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Transcript of Administrative Hearing

Date: April 12, 2019
Case: Potomac Edison Company

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1	EXHIBITS PREVIOUSLY SUBMITTED CON'D:		1	It is in the EOF employment office zone and the	
2	NUMBER	DESCRIPTION	2	Clarksburg West environmental overlay zone. It is subject to	
3	42CI	Landscape Screening & Lighting Plan (3	3	the 10 mile creek area limited amendment to the Clarksburg	
4		sheets), site layout	4	master plan and Hyattstown special study area.	
5		42CII Landscape Screening & Lighting Plan,	5	The land is owned by Montgomery County and is	
6		photographs of existing site landscaping	6	identified as parcel P930 on tax map EW21, tax ID number 02-	
7	43	3/15/19-Technical Staff Report of 3/15/19	7	03674732.	
8		recommending approval with conditions	8	This hearing is conducted by the Office of Zoning and	
9	46	3/19/19-Email from Karl G. Lotspeich to	9	Administrative Hearings. My name is Martin Grossman.	
10		Elsabett with a photo of the Landscape	10	I'm the hearing examiner, which means I will take	
11		Rendering attached; oblique view/street	11	evidence here, and write a report and recommendation -- or	
12		View	12	write a report and decision in this case. Will the parties	
13	50A	3/27/19-Email from Technical Staff (Elsabett	13	identify themselves for the record, please?	
14		Tesfaye) with a Memo of Address Verification	14	GREGORY RAPISARDA: Greg Rapisarda, law firm is Saul	
15		from the DARC Division, in response to email	15	Ewing Arnstein & Lehr, here on behalf of the Potomac Edison	
16		(Exhibit 49); memorandum of address	16	Company.	
17		assignment/verification	17	HEARING OFFICER GROSSMAN: All right. And you have with	
18			18	you today?	
19	EXHIBITS SUBMITTED		19	GREGORY RAPISARDA: So I'll have them introduce	
20	NUMBER	DESCRIPTION	20	themselves -- themselves?	
21	62/A/B	Affidavit of posting and photos of signs	21	HEARING OFFICER GROSSMAN: Sure.	
22	63	Resume of Karl Lotspeich	22	GREGORY RAPISARDA: Okay.	
23	64	Revised Impervious Area Plan	23	KARL LOTSPEICH: I'm Karl Lotspeich, representing GAI	
24			24	Consultants. We're the -- the design engineers for the	
25			25	project.	
6			8		
1	P R O C E E D I N G S		1	HEARING OFFICER GROSSMAN: Okay.	
2	HEARING OFFICER GROSSMAN: Good morning. All right. Mr.		2	JUSTIN WALTER: I'm Justin Walter. I'm an engineer with	
3	Rapisarda, are you ready?		3	Potomac Edison, project manager for the project.	
4	GREGORY RAPISARDA: We are ready.		4	HEARING OFFICER GROSSMAN: Okay. And so I take it, Mr.	
5	HEARING OFFICER GROSSMAN: All right. Court reporter		5	Rapisarda, that you will not be having John Webb --	
6	ready?		6	GREGORY RAPISARDA: That is correct.	
7	COURT REPORTER: Yes. Ready.		7	HEARING OFFICER GROSSMAN: -- or Joel Schodi [ph]	
8	HEARING OFFICER GROSSMAN: All right. And by the way,		8	[inaudible] --	
9	we're going to want the 48-hour transcript. [inaudible]		9	GREGORY RAPISARDA: That is correct.	
10	COURT REPORTER: Okay. Forty-eight hours. Great.		10	HEARING OFFICER GROSSMAN: Okay.	
11	HEARING OFFICER GROSSMAN: Yes. Working hours. Yeah.		11	GREGORY RAPISARDA: They were all -- we -- we went over	
12	COURT REPORTER: Okay.		12	just to see what we felt we were going to need and who would	
13	HEARING OFFICER GROSSMAN: Okay. All righty. I'll call		13	be available also when we did our pre-submission.	
14	the case. This is a public hearing in the matter of Potomac		14	HEARING OFFICER GROSSMAN: Okay.	
15	Edison, CU 1604, an application pursuant to zoning ordinance		15	GREGORY RAPISARDA: I'm -- these are our witnesses.	
16	section 59.3.6.7.E, for a conditional use to allow		16	HEARING OFFICER GROSSMAN: All right. And ordinarily	
17	construction of a modular public utility structure known as		17	I'd ask at this time if there's anybody in the audience who	
18	the Cabin Branch Substation at 22800 Whelan Lane in Boyds,		18	wishes to be heard here, because this is of course a public	
19	Maryland.		19	hearing, and the community can -- and publicly noticed --	
20	The site consists of a 0.702 acre plot carved out of a		20	and the community can participate.	
21	12.02 acre tract owned by Montgomery County.		21	But I note for the record that there is nobody else in	
22	The county granted the applicant a 99-year exclusive		22	the audience. Okay. Let me explain a little bit about the	
23	easement for the site, that's in Exhibit 5, which is located		23	nature of these proceedings. We proceed pretty much the way	
24	approximately 100 feet north of Whelan Lane's intersection		24	a courtroom proceeds, that is witnesses are called, they're	
25	with Clarksburg -- Clarksburg Road.		25	all sworn in, they're subject to cross-examination if there	

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<p style="text-align: right;">9</p> <p>1 were anybody here to cross-examine you.</p> <p>2 A court reporter takes everything down. There will be a</p> <p>3 transcript. In this case I've asked for a rapid production</p> <p>4 of the transcript. We -- when we get it, we usually put it</p> <p>5 on our website so that you can look at it as well.</p> <p>6 All right. And the rules of evidence are similar to a</p> <p>7 courtroom, a little bit more relaxed in terms of hearsay.</p> <p>8 Okay. We're here today for consideration of a</p> <p>9 conditional use application, which is a -- a use that's</p> <p>10 permitted by the -- the zoning ordinance if certain</p> <p>11 conditions are met. And they are set out in the technical</p> <p>12 staff report, which I presume that you've all seen, Exhibit</p> <p>13 43.</p> <p>14 GREGORY RAPISARDA: We have. Yes.</p> <p>15 HEARING OFFICER GROSSMAN: Okay. I presume you've also</p> <p>16 seen the planning board letter in this case.</p> <p>17 GREGORY RAPISARDA: That is correct.</p> <p>18 HEARING OFFICER GROSSMAN: Okay. All right. Let's start</p> <p>19 out with the affidavit of posting. You have one of those</p> <p>20 executed?</p> <p>21 GREGORY RAPISARDA: I do.</p> <p>22 HEARING OFFICER GROSSMAN: All right. Would you mind</p> <p>23 reading that for us?</p> <p>24 GREGORY RAPISARDA: We had the one that Karl had filled</p> <p>25 out. And then I did another one this morning.</p>	<p style="text-align: right;">11</p> <p>1 GREGORY RAPISARDA: And when we went back, not only did</p> <p>2 we clarify that, but we went back and we found an email back</p> <p>3 in June when they were back -- going back and forth about</p> <p>4 when, you know, we need a 911 address for this property and</p> <p>5 everything else.</p> <p>6 And that's when they did a sign at 22800 Whelan Lane.</p> <p>7 And it -- so I have that. And, you know, if you would like,</p> <p>8 I can introduce that email on this --</p> <p>9 HEARING OFFICER GROSSMAN: Well, I just wanted to make</p> <p>10 sure I have the -- the emails exchanges are in the record.</p> <p>11 We automatically put any exchanges we have in the record as</p> <p>12 well as the -- the form that came back, that Elsbett [ph]</p> <p>13 from technical staff sent over indicating that the address</p> <p>14 had been assigned.</p> <p>15 GREGORY RAPISARDA: Okay. And then we have this</p> <p>16 planning department, it is a form, it says the effective</p> <p>17 date was March 27, 2019. And this is an address assignment</p> <p>18 and verification.</p> <p>19 HEARING OFFICER GROSSMAN: Right. I have that in the</p> <p>20 record.</p> <p>21 GREGORY RAPISARDA: Okay.</p> <p>22 HEARING OFFICER GROSSMAN: That's Exhibit [inaudible]</p> <p>23 GREGORY RAPISARDA: I was looking through that. Because</p> <p>24 some of the Exhibit numbers, I wasn't sure where they were</p> <p>25 coming from. And then when I saw this list, it was massive.</p>
<p style="text-align: right;">10</p> <p>1 HEARING OFFICER GROSSMAN: Okay. Double --</p> <p>2 GREGORY RAPISARDA: And now we have photos that go with</p> <p>3 that as well.</p> <p>4 HEARING OFFICER GROSSMAN: All right. So I'll say</p> <p>5 Exhibit 62, this affidavit of posting and photos of the</p> <p>6 signs. Why don't we do this since we've got multiple</p> <p>7 documents here, just so we got them clearly identified.</p> <p>8 We'll call the one you did today is the notarized one,</p> <p>9 which we'll say is Exhibit 62. And 62A will be an earlier</p> <p>10 one that was made out on December 19 -- 18 -- 2018. That's</p> <p>11 A. And then 62 -- I'll say 62 and it's going to be hard to -</p> <p>12 - it has to be visible, 62B, photos of notice sign.</p> <p>13 Okay. All right. Now let's turn to the questions which</p> <p>14 I indicated in an email to you that I would be raising</p> <p>15 today. And you -- some of them can be responded to by your</p> <p>16 witnesses, others maybe by you.</p> <p>17 Let me pull out that list. First question is, does the</p> <p>18 applicant agree as stated by technical staff in exhibits 49,</p> <p>19 50 and 50A, that the correct parcel number is P930 on tax</p> <p>20 map EW21 on tax ID number 02-03674732?</p> <p>21 GREGORY RAPISARDA: We do.</p> <p>22 HEARING OFFICER GROSSMAN: Okay. And that's located at</p> <p>23 22800 Whelan Lane in Boyds, Maryland?</p> <p>24 GREGORY RAPISARDA: That is correct.</p> <p>25 HEARING OFFICER GROSSMAN: Okay.</p>	<p style="text-align: right;">12</p> <p>1 It includes everything I saw.</p> <p>2 HEARING OFFICER GROSSMAN: Right.</p> <p>3 GREGORY RAPISARDA: So.</p> <p>4 HEARING OFFICER GROSSMAN: Yeah. We -- we try to make</p> <p>5 sure that the -- the file has all the exchanges in it so</p> <p>6 that we have no ex parte contact. Yeah, that's -- what</p> <p>7 you're referring to is Exhibit 50A.</p> <p>8 GREGORY RAPISARDA: Okay.</p> <p>9 HEARING OFFICER GROSSMAN: Okay. Does the applicant</p> <p>10 agree to the findings and conditions recommended by</p> <p>11 technical staff and the planning board?</p> <p>12 GREGORY RAPISARDA: So generally, yes. There are -- we</p> <p>13 have a couple questions about them that are getting worked</p> <p>14 out. So for instance, as to number one, no problem</p> <p>15 whatsoever about no sign except other than safety signs or</p> <p>16 signs that are required by law [inaudible]</p> <p>17 HEARING OFFICER GROSSMAN: Before we turn to the</p> <p>18 conditions, what about the findings that are in the</p> <p>19 technical staff report and the planning --</p> <p>20 GREGORY RAPISARDA: Oh, the findings, yes.</p> <p>21 HEARING OFFICER GROSSMAN: You all -- you agree to all</p> <p>22 this?</p> <p>23 GREGORY RAPISARDA: We're okay with it.</p> <p>24 HEARING OFFICER GROSSMAN: Okay. And now turning to the</p> <p>25 conditions they recommended, number one, let me pull that</p>

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<p>13</p> <p>1 out. This is in Exhibit 43, page 2. No identification sign 2 other than safety signs and those required by law shall be 3 placed on a property. You have a problem with that? 4 GREGORY RAPISARDA: No. 5 HEARING OFFICER GROSSMAN: Okay. Number two? 6 GREGORY RAPISARDA: Number two is that illustrate the 7 right of way width on both Whelan Lane and Old Clarksburg 8 Road. 9 HEARING OFFICER GROSSMAN: Right. 10 GREGORY RAPISARDA: That -- that might be something 11 that you -- as you can see, for one, they're in the process 12 of doing a right of way application. 13 HEARING OFFICER GROSSMAN: Okay. 14 GREGORY RAPISARDA: But the right of way for Old Whelan 15 Road, not a problem. And that is shown actually on one of 16 the -- it's a 60-foot right of way. 17 HEARING OFFICER GROSSMAN: All right. Let me pull out 18 the -- the final set of plans that you filed. 19 GREGORY RAPISARDA: Okay. 20 HEARING OFFICER GROSSMAN: Then we can go from there. 21 The ones filed on March 14, 2019. 22 GREGORY RAPISARDA: [inaudible side conversation] 23 HEARING OFFICER GROSSMAN: Okay. So which Exhibit are 24 we referring to now? 25 GREGORY RAPISARDA: So I would go with the -- the</p>	<p>15</p> <p>1 Clarksburg Road. Is that -- 2 GREGORY RAPISARDA: That is correct. 3 HEARING OFFICER GROSSMAN: Okay. And so are you 4 agreeable to a condition which will require that show -- the 5 problem is that the plans usually should be final as plans 6 when they go through this process, the OZAH hearing. 7 GREGORY RAPISARDA: Right. 8 HEARING OFFICER GROSSMAN: And you're telling me that 9 they're not final. 10 GREGORY RAPISARDA: Well, they are final to what we can 11 find. The county doesn't -- and our partial does not cut 12 into. So the -- the -- the Old Clarksburg Road right of way 13 is all on the county's parcel that we're not a part of. 14 HEARING OFFICER GROSSMAN: I see. 15 GREGORY RAPISARDA: And so we're not actually -- our 16 parcel, the Potomac Edison parcel, is not at the corner of 17 that intersection. So I don't think Old Clarksburg right of 18 way is necessary for this. 19 HEARING OFFICER GROSSMAN: Okay. So what you're 20 suggesting is that that condition should be rewritten or it 21 should be -- it should not say, to illustrate Old Clarksburg 22 Road. 23 GREGORY RAPISARDA: That is correct. 24 HEARING OFFICER GROSSMAN: Okay. 25 GREGORY RAPISARDA: And if -- if you'd like a better</p>
<p>14</p> <p>1 conditional use plan, which page one is the vicinity map. 2 HEARING OFFICER GROSSMAN: Okay. So the conditional 3 use. 4 GREGORY RAPISARDA: And then page two -- 5 HEARING OFFICER GROSSMAN: Hold on one second. Let me 6 get -- get that out. [inaudible] look at this. Okay. So the 7 conditional use plan is in Exhibit 42B [inaudible]. Pull 8 that out. There it is. 9 Okay. If you look at the second page there, that would 10 be 42B as in boy, II, is the second page. All right. And 11 that you will see the designation of a 60-foot right of way. 12 GREGORY RAPISARDA: Oh, the 60-foot right of way for 13 Whelan Lane. 14 HEARING OFFICER GROSSMAN: Okay. 15 GREGORY RAPISARDA: And then I'll probably have my 16 witness -- or one of them, explain probably some of the 17 challenges that come with Old Clarksburg and how that road 18 has shifted. So basically you have where [inaudible] would 19 you like to, Justin, just kind of explain your understanding 20 of it? 21 HEARING OFFICER GROSSMAN: All right. Before you get to 22 that, let me just -- let me just -- before he explains it, I 23 just want to make sure I know what you're saying. 24 Are you saying that you've shown what you intended with 25 a -- a 60-foot right of way on Whelan. You do not show Old</p>	<p>16</p> <p>1 explanation as to why and how we think that move, Old 2 Clarksburg Road move, Mr. Walter could address that. 3 HEARING OFFICER GROSSMAN: All right. You can have him 4 do that when he testifies. 5 GREGORY RAPISARDA: Okay. 6 HEARING OFFICER GROSSMAN: I take it that you wouldn't 7 have opposed it if a right of way, whatever the county 8 decides as the appropriate right of way for Clarksburg -- 9 GREGORY RAPISARDA: Absolutely wouldn't oppose it. But 10 we couldn't find it. It's not available. And there could be 11 some fluctuations in there about how the county has moved 12 that road -- 13 HEARING OFFICER GROSSMAN: Okay. 14 GREGORY RAPISARDA: -- over the years that may cause 15 some issues, so. 16 HEARING OFFICER GROSSMAN: Okay. So modified condition 17 two. Now condition three, the applicant must construct the 18 access entrance with a maximum 15-foot curb radius as 19 required by the EOF zone and with a 22-foot width. 20 To accommodate emergency vehicle access, the curbs must 21 be mountable. What about that condition? Are you agreeable 22 to that? 23 GREGORY RAPISARDA: We are. 24 HEARING OFFICER GROSSMAN: And is it -- is it displayed 25 on the existing plans?</p>

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<p>17</p> <p>1 KARL LOTSPEICH: Is it displayed on the existing plan -</p> <p>2 -</p> <p>3 GREGORY RAPISARDA: It's not. So -- and no, it is not.</p> <p>4 And so that would be a condition, if you could add that in</p> <p>5 as a condition of approval, because that is getting worked</p> <p>6 out right now with -- is it state high- --</p> <p>7 KARL LOTSPEICH: Through the right of way county</p> <p>8 transportation and the right of way application process --</p> <p>9 GREGORY RAPISARDA: So they're doing a right of way</p> <p>10 application process. And they're basically looking to add</p> <p>11 ways to make that work without having to seek a variance.</p> <p>12 And they have come upon a way and a strategy that will make</p> <p>13 it work. And so that could become conditioned -- a -- a</p> <p>14 condition of approval because it will get worked out.</p> <p>15 HEARING OFFICER GROSSMAN: Okay. So I take it that the</p> <p>16 applicant will not oppose setting it up in any way that the</p> <p>17 county decides is the appropriate curb radius and -- and</p> <p>18 width.</p> <p>19 GREGORY RAPISARDA: Correct.</p> <p>20 HEARING OFFICER GROSSMAN: Okay.</p> <p>21 GREGORY RAPISARDA: And they're in the process of</p> <p>22 finalizing that now.</p> <p>23 HEARING OFFICER GROSSMAN: And what section of the</p> <p>24 county government is working on that?</p> <p>25 GREGORY RAPISARDA: Karl? Do you know who you're</p>	<p>19</p> <p>1 GREGORY RAPISARDA: Right.</p> <p>2 HEARING OFFICER GROSSMAN: And I don't think that this</p> <p>3 represents a -- a substantial change in what's been required</p> <p>4 here. So I don't think I have to do that.</p> <p>5 Okay. All right. We've already essentially covered the</p> <p>6 recommended conditions in three. I wanted to have a witness</p> <p>7 explain about the electrical equipment to be provided,</p> <p>8 transformers, how many, the housing, is there a roof, and so</p> <p>9 on.</p> <p>10 Because you say on your plans there'll be no structure</p> <p>11 or building. No proposed buildings are structures. Of course</p> <p>12 under the county's zoning ordinance, all that electrical</p> <p>13 equipment, all that fencing are structures, so. All right.</p> <p>14 The definition of the neighborhood. In reading the</p> <p>15 technical staff report, Ms. [inaudible] suggested defining</p> <p>16 the neighborhood essentially as coincident with the</p> <p>17 electrical supply area. That to me is not really the -- what</p> <p>18 defining the neighborhood is supposed to be about for zoning</p> <p>19 purposes.</p> <p>20 Really it's -- the question that we try to deal with in</p> <p>21 that is -- is to what extent will the neighborhood be</p> <p>22 affected. So the -- the definition of the surrounding</p> <p>23 neighborhood is linked to those most affected by the</p> <p>24 proposed conditional use.</p> <p>25 GREGORY RAPISARDA: Right.</p>
<p>18</p> <p>1 working with? It was --</p> <p>2 KARL LOTSPEICH: It's probably right of way management</p> <p>3 transportation.</p> <p>4 GREGORY RAPISARDA: DOT? Montgomery County?</p> <p>5 KARL LOTSPEICH: Montgomery County.</p> <p>6 GREGORY RAPISARDA: DOT? Okay.</p> <p>7 KARL LOTSPEICH: [inaudible]</p> <p>8 GREGORY RAPISARDA: I'm trying to remember the man's</p> <p>9 name, Chris --</p> <p>10 HEARING OFFICER GROSSMAN: All right. Well, he can</p> <p>11 extrapolate or explain that further in -- in his testimony.</p> <p>12 All right. And the size of the two parking spaces that are</p> <p>13 shown on the conditional use plan must be -- meet the</p> <p>14 minimal dimensional standards for parallel parking.</p> <p>15 GREGORY RAPISARDA: No problem.</p> <p>16 HEARING OFFICER GROSSMAN: Is that already shown in</p> <p>17 that fashion on the plans?</p> <p>18 GREGORY RAPISARDA: It is.</p> <p>19 HEARING OFFICER GROSSMAN: Okay. Okay. I just didn't</p> <p>20 want to hold up the process of this application for a change</p> <p>21 of plans. I think that this is sufficient explanation not to</p> <p>22 have to do that. Because if I have a filing of specifically</p> <p>23 changed plans before I issue my decision, before the record</p> <p>24 closes, I have to give the public an opportunity comment on</p> <p>25 it.</p>	<p>20</p> <p>1 HEARING OFFICER GROSSMAN: Sight, sound, traffic to</p> <p>2 some extent --</p> <p>3 GREGORY RAPISARDA: Right.</p> <p>4 HEARING OFFICER GROSSMAN: -- and so on. So I would</p> <p>5 propose to define the neighborhood differently. Sometimes we</p> <p>6 do it in an area like this, by a radius around it. Might be</p> <p>7 1,000 foot radius around the specific center of the -- the</p> <p>8 site. What do you think about that? Do you have an opinion</p> <p>9 about that?</p> <p>10 GREGORY RAPISARDA: Well, I think, yeah, there were a</p> <p>11 couple faults on it. One, it's particularly where this is,</p> <p>12 it's primarily wooded and undeveloped. There's a nearby</p> <p>13 prison at the top. And it is separated from the residential</p> <p>14 development by primary roads.</p> <p>15 HEARING OFFICER GROSSMAN: Right.</p> <p>16 GREGORY RAPISARDA: And so it's really sectioned off on</p> <p>17 its own. I think that that would probably be the -- and --</p> <p>18 and this -- this is adjusted a little bit. This is -- I know</p> <p>19 this Old Clarksburg Road has changed a little here. But this</p> <p>20 shows how it's mostly --</p> <p>21 HEARING OFFICER GROSSMAN: Well, you're referencing a</p> <p>22 photo that's not in the record yet. So why don't we look at</p> <p>23 one that's from the -- on the -- the staff report. And so we</p> <p>24 can reference it.</p> <p>25 GREGORY RAPISARDA: Okay. Yeah.</p>

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6 (21 to 24)

<p>21</p> <p>1 HEARING OFFICER GROSSMAN: Exhibit 43. Turn to a page 2 that has a photograph that -- that you could use for this 3 purpose. 4 GREGORY RAPISARDA: Exhibit 43? 5 HEARING OFFICER GROSSMAN: Yeah. 43 is the -- is the 6 technical staff's report. 7 GREGORY RAPISARDA: Okay. 8 HEARING OFFICER GROSSMAN: So you have a number of 9 photographs and one on page four for a report. Then she has 10 -- which is kind of a blowup of the area. 11 Then she has one on page five, which is a -- her 12 neighborhood outline. So if you're going to reference 13 something, tell me what you're trying to say about the -- 14 the area. 15 GREGORY RAPISARDA: Okay. And I'm looking at page four 16 -- 17 HEARING OFFICER GROSSMAN: Okay. 18 GREGORY RAPISARDA: -- where it says the -- where it 19 has the subject property outlined -- 20 HEARING OFFICER GROSSMAN: Yes. 21 GREGORY RAPISARDA: -- and it's in yellow. And then 22 page five where she defined -- the staff defined the 23 neighborhood outlined in red, which is much broader. 24 HEARING OFFICER GROSSMAN: Right. 25 GREGORY RAPISARDA: So if you look at four and think</p>	<p>23</p> <p>1 electrical impact of it, but it's not the actual zoning 2 impact. 3 HEARING OFFICER GROSSMAN: Right. And so do you agree 4 to a -- to defining a neighborhood in terms of a radius of 5 some distance from the -- from the center of where you're -- 6 like I suggested 1,000 feet. It could be 500. It could 750, 7 whatever -- 8 GREGORY RAPISARDA: Any of that would be fine. 9 HEARING OFFICER GROSSMAN: Okay. 10 GREGORY RAPISARDA: And -- and particularly when you 11 look and it's in the -- in there too. 12 The noise generated from this isn't going to travel 13 past, you know, it's -- it's going to be within the county 14 noise. So you can't -- when you go 500 feet, you're going 15 well beyond what any impacts would be. 16 HEARING OFFICER GROSSMAN: Okay. All right. And you can 17 have a witness testify to that point. 18 GREGORY RAPISARDA: [inaudible side conversation] 19 HEARING OFFICER GROSSMAN: Okay. And you can have a 20 witness testify to that. 21 GREGORY RAPISARDA: Okay. 22 HEARING OFFICER GROSSMAN: All right. The question I 23 had about the vicinity map, it seemed to me that the scale 24 on the vicinity map you provided, Exhibit 42BI, that's the 25 first one, was off just from my observations, so your</p>
<p>22</p> <p>1 about how that -- how that expands out, the neighborhood 2 directly adjacent and surrounding before you hit roads is 3 primarily undeveloped woodland. 4 And the closest development on the side of it is that 5 prison to the north. There are no -- and there are no 6 planned developments for that side. And that's -- it's 7 sitting on a 12-acre parcel that the county owns that won't 8 be developed. 9 There -- so it's actually going to serve -- there are 10 residential communities on the other side of the road that 11 will be developed. And that's actually where it will be 12 served. So it's really sitting away from it, but nearby to - 13 - to be able to provide those electrical services. 14 HEARING OFFICER GROSSMAN: If I understood the -- the - 15 - the staff report correctly, there's also a plan to develop 16 property on the same side of the road as your facility in an 17 RE-1 zone. I don't know when that -- I mean it currently 18 doesn't exist. But that's my understanding of it. 19 GREGORY RAPISARDA: Hmm. 20 HEARING OFFICER GROSSMAN: In any event, let's talk 21 about defining -- I take it that you agree with my 22 observation that defining it as broadly as staff did with 23 the area to be served electrically is not the way to define 24 the neighborhood for the zoning purposes -- 25 GREGORY RAPISARDA: Right. That -- that's how -- the</p>	<p>24</p> <p>1 witness can address that. 2 Then please explain the discrepancy between the 3 lighting on your plan, Exhibit 42C, which shows only two 4 downward facing lights. And your statement -- and that's 5 what the staff essentially says. 6 And your statement in Exhibit 1, page 9, which refers 7 to also to upward facing lamps. 8 GREGORY RAPISARDA: Right. 9 HEARING OFFICER GROSSMAN: What's the explanation for 10 that? 11 GREGORY RAPISARDA: I can -- I can show you or I can 12 have the witness show you. The -- both lights are shown on - 13 - we describe it, and then both lights are shown in the 14 drawing -- 15 HEARING OFFICER GROSSMAN: Well, there are four lights 16 you describe in the -- you have upward and downward facing - 17 - 18 GREGORY RAPISARDA: Right. 19 HEARING OFFICER GROSSMAN: -- in your -- I'll let you - 20 - I'll let you have a -- 21 GREGORY RAPISARDA: Both the upward and downward lights 22 are shown in that drawing. They're just not -- each of them 23 is just not called out. But we can -- we can show that. 24 HEARING OFFICER GROSSMAN: Okay. All right. You can 25 have a witness show me that.</p>

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7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 GREGORY RAPISARDA: Yep.</p> <p>2 HEARING OFFICER GROSSMAN: Okay. You refer to or</p> <p>3 technical staff refers to the applicant's supplemental</p> <p>4 statement.</p> <p>5 GREGORY RAPISARDA: Right.</p> <p>6 HEARING OFFICER GROSSMAN: Exhibit 43, page 6. I don't</p> <p>7 think I've ever seen that. Or unless you can tell me what</p> <p>8 exhibit it is in the record, and I'll --</p> <p>9 GREGORY RAPISARDA: So I -- let me just double-check on</p> <p>10 what Exhibit it is. So we called it a supplemental statement</p> <p>11 because in -- we originally put this statement of compliance</p> <p>12 and justification together in August.</p> <p>13 Then we got county comments. And when we addressed</p> <p>14 those county comments, the package hadn't been accepted yet.</p> <p>15 We called this the updated statement. And so it basically --</p> <p>16 it incorporates the initial filing package plus the updates</p> <p>17 that addressed the county's first round of comment.</p> <p>18 HEARING OFFICER GROSSMAN: Okay. So what Exhibit number</p> <p>19 is that?</p> <p>20 GREGORY RAPISARDA: So this is the November -- this is</p> <p>21 the November submission -- it would be number one, I think,</p> <p>22 the statement of justification. Because it wouldn't have</p> <p>23 gotten on to -- there's this Exhibit 1.</p> <p>24 HEARING OFFICER GROSSMAN: Okay.</p> <p>25 GREGORY RAPISARDA: It wouldn't have gotten on as a</p>	<p style="text-align: right;">27</p> <p>1 HEARING OFFICER GROSSMAN: Well, everything --</p> <p>2 everything is in our record of -- our administrative record.</p> <p>3 Usually the way we proceed in these, at the end of this</p> <p>4 hearing you would move into evidence --</p> <p>5 GREGORY RAPISARDA: That sounds good.</p> <p>6 HEARING OFFICER GROSSMAN: -- the exhibits. And unless</p> <p>7 there's some objection that I would grant, that would -- we</p> <p>8 would accept the file into evidence.</p> <p>9 GREGORY RAPISARDA: Okay. So I would just -- my -- I</p> <p>10 guess my only kind of big picture opening statement is that</p> <p>11 we're ready to bring in the -- the witnesses to do it. I</p> <p>12 think we have a comprehensive look at what we tried to</p> <p>13 address all these. And that I think we have provided at</p> <p>14 least substantial evidence to -- to show that this proposal</p> <p>15 meets or exceeds all the requirements.</p> <p>16 HEARING OFFICER GROSSMAN: All right. You may then call</p> <p>17 your first witness.</p> <p>18 GREGORY RAPISARDA: Sounds good. I'll call Mr. Justin</p> <p>19 Walter.</p> <p>20 HEARING OFFICER GROSSMAN: All right. Mr. Walter, will</p> <p>21 you state your full name and your business address, please?</p> <p>22 JUSTIN WALTER: My name is Justin Paul Walter; business</p> <p>23 address is Potomac Edison, 10802, Bower Avenue,</p> <p>24 Williamsport, Maryland.</p> <p>25 HEARING OFFICER GROSSMAN: All right. Would you raise</p>
<p style="text-align: right;">26</p> <p>1 statement of justification before this was accepted.</p> <p>2 HEARING OFFICER GROSSMAN: All right. So your -- your</p> <p>3 supplemental statement is Exhibit 1 --</p> <p>4 GREGORY RAPISARDA: Yes.</p> <p>5 HEARING OFFICER GROSSMAN: -- in there. Okay. All</p> <p>6 right. And the impervious area plan, I've seen one in there,</p> <p>7 but the one that I have, Exhibit 37C, is different from what</p> <p>8 staff is showing on page nine of the -- of the report.</p> <p>9 GREGORY RAPISARDA: And I can explain it or I can have</p> <p>10 a witness explain that.</p> <p>11 HEARING OFFICER GROSSMAN: Whatever you'd prefer.</p> <p>12 GREGORY RAPISARDA: I think we have a witness that can</p> <p>13 walk through that.</p> <p>14 HEARING OFFICER GROSSMAN: Okay. All right.</p> <p>15 GREGORY RAPISARDA: Okay?</p> <p>16 HEARING OFFICER GROSSMAN: All right. Are there any</p> <p>17 other preliminary matters?</p> <p>18 GREGORY RAPISARDA: No. The posting was done. I was</p> <p>19 going to ask if this has all been, you know, the -- the</p> <p>20 supplemental everything that we've put in, plus the newest</p> <p>21 drawings.</p> <p>22 We have a couple things this morning that we may need</p> <p>23 to enter into evidence as we discuss them. But has</p> <p>24 everything else been entered in -- into evidence, in the</p> <p>25 record --</p>	<p style="text-align: right;">28</p> <p>1 your right hand, please? Do you swear or affirm to tell the</p> <p>2 truth, the whole truth, and nothing but the truth, under</p> <p>3 penalty of perjury?</p> <p>4 JUSTIN WALTER: I do.</p> <p>5 HEARING OFFICER GROSSMAN: All right. You may proceed,</p> <p>6 Mr. Rapisarda.</p> <p>7 GREGORY RAPISARDA: Okay. Mr. Walter, let's -- let's</p> <p>8 talk big picture about what this -- what this does.</p> <p>9 And if you could, use the plans that we have in the</p> <p>10 record right now to walk through the setup and the</p> <p>11 electrical components to it which addresses one of the</p> <p>12 judge's questions about explaining the electrical equipment</p> <p>13 to be provided --</p> <p>14 JUSTIN WALTER: Sure.</p> <p>15 GREGORY RAPISARDA: And can you point us to which one -</p> <p>16 -</p> <p>17 JUSTIN WALTER: This is -- this is the landscape and</p> <p>18 lighting plan [inaudible]</p> <p>19 GREGORY RAPISARDA: This is the conditional use plan</p> <p>20 actually. So we have the conditional use plan --</p> <p>21 JUSTIN WALTER: Okay.</p> <p>22 GREGORY RAPISARDA: -- is under the -- the Exhibit</p> <p>23 number 42B.</p> <p>24 JUSTIN WALTER: Yeah. Okay. So yeah, I guess the -- the</p> <p>25 big picture is -- and the details are obviously in the</p>

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8 (29 to 32)

<p>29</p> <p>1 application, but -- in the statement of justification. 2 But the -- the developments in that area, primarily the 3 Cabin Branch residential and commercial developments, as 4 well as some of the other developments in that area, based 5 on the projects the -- the projections of the developers and 6 the existing load in the area, we anticipate that they're 7 going to exceed the existing distribution system within the 8 next -- within the next year at this point based on current 9 projections. 10 So that -- that requires that we -- we bring in 11 additional capacity. And so that's the purpose of -- of the 12 substation in this area, to -- to increase the capacity to 13 allow us to serve the additional load. 14 HEARING OFFICER GROSSMAN: I noticed you call it the 15 Cabin John substation -- or Cabin Branch, I'm sorry, 16 substation. Whereas technical staff calls it -- maybe it's 17 Clarksburg -- Clarksburg. What do they call it? 18 GREGORY RAPISARDA: Clarksburg substation. 19 JUSTIN WALTER: Oh, really? 20 GREGORY RAPISARDA: Yeah [inaudible] 21 HEARING OFFICER GROSSMAN: But I take it you still -- 22 you are calling it Cabin branch substation, is that -- 23 JUSTIN WALTER: Correct. Yes. Our -- Potomac Edison's 24 name is Cabin Branch substation. 25 HEARING OFFICER GROSSMAN: Okay. All right.</p>	<p>31</p> <p>1 -- when did -- how long have you been a licensed 2 professional engineer? 3 JUSTIN WALTER: I believe it was 2013 is when I -- I 4 received my license. 5 GREGORY RAPISARDA: Okay. 6 HEARING OFFICER GROSSMAN: Do you recall your Maryland 7 license number? 8 JUSTIN WALTER: It's 44106. Thanks, Greg. 9 GREGORY RAPISARDA: Yeah. 10 HEARING OFFICER GROSSMAN: 44016? 11 JUSTIN WALTER: I'm sorry, 44106. 12 HEARING OFFICER GROSSMAN: 106. Okay. All right. 13 GREGORY RAPISARDA: And how long have you been with 14 Potomac Edison? 15 JUSTIN WALTER: Almost five years. It'll be five years 16 in June. 17 GREGORY RAPISARDA: And you're a project manager? 18 JUSTIN WALTER: Yes. That's -- that's my function in 19 this project. My title is engineer in the project and 20 portfolio management group. 21 GREGORY RAPISARDA: Okay. 22 JUSTIN WALTER: But yeah, I'm functioning as a project 23 manager for this project. 24 GREGORY RAPISARDA: Okay. And you're familiar with 25 these -- these substations?</p>
<p>30</p> <p>1 GREGORY RAPISARDA: We'll have to make sure that 2 doesn't cause confusion [inaudible] 3 HEARING OFFICER GROSSMAN: No. I just thought I'd make 4 sure. 5 GREGORY RAPISARDA: Okay. So then just [inaudible] we 6 didn't get into it, he earlier mentioned he's a project 7 manager. 8 But, you know, he's also a stru- -- an engineer who's 9 been with the army, he's been with Potomac Edison, Army 10 Corps of Engineers, army reserves -- 11 HEARING OFFICER GROSSMAN: So are you -- you calling 12 Mr. Walter as an expert? 13 GREGORY RAPISARDA: I'm calling -- yes. 14 HEARING OFFICER GROSSMAN: All right. So let's qualify 15 him as an expert. 16 GREGORY RAPISARDA: Let's qualify him as an expert. If 17 you could just touch -- what is your education? Post high 18 school? 19 JUSTIN WALTER: Yeah. My -- I have a bachelor of 20 science in civil engineering from -- from Penn State 21 University. 22 GREGORY RAPISARDA: Okay. And are you a licensed 23 professional engineer? 24 JUSTIN WALTER: In the state of Maryland, yes. 25 GREGORY RAPISARDA: Okay. And how long have you -- when</p>	<p>32</p> <p>1 JUSTIN WALTER: Yes. From a conceptual perspective, 2 yes. 3 GREGORY RAPISARDA: Okay. 4 HEARING OFFICER GROSSMAN: Have you ever testified as 5 an expert before? 6 JUSTIN WALTER: No. No, I have not. 7 HEARING OFFICER GROSSMAN: And you say you're familiar 8 from a conceptual standpoint, is that -- what does that 9 mean? Do you -- do -- you don't know about this particular 10 project or -- 11 JUSTIN WALTER: Yes. No. I'm sorry. I'm -- I'm not a 12 substation designer, I guess is what I'm saying. I -- I -- 13 I'm -- so -- so yes. No. I'm -- I'm very familiar with this 14 project. 15 HEARING OFFICER GROSSMAN: Okay. 16 JUSTIN WALTER: This is one of my projects that I'm 17 managing. So -- so -- so yes, I am -- I'm not -- 18 GREGORY RAPISARDA: You're saying you didn't design 19 this? 20 JUSTIN WALTER: I did not do -- no, I did not do like 21 the electrical engineering for the substation. No. I -- I'm 22 the project manager. 23 GREGORY RAPISARDA: So Potomac Edison designed it in 24 accordance with whatever guidelines and best practices they 25 do, right?</p>

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<p>33</p> <p>1 JUSTIN WALTER: Correct. The first --</p> <p>2 GREGORY RAPISARDA: Then they hand -- then it's</p> <p>3 designed and you're doing the development part of it?</p> <p>4 JUSTIN WALTER: Correct. The First Energy substation</p> <p>5 engineering group out of Greensburg does the -- our</p> <p>6 substation engineering.</p> <p>7 GREGORY RAPISARDA: Okay.</p> <p>8 HEARING OFFICER GROSSMAN: Have you ever testified as</p> <p>9 an expert before?</p> <p>10 JUSTIN WALTER: No.</p> <p>11 HEARING OFFICER GROSSMAN: Okay. All right.</p> <p>12 GREGORY RAPISARDA: I have a copy -- do you have -- is</p> <p>13 this a fair and accurate representation of your resume?</p> <p>14 JUSTIN WALTER: Yes.</p> <p>15 GREGORY RAPISARDA: Okay. I would like --</p> <p>16 HEARING OFFICER GROSSMAN: Was Mr. Walters one of the -</p> <p>17 - you attached a --</p> <p>18 GREGORY RAPISARDA: I did. I did attach it.</p> <p>19 HEARING OFFICER GROSSMAN: -- a resume to one of the</p> <p>20 filings. Let me see which one that was, so we don't have to</p> <p>21 have it again if you've already submitted that with your</p> <p>22 pre-hearing [inaudible]</p> <p>23 GREGORY RAPISARDA: I mean, knock that -- nail that</p> <p>24 down too. It is the same one that was attached.</p> <p>25 HEARING OFFICER GROSSMAN: What Exhibit that was --</p>	<p>35</p> <p>1 right.</p> <p>2 HEARING OFFICER GROSSMAN: All right.</p> <p>3 GREGORY RAPISARDA: Okay. So Mr. Walter, if you could,</p> <p>4 I mean one of the -- the hearing examiner's questions was</p> <p>5 about can you walk us through. And I'm looking at this, it</p> <p>6 says the conditional use plan, and it has the -- the cross-</p> <p>7 section view. If you could walk us through what this is.</p> <p>8 JUSTIN WALTER: Right. I'm trying to -- the -- yeah. So</p> <p>9 this would be the -- sheet three, the third -- the third</p> <p>10 page on that conditional use plan, the typical modular</p> <p>11 substation cross-section.</p> <p>12 HEARING OFFICER GROSSMAN: What am I looked at here?</p> <p>13 JUSTIN WALTER: So the -- the top drawing there</p> <p>14 starting at the left hand side, you've got a structure there</p> <p>15 that is indicated at 37 feet maximum including -- there's a</p> <p>16 basically lightning protection that -- that extends up to</p> <p>17 that 37-foot maximum.</p> <p>18 But what that is, is that is the entrance where --</p> <p>19 where the high voltage sub-transmission lines will come into</p> <p>20 the substation. They're going to come in underground and</p> <p>21 that -- that structure brings them up so that they have</p> <p>22 adequate clearance about the -- the ground so that it's safe</p> <p>23 for our employees to walk underneath.</p> <p>24 HEARING OFFICER GROSSMAN: And what exactly do you call</p> <p>25 that structure, that first structure?</p>
<p>34</p> <p>1 GREGORY RAPISARDA: Here -- 3/13 --</p> <p>2 HEARING OFFICER GROSSMAN: 3/13 --</p> <p>3 GREGORY RAPISARDA: So it's number 40. Oh, applicant's</p> <p>4 pre-hearing submission is 41.</p> <p>5 HEARING OFFICER GROSSMAN: Okay.</p> <p>6 GREGORY RAPISARDA: And that included Mr. Walter's</p> <p>7 email. I mean [inaudible]</p> <p>8 HEARING OFFICER GROSSMAN: Okay. Let me just take a</p> <p>9 quick look. Okay, here's 41. Yes. I see it attached. Okay.</p> <p>10 Well, based on -- I take it you're offering him as an expert</p> <p>11 in civil engineering, electrical?</p> <p>12 GREGORY RAPISARDA: Civil engineering and this -- and</p> <p>13 the details of this project, substation development.</p> <p>14 HEARING OFFICER GROSSMAN: All right. So based on his</p> <p>15 education, background, and experience, as indicated in his</p> <p>16 resume and his testimony, I accept Mr. Walter as an expert</p> <p>17 in civil engineering and specifically towards this kind of</p> <p>18 electrical substation.</p> <p>19 GREGORY RAPISARDA: Very good. Thank you. Now you can</p> <p>20 answer that question in the future in a different way. Yes,</p> <p>21 I have [inaudible]</p> <p>22 HEARING OFFICER GROSSMAN: I tell you, your wife, if</p> <p>23 you have one, that you're an expert, that's -- that's the</p> <p>24 most important.</p> <p>25 GREGORY RAPISARDA: I'm sure that [inaudible]. All</p>	<p>36</p> <p>1 JUSTIN WALTER: It -- it's --</p> <p>2 HEARING OFFICER GROSSMAN: Are these transformers of</p> <p>3 some kind?</p> <p>4 JUSTIN WALTER: No. The -- I -- the transformer is --</p> <p>5 is a -- is too -- too over there. So I will -- I will get</p> <p>6 there.</p> <p>7 HEARING OFFICER GROSSMAN: Okay.</p> <p>8 JUSTIN WALTER: It's -- it is basically just an</p> <p>9 entrance structure. So it's -- it -- it --</p> <p>10 GREGORY RAPISARDA: But it's taking in high voltage,</p> <p>11 right?</p> <p>12 JUSTIN WALTER: Correct. So --</p> <p>13 GREGORY RAPISARDA: So this whole substation, okay, big</p> <p>14 picture, this substation is bringing in high voltage and</p> <p>15 dropping it down?</p> <p>16 JUSTIN WALTER: Correct. So it will be coming in at --</p> <p>17 at 34.5 kV, or 34,500 volts. And the substation will be</p> <p>18 stepping that down to nominally 12,000 volts which is our</p> <p>19 distribution voltage.</p> <p>20 So that's the voltage of the -- the -- the lines that</p> <p>21 will then be going to serve the residences and the -- and</p> <p>22 the commercial customers.</p> <p>23 HEARING OFFICER GROSSMAN: Okay.</p> <p>24 JUSTIN WALTER: So the next structure over to the right</p> <p>25 from that -- the entrance structure, that is our circuit</p>

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<p>37</p> <p>1 switcher. So that functions to protect the rest of the 2 equipment in the substation. If there were to be a fault out 3 on the sub-transmission line, it would disconnect. 4 It would -- it would open up so that the current -- the 5 fault current doesn't flow through and -- and damage 6 additional equipment. 7 HEARING OFFICER GROSSMAN: Okay. 8 JUSTIN WALTER: And then the -- the third structure to 9 the right there is the transformer. So that is where the 10 voltage is -- is transformed from the -- the sub- 11 transmission voltage, the 34,500 volts to the 12,000-volt 12 distribution voltage. 13 And then the -- the -- the final item there on the 14 right is what we call switch gear. And it has multiple bays. 15 And that's where each of the individual distribution 16 circuits would come out. 17 And so with this -- this substation will be designed to 18 have the capability to feed four different distribution -- 19 what we call distribution circuits. So individual -- 20 HEARING OFFICER GROSSMAN: So you'd have four of these 21 layouts where you have the receiving of the -- the high 22 voltage in it? 23 JUSTIN WALTER: No. 24 HEARING OFFICER GROSSMAN: All right. 25 JUSTIN WALTER: No. I'm sorry. The -- there is only one</p>	<p>39</p> <p>1 HEARING OFFICER GROSSMAN: [inaudible] 2 JUSTIN WALTER: Again starting from the left, you have 3 the -- the entrance structure, and then the -- the circuit 4 switcher structure, and then the -- the transformer, and 5 then the switch gear structure. 6 And you can see in the switch gear structure, it is 7 shown with -- with multiple bays in -- in the drawing. And 8 those would be the bays for the -- the circuits. 9 And then there's going to be a -- a bay where the 10 controls, the -- the electronic and communications for the 11 controls, we have remote -- remote visibility of the status 12 of the equipment in the substation, as well as electronics 13 that -- that operate the equipment in there. So -- so that's 14 what's in that -- that switch gear. 15 HEARING OFFICER GROSSMAN: So those -- well I see the 16 multiple bays, there are more than four bays there. 17 JUSTIN WALTER: Correct. 18 HEARING OFFICER GROSSMAN: So how many circuits are 19 coming out of there? I take it each one of those circuits 20 coming out is carrying 12,000 volts, is that -- 21 JUSTIN WALTER: That's -- that's correct. The -- there 22 would ultimate -- this substation will have the capacity 23 ultimately for four circuits coming out of it. 24 HEARING OFFICER GROSSMAN: Okay. 25 JUSTIN WALTER: Initially I think we will have, if I</p>
<p>38</p> <p>1 -- one of each of these in the substation. But there would 2 be four -- 3 HEARING OFFICER GROSSMAN: One each of which? The -- 4 the initial receiving structure or the transformer -- 5 JUSTIN WALTER: There's -- there's one -- one 6 structure, one circuit switcher, one transformer, and one 7 switch gear in the substation. There would then be four 8 lines coming out of the switch gear. 9 And those would -- those would go underground and -- 10 and then feed the -- those would be then be the underground 11 lines that would then go out to the -- the development to 12 feed the customers. 13 HEARING OFFICER GROSSMAN: Well, technical staff 14 described this as having four transformers. Is that 15 incorrect then? 16 JUSTIN WALTER: That -- that is incorrect. Yes. 17 HEARING OFFICER GROSSMAN: Okay. 18 JUSTIN WALTER: There are -- there are four circuits, 19 but only -- only one transformer. And on the -- the previous 20 page of the conditional use plan, I guess what is that -- 21 GREGORY RAPISARDA: 42B. 22 JUSTIN WALTER: 42BII. 23 GREGORY RAPISARDA: Yep. 24 JUSTIN WALTER: You can see the plan view where the -- 25 again starting from the left --</p>	<p>40</p> <p>1 remember correctly, there would only be two or three needed 2 initially, but it'll have capacity for future growth. 3 HEARING OFFICER GROSSMAN: Okay. 4 JUSTIN WALTER: As needed. 5 HEARING OFFICER GROSSMAN: So why do I see one, two, 6 three, four, five, six different little bays, and then a 7 larger one at the bottom looking at 40 -- Exhibit 42BII? 8 JUSTIN WALTER: I will have to -- 9 HEARING OFFICER GROSSMAN: Just [inaudible] more than 10 four. 11 JUSTIN WALTER: I'm not sure. I can't answer 12 [inaudible] I can't -- 13 KARL LOTSPEICH: [inaudible] response. 14 HEARING OFFICER GROSSMAN: What? You want to come 15 forward and we'll identify you and swear you? 16 GREGORY RAPISARDA: Sure. 17 KARL LOTSPEICH: [inaudible] that's out of my capacity, 18 my professional capacity, but -- 19 HEARING OFFICER GROSSMAN: Will you state your full 20 name and work address, please? 21 KARL LOTSPEICH: Good morning. Karl Lotspeich with GAI 22 Consultants, 4198 Cox Road, Suite 114, Glen Allen, Virginia. 23 HEARING OFFICER GROSSMAN: Would you raise your right 24 hand, please? Do you swear or affirm to tell the truth, the 25 whole truth, and nothing but the truth, under penalty of</p>

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<p>41</p> <p>1 perjury?</p> <p>2 KARL LOTSPEICH: I do.</p> <p>3 HEARING OFFICER GROSSMAN: All right. You may proceed</p> <p>4 if you can add to the explanation here.</p> <p>5 KARL LOTSPEICH: I -- I think what -- what -- this is</p> <p>6 not the detailed electrical configuration, I mean as the</p> <p>7 final drawings. This is meant to be a typical representation</p> <p>8 of what the station looks like.</p> <p>9 So I think when you see the final actual physical</p> <p>10 elements, the -- the electrical components being engineered,</p> <p>11 they may not look exactly like that final bay layout. But I</p> <p>12 think his numbers of circuits exiting is the more key item</p> <p>13 to understand.</p> <p>14 HEARING OFFICER GROSSMAN: I mean, I don't know that it</p> <p>15 --</p> <p>16 KARL LOTSPEICH: It's not going to change the capacity,</p> <p>17 or size, or magnitude of -- of that component.</p> <p>18 HEARING OFFICER GROSSMAN: Okay. I mean from a -- from</p> <p>19 a zoning perspective, I suspect it doesn't matter. It's just</p> <p>20 that conditional uses are enforced by the Department of</p> <p>21 Permitting Services.</p> <p>22 They'll inspect every year. And if things don't match</p> <p>23 up with the plans, they may have a problem. I doubt that</p> <p>24 they're going to go inside the electrical structure here and</p> <p>25 count the bays that way. But just that's the reason I ask</p>	<p>43</p> <p>1 roof over this proposed structure?</p> <p>2 GREGORY RAPISARDA: He brought a picture -- we have a</p> <p>3 rendering, but he also brought a picture of a similar</p> <p>4 substation.</p> <p>5 HEARING OFFICER GROSSMAN: That's a rendering you</p> <p>6 already have in the record as Exhibit --</p> <p>7 GREGORY RAPISARDA: [inaudible]</p> <p>8 HEARING OFFICER GROSSMAN: Yeah. It was filed. Let's</p> <p>9 see, that's Exhibit -- that might be 46. Mr. Lotspeich</p> <p>10 [inaudible] photo of landscape being -- rendering attached.</p> <p>11 An oblique view and a street view. Is that what we're</p> <p>12 referring to?</p> <p>13 JUSTIN WALTER: That's correct.</p> <p>14 HEARING OFFICER GROSSMAN: Okay. So yeah, I saw that.</p> <p>15 GREGORY RAPISARDA: All right. There no roof --</p> <p>16 JUSTIN WALTER: Correct. Yes. There -- there are no</p> <p>17 roofs. The -- the only -- the only thing in here would be</p> <p>18 the -- the -- the transformer.</p> <p>19 And then the switch gear itself is basically an</p> <p>20 electrical cabinet that houses the -- the -- the breakers</p> <p>21 that are inside it, and then also the -- the control</p> <p>22 equipment.</p> <p>23 HEARING OFFICER GROSSMAN: So there's a -- that -- what</p> <p>24 appears to be a -- it appears to be a cabinet on that</p> <p>25 rendering.</p>
<p>42</p> <p>1 that question. Okay.</p> <p>2 So this is more a question -- this is typically and it</p> <p>3 could have additional bays. But -- but the idea ultimately</p> <p>4 is you have one transformer there and it's branching out</p> <p>5 into essentially four -- ultimately four circuits, each one</p> <p>6 of which would carry the 12,000 volts, which has been</p> <p>7 stepped down from the 34,500 volts. Is that -- is that fair?</p> <p>8 JUSTIN WALTER: Yes. That's --</p> <p>9 HEARING OFFICER GROSSMAN: Okay.</p> <p>10 JUSTIN WALTER: That's correct.</p> <p>11 HEARING OFFICER GROSSMAN: So I wonder where the staff</p> <p>12 got the description, if they did [inaudible] convey -- they</p> <p>13 say on page six, the components of the substation include</p> <p>14 four successive transformers and transformer bays, with all</p> <p>15 distributions lines leaving the facility placed entirely</p> <p>16 underground. I take it the underground part of that's</p> <p>17 correct, is that --</p> <p>18 JUSTIN WALTER: That's -- that's correct. It sounds</p> <p>19 like --</p> <p>20 GREGORY RAPISARDA: They're referring to the bay -- the</p> <p>21 bays as -- they've gotten a description, but it's</p> <p>22 transformers. And they're not four transformers.</p> <p>23 JUSTIN WALTER: Correct.</p> <p>24 HEARING OFFICER GROSSMAN: All right. What about the</p> <p>25 question of -- of the -- the housing for this? Is there a</p>	<p>44</p> <p>1 JUSTIN WALTER: Correct.</p> <p>2 HEARING OFFICER GROSSMAN: So that's a -- that's a</p> <p>3 switch gear cabinet. Is that what you're saying?</p> <p>4 JUSTIN WALTER: Yes. Yes. We -- we call it a switch</p> <p>5 gear, but it's -- I mean for lack of a -- since that's not</p> <p>6 common, that -- that's not a common term. Yeah, it's -- it's</p> <p>7 a electrical equipment cabinet.</p> <p>8 Basically like a larger version of, you know, a pad</p> <p>9 mounted transformer like you would see in an underground</p> <p>10 application. So it's -- but it's not a -- it's not a</p> <p>11 building with -- you know, it's electrical equipment, it's</p> <p>12 not like a structure --</p> <p>13 HEARING OFFICER GROSSMAN: So there will be no</p> <p>14 buildings on this site.</p> <p>15 JUSTIN WALTER: No. Correct.</p> <p>16 HEARING OFFICER GROSSMAN: Yeah. The reason I ask that</p> <p>17 question is the zoning ordinance makes a distinction between</p> <p>18 buildings and structures. And it makes that distinction also</p> <p>19 in the context of what setbacks are required and so on.</p> <p>20 So that's why I ask that is to know what the</p> <p>21 appropriate setback requirements are for these structures.</p> <p>22 Okay.</p> <p>23 GREGORY RAPISARDA: Okay. Well, if I have any -- if</p> <p>24 that answers your question, then we don't have to get into</p> <p>25 the -- another picture. Because it does -- those are the</p>

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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 cabinets, but they're not --</p> <p>2 HEARING OFFICER GROSSMAN: All right.</p> <p>3 GREGORY RAPISARDA: [inaudible] for the switch gears.</p> <p>4 All right, Mr. Walter, I wanted to ask you also, we want to</p> <p>5 get to this -- the landscape, screening, and lighting plan.</p> <p>6 And if you could just -- there was a question about a</p> <p>7 discrepancy between the lighting in this plan, 42C, that</p> <p>8 shows the two downward facing lights, and then our just</p> <p>9 [inaudible] statement which show -- which points out that</p> <p>10 there are two upward facing for emergency purposes.</p> <p>11 JUSTIN WALTER: Correct.</p> <p>12 GREGORY RAPISARDA: So I am handing Mr. Walter, it is</p> <p>13 page two of the landscape and lighting plan.</p> <p>14 HEARING OFFICER GROSSMAN: So the landscaping plans are</p> <p>15 on 42C. Let me get that out. Okay. And you're saying it's on</p> <p>16 the second page?</p> <p>17 GREGORY RAPISARDA: Yes.</p> <p>18 HEARING OFFICER GROSSMAN: Okay.</p> <p>19 GREGORY RAPISARDA: Probably a good place to start.</p> <p>20 HEARING OFFICER GROSSMAN: 42 -- well first of all</p> <p>21 let's look at page 42CI, the first page of that. You have</p> <p>22 specifically designated proposed down lighting on there. So</p> <p>23 I see two lights referenced there as proposed down lighting</p> <p>24 on Exhibit 42CI.</p> <p>25 JUSTIN WALTER: Yes. That is -- that is correct. The --</p>	<p style="text-align: right;">47</p> <p>1 And you're saying that's the down lighting. And the</p> <p>2 thing above the horizontal post is the up lighting? Is that</p> <p>3 what you're saying?</p> <p>4 JUSTIN WALTER: Correct. Yes. The -- the down lighting</p> <p>5 is the only lighting that would be operational on a regular</p> <p>6 basis.</p> <p>7 The upward facing lighting would be for emergencies</p> <p>8 only in the -- in the event that there was repairs that</p> <p>9 needed to be made during the nighttime to the equipment</p> <p>10 that's -- that's above the lighting.</p> <p>11 HEARING OFFICER GROSSMAN: Okay. So with the regular</p> <p>12 visits, it's said that once a month or so, somebody will</p> <p>13 come out for maintenance. I take it that that would</p> <p>14 ordinarily be during the daytime and it wouldn't require the</p> <p>15 up lighting to be used? Is that what you're saying?</p> <p>16 JUSTIN WALTER: That is correct.</p> <p>17 HEARING OFFICER GROSSMAN: Okay. But if you had an</p> <p>18 emergency that required work at night, you'd activate the up</p> <p>19 lighting.</p> <p>20 JUSTIN WALTER: Correct. Yes. The only time we would be</p> <p>21 working in -- at the night time would be in an emergency</p> <p>22 situation.</p> <p>23 HEARING OFFICER GROSSMAN: Okay. And -- and you said</p> <p>24 the down light -- is the down lighting on all the time? Or</p> <p>25 every night? Or how does that work?</p>
<p style="text-align: right;">46</p> <p>1 those are the correct locations of the down lighting. And</p> <p>2 then the -- the upward facing lighting is actually located</p> <p>3 at the same locations. And I think you can see that more</p> <p>4 clearly on the -- on the elevation on the next page.</p> <p>5 HEARING OFFICER GROSSMAN: Okay. Let's see. By the way,</p> <p>6 when I first looked at this, I saw these things that are</p> <p>7 numbered on the outside, one, two, three. And I said, oh,</p> <p>8 well I guess that's the lighting.</p> <p>9 And I said, no, wait a minute, that can't be, there are</p> <p>10 five of them. And I realized those are the keys to the</p> <p>11 photograph that you attached. All right. So now I'm on</p> <p>12 Exhibit 42CII. And what am I looking at?</p> <p>13 JUSTIN WALTER: It's similar to the -- the sheet -- or</p> <p>14 the cross-section we were just looking at. In the upper left</p> <p>15 hand corner of that page, a typical modular substation</p> <p>16 cross-section, we have the -- the two locations highlighted</p> <p>17 in a couple different views.</p> <p>18 And again, we only call out the down lighting. But if</p> <p>19 you -- and it's -- it's hard to -- hard to see in the -- in</p> <p>20 the 11x17, but there's a -- there's a downward facing light,</p> <p>21 but then above it there's also an upward facing light.</p> <p>22 HEARING OFFICER GROSSMAN: Well, I -- I see a structure</p> <p>23 that -- that could be anything. It -- it's referred to as</p> <p>24 proposed down lighting. But you're saying that those two</p> <p>25 items, it's one that's below the -- the horizontal post.</p>	<p style="text-align: right;">48</p> <p>1 JUSTIN WALTER: I believe it is dusk to dawn. So I</p> <p>2 believe it would be op- -- operational from a site security</p> <p>3 and safety perspective, I believe it would be operational on</p> <p>4 a regular basis.</p> <p>5 HEARING OFFICER GROSSMAN: Okay. Now you're on the</p> <p>6 diagram 42CII, it's pointing to three of those. Are that --</p> <p>7 are those just different views of the same two lights?</p> <p>8 JUSTIN WALTER: That is correct. It looks like it has</p> <p>9 three elevations called out. But in the landscape and</p> <p>10 lighting plan, I don't think we have the three elevations</p> <p>11 identified. But yes, the -- the lower view is a -- a</p> <p>12 different view of that -- that entrance structure.</p> <p>13 GREGORY RAPISARDA: [inaudible whispering]</p> <p>14 JUSTIN WALTER: So yes. That's -- you are correct that</p> <p>15 they're different views.</p> <p>16 HEARING OFFICER GROSSMAN: So we're still talking about</p> <p>17 there are two lights that'll be on, the downward facing</p> <p>18 ones. It'll be on each evening. And then two upward facing</p> <p>19 lights on top of it that will be on only in emergencies.</p> <p>20 JUSTIN WALTER: Correct.</p> <p>21 HEARING OFFICER GROSSMAN: Okay. All right. That seems</p> <p>22 reasonable. All right. Well, addressing my questions, I had</p> <p>23 a question about the -- the vicinity map on Exhibit 42BI.</p> <p>24 GREGORY RAPISARDA: Okay.</p> <p>25 HEARING OFFICER GROSSMAN: Let's address that one.</p>

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<p style="text-align: right;">49</p> <p>1 GREGORY RAPISARDA: All right. Now that Karl has been 2 sworn in, this is one for him to answer [inaudible]. So this 3 is the one that's in the record. And it says, one to 300. 4 And then -- so what we found out when you -- when you raise 5 this, is how this -- this scale was placed on and how 6 applying [inaudible]. 7 Frankly that -- that's not accurate. In the scale that 8 it is right there, you can correct me if I'm wrong, but it's 9 actually more one to 100. 10 HEARING OFFICER GROSSMAN: Yeah. That's what it looked 11 like to me and I -- I -- 12 GREGORY RAPISARDA: That's what -- that's what it is. 13 And it just didn't get on there. 14 HEARING OFFICER GROSSMAN: Okay. 15 GREGORY RAPISARDA: So we have a one page update that 16 we could do with one to 100. But we also have that top page 17 here, this is now done to scale with one to 300. 18 HEARING OFFICER GROSSMAN: I see. 19 GREGORY RAPISARDA: For the vicinity map. And that is 20 because there is a checklist in the -- in the conditional 21 use found in planning's requirements. It says, let's see a 22 vicinity scale of one to 300. And I think that's why we 23 originally put it in, generally. So. 24 HEARING OFFICER GROSSMAN: You mean, you're talking 25 about the --</p>	<p style="text-align: right;">51</p> <p>1 but -- 2 HEARING OFFICER GROSSMAN: Why don't we do this, so we 3 avoid -- avoid having to have a comment period. If you're 4 agreeable, I would change the scale on here to say, one inch 5 equals 100. Is that agreeable, initial off on that? 6 GREGORY RAPISARDA: Are you okay with that? Yep. 7 HEARING OFFICER GROSSMAN: Okay. 8 GREGORY RAPISARDA: We confirmed that with -- with 9 everybody at JJ [ph] before Karl came in today. So that's 10 exactly -- 11 KARL LOTSPEICH: That -- that references accurately to 12 the actual dimensions of the proposed easement area. 13 HEARING OFFICER GROSSMAN: Right. And I'll do it on the 14 -- the bottom scale as well, it says 200 and okay, 100. And 15 this will be 100. And this will be 200 instead of 600. And 16 I'm going to put my initials next to it. Okay. 17 So I have modified Exhibit 42BI, vicinity map, to 18 correctly reflect the actual scale where one inch equals 100 19 feet. All right. Let's see, were there any other questions 20 on that note? 21 GREGORY RAPISARDA: You had something about the 22 impervious surface, but [inaudible] 23 HEARING OFFICER GROSSMAN: Oh, yeah. The impervious 24 surface map is different. The one I had as Exhibit 37C -- 25 GREGORY RAPISARDA: Karl, do you have what you need to</p>
<p style="text-align: right;">50</p> <p>1 GREGORY RAPISARDA: I guess we're not -- 2 HEARING OFFICER GROSSMAN: -- the filing requirements 3 call for a vicinity map of 1 to 300 -- 4 GREGORY RAPISARDA: [inaudible] yes. But frankly what 5 we could do is actually just correct this page and say it 6 was -- this is one to 100 and we'd make that correction. 7 HEARING OFFICER GROSSMAN: And you said you have with 8 you something that shows [inaudible] 9 GREGORY RAPISARDA: And then we also had something 10 that's -- that's actually done to scale, one to 300, just so 11 that's in the record. 12 HEARING OFFICER GROSSMAN: But it's the same diagram? 13 GREGORY RAPISARDA: Same diagram. 14 HEARING OFFICER GROSSMAN: It doesn't go out beyond the 15 -- the -- it's not really the vicinity beyond -- 16 GREGORY RAPISARDA: It actually does go beyond. This -- 17 this one that we just had done, if you look at that -- 18 HEARING OFFICER GROSSMAN: All right. Let me take a 19 look -- 20 GREGORY RAPISARDA: So here's basically what you have. 21 And then -- let me see, oh maybe it doesn't. 22 HEARING OFFICER GROSSMAN: Yeah. It looks like it's the 23 same area. 24 GREGORY RAPISARDA: No. [inaudible] right. But this is 25 an actual real one to 300. Didn't print out the same way,</p>	<p style="text-align: right;">52</p> <p>1 address that? 2 HEARING OFFICER GROSSMAN: -- is different from the one 3 on -- 4 KARL LOTSPEICH: [inaudible] 5 HEARING OFFICER GROSSMAN: It's also different from the 6 one that I presented to the planning board in their 7 PowerPoint presentation. So if somebody can address that? 8 KARL LOTSPEICH: Can we ver- -- can you verify what 9 exactly it is he's looking at? Because I know what the 10 change was. 11 And -- and for matter of record, I'm representing the 12 efforts of Joel Schodi, who is our registered engineer in 13 the state of Maryland, who's certified, and signed and 14 sealed all the appropriate drawings prepared on behalf of 15 the project. 16 HEARING OFFICER GROSSMAN: All right. Are you 17 testifying -- are you having this witness testify as an 18 expert as well? 19 GREGORY RAPISARDA: I am. 20 HEARING OFFICER GROSSMAN: All right. I don't think I 21 have a resume -- 22 GREGORY RAPISARDA: I don't have -- I didn't have one 23 for him, so I do have that. 24 HEARING OFFICER GROSSMAN: Okay. Why don't we -- 25 GREGORY RAPISARDA: Could you -- and then just could</p>

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<p>53</p> <p>1 you give us a little bit about your background and --</p> <p>2 HEARING OFFICER GROSSMAN: Let me mark it as an</p> <p>3 exhibit.</p> <p>4 GREGORY RAPISARDA: Okay.</p> <p>5 HEARING OFFICER GROSSMAN: All right. Thank you. We're</p> <p>6 still on Exhibit [inaudible]. All right. So this will be</p> <p>7 Exhibit 63. It's resume of Karl Lotspeich. How do you</p> <p>8 pronounce your name again, I'm sorry?</p> <p>9 KARL LOTSPEICH: Lotspeich. Like lots of speech</p> <p>10 [inaudible]</p> <p>11 HEARING OFFICER GROSSMAN: All right. You should be a</p> <p>12 lawyer if you have lots [inaudible].</p> <p>13 GREGORY RAPISARDA: So where do we show all the -- it's</p> <p>14 in the conditional use plan, right? Where do we show the</p> <p>15 impervious surface?</p> <p>16 KARL LOTSPEICH: That's -- no, that's a -- actually a</p> <p>17 separate [inaudible] impervious area plan.</p> <p>18 HEARING OFFICER GROSSMAN: This is Exhibit 63 --</p> <p>19 GREGORY RAPISARDA: And we turned that in when?</p> <p>20 HEARING OFFICER GROSSMAN: All right. So what are you</p> <p>21 offering, Mr. Lotspeich, as an expert in --</p> <p>22 GREGORY RAPISARDA: These drawings, including this</p> <p>23 specific project, and the -- and the dimensions, and the</p> <p>24 impervious surface as to this project.</p> <p>25 HEARING OFFICER GROSSMAN: So what -- you're going down</p>	<p>55</p> <p>1 HEARING OFFICER GROSSMAN: What's your bachelor's</p> <p>2 degree in?</p> <p>3 KARL LOTSPEICH: Agriculture, environmental sciences.</p> <p>4 HEARING OFFICER GROSSMAN: So that's a BS in</p> <p>5 environmental sciences?</p> <p>6 KARL LOTSPEICH: It's officially it's agriculture. I</p> <p>7 got it before they had a purely environmental sciences.</p> <p>8 HEARING OFFICER GROSSMAN: Okay.</p> <p>9 KARL LOTSPEICH: But I've been working with a ride --</p> <p>10 wide range of planning, land use approval, and I have been</p> <p>11 deemed an expert witness in land use planning testimonies</p> <p>12 and in expert witness testimony.</p> <p>13 HEARING OFFICER GROSSMAN: All right. So you've been</p> <p>14 designed and accepted as an expert in land use planning?</p> <p>15 KARL LOTSPEICH: In land -- land use, permitting,</p> <p>16 endangered species, and wetland jurisdiction.</p> <p>17 HEARING OFFICER GROSSMAN: Land use, permitting -- land</p> <p>18 use and permitting is separate -- or land use permitting as</p> <p>19 one --</p> <p>20 KARL LOTSPEICH: I'm not a land use attorney by no</p> <p>21 means, but --</p> <p>22 HEARING OFFICER GROSSMAN: Not attorney, but you could</p> <p>23 be a land use expert or a land planner without being an</p> <p>24 attorney.</p> <p>25 KARL LOTSPEICH: That's correct.</p>
<p>54</p> <p>1 to --</p> <p>2 GREGORY RAPISARDA: So GAI has prepared this. Karl --</p> <p>3 Mr. Lotspeich has overseen that and he's worked with the</p> <p>4 engineers that designed it. He's familiar with this project</p> <p>5 --</p> <p>6 HEARING OFFICER GROSSMAN: Well, that's his factual</p> <p>7 knowledge. I'm talking about his expertise. What -- what --</p> <p>8 what is his expertise? What is his area of expertise?</p> <p>9 KARL LOTSPEICH: You want me to cover it?</p> <p>10 GREGORY RAPISARDA: Huh?</p> <p>11 KARL LOTSPEICH: You want me to cover that?</p> <p>12 GREGORY RAPISARDA: Sure, please.</p> <p>13 KARL LOTSPEICH: Okay. Get me declared as an expert</p> <p>14 witness first.</p> <p>15 GREGORY RAPISARDA: Yeah.</p> <p>16 KARL LOTSPEICH: Okay. Just got a bachelor's of</p> <p>17 science, University of Florida. Been in the consulting field</p> <p>18 for 31 years, represented a wide range of private and</p> <p>19 municipal type projects, from development, transportation.</p> <p>20 I've been working in the energy field for about seven</p> <p>21 years doing both electrical transmission, substation, and</p> <p>22 gas transmission projects.</p> <p>23 And so I've been, like I said, I've been working with</p> <p>24 Jo- -- John Webber, who is the official project manager at</p> <p>25 GAI on this project, supporting the conditional use process.</p>	<p>56</p> <p>1 HEARING OFFICER GROSSMAN: So I just want to -- trying</p> <p>2 to get a handle on exactly what you're claiming is your</p> <p>3 expertise. So that's --</p> <p>4 KARL LOTSPEICH: Land use approvals, wetland</p> <p>5 jurisdictions, and protected species.</p> <p>6 HEARING OFFICER GROSSMAN: Okay.</p> <p>7 KARL LOTSPEICH: But my practical experience certainly</p> <p>8 extends beyond those three official areas where I have been</p> <p>9 deemed as an expert witness previously.</p> <p>10 HEARING OFFICER GROSSMAN: Okay. Well, you're saying</p> <p>11 you've been deemed as an expert where and exactly in what?</p> <p>12 KARL LOTSPEICH: Again, representing land use approval</p> <p>13 processes for private developments and in expert witness</p> <p>14 condemnation cases.</p> <p>15 GREGORY RAPISARDA: And where was that?</p> <p>16 KARL LOTSPEICH: Primarily in Florida. And I also was</p> <p>17 deemed as an expert contributor to a electrical transmission</p> <p>18 line project.</p> <p>19 GREGORY RAPISARDA: And where was that?</p> <p>20 KARL LOTSPEICH: That was in the state of Pennsylvania.</p> <p>21 GREGORY RAPISARDA: Okay. And was that in court or were</p> <p>22 they in administrative agencies?</p> <p>23 KARL LOTSPEICH: That was an administrative process.</p> <p>24 HEARING OFFICER GROSSMAN: And you also sworn in and</p> <p>25 testified as an expert?</p>

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15 (57 to 60)

<p>57</p> <p>1 KARL LOTSPEICH: In -- not in that case, but in my 2 other cases I have been sworn in and testified under oath. 3 HEARING OFFICER GROSSMAN: Okay. You -- what are your 4 other cases? 5 KARL LOTSPEICH: Again, expert witness primarily is the 6 majority of the expert testimony I've given. 7 HEARING OFFICER GROSSMAN: In Florida? 8 KARL LOTSPEICH: In Florida. 9 GREGORY RAPISARDA: And they were before administrative 10 bodies? 11 KARL LOTSPEICH: Both jury and judge. 12 GREGORY RAPISARDA: Oh, okay. So they were in court. 13 KARL LOTSPEICH: In court. 14 HEARING OFFICER GROSSMAN: All right. So -- 15 GREGORY RAPISARDA: For this case I would say it's for 16 our land use and development because that's what this is. 17 This is a conditional use process that he has helped with. 18 And his knowledge of the civil engineered drawings. 19 HEARING OFFICER GROSSMAN: And how long have you been 20 doing this, Mr. Lotspeich? 21 KARL LOTSPEICH: Thirty, 31 years total. 22 HEARING OFFICER GROSSMAN: Okay. All right. So perhaps 23 we should simplify say an expert in land use and 24 development. Is that a fair summary? 25 GREGORY RAPISARDA: Perfect. I'm fine with that.</p>	<p>59</p> <p>1 So I think that caused me and some others confusion 2 during the process, where I'd say, well what are you looking 3 at? Oh, that -- that -- we pulled that from this forest 4 conversation thing that we've been discussing a month ago. 5 HEARING OFFICER GROSSMAN: Okay. 6 GREGORY RAPISARDA: So anyway, with that background, 7 let's hear what he has to say specifically. 8 KARL LOTSPEICH: Well, again, the -- the picture and 9 the table identified on page nine appears to be consistent 10 with the most current set of plans that were submitted to 11 the county. 12 HEARING OFFICER GROSSMAN: What -- which -- which 13 specific plan are you referring to that's the most current 14 set? 15 KARL LOTSPEICH: The -- the impervious area details and 16 impervious area plans. 17 HEARING OFFICER GROSSMAN: Okay. So we're talking about 18 the -- 19 KARL LOTSPEICH: Which are both represented on page 20 nine. And they appear to be consistent with the most current 21 plans. 22 HEARING OFFICER GROSSMAN: Well, I don't know what you 23 mean by consistent with, as identical, or there's -- there's 24 not a conflict. So I'm not sure -- 25 KARL LOTSPEICH: There's not a conflict --</p>
<p>58</p> <p>1 HEARING OFFICER GROSSMAN: Given -- given Mr. 2 Lotspeich's resume, Exhibit 63, and there's the testimony 3 here, I accept him as an expert in land use and development 4 for purposes of this project. 5 GREGORY RAPISARDA: So Your Honor, you mentioned 6 basically the difference between the impervious surface plan 7 that we filed and what is in the staff report. 8 HEARING OFFICER GROSSMAN: Right. 9 GREGORY RAPISARDA: Okay. So Karl, are you able to 10 address that? Or do you need something else? 11 KARL LOTSPEICH: I would like to see what -- what your 12 official -- what was actually included in the staff report. 13 HEARING OFFICER GROSSMAN: Yeah. Page nine of the staff 14 report, it's the picture I'm talking about. And it says, 15 imperviousness. And it has a diagram there. I don't think 16 I've seen that diagram five. 17 GREGORY RAPISARDA: There you go. 18 HEARING OFFICER GROSSMAN: If you can tell me where it 19 is in our record, that would be fine. 20 GREGORY RAPISARDA: Well, I'll just [inaudible] at the 21 beginning, I want to hear what he has to say. There were 22 several filings before the zoning filing happening, where 23 GAI had been working with the county on different approvals 24 before I even got involved from a conditional use 25 standpoint.</p>	<p>60</p> <p>1 HEARING OFFICER GROSSMAN: Look at the other plan, 37 - 2 - 3 KARL LOTSPEICH: The photograph -- the -- the Exhibit 4 has been condensed. And it doesn't represent the full page, 5 which I'm looking at on my full size plans which were 6 submitted -- 7 HEARING OFFICER GROSSMAN: All right, let me -- 8 KARL LOTSPEICH: -- to the county. 9 HEARING OFFICER GROSSMAN: Which particular plan are 10 you looking at? Do you have a number of that plan? Or date 11 it was submitted? So I can [inaudible] 12 GREGORY RAPISARDA: It was submitted 3/14, right? This 13 is one of the March 14th ones that you dropped off by hand. 14 That will narrow us down. 15 KARL LOTSPEICH: No. These were actually submitted 16 directly by Joel under different cover. And -- and these 17 were emailed directly to the -- the department. 18 GREGORY RAPISARDA: What department? I think that might 19 not have -- 20 KARL LOTSPEICH: -- made it to the record. I just 21 wonder where -- if you can help me identify where the -- 22 what you're looking at -- 23 HEARING OFFICER GROSSMAN: What I'm looking at is 24 Exhibit 37C. And that is -- that's the last one that I have 25 that's called an impervious -- the last one I could find, if</p>

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16 (61 to 64)

<p>61</p> <p>1 you have another one -- that was December 28, '18.</p> <p>2 GREGORY RAPISARDA: That was the impervious surface.</p> <p>3 HEARING OFFICER GROSSMAN: And yes. If you look at</p> <p>4 Exhibit 37C, from December 28, '18, that's -- that's the</p> <p>5 last one I have that's called an impervious plan. I can pull</p> <p>6 it out here.</p> <p>7 KARL LOTSPEICH: [inaudible]</p> <p>8 GREGORY RAPISARDA: Yeah. I -- I can certainly confirm</p> <p>9 the date that these -- these updated plans. But what I'm</p> <p>10 seeing in the -- the staff report appears to be consistent</p> <p>11 with what I've got in front of me.</p> <p>12 Karl, do you remember why it was changed? Because</p> <p>13 that's ultimately the question is why the discrepancy. We</p> <p>14 can -- what -- what we can do is if you could identify why</p> <p>15 that change.</p> <p>16 And I think you have an answer for that. Then that --</p> <p>17 that explains why that 12/28 drawing can be set aside, or</p> <p>18 what the staff had in their staff report.</p> <p>19 HEARING OFFICER GROSSMAN: So here's the one I have.</p> <p>20 Why don't you take a look at 37C, and you'll see that it's</p> <p>21 not quite the same. It's similar, but not quite the same as</p> <p>22 the -- the entries on here.</p> <p>23 Maybe something was added by staff. I don't know. Is</p> <p>24 that the one you have as the last one that was filed, Mr.</p> <p>25 Lotspeich?</p>	<p>63</p> <p>1 consistent with the current proposed plan.</p> <p>2 GREGORY RAPISARDA: Okay. So I think we have to get you</p> <p>3 a copy of this.</p> <p>4 HEARING OFFICER GROSSMAN: Yes. Electronic as well as</p> <p>5 hard copy.</p> <p>6 GREGORY RAPISARDA: That means you have to leave the</p> <p>7 record open [inaudible]</p> <p>8 HEARING OFFICER GROSSMAN: Well, I hate to do that,</p> <p>9 especially since I'm going to be going on vacation. And I</p> <p>10 would like to see if I can get this -- this completed before</p> <p>11 that.</p> <p>12 [talking over each other]</p> <p>13 HEARING OFFICER GROSSMAN: But if there isn't really a</p> <p>14 change between what's depicted in the staff report and here,</p> <p>15 maybe we don't have to do it. But let's -- let's see what</p> <p>16 you've got. Can I see the plan that you're talking about?</p> <p>17 KARL LOTSPEICH: Sure.</p> <p>18 GREGORY RAPISARDA: Yeah. Well, can I see your 37D,</p> <p>19 which would be the next page [inaudible]</p> <p>20 HEARING OFFICER GROSSMAN: I just handed it --</p> <p>21 KARL LOTSPEICH: I just handed it back to him. All he</p> <p>22 has is from 12/28, if you want to see that --</p> <p>23 [talking over each other]</p> <p>24 HEARING OFFICER GROSSMAN: There were three things</p> <p>25 filed with me in March.</p>
<p>62</p> <p>1 KARL LOTSPEICH: That is an earlier version [inaudible]</p> <p>2 GREGORY RAPISARDA: Well, it's on here, right?</p> <p>3 KARL LOTSPEICH: Yeah. it's on here. You can see the</p> <p>4 revision date is 3 --</p> <p>5 GREGORY RAPISARDA: March 5.</p> <p>6 KARL LOTSPEICH: March 5th.</p> <p>7 HEARING OFFICER GROSSMAN: All right. So apparently</p> <p>8 they never filed with OZAH, the plan for March 5.</p> <p>9 KARL LOTSPEICH: Okay.</p> <p>10 GREGORY RAPISARDA: Well, the staff has that in the</p> <p>11 staff report.</p> <p>12 KARL LOTSPEICH: Can I look at your page five? Can I</p> <p>13 look at your next page of the same exhibit?</p> <p>14 HEARING OFFICER GROSSMAN: The 37 you mean? 37 --</p> <p>15 here's 37. Those are the things that came in in 37.</p> <p>16 GREGORY RAPISARDA: This was the 12/28 [inaudible]. I</p> <p>17 do remember you doing that and having copies for [inaudible]</p> <p>18 back in March. So which one [inaudible]</p> <p>19 KARL LOTSPEICH: No. That's -- these are the ones I</p> <p>20 submitted. These were submitted independently by Joel</p> <p>21 directly to them. And so maybe that didn't make it around.</p> <p>22 But what is in the -- this staff report here, and how to</p> <p>23 reference this --</p> <p>24 GREGORY RAPISARDA: It's in the staff report --</p> <p>25 KARL LOTSPEICH: It's in the staff report. It is</p>	<p>64</p> <p>1 GREGORY RAPISARDA: Neither of those were the</p> <p>2 impervious plan. That -- that was [inaudible]</p> <p>3 HEARING OFFICER GROSSMAN: The three things filed with</p> <p>4 me in March were the -- were the forest conservation plan,</p> <p>5 the conditional use plan, and the landscape and lighting</p> <p>6 plan. Those were the three things that I received.</p> <p>7 GREGORY RAPISARDA: Karl, is this [inaudible]</p> <p>8 KARL LOTSPEICH: That is the hearing [inaudible]. That</p> <p>9 doesn't belong with that set right there though. This is --</p> <p>10 this was --</p> <p>11 HEARING OFFICER GROSSMAN: That's the one that was --</p> <p>12 that we had not received, is that what you're saying?</p> <p>13 KARL LOTSPEICH: [inaudible]</p> <p>14 HEARING OFFICER GROSSMAN: All right. So let me take a</p> <p>15 look at that.</p> <p>16 GREGORY RAPISARDA: I think we're [inaudible]</p> <p>17 KARL LOTSPEICH: You got [inaudible]</p> <p>18 [talking over each other]</p> <p>19 GREGORY RAPISARDA: [inaudible] from the hearing</p> <p>20 examiner. He has not seen the 2019 one.</p> <p>21 [talking over each other]</p> <p>22 HEARING OFFICER GROSSMAN: This is 37C.</p> <p>23 GREGORY RAPISARDA: Right. Except in the staff report.</p> <p>24 [talking over each other]</p> <p>25 KARL LOTSPEICH: You want to come up and show him this?</p>

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17 (65 to 68)

<p>65</p> <p>1 HEARING OFFICER GROSSMAN: Let's see that. Let me --</p> <p>2 let me put this back in the file here.</p> <p>3 KARL LOTSPEICH: This is in fact the most current of</p> <p>4 the impervious area plans which shows the extent of existing</p> <p>5 gravel on the site.</p> <p>6 HEARING OFFICER GROSSMAN: Okay. Hold on a second.</p> <p>7 KARL LOTSPEICH: The next page will give you this</p> <p>8 picture --</p> <p>9 HEARING OFFICER GROSSMAN: Okay.</p> <p>10 KARL LOTSPEICH: [inaudible whispering]</p> <p>11 HEARING OFFICER GROSSMAN: All right. So that's -- that</p> <p>12 explains that. Okay.</p> <p>13 KARL LOTSPEICH: So the next page will provide the</p> <p>14 impervious area summary table that's shown also on page</p> <p>15 nine.</p> <p>16 HEARING OFFICER GROSSMAN: Okay. Are there any other</p> <p>17 plans that were submitted that I do not have?</p> <p>18 KARL LOTSPEICH: I'm not aware of any other plans</p> <p>19 that's -- that have been prepared [inaudible] application.</p> <p>20 HEARING OFFICER GROSSMAN: All right. So is this my</p> <p>21 copy now that you handed me?</p> <p>22 KARL LOTSPEICH: Yes.</p> <p>23 HEARING OFFICER GROSSMAN: Okay. All right. So let's</p> <p>24 mark this as an exhibit. And since staff has already seen it</p> <p>25 and there are no other parties of record here, assuming</p>	<p>67</p> <p>1 GREGORY RAPISARDA: We'll call that ascriber's</p> <p>2 adjustment [sic].</p> <p>3 HEARING OFFICER GROSSMAN: Impervious area plan. And</p> <p>4 64A is page one, which is sheet one I guess I'd say.</p> <p>5 Interestingly, this has a -- the date on it is listed as</p> <p>6 August of 2018.</p> <p>7 GREGORY RAPISARDA: And again, I don't know why they do</p> <p>8 that, but then you can see there's subtext along the bottom</p> <p>9 of the title block, which says it was plotted on 3/5/2019.</p> <p>10 HEARING OFFICER GROSSMAN: Okay. Let's see, subtext.</p> <p>11 Can you point that out to me, sir, where that is?</p> <p>12 GREGORY RAPISARDA: Under the title block right here,</p> <p>13 you can see where it says, plotted on 3/5/2019.</p> <p>14 HEARING OFFICER GROSSMAN: I see. Okay. All right.</p> <p>15 GREGORY RAPISARDA: I think it's so that you can track</p> <p>16 where the original was and you can put those -- the pieces</p> <p>17 together.</p> <p>18 HEARING OFFICER GROSSMAN: Usually they have a --</p> <p>19 something like this, a revision block. And it's filled in,</p> <p>20 revision block, not -- not the way this is, kind of almost</p> <p>21 invisible. All right.</p> <p>22 So okay. So A1 is existing impervious. 64B is proposed</p> <p>23 impervious, that's sheet two. And 64C is sheet three, which</p> <p>24 is impervious area detail. All right. Okay. Mr. Rapisarda,</p> <p>25 can you get me the electronic copies of this today?</p>
<p>66</p> <p>1 nobody shows up before the end of this hearing, I'm not</p> <p>2 going to keep it open for an additional comment period.</p> <p>3 All right. So since it was published in the staff</p> <p>4 report also. So this will be --</p> <p>5 GREGORY RAPISARDA: I think his resume is 63?</p> <p>6 HEARING OFFICER GROSSMAN: Right. This will be 64. And</p> <p>7 let's see, 64 is the impervious -- revised impervious area</p> <p>8 plan. I assume -- I mean what sort of revisions were</p> <p>9 involved in this new set of plans?</p> <p>10 KARL LOTSPEICH: The -- the most current revision was</p> <p>11 taking the level of accuracy of our calculations from three</p> <p>12 -- we calculated as 3 percent existing, and we reduced it</p> <p>13 down to 2 percent.</p> <p>14 They said, well actually if you do the math, it's 2.4</p> <p>15 percent existing down to 2 percent. So we made that change</p> <p>16 on the table --</p> <p>17 HEARING OFFICER GROSSMAN: Okay.</p> <p>18 KARL LOTSPEICH: -- which is on the third page.</p> <p>19 HEARING OFFICER GROSSMAN: And there were no changes in</p> <p>20 the proposed --</p> <p>21 KARL LOTSPEICH: There's no changes in the extent of</p> <p>22 impervious</p> <p>23 HEARING OFFICER GROSSMAN: Okay. So I -- I -- that's</p> <p>24 another reason I don't think I have to keep the record open</p> <p>25 further. All right. So revised.</p>	<p>68</p> <p>1 GREGORY RAPISARDA: Absolutely.</p> <p>2 HEARING OFFICER GROSSMAN: All right. You can -- I</p> <p>3 think you can just email it to me if --</p> <p>4 GREGORY RAPISARDA: Okay.</p> <p>5 HEARING OFFICER GROSSMAN: -- if that's easier.</p> <p>6 GREGORY RAPISARDA: Sure. Through [inaudible]</p> <p>7 HEARING OFFICER GROSSMAN: Yes. That would be fine.</p> <p>8 GREGORY RAPISARDA: Okay.</p> <p>9 HEARING OFFICER GROSSMAN: Okay. All right. I guess</p> <p>10 that solves all of those questions. So you may continue in</p> <p>11 your presentation.</p> <p>12 GREGORY RAPISARDA: Okay. So generally, I mean I think</p> <p>13 there's -- given what is already in the record, there's an</p> <p>14 understanding of what the need is for, what Potomac Edison</p> <p>15 is proposing, and the specifics.</p> <p>16 And I think that given the evidence in the record, it</p> <p>17 shows that they meet or exceed each of the use standards, or</p> <p>18 development standards, or code requirements, in each of</p> <p>19 article 59, which deals with the general conditional use,</p> <p>20 and then the specific public utility structure details, but</p> <p>21 as well as the general conditional use requirements.</p> <p>22 Be happy to walk through those, but we did state them,</p> <p>23 we did outline the reasons that, for example, it's necessary</p> <p>24 for the public convenience and the -- public convenience. It</p> <p>25 won't endanger the health and safety of workers or residents</p>

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18 (69 to 72)

<p>69</p> <p>1 and the steps they've taken.</p> <p>2 So ultimately you have what they call a small</p> <p>3 substation. It's going to be on this 0.07 acre parcel. It's</p> <p>4 going to be surrounded by the rest of the -- the county's</p> <p>5 land and partial --</p> <p>6 HEARING OFFICER GROSSMAN: It's also surrounded I take</p> <p>7 it by a fence with barbed wire on top, is that correct?</p> <p>8 GREGORY RAPISARDA: Seven foot fence with a one foot of</p> <p>9 barbed wire, anti-climbing device.</p> <p>10 There's not going to be signs that say -- that was one</p> <p>11 of the reasons, you know, one of the original things, it</p> <p>12 said have some handicapped parking. None of that -- because</p> <p>13 you really don't want anything that welcomes -- that gives</p> <p>14 the impression that people should be coming to this at all.</p> <p>15 The only people that are going to this facility are</p> <p>16 trained employees. And so that's why that was removed as</p> <p>17 well. So unless you had other questions, I would rest --</p> <p>18 HEARING OFFICER GROSSMAN: Well, I usually leave it to</p> <p>19 the -- to counsel to decide what you want to put in your</p> <p>20 presentation. Admittedly the technical staff for the most</p> <p>21 part covers the questions.</p> <p>22 And you've adopted -- I take it you've adopted their</p> <p>23 findings and legal conclusions as part of your evidence in</p> <p>24 this case.</p> <p>25 GREGORY RAPISARDA: I have. And I didn't, you know, I</p>	<p>71</p> <p>1 GREGORY RAPISARDA: Okay.</p> <p>2 HEARING OFFICER GROSSMAN: That's the -- the</p> <p>3 renderings?</p> <p>4 GREGORY RAPISARDA: That's the rendering. And Karl, is</p> <p>5 that a fair and accurate representation?</p> <p>6 KARL LOTSPEICH: Yeah. What's the --</p> <p>7 HEARING OFFICER GROSSMAN: The number on that rendering</p> <p>8 is Exhibit --</p> <p>9 GREGORY RAPISARDA: It's not exactly as it exists</p> <p>10 because you had to put it in.</p> <p>11 HEARING OFFICER GROSSMAN: No. This is as -- it doesn't</p> <p>12 exist yet.</p> <p>13 GREGORY RAPISARDA: Right.</p> <p>14 HEARING OFFICER GROSSMAN: But -- so it's not a</p> <p>15 photograph. It's a -- it's Exhibit 46. And it's an oblique</p> <p>16 view and a street view. Is that -- do those renderings</p> <p>17 accurately represent the way this facility will look</p> <p>18 assuming it's approved and constructed?</p> <p>19 KARL LOTSPEICH: Yes.</p> <p>20 HEARING OFFICER GROSSMAN: Okay.</p> <p>21 KARL LOTSPEICH: And including the landscape</p> <p>22 enhancement plannings that are proposed in [inaudible]</p> <p>23 HEARING OFFICER GROSSMAN: Okay. And there are also</p> <p>24 photographs that you submitted attached to -- I guess it was</p> <p>25 the landscape plan. Let's pull that out. Here they are.</p>
<p>70</p> <p>1 didn't feel the need to run through those again.</p> <p>2 But certainly I think if we introduce what we've</p> <p>3 discussed and that becomes part of the record, I think the</p> <p>4 record shows that this proposal meets or exceeds all of the</p> <p>5 requirements, and that it should be approved as a</p> <p>6 conditional use, with the conditions that -- that we agreed</p> <p>7 to and that the -- that the staff put up.</p> <p>8 HEARING OFFICER GROSSMAN: All right. And I think what</p> <p>9 we should do is make sure we identify that these -- first of</p> <p>10 all, the plans that have been submitted accurately depict</p> <p>11 the area, gentlemen. Is that --</p> <p>12 KARL LOTSPEICH: They do.</p> <p>13 HEARING OFFICER GROSSMAN: You have to answer out loud</p> <p>14 so the court reporter can take it down.</p> <p>15 JUSTIN WALTER: Yes.</p> <p>16 HEARING OFFICER GROSSMAN: Okay. And also let's</p> <p>17 identify the photographic evidence that has been submitted</p> <p>18 here. Let me pull that out.</p> <p>19 GREGORY RAPISARDA: So we'll go through the Exhibit</p> <p>20 list?</p> <p>21 HEARING OFFICER GROSSMAN: Yeah.</p> <p>22 GREGORY RAPISARDA: All right.</p> <p>23 HEARING OFFICER GROSSMAN: Just to make sure that --</p> <p>24 GREGORY RAPISARDA: Who took that?</p> <p>25 KARL LOTSPEICH: We created that in house.</p>	<p>72</p> <p>1 These are photographs on Exhibit 42C3, photograph 1. Who --</p> <p>2 first of all, who took these photographs?</p> <p>3 KARL LOTSPEICH: I did.</p> <p>4 HEARING OFFICER GROSSMAN: Okay. And photograph one</p> <p>5 says, facing southwest from Whelan Lane. When were these</p> <p>6 taken?</p> <p>7 KARL LOTSPEICH: There is a date on there, I believe,</p> <p>8 September 19, 2018.</p> <p>9 HEARING OFFICER GROSSMAN: Okay. And is this the way</p> <p>10 the property looks?</p> <p>11 KARL LOTSPEICH: Yes. There's been no physical changes</p> <p>12 to the property since that time.</p> <p>13 HEARING OFFICER GROSSMAN: Okay.</p> <p>14 GREGORY RAPISARDA: Under descriptions, do they</p> <p>15 accurately reflect the photographs that you took?</p> <p>16 KARL LOTSPEICH: Yes.</p> <p>17 GREGORY RAPISARDA: Okay.</p> <p>18 HEARING OFFICER GROSSMAN: And I noticed that</p> <p>19 photograph two, which says facing west at the gate location,</p> <p>20 that looks like it's a photograph of the exact site that</p> <p>21 we're talking about, is that correct?</p> <p>22 KARL LOTSPEICH: Yes.</p> <p>23 HEARING OFFICER GROSSMAN: Okay. I see the chain across</p> <p>24 there and it looks like a little gravelly entrance area. So</p> <p>25 that is actually a depiction of the site itself.</p>

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Conducted on April 12, 2019

19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 KARL LOTSPEICH: Those are actual photographs of the</p> <p>2 site from different locations around --</p> <p>3 HEARING OFFICER GROSSMAN: Right. But I'm saying the</p> <p>4 very specific one, photograph two, looks like it is actually</p> <p>5 depicting the exact area that -- that [inaudible]</p> <p>6 KARL LOTSPEICH: That is the gravel area that's</p> <p>7 depicted on the impervious plans, yes, of the location of</p> <p>8 the -- of the entrance.</p> <p>9 HEARING OFFICER GROSSMAN: All right.</p> <p>10 GREGORY RAPISARDA: And then one -- one other thing I</p> <p>11 think what Mr. Lotspeich would testify to is that everything</p> <p>12 in these drawings except for the correction with the one</p> <p>13 vicinity map --</p> <p>14 HEARING OFFICER GROSSMAN: Right.</p> <p>15 GREGORY RAPISARDA: -- they're fair and accurate. And</p> <p>16 they've been --</p> <p>17 HEARING OFFICER GROSSMAN: You adopt that statement?</p> <p>18 KARL LOTSPEICH: I do. They were prepared under the</p> <p>19 guidance of a -- of an engineering certified with the state</p> <p>20 of Maryland, and/or the forest conservation plan prepared by</p> <p>21 ecologists certified in the state of Maryland, to prepare</p> <p>22 the forest conversation plans.</p> <p>23 HEARING OFFICER GROSSMAN: Okay. All right. I think</p> <p>24 that pretty much handles the questions that I had. Was there</p> <p>25 anything else that you want to cover, Mr. Rapisarda?</p>	<p style="text-align: right;">75</p> <p>1 attached, which has not been discussed.</p> <p>2 KARL LOTSPEICH: Yes. I would represent that this is a</p> <p>3 -- this is primarily the water quality and site development</p> <p>4 plan, contains the erosion, sedimentation control features,</p> <p>5 all of the drainage calculations, and other items related to</p> <p>6 that, that's been approved by the county.</p> <p>7 HEARING OFFICER GROSSMAN: Okay. Thank you.</p> <p>8 KARL LOTSPEICH: Again, under the supervision of Joel</p> <p>9 Schodi, our registered engineer.</p> <p>10 HEARING OFFICER GROSSMAN: All right.</p> <p>11 KARL LOTSPEICH: And as far as the forest conservation</p> <p>12 plan, that is -- that is part of the record that you have in</p> <p>13 front of you. And the final preliminary final as has been</p> <p>14 revised numerous times per county's request.</p> <p>15 But the final version is what is in your package there.</p> <p>16 HEARING OFFICER GROSSMAN: Right. That's one of the</p> <p>17 March exhibits, that was Exhibit 42A, was filed on March 14,</p> <p>18 2019.</p> <p>19 Okay. I take it that you would like to introduce into</p> <p>20 evidence, Mr. Rapisarda, all of the exhibits, 1 through 64,</p> <p>21 and their subparts?</p> <p>22 GREGORY RAPISARDA: That is correct. We would.</p> <p>23 HEARING OFFICER GROSSMAN: And any electronic version</p> <p>24 that you send me today. All right. Since we will get the</p> <p>25 transcript by Wednesday of next week, why don't we say that</p>
<p style="text-align: right;">74</p> <p>1 GREGORY RAPISARDA: So the only other thing that I</p> <p>2 would like to say, and it's really just a closing statement.</p> <p>3 HEARING OFFICER GROSSMAN: All right.</p> <p>4 GREGORY RAPISARDA: Between what's been testified and</p> <p>5 the package that is in, I think it meets or exceeds all of</p> <p>6 the conditional use requirements.</p> <p>7 And as a result we ask that you approve the conditional</p> <p>8 use going forward with the conditions as we've agreed to,</p> <p>9 and let us -- and let Potomac Edison take the next step,</p> <p>10 which doesn't mean they start building right away, but it</p> <p>11 will be close. And hopefully this would be up in the next</p> <p>12 five to six months.</p> <p>13 HEARING OFFICER GROSSMAN: Well, I do have one other</p> <p>14 thing. The water quality plan and forest conservation plan,</p> <p>15 I just want to make sure that I have exactly what is the</p> <p>16 water quality plan here, which has now the preliminary and</p> <p>17 final water quality plan, and the forest conservation plan,</p> <p>18 were all seemingly been approved by the planning board vote,</p> <p>19 and the water quality plan also approved by Department of</p> <p>20 Permitting Services according to this -- this letter,</p> <p>21 Exhibit 15A, from DPS.</p> <p>22 It attaches a -- a large sheaf of documents. Does this</p> <p>23 represent the water quality plan? Maybe you could come up</p> <p>24 here and take a look at what I'm talking about here. This is</p> <p>25 Exhibit 15A, but it's got a -- a big pile of documents</p>	<p style="text-align: right;">76</p> <p>1 the record will close -- let me get the calendar out.</p> <p>2 Actually we should probably get the transcript by</p> <p>3 Tuesday of next week, but assuming that we had an extra day.</p> <p>4 So that would be --</p> <p>5 GREGORY RAPISARDA: Why would the record need to stay</p> <p>6 open? Just to get the --</p> <p>7 HEARING OFFICER GROSSMAN: To get -- to get the</p> <p>8 transcript.</p> <p>9 GREGORY RAPISARDA: Oh, to get the transcript in. Oh,</p> <p>10 okay. I thought -- I was going to say, I'm going to get you</p> <p>11 that electronic copy of the most recent impervious surface</p> <p>12 plan today.</p> <p>13 HEARING OFFICER GROSSMAN: Right.</p> <p>14 GREGORY RAPISARDA: Okay. Got you.</p> <p>15 HEARING OFFICER GROSSMAN: So -- and -- but we should</p> <p>16 get the transcript by the 17th. And maybe even by the 16th.</p> <p>17 But assuming we get it by the 17th, let's say the record</p> <p>18 will close on April 18.</p> <p>19 GREGORY RAPISARDA: I didn't realize, so the record has</p> <p>20 to stay open for the transcript?</p> <p>21 HEARING OFFICER GROSSMAN: It's not specifically stated</p> <p>22 in the zoning ordinance, but it's sensible. I always --</p> <p>23 first of all, I have to wait for the transcript before I can</p> <p>24 do my report. And so I always leave the record open until I</p> <p>25 get the transcript.</p>

Transcript of Administrative Hearing
Conducted on April 12, 2019


20 (77 to 80)

77

1 GREGORY RAPISARDA: That makes sense. I just didn't
2 realize --
3 HEARING OFFICER GROSSMAN: Usually it's a 10-day
4 turnaround on it. But since I have a little extra money in
5 my budget at this point of the year, I'm going to order an
6 expedited version so I can get to work on it.
7 GREGORY RAPISARDA: Sounds good.
8 HEARING OFFICER GROSSMAN: All right. All right. So the
9 record will close April 18. And all the exhibits are
10 admitted into evidence. That's 1 through Exhibit 64 and its
11 -- and their subparts. Is there anything further that we
12 need to discuss?
13 GREGORY RAPISARDA: I don't think there is. I really
14 appreciate it. Thank you.
15 HEARING OFFICER GROSSMAN: All right. You're welcome.
16 Thank you, gentlemen, everybody, and madam. Have a nice
17 weekend.
18 GREGORY RAPISARDA: Thank you.
19 HEARING OFFICER GROSSMAN: We are adjourned.
20 (Off the record at 11:03:24 a.m.)
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1 CERTIFICATE OF TRANSCRIBER
2 I, Christian Naaden, do hereby certify that the foregoing
3 transcript is a true and correct record of the recorded
4 proceedings; that said proceedings were transcribed to the
5 best of my ability from the audio recording and supporting
6 information; and that I am neither counsel for, related to,
7 nor employed by any of the parties to this case and have no
8 interest, financial or otherwise, in its outcome.
9

10 
11 _____
12 Christian Naaden
13 DATE: April 15, 2019
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