



Planet Depos®
We Make It *Happen™*

Transcript of Hearing

Date: February 2, 2024

Case: Worldshine Home, LLC (CU 23-11)

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

Transcript of Hearing
Conducted on February 2, 2024

1 (1 to 4)

<p style="text-align: right;">1</p> <p>1 MARYLAND:</p> <p>2 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE</p> <p>3 HEARINGS FOR MONTGOMERY COUNTY, MARYLAND</p> <p>4 -----X</p> <p>5 THE APPLICATION OF :</p> <p>6 WORLDSHINE HOMES, LLC :</p> <p>7 : Case No.:</p> <p>8 : CU 23-11</p> <p>9 :</p> <p>10 :</p> <p>11 -----X</p> <p>12</p> <p>13 HEARING</p> <p>14 BEFORE HEARING EXAMINER ANDREA LEWINTER</p> <p>15 Rockville, Maryland</p> <p>16 Friday, February 02, 2024</p> <p>17 9:31:42 a.m.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Job No: 518606</p> <p>23 Pages: 1 - 328</p> <p>24 Recorded by: Cody Handlir</p> <p>25 Transcribed by: Deborah S. Anderson, CET-998</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 ANDREA LEWINTER, ESQUIRE</p> <p>4 Montgomery County Office of Zoning and</p> <p>5 Administrative Hearings</p> <p>6 100 Maryland Avenue, Room 200</p> <p>7 Rockville, MD 20850</p> <p>8</p> <p>9 STEVEN A. ROBINS, ESQUIRE</p> <p>10 ELIZABETH C. ROGERS, ESQUIRE</p> <p>11 Lerch Early & Brewer</p> <p>12 7600 Wisconsin Avenue, Suite 700</p> <p>13 Bethesda, Maryland 20814</p> <p>14 (301) 657-0747</p> <p>15</p> <p>16 Other appearances:</p> <p>17 DEBRA DUFFIN</p> <p>18 VYJOO KIRSHMAN</p> <p>19 ANNE CINQUE</p> <p>20 JEROME PAJOT</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">2</p> <p>1 Hearing, held at the location of:</p> <p>2</p> <p>3</p> <p>4 COUNTY OFFICE BUILDING, ROOM 200</p> <p>5 100 Maryland Avenue</p> <p>6 Rockville, MD 20850</p> <p>7 (240) 777-6660</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Pursuant to agreement, before Cody Handlir,</p> <p>13 Notary Public in and for the State of Maryland.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">C O N T E N T S</p> <p>1</p> <p>2 Opening Remarks 10</p> <p>3 Opening Statement by the Applicant 12</p> <p>4 WITNESSES FOR THE APPLICANT 21</p> <p>5 XIBEI BECKY JIA 21</p> <p>6 Direct Examination (Robins) 21</p> <p>7 QUESTIONS BY INDIVIDUALS IN OPPOSITION 44</p> <p>8 by Ms. Kirshman 44</p> <p>9 by Ms. Cinque 51</p> <p>10 by Mr. Pajot 55</p> <p>11 Redirect Examination 61</p> <p>12 WITNESS FOR THE APPLICANT 63</p> <p>13 JOSHUA SLOAN 63</p> <p>14 Direct Examination (Rogers) 64</p> <p>15 Direct Examination Continued by Ms. Rogers 93</p> <p>16 Examination by the Hearing Examiner 131</p> <p>17 QUESTIONS BY INDIVIDUALS IN OPPOSITION 146</p> <p>18 By Mr. Pajot 146</p> <p>19 By Ms. Debra Duffin 156</p> <p>20 By Ms. Krishman 164</p> <p>21 By Ms. Taylor 195</p> <p>22 Redirect Examination (Rogers) 205</p> <p>23</p> <p>24</p> <p>25</p>

Transcript of Hearing
Conducted on February 2, 2024

2 (5 to 8)

5	7
<p>1 C O N T E N T S</p> <p>2 WITNESS for THE APPLICANT 211</p> <p>3 GUOXING KEVIN HUANT 211</p> <p>4 Direct Examination (Rogers) 212</p> <p>5 QUESTIONS BY INDIVIDUALS IN OPPOSITION 234</p> <p>6 By Ms. Duffin 234</p> <p>7 by Ms. Kirshman 235</p> <p>8 Examination by the Hearing Examiner 242</p> <p>9 by Ms. Duffin 245</p> <p>10 Redirect Examination (Rogers) 247</p> <p>11 JUN JENNIFER XU 248</p> <p>12 Direct Examination (Rogers) 249</p> <p>13 by Ms. Cinque 261</p> <p>14 by Mr. Martin 264</p> <p>15 by Ms. Kirshman 269</p> <p>16 by Ms. Duffin 274</p> <p>17 Redirect Examination (Rogers) 287</p> <p>18 ANNE NANCY RANDALL 289</p> <p>19 Direct Examination (Robins) 290</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 (Whereupon, the court reporter was duly</p> <p>3 sworn.)</p> <p>4 HEARING EXAMINER LEWINTER: I want to</p> <p>5 make sure everybody's aware that this is being</p> <p>6 both recorded and transcribed.</p> <p>7 This is an open hearing. This is a</p> <p>8 public hearing in the matter of OZAH case number</p> <p>9 CU 23-11. The Application of WorldShine Homes,</p> <p>10 LLC to permit the conditional use of an</p> <p>11 application -- sorry, conditional use of a</p> <p>12 residential care facility over 16 people</p> <p>13 under -- or at 12450 West Old Baltimore and 21906</p> <p>14 Ruby Drive Clarksburg, Maryland in the R-200 zone.</p> <p>15 My name is Andrea LeWinter. And I am</p> <p>16 serving as the hearing examiner today. This case</p> <p>17 was originally assigned to Hearing Examiner Katie</p> <p>18 Burns (phonetic). That might've been who you were</p> <p>19 expecting.</p> <p>20 Unfortunately, Ms. Burns is quite ill.</p> <p>21 And so this matter was transferred to me, so sorry</p> <p>22 for this last minute surprise. It is my role to</p> <p>23 listen, take evidence, and write a decision</p> <p>24 regarding this case.</p> <p>25 I'd like to ID who the petitioners are</p>
6	8
<p>1 E X H I B I T S</p> <p>2 (Retained by the Hearing Examiner)</p> <p>3 PETITIONER'S ID EVD W/D</p> <p>4 Exhibit 32-A Compilation 29 29</p> <p>5 Exhibit 32-B Shift Schedule 35 35</p> <p>6 Exhibit 32-C Current Iteration of Plan 80 80</p> <p>7 Exhibit 32-D Current Iteration of Plan 80 80</p> <p>8 Exhibit 32-E Site Study 223 223</p> <p>9</p> <p>10</p> <p>11 OPPOSITION'S ID EVD W/D</p> <p>12 (None offered.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 and who's in the opposition, if you could just</p> <p>2 introduce yourselves. If you want to come up to</p> <p>3 the microphone.</p> <p>4 MR. ROBINS: Good morning.</p> <p>5 HEARING EXAMINER LEWINTER: Good</p> <p>6 morning.</p> <p>7 MR. ROBINS: And welcome. I'm -- good</p> <p>8 morning.</p> <p>9 HEARING EXAMINER LEWINTER: Good</p> <p>10 morning.</p> <p>11 MR. ROBINS: Steven Robins with the law</p> <p>12 firm of Lerch Early & Brewer representing the</p> <p>13 petitioner. Also here with --</p> <p>14 MS. ROGERS: Elizabeth Rogers with Lerch</p> <p>15 Early & Brewer.</p> <p>16 HEARING EXAMINER LEWINTER: Got you. Is</p> <p>17 everybody -- I'm assuming there are some witnesses</p> <p>18 in the --</p> <p>19 MR. ROBINS: Yes.</p> <p>20 HEARING EXAMINER LEWINTER: -- front</p> <p>21 row.</p> <p>22 MR. ROBINS: Witnesses are in the front</p> <p>23 row.</p> <p>24 HEARING EXAMINER LEWINTER: Okay. And</p> <p>25 then -- so all four of those are your witnesses?</p>

Transcript of Hearing
Conducted on February 2, 2024

3 (9 to 12)

<p>9</p> <p>1 UNIDENTIFIED SPEAKER: And Nancy. 2 HEARING EXAMINER LEWINTER: And Nancy, 3 so five witnesses? 4 MR. ROBINS: Yeah. 5 HEARING EXAMINER LEWINTER: Okay. And 6 then is everybody else here in opposition, or is 7 anybody just here as an interested party? 8 MS. DUFFIN: Can I say something, the 9 address that you said? 10 You said 21906 Ruby Drive? 11 HEARING EXAMINER LEWINTER: Yes. 12 MS. DUFFIN: Should that not be 21908 13 Ruby Drive? The address isn't matching what I 14 know on 00:01:57 (inaudible). They purchased 15 12405 West Old Baltimore Road. 21908, 21901, and 16 21905 are all by the same WorldShine. Different 17 names. 18 HEARING EXAMINER LEWINTER: If you could 19 just clarify for me. 20 MS. ROGERS: We'll confirm. 21 HEARING EXAMINER LEWINTER: Okay. 22 MS. ROGERS: There are multiple 23 addresses for the property. 24 HEARING EXAMINER LEWINTER: Sure. 25 MS. ROGERS: So let me just confirm.</p>	<p>11</p> <p>1 Please do not interrupt while someone 2 else is speaking unless you have an objection. 3 This is because if a court reporter has difficulty 4 understanding when people -- what people are 5 saying when there's crosstalk. 6 We also have a hybrid hearing so that we 7 can proceed logistically and so that everybody can 8 follow and track, please don't interrupt. This 9 session, as I said, is being transcribed and 10 recorded. 11 The recording is used only as a backup 12 for the stenographer. What you say will be under 13 oath and recorded. You may be asked questions 14 about your testimony. The proceedings will 15 be -- will move in the following order: 16 I will address any preliminary motions 17 or issues first. Then we will move to an option 18 for an opening statement. That is, like I said, 19 optional. It's only if you desire to make an 20 opening statement. 21 Then we will move to the Applicant's 22 case in chief with the opportunity for 23 cross-examination by the Opposition. Then the 24 Opposition's case in chief with opportunity for 25 cross-examination by the Applicant.</p>
<p>10</p> <p>1 MS. DUFFIN: But there is no 21906, is 2 what I'm trying to say. 3 HEARING EXAMINER LEWINTER: Okay. Thank 4 you. 5 MR. ROBINS: The notice lists -- I mean, 6 the exhibit list has eight. 7 HEARING EXAMINER LEWINTER: Okay. Thank 8 you. My mistake. My apologies. 21908 Ruby 9 Drive. 10 So -- and is everybody who -- well, can 11 you raise your hand if you intend to testify? So 12 that's pretty much everybody in the room. And 13 then I'm assuming we will also have some people 14 online as well. So we'll take the people in the 15 room first and then we'll go to those online when 16 we get to that point in the hearing. 17 Is there anyone represented by counsel 18 besides the petitioners here? Anybody with an 19 attorney? Okay. The affidavit of posting is in 20 the record as Exhibit 30. Are there any issues 21 regarding posting preliminarily? 22 Okay. Now I'd like to provide some 23 information about how these hearing will progress. 24 These proceedings are considered informal 25 proceedings, but there are certainly formalities.</p>	<p>12</p> <p>1 So we'll probably just take people in 2 turn, and you can come up and testify. And then 3 the attorneys for the Applicant can ask you 4 questions. If there are any interested parties, 5 nobody raised their hand separately as an 6 interested party. 7 But they would also then, after the 8 Opposition get to present, we will then have 9 rebuttal case by the Appellant if they desire and 10 cross-examine of that -- cross-examination of 11 that. And then we will have closing statements, 12 which again are optional if the party desires. 13 Approval of the petition is based on the 14 criteria set forth in the zoning ordinance, which 15 is included in the planning staff report. Please 16 address all testimony to this criteria. 17 Are there any preliminary motions or 18 issues that we need to address? 19 Okay. In terms of an opening statement, 20 would the Petitioner like to make an opening 21 statement? 22 OPENING STATEMENT BY THE APPLICANT 23 MR. ROBINS: A brief statement. Thank 24 you very much and good morning. It's a pleasure 25 to see you this morning. We were expecting a</p>

Transcript of Hearing
Conducted on February 2, 2024

4 (13 to 16)

13	<p>1 different hearing examiner, but happy to have you.</p> <p>2 Thank you so much for being available.</p> <p>3 For the record, I'm Steve Robins with</p> <p>4 the law firm of Lerch Early & Brewer. And with me</p> <p>5 here today, as we mentioned before, is my</p> <p>6 cocounsel Elizabeth Rogers. Our firm represents</p> <p>7 the Petitioner in this case, WorldShine Homes,</p> <p>8 LLC.</p> <p>9 And let me just tell you who we're here</p> <p>10 with as well on behalf of the Petitioner. We have</p> <p>11 Becky Jia who is with WorldShine. We have Joshua</p> <p>12 Sloan with FICA (phonetic) who's our land planner.</p> <p>13 We have Kevin Huang with Endesco, who's the</p> <p>14 project engineer.</p> <p>15 Jennifer Xu who's the architect for the</p> <p>16 project. And then last but not least, Anne Nancy</p> <p>17 Randall. She goes by Nancy. And she's with Wells</p> <p>18 + Associates, our traffic consultant.</p> <p>19 You all have already mentioned that the</p> <p>20 affidavit of posting is in the record. Thank you</p> <p>21 very much. I was going to mention that just to</p> <p>22 make sure you have it.</p> <p>23 As the Hearing Examiner's aware from our</p> <p>24 application materials, the Petitioner is here</p> <p>25 today to request approval of a conditional use for</p>	15	<p>1 concur with that condition as well.</p> <p>2 The Petitioner as a long-term owner and</p> <p>3 operator has always been committed to designing a</p> <p>4 project that is compatible with the surrounding</p> <p>5 residential neighborhoods. We understand that</p> <p>6 there is opposition to this application.</p> <p>7 However, the Petitioner did attempt to</p> <p>8 engage in meaningful discussions with the</p> <p>9 surrounding neighbors. We held community meetings</p> <p>10 and reached out on numerous occasions to neighbors</p> <p>11 in close proximity to the property.</p> <p>12 We also took an additional step of</p> <p>13 filing a concept plan application before the</p> <p>14 filing of this Conditional Use Application. It's</p> <p>15 unfortunate that a number of the neighbors are not</p> <p>16 willing to consider this residential use at this</p> <p>17 location.</p> <p>18 Even so, as you will hear from the</p> <p>19 testimony today, as a result of the community</p> <p>20 meetings that we did have with neighbors and</p> <p>21 technical staff, the Petitioner made substantial</p> <p>22 modifications to the plans to address the comments</p> <p>23 and concerns raised, not only by planning staff,</p> <p>24 but also by the surrounding neighbors.</p> <p>25 The revisions, which include, but are</p>
14	<p>1 a residential care facility of over 16 persons</p> <p>2 containing solely assisted living units made</p> <p>3 of -- and measured in terms of beds on the</p> <p>4 property located at the northwest quadrant of the</p> <p>5 intersection of West Old Baltimore Road and Ruby</p> <p>6 Drive.</p> <p>7 And the application is for up to 120</p> <p>8 assisted living beds. The Montgomery County</p> <p>9 Planning Board reviewed and voted to recommend</p> <p>10 approval for the project at their regular</p> <p>11 scheduled hearing on January 18th, 2024, just a</p> <p>12 few weeks ago.</p> <p>13 The transmittal record, my understanding</p> <p>14 is in the record as Exhibit 29. The Petitioner</p> <p>15 concurs with the Planning Board and believes that</p> <p>16 the application is fully compatible with the</p> <p>17 surrounding neighborhood and meets all the</p> <p>18 standard requirements and findings contained in</p> <p>19 the zoning ordinance necessary to approval this</p> <p>20 Conditional Use Application.</p> <p>21 We've reviewed the additional condition</p> <p>22 that the planning board recommended in their</p> <p>23 transmittal letter regarding the quality of the</p> <p>24 materials to be used on the rear of the buildings</p> <p>25 on the east side of the project. And we fully</p>	16	<p>1 not limited to a downsizing of the cottage homes</p> <p>2 and removing any access to Ruby Drive are</p> <p>3 reflected in the application materials that are</p> <p>4 now before you, the Hearing Examiner, today.</p> <p>5 As you will be able to tell from the</p> <p>6 testimony of record, the changes are substantial</p> <p>7 and came at great expense and delay. But in the</p> <p>8 end, we believe the changes do address community</p> <p>9 concerns and are valuable modifications to the</p> <p>10 project.</p> <p>11 As the Hearing Examiner is aware, the</p> <p>12 planning staff also supports the application as</p> <p>13 reflected in their comprehensive staff report,</p> <p>14 which I believe is in the record as Exhibit 28.</p> <p>15 Through our witnesses today, we will</p> <p>16 demonstrate that the Conditional Use Application</p> <p>17 satisfies all the standards contained in the</p> <p>18 zoning ordinance for development of the R-200</p> <p>19 property.</p> <p>20 The Conditional Use Application</p> <p>21 satisfies the standards contained in the zoning</p> <p>22 ordinance for a residential care facility of over</p> <p>23 16 persons. The available public facilities and</p> <p>24 services will be adequate to accommodate this</p> <p>25 development.</p>

Transcript of Hearing
Conducted on February 2, 2024

5 (17 to 20)

<p>17</p> <p>1 The conditional use substantially 2 conforms to the 1994 -- the recommendations of the 3 1994 Clarksburg master plan and approval of the 4 conditional use satisfies the general and specific 5 findings contained in the zoning ordinance under 6 section 59, 7.3.1.E. 7 I already mentioned who we're going to 8 all as witnesses. And with that -- oh, one other 9 thing I'd like to mention is we did submit into 10 the record, I believe it's Exhibit 32, a 11 compilation of the various exhibits that we intend 12 to use. 13 We found that to be very helpful, where 14 we can just go to one document and then address 15 the various plans, some of which are in the 16 record. There are a few that we'll introduce as 17 new exhibits. But most of them are in the record 18 and labeled accordingly. Thank you. 19 With that, I'm prepared to call our 20 first witness. 21 HEARING EXAMINER LEWINTER: Okay. Just 22 one second. Would -- if necessary, would you be 23 prepared to -- not today necessarily, but very 24 soon hereafter, prepare and submit and updated 25 landscaping plan in accord with the Planning</p>	<p>19</p> <p>1 that would need to be submitted before a decision 2 in this matter could be made. 3 MS. ROGERS: Yes, as you'll hear today, 4 it currently satisfies that condition. But we can 5 certainly submit a final revised update of the 6 landscape plan prior to close of the record. 7 HEARING EXAMINER LEWINTER: Okay. Thank 8 you. 9 Would any of the individuals in 10 Opposition like to make any kind of opening 11 statement? Again, this is optional. You will 12 certainly get the opportunity to testify. 13 This is really just an opportunity to 14 give an overview of what you would want to say. 15 So if you don't have anything specific -- you just 16 heard the Petitioner's opening statement. And 17 again, they just kind of outlined what they're 18 going to be presenting. 19 MS. DUFFIN: Could I make a comment? He 20 mentioned that he reached out to the community. 21 And I would like to say that -- 22 HEARING EXAMINER LEWINTER: Well, okay. 23 So that would be testimony. 24 MS. DUFFIN: Okay. 25 HEARING EXAMINER LEWINTER: So if you</p>
<p>18</p> <p>1 Board's recommendation? 2 Would the Applicant be able to do that? 3 MR. ROBINS: With the -- 4 THE COURT: Not today, necessarily, but 5 in the very near future. 6 MS. ROGERS: The Planning Board -- just 7 to clarify, the Planning Board recommendation was 8 to exceed the screening requirements of the zoning 9 ordinance along that boundary, which the 10 application currently does. 11 And to accommodate any additional 12 landscaping at time of preliminary plan. So that 13 was what the Applicant was prepared to do, was to 14 refine that further at time of preliminary plan. 15 But the current, as you'll hear from our 16 experts -- 17 HEARING EXAMINER LEWINTER: Yeah, no, I 18 understand. But my understanding is that under 19 case law, we can't approve anything without seeing 20 that landscaping plan and can't wait till the 21 preliminary stage. So I appreciate you might've 22 gotten that particular piece of information. 23 And I would not expect you to have it 24 here with you today. But just to put the 25 Applicant on alert that that would be something</p>	<p>20</p> <p>1 can save that for your testimony, that would be 2 great. 3 MS. DUFFIN: Thanks. 4 HEARING EXAMINER LEWINTER: Anything 5 else? 6 Yes? 7 MS. CINQUE: I would say civilly, we 8 were totally blindsided. 9 HEARING EXAMINER LEWINTER: Okay. 10 MS. CINQUE: And we speak for three 11 organizations. 12 HEARING EXAMINER LEWINTER: So I promise 13 you, ma'am, you are going to absolutely have an 14 opportunity to express, you know, your position in 15 this matter. I promise. 16 If there's anything else -- if there's 17 not anything else, then I would proceed with 18 Petitioner's case. 19 And if you want to call your first 20 witness. 21 MR. ROBINS: Becky. 22 (Witness summoned.) 23 HEARING EXAMINER LEWINTER: Can you 24 state and spell your name for the record for the 25 stenographer?</p>

Transcript of Hearing
Conducted on February 2, 2024

6 (21 to 24)

<p>21</p> <p>1 MS. JIA: My name is Becky Jia. 2 HEARING EXAMINER LEWINTER: Can you 3 spell it, please? 4 MS. JIA: B-E-C-K-Y J-I-A. 5 THE COURT: And if you can raise your 6 right hand, Ms. Jia. 7 (The oath was administered.) 8 Whereupon, 9 XIBEI "BECKY" JIA, 10 called as a witness for the Petitioner, 11 having been duly sworn, testified as follows: 12 THE COURT: Thank you. Your witness. 13 MR. ROBINS: Thank you very much. 14 DIRECT EXAMINATION 15 BY MR. ROBINS: 16 Q You've already stated your full name. 17 But can you give your business address, please? 18 A My business address is 700 Professional 19 Drive Gaithersburg, Maryland. 20 Q And can you please provide just a brief 21 description of your educational and professional 22 background? 23 A I hold a master's degree in urban 24 planning from New York University and a master's 25 degree in business administration from George</p>	<p>23</p> <p>1 MR. ROBINS: No, just going 2 through -- she's speaking on behalf of the 3 Petitioner. So I just want to give some 4 background on who she is. And now we're going to 5 get into the project itself. 6 HEARING EXAMINER LEWINTER: Okay. Thank 7 you. 8 Q Can you -- Becky, can you please give 9 some background on WorldShine and WorldShine's 10 experience for the record? 11 A WorldShine has been serving the 12 surrounding community for ten years. We are 13 currently operating three adult medical care 14 centers in Maryland located in Montgomery County, 15 Prince George County, and Frederick County. Serve 16 over 600 seniors. We have over 150 senior care 17 staff. 18 MR. ROBINS: We need to get, I think, to 19 the computer. 20 MS. ROGERS: Oh, yes. If we could have 21 Exhibit 32, I believe it is, pulled up. 22 HEARING EXAMINER LEWINTER: They're in 23 charge. 24 MR. ROBINS: Exhibit 32. 25 MS. ROGERS: Exhibit 32, please.</p>
<p>22</p> <p>1 Washington University. 2 With a decade of professional 3 experience, I have contributed my expertise to 4 various roles including the presentations at New 5 York City Department of Transportation, Urban 6 planning consulting firm, and my current employer, 7 WorldShine Group. 8 I am also a certified aging in place 9 specialist. My academic background and diverse 10 working experience have equipped me with a 11 comprehensive understanding of urban planning and 12 business administration, allowing me to make 13 meaningful contributions to WorldShine and the 14 senior care and the senior living industry. 15 MR. ROBINS: And, I'm sorry -- 16 HEARING EXAMINER LEWINTER: No, go 17 ahead. 18 Q And I should've asked, can you tell the 19 Hearing Examiner what your position is at 20 WorldShine? 21 A Yes, my position is the vice president 22 of WorldShine Group. 23 HEARING EXAMINER LEWINTER: Thank you. 24 Is it your intent to qualify her an expert, or is 25 she here simply to represent?</p>	<p>24</p> <p>1 MR. ROBINS: Okay. So go to the next. 2 Yeah, that's good. Thank you. 3 Q Has WorldShine been recognized for its 4 contributions to the community and the senior care 5 industry? 6 A Yes, WorldShine has received recognition 7 from members of congressional delegation including 8 the Senator Chris Van Hollen and Congressman Jamie 9 Raskin. Maryland Governor Hogan. 10 The Montgomery County executive, Prince 11 George County executive, and Frederick County 12 executive. And the mayor of the city Frederick. 13 Maryland Secretary of State Susan Lee. At the 14 time Maryland Comptroller Peter Franchot. And 15 senators and delegates from the Maryland 16 Delegation. 17 Q And the exhibit just shows the different 18 recognitions, certificates -- 19 A Yes. 20 Q -- and certifications, et cetera? 21 A Right. 22 Q And how long have you worked at 23 WorldShine? I think you said, but to repeat how 24 long have you been there? 25 A Five years.</p>

Transcript of Hearing
Conducted on February 2, 2024

7 (25 to 28)

<p>25</p> <p>1 Q And what are your responsibilities?</p> <p>2 A My responsibilities include project</p> <p>3 development, strategic planning, marketing, and</p> <p>4 operational management.</p> <p>5 Q And are you familiar with the</p> <p>6 Conditional Use Application that is the subject of</p> <p>7 today's hearing?</p> <p>8 A Yes, I'm very familiar with the</p> <p>9 Conditional Use Application.</p> <p>10 Q And what legal interest does WorldShine</p> <p>11 have in the properties in question?</p> <p>12 A WorldShine owns the property.</p> <p>13 Q Can you go to the next slide, please?</p> <p>14 Thank you.</p> <p>15 Please describe how WorldShine goes</p> <p>16 about choosing a site and why you believe this</p> <p>17 site is so well suited for the proposed</p> <p>18 residential care facility?</p> <p>19 A WorldShine chooses the site that allows</p> <p>20 senior to age with dignity. We do not choose the</p> <p>21 easier to develop sites that are open and situated</p> <p>22 on the periphery. But rather sites that allow</p> <p>23 seniors to continue to reside in the community,</p> <p>24 which they have been a part of often for that</p> <p>25 case.</p>	<p>27</p> <p>1 is a slide that is new, we introduce it as a new</p> <p>2 exhibit. It's just -- so it's in the record as</p> <p>3 Exhibit 32.</p> <p>4 But in the past, we've kind of</p> <p>5 identified just those that are --</p> <p>6 HEARING EXAMINER LEWINTER: Not</p> <p>7 separate, yes.</p> <p>8 MR. ROBINS: Because the majority of the</p> <p>9 exhibits that are in this are --</p> <p>10 MS. ROGERS: Reproductions.</p> <p>11 MR. ROBINS: -- reproductions of</p> <p>12 already --</p> <p>13 HEARING EXAMINER LEWINTER: Got it.</p> <p>14 MR. ROBINS: -- submitted exhibits.</p> <p>15 HEARING EXAMINER LEWINTER: Got you.</p> <p>16 MR. ROBINS: So this is a new one.</p> <p>17 HEARING EXAMINER LEWINTER: Okay.</p> <p>18 MR. ROBINS: Are you -- did you give</p> <p>19 that a new number, or?</p> <p>20 HEARING EXAMINER LEWINTER: So I</p> <p>21 will -- to be honest with you, I've not</p> <p>22 encountered this particular situation where it's</p> <p>23 been submitted to the record but then it's kind of</p> <p>24 being asked to separate out.</p> <p>25 So what I'd like to do is tentatively</p>
<p>26</p> <p>1 We look for sites that have a peaceful</p> <p>2 setting and the one in which we can blend into the</p> <p>3 community and the neighborhood. We also really</p> <p>4 started the market demand. To our knowledge, the</p> <p>5 demand of assistant living in the Clarksburg and</p> <p>6 Dubois area is high.</p> <p>7 And there is a big shortage of beds.</p> <p>8 The subject site meets all of these factors. Its</p> <p>9 proximity to Dubois and Clarksburg is also</p> <p>10 important. This area provides basic goods and</p> <p>11 services for residents.</p> <p>12 The assisted living use is a very</p> <p>13 peaceful, quiet use. We felt fit in very well</p> <p>14 with this area.</p> <p>15 MR. ROBINS: The exhibit that's on the</p> <p>16 screen, that's part of the whole slide</p> <p>17 presentation. That is actually one of the new</p> <p>18 exhibits, so I'd like to introduce that as an</p> <p>19 error on that.</p> <p>20 HEARING EXAMINER LEWINTER: This exhibit</p> <p>21 was not provided beforehand.</p> <p>22 MR. ROBINS: It's in the --</p> <p>23 MS. ROGERS: Just to clarify, so it is</p> <p>24 in Exhibit 32, which is a compilation. But what</p> <p>25 we've done in previous hearings is wherever there</p>	<p>28</p> <p>1 call it like 32-A. And I just want to -- it's not</p> <p>2 worth stopping the hearing for. But I will</p> <p>3 confirm with Nana Johnson (phonetic) who does all</p> <p>4 of our administrative stuff how it would be</p> <p>5 appropriately marked in the record.</p> <p>6 MS. ROGERS: And there are some</p> <p>7 supporting exhibits like this that may be less</p> <p>8 important that they're separately identified.</p> <p>9 There are others we'll come to where we'll</p> <p>10 definitely need a new exhibit for.</p> <p>11 And we can identify them for you.</p> <p>12 HEARING EXAMINER LEWINTER: Okay.</p> <p>13 MS. ROGERS: And we can wait to hear</p> <p>14 back how you want to handle it.</p> <p>15 HEARING EXAMINER LEWINTER: Yeah. So, I</p> <p>16 mean, I think for now we'll just go A, B, C --</p> <p>17 MS. ROGERS: Okay.</p> <p>18 HEARING EXAMINER LEWINTER: -- under 32</p> <p>19 and then if there's some major change --</p> <p>20 MR. ROBINS: Okay.</p> <p>21 MS. ROGERS: Great.</p> <p>22 HEARING EXAMINER LEWINTER: -- we'll</p> <p>23 figure it out.</p> <p>24 MS. ROGERS: Thank you</p> <p>25 Q Okay. Ms. Jia, can you please briefly</p>

<p>29</p> <p>1 explain how the sites surrounding Stewart did not 2 play a role in the project design 3 (Applicant's Exhibit 32-A was marked for 4 identification.) 5 A We started surroundings to determine the 6 best design approach for the site. Using this 7 site as an example, given the surrounding 8 residential homes, we proposed individual 9 residential cottages as opposed to a large single 10 structure like an apartment building. 11 So Goddard School is immediately to the 12 north of our site. As our team will describe, we 13 have made substantial changes to the project 14 through several iterations in design. 15 Notably, we have shrunk the building 16 sites and maximized the landscape screening. To 17 respect the desires of the community to keep 18 vehicular access off Ruby Drive, we were able to 19 purchase the corner lot off of West Old Baltimore 20 Road. 21 This lot can accommodate all vehicular 22 activity off of that street rather than Ruby 23 Drive. This came at a significant expense and 24 delay in the project. But we felt it was well 25 worth it to address the major concern raised from</p>	<p>31</p> <p>1 facility. What levels of care -- 2 And could you go to the next slide, 3 please? Thank you. This is the Conditional Use 4 Plan. A reproduction of Exhibit 5-B, so that's 5 already in the record, but now also part of this 6 compilation. 7 HEARING EXAMINER LEWINTER: Okay. 8 Q Can you explain what levels of care the 9 proposed senior facility will provide? 10 A Assistant living facilities are senior 11 residential care facilities that provides varying 12 levels of care. The lower level of care, level 13 one, are for the residents who need less 14 assistant. 15 And the higher level of care, level 3, 16 is for residents who need more hands-on 17 assistance. And WorldShine provides level 2 and 18 level 3 assistant living services. 19 Level 2 residents need a moderate level 20 of care with their ADLs, which is activities of 21 daily living such as shaving, transferring, 22 getting on and off the toilet, and getting 23 dressed. Level 2 care usually includes one on one 24 assistance from caregivers. 25 Level 3 care is referred to as an</p>
<p>30</p> <p>1 the adjoining neighbors. 2 Q And can you describe some of the 3 community outreach that has been undertake in 4 connection with this plan? 5 A Yes. As a long-term owner, operator 6 community outreach is of most importance to 7 WorldShine as we plan to be a part of this 8 community for quite some time. 9 As such, we try to engage the community 10 and get feedback on the plan before even filing 11 the application. We met with the surrounding 12 community very early on. We met with several 13 community associations. The Upcounty Citizens 14 Advisory Board and the Gaithersburg Germantown 15 Chamber of Commerce. 16 We hosted a voluntary online community 17 meeting with immediate surrounding neighbors to 18 share our plans for the site prior to submission. 19 We sought early input from staff and agencies 20 through the filing of voluntary concept plans. 21 The plan evolved significantly as a 22 result of these efforts. We also created a 23 website for the project. 24 Q Okay. I'm not going to show a series of 25 questions regarding the proposed operation of the</p>	<p>32</p> <p>1 enhanced assistant living. Because in level 3 2 care assistant living settings, residents require 3 extensive hands-on assistant for multiple ADLs. 4 Level 3 residents will have several 5 physical ailments and -- that needs a daily 6 assistant. Furthermore, it is also common for 7 level 3 residents to have the mild and the 8 moderate Alzheimer's disease or Dementia. 9 We have skilled professionals like 10 licensed practical nurses, registered nurses, and 11 the certified nursing assistant provides the care 12 service for our residents. 13 Q And how many units and beds are 14 proposed? 15 A Up to 120 beds in eight cottages. 16 Fifteen beds per cottage with the community center 17 in the cottage at the southeast corner of the 18 site. 19 Q Which is shown on Exhibit 5-B? 20 A Yes. 21 Q Thank you. What made WorldShine decide 22 to design cottages instead of, for example, a 23 single building? 24 A Smaller buildings matched the community. 25 Blend into the neighborhood with less impact.</p>

Transcript of Hearing
Conducted on February 2, 2024

9 (33 to 36)

<p>33</p> <p>1 Q And you had mentioned the community 2 center as the building being in the southeast 3 corner of the site. 4 Can you describe what is the community 5 center? 6 A Yes, the community center is the one 7 cottage where the indoor activity will occur and 8 meals are made. 9 Q And how many parking spaces will be 10 provided on site? 11 A A total of 52 parking spaces. We are 12 not proposing any parking on the public spaces. 13 Q Or public streets? 14 A Yeah, public streets. 15 Q Okay. In your experience, what 16 percentage of the residents will have cars and or 17 actively drive? 18 A From my experience, very small 19 percentage of residents who live in assistant 20 living will actually ever drive or have a car. 21 Given the level of care, we expect that really no 22 residents will have cars. No more than five 23 percent. 24 Q And how do you deal, for example, with 25 parking? What are your thought processes for</p>	<p>35</p> <p>1 will be a shift schedule. 2 MR. ROBINS: Thank you. 3 (Applicant's Exhibit 32-B was marked for 4 identification.) 5 Q So the gentleman has posted the shift 6 schedule on the board -- on the monitor, excuse 7 me. How many employees will be employed at the 8 facility? 9 A So the community will employ a total of 10 approximately 75 team members. But certainly, not 11 all at one time. There will never be more than 12 44. So type of employee includes the house care 13 service, activity, transportation, administration, 14 and management staff. 15 Q And what times do staff typically arrive 16 at the property? 17 A Employee schedules fall into four 18 categories. House care staff worker works on 19 three eight-hour shifts with shift changes 20 occurring at 2:00 p.m., 10:15 p.m., and 5:45 a.m. 21 The kitchen and food service staff work 22 on two shifts from 6:00 a.m. to 2:00 p.m. and 23 2:15 p.m. to 10:15 p.m. The housekeeping and 24 maintenance staff work on two eight-hour shifts 25 from 6:00 a.m. to 2:00 p.m. and 2:00 p.m. to</p>
<p>34</p> <p>1 parking for high visitor holidays, for example? 2 A We will arrange for off-site parking for 3 employees and bring to the site by shuttle during 4 the holiday. If necessary, we will schedule for 5 families to come at different shifts during the 6 day. And for the visitors, there's -- the period 7 for visitors coming to our assistant living is in 8 the late afternoon and evening hours. 9 After the peak demand for parking that 10 occurs at shift change, which occurs between 11 2:00 p.m. to 3:00 p.m. 12 Q Okay. And Ms. Randall will also be 13 talking about that as well. Our transportation 14 consultant. 15 And based on your experience, will this 16 parking be sufficient to accommodate the demand? 17 A Yes. 18 MR. ROBINS: Okay. Can you go to the 19 next slide, please? Thank you. 20 This is -- this comes under a new 21 exhibit in the compilation. 22 HEARING EXAMINER LEWINTER: Okay. 23 MR. ROBINS: So if you want to -- this 24 is a shift schedule. 25 HEARING EXAMINER LEWINTER: 32-B. This</p>	<p>36</p> <p>1 10:00 p.m. 2 All other employees including the social 3 worker, management, activity, and drivers work 4 from 9:00 a.m. to 5:00 p.m. The maximum number of 5 employees working any shift will not exceed 44, 6 which will be from 2:00 p.m. to 10:00 p.m. 7 MR. ROBINS: And for the benefit of the 8 Hearing Examiner, I would just point out that this 9 information, in addition to being on the shift 10 schedule on the monitor, also is in the statement 11 of operations, which is Exhibit 20. 12 So it's right at your fingertips if you 13 need it. 14 Q Will the facility provide on-site 15 healthcare services for its residents? 16 A Yes, outside nurse, clinic space for 17 doctor's visits, and Telehealth. Note these 18 services are an essential part for assistant 19 living. 20 Q And what amenities will the proposed 21 facility provide? 22 A Assistant living will have separate 23 indoor common amenities spread out in the common 24 area of each cottage including a library, computer 25 room, arts and craft space, music therapy,</p>

Transcript of Hearing
Conducted on February 2, 2024

10 (37 to 40)

<p>37</p> <p>1 physical therapy, fitness center, and beauty 2 salon. 3 There is a centralized kitchen. The 4 meals will be prepared and then delivered to 5 individual cottages where the residents will eat 6 their meal in communal dining room or their own 7 room. There is also a private dining room in the 8 community center where the residents can celebrate 9 special occasions with their family and friends. 10 There's also an outdoor courtyard and 11 walking paths around the site. 12 HEARING EXAMINER LEWINTER: Just a point 13 of clarification in your testimony, those 14 different amenities that you just described are 15 found within the community center building, 16 correct? 17 A Yes. 18 HEARING EXAMINER LEWINTER: Thank you. 19 Q Not in each cottage, but within the 20 community center? 21 A Yes. 22 HEARING EXAMINER LEWINTER: Wait, sorry. 23 I thought she said that each cottage though would 24 also have -- 25 A So to clarify, we will have the main</p>	<p>39</p> <p>1 The residents with wheelchair and walker 2 will take a walk with caregivers on accessible 3 walking paths within our site. We also have some 4 outdoor activities like gardening, exercise, and 5 stretching. 6 Q And can you briefly describe the type of 7 daily activities that WorldShine provides to its 8 residents? 9 A Our activities team have developed the 10 recreational programs that appeal to a wide range 11 of interests and needs and encourage the residents 12 to engage, enjoy, express, learn, and grow each 13 day to improve their physical wellbeing and 14 decrease the depression. 15 The daily activities will include, but 16 not limited to, dancing, chair exercise, center 17 and balance stretching, and fitness class. 18 Language learning, internet use, movies, lectures, 19 and seminars. 20 Arts and crafts, gardening, painting. 21 Teji and ping pong. Volunteer events, community 22 outreach, shopping, field trips, and special 23 occasion celebrations. 24 Q And you mentioned that access to goods 25 and services is a key consideration for WorldShine</p>
<p>38</p> <p>1 amenities in the community center. But each 2 cottage will have like one -- like a computer room 3 or like business center. Something like that. 4 So -- but the main amenities will be in the 5 community room. 6 HEARING EXAMINER LEWINTER: So -- I'm 7 sorry. I don't mean to take over your 8 questioning. 9 But in the cottage -- in an individual 10 cottage that the residents reside in -- 11 A Yes. 12 HEARING EXAMINER LEWINTER: -- would 13 there be one amenity or multiple amenities? 14 A There will be one. One or zero. 15 HEARING EXAMINER LEWINTER: Okay. 16 A Yeah. 17 Q Okay. Did you finish your answer, 18 Becky? 19 A Yes. 20 Q Okay. What noise do you anticipate to 21 be generated by the use of the outdoor amenities? 22 A Very little. The residents will 23 probably sit at each cottage entrance or in the 24 courtyard in the beautiful day to enjoy the 25 weather.</p>	<p>40</p> <p>1 when selecting a location for a future community. 2 Will this facility provide 3 transportation for residents to access off-site 4 services and amenities? 5 A Yes, WorldShine provides a private 14- 6 passenger wheelchair accessible van for the 7 transportation of our residents for off-site 8 excursions including shopping and medical 9 appointments. 10 The exact operation of the shuttle 11 service varies by facility. But currently we 12 anticipate that the transportation service will 13 run six days per week. 14 Additional trips may be scheduled for 15 social events. An additional outing can be 16 scheduled depending on request. The 17 transportation service provides access to 18 facilities within a 15-mile radius. 19 Trips typically are scheduled between 20 10:00 a.m. and 4:00 p.m. The shuttle can 21 accommodate up to 14 residents per trip. The 22 shuttle service is privately funded by WorldShine. 23 Q And can you please describe where and 24 how often trash, recycling will be collected? 25 A An enclosed dumpster will be located to</p>

Transcript of Hearing
Conducted on February 2, 2024

11 (41 to 44)

<p>41</p> <p>1 the northwest area of the property away from 2 adjoining residents. The dumpster will emptied 3 approximately twice per week by a standard garbage 4 truck. 5 Q And that area for the benefit of the 6 Hearing Examiner is shown on the Conditional Use 7 Plan. 8 And how often will deliveries be made to 9 the site? 10 A The food deliveries are typically made 11 twice per week by a 20 foot by 30-foot box truck. 12 Note that all laundry lenience will be performed 13 in house and require no outside vendor or 14 deliveries. 15 Deliveries generally will be arranged 16 during business hours in consideration of both 17 outside residents and the surrounding community. 18 All other deliveries are made by USPS, FedEx, and 19 UPS on their standard routes. 20 Q And after the conditional use, 21 what -- or what's your understanding of the next 22 steps in the process? 23 A After the approval of the conditional 24 use, we will be seeking the preliminary plan 25 approval from the Montgomery County Planning</p>	<p>43</p> <p>1 just -- yeah, right there in the front. 2 If you could just state your name for 3 the record and then you can ask her your 4 questions. 5 MS. KIRSHMAN: Vyjoo Kirshman. 6 HEARING EXAMINER LEWINTER: I'm sorry. 7 Sit down. I know it's all -- turn on the 8 microphone when it's green. Now, if you could 9 just state your name. 10 MS. KIRSHMAN: Vyjoo Kirshman. 11 HEARING EXAMINER LEWINTER: And do you 12 need it spelled? 13 If you can spell it. 14 MS. KIRSHMAN: V-Y-J-O-O, 15 K-I-R-S-H-M-A-N. And I didn't -- I'm sorry, I 16 didn't get your name. 17 HEARING EXAMINER LEWINTER: My name is 18 Andrea LeWinter, L-E-W-I-N-T-E-R. And I'm the 19 hearing examiner substituting for Hearing Examiner 20 Burns. 21 MS. KIRSHMAN: Thank you. Sorry. 22 HEARING EXAMINER LEWINTER: You're 23 welcome. So if you want to go ahead and ask her 24 your question and then just wait for her to 25 respond, okay?</p>
<p>42</p> <p>1 Board. We are eager to file that plan. 2 After the land use approvals, we will 3 complete any licensing requirement from the state. 4 Q And is there anything else that you'd 5 like to add? 6 A This has been a very long but productive 7 process. We recognize that we are the newcomer to 8 the community. We don't take that lightly. We 9 have worked hard to redesign the project to make 10 it even more compatible with the surrounding 11 community. 12 We look forward to completing the rest 13 of the approval processes, constructing the 14 facility, and becoming a fixture in the community. 15 We certainly will continue to communicate and 16 reach out to our surrounding neighbors. 17 MR. ROBINS: I have no further 18 questions. 19 HEARING EXAMINER LEWINTER: Thank you. 20 Would anybody in Opposition like to ask any 21 question of Ms. Jia? 22 Can I ask you to come to the front. I 23 know it might be a little awkward, but if you 24 can -- you can even angle your chair a little bit. 25 There's a microphone there. If you could</p>	<p>44</p> <p>1 QUESTIONS BY INDIVIDUALS IN OPPOSITION 2 BY MS. KIRSHMAN: 3 Q So you did mention that a lot of 4 communication was done with the community. And we 5 are literally 1.1 miles from where you're 6 proposing it. Other than the 2017 or 2018, 7 sometime before COVID, there was a town hall 8 meeting for the initial, you know, plan that was. 9 And that church that you had the town hall meeting 10 was full of opposing people, okay? 11 With the level of opposition that was 12 there for six units, I'm surprised that if you're 13 having continuous communication with -- 14 HEARING EXAMINER LEWINTER: So, ma'am, I 15 don't mean to interrupt you. But I need you to 16 ask her a question. I promise you will get to 17 testify. And if you -- 18 MS. KIRSHMAN: Yes. 19 HEARING EXAMINER LEWINTER: Okay. 20 Q So when was the last communication that 21 you did to the community of your most recent 22 updated proposal? Because I've not received it 23 and neither has our community received it. 24 A Yes, so during the COVID, we had an 25 online meeting with all the neighbors about our</p>

Transcript of Hearing
Conducted on February 2, 2024

12 (45 to 48)

<p>45</p> <p>1 set plan via Zoom. And the meeting was held by</p> <p>2 Alan.</p> <p>3 Q When was the last one for the most</p> <p>4 recent application that you have put, CU 23-1011?</p> <p>5 When was the communication sent out to</p> <p>6 the neighboring communities and the homeowners,</p> <p>7 including the HOAs, that you're supposed to do if</p> <p>8 they're within the .5-mile radius?</p> <p>9 The last communication on CU 23-011 on</p> <p>10 your new application -- so called new application?</p> <p>11 A So we update our information on our</p> <p>12 website. So if the -- you guys subscribe your</p> <p>13 email, you know, you will receive the updates.</p> <p>14 And the other updates you haven't received?</p> <p>15 Q So I want to place on the record that</p> <p>16 that reason I'm asking this question is that a new</p> <p>17 application has been put in. None of us were</p> <p>18 aware of it. From your statement here, you're</p> <p>19 saying that --</p> <p>20 HEARING EXAMINER LEWINTER: Okay.</p> <p>21 MS. KIRSHMAN: -- people around you</p> <p>22 would have to subscribe to your website, which we</p> <p>23 would have to figure out what the site is, right?</p> <p>24 HEARING EXAMINER LEWINTER: So I promise</p> <p>25 you're going to get to testify.</p>	<p>47</p> <p>1 A Sorry, I cannot answer this question.</p> <p>2 HEARING EXAMINER LEWINTER: So I think</p> <p>3 her question is that there wasn't a meeting or any</p> <p>4 other form. That the way people would've been</p> <p>5 informed of the update to your application is by</p> <p>6 accessing your website; is that correct?</p> <p>7 MS. ROGERS: I think she's clarifying</p> <p>8 that she doesn't know because she didn't handle</p> <p>9 the technical -- that technical aspect of the</p> <p>10 application in terms of complying with the notice</p> <p>11 requirements of the zoning ordinance.</p> <p>12 HEARING EXAMINER LEWINTER: Is that</p> <p>13 accurate?</p> <p>14 A Yes.</p> <p>15 HEARING EXAMINER LEWINTER: Okay. So</p> <p>16 her response if that she just doesn't know how</p> <p>17 they were done.</p> <p>18 MS. KIRSHMAN: I'm surprised she doesn't</p> <p>19 know like after -- you know, after saying that,</p> <p>20 you know, the information was on the website. So</p> <p>21 please note that.</p> <p>22 HEARING EXAMINER LEWINTER: Okay. Thank</p> <p>23 you.</p> <p>24 Q The second thing I wanted to know</p> <p>25 was -- and you mentioned that this facility has a</p>
<p>46</p> <p>1 MS. KIRSHMAN: Okay.</p> <p>2 HEARING EXAMINER LEWINTER: Okay. So</p> <p>3 when you ask her a question, please wait for her</p> <p>4 to answer. And then if you can reserve your</p> <p>5 comments --</p> <p>6 MS. KIRSHMAN: Okay.</p> <p>7 HEARING EXAMINER LEWINTER: -- or</p> <p>8 response to her testimony --</p> <p>9 MS. KIRSHMAN: Thank you.</p> <p>10 HEARING EXAMINER LEWINTER: -- to your</p> <p>11 testimony.</p> <p>12 MS. KIRSHMAN: This is my first time.</p> <p>13 Sorry about it.</p> <p>14 HEARING EXAMINER LEWINTER: No, no,</p> <p>15 please don't apologize. I appreciate, you know --</p> <p>16 MS. ROGERS: And I think that question</p> <p>17 may be better directed to someone else on our team</p> <p>18 that can answer your question regarding the</p> <p>19 technical notice requirements of the zoning</p> <p>20 ordinance and how they were followed.</p> <p>21 MS. KIRSHMAN: Okay.</p> <p>22 Q But from your point of view,</p> <p>23 communications on your most new application was</p> <p>24 not sent out to the neighboring community. That's</p> <p>25 your assessment, correct?</p>	<p>48</p> <p>1 number of great amenities, right?</p> <p>2 Hearing about it, I would love to live</p> <p>3 there. A beauty salon, a barbershop. That's</p> <p>4 amazing, right, to have something there for your</p> <p>5 elderly folks. That's great. How do you -- I</p> <p>6 have not been in a residential use community that</p> <p>7 has a barbershop and a beauty salon within a home.</p> <p>8 So how does that align -- how do</p> <p>9 you -- knowing your background, how do you align</p> <p>10 that with those types of amenities and call it a</p> <p>11 residential home just because the outside is</p> <p>12 residential? How do you -- you know?</p> <p>13 A Great representation. Thank you for</p> <p>14 asking that. So in assistant living, our</p> <p>15 residents are not able to, you know, fulfill their</p> <p>16 activity of daily living. So we provide the</p> <p>17 services including the haircut services. And in</p> <p>18 my experience, they will need a haircut every</p> <p>19 month -- once a every month. And we will do that</p> <p>20 in house. So the barbershop, the beauty salon you</p> <p>21 mentioned, that will be a very small area just</p> <p>22 like a room with a mirror with a chair. And our</p> <p>23 residents will come here, and we will provide the</p> <p>24 haircut for them.</p> <p>25 And also, the beauty salon. So when</p>

Transcript of Hearing
Conducted on February 2, 2024

13 (49 to 52)

<p>49</p> <p>1 there is a holiday, Christmas, Thanksgiving, our 2 residents will want to make themselves beautiful. 3 So we will hire some makeup artists to give them 4 some makeup in house. 5 So that will really -- you know, not 6 every often needed. But this is a very small 7 setting just for our resident's use. 8 Q Okay. I mean, that sounds splendid. 9 I'm just wondering -- it still doesn't answer the 10 question of a single-family home unit, which is 11 the conformance of that area, everything is a 12 single-family home. 13 MR. ROBINS: This is -- 14 Q So I'm just wondering how you -- 15 HEARING EXAMINER LEWINTER: I think he 16 has -- 17 MR. ROBINS: This is testimony. 18 HEARING EXAMINER LEWINTER: Yeah, so -- 19 MS. KIRSHMAN: Okay. 20 HEARING EXAMINER LEWINTER: I appreciate 21 sometimes it's important to frame a question. And 22 I -- again, I'm going to give you a little bit of 23 leeway because I'm assuming you're not an 24 attorney. 25 MS. KIRSHMAN: I am not. I most</p>	<p>51</p> <p>1 MS. KIRSHMAN: So it's to provided 2 service? Okay. Thank you. 3 That's about it for now. 4 HEARING EXAMINER LEWINTER: All right. 5 Thank you. 6 Is there anyone else who wanted to ask 7 questions? 8 Yes, ma'am. If you could follow her 9 lead and come up to this chair. If you could 10 state your name and then spell it for the court 11 reporter, I'd appreciate it. 12 MS. CINQUE: Okay. I'm Anne Cinque, 13 C-I-N-Q-U-E. 14 BY MS. CINQUE: 15 Q So just a quick question. Which 16 community organizations did -- were you in contact 17 with? 18 A So we met with the Upcounty Citizens 19 Advisory Board, and -- 20 Q I'm sorry? 21 A Upcounty Citizens Advisory Board and 22 Gaithersburg Germantown Chamber of Commerce. 23 Q Okay. 24 HEARING EXAMINER LEWINTER: Is that an 25 objection or do you want to just make --</p>
<p>50</p> <p>1 definitely am not. 2 HEARING EXAMINER LEWINTER: But it is as 3 the attorney said. It's not an opportunity for 4 you to express your opinion. It's simply to ask 5 her a question. 6 MS. KIRSHMAN: Okay. 7 HEARING EXAMINER LEWINTER: So if you 8 need to frame it, that's one thing. But 9 commentary back and forth or -- 10 MS. KIRSHMAN: Okay. 11 HEARING EXAMINER LEWINTER: -- opinion 12 is not appropriate. 13 MS. KIRSHMAN: Okay. 14 Q So do you think a beauty salon and a 15 barbershop is in alignment with single-family home 16 units? 17 A So our -- 18 Q Within the building? 19 A Yes. I will answer this question this 20 way. So in our assistant living, we provide a 21 service for our residents. We call it a beauty 22 salon and barbershop to want them to feel they are 23 living independently. 24 But it is really the service we provide 25 to our residents.</p>	<p>52</p> <p>1 MR. ROBINS: It's not an objection. But 2 the -- without answering for the witness, that was 3 in addition to the voluntary community meetings 4 that we held for -- 5 HEARING EXAMINER LEWINTER: So maybe in 6 your rebuttal testimony, you can introduce that 7 other information. 8 Okay. Is there anybody else who -- 9 MS. CINQUE: Well, I -- could I ask you 10 which meetings are you talking about? 11 HEARING EXAMINER LEWINTER: Well, so -- 12 MS. ROGERS: She testified to that. 13 HEARING EXAMINER LEWINTER: Yeah, so if 14 you had another question for her -- they were just 15 commenting that they didn't feel that she fully 16 understood your question. That was just their 17 statement, so. 18 MS. CINQUE: Can I ask it again? 19 HEARING EXAMINER LEWINTER: Yes. 20 MS. KIRSHMAN: But she did just -- we 21 were sent a list, so we just want to know what 22 that list it. 23 HEARING EXAMINER LEWINTER: Yes. 24 MS. ROGERS: Again, the notice list is 25 going to be answered by another -- she has</p>

Transcript of Hearing
Conducted on February 2, 2024

14 (53 to 56)

<p>53</p> <p>1 answered that she doesn't -- she is not prepared 2 to answer the question in terms of -- 3 HEARING EXAMINER LEWINTER: Well, she 4 hasn't -- 5 MS. ROGERS: -- who was on the notice 6 list. 7 HEARING EXAMINER LEWINTER: She hasn't 8 said that. You've said that. So if you want 9 to -- 10 MS. CINQUE: I just asked what community 11 organizations -- 12 HEARING EXAMINER LEWINTER: Right. 13 MS. CINQUE: -- did you contact? 14 HEARING EXAMINER LEWINTER: So do you 15 understand the question? 16 A Yes. 17 HEARING EXAMINER LEWINTER: Okay. Are 18 you able to answer that question? 19 A I will trust Elizabeth to answer the 20 question for me. 21 HEARING EXAMINER LEWINTER: Well, she 22 can't do that for you. 23 A Okay. All right. 24 HEARING EXAMINER LEWINTER: She's your 25 attorney.</p>	<p>55</p> <p>1 First name J-E-R-O-M-E. Last name P-A-J-O-T. 2 Thanks for your time for sure. Thanks for 3 listening to us. 4 BY MR. PAJOT: 5 Q Questions I have for you are, you stated 6 that you have businesses in Frederick County, PG 7 County, which I think is recent -- 8 A Right. 9 Q -- and Montgomery County? 10 A Right. 11 Q I'm not familiar with those businesses 12 other than the one in Montgomery County. Would 13 you please tell everyone if -- which of those 14 businesses are identical to what you're proposing 15 here? 16 A So we're currently operating three adult 17 medical daycare centers in the three counties. 18 Montgomery County, Frederick County, and Prince 19 George County. 20 And the participants, clients, we are 21 serving the average age of them are 75. So, 22 sorry, your question is how it's related to our 23 current project? 24 Q No, my question is, are any of your 25 businesses -- your current operating businesses</p>
<p>54</p> <p>1 A I will answer the question. 2 HEARING EXAMINER LEWINTER: Okay. 3 A So we met with several community 4 associations including Upcounty Citizens Advisory 5 Board and Gaithersburg Germantown Chamber of 6 Commerce. 7 And we also held the voluntary online 8 community meeting with immediate surrounding 9 neighbors to share our plans for the site. 10 MS. CINQUE: What date? 11 A I have to go back to look at the date, 12 but I will give this answer later if that's okay. 13 MR. ROBINS: Sure. 14 HEARING EXAMINER LEWINTER: Okay. Is 15 there anybody else who had any questions for this 16 witness? 17 Yes, sir. If you can, again, come up 18 and state your name and spell it for the record. 19 MR. PAJOT: Sure. Good morning, by the 20 way. 21 HEARING EXAMINER LEWINTER: Good 22 morning. 23 MR. PAJOT: Good morning, Everybody. 24 A Good morning. 25 MR. PAJOT: My name is Jerome Pajot.</p>	<p>56</p> <p>1 identical to this proposal where the residents are 2 living in our neighborhood? 3 A Okay. So adult medical daycare and 4 assistant living, they are all managed by the 5 Maryland Department of Health. And we have 6 similar regulations and the commerce -- you know, 7 the operational standard. 8 And the reason we want to do assistant 9 living is because, one, is the big demand of the 10 market. And also, our clients really have this 11 need. Currently, they are able to go home to, you 12 know, live at home. 13 And they can come to our center during 14 the daytime. But, you know, in the -- maybe five 15 or ten years, we don't know if they still can live 16 independently. That's why we want to have this 17 assistant living home provided -- like available 18 for community, for clients, and society. 19 HEARING EXAMINER LEWINTER: So I think 20 Mr. Pajot's question -- 21 I'm sorry to co-opt you. 22 MR. PAJOT: Please. 23 HEARING EXAMINER LEWINTER: -- is are 24 any of the three facilities that you run similar 25 in structure in providing assisted living to the</p>

Transcript of Hearing
Conducted on February 2, 2024

15 (57 to 60)

<p>57</p> <p>1 one that you are not proposing, or is this a 2 different -- a new concept? 3 A It's a similar concept. The operation 4 is similar. We also -- in the adult medical 5 daycare, we have the transportation, the drivers. 6 We have an activity department. We have the 7 nursing department. 8 So it will be a similar site and 9 operation. And we also provide -- 10 MR. PAJOT: May I elaborate -- 11 A -- the food. 12 MR. PAJOT: -- my question, please? 13 Q So you're stating that it's similar. 14 But I believe, if I heard you properly, you said 15 that currently the residents are able to go home. 16 A Yes. 17 Q So you do not have -- If I understood 18 you correctly, you do not have a facility where 19 the residents are living in houses or cottages on 20 site; is that correct? 21 A Right. 22 Q Okay. So is it fair to say that this 23 would be your first one? 24 A Right. 25 Q Is it fair to say that you have no</p>	<p>59</p> <p>1 HEARING EXAMINER LEWINTER: We're here 2 to talk about the land use. And this is not an 3 assessment of whether they are going to be 4 licensed by the Department of Health. 5 MR. PAJOT: I have no question about the 6 licensing. And what I'm leading to, ma'am, is 7 that if -- and this will be a statement/question. 8 If, in fact, this is the first time that 9 WorldShine is building and looking to operate a 10 live-in daycare within a neighborhood, is it fair 11 to say that you have no experience as to what 12 level of noise may be present in the community 13 based on your lack of experience running such a 14 facility? 15 HEARING EXAMINER LEWINTER: Then you can 16 ask her that question. 17 MR. PAJOT: Asked. 18 HEARING EXAMINER LEWINTER: So the 19 question is, how would you be able to 20 assess -- how would you know the level of noise if 21 you don't have experience with this particular 22 setup? 23 A So we have the consultant. We have the 24 experts. And we talk about this operation, and we 25 are sure there won't be too much noise. Because</p>
<p>58</p> <p>1 experience with live-in daycares where the 2 residents actually live within the community? 3 A I personally don't have experience. But 4 we -- our team will have the experience. 5 Q Okay. So please tell the hearing room 6 what facilities WorldShine runs to have that 7 experience where your team is currently running an 8 operation similar or identical to the one that 9 you're proposing at Ruby Drive? 10 A I don't think this question is related 11 to our Conditional Use Application. We are just 12 doing the conditional use. The -- you know, the 13 set plan application. 14 Once we're approved, we will do the 15 licensing application. We will follow all the 16 regulations and the -- you know, the rules. And 17 we will definitely operate our assistant living 18 very well. 19 So I think it's just too early to talk 20 about this. 21 HEARING EXAMINER LEWINTER: No, I was 22 actually going to interject the same thing. 23 Unfortunately, this is -- this process is very 24 specialized. 25 MR. PAJOT: Sure.</p>	<p>60</p> <p>1 assistant living will be a very peaceful setting, 2 you know, like for the old -- elderly who live in 3 the community. 4 So there really is no noise in our 5 community. 6 Q Okay. 7 A Yeah. 8 Q How long do you think the construction 9 process will take for this facility? 10 A I will say, it will take less than a 11 year. 12 Q Less than a year? 13 A Yeah. 14 MR. PAJOT: Okay. All right. I have no 15 further questions. 16 HEARING EXAMINER LEWINTER: Thank you, 17 sir. 18 MR. PAJOT: Thank you. 19 HEARING EXAMINER LEWINTER: Is there 20 anyone else? Okay. I don't see anybody else. 21 Did you have any redirect for the 22 witness? 23 MR. ROBINS: Oh, yeah, I do. 24 REDIRECT EXAMINATION 25 BY MR. ROBINS:</p>

Transcript of Hearing
Conducted on February 2, 2024

16 (61 to 64)

<p>61</p> <p>1 Q Just on the question of community 2 outreach, did you -- did WorldShine employ a 3 particular individual to work and reach out to the 4 community? 5 A Yes, we employed Ellen to represent us 6 to reach out to the community. 7 Q Is that Ellen Coren? 8 A Yes. 9 Q And did she actually reach out to the 10 community and try to arrange for meetings? 11 A Right. 12 Q Was she rebuffed at times by community 13 members? 14 HEARING EXAMINER LEWINTER: Okay. I'm 15 sorry. Yes, if -- thank you. 16 If we can keep the noise in the audience 17 to a minimum, I'd appreciate it. 18 Q To your understanding, was she -- in her 19 outreach efforts, was she rebuffed by community 20 members in terms of trying to set up visits, 21 meetings, trying to work things out on the 22 application? 23 A Yes. 24 Q Essentially told go away? 25 A Yes.</p>	<p>63</p> <p>1 (Witness summoned.) 2 HEARING EXAMINER LEWINTER: And are you 3 asking Mr. Sloan to be qualified as an expert? 4 MS. ROGERS: Yes, we are prepared to go 5 through a series of questions to qualify him as an 6 expert. But he's also been qualified before OZAH 7 on numerous occasions as an expert in land use 8 planning and landscape architecture. 9 So however the Hearing Examiner would 10 like to handle that. 11 HEARING EXAMINER LEWINTER: No, that's 12 my understanding. That he's been qualified in the 13 past. So I will accept him as an expert in this. 14 So, Mr. Sloan, if you could raise your 15 right hand, please. 16 (The oath was administered.) 17 Whereupon, 18 JOSHUA SLOAN, 19 called as a witness for the Petitioner, 20 having been duly sworn, testified as follows: 21 HEARING EXAMINER LEWINTER: Thank you. 22 Again, if you could state and spell your name for 23 the record. 24 A Joshua Sloan, J-O-S-H-U-A. Sloan, 25 S-L-O-A-N.</p>
<p>62</p> <p>1 HEARING EXAMINER LEWINTER: Okay. This 2 is her understanding though. 3 MR. ROBINS: Correct. 4 HEARING EXAMINER LEWINTER: I do want to 5 qualify that. 6 MR. ROBINS: That's her understanding. 7 HEARING EXAMINER LEWINTER: And how do 8 you spell -- is it Ellen? 9 MR. ROBINS: E-L-L-E-N, C-O-R-E-N. 10 HEARING EXAMINER LEWINTER: C-O-R-E-N. 11 Coren. Okay. Anything else -- 12 Q And after that effort, you decided that 13 it was no longer fruitful to continue that level 14 of outreach? 15 A Right. 16 MR. ROBINS: I have no further 17 questions. 18 HEARING EXAMINER LEWINTER: Okay. Is 19 this witness dismissed? 20 MS. ROGERS: Yes. 21 (Witness excused.) 22 HEARING EXAMINER LEWINTER: Okay. If 23 you would like to call your next witness. 24 MS. ROGERS: Thanks. For our next 25 witness, we will call Mr. Josh Sloan.</p>	<p>64</p> <p>1 DIRECT EXAMINATION 2 BY MS. ROGERS: 3 Q Great. Thank you. And for the record, 4 Mr. Sloan's resume is in the record as Exhibit 27. 5 Mr. Sloan, are you familiar with the 6 Conditional Use Application, which is before the 7 Hearing Examiner today as CU 23-11? 8 A Yes, I am. It is approximately a 4.66 9 acre site after dedications on West Old Baltimore 10 Road and the R-200 zone for 120 senior living 11 beds. 12 Q Thank you. And can you please describe 13 your responsibilities with respect to this 14 Conditional Use Application? 15 A I've worked with the team assessing the 16 master plan. In this case, the adopted Clarksburg 17 master plan and Hyattstown special study area in 18 particular and the zoning ordinance and regulatory 19 requirements for the R-200 zone standards and the 20 specific use standards. 21 And I assisted with preparation of the 22 land use report. 23 Q Thank you. And you had noted that you 24 assisted with preparation of the land use report. 25 For the record, that's Exhibit 10 in the record.</p>

Transcript of Hearing
Conducted on February 2, 2024

17 (65 to 68)

<p>65</p> <p>1 Have you made a personal inspection of</p> <p>2 the conditional use property, and are you familiar</p> <p>3 with the surrounding area?</p> <p>4 A I am. I've worked in Montgomery County</p> <p>5 for almost three decades now. And I know the area</p> <p>6 well. I visited the site twice.</p> <p>7 MS. ROGERS: Thank you.</p> <p>8 If we can go to the next slide. If we</p> <p>9 can pull back up Exhibit 32. Thank you.</p> <p>10 COUNTY COUNSEL TECH: Which exhibit?</p> <p>11 MR. ROBINS: Pardon me?</p> <p>12 COUNTY COUNSEL TECH: Which exhibit?</p> <p>13 MS. ROGERS: This one here.</p> <p>14 MR. ROBINS: It's that one, yes.</p> <p>15 Q For the record, this is reproduction</p> <p>16 from Exhibit 15, which is already in the record.</p> <p>17 Mr. Sloan, was a natural resource</p> <p>18 inventory for standardization approved for this</p> <p>19 property?</p> <p>20 A Yes, the NRI, Natural Resource Inventory</p> <p>21 was approved originally on 11/1/22 after the</p> <p>22 Applicant acquired an additional property along</p> <p>23 West Old Baltimore. It was submitted and approved</p> <p>24 again on October of 2023.</p> <p>25 MS. ROGERS: Thank you.</p>	<p>67</p> <p>1 inventory is limited to 100-foot perimeter.</p> <p>2 And in this case, there are no streams.</p> <p>3 No stream buffers. No wetlands. No floodplains.</p> <p>4 No tributaries over 200 feet.</p> <p>5 So we have just the property itself and</p> <p>6 then the surrounding residential yards. There is</p> <p>7 a section of forest to our northwest on the</p> <p>8 property currently.</p> <p>9 And there are some larger that are</p> <p>10 called specimen trees that are 30-inch diameter at</p> <p>11 roughly four-and-a-half feet off the ground on the</p> <p>12 property. There are some existing residential</p> <p>13 structures.</p> <p>14 Parking areas, driveways, and standard</p> <p>15 accessories for a residential structure like</p> <p>16 sheds, lawn, and landscaping.</p> <p>17 Q Thank you. And have you reviewed the</p> <p>18 official zoning map for the property and the</p> <p>19 surrounding area?</p> <p>20 A Yes, as noted the property is in the R-</p> <p>21 200 zone with properties in the R-200 TTR zone</p> <p>22 nearby.</p> <p>23 MS. ROGERS: Next slide, please.</p> <p>24 This is just an enlargement of Exhibit 4</p> <p>25 that's already in the record as the certified</p>
<p>66</p> <p>1 Can you please -- sorry, can you go to</p> <p>2 the next slide? Thank you.</p> <p>3 Q This, for the record, is a reproduction</p> <p>4 from the staff report, which is Exhibit 28.</p> <p>5 Mr. Sloan, if you can please describe</p> <p>6 the location and general characteristics of the</p> <p>7 property.</p> <p>8 A So the property is along West Old</p> <p>9 Baltimore Road, midway between I-270 and Maryland</p> <p>10 355 Frederick Road. It is on the west side of</p> <p>11 Ruby Drive with detached houses to the west in the</p> <p>12 R-200 TTR zone.</p> <p>13 And the attached houses to the south and</p> <p>14 the east in the R-200 zone. And special exception</p> <p>15 use to Goddard School to the north. The property,</p> <p>16 it splits in its drainage area.</p> <p>17 Roughly a third of the property drains</p> <p>18 to the south. There's a high point at that third</p> <p>19 location on the site. And then going north, it</p> <p>20 drains to the north. So it actually drains to two</p> <p>21 different streams that are quite a ways away.</p> <p>22 When you submit a natural resource</p> <p>23 inventory, you are required to show if there are</p> <p>24 any streams within 200 feet of the property. In</p> <p>25 this case, they're not. So our natural resource</p>	<p>68</p> <p>1 zoning map.</p> <p>2 Q Mr. Sloan, as a residential care</p> <p>3 facility over 16 persons permitted in the R-200</p> <p>4 zone?</p> <p>5 A Yes, this is an allowed use as a</p> <p>6 conditional use in the R-200 zone.</p> <p>7 MS. ROGERS: Thank you.</p> <p>8 Next slide, please.</p> <p>9 Q This is a reproduction from our land</p> <p>10 report, which is Exhibit 10.</p> <p>11 Mr. Sloan, can you please describe how</p> <p>12 you define the surrounding neighborhood in your</p> <p>13 land use report?</p> <p>14 A Yes, and for the benefit of others also,</p> <p>15 when we submit for a Conditional Use Application,</p> <p>16 we are required to define a neighborhood. The</p> <p>17 neighborhood then sets the context for determining</p> <p>18 compatibility for the use.</p> <p>19 In this case, we looked at the</p> <p>20 neighborhood. And based on natural boundaries and</p> <p>21 land made boundaries that are quite defining of</p> <p>22 the area, we defined it as basically the screen</p> <p>23 buffer to our northwest past the residential</p> <p>24 neighborhood directly to our west.</p> <p>25 Maryland 355 to our north and down</p>

<p>69</p> <p>1 towards the east was a definite boundary. The 2 homes to our south across West Old Baltimore Road. 3 We included those. And then we stopped just sort 4 of Summerfield Crossing on our west side going 5 towards 270.</p> <p>6 Q Thank you. And are you familiar with 7 the surrounding area boundaries identified by 8 staff in their staff report if we got to the next 9 slide?</p> <p>10 A So staff's analysis was identical to 11 ours. And they recommended the surrounding 12 neighborhood for analysis based on our boundary. 13 And we agree with that.</p> <p>14 Q Thank you. And for the record, the 15 slide up is a reproduction from the staff report, 16 which is Exhibit 28. This is found on page 6 of 17 the staff report.</p> <p>18 Mr. Sloan, can you please describe the 19 character of the surrounding neighborhood?</p> <p>20 A So the character is mostly defined by 21 the surrounding residential uses. There are 22 projects that used a system called transferable 23 development rights to achieve a density higher 24 than typical in the R-200 zone as allowed by the 25 R-200 TTR overlay zone.</p>	<p>71</p> <p>1 I'd like to walk through, so we can see some of 2 the evolution of the project.</p> <p>3 MS. ROGERS: Go to the next slide, 4 please. Next slide, please.</p> <p>5 And the design iterations Mr. Sloan is 6 about to walk through are all reproductions from 7 Exhibit 31.</p> <p>8 A So this is the original proposal. This 9 is before WorldShine was able to purchase the 10 property along West Old Baltimore Road. The road 11 that you see running diagonally from the lower 12 left to the center of the slide is Ruby Drive.</p> <p>13 And in that case, Ruby Drive was used as 14 the primary access. It was the only public road 15 frontage for the property. Parking was on the 16 south side of the site between the housing and 17 West Old Baltimore Road.</p> <p>18 There was a significant modified cul-de- 19 sac at the end of Ruby Drive, primarily taken from 20 land on the property -- subject property. And six 21 larger residential facilities were shaped in a U 22 around a central courtyard that was facing to the 23 east towards the homes on Ruby Drive.</p> <p>24 This was all built over an underground 25 basement structure so that -- for connectivity</p>
<p>70</p> <p>1 That's primarily to our west. To our 2 east there are standard R-200 lots directly along 3 Ruby Drive and then a little bit higher density 4 lots right along Maryland 355.</p> <p>5 To our south, there's a mixture of 6 higher density R-200 lots and standard R-200 lots.</p> <p>7 Q Thank you. In your professional 8 opinion, will the proposed development impact the 9 character of the surrounding neighborhood?</p> <p>10 A No, this will not substantially affect 11 the character of the neighborhood.</p> <p>12 HEARING EXAMINER LEWINTER: Ma'am, if we 13 could refrain from the comments. Thank you.</p> <p>14 A So in terms of -- the things that we 15 typically look at are -- in many cases, we 16 have -- these uses are put into single rather 17 large buildings because of the operations.</p> <p>18 They'd rather that residents were in one 19 building. So this Applicant has actually taken it 20 upon themselves to work out a system where they 21 can provide eight smaller buildings on the 22 property, which are similar in character to what 23 would be allowed in R-200 zone for eight to ten 24 buildings on a property of this size.</p> <p>25 There're several design iterations that</p>	<p>72</p> <p>1 between the buildings. And after hearing from 2 community members, from hearing from staff, the 3 Applicant went back to the drawing board, as they 4 say, and came up with a second iteration, which I 5 think is the next slide.</p> <p>6 So the next slide was primarily a 7 reduction of the building mass of those six 8 buildings. The footprints were reduced about 30 9 percent to reduce coverage and to reduce visual 10 impact.</p> <p>11 The underground basement level was 12 removed. And then because you need fire access 13 and things, there were some other modifications to 14 the project. But the access remained on Ruby 15 Drive.</p> <p>16 The cul-de-sac remained on Ruby Drive. 17 And the street facing courtyard and units also 18 remained looking to the east and facing the 19 existing units. So we heard additional comments 20 on this and worked with staff, again, to modify to 21 version three.</p> <p>22 Yep, next slide. That's the slide.</p> <p>23 So in this case because an R-200 as you 24 can see in the homes on either side of us, the 25 standard is for a narrower lot with a deeper</p>

<p>73</p> <p>1 backyard. And so you have a rhythm of buildings 2 along the street. 3 And the Applicant here took the 4 buildings, flipped the orientation so that you had 5 the rhythm of buildings along the street, and put 6 the courtyard in active areas on the west side of 7 the property. 8 We retained the parking and the primary 9 drive on Ruby Drive with this one. But we got rid 10 of the cul-de-sac and created an internal fire 11 access turnaround to make sure that this and our 12 neighbors still had access to a firetruck that 13 could get to the end of Ruby Drive, turn around, 14 and safely get to these properties. 15 The big change was when WorldShine was 16 able to buy the property between these subject 17 properties and West Old Baltimore Road. And so 18 that is the plan that you see before us. 19 MS. ROGERS: Next slide, please. 20 A Next slide. Thank you. 21 So in this iteration, the obvious change 22 is that access to Ruby Drive is completely 23 removed. We now have a primary drive on West Old 24 Baltimore Road. That road is internal to the 25 site.</p>	<p>75</p> <p>1 internal to the site. 2 It did allow us to significantly change 3 lighting, landscaping, screening so that we are 4 now internally focused enclave really for this 5 project. 6 The residential cottages have been 7 redesigned quite a bit. They're now much more 8 like you would typically see in an R-200 home 9 with -- 10 MS. ROGERS: Next slide, please. 11 A Oh, sorry. Yep, getting ahead of 12 myself. 13 So you have gable houses. You have 14 brick or typically some kind of lap siding or 15 other kind of siding masonry of some kind. Gabled 16 roofs, punched windows, front door, porches. 17 These are all the kinds of elements 18 that, frankly, we try to usually put into larger 19 buildings. The single size buildings for 20 residential care facilities that I'm very familiar 21 with. 22 But we're able to do this in individual 23 cottages in this case. And you can see -- we have 24 some comparisons to buildings that were provided 25 in other R-200 zone properties or R-200 TDR zone</p>
<p>74</p> <p>1 It runs up between four buildings. So 2 the buildings are smaller. Still in scale with 3 what's allowed in an R-200 zone for a single- 4 family house. But now they're aligned basically 5 on an internal street with backs to our neighbors 6 including Ruby Drive, which is a public street. 7 The parking is now moved to a few spaces 8 in the center. But most of the parking is in the 9 northside of the site. That did require us to 10 make sure that fire access could get in through 11 the properties and around the parking area and 12 safely back out. 13 The trash and services were moved to the 14 end of the site so that all trash and service 15 vehicles are now coming in between our two 16 homes -- or our two rows of homes and furthest 17 away that we could put it from residences in the 18 northeast, is where now the service is located. 19 This required a significant 20 modification. Because the site does have a high 21 point basically just to the end of the first four 22 units -- first four houses. 23 Our storm water now goes to -- along 24 West Old Baltimore Road primarily and then up by 25 the parking lot with some other facilities</p>	<p>76</p> <p>1 properties nearby. 2 This is what could have happened with a 3 property that just developed houses on this site. 4 MS. ROGERS: Next slide, please. 5 A Okay. So the landscape plan that's up 6 now, this shows how we basically turned the houses 7 fronts onto our primary street that comes up off 8 of West Old Baltimore. 9 The turnaround in the back by the 10 parking. The parking has a specific requirement 11 for landscape and tree canopy. And that is 12 provided. The open space has a specific 13 requirement for planting, and that's 14 required -- or provided also. 15 And then importantly, of course, is the 16 screening requirements under Division 6.3. So 17 this has our screening along the west side where 18 we directly abut onto properties in the R-200 TDR 19 zone. 20 And that screening that is provided is 21 beyond what's required by the code. And the code 22 has very specific requirements for shrubs, trees, 23 evergreens, ornamentals per 100 feet. 24 This exceeds that area -- or that 25 quantity. And we understand for the condition</p>

Transcript of Hearing
Conducted on February 2, 2024

20 (77 to 80)

<p>77</p> <p>1 that we've accepted, that we will enhance this 2 further for additional evergreen screening along 3 the western boundary. 4 Q To clarify with a follow-up question, is 5 you testified the current landscape plan exceeds 6 the screening requirements along that boundary. 7 Is the Applicant willing to provide 8 additional evergreen screening, although that's 9 not specific -- we already conform with the 10 Planning Board condition. 11 But is the Applicant willing to further 12 revise the plan to provide additional evergreen 13 screening to respond to comments we've received? 14 A That's correct. We'll provide 15 additional evergreen screening beyond what is 16 shown on the landscape plan today, which also 17 exceeds the requirement under the code. 18 Q Thank you. And, Mr. Sloan, you also 19 testified regarding how this project is unique 20 compared to others in your living cases. 21 For the record, have you served as an 22 expert in other senior living cases within the 23 county? 24 A I have. I've done several projects in 25 the county over many years.</p>	<p>79</p> <p>1 HEARING EXAMINER LEWINTER: Okay. 2 MS. ROGERS: So however you prefer. We 3 can have them as 32-C and D for now. 4 HEARING EXAMINER LEWINTER: Okay. So I 5 just want to -- I'm sorry. We can come back to 6 this. I don't want to interrupt your testimony 7 too much. 8 I am just a little bit confused in terms 9 of the landscaping. Because you keep saying that 10 the current plans in here do conform with the 11 Planning board. 12 And it had been my understanding, but I 13 was just rereading the Planning Board. And I'm 14 trying to remember where this came from when I was 15 going through everything, I thought they had 16 requested some additional landscaping that wasn't 17 reflected in the plan? 18 A Correct. 19 MS. ROGERS: The Planning Board 20 condition, if I just pull it up. 21 HEARING EXAMINER LEWINTER: It was with 22 building materials as well. 23 MS. ROGERS: Correct. So the Planning 24 Board condition number 6 requires the applicant 25 provide evergreen screening above standard</p>
<p>78</p> <p>1 MS. ROGERS: Thank you. 2 Go to the next slide, please. 3 We have two new slides that are new 4 exhibits that -- for these -- Mr. Sloan will 5 testify as to why, but we would like to insert a 6 new Conditional Use Plan cover sheet as well as a 7 new Conditional Use Plan, which is the slide after 8 this into the record. 9 And can those have new exhibit numbers 10 or be categorized with the current -- the 11 Conditional Use Plans are currently 5-A and 5-B. 12 These two sheets will replace 5-A and 5-B with 13 slightly revised plans. 14 HEARING EXAMINER LEWINTER: Okay. 15 MS. ROGERS: So how would the Hearing 16 Examiner like to handle that? 17 HEARING EXAMINER LEWINTER: For right 18 now, why don't we get -- I guess this would be C 19 and D on 32. But you want them to replace 5-A and 20 5-B? 21 MS. ROGERS: It's however the Hearing 22 Examiner -- they -- we just want to make sure that 23 they're clear for the report that they stand out 24 as new conditional -- revised Conditional Use 25 Plans.</p>	<p>80</p> <p>1 requirement. And the landscaping must be in 2 accordance to the landscape plan. 3 And I believe Mr. Sloan can clarify, 4 testify, to the current landscape plan that is in 5 the record already does provide screening above 6 what is required by the zoning ordinance. 7 Although, the Petitioner is willing to 8 further enhance that and submit an updated 9 landscape plan -- 10 HEARING EXAMINER LEWINTER: Okay. 11 MS. ROGERS: -- into the record. 12 HEARING EXAMINER LEWINTER: All right. 13 Thank you. 14 Okay. So if you can resume. So we'll 15 for right now call these 32-C and 32-D. I will 16 make a note that these are the most current 17 iterations of the plan and six -- whatever with 18 respect to 5-A and 5-B. 19 MS. ROGERS: Yes. 20 HEARING EXAMINER LEWINTER: They will 21 replace those. Okay. 22 (Applicant's Exhibits 32-C and 32-D were 23 marked for identification, admitted into evidence, 24 and retained by the Hearing Examiner.) 25 Q So, Mr. Sloan, can you please briefly</p>

<p>81</p> <p>1 explain the overall planning concepts for the 2 development proposal on site and also please 3 briefly note just the minor changes that were on 4 our updated Conditional Use Plans. 5 A Yes, so I think I probably went 6 overboard on a couple of the earlier slides 7 describing this. But the planning concept is 8 basically to create another little -- in this case 9 its own enclave of a neighborhood that's similar 10 to what could be done in an R-200 zone in terms of 11 structures. 12 So as I noted, this is a 4.66 acre 13 property. An R-200 zone requires a 20,000 square 14 foot wide minimum. Theoretically, you could get 15 ten houses on this property. 16 We've provided four -- groups of four 17 cottage units that are roughly the size of an R- 18 200 house in two clusters that are separated by a 19 central open space. So that open space is within 20 the best proximate distance to the units -- each 21 of the units instead of on one side or the other. 22 The central drive will have some 23 parallel parking. The parking is to the rear 24 where we can best screen it. And also as we'll 25 talk about later, the storm water design.</p>	<p>83</p> <p>1 to service the trash and dumpster area, have 2 minimal backing space so the beeping of a truck is 3 minimized and then can turn around forward -- in a 4 forward motion and leave the site. 5 That's one of the important 6 considerations in these, is to make sure the 7 service can be done in the least disruptive way 8 possible. So this slide -- 9 MS. ROGERS: Next slide, please. 10 A Okay. Another thing that this actually 11 allowed us to do, and I'm sort of thinking out 12 loud right now, the water and the sewer -- this is 13 going to be put on public water and sewer. 14 Because we have connections nearby. 15 The water and sewer will be run down the 16 primary drive. It used to be in different 17 locations including on Ruby Drive. So disruption 18 to both Ruby Drive, the residents, and our 19 neighbors to the west is going to be minimized by 20 putting it as centrally located as possible with 21 the site. 22 So those trenches for water and sewer 23 will be along that driveway and then through the 24 parking and then off the property. 25 This has important streetscape</p>
<p>82</p> <p>1 We can treat the storm water for these 2 roads and in the parking area very effectively. 3 The units face towards this internal street. 4 They're very close to the street edge and the 5 sidewalks that surround the property. 6 The screening will be provided, as I 7 noted, on -- in the backyards essentially of these 8 cottage units. There are internal walking paths 9 as noted. You know, getting out and exercise is 10 very important for the residents here. 11 And so they'll be walking with their 12 caregivers in this area. There're not a lot of 13 active recreation facilities on this property. 14 Most of those are internal to the primary building 15 with the amenities. 16 This is meant to be a quiet community 17 with sitting areas, walking areas. We're not 18 providing courts or anything like that. 19 We have, as I noted, and on this you can 20 better see it, I think, the service area in the 21 far northeast of the property where the parking 22 area, which in this case north is to the right on 23 the slide. And so it's the bottom-right of the 24 parking areas where the service is. 25 That allows a service truck to come in</p>	<p>84</p> <p>1 improvements. Right now there are no sidewalks 2 for sections of West Old Baltimore Road. So, for 3 example, our neighbors to the west if they want to 4 walk to the intersection of 355, do not have a 5 safe access to that along a sidewalk. 6 And not only is this Applicant providing 7 the necessary and required frontage improvements 8 for their section of the road, they're providing a 9 sidewalk connection within the right-of-way, about 10 50 feet of sidewalk to the west, and then a 200- 11 odd -- 260-foot connection to the sidewalk to the 12 east. 13 So that people can use the northside of 14 West Old Baltimore Road safely on an ADA compliant 15 sidewalk. 16 Q And, Mr. Sloan, are offsite frontage 17 improvements triggered by this application? 18 A No, there're no requirements for this. 19 This is voluntary. The Applicant thinks it's 20 important to provide safe connectivity for 21 pedestrians to and from the site and for our 22 neighbors crossing the frontage of the property. 23 Q Thank you. Can you please describe the 24 proposed building and site signage that will be 25 provided?</p>

<p>85</p> <p>1 A So like many -- you see them up and down 2 West Old Baltimore and other areas of Clarksburg. 3 When you come to a community development, you'll 4 see a monument sign. There will be a monument 5 sign in the front here indicating the premises. 6 And there will also be a sign at the 7 main building on the building itself with no other 8 signs. 9 Q And will that signage be permitted 10 through the Department of Permitting Services or 11 Sign Review Board as necessary? 12 A Correct. There are two routes to take 13 when you propose signage. One is to simply comply 14 with the code. The other is to, if you want any 15 modifications, you can go through the Sign Review 16 Board. 17 Q Thank you. Mr. Sloan, you were 18 describing earlier in your testimony the forest 19 and Specimen trees that were on the property. 20 Does this application require the 21 preparation of a preliminary forest conservation 22 plan and tree variants if required? 23 A Yes, in these cases when you submit for 24 a Conditional Use Application, you submit your 25 preliminary forest conservation plan, which</p>	<p>87</p> <p>1 we plant, that's going to be roughly 2.2 to, I 2 think, almost three acres of planting based on the 3 water shed. 4 What we cannot do offsite is mitigate 5 for the variance trees -- the specimen trees that 6 were taken down. And when you take down a tree 7 that's over 30 inches or greater in diameter, you 8 have to replant at a certain calculation. 9 Basically, you're replacing every one 10 tree you take down with three new trees that are 11 put in at a sizable size. About three-inch 12 caliber. Not your standard landscape size. 13 And we will be providing 115 inches 14 worth, which is about -- I'm a designer, not an 15 engineer. Whatever that is divided by three. A 16 lot of trees. And they're shown on the forest 17 conservation plan as required. 18 Q Thank you. Next, we'll proceed with a 19 series of questions regarding master plan 20 conformance. 21 Mr. Sloan, what is the relevant master 22 plan for this property? 23 A This property is within the 1994, 24 approved and adopted Clarksburg master plan and 25 Hyattsville special study area.</p>
<p>86</p> <p>1 is -- as the name connotes, it is your preliminary 2 assessment of how you're going to, one -- whether 3 or not you have any variants trees. 4 Those are those trees I described as 30 5 inches in diameter or more to remove, whether you 6 have any forest on site, and the disposition of 7 that. 8 We will then be filing a final forest 9 conservation plan that has many more details about 10 how we actually put this into -- how we implement 11 that including tree save, tree protection, root 12 pruning. The various things that we do 13 for -- around a property here. 14 So the forest conservation plan does 15 have removals of several significant specimen 16 trees. Those were noted in the staff report in 17 our variance request and were approved by the 18 Planning Board on January 18th with the 19 preliminary forest conservation plan. 20 As I noted when I described the natural 21 resource inventory, there is an area of forest on 22 this property. That forest will be removed with 23 this application. And the forest conservation 24 requirement will be met offsite. 25 And depending on the water shed -- where</p>	<p>88</p> <p>1 Q Thank you. And have you reviewed the 2 1994 approved and adopted Clarksburg master 3 plan -- 4 A Yes. 5 Q -- and Hyatts special study area? 6 A Sorry, yes. 7 Q Thank you. Based on your review of the 8 master plan, in your professional opinion, is the 9 proposed development in substantial conformance 10 with the goals and recommendations contained 11 therein? 12 If we go to the next slide. Thank you. 13 A So we're now slide -- 14 Q This is the revised conditional use that 15 was admitted into the record as 32-D, for the 16 record. 17 A So it is. And this plan is 30 years old 18 now. Plans are typically meant for a 20-year 19 planning period and are typically updated every 20 ten years. 21 The approach to the Clarksburg master 22 plan has been a little bit different. It has 23 sectioned out areas of particular concern for 24 minor master plan amendments. There's currently 25 one pending for an area to our northwest.</p>

<p style="text-align: right;">89</p> <p>1 That said, we still need to comply and 2 be substantially in conformance with the plan that 3 is approved for the property. So this master plan 4 does not have any specific recommendations for 5 this property. 6 And when that occurs, what we do is we 7 look at the overarching goals and objectives of 8 the plan. So there's quite a bit in the 9 Clarksburg master plan and want to run through 10 several things. 11 One, it's been noted in other cases that 12 provide proposed conditional uses for residential 13 care facilities that even if a specific property 14 is not recommended for a specific use, that that 15 use, if it's recommended in the master plan, can 16 still be reviewed and analyzed for this location. 17 And in this case, the Clarksburg master 18 plan does recommend different housing choices for 19 different income levels, different ages, different 20 lifestyles, physical capability, and -- but at 21 appropriate densities for the areas. 22 Very importantly with this master plan 23 because of some sensitive streams are the 24 environmental goals. And a significant portion of 25 the master plan discusses what should be done to</p>	<p style="text-align: right;">91</p> <p>1 I'll talk about that a little bit more under water 2 quality discussion. The other thing that 3 is -- although we have frontage on West Old 4 Baltimore Road, and you'll see houses directly on 5 West Old Baltimore Road, both to our west and our 6 east, we are setting back the property -- or 7 setting back our initial buildings about 100 feet. 8 And that's well -- more than the front 9 setback requirement is in this zone or for this 10 use. So that is so we can landscape that area. 11 These kinds of storm water facilities are planted. 12 They're not your -- what some people 13 think of as the large ponds, for example, that are 14 in the residents to -- the neighborhood to our 15 west. These are smaller areas. They're planted. 16 The monument sign, the other landscaping 17 that's proposed is going to keep West Old 18 Baltimore quite residential and even rural in 19 feeling compared with a lot of the other 20 neighborhoods. 21 And that with the setback of the units 22 will decrease visibility. The connectivity I 23 talked about, we're certainly in compliance in 24 meeting that objective to make sure that 25 pedestrians, bicyclists, and cars can connect to</p>
<p style="text-align: right;">90</p> <p>1 protect these sensitive environmental areas. 2 I think I noted that we're not 3 within -- near a stream or tributary or wetlands 4 or floodplains. The closest streambank is about 5 .2 miles away. But that doesn't mean we don't 6 affect the water shed. 7 And so we are very attune to the 8 recommendations and master plan for water quality, 9 maintaining good water quality, and improving it 10 where we can. 11 Right now this property is a typical 12 residential property developed before a storm 13 water and forest conservation requirements were 14 even required. It has no storm water facilities. 15 Everything sheet flows to drainage 16 swills around the property and natural drainage 17 ponds. So we are doing several things to deal 18 with the water quality. The primary is what's 19 called environmental site design for our storm 20 water management treatment. 21 And that is through several facilities 22 that looked like little areas of a polka dot hatch 23 on the plan, primarily on West Old Baltimore and 24 to the rear of the property. 25 And what these do is collect water. And</p>	<p style="text-align: right;">92</p> <p>1 area networks well. 2 Given that there's no specific 3 recommendations for this plan, we did look at the 4 recommendations for the brink road transition 5 area, which is one of the maps in, I think, the 6 master plan. 7 I've noted it as page 77. It's not an 8 exhibit though that we have. So this area was 9 meant to maintain residential use and character 10 with lots of green area. Compatible. Low-density 11 infill. 12 And this -- when we look at the -- this 13 does not provide any units. This provides 14 household living as a set of beds, not individual 15 units. And master planning generally looks at 16 units per acre because it is modeling largescale 17 impacts to public facilities. 18 So what are impacts to schools, to 19 roads, to emergency services, to water and sewer. 20 In this case, we don't provide any units. We 21 provide dwellings -- we provide beds for the 22 individual suites in these cottages. 23 So it was important to the Applicant, 24 and I thought very creative, to break up this 25 property into several buildings that replicate R-</p>

<p style="text-align: right;">93</p> <p>1 200 sized buildings. And that will keep the 2 residential character as well as the design 3 elements that I talked about on the individual 4 units. 5 COUNTY COUNSEL TECH: May I interject 6 for a second? I need to switch this laptop over. 7 HEARING EXAMINER LEWINTER: Sure. Why 8 don't we take a short -- 9 COUNTY COUNSEL TECH: Thank you. It'll 10 be like two minutes. 11 HEARING EXAMINER LEWINTER: Okay. 12 COUNTY COUNSEL TECH: Sorry, Guys. 13 UNIDENTIFIED SPEAKER: No worries. 14 (Whereupon, a recess was taken at 15 11:00:50 a.m.) 16 DIRECT EXAMINATION CONTINUED 17 BY MS. ROGERS: 18 Q Mr. Sloan, could you clarify for the 19 record, I think we skipped over it, regarding why 20 the conditional use plan was being updated and 21 submitted into the record today? 22 A Yeah. I'll just be very clear that we 23 had some final tweaks required by our fire 24 department access review for setbacks. And so the 25 data table in particular is called in to reflect</p>	<p style="text-align: right;">95</p> <p>1 the typical zoning and impervious area and the use 2 that is allowed on the property. And so I agree 3 with staff. They analyzed it quite closely in 4 their staff report. 5 And this property acts by the use, 6 basically, as a transition between the R-200/TDR, 7 which has a much higher impervious area, albeit 8 oddly to the stream side of the master plan and 9 the R-200 that is on our east side and towards 10 Maryland 355. 11 So the impervious is in between what 12 would be typically found in those two zones. But, 13 more importantly, with the master plan, the 14 recommendation for impervious area is about how to 15 mitigate impacts to water quality. And so that is 16 what this design really focused on, rather than 17 the specific number. 18 Q And you testified that the project 19 incorporates a variety of environmental site 20 design measures. Were those measures contemplated 21 at the time that the Clarksburg Master Plan was 22 adopted? 23 A They weren't. In 1994 your typical 24 storm water was a collection of water from large 25 areas -- you see it in some of the communities</p>
<p style="text-align: right;">94</p> <p>1 those setbacks. We're still above the minimum 2 for -- in all cases. 3 And we also wanted to make sure that it 4 was very clear that our front setback is West Old 5 Baltimore Road. Our side street setback is Ruby 6 Drive. Our rear setback is to the north along the 7 Goddard School property boundary. And our side 8 setback is to our neighbors to the west. So that 9 is clarified completely in the data table. 10 Because it kind of changed once we had a property 11 on two roads, which we didn't originally. 12 Q Thank you. Resuming our questioning on 13 the master plan, Mr. Sloan. Does the Clarksburg 14 Master Plan recommend an impervious cap for this 15 property? 16 A There is no specific cap for this area 17 of the master plan. There are a few areas and 18 properties that do have specific requirements. 19 This one does not. 20 Q Thank you. In your professional 21 opinion, is the project in conformance with the 22 impervious recommendations that are contained in 23 the master plan? 24 A It is. When a specific requirement is 25 not set on a property, what we do is we look at</p>	<p style="text-align: right;">96</p> <p>1 around us -- into large ponds. That is not in 2 keeping with current though, which is to break 3 down drainage areas into smaller areas so that, 4 one, you're not completely reliant on a large 5 facility that has all sorts of issues with it 6 potentially; but, two, it allows you to recharge 7 ground water, to filter water differently, to 8 provide a lot of benefits that are not provided 9 with those large storms that were thought about 10 then in terms of habitat and other things. 11 So the short answer is no. The master 12 plan did not contemplate this kind of storm water 13 management. 14 Q Thank you. And can you please explain 15 what the key difference is between this proposed 16 project in terms of imperviousness as compared to 17 a true, just, single family residential 18 development? 19 A Yes. Most of the plans that I work on 20 we, for residential care facilities, are in single 21 buildings or maybe a couple buildings, but they're 22 larger. They typically have one footprint so that 23 they can have residents that are going to -- 24 within hallways rather than on sidewalks. But 25 WorldShine has a very unique program where they</p>

<p style="text-align: right;">97</p> <p>1 have people on staff that can walk people in 2 between the buildings and make sure that they are 3 safe. 4 So in those cases what we're typically 5 dealing with is restrictions on the building based 6 on coverage requirements and green area 7 requirements. 8 And in this case we are well above our 9 open space requirements, well below our coverage 10 requirements, and so we're nowhere near the 40 to 11 50 percent impervious that I'm usually dealing 12 with when I'm trying to do, you know, landscaping 13 and storm water management and get other things 14 in. 15 So this is significantly lower than this 16 type of use in these zones. 17 Q And, as a follow-up question, if the 18 Applicant had continued to provide access -- 19 vehicular access off of Ruby Drive instead of 20 accommodating it internal to the site in response 21 to neighbor concerns, would that have minimized 22 the impervious area further? 23 A Yeah. So because we've basically made 24 this an insular self-sustaining kind of situation 25 for vehicular travel and did not impact Ruby</p>	<p style="text-align: right;">99</p> <p>1 water feeds into smaller tributaries -- smaller 2 creeks and things that runs -- that build up over, 3 you know, through various networks to the larger 4 streams. And that is where you want to protect. 5 They have larger buffers, and they have very 6 strict requirements under the environmental 7 guidelines. 8 We're not near those. But, as I noted, 9 we are concerned about the watershed and want to 10 make sure that the water that does leave the site 11 is cleaner, cooler, and free of pollutants and 12 silt. 13 Q And, Mr. Sloan, did you review some of 14 the opposition testimony that's in the record 15 regarding streams and, just to reiterate from the 16 testimony provided, was that testimony correct in 17 terms of the characterization regarding the 18 property's proximity to streams and headwaters? 19 A I did look at the testimony carefully 20 because we did such a detailed analysis of 21 drainage patterns of where the headwaters, 22 streams, and buffers are. And I was confused by a 23 good bit of it. There are quotes used when the 24 material was not actually quoted. It's 25 paraphrased. And a lot of that information was</p>
<p style="text-align: right;">98</p> <p>1 Drive, we had to provide an entire new road. 2 In these cases, we would typically want 3 to come off the lower classification road. We 4 would not have to have a separate drive aisle. 5 And we could have lowered our impervious area even 6 more. But this is one of the balancing acts that 7 we have to do. 8 For compatibility reasons to simply 9 provide something that we thought the neighbors 10 would be appreciative of, we moved our access to 11 West Old Baltimore Road, and thus we have that 12 driveway, and it does require more storm water 13 because we have more impervious area. 14 Q Okay. Thank you. Are there any streams 15 on the property? I may have touched on this 16 before, but can you reiterate for the record? 17 A There are not any streams on the 18 property or, as I noted, within 200 feet of the 19 property. The closest is about 0.2 miles away to 20 our south and 0.26 miles to our west. 21 Q And is the property near any 22 headwaters? 23 A No. The property is not near any 24 headwaters. And the question is important because 25 headwaters are typically the ground springs where</p>	<p style="text-align: right;">100</p> <p>1 picked from parts of the master plan that don't 2 apply to this geographic area of the master plan. 3 For example, the Little Bennett watershed or an 4 area of the town center. 5 So I had to sort through it a good bit. 6 I think I understand the overall intent of the 7 information that we got, that the watersheds are 8 important. They need to be protected. And, as 9 I've talked about, we've done a significant amount 10 to make sure that we are doing what we are 11 supposed to do. 12 We are, we understand, and it's been 13 pointed out, a special protection area. A special 14 protection area is required to go through a 15 different method of analysis through a Department 16 of Permitting Services, who reviews all storm 17 water. 18 And instead of a typical conceptual 19 storm water plan, we go through what's called a 20 water quality plan. And the water quality plan 21 has more stringent requirements. We are not 22 typically allowed, and we're not asking for, any 23 waivers. We are providing our full treatment. 24 And I know, Kevin, our engineer, will talk to a 25 little bit more of the technical details of this.</p>

<p>101</p> <p>1 But our system can accommodate what's 2 required, which is 1.8 inches of rainwater can be 3 captured on site. And it goes through these 4 micro-bioretenention facilities, green bioswales, 5 which are areas that slowly allow water to move 6 and percolate into the ground, slow down, and cool 7 down. And dry wells, which is when you have a 8 rooftop that goes directly into, basically, an 9 area underground that allows -- collects water and 10 allows it to seep into the ground, but it's 11 filtered and cooled.</p> <p>12 So that's one of the reasons -- that's 13 one of the ways in which storm water, in 14 particular, is analyzed differently in a special 15 protection area.</p> <p>16 Q And does the SPA require an additional 17 fee?</p> <p>18 A Yeah. So when you submit, there are 19 conditions of approval for that water quality 20 plan. And one of the things is that there is 21 ongoing monitoring of the streams in this area 22 because of their high quality nature and their 23 importance to the watershed overall and all of our 24 drinking water, for those of us who live in the 25 quality.</p>	<p>103</p> <p>1 goes through a three-step process for sediment and 2 erosion control measures to ensure that water over 3 the surface of the land does not impact 4 surrounding areas.</p> <p>5 And all of our construction activity, 6 all of our grading, will be protected and will be 7 off of West Old Baltimore, not on Ruby Drive. 8 We've set our limits of disturbance for grading 9 and things on the property line. And we're not 10 going to be doing any infrastructure work on Ruby 11 Drive.</p> <p>12 So there's a distance away from those 13 areas that will protect them. There is also the 14 erosion control measures that are there to protect 15 them. And, finally, there's also the WSSC 16 process, which is separate from permitting 17 services, erosion control, and things. WSSC 18 requires a quite lengthy permitting process. And 19 that goes through geotechnical analysis, 20 structural analysis, things that our neighbors 21 were rightly concerned about. You know, what kind 22 of things are in place for these permits.</p> <p>23 We go through that analysis to put the 24 pipe in. We have several inspections during that 25 period. And then we have as-builts to ensure that</p>
<p>102</p> <p>1 So part of that is you have to pay a fee 2 when you go under a water quality plan in the SPA 3 to support that monitoring of the streams so that 4 any impacts can be tracked and mitigated.</p> <p>5 Q So based on your professional testimony 6 that you just provided in detail into the record, 7 will this project adversely impact the water 8 quality of the Little Seneca Creek or its 9 tributaries?</p> <p>10 A No, it will not.</p> <p>11 Q Thank you. Will the proposed project 12 have any adverse impacts on the surrounding well 13 and septic systems that serve the homes on the 14 opposite side of Ruby Drive?</p> <p>15 A No. There's several reasons why not. 16 One, we're separated from the nearest well and 17 septic areas by not only the Ruby Drive right of 18 way but also an additional 40 feet because we've 19 set back our building so far. And then, 20 additionally, because our water and sewer trenches 21 are going to be another 60-odd feet into the 22 center of the site. So we're going to be several 23 hundred feet away from the septic fields and wells 24 for our trenching.</p> <p>25 But even when that's done, the project</p>	<p>104</p> <p>1 it was built properly before -- before bonds can 2 be released. So there's money at stake to make 3 sure that it is done right and a lot of safeguards 4 in place.</p> <p>5 Q Thank you. Can you just clarify for the 6 record what WSSC is?</p> <p>7 A Oh, I'm sorry. WSSC is the Washington 8 Suburban Sanitary Commission. They oversee water 9 and sewer construction in Montgomery County and 10 Prince George's County.</p> <p>11 Q Thank you. Did the Maryland-National 12 Capital Park and Planning Commission staff from 13 the Planning Board, in making their recommendation 14 for approval, agree with your conclusion that a 15 proposed project is in substantial conformance 16 with all of the goals and recommendations of the 17 master plan?</p> <p>18 A Staff did review this, and they made 19 their recommendation to the planning board. They 20 agreed that the project was in conformance with 21 the master plan. The planning board adopted their 22 findings without change. I think that's in the 23 record as Exhibit 29, that they agreed with 24 technical staff's conclusions.</p> <p>25 Q Thank you. I'm now going to ask you a</p>

Transcript of Hearing
Conducted on February 2, 2024

27 (105 to 108)

<p>105</p> <p>1 series of questions based on your knowledge of 2 zoning rights and your familiarity with the 3 project and your professional expertise. 4 Are you familiar with the zoning rights 5 for Montgomery County, including the provisions 6 related to the R-200 zone? 7 A Yes. 8 Q Thank you. 9 MS. ROGERS: If you go to the next 10 slide. One more. This one. Yes. Thank you. 11 Q Mr. Sloan, does the proposed residential 12 care facility comply with the lot, density, and 13 other requirements of the R-200 zone? 14 A It does. The R-200 zone sets quite a 15 number of development standards for the property. 16 And then those are also modified by additional 17 requirements under the use standards. 18 We are above our requirement in land 19 area per bed. In most cases when I've done these 20 projects, we take the land area, we divide it by 21 the number of bed that we're allowed, and we find 22 a way to fit those on the site. This one does not 23 do that. It provides -- it's much lower than the 24 property would allow in terms of total number of 25 beds.</p>	<p>107</p> <p>1 provided on site to accommodate the proposed 2 development? 3 A Yep. We provide 52 parking spaces on 4 site. That's what the code requires. As you 5 heard previous testimony, people in this age range 6 at these facilities, they rarely drive. So the 7 parking is really specifically set aside for the 8 few residents that may drive, but primarily for 9 employees and visitors. We think that this is 10 more than enough so that we don't encourage or 11 believe there will be any spill-over parking as 12 it's known on the other surrounding public 13 streets. 14 Q And, just to clarify, when you reference 15 the previous testimony, are you referring to 16 consistency of your statements with the testimony 17 provided by Becky Jia earlier today? 18 A Yes. 19 Q Thank you. Can you please describe how 20 the proposed landscape and lighting complies with 21 landscape requirements of the zoning ordinance -- 22 MS. ROGERS: We can go to the next slide 23 for his testimony. Thank you. 24 A So we're -- yes. So we're back at the 25 landscape plan. There are two elements to this.</p>
<p>106</p> <p>1 We are also well under our coverage 2 allowance, which would allow structures over 25 3 percent of the property for this use. We're at 4 about 14 percent, I believe. 5 Q And the -- does the proposed residential 6 care facility comply with the placement and 7 setback requirements of the R-200 zone? 8 A Yes. As I touched on, the setbacks are 9 front, which is the road, side street, side, and 10 rear. And we are above the minimum. We're 11 providing about 100 feet setback from West Old 12 Baltimore Road to maintain the character of that 13 road and allow for landscaping and the necessary 14 other limits that are required for frontage. 15 We exceed the minimum 20-foot yard 16 setback to our west. That is primarily based on 17 what's required for fire access around the 18 buildings. And then the 40-foot side street 19 setback, we're above that. That's the minimum 20 we're retaining. And then in the rear, we're 21 about 280 feet off the rear property line. That's 22 where the parking, storm water, and landscaping 23 will be put in. But the place -- yeah, that's all 24 the placement elements. 25 Q Thank you. Will adequate parking be</p>	<p>108</p> <p>1 One is what kind of plantings are required on 2 site. And, as I testified before, we're providing 3 above the required screening when you have a 4 conditional use abutting residential homes in a 5 single family detached zone. And we're providing 6 the required parking, planting, and whatnot. 7 When it comes to lighting, lighting is 8 very specifically controlled for conditional uses. 9 And -- do we have a separate plan for the 10 photometrics? 11 Q It is in the record if you want us to 12 pull it up separately. 13 A I think it might help. 14 Q Sure. 15 MR. EHLERS: What's he looking for? 16 THE WITNESS: The photometrics plans. 17 MS. ROGERS: If we could pull up Exhibit 18 17-C, please, in the record. 19 THE WITNESS: It may not be necessary, 20 but it's a technical drawing, and I think it might 21 help to explain how we do photometric analysis. 22 MS. ROGERS: Just give him one second. 23 HEARING EXAMINER LEWINTER: It's not in 24 our -- 25 MS. ROGERS: Yeah. It's not in the --</p>

Transcript of Hearing
Conducted on February 2, 2024

28 (109 to 112)

<p>109</p> <p>1 MR. EHLERS: It's a separate exhibit. 2 MS. ROGERS: If you go back to the main 3 website. 4 THE WITNESS: Sorry. I couldn't see 5 this off -- 6 MR. EHLERS: There we go. 17? 7 MS. ROGERS: C. 8 MR. EHLERS: C? 9 MS. ROGERS: Thank you. 10 A So well, as I noted, this is a very 11 technical plan. And when we run a photometric 12 analysis, what we do is we model the lighting 13 that's proposed -- outdoor lighting that's 14 proposed for the subject area. Each of these 15 fixtures that is chosen has a -- based on real 16 world results has what is called a foot-candle, 17 basically a footprint of how much illumination 18 hits the ground based on the fixture that you 19 propose. 20 And a conditional use may not 21 have -- may not exceed zero foot-candles at its 22 property boundary. We run these analyses based -- 23 as if the property were -- had no plantings, no 24 fencing, anything that could otherwise even block 25 the light. So it's a very conservative analysis</p>	<p>111</p> <p>1 I'll just tell you when to stop. 2 We can stop there. Thank you. 3 Q Mr. Sloan, sorry. I think you testified 4 but just to clarify for the record, will the 5 conditional use be screened sufficiently from the 6 abutting residential property and the street? 7 A Yes. We exceed the standards and are 8 proffering the additional landscaping that has 9 been noted. 10 Q Thank you. And did park and planning 11 staff and the planning board agree with your 12 evaluation that the proposal meets and 13 exceeds -- and/or exceeds the development 14 standards of the R-200 zone? 15 A Yes. Staff analyzed this, pages 18 to 16 21 in the staff report. And the planning board 17 agreed in their recommendation for approval. 18 Q Thank you. Next begin a series of 19 questions regarding use standards for residential 20 care facility over 16 persons. Mr. Sloan, is 21 proposed use classified -- I guess as a background 22 question, is the proposed use classified as a 23 residential use in the zoning ordinance? 24 A Yes. The proposed use is a residential 25 use in the zoning ordinance. It's classified</p>
<p>110</p> <p>1 to ensure that we are not going to have light 2 spillover. 3 And there are two things that I want to 4 point out. You can kind of see on this exhibit 5 that the border area that has a -- basically looks 6 like a hatch that's darker than the interior area, 7 that's the border where our lighting will hit zero 8 foot-candles. So we're well within the property 9 boundary before we get to zero foot-candles. 10 And we have fencing that is going to be 11 provided and landscape screening that is not 12 counted in the photometrics. 13 And then the other thing that we do is 14 we pick our fixtures based on where they are -- 15 whether they're adjacent to properties. So the 16 walkways have lower bollards. So even the fixture 17 itself is below the level of the plantings and the 18 fencing that's -- the back yards already have. 19 So those are the two key elements about 20 lighting that we looked at and I wanted to 21 highlight. 22 Q Thank you. 23 MS. ROGERS: Now if we can go back to 24 the other exhibit, 32. I think we were on slide, 25 like, 22 or something like that. Keep going.</p>	<p>112</p> <p>1 under the group living section of those uses. 2 And additional background, just based on 3 my experience, is that the 2014 zoning ordinance 4 codified this as a residential use. And there 5 were several years where I was in the public 6 sector working on the zoning ordinance. And since 7 I've been -- and then in private sector 8 afterwards. 9 We had discussions over several years 10 about the use standards, use classifications. And 11 it was very important to the planning board for 12 their recommendation and the counsel when they 13 adopted the 2014 ordinance, which we're under, 14 that these residential -- these senior living 15 facilities were residential in classification. 16 This is where people, they live in these 17 suites. You know, this is their bed, their living 18 room, their dining room, everything is here. I 19 know there are questions about amenities and 20 things. Many residential facilities have people 21 visit their home to provide certain services. And 22 these are -- these are no different. 23 The whole idea is that residents should 24 be allowed to live in their communities or be 25 brought by family members into communities where</p>

<p>113</p> <p>1 they can then have more active visitation and 2 other things. 3 So whether or not people make money 4 because they have a use is not the question. The 5 impact is based on people living in these 6 buildings, having homes in these buildings. 7 There are 50-odd commercial uses that 8 are nonresidential in classification allowed in 9 the R-200 zone. It is not a single use only 10 detached home zone. I think that whether you 11 agree with the rules or not, that that is how it 12 is and how it was adopted and why. 13 Q Thank you. And, specifically, does the 14 use classification of a residential care facility 15 allow for ancillary services and amenities for the 16 residents? 17 A Yes. It's specifically one of the 18 findings, actually, for this, that it can provide 19 ancillary uses so we can minimize traffic. We can 20 ensure that the residents have the necessary 21 things on site that they need, like nursing staff 22 and whatnot. 23 Q Thank you. So next, Mr. Sloan, as we've 24 kind of already started to get into, section 25 3.3.2.E.2.c.ii sets forth the specific residential</p>	<p>115</p> <p>1 ancillary services such as transportation, common 2 dining area, et cetera, to support the residents' 3 care? 4 A It does. And, just to reiterate, this 5 is a standard for the use in the zone to provide 6 these ancillary services for the residents. 7 Q Thank you. And, for the record, Ms. Jia 8 previously testified regarding what some of those 9 facilities are. 10 A Correct. 11 Q Section c.ii.(b), is that applicable to 12 this project? It refers to a group home for 13 children. 14 A No. The next two sections, group home 15 for children and dwelling units, neither of those 16 are applicable. The next one that is is the lot 17 area for a bed. 18 Q Thank you. So the next applicable 19 standard is under c.ii.(d), which requires a 20 minimum lot size of two acres or 1200 square feet 21 per bed, whichever is greater in the R-200 zone. 22 Does the proposed conditional use meet this 23 requirement? 24 A Yeah. As noted, we are well above the 25 two-acre minimum. We're at the 4.66 acres. And</p>
<p>114</p> <p>1 care -- use standards for a residential care 2 facility for persons that are over -- for over 16 3 persons. Are you familiar with those requirements 4 of the zoning ordinance, and have you had an 5 opportunity to review those in connection with 6 this specific application? 7 A Yes. And the long outline format of the 8 sections is also from the 2014 process that we 9 went through. 10 Q Thank you. I'm going to walk through 11 each of these findings, use standards, in turn. 12 MS. ROGERS: The first one, which is -- 13 can I abbreviate the sections? Is abbreviating 14 okay? 15 HEARING EXAMINER LEWINTER: Yes. Yes. 16 You can just refer to them. 17 MS. ROGERS: Thank you. Okay. 18 Q So the first finding -- 19 THE COURT: 20 HEARING EXAMINER LEWINTER: You can 21 refer to just the last couple of -- 22 MS. ROGERS: Thank you. 23 Q The first one under section c.ii.(a), 24 does the proposed facility -- you just touched on 25 this, but does the proposed facility provide</p>	<p>116</p> <p>1 for the number of beds that we're proposing, the 2 requirement be about 3.3 acres. So we're well 3 above that requirement per bed. 4 Q Thank you. Section c.ii.(e), does the 5 proposed facility comply with the minimum setbacks 6 required under the standard method of development 7 in the R-30 zone? 8 A It does. And I'll -- the requirements 9 for setbacks in the R-30 zone was a relatively 10 recent text amendment because there were other 11 dwelling unit types that were proposed for this 12 use. It doesn't really apply to this. The R-30 13 setbacks are actually less than what's required 14 under the -- that we're providing. 15 Q Thank you. Under -- pursuant to section 16 c.ii.(f), does the proposed facility comply with 17 the minimum side yard setback of 20 feet? 18 A Yes. Despite all the other tables, that 19 specific line that requires a minimum 20-foot side 20 setback, and we conform to that. 21 Q Thank you. For the record, section 22 c.ii.(g) is not applicable, as Mr. Sloan 23 testified, because there's no dwelling units 24 provided, so no MPDUs are required. 25 Section c.ii.(h) is also not applicable,</p>

Transcript of Hearing
Conducted on February 2, 2024

30 (117 to 120)

<p>117</p> <p>1 as this is not classified as a continuing care 2 retirement community, as we're only providing 3 assisted living units, as Ms. Jia testified to. 4 So that brings us to section c.ii.(i), 5 which requires that the high density coverage and 6 parking standards must be compatible with the 7 surrounded uses. In your professional opinion, is 8 the proposed building and site design compatible 9 with the residential character of the surrounding 10 neighborhood? 11 A Yes. Yes, it is. I think I've touched 12 on this in several different ways. To summarize, 13 the buildings are broken up very specifically to 14 promote compatibility by providing four foot -- 15 two groups of four, eight footprints that are 16 similar to a detached home in an R-200 zone. 17 These cottage-style residences are 18 unlike most of the projects as I noted I work on 19 for these uses, which are in the single building. 20 But they want it to reflect the traditional 21 neighborhood pattern that you see. 22 As I think I said, the rhythm of units 23 along a street as seen in residential 24 neighborhoods, the care to the architectural 25 facades has been very careful with the gable</p>	<p>119</p> <p>1 neighborhood. While inherent effects are those 2 necessarily associated with the use, non-inherent 3 effects are not necessarily associated with the 4 use or created by unusual characteristics of the 5 site. Inherent effects are not by themselves a 6 sufficient basis for denial. Non- inherent 7 effects may be. 8 What are the inherent effects that staff 9 identified as being associated with proposed 10 residential care facility use? 11 A So the inherent effects of this use have 12 been boiled down to several. But one is the size 13 of the building. The building needs to be able to 14 accommodate the use -- the number of beds that's 15 allowed by the zone. And so the building size is 16 inherent to that number. And these buildings meet 17 that. They are large enough to house 18 those -- those beds and the ancillary uses but 19 not -- there's no non-inherent size limit there. 20 Another is parking. You need to be able 21 to provide enough parking for your use on site. 22 And that is inherent to the number of beds, staff, 23 visitors anticipated, and that is provided, as I 24 discussed before. 25 Another inherent use for this</p>
<p>118</p> <p>1 windows, the punch windows -- or gabled roofs, 2 the punch windows, the standard porches and 3 whatnot. 4 And then, further, the removal of the 5 drive access from Ruby to West Old Baltimore so it 6 is its own enclave and will not impact the 7 character of Ruby Drive as such. 8 And, finally, the landscaping that I 9 think I've talked about quite a bit. 10 Q Thank you. For the record, section 11 c.ii.(j) is not applicable because Mr. Sloan 12 testified the property is not zoned AR. 13 So finally, Mr. Sloan, did Park and 14 Planning staff and the Planning Board agree with 15 your evaluation that the proposed conditional use 16 satisfy the required findings for approval of a 17 residential care facility over 16 persons? 18 A Staff did agree, and the board agreed 19 with staff and sent their recommendation for 20 approval based on that. 21 Q Thank you. Next, we will move to 22 inherent versus non-inherent. The standard 23 requires a hearing examiner to consider the 24 inherent and non-inherent adverse effects of the 25 proposed use on nearby properties in the general</p>	<p>120</p> <p>1 property -- for this use in this zone is outdoor 2 lighting because there are pathways and walkways 3 and open spaces provided. We have always 4 considered lighting an inherent effect. And, as I 5 noted, we are meeting the requirements for a 6 conditional use in the zone for lighting. 7 Transportation, traffic to and from this 8 proposed use, is an inherent effect. Our traffic 9 consultant will speak more to this. But, just as 10 a quick synopsis, we are generating less than 50 11 person trips -- and person trips is an odd term, 12 but it's not only vehicular, but it's also 13 pedestrian, and people who use transit, 14 bicyclists, whatever. And we're generating about 15 34 a.m. peak hour trips and 54 p.m. peak hour 16 trips. 17 Importantly, as Ms. Jia testified, our 18 ship schedule is off of the peak hours. So that's 19 very important to dealing with the operational 20 characteristics for this use. But it is part of 21 the inherent effect. 22 Q Could I clarify for the record? Can you 23 restate how many p.m. peak hour person trips we're 24 generating? I think you said 54, but I think that 25 was --</p>

<p>121</p> <p>1 A Forty-five. Sorry.</p> <p>2 Q Thank you.</p> <p>3 A Should have left it to Nancy.</p> <p>4 Of course, these do have a moderate</p> <p>5 level of outdoor activity. Outdoor activity is an</p> <p>6 inherent effect of a residential care facility.</p> <p>7 And, again, this is a unique project. It does not</p> <p>8 provide a lot of the things we typically see fire</p> <p>9 pits, fountains. We see a lot -- pickle ball now</p> <p>10 is the big one.</p> <p>11 This is not proposing this. It's</p> <p>12 proposing walkways, seating areas. It's meant to</p> <p>13 be a quiet, contemplative area. And, as staff</p> <p>14 agreed, this is going to be a quiet, peaceful</p> <p>15 residence, in harmony with residential</p> <p>16 neighborhoods.</p> <p>17 Noise is an inherent impact for this</p> <p>18 use. And we will have, as noted, service trucks</p> <p>19 coming and going. We will have delivery trucks</p> <p>20 coming and going. But this is also in line with a</p> <p>21 residential neighborhood where Amazon, FedEx, and</p> <p>22 trash trucks and recycling trucks are all on all</p> <p>23 of our roads.</p> <p>24 We do have a little bit different</p> <p>25 situation here. It's a residential care facility.</p>	<p>123</p> <p>1 the -- well I guess that's the piece.</p> <p>2 Q Okay. Thank you.</p> <p>3 A I would like to address the opposition</p> <p>4 testimony that we -- go over later.</p> <p>5 Q Is there anything further you wanted to</p> <p>6 add to that, in relation to that?</p> <p>7 A Not in relation to that question.</p> <p>8 Q Okay. Thank you.</p> <p>9 All right. Do you believe that the</p> <p>10 property's location within a special protection</p> <p>11 area impacts your analysis regarding the</p> <p>12 non-inherent characteristics of the project?</p> <p>13 A Right. I was jumping ahead thinking of</p> <p>14 this. We -- I read the testimony about a special</p> <p>15 protection area being a non-inherent</p> <p>16 characteristic of a property. And I don't believe</p> <p>17 that's correct.</p> <p>18 A special production area is not a</p> <p>19 characteristic of a property. Characteristic of a</p> <p>20 property would be something like an</p> <p>21 environmentally sensitive area, an unusual</p> <p>22 topography, a strange shape to the site that may</p> <p>23 require changes to our design that would impact</p> <p>24 the neighbors adversely.</p> <p>25 A special protection area is a</p>
<p>122</p> <p>1 And we do anticipate one to four ambulance trips</p> <p>2 per month. And -- and that's because we have</p> <p>3 24-hour nursing staff on site, so we will be able</p> <p>4 to decrease the number that you might otherwise</p> <p>5 expect. We also have regular doctor visits, so</p> <p>6 there's a preventative aspect to this set of</p> <p>7 operations that's -- that will help mitigate that.</p> <p>8 So that noise is going to be there.</p> <p>9 But, again, it's an inherent impact to the use.</p> <p>10 And I agree with staff. They found that the</p> <p>11 proposed use will not cause undue harm to the</p> <p>12 neighborhood as a result of non-inherent adverse</p> <p>13 impacts. They did not find any. I agree with</p> <p>14 them.</p> <p>15 Q So in your professional opinion, you</p> <p>16 noted to agree with the inherent impacts that</p> <p>17 staff identify. In your opinion, are there any</p> <p>18 others?</p> <p>19 A No.</p> <p>20 Q And, to touch on what you just testified</p> <p>21 to, have you also evaluated whether there any</p> <p>22 non-inherent effects associate with the proposed</p> <p>23 residential care facility?</p> <p>24 A I found none. Staff agreed. The</p> <p>25 planning board agreed. But I do want to address</p>	<p>124</p> <p>1 regulatory framework that's put on large areas.</p> <p>2 It's not a non-inherent property effect.</p> <p>3 Q Thank you. And then, next, we will move</p> <p>4 to the necessary findings for approval, which are</p> <p>5 set forth in section 7.3.1.E of the zoning</p> <p>6 ordinance.</p> <p>7 As you've confirmed, a residential</p> <p>8 facility requires approval of conditional use.</p> <p>9 The hearing examiner must approve the conditional</p> <p>10 use and make those findings set forth in the</p> <p>11 section I just referenced.</p> <p>12 Have you had an opportunity to review</p> <p>13 each of these criteria and evaluate whether this</p> <p>14 conditional use complies?</p> <p>15 A Yes, I have.</p> <p>16 Q Thank you. So we'll go through each one</p> <p>17 in turn, and we'll abbreviate the section.</p> <p>18 Section 1.A requires that conditional use satisfy</p> <p>19 any applicable previous approvals. Are there any</p> <p>20 previous approvals that govern this project --</p> <p>21 this property with which we need to comply?</p> <p>22 A No.</p> <p>23 Q Thank you. Section 1.B. In accordance</p> <p>24 with that section, does the project satisfy the</p> <p>25 requirements of the zone, the use standards, the</p>

Transcript of Hearing
Conducted on February 2, 2024

32 (125 to 128)

<p>125</p> <p>1 applicable general requirements under article 59-6 2 of the zoning ordinance? 3 A It does. It complies with the zoning 4 standards, the use standards, and the general 5 requirements. 6 Q Off the record, Mr. Sloan walked through 7 that in detail in testimony. 8 Section 1.C requires the conditional use 9 substantially conform with the master plan. In 10 your professional opinion, does the project 11 substantially conform with the goals and 12 recommendations of the master plan? 13 A It does. And just to reiterate a couple 14 things. One, it provides the diverse housing that 15 is recommended by the plan and the general 16 principles. It is providing a -- the character 17 that's in keeping with low density residential 18 uses in the brink road transition area, 19 residential and care character, residential use 20 character, scale, with the significant green space 21 and screening on site with landscaping. 22 It maintains the character of West Old 23 Baltimore Road by setting back and providing 24 landscaping and just distance between West Old 25 Baltimore and the proposed buildings.</p>	<p>127</p> <p>1 neighborhood -- neighboring residential detached 2 zone increase the number, intensity, scope of 3 conditional uses sufficiently to affect the area 4 adversely or alter the predominantly residential 5 in nature of the area. 6 In your professional opinion, will the 7 proposed conditional use affect the area adversely 8 or alter the residential nature of this area? 9 A I don't believe it will. There's, of 10 course, the conditional use to our north, the 11 Goddard School. There is also a house within the 12 area that has an accessory apartment. This, 13 though, is a residential building -- set of 14 buildings in, as I noted several times, scaled and 15 designed to be compatible and will not adversely 16 affect the residential nature of the area. 17 Q Thank you. Section 1.F requires a 18 finding that the project will be served by 19 adequate public services and facilities. Although 20 since a preliminary plan of subdivision is 21 required, subsequently the planning board is 22 tasked with making the specific finding. 23 However, for the record, in your 24 professional opinion, will the conditional use be 25 served by adequate public services and facilities</p>
<p>126</p> <p>1 It does comply with the water quality 2 recommendations and environmental recommendations 3 by providing the on-site storm water and design 4 techniques that are employed. It also provides 5 improved pedestrian and safety improvements along 6 West Old Baltimore. 7 Q Thank you. Section 1.D requires that 8 conditional use be in harmony with and not alter 9 the general character of the neighborhood. In 10 your professional opinion, does this project 11 comply with that standard? 12 A It does. I tried to describe carefully 13 how the project has been designed to be in harmony 14 with a residential character scale size, the 15 lighting, the landscaping, the footprint of the 16 building, the careful attention to facade 17 detailing of the buildings, the placement of the 18 building on these lots, the rhythm of the 19 buildings along the street; although internal 20 street with the backs on Ruby Drive. And then the 21 substantial buffering to decrease any potential 22 for concern. 23 Q Section 1.E requires the conditional use 24 will not, when evaluated in conjunction with 25 existing and approved conditional uses and any</p>	<p>128</p> <p>1 with respect to schools, storm drain water, sewer, 2 police, fire protection? 3 A Yes. As noted, we break adequate public 4 facilities into several pieces. Ms. Randall will 5 testify on the transportation, Mr. Huang on the 6 civil engineering aspects for water, sewer, and 7 whatnot. 8 We did look, of course, at police and 9 fire access. The closest stations are in 10 Germantown. I think it's -- well I don't -- 5.d 11 station -- is the police station. That's on 12 Aircraft Drive in Germantown. The fire station is 13 on Crystal Rock Drive. That's Station 29. So 14 those are -- those are the closest stations. 15 Q And are -- in your opinion -- to your 16 understanding, are all of the police, fire, 17 healthcare facilities operating in accordance with 18 the growth and infrastructure policy? 19 A Yes. Yes. The latest adopted -- 20 Q Thank you. 21 A -- policy. 22 Q Section 1.G requires that conditional 23 use will not cause undue harm to the neighborhood 24 as a result of non-inherent adverse effects alone 25 or the combination of an inherent and non-inherent</p>

Transcript of Hearing
Conducted on February 2, 2024

33 (129 to 132)

<p>129</p> <p>1 adverse effect. And it sets forth various 2 categories. 3 In your professional opinion, will the 4 conditional use cause any harm to the surrounding 5 neighborhood as a result of non-inherent adverse 6 effects? 7 A As I noted, I don't believe there are 8 any non-inherent adverse impacts from this use. 9 So the way that the finding is set up, if there 10 aren't, the analysis really doesn't go forward. 11 Staff and the planning board agreed. Regardless, 12 we did try to make this as compatible and as 13 harmonious as possible. 14 Q Thank you. In summary, is it your 15 professional opinion that the conditional use 16 permits the hearing examiner to make all of the 17 necessary findings outlined in section 7.3.1.E of 18 the zoning ordinance? 19 A Yes. That is. 20 Q Thank you. Just to reiterate for the 21 record, in your professional opinion, does the 22 proposed conditional use satisfy all applicable 23 code requirements? 24 A It does. 25 Q Do you agree with the findings made by</p>	<p>131</p> <p>1 sent out the required notice for the hearing in 2 accordance with the zoning ordinance? 3 A Yes. 4 Q Thank you. And, just for the record, 5 the notice list that Mr. Sloan was testifying to 6 is Exhibit 8 in the record. 7 Is there anything else that you would 8 like to add? 9 A No. I'm happy to answer questions. 10 Q Thank you. We have no further 11 questions. 12 EXAMINATION BY THE HEARING EXAMINER 13 HEARING EXAMINER LEWINTER: Okay. I do 14 want to entertain questions by those in 15 opposition. I do have a few questions of my own. 16 And if it's okay I'm going to ask those first 17 because they may inform some of the questions from 18 opposition, and then you'll have your chance for 19 rebuttal. Just give me a second. 20 I just want to clarify -- sorry. You 21 had said that the construction would minimize 22 disruption to Ruby Drive. Would there be any 23 impacts on Ruby Drive? 24 THE WITNESS: There will not. No. 25 HEARING EXAMINER LEWINTER: Okay.</p>
<p>130</p> <p>1 Park and Planning staff and the staff of the 2 Planning Board? 3 A I do. 4 Q And then, one final question. Can you 5 please provide for the record an explanation 6 regarding the notice requirements that are set 7 forth in the zoning ordinance and how this project 8 has complied? 9 A Yes. So there are very specific 10 requirements for sending out notice for these 11 projects. The initial application will require a 12 mailing. The Office of Zoning and Administrative 13 Hearings sends the mailing. We pick up signs and 14 post the signs. We did that to the required 15 abutting and confronting area HOAs and civic 16 groups. That list is provided by M-NCPPC. So we 17 did that originally. 18 And then again, when the property along 19 West Old Baltimore Road was acquired, we posted 20 signs again, and the Hearing Examiner's office 21 sent the additional mailing out as required by 22 code. 23 Q Thank you. Just to clarify for the 24 record, when you said the notice was sent out for 25 the initial application, do you mean that OZAH</p>	<p>132</p> <p>1 THE WITNESS: They removed all those. 2 HEARING EXAMINER LEWINTER: And you had 3 said that you -- your understanding is if somebody 4 just wanted to buy these properties or these 5 series of properties and build single family 6 homes, they could put ten homes on the property? 7 THE WITNESS: They could put eight to 8 ten. I haven't done a layout of property, but 9 that's what's allowed by the lot standards for 10 20,000 square foot lots. 11 HEARING EXAMINER LEWINTER: And of the 12 eight structures that are being proposed for this 13 community, are they bigger on average than the 14 homes -- the standard homes in the area? I know 15 that's kind of a hard assessment, but. 16 THE WITNESS: It's a little bit 17 difficult. Within the surrounding neighborhood, 18 for example, you have some townhouse buildings. 19 Those are obviously much larger because they house 20 many townhouses. There are houses along Ruby 21 Drive across from us. They were built in the '60s 22 and '70s. They're a little bit smaller. Some of 23 them are so-called ranch style. And then there 24 are quite a bit that were built more recently in 25 the subdivisions specifically to our west and then</p>

Transcript of Hearing
Conducted on February 2, 2024

34 (133 to 136)

<p>133</p> <p>1 to our east past the Ruby Drive homes, that these 2 are quite comparable to, that are 50-odd feet 3 square. 4 HEARING EXAMINER LEWINTER: Okay. 5 THE WITNESS: Yeah. We do have a 6 reproduction of some of the footprints. 7 HEARING EXAMINER LEWINTER: Yes. I saw 8 that. I just didn't know how they compared to -- 9 MR. ROBINS: That's also in the -- I'm 10 sorry. That's in the compilation, as well. 11 HEARING EXAMINER LEWINTER: It's in the 12 compilation? Okay. 13 THE WITNESS: So we did a couple 14 measurements but no specific orderings. 15 I heard an echo. 16 HEARING EXAMINER LEWINTER: So is that 17 in Exhibit 32, you're saying? 18 MS. ROGERS: It's in Exhibit 32. It was 19 also attached. If you go to -- I think it's the 20 easiest way because Exhibit 32's up. If you go 21 back up, I will tell you when to stop. There on 22 one. 23 HEARING EXAMINER LEWINTER: I saw the 24 ones proposed -- 25 MR. ROBINS: There you go.</p>	<p>135</p> <p>1 turned our back on Ruby Drive and provide 2 additional buffering and whatnot to address those 3 concerns about height. So height and setback kind 4 of visually are similar. They have a similar 5 impact. 6 HEARING EXAMINER LEWINTER: Okay. Now, 7 you've addressed some of this. But I want to be 8 really specific or just make sure I understand. 9 We talked a lot about the impervious surface. And 10 I'm just trying to understand the elevation point 11 of the site. I appreciate that you have a pretty 12 extensive storm water management plan. And it 13 sounds like there's going to be, you know, 14 additional review to that plan. 15 But where -- I'm trying to think what 16 would be a good exhibit within this. You know, 17 just one of the conditional use plans. You know, 18 where is that point of elevation? And you said 19 one-third drains, I think, south, and the other 20 two-thirds drain north. 21 THE WITNESS: Yes. So I think -- I mean 22 exhibit-wise 13A would be helpful. 23 HEARING EXAMINER LEWINTER: Yeah. Even 24 on that, if you could just -- 25 THE WITNESS: Is it -- yeah.</p>
<p>134</p> <p>1 HEARING EXAMINER LEWINTER: That one? 2 MR. ROBINS: There it is. 3 HEARING EXAMINER LEWINTER: But I just 4 don't have a sense, like, where in the 5 neighborhood these houses are and how many. You 6 know, like I can see that there are some in an 7 area that look similar and have similar footprint. 8 But I don't know, relatively speaking, what 9 percentage of homes. 10 Like, if I was driving by, would I be 11 seeing a lot of older lower ranches, then all the 12 sudden a brand new community, and then -- 13 Ma'am, I'm asking him the question. 14 THE WITNESS: I believe you'd see a mix 15 of both. There are both, certainly, along the 16 neighborhood. And we're not trying to imply that 17 every building is the size that most of them are. 18 But the buildings, specifically to our west of us, 19 that neighborhood is mostly buildings that are 55, 20 52 feet square. And that is -- that is similar to 21 our proposed footprint. Also, the ones on the 22 east side of Ruby Drive are that way. 23 HEARING EXAMINER LEWINTER: Okay. 24 THE WITNESS: It's one of the reasons 25 why we specifically -- let me put it this way. We</p>	<p>136</p> <p>1 MS. ROGERS: Which one do you want? 2 THE WITNESS: That's okay. Yeah. 3 Because I can see the contours. Is it okay if 4 I -- 5 HEARING EXAMINER LEWINTER: Yes. 6 Please. If you want to stand up and just point it 7 out to me, that would be good. 8 THE WITNESS: In the old days, we did 9 this with boards. It's weird this way. 10 MR. ROBINS: Can you hear? Okay. 11 THE WITNESS: Is it coming through? 12 So I'm now looking at the screen with 13 the conditional use plan of the revised 14 conditional use plan. 15 HEARING EXAMINER LEWINTER: I think 16 we're looking at 32D. 17 THE WITNESS: 32D? Okay. 18 HEARING EXAMINER LEWINTER: Yes. 19 THE WITNESS: So as you're coming north, 20 which is page right, from West Old Baltimore up 21 the drive, the high point of this site is 22 basically at the back of the first four houses. 23 So from that high point it drains down the road 24 towards West Old Baltimore -- 25 HEARING EXAMINER LEWINTER: And is</p>

Transcript of Hearing
Conducted on February 2, 2024

35 (137 to 140)

<p>1 Little Seneca Creek that way or the other way? 2 THE WITNESS: Little Seneca Creek is 3 this way. 4 HEARING EXAMINER LEWINTER: Okay. 5 THE WITNESS: And there's a tributary 6 that's down -- down to our south. So this part of 7 the property -- the southern part of the property, 8 we pick up rooftops in these red boxes that are on 9 the plan. Most of the rooftops go to those. 10 Those are called dry wells so your downspout goes 11 into a pipe system in a large box, basically, that 12 can take the water. 13 The road is what's called a crowned 14 road. So it has a high point in the middle, and 15 it pushes water down to the sides. And then along 16 those sides it goes off into -- there's no curb 17 here that blocks that water. It goes into the 18 storm water facility. The storm water facility -- 19 HEARING EXAMINER LEWINTER: So when you 20 say the road, you're describing the kind of 21 driveway. It doesn't have an official name -- 22 THE WITNESS: Yep. The driveway parking 23 in the center. So we're able to pick up all of 24 this drainage area down to these into these two 25 micro-bioretenention facilities. They get filtered.</p>	<p>137 1 impervious areas that were picked up by this -- 2 these bioretention facilities. And the important 3 thing, in my mind, is that the roads are what are 4 being treated. That's where water is heated. 5 That's where silt occurs, mostly. And that's 6 where pollutants can occur. 7 So we want to take all of those things 8 out of the equation for water quality. We want to 9 make sure that the water running off our site is 10 cooled, that it has no siltation suspended in it, 11 and it has no pollutants. Those are the important 12 things for water quality, in particular, for these 13 tribute areas. 14 MS. ROGERS: And would it be helpful -- 15 Exhibit 4 he could -- Mr. Sloan could testify and 16 show you where those tributaries in the stream 17 are. It shows it on Exhibit 4 in the record. 18 HEARING EXAMINER LEWINTER: Sure. 19 MS. ROGERS: If you could pull up 20 Exhibit 4 from the web site. It's the certified 21 zoning map, but it shows the -- thank you. 22 MR. ROBINS: There you go, Josh. 23 MS. ROGERS: You can point out the path 24 that you're on. 25 THE WITNESS: Yeah. So the property on</p> <p>139</p>
<p>1 And then they're piped to the swale that's along 2 West Old Baltimore Road. And about -- eventually 3 about, like, I think two miles or 0.2 miles away 4 it could, depending on the drainage pattern, go 5 into that stream area. 6 HEARING EXAMINER LEWINTER: Okay. 7 THE WITNESS: The north side of the 8 site, from these two buildings, so the courtyard 9 area, the last four houses, and the parking, these 10 drain to the north. And, again, this is a crown 11 system, and that's why you see the bioretention 12 facilities on the two sides, east and west 13 property, so that we can push our water to those 14 and pick up the road impervious area and some of 15 the rooftops into those bioretention areas. 16 Those then, because of the grade, keep 17 sloping down toward the Goddard School. Those 18 actually pipe a little bit away from there, from 19 those bioretention facilities, and then spread out 20 to the lawn. So they have an additional -- it's 21 kind of like a disconnect. And that larger area 22 to then infiltrate if any water for a large storm 23 even actually gets through there. 24 HEARING EXAMINER LEWINTER: Right. 25 THE WITNESS: So those are the</p>	<p>138 1 this slide that I'm looking at is -- Exhibit 4? 2 Exhibit 4 is the zoning map. It's just a good 3 overview of the surrounding area. Where West Old 4 Baltimore is on the bottom of the screen; Ruby 5 Drive is heading north; where the property is on 6 the left of Ruby Drive. 7 So, you know, roughly two-thirds of this 8 property is treated through storm water 9 facilities, drains to the north. It would 10 eventually spread through sheet flow through the 11 Goddard property and eventually make its way 12 towards Little Seneca creek, which is to our west 13 and north. And that closest point to us, although 14 it's not really the drainage pattern, but as the 15 crow flies, would be west-northwest about 0.26 16 miles. 17 MS. ROGERS: And if you scroll down on 18 this exhibit, the other tributary that Mr. Sloan 19 is reference. If you just kind of -- it's just to 20 enlarge. Yeah. Thank you. 21 THE WITNESS: Okay. Yeah. So the 22 southern third of the property -- and now we move 23 the exhibit up so that now I can see West Old 24 Baltimore is near the top of the page, and there 25 is a tributary that eventually leads to the same</p> <p>140</p>

Transcript of Hearing
Conducted on February 2, 2024

36 (141 to 144)

<p>141</p> <p>1 larger watershed to the west. We're about 2.2 2 miles here, and our drainage would be picked up 3 after it goes through the treatment here into a 4 swale on the north side of West Old Baltimore and 5 then could flow south.</p> <p>6 HEARING EXAMINER LEWINTER: Okay. Thank 7 you for that.</p> <p>8 So I don't know if you can answer this 9 question, but maybe you can give me your estimate. 10 So my understanding from the average within the 11 neighborhood for the impervious surface is about 12 19 percent for R-200, but when you get to the TRD 13 then you're at about 35 percent. This community 14 would be at about 34.5, which is definitely a lot 15 closer to the 35 percent than to the 19. But you 16 said most of this is because of the addition of 17 the road. What would it be without the road?</p> <p>18 THE WITNESS: Well, as an example, what 19 we would be able to do is we would come in at the 20 end of Ruby Drive. That would take up a 21 significant portion of paving, which we usually 22 like to do. We can come off there to our parking 23 area, add a turn-around for fire access that could 24 serve the community. And so we wouldn't need a 25 duplicative road.</p>	<p>143</p> <p>1 this as low intensity?</p> <p>2 THE WITNESS: In terms of master plan 3 compliance, the low-intensity designation that I 4 think is most important is the character of the 5 area. And so the character of the area is 6 residential homes in a certain pattern of 7 development that is replicated by this project 8 substantially if not wholly, given the footprint 9 sizes and the layout of the units.</p> <p>10 We did do probably what would be called 11 sort of a neotraditional design where you try to 12 get the footprints a little closer together than 13 you may always see. But that's so we can provide 14 green area around the rest of the site. But, 15 otherwise, that's the general visual character 16 that I'm talking about for low intensity.</p> <p>17 HEARING EXAMINER LEWINTER: So I just 18 want to make sure I understand what you're saying. 19 It's low intensity because it matches the 20 community?</p> <p>21 THE WITNESS: No because --</p> <p>22 HEARING EXAMINER LEWINTER: In terms of 23 visual --</p> <p>24 THE WITNESS: Sorry. Because it matches 25 the zoning intensity that was prescribed by the</p>
<p>142</p> <p>1 HEARING EXAMINER LEWINTER: Right. I 2 understand that. So adding that duplicative road, 3 which, I understand it's a balance. And this 4 serves other community needs. I'm just curious 5 how much that adds to your impervious surface. So 6 if you had --</p> <p>7 MS. ROGERS: I think our civil engineer 8 might be able to answer that question for you 9 better.</p> <p>10 HEARING EXAMINER LEWINTER: Oh. Okay. 11 Thank you. So.</p> <p>12 UNIDENTIFIED SPEAKER: Yeah. I can --</p> <p>13 MR. ROBINS: You'll do it when you're -- 14 when you're --</p> <p>15 HEARING EXAMINER LEWINTER: You don't -- 16 when you're ready. And if there are any other 17 questions that I ask that would be better answered 18 by a different witness, feel free to tell me that.</p> <p>19 So my other questions have to do with 20 the master plan. This is described in your 21 statements -- the statements of the applicant -- 22 as a low-intensity use. If you could be as 23 specific as possible -- I appreciate you've 24 touched on this in many ways -- as to how you 25 define low-intensity and why you would qualify</p>	<p>144</p> <p>1 master plan.</p> <p>2 HEARING EXAMINER LEWINTER: And, again, 3 really just for the record, it's described in 4 various places as infill development. Why would 5 you use that classification?</p> <p>6 THE WITNESS: Infill development is 7 where you have some higher density more recent 8 projects built on previously lower intensity 9 properties, and you're replacing something with 10 something new.</p> <p>11 So we've got a situation here where 12 before the Clarksburg Master Plan, much of this 13 area was not built out. But with a building out 14 of the communities around us within our surround 15 neighborhood, we're within that envelope, and 16 we're providing something on existing previously 17 developed property with a new use.</p> <p>18 HEARING EXAMINER LEWINTER: Okay. And 19 you may have addressed this, but in terms 20 of -- I'm skipping topics. But in terms of 21 lighting impacts, were there any rear lighting 22 impacts from the parking, from that structure at 23 the end of the development?</p> <p>24 THE WITNESS: There are lights that are 25 proposed in the parking lot. And there are two</p>

Transcript of Hearing
Conducted on February 2, 2024

37 (145 to 148)

<p>145</p> <p>1 kinds. On the north side, further away from the 2 units, are taller lights. 3 But those are lights that -- we use 4 what's called a BUG rating. It refers to 5 backlight, which is light that shines out of the 6 fixture in a way -- a direction you do not want it 7 to go. Uplight, which is, of course, up to the 8 sky. And glare -- B-U-G -- and glare is that 9 light that would shine outwards and create glare. 10 Those fixtures are on the north and east 11 side of the lot. We step down to bollards on the 12 west side of the lot. But both of those are in 13 our calculations for photometrics. 14 HEARING EXAMINER LEWINTER: Okay. 15 THE WITNESS: And so the impacts are 16 taken into consideration. And what we're trying 17 to do is basically decrease our backlight, 18 uplight, and glare in compliance with not only -- 19 well the code references other codes, for dark 20 skies and whatnot. 21 HEARING EXAMINER LEWINTER: Would the 22 parking lot lighting be on 24/7? 23 THE WITNESS: Yes. 24 HEARING EXAMINER LEWINTER: Okay. I 25 think that was it for my questions. If there are</p>	<p>147</p> <p>1 one of my concerns is how do you assure the 2 residents that are eight, ten feet down that no 3 water from construction or end product make their 4 way into our yards? 5 A So in terms of during construction, 6 there are silt fences and protections put up so 7 that no water with silt, in particular, which 8 could, you know, put debris or mud on your 9 property. Those are installed. And those are 10 installed before any sediment erosion -- those 11 sediment erosion controls are put in place before 12 any grading can take place, any demolition, any 13 removals. So that's the construction aspect. 14 Now, what -- for grading generally that 15 we do is we can't have increased or adverse 16 drainage onto a property. There is some drainage 17 from the property now because of how it sits. And 18 that water comes from this property to the 19 properties to our west and to Ruby Drive. 20 We can bring up the grading plan for 21 specifics to see if there are swales and other 22 elements that push the water along the property 23 line rather than off the property. But it's 24 not -- no rainwater on our property is going to be 25 on properties downhill of us.</p>
<p>146</p> <p>1 individuals in opposition who would like to ask 2 questions, if you could raise your hands? I see 3 three. Was that -- okay. So, sir, if you want to 4 come forward? If you could just reintroduce 5 yourself because I know you asked questions 6 before. You don't have to spell it again. 7 MR. PAJOT: No worries. Jerome Pajot. 8 EXAMINATION BY INDIVIDUALS IN OPPOSITION 9 BY MR. PAJOT: 10 Q For the record, I live on Ivy Leaf 11 Court, which is on the western boundary of the 12 subject property. And so there's some direct 13 impact and direct concerns. I didn't pull up 14 topography. Do you know the elevation difference 15 between the subject property and Ivy Leaf Court? 16 A Yes. It varies, but it can be up to 17 eight-plus feet. 18 Q Okay. 19 A Us being the one higher. 20 Q Correct. So one question I have is, how 21 do you plan on addressing potential drainage or 22 flooding problems, let's say, where water would 23 flow downhill to -- you've address, I believe, the 24 east-west -- or, I'm sorry, the north-south 25 drainage but not the east-west drainage. And so</p>	<p>148</p> <p>1 Q Okay. Maybe I'll ask the question a 2 little differently. Do you think there's a higher 3 risk of water coming onto and downhill on the 4 western side after your property is built or 5 during construction that we are currently 6 experiencing today? 7 A There won't and there can't be. 8 Q Why not? 9 A That's part of the requirements for our 10 sediment erosion control plan. And we could 11 probably get into that more with the civil 12 engineer. But that's from my design experience. 13 Q Okay. Okay. Thank you. 14 Another question I have relevant to 15 height is specific to lighting. And so, you know, 16 currently I see no lights -- no street lights, I 17 don't have a house behind me. It's quite 18 enjoyable. Being, again, eight to ten feet down, 19 I think we're going to be looking up at lights 20 even though you may have zero foot-candles within 21 a certain diameter or whatever the measure is. I 22 don't know how you measure looking up at a light 23 from being downhill. So how is that addressed? 24 A So what we would do -- can I create an 25 exhibit? Can I draw? I would --</p>

Transcript of Hearing
Conducted on February 2, 2024

38 (149 to 152)

<p>149</p> <p>1 HEARING EXAMINER LEWINTER: Is there any</p> <p>2 exhibit where you could maybe point out something</p> <p>3 to him?</p> <p>4 THE WITNESS: I guess we could look at</p> <p>5 the landscape plan and I'll try to talk it</p> <p>6 through.</p> <p>7 MS. ROGERS: Can you go back to Exhibit</p> <p>8 32? 32. We can just --</p> <p>9 THE WITNESS: So --</p> <p>10 MS. ROGERS: We can just go down. Tell</p> <p>11 you when to stop.</p> <p>12 THE WITNESS: What I would generally say</p> <p>13 is what we do is we look at the elevation that's</p> <p>14 next to us. We look at the elevation of the</p> <p>15 light, and say it's an eight-foot difference. The</p> <p>16 lights proposed on the west side of these</p> <p>17 buildings --</p> <p>18 MS. ROGERS: Stop there.</p> <p>19 THE WITNESS: -- along the pathway are</p> <p>20 42-inch bollards. So they're almost four feet.</p> <p>21 That light has a specific distribution down from</p> <p>22 the fixture to the ground. And what we would want</p> <p>23 to make sure is that where it hits the ground</p> <p>24 where you could actually, you know, see the bulb</p> <p>25 from the ground, is within our property. And that</p>	<p>151</p> <p>1 Again, taking into consideration your proposed</p> <p>2 lighting and the elevation differences, what is</p> <p>3 the maturity of the landscaping? You know, are we</p> <p>4 looking at short, cheaper landscaping, or are we -</p> <p>5 - because, and let me elaborate.</p> <p>6 I believe I heard that we are -- or you</p> <p>7 are leveling or taking away 100 percent of what is</p> <p>8 currently there, which has, certainly some</p> <p>9 maturity. And so is the Applicant proposing to</p> <p>10 spend money on mature evergreens to provide</p> <p>11 adequate shielding so that the residents don't</p> <p>12 have to wait 20 years for maturity of that line?</p> <p>13 A Yeah. Well one thing is we've got our</p> <p>14 proposed planting sizes on the landscape plan and</p> <p>15 the landscape schedule. And so I honestly don't</p> <p>16 recall. Typically, we will put in evergreens at</p> <p>17 one of several size ranges: Six to eight feet,</p> <p>18 eight to ten feet, ten to 12 feet. And it'll be</p> <p>19 indicated on there.</p> <p>20 One thing to just keep in mind as a</p> <p>21 general rule -- sometimes when we put in something</p> <p>22 that's much larger, it takes larger to establish</p> <p>23 itself. And it will not actually grow as quickly</p> <p>24 as something that if we put it in a little bit</p> <p>25 smaller it can establish itself, and it can grow.</p>
<p>150</p> <p>1 means that it's hitting the ground even though</p> <p>2 we're here and your house is down here. It's</p> <p>3 hitting the ground here. And so the line of sight</p> <p>4 is not from this property anywhere up to that</p> <p>5 fixture.</p> <p>6 The other thing is simply the</p> <p>7 screening -- the fencing and the plantings. That</p> <p>8 for, let's say, glow if you don't see the bulb,</p> <p>9 itself, would be blocked.</p> <p>10 Q And so you talk about screening and</p> <p>11 fencing. Are there plans for a fence on the</p> <p>12 western side?</p> <p>13 A So there are a number of existing</p> <p>14 fences. We don't have a proposed privacy fence</p> <p>15 that could replace those or, I don't know, be</p> <p>16 back-to-back with it. That's not -- the existing</p> <p>17 fences are what we are looking at today.</p> <p>18 Q Okay. So there's no -- yeah. There's</p> <p>19 no plan for fencing. So just screening.</p> <p>20 In terms of screening, I think it was</p> <p>21 referred to Exhibit 6 from the staff where</p> <p>22 additional evergreen was highly recommended --</p> <p>23 MS. ROGERS: Condition 6.</p> <p>24 THE WITNESS: Yep. Condition 6.</p> <p>25 Q -- you know, along the western side.</p>	<p>152</p> <p>1 What we're usually looking at is a significant</p> <p>2 visual impact in three years.</p> <p>3 I would think the better thing to do is</p> <p>4 to look at -- well not better, but in addition to</p> <p>5 the size of the material -- is to -- and I don't</p> <p>6 want to proffer anything for the applicant. I'm</p> <p>7 not in the position to do so. But what I often do</p> <p>8 is I actually site the plantings on site.</p> <p>9 So if we have a light here and we put a</p> <p>10 plant here and a plant here, that doesn't do as</p> <p>11 much for you as if we can go out and actually site</p> <p>12 the plantings based on the lighting design. And</p> <p>13 we can say, you know, you can, like, sit there and</p> <p>14 say, move it here. We put a flag in. That's</p> <p>15 where it gets planted.</p> <p>16 That would be something I think the</p> <p>17 applicant would be willing to do and be helpful.</p> <p>18 Q I mean, from our perspective -- from my</p> <p>19 perspective, personally, I'm looking -- you know,</p> <p>20 if you're suggesting -- and I don't have the exact</p> <p>21 measurements memorized for your buildings. But if</p> <p>22 it's a 40-foot home plus a ten-foot elevation, I'm</p> <p>23 looking at a 50 foot structure, how do you hide</p> <p>24 that? Which is, I believe, the intent of the</p> <p>25 planning staff to recommend this additional</p>

<p>153</p> <p>1 evergreen -- I have a six-foot fence. If you're 2 planting a seven-foot tree, I don't care. 3 A Right. 4 Q I've already got that covered. It's 5 immaterial. And so that is a concern. 6 A The screening is not to block the view 7 of the residence. It's to block the activity and 8 where you have most of their noise and activity at 9 the ground level. If a home were built there, it 10 would also have, you know, windows and lights in 11 those windows. The screening is not intended to 12 block the house from the house. It's intended to 13 make the ground plane more compatible for noise, 14 light, whatnot. So it's really -- I don't think 15 it is to block the houses. 16 You know, for this type of unit, this 17 type of house, for fire code, our windows can't be 18 up that high. They have to be accessible from a 19 ladder. So they're under -- the windows are under 20 a certain -- 35 feet, I think, maximum. 21 Q Sure. As my house, which is just a 22 two-floor home. But, again, there's a ten-foot 23 elevation -- 24 A Okay. 25 Q -- difference to account for.</p>	<p>155</p> <p>1 person to that person because of the impact to the 2 overall community. These -- I think, yeah. 3 You're being generous by saying 60 people in those 4 houses if they were single-family houses. 5 Compared to 120 beds, that's 120 beds of people 6 that don't drive, that don't have kids in school. 7 There are still single sewer connections and water 8 connections to these houses. So it does not have 9 an equal impact on public infrastructure or the 10 character of the neighborhood as those detached 11 houses would. 12 The -- I mean, yeah. So it's not quite 13 the same. What's important, I think is -- well 14 what I analyze in terms of zoning and whatnot is 15 whether or not that intensity, which is lower than 16 if there were houses, is going to impact the 17 character and harmony -- harmonious nature of the 18 neighborhood. And I don't think it will. 19 Q Okay. So just to clarify, my question 20 was, in terms of density, do we agree or disagree 21 that 175 people is more dense than 60 people in 22 that neighborhood? 23 A I agree that the numbers are different 24 and the one is much larger than the other. I 25 don't agree that the intensity of impact is</p>
<p>154</p> <p>1 So my last question related, since you 2 bring up single family homes, and I'll try to do 3 my best at math. 4 A Ten feet. 5 Q But I believe you said that on this 6 parcel, one could potentially develop eight to ten 7 homes. 8 If I do the math, if we have five people 9 in that home, that's 50 people. And if you take 10 an additional bedroom in one of those -- each of 11 those homes, we're looking at 60 people over a 12 4.66 acre property, right? 13 Your proposed property is 120 beds plus 14 44 employees, I think you stated a few hours ago. 15 I believe that's materially different in terms of 16 density. And so, you know, I'm not sure how -- do 17 you see that as a material impact to density to 18 that neighborhood, given a set of single family 19 homes would produce less than -- I don't even know 20 the percentage. But, you know, whatever it is, 21 the 60 people, roughly, to the 170 or more people 22 that you're proposing. Is that material enough to 23 impact the quality of life in this neighborhood 24 and the surrounding community? 25 A I honestly wouldn't compare it as this</p>	<p>156</p> <p>1 equivalent. You're not measuring the same things. 2 Q Okay. Well not my decision to make. I 3 think -- I think that falls on you eventually. 4 But that's it for my questions. 5 A And we did look up the plants. Right 6 now, the evergreens are specified to go in at ten 7 feet. So just want to get that on the record. 8 Q Okay. Great. Thanks. 9 HEARING EXAMINER LEWINTER: Ms. 10 Krishman, I saw your hand. I know there was one 11 other. So, Ms. Krishman, why don't you come back 12 up and -- 13 MS. KRISHMAN: She can go ahead. 14 HEARING EXAMINER LEWINTER: She can go 15 first? 16 Did you want to come up? So, ma'am, if 17 you can, as you know the drill, state your name 18 and spell it for the record, and then you can ask 19 your questions. 20 MS. DUFFIN: My name is Debra Duffin, 21 D-E-B-R-A, last name Duffin, D-U-F-F-I-N. And I 22 want to apologize, because I'm a little nervous. 23 I'm a resident. I'm not a lawyer. I don't have 24 anybody telling me what to say and what not to. 25 So I'm just very nervous. So I'm going to let you</p>

Transcript of Hearing
Conducted on February 2, 2024

40 (157 to 160)

<p>157</p> <p>1 know that.</p> <p>2 HEARING EXAMINER LEWINTER: That's fine.</p> <p>3 Take your time.</p> <p>4 BY MS. DUFFIN:</p> <p>5 Q So I wanted to ask you: You stated -- I</p> <p>6 have three questions. I'm going to start with,</p> <p>7 you said you wanted to make these buildings look</p> <p>8 more like Ruby Drive. Why did you look at Ivy</p> <p>9 Leaf and not the community that it's in? Ruby</p> <p>10 Drive are -- maybe 1100 feet is the footage.</p> <p>11 So I was -- that was a question that I</p> <p>12 had is why, if you wanted it to kind of blend in</p> <p>13 and look like, why did you look at Ivy Leaf, which</p> <p>14 is a development one over, that it's not really in</p> <p>15 the middle of?</p> <p>16 A So I want to make sure that I didn't say</p> <p>17 I wanted the buildings to look like they do on</p> <p>18 Ruby Drive.</p> <p>19 Q No. You maybe didn't say Ruby. Excuse</p> <p>20 me. The community.</p> <p>21 A Okay.</p> <p>22 Q Sorry.</p> <p>23 A What the intent is for this development</p> <p>24 and this design is that it look like something</p> <p>25 that could be built in R-200 zone. That's sort of</p>	<p>159</p> <p>1 Q I don't know if you did or not. My head</p> <p>2 is spinning.</p> <p>3 My other question to you is, well water.</p> <p>4 You said it's not going to affect us. Is that</p> <p>5 your opinion that our well will not be affected or</p> <p>6 septic, or did you have -- did WorldShine have</p> <p>7 somebody come out and do particular studies?</p> <p>8 Because I've been there 50-plus years, a little</p> <p>9 older than 30, and Hurley Ridge and Tapestry</p> <p>10 affected our well.</p> <p>11 And it -- and so I just want to know how</p> <p>12 you can say it's not going to affect us. Is that</p> <p>13 your opinion, I guess I'm asking, or have they had</p> <p>14 somebody come out and do studies?</p> <p>15 A It is my opinion. I have not done the</p> <p>16 studies. Those studies would be done by the</p> <p>17 geotechnical team and the structural team.</p> <p>18 Assuming, hoping, from my applicant's perspective,</p> <p>19 that this goes further, it will go through those</p> <p>20 permit documents.</p> <p>21 Q So that's what it does? It's like after</p> <p>22 the fact you do the studies or before it starts to</p> <p>23 see if we're going to be tremendously affected?</p> <p>24 A Before the construction, but they're not</p> <p>25 going to do the studies before the entitlement</p>
<p>158</p> <p>1 the standard that this applicant has given to the</p> <p>2 design team. And, especially now that it is kind</p> <p>3 of an insular neighborhood and not one that has</p> <p>4 driveways off of Ruby Drive, I think it does</p> <p>5 become more of a transition property between the</p> <p>6 smaller ranch-style single family homes on Ruby</p> <p>7 and the R-200/TDR ones on Ivy.</p> <p>8 So it is different. It's more like</p> <p>9 those.</p> <p>10 Q Yeah. It is. And that was a question</p> <p>11 that I had. Because if you look, and you're</p> <p>12 saying that you're entering off of West Old</p> <p>13 Baltimore because that other house was purchased,</p> <p>14 but you're comparing it to a two-story brick, and</p> <p>15 you're saying it's not really going to affect Ruby</p> <p>16 Drive. But it's on Ruby Drive. You might not be</p> <p>17 using that entrance now. So you're looking at the</p> <p>18 Ruby Drive home.</p> <p>19 So that was one question that I had, was</p> <p>20 I was just curious if you wanted it to kind of</p> <p>21 blend and not stand out, why did the pictures that</p> <p>22 you showed was from Ivy. You didn't show any from</p> <p>23 Ruby. So I just was curious on what your decision</p> <p>24 on that was.</p> <p>25 A Okay. Did I answer it or --</p>	<p>160</p> <p>1 approval. There's like three levels of</p> <p>2 documentation and approvals we have to go through.</p> <p>3 Q So -- to answer -- so you're telling me</p> <p>4 that you don't know, really, yet?</p> <p>5 A I don't have the information. No.</p> <p>6 Q But I thought you guys said it wasn't</p> <p>7 going to affect Ruby Drive, is what I thought was</p> <p>8 a comment when you guys brought up about the</p> <p>9 water, you're going to go this way for the public,</p> <p>10 and then it was -- I thought. I could have</p> <p>11 misunderstood. I thought you guys said that it</p> <p>12 wasn't going to affect us for our water --</p> <p>13 drinking water.</p> <p>14 A It's my opinion that the safeguards in</p> <p>15 place, that it should not. They will not do that.</p> <p>16 Q Okay. Just as it's my opinion it might,</p> <p>17 right?</p> <p>18 A Correct.</p> <p>19 Q So I guess that was kind of answered.</p> <p>20 My other one was, it was commented again</p> <p>21 that you guys said that you let us know as a</p> <p>22 community that this was going to happen. You put</p> <p>23 out signs. I don't know if you even know where</p> <p>24 this property is, if you're just looking at paper.</p> <p>25 But on a dead-end street there was a sign put up,</p>

Transcript of Hearing
Conducted on February 2, 2024

41 (161 to 164)

<p>161</p> <p>1 so I saw it every day. Don't know if anybody else 2 did. But once the property was purchased at the 3 end, I did notice a sign went there. So, yes, 4 there were signs. 5 And you said you let postcards or 6 letters go out to communities. Is that right, you 7 said, to let everybody know this was going on? 8 A So the hearing examiner does not. We 9 put together the notice list. That notice list is 10 based on the database that we have to use from 11 Park and Planning. The hearing examiner, when the 12 hearing is coming up, they have to send out those 13 letters to adjacent confronting HOAs within a 14 certain radius, civic groups, anyone that's a 15 party of record, although we didn't have any 16 parties of record because we hadn't had a hearing 17 yet. So those went out. 18 Q So you guys went by a list of whatever 19 it was that you said that they notified us before? 20 Is that what you're saying? I guess what I'm 21 getting at is these are older developments back in 22 the '60s. Some people still live there, purchased 23 it in the '70s. There's no homeowners 24 association. So you didn't notify over half of 25 the people.</p>	<p>163</p> <p>1 are specific rules about who has to be notified, 2 whether they're -- I think Mr. Sloan did it 3 justice in saying, you know, adjacent neighbors, 4 HOAs. So if you didn't have an HOA, yes, they 5 wouldn't send -- 6 MS. DUFFIN: That's -- that's -- 7 HEARING EXAMINER LEWINTER: -- it 8 something that didn't exist. 9 MS. DUFFIN: Right. 10 HEARING EXAMINER LEWINTER: But anybody 11 who was abutting or adjoining should have gotten a 12 letter. 13 MS. DUFFIN: And they did. Because a 14 lot of these are older developments that they put 15 newer developments into. So this person may have 16 been notified, but the other older homes, they are 17 only finding out now by us telling us -- telling 18 them that we're coming. That's my point. The 19 whole community has not been notified about this. 20 So that was my question to you. So not everybody 21 was notified, just the signs and homeowners 22 associations. 23 HEARING EXAMINER LEWINTER: But -- 24 A No, I just -- if your property abuts 25 this property, was directly across the road from</p>
<p>162</p> <p>1 UNIDENTIFIED MALE SPEAKER: That's not 2 true. 3 Q It's not? 4 A Half the people where? 5 HEARING EXAMINER LEWINTER: Let -- 6 Q Because if there's not a homeowners 7 association, they didn't know. So a lot of people 8 weren't -- 9 HEARING EXAMINER LEWINTER: I don't want 10 to get too much into testimony. If he doesn't 11 know the answer, then we can address -- 12 MS. DUFFIN: Well I was just talking to 13 him, but he answered. I'm sorry. 14 HEARING EXAMINER LEWINTER: I know. I 15 mean, the way -- 16 UNIDENTIFIED MALE SPEAKER: I didn't 17 answer. 18 HEARING EXAMINER LEWINTER: Well you 19 made a comment offhand. I don't think you 20 intended to answer. But there is a list in the 21 exhibits. It's Exhibit 8 that lists everybody 22 that was notified. 23 MS. DUFFIN: I know. That's what I 24 was -- 25 HEARING EXAMINER LEWINTER: And there</p>	<p>164</p> <p>1 it, you were notified as a single owner. 2 Q Yeah. 3 A If there's someone that's, say, a block 4 over, a single homeowner, whether they're in an 5 HOA or not, they wouldn't get individual 6 notification. That's just not the way the rules 7 are. It's not everyone within a radius that has a 8 property. It's you're abutting or confronting or 9 you're part of a civic group. 10 Q Okay. Thank you. 11 HEARING EXAMINER LEWINTER: Okay. 12 Ms. Krishman, did you still have questions? 13 Again, if you could just repeat your name for the 14 record. 15 MS. KRISHMAN: Yeah. This is Vyjoo 16 Krishman. 17 HEARING EXAMINER LEWINTER: Go ahead. 18 MS. KRISHMAN: Do you want me to spell 19 it again? 20 HEARING EXAMINER LEWINTER: No. No. 21 No. He has it. 22 BY MS. KRISHMAN 23 Q So this was a long testimony with a lot 24 of data. So I know you guys have done a lot of 25 homework. You've been at it for the last five</p>

Transcript of Hearing
Conducted on February 2, 2024

42 (165 to 168)

<p>165</p> <p>1 years in different forms. But it is -- I want to 2 place it on record before I ask the question that 3 this is extremely unfair to anybody who has not 4 had the chance -- 5 HEARING EXAMINER LEWINTER: Okay -- 6 MS. KRISHMAN: -- to look at this in a 7 more detailed manner -- 8 HEARING EXAMINER LEWINTER: And you can 9 testify to that, Ms. Krishman. 10 MS. KRISHMAN: Right. 11 HEARING EXAMINER LEWINTER: This is not 12 the -- 13 MS. KRISHMAN: I know. 14 HEARING EXAMINER LEWINTER: -- format to 15 do that. 16 MS. KRISHMAN: Okay. 17 HEARING EXAMINER LEWINTER: If you want 18 to ask him a question, again, if there's a little 19 bit of framing, a little bit of context that you 20 need to make the question clear, that's 21 appropriate. But just to make a statement for the 22 record, I'm not even going to consider that 23 testimony. 24 MS. KRISHMAN: Okay. 25 HEARING EXAMINER LEWINTER: I can't</p>	<p>167</p> <p>1 Creek, but Seneca Creek is down here, you know, 2 like 0.2 miles according to your calculation. So 3 what made you think that 34.7 is considered only 4 slighter -- slightly higher than the 15 percent? 5 A I wouldn't phrase it the way staff did. 6 But I also think the number is not the important 7 thing. What is important is the mitigation of the 8 impervious area for water quality. And the fact 9 that it's higher impervious than an R-200 is more 10 based on the use and inherent effect of the use 11 and the way we had to design the site with 12 additional paving and whatnot. 13 If, yeah, staff said it was slightly 14 higher, I wouldn't have said that. 15 Q Okay. 16 A I would have said what's important is, 17 are you making sure water quality is not going to 18 be impacted. 19 Q Okay. 20 A And I think we put the safeguards in 21 place to ensure that it is not. 22 Q Okay. So do you have experience putting 23 a 34 -- putting a highly impervious surface area 24 in a community that -- or in an area that is also 25 a special protection area? Do you have experience</p>
<p>166</p> <p>1 consider that as -- so when you testify you can 2 make whatever comment you want. 3 MS. KRISHMAN: Okay. I'm just saying 4 that the number of questions that I have, it would 5 probably take the whole day just because of the 6 amount of detail for the past 1-1/2 years -- hours 7 that we've been hearing. So this comment format 8 is not going to cover all the questions that I 9 have. But I'm going to take the most, you know, 10 things that I remember. 11 Q So you mentioned that -- this was an 12 R-200 and the 34.7 was somehow acceptable in an 13 R-200 because the residential use of a residential 14 care facility is allowed, and therefore a 34.7 is 15 acceptable in an R-200, which has an average of 16 less than half of that. The maximum 19 -- the 19 17 percent -- 15 to 19 percent, so an average of 17 18 percent then gets to, you know, the 34.7 is almost 19 double of that. Right? And you're not zoned as a 20 TDR or whatever. You're not -- still an R-200. 21 Tapestry next to it is an R-200. Hurley Ridge 22 next to it is an R-200. 23 Why do you think a 34.7 is acceptable in 24 an R-200 in this situation? Especially when it is 25 close to Seneca Creek? You brought up Bennet</p>	<p>168</p> <p>1 in developing residential homes with this high 2 volume of, you know, imperviousness? Forgive me 3 the -- I'm not getting the right terms, here. 4 A Right. 5 Q I'm kind of zoned out. But, you know, 6 do you have experience in saying that in an 7 environmentally protected area close to 0.2 miles 8 to Seneca Creek, which then goes into the Seneca 9 water reservoir, which goes into our raw water 10 supply, 0.2 miles -- do you have experience in 11 putting something that high in a residential area 12 that is -- none of them around us have that type 13 of impervious surfaces? 14 A Some of the areas within the SPA do have 15 significantly higher impervious areas. And that's 16 a product of the planning and the zoning. 17 Q Are they R-200, though? 18 A No. I didn't think that was the 19 question. 20 Q I did ask that. In an R-200 that is 21 close -- therefore, you're not meeting the -- you 22 know, you're putting a 34.7 in an R-200, and it is 23 close to -- in an SPA, in an environmentally, you 24 know, protected area, do you have experience, you 25 know, making those assessments previously? And</p>

<p>169</p> <p>1 how do you, you know, if you do have it in the 2 county, can you provide those examples? 3 A Okay. So an SPA project specifically in 4 the R-200 zone in an SPA with a residential care 5 facility? 6 Q With a higher impervious area. 7 A I would really have to look at the 8 projects that I've worked on over the years. 9 Q Yeah. 10 A To see if I can find that specific 11 example. 12 Q If you can provide that information, I 13 think it will be helpful. At some point. Not 14 today. 15 A Okay. 16 Q At some point. 17 So you mentioned two things. At one 18 point, you said when the older plans -- the older 19 plans were six buildings. Earlier plans were 20 six -- at one point you called it cottages, and 21 one time you say looks like Hurley Ridge. Hurley 22 Ridge doesn't look like cottages. But forgetting 23 the semantics there, the initial plan was six 24 buildings at one point when it was facing Ruby 25 Drive or when it was entering from Ruby Drive?</p>	<p>171</p> <p>1 Yet you said that -- at least the way I heard it 2 was that your imperviousness went by 30 percent. 3 Is that incorrect, or are you saying just the 4 individual footprint went down because you divided 5 the six homes into, now, eight homes? 6 A The 30 percent decrease was the size of 7 the footprint for the initial version of the 8 building if you added up all of their building 9 footprints. To the second version of the design, 10 that was a decrease in that cumulative footprint 11 of the buildings, not impervious area. 12 Q Sorry. Okay. 13 A By 30 percent. 14 Q Okay. And was it because you now went 15 into a two-story type of situation instead of, you 16 know, one which was more aligned with the Ruby 17 Drive that it was facing you now went ahead and 18 made it into a two-story level home? Is that the 19 reason? Because how would that -- if the -- how 20 did the cumulative decrease and you still have 21 more impervious area? 22 A So during this -- to answer the 23 question, I am looking at the previous iterations. 24 And the previous iterations are simply reduction 25 in building size. They were actually -- and I'm</p>
<p>170</p> <p>1 A Correct. 2 Q You said that the new plan substantially 3 reduced the 34.6 -- to 34.7, substantially 4 reducing perviousness. So what was it higher when 5 it was at Ruby Drive? 6 A I believe I said -- and I'm hoping that 7 if we need to look at the record we could -- that 8 the size of the building footprint between the 9 first iteration and second iteration decreased by 10 30 percent. It was not -- 11 Q Footprint. Yes. Because you made more 12 homes. Because you made more buildings. Because 13 you went from six to eight. So the size of each 14 single home became lesser is what you are 15 referring to? Maybe I mistook it. 16 A I'm confused by the question, but I'm 17 trying to get there. 18 Q Let me put it maybe -- I'm also confused 19 the way I said it. But, again, I'm tired. 20 There were six homes early on. 21 A Yep. 22 Q And you went to eight homes in the new 23 plan -- 24 A Right. 25 Q -- new eight units -- eight big units.</p>	<p>172</p> <p>1 looking at -- it's Exhibit 31 -- 2 MS. ROGERS: It's Exhibit 32. It's -- 3 THE WITNESS: Oh, sorry. 4 MS. ROGERS: -- a reproduction of 5 Exhibit 31. Yes. That's fine. Yeah. 6 A I can share it with you. 7 Q Okay. 8 A Just so we're both clear. So this was 9 the original iteration. There are two-story 10 buildings plus a roof, call it two-and-a-half 11 story buildings, three-story buildings. These six 12 homes from version 1 to version 2, we actually 13 decreased and you had more of a half living 14 situation on the top floor with some kind of 15 mansards and dormers and things like that for 16 living space on the second floor. But once you 17 add up the cumulative still six buildings 18 footprint, it is simply a decrease in the size of 19 units. 20 Q Okay. And then what about the eight 21 buildings that you have now? How did that go from 22 when you say this, this now having a low -- are 23 you saying this is a lower footprint than this 24 one, or are you just -- you were comparing those 25 two and not talking about the eight buildings?</p>

Transcript of Hearing
Conducted on February 2, 2024

44 (173 to 176)

<p>173</p> <p>1 A I was just comparing these two.</p> <p>2 Q So these don't exist anymore, right?</p> <p>3 This is the one you're making? The eight building</p> <p>4 one is the one you're making?</p> <p>5 A This is.</p> <p>6 Q Okay. But it's still eight buildings,</p> <p>7 right?</p> <p>8 A Correct.</p> <p>9 Q So the comparison where you said you</p> <p>10 decreased 30 percent of the footprint was on two</p> <p>11 nonexistent plans that don't exist anymore?</p> <p>12 A Yes. I was describing the --</p> <p>13 Q Okay.</p> <p>14 A -- design process.</p> <p>15 Q So we don't know what is the decrease in</p> <p>16 terms of footprint between the nonexistent one and</p> <p>17 the existent one that you're showing, how much of</p> <p>18 the footprint has increased?</p> <p>19 A No. We'd have to calculate the overall</p> <p>20 coverage from our initial submission to this one.</p> <p>21 And right now we're at 14 percent coverage, which</p> <p>22 is well below the 25 percent allowed. And that's</p> <p>23 what I'm basing my analysis of this plan on.</p> <p>24 Q Okay. So that 30 percent was basically</p> <p>25 irrelevant at this point, right? Because that</p>	<p>175</p> <p>1 applicant was trying to satisfy community</p> <p>2 concerns, does it matter today the --</p> <p>3 UNIDENTIFIED SPEAKER: (Inaudible.)</p> <p>4 HEARING EXAMINER LEWINTER: Yes. I</p> <p>5 appreciate that. But whether it's 25 percent, 30</p> <p>6 percent between iteration 1 and iteration 2,</p> <p>7 neither of which are before me today, does that</p> <p>8 really matter?</p> <p>9 MS. ROGERS: You're correct in your</p> <p>10 classification that it was more to demonstrate</p> <p>11 that we decreased the size of the footprint from</p> <p>12 iteration 1 to iteration 2, and the architect can</p> <p>13 clarify this. And that size of the footprint has</p> <p>14 remained in the other iteration so that -- that is</p> <p>15 still relevant today, even though we added land</p> <p>16 area and added two cottages. To get to the issue</p> <p>17 of compatibility, Mr. Sloan is speaking to it also</p> <p>18 in terms of meeting -- it's not relevant in terms</p> <p>19 of meeting zone standards, which we are well</p> <p>20 below. If that answers your question.</p> <p>21 HEARING EXAMINER LEWINTER: I don't</p> <p>22 think I had a question.</p> <p>23 MS. ROGERS: Okay.</p> <p>24 HEARING EXAMINER LEWINTER: So, I mean,</p> <p>25 I wouldn't dwell on this --</p>
<p>174</p> <p>1 plan doesn't exist. Am I just being --</p> <p>2 MS. ROGERS: I think our architects can</p> <p>3 answer this question better because I think</p> <p>4 Mr. Sloan has answered it.</p> <p>5 HEARING EXAMINER LEWINTER: Well I guess</p> <p>6 I'm also just -- I'm not clear on the relevance of</p> <p>7 this. I think the plan in front of us speaks to</p> <p>8 14 percent.</p> <p>9 MS. KRISHMAN: Okay.</p> <p>10 HEARING EXAMINER LEWINTER: You know,</p> <p>11 he -- I think they were trying to make an argument</p> <p>12 that the plan made various iterations and various</p> <p>13 changes to accommodate the community. Beyond</p> <p>14 that, I'm not quite sure why we need to delve into</p> <p>15 the differences --</p> <p>16 MS. KRISHMAN: Okay. I'm just</p> <p>17 clarifying for myself.</p> <p>18 HEARING EXAMINER LEWINTER: No. I</p> <p>19 understand you are.</p> <p>20 MS. KRISHMAN: To your point, the plan</p> <p>21 made a lot of changes even today. I can't keep up</p> <p>22 with what was actually finally presented, so --</p> <p>23 HEARING EXAMINER LEWINTER: So, I mean,</p> <p>24 is there any relevance to the -- beyond the fact</p> <p>25 that the argument that you are making was that the</p>	<p>176</p> <p>1 MS. KRISHMAN: Okay.</p> <p>2 HEARING EXAMINER LEWINTER: -- too much.</p> <p>3 I think you've made your point that whatever those</p> <p>4 reductions were --</p> <p>5 MS. KRISHMAN: They don't matter.</p> <p>6 HEARING EXAMINER LEWINTER: It doesn't</p> <p>7 really matter in terms of what's before us today.</p> <p>8 Q So the second question goes to the other</p> <p>9 homeowner here. Even though the entrance is now</p> <p>10 from West Old Baltimore Road, the homes are facing</p> <p>11 Ruby Drive, correct? In this most recent thing.</p> <p>12 The home fronts are face -- some of them, at</p> <p>13 least. Some look like they're going to be</p> <p>14 alternate. One is facing, one is behind? Or is</p> <p>15 it that these backs -- all of these are backs and</p> <p>16 are facing Ruby Drive, correct? Am I correct?</p> <p>17 A No. All of the front doors are either</p> <p>18 on the front or the side into our internal. There</p> <p>19 are no --</p> <p>20 Q So these are the back -- back ends?</p> <p>21 A Correct.</p> <p>22 Q And these would be -- the Hurley Ridge</p> <p>23 ones that you're talking about are the ones that</p> <p>24 are shown in -- on the other side of the tree</p> <p>25 conservation area on this side? Right?</p>

Transcript of Hearing
Conducted on February 2, 2024

45 (177 to 180)

<p>177</p> <p>1 A Correct.</p> <p>2 Q So those homes will have -- those backs</p> <p>3 will be backing to the Hurley Ridge backside?</p> <p>4 A Correct.</p> <p>5 Q Right, the ones on this side?</p> <p>6 But the backs of these homes are going</p> <p>7 to be facing these fronts?</p> <p>8 A Correct.</p> <p>9 Q And these are all either ranch style or,</p> <p>10 you know, split level as far as I know. So --</p> <p>11 HEARING EXAMINER LEWINTER: Okay. No</p> <p>12 testifying, please.</p> <p>13 MS. KRISHMAN: Excuse me?</p> <p>14 HEARING EXAMINER LEWINTER: If we can</p> <p>15 refrain from the testimony and just asking</p> <p>16 questions.</p> <p>17 MS. KRISHMAN: No. No. I'm just</p> <p>18 asking. So I'm framing it -- because I'm trying</p> <p>19 to think.</p> <p>20 Q So you're saying that this somehow still</p> <p>21 is in alignment with the area where there's not</p> <p>22 really much conservation coverage because these</p> <p>23 are going to be seen by these guys, and they would</p> <p>24 not be at -- the elevation would still be there</p> <p>25 because these guys are already at a lower level.</p>	<p>179</p> <p>1 Q Okay. So they would be able to see the</p> <p>2 backs of those homes --</p> <p>3 A Yes.</p> <p>4 Q -- which don't look anything like their</p> <p>5 homes?</p> <p>6 A Correct.</p> <p>7 Q Okay. Okay. When you say that the well</p> <p>8 water will not be affected here, but you say now</p> <p>9 all the water will go across West Old Baltimore</p> <p>10 Road and then drain --</p> <p>11 MR. ROBINS: Excuse me, Hearing</p> <p>12 Examiner. If you're going to just say the words</p> <p>13 like here, can you describe -- I want the record</p> <p>14 to be clear.</p> <p>15 HEARING EXAMINER LEWINTER: Sure.</p> <p>16 MR. ROBINS: What you're talking about,</p> <p>17 where you're talking about. So identify the spot.</p> <p>18 MS. KRISHMAN: Okay. So I'm talking</p> <p>19 about -- maybe if you can show this there it might</p> <p>20 help because I don't have a way to connect the</p> <p>21 two.</p> <p>22 MS. ROGERS: If you pull it up, I'll</p> <p>23 tell you when to stop. Go back down. Two more</p> <p>24 down, I think. One more down. There. Thank you.</p> <p>25 MS. KRISHMAN: Okay.</p>
<p>178</p> <p>1 They're ranch home. So they would -- there is no</p> <p>2 -- you know, there's always going to be that</p> <p>3 elevation difference, correct? Is that correct,</p> <p>4 my understanding?</p> <p>5 A I'm confused by the back to front.</p> <p>6 That's not part of your question, is it?</p> <p>7 Q It's not. Yeah. It's not.</p> <p>8 A Okay.</p> <p>9 Q I figured out that this is the back.</p> <p>10 A Yep.</p> <p>11 Q But these homes on Ruby Drive, their</p> <p>12 fronts will be facing the backs of these homes,</p> <p>13 correct?</p> <p>14 A That's correct.</p> <p>15 Q And the elevation -- just because these</p> <p>16 guys are ranch homes, that elevation is</p> <p>17 going -- it's a flat road, right? There's no --</p> <p>18 there's no --</p> <p>19 A There's --</p> <p>20 Q -- there's not mitigation elevation.</p> <p>21 A There's not a significant change in</p> <p>22 elevation between Ruby Drive East and Ruby Drive</p> <p>23 West.</p> <p>24 Q Correct.</p> <p>25 A That's right.</p>	<p>180</p> <p>1 Q So here when you're talking about the</p> <p>2 entry into West Old Baltimore Road it comes in</p> <p>3 here. The left side is West Old Baltimore Road.</p> <p>4 Correct. So when it comes down here, you</p> <p>5 mentioned that the water would not go into Ruby</p> <p>6 Drive. But now it goes to West Old Baltimore</p> <p>7 Road, and then cross -- probably going to Seneca</p> <p>8 Creek. And you mentioned the Seneca Creek was</p> <p>9 here, like, on the right side.</p> <p>10 MS. KRISHMAN: Can I just go there and</p> <p>11 show it if you don't mind?</p> <p>12 Q So you mentioned the Seneca Creek or the</p> <p>13 Seneca water bed would meet somewhere here, like</p> <p>14 0.2 miles from here or less than 0.2 miles, as</p> <p>15 Seneca Creek goes down 355. It is -- it's right</p> <p>16 there. So why would the water -- how have you</p> <p>17 made arrangement that the water will go there and</p> <p>18 not here, and what's the difference to the back of</p> <p>19 the Seneca Creek water stream that's along there,</p> <p>20 whether it reaches here or goes here? How does it</p> <p>21 impact water stream quality just because it is</p> <p>22 going right or left? It goes to the same stream,</p> <p>23 correct?</p> <p>24 A All right. This exhibit doesn't help</p> <p>25 because I think there's some confusion on which</p>

Transcript of Hearing
Conducted on February 2, 2024

46 (181 to 184)

<p>181</p> <p>1 watershed --</p> <p>2 Q Seneca Creek watershed.</p> <p>3 MS. ROGERS: If that's not -- do you</p> <p>4 have a better one?</p> <p>5 THE WITNESS: I was trying to find a</p> <p>6 better one that actually identifies the streams.</p> <p>7 Q You had one which was available which</p> <p>8 showed the stream goes down --</p> <p>9 A Yeah.</p> <p>10 MS. ROGERS: The zoning on --</p> <p>11 THE WITNESS: Yeah. The zoning on --</p> <p>12 MS. ROGERS: Exhibit 4.</p> <p>13 THE WITNESS: The zoning has the streams</p> <p>14 on them. They're not labeled. But -- because I</p> <p>15 think there's a misunderstanding here.</p> <p>16 The water that goes to West Old</p> <p>17 Baltimore, it goes to that drainage system. And</p> <p>18 that goes -- that goes eventually to the</p> <p>19 southeast. That's not Little Seneca.</p> <p>20 Q It's a tributary of Seneca.</p> <p>21 A It's a tributary --</p> <p>22 Q Yeah.</p> <p>23 A Well sure. Little Seneca Creek is</p> <p>24 actually to our north and west. That's for</p> <p>25 anything that would drain through the developments</p>	<p>183</p> <p>1 Clarksburg Master Plan -- are you aware that the</p> <p>2 Clarksburg Master Plan also says extraordinary</p> <p>3 attention has to be paid to prevent the loss of</p> <p>4 water quality. And it also says in another</p> <p>5 location that every inch of impervious surface</p> <p>6 will matter to ensure that that can affect the</p> <p>7 creek's ability to assimilate with the water</p> <p>8 reservoir and will affect water quality.</p> <p>9 So how do you juxtapose that to saying</p> <p>10 that the actual percentage of imperviousness will</p> <p>11 not matter, when they actually mention that every</p> <p>12 inch of impervious surface will matter? How do</p> <p>13 you juxtapose that with your statement that it's</p> <p>14 not the percentage of imperviousness, rather how</p> <p>15 you mitigate it in addition to the fact that they</p> <p>16 ask for extraordinary measures of mitigation?</p> <p>17 How do you juxtapose those three</p> <p>18 statements? And how do you think this particular</p> <p>19 analysis that's been done has actually shown that</p> <p>20 to be true?</p> <p>21 A So what the Master Plan does is it says</p> <p>22 this is what we want the area to be. These are</p> <p>23 the regulatory frameworks we think should be put</p> <p>24 into place to help us achieve that vision. One of</p> <p>25 those things the master plan says is take</p>
<p>182</p> <p>1 to our north and west.</p> <p>2 Q And the Seneca Creek tributaries are</p> <p>3 also important and part of this area, correct?</p> <p>4 A Well sure. Yeah.</p> <p>5 Q Okay. So to say that that doesn't</p> <p>6 somehow have impact, have you done studies to show</p> <p>7 that that draining into the tributaries is not</p> <p>8 going to impact the water quality of the rest of</p> <p>9 the neighborhoods in that area?</p> <p>10 A The design that's put in place for storm</p> <p>11 water management under the water quality plan and</p> <p>12 the landscape and way that we designed our</p> <p>13 outfalls exceeds what's required by code. The</p> <p>14 monitoring of -- and modeling of -- those streams</p> <p>15 are not the purview of this plan.</p> <p>16 Q Okay.</p> <p>17 A We don't have that.</p> <p>18 Q Okay. So the reason I'm coming to that</p> <p>19 is the noninherent aspect of it, but I'll leave</p> <p>20 that for my testimony.</p> <p>21 In the Clarksburg -- one more final</p> <p>22 question. The Clarksburg Master Plan, you did</p> <p>23 mention that there is no SPA limit.</p> <p>24 A Right.</p> <p>25 Q Right? A limit for imperviousness? The</p>	<p>184</p> <p>1 extraordinary measures to protect water quality.</p> <p>2 And to implement that, there are a couple things</p> <p>3 that are done.</p> <p>4 One, put an SPA over the property. So</p> <p>5 that puts us right there into a different</p> <p>6 category, and we have to take extraordinary</p> <p>7 measures that we don't in the rest of the county</p> <p>8 that's not in an SPA. So that regulatory</p> <p>9 framework is one of the extraordinary measures we</p> <p>10 take.</p> <p>11 The other is what review process does it</p> <p>12 mean to have an SPA. And we have two general</p> <p>13 guiding documents. One is storm water goes</p> <p>14 through a water quality plan. And the other is</p> <p>15 the environmental guidelines for an SPA.</p> <p>16 So those are the extraordinary measures</p> <p>17 that we take. They're put into place as the</p> <p>18 regulatory framework.</p> <p>19 Regarding percentage and number, every</p> <p>20 inch matters means you have to pay attention to</p> <p>21 every inch that's put on the ground. If I could,</p> <p>22 I would put a driveway on Ruby Drive, but it's</p> <p>23 just not in the cards -- on the table now. We</p> <p>24 have the plan in front of us. And so we took the</p> <p>25 measures necessary to make sure that our</p>

Transcript of Hearing
Conducted on February 2, 2024

47 (185 to 188)

<p>185</p> <p>1 impervious area was covered by our water quality 2 plan. That's the extraordinary measure that you 3 take. 4 Q So you're saying that because you had to 5 give up the Ruby Drive entry is the reason why the 6 imperviousness increased, but you're not telling 7 us what the previous imperviousness percent was? 8 A We have our original plan, and we have 9 this plan. 10 Q And what was that percentage? Since you 11 have other iterations, we have the percentage of 12 that? 13 A I guess we could look up the original 14 plan. 15 MS. ROGERS: I think our civil engineer 16 may be able to testify, as I told the Hearing 17 Examiner. 18 HEARING EXAMINER LEWINTER: Okay. 19 THE WITNESS: But, again, what's 20 important to me is that, in my professional 21 opinion, is that the extraordinary measures are 22 based on the process that was set in place by the 23 master plan. The extra payment for monitoring 24 that we have to make, the water quality plan 25 rather than a concept storm water plan, the</p>	<p>187</p> <p>1 not be used as a justification, I would think. 2 What is the reason for now saying that 3 that now somehow applies, especially to an R-200, 4 which you said in an R-200, a 35 percent would be 5 very high, given all the other R-200s that are at 6 20 percent or lower there? How do you juxtapose? 7 Again, the standards are different, yet being used 8 selectively. So just, I'm confused. Maybe you 9 can help me. 10 A The SPA and the zoning, you don't 11 compare the two. You comply with both. So 12 they're not, like, set against each other. 13 Q Right. So how do you comply with the 14 35 percent that you're having for your current 15 proposal? 16 A There's no requirement to comply with 17 35 percent. 18 Q There isn't. Yes. Agreed. But there 19 isn't -- to your point, there is another 20 35 percent impervious percentage in and around 21 that area that is also an R-200. Is that correct? 22 A I could pick out 4.6 acres within our 23 area that probably has 35 percent. Yes. 24 Q It would be helpful to get that data, if 25 it is available, into the record at some point so</p>
<p>186</p> <p>1 environmental guidelines for an SPA. Those are 2 regulatory measures that are reviewed that we have 3 to comply with. 4 The Master Plan does not dictate a 5 percentage. But, as you note, it says every inch 6 is important. We need to consider every inch of 7 impervious area. 8 And, given the layout of the property, 9 the compatibility, the harmony, the elements that 10 we put in place. And then overlay fire access 11 requirements, those kind of things. We are at the 12 minimum impervious area that we can accommodate. 13 But we treat it. We treat it through our storm 14 water protections. 15 Q Okay. So two questions. You said that 16 the SPA prevents you -- you know, that means you 17 are focusing -- the SPA provides you the 18 protections to -- and utilize additional higher 19 environmental guidelines. So what was the reason 20 for using the county average of 34 -- you know, of 21 35 percent for a residential use facility? If you 22 were going to work within this, so, you know, 23 cocoon, saying this is an SPA and therefore higher 24 things apply, then the external county limits of 25 35 percent for a residential use facility should</p>	<p>188</p> <p>1 there would be comparing data. Right now, it 2 looks like we're comparing different things, and I 3 just don't know how to ask the question at this 4 point. 5 HEARING EXAMINER LEWINTER: Honestly, 6 I'm -- okay. Sorry about that. I want to be 7 judicious with this. I'm not quite sure what that 8 achieves by asking them to produce that data. 9 Because I'm not quite sure what your underlying 10 concern -- 11 MS. KRISHMAN: Because the conclusions 12 that are based are based on data that seems to be 13 using different baselines. And, without data, 14 trying to say that this was there somewhere else 15 but it isn't a spot -- we are not -- the community 16 is not able to understand how something this large 17 is being included into a very residential area in 18 a rural dead-end street. And without that data, 19 none of us even know what's going on. So there's 20 a level of skepticism that all of this makes 21 sense. 22 If the data is provided or made 23 available or made -- 24 HEARING EXAMINER LEWINTER: Well, I 25 can't order them to provide the data. And I'm not</p>

Transcript of Hearing
Conducted on February 2, 2024

48 (189 to 192)

<p>189</p> <p>1 sure that -- for me, it doesn't provide a kind of 2 clarity. So I'm not seeing the relevance of it. 3 And so I'm not quite tracking this. But, you 4 know, if -- that would be up to the Applicant if 5 they wanted to provide that. 6 MS. KRISHMAN: Okay. Okay. 7 HEARING EXAMINER LEWINTER: But I'm not 8 going to require them to. 9 Q So final question. For the 34 percent 10 that you say was absolutely needed for this area, 11 would you -- could you have reduced it if you had 12 maintained the six -- if you've not got the extra 13 lot, if you just maintained the six buildings that 14 you initially planned but had it, you know, still 15 exiting out, coming and going out of West Old 16 Baltimore Road, if you just kept the six homes and 17 not increased it to eight homes, would you have 18 been able to come to a lower impervious limit? Or 19 maybe four homes and drop down to a more aligned 20 impervious limit that would have been aligned with 21 the R-200 levels? 22 A I mean, I don't think the question 23 helps, really. We could -- obviously, if you 24 provide -- I feel like I'm getting feedback. 25 HEARING EXAMINER LEWINTER: I know. I</p>	<p>191</p> <p>1 community? I think it was 19 percent. 2 MS. KRISHMAN: 15 to 19, which is 17. 3 Yeah. 4 HEARING EXAMINER LEWINTER: Okay. 5 A I guess if -- we could figure out the 6 math, but I don't think -- 7 HEARING EXAMINER LEWINTER: I don't know 8 if that would make your proposal worthwhile. I'm 9 just trying to -- 10 MS. KRISHMAN: I'm getting to that, too. 11 I mean, if you're interested about the environment 12 and making sure that we are in alignment with the 13 community, it's not just the looks, right? If 14 you're conforming, then conform to the R-200, 15 conform to the impervious levels around the area. 16 So if that -- would that -- it's a math question. 17 You know, is it -- would it decrease is the math 18 question? 19 HEARING EXAMINER LEWINTER: Well, I 20 mean, obviously the amount of impervious surface 21 will decrease by the number of buildings. I mean, 22 that's pretty self-evident. I don't think he has 23 to testify to that. This is the proposal before 24 us. So this is what the applicant is putting 25 forward and we have to make an assessment based on</p>
<p>190</p> <p>1 had the same thing. 2 Q Let me rephrase it. So it's just eight 3 homes in this 4.66 lot, which is now giving you a 4 very high, you know, percent imperviousness. If 5 you went to four homes in that same lot, would you 6 get a lower -- linearly lower imperviousness which 7 would then be aligned with R-200 area? 8 A If we went higher with buildings -- the 9 whole point is to balance these things. And I 10 don't -- I don't think it's an analysis that 11 helps. If you -- fewer buildings -- 12 Q Which would mean lesser people. 13 A Well. 14 Q But fewer buildings, would that mean 15 that you would have, you know, maintained the 16 R-200 impervious percent? Instead of eight 17 buildings -- 18 HEARING EXAMINER LEWINTER: Would it be 19 helpful for this question, and I don't know if you 20 can answer it, but how much would you have to 21 reduce the buildings? Like, would it be six, 22 four, two, to get to -- 23 MS. KRISHMAN: 17 percent. 24 HEARING EXAMINER LEWINTER: -- 17 25 percent or whatever the average is for the</p>	<p>192</p> <p>1 the zoning ordinance as to whether it meets our 2 criteria. 3 There's always -- if they didn't build 4 anything, there would be lower impact. So it's 5 always a weighing of whether there's a benefit to 6 the community in having this particular facility. 7 What is their right to have that 8 facility as owners of the land? Everybody has a 9 sovereign right to do certain things on their 10 land, and that's designated by the zoning code. 11 So, you know, I don't want to waste time 12 with self-evident questions. Clearly, a smaller 13 facility would have a lower impact. No facility 14 would have no impact. 15 MS. KRISHMAN: Just because it's so much 16 higher above the limit, you have to find some ways 17 of remediating it. And that's one solution that 18 has not been provided -- 19 HEARING EXAMINER LEWINTER: I don't want 20 to get too much into the colloquy. You can 21 testify to that and propose that as a solution. 22 MS. KRISHMAN: Okay. Okay. 23 HEARING EXAMINER LEWINTER: Did you have 24 other questions? No. Okay. 25 Was there anybody else who had</p>

Transcript of Hearing
Conducted on February 2, 2024

49 (193 to 196)

<p>193</p> <p>1 additional questions for this witness?</p> <p>2 Do you have redirect?</p> <p>3 MS. ROGERS: I'd like to ask some</p> <p>4 redirect questions.</p> <p>5 HEARING EXAMINER LEWINTER: Do you</p> <p>6 have -- because it's one o'clock, and I just feel</p> <p>7 badly. I'm sure people need a comfort break.</p> <p>8 We've been going since 9:30, and I know a lot of</p> <p>9 people got into the room.</p> <p>10 Yes?</p> <p>11 COUNTY VIDEO TECH: There's someone on</p> <p>12 Zoom that has a question. She's been waiting very</p> <p>13 patiently.</p> <p>14 HEARING EXAMINER LEWINTER: Oh. I'm</p> <p>15 sorry. I can't even see that from where I am.</p> <p>16 Would the person on Zoom, Ms. Carolyn</p> <p>17 Taylor, like to ask their question? You're muted</p> <p>18 ma'am or --</p> <p>19 UNIDENTIFIED SPEAKER: No. She's not</p> <p>20 muted on this end. I can hear her coming out of</p> <p>21 the speaker.</p> <p>22 HEARING EXAMINER LEWINTER: Did she want</p> <p>23 to ask him questions, maybe?</p> <p>24 UNIDENTIFIED SPEAKER: I don't know.</p> <p>25 She's probably not aware that she's on mute.</p>	<p>195</p> <p>1 Q First question I have, Mr. Sloan, you</p> <p>2 stated that the storm water management at site</p> <p>3 would manage a total of 1.8 inches of</p> <p>4 precipitation. Is that correct?</p> <p>5 A Yes. And that's from my reading of the</p> <p>6 report provided by the engineer.</p> <p>7 Q Okay. Thank you. Second question is:</p> <p>8 With regard to your professional opinion that the</p> <p>9 project would not adversely affect nearby</p> <p>10 individual well and septic holders, as I</p> <p>11 understood, and I appreciated that the question</p> <p>12 was asked by a resident, but I just want to make</p> <p>13 sure I understand, that professional opinion was</p> <p>14 not based on any specific hydro-geological studies</p> <p>15 or an evaluation of the geology in the area in</p> <p>16 terms of interconnectivity and communication</p> <p>17 between wells and between activity or land use</p> <p>18 applies; is that correct?</p> <p>19 A That's correct.</p> <p>20 Q Okay. And then with regard to -- as a</p> <p>21 subset of that, with regard to the necessary</p> <p>22 recharge zone to continue the health of those</p> <p>23 individual wells, that also wasn't -- that was</p> <p>24 something that was site specific as to the health</p> <p>25 of those wells in the face of the project; is that</p>
<p>194</p> <p>1 HEARING EXAMINER LEWINTER: She's not on</p> <p>2 mute.</p> <p>3 COUNTY VIDEO TECH: No. She's not on</p> <p>4 mute. That's what I'm saying. It's only coming</p> <p>5 through barely on the laptop that was provided</p> <p>6 today to get us through here. So I'm trying to</p> <p>7 figure out --</p> <p>8 MS. ROGERS: Do we have the wrong</p> <p>9 speaker selected?</p> <p>10 COUNTY VIDEO TECH: That's what I'm</p> <p>11 trying to figure out.</p> <p>12 HEARING EXAMINER LEWINTER: Give us one</p> <p>13 second, Ms. Taylor.</p> <p>14 MS. TAYLOR: You want me to do test,</p> <p>15 test?</p> <p>16 HEARING EXAMINER LEWINTER: That's fine.</p> <p>17 MS. TAYLOR: Very good.</p> <p>18 HEARING EXAMINER LEWINTER: We can hear</p> <p>19 you now. Ms. Taylor, did you have questions for</p> <p>20 him?</p> <p>21 MS. TAYLOR: I do have a couple. Thank</p> <p>22 you so much. Mr. Sloan, thanks for your patience.</p> <p>23 For the record, I'm Carolyn Taylor with Montgomery</p> <p>24 Countryside Alliance.</p> <p>25 BY MS. TAYLOR:</p>	<p>196</p> <p>1 correct?</p> <p>2 A That's right.</p> <p>3 Q Okay. Thank you. The Hearing Examiner</p> <p>4 asked, and I think it was followed up, but I would</p> <p>5 just like to be a little specific with regard to</p> <p>6 the square footage of these buildings which are</p> <p>7 being referred to as cottages. What's the average</p> <p>8 square footage of each of the eight buildings?</p> <p>9 A The building footprint itself?</p> <p>10 Q The square footage of the structures.</p> <p>11 A Just on the ground plane or including</p> <p>12 multiple floors?</p> <p>13 Q The full square footage of the</p> <p>14 structures.</p> <p>15 A I'll have to look that up, but I think</p> <p>16 our architect could testify to that better than I</p> <p>17 could.</p> <p>18 Q Perhaps someone else can answer. I'm</p> <p>19 seeing -- and someone could correct me -- that</p> <p>20 it's about 8,000 square foot average of those</p> <p>21 structures. And then the subset of that, if</p> <p>22 that's accurate, is the nearby -- the proximate</p> <p>23 structures that are, you know this is sort of</p> <p>24 under the issue of compatibility -- is that about</p> <p>25 the square footage average? Somewhere around</p>

Transcript of Hearing
Conducted on February 2, 2024

50 (197 to 200)

<p>197</p> <p>1 8,000 square feet for those homes that are -- that 2 are nearby and would -- 3 HEARING EXAMINER LEWINTER: I'm not sure 4 he's the right -- I don't want to get into a bunch 5 of testimony that we then have to contradict. Why 6 don't we wait for the architect for this? 7 MS. TAYLOR: Okay. My apologies, then. 8 That's the question. 9 HEARING EXAMINER LEWINTER: No apology. 10 MS. TAYLOR: Yeah. That would be 11 directed at the architect, then. Thank you. 12 And I believe, for now, that is all I 13 have. Thank you. 14 HEARING EXAMINER LEWINTER: Thank you, 15 Ms. Taylor. 16 Was there anybody else online who had 17 their hand up for -- and I should have stated that 18 at the very beginning. If you do want to ask 19 questions of one of the witnesses, please do raise 20 your hand. And if for some reason you're not 21 getting through, you know, I -- you're not being 22 recognized. Just because it can be hard to see. 23 I'm hoping someone will bring it to my attention 24 if you see a hand up on the screen. Okay. 25 So you have some redirect. It is</p>	<p>199</p> <p>1 over? 2 HEARING EXAMINER LEWINTER: So if you 3 want to ask questions of a particular witness -- 4 MS. DUFFIN: No. No. I mean, make a 5 commentary or say something. 6 HEARING EXAMINER LEWINTER: So the way 7 we're going to do it is the Applicant gets to 8 present their case first. So they're going to go 9 through each of their witnesses in turn. I 10 believe they have three more witnesses; is that 11 correct? 12 MS. ROGERS: Correct. 13 HEARING EXAMINER LEWINTER: They have 14 three more witnesses. When they are complete with 15 their witness, that means they've done their 16 direct testimony, you've asked your opposition, 17 cross-examination, they've done a redirect. We 18 have to finish all five witnesses. 19 Then anybody who wants to testify in 20 opposition is going to have that opportunity. But 21 we do have to take it in turn so they can put 22 their full case forward before you testify. 23 People online will get the opportunity to testify, 24 as well. 25 UNIDENTIFIED MALE SPEAKER: So you're</p>
<p>198</p> <p>1 one o'clock. Would you like to -- if you think 2 the redirect is like 15 minutes or less, I would 3 say let's do that, and then go to lunch. Or would 4 you -- if you think it's longer than that? 5 MS. ROGERS: I don't know. It might be 6 longer. 7 HEARING EXAMINER LEWINTER: Okay. 8 MS. ROGERS: Just to play it safe, I'm 9 happy to do redirect when we come back. 10 HEARING EXAMINER LEWINTER: Are people - 11 - would 45 minutes be sufficient? I just -- we 12 have a lot to get through today, and I'm not sure, 13 even at this point -- is that okay? 14 MS. ROGERS: That's fine with us. We're 15 fine with any -- 16 HEARING EXAMINER LEWINTER: Okay. 17 MS. ROGERS: -- lunch break you want to 18 specify. 19 HEARING EXAMINER LEWINTER: Okay. So we 20 will be back at 1:45. 21 MS. DUFFIN: Can I ask a question? 22 HEARING EXAMINER LEWINTER: Sure. 23 MS. DUFFIN: 24 When we come back in 45 minutes, can 25 other people online ask questions, or is that</p>	<p>200</p> <p>1 saying, could you go home, and then get online, 2 and then still testify? 3 MS. DUFFIN: No. No. No. I'm happy to 4 stay here until Hell freezes over. 5 HEARING EXAMINER LEWINTER: Okay. 6 MS. DUFFIN: What I'm asking you is can 7 other people who -- I have family members who 8 wanted to testify, and they had to go back to 9 work. 10 HEARING EXAMINER LEWINTER: Sure. 11 MS. DUFFIN: So can they -- if they can 12 get back online in the next 45 minutes? 13 HEARING EXAMINER LEWINTER: Yes. 14 MS. DUFFIN: Okay. Thank you. 15 HEARING EXAMINER LEWINTER: Yeah. 16 MS. DUFFIN: That's it for my question. 17 HEARING EXAMINER LEWINTER: Okay. All 18 right. Thank you. I'll see you all at 1:45. 19 (Whereupon, a recess was taken at 20 1:03:08 p.m.) 21 HEARING EXAMINER LEWINTER: Sorry. 22 Before we start redirect, I was just looking over 23 my notes while we were at lunch. And I just -- 24 I'm sorry to beat a dead horse. I think when I 25 had read the staff report, that's where I had</p>

Transcript of Hearing
Conducted on February 2, 2024

51 (201 to 204)

<p>201</p> <p>1 gotten this thing about the additional 2 landscaping, but you were then saying that you've 3 -- I guess I just want to understand, did you come 4 -- did you add landscaping after the staff report 5 came out? 6 MS. ROGERS: We did not add landscaping 7 after the staff report came out. 8 MR. ROBINS: Hold on. Hold on. 9 MS. ROGERS: We did not add landscape 10 after the staff report came out. Our 11 interpretation of the way that that condition is 12 worded is that we already complied because we 13 already are exceeding the requirements, which is 14 what the condition requires. But we are willing 15 to add additional evergreen plantings in response 16 to concerns we heard from the community following 17 the planning board hearing, and we'll submit a 18 revised landscape plan. 19 HEARING EXAMINER LEWINTER: Okay. 20 That's fine. I just wanted to clarify that 21 because, yeah, I wasn't quite sure. I think when 22 I read it, I thought initially that staff was 23 asking you to do more, but then it could be that 24 the staff just wanted that condition in there to 25 insure that you do the more that you've already</p>	<p>203</p> <p>1 There's still an echo. Is that just me, 2 or? 3 THE VIDEO TECH: No, it happens when you 4 have two mics on -- 5 MS. ROGERS: I think my mike was on. 6 THE VIDEO TECH: -- at the same time on 7 different sides. 8 HEARING EXAMINER LEWINTER: Oh, okay. 9 MR. ROBINS: I was on, sorry. 10 THE VIDEO TECH: That's just why you 11 hear that echo. 12 MR. SLOAN: It's a little room. 13 HEARING EXAMINER LEWINTER: It's a tiny 14 room. 15 THE VIDEO TECH: We'll figure it out. 16 HEARING EXAMINER LEWINTER: So now I've 17 lost my train of thought. 18 So if you wanted to submit a landscape 19 plan and we can talk about this at the end, then 20 we'd give the opposition time to comment. We'd 21 just set those dates, and then we'd close the 22 record afterwards. So if that -- that makes it 23 easier for you if you wanted to actually testify 24 to that, we can -- we can do it that way. So you 25 guys can make that choice.</p>
<p>202</p> <p>1 promised. 2 MR. ROBINS: Right. 3 MS. ROGERS: Correct. 4 HEARING EXAMINER LEWINTER: If that 5 makes sense. 6 MR. ROBINS: Does that -- does that mean 7 that originally you had said to resubmit a 8 landscape plan again. 9 MS. ROGERS: We -- we are offering to do 10 the additional, and so I think what you're saying 11 is that since we are offering to do it, you would 12 like that landscape plan in the record? 13 HEARING EXAMINER LEWINTER: Yeah, my 14 understanding of the case law is if you are going 15 to change the landscaping plan, it does need to be 16 approved by the hearing examiner, so it can't be 17 later in the process. 18 MR. ROBINS: Okay. 19 (Counsel confer.) 20 HEARING EXAMINER LEWINTER: So -- 21 MR. ROBINS: Okay. 22 HEARING EXAMINER LEWINTER: Okay. So 23 either you could -- we could keep the record open 24 as you suggested initially, and you could submit 25 that, and we could --</p>	<p>204</p> <p>1 MS. ROGERS: Okay. 2 HEARING EXAMINER LEWINTER: The other 3 question I had -- 4 Sorry, go ahead. I'll just give it to 5 you. 6 MR. ROBINS: Can I just -- 7 (Counsel confer.) 8 MR. ROBINS: Okay. Sorry. 9 HEARING EXAMINER LEWINTER: No, no. 10 Totally fine. 11 My other question had to do with just a 12 follow up to some of the opposition testimonies 13 respect to the well. 14 Could you just explain for me what the 15 process would be at this point? I think it would 16 be helpful for the community and helpful for me 17 personally to understand. 18 So you've submitted a stormwater 19 management plan, water quality plan that -- my 20 understanding is that's been approved. But in 21 terms of actually then what additional tests are 22 necessary or will be required of you with respect 23 to the well water land that you abut, is that a 24 better question for the engineer or is that 25 something you could address?</p>

<p>205</p> <p>1 MR. SLOAN: It is a better question for 2 the engineer. 3 HEARING EXAMINER LEWINTER: Okay. So 4 I'll save it for the engineer. 5 Okay. I will no longer interrupt or 6 redirect. Please get started. 7 MS. ROGERS: Thank you. Just to -- for 8 the benefit of lunch, we were able to narrow down 9 our redirect to make it hopefully more condensed. 10 REDIRECT EXAMINATION 11 BY MS. ROGERS: 12 Q But, Mr. Sloan, I would just like to 13 note ask you for the record, Ms. Kirshman 14 testified that this was a lot of new information 15 for them to be taking in first time hearing it. 16 Is your testimony today based in large 17 part by the information in the record or is there 18 a significant amount of new additional testimony 19 that you're providing? 20 A So to clarify, there is very little new 21 information in the record. What we wanted to do 22 is to provide, the information based on the 23 comments that we received and insure that we 24 covered all of the information in a very detailed 25 manner. The changes to the Conditional Use Plan</p>	<p>207</p> <p>1 specifically in numbers of percentages of these 2 things between the two uses is not applicable to 3 the analysis of the residential care facility. 4 The analysis of the residential care facility is 5 based on its own findings: findings of 6 compatibility, findings of harmonious nature in 7 the surrounding neighborhood, et cetera, that are 8 laid out in the Code. 9 But we're not comparing, we're not 10 providing dwelling units, and we're not comparing 11 numbers of units to numbers of units. We're 12 assessing this on the allowed and approved use for 13 the zone for this property. 14 Q And a question came up, I think both by 15 opposition and the hearing, I just wanted to 16 clarify a bit further. The master plan and its 17 generalized land use plan denotes this area as 18 having two to four dwelling units per acre. 19 Could you please reiterate, for the 20 record, your testimony regarding how this project 21 is in conformance with that recommendation? 22 A Yes. So to try to summarize it a 23 different way, two to four units per acre over a 24 large area of the master plan is recommended. 25 That's an average for the whole area. There are</p>
<p>206</p> <p>1 are tweaks to the setbacks in the data table to be 2 clarified. They're not new information per se. 3 Q Okay. So just to clarify the way I 4 heard it, just for the record, that your testimony 5 is not introducing a lot of new information to the 6 record, just some additional information to 7 respond to opposition testimony? 8 A Yes, my testimony is based on what was 9 already in the record. And I'm just providing a 10 lot more -- 11 Q Thank you. 12 A -- context and detail. 13 Q Thank you. The other question I had was 14 that the opposition keeps comparing the number of 15 residents that could reside in single family homes 16 where they developed on this property versus the 17 proposed beds. 18 I guess two-fold question for you: Is 19 this an appropriate comparison and can you please 20 reiterate what the zoning ordinance allows and 21 what the council has determined to be permitted 22 use in this zone? 23 A Yes. Residential care facility with 24 more than 16 persons is allowed in the zone and is 25 subject to its own standards. So the comparison</p>	<p>208</p> <p>1 significant areas in stream valley buffers, 2 environmentally sensitive areas, that will have 3 zero units per acre. There are other areas, you 4 can carve out a section of our neighbors to the 5 west that have 12 units per acre. They don't -- 6 it's not a piece-by-piece analysis of two -- every 7 property having two to four units per acre. It is 8 an average and it's meant to establish character 9 and the character that we've developed is similar 10 to what two to four units per acre would look like 11 with single family homes. 12 Q Thank you. I wanted to follow up on 13 Ms. Kirshman's question regarding imperviousness. 14 It was highly specific in terms of asking you to 15 identify another property that was in an R-200 16 zone in an SPA with the same proposal. Is that 17 relevant to your analysis regarding whether the 18 impervious area proposed by this project is 19 appropriate and meets the goals of the SPA? 20 A It's not. We have examples. I've 21 worked on brownfields with environment, with 22 endangered species, with all sorts of things in 23 SPAs. 24 This specific project is unique, and, as 25 such, it is subject to its own rules, its own</p>

Transcript of Hearing
Conducted on February 2, 2024

53 (209 to 212)

<p>209</p> <p>1 regulations, and that's what we analyze the 2 property based on. There's not an impervious cap, 3 there's not a specific number we need to hit for 4 this use, or for any use. It's a -- it's 5 something that we work with on a qualitative sense 6 based on the master plan recommendations for 7 environmental improvements.</p> <p>8 Q Is it an appropriate characterization of 9 your answer here and your previous testimony that 10 it is the impervious recommendations requires a 11 balancing act amongst the other goals and 12 recommendations of the master plan?</p> <p>13 A It is, in conformance with the zone, 14 which we mean.</p> <p>15 Q Thank you. Ms. Kirshman asked if you 16 could get less impervious area on the site if you 17 provided fewer buildings.</p> <p>18 Could you also, had we designed this -- 19 had the project been designed to provide a 20 traditional senior living facility in one single 21 structure, as you testified is common, resulted in 22 higher impervious area on the property?</p> <p>23 A Yes, based on the standards for this use 24 in the zone, we could build a project that was 25 25-percent coverage for the building alone and</p>	<p>211</p> <p>1 (Witness summoned.) 2 HEARING EXAMINER LEWINTER: And is it 3 Mr. Huang or Dr. Wang? 4 MR. HUANG: Mr. Huang. 5 HEARING EXAMINER LEWINTER: Okay. Mr. 6 Huang, could you stay and spell your name for the 7 record? 8 MR. HUANG: My name is Kevin Huang. 9 K-E-V-I-N H-U-A-N-G. 10 HEARING EXAMINER LEWINTER: And Mr. 11 Huang, can you raise your right hand, please? 12 (The oath was administered.) 13 MR. HUANG: Yes, I do. 14 Whereupon, 15 GUOXING KEVIN HUANG, 16 called as a witness for the Applicant, 17 having been duly sworn, testified as follows: 18 HEARING EXAMINER LEWINTER: Thank you. 19 And are you intending to qualify him as 20 an expert? 21 MS. ROGERS: We are. 22 HEARING EXAMINER LEWINTER: Has he been 23 qualified before? 24 MS. ROGERS: He hasn't. 25 HEARING EXAMINER LEWINTER: I didn't</p>
<p>210</p> <p>1 then have its additional impervious area for 2 parking, drives, sidewalks that would be greater, 3 but still meet all the requirements for the zone 4 and for this use.</p> <p>5 Q Thank you. And you mentioned, as you 6 were responding to opposition questions, that you 7 wouldn't have phrased the impervious analysis the 8 exact same way as staff, but to reiterate for the 9 record, do you and your professional opinion agree 10 with staff's analysis and ultimately their 11 conclusions regarding the impervious analysis?</p> <p>12 A Yes, the bottom line is the same. The 13 specific number is not what's important. What is 14 important is that we meet this -- we agree that 15 the -- the analysis that has been treated 16 correctly is correct.</p> <p>17 MS. ROGERS: I think that's all we need 18 to cover on redirect.</p> <p>19 HEARING EXAMINER LEWINTER: All right. 20 Thank you.</p> <p>21 (Witness excused.) 22 HEARING EXAMINER LEWINTER: Do you want 23 to call your next witness? 24 MS. ROGERS: We will next call Mr. Kevin 25 Huang with Endesco.</p>	<p>212</p> <p>1 think so. Okay. Thank you. 2 MS. ROGERS: Thank you. 3 DIRECT EXAMINATION 4 BY MS. ROGERS: 5 Q Can you please note for the record how 6 long you've been employed as a civil engineer? 7 A Yeah, I've been as 30 years. 8 Q Thank you. And can you please describe 9 your professional and educational background and 10 any professional designations or accreditations 11 you've received? 12 A I obtained my bachelor's degree in civil 13 engineering in 1991 and got my master's degree in 14 '95. I obtained my P.E. in Maryland in '98 and I 15 have been working as a professional engineer in 16 this area for the last 30 years. And I also had a 17 P.E. in D.C. and Virginia. 18 Q Thank you. And will you answer this? 19 But just to read it for the record, are you 20 licensed in Maryland as a professional engineer? 21 A Yes. My license number is 23093. And 22 the -- expires on May 6th, 2025, or something. 23 Q And who is your current employer and 24 what's your employer's business address? 25 A I work for Endesco, Inc., located in</p>

Transcript of Hearing
Conducted on February 2, 2024

54 (213 to 216)

<p>213</p> <p>1 15245 Shady Grove Road, Suite 335 in Rockville, 2 Maryland. 3 Q And what is your current position at 4 Endesco and what are the responsibilities of your 5 position? 6 A I'm a principal in Endesco and also I'm 7 a senior project manager manager -- manager in our 8 civil group. 9 MS. ROGERS: Thank you. 10 We would like to move that Mr. Huang be 11 admitted as an expert in civil engineering and his 12 insight development and his resume is in the 13 record as Exhibit 27-A. 14 HEARING EXAMINER LEWINTER: Are there 15 any objections by any of the opposition to 16 qualifying Mr. Huang as an expert in civil 17 engineering? Okay. 18 MS. DUFFIN: Yes. I don't know if I can 19 ask a question or not. Can I ask is he in -- am I 20 saying it wrong, Endesco, Endesco -- is he also 21 affiliated with WorldShine? Can I ask that 22 question? 23 HEARING EXAMINER LEWINTER: Yes. 24 MS. DUFFIN: Are you affiliated in any 25 way to WorldShine?</p>	<p>215</p> <p>1 WorldShine? 2 THE WITNESS: Yes. 3 HEARING EXAMINER LEWINTER: Outside of 4 your work as an engineer? 5 THE WITNESS: Yes, yes. 6 HEARING EXAMINER LEWINTER: Okay. 7 THE WITNESS: Is there anything to do 8 with this project? 9 HEARING EXAMINER LEWINTER: I -- 10 MS. DUFFIN: Well, it kind of does. I 11 just was wondering, so -- 12 HEARING EXAMINER LEWINTER: You had one 13 more question? 14 MS. DUFFIN: -- just the relationship. 15 I can't say that name End -- I want say -- 16 MR. ROBINS: Endesco. 17 Intrestco (phonetic), whatever. 18 MR. ROBINS: Endesco. 19 MS. DUFFIN: Endesco. Endesco, do they 20 own a home on Ruby Drive, 2190 -- 21 THE WITNESS: No. 22 MS. DUFFIN: -- 5? Oh, Endesco does not 23 own a home on Ruby Drive? 24 THE WITNESS: Endesco is an engineer 25 consultant design firm.</p>
<p>214</p> <p>1 THE WITNESS: I work for WorldShine on 2 this project. 3 HEARING EXAMINER LEWINTER: So you're 4 hired as a consultant on this project? 5 THE WITNESS: As a consultant for this 6 project. 7 HEARING EXAMINER LEWINTER: I think, 8 I -- 9 -- if I can speak for you -- 10 -- her question is like, do you have any 11 ownership interest or any corporate interest in 12 WorldShine? 13 THE WITNESS: That's correct. I don't 14 have any interest in WorldShine. 15 HEARING EXAMINER LEWINTER: And do you 16 personally? 17 THE WITNESS: I personally, my -- yes, a 18 little bit. 19 HEARING EXAMINER LEWINTER: Can you 20 explain that further? 21 THE WITNESS: We -- we have some 22 partnership on a different project doing 23 development, buying house and then, oh, buying 24 lands and develop a house together. 25 HEARING EXAMINER LEWINTER: You and</p>	<p>216</p> <p>1 HEARING EXAMINER LEWINTER: So he works 2 for Endesco. He was saying his relationship, if I 3 understood him right, was he has an independent 4 relationship outside of Endesco with -- 5 MS. DUFFIN: WorldShine. 6 HEARING EXAMINER LEWINTER: -- with 7 WorldShine. 8 Correct? 9 MS. DUFFIN: And WorldShine and Endesco 10 are affiliated, I guess, is what my question was. 11 Because Endesco is a primary resident on Ruby 12 Drive. The name just clicked with me. 13 THE WITNESS: No. 14 MS. DUFFIN: Hmm. 15 HEARING EXAMINER LEWINTER: Endesco is 16 not -- does not own property? 17 THE WITNESS: No, Endesco is an engineer 18 consultant and we only provide engineer service. 19 HEARING EXAMINER LEWINTER: Okay. You 20 don't own any property? 21 THE WITNESS: No. 22 HEARING EXAMINER LEWINTER: Okay. And 23 do you personally own any property on Ruby Road? 24 THE WITNESS: Ruby Drive, no. 25 HEARING EXAMINER LEWINTER: Ruby Drive.</p>

Transcript of Hearing
Conducted on February 2, 2024

55 (217 to 220)

<p>217</p> <p>1 Okay. Any other questions?</p> <p>2 MS. DUFFIN: Thank you.</p> <p>3 MR. PAJOT: Just a clarification ma'am.</p> <p>4 Does his personal relationship then bring some</p> <p>5 what's the -- what's the word, conflict of</p> <p>6 interest, maybe? Maybe, I don't know if that's</p> <p>7 the right term to use in this case.</p> <p>8 HEARING EXAMINER LEWINTER: No, that's</p> <p>9 a, that's a fair question.</p> <p>10 Mr. Huang, can you State whether you</p> <p>11 believe you would have a conflict of interest?</p> <p>12 THE WITNESS: I don't think so.</p> <p>13 HEARING EXAMINER LEWINTER: And why is</p> <p>14 that?</p> <p>15 THE WITNESS: Because it's different</p> <p>16 business parts and I'm here for this project just</p> <p>17 work as an engineer.</p> <p>18 HEARING EXAMINER LEWINTER: And --</p> <p>19 THE WITNESS: -- to provide consultant</p> <p>20 services.</p> <p>21 HEARING EXAMINER LEWINTER: Can you be a</p> <p>22 little bit more specific about your actual</p> <p>23 relationship with WorldShine personally?</p> <p>24 THE WITNESS: I work with WorldShine in</p> <p>25 couple other projects. I think, in like, couple</p>	<p>219</p> <p>1 impact your credibility, I guess, would be</p> <p>2 something that the --</p> <p>3 Yes?</p> <p>4 MS. ROGERS: I mean, if I may?</p> <p>5 HEARING EXAMINER LEWINTER: Yes.</p> <p>6 MS. ROGERS: Mr. Huang is a professional</p> <p>7 and under a license with professional oath and</p> <p>8 obligation and, you know, all of that, that that</p> <p>9 carries because he has a relationship with</p> <p>10 WorldShine Group, affiliate of WorldShine Homes on</p> <p>11 other unrelated projects, I would like that also</p> <p>12 noted in the record that he's testifying as a</p> <p>13 professional with all the oath and obligation that</p> <p>14 carries.</p> <p>15 HEARING EXAMINER LEWINTER: So noted.</p> <p>16 I guess I have one more. So it's</p> <p>17 WorldShine Group and then WorldShine Homes, and</p> <p>18 WorldShine Homes is a subsidiary of WorldShine</p> <p>19 Group?</p> <p>20 MS. ROGERS: I don't know the exact</p> <p>21 entity structure, but they are different entities.</p> <p>22 All right. I don't -- I don't -- I don't know the</p> <p>23 structure in terms of if one's a subsidiary or if</p> <p>24 they're --</p> <p>25 HEARING EXAMINER LEWINTER: But they</p>
<p>218</p> <p>1 time -- several years ago, we tried to purchase a</p> <p>2 building together, which I think Steve also</p> <p>3 involved that, and that project did not go</p> <p>4 through. And, and I also, I work with WorldShine</p> <p>5 to purchase a land in -- in -- somewhere in</p> <p>6 Rockville area to -- to develop a three house</p> <p>7 building.</p> <p>8 HEARING EXAMINER LEWINTER: And did that</p> <p>9 happen? Did you develop those three houses?</p> <p>10 THE WITNESS: We had -- we purchased the</p> <p>11 land already, and right now it's on the building</p> <p>12 permit process.</p> <p>13 HEARING EXAMINER LEWINTER: Okay, so you</p> <p>14 are a partner with WorldShine in those?</p> <p>15 THE WITNESS: It's different from this</p> <p>16 WorldShine Home.</p> <p>17 MR. PAJOT: It is not Endesco.</p> <p>18 THE WITNESS: Yeah, my cell is working</p> <p>19 with WorldShine Group. Okay. But Endesco has</p> <p>20 nothing to do with WorldShine except just provide</p> <p>21 engineer service.</p> <p>22 HEARING EXAMINER LEWINTER: I'm going to</p> <p>23 qualify you as an expert, but obviously it's in</p> <p>24 the record that you have a prior relationship with</p> <p>25 them, with WorldShine. And whether that would</p>	<p>220</p> <p>1 have a relationship, they're not completely</p> <p>2 separate entities.</p> <p>3 MS. ROGERS: They're not completely</p> <p>4 separate. Correct.</p> <p>5 HEARING EXAMINER LEWINTER: Okay.</p> <p>6 MS. ROGERS: But I can't say one's a</p> <p>7 subsidiary.</p> <p>8 HEARING EXAMINER LEWINTER: Did you have</p> <p>9 another --</p> <p>10 MR. PAJOT: Yes, I guess if we're going</p> <p>11 on the record, I would like to object to his</p> <p>12 qualification based on a personal relationship</p> <p>13 that could, in fact, skew his bias.</p> <p>14 MS. DUFFIN: I -- I -- I second that.</p> <p>15 HEARING EXAMINER LEWINTER: Okay. Those</p> <p>16 objections are noted but they're going to be</p> <p>17 overruled for now. I'm going to rule that he can</p> <p>18 testify as an expert in this matter.</p> <p>19 So if you want to proceed with your</p> <p>20 questions.</p> <p>21 MS. ROGERS: Thank you.</p> <p>22 DIRECT EXAMINATION CONTINUED</p> <p>23 BY MR. ROGERS:</p> <p>24 Q Are you familiar with the Conditional</p> <p>25 Use Application which is before the hearing</p>

Transcript of Hearing
Conducted on February 2, 2024

56 (221 to 224)

<p>221</p> <p>1 examiner today as Conditional Use 2311?</p> <p>2 A Yes.</p> <p>3 Q Can you please describe the scope of</p> <p>4 services being provided with respect to the civil</p> <p>5 engineering matters for the Conditional Use</p> <p>6 Application?</p> <p>7 A Yes, I analyze the existing site</p> <p>8 condition and suitable of the site for the</p> <p>9 proposed use, and I prepare the site -- site</p> <p>10 layout plan, include the condition in your site</p> <p>11 plans, water quality plan, site distance study,</p> <p>12 storm drain analyzing, water and soil plan,</p> <p>13 utility -- utility plan, and also the fire rescue</p> <p>14 plans.</p> <p>15 I also assisted with the site layout and</p> <p>16 design of the proposed development to insure the</p> <p>17 compatibilities with the surrounding neighborhood</p> <p>18 and comply with all code requires.</p> <p>19 I oversaw the landscape design, which is</p> <p>20 focused on complementing architectures, creating</p> <p>21 pleasant outdoor material for residents and</p> <p>22 providing buffering for the surrounding neighbor</p> <p>23 and improve the environmental benefit.</p> <p>24 Q Thank you. And did you prepare a</p> <p>25 written civil engineering report that is part of</p>	<p>223</p> <p>1 the county's sight distance requirement.</p> <p>2 Q And does the proposed access --</p> <p>3 MS. ROGERS: If you can go to the next</p> <p>4 slide, please.</p> <p>5 Q Does the proposed access meet all</p> <p>6 standards for the Montgomery County Department of</p> <p>7 Transportation?</p> <p>8 I would note that this sight distance</p> <p>9 study is new to the record --</p> <p>10 HEARING EXAMINER LEWINTER: So this</p> <p>11 would be 32-E.</p> <p>12 MS. ROGERS: E.</p> <p>13 MR. PAJOT: Is that -- that's E?</p> <p>14 MS. ROGERS: Yes. Yeah.</p> <p>15 (City's Exhibit 32-E was marked for</p> <p>16 identification.)</p> <p>17 Q So sorry. So this is the site study,</p> <p>18 but if you can answer whether the proposed access</p> <p>19 meets all standards for the Montgomery County</p> <p>20 Department of Transportation.</p> <p>21 A Yes. The Montgomery County just updated</p> <p>22 the requirement for the site analyzing using the</p> <p>23 actual, and currently the post speed around the</p> <p>24 Old Baltimore Road is 35-mile-per-hours according</p> <p>25 to the regulations of the ASHTL. The sight</p>
<p>222</p> <p>1 the application for the submission as conditional</p> <p>2 use?</p> <p>3 A Yes, I assisted with the preparation of</p> <p>4 the civil engineering component of the Manual</p> <p>5 Report.</p> <p>6 Q Thank you. And have you made a personal</p> <p>7 inspection of the subject property?</p> <p>8 A Yes, I went to the field many times, and</p> <p>9 also my colleagues also went to the field, so I'm</p> <p>10 very familiar with the site.</p> <p>11 Q Thank you. Can you please describe --</p> <p>12 MS. ROGERS: I'm sorry, if we could pull</p> <p>13 up Exhibit 32 again, and go to like slide 32, page</p> <p>14 32?</p> <p>15 COUNTY VIDEO TECH: Certainly.</p> <p>16 MS. ROGERS: Oh, if you go back up one</p> <p>17 more up. Yeah, one more up. Here, that'll work.</p> <p>18 Thank you.</p> <p>19 Q So this is just a reprint. This is now</p> <p>20 Exhibit 32-D in the record, Conditional Use Plan.</p> <p>21 Can you please describe the vehicular</p> <p>22 access and circulation of the proposed project?</p> <p>23 A Yeah, the -- the last version of this</p> <p>24 one, we had an access off of Old Baltimore Road</p> <p>25 near the high point of Old Baltimore Road to meet</p>	<p>224</p> <p>1 distance looking to the left is 325 foot and</p> <p>2 looking to the right is 390 foot.</p> <p>3 We perform the profile around the west</p> <p>4 Baltimore and analyze the sight distance that</p> <p>5 allow on the sight and we find out that the sight</p> <p>6 distance is over 1200 on each direction.</p> <p>7 So saying that the sight distance</p> <p>8 analyzed were qualified and meet the county's</p> <p>9 requirements.</p> <p>10 And also, the driveway assets for this</p> <p>11 project, right now along the West Baltimore side</p> <p>12 on the westbound, we barely any driveway entrance.</p> <p>13 The next intersection is Ivy Leaf Drive is far 550</p> <p>14 foot apart, and the one then to the right -- to</p> <p>15 the east is Ruby Drive is 150 foot apart. So the</p> <p>16 driveway entrance is not an issue.</p> <p>17 Q And was your sight distance study</p> <p>18 reviewed by the Montgomery County Department of</p> <p>19 Transportation?</p> <p>20 A Yes, it was reviewed and approved by</p> <p>21 MCDOT and the MNCPC also concurrent with the</p> <p>22 approval.</p> <p>23 MS. ROGERS: And I would just note for</p> <p>24 the record that MCDOT's agency letter noting their</p> <p>25 approval of the site distance study was in the</p>

Transcript of Hearing
Conducted on February 2, 2024

57 (225 to 228)

<p>225</p> <p>1 record with Exhibit 28. It's an attachment to the 2 staff report. 3 Q So in your professional opinion, you 4 testified regarding the driveway spacing to Ruby 5 Drive and over to Ivy Leaf Drive. 6 In your professional opinion is the -- 7 does that driveway spacing and the site distance 8 provide safe, adequate, and efficient access to 9 the site? 10 A Yes. It also documented in the staff 11 report and the staff report saying the project 12 will provide safe and efficient vehicle entrance 13 and we are significantly improved the pedestrian 14 circulation, because we are proposing a sidewalk 15 around the Old Baltimore Road. It's about 500- 16 linear foot of sidewalk proposed around Old 17 Baltimore Road. 18 Q Thank you. So you just noted in your 19 response that the planning staff agreed that the 20 project will provide safe, efficient vehicular 21 access in their staff report. 22 Did the planning board also agree that 23 the project will provide safe and efficient 24 access? 25 A Yes.</p>	<p>227</p> <p>1 Q And will those generators run all the 2 time, or will they -- will they be limited in 3 duration? 4 A The generator, normally it need 5 generator whenever you out of power temporarily. 6 And in this location, you barely had that 7 situation, maybe a couple times a year. And 8 whenever the power come out, you don't need the 9 generator anymore. 10 Q Thank you. Have you evaluated the 11 availability of water, sewer, gas, and other 12 utilities at this location? And are the 13 capacities adequate to service the proposed 14 development? 15 A Yes. There's adequate gas light, 16 electrical light electrical power, light, and 17 telecommunication lines around the property. The 18 property is not current as a public water and 19 sewer. However, the property will recommend for 20 change in category from W-5 and S-5 to W-1 to S-1, 21 and was approved by MDE on February 6th, 2018, 22 which the condition -- condition to connecting to 23 the public water. So which the development of 24 this project, we will connect to the public water 25 and sewer versus the existing easement to the</p>
<p>226</p> <p>1 Q Thank you. Can you please describe, 2 this is somewhat in the record, but describe how 3 loading and trash will be accommodated on site? 4 A Yeah, the loading will be accommodated 5 within on-street parking around the internal 6 driveway. Also, for the trash, we had an enclosed 7 dumpster located at the northeast of the property 8 at the edge of the parking lot, so easy to get 9 access, get on and off for the truck. 10 Q Thank you. And is there adequate fire 11 access for the site? 12 MS. ROGERS: If you can go to the next 13 slide. Yeah, sorry. 14 Q This is a reproduction from the staff 15 report, the fire access approval. 16 A Yes, the fire access typically evaluates 17 at the time of the preliminary plans, but for this 18 project in order to satisfy all parties, we also 19 prepared the fire access plans and it's already 20 approved by the Fire Marshall. 21 Q Thank you. Will there be any generators 22 for the project and will they comply with the 23 Montgomery County Noise Ordinance? 24 A Yes, we will comply with any of the 25 noise ordinance.</p>	<p>228</p> <p>1 abutment public corner at the northwest corners. 2 And following completion of the 3 extension, the water and sewer, where we expect to 4 be met by the MNC -- WSSC through the connection 5 to the existing water and sewer line. And in 6 following design, we need to design water, sewer 7 line, and get approval from the MNCPCB and WSSC. 8 Q Thank you. And use the acronym MDE. 9 Can you explain for the record what "MDE" stands 10 for? 11 A Mayor and Department of Environmental. 12 Q Thank you. 13 A And the other thing is that since 14 there's no -- no well and sewer for this project, 15 well and septic for this project anymore, so we 16 should -- we're better for this community because 17 normally the requirement for the -- for the well, 18 you need to have at least 100 foot of well for any 19 other well or any other septic system, because 20 we're not provide any well and septic for this 21 project. So the -- it will be better for this com 22 for this community. 23 Also, the two existing wells and septic 24 will be removed due to these constructions. 25 Q Thank you. Is the property located in a</p>

<p>229</p> <p>1 special protection area?</p> <p>2 A es, the property is located in the</p> <p>3 Clarksburg Special Protection Area.</p> <p>4 Q And does the conditional use proposed</p> <p>5 comply with the impervious recommendations of the</p> <p>6 Clarksburg SPA?</p> <p>7 A Yes. The Clarksburg SPA did not specify</p> <p>8 the requirement for the improved area. I think my</p> <p>9 the preview of our urban planner went through this</p> <p>10 one in very details. For -- for the stormwater</p> <p>11 management and for -- for an engineer standpoint,</p> <p>12 I want to emphasize that this site is designed to</p> <p>13 meet the environmental site design, according to</p> <p>14 the Maryland requirement from MDE.</p> <p>15 About 20 years ago, we implemented this</p> <p>16 requirement for any of the development. We need</p> <p>17 to provide treatment for any of the stormwater</p> <p>18 management that we provide -- whatever impervious</p> <p>19 area you treat is not the amount of the impervious</p> <p>20 area that you develop. It's the amount of</p> <p>21 impervious area that you can treat.</p> <p>22 If you can treat impervious area, fully</p> <p>23 meet the ESD requirement, that area is considered</p> <p>24 by worked area in -- in good condition. So the</p> <p>25 water from the improved area will be treated by</p>	<p>231</p> <p>1 percent.</p> <p>2 Would that reduction of impervious have</p> <p>3 had any impact in terms of the water quality of</p> <p>4 the water coming off the site?</p> <p>5 A No.</p> <p>6 Q Thank you. Is there any -- is there</p> <p>7 currently any stormwater management provided on</p> <p>8 the property?</p> <p>9 A Currently there's no stormwater</p> <p>10 management facility over there. But for this</p> <p>11 project, we provide a full water quality control</p> <p>12 for this project, and a water quality plan was</p> <p>13 submit to DPS and approved by DPS. We meet the</p> <p>14 DPS requirement for at least 1.8 inch of</p> <p>15 impervious area for the entire site.</p> <p>16 Actually, we went about that and provide</p> <p>17 actual treatment. For some of the facilities we</p> <p>18 provide, we provide 2.4 to 2.6 inch of impervious</p> <p>19 runoff.</p> <p>20 MS. ROGERS: Great. And for the record,</p> <p>21 the slide that is up is the approved water quality</p> <p>22 plan, which is contained in Exhibit 28. It's an</p> <p>23 attachment to the staff report.</p> <p>24 Q Specifically, could you give a little</p> <p>25 bit of detail regarding the number of microbiome</p>
<p>230</p> <p>1 this either underground facility or small micro</p> <p>2 facility. So you barely will see any water drain</p> <p>3 up from the site during loss from event.</p> <p>4 Q And to follow up on a previous question</p> <p>5 that had been asked, if we were to have re -- not</p> <p>6 been required to construct the internal drive and</p> <p>7 could provide vehicular access off of Ruby Drive,</p> <p>8 how would that have impacted the site's impervious</p> <p>9 area calculation?</p> <p>10 A Yeah, if we, just doing the drive that</p> <p>11 we had before doing the building around the Ruby</p> <p>12 Drive, we had an impervious area at that time was</p> <p>13 about 29 percent. It's still not going to make</p> <p>14 any difference. The difference that by reducing a</p> <p>15 little bit of impervious area, your footprint for</p> <p>16 dry well and the microbiome retention may be</p> <p>17 getting smaller.</p> <p>18 The other thing is that the new design</p> <p>19 allow us to shift the facility away from the Ruby</p> <p>20 Drive and less impact to the Ruby Drive site.</p> <p>21 Q Thank you. So just to clarify what I</p> <p>22 heard you say, and ask it for the record one more</p> <p>23 time, would the impact -- so you testified that we</p> <p>24 could have reduced the impervious now down to it</p> <p>25 was previously 29 percent, somewhere around 29</p>	<p>232</p> <p>1 retention facilities and dry wells that are</p> <p>2 proposed?</p> <p>3 A Yeah, right now we are proposing 16 dry</p> <p>4 well and 5 microbiota retention. For the design</p> <p>5 classification, for the bio retention, the maximum</p> <p>6 drainage area can go to microbiota retention is</p> <p>7 20,000 square foot, which means just one lot that</p> <p>8 you can go to that.</p> <p>9 So for this project, we design it to</p> <p>10 meet the site requirement. And we propose 5</p> <p>11 microbiota retention. Each microbiota retention</p> <p>12 had a contribution of drainage area less than</p> <p>13 20,000 square foot. So all the contribution to</p> <p>14 each biota retention will be fully treated.</p> <p>15 Q Great, thank you. And did the planning</p> <p>16 board follow and adopt the recommendation of DPS</p> <p>17 regarding the preliminary water quality plan?</p> <p>18 A Yes, the planning board concurs with the</p> <p>19 finding and recommendation of the staff report.</p> <p>20 And the technical report was found that applicants</p> <p>21 have reduced imperviousness while accommodate the</p> <p>22 program requirement and meet the impervious</p> <p>23 requirement of the Clasper Special Protection Area</p> <p>24 and recommend that the planning board approve the</p> <p>25 elements of the Special Protection Water Quality</p>

Transcript of Hearing
Conducted on February 2, 2024

59 (233 to 236)

<p>233</p> <p>1 Plan under its purview.</p> <p>2 Q Thank you. In your professional</p> <p>3 opinion, does the proposed conditional use plan</p> <p>4 satisfy all applicable code requirements?</p> <p>5 A Yes.</p> <p>6 Q And is there anything else that you'd</p> <p>7 like to add?</p> <p>8 A Yeah, I, I believe that our site decides</p> <p>9 all the MNCBPC, DPS, and MCDOT and the fire rescue</p> <p>10 requirements. And we consider all the</p> <p>11 neighborhoods concerned and had many, many</p> <p>12 revision, and I think the -- the current revision</p> <p>13 is the best that we can come up.</p> <p>14 MS. ROGERS: Thank you.</p> <p>15 That ends our questions.</p> <p>16 HEARING EXAMINER LEWINTER: Sure.</p> <p>17 Were there any questions from any of the</p> <p>18 opposition individuals? No?</p> <p>19 MS. DUFFIN: Oh, yes. One more</p> <p>20 question.</p> <p>21 HEARING EXAMINER LEWINTER: Can you come</p> <p>22 up this time? Sorry.</p> <p>23 MS. DUFFIN: Do I have to say my name</p> <p>24 again?</p> <p>25 HEARING EXAMINER LEWINTER: If you can</p>	<p>235</p> <p>1 HEARING EXAMINER LEWINTER: Then just</p> <p>2 say you've never heard of it.</p> <p>3 THE WITNESS: Yeah, I never heard.</p> <p>4 BY MS. DUFFIN:</p> <p>5 Q Okay. You're not affiliated with Barron</p> <p>6 Investments?</p> <p>7 HEARING EXAMINER LEWINTER: He answered</p> <p>8 the question.</p> <p>9 MR. PAJOT: He answered the question.</p> <p>10 MS. DUFFIN: Thanks, I heard. Thank</p> <p>11 you.</p> <p>12 HEARING EXAMINER LEWINTER: Thank you.</p> <p>13 Yes, Ms. Kirshman.</p> <p>14 MS. KIRSHMAN: Do you remember my name?</p> <p>15 I did, yes. Looks like I'm making this up. Do I</p> <p>16 need to call -- tell him my name again? Vyjoo</p> <p>17 Kirshman.</p> <p>18 HEARING EXAMINER LEWINTER: No, he's</p> <p>19 actually -- he's good.</p> <p>20 MS. KIRSHMAN. Okay.</p> <p>21 BY MS. KIRSHMAN:</p> <p>22 Q The current design talks about</p> <p>23 having an entry from westward, a right turn onto</p> <p>24 your private driveway from westward Baltimore</p> <p>25 Road, correct? And that's right behind, that's</p>
<p>234</p> <p>1 just say it quickly for the record.</p> <p>2 MS. DUFFIN: Deborah Fisher Duffin.</p> <p>3 QUESTIONS BY INDIVIDUALS OPPOSITION</p> <p>4 BY MS. DUFFIN:</p> <p>5 Q Okay. I just have one more question</p> <p>6 I wanted to ask the gentleman. Barron Investment.</p> <p>7 Is that affiliate -- do you have any dealings with</p> <p>8 Barron Investment?</p> <p>9 MS. ROGERS: Can she clarify the -- the</p> <p>10 relevance of the question?</p> <p>11 MS. DUFFIN: Well, just the relationship</p> <p>12 with WorldShine and the work being done. I</p> <p>13 just -- I just wondered.</p> <p>14 HEARING EXAMINER LEWINTER: Well, can</p> <p>15 you give us a little bit more why would Barron be</p> <p>16 relevant?</p> <p>17 MS. DUFFIN: There's another house on</p> <p>18 Ruby Drive that's owned by Barron Investment, and</p> <p>19 I just wanted to know if he had any relations with</p> <p>20 Barron Investment.</p> <p>21 THE WITNESS: I have no -- no idea why</p> <p>22 she's asking -- what she's talking about.</p> <p>23 HEARING EXAMINER LEWINTER: Well, do you</p> <p>24 -- do you have --</p> <p>25 THE WITNESS: I never heard about this.</p>	<p>236</p> <p>1 right -- if you're coming from 355, it's a left</p> <p>2 turn into a -- into a left turn and then a right</p> <p>3 turn into Ruby Drive. And right after that, it's</p> <p>4 a right turn into your private driveway.</p> <p>5 Do you think that would, since you were</p> <p>6 talking about sight distance and things like that,</p> <p>7 do you think that would be a concern that there</p> <p>8 would be two immediately close right turns that</p> <p>9 would cause some abruptness of traffic?</p> <p>10 In addition, the West Old Baltimore</p> <p>11 Road, after where this property is located, is on</p> <p>12 a hill, so there are, you know, speed issues from</p> <p>13 the other side also. Is there a way that that has</p> <p>14 been mitigated in this new realignment of the Ruby</p> <p>15 facility?</p> <p>16 A First of all, as you know, during my</p> <p>17 testimony, it's pretty clear defined that the</p> <p>18 access is far enough from the other access, which</p> <p>19 for Ivy and the Ruby Drive, one is 150 foot and</p> <p>20 the other one is 550 foot away.</p> <p>21 Secondly, the sight distance has been</p> <p>22 performed and insure in the exhibits that we had a</p> <p>23 site distance of over 1200 foot, so way over the</p> <p>24 requirement of 300 foot. So there's no safety</p> <p>25 concerns for that part.</p>

Transcript of Hearing
Conducted on February 2, 2024

60 (237 to 240)

<p>237</p> <p>1 Q Okay.</p> <p>2 A And it was approved by the DPS MCDOT.</p> <p>3 Q And this includes even the abruptness of</p> <p>4 the speed of traffic that backs up the two</p> <p>5 immediate right turns into Ruby Drive?</p> <p>6 I understand the sight distance part,</p> <p>7 but does it also take care of the two right turns</p> <p>8 that happen right after the other? One after the</p> <p>9 other, in terms of safety?</p> <p>10 A For any of the MD -- MD the 200-zone,</p> <p>11 okay, it -- the -- the road, the property,</p> <p>12 typically it's about 100-foot strip, 100-foot by</p> <p>13 200-foot strip. So any of the 200-zone, your</p> <p>14 entrance will be about 100 foot apart, maximum,</p> <p>15 because your front footage is only one foot for</p> <p>16 one driveway.</p> <p>17 So we're keeping the distance apart, we</p> <p>18 are aware about that.</p> <p>19 Q But we're not -- we're not talking about</p> <p>20 the material inside. We're talking about on West</p> <p>21 Old Baltimore Road taking two right turns.</p> <p>22 A Yes.</p> <p>23 Q How -- can you explain that?</p> <p>24 A The opposite side of the Baltimore Road</p> <p>25 has property that get off of the Baltimore -- or</p>	<p>239</p> <p>1 choose you. It's just an open question.</p> <p>2 HEARING EXAMINER LEWINTER: Yeah. I'm</p> <p>3 going to allow it because he does have a</p> <p>4 relationship with WorldShine outside. So I think</p> <p>5 they're --</p> <p>6 MS. ROGERS: Okay.</p> <p>7 HEARING EXAMINER LEWINTER: -- entitled</p> <p>8 to investigate this further.</p> <p>9 THE WITNESS: Yeah, I think I'm the best</p> <p>10 in the company, handle -- handle this design</p> <p>11 because I had many of experience. And I managed</p> <p>12 many of the large project in this area and many of</p> <p>13 our project also get very recognized include some</p> <p>14 of the intercounty connected project that I was</p> <p>15 manager one of the group and our project was get</p> <p>16 recognized as the best project in mid-Atlanta. So</p> <p>17 as the qualification, I think I'm very qualified</p> <p>18 for doing that.</p> <p>19 As to why we want to select the company,</p> <p>20 I think it's the WorldShine choice that they --</p> <p>21 they trust me and they know I can handle that, so</p> <p>22 I take the -- I take the task and accept the --</p> <p>23 the role to do the design for the project.</p> <p>24 Q So were any of those award winning</p> <p>25 projects WorldShine Group projects or</p>
<p>238</p> <p>1 get onto, on or off, the Baltimore Road. Their</p> <p>2 property is less than that.</p> <p>3 MS. ROGERS: I think, if I would, I</p> <p>4 think Mr. Huang has testified regarding the civil</p> <p>5 engineering aspects of site access, site</p> <p>6 intersections facing and site distance. And our</p> <p>7 traffic consultant, Nancy Randall, may be able to</p> <p>8 better answer, if you want to ask other questions</p> <p>9 about traffic circulations.</p> <p>10 MS. KIRSHMAN: Okay.</p> <p>11 Q So in terms of Endesco, how many civil</p> <p>12 engineers or principal engineers did ESCO have?</p> <p>13 A We have over 20 employees.</p> <p>14 Q Okay. Could WorldShine have hired any</p> <p>15 one of those employees in Endesco? Why do you</p> <p>16 think they chose you?</p> <p>17 MS. ROGERS: I don't think that's an</p> <p>18 appropriate question. Is -- I mean, can she</p> <p>19 explain why she's asking who they chose? I mean,</p> <p>20 there's a number of factors that go into hiring a</p> <p>21 civil engineer.</p> <p>22 MS. KIRSHMAN: Yeah. And I'm interested</p> <p>23 in hearing those factors, because of 20, and what</p> <p>24 was the special qualifications that you had over</p> <p>25 those civil engineers that WorldShine decided to</p>	<p>240</p> <p>1 WorldShine --</p> <p>2 A It has nothing to do with -- that's</p> <p>3 my -- my career business. Whatever I -- our --</p> <p>4 our company have been involved with many of the</p> <p>5 high profile projects in this location. So we</p> <p>6 have been doing this stormwater drainage design</p> <p>7 for many of these projects. I'm -- personally I</p> <p>8 was a manager for the -- for the -- in the county</p> <p>9 connected, the two big contracts. I managed the</p> <p>10 water resource part.</p> <p>11 HEARING EXAMINER LEWINTER: I think the</p> <p>12 question was have you done any other projects for</p> <p>13 WorldShine?</p> <p>14 THE WITNESS: For -- no other site</p> <p>15 developer project.</p> <p>16 HEARING EXAMINER LEWINTER: Okay.</p> <p>17 Q You have developed other projects for</p> <p>18 WorldShine?</p> <p>19 A I did --</p> <p>20 Q No, he said he had not.</p> <p>21 A I did, I did a lot of site developer</p> <p>22 projects, but this is the first project, the site</p> <p>23 developer project I worked with WorldShine.</p> <p>24 MS. KIRSHMAN: I'm not sure I got it,</p> <p>25 but thank you.</p>

Transcript of Hearing
Conducted on February 2, 2024

61 (241 to 244)

<p>241</p> <p>1 HEARING EXAMINER LEWINTER: Well, then 2 we should clarify. 3 My understanding of what you said is 4 this is the first time you have done a site 5 development -- you have been the expert on site 6 development for WorldShine. 7 THE WITNESS: No, no -- 8 HEARING EXAMINER LEWINTER: For 9 WorldShine. 10 THE WITNESS: For WorldShine, yes. 11 MS. KIRSHMAN: For WorldShine. But 12 you've done many other -- 13 HEARING EXAMINER LEWINTER: I appreciate 14 you have a much more extensive career, but in 15 terms of working directly for WorldShine -- 16 THE WITNESS: Yes, first time. 17 HEARING EXAMINER LEWINTER: -- this is 18 the first time. 19 THE WITNESS: Yes. 20 HEARING EXAMINER LEWINTER: Okay. Does 21 that clarify? 22 MS. KIRSHMAN: He did mention about some 23 other business deals, and I was just wondering 24 whether his expertise was used in those business 25 deals too. He did mention as a personal -- he</p>	<p>243</p> <p>1 the project site during the construction. 2 We need to develop and get approval for 3 water and sewer plan to submit to WSSC for review 4 and for approval. We need to finalize all the 5 drainage submission to DPS for their review and 6 for approval. Of course, the primary site plan, 7 we need to get approval from MSC, PBC. 8 So we need to go through the entire 9 design process to make sure all the design meet 10 all the code requirements before we can move 11 forward to next step. 12 HEARING EXAMINER LEWINTER: And so would 13 there be county agencies making sure at each step 14 of the process that you are compliant with code? 15 THE WITNESS: The review agency will 16 handle that. 17 HEARING EXAMINER LEWINTER: Okay. Thank 18 you. 19 Do you have any redirect for Mr. Huang? 20 MS. ROGERS: No, we don't. 21 HEARING EXAMINER LEWINTER: Okay. 22 MS. DUFFIN: Could I ask on the well? 23 It wasn't really answered, I don't feel. He said 24 that it's not going to affect our well and septic, 25 okay, at least that's what I thought he said. He</p>
<p>242</p> <p>1 indicated that as a personal business relationship 2 with WorldShine Group, so I was just curious 3 whether he used his personal stuff. But thank 4 you. I'm --I think. 5 (Automated phone voice.) 6 HEARING EXAMINER LEWINTER: Can -- okay. 7 Thank you. Okay. 8 EXAMINATION BY THE HEARING EXAMINER 9 HEARING EXAMINER LEWINTER: All right. Mr. Huang, 10 my question, which I had directed first to Mr. 11 Sloan, if you could just enlighten us, what is the 12 process, assuming the applicant gets conditional 13 use, which obviously that has not been determined. 14 But if the applicant were to get conditional use, 15 what would be the next steps in terms of -- that 16 the applicant would have to go through to insure 17 that there is no impact on the well and septic of 18 the adjacent neighbors on Ruby Road -- Ruby Drive? 19 THE WITNESS: For the next step, we need 20 to go through the preliminary plan submissions. 21 And we will -- we will fine tune all the 22 stormwater management design to submit to DPS for 23 review and approval. And we need to develop the 24 erosion center control plans, which is for the 25 construction to make sure no sediment water leave</p>	<p>244</p> <p>1 said it was going to actually help us, that they 2 aren't using well and septic at 21908, and that 3 they're going to use city water and sewer, and 4 he's just saying just now that it's going to have 5 to be looked. 6 So I -- I don't think it should be on 7 record that it's not going to affect us, because 8 he doesn't know. And that's -- and he said it's 9 not -- it's going to help us is what he stated. 10 HEARING EXAMINER LEWINTER: Well, he -- 11 Sorry, go ahead. 12 MS. ROGERS: I think what he testified 13 to -- 14 -- and correct me if I'm wrong Kevin -- 15 -- is that this project will connect to 16 water and sewer and not be continuing to be served 17 by well and septic, and that that would be a 18 benefit over the existing conditions to the 19 adjacent neighbors while in septic. 20 MS. DUFFIN: I don't understand how that 21 would be a benefit. I guess I don't understand. 22 UNIDENTIFIED SPEAKER: We don't want 23 city water. 24 MS. DUFFIN: Yeah. Well, that 25 doesn't -- I'm not even -- No. It's how's it that</p>

Transcript of Hearing
Conducted on February 2, 2024

62 (245 to 248)

<p>245</p> <p>1 a benefit, I guess, is what I'm saying. Is if -- 2 if -- it's like I asked the gentleman in front of 3 me and he said he really didn't know it was his 4 opinion. So I guess what I'm asking, is this also 5 his opinion? 6 HEARING EXAMINER LEWINTER: Yeah, 7 everything he's testifying to is -- 8 MS. DUFFIN: So that could be put on 9 there, him saying it's not going to affect us, is 10 his opinion is what I'm saying. 11 HEARING EXAMINER LEWINTER: Well, if you 12 want to come up and ask him a question about 13 whether his opinion as to whether the well and 14 septic will be negatively impacted by this 15 development -- that it will not be negatively 16 impacted -- 17 MS. DUFFIN: Right. 18 HEARING EXAMINER LEWINTER: -- is his 19 opinion, you can ask him that question. 20 MS. DUFFIN: Deborah Fisher Duffin. 21 BY MS. DUFFIN: 22 Q I want to know, is it your opinion or is 23 it one of your professionalisms that it will not 24 affect not only Ruby Drive, but the rest of the 25 residents in the community that use well and</p>	<p>247</p> <p>1 MS. DUFFIN: Interesting. 2 HEARING EXAMINER LEWINTER: Any other 3 questions? 4 MR. ROBINS: I don't know what you -- 5 did you want to -- 6 MS. ROGERS: I was just going to just -- 7 because an additional question came up after I 8 said I had no redirect. 9 REDIRECT EXAMINATION 10 BY MS. ROGERS: 11 Q I just wanted to reiterate, Mr. Huang, 12 for the record that your testimony earlier -- I'll 13 just ask you. Your testimony earlier was that 14 there will be various reviewing agencies, 15 including Department of Permitting Services and 16 WSSC, that will ensure code compliance of this 17 project during the next phases of permitting and 18 construction. Is that correct? 19 A Yes. 20 MS. ROGERS: Thank you. 21 HEARING EXAMINER LEWINTER: Okay. So we 22 can -- we can excuse this witness? 23 MS. ROGERS: Yes. 24 HEARING EXAMINER LEWINTER: Okay. 25 (Witness excused.)</p>
<p>246</p> <p>1 septic. 2 A Yes, it is for my engineer judgments 3 because the requirement for the septic and well, 4 it is code by the county that the -- each of the 5 well and the septic need to be at least a hundred 6 foot apart. By removing our two facilities in our 7 -- in the project site, we reduce the septic water 8 get into the sewer. And also, the proposed 9 development do not have any of the impervious area 10 really on the back that drain back to the Ruby 11 Drive and causing any of the pollutant. 12 So we reduce the pollutant by provide 13 the stormwater management facility. 14 MS. DUFFIN: So he's telling me on 15 record it is not going to affect that he's 16 professionally able to say our well and septic -- 17 I just want to make sure I'm hearing. 18 HEARING EXAMINER LEWINTER: He's saying 19 in his expert professional opinion, it will not 20 have a negative impact. 21 MS. DUFFIN: Okay. 22 HEARING EXAMINER LEWINTER: So that's 23 what he's saying. 24 MS. DUFFIN: Okay. Thank you. 25 THE WITNESS: Thank you.</p>	<p>248</p> <p>1 HEARING EXAMINER LEWINTER: Do you want 2 to call your next witness? 3 MS. ROGERS: Yes, our next witness is -- 4 sorry -- Jennifer Xu, the architect. 5 (Witness summoned.) 6 HEARING EXAMINER LEWINTER: Ms. Xu, if 7 you can -- 8 MR. ROBINS: Jennifer, push the green 9 button. 10 HEARING EXAMINER LEWINTER: If you can 11 state and spell your name for the record? 12 MS. XU: Jennifer Xu. I'm architect. 13 HEARING EXAMINER LEWINTER: Can you 14 spell your name? Can you spell your name? 15 MS. XU: Jennifer, last name X-U. 16 J-E-N-N-I-F-E-R, last name X-U. 17 HEARING EXAMINER LEWINTER: Ms. Xu, if 18 you could -- Xu -- if you could raise your right 19 hand? 20 Do you solemnly swear under penalty of 21 perjury that the statements you're about to make 22 are the truth, the whole truth, and nothing but 23 the truth? 24 MS. XU: Yes. 25 Whereupon,</p>

Transcript of Hearing
Conducted on February 2, 2024

63 (249 to 252)

<p>249</p> <p>1</p> <p>2 JUN JENNIFER XU,</p> <p>3 called as a witness for the Applicant,</p> <p>4 having been duly sworn, testified as follows:</p> <p>5 HEARING EXAMINER LEWINTER: Your</p> <p>6 witness.</p> <p>7 MS. ROGERS: Thank you.</p> <p>8 DIRECT EXAMINATION</p> <p>9 BY MS. ROGERS:</p> <p>10</p> <p>11 Q Can you please -- you've stated your</p> <p>12 name. Can you please state your primary</p> <p>13 occupation?</p> <p>14 A I'm an architect, registered in Maryland</p> <p>15 since 2007.</p> <p>16 Q Thank you. And what is your current</p> <p>17 employer and your employer's business address?</p> <p>18 A I work for Prime Planning, and it's at</p> <p>19 6500 Heath Avenue, McLean, Virginia.</p> <p>20 Q Thank you. Can you please describe your</p> <p>21 professional and educational background and any</p> <p>22 professional designations or accreditations you've</p> <p>23 received?</p> <p>24 A I graduated with bachelor in</p> <p>25 architecture in 1990. I graduated with master</p>	<p>251</p> <p>1 an a architect?</p> <p>2 A As I said, I graduated from my bachelor</p> <p>3 in 1990 and I am in the state starting 2003 as a</p> <p>4 full-time architect. So this (indiscernible).</p> <p>5 MS. ROGERS: Thank you.</p> <p>6 We'd like to move that Ms. Xu be</p> <p>7 admitted into as an expert and a architecture, and</p> <p>8 her resume is in the record as Exhibit 27-A.</p> <p>9 HEARING EXAMINER LEWINTER: Okay.</p> <p>10 Sorry.</p> <p>11 I'm just looking, this just could be an</p> <p>12 oversight. My staff here -- because I didn't, I</p> <p>13 didn't see her resume.</p> <p>14 MR. ROBINS: It is in there.</p> <p>15 HEARING EXAMINER LEWINTER: Oh.</p> <p>16 MS. ROGERS: It's in our pre-hearing</p> <p>17 statement.</p> <p>18 HEARING EXAMINER LEWINTER: Yeah, I'm in</p> <p>19 27, and I see it for, Mr. Sloan. Oh, here it is.</p> <p>20 MR. ROBINS: Yeah, it's -- it's --</p> <p>21 HEARING EXAMINER LEWINTER: It's copied</p> <p>22 backwards. Got you. All right.</p> <p>23 MR. ROBINS: It has the word "resume" in</p> <p>24 the left corner.</p> <p>25 HEARING EXAMINER LEWINTER: Yeah, I see</p>
<p>250</p> <p>1 architecture in 1999. I get a Ph.D. in</p> <p>2 environmental design and planning, 2003. I</p> <p>3 registered already say that in Maryland. That's</p> <p>4 my first registration state. Since then, I also</p> <p>5 registered for other three states and</p> <p>6 jurisdictions.</p> <p>7 I since 2021, I am adjunct faculty at</p> <p>8 the University of Maryland teaching two classes.</p> <p>9 And last year, October 2023, actually, I ran a</p> <p>10 training session, a full-day training session to,</p> <p>11 for Maryland to adopt 2021 international building</p> <p>12 code. The participant, training participants,</p> <p>13 including staff for Maryland State Department,</p> <p>14 Montgomery County, Johns Hopkins University,</p> <p>15 University of Maryland, and other private and</p> <p>16 public inspectors and architects.</p> <p>17 Q Thank you. What is your current</p> <p>18 position at Prime Planning and the</p> <p>19 responsibilities of your position?</p> <p>20 A I'm a principle at the Prime Planning,</p> <p>21 and I oversee planning, design, construction of</p> <p>22 residential commercial projects, including</p> <p>23 multifamily condos, senior living communities, and</p> <p>24 also education facilities.</p> <p>25 Q And how long have you been employed as</p>	<p>252</p> <p>1 it.</p> <p>2 Is there any objection to qualifying</p> <p>3 Ms. Xu as an expert in architecture?</p> <p>4 Okay. She is so qualified, and you may</p> <p>5 proceed.</p> <p>6 MS. ROGERS: Thank you.</p> <p>7 Q Thank you. Are you familiar with the</p> <p>8 Conditional Use Plan for World Chain Homes? It's</p> <p>9 in the record. I mean, that's before the hearing</p> <p>10 examiner today.</p> <p>11 A Yes, I am.</p> <p>12 Q Thank you. Can you please describe your</p> <p>13 responsibilities with regard to the Conditional</p> <p>14 Use Application?</p> <p>15 A I work with the other consultants as a</p> <p>16 team, start from day one actually back into even</p> <p>17 back in starting work for the World Chain. So</p> <p>18 it's been a while six years.</p> <p>19 I still remember that the first</p> <p>20 iteration, it's a big building, L-shaped, so</p> <p>21 nobody likes that, so you don't really even see</p> <p>22 that here.</p> <p>23 But anyway, as architect, I have been</p> <p>24 responsible for designing a senior living</p> <p>25 community that is comparable with the community.</p>

<p>253</p> <p>1 This involves balancing several important factors, 2 including exterior characters with the surrounding 3 neighborhood and also ensuring that the building 4 meets the high technical code, healthy standards 5 including building code, health code, and also 6 accessibility and also wellness requirement 7 inherited in the senior living design. 8 Q Thank you. And have you had the 9 opportunity to visit the site and you're familiar 10 with the surrounding area? 11 A Yes, I am. 12 MS. ROGERS: Thank you. 13 Can we go to the next slide? Great, 14 this is a new exhibit., which will be, I guess, F? 15 HEARING EXAMINER LEWINTER: Sorry, yes. 16 It will be F. 17 (Applicant Exhibit F was marked for 18 identification.) 19 MS. ROGERS: Okay, thank you. 20 Q Based on your observations during your 21 site visit, can you please describe the 22 architectural character of the surrounding 23 community? 24 A There are five homes along the east side 25 of Ruby Drive. Also, I look at the homes to the</p>	<p>255</p> <p>1 with the larger site, we have this round of the 2 design. We submitted eight homes. 3 So this is similar to what you can see 4 the scale and the massing of the newer single 5 family home as listed here in the exhibit. So we 6 did list the height and the size, the width and 7 the depth of the house. 8 So in addition to the size and massing, 9 the architecture design also incorporates many 10 traditional residential style that enhance the 11 architecture character of the surrounding 12 neighborhood that including the materials. So you 13 can see the photos shows brick two-story 14 buildings. And we propose some brick in the lower 15 portion of the building, and mainly going to be 16 the siding or Hardie plank for the -- the upper 17 part of our proposed buildings. And also we are 18 looking at the pitch of the roof, the height 19 overall, the height of the building, and also the 20 window patterns. 21 So all of this we do respect the 22 neighborhood residential properties of the 23 neighboring houses and then we try to not standing 24 out for all. We try to really mix it in, into the 25 neighborhood.</p>
<p>254</p> <p>1 south side of properties, on West Old Baltimore 2 Road. They are all a mix of one or two story 3 single family houses that were built several 4 decades ago. Many of them are rancher styles, or 5 also you can see photos of 1-A and 1-B. 6 However, the newer developments in the 7 area that surround the property, including the 8 Carlsberg Heights, and that immediately abuts the 9 property to the west, and also tapestry community 10 just east of the site. And we also have some 11 photos that are marked up at two, three, four 12 here. These are larger two story homes that are 13 recently built with a mix of style. And you can 14 see that it's slightly larger than the five houses 15 that are along the Ruby Drive. 16 Q Thank you. And can you please describe 17 how the design of the proposed project has been 18 influenced by its surroundings? 19 A Yeah, if you can go to slide number 28. 20 Q The next slide? 21 A Next one, please. 22 Notably, the project is designed to 23 include eight cottage style homes. Again, that's 24 from the other presentation you already see that 25 we, coming from five houses, six houses, and now</p>	<p>256</p> <p>1 MS. ROGERS: Next slide, please. 2 Q This is just a reproduction of Exhibit 3 3-A. 4 Can you please describe the basic 5 concepts that were applied and the principles on 6 which the design of the buildings is based? 7 A Yeah, we design buildings for older 8 adults and the best design home are immediately 9 will be comfortable, reliable, and inviting. So 10 we do wanted to design this home not as an 11 institutional building. And then this design 12 right now we presented to the -- the county and 13 also the neighbors that it is cottage style. We 14 say it's a cottage -- or houses out of seven out 15 of eight are the cottages or the houses, which 16 you'll see for this building and the next one will 17 be the community building. 18 So these ones are in fundamental 19 principle of a home design to inspiring feelings 20 of comfort and refuge. 21 And so next one. 22 The community building, we will have the 23 main dining facilities and also we will have 24 supporting spaces as Becky mentioned earlier for 25 taking care of the seniors, daily use, hair salons</p>

<p>257</p> <p>1 and other supporting spaces for seniors. That's 2 going to be houses in our community center. 3 Q Thank you. And we've heard this some in 4 the record, but from an architectural perspective 5 can you explain how the building design evolved 6 from your initial concept to what we're proposing 7 today based on interactions with the community and 8 staff? 9 MS. ROGERS: And if you could go to the 10 next slide. 11 A Yes, as Josh earlier mentioned in his 12 testimony, the design has gone through several 13 dramatic changes, iterations, based on our 14 collaboration with key stakeholders. So this one 15 initially we're proposing a larger scale that have 16 above-grade building massing over a continuous 17 below grade, which you couldn't really see here. 18 But our other technical drawing shows that a 19 continuous below grade basement that allow 20 residents to moving from one house to the other 21 community center. So this is the one original 22 design. 23 Next one, the proposed design. 24 You can see that through testimony today 25 the application significantly revised the project</p>	<p>259</p> <p>1 29 -- so 100 square foot per floor. So our 2 typical -- the typical home was a garage which the 3 garage is 400 to 500 square foot. So it's 4 translated to first floor 2400 or 2500 square 5 foot. 6 MR. PAJOT: I object. Garages are not 7 living spaces. 8 THE WITNESS: Correct. Yes. I'm 9 just -- 10 MS. ROGERS: I think the testimony is 11 being given in terms of overall massing, and 12 scale, and footprint of the structures, what the 13 question was answering. 14 HEARING EXAMINER LEWINTER: That's what 15 I understood her to be explaining, so I'll 16 overrule the objection. Keep going. 17 MS. ROGERS: Thank you. 18 Q Thank you. Zoning ordinance section 19 7.3.1.E.1.d requires that the proposed development 20 be harmonious with and will not alter the 21 character of the surrounding neighborhood in a 22 manner that's inconsistent with the plan. 23 In your expert opinion as an architect, 24 can you please explain how this harmony and 25 compatibility with the surrounding area is</p>
<p>258</p> <p>1 design. This is to response to the comments 2 received from the community and the park and 3 planning staff. As it relates to the 4 architecture, the building footprint were reduced 5 and also in keeping -- try to keeping the size in 6 within the surrounding neighborhood. 7 Q And are you familiar with the Montgomery 8 County Zoning Ordinance and the provisions of the 9 R-200 Zone as they relate to the design and 10 development components of this project? 11 A Yes, I am familiar with that. As we 12 stated just stated in, in the earlier testimony. 13 The property actually can if it is subdivided, it 14 can house eight to ten sites. And then each of 15 the sites per R-200 zoning is allowed to have 25% 16 the maximum lot occupant. So which means that's 17 translated to 5,000 square foot of footprint. Our 18 proposed design is definitely not really exceed 19 this maximum allowed. We are comparable to the 20 neighboring -- neighboring houses. 21 Q And what is the proposed -- can you put 22 that in -- quantify what the proposed approximate 23 footprint is of the cottages? 24 A Yeah, the cottages right now we propose 25 a 56 feet times 52 feet. And so its average is</p>	<p>260</p> <p>1 achieved? 2 A Several of my previous answers already 3 touched on several aspects of the harmony and the 4 compatibility. So I will summarize in three 5 points. First is the architectural design 6 features traditionally residential details and 7 materials that is comparable in style with the 8 surrounding neighborhood. 9 Secondly, the project has been designed 10 to have a residential scale and appearance that 11 creates a home for our seniors. 12 And lastly the proposed cottage provides 13 a unique building topology for senior housing that 14 the complements and is, is compatible with the 15 surrounding community. 16 As Josh mentioned in his testimony is 17 unique for senior housing project to have 18 individual cottage style as proposed as opposite 19 to the traditional senior living facility does 20 have one large and institutional looking building. 21 Q Thank you. Is there anything further 22 you want to add? 23 A No, thank you. 24 HEARING EXAMINER LEWINTER: Okay. Are 25 there questions for the architect?</p>

Transcript of Hearing
Conducted on February 2, 2024

66 (261 to 264)

<p>261</p> <p>1 Yes, ma'am, if you want to come up and 2 ask her your question or questions. 3 BY MS. CINQUE: 4 Q What is the square -- 5 HEARING EXAMINER LEWINTER: Well, if you 6 can sit down first and turn on the microphone, and 7 just -- because I don't think you've asked 8 questions before on the record. 9 So if you could give him your name? Oh, 10 she has? 11 MS. CINQUE: Anne. 12 HEARING EXAMINER LEWINTER: Oh, you did. 13 I'm sorry. My fault. You did ask before. 14 MS. CINQUE: Yeah. 15 HEARING EXAMINER LEWINTER: Okay. So go 16 ahead. 17 BY MS. CINQUE: 18 Q What is the square footage proposed for 19 these buildings? 20 A So for the cottages we the first floor 21 is 2900 square foot, so two story, it's going to 22 be 5800 square feet for one building. 23 Q 5800. 24 A Right. 25 Q Okay. Thank you.</p>	<p>263</p> <p>1 the one time. 2 Q So in each cottage, there'll be 15 3 guests. 4 A Residents. Mm-hmm. 5 Q Residents, and how many staff per 6 cottage? 7 A Five, what? Five, six? 8 MR. ROBINS: Yeah. 9 A Correct. But the main community will 10 have a little bit more, but the average is five, 11 six staff. 12 Q So there'll be 21 people in the 13 building, in a cottage. 14 A Yeah, I would say probably the community 15 center will have more staff, more supporting care 16 people in there. 17 Q Okay, but in each cottage, 21 -- 18 A Yeah, around 20, 21. 19 Q -- 21 people per day. 20 A Correct, yeah. By the number. 21 MR. CINQUE: Thank you. 22 HEARING EXAMINER LEWINTER: I just have 23 to clarify. So are residents actually living in 24 the community center as well? 25 THE WITNESS: Community center, the</p>
<p>262</p> <p>1 A Thanks. 2 HEARING EXAMINER LEWINTER: Come up. 3 Come up, sir. 4 All right, sir, if you could introduce 5 yourself. I know you haven't testified before. 6 MR. CINQUE: I'm Jay Cinque. 7 HEARING EXAMINER LEWINTER: Thank you. 8 Can you just spell your name for him? 9 MS. CINQUE: Oh, C-I-N-Q-U-E, Julius or 10 Jay. Thank you. 11 BY MR. CINQUE: 12 Q Just a quick question. How many clients 13 or patients or guests will you have in each unit? 14 A All right. So we have a total 120 15 units. 16 Q Per unit. 17 A No, total. For eight buildings. Each 18 is 15. 19 Q Eight, okay. 15 in each. 20 A That's Correct. 21 Q And then staff members in each? 22 A Staff member we have total is 75 total, 23 but the maximum is 45 at the one time. 24 MR. ROBINS: Forty-four. 25 A Yeah, 44. Forty-four at the maximum at</p>	<p>264</p> <p>1 second floor also have units. 2 HEARING EXAMINER LEWINTER: Have units, 3 okay. 4 THE WITNESS: Yeah. 5 HEARING EXAMINER LEWINTER: Thank you. 6 Are there other -- 7 THE VIDEO TECH: We have one from Zoom. 8 HEARING EXAMINER LEWINTER: Okay. Is 9 there anybody else in the audience who has a 10 question? Yes. Okay. Why don't you come up. 11 And then there's one on Zoom right now? 12 Is that Ms. Taylor again? 13 THE VIDEO TECH: Yes. 14 HEARING EXAMINER LEWINTER: Okay. So 15 after that we'll take Ms. Taylor. 16 MR. MARTIN: Carl Martin. C-A-R-L 17 M-A-R-T-I-N. 18 HEARING EXAMINER LEWINTER: Mr. Martin. 19 You can ask your question of Ms. Xu. 20 BY MR. MARTIN: 21 Q Okay. How do you plan on getting 20, 21 22 people in these houses? 23 A So our typical cottage, we do have like 24 a total is 15 units. Sorry, not to the -- total 25 is three -- three one-bedroom units, one bed unit,</p>

Transcript of Hearing
Conducted on February 2, 2024

67 (265 to 268)

<p>265</p> <p>1 six two-bed units, so total nine units. And then 2 total is 15 beds. 3 The seniors from assisted living, their 4 mobile capacity is limited and so most time they 5 lived in their units. We do have two-story for 6 each house and then we have an elevator connected. 7 So each level is -- is about seven, eight people 8 in -- in each level. 9 And then we do have for each cottage 10 house we do have common dining area and then, 11 right now, I think we are planning for a mobile 12 library can on the cart, so more home-looking 13 environment for them. 14 MR. MARTIN: Yeah, and it seems like 15 it's going to be awful crowded. 16 MS. ROGERS: No testimony please. 17 HEARING EXAMINER LEWINTER: That's, if 18 you can, if you can, you can testify when it's 19 your -- your turn. 20 MR. MARTIN: Oh no, I have another 21 question. 22 HEARING EXAMINER LEWINTER: Sure. 23 BY MR. MARTIN: 24 Q You say these houses meet the character 25 of the community. These houses look absolutely</p>	<p>267</p> <p>1 this. Again, the Ruby Drive, you know, the 2 proposed design already not have entrance from 3 Ruby Drive, so we treat Ruby Drive and also the 4 Ivy Leaf community and also the south of West Old 5 Baltimore Road also an adjacent community. 6 And Ruby Drive particularly is a -- an 7 older -- they have an older house. And if you 8 look at even from our clip for this is slides, I 9 believe 20 -- 10 MS. ROGERS: Go back just two slides, I 11 think. 12 THE WITNESS: Yeah. The other house we 13 look at, not just saying that's not really 2023 14 design or 2024 design. These houses is 2000. 15 MS. ROGERS: Okay, that's one more. 16 THE WITNESS: Yeah, these are 2000, 17 which means 23 years ago we already see these 18 two-story houses like this not mentioned that you 19 see 2024, 2023, the newer development. 20 If you look at online, look at any how 21 housing, if you want to looking for a housing now 22 in ZIP Code 20841, you have seven houses. And the 23 average -- average -- the seven houses is a 4,000 24 square feet houses. That's in the same ZIP Code. 25 So we -- we need to look forward. We</p>
<p>266</p> <p>1 nothing like anything on Ruby Drive. 2 HEARING EXAMINER LEWINTER: Is there a 3 question? 4 BY MR. MARTIN: 5 Q How -- 6 MR. MARTIN: Yes, the question is why do 7 you say it meets the character of the community 8 when obviously it doesn't. 9 HEARING EXAMINER LEWINTER: Well, sir, 10 if you want to ask her how she believes it meets 11 the character of the community, that's fine. If 12 you can refrain from Presenting your opinion at 13 this time, I promise you're going to get an 14 opportunity to share your perspective. 15 BY MR. MARTIN: 16 Q Okay. How do these houses, which are, 17 you know, a thousand percent different than 18 anything that exists on Ruby Drive, meet the 19 criteria of the community? 20 HEARING EXAMINER LEWINTER: The 21 question, Ms. Xu, is how do you believe that these 22 houses are compatible with the community 23 character? 24 THE WITNESS: We look at the community 25 in a larger scale, and not just right adjacent to</p>	<p>268</p> <p>1 can't looking at 80 years ago, the house we 2 developed, we try to meet that standard. So 3 that's my answer to your question. 4 HEARING EXAMINER LEWINTER: Okay. 5 MR. MARTIN: Well, 4,000 is a lot 6 smaller. 7 HEARING EXAMINER LEWINTER: Sir, again, 8 no testimony right now. 9 MR. MARTIN: I'm not testifying. I'm 10 asking a question. 11 HEARING EXAMINER LEWINTER: Okay. 12 MS. ROGERS: Can you frame it as a 13 question? 14 MR. MARTIN: The houses are a lot 15 smaller. But how can you say a 5500, 6,000 square 16 foot house meets the character of the community? 17 MS. ROGERS: I think she's answered that 18 question. 19 HEARING EXAMINER LEWINTER: I think 20 she's done her best to answer that question. Sir, 21 if you have a different opinion that it doesn't -- 22 MR. MARTIN: Well, the answer is it 23 doesn't, and she didn't answer that question. 24 Well, I -- 25 MS. ROGERS: She has answered the</p>

Transcript of Hearing
Conducted on February 2, 2024

68 (269 to 272)

<p>269</p> <p>1 question --</p> <p>2 HEARING EXAMINER LEWINTER: I believe</p> <p>3 she's answered the question in terms of --</p> <p>4 MS. ROGERS: -- to the broader</p> <p>5 surrounding community.</p> <p>6 HEARING EXAMINER LEWINTER: Yes. So I'm</p> <p>7 going to -- I'm going to --</p> <p>8 MR. MARTIN: But her answer was that it</p> <p>9 doesn't meet the character of community. She's</p> <p>10 talking about larger houses. She's not talking</p> <p>11 about anything that's close, right next to it on</p> <p>12 Ruby Drive.</p> <p>13 HEARING EXAMINER LEWINTER: Sir, I</p> <p>14 promise when you get your opportunity to testify,</p> <p>15 which you will do, you can explain from your</p> <p>16 perspective why you think these houses are not</p> <p>17 compatible with the community. And that would be</p> <p>18 your perspective, and this is her perspective, and</p> <p>19 then someone has to weigh. Okay?</p> <p>20 Ms. Kirshman.</p> <p>21 BY MS. KRISHMAN:</p> <p>22 Q So you did mention that, that you looked</p> <p>23 at homes across to the south of West Old Baltimore</p> <p>24 while you were looking for conformance to the</p> <p>25 community buildings. So given that Ruby Drive has</p>	<p>271</p> <p>1 similar to your homes, just, you know, facing</p> <p>2 across? Just like how Ruby Drive you said that,</p> <p>3 you know, there are different types of homes. You</p> <p>4 didn't speak to the homes that are facing your</p> <p>5 entrance, but on the south side of West Old</p> <p>6 Baltimore Road.</p> <p>7 A We -- we look at the neighborhood. We</p> <p>8 call neighborhood is not just one single home we</p> <p>9 call the neighborhood. We look at all different</p> <p>10 styles in the neighborhood and we use our</p> <p>11 professional judgment to design.</p> <p>12 Q Yeah, that was not the question. I do</p> <p>13 accept your professional judgment of what you</p> <p>14 decide is neighborhood. It's a very simple</p> <p>15 question.</p> <p>16 Are there homes that are facing your</p> <p>17 entrance on West Old Baltimore Road? On the</p> <p>18 opposite side of West Old Baltimore Road, what</p> <p>19 type of houses are there? What type of houses are</p> <p>20 there?</p> <p>21 A They are single family houses.</p> <p>22 Q Do they look similar to the style that</p> <p>23 you are proposing?</p> <p>24 UNIDENTIFIED SPEAKER: They are very old</p> <p>25 homes.</p>
<p>270</p> <p>1 all single family roads -- single, you know, ranch</p> <p>2 style and older style were there any homes that</p> <p>3 are similar to your design here that are facing</p> <p>4 West Old Baltimore Road on the south side, in the</p> <p>5 area that you surround, you know, called as the</p> <p>6 surrounding neighborhood, facing on the south side</p> <p>7 of Westworld Baltimore Road, where this entrance</p> <p>8 would be, and, you know, on the south side of West</p> <p>9 Old Baltimore Road facing West Old Baltimore Road?</p> <p>10 A And your question is?</p> <p>11 Q Are there any homes that look similar to</p> <p>12 your design, you know, of cottages that you</p> <p>13 indicate? Are there any homes that look similar</p> <p>14 to that to indicate that you are conforming to the</p> <p>15 neighborhood style on West Old Baltimore Road,</p> <p>16 south side?</p> <p>17 A Yeah, we -- we, as a designer, we can't</p> <p>18 actually copy exactly a home as our home. That's</p> <p>19 like --</p> <p>20 Q And I just ask a simple question?</p> <p>21 A Yes.</p> <p>22 Q Are there -- are there homes, are there</p> <p>23 or are there not homes that look similar, that</p> <p>24 look similar on West Old Baltimore Road, on the</p> <p>25 south side of West Old Baltimore Road that look</p>	<p>272</p> <p>1 A I think I'll answer your question or</p> <p>2 answer previous neighbor's question in two</p> <p>3 different ways. One is we respect what is</p> <p>4 currently there. But we're also going to look</p> <p>5 forward. We understand a lot of older houses, 80</p> <p>6 years old, and even 20 years old houses, that we</p> <p>7 are still looking at it and try to improve for the</p> <p>8 seniors to give them the best, healthy, home</p> <p>9 welcoming --</p> <p>10 Q Okay.</p> <p>11 A So I now try to copy exactly what the</p> <p>12 neighborhood is, which we cannot do that.</p> <p>13 Q Which means you're saying that, there</p> <p>14 are only two things, either you're saying it</p> <p>15 conforms to the neighborhood, but you're not ready</p> <p>16 to answer that there are similar homes across the</p> <p>17 West Old Baltimore Road, and that's fine. But</p> <p>18 then I'm wondering why you would call it as</p> <p>19 conforming to the neighborhood, if it's not</p> <p>20 conforming to the neighborhood, because you can't</p> <p>21 show me a house on the opposite side that looks</p> <p>22 like your home.</p> <p>23 MR. ROBINS: She's giving opinion</p> <p>24 testimony.</p> <p>25 MS. KRISHMAN: I'm just -- I'm not able</p>

Transcript of Hearing
Conducted on February 2, 2024

69 (273 to 276)

<p>273</p> <p>1 to get a straight answer from her.</p> <p>2 MS. ROGERS: I think you're not</p> <p>3 getting --</p> <p>4 MR. ROBINS: Well, she's -- she's --</p> <p>5 MS. ROGERS: -- a straight answer</p> <p>6 because you -- I think she's answering the</p> <p>7 question to the best of her ability.</p> <p>8 HEARING EXAMINER LEWINTER: Well, I</p> <p>9 think she did. Wait, Ms. Kirshman did ask a yes</p> <p>10 or no question. She said, are there houses on the</p> <p>11 opposite side, on south, south of the development</p> <p>12 on Old West Baltimore Road that look similar to</p> <p>13 the ones that you've designed? That's a yes or no</p> <p>14 question.</p> <p>15 THE WITNESS: We look at overall -- yes,</p> <p>16 I look at it. Yes, I -- we try to get elements</p> <p>17 from the neighboring house to best our knowledge</p> <p>18 to present the client a house that the senior want</p> <p>19 to live in.</p> <p>20 HEARING EXAMINER LEWINTER: So would it</p> <p>21 be fair to say that you looked at the south side,</p> <p>22 you took elements of those houses, and in your</p> <p>23 opinion, it is compatible?</p> <p>24 THE WITNESS: Correct. That's her</p> <p>25 opinion.</p>	<p>275</p> <p>1 16 patients, right, per building? So they --</p> <p>2 A I did not say patients.</p> <p>3 Q No, no, I did.</p> <p>4 A Different. Okay.</p> <p>5 Q Sixteen --</p> <p>6 A Fifteen.</p> <p>7 Q Fifteen, excuse me, fifteen in each</p> <p>8 building, right?</p> <p>9 A Correct.</p> <p>10 Q So -- but there's not 15 bedrooms,</p> <p>11 right?</p> <p>12 A No, there are not.</p> <p>13 Q So there's going to be, I think you</p> <p>14 mentioned maybe three people per room at, at some</p> <p>15 point?</p> <p>16 A No.</p> <p>17 MS. ROGERS: She said three singles and</p> <p>18 six doubles.</p> <p>19 MS. DUFFIN: Three singles and -- and</p> <p>20 six doubles. Okay, so the doubles. So they're</p> <p>21 sharing a room, so there's no -- like, I guess it</p> <p>22 was presented or I took it as these are cottages.</p> <p>23 So the cute little old people are going to live</p> <p>24 there, and they're going to go outside and -- but</p> <p>25 it's more or less they just sleep in the buildings</p>
<p>274</p> <p>1 MS. KRISHMAN: It still is not a yes or</p> <p>2 no question. Is it -- is it conforming to the</p> <p>3 style of the homes across West Old Baltimore? I</p> <p>4 still didn't get a yes or no question. It's a</p> <p>5 simple yes or no question.</p> <p>6 HEARING EXAMINER LEWINTER: Well --</p> <p>7 MS. KRISHMAN: But I'll -- I'll rest</p> <p>8 here. I think I made my point.</p> <p>9 HEARING EXAMINER LEWINTER: All right.</p> <p>10 Thank you.</p> <p>11 MS. DUFFIN: I have one more question if</p> <p>12 I could ask?</p> <p>13 HEARING EXAMINER LEWINTER: Yes. Can</p> <p>14 you come back up?</p> <p>15 MS. DUFFIN: I'm sorry. I have a</p> <p>16 question. I apologize if I'm inconveniencing you.</p> <p>17 MR. ROBINS: You're not inconveniencing.</p> <p>18 MS. DUFFIN: Okay. Good.</p> <p>19 BY MS. DUFFIN:</p> <p>20 Q I had a question when she was saying</p> <p>21 about the buildings, hi, --</p> <p>22 A Yes.</p> <p>23 Q -- about the buildings. So now I'm a</p> <p>24 little bit confused. So you were referring to it</p> <p>25 as cottages, but you said six, there's going to be</p>	<p>276</p> <p>1 if though and because they're not having --</p> <p>2 they're having a big place to cook, right? They</p> <p>3 don't have their own kitchen or a living room.</p> <p>4 It's just kind of like a bedroom setting.</p> <p>5 A Correct. Yeah, assistant living</p> <p>6 facility, I'm not sure how many of you familiar</p> <p>7 with the senior living different type --</p> <p>8 Q Oh, I'm kind of familiar.</p> <p>9 A Okay. Yeah.</p> <p>10 Q Yeah.</p> <p>11 A So assisted living, normally We don't</p> <p>12 provide a cooking because, you know, some of the</p> <p>13 older adults can't --</p> <p>14 Q Okay. So that's explained it. So each</p> <p>15 house is housing sixteen --</p> <p>16 MS. ROGERS: Fifteen.</p> <p>17 MR. ROBINS: Fifteen.</p> <p>18 MS. DUFFIN: Fifteen. Too many numbers.</p> <p>19 Q Fifteen people that are just sleeping</p> <p>20 there. Right? They're just sleeping in the</p> <p>21 building.</p> <p>22 A Yeah, they do have activity. Each</p> <p>23 building, they do have activity rooms and then</p> <p>24 dining facilities. So they're not cooking in</p> <p>25 their own little room.</p>

Transcript of Hearing
Conducted on February 2, 2024

70 (277 to 280)

<p>277</p> <p>1 Q Right. They're going to go to a --</p> <p>2 A But they -- they're going to go --</p> <p>3 Q -- a different place.</p> <p>4 A -- to in the same room for -- for three</p> <p>5 meals a day, some activities. But they do have,</p> <p>6 we call it a community center, is they do have a</p> <p>7 larger event and other amenities that seniors can</p> <p>8 go there.</p> <p>9 Q Okay. So that answered my question on</p> <p>10 that. And my other question to you is these</p> <p>11 pictures, where are they at? Those are Tapestry.</p> <p>12 I recognize that.</p> <p>13 A Yes.</p> <p>14 Q Where is one and one? Where's that at</p> <p>15 one.</p> <p>16 A 1-A, 1-B, that's all Ruby Drive.</p> <p>17 MS. ROGERS: See, there's a key.</p> <p>18 THE WITNESS: Yeah.</p> <p>19 Q This is --</p> <p>20 A Maybe --</p> <p>21 MS. DUFFIN: So this is the one in Testo</p> <p>22 (phonetic), right? Yeah. Okay.</p> <p>23 All right. Thank you.</p> <p>24 HEARING EXAMINER LEWINTER: Okay. Any</p> <p>25 other questions from the audience? I know -- I</p>	<p>279</p> <p>1 was looking at page 15 of the technical staff</p> <p>2 report.</p> <p>3 MS. TAYLOR: Staff report.</p> <p>4 HEARING EXAMINER LEWINTER: So there's</p> <p>5 on my page 15. Just give us a second, Ms. Taylor,</p> <p>6 for everybody to get.</p> <p>7 MS. TAYLOR: Yeah, that's okay. Thank</p> <p>8 you.</p> <p>9 HEARING EXAMINER LEWINTER: Maybe can --</p> <p>10 can you access that? It's Exhibit 28, I think.</p> <p>11 THE VIDEO TECH: Which one?</p> <p>12 HEARING EXAMINER LEWINTER: Exhibit 28.</p> <p>13 MS. TAYLOR: (Indiscernible-audio</p> <p>14 break).</p> <p>15 HEARING EXAMINER LEWINTER: 15?</p> <p>16 MR. ROBINS: She said 16.</p> <p>17 HEARING EXAMINER LEWINTER: 16?</p> <p>18 MR. ROBINS: 16, but I don't think --</p> <p>19 HEARING EXAMINER LEWINTER: Was it 15 or</p> <p>20 16?</p> <p>21 MS. DUFFIN: She said 15.</p> <p>22 MS. TAYLOR: I have -- I have --</p> <p>23 UNIDENTIFIED SPEAKER: Staff report.</p> <p>24 MS. TAYLOR: I should be corrected on</p> <p>25 that. I'm sorry.</p>
<p>278</p> <p>1 know we have somebody online. But is there</p> <p>2 anybody else in the room?</p> <p>3 Okay. Ms. Taylor, do you want to ask</p> <p>4 your question?</p> <p>5 MS. TAYLOR: Yeah.</p> <p>6 HEARING EXAMINER LEWINTER: Thank you</p> <p>7 very much.</p> <p>8 MS. TAYLOR: For the record, Caroline</p> <p>9 Taylor.</p> <p>10 BY MS. TAYLOR:</p> <p>11 Q Circling back now that we've got the</p> <p>12 architect in, thank you. Looking at page 15 of</p> <p>13 the Planning Staff Report, and perhaps it sounds</p> <p>14 like from the figures you've given and square</p> <p>15 footage of the buildings, it's -- it's -- it's at</p> <p>16 odds, because the dimensions given are 7,920 feet</p> <p>17 square feet at 55 by 48 by 3; 7,644 feet at 52 by</p> <p>18 49 by 3; and 8,580 at 55 by 52 by 3.</p> <p>19 Showing these as two above grade, but</p> <p>20 also below grade, is that an old figure based upon</p> <p>21 old designs? Because that's larger than the</p> <p>22 square footage you've cited.</p> <p>23 MS. ROGERS: Well, I missed what she was</p> <p>24 looking at. Could you clarify for me?</p> <p>25 HEARING EXAMINER LEWINTER: She said she</p>	<p>280</p> <p>1 HEARING EXAMINER LEWINTER: Is it 15? I</p> <p>2 think that's what she's referring to, those</p> <p>3 pictures.</p> <p>4 MR. ROBINS: I think she's looking at</p> <p>5 15.</p> <p>6 HEARING EXAMINER LEWINTER: Yeah, I</p> <p>7 think she's looking at page 15.</p> <p>8 A Okay. Okay.</p> <p>9 MR. ROBINS: She's frozen. No, she's --</p> <p>10 she's there.</p> <p>11 HEARING EXAMINER LEWINTER: Okay. So,</p> <p>12 Ms. Taylor, your question was that the way you</p> <p>13 read this report --</p> <p>14 Q Yeah, the figures I'm seeing in the</p> <p>15 Staff Report or that have been provided to me in</p> <p>16 the Staff Report. Are at variance with what has</p> <p>17 been testified here in terms of the total square</p> <p>18 footage of the buildings that are being referred</p> <p>19 to as "cottages."</p> <p>20 So I'm just trying to sort out if</p> <p>21 perhaps those are old figures or, you know,</p> <p>22 because she's, I think you said 5800 square feet?</p> <p>23 A Yeah, I think maybe the report</p> <p>24 doesn't --</p> <p>25 Q And I'm seeing three different three</p>

Transcript of Hearing
Conducted on February 2, 2024

71 (281 to 284)

<p>281</p> <p>1 different designs or whatever that are coming in 2 at -- 3 MS. ROGERS: Well, those are, sorry. 4 Those are pictures of houses on Ivy Leaf Court. 5 A Correct. Yeah, so the slide shows, -- 6 MS. ROGERS: They're not -- 7 A Yeah, the slide shows the -- the width 8 and the depth of the houses. The number I gave is 9 only for upper two stories, so if you see a bigger 10 number, maybe that's including the basement as the 11 total square footage. Maybe that's the 12 discrepancy. 13 Q Okay, so, I guess, thank you. It goes 14 back to my question, though, in terms of total 15 square footage of structure. And -- and there's a 16 reason for that. It goes to scale, and it goes to 17 compatibility, because I -- I don't know that I've 18 seen in the, in the nearby neighborhood houses of, 19 of that total square footage or approximating that 20 total square footage. 21 So I'm sorry, I don't mean to 22 anecdotally or add things. So that's just my 23 question is whether those figures for the total 24 square footage of the structures are accurate. 25 HEARING EXAMINER LEWINTER: Ms. Taylor,</p>	<p>283</p> <p>1 HEARING EXAMINER LEWINTER: Well, I 2 guess my confusion is only one of those is a 3 project building. The first two are not. They 4 are existing homes in the neighborhood that they 5 took pictures of. 6 Okay, so she's -- 7 A She's -- she's looking at a different -- 8 HEARING EXAMINER LEWINTER: But let's 9 let -- 10 UNIDENTIFIED SPEAKER: A different -- 11 MS. TAYLOR: Thank you for that 12 clarification. 13 HEARING EXAMINER LEWINTER: Yeah, unless 14 you're looking at something different. But if 15 we're looking at -- 16 UNIDENTIFIED SPEAKER: It's 17 (indiscernible), she said. 18 MR. ROBINS: Page 15. 19 HEARING EXAMINER LEWINTER: She said 20 page 15 of the staff report. 21 MR. ROBINS: That's what I'm looking at. 22 MS. TAYLOR: Let me cleanly ask the 23 question. 24 HEARING EXAMINER LEWINTER: Okay, sure, 25 go ahead. I apologize.</p>
<p>282</p> <p>1 I'm still just confused. I'm sure -- I'm sure you 2 are too. Because when I look at 15 -- and I 3 apologize if -- because I can't look at you 4 directly -- I see three pictures. One says 5 existing single house on Ivy Leaf Court. The 6 middle one says existing single house on Ivy Leaf 7 Court. And then the third says Ruby Drive 8 Assisted Living. 9 Is that the third house that you're 10 referring to and you've done -- 11 MS. TAYLOR: I'm -- I'm looking at the 12 drawings that show what -- what they're planning 13 on building that have the dimensions given as to 14 what the buildings will be of the eight buildings. 15 HEARING EXAMINER LEWINTER: Well, 16 there's -- 17 MS. TAYLOR: I apologize. This was 18 provided -- we have a contractor who is a planning 19 expert or, and they've provided me these numbers 20 to ask the question. So I -- I'm an executive 21 director. I got a lot of things to do. 22 HEARING EXAMINER LEWINTER: Sure. 23 MS. TAYLOR: This is citing staff report 24 15 with the dimensions of the project buildings, 25 not neighboring.</p>	<p>284</p> <p>1 Q Let's clean the slate here. So, so the 2 buildings, the eight buildings, what is the total 3 square footage? That is the two stories above 4 ground including, and -- and including the 5 basement level. And I understand the HMID may 6 vary slightly, but the average. 7 A Do you need a basement or not? 8 HEARING EXAMINER LEWINTER: Yes. 9 Q The basement the square footage, isn't 10 it? 11 A It depends. For building -- for 12 building code, actually it doesn't really count 13 the basement as square footage. But most of 14 homeowners if you want to, you know, see a sale on 15 the website, that will be included. But the 16 full -- 17 UNIDENTIFIED SPEAKER: It's living space 18 only. 19 Q It depends on -- I mean I understand 20 your distinction, but it depends on the use of the 21 basement, if it's climate controlled, what the 22 function is. Is it, you know, gathering space? 23 That I don't have an answer to. You may. 24 A Yeah, no problem. I can give you both. 25 Above grade plus with the basement if you want it</p>

Transcript of Hearing
Conducted on February 2, 2024

72 (285 to 288)

<p>285</p> <p>1 too. Does that help?</p> <p>2 Q That -- that would --</p> <p>3 A Be good? Okay.</p> <p>4 HEARING EXAMINER LEWINTER: Well, just</p> <p>5 to clarify, can you just explain, too, is the</p> <p>6 basement going to be used as living space, active</p> <p>7 living space?</p> <p>8 THE WITNESS: It will be activity</p> <p>9 supporting, you know, mechanical rooms you know,</p> <p>10 staff office, that supporting area, yes. It won't</p> <p>11 be just for storage, per se. It will be part of</p> <p>12 the activity room.</p> <p>13 HEARING EXAMINER LEWINTER: Okay.</p> <p>14 THE WITNESS: It's mechanical facilities</p> <p>15 or supporting store.</p> <p>16 UNIDENTIFIED SPEAKER: So the residents</p> <p>17 will be in --</p> <p>18 THE WITNESS: Resident will be --</p> <p>19 MS. ROGERS: Why don't you just</p> <p>20 answer -- let's answer the question.</p> <p>21 THE WITNESS: Yeah, so.</p> <p>22 MS. ROGERS: So why don't you reiterate</p> <p>23 your previous testimony regarding this, and then</p> <p>24 you can add the extra calculation.</p> <p>25 THE WITNESS: Right. So, yeah, so we,</p>	<p>287</p> <p>1 you have any -- sorry. Do you have any redirect?</p> <p>2 REDIRECT EXAMINATION</p> <p>3 BY MS. ROGERS:</p> <p>4 Q A few. I guess as just to clarify in</p> <p>5 your testimony, your professional opinion, as you</p> <p>6 define the community, is that defined just as Ruby</p> <p>7 Drive, or is that defined as a broader area,</p> <p>8 geographical area?</p> <p>9 A It's a broader geographic area.</p> <p>10 Q Thank you. And when you were describing</p> <p>11 compatibility of your design with the surrounding</p> <p>12 community, is it based on that same broader</p> <p>13 geographical area?</p> <p>14 A That's correct.</p> <p>15 Q Thank you. And in terms of a comparison</p> <p>16 with other surrounding single family homes when</p> <p>17 we're comparing the footprints our proposed, this</p> <p>18 proposed building does not have garages, correct?</p> <p>19 A One garage.</p> <p>20 Q Whereas a traditional single family home</p> <p>21 does, but they had -- is it your professional</p> <p>22 opinion that when you're comparing footprints,</p> <p>23 that's irrelevant because you're -- you're</p> <p>24 comparing compatibility of mass?</p> <p>25 A That's correct. Yeah, when we say our</p>
<p>286</p> <p>1 we are saying that the part, our presentation our</p> <p>2 house is 56,55 we have different -- different</p> <p>3 iterations. So that's 20 -- let's say 2900. For</p> <p>4 each level, and then that's times three, that's</p> <p>5 8700. 8736 as the total three level for each</p> <p>6 cottages.</p> <p>7 Q Thank you, thank you for that. The next</p> <p>8 question is, each of these buildings being</p> <p>9 referred to as "cottages," not -- how many</p> <p>10 bathrooms are in each?</p> <p>11 A So for -- we have nine bathrooms for</p> <p>12 each --</p> <p>13 Q Okay.</p> <p>14 A -- unit.</p> <p>15 Q And this may not be in your wheelhouse,</p> <p>16 but the gallons per day discharged from, I guess,</p> <p>17 I would ask for a cumulative for the site. Does</p> <p>18 anyone -- do you have that figure or should I ask</p> <p>19 that of someone else?</p> <p>20 A We haven't -- we haven't have a detailed</p> <p>21 engineering design for the -- that part of the</p> <p>22 building yet.</p> <p>23 Q All right. Thank you for your time.</p> <p>24 A Thanks.</p> <p>25 HEARING EXAMINER LEWINTER: Okay. Do</p>	<p>288</p> <p>1 building is 5800 square foot above grade, and if</p> <p>2 it's -- to translate into a typical garage,</p> <p>3 typical home with a garage, that actually</p> <p>4 translates to 5300 plus 500 square footage garage.</p> <p>5 So the total square footage will be 5300 square</p> <p>6 feet home with 500 square foot garage.</p> <p>7 MS. ROGERS: Great, so just to ask it</p> <p>8 one other way, so for the other homes, if you</p> <p>9 actually counted the garage towards the overall</p> <p>10 square footage of the homes, the actual square</p> <p>11 footage would be larger?</p> <p>12 THE WITNESS: Correct.</p> <p>13 MS. ROGERS: No further questions.</p> <p>14 HEARING EXAMINER LEWINTER: Thank you.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 (Witness excused.)</p> <p>17 HEARING EXAMINER LEWINTER: If you'd</p> <p>18 like to call your next --</p> <p>19 MR. ROBINS: Let me give Ms. Rogers a</p> <p>20 break and I'll take the next witness.</p> <p>21 HEARING EXAMINER LEWINTER: Okay.</p> <p>22 MR. ROBINS: I apologize for the voice.</p> <p>23 I've always -- never been accused of being able to</p> <p>24 whisper. I apologize.</p> <p>25 HEARING EXAMINER LEWINTER: No, it's</p>

Transcript of Hearing
Conducted on February 2, 2024

73 (289 to 292)

<p>289</p> <p>1 just she has a soft voice and I was having 2 difficulty hearing her. 3 MR. ROBINS: Yes, I understand. 4 Our next and final witness is Nancy 5 Randall. 6 And her -- she doesn't like when I say 7 this. Her real name is Anne Nancy Randall, but 8 she goes by Nancy Randall. 9 I know you want to swear her in first. 10 NANCY RANDALL: Yes. 11 HEARING EXAMINER LEWINTER: Yes, I do 12 want to swear her in. I'll let her get set. Hi, 13 Ms. Randall. 14 (The oath was administered.) 15 NANCY RANDALL: I do. 16 Whereupon, 17 ANNE NANCY RANDALL, 18 called as a witness for the Applicant, 19 having been duly sworn, testified as follows: 20 HEARING EXAMINER LEWINTER: Thank you. 21 And can you spell your name and say it however 22 you'd like it to appear in the transcript? 23 THE WITNESS: Yes, thank you. Legally, 24 it's Anne Marie Randall, and I go by Nancy. A-N- 25 N-E, and Nancy is N-A-N-C-Y, and the last name is</p>	<p>291</p> <p>1 Prince George's County, Anne Arundel County, and 2 several other jurisdictions around the state. 3 Q And are you familiar with the zoning 4 ordinance requirement that the petitioner must 5 satisfy, which requires that the Conditional Use 6 Application not cause undue harm with respect to 7 traffic and that there be adequate traffic 8 capacity to accommodate the use? 9 A I am. 10 Q Okay. I'd like to get into some 11 specifics of your traffic information that you 12 prepared for this project. 13 You indicated that you're familiar with 14 the Conditional Use Application that's before us 15 today. 16 A I am. 17 Q And have you made a personal inspection 18 of the site? 19 A I have several times and I was there 20 yesterday. 21 Q And are you familiar with the area 22 surrounding the property? 23 A I am. 24 Q Can you please describe your 25 responsibilities regarding the Conditional Use</p>
<p>290</p> <p>1 It's R-A-N-D-A-L-L. And it's my understanding, 2 well, I'm presuming you're going to want to 3 qualify for her as an expert? It's my 4 understanding -- 5 MR. ROBINS: Yes, she's a transportation 6 planner, and she's appeared before the hearing 7 examiner and other tribunals on many, many 8 occasions. 9 HEARING EXAMINER LEWINTER: That is my 10 understanding, so I will accept your 11 qualifications as an expert and we can skip the 12 voir dire. 13 MR. ROBINS: Thank you very much. I 14 appreciate that. 15 DIRECT EXAMINATION 16 BY MR. ROBINS: 17 Q Good afternoon, Ms. Randall. 18 A Good afternoon. 19 Q Have you prepared traffic reports or 20 provided expert testimony in connection with this 21 senior facility? 22 A I have. 23 Q And how about with other senior living 24 facilities petitions? 25 A Yes, quite a few in Montgomery County,</p>	<p>292</p> <p>1 Application? 2 A Yes. Like any Conditional Use 3 Application, the first thing we do is to look at 4 the site plan, determine the number of vehicle 5 trips that might be generated by the property, 6 review that in relation to the county's 7 requirements for an LATR traffic impact study, and 8 the -- 9 Q Can you just -- 10 A Yes. 11 Q I'm going to interrupt. 12 A Going to give you the -- 13 Q Just spell out what that means -- 14 A -- initials. Thank you. 15 Q -- for the hearing examiner. 16 A That's local area transportation review. 17 Those are the guidelines for which all traffic 18 studies must follow. And so we develop the trip 19 generation to determine whether or not a study 20 will even be required. If it is, we'll then scope 21 that with staff. If it's not, then we prepare a 22 what's called a traffic exemption letter. 23 And in this particular case when we worked up 24 the trip generation for the site, and I believe 25 it's Slide 33, we found that the site would not</p>

<p>293</p> <p>1 generate the requisite number to kick it into a 2 full blown traffic impact study. So we prepared a 3 exemption letter in accordance with LATR. 4 And I believe it is, I think, it's -- 5 Q You're looking for the exhibit? 6 A -- Slide 33, just so they can see the 7 trip generation. But at any rate, it's less than 8 the 50-person trip. So this -- 9 Q Let me just interrupt for one second -- 10 A Sure. 11 Q -- for the hearing examiner. 12 MR. ROBINS: The exemption statement is 13 Exhibit 12 in the record. 14 A Yeah. 15 Q Go ahead. Sorry. 16 A So we developed the trip generation for 17 this site using the Institute of Transportation 18 Engineers. Those, the first two groups of three 19 columns each for the AM peak hour and the PM peak 20 hour. That's directly from the ITE trip 21 generation manual. 22 And then Montgomery County has an 23 adjustment factor that they use throughout the 24 county. It varies from policy area to policy area 25 where they want you to determine the number of</p>	<p>295</p> <p>1 generation studies let's take for instance a 2 medical office. Okay? And let's say that medical 3 office is 50,000 square feet and there's one 4 driveway in and one driveway out. You're counting 5 every vehicle. When IT does this. It's every 6 single vehicle, whether it is a doctor, a nurse, a 7 delivery, a patient, somebody -- an Uber driver. 8 It's everybody. 9 And it's the same thing for a nursing 10 facility. There are studies that are done across 11 the country, and they're counting facilities, 12 whether they've got one driveway or two driveways, 13 they're counting every access into these 14 facilities, and they're counting every single 15 vehicle coming and going. So it's the cumulative 16 number. 17 It's not separated out by employee or 18 patient or resident or delivery vehicle. It's 19 every vehicle. And we're required by the county 20 to look at the a.m. peak hour, which is when the 21 most amount of traffic is on the roadway. It may 22 not be the most amount of traffic that would be 23 generated by a site, but it's the most on the 24 major roadway. 25 So the a.m. for Montgomery County is a</p>
<p>294</p> <p>1 person trips: so how many people may walk to a 2 particular site, how many may be a passenger in an 3 automobile, how many may use bicycle or other 4 means of transportation, and transit as well. And 5 so we calculate then person trips. So it's the 6 vehicle trip, the person in the automobile with 7 them as a passenger, a transit rider, the 8 bicyclist, and that all comes up to the total 9 person trips. 10 So in the a.m. peak hour, that's the 11 second group of five columns, is 34 a.m. person 12 trips, and in the p.m. peak hour, it's 45. 13 So based on that, a full blown LATR 14 study was not going to be required. 15 HEARING EXAMINER LEWINTER: Can -- can I 16 just ask a clarification question? When you have 17 a facility like this where you have staff coming 18 in in the morning, and then this is a -- a 19 residential facility, so people are going to 20 leave, do errands, do whatever things, staff may 21 be leaving for lunch or for other breaks. How do 22 you separate out the trips generated by the 23 individuals living on site versus staff coming and 24 going? 25 A Right. I.T.E., when they do trip</p>	<p>296</p> <p>1 period, one hour period, between 6:00 and 9:30. 2 So we count that entire three-hour period or 3 sorry, 6:30 to 9:30, so the entire three hour 4 period. And then again in the p.m. peak hour, 5 which is from 4 to 7. 6 And that highest one hour, whether it's 7 6:30 to 7:30 or 715 to 815, we pick out the 8 highest one hour for the a.m., the highest one 9 hour in the p.m., similar situation, and we add 10 the trip generation that I.T.E. says -- 11 Q Can you define I.T.E.? 12 A -- this facility, Institute of 13 Transportation Engineers, sorry -- that they tell 14 us based on all of their studies that it's going 15 to add, in this case for 120 beds, will be 22 a.m. 16 trips, so that's 13 coming into the site and 9 17 leaving. Okay? And similar in the p.m. peak 18 hour. 19 So you may not be capturing the highest 20 one hour of this facility, but the volume on the 21 mainline road is so much lower that it's -- it's a 22 wash. 23 And when we're dealing with an LATR 24 study, when you're generating less than 50 person 25 trips, it's nominal to begin with. You're going</p>

<p>297</p> <p>1 to have very little influence on the intersection 2 than how it's working to begin with. 3 So we went through that process. They 4 agreed, they concurred, but there's more. 5 MS. ROGERS: Well, no. I'm sure. I 6 didn't mean to steal your thunder. I appreciate 7 that. I just wanted to give some overall context 8 because -- 9 A Yeah. 10 MS. ROGERS: I thought it would be 11 helpful for her. 12 A Yes. 13 So we prepared that, and as you stated, 14 it does take into consideration the residents, the 15 visitors, employees, the shuttle van trips, 16 service delivery vehicles, it incorporates 17 everything into that. But in addition to doing 18 that exemption letter, we also need to look at 19 health, safety, and welfare because this is a 20 conditional use. 21 And so we conducted counts. When this 22 application was first brought to me, they were 23 going to have access on Ruby Drive, and the client 24 made this huge concession to move the drive access 25 into the site to have direct access onto West Old</p>	<p>299</p> <p>1 analysis for that to determine what the existing 2 conditions were. Then background, there are four 3 projects when we did this work, one of which 4 included Cabin Branch, the remainder of Cabin 5 Branch to be added into this. Tapestry was not 6 completed when we started this, so we added 7 Tapestry's traffic into the mix. And so, at any 8 rate, there were four unbuilt developments in the 9 area that we added to this intersection. 10 Q I didn't hear what you said, but did you 11 also say Cabin Branch? Because I must not -- 12 A Yes, Cabin Branch was included in this, 13 yes. 14 Q Thank you. 15 A So for the top -- it's hard for me to 16 read from there, I apologize. It's like, no. 17 Thanks. Yeah. 18 Q So this is an -- 19 A Old eyes. 20 Q -- this -- what's on your screen? 21 A Yes. 22 Q The intersection queuing capacity is 23 actually excerpt from Exhibit 27-A? 24 A Yeah. And so Table 2 is the queue. And 25 we're going to be adding -- we won't be adding</p>
<p>298</p> <p>1 Baltimore Road. But we did count Ruby Drive and 2 West Old Baltimore. And we also counted the 3 intersection of West Old Baltimore and Maryland 4 355. So we have data for those two intersections. 5 And what we wanted to look at was the 6 queues that may be associated with this project by 7 this traffic coming and going. What does it do to 8 the function of 355 and West Old Baltimore? When 9 it was going to be accessed onto Ruby Drive, we 10 were obviously concerned about what it was going 11 to do to the queues at that intersection. Now, no 12 vehicles will be turning there, so there won't be 13 any queues associated with that. But we're 14 looking at our driveway and West Old Baltimore to 15 understand the queues there. 16 And in order to pull up the queues and 17 do that analysis, you also have to run capacity. 18 So we have the capacity information and that too 19 was presented in the report. 20 Q Using -- and what methodology? 21 A Highway Capacity. It's a synchro -- 22 it's a modeling computerized modeling system to 23 project what the queues are going to be for 24 existing background and total future conditions. 25 So we took the existing counts, ran the</p>	<p>300</p> <p>1 traffic as you can imagine. Our site is located 2 on West Old Baltimore, so we won't be adding 3 through traffic on 355. They'll be turning into 4 West Old Baltimore or turning out of West Old 5 Baltimore. 6 So the eastbound left, the available 7 storage for the left turn is 209 feet. In 8 existing conditions, the stack is 103 feet. In 9 the background conditions, it goes to 107 and in 10 the total future, it goes to 107. 11 We add barely -- I think it's somewhere 12 in the neighborhood of about five feet, less than 13 a car length to that queue. And that is for, 14 again, the eastbound left. 15 In the p.m. peak hour, we do have a 16 greater impact. It's 76 feet in the existing 17 conditions. 80 in the p.m., and to background 18 conditions. And then total future again in the 19 p.m., it's 81. 20 In the eastbound right direction, it's a 21 free right. So this intersection, you may not be 22 aware, went under major reconstruction several 23 years ago. They realigned the way it comes in to 24 355. They built turn lanes that were not there 25 before. They extended a left-turn lane along</p>

Transcript of Hearing
Conducted on February 2, 2024

76 (301 to 304)

<p>301</p> <p>1 Maryland for 355 in the northbound direction. 2 That has like 600 and so feet 650 feet in queue. 3 They have a right turn lane coming off 4 of 355, so major reconstruction of that and a 5 brand new signal. So there is now this free right 6 and an acceleration lane so that you can merge 7 into traffic. 8 At the northbound left, which this 9 project will impact, there will be people coming 10 to and from the south traveling northbound on 355, 11 making a left on the West Old Baltimore. 12 So in the a.m. peak hour is using -- 13 today in the a.m. is using 92 feet of the 605, 14 excuse me, 650 feet available. In the p.m., in 15 the existing 61. 16 In the background condition, and this is 17 where these background developments have a bigger 18 impact because several of them are located on West 19 Old Baltimore, it goes up to 147 feet in the p.m. 20 peak hour, and in the p.m. peak hour, it's 80. 21 And in total future, it's 179, and it goes to 88. 22 Again, the storage available is 650 23 feet, and we're using less than a third of that 24 available storage under the total future 25 conditions. And that's all of the existing</p>	<p>303</p> <p>1 THE WITNESS: Okay. 2 (Whereupon, a recess was taken at 3 3:32:40 p.m.) 4 HEARING EXAMINER LEWINTER: This is the 5 way sometimes it works. 6 MR. ROBINS: The offer with genuine. 7 HEARING EXAMINER LEWINTER: Okay. All 8 right. If you want to continue your questioning 9 of Ms. Randall, let's go at least until 3:50- 10 something and then we'll make some discussion 11 about when we can reconvene. It probably will not 12 be finalized today, because I need Nana involved 13 on that, but we'll try and get a sense. 14 THE WITNESS: Yeah. 15 BY MR. ROBINS: 16 Q Okay. Okay, so we left off with your 17 test -- 18 A Just talking about the intersection 19 we're passing. 20 Q Right. 21 A So again, West Old Baltimore and the 22 site access internal, the queue internal to the 23 site is less than a vehicle. These are expressed 24 in feet, by the way, not number of vehicles, but 25 in feet. So I should have mentioned that at the</p>
<p>302</p> <p>1 traffic, plus the background traffic, plus our 2 site is the max. 3 And then same for southbound right. 4 We've got a storage of 415 feet and we're barely 5 touching any of the storage. The max was 14 feet 6 of queue at that intersection. 7 And then for our site for the 8 southbound, this is our site coming out of our 9 site because there's -- there's no queue generated 10 at all for the westbound right. And the majority 11 of our traffic, if not 100 percent, certainly 12 during the peak hours, is all going to 355. 13 HEARING EXAMINER LEWINTER: All right. 14 If I can just have a minute break. 15 THE WITNESS: Sure. 16 HEARING EXAMINER LEWINTER: We just got 17 a note from the OZH administrator that she needs 18 me to make a -- sorry, I'm not on -- needs me to 19 call her really quick. I'm not sure if there's 20 some technical issue. So I'm going to step out 21 and call -- 22 MR. ROBINS: Sure. 23 THE WITNESS: Yeah. 24 HEARING EXAMINER LEWINTER: -- 25 Ms. Johnson and I'll be right back.</p>	<p>304</p> <p>1 beginning. 2 The next thing we did after doing the 3 Highway Capacity Manual method of analysis to get 4 the queue or to get the capacity, it also gives 5 you a queue. And that's really where -- I'm 6 sorry, intersection delay. Sorry. I was talking 7 about queue. Now I'm going to intersection delay. 8 The intersection of 355 and West Old 9 Baltimore, as I mentioned, is a signalized 10 intersection. Under existing conditions the 11 county's requirement is the overall intersection 12 delay. And it's the overall average intersection 13 delay, and that is at in the morning peak hour at 14 17.2 seconds. And in the p.m. peak hour, it's 8.1 15 seconds. 16 Under background, future conditions, 17 that's with the four development projects, it's 18 20.2 seconds, and in the p.m. peak hour, it's 9.5. 19 And under Total Future Conditions with 20 this project, it's 22.5 seconds in the a.m. peak 21 hour, and in the p.m. peak hour, it's 9.8. 22 For the intersection of West Old 23 Baltimore and the site access the delay is 24 experienced only by the vehicles exiting the site. 25 Because the mainline, it's stop controlled</p>

<p>305</p> <p>1 intersection, so the main line of West Old 2 Baltimore is not stopping. And the max delay is 3 .4 seconds in the p.m. peak hour. It's less than 4 that in the a.m. peak hour. 5 The standard for delay in this policy 6 area is 51 seconds. So we're well below the 7 standard, and we are well below capacity. 8 Q The county standard? 9 A Yes, the county, LATR standard. 10 Q Okay. So you're testifying that both 11 the intersection, both intersections that you 12 looked at would be well within the capacity 13 standards? 14 A Correct. 15 Q Is that your testimony? 16 A That's correct. 17 Q Okay. 18 A And both intersections will not 19 experience an overflow of queue that would block 20 other vehicles within the roadway. 21 Q Okay. Is that all on -- you're on the 22 capacity? 23 A On the capacity, yes, it is. 24 MR. ROBINS: Okay. 25 Could we go to the next slide please?</p>	<p>307</p> <p>1 been no accidents. 2 The one accident that occurred in 2021 3 indicated that it was probably related to 4 construction, that there were some -- I had to go 5 back in. It -- it was like a head on left turn. 6 It was weird accident and, and I don't give you 7 all the detail, but there is a line item in the 8 very back of this that led me to believe that it 9 may be related to changing of lanes and lane 10 marking as they were doing this. 11 In the very back of this is a 12 spreadsheet that gives you all the detail. It's 13 rather hard to see, but it, but it is there in 14 line form. 15 MS. ROGERS: Let me get that -- 16 THE WITNESS: Pardon? Oh, yeah, it's in 17 my traffic statement on this package. 18 Q Yeah, that's it. It's 27-A. 19 A Yeah, yeah. So -- and there's a lot 20 more detail in here that doesn't get reported in 21 that. 22 So again, because there have been no 23 accidents, we're barely increasing anything in 24 terms of delay or capacity on the roadway. The 25 intersection, our site access has more than</p>
<p>306</p> <p>1 Thank you. 2 Q Ms. Randall, did you also look at 3 accident data crash data, et cetera, as it relates 4 to the -- 5 A Yes. 6 Q -- proposed location? 7 A Yes, we did. We looked at the last 8 four-and-a-half years the crash data. The data is 9 not ever quite up to date. It takes three to six 10 months to update the data. So we started in 2019, 11 looked at a full year, 2019, 2020, 2021, 2022. 12 And then in 2023, we had about a half-year worth 13 of data at the time this report was provided. 14 There were a total over that four-and-a-half 15 years, there were a total of seven accidents, four 16 of which occurred in 2019 to occurred in 2020, one 17 occurred in 2021; and that's right around the time 18 that this road was being realigned and 19 reconstructed and finishing up right around 2021. 20 I don't have the exact date. I'm taking 21 that information from Google Earth and 22 photographic evidence. You can go back in time 23 and see when it started and when it finished. 24 And the accidents -- once that project 25 was complete in both '22 and in '23, there have</p>	<p>308</p> <p>1 sufficient site distance. 2 Just also to note, the accidents that -- 3 area that we looked at were -- was along Maryland 4 355 at West Old Baltimore, but I also looked at 5 West Old Baltimore back through the edge of the 6 property to see whether or not there were any 7 accidents along that roadway. There were none 8 reported. 9 And everyone should understand, all I 10 have to go on are reported accidents. So if 11 someone has a small fender bender, and they 12 haven't called the police, it's not going to end 13 up in this package unless they have made a major 14 report back to insurance company. It's not going 15 to make it in this document. 16 Q Thank you. Did Park and Planning staff 17 review your exemption statement as well as the 18 other materials that you submitted -- 19 A Yes. 20 Q -- and have discussed? 21 A Yes. 22 Q Did they agree with your conclusions? 23 A They did. 24 Q And staff, did staff concluded that a 25 traffic study, as you mentioned, was not required</p>

<p>309</p> <p>1 to satisfy the LITR tests because of the fewer 2 than 50-person trips generated by this 3 development? 4 A That's correct. 5 Q Okay. And let's talk a little bit about 6 access to the property. How has access to the 7 property been improved in your opinion? 8 MR. ROBINS: Could we go to the next 9 slide? I think it's just a repeat of the 10 conditional use. Yeah, it's good. 11 A In two ways. One by locating this on 12 the crest of West Old Baltimore, it has improved 13 the site distance both east and west, as Mr. Hogan 14 said. 15 But it is also, by virtue of the design, 16 we are no longer going to be shining headlights 17 into any resident by this design. When it was on 18 Ruby Drive, there was the potential that 19 headlights would be directed into the houses on 20 the south or east side of-- sorry I keep looking 21 at this plan in front of me -- but on the east 22 side of Ruby Drive by the turn around, the loop 23 around, and the parking lot that was forward on 24 West Old Baltimore. 25 Now that it is linear to those homes,</p>	<p>311</p> <p>1 east eastbound and westbound, West Old Baltimore 2 or to the west of the site. But there's also bus 3 stop for route -- right on bus route 75 on 4 Maryland 355 -- within a quarter mile walking 5 distance. 6 So it's providing opportunity for our 7 employees to walk to the bus, but it's also 8 providing that same opportunity for the residents 9 that are adjacent. They haven't had this 10 pedestrian connection. So they're having to walk 11 on the edge of the roadway in order to get to bus 12 75 if they wanted to use the transit system down 13 on Maryland 55. So this is the first connection, 14 first pedestrian, full pedestrian connection, made 15 from those newer communities to the west of us. 16 Q So you did mention the proximity to bus 17 service particularly -- 18 A Yeah. 19 Q -- for either visitors, but also, and 20 particularly for staff. 21 A Yeah. 22 Q What is the proximity of that again? 23 A For the bus stop to the west, which is 24 bus route, right on bus route 73 the first bus 25 stop, they're offset due to where you can put a</p>
<p>310</p> <p>1 the headlights won't be shining into the homes. 2 They've located the parking far back enough that 3 it's not going to shine into the homes along Ruby 4 Drive. So that has improved both the vehicular 5 exit, but also its impact internally to adjacent 6 neighbors. 7 The biggest improvement, though, is the 8 sidewalk. By connecting -- right now, there's 9 missing sidewalk along our entire property 10 frontage. There's a small stretch, and I'm not 11 sure the exact distance, but if I had to guess, 12 it's about 50, maybe 75 feet, of missing sidewalk 13 beyond our property to the west. 14 We're going to connect to the existing 15 sidewalk on the relatively new development to the 16 west. We're going to bring the sidewalk through 17 the entire property. And then along all of the 18 properties that are on Ruby Drive and connect to 19 the new sidewalk that the development Tapestry 20 just built. So there'll be a continuous sidewalk 21 now, which there has not been, so that not only 22 will our residents, and more importantly the 23 employees, have the potential now to take the 24 transit service that is offered on West Old 25 Baltimore, that's to the west: the bus stop for</p>	<p>312</p> <p>1 bus stop. The first bus stop to the west is about 2 400 feet and then the return on that same bus stop 3 is about a thousand feet away. They're offset 4 from one another on the north side and the south 5 side of West Baltimore. 6 Similarly, similar situation on Maryland 7 355. They're south of West Old Baltimore and it's 8 within one-quarter to one-third of a mile walk 9 from the site entrance. 10 Q And one last thing about access. You 11 were saying so many different things regarding the 12 access and how it operates. 13 Did you mention the -- will there be any 14 vehicular trips on Ruby Drive? 15 A None. There's no need. And I'd like to 16 supplement what was discussed with regards to the 17 parking and the parking demand. I know that Becky 18 had provided for you the chart and the table. 19 That's just the number of people that are in the 20 shift. What that doesn't tell you is how many 21 people might be carpooling, how many people might 22 actually be taking bus. That's just the number of 23 person that's walking through the door, not an 24 automobile. 25 And so you're going to get --</p>

Transcript of Hearing
Conducted on February 2, 2024

79 (313 to 316)

<p>313</p> <p>1 Q That was Slide 5 in --</p> <p>2 HEARING EXAMINER LEWINTER: In this in</p> <p>3 this packet.</p> <p>4 A Yeah.</p> <p>5 Q -- specific --</p> <p>6 A So you can't -- you can't take that and</p> <p>7 equate that to the number of parking spaces, but</p> <p>8 you know, the demand on parking spaces.</p> <p>9 But in response to some of the</p> <p>10 correspondence that I saw yesterday that came in</p> <p>11 from the citizens, I looked up in the Institute of</p> <p>12 Transportation Engineers the parking demand. They</p> <p>13 have a parking generation document and I looked up</p> <p>14 the parking demand for assisted living. This is</p> <p>15 based on 41 different studies. And this is for</p> <p>16 Monday through Friday for a facility of 120 beds.</p> <p>17 The peak parking demand is 46 parking</p> <p>18 spaces. And this is based on not employees, not</p> <p>19 residents, but anybody who's parked a car in the</p> <p>20 lot. They don't care whether it's a visitor or an</p> <p>21 employee or a resident who may still be driving.</p> <p>22 So the parking demand for 120 beds during the week</p> <p>23 is 46 parking spaces. On Saturday, it's 36. And</p> <p>24 on Sunday, it's 35.</p> <p>25 Q Thank you.</p>	<p>315</p> <p>1 Q -- Jia's testimony, where she testified</p> <p>2 that there also would be the use of shuttle</p> <p>3 service for --</p> <p>4 A Exactly.</p> <p>5 Q -- to create an arrangement off site if</p> <p>6 the need was there for --</p> <p>7 A Yeah, if-- so if they needed to park</p> <p>8 their employees elsewhere to open up more room for</p> <p>9 resident parking, they do have that shuttle</p> <p>10 service to do that. And that's why I mentioned</p> <p>11 the daycare facility.</p> <p>12 MR. ROBINS: I know you're looking at</p> <p>13 the clock.</p> <p>14 HEARING EXAMINER LEWINTER: No, it's</p> <p>15 okay. I mean, do --</p> <p>16 MR. ROBINS: I have -- I have just</p> <p>17 some --</p> <p>18 UNIDENTIFIED SPEAKER: Quickies.</p> <p>19 MR. ROBINS: Pretty quick questions.</p> <p>20 HEARING EXAMINER LEWINTER: I -- let's</p> <p>21 go quick.</p> <p>22 MR. ROBINS: So I'm sure if I can --</p> <p>23 HEARING EXAMINER LEWINTER: Yep.</p> <p>24 MR. ROBINS: -- I can do it?</p> <p>25 HEARING EXAMINER LEWINTER: We got a few</p>
<p>314</p> <p>1 HEARING EXAMINER LEWINTER: Can I just</p> <p>2 ask, do they do anything with holidays or</p> <p>3 anything?</p> <p>4 THE WITNESS: Yeah as, as Becky had</p> <p>5 indicated, when they have a holiday, they're going</p> <p>6 to either -- one of two things Because they do run</p> <p>7 these various daycare centers as well. They can</p> <p>8 hold a larger party where a family comes off site,</p> <p>9 or they can hold a holiday celebration in</p> <p>10 staggered shifts. And so they could do each one</p> <p>11 of the cottages.</p> <p>12 My mother was in a nursing facility.</p> <p>13 She passed away last March. But she was in a</p> <p>14 nursing facility for about a year, and they did</p> <p>15 exactly that. It was too many people in the</p> <p>16 lobby. It wasn't so much about the parking as it</p> <p>17 was just all the noise and craziness. And so they</p> <p>18 would stagger.</p> <p>19 And I would be told, you want to come at</p> <p>20 Easter, your mom's wing of the facility is going</p> <p>21 to have their lunch at this time of day, come</p> <p>22 then. And they did the same thing with Christmas.</p> <p>23 Q And also, Ms. Randall, you were here for</p> <p>24 Becky --</p> <p>25 A Yes.</p>	<p>316</p> <p>1 more minutes.</p> <p>2 BY MR. ROBINS:</p> <p>3 Q In your opinion, Ms. Randall, will</p> <p>4 vehicular access be safe, adequate, and efficient?</p> <p>5 A Yes, it will be.</p> <p>6 Q Will the vehicular access adversely</p> <p>7 impact the road network?</p> <p>8 A No, it will not.</p> <p>9 Q In your professional opinion, will</p> <p>10 parking on the site be adequate? I know you just</p> <p>11 had a detailed discussion on that, but --</p> <p>12 A Yes, yes. Fifty-two were provided, and</p> <p>13 I wouldn't expect the demand, the peak demand to</p> <p>14 be above 46 based on the I.T.E. trip generation,</p> <p>15 or parking generation data.</p> <p>16 Q From a transportation perspective, how</p> <p>17 would you characterize the residential care</p> <p>18 facility's effect on traffic capacity with respect</p> <p>19 to its impact on public roads as required by the</p> <p>20 zoning ordinance?</p> <p>21 A Overall assisted living facilities are</p> <p>22 very low traffic generators, particularly during</p> <p>23 the a.m. and the p.m. peak hours when most</p> <p>24 individuals are on the road system during the</p> <p>25 week. The intersection of West Old Baltimore and</p>

<p>317</p> <p>1 355 were analyzed both from a capacity standpoint, 2 from a queue standpoint, as well as the site 3 access. They're well within the county standards 4 and there is no indication of an accident issue 5 along any of these roads. In fact, the road 6 improvements that were done cured what was an 7 accident problem on 355.</p> <p>8 Q And what are traffic related inherent 9 characteristics associated with a residential care 10 facility for over 16 persons as identified in the 11 staff report?</p> <p>12 A Trips, vehicle trips, obviously, and 13 on-site parking, those are the two things. And in 14 both cases they have more than adequate capacity 15 to handle those inherent characteristics.</p> <p>16 Q When you say "trips" is it fair to also 17 say --</p> <p>18 A Vehicles?</p> <p>19 Q What, no. I understand. She's -- also 20 trash pickup, deliveries?</p> <p>21 A Yes. Yes, all things. All things.</p> <p>22 Q Residents, visitors. You're talking 23 about everything.</p> <p>24 A Yeah. Doctors visits, all vehicles.</p> <p>25 Q Thank you.</p>	<p>319</p> <p>1 Q Thank you. Section 7.3.1.E.1(g) 2 requires the finding that the project will not 3 result in any adverse traffic impacts as a result 4 of non-inherent adverse effects alone or a 5 combination of an inherent or and non-inherent 6 adverse effects.</p> <p>7 In your professional opinion, and I 8 believe you just said this but it's worth 9 repeating, will the project result in any adverse 10 traffic impacts that will harm the surrounding 11 neighborhood?</p> <p>12 A No.</p> <p>13 Q And there are no inherent, non-inherent 14 impacts in your opinion.</p> <p>15 A That's correct.</p> <p>16 Q I believe you already testified the 17 property being served by public transportation.</p> <p>18 A Yep. Bus route 73 on West Old Baltimore 19 and bus route 75 on Maryland 355.</p> <p>20 Q And in -- in your expert opinion, in 21 your professional opinion looking at this facility 22 from a traffic standpoint and considering the work 23 that you did, not only with the traffic exemption, 24 but taking the steps also to do the queuing 25 analysis, looking at the crash data, and</p>
<p>318</p> <p>1 A Yes.</p> <p>2 Q Do you agree with the inherent 3 characteristics that were identified by staff in 4 your -- in your professional opinion or are there 5 any others that you are aware of?</p> <p>6 A No. I'm -- I'm in full agreement with 7 them and I have not identified any others.</p> <p>8 Q And have you worked on a number of other 9 senior Yes, I have done several in Montgomery 10 County, Brandywine Spectrum, off of Falls Road 11 trying to think of a few others in -- in the 12 county of -- of recent. I've been doing Sunrise 13 assisted living facilities for them around the 14 state over the last 10 or 15 years.</p> <p>15 Q And there are similar inherent 16 characteristics.</p> <p>17 A Exactly.</p> <p>18 Q Have you also evaluated whether there 19 are any non-inherent effects associated with the 20 proposed residential care facility with respect to 21 your expertise?</p> <p>22 A Yes. I did and I found none.</p> <p>23 Q Okay. None as it relates to traffic, 24 site access, parking, or circulation?</p> <p>25 A That's correct.</p>	<p>320</p> <p>1 evaluating traffic sort of holistically, do you 2 believe that the use is compatible with the 3 surrounding area and why?</p> <p>4 A Yes I do. One, it's -- it's a quiet 5 use; low trip generation or generator. They have 6 done a significant redesign and eliminated access 7 on Ruby Drive so that that individual four or five 8 homes will not be impacted vehicularly from this 9 project.</p> <p>10 And most importantly, the installation 11 of this sidewalk system connecting all of the 12 communities along this roadway by building in or 13 filling in that missing sidewalk system has been, 14 and I think will be, a real plus for the area.</p> <p>15 HEARING EXAMINER LEWINTER: You good?</p> <p>16 MR. ROBINS: I think that's it for now.</p> <p>17 HEARING EXAMINER LEWINTER: That's it 18 for now? Or have you concluded with your direct?</p> <p>19 MR. ROBINS: No, I've concluded, right.</p> <p>20 HEARING EXAMINER LEWINTER: Okay. So 21 real quick. We are going to have to find another 22 date for reconvening. I need to consult with Nana 23 Johnson from OAZH to find out what Options are 24 even available on the OZAH schedule.</p> <p>25 I know the attorneys will monitor this</p>



Transcript of Hearing
Conducted on February 2, 2024

81 (321 to 324)

<p>321</p> <p>1 closely, but I want to encourage everybody in the 2 community to monitor your email closely. That is 3 typically how she communicates with you. She's 4 going to go off of that list to make sure that 5 people are available.</p> <p>6 With such a large group of people, 7 sometimes it is difficult to find a date that 8 works for everybody and a date that's in the 9 relatively near future. We will do our best, but 10 I can't promise. So please be alert to that. I 11 don't want anybody to miss out because I know you 12 haven't had an opportunity today to testify.</p> <p>13 When we reconvene there will be 14 opportunity to cross-examine Ms. Randall. From 15 anybody in opposition, I may have a few follow up 16 questions for her. Then there will be opportunity 17 for redirect if necessary.</p> <p>18 Once that's concluded, is that the 19 summation of your case? Is that the close of your 20 case?</p> <p>21 MR. ROBINS: That is correct.</p> <p>22 HEARING EXAMINER LEWINTER: Okay. At 23 that point, we will turn to opposition and 24 everybody will have an opportunity to testify. 25 There will also be an opportunity for appellants,</p>	<p>323</p> <p>1 MR. ROBINS: Do you want their, like, 2 full names, or are you comfortable with using I've 3 always known it as Becky and Kevin --</p> <p>4 HEARING EXAMINER LEWINTER: Right.</p> <p>5 MR. ROBINS: -- but there are -- for 6 example, Becky's real name is X-I-B-E-I. I'm not 7 even going to try. I'm not sure how that is 8 pronounced.</p> <p>9 HEARING EXAMINER LEWINTER: I would like 10 you, if possible, to give the full legal names --</p> <p>11 MR. ROBINS: Okay.</p> <p>12 HEARING EXAMINER LEWINTER: -- of your 13 witnesses to the court reporter. He can then -- 14 we can refer to them as Jenny and Becky and Kevin 15 in the testimony, but then at least we will have 16 for the record and --</p> <p>17 MR. ROBINS: We'll do that. We'll do 18 that --</p> <p>19 HEARING EXAMINER LEWINTER: -- it will 20 correspond to their resumes.</p> <p>21 MR. ROBINS: -- now, if that's okay with 22 the reporter. Sure.</p> <p>23 HEARING EXAMINER LEWINTER: Yeah, we're 24 going to lose people on Zoom.</p> <p>25 Did you have a question, Ms. Kirshman?</p>
<p>322</p> <p>1 sorry, applicants, attorneys to cross-examine 2 those in opposition. So we need to leave time for 3 your testimony, for your cross-examination.</p> <p>4 There will be another opportunity if 5 people want to make closing statements before we 6 conclude.</p> <p>7 So again, please be aware, and people on 8 Zoom be aware of your email so that we can make 9 sure everybody's included in the next step of the 10 process. Are there any questions? Yes.</p> <p>11 MR. ROBINS: Yes. This is just a 12 procedural slash technical question. I got a note 13 from Becky and I said -- I presume this might also 14 apply to Kevin. Just -- we used the names Becky, 15 Kevin. Is that acceptable to you? They have 16 their formal names are --</p> <p>17 HEARING EXAMINER LEWINTER: Yeah, I saw 18 that in their resumes.</p> <p>19 MR. ROBINS: -- a little different than 20 Becky.</p> <p>21 HEARING EXAMINER LEWINTER: And I think 22 even --</p> <p>23 MR. ROBINS: Jennifer.</p> <p>24 HEARING EXAMINER LEWINTER: -- Jennifer 25 has, I'm assuming --</p>	<p>324</p> <p>1 MS. KIRSHMAN: So there was not much 2 done between the planning review decision and 3 today, less than ten days. And I know that the 4 OZA requires 20 days if you needed legal counsel 5 to be able for them to represent you. So there 6 was not enough time between the planning board 7 meeting and the time this OZA was done.</p> <p>8 How does that impact this entire hearing 9 and what kind of records do we have given that we 10 didn't have enough time to have the legal 11 representations or even we officially tried to get 12 that?</p> <p>13 HEARING EXAMINER LEWINTER: Yeah, that's 14 a bigger question, and I'm not going to be able to 15 address that before we have to end today. But I 16 will -- I will try and have something via email to 17 you. So if I understand your question is you're 18 saying you did not have sufficient time before 19 this hearing was held for retaining counsel, if 20 that --</p> <p>21 MS. KIRSHMAN: Because I'm trying to 22 retain counsel.</p> <p>23 MR. ROBINS: I mean --</p> <p>24 MS. ROGERS: As a clarifying question 25 that would go along with that, you may follow up</p>

Transcript of Hearing
Conducted on February 2, 2024

82 (325 to 328)

<p>325</p> <p>1 on, is that the rules would have required, yes, 2 that they filed a pre-hearing statement 20 days 3 before now, if they were going to hire counsel. 4 That's in the code. That's in the rules. If they 5 were to hire counsel, we would -- we'll reserve 6 the right to put on different case in chief 7 potentially. I don't know if it would change, but 8 that would drastically -- we would want to reserve 9 that right as well. 10 HEARING EXAMINER LEWINTER: Right. And 11 I -- 12 MR. ROBINS: But the rules are very 13 clear about -- 14 MS. ROGERS: The rules are very 15 specific. 16 MR. ROBINS: -- rules specific hearing 17 and the start of the hearing. 18 HEARING EXAMINER LEWINTER: Part -- 19 MR. ROBINS: And this wasn't even -- 20 HEARING EXAMINER LEWINTER: Part of my 21 ignorance is I literally just got handed this case 22 yesterday, so I did my best to read the record, 23 which I think I read entirely, and I got up to 24 speed, but I do not know the procedural back 25 history of this case. So, Ms. Kirshman's making</p>	<p>327</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Cody Handlir, the officer 3 before whom the foregoing deposition was taken, do 4 hereby certify that said proceedings were 5 electronically recorded by me; that the foregoing 6 transcript, to the best of my ability, knowledge, 7 and belief, is a true and accurate record of the 8 proceedings; and that I am neither counsel for, 9 related to, nor employed by any of the parties to 10 this case and have no interest, financial or 11 otherwise, in its outcome. 12 13  14 _____ 15 Cody Handlir, Notary Public 16 for the State of Maryland 17 18 19 20 21 22 23 24 25</p>
<p>326</p> <p>1 representation. I would have to verify that. I 2 have no idea. 3 So if, you know, we'd have to find out, 4 you know, what I'm -- 5 MR. ROBINS: There was no representation 6 of that at the planning board. There's been none 7 on the record to suggest that, to my knowledge, 8 and there was no representation of that when we 9 even started this hearing. 10 HEARING EXAMINER LEWINTER: So, you, 11 either of you, or both of you may be correct, I 12 would certainly allow both parties, both sides, to 13 weigh in if that was an issue that was raised. So 14 let me take that back to OZH. Let me look more 15 carefully through the procedural history to find 16 out exactly what happened. And then certainly 17 both sides would have the opportunity to comment. 18 I just honestly don't have the knowledge 19 myself to really even weigh in. Okay? 20 All right. So given that, we will 21 conclude for today and we will resume as soon as 22 we can get something on the calendar. 23 MR. ROBINS: Thank you. 24 MS. TAYLOR: Thank you. 25 (Off the record at 4:03 p.m.)</p>	<p>328</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Deborah S. Anderson, do hereby certify 3 that the foregoing pages, to the best of my 4 ability, are a true and correct transcription from 5 the official electronic sound recording and 6 annotations of the proceeding take on February 2, 7 2024, in the above-entitled matter; and that I am 8 neither counsel for, related to, nor employed by 9 any of the parties to this case and have no 10 interest, financial or otherwise, in its outcome. 11 12 13  14 _____ 15 Deborah S. Anderson, CET-998 16 February 13, 2024 17 18 19 20 21 22 23 24 25</p>

A			
a-n	abuts	accessibility	281:24, 327:7
289:24	163:24, 254:8	253:6	accused
abbreviate	abutting	accessible	288:23
114:13, 124:17	108:4, 111:6,	39:2, 40:6,	achieve
abbreviating	130:15, 163:11,	153:18	69:23, 183:24
114:13	164:8	accessing	achieved
ability	academic	47:6	260:1
183:7, 273:7,	22:9	accessories	achieves
327:6, 328:4	acceleration	67:15	188:8
able	301:6	accessory	acquired
16:5, 18:2,	accept	127:12	65:22, 130:19
29:18, 48:15,	63:13, 239:22,	accident	acre
53:18, 56:11,	271:13, 290:10	306:3, 307:2,	64:9, 81:12,
57:15, 59:19,	acceptable	307:6, 317:4,	92:16, 154:12,
71:9, 73:16,	166:12, 166:15,	317:7	207:18, 207:23,
75:22, 119:13,	166:23, 322:15	accidents	208:3, 208:5,
119:20, 122:3,	accepted	306:15, 306:24,	208:7, 208:10
137:23, 141:19,	77:1	307:1, 307:23,	acres
142:8, 179:1,	access	308:2, 308:7,	87:2, 115:20,
185:16, 188:16,	16:2, 29:18,	308:10	115:25, 116:2,
189:18, 205:8,	39:24, 40:3,	accommodate	187:22
238:7, 246:16,	40:17, 71:14,	16:24, 18:11,	acronym
272:25, 288:23,	72:12, 72:14,	29:21, 34:16,	228:8
324:5, 324:14	73:11, 73:12,	40:21, 101:1,	across
above	73:22, 74:10,	107:1, 119:14,	69:2, 132:21,
79:25, 80:5,	84:5, 93:24,	174:13, 186:12,	163:25, 179:9,
94:1, 97:8,	97:18, 97:19,	232:21, 291:8	269:23, 271:2,
105:18, 106:10,	98:10, 106:17,	accommodated	272:16, 274:3,
106:19, 108:3,	118:5, 128:9,	226:3, 226:4	295:10
115:24, 116:3,	141:23, 186:10,	accommodating	act
192:16, 278:19,	222:22, 222:24,	97:20	209:11
284:3, 284:25,	223:2, 223:5,	accord	active
288:1, 316:14	223:18, 225:8,	17:25	73:6, 82:13,
above-entitled	225:21, 225:24,	accordance	113:1, 285:6
328:7	226:9, 226:11,	80:2, 124:23,	actively
above-grade	226:15, 226:16,	128:17, 131:2,	33:17
257:16	226:19, 230:7,	293:3	activities
abruptness	236:18, 238:5,	according	31:20, 39:4,
236:9, 237:3	279:10, 295:13,	167:2, 223:24,	39:7, 39:9,
absolutely	297:23, 297:24,	229:13	39:15, 277:5
20:13, 189:10,	297:25, 303:22,	accordingly	activity
265:25	304:23, 307:25,	17:18	29:22, 33:7,
abut	309:6, 312:10,	account	35:13, 36:3,
76:18, 204:23	312:12, 316:4,	153:25	48:16, 57:6,
abutment	316:6, 317:3,	accreditations	103:5, 121:5,
228:1	318:24, 320:6	212:10, 249:22	153:7, 153:8,
	accessed	accurate	195:17, 276:22,
	298:9	47:13, 196:22,	276:23, 285:8,

<p>285:12 acts 95:5, 98:6 actual 183:10, 217:22, 223:23, 231:17, 288:10 actually 26:17, 33:20, 58:2, 58:22, 61:9, 66:20, 70:19, 83:10, 86:10, 99:24, 113:18, 116:13, 138:18, 138:23, 149:24, 151:23, 152:8, 152:11, 171:25, 172:12, 174:22, 181:6, 181:24, 183:11, 183:19, 203:23, 204:21, 231:16, 235:19, 244:1, 250:9, 252:16, 258:13, 263:23, 270:18, 284:12, 288:3, 288:9, 299:23, 312:22 ada 84:14 add 42:5, 123:6, 131:8, 141:23, 172:17, 201:4, 201:6, 201:9, 201:15, 233:7, 260:22, 281:22, 285:24, 296:9, 296:15, 300:11 added 171:8, 175:15, 175:16, 299:5, 299:6, 299:9 adding 142:2, 299:25, 300:2 addition 36:9, 52:3,</p>	<p>141:16, 152:4, 183:15, 236:10, 255:8, 297:17 additional 14:21, 15:12, 18:11, 40:14, 40:15, 65:22, 72:19, 77:2, 77:8, 77:12, 77:15, 79:16, 101:16, 102:18, 105:16, 111:8, 112:2, 130:21, 135:2, 135:14, 138:20, 150:22, 152:25, 154:10, 167:12, 186:18, 193:1, 201:1, 201:15, 202:10, 204:21, 205:18, 206:6, 210:1, 247:7 additionally 102:20 address 9:9, 9:13, 11:16, 12:16, 12:18, 15:22, 16:8, 17:14, 21:17, 21:18, 29:25, 122:25, 123:3, 135:2, 146:23, 162:11, 204:25, 212:24, 249:17, 324:15 addressed 135:7, 144:19, 148:23 addresses 9:23 addressing 146:21 adds 142:5 adequate 16:24, 106:25, 127:19, 127:25, 128:3, 151:11,</p>	<p>225:8, 226:10, 227:13, 227:15, 291:7, 316:4, 316:10, 317:14 adjacent 110:15, 161:13, 163:3, 242:18, 244:19, 266:25, 267:5, 310:5, 311:9 adjoining 30:1, 41:2, 163:11 adjunct 250:7 adjustment 293:23 adls 31:20, 32:3 administered 21:7, 63:16, 211:12, 289:14 administration 21:25, 22:12, 35:13 administrative 1:2, 3:5, 28:4, 130:12 administrator 302:17 admitted 80:23, 88:15, 213:11, 251:7 adopt 232:16, 250:11 adopted 64:16, 87:24, 88:2, 95:22, 104:21, 112:13, 113:12, 128:19 adult 23:13, 55:16, 56:3, 57:4 adults 256:8, 276:13 adverse 102:12, 118:24, 122:12, 128:24,</p>	<p>129:1, 129:5, 129:8, 147:15, 319:3, 319:4, 319:6, 319:9 adversely 102:7, 123:24, 127:4, 127:7, 127:15, 195:9, 316:6 advisory 30:14, 51:19, 51:21, 54:4 affect 70:10, 90:6, 127:3, 127:7, 127:16, 158:15, 159:4, 159:12, 160:7, 160:12, 183:6, 183:8, 195:9, 243:24, 244:7, 245:9, 245:24, 246:15 affected 159:5, 159:10, 159:23, 179:8 affidavit 10:19, 13:20 affiliate 219:10, 234:7 affiliated 213:21, 213:24, 216:10, 235:5 after 12:7, 34:9, 41:20, 41:23, 42:2, 47:19, 62:12, 64:9, 65:21, 72:1, 78:7, 141:3, 148:4, 159:21, 201:4, 201:7, 201:10, 236:3, 236:11, 237:8, 247:7, 264:15, 304:2 afternoon 34:8, 290:17, 290:18</p>
---	--	--	---

<p>afterwards 112:8, 203:22</p> <p>again 12:12, 19:11, 19:17, 49:22, 52:18, 52:24, 54:17, 63:22, 65:24, 72:20, 121:7, 122:9, 130:18, 130:20, 138:10, 144:2, 146:6, 148:18, 151:1, 153:22, 160:20, 164:13, 164:19, 165:18, 170:19, 185:19, 187:7, 202:8, 222:13, 233:24, 235:16, 254:23, 264:12, 267:1, 268:7, 296:4, 300:14, 300:18, 301:22, 303:21, 307:22, 311:22, 322:7</p> <p>against 187:12</p> <p>age 25:20, 55:21, 107:5</p> <p>agencies 30:19, 243:13, 247:14</p> <p>agency 224:24, 243:15</p> <p>ages 89:19</p> <p>aging 22:8</p> <p>ago 14:12, 154:14, 218:1, 229:15, 254:4, 267:17, 268:1, 300:23</p> <p>agree 69:13, 95:2, 104:14, 111:11, 113:11, 118:14,</p>	<p>118:18, 122:10, 122:13, 122:16, 129:25, 155:20, 155:23, 155:25, 210:9, 210:14, 225:22, 308:22, 318:2</p> <p>agreed 104:20, 104:23, 111:17, 118:18, 121:14, 122:24, 122:25, 129:11, 187:18, 225:19, 297:4</p> <p>agreement 2:12, 318:6</p> <p>ahead 22:17, 43:23, 75:11, 123:13, 156:13, 164:17, 171:17, 204:4, 244:11, 261:16, 283:25, 293:15</p> <p>ailments 32:5</p> <p>aircraft 128:12</p> <p>aisle 98:4</p> <p>alan 45:2</p> <p>albeit 95:7</p> <p>alert 18:25, 321:10</p> <p>align 48:8, 48:9</p> <p>aligned 74:4, 171:16, 189:19, 189:20, 190:7</p> <p>alignment 50:15, 177:21, 191:12</p> <p>alliance 194:24</p> <p>allow 25:22, 75:2,</p>	<p>101:5, 105:24, 106:2, 106:13, 113:15, 224:5, 230:19, 239:3, 257:19, 326:12</p> <p>allowance 106:2</p> <p>allowed 68:5, 69:24, 70:23, 74:3, 83:11, 95:2, 100:22, 105:21, 112:24, 113:8, 119:15, 132:9, 166:14, 173:22, 206:24, 207:12, 258:15, 258:19</p> <p>allowing 22:12</p> <p>allows 25:19, 82:25, 96:6, 101:9, 101:10, 206:20</p> <p>almost 65:5, 87:2, 149:20, 166:18</p> <p>alone 128:24, 209:25, 319:4</p> <p>along 18:9, 65:22, 66:8, 70:2, 70:4, 71:10, 73:2, 73:5, 74:23, 76:17, 77:2, 77:6, 83:23, 84:5, 94:6, 117:23, 126:5, 126:19, 130:18, 132:20, 134:15, 137:15, 138:1, 147:22, 149:19, 150:25, 180:19, 224:11, 253:24, 254:15, 300:25, 308:3, 308:7, 310:3, 310:9, 310:17,</p>	<p>317:5, 320:12, 324:25</p> <p>already 13:19, 17:7, 21:16, 27:12, 31:5, 65:16, 67:25, 77:9, 80:5, 110:18, 113:24, 153:4, 177:25, 201:12, 201:13, 201:25, 206:9, 218:11, 226:19, 250:3, 254:24, 260:2, 267:2, 267:17, 319:16</p> <p>alter 126:8, 127:4, 127:8, 259:20</p> <p>alternate 176:14</p> <p>although 77:8, 80:7, 91:3, 126:19, 127:19, 140:13, 161:15</p> <p>always 15:3, 120:3, 143:13, 178:2, 192:3, 192:5, 288:23, 323:3</p> <p>alzheimer's 32:8</p> <p>amazing 48:4</p> <p>amazon 121:21</p> <p>ambulance 122:1</p> <p>amendment 116:10</p> <p>amendments 88:24</p> <p>amenities 36:20, 36:23, 37:14, 38:1, 38:4, 38:13, 38:21, 40:4,</p>
--	--	--	--

48:1, 48:10, 82:15, 112:19, 113:15, 277:7 amenity 38:13 amongst 209:11 amount 100:9, 166:6, 191:20, 205:18, 229:19, 229:20, 295:21, 295:22 analyses 109:22 analysis 69:10, 69:12, 99:20, 100:15, 103:19, 103:20, 103:23, 108:21, 109:12, 109:25, 123:11, 129:10, 173:23, 183:19, 190:10, 207:3, 207:4, 208:6, 208:17, 210:7, 210:10, 210:11, 210:15, 298:17, 299:1, 304:3, 319:25 analyze 155:14, 209:1, 221:7, 224:4 analyzed 89:16, 95:3, 101:14, 111:15, 224:8, 317:1 analyzing 221:12, 223:22 ancillary 113:15, 113:19, 115:1, 115:6, 119:18 anderson 1:25, 328:2, 328:15 andrea 1:14, 3:3, 7:15, 43:18	anecdotally 281:22 angle 42:24 anne 3:19, 5:18, 13:16, 51:12, 261:11, 289:7, 289:17, 289:24, 291:1 annotations 328:6 another 52:14, 52:25, 81:8, 83:10, 102:21, 119:20, 119:25, 148:14, 183:4, 187:19, 208:15, 220:9, 234:17, 265:20, 312:4, 320:21, 322:4 answer 38:17, 46:4, 46:18, 47:1, 49:9, 50:19, 53:2, 53:18, 53:19, 54:1, 54:12, 96:11, 131:9, 141:8, 142:8, 158:25, 160:3, 162:11, 162:17, 162:20, 171:22, 174:3, 190:20, 196:18, 209:9, 212:18, 223:18, 238:8, 268:3, 268:20, 268:22, 268:23, 269:8, 272:1, 272:2, 272:16, 273:1, 273:5, 284:23, 285:20 answered 52:25, 53:1, 142:17, 160:19, 162:13, 174:4, 235:7, 235:9,	243:23, 268:17, 268:25, 269:3, 277:9 answering 52:2, 259:13, 273:6 answers 175:20, 260:2 anticipate 38:20, 40:12, 122:1 anticipated 119:23 anybody 9:7, 10:18, 42:20, 52:8, 54:15, 60:20, 156:24, 161:1, 163:10, 165:3, 192:25, 197:16, 199:19, 264:9, 278:2, 313:19, 321:11, 321:15 anymore 173:2, 173:11, 227:9, 228:15 anyone 10:17, 51:6, 60:20, 161:14, 286:18 anything 18:19, 19:15, 20:4, 20:16, 20:17, 42:4, 62:11, 82:18, 109:24, 123:5, 131:7, 152:6, 179:4, 181:25, 192:4, 215:7, 233:6, 260:21, 266:1, 266:18, 269:11, 307:23, 314:2, 314:3 anyway 252:23 anywhere 150:4 apart 224:14, 224:15,	237:14, 237:17, 246:6 apartment 29:10, 127:12 apologies 10:8, 197:7 apologize 46:15, 156:22, 274:16, 282:3, 282:17, 283:25, 288:22, 288:24, 299:16 apology 197:9 appeal 39:10 appear 289:22 appearance 260:10 appearances 3:16 appeared 290:6 appellant 12:9 appellants 321:25 applicable 115:11, 115:16, 115:18, 116:22, 116:25, 118:11, 124:19, 125:1, 129:22, 207:2, 233:4 applicant 4:3, 4:4, 4:12, 5:2, 11:25, 12:3, 12:22, 18:2, 18:13, 18:25, 65:22, 70:19, 72:3, 73:3, 77:7, 77:11, 79:24, 84:6, 84:19, 92:23, 97:18, 142:21, 151:9, 152:6, 152:17,
---	---	---	---

<p>158:1, 175:1, 189:4, 191:24, 199:7, 211:16, 242:12, 242:14, 242:16, 249:3, 253:17, 289:18 applicant's 11:21, 29:3, 35:3, 80:22, 159:18 applicants 232:20, 322:1 application 1:5, 7:9, 7:11, 13:24, 14:7, 14:16, 14:20, 15:6, 15:13, 15:14, 16:3, 16:12, 16:16, 16:20, 18:10, 25:6, 25:9, 30:11, 45:4, 45:10, 45:17, 46:23, 47:5, 47:10, 58:11, 58:13, 58:15, 61:22, 64:6, 64:14, 68:15, 84:17, 85:20, 85:24, 86:23, 114:6, 130:11, 130:25, 220:25, 221:6, 222:1, 252:14, 257:25, 291:6, 291:14, 292:1, 292:3, 297:22 applied 256:5 applies 187:3, 195:18 apply 100:2, 116:12, 186:24, 322:14 appointments 40:9 appreciate 18:21, 46:15,</p>	<p>49:20, 51:11, 61:17, 135:11, 142:23, 175:5, 241:13, 290:14, 297:6 appreciated 195:11 appreciative 98:10 approach 29:6, 88:21 appropriate 50:12, 89:21, 165:21, 206:19, 208:19, 209:8, 238:18 appropriately 28:5 approval 12:13, 13:25, 14:10, 14:19, 17:3, 41:23, 41:25, 42:13, 101:19, 104:14, 111:17, 118:16, 118:20, 124:4, 124:8, 160:1, 224:22, 224:25, 226:15, 228:7, 242:23, 243:2, 243:4, 243:6, 243:7 approvals 42:2, 124:19, 124:20, 160:2 approve 18:19, 124:9, 232:24 approved 58:14, 65:18, 65:21, 65:23, 86:17, 87:24, 88:2, 89:3, 126:25, 202:16, 204:20, 207:12, 224:20, 226:20, 227:21, 231:13, 231:21, 237:2</p>	<p>approximate 258:22 approximately 35:10, 41:3, 64:8 approximating 281:19 ar 118:12 architect 13:15, 175:12, 196:16, 197:6, 197:11, 248:4, 248:12, 249:14, 251:1, 251:4, 252:23, 259:23, 260:25, 278:12 architects 174:2, 250:16 architectural 117:24, 253:22, 257:4, 260:5 architecture 63:8, 249:25, 250:1, 251:7, 252:3, 255:9, 255:11, 258:4 architectures 221:20 areas 67:14, 73:6, 82:17, 82:24, 85:2, 88:23, 89:21, 90:1, 90:22, 91:15, 94:17, 95:25, 96:3, 101:5, 102:17, 103:4, 103:13, 121:12, 124:1, 138:15, 139:1, 139:13, 168:14, 168:15, 208:1, 208:2, 208:3 aren't 129:10, 244:2 argument 174:11, 174:25</p>	<p>around 37:11, 45:21, 71:22, 73:13, 74:11, 83:3, 86:13, 90:16, 96:1, 106:17, 143:14, 144:14, 168:12, 187:20, 191:15, 196:25, 223:23, 224:3, 225:15, 225:16, 226:5, 227:17, 230:11, 230:25, 263:18, 291:2, 306:17, 306:19, 309:22, 309:23, 318:13 arrange 34:2, 61:10 arranged 41:15 arrangement 180:17, 315:5 arrive 35:15 article 125:1 artists 49:3 arts 36:25, 39:20 arundel 291:1 as-builts 103:25 ashtl 223:25 aside 107:7 asked 11:13, 22:18, 27:24, 53:10, 59:17, 146:5, 195:12, 196:4, 199:16, 209:15, 230:5, 245:2, 261:7 asking 45:16, 48:14,</p>
--	--	--	---

Transcript of Hearing
Conducted on February 2, 2024

88

<p>63:3, 100:22, 134:13, 159:13, 177:15, 177:18, 188:8, 200:6, 201:23, 208:14, 234:22, 238:19, 245:4, 268:10 aspect 47:9, 122:6, 147:13, 182:19 aspects 128:6, 238:5, 260:3 assess 59:20 assessing 64:15, 207:12 assessment 46:25, 59:3, 86:2, 132:15, 191:25 assessments 168:25 assets 224:10 assigned 7:17 assimilate 183:7 assistance 31:17, 31:24 assistant 26:5, 31:10, 31:14, 31:18, 32:1, 32:2, 32:3, 32:6, 32:11, 33:19, 34:7, 36:18, 36:22, 48:14, 50:20, 56:4, 56:8, 56:17, 58:17, 60:1, 276:5 assisted 14:2, 14:8, 26:12, 56:25, 64:21, 64:24, 117:3, 221:15,</p>	<p>222:3, 265:3, 276:11, 282:8, 313:14, 316:21, 318:13 associate 122:22 associated 119:2, 119:3, 119:9, 298:6, 298:13, 317:9, 318:19 associates 13:18 association 161:24, 162:7 associations 30:13, 54:4, 163:22 assuming 8:17, 10:13, 49:23, 159:18, 242:12, 322:25 assure 147:1 attached 66:13, 133:19 attachment 225:1, 231:23 attempt 15:7 attention 126:16, 183:3, 184:20, 197:23 attorney 10:19, 49:24, 50:3, 53:25 attorneys 12:3, 320:25, 322:1 attune 90:7 audience 61:16, 264:9, 277:25 automated 242:5 automobile 294:3, 294:6,</p>	<p>312:24 availability 227:11 available 13:2, 16:23, 56:17, 181:7, 187:25, 188:23, 300:6, 301:14, 301:22, 301:24, 320:24, 321:5 avenue 2:5, 3:6, 3:12, 249:19 average 55:21, 132:13, 141:10, 166:15, 166:17, 186:20, 190:25, 196:7, 196:20, 196:25, 207:25, 208:8, 258:25, 263:10, 267:23, 284:6, 304:12 award 239:24 aware 7:5, 13:23, 16:11, 45:18, 183:1, 193:25, 237:18, 300:22, 318:5, 322:7, 322:8 away 41:1, 61:24, 66:21, 74:17, 90:5, 98:19, 102:23, 103:12, 138:3, 138:18, 145:1, 151:7, 230:19, 236:20, 312:3, 314:13 awful 265:15 awkward 42:23 <hr/><p style="text-align: center;">B</p><hr/><p>b 6:5, 34:25,</p> </p>	<p>35:3, 115:11 b-e-c-k-y 21:4 b-u-g 145:8 bachelor 249:24, 251:2 bachelor's 212:12 back 28:14, 50:9, 54:11, 65:9, 72:3, 74:12, 76:9, 79:5, 91:6, 91:7, 102:19, 107:24, 109:2, 110:18, 110:23, 125:23, 133:21, 135:1, 136:22, 149:7, 156:11, 161:21, 176:20, 178:5, 178:9, 179:23, 180:18, 198:9, 198:20, 198:24, 200:8, 200:12, 222:16, 246:10, 252:16, 252:17, 267:10, 274:14, 278:11, 281:14, 302:25, 306:22, 307:5, 307:8, 307:11, 308:5, 308:14, 310:2, 325:24, 326:14 back-to-back 150:16 background 21:22, 22:9, 23:4, 23:9, 48:9, 111:21, 112:2, 212:9, 249:21, 298:24, 299:2, 300:9, 300:17, 301:16, 301:17, 302:1, 304:16 backing 83:2, 177:3</p>
--	---	--	---

backlight 145:5, 145:17	180:3, 180:6, 181:17, 189:16, 222:24, 222:25, 223:24, 224:4, 224:11, 225:15, 225:17, 235:24, 236:10, 237:21, 237:24, 237:25, 238:1, 254:1, 267:5, 269:23, 270:4, 270:7, 270:9, 270:15, 270:24, 270:25, 271:6, 271:17, 271:18, 272:17, 273:12, 274:3, 298:1, 298:2, 298:3, 298:8, 298:14, 300:2, 300:4, 300:5, 301:11, 301:19, 303:21, 304:9, 304:23, 305:2, 308:4, 308:5, 309:12, 309:24, 310:25, 311:1, 312:5, 312:7, 316:25, 319:18	109:18, 109:22, 110:14, 112:2, 113:5, 118:20, 152:12, 161:10, 167:10, 185:22, 188:12, 191:25, 195:14, 205:16, 205:22, 206:8, 207:5, 209:2, 209:6, 209:23, 220:12, 253:20, 256:6, 257:7, 257:13, 278:20, 287:12, 294:13, 296:14, 313:15, 313:18, 316:14	48:7, 48:20, 48:25, 50:14, 50:21
backs 74:5, 126:20, 176:15, 177:2, 177:6, 178:12, 179:2, 237:4			
backside 177:3		became 170:14	
backup 11:11		becky 4:5, 13:11, 20:21, 21:1, 21:9, 23:8, 38:18, 107:17, 256:24, 312:17, 314:4, 314:24, 322:13, 322:14, 322:20, 323:3, 323:14	
backwards 251:22		becky's 323:6	
backyard 73:1		become 158:5	
backyards 82:7		becoming 42:14	
badly 193:7		bed 105:19, 105:21, 112:17, 115:17, 115:21, 116:3, 180:13, 264:25	
balance 39:17, 142:3, 190:9		bedroom 154:10, 276:4	
balancing 98:6, 209:11, 253:1		bedrooms 275:10	
ball 121:9		beds 14:3, 14:8, 26:7, 32:13, 32:15, 32:16, 64:11, 92:14, 92:21, 105:25, 116:1, 119:14, 119:18, 119:22, 154:13, 155:5, 206:17, 265:2, 296:15, 313:16, 313:22	
baltimore 7:13, 9:15, 14:5, 29:19, 64:9, 65:23, 66:9, 69:2, 71:10, 71:17, 73:17, 73:24, 74:24, 76:8, 84:2, 84:14, 85:2, 90:23, 91:4, 91:5, 91:18, 94:5, 98:11, 103:7, 106:12, 118:5, 125:23, 125:25, 126:6, 130:19, 136:20, 136:24, 138:2, 140:4, 140:24, 141:4, 158:13, 176:10, 179:9, 180:2,	barbershop 48:3, 48:7, 48:20, 50:15, 50:22 barely 194:5, 224:12, 227:6, 230:2, 300:11, 302:4, 307:23 barron 234:6, 234:8, 234:15, 234:18, 234:20, 235:5 based 12:13, 34:15, 59:13, 68:20, 69:12, 87:2, 88:7, 97:5, 102:5, 105:1, 106:16, 109:15,	baselines 188:13 basement 71:25, 72:11, 257:19, 281:10, 284:5, 284:7, 284:9, 284:13, 284:21, 284:25, 285:6 basic 26:10, 256:4 basically 68:22, 74:4, 74:21, 76:6, 81:8, 87:9, 95:6, 97:23, 101:8, 109:17, 110:5, 136:22, 137:11, 145:17, 173:24 basing 173:23 basis 119:6 bathrooms 286:10, 286:11 beat 200:24 beautiful 38:24, 49:2 beauty 37:1, 48:3,	

<p>45:17, 47:4, 48:6, 63:6, 63:12, 63:20, 75:6, 79:12, 88:22, 89:11, 100:12, 111:9, 112:7, 117:25, 119:12, 126:13, 159:8, 163:16, 163:19, 164:25, 166:7, 183:19, 189:18, 189:20, 192:18, 193:8, 193:12, 204:20, 209:19, 210:15, 211:17, 211:22, 212:6, 212:7, 212:15, 230:5, 230:6, 236:14, 236:21, 240:4, 240:6, 241:5, 242:13, 249:4, 250:25, 252:18, 252:23, 254:17, 260:9, 280:15, 280:17, 288:23, 289:19, 307:1, 307:22, 309:7, 310:21, 318:12, 320:13, 326:6 beeping 83:2 before 1:2, 1:14, 2:12, 13:5, 15:13, 16:4, 19:1, 30:10, 44:7, 63:6, 64:6, 71:9, 73:18, 90:12, 98:16, 104:1, 108:2, 110:9, 119:24, 144:12, 146:6, 147:10, 147:11, 159:22, 159:24, 159:25, 161:19, 165:2, 175:7, 176:7,</p>	<p>191:23, 199:22, 200:22, 211:23, 220:25, 230:11, 243:10, 252:9, 261:8, 261:13, 262:5, 290:6, 291:14, 300:25, 322:5, 324:15, 324:18, 325:3, 327:3 beforehand 26:21 begin 111:18, 296:25, 297:2 beginning 197:18, 304:1 behalf 13:10, 23:2 behind 148:17, 176:14, 235:25 being 7:5, 11:9, 13:2, 27:24, 33:2, 36:9, 93:20, 119:9, 123:15, 132:12, 139:4, 146:19, 148:18, 148:23, 155:3, 174:1, 187:7, 188:17, 196:7, 197:21, 221:4, 234:12, 259:11, 280:18, 286:8, 288:23, 306:18, 319:17 belief 327:7 believe 16:8, 16:14, 17:10, 23:21, 25:16, 57:14, 80:3, 106:4, 107:11, 123:9, 123:16, 127:9, 129:7, 134:14, 146:23, 151:6,</p>	<p>152:24, 154:5, 154:15, 170:6, 197:12, 199:10, 217:11, 233:8, 266:21, 267:9, 269:2, 292:24, 293:4, 307:8, 319:8, 319:16, 320:2 believes 14:15, 266:10 below 97:9, 110:17, 173:22, 175:20, 257:17, 257:19, 278:20, 305:6, 305:7 bender 308:11 benefit 36:7, 41:5, 68:14, 192:5, 205:8, 221:23, 244:18, 244:21, 245:1 benefits 96:8 bennet 166:25 bennett 100:3 besides 10:18 best 29:6, 81:20, 81:24, 154:3, 233:13, 239:9, 239:16, 256:8, 268:20, 272:8, 273:7, 273:17, 321:9, 325:22, 327:6, 328:3 bethesda 3:13 better 46:17, 82:20, 142:9, 142:17, 152:3, 152:4,</p>	<p>174:3, 181:4, 181:6, 196:16, 204:24, 205:1, 228:16, 228:21, 238:8 between 34:10, 40:19, 66:9, 71:16, 72:1, 73:16, 74:1, 74:15, 95:6, 95:11, 96:15, 97:2, 125:24, 146:15, 158:5, 170:8, 173:16, 175:6, 178:22, 195:17, 207:2, 296:1, 324:2, 324:6 beyond 76:21, 77:15, 174:13, 174:24, 310:13 bias 220:13 bicycle 294:3 bicyclist 294:8 bicyclists 91:25, 120:14 big 26:7, 56:9, 73:15, 121:10, 170:25, 240:9, 252:20, 276:2 bigger 132:13, 281:9, 301:17, 324:14 biggest 310:7 bio 232:5 bioretention 138:11, 138:15, 138:19, 139:2 bioswales 101:4 biota 232:14</p>
---	---	--	--

bit 42:24, 49:22, 70:3, 75:7, 79:8, 88:22, 89:8, 91:1, 99:23, 100:5, 100:25, 118:9, 121:24, 132:16, 132:22, 132:24, 138:18, 151:24, 165:19, 207:16, 214:18, 217:22, 230:15, 231:25, 234:15, 263:10, 274:24, 309:5 blend 26:2, 32:25, 157:12, 158:21 blindsided 20:8 block 109:24, 153:6, 153:7, 153:12, 153:15, 164:3, 305:19 blocked 150:9 blocks 137:17 blown 293:2, 294:13 board 14:9, 14:15, 14:22, 18:6, 18:7, 30:14, 35:6, 42:1, 51:19, 51:21, 54:5, 72:3, 77:10, 79:11, 79:13, 79:19, 79:24, 85:11, 85:16, 86:18, 104:13, 104:19, 104:21, 111:11, 111:16, 112:11, 118:14, 118:18, 122:25, 127:21, 129:11, 130:2,	201:17, 225:22, 232:16, 232:18, 232:24, 324:6, 326:6 board's 18:1 boards 136:9 boiled 119:12 bollards 110:16, 145:11, 149:20 bonds 104:1 border 110:5, 110:7 both 7:6, 41:16, 83:18, 91:5, 134:15, 145:12, 172:8, 187:11, 207:14, 284:24, 305:10, 305:11, 305:18, 306:25, 309:13, 310:4, 317:1, 317:14, 326:11, 326:12, 326:17 bottom 140:4, 210:12 bottom-right 82:23 boundaries 68:20, 68:21, 69:7 boundary 18:9, 69:1, 69:12, 77:3, 77:6, 94:7, 109:22, 110:9, 146:11 box 41:11, 137:11 boxes 137:8 branch 299:4, 299:5,	299:11, 299:12 brand 134:12, 301:5 brandywine 318:10 break 92:24, 96:2, 128:3, 193:7, 198:17, 279:14, 288:20, 302:14 breaks 294:21 brewer 3:11, 8:12, 8:15, 13:4 brick 75:14, 158:14, 255:13, 255:14 brief 12:23, 21:20 briefly 28:25, 39:6, 80:25, 81:3 bring 34:3, 147:20, 154:2, 197:23, 217:4, 310:16 brings 117:4 brink 92:4, 125:18 broader 269:4, 287:7, 287:9, 287:12 broken 117:13 brought 112:25, 160:8, 166:25, 297:22 brownfields 208:21 buffer 68:23 buffering 126:21, 135:2, 221:22 buffers 67:3, 99:5,	99:22, 208:1 bug 145:4 build 99:2, 132:5, 192:3, 209:24 building 2:4, 29:10, 29:15, 32:23, 33:2, 37:15, 50:18, 59:9, 70:19, 72:7, 79:22, 82:14, 84:24, 85:7, 97:5, 102:19, 117:8, 117:19, 119:13, 119:15, 126:16, 126:18, 127:13, 134:17, 144:13, 170:8, 171:8, 171:25, 173:3, 196:9, 209:25, 218:2, 218:7, 218:11, 230:11, 250:11, 252:20, 253:3, 253:5, 255:15, 255:19, 256:11, 256:16, 256:17, 256:22, 257:5, 257:16, 258:4, 260:13, 260:20, 261:22, 263:13, 275:1, 275:8, 276:21, 276:23, 282:13, 283:3, 284:11, 284:12, 286:22, 287:18, 288:1, 320:12 buildings 14:24, 32:24, 70:17, 70:21, 70:24, 72:1, 72:8, 73:1, 73:4, 73:5, 74:1, 74:2, 75:19, 75:24, 91:7, 92:25,
--	--	--	---

<p>93:1, 96:21, 97:2, 106:18, 113:6, 117:13, 119:16, 125:25, 126:17, 126:19, 127:14, 132:18, 134:18, 134:19, 138:8, 149:17, 152:21, 157:7, 157:17, 169:19, 169:24, 170:12, 171:11, 172:10, 172:11, 172:17, 172:21, 172:25, 173:6, 189:13, 190:8, 190:11, 190:14, 190:17, 190:21, 191:21, 196:6, 196:8, 209:17, 255:14, 255:17, 256:6, 256:7, 261:19, 262:17, 269:25, 274:21, 274:23, 275:25, 278:15, 280:18, 282:14, 282:24, 284:2, 286:8 built 71:24, 104:1, 132:21, 132:24, 144:8, 144:13, 148:4, 153:9, 157:25, 254:3, 254:13, 300:24, 310:20 bulb 149:24, 150:8 bunch 197:4 burns 7:18, 7:20, 43:20 bus 310:25, 311:2, 311:3, 311:7, 311:11, 311:16, 311:23, 311:24,</p>	<p>312:1, 312:2, 312:22, 319:18, 319:19 business 21:17, 21:18, 21:25, 22:12, 38:3, 41:16, 212:24, 217:16, 240:3, 241:23, 241:24, 242:1, 249:17 businesses 55:6, 55:11, 55:14, 55:25 button 248:9 buy 73:16, 132:4 buying 214:23</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>c 6:6, 79:3, 80:15, 80:22, 108:18 c-a-r-l 264:16 c-i-n-q-u-e 51:13, 262:9 c-o-r-e-n 62:9, 62:10 cabin 299:4, 299:11, 299:12 calculate 173:19, 294:5 calculation 87:8, 167:2, 230:9, 285:24 calculations 145:13 calendar 326:22 caliber 87:12 call 17:19, 20:19,</p>	<p>28:1, 48:10, 50:21, 62:23, 62:25, 80:15, 172:10, 210:23, 210:24, 235:16, 248:2, 271:8, 271:9, 272:18, 277:6, 288:18, 302:19, 302:21 called 21:10, 45:10, 63:19, 67:10, 69:22, 90:19, 93:25, 100:19, 109:16, 137:10, 137:13, 143:10, 145:4, 169:20, 211:16, 249:3, 270:5, 289:18, 292:22, 308:12 came 16:7, 29:23, 72:4, 79:14, 201:5, 201:7, 201:10, 207:14, 247:7, 313:10 can't 18:19, 18:20, 53:22, 147:15, 148:7, 153:17, 165:25, 174:21, 188:25, 193:15, 202:16, 215:15, 220:6, 268:1, 270:17, 272:20, 276:13, 282:3, 313:6, 321:10 cannot 47:1, 87:4, 272:12 canopy 76:11 cap 94:14, 94:16, 209:2 capability 89:20 capacities 227:13</p>	<p>capacity 265:4, 291:8, 298:17, 298:18, 298:21, 299:22, 304:3, 304:4, 305:7, 305:12, 305:22, 305:23, 307:24, 316:18, 317:1, 317:14 capital 104:12 captured 101:3 capturing 296:19 car 33:20, 300:13, 313:19 cards 184:23 care 7:12, 14:1, 16:22, 22:14, 23:13, 23:16, 24:4, 25:18, 31:1, 31:8, 31:11, 31:12, 31:15, 31:20, 31:23, 31:25, 32:2, 32:11, 33:21, 35:12, 35:18, 68:2, 75:20, 89:13, 96:20, 105:12, 106:6, 111:20, 113:14, 114:1, 115:3, 117:1, 117:24, 118:17, 119:10, 121:6, 121:25, 122:23, 125:19, 153:2, 166:14, 169:4, 206:23, 207:3, 207:4, 237:7, 256:25, 263:15, 313:20, 316:17, 317:9, 318:20 career 240:3, 241:14</p>
---	--	--	--

<p>careful 117:25, 126:16 carefully 99:19, 126:12, 326:15 caregivers 31:24, 39:2, 82:12 carl 264:16 carlsberg 254:8 caroline 278:8 carolyn 193:16, 194:23 carpooling 312:21 carries 219:9, 219:14 cars 33:16, 33:22, 91:25 cart 265:12 carve 208:4 case 1:7, 7:8, 7:16, 7:24, 11:22, 11:24, 12:9, 13:7, 18:19, 20:18, 25:25, 64:16, 66:25, 67:2, 68:19, 71:13, 72:23, 75:23, 81:8, 82:22, 89:17, 92:20, 97:8, 199:8, 199:22, 202:14, 217:7, 292:23, 296:15, 321:19, 321:20, 325:6, 325:21, 325:25, 327:10, 328:9 cases 70:15, 77:20,</p>	<p>77:22, 85:23, 89:11, 94:2, 97:4, 98:2, 105:19, 317:14 categories 35:18, 129:2 categorized 78:10 category 184:6, 227:20 cause 122:11, 128:23, 129:4, 236:9, 291:6 causing 246:11 celebrate 37:8 celebration 314:9 celebrations 39:23 cell 218:18 center 32:16, 33:2, 33:5, 33:6, 37:1, 37:8, 37:15, 37:20, 38:1, 38:3, 39:16, 56:13, 71:12, 74:8, 100:4, 102:22, 137:23, 242:24, 257:2, 257:21, 263:15, 263:24, 263:25, 277:6 centers 23:14, 55:17, 314:7 central 71:22, 81:19, 81:22 centralized 37:3 centrally 83:20 certain 87:8, 112:21,</p>	<p>143:6, 148:21, 153:20, 161:14, 192:9 certainly 10:25, 19:5, 19:12, 35:10, 42:15, 91:23, 134:15, 151:8, 222:15, 302:11, 326:12, 326:16 certificate 327:1, 328:1 certificates 24:18 certifications 24:20 certified 22:8, 32:11, 67:25, 139:20 certify 327:4, 328:2 cet 1:25, 328:15 cetera 24:20, 115:2, 207:7, 306:3 chain 252:8, 252:17 chair 39:16, 42:24, 48:22, 51:9 chamber 30:15, 51:22, 54:5 chance 131:18, 165:4 change 28:19, 34:10, 73:15, 73:21, 75:2, 104:22, 178:21, 202:15, 227:20, 325:7 changed 94:10 changes 16:6, 16:8, 29:13, 35:19, 81:3, 123:23,</p>	<p>174:13, 174:21, 205:25, 257:13 changing 307:9 character 69:19, 69:20, 70:9, 70:11, 70:22, 92:9, 93:2, 106:12, 117:9, 118:7, 125:16, 125:19, 125:20, 125:22, 126:9, 126:14, 143:4, 143:5, 143:15, 155:10, 155:17, 208:8, 208:9, 253:22, 255:11, 259:21, 265:24, 266:7, 266:11, 266:23, 268:16, 269:9 characteristic 123:16, 123:19 characteristics 66:6, 119:4, 120:20, 123:12, 317:9, 317:15, 318:3, 318:16 characterization 99:17, 209:8 characterize 316:17 characters 253:2 charge 23:23 chart 312:18 cheaper 151:4 chief 11:22, 11:24, 325:6 children 115:13, 115:15 choice 203:25, 239:20 choices 89:18</p>
--	---	--	---

<p>choose 25:20, 239:1 chooses 25:19 choosing 25:16 chose 238:16, 238:19 chosen 109:15 chris 24:8 christmas 49:1, 314:22 church 44:9 cinque 3:19, 4:9, 5:13, 20:7, 20:10, 51:12, 51:14, 52:9, 52:18, 53:10, 53:13, 54:10, 261:3, 261:11, 261:14, 261:17, 262:6, 262:9, 262:11, 263:21 circling 278:11 circulation 222:22, 225:14, 318:24 circulations 238:9 cited 278:22 citing 282:23 citizens 30:13, 51:18, 51:21, 54:4, 313:11 city 22:5, 24:12, 244:3, 244:23 city's 223:15 civic 130:15, 161:14,</p>	<p>164:9 civil 128:6, 142:7, 148:11, 185:15, 212:6, 212:12, 213:8, 213:11, 213:16, 221:4, 221:25, 222:4, 238:4, 238:11, 238:21, 238:25 civilly 20:7 clarification 37:13, 217:3, 283:12, 294:16 clarified 94:9, 206:2 clarify 9:19, 18:7, 26:23, 37:25, 77:4, 80:3, 93:18, 104:5, 107:14, 111:4, 120:22, 130:23, 131:20, 155:19, 175:13, 201:20, 205:20, 206:3, 207:16, 230:21, 234:9, 241:2, 241:21, 263:23, 278:24, 285:5, 287:4 clarifying 47:7, 174:17, 324:24 clarity 189:2 clarksburg 7:14, 17:3, 26:5, 26:9, 64:16, 85:2, 87:24, 88:2, 88:21, 89:9, 89:17, 94:13, 95:21, 144:12, 182:21, 182:22, 183:1, 183:2, 229:3, 229:6,</p>	<p>229:7 clasper 232:23 class 39:17 classes 250:8 classification 98:3, 112:15, 113:8, 113:14, 144:5, 175:10, 232:5 classifications 112:10 classified 111:21, 111:22, 111:25, 117:1 clean 284:1 cleaner 99:11 cleanly 283:22 clear 78:23, 93:22, 94:4, 165:20, 172:8, 174:6, 179:14, 236:17, 325:13 clearly 192:12 clicked 216:12 client 273:18, 297:23 clients 55:20, 56:10, 56:18, 262:12 climate 284:21 clinic 36:16 clip 267:8 clock 315:13 close 15:11, 19:6,</p>	<p>82:4, 166:25, 168:7, 168:21, 168:23, 203:21, 236:8, 269:11, 321:19 closely 95:3, 321:1, 321:2 closer 141:15, 143:12 closest 90:4, 98:19, 128:9, 128:14, 140:13 closing 12:11, 322:5 clusters 81:18 co-opt 56:21 cocoon 186:23 cocounsel 13:6 code 76:21, 77:17, 85:14, 107:4, 129:23, 130:22, 145:19, 153:17, 182:13, 192:10, 207:8, 221:18, 233:4, 243:10, 243:14, 246:4, 247:16, 250:12, 253:4, 253:5, 267:22, 267:24, 284:12, 325:4 codes 145:19 codified 112:4 cody 1:24, 2:12, 327:2, 327:15 collaboration 257:14 colleagues 222:9</p>
---	--	--	--

collect 90:25 collected 40:24 collection 95:24 collects 101:9 colloquy 192:20 columns 293:19, 294:11 com 228:21 combination 128:25, 319:5 come 8:2, 12:2, 28:9, 34:5, 42:22, 48:23, 51:9, 54:17, 56:13, 79:5, 82:25, 85:3, 98:3, 141:19, 141:22, 146:4, 156:11, 156:16, 159:7, 159:14, 189:18, 198:9, 198:24, 201:3, 227:8, 233:13, 233:21, 245:12, 261:1, 262:2, 262:3, 264:10, 274:14, 314:19, 314:21 comes 34:20, 76:7, 108:7, 147:18, 180:2, 180:4, 294:8, 300:23, 314:8 comfort 193:7, 256:20 comfortable 256:9, 323:2 coming 34:7, 74:15, 121:19, 121:20,	136:11, 136:19, 148:3, 161:12, 163:18, 182:18, 189:15, 193:20, 194:4, 231:4, 236:1, 254:25, 281:1, 294:17, 294:23, 295:15, 296:16, 298:7, 301:3, 301:9, 302:8 comment 19:19, 160:8, 162:19, 166:2, 166:7, 203:20, 326:17 commentary 50:9, 199:5 commented 160:20 commenting 52:15 comments 15:22, 46:5, 70:13, 72:19, 77:13, 205:23, 258:1 commerce 30:15, 51:22, 54:6, 56:6 commercial 113:7, 250:22 commission 104:8, 104:12 committed 15:3 common 32:6, 36:23, 115:1, 209:21, 265:10 communal 37:6 communicate 42:15 communicates 321:3 communication 44:4, 44:13,	44:20, 45:5, 45:9, 195:16 communications 46:23 communities 45:6, 95:25, 112:24, 112:25, 144:14, 161:6, 250:23, 311:15, 320:12 company 239:10, 239:19, 240:4, 308:14 comparable 133:2, 252:25, 258:19, 260:7 compare 154:25, 187:11 compared 77:20, 91:19, 96:16, 133:8, 155:5 comparing 158:14, 172:24, 173:1, 188:1, 188:2, 206:14, 207:9, 207:10, 287:17, 287:22, 287:24 comparison 173:9, 206:19, 206:25, 287:15 comparisons 75:24 compatibilities 221:17 compatibility 68:18, 98:8, 117:14, 175:17, 186:9, 196:24, 207:6, 259:25, 260:4, 281:17, 287:11, 287:24 compatible 14:16, 15:4, 42:10, 92:10, 117:6, 117:8, 127:15, 129:12,	153:13, 260:14, 266:22, 269:17, 273:23, 320:2 compilation 6:4, 17:11, 26:24, 31:6, 34:21, 133:10, 133:12 complementing 221:20 complements 260:14 complete 42:3, 199:14, 306:25 completed 299:6 completely 73:22, 94:9, 96:4, 220:1, 220:3 completing 42:12 completion 228:2 compliance 91:23, 143:3, 145:18, 247:16 compliant 84:14, 243:14 complied 130:8, 201:12 complies 107:20, 124:14, 125:3 comply 85:13, 89:1, 105:12, 106:6, 116:5, 116:16, 124:21, 126:1, 126:11, 186:3, 187:11, 187:13, 187:16, 221:18, 226:22, 226:24, 229:5 complying 47:10 component 222:4
---	--	--	--

Transcript of Hearing
Conducted on February 2, 2024

96

components 258:10 comprehensive 16:13, 22:11 comptroller 24:14 computer 23:19, 36:24, 38:2 computerized 298:22 concept 15:13, 30:20, 57:2, 57:3, 81:7, 185:25, 257:6 concepts 81:1, 256:5 conceptual 100:18 concern 29:25, 88:23, 126:22, 153:5, 188:10, 236:7 concerned 99:9, 103:21, 233:11, 298:10 concerns 15:23, 16:9, 97:21, 135:3, 146:13, 147:1, 175:2, 201:16, 236:25 concession 297:24 conclude 322:6, 326:21 concluded 308:24, 320:18, 320:19, 321:18 conclusion 104:14 conclusions 104:24, 188:11, 210:11, 308:22 concur 15:1 concurred 297:4	concurrent 224:21 concurs 14:15, 232:18 condensed 205:9 condition 14:21, 15:1, 19:4, 76:25, 77:10, 79:20, 79:24, 150:23, 150:24, 201:11, 201:14, 201:24, 221:8, 221:10, 227:22, 229:24, 301:16 conditional 7:10, 7:11, 13:25, 14:20, 15:14, 16:16, 16:20, 17:1, 17:4, 25:6, 25:9, 31:3, 41:6, 41:20, 41:23, 58:11, 58:12, 64:6, 64:14, 65:2, 68:6, 68:15, 78:6, 78:7, 78:11, 78:24, 81:4, 85:24, 88:14, 89:12, 93:20, 108:4, 108:8, 109:20, 111:5, 115:22, 118:15, 120:6, 124:8, 124:9, 124:14, 124:18, 125:8, 126:8, 126:23, 126:25, 127:3, 127:7, 127:10, 127:24, 128:22, 129:4, 129:15, 129:22, 135:17, 136:13, 136:14, 205:25, 220:24, 221:1, 221:5, 222:1,	222:20, 229:4, 233:3, 242:12, 242:14, 252:8, 252:13, 291:5, 291:14, 291:25, 292:2, 297:20, 309:10 conditions 101:19, 244:18, 298:24, 299:2, 300:8, 300:9, 300:17, 300:18, 301:25, 304:10, 304:16, 304:19 condos 250:23 conducted 297:21 confer 202:19, 204:7 confirm 9:20, 9:25, 28:3 confirmed 124:7 conflict 217:5, 217:11 conform 77:9, 79:10, 116:20, 125:9, 125:11, 191:14, 191:15 conformance 49:11, 87:20, 88:9, 89:2, 94:21, 104:15, 104:20, 207:21, 209:13, 269:24 conforming 191:14, 270:14, 272:19, 272:20, 274:2 conforms 17:2, 272:15 confronting 130:15, 161:13, 164:8 confused 79:8, 99:22,	170:16, 170:18, 178:5, 187:8, 274:24, 282:1 confusion 180:25, 283:2 congressional 24:7 congressman 24:8 conjunction 126:24 connect 91:25, 179:20, 227:24, 244:15, 310:14, 310:18 connected 239:14, 240:9, 265:6 connecting 227:22, 310:8, 320:11 connection 30:4, 84:9, 84:11, 114:5, 228:4, 290:20, 311:10, 311:13, 311:14 connections 83:14, 155:7, 155:8 connectivity 71:25, 84:20, 91:22 connotes 86:1 conservation 85:21, 85:25, 86:9, 86:14, 86:19, 86:23, 87:17, 90:13, 176:25, 177:22 conservative 109:25 consider 15:16, 118:23, 165:22, 166:1, 186:6, 233:10 consideration 39:25, 41:16,
---	---	---	---

145:16, 151:1, 297:14 considerations 83:6 considered 10:24, 120:4, 167:3, 229:23 considering 319:22 consistency 107:16 construct 230:6 constructing 42:13 construction 60:8, 103:5, 104:9, 131:21, 147:3, 147:5, 147:13, 148:5, 159:24, 242:25, 243:1, 247:18, 250:21, 307:4 constructions 228:24 consult 320:22 consultant 13:18, 34:14, 59:23, 120:9, 214:4, 214:5, 215:25, 216:18, 217:19, 238:7 consultants 252:15 consulting 22:6 contact 51:16, 53:13 contained 14:18, 16:17, 16:21, 17:5, 88:10, 94:22, 231:22 containing 14:2 contemplate 96:12	contemplated 95:20 contemplative 121:13 context 68:17, 165:19, 206:12, 297:7 continue 25:23, 42:15, 62:13, 195:22, 303:8 continued 4:15, 93:16, 97:18, 220:22 continuing 117:1, 244:16 continuous 44:13, 257:16, 257:19, 310:20 contours 136:3 contractor 282:18 contracts 240:9 contradict 197:5 contributed 22:3 contribution 232:12, 232:13 contributions 22:13, 24:4 control 103:2, 103:14, 103:17, 148:10, 231:11, 242:24 controlled 108:8, 284:21, 304:25 controls 147:11 cook 276:2 cooking 276:12, 276:24 cool 101:6	cooled 101:11, 139:10 cooler 99:11 copied 251:21 copy 270:18, 272:11 coren 61:7, 62:11 corner 29:19, 32:17, 33:3, 228:1, 251:24 corners 228:1 corporate 214:11 correct 37:16, 46:25, 47:6, 57:20, 62:3, 77:14, 79:18, 79:23, 85:12, 99:16, 115:10, 123:17, 146:20, 160:18, 170:1, 173:8, 175:9, 176:11, 176:16, 176:21, 177:1, 177:4, 177:8, 178:3, 178:13, 178:14, 178:24, 179:6, 180:4, 180:23, 182:3, 187:21, 195:4, 195:18, 195:19, 196:1, 196:19, 199:11, 199:12, 202:3, 210:16, 214:13, 216:8, 220:4, 235:25, 244:14, 247:18, 259:8, 262:20, 263:9, 263:20, 273:24, 275:9, 276:5, 281:5, 287:14, 287:18, 287:25,	288:12, 305:14, 305:16, 309:4, 318:25, 319:15, 321:21, 326:11, 328:4 corrected 279:24 correctly 57:18, 210:16 correspond 323:20 correspondence 313:10 cottage 16:1, 32:16, 32:17, 33:7, 36:24, 37:19, 37:23, 38:2, 38:9, 38:10, 38:23, 81:17, 82:8, 254:23, 256:13, 256:14, 260:12, 260:18, 263:2, 263:6, 263:13, 263:17, 264:23, 265:9 cottage-style 117:17 cottages 29:9, 32:15, 32:22, 37:5, 57:19, 75:6, 75:23, 92:22, 169:20, 169:22, 175:16, 196:7, 256:15, 258:23, 258:24, 261:20, 270:12, 274:25, 275:22, 280:19, 286:6, 286:9, 314:11 could 8:1, 9:18, 19:2, 19:19, 23:20, 31:2, 42:25, 43:2, 43:8, 51:8, 51:9, 52:9,
--	---	--	---

63:14, 63:22, 70:13, 73:13, 74:10, 74:17, 76:2, 81:10, 81:14, 93:18, 98:5, 108:17, 109:24, 120:22, 132:6, 132:7, 135:24, 138:4, 139:15, 139:19, 141:5, 141:23, 142:22, 146:2, 146:4, 147:8, 148:10, 149:2, 149:4, 149:24, 150:15, 154:6, 157:25, 160:10, 164:13, 170:7, 184:21, 185:13, 187:22, 189:11, 189:23, 191:5, 196:16, 196:17, 196:19, 200:1, 201:23, 202:23, 202:24, 202:25, 204:14, 204:25, 206:15, 207:19, 209:16, 209:18, 209:24, 211:6, 220:13, 222:12, 230:7, 230:24, 231:24, 238:14, 242:11, 243:22, 245:8, 248:18, 251:11, 257:9, 261:9, 262:4, 274:12, 278:24, 305:25, 309:8, 314:10 couldn't 109:4, 257:17 council 206:21 counsel 10:17, 65:10, 65:12, 93:5, 93:9, 93:12, 112:12, 202:19,	204:7, 324:4, 324:19, 324:22, 325:3, 325:5, 327:8, 328:8 count 284:12, 296:2, 298:1 counted 110:12, 288:9, 298:2 counties 55:17 counting 295:4, 295:11, 295:13, 295:14 country 295:11 countryside 194:24 counts 297:21, 298:25 county 1:3, 2:4, 3:4, 14:8, 23:14, 23:15, 24:10, 24:11, 41:25, 55:6, 55:7, 55:9, 55:12, 55:18, 55:19, 65:4, 65:10, 65:12, 77:23, 77:25, 93:5, 93:9, 93:12, 104:9, 104:10, 105:5, 169:2, 184:7, 186:20, 186:24, 193:11, 194:3, 194:10, 222:15, 223:6, 223:19, 223:21, 224:18, 226:23, 240:8, 243:13, 246:4, 250:14, 256:12, 258:8, 290:25, 291:1, 293:22, 293:24, 295:19, 295:25, 305:8, 305:9,	317:3, 318:10, 318:12 county's 223:1, 224:8, 292:6, 304:11 couple 81:6, 96:21, 114:21, 125:13, 133:13, 184:2, 194:21, 217:25, 227:7 course 76:15, 121:4, 127:10, 128:8, 145:7, 243:6 court 7:2, 11:3, 18:4, 21:5, 21:12, 51:10, 114:19, 146:11, 146:15, 281:4, 282:5, 282:7, 323:13, 327:1 courts 82:18 courtyard 37:10, 38:24, 71:22, 72:17, 73:6, 138:8 cover 78:6, 166:8, 210:18 coverage 72:9, 97:6, 97:9, 106:1, 117:5, 173:20, 173:21, 177:22, 209:25 covered 153:4, 185:1, 205:24 covid 44:7, 44:24 craft 36:25 crafts 39:20 crash 306:3, 306:8,	319:25 craziness 314:17 create 81:8, 145:9, 148:24, 315:5 created 30:22, 73:10, 119:4 creates 260:11 creating 221:20 creative 92:24 credibility 219:1 creek 102:8, 137:1, 137:2, 140:12, 166:25, 167:1, 168:8, 180:8, 180:12, 180:15, 180:19, 181:2, 181:23, 182:2 creek's 183:7 creeks 99:2 crest 309:12 criteria 12:14, 12:16, 124:13, 192:2, 266:19 cross 180:7 cross-examination 11:23, 11:25, 12:10, 199:17, 322:3 cross-examine 12:10, 321:14, 322:1 crossing 69:4, 84:22 crosstalk 11:5
---	--	--	--

crow 140:15 crowded 265:15 crown 138:10 crowned 137:13 crystal 128:13 cu 1:8, 7:9, 45:4, 45:9, 64:7 cul-de 71:18 cul-de-sac 72:16, 73:10 cumulative 171:10, 171:20, 172:17, 286:17, 295:15 curb 137:16 cured 317:6 curious 142:4, 158:20, 158:23, 242:2 current 6:6, 6:7, 18:15, 22:6, 55:23, 55:25, 77:5, 78:10, 79:10, 80:4, 80:16, 96:2, 187:14, 212:23, 213:3, 227:18, 233:12, 235:22, 249:16, 250:17 currently 18:10, 19:4, 23:13, 40:11, 55:16, 56:11, 57:15, 58:7, 67:8, 78:11, 88:24, 148:5, 148:16, 151:8, 223:23, 231:7,	231:9, 272:4 cute 275:23 <hr/> D <hr/> d 6:7, 80:15, 80:22, 88:15, 115:19, 222:20 d-e-b-r-a 156:21 d-u-f-f-i-n 156:21 daily 31:21, 32:5, 39:7, 39:15, 48:16, 256:25 dancing 39:16 dark 145:19 darker 110:6 data 93:25, 94:9, 164:24, 187:24, 188:1, 188:8, 188:12, 188:13, 188:18, 188:22, 188:25, 206:1, 298:4, 306:3, 306:8, 306:10, 306:13, 316:15, 319:25 database 161:10 date 54:10, 54:11, 306:9, 306:20, 320:22, 321:7, 321:8 dates 203:21 day 34:6, 38:24, 39:13, 161:1, 166:5, 252:16, 263:19, 277:5,	286:16, 314:21 daycare 55:17, 56:3, 57:5, 59:10, 314:7, 315:11 daycares 58:1 days 40:13, 136:8, 324:3, 324:4, 325:2 daytime 56:14 dead 200:24 dead-end 160:25, 188:18 deal 33:24, 90:17 dealing 97:5, 97:11, 120:19, 296:23 dealings 234:7 deals 241:23, 241:25 deborah 1:25, 234:2, 245:20, 328:2, 328:15 debra 3:17, 4:19, 156:20 debris 147:8 decade 22:2 decades 65:5, 254:4 decide 32:21, 271:14 decided 62:12, 238:25 decides 233:8 decision 7:23, 19:1, 156:2, 158:23,	324:2 decrease 39:14, 91:22, 122:4, 126:21, 145:17, 171:6, 171:10, 171:20, 172:18, 173:15, 191:17, 191:21 decreased 170:9, 172:13, 173:10, 175:11 dedications 64:9 deeper 72:25 define 68:12, 68:16, 142:25, 287:6, 296:11 defined 68:22, 69:20, 236:17, 287:6, 287:7 defining 68:21 definite 69:1 definitely 28:10, 50:1, 58:17, 141:14, 258:18 degree 21:23, 21:25, 212:12, 212:13 delay 16:7, 29:24, 304:6, 304:7, 304:12, 304:13, 304:23, 305:2, 305:5, 307:24 delegates 24:15 delegation 24:7, 24:16 delivered 37:4 deliveries 41:8, 41:10,
---	--	---	--

41:14, 41:15, 41:18, 317:20 delivery 121:19, 295:7, 295:18, 297:16 delve 174:14 demand 26:4, 26:5, 34:9, 34:16, 56:9, 312:17, 313:8, 313:12, 313:14, 313:17, 313:22, 316:13 dementia 32:8 demolition 147:12 demonstrate 16:16, 175:10 denial 119:6 denotes 207:17 dense 155:21 densities 89:21 density 69:23, 70:3, 70:6, 105:12, 117:5, 125:17, 144:7, 154:16, 154:17, 155:20 department 22:5, 56:5, 57:6, 57:7, 59:4, 85:10, 93:24, 100:15, 223:6, 223:20, 224:18, 228:11, 247:15, 250:13 depending 40:16, 86:25, 138:4 depends 284:11, 284:19, 284:20	deposition 327:3 depression 39:14 depth 255:7, 281:8 describe 25:15, 29:12, 30:2, 33:4, 39:6, 40:23, 64:12, 66:5, 68:11, 69:18, 84:23, 107:19, 126:12, 179:13, 212:8, 221:3, 222:11, 222:21, 226:1, 226:2, 249:20, 252:12, 253:21, 254:16, 256:4, 291:24 described 37:14, 86:4, 86:20, 142:20, 144:3 describing 81:7, 85:18, 137:20, 173:12, 287:10 description 21:21 design 29:2, 29:6, 29:14, 32:22, 70:25, 71:5, 81:25, 90:19, 93:2, 95:16, 95:20, 117:8, 123:23, 126:3, 143:11, 148:12, 152:12, 157:24, 158:2, 167:11, 171:9, 173:14, 182:10, 215:25, 221:16, 221:19, 228:6, 229:13, 230:18, 232:4, 232:9, 235:22, 239:10, 239:23,	240:6, 242:22, 243:9, 250:2, 250:21, 253:7, 254:17, 255:2, 255:9, 256:6, 256:7, 256:8, 256:10, 256:11, 256:19, 257:5, 257:12, 257:22, 257:23, 258:1, 258:9, 258:18, 260:5, 267:2, 267:14, 270:3, 270:12, 271:11, 286:21, 287:11, 309:15, 309:17 designated 192:10 designation 143:3 designations 212:10, 249:22 designed 126:13, 127:15, 182:12, 209:18, 209:19, 229:12, 254:22, 260:9, 273:13 designer 87:14, 270:17 designing 15:3, 252:24 designs 278:21, 281:1 desire 11:19, 12:9 desires 12:12, 29:17 despite 116:18 detached 66:11, 108:5, 113:10, 117:16, 127:1, 155:10 detail 102:6, 125:7, 166:6, 206:12, 231:25, 307:7,	307:12, 307:20 detailed 99:20, 165:7, 205:24, 286:20, 316:11 detailing 126:17 details 86:9, 100:25, 229:10, 260:6 determine 29:5, 292:4, 292:19, 293:25, 299:1 determined 206:21, 242:13 determining 68:17 develop 25:21, 154:6, 214:24, 218:6, 218:9, 229:20, 242:23, 243:2, 292:18 developed 39:9, 76:3, 90:12, 144:17, 206:16, 208:9, 240:17, 268:2, 293:16 developer 240:15, 240:21, 240:23 developing 168:1 development 16:18, 16:25, 25:3, 69:23, 70:8, 81:2, 85:3, 88:9, 96:18, 105:15, 107:2, 111:13, 116:6, 143:7, 144:4, 144:6, 144:23, 157:14, 157:23, 213:12, 214:23, 221:16, 227:14, 227:23,
---	---	--	---

<p>229:16, 241:5, 241:6, 245:15, 246:9, 258:10, 259:19, 267:19, 273:11, 304:17, 309:3, 310:15, 310:19 developments 161:21, 163:14, 163:15, 181:25, 254:6, 299:8, 301:17 diagonally 71:11 diameter 67:10, 86:5, 87:7, 148:21 dictate 186:4 difference 96:15, 146:14, 149:15, 153:25, 178:3, 180:18, 230:14 differences 151:2, 174:15 different 9:16, 13:1, 24:17, 34:5, 37:14, 57:2, 66:21, 83:16, 88:22, 89:18, 89:19, 100:15, 112:22, 117:12, 121:24, 142:18, 154:15, 155:23, 158:8, 165:1, 184:5, 187:7, 188:2, 188:13, 203:7, 207:23, 214:22, 217:15, 218:15, 219:21, 266:17, 268:21, 271:3, 271:9, 272:3, 275:4, 276:7, 277:3, 280:25, 281:1, 283:7, 283:10,</p>	<p>283:14, 286:2, 312:11, 313:15, 322:19, 325:6 differently 96:7, 101:14, 148:2 difficult 132:17, 321:7 difficulty 11:3, 289:2 dignity 25:20 dimensions 278:16, 282:13, 282:24 dining 37:6, 37:7, 112:18, 115:2, 256:23, 265:10, 276:24 dire 290:12 direct 4:6, 4:14, 4:15, 5:4, 5:12, 5:19, 21:14, 64:1, 93:16, 146:12, 146:13, 199:16, 212:3, 220:22, 249:8, 290:15, 297:25, 320:18 directed 46:17, 197:11, 242:10, 309:19 direction 145:6, 224:6, 300:20, 301:1 directly 68:24, 70:2, 76:18, 91:4, 101:8, 163:25, 241:15, 282:4, 293:20 director 282:21 disagree 155:20</p>	<p>discharged 286:16 disconnect 138:21 discrepancy 281:12 discussed 119:24, 308:20, 312:16 discusses 89:25 discussion 91:2, 303:10, 316:11 discussions 15:8, 112:9 disease 32:8 dismissed 62:19 disposition 86:6 disruption 83:17, 131:22 disruptive 83:7 distance 81:20, 103:12, 125:24, 221:11, 223:1, 223:8, 224:1, 224:4, 224:6, 224:7, 224:17, 224:25, 225:7, 236:6, 236:21, 236:23, 237:6, 237:17, 238:6, 308:1, 309:13, 310:11, 311:5 distinction 284:20 distribution 149:21 disturbance 103:8 diverse 22:9, 125:14 divide 105:20</p>	<p>divided 87:15, 171:4 division 76:16 doctor 122:5, 295:6 doctor's 36:17 doctors 317:24 document 17:14, 308:15, 313:13 documentation 160:2 documented 225:10 documents 159:20, 184:13 doing 58:12, 90:17, 100:10, 103:10, 214:22, 230:10, 230:11, 239:18, 240:6, 297:17, 304:2, 307:10, 318:12 done 26:25, 44:4, 47:17, 77:24, 81:10, 83:7, 89:25, 100:9, 102:25, 104:3, 105:19, 132:8, 159:15, 159:16, 164:24, 182:6, 183:19, 184:3, 199:15, 199:17, 234:12, 240:12, 241:4, 241:12, 268:20, 282:10, 295:10, 317:6, 318:9, 320:6, 324:2, 324:7 door 75:16, 312:23 doors 176:17</p>
---	---	--	--

dormers 172:15 dot 90:22 double 166:19 doubles 275:18, 275:20 down 43:7, 68:25, 83:15, 85:1, 87:6, 87:10, 96:3, 101:6, 101:7, 119:12, 136:23, 137:6, 137:15, 137:24, 138:17, 140:17, 145:11, 147:2, 148:18, 149:10, 149:21, 150:2, 167:1, 171:4, 179:23, 179:24, 180:4, 180:15, 181:8, 189:19, 205:8, 230:24, 261:6, 311:12 downhill 146:23, 147:25, 148:3, 148:23 downsizing 16:1 downspout 137:10 dps 231:13, 231:14, 232:16, 233:9, 237:2, 242:22, 243:5 dr 211:3 drain 128:1, 135:20, 138:10, 179:10, 181:25, 221:12, 230:2, 246:10 drainage 66:16, 90:15, 90:16, 96:3,	99:21, 137:24, 138:4, 140:14, 141:2, 146:21, 146:25, 147:16, 181:17, 232:6, 232:12, 240:6, 243:5 draining 182:7 drains 66:17, 66:20, 135:19, 136:23, 140:9 dramatic 257:13 drastically 325:8 draw 148:25 drawing 72:3, 108:20, 257:18 drawings 282:12 dressed 31:23 drill 156:17 drinking 101:24, 160:13 driver 295:7 drivers 36:3, 57:5 drives 210:2 driveway 83:23, 98:12, 137:21, 137:22, 184:22, 224:10, 224:12, 224:16, 225:4, 225:7, 226:6, 235:24, 236:4, 237:16, 295:4, 295:12, 298:14 driveways 67:14, 158:4,	295:12 driving 134:10, 313:21 drop 189:19 dry 101:7, 137:10, 230:16, 232:1, 232:3 dubois 26:6, 26:9 due 228:24, 311:25 duffin 3:17, 4:19, 5:6, 5:9, 5:16, 9:8, 9:12, 10:1, 19:19, 19:24, 20:3, 156:20, 156:21, 157:4, 162:12, 162:23, 163:6, 163:9, 163:13, 198:21, 198:23, 199:4, 200:3, 200:6, 200:11, 200:14, 200:16, 213:18, 213:24, 215:10, 215:14, 215:19, 215:22, 216:5, 216:9, 216:14, 217:2, 220:14, 233:19, 233:23, 234:2, 234:4, 234:11, 234:17, 235:4, 235:10, 243:22, 244:20, 244:24, 245:8, 245:17, 245:20, 245:21, 246:14, 246:21, 246:24, 247:1, 274:11, 274:15, 274:18, 274:19, 275:19, 276:18, 277:21, 279:21 duly 7:2, 21:11,	63:20, 211:17, 249:4, 289:19 dumpster 40:25, 41:2, 83:1, 226:7 duplicative 141:25, 142:2 duration 227:3 during 34:3, 34:5, 41:16, 44:24, 56:13, 103:24, 147:5, 148:5, 171:22, 230:3, 236:16, 243:1, 247:17, 253:20, 302:12, 313:22, 316:22, 316:24 dwell 175:25 dwelling 115:15, 116:11, 116:23, 207:10, 207:18 dwelling s 92:21 <hr/> E <hr/> e 6:8, 116:4, 223:11, 223:15 e(g 319:1 e-l-l-e-n 62:9 each 36:24, 37:19, 37:23, 38:1, 38:23, 39:12, 81:20, 109:14, 114:11, 124:13, 124:16, 154:10, 170:13, 187:12, 196:8, 199:9, 224:6, 232:11, 232:14, 243:13, 246:4, 258:14,
--	--	--	---

262:13, 262:17, 262:19, 262:21, 263:2, 263:17, 265:6, 265:7, 265:8, 265:9, 275:7, 276:14, 276:22, 286:4, 286:5, 286:8, 286:10, 286:12, 293:19, 314:10 eager 42:1 earlier 81:6, 85:18, 107:17, 169:19, 247:12, 247:13, 256:24, 257:11, 258:12 early 3:11, 8:12, 8:15, 13:4, 30:12, 30:19, 58:19, 170:20 earth 306:21 easement 227:25 easier 25:21, 203:23 easiest 133:20 east 14:25, 66:14, 69:1, 70:2, 71:23, 72:18, 84:12, 91:6, 95:9, 133:1, 134:22, 138:12, 145:10, 178:22, 224:15, 253:24, 254:10, 309:13, 309:20, 309:21, 311:1 east-west 146:24, 146:25 eastbound 300:6, 300:14, 300:20, 311:1	easter 314:20 easy 226:8 eat 37:5 echo 133:15, 203:1, 203:11 edge 82:4, 226:8, 308:5, 311:11 education 250:24 educational 21:21, 212:9, 249:21 effect 120:4, 120:8, 120:21, 121:6, 124:2, 129:1, 167:10, 316:18 effectively 82:2 effects 118:24, 119:1, 119:3, 119:5, 119:7, 119:8, 119:11, 122:22, 128:24, 129:6, 318:19, 319:4, 319:6 efficient 225:8, 225:12, 225:20, 225:23, 316:4 effort 62:12 efforts 30:22, 61:19 ehlers 108:15, 109:1, 109:6, 109:8 eight 10:6, 32:15, 70:21, 70:23, 117:15, 132:7, 132:12, 147:2,	148:18, 151:17, 151:18, 154:6, 170:13, 170:22, 170:25, 171:5, 172:20, 172:25, 173:3, 173:6, 189:17, 190:2, 190:16, 196:8, 254:23, 255:2, 256:15, 258:14, 262:17, 262:19, 265:7, 282:14, 284:2 eight-foot 149:15 eight-hour 35:19, 35:24 eight-plus 146:17 either 72:24, 176:17, 177:9, 202:23, 230:1, 272:14, 311:19, 314:6, 326:11 elaborate 57:10, 151:5 elderly 48:5, 60:2 electrical 227:16 electronic 328:5 electronically 327:5 elements 75:17, 93:3, 106:24, 107:25, 110:19, 147:22, 186:9, 232:25, 273:16, 273:22 elevation 135:10, 135:18, 146:14, 149:13, 149:14, 151:2, 152:22, 153:23, 177:24, 178:3, 178:15, 178:16,	178:20, 178:22 elevator 265:6 eliminated 320:6 elizabeth 3:10, 8:14, 13:6, 53:19 ellen 61:5, 61:7, 62:8 else 9:6, 11:2, 20:5, 20:16, 20:17, 42:4, 46:17, 51:6, 52:8, 54:15, 60:20, 62:11, 131:7, 161:1, 188:14, 192:25, 196:18, 197:16, 233:6, 264:9, 278:2, 286:19 elsewhere 315:8 email 45:13, 321:2, 322:8, 324:16 emergency 92:19 emphasize 229:12 employ 35:9, 61:2 employed 35:7, 61:5, 126:4, 212:6, 250:25, 327:9, 328:8 employee 35:12, 35:17, 295:17, 313:21 employees 34:3, 35:7, 36:2, 36:5, 107:9, 154:14, 238:13, 238:15, 297:15, 310:23,
---	--	---	---

<p>311:7, 313:18, 315:8 employer 22:6, 212:23, 249:17 employer's 212:24, 249:17 emptied 41:2 enclave 75:4, 81:9, 118:6 enclosed 40:25, 226:6 encountered 27:22 encourage 39:11, 107:10, 321:1 end 16:8, 71:19, 73:13, 74:14, 74:21, 141:20, 144:23, 147:3, 161:3, 193:20, 203:19, 215:15, 308:12, 324:15 endangered 208:22 endesco 13:13, 210:25, 212:25, 213:4, 213:6, 213:20, 215:16, 215:18, 215:19, 215:22, 215:24, 216:2, 216:4, 216:9, 216:11, 216:15, 216:17, 218:17, 218:19, 238:11, 238:15 ends 176:20, 233:15 engage 15:8, 30:9, 39:12 engineer 13:14, 87:15,</p>	<p>100:24, 142:7, 148:12, 185:15, 195:6, 204:24, 205:2, 205:4, 212:6, 212:15, 212:20, 215:4, 215:24, 216:17, 216:18, 217:17, 218:21, 229:11, 238:21, 246:2 engineering 128:6, 212:13, 213:11, 213:17, 221:5, 221:25, 222:4, 238:5, 286:21 engineers 238:12, 238:25, 293:18, 296:13, 313:12 enhance 77:1, 80:8, 255:10 enhanced 32:1 enjoy 38:24, 39:12 enjoyable 148:18 enlarge 140:20 enlargement 67:24 enlighten 242:11 enough 107:10, 119:17, 119:21, 154:22, 236:18, 310:2, 324:6, 324:10 ensure 103:2, 103:25, 110:1, 113:20, 167:21, 183:6, 247:16 ensuring 253:3 entering 158:12, 169:25</p>	<p>entertain 131:14 entire 98:1, 231:15, 243:8, 296:2, 296:3, 310:9, 310:17, 324:8 entirely 325:23 entities 219:21, 220:2 entitled 239:7 entitlement 159:25 entity 219:21 entrance 38:23, 158:17, 176:9, 224:12, 224:16, 225:12, 237:14, 267:2, 270:7, 271:5, 271:17, 312:9 entry 180:2, 185:5, 235:23 envelope 144:15 environment 191:11, 208:21, 265:13 environmental 89:24, 90:1, 90:19, 95:19, 99:6, 126:2, 184:15, 186:1, 186:19, 209:7, 221:23, 228:11, 229:13, 250:2 environmentally 123:21, 168:7, 168:23, 208:2 equal 155:9 equate 313:7 equation 139:8</p>	<p>equipped 22:10 equivalent 156:1 erosion 103:2, 103:14, 103:17, 147:10, 147:11, 148:10, 242:24 errands 294:20 error 26:19 es 229:2 esco 238:12 esd 229:23 especially 158:2, 166:24, 187:3 esquire 3:3, 3:9, 3:10 essential 36:18 essentially 61:24, 82:7 establish 151:22, 151:25, 208:8 estimate 141:9 et 24:20, 115:2, 207:7, 306:3 evaluate 124:13 evaluated 122:21, 126:24, 227:10, 318:18 evaluates 226:16 evaluating 320:1 evaluation 111:12, 118:15, 195:15</p>
--	--	--	--

<p>evd 6:3, 6:11 even 15:18, 30:10, 42:10, 42:24, 89:13, 90:14, 91:18, 98:5, 102:25, 109:24, 110:16, 135:23, 138:23, 148:20, 150:1, 154:19, 160:23, 165:22, 174:21, 175:15, 176:9, 188:19, 193:15, 198:13, 237:3, 244:25, 252:16, 252:21, 267:8, 272:6, 292:20, 320:24, 322:22, 323:7, 324:11, 325:19, 326:9, 326:19 evening 34:8 event 230:3, 277:7 events 39:21, 40:15 eventually 138:2, 140:10, 140:11, 140:25, 156:3, 181:18 ever 33:20, 306:9 evergreen 77:2, 77:8, 77:12, 77:15, 79:25, 150:22, 153:1, 201:15 evergreens 76:23, 151:10, 151:16, 156:6 every 48:18, 48:19, 49:6, 87:9, 88:19, 134:17, 161:1, 183:5, 183:11, 184:19,</p>	<p>184:21, 186:5, 186:6, 208:6, 295:5, 295:13, 295:14, 295:19 everybody 8:17, 9:6, 10:10, 10:12, 11:7, 54:23, 161:7, 162:21, 163:20, 192:8, 279:6, 295:8, 321:1, 321:8, 321:24 everybody's 7:5, 322:9 everyone 55:13, 164:7, 308:9 everything 49:11, 79:15, 90:15, 112:18, 245:7, 297:17, 317:23 evidence 7:23, 80:23, 306:22 evolution 71:2 evolved 30:21, 257:5 exact 40:10, 152:20, 210:8, 219:20, 306:20, 310:11 exactly 270:18, 272:11, 314:15, 315:4, 318:17, 326:16 examination 4:6, 4:11, 4:14, 4:15, 4:16, 4:22, 5:4, 5:8, 5:10, 5:12, 5:17, 5:19, 21:14, 60:24, 64:1, 93:16, 131:12, 146:8, 205:10, 212:3,</p>	<p>220:22, 242:8, 247:9, 249:8, 287:2, 290:15 examiner's 13:23, 130:20 example 29:7, 32:22, 33:24, 34:1, 84:3, 91:13, 100:3, 132:18, 141:18, 169:11, 323:6 examples 169:2, 208:20 exceed 18:8, 36:5, 106:15, 109:21, 111:7, 258:18 exceeding 201:13 exceeds 76:24, 77:5, 77:17, 111:13, 182:13 except 218:20 exception 66:14 excerpt 299:23 excursions 40:8 excuse 35:6, 157:19, 177:13, 179:11, 247:22, 275:7, 301:14 excused 62:21, 210:21, 247:25, 288:16 executive 24:10, 24:11, 24:12, 282:20 exemption 292:22, 293:3, 293:12, 297:18, 308:17, 319:23 exercise 39:4, 39:16,</p>	<p>82:9 exhibit 6:4, 6:5, 6:6, 6:7, 6:8, 10:6, 10:20, 14:14, 16:14, 17:10, 23:21, 23:24, 23:25, 24:17, 26:15, 26:20, 26:24, 27:2, 27:3, 28:10, 29:3, 31:4, 32:19, 34:21, 35:3, 36:11, 64:4, 64:25, 65:9, 65:10, 65:12, 65:16, 66:4, 67:24, 68:10, 69:16, 71:7, 78:9, 92:8, 104:23, 108:17, 109:1, 110:4, 110:24, 131:6, 133:17, 133:18, 133:20, 135:16, 139:15, 139:17, 139:20, 140:1, 140:2, 140:18, 140:23, 148:25, 149:2, 149:7, 150:21, 162:21, 172:1, 172:2, 172:5, 180:24, 181:12, 213:13, 222:13, 222:20, 223:15, 225:1, 231:22, 251:8, 253:14, 253:17, 255:5, 256:2, 279:10, 279:12, 293:5, 293:13, 299:23 exhibit-wise 135:22 exhibits 17:11, 17:17, 26:18, 27:9, 27:14, 28:7,</p>
--	--	---	--

78:4, 80:22, 162:21, 236:22 exist 163:8, 173:2, 173:11, 174:1 existent 173:17 existing 67:12, 72:19, 126:25, 144:16, 150:13, 150:16, 221:7, 227:25, 228:5, 228:23, 244:18, 282:5, 282:6, 283:4, 298:24, 298:25, 299:1, 300:8, 300:16, 301:15, 301:25, 304:10, 310:14 exists 266:18 exit 310:5 exiting 189:15, 304:24 expect 18:23, 33:21, 122:5, 228:3, 316:13 expecting 7:19, 12:25 expense 16:7, 29:23 experience 22:3, 22:10, 23:10, 33:15, 33:18, 34:15, 48:18, 58:1, 58:3, 58:4, 58:7, 59:11, 59:13, 59:21, 112:3, 148:12, 167:22, 167:25, 168:6, 168:10, 168:24, 239:11, 305:19 experienced 304:24	experiencing 148:6 expert 22:24, 63:3, 63:6, 63:7, 63:13, 77:22, 211:20, 213:11, 213:16, 218:23, 220:18, 241:5, 246:19, 251:7, 252:3, 259:23, 282:19, 290:3, 290:11, 290:20, 319:20 expertise 22:3, 105:3, 241:24, 318:21 experts 18:16, 59:24 expires 212:22 explain 29:1, 31:8, 81:1, 96:14, 108:21, 204:14, 214:20, 228:9, 237:23, 238:19, 257:5, 259:24, 269:15, 285:5 explained 276:14 explaining 259:15 explanation 130:5 express 20:14, 39:12, 50:4 expressed 303:23 extended 300:25 extension 228:3 extensive 32:3, 135:12, 241:14 exterior 253:2	external 186:24 extra 185:23, 189:12, 285:24 extraordinary 183:2, 183:16, 184:1, 184:6, 184:9, 184:16, 185:2, 185:21 extremely 165:3 eyes 299:19 <hr/> F <hr/> f 116:16 facade 126:16 facades 117:25 face 82:3, 176:12, 195:25 facilities 16:23, 31:10, 31:11, 40:18, 56:24, 58:6, 71:21, 74:25, 75:20, 82:13, 89:13, 90:14, 90:21, 91:11, 92:17, 96:20, 101:4, 107:6, 112:15, 112:20, 115:9, 127:19, 127:25, 128:4, 128:17, 137:25, 138:12, 138:19, 139:2, 140:9, 231:17, 232:1, 246:6, 250:24, 256:23, 276:24, 285:14, 290:24, 295:11, 295:14, 316:21, 318:13 facility 7:12, 14:1,	16:22, 25:18, 31:1, 31:9, 35:8, 36:14, 36:21, 40:2, 40:11, 42:14, 47:25, 57:18, 59:14, 60:9, 68:3, 96:5, 105:12, 106:6, 111:20, 113:14, 114:2, 114:24, 114:25, 116:5, 116:16, 118:17, 119:10, 121:6, 121:25, 122:23, 124:8, 137:18, 166:14, 169:5, 186:21, 186:25, 192:6, 192:8, 192:13, 206:23, 207:3, 207:4, 209:20, 230:1, 230:2, 230:19, 231:10, 236:15, 246:13, 260:19, 276:6, 290:21, 294:17, 294:19, 295:10, 296:12, 296:20, 313:16, 314:12, 314:14, 314:20, 315:11, 317:10, 318:20, 319:21 facility's 316:18 facing 71:22, 72:17, 72:18, 169:24, 171:17, 176:10, 176:14, 176:16, 177:7, 178:12, 238:6, 270:3, 270:6, 270:9, 271:1, 271:4, 271:16 fact 59:8, 159:22, 167:8, 174:24,
---	--	--	--

183:15, 220:13, 317:5 factor 293:23 factors 26:8, 238:20, 238:23, 253:1 faculty 250:7 fair 57:22, 57:25, 59:10, 217:9, 273:21, 317:16 fall 35:17 falls 156:3, 318:10 familiar 25:5, 25:8, 55:11, 64:5, 65:2, 69:6, 75:20, 105:4, 114:3, 220:24, 222:10, 252:7, 253:9, 258:7, 258:11, 276:6, 276:8, 291:3, 291:13, 291:21 familiarity 105:2 families 34:5 family 37:9, 74:4, 96:17, 108:5, 112:25, 132:5, 154:2, 154:18, 158:6, 200:7, 206:15, 208:11, 254:3, 255:5, 270:1, 271:21, 287:16, 287:20, 314:8 far 82:21, 102:19, 177:10, 224:13, 236:18, 310:2 fault 261:13	features 260:6 february 1:16, 227:21, 328:6, 328:16 fedex 41:18, 121:21 fee 101:17, 102:1 feedback 30:10, 189:24 feeds 99:1 feel 50:22, 52:15, 142:18, 189:24, 193:6, 243:23 feeling 91:19 feelings 256:19 feet 66:24, 67:4, 67:11, 76:23, 84:10, 91:7, 98:18, 102:18, 102:21, 102:23, 106:11, 106:21, 115:20, 116:17, 133:2, 134:20, 146:17, 147:2, 148:18, 149:20, 151:17, 151:18, 153:20, 154:4, 156:7, 157:10, 197:1, 258:25, 261:22, 267:24, 278:16, 278:17, 280:22, 288:6, 295:3, 300:7, 300:8, 300:12, 300:16, 301:2, 301:13, 301:14, 301:19, 301:23, 302:4, 302:5, 303:24, 303:25, 310:12, 312:2, 312:3	felt 26:13, 29:24 fence 150:11, 150:14, 153:1 fences 147:6, 150:14, 150:17 fencing 109:24, 110:10, 110:18, 150:7, 150:11, 150:19 fender 308:11 few 14:12, 17:16, 74:7, 94:17, 107:8, 131:15, 154:14, 287:4, 290:25, 315:25, 318:11, 321:15 fewer 190:11, 190:14, 209:17, 309:1 fica 13:12 field 39:22, 222:8, 222:9 fields 102:23 fifteen 32:16, 275:6, 275:7, 276:16, 276:17, 276:18, 276:19 fifty-two 316:12 figure 28:23, 45:23, 191:5, 194:7, 194:11, 203:15, 278:20, 286:18 figured 178:9 figures 278:14, 280:14, 280:21, 281:23	file 42:1 filed 325:2 filing 15:13, 15:14, 30:10, 30:20, 86:8 filling 320:13 filter 96:7 filtered 101:11, 137:25 final 19:5, 86:8, 93:23, 130:4, 182:21, 189:9, 289:4 finalize 243:4 finalized 303:12 finally 103:15, 118:8, 118:13, 174:22 financial 327:10, 328:10 find 105:21, 122:13, 169:10, 181:5, 192:16, 224:5, 320:21, 320:23, 321:7, 326:3, 326:15 finding 114:18, 127:18, 127:22, 129:9, 163:17, 232:19, 319:2 findings 14:18, 17:5, 104:22, 113:18, 114:11, 118:16, 124:4, 124:10, 129:17, 129:25, 207:5, 207:6 fine 157:2, 172:5,
--	--	---	---

<p>194:16, 198:14, 198:15, 201:20, 204:10, 242:21, 266:11, 272:17 fingertips 36:12 finish 38:17, 199:18 finished 306:23 finishing 306:19 fire 72:12, 73:10, 74:10, 93:23, 106:17, 121:8, 128:2, 128:9, 128:12, 128:16, 141:23, 153:17, 186:10, 221:13, 226:10, 226:15, 226:16, 226:19, 226:20, 233:9 firetruck 73:12 firm 8:12, 13:4, 13:6, 22:6, 215:25 first 10:15, 11:17, 17:20, 20:19, 46:12, 55:1, 57:23, 59:8, 74:21, 74:22, 114:12, 114:18, 114:23, 131:16, 136:22, 156:15, 170:9, 195:1, 199:8, 205:15, 236:16, 240:22, 241:4, 241:16, 241:18, 242:10, 250:4, 252:19, 259:4, 260:5, 261:6, 261:20, 283:3, 289:9, 292:3, 293:18,</p>	<p>297:22, 311:13, 311:14, 311:24, 312:1 fisher 234:2, 245:20 fit 26:13, 105:22 fitness 37:1, 39:17 five 9:3, 24:25, 33:22, 56:14, 154:8, 164:25, 199:18, 253:24, 254:14, 254:25, 263:7, 263:10, 294:11, 300:12, 320:7 fixture 42:14, 109:18, 110:16, 145:6, 149:22, 150:5 fixtures 109:15, 110:14, 145:10 flag 152:14 flat 178:17 flies 140:15 flipped 73:4 flooding 146:22 floodplains 67:3, 90:4 floor 172:14, 172:16, 259:1, 259:4, 261:20, 264:1 floors 196:12 flow 140:10, 141:5, 146:23 flows 90:15</p>	<p>focused 75:4, 95:16, 221:20 focusing 186:17 folks 48:5 follow 11:8, 51:8, 58:15, 204:12, 208:12, 230:4, 232:16, 292:18, 321:15, 324:25 follow-up 77:4, 97:17 followed 46:20, 196:4 following 11:15, 201:16, 228:2, 228:6 follows 21:11, 63:20, 211:17, 249:4, 289:19 food 35:21, 41:10, 57:11 foot 41:11, 67:1, 81:14, 84:11, 106:15, 106:18, 116:19, 117:14, 132:10, 152:22, 152:23, 196:20, 224:1, 224:2, 224:14, 224:15, 225:16, 228:18, 232:7, 232:13, 236:19, 236:20, 236:23, 236:24, 237:12, 237:13, 237:14, 237:15, 246:6, 258:17, 259:1, 259:3, 259:5, 261:21, 268:16, 288:1, 288:6 foot-candle 109:16</p>	<p>foot-candles 109:21, 110:8, 110:9, 148:20 footage 157:10, 196:6, 196:8, 196:10, 196:13, 196:25, 237:15, 261:18, 278:15, 278:22, 280:18, 281:11, 281:15, 281:19, 281:20, 281:24, 284:3, 284:9, 284:13, 288:4, 288:5, 288:10, 288:11 footprint 96:22, 109:17, 126:15, 134:7, 134:21, 143:8, 170:8, 170:11, 171:4, 171:7, 171:10, 172:18, 172:23, 173:10, 173:16, 173:18, 175:11, 175:13, 196:9, 230:15, 258:4, 258:17, 258:23, 259:12 footprints 72:8, 117:15, 133:6, 143:12, 171:9, 287:17, 287:22 foregoing 327:3, 327:5, 328:3 forest 67:7, 85:18, 85:21, 85:25, 86:6, 86:8, 86:14, 86:19, 86:21, 86:22, 86:23, 87:16, 90:13 forgetting 169:22 forgive 168:2</p>
---	--	--	--

form 47:4, 307:14 formal 322:16 formalities 10:25 format 114:7, 165:14, 166:7 forms 165:1 forth 12:14, 50:9, 113:25, 124:5, 124:10, 129:1, 130:7 forty-five 121:1 forty-four 262:24, 262:25 forward 42:12, 83:3, 83:4, 129:10, 146:4, 191:25, 199:22, 243:11, 267:25, 272:5, 309:23 found 17:13, 37:15, 69:16, 95:12, 122:10, 122:24, 232:20, 292:25, 318:22 fountains 121:9 four 8:25, 35:17, 74:1, 74:21, 74:22, 81:16, 117:14, 117:15, 122:1, 136:22, 138:9, 149:20, 189:19, 190:5, 190:22, 207:18, 207:23, 208:7, 208:10, 254:11, 299:2, 299:8, 304:17, 306:15,	320:7 four-and-a-half 67:11, 306:8, 306:14 frame 49:21, 50:8, 268:12 framework 124:1, 184:9, 184:18 frameworks 183:23 framing 165:19, 177:18 franchot 24:14 frankly 75:18 frederick 23:15, 24:11, 24:12, 55:6, 55:18, 66:10 free 99:11, 142:18, 300:21, 301:5 freezes 200:4 friday 1:16, 313:16 friends 37:9 front 8:20, 8:22, 42:22, 43:1, 75:16, 85:5, 91:8, 94:4, 106:9, 174:7, 176:17, 176:18, 178:5, 184:24, 237:15, 245:2, 309:21 frontage 71:15, 84:7, 84:16, 84:22, 91:3, 106:14, 310:10 fronts 76:7, 176:12,	177:7, 178:12 frozen 280:9 fruitful 62:13 fulfill 48:15 full 21:16, 44:10, 100:23, 196:13, 199:22, 231:11, 284:16, 293:2, 294:13, 306:11, 311:14, 318:6, 323:2, 323:10 full-day 250:10 full-time 251:4 fully 14:16, 14:25, 52:15, 229:22, 232:14 function 284:22, 298:8 fundamental 256:18 funded 40:22 further 18:14, 42:17, 60:15, 62:16, 77:2, 77:11, 80:8, 97:22, 118:4, 123:5, 131:10, 145:1, 159:19, 207:16, 214:20, 239:8, 260:21, 288:13 furthermore 32:6 furthest 74:16 future 18:5, 40:1, 298:24, 300:10, 300:18, 301:21, 301:24, 304:16,	304:19, 321:9 <hr/> G <hr/> g 116:22 gable 75:13, 117:25 gabled 75:15, 118:1 gaithersburg 21:19, 30:14, 51:22, 54:5 gallons 286:16 garage 259:2, 259:3, 287:19, 288:2, 288:3, 288:4, 288:6, 288:9 garages 259:6, 287:18 garbage 41:3 gardening 39:4, 39:20 gas 227:11, 227:15 gathering 284:22 gave 281:8 general 17:4, 66:6, 118:25, 125:1, 125:4, 125:15, 126:9, 143:15, 151:21, 184:12 generalized 207:17 generally 41:15, 92:15, 147:14, 149:12 generate 293:1 generated 38:21, 292:5, 294:22, 295:23, 302:9, 309:2
--	---	--	---

generating 120:10, 120:14, 120:24, 296:24	23:3, 23:8, 27:18, 49:3, 49:22, 54:12, 108:22, 131:19, 141:9, 185:5, 194:12, 203:20, 204:4, 231:24, 234:15, 261:9, 272:8, 279:5, 284:24, 288:19, 292:12, 297:7, 307:6, 323:10	133:25, 137:9, 138:4, 139:22, 145:7, 149:7, 149:10, 152:11, 156:6, 156:13, 156:14, 159:19, 160:2, 160:9, 161:6, 164:17, 172:21, 179:9, 179:23, 180:5, 180:10, 180:17, 198:3, 199:8, 200:1, 200:8, 204:4, 218:3, 222:13, 222:16, 223:3, 226:12, 232:6, 232:8, 238:20, 242:16, 242:20, 243:8, 244:11, 253:13, 254:19, 257:9, 261:15, 267:10, 275:24, 277:1, 277:2, 277:8, 283:25, 289:24, 293:15, 303:9, 305:25, 306:22, 307:4, 308:10, 309:8, 315:21, 321:4, 324:25	180:15, 180:20, 180:22, 181:8, 181:16, 181:17, 181:18, 184:13, 281:13, 281:16, 289:8, 300:9, 300:10, 301:19, 301:21
generation 292:19, 292:24, 293:7, 293:16, 293:21, 295:1, 296:10, 313:13, 316:14, 316:15, 320:5	given 29:7, 33:21, 92:2, 143:8, 154:18, 158:1, 186:8, 187:5, 259:11, 269:25, 278:14, 278:16, 282:13, 324:9, 326:20	goals 88:10, 89:7, 89:24, 104:16, 125:11, 208:19, 209:11	gone 257:12
generator 227:4, 227:5, 227:9, 320:5	gives 304:4, 307:12	goddard 29:11, 66:15, 94:7, 127:11, 138:17, 140:11	good 8:4, 8:5, 8:7, 8:9, 12:24, 24:2, 54:19, 54:21, 54:23, 54:24, 90:9, 99:23, 100:5, 135:16, 136:7, 140:2, 194:17, 229:24, 235:19, 274:18, 285:3, 290:17, 290:18, 309:10, 320:15
generators 226:21, 227:1, 316:22	giving 190:3, 272:23	goes 13:17, 25:15, 74:23, 101:3, 101:8, 103:1, 103:19, 137:10, 137:16, 137:17, 141:3, 159:19, 168:8, 168:9, 176:8, 180:6,	goods 26:10, 39:24
generous 155:3	glare 145:8, 145:9, 145:18		google 306:21
gentleman 35:5, 234:6, 245:2	glow 150:8		gotten 18:22, 163:11, 201:1
genuine 303:6	go 10:15, 17:14, 22:16, 24:1, 25:13, 28:16, 31:2, 34:18, 43:23, 54:11, 56:11, 57:15, 61:24, 63:4, 65:8, 66:1, 71:3, 78:2, 85:15, 88:12, 100:14, 100:19, 102:2, 103:23, 105:9, 107:22, 109:2, 109:6, 110:23, 123:4, 124:16, 129:10, 133:19, 133:20,		govern 124:20
geographic 100:2, 287:9			governor 24:9
geographical 287:8, 287:13			grade 138:16, 257:17, 257:19, 278:19, 278:20, 284:25, 288:1
geology 195:15			grading 103:6, 103:8, 147:12, 147:14, 147:20
george 21:25, 23:15, 24:11, 55:19			graduated 249:24, 249:25, 251:2
george's 104:10, 291:1			great 16:7, 20:2,
geotechnical 103:19, 159:17			
germantown 30:14, 51:22, 54:5, 128:10, 128:12			
getting 31:22, 75:11, 82:9, 161:21, 168:3, 189:24, 191:10, 197:21, 230:17, 264:21, 273:3			
give 19:14, 21:17,			

<p>28:21, 48:1, 48:5, 48:13, 64:3, 156:8, 231:20, 232:15, 253:13, 288:7 greater 87:7, 115:21, 210:2, 300:16 green 43:8, 92:10, 97:6, 101:4, 125:20, 143:14, 248:8 ground 67:11, 96:7, 98:25, 101:6, 101:10, 109:18, 149:22, 149:23, 149:25, 150:1, 150:3, 153:9, 153:13, 184:21, 196:11, 284:4 group 22:7, 22:22, 112:1, 115:12, 115:14, 164:9, 213:8, 218:19, 219:10, 219:17, 219:19, 239:15, 239:25, 242:2, 294:11, 321:6 groups 81:16, 117:15, 130:16, 161:14, 293:18 grove 213:1 grow 39:12, 151:23, 151:25 growth 128:18 guess 78:18, 111:21, 123:1, 149:4, 159:13, 160:19, 161:20, 174:5, 185:13, 191:5,</p>	<p>201:3, 206:18, 216:10, 219:1, 219:16, 220:10, 244:21, 245:1, 245:4, 253:14, 275:21, 281:13, 283:2, 286:16, 287:4, 310:11 guests 262:13, 263:3 guidelines 99:7, 184:15, 186:1, 186:19, 292:17 guiding 184:13 guoxing 5:3, 211:15 guys 45:12, 93:12, 160:6, 160:8, 160:11, 160:21, 161:18, 164:24, 177:23, 177:25, 178:16, 203:25</p> <hr/> <p>H</p> <hr/> <p>h 116:25 h-u-a-n-g 211:9 habitat 96:10 hair 256:25 haircut 48:17, 48:18, 48:24 half 161:24, 162:4, 166:16, 172:13 half-year 306:12 hall 44:7, 44:9 hallways 96:24 hand 10:11, 12:5,</p>	<p>21:6, 63:15, 156:10, 197:17, 197:20, 197:24, 211:11, 248:19 handed 325:21 handle 28:14, 47:8, 63:10, 78:16, 239:10, 239:21, 243:16, 317:15 handlir 1:24, 2:12, 327:2, 327:15 hands 146:2 hands-on 31:16, 32:3 happen 160:22, 218:9, 237:8 happened 76:2, 326:16 happens 203:3 happy 13:1, 131:9, 198:9, 200:3 hard 42:9, 132:15, 197:22, 299:15, 307:13 hardie 255:16 harm 122:11, 128:23, 129:4, 291:6, 319:10 harmonious 129:13, 155:17, 207:6, 259:20 harmony 121:15, 126:8, 126:13, 155:17, 186:9, 259:24, 260:3 hatch 90:22, 110:6</p>	<p>head 159:1, 307:5 heading 140:5 headlights 309:16, 309:19, 310:1 headwaters 98:22, 98:24, 98:25, 99:18, 99:21 health 56:5, 59:4, 195:22, 195:24, 253:5, 297:19 healthcare 36:15, 128:17 healthy 253:4, 272:8 hear 15:18, 18:15, 19:3, 28:13, 136:10, 193:20, 194:18, 203:11, 299:10 heard 19:16, 57:14, 72:19, 107:5, 133:15, 151:6, 171:1, 201:16, 206:4, 230:22, 234:25, 235:2, 235:3, 235:10, 257:3 hearings 1:3, 3:5, 26:25, 130:13 heated 139:4 heath 249:19 height 135:3, 148:15, 255:6, 255:18, 255:19 heights 254:8 held 2:1, 15:9,</p>
---	--	---	---

Transcript of Hearing
Conducted on February 2, 2024

112

<p>45:1, 52:4, 54:7, 324:19 hell 200:4 help 108:13, 108:21, 122:7, 179:20, 180:24, 183:24, 187:9, 244:1, 244:9, 285:1 helpful 17:13, 135:22, 139:14, 152:17, 169:13, 187:24, 190:19, 204:16, 297:11 helps 189:23, 190:11 here 8:13, 9:6, 9:7, 10:18, 13:5, 13:9, 13:24, 18:24, 22:25, 45:18, 48:23, 55:15, 59:1, 65:13, 73:3, 79:10, 82:10, 85:5, 86:13, 112:18, 121:25, 137:17, 141:2, 141:3, 144:11, 150:2, 150:3, 152:9, 152:10, 152:14, 167:1, 168:3, 176:9, 179:8, 179:13, 180:1, 180:3, 180:4, 180:9, 180:13, 180:14, 180:18, 180:20, 181:15, 194:6, 200:4, 209:9, 217:16, 222:17, 251:12, 251:19, 252:22, 254:12, 255:5, 257:17, 270:3, 274:8, 280:17, 284:1,</p>	<p>307:20, 314:23 hereafter 17:24 hereby 327:4, 328:2 hi 274:21, 289:12 hide 152:23 high 26:6, 34:1, 66:18, 74:20, 101:22, 117:5, 136:21, 136:23, 137:14, 153:18, 168:1, 168:11, 187:5, 190:4, 222:25, 240:5, 253:4 higher 31:15, 69:23, 70:3, 70:6, 95:7, 144:7, 146:19, 148:2, 167:4, 167:9, 167:14, 168:15, 169:6, 170:4, 186:18, 186:23, 190:8, 192:16, 209:22 highest 296:6, 296:8, 296:19 highlight 110:21 highly 150:22, 167:23, 208:14 highway 298:21, 304:3 hill 236:12 hire 49:3, 325:3, 325:5 hired 214:4, 238:14 hiring 238:20</p>	<p>history 325:25, 326:15 hit 110:7, 209:3 hits 109:18, 149:23 hitting 150:1, 150:3 hmid 284:5 hmm 216:14 hoa 163:4, 164:5 hoas 45:7, 130:15, 161:13, 163:4 hogan 24:9, 309:13 hold 21:23, 201:8, 314:8, 314:9 holders 195:10 holiday 34:4, 49:1, 314:5, 314:9 holidays 34:1, 314:2 holistically 320:1 hollen 24:8 home 48:7, 48:11, 49:10, 49:12, 50:15, 56:11, 56:12, 56:17, 57:15, 75:8, 112:21, 113:10, 115:12, 115:14, 117:16, 152:22, 153:9, 153:22, 154:9, 158:18, 170:14, 171:18, 176:12, 178:1, 200:1, 215:20, 215:23, 218:16,</p>	<p>255:5, 256:8, 256:10, 256:19, 259:2, 260:11, 270:18, 271:8, 272:8, 272:22, 287:20, 288:3, 288:6 home-looking 265:12 homeowner 164:4, 176:9 homeowners 45:6, 161:23, 162:6, 163:21, 284:14 homes 1:6, 7:9, 13:7, 16:1, 29:8, 69:2, 71:23, 72:24, 74:16, 102:13, 108:4, 113:6, 132:6, 132:14, 133:1, 134:9, 143:6, 154:2, 154:7, 154:11, 154:19, 158:6, 163:16, 168:1, 170:12, 170:20, 170:22, 171:5, 172:12, 176:10, 177:2, 177:6, 178:11, 178:12, 178:16, 179:2, 179:5, 189:16, 189:17, 189:19, 190:3, 190:5, 197:1, 206:15, 208:11, 219:10, 219:17, 219:18, 252:8, 253:24, 253:25, 254:12, 254:23, 255:2, 269:23, 270:2, 270:11, 270:13, 270:22, 270:23, 271:1, 271:3, 271:4, 271:16, 271:25,</p>
---	--	---	---

<p>272:16, 274:3, 283:4, 287:16, 288:8, 288:10, 309:25, 310:1, 310:3, 320:8 homework 164:25 honest 27:21 honestly 151:15, 154:25, 188:5, 326:18 hopefully 205:9 hoping 159:18, 170:6, 197:23 hopkins 250:14 horse 200:24 hosted 30:16 hour 120:15, 120:23, 122:3, 293:19, 293:20, 294:10, 294:12, 295:20, 296:1, 296:3, 296:4, 296:6, 296:8, 296:9, 296:18, 296:20, 300:15, 301:12, 301:20, 304:13, 304:14, 304:18, 304:21, 305:3, 305:4 hours 34:8, 41:16, 120:18, 154:14, 166:6, 302:12, 316:23 house 35:12, 35:18, 41:13, 48:20, 49:4, 74:4, 81:18, 119:17, 127:11, 132:19,</p>	<p>148:17, 150:2, 153:12, 153:17, 153:21, 158:13, 214:23, 214:24, 218:6, 234:17, 255:7, 257:20, 258:14, 265:6, 265:10, 267:7, 267:12, 268:1, 268:16, 272:21, 273:17, 273:18, 276:15, 282:5, 282:6, 282:9, 286:2 household 92:14 housekeeping 35:23 houses 57:19, 66:11, 66:13, 74:22, 75:13, 76:3, 76:6, 81:15, 91:4, 132:20, 134:5, 136:22, 138:9, 153:15, 155:4, 155:8, 155:11, 155:16, 218:9, 254:3, 254:14, 254:25, 255:23, 256:14, 256:15, 257:2, 258:20, 264:22, 265:24, 265:25, 266:16, 266:22, 267:14, 267:18, 267:22, 267:23, 267:24, 268:14, 269:10, 269:16, 271:19, 271:21, 272:5, 272:6, 273:10, 273:22, 281:4, 281:8, 281:18, 309:19 housing 71:16, 89:18, 125:14, 260:13, 260:17, 267:21,</p>	<p>276:15 how's 244:25 however 15:7, 63:9, 78:21, 79:2, 127:23, 227:19, 254:6, 289:21 huang 13:13, 128:5, 210:25, 211:3, 211:4, 211:6, 211:8, 211:11, 211:13, 211:15, 213:10, 213:16, 217:10, 219:6, 238:4, 242:9, 243:19, 247:11 huant 5:3 huge 297:24 hundred 102:23, 246:5 hurley 159:9, 166:21, 169:21, 176:22, 177:3 hyatts 88:5 hyattstown 64:17 hyattsville 87:25 hybrid 11:6 hydro-geological 195:14</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>id 6:3, 6:11, 7:25 idea 112:23, 234:21, 326:2 identical 55:14, 56:1, 58:8, 69:10</p>	<p>identification 29:4, 35:4, 80:23, 223:16, 253:18 identified 27:5, 28:8, 69:7, 119:9, 317:10, 318:3, 318:7 identifies 181:6 identify 28:11, 122:17, 179:17, 208:15 ignorance 325:21 ii 113:25, 114:23, 115:11, 115:19, 116:4, 116:16, 116:22, 116:25, 117:4, 118:11 ill 7:20 illumination 109:17 imagine 300:1 immaterial 153:5 immediate 30:17, 54:8, 237:5 immediately 29:11, 236:8, 254:8, 256:8 impact 32:25, 70:8, 72:10, 97:25, 102:7, 103:3, 113:5, 118:6, 121:17, 122:9, 123:23, 135:5, 146:13, 152:2, 154:17, 154:23, 155:1, 155:9, 155:16, 155:25, 180:21, 182:6,</p>
---	---	---	--

Transcript of Hearing
Conducted on February 2, 2024

114

<p>182:8, 192:4, 192:13, 192:14, 219:1, 230:20, 230:23, 231:3, 242:17, 246:20, 292:7, 293:2, 300:16, 301:9, 301:18, 310:5, 316:7, 316:19, 324:8 impacted 167:18, 230:8, 245:14, 245:16, 320:8 impacts 92:17, 92:18, 95:15, 102:4, 102:12, 122:13, 122:16, 123:11, 129:8, 131:23, 144:21, 144:22, 145:15, 319:3, 319:10, 319:14 impervious 94:14, 94:22, 95:1, 95:7, 95:11, 95:14, 97:11, 97:22, 98:5, 98:13, 135:9, 138:14, 139:1, 141:11, 142:5, 167:8, 167:9, 167:23, 168:13, 168:15, 169:6, 171:11, 171:21, 183:5, 183:12, 185:1, 186:7, 186:12, 187:20, 189:18, 189:20, 190:16, 191:15, 191:20, 208:18, 209:2, 209:10, 209:16, 209:22, 210:1, 210:7, 210:11, 229:5, 229:18, 229:19, 229:21, 229:22, 230:8,</p>	<p>230:12, 230:15, 230:24, 231:2, 231:15, 231:18, 232:22, 246:9 imperviousness 96:16, 168:2, 171:2, 182:25, 183:10, 183:14, 185:6, 185:7, 190:4, 190:6, 208:13, 232:21 implement 86:10, 184:2 implemented 229:15 imply 134:16 importance 30:6, 101:23 important 26:10, 28:8, 49:21, 82:10, 83:5, 83:25, 84:20, 92:23, 98:24, 100:8, 112:11, 120:19, 139:2, 139:11, 143:4, 155:13, 167:6, 167:7, 167:16, 182:3, 185:20, 186:6, 210:13, 210:14, 253:1 importantly 76:15, 89:22, 95:13, 120:17, 310:22, 320:10 improve 39:13, 221:23, 272:7 improved 126:5, 225:13, 229:8, 229:25, 309:7, 309:12, 310:4 improvement 310:7 improvements 84:1, 84:7,</p>	<p>84:17, 126:5, 209:7, 317:6 improving 90:9 inc 212:25 inch 67:10, 149:20, 183:5, 183:12, 184:20, 184:21, 186:5, 186:6, 231:14, 231:18 inches 86:5, 87:7, 87:13, 101:2, 195:3 include 15:25, 25:2, 39:15, 221:10, 239:13, 254:23 included 12:15, 69:3, 188:17, 284:15, 299:4, 299:12, 322:9 includes 31:23, 35:12, 237:3 including 22:4, 24:7, 36:2, 36:24, 40:8, 45:7, 48:17, 54:4, 74:6, 83:17, 86:11, 105:5, 196:11, 247:15, 250:13, 250:22, 253:2, 253:5, 254:7, 255:12, 281:10, 284:4 income 89:19 inconsistent 259:22 inconveniencing 274:16, 274:17 incorporates 95:19, 255:9,</p>	<p>297:16 incorrect 171:3 increase 127:2 increased 147:15, 173:18, 185:6, 189:17 increasing 307:23 independent 216:3 independently 50:23, 56:16 indicate 270:13, 270:14 indicated 151:19, 242:1, 291:13, 307:3, 314:5 indicating 85:5 indication 317:4 indiscernible-au- dio 279:13 individual 29:8, 38:9, 61:3, 75:22, 92:14, 92:22, 93:3, 164:5, 171:4, 195:10, 195:23, 260:18, 320:7 individuals 4:7, 4:17, 5:5, 19:9, 44:1, 146:1, 146:8, 233:18, 234:3, 294:23, 316:24 indoor 33:7, 36:23 industry 22:14, 24:5 induvial 37:5 infill 92:11, 144:4,</p>
---	--	--	--

<p>144:6 infiltrate 138:22 influence 297:1 influenced 254:18 inform 131:17 informal 10:24 information 10:23, 18:22, 36:9, 45:11, 47:20, 52:7, 99:25, 100:7, 160:5, 169:12, 205:14, 205:17, 205:21, 205:22, 205:24, 206:2, 206:5, 206:6, 291:11, 298:18, 306:21 informed 47:5 infrastructure 103:10, 128:18, 155:9 inherent 118:22, 118:24, 119:1, 119:5, 119:6, 119:8, 119:11, 119:16, 119:22, 119:25, 120:4, 120:8, 120:21, 121:6, 121:17, 122:9, 122:16, 128:25, 167:10, 317:8, 317:15, 318:2, 318:15, 319:5, 319:13 inherited 253:7 initial 44:8, 91:7, 130:11, 130:25, 169:23, 171:7,</p>	<p>173:20, 257:6 initially 189:14, 201:22, 202:24, 257:15 initials 292:14 input 30:19 insert 78:5 inside 237:20 insight 213:12 inspection 65:1, 222:7, 291:17 inspections 103:24 inspectors 250:16 inspiring 256:19 installation 320:10 installed 147:9, 147:10 instance 295:1 instead 32:22, 81:21, 97:19, 100:18, 171:15, 190:16 institute 293:17, 296:12, 313:11 institutional 256:11, 260:20 insular 97:24, 158:3 insurance 308:14 insure 201:25, 205:23, 221:16, 236:22, 242:16 intend 10:11, 17:11</p>	<p>intended 153:11, 153:12, 162:20 intending 211:19 intensity 127:2, 143:1, 143:16, 143:19, 143:25, 144:8, 155:15, 155:25 intent 22:24, 100:6, 152:24, 157:23 interactions 257:7 interconnectivity 195:16 intercounty 239:14 interest 25:10, 214:11, 214:14, 217:6, 217:11, 327:10, 328:10 interested 9:7, 12:4, 12:6, 191:11, 238:22 interesting 247:1 interests 39:11 interior 110:6 interject 58:22, 93:5 internal 73:10, 73:24, 74:5, 75:1, 82:3, 82:8, 82:14, 97:20, 126:19, 176:18, 226:5, 230:6, 303:22 internally 75:4, 310:5 international 250:11</p>	<p>internet 39:18 interpretation 201:11 interrupt 11:1, 11:8, 44:15, 79:6, 205:5, 292:11, 293:9 intersection 14:5, 84:4, 224:13, 297:1, 298:3, 298:11, 299:9, 299:22, 300:21, 302:6, 303:18, 304:6, 304:7, 304:8, 304:10, 304:11, 304:12, 304:22, 305:1, 305:11, 307:25, 316:25 intersections 238:6, 298:4, 305:11, 305:18 intrestco 215:17 introduce 8:2, 17:16, 26:18, 27:1, 52:6, 262:4 introducing 206:5 inventory 65:18, 65:20, 66:23, 67:1, 86:21 investigate 239:8 investment 234:6, 234:8, 234:18, 234:20 investments 235:6 inviting 256:9 involved 218:3, 240:4, 303:12</p>
--	--	--	--

involves 253:1 irrelevant 173:25, 287:23 issue 175:16, 196:24, 224:16, 302:20, 317:4, 326:13 issues 10:20, 11:17, 12:18, 96:5, 236:12 it'll 93:9, 151:18 ite 293:20 item 307:7 iteration 6:6, 6:7, 72:4, 73:21, 170:9, 172:9, 175:6, 175:12, 175:14, 252:20 iterations 29:14, 70:25, 71:5, 80:17, 171:23, 171:24, 174:12, 185:11, 257:13, 286:3 itself 23:5, 67:5, 85:7, 110:17, 150:9, 151:23, 151:25, 196:9 ivy 146:10, 146:15, 157:8, 157:13, 158:7, 158:22, 224:13, 225:5, 236:19, 267:4, 281:4, 282:5, 282:6	j-e-r-o-m-e 55:1 j-i-a 21:4 j-o-s-h-u-a 63:24 jamie 24:8 january 14:11, 86:18 jay 262:6, 262:10 jennifer 5:11, 13:15, 248:4, 248:8, 248:12, 248:15, 249:2, 322:23, 322:24 jenny 323:14 jerome 3:20, 54:25, 146:7 jia 4:5, 13:11, 21:1, 21:4, 21:6, 21:9, 28:25, 42:21, 107:17, 115:7, 117:3, 120:17 jia's 315:1 job 1:22 johns 250:14 johnson 28:3, 302:25, 320:23 josh 62:25, 139:22, 257:11, 260:16 joshua 4:13, 13:11, 63:18, 63:24 judgment 271:11, 271:13 judgments 246:2	judicious 188:7 julius 262:9 jumping 123:13 jun 5:11, 249:2 jurisdictions 250:6, 291:2 justice 163:3 justification 187:1 juxtapose 183:9, 183:13, 183:17, 187:6	110:19, 257:14, 277:17 kick 293:1 kids 155:6 kind 19:10, 19:17, 27:4, 27:23, 75:14, 75:15, 94:10, 96:12, 97:24, 103:21, 108:1, 110:4, 113:24, 132:15, 135:3, 137:20, 138:21, 140:19, 157:12, 158:2, 158:20, 160:19, 168:5, 172:14, 186:11, 189:1, 215:10, 276:4, 276:8, 324:9 kinds 75:17, 91:11, 145:1 kirshman 3:18, 4:8, 5:7, 5:15, 43:5, 43:10, 43:14, 43:21, 44:2, 44:18, 45:21, 46:1, 46:6, 46:9, 46:12, 46:21, 47:18, 49:19, 49:25, 50:6, 50:10, 50:13, 51:1, 52:20, 205:13, 209:15, 235:13, 235:14, 235:17, 235:20, 235:21, 238:10, 238:22, 240:24, 241:11, 241:22, 269:20, 273:9, 323:25, 324:1, 324:21 kirshman's 208:13, 325:25
J		K	
j 118:11 j-e-n-n-i-f-e-r 248:16		k-e-v-i-n 211:9 k-i-r-s-h-m-a-n 43:15 katie 7:17 keep 29:17, 61:16, 79:9, 91:17, 93:1, 110:25, 138:16, 151:20, 174:21, 202:23, 259:16, 309:20 keeping 96:2, 125:17, 237:17, 258:5 keeps 206:14 kept 189:16 kevin 5:3, 13:13, 100:24, 210:24, 211:8, 211:15, 244:14, 322:14, 322:15, 323:3, 323:14 key 39:25, 96:15,	

kitchen 35:21, 37:3, 276:3 knowing 48:9 knowledge 26:4, 105:1, 273:17, 326:7, 326:18, 327:6 known 107:12, 323:3 krishman 4:20, 156:10, 156:11, 156:13, 164:12, 164:15, 164:16, 164:18, 164:22, 165:6, 165:9, 165:10, 165:13, 165:16, 165:24, 166:3, 174:9, 174:16, 174:20, 176:1, 176:5, 177:13, 177:17, 179:18, 179:25, 180:10, 188:11, 189:6, 190:23, 191:2, 191:10, 192:15, 192:22, 269:21, 272:25, 274:1, 274:7	64:22, 64:24, 68:9, 68:13, 68:21, 71:20, 103:3, 105:18, 105:20, 175:15, 192:8, 192:10, 195:17, 204:23, 207:17, 218:5, 218:11 lands 214:24 landscape 19:6, 29:16, 63:8, 76:5, 76:11, 77:5, 77:16, 80:2, 80:4, 80:9, 87:12, 91:10, 107:20, 107:21, 107:25, 110:11, 149:5, 151:14, 151:15, 182:12, 201:9, 201:18, 202:8, 202:12, 203:18, 221:19 landscaping 17:25, 18:12, 18:20, 67:16, 75:3, 79:9, 79:16, 80:1, 91:16, 97:12, 106:13, 106:22, 111:8, 118:8, 125:21, 125:24, 126:15, 151:3, 151:4, 201:2, 201:4, 201:6, 202:15 lane 300:25, 301:3, 301:6, 307:9 lanes 300:24, 307:9 language 39:18 lap 75:14 laptop 93:6, 194:5	large 29:9, 70:17, 91:13, 95:24, 96:1, 96:4, 96:9, 119:17, 124:1, 137:11, 138:22, 188:16, 205:16, 207:24, 239:12, 260:20, 321:6 larger 67:9, 71:21, 75:18, 96:22, 99:3, 99:5, 132:19, 138:21, 141:1, 151:22, 155:24, 254:12, 254:14, 255:1, 257:15, 266:25, 269:10, 277:7, 278:21, 288:11, 314:8 largescale 92:16 last 7:22, 13:16, 44:20, 45:3, 45:9, 55:1, 114:21, 138:9, 154:1, 156:21, 164:25, 212:16, 222:23, 248:15, 248:16, 250:9, 289:25, 306:7, 312:10, 314:13, 318:14 lastly 260:12 late 34:8 later 54:12, 81:25, 123:4, 202:17 latest 128:19 latr 292:7, 293:3, 294:13, 296:23,	305:9 laundry 41:12 law 8:11, 13:4, 18:19, 202:14 lawn 67:16, 138:20 lawyer 156:23 layout 132:8, 143:9, 186:8, 221:10, 221:15 lead 51:9 leading 59:6 leads 140:25 leaf 146:10, 146:15, 157:9, 157:13, 224:13, 225:5, 267:4, 281:4, 282:5, 282:6 learn 39:12 learning 39:18 least 13:16, 83:7, 171:1, 176:13, 228:18, 231:14, 243:25, 246:5, 303:9, 323:15 leave 83:4, 99:10, 182:19, 242:25, 294:20, 322:2 leaving 294:21, 296:17 lectures 39:18 led 307:8 lee 24:13
--	--	--	--

leeway 49:23 left 71:12, 121:3, 140:6, 180:3, 180:22, 224:1, 236:1, 236:2, 251:24, 300:6, 300:7, 300:14, 301:8, 301:11, 303:16, 307:5 left-turn 300:25 legal 25:10, 323:10, 324:4, 324:10 legally 289:23 length 300:13 lengthy 103:18 lenience 41:12 lerch 3:11, 8:12, 8:14, 13:4 less 28:7, 31:13, 32:25, 60:10, 60:12, 116:13, 120:10, 154:19, 166:16, 180:14, 198:2, 209:16, 230:20, 232:12, 238:2, 275:25, 293:7, 296:24, 300:12, 301:23, 303:23, 305:3, 324:3 lesser 170:14, 190:12 let's 146:22, 150:8, 198:3, 283:8, 284:1, 285:20, 286:3, 295:1, 295:2, 303:9,	309:5, 315:20 letter 14:23, 163:12, 224:24, 292:22, 293:3, 297:18 letters 161:6, 161:13 level 31:12, 31:15, 31:17, 31:18, 31:19, 31:23, 31:25, 32:1, 32:4, 32:7, 33:21, 44:11, 59:12, 59:20, 62:13, 72:11, 110:17, 121:5, 153:9, 171:18, 177:10, 177:25, 188:20, 265:7, 265:8, 284:5, 286:4, 286:5 leveling 151:7 levels 31:1, 31:8, 31:12, 89:19, 160:1, 189:21, 191:15 library 36:24, 265:12 license 212:21, 219:7 licensed 32:10, 59:4, 212:20 licensing 42:3, 58:15, 59:6 life 154:23 lifestyles 89:20 light 109:25, 110:1, 145:5, 145:9, 148:22, 149:15, 149:21, 152:9,	153:14, 227:15, 227:16 lighting 75:3, 107:20, 108:7, 109:12, 109:13, 110:7, 110:20, 120:2, 120:4, 120:6, 126:15, 144:21, 145:22, 148:15, 151:2, 152:12 lightly 42:8 lights 144:24, 145:2, 145:3, 148:16, 148:19, 149:16, 153:10 likes 252:21 limit 119:19, 182:23, 182:25, 189:18, 189:20, 192:16 limited 16:1, 39:16, 67:1, 227:2, 265:4 limits 103:8, 106:14, 186:24 line 103:9, 106:21, 116:19, 121:20, 147:23, 150:3, 151:12, 210:12, 228:5, 228:7, 305:1, 307:7, 307:14 linear 225:16, 309:25 linearly 190:6 lines 227:17 list 10:6, 52:21, 52:22, 52:24,	53:6, 130:16, 131:5, 161:9, 161:18, 162:20, 255:6, 321:4 listed 255:5 listen 7:23 listening 55:3 lists 10:5, 162:21 literally 44:5, 325:21 litr 309:1 little 38:22, 42:23, 42:24, 49:22, 70:3, 79:8, 81:8, 88:22, 90:22, 91:1, 100:3, 100:25, 102:8, 121:24, 132:16, 132:22, 137:1, 137:2, 138:18, 140:12, 143:12, 148:2, 151:24, 156:22, 159:8, 165:18, 165:19, 181:19, 181:23, 196:5, 203:12, 205:20, 214:18, 217:22, 230:15, 231:24, 234:15, 263:10, 274:24, 275:23, 276:25, 297:1, 309:5, 322:19 live 33:19, 48:2, 56:12, 56:15, 58:2, 60:2, 101:24, 112:16, 112:24, 146:10, 161:22, 273:19, 275:23 live-in 58:1, 59:10
---	---	---	--

<p>lived 265:5</p> <p>living 14:2, 14:8, 22:14, 26:5, 26:12, 31:10, 31:18, 31:21, 32:1, 32:2, 33:20, 34:7, 36:19, 36:22, 48:14, 48:16, 50:20, 50:23, 56:2, 56:4, 56:9, 56:17, 56:25, 57:19, 58:17, 60:1, 64:10, 77:20, 77:22, 92:14, 112:1, 112:14, 112:17, 113:5, 117:3, 172:13, 172:16, 209:20, 250:23, 252:24, 253:7, 259:7, 260:19, 263:23, 265:3, 276:3, 276:5, 276:7, 276:11, 282:8, 284:17, 285:6, 285:7, 290:23, 294:23, 313:14, 316:21, 318:13</p> <p>llc 1:6, 7:10, 13:8</p> <p>loading 226:3, 226:4</p> <p>lobby 314:16</p> <p>local 292:16</p> <p>located 14:4, 23:14, 40:25, 74:18, 83:20, 212:25, 226:7, 228:25, 229:2, 236:11, 300:1, 301:18, 310:2</p>	<p>locating 309:11</p> <p>location 2:1, 15:17, 40:1, 66:6, 66:19, 89:16, 123:10, 183:5, 227:6, 227:12, 240:5, 306:6</p> <p>locations 83:17</p> <p>logistically 11:7</p> <p>long 24:22, 24:24, 42:6, 60:8, 114:7, 164:23, 212:6, 250:25</p> <p>long-term 15:2, 30:5</p> <p>longer 62:13, 198:4, 198:6, 205:5, 309:16</p> <p>look 26:1, 42:12, 54:11, 70:15, 89:7, 92:3, 92:12, 94:25, 99:19, 128:8, 134:7, 149:4, 149:13, 149:14, 152:4, 156:5, 157:7, 157:8, 157:13, 157:17, 157:24, 158:11, 165:6, 169:7, 169:22, 170:7, 176:13, 179:4, 185:13, 196:15, 208:10, 253:25, 265:25, 266:24, 267:8, 267:13, 267:20, 267:25, 270:11, 270:13, 270:23, 270:24, 270:25, 271:7, 271:9, 271:22,</p>	<p>272:4, 273:12, 273:15, 273:16, 282:2, 282:3, 292:3, 295:20, 297:18, 298:5, 306:2, 326:14</p> <p>looked 68:19, 90:22, 110:20, 244:5, 269:22, 273:21, 305:12, 306:7, 306:11, 308:3, 308:4, 313:11, 313:13</p> <p>looking 59:9, 72:18, 108:15, 136:12, 136:16, 140:1, 148:19, 148:22, 150:17, 151:4, 152:1, 152:19, 152:23, 154:11, 158:17, 160:24, 171:23, 172:1, 200:22, 224:1, 224:2, 251:11, 255:18, 260:20, 267:21, 268:1, 269:24, 272:7, 278:12, 278:24, 279:1, 280:4, 280:7, 282:11, 283:7, 283:14, 283:15, 283:21, 293:5, 298:14, 309:20, 315:12, 319:21, 319:25</p> <p>looks 92:15, 110:5, 169:21, 188:2, 191:13, 235:15, 272:21</p> <p>loop 309:22</p> <p>lose 323:24</p> <p>loss 183:3, 230:3</p>	<p>lost 203:17</p> <p>lot 29:19, 29:21, 44:3, 72:25, 74:25, 82:12, 87:16, 91:19, 96:8, 99:25, 104:3, 105:12, 115:16, 115:20, 121:8, 121:9, 132:9, 134:11, 135:9, 141:14, 144:25, 145:11, 145:12, 145:22, 162:7, 163:14, 164:23, 164:24, 174:21, 189:13, 190:3, 190:5, 193:8, 198:12, 205:14, 206:5, 206:10, 226:8, 232:7, 240:21, 258:16, 268:5, 268:14, 272:5, 282:21, 307:19, 309:23, 313:20</p> <p>lots 70:2, 70:4, 70:6, 92:10, 126:18, 132:10</p> <p>loud 83:12</p> <p>love 48:2</p> <p>low 125:17, 143:1, 143:16, 143:19, 172:22, 316:22, 320:5</p> <p>low-density 92:10</p> <p>low-intensity 142:22, 142:25, 143:3</p> <p>lower 31:12, 71:11, 97:15, 98:3,</p>
---	---	--	--

Transcript of Hearing
Conducted on February 2, 2024

120

105:23, 110:16, 134:11, 144:8, 155:15, 172:23, 177:25, 187:6, 189:18, 190:6, 192:4, 192:13, 255:14, 296:21 lowered 98:5 lunch 198:3, 198:17, 200:23, 205:8, 294:21, 314:21	256:23, 263:9, 305:1 mainline 296:21, 304:25 mainly 255:15 maintain 92:9, 106:12 maintained 189:12, 189:13, 190:15 maintaining 90:9 maintains 125:22 maintenance 35:24 major 28:19, 29:25, 295:24, 300:22, 301:4, 308:13 majority 27:8, 302:10 make 7:5, 11:19, 12:20, 13:22, 19:10, 19:19, 22:12, 42:9, 49:2, 51:25, 73:11, 74:10, 78:22, 80:16, 83:6, 91:24, 94:3, 97:2, 99:10, 100:10, 104:2, 113:3, 124:10, 129:12, 129:16, 135:8, 139:9, 140:11, 143:18, 147:3, 149:23, 153:13, 156:2, 157:7, 157:16, 165:20, 165:21, 166:2, 174:11, 184:25, 185:24, 191:8, 191:25, 195:12, 199:4, 203:25, 205:9, 230:13,	242:25, 243:9, 246:17, 248:21, 302:18, 303:10, 308:15, 321:4, 322:5, 322:8 makes 188:20, 202:5, 203:22 makeup 49:3, 49:4 making 104:13, 127:22, 167:17, 168:25, 173:3, 173:4, 174:25, 191:12, 235:15, 243:13, 301:11, 325:25 male 162:1, 162:16, 199:25 manage 195:3 managed 56:4, 239:11, 240:9 management 25:4, 35:14, 36:3, 90:20, 96:13, 97:13, 135:12, 182:11, 195:2, 204:19, 229:11, 229:18, 231:7, 231:10, 242:22, 246:13 manager 213:7, 239:15, 240:8 manner 165:7, 205:25, 259:22 mansards 172:15 manual 222:4, 293:21, 304:3 many 32:13, 33:9, 35:7, 70:15,	77:25, 85:1, 86:9, 112:20, 120:23, 132:20, 134:5, 142:24, 222:8, 233:11, 238:11, 239:11, 239:12, 240:4, 240:7, 241:12, 254:4, 255:9, 262:12, 263:5, 276:6, 276:18, 286:9, 290:7, 294:1, 294:2, 294:3, 312:11, 312:20, 312:21, 314:15 map 67:18, 68:1, 139:21, 140:2 maps 92:5 march 314:13 marie 289:24 marked 28:5, 29:3, 35:3, 80:23, 223:15, 253:17, 254:11 market 26:4, 56:10 marketing 25:3 marking 307:10 marshall 226:20 martin 5:14, 264:16, 264:18, 264:20, 265:14, 265:20, 265:23, 266:4, 266:6, 266:15, 268:5, 268:9, 268:14, 268:22, 269:8 maryland 1:1, 1:3, 1:15,
M			
m-a-r-t-i-n 264:17 m-ncppc 130:16 ma'am 20:13, 44:14, 51:8, 59:6, 70:12, 134:13, 156:16, 193:18, 217:3, 261:1 made 14:2, 15:21, 19:2, 29:13, 32:21, 33:8, 41:8, 41:10, 41:18, 65:1, 68:21, 97:23, 104:18, 129:25, 162:19, 167:3, 170:11, 170:12, 171:18, 174:12, 174:21, 176:3, 180:17, 188:22, 188:23, 222:6, 274:8, 291:17, 297:24, 308:13, 311:14 mailing 130:12, 130:13, 130:21 main 37:25, 38:4, 85:7, 109:2,			

<p>2:5, 2:13, 3:6, 3:13, 7:14, 21:19, 23:14, 24:9, 24:13, 24:14, 24:15, 56:5, 66:9, 68:25, 70:4, 95:10, 212:14, 212:20, 213:2, 229:14, 249:14, 250:3, 250:8, 250:11, 250:13, 250:15, 298:3, 301:1, 308:3, 311:4, 311:13, 312:6, 319:19, 327:16 maryland-national 104:11 masonry 75:15 mass 72:7, 287:24 massing 255:4, 255:8, 257:16, 259:11 master 17:3, 64:16, 64:17, 87:19, 87:21, 87:24, 88:2, 88:8, 88:21, 88:24, 89:3, 89:9, 89:15, 89:17, 89:22, 89:25, 90:8, 92:6, 92:15, 94:13, 94:14, 94:17, 94:23, 95:8, 95:13, 95:21, 96:11, 100:1, 100:2, 104:17, 104:21, 125:9, 125:12, 142:20, 143:2, 144:1, 144:12, 182:22, 183:1, 183:2, 183:21, 183:25,</p>	<p>185:23, 186:4, 207:16, 207:24, 209:6, 209:12, 249:25 master's 21:23, 21:24, 212:13 matched 32:24 matches 143:19, 143:24 matching 9:13 material 99:24, 152:5, 154:17, 154:22, 221:21, 237:20 materially 154:15 materials 13:24, 14:24, 16:3, 79:22, 255:12, 260:7, 308:18 math 154:3, 154:8, 191:6, 191:16, 191:17 matter 7:8, 7:21, 19:2, 20:15, 175:2, 175:8, 176:5, 176:7, 183:6, 183:11, 183:12, 220:18, 328:7 matters 184:20, 221:5 mature 151:10 maturity 151:3, 151:9, 151:12 max 302:2, 302:5, 305:2 maximized 29:16</p>	<p>maximum 36:4, 153:20, 166:16, 232:5, 237:14, 258:16, 258:19, 262:23, 262:25 maybe 52:5, 56:14, 96:21, 141:9, 148:1, 149:2, 157:10, 157:19, 170:15, 170:18, 179:19, 187:8, 189:19, 193:23, 217:6, 227:7, 275:14, 277:20, 279:9, 280:23, 281:10, 281:11, 310:12 mayor 24:12, 228:11 mcdot 224:21, 233:9, 237:2 mcdot's 224:24 mclean 249:19 md 2:6, 3:7, 237:10 mde 222:21, 228:8, 228:9, 229:14 meal 37:6 meals 33:8, 37:4, 277:5 mean 10:5, 28:16, 38:7, 44:15, 49:8, 90:5, 130:25, 135:21, 152:18, 155:12, 162:15, 174:23, 175:24, 184:12, 189:22, 190:12,</p>	<p>190:14, 191:11, 191:20, 191:21, 199:4, 202:6, 209:14, 219:4, 238:18, 238:19, 252:9, 281:21, 284:19, 297:6, 315:15, 324:23 meaningful 15:8, 22:13 means 150:1, 184:20, 186:16, 199:15, 232:7, 258:16, 267:17, 272:13, 292:13, 294:4 meant 82:16, 88:18, 92:9, 121:12, 208:8 measure 148:21, 148:22, 185:2 measured 14:3 measurements 133:14, 152:21 measures 95:20, 103:2, 103:14, 183:16, 184:1, 184:7, 184:9, 184:16, 184:25, 185:21, 186:2 measuring 156:1 mechanical 285:9, 285:14 medical 23:13, 40:8, 55:17, 56:3, 57:4, 295:2 meet 115:22, 119:16, 180:13, 210:3, 210:14, 222:25, 223:5, 224:8, 229:13, 229:23,</p>
--	--	---	---

<p>231:13, 232:10, 232:22, 243:9, 265:24, 266:18, 268:2, 269:9 meeting 30:17, 44:8, 44:9, 44:25, 45:1, 47:3, 54:8, 91:24, 120:5, 168:21, 175:18, 175:19, 324:7 meetings 15:9, 15:20, 52:3, 52:10, 61:10, 61:21 meets 14:17, 26:8, 111:12, 192:1, 208:19, 223:19, 253:4, 266:7, 266:10, 268:16 member 262:22 members 24:7, 35:10, 61:13, 61:20, 72:2, 112:25, 200:7, 262:21 memorized 152:21 mention 13:21, 17:9, 44:3, 182:23, 183:11, 241:22, 241:25, 269:22, 311:16, 312:13 mentioned 13:5, 13:19, 17:7, 19:20, 33:1, 39:24, 47:25, 48:21, 166:11, 169:17, 180:5, 180:8, 180:12, 210:5, 256:24, 257:11, 260:16, 267:18, 275:14, 303:25,</p>	<p>304:9, 308:25, 315:10 merge 301:6 met 30:11, 30:12, 51:18, 54:3, 86:24, 228:4 method 100:15, 116:6, 304:3 methodology 298:20 micro 230:1 micro-bioretenti- on 101:4, 137:25 microbiome 230:16, 231:25 microbiota 232:4, 232:6, 232:11 microphone 8:3, 42:25, 43:8, 261:6 mics 203:4 mid-atlanta 239:16 middle 137:14, 157:15, 282:6 midway 66:9 might 42:23, 108:13, 108:20, 122:4, 142:8, 158:16, 160:16, 179:19, 198:5, 292:5, 312:21, 322:13 might've 7:18, 18:21 mike 203:5 mild 32:7</p>	<p>mile 40:18, 45:8, 311:4, 312:8 mile-per-hours 223:24 miles 44:5, 90:5, 98:19, 98:20, 138:3, 140:16, 141:2, 167:2, 168:7, 168:10, 180:14 mind 139:3, 151:20, 180:11 minimal 83:2 minimize 113:19, 131:21 minimized 83:3, 83:19, 97:21 minimum 61:17, 81:14, 94:1, 106:10, 106:15, 106:19, 115:20, 115:25, 116:5, 116:17, 116:19, 186:12 minor 81:3, 88:24 minute 7:22, 302:14 minutes 93:10, 198:2, 198:11, 198:24, 200:12, 316:1 mirror 48:22 miss 321:11 missed 278:23 missing 310:9, 310:12, 320:13 mistake 10:8</p>	<p>mistook 170:15 misunderstanding 181:15 misunderstood 160:11 mitigate 87:4, 95:15, 122:7, 183:15 mitigated 102:4, 236:14 mitigation 167:7, 178:20, 183:16 mix 134:14, 254:2, 254:13, 255:24, 299:7 mixture 70:5 mm-hmm 263:4 mnc 228:4 mncpbc 224:21, 228:7, 233:9 mobile 265:4, 265:11 model 109:12 modeling 92:16, 182:14, 298:22 moderate 31:19, 32:8, 121:4 modification 74:20 modifications 15:22, 16:9, 72:13, 85:15 modified 71:18, 105:16 modify 72:20 mom's 314:20</p>
---	--	---	---

Transcript of Hearing
Conducted on February 2, 2024

123

monday 313:16 money 104:2, 113:3, 151:10 monitor 35:6, 36:10, 320:25, 321:2 monitoring 101:21, 102:3, 182:14, 185:23 montgomery 1:3, 3:4, 14:8, 23:14, 24:10, 41:25, 55:9, 55:12, 55:18, 65:4, 104:9, 105:5, 194:23, 223:6, 223:19, 223:21, 224:18, 226:23, 250:14, 258:7, 290:25, 293:22, 295:25, 318:9 month 48:19, 122:2 months 306:10 monument 85:4, 91:16 more 31:16, 33:22, 35:11, 42:10, 75:7, 86:5, 86:9, 91:1, 91:8, 95:13, 98:6, 98:12, 98:13, 100:21, 100:25, 105:10, 107:10, 113:1, 120:9, 132:24, 144:7, 148:11, 153:13, 154:21, 155:21, 157:8, 158:5, 158:8, 165:7, 167:9, 170:11, 170:12, 171:16, 171:21,	172:13, 175:10, 179:23, 179:24, 182:21, 189:19, 199:10, 199:14, 201:23, 201:25, 205:9, 206:10, 206:24, 215:13, 217:22, 219:16, 222:17, 230:22, 233:19, 234:5, 234:15, 241:14, 263:10, 263:15, 265:12, 267:15, 274:11, 275:25, 297:4, 307:20, 307:25, 310:22, 315:8, 316:1, 317:14, 326:14 morning 8:4, 8:6, 8:8, 8:10, 12:24, 12:25, 54:19, 54:22, 54:23, 54:24, 294:18, 304:13 most 17:17, 30:6, 44:21, 45:3, 46:23, 49:25, 74:8, 80:16, 82:14, 96:19, 105:19, 117:18, 134:17, 137:9, 141:16, 143:4, 153:8, 166:9, 176:11, 265:4, 284:13, 295:21, 295:22, 295:23, 316:23, 320:10 mostly 69:20, 134:19, 139:5 mother 314:12 motion 83:4 motions 11:16, 12:17	move 11:15, 11:17, 11:21, 101:5, 118:21, 124:3, 140:22, 152:14, 213:10, 243:10, 251:6, 297:24 moved 74:7, 74:13, 98:10 movies 39:18 moving 257:20 mpdus 116:24 msc 243:7 much 10:12, 12:24, 13:2, 13:21, 21:13, 59:25, 75:7, 79:7, 95:7, 105:23, 109:17, 132:19, 142:5, 144:12, 151:22, 152:11, 155:24, 162:10, 173:17, 176:2, 177:22, 190:20, 192:15, 192:20, 194:22, 241:14, 278:7, 290:13, 296:21, 314:16, 324:1 mud 147:8 multifamily 250:23 multiple 9:22, 32:3, 38:13, 196:12 music 36:25 must 80:1, 117:6, 124:9, 291:4, 292:18, 299:11	mute 193:25, 194:2, 194:4 muted 193:17, 193:20 myself 75:12, 174:17, 326:19 <hr/> <p style="text-align: center;">N</p> <hr/> n-a-n-c-y 289:25 n-e 289:25 name 7:15, 20:24, 21:1, 21:16, 43:2, 43:9, 43:16, 43:17, 51:10, 54:18, 54:25, 55:1, 63:22, 86:1, 137:21, 156:17, 156:20, 156:21, 164:13, 211:6, 211:8, 215:15, 216:12, 233:23, 235:14, 235:16, 248:11, 248:14, 248:15, 248:16, 249:12, 261:9, 262:8, 289:7, 289:21, 289:25, 323:6 names 9:17, 322:14, 322:16, 323:2, 323:10 nana 28:3, 303:12, 320:22 nancy 5:18, 9:1, 9:2, 13:16, 13:17, 121:3, 238:7, 289:4, 289:7, 289:8, 289:10, 289:15, 289:17,
--	---	---	--

<p>289:24, 289:25 narrow 205:8 narrower 72:25 natural 65:17, 65:20, 66:22, 66:25, 68:20, 86:20, 90:16 nature 101:22, 127:5, 127:8, 127:16, 155:17, 207:6 near 18:5, 90:3, 97:10, 98:21, 98:23, 99:8, 140:24, 222:25, 321:9 nearby 67:22, 76:1, 83:14, 118:25, 195:9, 196:22, 197:2, 281:18 nearest 102:16 necessarily 17:23, 18:4, 119:2, 119:3 necessary 14:19, 17:22, 34:4, 84:7, 85:11, 106:13, 108:19, 113:20, 124:4, 129:17, 184:25, 195:21, 204:22, 321:17 need 12:18, 19:1, 23:18, 28:10, 31:13, 31:16, 31:19, 36:13, 43:12, 44:15, 48:18, 50:8, 56:11, 72:12, 89:1, 93:6, 100:8, 113:21,</p>	<p>119:20, 124:21, 141:24, 165:20, 170:7, 174:14, 186:6, 193:7, 202:15, 209:3, 210:17, 227:4, 227:8, 228:6, 228:18, 229:16, 235:16, 242:19, 242:23, 243:2, 243:4, 243:7, 243:8, 246:5, 267:25, 284:7, 297:18, 303:12, 312:15, 315:6, 320:22, 322:2 needed 49:6, 189:10, 315:7, 324:4 needs 32:5, 39:11, 119:13, 142:4, 302:17, 302:18 negative 246:20 negatively 245:14, 245:15 neighbor 97:21, 221:22 neighbor's 272:2 neighborhood 14:17, 26:3, 32:25, 56:2, 59:10, 68:12, 68:16, 68:17, 68:20, 68:24, 69:12, 69:19, 70:9, 70:11, 81:9, 91:14, 117:10, 117:21, 119:1, 121:21, 122:12, 126:9, 127:1, 128:23, 129:5, 132:17, 134:5, 134:16, 134:19, 141:11, 144:15, 154:18,</p>	<p>154:23, 155:10, 155:18, 155:22, 158:3, 207:7, 221:17, 253:3, 255:12, 255:22, 255:25, 258:6, 259:21, 260:8, 270:6, 270:15, 271:7, 271:8, 271:9, 271:10, 271:14, 272:12, 272:15, 272:19, 272:20, 281:18, 283:4, 300:12, 319:11 neighborhoods 15:5, 91:20, 117:24, 121:16, 182:9, 233:11 neighboring 45:6, 46:24, 127:1, 255:23, 258:20, 273:17, 282:25 neighbors 15:9, 15:10, 15:15, 15:20, 15:24, 30:1, 30:17, 42:16, 44:25, 54:9, 73:12, 74:5, 83:19, 84:3, 84:22, 94:8, 98:9, 103:20, 123:24, 163:3, 208:4, 242:18, 244:19, 256:13, 310:6 neither 44:23, 115:15, 175:7, 327:8, 328:8 neotraditional 143:11 nervous 156:22, 156:25 network 316:7</p>	<p>networks 92:1, 99:3 never 35:11, 234:25, 235:2, 235:3, 288:23 new 17:17, 21:24, 22:4, 26:17, 27:1, 27:16, 27:19, 28:10, 34:20, 45:10, 45:16, 46:23, 57:2, 78:3, 78:6, 78:7, 78:9, 78:24, 87:10, 98:1, 134:12, 144:10, 144:17, 170:2, 170:22, 170:25, 205:14, 205:18, 205:20, 206:2, 206:5, 223:9, 230:18, 236:14, 253:14, 301:5, 310:15, 310:19 newcomer 42:7 newer 163:15, 254:6, 255:4, 267:19, 311:15 next 24:1, 25:13, 31:2, 34:19, 41:21, 62:23, 62:24, 65:8, 66:2, 67:23, 68:8, 69:8, 71:3, 71:4, 72:5, 72:6, 72:22, 73:19, 73:20, 75:10, 76:4, 78:2, 83:9, 87:18, 88:12, 105:9, 107:22, 111:18, 113:23, 115:14,</p>
--	--	--	---

<p>115:16, 115:18, 118:21, 124:3, 149:14, 166:21, 166:22, 200:12, 210:23, 210:24, 223:3, 224:13, 226:12, 242:15, 242:19, 243:11, 247:17, 248:2, 248:3, 253:13, 254:20, 254:21, 256:1, 256:16, 256:21, 257:10, 257:23, 269:11, 286:7, 288:18, 288:20, 289:4, 304:2, 305:25, 309:8, 322:9 nine 265:1, 286:11 nobody 12:5, 252:21 noise 38:20, 59:12, 59:20, 59:25, 60:4, 61:16, 121:17, 122:8, 153:8, 153:13, 226:23, 226:25, 314:17 nominal 296:25 non 119:6 non-inherent 118:22, 118:24, 119:2, 119:19, 122:12, 122:22, 123:12, 123:15, 124:2, 128:24, 128:25, 129:5, 129:8, 318:19, 319:4, 319:5, 319:13 none 6:12, 45:17, 122:24, 168:12, 188:19, 308:7,</p>	<p>312:15, 318:22, 318:23, 326:6 nonexistent 173:11, 173:16 noninherent 182:19 nonresidential 113:8 normally 227:4, 228:17, 276:11 north 29:12, 66:15, 66:19, 66:20, 68:25, 82:22, 94:6, 127:10, 135:20, 136:19, 138:7, 138:10, 140:5, 140:9, 140:13, 141:4, 145:1, 145:10, 181:24, 182:1, 312:4 north-south 146:24 northbound 301:1, 301:8, 301:10 northeast 74:18, 82:21, 226:7 northside 74:9, 84:13 northwest 14:4, 41:1, 67:7, 68:23, 88:25, 228:1 notably 29:15, 254:22 notary 2:13, 327:1, 327:15 note 36:17, 41:12, 47:21, 80:16, 81:3, 186:5, 205:13, 212:5, 223:8, 224:23,</p>	<p>302:17, 308:2, 322:12 noted 64:23, 67:20, 81:12, 82:7, 82:9, 82:19, 86:16, 86:20, 89:11, 90:2, 92:7, 98:18, 99:8, 109:10, 111:9, 115:24, 117:18, 120:5, 121:18, 122:16, 127:14, 128:3, 129:7, 219:12, 219:15, 220:16, 225:18 notes 200:23 nothing 218:20, 240:2, 248:22, 266:1 notice 10:5, 46:19, 47:10, 52:24, 53:5, 130:6, 130:10, 130:24, 131:1, 131:5, 161:3, 161:9 notification 164:6 notified 161:19, 162:22, 163:1, 163:16, 163:19, 163:21, 164:1 notify 161:24 noting 224:24 nowhere 97:10 nri 65:20 number 7:8, 15:15, 27:19, 36:4, 48:1, 79:24,</p>	<p>95:17, 105:15, 105:21, 105:24, 116:1, 119:14, 119:16, 119:22, 122:4, 127:2, 150:13, 166:4, 167:6, 184:19, 191:21, 206:14, 209:3, 210:13, 212:21, 231:25, 238:20, 254:19, 263:20, 281:8, 281:10, 292:4, 293:1, 293:25, 295:16, 303:24, 312:19, 312:22, 313:7, 318:8 numbers 78:9, 155:23, 207:1, 207:11, 276:18, 282:19 numerous 15:10, 63:7 nurse 36:16, 295:6 nurses 32:10 nursing 32:11, 57:7, 113:21, 122:3, 295:9, 314:12, 314:14 <hr/>O<hr/>o'clock 193:6, 198:1 oath 11:13, 21:7, 63:16, 211:12, 219:7, 219:13, 289:14 oazh 320:23 object 220:11, 259:6 objection 11:2, 51:25, 52:1, 252:2,</p>
---	---	--	---

Transcript of Hearing
Conducted on February 2, 2024

126

259:16 objections 213:15, 220:16 objective 91:24 objectives 89:7 obligation 219:8, 219:13 observations 253:20 obtained 212:12, 212:14 obvious 73:21 obviously 132:19, 189:23, 191:20, 218:23, 242:13, 266:8, 298:10, 317:12 occasion 39:23 occasions 15:10, 37:9, 63:7, 290:8 occupant 258:16 occupation 249:13 occur 33:7, 139:6 occurred 306:16, 306:17, 307:2 occurring 35:20 occurs 34:10, 89:6, 139:5 october 65:24, 250:9 odd 84:11, 102:21, 113:7, 120:11, 133:2 oddly 95:8 odds 278:16	off-site 34:2, 40:3, 40:7 offer 303:6 offered 6:12, 310:24 offering 202:9, 202:11 offhand 162:19 office 1:2, 2:4, 3:4, 130:12, 130:20, 285:10, 295:2, 295:3 officer 327:2 official 67:18, 137:21, 328:5 officially 324:11 offset 311:25, 312:3 offsite 84:16, 86:24, 87:4 often 25:24, 40:24, 41:8, 49:6, 152:7 oh 17:8, 23:20, 60:23, 75:11, 104:7, 142:10, 172:3, 193:14, 203:8, 214:23, 215:22, 222:16, 233:19, 251:15, 251:19, 261:9, 261:12, 262:9, 265:20, 276:8, 307:16 old 7:13, 9:15, 14:5, 29:19, 60:2, 64:9,	65:23, 66:8, 69:2, 71:10, 71:17, 73:17, 73:23, 74:24, 76:8, 84:2, 84:14, 85:2, 88:17, 90:23, 91:3, 91:5, 91:17, 94:4, 98:11, 103:7, 106:11, 118:5, 125:22, 125:24, 126:6, 130:19, 136:8, 136:20, 136:24, 138:2, 140:3, 140:23, 141:4, 158:12, 176:10, 179:9, 180:2, 180:3, 180:6, 181:16, 189:15, 222:24, 222:25, 223:24, 225:15, 225:16, 236:10, 237:21, 254:1, 267:4, 269:23, 270:4, 270:9, 270:15, 270:24, 270:25, 271:5, 271:17, 271:18, 271:24, 272:6, 272:17, 273:12, 274:3, 275:23, 278:20, 278:21, 280:21, 297:25, 298:2, 298:3, 298:8, 298:14, 299:19, 300:2, 300:4, 301:11, 301:19, 303:21, 304:8, 304:22, 305:1, 308:4, 308:5, 309:12, 309:24, 310:24, 311:1, 312:7, 316:25, 319:18 older 134:11, 159:9,	161:21, 163:14, 163:16, 169:18, 256:7, 267:7, 270:2, 272:5, 276:13 on-site 36:14, 126:3, 317:13 on-street 226:5 once 48:19, 58:14, 94:10, 161:2, 172:16, 306:24, 321:18 one's 219:23, 220:6 one-bedroom 264:25 one-quarter 312:8 one-third 135:19, 312:8 ones 133:24, 134:21, 158:7, 176:23, 177:5, 256:18, 273:13 ongoing 101:21 online 10:14, 10:15, 30:16, 44:25, 54:7, 197:16, 198:25, 199:23, 200:1, 200:12, 267:20, 278:1 only 11:11, 11:19, 15:23, 71:14, 84:6, 102:17, 113:9, 117:2, 120:12, 145:18, 163:17, 167:3, 194:4, 216:18, 237:15, 245:24, 272:14, 281:9, 283:2, 284:18,
--	--	---	--

Transcript of Hearing
Conducted on February 2, 2024

127

<p>304:24, 310:21, 319:23 open 7:7, 25:21, 76:12, 81:19, 97:9, 120:3, 202:23, 239:1, 315:8 opening 4:2, 4:3, 11:18, 11:20, 12:19, 12:20, 12:22, 19:10, 19:16 operate 58:17, 59:9 operates 312:12 operating 23:13, 55:16, 55:25, 128:17 operation 30:25, 40:10, 57:3, 57:9, 58:8, 59:24 operational 25:4, 56:7, 120:19 operations 36:11, 70:17, 122:7 operator 15:3, 30:5 opinion 50:4, 50:11, 70:8, 88:8, 94:21, 117:7, 122:15, 122:17, 125:10, 126:10, 127:6, 127:24, 128:15, 129:3, 129:15, 129:21, 159:5, 159:13, 159:15, 160:14, 160:16, 185:21, 195:8, 195:13, 210:9, 225:3, 225:6, 233:3,</p>	<p>245:4, 245:5, 245:10, 245:13, 245:19, 245:22, 246:19, 259:23, 266:12, 268:21, 272:23, 273:23, 273:25, 287:5, 287:22, 309:7, 316:3, 316:9, 318:4, 319:7, 319:14, 319:20, 319:21 opportunity 11:22, 11:24, 19:12, 19:13, 20:14, 50:3, 114:5, 124:12, 199:20, 199:23, 253:9, 266:14, 269:14, 311:6, 311:8, 321:12, 321:14, 321:16, 321:24, 321:25, 322:4, 326:17 opposed 29:9 opposiiton 44:1 opposing 44:10 opposite 102:14, 237:24, 260:18, 271:18, 272:21, 273:11 opposition 4:7, 4:17, 5:5, 8:1, 9:6, 11:23, 12:8, 15:6, 19:10, 42:20, 44:11, 99:14, 123:3, 131:15, 131:18, 146:1, 146:8, 199:16, 199:20, 203:20, 204:12, 206:7, 206:14, 207:15, 210:6, 213:15, 233:18, 234:3,</p>	<p>321:15, 321:23, 322:2 opposition's 6:11, 11:24 option 11:17 optional 11:19, 12:12, 19:11 options 320:23 order 11:15, 188:25, 226:18, 298:16, 311:11 orderings 133:14 ordinance 12:14, 14:19, 16:18, 16:22, 17:5, 18:9, 46:20, 47:11, 64:18, 80:6, 107:21, 111:23, 111:25, 112:3, 112:6, 112:13, 114:4, 124:6, 125:2, 129:18, 130:7, 131:2, 192:1, 206:20, 226:23, 226:25, 258:8, 259:18, 291:4, 316:20 organizations 20:11, 51:16, 53:11 orientation 73:4 original 71:8, 172:9, 185:8, 185:13, 257:21 originally 7:17, 65:21, 94:11, 130:17, 202:7 ornamentals 76:23</p>	<p>others 28:9, 68:14, 77:20, 122:18, 318:5, 318:7, 318:11 otherwise 109:24, 122:4, 143:15, 327:11, 328:10 out 15:10, 19:20, 27:24, 28:23, 36:8, 36:23, 42:16, 45:5, 45:23, 46:24, 61:3, 61:6, 61:9, 61:21, 70:20, 74:12, 78:23, 82:9, 83:11, 88:23, 100:13, 110:4, 130:10, 130:21, 130:24, 131:1, 136:7, 138:19, 139:8, 139:23, 144:13, 145:5, 149:2, 152:11, 158:21, 159:7, 159:14, 160:23, 161:6, 161:12, 161:17, 163:17, 168:5, 178:9, 187:22, 189:15, 191:5, 193:20, 194:7, 194:11, 201:5, 201:7, 201:10, 203:15, 207:8, 208:4, 224:5, 227:5, 227:8, 255:24, 256:14, 280:20, 292:13, 294:22, 295:4, 295:17, 296:7, 300:4, 302:8, 302:20, 320:23, 321:11, 326:3, 326:16 outcome 327:11, 328:10</p>
---	--	---	--

Transcript of Hearing
Conducted on February 2, 2024

128

<p>outdoor 37:10, 38:21, 39:4, 109:13, 120:1, 121:5, 221:21 outfalls 182:13 outing 40:15 outline 114:7 outlined 19:17, 129:17 outreach 30:3, 30:6, 39:22, 61:2, 61:19, 62:14 outside 36:16, 41:13, 41:17, 48:11, 215:3, 216:4, 239:4, 275:24 outwards 145:9 over 7:12, 14:1, 16:22, 23:16, 38:7, 67:4, 68:3, 71:24, 77:25, 87:7, 93:6, 93:19, 99:2, 103:2, 106:2, 111:20, 112:9, 114:2, 118:17, 123:4, 154:11, 157:14, 161:24, 164:4, 169:8, 184:4, 199:1, 200:4, 200:22, 207:23, 224:6, 225:5, 231:10, 236:23, 238:13, 238:24, 244:18, 257:16, 306:14, 317:10, 318:14 overall 81:1, 100:6,</p>	<p>101:23, 155:2, 173:19, 255:19, 259:11, 273:15, 288:9, 297:7, 304:11, 304:12, 316:21 overarching 89:7 overboard 81:6 overflow 305:19 overlay 69:25, 186:10 overrule 259:16 overruled 220:17 oversaw 221:19 oversee 104:8, 250:21 oversight 251:12 overview 19:14, 140:3 own 37:6, 81:9, 118:6, 131:15, 206:25, 207:5, 208:25, 215:20, 215:23, 216:16, 216:20, 216:23, 276:3, 276:25 owned 234:18 owner 15:2, 30:5, 164:1 owners 192:8 ownership 214:11 owns 25:12 oza 324:4, 324:7 ozah 7:8, 63:6,</p>	<p>130:25, 320:24 ozh 302:17, 326:14 <hr/>P<hr/>p-a-j-o-t 55:1 package 307:17, 308:13 packet 313:3 page 69:16, 92:7, 136:20, 140:24, 222:13, 278:12, 279:1, 279:5, 280:7, 283:18, 283:20 pages 1:23, 111:15, 328:3 paid 183:3 painting 39:20 pajot 3:20, 4:10, 4:18, 54:19, 54:23, 54:25, 55:4, 56:22, 57:10, 57:12, 58:25, 59:5, 59:17, 60:14, 60:18, 146:7, 146:9, 217:3, 218:17, 220:10, 223:13, 235:9, 259:6 pajot's 56:20 paper 160:24 parallel 81:23 paraphrased 99:25 parcel 154:6</p>	<p>pardon 65:11, 307:16 park 104:12, 111:10, 118:13, 130:1, 161:11, 258:2, 308:16, 315:7 parked 313:19 parking 33:9, 33:11, 33:12, 33:25, 34:1, 34:2, 34:9, 34:16, 67:14, 71:15, 73:8, 74:7, 74:8, 74:11, 74:25, 76:10, 81:23, 82:2, 82:21, 82:24, 83:24, 106:22, 106:25, 107:3, 107:7, 107:11, 108:6, 117:6, 119:20, 119:21, 137:22, 138:9, 141:22, 144:22, 144:25, 145:22, 210:2, 226:5, 226:8, 309:23, 310:2, 312:17, 313:7, 313:8, 313:12, 313:13, 313:14, 313:17, 313:22, 313:23, 314:16, 315:9, 316:10, 316:15, 317:13, 318:24 part 25:24, 26:16, 30:7, 31:5, 36:18, 102:1, 120:20, 137:6, 137:7, 148:9, 164:9, 178:6, 182:3, 205:17, 221:25, 236:25, 237:6, 240:10,</p>
---	--	--	---

255:17, 285:11, 286:1, 286:21, 325:18, 325:20 participant 250:12 participants 55:20, 250:12 particular 18:22, 27:22, 59:21, 61:3, 64:18, 88:23, 93:25, 101:14, 139:12, 147:7, 159:7, 183:18, 192:6, 199:3, 292:23, 294:2 particularly 267:6, 311:17, 311:20, 316:22 parties 12:4, 161:16, 226:18, 326:12, 327:9, 328:9 partner 218:14 partnership 214:22 parts 100:1, 217:16 party 9:7, 12:6, 12:12, 161:15, 314:8 passanger 40:6 passed 314:13 passenger 294:2, 294:7 passing 303:19 past 27:4, 63:13, 68:23, 133:1, 166:6 path 139:23 paths 37:11, 39:3,	82:8 pathway 149:19 pathways 120:2 patience 194:22 patient 295:7, 295:18 patiently 193:13 patients 262:13, 275:1, 275:2 pattern 117:21, 138:4, 140:14, 143:6 patterns 99:21, 255:20 paving 141:21, 167:12 pay 102:1, 184:20 payment 185:23 pbc 243:7 peaceful 26:1, 26:13, 60:1, 121:14 peak 34:9, 120:15, 120:18, 120:23, 293:19, 294:10, 294:12, 295:20, 296:4, 296:17, 300:15, 301:12, 301:20, 302:12, 304:13, 304:14, 304:18, 304:20, 304:21, 305:3, 305:4, 313:17, 316:13, 316:23 pedestrian 120:13, 126:5, 225:13, 311:10, 311:14 pedestrians 84:21, 91:25	penalty 248:20 pending 88:25 people 7:12, 10:13, 10:14, 11:4, 12:1, 44:10, 45:21, 47:4, 84:13, 91:12, 97:1, 107:5, 112:16, 112:20, 113:3, 113:5, 120:13, 154:8, 154:9, 154:11, 154:21, 155:3, 155:5, 155:21, 161:22, 161:25, 162:4, 162:7, 190:12, 193:7, 193:9, 198:10, 198:25, 199:23, 200:7, 263:12, 263:16, 263:19, 264:22, 265:7, 275:14, 275:23, 276:19, 294:1, 294:19, 301:9, 312:19, 312:21, 314:15, 321:5, 321:6, 322:5, 322:7, 323:24 percent 33:23, 72:9, 97:11, 106:3, 106:4, 141:12, 141:13, 141:15, 151:7, 166:17, 166:18, 167:4, 170:10, 171:2, 171:6, 171:13, 173:10, 173:21, 173:22, 173:24, 174:8, 175:5, 175:6, 185:7, 186:21, 186:25, 187:4, 187:6, 187:14, 187:17,	187:20, 187:23, 189:9, 190:4, 190:16, 190:23, 190:25, 191:1, 209:25, 230:13, 230:25, 231:1, 266:17, 302:11 percentage 33:16, 33:19, 134:9, 154:20, 183:10, 183:14, 184:19, 185:10, 185:11, 186:5, 187:20 percentages 207:1 percolate 101:6 perform 224:3 performed 41:12, 236:22 perhaps 196:18, 278:13, 280:21 perimeter 67:1 period 34:6, 88:19, 103:25, 296:1, 296:2, 296:4 periphery 25:22 perjury 248:21 permit 7:10, 159:20, 218:12 permits 103:22, 129:16 permitted 68:3, 85:9, 206:21 permitting 85:10, 100:16, 103:16, 103:18, 247:15, 247:17 person 120:11, 120:23,
--	--	--	--

<p>155:1, 163:15, 193:16, 293:8, 294:1, 294:5, 294:6, 294:9, 294:11, 296:24, 309:2, 312:23 personal 65:1, 217:4, 220:12, 222:6, 241:25, 242:1, 242:3, 291:17 personally 58:3, 152:19, 204:17, 214:16, 214:17, 216:23, 217:23, 240:7 persons 14:1, 16:23, 68:3, 111:20, 114:2, 114:3, 118:17, 206:24, 317:10 perspective 152:18, 152:19, 159:18, 257:4, 266:14, 269:16, 269:18, 316:16 perviousness 170:4 peter 24:14 petition 12:13 petitioner 8:13, 12:20, 13:7, 13:10, 13:24, 14:14, 15:2, 15:7, 15:21, 21:10, 23:3, 63:19, 80:7, 291:4 petitioner's 6:3, 19:16, 20:18 petitioners 7:25, 10:18 petitions 290:24</p>	<p>pg 55:6 ph 250:1 phases 247:17 phone 242:5 phonetic 7:18, 13:12, 28:3, 215:17, 277:22 photographic 306:22 photometric 108:21, 109:11 photometrics 108:10, 108:16, 110:12, 145:13 photos 254:5, 254:11, 255:13 phrase 167:5 phrased 210:7 physical 32:5, 37:1, 39:13, 89:20 pick 110:14, 130:13, 137:8, 137:23, 138:14, 187:22, 296:7 picked 100:1, 139:1, 141:2 pickle 121:9 pickup 317:20 pictures 158:21, 277:11, 280:3, 281:4, 282:4, 283:5 piece 18:22, 123:1 piece-by-piece 208:6</p>	<p>pieces 128:4 ping 39:21 pipe 103:24, 137:11, 138:18 piped 138:1 pitch 255:18 pits 121:9 place 22:8, 45:15, 103:22, 104:4, 106:23, 147:11, 147:12, 160:15, 165:2, 167:21, 182:10, 183:24, 184:17, 185:22, 186:10, 276:2, 277:3 placement 106:6, 106:24, 126:17 places 144:4 plane 153:13, 196:11 plank 255:16 planned 189:14 planner 13:12, 229:9, 290:6 planning 12:15, 14:9, 14:15, 14:22, 15:23, 16:12, 17:25, 18:6, 18:7, 21:24, 22:6, 22:11, 25:3, 41:25, 63:8, 77:10, 79:11, 79:13, 79:19, 79:23,</p>	<p>81:1, 81:7, 86:18, 88:19, 92:15, 104:12, 104:13, 104:19, 104:21, 111:10, 111:11, 111:16, 112:11, 118:14, 122:25, 127:21, 129:11, 130:1, 130:2, 152:25, 161:11, 168:16, 201:17, 225:19, 225:22, 232:15, 232:18, 232:24, 249:18, 250:2, 250:18, 250:20, 250:21, 258:3, 265:11, 278:13, 282:12, 282:18, 308:16, 324:2, 324:6, 326:6 plans 15:22, 17:15, 30:18, 30:20, 54:9, 78:11, 78:13, 78:25, 79:10, 81:4, 88:18, 96:19, 108:16, 135:17, 150:11, 169:18, 169:19, 173:11, 221:11, 221:14, 226:17, 226:19, 242:24 plant 87:1, 152:10 planted 91:11, 91:15, 152:15 planting 76:13, 87:2, 108:6, 151:14, 153:2 plantings 108:1, 109:23, 110:17, 150:7, 152:8, 152:12, 201:15</p>
--	--	---	--

<p>plants 156:5 play 29:2, 198:8 pleasant 221:21 please 11:1, 11:8, 12:15, 21:3, 21:17, 21:20, 23:8, 23:25, 25:13, 25:15, 28:25, 31:3, 34:19, 40:23, 46:3, 46:15, 47:21, 55:13, 56:22, 57:12, 58:5, 63:15, 64:12, 66:1, 66:5, 67:23, 68:8, 68:11, 69:18, 71:4, 73:19, 75:10, 76:4, 78:2, 80:25, 81:2, 83:9, 84:23, 96:14, 107:19, 108:18, 130:5, 136:6, 177:12, 197:19, 205:6, 206:19, 207:19, 211:11, 212:5, 212:8, 221:3, 222:11, 222:21, 223:4, 226:1, 249:11, 249:12, 249:20, 252:12, 253:21, 254:16, 254:21, 256:1, 256:4, 259:24, 265:16, 291:24, 305:25, 321:10, 322:7 pleasure 12:24 plus 152:22, 154:13, 159:8, 172:10,</p>	<p>284:25, 288:4, 302:1, 320:14 pm 293:19 point 10:16, 36:8, 37:12, 46:22, 66:18, 74:21, 110:4, 135:10, 135:18, 136:6, 136:21, 136:23, 137:14, 139:23, 140:13, 149:2, 163:18, 169:13, 169:16, 169:18, 169:20, 169:24, 173:25, 174:20, 176:3, 187:19, 187:25, 188:4, 190:9, 198:13, 204:15, 222:25, 274:8, 275:15, 321:23 pointed 100:13 points 260:5 police 128:2, 128:8, 128:11, 128:16, 308:12 policy 128:18, 128:21, 293:24, 305:5 polka 90:22 pollutant 246:11, 246:12 pollutants 99:11, 139:6, 139:11 ponds 90:17, 91:13, 96:1 pong 39:21 porches 75:16, 118:2</p>	<p>portion 89:24, 141:21, 255:15 position 20:14, 22:19, 22:21, 152:7, 213:3, 213:5, 250:18, 250:19 possible 83:8, 83:20, 129:13, 142:23, 323:10 post 130:14, 223:23 postcards 161:5 posted 35:5, 130:19 posting 10:19, 10:21, 13:20 potential 126:21, 146:21, 309:18, 310:23 potentially 96:6, 154:6, 325:7 power 227:5, 227:8, 227:16 practical 32:10 pre-hearing 251:16, 325:2 precipitation 195:4 predominantly 127:4 prefer 79:2 preliminarily 10:21 preliminary 11:16, 12:17, 18:12, 18:14, 18:21, 41:24, 85:21, 85:25, 86:1, 86:19,</p>	<p>127:20, 226:17, 232:17, 242:20 premises 85:5 preparation 64:21, 64:24, 85:21, 222:3 prepare 17:24, 221:9, 221:24, 292:21 prepared 17:19, 17:23, 18:13, 37:4, 53:1, 63:4, 226:19, 290:19, 291:12, 293:2, 297:13 prescribed 143:25 present 12:8, 59:12, 199:8, 273:18 presentation 26:17, 254:24, 286:1 presentations 22:4 presented 174:22, 256:12, 275:22, 298:19 presenting 19:18, 266:12 president 22:21 presume 322:13 presuming 290:2 pretty 10:12, 135:11, 191:22, 236:17, 315:19 prevent 183:3 preventative 122:6 prevents 186:16</p>
--	---	--	---

preview 229:9 previous 26:25, 107:5, 107:15, 124:19, 124:20, 171:23, 171:24, 185:7, 209:9, 230:4, 260:2, 272:2, 285:23 previously 115:8, 144:8, 144:16, 168:25, 230:25 primarily 70:1, 71:19, 72:6, 74:24, 90:23, 106:16, 107:8 primary 71:14, 73:8, 73:23, 76:7, 82:14, 83:16, 90:18, 216:11, 243:6, 249:12 prime 249:18, 250:18, 250:20 prince 23:15, 24:10, 55:18, 104:10, 291:1 principal 213:6, 238:12 principle 250:20, 256:19 principles 125:16, 256:5 prior 19:6, 30:18, 218:24 privacy 150:14 private 37:7, 40:5, 112:7, 235:24, 236:4, 250:15 privately 40:22	probably 12:1, 38:23, 81:5, 143:10, 148:11, 166:5, 180:7, 187:23, 193:25, 263:14, 303:11, 307:3 problem 284:24, 317:7 problems 146:22 procedural 322:12, 325:24, 326:15 proceed 11:7, 20:17, 87:18, 220:19, 252:5 proceeding 328:6 proceedings 10:24, 10:25, 11:14, 327:4, 327:8 process 41:22, 42:7, 58:23, 60:9, 103:1, 103:16, 103:18, 114:8, 173:14, 184:11, 185:22, 202:17, 204:15, 218:12, 242:12, 243:9, 243:14, 297:3, 322:10 processes 33:25, 42:13 produce 154:19, 188:8 product 147:3, 168:16 production 123:18 productive 42:6 professional 21:18, 21:21, 22:2, 70:7,	88:8, 94:20, 102:5, 105:3, 117:7, 122:15, 125:10, 126:10, 127:6, 127:24, 129:3, 129:15, 129:21, 185:20, 195:8, 195:13, 210:9, 212:9, 212:10, 212:15, 212:20, 219:6, 219:7, 219:13, 225:3, 225:6, 233:2, 246:19, 249:21, 249:22, 271:11, 271:13, 287:5, 287:21, 316:9, 318:4, 319:7, 319:21 professionalisms 245:23 professionally 246:16 professionals 32:9 proffer 152:6 proffering 111:8 profile 224:3, 240:5 program 96:25, 232:22 programs 39:10 progress 10:23 project 13:14, 13:16, 14:10, 14:25, 15:4, 16:10, 23:5, 25:2, 29:2, 29:13, 29:24, 30:23, 42:9, 55:23, 71:2, 72:14, 75:5, 77:19, 94:21, 95:18,	96:16, 102:7, 102:11, 102:25, 104:15, 104:20, 105:3, 115:12, 121:7, 123:12, 124:20, 124:24, 125:10, 126:10, 126:13, 127:18, 130:7, 143:7, 169:3, 195:9, 195:25, 207:20, 208:18, 208:24, 209:19, 209:24, 213:7, 214:2, 214:4, 214:6, 214:22, 215:8, 217:16, 218:3, 222:22, 224:11, 225:11, 225:20, 225:23, 226:18, 226:22, 227:24, 228:14, 228:15, 228:21, 231:11, 231:12, 232:9, 239:12, 239:13, 239:14, 239:15, 239:16, 239:23, 240:15, 240:22, 240:23, 243:1, 244:15, 246:7, 247:17, 254:17, 254:22, 257:25, 258:10, 260:9, 260:17, 282:24, 283:3, 291:12, 298:6, 298:23, 301:9, 304:20, 306:24, 319:2, 319:9, 320:9 projects 69:22, 77:24, 105:20, 117:18, 130:11, 144:8, 169:8, 217:25, 219:11, 239:25, 240:5, 240:7, 240:12, 240:17, 240:22, 250:22,
---	--	---	---

Transcript of Hearing
Conducted on February 2, 2024

133

<p>299:3, 304:17 promise 20:12, 20:15, 44:16, 45:24, 266:13, 269:14, 321:10 promised 202:1 promote 117:14 pronounced 323:8 properly 57:14, 104:1 properties 25:11, 67:21, 73:14, 73:17, 74:11, 75:25, 76:1, 76:18, 94:18, 110:15, 118:25, 132:4, 132:5, 144:9, 147:19, 147:25, 254:1, 255:22, 310:18 property's 99:18, 123:10 proposal 44:22, 56:1, 71:8, 81:2, 111:12, 187:15, 191:8, 191:23, 208:16 propose 85:13, 109:19, 192:21, 232:10, 255:14, 258:24 proposed 25:17, 29:8, 30:25, 31:9, 32:14, 36:20, 70:8, 84:24, 88:9, 89:12, 91:17, 96:15, 102:11, 104:15, 105:11, 106:5, 107:1, 107:20, 109:13, 109:14,</p>	<p>111:21, 111:22, 111:24, 114:24, 114:25, 115:22, 116:5, 116:11, 116:16, 117:8, 118:15, 118:25, 119:9, 120:8, 122:11, 122:22, 125:25, 127:7, 129:22, 132:12, 133:24, 134:21, 144:25, 149:16, 150:14, 151:1, 151:14, 154:13, 206:17, 208:18, 221:9, 221:16, 222:22, 223:2, 223:5, 223:18, 225:16, 227:13, 229:4, 232:2, 233:3, 246:8, 254:17, 255:17, 257:23, 258:18, 258:21, 258:22, 259:19, 260:12, 260:18, 261:18, 267:2, 287:17, 287:18, 306:6, 318:20 proposing 33:12, 44:6, 55:14, 57:1, 58:9, 116:1, 121:11, 121:12, 151:9, 154:22, 225:14, 232:3, 257:6, 257:15, 271:23 protect 90:1, 99:4, 103:13, 103:14, 184:1 protected 100:8, 103:6, 168:7, 168:24 protection 86:11, 100:13, 100:14, 101:15,</p>	<p>123:10, 123:15, 123:25, 128:2, 167:25, 229:1, 229:3, 232:23, 232:25 protections 147:6, 186:14, 186:18 provide 10:22, 21:20, 31:9, 36:14, 36:21, 40:2, 48:16, 48:23, 50:20, 50:24, 57:9, 70:21, 77:7, 77:12, 77:14, 79:25, 80:5, 84:20, 89:12, 92:13, 92:20, 92:21, 96:8, 97:18, 98:1, 98:9, 107:3, 112:21, 113:18, 114:25, 115:5, 119:21, 121:8, 130:5, 135:1, 143:13, 151:10, 169:2, 169:12, 188:25, 189:1, 189:5, 189:24, 205:22, 209:19, 216:18, 217:19, 218:20, 225:8, 225:12, 225:20, 225:23, 228:20, 229:17, 229:18, 230:7, 231:11, 231:16, 231:18, 246:12, 276:12 provided 26:21, 33:10, 51:1, 56:17, 75:24, 76:12, 76:14, 76:20, 81:16, 82:6, 84:25, 96:8, 99:16, 102:6,</p>	<p>107:1, 107:17, 110:11, 116:24, 119:23, 120:3, 130:16, 188:22, 192:18, 194:5, 195:6, 209:17, 221:4, 231:7, 280:15, 282:18, 282:19, 290:20, 306:13, 312:18, 316:12 provides 26:10, 31:11, 31:17, 32:11, 39:7, 40:5, 40:17, 92:13, 105:23, 125:14, 126:4, 186:17, 260:12 providing 56:25, 82:18, 84:6, 84:8, 87:13, 100:23, 106:11, 108:2, 108:5, 116:14, 117:2, 117:14, 125:16, 125:23, 126:3, 144:16, 205:19, 206:9, 207:10, 221:22, 311:6, 311:8 provisions 105:5, 258:8 proximate 81:20, 196:22 proximity 15:11, 26:9, 99:18, 311:16, 311:22 pruning 86:12 public 2:13, 7:8, 16:23, 33:12, 33:13, 33:14, 71:14, 74:6, 83:13, 92:17, 107:12, 112:5,</p>
--	---	--	---

<p>127:19, 127:25, 128:3, 155:9, 160:9, 227:18, 227:23, 227:24, 228:1, 250:16, 316:19, 319:17, 327:1, 327:15 pull 65:9, 79:20, 108:12, 108:17, 139:19, 146:13, 179:22, 222:12, 298:16 pulled 23:21 punch 118:1, 118:2 punched 75:16 purchase 29:19, 71:9, 218:1, 218:5 purchased 9:14, 158:13, 161:2, 161:22, 218:10 pursuant 2:12, 116:15 purview 182:15, 233:1 push 138:13, 147:22, 248:8 pushes 137:15 put 18:24, 45:4, 45:17, 70:16, 73:5, 74:17, 75:18, 83:13, 86:10, 87:11, 103:23, 106:23, 124:1, 132:6, 132:7, 134:25, 147:6, 147:8, 147:11, 151:16, 151:21, 151:24, 152:9, 152:14,</p>	<p>160:22, 160:25, 161:9, 163:14, 167:20, 170:18, 182:10, 183:23, 184:4, 184:17, 184:21, 184:22, 186:10, 199:21, 245:8, 258:21, 311:25, 325:6 puts 184:5 putting 83:20, 167:22, 167:23, 168:11, 168:22, 191:24 <hr/>Q quadrant 14:4 qualification 220:12, 239:17 qualifications 238:24, 290:11 qualified 63:3, 63:6, 63:12, 211:23, 224:8, 239:17, 252:4 qualify 22:24, 62:5, 63:5, 142:25, 211:19, 218:23, 290:3 qualifying 213:16, 252:2 qualitative 209:5 quality 14:23, 90:8, 90:9, 90:18, 91:2, 95:15, 100:20, 101:19, 101:22, 101:25, 102:2, 102:8, 126:1, 139:8, 139:12, 154:23, 167:8, 167:17, 180:21, 182:8,</p>	<p>182:11, 183:4, 183:8, 184:1, 184:14, 185:1, 185:24, 204:19, 221:11, 231:3, 231:11, 231:12, 231:21, 232:17, 232:25 quantify 258:22 quantity 76:25 quarter 311:4 questioning 38:8, 94:12, 303:8 questions 4:7, 4:17, 5:5, 11:13, 12:4, 30:25, 42:18, 43:4, 44:1, 51:7, 54:15, 55:5, 60:15, 62:17, 63:5, 87:19, 105:1, 111:19, 112:19, 131:9, 131:11, 131:14, 131:15, 131:17, 142:17, 142:19, 145:25, 146:2, 146:5, 156:4, 156:19, 157:6, 164:12, 166:4, 166:8, 177:16, 186:15, 192:12, 192:24, 193:1, 193:4, 193:23, 194:19, 197:19, 198:25, 199:3, 210:6, 217:1, 220:20, 233:15, 233:17, 234:3, 238:8, 247:3, 260:25, 261:2, 261:8, 277:25, 288:13, 315:19, 321:16,</p>	<p>322:10 queue 299:24, 300:13, 301:2, 302:6, 302:9, 303:22, 304:4, 304:5, 304:7, 305:19, 317:2 queues 298:6, 298:11, 298:13, 298:15, 298:16, 298:23 queuing 299:22, 319:24 quick 51:15, 120:10, 262:12, 302:19, 315:19, 315:21, 320:21 quickies 315:18 quickly 151:23, 234:1 quiet 26:13, 82:16, 121:13, 121:14, 320:4 quite 7:20, 30:8, 66:21, 68:21, 75:7, 89:8, 91:18, 95:3, 103:18, 105:14, 118:9, 132:24, 133:2, 148:17, 155:12, 174:14, 188:7, 188:9, 189:3, 201:21, 290:25, 306:9 quoted 99:24 quotes 99:23 <hr/>R <hr/>r 7:14, 16:18, 64:10, 64:19,</p>
--	--	--	--

66:12, 66:14, 67:20, 67:21, 68:3, 68:6, 69:24, 69:25, 70:2, 70:6, 70:23, 72:23, 74:3, 75:8, 75:25, 76:18, 81:10, 81:13, 81:17, 92:25, 95:6, 95:9, 105:6, 105:13, 105:14, 106:7, 111:14, 113:9, 115:21, 116:7, 116:9, 116:12, 117:16, 141:12, 157:25, 158:7, 166:12, 166:13, 166:15, 166:20, 166:21, 166:22, 166:24, 167:9, 168:17, 168:20, 168:22, 169:4, 187:3, 187:4, 187:21, 189:21, 190:7, 190:16, 191:14, 208:15, 258:9, 258:15 r-a-n-d-a-l-l 290:1 r-s 187:5 radius 40:18, 45:8, 161:14, 164:7 rainwater 101:2, 147:24 raise 10:11, 21:5, 63:14, 146:2, 197:19, 211:11, 248:18 raised 12:5, 15:23, 29:25, 326:13 ran 250:9, 298:25	ranch 132:23, 177:9, 178:1, 178:16, 270:1 ranch-style 158:6 rancher 254:4 ranches 134:11 randall 5:18, 13:17, 34:12, 128:4, 238:7, 289:5, 289:7, 289:8, 289:10, 289:13, 289:15, 289:17, 289:24, 290:17, 303:9, 306:2, 314:23, 316:3, 321:14 range 39:10, 107:5 ranges 151:17 rarely 107:6 raskin 24:9 rate 293:7, 299:8 rather 25:22, 29:22, 70:16, 70:18, 95:16, 96:24, 147:23, 183:14, 185:25, 307:13 rating 145:4 raw 168:9 reach 42:16, 61:3, 61:6, 61:9 reached 15:10, 19:20 reaches 180:20	read 123:14, 200:25, 201:22, 212:19, 280:13, 299:16, 325:22, 325:23 reading 195:5 ready 142:16, 272:15 real 109:15, 289:7, 320:14, 320:21, 323:6 realigned 300:23, 306:18 realignment 236:14 really 19:13, 26:3, 33:21, 49:5, 50:24, 56:10, 60:4, 75:4, 95:16, 107:7, 116:12, 129:10, 135:8, 140:14, 144:3, 153:14, 157:14, 158:15, 160:4, 169:7, 175:8, 176:7, 177:22, 189:23, 243:23, 245:3, 246:10, 252:21, 255:24, 257:17, 258:18, 267:13, 284:12, 302:19, 304:5, 326:19 rear 14:24, 81:23, 90:24, 94:6, 106:10, 106:20, 106:21, 144:21 reason 45:16, 56:8, 171:19, 182:18, 185:5, 186:19, 187:2, 197:20, 281:16 reasons 98:8, 101:12,	102:15, 134:24 rebuffed 61:12, 61:19 rebuttal 12:9, 52:6, 131:19 recall 151:16 receive 45:13 received 24:6, 44:22, 44:23, 45:14, 77:13, 205:23, 212:11, 249:23, 258:2 recent 44:21, 45:4, 55:7, 116:10, 144:7, 176:11, 318:12 recently 132:24, 254:13 recess 93:14, 200:19, 303:2 recharge 96:6, 195:22 recognition 24:6 recognitions 24:18 recognize 42:7, 277:12 recognized 24:3, 197:22, 239:13, 239:16 recommend 14:9, 89:18, 94:14, 152:25, 227:19, 232:24 recommendation 18:1, 18:7, 95:14, 104:13, 104:19, 111:17, 112:12, 118:19, 207:21, 232:16, 232:19
--	---	--	--

recommendations 17:2, 88:10, 89:4, 90:8, 92:3, 92:4, 94:22, 104:16, 125:12, 126:2, 209:6, 209:10, 209:12, 229:5 recommended 14:22, 69:11, 89:14, 89:15, 125:15, 150:22, 207:24 reconstructed 306:19 reconstruction 300:22, 301:4 reconvene 303:11, 321:13 reconvening 320:22 recorded 1:24, 7:6, 11:10, 11:13, 327:5 recording 11:11, 328:5 records 324:9 recreation 82:13 recreational 39:10 recycling 40:24, 121:22 red 137:8 redesign 42:9, 320:6 redesigned 75:7 redirect 4:11, 4:22, 5:10, 5:17, 60:21, 60:24, 193:2, 193:4, 197:25, 198:2, 198:9, 199:17,	200:22, 205:6, 205:9, 205:10, 210:18, 243:19, 247:8, 247:9, 287:1, 287:2, 321:17 reduce 72:9, 190:21, 246:7, 246:12 reduced 72:8, 170:3, 189:11, 230:24, 232:21, 258:4 reducing 170:4, 230:14 reduction 72:7, 171:24, 231:2 reductions 176:4 refer 114:16, 114:21, 323:14 reference 107:14, 140:19 referenced 124:11 references 145:19 referred 31:25, 150:21, 196:7, 280:18, 286:9 referring 107:15, 170:15, 274:24, 280:2, 282:10 refers 115:12, 145:4 refine 18:14 reflect 93:25, 117:20 reflected 16:3, 16:13, 79:17 refrain 70:13, 177:15,	266:12 refuge 256:20 regard 195:8, 195:20, 195:21, 196:5, 252:13 regarding 7:24, 10:21, 14:23, 30:25, 46:18, 77:19, 87:19, 93:19, 99:15, 99:17, 111:19, 115:8, 123:11, 130:6, 184:19, 207:20, 208:13, 208:17, 210:11, 225:4, 231:25, 232:17, 238:4, 285:23, 291:25, 312:11 regardless 129:11 regards 312:16 registered 32:10, 249:14, 250:3, 250:5 registration 250:4 regular 14:10, 122:5 regulations 56:6, 58:16, 209:1, 223:25 regulatory 64:18, 124:1, 183:23, 184:8, 184:18, 186:2 reintroduce 146:4 reiterate 98:16, 99:15, 115:4, 125:13, 129:20, 206:20, 207:19, 210:8, 247:11, 285:22 relate 258:9	related 55:22, 58:10, 105:6, 154:1, 307:3, 307:9, 317:8, 327:9, 328:8 relates 258:3, 306:3, 318:23 relation 123:6, 123:7, 292:6 relations 234:19 relationship 215:14, 216:2, 216:4, 217:4, 217:23, 218:24, 219:9, 220:1, 220:12, 234:11, 239:4, 242:1 relatively 116:9, 134:8, 310:15, 321:9 released 104:2 relevance 174:6, 174:24, 189:2, 234:10 relevant 87:21, 148:14, 175:15, 175:18, 208:17, 234:16 reliable 256:9 reliant 96:4 remainder 299:4 remained 72:14, 72:16, 72:18, 175:14 remarks 4:2 remediating 192:17 remember 79:14, 166:10,
--	--	--	--

<p>235:14, 252:19 removal 118:4 removals 86:15, 147:13 remove 86:5 removed 72:12, 73:23, 86:22, 132:1, 228:24 removing 16:2, 246:6 repeat 24:23, 164:13, 309:9 repeating 319:9 rephrase 190:2 replace 78:12, 78:19, 80:21, 150:15 replacing 87:9, 144:9 replant 87:8 replicate 92:25 replicated 143:7 report 12:15, 16:13, 64:22, 64:24, 66:4, 68:10, 68:13, 69:8, 69:15, 69:17, 78:23, 86:16, 95:4, 111:16, 195:6, 200:25, 201:4, 201:7, 201:10, 221:25, 222:5, 225:2, 225:11, 225:21, 226:15, 231:23, 232:19, 232:20, 278:13, 279:2, 279:3, 279:23,</p>	<p>280:13, 280:15, 280:16, 280:23, 282:23, 283:20, 298:19, 306:13, 308:14, 317:11 reported 307:20, 308:8, 308:10 reporter 7:2, 11:3, 51:11, 323:13, 323:22, 327:1 reports 290:19 represent 22:25, 61:5, 324:5 representation 48:13, 326:1, 326:5, 326:8 representations 324:11 represented 10:17 representing 8:12 represents 13:6 reprint 222:19 reproduction 31:4, 65:15, 66:3, 68:9, 69:15, 133:6, 172:4, 226:14, 256:2 reproductions 27:10, 27:11, 71:6 request 13:25, 40:16, 86:17 requested 79:16 require 32:2, 41:13, 74:9, 85:20, 98:12, 101:16,</p>	<p>123:23, 130:11, 189:8 required 66:23, 68:16, 74:19, 76:14, 76:21, 80:6, 84:7, 85:22, 87:17, 90:14, 93:23, 100:14, 101:2, 106:14, 106:17, 108:1, 108:3, 108:6, 116:6, 116:13, 116:24, 118:16, 127:21, 130:14, 130:21, 131:1, 182:13, 204:22, 230:6, 292:20, 294:14, 295:19, 308:25, 316:19, 325:1 requirement 42:3, 76:10, 76:13, 77:17, 80:1, 86:24, 91:9, 94:24, 105:18, 115:23, 116:2, 116:3, 187:16, 223:1, 223:22, 228:17, 229:8, 229:14, 229:16, 229:23, 231:14, 232:10, 232:22, 232:23, 236:24, 246:3, 253:6, 291:4, 304:11 requirements 14:18, 18:8, 46:19, 47:11, 64:19, 76:16, 76:22, 77:6, 84:18, 90:13, 94:18, 97:6, 97:7, 97:9, 97:10, 99:6, 100:21, 105:13, 105:17, 106:7,</p>	<p>107:21, 114:3, 116:8, 120:5, 124:25, 125:1, 125:5, 129:23, 130:6, 130:10, 148:9, 186:11, 201:13, 210:3, 224:9, 233:4, 233:10, 243:10, 292:7 requires 79:24, 81:13, 103:18, 107:4, 115:19, 116:19, 117:5, 118:23, 124:8, 124:18, 125:8, 126:7, 126:23, 127:17, 128:22, 201:14, 209:10, 221:18, 259:19, 291:5, 319:2, 324:4 requisite 293:1 rereading 79:13 rescue 221:13, 233:9 reserve 46:4, 325:5, 325:8 reservoir 168:9, 183:8 reside 25:23, 38:10, 206:15 residence 121:15, 153:7 residences 74:17, 117:17 resident 156:23, 195:12, 216:11, 285:18, 295:18, 309:17, 313:21, 315:9 resident's 49:7 residential 7:12, 14:1,</p>
---	---	---	---

15:5, 15:16, 16:22, 25:18, 29:8, 29:9, 31:11, 48:6, 48:11, 48:12, 67:6, 67:12, 67:15, 68:2, 68:23, 69:21, 71:21, 75:6, 75:20, 89:12, 90:12, 91:18, 92:9, 93:2, 96:17, 96:20, 105:11, 106:5, 108:4, 111:6, 111:19, 111:23, 111:24, 112:4, 112:14, 112:15, 112:20, 113:14, 113:25, 114:1, 117:9, 117:23, 118:17, 119:10, 121:6, 121:15, 121:21, 121:25, 122:23, 124:7, 125:17, 125:19, 126:14, 127:1, 127:4, 127:8, 127:13, 127:16, 143:6, 166:13, 168:1, 168:11, 169:4, 186:21, 186:25, 188:17, 206:23, 207:3, 207:4, 250:22, 255:10, 255:22, 260:6, 260:10, 294:19, 316:17, 317:9, 318:20 residents 26:11, 31:13, 31:16, 31:19, 32:2, 32:4, 32:7, 32:12, 33:16, 33:19, 33:22, 36:15, 37:5, 37:8, 38:10, 38:22,	39:1, 39:8, 39:11, 40:3, 40:7, 40:21, 41:2, 41:17, 48:15, 48:23, 49:2, 50:21, 50:25, 56:1, 57:15, 57:19, 58:2, 70:18, 82:10, 83:18, 91:14, 96:23, 107:8, 112:23, 113:16, 113:20, 115:2, 115:6, 147:2, 151:11, 206:15, 221:21, 245:25, 257:20, 263:4, 263:5, 263:23, 285:16, 297:14, 310:22, 311:8, 313:19, 317:22 resource 65:17, 65:20, 66:22, 66:25, 86:21, 240:10 respect 29:17, 64:13, 80:18, 128:1, 204:13, 204:22, 221:4, 255:21, 272:3, 291:6, 316:18, 318:20 respond 43:25, 77:13, 206:7 responding 210:6 response 46:8, 47:16, 97:20, 201:15, 225:19, 258:1, 313:9 responsibilities 25:1, 25:2, 64:13, 213:4, 250:19, 252:13, 291:25	responsible 252:24 rest 42:12, 143:14, 182:8, 184:7, 245:24, 274:7 restate 120:23 restrictions 97:5 resubmit 202:7 result 15:19, 30:22, 122:12, 128:24, 129:5, 319:3, 319:9 resulted 209:21 results 109:16 resume 64:4, 80:14, 213:12, 251:8, 251:13, 251:23, 326:21 resumes 322:18, 323:20 resuming 94:12 retain 324:22 retained 6:2, 73:8, 80:24 retaining 106:20, 324:19 retention 230:16, 232:1, 232:4, 232:5, 232:6, 232:11, 232:14 retirement 117:2 return 312:2 review 85:11, 85:15,	88:7, 93:24, 99:13, 104:18, 114:5, 124:12, 135:14, 184:11, 242:23, 243:3, 243:5, 243:15, 292:6, 292:16, 308:17, 324:2 reviewed 14:9, 14:21, 67:17, 88:1, 89:16, 186:2, 224:18, 224:20 reviewing 247:14 reviews 100:16 revise 77:12 revised 19:5, 78:13, 78:24, 88:14, 136:13, 201:18, 257:25 revision 233:12 revisions 15:25 rhythm 73:1, 73:5, 117:22, 126:18 rid 73:9 rider 294:7 ridge 159:9, 166:21, 169:21, 169:22, 176:22, 177:3 right-of-way 84:9 rightly 103:21 rights 69:23, 105:2, 105:4 risk 148:3
--	--	--	---

road 9:15, 14:5, 29:20, 64:10, 66:9, 66:10, 69:2, 71:10, 71:14, 71:17, 73:17, 73:24, 74:24, 84:2, 84:8, 84:14, 91:4, 91:5, 92:4, 94:5, 98:1, 98:3, 98:11, 106:9, 106:12, 106:13, 125:18, 125:23, 130:19, 136:23, 137:13, 137:14, 137:20, 138:2, 138:14, 141:17, 141:25, 142:2, 163:25, 176:10, 178:17, 179:10, 180:2, 180:3, 180:7, 189:16, 213:1, 216:23, 222:24, 222:25, 223:24, 225:15, 225:17, 235:25, 236:11, 237:11, 237:21, 237:24, 238:1, 242:18, 254:2, 267:5, 270:4, 270:7, 270:9, 270:15, 270:24, 270:25, 271:6, 271:17, 271:18, 272:17, 273:12, 296:21, 298:1, 306:18, 316:7, 316:24, 317:5, 318:10 roads 82:2, 92:19, 94:11, 121:23, 139:3, 270:1, 316:19, 317:5 roadway 295:21, 295:24,	305:20, 307:24, 308:7, 311:11, 320:12 rock 128:13 rockville 1:15, 2:6, 3:7, 213:1, 218:6 role 7:22, 29:2, 239:23 roles 22:4 roof 172:10, 255:18 roofs 75:16, 118:1 rooftop 101:8 rooftops 137:8, 137:9, 138:15 room 2:4, 3:6, 10:12, 10:15, 36:25, 37:6, 37:7, 38:2, 38:5, 48:22, 58:5, 112:18, 193:9, 203:12, 203:14, 275:14, 275:21, 276:3, 276:25, 277:4, 278:2, 285:12, 315:8 rooms 276:23, 285:9 root 86:11 roughly 66:17, 67:11, 81:17, 87:1, 140:7, 154:21 round 255:1 route 311:3, 311:24, 319:18, 319:19	routes 41:19, 85:12 row 8:21, 8:23 rows 74:16 rule 151:21, 220:17 rules 58:16, 113:11, 163:1, 164:6, 208:25, 325:1, 325:4, 325:12, 325:14, 325:16 run 40:13, 56:24, 83:15, 89:9, 109:11, 109:22, 227:1, 298:17, 314:6 running 58:7, 59:13, 71:11, 139:9 runoff 231:19 runs 58:6, 74:1, 99:2 rural 91:18, 188:18	225:20, 225:23, 316:4 safeguards 104:3, 160:14, 167:20 safely 73:14, 74:12, 84:14 safety 126:5, 236:24, 237:9, 297:19 said 9:9, 9:10, 11:9, 11:18, 24:23, 37:23, 50:3, 53:8, 57:14, 89:1, 117:22, 120:24, 130:24, 131:21, 132:3, 135:18, 141:16, 154:5, 157:7, 159:4, 160:6, 160:11, 160:21, 161:5, 161:7, 161:19, 167:13, 167:14, 167:16, 169:18, 170:2, 170:6, 170:19, 171:1, 173:9, 186:15, 187:4, 202:7, 240:20, 241:3, 243:23, 243:25, 244:1, 244:8, 245:3, 247:8, 251:2, 271:2, 273:10, 274:25, 275:17, 278:25, 279:16, 279:21, 280:22, 283:17, 283:19, 299:10, 309:14, 319:8, 322:13, 327:4 sale 284:14 salon 37:2, 48:3, 48:7, 48:20,
---	--	--	--

48:25, 50:14, 50:22 salons 256:25 same 9:16, 58:22, 140:25, 155:13, 156:1, 180:22, 190:1, 190:5, 203:6, 208:16, 210:8, 210:12, 267:24, 277:4, 287:12, 295:9, 302:3, 311:8, 312:2, 314:22 sanitary 104:8 satisfies 16:17, 16:21, 17:4, 19:4 satisfy 118:16, 124:18, 124:24, 129:22, 175:1, 226:18, 233:4, 291:5, 309:1 saturday 313:23 save 20:1, 86:11, 205:4 saw 133:7, 133:23, 156:10, 161:1, 313:10, 322:17 say 9:8, 10:2, 11:12, 19:14, 19:21, 20:7, 57:22, 57:25, 59:11, 60:10, 72:4, 137:20, 146:22, 149:12, 149:15, 150:8, 152:13, 152:14, 156:24, 157:16, 157:19, 159:12, 164:3, 169:21,	172:22, 179:7, 179:8, 179:12, 182:5, 188:14, 189:10, 198:3, 199:5, 215:15, 220:6, 230:22, 233:23, 234:1, 235:2, 246:16, 250:3, 256:14, 263:14, 265:24, 266:7, 268:15, 273:21, 275:2, 286:3, 287:25, 289:6, 289:21, 295:2, 299:11, 317:16, 317:17 saying 11:5, 45:19, 47:19, 79:9, 133:17, 143:18, 155:3, 158:12, 158:15, 161:20, 163:3, 166:3, 168:6, 171:3, 172:23, 177:20, 183:9, 185:4, 186:23, 187:2, 194:4, 200:1, 201:2, 202:10, 213:20, 216:2, 224:7, 225:11, 244:4, 245:1, 245:9, 245:10, 246:18, 246:23, 267:13, 272:13, 272:14, 274:20, 286:1, 312:11, 324:18 says 183:2, 183:4, 183:21, 183:25, 186:5, 282:4, 282:6, 282:7, 296:10 scale 74:2, 125:20, 126:14, 255:4, 257:15, 259:12,	260:10, 266:25, 281:16 scaled 127:14 schedule 6:5, 34:4, 34:24, 35:1, 35:6, 36:10, 120:18, 151:15, 320:24 scheduled 14:11, 40:14, 40:16, 40:19 schedules 35:17 school 29:11, 66:15, 94:7, 127:11, 138:17, 155:6 schools 92:18, 128:1 scope 127:2, 221:3, 292:20 screen 26:16, 68:22, 81:24, 136:12, 140:4, 197:24, 299:20 screened 111:5 screening 18:8, 29:16, 75:3, 76:16, 76:17, 76:20, 77:2, 77:6, 77:8, 77:13, 77:15, 79:25, 80:5, 82:6, 108:3, 110:11, 125:21, 150:7, 150:10, 150:19, 150:20, 153:6, 153:11 scroll 140:17 se 206:2, 285:11	seating 121:12 second 17:22, 47:24, 72:4, 93:6, 108:22, 131:19, 170:9, 171:9, 172:16, 176:8, 194:13, 195:7, 220:14, 264:1, 279:5, 293:9, 294:11 secondly 236:21, 260:9 seconds 304:14, 304:15, 304:18, 304:20, 305:3, 305:6 secretary 24:13 section 17:6, 67:7, 84:8, 112:1, 113:24, 114:23, 115:11, 116:4, 116:15, 116:21, 116:25, 117:4, 118:10, 124:5, 124:11, 124:17, 124:18, 124:23, 124:24, 125:8, 126:7, 126:23, 127:17, 128:22, 129:17, 208:4, 259:18, 319:1 sectioned 88:23 sections 84:2, 114:8, 114:13, 115:14 sector 112:6, 112:7 sediment 103:1, 147:10, 147:11, 148:10, 242:25 see 12:25, 60:20,
--	--	---	--

71:1, 71:11, 72:24, 73:18, 75:8, 75:23, 82:20, 85:1, 85:4, 91:4, 95:25, 109:4, 110:4, 117:21, 121:8, 121:9, 134:6, 134:14, 136:3, 138:11, 140:23, 143:13, 146:2, 147:21, 148:16, 149:24, 150:8, 154:17, 159:23, 169:10, 179:1, 193:15, 197:22, 197:24, 200:18, 230:2, 251:13, 251:19, 251:25, 252:21, 254:5, 254:14, 254:24, 255:3, 255:13, 256:16, 257:17, 257:24, 267:17, 267:19, 277:17, 281:9, 282:4, 284:14, 293:6, 306:23, 307:13, 308:6 seeing 18:19, 134:11, 189:2, 196:19, 280:14, 280:25 seeking 41:24 seems 188:12, 265:14 seen 117:23, 177:23, 281:18 seep 101:10 select 239:19 selected 194:9 selecting 40:1	selectively 187:8 self-evident 191:22, 192:12 self-sustaining 97:24 semantics 169:23 seminars 39:19 senator 24:8 senators 24:15 send 161:12, 163:5 sending 130:10 sends 130:13 seneca 102:8, 137:1, 137:2, 140:12, 166:25, 167:1, 168:8, 180:7, 180:8, 180:12, 180:13, 180:15, 180:19, 181:2, 181:19, 181:20, 181:23, 182:2 senior 22:14, 23:16, 24:4, 25:20, 31:9, 31:10, 64:10, 77:22, 112:14, 209:20, 213:7, 250:23, 252:24, 253:7, 260:13, 260:17, 260:19, 273:18, 276:7, 290:21, 290:23, 318:9 seniors 23:16, 25:23, 256:25, 257:1, 260:11, 265:3, 272:8, 277:7 sense 134:4, 188:21,	202:5, 209:5, 303:13 sensitive 89:23, 90:1, 123:21, 208:2 sent 45:5, 46:24, 52:21, 118:19, 130:21, 130:24, 131:1 separate 27:7, 27:24, 36:22, 98:4, 103:16, 108:9, 109:1, 220:2, 220:4, 294:22 separated 81:18, 102:16, 295:17 separately 12:5, 28:8, 108:12 septic 102:13, 102:17, 102:23, 159:6, 195:10, 228:15, 228:19, 228:20, 228:23, 242:17, 243:24, 244:2, 244:17, 244:19, 245:14, 246:1, 246:3, 246:5, 246:7, 246:16 series 30:24, 63:5, 87:19, 105:1, 111:18, 132:5 serve 23:15, 102:13, 141:24 served 77:21, 127:18, 127:25, 244:16, 319:17 serves 142:4 service 32:12, 35:13,	35:21, 40:11, 40:12, 40:17, 40:22, 50:21, 50:24, 51:2, 74:14, 74:18, 82:20, 82:24, 82:25, 83:1, 83:7, 121:18, 216:18, 218:21, 227:13, 297:16, 310:24, 311:17, 315:3, 315:10 services 16:24, 26:11, 31:18, 36:15, 36:18, 39:25, 40:4, 48:17, 74:13, 85:10, 92:19, 100:16, 103:17, 112:21, 113:15, 115:1, 115:6, 127:19, 127:25, 217:20, 221:4, 247:15 serving 7:16, 23:11, 55:21 session 11:9, 250:10 set 12:14, 45:1, 58:13, 61:20, 92:14, 94:25, 102:19, 103:8, 107:7, 122:6, 124:5, 124:10, 127:13, 129:9, 130:6, 154:18, 185:22, 187:12, 203:21, 289:12 setback 91:9, 91:21, 94:4, 94:5, 94:6, 94:8, 106:7, 106:11, 106:16, 106:19, 116:17, 116:20, 135:3
--	---	--	--

<p>setbacks 93:24, 94:1, 106:8, 116:5, 116:9, 116:13, 206:1</p> <p>sets 68:17, 105:14, 113:25, 129:1</p> <p>setting 26:2, 49:7, 60:1, 91:6, 91:7, 125:23, 276:4</p> <p>settings 32:2</p> <p>setup 59:22</p> <p>seven 256:14, 265:7, 267:22, 267:23, 306:15</p> <p>seven-foot 153:2</p> <p>several 29:14, 30:12, 32:4, 54:3, 70:25, 77:24, 86:15, 89:10, 90:17, 90:21, 92:25, 102:15, 102:22, 103:24, 112:5, 112:9, 117:12, 119:12, 127:14, 128:4, 151:17, 218:1, 253:1, 254:3, 257:12, 260:2, 260:3, 291:2, 291:19, 300:22, 301:18, 318:9</p> <p>sewer 83:12, 83:13, 83:15, 83:22, 92:19, 102:20, 104:9, 128:1, 128:6, 155:7, 227:11, 227:19, 227:25, 228:3,</p>	<p>228:5, 228:6, 228:14, 243:3, 244:3, 244:16, 246:8</p> <p>shady 213:1</p> <p>shape 123:22</p> <p>shaped 71:21</p> <p>share 30:18, 54:9, 172:6, 266:14</p> <p>sharing 275:21</p> <p>shaving 31:21</p> <p>shed 86:25, 87:3, 90:6</p> <p>sheds 67:16</p> <p>sheet 78:6, 90:15, 140:10</p> <p>sheets 78:12</p> <p>shielding 151:11</p> <p>shift 6:5, 34:10, 34:24, 35:1, 35:5, 35:19, 36:5, 36:9, 230:19, 312:20</p> <p>shifts 34:5, 35:19, 35:22, 35:24, 314:10</p> <p>shine 145:9, 310:3</p> <p>shines 145:5</p> <p>shining 309:16, 310:1</p> <p>ship 120:18</p> <p>shopping 39:22, 40:8</p>	<p>short 93:8, 96:11, 151:4</p> <p>shortage 26:7</p> <p>should 9:12, 89:25, 112:23, 121:3, 160:15, 163:11, 183:23, 186:25, 197:17, 228:16, 241:2, 244:6, 279:24, 286:18, 303:25, 308:9</p> <p>should've 22:18</p> <p>show 30:24, 66:23, 139:16, 158:22, 179:19, 180:11, 182:6, 272:21, 282:12</p> <p>showed 158:22, 181:8</p> <p>showing 173:17, 278:19</p> <p>shown 32:19, 41:6, 77:16, 87:16, 176:24, 183:19</p> <p>shows 24:17, 76:6, 139:17, 139:21, 255:13, 257:18, 281:5, 281:7</p> <p>shrubs 76:22</p> <p>shrunk 29:15</p> <p>shuttle 34:3, 40:10, 40:20, 40:22, 297:15, 315:2, 315:9</p> <p>side 14:25, 66:10, 69:4, 71:16, 72:24, 73:6,</p>	<p>76:17, 81:21, 94:5, 94:7, 95:8, 95:9, 102:14, 106:9, 106:18, 116:17, 116:19, 134:22, 138:7, 141:4, 145:1, 145:11, 145:12, 148:4, 149:16, 150:12, 150:25, 176:18, 176:24, 176:25, 177:5, 180:3, 180:9, 224:11, 236:13, 237:24, 253:24, 254:1, 270:4, 270:6, 270:8, 270:16, 270:25, 271:5, 271:18, 272:21, 273:11, 273:21, 309:20, 309:22, 312:4, 312:5</p> <p>sides 137:15, 137:16, 138:12, 203:7, 326:12, 326:17</p> <p>sidewalk 84:5, 84:9, 84:10, 84:11, 84:15, 225:14, 225:16, 310:8, 310:9, 310:12, 310:15, 310:16, 310:19, 310:20, 320:11, 320:13</p> <p>sidewalks 82:5, 84:1, 96:24, 210:2</p> <p>siding 75:14, 75:15, 255:16</p> <p>sight 150:3, 223:1, 223:8, 223:25, 224:4, 224:5, 224:7, 224:17, 236:6, 236:21,</p>
---	--	---	---

<p>237:6 sign 85:4, 85:5, 85:6, 85:11, 85:15, 91:16, 160:25, 161:3 signage 84:24, 85:9, 85:13 signal 301:5 signalized 304:9 signature-mig2k 328:13 signature-plkal 327:13 significant 29:23, 71:18, 74:19, 86:15, 89:24, 100:9, 125:20, 141:21, 152:1, 178:21, 205:18, 208:1, 320:6 significantly 30:21, 75:2, 97:15, 168:15, 225:13, 257:25 signs 85:8, 130:13, 130:14, 130:20, 160:23, 161:4, 163:21 silt 99:12, 139:5, 147:6, 147:7 siltation 139:10 similar 56:6, 56:24, 57:3, 57:4, 57:8, 57:13, 58:8, 70:22, 81:9, 117:16, 134:7, 134:20, 135:4, 208:9, 255:3, 270:3,</p>	<p>270:11, 270:13, 270:23, 270:24, 271:1, 271:22, 272:16, 273:12, 296:9, 296:17, 312:6, 318:15 similarly 312:6 simple 270:20, 271:14, 274:5 simply 22:25, 50:4, 85:13, 98:8, 150:6, 171:24, 172:18 since 112:6, 127:20, 154:1, 185:10, 193:8, 202:11, 228:13, 236:5, 249:15, 250:4, 250:7 single 29:9, 32:23, 70:16, 74:3, 75:19, 96:17, 96:20, 108:5, 113:9, 117:19, 132:5, 154:2, 154:18, 155:7, 158:6, 164:1, 164:4, 170:14, 206:15, 208:11, 209:20, 254:3, 255:4, 270:1, 271:8, 271:21, 282:5, 282:6, 287:16, 287:20, 295:6, 295:14 single-family 49:10, 49:12, 50:15, 155:4 singles 275:17, 275:19 sir 54:17, 60:17, 146:3, 262:3,</p>	<p>262:4, 266:9, 268:7, 268:20, 269:13 sit 38:23, 43:7, 152:13, 261:6 site's 230:8 sites 25:21, 25:22, 26:1, 29:1, 29:16, 258:14, 258:15 sits 147:17 sitting 82:17 situated 25:21 situation 27:22, 97:24, 121:25, 144:11, 166:24, 171:15, 172:14, 227:7, 296:9, 312:6 six 40:13, 44:12, 71:20, 72:7, 80:17, 151:17, 169:19, 169:20, 169:23, 170:13, 170:20, 171:5, 172:11, 172:17, 189:12, 189:13, 189:16, 190:21, 252:18, 254:25, 263:7, 263:11, 265:1, 274:25, 275:18, 275:20, 306:9 six-foot 153:1 sixteen 275:5, 276:15 sizable 87:11 size 70:24, 75:19,</p>	<p>81:17, 87:11, 87:12, 115:20, 119:12, 119:15, 119:19, 126:14, 134:17, 151:17, 152:5, 170:8, 170:13, 171:6, 171:25, 172:18, 175:11, 175:13, 255:6, 255:8, 258:5 sized 93:1 sizes 143:9, 151:14 skepticism 188:20 skew 220:13 skies 145:20 skilled 32:9 skip 290:11 skipped 93:19 skipping 144:20 sky 145:8 slash 322:12 slate 284:1 sleep 275:25 sleeping 276:19, 276:20 slide 25:13, 26:16, 27:1, 31:2, 34:19, 65:8, 66:2, 67:23, 68:8, 69:9, 69:15, 71:3, 71:4, 71:12, 72:5, 72:6,</p>
---	---	--	--

Transcript of Hearing
Conducted on February 2, 2024

144

72:22, 73:19, 73:20, 75:10, 76:4, 78:2, 78:7, 82:23, 83:8, 83:9, 88:12, 88:13, 105:10, 107:22, 110:24, 140:1, 222:13, 223:4, 226:13, 231:21, 253:13, 254:19, 254:20, 256:1, 257:10, 281:5, 281:7, 292:25, 293:6, 305:25, 309:9, 313:1 slides 78:3, 81:6, 267:8, 267:10 slighter 167:4 slightly 78:13, 167:4, 167:13, 254:14, 284:6 sloan 4:13, 13:12, 62:25, 63:3, 63:14, 63:18, 63:24, 64:5, 65:17, 66:5, 68:2, 68:11, 69:18, 71:5, 77:18, 78:4, 80:3, 80:25, 84:16, 85:17, 87:21, 93:18, 94:13, 99:13, 105:11, 111:3, 111:20, 113:23, 116:22, 118:11, 118:13, 125:6, 131:5, 139:15, 140:18, 163:2, 174:4, 175:17, 194:22, 195:1, 203:12, 205:1, 205:12, 242:11,	251:19 sloan's 64:4 sloping 138:17 slow 101:6 slowly 101:5 small 33:18, 48:21, 49:6, 230:1, 308:11, 310:10 smaller 32:24, 70:21, 74:2, 91:15, 96:3, 99:1, 132:22, 151:25, 158:6, 192:12, 230:17, 268:6, 268:15 so-called 132:23 social 36:2, 40:15 society 56:18 soft 289:1 soil 221:12 solely 14:2 solemnly 248:20 solution 192:17, 192:21 some 8:17, 10:13, 10:22, 17:15, 23:3, 23:9, 28:6, 28:19, 30:2, 30:8, 39:3, 49:3, 49:4, 67:9, 67:12, 71:1, 72:13, 74:25, 75:14, 75:15,	75:24, 79:16, 81:22, 89:23, 91:12, 93:23, 95:25, 99:13, 115:8, 131:17, 132:18, 132:22, 133:6, 134:6, 135:7, 138:14, 144:7, 146:12, 147:16, 151:8, 161:22, 168:14, 169:13, 169:16, 172:14, 176:12, 176:13, 180:25, 187:25, 192:16, 193:3, 197:20, 197:25, 204:12, 206:6, 214:21, 217:4, 231:17, 236:9, 239:13, 241:22, 254:10, 255:14, 257:3, 275:14, 276:12, 277:5, 291:10, 297:7, 302:20, 303:10, 307:4, 313:9, 315:17 somebody 132:3, 159:7, 159:14, 278:1, 295:7 somehow 166:12, 177:20, 182:6, 187:3 someone 11:1, 46:17, 164:3, 193:11, 196:18, 196:19, 197:23, 269:19, 286:19, 308:11 something 9:8, 18:25, 38:3, 48:4, 98:9, 110:25, 123:20, 144:9, 144:10, 144:16, 149:2, 151:21, 151:24, 152:16,	157:24, 163:8, 168:11, 188:16, 195:24, 199:5, 204:25, 209:5, 212:22, 219:2, 283:14, 303:10, 324:16, 326:22 sometime 44:7 sometimes 49:21, 151:21, 303:5, 321:7 somewhat 226:2 somewhere 180:13, 188:14, 196:25, 218:5, 230:25, 300:11 soon 17:24, 326:21 sorry 7:11, 7:21, 22:15, 37:22, 38:7, 43:6, 43:15, 43:21, 46:13, 47:1, 51:20, 55:22, 56:21, 61:15, 66:1, 75:11, 79:5, 88:6, 93:12, 104:7, 109:4, 111:3, 121:1, 131:20, 133:10, 143:24, 146:24, 157:22, 162:13, 171:12, 172:3, 188:6, 193:15, 200:21, 200:24, 203:9, 204:4, 204:8, 222:12, 223:17, 226:13, 233:22, 244:11, 248:4, 251:10, 253:15, 261:13, 264:24, 274:15, 279:25, 281:3, 281:21, 287:1, 293:15,
--	---	--	--

Transcript of Hearing
Conducted on February 2, 2024

145

<p>296:3, 296:13, 302:18, 304:6, 309:20, 322:1 sort 69:3, 83:11, 100:5, 143:11, 157:25, 196:23, 280:20, 320:1 sorts 96:5, 208:22 sought 30:19 sound 328:5 sounds 49:8, 135:13, 278:13 south 66:13, 66:18, 69:2, 70:5, 71:16, 98:20, 135:19, 137:6, 141:5, 254:1, 267:4, 269:23, 270:4, 270:6, 270:8, 270:16, 270:25, 271:5, 273:11, 273:21, 301:10, 309:20, 312:4, 312:7 southbound 302:3, 302:8 southeast 32:17, 33:2, 181:19 southern 137:7, 140:22 sovereign 192:9 spa 101:16, 102:2, 168:14, 168:23, 169:3, 169:4, 182:23, 184:4, 184:8, 184:12, 184:15, 186:1, 186:16, 186:17, 186:23, 187:10,</p>	<p>208:16, 208:19, 229:6, 229:7 space 36:16, 36:25, 76:12, 81:19, 83:2, 97:9, 125:20, 172:16, 284:17, 284:22, 285:6, 285:7 spaces 33:9, 33:11, 33:12, 74:7, 107:3, 120:3, 256:24, 257:1, 259:7, 313:7, 313:8, 313:18, 313:23 spacing 225:4, 225:7 spas 208:23 speak 20:10, 120:9, 214:9, 271:4 speaker 9:1, 93:13, 142:12, 162:1, 162:16, 175:3, 193:19, 193:21, 193:24, 194:9, 199:25, 244:22, 271:24, 279:23, 283:10, 283:16, 284:17, 285:16, 315:18 speaking 11:2, 23:2, 134:8, 175:17 speaks 174:7 special 37:9, 39:22, 64:17, 66:14, 87:25, 88:5, 100:13, 101:14, 123:10, 123:14, 123:18, 123:25, 167:25, 229:1,</p>	<p>229:3, 232:23, 232:25, 238:24 specialist 22:9 specialized 58:24 species 208:22 specific 17:4, 19:15, 64:20, 76:10, 76:12, 76:22, 77:9, 89:4, 89:13, 89:14, 92:2, 94:16, 94:18, 94:24, 95:17, 113:25, 114:6, 116:19, 127:22, 130:9, 133:14, 135:8, 142:23, 148:15, 149:21, 163:1, 169:10, 195:14, 195:24, 196:5, 208:14, 208:24, 209:3, 210:13, 217:22, 313:5, 325:15, 325:16 specifically 107:7, 108:8, 113:13, 113:17, 117:13, 132:25, 134:18, 134:25, 169:3, 207:1, 231:24 specifics 147:21, 291:11 specified 156:6 specify 198:18, 229:7 specimen 67:10, 85:19, 86:15, 87:5 spectrum 318:10 speed 223:23, 236:12,</p>	<p>237:4, 325:24 spell 20:24, 21:3, 43:13, 51:10, 54:18, 62:8, 63:22, 146:6, 156:18, 164:18, 211:6, 248:11, 248:14, 262:8, 289:21, 292:13 spelled 43:12 spend 151:10 spill-over 107:11 spillover 110:2 spinning 159:2 splendid 49:8 split 177:10 splits 66:16 spot 179:17, 188:15 spread 36:23, 138:19, 140:10 spreadsheet 307:12 springs 98:25 square 81:13, 115:20, 132:10, 133:3, 134:20, 196:6, 196:8, 196:10, 196:13, 196:20, 196:25, 197:1, 232:7, 232:13, 258:17, 259:1, 259:3, 259:4, 261:4, 261:18, 261:21, 261:22, 267:24, 268:15,</p>
--	--	--	--

278:14, 278:17, 278:22, 280:17, 280:22, 281:11, 281:15, 281:19, 281:20, 281:24, 284:3, 284:9, 284:13, 288:1, 288:4, 288:5, 288:6, 288:10, 295:3 stack 300:8 staff 12:15, 15:21, 15:23, 16:12, 16:13, 23:17, 30:19, 35:14, 35:15, 35:18, 35:21, 35:24, 66:4, 69:8, 69:15, 69:17, 72:2, 72:20, 86:16, 95:3, 95:4, 97:1, 104:12, 104:18, 111:11, 111:15, 111:16, 113:21, 118:14, 118:18, 118:19, 119:8, 119:22, 121:13, 122:3, 122:10, 122:17, 122:24, 129:11, 130:1, 150:21, 152:25, 167:5, 167:13, 200:25, 201:4, 201:7, 201:10, 201:22, 201:24, 210:8, 225:2, 225:10, 225:11, 225:19, 225:21, 226:14, 231:23, 232:19, 250:13, 251:12, 257:8, 258:3, 262:21, 262:22, 263:5, 263:11, 263:15, 278:13, 279:1,	279:3, 279:23, 280:15, 280:16, 282:23, 283:20, 285:10, 292:21, 294:17, 294:20, 294:23, 308:16, 308:24, 311:20, 317:11, 318:3 staff's 69:10, 104:24, 210:10 stage 18:21 stagger 314:18 staggered 314:10 stake 104:2 stakeholders 257:14 stand 78:23, 136:6, 158:21 standard 14:18, 41:3, 41:19, 56:7, 67:14, 70:2, 70:6, 72:25, 79:25, 87:12, 115:5, 115:19, 116:6, 118:2, 118:22, 126:11, 132:14, 158:1, 268:2, 305:5, 305:7, 305:8, 305:9 standardization 65:18 standards 16:17, 16:21, 64:19, 64:20, 105:15, 105:17, 111:7, 111:14, 111:19, 112:10, 114:1, 114:11, 117:6, 124:25, 125:4, 132:9,	175:19, 187:7, 206:25, 209:23, 223:6, 223:19, 253:4, 305:13, 317:3 standing 255:23 standpoint 229:11, 317:1, 317:2, 319:22 stands 228:9 start 157:6, 200:22, 252:16, 325:17 started 26:4, 29:5, 113:24, 205:6, 299:6, 306:10, 306:23, 326:9 starting 251:3, 252:17 starts 159:22 state 2:13, 20:24, 24:13, 42:3, 43:2, 43:9, 51:10, 54:18, 63:22, 156:17, 217:10, 248:11, 249:12, 250:4, 250:13, 251:3, 291:2, 318:14, 327:16 stated 21:16, 55:5, 154:14, 157:5, 195:2, 197:17, 244:9, 249:11, 258:12, 297:13 statement 4:3, 11:18, 11:20, 12:19, 12:21, 12:22, 12:23, 19:11, 19:16, 36:10, 45:18, 52:17,	59:7, 165:21, 183:13, 251:17, 293:12, 307:17, 308:17, 325:2 statements 12:11, 107:16, 142:21, 183:18, 248:21, 322:5 states 250:5 stating 57:13 station 128:11, 128:12, 128:13 stations 128:9, 128:14 stay 200:4, 211:6 steal 297:6 stenographer 11:12, 20:25 step 15:12, 145:11, 242:19, 243:11, 243:13, 302:20, 322:9 steps 41:22, 242:15, 319:24 steve 13:3, 218:2 steven 3:9, 8:11 stewart 29:1 still 49:9, 56:15, 73:12, 74:2, 89:1, 89:16, 94:1, 155:7, 161:22, 164:12, 166:20, 171:20, 172:17, 173:6, 175:15, 177:20, 177:24, 189:14, 200:2, 203:1,
--	--	--	--

<p>210:3, 230:13, 252:19, 272:7, 274:1, 274:4, 282:1, 313:21 stop 111:1, 111:2, 133:21, 149:11, 149:18, 179:23, 304:25, 310:25, 311:3, 311:23, 311:25, 312:1, 312:2 stopped 69:3 stopping 28:2, 305:2 storage 285:11, 300:7, 301:22, 301:24, 302:4, 302:5 store 285:15 stories 281:9, 284:3 storm 74:23, 81:25, 82:1, 90:12, 90:14, 90:19, 91:11, 95:24, 96:12, 97:13, 98:12, 100:16, 100:19, 101:13, 106:22, 126:3, 128:1, 135:12, 137:18, 138:22, 140:8, 182:10, 184:13, 185:25, 186:13, 195:2, 221:12 storms 96:9 stormwater 204:18, 229:10, 229:17, 231:7, 231:9, 240:6, 242:22, 246:13 story 172:11, 254:2,</p>	<p>254:12, 261:21 straight 273:1, 273:5 strange 123:22 strategic 25:3 stream 67:3, 90:3, 95:8, 138:5, 139:16, 180:19, 180:21, 180:22, 181:8, 208:1 streambank 90:4 streams 66:21, 66:24, 67:2, 89:23, 98:14, 98:17, 99:4, 99:15, 99:18, 99:22, 101:21, 102:3, 181:6, 181:13, 182:14 street 29:22, 72:17, 73:2, 73:5, 74:5, 74:6, 76:7, 82:3, 82:4, 94:5, 106:9, 106:18, 111:6, 117:23, 126:19, 126:20, 148:16, 160:25, 188:18 streets 33:13, 33:14, 107:13 streetscape 83:25 stretch 310:10 stretching 39:5, 39:17 strict 99:6 stringent 100:21</p>	<p>strip 237:12, 237:13 structural 103:20, 159:17 structure 29:10, 56:25, 67:15, 71:25, 144:22, 152:23, 209:21, 219:21, 219:23, 281:15 structures 67:13, 81:11, 106:2, 132:12, 196:10, 196:14, 196:21, 196:23, 259:12, 281:24 studies 159:7, 159:14, 159:16, 159:22, 159:25, 182:6, 195:14, 292:18, 295:1, 295:10, 296:14, 313:15 study 6:8, 64:17, 87:25, 88:5, 221:11, 223:9, 223:17, 224:17, 224:25, 292:7, 292:19, 293:2, 294:14, 296:24, 308:25 stuff 28:4, 242:3 style 132:23, 177:9, 254:13, 254:23, 255:10, 256:13, 260:7, 260:18, 270:2, 270:15, 271:22, 274:3 styles 254:4, 271:10 subdivided 258:13 subdivision 127:20 subdivisions 132:25</p>	<p>subject 25:6, 26:8, 71:20, 73:16, 109:14, 146:12, 146:15, 206:25, 208:25, 222:7 submission 30:18, 173:20, 222:1, 243:5 submissions 242:20 submit 17:9, 17:24, 19:5, 66:22, 68:15, 80:8, 85:23, 85:24, 101:18, 201:17, 202:24, 203:18, 231:13, 242:22, 243:3 submitted 19:1, 27:14, 27:23, 65:23, 93:21, 204:18, 255:2, 308:18 subscribe 45:12, 45:22 subsequently 127:21 subset 195:21, 196:21 subsidiary 219:18, 219:23, 220:7 substantial 15:21, 16:6, 29:13, 88:9, 104:15, 126:21 substantially 17:1, 70:10, 89:2, 125:9, 125:11, 143:8, 170:2, 170:3 substituting 43:19 suburban 104:8 sudden 134:12</p>
--	--	---	---

sufficient 34:16, 119:6, 198:11, 308:1, 324:18 sufficiently 111:5, 127:3 suggest 326:7 suggested 202:24 suggesting 152:20 suitable 221:8 suite 3:12, 213:1 suited 25:17 suites 92:22, 112:17 summarize 117:12, 207:22, 260:4 summary 129:14 summation 321:19 summerfield 69:4 summoned 20:22, 63:1, 211:1, 248:5 sunday 313:24 sunrise 318:12 supplement 312:16 supply 168:10 support 102:3, 115:2 supporting 28:7, 256:24, 257:1, 263:15, 285:9, 285:10, 285:15 supports 16:12	supposed 45:7, 100:11 sure 7:5, 9:24, 13:22, 54:13, 54:19, 55:2, 58:25, 59:25, 73:11, 74:10, 78:22, 83:6, 91:24, 93:7, 94:3, 97:2, 99:10, 100:10, 104:3, 108:14, 135:8, 139:9, 139:18, 143:18, 149:23, 153:21, 154:16, 157:16, 167:17, 174:14, 179:15, 181:23, 182:4, 184:25, 188:7, 188:9, 189:1, 191:12, 193:7, 195:13, 197:3, 198:12, 198:22, 200:10, 201:21, 233:16, 240:24, 242:25, 243:9, 243:13, 246:17, 265:22, 276:6, 282:1, 282:22, 283:24, 293:10, 297:5, 302:15, 302:19, 302:22, 310:11, 315:22, 321:4, 322:9, 323:7, 323:22 surface 103:3, 135:9, 141:11, 142:5, 167:23, 183:5, 183:12, 191:20 surfaces 168:13 surprise 7:22 surprised 44:12, 47:18	surround 82:5, 144:14, 254:7, 270:5 surrounded 117:7 surrounding 14:17, 15:4, 15:9, 15:24, 23:12, 29:1, 29:7, 30:11, 30:17, 41:17, 42:10, 42:16, 54:8, 65:3, 67:6, 67:19, 68:12, 69:7, 69:11, 69:19, 69:21, 70:9, 102:12, 103:4, 107:12, 117:9, 129:4, 132:17, 140:3, 154:24, 207:7, 221:17, 221:22, 253:2, 253:10, 253:22, 255:11, 258:6, 259:21, 259:25, 260:8, 260:15, 269:5, 270:6, 287:11, 287:16, 291:22, 319:10, 320:3 surroundings 29:5, 254:18 susan 24:13 suspended 139:10 swale 138:1, 141:4 swales 147:21 swear 248:20, 289:9, 289:12 swills 90:16 switch 93:6	sworn 7:3, 21:11, 63:20, 211:17, 249:4, 289:19 synchro 298:21 synopsis 120:10 system 69:22, 70:20, 101:1, 137:11, 138:11, 181:17, 228:19, 298:22, 311:12, 316:24, 320:11, 320:13 systems 102:13 <hr/> <p style="text-align: center;">T</p> <hr/> table 93:25, 94:9, 184:23, 206:1, 299:24, 312:18 tables 116:18 take 7:23, 10:14, 12:1, 38:7, 39:2, 42:8, 60:9, 60:10, 85:12, 87:6, 87:10, 93:8, 105:20, 137:12, 139:7, 141:20, 147:12, 154:9, 157:3, 166:5, 166:9, 183:25, 184:6, 184:10, 184:17, 185:3, 199:21, 237:7, 239:22, 264:15, 288:20, 295:1, 297:14, 310:23, 313:6, 326:14, 328:6 taken 70:19, 71:19, 87:6, 93:14,
--	---	--	--

<p>145:16, 200:19, 303:2, 327:3 takes 151:22, 306:9 taking 151:1, 151:7, 205:15, 237:21, 256:25, 306:20, 312:22, 319:24 talk 58:19, 59:2, 59:24, 81:25, 91:1, 100:24, 149:5, 150:10, 203:19, 309:5 talked 91:23, 93:3, 100:9, 118:9, 135:9 talking 34:13, 52:10, 143:16, 162:12, 172:25, 176:23, 179:16, 179:17, 179:18, 180:1, 234:22, 236:6, 237:19, 237:20, 269:10, 303:18, 304:6, 317:22 talks 235:22 taller 145:2 tapestry 159:9, 166:21, 254:9, 277:11, 299:5, 310:19 tapestry's 299:7 task 239:22 tasked 127:22 taylor 4:21, 193:17, 194:13, 194:14, 194:17, 194:19, 194:21, 194:23,</p>	<p>194:25, 197:7, 197:10, 197:15, 264:12, 264:15, 278:3, 278:5, 278:8, 278:9, 278:10, 279:3, 279:5, 279:7, 279:13, 279:22, 279:24, 280:12, 281:25, 282:11, 282:17, 282:23, 283:11, 283:22, 326:24 tdr 75:25, 76:18, 95:6, 158:7, 166:20 teaching 250:8 team 29:12, 35:10, 39:9, 46:17, 58:4, 58:7, 64:15, 158:2, 159:17, 252:16 tech 65:10, 65:12, 93:5, 93:9, 93:12, 193:11, 194:3, 194:10, 203:3, 203:6, 203:10, 203:15, 222:15, 264:7, 264:13, 279:11 technical 15:21, 46:19, 47:9, 100:25, 104:24, 108:20, 109:11, 232:20, 253:4, 257:18, 279:1, 302:20, 322:12 techniques 126:4 teji 39:21 telecommunication 227:17</p>	<p>telehealth 36:17 tell 13:9, 16:5, 22:18, 55:13, 58:5, 111:1, 133:21, 142:18, 149:10, 179:23, 235:16, 296:13, 312:20 telling 156:24, 160:3, 163:17, 185:6, 246:14 temporarily 227:5 ten 23:12, 56:15, 70:23, 81:15, 88:20, 132:6, 132:8, 147:2, 148:18, 151:18, 154:4, 154:6, 156:6, 258:14, 324:3 ten-foot 152:22, 153:22 tentatively 27:25 term 120:11, 217:7 terms 12:19, 14:3, 47:10, 53:2, 61:20, 70:14, 79:8, 81:10, 96:10, 96:16, 99:17, 105:24, 143:2, 143:22, 144:19, 144:20, 147:5, 150:20, 154:15, 155:14, 155:20, 168:3, 173:16, 175:18, 176:7, 195:16, 204:21, 208:14, 219:23, 231:3, 237:9, 238:11,</p>	<p>241:15, 242:15, 259:11, 269:3, 280:17, 281:14, 287:15, 307:24 test 194:14, 194:15, 303:17 testified 21:11, 52:12, 63:20, 77:5, 77:19, 95:18, 108:2, 111:3, 115:8, 116:23, 117:3, 118:12, 120:17, 122:20, 205:14, 209:21, 211:17, 225:4, 230:23, 238:4, 244:12, 249:4, 262:5, 280:17, 289:19, 315:1, 319:16 testify 10:11, 12:2, 19:12, 44:17, 45:25, 78:5, 80:4, 128:5, 139:15, 165:9, 166:1, 185:16, 191:23, 192:21, 196:16, 199:19, 199:22, 199:23, 200:2, 200:8, 203:23, 220:18, 265:18, 269:14, 321:12, 321:24 testifying 131:5, 177:12, 219:12, 245:7, 268:9, 305:10 testimonies 204:12 testimony 11:14, 12:16, 15:19, 16:6, 19:23, 20:1, 37:13, 46:8, 46:11, 49:17,</p>
---	--	--	--

52:6, 79:6, 85:18, 99:14, 99:16, 99:19, 102:5, 107:5, 107:15, 107:16, 107:23, 123:4, 123:14, 125:7, 162:10, 164:23, 165:23, 177:15, 182:20, 197:5, 199:16, 205:16, 205:18, 206:4, 206:7, 206:8, 207:20, 209:9, 236:17, 247:12, 247:13, 257:12, 257:24, 258:12, 259:10, 260:16, 265:16, 268:8, 272:24, 285:23, 287:5, 290:20, 305:15, 315:1, 322:3, 323:15 testo 277:21 tests 204:21, 309:1 text 116:10 th 14:11, 86:18 thanks 20:3, 55:2, 62:24, 156:8, 194:22, 235:10, 262:1, 286:24, 299:17 thanksgiving 49:1 themselves 49:2, 70:20, 119:5 theoretically 81:14 therapy 36:25, 37:1 therefore 166:14, 168:21,	186:23 therein 88:11 thew 17:15 they'd 70:18 thing 17:9, 47:24, 50:8, 58:22, 83:10, 91:2, 110:13, 139:3, 150:6, 151:13, 151:20, 152:3, 167:7, 176:11, 190:1, 201:1, 228:13, 230:18, 292:3, 295:9, 304:2, 312:10, 314:22 things 61:21, 70:14, 72:13, 86:12, 89:10, 90:17, 96:10, 97:13, 99:2, 101:20, 103:9, 103:17, 103:20, 103:22, 110:3, 112:20, 113:2, 113:21, 121:8, 125:14, 139:7, 139:12, 156:1, 166:10, 169:17, 172:15, 183:25, 184:2, 186:11, 186:24, 188:2, 190:9, 192:9, 207:2, 208:22, 236:6, 272:14, 281:22, 282:21, 294:20, 312:11, 314:6, 317:13, 317:21 thinking 83:11, 123:13 thinks 84:19 third 66:17, 66:18,	140:22, 282:7, 282:9, 301:23 thought 33:25, 37:23, 79:15, 92:24, 96:9, 98:9, 160:6, 160:7, 160:10, 160:11, 201:22, 203:17, 243:25, 297:10 thousand 266:17, 312:3 three 20:10, 23:13, 35:19, 55:16, 55:17, 56:24, 65:5, 72:21, 87:2, 87:10, 87:15, 146:3, 152:2, 157:6, 160:1, 183:17, 199:10, 199:14, 218:6, 218:9, 250:5, 254:11, 260:4, 264:25, 275:14, 275:17, 275:19, 277:4, 280:25, 282:4, 286:4, 286:5, 293:18, 296:3, 306:9 three-hour 296:2 three-inch 87:11 three-step 103:1 three-story 172:11 through 16:15, 23:2, 29:14, 30:20, 63:5, 71:1, 71:6, 74:10, 79:15, 83:23, 85:10, 85:15, 89:9, 90:21, 99:3, 100:5,	100:14, 100:15, 100:19, 101:3, 103:1, 103:19, 103:23, 114:9, 114:10, 124:16, 125:6, 136:11, 138:23, 140:8, 140:10, 141:3, 149:6, 159:19, 160:2, 181:25, 184:14, 186:13, 194:5, 194:6, 197:21, 198:12, 199:9, 218:4, 228:4, 229:9, 242:16, 242:20, 243:8, 257:12, 257:24, 297:3, 300:3, 308:5, 310:16, 312:23, 313:16, 326:15 throughout 293:23 thunder 297:6 till 18:20 time 18:12, 18:14, 24:14, 30:8, 35:11, 46:12, 55:2, 59:8, 95:21, 157:3, 169:21, 192:11, 203:6, 203:20, 205:15, 218:1, 226:17, 227:2, 230:12, 230:23, 233:22, 241:4, 241:16, 241:18, 262:23, 263:1, 265:4, 266:13, 286:23, 306:13, 306:17, 306:22, 314:21, 322:2, 324:6, 324:7, 324:10, 324:18 times 35:15, 61:12,
--	--	---	--

127:14, 222:8, 227:7, 258:25, 286:4, 291:19 tiny 203:13 tired 170:19 today 7:16, 13:5, 13:25, 15:19, 16:4, 16:15, 17:23, 18:4, 18:24, 19:3, 64:7, 77:16, 93:21, 107:17, 148:6, 150:17, 169:14, 174:21, 175:2, 175:7, 175:15, 176:7, 194:6, 198:12, 205:16, 221:1, 252:10, 257:7, 257:24, 291:15, 301:13, 303:12, 321:12, 324:3, 324:15, 326:21 today's 25:7 together 143:12, 161:9, 214:24, 218:2 toilet 31:22 told 61:24, 185:16, 314:19 took 15:12, 73:3, 184:24, 273:22, 275:22, 283:5, 298:25 top 140:24, 172:14, 299:15 topics 144:20 topography 123:22, 146:14	topology 260:13 total 33:11, 35:9, 105:24, 195:3, 262:14, 262:17, 262:22, 264:24, 265:1, 265:2, 280:17, 281:11, 281:14, 281:19, 281:20, 281:23, 284:2, 286:5, 288:5, 294:8, 298:24, 300:10, 300:18, 301:21, 301:24, 304:19, 306:14, 306:15 totally 20:8, 204:10 touch 122:20 touched 98:15, 106:8, 114:24, 117:11, 142:24, 260:3 touching 302:5 toward 138:17 towards 69:1, 69:5, 71:23, 82:3, 95:9, 136:24, 140:12, 288:9 town 44:7, 44:9, 100:4 townhouse 132:18 townhouses 132:20 track 11:8 tracked 102:4 tracking 189:3 traditional 117:20, 209:20,	255:10, 260:19, 287:20 traditionally 260:6 traffic 13:18, 113:19, 120:7, 120:8, 236:9, 237:4, 238:7, 238:9, 290:19, 291:7, 291:11, 292:7, 292:17, 292:22, 293:2, 295:21, 295:22, 298:7, 299:7, 300:1, 300:3, 301:7, 302:1, 302:11, 307:17, 308:25, 316:18, 316:22, 317:8, 318:23, 319:3, 319:10, 319:22, 319:23, 320:1 train 203:17 training 250:10, 250:12 transcribed 1:25, 7:6, 11:9 transcriber 328:1 transcript 289:22, 327:6 transcription 328:4 transferable 69:22 transferred 7:21 transferring 31:21 transit 120:13, 294:4, 294:7, 310:24, 311:12 transition 92:4, 95:6, 125:18, 158:5	translate 288:2 translated 258:17, 259:4 translates 288:4 transmittal 14:13, 14:23 transportation 22:5, 34:13, 35:13, 40:3, 40:7, 40:12, 40:17, 57:5, 115:1, 120:7, 128:5, 223:7, 223:20, 224:19, 290:5, 292:16, 293:17, 294:4, 296:13, 313:12, 316:16, 319:17 trash 40:24, 74:13, 74:14, 83:1, 121:22, 226:3, 226:6, 317:20 travel 97:25 traveling 301:10 trd 141:12 treat 82:1, 186:13, 229:19, 229:21, 229:22, 267:3 treated 139:4, 140:8, 210:15, 229:25, 232:14 treatment 90:20, 100:23, 141:3, 229:17, 231:17 tree 76:11, 85:22, 86:11, 87:6, 87:10, 153:2, 176:24
--	---	---	--

<p>trees 67:10, 76:22, 85:19, 86:3, 86:4, 86:16, 87:5, 87:10, 87:16 tremendously 159:23 trenches 83:22, 102:20 trenching 102:24 tribunals 290:7 tributaries 67:4, 99:1, 102:9, 139:16, 182:2, 182:7 tributary 90:3, 137:5, 140:18, 140:25, 181:20, 181:21 tribute 139:13 tried 126:12, 218:1, 324:11 triggered 84:17 trip 40:21, 292:18, 292:24, 293:7, 293:8, 293:16, 293:20, 294:6, 294:25, 296:10, 316:14, 320:5 trips 39:22, 40:14, 40:19, 120:11, 120:15, 120:16, 120:23, 122:1, 292:5, 294:1, 294:5, 294:9, 294:12, 294:22, 296:16, 296:25, 297:15, 309:2, 312:14, 317:12, 317:16</p>	<p>truck 41:4, 41:11, 82:25, 83:2, 226:9 trucks 121:18, 121:19, 121:22 true 96:17, 162:2, 183:20, 327:7, 328:4 trust 53:19, 239:21 truth 248:22, 248:23 try 30:9, 61:10, 75:18, 129:12, 143:11, 149:5, 154:2, 207:22, 255:23, 255:24, 258:5, 268:2, 272:7, 272:11, 273:16, 303:13, 323:7, 324:16 trying 10:2, 61:20, 61:21, 79:14, 97:12, 134:16, 135:10, 135:15, 145:16, 170:17, 174:11, 175:1, 177:18, 181:5, 188:14, 191:9, 194:6, 194:11, 280:20, 318:11, 324:21 ttr 66:12, 67:21, 69:25 tune 242:21 turn 12:2, 43:7, 73:13, 83:3, 114:11, 124:17, 199:9, 199:21, 235:23, 236:2,</p>	<p>236:3, 236:4, 261:6, 265:19, 300:7, 300:24, 301:3, 307:5, 309:22, 321:23 turn-around 141:23 turnaround 73:11, 76:9 turned 76:6, 135:1 turning 298:12, 300:3, 300:4 turns 236:8, 237:5, 237:7, 237:21 tweaks 93:23, 206:1 twice 41:3, 41:11, 65:6 two 35:22, 35:24, 66:20, 74:15, 74:16, 78:3, 78:12, 81:18, 85:12, 93:10, 94:11, 95:12, 96:6, 107:25, 110:3, 110:19, 115:14, 115:20, 117:15, 137:24, 138:3, 138:8, 138:12, 144:25, 169:17, 172:25, 173:1, 173:10, 175:16, 179:21, 179:23, 184:12, 186:15, 187:11, 190:22, 203:4, 207:2, 207:18, 207:23, 208:6, 208:7, 208:10, 228:23, 236:8, 237:4, 237:7, 237:21, 240:9, 246:6, 250:8,</p>	<p>254:2, 254:11, 254:12, 261:21, 267:10, 272:2, 272:14, 278:19, 281:9, 283:3, 284:3, 293:18, 295:12, 298:4, 309:11, 314:6, 317:13 two-acre 115:25 two-and-a-half 172:10 two-bed 265:1 two-floor 153:22 two-fold 206:18 two-story 158:14, 171:15, 171:18, 172:9, 255:13, 265:5, 267:18 two-thirds 135:20, 140:7 type 35:12, 39:6, 97:16, 153:16, 153:17, 168:12, 171:15, 271:19, 276:7 types 48:10, 116:11, 271:3 typical 69:24, 90:11, 95:1, 95:23, 100:18, 259:2, 264:23, 288:2, 288:3 typically 35:15, 40:19, 41:10, 70:15, 75:8, 75:14, 88:18, 88:19, 95:12, 96:22, 97:4, 98:2,</p>
---	--	--	--

98:25, 100:22, 121:8, 151:16, 226:16, 237:12, 321:3	324:17 understanding 11:4, 14:13, 18:18, 22:11, 41:21, 61:18, 62:2, 62:6, 63:12, 79:12, 128:16, 132:3, 141:10, 178:4, 202:14, 204:20, 241:3, 290:1, 290:4, 290:10	44:12, 50:16, 72:17, 72:19, 74:22, 81:17, 81:20, 81:21, 82:3, 82:8, 91:21, 92:13, 92:15, 92:16, 92:20, 93:4, 115:15, 116:23, 117:3, 117:22, 143:9, 145:2, 170:25, 172:19, 207:10, 207:11, 207:18, 207:23, 208:3, 208:5, 208:7, 208:10, 262:15, 264:1, 264:2, 264:24, 264:25, 265:1, 265:5	uplight 145:7, 145:18 upper 255:16, 281:9 ups 41:19 urban 21:23, 22:5, 22:11, 229:9 uses 69:21, 70:16, 89:12, 108:8, 112:1, 113:7, 113:19, 117:7, 117:19, 119:18, 125:18, 126:25, 127:3, 207:2 using 29:6, 158:17, 186:20, 188:13, 223:22, 244:2, 293:17, 298:20, 301:12, 301:13, 301:23, 323:2 usps 41:18 usually 31:23, 75:18, 97:11, 141:21, 152:1 utilities 227:12 utility 221:13 utilize 186:18	
U	under 7:13, 11:12, 17:5, 18:18, 28:18, 34:20, 76:16, 77:17, 91:1, 99:6, 102:2, 105:17, 106:1, 112:1, 112:13, 114:23, 115:19, 116:6, 116:14, 116:15, 125:1, 153:19, 182:11, 196:24, 219:7, 233:1, 248:20, 300:22, 301:24, 304:10, 304:16, 304:19 underground 71:24, 72:11, 101:9, 230:1 underlying 188:9 understand 15:5, 18:18, 53:15, 76:25, 100:6, 100:12, 135:8, 135:10, 142:2, 142:3, 143:18, 174:19, 188:16, 195:13, 201:3, 204:17, 237:6, 244:20, 244:21, 272:5, 284:5, 284:19, 289:3, 298:15, 308:9, 317:19,	understood 52:16, 57:17, 195:11, 216:3, 259:15 undertake 30:3 undue 122:11, 128:23, 291:6 unfair 165:3 unfortunate 15:15 unfortunately 7:20, 58:23 unidentified 9:1, 93:13, 142:12, 162:1, 162:16, 175:3, 193:19, 193:24, 199:25, 244:22, 271:24, 279:23, 283:10, 283:16, 284:17, 285:16, 315:18 unique 77:19, 96:25, 121:7, 208:24, 260:13, 260:17 unit 49:10, 116:11, 153:16, 262:13, 262:16, 264:25, 286:14 units 14:2, 32:13,	university 21:24, 22:1, 250:8, 250:14, 250:15 unless 11:2, 283:13, 308:13 unlike 117:18 unrelated 219:11 until 200:4, 303:9 unusual 119:4, 123:21 upcounty 30:13, 51:18, 51:21, 54:4 update 19:5, 45:11, 47:5, 306:10 updated 17:24, 44:22, 80:8, 81:4, 88:19, 93:20, 223:21 updates 45:13, 45:14	v v-y-j-o-o 43:14 valley 208:1 valuable 16:9 van 24:8, 40:6, 297:15 variance 86:17, 87:5,

280:16 variants 85:22, 86:3 varies 40:11, 146:16, 293:24 variety 95:19 various 17:11, 17:15, 22:4, 86:12, 99:3, 129:1, 144:4, 174:12, 247:14, 314:7 vary 284:6 varying 31:11 vehicle 225:12, 292:4, 294:6, 295:5, 295:6, 295:15, 295:18, 295:19, 303:23, 317:12 vehicles 74:15, 297:16, 298:12, 303:24, 304:24, 305:20, 317:18, 317:24 vehicular 29:18, 29:21, 97:19, 97:25, 120:12, 222:21, 225:20, 230:7, 310:4, 312:14, 316:4, 316:6 vehicularly 320:8 vendor 41:13 verify 326:1 version 72:21, 171:7, 171:9, 172:12, 222:23 versus 118:22, 206:16,	227:25, 294:23 via 45:1, 324:16 vice 22:21 video 193:11, 194:3, 194:10, 203:3, 203:6, 203:10, 203:15, 222:15, 264:7, 264:13, 279:11 view 46:22, 153:6 virginia 212:17, 249:19 virtue 309:15 visibility 91:22 vision 183:24 visit 112:21, 253:9, 253:21 visitation 113:1 visited 65:6 visitor 34:1, 313:20 visitors 34:6, 34:7, 107:9, 119:23, 297:15, 311:19, 317:22 visits 36:17, 61:20, 122:5, 317:24 visual 72:9, 143:15, 143:23, 152:2 visually 135:4 voice 242:5, 288:22, 289:1 voir 290:12	volume 168:2, 296:20 voluntary 30:16, 30:20, 52:3, 54:7, 84:19 volunteer 39:21 voted 14:9 vyjoo 3:18, 43:5, 43:10, 164:15, 235:16 <hr/> W <hr/> w-1 227:20 w-5 227:20 wait 18:20, 28:13, 37:22, 43:24, 46:3, 151:12, 197:6, 273:9 waiting 193:12 waivers 100:23 walk 39:2, 71:1, 71:6, 84:4, 97:1, 114:10, 294:1, 311:7, 311:10, 312:8 walked 125:6 walker 39:1 walking 37:11, 39:3, 82:8, 82:11, 82:17, 311:4, 312:23 walkways 110:16, 120:2, 121:12 wang 211:3	want 7:4, 8:2, 19:14, 20:19, 23:3, 28:1, 28:14, 34:23, 43:23, 45:15, 49:2, 50:22, 51:25, 52:21, 53:8, 56:8, 56:16, 62:4, 78:19, 78:22, 79:5, 79:6, 84:3, 85:14, 89:9, 98:2, 99:4, 99:9, 108:11, 110:3, 117:20, 122:25, 131:14, 131:20, 135:7, 136:1, 136:6, 139:7, 139:8, 143:18, 145:6, 146:3, 149:22, 152:6, 156:7, 156:16, 156:22, 157:16, 159:11, 162:9, 164:18, 165:1, 165:17, 166:2, 179:13, 183:22, 188:6, 192:11, 192:19, 193:22, 194:14, 195:12, 197:4, 197:18, 198:17, 199:3, 201:3, 210:22, 215:15, 220:19, 229:12, 238:8, 239:19, 244:22, 245:12, 245:22, 246:17, 247:5, 248:1, 260:22, 261:1, 266:10, 267:21, 273:18, 278:3, 284:14, 284:25, 289:9, 289:12, 290:2, 293:25, 303:8, 314:19, 321:1,
---	--	---	---

<p>321:11, 322:5, 323:1, 325:8 wanted 47:24, 51:6, 94:3, 110:20, 123:5, 132:4, 157:5, 157:7, 157:12, 157:17, 158:20, 189:5, 200:8, 201:20, 201:24, 203:18, 203:23, 205:21, 207:15, 208:12, 234:6, 234:19, 247:11, 256:10, 297:7, 298:5, 311:12 wants 199:19 wash 296:22 washington 22:1, 104:7 waste 192:11 watershed 99:9, 100:3, 101:23, 141:1, 181:1, 181:2 watersheds 100:7 way 47:4, 50:20, 54:20, 83:7, 102:18, 105:22, 129:9, 133:20, 134:22, 134:25, 136:9, 137:1, 137:3, 140:11, 145:6, 147:4, 160:9, 162:15, 164:6, 167:5, 167:11, 170:19, 171:1, 179:20, 182:12, 199:6, 201:11, 203:24, 206:3, 207:23, 210:8, 213:25,</p>	<p>236:13, 236:23, 280:12, 288:8, 300:23, 303:5, 303:24 ways 66:21, 101:13, 117:12, 142:24, 192:16, 272:3, 309:11 we'll 9:20, 10:14, 10:15, 12:1, 17:16, 28:9, 28:16, 28:22, 77:14, 80:14, 81:24, 87:18, 124:16, 124:17, 201:17, 203:15, 264:15, 292:20, 303:10, 303:13, 323:17, 325:5 we're 13:9, 17:7, 23:4, 55:16, 58:14, 59:1, 75:22, 82:17, 88:13, 90:2, 91:23, 94:1, 97:4, 97:10, 99:8, 100:22, 102:16, 102:22, 103:9, 105:21, 106:3, 106:10, 106:19, 106:20, 107:24, 108:2, 108:5, 110:8, 112:13, 115:25, 116:1, 116:2, 116:14, 117:2, 120:14, 120:23, 134:16, 136:16, 137:23, 141:1, 144:15, 144:16, 145:16, 148:19, 150:2, 152:1, 154:11, 159:23, 163:18, 172:8, 173:21, 188:2,</p>	<p>198:14, 199:7, 207:9, 207:10, 207:11, 220:10, 228:16, 228:20, 237:17, 237:19, 237:20, 257:6, 257:15, 272:4, 283:15, 287:17, 295:19, 296:23, 298:13, 299:25, 301:23, 302:4, 303:19, 305:6, 307:23, 310:14, 310:16, 323:23 we've 14:21, 26:25, 27:4, 77:1, 77:13, 81:16, 97:23, 100:9, 102:18, 103:8, 113:23, 144:11, 151:13, 166:7, 193:8, 208:9, 257:3, 278:11, 302:4 weather 38:25 web 139:20 website 30:23, 45:12, 45:22, 47:6, 47:20, 109:3, 284:15 week 40:13, 41:3, 41:11, 313:22, 316:25 weeks 14:12 weigh 269:19, 326:13, 326:19 weighing 192:5 weird 136:9, 307:6 welcome 8:7, 43:23</p>	<p>welcoming 272:9 welfare 297:19 wellbeing 39:13 wellness 253:6 wells 13:17, 101:7, 102:23, 137:10, 195:17, 195:23, 195:25, 228:23, 232:1 went 72:3, 81:5, 114:9, 161:3, 161:17, 161:18, 170:13, 170:22, 171:2, 171:4, 171:14, 171:17, 190:5, 190:8, 222:8, 222:9, 229:9, 231:16, 297:3, 300:22 weren't 95:23, 162:8 west-northwest 140:15 westbound 224:12, 302:10, 311:1 western 77:3, 146:11, 148:4, 150:12, 150:25 westward 235:23, 235:24 westworld 270:7 wetlands 67:3, 90:3 whatever 80:17, 87:15, 120:14, 148:21, 154:20, 161:18, 166:2, 166:20, 176:3, 190:25,</p>
--	---	---	--

<p>215:17, 229:18, 240:3, 281:1, 294:20 whatnot 108:6, 113:22, 118:3, 128:7, 135:2, 145:20, 153:14, 155:14, 167:12 wheelchair 39:1, 40:6 wheelhouse 286:15 whenever 227:5, 227:8 whereas 287:20 whereupon 7:2, 21:8, 63:17, 93:14, 200:19, 211:14, 248:25, 289:16, 303:2 wherever 26:25 whether 59:3, 86:2, 86:5, 110:15, 113:3, 113:10, 122:21, 124:13, 155:15, 163:2, 164:4, 175:5, 180:20, 192:1, 192:5, 208:17, 217:10, 218:25, 223:18, 241:24, 242:3, 245:13, 281:23, 292:19, 295:6, 295:12, 296:6, 308:6, 313:20, 318:18 whichever 115:21 whisper 288:24 whole 26:16, 112:23, 163:19, 166:5,</p>	<p>190:9, 207:25, 248:22 wholly 143:8 wide 39:10, 81:14 width 255:6, 281:7 willing 15:16, 77:7, 77:11, 80:7, 152:17, 201:14 window 255:20 windows 75:16, 118:1, 118:2, 153:10, 153:11, 153:17, 153:19 wing 314:20 winning 239:24 wisconsin 3:12 within 37:15, 37:19, 39:3, 40:18, 45:8, 48:7, 50:18, 58:2, 59:10, 66:24, 77:22, 81:19, 84:9, 87:23, 90:3, 96:24, 98:18, 110:8, 123:10, 127:11, 132:17, 135:16, 141:10, 144:14, 144:15, 148:20, 149:25, 161:13, 164:7, 168:14, 186:22, 187:22, 226:5, 258:6, 305:12, 305:20, 311:4, 312:8, 317:3 without 18:19, 52:2,</p>	<p>104:22, 141:17, 188:13, 188:18 witnesses 4:4, 8:17, 8:22, 8:25, 9:3, 16:15, 17:8, 197:19, 199:9, 199:10, 199:14, 199:18, 323:13 wondered 234:13 wondering 49:9, 49:14, 215:11, 241:23, 272:18 word 217:5, 251:23 worded 201:12 words 179:12 work 35:21, 35:24, 36:3, 61:3, 61:21, 70:20, 96:19, 103:10, 117:18, 186:22, 200:9, 209:5, 212:25, 214:1, 215:4, 217:17, 217:24, 218:4, 222:17, 234:12, 249:18, 252:15, 252:17, 299:3, 319:22 worked 24:22, 42:9, 64:15, 65:4, 72:20, 169:8, 208:21, 229:24, 240:23, 292:23, 318:8 worker 35:18, 36:3 working 22:10, 36:5, 112:6, 212:15, 218:18, 241:15,</p>	<p>297:2 works 35:18, 216:1, 303:5, 321:8 world 109:16, 252:8, 252:17 worldshine 1:6, 7:9, 9:16, 13:7, 13:11, 22:7, 22:13, 22:20, 22:22, 23:9, 23:11, 24:3, 24:6, 24:23, 25:10, 25:12, 25:15, 25:19, 30:7, 31:17, 32:21, 39:7, 39:25, 40:5, 40:22, 58:6, 59:9, 61:2, 71:9, 73:15, 96:25, 159:6, 213:21, 213:25, 214:1, 214:12, 214:14, 215:1, 216:5, 216:7, 216:9, 217:23, 217:24, 218:4, 218:14, 218:16, 218:19, 218:20, 218:25, 219:10, 219:17, 219:18, 234:12, 238:14, 238:25, 239:4, 239:20, 239:25, 240:1, 240:13, 240:18, 240:23, 241:6, 241:9, 241:10, 241:11, 241:15, 242:2 worldshine's 23:9 worries 93:13, 146:7 worth 28:2, 29:25,</p>
---	---	---	---

Transcript of Hearing
Conducted on February 2, 2024

157

87:14, 306:12, 319:8 worthwhile 191:8 would've 47:4 wouldn't 141:24, 154:25, 163:5, 164:5, 167:5, 167:14, 175:25, 210:7, 316:13 write 7:23 written 221:25 wrong 194:8, 213:20, 244:14 wssc 103:15, 103:17, 104:6, 104:7, 228:4, 228:7, 243:3, 247:16	88:18, 227:7, 250:9, 306:11, 314:14 years 23:12, 24:25, 56:15, 77:25, 88:17, 88:20, 112:5, 112:9, 151:12, 152:2, 159:8, 165:1, 166:6, 169:8, 212:7, 212:16, 218:1, 229:15, 252:18, 267:17, 268:1, 272:6, 300:23, 306:8, 306:15, 318:14 yep 72:22, 75:11, 107:3, 137:22, 150:24, 170:21, 178:10, 315:23, 319:18 yesterday 291:20, 313:10, 325:22 york 21:24, 22:5 yourself 146:5, 262:5 yourselves 8:2	81:10, 81:13, 91:9, 105:6, 105:13, 105:14, 106:7, 108:5, 111:14, 113:9, 113:10, 115:5, 115:21, 116:7, 116:9, 117:16, 119:15, 120:1, 120:6, 124:25, 127:2, 157:25, 169:4, 175:19, 195:22, 206:22, 206:24, 207:13, 208:16, 209:13, 209:24, 210:3, 237:10, 237:13, 258:9 zoned 118:12, 166:19, 168:5 zones 95:12, 97:16 zoning 1:2, 3:4, 12:14, 14:19, 16:18, 16:21, 17:5, 18:8, 46:19, 47:11, 64:18, 67:18, 68:1, 80:6, 95:1, 105:2, 105:4, 107:21, 111:23, 111:25, 112:3, 112:6, 114:4, 124:5, 125:2, 125:3, 129:18, 130:7, 130:12, 131:2, 139:21, 140:2, 143:25, 155:14, 168:16, 181:10, 181:11, 181:13, 187:10, 192:1, 192:10, 206:20, 258:8, 258:15, 259:18, 291:3, 316:20	zoom 45:1, 193:12, 193:16, 264:7, 264:11, 322:8, 323:24 <hr/> .1 17:6, 124:5, 129:17, 259:19, 319:1 .2 90:5, 113:25 .4 305:3 .5 45:8 <hr/> 0 <hr/> 0.2 98:19, 138:3, 167:2, 168:7, 168:10, 180:14 0.26 98:20, 140:15 00 9:14, 34:11, 35:20, 35:22, 35:25, 36:1, 36:4, 36:6, 40:20, 93:15, 296:1 01 9:14 011 45:9 02 1:16 03 200:20, 326:25 0747 3:14 08 200:20 <hr/> 1 198:20, 200:18
<hr/> X <hr/> x-i-b-e-i 323:6 x-u 248:15, 248:16 xibei 4:5, 21:9 xu 5:11, 13:15, 248:4, 248:6, 248:12, 248:15, 248:17, 248:18, 248:24, 249:2, 251:6, 252:3, 264:19, 266:21	<hr/> Z <hr/> zero 38:14, 109:21, 110:7, 110:9, 148:20, 208:3 zip 267:22, 267:24 zone 7:14, 64:10, 64:19, 66:12, 66:14, 67:21, 68:4, 68:6, 69:24, 69:25, 70:23, 74:3, 75:25, 76:19,		
<hr/> Y <hr/> yard 106:15, 116:17 yards 67:6, 110:18, 147:4 year 60:11, 60:12,			

Transcript of Hearing
Conducted on February 2, 2024

158

<p>1-1 166:6 1-a 254:5, 277:16 1-b 254:5, 277:16 1.1 44:5 1.8 101:2, 195:3, 231:14 1/1/22 65:21 10 4:2, 35:20, 35:23, 36:1, 36:6, 40:20, 64:25, 68:10, 318:14 100 2:5, 3:6, 67:1, 76:23, 91:7, 106:11, 151:7, 228:18, 237:12, 237:14, 259:1, 302:11 1011 45:4 103 300:8 107 300:9, 300:10 11 1:8, 7:9, 64:7, 93:15 1100 157:10 115 87:13 12 4:3, 151:18, 208:5, 293:13 120 14:7, 32:15, 64:10, 154:13, 155:5, 262:14, 296:15, 313:16, 313:22</p>	<p>1200 115:20, 224:6, 236:23 12405 9:15 12450 7:13 13 135:22, 296:16, 328:16 131 4:16 14 40:5, 40:21, 106:4, 173:21, 174:8, 302:5 146 4:17, 4:18 147 301:19 15 35:20, 35:23, 40:18, 65:16, 166:17, 167:4, 191:2, 198:2, 262:18, 262:19, 263:2, 264:24, 265:2, 275:10, 278:12, 279:1, 279:5, 279:15, 279:19, 279:21, 280:1, 280:5, 280:7, 282:2, 282:24, 283:18, 283:20, 318:14 150 23:16, 224:15, 236:19 15245 213:1 156 4:19 16 7:12, 14:1, 16:23, 68:3, 111:20, 114:2, 118:17, 206:24, 232:3, 275:1,</p>	<p>279:16, 279:17, 279:18, 279:20, 317:10 164 4:20 17 108:18, 109:6, 166:17, 190:23, 190:24, 191:2 17.2 304:14 170 154:21 175 155:21 179 301:21 18 14:11, 86:18, 111:15 19 141:12, 141:15, 166:16, 166:17, 191:1, 191:2 195 4:21 1990 249:25, 251:3 1991 212:13 1994 17:2, 17:3, 87:23, 88:2, 95:23 1999 250:1 1: 200:20</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 34:11, 35:20, 35:22, 35:23, 35:25, 36:6 2.2 87:1, 141:1 2.4 231:18</p>	<p>2.6 231:18 20 36:11, 41:11, 88:18, 106:15, 116:17, 116:19, 151:12, 187:6, 229:15, 238:13, 238:23, 263:18, 264:21, 267:9, 272:6, 286:3, 324:4, 325:2 20,000 81:13, 132:10, 232:7, 232:13 20.2 304:18 200 2:4, 3:6, 7:14, 16:18, 64:10, 64:19, 66:12, 66:14, 66:24, 67:4, 67:21, 68:3, 68:6, 69:24, 69:25, 70:2, 70:6, 70:23, 72:23, 74:3, 75:8, 75:25, 76:18, 81:10, 81:13, 81:18, 84:10, 93:1, 95:6, 95:9, 98:18, 105:6, 105:13, 105:14, 106:7, 111:14, 113:9, 115:21, 117:16, 141:12, 157:25, 158:7, 166:12, 166:13, 166:15, 166:20, 166:21, 166:22, 166:24, 167:9, 168:17, 168:20, 168:22, 169:4, 187:3, 187:4, 187:5, 187:21, 189:21, 190:7, 190:16,</p>
--	--	---	---

191:14, 208:15, 237:10, 237:13, 258:9, 258:15 2000 267:14, 267:16 2003 250:2, 251:3 2007 249:15 2014 112:3, 112:13, 114:8 2017 44:6 2018 44:6, 227:21 2019 306:10, 306:11, 306:16 2020 306:11, 306:16 2021 250:7, 250:11, 306:11, 306:17, 306:19, 307:2 2022 306:11 2023 65:24, 250:9, 267:13, 267:19, 306:12 2024 1:16, 14:11, 267:14, 267:19, 328:7, 328:16 2025 212:22 205 4:22 20814 3:13 20841 267:22 20850 2:6, 3:7 209 300:7 21 4:4, 4:5, 4:6,	111:16, 263:12, 263:17, 263:18, 263:19, 264:21 211 5:2, 5:3 212 5:4 2190 215:20 21901 9:15 21905 9:16 21906 7:13, 9:10, 10:1 21908 9:12, 9:15, 10:8, 244:2 22 110:25, 296:15, 306:25 22.5 304:20 223 6:8 23 1:8, 7:9, 45:4, 45:9, 64:7, 267:17, 306:25 23093 212:21 2311 221:1 234 5:5, 5:6 235 5:7 24 1:16, 122:3, 145:22 240 2:7 2400 259:4 242 5:8 245 5:9	247 5:10 248 5:11 249 5:12 25 106:2, 173:22, 175:5, 209:25, 258:15 2500 259:4 260 84:11 261 5:13 264 5:14 269 5:15 27 64:4, 213:13, 251:8, 251:19, 299:23, 307:18 270 66:9, 69:5 274 5:16 28 16:14, 66:4, 69:16, 225:1, 231:22, 254:19, 279:10, 279:12 280 106:21 287 5:17 289 5:18 29 6:4, 14:14, 104:23, 128:13, 230:13, 230:25, 259:1 290 5:19 2900 261:21, 286:3	3 3 34:11, 278:17, 278:18 3-a 256:3 3.3 113:25, 116:2 30 10:20, 41:11, 67:10, 72:8, 86:4, 87:7, 88:17, 116:7, 116:9, 116:12, 159:9, 170:10, 171:2, 171:6, 171:13, 173:10, 173:24, 175:5, 193:8, 212:7, 212:16, 296:1, 296:3, 296:7 300 236:24 301 3:14 31 1:17, 71:7, 172:1, 172:5 32 6:4, 6:5, 6:6, 6:7, 6:8, 17:10, 23:21, 23:24, 23:25, 26:24, 27:3, 28:1, 28:18, 29:3, 34:25, 35:3, 65:9, 78:19, 79:3, 80:15, 80:22, 88:15, 110:24, 133:17, 133:18, 133:20, 136:16, 136:17, 149:8, 172:2, 222:13, 222:14, 222:20, 223:11, 223:15, 303:3 325 224:1
--	---	--	--

Transcript of Hearing
Conducted on February 2, 2024

160

<p>328 1:23 33 292:25, 293:6 335 213:1 34 120:15, 167:23, 186:20, 189:9, 294:11 34.5 141:14 34.6 170:3 34.7 166:12, 166:14, 166:18, 166:23, 167:3, 168:22, 170:3 35 6:5, 141:13, 141:15, 153:20, 186:21, 186:25, 187:4, 187:14, 187:17, 187:20, 187:23, 223:24, 313:24 355 66:10, 68:25, 70:4, 84:4, 95:10, 180:15, 236:1, 298:4, 298:8, 300:3, 300:24, 301:1, 301:4, 301:10, 302:12, 304:8, 308:4, 311:4, 312:7, 317:1, 317:7, 319:19 36 313:23 390 224:2 3: 303:3, 303:9 <hr/>4<hr/>4 40:20, 326:25</p>	<p>4,000 267:23, 268:5 4.6 187:22 4.66 64:8, 81:12, 115:25, 154:12, 190:3 40 97:10, 102:18, 106:18, 152:22, 303:3 400 259:3, 312:2 41 313:15 415 302:4 42 1:17, 149:20 44 4:7, 4:8, 35:12, 36:5, 154:14, 262:25 45 35:20, 198:11, 198:20, 198:24, 200:12, 200:18, 262:23, 294:12 46 313:17, 313:23, 316:14 48 278:17 49 278:18 <hr/>5<hr/>5 35:20, 36:4 5,000 258:17 5-a 78:11, 78:12, 78:19, 80:18 5-b 31:4, 32:19, 78:11, 78:12,</p>	<p>78:20, 80:18 50 84:10, 93:15, 97:11, 113:7, 120:10, 133:2, 152:23, 154:9, 159:8, 293:8, 296:24, 303:9, 309:2, 310:12 50,000 295:3 500 225:15, 259:3, 288:4, 288:6 51 4:9, 305:6 518606 1:22 52 33:11, 107:3, 134:20, 258:25, 278:17, 278:18 5300 288:4, 288:5 54 120:15, 120:24 55 4:10, 134:19, 278:17, 278:18, 311:13 550 224:13, 236:20 5500 268:15 56 258:25 56,55 286:2 57 9:14 5800 261:22, 261:23, 280:22, 288:1 59 17:6, 125:1 <hr/>6<hr/>6 35:22, 35:25,</p>	<p>125:1, 296:1, 296:3, 296:7 6,000 268:15 6.3 76:16 60 102:21, 132:21, 154:11, 154:21, 155:3, 155:21, 161:22 600 23:16, 301:2 605 301:13 61 4:11, 301:15 63 4:12, 4:13 64 4:14 650 301:2, 301:14, 301:22 6500 249:19 657 3:14 6660 2:7 6th 212:22, 227:21 <hr/>7<hr/>7 296:7 7,644 278:17 7,920 278:16 7.3 17:6, 124:5, 129:17, 259:19, 319:1 70 132:22, 161:23 700 3:12, 21:18</p>
---	--	--	--

<p>715 296:7 73 311:24, 319:18 75 35:10, 55:21, 262:22, 310:12, 311:3, 311:12, 319:19 76 300:16 7600 3:12 77 92:7 777 2:7</p> <hr/> <p>8</p> <hr/> <p>8,000 196:20, 197:1 8,580 278:18 8.1 304:14 80 6:6, 6:7, 268:1, 272:5, 300:17, 301:20 81 300:19 815 296:7 8700 286:5 8736 286:5 88 301:21</p> <hr/> <p>9</p> <hr/> <p>9 36:4, 193:8, 296:1, 296:3 9.5 304:18 9.8 304:21</p>	<p>92 301:13 93 4:15 95 212:14 98 212:14 998 1:25, 328:15 9: 1:17</p>	
--	---	--