b> 5:11, 6:23, 6:24, 46:7, 46:22, 49:7, 159:17, 171:20 <b>explained</b> 205:14 <b>explicitly</b> 10:21 <b>express</b> 154:17 <b>expressed</b> 186:3 <b>expressing</b> 39:3 <b>extended</b> 9:17 <b>extensive</b> 26:8 <b>extent</b> 9:24, 26:6, 47:8, 65:12, 67:1, 133:16, 139:22 <b>exterior</b> 33:4, 54:8, 54:16, 100:17, 102:13, 102:18, 103:7, 103:18, 104:23, 104:25, 105:14, 105:24, 106:6, 185:8 <b>external</b> 140:12 <b>extra</b> 117:16, 117:24, 162:18, 200:20 <b>extreme</b> 8:1 <hr/> <b>F</b> <hr/> <b>f</b> 92:17 <b>face</b> 135:14
---	---	--	--



<b>facilities</b> 42:22, 44:1, 47:1, 47:2, 47:7, 73:2 <b>facility</b> 4:19, 11:13, 25:4, 25:12, 28:7, 30:8, 31:19, 34:16, 37:15, 39:18, 47:10, 54:15, 123:16, 125:14, 131:7, 147:19, 166:23, 169:3, 179:7 <b>facing</b> 102:25, 103:5, 104:15, 104:17, 174:9 <b>fact</b> 16:25, 17:11, 18:2, 18:9, 23:9, 33:5, 33:8, 38:11, 43:3, 46:15, 48:12, 52:19, 66:12, 68:11, 68:21, 115:19, 140:14, 142:21, 143:3, 149:13, 155:20, 156:22, 160:19, 167:24, 169:7, 170:16, 171:24, 175:18, 177:16, 179:3, 191:4, 192:20, 193:20 <b>factor</b> 118:10, 123:20, 123:22, 161:22, 168:3, 175:10, 178:22 <b>facts</b> 46:12 <b>factual</b> 10:9, 29:10, 170:19, 205:11 <b>fair</b> 65:1, 107:22,	109:20, 110:3, 122:20, 133:9, 157:4, 157:7, 187:10 <b>fairly</b> 37:7, 44:1, 75:7, 91:10, 101:25, 102:4 <b>fairness</b> 159:13 <b>faith</b> 127:4 <b>fall</b> 6:25 <b>falls</b> 67:24 <b>familiar</b> 10:23 <b>families</b> 97:3 <b>family</b> 37:16, 53:4, 56:10, 97:3, 97:4, 121:23, 142:4, 149:2, 161:11, 164:20, 166:10, 166:21, 175:22 <b>famous</b> 182:6 <b>far</b> 39:6, 39:7, 51:4, 51:5, 56:5, 86:10, 97:20, 98:17, 131:12, 150:23, 151:19, 166:24 <b>fashion</b> 9:15, 16:12, 119:22 <b>fast</b> 152:16, 198:11 <b>father</b> 8:16, 113:1, 196:19 <b>father's</b> 104:19 <b>favor</b> 61:20, 179:21,	184:15 <b>fear</b> 178:10 <b>features</b> 184:9 <b>february</b> 201:7, 201:15, 201:17, 201:20, 202:12, 202:14 <b>federal</b> 145:8 <b>feel</b> 7:13, 47:8, 62:2, 96:20, 111:20, 149:15, 160:18, 160:19, 169:18, 175:3, 175:22, 176:1, 176:7, 204:23 <b>feeling</b> 175:7 <b>feels</b> 158:7 <b>feet</b> 56:3, 85:17, 93:8, 185:7, 185:14, 185:15, 185:16, 185:20, 185:22, 187:17, 188:7, 188:17, 188:19, 194:6, 196:12, 199:4, 199:5, 199:7, 199:9 <b>felt</b> 52:2, 52:5, 56:16, 182:25, 206:7 <b>fence</b> 33:1, 33:8, 33:9, 39:16, 41:4, 41:5, 54:24, 58:21, 58:22, 58:24, 59:11, 59:19, 59:23, 59:25, 60:2, 60:9, 60:12, 60:13,	60:19, 60:23, 61:1, 61:2, 61:3, 61:20, 61:21, 61:23, 62:7, 62:12, 62:13, 62:15, 62:19, 85:17, 92:19, 105:7, 105:12, 113:24, 124:9, 143:7, 162:18, 162:23, 163:2, 163:9, 170:9, 181:12, 181:20, 181:22, 182:21, 182:25, 183:2, 183:11, 184:15, 184:20, 184:21, 184:23, 184:24, 184:25, 185:1, 185:6, 185:8, 185:9, 185:14, 186:5, 186:10, 186:21, 187:2, 188:8, 188:12, 188:13, 188:16, 188:19, 188:24, 189:1, 189:10, 189:23, 196:14, 196:20, 196:25, 197:6, 197:10, 197:16, 197:17, 197:25, 198:3, 198:4, 198:7, 198:12, 198:20, 198:21, 198:25, 199:3, 199:5, 199:6, 200:2, 201:9, 201:13 <b>fenced</b> 105:6 <b>fences</b> 162:14, 162:15, 162:24, 184:8 <b>fencing</b> 32:18, 85:13 <b>few</b> 94:7, 97:2,
--	---	--	---

<p>125:2 <b>fewer</b> 196:13 <b>field</b> 43:13, 43:14, 45:3, 56:5 <b>fifteen</b> 173:20, 199:18, 199:19, 199:24 <b>fifty</b> 142:24, 144:13, 146:4, 146:10, 146:12, 159:5, 168:19, 177:13, 203:17 <b>figure</b> 47:18, 92:25, 165:14, 166:1, 166:20 <b>file</b> 5:23, 18:9, 18:12, 18:13, 18:14, 48:15, 48:24, 49:2, 58:23, 62:21, 100:7, 100:15, 100:23, 117:4, 158:1, 170:7, 170:13, 194:16, 196:9, 199:17, 200:1, 200:2, 200:3, 200:5, 201:1, 201:19 <b>filed</b> 14:13, 19:6, 51:6, 58:22, 99:12, 100:8, 100:24, 101:4, 155:17, 156:13, 194:16 <b>files</b> 156:6 <b>filing</b> 156:7, 156:10, 156:11, 201:7, 201:18, 202:21 <b>filings</b> 100:15</p>	<p><b>final</b> 62:18, 200:16 <b>finalized</b> 27:25 <b>finally</b> 34:17 <b>financial</b> 191:21, 192:3, 207:8 <b>financially</b> 192:8 <b>find</b> 13:14, 35:19, 51:24, 68:14, 82:20, 83:23, 88:9, 118:19, 123:14, 133:8, 139:23, 169:11, 190:21, 190:22, 195:5 <b>finder</b> 46:15 <b>finding</b> 179:3 <b>findings</b> 25:23, 35:17, 38:2, 52:11, 63:19 <b>fine</b> 33:8, 33:17, 33:23, 36:20, 36:21, 79:21, 94:12, 94:15, 95:3, 133:7, 147:23, 184:15, 202:8, 202:11 <b>fined</b> 140:20 <b>finish</b> 94:9, 111:23, 111:25, 190:3 <b>finished</b> 133:2, 197:10, 197:11 <b>fire</b> 69:23, 69:25, 121:9, 121:17, 121:21</p>	<p><b>first</b> 7:20, 12:18, 14:4, 14:14, 16:24, 17:24, 23:2, 41:23, 90:13, 91:17, 100:19, 102:8, 107:8, 108:11, 119:13, 119:14, 120:24, 138:12, 138:23, 153:23, 155:9, 159:20 <b>five</b> 29:7, 45:7, 102:7, 109:22, 125:25, 131:3, 131:6, 131:7, 131:15, 132:18, 133:11, 133:14, 134:4, 134:14, 165:7, 165:13, 165:15, 166:1, 166:8, 166:19, 173:24, 173:25, 180:11, 187:19, 188:19, 190:20, 199:7, 199:19, 199:25, 201:5, 202:3, 202:4 <b>fixed</b> 52:22, 93:12, 184:8 <b>flexible</b> 196:14 <b>floor</b> 48:16, 53:14, 108:10 <b>flow</b> 20:5, 166:24 <b>focus</b> 36:17, 55:21, 159:1, 187:16 <b>folder</b> 101:3 <b>foliage</b> 186:10 <b>folks</b> 55:20, 106:12,</p>	<p>160:11, 175:8, 180:10, 180:13, 203:1 <b>follow</b> 9:14, 15:2, 22:8, 88:11, 158:3, 163:21, 164:3, 193:22, 201:5 <b>followed</b> 158:20 <b>following</b> 36:2, 172:18, 176:19, 202:7 <b>foot</b> 32:24, 59:10, 113:24, 143:7, 181:22, 186:21, 187:17, 187:25, 188:2, 188:5, 188:6 <b>footage</b> 54:7, 54:10, 193:8, 194:10 <b>footprint</b> 33:5, 188:12 <b>force</b> 143:14 <b>foregoing</b> 207:3 <b>forget</b> 79:25, 177:9 <b>form</b> 11:24, 53:18, 63:25, 95:13 <b>formal</b> 6:11, 9:23, 176:20, 176:23 <b>forms</b> 11:21 <b>forte</b> 42:22, 43:19 <b>forty</b> 195:21 <b>forty-three</b> 196:4 <b>forward</b> 5:7, 20:23,</p>
---	---	---	--

<p>42:1, 52:6, 54:13, 64:13, 138:13, 151:8, 183:24, 187:7, 200:23, 205:1 <b>found</b> 17:13, 27:17, 36:24, 117:15, 128:21, 139:24, 154:14, 177:6 <b>four</b> 20:6, 20:14, 33:10, 39:22, 52:9, 58:7, 58:8, 58:16, 65:21, 88:9, 128:4, 144:4, 144:12, 145:13, 163:18, 166:16, 175:25, 176:5, 185:22, 188:2, 203:10, 203:13, 203:16 <b>fourteen</b> 199:24 <b>foyer</b> 110:3, 110:6 <b>free</b> 116:14, 116:15, 149:23 <b>frequently</b> 68:13, 152:1, 152:2 <b>friday</b> 202:6, 202:10, 206:11 <b>friends</b> 75:18 <b>front</b> 30:20, 60:13, 64:12, 70:7, 74:21, 77:8, 77:12, 77:13, 77:17, 90:4, 91:11, 91:22, 92:2, 92:3, 92:4, 92:9, 92:12, 98:23,</p>	<p>101:14, 102:15, 102:16, 102:19, 102:24, 103:12, 103:22, 105:2, 109:8, 109:10, 121:9, 124:18 <b>frontage</b> 122:3 <b>frustrating</b> 142:6, 142:9 <b>full</b> 42:1, 56:3, 56:14, 82:2, 82:11, 82:17, 83:12, 138:15, 144:21, 147:2 <b>full-time</b> 32:13 <b>fully</b> 187:21 <b>further</b> 13:4, 53:14, 99:10, 104:19, 104:21, 128:8, 128:13, 135:4, 149:8, 188:14 <b>future</b> 32:12, 85:3, 127:22, 128:1, 129:19, 129:23, 193:24, 195:4, 195:8</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>g</b> 90:23, 91:7, 92:25, 93:16 <b>gamut</b> 42:23, 47:3 <b>garage</b> 66:2, 88:23, 116:4 <b>garbage</b> 123:16, 123:24 <b>garden</b> 102:10 <b>garragan</b> 7:15</p>	<p><b>gathered</b> 157:12 <b>gave</b> 95:9, 167:3 <b>geez</b> 135:1 <b>gen</b> 56:12 <b>general</b> 10:15, 16:16, 35:17, 36:4, 39:15, 40:6, 43:16, 56:13, 94:23, 172:9, 193:17, 193:18 <b>generally</b> 18:24, 34:24, 72:23, 74:17 <b>generate</b> 166:21 <b>generated</b> 202:20 <b>generates</b> 164:18 <b>george</b> 173:10 <b>gerontology</b> 47:9 <b>getting</b> 23:13, 72:12, 72:15, 84:6, 116:16, 127:4, 134:12, 148:11, 161:13, 167:13, 169:25, 174:9 <b>give</b> 13:24, 94:19, 95:13, 118:15, 134:10, 134:12, 134:22, 171:15, 172:24, 190:1, 190:17, 197:20, 198:21, 198:22, 199:23, 200:4, 200:7, 201:18, 201:21 <b>given</b> 6:17, 22:8,</p>	<p>33:15, 39:22, 68:24, 85:24, 88:5, 165:13, 189:24 <b>givers</b> 83:16 <b>gives</b> 206:6 <b>giving</b> 122:6, 156:14, 171:8, 173:16 <b>go</b> 11:24, 13:4, 32:5, 38:14, 46:3, 49:18, 52:6, 52:15, 56:4, 59:7, 61:4, 62:25, 63:6, 66:16, 68:14, 68:19, 74:20, 74:22, 75:2, 75:6, 75:15, 75:17, 75:24, 77:2, 79:16, 80:8, 83:5, 83:20, 84:9, 84:19, 88:11, 88:15, 95:2, 106:10, 112:5, 115:6, 115:14, 115:22, 127:3, 130:21, 131:5, 131:15, 132:23, 134:5, 141:10, 152:5, 155:23, 159:11, 162:9, 162:10, 163:18, 164:3, 164:22, 167:15, 167:19, 168:16, 176:15, 176:25, 179:20, 180:16, 185:21, 190:16, 191:14, 192:13, 193:14, 199:5, 205:12 <b>goal</b> 184:8</p>
---	---	---	---

<p><b>goes</b> 37:9, 58:11, 118:14, 136:14, 166:24, 169:12, 186:14 <b>goings</b> 145:22 <b>gone</b> 31:24, 46:1, 201:12 <b>gonna</b> 119:13, 120:14, 134:7, 193:22 <b>good</b> 4:9, 52:4, 56:6, 69:9, 84:10, 127:3, 139:3, 139:6, 140:20, 144:1, 147:15, 163:6, 168:14, 192:8, 197:1, 197:8, 197:23, 202:6, 202:19, 204:13, 206:11 <b>gotten</b> 13:11, 13:13, 23:24 <b>govern</b> 72:22 <b>governed</b> 73:4 <b>government</b> 145:8 <b>governs</b> 11:10, 34:15 <b>grant</b> 156:25, 166:18, 191:15, 191:17 <b>granted</b> 58:10, 60:22, 61:19, 70:14, 77:7, 117:7, 143:4, 143:25, 191:18, 205:25, 206:8 <b>grass</b> 93:8, 182:8</p>	<p><b>great</b> 32:2, 152:2, 161:1, 179:6, 192:13 <b>greater</b> 144:9 <b>green</b> 100:2 <b>grew</b> 5:15, 142:3 <b>grossmam</b> 84:1 <b>ground</b> 122:24, 181:19 <b>grounds</b> 116:14 <b>group</b> 4:15, 6:11, 6:13, 6:15, 20:4, 21:7, 23:3, 25:4, 28:7, 30:7, 31:2, 34:2, 86:25, 129:20, 132:3, 149:1, 149:4, 154:24 <b>groups</b> 33:14, 33:20, 56:20, 85:23, 86:4, 203:15 <b>grow</b> 186:12, 186:15, 198:7 <b>growing</b> 139:14 <b>grows</b> 198:11 <b>guess</b> 8:22, 12:5, 55:12, 59:12, 62:17, 78:7, 101:2, 110:23, 117:16, 130:3, 133:1, 190:18, 200:15, 200:17 <b>guy</b> 148:3 <b>guys</b> 126:25</p>	<p><b>H</b> <b>h-a-y-s</b> 8:18 <b>haa</b> 109:11 <b>half</b> 15:14, 34:25, 163:24, 187:17, 204:6, 204:7 <b>hand</b> 35:11, 42:5, 71:7, 78:18, 90:13, 121:8, 138:18, 144:24, 147:7, 151:12, 173:3 <b>handicapped</b> 17:22, 38:5, 191:8 <b>handle</b> 87:16 <b>handled</b> 25:13, 58:13, 59:21, 65:3 <b>handles</b> 66:2 <b>hands</b> 7:23, 195:18 <b>happen</b> 70:21, 70:22, 146:8, 146:10, 185:9 <b>happened</b> 49:16, 131:12, 194:25 <b>happening</b> 37:24, 146:13 <b>happens</b> 36:25, 48:16, 87:23, 102:12, 131:8, 148:9, 148:11 <b>happiness</b> 193:16, 193:23 <b>happy</b> 17:22, 22:17, 33:16, 139:9,</p>	<p>145:11, 145:15, 161:3, 190:5 <b>hard</b> 115:21 <b>harder</b> 165:4 <b>harm</b> 35:25, 160:1, 172:15, 177:19, 178:8, 203:9, 203:21, 204:8, 204:25 <b>harmonious</b> 35:20 <b>harms</b> 11:9, 40:12, 159:24 <b>hasn't</b> 39:6, 157:4, 179:19 <b>hate</b> 161:12, 161:15, 177:15 <b>haven</b> 79:1 <b>haven't</b> 39:5, 107:25, 114:25, 117:14, 144:13, 147:13, 157:8, 160:7, 173:15, 173:16, 179:12, 180:17, 194:14, 194:15, 194:24, 201:11 <b>hays</b> 3:7, 3:10, 8:18, 8:22, 8:25, 9:2, 9:4, 9:6, 9:9, 68:4, 68:7, 68:10, 68:22, 69:1, 69:3, 69:5, 69:8, 69:10, 71:9, 71:10, 89:16, 133:13, 133:14, 133:18, 133:24, 135:7, 135:8, 138:13,</p>
---	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

76

<p>138:16, 138:21, 138:23, 140:3, 140:16, 141:1, 141:4, 142:17, 142:20, 143:10, 144:17, 144:18, 151:9, 151:15, 151:17, 151:18, 151:19, 152:22, 153:5, 153:6, 187:14, 187:15, 193:23, 193:24, 194:2, 194:5, 194:9, 194:13, 194:22, 194:24</p> <p><b>heading</b> 75:13</p> <p><b>health</b> 36:6, 36:18, 42:23, 44:1, 159:1, 159:17</p> <p><b>healthcare</b> 42:22, 47:7, 47:10</p> <p><b>hear</b> 5:17, 5:18, 7:2, 7:21, 10:16, 29:21, 37:21, 41:13, 64:18, 77:23, 80:1, 124:14, 152:6, 156:3, 160:13</p> <p><b>heard</b> 5:3, 7:3, 7:25, 38:8, 72:2, 132:24, 139:20, 139:24, 146:21, 148:21, 153:24, 161:7, 162:8, 162:11, 163:16, 184:20, 189:18, 193:10, 195:19, 199:1, 204:15</p> <p><b>hearing</b> 1:8, 1:9, 4:12, 4:21, 6:16, 13:15, 13:19,</p>	<p>14:14, 15:13, 15:16, 18:3, 21:22, 24:4, 35:19, 45:7, 45:11, 47:25, 63:11, 79:13, 91:12, 94:24, 117:25, 118:3, 143:23, 146:4, 154:13, 154:23, 155:7, 155:8, 156:2, 156:20, 162:22, 164:1, 164:2, 169:2, 170:10, 173:11, 173:14, 175:16, 176:22, 176:23, 186:3, 190:3, 191:12, 201:13, 203:1</p> <p><b>hearings</b> 1:1, 43:1, 156:10, 162:11</p> <p><b>hearsay</b> 10:7, 10:8, 41:12, 117:21, 117:23, 117:24, 118:5, 118:13</p> <p><b>heavily</b> 184:7</p> <p><b>height</b> 185:16, 185:20, 186:21, 187:22, 188:2, 188:3</p> <p><b>heights</b> 184:12, 187:24</p> <p><b>hell</b> 161:12</p> <p><b>help</b> 23:22, 49:8, 186:5, 186:18, 200:21</p> <p><b>helped</b> 50:24</p> <p><b>helpful</b> 23:12, 23:17, 46:13, 46:15, 186:7, 186:22,</p>	<p>187:3, 188:9, 189:24, 205:23, 205:24</p> <p><b>helping</b> 81:21</p> <p><b>helps</b> 71:5</p> <p><b>here</b> 4:22, 5:3, 6:11, 6:16, 6:22, 6:24, 7:17, 7:22, 9:22, 9:25, 10:5, 10:10, 11:11, 12:1, 13:11, 13:17, 14:2, 15:15, 15:24, 16:20, 17:1, 18:12, 20:25, 24:1, 31:25, 34:12, 36:12, 36:17, 37:11, 39:24, 51:7, 51:15, 53:21, 55:19, 55:20, 62:23, 63:24, 65:5, 67:18, 71:22, 72:24, 77:19, 78:8, 79:19, 79:23, 80:5, 90:20, 94:23, 113:1, 113:3, 113:21, 119:15, 119:25, 132:12, 133:3, 138:2, 142:8, 143:22, 144:17, 145:4, 145:5, 145:15, 145:19, 146:18, 148:7, 151:4, 154:12, 154:19, 157:4, 157:13, 158:5, 159:4, 160:9, 161:13, 161:17, 164:1, 165:21, 166:18, 171:19, 174:16,</p>	<p>174:22, 175:8, 177:12, 178:14, 179:1, 179:14, 179:22, 180:13, 181:20, 183:4, 183:12, 187:12, 190:24, 193:16, 194:15, 196:17, 200:7, 204:4, 205:18, 205:24</p> <p><b>hereby</b> 207:2</p> <p><b>here's</b> 21:6, 48:25, 172:7, 191:15</p> <p><b>herself</b> 32:3, 50:2, 132:10, 137:16, 137:19, 204:19</p> <p><b>hey</b> 168:12, 176:12</p> <p><b>he's</b> 14:3, 15:17, 15:20, 15:22, 17:10, 18:2, 31:1, 50:13, 55:13, 63:1, 63:2, 98:5, 111:23, 113:4, 113:15, 113:18, 119:8, 119:23, 120:12, 126:16, 145:19, 150:16, 152:20, 166:9, 171:13, 178:4, 178:5, 178:6, 178:9</p> <p><b>hi</b> 4:9</p> <p><b>high</b> 85:18</p> <p><b>higher</b> 186:12, 186:15</p> <p><b>hill</b> 182:19, 182:20</p> <p><b>hire</b> 16:19</p> <p><b>hit</b> 76:15, 167:13</p>
--	--	---	---

<p><b>hitting</b> 167:12 <b>hmm</b> 20:8, 31:10, 151:6, 181:23, 183:22 <b>ho</b> 191:24 <b>hockey</b> 97:13, 139:20 <b>hold</b> 12:24, 101:5, 109:11, 165:11, 178:4, 178:25, 191:24 <b>holding</b> 178:17 <b>home</b> 4:16, 29:20, 53:3, 53:6, 53:8, 64:3, 64:12, 96:15, 102:16, 102:19, 103:23, 104:14, 107:9, 107:12, 141:12, 142:7, 149:1, 149:4, 156:14, 180:13, 181:3, 181:9, 182:16 <b>homes</b> 37:16, 161:3, 170:17, 171:24 <b>homework</b> 28:4, 129:6, 129:19, 129:21, 129:25 <b>honestly</b> 132:1, 169:8 <b>honesty</b> 56:14 <b>honor</b> 31:18, 51:2, 67:13, 94:14, 99:10, 107:16, 132:13, 187:8, 200:21, 202:25 <b>hood</b> 139:10</p>	<p><b>hope</b> 127:22, 127:23, 131:2, 146:10 <b>hopefully</b> 119:25, 143:23 <b>horse</b> 59:15 <b>hospital</b> 182:17 <b>hour</b> 15:14, 21:24, 22:7, 26:20, 34:1, 34:22, 34:25, 55:9, 55:10, 57:12, 58:1, 58:2, 81:16, 81:17, 86:9, 86:14, 87:3, 87:4, 88:5, 132:25, 135:12, 141:15, 144:5 <b>hours</b> 18:16, 57:21, 58:7, 58:8, 58:16, 58:17, 130:5, 130:16, 159:5, 163:24, 167:4 <b>house</b> 19:15, 19:23, 33:5, 52:8, 52:18, 52:24, 54:5, 54:17, 62:8, 65:17, 66:21, 70:7, 74:21, 77:9, 77:12, 77:13, 77:17, 91:23, 92:8, 92:14, 92:15, 101:15, 102:22, 103:3, 103:8, 103:12, 104:5, 104:10, 104:11, 104:13, 104:17, 104:18, 104:19, 104:20, 105:2, 105:9,</p>	<p>106:4, 106:5, 106:8, 107:5, 108:10, 113:7, 114:4, 114:20, 120:10, 120:25, 130:16, 138:1, 139:12, 139:17, 139:19, 141:16, 141:18, 143:18, 147:6, 147:13, 148:6, 148:8, 148:10, 148:16, 152:5, 152:13, 165:7, 169:24, 174:8, 174:9, 177:9, 177:12, 178:19, 181:18, 182:15, 182:16, 182:18, 182:19, 204:15, 204:16, 204:17 <b>houses</b> 5:14, 104:7, 114:3, 145:7 <b>however</b> 11:5, 16:18, 39:8, 176:16 <b>how's</b> 94:11, 171:16 <b>huge</b> 192:18 <b>hurt</b> 164:15 <b>husband</b> 7:13, 139:13, 139:17, 139:21, 141:4, 142:2, 142:5 <b>hydrant</b> 121:9, 121:17, 121:22 <b>hypothetical</b> 190:6</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>ia2</b> 15:10 <b>idea</b> 60:22, 62:3,</p>	<p>127:11, 135:10, 173:6 <b>ideal</b> 196:18 <b>identification</b> 5:18, 91:7 <b>identified</b> 17:10, 17:11, 53:2, 90:11, 180:17 <b>identify</b> 4:23, 18:8, 52:25, 66:15, 90:14 <b>identifying</b> 16:15, 119:18, 120:6 <b>identity</b> 16:18, 16:24 <b>ii</b> 107:4, 107:7 <b>illegal</b> 89:18 <b>illnesses</b> 96:3, 96:11, 96:13 <b>illumination</b> 36:6 <b>immediate</b> 36:10, 36:13 <b>immediately</b> 37:1, 186:11 <b>immensely</b> 191:1 <b>impact</b> 20:14, 23:23, 32:10, 33:15, 33:18, 38:3, 57:8, 58:14, 63:20, 65:16, 138:6, 141:10, 167:14, 177:25, 187:20, 191:21, 192:3, 193:2, 203:11, 203:19, 204:5, 205:6, 206:2 <b>impacted</b> 124:8, 159:16,</p>
---	---	---	--

<p>159:17, 187:15 <b>impacting</b> 40:17 <b>impacts</b> 38:10, 66:15, 124:7, 142:11, 177:5, 177:7, 177:14, 190:12, 193:5, 193:20, 199:9, 205:9 <b>implemented</b> 176:25 <b>implies</b> 30:13 <b>important</b> 58:4, 159:24, 206:5 <b>impose</b> 40:1, 40:24, 72:14, 72:17, 72:21, 140:10, 140:11, 142:19, 164:8, 196:24 <b>imposed</b> 41:1, 73:9, 143:4, 144:8, 149:10, 193:11 <b>impressed</b> 53:11 <b>improper</b> 180:3 <b>improvements</b> 52:18, 52:23 <b>inaccurate</b> 124:21 <b>inappropriate</b> 123:15, 151:24 <b>incidents</b> 87:11 <b>inclined</b> 47:7 <b>include</b> 28:4, 28:21, 29:2, 29:20, 113:22, 196:10, 196:11, 196:13 <b>included</b> 29:10, 29:25,</p>	<p>196:14 <b>includes</b> 156:5 <b>including</b> 157:25, 176:19 <b>inconsiderate</b> 152:7, 152:8, 152:9 <b>inconvenienced</b> 150:4, 161:14 <b>incorrect</b> 88:23, 89:19 <b>increase</b> 27:21, 29:8, 31:24, 36:21, 60:25, 128:24, 146:4, 146:9, 146:13, 147:14, 148:17, 166:17, 167:15, 167:16, 167:25, 175:6, 175:25, 176:5, 176:6 <b>increased</b> 27:16, 28:3, 98:14, 167:20, 167:21 <b>increases</b> 167:10, 167:11 <b>increasing</b> 146:8, 147:23 <b>incredibly</b> 132:2 <b>indeed</b> 17:22, 157:9, 193:3 <b>india</b> 104:12, 145:18, 187:12 <b>indicate</b> 18:12 <b>indicated</b> 5:23, 6:14, 7:17, 17:19, 34:17, 77:18, 120:9, 137:6, 155:5, 156:23, 204:24</p>	<p><b>indicating</b> 11:17, 17:10, 21:22, 87:1, 155:10 <b>indication</b> 190:9 <b>indistinguishably</b> 146:24 <b>individual</b> 64:10, 158:24 <b>individually</b> 22:21 <b>individuals</b> 38:21 <b>indoor</b> 109:7 <b>inequitable</b> 18:17 <b>infants</b> 71:11, 126:2, 126:5, 126:8, 126:11, 127:17, 127:19, 128:3, 128:25, 129:11, 163:17 <b>infinitesimal</b> 167:9 <b>informal</b> 9:23 <b>information</b> 9:10, 9:11, 14:17, 17:20, 18:15, 23:6, 52:12, 63:18, 79:5, 193:25 <b>inherent</b> 11:2, 11:4, 11:6, 11:8, 36:1, 40:21, 55:18, 160:3, 170:22, 172:17, 172:22, 203:22, 204:20 <b>inherently</b> 197:6 <b>initialed</b> 48:18 <b>initially</b> 184:6</p>	<p><b>injuries</b> 96:2, 96:6 <b>injury</b> 96:11 <b>ink</b> 91:1 <b>input</b> 157:12, 157:13, 186:25, 187:7 <b>insane</b> 72:4 <b>inside</b> 54:5, 54:17, 55:20, 111:22, 112:5, 117:10, 135:18, 141:10, 148:9, 151:25, 162:9, 162:10, 185:3, 185:9, 185:13, 186:10, 198:18, 204:1 <b>insist</b> 88:10 <b>inspect</b> 117:2, 117:10 <b>inspected</b> 31:23, 117:8 <b>inspection</b> 59:8, 118:23 <b>inspections</b> 112:15 <b>inspectors</b> 118:7 <b>instances</b> 70:1, 162:7, 162:14 <b>instead</b> 24:25, 73:14, 82:16, 83:18, 196:21, 200:23 <b>instructions</b> 122:7 <b>intend</b> 95:10 <b>intentions</b> 95:10 <b>interest</b> 161:5, 207:8</p>
---	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

79

<p><b>interested</b> 133:23 <b>interesting</b> 96:24, 171:9 <b>interests</b> 154:21 <b>interior</b> 52:25, 54:7, 54:15, 107:2, 110:8, 188:15 <b>internet</b> 27:17, 27:18 <b>interplay</b> 138:2 <b>interpretation</b> 30:5 <b>interrupt</b> 79:18 <b>interrupted</b> 153:22 <b>interruption</b> 63:14 <b>introduce</b> 20:17, 27:3, 119:3, 119:7, 131:21, 132:4, 164:7, 175:5 <b>introduced</b> 132:10 <b>invite</b> 170:5 <b>involve</b> 184:16 <b>involved</b> 15:24, 49:12, 49:13, 71:11 <b>irrelevant</b> 123:20 <b>irrespective</b> 56:23 <b>isn't</b> 98:14, 140:13, 176:14, 190:18, 191:11, 205:17 <b>issue</b> 13:20, 14:11, 18:12, 22:24, 27:6, 29:14,</p>	<p>29:18, 29:21, 29:22, 34:16, 37:11, 37:15, 37:18, 37:21, 38:11, 38:17, 39:6, 65:3, 68:17, 71:20, 74:25, 77:6, 77:23, 91:12, 95:4, 113:21, 113:25, 114:1, 114:15, 117:3, 118:7, 118:14, 118:20, 118:21, 129:8, 136:6, 139:8, 139:9, 140:10, 148:21, 155:7, 158:5, 163:13, 166:25, 168:21, 169:1, 169:17, 170:2, 174:25, 175:2, 175:22, 176:8, 179:10, 179:25, 180:12, 192:9, 192:21, 194:15, 201:11, 201:17, 203:3, 203:22 <b>issued</b> 9:18, 155:2 <b>issues</b> 6:18, 17:24, 23:22, 31:16, 40:22, 66:22, 72:24, 73:4, 73:5, 94:11, 115:14, 139:4, 154:10, 156:16, 157:22, 158:18, 177:3, 192:10, 204:20, 204:21 <b>item</b> 64:8 <b>items</b> 53:24 <b>itself</b> 14:19, 14:20 <b>it"</b> 41:12</p>	<p><b>i'd</b> 5:25, 35:4, 64:8, 100:16, 110:23, 118:16, 133:1, 138:23, 139:8, 139:10, 146:7, 165:19, 171:11, 171:13, 184:1, 186:6, 188:7, 200:1 <b>i'll</b> 6:20, 6:23, 14:10, 20:23, 29:16, 37:21, 41:11, 48:23, 50:6, 53:21, 55:15, 62:20, 65:11, 90:14, 92:24, 101:3, 101:5, 118:10, 126:22, 132:10, 134:14, 144:2, 146:22, 152:19, 166:2, 170:25, 171:1, 171:15, 173:3, 173:5, 173:7, 173:23, 200:4, 200:13, 201:21 <b>i've</b> 17:16, 25:13, 37:17, 41:2, 42:21, 43:25, 44:7, 45:20, 45:23, 46:24, 47:9, 47:11, 80:4, 90:20, 114:14, 139:12, 141:13, 145:13, 147:24, 148:20, 160:15, 163:23, 169:19, 180:5, 189:18, 199:1, 205:14</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>james</b> 45:10</p>	<p><b>january</b> 1:11, 20:4, 21:5, 79:6, 93:23, 200:10, 200:24 <b>jefferson</b> 2:6 <b>job</b> 1:23, 10:16 <b>joined</b> 6:12, 8:4, 8:11 <b>jot</b> 181:1 <b>judge</b> 120:12, 145:9, 191:21 <b>judicial</b> 117:25, 154:24, 179:25 <b>julliard</b> 5:14, 153:20, 164:24 <b>jump</b> 12:6, 53:21 <b>junky</b> 93:9 <b>justify</b> 172:3</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>k-a-n-e</b> 5:13 <b>kacey</b> 27:11 <b>kane's</b> 12:6, 26:6, 26:14, 33:24, 34:6, 57:11, 86:24, 86:25, 89:25, 104:19, 134:20, 139:16, 182:5, 182:16, 190:3, 194:19 <b>keep</b> 58:4, 76:19, 84:19, 85:13, 161:3, 162:19, 170:6</p>
--	---	--	---



<b>keeping</b> 204:12 <b>kenny</b> 79:11 <b>key</b> 36:19, 51:10, 55:21 <b>kid</b> 72:7, 76:18, 164:17, 191:7 <b>kids</b> 30:22, 58:1, 58:2, 58:3, 58:6, 86:3, 87:24, 93:12, 97:15, 112:14, 112:23, 112:24, 113:1, 115:20, 123:3, 124:23, 125:3, 128:20, 128:25, 129:1, 129:4, 130:20, 130:22, 147:13, 147:22, 147:24, 147:25, 150:5, 161:8, 163:13, 164:17, 165:23, 168:12, 168:22, 191:23 <b>kind</b> 38:6, 45:2, 64:24, 72:21, 73:20, 118:14, 122:20, 123:22, 123:25, 130:20, 140:10, 152:14, 162:18, 163:9, 166:15, 180:9, 189:18, 189:20, 196:20, 197:10 <b>kitchen</b> 110:10 <b>knees</b> 194:25 <b>knew</b> 23:25, 27:18, 49:15, 59:13, 152:14, 155:16	<b>knowledge</b> 46:14, 53:16, 69:12, 86:20, 86:23 <b>known</b> 13:10, 13:12, 52:16, 79:20 <b>knows</b> 180:2 <hr/> <b>L</b> <hr/> <b>labeled</b> 15:3, 22:21, 100:9, 100:17, 109:9, 109:12 <b>lack</b> 36:6, 59:24, 164:14 <b>laid</b> 31:25 <b>land</b> 43:16, 43:22, 44:4, 44:10, 44:15, 44:22, 44:24, 45:2, 45:4, 47:19, 72:24, 73:5, 106:17, 118:21, 136:6, 148:10, 169:1 <b>landscape</b> 106:18, 183:10, 185:7, 196:10, 201:8, 201:14 <b>landscaping</b> 33:7, 54:21, 55:5, 55:7, 55:25, 56:9, 56:17, 58:25, 85:13, 184:7, 184:9, 188:14, 201:10 <b>lane</b> 69:25, 73:14 <b>language</b> 167:18 <b>large</b> 44:1, 184:12,	185:19 <b>larger</b> 185:21, 198:18 <b>last</b> 8:18, 9:4, 12:9, 15:8, 15:9, 16:19, 17:5, 18:21, 51:7, 94:7, 99:25, 110:14, 124:17, 177:16, 192:12, 200:16 <b>lastly</b> 22:14 <b>late</b> 13:18, 23:6, 23:8 <b>later</b> 19:18, 19:19, 35:3, 131:13 <b>laugh</b> 141:9 <b>laughing</b> 146:24 <b>laughter</b> 79:25, 103:9, 141:3, 146:22, 169:16, 175:12, 187:19, 190:7 <b>laughter) you're</b> 135:1 <b>law</b> 17:7, 29:10, 31:25, 34:15, 36:8, 54:9, 63:9, 73:4, 76:21, 117:24, 142:15, 145:9, 159:12, 159:21, 173:7, 177:2, 177:13, 193:21, 193:22 <b>lawnmower</b> 148:3 <b>laws</b> 72:11, 203:6 <b>lay</b> 122:21, 152:20,	163:20 <b>layman</b> 46:14 <b>lead</b> 88:14 <b>leads</b> 85:3, 97:22 <b>learning</b> 56:25, 136:21, 184:19 <b>least</b> 23:10, 43:3, 50:16, 77:18, 83:1, 84:20, 110:15, 128:1, 135:18, 142:24, 156:19, 165:19, 185:6, 187:17, 189:21, 190:12, 196:12, 199:7, 204:11 <b>leave</b> 9:11, 62:20, 84:24, 87:21, 87:25, 111:19, 165:19, 190:1, 200:21 <b>leaving</b> 165:17 <b>left</b> 8:1, 60:15, 92:8, 102:22, 103:4, 103:6, 104:14, 104:16, 104:18, 104:21, 109:24, 120:25, 148:2, 159:23, 189:6, 204:14 <b>legal</b> 37:11, 37:18, 143:21, 160:10, 160:15, 170:14, 170:19, 171:10, 172:2, 201:1, 201:16 <b>legally</b> 143:19, 161:10 <b>legitimate</b> 38:17, 38:20
---	--	--	---

<p><b>length</b> 177:11 <b>lengthy</b> 80:4 <b>less</b> 31:19, 31:20, 90:22, 97:23, 152:11 <b>lesser</b> 52:19 <b>letter</b> 6:13, 6:15, 8:4, 8:12, 8:15, 8:21, 12:5, 19:12, 20:3, 20:13, 21:7, 22:21, 23:3, 26:6, 26:7, 26:14, 26:15, 27:10, 27:18, 27:23, 33:24, 41:15, 41:18, 86:25, 87:2, 89:25, 93:6, 95:25, 96:1, 98:9, 111:9, 111:12, 111:15, 117:15, 120:9, 125:6, 129:5, 145:20, 150:20, 154:4, 155:6, 157:22, 157:25, 176:11, 191:20 <b>letters</b> 22:14, 22:19, 24:16, 95:22, 155:4 <b>letting</b> 111:23, 148:5 <b>let's</b> 7:4, 7:25, 14:19, 14:25, 18:19, 19:20, 60:7, 62:11, 71:6, 71:7, 76:6, 90:10, 90:20, 91:17, 94:9, 99:14,</p>	<p>99:22, 100:5, 100:12, 104:3, 106:10, 106:12, 107:1, 111:24, 119:5, 119:6, 119:13, 119:14, 133:9, 138:12, 150:10, 159:12, 165:11, 175:13, 183:19, 190:3, 191:14, 191:16, 195:19, 199:15, 200:6, 200:10 <b>level</b> 23:21, 29:8, 51:10, 54:18, 55:10, 55:14, 97:24, 107:4, 107:5, 107:7, 107:8, 107:9, 107:13, 107:14, 107:23, 108:11, 108:17, 139:12, 139:21, 139:25, 140:4, 140:19, 141:12, 141:15, 141:16, 142:23, 143:17, 151:20, 153:12, 158:15, 181:19, 193:16 <b>levels</b> 149:9 <b>leven</b> 139:25 <b>license</b> 44:6, 48:19, 66:19, 66:25, 82:11, 84:10 <b>licensed</b> 15:11, 16:1, 42:15, 43:21, 45:18, 45:19, 47:14, 47:20, 66:23 <b>licensing</b> 54:6, 82:25, 83:6, 130:7 <b>lieu</b> 58:24, 184:7</p>	<p><b>life</b> 163:25 <b>lifestyle</b> 142:11 <b>light</b> 71:4, 182:22, 184:1, 201:3 <b>likelihood</b> 167:11 <b>likely</b> 10:1, 37:8, 82:17, 127:25, 130:22, 132:19 <b>limit</b> 25:1, 28:1, 29:6, 51:1, 51:3, 57:5, 58:5, 111:18, 129:18, 131:1, 140:13, 140:14, 140:20, 143:24, 156:24 <b>limitation</b> 29:2 <b>limitations</b> 193:19, 193:21 <b>limited</b> 21:23, 25:4, 28:7, 34:3, 131:7, 141:21, 142:7 <b>limiting</b> 56:22, 87:3 <b>limits</b> 29:18, 138:5 <b>line</b> 23:18, 23:19, 172:7 <b>lines</b> 186:11 <b>link</b> 33:9, 54:24, 60:2, 60:4, 60:8, 60:12, 60:23, 62:15, 184:21, 185:4, 188:19, 188:23, 189:9, 201:9</p>	<p><b>list</b> 51:12, 51:13, 107:3, 119:24, 127:19, 168:15 <b>listed</b> 26:18 <b>listen</b> 10:16, 144:3, 173:3 <b>listening</b> 197:24 <b>lists</b> 172:19 <b>little</b> 6:24, 9:22, 10:10, 37:10, 50:3, 68:18, 79:12, 84:10, 97:14, 99:7, 102:10, 105:17, 105:19, 109:7, 184:18, 191:19, 197:20 <b>live</b> 5:13, 5:14, 36:12, 36:25, 53:7, 61:6, 69:14, 69:18, 70:1, 97:1, 137:4, 138:17, 139:17, 144:23, 152:12, 164:24 <b>lived</b> 42:21, 139:12, 139:15, 175:3, 175:8, 177:10 <b>lives</b> 81:21, 175:4 <b>living</b> 36:15, 42:23, 46:20, 46:23, 47:1, 47:5, 145:6, 146:6, 160:25, 164:12 <b>llc</b> 2:5, 7:7, 15:10 <b>local</b> 97:20, 97:23</p>
---	---	--	---

<b>location</b> 31:21, 36:23, 51:25, 52:17, 52:21, 66:14, 79:4, 98:18, 194:8 <b>logically</b> 198:19 <b>lone</b> 73:12, 74:6, 74:15, 74:20, 76:7 <b>long</b> 14:14, 45:20, 79:8, 80:12, 107:3, 125:1, 132:22, 145:25, 153:24, 160:20, 168:15, 170:4, 176:19, 177:10, 187:19 <b>longer</b> 32:14, 32:16, 85:4, 132:15 <b>longevity</b> 177:9 <b>longish</b> 93:8, 182:8 <b>look</b> 11:5, 16:17, 18:14, 19:11, 19:23, 25:12, 38:21, 48:15, 52:19, 59:8, 60:20, 100:5, 100:16, 104:7, 112:8, 115:6, 115:22, 119:14, 122:13, 153:11, 155:22, 155:24, 157:2, 157:9, 159:12, 159:22, 162:17, 172:21, 173:7, 173:8, 173:13, 182:24, 183:11, 184:2, 196:22, 199:11, 205:1	<b>looked</b> 39:5, 47:16, 51:25, 52:8, 94:6, 111:13, 112:11, 115:25, 157:8, 160:25, 183:14, 190:19, 190:20, 194:15, 195:1 <b>looking</b> 15:15, 17:15, 32:1, 45:6, 65:18, 74:5, 74:8, 92:14, 92:18, 99:25, 100:23, 101:13, 105:2, 106:3, 106:7, 114:6, 121:3, 121:5, 158:23, 158:24, 166:3, 169:9, 180:24, 181:1, 181:9, 181:17, 182:12, 182:13, 182:20, 182:23, 183:15, 183:18, 186:2 <b>looks</b> 51:16, 94:4, 100:14, 102:9, 112:13, 117:11, 118:21, 122:18, 183:5, 196:21 <b>lose</b> 131:10, 180:14, 193:11, 198:3, 199:3, 199:4, 199:7 <b>lost</b> 172:11 <b>lot</b> 4:17, 17:20, 37:23, 40:25, 53:12, 122:22, 122:25, 147:22, 147:25, 152:25, 163:20, 163:24, 189:2, 190:23,	205:9 <b>lots</b> 145:16, 179:5 <b>loud</b> 140:12, 152:6 <b>louder</b> 129:12, 161:8 <b>love</b> 131:14, 142:2 <b>lovely</b> 145:12 <b>low</b> 184:10 <b>lower</b> 23:21, 107:4, 107:5, 107:7, 107:8, 107:13, 108:10 <b>lucrative</b> 147:16 <b>lunch</b> 58:3, 132:21, 133:1, 133:12, 134:4 <b>lynn</b> 45:11 <hr/> <b>M</b> <hr/> <b>m-o-y</b> 45:10 <b>maddelyn</b> 3:9, 8:7, 8:10, 146:22, 146:25, 147:3, 147:5, 147:10, 147:12, 147:20, 147:22, 148:14, 148:17, 148:24, 149:19, 149:24, 150:25, 189:1, 198:5, 198:10, 198:14 <b>made</b> 27:14, 33:4, 38:2, 62:24, 114:14, 116:24, 124:14, 126:13, 155:2, 157:12, 171:23, 178:4,	178:5, 201:14, 206:1 <b>madelyn</b> 8:7 <b>magically</b> 139:4 <b>magnified</b> 142:24 <b>mailed</b> 154:4, 155:4 <b>maintain</b> 57:18, 116:14, 188:17 <b>maintained</b> 64:9, 69:22, 204:15 <b>maintaining</b> 204:17 <b>maintains</b> 64:10 <b>maintenance</b> 198:12, 198:17 <b>make</b> 29:12, 31:17, 35:2, 35:3, 35:4, 36:17, 40:23, 54:12, 56:9, 61:11, 63:19, 65:19, 76:3, 84:10, 97:7, 99:22, 117:6, 119:24, 138:24, 140:14, 141:16, 150:9, 150:13, 150:14, 150:15, 150:22, 156:10, 161:13, 162:22, 162:25, 163:13, 163:20, 173:20, 179:3, 190:2, 195:6, 195:11, 196:25, 197:1, 200:8, 200:15, 200:20, 202:2, 202:22, 202:24, 205:3 <b>makes</b> 57:20, 90:25,
---	---	--	--

<p>108:21, 148:7, 160:11, 160:12, 161:5, 166:5, 168:2, 186:2 <b>making</b> 11:11, 33:16, 34:11, 41:19, 46:16, 72:17, 108:1, 142:10, 143:5, 147:18, 152:10, 158:24, 160:4, 160:13, 161:14, 161:18, 166:10, 196:22, 204:2 <b>managed</b> 119:24 <b>mandated</b> 197:11 <b>maneuvering</b> 76:17 <b>manmade</b> 184:8 <b>many</b> 34:1, 36:20, 40:25, 44:3, 52:21, 70:1, 70:9, 81:2, 81:18, 96:25, 112:16, 115:22, 125:23, 135:10, 145:7, 151:21, 164:13, 166:6, 166:7, 166:8, 173:9, 204:6 <b>map</b> 74:8 <b>march</b> 79:10, 79:17 <b>mark</b> 3:5, 7:6, 12:7, 14:11, 15:10, 15:14, 41:24, 42:3, 42:7, 42:11, 42:16, 42:18, 43:2, 43:5, 43:10, 43:14, 43:18,</p>	<p>43:23, 44:6, 44:13, 44:16, 44:18, 44:20, 44:22, 46:21, 46:23, 47:14, 47:20, 47:25, 48:3, 48:7, 48:10, 49:7, 49:14, 49:17, 49:20, 49:23, 50:9, 50:21, 51:23, 52:2, 52:14, 53:7, 53:11, 53:23, 54:11, 54:22, 55:15, 56:6, 56:14, 57:2, 57:7, 57:10, 57:15, 59:21, 62:22, 63:12, 63:21, 65:7, 65:15, 65:22, 66:1, 66:7, 66:18, 67:8, 68:6, 68:9, 69:11, 69:16, 69:18, 70:9, 71:4, 71:8, 74:17, 90:14, 90:23, 107:16, 119:6, 183:25, 184:5, 184:18, 184:24, 185:1, 185:5, 185:15, 185:19, 187:23, 188:5, 188:11, 197:4, 197:6 <b>marked</b> 20:22, 90:10, 91:6, 91:20, 92:25, 119:23 <b>marking</b> 91:5 <b>markings</b> 90:21 <b>marquette</b> 8:9, 8:19, 8:23, 9:7,</p>	<p>73:14, 138:17, 147:5, 151:10 <b>maryland</b> 1:2, 1:10, 2:7, 6:1, 15:11, 19:8, 42:4, 42:14, 44:6, 45:19, 47:15, 100:18, 138:17, 153:20 <b>maryland"</b> 45:18 <b>massive</b> 205:8 <b>master</b> 43:18, 43:25, 149:11, 204:4 <b>material</b> 185:7 <b>matter</b> 4:12, 12:21, 13:23, 18:21, 18:24, 19:3, 23:11, 27:7, 118:1, 123:14, 143:25, 148:11, 149:15, 156:13, 160:15, 162:16, 167:22, 168:23, 168:25, 179:1, 193:11 <b>matters</b> 26:23, 27:5, 205:12 <b>maximum</b> 28:1, 30:11, 31:5, 83:24 <b>maybe</b> 29:11, 36:22, 60:7, 78:2, 80:15, 116:22, 132:20, 181:21, 183:6, 183:9, 186:19, 191:8, 199:21, 199:23, 202:1 <b>ma'am</b> 8:1, 8:6, 9:1,</p>	<p>68:2, 68:6, 68:9, 135:20, 147:1, 151:3, 194:1 <b>md</b> 5:14 <b>meals</b> 152:4 <b>mean</b> 6:19, 27:20, 28:21, 32:19, 36:21, 43:17, 45:1, 51:5, 53:6, 53:7, 53:10, 58:10, 59:24, 62:15, 64:25, 70:8, 74:15, 75:5, 75:7, 76:15, 76:20, 77:10, 77:18, 94:14, 96:12, 112:18, 117:8, 118:11, 123:5, 125:12, 127:13, 147:20, 149:2, 149:20, 152:20, 154:10, 154:25, 155:23, 158:12, 162:21, 162:24, 164:5, 167:19, 168:18, 179:9, 186:1, 186:5, 186:19, 189:17, 190:19, 191:2, 191:9, 191:12 <b>meaning</b> 44:14, 47:1 <b>means</b> 4:21, 30:8, 71:13, 144:12 <b>measure</b> 121:12 <b>measured</b> 53:13 <b>mechanism</b> 39:13 <b>medium</b> 184:12, 188:1</p>
--	--	---	--

Transcript of Hearing  
Conducted on January 13, 2017

84

<b>meet</b> 37:2, 49:18, 49:24, 67:6, 133:5, 158:11, 158:13, 159:8, 193:5 <b>meeting</b> 27:23, 27:24, 58:15 <b>meets</b> 67:17, 192:23, 193:1, 195:11 <b>meh</b> 162:10 <b>members</b> 67:21 <b>memo</b> 201:1, 201:4, 201:16 <b>memorandum</b> 204:3 <b>memos</b> 201:16 <b>mention</b> 9:9, 25:11, 116:11, 129:16 <b>mentioned</b> 15:15, 44:5, 112:16, 153:1, 162:12, 180:20, 191:6, 192:12, 203:18, 204:11 <b>met</b> 10:12, 10:21, 49:24, 54:13, 147:13, 163:22 <b>metelava</b> 78:17 <b>meteleva's</b> 29:2, 138:25, 181:17 <b>microphone</b> 79:23, 80:5 <b>middle</b> 97:14 <b>might</b> 16:15, 16:16, 19:1, 19:17,	28:13, 32:11, 36:23, 37:20, 38:12, 55:12, 74:5, 80:1, 85:2, 118:15, 118:19, 123:17, 125:4, 133:1, 134:9, 134:10, 143:3, 143:7, 163:9, 166:21, 183:4, 186:5, 186:20, 188:9, 192:20 <b>mile</b> 97:23 <b>mind</b> 34:14, 46:16, 52:9, 96:20, 170:24 <b>mine</b> 100:3 <b>minimum</b> 58:5, 185:20, 188:2 <b>minor</b> 96:12 <b>minute</b> 16:19, 17:5, 18:21, 133:12, 133:15, 134:4, 134:14 <b>minutes</b> 7:20, 132:18, 132:21 <b>misleading</b> 120:22 <b>miss</b> 29:2, 31:8 <b>mistaken</b> 54:6 <b>mitigation</b> 162:14, 162:15, 162:23, 163:2, 163:9 <b>mmm</b> 181:23 <b>moderate</b> 99:5	<b>modified</b> 56:7, 57:5 <b>moment</b> 34:6, 109:3, 125:16, 131:17 <b>monday</b> 1:11, 202:7 <b>money</b> 142:10, 152:10, 161:13, 161:14, 161:18, 191:19 <b>monitored</b> 141:13 <b>monitoring</b> 135:10 <b>montgomery</b> 1:2, 27:11, 31:25, 36:15, 42:20, 45:20, 98:1, 142:5, 145:12, 160:22, 161:1 <b>month</b> 24:5 <b>more</b> 4:20, 6:22, 21:13, 21:23, 22:7, 23:18, 24:5, 29:4, 29:10, 33:14, 33:18, 34:21, 37:4, 40:7, 40:11, 40:12, 40:14, 45:2, 45:3, 52:7, 53:12, 56:12, 65:20, 66:12, 66:13, 70:4, 73:25, 84:17, 88:5, 88:23, 90:22, 90:25, 94:21, 97:3, 100:2, 100:10, 108:21, 111:14, 115:11, 128:18, 129:11, 129:12, 130:21, 141:14, 144:6, 144:13,	148:5, 148:18, 149:6, 149:7, 152:4, 152:5, 163:13, 165:7, 165:13, 165:15, 167:8, 175:20, 182:17, 184:1, 186:15, 186:17, 188:7, 191:5, 196:11, 198:22, 203:11, 203:13, 203:16, 203:17, 203:20, 203:25 <b>moreover</b> 35:24 <b>morning</b> 4:9, 7:19, 12:7, 33:12, 33:22, 55:10, 57:13, 81:16, 86:5, 86:14, 87:4, 144:5, 162:2, 162:5, 165:17, 165:20 <b>most</b> 46:4, 53:1, 73:4, 79:7, 82:17, 102:6, 127:24, 143:14, 164:23, 167:4, 167:5 <b>mother</b> 81:20, 82:22, 83:16, 83:21, 84:6, 136:2, 136:17, 136:21 <b>motions</b> 6:8 <b>motis</b> 206:9 <b>move</b> 104:3, 107:1, 112:16, 114:15, 119:3, 123:17, 124:16, 164:7, 164:12, 169:14, 195:18, 200:22 <b>moveable</b> 52:22
---	---	--	--

Transcript of Hearing  
Conducted on January 13, 2017

85

<p><b>moved</b> 116:4, 131:20, 169:23 <b>moves</b> 148:3 <b>moving</b> 104:24 <b>moy</b> 45:10, 48:8 <b>much</b> 31:14, 32:7, 32:10, 47:3, 51:9, 52:21, 53:5, 53:25, 56:3, 56:9, 56:17, 65:20, 66:20, 71:24, 73:16, 81:14, 96:15, 98:21, 111:14, 132:15, 135:8, 146:5, 146:17, 159:16, 170:2, 176:14, 183:5, 185:21, 198:25, 200:20, 204:7, 205:21 <b>multi-generational</b> 160:25 <b>multiple</b> 197:16 <b>mum's</b> 45:10, 49:21, 49:23 <b>music</b> 140:12 <b>must</b> 21:21, 35:19, 61:22 <b>myself</b> 83:25, 139:11, 142:5, 163:1</p>	<p>42:1, 68:2, 78:23, 135:22, 135:24, 138:15, 138:16, 138:25, 144:21, 144:22, 147:2, 151:9 <b>names</b> 13:21, 15:19 <b>nap</b> 40:13, 162:1 <b>narrow</b> 174:6 <b>narrower</b> 165:2 <b>national</b> 19:8 <b>natural</b> 113:12, 184:9 <b>nature</b> 35:23, 173:2, 197:22, 204:19 <b>near</b> 121:17, 128:1 <b>nearby</b> 38:5, 145:7 <b>neat</b> 118:19 <b>necessarily</b> 40:5, 47:6, 168:2, 173:2 <b>necessary</b> 26:21, 35:18, 186:20 <b>need</b> 7:13, 11:16, 11:20, 12:2, 16:15, 16:16, 22:15, 26:23, 32:2, 62:18, 64:14, 67:12, 82:11, 95:16, 112:16, 117:17, 123:2, 123:10, 159:1, 183:17 <b>needed</b> 66:16, 82:10, 123:8, 149:12 <b>needs</b> 36:11, 44:24,</p>	<p>57:24, 155:24 <b>negotiate</b> 164:22, 168:8 <b>negotiation</b> 200:11, 200:19 <b>negotiations</b> 200:25 <b>neighbor</b> 103:4, 128:3, 150:4, 174:17, 196:19, 197:12 <b>neighborhood</b> 5:16, 11:1, 11:9, 34:10, 35:21, 35:25, 36:5, 37:13, 37:14, 37:19, 38:8, 40:16, 58:14, 73:18, 75:6, 77:19, 97:1, 97:18, 98:2, 98:15, 99:1, 132:3, 138:7, 139:12, 145:14, 146:7, 152:14, 159:23, 161:20, 162:23, 164:7, 164:12, 167:7, 172:16, 175:3, 176:7, 177:4, 177:19, 179:7, 179:9, 193:6, 195:3, 203:9, 204:2, 204:18, 206:9 <b>neighborhoods</b> 149:16, 149:25, 178:13 <b>neighboring</b> 36:7, 36:19, 159:2 <b>neighborly</b> 164:6, 164:11, 164:13 <b>neighbors</b> 6:11, 11:14, 36:10, 36:12, 36:13, 41:3,</p>	<p>56:17, 77:7, 112:2, 116:18, 117:4, 118:22, 124:8, 127:10, 127:11, 131:21, 132:10, 132:24, 133:10, 134:10, 134:11, 139:2, 139:3, 139:6, 140:21, 140:22, 144:1, 145:5, 145:25, 152:9, 152:11, 157:10, 164:8, 169:25, 170:1, 172:3, 173:2, 176:21, 177:5, 186:25, 189:9, 190:12, 190:17, 190:21, 190:22, 190:24, 191:3, 191:5, 193:3, 193:20, 195:7, 197:1, 197:21, 200:5, 201:1, 201:18, 201:21, 205:7, 205:9, 206:2 <b>neighbor's</b> 62:12, 62:13, 97:11, 103:3, 104:5, 104:10, 132:23, 177:3, 202:13 <b>neither</b> 207:6 <b>nervous</b> 40:14, 161:6 <b>never</b> 9:18, 17:16, 37:17, 97:19, 99:9, 105:11, 112:2, 119:1, 121:11, 139:6, 139:20, 141:13, 141:14, 148:2, 155:16, 163:23, 190:6, 194:24, 205:18</p>
---	---	---	---

<p><b>new</b> 34:19, 46:25, 59:1, 95:11, 124:23, 127:25, 185:5, 189:25</p> <p><b>next</b> 21:14, 63:14, 78:8, 78:15, 80:1, 87:21, 101:19, 101:24, 104:12, 104:18, 114:15, 122:9, 137:4, 139:15, 164:16, 174:10, 174:12, 178:19, 179:9, 181:3, 187:18, 191:7, 196:19</p> <p><b>nice</b> 17:18, 24:11, 134:24, 152:3, 163:3, 163:24, 196:22, 196:23</p> <p><b>night</b> 12:10, 165:17, 165:20</p> <p><b>nine</b> 4:19, 31:21, 113:1, 139:16, 149:5</p> <p><b>nineties</b> 155:21</p> <p><b>ninety</b> 145:7</p> <p><b>nobody</b> 75:8, 75:11, 88:15, 90:15, 154:22, 158:17, 162:20, 164:9, 164:10</p> <p><b>noise</b> 25:16, 34:5, 34:7, 34:11, 36:5, 39:13, 39:15, 40:13, 55:10, 55:14, 57:8, 57:22, 58:4, 58:6,</p>	<p>96:15, 96:20, 96:22, 97:7, 139:9, 139:11, 139:21, 140:7, 140:8, 140:13, 140:14, 141:11, 141:17, 142:14, 143:6, 143:8, 143:24, 144:13, 145:24, 149:14, 151:20, 152:6, 158:15, 161:7, 161:24, 163:13, 175:7, 175:18, 185:24, 188:9, 203:18, 203:23</p> <p><b>noises</b> 33:16, 141:7</p> <p><b>noisy</b> 141:23, 147:25, 162:5</p> <p><b>non</b> 40:20, 160:2, 170:21</p> <p><b>non-approval</b> 192:4, 192:8</p> <p><b>non-in</b> 160:17</p> <p><b>non-inherent</b> 11:6, 11:7, 36:1, 55:18, 160:2, 160:4, 160:13, 170:16, 172:1, 172:5, 172:16, 172:18, 172:22, 172:24, 177:20</p> <p><b>non-inherit</b> 160:7</p> <p><b>non-land</b> 169:2</p> <p><b>none</b> 66:18, 143:11, 196:7</p> <p><b>nope</b> 196:5</p> <p><b>norm</b> 30:12</p>	<p><b>normal</b> 36:14, 72:13, 112:15, 112:18, 112:21, 112:22, 115:8, 115:9, 127:13</p> <p><b>normally</b> 94:4, 163:21, 165:7, 165:15</p> <p><b>northpoint</b> 15:10, 41:24</p> <p><b>north's</b> 23:5, 48:17</p> <p><b>notarize</b> 12:2</p> <p><b>notary</b> 12:1, 12:2</p> <p><b>note</b> 10:24, 64:8</p> <p><b>noted</b> 52:23, 68:11</p> <p><b>notes</b> 98:13</p> <p><b>nothing</b> 17:25, 35:12, 42:9, 46:5, 53:25, 61:7, 78:19, 138:20, 145:1, 147:9, 151:13, 191:13, 203:5, 204:15</p> <p><b>notice</b> 9:18, 9:20, 11:17, 13:9, 13:18, 14:11, 15:23, 117:4, 155:7, 155:8, 156:15, 156:19, 156:21, 157:4, 176:20, 179:25, 190:17</p> <p><b>noticed</b> 99:6, 99:9, 195:1</p> <p><b>notices</b> 9:14, 18:12</p> <p><b>notified</b> 27:24</p>	<p><b>november</b> 6:13, 19:12, 26:7, 26:14, 27:10, 45:7, 117:9, 120:11, 122:10, 139:5, 155:3, 176:11, 180:20</p> <p><b>nuisance</b> 142:1, 142:23</p> <p><b>null</b> 64:11</p> <p><b>number</b> 21:8, 26:10, 26:19, 29:19, 29:25, 30:11, 31:5, 31:9, 31:22, 32:21, 34:14, 36:5, 39:11, 45:13, 45:14, 52:11, 53:22, 54:2, 54:25, 64:14, 99:12, 100:17, 113:12, 113:16, 115:9, 115:18, 130:5, 130:15, 137:15, 138:3, 138:5, 146:8, 147:24, 155:13, 155:23, 156:5, 165:9, 166:3, 168:1, 170:7, 194:3, 194:5, 195:5, 199:9</p> <p><b>numbers</b> 14:19, 15:1, 26:9, 51:2, 56:21</p> <p><b>numerous</b> 19:5, 19:11</p> <p><b>nursing</b> 47:1</p> <p><b>nuts</b> 169:12</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>oak</b> 73:12, 74:6,</p>
---	--	---	---

<p>74:15, 74:20, 76:7 <b>oath</b> 81:1, 183:24 <b>object</b> 14:1, 14:2, 23:13, 24:12, 25:18, 64:19, 64:20, 67:13, 91:6, 118:8, 181:13 <b>objected</b> 12:6, 23:5, 53:25, 65:12, 76:12, 88:15, 113:10, 118:17, 190:22, 190:23 <b>objecting</b> 16:10, 190:25 <b>objection</b> 7:18, 7:19, 12:6, 12:16, 13:5, 13:7, 14:8, 18:18, 19:1, 19:19, 19:21, 19:22, 19:24, 24:19, 50:6, 57:4, 64:19, 65:11, 71:17, 94:18, 94:20, 111:21, 112:24, 115:11, 115:15, 122:19, 126:21, 126:22, 127:6, 131:22, 132:11, 136:4, 152:18, 154:9, 165:8, 165:12, 166:2, 178:1, 178:5, 178:24, 192:1, 192:2, 195:21 <b>objections</b> 6:14, 13:9, 18:11, 19:11, 20:20, 24:14, 27:4, 50:15, 70:13, 93:25,</p>	<p>94:25, 146:14, 196:5 <b>obligation</b> 111:20 <b>observed</b> 52:17, 114:23 <b>obviously</b> 11:12, 62:24, 67:23, 132:2, 139:24, 141:5, 143:11, 166:15, 174:23, 177:11, 195:3, 196:18, 205:11 <b>occasion</b> 43:3, 152:5 <b>occupancies</b> 53:1 <b>occur</b> 27:4, 44:24, 165:15, 185:8 <b>occurs</b> 70:6, 71:21 <b>october</b> 155:5 <b>odors</b> 36:5 <b>offer</b> 52:5 <b>offered</b> 46:8, 57:4, 118:1 <b>offering</b> 118:4 <b>office</b> 1:1, 11:24, 11:25, 18:16, 78:10, 152:24, 154:2, 154:5, 155:14, 156:9, 195:11 <b>official</b> 48:17, 81:25 <b>officially</b> 136:25 <b>offline</b> 174:15 <b>offs</b> 22:6, 87:12,</p>	<p>87:16, 95:5, 95:6, 99:8, 203:12 <b>offsite</b> 64:1 <b>often</b> 72:19, 140:10 <b>oh</b> 20:25, 24:13, 25:2, 65:17, 79:22, 84:16, 100:2, 103:8, 111:11, 123:21, 133:25, 134:23, 135:24, 137:11, 140:3, 153:9 <b>ok</b> 79:22, 94:13, 136:24, 140:16, 150:25, 153:5, 153:23, 158:11, 159:11, 166:14, 168:3, 171:17, 174:3, 174:4, 178:15, 180:15, 181:9, 182:6, 190:12, 193:23, 194:9, 194:13, 195:17, 202:4 <b>old</b> 28:22, 30:16, 81:8, 81:9, 125:21, 126:12, 129:2, 129:4, 139:13, 144:23, 169:9, 169:14, 175:10, 188:12 <b>older</b> 28:19, 70:1, 84:6, 129:10, 162:1, 163:12, 164:21 <b>olds</b> 125:22, 125:25, 163:14 <b>omitted</b> 30:13, 30:14, 30:15</p>	<p><b>on-street</b> 64:15 <b>once</b> 4:24, 9:16, 14:25, 27:2, 59:13, 95:18, 118:11, 126:9, 135:22, 138:15, 144:2, 144:20, 147:1, 150:21, 151:4, 172:12, 175:22, 180:4, 192:16, 193:14, 202:19 <b>ones</b> 19:6, 94:25, 99:15, 100:14, 183:20 <b>one'</b> 100:19, 101:9 <b>one's</b> 168:13 <b>ongoing</b> 139:5 <b>online</b> 17:13, 49:4, 128:22 <b>only</b> 7:10, 24:24, 28:17, 32:10, 33:3, 39:8, 40:1, 55:9, 59:17, 59:19, 84:2, 84:16, 85:23, 87:22, 88:21, 131:3, 145:15, 145:16, 145:24, 161:17, 166:17, 166:19, 170:8, 175:16, 175:24, 176:4, 176:12, 178:16, 179:15, 179:17, 186:15, 188:22, 188:23, 201:11, 201:14, 201:25 <b>onsite</b> 64:1</p>
--	--	---	--



<p><b>open</b> 56:16, 62:20, 76:18, 99:11, 158:2, 170:7 <b>opened</b> 132:4, 132:5 <b>opening</b> 3:4, 31:17, 35:2, 35:3, 35:4, 36:11, 37:10, 40:3, 41:20, 70:10, 129:5, 153:11 <b>operate</b> 78:25, 85:5, 148:23 <b>operating</b> 31:19, 166:11, 176:3 <b>operation</b> 34:15, 149:8 <b>operations</b> 30:9 <b>opine</b> 197:21 <b>opinion</b> 9:19, 21:15, 52:2, 56:19, 56:22, 57:7, 57:19, 67:5, 111:16, 111:17, 122:19, 122:21, 152:8, 152:20, 152:22, 152:23 <b>opinions</b> 38:23, 73:6, 87:1, 158:6, 173:14, 175:15 <b>opponents</b> 18:4 <b>opportunity</b> 18:5, 45:23, 62:5, 95:20, 110:21, 114:25, 134:1, 134:11, 153:8, 157:2, 171:8, 173:17, 197:21, 200:7,</p>	<p>201:19, 206:7 <b>oppose</b> 18:14, 71:17 <b>opposed</b> 5:19, 7:24, 16:25, 39:23, 41:20, 57:25, 60:25, 76:19, 115:9, 130:24, 130:25 <b>opposing</b> 9:25 <b>opposite</b> 66:10, 72:6, 197:7 <b>opposition</b> 16:21, 24:4, 39:20, 45:17, 62:4, 67:18, 67:21, 85:10, 95:19, 134:1, 134:6, 204:11 <b>option</b> 39:15, 39:17 <b>options</b> 9:20 <b>oral</b> 61:14 <b>order</b> 14:11, 26:10, 90:17, 185:5, 199:6, 204:13 <b>orderly</b> 94:21 <b>orders</b> 9:15 <b>ordinance</b> 4:15, 10:25, 29:19, 30:6, 31:3, 35:17, 53:16, 53:17, 53:20, 53:25, 55:17, 55:21, 55:25, 56:7, 63:21, 63:23, 64:15, 65:24, 67:1, 140:8, 140:9, 170:23,</p>	<p>172:22, 177:18, 184:6, 187:23, 193:15 <b>ordinarily</b> 172:24 <b>ordinary</b> 30:12, 166:10 <b>organized</b> 16:12 <b>original</b> 14:12, 21:17, 25:5, 25:25, 26:1, 26:10, 26:11, 51:1, 106:17, 183:10, 183:16, 184:6, 187:23 <b>originally</b> 33:6, 33:10, 51:18, 183:8 <b>originals</b> 95:9 <b>other</b> 7:2, 9:10, 13:24, 18:6, 19:25, 20:3, 20:16, 22:13, 25:12, 26:23, 27:4, 28:12, 29:1, 30:22, 31:15, 36:22, 37:17, 38:23, 39:14, 40:13, 41:1, 43:3, 44:4, 47:24, 48:11, 58:15, 58:19, 59:5, 60:11, 64:7, 65:16, 66:12, 66:15, 66:18, 67:25, 68:14, 69:6, 71:11, 72:16, 74:23, 75:24, 76:2, 76:5, 77:23, 77:25, 78:4, 80:23, 82:1, 82:2, 84:20,</p>	<p>90:2, 93:10, 94:18, 95:1, 96:25, 116:2, 117:12, 119:25, 123:1, 134:10, 138:8, 141:8, 141:16, 141:25, 145:5, 150:24, 152:7, 152:17, 157:4, 160:21, 162:3, 162:9, 162:14, 163:16, 163:22, 166:8, 167:4, 175:2, 179:22, 182:3, 186:25, 188:8, 189:4, 189:25, 190:9, 196:3, 198:7, 199:16, 201:10, 201:12, 203:6, 204:1, 205:6 <b>others</b> 7:22, 48:15, 170:3 <b>otherwise</b> 10:7, 32:12, 69:23, 99:4, 118:13, 166:7, 197:9, 207:8 <b>ought</b> 57:19 <b>out</b> 9:18, 10:4, 10:18, 10:22, 11:10, 11:15, 13:14, 28:24, 31:25, 33:20, 34:8, 40:15, 47:18, 51:25, 52:8, 55:24, 58:6, 59:7, 62:6, 63:23, 68:18, 71:13, 71:23, 72:4, 72:6, 72:12, 72:14, 72:15, 74:1, 75:6,</p>
---	---	--	--

75:9, 76:10, 76:14, 76:18, 76:20, 77:1, 82:20, 83:23, 85:13, 85:23, 86:4, 86:13, 90:12, 92:25, 100:2, 101:3, 106:21, 112:16, 115:7, 123:2, 127:12, 133:8, 135:10, 135:11, 138:1, 139:23, 141:5, 141:24, 142:21, 143:15, 147:13, 152:1, 152:4, 154:15, 155:4, 155:24, 156:21, 159:23, 161:8, 163:5, 163:17, 166:5, 169:9, 169:19, 173:3, 174:9, 174:11, 179:20, 182:17, 185:17, 185:24, 187:18, 188:17, 190:14, 191:7, 195:5, 195:23, 195:25, 199:22, 200:14, 202:25, 204:14, 206:9 <b>outcome</b> 207:9 <b>outdoor</b> 26:17, 26:18, 34:1, 55:3, 55:4, 58:12, 199:10 <b>outlined</b> 203:10, 204:3 <b>outpatient</b> 47:2 <b>outside</b> 25:16, 32:17, 33:14, 33:16, 54:4, 54:17, 65:23, 72:13,	80:21, 81:15, 86:8, 96:15, 96:23, 97:6, 97:15, 111:18, 112:3, 117:10, 117:25, 118:3, 126:14, 130:6, 130:13, 135:18, 141:21, 143:24, 144:4, 156:14, 156:24, 167:10, 181:12, 196:25, 198:4, 203:13, 203:14, 203:17 <b>over</b> 17:15, 18:10, 18:18, 29:7, 51:12, 72:7, 73:12, 76:18, 80:16, 84:9, 96:14, 114:8, 115:19, 130:20, 140:19, 148:1, 169:12, 181:20, 182:8, 182:21, 184:2, 198:8, 198:9 <b>overall</b> 38:8, 48:22, 49:1, 49:2 <b>overlook</b> 147:12 <b>overrule</b> 65:11, 115:15, 154:16, 166:2 <b>own</b> 6:16, 13:13, 30:10, 31:4, 39:2, 81:2, 81:4, 87:2, 105:6, 112:23, 120:2, 138:1, 139:11, 150:5, 150:6, 150:13, 150:14, 152:25, 188:13, 189:1, 189:6, 193:18, 193:22, 199:23	<b>owned</b> 188:24 <b>owner</b> 5:1, 7:16, 32:16, 50:1, 56:16, 83:9, 204:18 <b>owners</b> 177:23 <b>owns</b> 64:9, 105:11, 189:5 <b>ozah</b> 14:15, 15:4 <b>ozahcu</b> 4:13 <b>ozah's</b> 15:1 <b>o'clock</b> 132:20, 134:19 <hr/> <b>P</b> <hr/> <b>packet</b> 74:10 <b>page</b> 3:2, 14:17, 14:24, 15:6, 15:8, 17:16, 25:6, 45:7, 47:17, 49:4, 49:6, 74:9, 74:11, 96:1, 98:9, 99:25, 120:9, 122:9, 183:15 <b>pages</b> 1:24, 65:10, 183:16, 183:17 <b>paid</b> 50:8, 142:4 <b>paint</b> 69:25, 108:19 <b>panel</b> 154:23 <b>paper</b> 199:16 <b>paragraph</b> 15:8, 15:9,	92:20 <b>paralleled</b> 53:16 <b>parameter</b> 65:23 <b>parameters</b> 159:9 <b>paraskeoula</b> 9:2, 9:6 <b>paraskevoula</b> 3:7, 9:2, 68:4, 68:7, 68:10, 68:22, 69:1, 69:3, 69:5, 69:8, 71:10, 133:14, 133:18, 133:24, 135:8, 138:16, 138:21, 138:23, 140:3, 140:16, 141:1, 141:4, 142:17, 142:20, 143:10, 144:18, 151:19, 187:15, 193:24, 194:2, 194:5, 194:9, 194:13, 194:24 <b>parent</b> 38:6, 70:5, 70:10, 71:1, 71:23, 72:5 <b>parental</b> 21:21 <b>parents</b> 22:3, 22:15, 22:19, 24:17, 32:6, 32:8, 34:18, 34:19, 48:4, 70:9, 87:9, 95:6, 95:7, 95:11, 95:22, 95:23, 131:14, 142:6 <b>parent's</b> 24:10, 77:10 <b>park</b> 19:9, 66:5, 68:8, 77:12,
--	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

90

77:18, 77:21, 87:22, 88:19, 88:20, 88:22, 89:2, 89:9, 98:24, 121:17, 121:21, 121:24, 122:1, 152:25, 174:20 <b>parked</b> 64:7, 66:1, 66:2, 66:4, 89:17, 165:1 <b>parking</b> 32:14, 32:15, 36:6, 63:20, 64:1, 64:6, 64:11, 64:15, 64:25, 65:3, 65:18, 65:19, 66:14, 68:5, 68:15, 69:21, 77:6, 77:8, 77:11, 77:17, 77:22, 77:25, 98:21, 98:22, 121:23, 122:4, 122:7, 139:8, 152:25, 158:17, 158:21, 174:5, 203:24 <b>parking'</b> 203:24 <b>parks</b> 32:4, 32:5, 88:17 <b>parlayed</b> 47:10 <b>part</b> 25:23, 30:24, 40:23, 46:23, 54:11, 55:16, 55:22, 63:1, 64:24, 70:17, 74:24, 82:17, 84:2, 91:24, 92:10, 92:11, 100:8, 107:11, 108:3, 122:2,	142:9, 150:1, 154:18, 155:20, 160:8, 161:18, 172:8, 173:5 <b>part-time</b> 32:3 <b>participate</b> 67:21, 186:25, 206:6 <b>participated</b> 46:24 <b>participation</b> 145:4 <b>particular</b> 10:14, 11:2, 14:24, 15:9, 29:16, 40:24, 46:11, 46:15, 47:6, 49:24, 66:11, 67:25, 69:18, 90:17, 94:25, 168:6, 195:2 <b>particularly</b> 108:18, 141:23, 174:6 <b>parties</b> 4:23, 9:25, 207:7 <b>parts</b> 54:25 <b>party</b> 9:13, 176:18 <b>party's</b> 13:24 <b>pass</b> 40:16 <b>passage</b> 69:2, 90:1 <b>passing</b> 40:15 <b>past</b> 115:3, 165:5, 173:8 <b>path</b> 73:19, 74:7 <b>patricia</b> 8:2, 8:5,	135:21, 135:24, 136:1, 136:7, 137:4, 137:6, 137:11, 184:23, 184:25 <b>paul</b> 9:3 <b>pause</b> 132:12 <b>paying</b> 174:21 <b>peace</b> 145:6, 161:25 <b>peaceful</b> 36:2, 36:8, 145:14, 161:25, 177:21 <b>peak</b> 66:6 <b>pedestrians</b> 89:19 <b>penalty</b> 35:12, 42:10, 78:20, 138:20, 145:1, 147:9, 151:14 <b>pending</b> 49:10 <b>penetrates</b> 141:18, 143:17 <b>penetrating</b> 141:23 <b>people</b> 7:2, 7:5, 7:24, 18:1, 18:13, 30:8, 30:9, 30:11, 31:5, 37:2, 37:19, 38:3, 38:10, 40:7, 40:9, 40:13, 63:5, 72:7, 72:19, 73:2, 75:4, 76:15, 76:20, 77:18, 77:25, 79:12, 82:11, 85:6, 87:1, 118:19, 121:16,	121:25, 122:21, 124:11, 133:2, 133:15, 136:10, 136:13, 142:10, 145:22, 146:8, 146:23, 147:21, 148:5, 148:18, 155:21, 157:20, 158:24, 159:2, 159:15, 160:5, 160:24, 161:2, 162:3, 162:9, 163:23, 165:3, 165:19, 165:21, 165:24, 167:10, 167:23, 168:3, 168:6, 168:16, 169:10, 170:17, 171:25, 174:20, 177:6, 177:7, 179:6, 179:15, 179:18, 189:12, 193:17, 205:19, 205:24 <b>people's</b> 115:22 <b>perceived</b> 114:17 <b>percent</b> 142:24, 144:13, 146:4, 146:10, 146:12, 203:17 <b>percentage</b> 166:17 <b>perfect</b> 36:25, 191:18, 197:13 <b>perfectly</b> 33:8, 33:17, 33:23, 36:21, 93:14, 94:15 <b>perhaps</b> 6:24, 9:9, 15:4, 23:25, 32:16, 57:11, 66:14, 72:25, 83:13, 94:8, 141:24, 186:23,
--	--	---	--

<p>199:10, 203:24 <b>period</b> 9:17, 32:15, 34:22, 80:22, 96:14, 189:14, 199:16 <b>periods</b> 135:12 <b>perjury</b> 35:13, 42:10, 78:20, 138:20, 145:1, 147:9, 151:14 <b>permanent</b> 59:22, 62:24, 62:25 <b>permit</b> 11:3, 88:12 <b>permitted</b> 10:12, 10:20, 11:12, 124:5, 142:15, 162:23, 162:25, 175:23 <b>permitting</b> 59:7, 63:6, 117:1 <b>person</b> 29:6, 32:14, 39:3, 67:22, 82:1, 82:2, 84:17, 84:19, 84:24, 112:19, 152:21, 161:13, 164:11, 191:6, 195:3, 204:17 <b>personally</b> 61:24 <b>persons</b> 4:16, 38:18 <b>person's</b> 177:11 <b>pertain</b> 10:13 <b>petition</b> 45:9 <b>phone</b> 106:11, 194:3 <b>photo</b> 100:20, 101:8</p>	<p><b>photograph</b> 19:22, 102:14, 123:24, 182:18 <b>photographs</b> 18:23, 19:4, 19:5, 19:14, 21:1, 21:2, 90:5, 99:12, 100:17, 100:18, 109:9, 109:23 <b>photos</b> 53:2, 53:13, 93:25, 94:10, 95:2, 99:13, 99:17, 101:1, 101:23, 102:4, 102:7, 109:7, 110:6 <b>phrase</b> 158:8 <b>physical</b> 67:6, 67:17, 89:6 <b>physically</b> 71:14, 185:5 <b>pic</b> 101:23, 101:24, 102:8, 102:13, 102:18, 102:21, 103:2, 103:7, 103:11, 103:18, 104:5, 104:9, 104:23, 104:25, 105:14, 105:24, 106:6, 109:12, 109:17, 109:23, 110:3, 110:6, 110:7 <b>pick</b> 22:3, 22:11, 24:10, 164:4, 167:2, 203:12 <b>pick-ups</b> 34:20, 95:5, 95:6 <b>picked</b> 32:6, 88:4 <b>picking</b> 73:3, 148:12</p>	<p><b>pickup</b> 70:16, 71:25, 73:23 <b>pickups</b> 21:23, 22:6, 39:18, 70:21, 87:12, 87:16, 99:7 <b>picture</b> 51:10, 90:8, 90:13, 93:3, 103:11, 104:18, 104:22, 115:24, 120:24, 122:10, 124:17, 178:17, 180:6, 180:8, 180:19, 180:23, 181:11, 181:16, 182:11, 191:4, 194:19, 205:15 <b>pictures</b> 26:25, 90:2, 93:18, 94:16, 94:17, 99:17, 99:19, 100:6, 100:7, 100:11, 100:14, 110:24, 111:3, 111:7, 116:7, 119:4, 119:6, 119:17, 119:19, 120:15, 180:17, 194:20, 204:12 <b>piece</b> 71:4, 117:20 <b>pieces</b> 69:18 <b>piercing</b> 141:17 <b>pisses</b> 161:12 <b>place</b> 6:25, 49:22, 52:24, 112:13, 118:19, 145:12, 160:22, 160:23, 199:13, 204:13 <b>places</b> 36:20, 36:22,</p>	<p>77:25, 190:23, 192:20, 195:13 <b>plaintiff</b> 169:22, 169:23 <b>plan</b> 48:16, 54:21, 58:22, 58:23, 59:1, 59:8, 59:9, 59:10, 59:12, 59:16, 60:2, 60:4, 63:8, 66:16, 66:23, 106:18, 108:25, 109:1, 127:21, 128:13, 129:23, 170:8, 170:9, 170:11, 183:10, 183:13, 183:16, 183:19, 185:25, 186:6, 187:1, 187:2, 187:7, 187:8, 187:16, 187:18, 189:19, 189:20, 196:10, 197:16, 199:23, 200:1, 200:3, 200:6, 200:10, 200:24, 201:8, 201:18, 201:25, 204:4 <b>planned</b> 26:10, 66:9, 128:9, 195:8 <b>planner</b> 45:2, 69:11 <b>planning</b> 7:14, 10:22, 12:5, 15:11, 19:9, 21:15, 23:20, 24:24, 25:7, 25:9, 27:12, 27:15, 27:19, 27:24, 28:5, 37:6, 42:15, 43:15, 43:16, 43:17, 43:18, 43:19, 43:22, 43:25,</p>
--	---	--	--

44:1, 44:4, 44:7, 44:10, 44:15, 44:22, 44:24, 44:25, 45:4, 47:19, 55:24, 59:12, 59:24, 61:11, 85:10, 85:16, 85:21, 88:3, 129:22, 154:6, 155:1, 156:8, 156:12, 156:16, 157:18, 157:19, 157:21, 157:23, 157:24, 158:10, 159:8, 176:21, 176:22, 203:15, 204:10 <b>plans</b> 53:14, 60:11, 62:19, 63:7, 63:9, 84:18, 95:5, 99:12, 107:2, 127:22, 128:6, 128:7, 128:8, 129:18, 129:22, 132:13, 149:11, 197:16, 201:8, 201:12, 201:15, 201:21, 202:13, 206:1 <b>plant</b> 188:6, 188:17 <b>planted</b> 185:19, 185:20, 187:22, 188:7, 188:18 <b>planting</b> 187:24, 188:2, 188:3, 196:13 <b>plantings</b> 186:12, 186:14 <b>plants</b> 102:9, 184:10 <b>plan'</b> 106:20 <b>plastic</b> 92:24	<b>play</b> 26:17, 26:18, 34:1, 52:20, 54:4, 55:1, 55:3, 55:4, 55:9, 55:18, 55:21, 58:8, 58:12, 66:21, 87:3, 97:6, 97:9, 97:13, 97:15, 97:18, 101:23, 101:24, 102:1, 102:5, 106:21, 107:13, 107:14, 107:23, 108:3, 109:17, 109:18, 109:24, 110:6, 110:11, 112:14, 126:14, 130:13, 135:9, 139:10, 139:20, 140:15, 141:9, 144:5, 183:18, 185:9, 185:10, 185:11, 188:14, 188:15, 188:21, 199:10, 204:14 <b>playdates</b> 97:5 <b>playful</b> 4:13, 78:25 <b>playing</b> 34:10, 57:25, 58:1, 58:2, 80:21, 93:12, 96:23, 123:3, 124:23, 124:25, 129:10, 130:1, 141:6, 147:24 <b>playroom</b> 109:23 <b>playtime</b> 33:11, 33:12 <b>playtimes</b> 56:19 <b>plaza</b> 192:14 <b>pleasant</b> 145:11	<b>please</b> 4:24, 5:7, 8:1, 35:11, 42:2, 42:6, 62:3, 78:18, 78:23, 135:23, 138:13, 138:19, 144:21, 144:24, 147:2, 147:8, 151:12, 164:23, 197:4, 197:5 <b>plenty</b> 15:23, 97:16 <b>plot</b> 62:7 <b>plus</b> 83:10, 85:6, 165:24, 183:10, 199:19, 200:2 <b>point</b> 7:6, 10:18, 16:3, 16:5, 16:7, 17:4, 17:8, 18:6, 18:18, 18:25, 19:13, 19:24, 22:22, 29:1, 36:8, 38:20, 43:11, 44:7, 53:19, 53:23, 55:24, 57:16, 61:20, 62:6, 67:2, 68:14, 69:20, 72:20, 75:16, 75:24, 76:3, 77:5, 96:24, 102:11, 113:7, 114:14, 128:19, 139:24, 141:9, 141:10, 150:12, 150:13, 150:14, 150:15, 152:17, 157:6, 159:13, 160:10, 166:5, 171:9, 171:10, 176:10, 179:11, 182:17, 190:14, 193:10,	197:9, 197:14, 201:25 <b>points</b> 14:10, 26:5, 150:22, 160:17 <b>police</b> 140:18, 140:21, 140:25 <b>policy</b> 11:11, 149:15, 150:1, 167:21 <b>poorly</b> 204:16 <b>population</b> 79:15 <b>porch</b> 115:6, 181:17 <b>pose</b> 135:6 <b>posed</b> 193:19 <b>position</b> 24:18, 30:3, 34:9, 60:1, 66:10, 145:25, 201:24 <b>positions</b> 90:21 <b>possibilities</b> 129:18 <b>possibility</b> 108:4, 130:4, 131:13, 131:15 <b>possible</b> 48:21, 89:9, 121:13, 187:9 <b>post</b> 10:3 <b>posted</b> 11:18, 11:21, 25:13, 155:10, 156:14, 194:2, 194:7, 194:17, 195:6, 195:12, 195:13 <b>posting</b> 11:16, 78:14, 156:18, 194:12
---	---	---	---

<p><b>potential</b> 36:3, 39:25</p> <p><b>potentially</b> 144:11, 152:16</p> <p><b>potentials</b> 44:23</p> <p><b>potted</b> 102:9</p> <p><b>practical</b> 123:14</p> <p><b>practice</b> 42:20, 42:22, 94:23, 98:14, 98:18</p> <p><b>practiced</b> 47:11</p> <p><b>pre</b> 15:16</p> <p><b>predominantly</b> 35:23</p> <p><b>preface</b> 21:14</p> <p><b>prefer</b> 87:2, 133:3, 133:11, 133:14, 134:3, 200:18</p> <p><b>preferable</b> 133:1</p> <p><b>preference</b> 134:13</p> <p><b>prehearing</b> 16:14, 18:22</p> <p><b>prejudice</b> 16:21</p> <p><b>preliminarily</b> 55:16</p> <p><b>preliminary</b> 3:3, 12:21, 18:20, 19:3, 22:24, 26:23, 27:5, 27:7, 31:15</p> <p><b>premises</b> 118:4, 138:6</p> <p><b>preparation</b> 15:12</p> <p><b>prepare</b> 195:10</p>	<p><b>prepared</b> 11:16, 12:20, 16:1, 47:21, 49:25, 154:2, 183:25</p> <p><b>preparing</b> 159:5</p> <p><b>preschool</b> 131:7</p> <p><b>prescription</b> 64:13</p> <p><b>prescriptive</b> 63:22</p> <p><b>present</b> 16:12, 68:2, 82:12, 83:12, 85:7, 87:23, 87:24, 90:17, 135:17, 178:16</p> <p><b>presentation</b> 15:13, 15:18</p> <p><b>presented</b> 162:20, 179:12, 179:20</p> <p><b>presently</b> 194:21</p> <p><b>pressures</b> 44:23</p> <p><b>presume</b> 60:18, 119:18</p> <p><b>pretty</b> 31:6, 47:3, 53:25, 56:17, 66:20, 93:2, 141:19, 197:23</p> <p><b>prevent</b> 72:11, 198:8</p> <p><b>preventing</b> 143:5</p> <p><b>previous</b> 43:24, 48:5, 49:16, 49:23, 53:12, 55:23, 56:20</p> <p><b>previously</b> 17:10, 19:2, 42:25, 180:20</p> <p><b>primary</b> 151:20, 184:8</p>	<p><b>primm</b> 40:19, 43:6, 45:9, 48:8, 55:24, 162:16, 190:20</p> <p><b>prior</b> 13:19, 80:9</p> <p><b>priority</b> 12:19</p> <p><b>privacy</b> 61:23</p> <p><b>privilege</b> 146:6</p> <p><b>pro</b> 140:6</p> <p><b>probably</b> 89:8, 111:11, 113:20, 125:7, 139:18, 153:15, 155:18, 156:17, 158:15, 180:11, 197:25</p> <p><b>probative</b> 23:23, 113:20, 118:13</p> <p><b>probe</b> 23:22</p> <p><b>problem</b> 55:19, 70:4, 73:11, 76:11, 117:3, 142:11, 163:14, 165:4, 169:20, 179:2, 191:9, 197:20, 198:12</p> <p><b>problematic</b> 55:19, 72:5, 73:25</p> <p><b>problems</b> 32:7, 87:12, 96:3, 96:10, 142:10, 164:9, 167:11, 189:25, 204:15</p> <p><b>procedure</b> 6:22, 73:23, 153:18</p> <p><b>procedures</b> 6:24, 158:20</p>	<p><b>proceed</b> 4:2, 35:15, 42:12, 78:22, 135:3, 138:22, 145:3, 147:11, 151:16</p> <p><b>proceeding</b> 9:22, 10:5, 67:20, 144:11, 156:15, 159:22, 205:17</p> <p><b>proceedings</b> 9:13, 10:3, 80:4, 118:12, 207:4</p> <p><b>process</b> 6:5, 31:24, 46:7, 46:8, 49:12, 52:4, 53:14, 55:23, 56:21, 56:23, 59:22, 62:24, 62:25, 63:6, 109:7, 127:13, 142:15, 148:11, 153:11, 154:12, 154:21, 155:10, 156:5, 156:18, 159:11, 176:23, 176:25, 178:16, 190:15, 191:2, 205:19, 206:5, 206:10</p> <p><b>produced</b> 18:9, 96:22</p> <p><b>proffered</b> 196:2</p> <p><b>profit</b> 142:11</p> <p><b>program</b> 28:4, 53:1, 54:2, 54:7, 54:17, 66:20, 66:22, 128:23, 129:6, 129:15, 161:1</p> <p><b>programs</b> 160:23</p>
---	--	--	---

<p><b>progress</b> 200:20</p> <p><b>progressed</b> 153:24</p> <p><b>prohibit</b> 74:4, 76:22</p> <p><b>prohibited</b> 18:3</p> <p><b>prohibits</b> 17:4, 18:1, 140:11</p> <p><b>promote</b> 161:2</p> <p><b>promoted</b> 184:7</p> <p><b>promoting</b> 204:4</p> <p><b>prone</b> 40:11</p> <p><b>proof</b> 38:13, 158:9</p> <p><b>proper</b> 50:1</p> <p><b>properly</b> 67:24, 70:11</p> <p><b>properties</b> 36:4, 177:22, 177:23</p> <p><b>property</b> 11:18, 37:5, 60:15, 90:1, 90:4, 90:5, 91:11, 106:14, 106:18, 106:22, 121:12, 122:3, 145:16, 145:17, 146:1, 152:16, 177:17, 177:25, 179:5, 179:13, 179:14, 184:22, 193:18, 194:21, 195:12</p> <p><b>proposal</b> 26:21, 55:6</p> <p><b>proposals</b> 54:24, 55:8</p> <p><b>propose</b> 23:7, 27:1,</p>	<p>73:9, 73:11</p> <p><b>proposed</b> 5:15, 13:3, 20:6, 25:3, 25:5, 25:9, 26:16, 26:17, 26:22, 28:5, 28:7, 35:19, 37:16, 38:3, 38:4, 52:1, 58:22, 66:23, 67:7, 77:16, 85:12, 106:17, 145:17, 178:12, 183:2, 183:8, 183:11, 183:13, 187:7, 192:22</p> <p><b>proposing</b> 29:24, 74:8</p> <p><b>protection</b> 198:23, 198:25</p> <p><b>prove</b> 65:7, 118:1, 118:4</p> <p><b>provide</b> 21:21, 56:24, 186:15, 189:22, 199:23, 203:21</p> <p><b>provided</b> 23:10, 207:6</p> <p><b>provider</b> 176:17</p> <p><b>providers</b> 31:3</p> <p><b>provides</b> 199:1</p> <p><b>providing</b> 32:4, 186:22</p> <p><b>provision</b> 30:24, 132:9, 172:15, 172:20</p> <p><b>provisionally</b> 95:16</p> <p><b>proximity</b> 36:16</p> <p><b>psychoanalytical</b> 175:20</p> <p><b>psychoanalyze</b> 175:14</p>	<p><b>public</b> 4:11, 18:13, 55:18, 66:24, 157:20, 158:2</p> <p><b>pull</b> 70:20, 71:13, 73:12, 74:21, 75:23, 76:2, 76:4, 76:8, 76:17, 76:18, 76:20, 87:19, 89:1, 89:13, 116:6</p> <p><b>pulling</b> 75:4, 75:9, 76:12</p> <p><b>purely</b> 17:6</p> <p><b>purpose</b> 67:2</p> <p><b>purposes</b> 69:23, 73:17, 135:13, 153:17</p> <p><b>pursuant</b> 4:14</p> <p><b>purview</b> 175:15</p> <p><b>put</b> 9:19, 52:24, 79:24, 80:5, 84:7, 85:12, 85:17, 90:21, 93:13, 100:25, 112:4, 116:3, 116:13, 123:1, 123:3, 123:8, 123:10, 123:11, 124:9, 125:3, 149:25, 158:1, 161:5, 185:3, 188:16, 196:20, 198:3, 199:6</p> <p><b>putting</b> 59:14, 148:18, 153:13</p>	<p>46:18, 46:20</p> <p><b>qualified</b> 45:22, 46:4, 55:11, 138:4</p> <p><b>qualify</b> 43:8, 43:10, 46:3, 139:11</p> <p><b>quantify</b> 96:18</p> <p><b>quasijudicial</b> 159:22</p> <p><b>question</b> 6:10, 11:5, 12:3, 28:23, 29:4, 29:7, 29:10, 30:21, 38:16, 45:17, 46:7, 46:17, 49:9, 50:11, 50:13, 55:15, 58:10, 58:13, 58:21, 61:5, 61:18, 62:10, 62:22, 63:7, 63:14, 64:25, 68:3, 68:4, 68:15, 68:21, 68:23, 69:9, 71:7, 88:14, 89:23, 94:10, 95:19, 112:25, 113:9, 113:20, 115:16, 115:23, 119:6, 119:17, 120:5, 120:14, 127:1, 128:12, 129:15, 132:6, 135:25, 137:3, 167:17, 170:14, 175:24, 176:2, 176:4, 176:14, 178:19, 178:21, 185:13, 189:22, 190:18, 193:2, 193:24, 201:13</p> <p><b>questioned</b> 46:10, 105:11</p> <p><b>questioner</b> 67:23</p>
--	---	---	--

<p><b>questioning</b> 133:23 <b>questions</b> 6:8, 10:8, 10:9, 23:1, 24:22, 67:14, 67:19, 67:25, 78:4, 94:1, 94:22, 95:2, 99:10, 114:14, 114:24, 135:4, 135:6, 135:7, 137:9, 138:9, 195:15 <b>quiet</b> 145:14, 175:5 <b>quietly</b> 146:7 <b>quite</b> 26:8, 38:24, 53:11, 97:2, 183:12 <b>quoted</b> 30:21</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>rail</b> 108:17 <b>raise</b> 6:8, 28:25, 29:17, 35:10, 42:5, 78:17, 94:11, 94:22, 115:15, 138:18, 144:24, 147:7, 151:11, 158:18 <b>raised</b> 7:18, 12:16, 19:12, 25:7, 26:6, 26:24, 33:24, 39:6, 53:24, 57:4, 57:16, 78:2, 112:2, 116:24, 118:15, 171:9, 173:15, 174:25, 176:10, 194:14 <b>raises</b> 10:8, 94:25</p>	<p><b>raising</b> 37:11, 40:23, 150:5, 156:1 <b>rarely</b> 87:23 <b>rate</b> 14:13, 51:20, 203:16 <b>rather</b> 26:19, 60:23, 61:3, 67:15, 94:22, 120:7, 150:17, 171:11, 171:14 <b>rd</b> 8:4, 8:13, 27:10, 79:1, 144:23 <b>re-reviewed</b> 156:10 <b>reach</b> 39:4, 63:19, 185:20, 187:12, 199:24, 200:4 <b>reached</b> 199:25 <b>reaction</b> 26:22 <b>read</b> 23:11, 24:22, 53:17, 162:12, 163:3 <b>reading</b> 31:1, 48:7 <b>ready</b> 4:2, 4:11 <b>real</b> 145:24, 203:23 <b>realize</b> 39:8, 39:25, 49:5, 195:7 <b>really</b> 16:6, 16:20, 32:6, 41:19, 56:2, 72:22, 118:20, 137:3, 140:13, 155:25, 159:3, 159:6,</p>	<p>159:7, 161:12, 175:14, 175:24, 176:7, 203:2, 203:5, 203:19 <b>rear</b> 56:15, 61:22, 85:11, 183:5 <b>reason</b> 23:4, 23:8, 39:8, 85:4, 110:20, 118:18, 122:14, 141:8, 154:19, 170:3 <b>reasonable</b> 24:20, 25:21, 133:20, 169:18 <b>reasons</b> 24:2 <b>reattached</b> 124:24 <b>rebut</b> 157:14 <b>rebuttal</b> 7:12 <b>recall</b> 15:25, 24:25, 60:3 <b>recalled</b> 115:17 <b>receive</b> 9:14, 95:22 <b>received</b> 12:7, 12:9, 79:5, 81:12, 139:1 <b>recent</b> 116:11 <b>recently</b> 79:7, 128:3 <b>recess</b> 78:9 <b>recipients</b> 70:18 <b>recognition</b> 190:6 <b>recognized</b> 11:2 <b>recognizing</b> 11:13, 56:8,</p>	<p>149:13 <b>recommendation</b> 28:6, 32:20, 33:7, 60:21, 157:14, 157:16, 157:17, 157:18, 157:25 <b>recommendations</b> 61:8, 157:12 <b>recommended</b> 12:4, 21:20, 24:23, 28:2, 32:18, 34:21, 59:3, 85:22, 88:3, 159:10 <b>recommending</b> 27:15, 34:5, 154:3, 157:22 <b>record</b> 4:24, 5:10, 5:11, 7:17, 9:16, 12:3, 15:2, 15:20, 19:5, 19:9, 21:3, 27:1, 34:18, 62:20, 68:3, 78:23, 90:2, 90:16, 121:7, 124:15, 135:23, 138:15, 140:18, 144:20, 147:2, 150:16, 153:14, 157:23, 170:7, 179:24, 180:2, 197:21, 201:23, 202:14, 207:3 <b>recorded</b> 207:4 <b>recording</b> 135:13, 207:6 <b>records</b> 26:8 <b>red</b> 9:3 <b>redirect</b> 78:5, 137:13, 138:9</p>
---	---	--	---



<p><b>reduce</b> 58:14, 138:6, 190:12</p> <p><b>refer</b> 15:3, 19:7, 92:21, 176:13</p> <p><b>reference</b> 48:12, 55:22</p> <p><b>referred</b> 43:6</p> <p><b>referring</b> 21:1, 90:11</p> <p><b>reflect</b> 115:18</p> <p><b>regard</b> 46:20, 72:16, 144:2</p> <p><b>regarding</b> 20:5, 20:13, 24:10, 25:15, 46:12, 120:6, 120:14, 201:19, 201:21</p> <p><b>regardless</b> 179:18</p> <p><b>regime</b> 176:18</p> <p><b>registered</b> 139:23</p> <p><b>registration</b> 48:18</p> <p><b>regular</b> 96:22, 99:4, 112:12, 114:10, 115:9, 131:16, 162:18</p> <p><b>regularly</b> 174:20</p> <p><b>regulate</b> 69:24</p> <p><b>regulated</b> 16:19, 169:3</p> <p><b>regulating</b> 169:2</p> <p><b>regulation</b> 38:1, 86:18, 137:2</p> <p><b>regulations</b> 30:10, 31:23,</p>	<p>38:9, 86:8, 86:21, 203:21, 205:14</p> <p><b>reiterate</b> 151:18</p> <p><b>reject</b> 11:3</p> <p><b>rejected</b> 28:17, 160:7, 184:14, 191:11</p> <p><b>rejecting</b> 173:3</p> <p><b>relate</b> 132:9</p> <p><b>related</b> 8:15, 207:7</p> <p><b>relations</b> 144:1</p> <p><b>relative</b> 48:11</p> <p><b>relatively</b> 124:23</p> <p><b>relaxed</b> 6:22</p> <p><b>relevance</b> 131:22, 131:24, 136:4, 136:5, 154:10, 156:2, 192:3, 192:17</p> <p><b>relevancy</b> 132:6</p> <p><b>relevant</b> 17:11, 17:21, 113:15, 114:19, 115:12, 116:21, 123:20, 123:22, 129:8, 129:9, 132:2, 154:15, 158:6, 161:9, 161:10, 163:12, 172:8, 172:20, 177:10, 190:25, 191:1, 192:7</p> <p><b>reliable</b> 10:7, 118:13</p> <p><b>relies</b> 156:17</p> <p><b>reluctant</b> 37:15</p>	<p><b>rely</b> 175:17, 188:7</p> <p><b>remain</b> 131:6</p> <p><b>remaining</b> 72:21</p> <p><b>remedy</b> 151:24</p> <p><b>remember</b> 85:8, 100:4, 138:24</p> <p><b>remodeling</b> 54:15</p> <p><b>removal</b> 117:16</p> <p><b>remove</b> 142:1</p> <p><b>renovated</b> 46:25</p> <p><b>repeal</b> 176:23</p> <p><b>repetitious</b> 180:15</p> <p><b>replace</b> 33:9, 82:16, 189:9</p> <p><b>replacement</b> 60:1</p> <p><b>replacing</b> 62:7</p> <p><b>replied</b> 45:19, 45:21, 45:24, 45:25, 46:3</p> <p><b>reply</b> 170:25, 171:15</p> <p><b>report</b> 4:22, 10:23, 15:19, 19:7, 19:8, 23:2, 23:14, 24:3, 25:6, 26:1, 26:2, 26:18, 27:25, 33:25, 34:4, 37:12, 57:18, 87:7, 99:14, 99:16, 100:1, 154:3,</p>	<p>155:2, 156:17, 157:7, 157:24, 158:1, 176:21, 182:25, 196:1</p> <p><b>reported</b> 100:10</p> <p><b>reporter</b> 4:11, 10:2, 64:18, 176:24</p> <p><b>reports</b> 106:17</p> <p><b>represent</b> 5:24, 6:9, 18:5, 50:2, 94:16, 101:25, 102:5, 120:8</p> <p><b>representation</b> 122:15</p> <p><b>represented</b> 18:1</p> <p><b>representing</b> 6:3, 6:15, 17:1, 41:10, 150:17</p> <p><b>represents</b> 120:24</p> <p><b>request</b> 27:20, 28:16, 39:19, 47:22, 61:14, 141:20, 205:16</p> <p><b>requested</b> 28:1, 65:24</p> <p><b>requesting</b> 156:24, 176:18</p> <p><b>require</b> 13:19, 29:9, 32:11, 33:19, 38:9, 39:13, 39:15, 39:17, 54:14, 70:15, 71:18, 74:1, 80:6, 130:13, 149:3</p> <p><b>required</b> 4:19, 54:7, 54:16, 56:2, 58:23, 70:17,</p>
--	---	--	--

Transcript of Hearing  
Conducted on January 13, 2017

97

<p>135:16, 136:13, 158:15, 171:7, 194:10 <b>requirement</b> 55:17, 55:25, 56:11, 70:19, 83:1, 83:6, 112:2, 138:3, 138:5 <b>requirements</b> 15:16, 16:9, 16:14, 56:9, 58:12, 58:15, 64:1, 66:19, 67:6, 67:17, 130:17, 137:20, 164:3, 194:11, 195:9, 195:11, 195:12 <b>requires</b> 11:5, 35:17, 35:24, 36:8, 84:10, 84:17, 130:8, 149:8, 156:18, 156:19, 176:18, 180:1 <b>requiring</b> 25:16, 54:10, 113:23, 173:17, 183:3 <b>res</b> 176:6 <b>researched</b> 189:2 <b>reserve</b> 35:2 <b>residence</b> 45:20, 66:3 <b>resident</b> 204:18 <b>residential</b> 35:23, 46:2, 56:1, 56:10, 99:4, 175:3, 175:5, 175:22, 176:1, 176:7 <b>residents</b> 29:20, 36:7,</p>	<p>36:19, 145:25, 159:2 <b>respond</b> 13:7, 13:17, 14:9, 16:22, 19:12, 23:7, 23:9, 23:15, 114:11, 156:4, 157:2, 157:5, 171:12, 173:24, 174:1, 174:2, 201:22 <b>responded</b> 156:22 <b>response</b> 17:9, 19:10, 52:12, 53:24, 184:5, 200:5, 201:4, 201:19, 201:20, 202:13, 205:23 <b>responses</b> 14:16, 53:18, 63:16, 63:17, 201:16 <b>responsibility</b> 125:3 <b>responsible</b> 136:7, 204:12, 204:17 <b>responsive</b> 24:14 <b>rest</b> 109:18, 125:22, 125:23, 195:1, 204:16 <b>resting</b> 92:24 <b>restricted</b> 22:7, 144:5 <b>restriction</b> 39:14 <b>restrictions</b> 72:11, 162:24 <b>result</b> 35:25, 138:9, 146:3, 160:1, 172:16, 177:19,</p>	<p>193:21, 203:9 <b>results</b> 161:24 <b>resume</b> 14:1 <b>retire</b> 145:12 <b>retired</b> 145:8 <b>retirees</b> 36:15 <b>retirement</b> 145:6, 145:10 <b>return</b> 58:20 <b>reverse</b> 14:11, 74:22 <b>review</b> 18:13, 18:16, 108:16, 124:6, 156:12, 157:19, 158:2 <b>reviewed</b> 17:20, 29:17, 53:15, 156:7, 157:11 <b>revised</b> 28:6, 196:10, 201:7, 201:21, 202:13 <b>revision</b> 200:11, 200:25 <b>rhetoric</b> 179:1 <b>rhetorical</b> 178:19, 178:23 <b>rid</b> 186:11 <b>ride</b> 167:23 <b>riders</b> 30:10 <b>riding</b> 97:15 <b>right</b> 6:17, 12:11, 12:12, 12:13, 15:15, 16:12,</p>	<p>18:1, 24:15, 27:22, 35:10, 39:5, 40:10, 41:4, 42:1, 42:5, 44:21, 45:12, 46:7, 52:7, 54:22, 60:16, 61:13, 61:16, 63:3, 64:11, 69:3, 70:6, 71:6, 73:12, 74:11, 76:16, 77:2, 78:18, 81:7, 82:20, 84:20, 91:22, 97:14, 98:12, 100:4, 101:11, 101:12, 101:24, 103:22, 104:1, 104:15, 105:1, 116:6, 116:16, 116:20, 117:1, 117:22, 121:8, 122:4, 122:5, 122:11, 124:7, 125:12, 129:17, 133:8, 134:14, 135:1, 137:16, 138:18, 144:24, 147:7, 148:20, 151:12, 158:5, 160:16, 161:25, 165:6, 174:9, 175:19, 176:9, 176:16, 180:12, 182:14, 182:16, 183:9, 184:17, 185:19, 185:23, 186:13, 186:16, 189:6, 189:8, 189:11, 192:15, 193:18, 197:19 <b>rights</b> 177:12, 177:13 <b>ringer</b> 106:13 <b>rise</b> 172:24</p>
--	--	---	---

<b>risk</b> 167:20 <b>road</b> 4:17, 27:8, 37:1, 64:9, 64:10, 68:5, 68:11, 68:12, 68:15, 68:21, 68:25, 69:11, 69:12, 69:22, 69:24, 70:7, 73:10, 73:13, 75:17, 75:20, 76:10, 98:24, 100:18, 102:19, 103:20, 103:21, 104:20, 105:2, 121:3, 121:6, 182:11, 182:13 <b>roads</b> 65:20 <b>roadway</b> 69:20 <b>robinson</b> 41:2, 43:10, 45:11, 45:21, 45:24 <b>robison</b> 162:12 <b>rockville</b> 1:10, 2:7 <b>roger</b> 3:10, 8:18, 8:22, 8:25, 89:16, 151:9, 151:15, 151:18, 152:22, 153:6 <b>room</b> 66:5, 68:8, 68:24, 70:12, 88:23, 89:5, 107:14, 107:15, 107:23, 109:12, 109:17, 109:18, 109:24, 109:25, 110:6, 110:7, 110:11, 110:15, 118:1, 118:3,	158:16, 168:22 <b>route</b> 20:7, 20:9, 20:10, 24:6 <b>routinely</b> 18:13, 116:13 <b>row</b> 7:25 <b>rule</b> 15:16, 18:3, 18:10, 18:18, 30:20, 158:25, 163:21, 164:5 <b>ruled</b> 18:6, 195:23 <b>rules</b> 10:9, 13:19, 16:8, 30:12, 141:21, 205:13 <b>run</b> 72:7, 72:23, 112:14, 128:22, 149:23, 192:13, 192:20 <b>running</b> 79:3, 142:10, 152:10 <b>runs</b> 36:20 <hr/> <b>S</b> <hr/> <b>safe</b> 69:2, 93:14 <b>safety</b> 36:6, 36:18, 66:19, 66:22, 66:24, 71:20, 72:23, 73:4, 74:4, 76:23, 159:1, 159:18 <b>said</b> 8:23, 23:5, 28:17, 38:6, 40:19, 45:22, 46:19, 61:5, 68:5, 77:22, 85:17, 93:17, 117:10, 117:14,	118:3, 118:5, 120:16, 121:6, 124:14, 127:10, 129:5, 131:1, 137:15, 139:6, 140:2, 140:3, 140:7, 151:19, 152:24, 153:10, 156:3, 158:19, 162:4, 162:9, 163:3, 163:17, 164:9, 167:2, 168:18, 168:19, 169:6, 175:17, 176:12, 176:14, 177:2, 177:8, 177:9, 182:25, 187:4, 189:5, 191:20, 195:25, 201:3, 204:8, 207:4 <b>sam</b> 9:3 <b>same</b> 6:15, 9:5, 23:4, 23:8, 24:18, 34:8, 34:10, 49:21, 55:1, 69:8, 95:13, 99:23, 100:7, 101:21, 104:8, 106:24, 108:13, 113:11, 113:16, 115:18, 115:19, 148:6, 148:19, 171:1, 182:1, 189:7, 191:25, 196:21 <b>sanctioning</b> 176:5 <b>sat</b> 125:1 <b>satisfaction</b> 159:9 <b>satisfied</b> 10:18 <b>satisfy</b> 159:9	<b>saturday</b> 120:10, 126:4, 130:19, 202:5 <b>save</b> 132:10 <b>saved</b> 186:20 <b>saw</b> 7:18, 47:17, 56:15, 77:24, 115:25, 129:15, 163:15, 204:12 <b>say</b> 10:9, 11:21, 20:9, 28:24, 31:3, 36:11, 40:18, 40:21, 41:15, 44:15, 51:20, 53:21, 55:16, 58:9, 60:4, 61:22, 64:19, 65:1, 70:19, 75:8, 76:6, 76:23, 80:15, 86:24, 87:22, 89:16, 96:19, 98:25, 99:5, 107:22, 109:20, 109:24, 116:15, 119:22, 121:11, 122:25, 125:2, 127:24, 130:16, 131:18, 132:3, 142:2, 145:7, 146:22, 148:20, 150:23, 153:2, 157:7, 158:10, 159:19, 159:20, 162:8, 163:22, 164:4, 165:6, 165:12, 165:19, 166:8, 171:11, 173:10, 174:5, 178:2, 179:24, 180:11, 191:13, 196:11, 196:24, 197:3, 199:14, 199:15,
---	--	---	---

<p>200:1, 200:10, 200:23, 201:7, 205:6 <b>saying</b> 11:15, 38:2, 40:6, 58:1, 63:9, 73:20, 75:19, 75:25, 82:19, 84:3, 89:4, 104:10, 111:9, 113:10, 115:17, 123:19, 124:7, 124:15, 129:9, 129:11, 129:25, 148:15, 150:3, 155:24, 165:14, 177:24, 178:18, 183:9, 186:4 <b>says</b> 15:9, 25:6, 27:22, 30:18, 36:10, 60:8, 93:6, 100:19, 101:9, 101:23, 102:8, 106:20, 107:13, 110:6, 158:11, 158:25, 173:7, 177:18, 193:15 <b>scales</b> 44:1 <b>scenario</b> 70:2, 129:3, 187:4, 191:4, 191:10, 191:18, 205:16 <b>schedule</b> 22:8, 88:11 <b>school</b> 28:4, 69:6, 81:6, 82:15, 97:23, 97:24, 97:25, 98:1, 128:23, 129:6, 129:15, 129:20, 129:25, 131:5, 131:16</p>	<p><b>schools</b> 97:20, 97:21 <b>scooters</b> 97:15 <b>scope</b> 50:7, 50:10 <b>scream</b> 141:9 <b>screaming</b> 151:21 <b>screen</b> 61:3, 184:9, 186:15 <b>screening</b> 55:17, 55:22, 55:25, 56:9, 58:21, 183:1, 183:13, 183:19, 184:14, 186:23, 189:22, 196:11, 197:17, 197:22, 197:23, 198:22 <b>scrupulously</b> 158:4 <b>season</b> 110:11 <b>seasonal</b> 102:11 <b>seasonally</b> 123:5, 123:6 <b>seat</b> 5:9, 138:14 <b>second</b> 12:24, 14:5, 26:18, 58:21, 63:15, 66:2, 82:8, 84:1, 84:24, 132:13, 159:20, 172:14, 178:25, 195:20 <b>section</b> 4:15, 30:7, 35:16, 92:20, 98:13, 172:8, 172:10, 172:21 <b>security</b> 25:15 <b>see</b> 8:14, 10:6,</p>	<p>18:17, 25:14, 26:18, 40:25, 49:3, 50:12, 59:8, 60:7, 60:8, 60:11, 62:17, 73:6, 90:20, 97:3, 97:20, 100:8, 100:12, 100:22, 101:2, 104:9, 105:3, 105:10, 108:7, 108:22, 114:3, 114:5, 114:8, 122:24, 123:16, 123:23, 123:24, 124:1, 124:4, 124:20, 127:12, 147:13, 148:2, 165:13, 171:11, 172:22, 181:20, 181:21, 182:19, 182:21, 183:12, 183:16, 183:19, 186:17, 194:22, 195:7, 197:1, 199:15, 206:7 <b>seeing</b> 7:23, 195:18, 198:8 <b>seeking</b> 31:23 <b>seem</b> 99:24, 149:21, 157:11, 158:22 <b>seems</b> 12:18, 45:3, 74:13, 94:21, 136:8, 141:14, 154:22, 158:5, 158:17, 159:7, 159:8, 177:2, 191:2 <b>seen</b> 12:8, 17:16, 24:5, 144:13, 147:24 <b>segregating</b> 56:20</p>	<p><b>sell</b> 37:7 <b>selling</b> 38:12 <b>send</b> 9:18, 155:22, 156:21, 171:21 <b>senior</b> 42:23, 46:20, 46:23, 46:25, 47:3, 47:5, 47:7 <b>seniors</b> 40:8, 47:3 <b>sense</b> 56:9, 57:20, 90:25, 132:22, 133:2, 133:10, 134:2, 186:2, 197:23, 198:1 <b>sent</b> 11:19, 23:25, 101:6, 111:12, 156:8, 176:11 <b>separate</b> 74:25 <b>separated</b> 182:8 <b>separates</b> 106:21 <b>september</b> 14:13 <b>serene</b> 145:14 <b>series</b> 176:19 <b>serious</b> 73:10, 96:3, 96:10, 163:14 <b>serve</b> 66:24 <b>service</b> 47:22 <b>services</b> 32:4, 59:7, 79:4, 117:2 <b>serving</b> 50:16 <b>session</b> 157:20, 157:21</p>
--	--	---	--

<p><b>sessions</b> 135:9 <b>set</b> 18:22, 21:14, 22:2, 24:9, 39:9, 61:7, 61:18, 62:18, 80:1, 95:21, 170:1, 170:25, 184:11, 190:10, 199:12, 205:13 <b>sets</b> 113:10 <b>settle</b> 133:9 <b>setup</b> 142:13 <b>seven</b> 36:21, 80:9, 80:12, 80:17, 81:9, 113:3, 139:16, 165:21, 165:24, 180:12, 201:5 <b>several</b> 46:2, 52:14, 53:17, 64:7, 93:8, 126:5, 146:23 <b>shall</b> 90:2, 116:13 <b>shape</b> 68:24, 173:1 <b>share</b> 53:6 <b>shared</b> 53:4 <b>sharing</b> 144:19 <b>sharp</b> 141:23 <b>shed</b> 184:1 <b>she'd</b> 129:3, 136:15 <b>she's</b> 31:22, 31:23, 31:24, 31:25,</p>	<p>32:1, 81:23, 94:15, 118:4, 128:22, 129:3, 136:3, 150:14, 161:14, 164:4, 182:20, 182:21, 204:11, 204:12, 204:17 <b>should</b> 10:18, 10:23, 10:24, 11:14, 23:7, 23:25, 25:11, 27:8, 29:19, 31:20, 34:25, 37:13, 38:25, 39:2, 39:8, 39:20, 39:23, 39:25, 51:12, 51:13, 61:19, 63:9, 63:10, 78:8, 85:17, 113:16, 113:17, 119:3, 146:12, 148:20, 152:11, 152:12, 154:10, 154:14, 158:12, 170:11, 187:21, 189:23, 191:18, 193:16, 195:24, 196:11, 199:11, 199:14, 201:10, 201:11, 201:14, 202:8, 202:10, 205:18 <b>shoulder</b> 184:3 <b>shouldn't</b> 39:25, 186:4, 198:14 <b>show</b> 33:18, 48:20, 51:16, 63:24, 64:2, 91:18, 91:21, 92:24, 196:11 <b>showed</b> 66:8 <b>showing</b> 16:11, 19:14,</p>	<p>58:22, 59:10 <b>shown</b> 60:2, 187:25, 203:7 <b>shows</b> 58:24, 62:19, 106:21, 109:23, 110:10, 182:4 <b>shrubs</b> 183:21, 184:12, 185:17, 185:19, 186:19, 186:21, 188:1, 196:13 <b>siblings</b> 127:18, 128:2, 166:16 <b>sick</b> 168:23 <b>side</b> 60:15, 61:13, 64:2, 66:10, 69:24, 70:7, 70:8, 70:9, 70:11, 70:16, 70:23, 71:19, 71:24, 72:4, 72:6, 72:12, 73:12, 74:15, 75:1, 76:2, 76:5, 76:24, 91:22, 91:24, 92:8, 92:10, 92:11, 92:24, 101:11, 101:12, 102:22, 104:1, 105:1, 106:8, 109:24, 121:13, 179:22, 196:21, 196:22, 196:23, 197:1, 197:7, 197:8, 197:10, 197:11, 197:12, 198:7 <b>sides</b> 9:21, 61:23, 62:20, 69:21, 183:6, 188:20, 189:4, 196:24,</p>	<p>199:8, 200:12 <b>sidewalk</b> 77:3, 89:18, 89:21 <b>sidewalks</b> 70:3, 167:8 <b>sight</b> 4:17, 38:19, 83:2, 186:11 <b>sign</b> 57:9, 63:5, 63:6, 95:14, 155:10, 155:23, 156:14, 194:2, 194:22, 195:2, 195:3, 195:10 <b>signage</b> 33:4 <b>signature</b> 8:20 <b>signature-vdhl8</b> 207:12 <b>signed</b> 9:11, 11:17, 41:16, 41:18, 104:12, 145:21 <b>significant</b> 124:13, 149:7, 176:1, 176:6, 203:8, 203:20, 206:1 <b>significantly</b> 206:2 <b>signing</b> 95:7 <b>signs</b> 194:12 <b>similar</b> 10:5, 70:2 <b>simple</b> 75:5 <b>simply</b> 36:23 <b>since</b> 12:18, 13:5, 19:1, 39:5, 42:21, 44:7, 45:21, 49:13,</p>
--	---	--	--

<p>59:17, 74:14, 76:1, 79:7, 79:10, 80:14, 80:20, 81:11, 94:7, 115:24, 118:17, 127:9, 130:25, 139:13, 148:20, 161:22, 175:22, 183:25, 201:11, 201:17 <b>single</b> 37:16, 56:10, 67:22, 112:5 <b>sir</b> 4:4, 4:24, 5:4, 8:12, 8:17, 8:25, 9:7, 11:16, 20:2, 40:3, 42:1, 42:7, 44:15, 44:16, 46:21, 47:14, 47:15, 47:25, 49:14, 49:17, 50:9, 53:11, 59:22, 60:5, 60:13, 62:22, 66:1, 67:8, 68:5, 89:15, 102:12, 121:14, 139:24, 144:18, 151:7, 173:19 <b>sit</b> 129:21, 141:5, 169:10, 171:18 <b>site</b> 40:20, 40:23, 43:18, 43:25, 44:12, 44:24, 45:4, 50:16, 50:23, 52:16, 52:17, 52:18, 52:22, 57:9, 64:21, 64:22, 64:23, 64:24, 67:6, 67:12, 69:17, 74:14, 76:8, 76:9,</p>	<p>160:6, 160:11, 160:12, 170:15, 170:21, 171:24, 171:25, 172:4, 172:23, 172:25, 173:1, 173:5, 192:22, 192:24, 196:10, 201:2, 201:8, 201:17, 201:18 <b>site's</b> 76:25 <b>siting</b> 65:2 <b>sitting</b> 93:8, 123:17, 169:9 <b>situating</b> 189:25 <b>situation</b> 36:14, 46:13, 71:2, 71:12, 82:21, 161:5, 190:18 <b>six</b> 25:6, 28:3, 30:11, 30:17, 30:18, 31:4, 31:8, 32:24, 58:1, 58:2, 58:3, 59:10, 81:8, 85:17, 109:8, 113:24, 139:19, 143:7, 183:15, 183:16, 185:15, 185:16, 185:20, 186:21, 187:17, 187:19, 187:25, 190:21 <b>sixty</b> 142:6 <b>sizable</b> 66:21 <b>size</b> 54:2, 54:3, 148:8, 148:16, 148:18, 162:24, 168:20, 193:8</p>	<p><b>sizeable</b> 122:2, 188:20 <b>sized</b> 148:6 <b>skilled</b> 47:1 <b>slamming</b> 162:2 <b>slightly</b> 203:20 <b>slow</b> 111:24 <b>small</b> 166:17, 172:13, 172:14, 176:12, 176:13, 179:7 <b>smaller</b> 80:6 <b>solely</b> 11:4 <b>solitude</b> 146:6 <b>solution</b> 57:11, 184:16 <b>some</b> 5:25, 10:1, 10:9, 10:25, 11:14, 16:15, 16:17, 17:4, 25:14, 26:9, 26:25, 28:9, 34:7, 37:17, 47:9, 51:19, 52:5, 54:24, 56:17, 58:24, 59:2, 63:8, 64:5, 64:7, 71:1, 71:22, 76:3, 77:25, 85:3, 85:10, 87:19, 87:20, 88:8, 94:1, 94:19, 99:8, 100:8, 102:9, 102:11, 105:3, 107:1, 107:23, 109:7, 115:14, 118:15, 119:25,</p>	<p>123:22, 123:25, 124:12, 127:4, 136:8, 137:24, 141:7, 141:8, 141:16, 143:7, 143:17, 146:1, 149:14, 150:21, 151:18, 151:23, 151:25, 162:12, 162:13, 162:18, 166:16, 167:25, 172:1, 177:7, 183:3, 183:6, 183:21, 184:1, 186:18, 186:19, 187:7, 188:9, 190:11, 196:15, 199:12, 202:2, 203:6, 203:18, 204:20, 206:3, 206:8 <b>somebody</b> 45:1, 46:8, 46:11, 46:12, 67:23, 68:17, 71:12, 75:10, 89:11, 113:11, 118:3, 119:17, 143:15, 155:23, 156:6, 161:18, 165:16, 165:17, 179:4 <b>somebody's</b> 106:11 <b>someone</b> 7:12, 82:15, 112:23, 119:11, 131:15, 133:4, 187:15 <b>something</b> 11:17, 31:6, 51:20, 72:15, 79:18, 116:13, 123:18, 124:16, 126:10, 138:24, 140:4, 144:9, 163:5, 168:1, 169:1, 169:11,</p>
---	---	---	--

<p>170:6, 170:14, 171:8, 171:12, 171:13, 173:1, 174:15, 179:21, 180:1, 188:13, 195:8, 196:24, 197:3, 200:13 <b>sometimes</b> 63:5, 80:3, 82:14, 111:19, 123:1, 123:11, 131:5, 152:3, 162:8, 205:25 <b>somewhat</b> 6:21, 64:25, 67:20, 72:25, 90:21, 94:14, 145:24 <b>somewhere</b> 77:22, 188:18, 192:24 <b>son</b> 38:7, 81:9, 145:20 <b>soon</b> 37:7, 38:12, 81:9, 156:13, 187:9 <b>sorry</b> 12:25, 63:14, 65:17, 75:21, 80:7, 103:8, 103:15, 120:22, 126:9, 138:24, 140:3, 153:22, 154:23, 172:13, 195:24 <b>sort</b> 25:17, 34:6, 65:2, 76:3, 139:10, 146:1, 165:1, 174:4, 179:25, 204:24 <b>sought</b> 149:5 <b>sound</b> 49:11, 62:3, 126:13, 140:19,</p>	<p>162:13, 162:14, 162:15, 162:22, 163:2, 163:9, 166:6, 174:15, 187:16, 187:20, 198:23, 198:25, 199:2 <b>sounds</b> 25:20, 134:2 <b>sources</b> 48:3 <b>south</b> 74:14, 75:15, 181:8, 182:12, 182:13, 188:20 <b>southbound</b> 75:14 <b>space</b> 32:15, 64:11, 68:15, 76:18, 87:21, 88:22, 89:6, 89:7, 89:8, 121:23, 132:25 <b>spaces</b> 52:25, 64:14 <b>spacing</b> 185:6 <b>speak</b> 41:9, 64:18, 79:12, 133:19, 134:7, 136:2, 136:9, 136:22, 137:7, 145:20, 150:24, 151:6, 197:4 <b>speakers</b> 140:12 <b>speaking</b> 195:2 <b>speaks</b> 92:23 <b>special</b> 162:18 <b>specific</b> 10:13, 11:9, 45:2, 55:25, 57:4, 57:12,</p>	<p>59:15, 60:20, 63:23, 112:25, 117:24, 160:11, 165:14, 194:11 <b>specifically</b> 26:16, 27:22, 31:1, 31:3, 36:10, 52:7, 60:4, 63:25, 118:12, 177:18 <b>specifications</b> 132:8 <b>specifics</b> 25:19, 56:8 <b>specified</b> 60:11, 187:24 <b>specifies</b> 172:15 <b>speculation</b> 152:18, 165:8, 165:12 <b>spell</b> 181:5 <b>spelled</b> 10:22, 11:10 <b>spend</b> 81:15, 152:2 <b>spent</b> 159:5 <b>split</b> 33:13, 54:25, 203:15 <b>splitting</b> 33:19, 55:8, 85:22, 86:3 <b>spoke</b> 126:8, 126:13, 126:20 <b>spoken</b> 134:3, 203:2 <b>square</b> 54:6, 54:10, 199:9 <b>st</b> 120:11, 122:10, 180:21, 194:20 <b>staff</b> 10:22, 19:7,</p>	<p>19:8, 19:11, 19:12, 21:20, 24:14, 25:5, 25:9, 26:18, 27:24, 27:25, 28:2, 33:25, 34:4, 37:14, 49:18, 49:24, 49:25, 50:1, 50:2, 58:23, 60:16, 60:18, 61:10, 65:3, 65:5, 65:9, 77:22, 77:24, 87:7, 99:14, 99:16, 99:18, 100:1, 100:14, 154:6, 154:25, 155:2, 156:13, 156:17, 157:5, 157:18, 158:10, 158:18, 158:19, 159:8, 176:11, 176:21, 182:24, 184:7 <b>staffing</b> 30:9, 137:22 <b>staff's</b> 12:4, 24:23, 25:23, 28:6, 37:12, 60:20, 157:24, 158:1 <b>stagger</b> 34:20 <b>staggered</b> 33:20, 39:17, 39:18 <b>stairway</b> 110:2 <b>stamp</b> 48:17 <b>stamped</b> 48:17 <b>stand</b> 184:2 <b>standard</b> 113:10, 113:21, 164:6, 193:6,</p>
--	---	--	---

<p>193:9 <b>standards</b> 158:23, 172:9, 192:23, 193:2, 193:5, 193:7 <b>standing</b> 122:11 <b>start</b> 7:25, 11:15, 79:3, 90:12, 110:23 <b>started</b> 49:12, 81:11 <b>state</b> 13:6, 28:7, 34:15, 42:1, 54:9, 58:11, 68:2, 72:23, 73:4, 78:23, 83:6, 86:8, 86:18, 86:21, 135:22, 137:2, 137:21, 138:3, 138:15, 144:21, 147:2, 157:21, 168:18, 169:1, 193:9 <b>stated</b> 10:21, 21:15 <b>statement</b> 13:20, 18:22, 27:14, 31:17, 35:2, 35:3, 35:5, 37:10, 40:3, 41:12, 41:13, 41:20, 150:17, 150:20, 202:24, 205:4 <b>statements</b> 3:3, 3:4, 67:15 <b>states</b> 6:14, 15:18, 15:22, 30:2 <b>state's</b> 169:4 <b>stating</b> 22:5, 22:15, 152:20</p>	<p><b>stats</b> 144:13 <b>status</b> 40:8 <b>statute</b> 9:17, 10:13, 10:19, 10:20, 11:3, 11:5, 11:10, 35:24, 38:1, 53:24, 54:5, 140:4, 194:12, 194:17 <b>statutes</b> 39:15, 194:10, 195:5, 203:6 <b>statutorily</b> 10:12, 158:3, 161:19 <b>statutory</b> 10:17, 31:7, 132:8, 132:9, 156:18, 161:22, 167:18 <b>stay</b> 83:18, 131:9, 136:25, 141:25, 160:21, 160:24, 161:3, 180:14 <b>staying</b> 130:16, 131:13, 131:15, 148:4 <b>step</b> 41:25, 78:10 <b>steps</b> 103:25, 156:5, 176:19, 182:14 <b>still</b> 58:14, 85:5, 85:7, 89:12, 91:4, 124:24, 131:6, 137:23, 162:3, 171:11, 183:24 <b>stipulated</b> 68:7 <b>stockade</b> 197:9 <b>stop</b> 37:25, 70:10,</p>	<p>71:12, 74:21, 195:1 <b>stopped</b> 32:12 <b>stories</b> 114:3 <b>storm</b> 36:25 <b>story</b> 129:16 <b>straight</b> 191:14 <b>strategic</b> 43:25, 44:22 <b>street</b> 2:6, 32:5, 32:14, 32:15, 64:2, 64:3, 64:4, 64:6, 66:10, 66:15, 70:20, 70:21, 71:3, 71:12, 71:14, 71:20, 72:13, 73:18, 74:1, 74:19, 75:1, 76:2, 76:5, 76:24, 77:22, 88:17, 89:3, 97:10, 97:13, 97:16, 97:22, 98:19, 99:5, 102:19, 103:19, 104:18, 139:20, 153:1, 164:18, 164:23, 174:6, 194:6 <b>streets</b> 38:25, 72:14, 77:12, 97:14, 195:13 <b>strenuously</b> 190:25 <b>stress</b> 142:8, 168:11, 169:17 <b>stressed</b> 37:3, 40:11, 161:7, 164:15,</p>	<p>170:3 <b>strongest</b> 143:14 <b>structure</b> 32:17 <b>structures</b> 30:9 <b>studied</b> 47:9 <b>studies</b> 20:11 <b>study</b> 43:23, 64:2, 65:22 <b>stuff</b> 119:25, 148:1, 169:11, 175:7 <b>stumbling</b> 167:13 <b>sturdy</b> 141:19 <b>sub-division</b> 4:18 <b>subject</b> 4:17, 9:24, 13:23, 38:18, 39:10, 76:8, 76:9, 76:25, 108:15, 119:17, 120:6, 149:17, 171:24, 173:12 <b>subjected</b> 146:12 <b>subjects</b> 74:14 <b>subject's</b> 77:8 <b>submission</b> 15:17, 16:14 <b>submissions</b> 66:16 <b>submit</b> 170:6, 170:25, 171:7, 171:8, 189:15, 197:15, 203:7 <b>submitted</b> 51:21, 59:2,</p>
---	---	---	---



128:15, 196:2, 201:9 <b>subparts</b> 22:21, 195:22, 196:5 <b>substantially</b> 164:25 <b>substantiated</b> 118:6 <b>substitute</b> 83:17, 136:23, 137:25 <b>sudden</b> 139:5, 142:22 <b>sufficient</b> 68:24, 171:2, 173:18 <b>suggest</b> 72:4, 187:1, 205:10 <b>suggested</b> 25:1, 33:13, 76:7, 85:21, 86:25, 127:9, 129:22, 192:14, 199:16, 203:15, 204:10, 206:3 <b>suggesting</b> 29:1, 29:3, 33:6, 62:18, 94:3 <b>suggestion</b> 33:7, 33:24, 34:7, 57:17, 157:3 <b>suggestions</b> 85:10 <b>summarize</b> 52:10 <b>summarized</b> 52:11, 54:8 <b>summary</b> 13:25, 15:17 <b>summation</b> 25:20 <b>summer</b> 80:15, 80:21, 148:4	<b>sunday</b> 115:1, 115:3, 115:24, 116:1, 116:2 <b>supervised</b> 59:6 <b>supervising</b> 135:11, 136:14 <b>supervision</b> 135:9, 141:22, 144:8 <b>supplemental</b> 26:2, 26:13, 33:25, 37:12, 157:7 <b>supplied</b> 17:12 <b>support</b> 7:4, 7:23, 15:21, 52:15, 60:22 <b>supporting</b> 14:17, 52:12, 63:18 <b>suppose</b> 95:15, 145:5, 146:14, 197:2 <b>supposed</b> 133:4, 163:21, 194:7 <b>sure</b> 16:18, 17:20, 36:17, 45:23, 48:15, 51:20, 54:12, 58:13, 72:17, 74:3, 75:8, 77:20, 79:14, 84:8, 84:10, 93:2, 94:2, 94:17, 97:4, 99:22, 102:8, 106:11, 113:15, 113:18, 113:19, 117:5, 119:5, 121:11, 122:23, 122:24, 125:3, 127:24, 128:12, 130:17,	134:2, 134:18, 139:2, 141:16, 142:25, 143:5, 144:2, 144:12, 147:17, 154:9, 154:15, 155:18, 156:10, 156:15, 161:12, 171:12, 173:25, 184:4, 186:19, 187:8, 195:6, 195:11, 198:10, 198:24, 200:19 <b>surprise</b> 118:23, 154:1 <b>surround</b> 38:3 <b>surrounded</b> 37:16, 37:17, 159:15, 171:24 <b>surrounding</b> 35:21, 37:1, 38:18, 39:16, 62:19, 160:5, 170:17, 172:3, 173:2, 178:13, 190:24 <b>survey</b> 52:16, 52:23, 52:24, 54:12, 62:8 <b>surveys</b> 64:5 <b>susan</b> 1:25, 207:2, 207:14 <b>susceptible</b> 40:12 <b>suspect</b> 113:25 <b>sustain</b> 50:5, 50:6, 126:22, 132:11, 152:19 <b>sustained</b> 192:5 <b>swaying</b> 38:22	<b>swear</b> 35:6, 35:11, 42:8, 78:18, 138:19, 144:25, 147:8, 151:12 <b>sword</b> 37:20 <b>swore</b> 153:9 <b>sworn</b> 9:24 <b>sympathetic</b> 56:1 <b>system</b> 69:13
<b>T</b>			
			<b>table</b> 5:9, 51:12, 63:22, 63:25, 138:14 <b>tailor</b> 53:19 <b>take</b> 4:22, 5:19, 7:4, 8:15, 14:10, 15:14, 16:17, 24:18, 24:22, 25:8, 25:18, 50:5, 55:6, 55:15, 59:17, 60:21, 73:25, 74:1, 78:4, 78:8, 82:14, 88:9, 95:1, 101:3, 116:7, 119:14, 119:19, 123:2, 125:12, 132:16, 133:11, 134:5, 134:14, 137:25, 141:25, 143:16, 148:5, 161:17, 168:14, 174:14, 177:2, 177:5, 185:3, 185:10, 185:11, 188:12, 188:13, 199:13

Transcript of Hearing  
Conducted on January 13, 2017

105

<p><b>taken</b> 10:2, 93:24, 99:17, 99:19, 100:13, 159:4, 201:24</p> <p><b>takes</b> 136:10</p> <p><b>taking</b> 80:17, 119:8, 146:18, 147:21, 151:25, 196:21</p> <p><b>talk</b> 68:1, 92:21, 127:3, 127:10, 130:5, 152:7, 159:25, 169:19, 172:25, 174:1, 174:17, 177:17, 178:6, 179:21, 187:3, 190:17, 191:16, 191:25, 195:20, 200:6, 200:16</p> <p><b>talked</b> 6:4, 24:2, 41:2, 118:2, 120:11, 127:11, 128:21, 163:16, 163:23, 164:16</p> <p><b>talking</b> 15:3, 29:16, 38:16, 40:5, 54:9, 62:6, 65:18, 77:9, 77:19, 90:16, 93:1, 119:14, 128:13, 128:17, 133:16, 146:23, 154:5, 154:7, 155:6, 165:25, 172:25, 174:16, 188:18</p> <p><b>talks</b> 96:2, 159:25, 160:1</p> <p><b>tall</b> 32:24, 59:10, 60:12, 60:17,</p>	<p>61:20, 61:22, 62:19, 113:24, 187:17, 187:20</p> <p><b>taxes</b> 142:4, 169:13</p> <p><b>technical</b> 12:4, 19:8, 24:23, 25:5, 25:9, 25:23, 43:23, 58:23, 61:10, 65:3, 65:5, 65:9, 99:14, 99:16, 99:18, 100:1, 154:6, 154:25, 155:2, 156:12, 157:5, 157:18, 160:10</p> <p><b>technically</b> 66:7, 88:25, 89:4, 158:16</p> <p><b>telephone</b> 155:13</p> <p><b>tell</b> 9:22, 13:23, 17:13, 35:11, 42:8, 48:23, 58:19, 78:18, 91:17, 97:12, 115:21, 126:4, 130:19, 131:10, 138:19, 144:25, 147:8, 151:12, 152:13, 168:8, 180:18, 190:2, 202:1, 205:19</p> <p><b>telling</b> 151:24</p> <p><b>tells</b> 63:25, 162:21, 172:2, 173:4</p> <p><b>ten</b> 24:25, 25:1, 25:7, 27:16, 28:3, 28:8, 61:14, 128:24, 129:2, 129:4, 132:18, 163:13,</p>	<p>163:19, 171:2, 173:18, 180:12, 199:15, 201:19</p> <p><b>tenance</b> 137:8</p> <p><b>tend</b> 141:8</p> <p><b>terms</b> 10:24, 15:23, 26:19, 28:24, 30:5, 33:15, 43:21, 44:11, 55:10, 56:10, 56:18, 57:8, 63:4, 63:7, 64:13, 64:20, 74:4, 74:25, 87:16, 89:11, 114:13, 128:10, 139:11, 143:1, 143:21, 193:7, 200:19, 203:24</p> <p><b>terrace</b> 8:9, 8:19, 9:7, 138:17, 147:5, 151:10</p> <p><b>terrance</b> 8:24</p> <p><b>terrible</b> 123:23</p> <p><b>testified</b> 28:15, 42:25, 45:24, 94:15, 136:12, 162:5, 165:23, 199:3, 205:5</p> <p><b>testifies</b> 9:13</p> <p><b>testify</b> 7:14, 7:22, 15:17, 41:11, 46:12, 113:9, 114:21, 114:25, 119:8, 120:13, 120:20, 120:21, 123:7, 127:8, 133:24, 134:1, 134:2, 134:11,</p>	<p>137:5, 137:9, 137:10, 145:19, 150:15, 178:12</p> <p><b>testifying</b> 7:19, 9:8, 15:21, 18:7, 68:21, 113:5, 120:12, 138:13</p> <p><b>testimony</b> 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:11, 5:18, 13:3, 13:23, 13:25, 27:3, 28:25, 38:13, 65:4, 126:23, 127:1, 127:14, 132:23, 134:5, 137:20, 137:22, 150:8, 175:17, 181:14, 183:3, 184:19, 189:18, 190:4, 195:19, 197:24</p> <p><b>th</b> 93:23, 155:4, 200:9, 200:10, 200:14, 200:15, 200:18, 200:21, 200:23, 200:24, 201:4, 202:5, 202:6, 202:10</p> <p><b>thank</b> 5:8, 20:23, 21:10, 31:12, 31:14, 42:14, 69:9, 69:10, 69:11, 78:7, 91:7, 125:19, 134:19, 138:11, 140:16, 144:16, 144:18, 146:17, 151:3, 153:5, 153:6, 153:10, 183:25, 194:13, 195:25, 202:25, 205:2, 205:20, 206:10</p>
---	---	---	---

<p><b>themselves</b> 4:23, 150:24 <b>theoretically</b> 167:19 <b>therefore</b> 31:8, 87:3, 112:6, 113:20, 123:8, 185:10 <b>therein</b> 118:2 <b>there's</b> 5:10, 15:23, 17:20, 18:11, 19:10, 19:21, 19:24, 22:15, 32:2, 33:11, 39:17, 45:1, 46:8, 49:9, 51:19, 56:17, 60:13, 63:8, 66:2, 66:4, 68:18, 70:12, 71:6, 71:22, 76:18, 77:3, 85:9, 86:20, 89:12, 89:16, 96:12, 96:20, 105:19, 124:9, 138:10, 141:23, 143:20, 145:16, 147:25, 148:17, 149:5, 158:16, 162:4, 162:11, 163:8, 164:5, 166:25, 167:4, 167:25, 168:22, 174:12, 179:13, 181:19, 191:2, 191:13, 192:24, 196:15, 197:8, 197:22, 203:5, 203:8, 203:10, 203:23, 204:14 <b>they'd</b> 34:8, 59:8, 76:4, 129:10, 129:12, 136:15, 197:24, 199:5</p>	<p><b>they' ll</b> 41:10, 71:2, 95:12 <b>they' re</b> 10:14, 13:21, 29:24, 31:7, 32:5, 34:21, 37:3, 37:6, 38:23, 41:6, 41:7, 60:16, 72:8, 73:3, 76:1, 76:15, 76:16, 77:3, 81:5, 90:24, 91:20, 97:6, 119:1, 124:24, 134:12, 147:24, 148:3, 149:23, 149:24, 149:25, 150:3, 152:8, 152:10, 154:18, 154:20, 154:21, 155:22, 158:15, 158:22, 158:23, 160:21, 161:8, 162:1, 162:5, 162:8, 163:17, 163:18, 163:21, 164:2, 164:15, 165:5, 167:12, 167:13, 168:9, 168:25, 169:6, 169:8, 169:14, 172:10, 173:11, 173:12, 174:24, 180:13, 187:12, 193:12, 193:13, 199:4, 199:7, 204:16 <b>they' ve</b> 69:19, 139:5, 150:19, 160:20, 162:7, 168:21, 175:3, 177:10, 183:19 <b>thing</b> 25:17, 58:4, 75:5, 102:11,</p>	<p>106:24, 108:13, 117:24, 128:22, 142:20, 143:14, 150:4, 152:23, 157:4, 164:16, 177:16, 182:1, 182:18, 199:11, 201:25 <b>things</b> 14:1, 18:8, 23:12, 37:5, 37:25, 52:14, 54:1, 127:12, 134:23, 138:7, 151:19, 157:11, 158:3, 158:11, 159:24, 161:1, 163:4, 164:14, 168:23, 175:6, 175:21, 177:20, 199:13 <b>thinking</b> 129:5, 193:7 <b>thinner</b> 164:23, 164:25 <b>thirty</b> 17:16, 42:19, 156:19 <b>thirty-nine</b> 196:4 <b>thirty-seven</b> 196:3 <b>thought</b> 17:15, 49:5, 56:21, 64:20, 77:24, 115:7, 115:17, 117:3, 120:16, 127:4, 137:16, 165:9, 180:24, 184:1, 191:7, 193:4 <b>thousand</b> 180:9 <b>three</b> 18:23, 19:25, 23:1, 75:16, 75:23, 97:4, 101:23, 102:4,</p>	<p>110:6, 110:11, 114:3, 125:21, 125:22, 125:25, 130:21, 131:11, 139:18, 149:1, 152:4, 163:18, 166:21, 188:17, 195:22, 199:5 <b>threw</b> 191:7 <b>thrilled</b> 143:12 <b>through</b> 31:24, 38:25, 40:15, 40:16, 43:24, 47:16, 47:17, 48:3, 48:4, 51:17, 53:18, 59:21, 62:23, 62:25, 63:6, 68:14, 73:18, 89:20, 90:23, 91:7, 93:16, 141:2, 141:11, 141:18, 142:15, 180:17, 195:21, 196:3, 196:4 <b>throughout</b> 44:2, 47:12, 64:12 <b>tie-ups</b> 99:7 <b>time</b> 9:17, 13:15, 15:13, 15:18, 22:10, 23:9, 30:2, 30:22, 33:15, 34:8, 34:11, 37:25, 40:9, 40:17, 45:20, 55:1, 58:4, 58:5, 58:8, 58:18, 68:12, 69:8, 76:21, 80:22, 81:14, 82:2, 82:11, 82:17,</p>
---	--	---	--

83:12, 83:18, 84:2, 85:8, 85:24, 86:5, 87:22, 91:16, 93:15, 94:5, 94:16, 97:9, 102:1, 102:6, 111:12, 112:5, 126:3, 127:11, 136:8, 138:1, 141:15, 141:21, 145:13, 145:25, 146:18, 152:2, 154:3, 154:4, 156:24, 156:25, 171:2, 171:15, 175:8, 177:11, 186:14, 189:7, 189:15, 191:25, 199:22, 200:5, 201:22, 203:14, 205:21 <b>timed</b> 141:14 <b>times</b> 22:4, 24:10, 33:20, 33:21, 33:22, 34:1, 53:17, 64:5, 82:12, 84:11, 84:23, 86:4, 94:18, 135:17, 135:19, 136:14, 165:7, 165:13, 165:15, 165:25, 166:1, 166:8, 166:19, 168:19 <b>tired</b> 134:12 <b>title</b> 46:11 <b>titled</b> 14:15, 14:21, 15:5 <b>today</b> 7:23, 10:10, 11:21, 12:1, 13:17, 16:11,	21:24, 24:1, 36:17, 37:2, 67:18, 110:24, 142:21, 159:4, 164:1, 170:10, 205:24, 206:3, 206:11 <b>today's</b> 157:1 <b>together</b> 6:12, 55:1, 55:9, 87:3, 100:25, 165:24, 186:24, 189:17 <b>toilet</b> 110:15 <b>told</b> 125:3, 125:4, 126:9, 128:20, 140:17, 141:1, 162:7, 168:19, 169:5, 180:5 <b>took</b> 53:13, 59:3, 93:13, 93:17, 93:20, 94:16, 94:17, 110:24, 111:3, 122:10, 124:24, 180:19, 182:24, 184:11 <b>top</b> 101:8, 101:23, 109:12, 109:23, 110:11, 141:12, 151:21 <b>topics</b> 163:25 <b>tops</b> 57:17 <b>totally</b> 152:9, 169:5 <b>touch</b> 45:10 <b>tour</b> 169:21 <b>toward</b> 197:12 <b>towards</b> 30:11, 31:4,	31:9, 98:2, 106:4, 106:5, 106:8 <b>town</b> 200:14 <b>toy</b> 93:9, 123:2 <b>toys</b> 111:18, 111:19, 112:3, 112:15, 112:16, 112:18, 112:22, 115:9, 115:18, 115:22, 116:3, 116:15, 117:16, 122:22, 122:23, 123:1, 123:3, 123:13, 123:15, 123:24, 124:12, 148:3, 164:5, 178:18, 179:4 <b>traffic</b> 20:4, 20:5, 20:7, 20:9, 20:10, 20:11, 21:7, 23:3, 23:23, 24:6, 32:7, 32:8, 36:5, 63:20, 65:22, 72:11, 73:11, 73:17, 98:6, 98:7, 98:14, 99:2, 99:5, 99:7, 158:22, 164:16, 164:19, 165:7, 165:13, 165:15, 166:24, 167:5, 167:6, 167:8, 168:7, 196:1, 203:12 <b>transcribed</b> 1:25, 207:5 <b>transcriber</b> 207:1 <b>transcript</b> 10:2, 45:6, 174:22, 207:3	<b>transportation</b> 145:10 <b>trash</b> 122:24, 204:14 <b>travel</b> 74:7 <b>travelling</b> 38:24, 76:1 <b>tree</b> 101:17, 150:6 <b>trees</b> 183:4, 183:6, 184:10, 185:17, 186:3, 186:18, 186:22, 187:2, 189:22, 189:25, 196:12, 197:24, 198:6, 198:10, 198:18, 198:20, 198:21, 199:7, 200:3, 206:4 <b>tremendous</b> 96:20 <b>tremendously</b> 205:9 <b>tried</b> 169:19, 190:21 <b>trips</b> 165:10, 165:20, 166:4, 166:6, 166:7, 166:21 <b>trouble</b> 132:11, 174:9 <b>true</b> 157:4, 167:21, 168:1, 186:16, 207:3 <b>truth</b> 35:11, 35:12, 42:9, 78:19, 118:1, 118:4, 138:19, 138:20, 144:25, 145:1, 147:8, 147:9, 151:13 <b>truthful</b> 127:4 <b>try</b> 13:13, 19:17,
--	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

108

<p>24:21, 92:25, 106:12, 140:10, 150:2, 171:19, 184:8, 199:22, 199:24 <b>trying</b> 47:18, 53:18, 73:14, 82:20, 83:22, 126:16, 139:3, 139:6, 150:3, 158:8, 174:11 <b>tuesday</b> 90:6, 91:14, 93:4, 93:21, 94:6 <b>turn</b> 7:24, 12:3, 14:8, 73:15, 75:2, 75:15, 75:16, 75:24, 76:3, 78:3, 106:12, 106:13, 120:21, 131:5, 137:9, 164:22 <b>turned</b> 100:2 <b>turning</b> 73:16, 81:9 <b>turns</b> 163:17 <b>twelve</b> 25:4, 27:16, 28:8, 28:16, 28:20, 29:2, 29:8, 29:9, 29:25, 31:24, 32:1, 36:22, 57:20, 57:24, 58:11, 58:18, 61:1, 61:4, 73:15, 83:5, 83:21, 84:13, 86:5, 86:8, 86:21, 88:6, 128:16, 128:18, 128:25, 129:1, 129:4, 136:14,</p>	<p>137:18, 142:23, 149:5, 149:7, 167:16, 176:13, 176:17, 177:1, 190:16, 191:6, 205:11, 205:12 <b>twenty</b> 185:21 <b>twenty-five</b> 145:8 <b>twenty-four</b> 188:1 <b>twenty-seven</b> 139:14 <b>twice</b> 26:20 <b>two</b> 7:10, 12:20, 16:4, 16:5, 17:9, 17:23, 21:13, 25:6, 28:21, 29:5, 32:8, 32:12, 32:16, 33:20, 34:1, 47:4, 54:25, 57:21, 58:17, 68:12, 76:3, 77:19, 77:21, 80:16, 81:4, 81:20, 82:11, 83:1, 83:7, 83:8, 83:12, 83:22, 83:24, 83:25, 84:11, 85:5, 85:6, 85:23, 86:4, 87:23, 89:5, 89:6, 89:8, 97:3, 101:18, 109:23, 125:20, 125:21, 126:7, 126:8, 126:11, 127:25, 128:2, 128:5, 128:20, 132:20, 135:11, 136:15, 137:19, 137:21, 137:22, 137:23,</p>	<p>145:16, 163:18, 163:24, 165:20, 165:23, 165:25, 166:21, 167:20, 184:10, 195:13, 199:4, 199:15, 200:9, 203:14, 203:15 <b>type</b> 10:14, 11:2, 11:12, 11:13 <b>types</b> 10:7, 44:4, 118:12 <b>typically</b> 113:22</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>ultimately</b> 65:8 <b>um</b> 135:17, 140:7, 143:21, 146:11, 153:23, 194:25 <b>unattractive</b> 37:5, 174:24 <b>under</b> 10:24, 24:21, 29:9, 30:10, 30:12, 30:18, 31:4, 31:7, 33:7, 35:12, 42:9, 57:11, 78:19, 81:1, 86:7, 119:24, 126:7, 126:10, 126:11, 127:25, 128:4, 128:20, 129:2, 131:3, 131:7, 138:20, 139:18, 145:1, 147:9, 151:13, 152:12, 154:11, 163:10, 167:24, 177:13, 183:24, 193:21 <b>understand</b> 6:21, 14:7,</p>	<p>20:21, 22:6, 40:24, 41:4, 41:17, 43:20, 44:11, 46:6, 57:24, 58:16, 68:23, 71:16, 76:12, 89:19, 121:16, 124:11, 137:16, 137:25, 142:12, 142:17, 142:20, 143:1, 147:17, 150:11, 160:4, 160:9, 168:5, 168:10, 186:9, 197:9 <b>understanding</b> 13:18, 35:16, 44:23, 144:10, 188:11 <b>understands</b> 202:15 <b>understood</b> 58:9, 88:21, 188:23, 199:20 <b>underway</b> 155:11 <b>undue</b> 11:8, 35:25, 160:1, 167:18, 168:2, 172:15, 177:19, 193:5, 203:9, 203:20, 204:8, 204:25 <b>unduly</b> 35:22 <b>unfair</b> 13:16, 18:4, 36:24, 159:14 <b>unfinished</b> 197:11 <b>unfortunately</b> 11:25, 100:25, 170:2 <b>unhappy</b> 145:21, 193:12 <b>unit</b> 166:11, 166:20 <b>unless</b> 7:12, 31:5,</p>
---	--	---	---

67:22, 75:2, 89:19, 94:18, 132:21, 139:25, 148:3, 168:3, 194:16, 203:6 <b>unlike</b> 16:14 <b>unlikely</b> 130:25 <b>unobected</b> 117:20 <b>unrealistic</b> 38:7 <b>unreasonable</b> 13:16 <b>unruly</b> 67:22 <b>unsafe</b> 69:23 <b>unsightly</b> 174:24 <b>unsupervised</b> 97:18 <b>unsure</b> 197:18 <b>until</b> 76:11, 78:9, 119:11, 131:15, 137:9, 149:9, 150:8, 155:4, 163:15, 201:22 <b>untimely</b> 196:2 <b>unusual</b> 6:21, 40:20, 67:20, 90:21, 160:6, 160:12, 170:15, 170:21, 171:25, 172:4, 172:23, 172:25, 173:4, 201:2 <b>upper</b> 51:1, 51:3, 51:10 <b>ups</b> 203:12 <b>upset</b> 161:18, 193:12	<b>use</b> 4:14, 4:19, 5:20, 10:11, 10:12, 10:14, 10:20, 11:1, 11:3, 11:4, 11:22, 14:16, 14:19, 14:25, 15:4, 21:3, 21:15, 32:1, 35:18, 35:22, 35:24, 36:2, 36:8, 37:24, 38:3, 38:4, 38:6, 39:11, 39:19, 39:21, 40:2, 45:13, 50:25, 52:1, 52:9, 53:9, 54:8, 55:22, 56:11, 58:10, 59:16, 60:22, 61:19, 62:23, 63:17, 63:22, 64:2, 65:2, 65:20, 66:12, 67:7, 70:14, 72:24, 73:5, 77:7, 83:5, 83:20, 85:3, 90:2, 108:8, 108:24, 109:3, 118:21, 123:15, 136:6, 140:11, 141:15, 142:7, 143:25, 144:8, 148:2, 148:10, 149:3, 154:13, 158:12, 166:19, 166:22, 169:1, 169:2, 172:9, 176:20, 177:20, 177:21, 189:19, 191:15, 196:17 <b>useful</b> 144:2, 206:10 <b>uses</b> 10:15, 11:11,	37:23, 55:18, 59:6 <b>using</b> 73:2, 176:24 <b>usually</b> 10:4, 25:12, 25:14, 37:15, 45:1, 67:20, 68:11, 72:21, 80:5, 80:6, 87:15, 87:24, 94:23, 94:25, 147:25, 148:1 <hr/> <b>V</b> <hr/> <b>vagarities</b> 154:14 <b>valid</b> 166:3 <b>value</b> 36:3, 36:9, 38:16, 38:22, 177:21 <b>values</b> 37:5, 38:13, 152:17, 177:17, 177:25, 179:5, 179:13, 179:14 <b>variance</b> 10:18 <b>varies</b> 94:5 <b>varieties</b> 184:10 <b>variety</b> 184:11, 188:18 <b>vary</b> 10:19 <b>vegetation</b> 183:12 <b>venue</b> 180:9 <b>versus</b> 58:21, 113:11, 129:1, 148:22, 161:11, 166:11 <b>viable</b> 121:22	<b>victory</b> 9:4 <b>view</b> 18:17, 66:9, 116:17, 183:2 <b>violated</b> 16:20, 116:24 <b>violation</b> 117:3 <b>violations</b> 117:15 <b>virginia</b> 45:20 <b>virtually</b> 148:22, 161:23 <b>visibility</b> 68:19 <b>visible</b> 90:22, 194:6, 194:8 <b>visited</b> 69:14 <b>visitors</b> 36:7, 122:6 <b>viviende</b> 206:9 <b>voices</b> 139:10, 151:22 <b>void</b> 64:11 <b>voir</b> 46:9, 50:7, 50:11 <b>volume</b> 99:2 <b>volunteered</b> 107:19 <b>voula</b> 162:8 <b>vs</b> 166:22 <b>vulnerability</b> 40:22 <b>vulnerable</b> 40:7, 191:5 <hr/> <b>W</b> <hr/> <b>wagon</b> 90:8, 92:24,
--	--	---	---

Transcript of Hearing  
Conducted on January 13, 2017

110

<p>93:1, 93:2, 93:9, 93:10, 93:11, 93:14, 124:17, 124:18, 124:23, 182:6, 182:7 <b>wait</b> 119:11, 150:8, 172:14, 187:19 <b>waiting</b> 127:19, 168:15 <b>walk</b> 70:7, 128:5, 167:6 <b>walked</b> 72:19 <b>walking</b> 69:6, 77:4, 167:13, 194:25 <b>walks</b> 167:7 <b>walkway</b> 87:21 <b>wall</b> 174:12 <b>wanna</b> 176:9 <b>want</b> 5:17, 5:18, 10:8, 16:13, 20:1, 23:15, 27:19, 36:11, 36:17, 40:4, 41:3, 41:5, 41:6, 41:8, 41:11, 41:12, 41:14, 48:14, 58:1, 58:3, 58:6, 58:8, 58:16, 61:1, 62:6, 63:13, 72:1, 72:3, 72:6, 72:9, 73:8, 73:24, 75:4, 75:15, 75:21, 75:22, 77:7, 77:8, 84:7, 84:9,</p>	<p>89:23, 90:13, 91:6, 95:1, 118:8, 119:6, 123:17, 124:10, 129:18, 132:22, 133:19, 135:3, 135:6, 144:9, 149:17, 150:9, 151:7, 159:6, 159:20, 160:21, 168:16, 169:15, 170:18, 170:19, 172:1, 175:9, 175:11, 175:16, 177:17, 180:2, 180:13, 180:18, 183:23, 187:6, 187:7, 190:2, 190:10, 193:17, 193:19, 197:3, 197:15, 197:20, 197:24, 198:2, 198:3, 198:17, 198:18, 201:18, 201:22, 202:7, 205:3, 205:15 <b>wanted</b> 60:18, 90:17, 134:22, 139:7, 153:2, 190:14, 202:2 <b>wanting</b> 37:25, 143:25 <b>wants</b> 176:17 <b>warrant</b> 117:5 <b>wasn't</b> 23:9, 27:19, 77:23, 194:14 <b>watch</b> 138:4 <b>way</b> 9:12, 16:20, 17:4, 18:3, 18:4, 18:17, 30:12, 34:16, 38:22, 51:5,</p>	<p>61:18, 73:21, 74:23, 75:6, 75:24, 76:1, 85:25, 86:2, 89:9, 95:1, 100:10, 105:7, 110:5, 117:21, 117:23, 121:14, 127:2, 130:25, 140:14, 143:1, 143:17, 143:21, 149:21, 152:12, 153:24, 165:2, 166:3, 169:16, 169:18, 171:3, 176:1, 177:16, 178:20, 184:9, 186:7, 187:3, 187:12, 190:9, 190:10, 196:16, 198:25, 200:14, 203:7 <b>ways</b> 50:3, 151:24 <b>weather</b> 152:3 <b>website</b> 9:19, 10:3, 25:13, 47:17 <b>week</b> 19:15, 90:5, 182:9, 191:23, 192:12, 199:15 <b>weekend</b> 206:11 <b>weeks</b> 94:7, 199:15, 200:9 <b>weight</b> 118:16 <b>welfare</b> 36:7, 36:18, 96:2, 96:4, 159:1, 159:18 <b>went</b> 17:13, 49:4, 49:25, 51:25, 52:8, 114:20,</p>	<p>120:9, 128:23, 154:12, 160:25, 182:23 <b>weren't</b> 19:2, 66:22, 155:4 <b>west</b> 2:6, 188:20 <b>western</b> 74:14, 74:15, 183:6 <b>we'd</b> 29:21, 61:1, 61:3, 118:20 <b>we'll</b> 7:20, 11:20, 12:2, 13:7, 19:20, 19:23, 22:22, 27:2, 27:3, 41:13, 62:18, 78:8, 78:10, 90:12, 95:18, 119:22, 132:20, 134:5, 134:19, 174:1, 195:18, 200:20, 200:23, 201:7, 201:24 <b>we're</b> 7:14, 8:22, 10:10, 13:17, 16:25, 20:21, 23:13, 33:8, 33:10, 62:24, 71:21, 72:24, 77:9, 77:19, 90:16, 98:6, 109:6, 110:20, 119:14, 119:16, 119:23, 131:7, 140:20, 140:21, 141:6, 142:22, 146:5, 147:21, 154:12, 156:2, 165:25, 172:25, 176:24, 179:17, 188:18, 190:5, 191:15, 191:16,</p>
--	--	---	---

195:3 <b>we've</b> 9:18, 139:6, 139:8, 141:14, 142:21, 152:5, 164:16, 174:25, 193:1, 203:10 <b>whatever</b> 15:3, 58:15, 77:4, 123:17, 140:19, 142:23, 148:2, 160:9, 166:17, 167:3, 167:13, 190:1, 193:8 <b>what's</b> 8:1, 34:13, 34:14, 45:12, 50:25, 52:16, 92:25, 113:21, 128:13, 129:16, 131:12, 131:23, 133:2, 135:25, 136:5, 187:22, 188:3, 192:17, 196:16, 203:4 <b>wheel</b> 93:7, 93:11, 93:13, 124:18, 124:24 <b>wheels</b> 93:7, 182:7 <b>whether</b> 10:17, 11:7, 14:3, 17:24, 27:7, 28:20, 29:11, 29:18, 34:13, 34:15, 37:18, 39:20, 47:18, 50:13, 86:21, 95:11, 114:17, 115:7, 115:12, 124:9, 124:10, 129:15, 132:9, 133:11, 140:9, 143:24, 148:4, 154:13, 161:17, 161:21,	165:12, 167:17, 170:15, 176:2, 176:4, 179:18, 189:23, 189:24, 192:7, 192:22, 192:24, 193:2, 194:15, 200:20, 206:8 <b>white</b> 108:20, 182:18 <b>whole</b> 35:12, 42:9, 42:23, 56:23, 78:19, 138:19, 144:25, 147:8, 151:13, 189:2, 190:15 <b>who's</b> 81:21, 133:4, 141:23, 145:18, 150:5 <b>wide</b> 56:16 <b>wife</b> 145:12, 151:19, 152:1 <b>william</b> 3:8, 8:13, 8:16, 104:19, 144:22, 145:2, 145:4, 182:16, 198:20 <b>willing</b> 59:4, 61:2, 85:24, 131:17, 186:6, 186:10, 204:9 <b>wilson</b> 1:25, 207:2, 207:14 <b>window</b> 169:9 <b>windows</b> 141:11, 162:9 <b>winter</b> 117:17, 131:6, 148:4 <b>wiping</b> 91:1	<b>wise</b> 166:8 <b>wish</b> 7:3, 7:22, 7:24, 14:8, 16:22, 17:4, 22:25, 28:25, 31:16, 35:2, 35:3, 45:21, 46:18, 62:5, 67:19, 68:1, 110:19, 132:24, 136:19, 186:25, 195:17, 200:8, 201:1, 202:21, 206:11 <b>wished</b> 18:5 <b>wishes</b> 5:3, 18:16, 138:12, 146:20, 151:5 <b>within</b> 34:24, 53:19, 61:14, 63:22, 132:24, 139:12, 156:13, 175:15, 184:13, 194:5, 201:19 <b>without</b> 70:11, 75:9, 124:5, 142:15, 175:23, 180:3, 180:5 <b>witness</b> 5:4, 12:17, 13:13, 14:3, 14:12, 15:10, 15:15, 17:9, 17:11, 35:7, 41:23, 43:11, 43:12, 46:8, 46:9, 46:17, 47:23, 64:21, 67:3, 67:25, 78:4, 78:8, 78:15, 79:19, 89:23, 90:11,	95:7, 110:22, 132:20 <b>witnesses</b> 7:3, 7:10, 7:21, 9:24, 13:21, 16:15, 26:5, 77:23, 134:6, 148:21, 150:23, 150:24, 175:17 <b>wondered</b> 136:8 <b>wondering</b> 128:21, 136:1, 195:4 <b>won't</b> 118:10, 133:5, 146:10, 180:11, 180:12 <b>wood</b> 42:3, 60:14 <b>wooden</b> 189:10 <b>words</b> 20:16, 29:1, 30:23, 59:6, 71:11, 180:9 <b>work</b> 26:10, 85:4, 130:2, 159:5, 162:10, 183:10, 185:25, 199:22, 200:14, 204:9 <b>workable</b> 88:6 <b>worked</b> 32:16, 51:21, 127:12, 159:4, 161:9, 206:9 <b>working</b> 32:12, 47:4 <b>works</b> 6:5, 11:25, 142:25, 192:14, 206:5 <b>world</b> 47:11, 165:18 <b>worried</b> 37:3, 40:11,
--	---	---	--



Transcript of Hearing  
Conducted on January 13, 2017

112

<p>41:7, 72:7, 72:8, 159:7, 161:6, 164:2, 168:9, 168:12, 168:23, 169:10, 170:4, 174:24, 193:13 <b>worry</b> 40:22, 168:11, 169:12, 169:17, 174:4 <b>worth</b> 180:8 <b>wouldn't</b> 25:18, 77:11, 111:17, 112:22, 127:11, 132:25, 159:4, 159:5, 185:2, 191:8, 205:13 <b>write</b> 4:22, 160:9, 171:19, 171:20, 171:21 <b>written</b> 22:1, 30:12 <b>wrong</b> 60:19, 82:19 <b>wrote</b> 20:13, 89:25, 90:20, 134:23</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>ya</b> 152:13 <b>yard</b> 25:17, 33:2, 37:5, 39:16, 52:20, 54:4, 55:18, 55:21, 56:15, 57:12, 57:17, 57:21, 57:25, 61:21, 61:22, 62:20, 66:13, 66:21, 85:11, 85:18, 92:6, 92:13, 92:18, 94:4,</p>	<p>97:3, 101:11, 101:16, 101:23, 101:24, 101:25, 102:4, 102:8, 105:4, 105:6, 105:16, 106:1, 111:2, 111:10, 111:13, 112:12, 113:23, 115:2, 115:7, 115:9, 115:25, 116:7, 121:10, 121:13, 122:10, 122:15, 123:15, 123:17, 123:22, 123:24, 124:3, 124:18, 129:1, 129:11, 130:1, 130:4, 148:1, 181:3, 181:8, 181:25, 182:4, 183:18, 185:9, 185:10, 185:11, 188:14, 188:15, 188:21, 194:10, 198:4, 198:5, 198:6, 199:8, 199:9 <b>yards</b> 115:22, 124:12, 147:6 <b>yeah</b> 28:14, 51:4, 60:3, 74:19, 76:6, 83:11, 89:1, 104:4, 104:6, 108:5, 113:5, 119:10, 120:13, 124:11, 126:16, 148:14, 148:24, 149:19, 154:16, 174:19, 180:25, 184:23, 186:1, 189:1, 189:14, 195:9, 198:21, 198:24, 202:3 <b>year</b> 94:5, 125:21,</p>	<p>125:22, 125:25, 163:13, 177:12 <b>years</b> 25:1, 25:6, 25:7, 27:17, 28:3, 28:8, 28:16, 28:20, 31:22, 42:19, 44:3, 80:16, 81:8, 81:9, 96:14, 124:8, 125:21, 126:12, 129:2, 129:4, 139:13, 139:14, 142:6, 144:23, 145:7, 145:9, 145:13, 164:13, 173:9, 175:4, 177:13, 180:11, 180:12, 187:19 <b>yelling</b> 151:21 <b>yep</b> 174:19 <b>yesterday</b> 13:15, 23:10, 23:24 <b>younger</b> 152:1, 153:8 <b>yourself</b> 68:1, 81:18, 82:1, 82:21, 84:21, 110:25, 131:21, 164:7 <b>you'd</b> 59:16, 82:8, 181:21, 193:17, 200:1, 200:3 <b>you'll</b> 10:3, 25:14, 26:17, 37:2, 83:22, 90:14, 134:1, 172:22 <b>you're</b> 8:15, 9:8, 15:3, 20:16, 29:1, 29:3, 29:16, 35:7,</p>	<p>37:10, 41:10, 41:19, 42:14, 43:20, 44:14, 47:18, 54:9, 57:1, 65:1, 68:21, 72:13, 73:20, 74:8, 74:19, 75:13, 75:25, 81:1, 84:2, 93:10, 96:25, 97:10, 102:25, 103:5, 104:10, 104:15, 106:3, 113:5, 120:14, 122:6, 124:13, 127:14, 128:9, 128:17, 129:9, 129:11, 130:21, 131:1, 131:17, 132:16, 133:25, 147:18, 148:7, 148:18, 154:5, 154:7, 159:25, 160:4, 164:21, 169:20, 171:7, 174:15, 174:16, 175:10, 175:13, 178:16, 180:15, 183:24, 190:7, 192:13, 196:24, 197:11 <b>you've</b> 24:22, 42:25, 45:3, 49:11, 49:13, 59:9, 75:16, 81:11, 96:15, 114:14, 115:17, 124:13, 124:14, 148:6, 159:23, 161:7, 162:7, 165:13, 167:20, 170:1, 171:9, 171:23, 180:16, 183:11, 190:24, 193:10, 205:4</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>zero</b> 167:19</p>
--	--	--	--

Transcript of Hearing  
Conducted on January 13, 2017

113

<b>zone</b> 4:20, 11:13, 56:1, 56:2, 149:4, 162:25 <b>zoned</b> 4:18 <b>zoning</b> 1:1, 4:14, 10:25, 29:19, 30:6, 31:2, 35:17, 37:23, 38:1, 38:9, 43:1, 56:7, 154:2, 154:5, 156:9, 170:22, 172:21, 175:16, 176:18, 193:15, 205:16 <hr/> <b>\$</b> <b>\$145,000</b> 191:23 <b>\$350</b> 191:23 <hr/> <b>.</b> <b>.1</b> 30:7, 172:10, 172:12 <b>.3</b> 172:10, 172:12 <b>.4</b> 4:15, 30:7 <hr/> <b>0</b> <b>00.6</b> 135:14 <b>003</b> 135:14 <b>01</b> 135:14 <b>02</b> 116:12 <b>03</b> 45:14 <b>05</b> 1:5, 4:13 <b>0:</b> 135:14	<hr/> <b>1</b> <b>1</b> 96:1 <b>10</b> 10:4, 60:8, 60:11, 65:10, 65:13, 93:23, 93:24, 106:11, 106:12, 106:13, 106:16, 106:20, 106:24, 183:13, 183:18 <b>100</b> 105:8 <b>101</b> 2:6 <b>11</b> 20:4, 21:5, 65:13, 100:9, 100:15, 100:16, 101:9, 101:22, 102:3, 102:7, 104:3, 104:24, 105:15, 180:22 <b>1130</b> 78:9 <b>12</b> 4:16, 30:8, 34:3, 34:10, 48:15, 107:2, 107:7, 107:19, 107:22, 108:9, 108:13, 108:19 <b>13</b> 1:11, 13:2, 102:8, 109:8, 109:22, 110:5, 110:10, 110:15, 200:9, 201:20 <b>132907</b> 1:23 <b>138</b> 3:7 <b>14</b> 109:23 <b>145</b> 3:8	<b>147</b> 3:9 <b>15</b> 5:14, 12:14, 14:24, 15:6, 116:12 <b>151</b> 3:10 <b>153</b> 3:11 <b>16</b> 45:7, 45:14, 117:9, 180:22 <b>17</b> 1:5, 4:13, 93:24, 110:3, 200:10, 202:6, 202:10, 202:12, 202:14, 202:15 <b>1717</b> 2:8 <b>18</b> 51:17, 110:3, 202:5 <b>19</b> 110:6 <b>1966</b> 42:21, 45:21 <b>1983</b> 44:6 <b>1st</b> 107:8, 107:14 <hr/> <b>2</b> <b>20</b> 4:17, 110:7 <b>2013</b> 79:6 <b>2014</b> 80:15, 80:21 <b>2015</b> 45:7 <b>2016</b> 6:13, 26:7, 26:14, 27:10, 79:10, 79:17, 155:3, 180:23 <b>2017</b> 1:11, 21:5,	200:8 <b>202</b> 3:12 <b>207</b> 1:24 <b>20817</b> 5:14, 100:19, 138:17, 153:21 <b>20850</b> 2:7 <b>20855</b> 42:4 <b>21</b> 98:9, 110:7, 120:11, 122:10, 180:21, 180:22, 194:20 <b>22</b> 110:7 <b>23</b> 10:23, 19:10, 21:19, 21:20, 25:23, 26:11, 27:10, 32:21, 32:25, 98:11 <b>24</b> 27:23 <b>25</b> 200:18, 200:23, 200:24, 201:4 <b>26</b> 26:8, 26:15, 96:1, 155:4, 200:14 <b>27</b> 110:15, 200:9, 200:10, 200:14 <b>28</b> 102:14 <b>29</b> 6:13, 19:12, 26:7, 26:14, 102:18, 176:11 <b>2nd</b> 107:23, 108:17 <hr/> <b>3</b> <b>3</b> 167:1
---	---	---	---

Transcript of Hearing  
Conducted on January 13, 2017

114

<b>3-1</b> 100:9 <b>3-2</b> 100:9 <b>3.4</b> 15:16, 30:7 <b>30</b> 1:12, 9:16, 13:19, 14:14, 21:25, 102:21, 162:3, 167:1, 200:15, 200:21 <b>301</b> 2:8 <b>31</b> 3:4, 103:2, 103:11, 104:5, 104:9, 104:23 <b>32</b> 103:7, 103:18 <b>33</b> 104:25 <b>34</b> 19:13, 25:23, 26:14, 105:14 <b>35</b> 105:24 <b>36</b> 106:6 <b>37</b> 12:15, 13:1 <b>38</b> 20:23, 21:4, 21:8, 21:9, 23:2, 24:6, 195:23, 196:1 <b>39</b> 22:2, 22:12, 24:7, 95:5 <hr/> <b>4</b> <hr/> <b>40</b> 22:20, 22:21, 22:23, 24:16, 91:16, 95:21 <b>41</b> 78:13 <b>42</b> 3:5, 90:12,	90:19, 90:20, 90:22, 91:7, 91:10, 91:21, 92:5, 92:7, 92:12, 92:17, 92:25, 93:16 <b>43</b> 92:1, 120:1, 121:2, 121:3, 122:12, 122:13, 178:17, 180:17, 180:18, 180:19, 181:10, 181:15, 181:23, 181:24, 182:18 <b>45</b> 132:21 <b>48</b> 60:11, 60:14, 175:4 <hr/> <b>5</b> <hr/> <b>5</b> 12:14 <b>50</b> 49:6 <b>58</b> 175:4 <b>59</b> 172:11 <b>59.3</b> 4:15 <b>59.7</b> 35:17, 172:10, 172:12 <hr/> <b>6</b> <hr/> <b>60</b> 4:18, 4:20, 85:8 <b>6007</b> 8:8, 147:5 <b>6009</b> 8:19, 8:23, 9:7, 138:17, 151:9 <b>6'</b> 60:17, 60:19,	61:20, 61:22, 62:19 <hr/> <b>7</b> <hr/> <b>7</b> 167:1 <b>7450</b> 48:18 <b>7613</b> 42:3 <b>762</b> 2:8 <b>78</b> 3:6 <b>7:</b> 162:3 <hr/> <b>8</b> <hr/> <b>80</b> 165:19 <hr/> <b>9</b> <hr/> <b>9</b> 1:12, 4:16, 30:8 <b>9-1-1</b> 141:2 <b>90</b> 87:22 <b>91</b> 144:22 <b>9818</b> 8:13, 144:23 <b>9828</b> 4:16, 79:1, 100:18 <b>9829</b> 36:25 <b>9832</b> 8:4 <b>9918</b> 5:14, 153:20 <b>9am</b> 167:1 <hr/> <b>'existing</b> 100:17	<b>'him'</b> 14:4, 14:5 <b>'site</b> 106:20 <b>'tree</b> 100:19, 101:9 <hr/> <b>'play</b> 102:8 <hr/> <b>"a</b> 149:22 <b>"an</b> 15:10 <b>"are</b> 45:18 <b>"decider"</b> 173:11 <b>"have</b> 45:24 <b>"i</b> 64:19, 162:9, 162:10 <b>"i'm</b> 45:19 <b>"no</b> 45:25 <b>"okay</b> 45:21, 46:3 <b>"stop</b> 168:19 <b>"sure</b> 45:23 <b>"the</b> 28:7 <b>"they</b> 41:12 <b>"umm</b> 158:19 <b>"we</b> 158:20, 177:2, 177:24 <b>"well</b> 164:4, 191:7 <b>"what</b> 191:9
--	--	--	--