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Transcript of Administrative Hearing

Date: August 14, 2018

Case: Clarksburg Animal Hospital

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Transcript of Administrative Hearing
Conducted on August 14, 2018

1 (1 to 4)

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 CLARKSBURG ANIMAL HOSPITAL : Case No. 18-07</p> <p>6 -----x</p> <p>7</p> <p>8 HEARING</p> <p>9 Before Hearing Examiner</p> <p>10 LYNN ROBERSON</p> <p>11 Rockville, Maryland</p> <p>12 Tuesday, August 14, 2018</p> <p>13 9:35 a.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 203695</p> <p>24 Pages: 1 - 232</p> <p>25 Transcribed by: Molly Bugher</p>	<p>3</p> <p>1 JOHN C. STOUFFER, III</p> <p>2 FMD ARCHITECTS</p> <p>3 2843 Rivera Drive</p> <p>4 Suite 200</p> <p>5 Fairlawn, OH 44333</p> <p>6</p> <p>7 BRIAN BIDDLE</p> <p>8 645 Baltimore Annapolis Boulevard</p> <p>9 Suite 214</p> <p>10 Silver Park, MD 21146</p> <p>11</p> <p>12 IN OPPOSITION:</p> <p>13 LOUIS SOUSA</p> <p>14 26201 Prescott Road</p> <p>15 Clarksburg, MD</p> <p>16</p> <p>17 KAREN DELIVA</p> <p>18 13401 Lewisdale Road</p> <p>19 Clarksburg, MD</p> <p>20</p> <p>21 MARTY REESE</p> <p>22 13401 Lewisdale Road</p> <p>23 Clarksburg, MD 20871</p> <p>24</p> <p>25</p>																																																
<p>2</p> <p>1 A P P E A R A N C E S</p> <p>2 FOR MONTGOMERY ZONING BOARD:</p> <p>3 LYNN A. ROBESON, HEARING EXAMINER</p> <p>4</p> <p>5 FOR THE APPLICANT CLARKSBURG ANIMAL HOSPITAL</p> <p>6 CASEY L. CIRNER, ESQ.</p> <p>7 MILES & STOCKBRIDGE</p> <p>8 11 N. Washington Street</p> <p>9 Suite 700</p> <p>10 Rockville, MD</p> <p>11</p> <p>12 LES POWELL</p> <p>13 1751 Elton Road</p> <p>14 Suite 300</p> <p>15 Silver Spring, MD 20903</p> <p>16</p> <p>17 DR. GRETA STAMBERG, APPLICANT</p> <p>18 23321 Frederick Road</p> <p>19 Clarksburg, MD</p> <p>20</p> <p>21 DAVID O'BRYAN</p> <p>22 1751 Elton Road</p> <p>23 Suite 300</p> <p>24 Silver Spring, MD 20903</p> <p>25</p>	<p>4</p> <p>1 C O N T E N T S</p> <table><thead><tr><th></th><th>PAGE</th></tr></thead><tbody><tr><td>2 OPENING REMARKS</td><td>5</td></tr><tr><td>4 TESTIMONY OF LOU POWELL</td><td>19</td></tr><tr><td>5 TESTIMONY OF DR. GRETA STAMBERG</td><td>81, 199</td></tr><tr><td>6 TESTIMONY OF JOHN STOUFFER</td><td>119</td></tr><tr><td>7 TESTIMONY OF DAVID O'BRYAN</td><td>137</td></tr><tr><td>8 TESTIMONY OF BRIAN BIDDLE</td><td>143</td></tr><tr><td>9 TESTIMONY OF LOUIS SOUSA</td><td>152</td></tr><tr><td>10 TESTIMONY OF KAREN DESILVA</td><td>172</td></tr><tr><td>11</td><td></td></tr><tr><td>12</td><td></td></tr><tr><td>13</td><td></td></tr><tr><td>14</td><td></td></tr><tr><td>15</td><td></td></tr><tr><td>16</td><td></td></tr><tr><td>17</td><td></td></tr><tr><td>18</td><td></td></tr><tr><td>19</td><td></td></tr><tr><td>20</td><td></td></tr><tr><td>21</td><td></td></tr><tr><td>22</td><td></td></tr><tr><td>23</td><td></td></tr><tr><td>24</td><td></td></tr><tr><td>25</td><td></td></tr></tbody></table>		PAGE	2 OPENING REMARKS	5	4 TESTIMONY OF LOU POWELL	19	5 TESTIMONY OF DR. GRETA STAMBERG	81, 199	6 TESTIMONY OF JOHN STOUFFER	119	7 TESTIMONY OF DAVID O'BRYAN	137	8 TESTIMONY OF BRIAN BIDDLE	143	9 TESTIMONY OF LOUIS SOUSA	152	10 TESTIMONY OF KAREN DESILVA	172	11		12		13		14		15		16		17		18		19		20		21		22		23		24		25	
	PAGE																																																
2 OPENING REMARKS	5																																																
4 TESTIMONY OF LOU POWELL	19																																																
5 TESTIMONY OF DR. GRETA STAMBERG	81, 199																																																
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Transcript of Administrative Hearing
Conducted on August 14, 2018

2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 LYNN A. ROBESON: All right. I am calling the case of</p> <p>3 CU-1807, an application for a veterinary hospital at 22621.</p> <p>4 Did I get that right?</p> <p>5 CASEY L. CIRNER: 26221.</p> <p>6 LYNN A. ROBESON: Okay.</p> <p>7 CASEY L. CIRNER: (Indiscernible).</p> <p>8 LYNN A. ROBESON: Yeah, somebody didn't put my cheat</p> <p>9 sheet up here. I just realized. Okay. In Clarksburg. All</p> <p>10 right. Is there anyone here -- I see a lot of people in the</p> <p>11 audience. Is there anyone here in opposition? Okay. I see</p> <p>12 three hands. Let me do this; my name is Lynn Robeson. I am</p> <p>13 the hearing examiner in this case. I'm going to -- good</p> <p>14 morning. Can you let me know -- are you in opposition to</p> <p>15 this application?</p> <p>16 FEMALE VOICE: No, we are just here to observe.</p> <p>17 LYNN A. ROBESON: You're just here to observe, okay. I</p> <p>18 am the hearing examiner. I'm going to take all of the</p> <p>19 testimony and evidence in the case. I will make a decision</p> <p>20 within 30 days of the date that the record closes. Whatever</p> <p>21 you have to say, you have to do it here. You have the</p> <p>22 ability to request oral argument before the Board of Appeals</p> <p>23 if you disagree with my decision, but the Board of Appeals</p> <p>24 doesn't take any additional evidence. So everything -- it</p> <p>25 goes up on this transcript. So everything that you want to</p>	<p>7</p> <p>1 themselves for the record?</p> <p>2 CASEY L. CIRNER: Yes. Good morning. Casey Cirner with</p> <p>3 Miles & Stockbridge on behalf of the applicant, (Inaudible)</p> <p>4 Clarksburg Animal Hospital, Inc. and Mashed Potato</p> <p>5 Properties LLC. With me today is Dr. Greta Sternberg. She is</p> <p>6 in purple in the audience. And --</p> <p>7 LYNN A. ROBESON: But she isn't purple.</p> <p>8 CASEY L. CIRNER: No.</p> <p>9 LYNN A. ROBESON: She is only in purple.</p> <p>10 CASEY L. CIRNER: In purple. In purple. She is the</p> <p>11 owner and operator of Clarksburg Animal Hospital. And she is</p> <p>12 the authorized representative of the applicant. And I want</p> <p>13 to quickly identify the rest of our witnesses today. To my</p> <p>14 right is Les Powell, with Charles P. Johnson & Associates.</p> <p>15 In the audience is Dave O'Bryan, also with Charles P Johnson</p> <p>16 & Associates. We have John Stouffer, who is with FNB</p> <p>17 Architects, and Brian Biddle who is with Lynn Heart Traffic</p> <p>18 Consulting. Now we are actually substituting Brian for the</p> <p>19 two witnesses that were named.</p> <p>20 LYNN A. ROBESON: Mike.</p> <p>21 CASEY L. CIRNER: Yeah, Mike.</p> <p>22 LYNN A. ROBESON: Mike Lenhart.</p> <p>23 CASEY L. CIRNER: Yes, Mike and Nick both were unable</p> <p>24 to make it today. But Brian just so happens to be with the</p> <p>25 same company as the traffic expert --</p>
<p>6</p> <p>1 say, please say it here. Please silence any cell phones</p> <p>2 because these are recording mics and they are very</p> <p>3 sensitive. And then we lose the transcript. Also, please no</p> <p>4 talking in the audience for the same reason, all right? Now,</p> <p>5 those in opposition have the ability to -- if you wish to</p> <p>6 delegate a spokesperson, this hearing is informal, but it</p> <p>7 does have certain formalities. One for -- one is the</p> <p>8 testimony is under oath and subject to cross-examination. If</p> <p>9 you would like to delegate a spokesperson to ask questions</p> <p>10 of the applicant's witnesses, they may come up here if you</p> <p>11 wish. So you do have the ability to ask questions. Now, your</p> <p>12 time to ask questions is not -- I mean, your time to testify</p> <p>13 is not on cross-examination. The order of presentation is</p> <p>14 the applicant is going to present their witnesses first; all</p> <p>15 right? And then you can cross-examine them. But that's not</p> <p>16 your time to testify. When the applicant is finished with</p> <p>17 their witnesses, you get a chance to present your testimony</p> <p>18 and they can cross-examine you if they -- ask questions of</p> <p>19 you; if they wish. And then the applicant gets a rebuttal</p> <p>20 argument based on what you've said. All right. We also have</p> <p>21 opening statements if anybody would like to make an opening</p> <p>22 statement. An opening statement is just a summary of what</p> <p>23 you're going to say, but it's not your testimony, all right.</p> <p>24 So with that, does anyone wish to come up to the front</p> <p>25 table? Seeing none, we will -- could the parties identify</p>	<p>8</p> <p>1 LYNN A. ROBESON: Yes.</p> <p>2 CASEY L. CIRNER: Engineering and planning. So his</p> <p>3 resume is not in the --</p> <p>4 LYNN A. ROBESON: Okay. Well, let me do this. Before</p> <p>5 we do -- let's bring the resume in when he testifies.</p> <p>6 CASEY L. CIRNER: Okay. Sure.</p> <p>7 LYNN A. ROBESON: I do have the affidavit of posting.</p> <p>8 CASEY L. CIRNER: Great.</p> <p>9 LYNN A. ROBESON: And for those who don't know, this</p> <p>10 is just to say that they attest that the sign has been up on</p> <p>11 the property for the requisite time period. So if there's no</p> <p>12 objections, I will admit that as Exhibit 57.</p> <p>13 CASEY L. CIRNER: Thank you.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 CASEY L. CIRNER: And I believe we may have one</p> <p>16 preliminary matter.</p> <p>17 LYNN A. ROBESON: Yes.</p> <p>18 CASEY L. CIRNER: You had asked about the</p> <p>19 grandfathering for the proposed use.</p> <p>20 LYNN A. ROBESON: Yes.</p> <p>21 CASEY L. CIRNER: So after discussing this issue with</p> <p>22 technical staff, I think the bottom line is, because this is</p> <p>23 a recorded lot and it met all of the requirements of the</p> <p>24 time it was recorded, which included a lot with exemption an</p> <p>25 area exemption, those exemptions carry forward as a recorded</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

3 (9 to 12)

<p>9</p> <p>1 lot and we are able to --</p> <p>2 LYNN A. ROBESON: Well, it's recorded lot. It's a</p> <p>3 recorded lot for a single-family home. It's not a recorded</p> <p>4 lot for a commercial use.</p> <p>5 CASEY L. CIRNER: Well, I think the only thing that</p> <p>6 designates it for a single-family home is a condition as</p> <p>7 part of the preliminary plan amendment.</p> <p>8 LYNN A. ROBESON: Well --</p> <p>9 CASEY L. CIRNER: Which we are proposing to amend and</p> <p>10 there is a preliminary plan amendment that (crosstalk).</p> <p>11 LYNN A. ROBESON: But you don't come under any of the</p> <p>12 grandfathering.</p> <p>13 CASEY L. CIRNER: Well, I don't think we necessarily</p> <p>14 have to come under any of the grandfathering because we are</p> <p>15 a recorded lot. And --</p> <p>16 LYNN A. ROBESON: No, I did -- well, let's not get</p> <p>17 into it now. Let me hear your testimony. And because this</p> <p>18 isn't the time -- do you have -- I guess it's a legal issue.</p> <p>19 This is my problem; or it's not my problem, but it's how I</p> <p>20 am looking at the -- you have a lot that was specifically</p> <p>21 restricted for a single-family home, okay. Now you want a</p> <p>22 commercial use on it. Under 771-B of the grandfathering</p> <p>23 provisions, you can implement a prior approval. That lot is</p> <p>24 still a good lot for residential purposes. But where in the</p> <p>25 zoning ordinance does it say that lot is grandfathered for a</p>	<p>11</p> <p>1 vacant property. So I believe we would still fit under B, to</p> <p>2 come in and be able to amend that application as well as</p> <p>3 (crosstalk).</p> <p>4 LYNN A. ROBESON: Okay. So you consider this under</p> <p>5 771-B, an amendment to an application.</p> <p>6 CASEY L. CIRNER: And I also consider it a fact that</p> <p>7 771-D9 includes the same exemption that this property was</p> <p>8 recorded under, which was 59C-9.74, because I think was the</p> <p>9 Council's intent back in 2015 when they implemented ZTA, and</p> <p>10 I believe it was 1509 Park and Planning staff specifically</p> <p>11 requested, as part of that zoning text amendment, for them</p> <p>12 to re-codify the exemption in 59C (crosstalk).</p> <p>13 LYNN A. ROBESON: But the exemption is for a</p> <p>14 residential lot.</p> <p>15 CASEY L. CIRNER: But I don't -- I'm not convinced</p> <p>16 it's for a residential lot because there are at least three</p> <p>17 reasons. The title cannot be considered part of the law. And</p> <p>18 I think the zoning ordinance is clear in that respect in</p> <p>19 section 141, the rules of interpretation. And I have an</p> <p>20 actual copy if you would like.</p> <p>21 LYNN A. ROBESON: No, I know it. You don't have to</p> <p>22 give me the rules of interpretation.</p> <p>23 CASEY L. CIRNER: Okay. The -- it specifically states</p> <p>24 that titles and captions are not part of the law. They only</p> <p>25 advise the reader of the content of each article, division,</p>
<p>10</p> <p>1 commercial use?</p> <p>2 CASEY L. CIRNER: I don't necessarily think that it</p> <p>3 has to have an expressed grandfathering provision in there</p> <p>4 for a commercial use.</p> <p>5 LYNN A. ROBESON: Why?</p> <p>6 CASEY L. CIRNER: What I -- because it was a recorded</p> <p>7 lot and at the time it was recorded --</p> <p>8 LYNN A. ROBESON: But it was --</p> <p>9 CASEY L. CIRNER: It met all of the requirements.</p> <p>10 LYNN A. ROBESON: But it was -- it was recorded for</p> <p>11 residential use. And that doesn't mean you get any kind of</p> <p>12 use on it. It just means you're grandfathered. I agree the</p> <p>13 lot is grandfathered. But the lot is grandfathered for</p> <p>14 residential use, not commercial use. Now you're changing the</p> <p>15 use. Get to go back and amend your preliminary plan.</p> <p>16 CASEY L. CIRNER: Right, which is what we are</p> <p>17 proposing to do in a preliminary plan of action</p> <p>18 (indiscernible).</p> <p>19 LYNN A. ROBESON: But that means that you're not</p> <p>20 implementing the prior approval and you're not implementing</p> <p>21 what was grandfathered.</p> <p>22 CASEY L. CIRNER: But we do have the ability, under</p> <p>23 the grandfathering provisions, to amend the application. And</p> <p>24 this was an instance where it's not -- the application was</p> <p>25 approved and nothing was implemented on the property. It's a</p>	<p>12</p> <p>1 or section. So I think if we were to read the title of that</p> <p>2 section --</p> <p>3 LYNN A. ROBESON: Yeah, but do you have any</p> <p>4 legislative -- I remember when that 1509 went through. And</p> <p>5 it's my -- do you have any documentation that the</p> <p>6 legislative intent didn't apply to resident --</p> <p>7 CASEY L. CIRNER: Yes, I do.</p> <p>8 LYNN A. ROBESON: Okay.</p> <p>9 CASEY L. CIRNER: And I would like to give you copies</p> <p>10 of these three items. Actually I have five items, but I will</p> <p>11 start with the ZTA 1509.</p> <p>12 LYNN A. ROBESON: But do you have any of the</p> <p>13 legislative history of ZTA 1509?</p> <p>14 CASEY L. CIRNER: Yes, I have excerpts from two of the</p> <p>15 (indiscernible) committee.</p> <p>16 LYNN A. ROBESON: Now, if I go parsing through the --</p> <p>17 are you going to object if I look through the legislative</p> <p>18 history myself, which would include the staff reports, the</p> <p>19 Fed committee, and anything in the Council?</p> <p>20 CASEY L. CIRNER: I think if I had an opportunity to</p> <p>21 respond to what your conclusion was, I would not object to</p> <p>22 it.</p> <p>23 LYNN A. ROBESON: Okay.</p> <p>24 CASEY L. CIRNER: So what you're looking at there is</p> <p>25 an excerpt of the ZTA that was introduced. And it's only an</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

4 (13 to 16)

<p>13</p> <p>1 excerpt because the ZTA was about 100 pages. And then I also 2 excerpt out parts of the fed committee reports. And so the 3 first report is September 20 -- 4 LYNN A. ROBESON: Well, wait. Let me mark these. 5 CASEY L. CIRNER: I'm sorry. 6 LYNN A. ROBESON: Even though they are legal, I'm 7 going to mark them. The excerpt -- ZTA excerpts from the ZTA 8 1509, is 58. Now, if anyone has an objection to this coming 9 in, you can tell me it is an official record of the County, 10 but it -- 11 MARTY REESE: Can you explain to us what it is? 12 LYNN A. ROBESON: This is that's what we are 13 discussing is the -- whether this lot is grandfathered for 14 commercial use. There were grandfathering provisions for 15 lots in the 2014 zoning ordinance. The question in my mind, 16 and I'm asking her to address, is whether the grandfathering 17 provisions for pre-existing lots were for residential 18 purposes only, and whether the change to a commercial use 19 means they aren't grandfathered. So -- 20 MARTY REESE: We've got issues in our area about that 21 already. 22 LYNN A. ROBESON: Okay, it's -- 23 MARTY REESE: I just -- you know -- 24 LYNN A. ROBESON: I know. The only question is, right 25 now for you, and I'm not trying to shut you down.</p>	<p>15</p> <p>1 grandfathering provision was supported by public testimony. 2 So it's reviving the previous revisions. And the previous 3 revisions were never read to specifically restrict that. 4 LYNN A. ROBESON: It didn't -- it doesn't say RDT. 5 CASEY L. CIRNER: No, it doesn't, but this property is 6 currently classified in the AR zone. 7 LYNN A. ROBESON: Yeah, but it says the Planning Board 8 recommended reviving previously allowed exemptions in the RA 9 1, RA 2, rural, rural cluster in the AR zone. So it doesn't 10 say RDT. 11 CASEY L. CIRNER: No, but it does specifically apply 12 to the AR zone, which this property is classified into. 13 LYNN A. ROBESON: Okay. 14 CASEY L. CIRNER: And so the exemption also applies 15 currently. So they took the old exemption and incorporated 16 it into the new zoning ordinance to apply to AR zones. And 17 Exhibit 60 also has the information about the community, the 18 fed committee agreed to the planning boards recommended 19 reviving of previously allowed exemptions. So I think it's 20 clear that the intent was to recognize that exemption going 21 forward because obviously, the RDT properties were not 22 reclassified, but were then called AR zone properties. And 23 this legislative history doesn't specifically state that it 24 should only apply to residential properties. It specifically 25 states that it's incorporating old provisions that were</p>
<p>14</p> <p>1 MARTY REESE: No, no, no. 2 LYNN A. ROBESON: I'm just trying to stay with the 3 order; is these are excerpts from official files in the 4 County. It doesn't mean that somebody else can't get a 5 chance to introduce something else. But do you have any 6 objections to these coming in? 7 MARTY REESE: No. 8 LYNN A. ROBESON: Okay. I'm going to mark them. Fifty- 9 eight is excerpts from ZTA 1509. Okay. Fifty-nine is 10 excerpts from Fed Committee 9/21/15 on ZTA 1509. And then 60 11 will be excerpts from the fed committee work session 12 11/9/2015. . Okay, go ahead Ms. Ciner. 13 CASEY L. CIRNER: Thank you. So Exhibit 58, the ZTA 14 access, I think it's important because it shows specifically 15 that the language that was adopted did not specifically 16 limit itself to detached housing or specifically say 17 anything about residential lots, which is similar to the 18 other provisions under this section. When you look at 771D, 19 1, 2, and 3 specifically, the language in those sections 20 apply to detached houses. These exemptions that were 21 incorporated from the old zoning ordinance did not include 22 that language. And then turning to Exhibit 59, I think it's 23 important on this excerpt; it talks about how the Planning 24 Board recommended providing previously allowed exemptions in 25 the AR zone. The Planning Boards recommended expansion;</p>	<p>16</p> <p>1 never read to only apply to residential properties. 2 LYNN A. ROBESON: Okay. Let me do this. Do you have 3 copies for anyone? 4 CASEY L. CIRNER: I do. I have a few extra copies. 5 LYNN A. ROBESON: Can you -- can you give them to the 6 individuals in the audience and they can peruse it? And then 7 if they want to address it, they may. Okay. 8 CASEY L. CIRNER: And I also have -- 9 LYNN A. ROBESON: And do you have an extra copy of 10 this? Whatever that is? 11 MARTY REESE: That was (indiscernible). 12 LYNN A. ROBESON: Oh. 13 CASEY L. CIRNER: I have one more. 14 LYNN A. ROBESON: Oh, okay. 15 MALE VOICE: I have two here actually. 16 CASEY L. CIRNER: Oh (indiscernible). 17 FEMALE VOICE: (Indiscernible) has three, right? 18 CASEY L. CIRNER: Yeah, you're supposed to have -- 19 (Crosstalk) 20 FEMALE VOICE: All three of them -- 21 CASEY L. CIRNER: Oh, you did. Yeah, they do. 22 FEMALE VOICE: There's three different things. 23 CASEY L. CIRNER: Yeah, they get -- they get one set. 24 Sorry. I don't know. That's (indiscernible) for you and then 25 this goes to (indiscernible).</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

5 (17 to 20)

<p>17</p> <p>1 MALE VOICE: Okay.</p> <p>2 CASEY L. CIRNER: And I also have some additional</p> <p>3 information that I think confirms that 7791D isn't</p> <p>4 specifically related only to residential properties.</p> <p>5 LYNN A. ROBESON: What -- what kind of information is</p> <p>6 it? Because if it's factual, it needs to come in through a</p> <p>7 witness.</p> <p>8 CASEY L. CIRNER: It's two zoning text amendments. One</p> <p>9 is an adopted one and one is a pending one.</p> <p>10 LYNN A. ROBESON: Okay. Do you have extra copies of</p> <p>11 these?</p> <p>12 CASEY L. CIRNER: I do, yes. Would you like me to mark</p> <p>13 these as exhibits?</p> <p>14 LYNN A. ROBESON: Let me -- well, let me see them and</p> <p>15 I will -- I'll mark them for identification, but I would</p> <p>16 like you to give a copy before we admit them.</p> <p>17 CASEY L. CIRNER: I have extra copies.</p> <p>18 LYNN A. ROBESON: And so people can -- so 61 is</p> <p>19 corrected; 15 -- ZTA 1506. And 62 is ZTA 1809. Well, wait a</p> <p>20 minute. What does is a Rural Landscape Contractors have to</p> <p>21 do with?</p> <p>22 CASEY L. CIRNER: So that is a pending zoning text</p> <p>23 amendment. That is being added to 771D and it specifically</p> <p>24 applies to landscape contractors. So I think after the</p> <p>25 original zoning ordinance was adopted, and then you had ZTA</p>	<p>19</p> <p>1 landscape contractors that is currently pending under 771D</p> <p>2 as an amendment to 7712. So that was my only point in</p> <p>3 introducing. And I would like to request that these be moved</p> <p>4 into evidence in support of the legal argument.</p> <p>5 LYNN A. ROBESON: Has -- have you all -- does anyone</p> <p>6 have an objection?</p> <p>7 KAREN DESILVA: If I have an objection, does that mean</p> <p>8 that these things don't go into the record?</p> <p>9 LYNN A. ROBESON: Well, yes, but objections at this</p> <p>10 point are for, are they an accurate or altered or something</p> <p>11 like that.</p> <p>12 KAREN DESILVA: So we have no way of actually knowing</p> <p>13 that because we have --</p> <p>14 MARTY REESE: (Indiscernible) have legal counsel look</p> <p>15 at it. So we just sit here and say that. So she is bringing</p> <p>16 this in and we have no clue.</p> <p>17 LYNN A. ROBESON: Right. So what I will do is I will</p> <p>18 mark them for identification only.</p> <p>19 KAREN DESILVA: That's 61 and 62?</p> <p>20 LYNN A. ROBESON: Yes. Now, what we are going to do is</p> <p>21 allow you some time to look at them. And we have to keep the</p> <p>22 record open after the hearing for at least 10 days. And we</p> <p>23 can work out a schedule at the end if you wish to respond to</p> <p>24 these. So right now, I'm going to mark them for</p> <p>25 identification only.</p>
<p>18</p> <p>1 1509. And from that point forward, the Council started</p> <p>2 including items in 771D that didn't necessarily apply to</p> <p>3 residential properties.</p> <p>4 LYNN A. ROBESON: Well, I will be honest; we review</p> <p>5 that we are on -- when anyone adopts or proposes a zoning</p> <p>6 text amendment -- and I will disclose this. When anyone</p> <p>7 adopts a zoning text amendment, it is referred to OZHA and</p> <p>8 all the agencies and I can tell you that this is intended to</p> <p>9 apply to a specific issue in Burtonsville.</p> <p>10 CASEY L. CIRNER: Right.</p> <p>11 LYNN A. ROBESON: So --</p> <p>12 CASEY L. CIRNER: And that exactly was my point. It</p> <p>13 was supposed to specifically apply to a commercial use in</p> <p>14 Barnesville (indiscernible).</p> <p>15 LYNN A. ROBESON: Yeah, but why would that say -- what</p> <p>16 does that have to do with this in the AR zone?</p> <p>17 CASEY L. CIRNER: Because they added it to 771D. So I</p> <p>18 think it's clear that the Council's intent no longer going</p> <p>19 forward with that 771D only applies strictly to residential</p> <p>20 properties because they kept incorporating these provisions</p> <p>21 into that section that applied to commercial properties</p> <p>22 including this (indiscernible).</p> <p>23 LYNN A. ROBESON: Okay. I see what -- I see your</p> <p>24 point.</p> <p>25 CASEY L. CIRNER: And then 62 is the same. It's a</p>	<p>20</p> <p>1 KAREN DESILVA: Thank you.</p> <p>2 CASEY L. CIRNER: Thank you.</p> <p>3 LYNN A. ROBESON: All right. Should we -- do you have</p> <p>4 an opening statement?</p> <p>5 CASEY L. CIRNER: That was it, just briefly.</p> <p>6 LYNN A. ROBESON: Okay.</p> <p>7 CASEY L. CIRNER: We're here in the matter of the</p> <p>8 Veterinary Hospital of Clarksburg. So I wanted to move</p> <p>9 through our witnesses and hopefully we don't have to take up</p> <p>10 all the time we are allotted here today.</p> <p>11 LYNN A. ROBESON: Okay.</p> <p>12 CASEY L. CIRNER: So first witness I would like to</p> <p>13 call is Mr. Les Powell, who is sitting to my right.</p> <p>14 LYNN A. ROBESON: Okay. Please raise your right hand.</p> <p>15 Do you solemnly affirm under penalties of perjury that the</p> <p>16 statements you're about to make are the truth, the whole</p> <p>17 truth, and nothing but the truth?</p> <p>18 LES POWELL: I do.</p> <p>19 LYNN A. ROBESON: Okay.</p> <p>20 CASEY L. CIRNER: Thank you, Mr. Powell. Could you</p> <p>21 please state your name, occupation, and business address for</p> <p>22 the record?</p> <p>23 LES POWELL: Leslie William Powell, I'm a professional</p> <p>24 landscape architect and land planner. My address is 1751</p> <p>25 Elton Road, Suite 300, Silver Spring, Maryland, 20903.</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

6 (21 to 24)

<p>21</p> <p>1 CASEY L. CIRNER: And you are a PLA and your license 2 number is 595 (indiscernible). 3 LYNN A. ROBESON: What they PLA? 4 LES POWELL: Professional landscape architect. 5 LYNN A. ROBESON: Okay. 6 LES POWELL: They changed it from RLA. 7 LYNN A. ROBESON: Yeah, I know. I was confused. Go 8 ahead. 9 CASEY L. CIRNER: And Mr. Powell has previously 10 testified in front of the Hearing Examiner as an expert 11 witness. So I would like to move that he be admitted. His 12 resume is Exhibit 12 in the record, and I move that he be 13 admitted as to expert in land planning and landscape 14 architecture. I can voir dire him if you like. 15 LYNN A. ROBESON: No. He has testified as an expert 16 before. And typically, that's enough to qualify him as an 17 expert in this proceeding. That being said, does anyone have 18 an objection to qualifying him as an expert? Okay. Seeing 19 none, I'm going to qualify him as an expert in land 20 planning. 21 CASEY L. CIRNER: And landscape architecture. 22 LYNN A. ROBESON: And landscape architecture, all 23 right. 24 CASEY L. CIRNER: I have some exhibits we're going to 25 use which are replicas of exhibits already in the record.</p>	<p>23</p> <p>1 zoning history of the subject property? 2 LES POWELL: The subject property had previously been 3 recorded with the -- the zoning history dates back to being 4 an RDT portion and in the rural zone also. And the master 5 plan now has it in the AR zone. That would be the Damascus 6 (indiscernible). 7 CASEY L. CIRNER: Okay. And are you familiar with the 8 2014 comprehensive amendment to the zoning ordinance that 9 the Montgomery County Council adopted? 10 LES POWELL: Yes, I am. 11 CASEY L. CIRNER: And what did that specifically do 12 with respect to animal hospitals in the ag zone? 13 LES POWELL: They are a conditional use. 14 CASEY L. CIRNER: Okay, thank you. Using the aerial 15 photo, Exhibit 16 in the record, can you identify and 16 describe the subject property and any existing improvements 17 and physical characteristics? 18 LES POWELL: The subject property is approximately 19 5.95 acres and it's -- the high end of the property is the 20 eastern property line and it drains down towards Prescott 21 Road to the west. The slopes are approximately 10 percent. 22 It is a wooded site. There is an existing well located on 23 the site towards the middle of the property along -- 24 approximately about 16 feet off the eastern property line. 25 The -- there is also an existing shed that's on the site.</p>
<p>22</p> <p>1 Would you like me to mark them with new exhibit numbers. 2 LYNN A. ROBESON: Now, if you could -- well, no. Not 3 new exhibit numbers, but if you could identify which 4 exhibits are already in the record so the transcript is 5 clear what we are talking about. 6 CASEY L. CIRNER: Okay. Mr. Powell, using the aerial 7 photo, which is to your right and is Exhibit 16 in the 8 record, are you familiar with the subject property and the 9 surrounding area? 10 LES POWELL: Yes, I am. 11 CASEY L. CIRNER: And have you visited the site and 12 surrounding area? 13 LES POWELL: Several times. 14 CASEY L. CIRNER: And where is the subject property 15 located? 16 LES POWELL: The subject property is located on the 17 southeast quadrant of Lewisville and Prescott Road in 18 Clarksburg, Maryland. 19 CASEY L. CIRNER: And in what zone is the subject 20 property classified? 21 LES POWELL: In the AR zone. 22 CASEY L. CIRNER: And is the subject property a 23 recorded lot? 24 LES POWELL: Yes, it is. 25 CASEY L. CIRNER: And what can you tell us about the</p>	<p>24</p> <p>1 Currently, there is some invasive plants growing within the 2 hardwoods that are there. 3 CASEY L. CIRNER: Okay. And I'm going to put this 4 conditional use plans up, which is Exhibit 35 on the record. 5 And using this exhibit, can you please describe the 6 conditional use request? 7 LES POWELL: The conditional use request is for the 8 veterinary hospital. The way that the building is sited, we 9 have proposed a retaining wall that wraps around the 10 building to create a pad, if you will, that would allow the 11 building itself, and the associated parking, which is within 12 an L shape around the building, that also has -- that leads 13 down a 10 percent drive down to Prescott Road. 14 LYNN A. ROBESON: Ten percent grade? 15 LES POWELL: Grade, yes. And it's 10 percent at the 16 steepest portion, but as you get closer to Prescott Road, 17 we've flattened it out so that it's a gradual rise so that 18 you -- the vehicles don't bottom out as they go up and down 19 off of Prescott Road. 20 LYNN A. ROBESON: How tall is that retaining wall? 21 LES POWELL: It varies in height. The very tallest 22 part, I believe, is seven feet. And -- 23 LYNN A. ROBESON: That's a big retaining wall. 24 LES POWELL: It is. But what it also helps to do is 25 hide the building from the surrounding properties; along</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

7 (25 to 28)

<p>25</p> <p>1 with the existing woods. I was getting ready to explain we 2 have a forest conservation easement that was part of the 3 record plat that was based off of a preliminary forest 4 conservation plan, which is a little unusual. They never did 5 a final forest conservation plan. And that -- 6 LYNN A. ROBESON: Do you have -- has the planning 7 board approved the final forest conservation plan? 8 LES POWELL: They have it, and they are going to be 9 approving it with the preliminary plan is being amended. It 10 does not (indiscernible). 11 LYNN A. ROBESON: Well, wait a minute. I -- 12 LES POWELL: It was approved as a preliminary plan. 13 Staff says that, technically, it does not need to go to the 14 Board for final approval. They have the right to sign off on 15 it. But the -- 16 LYNN A. ROBESON: Well, my question is; there is some 17 language in Chapter 19 of the code that says I can't approve 18 a conditional use until -- I have to look at it. But you 19 need to address that. I don't know why Staff thinks that 20 this, you know -- when you say Staff says -- 21 LES POWELL: I understand. 22 LYNN A. ROBESON: So please supplement that, because 23 in the past -- well, just look at it because I can't 24 remember particularly what it says. But I'm not supposed to 25 approve a conditional use. Maybe the preliminary forest --</p>	<p>27</p> <p>1 have the thing. And I think the Chapter 19 is mandatory. 2 CASEY L. CIRNER: Okay. We will make a note of that 3 and supplement the information into the record. 4 LYNN A. ROBESON: Mm-hm (affirmative). 5 CASEY L. CIRNER: Mr. Powell, you were explaining to 6 the hearing examiner the proposed conditional use. And I'm 7 going to ask that you highlight a few more features of the 8 proposed application. 9 LES POWELL: Sure. The -- 10 LYNN A. ROBESON: Can I just ask you; I looked at the 11 plan. What are those lines? 12 LES POWELL: I was just getting ready to explain the 13 septic field that -- 14 LYNN A. ROBESON: Okay. Is that what it is? Okay. 15 LES POWELL: That is the septic field. And that was 16 approved along with the preliminary plan and modified for 17 the conditional use based on a letter we received from the 18 Health Department. They have approved 1250 foot long septic 19 field with a four foot depth of rock to cover the veterinary 20 use. 21 LYNN A. ROBESON: Okay. 22 LES POWELL: And we do have that letter from them 23 stating that. 24 LYNN A. ROBESON: Is that in the record? 25 CASEY L. CIRNER: It is not. And I was just going to</p>
<p>26</p> <p>1 are you changing the preliminary forest conservation plan? 2 LES POWELL: We are actually adding more easement onto 3 the property. We are keeping (indiscernible). 4 LYNN A. ROBESON: Okay, but you are changing it? 5 LES POWELL: Yes, we are adding that for conservation. 6 LYNN A. ROBESON: Okay. I'm -- and so I -- you can 7 look at -- don't go there yet Ms. Cirner . 8 CASEY L. CIRNER: Okay. 9 LYNN A. ROBESON: Because I'm just -- my point is; I 10 will have to look at Chapter 19. But I can't -- definitely, 11 I can't approve it without a preliminary forest conservation 12 plan. But if that is changing, even for the good, I need 13 something that says this is it. And why -- anyway. 14 CASEY L. CIRNER: The preliminary plan amendment 15 that's pending would include the final forest conservation 16 plans (indiscernible). 17 LYNN A. ROBESON: But look at Chapter 19, because it 18 applies specifically to -- well, it says, special 19 exceptions. 20 CASEY L. CIRNER: Right. If the conditional use were 21 to be granted and a condition would be imposed that the 22 preliminary plan amendment had to be approved, my thought 23 is, potentially, that could cover the issue you're speaking 24 to right now. 25 LYNN A. ROBESON: Well, I don't know, because I don't</p>	<p>28</p> <p>1 ask the hearing examiner if we could mark this as Exhibit 60 2 (indiscernible) up to 60, right? 3 LYNN A. ROBESON: Do you have extra copies? 4 CASEY L. CIRNER: I do. And Mr. Powell, can you -- 5 LYNN A. ROBESON: Just a second. 6 CASEY L. CIRNER: I'm sorry. 7 LYNN A. ROBESON: Okay. This is the well. Where is -- 8 is this the septic to? 9 CASEY L. CIRNER: The septic -- the actual -- 10 LES POWELL: As part of the (indiscernible). 11 CASEY L. CIRNER: Yeah. I think email approving the 12 septic are incorporated into the Park and Planning Staff 13 Report, which is -- 14 LYNN A. ROBESON: Okay. You don't have -- if it's in 15 the staff report, that's fine. 16 CASEY L. CIRNER: Okay. It is attachment G and H to 17 the staff report. 18 LYNN A. ROBESON: Okay. Go ahead. 19 LES POWELL: We have provided -- 20 LYNN A. ROBESON: I'm sorry. Sixty-three will be DPS 21 letter or memo of 6/20/18, approving well. Okay. Go ahead. 22 LES POWELL: We have provided the two handicap spaces, 23 as required. One of which is a van space. And they are 24 located as close to the front door as possible. As a matter 25 of fact, they are the first two spaces. Our dumpster is</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

8 (29 to 32)

<p>29</p> <p>1 located on the -- at the very end of the parking lot with 2 the leg of the parking lot that is paralleling Lewisdale. 3 And it is wrapped by the retaining wall. So it too is 4 screened. And also has extra landscaping and screening 5 around it. The remainder of the parking spaces, there is a 6 total of 28, which are -- is the minimum number of spaces 7 required based on a on a maximum of five doctors and three 8 techs or support staff for those doctors. We have -- 9 LYNN A. ROBESON: Can I ask you -- are you the person 10 to ask about parking? 11 LES POWELL: Sure. 12 LYNN A. ROBESON: When I read -- and maybe this goes 13 to operations too and we will wait for Dr. Stenberg. But as 14 I read the staff report, there's a maximum of 20 staff and 15 vets -- veterinarians, on-site at one time. My question is; 16 that only leaves eight for -- eight parking spaces for 17 appointments. So -- and maybe this is, again, is something 18 for the applicant to address. My question is; is eight 19 parking spaces for -- because there is no transit here. Is 20 eight parking spaces enough? 21 LES POWELL: Based on the Montgomery County Code it 22 is. 23 LYNN A. ROBESON: No, forget the Montgomery County 24 Code, because the question is, realistically -- because I 25 look at not just the Code, but the impact.</p>	<p>31</p> <p>1 LYNN A. ROBESON: How far is down the road? 2 LES POWELL: I believe it's half a mile. And you're 3 right, there is very -- there is no sidewalks in that area. 4 It is very rural. 5 LYNN A. ROBESON: Well, let me ask -- you know, I'm 6 going to reserve some this I think for Dr. Stenberg. But I 7 would like to know is the shifts. You know, what are the 8 shifts? 9 LES POWELL: (Indiscernible). 10 LYNN A. ROBESON: And how are the appointments 11 structured? 12 CASEY L. CIRNER: And Dr. Greta will be able to 13 address that question at the maximum capacity of five 14 doctors and 15 staff and explain how not everybody's going 15 to be coming for an appointment all the time during the day. 16 LYNN A. ROBESON: Okay. So I will leave it for that. 17 CASEY L. CIRNER: Yeah. 18 LES POWELL: We have also included -- there are two 19 fenced in outdoor areas. One is on the exterior of the 20 building while facing Lewisdale Road; that is for dogs that 21 are a little bit more nervous and attending to them outside 22 might calm them down. That area is surrounded by the walking 23 areas that is shown on our conditional use plan, inset A, 24 the walking area, which starts back at the dumpster, follows 25 the retaining wall around to the side of the building,</p>
<p>30</p> <p>1 LES POWELL: Sure. 2 LYNN A. ROBESON: Okay. So I didn't mean to say forget 3 the Montgomery County Code, but you know, the Montgomery -- 4 LES POWELL: Look at the realistic -- 5 LYNN A. ROBESON: Huh? 6 LES POWELL: Look at the realistic (indiscernible). 7 LYNN A. ROBESON: The practical impacts of the use. So 8 my question is; is eight spaces enough? 9 LES POWELL: I believe it is. The five doctors is the 10 ultimate number of doctors that they are planning here. And 11 that is some time off in the future. I -- 12 LYNN A. ROBESON: Well, it doesn't matter, because 13 this is going to apply to the future. 14 LES POWELL: I would agree. But I also think that the 15 five doctors having eight spaces -- and I'm not sure that 16 every but -- every single one of the employees is 17 necessarily going to be driving. I do know that when I'm 18 at -- 19 LYNN A. ROBESON: How are they going to get there if 20 they don't drive? 21 LES POWELL: Well, there is Uber. There is rideshare. 22 There is a lot of different options. And there is transit 23 out here. There is a Montgomery County (indiscernible). 24 LYNN A. ROBESON: Where is the closest transit. 25 LES POWELL: It is down the road here.</p>	<p>32</p> <p>1 parallel to Lewisdale Road and then wraps around to the area 2 on the -- 3 LYNN A. ROBESON: Can you show that on the -- 4 LES POWELL: Yes. 5 LYNN A. ROBESON: Can you -- and also, can you turn 6 that to make sure that people can see in the audience? 7 LES POWELL: Sure. 8 LYNN A. ROBESON: We are actually giving an electronic 9 screen, please. Because that's really hard for everybody to 10 see. Now, can you just show me to what you are referring? 11 LES POWELL: This is inset A that shows the walking 12 area. This -- 13 LYNN A. ROBESON: Is the walking area shaded? 14 LES POWELL: Yes, it is the shaded area. 15 LYNN A. ROBESON: Okay. 16 LES POWELL: And we start at the dumpster, follow the 17 retaining wall around. And on the side of the building, 18 paralleling Lewisdale. And then it follows in front of the 19 parking area that is paralleling Prescott Road. 20 LYNN A. ROBESON: Okay. 21 LES POWELL: So if you don't mind, I'm going to 22 finish -- because standing, I think I may be able to be able 23 to point to some more features. We are parking along 24 Prescott and the parking that most parallels the side 25 property -- or the rear property line paralleling Lewisdale</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

9 (33 to 36)

<p>33</p> <p>1 Road have wheel stops which allows the water run off to go 2 between these wheel stops that are being handled by our bio 3 retention facilities that are off to the side to these 4 parking areas. The septic field, as I mentioned, runs down 5 towards Prescott Road, but there is a Category I forest 6 conservation easement between Prescott and our septic field 7 that then wraps around Lewisdale Road, down along the rear 8 property line paralleling Prescott Road, and then back out 9 towards Prescott Road again, which this is over three acres 10 of forest conservation area kept on site. We -- the existing 11 well is up above the location of the retaining wall at the 12 rear of the building. And we are including some of the 13 graded area that we have graded back at a three to one slope 14 behind the wall. We are including then into the forest 15 conservation area. We are planning on -- the native species 16 we're most looking to include in that area is American 17 Holly. It also helps screen the adjacent properties. The 18 rest of the forest conservation areas, as I mentioned 19 earlier, or a combination of hardwoods. And there are some 20 invasives that will need to be removed also in the area. 21 That's basically about it as far as the conditional use 22 goes. 23 CASEY L. CIRNER: Mr. Powell, you mentioned that the 24 property is going to be served by well and septic. What 25 water and sewer category is the property in?</p>	<p>35</p> <p>1 CASEY L. CIRNER: Okay. Thank you. And you described 2 the septic system for us and confirmed the septic system has 3 been approved. So we will move forward to the conditional 4 use standards. Are you familiar with the standards for 5 granting a conditional use? 6 LES POWELL: Yes. 7 CASEY L. CIRNER: And are you familiar with the 8 specific conditional use standards for veterinarian office 9 and hospital? 10 LES POWELL: Yes. 11 CASEY L. CIRNER: And is the veterinarian office 12 hospital a permissible condition use in the AR zone? 13 LES POWELL: It is. 14 CASEY L. CIRNER: And are there any previous approvals 15 for the subject property? And can you explain to us what 16 those are? 17 LES POWELL: Yes. As I mentioned, we have -- the 18 preliminary plan was previously approved along with the 19 preliminary forest conservation plan, and then the record 20 plot was recorded. 21 CASEY L. CIRNER: Great. And did the preliminary plan 22 include any conditions of approval? 23 LES POWELL: Yes, it did. 24 CASEY L. CIRNER: And what can you tell us about those 25 conditions?</p>
<p>34</p> <p>1 LES POWELL: This is water and sewer category six, 2 which means that there is no proposed service, and that is 3 confirmed also by the master plan. 4 CASEY L. CIRNER: Okay. And has the applicant made you 5 aware of what the proposed water usage for the facility will 6 be? 7 LES POWELL: Yes. 8 CASEY L. CIRNER: And what can you tell us about that? 9 LYNN A. ROBESON: Well, is that in the DPS memo? 10 LES POWELL: The DPS memo does have what they're 11 proposing is 500 gallons per day, is what they're expecting. 12 LYNN A. ROBESON: Who is day? 13 LES POWELL: What DPS Health Department is expecting 14 for the usage. 15 LYNN A. ROBESON: Okay. 16 LES POWELL: But currently, Dr. Stenberg based -- she 17 is currently served by WSSC right now. 18 LYNN A. ROBESON: Yeah. 19 LES POWELL: And her usage is much less than that 20 right now. 21 LYNN A. ROBESON: Okay. 22 CASEY L. CIRNER: And would her current usage be 23 comparable to the usage of a four-bedroom house? 24 LES POWELL: It's actually less than that of a 25 four-bedroom house.</p>	<p>36</p> <p>1 LES POWELL: The one condition that affects this plan 2 is condition number one, which limits it to a one 3 residential lot for a one-family detached dwelling unit. 4 CASEY L. CIRNER: And did the -- what is being 5 proposed in light of that for that preliminary language? 6 LES POWELL: We are amending preliminary plan. There 7 is an application that is currently being reviewed by Staff 8 and we have a preliminary hearing date of October 11. 9 CASEY L. CIRNER: Okay. And the record plot was 10 recorded. So that's the preliminary plan? 11 LES POWELL: That's correct. 12 CASEY L. CIRNER: And the -- you told us a little bit 13 about the preliminary forest conservation plan. Can you talk 14 to us about the proposed final forest conservation plan? And 15 I will get that exhibit, which is Exhibit 51B in the record. 16 LYNN A. ROBESON: This is the proposed final? 17 LES POWELL: Yes. 18 CASEY L. CIRNER: Yes. 19 LES POWELL: And these have addressed; the final 20 forest conservation plan you're seeing here, have addressed 21 all the comments that Park and Planning Staff has given us 22 on this plan and that they are ready to approve. The large 23 circles that you're seeing are the trees that are rendered 24 in 24 inches on site that -- and their critical root zone 25 that's shown. And the large X's you're seeing are the 24</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

10 (37 to 40)

<p>37</p> <p>1 inch or greater trees that are coming out as a result of 2 this development. 3 LYNN A. ROBESON: And that's mostly near -- oh, I see. 4 There are some in the parking lot and some in the driveway. 5 LES POWELL: Yes, the majority of them are in the 6 driveway itself. And the driveway is limited to that area 7 because of the existing forest conservation easement as it 8 was reported. The remaining area behind the retaining walls 9 that wraps around on three sides of the building, as you can 10 see, is being replanted. And as I said, we are trying to get 11 a lot of American Holly in there to add some evergreen 12 screening to help buffer the adjacent neighbors. Staff was 13 fine with that. They actually liked that. The only thing 14 they added -- asked us to add, was two deciduous trees along 15 the driveway down towards Prescott Road. And we've done 16 that. That is shown on this plan here. 17 LYNN A. ROBESON: Okay. 18 CASEY L. CIRNER: And can you identify for the hearing 19 examiner the three areas specifically where there will be 20 impact and reforestation to the existing conservation 21 easement? 22 LES POWELL: There is an impact to the existing forest 23 conservation easement in this area that is needed for 24 grading out the retaining wall and the bio retention 25 facility.</p>	<p>39</p> <p>1 plan next, unless the hearing examiner has any more 2 questions about the final forest conservation. 3 LYNN A. ROBESON: No. No, go ahead. 4 CASEY L. CIRNER: Can you please identify the 5 applicable master plan for the subject property? 6 LES POWELL: It is the Damascus master plan. 7 CASEY L. CIRNER: And what are the recommendations of 8 the Damascus master plan? Now, I understand that there is 9 two Damascus master plans; an older one and a newer one. So 10 is this the older? 11 LES POWELL: The older master plan. 12 CASEY L. CIRNER: And that's 1985. 13 LES POWELL: That's correct. And there were no 14 specific mentions of this property, but they spoke in 15 general terms of staying off any steep slopes, of which we 16 have none on this site, and minimizing erosion, sediment 17 control, to protect the trout streams. 18 CASEY L. CIRNER: Okay. And does the proposed 19 conditional use conform with the recommendations of the 1985 20 Damascus master plans -- 21 LES POWELL: Yes, it does. 22 CASEY L. CIRNER: In your opinion? 23 LES POWELL: Yes. 24 CASEY L. CIRNER: And why is that? 25 LES POWELL: As I mentioned, we don't have any of the</p>
<p>38</p> <p>1 LYNN A. ROBESON: Mr. -- can you stand on this --. 2 LES POWELL: On that side. 3 LYNN A. ROBESON: Yeah. Well let me see if I can -- 4 stand on that side and -- 5 LES POWELL: I need a big pointer. I've never looked 6 at it from this direction. It's throwing me off. So we are 7 proposing then to add this extra planting within the 8 existing easement. Then we are adding -- we are basically 9 doubling the amount of area that we are adversely affecting 10 the forest conservation. We're doubling the amount of 11 reforestation to cover that. And those areas are shown along 12 the property line that is parallel to Prescott Road to the 13 east and also along the Lewisdale Road section. The other 14 impact was to -- adjacent to the driveway, the radiant 15 needed in order to give the driveway, as I told you, that 10 16 percent and the gradual taper, we did have a slight 17 incursion into the existing forest conservation easement 18 there. So we were asked to replace two red Maples, is what 19 the Staff required. So we have shown those. 20 CASEY L. CIRNER: Thank you, Mr. Powell. 21 LES POWELL: Yes. 22 CASEY L. CIRNER: I think we will shift to 23 (indiscernible). 24 LES POWELL: Thank you. 25 CASEY L. CIRNER: I think we'll talk about the master</p>	<p>40</p> <p>1 steep slopes. We are minimizing our impacts to the 2 surrounding area by building these very expensive retaining 3 walls in order to save more of the existing forest out in 4 that area. 5 CASEY L. CIRNER: Okay. And I understand the technical 6 staff of Park and Planning also found a substantial 7 conformance with the 1985 Damascus master plan as well as 8 the Harris master plan. Did you -- do you agree with 9 technical staff's finding? 10 LES POWELL: Yes. 11 LYNN A. ROBESON: Okay. Are you going to ask about the 12 fact that it discourages nonagricultural uses? 13 CASEY L. CIRNER: Sure I can ask about that. The -- 14 LYNN A. ROBESON: And I guess my question for you 15 is -- for the witness, is; what does discourage mean? Staff 16 just said it's not prohibited. So what's the difference 17 between discourage -- I mean, they discourage it. So -- 18 LES POWELL: Well, they -- it's not prohibited 19 because -- it's discouraged because we are having to go 20 through a conditional use in order to get the approval. So 21 it is being reviewed by all the proper agencies in order to 22 limit what can actually be done within these areas. And as 23 you mentioned, it says discouraged. It does not prohibit 24 nonfarm uses. But I would argue that the veterinary clinic 25 out in this area makes a lot a sense because of the</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 agricultural uses in that area.</p> <p>2 LYNN A. ROBESON: But they are not serving livestock.</p> <p>3 LES POWELL: No, but there are a lot of associated</p> <p>4 animals that, with farms and agricultural, just because of</p> <p>5 the nature, where they're going to have a lot of dogs.</p> <p>6 They're going to have a lot of farm cats and what have you,</p> <p>7 that serve this area.</p> <p>8 LYNN A. ROBESON: Well, wait a minute. I grew up in</p> <p>9 Garrick County. Next -- well, I'm not going there. Well, go</p> <p>10 ahead.</p> <p>11 CASEY L. CIRNER: Mr. Powell, I wanted to draw your</p> <p>12 attention to technical staff report, page 6, which I believe</p> <p>13 you have open.</p> <p>14 LES POWELL: Okay.</p> <p>15 CASEY L. CIRNER: Technical staff's report is Exhibit</p> <p>16 53A in the record. And on this page is an excerpt from the</p> <p>17 Damascus master plan. It talks about agriculture and</p> <p>18 open-space and the subject property is circled in red. It's</p> <p>19 my understanding that this specifically shows that the</p> <p>20 subject property is outside of the working farm area shown</p> <p>21 in the master plan, but inside a quote/unquote existing</p> <p>22 residences area. What can you tell us about that?</p> <p>23 LES POWELL: Well, that is part of the area that was</p> <p>24 previously subdivided along with an adjacent subdivision</p> <p>25 that is to the northwest quadrant of the intersection of</p>	<p style="text-align: right;">43</p> <p>1 CASEY L. CIRNER: And that that zoning code amendment</p> <p>2 confirms that the veterinary hospital was an appropriate</p> <p>3 conditional use in the AR zone, correct?</p> <p>4 LES POWELL: Correct.</p> <p>5 CASEY L. CIRNER: At the time in 2014 when the County</p> <p>6 Counsel approved the comprehensive zoning ordinance rewrite,</p> <p>7 were the -- was the AROS master plan in effect at that time?</p> <p>8 LYNN A. ROBESON: The what? I'm sorry. I'm sorry, the</p> <p>9 what?</p> <p>10 CASEY L. CIRNER: The agricultural reserve open-space</p> <p>11 in the (indiscernible).</p> <p>12 LYNN A. ROBESON: Oh, okay.</p> <p>13 LES POWELL: Yes.</p> <p>14 CASEY L. CIRNER: (Indiscernible).</p> <p>15 LYNN A. ROBESON: I didn't know what that was.</p> <p>16 CASEY L. CIRNER: Sorry. And the 1985 Damascus master</p> <p>17 plan?</p> <p>18 LES POWELL: Yes.</p> <p>19 CASEY L. CIRNER: They were both in effect?</p> <p>20 LES POWELL: Yes.</p> <p>21 CASEY L. CIRNER: Okay. Thank you. I'm next going to</p> <p>22 show you the neighborhood map, which is Exhibit 24 in the</p> <p>23 record. What can you tell us about the boundaries of this</p> <p>24 neighborhood?</p> <p>25 LES POWELL: The boundaries of this neighborhood were</p>
<p style="text-align: right;">42</p> <p>1 Lewisdale and Prescott Road. So it's considered the existing</p> <p>2 residences.</p> <p>3 LYNN A. ROBESON: But it's not a residence.</p> <p>4 LES POWELL: But it is not a residence, but we're</p> <p>5 going through the conditional use process.</p> <p>6 LYNN A. ROBESON: So you're saying that the master</p> <p>7 plan's discouragement of commercial uses doesn't mean</p> <p>8 anything if you go through the conditional use process.</p> <p>9 LES POWELL: I'm saying that the uses are looked at</p> <p>10 and they minimize, through this process they minimize the</p> <p>11 impacts to any of the surrounding areas. The architect has</p> <p>12 gone to great lengths to design a building that looks like a</p> <p>13 residence. It is a one and a half story building with</p> <p>14 dormers and the square footage of it is less than that of a</p> <p>15 lot of the homes that are out in that area.</p> <p>16 CASEY L. CIRNER: And Mr. Powell --</p> <p>17 LYNN A. ROBESON: But it also has other impacts that</p> <p>18 are not -- like traffic that are not like a residence.</p> <p>19 LES POWELL: That's correct.</p> <p>20 LYNN A. ROBESON: Okay. Go ahead.</p> <p>21 CASEY L. CIRNER: Mr. Powell, you testified earlier</p> <p>22 that you're familiar with the County Council's adoption of</p> <p>23 the 2014 comprehensives, zoning text -- or zoning code</p> <p>24 amendment.</p> <p>25 LES POWELL: Correct.</p>	<p style="text-align: right;">44</p> <p>1 determined based on the location of the property confronting</p> <p>2 pieces of property, confronting and adjoining, and that is</p> <p>3 why the area to the west, which is the Little Bennett look</p> <p>4 so distorted and offset. The entire property is highlighted.</p> <p>5 LYNN A. ROBESON: Can you -- I -- okay. Is that yellow</p> <p>6 what exhibit is this? I'm sorry.</p> <p>7 CASEY L. CIRNER: This is Exhibit 24 of the record.</p> <p>8 LYNN A. ROBESON: Okay. Is that yellow the</p> <p>9 neighborhood? Your definition of the surrounding</p> <p>10 neighborhood?</p> <p>11 LES POWELL: That is my definition.</p> <p>12 LYNN A. ROBESON: Okay. Can you just point out -- for</p> <p>13 some reason, I'm having trouble -- okay.</p> <p>14 LES POWELL: The parcel --</p> <p>15 LYNN A. ROBESON: I see it. Okay.</p> <p>16 LES POWELL: The piece of ground is right here.</p> <p>17 LYNN A. ROBESON: And why did you choose that</p> <p>18 boundary?</p> <p>19 LES POWELL: I chose confronting and adjacent</p> <p>20 properties. And the reason it looks so odd is because this</p> <p>21 piece is all the Little Bennett. And because that was</p> <p>22 confronting the subdivision to the north of that, we</p> <p>23 included that. The Park and Planning staff did a radius,</p> <p>24 which incorporated almost all of these properties. It didn't</p> <p>25 go quite as far as we did, but it included a few of the</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

12 (45 to 48)

<p>45</p> <p>1 properties further north and it included the properties on 2 the other side of Rudale. I believe it's Rudale Drive. 3 CASEY L. CIRNER: And what Mr. Powell is referring to 4 is page 4 of Exhibit 53 in the staff report, in the record. 5 The Staff's neighborhood. 6 LYNN A. ROBESON: Well, do you stand by yours or do 7 you go with Staff's? Or does it make a difference? 8 LES POWELL: There is no difference. It really 9 encumbered the same properties. Theirs went a little further 10 north, whereas mine went a little further west. 11 LYNN A. ROBESON: I -- I can see one way they draw the 12 boundaries is to the -- it's supposed to be the area that's 13 going to get the impact of the use. 14 LES POWELL: Yeah. 15 LYNN A. ROBESON: I could see, for traffic purposes, 16 that you would do the larger area. Do you, because there is 17 a couple of roads that are residential roads that feed 18 into -- feed into the two affected roads. Do you want to 19 address that? 20 LES POWELL: Well, we included -- if you're referring 21 to why we included (indiscernible). 22 LYNN A. ROBESON: Well, why shouldn't Staff's be more 23 appropriate? 24 LES POWELL: I'm not saying that theirs isn't 25 appropriate. I've never seen one done with a radius before.</p>	<p>47</p> <p>1 you -- 2 LES POWELL: It's east of -- it's east on Lewisdale 3 Road. 4 LYNN A. ROBESON: Can you identify it for the record? 5 LES POWELL: For the record, it -- 6 LYNN A. ROBESON: So just describe its location. 7 LES POWELL: It is east of the subject property on 8 Lewisdale Road and -- I can't read this other road name. 9 It's shown as parcel 700 on this tax map. 10 LYNN A. ROBESON: Okay. On the -- on what exhibit is 11 that? 12 CASEY L. CIRNER: That is Exhibit 24. 13 LYNN A. ROBESON: Okay. Thank you. 14 CASEY L. CIRNER: And where -- does the subject 15 property abut any properties classified in the residential 16 detached zone? 17 LES POWELL: No, just the AR zone is encumbering that 18 whole area. 19 CASEY L. CIRNER: Do you know where the closest 20 residential detached zone (indiscernible)? 21 LES POWELL: Up Lewisdale Road, it's just a little 22 over a mile down Lewisdale Road on -- to east. 23 CASEY L. CIRNER: Okay. But Park and Planning 24 evaluated the proposed conditional use to determine if it 25 would increase the number, intensity, or scope of</p>
<p>46</p> <p>1 LYNN A. ROBESON: That's more and more typical these 2 days. 3 LES POWELL: Is it? 4 LYNN A. ROBESON: Yeah. 5 LES POWELL: Okay. 6 LYNN A. ROBESON: I think they -- well, never mind. I 7 agree it's probably easier because on (indiscernible) Atlas 8 you can click a point and do a radius. And I have no problem 9 with what they've done. And it really isn't including that 10 much more than I am. It's just mine looks a lot different 11 because I'm including all of the Little Bennett golf course 12 whereas there is included the Little Bennett golf course, 13 but only a portion of it. 14 LYNN A. ROBESON: Right. You're right. Okay. 15 CASEY L. CIRNER: And so you described that the 16 neighborhood includes the Little Bennett golf course. What 17 other uses are included in the neighborhood? 18 LES POWELL: There is the adjacent residences that are 19 on Rudale and across Lewisdale. One of the residences on 20 Rudale also has a conditional use of an accessory apartment. 21 CASEY L. CIRNER: Are there any other conditional uses 22 or special exceptions in the area? 23 LES POWELL: There is. There is the Prices Distillery, 24 which is about a half a mile up the road. 25 LYNN A. ROBESON: Can you point that out? Or can</p>	<p>48</p> <p>1 conditional uses sufficiently to affect the area adversely 2 or alter the dominantly residential nature of the area. 3 LES POWELL: Yes, they did. 4 CASEY L. CIRNER: And can you opine to that? 5 LES POWELL: They didn't find that there were -- that 6 it was adding to any of significant -- 7 LYNN A. ROBESON: Well, what do you find? 8 LES POWELL: I don't find -- 9 LYNN A. ROBESON: Are you saying you agree with them? 10 LES POWELL: I agreed with them and I also agreed that 11 the use of a veterinary clinic at this location is a great 12 idea. 13 CASEY L. CIRNER: Now, you are familiar with the 14 intent of the AR zone, correct? 15 LES POWELL: Yes. 16 CASEY L. CIRNER: And I'm going to switch you back to 17 the conditional use plan, which is Exhibit 35 on the record. 18 And could you please walk us through using the conditional 19 use plan as to how the proposed use complies with the 20 development standards of the AR zone? 21 LES POWELL: Our setbacks -- and I'm going to pull out 22 the plan I got here. It's easier on my eyes. 23 LYNN A. ROBESON: Yeah, I'm -- you can -- I'm hoping 24 we get the big screen. 25 LES POWELL: The lot coverage that is required for the</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

13 (49 to 52)

<p>49</p> <p>1 AR zone is 10 percent or less of the net area. We are 2 proposing 1.3 percent. The lot width at the front building 3 line, the minimum, is 125 feet. At our building line, we are 4 at 584 feet. The lot width at the front building line, the 5 minimum is 25 feet. And we are proposing 424 feet. 6 CASEY L. CIRNER: And what is the proposed height of 7 the building? 8 LES POWELL: The proposed height of the building is 26 9 feet and is allowed to be 50 feet. 10 CASEY L. CIRNER: Okay. And can you use the plans -- 11 can you identify the front, and side, and rear setbacks for 12 us? 13 LES POWELL: Sure. 14 CASEY L. CIRNER: Exhibit 35. 15 LES POWELL: Our front from Prescott Road is 249 feet. 16 The front from Lewisdale Road is 188 feet. The side is -- 17 there is a minimum of 20 feet required. We are at 302 feet. 18 And the rear is a minimum of 35 feet and we are at 110 feet. 19 CASEY L. CIRNER: And is there any scenic setback 20 recommended by the Damascus master plan that would 21 supplement the front or side setbacks? 22 LES POWELL: No, there is not. 23 CASEY L. CIRNER: Are there any accessory buildings or 24 structures proposed as part of this application? 25 LES POWELL: No, there are not.</p>	<p>51</p> <p>1 planning, can you describe to us how the proposed building 2 will comply with the use standards. 3 LES POWELL: The exterior areas used to exercise or 4 walk the animals should be 75 feet from any property line. 5 We are 110 feet from the rear and we are 180 feet from the 6 front lot line -- I'm sorry -- to the front walking area. 7 The building -- structure setback, is 50 feet from any 8 residential lot line and we are at 110 feet. 9 CASEY L. CIRNER: Okay. Are there any exterior 10 exercise areas or dog runs, in the areas proposed where dogs 11 will be kept outside? 12 LES POWELL: No, there is just the walking area, which 13 I went through earlier in testimony. 14 LYNN A. ROBESON: But, what -- I guess that's an 15 operational question. I will save it. 16 CASEY L. CIRNER: In a different -- yeah. So in your 17 expert opinion and based on your testimony, will the 18 proposed building comply with the use standards for a 19 veterinary hospital? 20 LES POWELL: Yes. 21 CASEY L. CIRNER: And are you familiar with the 22 vehicle parking requirements and parking design requirements 23 set forth in 5962 of the zoning ordinance? 24 LES POWELL: Yes. 25 CASEY L. CIRNER: Can you use the conditional use plan</p>
<p>50</p> <p>1 LYNN A. ROBESON: Is the retaining wall an accessory 2 structure? It is a structure. 3 LES POWELL: It is a structure, but as defined by DPS 4 when you file for permits, it is not a shed; considered a 5 shed or anything like that. 6 LYNN A. ROBESON: Okay. 7 CASEY L. CIRNER: Now, there is a density requirement 8 in the AR zone. Does that apply to this proposed use? 9 LES POWELL: No, it doesn't. 10 CASEY L. CIRNER: So in your -- 11 LYNN A. ROBESON: And that's because it's 12 grandfathered. 13 LES POWELL: That's correct. 14 LYNN A. ROBESON: You are saying it's grandfathered. 15 LES POWELL: Yes, it's one dwelling for 25 acres in 16 the AR zone. 17 LYNN A. ROBESON: Right. Okay. 18 CASEY L. CIRNER: And in your expert opinion, and 19 based on your testimony, will the proposed building comply 20 with the development standards for the AR zone? 21 LES POWELL: Yes. 22 CASEY L. CIRNER: And are you familiar with the use 23 standards specific to veterinary hospitals? 24 LES POWELL: Yes. 25 CASEY L. CIRNER: Now, using the conditional use</p>	<p>52</p> <p>1 and describe in detail the parking facility design? I know 2 you touched on this a little bit earlier. 3 LES POWELL: I did, but it will be easier with the 4 pointer to show that our two handicap spaces, one of which 5 is a van space, are the closest parking spaces to the front 6 door. We have no ramps to the front door. We are under 5 7 percent, so no ramps are required. 8 LYNN A. ROBESON: Under 5 percent what? 9 LES POWELL: If you have a sidewalk that is under 5 10 percent, it is not considered a ramp, therefore you need no 11 railings to meet ADA guidelines. 12 CASEY L. CIRNER: Is that a 5 percent slope? 13 LES POWELL: Yes, a 5 percent slope. I'm sorry. 14 LYNN A. ROBESON: Well, don't you need a curb cut? 15 LES POWELL: We -- you do. We have a curb cut here. 16 LYNN A. ROBESON: Okay. I get it. Okay. 17 LES POWELL: Yes. Where I'm going with that, is to 18 keep the look as residential as possible. We didn't want a 19 lot of railings or anything just to stand out. As I also 20 pointed out earlier, we have our parking that is paralleling 21 Prescott Road has wheel stops as does the parking bay that 22 is towards the Sousa property. That allows the water to 23 drain directly into the bio retention facilities. 24 CASEY L. CIRNER: And are all the parking spaces 25 located within a quarter-mile of the building entrance?</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

14 (53 to 56)

53	<p>1 LES POWELL: Oh, yes.</p> <p>2 CASEY L. CIRNER: Do they meet all of the design</p> <p>3 requirements with respect to size and shape?</p> <p>4 LES POWELL: Yes, they do.</p> <p>5 CASEY L. CIRNER: And what about the drive aisles?</p> <p>6 LES POWELL: The drive aisles do also. They are 20</p> <p>7 feet wide.</p> <p>8 CASEY L. CIRNER: Okay. And you already testified that</p> <p>9 the required parking -- that the parking requirement is for</p> <p>10 28 spaces.</p> <p>11 LES POWELL: Yes.</p> <p>12 CASEY L. CIRNER: And are the provisions set forth in</p> <p>13 section 59625K of the zoning ordinance, which applies</p> <p>14 specifically to conditional uses, applicable to this</p> <p>15 property?</p> <p>16 LES POWELL: No.</p> <p>17 LYNN A. ROBESON: What is 625K? The screening?</p> <p>18 CASEY L. CIRNER: The double setback.</p> <p>19 LYNN A. ROBESON: Oh, the double -- okay.</p> <p>20 CASEY L. CIRNER: And what about bicycle spaces.</p> <p>21 LES POWELL: We do not have to adhere to the bicycles</p> <p>22 because we do not meet the threshold.</p> <p>23 CASEY L. CIRNER: Okay.</p> <p>24 LYNN A. ROBESON: What's the threshold?</p> <p>25 LES POWELL: The threshold, I believe is the 5000</p>	55	<p>1 LYNN A. ROBESON: We don't have staff. Well, that is</p> <p>2 really delicate. Okay. We will find it.</p> <p>3 CASEY L. CIRNER: Okay. Sorry.</p> <p>4 LYNN A. ROBESON: Go ahead.</p> <p>5 CASEY L. CIRNER: I can highlight it.</p> <p>6 LYNN A. ROBESON: No.</p> <p>7 LES POWELL: What we are showing here is the parking</p> <p>8 area and existing building. The larger green circles that we</p> <p>9 are showing here are the required interior canopy shade</p> <p>10 trees. And what we have done for our client is given her the</p> <p>11 ability to pick from five trees so that if a certain species</p> <p>12 of -- a good example is ashes not being --</p> <p>13 LYNN A. ROBESON: Yeah.</p> <p>14 CASEY L. CIRNER: So if any other --</p> <p>15 LYNN A. ROBESON: You mean a tempted disease?</p> <p>16 LES POWELL: A disease.</p> <p>17 LYNN A. ROBESON: Yeah.</p> <p>18 LES POWELL: So she is able to pick from one of these</p> <p>19 five trees for her parking lot trees. We are also proposing</p> <p>20 an evergreen hedge between the parking and Prescott Road</p> <p>21 that will help -- if you're able, in the winter, to see</p> <p>22 through the trees, the -- up the hill, you will see the</p> <p>23 evergreen hedge before you see the bumpers of the cars. We</p> <p>24 have foundation plantings between the entry sidewalk and the</p> <p>25 front porch of the building to minimize maintenance that's</p>
54	<p>1 square-foot building.</p> <p>2 LYNN A. ROBESON: Okay.</p> <p>3 LES POWELL: And we are under that.</p> <p>4 CASEY L. CIRNER: And are you familiar with the</p> <p>5 parking lot, landscaping, and general landscaping and</p> <p>6 screening requirement?</p> <p>7 LES POWELL: Yes, I am.</p> <p>8 CASEY L. CIRNER: And I'm going to shift your</p> <p>9 attention to Exhibit 33 and 33A, which is the landscape</p> <p>10 plan. And I actually -- before we look at 33 and 33A, I</p> <p>11 would like to mark this conceptual rendered landscape plan</p> <p>12 as an exhibit.</p> <p>13 LYNN A. ROBESON: Okay.</p> <p>14 CASEY L. CIRNER: It's not currently in the record.</p> <p>15 LYNN A. ROBESON: Any objections? Okay, 64 I think</p> <p>16 we're on, because I have two marked for identification. So</p> <p>17 64 is rendered conceptual landscape plan.</p> <p>18 CASEY L. CIRNER: Now I'm going to ask you to use this</p> <p>19 Exhibit 64 to describe the proposed landscaping in a little</p> <p>20 bit more detail.</p> <p>21 LES POWELL: So the proposed landscaping</p> <p>22 (indiscernible).</p> <p>23 LYNN A. ROBESON: Now, before you start, can you put a</p> <p>24 64 somewhere on the --</p> <p>25 CASEY L. CIRNER: Okay.</p>	56	<p>1 needed. We're using a lot of ground cover in the area too.</p> <p>2 Our bio retention facilities are also landscaped.</p> <p>3 LYNN A. ROBESON: Okay.</p> <p>4 CASEY L. CIRNER: And the extent of forest retained</p> <p>5 on-site is over three and half acres?</p> <p>6 LES POWELL: That's correct. And that is what you are</p> <p>7 seen with the modeled aerial canopy that we pulled in there.</p> <p>8 CASEY L. CIRNER: So in your expert opinion, will the</p> <p>9 landscaping be compliant with the zoning ordinance</p> <p>10 compliance for screening as well as the parking lot</p> <p>11 landscaping, and general landscaping requirements?</p> <p>12 LES POWELL: Yes, it will.</p> <p>13 CASEY L. CIRNER: Okay. And will the proposed</p> <p>14 landscaping and existing forest conversation easement</p> <p>15 provide screening that ensures compatibility with the</p> <p>16 adjoining neighbors?</p> <p>17 LES POWELL: Yes, it will.</p> <p>18 CASEY L. CIRNER: And will the proposed structure be</p> <p>19 well related to the surrounding area and its landscaping?</p> <p>20 LES POWELL: Yes, it will. It's going to be nestled in</p> <p>21 between these trees. I think it's going to look very</p> <p>22 attractive.</p> <p>23 CASEY L. CIRNER: And what --</p> <p>24 LYNN A. ROBESON: Okay. Will you be able to see it</p> <p>25 from the road?</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

15 (57 to 60)

<p>57</p> <p>1 LES POWELL: During the winter, I think you probably</p> <p>2 will, especially from Prescott because the --</p> <p>3 LYNN A. ROBESON: Oh, the septic field.</p> <p>4 LES POWELL: The septic field. But I think as the</p> <p>5 trees down there mature, that it's going to minimize that,</p> <p>6 and that's why we propose the evergreen hedge in front of</p> <p>7 the cars to screen those (indiscernible).</p> <p>8 LYNN A. ROBESON: And where is that?</p> <p>9 LES POWELL: Right here.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 CASEY L. CIRNER: Will the proposed structure have</p> <p>12 suitable landscaping and screening consisting of plantings?</p> <p>13 LES POWELL: Yes.</p> <p>14 LYNN A. ROBESON: Okay.</p> <p>15 CASEY L. CIRNER: And moving on to lighting, are you</p> <p>16 familiar with the outdoor lighting requirements?</p> <p>17 LES POWELL: Yes.</p> <p>18 CASEY L. CIRNER: I'm going to turn your attention to</p> <p>19 Exhibit 51C in the record, which is the lighting plan.</p> <p>20 LYNN A. ROBESON: The photometric plan?</p> <p>21 LES POWELL: Photometric, yes.</p> <p>22 CASEY L. CIRNER: Yeah. Can you use the lighting plan</p> <p>23 to explain to us the proposed lighting for the building and</p> <p>24 the parking facility?</p> <p>25 LES POWELL: Yes, we are proposing three, 15-foot-high</p>	<p>59</p> <p>1 LYNN A. ROBESON: Is the sign lighting -- is there</p> <p>2 cutoffs towards the sign? You follow what I'm saying?</p> <p>3 LES POWELL: I do. I do. I just need to look at the</p> <p>4 detailed. I believe that is on our landscaping.</p> <p>5 CASEY L. CIRNER: Yeah, the sign lighting is on the</p> <p>6 landscaping.</p> <p>7 LES POWELL: There are not shields shown on this</p> <p>8 except for over-the-top. So if the --</p> <p>9 LYNN A. ROBESON: So it doesn't go up.</p> <p>10 LES POWELL: Exactly. It spills out towards the sun.</p> <p>11 LYNN A. ROBESON: Is it possible to get cutoffs on the</p> <p>12 sides?</p> <p>13 LES POWELL: Anything is possible as far as that. I'm</p> <p>14 sure those do exist.</p> <p>15 LYNN A. ROBESON: Okay. Keep going. I'm sorry.</p> <p>16 LES POWELL: And also, the light can be positioned so</p> <p>17 that they aim --</p> <p>18 LYNN A. ROBESON: Direct like that; toward the sign?</p> <p>19 LES POWELL: Correct.</p> <p>20 CASEY L. CIRNER: And with respect to the proposed</p> <p>21 lighting for the sign, the parking, and the building, will</p> <p>22 the lighting be either on timers or sensors?</p> <p>23 LES POWELL: Yes, that's correct. They will be -- that</p> <p>24 was a bit of discussion at the planning board.</p> <p>25 CASEY L. CIRNER: And if the --</p>
<p>58</p> <p>1 light poles that will have a dark sky compliant light on top</p> <p>2 of it.</p> <p>3 LYNN A. ROBESON: Can you explain that?</p> <p>4 LES POWELL: A dark sky compliant light is one that</p> <p>5 has a shield that does not allow light to spill up into the</p> <p>6 air. It's very important for people out in the ag reserve so</p> <p>7 that they have the enjoyment of the stars on a clear</p> <p>8 evening. We have a requirement that we have 0 foot candles</p> <p>9 around our property. And as a matter of fact, because of the</p> <p>10 woods, we have very little spillage anywhere. We are also --</p> <p>11 we have can lighting that is shown under the front porch and</p> <p>12 there are also some building lights at the entrances for</p> <p>13 safety; that are used for safety.</p> <p>14 LYNN A. ROBESON: Does that photometric plan take into</p> <p>15 account the illuminated location sign or identification</p> <p>16 sign?</p> <p>17 LES POWELL: No, it does not. That is a -- the sign</p> <p>18 that is illuminated is right up front here. The -- it has a</p> <p>19 proposed cast light on to it.</p> <p>20 LYNN A. ROBESON: What's that mean?</p> <p>21 LES POWELL: It's a ground-based light that will shine</p> <p>22 towards the light, towards the sign itself. There is a very</p> <p>23 tall streetlamp right here with an arm that swings over that</p> <p>24 is going to be much brighter than anything that that sign</p> <p>25 lighting will do.</p>	<p>60</p> <p>1 LES POWELL: And they -- oh, go ahead.</p> <p>2 CASEY L. CIRNER: Did the planning board make any</p> <p>3 recommendations with respect to the lighting?</p> <p>4 LES POWELL: Yes, they did. They -- I believe the</p> <p>5 wording that came through on a letter dated July 19, 2018;</p> <p>6 all exterior lights, location signs, parking lots, and</p> <p>7 building lights may be turned on beginning one half hour</p> <p>8 prior to the start of normal business hours and they may</p> <p>9 remain on until one half hour until after normal business</p> <p>10 hours. Exterior lights may also be turned on if staff needs</p> <p>11 to visit the facility outside of normal business hours but</p> <p>12 must be turned off on departure. The light attached to the</p> <p>13 building may be operated by a motion sensor.</p> <p>14 LYNN A. ROBESON: What about the sign? That doesn't</p> <p>15 apply to the sign, does it?</p> <p>16 LES POWELL: It does say location sign in this</p> <p>17 wording.</p> <p>18 LYNN A. ROBESON: Why would you have the location sign</p> <p>19 on? I will ask that of the operator?</p> <p>20 CASEY L. CIRNER: Yeah, Dr. Stamberg will be</p> <p>21 (indiscernible).</p> <p>22 LYNN A. ROBESON: Okay.</p> <p>23 CASEY L. CIRNER: To address that because we</p> <p>24 appreciate the modification that the planning board made to</p> <p>25 the proposed lighting conditions, but we would actually like</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

16 (61 to 64)

<p>61</p> <p>1 to extend the period of time for the lighting to be on an 2 hour after -- an hour after business closes. And as well, 3 this condition that the planning Board recommended applies 4 to the building lighting. But there is some concern about 5 security. And we are turning off all the building lighting 6 after close of business. So we will speak a little bit more 7 to that and Dr. Stamberg will speak to that. 8 LYNN A. ROBESON: Okay. 9 CASEY L. CIRNER: Going back to the lighting. Now, you 10 said that there will be no light pollution on any adjacent 11 properties, correct? 12 LES POWELL: That's correct. 13 CASEY L. CIRNER: And, in your expert opinion, based 14 on your testimony, will the lighting be directed shield or 15 screened as appropriate and as provided in the zoning 16 ordinance? 17 LES POWELL: Correct. 18 CASEY L. CIRNER: And will the building and parking 19 facility lighting be visible from any of the adjacent 20 property owners? 21 LES POWELL: No, it should not look -- during the 22 winter, you might be able to see through because it's dark 23 at 5:00. So yes, I think that you might be able to see the 24 parking lot lighting then. 25 CASEY L. CIRNER: But the parking lot lighting will be</p>	<p>63</p> <p>1 testifying, I can run out and grab it. 2 LYNN A. ROBESON: Yeah. 3 CASEY L. CIRNER: Okay. So the elevation that we need 4 to mark for the record is the north/south elevation. 5 LES POWELL: (Indiscernible). 6 CASEY L. CIRNER: Can I use two easels? 7 LYNN A. ROBESON: Mm-hm (affirmative). 8 CASEY L. CIRNER: Okay. 9 LYNN A. ROBESON: If you can fit them in. 10 CASEY L. CIRNER: I can. 11 LYNN A. ROBESON: Now, are these in the record? 12 CASEY L. CIRNER: So the --this one's elevation made 13 it into the record. It's this north/south elevation that 14 didn't. 15 LYNN A. ROBESON: Okay. So does anyone have an 16 objection to this elevation coming in? Seeing none, I'm 17 going to mark that as Exhibit 65. And what do you call that 18 elevation? North/south elevation? Or side elevation? 19 CASEY L. CIRNER: Just the north/south elevation. 20 LYNN A. ROBESON: And can you write 60 -- 21 CASEY L. CIRNER: And then the East/West elevation is 22 in the record at 51D. 23 LYNN A. ROBESON: Okay. 24 CASEY L. CIRNER: Now, looking at these elevations, in 25 your opinion, and based on your testimony, will the proposed</p>
<p>62</p> <p>1 on a timer to go off each night. 2 LES POWELL: That's correct. 3 CASEY L. CIRNER: And will the proposed -- will the 4 lighting, as proposed, be compatible with the surrounding 5 area and adjoining, and confronted properties? 6 LES POWELL: Yes. 7 CASEY L. CIRNER: And will the lighting affect the 8 adjoining Little Bennett Meadow? 9 LES POWELL: No, it should not. 10 CASEY L. CIRNER: I am going to direct your attention 11 to the elevations that are in the record. And actually, 12 there was one elevation that was mentioned in our motion to 13 amend that I don't think made it into the record. 14 LYNN A. ROBESON: Okay. 15 CASEY L. CIRNER: So I'm going to ask the mark -- 16 LYNN A. ROBESON: Oh, before I forget, I'm going to 17 need an electronic version of that rendered landscape plan. 18 CASEY L. CIRNER: Oh. 19 LES POWELL: I have that. 20 CASEY L. CIRNER: You do?. 21 LYNN A. ROBESON: Yeah, we usually mark -- do you have 22 it with you? 23 LES POWELL: I have it in my car. 24 LYNN A. ROBESON: Okay. We will get to that in. 25 LES POWELL: Whenever -- when somebody else is</p>	<p>64</p> <p>1 building be compatible with the character of the residential 2 neighborhood? 3 LES POWELL: Yes. And what this -- these elevations 4 really help to explain is how the retaining wall and 5 existing forest conservation help screen the adjacent 6 properties; the property line being way back here. Here is 7 our retaining wall, our building, property line, retaining 8 wall, building. So our building is recessed into the ground 9 so as to minimize the impact on the surrounding buildings. 10 CASEY L. CIRNER: I'm sorry to interrupt you. I need 11 to make a correction to the record. I marked the wrong 12 exhibit. 13 LYNN A. ROBESON: Oh, it's the East/West elevations 14 that aren't -- 15 CASEY L. CIRNER: No, we have two north/south 16 elevations. 17 LYNN A. ROBESON: Oh, okay. 18 CASEY L. CIRNER: This is the one we called the 19 extended elevation. It shows to the rear property and 20 (indiscernible) property lines. 21 LYNN A. ROBESON: Okay. 22 CASEY L. CIRNER: So this is in the record. It's this 23 elevation that's not in the record. 24 LYNN A. ROBESON: And that is? 25 CASEY L. CIRNER: So this will be just the regular</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

17 (65 to 68)

<p>65</p> <p>1 north/south elevation. 2 LES POWELL: Okay. 3 LES POWELL: (Indiscernible) isn't incorrect 4 (indiscernible) that one was the one done after 5 (indiscernible). 6 CASEY L. CIRNER: Oh, no. That one (indiscernible) 7 LYNN A. ROBESON: Was that part of the motion to 8 amend? 9 LES POWELL: Okay. 10 CASEY L. CIRNER: Yes. 11 LES POWELL: So that made it in. 12 LYNN A. ROBESON: Okay. 13 CASEY L. CIRNER: Yeah, that one did make it in. 14 LES POWELL: Yeah. 15 CASEY L. CIRNER: Yeah. Sorry about that. 16 LES POWELL: That's all right. I will say though, that 17 this elevation most clearly shows how we are minimizing the 18 impacts to the surrounding properties. 19 CASEY L. CIRNER: And what Mr. Powell is referring to 20 is Exhibit 51E of the record, the north/south extended 21 elevation. 22 LYNN A. ROBESON: Okay. All right. 23 CASEY L. CIRNER: And since you mentioned that, can 24 you just explain a little bit further? 25 LES POWELL: So as I said earlier, we have our</p>	<p>67</p> <p>1 51D of the record. 2 LES POWELL: We also have a directional sign at the 3 base of the driveway. 4 LYNN A. ROBESON: Is that illuminated? 5 LES POWELL: No, it is not. And then the illuminated 6 sign that is out towards the intersection of Lewisdale and 7 Prescott Roads. 8 CASEY L. CIRNER: And you're currently using the 9 landscape plan, which is Exhibit 33 for the record? 10 LES POWELL: Correct. 11 CASEY L. CIRNER: And the -- we talked about 12 (indiscernible). Did Park and Planning's analysis of the 13 sign indicate whether the building wall signs will be 14 visible from the street? 15 LES POWELL: They said they would not be visible from 16 the street. 17 CASEY L. CIRNER: Okay. Do -- 18 LYNN A. ROBESON: Is that your opinion? 19 LES POWELL: It is my opinion. As you can see from the 20 north -- or the north/south elevation, how small the signs 21 are in relation to the windows, they are actually smaller 22 than the windows themselves. 23 CASEY L. CIRNER: And, in your opinion, do the 24 proposed signage, the wall signage, and the location 25 signage, and the sign at the corner of Lewisdale and</p>
<p>66</p> <p>1 property line back up here. This is the rear of the 2 building. Here is our retaining wall. Here is our slope. And 3 this is existing grade that we are tying into right here. So 4 there is existing trees in this area and these are the 5 planted trees. Looking from the other direction, here is the 6 side of our building. This is the -- one of the outdoor, 7 fenced in areas that I talked about. We have our retaining 8 wall, our slope that we are replanting, and then the 9 existing trees back to the property line. 10 CASEY L. CIRNER: Okay. And since we have these 11 exhibits up, let's talk about the proposed signage. Are you 12 familiar with the signage requirements in the AR zone? 13 LES POWELL: Yes. 14 CASEY L. CIRNER: And the general signage exemptions? 15 LES POWELL: Yes. 16 CASEY L. CIRNER: And are the applicants proposing any 17 new signage? 18 LES POWELL: The signage that is being proposed; you 19 can see on the side of the building adjacent to the side 20 parking lot, there is a sign that is shown up within the 21 gable area. It maybe shows up a little bit easier in this 22 rendering here. The other signs are -- if I can pull out the 23 landscape plan. Oh, thank you. Over the front porch, there 24 is a sign that says, Clarksburg Animal Hospital. 25 CASEY L. CIRNER: And Mr. Powell is pointing to the</p>	<p>68</p> <p>1 Prescott, will they comply with the zoning ordinance? 2 LES POWELL: I believe they do, yes. 3 CASEY L. CIRNER: And will the sign lighting comply 4 with the zoning ordinance? 5 LES POWELL: Yes. 6 CASEY L. CIRNER: . So there was a question about one 7 of the wall signs under -- being allowed under the AR zone. 8 However, there is an exemption in the sign ordinance for 9 signs that cannot be seen from (indiscernible). 10 LES POWELL: That's correct. 11 CASEY L. CIRNER: (indiscernible) complying, correct? 12 LYNN A. ROBESON: Where is that? Do you know? 13 LES POWELL: Under -- I have the -- 14 LYNN A. ROBESON: Well, don't -- I will find it. 15 CASEY L. CIRNER: (Indiscernible). 16 LYNN A. ROBESON: What do you mean there is -- what's 17 the issue with the wall -- the side sign? 18 LES POWELL: We don't have any issues with it. 19 LYNN A. ROBESON: I know, but -- 20 LES POWELL: But Park and Planning, they are concerned 21 about the number of signs. And -- but because we are over 5 22 acres, we are allowed a certain number of signs. 23 CASEY L. CIRNER: And then the signage exemption in 24 section 59, 6, 7 (indiscernible). 25 LYNN A. ROBESON: Yeah, I looked at that, I just</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 didn't remember the side sign, but you're saying it's the 2 number of signs that you are -- okay. 3 CASEY L. CIRNER: And, so Mr. Powell, in your opinion, 4 will the proposed veterinary office hospital be harmonious 5 with and will not alter the character of the surrounding 6 neighborhood in a manner inconsistent with the plan? 7 LES POWELL: That's correct. 8 CASEY L. CIRNER: And can you please just summarize 9 your testimony and explain your opinion? 10 LES POWELL: My opinion is, I believe the use that's 11 proposed here, especially the detailing on the building to 12 make it look residential so it fits in with the surrounding 13 community, the fact that we are retaining the existing 14 forest wrapping around this building -- in fact, going to 15 great lengths by building these expensive retaining walls in 16 order to do so, I feel this is going to be an asset to the 17 community. 18 CASEY L. CIRNER: And, in your opinion, based on your 19 testimony, will the proposed veterinary office, or the 20 veterinary hospital cause undue harm to the neighborhood as 21 a result of any non-inherent adverse effects alone or -- 22 LES POWELL: No. 23 LYNN A. ROBESON: Well, you know one thing Staff 24 didn't do it in this -- typically Staff identifies the 25 inherent impacts of the veterinary use. And I apologize, I</p>	<p style="text-align: right;">71</p> <p>1 that, that the lengths that we've gone through to show that 2 the well itself is not impacting the aquifer there as much 3 as a house, I think that we gone to great lengths to prove 4 our point here. 5 CASEY L. CIRNER: Okay. Thank you. And in your opinion 6 and based on your testimony, will the proposed veterinary 7 office have any non-inherent adverse effects that cause any 8 undue harm to the use, peaceful enjoyment, economic value, 9 or development potential of the abutting and confronting 10 properties, or the general neighborhood? 11 LES POWELL: No. 12 CASEY L. CIRNER: And how about on the traffic noise, 13 odors, dust, illumination, or lack of parking? 14 LES POWELL: No, I don't see any issues with that. 15 CASEY L. CIRNER: Can you give us a little more 16 detail? 17 LES POWELL: Well, our parking, we are at our minimum 18 parking as was noted earlier, which might be of some 19 concern. But there is no burning of any of the deceased 20 animals on site. So there is no odors that are being 21 transmitted through the neighborhood. 22 CASEY L. CIRNER: Okay. And how about with respect to 23 the health, safety, or welfare of neighboring residents, 24 visitors, or employees? And I know you touched on the well 25 just a minute ago.</p>
<p style="text-align: right;">70</p> <p>1 didn't get a chance to email you in advance, but usually 2 they identify -- their analysis should be; what are the 3 inherent impacts. And is there any non-inherent impacts on 4 this site? And if there are non-inherent impacts, do they 5 cause any undue -- go down the list. So he didn't do that. 6 And I'm catching you on the fly because -- but I think what 7 I would like to do is send that question back to staff and 8 offer you the opportunity to comment on it. Because they 9 didn't do that. 10 CASEY L. CIRNER: I would be happy to provide a 11 comment on that information. 12 LYNN A. ROBESON: Yeah. 13 CASEY L. CIRNER: But Mr. Powell, you reviewed the 14 application. And can you opine to whether you believe that 15 there will be any non-inherent adverse effects? 16 LES POWELL: None that I can think of. 17 CASEY L. CIRNER: What about any undue harm caused by 18 a combination of an inherent and a non-inherent adverse 19 effect? 20 LES POWELL: None that I can think of. 21 CASEY L. CIRNER: And can you explain your opinion to 22 the hearing examiner? 23 LES POWELL: Well, based on the thoroughness of which 24 Dr. Starnberg and the lengths that she's gone to make sure 25 there's no impacts due to animal waste or anything like</p>	<p style="text-align: right;">72</p> <p>1 LES POWELL: Right. There should be no impacts to that 2 at all. 3 LYNN A. ROBESON: Do you have -- what about noise? 4 That's one of the inherent impact of veterinary -- 5 LES POWELL: Well, the architect will speak to noise 6 from the building itself. But I think as far as dogs coming 7 and going -- 8 LYNN A. ROBESON: What about the outdoor runs? 9 LES POWELL: The exercise areas? 10 LYNN A. ROBESON: Yeah. 11 LES POWELL: Well, I think it would be -- 12 LYNN A. ROBESON: No, there are no runs. 13 LES POWELL: That's right. 14 LYNN A. ROBESON: The exercise -- 15 LES POWELL: They walk area. 16 CASEY L. CIRNER: Walk area. 17 LYNN A. ROBESON: The exercise areas. 18 LES POWELL: It's of those areas would be no 19 different, I would think, then a neighborhood dog barking. 20 LYNN A. ROBESON: Okay. 21 CASEY L. CIRNER: And our architect and Dr. Greta can 22 explain the -- 23 LYNN A. ROBESON: Okay. 24 CASEY L. CIRNER: -- design and operation and how it 25 will reduce any noise generated from the use. And now let's</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 talk about adequate public facilities. Will the proposed 2 project be served by adequate public facilities? 3 LES POWELL: The -- they found that, at the time of 4 preliminary plan and through the conditional use, that it 5 will be served adequately. 6 CASEY L. CIRNER: And they meeting the technical 7 staff, the Park and Planning? 8 LES POWELL: That's correct. I'm sorry. 9 CASEY L. CIRNER: Is that your opinion as well? 10 LES POWELL: Yes, it is. 11 CASEY L. CIRNER: Okay. Do you have anything else that 12 you would like to add? 13 LES POWELL: No. 14 CASEY L. CIRNER: And subject to the neighborhood 15 delineation and the proposed modification of the condition 16 recommended by the planning board on the lighting, can you 17 agree with the technical staff's analysis of the 18 application? 19 LES POWELL: Yes, I do. 20 CASEY L. CIRNER: Okay. 21 LYNN A. ROBESON: How far is the -- is it 22 (indiscernible)? Is it an identification sign or a location 23 sign? The one out by -- the illuminated one? 24 LES POWELL: The one that's at the intersection of -- 25 LYNN A. ROBESON: How far is that? Doesn't that --</p>	<p style="text-align: right;">75</p> <p>1 LYNN A. ROBESON: Okay. But there is no abutting 2 residentially zoned property? 3 LES POWELL: No, there is not. No. 4 LYNN A. ROBESON: Okay. 5 CASEY L. CIRNER: No. Right. And you are correct, 6 there is a .5 footcandle if a zone is (indiscernible) in a 7 residential zone. And I don't think I have any more 8 questions for Mr. Powell. 9 LYNN A. ROBESON: Okay. I think that's how many more 10 witnesses? You have Ms. -- Doctor -- 11 CASEY L. CIRNER: I have one -- four. 12 LYNN A. ROBESON: Four more. 13 CASEY L. CIRNER: Mr. Stouffer. 14 LYNN A. ROBESON: Who did you plan to call next? 15 CASEY L. CIRNER: I plan to call our architect, John 16 Stouffer. 17 LYNN A. ROBESON: Well, I would prefer if you could -- 18 what would I -- I'm trying to parse this through. 19 CASEY L. CIRNER: Sure. 20 LYNN A. ROBESON: Because it looks like it's going to 21 take -- well, hopefully it won't, but we're going to take a 22 10 minute break now. 23 CASEY L. CIRNER: Okay. 24 LYNN A. ROBESON: Can everybody stay through the day? 25 No, if you leave, you don't get to rebut, but what I was</p>
<p style="text-align: right;">74</p> <p>1 don't you have to meet the lighting requirements for that? 2 CASEY L. CIRNER: Yes, there is a requirement with 3 respect to the distance from the closest residential use. 4 And I will -- 5 LYNN A. ROBESON: I thought it was -- I thought it was 6 0.5 footcandles at the property line. Or does that only 7 apply when you about a residential zone? 8 CASEY L. CIRNER: So the -- I think the lighting for 9 the parking, and the building are separate from the sign 10 lighting. Section 5967-6E talks about illumination for 11 signs. And there is a provision that says -- 12 LYNN A. ROBESON: But that doesn't -- okay. Go ahead. 13 CASEY L. CIRNER: Oh, no. There is a provision that 14 says on a lot or parcel within 150 feet of a residential use 15 must be illuminated during the hours of operation unless the 16 applicant demonstrates that the sign is locating so that the 17 adverse impact won't affect the residential use. And as Mr. 18 Powell can explain to you, the sign is more than 150 feet 19 from the closest residence. 20 LES POWELL: The closest property line of a residence 21 where the residence is closest to the house is over 150 22 feet. It's 164 feet. And there, as I mentioned earlier, 23 there is a very large light pole with a swingarm light that 24 goes out over it that is going to impact the neighbors more 25 than this sign lighting will.</p>	<p style="text-align: right;">76</p> <p>1 hoping to do is put Dr. Stamberg on, because I think, at 2 least for some of the people here, the operations might be 3 more important than the architect's testimony. 4 CASEY L. CIRNER: Okay. 5 LYNN A. ROBESON: Does anybody have any objections to 6 that? Yes, sir. 7 LOUIS SOUSA: I just have a question. So Mr. Powell, 8 will I have the opportunity to ask him some questions 9 (indiscernible)? 10 LYNN A. ROBESON: Yes, when we come back from the 10 11 minute break, that will be your time. Again, it's just ask 12 questions, but we will get to your testimony and I'm going 13 to -- I was asking a lot of questions this morning. We will 14 get to hear testimony. We're going to try to finish 15 everything today. So if it's -- what was your architect 16 going to attest -- testify as to? 17 CASEY L. CIRNER: The residential character of the 18 building design, the floor plans, as well as noise. 19 LYNN A. ROBESON: Okay. If you could put Dr. Stamberg 20 on, that I think would be helpful. And then we'll get to -- 21 then we have the architect and traffic. 22 CASEY L. CIRNER: And Mr. O'Bryan has very -- I have 23 very short questions for our engineer. 24 LYNN A. ROBESON: Okay. 25 CASEY L. CIRNER: Just mostly about storm water</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 management and adequate public facilities and utilities.</p> <p>2 LYNN A. ROBESON: Okay. So are you finished now with</p> <p>3 him or --</p> <p>4 CASEY L. CIRNER: I'm finished with Mr. Powell, but</p> <p>5 Mr. O'Bryan here is going to testify.</p> <p>6 LYNN A. ROBESON: Okay. Let's -- I would like to get</p> <p>7 Dr. Stamberg on the stand.</p> <p>8 CASEY L. CIRNER: Okay.</p> <p>9 LYNN A. ROBESON: And then we'll try to get through</p> <p>10 her and then we will take a lunch break.</p> <p>11 CASEY L. CIRNER: Okay.</p> <p>12 LYNN A. ROBESON: And then we will deal with the more</p> <p>13 technical stuff after lunch.</p> <p>14 CASEY L. CIRNER: Okay.</p> <p>15 LYNN A. ROBESON: Technical items, not technical</p> <p>16 stuff. So with that, we're going to break until 11:30. When</p> <p>17 we come back, you have the ability to ask questions and then</p> <p>18 we will move on to Dr. Stamberg. Thank you.</p> <p>19 CASEY L. CIRNER: Thank you.</p> <p>20 (Off the record at 11:20:20 a.m.)</p> <p>21 (On the record at 11:37:01 a.m.)</p> <p>22 LYNN A. ROBESON: Okay. We are back on the record.</p> <p>23 Anyone who would like to ask the witness questions, now is</p> <p>24 your time to do it. Come forward and please state your name</p> <p>25 and address for the record. Keep in mind it's that I'm not</p>	<p style="text-align: right;">79</p> <p>1 LYNN A. ROBESON: Ask -- yeah.</p> <p>2 LOUIS SOUSA: Here's the thing. You said that the</p> <p>3 invasives will be removed. Now, this is three acres of</p> <p>4 invasives. What procedure are you going to take to remove</p> <p>5 those invasives? How are they going to be removed?</p> <p>6 LES POWELL: There are several methods of removing</p> <p>7 invasives. There is the cut and spray method. There is</p> <p>8 the --</p> <p>9 LOUIS SOUSA: Sprayed? Could I ask; spray with what?</p> <p>10 LES POWELL: With a vegetation killer.</p> <p>11 LOUIS SOUSA: Pesticide? Pesticide?</p> <p>12 LES POWELL: Yes.</p> <p>13 LOUIS SOUSA: Okay. So in other words --</p> <p>14 LES POWELL: Well, pesticide is for bugs.</p> <p>15 LOUIS SOUSA: Okay. Excuse me. Herbicide. Herbicide.</p> <p>16 LES POWELL: Yes.</p> <p>17 LOUIS SOUSA: So in other words, you're planning on</p> <p>18 using herbicides on --</p> <p>19 LES POWELL: I said --</p> <p>20 LOUIS SOUSA: Three acres of invasives on three acres</p> <p>21 of land? Let me clarify.</p> <p>22 LES POWELL: I said there is different methods.</p> <p>23 LOUIS SOUSA: Okay.</p> <p>24 LES POWELL: That's one of them.</p> <p>25 LOUIS SOUSA: Okay.</p>
<p style="text-align: right;">78</p> <p>1 going to swear you in yet so it's just questions, okay.</p> <p>2 LOUIS SOUSA: Sure. Thank you.</p> <p>3 LYNN A. ROBESON: Thank you.</p> <p>4 LOUIS SOUSA: My name is Lou Sousa and I will be</p> <p>5 providing testimony later.</p> <p>6 LYNN A. ROBESON: Okay. And your address.</p> <p>7 LOUIS SOUSA: It's 26201 Prescott Road; 26201 Prescott</p> <p>8 Road. And I'm the house, the property immediately adjacent</p> <p>9 on the south to this petition.</p> <p>10 LYNN A. ROBESON: Okay.</p> <p>11 LOUIS SOUSA: So --</p> <p>12 LYNN A. ROBESON: And can you spell your last name</p> <p>13 just for the court reporter, please?</p> <p>14 LOUIS SOUSA: I give it to her earlier.</p> <p>15 LYNN A. ROBESON: Oh, you already did? Okay.</p> <p>16 LOUIS SOUSA: All right. Okay. So one of the</p> <p>17 questions, or one of the remarks you made during your</p> <p>18 testimony was that there is over three acres of forest</p> <p>19 easement around the building.</p> <p>20 LES POWELL: Correct.</p> <p>21 LOUIS SOUSA: And you said -- and I'm very familiar</p> <p>22 with that property because I live next to it. And I'm very</p> <p>23 familiar with --</p> <p>24 LYNN A. ROBESON: Okay. That --</p> <p>25 LOUIS SOUSA: Here's the thing. Here's the thing.</p>	<p style="text-align: right;">80</p> <p>1 LES POWELL: Digging is another.</p> <p>2 LOUIS SOUSA: Okay.</p> <p>3 LES POWELL: So it hasn't been determined yet.</p> <p>4 LOUIS SOUSA: All right. All right. So you're saying</p> <p>5 that you have not yet determined how you were going to</p> <p>6 remove the invasives.</p> <p>7 LES POWELL: Correct.</p> <p>8 LOUIS SOUSA: And one of the -- one of the methods of</p> <p>9 doing it is by using herbicides. Is that correct?</p> <p>10 LES POWELL: That's correct.</p> <p>11 LOUIS SOUSA: And there are approximately three acres</p> <p>12 surrounding the property in which you will find invasives.</p> <p>13 LES POWELL: But there is not a complete three acres</p> <p>14 of invasives.</p> <p>15 LOUIS SOUSA: Okay. All right. So that was question</p> <p>16 number one. Okay. You also said that the square footage of</p> <p>17 the building, which is 4050 feet, is a lot less than a lot</p> <p>18 of homes in the area. Okay. My house, which is adjacent to</p> <p>19 it, is not 4000 feet. Could you point -- and I'm not</p> <p>20 familiar with any homes that are abutting or adjoining this</p> <p>21 property --</p> <p>22 LYNN A. ROBESON: Okay. Don't -- just ask him, do you</p> <p>23 know --</p> <p>24 LOUIS SOUSA: Can you point out which houses are --</p> <p>25 you said -- again, to repeat, you said that the square</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

21 (81 to 84)

<p>81</p> <p>1 footage of this building is a lot less than a lot of homes 2 in the area. Can you point out those homes? 3 LES POWELL: Well, driving through that area, there 4 are some huge homes back in there. 5 LOUIS SOUSA: Can you point them out? 6 LES POWELL: They are not adjacent to any of this. 7 LOUIS SOUSA: Okay. But we did have the neighborhood 8 map up there. Can you point out on that map homes that are 9 greater than 4000 square foot? 10 LES POWELL: Not exactly, because in my mind, when I 11 was driving through there, I wasn't saying, okay, this is 12 tax map parcel number such and such. 13 LYNN A. ROBESON: Where did you drive? 14 LES POWELL: All up and down Lewisdale. Prescott goes 15 nowhere. This is really the entrance. Other than Mr. Sousa's 16 property, that's mainly the entrance to the golf course. 17 LOUIS SOUSA: Golf course. 18 LES POWELL: But then over down to Hyde's Town, there 19 is a new subdivision. 20 LYNN A. ROBESON: You got to show -- you've got to -- 21 what about your surrounding area map? Would that help? 22 LES POWELL: The neighborhood map is what I'm 23 grabbing. 24 LYNN A. ROBESON: And this is exhibit? 25 CASEY L. CIRNER: This is Exhibit 24 in the record.</p>	<p>83</p> <p>1 than 4000 feet on that -- in that the yellow area. Is that 2 true? 3 LYNN A. ROBESON: Within the defined neighborhood. 4 LOUIS SOUSA: Exactly. 5 LES POWELL: By my memory. 6 LOUIS SOUSA: Okay. All right. So I just want to point 7 that out. Okay. Now on Exhibit 64 -- could we pull -- bring 8 that up, please? I have a question about that. 9 LYNN A. ROBESON: Can you tell us what that exhibit 10 is? 11 LOUIS SOUSA: Yes. Okay. So bottom line -- 12 CASEY L. CIRNER: That's the conceptual landscape 13 plan; a rendering. 14 LYNN A. ROBESON: A rendered conceptual site plan, 15 okay. 16 CASEY L. CIRNER: Correct. 17 LOUIS SOUSA: Okay. 18 CASEY L. CIRNER: One second. 19 LOUIS SOUSA: Yeah, that's the one. Okay. So my 20 question on this is; where you have the septic field in the 21 front part of the property here -- 22 LES POWELL: Yes, that -- 23 LOUIS SOUSA: That's within the forest easement. That 24 suggests, what you have there, that you're not going to be 25 removing any of the hardwoods. Is that true?</p>
<p>82</p> <p>1 LES POWELL: Okay. This doesn't even -- so when I go 2 out there, I'm usually coming out here. 3 LYNN A. ROBESON: No, you have to say -- 4 LES POWELL: I go out -- 5 LYNN A. ROBESON: For the transcript. 6 LES POWELL: I'll go out Clarksburg Road and I hit -- 7 LYNN A. ROBESON: You go north on Clarksburg. 8 LES POWELL: I go north on Clarksburg and I believe it 9 hits Lewisdale. And then you head west. The -- I then will 10 take Lewisdale past. After I visit the site, I usually go 11 out a different way. I will head past the golf course. This 12 will -- Lewisdale I guess loops around into Hyde's Town. And 13 there are some new subdivisions over in there that have some 14 very large houses. 15 LYNN A. ROBESON: Okay. But did you observe these 16 large houses within the area of the neighborhood? 17 LES POWELL: I didn't specifically say that house 18 looks like it's over 4000 square foot, no. 19 LOUIS SOUSA: I would propose that there are no more 20 (indiscernible). 21 LYNN A. ROBESON: Okay. Just a second. 22 LOUIS SOUSA: Okay. 23 LYNN A. ROBESON: Okay. 24 LOUIS SOUSA: Then, let me just clarify that he is 25 just said that he is not able to identify any homes greater</p>	<p>84</p> <p>1 LES POWELL: (Indiscernible). 2 LYNN A. ROBESON: Does it suggest. 3 LOUIS SOUSA: Does it suggest? 4 LES POWELL: The -- 1250 feet will be coming out, or 5 lineal feet of the -- this shows the old septic field prior 6 to it being approved. And the new septic field is quite 7 different. So the clearing actually, probably comes down to 8 this area of the -- 9 LYNN A. ROBESON: You got to say -- the transcript 10 doesn't -- 11 LES POWELL: Down to the existing forest conservation 12 easement. We do not go -- 13 LYNN A. ROBESON: And can you pull the forest 14 conservation easement up? 15 LES POWELL: Of course. 16 LOUIS SOUSA: My question -- 17 LYNN A. ROBESON: Just a second. Let him -- let him -- 18 LOUIS SOUSA: Okay. 19 CASEY L. CIRNER: What are you looking for? 20 LES POWELL: The forest conservation. No, that doesn't 21 show the easement. 22 LYNN A. ROBESON: Well, if you can find a way to 23 approximate on that exhibit, but you can't just say, this, 24 because the transcript -- 25 LES POWELL: Here is the record plat that shows the</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 conservation easement that runs along Prescott Road. It 2 parallels before it flares out to a larger area. We do not 3 impact that forest conservation area. 4 LYNN A. ROBESON: The septic does? 5 LES POWELL: The septic does not. And that is even 6 mentioned within the letter from Jason Fleming from 7 (indiscernible). 8 LYNN A. ROBESON: Okay. Okay. Can you put the 9 rendered -- 10 CASEY L. CIRNER: And Mr. Powell was just referring to 11 Exhibit 26, the record plat. 12 LES POWELL: The line for the existing forest 13 conservation easement is approximately -- I believe that's 14 30 feet off -- 35 feet off the property line. And then it 15 flares out into a triangular area. That area is not impacted 16 by the septic field. 17 LOUIS SOUSA: My question is this; what you have there 18 is suggestive that the property in front of the building 19 where the septic field is, is going to retain its -- the 20 hardwoods. 21 LES POWELL: They are not. 22 LOUIS SOUSA: But it is not. 23 LES POWELL: They are not. 24 LOUIS SOUSA: Is that true? 25 LES POWELL: They are not.</p>	<p style="text-align: right;">87</p> <p>1 7 feet versus 26 feet? Approximately what portion? 2 LES POWELL: This exhibit, the extending -- 3 LYNN A. ROBESON: Which is? 4 CASEY L. CIRNER: 51E. 5 LES POWELL: 51E probably shows it best to you, where 6 we are -- our retaining wall -- this is the first floor. 7 This is the pitch of the roof. So our seven feet, and 8 actually at this point, it's not seven feet. It's much 9 lower. These doors are 8 feet or 6'6". 10 MALE VOICE: (Indiscernible). 11 LES POWELL: So the wall is much lower here. As it 12 goes toward your property it actually -- as it heads 13 southerly, it actually gets taller because of the existing 14 grade. And so it looks to be a little bit more than -- or 15 little bit less than a third of that building is obscured. 16 LOUIS SOUSA: Okay. Fine. That's all my questions. 17 Thank you. 18 LYNN A. ROBESON: Thank you. You may have missed your 19 calling. Anyone else with questions? 20 CASEY L. CIRNER: (Indiscernible). 21 LYNN A. ROBESON: Seeing none -- 22 CASEY L. CIRNER: May I ask if you follow up -- 23 LYNN A. ROBESON: Absolutely. 24 CASEY L. CIRNER: Okay. 25 LYNN A. ROBESON: He just left.</p>
<p style="text-align: right;">86</p> <p>1 LOUIS SOUSA: Okay. That's my question. That's fine. 2 Okay. Okay. Now, as far as the lighting; so I know that when 3 you met with the planning board, the planning board 4 requested that all the lighting be turned on not greater 5 than 30 minutes prior to opening and not later than half an 6 hour after closing, but I think you said -- did you say that 7 you were going to object to that and you were going to 8 request that the lighting be allowed to be on for more -- 9 for an hour after closing? 10 LES POWELL: You're looking at the attorney or at me? 11 LOUIS SOUSA: I'm asking you. 12 LES POWELL: I read a statement that the planning 13 board requested that it be allowed to be -- to stay on later 14 than what Park and Planning Staff said. 15 LOUIS SOUSA: All right. So do I have to ask the 16 attorney this? You're not that familiar with that? 17 LYNN A. ROBESON: You may want to ask Ms. -- Dr. 18 Stamberg. 19 LOUIS SOUSA: Okay. Okay. I will hold that for her. 20 That's fine. Okay. One other question. You have several 21 times pointed out that there will be a retaining wall a 22 maximum of 7 feet and the building height is 26 feet. 23 LES POWELL: That's correct. 24 LOUIS SOUSA: So the bottom line -- what portion of 25 the building would be obscured by the retaining wall if it's</p>	<p style="text-align: right;">88</p> <p>1 LES POWELL: I thought you were done. 2 CASEY L. CIRNER: Okay. Just very quickly. Mr. Powell, 3 so who will be making the determination on what methods are 4 to be used to address or clear invasives on the property? 5 LES POWELL: That will be between the client and Park 6 and Planning Staff. 7 CASEY L. CIRNER: And with respect to the 8 neighborhood, you explain that Prescott Road basically dead 9 ends into a golf course. 10 LES POWELL: That's correct. 11 CASEY L. CIRNER: Is there a clubhouse at the golf 12 course? 13 LES POWELL: Yes, there is. 14 CASEY L. CIRNER: And you would consider that as part 15 of the neighborhood for this conditional use? 16 LES POWELL: Yes. 17 LYNN A. ROBESON: Is it within a half mile radius? 18 LES POWELL: The 1500 foot radius? 19 LYNN A. ROBESON: Yeah. 20 LES POWELL: I'm not sure. 21 CASEY L. CIRNER: And -- 22 LES POWELL: I could probably find out. Our company 23 worked on that 20, 30 years ago; 30 years ago. 24 CASEY L. CIRNER: That's all my only questions. Thank 25 you.</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 LYNN A. ROBESON: I think there is an aerial with the 2 15 -- in the staff report -- 3 LES POWELL: Oh, there is. 4 CASEY L. CIRNER: With the 1500 foot radius in it. 5 LES POWELL: It looks like it just misses it. Yes, it 6 just misses it. 7 CASEY L. CIRNER: But that was shown in our -- the 8 applicant's proposed neighborhood. 9 LES POWELL: Yes. 10 CASEY L. CIRNER: The clubhouse. 11 LYNN A. ROBESON: Okay. 12 CASEY L. CIRNER: And unless there are any other 13 questions, we can move to Dr. Stamberg. 14 LYNN A. ROBESON: Okay. Please raise your right hand. 15 Do you solemnly affirm under penalties of perjury that the 16 statements you are about to make or the truth, the whole 17 truth, and nothing but the truth? 18 DR. GRETA STAMBERG: I do. 19 LYNN A. ROBESON: Okay. Go ahead Ms. Cirner. 20 CASEY L. CIRNER: Can you please state your name, 21 occupation, and business address for the record? 22 DR. GRETA STAMBERG: My name is Greta Stamberg. I am a 23 veterinarian and my business address currently is 23321 24 Frederick Road in Clarksburg, Maryland. 25 CASEY L. CIRNER: And what is your relationship to the</p>	<p style="text-align: right;">91</p> <p>1 CASEY L. CIRNER: And your CV is included in the 2 record as Exhibit 10, but can you summarize your educational 3 background for us? 4 DR. GRETA STAMBERG: I went to Colesville High School 5 and -- 6 LYNN A. ROBESON: Wait. Why are we doing this? Because 7 she can't be an expert in the case. 8 CASEY L. CIRNER: I just -- it shows her familiarity 9 with the area. That's all. And where she started her 10 practice. 11 LYNN A. ROBESON: I believe her. 12 CASEY L. CIRNER: Oh, okay. 13 LYNN A. ROBESON: Where did you start your practice? 14 DR. GRETA STAMBERG: When I first started working as a 15 veterinarian? 16 LYNN A. ROBESON: Yeah. 17 CASEY L. CIRNER: Or when I opened -- Peachtree 18 Veterinary Hospital and Colesville Vet Clinic right around 19 the corner from where I grew up. 20 LYNN A. ROBESON: Okay. 21 CASEY L. CIRNER: Can you tell us about your current 22 location? 23 DR. GRETA STAMBERG: My current location is in the old 24 post office building right on 355 in sort of the older part 25 of Clarksburg.</p>
<p style="text-align: right;">90</p> <p>1 applicants? 2 DR. GRETA STAMBERG: I am the sole owner of Clarksburg 3 Animal Hospital and co-owner of Mashed Potato Properties. 4 CASEY L. CIRNER: And where did you grow up and where 5 have you lived as an adult? 6 DR. GRETA STAMBERG: I actually grew up in Barnesville 7 in the ag reserve, so I have a great appreciation for that. 8 And I have actually lived in two different neighborhoods off 9 of Lewisdale Road. So I'm very familiar with the area. It's 10 probably about an 8 or 10 year period where I lived over 11 there. 12 LYNN A. ROBESON: Do you mind -- for some reason, I'm 13 having trouble. That's not -- that's just a recording mic. 14 DR. GRETA STAMBERG: I'm sorry. I will speak louder. 15 Sorry. 16 LYNN A. ROBESON: I -- I think there is a fan on. 17 CASEY L. CIRNER: (Indiscernible) hear. 18 LYNN A. ROBESON: I'm sorry. Can you -- so keep going. 19 DR. GRETA STAMBERG: I grew up in Barnesville. 20 LYNN A. ROBESON: No, I heard that. 21 DR. GRETA STAMBERG: Okay. And I have lived -- I had 22 about an 8 or 10 year period where I lived in two different 23 neighborhoods right off Lewisdale Road. They were both in 24 Frederick County, just a little up the road. But I did live 25 in that area.</p>	<p style="text-align: right;">92</p> <p>1 LYNN A. ROBESON: The historic part? 2 DR. GRETA STAMBERG: It is in the historic district, 3 yes. 4 LYNN A. ROBESON: Okay. 5 DR. GRETA STAMBERG: We are technically a noncompliant 6 building since it was built in 1960, but it is in the 7 historic district. We are sandwiched between a large 8 restaurant that was put up after we opened, and a convenient 9 store. 10 CASEY L. CIRNER: And why did you choose the property 11 at 26221 Prescott Road in Clarksburg for your new location? 12 DR. GRETA STAMBERG: There was a variety of reasons. 13 I've been looking at real estate for -- since the time I 14 opened the property. Originally when I opened the practice I 15 was hoping to be a landowner, but that didn't work out. Then 16 this opportunity came up to be a tenet. The -- I, growing up 17 in more of a rural setting -- Peachtree Veterinary Hospital 18 is a hospital on -- surrounded by forest. It's a much more 19 quieter, peaceful place to practice. The current location, 20 we have a lot of nuisance issues. We are not the nuisance. 21 Our neighbors are the nuisance. We deal with vandalism, 22 littering, loitering with our neighboring properties. It 23 impacts some of our parking and some of our clients' ability 24 to ingress, egress, especially with trucks parking next-door 25 at the convenience store. It blocks visibility greatly on</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

24 (93 to 96)

<p>93</p> <p>1 our driveway. And this is not as -- it's not a setting that 2 is ideal for keeping animals calm. 3 CASEY L. CIRNER: Will the location have a positive 4 impact on your patients, clients, and staff? 5 DR. GRETA STAMBERG: Absolutely. 6 CASEY L. CIRNER: And are you -- are you familiar, in 7 general, with conditional uses and special exceptions? 8 DR. GRETA STAMBERG: Yes. From the time I ever 9 considered owning a veterinary practice, the majority of 10 veterinary practices in the county usually end up -- that 11 build new buildings end up having to go through a 12 conditional use process. And I have observed and read 13 reports (indiscernible). 14 LYNN A. ROBESON: Wait. Why are we -- I'm not trying 15 to cut you off. I just have several other witnesses plus 16 opposition. 17 DR. GRETA STAMBERG: No problem. 18 LYNN A. ROBESON: So Ms. Cirner, I really don't want 19 to shut Dr. Stamberg down, but I need to get to the 20 operations if we can. 21 CASEY L. CIRNER: I just wanted to -- her to talk 22 about her experiences growing up next to the Barnesville 23 school. And she is aware of conditional uses and -- 24 LYNN A. ROBESON: Okay. Well, that's great. And I, 25 again, I'm not to shut you down. I just don't -- can't have</p>	<p>95</p> <p>1 behavior, making it a calm, positive experience for the 2 owners and the patients. We do a lot of work, even in our 3 small space, maintaining traffic flow, minimizing 4 interactions with dogs coming in and out with each other. We 5 only have two exam rooms. 6 LYNN A. ROBESON: When you say traffic flow, I'm 7 thinking you manage the cars. 8 DR. GRETA STAMBERG: Sorry. 9 LYNN A. ROBESON: No, I get it. 10 DR. GRETA STAMBERG: No, we manage the flow of people. 11 No, not everyone is as good at handling their dogs as they 12 think or as aware of their dog's behavior. So we try to make 13 sure that we have animal crossflow. Our reception area is 14 very small and we try not have two animals up there at once. 15 LYNN A. ROBESON: Okay. 16 DR. GRETA STAMBERG: Occasionally we bring people into 17 the back so that someone else can leave and shuffle things 18 around. But it's something that we focus on because it makes 19 a big difference on us being able to do our job. If the dog 20 is extremely riled up because it just saw another dog, I'm 21 not their favorite person. We try to make it better, but it 22 makes it harder for all of us and less safe for us to do our 23 job. 24 CASEY L. CIRNER: And so what types of services will 25 you offer?</p>
<p>94</p> <p>1 this hearing go a second day. 2 DR. GRETA STAMBERG: The operating part of that is 3 that when we moved from Silver Spring out to Barnesville 4 before I started kindergarten, and it was a very small or 5 (indiscernible) that turned into a school. And there was 6 significant impacts to our quality of life during that time, 7 from lighting, noise. And I personally had experiences with 8 that and I have gone to great lengths to make sure that I 9 don't create the same impact because I have experienced it. 10 CASEY L. CIRNER: And as part of this process, did you 11 conduct any community outreach? 12 DR. GRETA STAMBERG: Yes. We had a community meeting 13 on June 13th at our hospital. It did help to clarify some of 14 our operations and what we were planning as well as just 15 what is involved in the conditional use. There was some 16 confusion that I could start with the hospital and then just 17 turn around and do whatever I wanted to later. 18 CASEY L. CIRNER: So let's talk about your operations. 19 What type of animals will you treat at your facility? 20 DR. GRETA STAMBERG: Primarily cats and dogs. 21 CASEY L. CIRNER: Okay. And I'm going to put the 22 conditional use plan up for you, which is Exhibit 35 in the 23 record. And what is your approach to treatment of the 24 animals? 25 DR. GRETA STAMBERG: We tend to be very focused on</p>	<p>96</p> <p>1 DR. GRETA STAMBERG: Well and sick appointments. We 2 offer surgical and dental services. Rarely do we hospitalize 3 patients. In general, they are either stable enough to go 4 home for constant conservation, because we are not there at 5 night. Or if they're critical enough, they go to a 24 hour 6 facility. 7 LYNN A. ROBESON: How often do you have overnight 8 patients? You say it's rare. And why would they be held 9 overnight versus going to the emergency vet? 10 DR. GRETA STAMBERG: There are some surgical 11 procedures where they are better off not traveling in a car 12 right afterwards, but they aren't critical. And in those 13 cases, I come back and check on them between -- usually 14 between 10:00 and 11:00 at night before I go to bed. And 15 then we come back next in the morning. So I don't encourage 16 that because then I have to go in and check on them late at 17 night. It's probably less than 10 times a year currently. In 18 might even be less than five. If there is only very specific 19 instances where they would qualify for that. 20 CASEY L. CIRNER: And are you going to offer grooming 21 or boarding at your facility? 22 DR. GRETA STAMBERG: No. 23 CASEY L. CIRNER: And so explain to us the operational 24 features. What is the veterinarian's (indiscernible) 25 capacity of the building design?</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 DR. GRETA STAMBERG: The building was designed to have</p> <p>2 a max capacity of five veterinarians. With that in mind,</p> <p>3 some of that was to include the potential for me being there</p> <p>4 doing management work up in the -- you know, in an office</p> <p>5 rather than seeing patients. Physically, five veterinarians</p> <p>6 actively doing veterinary work within the building would be</p> <p>7 tight, but possible.</p> <p>8 CASEY L. CIRNER: And in your experience working in</p> <p>9 different veterinary offices, how would you classify the</p> <p>10 size of your proposed facility? Is it large or small?</p> <p>11 DR. GRETA STAMBERG: It's on the smaller side.</p> <p>12 Veterinary hospitals range tremendously based on their</p> <p>13 location and facilities available. Some of them can be as</p> <p>14 small as 1500 square feet and some of the larger specialty</p> <p>15 operations can be 11,000, 12,000 square feet.</p> <p>16 CASEY L. CIRNER: And what are you proposed hours of</p> <p>17 operation?</p> <p>18 DR. GRETA STAMBERG: 7:30 a.m. to 7:00 p.m., Monday</p> <p>19 through Friday. And 7:30 a.m. to 1:00 p.m. on Saturday.</p> <p>20 CASEY L. CIRNER: And you are closed on Sunday?</p> <p>21 DR. GRETA STAMBERG: We are closed on Sunday.</p> <p>22 CASEY L. CIRNER: And when the staff typically arrive</p> <p>23 and depart?</p> <p>24 DR. GRETA STAMBERG: Staff typically arrives within 30</p> <p>25 minutes of opening. And departure; majority of the time we</p>	<p style="text-align: right;">99</p> <p>1 DR. GRETA STAMBERG: Right now -- it has changed</p> <p>2 depending on what they've done with their routes. Right now,</p> <p>3 most the time it's midday. It has sometimes been earlier in</p> <p>4 the morning. You know, there is time restrictions on that</p> <p>5 and I would work with garbage companies stay within this</p> <p>6 window.</p> <p>7 LYNN A. ROBESON: Before we go there, what are your --</p> <p>8 can you describe what your patient scheduling is like?</p> <p>9 DR. GRETA STAMBERG: Yes. We schedule 30 minute</p> <p>10 appointments with the doctor. Occasionally if we have to --</p> <p>11 LYNN A. ROBESON: How many patients in one hour?</p> <p>12 DR. GRETA STAMBERG: Well, for 30 minute appointment,</p> <p>13 we would see two clients. Occasionally they will bring</p> <p>14 multiple animals, but (indiscernible).</p> <p>15 LYNN A. ROBESON: But theoretically with five vets,</p> <p>16 you would have --</p> <p>17 DR. GRETA STAMBERG: With five vets --</p> <p>18 LYNN A. ROBESON: You would have 10 an hour.</p> <p>19 DR. GRETA STAMBERG: Well, with five veterinarians,</p> <p>20 you don't have five veterinarians seeing appointments at the</p> <p>21 same time. So when you have multiple veterinarians, you want</p> <p>22 to utilize more of your facility space at the same time. So</p> <p>23 if we had five veterinarians actively seeing appointments,</p> <p>24 we would have possibly two, possibly three veterinarians</p> <p>25 seeing appointments and two to three doctors in the back</p>
<p style="text-align: right;">98</p> <p>1 are leaving 30 minutes after closing time, but there are</p> <p>2 times where we've got behind or our caseload takes longer</p> <p>3 than what we expected for our appointment schedule and there</p> <p>4 can be -- usually the veterinarian finishing up the charts</p> <p>5 that may not be leaving until about an hour after closing</p> <p>6 time.</p> <p>7 CASEY L. CIRNER: And is that one of the reasons why</p> <p>8 you are requesting that the Hearing Examiner consider</p> <p>9 leaving the lights on for an hour after closing?</p> <p>10 DR. GRETA STAMBERG: Yes. You know, that's one factor.</p> <p>11 And I also just want to make sure that on those outside</p> <p>12 possibilities of days that I have some clients exiting while</p> <p>13 there are still lights.</p> <p>14 LYNN A. ROBESON: What? I'm sorry.</p> <p>15 DR. GRETA STAMBERG: If we are -- if it's one of those</p> <p>16 days when we get behind because of our caseload and then</p> <p>17 through the checkout process and everything, if the client</p> <p>18 is leaving 45 minutes after our closing time, I don't want</p> <p>19 it to be dark.</p> <p>20 LYNN A. ROBESON: Okay.</p> <p>21 CASEY L. CIRNER: And what delivery and pickups are</p> <p>22 associated with your proposed use?</p> <p>23 DR. GRETA STAMBERG: We have weekly trash and</p> <p>24 cardboard paper recycle pickup. We have --</p> <p>25 LYNN A. ROBESON: When do they come?</p>	<p style="text-align: right;">100</p> <p>1 doing surgical procedures. So the animals that are having</p> <p>2 procedures would be dropped off at different times through</p> <p>3 the morning. It would be short bits of time there with that.</p> <p>4 And appointments would be throughout the day at varying</p> <p>5 times. So you wouldn't have five doctors seeing two</p> <p>6 appointments an hour the whole time. For surgical</p> <p>7 procedures, you have patients that were dropped off within a</p> <p>8 window of time in the morning, they are there for their</p> <p>9 procedure and they got picked up with a window of time at</p> <p>10 the end of the day.</p> <p>11 LYNN A. ROBESON: So say you had three doctors seeing</p> <p>12 patients --</p> <p>13 DR. GRETA STAMBERG: Yeah.</p> <p>14 LYNN A. ROBESON: You would have six.</p> <p>15 DR. GRETA STAMBERG: Correct. Six appointments each</p> <p>16 hour.</p> <p>17 LYNN A. ROBESON: Okay. Keep going. It -- but there is</p> <p>18 nothing preventing you from having more.</p> <p>19 DR. GRETA STAMBERG: Having more doctors seeing</p> <p>20 appointments?</p> <p>21 LYNN A. ROBESON: Yeah.</p> <p>22 DR. GRETA STAMBERG: We only have five exam rooms. One</p> <p>23 of them is somewhat special-purpose. So we do have</p> <p>24 limitations on our space to see appointments. And the goal</p> <p>25 of our facility is to have people's primary experience just</p>

Transcript of Administrative Hearing
Conducted on August 14, 2018

26 (101 to 104)

101	1 be an exam room. They will be greeted, brought to an exam 2 room, and then the goal is to check everybody out. We're 3 going to have tablets and be able to check people out from 4 the exam room. So then the exit so that we don't have as 5 much traffic in there and it makes the expense calmer 6 (indiscernible). 7 LYNN A. ROBESON: I'm thinking about the parking. 8 DR. GRETA STAMBERG: Right (indiscernible). 9 LYNN A. ROBESON: I hate to take you from the little 10 pets to -- 11 DR. GRETA STAMBERG: That's okay. 12 LYNN A. ROBESON: But I'm thinking about the parking. 13 DR. GRETA STAMBERG: Yeah. The -- 14 LYNN A. ROBESON: Because you are tight if you are 15 fully staffed. 16 DR. GRETA STAMBERG: Correct. And the -- when you get 17 into more doctors, there is -- it's not likely that we would 18 have 15 staff there with five doctors. You can -- you tend 19 to have one technician with each doctor in whatever 20 procedure is going on. Then you have other people who are 21 more accessory. So you can have one person that is back 22 printing labels, filling prescriptions for a couple of 23 appointment rooms. Whereas if you have one doctor, you still 24 usually need those two people. So -- 25 LYNN A. ROBESON: Sometimes when we have this issue --	103	1 say, so many vets seeing -- having appointments. 2 DR. GRETA STAMBERG: Sure. 3 LYNN A. ROBESON: You can limit the number of vets 4 having appointments. 5 DR. GRETA STAMBERG: Sure. I mean -- 6 LYNN A. ROBESON: Just think about it. I'm hitting you 7 with it. 8 DR. GRETA STAMBERG: Yeah. 9 LYNN A. ROBESON: Well, I hope I'm not hitting you 10 with it, but -- 11 DR. GRETA STAMBERG: Right. I understand what you're 12 saying. But there are -- the concern with having all the 13 staff there one time would be things like meetings, when we 14 have staff meetings. There is typically overlapping during 15 the middle of the day of some of the shifts. You know 16 typically, the morning -- people who come in early in the 17 morning are usually living by about 3:00. And people who 18 stay to the end of the day are often coming in in the day. 19 LYNN A. ROBESON: Well, I think would help -- what are 20 your -- usually when we do these, to be honest, we get a 21 list of shift times and number of staffs. I don't know why 22 Staff didn't do it this time, but that's what we typically 23 get because we have authority under the zoning ordinance -- 24 DR. GRETA STAMBERG: Sure. 25 LYNN A. ROBESON: To limit appointments and hours and
102	1 DR. GRETA STAMBERG: Yeah. 2 LYNN A. ROBESON: And you don't have to tell me what 3 your answer is right now. Sometimes we put conditions on 4 staffing or appointments. 5 DR. GRETA STAMBERG: Correct. 6 LYNN A. ROBESON: Would you be willing to consider 7 something like that giving -- given that your parking is so 8 close? Or if you want to think about it. I'm kind of hitting 9 you off the top of your head. 10 DR. GRETA STAMBERG: Yeah. The other thing too is 11 that, from a scheduling point of view, even if we had five 12 veterinarians on staff, generally when you have that many 13 veterinarians, the veterinarians are working four days a 14 week. Some of the time there is going to be four there. I 15 just didn't want to end up -- if I come in and do management 16 stuff on my day off, ending up breaking the rules. Staff 17 (indiscernible). 18 LYNN A. ROBESON: Well, you wouldn't be acting though 19 as a veterinarian, right? You would be acting as a manager 20 on that day. 21 DR. GRETA STAMBERG: Yes. I mean, I certainly could be 22 doing phone calls and other communications with clients, and 23 that would be a veterinary capacity. I wouldn't necessarily 24 just be paying bills. (Indiscernible). 25 LYNN A. ROBESON: So you could say -- then you could	104	1 things like that. 2 DR. GRETA STAMBERG: It varies considerably because we 3 usually combine both part-time and full-time people. And it 4 would depend on the number of veterinarians that were there 5 how we adjusted sort of the surgical versus the appointment 6 schedule. 7 LYNN A. ROBESON: How about this? Then would you 8 consider thinking about it a condition limiting how many 9 vets can see appointments during a particular time? 10 DR. GRETA STAMBERG: Yeah. Is there particular time 11 you're concerned about? 12 LYNN A. ROBESON: No, I'm concerned about the parking. 13 DR. GRETA STAMBERG: Right. 14 LYNN A. ROBESON: That's what I'm concerned about 15 because there is no other place on your site to parking 16 unless you're on the road. 17 DR. GRETA STAMBERG: Correct. 18 LYNN A. ROBESON: So -- and we've had cases like this. 19 If you -- you know, I feel like -- I don't know why Staff 20 didn't take you through it, but that's well, anyway. This is 21 typically something we do look at. 22 DR. GRETA STAMBERG: Sure. 23 LYNN A. ROBESON: Some not going to ask you to answer. 24 I'm asking you to look at it and see if there is something 25 that we can ensure that, because there is no other place to

Transcript of Administrative Hearing
Conducted on August 14, 2018

27 (105 to 108)

105
1 park nearby, that we can accommodate all your parking. If
2 you don't think it's necessary, I just would need to have
3 some real -- some --
4 DR. GRETA STAMBERG: Like an idea of a sample schedule
5 if we had five --
6 LYNN A. ROBESON: Well, we would bind you to the
7 schedule. Typically we bind you to -- this is all coming out
8 wrong I realize, but typically, in many cases, they present
9 a schedule that we incorporate as a condition. I don't know
10 why Staff didn't address it, but they didn't address a
11 couple of things. So typically, we do have a schedule that
12 demonstrates that you're not going to overload -- either if
13 the issue is traffic or parking, typically there is a
14 schedule they give us that says, okay, this is how it
15 operationally going to work. And we don't always look at
16 simply the zoning ordinance requirements. If there was other
17 areas like sometimes we use street parking for -- you know,
18 in other zones. In more developed areas we use -- we say,
19 okay, the employees are going to come by bus and there is
20 street parking for any overflow. We look at that kind of
21 thing. So just think about it because you are in an area,
22 which is a very nice area, but it doesn't have those things
23 that provide more flexibility in other cases. And I'm not
24 trying to be hard on you in any way. I'm just trying to make
25 sure that operationally, it's going to work.

106
1 DR. GRETA STAMBERG: Okay.
2 LYNN A. ROBESON: Okay. Keep going Ms. --
3 CASEY L. CIRNER: Okay.
4 DR. GRETA STAMBERG: Oh, we were doing the deliveries,
5 right? Is that where --
6 CASEY L. CIRNER: We were. Yeah, and you talked about
7 garbage pickup and that would be about midday once a week.
8 What other deliveries --
9 DR. GRETA STAMBERG: We get prescription diet food
10 delivery midday, once a week. We typically get UPS
11 deliveries. It's usually 2 to 3 days a week.
12 LYNN A. ROBESON: And when do they come?
13 DR. GRETA STAMBERG: They are usually late morning,
14 midday. We get FedEx deliveries a couple times a month. Most
15 of our suppliers use FedEx. Then we have a daily laboratory
16 pick up. That would be Monday through Saturday. It would not
17 be on Sundays. That is in the evenings.
18 LYNN A. ROBESON: I'm sorry. When was the laboratory
19 pick up?
20 DR. GRETA STAMBERG: The laboratory, Monday through
21 Saturday.
22 LYNN A. ROBESON: Oh, daily.
23 DR. GRETA STAMBERG: Daily, Monday through Saturday.
24 They don't pick up --
25 LYNN A. ROBESON: What time of day is that?

107
1 DR. GRETA STAMBERG: The weekdays it is, currently, I
2 think they come about 7:30.
3 LYNN A. ROBESON: In the morning?
4 DR. GRETA STAMBERG: P.m.
5 LYNN A. ROBESON: P.m.
6 DR. GRETA STAMBERG: Yeah, so they're picking up
7 samples.
8 LYNN A. ROBESON: So they are outside the peak hour.
9 DR. GRETA STAMBERG: Yes.
10 LYNN A. ROBESON: And Saturday it's, I think they come
11 like 2:00 or 3:00 in the afternoon.
12 DR. GRETA STAMBERG: And do they have a dedicated drop
13 off area on that plan or do they use a parking space?
14 DR. GRETA STAMBERG: The -- they would use a parking
15 space. Typically they're coming after we would close.
16 LYNN A. ROBESON: Who? The --
17 DR. GRETA STAMBERG: The laboratory people.
18 LYNN A. ROBESON: Yeah, but I mean how about the other
19 deliveries?
20 DR. GRETA STAMBERG: No, I don't think we've
21 designated a delivery parking spot.
22 LYNN A. ROBESON: Okay. So that's another spot down.
23 CASEY L. CIRNER: Do you find that UPS --
24 LYNN A. ROBESON: Is there a way that, if they can't
25 park, I assume there is a turn -- an ability to turn around.

108
1 DR. GRETA STAMBERG: Yeah, we had to do that
2 (indiscernible).
3 LYNN A. ROBESON: I see the architects. Okay.
4 DR. GRETA STAMBERG: Yeah. We had to -- we had to make
5 it so that a fire truck to come up and turn around.
6 LYNN A. ROBESON: Right.
7 DR. GRETA STAMBERG: So a UPS truck would be fine.
8 LYNN A. ROBESON: Okay.
9 DR. GRETA STAMBERG: Garbage truck as well. So there
10 would be ability for them to just -- I mean, it's very short
11 periods of time actually that they are making deliveries.
12 LYNN A. ROBESON: Okay.
13 DR. GRETA STAMBERG: So I mean, they could really park
14 behind cars that were parked, make the delivery, and then --
15 LYNN A. ROBESON: Okay.
16 CASEY L. CIRNER: And you also have cremation pickup.
17 How often is that?
18 DR. GRETA STAMBERG: That is once a week.
19 CASEY L. CIRNER: And medical waste pickup?
20 LYNN A. ROBESON: When is the cremation pickup?
21 DR. GRETA STAMBERG: Currently around 1:00 or 2:00.
22 CASEY L. CIRNER: And medical waste pickup?
23 DR. GRETA STAMBERG: Yeah, it's about quarterly.
24 LYNN A. ROBESON: Quarterly?
25 DR. GRETA STAMBERG: Every three or four months.

Transcript of Administrative Hearing
Conducted on August 14, 2018

28 (109 to 112)

109

1 LYNN A. ROBESON: For what?
2 CASEY L. CIRNER: Medical waste.
3 DR. GRETA STAMBERG: It's for -- it's for sharps.
4 LYNN A. ROBESON: Oh, okay.
5 DR. GRETA STAMBERG: Yeah.
6 LYNN A. ROBESON: I found out what those were. My cat
7 had diabetes.
8 DR. GRETA STAMBERG: Oh, yes. So you had to have
9 sharps containers.
10 CASEY L. CIRNER: Going back to cremation, what is the
11 protocol while animals are being --
12 DR. GRETA STAMBERG: Waiting for the cremation pickup?
13 CASEY L. CIRNER: Exactly.
14 DR. GRETA STAMBERG: They are individually bagged then
15 we have a freezer that they go in. That's requirement of the
16 Maryland State Veterinary Board.
17 CASEY L. CIRNER: Are there any other licensing
18 requirements notable for this process?
19 DR. GRETA STAMBERG: You mean just general facility
20 requirements
21 CASEY L. CIRNER: Yeah.
22 DR. GRETA STAMBERG: The Maryland State Board has a
23 whole side of (indiscernible) requirements that we
24 (indiscernible).
25 LYNN A. ROBESON: Yeah. You don't have to go into
110
1 that.
2 DR. GRETA STAMBERG: Okay. We were inspected once a
3 year.
4 CASEY L. CIRNER: And we talked about appointments,
5 but how do you keep track of scheduling for patient
6 appointments?
7 DR. GRETA STAMBERG: We have a practice management
8 software where we put all of our appointments in. It also
9 keeps track of our invoicing. So it will keep track of
10 someone who came in they to purchase prescription food that
11 didn't have an appointment so we would be able to see.
12 CASEY L. CIRNER: And it keeps track of emergency
13 appointments?
14 DR. GRETA STAMBERG: Yeah, we enter every appointment
15 that comes in. So even if we are fitting it in for that day,
16 he goes into our software.
17 CASEY L. CIRNER: Okay. And do you provide
18 prescriptions, diet foods, medications, injectable
19 medications, supplements, and medicated shampoos to
20 patients?
21 DR. GRETA STAMBERG: Yes.
22 CASEY L. CIRNER: And do you consider this an
23 accessory activity to the animal hospital?
24 DR. GRETA STAMBERG: No. I cannot do my job
25 effectively without those products.

111

1 CASEY L. CIRNER: And have you done anything to
2 minimize unscheduled trips of patients coming to pick these
3 up for patients?
4 DR. GRETA STAMBERG: Yes. Actually, in the fall of
5 2016, we started with an online pharmacy. So it's
6 essentially another company that provides prescription,
7 supplements, foods, all the things that we would be
8 utilizing for patient care, as an online pharmacy that is
9 connected to my business. So I get a portion of it. The
10 software company gets a portion of it. It's all coming
11 directly from the manufacturer so it's warrantied. We
12 started at the fall of 2016. I looked at my numbers for
13 2007 -- or four the last 12 months. Thirty-two percent of
14 our gross sales in those areas were from the online
15 pharmacy. And we have really just got started with it.
16 People love the convenience of it, especially for chronic
17 medications, perception diets, because they can order it. We
18 can authorize it and it comes to their door and they don't
19 have to try to get to our building during office hours.
20 LYNN A. ROBESON: Okay.
21 DR. GRETA STAMBERG: So it's had a significant impact.
22 CASEY L. CIRNER: Are there any other services that
23 you contemplate providing in the future?
24 DR. GRETA STAMBERG: Yeah. At some point we will
25 probably add some degree of telemedicine. It has limited
112
1 abilities; it's more for follow-ups. We can look at skin
2 lesions, a little bit of triage. You know, owners can send
3 us pictures and we can say, that, we really need to see that
4 or we can do this or this.
5 LYNN A. ROBESON: Interesting.
6 DR. GRETA STAMBERG: So we haven't incorporated yet --
7 that yet, but the American Veterinary Medical Association
8 has put official stances on it and is encouraging us to
9 consider that for the future.
10 LYNN A. ROBESON: Interesting.
11 CASEY L. CIRNER: So will the operation of Clarksburg
12 Animal Hospital change significantly when you move to the
13 new location?
14 DR. GRETA STAMBERG: No.
15 CASEY L. CIRNER: And you selected FMD Architects to
16 design your building and they are actually an out of state
17 company. Why did you select them? And discuss your vision
18 for the proposed facility.
19 DR. GRETA STAMBERG: I wanted to select an architect
20 that had experiences with veterinary facilities because
21 there are unique requirements compared to office buildings
22 or restaurants. Then we could much more easily discuss what
23 we wanted to do instead of me explaining to an architect
24 that wasn't familiar with veterinary facilities. And they
25 have been very communicative. They -- I headed into this

Transcript of Administrative Hearing
Conducted on August 14, 2018

29 (113 to 116)

113

1 project being very focused on doing as much that could for
2 green purposes. And they did have a LEAD certified architect
3 who is here today.
4 CASEY L. CIRNER: Okay.
5 DR. GRETA STAMBERG: So I wanted somebody with some
6 knowledge of that so we could incorporate --
7 CASEY L. CIRNER: Now, Mr. Powell identified a lot of
8 the proposed facility on the conditional use plan. Is there
9 anything else that you would like to identify on the
10 conditional use plan, which is Exhibit 35?
11 DR. GRETA STAMBERG: I mean, just in general, my --
12 one of my various struggles were to make it residential, to
13 minimize lighting, minimize sound disturbance to the
14 neighbors, because I have been affected by that in the past.
15 You probably want some clarification on the fenced areas
16 outside.
17 LYNN A. ROBESON: Yeah, I just was -- really from a
18 noise point of view.
19 DR. GRETA STAMBERG: Absolutely.
20 LYNN A. ROBESON: How many are you exercising at once
21 and all that kind of stuff?
22 DR. GRETA STAMBERG: Typically, some clients will take
23 their dogs for short while before they come in, some won't.
24 LYNN A. ROBESON: Yes.
25 DR. GRETA STAMBERG: Most of them have usually done

114

1 that at home before they come in. Certainly we take dogs to
2 get urine samples, we will take them for short walk outside.
3 When we have surgical patients, they usually go for about
4 one walk at some point during the day to relieve themselves.
5 LYNN A. ROBESON: Okay.
6 DR. GRETA STAMBERG: The --
7 LYNN A. ROBESON: How many would you say typically are
8 outside at one time?
9 DR. GRETA STAMBERG: Usually only one. Typically,
10 there is a time period where we are walking surgical
11 patients. At least right now with our current operations, we
12 don't see appointments during surgery time because there is
13 usually only one doctor there at a time. And so the surgical
14 patients are usually getting walked when there is no
15 appointment arrivals. Still, it -- those animals are usually
16 taken out through the back or the side and not let out right
17 in the front where there is additional traffic. So it
18 minimizes that traffic flow. The fence across the back is
19 just really a failsafe. If for some reason -- I don't know
20 that I have discussed exactly, fire safe doors, but in our
21 current facility, there is a door to the exterior that is in
22 the dog room where there's kennels. And it has to be a push
23 open doors for fire safety.
24 LYNN A. ROBESON: Right.
25 DR. GRETA STAMBERG: So if a dog happened to get out

115

1 of the kennel it could hit the door and cause it to open.
2 LYNN A. ROBESON: I see.
3 DR. GRETA STAMBERG: To have a fenced area around
4 there provides us the next to barrier and still allows us to
5 provide for fire safety door that is there.
6 LYNN A. ROBESON: Okay.
7 DR. GRETA STAMBERG: The other one on the side, the
8 smaller area that is -- I guess that's on the north side --
9 is for what would be called -- it's called multipurpose room
10 in the plans. It also can be called a comfort room. So it's
11 essentially, rather than a more clinical exam room, it set
12 up like a (indiscernible) room.
13 LYNN A. ROBESON: Okay.
14 DR. GRETA STAMBERG: And we would be utilizing that
15 for behavioral consults, euthanasias, you know --
16 CASEY L. CIRNER: (Indiscernible).
17 DR. GRETA STAMBERG: I know, but it's a part of life,
18 part of my job. But if it's a beautiful day outside, people
19 really appreciate the privacy and calmness of being
20 outdoors. Those are not animals that are going to be barking
21 and making noise.
22 LYNN A. ROBESON: Right.
23 DR. GRETA STAMBERG: And I have had a handful of
24 patients that currently, we do their examinations outside
25 because they behave much better. I've had two patients that

116

1 stress coming into the hospital and actually trigger
2 seizures.
3 LYNN A. ROBESON: Okay.
4 DR. GRETA STAMBERG: And that has been abated by doing
5 examinations outside. So that little fenced area again,
6 provides a barrier to escape for us to do any of those type
7 of procedures.
8 LYNN A. ROBESON: Okay.
9 CASEY L. CIRNER: And in your experience, how often
10 have you had an animal escape from a veterinary hospital?
11 DR. GRETA STAMBERG: I've never had that happen
12 thankfully. Even from back when I was working as a tech.
13 CASEY L. CIRNER: So tell us about your waste disposal
14 onsite.
15 DR. GRETA STAMBERG: We plan to have bags and cans
16 available at a couple of locations in the walk area for
17 clients. Still not 100 percent (indiscernible) when we're
18 going to do that. So we do daily surveys. And then that is
19 bagged up and put in the garbage (indiscernible) disposal.
20 CASEY L. CIRNER: Mr. Powell talked a little bit about
21 lighting, but let's talk about your proposed amendment to
22 the planning board's recommended condition of approval with
23 respect to the timing for lighting.
24 DR. GRETA STAMBERG: My concern a little bit just what
25 we talked about, is that there is opportunity for run over.

Transcript of Administrative Hearing
Conducted on August 14, 2018

30 (117 to 120)

<p style="text-align: right;">117</p> <p>1 It's very rare that we are ever more than an hour outside of 2 our closing time, but 30 minutes is fairly typical for most 3 of the staff exiting the building, but it can be 45 minutes. 4 So there still may be last-minute clients leaving the 5 facility. 6 CASEY L. CIRNER: And just real quickly, using the 7 first floor, floor plans -- 8 LYNN A. ROBESON: Do you know the exhibit number? 9 CASEY L. CIRNER: Yeah, I do. It is 27. Could you walk 10 us through briefly through an experience at the facility and 11 kind of describe the interior and the patient flow? 12 DR. GRETA STAMBERG: Sure. 13 LYNN A. ROBESON: I'm sorry. Back to the lighting for 14 one second. 15 DR. GRETA STAMBERG: Yes. Okay. 16 LYNN A. ROBESON: You're asking for the lighting to be 17 on one hour after you close every day? 18 DR. GRETA STAMBERG: Yeah. Yes. I mean, I'm not sure 19 that Saturday matters, because Saturday we would be closing 20 at 1:00 p.m. 21 LYNN A. ROBESON: Right. 22 DR. GRETA STAMBERG: So light is not really an issue 23 on Saturday. 24 LYNN A. ROBESON: What about -- but not before, just 25 after.</p> <p style="text-align: right;">118</p> <p>1 DR. GRETA STAMBERG: They had discussed 30 minutes 2 before and that (indiscernible) our arrival times. 3 LYNN A. ROBESON: Okay. Go ahead. I'm sorry. 4 DR. GRETA STAMBERG: Okay. No problem. This may be 5 hard to see because there is a lot of details on the plan. 6 This is the front of the building. There is a porch, a 7 covered porch right here. And then there is a small 8 vestibule coming into our reception area. The exam rooms; 9 there is a designated cat exam room here. Cats don't always 10 like to hear or smell dogs. And it has a window. A lot of 11 our cat patients are much happier if they are seen something 12 going on outside. So that's the reason for locating it over 13 there. This is that multiuse, multipurpose/comfort room that 14 we would utilize for sort of atypical uses, over here. We 15 have a main exam room here. This exam room is designed to be 16 an office for a while and then be able to transition to an 17 exam room. And then we have an exam room over here on the 18 south side of the building that is designated for large 19 dogs. We have a side door right here that leads into the 20 main hallway corridor going into all the exam rooms. And 21 this serves two purposes. Generally the dogs that are more 22 problematic and reactive to other animals, or even other 23 people, tend to be the bigger dogs. So if we have an 24 opportunity to where there's parking over here, and those 25 clients are aware of that or we are, where they can come in,</p>	<p style="text-align: right;">119</p> <p>1 come in the side door and directly to this exam room and 2 back out without mingling -- down the hallway with other 3 animals or through the reception area. So it provides us 4 multiple outlets. It provides us the ability to have people 5 exit from the side of the building out to the front and from 6 over here, out the side, and still provide traffic control. 7 There are times we ask people to wait because a dog 8 (indiscernible) other patients. So it helps with some of 9 that flow. There are two corridors that lead back into more 10 of our treatment space. We will have a lab (indiscernible) 11 right in this area. These are tables for doing exams, 12 treatments in the back. We have a designated room for doing 13 dental cleanings, a designated room for x-rays, and a 14 surgical room. We have -- this is our dog kennel. We're 15 going to have -- it's not shown on this. There are two 16 interior runs. Essentially, they are for bigger dogs. And 17 then there will be more kennels that are stacked two high 18 right in this area. We have a few kennels. It's going to be 19 just one row of kennels here for patients recovering from 20 surgery, so we can watch them closer. We have an isolation 21 room over here for patients that either could have 22 contagious diseases or -- that doesn't happen that often. We 23 also use it to separate dogs that may be triggered by being 24 nearby other dogs and kennels. So it also helps maintain 25 quiet for those patients here as well. There is a small cat</p> <p style="text-align: right;">120</p> <p>1 ward over here. Again, designed to have a window. So a 2 couple of the kennels where the cat will be able to see 3 directly outside, for them. Again, trying to promote 4 calmness and peacefulness among those animals to make 5 everybody's job easier. Do you have any other questions 6 about (indiscernible)? 7 LYNN A. ROBESON: No. 8 DR. GRETA STAMBERG: Okay. 9 CASEY L. CIRNER: You mentioned the x-ray room. Can 10 you tell us a little bit about the type of x-rays you use? 11 DR. GRETA STAMBERG: Yeah, in December we actually 12 switched to digital x-rays. So we don't have any more 13 (indiscernible). 14 LYNN A. ROBESON: Oh, good. 15 DR. GRETA STAMBERG: So there's not an issue with 16 chemicals on that. 17 CASEY L. CIRNER: And are there any other groundwater 18 impacts? 19 DR. GRETA STAMBERG: There should not -- the only 20 other thing I can think of is just the cleaners that we use 21 for mopping. 22 LYNN A. ROBESON: The disinfectant? 23 DR. GRETA STAMBERG: Yeah. But when we do, we -- it's 24 the same disinfectant that we use right now that we utilize 25 for tables and floors. The mop water gets poured down the</p>
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Transcript of Administrative Hearing
Conducted on August 14, 2018

31 (121 to 124)

121
1 drain, but when we are cleaning tables, we actually use
2 paper towels. It's not as green, but you can cross
3 contaminate by using a towel to do that (indiscernible).
4 LYNN A. ROBESON: Okay.
5 DR. GRETA STAMBERG: And then occasionally general
6 cleaning products for windows like you would expect with
7 typical residential use.
8 CASEY L. CIRNER: And what's your typical water usage?
9 LYNN A. ROBESON: Our current water usage ranges from
10 65 to -- I think our largest bill was 130 gallons a day. And
11 in part of the process through the (indiscernible)
12 Department -- pardon me -- they wanted to see what
13 comparable veterinary facilities that would have 4 to 5
14 doctors, were using for water as a basis for some of their
15 approval. The challenge was finding veterinary hospitals
16 that did not do boarding and grooming, because that has
17 enormous impact on their water usage. But we did find a few
18 and they -- their water uses range from 200 to 250 gallons a
19 day even with five doctors in the practice.
20 LYNN A. ROBESON: And 15 employees?
21 DR. GRETA STAMBERG: One of them gave us employee
22 numbers. The other ones didn't -- did not. But they -- they
23 are -- I don't know exactly how many employees they have. So
24 then it's (indiscernible) to that 250 per day average number
25 and they doubled it to have sort of approximate capacity for

122
1 that 500 number.
2 LYNN A. ROBESON: Okay.
3 DR. GRETA STAMBERG: So that's where that
4 (indiscernible).
5 CASEY L. CIRNER: And do you want to talk any about
6 the green features of the proposed building?
7 DR. GRETA STAMBERG: One of the main things we're
8 doing is geothermal HVAC, making sure we have good building
9 (indiscernible). We will have LED lighting, motion sensors
10 for all the lighting. All of our exhaust fans will be on
11 timers or so they don't accidentally get left on. Low-flow
12 toilets; we already have an energy-efficient washer and
13 dryer.
14 LYNN A. ROBESON: Okay.
15 CASEY L. CIRNER: So these are all LEAD design
16 features.
17 DR. GRETA STAMBERG: Yes.
18 CASEY L. CIRNER: Okay.
19 DR. GRETA STAMBERG: I think we are planning in-line
20 hot water heaters, right? Yeah.
21 CASEY L. CIRNER: And you're proposing signage for the
22 facility. You want to tell us about signage?
23 DR. GRETA STAMBERG: You know, my goals for signage
24 were, of course, have people know where the location is.
25 That other small sign by the driveway, I want to ensure

123
1 clients are making mistakes in which driveway they pull
2 into. And the same thing as they come up the driveway.
3 They're going to be more likely to see that south side of
4 the building first. So having that additional sign on the
5 end of the building is going to help just being confirmatory
6 so there isn't confusion to the residential looking building
7 in a residential area. And obviously signage up front.
8 CASEY L. CIRNER: My final question is; are you aware
9 of any transferable development rights associated with this
10 property?
11 DR. GRETA STAMBERG: No.
12 CASEY L. CIRNER: And you have anything else you would
13 like to add?
14 DR. GRETA STAMBERG: I don't think so.
15 LYNN A. ROBESON: So you want the locational sign too,
16 lit for an hour after?
17 DR. GRETA STAMBERG: Ideally. You know, I --
18 LYNN A. ROBESON: If it's just -- it seems to me if
19 it's just to help people get out that might be late -- and
20 it wouldn't be for people coming in, correct?
21 DR. GRETA STAMBERG: It would not be for people coming
22 in. My thought process was that if I'm leaving a facility
23 and then I see that they've turned out the sign lights,
24 makes it sort of feel like you stayed too late, you
25 overstayed your welcome. And that's more client impression.

124
1 LYNN A. ROBESON: Okay.
2 DR. GRETA STAMBERG: But yes. But they were all put
3 together at Park and Planning versus distinguishing timings
4 for one light over another.
5 LYNN A. ROBESON: Okay.
6 CASEY L. CIRNER: I have no further questions for Dr.
7 Stamberg.
8 LYNN A. ROBESON: Does anyone have -- I figured you
9 would be back.
10 LOUIS SOUSA: I just have one question.
11 LYNN A. ROBESON: Okay. Just state whose talk -- state
12 your name again. You don't have to give me your address.
13 LOUIS SOUSA: Sure. Lou Sousa. Okay. Okay. So your
14 attorney here asked; will the operation of the hospital
15 change significantly -- of your current hospital -- will the
16 operation change significantly when you move into your new
17 facility, to which you said, no.
18 DR. GRETA STAMBERG: Right.
19 LOUIS SOUSA: Okay. So on your website, you currently
20 list yourself and a Dr. Christy Shoup --
21 DR. GRETA STAMBERG: Correct.
22 LOUIS SOUSA: As the only veterinarians on your
23 hospital -- at your hospital.
24 DR. GRETA STAMBERG: Correct.
25 LOUIS SOUSA: And I see that Dr. Shoup only operates

Transcript of Administrative Hearing
Conducted on August 14, 2018

32 (125 to 128)

125
1 on a part-time basis. Is that correct?
2 DR. GRETA STAMBERG: That's correct.
3 LOUIS SOUSA: So in other words if -- I'm a retired
4 federal employee. We would call that 1 FTE, 1½ FTE.
5 DR. GRETA STAMBERG: It's about 1½, yeah.
6 LOUIS SOUSA: Okay. But on the other hand, your
7 petition is for five full-time veterinarians.
8 DR. GRETA STAMBERG: Correct.
9 LOUIS SOUSA: So if you're currently using 1.5 FTEs or
10 professional vets and you're planning to go to five full-
11 time vets --
12 DR. GRETA STAMBERG: Yes.
13 LOUIS SOUSA: But you are saying your hospital won't
14 change significantly, your operation won't change. To me,
15 basically you are tripling the size of the staff.
16 LYNN A. ROBESON: Ask -- ask -- just say, is in it --
17 LOUIS SOUSA: Just to clarify, she basically --
18 planning to triple --
19 CASEY L. CIRNER: Objection.
20 LOUIS SOUSA: Okay. All right.
21 CASEY L. CIRNER: I'm sorry (indiscernible).
22 LYNN A. ROBESON: Isn't it true --
23 LOUIS SOUSA: But you get my point. What you're saying
24 is --
25 DR. GRETA STAMBERG: This is about the conditional use

126
1 process. So if I get approval for one and a half doctors
2 now, I would have to go through this entire process again if
3 I wanted to add a doctor. So it's about (indiscernible).
4 LYNN A. ROBESON: But what he is -- what I think he is
5 saying is, that isn't it true that there is a significant
6 change from your current operation.
7 DR. GRETA STAMBERG: I guess my take on that question
8 was, are we going to do things differently than what we were
9 doing as far as our choices and the way we operate. Yes,
10 there could be potential expansion of the business.
11 LOUIS SOUSA: Three times, professionally.
12 LYNN A. ROBESON: (Indiscernible). Okay.
13 LOUIS SOUSA: Approximately. That was my only
14 question.
15 LYNN A. ROBESON: We get it.
16 LOUIS SOUSA: Okay.
17 LYNN A. ROBESON: Yes, ma'am. Please come forward.
18 Please state your name and address for the record.
19 KAREN DESILVA: My name is Karen DeSilva, 13401
20 Lewisdale Road in Clarksburg. And I have a question along
21 those lines that he was saying. I think -- did you -- when
22 you were talking about how many dogs get walked, are outside
23 at a time and how many overnights you have, that was based
24 on your current (indiscernible) and that's --
25 DR. GRETA STAMBERG: Sure.

127
1 KAREN DESILVA: With one and a half doctors.
2 DR. GRETA STAMBERG: Sure.
3 KAREN DESILVA: Not with five doctors. Thank you. The
4 other one --
5 LYNN A. ROBESON: Man, I'm not going out to your neck
6 of the woods. You guys are tough. Go ahead.
7 KAREN DESILVA: But that was an easy one. You said
8 that you're going to have a truck picking up -- I think it
9 was the bio waste. I'm not sure. But at 7:30, which is
10 outside of your business hours.
11 DR. GRETA STAMBERG: No, no. That's our lab pick up.
12 KAREN DESILVA: Oh, lab pick -- outside of your
13 business hours.
14 DR. GRETA STAMBERG: Yeah. It's just someone in a
15 regular car that comes and takes the lab stuff
16 (indiscernible).
17 KAREN DESILVA: Okay. So somebody goes to your
18 building outside of your business hours.
19 DR. GRETA STAMBERG: Mm-hm (affirmative).
20 KAREN DESILVA: Okay. And are you LEED certified?
21 DR. GRETA STAMBERG: We --
22 KAREN DESILVA: Are you going to be LEED certified in
23 your building?
24 DR. GRETA STAMBERG: We could be, but the cost was too
25 impactful. And we can have the architect speak to it.

128
1 KAREN DESILVA: So, no.
2 DR. GRETA STAMBERG: We will not technically be LEED
3 certified.
4 KAREN DESILVA: Okay.
5 DR. GRETA STAMBERG: But we will have a lot of green
6 (indiscernible).
7 KAREN DESILVA: And what are the kennels for? You were
8 talking about all those kennels in the inside.
9 DR. GRETA STAMBERG: Kennels?
10 KAREN DESILVA: In the room, yeah, you said kennels.
11 DR. GRETA STAMBERG: Yeah, there is (indiscernible).
12 So there is -- we have essentially cage is the terminology.
13 KAREN DESILVA: Okay.
14 LYNN A. ROBESON: There would be four of them for
15 smaller dogs and there will be two 3 x 5 runs for large
16 dogs.
17 KAREN DESILVA: For when they stay or for -- I don't
18 understand.
19 LYNN A. ROBESON: When they're there for surgical
20 procedures or dental cleanings.
21 KAREN DESILVA: They wait there for their appointment.
22 Is that what you're saying? That's what I want to know.
23 DR. GRETA STAMBERG: Well, when they are doing
24 anesthetic procedures, we don't have clients come in and
25 wait for a couple of hours. They get dropped off and then we

Transcript of Administrative Hearing
Conducted on August 14, 2018

33 (129 to 132)

129

1 anesthetize them and do their procedure. And then once
2 they've recovered, they go home.
3 KAREN DESILVA: Okay. So --
4 DR. GRETA STAMBERG: So a place to house them.
5 KAREN DESILVA: I'm sorry. So all those kennels, and
6 there was some outside there were kind of short, you're
7 saying or explaining.
8 DR. GRETA STAMBERG: Yes, in the recovery area. It
9 depends on -- depending on the size that which is, there
10 will be like four or five of those.
11 KAREN DESILVA: Okay. So 8, 9, 10 or something. Okay.
12 Thank you.
13 LYNN A. ROBESON: Anyone else? Seeing none, do you
14 have redirect Ms. Cirner?
15 CASEY L. CIRNER: I don't think I have any redirect.
16 Thank you.
17 LYNN A. ROBESON: Okay. Thank you. You can be excused
18 for now. And we are going to take a lunch break. And then we
19 have the architect, the transportation, and anyone else?
20 CASEY L. CIRNER: And the engineer. They will all --
21 LYNN A. ROBESON: And --
22 CASEY L. CIRNER: They will all be very quick.
23 MALE VOICE: Very quick.
24 LYNN A. ROBESON: Okay.
25 MALE VOICE: (Indiscernible).

130

1 LYNN A. ROBESON: That -- that's okay. But I'm not
2 sure my stomach will last through them.
3 CASEY L. CIRNER: Yeah.
4 LYNN A. ROBESON: So I'm going -- we will be back.
5 It's 12:35 now. We will be back at 1:35. And thank you for
6 everybody's time today.
7 CASEY L. CIRNER: Yeah.
8 MR. POWELL: Would you like the disc with the exhibits
9 on it?
10 LYNN A. ROBESON: When we come back, okay.
11 MALE VOICE: (Indiscernible).
12 (Off the record at 12:36:59 p.m.)
13 (On the record at 01:43:50 p.m.)
14 LYNN A. ROBESON: Are the parties ready?
15 CASEY L. CIRNER: Yeah.
16 LYNN A. ROBESON: Okay. We are back on the record. One
17 thing I guess I made a mistake when I said Chapter 19.
18 Earlier I said I can't approve a special exception without
19 an approved preliminary or final forest conservation plan,
20 and I quoted Chapter 19. I realize that's sediment and
21 erosion control. It's 22A-11C. And I guess what I'm saying
22 is, if it has to be amended, I really don't have the PFCP
23 for this project. That's all. Or a final. One or the other.
24 So you -- it says that's the problem is, you can't consider
25 it after-the-fact because it says the Board of Appeals --

131

1 this was before the -- it switched to us. The Board of
2 Appeals must consider the preliminary forest conservation
3 plan when approving the special exception or conditional use
4 and must not approve a special exception or conditional use
5 application that conflicts with a preliminary forest
6 conservation plan. So I'm just pointing that out. And I'm
7 not sure why staff didn't alert you do that because that's
8 always traditionally been done. Some pointing that out.
9 Okay? So do we have up?
10 CASEY L. CIRNER: We have Mr. John Stouffer.
11 LYNN A. ROBESON: Good morning Mr. Stouffer. Please
12 raise your right hand. Do you solemnly affirm, under
13 penalties of perjury, that the statements you are about made
14 are the truth, the whole truth, and nothing but the truth?
15 JOHN STOUFFER: I do.
16 LYNN A. ROBESON: Thank you.
17 CASEY L. CIRNER: Can you please state your name,
18 occupation, and business address for the record?
19 JOHN STOUFFER: Sure. John Stouffer, project architect
20 at FMD Architects, 2843 Rivera Drive, Suite 200, Fairlawn,
21 Ohio.
22 CASEY L. CIRNER: And your resume is in the record as
23 Exhibit 40. And I'm going to voir dire this witness because
24 he does not qualify as an expert in Montgomery County.
25 LYNN A. ROBESON: Okay. What is the exhibit? I'm

132

1 sorry.
2 CASEY L. CIRNER: Exhibit 40 is Mr. Stouffer's CV.
3 LYNN A. ROBESON: Let's just -- okay. Go ahead.
4 CASEY L. CIRNER: Okay. How long have you been a
5 practicing architect?
6 JOHN STOUFFER: Eight years.
7 CASEY L. CIRNER: And can you please explain your
8 educational background?
9 JOHN STOUFFER: I got a bachelor's degree in
10 architecture, and a master's degree in architecture, and a
11 master's in business administration.
12 CASEY L. CIRNER: Okay. And you hold any
13 certifications related to your occupation?
14 JOHN STOUFFER: A registered architect in the state of
15 Ohio, and I'm also (indiscernible) accredited professional
16 in building and zoning construction.
17 LYNN A. ROBESON: Now, are you licensed in Maryland?
18 JOHN STOUFFER: No.
19 LYNN A. ROBESON: Do you work under supervision of
20 someone licensed in Maryland?
21 JOHN STOUFFER: Yes.
22 LYNN A. ROBESON: And who would that be?
23 CASEY L. CIRNER: That would be the firm's principal,
24 Melanie Freeman.
25 LYNN A. ROBESON: Okay. Go ahead.

Transcript of Administrative Hearing
Conducted on August 14, 2018

34 (133 to 136)

133

1 CASEY L. CIRNER: Can you give us a summary of your
2 occupational history?
3 JOHN STOUFFER: I've been with my current firm for
4 about three years and was at the previous firm for about
5 three years there as well. And another firm for a couple of
6 years before that.
7 CASEY L. CIRNER: Okay. Have you testified as an
8 architect in any other jurisdiction?
9 JOHN STOUFFER: I have been (indiscernible) zoning
10 (indiscernible) all around the State of Ohio.
11 CASEY L. CIRNER: In Ohio. Now in these jurisdictions,
12 do they typically designate witnesses as an expert?
13 JOHN STOUFFER: Not the ones that I've been to, no.
14 CASEY L. CIRNER: Okay, but you did before the
15 (indiscernible) governmental planning and zoning bodies.
16 JOHN STOUFFER: Yes.
17 CASEY L. CIRNER: And what is your testimony relate
18 to?
19 JOHN STOUFFER: The architectural design and features.
20 CASEY L. CIRNER: Okay. And was your testimony for the
21 purpose of obtaining necessary approvals for veterinary
22 hospitals?
23 JOHN STOUFFER: Yes.
24 CASEY L. CIRNER: And did it include sound level and
25 sound level remediation generated by those facilities?

134

1 JOHN STOUFFER: Yes, some of them did all that.
2 CASEY L. CIRNER: Okay. And are you familiar with the
3 Montgomery County regulations including the zoning ordinance
4 and the noise ordinance?
5 JOHN STOUFFER: Yes.
6 CASEY L. CIRNER: Okay. I like to ask Mr. Stouffer to
7 be qualified as an expert in architecture.
8 LYNN A. ROBESON: Yes, I will qualify him as an expert
9 in architecture. So you are now -- you can add Maryland to
10 your list.
11 JOHN STOUFFER: Thank you.
12 LYNN A. ROBESON: Okay. Go ahead.
13 CASEY L. CIRNER: I am going to turn your attention to
14 the elevations and ask you if you are preliminary questions.
15 Are you familiar with the subject property and the
16 surrounding area?
17 JOHN STOUFFER: Yes.
18 CASEY L. CIRNER: And can you describe the surrounding
19 area?
20 JOHN STOUFFER: It's forest area, agricultural.
21 CASEY L. CIRNER: Okay. And in what zone is the
22 property classified?
23 JOHN STOUFFER: AR.
24 CASEY L. CIRNER: And what is the focus of your
25 architectural practice?

135

1 JOHN STOUFFER: I practice -- I manage all the
2 veterinary projects that we do with animal shelters,
3 animals, and boarding facilities.
4 CASEY L. CIRNER: Oh, okay. And about how many
5 projects have you managed or what time?
6 JOHN STOUFFER: I have worked, over my tenure with
7 this firm, over 20.
8 CASEY L. CIRNER: Oh, okay. And have you seen many of
9 these facilities located in a residential type setting?
10 JOHN STOUFFER: Yeah, but the majority of our
11 veterinary hospitals are within a residential setting.
12 CASEY L. CIRNER: And so what is about the typical
13 size of a veterinary hospital?
14 JOHN STOUFFER: They raise between 1500 square feet to
15 10,000 square feet, give or take.
16 CASEY L. CIRNER: And what's the square foot of the
17 building footprint for this facility?
18 JOHN STOUFFER: The footprint for this particular
19 building is 3250.
20 CASEY L. CIRNER: And -- so that's closer to the
21 smaller size for an animal hospital.
22 JOHN STOUFFER: Yes. Yes, it is.
23 CASEY L. CIRNER: Can you just to give us, using the
24 exterior elevations, can you give us an overview of your
25 design and then give a little bit more detail going by each

136

1 elevation?
2 JOHN STOUFFER: Yeah, sure. So this particular
3 veterinary hospital reflects the residential
4 characteristics. We have a pre-manufactured stone veneer at
5 the base of the building. That wraps around the majority of
6 the building and dies towards the backside here before the
7 fence starts on the rear side of the building. And then for
8 the main façade feature, we have shakes around there and
9 then above, on the gable end, we have the vinyl siding. It's
10 vertical (indiscernible) siding. They -- around that that
11 encompasses the whole building, they have this nice white
12 trim.
13 CASEY L. CIRNER: And for the record, Mr. Stouffer is
14 using Exhibit 65 and 51D.
15 JOHN STOUFFER: Oh, yes.
16 CASEY L. CIRNER: That's okay. And can you start us
17 with the west elevation on Exhibit 51D and describe in
18 detail the characteristics of the proposed facility?
19 JOHN STOUFFER: Sure. The west elevation is the main
20 entrance for the building. And that has the covered porch in
21 there. And then you have a single entrance door with
22 sidelights and a transom window to exemplify the entrance.
23 Then you have a few windows in varying spaces along the
24 front as well. And then above that, you have the dormers
25 that are protruding out of the attic space, which is also

Transcript of Administrative Hearing
Conducted on August 14, 2018

35 (137 to 140)

<p style="text-align: right;">137</p> <p>1 (indiscernible) to the second floor. 2 CASEY L. CIRNER: And would you characterize the 3 window styles as residential? 4 JOHN STOUFFER: Yes. The majority of these window 5 types are used in residential settings. 6 CASEY L. CIRNER: Okay. And how about the door? 7 JOHN STOUFFER: The door as well, yes. 8 CASEY L. CIRNER: Okay. And now using the east 9 elevation, which faces the rear -- yeah, the east elevation. 10 Can you describe in detail -- 11 JOHN STOUFFER: The east elevation is the rear side of 12 the building, more so operations and procedure type. And the 13 store that's enclosed in the fenced area is coming off of 14 the dog ward. And we have higher three windows up here that 15 allows daylight into the dog ward area as well so it doesn't 16 seem all dark and (indiscernible). 17 CASEY L. CIRNER: About high off from grade are the 18 windows? 19 JOHN STOUFFER: Five, eight. 20 CASEY L. CIRNER: Okay. And using the south elevation, 21 could you please describe the details of the facility? 22 JOHN STOUFFER: So on the south elevation, we have 23 four doors on here. Two of which are just -- two of which 24 are going to (indiscernible) not going to see many entrances 25 going in there. One is for mechanical room and one is for</p> <p style="text-align: right;">138</p> <p>1 the O2 closet to just replace the O2 tanks as necessary. The 2 other two doors are for your employee entrance and then for 3 your outside large dog room entrance that Dr. Greta 4 explained earlier. 5 CASEY L. CIRNER: Okay. And the last elevation? The 6 north elevation? 7 JOHN STOUFFER: Yes, the North elevation is the exact 8 opposite of the other side. And there was only one door 9 facing that. And that's coming off the comfort ring that 10 leads into the memorial garden that's fenced in. And also 11 has all the windows from exam rooms, the cat ward 12 (indiscernible) et cetera. 13 CASEY L. CIRNER: Okay. And then next I'm going to ask 14 you to walk through the floor plans. So the first floor plan 15 and the second floor plan. The first floor plan is Exhibit 16 27. 17 JOHN STOUFFER: Okay. The first floor plan, I believe 18 Dr. Greta mentioned a good chunk of the floor plan here. How 19 much more detail do you want me to get into? 20 CASEY L. CIRNER: Yeah, she did cover a lot of it. 21 JOHN STOUFFER: She did a great job. A couple of 22 things is the mechanical room we put in the back there just 23 to (indiscernible). 24 LYNN A. ROBESON: Where is north on that plan? 25 JOHN STOUFFER: Well --</p>	<p style="text-align: right;">139</p> <p>1 LYNN A. ROBESON: Okay. So it's kind of upside down, 2 but I get it. 3 JOHN STOUFFER: Yeah. 4 LYNN A. ROBESON: Can you do me a favor and flip that 5 board? 6 JOHN STOUFFER: Sure. Like this? 7 LYNN A. ROBESON: Yes. 8 JOHN STOUFFER: Okay. 9 LYNN A. ROBESON: That's helpful. Thank you. 10 JOHN STOUFFER: Sure. Not a problem. I can do the same 11 over here if you want. 12 LYNN A. ROBESON: Perfect. 13 JOHN STOUFFER: All right. 14 CASEY L. CIRNER: Okay. And so -- 15 JOHN STOUFFER: So we -- 16 CASEY L. CIRNER: Where is the reception area? 17 JOHN STOUFFER: The reception area is right here up -- 18 CASEY L. CIRNER: Okay. 19 JOHN STOUFFER: Sorry. Towards the west end of the 20 building. You come in from the vestibule. We have a waiting 21 area and then the reception is right behind there. Then you 22 have the public corridor, which we like to call it, that 23 leads into the exam rooms. And the behind the exam rooms at 24 the back of house area, which is the treatment and procedure 25 area and your dental, x-ray, et cetera.</p> <p style="text-align: right;">140</p> <p>1 CASEY L. CIRNER: Okay. And the style design of the 2 interior and the reception area, how would you characterize 3 that? 4 JOHN STOUFFER: As an office building setting. I'm not 5 sure. 6 CASEY L. CIRNER: Okay. And will have any residential 7 components in the reception area? 8 JOHN STOUFFER: There will be seating in there. I 9 believe Dr. Greta was to have some residential soft 10 furniture kind of like a sofa in there, just so that people 11 will feel welcome at home rather than the typical office 12 chairs in a waiting area. 13 CASEY L. CIRNER: Okay. And let's see; can you walk us 14 through the second floor plan? 15 JOHN STOUFFER: Yeah, sure thing. There is a set of 16 stairs that's right next to the practice management -- 17 manager/exam room. And then you will take the stairs up. And 18 this is for her break area and office area and for, also, 19 some mechanical space as well. The space will be built out 20 at a later date by Dr. Greta and her husband, I believe. So 21 the whole upstairs will be just laid over drywall, but not 22 finished. 23 CASEY L. CIRNER: Okay. And what's the approximate 24 square footage of the second floor? 25 JOHN STOUFFER: I believe it was about 800 square</p>
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Transcript of Administrative Hearing
Conducted on August 14, 2018

36 (141 to 144)

141

1 feet.
2 CASEY L. CIRNER: Okay. And, let's see; are you
3 familiar with the standards and requirements for a
4 conditional use in (indiscernible)? And there is a specific
5 requirement that talks about combining a conditional use
6 facility so that it's compatible with the character of a
7 residential neighborhood. But that only applies to
8 residential detached zones. You testified earlier we were in
9 an AR zone, correct?
10 JOHN STOUFFER: Correct.
11 CASEY L. CIRNER: Okay. So although the architectural
12 compatibility requirement doesn't technically apply, I know
13 Parking and Planning evaluated the application under the
14 standard. And what's your opinion? Do -- does the facility
15 comply with the standard? Is it residential in character to
16 the point where it would be compatible with the surrounding
17 neighborhood?
18 JOHN STOUFFER: Yes, I believe so. Even the
19 construction type itself is exactly like residential
20 housing, wood construction (indiscernible).
21 LYNN A. ROBESON: Can you be more -- what --
22 JOHN STOUFFER: Sorry.
23 LYNN A. ROBESON: What characteristics make it
24 compatible?
25 JOHN STOUFFER: The scale, the size of the building,

142

1 and the type of construction (indiscernible).
2 LYNN A. ROBESON: What do you mean the type of
3 construction?
4 JOHN STOUFFER: Well, as masonry, like cement block
5 walls versus wood studs and steel studs. It's all varying
6 types of construction.
7 LYNN A. ROBESON: Materials you mean?
8 JOHN STOUFFER: Material wise. We focus on the inside
9 of the building and the outside of the building. Just --
10 LYNN A. ROBESON: What about articulation?
11 JOHN STOUFFER: What do you mean?
12 LYNN A. ROBESON: Well, go ahead. Keep going.
13 CASEY L. CIRNER: Is it -- with regards to its
14 setting, does it fit in seamlessly with its setting the way
15 it's designed?
16 JOHN STOUFFER: Yes.
17 CASEY L. CIRNER: And what is the proposed height of
18 the building?
19 JOHN STOUFFER: Twenty-six feet.
20 CASEY L. CIRNER: Is that comparable with some of the
21 detached houses in the neighborhood?
22 JOHN STOUFFER: Yes, I believe so.
23 CASEY L. CIRNER: Okay.
24 LYNN A. ROBESON: Do you know if they are within the
25 defined neighborhood?

143

1 JOHN STOUFFER: I did not have a chance to drive down
2 there, but I have looked on the internet, obviously. And
3 this building is within a comparable height of the
4 (indiscernible).
5 LYNN A. ROBESON: Height-wise?
6 JOHN STOUFFER: Height-wise, yes.
7 LYNN A. ROBESON: Okay.
8 JOHN STOUFFER: Twenty-six for a residential house is
9 very typical for two stories. And even three stories it's
10 higher than that.
11 CASEY L. CIRNER: And in this specific zone, a
12 residential house could be constructed up to 50 feet,
13 correct?
14 JOHN STOUFFER: Correct.
15 CASEY L. CIRNER: Okay. And tell us a little bit about
16 its scale and massing compared the front of the building
17 compared to the side elevations.
18 JOHN STOUFFER: The front elevation is what stands
19 out. You want to bring your clientele to the building and
20 then to understand where to go into. So the front stands out
21 with the covered porch and your two dormers to let extra
22 light in. And then that really accentuates the front. The
23 side elevations are blocked off by the vegetation and the
24 retaining wall in the back that comes around as well. You
25 really don't want to spend the money and later on pinpoint

144

1 those elevations to stand out. So we tried to focus the main
2 front elevation to stand out, but not stand up too much to
3 distract from the residential type feeling. Hence the
4 dormers and the covered porch and the (indiscernible).
5 LYNN A. ROBESON: That was the articulation I was
6 talking about. Go ahead.
7 JOHN STOUFFER: Thank you. Sorry.
8 CASEY L. CIRNER: Let's see; so in your opinion, with
9 the design of this facility go harmonious with the character
10 of the existing neighborhood?
11 JOHN STOUFFER: Oh, yes, definitely.
12 CASEY L. CIRNER: Okay. Now let's shift to sound
13 level.
14 JOHN STOUFFER: Sure.
15 CASEY L. CIRNER: What can you tell us about your
16 experience related to sound levels at the animal hospitals?
17 JOHN STOUFFER: Animal hospitals, we try to design
18 those to mitigate all type of noises coming from dogs or
19 mechanical systems et cetera in there. So we try to
20 emphasize specific wall types that have high STC rating so
21 a sound transmission class. The higher the wall rating the
22 more likely it's going to reduce the noise level from the
23 inside coming out. Same thing with ceilings and floors as
24 well. So that's a noise reduction coefficient. Our typical
25 ceilings we specify has .75, which is it will reduce 75

Transcript of Administrative Hearing
Conducted on August 14, 2018

37 (145 to 148)

145

147

1 percent of noise going in.
2 MS. CIRNER: Okay. And are you familiar with the
3 Montgomery County noise ordinance?
4 JOHN STOUFFER: Yes.
5 MS. CIRNER: And have you identified whether this is a
6 residential or nonresidential noise area?
7 JOHN STOUFFER: It is a residential noise area.
8 MS. CIRNER: And are you familiar what the decibel
9 level requirements are for a residential noise area?
10 JOHN STOUFFER: Yes.
11 MS. CIRNER: Okay. And so that applicable noise level
12 for a residential noise area is 65 decibels during the day.
13 JOHN STOUFFER: Mm-hm.
14 MS. CIRNER: And 55 decibels during the nighttime.
15 JOHN STOUFFER: Correct.
16 MS. CIRNER: As well as the weekend.
17 JOHN STOUFFER: Mm-hm.
18 MS. CIRNER: So what sounds are typically inherent to
19 the proposed facility?
20 JOHN STOUFFER: A couple of main concerns with a
21 veterinarian hospital is that we design and adhere to is
22 one, on the mechanical system, and two, loud noises from dog
23 barks.
24 MS. CIRNER: Okay. And what's the general decibel level
25 generated by a dog bark?

146

1 JOHN STOUFFER: A dog barking averaging would be 75 to
2 85, up to I think as high as a 100 decibels.
3 MS. CIRNER: Now this particular application, the
4 applicant is not proposing for any dogs to go outside after
5 9:00 p.m., correct?
6 JOHN STOUFFER: Right.
7 MS. CIRNER: So we're just looking at sound levels
8 between 7:30 a.m. to 7:00 p.m. during the week and 7:30 a.m.
9 and 1:00 p.m. on Saturdays with respect to decibels levels
10 outside of (indiscernible).
11 JOHN STOUFFER: Correct.
12 MS. CIRNER: Okay. So let's switch back to the floor
13 plan, and maybe you can use -- or if you can use this floor
14 plan. Describe where you used the materials to mitigate the
15 --
16 LYNN A. ROBESON: Thank you.
17 CASEY L. CIRNER: I'm sorry. To mitigate the sound.
18 JOHN STOUFFER: So the majority of our walls inside
19 are between -- they have 6 inch wood studs, they have 5/8
20 chip board on both sides and also 3½ inch (indiscernible),
21 the actual wood studs with 5/8 chip board both sides. So
22 with that type, those sound transmission classes for those
23 walls range from 45 to 55. The high impact areas where the
24 dogs are most likely going to bark is in the dog board and
25 the isolation area. And on those exterior walls, we are

1 enhancing the wall type to be a 1-3/8 inch drywall which --
2 with that specific wall type that I (indiscernible) is that
3 an exhibit?
4 CASEY L. CIRNER: Yes. So John is referring to his
5 noise statement which is Exhibit 22 of the record.
6 JOHN STOUFFER: Okay. So those specific walls on the
7 exterior of the isolation room and the exterior of the dog
8 ward area has an STC value of 64.
9 CASEY L. CIRNER: Okay. And so what does that result
10 for a decibel level on the exterior of the building?
11 JOHN STOUFFER: So if you have a dog barking at 65
12 inside and a STC value of 64 it will be 1.
13 CASEY L. CIRNER: Okay. And -- but you said the typical
14 decibel level of a dog reaches from 75 to about 80.
15 JOHN STOUFFER: Yeah, and I'll 100 if the dogs barking
16 right next to that wall at 100, the decibel outside that
17 wall would be around 36.
18 CASEY L. CIRNER: Okay. And that wall does have a few
19 windows in it, so does that impact the decibel level on the
20 exterior?
21 JOHN STOUFFER: The glass is also highly STC rated as
22 well.
23 CASEY L. CIRNER: Okay. Great.
24 LYNN A. ROBESON: What about the outdoor dogs?
25 JOHN STOUFFER: The outdoor dogs?

148

1 LYNN A. ROBESON: Did you look at that?
2 JOHN STOUFFER: Mm-hm (affirmative). So if you have a
3 dog barking out here -- so when a dog barks outside even at
4 a dog bark at 100 decibels outside, and the closest -- if a
5 dog bark outside, and you're 10 feet away from it at 100
6 decibels the sound would dissipate over distance. So as you
7 increase the distance the decibel level will go down. So if
8 it's at 100 decibels from 10 feet away, and you double that
9 to 20 feet it will reduce 6 decibels which is half the
10 sound. So decibel ratings are logarithmic scales so every
11 time you reduce it by six decibels is half a sound.
12 LYNN A. ROBESON: So if there -- what if there were
13 three dogs?
14 JOHN STOUFFER: Well, if there are three dogs, and you
15 can't add the decibels --
16 LYNN A. ROBESON: Does that -- that was my question.
17 JOHN STOUFFER: Yeah. No, the decibels levels don't
18 add if you have three dogs together.
19 LYNN A. ROBESON: Okay. They're not cumulative?
20 JOHN STOUFFER: It's not cumulative. It's weird
21 logarithmic scales.
22 LYNN A. ROBESON: Okay.
23 JOHN STOUFFER: I can get in the math but I wouldn't
24 put half the people to sleep in here. So --
25 CASEY L. CIRNER: Now with exterior features, are there

Transcript of Administrative Hearing
Conducted on August 14, 2018

38 (149 to 152)

149

1 any characteristics of this type that will mitigate an
2 exterior decibel level generated by dogs?
3 JOHN STOUFFER: Well, the retainer will in general,
4 that may not have -- I think we've -- that's going to be out
5 of stone, and that's seven feet high. That stone itself or
6 masonry, whatever you use for a solid material has a high
7 STC value as well. Depending how high it is, how thick it
8 is, it could be up to 50, to 60, to 70 STC rating. So even
9 if you have a dog out here barking right next to the wall
10 and you're up here you're going to hear it, but it's not
11 going to be as loud and annoying as you think.
12 CASEY L. CIRNER: Okay. And --
13 JOHN STOUFFER: Even with the vegetation, the
14 vegetation blocks a lot of the noise itself.
15 CASEY L. CIRNER: And this whole site is surrounded by
16 vegetation, correct?
17 JOHN STOUFFER: Oh yeah.
18 CASEY L. CIRNER: And did Park and Planning Technical
19 Staff agree with your analysis that you set forth in your
20 statement?
21 JOHN STOUFFER: Yes.
22 CASEY L. CIRNER: Okay. And let's see. Now, are there
23 any elements of the design of the building that may result
24 in adverse effects from noise, odors, dust, illumination,
25 not typically associated with this veterinarian use?

150

1 JOHN STOUFFER: Not really. I don't think so.
2 CASEY L. CIRNER: Okay. Will the proposed use result in
3 an adverse effect from noise that is not inherently
4 associated with the use?
5 JOHN STOUFFER: No.
6 CASEY L. CIRNER: And in your opinion, based on your
7 testimony, will the proposed building be compatible with the
8 character of the neighborhood?
9 JOHN STOUFFER: Oh yes.
10 CASEY L. CIRNER: And you discussed some of the
11 residential features. Is that the basis for your answer?
12 JOHN STOUFFER: Yes.
13 CASEY L. CIRNER: And will the proposed building be
14 harmonious with, and will not alter the character of the
15 surrounding neighborhood?
16 JOHN STOUFFER: Yes.
17 CASEY L. CIRNER: And in your opinion, will the
18 proposed structure be well related to the surrounding area
19 in siting and scale, bulk, height, materials and textures?
20 JOHN STOUFFER: Yes.
21 CASEY L. CIRNER: And will the sound levels from the
22 facility comply with the Montgomery County noise ordinance?
23 JOHN STOUFFER: Yes.
24 CASEY L. CIRNER: Okay. Do you have anything else you
25 would like to share?

151

1 JOHN STOUFFER: I do not.
2 CASEY L. CIRNER: Okay.
3 LYNN A. ROBESON: Okay. Thank you. Do we have any
4 questions for Mr. Stouffer? Seeing none, you may call your
5 next witness.
6 CASEY L. CIRNER: Okay. Mr. O'Bryan. Okay. Mr. O'Bryan
7 can you please state your name, occupation, and business
8 address for the record?
9 DAVID O'BRYAN: Yeah, my name is David O'Bryan, I'm a
10 professional civil engineer. My address is 1751 Elton Road,
11 Suite 300, Silver Spring, Maryland 20903.
12 CASEY L. CIRNER: And your professional license number
13 is 14752?
14 THE WITNESS: In Maryland, correct.
15 CASEY L. CIRNER: Okay. And have you previously been
16 designated as an expert and testified as one in front of the
17 hearing examiner?
18 DAVID O'BRYAN: Yes, several times.
19 CASEY L. CIRNER: Okay. So Mr. O'Bryan's resume is in
20 the record as Exhibit 11, and I would like to move that he
21 be admitted as an expert in civil engineering.
22 LYNN A. ROBESON: Okay, he's admitted.
23 CASEY L. CIRNER: Thank you. Are you familiar with the
24 subject property?
25 DAVID O'BRYAN: Yes, I am

152

1 CASEY L. CIRNER: And have you conducted a site visit
2 of the subject property?
3 DAVID O'BRYAN: Yes, I have.
4 CASEY L. CIRNER: Okay. Are you familiar with the
5 general, specific requirements for conditional uses?
6 DAVID O'BRYAN: Yes, I am
7 CASEY L. CIRNER: And I'm going to --
8 (Crosstalk)
9 CASEY L. CIRNER: All right. And I'm going to turn
10 your attention to the --
11 LYNN A. ROBESON: Okay. Can you do me a favor again?
12 Can you point the north arrow up? Thank you, very much.
13 CASEY L. CIRNER: And this is the storm water
14 management concept plan. And that has been identified in the
15 record, filed in the record as Exhibit 28. And are you
16 familiar with the state and county storm water management
17 requirements?
18 DAVID O'BRYAN: Yes, I am
19 CASEY L. CIRNER: Did you prepare this storm water
20 management plan?
21 DAVID O'BRYAN: It was prepared under my supervision.
22 CASEY L. CIRNER: And can you briefly describe the
23 storm water management concept facilities proposed?
24 DAVID O'BRYAN: Sure. We are -- in the state of
25 Maryland has several different types of environmental site

Transcript of Administrative Hearing
Conducted on August 14, 2018

39 (153 to 156)

153

1 design that they wanted to use for storm water management
2 under their new criteria. Specifically we're using micro-bio
3 retention areas here and here and we're going to treat the
4 runoff to meet the standards for the state of Maryland. We
5 have received approval of that concept from the Department
6 of Permitting Services.
7 CASEY L. CIRNER: And that is not in the record. So I
8 would like to ask that it be marked as Exhibit 66.
9 LYNN A. ROBESON: Okay. Do you want to give a copy
10 to --
11 CASEY L. CIRNER: I do have extra copies, hopefully.
12 Yeah. There you go.
13 MALE VOICE: Thank you.
14 CASEY L. CIRNER: You're welcome.
15 LYNN A. ROBESON: Okay. So this would be 66. And you
16 call this, what? The storm water management concept plan
17 approval?
18 DAVID O'BRYAN: Approval letter, yes.
19 CASEY L. CIRNER: And, let's see; so are you familiar
20 with -- and so you described the environmental site design
21 already, and that the concept has been approved. Are there
22 any other details with the storm water management concept
23 plan you would like to share?
24 DAVID O'BRYAN: I think the only detail I would say,
25 is that we are taking the drainage from the pavement area

154

1 into swales outside of the -- into the pavement and the bio
2 retention. We are picking up any drainage along the side
3 that comes from the upslope area, not impervious. We are
4 putting them into a small pipe system and draining it down
5 to the bottom of the driveway where it can enter the
6 existing swale on Prescott Road and go under the existing
7 culvert there.
8 CASEY L. CIRNER: Okay. And where does the culvert
9 lead?
10 DAVID O'BRYAN: The covert exits right on the other
11 side of Prescott Road and goes to the field into an existing
12 pond on the Little Bennett golf course.
13 CASEY L. CIRNER: Okay. Great. Thank you. And I'm
14 going to turn your attention to the conditional use plan.
15 LYNN A. ROBESON: I thought that -- oh, that's the
16 storm water concept plan?
17 DAVID O'BRYAN: Mm-hm (affirmative).
18 CASEY L. CIRNER: Correct. Yeah, it's almost
19 identical.
20 LYNN A. ROBESON: Did you -- is that -- that's already
21 in the record. This is the approval that you didn't have in
22 the record.
23 CASEY L. CIRNER: Correct.
24 LYNN A. ROBESON: Okay.
25 CASEY L. CIRNER: (Indiscernible) listed it with the

155

1 initial application (indiscernible).
2 LYNN A. ROBESON: Okay. That's fine.
3 CASEY L. CIRNER: The -- oh, is that right?
4 LYNN A. ROBESON: Close enough.
5 DAVID O'BRYAN: Close.
6 CASEY L. CIRNER: Close? (Indiscernible).
7 DAVID O'BRYAN: Now, it's --
8 CASEY L. CIRNER: The only one I don't --
9 (Crosstalk)
10 DAVID O'BRYAN: How's that?
11 CASEY L. CIRNER: Okay. Perfect. All right. What can
12 you tell us about the utility services for the proposed use
13 facility?
14 DAVID O'BRYAN: Well, we -- there is existing
15 utilities on Lewisdale and Prescott Road for electric and
16 telephone, your typical overhead utilities that would be
17 able to be brought into the site. We are using a well and
18 septic system, so we don't have any water and sewer that we
19 need to bring into the site.
20 CASEY L. CIRNER: Okay. And adequate public
21 facilities; in your opinion, will the proposed facility be
22 served by adequate public facilities?
23 DAVID O'BRYAN: Yes, well.
24 CASEY L. CIRNER: And can you give me a little bit
25 more detail about police, fire, and rescue?

156

1 DAVID O'BRYAN: Yes, I can, but I didn't bring my
2 notes, so if you could --
3 LYNN A. ROBESON: It's in the staff report.
4 DAVID O'BRYAN: Now, the Staff (indiscernible).
5 LYNN A. ROBESON: Is that what you would testify to?
6 DAVID O'BRYAN: Yes, that is correct.
7 LYNN A. ROBESON: Okay.
8 DAVID O'BRYAN: Because that report was accurate.
9 LYNN A. ROBESON: Okay, that's fine.
10 CASEY L. CIRNER: And then one follow-up question.
11 Montgomery County Fire and Rescue; you designed the site for
12 fire truck turn around.
13 DAVID O'BRYAN: Correct.
14 CASEY L. CIRNER: Could you use the conditional use
15 plan and describe to us what that would look like?
16 DAVID O'BRYAN: Sure. So NCFRS requires a 20 foot wide
17 access way into your project and into the sites. It's 20
18 feet wide. They have a condition where they could be
19 basically a three-point turn and we meet the widths and the
20 distances for their fire equipment to pull up, the backup,
21 and exit the site.
22 LYNN A. ROBESON: Okay.
23 CASEY L. CIRNER: (Indiscernible).
24 LYNN A. ROBESON: And that would apply -- that would
25 be sufficient for most delivery trucks.

Transcript of Administrative Hearing
Conducted on August 14, 2018

40 (157 to 160)

<p>157</p> <p>1 DAVID O'BRYAN: More than sufficient. 2 LYNN A. ROBESON: Yeah. 3 DAVID O'BRYAN: You're talking about a full-size 4 firetruck versus a UPS truck, yes ma'am. 5 LYNN A. ROBESON: Right. I'm just putting it on the 6 record. 7 DAVID O'BRYAN: Yes (indiscernible). 8 CASEY L. CIRNER: Thank you. That's exactly what I was 9 going to -- 10 DAVID O'BRYAN: Same thing for garbage truck or any 11 kind of vehicle like that as well. 12 LYNN A. ROBESON: Yeah. 13 CASEY L. CIRNER: Okay. So in your opinion, the site 14 will comply with the same color requirements for storm water 15 management concept? 16 DAVID O'BRYAN: Yes. 17 CASEY L. CIRNER: And the storm water management in 18 general. 19 DAVID O'BRYAN: Correct. 20 CASEY L. CIRNER: Okay. Do you have anything else that 21 you would like to add? 22 DAVID O'BRYAN: No. 23 CASEY L. CIRNER: All right. 24 LYNN A. ROBESON: All right. Wait just a second. Are 25 there questions? Okay. See none, you can be excused.</p> <p>158</p> <p>1 DAVID O'BRYAN: Thank you. 2 LYNN A. ROBESON: Last witness. 3 CASEY L. CIRNER: Mr. Brian Biddle. 4 LYNN A. ROBESON: Please raise your right hand. Do you 5 solemnly affirm under penalties of perjury that the 6 statements you are about to make are the truth, the whole 7 truth and nothing but the truth? 8 BRIAN A. BIDDLE: I do. 9 CASEY L. CIRNER: And BRIAN A. BIDDLE: is our 10 supplemental witness and so his CV is not in the record so I 11 would like to mark his CV as exhibit -- 12 LYNN A. ROBESON: 68 is it, 67. 13 CASEY L. CIRNER: So Mr. Biddle, can you please state 14 your name, occupation, and address for the record? 15 BRIAN A. BIDDLE: Yes, I can. My name is Brian Biddle. 16 I am a professional civil engineer focusing on 17 transportation and traffic engineering. And my business 18 address is 645 Baltimore Annapolis Boulevard, Suite 214, 19 Silver Park, Maryland 21146. 20 CASEY L. CIRNER: And have you previously testified 21 before the Hearing Examiner as an expert witness in 22 Montgomery County? 23 BRIAN A. BIDDLE: Not in Montgomery county. 24 CASEY L. CIRNER: Okay. (indiscernible). We'll voir 25 dire this witness. So how long have you been practicing as a</p>	<p>159</p> <p>1 practicing traffic engineer? 2 BRIAN A. BIDDLE: Over 24 years. 3 LYNN A. ROBESON: Have you done it anywhere in 4 Maryland? Have you testified anywhere in Maryland as a -- 5 BRIAN A. BIDDLE: Last night I testified in St. Mary's 6 County. 7 LYNN A. ROBESON: Okay. 8 BRIAN A. BIDDLE: It's a little different. 9 LYNN A. ROBESON: No, it isn't. 10 BRIAN A. BIDDLE: Just a little bit. 11 LYNN A. ROBESON: Rather than voir dire, does anyone 12 have an objection to -- are you qualifying him as a 13 transportation planner? Or a traffic engineer? 14 CASEY L. CIRNER: Both. A planner and engineer. 15 LYNN A. ROBESON: Okay. How were you qualified in St. 16 Mary's County? Do you recall? 17 BRIAN A. BIDDLE: Well, on the last one in Carroll 18 County they did the resume and they did the basic same kind 19 of questions. 20 LYNN A. ROBESON: I'm going to qualify him as a 21 transportation engineer. 22 CASEY L. CIRNER: Okay. 23 LYNN A. ROBESON: All right. Go ahead. 24 CASEY L. CIRNER: Are you familiar with the subject 25 property and the surrounding road network?</p> <p>160</p> <p>1 BRIAN A. BIDDLE: I am. 2 CASEY L. CIRNER: I am going to use the aerial photo. 3 I'll put that up for you, Exhibit 16. 4 LYNN A. ROBESON: Which has North going north. 5 BRIAN A. BIDDLE: Yes it does. 6 CASEY L. CIRNER: (indiscernible) okay. Did you review 7 the traffic statement that was prepared by your office? 8 BRIAN A. BIDDLE: Yes, I did. 9 CASEY L. CIRNER: And was your traffic statement 10 reviewed and accepted by Park and Planning? 11 BRIAN A. BIDDLE: It was. 12 LYNN A. ROBESON: What exhibit is the traffic 13 statement? 14 CASEY L. CIRNER: It is Exhibit 6. 15 LYNN A. ROBESON: Thank you. Go ahead. 16 CASEY L. CIRNER: Okay. And have -- and you've 17 reviewed that traffic statement? 18 BRIAN A. BIDDLE: I have. 19 CASEY L. CIRNER: And how does a traffic statement 20 differ from a traffic study? 21 BRIAN A. BIDDLE: Generally, within Montgomery County 22 it's like a flow chart (indiscernible) type of use and the 23 trips associated. You either go into a traffic statement 24 which just documents what the use is and what the trip 25 generation is by low to peak hours. It is adjusted per the</p>
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Transcript of Administrative Hearing
Conducted on August 14, 2018

41 (161 to 164)

161
1 policy area for various parameters to the trip generation. I
2 know you're going to ask some of these details later but --
3 versus a full study because if it triggered more trips than
4 50 per hour being you would have a full study which would
5 evaluate a much -- you would actually have a study area that
6 would be defined with Staff. You would collect traffic data
7 to look at the existing condition. You work with Staff to
8 identify any improved pipeline developments that would be
9 considered as part of a background case which is a planning
10 year horizon of the site's use for everything else that's in
11 the pipeline. What's that traffic condition to establish the
12 thresholds. The thresholds are a level of service and it's a
13 qualitative measure of traffic operations at intersections.
14 And then the last case, the full study will look at is the
15 total case which is the site plus everything else in the
16 pipeline. Then you would look at all of the intersections
17 and see what the level of service is, what the traffic
18 operations are, as it grows over time. And then if you had
19 any mitigation requirements. So the study is much more in
20 depth. In most cases you would have other agency reviews,
21 most likely the state highway in this case, since we're
22 obviously Maryland. If you had any intersections within the
23 -- maintained by the State you would evaluate.
24 CASEY L. CIRNER: But we -- the proposed project
25 qualifies only for a traffic statement, correct?

162
1 BRIAN A. BIDDLE: And it's only a statement.
2 CASEY L. CIRNER: Okay. And using the aerial
3 photograph can you describe the surrounding road network?
4 BRIAN A. BIDDLE: So Lewisdale is -- we've got our
5 north (indiscernible) and East West Road. This is a primary
6 residential street, I believe it's in the Staff report. And
7 Prescott Road, we've heard a few times today is kind of
8 south laying of the intersection. This is a stop control on
9 Prescott. Both roadways are two lanes.
10 CASEY L. CIRNER: Okay. Are you familiar with the 1985
11 (indiscernible) Master Plan Transportation Recommendations
12 as they relate to the subject property?
13 BRIAN A. BIDDLE: I have and they're -- you know
14 there's no specific recommendations for transportation
15 improvements other than maintaining the rural character of
16 the north county.
17 CASEY L. CIRNER: Okay. And has the full right-of-way
18 width been dedicated adjacent to the subject property?
19 BRIAN A. BIDDLE: According to Staff, it has.
20 CASEY L. CIRNER: Okay.
21 BRIAN A. BIDDLE: Per the last (indiscernible).
22 CASEY L. CIRNER: And are you familiar with
23 subdivision staging policy in effect at this time?
24 BRIAN A. BIDDLE: I am.
25 CASEY L. CIRNER: And within which policy area is the

163
1 subject property located?
2 BRIAN A. BIDDLE: It's the rural east.
3 CASEY L. CIRNER: And what does that mean?
4 BRIAN A. BIDDLE: Basically, as I said before the flow
5 chart as you kind of get into the level of traffic analysis;
6 with the rural east, you know, that provides a number of
7 parameters to consider for trip generation changes for that
8 area. Trip generation is based on national standards by the
9 Institute of the Transportation Engineers. They define
10 hundreds of uses so you basically find the use of what the
11 proposed facility is and that establishes the trip
12 generation. The east policy area will establish thresholds
13 to adjust that. In this case it does not. It just maintains
14 the IT, that's the short for Institute of Transportation,
15 the generic acronym. It does not adjust that within the
16 rural east. It also has the derivation of taking vehicular
17 trips and then assigning it to personal trips, which is the
18 new policies to establish whether you have a statement or
19 not.
20 CASEY L. CIRNER: Okay. And what were the trip
21 generation rates associated with the proposed use?
22 BRIAN A. BIDDLE: Trip generation rates come from
23 It's, from Volume 9. They're based on gross square footage
24 and (indiscernible) trips and this is all in the traffic
25 statement. It's basically 4 trips, 4.08 trips per thousand

164
1 square feet, and the evening is 4.72 trips. And then evening
2 is -- you know, the highest trips occurring between the
3 three hour window of the morning rush and the evening rush.
4 CASEY L. CIRNER: Okay. And so you're familiar with
5 the operational characteristic of the proposed facility?
6 BRIAN A. BIDDLE: Mm-hm.
7 CASEY L. CIRNER: And now (indiscernible) questions
8 (indiscernible) and so based on the trips generated by the
9 veterinarian office, will the use be subject to the local
10 area transportation review?
11 BRIAN A. BIDDLE: It would be exempt from a full LATR
12 study, given it's less than 50 of those morning and
13 afternoon.
14 CASEY L. CIRNER: Okay. And have you reviewed the
15 sight distance study prepared by Charles B. Johnson?
16 BRIAN A. BIDDLE: I did. And as part of the field
17 review I kind of eye-balled it myself. There's ample sight
18 distance.
19 CASEY L. CIRNER: Okay. And in your opinion there's
20 ample sight distance for the subject property?
21 BRIAN A. BIDDLE: Mm-hm.
22 CASEY L. CIRNER: Okay. In your expert opinion, and
23 based on your testimony will the proposed use generate any
24 traffic safety concerns?
25 BRIAN A. BIDDLE: No.

Transcript of Administrative Hearing
Conducted on August 14, 2018

42 (165 to 168)

165
1 CASEY L. CIRNER: And will the proposed use result in
2 any non-inherent adverse effects from traffic?
3 BRIAN A. BIDDLE: No.
4 CASEY L. CIRNER: And will the public road network be
5 adequate enough to serve the proposed use?
6 BRIAN A. BIDDLE: I believe so.
7 CASEY L. CIRNER: And will there be additional trips
8 generated by the proposed use?
9 BRIAN A. BIDDLE: The proposed use has 17 total trips
10 in the morning that's in of 12, and 5 that come out. And
11 then in the evening it's 19 vehicular trips; 7 that go in
12 and 12 that come out.
13 CASEY L. CIRNER: Okay.
14 LYNN A. ROBESON: Who's coming out?
15 BRIAN A. BIDDLE: In the afternoon?
16 LYNN A. ROBESON: No, in the morning.
17 BRIAN A. BIDDLE: It could be people that come in --
18 LYNN A. ROBESON: Drop off?
19 BRIAN A. BIDDLE: -- and do drop off. Yeah.
20 CASEY L. CIRNER: Is there anything else you would
21 like to add?
22 BRIAN A. BIDDLE: No.
23 CASEY L. CIRNER: Okay.
24 LYNN A. ROBESON: Okay. Any questions? Yes, ma'am,
25 come on up to the table. Just so the recorder can hear you.

166
1 KAREN DESILVA: Karen deSilva. I'm just confused about
2 morning and evening. Is there like, in between?
3 BRIAN A. BIDDLE: There is, and it basically the way
4 the County and all the agencies in the State of Maryland,
5 including State Highway, they evaluate these type of
6 applications during the morning peak hour and then the
7 afternoon peak hour. And if there's some unique aspect of
8 the use they may require an additional peak, but generally
9 it's a.m. and p.m. peak hours, and no other times.
10 KAREN DESILVA: But that's not to say that there's not
11 traffic on the (indiscernible).
12 BRIAN A. BIDDLE: Correct. Correct.
13 LYNN A. ROBESON: Anything else?
14 KAREN DESILVA: Not yet, thank you.
15 LYNN A. ROBESON: Okay. Any redirect?
16 CASEY L. CIRNER: No, I don't think so. No ma'am.
17 LYNN A. ROBESON: Okay. You may be excused. Okay. Is
18 that it for your team?
19 CASEY L. CIRNER: I believe so, yes.
20 LYNN A. ROBESON: I just have one quick question for
21 Mr. Stouffer. And maybe I took this down wrong; and there
22 square footage is that the building is 4000 and change, but
23 when I took down your testimony it said 3250. Did I get that
24 wrong?
25 JOHN STOUFFER: No, that's correct. The building

167
1 footprint itself is 3250; the total with the first and the
2 half story above (indiscernible)
3 LYNN A. ROBESON: Oh, it's the second story. Okay.
4 JOHN STOUFFER: The site includes that.
5 LYNN A. ROBESON: Okay. I just wanted to make sure I
6 got that and understood that. Thank you.
7 JOHN STOUFFER: You're welcome.
8 LYNN A. ROBESON: Any questions, based on my question?
9 Okay. Now, it's -- and thank you for being so patient. It's
10 time for opposition testimony. If you would come up, that
11 would be great.
12 CASEY L. CIRNER: You want me to sit back in the --
13 LYNN A. ROBESON: No. Is there a microphone? Does he
14 have a mic up there? Or -- oh, it's this thing? Okay. When I
15 said thing, for the record, I mean a little -- I guess it's
16 a recorder.
17 LOUIS SOUSA: Shall I begin?
18 LYNN A. ROBESON: First, please raise your right hand.
19 Do you solemnly affirm under penalties of perjury that the
20 statements you're about to make are the truth, the whole
21 truth and nothing but the truth?
22 LOUIS SOUSA: Yes, I do.
23 LYNN A. ROBESON: Okay. Go ahead. You already gave
24 your address.
25 LOUIS SOUSA: Yes.

168
1 LYNN A. ROBESON: Yes, okay.
2 LOUIS SOUSA: My name is Lou Sousa, and my wife Sharon
3 and I own, and have resided at our residence at 26201
4 Prescott Road in Clarksburg, for almost 17 years. Our home
5 is the property immediately adjacent to the south of the
6 proposed Clarksburg Animal Hospital, the subject of this
7 hearing. In her letter to neighbors of the plan Clarksburg
8 Animal Hospital, which she sent out, I believe it was around
9 May, on Prescott Road. The petitioner, Dr. Greta Stanbury
10 said that, and I quote, "The County wants to be sure the
11 hospital won't disrupt the peaceful enjoyment of the area."
12 My statement will summarize how I believe the facility could
13 impact and disrupt the fragile beauty, quiet, and peaceful
14 enjoyment of the neighborhood in which it would be built.
15 But before I begin to address why we oppose the animal
16 hospital petition, I would like to point out that my wife
17 and I are both retired with no plans to move, so we admit
18 that there is a good chance that we will be Dr. Stamberg's
19 next-door neighbor's for several years. And as we have
20 always done in the past at our previous residences, which
21 have all been in Montgomery County, want to maintain good
22 relationships with any future neighbors. That's our point of
23 view. So it is from that viewpoint that I want to speak
24 positively of Dr. Stamberg, the animal hospital petitioner.
25 First, we appreciate the fact that she seems to be at least

Transcript of Administrative Hearing
Conducted on August 14, 2018

43 (169 to 172)

169
1 somewhat sensitive to neighborhood points of view about
2 locating her new commercial facility near them. For example,
3 she has chosen a residential like design for the exterior of
4 her planned facility so that it might better conform
5 architecturally to the surrounding neighborhood, which we've
6 heard abundantly today. Thank you. I also respect the fact
7 that she is a risk-taker, a jobs provider, and a successful
8 businesswoman who undertook and overcame the challenge of
9 converting and repurposing an obsolete postal office into a
10 successful private veterinary practice. She is also,
11 apparently, a highly competent professional veterinarian, as
12 several of her supporters spoke of entrusting the welfare of
13 their beloved pets to her in letters to the Planning Board.
14 We have a lot of respect for her. We also appreciate that
15 she has done an admirable job of reaching out to the
16 neighborhood to keep us informed about her plans as they
17 have moved forward over the last few months. This included
18 in hosting a community meeting at her existing animal
19 hospital on Maryland 355 to brief those of us concerned
20 about her plans for the facility. At the meeting she seemed
21 sincere in her intent to try to minimize her facilities
22 impact on the neighborhood. And I seem to recall her
23 repeating phrases such as trust me, or I would never do
24 that, more than once. However, while I believe that she was
25 sincere I also know that things change in our dynamic

170
1 economy, having been a professional economist, and to
2 continue to thrive, let alone survive, business owners often
3 have to resort to activities that they hadn't originally
4 intended. And what may begin as good intentions can often be
5 undone by unforeseen circumstances, which for Dr. Stamberg's
6 animal hospital could mean more actively seeking patients,
7 leading to yet further and more pronounced infringements on
8 the peace, quiet, and tranquility of the neighborhood. And
9 this now leads me to the -- to transition to the, I take
10 exception, part of my testimony. So I've said a lot of very
11 respectable things for Dr. Stamberg, but now I'm going to
12 get into what we don't like about this proposal. Well,
13 while I respect the petitioner, and even admire her moxie
14 and professional success, I strongly object to her decision
15 to build her facility in the proposed location. So there are
16 differences between the person and the decision.
17 LYNN A. ROBESON: I understand.
18 LOUIS SOUSA: Okay. So now, I'm going to give you my
19 personal perspective; where we live and how -- and the
20 neighborhood and so forth and then I want to talk about
21 interviews or -- I met with over 25 people. I'm going to
22 basically summarize what I heard when I talked to them. Then
23 I'll get into the specific objections that we have and areas
24 where we think it can infringe on our community. So let me
25 begin the opposition portion of my testimony by first

171
1 providing my own personal perspective and then summarizing
2 what I heard when I went door to door and spoke to over two
3 dozen neighbors. I will then follow up with some specific
4 concerns about the planned animal hospital. My wife and I
5 were first attracted to our home on road by the privacy and
6 beauty of the location adjacent to Little Bennett Regional
7 Park, and across the road from the 25 acre Prescott Meadow.
8 One of the most scenic and panoramic settings, literally, in
9 Montgomery County. And I'm now going to now pass out
10 something. What I have, I have five -- I think its five
11 pages, so I'm going to address these as I go through my
12 testimony.
13 LYNN A. ROBESON: Okay. Can you tell me what's -- on
14 your way up, can you tell me what this is? What you're
15 handing me?
16 LOUIS SOUSA: Yeah. These are my exhibits, basically.
17 LYNN A. ROBESON: Okay. Are they all photos?
18 LOUIS SOUSA: Yes, they are -- well, I think there's a
19 map or two in here.
20 LYNN A. ROBESON: Okay. What I'm going to do is mark
21 this 68, and then each page I'm going to go A, B, C, D.
22 LOUIS SOUSA: Okay.
23 LYNN A. ROBESON: And that way when we're talking we
24 know at least what page we're on.
25 LOUIS SOUSA: And I'm going to -- I'll call them out

172
1 as I go through them.
2 LYNN A. ROBESON: Okay. Hold on one second.
3 LOUIS SOUSA: Sure.
4 LYNN A. ROBESON: Ms. Cirner, do you have objections?
5 Do you want to hear what they are before you --
6 CASEY L. CIRNER: Yes.
7 LYNN A. ROBESON: Mr. Sousa, would you take us through
8 page by page, and just give a description of what they are
9 and who took -- where you go the photos.
10 LOUIS SOUSA: Okay. Well, I'll -- I'm going to be
11 going through these through my testimony.
12 LYNN A. ROBESON: I know, but this is just part of
13 getting it admitted.
14 LOUIS SOUSA: Okay.
15 LYNN A. ROBESON: To see if they're accurate.
16 LOUIS SOUSA: Okay. All right. Okay. Well this first
17 --
18 LYNN A. ROBESON: 68A, which is the first page.
19 LOUIS SOUSA: Yes. Okay. These are pictures of the
20 meadow immediately across the road from where the hospital
21 would be located. These are pictures that I took.
22 LYNN A. ROBESON: Okay.
23 LOUIS SOUSA: And they're all online.
24 LYNN A. ROBESON: Are these Little Bennett Regional
25 Park?

Transcript of Administrative Hearing
Conducted on August 14, 2018

44 (173 to 176)

173

1 LOUIS SOUSA: Yes, they are.
2 LYNN A. ROBESON: Okay.
3 LOUIS SOUSA: And the one in the upper left-hand
4 corner is the Charles Browning house, which is a historical
5 house, there in the corner. But anyway these are just
6 representative shots of the beautiful meadow across the
7 road.
8 LYNN A. ROBESON: I understand. Okay. and then how
9 about did you take the next picture?
10 LOUIS SOUSA: Yes, I did.
11 LYNN A. ROBESON: Okay.
12 LOUIS SOUSA: And again, this is that same meadow.
13 LYNN A. ROBESON: Yes.
14 LOUIS SOUSA: And it's also online, and basically what
15 this shows is --
16 LYNN A. ROBESON: Okay. Don't get there yet.
17 LOUIS SOUSA: Okay.
18 LYNN A. ROBESON: And how about the next page?
19 LOUIS SOUSA: Okay. The next --
20 LYNN A. ROBESON: Where did you get this graphic?
21 LOUIS SOUSA: Okay. This is from Google maps.
22 LYNN A. ROBESON: Okay.
23 LYNN A. ROBESON: All right. And then let's go to --
24 and the following page?
25 LOUIS SOUSA: This also -- this is Google Earth.

174

1 LYNN A. ROBESON: Google Earth, okay. And the last
2 page, is that from the Staff Report?
3 LOUIS SOUSA: Yes, that's from the -- I thought -- I
4 believe it's the application --
5 LYNN A. ROBESON: Okay --
6 LOUIS SOUSA: -- package.
7 LYNN A. ROBESON: -- with that, Ms. Cimer, do you
8 have any objections?
9 CASEY L. CIRNER: No, I have no objections.
10 LYNN A. ROBESON: Okay.
11 LOUIS SOUSA: Okay.
12 LYNN A. ROBESON: Now, go ahead and tell us what these
13 mean.
14 LOUIS SOUSA: Okay. All right. So as I was saying the
15 animal hospital would be across the road from that 25 acre
16 Prescott Meadow, one of the most seeing the and panoramic
17 settings in Montgomery County. These pictures in Exhibit 1
18 are just representative examples of what is in that meadow.
19 So I want to say this; that my desire to protect and retain
20 the beauty of our surroundings led me to be calm a highly
21 active volunteer in Little Bennett Park. And I led the
22 creation of our volunteer group, the Friends of Little
23 Bennett Park, which at one time had an email list of over 70
24 volunteer members.
25 LYNN A. ROBESON: Now, are these photos -- are they

175

1 just of the park or are these -- can you see the hospital
2 from these locations?
3 LOUIS SOUSA: This is basically what the hospital
4 would be looking out at. Wanted to know.
5 LYNN A. ROBESON: Okay. That's what I wanted to know.
6 Okay.
7 LOUIS SOUSA: These are photos of that meadow in front
8 of the hospital. Okay.
9 LYNN A. ROBESON: Can you -- I'm sorry I interrupted.
10 Go ahead.
11 LOUIS SOUSA: Not a problem. I'm just trying to
12 show -- depict how beautiful is this meadow. Okay. And so
13 the bottom line is I got involved in volunteering with the
14 park. I got very interested in this and I just want to say
15 this; I created a friends group of over 70 members but we
16 are no longer active. However, I still volunteer at Little
17 Bennett Park by mowing the trails in Prescott Meadow,
18 directly across the road from the planned facilities. These
19 trails enable all the residents to walk through and
20 experience the sights, sounds, and scents of birds,
21 butterflies, wild flowers, crickets, fireflies, and pond
22 life amid the simple, elegant beauty of the meadow. So
23 bottom line is it's a very special meadow. I love it, we
24 love the area and -- let me just say one more paragraph. It
25 takes me about an hour to mow the trails once a week for

176

1 about six months a year. So the trails you see in this
2 picture are ones that I mow and I have a mowing permit to do
3 that. I've been doing this for over 10 years so I estimate
4 that I've volunteered over 250 hours maintaining the trails
5 through the meadow over the past decade. This dedication
6 speaks to my appreciation to the natural beauty of the
7 scenic meadow in front of the proposed animal hospital. And
8 it is from that perspective that I am particularly concerned
9 about the potential for the proposed commercial facility to
10 detract from this special natural setting. Okay that's my
11 point of view on -- as far as the natural surroundings is
12 concerned. Now, I'd like to address the neighborhood
13 perspective about the --
14 CASEY L. CIRNER: I'm going to object.
15 LYNN A. ROBESON: Yeah. You can't testify as -- you
16 can testify about your concerns and so to the extent you
17 share those concerns, you can testify from your perspective,
18 but you can't testify what you've heard from other people
19 because they're not here for her to ask questions of.
20 LOUIS SOUSA: Okay. All right.
21 LYNN A. ROBESON: Okay. So --
22 LOUIS SOUSA: Even though I'm under oath?
23 LYNN A. ROBESON: Even though you're under oath you're
24 testifying for somebody else who isn't here to --
25 LOUIS SOUSA: All right.

Transcript of Administrative Hearing
Conducted on August 14, 2018

45 (177 to 180)

177
1 LYNN A. ROBESON: -- if you share the concerns you can
2 say, you know, you share -- these are also your concerns,
3 but you can't say that they're concerned about things.
4 LOUIS SOUSA: Okay. All right. Okay. I don't know
5 where to draw the line on this. But --
6 LYNN A. ROBESON: Well, I guess you would draw the
7 line as to if you agree with a particular concern you can
8 say I have this concern.
9 LOUIS SOUSA: Okay.
10 LYNN A. ROBESON: But to the extent that it's
11 completely somebody else's --
12 LOUIS SOUSA: Okay.
13 LYNN A. ROBESON: -- you can't say that.
14 LOUIS SOUSA: Okay. All right. All right. Well, I
15 certainly have this feeling, and that when I spoke to these
16 people they -- in general they --
17 LYNN A. ROBESON: Well, what do you --
18 LOUIS SOUSA: -- like me, they all moved there because
19 they wanted to get away from -- they were attracted to the
20 beauty of the place and they wanted to get away --
21 LYNN A. ROBESON: Okay --
22 LOUIS SOUSA: -- from commercial facilities.
23 CASEY L. CIRNER: Objection.
24 LYNN A. ROBESON: You've got to say it -- sustained.
25 You've got to say it in terms of what you think.

178
1 LOUIS SOUSA: All right. Okay.
2 LYNN A. ROBESON: Do you need a minute?
3 LOUIS SOUSA: I've never done this before.
4 LYNN A. ROBESON: Yeah, I know.
5 LOUIS SOUSA: So I --
6 LYNN A. ROBESON: And you've been doing a great job.
7 LOUIS SOUSA: And I think some of these concerns are
8 very important.
9 LYNN A. ROBESON: And the concerns -- just -- if you
10 say the concerns, you can't say they think this.
11 LOUIS SOUSA: All right.
12 LYNN A. ROBESON: If you have those concerns yourself
13 you can say I think this. But you can't tell me what they
14 said.
15 LOUIS SOUSA: Okay. All right. All right. Okay. I
16 think that the proposed commercial facility would compromise
17 some of the neighborhood's peace, beauty, and tranquility. I
18 personally think that. I also feel that this -- building
19 this commercial facility would contribute to a loss in
20 property values and make it harder to sell my house. As a
21 specific example, the home immediately south of ours, right
22 next door to the south, one door down from where this
23 hospital would be built, at 26195 Prescott Road is currently
24 for sale. The home, which is very attractive on the inside,
25 as you can see online, and as enclosed within the same

179
1 peaceful, and scenic setting as ours, has been on the market
2 without any contract offers since June 8. While we cannot
3 positively attribute this lack of contract proposals to the
4 animal hospital advertised nearby, uncertainly about het
5 animal hospital could well be a contributing factor limiting
6 potential buyers from making offers. Okay. I'll say this,
7 I'll jump down. Rather than creating synergy with the
8 surrounding neighborhood is a veterinary facility might
9 among farms, what the facility would gain in terms of a
10 peaceful, tranquil setting for its patients would come at a
11 loss in tranquility of the neighbors. So -- okay. So why
12 then and I and one other person here? Why are we the only
13 two people here testifying against this proposed new animal
14 hospital? I think this is because there seems to be a
15 collective sense that the animal hospital is a done deal
16 since one, it is allowed as a so-called conditional use in
17 an ag reserve. And two, the petitioner has hired
18 professionals quite familiar with and practiced in complying
19 with those conditions, and the design parameters needed to
20 achieve those conditions. All right. So now, let me get into
21 the specific concerns we have about the proposed animal
22 hospital.
23 LYNN A. ROBESON: You have.
24 LOUIS SOUSA: I beg your pardon?
25 LYNN A. ROBESON: You have.

180
1 LOUIS SOUSA: Yes. All right. There are several iffy
2 wells in the neighborhood. They -- it's been in its periodic
3 episodes in which their wells run dry. Discharge sand in
4 their tap water or they have to wait several hours for the
5 well to recover. Since the nearby hospital would be on well
6 water I believe this poses a key problem for the
7 neighborhood, especially as more severe weather including
8 droughts is generally expected in the future due to global
9 climate change. In her letter to the community, Dr.
10 Stamberg said that water usage at her current hospital is
11 about 65 to 120 gallons a day. However, the new animal
12 hospital on Prescott would be about double the size of the
13 current facility and her application states that as many as
14 20 employees could be working at the new hospital in the
15 future. She also states that similarly sized vet facilities
16 without grooming use about 200 to 250 gallons a day and then
17 this compares to the normal four-bedroom home water use of
18 300 to 400 gallons a day. All that is in the application.
19 However, if one thinks about it, it would seem that water
20 use patterns at an animal hospital and a residential
21 building are not that dissimilar. It seems reasonable to
22 assume that 20 employees working a eight or nine hour day
23 would use the work toilet about twice a day as well as
24 frequently wash their hands. And, with all the hospital's
25 dirty clothing, towels and such it would seem that its

Transcript of Administrative Hearing
Conducted on August 14, 2018

46 (181 to 184)

181

1 laundry needs for water could exceed that of a four-person
2 family. Also, according to the hospital application, a
3 kitchen is planned on that second floor which suggests a
4 dishwasher would also be present. So compared to the water
5 use patterns of a four-person household the only major uses
6 not planned for the hospital would be bathing and more
7 cooking. This would seem to suggest that since the patterns
8 of water use at the hospital and in a four-bedroom house
9 would not be that different then it would seem that total
10 daily water use, though admittedly lower per user in the
11 hospital than in a four-bedroom home, could be considerably
12 higher in the hospital since there would be five times as
13 many water users. Twenty employees vis-à-vis four residents.
14 And all this water use would take place in a close-in, well
15 reliant, residential neighborhood in which a number of
16 neighbors living within 500 feet of the building have
17 reported well issues. Okay. Noise.
18 LYNN A. ROBESON: Wait, 500 feet of this site?
19 LOUIS SOUSA: Yes.
20 LYNN A. ROBESON: Okay. Go ahead.
21 LOUIS SOUSA: And that is actually shown on this map
22 here. Okay. so even though it's hard to see, this is Google
23 Maps, you can barely see the outline of--
24 LYNN A. ROBESON: Wait. Which Google Maps? Okay. I
25 think it's 68D.

182

1 LOUIS SOUSA: Yeah. That's this one.
2 LYNN A. ROBESON: Oh, okay. The Rudel, or Rudale --
3 Rudale.
4 LOUIS SOUSA: Rudale, yes.
5 LYNN A. ROBESON: Rudale Drive.
6 LOUIS SOUSA: Yes. Okay. All right. But I think
7 especially the homes on Lewisdale and the first few homes on
8 Rudale are within 500 feet. Okay. Noise. Dr. Stamberg and
9 her team have been careful to incorporate noise dampening
10 features into the design of the facility so that the
11 building meets the county noise code. However, noise from
12 barking dogs in the facilities parking lot would still be
13 problematic. For example, according to the MoCo Zoning
14 Court, which we just recently heard about, and the maximum
15 allowable daytime noise level in County residential
16 neighborhoods is 65 decibels. According to online estimates,
17 which the architect, I think, addressed it. According to
18 online estimates a single dog barking can range from about
19 80 to 100 decibels. Over distance, of course, sound levels
20 diminish and foliage, other natural or manmade barriers can
21 further reduce the decibel level. Okay. So using the sound
22 loudness tool the online website numericaexample.com --
23 basically I went online to see, okay, what happens to 85
24 decibels over distance and what I found was that an 85
25 decibels dog bark, about average for a single dog, slightly

183

1 exceeds the county noise code limit at a distance of 500
2 feet. Two dogs barking, a common occurrence when dogs to
3 meet and greet each other as they would do in a hospital
4 parking lot, create even greater noise and would likely be
5 sufficiently loud and decibels to overcome the noise
6 dampening effects of foliage and modest distance. This
7 suggests that as many as 12 neighborhood families living in
8 residents within 500 feet of the proposed hospital barking
9 lot -- parking lot, could be subject to frequently hearing
10 dogs barking at a level in excess of county noise code. If
11 you've got -- I have a dog and I take him for a walk on
12 Prescott and sometimes when he meets other dogs they bark.
13 And they're going to have these patients coming in and going
14 out all day long dogs are sometimes going to greet and
15 they're going to bark. And if you've got two dogs are
16 barking I mean it's going to exceed the 65 decibel limit
17 according to this online website. Something you can look
18 into I guess. Exterior lighting. Okay. Little Bennett Park
19 is known for its signature forests, streams and wetlands.
20 But among the parks other natural features are it's a
21 beautiful meadows, as they showed in that previous exhibit.
22 The proposed animal hospital would be located directly
23 across the road from arguably little Bennett's most
24 picturesque meadow, Prescott Meadow, which I have shown
25 pictures of. Although the beauty of the meadow in the

184

1 daytime is obvious, it's a nighttime beauty is more subtle,
2 but on a clear night, no more or less striking than the
3 daytime scene. I go down there all the time -- well, not all
4 the time, but frequently and this is because one special
5 feature of Prescott Meadow is the surprisingly dark and
6 expansive nighttime sky present to over the meadow. It is
7 hard to find similarly dark and panoramic night sky views at
8 other public sites in the county. The Meadows dark skies are
9 due to its large area of open space. It's basically an
10 enclosed a bowl of about 25 areas. It's a bowl like shape
11 and the fact that it's bordered by only a couple of
12 streetlamps, several hundred feet away, on Lewisdale Road.
13 Also, none of the four homes directly facing the meadow
14 regularly use exterior lighting. While there is some modest
15 lighting of the golf course buildings to the west, this is
16 obscured from view behind the meadow's western ridge. It's
17 hard to visualize the impact the hospital lighting would
18 have on the dark-sky feature of Prescott Meadow, but it
19 seems that the animal hospitals exterior lighting could
20 disrupt this rare scene in Montgomery County. We recognize
21 the need for a commercial property such as the animal
22 hospital to have external lighting. The hospital's lighting
23 plan conforms to county code and would include at least some
24 downward shaded light fixtures. Footcandle reports at zero
25 at the property boundaries suggests there might be little

Transcript of Administrative Hearing
Conducted on August 14, 2018

47 (185 to 188)

185
1 impact on the dark-sky view over Prescott Meadow. However,
2 we are hopeful that the hospital signage would not be
3 lighted while the facility is closed. Also, to the extent
4 possible we would encourage the use of timers and motion
5 sensors for parking lot and other external lighting to
6 minimize any blighting of the special dark-sky scene in the
7 meadow across the road from the animal hospital. Okay.
8 Hospital size. The new Clarksburg Animal Hospital would not
9 be your typical rule animal clinic. The new hospital is not
10 just replacing the existing hospital on Maryland 355. It's
11 also adding the capability to provide several new services,
12 and this is from Dr. Stan Berg's letter and the application.
13 So some of the new services include more exam rooms,
14 including one for cats and one for large dogs. A dental
15 suite, what she called more welcoming kennels, a comfort
16 room, a small fenced-in garden area for pets that prefer to
17 be examined out -- examined outside, and a lack of odor and
18 noise most of the time. In fact, in terms of square footage
19 and the number of employees expected plans are to more than
20 double the capacity of the current hospital on Maryland 355,
21 and call for at least 15 rooms in the building including the
22 following: A vestibule entrance, a reception area and
23 waiting room, four exam rooms, and again this is directly
24 from the application, a cat ward, a dog ward with a maximum
25 capacity of six dogs, a preparation area, an operating room,

186
1 an X-ray area, an isolation area for three animals maximum,
2 a dental area, a recovery area, a multi-purpose room, which
3 I believe this may be the same as the comfort room, and
4 miscellaneous services like a pharmacy, office space,
5 bathrooms, laundry and mechanical space. In addition, there
6 would be a front porch and a second floor with about 800
7 square feet intended as a future kitchen/break room for
8 staff. So a lot of new things happening, a lot of rooms, a
9 lot of space. In addition, the new animal hospital plan
10 lists its maximum animal hospital staff capacity as 5
11 veterinarians, and 15 management and support staff. A
12 business in which 20 employees are working on any given day,
13 while patients are constantly coming and going would be a
14 very busy one. While the conservation easement surrounding
15 this facility will be of some benefit during warmer months,
16 the hospital would be plainly visible throughout the
17 neighborhood during the November/March leafless season. It
18 would not hide a hubbub of business activity within a quiet
19 and peaceful residential neighborhood. Simply put, the
20 larger the facility the greater the number of car door
21 slamming, people chatting, dogs barking in the parking lot,
22 and exterior lighting needs. The current Clarksburg Animal
23 Hospital website listed Dr. Stamberg and Dr. Christy Shoup
24 is the only veterinarians on staff, with Dr. Shoup
25 apparently only working half time. No other current

187
1 employees are listed on the website. So Dr. Stamberg appears
2 to be planning to more than triple her full-time veterinary
3 employee staff at the new hospital from 1.5 vets to 5. That
4 planned staff increase has a big impact on the facilities
5 parking lot size requirement, which at 28 spaces is a -- one
6 of my strong -- one of my most strenuous objections, and I
7 heard this often from others. But the --
8 LYNN A. ROBESON: Don't go into others.
9 LOUIS SOUSA: Okay.
10 LYNN A. ROBESON: Please.
11 LOUIS SOUSA: The county zoning code requires 2½
12 parking spaces per vet. So 5 times 2½ is 12½ rounds up to
13 13, and one space for other employee, or 15. So total
14 required parking spaces 13 plus 15 equals 28 parking spaces.
15 In addition the size of the lot is such that it will require
16 15 -- three 15 foot poles in the parking lot. Acknowledging
17 that the owner has taken pains to design a residential
18 looking building, if there is to be an animal hospital built
19 within our established residential neighborhood, and MoCo's
20 protected ag reserve, does it have to be so large? There is
21 no shortage of veterinary hospitals and clinics in
22 Clarksburg and the nearby communities of Damascus,
23 Germantown, and Urbana. And now I'm referring to that
24 Exhibit 6, the last one. A Google map search for --
25 LYNN A. ROBESON: Exhibit 6?

188
1 LOUIS SOUSA: The last page of Exhibit --
2 LYNN A. ROBESON: Oh, I see. I see.
3 LOUIS SOUSA: Okay.
4 LYNN A. ROBESON: 68F.
5 LOUIS SOUSA: Yeah. A Google map search for veterinary
6 facilities brought up at least 15 within about a 15 minute
7 drive of the proposed new facility. If the animal hospital
8 application is to be approved then a more modest size
9 facility would be a far better fit for our neighborhood than
10 a 4050 square foot, 20 employee, and 28 parking space
11 facility currently being considered. A less imposing
12 facility would reduce its impact on water and septic use,
13 neighborhood noise levels, and exterior lighting while
14 serving as a less overwhelming presence within its scenic
15 setting. And I have a summary that -- it will take about 30
16 seconds to read, but before I get to that I want this to --
17 I have an observation. So Dr. Stamberg's attorney asked her
18 and I questioned this, whether or not she was expecting a
19 change in the -- a significant change in the level of
20 operations, or words to that effect, in the new hospital
21 from the old hospital. And under oath Dr. Stamberg said no.
22 However, and then when we -- when I went to the community
23 meeting that she held she said that might be true. She may
24 not -- you know, she may be planning to operate this huge
25 hospital with 15 rooms with 1½ time full time vets. Okay,

Transcript of Administrative Hearing
Conducted on August 14, 2018

48 (189 to 192)

189	1 that's fine. But what she -- what this petition is all about 2 is she -- she is preparing for the day where she may 3 eventually sell or have to sell this facility. And so she 4 wants to get approval for this 4000 square foot, 20 employee 5 facility so that if she comes to sell it in the future that 6 buyer doesn't have to go through this conditional use 7 hearing again. All right. And I'm saying, well, if she's not 8 changing it, making any changes in significant operation, 9 she's planning on coming in there and operating a 1.5 or 2 10 vets then does she need to have such a big building within 11 this context. That's kind of a -- the nub of what I'm 12 getting at here that I would like to make you aware of. 13 LYNN A. ROBESON: Okay. 14 LOUIS SOUSA: In summary; it is Montgomery County 15 policy to allow veterinary facility in the ag reserve as a 16 conditional use. On the surface it seems to make good sense 17 to allow that facilities in the ag reserve as a conditional 18 use because of their potential close proximity to farm 19 animals such as cows, horses, sheep, and other livestock. 20 Large areas of open space in the ag reserve also present 21 room for a veterinary hospital to be physically separated 22 from its neighbors and potentially much less disruptive to 23 them. However, in reality, rather than serving farm animals 24 the proposed facility would be sited in a water challenged, 25 well (indiscernible), residential neighborhood, and would	191	1 LYNN A. ROBESON: Go for it. 2 KAREN DESILVA: So I'm Karen deSilva. I live on 3 Lewisdale Road and I'm opposed to the conditional use 4 requested for a business. 5 LYNN A. ROBESON: Now where do you live on Lewisdale? 6 I know you gave your address, but approximate -- 7 KAREN DESILVA: On that -- 8 LYNN A. ROBESON: Can you see it on that neighborhood 9 map? 10 KAREN DESILVA: See it -- 11 LYNN A. ROBESON: Wait, I can't -- 12 KAREN DESILVA: This -- 13 LYNN A. ROBESON: Can you name the road -- oh, is that 14 one parcel? 15 KAREN DESILVA: This is Lewisdale, this is 16 (indiscernible). 17 CASEY L. CIRNER: Is it (indiscernible)? 18 LYNN A. ROBESON: Can you -- 19 KAREN DESILVA: Okay. 20 CASEY L. CIRNER: Is that it? 21 KAREN DESILVA: Yes. 22 LYNN A. ROBESON: So it's -- 23 KAREN DESILVA: Its' at 773. 24 LYNN A. ROBESON: 773 on what exhibit number is that, 25 Ms. Cimer?
190	1 primarily serve dogs and cats from suburban communities. So 2 I will conclude my testimony with a question. Would approval 3 of this animal hospital distort the intent of the 4 conditional use provision for veterinary facilities in the 5 ag reserve? 6 LYNN A. ROBESON: Okay. Thank you, Mr. Sousa. Ms. 7 Cimer, do you have questions? 8 CASEY L. CIRNER: I don't think I have any question 9 for Mr. Sousa. 10 LYNN A. ROBESON: Okay. You may be excused. Anyone 11 else? Ms. deSilva. 12 KAREN DESILVA: Yeah. 13 LYNN A. ROBESON: Please raise your right hand, after 14 you pick that up. Do you solemnly affirm under penalties of 15 perjury that the statements you're about to make are the 16 truth, the whole truth, and nothing but the truth? 17 KAREN DESILVA: I do. 18 LYNN A. ROBESON: And you previously gave your address 19 for the record, correct? 20 KAREN DESILVA: Correct. 21 LYNN A. ROBESON: Okay. Go ahead. 22 KAREN DESILVA: I will read something that I have 23 written because I hope that it helps me to be a public 24 speaker, which I am not. But I'll -- you know, so we'll see 25 how this goes.	192	1 CASEY L. CIRNER: (indiscernible). 2 LYNN A. ROBESON: I know you don't have them 3 memorized. 4 CASEY L. CIRNER: It is 20. 5 LYNN A. ROBESON: Okay. Thank you. Okay. Go ahead, Ms. 6 deSilva. 7 KAREN DESILVA: I would like to open with a quote from 8 the master plan responsible for the area. "Land designated 9 AR are afforded special protection from urban and suburban 10 development pressures." That (indiscernible) I am aware 11 that the Planning Board has recommended for approval of the 12 conditional use. I believe that the Planning Board's 13 comments are not the only ones that factor into the 14 decision. 15 LYNN A. ROBESON: No. 16 KAREN DESILVA: However, because they come from a 17 county agency they probably hold a lot of weight, and I 18 would like to comment on a few of their findings. First, I 19 imagine that the Planning Board's decision is based mainly 20 on the issue of whether or not it is an allowable use in the 21 ag reserve. According to the 1985 master plan a veterinary 22 business is an allowable exemption to agricultural, although 23 not a preferred use. The case for a vet in the ag reserve in 24 the '80s, which was mentioned just now, may very well have 25 been in consideration of the rule residents and farmers of

Transcript of Administrative Hearing
Conducted on August 14, 2018

49 (193 to 196)

193

1 the ag reserve because at that time there was little
2 development around the reserve and a vet close by could have
3 served the community. The animal -- Clarksburg Animal
4 Hospital is a business that treats small animals, cats and
5 dogs, as opposed to treating the domestic animals, horses,
6 cows, et cetera, that the master plan was most likely
7 referring to when considering a veterinarian in the ag
8 reserve. At this time, when there is so much development
9 just outside the ag reserve boundaries, especially in the
10 Clarksburg area and points north, it no longer makes sense
11 to allow a business to be developed inside the reserve
12 boundaries. That office is not necessary to the ag reserve,
13 and in fact, could be detrimental. One glaring
14 (indiscernible) misconception provided by the Planning Board
15 involves the traffic issue. It is impossible to know how
16 increased traffic affects an area by looking at numbers, as
17 the Planning Board has done. The numbers used to describe
18 the Clarksburg animal hospital do not take into
19 consideration the amount of traffic already using Lewisdale
20 Road in various amounts on various days for various reasons.
21 First, there is the everyday stress of rush hour traffic on
22 Lewisdale Road. The road has become an alternate route to
23 270, and 355 north to south and vice-versa. Then there's the
24 golf course on the corner of Prescott and Lewisdale Road
25 which holds large events as well as generates everyday

194

1 golfing traffic. It is also used daily by county employees
2 to park their personal cars and drive off in a county
3 vehicle, and of course, come back. Little Bennett Park --
4 LYNN A. ROBESON: Wait, the golf parking lot is a
5 shared use with the County Park-n-Ride?
6 KAREN DESILVA: (No audible response.)
7 LYNN A. ROBESON: Essentially county employee Park-N-
8 Ride?
9 LYNN A. ROBESON: Okay. Keep going.
10 KAREN DESILVA: Little Bennett Park whose entrance now
11 -- and when I say Little Bennett Park I don't mean the golf
12 course, it's an entrance into the undeveloped park. Little
13 Bennett Park whose entrance is on Prescott Road occasionally
14 holds the various events or races, bicycle and foot, as well
15 as generates every day horse trailer parking and other
16 patron parking. As there is also a large stable near the
17 intersection of Prescott and Lewisdale Roads, that gives
18 lessons, holds parties and crosses Lewisdale Road on
19 horseback in order to take their patrons to Little Bennett
20 Park to ride the trails. All this activity is located right
21 there where Clarksburg Animal Hospital wants to construct a
22 business, and draw more traffic to the area, making it more
23 dangerous than it already has become. This danger is not
24 limited to people, but also has an impact on the wildlife
25 that the ag reserve is supposed to respect and protect.

195

1 Every additional vehicle poses a threat to fox, raccoons,
2 opossums, and any other animals that are essential to the
3 health of the environment. Another quote from the master
4 plan for the area states, "All efforts should be made to
5 protect the natural environment in this stream valley area
6 as well as protecting the migration routes for wildlife in
7 and out of Little Bennett Park." Not only will Clarksburg
8 Animal Hospital generate their own customer traffic to the
9 area they will also require their own trash truck, recycling
10 truck, medicine delivery truck, cremation pick-up truck,
11 along with impacting -- and I forgot the UPS or whatever --
12 along with impacting the rural roads needed to get to and
13 from the Clarksburg Animal Hospital location, all of these
14 commercial vehicles will be using Prescott Road, a private
15 road, a road that is maintained by the Park Department. Snow
16 removal is the responsibility of the Park Department. Is it
17 proper for the Park Department to be responsible for a
18 private commercial enterprise? The area around Lewisdale and
19 Prescott Roads already has enough, perhaps more than enough,
20 reasons to attract traffic. This is not a business zone, it
21 is the agricultural reserve. And the business that is being
22 proposed for this conditional use is a substantial
23 veterinary practice. Five vets and 15 staff members, six
24 days a week is not a small vet practice. A typical
25 veterinary office, in this area, houses two to three vets.

196

1 In the Planning Board's comments lighting for this vet
2 building was discussed. There was talk of extending the
3 hours of lighting past the hours of operations. A Planning
4 Board member expressed concern for the safety of the
5 employees of Clarksburg Animal Hospital and/or a client who
6 must stay after hours, which would require them leaving in
7 the dark. This is another reason Clarksburg Animal Hospital
8 should remain in a commercial area. If this business were
9 located in a business district lighting would not be an
10 issue. Clarksburg Animal Hospital would be an appropriate
11 use in an appropriate location. Another point mentioned by
12 the planner -- excuse me -- mentioned by the planner
13 responsible for reviewing the conditional use request
14 referenced a letter sent by the applicant to the neighboring
15 properties. Introducing herself. In fact, it was an
16 extensive letter, two pages front and back, telling the
17 prospective neighbors about her life, past and present, and
18 what she was going to do with the corner of Prescott and
19 Lewisdale Roads. What was missing in the narrative was in a
20 request from feedback from her perspective neighbors. She
21 did, at the end of the letter -- she ended the letter with
22 an invitation to ask her for more information. Other letters
23 mentioned by the planner -- pardon me. Other letters
24 mentioned by the planner or 13 letters in favor of the move
25 to the ag reserve. These letters were from her current

Transcript of Administrative Hearing
Conducted on August 14, 2018

50 (197 to 200)

197

1 clients, I would say apparently solicited by Clarksburg
2 Animal Hospital, and should not be given any weight in the
3 consideration of them moved to the ag reserve. Obviously her
4 clients will patronize her regardless of her location. What
5 is important is how the people who live in the area feel
6 about a business operating in their neighborhood. This
7 neighborhood is rural, we have to cross the street to get to
8 our mailbox. It is an agricultural reserve. It is surrounded
9 by Little Bennett Park whose value lies in its undeveloped
10 state, and its use is for the appreciation of a natural
11 environment. This is a commodity in Montgomery County.
12 Commercial development belongs outside of this area. I don't
13 want this business in my neighborhood. You know, it's out of
14 place, and it's not necessary, and I find it very self-
15 serving.
16 LYNN A. ROBESON: Okay. Any questions, Ms. Cirner?
17 CASEY L. CIRNER: Sorry, your indulgence a second. Ms.
18 Sousa -- I'm sorry.
19 LYNN A. ROBESON: deSilva.
20 CASEY L. CIRNER: deSilva, you testified about the
21 letters that were submitted in support of this application.
22 Are you aware that two of the letters came from people who
23 are within the neighborhood of the proposed facility?
24 KAREN DESILVA: I was aware that they were from her
25 current client.

198

1 CASEY L. CIRNER: Correct, and two of those people do
2 live in the current neighborhood; one on Pekin and one on
3 Rudale.
4 KAREN DESILVA: Okay.
5 CASEY L. CIRNER: You also just -- that Ms. -- that
6 Dr. Greta did not request any feedback for her neighbors.
7 Were you aware that she did invite all her neighbors to a
8 community meeting?
9 KAREN DESILVA: I was addressing her letter that did
10 not ask for any feedback.
11 CASEY L. CIRNER: Okay. Thank you. I don't think I
12 have any other further questions.
13 LYNN A. ROBESON: Okay. Do you have anything else to
14 say based on her questions? Just based on her questions.
15 KAREN DESILVA: Based on her questions, why would you
16 tell me that her of her clients live nearby?
17 LYNN A. ROBESON: Oh -- okay.
18 KAREN DESILVA: No? Not -- I can't ask her questions?
19 LYNN A. ROBESON: No.
20 KAREN DESILVA: I -- never mind that.
21 LYNN A. ROBESON: You can't ask her questions. Do you
22 have any testimony to address the point she raised?
23 KAREN DESILVA: No.
24 LYNN A. ROBESON: Okay. All right. You can be excused.
25 KAREN DESILVA: Thank you.

199

1 LYNN A. ROBESON: Ms. Cirner, rebuttal? Do you have
2 any --
3 CASEY L. CIRNER: I would like to call Dr. Greta in
4 rebuttal and ask her just a few questions.
5 LYNN A. ROBESON: Okay. I'd like to hear from -- hold
6 on one second. Mr. Stouffer, and I have one question of the
7 traffic engineer. I'm sorry, I can't --
8 CASEY L. CIRNER: Mr. Biddle.
9 LYNN A. ROBESON: Biddle. Okay.
10 CASEY L. CIRNER: Do you want to --
11 LYNN A. ROBESON: No, let's go with Ms. -- Dr.
12 Stamberg first. You're still under oath, Dr. Stamberg.
13 CASEY L. CIRNER: Dr. Stamberg, you -- when did you
14 acquire the subject property?
15 DR. GRETA STAMBERG: 2016.
16 CASEY L. CIRNER: And do you recall about how long it
17 was on the market?
18 DR. GRETA STAMBERG: Oh, probably about two years.
19 CASEY L. CIRNER: The proposed second floor of the
20 facility is going to include a kitchen, and you heard Mr.
21 Sousa's testimony about the water usage, and specifically
22 the amount of laundry. The use of a kitchen and the laundry,
23 would that be comparable at your facility to a residential
24 home?
25 DR. GRETA STAMBERG: It's still probably going to be

200

1 under. We did --
2 LYNN A. ROBESON: Can -- for some reason your voice I
3 can't hear --
4 DR. GRETA STAMBERG: I know.
5 LYNN A. ROBESON: -- of all the people.
6 DR. GRETA STAMBERG: I still expect our water use to
7 be below that of a typical residence.
8 LYNN A. ROBESON: And why is that?
9 DR. GRETA STAMBERG: Well, we compared to three other
10 -- two Montgomery County and one in Howard County veterinary
11 facilities that did not have boarding and grooming and their
12 water usage ranged --
13 LYNN A. ROBESON: Did they have five vets?
14 DR. GRETA STAMBERG: They had four or five vets.
15 Because two of them were in Montgomery County and we weren't
16 going to publicize what we were doing, we did not contact
17 them directly. The one in Howard County that we contacted, I
18 did get employee numbers. I do not remember off-hand what
19 those were. It was more than 10 and less than 20, but I
20 don't remember the exact number from their hospital. But all
21 of them, their average water usage per day was occasionally
22 just a little under 200 to a max of 250. And they were very
23 consistent among the three hospitals. And that was the --
24 what well and septic department used as a determining factor
25 because their concern was also at our max capacity what

Transcript of Administrative Hearing
Conducted on August 14, 2018

51 (201 to 204)

201
1 would our proposed water usage be. You know, while we do
2 laundry, even though the facility itself is bigger, the
3 number of kennel spaces that we have is comparable to my
4 current facility. It is increased slightly but relative to
5 the square footage I'm not doubling or tripling my kennel
6 space. Most of our laundry is generated from in-hospital
7 patients; towels, blankets, and patient (indiscernible).
8 LYNN A. ROBESON: Wait. I'm not clear on the
9 connection between the kennel space and -- you're saying
10 that the kennel space --
11 DR. GRETA STAMBERG: Most of our laundry is generated
12 from patients that are --
13 LYNN A. ROBESON: Dogs?
14 DR. GRETA STAMBERG: -- in house.
15 LYNN A. ROBESON: I see.
16 DR. GRETA STAMBERG: We don't just put them in a bare
17 kennel. You know, they get some -- something nice to lie on,
18 or we cover them to keep them warm recovering from surgery.
19 LYNN A. ROBESON: I see. I get it.
20 DR. GRETA STAMBERG: So most of our laundry generation
21 is from that purpose. And then handwashing, bathroom usage.
22 LYNN A. ROBESON: Okay.
23 DR. GRETA STAMBERG: And there will be a kitchen, but
24 we're not doing extensive dishes. It's people's lunch
25 containers and -- I do want to clarify the letter that I

202
1 sent out. It did have a personal email contact as well as
2 phone numbers. And I didn't specifically asked for feedback,
3 but I made myself very open to any questions that anyone
4 would have. And other than the community meeting I did not
5 get any direct feedback from anyone.
6 CASEY L. CIRNER: I don't have any further questions
7 for Dr. Greta.
8 LYNN A. ROBESON: Okay. Let me ask you this. Back to
9 the (indiscernible) thing, while you're up here.
10 DR. GRETA STAMBERG: Sure.
11 LYNN A. ROBESON: What I'm hearing now is that there's
12 other uses -- okay. Go to the parking. Can -- is it possible
13 for you to get something more demonstrating, not that the
14 parking meets the code, but that it's actually going to be
15 adequate to handle the number of people that are -- and
16 staff, and vets that are coming to the facility?
17 DR. GRETA STAMBERG: Yeah. I'd be happy to sit down
18 and put together a sample day --
19 LYNN A. ROBESON: For a condition that we could draw
20 that would ensure that there's enough spots. Second thing,
21 lighting. You want -- so the street light I assume goes on
22 when it becomes dark?
23 DR. GRETA STAMBERG: Yes.
24 LYNN A. ROBESON: And you want an hour after closing
25 time --

203
1 DR. GRETA STAMBERG: That would be my ideal, yes.
2 LYNN A. ROBESON: But how many people are going to be
3 there after closing time? I mean is it possible to get
4 security with just the lights under the --
5 DR. GRETA STAMBERG: Porch?
6 LYNN A. ROBESON: Yeah.
7 DR. GRETA STAMBERG: My only other concern would be
8 the back of the building. As far as having some light on
9 back there just because there's going to be the building and
10 the retaining wall. I -- at our current location there is a
11 post-office trailer that's back in the corner and people go
12 to the convenience store and buy their 40 ounces --
13 LYNN A. ROBESON: But if you are exiting out the front
14 and you just have, you know, that space, is that a concern?
15 DR. GRETA STAMBERG: Probably. Most of my employees
16 have said they would feel safer exiting that building in the
17 dark than our current facility with lights on because of the
18 location. I don't disagree with that statement. Yeah I mean
19 --
20 LYNN A. ROBESON: I mean, I'm big on security. I
21 understand; having walked to the dark after many night
22 hearings.
23 DR. GRETA STAMBERG: And I am not planning any motion
24 sensors. Personally I can't stand them. You know, an animal
25 or something crawls by and then the lights flash on and

204
1 flash off. So not --
2 LYNN A. ROBESON: I'm just trying to find a way to
3 address your security concerns, but also address some of the
4 lighting issues.
5 DR. GRETA STAMBERG: Originally I had requested not
6 having lights in the parking lot, but I -- it was noted that
7 it was maybe necessary for safety purposes.
8 LYNN A. ROBESON: Yes, I understand. But I'm just
9 wondering what's the minimum that you can address with both
10 -- for both concerns. I'm reluctant -- I mean I'm reluctant
11 to extend it to an hour unless you want to say I'll keep --
12 DR. GRETA STAMBERG: Ninety percent of the time we are
13 out of the building, or at least all the staff is out of the
14 building within a 30 minute time period. Typically the
15 veterinarian that is there is there later than that,
16 finishing up records. Ninety percent of the time the staff's
17 out the door 30 minutes after close.
18 LYNN A. ROBESON: But you're going to have them on a
19 timer, right?
20 DR. GRETA STAMBERG: Correct.
21 LYNN A. ROBESON: So I'm just saying if there's
22 anything you can think of to minimize the lighting whether
23 you have people park within a --
24 DR. GRETA STAMBERG: If I was going to have one thing
25 that I wanted to leave on it would be the porch lights

Transcript of Administrative Hearing
Conducted on August 14, 2018

52 (205 to 208)

205

1 because they're going to be shining down. They're not going
2 to be that intrusive, they're going to be comparable to a
3 residential light that's on, so there is still something so
4 if I'm coming back to check on a patient at 10:00 at night,
5 the lab person's coming to pick up --
6 LYNN A. ROBESON: And you don't want motion sensors?
7 DR. GRETA STAMBERG: I hate them, personally. I find -
8 - I personally find motion sensors more --
9 LYNN A. ROBESON: Distracting?
10 DR. GRETA STAMBERG: -- intrusive with lights going on
11 and off than having a light on. I'm -- I'm not --
12 LYNN A. ROBESON: Well, I'm going to leave the -- what
13 I'm looking for is some way to address the area is, you
14 know, in a sense a dark area.
15 DR. GRETA STAMBERG: Absolutely. (indiscernible)
16 LYNN A. ROBESON: I know you've got the dark sky
17 lights. I've had those in other cases. But something to, you
18 know, if you want to say a half hour for all of the lights
19 that's fine. But if you're going to go beyond a half hour I
20 think it would be helpful to have a more limited amount of
21 lights.
22 DR. GRETA STAMBERG: Like the porch lights?
23 LYNN A. ROBESON: Something like that, yeah. Yeah.
24 DR. GRETA STAMBERG: The porch lights haven't been
25 included in any discussion and that -- the porch lights were

206

1 something that I assumed that I could have on so that there
2 is some degree of lighting there at night.
3 LYNN A. ROBESON: Right. Right. Let me go back. Now,
4 do you have information on what goes on across -- I didn't
5 realize Little Bennett Regional Park, the golf course was
6 also a Park-N-Ride.
7 DR. GRETA STAMBERG: I'm not sure. I have a couple of
8 --
9 LYNN A. ROBESON: Or not a Park-N-Ride, a place for
10 county workers to leave cars.
11 DR. GRETA STAMBERG: I have a couple of friends how
12 are police officers in Montgomery County that have resided
13 in Frederick County at times because they're -- I don't know
14 if the laws have changed --
15 LYNN A. ROBESON: Yeah, you can't take your car over
16 the line, yeah.
17 DR. GRETA STAMBERG: So they are provided county
18 facilities where they would have to park their police
19 vehicles and then pick up their personal vehicles. I do not
20 know specifically if that golf course is one of them, so
21 that part I'm not aware of.
22 LYNN A. ROBESON: Okay. I guess that was all -- I'm
23 trying to -- so you don't -- I don't have to ask any follow-
24 up questions, but for some reasons I guess that's all I had.
25 Okay. I've -- that's all I -- all I have for now.

207

1 DR. GRETA STAMBERG: All right. Thank you.
2 CASEY L. CIRNER: If you wanted to --
3 LYNN A. ROBESON: Do you have any follow-up questions?
4 CASEY L. CIRNER: I do not have any follow up
5 questions.
6 LYNN A. ROBESON: Okay.
7 CASEY L. CIRNER: Thank you Dr. Greta. You wanted to
8 ask Mr. Stouffer some follow-up questions?
9 LYNN A. ROBESON: Yes.
10 CASEY L. CIRNER: Okay.
11 DR. GRETA STAMBERG: Thank you.
12 CASEY L. CIRNER: Thank you.
13 LYNN A. ROBESON: And you're still under oath, Mr.
14 Stouffer. Now, you testified that having a number of dogs
15 outside is not cumulative as far as noise impact. For
16 instance, if I had 10 dogs in the walk -- outside exercise
17 area. That's still the equivalent of 100 decibels?
18 JOHN STOUFFER: It will be loud --
19 LYNN A. ROBESON: Eighty-five decibels, whatever
20 the -- I had another case where they said it was 85
21 decibels, that's why it's stuck in my head.
22 JOHN STOUFFER: Okay.
23 LYNN A. ROBESON: But --
24 JOHN STOUFFER: It will -- you can't -- not each dog
25 will add to the level, so for 10 dogs outside at 85, you

208

1 can't do 10 times 85 and get the max decibel
2 (indiscernible).
3 LYNN A. ROBESON: So what would the decibel level be?
4 JOHN STOUFFER: It -- the math is a little bit --
5 LYNN A. ROBESON: Complicated?
6 JOHN STOUFFER: It's a little bit complicated, but if
7 you have 10 dogs outside and they all -- each bark at 85
8 decibels it's going to be higher than 85 decibels, but it's
9 not going to be 185 decibels, or anything like that.
10 LYNN A. ROBESON: Okay. But I guess I'm getting at
11 what is the noise at the property line? If somebody pointed
12 out that one a day -- or the one at a time, I'm sorry, that
13 Ms. -- Dr. Stamberg testified to was based on her current
14 experience. If we have more dogs outside what is the impact
15 going to be on Mr. Sousa? That's my question.
16 DR. GRETA STAMBERG: If you want I can follow-up,
17 that's a little bit more operational details on that.
18 JOHN STOUFFER: Yeah.
19 LYNN A. ROBESON: Okay. Why don't you come up and see
20 it on Ms. Cimer's other side?
21 DR. GRETA STAMBERG: So from a walking standpoint,
22 obviously we've got more veterinarians, more patients there
23 for surgery. Like I stated before, generally the surgical
24 patients get walked, typically prior to surgery. And you're
25 not going to have every surgery starting at exactly the same

Transcript of Administrative Hearing
Conducted on August 14, 2018

53 (209 to 212)

209
1 time.
2 LYNN A. ROBESON: So -- okay. So --
3 DR. GRETA STAMBERG: And from a staff management --
4 for the animals in the back those animals are generally
5 going to be walked one at a time just because of the timing.
6 It's a short --
7 LYNN A. ROBESON: So you're not going to have more
8 than one out at a day?
9 DR. GRETA STAMBERG: At a time.
10 LYNN A. ROBESON: At a time, I mean. I'm sorry.
11 DR. GRETA STAMBERG: Probably not. Even if there were
12 two there's the space to have some division and/or a
13 judgment on the behavior of those patients. You know, a dog
14 that is more reactive to other dogs, we're not going to take
15 outside at the same time there's another dog. We're also
16 going to generally walking those around the back. Clients
17 are going to be up front more. And --
18 LYNN A. ROBESON: See, what we do in childcare cases,
19 which can get pretty noisy.
20 DR. GRETA STAMBERG: I know. (indiscernible).
21 LYNN A. ROBESON: I've had sound guys come in for
22 child care cases, but they limit the number that can be
23 outside at any one time. Now, and that's how they control
24 the cumulative noise. Now, does -- can anybody give me an
25 estimate, is that necessary here? Or -- nobody has done the

210
1 math to say what Mr. Sousa is going to hear if there's five
2 dogs outside at one time. Is that true?
3 JOHN STOUFFER: The space out back where they are
4 walking one at a time previous to -- before surgery is only
5 really sized for two dogs at a comfortable level to walk
6 outside anyway.
7 LYNN A. ROBESON: Is that your understanding?
8 DR. GRETA STAMBERG: Yeah. I mean the space is not
9 that wide across the back between the back of the building
10 and the retaining wall. And then there's the side area. So
11 it's not an enormous area. But just even in terms of staff
12 availability, patient flow in and out the doors of the
13 building -- even if you have three veterinarians seeing
14 appointments at the same time --
15 LYNN A. ROBESON: But you have five.
16 DR. GRETA STAMBERG: well right. But not all five are
17 going to be seeing appointments. So if we have two doctors
18 in the back doing surgery and so each surgery takes time.
19 You would have one dog being walked before then. And if
20 you've got three doctors seeing appointments --
21 LYNN A. ROBESON: Well, you've got two appointments an
22 hour for three vets, that's six appointments at one time.
23 And say they all start on the half hour. This is what we get
24 into, but I'm trying --
25 DR. GRETA STAMBERG: Sure.

211
1 LYNN A. ROBESON: -- I'm trying to get to the bottom
2 of it.
3 DR. GRETA STAMBERG: I'm (indiscernible) --
4 LYNN A. ROBESON: So you could have theoretically, six
5 dogs out there because you have six appointments at one
6 time.
7 DR. GRETA STAMBERG: Meaning, say the first ones are
8 leaving and the second round is coming in?
9 LYNN A. ROBESON: Exactly.
10 DR. GRETA STAMBERG: Mm-hm.
11 LYNN A. ROBESON: So what's that going to do? My
12 bottom line question is what's that going to do to Mr.
13 Sousa? That's my bottom line question.
14 DR. GRETA STAMBERG: It still goes back to the fact
15 that our goal in our operations is to minimize those
16 interactions both indoors and outdoors because it makes it
17 harder for us to do our job. Even if you take away us
18 wanting to control noise, we make our job harder when we
19 increase the number of those interactions. And there --
20 LYNN A. ROBESON: I mean it's your burden of proof.
21 DR. GRETA STAMBERG: Right. I understand that.
22 LYNN A. ROBESON: Okay. so that's --
23 DR. GRETA STAMBERG: We have two sides of the parking
24 lot. We have doors going out to both sides of those parking
25 lots. And we will be maintaining them in exam rooms most of

212
1 the time for checkout. And then --
2 LYNN A. ROBESON: Well, what about a limitation on the
3 number of dogs you can have outside at one time? We do a lot
4 of this, that's what we do with kids.
5 DR. GRETA STAMBERG: Yeah. I -- there's --
6 LYNN A. ROBESON: Is that too hard to work in with
7 everything going on?
8 DR. GRETA STAMBERG: I mean the potential of somebody
9 having to constantly monitor and police and that --
10 LYNN A. ROBESON: Would be too hard.
11 DR. GRETA STAMBERG: (indiscernible) control. Like
12 some clients show up 10 minutes late and some show up 15
13 minutes early.
14 LYNN A. ROBESON: Right.
15 DR. GRETA STAMBERG: and we manage that quite well. I
16 still strongly believe that the way we manage our patient
17 flow there isn't going to be that issue.
18 LYNN A. ROBESON: Well, how do you manage your patient
19 flow? Tell me that.
20 DR. GRETA STAMBERG: So how we manage it currently --
21 LYNN A. ROBESON: Wait when you say patient flow,
22 you're talking about the pets not the -- you're talking
23 about pets, not appointments?
24 DR. GRETA STAMBERG: I'm talking about the animals.
25 Yes. I'm talking about the animals coming in and out.

Transcript of Administrative Hearing
Conducted on August 14, 2018

54 (213 to 216)

<p style="text-align: right;">213</p> <p>1 LYNN A. ROBESON: Okay.</p> <p>2 DR. GRETA STAMBERG: We have the typical post office</p> <p>3 building with the big windows on the side. And we can see</p> <p>4 most of the areas where clients park. I can't -- we can't</p> <p>5 see around to the side. We still can see people arriving.</p> <p>6 And just very typical things. If we have a client that needs</p> <p>7 assistance we can see that they have trouble and we can go</p> <p>8 out and help them. This facility is designed so that we can</p> <p>9 still see out the front, still get around the reception desk</p> <p>10 very easily to get out and assist those people. There are</p> <p>11 clients with dogs that we already know don't like other</p> <p>12 dogs; and we're very careful with how to manage them. Those</p> <p>13 are going to be people we ask to go park on the other side</p> <p>14 and come right and the other door. It doesn't take that long</p> <p>15 to bring somebody in and put them in a location, inside a</p> <p>16 room. So the amount of time, even if we've got multiple</p> <p>17 patients arriving, the likelihood that we're going to have</p> <p>18 three walking out the door at the same time is very unlikely</p> <p>19 because we're going to not set them up for that. We don't</p> <p>20 want three people walking out the door with their dogs on a</p> <p>21 leash at the same time. And that's what staffs job is to --</p> <p>22 that's what we do every day.</p> <p>23 LYNN A. ROBESON: So you're saying is because you</p> <p>24 avoid pet conflicts it's unlikely that you'll have a large</p> <p>25 number of dogs --</p> <p style="text-align: right;">214</p> <p>1 DR. GRETA STAMBERG: Even with multiple doctors.</p> <p>2 LYNN A. ROBESON: Okay.</p> <p>3 DR. GRETA STAMBERG: Mm-hm.</p> <p>4 LYNN A. ROBESON: All right. I guess that's all I</p> <p>5 have. There's a question on the lights. I think what we're</p> <p>6 going to need to do, I have a couple of things I would like</p> <p>7 to get from you the appointment -- how the appointments</p> <p>8 work. And some kind of --</p> <p>9 DR. GRETA STAMBERG: Are you looking for an idea of</p> <p>10 what the schedule would be like on a day when there's five</p> <p>11 doctors?</p> <p>12 LYNN A. ROBESON: Yes.</p> <p>13 DR. GRETA STAMBERG: Mm-hm, okay.</p> <p>14 LYNN A. ROBESON: I want the -- if you're going to</p> <p>15 approve you for the alternate use, that's -- yes.</p> <p>16 DR. GRETA STAMBERG: I just want to know what you're</p> <p>17 looking for --</p> <p>18 LYNN A. ROBESON: No, I know. I know.</p> <p>19 DR. GRETA STAMBERG: -- so I can --</p> <p>20 (Crosstalk).</p> <p>21 LYNN A. ROBESON: I know. And to address whether</p> <p>22 there's sufficient parking to accommodate that.</p> <p>23 DR. GRETA STAMBERG: Yes.</p> <p>24 LYNN A. ROBESON: I also think I need a preliminary</p> <p>25 forest conservation plan.</p>	<p style="text-align: right;">215</p> <p>1 DR. GRETA STAMBERG: There's less --</p> <p>2 JOHN STOUFFER: You just have to (indiscernible) that.</p> <p>3 DR. GRETA STAMBERG: Is there a preliminary --</p> <p>4 JOHN STOUFFER: There's an approved preliminary, but</p> <p>5 we have -- (indiscernible) that's in for review right now.</p> <p>6 LYNN A. ROBESON: But it changes the approved.</p> <p>7 (Crosstalk).</p> <p>8 LYNN A. ROBESON: So what's your timing on the final?</p> <p>9 JOHN STOUFFER: We'll get back to you because I don't</p> <p>10 have an absolute date right now.</p> <p>11 LYNN A. ROBESON: I mean usually they do this with the</p> <p>12 conditional use, and I don't know why they didn't this time.</p> <p>13 CASEY L. CIRNER: There was a lot of -- initially they</p> <p>14 told us that we didn't have to, so it got delayed until</p> <p>15 after we submitted the conditional use. And then they were</p> <p>16 going to speed up the process so it could be done very close</p> <p>17 in conjunction and originally then they gave us a date in</p> <p>18 November and they backed it up now to October. So it hasn't</p> <p>19 been for a lack of effort --</p> <p>20 LYNN A. ROBESON: I'm not saying the word. I --</p> <p>21 CASEY L. CIRNER: I'm just explaining that so you</p> <p>22 know.</p> <p>23 LYNN A. ROBESON: It's --</p> <p>24 FEMALE SPEAKER: It's supposed to be approved, the</p> <p>25 preliminary --</p> <p style="text-align: right;">216</p> <p>1 LYNN A. ROBESON: If I sound frustrated -- it's not</p> <p>2 necessarily at you guys.</p> <p>3 CASEY L. CIRNER: It's my understanding from Mr.</p> <p>4 Powell that Park and Planning tentatively scheduled a</p> <p>5 preliminary (indiscernible) for October 8th.</p> <p>6 DR. GRETA STAMBERG: I think so, yeah.</p> <p>7 LYNN A. ROBESON: Yeah, but can't they break out the</p> <p>8 FSCP?</p> <p>9 DR. GRETA STAMBERG: It was originally broken out and</p> <p>10 they combined it.</p> <p>11 CASEY L. CIRNER: Mr. Powell --</p> <p>12 LES POWELL: They're trying to accelerate the approval</p> <p>13 of the final forest conservation (indiscernible).</p> <p>14 DR. GRETA STAMBERG: Yes.</p> <p>15 LYNN A. ROBESON: Why did they --</p> <p>16 LES POWELL: I think I can get Doug to go ahead</p> <p>17 because he said, both Doug and Mark Pfeffle said it can be</p> <p>18 --</p> <p>19 LYNN A. ROBESON: No, you're -- come on up. You're</p> <p>20 testifying. Come on up, join the fray.</p> <p>21 LES POWELL: The fray.</p> <p>22 LYNN A. ROBESON: I need the FSCP. I don't need the</p> <p>23 preliminary plan.</p> <p>24 LES POWELL: Right.</p> <p>25 LYNN A. ROBESON: I need the FSCP.</p>
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Transcript of Administrative Hearing
Conducted on August 14, 2018

55 (217 to 220)

217

1 LES POWELL: Because it's revising --
2 LYNN A. ROBESON: It's different.
3 LES POWELL: Correct.
4 CASEY L. CIRNER: So will we be able to get Park and
5 Planning to review that apart from the amendment?
6 LES POWELL: I believe so because both Mark Pfeffle
7 and Doug Johnson, separately, said that technically this
8 does not have to go to the board, but they said because the
9 preliminary plan was coming in that they were going to do it
10 that way.
11 LYNN A. ROBESON: Why would they do it -- okay. Well,
12 all I'm going to say is I can't approve it without an FSCP.
13 LES POWELL: Okay.
14 LYNN A. ROBESON: Without a final, approved, FSCP, and
15 it's my name on the dotted line, not theirs.
16 LES POWELL: I understand that.
17 LYNN A. ROBESON: Okay. Mr. Biddle, just pull up a
18 chair. What about these things going on that Ms. deSilva
19 testified? Do you know anything about those things?
20 BRIAN A. BIDDLE: I do not. But when I was out there
21 yesterday, I did see a County fire vehicle, which I thought
22 was odd, given that (indiscernible) down the street. But,
23 you know, my response would be if there was a full study
24 that would just be other trips in the network. And, you
25 know, the use has --

218

1 HEARING EXAMINER ROBESON: Well, what I'm concerned
2 about is Ms. deSilva, I believe, is talking about large
3 events out there.
4 BRIAN A. BIDDLE: Mm-hm.
5 LYNN A. ROBESON: Now, I don't know if they're during
6 the week days or focused on the weekends, or it's not LATR
7 stuff necessarily because I know you're exempt from LATR.
8 But what it is, is it sounds to me like there's a lot of
9 traffic funneling through possibly in a non-peak hour.
10 BRIAN A. BIDDLE: Perhaps.
11 LYNN A. ROBESON: And nobody mentioned that to take a
12 look at that.
13 BRIAN A. BIDDLE: No.
14 CASEY L. CIRNER: I -- if I recall Ms. DeSilva was
15 talking about the stables that were right there as one of
16 the --
17 LYNN A. ROBESON: Ms. deSilva, can you be more
18 specific on what you're talking about events out there?
19 KAREN DESILVA: Events that the golf course holds or -
20 -
21 LYNN A. ROBESON: Well, just --
22 KAREN DESILVA: -- that the park holds, or that the
23 stables holds?
24 LYNN A. ROBESON: Okay. Let's start with the golf
25 course. You mentioned the shared parking for something, I

219

1 think.
2 KAREN DESILVA: County workers, yeah. Not police
3 somebody mentioned police, I don't think --
4 LYNN A. ROBESON: Well, they're county -- they can be
5 county workers. But you're talking about -- so there's a
6 shared parking lot there.
7 KAREN DESILVA: There's a lot --
8 LYNN A. ROBESON: With the golf course?
9 KAREN DESILVA: Mm-hm.
10 LYNN A. ROBESON: So is that usually from 6:30 a.m. to
11 9:30 a.m. and from 4:30 -- what is it now, 4:00 to 7:00?
12 MALE SPEAKER: Four to 7:00.
13 KAREN DESILVA: I don't know what their hours are.
14 LYNN A. ROBESON: Okay. And what else goes on out
15 there?
16 KAREN DESILVA: The golf course has huge PGA kinds of
17 things.
18 LYNN A. ROBESON: And when are they usually? Are they
19 typically on weekends?
20 KAREN DESILVA: For the golf course I don't know that
21 they're all -- I don't know that they're only on the
22 weekends.
23 LYNN A. ROBESON: You just -- you don't know. Okay.
24 Well, if we don't, we don't know. So --
25 KAREN DESILVA: And then Little Bennett Park, which is

220

1 the nature trails and the, you know, the undeveloped park,
2 the place that sort of defines the area, as well as the ag
3 reserve, they have occasional events as well that go down
4 Prescott Road. And again, Prescott Road is a private road.
5 LYNN A. ROBESON: It's a private road?
6 KAREN DESILVA: It's a private road. I call it a
7 private --
8 LYNN A. ROBESON: Are you saying --
9 KAREN DESILVA: I called the County and that's what
10 they told me. That it's a private road and that the Park
11 Department --
12 LYNN A. ROBESON: Wait. Okay, hold on. Go ahead.
13 KAREN DESILVA: That the Park Department supplies the
14 snow removal.
15 LYNN A. ROBESON: Well, who supplies the snow removal
16 doesn't determine, you know, whether it's -- is it -- Mr.
17 O'Bryan, is it your understanding that it's a public road?
18 DAVID O'BRYAN: Correct. It's a dedicated public
19 right-of-way. It may not be maintained by DOT. The Parks
20 Department may be maintaining it because it's the defacto
21 entrance into Little Bennett. But it is a dedicated public
22 right-of-way.
23 LYNN A. ROBESON: Okay. Well, you know what, let's do
24 this. The -- let me give you the list of my checkoff which
25 is the final forest conservation plan, if we approve it. The

Transcript of Administrative Hearing
Conducted on August 14, 2018

56 (221 to 224)

221
1 final forest conservation plan; some idea of your shift
2 operations and your appointment schedule and whether that
3 can handle parking. The lights; if you can propose something
4 on limiting the lighting but still preserving safety that
5 would be helpful. And I have to send it back to Staff for an
6 analysis of the inherent and non-inherent conditions because
7 typically what happens is they list the inherent
8 characteristics; they look at those and say, okay, is
9 anything in here -- like arguably I would say that your
10 location across from Little Bennett Regional Park is a non-
11 inherent condition. But I'm going to let Staff address it.
12 And then you say okay, if there is a non-inherent condition
13 does it have any undue impact on any of those items in the
14 zoning ordinance. And Ms. Cirner will address it. I'm not
15 going to do anything more on traffic at this point because
16 it's late in the day to get into that.
17 CASEY L. CIRNER: I would just like to warn you about
18 the technical staff review that we understand that the
19 person assigned to this case is going on vacation for a week
20 and a half as of tomorrow.
21 LYNN A. ROBESON: Well, I'll send it to -- is it Mr.
22 Pratt? I'll send it to him with a copy to (indiscernible)
23 and Rich and they can find somebody.
24 CASEY L. CIRNER: Okay.
25 LYNN A. ROBESON: Okay. I think that's all the

222
1 questions. I hate to leave questions in the future because
2 then it gets into this whole email thing. So let's talk
3 about timing. I think I gave the opposition time. I wanted
4 to give the opposition time and I didn't bring my calendar
5 in with me, so if you can excuse me for two seconds I'll be
6 right back with --
7 CASEY L. CIRNER: I have (indiscernible).
8 LYNN A. ROBESON: Well, I just need to look at my own
9 personal schedule --
10 CASEY L. CIRNER: Okay.
11 LYNN A. ROBESON: -- too because I have a big trial --
12 two trials coming up. So I have to --
13 CASEY L. CIRNER: You don't mind if I turn this on?
14 LYNN A. ROBESON: No. Thank you.
15 (WHEREUPON, Hearing Examiner Robeson left the room.)
16 LYNN A. ROBESON: They asked us to schedule hearings
17 in August, but it's difficult because everybody else goes on
18 recess and then everybody takes their vacations.
19 CASEY L. CIRNER: Absolutely. I was thinking the same
20 thing yesterday.
21 LYNN A. ROBESON: Yeah. It's hard to get people.
22 CASEY L. CIRNER: Mm-hm. You guys just have to close
23 down like Park and Planning does.
24 LYNN A. ROBESON: Well, they won't let us because of
25 that 120 day requirement in the zoning ordinance. Okay. So

223
1 today we're at the 14th. Okay. How soon do you think you can
2 get me an answer on the FFCP?
3 LES POWELL: I thought within two weeks.
4 LYNN A. ROBESON: Within two weeks. So 14 days.
5 LES POWELL: Yes.
6 LYNN A. ROBESON: Okay, 14 days on the FSCP. How about
7 information or a proposed condition on how the appointments
8 and parking, either one but --
9 DR. GRETA STAMBERG: I can probably have a schedule
10 put together by the end of the week.
11 LYNN A. ROBESON: Well, let's do it all 14 days, okay?
12 And then the lighting; is 14 days sufficient for that?
13 DR. GRETA STRAMBERG: (No audible response).
14 LYNN A. ROBESON: FSCP and I'll ask Staff if they can
15 do something on the non-inherent impacts within 14 days.
16 Okay. Now, the opposition. You have a chance to comment on
17 those zoning text amendments, and what you think that they
18 mean as far as grandfathering. Okay, whether this lot is
19 grandfathering -- grandfathered. So I'm going to ask you to
20 submit that within 14 days, if that's okay with you.
21 LOUIS SOUSA: Okay.
22 LYNN A. ROBESON: So let me just check the 14 day
23 mark. I guess it would be the 28th.
24 CASEY L. CIRNER: Yes.
25 LYNN A. ROBESON: Okay. So all that; that's in any

224
1 comments you have on grandfathering. Okay. So then what I'm
2 going to do is give everybody -- give the opposition a
3 chance. I've got to see from Planning if they want to
4 comment on the stuff you submit. Were you saying
5 (indiscernible) 14 days to approve it?
6 LES POWELL: Yeah, it should be approved within 14
7 days I think.
8 LYNN A. ROBESON: Well, how about this. Why don't we
9 say 14 days for the approved FFCP? All right?
10 LES POWELL: All right.
11 LYNN A. ROBESON: But 10 days for the comments on the
12 parking, just to speed it up a little bit. Ten days for the
13 lighting and I'll ask Staff if they -- they're only
14 addressing that one item so I'm hoping that --
15 CASEY L. CIRNER: Non-inherent.
16 LYNN A. ROBESON: -- so 10 days for them. Then what I
17 would like to do, Mr. Sousa, and Ms. deSilva, give you 10
18 days to submit comments on whether you think the lot is
19 grandfathered. I know we're making everybody work but trying
20 to be fair to both sides. So 10 days would be the 24th. Then
21 I'll allow an extra -- if Staff can get their comments in
22 I'll allow another five days for -- if anybody wants to say
23 anything on the proposed changes -- okay. The lighting, the
24 parking, the Staff's analysis of inherent versus
25 non-inherent, you have five days to do so. Okay?

Transcript of Administrative Hearing
Conducted on August 14, 2018

57 (225 to 228)

225
1 KAREN DESILVA: Excuse me. Five days from when?
2 LYNN A. ROBESON: I'm sorry, I ate popcorn. I know, I
3 couldn't help it. Five days from the 24th. So let's see
4 what -- let's just say by the 31st. That's a week. So by
5 8/31/18 we'll have responses to everything filed. Okay. And
6 I think that covers it. And then I have 30 days to write the
7 report. Now normally we don't get the transcript until 10
8 days after the hearing, so we usually leave the record open.
9 But because we've already got -- we're beyond the 10 days,
10 I'm not going to hold the record open longer than the 31st.
11 All right?
12 CASEY L. CIRNER: Okay. Can I just repeat this back to
13 you?
14 LYNN A. ROBESON: Sure.
15 CASEY L. CIRNER: Okay. So on August 24th of '18, that
16 is the deadline for us to get comments about the lighting,
17 parking, and appointment. And --
18 LYNN A. ROBESON: And proposed conditions if you want
19 to propose --
20 CASEY L. CIRNER: And proposed conditions.
21 LYNN A. ROBESON: Yeah.
22 CASEY L. CIRNER: And that is also the deadline for
23 the opposition to respond to Exhibits, I think 61 and 62.
24 LYNN A. ROBESON: Correct. And Staff --
25 CASEY L. CIRNER: And Staff --

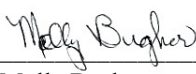
226
1 LYNN A. ROBESON: -- to get out the non-inherent
2 analysis.
3 CASEY L. CIRNER: Non-inherent.
4 LYNN A. ROBESON: I am so sorry. I don't -- I said I
5 better not eat this.
6 CASEY L. CIRNER: August 28th is the deadline to have
7 the approved final forest conservation plan from Park and
8 Planning.
9 LYNN A. ROBESON: Correct.
10 CASEY L. CIRNER: And then August 31st is everybody's
11 deadline to respond to anything that was submitted after
12 this hearing.
13 LYNN A. ROBESON: Right. Now, if you -- do I have both
14 of your -- I'm sorry. Do I have both of your emails, Ms.
15 deSilva and Mr. Sousa?
16 KAREN DESILVA: I don't have an email, but Mr. Reese,
17 who had to leave and go to work, who also wanted to speak,
18 but he has an email and that would work.
19 LYNN A. ROBESON: Okay. Can you --
20 LOUIS SOUSA: I signed in on the --
21 LYNN A. ROBESON: Okay. Good because that's the only
22 way I have -- that's the easiest way so you can see
23 everything that's flowing back and forth because you'll be -
24 - everybody has to cc everybody who's here so what you
25 submit. So I encourage you to get each other's emails.

227
1 LOUIS SOUSA: Okay.
2 LYNN A. ROBESON: Can you check and make sure that Mr.
3 Reese signed in? I promise I'll never do that again.
4 LOUIS SOUSA: you want to check and make sure that --
5 KAREN DESILVA: Yes.
6 CASEY L. CIRNER: Oh, yes. And Mr. Powell brought me
7 this disc.
8 LYNN A. ROBESON: Okay. I'm going to mark that as
9 Exhibit 69. That's the disc of the conceptual landscape
10 plan.
11 LES POWELL: It's all the exhibits.
12 LYNN A. ROBESON: Oh, all the -- the (indiscernible)
13 exhibits?
14 LES POWELL: Yeah.
15 LYNN A. ROBESON: And your amendment?
16 LES POWELL: Yes.
17 LYNN A. ROBESON: Okay. So these are the amendment
18 exhibits. Thank you.
19 CASEY L. CIRNER: (indiscernible).
20 LYNN A. ROBESON: Okay. So we're just waiting for Mr.
21 Reese's email, correct?
22 KAREN DESILVA: No. It's --
23 LOUIS SOUSA: It's on the signup sheet here.
24 LYNN A. ROBESON: Oh, it definitely is.
25 LOUIS SOUSA: Yes, she checked it, it is.

228
1 LYNN A. ROBESON: Okay. Because that's the only way I
2 can -- if I can get you. So okay. Okay. With that I'm --
3 unless someone had -- yes, Mr. Sousa?
4 LOUIS SOUSA: I had one relevant point to make.
5 LYNN A. ROBESON: If it's --
6 LOUIS SOUSA: About the parking.
7 LYNN A. ROBESON: Okay. We'll do that. Go ahead.
8 LOUIS SOUSA: It's very practical. I mean here's the
9 thing. I live right next door.
10 LYNN A. ROBESON: Yeah. And anybody live --
11 LOUIS SOUSA: And when we have parties --
12 (Crosstalk)
13 LOUIS SOUSA: When we have parties and the neighbor
14 next door has parties, we parked right along Prescott Road.
15 There's a (indiscernible) of about 15 feet wide.
16 LYNN A. ROBESON: Like a shoulder.
17 LOUIS SOUSA: And it's permitted parking. So if she's
18 got 28 parking spaces and all of a sudden there's 30 people,
19 they can park down there on that grass. Okay. And then they
20 have a short walk up the driveway.
21 LYNN A. ROBESON: You mean that grass but --
22 LOUIS SOUSA: It's parking --
23 LYNN A. ROBESON: I'm sorry. I missed what you're
24 saying.
25 LOUIS SOUSA: Okay. In other words --

Transcript of Administrative Hearing
Conducted on August 14, 2018

58 (229 to 232)

229	231
1 DR. GRETA STAMBERG: It's kind of a grass shoulder	1 condition could regulate those to make sure there's enough
2 where you can actually pull off and park.	2 parking in the parking lot. We also -- 8/24 is the lighting.
3 LOUIS SOUSA: Yes.	3 They'll submit something on lighting; 8/24 is the day I'm
4 LYNN A. ROBESON: So that is the potential for --	4 asking Staff to get an additional comment in. You'll have
5 LOUIS SOUSA: Overflow.	5 until August 31st to say -- make any comments about what
6 LYNN A. ROBESON: Overflow. Okay. We usually don't	6 they've submitted. All right. Everybody on board here? Well,
7 like people parking on the grass, but I understand and thank	7 I mean you don't have to be in agreement. I just meant for
8 you for pointing it --	8 the timeline as far as what's going on. Okay. Well, thank
9 LOUIS SOUSA: Yeah, and if we do it, we do it and we	9 you very -- everyone, thank you for your patience. And the
10 don't get tickets, and you know --	10 other thing -- one last thing is -- we post the transcript
11 LYNN A. ROBESON: Thank you for pointing that out.	11 of the hearing online as soon as we get it. It's supposed to
12 LOUIS SOUSA: -- we've done it several times and --	12 be in here 10 calendar -- within 10 calendar days. Then I
13 okay. This is a (indiscernible).	13 have 30 days from the 31st to issue a decision in the case.
14 MALE SPEAKER: Okay.	14 If you disagree with my decision you can appeal it within 10
15 LYNN A. ROBESON: Thank you, Mr. Sousa. That was	15 days of the date on the decision. You can request oral
16 helpful. Okay. Anybody else? Yes, Ms. deSilva.	16 argument to the Board of Appeals and there'll be
17 KAREN DESILVA: To be clear what the opposition -- I	17 instructions on the decision about how to do that. Okay?
18 mean the only thing that we are adding, or -- to this is	18 Thank you very much.
19 just our comments on the staff report on --	19 CASEY L. CIRNER: Thank you.
20 LYNN A. ROBESON: No. Your comments are due on -- in	20 LOUIS SOUSA: Thank you.
21 10 days. Which would be 8/24.	21 (Off the record at 4:00 p.m.)
22 KAREN DESILVA: I'm sorry. Yes, right.	22
23 LYNN A. ROBESON: Okay.	23
24 KAREN DESILVA: (indiscernible) other than we --	24
25 nobody can say anything about anything else other than what	25
230	232
1 you told us to --	1 CERTIFICATE OF TRANSCRIBER
2 LYNN A. ROBESON: Well, yes and no. By the 24th you	2 I, Molly Bugher, do hereby certify that the
3 have to give me whatever arguments you want to make about	3 foregoing transcript is a true and correct record of
4 grandfathering, whether the lot is grandfathering. But you	4 the recorded proceedings; that said proceedings were
5 have until 8/31 to comment on their submittals. The	5 transcribed to the best of my ability from the audio
6 applicant submittals if they -- I am so sorry. I really	6 recording and supporting information; and that I am
7 apologize. I will never do that again. You have -- what's	7 neither counsel for, related to, nor employed by any of
8 going to happen is by the 24th they're going -- the	8 the parties to this case and have no interest,
9 applicant is going to have submittals relating to lighting,	9 financial or otherwise, in its outcome.
10 parking, and Staff is going to supply me with their analysis	10
11 on the inherent and non-inherent impacts and whether they	11 
12 cause any undue problems in the area. Unusual problems that	12 Molly Bugher
13 normally wouldn't occur with this use. Okay. So that's the	13
14 24th. On 8/31 you can comment on everything the applicant	14 DATE: August 23, 2018
15 submits -- by 8/31. And you can say, you know -- and I	15
16 encourage you guys. I haven't made -- I really have not made	16
17 a decision. I encourage you guys to talk together and see if	17
18 there's something that can, like, I've asked her to look at	18
19 the lighting and see how to minimize some of your concerns.	19
20 So I encourage you to talk together. If you find other	20
21 things that you wish -- that you can agree on you're welcome	21
22 to submit them at any time. All right. But I am asking, you	22
23 know, for some additional stuff for the record. So basically	23
24 by 8/24 we have to get staff comments -- we have to get any	24
25 proposals on parking and appointments and whether a	25